CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, SECOND SESSION.

VOLUME XXIX.

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VOLUME XXIX, PART I.

CONGRESSIONAL RECORD,

FIFTY-FOURTH CONGRESS, SECOND SESSION.

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PROCEEDINGS AND DEBATES OF THE FIFTY-FOURTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 7, 1896.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Fifty-fourth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The VICE-PRESIDENT of the United States (Hon. ADLAI E. STEVENSON, of the State of Illinois) called the Senate to order at 12 o'clock meridian.

PRAYER.

Rev. W. H. MILBURN, D. D., Chaplain to the Senate, offered the following prayer:

O Thou whose eyes are upon Thy people and whose ears are open unto their prayer, most heartily we thank Thee that since last we met in this place the angel of death has touched no man whose seat is upon the floor. We bless Thee that so many of the members of the Senate are here again in health and strength, ready for their responsible and arduous labors. Guard them during the session, and their households, from harm and evil of every kind. Guide them in their counsels, and bring them to the best and happiest result.

Most humbly and earnestly we pray that Thy blessing may rest upon Thine honored servant, our beloved friend, the senior Senator from Iowa. Restore him to perfect health and soundness, and bring him speedily to his seat upon this floor in his accustomed power.

We offer to Thee our hearty thanksgivings, O God, the Ruler of the world and the affairs of men, that after an energetic and exciting canvass, free from much of the personal rancor, vituperation, and scandal mongering of earlier years, the land is quiet and at rest, accepting the ballot of the nation and returning into ways of orderly living.

We pray, O Lord, that Thy blessing may rest upon all our people. Keep us in peace with all nations. Prosper us in our industries, and grant that all sorts and conditions of men, our rulers and their constituents, the farmers and merchants, the owners of mills and mines, the captains of industry, the workmen, the conductors and the writers for the press, the teachers and the students in our institutions, the white and the black, the native born and the adopted, may be knitted more and more closely together in the grand brotherhood of American citizenship.

May the flame of patriotism burn more brightly and gloriously in the breast of the nation, and may we rise by Thy guidance and support to higher levels of civilization, and own ourselves the subjects of Him, the first begotten from the dead, the Prince of the kings of the earth, in whose hallowed name we humbly pray. Amen.

SENATORS PRESENT.

The VICE-PRESIDENT. The roll of Senators will be called by the Secretary.

The Secretary (Mr. WILLIAM R. COX) called the roll, and the following Senators answered to their names:

From the State of—

Alabama—John T. Morgan and James L. Pugh.
Arkansas—James H. Berry and James K. Jones.
California—George C. Perkins.
Colorado—Edward O. Wolcott.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—George Gray.
Florida—Wilkinson Call and Samuel Pasco.
Georgia—Augustus O. Bacon and John B. Gordon.
Idaho—Fred T. Dubois and George L. Shoup.
Illinois—Shelby M. Cullom and John M. Palmer.
Indiana—David Turpie and Daniel W. Voorhees.
Iowa—John H. Gear.
Kansas—Lucien Baker and William A. Peffer.
Kentucky—Joseph C. S. Blackburn.
Maine—William P. Frye and Eugene Hale.
Maryland—Charles H. Gibson and Arthur P. Gorman.
Massachusetts—George F. Hoar and Henry Cabot Lodge.
Michigan—Julius C. Burrows and James McMillan.
Minnesota—Cushman K. Davis and Knute Nelson.
Mississippi—Edward C. Walthall.
Missouri—Francis M. Cockrell and George G. Vest.
Montana—Thomas H. Carter and Lee Mantle.
Nebraska—William V. Allen and John M. Thurston.
New Hampshire—William E. Chandler and Jacob H. Gallinger.
New Jersey—William J. Sewell and James Smith, jr.
New York—David B. Hill and Edward Murphy, jr.
North Carolina—Jeter C. Pritchard.
North Dakota—Henry C. Hansbrough and William N. Roach.
Ohio—Calvin S. Brice and John Sherman.
Oregon—John H. Mitchell.
Pennsylvania—James Donald Cameron and Matthew S. Quay.
Rhode Island—Nelson W. Aldrich and George P. Wetmore.
South Carolina—Benjamin R. Tillman.
South Dakota—James H. Kyle and R. F. Pettigrew.
Tennessee—William B. Bate and Isham G. Harris.
Texas—Horace Chilton and Roger Q. Mills.
Utah—Frank J. Cannon.
Vermont—Justin S. Morrill and Redfield Proctor.
Virginia—John W. Daniel and Thomas S. Martin.
Washington—Watson C. Squire and John L. Wilson.
West Virginia—Stephen B. Elkins and Charles J. Faulkner.
Wisconsin—John L. Mitchell and William F. Vilas.
Wyoming—Clarence D. Clark.

The VICE-PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

Mr. WALTHALL. I desire to state that my colleague [Mr. GEORGE] is absent on account of sickness. I ask that he be granted an indefinite leave of absence.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and an indefinite leave of absence is granted to the senior Senator from Mississippi.

NOTIFICATION TO THE HOUSE.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF MEETING.

On motion of Mr. HALE, it was

Ordered, That the hour of the daily meeting of the Senate be 12 o'clock m. until otherwise ordered.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee on the part of the Senate; and Mr. SHERMAN and Mr. SMITH were appointed.

RECESS.

Mr. HOAR (at 12 o'clock and 16 minutes p. m.). I move that the Senate take a recess until 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock p. m.), the Senate reassembled.

MESSAGE FROM THE HOUSE.

At 1 o'clock and 1 minute p. m. Mr. WILLIAM J. BROWNING, the Chief Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

I am further directed to inform the Senate that the House has passed the following resolution:

Resolved, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

I am also directed to inform the Senate that the Speaker has appointed Mr. CANNON, Mr. PAYNE, and Mr. TURNER of Georgia as the committee on the part of the House.

RECESS.

Mr. MORRILL (at 1 o'clock and 2 minutes p. m.). I move that the Senate take a further recess of thirty minutes.

The motion was agreed to, and at the expiration of the recess (at 1 o'clock and 32 minutes p. m.) the Senate reassembled, when, on motion of Mr. ALDRICH, a further recess was taken until 1 o'clock and 45 minutes p. m.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN and Mr. SMITH, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. SHERMAN said: Mr. President, the committee appointed to wait upon the President of the United States and inform him that a quorum of each House has assembled and that Congress is ready to receive any communication he may be pleased to make, have performed that duty, and the President replied that he would immediately communicate to each House a message in writing.

PRESIDENT'S ANNUAL MESSAGE.

At 1 o'clock and 47 minutes p. m. Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the Vice-President.

The VICE-PRESIDENT. The Chair lays before the Senate the message of the President of the United States, which the Secretary will read.

The Secretary read the message, as follows:

To the Congress of the United States:

As representatives of the people in the legislative branch of their Government, you have assembled at a time when the strength and excellence of our free institutions and the fitness of our citizens to enjoy popular rule have been again made manifest. A political contest involving momentous consequences, fraught with feverish apprehension, and creating aggressiveness so intense as to approach bitterness and passion, has been waged throughout our land, and determined by the decree of free and independent suffrage, without disturbance of our tranquillity or the least sign of weakness in our national structure.

When we consider these incidents and contemplate the peaceful obedience and manly submission which have succeeded a heated clash of political opinions, we discover abundant evidence of a determination on the part of our countrymen to abide by every verdict of the popular will and to be controlled at all times by an abiding faith in the agencies established for the direction of the affairs of their Government.

Thus our people exhibit a patriotic disposition which entitles them to demand of those who undertake to make and execute their laws such faithful and unselfish service in their behalf as can only be prompted by a serious appreciation of the trust and confidence which the acceptance of public duty invites.

In obedience to a constitutional requirement I herein submit to the Congress certain information concerning national affairs, with the suggestion of such legislation as in my judgment is necessary and expedient. To secure brevity and avoid tiresome narration I shall omit many details concerning matters within Federal control which, though by no means unimportant, are more profitably discussed in departmental reports. I shall also further curtail this communication by omitting a minute recital of many minor incidents connected with our foreign relations which have heretofore found a place in Executive messages, but are now contained in a report of the Secretary of State, which is herewith submitted.

At the outset of a reference to the more important matters affecting our relations with foreign powers it would afford me satisfaction if I could assure the Congress that the disturbed condition in Asiatic Turkey had during the past year assumed a less hideous and bloody aspect and that, either as a consequence of the awakening of the Turkish Government to the demands of humane civilization, or as the result of decisive action on the part of the great nations having the right by treaty to interfere for the protection of those exposed to the rage of mad bigotry and cruel fanaticism, the shocking features of the situation had been mitigated. Instead, however, of welcoming a softened disposition or protective intervention, we have been afflicted by continued and not infrequent reports of the wanton destruction of homes and the bloody butchery of men, women, and children, made martyrs to their profession of Christian faith.

While none of our citizens in Turkey have thus far been killed or wounded, though often in the midst of dreadful scenes of danger, their safety in the future is by no means assured. Our Government at home and our minister at Constantinople have left nothing undone to protect our missionaries in Ottoman territory, who constitute nearly all the individuals residing there who have a right to claim our protection on the score of American citizenship. Our efforts in this direction will not be relaxed; but the deep feeling and sympathy that have been aroused among our people ought not to so far blind their reason and judgment as to lead them to demand impossible things. The outbreaks of blind fury which lead to murder and pillage in Turkey occur suddenly and without notice, and an attempt on our part to force such a hostile presence there as might be effective for prevention or protection would not only be resisted by the Ottoman Government, but would be regarded as an interruption of their plans by the great nations who assert their exclusive right to intervene in their own time and method for the security of life and property in Turkey.

Several naval vessels are stationed in the Mediterranean as a measure of caution and to furnish all possible relief and refuge in case of emergency.

We have made claims against the Turkish Government for the pillage and destruction of missionary property at Harpoot and Marash during uprisings at those places. Thus far the validity of these demands has not been admitted, though our minister, prior to such outrages and in anticipation of danger, demanded protection for the persons and property of our missionary citizens in the localities mentioned, and notwithstanding that strong evidence exists of actual complicity of Turkish soldiers in [illegible] work of destruction and robbery.

The facts as they now appear do not permit us to doubt the justice of these claims, and nothing will be omitted to bring about their prompt settlement.

A number of Armenian refugees having arrived at our ports, an order has lately been obtained from the Turkish Government permitting the wives and children of such refugees to join them here. It is hoped that hereafter no obstacle will be interposed to prevent the escape of all those who seek to avoid the perils which threaten them in Turkish dominions.

Our recently appointed consul to Erzerum is at his post and discharging the duties of his office, though for some unaccountable reason his formal exequatur from the Sultan has not been issued.

I do not believe that the present somber prospect in Turkey will be long permitted to offend the sight of Christendom. It so mars the humane and enlightened civilization that belongs to the close of the nineteenth century that it seems hardly possible that the earnest demand of good people throughout the Christian world for its corrective treatment will remain unanswered.

The insurrection in Cuba still continues with all its perplexities. It is difficult to perceive that any progress has thus far been made toward the pacification of the island or that the situation of affairs as depicted in my last annual message has in the least improved. If Spain still holds Habana and the seaports and all the considerable towns, the insurgents still roam at will over at least two-thirds of the inland country. If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers, and character, and resources, and are none the less inflexible in their resolve not to succumb, without practically securing the great objects for which they took up arms. If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent state. Indeed, as the contest has gone on, the pretense that civil government exists on the island, except so far as Spain is able to maintain it, has been practically abandoned. Spain does keep on foot such a government, more or less imperfectly, in the large towns and their immediate suburbs. But, that exception being made, the entire country is either given over to anarchy or is subject to the military occupation of one or the other party. It is reported, indeed, on reliable authority that, at the demand of the commander in chief of the insurgent army, the putative Cuban government has now given up all attempt to exercise its functions, leaving that government confessedly (what there is the best reason for supposing it always to have been in fact) a government merely on paper.

Were the Spanish armies able to meet their antagonists in the open or in pitched battle, prompt and decisive results might be looked for, and the immense superiority of the Spanish forces in numbers, discipline, and equipment could hardly fail to tell greatly to their advantage. But they are called upon to face a foe that shuns general engagements, that can choose and does choose its own ground, that from the nature of the country is visible or invisible at pleasure, and that fights only from ambuscade and when all the advantages of position and numbers are on its side. In a country where all that is indispensable to life in the way of food, clothing and shelter is so easily obtainable, especially by those born and bred on the soil, it is obvious that there is hardly a limit to the time during which hostilities of this sort may be prolonged. Meanwhile, as in all cases of protracted civil strife, the passions of the combatants grow more and more inflamed and excesses on both sides become more frequent and more deplorable. They are also participated in by bands of marauders, who, now in the name of one party and now in the name of the other, as may best suit the occasion, harry the country at will and plunder its wretched inhabitants for their own advantage. Such a condition of things would inevitably entail immense destruction of property even if it were the policy of both parties to prevent it as far as practicable. But while such seemed to be the original policy of the Spanish Government, it has now apparently abandoned it and is acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy.

It is to the same end that in pursuance of general orders Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that unless there is a speedy and radical change in existing conditions it will soon disappear altogether. That value consists very largely, of course, in its capacity to produce sugar—a capacity already much reduced by the interruptions to tillage which have taken place during the last two years. It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the Government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and Government of Spain. It is reasonably estimated that at least from $30,000,000 to $50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about $64,000,000, rose in 1893 to about $103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly $96,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vexatious and costly.

Many Cubans reside in this country and indirectly promote the insurrection through the press, by public meetings, by the purchase and shipment of arms, by the raising of funds, and by other means, which the spirit of our institutions and the tenor of our laws do not permit to be made the subject of criminal prosecutions. Some of them, though Cubans at heart and in all their feelings and interests, have taken out papers as naturalized citizens of the United States, a proceeding resorted to with a view to possible protection by this Government, and not unnaturally regarded with much indignation by the country of their origin. The insurgents are undoubtedly encouraged and supported by the widespread sympathy the people of this country always and instinctively feel for every struggle for better and freer government, and which, in the case of the more adventurous and restless elements of our population, leads in only too many instances to active and personal participation in the contest. The result is that this Government is constantly called upon to protect American citizens, to claim damages for injuries to persons and property, now estimated at many millions of dollars, and to ask explanations and apologies for the acts of Spanish officials, whose zeal for the repression of rebellion sometimes blinds them to the immunities belonging to the unoffending citizens of a friendly power. It follows from the same causes that the United States is compelled to actively police a long line of seacoast against unlawful expeditions, the escape of which the utmost vigilance will not always suffice to prevent.

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general, have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States. It was at first proposed that belligerent rights should be accorded to the insurgents—a proposition no longer urged because untimely and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. But imperfect and restricted as the Spanish government of the island may be, no other exists there—unless the will of the military officer in temporary command of a particular district can be dignified as a species of government. It is now also suggested that the United States should buy the island—a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. It is urged, finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is in truth the most pacific of powers, and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct toward Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our Government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1868. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance. It may also be said that this persistent attitude of the United States toward Spain in connection with Cuba unquestionably evinces no slight respect and regard for Spain on the part of the American people. They in truth do not forget her connection with the discovery of the Western Hemisphere, nor do they underestimate the great qualities of the Spanish people, nor fail to fully recognize their splendid patriotism and their chivalrous devotion to the national honor.

They view with wonder and admiration the cheerful resolution with which vast bodies of men are sent across thousands of miles of ocean, and an enormous debt accumulated, that the costly possession of the Gem of the Antilles may still hold its place in the Spanish Crown. And yet neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, nor have failed to realize the existence of conceded grievances, which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most patriotic and enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government. It is in the assumed temper and disposition of the Spanish Government to remedy these grievances, fortified by indications of influential public opinion in Spain, that this Government has hoped to discover the most promising and effective means of composing the present strife, with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sovereignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacification of the island might not be effected on that basis. Such a result would appear to be in the true interest of all concerned. It would at once stop the conflict which is now consuming the resources of the island and making it worthless for whichever party may ultimately prevail. It would keep intact the possessions of Spain without touching her honor, which will be consulted rather than impugned by the adequate redress of admitted grievances. It would put the prosperity of the island and the fortunes of its inhabitants within their own control, without severing the natural and ancient ties which bind them to the mother country, and would yet enable them to test their capacity for self-government under the most favorable conditions. It has been objected on the one side that Spain should not promise autonomy until her insurgent subjects lay down their arms; on the other side, that promised autonomy, however liberal, is insufficient, because without assurance of the promise being fulfilled.

But the reasonableness of a requirement by Spain, of unconditional surrender on the part of the insurgent Cubans before their autonomy is conceded, is not altogether apparent. It ignores important features of the situation—the stability two years' duration has given to the insurrection; the feasibility of its indefinite prolongation in the nature of things, and as shown by past experience; the utter and imminent ruin of the island, unless the present strife is speedily composed; above all, the rank abuses which all parties in Spain, all branches of her Government, and all her leading public men concede to exist and profess a desire to remove. Facing such circumstances, to withhold the proffer of needed reforms until the parties demanding them put themselves at mercy by throwing down their arms, has the appearance of neglecting the gravest of perils and inviting suspicion as to the sincerity of any professed willingness to grant reforms. The objection on behalf of the insurgents—that promised reforms can not be relied upon—must of course be considered, though we have no right to assume, and no reason for assuming, that anything Spain undertakes to do for the relief of Cuba will not be done according to both the spirit and the letter of the undertaking.

Nevertheless, realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both as well as on its own account that the Cuban problem should be solved with the least possible delay—it was intimated by this Government to the Government of Spain some months ago that, if a satisfactory measure of home rule were tendered the Cuban insurgents, and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish Government, it is believed to be not altogether unwelcome, while, as already suggested, no reason is perceived why it should not be approved by the insurgents. Neither party can fail to see the importance of early action and both must realize that to prolong the present state of things for even a short period will add enormously to the time and labor and expenditure necessary to bring about the industrial recuperation of the island. It is therefore fervently hoped on all grounds that earnest efforts for healing the breach between Spain and the insurgent Cubans, upon the lines above indicated, may be at once inaugurated and pushed to an immediate and successful issue. The friendly offices of the United States, either in the manner above outlined or in any other way consistent with our Constitution and laws, will always be at the disposal of either party.

Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features and properly apprehend our inevitably close relations to it and its possible results without considering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way or with our friendly cooperation.

When the inability of Spain to deal successfully with the insurrection has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

The Venezuelan boundary question has ceased to be a matter of difference between Great Britain and the United States, their respective Governments having agreed upon the substantial provisions of a treaty between Great Britain and Venezuela submitting the whole controversy to arbitration. The provisions of the treaty are so eminently just and fair that the assent of Venezuela thereto may confidently be anticipated.

Negotiations for a treaty of general arbitration for all differences between Great Britain and the United States are far advanced and promise to reach a successful consummation at an early date.

The scheme of examining applicants for certain consular positions, to test their competency and fitness, adopted under an Executive order issued on the 20th of September, 1895, has fully demonstrated the usefulness of this innovation. In connection with this plan of examination, promotions and transfers of deserving incumbents have been quite extensively made, with excellent results.

During the past year 35 appointments have been made in the consular service, 27 of which were made to fill vacancies caused by death or resignation or to supply newly created posts, 2 to succeed incumbents removed for cause, 2 for the purpose of displacing alien consular officials by American citizens, and 4 merely changing the official title of incumbent from commercial agent to consul. Twelve of these appointments were transfers or promotions from other positions under the Department of State, 4 of those appointed had rendered previous service under the Department, 8 were made of persons who passed a satisfactory examination, 7 were appointed to places not included in the order of September 20, 1895, and 4 appointments, as above stated, involved no change of incumbency.

The inspection of consular offices provided for by an appropriation for that purpose at the last session of the Congress has been productive of such wholesome effects that I hope this important work will in the future be continued. I know of nothing that can be done with the same slight expense so improving to the service.

I desire to repeat the recommendation contained in my last annual message, in favor of providing at public expense official residences for our ambassadors and ministers at foreign capitals. The reasons supporting this recommendation are strongly stated in the report of the Secretary of State, and the subject seems of such importance that I hope it may receive the early attention of the Congress.

We have during the last year labored faithfully and against unfavorable conditions to secure better preservation of seal life in the Bering Sea. Both the United States and Great Britain have lately dispatched commissioners to these waters to study the habits and condition of the seal herd and the causes of their rapid

decrease. Upon the reports of these commissioners, soon to be submitted, and with the exercise of patience and good sense on the part of all interested parties, it is earnestly hoped that hearty cooperation may be secured for the protection against threatened extinction of seal life in the northern Pacific and Bering Sea.

The Secretary of the Treasury reports that during the fiscal year ended June 30, 1896, the receipts of the Government from all sources amounted to $409,475,408.78. During the same period its expenditures were $434,678,654.48, the excess of expenditures over receipts thus amounting to $25,203,245.70. The ordinary expenditures during the year were $4,015,852.21 less than during the preceding fiscal year. Of the receipts mentioned there was derived from customs the sum of $160,021,751.67 and from internal revenue $146,830,615.66. The receipts from customs show an increase of $7,863,134.22 over those from the same source for the fiscal year ended June 30, 1895, and the receipts from internal revenue an increase of $3,584,537.91.

The value of our imported dutiable merchandise during the last fiscal year was $369,757,470, and the value of free goods imported $409,967,470, being an increase of $6,523,675 in the value of dutiable goods and $41,231,034 in the value of free goods over the preceding year. Our exports of merchandise, foreign and domestic, amounted in value to $882,606,938, being an increase over the preceding year of $75,068,773. The average ad valorem duty paid on dutiable goods imported during the year was 39.94 per cent and on free and dutiable goods taken together 20.55 per cent.

The cost of collecting our internal revenue was 2.78 per cent, as against 2.81 per cent for the fiscal year ended June 30, 1895. The total production of distilled spirits, exclusive of fruit brandies, was 86,588,703 taxable gallons, being an increase of 6,639,108 gallons over the preceding year. There was also an increase of 1,443,676 gallons of spirits produced from fruit, as compared with the preceding year. The number of barrels of beer produced was 35,859,250, as against 33,589,784 produced in the preceding fiscal year, being an increase of 2,269,466 barrels.

The total amount of gold exported during the last fiscal year was $112,409,947 and of silver $60,541,670, being an increase of $15,911,466 of gold and $13,246,384 of silver over the exportations of the preceding fiscal year. The imports of gold were $33,525,065 and of silver $28,777,186, being $2,859,695 less of gold and $8,566,007 more of silver than during the preceding year.

The total stock of metallic money in the United States at the close of the last fiscal year ended on the 30th day of June, 1896, was $1,228,326,035, of which $599,597,964 was in gold and $628,728,071 in silver.

On the 1st day of November, 1896, the total stock of money of all kinds in the country was $2,285,410,590, and the amount in circulation, not including that in the Treasury holdings, was $1,627,055,641, being $22.63 per capita upon an estimated population of 71,902,000.

The production of the precious metals in the United States during the calendar year 1895 is estimated to have been 2,254,760 fine ounces of gold, of the value of $46,610,000, and 55,727,000 fine ounces of silver, of the commercial value of $36,445,000 and the coinage value of $72,051,000. The estimated production of these metals throughout the world during the same period was 9,688,821 fine ounces of gold, amounting to $200,285,700 in value, and 169,189,249 fine ounces of silver, of the commercial value of $110,654,000 and of the coinage value of $218,738,100 according to our ratio.

The coinage of these metals in the various countries of the world during the same calendar year amounted to $232,701,438 in gold and $121,996,219 in silver.

The total coinage at the mints of the United States during the fiscal year ended June 30, 1896, amounted to $71,188,468.52, of which $58,878,490 was in gold coins and $12,309,978.52 in standard silver dollars, subsidiary coins, and minor coins.

The number of national banks organized from the time the law authorizing their creation was passed, up to October 31, 1896, was 5,051, and of this number 3,679 were at the date last mentioned in active operation, having authorized capital stock of $650,014,895, held by 288,902 shareholders, and circulating notes amounting to $211,412,620.

The total outstanding circulating notes of all national banks on the 31st day of October, 1896, amounted to $234,553,807, including unredeemed but fully secured notes of banks insolvent and in process of liquidation. The increase in national-bank circulation during the year ending on that day was $21,099,429. On October 6, 1896, when the condition of national banks was last reported, the total resources of the 3,679 active institutions was $3,263,685,313.83, which included $1,893,268,839.31 in loans and discounts and $362,165,733.85 in money of all kinds on hand. Of their liabilities $1,597,891,058.73 was due to individual depositors, and $209,944,019 consisted of outstanding circulating notes.

There were organized during the year preceding the date last mentioned 28 national banks, located in 15 States, of which 12 were organized in the Eastern States, with a capital of $1,180,000; 6 in the Western States, with a capital of $875,000, and 10 in the Southern States, with a capital of $1,190,000. During the year, however, 37 banks voluntarily abandoned their franchises under the national law, and in the case of 27 others it was found necessary to appoint receivers. Therefore, as compared with the year preceding, there was a decrease of 36 in the number of active banks.

The number of existing banks organized under State laws is 5,708.

The number of immigrants arriving in the United States during the fiscal year was 343,267, of whom 340,468 were permitted to land, and 2,799 were debarred, on various grounds prescribed by law, and returned to the countries whence they came, at the expense of the steamship companies by which they were brought in. The increase in immigration over the preceding year amounted to 84,731. It is reported that with some exceptions the immigrants of the past year were of a hardy, laboring class, accustomed and able to earn a support for themselves, and it is estimated that the money brought with them amounted to at least $5,000,000, though it was probably much in excess of that sum, since only those having less than $30 are required to disclose the exact amount, and it is known that many brought considerable sums of money to buy land and build homes. Including all the immigrants arriving who were over 14 years of age, 28.63 per cent were illiterate, as against 20.37 per cent of those of that age arriving during the preceding fiscal year. The number of immigrants over 14 years old, the countries from which they came, and the percentage of illiterates among them, were as follows: Italy, 57,515, with 54.59 per cent; Ireland, 37,496, with 7 per cent; Russia, 35,188, with 41.14 per cent; Austria-Hungary and provinces, 57,053, with 38.92 per cent; Germany, 25,334, with 2.96 per cent; Sweden, 18,821, with 1.16 per cent, while from Portugal there came 2,067, of whom 77.69 per cent were illiterate. There arrived from Japan during the year only 1,110 immigrants, and it is the opinion of the immigration authorities that the apprehension heretofore existing to some extent of a large immigration from Japan to the United States is without any substantial foundation.

From the Life-Saving Service it is reported that the number of disasters to documented vessels within the limits of its operations during the year was 437. These vessels had on board 4,608 persons, of whom 4,595 were saved and 13 lost. The value of such vessels is estimated at $8,880,140 and of their cargoes $3,846,380, making the total value of property imperiled $12,726,520. Of this amount $11,292,707 was saved and $1,432,750 was lost. Sixty-seven of the vessels were totally wrecked. There were besides 243 casualties to small undocumented craft, on board of which there were 594 persons, of whom 587 were saved and 7 were lost. The value of the property involved in these latter casualties is estimated at $119,265, of which $114,915 was saved and $4,350 was lost. The life-saving crews during the year also rescued or assisted numerous other vessels and warned many from danger by signals, both by day and night. The number of disasters during the year exceeded that of any previous year in the history of the service, but the saving of both life and property was greater than ever before in proportion to the value of the property involved and to the number of persons imperiled.

The operations of the Marine-Hospital Service, the Revenue-Cutter Service, the Steamboat-Inspection Service, the Light-House Service, the Bureau of Navigation, and other branches of public work attached to the Treasury Department, together with various recommendations concerning their support and improvement, are fully stated in the report of the Secretary of the Treasury, to which the attention of the Congress is especially invited.

The report of the Secretary of War exhibits satisfactory conditions in the several branches of the public service intrusted to his charge.

The limit of our military force, as fixed by law, is constantly and readily maintained. The present discipline and morale of our Army are excellent, and marked progress and efficiency are apparent throughout its entire organization.

With the exception of delicate duties in the suppression of slight Indian disturbances along our southwestern boundary, in which the Mexican troops cooperated, and the compulsory but peaceful return, with the consent of Great Britain, of a band of Cree Indians from Montana to the British Possessions, no active operations have been required of the Army during the year past.

Changes in methods of administration, the abandonment of unnecessary posts and consequent concentration of troops, and the exercise of care and vigilance by the various officers charged with the responsibility, in the expenditure of the appropriations, have resulted in reducing to a minimum the cost of maintenance of our military establishment.

During the past year the work of constructing permanent infantry and cavalry posts has been continued at the places heretofore designated. The Secretary of War repeats his recommendation that appropriations for barracks and quarters should more strictly conform to the needs of the service as judged by the Department rather than respond to the wishes and importunities of localities. It is imperative that much of the money provided for such construction should now be allotted to the erection of necessary quarters for the garrisons assigned to the coast defenses, where many men will be needed to properly care for and operate modern guns. It is essential, too, that early provision be made to supply the necessary force of artillery to meet the demands of this service.

The entire Army has now been equipped with the new magazine arms, and wise policy demands that all available public and private resources should be so employed as to provide within a reasonable time a sufficient number to supply the State militia with these modern weapons and provide an ample reserve for any emergency.

The organized militia numbers 112,879 men. The appropriations for its support by the several States approximate $2,800,000 annually, and $400,000 is contributed by the General Government. Investigation shows these troops to be usually well drilled and inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition, and that every encouragement be given to this deserving body of unpaid and voluntary citizen soldiers, upon whose assistance we must largely rely in time of trouble.

During the past year rapid progress has been made toward the completion of the scheme adopted for the erection and armament of fortifications along our seacoast, while equal progress has been made in providing the material for submarine defense in connection with these works.

It is peculiarly gratifying at this time to note the great advance that has been made in this important undertaking since the date of my annual message to the Fifty-third Congress at the opening of its second session, in December, 1893. At that time I informed the Congress of the approaching completion of nine 12-inch, twenty 10-inch, and thirty-four 8-inch high-power steel guns, and seventy-five 12-inch rifled mortars.

This total then seemed insignificant when compared with the great work remaining to be done. Yet it was none the less a source of satisfaction to every citizen when he reflected that it represented the first installment of the new ordnance of American design and American manufacture, and demonstrated our ability to supply from our own resources guns of unexcelled power and accuracy.

At that date, however, there were practically no carriages upon which to mount these guns, and only 31 emplacements for guns and 64 for mortars. Nor were all these emplacements in condition to receive their armament. Only one high-power gun was at that time in position for the defense of the entire coast.

Since that time the number of guns actually completed has been increased to a total of twenty-one 12-inch, fifty-six 10-inch, sixty-one 8-inch high-power breech-loading steel guns, ten rapid-fire guns, and eighty 12-inch rifled mortars. In addition, there are in process of construction one 16-inch-type gun, fifty 12-inch, fifty-six 10-inch, twenty-seven 8-inch high-power guns, and sixty-six 12-inch rifled mortars; in all, 428 guns and mortars.

During the same year, immediately preceding the message referred to, the first modern gun carriage had been completed and eleven more were in process of construction. All but one were of the nondisappearing type. These, however, were not such as to secure necessary cover for the artillery gunners against the intense fire of modern machine rapid-fire and high-power guns.

The inventive genius of ordnance and civilian experts has been taxed in designing carriages that would obviate this fault, resulting, it is believed, in the solution of this difficult problem. Since 1893 the number of gun carriages constructed or building has been raised to a total of 129, of which 90 are on the disappearing principle, and the number of mortar carriages to 152, while the 95 emplacements which were provided for prior to that time have been increased to 280 built and building.

This improved situation is largely due to the recent generous response of Congress to the recommendations of the War Department.

Thus we shall soon have complete about one-fifth of the comprehensive system, the first step in which was noted in my message to the Congress of December 4, 1893.

When it is understood that a masonry emplacement not only furnishes a platform for the heavy modern high-power gun, but also in every particular serves the purpose and takes the place of the fort of former days, the importance of the work accomplished is better comprehended.

In the hope that the work will be prosecuted with no less vigor in the future, the Secretary of War has submitted an estimate by which, if allowed, there will be provided and either built or building by the end of the next fiscal year such additional guns, mortars, gun carriages, and emplacements as will represent not far from one-third of the total work to be done under the plan adopted for our coast defenses, thus affording a prospect that the entire work will be substantially completed within six years. In less time than that, however, we shall have attained a marked degree of security.

The experience and results of the past year demonstrate that with a continuation of present careful methods the cost of the remaining work will be much less than the original estimate.

We should always keep in mind that of all forms of military preparation coast defense alone is essentially pacific in its nature. While it gives the sense of security due to a consciousness of strength, it is neither the purpose nor the effect of such permanent fortification to involve us in foreign complications, but rather to guarantee us against them. They are not temptation to war, but security against it. Thus they are thoroughly in accord with all the traditions of our national diplomacy.

The Attorney-General presents a detailed and interesting statement of the important work done under his supervision during the last fiscal year.

The ownership and management by the Government of penitentiaries for the confinement of those convicted in United States courts of violations of Federal laws, which for many years has been a subject of Executive recommendation, has at last to a slight extent been realized by the utilization of the abandoned military prison at Fort Leavenworth as a United States penitentiary.

This is certainly a movement in the right direction; but it ought to be at once supplemented by the rebuilding or extensive enlargement of this improvised prison, and the construction of at least one more, to be located in the Southern States. The capacity of the Leavenworth penitentiary is so limited that the expense of its maintenance, calculated at a per capita rate upon the number of prisoners it can accommodate, does not make as economical an exhibit as it would if it were larger and better adapted to prison purposes; but I am thoroughly convinced that economy, humanity, and a proper sense of responsibility and duty toward those whom we punish for violations of Federal law dictate that the Federal Government should have the entire control and management of the penitentiaries where convicted violators are confined.

It appears that since the transfer of the Fort Leavenworth military prison to its new uses the work previously done by prisoners confined there, and for which expensive machinery has been provided, has been discontinued. This work consisted of the manufacture of articles for army use, now done elsewhere. On all grounds, it is exceedingly desirable that the convicts confined in this penitentiary be allowed to resume work of this description.

It is most gratifying to note the satisfactory results that have followed the inauguration of the new system provided for by the act of May 28, 1896, under which certain Federal officers are compensated by salaries instead of fees. The new plan was put in operation on the 1st day of July, 1896, and already the great economy it enforces, its prevention of abuses, and its tendency to a better enforcement of the laws, are strikingly apparent. Detailed evidence of the usefulness of this long delayed but now happily accomplished reform will be found clearly set forth in the Attorney-General's report.

Our Post-Office Department is in good condition, and the exhibit made of its operations during the fiscal year ended June 30, 1896, if allowance is made for imperfections in the laws applicable to it, is very satisfactory. The total receipts during the year were $82,499,208.40. The total expenditures were $90,626,296.84, exclusive of $1,559,898.27 which was earned by the Pacific railroads for transportation and credited on their debt to the Government. There was an increase of receipts over the previous year of $5,516,080.21, or 7.1 per cent, and an increase of expenditures of $3,836,124.02, or 4.42 per cent. The deficit was $1,679,956.19 less than that of the preceding year. The chief expenditures of the postal service are regulated by law and are not in the control of the Postmaster-General. All that he can accomplish by the most watchful administration and economy is to enforce prompt and thorough collection and accounting for public moneys and such minor savings in small expenditures and in letting those contracts, for post-office supplies and star service, which are not regulated by statute.

An effective cooperation between the Auditor's Office and the Post-Office Department, and the making and enforcement of orders by the Department requiring immediate notification to their sureties of all delinquencies on the part of postmasters, and compelling such postmasters to make more frequent deposits of postal funds, have resulted in a prompter auditing of their accounts and much less default to the Government than heretofore.

The year's report shows large extensions of both star-route service and railway-mail service, with increased postal facilities. Much higher accuracy in handling mails has also been reached, as appears by the decrease of errors in the Railway Mail Service and the reduction of mail matter returned to the Dead-Letter Office.

The deficit for the last year, although much less than that of the last and preceding years, emphasizes the necessity for legislation to correct the growing abuse of second-class rates, to which the deficiency is mainly attributable. The transmission at the rate

of 1 cent a pound of serial libraries, advertising sheets, "house organs" (periodicals advertising some particular "house" or institution), sample copies, and the like ought certainly to be discontinued. A glance at the revenues received for the work done last year will show more plainly than any other statement the gross abuse of the postal service and the growing waste of its earnings.

The free matter carried in the mails for the Departments, offices, etc., of the Government, and for Congress, in pounds, amounted to 94,480,189.

If this is offset against buildings for post-offices and stations, the rental of which would more than compensate for such free postal service, we have this exhibit:

Weight of mail matter (other than above) transmitted through the mail for the year ending June 30, 1896.

Class.	Weight.	Revenue.
	Pounds.	
1. Domestic and foreign letters and postal cards, etc.	65,337,343	$60,624,464
2. Newspapers and periodicals, 1 cent per pound	348,988,648	2,996,403
3. Books, seeds, etc., 8 cents a pound	78,701,148	10,324,069
4. Parcels, etc., 16 cents a pound	19,950,187	3,129,321
Total	512,977,326	77,044,257

The remainder of our postal revenue, amounting to something more than $5,000,000, was derived from box rents, registry fees, money-order business, and other similar items.

The entire expenditures of the Department, including pay for transportation credited to the Pacific railroads, was $92,186,195.11, which may be considered as the cost of receiving, carrying, and delivering the above mail matter. It thus appears that though the second-class matter constituted more than two-thirds of the total that was carried, the revenue derived from it was less than one-thirtieth of the total expense.

The average revenue from each pound of first-class matter was	93 cents
From each pound of second class	8½ mills
(Of the second class 52,348,297 was county-free matter.)	
From each pound of third class	13.1 cents
From each pound of fourth class	15.6 cents

The growth in weight of second-class matter has been from 299,000,000 pounds in 1894 to 312,000,000 in 1895, and to almost 349,000,000 in 1896, and it is quite evident this increasing drawback is far outstripping any possible growth of postal revenues.

Our mail service should of course be such as to meet the wants and even the conveniences of our people, at a direct charge upon them so light as perhaps to exclude the idea of our Post-Office Department being a money-making concern; but in the face of a constantly recurring deficiency in its revenues, and in view of the fact that we supply the best mail service in the world, it seems to me it is quite time to correct the abuses that swell enormously our annual deficit. If we concede the public policy of carrying weekly newspapers free in the county of publication, and even the policy of carrying at less than one-tenth of their cost other bona fide newspapers and periodicals, there can be no excuse for subjecting the service to the further immense and increasing loss involved in carrying at the nominal rate of 1 cent a pound the serial libraries, sometimes including trashy and even harmful literature, and other matter which, under the loose interpretation of a loose statute, has been gradually given second-class rates, thus absorbing all profitable returns derived from first-class matter, which pays three or four times more than its cost, and producing a large annual loss to be paid by general taxation. If such second-class matter paid merely the cost of its handling our deficit would disappear and a surplus result which might be used to give the people still better mail facilities or cheaper rates of letter postage. I recommend that legislation be at once enacted to correct these abuses and introduce better business ideas in the regulation of our postal rates.

Experience and observation have demonstrated that certain improvements in the organization of the Post-Office Department must be secured before we can gain the full benefit of the immense sums expended in its administration. This involves the following reforms, which I earnestly recommend:

There should be a small addition to the existing inspector service, to be employed in the supervision of the carrier force, which now numbers 13,000 men, and performs its service practically without the surveillance exercised over all other branches of the postal or public service. Of course such a lack of supervision and freedom from wholesome disciplinary restraints must inevitably lead to imperfect service. There should also be appointed a few inspectors who could assist the central office in necessary investigation concerning matters of post-office leases, post-office sites, allowances for rent, fuel, and lights, and in organizing and securing the best results from the work of the 14,000 clerks now employed in first and second class offices.

I am convinced that the small expense attending the inauguration of these reforms would actually be a profitable investment.

I especially recommend such a recasting of the appropriations by Congress, for the Post-Office Department, as will permit the Postmaster-General to proceed with the work of consolidating post-offices. This work has already been entered upon sufficiently to fully demonstrate, by experiment and experience, that such consolidation is productive of better service, larger revenues, and less expenditures, to say nothing of the further advantage of gradually withdrawing post-offices from the spoils system.

The Universal Postal Union, which now embraces all the civilized world, and whose delegates will represent 1,000,000,000 people, will hold its fifth congress in the city of Washington in May, 1897. The United States may be said to have taken the initiative which led to the first meeting of this congress at Berne in 1874, and the formation of the Universal Postal Union, which brings the postal service of all countries to every man's neighborhood and has wrought marvels in cheapening postal rates and securing absolutely safe mail communication throughout the world. Previous congresses have met in Berne, Paris, Lisbon, and Vienna, and the respective countries in which they have assembled have made generous provision for their accommodation and for the reception and entertainment of the delegates.

In view of the importance of this assemblage and of its deliberations, and of the honors and hospitalities accorded to our representatives by other countries on similar occasions, I earnestly hope that such an appropriation will be made for the expenses necessarily attendant upon the coming meeting in our capital city as will be worthy of our national hospitality and indicative of our appreciation of the event.

The work of the Navy Department and its present condition are fully exhibited in the report of the Secretary.

The construction of vessels for our new Navy has been energetically prosecuted by the present Administration upon the general lines previously adopted, the Department having seen no necessity for radical changes in prior methods under which the work was found to be progressing in a manner highly satisfactory. It has been decided, however, to provide in every shipbuilding contract that the builder should pay all trial expenses, and it has also been determined to pay no speed premiums in future contracts. The premiums recently earned and some yet to be decided are features of the contracts made before this conclusion was reached.

On March 4, 1893, there were in commission but 2 armored vessels, the double-turreted monitors *Miantonomoh* and *Monterey*. Since that date, of vessels theretofore authorized, there have been placed in their first commission 3 first-class and 2 second-class battle ships, 2 armored cruisers, 1 harbor-defense ram, and 5 double-turreted monitors, including the *Maine* and the *Puritan*, just completed. Eight new unarmored cruisers and 2 new gunboats have also been commissioned. The *Iowa*, another battle ship, will be completed about March 1, and at least 4 more gunboats will be ready for sea in the early spring.

It is gratifying to state that our ships and their outfits are believed to be equal to the best that can be manufactured elsewhere, and that such notable reductions have been made in their cost as to justify the statement that quite a number of vessels are now being constructed at rates as low as those that prevail in European shipyards.

Our manufacturing facilities are at this time ample for all possible naval contingencies. Three of our Government navy-yards, those at Mare Island, Cal., Norfolk, Va., and Brooklyn, N. Y., are equipped for shipbuilding, our ordnance plant in Washington is equal to any in the world, and at the torpedo station we are successfully making the highest grades of smokeless powder. Three first-class private shipyards, at Newport News, Philadelphia, and San Francisco, are building battle ships; 11 contractors, situated in the States of Maine, Rhode Island, Pennsylvania, New Jersey, Maryland, Virginia, and the State of Washington, are constructing gunboats or torpedo boats; 2 plants are manufacturing large quantities of first-class armor, and American factories are producing automobile torpedoes, powder, projectiles, rapid-fire guns, and everything else necessary for the complete outfit of naval vessels.

There have been authorized by Congress since March, 1893, 5 battle ships, 6 light-draft gunboats, 16 torpedo boats, and 1 submarine torpedo boat. Contracts for the building of all of them have been let. The Secretary expresses the opinion that we have for the present a sufficient supply of cruisers and gunboats, and that hereafter the construction of battle ships and torpedo boats will supply our needs.

Much attention has been given to the methods of carrying on departmental business. Important modifications in the regulations have been made, tending to unify the control of shipbuilding, as far as may be, under the Bureau of Construction and Repair, and also to improve the mode of purchasing supplies for the Navy by the Bureau of Supplies and Accounts. The establishment, under recent acts of Congress, of a supply fund, with which to purchase these supplies in large quantities, and other modifications of methods, have tended materially to their cheapening and better quality.

The War College has developed into an institution which it is believed will be of great value to the Navy in teaching the science of war, as well as in stimulating professional zeal in the Navy; and it will be especially useful in the devising of plans for the utilization, in case of necessity, of all the naval resources of the United States.

The Secretary has persistently adhered to the plan he found in operation for securing labor at navy-yards, through boards of labor employment, and has done much to make it more complete and efficient. The naval officers who are familiar with this system and its operation express the decided opinion that its results have been to vastly improve the character of the work done at our yards and greatly reduce its cost.

Discipline among the officers and men of the Navy has been maintained to a high standard, and the percentage of American citizens enlisted has been very much increased.

The Secretary is considering, and will formulate during the coming winter, a plan for laying up ships in reserve, thereby largely reducing the cost of maintaining our vessels afloat. This plan contemplates that battle ships, torpedo boats, and such of the cruisers as are not needed for active service at sea shall be kept in reserve, with skeleton crews on board to keep them in condition, cruising only enough to insure the efficiency of the ships and their crews in time of activity.

The economy to result from this system is too obvious to need comment.

The Naval Militia, which was authorized a few years ago as an experiment, has now developed into a body of enterprising young men, active and energetic in the discharge of their duties and promising great usefulness. This establishment has nearly the same relation to our Navy as the National Guard in the different States bears to our Army; and it constitutes a source of supply for our naval forces the importance of which is immediately apparent.

The report of the Secretary of the Interior presents a comprehensive and interesting exhibit of the numerous and important affairs committed to his supervision. It is impossible in this communication to do more than briefly refer to a few of the subjects concerning which the Secretary gives full and instructive information.

The money appropriated on account of this Department and for its disbursement for the fiscal year ended June 30, 1896, amounted to more than $157,000,000, or a greater sum than was appropriated for the entire maintenance of the Government for the two fiscal years ended June 30, 1861.

Our public lands, originally amounting to 1,840,000,000 acres, have been so reduced that only about 600,000,000 acres still remain in Government control, excluding Alaska. The balance, being by far the most valuable portion, has been given away to settlers, to new States, and to railroads, or sold at a comparatively nominal sum. The patenting of land in execution of railroad grants has progressed rapidly during the year, and since the 4th day of March, 1893, about 25,000,000 acres have thus been conveyed to these corporations.

I agree with the Secretary that the remainder of our public lands should be more carefully dealt with and their alienation guarded by better economy and greater prudence.

The commission appointed from the membership of the National Academy of Sciences, provided for by an act of Congress, to formulate plans for a national forestry system, will, it is hoped, soon be prepared to present the result of thorough and intelligent examination of this important subject.

The total Indian population of the United States is 177,235, according to a census made in 1895, exclusive of those within the State of New York and those comprising the Five Civilized Tribes. Of this number there are approximately 38,000 children of school age. During the year 23,393 of these were enrolled in schools. The progress which has attended recent efforts to extend Indian school facilities, and the anticipation of continued liberal appropriations to that end, can not fail to afford the utmost satisfaction to those who believe that the education of Indian children is a prime factor in the accomplishment of Indian civilization.

It may be said in general terms that in every particular the improvement of the Indians under Government care has been most marked and encouraging.

The Secretary, the Commissioner of Indian Affairs, and the agents having charge of Indians to whom allotments have been made strongly urge the passage of a law prohibiting the sale of liquor to allottees who have taken their lands in severalty. I earnestly join in this recommendation, and venture to express the hope that the Indian may be speedily protected against this greatest of all obstacles to his well-being and advancement.

The condition of affairs among the Five Civilized Tribes, who occupy large tracts of land in the Indian Territory and who have governments of their own, has assumed such an aspect as to render it almost indispensable that there should be an entire change in the relations of these Indians to the General Government. This seems to be necessary in furtherance of their own interests, as well as for the protection of non-Indian residents in their territory. A commission organized and empowered under several recent laws is now negotiating with these Indians for the relinquishment of their courts and the division of their common lands in severalty, and are aiding in the settlement of the troublesome question of tribal membership. The reception of their first proffers of negotiation was not encouraging; but through patience and such conduct on their part as demonstrated that their intentions were friendly and in the interest of the tribes, the prospect of success has become more promising. The effort should be to save these Indians from the consequences of their own mistakes and improvidence, and to secure to the real Indian his rights as against intruders and professed friends who profit by his retrogression. A change is also needed to protect life and property through the operation of courts conducted according to strict justice and strong enough to enforce their mandates.

As a sincere friend of the Indian, I am exceedingly anxious that these reforms should be accomplished with the consent and aid of the tribes, and that no necessity may be presented for radical or drastic legislation. I hope, therefore, that the Commission now conducting negotiations will soon be able to report that progress has been made toward a friendly adjustment of existing difficulties.

It appears that a very valuable deposit of gilsonite or asphaltum has been found on the reservation in Utah occupied by the Uncompahgre Ute Indians. Every consideration of care for the public interest and every sensible business reason dictate such management or disposal of this important source of public revenue as will except it from the general rules and incidents attending the ordinary disposition of public lands, and secure to the Government a fair share at least of its advantages in place of its transfer for a nominal sum to interested individuals.

I indorse the recommendation made by the present Secretary of the Interior, as well as his predecessor, that a permanent commission, consisting of three members, one of whom shall be an army officer, be created to perform the duties now devolving upon the Commissioner and Assistant Commissioner of Indian Affairs. The management of the Bureau involves such numerous and diverse details, and the advantages of an uninterrupted policy are so apparent, that I hope the change suggested will meet the approval of the Congress.

The diminution of our enormous pension roll and the decrease of pension expenditure, which have been so often confidently foretold, still fail in material realization. The number of pensioners on the rolls at the close of the fiscal year ended June 30, 1896, was 970,678. This is the largest number ever reported. The amount paid exclusively for pensions during the year was $138,214,761.94, a slight decrease from that of the preceding year, while the total expenditures on account of pensions, including the cost of maintaining the Department and expenses attending pension distribution, amounted to $142,206,550.59, or within a very small fraction of one-third of the entire expense of supporting the Government during the same year. The number of new pension certificates issued was 90,640. Of these, 40,374 represent original allowances of claims, and 15,878 increases of existing pensions.

The number of persons receiving pensions from the United States but residing in foreign countries at the close of the last fiscal year was 3,781, and the amount paid to them during the year was $582,735.38.

The sum appropriated for the payment of pensions for the current fiscal year, ending June 30, 1897, is $140,000,000, and for the succeeding year it is estimated that the same amount will be necessary.

The Commissioner of Pensions reports that during the last fiscal year 339 indictments were found against violators of the pension laws. Upon these indictments 167 convictions resulted.

In my opinion, based upon such statements as these and much other information and observation, the abuses which have been allowed to creep into our pension system have done incalculable harm in demoralizing our people and undermining good citizenship. I have endeavored within my sphere of official duty to protect our pension roll and make it what it should be, a roll of honor, containing the names of those disabled in their country's service and worthy of their country's affectionate remembrance. When I have seen those who pose as the soldiers' friends active and alert in urging greater laxity and more reckless pension expenditure, while nursing selfish schemes, I have deprecated the approach of a situation when necessary retrenchment and enforced economy may lead to an attack upon pension abuses so determined as to overlook the discrimination due to those who, worthy of a nation's care, ought to live and die under the protection of a nation's gratitude.

The Secretary calls attention to the public interests involved in an adjustment of the obligations of the Pacific railroads to the Government. I deem it to be an important duty to especially present this subject to the consideration of the Congress.

On January 1, 1897, with the amount already matured, more than $13,000,000 of the principal of the subsidy bonds issued by the United States in aid of the construction of the Union Pacific Railway, including its Kansas line, and more than $6,000,000 of like bonds, issued in aid of the Central Pacific Railroad, including those issued to the Western Pacific Railroad Company, will have fallen due and been paid or must on that day be paid by the Government. Without any reference to the application of the sinking fund now in the Treasury, this will create such a default on the part of these companies to the Government as will give it the right to at once institute proceedings to foreclose its mortgage lien. In addition to this indebtedness, which will be due January 1, 1897, there will mature between that date and January 1, 1899, the remaining principal of such subsidy bonds, which must also be met by the Government. These amount to more than $20,000,000 on account of Union Pacific lines, and exceed $21,000,000 on account of the Central Pacific lines.

The situation of these roads and the condition of their indebtedness to the Government have been fully set forth in the reports of various committees to the present and prior Congresses, and as early as 1887 they were thoroughly examined by a special commission appointed pursuant to an act of Congress. The considerations requiring an adjustment of the Government's relations to the companies have been clearly presented, and the conclusion reached with practical uniformity, that if these relations are not terminated they should be revised upon a basis securing their safe continuance.

Under section 4 of the act of Congress passed March 3, 1887, the President is charged with the duty, in the event that any mortgage or other incumbrance paramount to the interest of the United States in the property of the Pacific railroads shall exist and be lawfully liable to be enforced, to direct the action of the Departments of Treasury and of Justice in the protection of the interest of the United States by redemption or through judicial proceedings, including foreclosures of the Government liens.

In view of the fact that the Congress has for a number of years almost constantly had under consideration various plans for dealing with the conditions existing between these roads and the Government, I have thus far felt justified in withholding action under the statute above mentioned.

In the case of the Union Pacific Company, however, the situation has become especially and immediately urgent. Proceedings have been instituted to foreclose a first mortgage upon those aided parts of the main lines upon which the Government holds a second and subordinate mortgage lien. In consequence of those proceedings and increasing complications, added to the default occurring on the 1st day of January, 1897, a condition will be presented at that date, so far as this company is concerned, that must emphasize the mandate of the act of 1887 and give to Executive duty under its provisions a more imperative aspect. Therefore, unless Congress shall otherwise direct or shall have previously determined upon a different solution of the problem, there will hardly appear to exist any reason for delaying beyond the date of the default above mentioned such Executive action as will promise to subserve the public interests and save the Government from the loss threatened by further inaction.

The Department of Agriculture is so intimately related to the welfare of our people and the prosperity of our nation that it should constantly receive the care and encouragement of the Government. From small beginnings it has grown to be the center of agricultural intelligence and the source of aid and encouragement to agricultural efforts. Large sums of money are annually appropriated for the maintenance of this Department, and it must be confessed that the legislation relating to it has not always been directly in the interest of practical farming, or properly guarded against waste and extravagance. So far, however, as public money has been appropriated fairly and sensibly to help those who actually till the soil, no expenditure has been more profitably made or more generally approved by the people.

Under the present management of the Department its usefulness has been enhanced in every direction, and at the same time strict economy has been enforced to the utmost extent permitted by Congressional action. From the report of the Secretary it appears that through careful and prudent financial management he has annually saved a large sum from his appropriations, aggregating during his incumbency and up to the close of the present fiscal year nearly one-fifth of the entire amount appropriated. These results have been accomplished by a conscientious study of the real needs of the farmer and such a regard for economy as the genuine farmer ought to appreciate, supplemented by a rigid adherence to civil-service methods in a Department which should be conducted in the interest of agriculture instead of partisan politics.

The Secretary reports that the value of our exports of farm products during the last fiscal year amounted to $570,000,000, an increase of $17,000,000 over those of the year immediately preceding. This statement is not the less welcome because of the fact that, notwithstanding such increase, the proportion of exported agricultural products to our total exports of all descriptions fell off during the year. The benefits of an increase in agricultural exports being assured, the decrease in its proportion to our total exports is the more gratifying when we consider that it is owing to the fact that such total exports for the year increased more than $75,000,000.

The large and increasing exportation of our agricultural products suggests the great usefulness of the organization lately established in the Department for the purpose of giving to those engaged in farming pursuits reliable information concerning the condition, needs, and advantages of different foreign markets. Inasmuch as the success of the farmer depends upon the advantageous sale of his products, and inasmuch as foreign markets must largely be the destination of such products, it is quite apparent that a knowledge of the conditions and wants that affect those markets ought to result in sowing more intelligently and reaping with a better promise of profit. Such information points out the way to a prudent foresight in the selection and cultivation of crops and to a release from the bondage of unreasoning monotony of production, a glutted and depressed market, and constantly recurring unprofitable toil.

In my opinion the gratuitous distribution of seeds by the Department as at present conducted ought to be discontinued. No one can read the statement of the Secretary on this subject and doubt the extravagance and questionable results of this practice. The professed friends of the farmer, and certainly the farmers themselves, are naturally expected to be willing to rid a Department devoted to the promotion of farming interests of a feature which tends so much to its discredit.

The Weather Bureau, now attached to the Department of Agriculture, has continued to extend its sphere of usefulness, and by an uninterrupted improvement in the accuracy of its forecasts has greatly increased its efficiency as an aid and protection to all whose occupations are related to weather conditions.

Omitting further reference to the operations of the Department, I commend the Secretary's report and the suggestions it contains to the careful consideration of the Congress.

The progress made in civil-service reform furnishes a cause for the utmost congratulation. It has survived the doubts of its friends as well as the rancor of its enemies and has gained a permanent place among the agencies destined to cleanse our politics and to improve, economize, and elevate the public service.

There are now in the competitive classified service upward of eighty-four thousand places. More than half of these have been included from time to time since March 4, 1893. A most radical and sweeping extension was made by Executive order dated the 6th day of May, 1896, and if fourth-class postmasterships are not included in the statement it may be said that practically all positions contemplated by the civil-service law are now classified. Abundant reasons exist for including these postmasterships, based upon economy, improved service, and the peace and quiet of neighborhoods. If, however, obstacles prevent such action at present, I earnestly hope that Congress will, without increasing post-office appropriations, so adjust them as to permit in proper cases a consolidation of these post-offices, to the end that through this process the result desired may to a limited extent be accomplished.

The civil-service rules as amended during the last year provide for a sensible and uniform method of promotion, basing eligibility to better positions upon demonstrated efficiency and faithfulness. The absence of fixed rules on this subject has been an infirmity in the system more and more apparent as its other benefits have been better appreciated.

The advantages of civil-service methods in their business aspects are too well understood to require argument. Their application has become a necessity to the executive work of the Government. But those who gain positions through the operation of these methods should be made to understand that the nonpartisan scheme through which they receive their appointments demands from them, by way of reciprocity, nonpartisan and faithful performance of duty under every Administration, and cheerful fidelity to every chief. While they should be encouraged to decently exercise their rights of citizenship and to support through their suffrages the political beliefs they honestly profess, the noisy, pestilent, and partisan employee, who loves political turmoil and contention, or who renders lax and grudging service to an Administration not representing his political views, should be promptly and fearlessly dealt with in such a way as to furnish a warning to others who may be likewise disposed.

The annual report of the Commissioners will be duly transmitted, and I commend the important matter they have in charge to the careful consideration of the Congress.

The Interstate Commerce Commission has, during the last year, supplied abundant evidence of its usefulness and the importance of the work committed to its charge.

Public transportation is a universal necessity, and the question of just and reasonable charges therefor has become of vital importance not only to shippers and carriers, but also to the vast multitude of producers and consumers. The justice and equity of the principles embodied in the existing law passed for the purpose of regulating these charges are everywhere conceded, and there appears to be no question that the policy thus entered upon has a permanent place in our legislation.

As the present statute when enacted was, in the nature of the case, more or less tentative and experimental, it was hardly expected to supply a complete and adequate system. While its wholesome effects are manifest and have amply justified its enactment, it is evident that all desired reforms in transportation methods have not been fully accomplished. In view of the judicial interpretation which some provisions of this statute have received and the defects disclosed by the efforts made for its enforcement, its revision and amendment appear to be essential to the end that it may more effectually reach the evils designed to be corrected. I hope the recommendations of the Commission upon this subject will be promptly and favorably considered by the Congress.

I desire to recur to the statements elsewhere made concerning the Government's receipts and expenditures for the purpose of venturing upon some suggestions touching our present tariff law and its operation.

This statute took effect on the 28th day of August, 1894. Whatever may be its shortcomings as a complete measure of tariff reform, it must be conceded that it has opened the way to a freer and greater exchange of commodities between us and other countries, and thus furnished a wider market for our products and manufactures.

The only entire fiscal year during which this law has been in force ended on the 30th day of June, 1896. In that year our imports increased over those of the previous year more than $6,500,000, while the value of the domestic products we exported, and which found markets abroad, was nearly $70,000,000 more than during the preceding year.

Those who insist that the cost to our people of articles coming to them from abroad for their needful use should only be increased through tariff charges to an extent necessary to meet the expenses of the Government, as well as those who claim that tariff charges may be laid upon such articles beyond the necessities of Government revenue, and with the additional purpose of so increasing their price in our markets as to give American manufacturers and producers better and more profitable opportunities, must agree that our tariff laws are only primarily justified as sources of revenue to enable the Government to meet the necessary expenses of its maintenance. Considered as to its sufficiency in this aspect, the present law can by no means fall under just condemnation. During the only complete fiscal year of its operation it has yielded nearly $8,000,000 more revenue than was received from tariff duties in the preceding year. There was, nevertheless, a deficit between our receipts and expenditures of a little more than $25,000,000. This, however, was not unexpected.

The situation was such in December last, seven months before the close of the fiscal year, that the Secretary of the Treasury foretold a deficiency of $17,000,000. The great and increasing apprehension and timidity in business circles and the depression in all activities intervening since that time, resulting from causes perfectly well understood and entirely disconnected with our tariff law or its operation, seriously checked the imports we would have otherwise received, and readily account for the difference between this estimate of the Secretary and the actual deficiency, as well as for a continued deficit. Indeed, it must be confessed that we could hardly have had a more unfavorable period than the last two years for the collection of tariff revenue. We can not reasonably hope that our recuperation from this business depression will be sudden, but it has already set in with a promise of acceleration and continuance.

I believe our present tariff law, if allowed a fair opportunity, will in the near future yield a revenue which, with reasonably economical expenditures, will overcome all deficiencies. In the meantime no deficit that has occurred or may occur need excite or disturb us. To meet any such deficit we have in the Treasury, in addition to a gold reserve of one hundred millions, a surplus of more than $128,000,000 applicable to the payment of the expenses of the Government, and which must, unless expended for that purpose, remain a useless hoard, or, if not extravagantly wasted, must in any event be perverted from the purpose of its exaction from our people. The payment, therefore, of any deficiency in the revenue from this fund is nothing more than its proper and legitimate use. The Government, thus applying a surplus fortunately in its Treasury to the payment of expenses not met by its current revenues, is not at all to be likened to a man living beyond his income and thus incurring debt or encroaching on his principal.

It is not one of the functions of our Government to accumulate and make additions to a fund not needed for immediate expenditure. With individuals it is the chief object of struggle and effort. The application of an accumulated fund by the Government to the payment of its running expenses is a duty. An individual living beyond his income and embarrassing himself with debt, or drawing upon his accumulated fund of principal, is either unfortunate or improvident. The distinction is between a government charged with the duty of expending for the benefit of the people and for proper purposes all the money it receives from any source, and the individual who is expected to manifest a natural desire to avoid debt or to accumulate as much as possible and to live within the income derived from such accumulations, to the end that they may be increased or at least remain unimpaired for the future use and enjoyment of himself or the objects of his love and affection who may survive him.

It is immeasurably better to appropriate our surplus to the payment of justifiable expenses than to allow it to become an invitation to reckless appropriations and extravagant expenditures.

I suppose it will not be denied that under the present law our people obtain the necessaries of a comfortable existence at a cheaper rate than formerly. This is a matter of supreme importance, since it is the palpable duty of every just government to make the burdens of taxation as light as possible. The people should not be required to relinquish this privilege of cheaper living except under the stress of their Government's necessity made plainly manifest.

This reference to the condition and prospects of our revenues naturally suggests an allusion to the weakness and vices of our financial methods. They have been frequently pressed upon the attention of Congress in previous Executive communications and the inevitable danger of their continued toleration pointed out. Without now repeating these details, I can not refrain from again earnestly presenting the necessity of the prompt reform of a system opposed to every rule of sound finance and shown by experience to be fraught with the gravest peril and perplexity. The terrible civil war which shook the foundations of our Government more than thirty years ago brought in its train the destruction of property, the wasting of our country's substance, and the estrangement of brethren. These are now past and forgotten. Even the distressing loss of life the conflict entailed is but a sacred memory, which fosters patriotic sentiment and keeps alive a tender regard for those who nobly died. And yet there remains with us to-day, in full strength and activity, as an incident of that tremendous struggle, a feature of its financial necessities not only unsuited to our present circumstances, but manifestly a disturbing menace to business security and an ever-present agent of monetary distress.

Because we may be enjoying a temporary relief from its depressing influence, this should not lull us into a false security nor lead us to forget the suddenness of past visitations.

I am more convinced than ever that we can have no assured financial peace and safety until the Government currency obligations upon which gold may be demanded from the Treasury are withdrawn from circulation and canceled. This might be done, as has been heretofore recommended, by their exchange for long-term bonds bearing a low rate of interest or by their redemption with the proceeds of such bonds. Even if only the United States notes known as greenbacks were thus retired, it is probable that the Treasury notes issued in payment of silver purchases under the act of July 14, 1890, now paid in gold when demanded, would not create much disturbance, as they might, from time to time, when received in the Treasury by redemption in gold or otherwise, be gradually and prudently replaced by silver coin.

This plan of issuing bonds for the purpose of redemption certainly appears to be the most effective and direct path to the needed reform. In default of this, however, it would be a step in the right direction if currency obligations redeemable in gold, whenever so redeemed, should be canceled instead of being reissued. This operation would be a slow remedy, but it would improve present conditions.

National banks should redeem their own notes. They should be allowed to issue circulation to the par value of bonds deposited as security for its redemption, and the tax on their circulation should be reduced to one-fourth of 1 per cent.

In considering projects for the retirement of United States notes and Treasury notes issued under the law of 1890, I am of the opinion that we have placed too much stress upon the danger of contracting the currency, and have calculated too little upon the gold that would be added to our circulation if invited to us by better and safer financial methods. It is not so much a contraction of our currency that should be avoided as its unequal distribution.

This might be obviated, and any fear of harmful contraction at the same time removed, by allowing the organization of smaller banks and in less populous communities than are now permitted, and also authorizing existing banks to establish branches in small communities under proper restrictions.

The entire case may be presented by the statement that the day of sensible and sound financial methods will not dawn upon us until our Government abandons the banking business and the accumulation of funds, and confines its monetary operations to the receipt of the money contributed by the people for its support, and to the expenditure of such money for the people's benefit.

Our business interests and all good citizens long for rest from feverish agitation, and the inauguration by the Government of a reformed financial policy which will encourage enterprise and make certain the rewards of labor and industry.

Another topic in which our people rightfully take a deep interest may be here briefly considered. I refer to the existence of trusts and other huge aggregations of capital, the object of which is to secure the monopoly of some particular branch of trade, industry, or commerce and to stifle wholesome competition. When these are defended it is usually on the ground that though they increase profits they also reduce prices and thus may benefit the public. It must be remembered, however, that a reduction of prices to the people is not one of the real objects of these organizations, nor is their tendency necessarily in that direction. If it occurs in a particular case it is only because it accords with the purposes or interests of those managing the scheme.

Such occasional results fall far short of compensating the palpable evils charged to the account of trusts and monopolies. Their tendency is to crush out individual independence and to hinder or prevent the free use of human faculties and the full development of human character. Through them the farmer, the artisan, and the small trader is in danger of dislodgment from the proud position of being his own master, watchful of all that touches his country's prosperity, in which he has an individual lot, and interested in all that affects the advantages of business of which he is a factor, to be relegated to the level of a mere appurtenance to a great machine, with little free will, with no duty but that of passive obedience, and with little hope or opportunity of rising in the scale of responsible and helpful citizenship.

To the instinctive belief that such is the inevitable trend of trusts and monopolies is due the widespread and deep-seated popular aversion in which they are held and the not unreasonable insistence that, whatever may be their incidental economic advantages, their general effect upon personal character, prospects, and usefulness can not be otherwise than injurious.

Though Congress has attempted to deal with this matter by legislation, the laws passed for that purpose thus far have proved ineffective, not because of any lack of disposition or attempt to enforce them, but simply because the laws themselves as interpreted by the courts do not reach the difficulty. If the insufficiencies of existing laws can be remedied by further legislation it should be done. The fact must be recognized, however, that all Federal legislation on this subject may fall short of its purpose because of inherent obstacles, and also because of the complex character of our governmental system, which, while making the Federal authority supreme within its sphere, has carefully limited that sphere by metes and bounds which can not be transgressed. The decision of our highest court on this precise question renders it quite doubtful whether the evils of trusts and monopolies can be adequately treated through Federal action, unless they seek directly and purposely to include in their objects transportation or intercourse between States or between the United States and foreign countries.

It does not follow, however, that this is the limit of the remedy that may be applied. Even though it may be found that Federal authority is not broad enough to fully reach the case, there can be no doubt of the power of the several States to act effectively in the premises, and there should be no reason to doubt their willingness to judiciously exercise such power.

In concluding this communication, its last words shall be an appeal to the Congress for the most rigid economy in the expenditure of the money it holds in trust for the people. The way to perplexing extravagance is easy, but a return to frugality is difficult. When, however, it is considered that those who bear the burdens of taxation have no guaranty of honest care save in the fidelity of their public servants, the duty of all possible retrenchment is plainly manifest.

When our differences are forgotten, and our contests of political opinion are no longer remembered, nothing in the retrospect of our public service will be as fortunate and comforting as the recollection of official duty well performed and the memory of a constant devotion to the interests of our confiding fellow-countrymen.

GROVER CLEVELAND.

EXECUTIVE MANSION,
December 7, 1896.

Mr. HOAR. I move that the message lie on the table and be printed.

The motion was agreed to.

Mr. HALE. I move that the Senate adjourn.

Mr. CALL. I ask the Senator from Maine to allow me to offer a resolution.

Mr. CULLOM. Oh, no: let us start in with routine business in the morning.

Mr. HALE. I think it is proper the Senate should take an adjournment after the message.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to; and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 8, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 7, 1896.*

This being the day fixed by the Constitution for the annual meeting of Congress, the House of Representatives of the Fifty-fourth Congress assembled in their Hall for their second session at 12 o'clock m.

The SPEAKER (Hon. THOMAS B. REED, a Representative from the State of Maine) called the House to order.

The Chaplain of the House, Rev. H. N. COUDEN, offered the following prayer:

Almighty God, our heavenly Father, we approach Thee in the attitude of prayer and devotion because we believe in Thee as not only the creator and upholder of all things but that Thou dost preside over the destiny of men and of nations. Hitherto Thou hast shaped the progress of our Union and made it strong and great. Continue, we beseech Thee, to guide our destiny, that the genius of our Republic may more and more obtain. May the harmony which prevails throughout our borders continue. Keep us ever in peace with all the world.

Bless our President and all others in authority, that they may be guided by Thy wisdom to a faithful performance of all their duties. Bless the Congress now convened. Make it an instrument in Thy hands to the promotion of great good.

Be graciously near to the friends and families of those who have departed this life since we last met. Comfort them with the blessed hope of immortality; and let Thy kingdom come in the hearts of men that Thy will may be done in all the earth, through Jesus Christ our Lord. Amen.

The SPEAKER. The Clerk will proceed to call the roll of members by States.

The roll was called, showing the presence of the following-named Members and Delegates:

ALABAMA.

William F. Aldrich.
Albert T. Goodwyn.
John H. Bankhead.
Milford W. Howard.
Joseph Wheeler.
Truman H. Aldrich.

ARKANSAS.

Philip D. McCulloch.
John S. Little.
Thomas C. McRae.
William L. Terry.
Hugh A. Dinsmore.
Robert Neill.

CALIFORNIA.

John A. Barham.
Grove L. Johnson.
Samuel G. Hilborn.
James G. Maguire.
Eugene F. Loud.

COLORADO.

John F. Shafroth.
John C. Bell.

CONNECTICUT.

E. Stevens Henry.
Nehemiah D. Sperry.
Ebenezer J. Hill.

FLORIDA.

Stephen M. Sparkman.
Charles M. Cooper.

GEORGIA.

Rufus E. Lester.
Leonidas F. Livingston.
Charles L. Bartlett.
John W. Maddox.
Thomas G. Lawson.
Farish Carter Tate.
J. C. C. Black.
Henry G. Turner.

ILLINOIS.

J. Frank Aldrich.
William Lorimer.
Hugh R. Belknap.
Charles W. Woodman.
George E. White.
Edward D. Cooke.
George E. Foss.
Albert J. Hopkins.
Robert R. Hitt.
George W. Prince.
Walter Reeves.
Joseph G. Cannon.
Joseph V. Graff.
John I. Rinaker.
James A. Connolly.
Benson Wood.
Orlando Burrell.
Everett J. Murphy.
George W. Smith.

INDIANA.

James A. Hemenway.
Alexander M. Hardy.
Jesse Overstreet.
Henry C. Johnson.
Charles L. Henry.
George W. Faris.
J. Frank Hanly.
Jethro A. Hatch.
George W. Steele.
J. D. Leighty.

IOWA.

Samuel M. Clark.
David B. Henderson.
Thomas Updegraff.
Robert G. Cousins.
John F. Lacey.
John A. T. Hull.
William P. Hepburn.
Alva L. Hager.
Jonathan P. Dolliver.
George D. Perkins.

KANSAS.

Richard W. Blue.
Case Broderick.
O. L. Miller.
S. S. Kirkpatrick.
Charles Curtis.
W. A. Calderhead.
William Baker.
Chester I. Long.

KENTUCKY.

John D. Clardy.
W. Godfrey Hunter.
Walter Evans.
Albert S. Berry.
William C. Owens.
James B. McCreary.
Samuel J. Pugh.
Joseph M. Kendall.

LOUISIANA.

Adolph Meyer.
Charles F. Buck.

MAINE.

Thomas B. Reed.
Nelson Dingley, jr.
Seth L. Milliken.
Charles A. Boutelle.

MARYLAND.

Joshua W. Miles.
William B. Baker
Harry W. Rusk.
John K. Cowen.
George L. Wellington.

MASSACHUSETTS.

Ashley B. Wright
Frederick H. Gillett
Joseph Henry Walker.
Lewis Dewart Apsley.
William S. Knox.
W. H. Moody.
William E. Barrett.
Samuel W. McCall.
John F. Fitzgerald.
William F. Draper.
Elijah A. Morse.
John Simpkins.

MICHIGAN.

John B. Corliss.
George Spalding.
Alfred Milnes.
Henry F. Thomas.
William Alden Smith.
David D. Aitken.
Roswell P. Bishop.
John Avery.
Samuel M. Stephenson.

MINNESOTA.

James A. Tawney.
Joel P. Heatwole.
Andrew R. Kiefer.
Loren Fletcher.

MISSISSIPPI.

John M. Allen.
John C. Kyle.
Thomas C. Catchings.
Walter M. Denny.

MISSOURI.

Charles N. Clark.
Uriel S. Hall.
Alexander M. Dockery.
George C. Crowther.
Robert T. Van Horn.
David A. De Armond.
John P. Tracey.
Joel D. Hubbard.
William M. Treloar.
Richard G. Bartholdt.
Seth W. Cobb.
John H. Raney.
Norman A. Mozley.
Charles G. Burton.

MONTANA.

Charles S. Hartman.

NEBRASKA.

Jesse B. Strode.
David H. Mercer.
William E. Andrews.

NEVADA.

Francis G. Newlands.

NEW HAMPSHIRE.

Cyrus A. Sulloway.
Henry M. Baker.

NEW JERSEY.

Henry C. Loudenslager.
John J. Gardner.
Benjamin F. Howell.
Mahlon Pitney.
James F. Stewart.
Richard Wayne Parker.
Thomas McEwan, jr.
Charles Newell Fowler.

NEW YORK.

Richard C. McCormick.
Israel F. Fischer.
Charles G. Bennett.
James R. Howe.
Franklin Bartlett.
John M. Mitchell.
Henry C. Miner.
Amos J. Cummings.
William Sulzer.
George B. McClellan.
Richard C. Shannon.
Lemuel E. Quigg.
Philip B. Low.
Ben L. Fairchild.
Benjamin B. Odell, jr.
Jacob Lefever.
Frank S. Black.
George N. Southwick.
David F. Wilber.
Newton M. Curtis.
Wallace T. Foote, jr.
Charles A. Chickering.
James S. Sherman.
George W. Ray.
Theodore L. Poole.
Sereno E. Payne.
Charles W. Gillet.
James W. Wadsworth.
Henry C. Brewster.
Rowland B. Mahany.
Charles Daniels.
Warren B. Hooker.

NORTH CAROLINA.

Harry Skinner.
Fred. A. Woodard.
John G. Shaw.
William F. Strowd.
A. C. Shuford.
Romulus Z. Linney.
Richmond Pearson.

NORTH DAKOTA.

Martin N. Johnson.

OHIO.

Charles P. Taft.
Jacob H. Bromwell.
Paul J. Sorg.
Fernando C. Layton.
Francis B. De Witt.
Lucien J. Fenton.
Charles H. Grosvenor.
David K. Watson.
Winfield S. Kerr.
Henry C. Van Voorhis.
Addison S. McClure.
Robert W. Tayler.
Stephen A. Northway.
Theo. E. Burton.

OREGON.

Binger Hermann.
William R. Ellis.

PENNSYLVANIA.

Galusha A. Grow.
George F. Huff.
Henry H. Bingham.
Robert Adams, jr.
Frederick Halterman.
John E. Reyburn.
Alfred C. Harmer.
John B. Robinson.
Irving P. Wanger.
Joseph J. Hart.
Constantine J. Erdman.
Marriott Brosius.
Joseph A. Scranton.
John Leisenring.
Charles N. Brumm.
Ephraim M. Woomer.
James H. Codding.
Monroe H. Kulp.
Thaddeus M. Mahon.
James A. Stahle.
Josiah D. Hicks.
Daniel B. Heiner.
John Dalzell.
William A. Stone.
Thomas W. Phillips.
Charles W. Stone.
William C. Arnold.

SOUTH CAROLINA.

W. Jasper Talbert.
Asbury C. Latimer.
Stanyarne Wilson.
John L. McLaurin.

SOUTH DAKOTA.

John A. Pickler.

TENNESSEE.

W. C. Anderson.
Henry R. Gibson.
Benton McMillin.
James D. Richardson.
Nicholas N. Cox.
John E. McCall.
James C. McDearmon.
Josiah Patterson.

TEXAS.

Sam Bronson Cooper.
Charles H. Yoakum.
David B. Culberson.
Joseph W. Bailey.
Jo Abbott.
George C. Pendleton.
Charles K. Bell.
Joseph D. Sayers.
Miles Crowley.
George H. Noonan.

UTAH.

Clarence E. Allen.

VERMONT.

H. Henry Powers.

VIRGINIA.

William A. Jones.
Robert T. Thorp.
Claude A. Swanson.
Peter J. Otey.
Smith S. Turner.
Elisha E. Meredith.
Henry St. G. Tucker.

WASHINGTON.

William H. Doolittle.

WEST VIRGINIA.

Blackburn B. Dovener.
Alston G. Dayton.
James H. Huling.
Warren Miller.

WISCONSIN.

Henry A. Cooper.
Joseph W. Babcock.
Theobald Otjen.
Samuel A. Cook.
Michael Griffin.
Edward S. Minor.
John J. Jenkins.

WYOMING.

Frank W. Mondell.

ARIZONA.

Nathan O. Murphy.

NEW MEXICO.

Thomas B. Catron.

OKLAHOMA.

Dennis T. Flynn.

The SPEAKER. The Clerk announces that 287 members have responded to their names. A quorum being present, the House is now ready to proceed to business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. COX, its Secretary, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and the Senate is ready to proceed to business.

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The message further announced that, in compliance with the last-recited resolution, the Vice-President had appointed as said committee Mr. SHERMAN and Mr. SMITH.

SWEARING IN OF A MEMBER.

The SPEAKER. The Chair understands that there are some members-elect whose credentials are at the desk and who should be sworn in.

The credentials of Hon. J. William Stokes, as Representative-elect from the Seventh district of South Carolina, were read.

The SPEAKER. If there be no objection to the certificate, the member-elect will be sworn in.

Mr. Stokes (having been escorted to the Clerk's desk by Mr. LATIMER) was duly qualified by taking the oath prescribed by law.

The Clerk read the credentials of Hon. Charles J. Boatner as member-elect from the Fifth district of Louisiana.

Mr. MEYER. Mr. Speaker, my colleague, Mr. Boatner, is unavoidably detained from the House to-day. He is expected here in two or three days, when I trust he may be sworn in.

NOTIFICATION TO THE PRESIDENT.

Mr. CANNON offered the following resolution; which was read, considered, and adopted:

Resolved, That a committee of three members be appointed on the part of the House, to join the committee already appointed by the Senate, to wait upon the President and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

The SPEAKER announced the appointment of Mr. CANNON, Mr. PAYNE, and Mr. TURNER of Georgia as the committee on the part of the House under the resolution just adopted.

NOTIFICATION TO SENATE.

Mr. HENDERSON submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAMBLE, for ten days, on account of important business.

To Mr. DANFORD, indefinitely, on account of business; and

To Mr. KLEBERG, indefinitely, on account of sickness.

RECESS.

Mr. HENDERSON. Mr. Speaker, I move that the House take a recess untill 1 o'clock and 30 minutes p. m. to-day.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection; and accordingly (at 12 o'clock and 47 minutes p. m.) the Speaker declared the House in recess until half past 1 o'clock.

The recess having expired, at 1 o'clock and 30 minutes p. m. the House resumed its session.

Mr. DINGLEY. Mr. Speaker, I move that the House take a further recess until 2 o'clock.

There being no objection, the motion was agreed to by unanimous consent; and accordingly (at 1 o'clock and 31 minutes p. m.) the House was declared in recess until 2 o'clock.

At 2 o'clock p. m. the House resumed its session.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. CANNON, from the committee appointed by the House to join a similar committee of the Senate to wait upon the President and notify him that a quorum of both Houses had assembled and that Congress was ready to receive any communication he might be pleased to make, reported that they had performed that duty and were informed by the President that he would immediately communicate with the Congress in writing.

PRESIDENT'S MESSAGE.

A message from the President of the United States in writing was communicated to the House by Mr. PRUDEN, one of his secretaries.

The SPEAKER. The Clerk will read the message of the President.

The message was read at length.

[For message see Senate proceedings of this date.]

Mr. DINGLEY. Mr. Speaker, I present the following resolution for immediate consideration.

The Clerk read as follows:

Resolved, That the message of the President be committed to the Committee of the Whole House on the state of the Union and, with the accompanying documents, printed.

Mr. GROW. Mr. Speaker, is the message of the President debatable on that motion?

The SPEAKER. The motion of the gentleman from Maine is debatable. The gentleman from Maine is recognized if he desires to debate the resolution.

Mr. DINGLEY. I do not know what the gentleman from Pennsylvania desires. Does he wish to debate the motion?

Mr. GROW. I would like to discuss the message either now or when we go into Committee of the Whole.

Mr. DINGLEY. I think it would be better if the gentleman deferred the discussion until the House goes into Committee of the Whole.

Mr. GROW. I am satisfied either way. I shall only want a few minutes.

The resolution of Mr. DINGLEY was then agreed to.

PENSION APPROPRIATION BILL.

Mr. WILLIAM A. STONE, from the Committee on Appropriations, reported a bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes; which was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

DEATH OF HON. CHARLES F. CRISP.

Mr. TURNER of Georgia. Mr. Speaker, it is my painful duty to have to announce to the House the untimely death of my colleague, the Hon. CHARLES F. CRISP, late a member of this body, which occurred in the city of Atlanta, Ga., on the 23d day of October last.

At some later day in the session we will ask the House to appoint a time when his friends here may pay fitting tribute to his distinguished character and to his eminent public services. At the present time I offer the following resolutions for immediate consideration.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to his memory the House do now adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

The resolutions were agreed to; and accordingly the House (at 3 o'clock and 45 minutes p. m.) adjourned until 12 o'clock to-morrow, Tuesday.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a report of the contingent expenses of the Department for the fiscal year ending June 30, 1896—to the Committee on Expenditures in the Treasury Department.

A letter from Hon. Alexander McDowell, Clerk of the House of Representatives, transmitting a report for the period from December 2, 1895, to June 30, 1896, showing the names of persons employed, the time of employment, the sums paid each, itemized statement of the expenditures of the contingent fund, the stationery account, etc.—to the Committee on Accounts, and ordered to be printed.

A letter from the Architect of the Capitol, transmitting a statement as to the filtration of water used in the Capitol building, in obedience to a provision in the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896," etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fletcher B. Neblett, administrator of Richmond T. Rutledge, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Milton Taylor, administrator of Henry Shobe, deceased, Nimrod Shobe, and Solomon Shobe against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of Augustine M. Swain against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah F. Maddux, wife of J. C. Maddux, administrator of Creed T. Wise, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a detailed statement of the expenditures of all appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, including supplementary account to date—to the Committee on Expenditures in the Agricultural Department, and ordered to be printed.

A letter from Bernard R. Green, the officer in charge of the construction of the building for the Library of Congress, transmitting his report of the construction of the building for the year ending December 1, 1896—to the Committee on the Library, and ordered to be printed.

A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of books, maps, and pamphlets remaining in the folding room December 7, 1896—to the Committee on Accounts.

A letter from the United States Commissioner of Fish and Fisheries, transmitting a statement showing expenditures under all appropriations for propagation of food-fishes during the fiscal year ending June 30, 1896, and also under certain other appropriations—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A communication from the chief clerk of the Court of Claims, transmitting statements of all judgments rendered by said court for the year ending December 5, 1896, including the amounts thereof, etc.—to the Committee on War Claims, and ordered to be printed.

A letter from the Doorkeeper of the House of Representatives, transmitting a list of all books, pamphlets, furniture, etc., destroyed, due to the collapse of the annex folding room—to the Committee on Accounts.

A letter from the Doorkeeper of the House of Representatives, transmitting a statement of sales of waste paper—to the Committee on Accounts.

A letter from the Secretary of the Interior, transmitting a copy of a report of the Government directors of the Union Pacific Railway Company for the fiscal year ended June 30, 1896—to the Committee on Pacific Railroads.

A letter from the Sergeant-at-Arms of the House of Representatives, transmitting list of property in his charge December 1, 1896—to the Committee on Accounts.

A letter from the Sergeant-at-Arms of the House of Representatives, transmitting a statement showing receipts and disbursements of his office to December 1, 1896—to the Committee on Accounts.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the Senate (S. 2306) entitled "An act to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights," reported the same without amendment, accompanied by a report (No. 2290); which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Joint Select Committee of Congress on Alcohol in the Manufactures and Arts, appointed under authority of section 2 of the act of June 3, 1896, pursuant to the provisions of said act, submitted the report (No. 2291) of said committee; which said report was referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 9465) to amend section 3519 of the Revised Statutes, to provide for the coinage of gold and silver by the United States, and appropriating money for that purpose—to the Committee on Coinage, Weights, and Measures.

By Mr. CUMMINGS: A bill (H. R. 9466) to amend section 3449 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. WHEELER: A bill (H. R. 9467) granting to the Muscle Shoals Power Company the right to erect, construct, operate, and maintain dam or dams, inlet and outlet races or canals, and power station or stations in the Tennessee River at Muscle Shoals, in the State of Alabama—to the Committee on Rivers and Harbors.

By Mr. BAKER of New Hampshire: A bill (H. R. 9468) to enable the Commissioners of the District of Columbia to refuse a permit to erect stables and to grant one for the erection of dwellings—to the Committee on the District of Columbia.

By Mr. COOPER of Texas: A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court—to the Committee on the Judiciary.

By Mr. WELLINGTON (by request): A bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company—to the Committee on the District of Columbia.

By Mr. ADAMS: A bill (H. R. 9471) to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BERRY: A bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress—to the Committee on Public Buildings and Grounds.

By Mr. MAHANY: A bill (H. R. 9487) to prevent the employment of migratory aliens on Government work—to the Committee on Labor.

By Mr. LORIMER: Joint resolution (H. Res. 202) relative to improvement of Chicago River from its mouth to the stock yards, on its South Branch, and to Belmont avenue, on the North Branch—to the Committee on Rivers and Harbors.

By Mr. WOODMAN: Joint resolution (H. Res. 203) recognizing the independence of Cuba—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 9474) granting a pension to Pherola A. Hale, widow of Jonathan D. Hale—to the Committee on Invalid Pensions.

By Mr. BELL of Texas: A bill (H. R. 9475) for the relief of Calvin T. Hazelwood—to the Committee on Claims.

By Mr. BERRY: A bill (H. R. 9476) for the benefit of George W. Henderson, of Campbell County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9477) granting a pension to Christian Hohn—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9478) granting a pension to Mary I. Valentine—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9479) granting a pension to C. H. John—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 9480) for the relief of Luther Herrick, late first lieutenant Company F, Ninth Regiment New York Cavalry—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 9481) to increase the pension of Alice De K. Shattuck—to the Committee on Pensions.

By Mr. TRACEY: A bill (H. R. 9482) for the relief of James T. Anderson—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: A bill (H. R. 9483) for the relief of John N. Quackenbush—to the Committee on the Judiciary.

By Mr. WANGER: A bill (H. R. 9484) for the relief of Helen W. Mauck—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9485) granting a pension to Isaac H. Fitzmorris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9486) granting a pension to Mary A. Dickson, mother of Andrew P. Dickson, deceased—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Philadelphia Maritime Exchange, favoring the passage of a bill appropriating $40,000 for a mail boat in New York Harbor—to the Committee on Appropriations.

By Mr. TRACEY: Affidavits of John H. Jenkins and Hugh Boyle, in support of House bill No. 8717, relating to the claim of W. S. Riggs, civilian scout—to the Committee on Invalid Pensions.

Also, evidence in support of bill for the relief of David Hansel—to the Committee on Invalid Pensions.

Also, affidavits of W. D. Hubbard, R. R. Hart, and William Howell, in support of House bill No. 7243—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: Paper to accompany House bill for the relief of John N. Quackenbush—to the Committee on the Judiciary.

By Mr. WOOD: Petition of W. H. Wines and other citizens of Effingham County, Ill., against the passage of House bill No. 4566, introduced by Mr. LOUD, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mary A. Dickson, of Edgar County, Ill., for an act granting her a pension—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December 8, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

MARION BUTLER, a Senator from the State of North Carolina, and GEORGE W. MCBRIDE, a Senator from the State of Oregon, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to the resolution of May 9, 1896, calling for the number of aliens employed in the Executive Departments; which was read, as follows:

> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> *Washington, D. C., December 7, 1896.*
>
> SIR: In response to the resolution of the Senate dated May 9, 1896, I have the honor to state that I have caused a careful and thorough inquiry to be made regarding the number of aliens employed in this Department, and as a result thereof I have to report as follows:
>
> At the date of the resolution 36 aliens were employed in the Treasury Department. Since that date 12 have become naturalized—6 on May 18, 1896; 2, May 19, 1896; 1, May 20, 1896; 1, May 21, 1896; 1, May 25, 1896, and 1, May 27, 1896.
>
> One has resigned since date of resolution. There are 3 persons of foreign birth employed who came to the United States at early ages who are unable to furnish any proofs of their parents' citizenship, and 2 foreign born who married in the United States, but can furnish no evidence of their deceased husbands' citizenship.
>
> Respectfully, yours,
> J. G. CARLISLE,
> *Secretary.*
>
> The honorable the VICE-PRESIDENT AND PRESIDENT OF THE SENATE.

Mr. GALLINGER. This communication is in answer to a resolution that I had the honor to offer in the Senate. I desire simply to say that it is gratifying to me to notice, from the reply made by the Secretary of the Treasury, that the aliens who have had conspicuous employment in the public service have found it convenient, since attention has been called to this matter, to take out naturalization papers. I think the purpose is being accomplished for which the resolution was offered. I move that the communication lie on the table and be printed.

The motion was agreed to.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Commissioner-General of Immigration of the results of his mission to the Italian Government October, 1896; which was read.

Mr. CHANDLER. I move that the communication, with the accompanying report, be referred to the Committee on Immigration, and that 500 extra copies be printed for the Commissioner-General of Immigration.

The motion was agreed to.

JUDGMENTS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting a statement of all judgments rendered by the Court of Claims for the year ended December 5, 1896, the amounts thereof, the parties in whose favor rendered, etc.; which was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the clerk of the Court of Claims, transmitting, pursuant to the provisions of section 8 of the act of Congress approved March 3, 1891, a list of judgments rendered in favor of claimants and against the United States and defendant Indian tribes, and not heretofore appropriated for; which, with the accompanying paper, was referred to the Committee on Indian Depredations, and ordered to be printed.

LOTS IN THE CITY OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to the resolution of May 18, 1896, asking for a list of lots in the city of Washington claimed by private owners the title to which is in the United States, giving the result of a partial examination, and suggesting the necessity of an additional appropriation to complete the work; which was read.

Mr. CULLOM. It is somewhat difficult to determine to which committee the communication ought to be referred. It seems to wind up by asking for an appropriation, and probably it should be referred to the Committee on Appropriations and printed. I will make that motion, in the absence of the chairman of the committee.

The motion was agreed to.

UNION PACIFIC RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Government directors of the Union Pacific Railway Company for the year ended June 30, 1896; which, with the accompanying report, was referred to the Committee on Pacific Railroads, and ordered to be printed.

FILTRATION OF WATER IN CAPITOL BUILDING.

The VICE-PRESIDENT laid before the Senate a communication from the Architect of the Capitol, transmitting, in response to a provision in the deficiency appropriation act of June 30, 1896, a report as to the methods for the filtration of water used in the Capitol building; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Fish and Fisheries for the year ended June 30, 1896; which was referred to the Committee on Fisheries, and ordered to be printed.

REPORT OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT laid before the Senate a communication from the Sergeant-at-Arms of the Senate, submitting a full and complete account of all property belonging to the United States in his possession December 7, 1896; which was read, and, with the accompanying papers, ordered to lie on the table and be printed.

REPORT OF SECRETARY OF THE SENATE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Senate, submitting, in obedience to law, a full and complete account of all property belonging to the United States in his possession on the 7th day of December, 1896; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1895, to June 30, 1896; which was ordered to lie on the table and be printed.

PERMANENT CENSUS SERVICE.

The VICE-PRESIDENT laid before the Senate, in compliance with the joint resolution relating to the Federal census, approved March 19, 1896, a report of the Commissioner of Labor on a plan for the adoption of a permanent census service; which was referred to the Committee on the Census, and ordered to be printed.

CONGRESSIONAL LIBRARY BUILDING.

The VICE-PRESIDENT laid before the Senate the report of Bernard R. Green, superintendent in charge, relative to the progress of the construction of the building for the Library of Congress during the year ended December 1, 1896; which, with the accompanying papers, was referred to the Select Committee on Additional Accommodations for the Library of Congress, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at the national encampment of the Grand Army of the Republic, held at St. Paul, Minn., September 3 and 4, 1896, favoring the enactment of legislation providing for the better protection of the national flag; which were referred to the Committee on the Library.

He also presented resolutions adopted at a meeting of the Monday Club, of Norfolk, Va., favoring the enactment of legislation relieving the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Master Car Builders' Association, of Chicago, Ill., and a petition of the American Railway Master Mechanics' Association, of Chicago, Ill., praying for the enactment of legislation looking toward the compulsory use of the metric system of weights and measures in the United States; which were referred to the Committee on Finance.

He also presented a petition of the Master Car Builders' Association, of Chicago, Ill., praying that an appropriation be made for the continuance and more rapid advance of the work in the Forestry Division of the United States Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of legislation prohibiting interstate gambling by telegraph; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of legislation to substitute voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of legislation providing for the appointment of an impartial commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

Mr. MORRILL. I present a letter, in the nature of a petition, addressed to the Finance Committee of the Senate, signed by sundry manufacturing companies of Milwaukee, Wis., praying for the passage of the Dingley tariff bill. I move that the communication be referred to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL presented a petition of the Wool Merchants' Association of Philadelphia, Pa., and a petition of sundry wool merchants of St. Louis, Mo., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. CAMERON presented a petition of the Manufacturers' Club of Philadelphia, Pa., and a petition of the Wool Merchants' Association of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented sundry memorials of the Philadelphia (Pa.) Printing Pressmen's Union, No. 4, remonstrating against the loose construction by the Board of General Appraisers of the clause in the free list of the tariff act of 1894 relating to "scientific books and periodicals devoted to original scientific research," which inflicts great injury to their craft; which were referred to the Committee on Finance.

He also presented a memorial of the War Veterans' Association of Allegheny County, Pa., remonstrating against the action of the President of the United States in placing certain subordinate positions in a large number of the Departments of the Government under civil-service rules and praying that that injustice to those who served the Government in the late rebellion be remedied; which was referred to the Committee on Civil Service and Retrenchment.

Mr. QUAY presented the petition of Paine & Lyne and sundry other wool merchants of the State of Utah, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. SEWELL presented a communication from members of societies of the Colonial Dames of America, in answer to protests made by the original New York Society of Colonial Dames of America against the passage of Senate bill No. 3087, incorporating the National Society of the Colonial Dames of America; which was referred to the Committee on the Library.

Mr. LODGE presented a petition signed by 58 wool traders of Boston, Mass., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. McMILLAN presented a memorial of the Vermont State Medical Society of Burlington, Vt., remonstrating against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia;" which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young Men's Christian Association of St. Louis, Mo., praying for the passage of a law raising the age of consent in the District of Columbia; which was ordered to lie on the table.

Mr. SHERMAN presented resolutions adopted at a meeting of citizens of Amesville, Ohio, favoring the enactment of legislation for the relief of the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation amending the law relating to merchandise imported in foreign vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation granting protection to the ocean mail steamship service of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the channel leading to the navy-yard at Mare Island, in that State; which was referred to the Committee on Appropriations.

Mr. HARRIS presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying that an appropriation be made for dredging in front of the city wharf and Water street in that city; which was referred to the Committee on Commerce.

Mr. BRICE presented the petition of J. D. Platt, of Dayton, Ohio, praying for the passage of the so-called educational-test bill; which was ordered to lie on the table.

He also presented the petition of E. A. Willard, secretary of the committee of the tea trade of the United States, praying that a specific duty be placed upon tea; which was referred to the Committee on Finance.

He also presented a petition of the A. K. Tatem Label Company, of Salem, Ohio, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented the petition of Irvin C. Souders, president of the Royal Remedy and Extract Company, of Dayton, Ohio, praying for the enactment of legislation reforming the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John Kalbfleisch, of Clarington, Ohio, and the petition of Amos Huffman, of Wilmington, Ohio, praying for the passage of Senate bill No. 351, providing for the adjustment of pensions of those who have lost limbs or have been totally disabled; which were referred to the Committee on Pensions.

He also presented a memorial of sundry vessel owners, manufacturers, and merchants of Cleveland, Ohio, remonstrating against the passage of Senate bill No. 924, providing for the erection of a bridge across the Detroit River at Detroit, in the State of Michigan; which was ordered to lie on the table.

He also presented petitions of the Massillon Board of Trade, of Massillon; of the Cleveland Chamber of Commerce, of Cleveland; of the Laidlaw-Dunn-Gordon Company, of Cincinnati; of the National Cash Register Company, of Dayton; of Messrs. Taplin, Rice & Co. and the Werner Company, of Akron; of Homer Laughlin, of East Liverpool; of the Sherwin-Williams Company, the Cleveland Twist Drill Company, the King Bridge Company, the National Screw and Tack Company, the Grasselli Chemical Company, and the American Wire Company, of Cleveland, all in the State of Ohio, praying for the enactment of legislation providing for the establishment of a new department, to be known as the department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. CALL. I present a communication, in the nature of a petition, signed by B. W. Arnold, of Palmetto, Fla., in reference to a change in our present system of weights and measures and the adoption of the metric system. I move that the communication be printed in the form of a miscellaneous document, as it is a valuable and important paper, and that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. CULLOM presented a petition of the Wool Section, Manufacturers' Club, of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented sundry telegrams, in the nature of memorials, from Armour & Co., J. C. Ames, C. A. McDonald & Co., W. H. Harper, and James H. Milne, of Chicago, Ill., protesting against the passage of what is known as the Detroit River bridge bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Evanston, Ill., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

AFFAIRS IN CUBA.

Mr. CULLOM. I will take the liberty, while I am upon the floor, to state that, if agreeable to the Senate, on Thursday morning I shall submit some remarks upon the Cuban question.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, conveyed to the Senate the intelligence of the death of Hon. Charles F. Crisp, late a Representative from the State of Georgia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3494) granting a pension to Frances M. Roberts;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;

A bill (H. R. 6634) granting a pension to Sarah M. Spyker;

A bill (H. R. 7066) for the relief of John Berrisford; and

A bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3494) granting a pension to Frances M. Roberts;

A bill (H. R. 5787) for the relief of Henry A. F. Worth; and

A bill (H. R. 6634) granting a pension to Sarah M. Spyker.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 7066) for the relief of John Berrisford; and

A bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins.

AMENDMENT TO IMMIGRATION BILL.

Mr. SEWELL submitted an amendment intended to be proposed by him to the bill (H. R. 7864) to amend the immigration laws of the United States; which was ordered to lie on the table and be printed.

DEATH OF REPRESENTATIVE CRISP.

Mr. BACON. I ask that the message from the House of Representatives relative to the death of ex-Speaker Crisp be laid before the Senate.

Mr. CALL. I ask the Senator from Georgia to allow me to offer a resolution.

Mr. BACON. I do not desire to interfere with the Senator, but——

Mr. CALL. I merely wish to offer a resolution that it may lie on the table.

Mr. BACON. I will yield for that purpose.

Mr. CALL. I offer the resolution which I send to the desk. I ask that it be read and lie on the table. I desire to make some observations upon it hereafter.

The VICE-PRESIDENT. The resolution will be read.

Mr. GALLINGER. Has that order been reached, I will inquire? I make the point of order that the order of resolutions has not been reached.

The VICE-PRESIDENT. The Chair will recognize the Senator from Florida when the order of resolutions is reached. The Chair lays before the Senate the resolutions of the House of Representatives called up by the Senator from Georgia

Mr. SEWELL. Pending that, if the Senator from Georgia will allow me, I wish to introduce a bill.

Mr. SHERMAN. This is a privileged matter, from the other House.

The VICE-PRESIDENT. The Chair thinks it is privileged.

Mr. HALE. I hope the Senator from Georgia will go on.

Mr. BACON. I will not refuse to give way for anything that is imperative, but anything which can wait until another day I think might very well be now postponed.

Mr. CULLOM. Let the resolutions be read.

Mr. BACON. I ask that the resolutions of the House of Representatives be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December 7, 1896.*

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to his memory the House do now adjourn

Resolved, That the Clerk communicate these resolution to the Senate

Mr. BACON. Mr. President, at some future time I shall ask the Senate to appoint a day when eulogies may be heard upon the deceased member of the other House, ex-Speaker Crisp. As a mark of respect to his memory, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 9, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 8, 1896.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REPORT OF MANAGERS NATIONAL SOLDIERS' HOME.

Mr. HULL. Mr. Speaker, I understand that the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers is to be laid before the House, and I desire to move that the part of it which relates to the government of the Home be referred to the Committee on Military Affairs.

I also ask leave to offer the following resolution in regard to the printing of the report——

The SPEAKER. Is reference required to more than one committee of the subjects contained in the report?

Mr. HULL. I have not examined it. I think it is in relation to the government of the Home entirely. If they make a report as to additional buildings, that would go to the Committee on Military Affairs just the same, I think.

Mr. CURTIS of New York. It always goes there.

Mr. CANNON. Let me look at it before the gentleman makes his motion. I apprehend that I shall not antagonize it.

Mr. HULL. I think it goes to the Committee on Military Affairs in its entirety.

Mr. CURTIS of New York. It always does.

Mr. CANNON. I ask for information. Has the usual motion to refer the President's message been offered?

The SPEAKER. The motion to refer it to the Committee of the Whole was offered and agreed to yesterday. The motion to distribute it to the various committees has not been made.

Mr. CANNON. Is this merely notice of a motion to be made hereafter, or is it a motion that is made now?

The SPEAKER. This is simply in relation to printing and referring the report of the governors of the Soldiers' Home.

Mr. CANNON. That report has not yet come before the House.

Mr. HULL. This is simply a motion to have it referred and printed.

Mr. McMILLIN. I make the point of order that it is impossible to hear what gentlemen are saying.

Mr. CANNON. I apprehend there will be no difficulty and no disagreement about the matter; but after all, I should be very glad to see the report printed, and then it can be referred.

Mr. HULL. My motion simply is that so much of it as should go to the Committee on Military Affairs be referred to that committee, the same as the President's message will be referred to various committees, and to have a few additional copies printed.

Mr. CANNON. After all, it will be printed in the usual course in a day or two, will it not?

Mr. HULL. This resolution with reference to printing should go in now, so that there may be a few extra copies printed for the managers and the different Homes.

Mr. McMILLIN. Mr. Speaker, we have not heard the gentleman's motion, and I do not know whether it is privileged or not. It was made in a low tone of voice. I rise to a parliamentary inquiry, as to whether the motion which the gentleman makes is privileged.

The SPEAKER. A motion to print extra copies for the managers of the Homes would not be a privileged motion.

Mr. HULL. I will change it by adding that so much of the report as goes to other committees be referred to those committees, so that the Committee on Appropriations will be entirely protected if any part of it ought to go to that committee.

The SPEAKER. The Chair will refer it under the rule. So much of it as relates to military affairs will be referred to the Committee on Military Affairs, and so much of it as relates to appropriations to the Committee on Appropriations.

Mr. CANNON. That is correct.

Mr. HULL. That is right. I now offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa [Mr. HULL] offers the following resolution, which, not being privileged, will require the unanimous consent of the House. The Clerk will read.

The Clerk read as follows:

Resolved, That there be printed and bound of the Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, for the use of the Board of Managers of the National Home for Disabled Volunteer Soldiers, 250 copies of the full report of the Board, 500 copies of the report proper, 500 copies of the report of the assistant inspector general on the State Homes, and 150 copies of the record of members.

Mr. McMILLIN. Mr. Speaker, I would ask the gentleman if he has any information from the Public Printer or otherwise as to what will be the cost of the extra printing?

Mr. HULL. I have not.

Mr. DOCKERY. Should not the resolution go to the Committee on Printing?

Mr. STEELE. It will cost just that much more. These will be printed at the same time as the usual number, with scarcely any additional expense.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

FREE USE OF ALCOHOL IN MANUFACTURES AND ARTS.

Mr. EVANS. Mr. Speaker, the Joint Select Committee on the Use of Alcohol in the Manufactures and Arts submitted a report on yesterday, which, by error, was referred to the Committee of the Whole House on the state of the Union. I think it ought to go to the Committee on Ways and Means. I therefore ask that that reference be made.

Mr. DINGLEY. Mr. Speaker, it should be referred to the Committee on Ways and Means.

The SPEAKER. Without objection, the correction will be made. [After a pause.] The Chair hears no objection.

ORDER OF BUSINESS.

The SPEAKER. There being no unfinished business on the Speaker's table, the next thing in order is a call of the standing committees for the consideration of bills. The call rests with the Committee on Naval Affairs. The Clerk will call the various committees in their order.

USE OF POSTAL CARDS.

Mr. LOUD (when the Committee on the Post-Office and Post-Roads was called). Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to call up the bill H. R. 4157. It is on the House Calendar.

The bill was read, as follows:

A bill (H. R. 4157) to amend the postal laws relating to use of postal cards.

Be it enacted, etc., That from and after the 1st day of July, 1896, it shall be lawful to transmit by mail, at the postage rate of a cent apiece, payable by stamps to be affixed by the sender, and under such regulations as the Postmaster General may prescribe, written messages on private mailing cards, such cards to be sent openly in the mails, to be no larger than the size fixed by the convention of the Universal Postal Union, and to be approximately of the same form, quality, and weight as the stamped postal card now in general use in the United States.

Mr. LOUD. In my own time I ask that the report be read. It is a full explanation of this bill.

The report (by Mr. LOUD) was read, as follows:

The Committee on the Post-Office and Post Roads, to whom was referred the bill (H. R. 4157) to amend the postal laws relating to use of postal cards, submit the following report:

Your committee present this bill upon the recommendation of the Post-Office Department and such careful investigation as we have been able to give the subject with the means at our command. We are satisfied at least that no possible harm can result from its passage, and from the best information in our possession it will tend to increase the use of the card system, and the Government will save the difference in cost between the postage stamp to be used and the postal card.

This system has been very successfully tried in England, and resulted in a very large increase of business.

While, of course, we recognize the fact that conditions may be different here, still, in view of the certainty that no harm can result from its enactment, and that it may tend to popularize the Post-Office Department, which should always be our aim within the lines of safety, we earnestly recommend its passage.

Your committee respectfully submit the views of the Postmaster-General expressed in his annual report, together with his letter recommending the passage of this bill.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 12, 1896.

SIR: I have the honor to inclose bill submitted to me by yourself a few days ago authorizing the use of private postal cards in the mails, and to say that I approve this bill, with the limitations contained in it.

On page 32 of my annual report for the year 1895 I called attention to the great success of the experiment in Great Britain and Ireland of the use of private postal cards, and suggested their adoption in this country as possibly meeting a public need and as relieving the Department itself of some of the expense of printing, storing, and handling of the present official cards. In the last report of the postmaster-general of Great Britain and Ireland it is stated that seven months after the adoption of the private postal card the number mailed increased from 248,500,000 to 312,750,000, being an increase of 26 per cent.

These cards should be issued under regulations prescribed by this Department, and should be of the same size and weight as the card issued by the Government, to facilitate their handling and transmission in the mails.

I have the honor to be, very respectfully,

WM. L. WILSON,
Postmaster-General.

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post Roads,
House of Representatives, City.

The great success of the adoption of private post cards recited in the last report of the postmaster-general of Great Britain and Ireland leads me to suggest their adoption in this country as meeting a possible public need, and as relieving the Department itself from some expense in the printing, storing, and handling of the present official cards. According to the report above referred to, in seven months after the adoption of the private post card the number mailed in Great Britain and Ireland increased from 248,500,000 to 312,750,000, being a difference of 26 per cent. The experiment would, therefore, seem to be well worth trying in our own country, and I recommend that authority for the use of private post cards in our mails be granted by Congress. Of course these cards should be of the same size and weight as the cards issued by the Government, and postage at the rate of 1 cent per card should be prepaid upon them.

Mr. LOUD. Unless some gentleman desires to discuss this matter, I will ask for a vote.

Mr. McMILLIN. I would ask the gentleman in charge of the bill what change it makes from the present system of the use of postal cards.

Mr. LOUD. This will allow private individuals and business firms to use a private card of their own, conforming to the regulations as to size, etc. It will effect a saving to the Government, I will say, in that we will not have to manufacture the cards. The bill is recommended by the Department.

Mr. McMILLIN. Do you think there is any danger of the revenues being impaired by the use of these postal cards?

Mr. LOUD. We have every reason to believe that it will increase the revenues very materially. That has been the experience in England, where the system has been in very successful operation for several years. It will save to the Government the cost of printing and transportation. It is a profitable part of the operations of the post-office business. The parties must affix a 1-cent postage stamp.

Mr. RICHARDSON. What kind of advertisements can they put on them? Did you explain that?

Mr. LOUD. No; the card must conform to present law in that respect. I will offer to amend this bill by inserting the words "ninety-seven," in line 4, instead of the words "ninety-six."

The SPEAKER. The gentleman from California moves to amend by inserting in line 4 the words "ninety-seven," instead of the words "ninety-six."

Mr. LOUD. This bill was to take effect on the 1st of July, 1896, which time has now passed.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDEMNITY FOR LOSS OF REGISTERED MAIL MATTER.

Mr. LOUD. Mr. Speaker, I call up the bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter.

The bill was read, as follows:

Be it enacted, etc., That section 3926 of the Revised Statutes be amended so as to read as follows:

"SEC. 3926. For the greater security of valuable mail matter the Postmaster-General may establish a uniform system of registration, and as a part of such system he may provide rules under which the sender or owners of first-class registered matter shall be indemnified for losses thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed $10 for any one registered piece, or the actual value thereof when that is less than $10, and for which no other compensation or reimbursement to the loser has been made: *Provided*, That the Post-Office Department or its revenues shall not be liable for the loss of any other mail matter on account of its having been registered."

Mr. DINGLEY. Mr. Speaker, I notice that this would require a point to be made that it should receive its first consideration in Committee of the Whole.

Mr. DOCKERY. Better do it.

Mr. DINGLEY. Is this a unanimous report of the committee?

Mr. LOUD. It is. I will state that the bill has been recommended by the Post-Office for years, and it is now on the House Calendar.

Mr. DINGLEY. I know; but it should be on the Union Calendar, as it involves a charge on the Treasury.

Mr. DOCKERY. Possibly a very decided charge.

Mr. LOUD. Do you desire to have it referred to the Committee of the Whole House on the state of the Union?

Mr. DINGLEY. I make no objection to its consideration now, as it is a unanimous report.

Mr. QUIGG. Mr. Speaker, I desire to make the point of order that I should like to hear this discussion.

The SPEAKER. The gentleman from New York makes the point of order that the House is not in order. The House will please be in order.

Mr. QUIGG. Mr. Speaker, I should like to ask the gentleman from California as to the value of the registered matter that is lost. What is the annual average?

Mr. LOUD. I do not know that I can inform the gentleman now. If he will listen to the reading of the report I think it will give full information as to the facts. It will give all the information in our possession. It gives the report of the Postmaster-General and his recommendation, which I will ask to have read in my time. It covers this case fully.

Mr. DOCKERY. Has consent been given to consider the bill in the House? Consent has not yet been given to its consideration.

The Clerk proceeded to read the report, as follows:

The Committee on the Post-Office and Post Roads, to whom was referred the bill (H. R. 4156) to amend the postal laws relating to loss of registered mail matter, submit the following report:

Limited indemnity in cases of lost registered mail matter, while new to this country, has been successfully demonstrated in most countries of Europe.

Registration, we assume, is a most profitable branch of our postal service, and such steps as can be safely taken to bring it into more common use should be adopted, and after careful investigation of this subject we recommend the passage of the bill.

Following are the views of Postmasters-General Bissell and Wilson, together with letter of Postmaster-General Wilson recommending this measure, and statistics of registered mail matter lost during the past year:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 2, 1896.

SIR: I have the honor to return herewith a bill submitted by you to me personally, proposing a limited indemnity for the loss of registered matter in the mails by an amendment of section 3926 of the Revised Statutes, and to say that the bill meets with the approval of this Department. It is in the line of the recommendations of my predecessor, and on page 32 of my annual report for the year 1895 the reasons for the enactment of such a law are stated.

I have the honor to be, very respectfully,

WM. L. WILSON,
Postmaster-General.

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, City.

[Report Postmaster-General Bissell.]

INDEMNITY FOR LOST REGISTERED MATTER.

The Third Assistant Postmaster-General renews his recommendation of last year, for the enactment of a law under which indemnity, not to exceed $10 in any case, may be made for actual losses in the registered mails when recovery, after investigation, is found to be impossible.

It is his opinion that under such a law a considerable amount of revenue would be obtained from increased registrations and that the losses in the ordinary mails would be greatly reduced.

Such an indemnity is paid by all the principal foreign administrations. I recommend that the matter be laid before Congress.

[Report Postmaster-General Wilson.]

LIMITED INDEMNITY FOR LOST REGISTERED MATTER.

In the report of last year, submitted by my predecessor, attention was called to the expediency of a law authorizing the payment of an indemnity, not exceeding $10 in any case, for losses of registered matter in the mails.

I beg leave to renew this recommendation. It is part of the system of registration in most of the leading countries of the world, and would add to the popularity of our own system if adopted. It seems, besides, but equitable that after matter has been put into the mails, at an increased cost over ordinary matter, and with a special view to its security, the Government should, to a limited extent at least, guarantee its safety. In addition to this, I am of the opinion that such a modification of the system would prove so popular that in a short time nearly all valuable matter to be sent through the mails would be registered, so that but few losses would be likely to occur, and these could be much more satisfactorily investigated and located than is the case when losses occur in the ordinary mails. The saving to the Government in the investigation of such losses would probably more than repay it for the amount expended for indemnity.

This is a matter that will no doubt be brought before the Postal Union Congress, which is to meet in this city in 1897; but before that time a law should be enacted authorizing the introduction of this reform into our domestic postal system.

REGISTERED MAIL LOSSES.

Five thousand two hundred and eighty complaints pertaining to the registered mail were received during the year. Of this number 2,513 alleged the rifling or abstraction of the contents of the letters or packages, and 2,302 announced the entire loss of the letter or package and contents. Only 19 complaints of carelessness by postal employees were received.

A comparison of the office records for the last two fiscal years shows that the total number of complaints affecting the registered mail during the fiscal year 1895 was less by 646 than the total number of complaints of the same character received during 1894, a ratio of decrease of nearly 11 per cent. It is worthy of note that the total number of actual losses which occurred in the registered mail during the last fiscal year was 465 less than those determined during the previous year, or a decrease of a little more than 24 per cent. The statistics of the Department show that the employees of the postal service handled, approximately, 14,428,081 pieces of registered mail during the last fiscal year, with the inconsiderable loss of one piece in every 21,316 handled.

REGISTRATION STATISTICS.

The number of pieces of mail matter registered during the year was 14,428,081, of which 11,744,525 were paid registrations and 2,683,556 were official or free. This shows a falling off in paid registrations of 5.7 per cent. The decrease in the aggregate of fees collected is $57,361.04.

Mr. McMILLIN (during the reading of the report). Mr. Speaker, do I understand that the bill is up for consideration?

The SPEAKER. It is up for consideration.

Mr. McMILLIN. In strictness the consideration of this bill would have to be in Committee of the Whole, because it provides for fixing a liability upon the Government, and I should have made the point earlier but for the fact that owing to the confusion in the Hall I was unable to gather the full scope of the bill as it was read. I submit that the bill is really a very far-reaching one, inasmuch as it makes the Government liable for losses of registered mail matter, or authorizes the Postmaster-General to make regulations under which the Government shall be liable for such losses, and it strikes me that it is a bill of sufficient importance to at least require very careful consideration.

Mr. LOUD. I have no objection, Mr. Speaker, to the bill being considered in Committee of the Whole, as I stated when the gentleman from Maine [Mr. DINGLEY] rose to make the point a while ago. I do not, however, think that the bill is of such great importance as the gentlemen from Tennessee suggests.

Mr. DOCKERY. Bills on the Union Calendar are not in order under this call.

The SPEAKER. They are not. Is this bill on the Union Calendar?

Mr. DOCKERY. No; but the point is made by the gentleman from Tennessee [Mr. McMILLIN] that it ought to be there, inasmuch as it involves a liability, and possibly a very large liability, upon the Government. The bill seems to have been erroneously referred to the House Calendar.

The SPEAKER. I suppose the point of order ought to have been made before discussion was entered upon. It would now seem to come too late.

Mr. DOCKERY. I think there was some sort of understanding that the rule would not be insisted on.

The SPEAKER. The gentleman from California [Mr. LOUD] states that he would be very willing to have the bill discussed in Committee of the Whole, but at the present stage of the proceeding that would require unanimous consent.

Mr. McMILLIN. The gentleman from California is strictly within the rule. The bill seems to have been erroneously referred to the House Calendar, but, being on that Calendar, it would of course be entitled to consideration in this hour. The trouble is that the bill was erroneously referred, and in that way was made in order at this time. The suggestion of the Chair would probably meet the difficulty.

Mr. LOUD. I am perfectly willing, Mr. Speaker, to accede to any reasonable suggestion that may be made.

Mr. McMILLIN. I will ask consent that the bill be considered in Committee of the Whole.

The SPEAKER. The Chair would suggest that if it was brought up in that way it ought to be brought up at the end of this hour. The Chair thinks that to bring up bills in this hour and then go into Committee of the Whole would make confusion in the practice of the House.

Mr. McMILLIN. I think the Chair is quite right, and I will therefore defer the request until the expiration of this hour. I realize, Mr. Speaker, that under a strict construction of the rule, the point of order not having been made when the gentleman from California asked for the consideration of the bill, he is entitled to have it considered at this time. Realizing that, I did not make the point of order that the bill could not be considered in this hour, because the House had already entered upon its consideration. I made my suggestion merely to call attention to the provisions of the bill, believing that when attention was called to it the House would be disposed to give the measure the careful consideration that it seems to require.

Mr. DOCKERY. But the gentleman from Tennessee did say that he would have made the point of order in time if he had been able to hear the reading of the bill.

The SPEAKER. As the consideration of the bill has been begun, perhaps it may as well go on. The gentleman from California [Mr. LOUD] desires to have the report read in full.

The Clerk resumed and completed the reading of the bill as above.

Mr. LOUD. Mr. Speaker, an investigation of the registration branch of the Post-Office will show that we are gradually losing our registration business, while we are still maintaining the expensive machinery which that branch of the postal service demands. The express companies throughout the country, which guarantee indemnity in case of loss, are gradually absorbing all this class of business, which was formerly done by the Post-Office Department, and to those who have looked into the matter it seems quite clear that the time has arrived when we ought either to go out of the registration business or else provide some such system as is here proposed, whereby the people may have a guaranty of the safety of such matter as they confide to the charge of the Department, or some measure of indemnity for its loss. The Government charges a very liberal fee for registration for packages and letters, 8 cents, and the registration department is one of the most profitable branches of the service. For several years past Postmasters-General have called the attention of Congress to the necessity of providing for some limited indemnity for losses incurred by persons who send registered matter through the mails. Now, on the basis of the packages lost in the year 1895 (and the amount of loss upon packages is being continually reduced) it would have cost this Government not more than $25,000 had we paid $10 for every package that was lost.

The Post-Office Department is becoming more perfect in its operations day by day—more careful in the execution of its business; and, as I have remarked, the number of lost packages is decreasing year by year. We therefore have no right to assume that the ratio will increase. But we do assume that if we can give a guaranty of the safe delivery of matter confided to the care of the Post-Office Department our registration business will increase to the extent not merely of $25,000 a year, but $50,000 or $75,000 a year, and of this amount at least one-half would be clear profit to the Government.

Mr. QUIGG. May I inquire of the gentleman from California whether it is proposed to charge a fee for the insurance which this bill proposes in connection with the registration?

Mr. LOUD. No additional fee—nothing more than is charged at present. We charge now a fee of 8 cents for registration; and we do not guarantee in any manner the delivery of the matter thus confided to the mails.

Mr. QUIGG. And it is proposed to insure the safe delivery of this mail matter for no additional fee?

Mr. LOUD. That is what is proposed.

Mr. QUIGG. Now, I call the attention of the gentleman to the fact that on the registration of last year, had this bill been in force as a law, the United States would have been liable (if I understand aright the figures before me) to the extent of $117,000,000.

Mr. LOUD. Will the gentleman repeat that statement?

Mr. QUIGG. The Postmaster-General in this report says that the number of pieces of mail matter registered by paid registration was 11,744,525. Now, if the Government had been liable——

Mr. LOUD. That is, if all those pieces of registered matter had been lost.

Mr. QUIGG. Yes; if they had all been lost——

Mr. LOUD. I should prefer, Mr. Speaker, if the gentleman is going to make a speech——

Mr. QUIGG. I am not going to make a speech. I merely wish, with the permission of the gentleman from California, to call the attention of the House to the rather serious character of the insurance which this bill proposes. I have no doubt that a bill could be drawn which would amply justify any responsibility which the Government may assume.

Mr. LOUD. If the gentleman wishes to discuss the bill I will yield to him. How much time does he wish?

Mr. QUIGG. I do not know that I want more than two or three minutes.

Mr. LOUD. I will yield the gentleman five minutes, if he wishes to occupy that much time.

Mr. QUIGG. Mr. Speaker, it appears from this statement of the Postmaster-General that had this bill been in operation during the last year as a law the United States would have been liable on the registered business of that year to the extent of $117,000,000. Of course, it is not supposable that any considerable proportion of this registered mail matter would have been lost; but it does appear that 5,280 complaints were made in reference to registered packages that went astray. This means that under a bill of this kind we should have been liable on these complaints to the extent of $52,800.

Now, if it were proposed to charge an additional fee which would reimburse the Government to the extent of the loss which may be expected to occur, such legislation would seem to be entirely justifiable. But if it is proposed to make the Government liable without enabling it to recoup its necessary loss—because there must inevitably be a certain amount of loss—I shall have to vote against the bill.

It seems to me there ought to be in the bill a provision authorizing the Postmaster-General, in establishing this uniform system of registration, to require an additional fee whenever the sender of registered matter may wish the Government to insure him. I hope the gentleman from California will embody in his bill such a provision. I should think that anybody who may wish to send through the mails a package, valuable even to the extent of $5, would willingly pay an additional fee of five or ten cents. Under such a system the Government would have some chance of getting back the money which it must pay upon these losses.

The gentleman from California is continually reminding Congress of the fact that there exists in the postal business of the Government a large deficit—that our expenditures for that service are, I believe, nine or ten million dollars ahead of our receipts, yet is in danger by this bill of increasing the deficit in the sum of $50,000, more or less.

Mr. BINGHAM rose.

Mr. LOUD. I will yield to the gentleman from Pennsylvania. How much time does he desire?

Mr. BINGHAM. About five minutes.

Mr. LOUD. I will yield that time to the gentleman.

Mr. BINGHAM. The remarks of the gentleman from New York, predicated upon a statement of the obligations of the Government, presuppose the absolute loss of every package carried in the registered mail, making such obligation amount to 15,000,000. Should the gentleman's argument be seriously considered by the House, it would be in conflict with the statistical basis upon which all our life-insurance companies and great express companies proceed in carrying on their business. Both these classes of corporations assume in the transaction of their business obligations and liabilities in excess of any supposable loss by the death of the insured parties or by the loss of packages carried by express.

Mr. QUIGG. But of course those companies charge a *fee for* the obligation which they assume.

Mr. BINGHAM. They charge their regular commission, as we charge in registration of mail matter the regular fee of 8 cents on each parcel, which presupposes that, by reason of the care in the transmission of the vast amount of mail carried, the loss bears a very small relation to that amount. I will give the gentleman the figures from the report. The International Postal Union, five years ago, asked that the Government of the United States might, in accord with the governments of the rest of the world, give an indemnity for such losses as those covered by this bill. We did not do it, and, although that has been the recommendation of the various officials of the Department during the last five years, this is the first legislative expression which has been presented to carry out that purpose.

Now, Mr. Speaker, a word as to the figures involved in this legislation. The registration fees received by the Department during the last fiscal year amounted to $975,388.88. Of this vast amount, the work accomplished covered the handling of fifteen millions and upward of pieces of mail matter, of which the Government transported free through the mails 2,913,000 pieces of registered matter.

Let us come to the practical phase of this question. The pending bill proposes that indemnity shall be allowed to the loser of registered mail matter not to exceed $10 on any one piece. What, then, are the losses which have heretofore occurred in this branch of the service? The complaints from all sources during the last fiscal year amounted to 5,817. Of this number, 4,501 complaints were fully investigated, and 1,316 were in process of investigation, but not yet completed at the close of the year.

How did these losses occur? Losses chargeable to the burning and wrecking of post-offices and postal cars and steamboats and minor unavoidable accidents, 1,155; losses chargeable to depredations by postal officials, 190; losses through postal employees, from other causes than theft, 122; losses resulting from depredations by outside parties, 231, and losses the responsibility for which could not be fixed, 152.

The Third Assistant Postmaster-General, in his report with reference to this subject, says:

> Of the foregoing cases—

Those I have just cited—

> recoveries were made and the value of the lost articles restored to the owners as follows:

Through the office of the chief post-office inspector	244	
Through the Dead-Letter Office	24	
Through outside parties and direct to losers	730	
		998
Number of cases in which recovery was impossible		852

> Assuming that this proportion will be the same in the cases yet to be investigated, the number of actual losses will reach 1,101, or 1 in every 13,721 pieces registered.
>
> Of the 852 cases of irrecoverable loss, 232 involved official matter, such as postage stamps and stamped paper dispatched to postmasters, leaving 620 private losses only, or 1 in every 24,365 pieces registered. As compared with the previous year, there was an increase in the number of losses, due mainly to a greater number of accidents, such as the burning of post-offices, postal cars, etc., the total for 1896 being 1,155, as against 625 for 1895.
>
> There was a very great reduction in the number of losses through the carelessness or ignorance of postal employees—that is to say, through other causes than criminal misconduct—the total being only 122, as against 258 for the previous year. This indicates an improvement in the general efficiency of the service.

Therefore, Mr. Speaker, should this law be placed upon the statute books and the Government be made responsible for the maximum amount, $10, in each case of these losses (and there are many cases where the maximum loss would be very much less), there will be but little over 600 cases of loss for which the Government would be responsible, although this legislation would apply to and cover the transmission of upward of 15,000,000 pieces of mail matter.

Mr. QUIGG. Let me ask the gentleman from Pennsylvania if that would not be a question for judicial interpretation? There is a liability in every one of such cases. Now, if the liability shall be fixed by statute, it is a matter for the courts to determine whether the Government shall pay $10 or any other sum.

Mr. BINGHAM. I will state to the gentleman from New York that the same rules of investigation would apply in this case as apply in all losses relating to the postmaster by robbery and depredation up to a fixed limit. The Department adjudicates the loss; and the Postmaster-General, having the administration of this law, and being authorized to fix rules and regulations, would provide some similar rules for the adjudication of such losses as this. That is the case when there has been a loss by depredation or otherwise of postal funds; and the regulations, coming from the same source, will be equally critical to protect the Government under the operation of this bill.

Mr. HOPKINS. Let me ask the gentleman from Pennsylvania if it is not true that the bill is protected—or the Government protected—from the fact that the granting of an indemnity to the extent suggested in case of loss to the persons sending registered mail matter would increase largely the registration fees, and would be an absolute source of revenue to the Government, even if the adoption of this measure had the effect suggested by the gentlemen from New York?

Mr. BINGHAM. That is the experience of every government which has tried this system.

Mr. DOCKERY. Will the gentleman from California yield to me for a moment?

Mr. LOUD. I will yield to the gentleman such time as he desires.

Mr. DOCKERY. I shall not occupy but two or three minutes, as I only wish to ask the gentleman a question.

This seems to be a measure to put the business of registration by the Post-Office Department in competition with the business of the express companies; and so far as that can be safely accomplished, within the limits of our revenues, I favor it. But in order to intelligently accomplish our purpose we should know exactly what the express companies charge for a similar service.

Mr. Speaker, I can readily understand how this bill may increase the business of registration for all packages under $10; but I am utterly unable to see how it will enlarge the scope of our business for packages exceeding $10 in value. If I am correctly advised, the express companies have a schedule of fees. That is to say, they charge a much less fee for the transmission of $10 than for the transmission of $100. This bill puts all the registered mail of the Government on the same basis, so far as liability is concerned; and while it may materially increase the transmission of small sums of money, it seems that it will simply advertise the fact to the country that we do not guarantee any amount in excess of $10, and the result will be that the Government will do the small business while the express companies will do the larger business.

Mr. BINGHAM. That is all the Post-Office Department wants to do.

Mr. DOCKERY. If that is true, then this bill will exactly accomplish the object sought by the Department.

Mr. BINGHAM. Undoubtedly. I will state to the gentleman that the whole purpose is outside of the line of what we call the carrying of the mail. This is an addendum of a line of work in the Post-Office Department independent of the transmission of mails, just like your money-order system. It will be a great convenience to the people in localities where they can not have express conveniences.

Mr. DOCKERY. When the gentleman refers to the money-order system he should remember that our liability is limited, under any single money order, to $100; but there is no limitation as to the amount which may be transmitted in a registered package. Such is the law, as I understand it.

Mr. BINGHAM. None that I know of, only that practically the registered mail is not a very valuable mail. People do not send things of great value by registered mail.

Mr. DOCKERY. Practically that may be true, but still there is no law limiting a registered package to any maximum amount.

Mr. BINGHAM. None whatever.

Mr. DOCKERY. Therefore, as a matter of fact, as I understand the gentleman from Pennsylvania [Mr. BINGHAM], we do compete for the transportation of money packages without regard to amount.

Mr. BINGHAM. Small sums.

Mr. DOCKERY. Practically it may be limited to small amounts, but as a matter of fact we have no limit.

Mr. BINGHAM. No limit other than a man's common sense. If he is going to send a thousand dollars to some part of the country, he will not send it through the mail.

Mr. DOCKERY. Certainly; and the express companies transmit larger amounts. Why? Because, although the sender pays an increased fee for the transmission of larger amounts of money, he is secured for the entire amount. Now, then, comes the Government and advertises to the country that for 8 cents we will guarantee the safe transmission of all amounts not exceeding $10, but that the Government will not be liable for an amount in excess of $10.

Mr. HALL. I will say to my colleague, if he will allow me to interrupt him, that the insurance under this bill does not apply exclusively to the amounts under $10. It applies to all amounts. This is a ten-dollar insurance.

Mr. DOCKERY. But the actual amount is paid if it is less than $10, as I understood the reading of the bill. I am not prepared to say that this is not a wise bill, but it does seem to me that the House ought to be in possession of information which up to this moment has not been given us.

Mr. QUIGG. Does the gentleman from Missouri happen to know what the charge of other governments is?

Mr. DOCKERY. I was just coming to that point, and I am obliged to the gentleman from New York for the suggestion. The report states that other governments have this system of registration, that is, a limited guaranty system.

Mr. QUIGG. Yes.

Mr. DOCKERY. Now, in order to determine whether or not we should follow the system the House should know what the system is, whether they have a fixed fee, as we have—that is, 8 cents—without regard to the amount transmitted, or whether they have a schedule of fees. If I understand the reading of the report of the Postmaster-General, the income of the Government from registered mail amounted last year to $975,000. This bill carries a liability, or at least a probable liability, on the basis of the business of last year of $50,000, as I understood the gentleman from New York.

Mr. QUIGG. Fifty thousand dollars; that is true.

Mr. DOCKERY. Mr. Speaker, I am so accustomed to following the able and economical lead of my friend from California [Mr. LOUD] that I will not depart from that custom in this case; and yet I venture to suggest simply that this bill involves a great many doubts as to its propriety.

Mr. BINGHAM. Where does the gentleman get his estimate of 50,000? The private losses last year were 620.

Mr. QUIGG. It appeared from the report that I read that there were complaints of losses of paid registration—I so understand it—in 5,200 cases.

Mr. BINGHAM. That is, complaints?

Mr. QUIGG. Yes.

Mr. BINGHAM. But now give me the result of the investigation.

Mr. QUIGG. The result of the investigation will be whatever the courts fix.

Mr. BINGHAM. Now, after investigation of the cases on the part of the Department, he can see that last year there were 5,817 cases—the gentleman understands?

Mr. QUIGG. Yes.

Mr. BINGHAM. Fifty-eight hundred and seventeen complaints?

Mr. QUIGG. Yes.

Mr. BINGHAM. After investigation of the 852 cases of irrevocable loss. All other cases had been covered, 232 involving official matter, such as postage stamps and stamped paper dispatched to postmasters, leaving 620 cases of private loss. The gentleman understands?

Mr. QUIGG. I do not think there is any difference between the gentleman from Pennsylvania and myself. I only seek to point out to the House that complaints were made that involved liability on last year's business of 50,000.

Mr. BINGHAM. Complaints?

Mr. QUIGG. Now, as to how they will be adjudicated under this bill, that is another question; but it does seem to me we certainly ought to know something of the experience of other countries as to this form of insurance, as to whether our fee is adequate. That it is going to involve a cost there can be no question.

Mr. BINGHAM. Very small.

Mr. QUIGG. The gentleman from Pennsylvania says "very small." It is probable, but not inevitable, that it may be very large. We are going to have a certain amount of loss.

Mr. BINGHAM. Let me ask the gentleman from New York, What do you do for this $957,000 of additional revenue to your Department or Government?

Mr. QUIGG. We take, as I understand, special care of these letters.

Mr. BINGHAM. Under a system of receipts.

Mr. QUIGG. And that especial care is what is paid for. Now, it is proposed, in addition to taking especial care, that we shall offer to reimburse the sender or owner of the package that may be claimed to have been lost to the extent of $10 per package. Now, are we going to charge a sufficient fee for the risk that is incurred?

Mr. BINGHAM. Of which the gentleman states the maximum is 50,000.

Mr. QUIGG. Now, I consider that bad business, especially——

Mr. HOPKINS. If the gentleman will allow me right there, the report of the Postmaster-General shows that there is a revenue of $970,000 a year from this registration service. Now, where the Government receives such a benefit as that, does not the gentleman think, in fair dealings, that this loss of individuals should be paid, especially where it is such a minimum figure as he himself has expressed; and will not the increase of business that the Government will get from this be an absolute source of revenue, even in view of all the bad results he is picturing here?

Mr. QUIGG. It may be so, Mr. Speaker.

Mr. HOPKINS. In other words, this bill will divert these small packages from the express companies to the Government, and the Government will get 8 cents for their delivery.

Mr. QUIGG. I do not know that that is a very suitable business for the Government to engage in.

Mr. HOPKINS. Why not?

Mr. QUIGG. I am not one of those who are in favor of diverting business from private institutions to the Government.

Mr. HOPKINS. Right there let me ask the gentleman——

Mr. QUIGG. I do not want to get off on that subject; but, in answer to the gentleman's proposition, I want to say that I think the Government does a little too much of that sort of thing anyhow.

Mr. HOPKINS. If the gentleman will allow me right there, this legislation is in the interest of the people. There are hundreds and thousands of people that avail themselves of the laws that exist to-day. Experience has taught us that it is in the interest of the people, and in the interest of cheap transportation as to a certain line of packages.

Now, speaking for myself, I believe that this kind of legislation is beneficial that results in the greatest good to the greatest number, even if it does trespass a little on the rights of a company like an express company.

Mr. QUIGG. But here is the point: We are already nine millions short in our receipts from postal business. We have got that deficit to make up anyhow. The gentleman from California [Mr. LOUD] and other gentlemen propose to make it up, as the gentleman from Illinois [Mr. HOPKINS] well knows, by limiting the operation of the present laws, by to an extent repealing them and forbidding the use of the mails to some of those who now enjoy that use. I am not altogether clear as to whether something of that kind ought not to be done; but here is a proposition to increase our inevitable loss. I do not say that it will increase it very much. I say that it may increase it very much, while we shall obtain no additional revenue whatever except a speculative one, which may possibly result from drawing business from the express companies. I think the gentleman from California ought at least to tell us whether we are running in this matter any greater risk than other governments run who do the same kind of business. For instance, what are the governments that do this business and what do they charge for it? Will the gentleman from California give us that information?

Mr. LOUD. The gentleman from New York seems to be very solicitous about this little deficiency of nine millions, yet there is no man in this House who has been a stronger advocate of the very system which causes a deficiency in our postal receipts, and I believe he is an advocate of it to-day. I believe, and the officials of the Post-Office Department have believed for years, that a measure like the one now pending will increase the receipts of the Government. I have never stood on this floor advocating any measure that would tend to enlarge the deficiency in the postal service, and I hope that I shall never occupy any such position. I wish the gentleman from New York could assert the same for himself. Now, let us get back to the measure under consideration.

Mr. GROSVENOR. While the gentleman is on the floor I want to ask him a question, if he has no objection, in order to get at what is in this bill.

Mr. LOUD. That is just what I am trying to do.

Mr. GROSVENOR. I want to ask the gentleman this question: Would the effect of this bill, if it should become a law, be to permit the sender of registered mail matter to register it without communicating any information to the Postmaster-General, or to anybody else, as to its contents?

Mr. LOUD. I am surprised at the gentleman from Ohio, ripe as he is in age and rich in experience, asking a question of that character.

Mr. GROSVENOR. I asked it for information.

Mr. LOUD. The Post-Office Department has been managed in the past, and I believe it will be managed under the incoming Administration, by men entirely competent to manage its affairs judiciously, and I believe that under the next Administration sufficient judgment and discretion will be applied to the conduct of the Post-Office Department to protect the interests of the Government. It is within the power of the Postmaster-General under this bill, and under all our laws relating to the Post-Office Department, to prescribe such rules and regulations as may seem to him proper and necessary to protect the Government.

I assume, Mr. Chairman, that the registration fee which we now charge will produce a sufficient fund to guarantee the limited indemnity that is proposed. If gentlemen will look at the report accompanying this bill they will see that last year the falling off in registration fees alone was $57,000. I have already stated that our registration system is the most profitable portion of the business of the Department, and the more successfully we can regulate it so that the masses of the people will patronize it the more we shall increase the receipts of the Government in that branch of the public service. The falling off in registration fees last year was $57,000, and the profit on that business if it had been done by the Department would more than meet all the losses that occurred during the year. It appears that there was a loss of over 5,000 packages, and the gentleman from New York bases his calculation on the assumption that every one of those packages was worth $10. I think it would be safe to assume, judging from the experience of the Department, that these packages did not average $1 in value, and I do not believe that the losses, as the Department is run to-day and as it must continue to be run, will amount to over $10,000 a year; while, on the other hand, the change here proposed will bring a large increase of profitable business.

The Post-Office Committee have given this matter serious consideration, not alone during this Congress, but in previous Congresses, and gentlemen who have investigated the subject are unanimous in support of this bill. I repeat, that the Postmasters-General for the last sixteen years have advocated the passage of a measure of this character. There is no possible danger in it, and, as I said when I began, we should either go out of the registration business entirely or regulate it in such a manner that it will commend itself to the people generally. Registration, as gentlemen understand, is to a great extent intended for the accommodation of the people in places where there are no express offices, no money-order offices, and no other means of sending packages with safety except by registered mail.

Mr. BINGHAM. Will the gentleman allow me to supplement his statement with some official figures?

Mr. LOUD. I will yield to the gentleman a moment for that purpose.

Mr. BINGHAM. The gentleman from New York [Mr. QUIGG] states that there were upward of 5,000 complaints last year. Conceded. They were complaints as to the loss of registered matter, just such complaints as the gentleman makes when his letters are not delivered at the proper time or at the proper place. But the gentleman from New York predicates his argument as to the amount of the losses, which he puts at $50,000, on the assumption that in every case the lost package contained something of large value, and that none of the missing packages were recovered. Now, let me give him the official figures——

Mr. LOUD. We might concede that every package contained something of value and that 10,000 were lost, and still we should have a strong case.

Mr. BINGHAM. Now, let me give the official figures.

Mr. LOUD. I am willing to admit that all the registered parcels contain articles of value.

Mr. BINGHAM. Upon 15,000,000 of transmissions there were something over 5,000 complaints, of which 1,850 were found to involve actual losses. Of the 1,850 cases of loss, 852 were found to be impossible to adjudicate; 232 involved official matter; there were only 620 cases of private loss, so that $6,200 would have been the absolute loss of the Department last year on this class of business (if a law of this kind had been in operation) as against a revenue of $975,000.

Mr. FOOTE. If this bill should pass, would not the liability of the Government in case of loss be less than that of a common carrier in similar cases?

Mr. LOUD. I do not know about that; probably it would.

Mr. FOOTE. In the case of a common carrier—an express company, for instance—the party suffering loss has a right of action against the company. Why should there not be a similar liability on the part of the Government?

Mr. HEPBURN rose.

Mr. LOUD. Mr. Speaker, how much is there remaining of the hour?

The SPEAKER. Thirteen minutes.

Mr. LOUD. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, it seems to me that the relief proposed to be given by this bill is exceedingly inconsiderable. The gentleman from Pennsylvania [Mr. BINGHAM] tells us that, measured by the experience of the Government during the last year, the cases in which indemnity would have to be paid by the Government under a law of this kind would probably number a little more than 600, so that the actual amount paid as indemnity would be at most only about $6,000. If reimbursement should be made by the Government in all the cases in which complaints were made, the amount would be less than $50,000. Such reimbursement, however, would be paid by the General Government out of a general fund made by the fees of 8 cents each on packages of registered matter. Now, I should like to know why a man who sends a package valued at $10.10 should be obliged to contribute to this fund with no possibility of reimbursement to him, while a man who sends a registered package valued at $10 would receive reimbursement. If we are going to do anything of this kind at all, is it not wise to do it in such a way that each of the 11,000,000 of the contributors to this fund should in case of loss be a beneficiary? It might be done if the gentleman would consent to this amendment which I desire to propose:

> Amend by striking out all of lines 11, 12, and 13 down to and including the word "dollars," in line 14, and inserting in lieu thereof the following:
>
> "And the Post-Office Department may charge a fee for such service equal to 1 per cent of the value of the package registered; but the liability of the Government shall not exceed the value of the package; and in no case more than $100 on one package."

Under such a provision all senders of registered matter would be alike beneficiaries. I think such a provision would be much more just than the present provision. It would relieve the bill from a just criticism, to which I think it is now subject—that in the first place the measure in its present form amounts really to nothing; and in the second place that it gives to a man sending a package worth $10 a benefit which it withholds from a man sending a package worth $11, notwithstanding the fact that all those who send registered matter must, by paying a fee of 8 cents on each package, contribute to the fund out of which reimbursement is to be made to this small number.

Mr. LOUD. They all now have to contribute their 8 cents per package without the possibility of getting back anything in case of loss.

Mr. HEPBURN. It is true that they do not now get anything; but under my amendment all will enjoy a like benefit; the law will give no special privilege to anyone.

Mr. LOUD. Will not every person in fact pay 10 cents for the guaranty?

Mr. HEPBURN. If 1 per cent is too much, make it less; but let the benefits of this measure apply to all.

Mr. DOCKERY. If the gentleman from California [Mr. LOUD] will allow me a moment, I wish to say that I approve in the main the suggestions of the gentleman from Iowa. This bill is a radical departure from the business principles which the Government applies to the money-order system. In that branch of the postal service the Government transmits money by draft, and the compensation paid in each case is based on the amount of the draft. For a draft of less than $2.50 the fee is 3 cents; for a draft of $10 the charge is greater; and for a draft of $100 still greater. In the business of registering mail we do not furnish drafts, but actually transmit money; and in all cases exactly the same fee is charged without any regard to the valuation of the package.

Now, then, if the system is to be extended by a limited-liability clause, it seems to me there ought to be some schedule of fees based on the value of mail matter transported. I think the bill looks in the right direction, but it needs some amendments covering the point suggested by the gentleman from Iowa.

Mr. LOUD. I will state to the gentleman from Missouri that money, as a rule, is not transmitted in registered letters.

Mr. HEPBURN. That is a mere matter of detail. I only wanted to invite the attention of the House to what I think is a defect in the proposed bill.

Mr. QUIGG. May I call the attention of the gentleman from California to the eighth line of the bill, which provides that the Postmaster-General may provide rules under which the senders or owners of registered mail matter which has been lost shall be indemnified? That opens, I would suggest to him, a very wide field of legislation in the hands of the Postmaster-General.

Mr. LOUD. No wider than is open already by law, permit me to say.

Now, Mr. Speaker, I should be glad to finish this bill, if possible, within the hour.

The SPEAKER. The gentleman has five minutes and a half of his time remaining.

Mr. LOUD. I will say, then, Mr. Speaker, that there is hardly time to yield to anybody in that brief period. I would like to come to a vote if possible, although the question looks a little doubtful since this discussion has sprung up.

I will say to the gentleman from Iowa [Mr. HEPBURN] that he is entering into a scientific field which probably, if he were revising the postal laws, he would advocate, and he would find me one of his strongest supporters in favor of such a modification. But we are taking a position with reference to matters as we find them, and are endeavoring to make this legislation fit existing conditions.

This system of registration has been in vogue for very many years. Formerly we charged a fee of 10 cents for registration. In late years it has been reduced to 8 cents. I think the objection of the gentleman from Iowa, if he will allow me, is rather technical than otherwise. Every person who sends a package by registered mail receives just the same benefit as any other person. That is the standpoint from which to view such registration. If you insure a house, and it does not burn down, you have been guaranteed during the time of the insurance that if it did burn down you would be compensated to the extent of the insurance. Now, perhaps you would be as fortunate if the house did not burn down as if it did burn down. Perhaps the person who did not lose his package after it was registered is as fortunate and receives just as much benefit as he who does lose a package. It is simply an insurance, or rather a guaranty, that the package shall be delivered, and therefore the gentleman's objections, it seems to me, are rather technical than otherwise.

Now, Mr. Speaker, I would like, if possible, to bring this matter to a vote before the expiration of the hour.

The SPEAKER. The Chair would suggest to the gentleman that there is no limitation to the morning hour except that which the House may see fit to put upon it.

Mr. LOUD. I understand that, Mr. Speaker; but I understand that I lose control of the bill after the first hour.

Mr. BLUE. If the gentleman from California has more time, or can secure more time, I would like a few moments myself.

Mr. LOUD. If the House desires to further discuss the matter, I have no desire to cut it off.

Mr. DOCKERY. I ask unanimous consent that the time of the gentleman from California be extended for one hour, or so much as he may desire to use, and then he can yield to other gentlemen who wish to be heard.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOUD. Now I will yield to the gentleman from Kansas for ten minutes, or so much time as he may desire.

Mr. BLUE. Mr. Speaker, this measure is of such consequence to the public that it is entitled to the fairest and fullest possible consideration by the House.

It is a popular belief with a great many people of the United States that a registered package is safe, and that the Government guarantees indemnity. That is an erroneous conviction. The gentleman from California speaks of this 8-cent fee paid for the registration of each package as being an indemnity and a protection, but it reaches no further than simply the support of the Department, and has no reference, as the law now stands, to any indemnity that the Government gives to the parties who send registered packages. It is a well-known fact that in very many localities throughout the nation neither a post-office order can be cashed nor an express package conveniently delivered.

If this bill becomes a law it will carry benefits wherever the Post-Office Department can reach. It is in the right direction. The statistics furnished here show conclusively that the loss even under the present system is comparatively small. The indemnities which the Government will be called upon to furnish will, it seems to me, be insignificant. The revenue in excess of that received under the present system will be great. The benefits that the public will receive will also be large. It will enable very many people of the nation to transact their business at a much less expense than they would otherwise be subjected to under the money-order system or through the express companies.

The Post-Office Department is peculiarly in the interest of all the people of the nation, and this measure, if amended as suggested by the gentleman from Iowa, will bring to the Government, by reason of this additional fee, ample revenue to protect this service, and will save to the people very many dollars in the transaction of their business. It ought to be amended in some such way as that suggested by the gentleman from Iowa, and, so amended, ought to pass.

Mr. LOUD. Mr. Speaker, if no other gentleman desires to be heard, I do not wish any further time.

The bill was ordered to be engrossed and read a third time.

The question being on the passage of the bill,

Mr. QUIGG demanded a division.

The House divided; and there were—ayes 70, noes 13.

Accordingly the bill was passed.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

DELIVERY OF LETTERS IN CERTAIN CASES.

The SPEAKER. Does the gentleman from California [Mr. LOUD] desire to call up any further matter from the Committee on the Post-Office and Post-Roads?

Mr. LOUD. I supposed that the hour had expired. I was given an additional hour. I have another bill here which the committee have directed me to call up.

The SPEAKER. The gentleman is at liberty to call up bills from his committee until the morning hour expires.

Mr. LOUD. Very well, then. I will follow the direction of the committee and call up the bill (H. R. 5473) concerning the delivery of letters in towns, villages, and other places where no free delivery exists.

The SPEAKER. The Clerk will read the bill.

The Clerk read the first section, as follows:

> *Be it enacted, etc.*, That whenever not less than twenty persons who receive their mail matter through the same post-office shall petition the postmaster at such office to appoint one or more letter carriers, who shall be at least 16 years of age, for the delivery of letters and other mail matter therefrom to the persons addressed, at their respective residences or places of business, and for the collection of letters and the conveyance and delivery of them to the post-office, said postmaster shall appoint a suitable number of letter carriers for that purpose, and it shall be their duty to report at least once a week to the postmaster appointing them the number of pieces delivered and collected by them and amount paid therefor.

The SPEAKER. Is this bill on the House Calendar?

Mr. DOCKERY. It seems that it should be on the Union Calendar.

Mr. LOUD. I believe it is properly on the House Calendar. I do not think it entails any charge on the Government.

Mr. DOCKERY. It seems to involve a liability on the Government; and if so, should be considered in the usual way.

The SPEAKER. It can not be considered in the morning hour if it should go to the Committee of the Whole House on the state of the Union.

Mr. LOUD. There is no liability against the Government under this bill. I do not approve of the bill myself.

Mr. DOCKERY. Does it not involve the right to increase the letter-carrier force without limit?

Mr. DINGLEY. But it is to be at the expense of the persons served.

Mr. DOCKERY. Then the bill is properly on the House Calendar.

Mr. LOUD. There is no charge on the Government, as I understand it.

Mr. DINGLEY. Is that particularly expressed in the bill?

Mr. LOUD. I think it is sufficiently expressed. I think it is emphatically stated that there shall be no liability against the Government.

Mr. DALZELL. Who pays for the delivery?

Mr. LOUD. The individuals served.

The SPEAKER. The payment is to be made by the recipients of the mail. That seems to be the case.

Mr. LOUD. Has the reading of the bill been completed?

The SPEAKER. No; the Clerk will proceed.

The Clerk proceeded to read the remainder of the bill, as follows:

> SEC. 2. That at all places where the foregoing delivery and collections may be authorized under this act the letter carriers thus appointed may receive of the person to whom he delivers letters or papers, or from whom he receives them for conveyance to the post-office, such weekly, monthly, or quarterly compensation as may be mutually agreed upon; and when no such agreement is made, they may demand and receive not exceeding 1 cent for each letter or other package which they deliver from or convey to the post-office: *Provided*, That the sum which each carrier thus collects shall be in full for his services; and none of such carriers shall have any claim upon the Post-Office Department for compensation for services rendered as a letter carrier: *Provided further*, That no letter or other mail matter shall be given to such letter carrier for delivery unless addressed to a person who has lodged at the post-office a written request that his mail matter be delivered to such letter carrier: *And provided further*, That if any person who shall have filed such written request shall refuse or neglect to pay the amount agreed upon or fixed by this act for the delivery or collection of any mail matter the same may be returned by the carrier to the post-office and thereafter the carrier shall not be required to deliver or collect any mail to or from such person. Each person so appointed shall give bond to the postmaster for the faithful performance of his duties in the penal sum of $100.
>
> SEC. 3. That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing laws not inconsistent with this act.

Mr. LOUD. Mr. Speaker, I will yield the time of the committee to the gentleman from Connecticut [Mr. SPERRY].

Mr. SPERRY. Mr. Speaker, I ask that the report be read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. SPERRY) was read, as follows:

> The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5473) for the purpose of authorizing delivery and collection of mail in towns, villages, and other places where mail matter is not delivered to residences or places of business, submit the following report:
>
> Your committee have given this matter due and careful consideration, and have unanimously come to the conclusion that the bill presented is just and proper and ought to pass.
>
> The bill provides that whenever not less than twenty persons who receive their mail through the same office shall petition to have their mail delivered and collected, it shall then be the duty of the postmaster to appoint such persons as are willing to undertake the delivery and collection of mail in towns or places where no free delivery exists. The committee are of the opinion that when such a request is made from the people of any village or town their request should be granted.
>
> The bill further provides that the letter carriers so appointed shall be over 16 years of age, and that said letter carriers may make an agreement with the persons to whom such mail matter is delivered or collected for such compensation as may be agreed upon, and when no compensation is agreed upon such letter carriers may receive 1 cent for the delivery of each piece of mail matter, and they may demand and receive at least 1 cent for each package and letter they may collect and convey to the post-office. Such compensation shall be in full for all services, and none of such carriers shall have any claim upon the Post-Office Department for compensation for services thus rendered. No letter or other mail matter shall be delivered by the postmaster to such carrier without a written request has been lodged at the post-office for the delivery of mail to such letter carrier. The letter carrier so appointed shall give bonds for the faithful performance of his duty.
>
> The bill appears to the committee a reasonable and proper one. It is substantially like the old penny-post system, which grew year by year into extended practice, until the system of free delivery has become operative in all places or towns of over 10,000 inhabitants. There has of late been a great demand that some such system as this should be extended as far as possible, and it has been called for not only by villages, but by farming communities. Petitions and resolutions have been passed calling for suitable action that accommodations of this kind may be extended in the manner proposed by this bill. The demand appears to be a growing one, and the committee see no reason why such a request should be withheld from the people thus demanding them.
>
> In cities where free delivery exists all local letters or drop letters require 2 cents postage. This bill will only require 1 cent local postage with the addition of 1 cent when delivered, unless by special agreement, which sum shall be paid to said letter carrier, and he shall keep an account of such mail delivered and collected, together with the amount which he receives therefor. So that a person who receives such local letters will pay no more, unless by special agreement, than is paid for local letters where free delivery exists.
>
> While the demand for rural delivery comes from the people in the main, it has also been made the subject-matter of discussion by the Post-Office Department from time to time, and it is agreed by those who have investigated the

> subject that there is no good reason why such accommodations should be withheld. It will take some time before the full result of this system can be reached, but when the time comes it will be of incalculable value to all who avail themselves of the benefits of this act
>
> It is easy to see how this will elevate the standard of intelligence and promote the welfare of the people. The question of delivery of mail in rural districts is being discussed throughout the country, and the demand is daily growing. Each house where mail is being delivered and collected can have a little box put up as a receptacle of mail delivered or to be collected, and the committee see no objection to the establishment of such postal facilities by neighborhood agreement, but much good resulting therefrom.

Mr. SPERRY. Mr. Speaker, this bill was introduced by myself during the first session of this Congress, at the request of a large number of people of my own State and at the solicitation of farming communities in other States.

The idea is a very simple one. The bill itself fully explains the subject, and if there is anything which is not made clear by the language of the bill itself it is set forth in the report of the committee. The idea is simply this: There are large farming communities, villages, and towns with inhabitants not exceeding 10,000. When the number of inhabitants does not reach 10,000, then the free-delivery system is inoperative in such communities. It seems to me that we should give all the people possible the advantage of the system and not stop at a certain mark, to wit, 10,000 inhabitants, with a certain income at the local post-office, and say we will not go over that line. There are large numbers of farming communities, and there are a large number of villages whose inhabitants would like to make a request to the postmaster that he appoint a letter carrier to distribute their mail, the letter carrier having the right to enter upon the floor of the post-office and there separate mail and take it to the residences of those who make the request. Under the present law the postmaster himself can deliver it to some person who calls for the mail, but that does not fill the bill.

This service could be performed by a maimed soldier, on horseback, or by a boy over 16 years of age, with a bicycle. This man or boy could enter the post-office, under such regulations as the postmaster may make, and then and there separate the mail, and deliver it in the village or town which he serves.

You know in many of our large agricultural communities it takes a man sometimes two hours to go to the post-office. You take it in cold weather, when there is a heavy snow on the ground, or in harvest time, and the farmer can ill afford to spare those two hours, or one hour, as the case may be, to go to the post-office for his letters, possibly nine times out of ten returning without anything; and yet his valuable time is lost. Under this system the carrier himself, who shall be appointed by the postmaster to serve the villages and towns in which the post-office is located, can go and take from the office these letters or newspapers and deliver them to the various parties to whom they are addressed, and receive therefor the rate of compensation agreed upon between the carrier and the people served. Should they like to have a letter mailed, the letter carrier would charge the same price or whatever may be agreed upon. In my judgment, should this system go into operation, our income from the various country post-offices and villages would be increased very largely. I remember the first street lamp boxes that were put up in 1860. It was said when these boxes were put up that it involved a cost that the people would not submit to; that it was a great charge upon the Government. But I know from my own experience in the New Haven post-office, that in less than six months after these letter boxes had been placed upon the street corners, giving the people an opportunity to mail their letters at any hour or at any moment, instead of going 1 mile or 2 miles to the post-office to mail the same, it was plainly shown that the receipts doubled, or nearly so, and the letter carriers' department soon commenced paying for itself.

Now, you not only give these people the accommodation they want, whether in villages or rural communities it matters not, but you will increase the receipts of the Post-Office Department by giving people facilities, if you please, to mail and receive their letters. It is like running a horse car. If you run once an hour you will not get nearly the number of passengers that you would get if you run it once in half an hour. If you run it once in half an hour, and you change to once in ten minutes, you would get more than you would in the half hour. People will not wait. Give the people a chance, give the people facilities to receive their letters and to mail their letters, and according to the facilities given the increase will come. It is sure to come. There is no loss incurred at all by the Government. So long as the people want their letters carried in this way, let the farming communities—the villages and the towns of less than 10,000 inhabitants—have that privilege, they paying for it as agreed upon. It is the old penny-post system over again. There is nothing new about it. That penny-post system grew up into free delivery by and by, as you gave the people an opportunity to receive and mail their letters in the way convenient to themselves and without loss of time. Why withhold this privilege from the people so long as they are willing to pay for it, where it does not cost the Government one cent?

I think, Mr. Speaker, I have said all that is necessary in explanation of this bill, although I was notified only about ten minutes ago that it was to come up at this time, and I find myself not as fully prepared as I otherwise would have been.

Mr. BRUMM. I should like, Mr. Speaker, to ask the gentleman one question. Does your bill provide that he shall keep a record of the number of letters for the purpose of paying this penny?

Mr. SPERRY. Yes, sir.

Mr. BRUMM. He shall do it under your bill?

Mr. SPERRY. The bill requires the letter carrier himself to keep a correct record of all letters received for distribution and all collected for the mail and he is to make a report to the postmaster each week of the number received.

Mr. BRUMM. What is to prevent him from adding any number beyond the number that he really carries?

Mr. WILLIAMS. That is no advantage to him. He does not collect from the Government, but from the fellow whose mail he receives and distributes. The fellow would dispute it.

Mr. SPERRY. A record of these letters shall be kept.

Mr. BRUMM. But one moment. He is not presumed to collect a penny every time he delivers or receives a letter?

Mr. SPERRY. Not at all.

Mr. BRUMM. I judge that he would be paid at so much a week or month.

Mr. SPERRY. He can do either way.

Mr. BRUMM. I beg pardon.

Mr. SPERRY. He can do either way. It is left with him and those he serves to make the arrangement.

Mr. WILLIAMS. They may just pay him $10 a week.

Mr. SIMPKINS. I like the intention of the bill, but under this bill do the people who pay for the carriers have any voice in their selection? Is it not left wholly to the postmaster?

Mr. SPERRY. The bill provides that the postmaster himself shall make appointments of the letter carriers, the same as he used to do under the old penny-post system. When that system was in operation and I was postmaster at New Haven I made my own appointments, but those appointments had of course to be approved by the general Post-Office Department. This is a matter between the carriers when appointed and the people they serve, together with the local postmaster in the village or town.

Mr. SIMPKINS. But under this bill the postmaster might appoint as carrier a person who was not suitable or satisfactory, and the people who pay for his services have no remedy.

Mr. SPERRY. Yes, but if he should make such an appointment the carrier would be obliged to give bond for the faithful performance of his duties, so that there is not a particle of possibility of loss to the Government.

Mr. BINGHAM. Will the gentleman permit a question?

Mr. SPERRY. Yes, sir.

Mr. BINGHAM. Where, in the report of the Postmaster-General, has this measure been recommended, or has it been recommended at all?

Mr. SPERRY. Some years ago, I do not remember exactly how long, it was referred to by the Postmasters-General under several administrations.

Mr. BINGHAM. The measure to which the gentleman refers was what was called "rural free delivery," was it not?

Mr. SPERRY. "Rural free delivery."

Mr. BINGHAM. That was an entirely different proposition, was it not?

Mr. SPERRY. It was substantially this: This proposition has been called to the attention of the people in the farming communities in the granges and other places, and has been generally approved.

Mr. BINGHAM. Then, as I understand the gentleman, this line of legislation has only been recommended by the Department in so far as it is similar to what has been known as "rural free delivery," which was simply an experimental service.

Mr. SPERRY. No, sir. I will say to the gentleman that the system which is proposed by this bill is as old as the old letter-carrier system.

Mr. BINGHAM. Another question. Is there any regulation of the Department existing to-day which prohibits the postmaster of any office other than a free-delivery office from delivering my mail matter to anyone whom I may depute to receive it?

Mr. SPERRY. There is a rule or regulation which provides that such a postmaster may deliver any person's mail upon the written request of the person to whom the mail matter is addressed, but there is no system about that. It is simply the case of an individual sending a messenger to the post-office for his mail. This bill contemplates a methodical regulation of the business—a system by which the people in villages of less than 10,000 population and in farming communities can have an opportunity of having their mail delivered regularly if they so desire.

Mr. BINGHAM. Then, as I understand the gentleman's statement, there is nothing in the post-office regulations prohibiting the person to whom the letter is addressed from having it sent to him from the post-office by any messenger whom he may depute to receive it. Further, I say to the gentleman that in the reports of the Postmaster-General there is no other recommendation on this subject beyond the recommendation of an experimental free-delivery service in the rural districts. And now I want to go a step further. The gentleman has stated that this bill in its provisions will apply to every section of the country where free delivery is not authorized by law; that is, in all towns or villages with a population of less than 10,000 or where the receipts are less than $10,000. Therefore he proposes by this legislation to open up to the operation of this bill every post-office that has not to-day what is called the free-delivery service. Has not the gentleman so stated?

Mr. SPERRY. I stated—and I thought I made it plain—that this bill proposes a system of delivery in such places. The rule or regulation the gentleman speaks of merely provides that any individual can send a messenger to the post-office to get his mail, but that messenger is not allowed to enter the office for the purpose of collecting or distributing the mails.

Mr. BINGHAM. Does the gentleman mean to say that under this bill every one of this body of men, unlimited in number, covering almost 70,000 post-offices, provided he can get an order from 20 people upon any given route, is to be permitted to go inside the post-office and handle the general mail?

Mr. SPERRY. Yes, sir; precisely as was done under the old free-delivery system.

Mr. BINGHAM. Never mind the old. Tell us about the new system, under the civil service.

Mr. SPERRY. This does not come under the civil-service system. This bill simply provides that the postmaster shall give these facilities to the people whom he serves if they desire it.

Mr. BINGHAM. And that will apply to every place where the population is less than 10,000 or where the revenues of the office are under $10,000, provided 20 people sign a communication asking for this service?

Mr. SPERRY. Ye[illegible] sir.

Mr. BINGHAM. Very well. Under the existing law, in every office where the village or town has a population of over 10,000, or the postal revenue exceeds $10,000, every letter carrier is in the classified civil service, undergoing examination, wearing his uniform, governed by specific rules, his appointment having been approved by the Post-Office Department. Now, wherein does this bill provide that the Postmaster-General shall have any supervision whatever of this proposed great body of carriers, connected with almost 70,000 post-offices?

Mr. SPERRY. Nowhere; for the very reason that we do not wish to mix up the Government in this matter at all. When the Postmaster-General appoints a postmaster it is expected that he will appoint one who will choose suitable persons for the performance of this carrier service.

Mr. BINGHAM. But he has no discretion with respect to the persons. You have eliminated the supervision of the Postmaster-General in every post-office where the population is less than 10,000 or the receipts of the office less than $10,000. In such places you give this patronage and this power to the postmaster himself. But the moment you go to an office where the population is 10,000 or the income $10,000 or more, that moment the carrier must go through a rigid civil-service examination, must wear a uniform, and must in all respects be governed by the rules of the service.

Mr. SPERRY. Why, then, do you draw this line? If you are so particular on the one side, why not be just as particular on the other?

Mr. BINGHAM. In justice to myself and my record here, allow me to say that I brought in the bill which extended this service to communities of 5,000 population. I reported to this House the bill which provided for the experimental rural service, and carried it through the House. Hence I submit to the gentleman that I am not subject to his criticism.

Mr. SPERRY. Then the gentleman is "almost" but not entirely "such as I am" upon this matter. Is the gentleman willing to extend this service to communities of 5,000 people; and if so, why should we withhold from farming communities that which they themselves are willing and ready to pay for?

Mr. BINGHAM. The gentleman makes that assumption; but I do not know it to be the fact. I do, however, know this—that any farming community to-day can designate any person that they desire to receive their mail matter at the respective post-office. If any farming community chooses to take that responsibility it can do so. I say to the gentleman that if we pass this legislation the appointments under it will be unlimited.

Mr. SPERRY. No, sir.

Mr. BINGHAM. One main purpose of the system as existing in our great cities to-day is to throw proper safeguards around the carrier force, so as to prevent mail depredations. If the gentleman is going to add to the force of the Government employees in these subordinate lines, so as to have a body of carriers, each of them representing twenty people or more, he is going to more than double the carrier force and open the way to depredations, the prevention or detection of which will require a special-agent force three times as large as that which the Government now has.

Mr. SPERRY. "Sufficient unto the day is the evil thereof." This same principle precisely might be invoked to-day in reference to your telegraph service, where you have your little boys carrying most important messages.

Mr. BINGHAM. They do not contain money or other valuables.

Mr. SPERRY. There is no difference in principle. Why not apply the same principle to those little fellows who are delivering your telegrams? I can not see the difference.

Mr. BINGHAM. Will the gentleman allow me to answer? Of course, with respect to your telegraphic communications, the company is liable. This bill in section 3 says:

> That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing law not inconsistent with this act

The existing law establishes a bureau for the examination, through its detective or special-agent force, of all violations of law. In this respect the bureau will exercise a supervision, but that is the only feature of the bill which provides for any supervision whatever outside of the local postmaster himself. That special-agent force would have supervision of the vast body of men that this bill proposes to provide for. But does the gentleman suppose that the present special-agency force could do this work?

Mr. SPERRY. The gentleman as an old postmaster knows that when he gave a clerk a position in his office he trusted him, and the people trusted him. Under this bill there is provided a penal sum of $100 for every violation of official duty. There is no more danger under this bill than there was when you, as postmaster at Philadelphia, appointed a clerk without requiring him to give bonds.

Mr. BINGHAM. I have only this criticism to make upon the gentleman's bill, that it opens up an unlimited increase of force in the postal service—unlimited.

Mr. SPERRY. Not at all.

Mr. BINGHAM. Every post-office that fails to turn in a revenue of $10,000 will come under the provisions of this bill. My objection is that the bill practically authorizes an unlimited force. The existing law permits an individual to send whomsoever he chooses to the post-office for his letters, the individual taking upon himself the responsibility. That provision applies everywhere. An important objection to this measure is that there is not a word in it giving to the Postmaster-General or the Post-Office Department any supervision of this business.

Mr. SPERRY. The law of supply and demand operates in this matter. I assume that the gentleman as postmaster would not have increased the number of clerks in his office beyond the demands of the office. Neither would any local postmaster who takes a pride in serving the people add needlessly to the number of carriers connected with his office. The number could not exceed those who could make a living out of such service. The local postmaster would be just as particular as the gentleman from Pennsylvania would be in making his appointments.

Mr. BINGHAM. Will the gentleman read the provision of his own bill?

> That whenever not less than twenty persons who receive their mail matter through the same post-office shall petition the postmaster at such office to appoint one or more letter carriers, who shall be at least 16 years of age, for the delivery of letters and other mail matter therefrom to the persons addressed, at their respective residences or places of business, and for the collection of letters and the conveyance and delivery of them to the post-office, said postmaster shall appoint a suitable number of letter carriers for that purpose

Mr. SPERRY. Precisely. I am glad the gentleman called attention to the language of the bill itself. It provides for the appointment of a suitable number of such carriers.

Mr. BINGHAM. Of course; without limit.

Mr. SPERRY. My dear friend, it is precisely the same thing under the regulations by which you conducted your business at Philadelphia. It was unlimited there to the same extent that it is unlimited here.

Mr. BINGHAM. It was limited to the extent of the appropriation bill.

Mr. SPERRY. And there is no trouble whatever in reference to this matter. You need not be afraid that the postmaster will appoint so many as to burden or interfere with those whom he has already appointed. It is to be supposed, at least, that a man who is suitable for a postmaster has some practical common sense and judgment to guide him in such matters.

Mr. BINGHAM. I have said what I desired to say, Mr. Speaker. I have stated my objections, so far as I am concerned, to this bill.

Mr. WILLIAMS. Mr. Speaker, as I understand the pending bill and its purposes, the men who are to be employed under its operation are not employees of the Government of the United

States. They would practically be selected by the people whose mail matter they are going to distribute.

Mr. BINGHAM. To whom would they give bond in case of their appointment?

Mr. WILLIAMS. To the Government of the United States, of course.

Mr. BINGHAM. Then what would determine their character as employees?

Mr. WILLIAMS. I was going to say that, being paid by the people whose mail they deliver, as a matter of practical operation it would result in these men being chosen by these people themselves.

Mr. BINGHAM. But are they not subject to all of the laws and regulations governing the Post-Office Department—every law?

Mr. WILLIAMS. Certainly.

Mr. BINGHAM. Then they give bond to the Government of the United States and are subject to all the laws and regulations of the Postal Department. I ask the gentleman, what are they? They are designated in this bill as "carriers."

Mr. WILLIAMS. I understand the point the gentleman is making. To the extent that these people give bond to the Government of the United States, and are subject to the criminal laws which govern the operations of carriers generally throughout the United States, they are employees of the Government, of course. But as to the question of their selection, practically they will be selected by the people whose mail they deliver, because these people—that is, twenty or more of them uniting together in such request—would agree to the selection of a carrier, and would give their written consent to the postmaster for the appointment, stating that such person so selected is a suitable person to receive and deliver their mail matter. It is always well to go into the practical operation of matters back of the law.

Now, Mr. Speaker, the proposed bill—the legislation it seeks to enact—is nothing but the development into law of a system which already exists in a part of this country. For example, down in my own country, in the State of Mississippi, there is a community of people—there are several of them, but I have in mind one community—who annually direct the postmaster to deliver their mail to a certain person selected by them to receive and deliver it. The carrier gets the mail from the post-office and deposits it in boxes in front of the various plantations on his route, and takes from the boxes such mail matter as has been deposited by the planters, or the renters of the land, and carries it to the post-office. So the common sense of a community in this country has already developed a scheme exactly that which the gentleman from Connecticut desires to put into the shape of law upon our statute books. And in order to avoid the objection of undue expense his bill provides that these carriers shall be paid by the people whose mail they deliver.

Now, it is wrong, inherently wrong, that the great cities of this country should have their free delivery of mail matter, while the people living in more sparsely settled communities can not have such an advantage. But I recognize at the same time the fact that the free delivery of letters in sparsely settled localities would bring about an expenditure to the Government far beyond a due proportion of the number of letters or mail matter delivered, and all that; and each of us has practically surrendered to the idea that all of the great cities of the United States should have this free delivery, and that the citizen of the United States living in Philadelphia, for instance, should have favors shown him by the Government which a citizen living in the rural districts of Kansas does not have, and which can not be shown to him. I understand that the argument is always made, in answer to that, that the mail of Philadelphia, for example, pays its own way; but that is not true, because for every letter they send out from Philadelphia a letter is received there from some more sparsely settled section of the country.

Mr. BINGHAM. Will the gentleman allow me to make a statement?

Mr. WILLIAMS. Yes.

Mr. BINGHAM. It is not put on that ground. That is one of the grounds of the benefit of free delivery, but in a city where perhaps 200,000 letters are received daily it would take an office five times as large as this Capitol if it depended upon the people calling for their letters. That vast amount of mail matter must be gotten out of that office in some way, just the same as the mail matter which you drop into the office must be removed from the office into the country. Therefore you have the free-delivery service.

Mr. WILLIAMS. Whatever may be the reason given for the existence of the fact, the fact does exist that a gentleman living in Philadelphia receives his mail free, at the expense of the Government, and a gentleman living at Medicine Lodge, Kans., or some other small place, does not. The fact remains; but men of common sense recognize that that is a necessary discrimination against the man who lives in the sparsely settled country.

If this man who lives in the sparsely settled country is willing to remove the only objection to his being put upon the ground of equality—that objection consisting in the fact that his being put upon the ground of equality would cost the Government a great amount of money—if he proposes to remove that obstacle by paying the money himself, I can not see how anybody under the sun can object. I can see how my scheme of rural free delivery by the Government may be objected to by gentlemen who would have to pay a tax to carry on the scheme, but I can not see how anybody can object to a scheme which involves delivery at the expense of the deliveree. Now, as I said a moment ago, this system exists practically in parts of this country. It exists practically in a part of my own county, where, all along the line of a road 40 miles in length, all subject to one post-office, the planters have their boxes out for themselves and their tenants, and they give instructions to the postmaster to deliver their mail to the man who brings it out to them.

Gentlemen may say, "If they can do that already, then why the necessity for this law?" The necessity, or rather the advisability, of the law is this, that the people selected by them are not in any manner subject to the supervision of the Government; they give no bond to perform their duties properly, and if anything does happen in the shape of a loss of mail matter, there is nobody who can look into it. The moment a man has given his order to the postmaster to deliver his mail to John Smith, that moment the Post-Office Department has nothing further to do with the letter, after it is delivered to John Smith, and can not even examine into the question as to whether John Smith ever received the letter which he failed to deliver or not. This bill will necessitate the giving of a bond, and will give governmental supervision, without any expense to the Government. It will satisfy a demand existing in the rural districts, which demand is very reasonable in its character, in my opinion.

Mr. BINGHAM. Will the gentleman allow me to make a statement?

Mr. WILLIAMS. In one moment.

Mr. BINGHAM. All right.

Mr. WILLIAMS. One other thing. The gentleman seems to be laboring under the impression that there is something in this bill—and the answer made by the gentleman from Connecticut [Mr. SPERRY] still further misled him—that there is something enabling these carriers to go behind the railing of the post-office and themselves sort the mail.

Mr. BINGHAM. There is nothing in the bill which allows that.

Mr. WILLIAMS. There is nothing in the bill which allows that. On the contrary, the bill says the postmaster shall deliver to the men thus selected the letters ordered to be delivered, by the written requests on file in the office. So that that objection does not lie to the bill. I thought I would notice that because I was afraid that the answer given by the gentleman from Connecticut [Mr. SPERRY] to the inquiry might have misled others, if it did not mislead the gentleman, into the belief that there was something of that sort.

Mr. LOUD. What objection could there be to that, if they are sworn officers of the Government?

Mr. WILLIAMS. There would be very great objection to that, and that objection would be that there would be a divided responsibility. There would be several people with the privilege of sorting the mail, and there would be several people with the privilege of laying upon somebody else the blame for anything wrong that took place during its assortment.

Mr. BINGHAM. Will the gentleman allow me to make a statement to him with reference to the free-delivery offices, especially with reference to Philadelphia? The gentleman referred to that office, and I should like to answer his objections.

Mr. WILLIAMS. I did not intend to refer to Philadelphia especially. I made my statement general. The gentleman knows that in all free-delivery offices the rate of postage is 2 cents an ounce. The gentleman also knows that in all other offices, not free-delivery offices, the rate of local postage is 1 cent an ounce. Therefore, where free delivery exists for the delivery of a local letter from one section of a city to another, the same postage is paid as transmits a letter collected in Oregon and delivered in Maine to the party's residence, and as a result of that service in the great cities large revenues of surplus are turned over in the Post-Office Department. I wanted to emphasize the fact that at these offices with which this bill deals the local postage is 1 cent, while where there are letter carriers the rate of local postage is 2 cents. I am sorry I brought the city of Philadelphia in, as the entire argument is irrelevant to what we are discussing. The rural districts of this country would be very glad to pay that additional postage to have the same privilege.

Mr. SPERRY. I just want to say one word in reply to my friend from Philadelphia. He spoke of the innumerable number of letter carriers which might come from the offices of the class which the bill proposes to serve. I want to say to the gentleman that I cited there as an example the telegraph boys; but on sitting down I remembered that we have a better example right in

the city of Philadelphia and in all other large cities where these little special-delivery boys deliver their mail out of the post-offices, and are appointed by the postmaster himself, and no other person, delivering the most valuable letters, delivering letters which are of the utmost importance to the persons to whom they are addressed, and receiving pay therefor. This is precisely the same; no difference whatever. It gives no more power whatever to the postmaster in one of these communities than is given to the postmasters in the large cities where they have the right to appoint these little special-delivery boys, 16 years of age and upward.

Mr. LOUD. But those letters are prepaid, and do not depend upon the generosity of the person to whom they are delivered.

Mr. SPERRY. These letters are also prepaid, or they would not go to the office.

Mr. MOODY. You say that the appointees would not be under the provisions of the civil service. Is there anything in the bill that excludes them?

Mr. SPERRY. There is not. The bill does not exclude them.

Mr. MOODY. Why would they not be included by virtue of their being letter carriers?

Mr. SMITH of Illinois. Mr. Speaker, I simply desire to say a few words in reference to the bill under consideration. It is a bill that has been very carefully considered by the Committee on the Post-Office and Post-Roads. The bill as originally presented did contain some objectionable features, as the committee deemed, and hence considerable time was given to its consideration. As framed and now before us for action it simply seeks to systematize the delivery of mails from a particular post-office to any number of individuals in rural districts, not less than twenty in number, who shall petition the postmaster where they receive their mail for that purpose. There are a number of places in the United States where persons living some distance from the post-office desire to have some particular individual carry their mail from the post-office to their residences, receive their mail, and deliver it at the post-office where they would have to take it or send it by some irresponsible person or by some person to whom they might deliver it.

This bill simply seeks, as I said, to accommodate those people and give them some assurance that the mail delivered to the carrier should be promptly delivered and that which they give to him promptly surrendered to the post-office where it should be mailed, and in case of failure to properly deliver that which the individual gives to the carrier or the postmaster gives to the carrier the bill gives to such individual recourse upon the carrier and the securities on his bond. It does not in any manner take from the postmaster in a small country place any emolument which he would otherwise receive, nor does it create any liability whatever upon the Government in any instance which can be imagined.

Mr. BINGHAM. What about violations of the law?

Mr. SMITH of Illinois. In what respect?

Mr. BINGHAM. Any violation of the law.

Mr. SMITH of Illinois. Any violation of the law?

Mr. BINGHAM. It is under the supervision of the post-office inspectors. Do not they make the preliminary investigation if there is any violation of law?

Mr. SMITH of Illinois. With reference to the letter carrier?

Mr. BINGHAM. Why, certainly.

Mr. SMITH of Illinois. It creates no responsibility on the part of the Government.

Mr. BINGHAM. It does under section 3 of your bill, which, I suppose, covers the administration of the Department.

Mr. SMITH of Illinois. Certainly, wherever there is a criminal prosecution. But suppose a man is appointed as carrier by the postmaster. The bond under this bill which that carrier gives is given to the postmaster, and he must have securities on the bond. If anyone is aggrieved, they have their recourse on the bond. The bill simply provides that the Government shall not be responsible in any sense whatever. We carefully considered that from every standpoint, and there is no way imaginable where the Government can be responsible in case the carrier failed to do his duty as such carrier. It is divorced entirely from governmental supervision and is only intended to meet the requirements of the rural districts and to accommodate them in these matters. My friend from Pennsylvania smiles. I do not know why.

Mr. BINGHAM. I am smiling only because the gentleman ignores section 3 of his own bill—

> SEC. 3. That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing laws not inconsistent with this act.

Therefore these men will come under every law that the letter carriers and the postal clerks and all the postal employees come under. Now, the detection of violations of law in the Department rests largely with the special agents, and therefore when you add these tens of thousands of letter carriers in these nearly seventy thousand post-offices, you must necessarily increase the force of special agents. I say that in answer to the gentleman's statement that this legislation will not impose any expense upon the Government.

Mr. SMITH of Illinois. But my friend ignores the last words of the section he has just read—"not inconsistent with this act." This bill proposes to divorce this character of service from governmental supervision and to throw the responsibility upon the carrier and his bondsmen, and to give the opportunity of enforcing that responsibility to the person delivering his mail to the carrier or receiving it from him. In the large cities where we have free delivery, and every man can get up in the morning and receive his mail by a carrier selected and employed under the civil service and paid by the Government, the system is found very convenient, and we merely appeal to this House to say by this bill that the people who live in the rural districts, when not less than twenty of them so desire, may arrange to have their mail matter collected and delivered by a carrier, provided that they pay that carrier themselves, and provided further that the Government shall under no circumstances be responsible in any manner whatever for the faithful performance of the carrier's duties. I certainly hope, Mr. Speaker, that when we come to vote upon this bill members will consider the interests of the rural districts, especially when the interests of the Government are not at stake, and will give the people of the sparsely populated portions of the country the benefit of this carefully guarded law.

Mr. BINGHAM. Mr. Speaker, in response to the pertinent illustration given by the gentleman from Connecticut just now of "youngsters" being employed to deliver letters under the special-delivery system, I say to him that if he will read the law he will observe that the Postmaster-General must approve the selection of such employees by the postmaster.

> To provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provision of this act may, with the approval of the Postmaster-General, employ such person or persons as may be actually required for such service.

The gentleman sees that under the law the approval of the Postmaster-General is required before anybody can be employed for the special-delivery service; but the gentleman's bill gives the power absolutely to the local postmasters, and so the illustration fails.

Mr. SPERRY. I am well aware of the existence of that law, and the matter is put on precisely the same footing in this bill. There is no change. The letter carriers are put upon the same plane, the same level, and they emanate from the same source that the special-delivery boys do.

What time have I left, Mr. Speaker?

The SPEAKER pro tempore. There are about twenty minutes remaining.

Mr. JOHNSON of California. Mr. Speaker, I have listened attentively to this debate in order to understand, if I could, the objections to this bill. Owing, of course, to my ignorance, I am unable to discover any objection to it except that it is for the benefit of the farmers. I see that some gentlemen who live in cities are opposed to it. I presume that they have found the free-delivery system a failure in the cities, and that they do not wish to extend the failure to the country. If that be the reason of their objection it is a good one; but if the free-delivery system has been found valuable in the cities, why not let the people in the country have it if they want it? I do not happen to live in the country myself, but I know a good many people who do live there, and if they want this system and are willing to pay for it, why not let them have it?

Mr. BINGHAM. They can have it now.

Mr. JOHNSON of California. The gentleman says they can have it now; but if this proposed law will give it to them any quicker, why not let them have it that way? [Laughter.] The gentleman seems to think it is a bad thing, but if a man is going to die by poison, why not let him take a large dose and die quickly? [Laughter.] The only objection that I have heard to the bill is the one stated by the gentleman from Pennsylvania, that the people can have this service now under existing laws and regulations. If that is so, why have you not given it to them? The gentleman has been on the Post-Office Committee for a number of years; why has he not given it to them? I have received communications from constituents of mine stating that they did want such legislation as this, and I repeat, why not give it to them? For one I hope that the bill will pass. Whenever a man wants a thing and is perfectly willing to pay for it himself, I do not see why he should not have it. [Laughter.]

Mr. PICKLER. Mr. Speaker, I do not care to detain the House debating this bill. It seems to me that at nearly every session of Congress we have discussion here in regard to alleged discrimination in the postal service against the rural districts. We had it last session with regard to the pay of fourth-class postmasters. Now, here is an opportunity to do something for the rural districts without its costing the Government anything, and it does seem to me that there ought not to be any objection to this bill. I repeat, the Government is put to no expense under this bill. I understand that some gentlemen are not willing to support the bill because they say it is only an entering wedge, and that by and by the rural districts will come in and claim that these carriers ought to be paid by the Government. Well, if the system develops into such a success that Congress can be convinced that it is reasonable and wise for the Government to extend the regular free-delivery service to the population of the rural districts, it will be all right to make the extension, and, on the other hand, if Congress can not be convinced of the wisdom of doing it, the extension will not be made.

The objection raised by the gentleman from Pennsylvania [Mr. BINGHAM] with reference to prosecutions for violations of the law might be made to every bill that has ever been passed by Congress. It seems to me that there is nothing substantial in that objection. It is charged that there is discrimination made by our postal laws in favor of the people who live in cities.

Here is an opportunity to accommodate the people of the country, and to accommodate them at no expense to the Government. The proposition is simply that we throw the protecting care of the Government around this character of service. I really do not understand how any gentleman can in good faith oppose giving this advantage to the people in the country districts, who very often have to go for days without their mail and who, when they want to take a letter to the post-office, are sometimes obliged to do it at an expense of two or three dollars, depending upon their distance from the office and the extent to which they may be pressed for time during the busy seasons of the year.

It seems to me that we ought to pass this bill. It seems to me that we ought to pass it unanimously. It seems to me that gentlemen from the cities ought to stand by such a bill as this, especially when it does not cost the Government anything. We from the rural districts are called upon from year to year to vote large appropriations for this special-delivery service. We always do vote for such appropriations to extend this delivery system in the cities. I hope that not only gentlemen representing city districts, but those especially who represent rural communities will vote for this bill. It is one which ought to pass without dissent.

Mr. SPERRY. Mr. Speaker, the time is short: otherwise I would permit this debate to proceed. But, under the circumstances, I ask that the bill be put on its passage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LOUD. I was about to ask for a few moments. There is some time left, I believe.

Mr. SPERRY. If there is time, all right.

Mr. LOUD. I will say to the gentleman that the time is unlimited. We can consider this bill for the coming week without its losing any right unless some matter of higher privilege should supersede it.

Mr. SPERRY. Then I hope the gentleman will proceed.

Mr. LOUD. Mr. Speaker, I had seriously hoped the time might come when, even on the floor of this House, we could approach the discussion of a question of this sort without at least seeming demagogy. I had hoped that we could approach the discussion of a question of this character without appealing to the passions or prejudices of the rural element in this country. We have before us a plain business proposition: but after listening to the last two gentlemen who have appealed to us so pitifully in behalf of the rural districts I have said to myself in sorrow, "What is to become of our farming population in the next Congress if we can not have those gentlemen here to represent them?" [Laughter.]

Now, Mr. Speaker, this bill either amounts to something or it amounts to nothing. If it amounts to anything, it is one of the most dangerous propositions ever presented to Congress. If it amounts to nothing, why should this House spend its time in its discussion or give it any consideration whatever?

Permit me to say, with all due respect to gentlemen with whom I dislike to differ, that this bill confers no privilege or power which does not exist to-day. There is no rural community in this country to-day that can not avail itself of every privilege contemplated by this bill without the passage of any such measure. If that is a fact (and if not I call upon any gentleman here to successfully contradict it), then why the necessity for the passage of this bill?

Mr. PICKLER. Will the gentleman allow me a question?

Mr. LOUD. I had hoped the time had come when even the gentleman from South Dakota would allow me to proceed for a few minutes uninterrupted.

Mr. PICKLER. The gentleman need not yield if he does not wish to do so.

Mr. LOUD. If the gentleman will let me finish the "peroration" I now have in view, I will yield to him with the greatest pleasure.

Mr. WILLIAM A. STONE (to Mr. LOUD). Oh, yield to him.

Mr. LOUD. All right. I can not resist the appeal of the gentleman from Pennsylvania, even if I could that of the gentleman from South Dakota.

Mr. PICKLER. I will not trespass upon the gentleman's time.

Mr. LOUD. As I was saying, this bill confers on no community any privilege that it has not to-day. Under existing law any man or set of men can to-day delegate any person they may select to go to the post-office for them and receive their mail.

Mr. BINGHAM. And pay him what they like.

Mr. LOUD. And pay him or not, as they choose.

Now, what would be the practical operation of this measure if it should become a law? It could not be successfully operated to the advantage of your farmers up in South Dakota.

Mr. PICKLER. Now will the gentleman allow me to ask him a question?

Mr. LOUD. I was willing to yield to the gentleman when he stopped me before. I hope he will now allow me to proceed.

Mr. PICKLER. But now the gentleman has alluded to me personally.

Mr. LOUD. But the gentleman insists on interrupting me when I am getting up high. [Laughter.] Why not wait until I stop?

Mr. PICKLER. But you are always "getting up high." [Laughter.] I want to ask the gentleman by what process we can put these carriers under bonds without some statute authorizing it?

Mr. LOUD. Oh, well, it is not necessary to put them under bonds at all. I believe there are hundreds of good, respectable, honest citizens in every community who can be trusted to deliver the mail to persons in their vicinity. There has never yet been any serious complaint in that direction.

Now, let us be practical. This measure could not be successfully operated except in thickly settled communities. Go into a farming district where families are located from 1 to 5 miles apart. No man in the world could successfully deliver letters in such a community at 1 cent a letter. Now, let us be practical. This bill could possibly be successful only in the thickly settled portions of the country, even if enacted into law. But let us put it in successful operation for a moment and see what the results would be. Let twenty people in one locality petition for the appointment of a carrier by the postmaster to deliver their mail. Is their mail of sufficient magnitude in such localities to support the expenses of this carrier? No. He can not expect to receive very much compensation for the service. He can perhaps get 1,000 persons on his list who will agree to pay 1 cent on every letter delivered. How many—and I will ask each gentleman present to consult his own conscience and his knowledge of the conduct of men—how many men will pay a debt varying from 1 to 3 cents? I claim that the collection of this amount of money is impracticable. One-half or two-thirds of it, no doubt, could be collected. But the collection of the whole of it would be almost impossible. What is the inevitable result? No man has ever yet performed a service for the Government of the United States as an officer or employee and failed to receive pay but has come to Congress at some future time and has demanded the compensation to which he claimed to be entitled. If this bill were put into operation and these men did not receive pay for the carrying of the mail you would find them knocking at the doors of Congress to be compensated as sworn officers of the Government, and in time they would be powerful enough, just as the letter carriers of the country have been powerful enough in the past to force the payment to them for overtime, which in that case amounted to about $4,000,000.

Mr. PICKLER. Oh, you will be here to prevent that. [Laughter.]

Mr. LOUD. Oh, I shall not be here, I am sorry to say, forever.

A MEMBER. Well, you will be here the next time, and Friend PICKLER will not. [Laughter.]

Mr. LOUD. I am sorry even to lose the gentleman from South Dakota, who gives me so much trouble.

Mr. Speaker, this bill comes before Congress without the recommendation of the Post-Office Department. It comes without, so far as I have been able to ascertain as the chairman of the Committee on the Post-Office and Post-Roads, the demand or the request of any body of citizens in the land. I would like to have had incorporated in the report accompanying the bill the letter of the Postmaster-General sent to the committee in regard to it. It has not been embodied in the report.

Mr. SPERRY. Because it was received after the report was prepared.

Mr. LOUD. But I will say that it does not commend this measure to the careful consideration of this body.

I regard it as a measure probably of great danger to the country on the one hand, and on the other as straining at a gnat and swallowing a camel. I hope—I sincerely hope, sir—that this House will consider on the one side the gravity of the situation that may confront it, and the absurdity of the situation, on the other hand, of assuming to throw something to the rural districts of the country that will amount to nothing.

Mr. PICKLER. Is not that the unanimous report of the committee?

Mr. SPERRY. It was the unanimous report of the committee; and nothing surprises me more than to hear the gentleman from California taking the position that he does.

Mr. LOUD. Permit me to say that I opposed this bill in the committee.

Mr. SPERRY. If you did I did not know it.

Mr. LOUD. Very well: there are other members of the committee who do know it.

Mr. SPERRY. I want the House to understand the logic, if it possibly can, of the gentleman from California. He is making a speech against the bill. He charges that there is nothing in the bill: then that it is the most dangerous bill that was ever passed; and yet he says in the same breath and at the same time that the very same thing is already embodied in the law.

Mr. WILLIAM A. STONE. Is that conceded?

Mr. SPERRY. I do not know whether it is or not. I simply say that it is putting it into the form of law, and describing the way and manner in which people who wish to receive their mail shall proceed in order to secure its delivery in such manner as shall be most convenient to them.

Now, Mr. Speaker, I wish this bill to be put upon its passage.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken upon the passage of the bill, on demand of Mr. LOUD the House divided: and there were—ayes 101, noes 13.

So the bill was passed.

On motion of Mr. SPERRY, a motion to reconsider the last vote was laid on the table.

The SPEAKER. If the Committee on the Post-Office and Post-Roads have no further business, the Clerk will proceed with the call of committees.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker——

PENSION APPROPRIATION BILL.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole on the state of the Union, with Mr. DINGLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering appropriation bills. The Clerk will report the first bill.

The Clerk read the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

Mr. GROW. Mr. Speaker——

Mr. WILLIAM A. STONE. I will yield to my colleague [Mr. GROW] after a minute. I wish briefly to explain the purpose of the bill. It is the usual pension appropriation bill, and reduces the expenditures below what they were in the last bill some $75,000.

The committee examined the Commissioner of Pensions at length, and under his testimony they were unable to make any reduction in the first paragraph of the bill, which appropriates $140,000,000 for the payment of pensions during the coming fiscal year.

The Commissioner of Pensions stated that there were a large number of pending applications made under the general law which would have to be adjudicated during this time. Many of them, he stated, would be allowed, and large amounts paid, and while it was true that the death rate in the pension roll was increasing, yet that it would be more than offset by the increase in payments in adjudicated cases, under what is known as the general law, that is, under the acts of Congress passed prior to the act of 1890. The amount paid during the last fiscal year was between $138,000,000 and $139,000,000. The amount that will be paid during the next fiscal year will probably exceed $139,000,000. So that, taking into consideration the total increase in the bill by the allowance of cases under the general law, the committee did not feel at liberty to reduce this item, and they allowed the total estimate of the Commissioner of Pensions.

In the item of fees of examining surgeons the committee, after due consideration, reduced the amount estimated $50,000, making a recommendation of $700,000 instead of $750,000, the amount estimated by the Commissioner.

The salaries of agents are fixed by law, and they amount to $72,000. No reduction could be made in this item.

The next item is clerk hire at agencies. The law passed in the last session, which directed pension agents to pay by checks instead of currency at the agencies, has enabled the Commissioner of Pensions to make some reductions in the clerical force at the different agencies. He has done that, and contemplates further reductions. He, however, said that he could not safely manage the Department with less than $450,000, and as the making of reductions is partly experimental at present, the committee did not feel justified in making any further reduction below the amount which the Commissioner said he would try to get along with. We therefore reduced that item $20,000, and have recommended $430,000.

The other two items, fuel and light, are not changed from the estimate, but the estimate for stationery and necessary expenses, meaning contingent expenses, is increased from $30,000 to $35,000. The committee took considerable testimony upon that subject, and finally consented to an increase of $5,000. The Commissioner stated that under the present law, as applied and applicable to the civil-service law, it was impossible to readily get help in case of a busy day or two at a pension agency when there was a great desire to make prompt payments to pensioners. He stated that he had no power whatever to employ any extra help, even for a day: that he could not do it; that if he made a requisition upon the civil-service branch of the Government, before he would get the clerks to the place where they were needed the occasion for their employment would expire. We therefore gave him an additional $5,000 to use in his discretion for the employment of help for a day or two or three days. It seems that in the last fiscal year there was a detailed force. The Commissioner was empowered to employ laborers for a day or two or three days at a time. But Commissioner Lochren revoked this order: and then, the order of the President with reference to the classified civil service having gone into effect, including all laborers in this Department under the civil-service law, it became an absolute impossibility for the Commissioner to employ men even for two or three hours. Therefore, after considering the matter fully, the committee thought that the request was a reasonable one, and we allowed the additional $5,000, to be used at the discretion of the Commissioner of Pensions. If not used it will be turned into the Treasury again. The committee increased the amount for rent $300. The testimony of the Commissioner was that at one agency, at Topeka, it was necessary to have that increase in order to accommodate the office there.

The total reduction amounts, in round numbers, to about $75,000 from the amount appropriated for the last fiscal year. I may say that the report of the subcommittee was unanimous and the report of the general committee was unanimous.

With this brief explanation, I will now yield the floor to others who may have anything to say on the subject.

Mr. PICKLER. Will the gentleman allow me a question? There is no——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. PICKLER. There is no new provision in the bill?

Mr. WILLIAM A. STONE. It is the same as before. There is no new legislation in the bill, and no attempt at legislation in the bill—no attempt at any alteration. It is simply the appropriation as before.

Mr. MOODY. Will the gentleman explain to my ignorance what the navy pension fund is? What is the income of that fund?

Mr. WILLIAM A. STONE. As I understand, it is about $400,000 a year. The law passed during the war in reference to prizes appropriated a certain percentage of captures to the navy pension fund. Nearly all of this fund is used to pay pensions accruing to persons disabled in the Navy, and the Government appropriates the balance to make up the roll. That is all there is of that. There is, I think, a small part of it that is used for a purpose entirely consistent, but so minute that it does not amount to anything. Nearly all the navy pension fund is applied to navy pensions, and then we appropriate the balance.

Mr. GROW. Mr. Chairman——

Mr. WILLIAM A. STONE. I yield to the gentleman from Pennsylvania. How much time does the gentleman need?

Mr. GROW. Not a great deal. I do not intend to be long.

Mr. WILLIAM A. STONE. I yield the gentleman whatever time he wants.

Mr. GROW. Mr. Chairman, on yesterday, at the conclusion of the reading of the President's message, I was anxious then to call the attention of the House for a few minutes to one or two statements made in the message.

I will now ask the Clerk to read the extracts from the message of the President which I send to the desk.

The Clerk read as follows:

> The only entire fiscal year during which this law has been in force ended on the 30th day of June, 1896. In that year our imports increased over those of the previous year more than $6,500,000, while the value of the domestic products we exported, and which found markets abroad, was nearly $70,000,000 more than during the preceding year.
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> Whatever may be its shortcomings as a complete measure of tariff reform, it must be conceded that it has opened the way to a freer and greater exchange of commodities between us and other countries, and thus furnished a wider market for our products and manufactures.
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> * * * * * * *
>
> The Secretary of the Treasury reports that during the fiscal year ended June 30, 1896, the receipts of the Government from all sources amounted to $409,475,408.78. During the same period its expenditures were $434,678,654.48, the excess of expenditures over receipts thus amounting to $25,203,245.70.

Thus, it seems, Mr. Chairman, that the expenditures of the Government for the last fiscal year, closing June 30, 1896, were in round numbers $25,000,000 more than the receipts. The year preceding the deficit was $45,000,000 in round numbers. By the monthly statement sent us by the Secretary of the Treasury the expenditures of the Government since the 1st day of July, 1896, to the 1st day of December, the present month, have been

$40,976,453 more than its receipts. These three items of deficiency in revenue run through two years and five months, yet the President makes no recommendation as to any mode of increasing the revenues of the Government, but simply assures us that no deficit that has occurred or may occur need excite or disturb us. A very placid mood for the Executive of the Republic while its annual expenses have exceeded its receipts about an average of $50,000,000 a year during his present term of office.

The President seems to rest secure that the creditors of the nation will be paid unless the engravers and the money-printing presses of the Government shall break down. He compares the existing tariff with itself one year with another, and declares it has done better this year than it did the year before, and if it is let alone long enough it will undoubtedly some time meet all the expenses of the Government. In addition, he declares that it has opened the way to a freer and greater exchange of commodities between us and other countries.

I do not propose to discuss the tariff to-day in any partisan spirit, or to excite any questions relating to free trade or protection, but simply to call attention to the business character of the existing tariff. It is not a question of whether this tariff is better for one year than another, but whether it is a good tariff for any year. If it is, we need no change. If it is not good for any year, then our first duty, as part of the legislative department of the Government, is to so change it as to provide revenue enough to meet the expenses of the Government economically administered. In a number of the schedules in the existing tariff less duty is collected on a larger valuation of imports than in the McKinley tariff for a corresponding year, and articles of pure luxury of a larger amount are imported under the present tariff and less duty collected.

To compare some of the schedules in the two tariffs as to amount of importation and duties collected, take earthen, stone, and china ware. Without taking the time to state the amount of importation in each year, I will give the difference in the valuation each year and the difference in the duties collected. The valuation on china ware, earthen ware, etc., imported in 1896 was $1,162,193 greater than in 1893, and the duty collected on these very same kinds of articles $1,841,399 less than was collected under the tariff in 1893. In fruits and nuts the importation in 1896 was $5,721,055 more than in 1893, and the duty collected was $1,211,173 less than was collected in 1893.

Take iron and steel. This is the only item that I shall read the importation of which in 1896 was less in valuation than that of 1893, but while the importation of 1896 was $8,264,000 less than that of 1893, the duty collected was, in round numbers, $12,000,000 less in 1896 than in 1893. All the other cases to which I call attention are cases where the importation of foreign products in 1896 exceeded in amounts and valuation the importation in 1893, and in every instance less duty was collected in 1896 from the same kinds of articles on a larger importation. That is, under the existing tariff a larger amount of importation is made than was made under the McKinley tariff and less duty on that larger amount was collected; that, too, at a time when the Government needs the revenue.

The friends of the existing tariff are claiming that it is better than the tariff that it superseded. It is time for some gentleman on the Democratic side of the House to rise and in eloquent terms denounce "McKinleyism" as we have heard it so often for the last three years. While the revenues on these articles fell off, the importations increased. Take wool and manufactures of wool. I grant that there was a theory underlying the change made in the tariff on the woolen schedule. In the other cases there was no theory, nothing but a want of business capacity. [Laughter and applause.] But in the case of wool there was both a false theory and a want of business capacity.

The imports of wool and woolen manufactures in 1896 show a valuation of $27,000,000, in round numbers, more than the imports of the same articles in 1893, while the duty collected upon this great increase of imports is $21,477,351 less than in 1893. That is, we have brought foreigners in competition with our own great wool industry, woolgrowing and the manufacture of wool, thus giving employment to the labor of other countries, while our own labor goes begging in the streets, and in doing it have thrown away $22,000,000 of revenue. Take carpets and carpeting. I read this to further illustrate the want of business capacity shown in the existing tariff in levying duties on what are called luxuries. It is evident that a large amount of revenue from foreign importations can not be collected without making it somewhat burdensome, unless duties are made very large on what are called the luxuries of life. Here are carpets and carpeting, including the highest priced carpets, Axminsters, Moquettes, and carpets woven on special orders to fit a particular room. In 1895 the importations of these goods were $7,146 more in valuation than the importations in 1892, while the duty collected on them was $217,646 less than the duty collected on the importations of 1892.

Now, take the tin-plate industry. Before 1890 there was not a pound of tin plate made for market in this country. The manufacture for consumption commenced at that time. The importation in 1895, under the present tariff, the first year of this tariff, was 534,000,000 pounds, as against 403,000,000 pounds in 1892. That is, there was 131,784,122 pounds of tin plate imported in 1895 more than was imported in 1892; yet the duty collected upon that importation of 130,000,000 pounds more in 1895 was $1,461,610 less than the duty collected in 1892. This loss of revenue is a clear discrimination against our own industry. We can produce all the tin plate this country needs. The existing manufactories have sufficient capacity, but they have been partially shut down for two years. We close the door to the product of our own country and open the door to the product of foreign factories and call it "increasing our trade with foreign nations."

Take brandy—if it had been whisky there might have been some reason in that. [Laughter.] We imported 8,349 gallons more last year than we imported in 1892, and collected $232,992 less revenue. Take distilled spirits. Our imports last year were $191,951 greater in valuation than our imports in 1893, yet we collected $558,848 less revenue.

These, Mr. Chairman, are some of the illustrations of the kind of tariff that we are asked to continue until it shall meet the deficiencies in the revenue. I grant that it gained about $12,000,000 upon itself in its second year, but at that rate how long would it take to make up the deficit in revenue already incurred?

The duty collected on the nine articles that I have enumerated—the same class of articles in each tariff, remember—the duty collected upon those articles during the fiscal year which closed on the 30th of June last, was $39,114,676 less than the duty collected under the McKinley tariff on a much less amount of importations.

The following table shows the valuation and duties collected on certain articles in corresponding years.

Valuation of imports and duties collected.

Articles	Year.	Valuation.	Duties collected
Carpet and carpeting	1892 1895	$1,377,050 1,384,196	$851,511 633,865
Difference	.....	7,146	217,646
		Pounds.	
Tin plate	1892 1895	403,060,785 534,844,907	8,801,358 7,339,748
Difference	...	131,784,122	1,461,610
Brandy	1892 1895	294,412 302,761	$791,488 558,496
Difference	.....	8,349	232,992
Distilled spirits	1893 1896	$1,906,891 2,098,841	3,183,633 2,624,785
Difference		191,950	558,848
Earthern, stone, and china ware	1893 1896	9,377,284 10,539,477	5,404,885 3,563,486
Difference		1,162,193	1,841,399
Fruits and nuts	1893 1896	13,398,411 19,119,466	3,818,801 2,607,628
Difference	.....	5,721,055	1,211,173
Iron and steel	1893 1896	34,860,868 26,596,815	21,910,447 10,031,349
Difference	...	8,264,053	11,882,098
Provisions	1893 1896	2,081,234 2,050,718	761,199 532,778
Difference	....	30,516	228,421
Wool, and manufactures of	1893 1896	55,391,203 82,796,367	44,598,772 23,121,383
Difference	...	27,405,164	21,477,389

On these nine articles the customs duties collected was $39,114,676 less than was collected in corresponding years on a much less amount of importations of the same kind of articles under the McKinley tariff.

Sugar was on the free list under the McKinley law, and 1890 was the last year that it was dutiable until this tariff.

Let me compare the operations of the existing tariff with the tariff preceding the McKinley tariff.

In 1890 the Treasury of the United States collected on the importation of sugar into this country $53,985,873, that being the last year in which sugar was on the dutiable list.

In the year of this tariff which the President refers to in his message with commendation—the year closing on the 30th of last June—there was collected on sugar $29,808,140, being $24,000,000 less than was collected in 1890.

For years we have had a wide difference of views between political parties in this country, and probably we shall continue to have such differences for years to come as to protection and free trade.

Protection means employment for American labor in producing in this country such articles as climate, soil, and natural facilities would allow of being produced here to advantage, at a rate of wages—the highest possible—and permit the articles produced to be sold in market. Free trade means the payment to labor everywhere of the lowest wages paid to labor anywhere. Everybody can choose between these theories. I do not propose to enter into any discussion of them at this time. But as a business proposition we are to consider the results of these two tariffs as they affect the Treasury of the United States. The question of how to collect revenue for the expenses of this Government is a business proposition.

These two tariffs have been tested in practical operation. Such practical tests are better than any theory, better than all logic, better than all disputations where imagination furnishes the "facts" instead of taking into consideration the results of practical operations in business.

I have here a table showing the total exports and imports of this country during four years, also the dutiable and free, and showing the amount of duties collected. This table shows the results in the years 1892, 1893, 1895, and 1896, two years under the McKinley tariff and two years under the existing tariff. The year 1894 is a year which in fairness can not be used by way of comparison with anything before or after. That was a year in which the country was engaged in remodeling the tariff. A great part of that fiscal year Congress was engaged in both Houses on that measure.

The party that framed the present tariff came into power on the 4th of March, 1893, having been elected in 1892. As soon as that election was over, the influence of the anticipated change in the tariff policy of this Government swept over not only our own country, but the nations of the world with whom we dealt. Hence 1894 is a year which no one who wishes to deal fairly can use by way of comparison with anything before or since. But we may fairly refer to 1892 and 1893 (the two years immediately preceding 1894), and 1895 and 1896 (the two years immediately succeeding), for any purpose of comparison.

In the years 1892 and 1893 the total exports of this country amounted to $1,877,943,341. In the years 1895 and 1896 the total exports amounted to $1,690,145,103, being $187,798,238 less than for the two years 1892 and 1893.

Yet the President assures us that this tariff has opened the way to a freer and more expanded commerce with foreign nations. This is his claim, in spite of the fact that under this new policy the exports for 1895 and 1896 are nearly $200,000,000 less than they were in 1892 and 1893, really the last two years, for comparison, of the McKinley tariff.

The total dutiable imports for 1895 and 1896 are substantially, the same in amount as the dutiable imports were for 1892 and 1893. There is a nominal difference of $10,740,709. But the ad valorem duties in force the two years of this tariff—greater in number than heretofore—would more than make up the difference in valuation. So that the total dutiable imports of 1895 and 1896 are substantially the same as were the dutiable imports of 1892 and 1893. Yet the duties collected in 1895 and 1896 under this tariff that we are asked to allow to remain until it shall make up all deficiencies amounted to $68,353,224 less than the collections on the same amount of dutiable imports in 1892 and 1893. It is seriously proposed as a matter of business that we allow these importations of foreign merchandise to come in competition with American labor, and in addition fail to collect as much revenue upon them as was collected in the two corresponding years prior to the enactment of this tariff.

The following table shows the total exports and imports, and the duties collected for the years 1895 and 1896 compared with the years 1892 and 1893:

Year.	Total exports.	Total imports.	Free.	Dutiable.	Duties collected.
1892 1893	$1,030,278,148 847,665,193	$813,601,345 844,451,583	$458,074,604 444,172,064	$355,526,741 400,282,519	$174,124,270 199,143,678
1895 1896	807,538,165 882,606,938	731,162,090 759,694,084	376,890,100 368,897,523	354,271,990 390,796,561	147,901,218 157,013,506
1892 1893	1,877,943,341	1,658,052,928	902,246,668	755,809,260	373,267,948
1895 1896	1,690,145,103	1,490,856,174	745,787,623	745,068,551	304,914,724
1895–1896 less than 1892–1893	187,798,238	167,196,754	156,459,045	10,740,709	68,353,224

It is for the Congress of the United States to restore the revenues of the Government so as to equal its expenditures or to reduce those expenditures to correspond with the revenue. Who on this side of the House or who on the other side believes that we can reduce materially the expenditures of this Government? They are now no greater than they were when the gentlemen on the other side were in power. We do not charge that they were extravagant in expenditures. This mighty country, with its great rivers, its mighty arteries of trade and commerce, requires a great expenditure, and it can hardly be expected to be less from year to year. Wise statesmanship, then, requires that we provide in legislation that the revenues shall equal the necessary expenses of the Government, and its people are ready at all times to meet any such demand upon their resources instead of borrowing money for current expenses in time of peace for future generations to pay. But, Mr. Chairman, it is the old system. It is familiar to us all. History repeats itself. Every year of Buchanan's Administration the expenditures of the Government exceeded its revenues. Each year for the past three years we have had the same idea illustrated in the present Administration. The Bourbon of any times learns nothing and forgets nothing. [Laughter.]

In the old days, it is true, free trade harmonized with the labor system which existed in nearly one-half of the country. At that time and under those conditions there was some little reason in their free-trade theory. Capital owned its labor, and it must furnish clothing, provisions, houses, and everything for its substance, and it had no interest in the elevation or the advancement of labor. At that time and under those conditions free trade had something upon which to rest. The owner of labor would buy the cheapest products of the Old World—products of the poverty-stricken labor of the old nations of the world, because capital thought it could get it at less price than it could purchase the same articles at home. They must furnish their labor, and they would do it at the lowest possible cost. But what was a seeming reason for that system at that time has passed forever away. From the Gulf to the Lakes and from ocean to ocean, with a people homogeneous in ideas and institutions, and everywhere with the same great stake and interest in the advancement and well-being of labor, which does so much to add to the greatness and glory of a republic, the reason which existed for the old idea exists no more, yet the gentlemen who still cling to it, the same old idea, now call it "statesmanship." [Laughter.]

There is no longer any reason for the retention of the system which once existed, with the state of society, industries, and population that now exists, so different from the condition which formerly prevailed. Yet we still find supporters of the old theory and advocates of the same old principles.

In conclusion, Mr. Chairman, permit me to say that I know of no higher duty to-day for the lawmakers of this country than to provide a system for revenue that will meet all the expenses of the Government and provide for finally extinguishing the national debt. The McKinley bill was framed to reduce revenue. That was its title. There was no sham about it. It was made to reduce revenue. We had been paying throughout the entire term of Mr. Harrison's Administration $64,000,000 a year in extinguishment of the national debt. That was done under a revenue protective tariff policy begun under the leadership of the venerable Senator from Vermont, Mr. MORRILL, to whom belongs the credit of combining ad valorem and specific duties together in custom-house duties on the same article.

Under the system of revenue protection formulated at that time, and established and maintained by the Republican party for thirty years, two-thirds of the national debt of almost three thousand million dollars was paid before this Administration came into power. They have added $262,000,000 to the interest-paying debt of the nation, with a deficiency in revenues of $140,000,000 during the time they have been in power. How long can this system of revenue continue before this tariff—as the President assures us—will meet all the deficiencies in revenue? While the McKinley bill accomplished what it was intended to accomplish—a reduction of revenue—the prostrating of the business of the country by the change in Administration in 1892 caused too great a reduction. But had the times continued under the same political power, with the same policy prevailing in the Government, the McKinley tariff would have continued to raise enough revenue to pay the expenses of the Government and continue to discharge portions of the national debt annually, as required by the pledge of the Government in 1862, when the first issue of paper money was made.

Mr. Chairman, the gentlemen who compose the legislative department of the Government now and those who will come immediately after them will have no higher duty to perform than that of providing by law for raising sufficient revenue for all the expenditures of the Government by a system of revenue protection.

While we were all content and satisfied with what is known as the McKinley tariff, yet I think like good sportsmen we will all be ready and willing to bet our money on the tariff that will be framed and known hereafter as the "Dingley tariff bill." [Applause.]

The CHAIRMAN. The Clerk will now proceed with the reading of the bill by paragraphs for amendment and debate under the rule.

The Clerk, proceeding with the reading of the bill, read as follows:

For fees and expenses of examining surgeons for services rendered within the fiscal year 1898, $700,000. And each member of each examining board shall, as now authorized by law, receive the sum of $2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and $1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of $2 only until twenty examinations shall have been made: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *Provided*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to.

Mr. CONNOLLY. Mr. Chairman, I desire to offer an amendment at the end of line 23.

The amendment was read, as follows:

Amend by adding after the words "entitled to," in line 23, the following: "Which rating shall be conclusive as to the amount of pension, if any, to be allowed in each case."

Mr. ERDMAN. Mr. Chairman——

Mr. CONNOLLY. Mr. Chairman, the bill requires that these examining surgeons shall not only write out their diagnosis of the case, but that they shall also specifically stipulate the amount which in their judgment the applicant is entitled to. Now, that has been the practice for a long time, and yet the supervising board in the Pension Office has never paid any attention, so far as anybody could discover, to the rating made by the local examining board. By putting in that amendment, the supervisory board in the Pension Office will be left to determine, from the diagnosis as written out and reported by the local board, the question whether any pension shall be allowed—whether the diagnosis shows that the applicant is entitled to a pension. If they determine that he is entitled to a pension, then the rating fixed by the local board is the rating that will govern. Some gentlemen might think that this would leave to the local examining board the entire question as to whether or not a pension should be granted.

Mr. LACEY. Will the gentleman yield for a question?

Mr. CONNOLLY. Certainly.

Mr. LACEY. Suppose a pensioner, in the judgment of the Department, was entitled to $18 a month, and suppose the local board should give him only $6. This amendment which you offer would prevent the pensioner from receiving the $12 a month which he would otherwise be entitled to, making a total of $18.

Mr. CONNOLLY. No, that would not be true, because the matter is still left entirely in the hands of the supervisory board in the Pension Office. They are not compelled, as they are not now compelled, to take the report of any local board of examining surgeons; and it is within the knowledge, probably, of every gentleman in this House who has had occasion to investigate these pension cases that the examining board in the Pension Office repeatedly send the applicant to different boards, for different examinations, in cases where the local boards have already reported such a diagnosis as entitles the applicant to a pension. The supervisory board in the Pension Office, not content with that, send him to another board. That board reports a diagnosis entitling him to a pension. They are not content with that. They send him to still another and another board, to find some board that will finally make a diagnosis showing him not entitled to a pension. They will reserve the same power with this amendment put in that they do now. This does not interfere in any way with the administration of the Pension Office other than that while the supervisory board of the Pension Office finally determine that a man is entitled to a pension, then, when they come to that conclusion, they will be compelled to accept the rating which the law requires the local board to make.

Now, why should the local board be required by the law as it stands to make any rating at all if that rating is to be of no force or effect? The supervisory board in the Pension Office assumes to make the rating from the diagnosis written out by the local board; so that, after all, if the supervisory board in the Pension Office does what it ought to do, and if the local boards of examiners do what they ought to do, then the rate of pension will be fixed by the report made by the local board. But gentlemen all know that the English language is not capable of such refinement as will enable the local board to write out a diagnosis as perfect and complete as the diagnosis made by the men who see and hear and feel and touch the applicant for the pension. The local board are then prepared, when through with the examination of the applicant, from their sense of sight, their sense of touch, their sense of hearing, as well as the manipulation of the applicant himself—they are best prepared to say to what extent that man is disabled. They can write out in medical or surgical phrase how they find him disabled, as to his nervous system, his eyesight, his hearing, his heart, liver, lungs, and all that, but they can not put down on paper so that anybody else can see it the general appearance of debility and decrepitude of that applicant who was before them. They can see and feel and hear that, but they can not write it down. Who, then, is best able to determine the extent of his disability? They are. But it still leaves the question to the examining board in the Pension Office to say whether a pension shall be allowed or not. That I do not think it would be wise to interfere with; but when all the members of the supervising board agree that the applicant is entitled to a pension, then let the men who manipulate the applicant, who see him and hear him and touch him, say on their judgment and their official oaths what the pension ought to be, and if the supervisory board is not content with their rating send him to another board and still another board and get the judgment of all those boards.

Mr. ERDMAN. I raise the point of order against that amendment.

The CHAIRMAN. Did the gentleman reserve the point of order?

Mr. ERDMAN. I raise the point of order that it changes existing law.

The CHAIRMAN. Does the gentleman from Illinois desire to say anything on the point of order? The gentleman from Pennsylvania made the point of order that it changes existing law.

Mr. CONNOLLY. It is suggested to me that the point of order was not made in time.

The CHAIRMAN. The gentleman from Pennsylvania states that he made it at the time the amendment was presented.

Mr. CONNOLLY. I certainly did not hear the gentleman from Pennsylvania [referring to Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. It was another gentleman from Pennsylvania. There are more than one gentleman from Pennsylvania. There are just thirty gentlemen from Pennsylvania on this floor.

Mr. CONNOLLY. I beg the gentleman's pardon.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. CONNOLLY. Well, yes; I have this to say on the point of order: The amendment does not change existing law. There is no law now authorizing any supervising board that I know of, or giving that board sole power to fix the rate of pension where a pension is allowed. Their duties are prescribed, and among their prescribed duties no such duty can be found as that authorizing them to fix the rate of pension. The law does require the local board to fix the rate of pension, and this is simply saying by law what we mean as to what the specific rate of pension shall be. I say that it does not make any change of fixed law as existing to-day. It is simply a change in the practice of the Pension Office—that and nothing more.

Mr. HARDY. If the gentleman will allow me, is it not a fact that until recently the pension examining surgeons were only permitted to make a diagnosis of the case and make no rating whatever; and that recently they have reestablished the rating by the board of surgeons, and that the advisory surgeons in the Pension Office merely act under a rule of the Commissioner and not by law at all?

Mr. CONNOLLY. I understand that formerly these appropriation bills passed—I do not know how many years ago—without any provision of this kind at all—that is, a proviso that the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to. I understand these pension appropriation bills were formerly passed without any provision of that kind in at all, regulating the duties of the local examining surgeons in this respect. For some years past, I am informed, it has been the custom to put a provision in the bill requiring them to make that kind of a rating in their report. I understand that under the rule invoked by the gentleman no change of law can be made in an appropriation bill.

Now, I make answer to the gentleman, there is no law giving authority to the supervisory board of medical examiners to fix or make the rating. The law has existed for some years requiring the local board of examining surgeons to fix the rating. This amendment does not change that. The bill as reported from the committee requires the same thing—that the local board shall fix the rating. Now, I believe that has been required for years. What was the original purpose, manifestly, of requiring the local board to fix the rating if it was not that they should have some governing and controlling power? And this simply says what that governing and controlling power shall be, from the reports made by them, the local board, namely, that if the Pension Office finds the applicant entitled to a pension, then that the rating found by the local board shall be the rating accepted by the Pension Office.

Mr. WILLIAM A. STONE. I do not desire to say anything on the point of order, but do desire to make some remarks upon the amendment if the point of order is not sustained.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CURTIS of Kansas. If the bill has been read I desire to offer the following amendment. I understand only the first section has been read.

The CHAIRMAN. Does the gentleman's amendment apply to the first section?

Mr. CURTIS of Kansas. It applies to the second section.

The CHAIRMAN. Which paragraph?

Mr. CURTIS of Kansas. It applies to the second paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, page 3, strike out the words "as nearly as practicable."

Mr. WILLIAM A. STONE. I reserve the point of order on that amendment.

Mr. CURTIS of Kansas. I offer that amendment for the following reasons: As the law reads now, and as it has read for years with these words in it, the Commissioner of Pensions has been enabled to pay in the city of New York, where they have only 52,000 pensioners on the roll, $35,000 for clerk hire, while in the State of Iowa and at the city of Des Moines, where they have 56,000 pensioners on the roll, they only expend $24,000 in the payment of clerk hire. In the city of Topeka, where they have 105,000 on the rolls, we only expend $1,000 more in clerk hire than they do in New York, where they have only one-half that number of pensioners on the roll.

Now, I submit that it does not and that it should not take a dollar more to pay the pensioners in New York in proportion to their number than it takes to pay the pensioners in Iowa or in Kansas; and certainly there can be no reason why it should cost as much money to pay 52,000 pensioners in New York as it costs to pay 105,000 at the agency in Topeka, Kans. If the words that I have moved to strike out are left in this bill, the Commissioner can continue to pay out as much money at the agency in New York as he pays out in Iowa or in Kansas, although the number of pensioners there is so much less. More than that, the way this bill is worded they can employ and they do employ in the city of New York to pay their pensioners ten more clerks than are employed at the agency in Iowa, yet they have not so many pensioners on the rolls. They have seven more clerks at the New York agency than we have at the Kansas agency, although we have double the number of pensioners.

Mr. NORTHWAY. Those extra clerks have been discharged.

Mr. CURTIS of Kansas. I beg the gentleman's pardon, they have not been discharged. They claim that in New York they will discharge eight men, but the men have not yet been discharged. Besides, instead of discharging only eight they ought to do the work with about half the number they now employ. Another thing. At the present time there ought not to be any more money required to pay pensioners in proportion to their numbers at one agency than at another. Why? Because they are all paid by mail. Now, I submit that by striking out the words to which I have called attention, the House can require the Commissioner of Pensions to use just the amount of money that is necessary at each agency, instead of allowing him to expend twice as much in New York in proportion to the amount of work to be done. I trust, therefore, that the amendment will be sustained. So far as the point of order is concerned, I say that no point can be raised against this amendment, because it does not change existing law, nor does it increase appropriations. On the contrary, it decreases appropriations.

Mr. WILLIAM A. STONE. Mr. Chairman, the gentleman is perhaps laboring under some want of information as to the exact facts in regard to these pension agencies. It is true that the agency in New York pays more for clerk hire than is paid at the Topeka agency. It is true, also, that the pensions paid at the Topeka agency are double in number those that are paid in New York. The cause of the disparity in the number of clerks is found in the system of paying pensions which existed before the last amendment of the law. Prior to that amendment the pensioners were paid in money. They went to the agencies and got their pay in cash, but at the last session we passed an amendment requiring the pension agents to pay the pensioners in checks. While the old system prevailed and the pensions were paid in cash nearly all the pensioners appeared in person at the New York agency and got their money, while a large proportion of those who were paid at the Topeka agency, and who lived in Missouri and Colorado and other adjacent States, were even then paid by check. It is obvious that under the amended law a much less force will be required than was necessary when payment was made in currency.

Mr. CURTIS of Kansas. Does not the gentleman know it to be a fact that where pensioners are paid in money the extra force is used only two or three days before and after pay day?

Mr. WILLIAM A. STONE. Not necessarily so short a time.

Mr. CURTIS of Kansas. Say weeks, then.

Mr. WILLIAM A. STONE. The force has to be there. If the time intervening between payments was all taken up in paying the pensioners there would be a tremendous objection to the system, but that is not the case. Under the old way of making payment the force had to be sufficient to pay the pensioners on pay day or within a day or two of that, but when the new law went into effect requiring payment to be made by check it became possible to discharge a good many men from the New York agency, and the Commissioner states that he intends to discharge an additional number there, as well as at other agencies.

Mr. CURTIS of Kansas. I hope the gentleman does not mean to imply that I have been trying to mislead the House.

Mr. WILLIAM A. STONE. Not at all.

Mr. CURTIS of Kansas. Because I have in my hand a letter dated December 5, 1896, in which the number of clerks at the New York agency is given as I have stated it here, and it was stated on behalf of the Pension Office that they contemplated discharging only eight men from the New York agency.

Mr. WILLIAM A. STONE. Well, I do not suppose that the men have yet ceased their connection with the office, but the Commissioner stated before the committee, I think, that he had ordered the discharge of ten men at the New York agency. We have reduced the appropriation for clerk hire at the pension agencies $20,000 to meet the very point made by the gentleman from Kansas. We hope that in the next bill we can reduce it still more, and if the policy which the Commissioner of Pensions says he intends to pursue, and has begun to carry out, is to be continued the gentleman's objection will be entirely removed. It is absolutely impossible to carry out literally such a provision of law as the gentleman proposes. As I understand it, his amendment proposes to strike out the words "as nearly as practicable," and to make it compulsory that the amount of clerk hire for each agency shall be in exact proportion to the number of pensioners paid at the agency.

Mr. CURTIS of Kansas. If, under the law, all pensions are now paid in like manner, namely, by mail, why should any more clerks be needed in proportion to the number of pensioners at the New York agency than at the Iowa or the Kansas agency? And does not the fact that all pensioners are now paid by mail make my amendment good?

Mr. WILLIAM A. STONE. But you would make an arbitrary rule. The language is "as nearly as practicable," and nobody would want to do it any more nearly than was practicable, but there may be reasons why there should not be exactly the same number of clerks at each agency in proportion to the number of pensioners paid. I do not see why any gentleman should insist on having it any more direct than it is.

Mr. CANNON. Will the gentleman allow me——

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] give his attention a moment? The Chair understands that the provision in the bill as reported is an exact repetition of a provision of existing law—the proviso in the last appropriation bill.

Mr. WILLIAM A. STONE. I so understand.

The CHAIRMAN. Then the amendment could not be entertained.

Mr. WILLIAM A. STONE. I made the point of order against it in ample time.

Mr. CURTIS of Kansas. The amendment simply conforms to the ruling of the Chair on a former occasion that a provision of this kind is simply a direction as to how the money appropriated should be paid. I believe this same question was raised when the Post-Office bill was pending here a few years ago; and the point of order was overruled at that time on the ground that the amendment was not a change of existing law in the sense contemplated by the rule, but was simply a direction as to how the money appropriated should be paid.

The CHAIRMAN. The present occupant of the chair never made any ruling of that kind.

Mr. CURTIS of Kansas. No, the present occupant of the chair was not in the chair at that time. I find that the rulings of different Chairmen vary from time to time.

The CHAIRMAN. The Chair finds on examination that the language contained in this bill is an exact repetition of that of the last appropriation bill, which is the law to-day. Therefore this amendment proposes to change existing law; and the Chair sustains the point of order.

Mr. WILLIAM A. STONE. I do not want any gentleman to labor under the impression that there is a purpose on the part of the Commissioner of Pensions to employ clerks unnecessarily in the city of New York. I have now found the testimony bearing upon the point. This question was put to the Commissioner: "Then, under your statement, it will be possible for you to reduce the clerical force at New York about one-half?" He answers: "I propose to reduce it still further—yes." He will do that undoubtedly.

Mr. CURTIS of Kansas. But it will be observed the Commissioner does not say that he will reduce the force one-half. He should say so, but he does not; and I venture to say that when the next bill of this kind comes in we shall find that the Department has expended in New York nearly twice as much as—at least one-third more than—at any other agency in this country.

Mr. WILLIAM A. STONE. It will be time enough then to correct the matter.

Mr. CURTIS of Kansas. I think it would be best to correct it now.

The Clerk resumed and concluded the reading of the bill.

Mr. WILLIAM A. STONE. I understand that one of my colleagues on the committee, the gentleman from Kansas [Mr. BLUE], desires to be heard for a few moments.

Mr. BLUE. Mr. Chairman, when the subcommittee submitted this bill to the general committee it was the understanding that the Commissioner of Pensions should further consider the question of rents and furnish information whether or not that item could be reduced. I will ask the chairman of the subcommittee whether that information has been furnished?

Mr. WILLIAM A. STONE. I have the information here. I apologize to the gentleman for neglecting to hand him the paper before. I should have done so.

Mr. BLUE. Upon a hasty examination of this paper, I find nothing to indicate that a reduction in the rents can be made. I wish to say, however, that the change of law providing for payment of pensioners by mail instead of payment in person must in some instances have rendered it unnecessary to continue to use all the office room heretofore provided. It is also a fact that some of the public buildings which have been in course of construction—including, I assume, the one at Detroit—must soon be in a condition to supply offices for the Government, and among others, offices for the pension agents. This statement just handed to me by the gentleman from Pennsylvania does not say when that will be accomplished. But at this time, not wishing to retard the passage of this bill, I will not offer any amendment. I suggest, however, that hereafter, if it be ascertained that it can be done, a provision reducing the appropriation for rent be incorporated in the bill.

In reply to some remarks of my colleague from Kansas [Mr. CURTIS], who doubtless made his criticism in good faith, I wish to say that in considering the appropriation embraced in this bill "for stationery and other necessary expenses, $35,000," we added $5,000 at the suggestion of the Commissioner for the purpose, in the main, of giving him a force to be used at his discretion—for the employment of extra clerks when needed for the expeditious distribution of the vouchers.

The Commissioner gave us clearly to understand that the force at New York, Boston, and other places in the East should be cut down so as to correspond as nearly as possible with the number of pensioners paid. I apprehend an investigation would show that the Commissioner would be justified in making slight discriminations or differences in the expenses of different offices. The salaries at New York would perhaps be in excess of what they necessarily should be at Topeka.

Mr. CURTIS of Kansas. As all the clerks are under the civil service, why should they receive any more in New York than in Kansas? Those in Kansas are just as efficient as those in New York.

Mr. BLUE. It would seem to be obvious that, in view of the difference in expenses of living, wages in New York might properly be higher than in Kansas or some other Western localities. By reason of surrounding circumstances it might be necessary that a clerk employed in an office in New York City should be paid a larger salary than a clerk of like efficiency in the city of Topeka.

Mr. CURTIS of Kansas. Does not the gentleman know that under the civil-service law the salaries of all clerks are graded?

Mr. BLUE. The gentleman will find, upon an investigation of this matter, that discretion is given to the Commissioner here; and, under his manipulation, he can protect the clerks, as his evidence shows.

Mr. CURTIS of Kansas. It is his "manipulation" that we are finding fault with.

Mr. BLUE. Oh, well, it may be necessary manipulation.

Further than that, Mr. Chairman, it is necessary that he should have discretion, in emergencies, to provide assistants not covered by the civil-service rules.

I think this bill has been carefully examined in every detail. We have not cut down the amount that has been required for the payment of pensions at all. The reductions which have been made in the branches of the expenditures of the Department relate to clerk hire, to lights, examining surgeons, and so on, and we have given all of these items very careful consideration. I apprehend that it will be found, when the bill is carefully examined by the gentleman, as good as it could possibly be made under the circumstances.

Mr. NORTHWAY. Will the gentleman allow me to ask him this question: It is true, is it not, that we called the Commissioner of Pensions before us twice, with reference to this very matter, and went carefully over the entire ground with him?

Mr. BLUE. It is true, as the gentleman from Ohio has stated, that we called the Commissioner of Pensions before us twice, and we reduced the last item, as the gentleman will remember, $20,000 on his testimony. The Commissioner desired the appropriation to remain the same as before, in order that he, in the exercise of sound discretion, might advance some of the salaries. But on an examination of the matter we thought it important that the change suggested here should be made, and believed it to be imprudent and unwise not to cut out the amount we thought it safe and prudent to cut out. This was done in the interest of economy.

Mr. BINGHAM. Will my colleague from Pennsylvania allow me to occupy five minutes?

Mr. WILLIAM A. STONE. Certainly; I yield five minutes.

Mr. BINGHAM. Mr. Chairman, I have no desire to delay the passage of this appropriation bill. I feel it incumbent upon me, however, to submit to the House a single statement. There is no official or public document issued or uttered by our Government that has either the signification or general circulation, careful reading, as well as retention in public libraries and the general depositories of public records, as the message of the President of the United States. It is read and discussed by the civilized world. At the commencement of this Administration, at the second session of the Fifty-third Congress, which was the first annual message of the President, covering the general subjects submitted for the consideration of Congress, the President in his message used this language:

> I am unable to understand why frauds in the pension rolls should not be exposed and corrected with thoroughness and vigor. * * * Thousands of neighborhoods have their well-known fraudulent pensioners, and recent developments by the Bureau establish appalling conspiracies to accomplish pension frauds. By no means the least wrong done is to brave and deserving pensioners, who certainly ought not to be condemned to such association.

In the appropriation bills for the three full years wherein this Administration has been disbursing the public funds through its appointed subordinates, the Committee on Appropriations having charge of the executive, judicial, and legislative bill, fully recognizing the serious character of these utterances of the President of the United States, increased the appropriations for making special investigations pertaining to the Pension Bureau from $225,000, which includes the deficiency, to $400,000 for the fiscal year of 1894, to $500,000 for the fiscal year of 1895, the same sum of $500,000 for the fiscal year of 1896, and also provided for the appointment of 150 special examiners at an expenditure of $195,000. In other words, the Congress of the United States gave, in its appropriations for examination by special detailed examiners of the Pension Bureau, which had immediately and specifically in charge the investigation of pension frauds, more than was asked for by the Pension Bureau of the Department of the Interior.

I take the reports for the three full years of the administration of the Pension Bureau under the present Administration of President Cleveland, desiring the House to bear in mind the serious charge contained in this message to which I have referred, as it came to the second session of the Fifty-third Congress, and will quote briefly from them. In 1894, the first full year, I find this: Convictions had, 194; sentences imposed, 120. In 1895, convictions had, 291; sentences imposed, 214. In 1896, convictions had, 167; sentences imposed, 160. That is the record of the investigations of the Pension Bureau pertaining to these "conspiracies" alleged, and the result being the statement that I have submitted. The President in his message to Congress yesterday—and I desire only that these groupings of facts, figures, and utterances may be of record for future reference—the President submits:

> The Commissioner of Pensions reports that during the last fiscal year 339 indictments were found against violators of the pension laws. Under these indictments 167 convictions resulted.

Gentlemen, in view of that exhibit under this Administration, can anyone in this House credit the statement contained in the message to the second session of the Fifty-third Congress:

> Thousands of neighborhoods have their well-known fraudulent pensioners, and recent developments by the Bureau establish appalling conspiracies to accomplish pension frauds.

I have given you the statement of the President as exhibited in his former message. I give it to you as exhibited in his last annual message, showing 167 convictions, and I submit also to you the fact that every dollar asked for by this Administration for the detection of pension frauds has been appropriated by the Democratic House of the Fifty-third Congress and by the Republican House of the Fifty-fourth Congress, and we find, after three years of consistent effort, 167 convictions out of a roll, "on June 30, 1896," as the President states it, of "970,678 pensioners." This is the largest number ever reported. I leave the question for your reflection. [Applause.]

And then, on motion of Mr. WILLIAM A. STONE, the committee rose; and the Speaker having resumed the chair, Mr. DINGLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes, and had directed him to report the same to the House without amendment and with the recommendation that the same do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION CASE—WATSON VS. BLACK.

The SPEAKER laid before the House the following communication, which was read:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., December 8, 1896.

SIR: I have the honor to lay before the House of Representatives the contested election case of Thomas E. Watson *vs.* James C. C. Black, from the Tenth Congressional district of the State of Georgia, for a seat in the House of Representatives for the Fifty-fourth Congress of the United States, notice of which has been filed in the office of the Clerk of the House, and also to transmit therewith all original testimony, papers, and documents relating thereto.

In compliance with the act approved March 2, 1887, entitled "An act relating to contested elections," such portions of the testimony in the said case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of the contest and the answers thereto, and such portions of the testimony as were not printed, with all the original papers, have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the case have been mailed to the contestant and the same number to the contestee. The law in reference to the briefs of both the contestee and the contestant has been complied with upon the receipt by the Clerk of said briefs.

Very respectfully,

A. McDOWELL,
Clerk House of Representatives.

Hon. THOMAS B. REED,
Speaker House of Representatives.

The SPEAKER. Without objection, the matter will be referred to the Committee on Elections No. 1.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAINER of Nebraska, for one week, on account of important business.

To Mr. WILBER, for ten days, on account of important business.

To Mr. ROYSE, for ten days, on account of important business.

And then, on motion of Mr. DINGLEY (at 4 o'clock and 20 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from W. B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report of the Board for the fiscal year ending June 30, 1896—to the Committees on Military Affairs and Appropriations, and ordered to be printed.

A letter from the Attorney-General of the United States, transmitting a list of judgments rendered in favor of claimants and against the United States and defendant Indian tribes, and not heretofore appropriated for—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Commissioner of Labor, making a report on a plan for a permanent census service, in response to the joint resolution approved March 19, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture, submitting certain changes in estimates affecting the salaries of certain officials in the Bureau of Animal Industry—to the Committee on Agriculture, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary A. Hart against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward E. Eslick, administrator, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Commissioner of Labor, submitting a statement of all money expended under his direction during the fiscal year ending June 30, 1896—to the Committee on Labor, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of receipts and expenditures of the construction and maintenance of the sewerage system and other improvements at Fort Monroe, Va.—to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 3486) granting a pension to Benjamin Contal, of Blair, Nebr.—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 133) granting a pension to Benjamin Cental, of Blair, Nebr.—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARRETT: A bill (H. R. 9488) for the construction of a wooden dry dock at the United States navy-yard, Boston, Mass.—to the Committee on Naval Affairs.

Also, a bill (H. R. 9489) for the improvement of the grounds of the United States Naval Hospital at Chelsea, Mass.—to the Committee on Naval Affairs.

By Mr. LORIMER: A bill (H. R. 9490) to prevent conspiracies to blacklist—to the Committee on Labor.

By Mr. CHARLES W. STONE: A bill (H. R. 9491) to create a commission to select a suitable reservation or plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution—to the Committee on Public Buildings and Grounds.

By Mr. MEYER: A bill (H. R. 9492) to provide for the closing of the Pass a Loutre Crevasse and for the improvement of the Southwest Pass at and near the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. ELLIS: A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof—to the Committee on the Public Lands.

By Mr. COOPER of Florida: A bill (H. R. 9494) concerning certain homestead lands in Florida—to the Committee on the Public Lands.

By Mr. FAIRCHILD: A bill (H. R. 9511) to establish a military and national park upon the Palisades of the Hudson—to the Committee on Military Affairs.

By Mr. EVANS: Joint resolution (H. Res. 204) continuing in force section 2 of the act of June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894—to the Committee on Ways and Means.

By Mr. GROSVENOR: Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. MEYER: Joint resolution (H. Res. 206) to authorize and direct the Secretary of War to have made a survey of the pass at Point a Loutre, near the Southwest Pass of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. PICKLER: Resolution (House Res. No. 129) requesting the Committee on Rules to grant one day each week during this session for consideration of such bills as are in order at Friday evening sessions—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 9495) granting a pension to James R. Zearing—to the Committee on Invalid Pensions.

By Mr. BARRETT: A bill (H. R. 9496) granting a pension to Eleanor Shea—to the Committee on Pensions.

By Mr. COX: A bill (H. R. 9497) granting a pension to Frederick W. Palmore—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 9498) for the relief of the Erie Railroad Company—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9500) granting a pension to Mrs. Georgianna Eubanks—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 9501) granting a pension to Nancy Whirley, of Ironton, Ohio—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 9502) for the relief of Caroline Felsenthal, executrix, etc., of Phillip Felsenthal, of California—to the Committee on Claims.

By Mr. McCALL of Massachusetts: A bill (H. R. 9503) for the relief of David D. Smith—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 9504) to pension Sarah Gridley, the daughter of a soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. TERRY: A bill (H. R. 9505) granting a pension to Jesse McMillan—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 9506) granting a pension to George Warfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9507) granting a pension to Mrs. Ann King, widow of Samuel G. King—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9508) to grant a pension to Howard Franklin, son of Benjamin Franklin, Company E, Fifty-second Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 9509) for the relief of Samuel [illegible]—to the Committee on Military Affairs.

Also, a bill (H. R. 9510) granting an honorable discharge to Carl P. Larson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the city councils of Philadelphia, relating to the improvement of League Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. ALDRICH of Illinois: Paper to accompany House bill granting a pension to James R. Zearing—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: Petition of Mary F. [illegible], in the matter of lot No. [illegible], square [illegible], Washington, D. C., and to accompany House bill 9468—to the Committee on the District of Columbia.

By Mr. BARRETT: Resolutions of the board of aldermen of the city of Chelsea, Mass., in relation to the improvement of the grounds of the United States Naval Hospital in that city—to the Committee on Naval Affairs.

By Mr. COX: Sundry petitions of citizens of the State of Tennessee, praying for favorable action on House bill [illegible] to amend the postal laws relating to second-class matter; also House bill [illegible], to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Tennessee, praying for the establishment of a national park at Vicksburg [illegible]—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of Pennsylvania State Convention of Christian Endeavorers, representing [illegible] members, favoring the passage of a Sunday law for the national capital—to the Committee on the District of Columbia.

Also, petition of the Pennsylvania State Endeavor Convention, for [illegible], the nullification of State antigambling laws [illegible] gambling by telegraph the penalties provided for gambling by mail and express—to the Committee on the Judiciary.

Also, petition of the Pennsylvania State Endeavor Convention, J. T. McCrory president, favoring the passage of an industrial arbitration bill—to the Committee on Labor.

Also, petition of the Pennsylvania State Christian Endeavor Convention held in the city of Scranton, Pa., October 8, 1896, in favor of the Phillips labor-commission bill—to the Committee on Labor.

By Mr. HATCH: Affidavits in support of House bill [illegible] for the relief of Darwin T. Brown—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolution of the board of trustees of the Iowa Agricultural College, favoring the Wilson-Squire engineering experiment station bill—to the Committee on Naval Affairs.

By Mr. HILL: Resolutions of the Society of the Sons of the Revolution of the State of Connecticut, praying for the publication of valuable documents and manuscripts relating to the history of the Revolutionary period—to the Committee on the Library.

Also, petition of the citizens of Washington, Conn., concerning outrages upon American citizens and destruction of American property in Armenia—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Petition of John M. Williams, executor of John S. Pendleton, of Culpeper County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Joseph Allen, praying that the war claim of C. A. S. Allen, of Fauquier County, Va., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WHEELER: Petition of B. F. Andrews, of Limestone County, Ala., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WOOD: Petition of Howard Franklin, son of Benjamin Franklin, of Company E, Fifty-second Indiana Volunteers, for a pension—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

NEWTON C. BLANCHARD, a Senator from the State of Louisiana, and WILLIAM M. STEWART, a Senator from the State of Nevada, appeared in their seats to-day.

The Vice-President being absent, the President pro tempore (WILLIAM P. FRYE, a Senator from the State of Maine) took the chair.

The Journal of yesterday's proceedings was read and approved.

REPORT OF COMPTROLLER OF THE CURRENCY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Comptroller of the Currency for the year ended October 31, 1896; which was referred to the Committee on Finance, and ordered to be printed.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, the annual report of the Maritime Canal Company of Nicaragua; which, with the accompanying report, was referred to the Select Committee on the Construction of the Nicaragua Canal, and ordered to be printed.

EXPENDITURES AT SPRINGFIELD ARMORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a statement of the expenditures at the Springfield Armory, Springfield, Mass., for the fiscal year ended June 30, 1896; which, with the accompanying report, was referred to the Committee on Military Affairs, and ordered to be printed.

[illegible]

The PRESIDENT pro tempore presented a memorial of the American [illegible] Association of Detroit, Mich., remonstrating against the enactment of any legislation relative to the practice of vivisection in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the select and common councils of the city of Philadelphia, Pa., praying that an appropriation be made to [illegible] the mainland from the League Island Navy-Yard; which was referred to the Committee on [illegible].

He also presented a petition of the select and common councils of the city of Philadelphia, Pa., praying that an appropriation be made to [illegible] the channel of the Delaware River; which was referred to the Committee on Commerce.

He also presented the petition of [illegible] Bros., of New York City, and sundry other manufacturers of the United States, praying for the passage of House bill No. [illegible], to protect free labor, etc.; which was referred to the Committee on Education and Labor.

He also presented the petition of J. E. Rickards, governor, and sundry other citizens of Montana, praying for the passage of House bill No. [illegible], to aid the Wilberforce University; which was referred to the Committee on Education and Labor.

Mr. PEFFER presented a petition of the Glass Blowers' Association of the United States and Canada, praying Congress to prohibit immigration of any kind, sex, character, or nationality whatever for the space of five years; which was referred to the Committee on Immigration.

Mr. DAVIS presented the petition of Rev. E. V. Campbell, of St. Cloud, Minn., praying for the adoption of an amendment to the preamble of the Constitution of the United States, so as to recognize the Supreme Being; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of the Congregational church of Neligh, Nebr., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. VEST. I present a memorial of the alumni of the St. Louis Medical College, of St. Louis, Mo., and a memorial of the Academy of Science, of St. Louis, Mo., remonstrating against the passage of Senate bill No. 1552, in regard to the vivisection of animals. I do not know to what committee the memorials should be referred.

Mr. GALLINGER. I suggest to the Senator from Missouri that the bill has been reported, and that properly the memorials should lie on the table.

Mr. VEST. Let them lie on the table.

The PRESIDENT pro tempore. The memorials will lie on the table.

Mr. TURPIE (for Mr. VOORHEES) presented the petition of John Niblick and sundry other citizens of Indiana, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin presented a petition of the railway postal clerks of the tenth division of St. Paul, Minn., praying for the enactment of legislation providing for the reclassification of the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Milwaukee, Wis., and a memorial of sundry citizens of Menasha, Wis., remonstrating against the continuance of the outrages in Armenia, and praying that steps be taken to secure indemnity for injuries to American citizens in Turkey; which were referred to the Committee on Foreign Relations.

Mr. SQUIRE. I present a telegraphic dispatch from the Chamber of Commerce of the State of Washington, praying Congress to set aside $10,000 of the existing appropriations for the survey and all other preliminary work of the Lake Washington Government Canal, and stating that such survey is necessary to locate the canal cadastrally from the head of Salmon Bay to the termination on Smiths Cove, so that the right of way may be acquired and transferred to the United States and plans and specifications prepared ready for letting the work. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SQUIRE. I present a letter, in the nature of a petition, from the secretary of the Chamber of Commerce of Seattle, Wash., asking support of the Immigration Restriction League's bill, which proposes to provide a reading and writing test in some one language for all immigrants, except the very young and the very aged. I move that the communication be referred to the Committee on Immigration.

The motion was agreed to.

Mr. GALLINGER. I present resolutions, in the nature of memorials, from certain medical societies of St. Louis, which are very likely duplicates of those presented by the Senator from Missouri [Mr. VEST], remonstrating against the passage of Senate bill No. 1552, entitled "A bill for the prevention of cruelty to animals in the District of Columbia." I move that the memorials lie on the table.

The motion was agreed to.

Mr. GALLINGER. I present a series of resolutions adopted at a mass convention of citizens of Bennington, N. H., in reference to the destruction of property belonging to American citizens at Harpoot and Marash. The resolutions go on to say that the petitioners "express their indignation and call upon our Government to take such steps as shall be necessary to secure full and immediate satisfaction for the damages already inflicted on our fellow-citizens in Turkey, and to guarantee them full protection of person, property, and rights in the prosecution of their lawful occupation." They also "express their abhorrence of the colossal and barbarous massacres in Armenia that have left an indelible stain upon the world's record in the closing years of the nineteenth century, and show their sympathy for the survivors by liberally supporting the noble relief work now being carried on by American missionaries."

I move that the resolutions be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE presented a petition of the Congregational church of Westhampton, Mass., praying that steps be taken to secure satisfaction for indignities to our citizens in Turkey, and to use such means as will put an end to the Armenian outrages; which was referred to the Committee on Foreign Relations.

Mr. HILL presented a petition of sundry citizens of New York, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of 600 citizens of Schenectady, N. Y., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Second Reformed Church of Schenectady, N. Y., praying for the enactment of legislation prohibiting, so far as the jurisdiction of Congress extends, the performance of labor on Sunday; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Schenectady, N. Y., praying for the enactment of legislation raising the age of consent in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Second Reformed Church of Schenectady, N. Y., praying for the enactment of legislation prohibiting interstate gambling by telegraph; which was referred to the Committee on Interstate Commerce.

Mr. DANIEL presented a petition of the Independent Order of Good Templars of Virginia, praying for the appointment of a commission of inquiry to ascertain and report upon the effect of the alcoholic traffic in the United States; which was referred to the Committee on Finance.

He also presented a petition of the Journeymen Tailors' National Union, No. 40, of Norfolk, Va., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John Q. A. Dillard, of Lynchburg, Va., praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of L. L. Taylor and sundry other members of the Monday Club, of Norfolk, Va., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Portsmouth, Va., praying for the enactment of legislation providing for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Edward S. Conrad and sundry other citizens of Norfolk, Va., and the petition of Rev. George H. Ray and sundry other citizens of Lynchburg, Va., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was ordered to lie on the table.

He also presented a petition of Lee-Jackson Camp, Confederate Veterans, of Richmond, Va., and a petition of Pickett-Buchanan Camp, Confederate Veterans, of Norfolk, Va., praying for a continuance of the publication of the war records; which were referred to the Committee on Printing.

Mr. GORDON presented a petition of the five federated railroad orders of Atlanta, Ga., praying for the enactment of legislation to provide arbitration between corporations and their employees, and also more fully to regulate contempt proceedings in Federal courts; which was ordered to lie on the table.

Mr. MURPHY presented a petition of the Presbyterian church of Little Britain, N. Y., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present a petition from Lucas Avenue Cumberland Presbyterian Church, of St. Louis, Mo., representing 300 members, for the protection of the State antigambling laws, to prevent the nullification of the State antigambling laws through interstate gambling by telegraph, by extending to such gambling the penalties already provided for gambling by mail and express. The petition should go to the Committee on the Judiciary, I believe.

The PRESIDENT pro tempore. The Committee on the Judiciary or the Committee on Interstate Commerce?

Mr. COCKRELL. There is a bill pending. Let the petition lie on the table for the present. I will hunt it up, and wherever the bill to which it relates has been referred the petition should go.

The PRESIDENT pro tempore. Several petitions of the same nature have been sent to the Committee on Interstate Commerce.

Mr. COCKRELL. Let it go to the Committee on Interstate Commerce then.

The PRESIDENT pro tempore. The Senator can have it recalled, if he desires, at any time.

Mr. COCKRELL. Very well.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Interstate Commerce.

PAPERS OF THE CONTINENTAL CONGRESS.

Mr. MILLS. I present a manuscript paper entitled "Records and papers of the Continental Congress," and some other papers. I ask to have them referred to the Committee on Printing.

The PRESIDENT pro tempore. The papers will be so referred.

UNIVERSITY OF THE UNITED STATES.

Mr. KYLE. I present a short paper relating to the University of the United States which arrived too late for presentation at the last session. I should like to have it printed and referred to the Committee to Establish the University of the United States. I ask unanimous consent for that purpose.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. ALDRICH. What is the document?

The PRESIDENT pro tempore. It is a document relating to the University of the United States of America.

Mr. ALDRICH. There is no objection to printing it as a document. Is the request made that it shall be printed as a document?

The PRESIDENT pro tempore. As a document, the Chair understands, and referred to the committee. Without objection, it will be so ordered.

REPORT OF A COMMITTEE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation, reported it without amendment.

USE OF ALCOHOL IN THE ARTS.

Mr. PLATT. A bill was passed at the last session repealing section 61 of the tariff act, approved June 3, 1896, and section 2 of the bill authorized the appointment of a joint select committee, to consist of three Senators and three members of the House, to consider all questions relating to the use of alcohol in manufactures and arts free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

That committee have performed their work as industriously as possible, and submit a report as to what they have done and the information collected up to the present time, which report I now present. As the committee have been unable fully to complete their work, I submit with the report a joint resolution extending their powers. There is some doubt as to whether by the act the powers of the committee ceased at the commencement of the present session, and to avoid any question arising, I submit the joint resolution, and will ask that it be taken up when that order is reached.

The PRESIDENT pro tempore. What is the request of the Senator as to the report?

Mr. PLATT. I ask that the report be printed and lie on the table.

The PRESIDENT pro tempore. It will be so ordered.

BILLS INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 3297) for the relief of Jesse Meeks; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLANCHARD (by request) introduced a bill (S. 3298) for the relief of Mary C. Daigre, of East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3299) for the relief of Hyacinthe A. Morgan, of Pointe Coupee Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3300) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3301) for the relief of Mary C. Daigre, East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3302) for the relief of Samuel E. Loeb, of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHOUP introduced a bill (S. 3304) to prohibit the formation of monopolies, trusts, and combinations in trade; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3305) to suspend the further issuance of paper currency of a less denomination than $10; which was read twice by its title, and referred to the Committee on Finance.

Mr. DAVIS introduced a bill (S. 3306) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ELKINS (by request) introduced a bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SQUIRE introduced a bill (S. 3308) authorizing the application of an unexpended balance of an existing appropriation for the construction of a penitentiary building at Walla Walla, in the State of Washington, and giving authority to the Secretary of the Interior to transfer the said building when completed, together with the land already purchased, to the State of Washington; which was read twice by its title.

Mr. SQUIRE. I wish to state that the bill is introduced in accordance with the recommendation of the honorable Secretary of the Interior in his report made this year. I move that the bill be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SQUIRE. I submit an amendment intended to be proposed to the sundry civil appropriation bill, covering the same subject and for the same purpose. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. SQUIRE introduced a bill (S. 3309) authorizing the Secretary of War to expend a portion of an existing appropriation for making a survey and location of the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, and preparing a cadastral map; which was read twice by its title.

Mr. SQUIRE. This bill is drafted for the purpose of carrying out an existing appropriation. I also submit an amendment intended to be proposed to the sundry civil bill relating to the same subject. I move that the bill and amendment be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 3310) temporarily reducing the salaries of United States officers; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. HALE introduced a bill (S. 3311) to increase the pension of Arabella V. Washburn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3312) for the relief of Ambrose Simpson, surviving partner of Amos B. and Ambrose Simpson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy; which was read twice by its title.

Mr. HOAR. I will state that a similar bill was passed by both Houses at the last session, but it did not reach the President in time for his signature. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 3314) granting a pension to Mary A. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3315) making an appropriation toward the construction of a dry dock at the Portsmouth Navy-Yard; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CAMERON introduced a bill (S. 3316) for the removal of the charge of desertion standing against the name of John Keys; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BRICE introduced a bill (S. 3317) granting a pension to Ellen J. Schuchman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 3318) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line of road into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 3319) to increase the pension of Alice de K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY (by request) introduced a bill (S. 3321) for the relief of the Erie Railroad Company; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER introduced a bill (S. 3322) granting an increase of pension to Mary V. McKee, of Leavenworth, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3323) granting an increase of pension to John S. Barnhart, of Canton, Kans.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3325) to correct the record of Adam Weitz, late of Company E, Second Regiment United States Cavalry, by removing the charge of desertion, that relief may be afforded his widow by so doing; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3326) granting an increase of pension to Martin D. Miller, of Atchison, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3327) granting a pension to Louise E. Perkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SEWELL introduced a bill (S. 3329) to increase the pension of George W. Smith, late a captain Seventh Regiment New

Jersey Infantry Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3330) for the relief of Anna W. Osborne; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3331) granting a pension to Frances P. Myers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3332) making appropriation for the improvement of the road from the Chickamauga and Chattanooga National Park to the town of Lafayette in Georgia; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. CALL introduced a joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river; which was read twice by its title, and referred to the Committee on Commerce.

AFFAIRS IN CUBA.

Mr. CAMERON. I introduce a joint resolution. I ask that it be read and referred to the Committee on Foreign Relations.

The joint resolution (S. R. 163) acknowledging the independence of Cuba was read the first time by its title and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the independence of the Republic of Cuba be, and the same is hereby, acknowledged by the United States of America.

Resolved, That the United States should use its friendly offices with the Government of Spain to bring to a close the war between Spain and Cuba.

Mr. MILLS. I introduce a joint resolution, which I ask may be read and referred to the Committee on Foreign Relations.

The joint resolution (S. R. 166) directing the President of the United States to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish, and organize and arm such forces as may be necessary to protect them against invasion was read the first time by its title and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States and hold the same until the people of Cuba can organize a government deriving its powers from the consent of the governed and arm and equip such military and naval forces as may be necessary to secure them against foreign invasion.

Mr. CALL. I introduce a joint resolution which I endeavored to present the first day of the session. I ask that it may be read and lie on the table.

The joint resolution (S. R. 164) recognizing the Republic of Cuba as a free and independent government was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America recognizes the Republic of Cuba as a free and independent Government and accords to the people of Cuba all the rights of a sovereign and independent government in the ports and within the jurisdiction of the United States.

The PRESIDENT pro tempore. The joint resolution will lie on the table, in compliance with the request of the Senator from Florida.

Mr. CALL. I desire to give notice that, with the indulgence of the Senate, I shall submit some observations upon the joint resolution at an early day.

USE OF ALCOHOL IN THE ARTS.

Mr. PLATT. I ask that the joint resolution submitted with the report I made a short time ago be laid before the Senate, and if there is no objection I shall ask to have it passed this morning.

The joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be, and they are hereby, continued in force, and the joint select committee heretofore appointed under said section shall, when they have reached a final conclusion, report the same to Congress, together with such information as they shall have obtained.

The PRESIDENT pro tempore. The Senator from Connecticut asks for the present consideration of the joint resolution reported by him this morning from the select committee. Is there objection?

Mr. SHERMAN. I should like to have some explanation of the joint resolution. The resolution itself is rather ambiguous and I do not quite understand it.

Mr. PLATT. I do not know whether the Senator from Ohio was in when I submitted the report. It will be remembered that at the last session section 61 of the present tariff law, which provided for a rebate of the tax on alcohol used in the arts, was repealed, and at the same time a joint select committee was appointed to investigate the subject during the recess and to report at the beginning of the present session. From that committee this morning I made a partial report, showing what progress had been made, stating that the committee had been unable to complete their investigation, and asking that their powers might be extended. The joint resolution simply extends the powers of the committee in order to enable them to complete their investigation.

Mr. SHERMAN. I have no objection to the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. MILLS. Let it be again read.

The PRESIDENT pro tempore. The joint resolution will be again read.

The joint resolution was again read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SHERMAN. The question is a very important one. Does the joint resolution propose to change the present rate on alcohol used in the arts?

Mr. PLATT. It simply extends the powers of the committee appointed to sit during the recess so as to continue their investigation during the session.

Mr. SHERMAN. It does not propose to change the present rate?

Mr. PLATT. Not at all.

The joint resolution was reported to the Senate without amendment.

Mr. HARRIS. I rose to ask the Senator from Connecticut a question in respect to the joint resolution. What is the necessity for declaring by a joint resolution that an act of Congress shall continue in force?

Mr. PLATT. It is section 2 of the act of Congress which provided for the appointment of the committee, and that section is continued in force.

Mr. HARRIS. Ah!

Mr. PLATT. That is all.

Mr. HARRIS. That explanation is satisfactory.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on International Expositions, and ordered to be printed.

OBLIGATIONS OF LEGAL CONTRACTS.

Mr. ALLEN submitted the following resolution; which was read:

Resolved, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either by direct legislation or by legislation that withdraws all substantial remedies from their enforcement

Mr. ALLEN. I ask that the resolution be printed and lie upon the table, subject to be called up at any time.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. ALDRICH. The resolution had better be again read.

Mr. ALLEN. I shall desire at a proper time to submit some remarks upon it.

The PRESIDENT pro tempore. At the request of the Senator from Rhode Island, the resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. The resolution will lie on the table, without objection.

USE OF THE LIBRARY BUILDING.

Mr. MORRILL submitted the following concurrent resolution; which was referred to the Select Committee on Additional Accommodations for the Library of Congress:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress.

SURVEY OF PORTLAND CHANNEL.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to send to the Senate the report of the preliminary survey of the Portland Channel in the Territory of Alaska.

INTERSTATE COMMERCE INVESTIGATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Interstate Commerce be directed to inquire whether the existing agreement of the so-called Joint Traffic Association, formed by the principal railroad companies of the country, provides against competition by a stipulation that every railroad company which is a party thereto shall make and maintain such transportation rates as may be prescribed by a majority of the board of managers, consisting of representatives, one from each of said railroads, and provides for enforcing such stipulation by imposing fines in money upon an offending company, to be collected from contributions paid by such company into a common fund, which fines are to accrue to the benefit of the other companies; and if such are found to be the terms of the agreement, to inquire further whether such a stipulation is a violation of the prohibition of the law of Congress against the pooling of freights or the division of earnings by interstate railroads, and if so, whether the illegality has been sufficiently proved in the litigation pending in the southern district of New York; and whether in such litigation the Government is sufficiently represented by adequate counsel; and whether any legislation is needed to expedite the proceedings and to enforce any violated provision of law against said Joint Traffic Association; and said committee is hereby further directed, as incident to said inquiry, to ascertain whether or not, since the agreement of said Joint Traffic Association was made, the flour millers of the country have entered into a similar agreement, whereby the price of flour is to be maintained by each miller at a rate to be fixed by the managers of the Millers' Association, and obedience to said agreement is to be secured by money fines imposed upon an offending company, to be collected from a fund composed of contributions of a certain sum on each barrel of flour produced, which contributions are to be paid by such company into a common fund provided for the purpose of securing the enforcement of such agreement; and also to ascertain whether the window-glass manufacturers of the country have entered into a like contract to prevent competition and to maintain prices of glass by the establishment of a joint fund from which fines imposed upon makers who reduce prices are to be collected; and if such agreements or contracts exist, to ascertain whether or not they are in violation of any law of Congress.

ENTRIES OF MERCHANDISE.

Mr. HOAR. I ask unanimous consent that the vote by which the bill (S. 2172) to authorize a reliquidation of certain entries of merchandise was indefinitely postponed may be reconsidered, and the bill be recommitted to the Committee on Finance.

I will simply say that I undertook to see, and supposed I had made proper provision to see, that the parties interested in the bill should have a hearing, but after I left last spring by accident the report was made. I have the consent of the Senator who reported the bill, and also of the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Massachusetts?

Mr. SMITH. Will the Senator please state his request?

Mr. HOAR. I request that a bill to authorize a reliquidation of certain entries of merchandise, which was indefinitely postponed at the last session, may be brought again before the Senate, that the vote postponing it be reconsidered, and the bill be recommitted to the Committee on Finance. There was a mistake in not having a hearing of the parties, and the member of the committee who made the report, and the chairman also, consent to a recommittal.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the order will be made.

PUBLIC LANDS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions the morning business is concluded, and the Calendar under Rule VIII is in order.

M. PETTIGREW. I ask unanimous consent for the present consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill.

Mr. VEST. Mr. President, is that the bill donating lands to the settlers simply upon the payment of fees to the land offices?

Mr. PETTIGREW. I will inform the Senator that this is the bill.

Mr. VEST. Has it been reported unanimously from the committee?

Mr. PETTIGREW. It has been reported unanimously.

Mr. SHERMAN. I call for the reading of the bill again, as I could not catch it when it was before read.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

Mr. BLACKBURN. I should like to inquire of the Senator from South Dakota what committee reports this bill?

Mr. PETTIGREW. The Committee on Indian Affairs.

Mr. BLACKBURN. Then I should like to inquire under the rule what jurisdiction the Committee on Indian Affairs ever had of this matter?

Mr. PETTIGREW. This is a matter with regard to the disposition of Indian reserve lands.

Mr. BLACKBURN. I ask should not this matter have gone to the Committee on Public Lands?

Mr. PETTIGREW. I will inform the Senator that the bill did go to the Committee on Public Lands. That committee thought it should go to the Committee on Indian Affairs, and reported it back to the Senate, and asked to be discharged from its further consideration. Then the Senate referred it to the Committee on Indian Affairs, who have reported it back to this body favorably.

Mr. BERRY. There was a House bill pending before the Committee on Public Lands, I think of the same character, object, and tenor as the pending bill, which that committee declined to report. There was never any direct vote taken upon whether it should be reported or not, but it was agreed that it should go over, as I understood. A bill has been passed through the House of Representatives in regard to Oklahoma Territory.

Mr. PETTIGREW. I will inform the Senator that this is the bill which was before the Committee on Public Lands, from the further consideration of which the Committee on Public Lands asked to be discharged, and it was then referred to the Committee on Indian Affairs.

Mr. JONES of Arkansas. That statement was made in committee.

Mr. BERRY. I was not present when that was done in committee.

Mr. PETTIGREW. The Committee on Indian Affairs have reported the bill to the Senate with amendments.

The PRESIDENT pro tempore. The Chair will again ask, Is there objection to the present consideration of the bill?

Mr. SMITH. I object.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. PETTIGREW. I now ask unanimous consent——

Mr. LODGE. I ask for the regular order.

Mr. PETTIGREW. I ask unanimous consent that the bill the consideration of which I have asked be made the order of business after disposing of the immigration bill. This bill was recommended by the platforms of both political parties during the last Presidential contest, and it at least ought to be considered by this body. I therefore ask unanimous consent that it be made the special order after disposing of the immigration bill, which I understand is the unfinished business.

Mr. MILLS. It seems to me this bill ought to go to the Committee on Public Lands and be investigated, so that we may be informed what is to be paid for these lands, how many acres there are, and all about the subject.

Mr. PETTIGREW. There is a report here which answers every question the Senator suggests, and there are letters from the Department. The bill has already passed the House of Representatives.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the bill referred to by him be made the special order immediately following the final disposal of the bill known as the immigration bill. Is there objection? The Chair hears none, and the order is made. The Calendar under Rule VIII is the regular order, and the Secretary will report the first bill on the Calendar.

HEIRS OF ERSKINE S. ALLIN AND OTHERS.

The bill (S. 1168) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT pro tempore. There is a report.

Mr. COCKRELL. I should like to hear either the report or some explanation of the bill.

Mr. PLATT. Mr. President, this matter has come up hurriedly, but I think I remember the facts relating to it sufficiently to make an explanation.

Erskine S. Allin invented an improvement in breech-loading firearms. He was master armorer at the United States Armory at Springfield. He was not employed to make this invention; it was not suggested to him; he made it in his own time; it was his own invention, and under the law he had a perfect title to it. He gave a license to the Government to use his invention. No compensation, however, was paid to him by the Government. The Government, aside from using his invention in its own arms, sold to the French Government arms to which the invention had been applied. Twenty-eight thousand two hundred and eighty-seven of these firearms containing the improvement were sold to the Government of France. This Government made a profit on the transaction of $209,889.54. Colonel Benét, who was Chief of Ordnance when this matter was first before Congress, reported that 10 cents a gun was fair compensation to the inventor.

Allin died. In the Forty-ninth Congress we passed a bill in the Senate giving to his heirs, his widow and daughter, who are poor, $30,000 as compensation. That, however, did not include claims for the arms which have been sold to the French Government. Since then a company known as the United States Regulation Firearms Company, to which the right other than that of the Government to use the invention was assigned, have also come in and made claim for compensation. The bill referred to the committee called for $200,000. The committee, looking the thing over very carefully, thought that it was but fair that the Government should pay the heirs of Allin, his widow and daughter, $30,000, and should pay $30,000 to the United States Regulation Firearms Company. So they report $60,000—half to be paid to the widow and daughter, and half to the United States Regulation Firearms Company.

The Government sold these guns, made a large profit on them, and the Chief of Ordnance said, as I have stated, that 10 cents a gun is a fair royalty for the Government to pay. The sum which the committee report, however, does not amount to that.

Mr. COCKRELL. Is not this only one of a large number of claims for improvements in the Springfield musket, and if we pay this claim will it not be a precedent for the payment of the others?

Mr. PLATT. There have been in times past a large number of claims made, and some have been paid. I remember one of $75,000 was paid, the Ely claim, as it was called, in which General Butler was interested; but so far as I know—and I think I can state without reservation on that subject—this is the last of all those claims, and it seems to me a very meritorious one.

Mr. COCKRELL. I see that this bill proposes to pay $60,000. I think the report made in the Forty-ninth Congress proposed to pay only $30,000. It seems that this report now proposes to double the amount to be paid.

Mr. PLATT. I tried to explain that, but I presume the Senator did not hear. It is very difficult to be heard in the Senate, anyway. We did report $30,000 as compensation which the Government ought to pay to the widow and the daughter of the inventor. We did not then take into consideration the claim which is now made on account of the fact that the Government sold 28,287 of these arms to the French Government. The United States Regulation Firearms Company comes in and claims that from the Government. We have looked the matter over and tried to do equity between these parties, and the committee propose to give $30,000 to the widow and daughter of Allin and $30,000 to the United States Regulation Firearms Company.

Mr. COCKRELL. How does the United States Regulation Firearms Company come to have any right? Was it the holder of any patent?

Mr. PLATT. It was the assignee of all the interests which the inventor had, except that which he had assigned to the Government—the right to use. The Government not only used it in its own arms, but sold arms upon which it made a profit of $209,889.54.

Mr. COCKRELL. If we are paying for all the Government used and then turning around and paying for all the Government sold, that is a double payment, is it not?

Mr. PLATT. Oh, no. Two hundred thousand dollars would scarcely amount to a full payment for what the Government sold. We have cut down the amount claimed very much.

Mr. COCKRELL. The point is this: If payment is made for all that the Government used and the arms that were sold to the French Government were included in that amount, then certainly the assignees have no right to come in and claim that because the arms were sold they should be paid again.

Mr. PLATT. I have tried to say—this bill came up very unexpectedly—that, as I understand it, we are not paying twice over. Indeed, we are not paying the full amount the Government ought to pay.

Mr. COCKRELL. I will ask that the latter part of the report, beginning on page 5, may be read.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Secretary will read as requested.

The Secretary read as follows:

The bill recommended by the committee was, after thorough discussion, passed by the Senate, but was not acted on in the House. The same bill was introduced in the next session, when a bill to compensate the United States Regulation Firearms Company for the use by the United States of the same invention was also introduced, and both bills were referred to the Patent Committees and hearings had thereon, but no report made. The same bills were introduced at the next session. The bill now referred to the committee proposes that there shall be paid for the use of this invention by the United States the sum of $200,000, one half to the widow and daughter of Erskine S. Allin, and the other half to the United States Regulation Firearms Company. Upon the hearing before the Patent Committee in the Forty-ninth Congress no mention was made of the fact that there had been an assignment by Erskine S. Allin of his interest in this invention other than his license to the Government. But upon hearings at the next session of Congress, and upon the present bill, it appears that in December, 1868, Allin assigned to the United States Regulation Firearms Company aforesaid all the right, title, and interest which he had in the invention, so that his title to the same, and to the letters patent subject to the right of the Government to use the same under his license, passed to the United States Regulation Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company to manufacture for them guns containing the said invention and expended large sums of money in exhibiting the gun at the Paris Exposition and endeavoring to secure contracts from foreign governments and the different States of the United States.

It did not appear upon hearing before the committee in the Forty-ninth Congress that the United States had made sales of firearms manufactured by the Government containing this improvement. But upon subsequent hearings it does appear, and the committee finds that the United States sold to the Government of France, in the year 1871, 28,287 firearms containing this improvement for the sum of $610,886.29, which was at the rate of $21.60 each. Colonel Benton, formerly superintendent of the Springfield Armory, was requested by Hon. George W. McCrary, Secretary of War, to state the cost of the manufacture of this gun to the Government, and made a report, which is to be found in Senate Ex. Doc. No. 17, Forty-fifth Congress, third session, showing that the cost to the United States Government of a Springfield breech-loading gun manufactured at the Springfield Armory was $14.18 each, and that the changing of the old muzzle-loading guns used by the Government into breech-loading guns containing this improvement was $8.28 each.

From this report of Colonel Benton it would appear that the United States realized a profit upon the guns sold of at least $7.42 per gun, amounting to $209,889.54. The United States, by its license from Allin, acquired no right to sell firearms containing this improvement, but merely to make and use the same. The sale of this gun was an infringement of the patent. In addition to the guns sold as aforesaid large numbers were distributed to the States, and the committee is of the opinion that such distribution of the guns was not within the license given by Allin. No money was paid by the United States Regulation Firearms Company to Allin upon the conveyance of his interest in the invention and letters patent, but there was an agreement that he should receive one-third of the profits which the company should make in the manufacture and sale of guns.

The committee are of the opinion that both the heirs of Erskine S. Allin and the United States Regulation Firearms Company have a just claim for compensation from the United States. It is difficult to establish the precise amount which should be paid to each of them, but considering all the circumstances of the case, the committee is of opinion that the sum of $60,000 is not an unreasonable amount to be paid as compensation to both of the parties. The Government has made over $200,000 in the sale of guns containing this improvement. In so far as such profits were derived from the improvement of Allin it has no right to retain. But while the improvement of Allin was an essential one, and without which a serviceable breech-loading gun could not be made, other improvements were made use of by the United States, so that it is impossible to say that the entire profit made by the Government was owing to the invention of Allin. But it is left to the committee to fix some sum which under the circumstances the Government should pay to the parties injured.

The former action of the Senate was based upon the idea that the sum of $30,000 ought to be paid to the heirs of Allin for the use of guns manufactured under the license, but took no note of the sales made by the Government.

In the opinion of the committee if an equal sum should be added for compensation to the United States Regulation Firearms Company it would be no more than just, and they accordingly recommended that the bill, S. 1168, be amended by striking out, in line 3, the words "two hundred" and inserting in lieu thereof "sixty," by striking out, in line 5, the words "one hundred" and inserting "thirty," and in striking out, in line 14, the words "one hundred" and inserting in lieu thereof the word "thirty," and that as thus amended it should pass.

Mr. PLATT. Let the amendments reported by the Committee on Patents be acted upon.

The PRESIDING OFFICER. The amendments reported by the Committee on Patents will be stated.

The amendments reported by the Committee on Patents were, in line 3, before the word "thousand," to strike out "two hundred" and insert "sixty;" in line 5, after the words "to wit," to strike out "one hundred" and insert "thirty;" and in line 14, before the word "thousand," to strike out "one hundred" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the sum of $60,000 be, and the same is hereby, appropriated to be distributed in the following manner, to wit: Thirty thousand dollars to be paid, in equal parts, to Fannie T. Allin, of Springfield, Mass., and Augusta M. Ladd, of Holyoke, Mass., respectively widow and daughter of the late Erskine S. Allin, said Allin being the inventor of valuable improvements used in the manufacture of the Springfield breech-loading rifle musket, for which improvements letters patent numbered 49959 were granted to him by the United States on the 19th day of September, 1865; and $30,000 to be paid to the United States Regulation Firearms Company, a corporation incorporated under the laws of the State of New York, for the injury caused to, and damage sustained by, said corporation from and by the infringement by the United States of the letters patent aforesaid, which said letters patent were assigned by the said Erskine S. Allin to the said United States Regulation Firearms Company on the 18th day of December, 1868. This appropriation to be in full payment and satisfaction to both of the aforesaid parties for and on account of any and all sales or other disposition heretofore made or that may hereafter be made by the United States of any arms in which the invention secured by said letters patent is used or embraced.

The amendments were agreed to.

Mr. COCKRELL. I move to strike out, beginning in line 17, after the name "New York," down to and including the word "said," in line 20.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the name "New York," in line 17, it is proposed to strike out "for the injury caused to, and damage sustained by, said corporation from and by the infringement by the United States of the letters patent aforesaid."

Mr. PLATT. There is no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE REVENUE BILL.

Mr. ALLEN. I ask unanimous consent for the present consideration of Order of Business 183, being the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

The PRESIDING OFFICER. Is there objection?

Mr. ALDRICH. Let the bill go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. ALLEN. I move to take up the bill notwithstanding the objection.

The **PRESIDING OFFICER**. The Senator from Nebraska moves that the bill be now taken up and considered by the Senate, notwithstanding the objection.

Mr. PLATT. I think, if a motion is made to take up the bill notwithstanding the objection, that the bill ought to be read, so that the Senate may know what the bill is other than by its title.

The **PRESIDING OFFICER**. The reading of the bill is asked for the information of the Senate. The Secretary will read the bill and the amendment.

The Secretary read the bill, as follows, reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

Be it enacted, etc., That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412½ grains troy, of standard silver, nine-tenths fine, as provided by the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued therefor in the manner now provided by law.

SEC. 2. That the Secretary of the Treasury shall coin into standard silver dollars, as soon as practicable, according to the provisions of section 1 of this act, from the silver bullion purchased under authority of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," that portion of said silver bullion which represents the seigniorage or profit to the Government, to wit, the difference between the cost of the silver purchased under said act and its coinage value, and said silver dollars so coined shall be used in the payment of the current expenses of the Government; and for the purpose of making the said seigniorage immediately available for use as money, the Secretary of the Treasury is hereby authorized and directed to issue silver certificates against it, as if it was already coined and in the Treasury.

SEC. 3. That no national-bank note shall be hereafter issued of a denomination less than $10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled, and notes of $10 and larger denominations shall be issued in their stead under the direction of the Comptroller of the Currency.

SEC. 4. That the Secretary of the Treasury shall redeem the United States notes, commonly called "greenbacks," and also the Treasury notes issued under the provisions of the act of July 14, 1890, when presented for redemption, in standard silver dollars or in gold coin, using for redemption of said notes either gold or silver coins, or both, not at the option of the holder, but exclusively at the option of the Treasury Department, and said notes, commonly called "greenbacks," when so redeemed, shall be reissued as provided by the act of May 31, 1878.

Mr. ALDRICH. I withdraw the objection which I made to the present consideration of the bill.

The **PRESIDING OFFICER**. The Senator from Nebraska asks unanimous consent for the present consideration of the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency. Is there objection?

Mr. VEST. I desire to make a parliamentary inquiry. What has become of the amendment to the bill which was reported by the Committee on Finance? Was it read?

Several SENATORS. Yes.

The **PRESIDING OFFICER**. The amendment was merely read for information.

Mr. VEST. I came into the Senate while the reading was being proceeded with. Then the vote would be upon the amendment first, if the bill is taken up?

Mr. PLATT. I understand the Senator from Nebraska asked unanimous consent to take up the bill.

Mr. MILLS. He moved to take it up.

Mr. PLATT. I understand he requested unanimous consent. The Senator from Rhode Island [Mr. ALDRICH] then asked that the bill might go over. Then the Senator from Nebraska moved to take it up notwithstanding the objection. The Senator from Rhode Island has now withdrawn his objection. So the question, I suppose, is upon the request of the Senator from Nebraska for unanimous consent for the consideration of the bill.

The **PRESIDING OFFICER**. The Chair so understands.

Mr. PALMER. I object to taking up the bill.

The **PRESIDING OFFICER**. Objection being made to the present consideration of the bill, the question recurs upon the motion of the Senator from Nebraska, if he shall renew it.

Mr. ALLEN. I renew the motion. Let me say in this connection, the motion being before the Senate——

Mr. HARRIS (to Mr. ALLEN). Your motion is not debatable.

Mr. GALLINGER. It is not debatable.

The **PRESIDING OFFICER**. The motion is not debatable if the point is raised.

Mr. ALLEN. Then I have no desire to debate it. I ask for a vote by yeas and nays on the question of taking up the bill.

The **PRESIDING OFFICER**. The Chair will state the question to the Senate. Unanimous consent was asked by the senior Senator from Nebraska [Mr. ALLEN] to proceed to the consideration of House bill 2749, to which objection was made. The Senator from Nebraska now moves to take up the bill, notwithstanding the objection. The question is, Will the Senate proceed to the consideration of the bill? On that question the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN], who I believe is absent. I am informed by the Senator from West Virginia [Mr. FAULKNER] that the Senator from Indiana [Mr. VOORHEES] is not paired. I will transfer my pair with the Senator from Michigan to the Senator from Indiana, and I vote "nay."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I understand that if he were present, he would vote "nay." I should vote "yea" if I were not paired.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "nay."

Mr. SHOUP (when his name was called). I have a standing pair with the Senator from California [Mr. WHITE], and therefore withhold my vote. I am advised that if the Senator from California were present he would vote "nay." I should vote "yea" if he were here.

The roll call was concluded.

Mr. CULLOM. I desire to inquire if the Senator from Delaware [Mr. GRAY] has voted?

The **PRESIDING OFFICER**. The Chair is informed that he has not voted.

Mr. CULLOM. I have a general pair with the Senator from Delaware. Not knowing how he would vote, I withhold my vote.

I should vote "yea" if I were at liberty to do so.

Mr. MITCHELL of Oregon. I have a standing pair with the senior Senator from Wisconsin [Mr. VILAS], who is absent. I will transfer my pair to the Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. PROCTOR. I am paired with the Senator from Florida [Mr. CALL]. I therefore withhold my vote.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. BERRY. I have a general pair with the Senator from Colorado [Mr. TELLER]. If he were present I should vote "nay." If there is a Senator upon the other side of the Chamber who can inform me how the Senator from Colorado would vote, I might feel authorized to vote. Otherwise I would not feel at liberty to vote. As I have stated, I should vote "nay" if the Senator from Colorado were present.

Mr. BATE (after having voted in the affirmative). I desire to inquire if the Senator from Utah [Mr. BROWN] is recorded as having voted?

The **PRESIDING OFFICER**. He is not recorded, the Chair is informed.

Mr. BATE. Then I withdraw my vote, as I am paired with that Senator.

Mr. PLATT. I desire to state that on this question my colleague [Mr. HAWLEY] is paired with the Senator from Wisconsin [Mr. VILAS]. If my colleague were present, he would vote "yea."

Mr. COCKRELL. I have a general pair with the senior Senator from Iowa [Mr. ALLISON], who I understand is detained at home by illness.

Mr. TILLMAN. I have a pair with the Senator from Nebraska [Mr. THURSTON]. Has he voted on this question?

The **PRESIDING OFFICER**. The Chair is informed that the junior Senator from Nebraska has not voted.

Mr. TILLMAN. Then I will withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. As he is not present, I withdraw my vote.

Mr. SEWELL (after having voted in the affirmative). I desire to ask whether the Senator from Wisconsin [Mr. MITCHELL] has voted?

The **PRESIDING OFFICER**. The Chair is informed that the Senator from Wisconsin has not voted.

Mr. SEWELL. Then I withdraw my vote, as I am paired with that Senator.

Mr. PASCO. I understand that the Senator from Indiana [Mr. VOORHEES] is not paired. I will transfer my pair with the Senator from Washington [Mr. WILSON] to the Senator from Indiana, and will vote. I vote "nay."

Mr. ALLEN. I understand that a pair has been transferred to the Senator from Indiana [Mr. VOORHEES].

Mr. BLACKBURN. I undertook to transfer my pair with the Senator from Michigan [Mr. McMILLAN] to the Senator from Indiana [Mr. VOORHEES], but the Senator from Michigan has since come into the Chamber, so that he and I have voted. The Senator from Florida [Mr. PASCO] now transfers his pair with the Senator from Washington [Mr. WILSON] to the Senator from Indiana [Mr. VOORHEES].

Mr. ALLEN. Very well.

Mr. PASCO. It was with that understanding that I voted.

The result was announced—yeas 35, nays 21; as follows:

YEAS—35.

Aldrich,
Allen,
Butler,
Cameron,
Chandler,
Clark,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
Gordon,
Hale,
Hansbrough,
Hoar,
Kyle,
Lodge,
McMillan,
Mitchell, Oreg.
Morgan,
Morrill,
Murphy,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Pugh,
Quay,
Roach,
Sherman,
Smith,
Stewart,
Wolcott.

NAYS—21.

Baker,
Blackburn,
Blanchard,
Cannon,
Carter,
Daniel,
Dubois,
Faulkner,
Gibson,
Gorman,
Harris,
Hill,
Jones, Ark.
Mantle,
Martin,
Mills,
Palmer,
Pasco,
Turpie,
Vest,
Walthall.

NOT VOTING—33.

Allison,
Bacon,
Bate,
Berry,
Brice,
Brown,
Burrows,
Caffery,
Call,
Chilton,
Cockrell,
Cullom,
George,
Gray,
Hawley,
Irby,
Jones, Nev.
Lindsay,
McBride,
Mitchell, Wis.
Proctor,
Sewell,
Shoup,
Squire,
Teller,
Thurston,
Tillman,
Vilas,
Voorhees,
Warren,
Wetmore,
White,
Wilson.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALDRICH. I move that the bill and amendments be committed to the Committee on Finance, with instructions to that committee to report the bill back without amendment.

Mr. VEST. Without amendment?

Mr. ALDRICH. To report back the House bill without amendment.

Mr. ALLEN. I should like to inquire of the Senator from Rhode Island what has taken place since the bill was reported which requires its recommitment at this time?

Mr. ALDRICH. I never have agreed to the report. I was in favor of reporting the bill without amendment at the time. I think the Senate upon further consideration will agree with me rather than with the majority of the committee.

Mr. ALLEN. I remember very distinctly, I think, that the Senator from Rhode Island at the last session of Congress was among the most ardent advocates of the speedy taking up of the bill and putting it upon its passage. Now, since that time we have had an election in this country, and our Republican friends have said and are saying now that the most urgent need is a revision of our tariff laws. I do not myself believe that. However, I am perfectly willing as one Senator to give them ample opportunity at this time to bring the pending bill before the Senate and have it discussed and amended in such respect as they may see fit and place it upon its passage.

We have almost ninety days yet in which to perfect this tariff measure. There is not the slightest reason of which I can conceive why the country should be burdened with an extraordinary session of Congress. It has gone out from the powers that be in the Republican party that with the incoming Administration we are to have an extraordinary session of Congress for the purpose of revising the tariff laws. This bill received the careful consideration of the House of Representatives and passed that body. It received the careful consideration of the Committee on Finance and was reported back to the Senate, and the chairman of that committee on two separate occasions undertook to bring it up for consideration. I, among others, voted against it, not believing that it was necessary to take up the bill. We have a right to suppose that the Republican party is in as good condition to-day, fresh from the November elections, to take up and consider this important matter as it will be in three or four months from now.

Now, I do not propose as one member of this body to put an obstruction in the pathway of the consideration of the proposed tariff act. I do not commit myself to its policy nor to its provisions, nor will I commit myself to the doctrine advocated so ably by my distinguished friend the Senator from Rhode Island [Mr. ALDRICH]. But neither he nor his party must have it said that so far as the Populist representation in this Chamber is concerned the slightest obstruction was placed in the pathway of the consideration of this important measure.

Our friends on the other side of the Chamber say that the country needs tariff legislation. For three years, yea, almost for four years, our country has been bleeding at every pore. Our industries are prostrate; our people are upon the verge of bankruptcy. You have it your power now within the next three or four weeks to give the country relief if your theory of taxation be true. Why do you shrink from it? Is it so complicated that you can not formulate a bill or proper amendments within the next three or four weeks or within a month? If your arguments on the hustings this fall were true, why are you not prepared now to go forward and consider this bill and speedily put it upon its passage and give the country relief?

The **PRESIDENT** pro tempore. The Senator from Rhode Island moves to commit the bill, with its amendments, to the Committee on Finance with instructions to report it back to the Senate without amendment.

Mr. ALDRICH. I move that the House bill be recommitted with instructions to report it back without amendment.

The **PRESIDENT** pro tempore. Is the Senate ready for the question?

Mr. ALDRICH and **Mr. MILLS** called for the yeas and nays.

Mr. HARRIS. Are the yeas and nays demanded upon the motion of the Senator from Rhode Island?

Mr. ALDRICH. Yes, sir.

Mr. HARRIS. The question, I apprehend, is divisible. The question to refer is one matter. To refer with the instructions which the Senator from Rhode Island suggests is a very different matter. I should like to have the question divided.

I have no objection to the recommittal of the bill, but to recommit it with instructions that the committee is to do nothing but report the bill back without amendment is a farce. The bill is now here with an amendment, and a single vote of the Senate can dispose of the amendment. But if the committee shall report it back without amendment, there is not a Senator on this floor who will not have the right to reintroduce the amendment and compel a vote of the Senate, so as to invoke the judgment of the majority. I am opposed to sending the bill back to the committee with any such instructions.

Mr. ALDRICH. I am not able just now to put my hand upon the rule, but my impression is that under the rules and practice of the Senate a motion to recommit with instructions is not divisible.

Mr. HALE. It is a single motion.

Mr. ALDRICH. It is a single motion, and is not divisible.

Mr. HALE. The whole essence of the motion is the instruction. It is not a divisible question.

Mr. HARRIS. I am not sure. There are here two distinct phases and questions, and where a question contains more than one proposition, it is and has always been, and in the nature of things must always be, divisible.

Mr. HALE. I agree with the Senator from Tennessee, that where a motion covers two distinct propositions or branches it is clearly divisible. But this motion has but one thing in it, and that is to refer with instructions. If you treat it as two propositions and divide it, you have an entirely distinct thing, which was not within the contemplation of the mover of the motion. There is simply a single idea conveyed in the motion, to refer with instructions, instructing directly the committee, and clearly to me, Mr. President, it is not divisible.

Mr. HARRIS. It takes one vote to send the bill back with or without instructions. One single vote will likewise determine the question whether the single amendment reported by the committee shall be agreed to or rejected. It seems to me that it is a farce, and worse than a farce, to send it back to the committee in order that the committee may report it back without an amendment which the Senate can dispose of just as readily, as the amendment now pending can be disposed of just as soon as the question of recommittal.

The **PRESIDENT** pro tempore. The Chair would like to ask the Senator from Tennessee a question. The object of dividing questions which are submitted is to preserve in every respect the rights of Senators. Now, when a Senator moves to commit with instructions, from the fact that under the rule all amendments are receivable as to the instructions, does not that of itself preserve the rights which are intended to be preserved by general parliamentary law in dividing a question?

Mr. HARRIS. Of course, the question of instructions, if instructions are to be given, is as amendable as the motion itself, and it would be perfectly in order, in my opinion, to move to amend in respect to the instructions which are to be given. But I see no necessity for instructions at all. Let the bill go to the committee. If the Senator desires that it shall go back, I have no objection to its being recommitted. But I am utterly opposed to sending it back with instructions to report in a given way. If a majority of the Senate is in favor of the bill being presented in the given way suggested, why not dispose of that question here and now? A majority can put the bill in any form it chooses. It is absurd to talk about sending it back with instructions to report without amendment.

Mr. ALDRICH. I will suggest that if we can get a vote upon the main question I am quite willing, so far as I am concerned, to proceed to that.

Mr. CHANDLER. I am in favor of accepting the offer of the Senator from Nebraska, if it is made in good faith. The Senator says that he will cooperate to remove the obstacle to the passage of the bill. The Senator said that there had been an election in the country, and that election bound the Republican party to revenue legislation. The Senator was right about it. That election, also, the Senator will notice, was a decision of the country that it would not have the free coinage of silver by the United States alone. The amendment which provides for such free coinage is the only obstruction to the passage of the bill. Now the Senator offers to remove that obstruction. If he means by that that he will give us his vote and the vote of Senators upon the other side of the Chamber to throw that amendment as proposed by the committee off of the bill, or if there can be unanimous consent from other Senators who agree with the Senator from Nebraska that that amendment shall be dropped, then certainly this side of the Chamber is ready to proceed immediately, day by day and hour by hour, until the bill is disposed of. I ask the Senator whether when he said he would help to remove the obstruction to the passage of the bill he meant that he was willing that the free-coinage amendment, against which the people voted, should be removed by his consent?

Mr. ALLEN. The Senator from New Hampshire does not quote my language correctly. I did not say that I would help to remove any obstruction to the passage of the bill. I said that so far as I was concerned no obstruction should be placed in its pathway.

I do not regard the question of free silver as having been settled. I think the imagination of my friend from New Hampshire is altogether too poetic. It is a very important question in this country. It cast over 6,000,000 votes at the last election, and it is to-day about the most healthy question I know of that is before the country.

What I mean to say is this, Mr. President, and I say it in all candor. I do not believe that this country can receive relief from any kind of tariff. I think the man who lays that unction to his soul will be mistaken. We have in circulation barely sixteen hundred million dollars in our country, with 72,000,000 of population. You can not bring prosperity to the country by letting the volume of money remain stationary and increasing the burden of taxation upon articles that the people consume. I am so firmly convinced of that fact that I want to see our Republican friends get in the saddle as soon as possible.

I say that I do not believe you want to revise the tariff. I do not by that intend to impugn your motives in the slightest degree.

Mr. CHANDLER. Then why does not the Senator cooperate to get free silver, which is not a tariff measure, off the bill, and see whether we want to revise the tariff? He can tell very quickly, if we get rid of his obstructive amendment.

Mr. ALLEN. I will cooperate with the Senator from New Hampshire and his party in my own way. It is not necessary for me to bow my head and wear a Republican yoke and follow the dictation of the Republican party. I will not do that. I say that no obstruction in the nature of dilatory tactics, so far as I am concerned, shall prevent you from taking up the tariff question and considering it at an early day.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. ALLEN. I say to you again——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. ALLEN. Certainly.

Mr. ALDRICH. Will the Senator from Nebraska and his friends, or he himself, consent to have a vote taken upon the pending bill to-day, or at any time to be fixed, or upon the amendment at any time to be fixed?

Mr. ALLEN. I suppose the bill ought to be discussed for a reasonable length of time.

Mr. ALDRICH. I should like to ask the Senator a question. He is here this morning as an advocate, I understand, of immediate tariff legislation. Will he consent—that is the practical question—to taking a vote upon the pending bill and its amendment now or at any other time?

Mr. ALLEN. So far as I am concerned—and I can only speak for myself—I am prepared to vote upon this bill or upon any other tariff measure you can submit within two weeks after you have presented it here in print.

Mr. ALDRICH. The bill is before the Senate, and it has been before it for many months. I ask the Senator if he will consent to take a vote upon it now, without any further discussion?

Mr. ALLEN. At this precise moment?

Mr. ALDRICH. Yes; or at a time now to be fixed by unanimous consent.

Mr. ALLEN. Oh, Mr. President, it is idle to ask a question of that kind. The Senator from Rhode Island knows quite well that his party does not intend to support this bill without amendment. I understand the Republican caucus in this Chamber has abandoned the bill.

Mr. GALLINGER. That is not true.

Mr. ALLEN. The Senator from New Hampshire [Mr. GALLINGER] says that is not true. I read it, however, in a Republican newspaper published in this city.

Mr. GALLINGER. It is not true.

Mr. ALDRICH. We would pass this bill within a short time if the Senator from Nebraska and those gentlemen agreeing with him would allow us to do so. Now, there is an evidence of good faith.

Mr. ALLEN. Will you say to the country that it is a tariff bill which you pass at this session of Congress that you are willing to be bound by during the next four years of the incoming Administration?

Mr. GALLINGER and others. No, no.

Mr. ALLEN. No; that will not be done. Mr. President, that question provokes almost universal laughter from the other side of the Chamber. You said to the country when you were arguing the great political questions before it this fall that you would at the first moment take up the tariff question and settle it permanently, and now you laugh at the statement when your attention is called to it. What is there about the tariff question that would require Congress to spend six or seven months in extraordinary session to consider it? However it may be regarded by some, it is certainly not in the hands of our Republican friends a difficult problem to solve in the light of their knowledge of this question. Why not introduce the McKinley bill, the panacea for all national evils, and send it to the committee, and have it revised and presented here within the next ten days, and let it be debated and put upon its passage within the next sixty days? Do you want to burden the country again with an extraordinary session of Congress? Do you want to sit here for ninety days practically idle and let the country suffer when you have it in your power within that time to put upon its passage an intelligent and revised tariff act?

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. ALLEN. Certainly.

Mr. ALDRICH. The Senator from Nebraska is making a declaration of his purpose for himself, I suppose, and his friends.

Mr. ALLEN. Of my purpose only.

Mr. ALDRICH. I should be glad to ask him a question, which perhaps under other circumstances might be deemed impertinent. I should like to ask him whether he will vote for the bill as it came from the House of Representatives, or for the McKinley bill, or for any bill that receives the approval of the Republicans of the Senate now or at any other time?

Mr. ALLEN. Mr. President, I would not be guilty of making such a promise as that I would agree to vote for any other bill that might be presented.

Mr. ALDRICH. This bill, then? I will confine my question to the pending bill.

Mr. ALLEN. No; I will not vote for this bill in its present shape. You can, however, put it in a shape in which I will vote for it. You can, in my judgment, put it in such a shape as that other Senators will vote for it who are not members of your party. There is barely a difference of 10 per cent between the tariff act now in existence and the McKinley Act. Do you say that you can not revise your tariff schedules and put the act upon its passage during this Congress, and get this momentous question out of the road so that other important questions which may come before the next Congress may be properly considered?

Mr. HALE. Let me ask the Senator a question?

Mr. ALLEN. Certainly.

Mr. HALE. Does not the Senator see that it is altogether different when you ask the Republican party in the Senate, in a minority as it clearly is, to take up and consider and perfect a general tariff bill while the conditions are expected to be entirely changed in the next Congress? The Republican party expects to have an absolute majority in the Senate then.

Mr. ALLEN. May I be permitted to ask the Senator from Maine where he expects to get that majority?

Mr. HALE. I say the Republicans expect to get an absolute majority in the next Senate. Then it can take up the general question of revision of the tariff, and I have no doubt that it will. Now, all that is asked is the passage of the House bill—the Dingley bill, so called—as it came to this body, which is a revenue measure, a temporary measure in itself, so declared, a measure that was intended to endow a Democratic Administration with enough revenue to keep up and pay the housekeeping bills of the Government. If the Senator is in favor of that measure, or if his friends are in favor of it, we can come to a vote at once without further discussion. The Senator from Rhode Island can withdraw his motion. We can have a yea-and-nay vote on the substitute of the committee, which is the free coinage of silver. If that is voted in, the bill goes into conference with the House. Something or nothing comes out of it, but the subject is ended. If that is voted down, we are brought face to face with the House proposition, the Dingley bill, the temporary revenue bill to furnish the Government with funds, and we can take a vote upon that at once. And why is not the Senator ready to agree that without further discussion we shall do that? Does not the Senator see that the Republican party is not in this Congress and in this body as it will be, or hopes to be, in the next Congress—able to consider and report a general revision of the tariff?

Mr. ALLEN. I think the Republican party is in better shape in this Chamber in the present Congress than it will be in the next. That is my judgment.

Mr. HARRIS. The Senator from Nebraska yields to me in order that I may move to amend the motion of the Senator from Rhode Island. I move to strike out that part of his motion that provides for instruction, and let the motion stand as a motion to recommit.

The PRESIDENT pro tempore. The motion of the Senator from Tennessee will be regarded as pending.

Mr. ALLEN. Mr. President, just one word more in reply to the Senator from Maine, so that my position—and I speak for myself alone—may be distinctly understood.

Mr. ALDRICH. I accept the amendment of the Senator from Tennessee. I withdraw that part of my motion.

Mr. ALLEN. The proposition of the Senator from Maine, if he will permit me to characterize it as such, is mere backing and filling. There is no substance to it whatever.

Mr. HALE. Why not?

Mr. ALLEN. I want you to bring before this Congress a permanent revenue measure.

Mr. HALE. To begin with——

Mr. HOAR. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.

Mr. HOAR. If the Senator from Nebraska will pardon me, he will see my purpose. I merely desire that the motion pending be stated from the chair. The Senator from Nebraska yielded to the Senator from Tennessee to move an amendment to the motion.

Mr. ALLEN. I understood that it was stated.

Mr. HOAR. The Senator from Rhode Island accepted that amendment, as was his right.

Mr. HARRIS. Then let the pending question be stated.

Mr. HOAR. Now, I desire that the motion pending be stated from the chair.

The PRESIDENT pro tempore. The motion pending is that the bill with its amendment be committed to the Committee on Finance.

Mr. ALLEN. What I want the Republican party to do is to present a permanent measure here.

Mr. HALE. Now, let me ask the Senator ——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Maine?

Mr. ALLEN. Certainly.

Mr. HALE. How can the Republican party in the Senate do that when it has not, to begin with, the control or the majority of the Committee on Finance? The Republican party can not get at this session a general revision of the tariff through its committees. We expect that this condition will be changed in the next Congress. Perhaps it will not be changed; it will be very close, undoubtedly; but I expect, and other Republicans expect, that in the next Congress, and early, too, the Republican party will have the power through the committees in this body to report a general tariff bill. But it can not do it now. It has tried it and has found that the conditions here are such that it is utterly impossible. When the Senator asks the Republican party to do that he asks for what is evidently an impossibility. But we are ready to vote, and to vote at once, upon the proposition that is before the Senate—the proposition of free coinage. That is the first question presented before the Senate. If that is voted down, we can vote upon the House proposition—the Dingley bill. That is all we can do, sir.

Mr. ALLEN. See how absurd is the position of the Senator from Maine! The Senator has just said that the opposition has control of the Finance Committee, that the Republican party can not report from that committee a tariff measure. Why, then, is the Senator from Rhode Island moving to refer the bill back to the Finance Committee?

Mr. HALE. He moved its committal with instructions.

Mr. ALLEN. The Dingley bill is before the Senate now. That is quite an ample tariff act in itself. Why can you not use that as a foundation to introduce a permanent tariff measure in the form of an amendment, and discuss it here, and put it upon its passage?

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. ALLEN. I desire to have the pending bill passed over as the unfinished business.

The PRESIDENT pro tempore. There is no such thing in the morning hour as unfinished business.

Mr. ALLEN. I desire the RECORD to show that I requested to have it passed over as the unfinished business.

PROPOSED RESTRICTION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States, which had been reported from the Committee on Immigration with an amendment.

Mr. HILL. It has been some time since we have heard the bill. I should like to have it read now.

Mr. LODGE. Let it be read with the amendment proposed by the committee.

The PRESIDENT pro tempore. The bill will be read.

Mr. GORMAN. This is an important bill, and with a view of giving some of us an opportunity to look at it and taking it up to-morrow at 2 o'clock, I move that the Senate adjourn.

Mr. HARRIS. I ask the Senator from Maryland to withdraw the motion, in order that I may move an executive session, so that nominations may be referred.

Mr. LODGE. Owing to confusion in the Chamber, I did not hear the statement of the Senator from Maryland.

Mr. GORMAN. It was only to let the bill go over until to-morrow at 2 o'clock.

Mr. LODGE. Was a motion made to adjourn?

The PRESIDENT pro tempore. A motion for an executive session has been made by the Senator from Tennessee [Mr. HARRIS].

Mr. LODGE. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business, and on that question the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER] and withhold my vote.

Mr. McBRIDE (when his name was called). I again announce my general pair with the senior Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I announce the same transfer of my pair as before, and vote "yea."

Mr. SEWELL (when his name was called). I desire to announce my pair with the junior Senator from Wisconsin [Mr. MITCHELL].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON], and in his absence withhold my vote.

The roll call was concluded.

Mr. BATE. I am paired with the Senator from Utah [Mr. BROWN]. I will transfer my pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. BACON (after having voted in the affirmative). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. As he is not present, I withdraw my vote.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who is necessarily absent. I do not know how he would vote if present.

The result was announced—yeas 27, nays 30, as follows:

YEAS—27.

Allen,
Bate,
Berry,
Blackburn,
Brice,
Call,
Daniel,
Dubois,
Faulkner,
Gibson,
Gordon,
Gorman,
Harris,
Jones, Ark.
Kyle,
Martin,
Mills,
Morgan,
Murphy,
Pasco,
Pugh,
Roach,
Smith,
Stewart,
Turpie,
Vest,
Walthall.

NAYS—30.

Aldrich,
Baker,
Butler,
Cameron,
Cannon,
Carter,
Chandler,
Clark,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
Hill,
Hoar,
Lodge,
McMillan,
Mantle,
Mitchell, Oreg.
Morrill,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Quay,
Sherman,
Wolcott.

NOT VOTING—32.

Allison,
Bacon,
Blanchard,
Brown,
Burrows,
Caffery,
Chilton,
Cockrell,
Cullom,
George,
Gray,
Hale,
Hansbrough,
Hawley,
Irby,
Jones, Nev.
Lindsay,
McBride,
Mitchell, Wis.
Palmer,
Sewell,
Shoup,
Squire,
Teller,
Thurston,
Tillman,
Vilas,
Voorhees,
Warren,
Wetmore,
White,
Wilson.

So the Senate refused to proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Secretary will read the bill.

The bill was read.

The amendment reported by the Committee on Immigration was, in line 7, after the word "following," to strike out:

All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under section 3 of this act shall be deported to the country from whence they came.

And in lieu thereof to insert:

All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose, and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing.

So as to make the bill read:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing.

SEC. 2. That this act shall take effect three months after its passage.

Mr. LODGE. I desire to say, Mr. President, that the confusion in the Chamber was so great when the Senator from Maryland [Mr. GORMAN] made his request that I did not hear what he said. I only heard the motion to adjourn, followed by the motion to go into executive session. I happen to be in charge of this bill, which has been now for a long time at the head of the Calendar, and I am very anxious to get a vote upon it with the least possible delay. I therefore felt it my duty to resist those motions. I have since understood that the Senator from Maryland made a personal request that the bill should go over for a day, as he desired to look at it; and of course to such a personal request I should not think of making objection. I therefore will yield very gladly for a motion to go into executive session.

Mr. HARRIS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 10, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 9, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

JOHN RYAN.

Mr. BRUMM. Mr. Speaker, I desire to offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House of Representatives, who died August 10, 1896, a sum equal to his salary for six months and the expenses of his last illness and funeral, said expenses not to exceed the sum of $250.

The SPEAKER. Does the gentleman desire the resolution referred to the Committee on Accounts?

Mr. BRUMM. I beg pardon. Mr. Ryan was on the soldiers' roll and died during the recess. This is the usual resolution. I desire to have it considered at the present time and passed.

Mr. ALDRICH of Illinois. Mr. Speaker, I was present, but did not hear the resolution. I would be very glad to have it again reported.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again reported.

Mr. ALDRICH of Illinois. Mr. Speaker, I think that resolution had better take the usual course. There are similar resolutions constantly coming before the committee.

Mr. BRUMM. The usual course is to pass the resolution by unanimous consent.

Mr. WILLIAM A. STONE. Was this person a member of what is called the "soldiers' roll?"

Mr. BRUMM. Yes, sir.

Mr. ALDRICH of Illinois. I do not think it has been the usual course, certainly not in my time, to have these resolutions passed without reference to the Committee on Accounts.

Mr. BRUMM. All right, then, if you object.

The SPEAKER. The resolution will be referred to the Committee on Accounts.

MRS. MARY GOULD CARR.

Mr. POOLE. Mr. Speaker, I present a conference report, for immediate consideration.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 4354, "An act granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

THEODORE L. POOLE,
W. S. KERR,
GEORGE B. McCLELLAN,
Managers on the part of the House.
J. H. GALLINGER,
FRANK J. CANNON,
Managers on the part of the Senate.

Mr. McMILLIN. Let us have the bill read, so as to see what change is involved.

Mr. DOCKERY. I would rather have the statement of the conferees.

The SPEAKER. Without objection, the bill can be read.

The statement of the House conferees was read, as follows:

Statement of House conferees to accompany conference report on House bill No. 461.

The House conferees recede from the disagreement to the Senate amendment and agree to the same. The effect of the amendment is to grant a pension of $75 instead of $50.

THEODORE L. POOLE.
W. S. KERR.
GEO. B. McCLELLAN.

The bill was read, as follows:

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of $50 per month.

Mr. HOPKINS. Mr. Speaker, how does that come before the House at this time?

The SPEAKER. It comes before the House on a report of a conference committee.

Mr. HOPKINS. And do the conferees report the substitution of $75 for $50?

Mr. POOLE. The conferees agreed to the Senate amendment, which makes it $75 a month.

Mr. HOPKINS. Well, Mr. Speaker, that is a matter that I think ought to be discussed. In the House I was in the Committee of the Whole when that matter was up, and after a full and fair discussion it was the sense of the House that $50 a month was sufficient.

The SPEAKER. This is a conference report now before the House, and the gentleman from New York has the floor.

Mr. McMILLIN. I wish to ask the gentleman a question, with his permission.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. POOLE. I do.

Mr. McMILLIN. Was the soldier in the service of the Government at the time of his death?

Mr. POOLE. He was not in the service at the time of his death.

Mr. McMILLIN. How long had he been out of the service?

Mr. POOLE. He had been out of the service about twenty years.

Mr. McMILLIN. Did he die of injuries received in the service?

Mr. POOLE. It is very doubtful as to whether the cause of his death was the result of his service in the Army.

Mr. McMILLIN. Was he a pensioner at the time of his death?

Mr. POOLE. He was.

Mr. McMILLIN. At what rate?

Mr. POOLE. Thirty dollars a month.

Mr. McMILLIN. Then it is proposed to give more than twice as much to his widow as he drew.

Mr. POOLE. That is the fact.

Mr. McMILLIN. The House bill proposed $50, the Senate amendment increases it to $75, and the House, pursuing the course that it always does in these cases, yielded from the struggle.

Mr. WILLIAM A. STONE. Let us have the reason.

Mr. POOLE. This bill originally passed the House committee unanimously at $75 a month, but it passed the House at $50 a month. In the Senate it was amended and the amount was made $75 a month. The case of Mrs. Carr is a very peculiar one. General Carr was one of the best soldiers in the Army. He served with great gallantry from the commencement of the war to the close. His wife was with him in all the campaigns. She acted as volunteer nurse in the hospital of the Second Corps. General Carr commanded not only a brigade, but at times a division. He was a good soldier and did as good service as any man from New York or from any other State. He was wounded in several engagements and was entitled to a pension, but for years did not ask for it. Later, when he had become old and broken down in health, he did apply for a pension, and he then received the highest amount that could be granted him by the office under the law, which was $30 a month.

Mr. HOPKINS. Did this officer leave the military service to go into the civil service?

Mr. POOLE. He was not in the Regular Army. He was a volunteer soldier and was mustered out of the service at the close of the war, and continued in civil life until his death. He was at one time secretary of state of the State of New York. His wife is now old and broken down, and she has a permanently helpless daughter to support, with no income except what she receives by way of pension.

I move the previous question.

The previous question was ordered.

The question being taken on agreeing to the conference report, the Speaker declared that the ayes seemed to have it.

Mr. CROWTHER. I ask for a division.

The House divided; and there were—ayes 91, noes 43.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 89, not voting 117; as follows:

YEAS—148.

Acheson,
Aldrich, T. H.
Aldrich, Ill.
Arnold, Pa.
Arnold, R. I.
Avery,
Babcock,
Barham,
Barney,
Bartholdt,
Belknap,
Bennett,
Black, N. Y.
Bowers,
Brewster,
Bromwell,
Brosius,
Brumm,
Bull,
Burrell,
Burton, Ohio
Calderhead,
Chickering,
Clark, Iowa
Cook, Wis.
Cooke, Ill.
Cooper, Wis.
Corliss,
Cousins,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
Dayton,
De Witt,
Dovener,
Draper,
Faris,
Fenton,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Gardner,
Gibson,
Gillet, N. Y.
Griffin,
Griswold,
Grout,
Grow,
Halterman,
Hardy,
Harmer,
Heatwole,
Henderson,
Henry, Conn.
Hepburn,
Hilborn,
Hill
Hitt,
Hooker,
Howard,
Howe,
Howell,
Hulings,
Hunter,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Joy,
Kerr,
Kiefer,
Kirkpatrick,
Knox,
Layton,
Lefever,
Leisenring,
Leonard,
Lorimer,
Loudenslager,
Low,
McCall, Mass.
McClellan,
McCormick,
Mercer,
Meredith,
Miller, Kans.
Miller, W. Va.
Milliken,
Minor, Wis.
Mitchell,
Moody,
Mozley,
Murphy,
Noonan,
Northway,
Odell,
Otjen,
Parker,
Payne,
Pearson,
Perkins,
Phillips,
Pickler,
Poole,
Powers,
Pugh,
Quigg,
Ray,
Reeves,
Reyburn,
Rinaker,
Robinson, Pa.
Russell, Conn.
Sauerhering,
Scranton,
Settle,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Southard,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Sulzer,
Taft,
Tawney,
Tayler,
Thomas,
Towne,
Van Horn,
Van Voorhis,
Walker, Mass.
Wellington,
Wilson, N. Y.
Woomer,
Wright.

NAYS—89.

Abbott,
Adams,
Aldrich, W. F.
Allen, Utah
Bailey,
Baker, N. H.
Bankhead,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Berry,
Bishop,
Black, Ga.
Blue,
Broderick,
Buck,
Burton, Mo.
Clardy,
Clark, Mo.
Cobb,
Codding,
Cooper, Tex.
Cox,
Crowley,
Crowther,
Culberson,
De Armond,
Denny,
Dockery,
Erdman,
Evans,
Gillett, Mass.
Hager,
Hall,
Hart,
Hemenway,
Henry, Ind.
Hopkins,
Hubbard,
Hulick,
Hull,
Hutcheson,
Kyle,
Lawson,
Leighty,
Lester,
Linney,
Little,
Livingston,
Loud,
Maddox,
McCulloch,
McDearmon,
McEwan,
McLaurin,
McMillin,
McRae,
Miles,
Milnes,
Money,
Morse,
Neill,
Otey,
Overstreet,
Owens,
Pendleton,
Raney,
Richardson,
Sayers,
Shafroth,
Shaw,
Shuford,
Skinner,
Stokes,
Strait,
Strowd, N. C.
Talbert,
Tate,
Terry,
Tracewell,
Tracey,
Treloar,
Turner, Ga.
Turner, Va.
Updegraff,
Williams,
Wilson, S. C.
Wood,
Woodard.

NOT VOTING—117.

Aitken,
Allen, Miss.
Anderson,
Andrews,
Apsley,
Atwood,
Baker, Kans.
Baker, Md.
Barrett,
Bartlett, N. Y.
Beach,
Bingham,
Boutelle,
Brown,
Cannon,
Catchings,
Clarke, Ala.
Cockrell,
Coffin,
Colson,
Connolly,
Cooper, Fla.
Cowen,
Crump,
Cummings,
Curtis, Iowa
Danford,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Eddy,
Ellett,
Ellis,
Fairchild,
Fowler,
Gamble,
Goodwyn,
Graff,
Grosvenor,
Hadley,
Hainer, Nebr.
Hanly,
Harris,
Harrison,
Hartman,
Hatch,
Heiner, Pa.
Hendrick,
Hermann,
Hicks,
Huff,
Hurley,
Hyde,
Jones,
Kem,
Kendall,
Kleberg,
Kulp,
Lacey,
Latimer,
Lewis,
Linton,
Long,
Maguire,
Mahany,
Mahon,
Marsh,
Martin,
McCall, Tenn.
McCleary, Minn.
McClure,
McCreary, Ky.
McLachlan,
Meiklejohn,
Meyer,
Miner, N. Y.
Mondell,
Moses,
Murray,
Newlands,
Ogden,
Patterson,
Pitney,
Price,
Prince,
Robertson, La.
Royse,
Rusk,
Russell, Ga.
Smith, Mich.
Sorg,
Southwick,
Spalding,
Sparkman,
Spencer,
Stallings,
Stewart, Wis.
Swanson,
Thorp,
Tucker,
Tyler,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Washington,
Watson, Ind.
Watson, Ohio
Wheeler,
White,
Wilber,
Willis,
Wilson, Idaho
Wilson, Ohio
Woodman,
Yoakum.

The following pairs were announced:

Until further notice:

Mr. DANFORTH with Mr. COWEN.
Mr. HAINER of Nebraska with Mr. KLEBERG.
Mr. ROYSE with Mr. ROBERTSON of Louisiana.
Mr. WILBER with Mr. STALLINGS.
Mr. GAMBLE with Mr. PRICE.

For this day:

Mr. ANDREWS with Mr. DINSMORE.
Mr. GROSVENOR with Mr. MINER of New York.
Mr. BAKER of Maryland with Mr. OGDEN.
Mr. KULP with Mr. RUSSELL of Georgia.
Mr. McCALL of Massachusetts with Mr. MOSES.
Mr. BINGHAM with Mr. COOPER of Florida.
Mr. HURLEY with Mr. HENDRICK.
Mr. SMITH of Michigan with Mr. SORG.
Mr. WADSWORTH with Mr. SPARKMAN.
Mr. HERMANN with Mr. McCREARY of Kentucky.
Mr. McCLURE with Mr. YOAKUM.

WIDOW OF GEN. JOHN HOUGH.

Mr. WOOD. Mr. Speaker, I present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 294) "To increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

BENSON WOOD,
C. A. SULLOWAY,
WM. BAKER,
Conferees on the part of the House.
J. H. GALLINGER,
WM. VILAS,
FRANK J. CANNON,
Conferees on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. [illegible]) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, submit the following written statement in explanation of the accompanying conference report, namely:

On the amendment of the Senate the pension proposed to the claimant is increased from $30 per month, as the bill passed the House, to $50 per month.

The managers on the part of the House have recommended that the House recede from its disagreement and concur in the Senate amendment for the reason that the beneficiary is in feeble health, is 60 years of age, and without means except a pension of $17 per month, which is entirely insufficient for her support. Her husband has a record of most honorable service, and the rate of $50 per month has been almost uniformly adopted by the Congress in cases of the widows of officers of like rank and like honorable service.

BENSON WOOD,
C. A. SULLOWAY,
WM. BAKER,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I move that the conference report be agreed to.

Mr. LOUD. Will the gentleman permit a question or two before the report is voted upon?

Mr. WOOD. Certainly.

Mr. LOUD. I would like to ask the gentleman to state, if he can, of his own knowledge, whether the House has been able to secure any recession by the Senate from the position they have taken in any of these pension cases.

Mr. WOOD. I will state to the gentleman from California that this is the only conference committee upon which I have served, but the Record will answer his question. I can not answer it.

Mr. LOUD. Now, Mr. Speaker, there is another point that I would like to bring to the gentleman's attention. In the statement which has been submitted the House conferees have assumed to review the position taken by the House and to give reasons of their own why they have recommended agreeing to the Senate amendment. It is hardly proper, in my opinion, for a conference committee to review the merits of the case and present opinions of their own as reasons why the House should accede to the demands of the Senate. I think that the same course has been pursued in this case that has been pursued in every case that has so far been presented to the House. The House, for instance, passes a bill granting a pension of $30 a month, the Senate increases the amount to $50 or $75 a month, and, with all due respect to our conference committees in these cases, it is notorious that they have exercised great diligence in endeavoring to give way to the will of the Senate. [Laughter.] I think, Mr. Speaker, that in future our conferees ought to try to maintain the dignity of the House. If we are right in passing a bill giving a pension of $30 a month, then when the Senate disagrees and a conference is ordered our conference committees should at least make an attempt to maintain the dignity of this body, and I trust they will do so. I hope also that hereafter no conference committee appointed by the House will undertake to present views of their own as a reason why the House should change its position as to any particular case.

Mr. WOOD. Mr. Speaker, I understand that the remarks of the gentleman from California are addressed rather to the future action of this House than to its action on the present case. All there is about this bill is that it makes provision for the widow of a soldier who was wounded in the service. The record of his service shows a participation in some twenty-odd battles. When his service ended he was chief of staff of an army corps. He enlisted originally as a private soldier, and was wounded as a private soldier. He was pensioned for wounds received in battle. From these wounds he died. His widow received the pension of his rank, which was $17 per month. That pension is insufficient for her to live upon. Quite an effort was made in the committee to increase this pension to $50; but the bill was finally reported at $30, and in that form passed the House without any opposition. I do not know that it would be proper to state what occurred in the conference committee; but it ought to be assumed that the managers on the part of the House made at least an honest effort to compromise the differences between the two Houses. They have reported the bill in its present form, and in view of what has happened this morning, as well as heretofore, I think the report ought to be concurred in.

Mr. McMILLIN. Will the gentleman permit a question?

Mr. WOOD. Certainly.

Mr. McMILLIN. The gentleman says there was an effort to put this bill through at $50 when it was pending in committee or in the House; that that effort failed; that the committee and the House concurred in cutting down the amount of the pension to $30; that when the bill went to the Senate the amount was raised, as the record shows, to $50. Now, what I would like to know is this: What new fact or what new condition of affairs was developed in conference which can be presented to the House as a reason why the action of the House should be reversed and that of the Senate concurred in?

Mr. WOOD. Not necessarily anything new.

Mr. McMILLIN. Nothing whatever?

Mr. WOOD. I think sometimes it may be entirely proper for a conference committee to recommend receding without the development of any new facts.

Mr. McMILLIN. Without any new facts?

Mr. WOOD. I think so.

Mr. McMILLIN. Then it appears that in this case the committee of conference comes back and asks the House to recede without any new facts. If that is the case the House ought to know it, and I simply wished to elicit that state of the case.

Mr. WOOD. The House never passed this bill at $50 per month. The bill was not cut down by the House from $50 to $30.

Mr. McMILLIN. I did not so state. I said the gentleman had stated that there was an effort in committee to get the bill through at $50, and that the committee refused to agree to the bill in that form; that then the House concurred in the action of the committee. But I thought that if any facts had been developed by the committee of conference showing that the House had erred in its action those facts ought to be before the House. Otherwise it is presumable the House ought not to be asked to change its former action.

Mr. WOOD. I presume, then, on the theory of the gentleman from Tennessee, both Houses should adhere to their action; and the result would be that a conference committee would be entirely useless. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

On motion of Mr. WOOD, a motion to reconsider the last vote was laid on the table.

PRINTING OF DIGEST AND MANUAL.

Mr. PERKINS submitted the following resolution; which was read, considered, and adopted:

Resolved, That there be printed 1,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-fourth Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House.

ORDER OF BUSINESS.

The SPEAKER. There being no unfinished business, the call of committees will be resumed. At the conclusion of this order of business yesterday the gentleman from Iowa [Mr. LACEY], representing the Committee on the Public Lands, had the floor.

GRANTING OF LANDS TO UNIVERSITY OF UTAH.

Mr. LACEY. I call up the bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

The bill was read, as follows:

Be it enacted, etc., That the time within which the University of Utah shall occupy the lands granted to it [illegible] be, and is hereby, extended [illegible] years [illegible] of five years it shall read ten years.

Mr. LACEY. The report, which is very brief, will explain the purpose of this bill. I ask that it be read.

The report (by Mr. ALLEN of Utah) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 2047) [illegible] the time within which the University of Utah shall occupy lands [illegible], submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that the time within which the University of Utah shall occupy certain lands granted to it by the act of July 23, 1894, shall be extended from five to ten years from the passage of said act of 1894.

Said act provides that the University of Utah shall occupy the lands thereby granted within five years. It appears to this committee that the university has not been able to meet the said condition of the grant, and probably will not be able to occupy these lands within the said five years.

The occupancy of these lands by the university involves a large outlay for buildings. At present the university is occupying buildings erected therefor by the State within the city of Salt Lake. The depression in business affairs, which commonly prevails, has made it impossible to sell the present site and buildings. With the new burdens imposed by admission to the Union, the State of Utah finds itself unable to proceed at once to build upon the lands given to the university by the United States. The lands which were granted to the State of Utah for university purposes by the enabling act for said State are not yet available and under the conditions which exist can not be for some time yet.

Mr. LACEY. I call for a vote.

The question being taken, the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

INDIAN TRAINING SCHOOL AT FORT BIDWELL.

Mr. LACEY. I now call up the joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That Fort Bidwell, an abandoned military reservation, in Modoc County, Cal., together with all the lands, buildings, water system, and improvements thereon be, and the same is hereby, turned over to the Secretary of the Interior, to be used for the purposes of an Indian training school.

The amendments reported by the committee were read, as follows:

Strike out the words "be, and the same is hereby," in lines 6 and 7, and insert in lieu thereof the words "having been." Also in line 6, after the word "the," strike out the word "Secretary" and insert "Department;" and after the word "Interior," in line 8, insert "the Secretary of the Interior is hereby authorized and empowered to use the same."

Mr. LACEY. Mr. Speaker——

Mr. DINGLEY. One moment. This is a bill which can hardly come up during this hour. It should be on the Calendar of the Committee of the Whole, because it involves, of course, more or less expenditure.

Mr. LACEY. Not at all.

Mr. DINGLEY. Inevitably it does before we get through with it. I prefer the bill should not be considered during this hour, which is designed for business of another class.

Mr. LACEY. Mr. Speaker, this bill is on the House Calendar. This is an abandoned military reservation which was turned over to the Department of the Interior to be sold. The Commissioner of Indian Affairs requested that there should be some delay made in selling the buildings, for the reason that there was need, in his judgment, for an Indian training school at that point. Consequently the Secretary of the Interior made an order postponing the sale of the reservation until the matter could be considered by Congress. They have requested that Congress give them authority to use the buildings for the purpose contemplated.

This joint resolution does not require them to be so used, but simply confers the authority on the Department for that purpose if, in its judgment, such course shall be desirable. The question of the appropriation for the support of the school, if raised at all, will be raised at another time and be of course considered by the Indian Committee hereafter. This simply, as I have said, confers the authority to delay the execution of the order of the Department for a time; that is to say, to save the buildings and not allow them to be torn down and destroyed. But if the Interior Department deems it necessary, they have the privilege of using them for the purpose of a training school. That is all there is in it. The matter has been requested both by the Commissioner of Indian Affairs and the Secretary of the Interior.

The SPEAKER. Does the gentleman from Maine insist upon his point of order?

Mr. DINGLEY. On the statement of the gentleman from Iowa I will withdraw the objection.

Mr. CURTIS of Kansas. I would like to ask the gentleman from Iowa a question: How many Indians are there in the vicinity of this proposed reservation?

Mr. LACEY. I am informed that there are from 1,200 to 1,500 Indians in the immediate vicinity of this reservation.

But I yield to the gentleman from California [Mr. BARHAM], who is thoroughly conversant with the matter, and can answer in detail any question that may be asked in reference to it.

Mr. PICKLER. Mr. Speaker, I would like to inquire of the gentleman just what is meant by an Indian "training" school. What kind of a school is it designed to be? We have already boarding and day schools for the Indians, but as far as I know we have no training schools.

Mr. BARHAM. There are twelve or fifteen hundred Indians in the immediate neighborhood of this Fort Bidwell. It is situated in the northeastern portion of the State of California, some 200 or 300 miles from the terminus of any railroad, and contains 3,800 acres of land, 640 of which is timber land. If the property is sold it would bring substantially nothing.

Now, these Indians are not self-sustaining. They belong to the Pi-Ute or Modoc tribe, and are roaming throughout the country, we never having been able to hold them on any reservation up to this time.

This matter affects three States—Nevada, Oregon, and California—and it is urgently requested by the citizens of that section of the country and urgently presented to the House by the Commissioner of Indian Affairs and the Secretary of the Interior. This land is valueless unless it can be put to some such purpose as this.

Mr. CURTIS of Kansas. Permit me to ask if the gentleman has in his possession this request of the Commissioner of Indian Affairs and the Secretary of the Interior; or are they embodied in the report?

Mr. BARHAM. Oh, yes; they are published in the report.

Mr. PICKLER. Has the gentleman the letter of the Department bearing upon this question?

Mr. BARHAM. Oh, yes; it is in the report.

Mr. CURTIS of Kansas. I would like to have the report read, if the gentleman will permit it.

Mr. BARHAM. Certainly. I think if the report is read it will satisfy everybody in reference to the matter. I ask for the reading of the report.

The report (by Mr. STEPHENSON) was read, as follows:

The Committee on the Public Lands, to whom was referred the joint resolution (H. Res. 152) authorizing the Secretary of the Interior to use Fort Bidwell for an Indian training school, beg leave to submit the following report, and recommend that said resolution do pass with amendments as below indicated:

After careful consideration of this resolution, your committee would recommend the following amendments:

Strike out the words "be, and the same is hereby," in lines 6 and 7, and insert in lieu thereof the words "having been." Also in line 6, after the word "the," strike out the word "Secretary" and insert "Department," and after the word "Interior," in line 6, insert "the Secretary of the Interior is hereby authorized and empowered to use the same."

This resolution has been referred to the Commissioner of Indian Affairs, whose communication and report to Mr. BARHAM, dated April 2, 1896, is hereto attached and made part of this report:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 2, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th ultimo, in which you refer to the desire of this office to establish an Indian training school upon the abandoned military reservation at Fort Bidwell, Cal., for the Indians of that vicinity, who are entirely without school facilities and in great need thereof, and state that you have examined the law on the question of whether or not this Department can use the same for the desired purposes, and are of the opinion that further action of Congress will be necessary therefor; that you intend to do all you can to have established at the said abandoned post a Government training school as above indicated, and would therefore ask that this office give the matter careful consideration and report thereon for the consideration of Congress.

In reply you are informed that under date of March 5, 1896, this office made inquiry of the Commissioner of the General Land Office as to the present status of the said reservation—asking what, if any, improvements or buildings had been sold or otherwise disposed of, and whether or not there was any way in which the said buildings and lands could be used for Government Indian school purposes without going to Congress in order to secure a title therefor for the purposes above indicated.

I am now in receipt of the desired information from the General Land Office, being a report from the Assistant Commissioner of that office, dated March 28, 1896, which reads as follows:

"In reply I have to state that the Fort Bidwell Post Reservation was established by Executive order of October 19, 1866; enlarged and connected with the public survey October 4, 1870. The estimated area is 3,078.19 acres. A wood reservation was established February 7, 1871; area, 640 acres.

"On February 13, 1885, that portion of sec. 8, T. 46 N., R. 16 E., falling within the reservation was relinquished and placed under the control of the Interior Department for disposal under the act of July 5, 1884 (23 Stat. L., 103). The remainder of the reservation was relinquished and transferred to the Interior Department October 2, 1890, for disposal under said act of July 5, 1884.

"After the transfer of that portion in section 8, it was reported to this office that there were six structures thereon, 'presumed to be private property,' but on November 17, 1893, the War Department transmitted to this office a schedule showing that there are forty buildings on the reservation; that their condition is good, and their value $13,575, exclusive of fences, waterworks, sewerage, etc.

"This office has not yet had occasion to make further inquiry in regard to the ownership of the buildings, but presumes that they belong to the Government.

"No steps have yet been taken looking to the disposal either of the land or buildings, but the general appraiser of abandoned military reservations, now in New Mexico, will probably reach California in the near future, when the buildings on this reservation, and so much of the land as is surveyed, will be appraised with a view to the disposal thereof under the said act of July 5, 1884, unless other disposition thereof is authorized.

"This office knows of no reason why action should not be postponed by the Secretary to allow time for legislative action with a view to the establishment of the desired reservation, provided such action is deemed necessary."

Further, in this connection, this office is in receipt of H. Res. 152, being the joint resolution introduced in the House of Representatives by you under date of March 27, 1896, authorizing the Secretary of the Interior to use Fort Bidwell for an Indian training school. This joint resolution meets the hearty approval of this office, and I have therefore this day reported upon the matter to the honorable Secretary of the Interior, so stating, and recommending that Congress be urged to give the same favorable action.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. J. A. BARHAM,
House of Representatives.

Mr. PICKLER. I would like to know whether there is any information in possession of the committee as to the number of children to be educated. Have not they an Indian school there now?

Mr. LACEY. They have not.

Mr. PICKLER. If there was any necessity for this matter——

Mr. LACEY. Of course I assume that there is necessity for it, or else these requests would hardly have come from the Department.

Mr. PICKLER. This opens up another Indian school, as the Chair knows.

Mr. LACEY. Not at all, unless the Indian Committee shall recommend it.

Mr. PICKLER. What have they been doing for school facilities heretofore?

Mr. LACEY. Doing without, as far as this particular scheme is concerned.

Mr. RICHARDSON. I would like to ask the gentleman from Iowa a question with his permission—that is, whether the bill in any way changes the title of this property?

Mr. LACEY. Not at all. It is now in the United States, and the control is in the Secretary of the Interior. There is no change in the title.

Mr. RICHARDSON. None at all?

Mr. LACEY. None whatever.

I ask a vote upon the amendments.

The amendments recommended by the committee were agreed to, and the joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of **Mr. LACEY**, a motion to reconsider the last vote was laid on the table.

CONFIRMATION OF CASH ENTRIES OF PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 8413) to confirm certain cash entries of public lands. Its number is 167 on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That all entries of the public lands made under the provisions of the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August 4, 1854, which are illegal and invalid because of the fact that the lands covered thereby had never been offered for sale, be, and the same are hereby, confirmed, if, upon examination by the Commissioner of the General Land Office, the same are found to be otherwise regular and in compliance with said act and the acts supplemental thereto.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. RICHARDSON. Mr. Speaker, I desire to reserve the point of order against the calling up of this bill in this hour. It seems to be obnoxious to the rule.

Mr. LACEY. I hope my friend will not press the point of order until he hears an explanation of the bill.

The SPEAKER pro tempore (Mr. SHERMAN). The point of order is reserved.

Mr. LACEY. I now yield to my colleague [Mr. McRAE], who will explain the bill.

Mr. RICHARDSON. The point of order which I desire to reserve is that the bill should be on the Union Calendar, instead of on the House Calendar.

Mr. McRAE. Mr. Speaker, the object of this bill is stated in the report.

Under the graduation act of 1854, which provided for a reduction in the price of public lands to those who actually cultivated and settled upon them, these lands were entered; but the payments in some cases were not made technically in accordance with the statute. A few entries were permitted. Those of you who are familiar with the graduation act will remember that the price was graduated according to the length of time between the date of the public offering and the entry. In that way some confusion arose. The purpose of this bill is to quiet the title to a number of public land entries that are now in the hands of actual settlers, which lands have been paid for and occupied, and transferred a number of times. Unless they are passed to patent there will be confusion, trouble, and litigation.

That is the whole purpose of the bill, and I hope there will be no delay about it. The land officers ask for it, and the committee think the bill should pass.

Mr. RICHARDSON. I withdraw the point of order, so far as I am concerned.

Mr. LACEY. I will add to what my colleague has stated that this bill will apply only to some lands in Arkansas. The draft of the bill was made by the Commissioner of the General Land Office in order to enable him to adjust these particular titles.

Mr. PICKLER. Does the bill state that?

Mr. LACEY. The bill is general in its character, but the actual application of it will reach only the lands to which I have referred.

The Commissioner says:

This will include the entries made in Arkansas south of the old Louisiana boundary line and north of the new one authorized by act of May 19, 1828 (4 Stat. L., 276).

Only a small region of country will be affected by this bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of **Mr. LACEY**, a motion to reconsider the last vote was laid on the table.

PROTECTION AGAINST FOREST FIRES.

Mr. LACEY. I next call up the bill (H. R. 9124) to protect the forests on the public domain from destruction by fire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to cause to be surveyed or plainly marked ways, about 1,000 feet in width, through the forests on the public domain which are liable to destruction by fire, at intervals of from 5 to 10 miles apart, in such directions as, when cleared, may be deemed most effective to prevent the spreading of fire.

SEC. 2. That the timber contained in such ways may be offered for sale at public auction in parcels, with the condition that the purchaser shall clear the entire width of that part of the way the timber on which is purchased by him. As to those parts of the ways which can not be so cleared bids may be asked for the clearing of the same in parcels and as many of the same accepted as may be deemed expedient.

SEC. 3. That such purchaser or contractor shall enter into contract to perform the work as required in the specifications for his bid, and shall give bond for the faithful performance of his contract in such sum as may be determined by the Secretary of the Interior or by any person designated by him.

Mr. LACEY. I yield to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, the forest fires which occur in the Western country are a source of great danger. The forests become ignited, and the fire sweeps for miles and miles, often destroying as much as a hundred square miles of timber, and the loss to the Government and to the inhabitants who live in the country is very great. There is no perfect way of stopping these fires without great expense to the Government, which of course can not be contemplated at the present time. The bill which I originally drew went a great deal further than the bill which is now before the House. I wanted an express mandate to the Secretary of the Interior to cause these ways to be cut, but the committee thought that it was not wise to require that at present. The cutting of these ways for the purpose of stopping fire is somewhat experimental, and for that reason the committee thought that the bill should be modified so as to leave it to the discretion of the Secretary of the Interior to determine when and where these ways should be cleared.

I know of no way by which the spread of these fires can be stopped except by clearing these ways. At present when a fire occurs the inhabitants who live in the vicinity gather together and try to concentrate upon one point and cut the timber down to stop the fire. They seldom succeed in doing it. They can not cut enough timber. The ways which they cut are too narrow, and consequently the fire keeps on until it reaches a barren place, or until there is a change in the wind. If the wind changes, then they can fight the fire, or if it comes to a barren place it will, of course, die out. If these ways are cut at intervals of 5 or 10 miles, we shall have the satisfaction of knowing that the fire will not burn beyond those points. At least the inhabitants in that part of the country can concentrate their efforts there and make a successful fight against the further spread of the fire. Inasmuch as this bill does not involve any appropriation, inasmuch as its execution is clearly discretionary with the Secretary of the Interior, inasmuch as it is contemplated that these ways that are to be cut will pay for their own clearing, I can see no objection to the passage of the bill. The timber is worth as much as the cost of clearing. The bill provides that the timber may be offered for sale at public auction, with the condition that the purchaser shall clear the entire width of the way.

Mr. HERMANN. I will ask the gentleman to yield to me for a moment.

Mr. SHAFROTH. Certainly.

Mr. HERMANN. I did not have the good fortune to be able to hear the reading of the bill, and therefore I will trouble my friend to answer a question. As I understand it, no expense is entailed upon the Government of the United States in the cutting of these ways.

Mr. SHAFROTH. No; not under the present bill. In a former bill I desired that, but it is not the provision of this bill.

Mr. HERMANN. Is there any maximum limit as to the width of these ways?

Mr. SHAFROTH. They are to be about 1,000 feet in width. I did not think that was wide enough; still the committee thought they would limit it to that.

Mr. HERMANN. I will ask my friend if he does not think that the privileges given are apt to be abused by timber-land speculators, who will petition the Department of the Interior for the privilege of cutting the ways, representing the dangers from fire, with the sole view of advancing their own personal interests, so that by the cutting of the ways they will be able to obtain timber which, under the forestry act and the restrictions at present imposed, they are not now able to obtain?

Mr. SHAFROTH. I do not think it would be abused, because a thousand feet in width of timber is not sufficient to be any great object to a speculator. It is true that all laws are subject to abuse; but when discretion is vested in the Secretary of the Interior, he is evidently not going to act upon that matter without information from some persons residing in that locality, and perhaps from the report of a special agent.

Mr. HERMANN. My friend knows how extensive the forest reservations are. For instance, in my own State a forest reservation extends from the waters of the Columbia River on the north to the northern boundary of California on the south, being 264 miles long and embracing an area of 5,000,000 acres. Now, my friend will observe that if these ways are to be useful at all in the way of preventing the spread of fire it would be necessary to cut such ways all over this extensive reservation—to cut ways at different places—which would entail not only a great deal of expense to the people, but also enable certain persons interested in the purchase of lumber to obtain a vast amount of timber in the cutting of that magnificent forest reservation.

Mr. SHAFROTH. The only answer I can give is to say that that little cutting would be infinitesimal when compared to the damage done by one fire. I do not know how it is in your part of the country, but in our part, if a fire is ignited, where there are no barriers to prevent its spread, it will cover as much as a hundred square miles, and the result is that the growth perhaps of centuries is totally destroyed in two or three days. There is no way now of stopping these fires, and there ought to be some way

to check them. One fire in my State last summer covered a great many square miles. The loss of timber on that occasion was enormous and of no benefit to anyone. I think if there were ways cleared of a thousand feet in width at intervals of 5 or 10 miles the fire could be stopped at those places.

Mr. HERMANN. But I will ask my friend if he realizes this difficulty? Take the instance of the forest reservation to which I have referred in my State, 264 miles north and south. At what point in that reservation would he commence cutting ways, and how many ways would he cut in that immense area?

Mr. SHAFROTH. Why, I should like to see them cut every 10 miles. At the same time I doubt very much whether the Secretary of the Interior would sanction that. Perhaps not. I would like to see it every 5 miles. What is a thousand feet at every 5 miles? A thousand feet would only be a fifth of a mile; and the result would be that you would save 5 miles of solid timber.

Mr. PICKLER. Is it not most likely that the fire would jump a thousand feet?

Mr. SHAFROTH. I doubt in my mind whether a thousand feet is wide enough. The criticism of this bill in my State is that a thousand feet is not sufficient; that these fires are so hot that they will ignite and leap areas of even a greater width than a thousand feet. But while the limit is fixed at that, it may be more. It is left to the discretion of the Secretary. It has been put at about a thousand feet by the committee, but if he thinks that too narrow a width he is vested with power to have it made some wider.

Mr. HERMANN. Of course my friend from Colorado must concede that if the cutting of one way of a thousand feet wide would be necessary, he would have to follow it up by the cutting of other ways, because if one way was necessary to prevent the spread of a fire, other ways also should be cleared.

Mr. SHAFROTH. Of course that is true where the timber is pine and a large, compact body of it exists. The timber lands in these United States are in different conditions. Take the timber in my State, for instance, and with a fire starting in the pine it will spread with terrific speed, and will hardly have any limit in its extent. Now, in other parts of the United States where the timber is other than pine, it is not so. I do not know how it is in your country, whether it would continue or not; but in my State a way of 1,000 feet in width is not unreasonable.

Mr. HERMANN. Of course my friend will concede that under the restrictions imposed it is almost impossible for a person to enter these forest reservations and cut timber for a speculative purpose; but do you not think that this will be a very great inducement on the part of timber speculators really to represent the necessity for the cutting of these ways for the preservation of the forests, and that they will seek authority to cut these ways, whereas in reality it is their personal interests that prompt them to ask to have the ways cut?

Mr. SHAFROTH. I think not; because I do not think that timber upon a thousand feet in width would be a sufficient inducement for speculators to go in.

Mr. HERMANN. You also know this, that even in cutting timber there is a great deal of waste matter in the small material piled on the ground, and this forms a bed in which fire ignites, and that unless that débris is carefully carried off from the area cut it will add an additional danger to those which now exist.

Mr. SHAFROTH. It is provided by this bill the contractors shall absolutely clear the way, which means that they shall take all the timber and débris off.

Mr. HERMANN. Well, sir, I think when you come to look for the successful operation of your bill you will find that it is utterly impossible to accomplish the purposes contemplated.

Mr. SHAFROTH. The whole matter is left to the discretion of the Secretary of the Interior, and it seems to me that it can do no harm.

Mr. PICKLER. I do not know that I have any objection to the bill. It seems to me as it is left to the discretion of the Secretary of the Interior that no damage will occur from it. Why does the gentleman say it will not cost anything?

Mr. SHAFROTH. I mean to say this: That the timber on these ways which it is proposed to clear often is of sufficient value to justify their being cleared.

Mr. PICKLER. How do you know that?

Mr. SHAFROTH. I admit that in a good many instances it may not be valuable.

Mr. PICKLER. The Secretary of the Interior will be empowered to go ahead at his discretion?

Mr. SHAFROTH. That is true; but there is no appropriation made; and even if it is necessary that the Government should spend some money to clear these ways, in order to save miles and miles of timber, it seems to me the Government ought to do it. But the Secretary of the Interior can not proceed in the absence of an appropriation.

Mr. PICKLER. When this timber has been cut off, what is going to grow up there?

Mr. SHAFROTH. Well, there may be a small growth of pines in the course of years. But at the same time these cleared places will afford rallying points to which the settlers in the community can go with whatever means may be at their command for stopping these fires. If there is a growth of low brush they can easily cut that off while the fire approaches. There is no other way, so far as I can conceive (and I have studied this question), of stopping these fires. If Congress wants to provide for patrolling the forests, if you want to send an army out there with authority to extinguish the fires, of course that would be more acceptable to us. But that would cost the Government too much money. It seems to me that the provision embraced in this bill for clearing these rights of way in the manner described is the most effective and inexpensive mode of stopping these fires.

Mr. PICKLER. If, after these places are cleared, the grass should grow up thickly, and then the brush and the undergrowth, it seems to me there would be great difficulty in stopping a fire.

Mr. SHAFROTH. It is true that there might be some difficulty. Still these cleared places, as I have said, would afford to the people living in that region a rallying point, where they would not have to cut the timber in order to prevent the progress of the fire. At present, when they are trying to stop a fire, their efforts are foiled by the fact that when, as the fire is approaching, they undertake to fell the timber, the fire is upon them by the time they have cut only a few trees. The result is that frequently miles and miles of timber are destroyed.

Mr. PICKLER. This bill practically empowers the Secretary of the Interior to cut up the whole public domain into checker boards. He may make these clearings every 5 miles, if he chooses.

Mr. SHAFROTH. He may if he wishes, provided he has the money to do it. But this bill involves no appropriation at the present time.

Mr. PICKLER. The Secretary of the Interior will be authorized to proceed with this work, whether the settlers desire it or not.

Mr. SHAFROTH. Yes, sir; but it is not supposed the Secretary of the Interior would do anything contrary to the best interests of the Government. It seems to me we must vest this power somewhere. We can not pass a law providing absolutely for cutting ways in all places, because in a particular locality the work may not be needed. Some States may require something of this kind; others may not. Discretion must be vested in somebody. I know of no one in whom this discretion can more properly be vested than in the Secretary of the Interior.

Mr. PICKLER. The probability is that some settlers would want this done and some would not, so that serious controversy might arise.

Mr. SHAFROTH. If that occurs, the Secretary of the Interior can very well determine the matter. He is not going to do anything, it seems to me, contrary to the interests of the greatest number of the settlers. Besides, I do not think the settlers will be divided in sentiment upon a question of this kind. They are unanimous in regard to the necessity of stopping these fires.

Mr. PICKLER. Why would it not be a good idea to provide that this work shall not be done unless the legislature of the State concerned agrees to it?

Mr. SHAFROTH. The legislature of the State would, it is true, be interested to a certain extent in preserving the forests. But these forests belong to the United States. It seems to me it ought not to be left in the power of a State legislature to say whether our forests should be preserved or not. On similar ground it might be said, why not prohibit the cutting of timber, provided the State legislature says it should not be done? That would not do. These forests belong to the United States Government, and they should not be put under the control of any other authority.

Mr. PICKLER. Well, it seems to me the people living in a State might well be consulted as to whether they wanted this thing to be done.

Mr. SHAFROTH. Their wishes will no doubt be consulted by the Secretary of the Interior.

Mr. PICKLER. That was my notion; that the legislature might be consulted, and if they agreed to the proposition the Secretary of the Interior might go ahead.

Mr. SHAFROTH. It seems to me we ought not to make our legislation dependent upon the pleasure of the legislature of any State.

Mr. HERMANN. I will ask the gentleman who will reap the immediate benefit of this transaction? Of course, it is claimed that the people of the United States will receive the ultimate benefit. But aside from the ultimate benefit to the people of the United States from the preservation of the forests, who will be immediately benefited, so far as concerns this timber which is to be cut?

Mr. SHAFROTH. In my section of the country the principal object in preserving the forests is not the timber at all. The object is that there shall be shade made on the mountains so that the snows which fall there will not melt until midsummer, when the water is needed on the plains below for the purpose of irrigation.

Mr. HERMANN. The gentleman misunderstands my question. In plain terms, I want to know who is to get this timber which is to be cut off in clearing these rights of way?

Mr. SHAFROTH. According to the provisions of the bill the Secretary of the Interior, if he desires to have a way cut through the public timber land, say 1,000 feet wide, advertises for bids for the timber to be cut with the condition that the party cutting it shall take it away and clear up the entire width of 1,000 feet free from inflammable matter. Then if there is bid, say, $100 for the timber or any other amount, and the bid is accepted by the Secretary, the money goes into the Treasury of the United States. There can not, it seems to me, be any speculation or any frauds perpetrated under this law, nor will it be in the interest of any of the large corporations in the country.

Mr. HERMANN. Except—I call my friend's attention to this, for he means well and desires honestly to do whatever is possible to preserve the forest reservations, as all of us do, but he will discover, I think, after a careful examination of this matter, that the cutting of this timber will necessitate the leaving on the ground, in the track of the cutting, of an immense amount of small waste, such as broken branches, twigs, and material of that kind; and the cutting will lead to this condition of affairs, that the grass growing up among this waste matter and dying, being left amongst the trees, will be a source of greater danger and lead to more numerous fires and more dangerous fires than we have to confront now.

Mr. SHAFROTH. My friend is mistaken on that. The contractors for this work will be required to clear away all of the débris, and the Secretary is vested by the bill with authority to prescribe what shall be done, how the ways shall be cleared, and to provide that no inflammable material shall be left on the ground.

Mr. PICKLER. It will take a large number of agents to watch that proceeding, will it not?

Mr. SHAFROTH. Not at all; it will not require any agents. They can have an inspection after the work is done. And I will state to my friend that whoever does the cutting is required to give bond to comply with the conditions imposed by the Secretary, and he will be responsible on the bond for the character of the work that is done and the satisfactory nature of the work.

Mr. BLUE. Will the gentleman from Colorado permit me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. BLUE. If I understand you correctly, you propose to save the Treasury of the United States the expense of clearing these ways through the timber by donating the timber standing upon the land for that purpose?

Mr. SHAFROTH. No, sir, the Secretary of the Interior asks for bids for the clearing of, we will say, a width of 1,000 feet, and for whatever number of miles he wants to go. Bids are received at so much for the timber, with the requirement that the party whose bid is received shall clear up the entire 1,000 feet and at the same time clear away the undergrowth and all inflammable material in that distance. That amount goes into the Treasury of the United States and the Government is saved the expense of cutting this way itself. At the same time the person whose bid is accepted gives a bond for the faithful carrying out of the contract; and if he does not perform the conditions he is liable on the bond. In other words, he is required to comply strictly with the regulations which the Secretary of the Interior may see proper to impose.

Mr. BLUE. Does it not amount to this, that there will be no such thing as cutting a protection line through the timber lands unless the timber to be cut is of sufficient value to pay for the work?

Mr. SHAFROTH. It is quite likely, of course, that such will be the case. The bill, I confess, does not go as far as I desired it to go. I would like it to have gone very much further. The original bill which I drew provided that the Government should do the work. I wanted the Government to do it whether it paid or not; but I was overruled by the committee.

Mr. PICKLER. It seems to me that under the operation of this bill authority would be given to do it anyway.

Mr. SHAFROTH. No, sir; there is no appropriation provided in the bill.

Mr. BLUE. Is this a provision for the appropriation of the timber cut off the land for the purpose of affording fire protection?

Mr. SHAFROTH. For the purpose of affording fire protection, unquestionably.

Mr. GARDNER. Does not the bill assume that the soil will be sterile and practically worthless after the timber is cut off?

Mr. SHAFROTH. Our country is arid, as the gentleman knows, entirely different from what it is in the eastern parts of the country, where high grasses grow. It will doubtless remain sterile until the low pine trees begin to spring up again, which takes a considerable time.

Mr. GARDNER. But will not the fire run through the young pine trees as rapidly—trees that are two or three years old—as when they are more matured or of larger growth?

Mr. SHAFROTH. The young pines will not get started for five or six years; and even in the event of a fire in this younger timber it will be much easier to cut away and clear out the small brush and stop the fire than to cut a way through a forest of heavy timber.

Mr. PICKLER. This would not authorize, I suppose, any cutting away of the public forests in the parks?

Mr. SHAFROTH. I do not know whether it would or not. It applies to timber on the public domain.

Mr. LACEY. But not in the parks.

Mr. SHAFROTH. Oh, no; I suppose not in the parks.

Mr. PICKLER. Well, I would like to know about that beyond doubt, because we certainly do not want to go to devastating Yellowstone Park or the other national parks.

Mr. SHAFROTH. No. This applies to timber on the public domain which is liable to destruction by fire. That is the language of the bill, and I do not see very well how it could be further limited.

Mr. PAYNE. That includes all the timber reservations, does it not?

Mr. SHAFROTH. Yes; it includes the timber reservations.

Mr. PAYNE. Then does not the bill authorize the Secretary of the Interior to throw open to market 8 per cent of all the reserved timber in the United States?

Mr. SHAFROTH. I think not.

Mr. PAYNE. Why not? The Secretary can cut a swath a thousand feet wide each way in every 5 miles. That would be two twenty-fifths of all the timber, or 8 per cent.

Mr. SHAFROTH. The proposed width is only about one-fifth of a mile.

Mr. PAYNE. He can cut a swath a thousand feet wide in one direction, which would be one twenty-fifth, and then he can cut, in a direction perpendicular to that, at the required distance, another swath a thousand feet wide, making another twenty-fifth, or altogether 8 per cent of the whole; and the power to do that is left by this bill in the discretion of the Secretary of the Interior. He can, in his discretion, sell that proportion of the reserved timber.

Mr. CONNOLLY. Or he can give it away for the sake of getting it cut off.

Mr. PAYNE. Yes.

Mr. SHAFROTH. In the first place, gentlemen should understand that the timber that is destroyed by cutting is infinitesimally small in amount compared with that which is destroyed by fire. You will find that every year, in the United States, there is ten times as much timber destroyed by fire as by cutting.

Mr. PAYNE. No; because that would be 80 per cent of all the timber in the United States.

Mr. SHAFROTH. I am not talking about the provisions of this bill now. I am merely saying that there is fully ten times as much timber destroyed by fire now in a year as there is destroyed by cutting.

Mr. STEPHENSON. And what causes those bush fires?

Mr. SHAFROTH. Travelers and hunters, for the most part, building fires and not putting them out properly.

Mr. STEPHENSON. They are caused largely by some of the timber being cut down and the refuse part being left to dry and thus facilitate the spread of the fire.

Mr. SHAFROTH. That is not the usual cause in our part of the country. Forest fires are caused generally by campers or hunters. A camper or a hunter builds a fire and does not extinguish it properly, and the wind comes along and fans it into a flame and it spreads and destroys the timber.

Mr. STEPHENSON. But if you cut down a portion of the timber and leave the brush and chips there to dry, will not that give the wind a better opportunity to spread the fire?

Mr. SHAFROTH. No. You will find that there is more of an undergrowth with the timber itself than there would be in these clearings. At least that is the case in our part of the country. At all events, one thing is certain: the Secretary of the Interior has as much interest in the preservation of the public forests of this country as we have, and this bill is merely intended to give him discretionary power to have these clearings made if he thinks it desirable.

Mr. LEIGHTY. Does this bill provide an absolute means of preventing forest fires?

Mr. SHAFROTH. It does not; and no bill can be framed that will do that.

Mr. LEIGHTY. No; I think not. Does this bill provide any way of keeping these openings clear after they are once made?

Mr. SHAFROTH. It does not. That would involve too large an expenditure.

Mr. LEIGHTY. Then, does not the gentleman believe that in a few years these clearings will be grown up worse than the timber is now?

Mr. SHAFROTH. Not in our part of the country. However, as I have said, the bill vests the discretion in the Secretary of the Interior to decide where these ways shall be cut and where they shall not, and if he does not think it desirable in any particular

locality he will not have them cut. In fact, the criticism of the bill I find is that it leaves it uncertain whether the Secretary will authorize any of these ways to be cut. I want them cut in my part of the country, because I know that we lose and the Government loses every year vast quantities of timber that would be preserved for useful purposes if these ways were cleared.

Mr. TRACEY. Has there been any estimate made of the cost of making these openings?

Mr. SHAFROTH. Not that I know of. In some parts of the country it would not pay to make them at all, but in those cases the Secretary of the Interior would doubtless refuse to authorize them. In other localities it would pay, and there he would give the authorization.

Mr. PICKLER. I will ask the gentleman whether the Secretary of the Interior indorses this bill.

Mr. SHAFROTH. The Secretary of the Interior disapproved of the other bill which I drew because it required him to do this work, and required a large expenditure of money on the part of the Government, an expenditure which I thought wise, but which he regarded as too great. For that reason the Committee on Public Lands thought they would modify the bill so as to leave it discretionary with the Secretary to authorize these ways to be cleared wherever it seemed to him desirable.

Mr. PICKLER. Have any of the forestry associations that are looking specifically after the forests of the country ever expressed any opinion as to this measure?

Mr. SHAFROTH. No. When I was first elected to Congress I invited some parties to devise a method to prevent these forest fires. I wrote to the State engineer of the State of Colorado and sent him a rough draft of a bill for that purpose and asked what he thought about it. His criticism was that the "ways" proposed would not be wide enough; that the fires were so intense that they might leap across a thousand feet; that if the ways were to be of great value as a protection they ought to be made wider.

Mr. TRACEY. To what extent are the forests devastated by these fires?

Mr. SHAFROTH. Oh, to a fearful extent. Miles and miles of timber are destroyed.

Mr. TRACEY. Are the trees absolutely destroyed?

Mr. SHAFROTH. The trees are absolutely destroyed.

Mr. LACEY. Mr. Speaker, an investigation of this question has led me to think that there are not many regions in the United States where the methods proposed by this bill would be found either desirable or applicable. I am quite sure that in the lowlands, where, when the timber is cut down, the brush grows up rapidly, the result would be that the new growth of brush would carry the fire more effectively than the old standing timber would, or at least as effectively, so that the cutting of "ways" of this kind would utterly fail to accomplish the object in view. But inasmuch as the bill left the matter optional with the Secretary of the Interior, and as we were assured that in the high regions, where there are large tracts of timber that have been preserved partly as a protection for the snow, in which the undergrowth comes up very slowly, these methods of protection would be effective, we thought it would be safe to leave it to the discretion of the Secretary to apply them in those regions and in all localities where, in his judgment, they would be applicable.

As the bill was drawn in that way, the committee thought it wise to give an opportunity for the trial of the experiment in the high mountain regions, where, they were assured, the proposed method would be efficacious, although, of course, there is no limitation in the bill as to locality. The Department of the Interior has embarked on the work of saving all the forests that can be saved in the future. The subject has become almost a hobby with the Department, and I am glad that it is so. With this discretion lodged in the Secretary of the Interior, in view of the present attitude of the Department toward the general subject and the growth of public sentiment in favor of the preservation of the forests, the passage of this bill will, I believe, be entirely safe. The method which the bill contemplates would perhaps be effectual in some localities in California, in Montana, in Idaho, and in Colorado, but I do not believe that it would be so in the lower lands, or in the heavy timber of Oregon. Certainly it would not do in Michigan, or Minnesota, or Wisconsin, where the new growth would soon spring up and carry the fire quite as rapidly as the original timber would, or even more rapidly.

Mr. HULICK. It occurs to me, Mr. Speaker, that the bill is rather indefinite when it requires that "the purchaser shall clear the entire width of that part of the way the timber on which is purchased by him." Does that include clearing it of brush, or would the purchaser or the men employed to do this clearing be allowed to simply take the timber out and leave the underbrush on the ground?

Mr. SHAFROTH. If they did only that, the way would not be cleared.

Mr. HULICK. But the terms of the bill seem to imply merely that the purchaser shall take away the timber. Now, does that include taking away the underbrush?

Mr. SHAFROTH. I think it does. The bill provides further, however, that the work shall be done under rules and regulations to be prescribed by the Secretary of the Interior, and he can make such specific rules and regulations as may be necessary. I do not think it is wise to attempt to set forth definitely in detail in a bill of this character exactly what shall be done in the way of clearing these ways.

Mr. HULICK. It occurs to me that it ought to expressly provide not only for the removal of the timber, but of all underbrush, so that all waste material there should be removed.

Mr. SHAFROTH. That is unquestionably meant.

Mr. HULICK. The language of the bill is:

> The timber on which is purchased by him.

I think it ought to be more definite.

Mr. SHAFROTH. It says:

> shall clear the entire width of that part of the way the timber on which is purchased by him.

It seems to me it means that. And when you take into consideration that the Secretary of the Interior is authorized to prescribe the rules under which this shall be done, the Government is amply protected.

Mr. HULICK. Another question. Would this timber and brush be removed entirely from this way, or would it be burned on the ground?

Mr. SHAFROTH. The Secretary can prescribe either method, whichever he desires.

Mr. HULICK. It might make a difference. If the timber and underbrush is burned on the ground, why then the land grows up to weeds and underbrush that are really more dangerous in causing the spread of fire than the original timber would be.

Mr. SHAFROTH. The Secretary of the Interior would unquestionably be empowered to prescribe in his specifications for bids exactly what he thought was to the interest of the Government.

Mr. PICKLER. You ought to exclude public parks. You ought not to go into the Yellowstone and cut any such ways through the timber.

Mr. SHAFROTH. The Secretary of the Interior would not do any such thing as that unless it were for the public good.

Mr. LACEY. Mr. Speaker, I call for a vote on the bill, if no further discussion is desired.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question being taken, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. SHAFROTH) there were—ayes 20, noes 33.

Accordingly the bill was not ordered to engrossment and third reading.

RESERVOIR SITES.

Mr. LACEY. Mr. Speaker, I desire to call up the bill (S. 264) providing for the location and purchase of public lands for reservoir sites.

The bill was read, as follows:

Be it enacted, etc., That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoirs shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

SEC. 2. That any person, live-stock company, or corporation desiring to avail themselves of the provisions of this act shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many.

SEC. 3. That at any time after the completion of such reservoir or reservoirs which, if not completed at the date of the passage of this act, shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

Mr. LACEY. Mr. Speaker, this bill was drafted in order to aid the men engaged in the raising of stock on the high lands of the Northwest, in localities where water is scarce. In a few instances the cattle men have constructed reservoirs, and they propose to construct others. The difficulty, however, is that after they have constructed the reservoirs and built the necessary dams the land is subject to homestead entry or to settlement by private individuals, thus taking away from the persons who have constructed the reservoirs the advantages which they sought to obtain by their construction in the first place. This bill provides that such reservoirs as may be constructed, and such as have hitherto been constructed, shall be preserved, but that they shall be open to public use, that the parties who have constructed them shall not fence off settlers and other stock raisers from their use. The report of the committee presents the following statement:

These reservoirs are constructed on Government lands, and the corporations are apprehensive that after they have constructed them, at a large expense, some irresponsible party, with the object of securing the improvements thus made, may file upon the quarter section of lands upon which the reservoirs are located, and deprive the companies of their property and access to the reservoirs.

It is not intended to give title to the land upon which the reservoirs are located, and the companies can only have control of such reservoirs under such rules and regulations as may be prescribed by the Secretary of the Interior, and only for such time as such reservoirs are maintained and water kept therein. The act also provides that the land shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

This is a Senate bill, and the amendments which were adopted in the Senate make the bill entirely safe, in the judgment of the committee. The bill provides that reservoirs shall not be located upon public land reserved for other purposes. This will prevent any of the general reservoirs that have been selected by the Geological Survey for irrigation purposes from being used for the purposes contemplated by this bill. They are also limited to 160 acres of land, so that it will only apply to these temporary watering places for cattle grazing upon the plains or being driven from point to point upon the plains.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

PROTECTION OF SETTLEMENT RIGHTS IN CERTAIN CASES.

Mr. LACEY. Mr. Speaker, I now call up the bill (H. R. 4142) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof. I call the attention of the Chair to the fact that this ought to be upon the House Calendar, but by mistake it has been placed upon the Union Calendar. I ask that it be considered at this time as upon the House Calendar, because it properly belongs there.

The SPEAKER. The Clerk will first report the bill.

The bill was read, as follows:

Be it enacted, etc., That where settlements have heretofore been or may hereafter be made upon agricultural public lands of the United States prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint cash entry of their lands at the local land office, or for either of said settlers to enter into contract with his cosettlers to convey to them their portion of said land after patent is issued to him, and after making said contract to make homestead entry in his own name, and prove up and pay for said land; and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sale, occupation, and homestead entry by the applicant: *Provided*, That in no case shall the amount patented under this act exceed 160 acres; nor shall this act apply to lands not subject to homestead entry; nor shall anything in this section contained defeat or impair any valid right accrued or to accrue in pursuance of contests or other proceedings initiated prior to the passage of this act, but such rights shall be heard and determined in the same manner and be subject to the same terms and conditions as if this act had not been passed.

The SPEAKER. Without objection, the bill will be considered as on the House Calendar.

There was no objection.

Mr. LACEY. This bill was passed in substantially this form in the House in the Fifty-second Congress. The matter was referred to the Commissioner of the Land Office, Mr. Carter, now a Senator from Montana. The bill was recommended. It passed the House, but did not go to the Senate. It provides for a condition that does not often arise, but which, when it does arise, sometimes necessitates the passage of private bills. It refers to cases where two settlers happen to get upon the same quarter, each of them claiming a homestead. It provides that they may jointly enter the land, and for an equitable division between them of the rights in that particular site. Such a condition arises only occasionally, but it seemed best to provide for it when it did arise. Settlements are often made upon unsurveyed lands, and the subsequent survey sometimes puts two homesteaders upon the same tract.

Mr. PICKLER. Mr. Speaker, I believe this is a good bill. I have known several difficulties to occur in the settlement on public lands in my State in cases of this character. I would like to inquire how it would affect a case of this kind: Suppose there is a valuable 160 acres of public land and two men agree to go on it and improve it and build their houses. Is there anything to prevent them from doing so, and then entering up the land at $1.25 an acre?

Mr. LACEY. There would be no objection if it could be done; but it is not the purpose of the bill. In the case indicated two or three persons would forfeit their homestead rights and only get one tract in the operation. It is intended to cover mistakes, and not such cases as the gentleman from South Dakota suggests.

Mr. PICKLER. Would it not be safe to confine it to 40 acres? There are valuable 160-acre tracts, and two men could go on them, and thus secure them for division.

Mr. LACEY. I do not think the bill is drawn broad enough to cover such cases as my friend suggests.

Mr. PICKLER. I think it is a pretty good bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LACEY. Mr. Speaker, that clears the House Calendar of bills from the Committee on Public Lands with the exception of one bill, which is a vetoed bill, and which would require a yea-and-nay vote of necessity.

The SPEAKER. That is a privileged bill, and can come up at any time.

Mr. LACEY. Then I will not call it up at this time.

The SPEAKER. The Clerk will proceed with the call.

JOHN Y. WILLIAMS.

Mr. LITTLE (when the Committee on Indian Affairs was called). Mr. Speaker, I desire to call up the bill (H. R. 3700) to authorize the adjustment and settlement of accounts of John Y. Williams.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts of John Y. Williams, late superintendent of Indian school at Fort Hall and special disbursing agent, on the principles of equity and justice, and to give him credit for such disbursements as shall be shown to have been actually and honestly made and have accrued to the benefit of the Government or the Indians: *Provided*, That the total credits allowed under the provisions of this act shall not be more than $900 in excess of the balance now standing against this officer.

Mr. LITTLE. I ask that the report be read.

Mr. PAYNE. Mr. Speaker, I think this is a bill that belongs to the Union Calendar.

Mr. LITTLE. This does not involve a charge on the Government.

The SPEAKER. Is this matter to be paid out of some Indian fund?

Mr. LITTLE. No, sir; the bill is to authorize the settlement of the accounts of a gentleman who had charge of the building of the Fort Hall school, and there is some informality in the receipts. The bill only authorizes settlement according to the principles of law and equity.

The SPEAKER. How is the account when adjusted to be paid?

Mr. SHERMAN. He is to be given credit on the books. Suit is now pending against this officer for the balance which is due, because some of his accounts have been suspended. This simply authorizes the Department to give him credit on the books of the Treasury Department for expenditures he made when he shall have furnished the prescribed vouchers. It does not provide for any appropriation whatever, but simply authorizes these credits to balance his accounts and do away with the suit that is now pending against him for the balance.

Mr. LITTLE. The report is very clear on the matter, and if that can be read I think that will satisfy gentlemen.

Mr. PAYNE. I think I must make the point of order against it, Mr. Speaker.

The SPEAKER. Perhaps the report might be read as debate on the point of order.

Mr. LITTLE. Yes, sir; I ask that it be read as a part of my remarks.

The report (by Mr. SHERMAN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3700) to authorize the adjustment and settlement of accounts of John Y. Williams, submit the following favorable report:

Mr. Williams was superintendent of the Fort Hall school for four years from September, 1888. He found the school in very bad condition, the building very much dilapidated, and necessitating considerable outlay to do any satisfactory work. Williams went into the work earnestly and put things into satisfactory shape, not always with regard to the regulations of the Indian Department. During his administration they had a very severe visitation of scarlet fever, and the school was isolated. Mr. Williams lost his son by the disease, and his own condition became such that he did things carelessly and without due regard to the law and Department regulations. The result was a large amount of suspensions against his accounts, which he tried by several months' labor to remove by substitution of new vouchers to take the place of those suspended. Williams impressed many of those dealing with him in the office with having made an earnest but badly managed effort to build up the Fort Hall school, which school was reported by special agents, who were sent there to investigate, to be in first-rate condition about the time he left.

His accounts have been presented and passed upon by the Indian Bureau. The amount of the account, as thus passed upon, was about $15,000 on the debit and credit side each; the credit side exceeded the debit side as passed by the auditor by about $900, solely because of informality. A suit has been instituted against Williams, and is now pending, to recover this balance. No one claims that Williams did not act in good faith and honestly. The purpose of this bill is to allow the account to be stated, regardless of Williams's neglect to follow Department regulations, so as to credit him with payments made. Commissioner Browning, in response to a request for his opinion, says:

"I can see no reason why this bill to settle his accounts on 'principles of equity and justice' should not pass."

In view of the above facts, the committee recommend the passage of the bill.

Mr. PAYNE. Mr. Speaker, this seems to be a private claim, and if it were up for consideration I would not object. I make no point of order against it.

The SPEAKER. The point of order is withdrawn.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHERMAN. There is nothing else, Mr. Speaker, from the Committee on Indian Affairs.

FLAGSTAFF (ARIZ.) WATER SYSTEM.

Mr. SCRANTON (when the Committee on the Territories was called). I call up for consideration the bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system.

The bill was read, as follows:

Be it enacted, etc., That the town of Flagstaff, in the Territory of Arizona, by its mayor and common council, is hereby enabled to issue bonds of the said town, not to exceed $65,000 in amount, payable within thirty years from the date thereof, in lawful money of the United States of America, and to bear interest at not to exceed 6 per cent per annum, interest payable semiannually, the proceeds of the sale of said bonds, which shall not be sold at less than par, to be used exclusively in the construction of a water system for the said town of Flagstaff; that before said bonds are sold at least thirty days' notice shall be given by publication in one or more newspapers of general circulation, asking for bids for the purchase of said bonds at not less than par.

SEC. 2. That at the time said bonds are ready to be issued by the mayor and common council of the said town of Flagstaff the city treasurer of said town of Flagstaff, in whose custody the said bonds, or the proceeds of the sale thereof, shall be kept, shall be required to give an additional bond, to be approved by the mayor and common council of said town, to the said town, in not less than the value of said bonds, or the proceeds of the sale thereof, in his hands, for the safe-keeping of said bonds, or the proceeds of the sale thereof, and to account for the same.

SEC. 3. That before said bonds are issued the mayor and common council of the town of Flagstaff shall cause an election to be held, in all respects as elections are now held in said town for the election of town officers, at which election the qualified electors of said town may vote for or against the issuance of said bonds, and should one-third of the votes cast at said election be against the issuance of said bonds, then said town of Flagstaff, by its mayor and common council, shall not issue said bonds.

Mr. SCRANTON. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. MURPHY of Arizona) was read, as follows:

The Committee on the Territories, to whom was referred House bill 8676, beg leave to submit the following report:

Flagstaff, in northern Arizona, has a population of 2,000 and assessed property valuation of $750,000; tax rate 6 mills, with no indebtedness. The water for the use and protection of the town is hauled by railroad a distance of 50 miles. The business portion of the town has been destroyed by fire four times, and insurance rates are excessive. It has been represented to the satisfaction of the committee that a good and sufficient water system can be constructed for the amount of the bonds authorized in the bill, the water to be piped from a spring in the San Francisco Mountains, affording ample pressure for all purposes, and that a revenue will at once be available after the construction of the works to pay operating expenses and interest and provide a sinking fund for payment of the principal of the bond issue.

The bill appeals to the committee as especially meritorious, and therefore its passage is recommended.

Mr. SCRANTON. Mr. Speaker, I have no desire to debate this bill, and therefore ask for a vote.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SCRANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ISSUE OF CERTAIN BONDS OF NEW MEXICO.

Mr. SCRANTON. Mr. Speaker, I call up the bill H. R. 4052, with Senate amendments, on the House Calendar.

The Clerk read as follows:

A bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

Be it enacted, etc., That the coupon bonds and indebtedness of the Territory of New Mexico, amounting to $75,000, authorized by section 7 of an act of the thirty-first legislative assembly of the Territory of New Mexico, entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, which was destroyed by fire May 12, 1892, and to provide the necessary means therefor and a board with authority to rebuild the same," approved February 5, 1895, and designated as capitol rebuilding bonds of the Territory of New Mexico;

Also, the bonds and indebtedness, amounting to $15,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the maintenance of the military institute at Roswell, N. Mex.," approved February 13, 1895;

Also, the bonds and indebtedness, amounting to the sum of $30,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide an addition to the insane asylum of New Mexico for the accommodation of all the insane persons of the Territory, and for other purposes," approved May 13, 1895; and

Also, the bonds and indebtedness, amounting to the sum of $35,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the completion of the buildings for the normal schools of New Mexico at Las Vegas and Silver City, and to provide for the necessary furnishings therefor; and for additions to the New Mexico College of Agriculture and Mechanic Arts at Las Cruces," approved February 27, 1895, be, and the same are hereby, approved, confirmed, and made valid: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid.

The SPEAKER. The question is on concurrence in certain amendments of the Senate and nonconcurrence in others on the recommendation of the committee. The Clerk will first report the amendments on which the committee ask the concurrence of the House.

The Clerk read as follows:

Page 2, line 37, strike out the colon after the word "valid" and insert a semicolon.

The amendment was concurred in.

The Clerk read as follows:

Page 2, line 37, after the word "valid," insert as a new paragraph the following:

"Also, the certain bonds and indebtedness, $172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1892, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds having been issued in refunding and in lieu of $150,000 of bonds, and the overdue interest thereon, of said county of Santa Fe, theretofore issued and outstanding, are hereby validated, approved, and confirmed."

The amendment was concurred in.

The Clerk read as follows:

Page 2, line 37, after the word "valid," insert as a new paragraph the following:

"It is intended hereby to validate, approve, and confirm any and all laws, proceedings, and bonds relating to the matter necessary to the validation of the said $172,500 of bonds, but no further and for no other purpose; but the United States shall not be held hereby to incur or create any indebtedness."

The SPEAKER. The committee recommend that the amendment just read be nonconcurred in.

The amendment was nonconcurred in.

The Clerk read the next amendment, as follows:

Amend the title so as to read: "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes."

The amendment was concurred in.

Mr. SCRANTON. On behalf of the committee, I move the adoption of an amendment.

The SPEAKER. The committee propose the adoption of the amendment which will be read.

The Clerk read as follows:

Page 5, line 14, after the word "the," insert "said bonds of the Territory of New Mexico and of the;" so as to read: "Necessary to the validation of the said bonds of the Territory of New Mexico and of said Santa Fe County."

The SPEAKER. The question is on agreeing to this amendment.

Mr. RICHARDSON. I understand that this is a House amendment.

The SPEAKER. It is.

Mr. RICHARDSON. Have we not just acted on the Senate amendments?

The SPEAKER. We have.

Mr. RICHARDSON. And now there are further amendments proposed?

The SPEAKER. The Chair will hear the gentleman.

Mr. RICHARDSON. It is almost impossible to catch the drift of the action proposed.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again read.

Mr. RICHARDSON. The question in my mind was whether it was in order for the House committee to propose amendments to the bill after it has come back with Senate amendments. I was inquiring more as to the parliamentary status than with any reference to the merits of the amendment.

The SPEAKER. Does the gentleman make a point of order?

Mr. RICHARDSON. No, sir; I do not care to do so.

The SPEAKER. If no point of order is made, the Chair will put the question.

The question being taken, the amendment was agreed to.

Mr. LACEY. The amendment just adopted was, as I understand, an amendment to an amendment.

The SPEAKER. Was the proposition to agree to a Senate amendment with an amendment? If so, the Chair, with the consent of the House, will regard the proceeding just taken as vacated, and the Clerk will read the Senate amendment, together with the proposition to amend that amendment.

Mr. LACEY. The interlined amendment is an amendment to the committee amendment—merely a clerical correction.

The SPEAKER. Then it is not an amendment to a Senate amendment?

Mr. LACEY. Yes; but there is an interlineation to which the attention of the Chair was just called. That interlineation was not in the committee's amendment, but was inserted by way of clerical correction. It is merely a clerical amendment.

The SPEAKER. The Chair is not quite sure that he understands the gentleman.

Mr. LACEY. The situation is this: The bill went over to the Senate; the Senate sent it back with amendments; it is now proposed that the House concur in those Senate amendments with amendments. Then the amendment with which it is proposed to concur has a clerical amendment interlined, which was offered by the chairman of the Committee on Territories [Mr. SCRANTON], and the concurrence of the House is asked to that amendment.

Mr. McMILLIN. I suggest to the gentleman having the bill in charge that he can accomplish his object in a parliamentary way by moving to nonconcur in the Senate amendments and having the matter go to a committee of conference. Then let the conference committee report to the House in favor of the adoption of the amendments with the amendment that has been suggested. That, it seems to me, is the only parliamentary way in which the object can be accomplished. This House can not finally adopt the amendment without the consent of the Senate; and that is the way consent should be obtained.

The SPEAKER. The House might concur in the Senate amendment with an amendment.

Mr. McMILLIN. But then the bill would have to go back to the Senate; otherwise it would be an attempt to accomplish legislation by the action of one House of Congress. I suggest to the gentleman that the easiest and the only legitimate way to proceed is to move to nonconcur in the Senate amendments, and then when the conferees are appointed they can report a proposition that the House concur in the Senate amendment with the amendment which the gentleman now asks the House to adopt. That is the way in which the object should be reached.

Mr. PAYNE. But, Mr. Speaker, if the House should concur in the Senate amendment with an amendment it would not necessarily require a conference in any event, because the Senate might concur in the House amendment, and that would end the matter.

Mr. McMILLIN. But the ordinary way for the two Houses to get together is in the manner I have suggested. One is a parliamentary method of procedure and the other is not. If the gentleman from New York is correct we might drift from one House to the other a dozen times without accomplishing anything.

The SPEAKER. The Chair thinks that both gentlemen are correct. It is only two different methods of getting at the same thing. If the House desires to send the bill back to the Senate, concurring in their amendment with an amendment, it may do so, or it may nonconcur in the Senate amendment, and let the matter be adjusted in a conference. It is only a question of procedure.

The Chair would like to know the wishes of the gentleman from Pennsylvania in charge of the bill.

Mr. McMILLIN. I would suggest to the gentleman in charge of the bill that if he sends it to the Senate, this being a short session, he can control it during the entire time; but if he adopts the plan suggested by the gentleman from New York he necessarily loses control of the matter.

Mr. SCRANTON. Mr. Speaker, as I understand the matter, it is simply a correction of a clerical error, and hardly seems of sufficient importance to require a conference between the two Houses. My idea was to amend the bill, and then of course have it go to the Senate as a matter of form.

The SPEAKER. Then the gentleman moves to concur in the Senate amendment with the amendment which has been reported to the House, and a question will be taken on that motion.

The motion was agreed to.

The SPEAKER. The bill will go to the Senate for the action of that body on the House amendment.

On motion of Mr. SCRANTON, a motion to reconsider the last vote was laid on the table.

REVISED STATUTES RELATING TO THE TERRITORIES.

Mr. SCRANTON. I call up for consideration the bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That section 1921 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1921. Upon the convening of the legislature of the Territory of New Mexico any one member of either house may administer the oath of office to the presiding officer elect, and he shall administer the same to the other members and other officers thereof."

SEC. 2. That the legislative assembly of each Territory may, in addition to the subordinate officers allowed and paid by the United States, employ as additional subordinate officers in each branch thereof one assistant chief clerk, who shall receive a compensation of $5 per day; one assistant enrolling and engrossing clerk, at $4 per day; one assistant sergeant-at-arms and doorkeeper, at $4 per day; one assistant messenger and watchman, at $3 per day; two pages, at $2 per day each; two clerks for committees, one of whom shall be a stenographer, at $5 per day each, and one translator and interpreter, at $5 per day; all of which shall be paid out of the Territorial treasury of the respective Territories where the services may be employed.

Mr. CATRON. Mr. Speaker, I ask for the reading of the report, which fully explains this matter.

The report (by Mr. CATRON) was read, as follows:

The Committee on the Territories, to whom was referred House bill 7716, submit the following report:

The first section of House bill 7716 is an amendment of section 1921 of the Revised Statutes, which section, in full, reads as follows:

"SEC. 1921. The secretary of New Mexico, upon the convening of the legislature thereof, shall administer the oath of office to the members-elect of the two houses, and the officers thereof when chosen; and no other person shall be competent to administer such oath, save in the absence of the secretary, in which case any one member of either house may administer the oath to the presiding officer-elect, and he shall administer the same to the members and other officers."

The object of the bill is to modify the existing law so that the secretary, an appointee of the President, shall not have arbitrary power to organize the legislature, by ignoring the legal certificates of election, as was done at the organization of the last legislature, at which time certificates of election given to members-elect by the county boards of canvassers, as required by law, were ignored, and persons were sworn in on trumped-up certificates or on pretenses in no manner provided by law, so that the political complexion of the legislature was changed in both houses.

It is not believed that any one person should have placed in him the power to nullify the will of the people, as seems to be given by section 1921. The bill under consideration has adopted, as a remedy, the last provision of section 1921, which seems to have been considered by Congress as sufficient in case the secretary failed to be present. The committee can see no reason why this last clause of section 1921 should not be sufficient, as it is incorporated in this bill to organize that legislature under all circumstances, nor can they see any reason for retaining in any officer the power given to the secretary in this case. This bill allows the legislature to be the judge of the qualifications of its members, which is the fundamental principle underlying the organization of all legislative bodies.

The second section is offered to avoid an abuse which has been practiced in some of the legislative assemblies of employing an unreasonable number of employees at the expense of the Territory. Section 1886 of the Revised Statutes of the United States provides:

"No law of any Territorial legislature shall be made or enforced by which the governor or secretary of a Territory or the members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States."

This section is still in force and has been in force for the last forty years. It has been supposed heretofore that it was sufficient to prohibit any additional employees or officers of the legislature, whether paid by the United States or the Territory, not specifically authorized by the United States statutes, as by the terms of that section no members or officers of any Territorial legislature can be paid any compensation other than that provided by the laws of the United States; yet in the face of that statute, apparently so plain, the legislative assemblies of several of the Territories have frequently undertaken to employ a large number of additional officers and employees at great and extravagant expense to Territories, in some instances aggregating as many as two to each member of the legislature, and at an expense two or three times as great as the amount necessary to pay all the legislature itself.

The validity of such acts has been questioned before the courts of several of the Territories, and the decisions thereon are conflicting, so that the true construction is in doubt in the opinion of the large majority of the people residing in the Territories. The number of such additional officers and employees has in many instances been increased far beyond what was necessary, and to such an extent that it has degenerated into an abuse and a squandering of the public funds of the Territories.

Your committee believe, however, that the number of officers and employees allowed by the United States statutes is insufficient for the proper, expeditious, and economical conduct of the various Territorial legislatures, and therefore additional officers and employees should be permitted in a limited way. To that end your committee have provided, in the second section of the bill, for the number of such additional officers and employees as they believe is necessary and proper for the expeditious and economical transaction of the business of the legislature.

Believing that the bill in question will remedy the evils which have prevailed and might hereafter prevail in the Territories, your committee recommend its passage.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SCRANTON, a motion to reconsider the last vote was laid on the table.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. DINGLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the resolution distributing the President's message.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the President's message.

Mr. DINGLEY. Mr. Chairman, I ask for the reading of the resolution which is at the desk relating to this matter.

The Clerk read as follows:

[Fifty-fourth Congress, second session. Report No. 226. House of Representatives.]

REPORT OF COMMITTEE ON WAYS AND MEANS ON PRESIDENT'S MESSAGE.

Mr. DINGLEY, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means report the accompanying resolution for reference of the various topics in the President's annual message to appropriate committees, and recommend its adoption:

"*Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the national finances, the public debt, the coinage, and taxation, to the public revenues, to our trade relations with foreign countries, and to the wants and condition of the Treasury be referred to the Committee on Ways and Means.

"That so much as relates to foreign affairs and the consular and diplomatic service, including appropriations therefor, together with the accompanying correspondence and documents, be referred to the Committee on Foreign Affairs.

"That so much as relates to the appropriation of the public revenue for the support of the Government, as herein provided, namely, for the legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications and coast defenses, for pensions, for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

"That so much as relates to the judiciary of the United States, to the administration of justice, to the organization of courts, and to amendments of the antitrust law, be referred to the Committee on the Judiciary.

"That so much as relates to banks, banking, and currency be referred to the Committee on Banking and Currency.

"That so much as relates to the mints of the United States, and to the coinage of gold and silver bullion, be referred to the Committee on Coinage, Weights, and Measures.

"That so much as relates to the commerce of the United States, domestic and foreign, and the Interstate Commerce Commission, be referred to the Committee on Interstate and Foreign Commerce.

"That so much as relates to agriculture and forestry, and to the Department of Agriculture, be referred to the Committee on Agriculture.

"That so much as relates to the military establishment be referred to the Committee on Military Affairs.

"That so much as relates to the naval establishment, and to the construction of additional vessels for the Navy, be referred to the Committee on Naval Affairs.

"That so much as relates to the post-offices and post-roads, to the Universal Postal Union, and to the carrying of the foreign mails, be referred to the Committee on the Post Office and Post-Roads.

"That so much as relates to the public domain be referred to the Committee on the Public Lands.

"That so much as relates to the relations of the United States with the Indian tribes be referred to the Committee on Indian Affairs.

"That so much as relates to the Pacific railroads be referred to the Committee on Pacific Railroads.

"That so much as relates to the militia of the United States be referred to the Committee on the Militia.

"That so much as relates to pensions for service in the civil war be referred to the Committee on Invalid Pensions.

"That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service."

Mr. DINGLEY. Mr. Chairman, this is the usual resolution for the distribution of the topics in the President's message. I suppose there is nothing further that needs to be said in the matter. I move, therefore, that the committee rise and report the resolution back to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration a resolution for the distribution of the President's message, and had directed him to report the same back to the House without amendment and with the recommendation that it do pass.

The resolution was agreed to.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROBERTSON of Louisiana, for two weeks, on account of important business.

And then, on motion of Mr. DINGLEY (at 2 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Comptroller of the Currency, transmitting a copy of his annual report—to the Committee on Banking and Currency.

A letter from the Secretary of the Interior, transmitting a statement of the expenditures of the appropriations, "Contingent expenses, Department of the Interior," for the fiscal year ending June 30, 1896—to the Committee on Expenditures in the Interior Department.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of White River, Indiana—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, asking for an appropriation to cover the cost of one year's rent of the Rand-McNally Building in Chicago, which is occupied by Federal officials—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending the enactment of legislation to enable his Department to acquire certain land adjacent to the site of the new public building at Camden, N. J.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of the expenditures at the Springfield Armory and of the arms, components of arms, and appendages fabricated, altered, and repaired, during the fiscal year ending June 30, 1896—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Josiah C. Ury against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, announcing the transmission to Congress of the report of the Maritime Canal Company of Nicaragua—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Baltimore Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beach Thoroughfare, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8714) granting accrued pension to John E. Carland; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. MEREDITH: A bill (H. R. 9512) to declare the Potomac Flats a public park under the name of the Riverside Park—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A bill (H. R. 9513) making an appropriation toward the construction of a dry dock at Portsmouth Navy-Yard—to the Committee on Naval Affairs.

By Mr. BISHOP: A bill (H. R. 9514) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same—to the Committee on Indian Affairs.

By Mr. SHANNON (by request): A bill (H. R. 9515) to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

By Mr. ODELL: Resolution (House Res. No. 431) providing for the employment of additional folders—to the Committee on Accounts.

By Mr. BRUMM: Resolution (House Res. No. 434) for the relief of the widow of John Ryan, late messenger on the soldiers' roll of the House of Representatives—to the Committee on Accounts.

By Mr. FISCHER: Resolution (House Res. No. 434) to authorize the Clerk to pay J. E. Winter for services as folder—to the Committee on Accounts.

By Mr. DRAPER: Resolution (House Res. No. 435) asking the Committee on Rules to fix an early day for the consideration of bills reported by the Committee on Patents—to the Committee on Rules.

By Mr. POWERS: Resolution (House Res. No. 436) asking that January 5, 6, and 7 be set aside for the consideration of House bill No. 8189—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HATCH: A bill (H. R. 9516) increasing the pension of Eliza Miller, widow of Abraham Miller, private Company E, Thirty-sixth Ohio Infantry—to the Committee on Invalid Pensions.

By Mr. McCALL of Massachusetts: A bill (H. R. 9517) for the relief of Patrick J. Madden—to the Committee on Claims.

By Mr. McRAE: A bill (H. R. 9518) for the relief of the estate of William F. Martin, deceased—to the Committee on Claims.

By Mr. MILLER of Kansas: A bill (H. R. 9519) granting a pension to Allen Buckner—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 9520) granting an increase of pension to John N. Bruse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9521) granting an increase of pension to Edward Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9522) granting an increase of pension to Isaac B. Vail—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 9523) granting a pension to Julia A. Beeler—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 9524) granting an increase of pension to Mrs. Sarah Judson, widow of Leroy T. Judson—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9525) to correct the military record of Andrew J. McNamar—to the Committee on Military Affairs.

By Mr. WOODARD: A bill (H. R. 9526) for the relief of John D. Thorne—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Memorial of the citizens of the town of Bennington, N. H., in mass meeting assembled, asking that Congress take such action as will secure indemnity for outrages upon the property of American citizens in Turkey, and such action as will prevent the repetition of the same—to the Committee on Foreign Affairs.

By Mr. HATCH: Papers to accompany House bill No. 5288, to increase the pension of Jasper N. Brown—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of Glass Bottle Blowers' Association of the United States and Canada, asking Congress to enact a law absolutely prohibiting all immigration of any kind, sex, character, or nationality whatever for the space of five years—to the Committee on Immigration and Naturalization.

By Mr. McMILLIN: Petition and papers of Harry T. Wilson, for payment for injuries received while in the employment of the Government at Lock No. 3 on the Cumberland River, Tennessee—to the Committee on Claims.

SENATE.

THURSDAY, *December 10, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

DONELSON CAFFERY, a Senator from the State of Louisiana, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day, it adjourn to meet on Monday next.

The motion was agreed to.

DISTRICT OF COLUMBIA MEMORIAL ASSOCIATION.

The VICE-PRESIDENT appointed, pursuant to the joint resolution approved June 11, 1892, J. C. Bancroft Davis and Ainsworth R. Spofford members for three years of the Memorial Association of the District of Columbia.

ANNUAL REPORT OF THE ATTORNEY-GENERAL.

The VICE-PRESIDENT laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1896; which was ordered to lie on the table and be printed.

REPORT OF SUPERINTENDENT OF COAST AND GEODETIC SURVEY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the requirements of section 4690 of the Revised Statutes, the annual report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year ended June 30, 1896; which, with the accompanying papers, was ordered to lie on the table and be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate nine communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President from the States of Maryland, New Jersey, Connecticut, Alabama, Indiana, Ohio, Delaware, North Carolina, and Rhode Island; which were ordered to lie on the table.

EXTENSION OF CONNECTICUT AVENUE.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to a provision in the District appropriation act of June 11, 1896, a report as to the comparative advantages and disadvantages and comparative cost of extending Connecticut avenue from Florida avenue to the District line; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2601) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The message further announced that the House had passed the following bills:

A bill (S. 261) providing for the location and purchase of public lands for reservoir sites; and

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;

A bill (H. R. 4157) to amend the postal laws relating to the use of postal cards;

A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists; and

A bill (H. R. 9173) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

PENSION APPROPRIATION BILL.

Mr. HALE. I ask that the pension appropriation bill, which has just come from the House, be laid before the Senate and referred to the Committee on Appropriations.

The bill (H. R. 9173) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;

A bill (H. R. 4157) to amend the postal laws relating to use of postal cards; and

A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Glass Bottle Blowers' Association of the United States and Canada, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a memorial of the faculty of the College of Physicians and Surgeons and of the medical department of Columbia University, in the city of New York, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. GORDON presented a memorial of Bluthenthal & Bickart, of Atlanta, Ga., remonstrating against the enactment of legislation permitting distillers to bottle whisky in bond; which was referred to the Committee on Finance.

Mr. BATE presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying that an appropriation be made for dredging in front of the city wharf and Water street, in that city; which was referred to the Committee on Commerce.

Mr. KYLE. I present a petition of the National Woman's Christian Temperance Union, praying for the appointment of a nonpartisan commission to investigate the problems of capital and labor. The petition refers, I believe, to the Phillips bill, which has already passed the House and is now before the Committee on Education and Labor. I move that the petition be referred to that committee.

The motion was agreed to.

Mr. WALTHALL presented a petition of Post No. 25, Grand Army of the Republic, of Greenville, Miss., praying for the passage of a service-pension bill; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the members of the Society of the Colonial Dames of America, praying for the enactment of legislation incorporating that association under the laws of the United States; which was referred to the Committee on the Library.

Mr. NELSON presented the memorial of Mary F. Isaminger, of the city of Washington, D. C., remonstrating against the erection of stables on lot 43, square 358, in that city; which was referred to the Committee on the District of Columbia.

Mr. MCBRIDE presented a petition of the Chamber of Commerce of Astoria, Oreg., praying for the early completion of the Nicaragua Canal; which was referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. CALL. I present a petition of women of the United States, members of the Business Woman's Exchange. The petition is signed by a large number of persons and prays that some action be taken on the part of Congress for relief from imprisonment of Mrs. Florence E. Maybrick. I do not know to what committee the petition should be referred. As the Committee on the Judiciary have reported unfavorably, I suppose the petition may be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The petition will be so referred, in the absence of objection.

Mr. QUAY presented a petition of 15,000 operators in woolen and worsted mills in the United States, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of the Glass Bottle Blowers' Association of the United States and Canada, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Chambersburg, Pa., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the War Veterans' Association of Allegheny County, Pa., remonstrating against the extension of the classified service provided for in recent proclamations of the President; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., praying for the recognition of the independence of Cuba; which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the National Board of Trade, favoring the development of the export trade; which were referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to develop the merchant-marine service; which was referred to the Committee on Commerce.

He also presented a petition of the wool section of the Manufacturers' Club, of Philadelphia, Pa., and a petition of the Wool Merchants' Association, of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. CAMERON presented a petition of the Glass Bottle Blowers' Association, of Philadelphia, Pa., praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented the petition of sundry citizens of Allentown, Pa., praying for the passage of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VILAS. I present a petition of leading citizens of Milwaukee, Wis., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela, reported it without amendment.

DEEP WATER HARBOR BOARD.

Mr. FRYE. From the Committee on Commerce I report an original bill, and ask that it be put on its passage now.

The bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896, was read the first time by its title, and the second time at length, as follows:

> *Be it enacted, etc.*, That the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by the House of Representatives June 2, 1896, and by the Senate June 3, 1896, notwithstanding the objections of the President, be, and the same is hereby, amended by inserting on page 214 of the Statutes at Large, Fifty-fourth Congress, first session, after the word "War" and before the word "*Provided*," on the thirty-ninth line of said page, the following language: "The officer of the Navy detailed to serve on this Board shall receive from said appropriation, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. I will not object to my colleague's bill, because I know it is a very important measure and should be passed at once, but hereafter I shall for one object to the routine morning business being interrupted by anything. In the interest of good business I shall insist upon going on with it until it is completed.

Mr. FRYE. I would not have made this request if the commission were not now in session, and if the Comptroller had not ruled in such a way that the rear-admiral is not to be entitled to anything but mileage.

Mr. HALE. I so understand.

Mr. PLATT. This is for subsistence?

Mr. FRYE. Yes, sir; for subsistence.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3334) to remove the charge of desertion standing against Thomas Toomey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3335) granting a pension to Mary Power; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3336) granting a pension to Malvina Webster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3337) granting increase of pension to Andrew Lybold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3338) granting a pension to Nelson B. Lutes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 3339) granting a pension to Louise E. Perkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3341) granting a pension to Theophile A. Dauphin, who served under name of Alexander Duffney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3342) granting an increase of pension to Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3343) granting a pension to Arethusa Wright, of Sheridan, Oreg.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 3344) to define the jurisdiction of United States courts at Fort Smith, Ark., Fort Scott, Kans., and Paris, Tex., for offenses committed prior to September 1, 1896; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLEN introduced a bill (S. 3345) to authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KYLE introduced a bill (S. 3346) to amend an act approved March 2, 1889, entitled "An act to withdraw certain lands from private entry, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLANCHARD introduced a bill (S. 3347) to provide for the closing of the Pass a Loutre Crevasse near the mouth of the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WALTHALL. On behalf of the Senator from Delaware [Mr. GRAY], who is unavoidably absent, I introduce a bill.

The bill (S. 3348) for the relief of the sureties of Frank A. Webb was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON (by request) introduced a bill (S. 3349) to enable the Commissioners of the District of Columbia to refuse a permit to erect stables on lot 43, square 358, in the city of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 3350) granting a pension to Susan A. Paddock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3351) for relief of estate of Warren R. Dent; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3352) for relief of the estate of Jacob Oates, deceased, late of Warren County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER (by request) introduced a bill (S. 3353) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON introduced a bill (S. 3354) granting an increase of pension to George Van Vliet; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3355) to provide for organizing a naval reserve battalion in the District of Columbia; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3356) to incorporate the Society of the Colonial Dames of America; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL of Oregon introduced a bill (S. 3357) to amend section 2425, Revised Statutes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 3358) to incorporate the Washington and Gettysburg Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 3359) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriation for carrying the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BLACKBURN introduced a bill (S. 3360) for the payment of Dr. H. B. Matteosian for services as delegate of the United States to the Sanitary Commission at Constantinople from 1874 to 1885; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 167) declaratory of the intent and meaning of a certain act therein named; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO IMMIGRATION BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 7864) to amend the immigration laws of the United States; which was ordered to lie on the table and be printed, and to be printed in the RECORD, as follows:

Add as additional sections the following:

"SEC. 3. No person, being a subject or citizen of any foreign government, shall be admitted to citizenship under the laws of the United States who, when admitted, can not read [illegible] the Ten Commandments and the Constitution of the United States printed in the English language.

"SEC. 4. No [illegible] in the United States and no declaration of intention to become such citizen, shall be filed in any court or have validity for any purpose until it shall be first established by proof to the satisfaction of the court [illegible] in which such declaration is made or filed that such immigrant has [illegible] resided in the United States continuously for the period of five years prior to the date of such [illegible]."

Mr. ELKINS submitted an amendment intended to be proposed by him to the bill (H. R. 7864) to amend the immigration laws of the United States; which was ordered to lie on the table and be printed.

CHANGE OF REFERENCE.

Mr. BACON. Yesterday I introduced a bill (S. [illegible]) making appropriations for the improvement of the road from the Chickamauga and Chattanooga National Park to the town of Lafayette, in Georgia, which was referred to the Committee on Appropriations. It should have been referred properly to the Committee on Military Affairs. I ask that the Committee on Appropriations be discharged from the consideration of the bill, and that it be referred to the Committee on Military Affairs.

Mr. CULLOM. Will the Senator again state the title of the bill?

Mr. BACON. It is simply a bill proposing to make an appropriation for improvements connected with the Chickamauga and Chattanooga National Park. It should go to the Committee on Military Affairs, and I now ask that the change of reference be made.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

PROPOSED DISTRIBUTION OF APPROPRIATION BILLS.

Mr. ALDRICH. During the last session of Congress the Committee on Rules were instructed by the Senate to report the first day of the present session upon the subject of the distribution of appropriation bills. The engagements of the committee were such that they were not able during the recess to give the matter any attention whatever. I had a meeting of the committee called to consider the question, but up to this time we have not been able to reach it. I ask that the time be extended within which the committee may make its report.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

INAUGURATION ARRANGEMENTS.

Mr. SHERMAN. I offer for adoption a resolution which is in the usual form such resolutions have taken for many years.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That a committee of three Senators be appointed by the President of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

PACIFIC RAILROADS SINKING FUND.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be [illegible] to send to the Senate a copy of the [illegible] Central and Union Pacific [illegible] transmitted to the Treasury Department by the Secretary of the Interior on the [illegible] day of March [illegible] a copy of the letter of the Secretary of the Interior transmitting the same.

AFFAIRS IN CUBA.

Mr. CULLOM said: Mr. President, a day or two ago I gave notice that this morning, if agreeable to the Senate, I would claim the attention of the body for a little while, and I will do so now, if permitted.

Preparatory to what I have to say, I introduce a joint resolution, and ask that it may be read.

The joint resolution (S. R. 168) for the extinction of Spanish title and the termination of Spanish control of the islands at the gateway of the Gulf of Mexico was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the extinction of Spanish title and the termination of Spanish control of the islands at the gateway of the Gulf of Mexico are necessary to the welfare of those islands and to the people of the United States.

Mr. CULLOM. Mr. President, the President of the United States, in his annual message, has discussed at some length the vexed situation of affairs in the neighboring Island of Cuba. He has given to the subject much study, and evidently views the existing conditions there with much concern. His most serious consideration, however, is given to the problems which will demand solution in the early future. The magnitude of these problems and of the interests involved require the exercise by our people of their wisdom and best judgment. The decision of the questions arising and to arise, and the determination of the policy to be pursued by this Government in the near days of the future, will command the exhibition of high patriotism, not less than of wise action, upon our part. We are already placed in such position that some certain course of action must be adopted. Whatever that course may be, it must be such as shall give proper recognition to the rights, under existing conditions, belonging respectively to Spain and to Cuba. It must also recognize the rights and prerogatives of the world at large—of the nations and the people who stand aloof and watch with deepest interest this struggle for independence and for liberty against absolutism. And not the least of the responsibilities imposed upon us as a nation is the preservation of our own rights and interests. In fact, the latter is the determining factor which must control our course.

While I am not disposed to criticise President Cleveland, I may properly say that I had hoped he would find occasion to give more positive or emphatic expression of the true American continental policy, which ought to be invoked in all cases where the liberty and independence of any of the peoples of the American continent are involved. And further, I think we ought never to hesitate or delay when the lines of this policy run parallel and congruent with those of common humanity.

If this position shall strike the mind as being too much in advance of the conservatism which has hitherto ruled and governed the schools of diplomacy, I may say that that advance is what the world is waiting for. Must the opening of the twentieth century find free America still bound and held by canons dictated for the perpetuation of monarchical power? Under that antiquated conservatism there never would have been erected on the earth the nation which we love and to the establishment of which our fathers consecrated their lives, their fortunes, and their sacred honor.

The conservatism which adheres to the precedents born in ancient monasteries and clings to an iron-bound monarchism never built a public schoolhouse nor lived in a free land. Humanity and advancement travel together, and dwell only in the climate of republics.

All the diplomacy of all the ages never found a way by which slavery could be dethroned. It required the humanity of Lincoln to break the chains and the progress of the Republic to open the prison walls to liberty and make glad a waiting world.

But to consider the Cuban question and its condition and difficulties I must invite attention to some facts of history in regard to Spain. The peninsula of Spain and Portugal was at the earliest date to which either history or tradition refers peopled by the Iberians and Basques. Celtic tribes afterwards came from the northward, and intermingling with the inhabitants formed a mixed race who remained in Spain, while many of the Celts overran the western Spanish provinces and Portugal, which have retained traces of the Celtic blood to this day. At a later day the Romans by their conquests subjugated the Spanish provinces, two or three centuries before the Christian era. The Roman occupation [illegible] modified greatly the characteristics of the people so long as the Roman Empire retained its domination, which continued amidst various struggles for some five hundred years. The invasion of the Roman Empire and its Gallic provinces by the Vandals and northern barbarians, which took place early in the fifth century, was perhaps the most complete avalanche of wreck and ruin, destruction and carnage, known in history.

The several provinces of the Spanish peninsula were divided up among their barbaric conquerors, who then possessed the land. Then came the Goths and Visigoths, whose Gothic kingdom succeeded and held the country for about three hundred years. During this period many of the Jews who had already settled in various localities were expelled the country. About the beginning of the eighth century, the Gothic kingdom having generally declined in power, and having become weakened by the growing ascendency of a church and clergy inherited from the Roman period, was deemed fair prey by the Moslems who arrived in the north of Africa across the Straits of Gibraltar. The Moors and Arabs invaded the greater part of Spain, and captured most of the larger cities. In 778, Charlemagne with a great army of Franks crossed the Pyrenees and marched victoriously to the River Ebro, taking possession of the country of the Spanish March.

The whole country now known as Spain and Portugal was the scene of various conquests and revolutions and had its full share of crusades and wars of every sort. Different provinces were created into kingdoms, had their brief careers, and lived or died as the fortunes of wars innumerable determined. The Kingdoms of Navarre, of Castile, of Aragon, of Toledo, of Galicia, with Emirates of different boundaries, the principalities of Seville, of old and new Castile, of Granada, of Murcia, of Cordova, and of Catalonia, each had its territory and its sway of much or little power during the troublous period extending to the thirteenth century. A hundred wars and a thousand intrigues militated against peaceful times within the limits of the Spanish Peninsula. Then the Moors again took control of Granada, and under their rule, an era of beautiful architecture, the Alhambra was built.

During the time intervening between the beginning of the thirteenth century and the discovery of America by Columbus in 1492, the changes of the greater or lesser dynasties of the constantly quarreling provinces of the peninsula were something too intricate to recall at this time. The year of Columbus's great achievement, 1492, was also the year of the final surrender of Granada by the Moors and of the full confirmation of the rule of Ferdinand and Isabella in Spain.

In 1520, after King Charles had gone to Germany to become Emperor, while still retaining his cruel hold upon the Spanish throne, a revolutionary organization, in desperation at the oppression with which the Spanish people were treated, raised an army of 20,000 men and levied war against him. This revolution was soon crushed and its leaders executed. The insurgents, as well as others, were then forced into allegiance to their foreign ruler. Prescott says:

> The Government of Castile, assuming the power both of making the laws and of executing them, became in its attributes nearly as absolute as Turkey.

The several reigns from the Austrian, Philip I, through King Charles, afterwards the Emperor Charles V, Philip II, Philip III, Philip IV, and Charles II, ruling through the long period to the year 1700, says a distinguished author—

> Fill the century of national decline, full as it is of crowned idiocy, hypochondria, and madness, the result of incestuous marriages or natural weakness.
>
> The splendid and prosperous Spanish Empire—its vast conquests, discoveries, and foreign wars—became transformed into a bauble for the caprice of favorites under their successors.

After a few years of inglorious reign, Charles II, the last of the line in descent from Philip of Austria and Joanna of Spain, being without an heir, bequeathed his crown at death to the Bourbon prince, Philip of France, Duke of Anjou, who became Philip V of Spain.

The recognized authentic history of the Spanish Inquisition, compiled and published in London in 1826, from the original works of Llorente, former secretary of the Inquisition and chancellor of the University of Toledo, has the following by way of preface:

> All the records of the fantastic cruelties of the heathen world do not afford so appalling a picture of human weakness and depravity as the authentic and genuine documents of the laws and proceedings of this Holy Office, which professed to act under the influence of the doctrines of the Redeemer of the World.

This agency of murder and administrator of torture in the name of Christianity continued in vigorous existence in Spain from the reign of Ferdinand and Isabella, about 1482, until even after the beginning of the present century. Since the year 1800, and during the term of the forty-fourth inquisitor-general, Don Ramon Joseph de Arce, archbishop of Saragossa, which lasted eleven years, twenty individuals were condemned to public penance. The curate of Esco was condemned to the flames, but the grand inquisitor and the supreme council would not permit the execution of the sentence.

During the existence of the Holy Office, or Inquisition, 31,912 persons were condemned and perished in the flames, 17,659 were burned in effigy, and nearly 300,000 were condemned to severe and terrible penances. The last victim burned alive perished about 1760.

The above is the mildest and simplest statement of a history of Spanish cruelty to Spaniards from the day of the discovery of America to the Independence of the United States.

For some three hundred years church and state maintained a partnership which signalized its existence and continuance by such horrors that a just God might have easy cause to close the human account of an entire race of people. Yet during all this long and awful history not a nation of the earth ventured to interpose its veto to the carnival of woe.

I do not overlook the fact that the modern legislation of Spain as applied to her subjects at home and in the provinces is a wonderful advance over that of former years. I would not consent to an act of real injustice to the Spain of to-day, if such were proposed, no matter what may have been the offenses of the past, and it is cause for congratulation that a degree of enlightenment has taken the place of much of the ill doing of the earlier days. But I must insist that a country which licensed and authorized the butcheries of Pizarro and the conquests of Cortez, and which ordained the depopulation of Cuba and the bloody marches in Central and Southern America, shall not carry on a war of extermination against Cuba. I have said nothing of the dread career of the Duke of Alva in the Netherlands, or of the thousand years of concentrated demonism chargeable to the Spanish dominion of the Cross and the Sword. I assert that the American nation will not much longer quietly permit the domination of Spanish absolutism under the very shadow of our institutions, and hardly a gunshot away from our southeastern shores. That absolutism has had its apt training during forty generations of unbridled lust, and it could not if it would teach the doctrines of peace or permit the equality of man.

It seems to be a paradox, but nothing is more true than that the periods of greatest prosperity and glory for Spain were those when the Arabs were in control; again when the Moors were in full power; and still again when the Jews were the foremost race in trade and commerce.

I protest that a people with such a history and such an education can have no just claim to a participation in the control of any territorial possession on this hemisphere.

There may be no warrant in international law for any interference between a government and its subjects, provided that government belongs to the family of nations, or is recognized as one of the powers of the earth. Still, does not the great heart of humanity beat in sympathy with the poor souls apparently forgotten by the Master and left to bear the burdens of cruel and relentless oppression? Is there no way, no light, no hope? Must the brutality of might alone define the offense and mete out the penalty, with no human power to whom intercession may be made? Oh, Spain! oh, Spain! when shall thy day be fulfilled? Was there no loyal Spaniard who would and could, amid all these centuries, stay the hand of death or raise the sword of justice while there was time to save?

Let us turn to Spain in America. I shall speak briefly of the career of the Austro-Burgundian rulers of Spain in the treatment of their colonies on this continent. I shall state in few words how, from the baptism of innocent blood with which the sons of Spain and the fathers of the church deluged South America and Mexico, there have arisen prosperous states and nations. I do not admit that these newer republics, which once owed tribute to a Spanish mother country, are unable to meet the responsibilities of self-government. They may make sad blunders, and may not come up to the full and high standard which the United States of America has set before the world, but they will strive to reach it. They aim to the noblest, and will reach what they are able. I believe to them may be justly applied the motto of Kansas: "Ad astra per aspera," meaning "To the stars through difficulties," which is a free translation of "Excelsior," the motto of New York. And during all their troubles and struggles for governmental freedom what enlightened nation anywhere made their hopes and cause her own? None. Not one. They have reached the plane of self-responsibility and self-assertion without the aid of even the United States.

Mexico emerged from Spanish control and overturned a French invasion without the interposition of the United States or the aid of any other country. But I now suggest that another and better day is about to dawn. The United States must to-morrow, if not to-day, give vitality to her sympathy for the oppressed and the weak. I desire to urge and to claim a policy and the adoption of a doctrine for our nation in advance of that which has heretofore been sanctioned. The United States, by virtue of our history, of our origin, our growth, and recognizing our proud and proper place in the honorable annals of the world, is the chosen country to put a new chapter into the code of international statutes and to declare a new and advanced watchword for the civilized world. If we fail to keep up with the march of sentiment and to mold into effective law such salutary principles as we solemnly believe are just and right, and such as are demanded by the progress of the world, we shall neglect a high duty and privilege and omit a sublime opportunity.

While all the provinces which have rebelled and separated from Spain have, as I have shown, become prosperous and fairly well conditioned, independent countries, the feeble old mother country has gradually fallen into lower and lower estate, depending and almost relying for existence upon the stolen gold levied upon Cuba, Puerto Rico, and the Philippine Islands. Spain continues to be what she always has been—a robber nation. I speak now of the nation, and not of her people. Some of the best and noblest names of the ages come to us from Spain, where, unhappily, too many of them met their sad and melancholy fates. And to-day, as well as in recent times, there are many noble men and women who owe allegiance to the Spanish throne, who adhere to her cause, hoping and striving to improve and make better her present and future, but who can never outlive or wipe out the traditions which have established her reputation and fixed her status among the kingdoms of the Eastern Hemisphere.

If we wait for precedent we shall wait forever. If a precedent is needed we shall make one.

We violated every precedent by the declaration of our own independence on July 4, 1776. We had no precedent, nor did we even ask for advice as to the change in 1789 from a confederation to a union of States. When we announced the Monroe doctrine in 1823, it was in defiance of precedent, and was the determination of a rule which has become a law and will never be gainsaid.

When we announced not many months ago that we should intervene in the matter of the Venezuela boundary and see for ourselves if our rights were to be concluded by foreign dictation, we followed no precedent but that of good American common sense. And common sense has won.

I desire to say in this connection that, although at the time of the action by Congress upon the Venezuelan question, including the message of the President of the United States, there was a feeling in some parts of the country that the National Government was doing wrong, there is no man in this country to-day who, in the light of what has since happened in the practical settlement of that question, is not ready to admit that the Government of the United States did right and has secured by its action the recognition of one of the greatest principles in connection with the policy of our country in its relations with foreign governments which has been accomplished for the last fifty years. I desire to say that in approbation of the result, as I understand it, of a substantial settlement of the Venezuelan question and of a substantial recognition by the British Government of what we in this country call the Monroe doctrine.

These instances only show that up to this time no assumption of authority in regard to American affairs which this Government has made has ever been successfully contested.

We now have reached the time to take another step in advance.

We have already proclaimed that the United States will have something to say regarding matters affecting the American continent, and we should now announce that the speedy termination of Spanish control of the islands at the gateway of the Mexican Gulf is necessary alike to the welfare of those islands and to the people of the United States.

The present situation can not continue. A population of 950,000 white Cubans and 500,000 colored Cubans, aggregating 1,450,000 persons, will never yield and ought never to submit to the bloody military rule of 160,000 Spaniards. The Spanish element which has always controlled and dominated Cuba since its discovery numbers only about one-tenth its population. Columbus declared "this is the most beautiful land ever beheld by human eyes," in October, 1492. Now, in 1896, it is given over to devastation and destruction. Within its borders rages a war which on both sides is declared to be a war either of extermination on the one hand, or liberty and Spanish exclusion on the other. This condition must cease. The Spanish, after two years' war, have failed to establish peace and the insurgents have failed to reach their hoped-for independence.

This war of extermination must stop.

This Congress of the United States has already recognized by solemn resolution the belligerent rights of Cuba, but so long as it has not received the Executive approval it has no force. And if it had, it is conceded that some other course must be taken. The question to be determined is not fully clear, except that the war must cease. Its consideration and discussion involves far more than the mere abstract question of the territorial possession and ownership by Spain of an isolated or insular tract of land lying on the Caribbean waters of this continent. A study of the historic facts, showing when and in what manner the rich and fertile Island of Cuba became the richest and brightest jewel of the Castilian crown, is necessary to an intelligent understanding of the relations which obtain between the United States and Spain. And in much greater degree is it necessary that we should understand the logic of the events which have led to the assertion of the American doctrine by our own country.

The growth of the republican idea upon the American continent, and its spontaneous expansion over both North and South America, in the very face of an exclusive monarchical domination in the Eastern Hemisphere, has logically and properly forced the United States to a declaration of our national policy. The Monroe doctrine, once almost an experimental declaration, with its now seventy years of continued approval, has become a venerated principle never to be infringed or violated.

American republicanism has already reached far into its second century, and has outgrown and passed beyond the incidental antagonisms and unavoidable warfare of ideas which its appearance upon this continent immediately after the Revolution had invited. The timidity with which the representative American citizen formerly approached the vicinity of royalty, and the awe with which he viewed the purple, has changed to a self-consciousness and a pride of country which yields to no monarchist in the world.

But with these changes others have come. At the same time that America was advancing, and Americans assuming the lead on this hemisphere, Spain has been retrograding. That vast area in South America and in Central America which once owed allegiance to Spain has passed from her grasp, and has been carved into a dozen republics. From Chile to Venezuela nearly every state in South America deems itself able to cope with all its Latin cousins of Europe, and there is little doubt that a European war unjustly waged against any one of the Spanish-American republics would now be the signal for a union of them all in the cause of the one threatened. All these countries which formerly paid tribute to Spain have, as occasion offered, declared their independence and become self-governing states. Their separate sovereignty and independence have been recognized by the world, and they appear competent to maintain the same. It may be that the standard and quality of their republicanism will be questioned by some other nations, but considering the genealogy of their inhabitants, and the difficulties surrounding their advancement, it rests not in the heart of any citizen of the United States to disparage their progress or criticise their growth.

Let us look at the Argentine Republic and study the instructive lesson which it presents. That really wonderful country has now a population of about 4,000,000. Its advantages of climate, soil, and political freedom have drawn to it an average of 50,000 new permanent settlers annually for the last five years. The greater portion of these were from the Latin countries of Europe, and at least one-third of them came with families. They have merged readily into the producing class at their new home, and their accession has been marked by a vast and significant increase in the agricultural production of Argentina. That increase during the five years last past is aptly presented by the following tables of exports:

Agricultural exports for the last five years.

Year.	Wheat.	Corn.	Flour.
	Tons.	*Tons.*	*Tons.*
1891	395,555	65,908	7,015
1892	470,110	445,935	12,849
1893	1,008,137	84,514	37,121
1894	1,608,249	54,876	40,758
1895 (9 months)	1,471,649	513,443	36,276

The following gives the various items and the value of the agricultural exports alone for the year 1894:

Product.	Quantity.	Value.
	Tons	
Linseed	104,435	$3,783,459
Rye	2,982	40,810
Maize	54,876	1,046,067
Baled alfalfa	47,628	456,384
Oats	1,065	20,484
Barley	651	10,141
Wheat	1,608,249	27,118,112
Other crops	2,454	266,804
Sundries		32,068
Total		32,520,176

The total agricultural exports for 1893 amounted to $29,017,405, thus showing an increase of $3,502,771.

It may be interesting also to present here a statement of a few other products of the Argentine Republic which have found a market in other countries during the past five years, and for which those enterprising South Americans have received pay in cash:

Exported in the five years ending December 31, 1894.

Articles.	1890.	1891.	1892.	1893.	1894.
Ox horns ....tons	2,289	2,428	1,851	1,593	2,597
Bones ....do	35,157	51,080	28,847	31,419	42,487
Horsehair ....do	2,324	2,341	2,138	2,169	2,622
Cowhides:					
Dry ....number	3,053,640	2,658,940	2,845,189	3,181,257	3,354,483
Salted ....do	1,294,101	1,253,582	1,068,611	1,024,145	1,157,023
Jerked beef ....tons	43,481	39,025	34,629	41,151	42,838
Meat extract ....do	187	192	200	99	84
Hide cuttings ....do	1,822	1,784	1,175	1,148	1,309
Preserved tongues ....do	711	784	604	857	714
Dried blood ....do	422	648	904	1,102	891
Grease and tallow ....do	17,331	20,722	19,879	19,068	25,240
Salted meats ....do	474	2,856	7,010	2,178	658
Preserved meats ....do	76	248	307	391	718
Sheepskins ....do	27,148	24,170	22,060	25,348	36,759
Unwashed wool ....do	118,466	138,036	154,035	132,250	161,907

The following table shows the number of live animals exported during the past five years:

Animals.	1891.	1892.	1893.	1894.	1895.*
Asses	6,790	10,185	8,835	9,423	6,938
Horses	10,763	7,487	5,273	12,392	8,469
Sheep	114,091	40,140	71,167	122,218	335,288
Mules	14,503	10,514	12,842	14,426	14,471
Horned cattle	171,165	125,158	201,645	220,490	392,998

* Nine months.

Nearly all the asses are shipped to Bolivia; the horses to Brazil, Chile, and Uruguay; the sheep to Chile, Brazil, and Great Britain; the mules to Chile and Bolivia; and the horned cattle to Brazil, Chile, Uruguay, and Great Britain.

I have not referred to the mineral industry, the wine product, the dairy product, the high-wine and whisky product, the shipment of fine hardwoods and lumber, or to many other products of which the exports amount to many millions of dollars annually.

I have thus taken the Argentine Republic and its wondrous growth and advancement in material wealth and possibilities as typical of the future of other Spanish-American Republics.

Look a moment at the Republic of Chile, and glance at a very few figures regarding a country of which we hardly know anything.

The volume of Chilean trade statistics for 1894 shows as follows:

The aggregate trade of the Republic, both foreign and coasting, in 1894, amounted to $58,190,754; of this amount, $48,223,539 represent the foreign and $10,267,214 the coasting trade. There was a decrease, as compared with 1893, of $5,116,321 in the foreign trade and an increase of $8,096,222 in the coasting trade.

The Chilean Society for the Promotion of Manufactures has issued a pamphlet on the subject of "The industrial establishments in the Department of Valparaiso," from which the following facts are taken: The total number of manufactories is 417; the value of the raw material consumed in 1896 is given at $20,067,573; operatives employed, 12,616.

Chile has a commercial marine of 191 vessels, of which 40 are steamers. The country contains rich gold and silver mines. It also produces large amounts of nitrate of soda, borate of soda, and iodine, and in the south and center districts has extensive mines of copper and iron and coal. It has over 1,800 miles of railroad and 8,300 miles of telegraph.

Brazil, formerly an empire, now a republic, is rapidly striding forward, notwithstanding the existence of internal dissensions in some interior provinces. She has about 8,000 miles of railway and possesses a vast territory which produces great quantities of sugar, coffee, and india rubber. The exports of rubber alone from the port of Para reach about 50,000,000 pounds annually, and the same port ships from twelve to fourteen million pounds of cacao per annum, with much cotton and tobacco. Her mines yield largely of the precious metals and precious stones. Brazil has a public revenue of nearly $70,000,000 and exports immense quantities of her productions.

And so on, the productions and growing industries of all the various States of the southern continent might be recited in some detail, but enough has been said to convey the idea I wish to present as to the wonderful capabilities of the southern republics and the advancement of their people. Cuba, in her productions and resources, in her history, and in the character of her population, closely resembles these countries. When emancipated from the domination of tyranny she will outstrip them in the race of prosperity and industry.

I wish specially to emphasize the opinion which I hold, that nearly every one of these governments has in some quality or another become worthy of the admiration of the enlightened world. It can not be denied, however, that there is ground in too many instances for the criticism of our people upon the inconstancy, the cruelties practiced, and the revolutionary spirit which exists in some of those States. But with their advancing prosperity it can readily be seen that the tendency everywhere is toward humanity and decency in social and political affairs. The evils which are justly chargeable against many of these people are their legitimate inheritance from warlike ancestry educated by centuries of monarchism to the trade of bloodshed and cruelty. It is not easy to transform such a population into quiet citizens, loving a quiet life. The very birthright which many of them cherish has brought with it into their daily lives the evils of an ancestral spirit which will require years of education and association to overcome. But republicanism is coming to be understood. The success of the Argentine Republic, Brazil, Chile, and Mexico under the wholesome restraints of good government and wise management have furnished to all the others an example of prosperity which they will not be slow to emulate.

The lesson shows what can be done, and why should they not participate in the benefits? What Buenos Ayres and Chile and Mexico have done may not Bolivia, Peru, or Venezuela also do? It is too much to hope that the day of domestic strife and revolution has passed, but we may hope that the day of education and right administration will have its turn. And if this be true with reference to the weaker South American States, why not with Cuba?

By what bond does Spain hold Cuba? Not the bond of relationship and natural affection. Not mere national pride in the possession and preservation of territorial or colonial dependencies. That pride was humiliated and broken years and years ago when she bade farewell to her South American people.

The only bond which exists, and which by the fiction of antecedent possession and occupation is held sufficient, is that which enables her to levy millions upon millions of tribute upon the rich sugar fields of the unfortunate island. The contest of the Cubans is a contest for freedom against an absent monarchy across the sea. It is a warfare against a ruler who is practically an alien and whose methods are simply those which might shall dictate. It is a struggle for the right to live and breathe the free air of a good government.

The colonial dependencies of Great Britain and of other great countries are usually governed in a manner to benefit and improve the welfare of the colony. The government of Cuba by Spain is merely a tyranny, the governmental power being but a machine by which the profits of the resident sugar grower go to fill the pockets of the Spaniard 2,000 miles away. A government which years ago suffered dismemberment by the complete severance of its South American territories, which has been humiliated by their success as independent countries, finds its last claim to a profitable dependency now threatened. The people of Cuba, who have borne oppressions and misgovernment for many generations, have invited their oppressors to a final determination, and have bidden them welcome to a feast of war and a carnival of desolation. Right or wrong, the struggle continues, and if we can judge by the history of the men of both armies, it will continue until the last dollar is spent, the last plantation is ruined, and the last machete has fallen from the hands of the last man. The fighters there on either side neither give nor ask for quarter. The warfare between Chile and Peru, where hospitals and ambulance service were not needed after a battle, will have its counterpart to some extent on the battlefields of Cuba. The successful army will not be burdened with wounded enemies, when a few hours of throat cutting will make all quiet as the grave. It is on one hand a war to win, and on the other a fight to death. The best blood of Andalusia, what is left of it, is deemed not too sacred to be sacrificed if need be in the contest with the patriots, the mixed races who are risking their all for the liberty of Cuba.

To the average Spanish gentleman, Spain is the object of adoration, but Spain without Cuba is to him the world without the sun. The revenue from Cuba has been the chief joy of Spain for many years, and if Cuba should now be separated from the Spanish throne, the sun would cease to shine upon the Alhambra.

Cuba to-day is lost to Spain. The public proclamation of Spanish defeat may not have been officially and definitely announced, but in truth and fact the submission of Cuba will never again be yielded as of old. The tribute of twenty-five to forty million dollars annually, so long exacted, will never again replenish the treasury of Spain. The struggles of 1895 and 1896 may sadly cripple Cuba, but they will ruin Spain. Cuba, with its wonderful soil and climate, and its unparalleled capabilities, will regain in material wealth and growth under benign influences far more than she has lost. The blood of her people spilled upon her soil will yield a growth of independent citizenship consecrated to liberty. This age is not an age of retrogression. The world of to-day is not wedded to barbarism in order to perpetuate tyranny or relieve tottering dynasties.

Cuba has a population of more than a million and a half of people, of which over a million boast their white blood and half a million are colored, yet the grandsons of Spain who live in Cuba and have become identified with the Cuban cause far outnumber those who adhere to Spain. The logic of the insurrection means liberty for Cuba. What does the world care for the beauties of all the castles and palaces in Spain, enshrouded as they are in the cerements of woe, which but recall an awful history instead of a glorious past. Shall it be that the nation where the Inquisition found a congenial home and where the so-called Holy Brotherhood was established for the crushing out of life and liberty and where manhood and womanhood were made the playthings of brutal might—shall it be that the incoming century will chronicle a longer continuance of such power almost within sight of the unfurled Stars and Stripes?

An Almighty God reigns still in the universe. All the petty subterfuges of princes and nobles, of kings and tyrants, will fail them in the day of their adversity.

A few years ago an Austrian prince of the highest personal character was selected by an Emperor of France as the agency by which an obnoxious monarchical system should be reestablished on the American continent. Louis Napoleon placed Maximilian upon the throne of Mexico. A people largely of Spanish descent, led by Juarez, a full-blooded Indian, met and overcame the foreign invaders, and a noble Republic now stands at our border, while Maximilian gave his life as a forfeit for the attempt. The continent of America has not proved a favorable soil for the growth of monarchies, and the beginning of the new century is not a favorable time for even the toleration of such oppressors as maintain themselves only by bloodshed.

Whatever may be said regarding our duty as a nation toward a friendly power which is striving to suppress an insurrection in Cuba, still no one, either in America or Europe, misunderstands the situation. Every humane heart, American or foreign, sympathizes deeply and sincerely, not with the rapine and pillage by which the insurgents in Cuba seek to weaken their enemies, but with the spirit which leads them to look constantly and with hope toward that star of liberty which they believe will lead them to Cuba libre.

I repeat that Cuba is already lost to Spain. Were the struggle to stop now, the income to Spain from the enormous exactions she has always levied upon Cuba would be lost for some years. Many thousands of young men of the flower of Spanish manhood have been sacrificed to maintain the power of a dynasty. Many thousands of honest, sincere, and loyal boys have left their homes in Spain never to return. Many a mother weeps unavailing tears for the lad who left her side a year ago, and who now sleeps in the fever swamps of Cuba.

As a recent writer says: "The story of Cuba is a tragedy." Yes; that is true, and it is also true that from the day in 1492 when Columbus took possession of Cuba in the name of the Spanish sovereigns down to this day in 1896, a period of four hundred and four years, there has been a continuous tragedy, a history of wrong, of deceit, of murder, of every sort of crime and outrage known to man, unequaled on the earth. When the great discoverer proclaimed Christianity upon that peaceful and beautiful shore, could he have foreseen that for four centuries a constant and never-ceasing wail of despair and suffering and death were to follow—had Columbus known then what we know now, that every foothold of the New World obtained by Spain would be the scene of the most fearful villainies, the most awful and most unheard-of outrages—he would have forsworn his religion and expatriated himself. The history of Spanish colonial domination has everywhere and always been the same. Whether it was under Pizarro in Peru, Cortez in Mexico, Balboa at the Isthmus, or the soldiers in Cuba, the policy was ever the same. In a little over forty years all the original natives of the fertile island, nearly half a million in number, had been extirpated. Then in 1521 negro slavery was introduced into Cuba by the Spanish rulers. Judging by the impartial record of history, the highest cardinal virtues of the Spanish soldiery were always murder, robbery, and brutal outrage. Neither age nor sex, nationality nor religion was spared; and if modern history is to be believed there is nothing in the dreary and awful picture to relieve the Spanish nation from the charge of being the common enemy of humanity. The barbarisms of the savage tribes of the world for several hundred years were peaceful and childlike in comparison with the barbarities committed under and by the authority of Christian sovereigns of Spain.

The history of Spanish domination in any given place or time from the year 1500 to 1700 was one which Satan himself might emulate. I have not referred at all to the now-existing contest waged in Spain's largest dependency, the Philippine Islands. Hardly anybody in this country realizes that those fertile islands, several hundred in number, cover 115,000 square miles of territory, and contain five and a half millions of inhabitants. They have nearly four times the population of Cuba, nearly three times the area, and they export about $25,000,000 of products annually. They pay tribute to the same taskmaster, and Spain in their management has harnessed the church to its chariot of misrule. The same old partnership of the Cross and the Sword is made the agency for their humiliation and enslavement. Spain has still another dependency—its penal colony at Ceuta, on the coast of Africa. Of all Spanish colonies this is the most prosperous and flourishing. On this spot of desert land the population has grown and increased by penal deportations from Cuba, from Porto Rico, and from the Philippines, until now amidst the thieves and vagabonds held there thousands of the brightest, best, and most intelligent of her colonial subjects are wasting away their lives as political prisoners. Those who escape the garrote or the bullet in Cuba or in other provinces may there live out a few years, where their voices are as completely hushed as in the grave.

It is doubtless true, and I concede, that the judicial and the law-interpreting authority in Spain is an able and intelligent department of that Government. I have even doubts if any monarchy of the age has preserved a more able judicial establishment than Spain, or one where the law at home is determined more independently or resolutely.

But this is far different in Cuba. The judicial tribunals in Cuba, owing their selection to the preferences of the authorities in Spain, have come to look upon their offices not as independent law-defining courts, but as mere clerkships of the dynasty in power for the simple recording and announcement of the will of their superiors. They have become often mere corrupt bargain-making officials who thrive upon the spoils which come to their hands, and who thrive best when the people at large suffer most.

The American people are coming to the consideration of the Cuban situation as they already have in certain other cases, as a great political question, a continental question, if you please. And being a political continental question, it will be decided ultimately by the continent whose interests are most nearly involved. Geographically considered, Cuba can not belong to Spain. A line drawn from the south Florida headlands to the mouth of the Orinoco places Cuba on the American side. The great Antillean sea which surrounds Cuba and other islands is but an extension of the Mexican Gulf, and geographically Cuba belongs, as politically it ought to belong, to the American Continent of Republics, and not to Spain or Europe. Geographically Cuba is in American waters and politically it is entitled to statehood in the continent of American Republics.

This great continental question, therefore, when stripped of all its complications, becomes, in plain and simple language, Shall Cuba be free? This country will never consent to the transformation of Cuba into a slave pen for the holding in servitude of the captured patriots and insurgents who are fighting for the dearest rights of men. We will not permit that island, a land which has the brightest possibilities for a people of intelligence and enterprise, to be made the abiding place of death and destruction. She lies too near our land of freedom to remain the military prison of the most cruel and unrelenting policy on earth. This war now being waged is avowedly a war of extermination, or utter crushing out of liberty on Cuba's 50,000 square miles of territory. Think of it! An island which in ordinary years exports more than a million tons of sugar and many millions of dollars in value of other products. Has the United States no interest in our own trade and commerce with an island from which we receive fully 90 per cent of the vast sugar product and much the larger part of all her other productions? The interests of the United States, counting all things passing between the two countries, reach perhaps $100,000,000 annually, and already this trade has been practically wiped out. The Cuban exports of sugar alone have fallen during the current year—1896—from above a million tons to less than a hundred thousand. The tobacco trade is dead. Neither will revive until war stops and the Spaniards get out of Cuba. That is the only solution of the trade problem.

It is about time that this free country ceased to be a police establishment for the aiding of the most outrageous warfare against a struggling people. The Spanish Government three weeks ago bought and shipped for General Weyler numbers of mules and horses raised in this country and purchased in Missouri and other Western States. Under present stringent rules as applied by our Government, every Federal official is a spy to inform against any attempt to convey arms or clothing or supplies to General Gomez or General Maceo, or the Cuban army. Men are now under arrest in the United States for attempting to succor their friends and relatives in Cuba. Has Spain any sympathy for or friendship with this country? Americans have been imprisoned and punished in Cuba for even expressing sorrow for the poor young medical students who were cruelly shot and murdered in Habana a few years ago. There is not a family of any standing in Cuba which has not lost one or more of its members by arbitrary arrest and sunrise murder by armed troops, who marched their victims to the place of blood and shot them in the back. I was shown a paper a few minutes ago containing a large number of pictures of men who were captured as prisoners while engaged in the insurgent army, and shot down in cold blood. There is no regard in Cuba for civilized warfare, but it is murder, and nothing else, on the part of the Spanish army. It is stated by the Cubans that during the revolution of 1868, in the five years between 1868 and 1873, there were 2,927 prisoners executed, and from March, 1869, to November, 1873, more than 4,670 persons were reported captured and never again heard of.

In that war the Cubans lost 45,000 lives and the Spaniards 100,000, and during its ten years' continuance more than a thousand millions of dollars were expended. This was all levied upon Cuba, and Spain paid nothing. Out of this war many Spanish military commanders and civil officials made immense fortunes, running into the millions. All these were made at the expense of Cuba.

In the present war, which has lasted about twenty-one months, Spain has wasted over a hundred millions, and has put into the field possibly 200,000 men and boys. Spain is beggared to-day, and unless she can continue her grasp upon Cuba she will show to the world the end of the worst-governed country known in two thousand years.

As I have before intimated, I believe it to be the duty of the United States to use the great power attaching to the nation to declare and to maintain, as a prerogative of right, belonging generally to republicanism, and specifically to this Republic, that no charnel house of ruin shall be continued in the West Indian waters, whose waves break at our very front gate, any longer than the time it shall require to break it up. I put it on that ground, and on the ground of humanity as well, because the world knows that no humanity is manifested there on the part of the Spanish army. And if the duty of suppressing this damning blot and erasing it forever from sight shall fall alone upon the United States, so be it. Have we fallen so low as to have forgotten the sacrifices which men of genius and character and honor made in behalf of this country in the days of trouble? Have we forgotten and ceased to hold the glorious memory of Lafayette? Have we turned to the wall the pictures of Pulaski, of Steuben, of De Kalb, and others long since in glory? These men cast their lives and their fortunes at our feet that we might succeed. But we shall not stand alone in the warfare which may follow in behalf of common humanity. Nation after nation will make joint cause with us in such a struggle, and when we have succeeded and shall have made into law the principle, and made into history the fact, every other country worth naming will regret its mistake in not participating in the humane work.

The effort can not fail. We shall not wage any warfare for the acquisition of territory for ourselves. We shall not claim Cuba as a reward for saving her from the slaughter, but we will not see that fair island turned again to the mercies of wild beasts and vultures of war whose only stimulus is gain. Cuba libre—free Cuba—is the reward, and what a glorious reward will that be! Every citizen of the United States will feel that his birthright as an American freeman will mean something. Every lover of liberty the world over will exult in the progress and advancement of man. The breadth and stature of individual Americanism will be enlarged and ennobled. Society will feel that its doors need not be closed against wrong and oppression, for there will be none who dare molest and make afraid. A settlement is to be had. A settlement must be made. The account has been open and running long enough—yes, far too long. To its settlement we may properly invite the cooperation of all the Republics of the American Continent. But the end of the devastation must be determined. The United States must furnish the occasion, if it does not otherwise arise.

If other means fail, we may consider the propriety of a fair purchase of Cuba. That method has had its share of consideration under previous Administrations. It is not that we want the territory, but we mean that the trouble shall meet a just settlement and conclusion. Let the end come, and come quickly. Let the bloodshed cease, and let freedom and humanity be glorified.

The wisdom and discretion of an American President and Cabinet can certainly find a way to determine the trouble without imperiling the interests of our country or our people. I have little choice or preference as to the particular method, but I do want, and I know the public expects, a settlement on a humane and just basis.

The United States can do no less than to initiate this effort for humanity and liberty.

I can not more appropriately close these remarks than by giving the beautiful apostrophe to our Republic and its mission, delivered at Gettysburg in 1869 by an American poet, Bayard Taylor:

> Now, in her seat secure,
> Where distant menaces no more can reach her,
> Our land in undivided freedom pure,
> Becomes the unwilling world's unconscious teacher;
> And day by day beneath serener skies,
> The unshaken pillars of her palace rise—
> Those Doric shafts, that lightly upward press,
> And hide in grace their giant massiveness.
>
> * * * * * * *
>
> Her once war wasted arm,
> Put forth to shield a sister land from harm,
> Ere the last blood on her own blade had dried,
> Shall still be stretched to succor and to guide,
> Beyond our borders, answering each need,
> With counsel and with deed
> Along our eastern and our western wave,
> Still strong to smite, still beautiful to save.

Mr. President, I move the reference of the joint resolution to the Committee on Foreign Relations.

The motion was agreed to.

CAROLINE A. HOUGH.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2801) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. H. GALLINGER,
WILLIAM F. VILAS,
FRANK J. CANNON,
Managers on the part of the Senate.
BENSON WOOD,
C. A. SULLOWAY,
WILLIAM BAKER,
Managers on the part of the House.

The report was concurred in.

MRS. MARY GOULD CARR.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4554) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. H. GALLINGER,
FRANK J. CANNON,
Managers on the part of the Senate.
THEODORE L. POOLE,
W. S. KERR,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory numbered 1 and 4; disagreed to the amendment numbered 3; agreed to the amendment numbered 2, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams;

A bill (H. R. 4142) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof;

A bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes;

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and

A joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

ISSUE OF BONDS IN NEW MEXICO.

Mr. CALL. Mr. President——

Mr. WOLCOTT. I ask the Senator from Florida kindly to yield to me for a moment.

Mr. CALL. Certainly.

Mr. WOLCOTT. I ask the Chair to lay before the Senate the amendment of the other House to House bill 4052, which has just come over. It is a bill which passed the Senate at the last session, relating to validating some bonds of the Territory of New Mexico. I wish to move that the Senate concur in the House amendment.

The PRESIDING OFFICER (Mr. HILL in the chair). The Chair lays the amendment of the House of Representatives before the Senate. Does the Senator from Colorado desire to have the amendment read?

Mr. WOLCOTT. No; it is not necessary.

Mr. COCKRELL. The amendment will have to be read. It can not be passed upon without reading.

The PRESIDING OFFICER. The amendment will be read.

The Secretary proceeded to read the amendment of the House of Representatives to the amendment of the Senate numbered 2 to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

Mr. COCKRELL. I beg to state to the Senator from Colorado that I can not consent that a new bill which has been passed by the House shall be called up and put upon its passage in this way. Let it be printed and lie on the table.

Mr. WOLCOTT. I think perhaps after a statement I shall make to the Senator from Missouri he will revise his view of the measure.

Mr. COCKRELL. No, I can not revise it. It is a new bill. I recollect the Senate bill very well, and this is an entirely new measure.

Mr. WOLCOTT. I will say to the Senator that it is identically the same bill except that it does away with the objection which the President had to the measure. He was of opinion that the restrictive clause at the end prevented the operation of the bill. In other respects the bill is identical with the bill passed before.

Mr. COCKRELL. Just let it be printed and lie on the table. I do not want to have it referred.

Mr. WOLCOTT. Very well. It has been to the committee of this body.

Mr. COCKRELL. It can be called up to-morrow. I can not keep the run of it from the reading, and wish to have it in print.

Mr. WOLCOTT. Very well.

The PRESIDING OFFICER. The amendment will be ordered printed, and it will lie on the table for the present.

AFFAIRS IN CUBA.

Mr. CALL. I ask the indulgence of the Senate in order that the joint resolution which I introduced yesterday morning may be laid before the Senate and read.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated by the Senator from Florida, which will be read.

The joint resolution (S. R. 164) recognizing the Republic of Cuba as a free and independent government was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America recognizes the Republic of Cuba as a free and independent government and accords to the people of Cuba all the rights of a sovereign and independent government in the ports and within the jurisdiction of the United States.

Mr. CALL. Mr. President, I desire to submit a few brief observations upon the joint resolution. Before doing so, however, I will ask the Secretary to read two certain communications which I send to the desk.

The PRESIDING OFFICER (Mr. HILL in the chair). The Secretary will read as requested.

The Secretary read as follows:

[No. 67.]

CONSULATE OF THE UNITED STATES,
Matanzas, November 3, 1896.

SIR: I have the honor to inform the Department that an interview was granted by Spanish authorities with Oscar Cespedes this morning at 9 o'clock, and his deposition taken. (See inclosure No. 1.)

The civil governor sent for me last evening 8 o'clock and informed me that the case of Mr. Cespedes had been transferred from military to civil jurisdiction, and that I could visit the prisoner at date given above. His apologies for delay in this case were profuse.

I find Mr. Cespedes to be an intelligent young man, barely 21 years of age. He is badly broken down in health and his memory somewhat affected. If his statement can be corroborated by his friends in Key West and elsewhere I feel sure my influence with the governor of this province can procure him an early trial and release; in fact, I hope to secure his release without trial.

Any instructions or information relative to this case would be greatly appreciated.

I am, sir, your obedient servant,

A. C. BRICE,
United States Consul.

Hon. WILLIAM W. ROCKHILL,
Assistant Secretary of State, Washington, D. C.

[Inclosure No. 1.]

Deposition of Oscar Cespedes (copy), with references.

References given by Mr. Oscar de Cespedes: Mr. Hiram Seymour, Revenue Cutter service, Key West; Mr. B. P. Baker, furniture dealer, Key West; Mr. Angelo Figueredo, at Mr. Gato's cigar manufactory, Key West; Mr. Fernando Figueredo, mayor of West Tampa; Mr. Carlos Manuel de Cespedes (father of Oscar), formerly mayor of Key West about eighteen years ago.

DEPOSITION OF OSCAR DE CESPEDES, TAKEN AT THE JAIL AT MATANZAS, OCTOBER 3, 1896.

I am a native of Key West, Fla.; 20 years of age; came to Cuba on the 31 of July, 1896, on board the tug *Commodore*, as a reporter to the Key West Herald.

I was captured on September 2, 1896, at "Hato de Jicarita," near Zapata by the Spanish column of Colonel Molina.

At the time I was captured I was lying by the roadside under shelter of trees and sick with fever, and without arms of any nature whatever.

I was then placed on a horse and started under march and ill treated all the way to Tüira de Macurijes, the leader of my horse striking me with the barrel of his rifle the blows meant for the horse. I was left at Tüira de Macurijes two days and finally brought to Matanzas and confined at San Severino Castle, and on account of my sickness I was sent to the infirmary of the city jail, where I have remained to date.

I am a native-born American citizen, and do hereby declare under oath that I came to Cuba, as before stated, as a reporter, and that I have been in nowise connected with the insurrection now going on in Cuba, and ask that my early release be procured by the Government of the United States.

I further state that I have been sick with fever during the last three months, on account of which my health is very much broken down, and at times become hopeless of life.

I have been fairly treated at the jail infirmary.

(Signed) OSCAR DE CESPEDES.

Before me, witness my hand and official seal at Matanzas the day and year first above written.

(Signed) A. C. BRICE,
United States Consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matanzas, Cuba.

I, the undersigned, consul of the United States at Matanzas, Cuba, do hereby certify that the foregoing is a true copy of the original deposition of Oscar de Cespedes, on file at this office, the same having been duly compared with the said original and found to agree therewith word for word and figure for figure.

In testimony whereof I have hereunto set my hand and the seal of this consulate at Matanzas, the 3d day of October, 1896.

[SEAL.]

A. C. BRICE,
United States Consul.

Mr. CALL. I ask the Secretary to read the letter of Dr. Moreno.

The Secretary read as follows:

WEST TAMPA CITY, FLA., *December 5, 1896.*

DEAR CALL: Another American citizen is imprisoned in Habana jail. He was arrested in Matanzas and conducted to Habana. His name is José Gonzales, an old man, also is deaf. He is a naturalized American, and has resided in Philadelphia for twenty-six years with cigar manufacturing. His brother has written me from Key West. Please investigate the subject through the Secretary of State.

Oscar Cespedes, a native of Key West, and imprisoned in Matanzas, will be tried by court martial, I have read to-night in the Florida Citizen.

What action do you think the President will take? Will it be favorable to Cuba? And the Senate?

I am, very truly, yours,

M. R. MORENO.

Hon. W. CALL,
United States Senator, Washington, D. C.

Mr. CALL. Mr. President, since I have been a member of the Senate, for the last eighteen years, I have been introducing resolutions at every session for some action on the part of the Government of the United States which would relieve the Island of Cuba from the difficulties of the government under which she has existed up to this time. I have proposed that she should be acquired by purchase, not annexed to this country, but rendered independent by the guaranty of her bonds by the Government of the United States. I have urged that negotiations should be instituted by which some method of pacifying the island and of developing its resources under good government might be resorted to. I came to this body immediately after the conclusion of the ten years' war, which terminated in 1878–79, and which presented to the world the evidence of a united people determined to establish their own independence of the Government of Spain, exhibiting in that long period of time a capacity to defend themselves and to establish by force a government of their own, and who were finally induced to lay down their arms only by promise of autonomy or self-government, through which the people of Cuba should be enabled entirely to govern themselves and control their own affairs.

Ten years expired, and the same condition of things continued in the island. The same feeling of revolt, of opposition to the rule of the Spanish Government, continued. Whether or not it was justifiable is not the question for us to consider. It is a fact that here are a people who for the last twenty-five years have determined to make themselves independent, and now, after a period of three years, are in possession of nearly two-thirds of the territory of the island, as the President himself states. The President, in his message, with the singular felicity of expression which belongs to him, says that we must continue to wait. He says:

> Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

Mr. President, what reason can be given for not taking some action recognizing the fact that here are a people who have established a government for themselves? Who has a right to say that because it is or is not a civil government, but a military government, it shall not be recognized?

In what part of the public law of nations is the proposition contained that a people may not establish a military government? What is Russia; what is Germany; what are all the autocratic governments of the world but governments resting upon military power—upon force? And why should we consider the question whether or not those people proceed by civil processes? But they do. They have an organized government; and the question for us is, How shall we exert the power that is in our hands to perform the legitimate duties of government in the protection of our own citizens and our commercial rights and interests in another country? What shall we do? We can not try Spain, as my learned friend, the Senator from Illinois [Mr. CULLOM], has done in his arraignment here, because of her history. The history of Spain is full of grandeur. She presents characters as distinguished as any in the line of history for charity, for bravery, for intellect, and we can not try her by her history.

If we shall seek to condemn Spain by her history, what shall we say of the illustrious characters whom she has given to the world? What of Isabella, the model of all the beauties and virtues of womanhood? What of the greatest soldier and captain named in all history, the great Captain Gonsalvo de Cordova? What of the conquest of the French in Italy? Of him the great Captain Prescott, in his history of Ferdinand and Isabella, says:

> With this insignificant force we shall then see the Kingdom of Naples conquered and the best generals and armies of France annihilated. An important innovation effected in military science; * * * a thorough reform introduced in the arms and discipline of the Spanish soldier; and the organization completed of that cabalá infantry, which is honestly eulogized by a French writer as irresistible in attack and impossible to rout, and which carried the banners of Spain victorious for more than a century over the most distant parts of Europe.

What of that splendid scene described by Washington Irving in the Siege of Baza in Granada in these words:

> As the host drew nearer they descried a stately dame magnificently attired, whom they soon discovered to be the Queen. She was riding on a mule, the sumptuous trappings of which were resplendent with gold and reached to the ground. On her right hand rode her daughter, the Princess Isabella, equally splendid in her array, and on her left the venerable grand cardinal of Spain. A noble train of ladies and cavaliers followed her, together with pages and esquires and a numerous guard of hidalgos of high rank arrayed in superb armor. When the veteran Mohammed ben Hassan beheld that this was the Queen Isabella, arriving in state to take up her residence in the camp, his heart failed him; he shook his head mournfully, and, turning to his captains, "Cavaliers," said he, "the fate of Baza is decided!"

What picture of greater heroism does history paint than this? We have nothing to do with the question of Spanish history. We are now considering in this resolution what is the duty of the Government of the United States to its own people, not to humanity. I confess there is a duty that every government owes to humanity, even at the risk of war. There are higher considerations, but the question now is, What duty does this Government owe to its own citizens, to its commercial relations with Cuba? How shall we protect the American citizens now languishing in prison—how Cespedes, taken without arms, taken without participation in the war against Spain, confined for months without a trial? It may be that the necessities of military government in Cuba may furnish some kind of excuse, but they afford no relief to this Government from its duty.

These are but a few instances; hundreds of American citizens have been languishing for months and months in the jails and castles of Cuba, and have been transported to Ceuta—American citizens entitled to the protection of this Government. Taking possession of Cuba will not relieve those American citizens, nor will the declaration of this Government that we recognize the independence of Cuba. That is a different subject. But how shall we prevent the destruction of American commercial rights? By recognizing the only power that over two-thirds of that island can protect the American citizen and the property of the citizen of the United States found there.

That is the statement of the President. That is true. For three years the interior of that island has been under the dominion of the insurgent forces organized as a republic. What justification, then, in the light of this fact, can there be for not protecting the property of the citizens of the United States acquired under treaty regulations? What better argument for the passage of this resolution is there than the fact that Spain is impotent to enforce the rights of American citizens in the territory of Cuba? We may demand of Spain indemnity; we may insist that she shall give the protection needed; but how can she do it when she is compelled to withdraw her forces and to maintain them in the garrisons and the cities of the Gulf?

Mr. President, the first duty of this country is to protect its citizens. How was it in the case of the *Virginius*? What did the Government of Great Britain do? They demanded at the muzzle of the cannon that there should be delivered to them the subjects of Queen Victoria who had been captured, while our own people were left to be the victims of arbitrary power. And so history has come on down. The reproach does not belong to this Administration alone that we have not protected and are not protecting the citizens of the United States and the property of the citizens of the United States. This same proposition of the President was made during the Administration of President Grant—I say it with no kind of reproach—but the same proposition of delay, delay until some contingency existed in which the power of the Spanish Government was entirely exhausted. And here, now, after the lapse of twenty years, after a three-years war, after the maintenance of the organized government, we are still told that we must still remain quiet; that we must not acknowledge that which is a fact—the power of those people to exert government over two-thirds of that island, and protect the property of American citizens there, and the lives of American citizens there.

Mr. President, I can see no reason whatever for failing to make promptly this recognition of an existing fact, the independence of Cuba, and giving to it as a government the same rights that are accorded to Spain in the ports and jurisdiction of the United States.

If you do not choose, you need not amend your neutrality laws. Cuba does not need anything but the privilege to enter into the ports of the United States and purchase arms and munitions of war. She needs no organized forces from here. She is able to maintain herself, and if she were not that is not our concern. It is sufficient for us that they have an organized government; that they maintain dominion over two-thirds of the island; that they confine the Spanish Government to the garrison towns upon the coast; that with all the powers of Spain at a distance of 3,000 miles it has been found impossible to subjugate the revolutionists. The President himself gives the reasons why. The reasons lie in the character of the country, in the fact that a guerrilla war can be maintained; that the people can disperse and avoid the armed expeditions that come out in force and harass them; that they can do as Fabius did with Hannibal in the days of Rome—harass the armies, retreat, and reappear again until, wearied out, victory is accomplished. That is the character of the country, we are officially told. That is the reason why this war can not be terminated by the Spanish Government, and it is the reason why this Government, in recognizing the independence of Cuba, should say to Spain, "It is impossible for you to reestablish, whatever cruelties you may practice, your government upon the island at a distance of 3,000 miles."

The question which concerns us here as the Senate—a legislative body representing the United States—is not as to the character of the Spanish Government, or the history of Spain upon this continent, but it is as to the effect of the proposed action in the recognition of the independence of Cuba.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. COCKRELL. I ask unanimous consent that the unfinished business may be informally laid aside until the Senator from Florida concludes his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Florida will proceed.

Mr. CALL. I shall not occupy much of the time of the Senate, Mr. President.

I maintain that wherever a people have organized a revolution beyond that of a riot, an insurrection, and have organized a government which shows its power of maintaining itself by asserting its dominion and control of any considerable portion of the territory of a state for any considerable period of time, they have a right to recognition as a government whether they shall ultimately succeed or not.

With what power can a government treat for the protection of the property and life of its citizens or subjects unless it be with that power which can protect them, which has subverted the legitimate and regular authority? If this be not true, it follows that they must remain unprotected, with nothing but the right of indemnity or damages against perhaps an irresponsible and failing power. How will Spain with her diminished resources ever be able to indemnify the people of the United States for the $50,000,000 of money invested in the estates and plantations of Cuba? How will Spain indemnify the people of the United States for the citizens of the United States transported to Ceuta and there for life sentenced to penal labor and confinement?

Mr. President, there seems to me to be no two sides to the question of the duty of the Government of the United States to recognize the independence of the Island of Cuba and its Government, and to accord to them all the rights that belong to an independent nation in the ports and jurisdiction of the United States. It is not a question for us to consider whether or not that will lead to war. I do not believe it will. It is a recognized right of nations to do this. There is no right on the part of Spain and no legitimate cause of offense. Really it is to her interest that the Government of the United States should take this action, and that in some form the war should be terminated without further ruin and further destruction of property, and without further excitement of the people of the United States by the continued imprisonment of American citizens without sufficient cause.

So, Mr. President, I urge that the Committee on Foreign Relations shall at an early day report this proposed action, which will be sufficient to accomplish the purpose without going any further. Cuba has the power, she has the force, she has the heroic sentiment prevailing among her people, however uneducated, however ignorant. She presents a spectacle to the world of a people fighting without pay, without rations, without clothing—volunteers animated by patriotic principle alone. The people of that island, natives of Cuba, however ignorant, have shown a heroism which is equal to that of their Spanish ancestors generations gone by.

With these observations, Mr. President, I ask for the reference of the joint resolution to the Committee on Foreign Relations.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Foreign Relations, if there be no objection.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams; and

A joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes; and

A bill (H. R. 8678) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system.

The bill (H. R. 4142) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof was read twice by its title, and referred to the Committee on Public Lands.

PROPOSED RESTRICTION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States, the pending question being on the amendment reported from the Committee on Immigration.

Mr. CHANDLER. I ask for a vote upon the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. The amendment has been read, the Chair understands.

Mr. LODGE. The committee amendment is simply in the nature of a substitute. It has been read.

Mr. SEWELL. I desire to offer some amendments to the committee amendment.

Mr. LODGE. The Senator from New Jersey desires to offer amendments to the committee's bill, but that can be done after we vote upon the committee amendment.

Mr. GIBSON. I suggest to the Senator from Massachusetts that this entire question go over or be temporarily laid aside without prejudice until after the holiday recess. I make this suggestion to the Senator from Massachusetts for what I conceive to be a most excellent reason. The report of the Commissioner-General of Immigration, which has recently been placed upon the desk of each Senator and is not yet published in its entirety, will afford information which I opine will very materially determine the minds of Senators upon this question who have not had an opportunity to give it consideration, and to whom it will be impossible properly to present the question at the present time without the information thus afforded in the report.

I make the suggestion from a consideration of the further fact that there are several Senators who desire to be heard on the bill who are not now prepared, but who will be prepared at the time designated. Therefore I most earnestly ask the Senator from Massachusetts that he will accede to what I regard as a reasonable request.

Mr. LODGE. I have acceded to request after request for the delay of the bill. The delay proposed, I conceive, would have the effect of ultimately defeating the bill. All the speeches to be made of which I had any knowledge were made upon the bill at the last session. At the request of the Senator from Maryland it was put over again and again, and finally I allowed it at his request to go over from one session to another.

The report of the Commissioner of Immigration is here. We have all had copies of it. It contains nothing directly affecting the bill beyond a strong argument from its statistics in its favor.

This is a very important measure. Both parties favored the restriction of immigration in their platforms. There is a great demand from all parts of the country for action on the bill.

I know of no opposition to the bill except that which emanates from the steamship lines directly interested in the carrying of immigrants. I have no desire in the world to do anything to affect adversely the business of the steamship lines running to and from the United States, but I think the question of immigration is far more important than the interests of a company engaged in any business.

The bill has been long before the country. It is an extremely moderate measure. It does not go nearly as far as go the demands in the many petitions which have come in. I am very desirous to get a vote upon the bill as soon as possible.

I have no wish to delay the Senate. I do not know of any further arguments that are to be made. There are a number of amendments which Senators desire to offer, and which can be offered after the substitution of the Senate bill for the House bill has been voted upon.

I feel it my duty, as it is the wish of a majority of the committee, to press the bill to a vote at the earliest possible time. I do not wish to do anything in the least discourteous to any other Senator, but I think that we have made every concession in the way of time that can reasonably be asked of us.

Mr. GIBSON. Mr. President, I differ very radically from the views of the Senator from Massachusetts with reference to the advisability of the passage of this bill. Nor do I regard from the same standpoint the report of the Commissioner of Immigration on this question. I think it will be observed by every Senator who has the opportunity carefully to read his recent report that he differs very widely from the views suggested by the Senator from Massachusetts, and the recommendation in this bill of the restriction of immigration. His suggestion is entirely the reverse. He says expressly in his report that the great danger, which the Senator from Massachusetts has so carefully and eloquently urged, to the institutions of this country from the overcrowded condition of the foreign population is the reverse, and that instead of there being an overcrowding of foreign immigration there is a decrease each year under the wise and healthful laws already provided upon our statute books of foreign immigration, and that to-day there are only 50 per cent of the foreign immigrants who came to this country since 1820 remaining: they have died or they have gone back to the country from whence they came.

So far as having availed myself of the courtesy of the Senator from Massachusetts with reference to extending the consideration of the bill from the last session to the present is concerned, I am to-day first advised of it. I thank him, however, for the suggestion which he now makes. With reference to his courtesy for such extension, I had credited that fact to an entirely different source.

Be that as it may, however, Mr. President, I again urge that the request I made, if not acquiesced in by the Senator from Massachusetts, shall now be put in the shape of a motion, that the bill with the amendments proposed shall be temporarily laid aside, without prejudice, until after the holiday recess.

Mr. LODGE. I have read the report of the Commissioner of Immigration. That is all I desire to say. He suggests several pages of amendments and changes and improvements in the law which it would take weeks and months to perfect into a bill.

The argument that I referred to when I said that he made the strongest argument in behalf of this bill was that if the bill had been a law 75,000 immigrants who have come to the country this year would not have entered. We all know there are a great many persons in this country to-day unemployed. We differ as to the reasons for that fact, but we all deplore it, and we certainly are not going to benefit the condition of those unemployed persons or to make their numbers any less by opening our gates without restriction, as we do, to the unemployed of all the rest of the world.

I should like to ask if the motion is to postpone to a day certain.

The PRESIDING OFFICER. The Chair would suggest that the motion made by the Senator from Maryland is not quite in order. The Chair understands that the motion to postpone must be either indefinitely or to a day certain. The Chair would suggest to the Senator from Maryland that he modify his motion so as to move to postpone the bill to a day certain—say the first Monday in January. Then the motion would be in order.

Mr. GIBSON. I will do so.

The PRESIDING OFFICER. The Chair will then regard that motion as pending.

Mr. LODGE. The motion, I understand, is to postpone the bill until the first Monday in January.

The PRESIDING OFFICER. That is the pending motion.

Mr. LODGE. On that motion I ask for the yeas and nays.

Mr. GIBSON. I desire, before the yeas and nays are called, to subjoin to the remarks which I made a few moments ago with reference to the necessity for the restriction of immigration, that the States of this Union are not demanding the restriction suggested by the Senator from Massachusetts. I know nothing of what may be the interests of the steamship companies. I do not represent the steamship companies on the floor of the Senate. Let their interests be what they may.

But what I do mean to say, Mr. President, is that one of the States of this Union, one of the most flourishing and prosperous States in the American Union to-day, the State which I have the honor in part to represent in the Senate of the United States, has in its history never more than now demanded that there shall not be the restrictions upon immigration which are sought in this measure, deeming even those which already exist as prejudicial to a very great extent to the interests of Maryland.

But in addition to what I have suggested, Maryland, by its last act of assembly, has added larger powers to its board of immigration, and sends abroad every year an agent at a salary of $5,000 or $10,000 a year to invite immigration to the State, which now has a population, I think, of 105 to the square mile.

Mr. CHANDLER. Mr. President——

Mr. LODGE. If the Senator from New Hampshire will allow me, I desire simply to disclaim any idea that I suggested that the Senator from Maryland represented the steamship companies. All I said was that the opposition from outside—all the opposition I had heard of or could find—emanated from the steamship companies. I have not heard of it in any other quarter.

Mr. CHANDLER. Mr. President, I ask the Senator from Maryland to withdraw his motion to postpone. I do not think the Senator ought to begin to oppose this bill by dilatory motions. The motion he has made is a dilatory motion. The bill was postponed yesterday to accommodate the Senator's colleague. The Senator himself knows perfectly well what this bill is. He made an eloquent and elaborate speech against it during the recent session. The Senator knows that there is very little time before Congress between now and the 4th of March, and while I am glad to hear the arguments of the Senator, and glad to hear the argument he has just made against the bill, I think he ought to concur with the friends of the bill in expediting its consideration

Let us have the debate which Senators choose to inflict upon the Senate, and let us have such amendments as Senators choose to offer; but let us go on with the bill and get it out of the way, in order that other important legislation may be considered.

I ask the Senator why he wishes to make a dilatory motion? I ask him in all kindness, and paying the tribute of my respect to the fidelity of the Senator to his public duty on all occasions, to withdraw his motion and not to get in the way of the decent and orderly consideration of this bill.

Mr. GIBSON. Mr. President, the Senator from New Hampshire asks me why I make a motion which, in his judgment, is dilatory in this connection. I do not agree with the Senator from New Hampshire in his suggestion as to a dilatory motion, so far as the proposition which I have submitted to the Senate is concerned. I regard as dilatory a motion made for no purpose except for the purposes of hindrance or delay. I am not filibustering. I have stated expressly that the request which I at first appealed to the Senator from Massachusetts to concede, and which I afterwards presented in the shape of a motion, which I will now make, to postpone to a day named, was not made for the purpose of delay, but was made for the purpose of securing time for an intelligent appreciation of the merits of this measure, which intelligent appreciation can only be had in the shape of information which comes from the source recognized by Congress as the proper one—the report of the Commissioner-General of Immigration to the Secretary of the Treasury.

Mr. CHANDLER. The Senator has the recommendation of the Commissioner-General of Immigration, and of his two associates who were on the commission to inquire into this subject, in favor of an intelligence qualification. They are in favor of this bill.

Mr. GIBSON. That, I submit, is a question which must be passed upon by the Senate itself, and not to be accepted on the ipse dixit of either the Senator from Massachusetts or the Senator from New Hampshire. I do not agree with the suggestion of the Senator from New Hampshire as to the report of the Commissioner-General of Immigration.

Mr. CHANDLER. If the Senator will allow me, my point is that we want the Senate to pass upon it; we want the Senate to go right on and consider this bill; and when the Senator says we are going to get any further light on this subject to be given by the report of the Commissioner-General of Immigration, which has been brought into the Senate and is now being printed, he is not serious; he is jocose. The Senator knows as well as any other Senator here that we have all the information we want to pass upon this bill except such speeches as Senators choose to make. So, in all sincerity and good faith, I ask the Senator to withdraw his motion and let us go on with the consideration of the bill.

Mr. GIBSON. I repeat, Mr. President, that the statement made by the Senator from New Hampshire as to the contents of the report of the Commissioner-General of Immigration will not be borne out by the report itself, and it is an intelligent comprehension of that report which I ask, and which can only be had by other Senators, who have not had the same opportunities for information as the Senator from New Hampshire, who got the first of the advance copies of the report.

This report of the Commissioner-General of Immigration puts an entirely different light upon this question from that presented by the report of the committee as made by its chairman, the Senator from Massachusetts, and I have asked, not in the sense of being jocose, but in the sense of never being more serious in my life, upon a subject which demands the attention of the Senate of the United States, that the opportunity to do that which I ask shall be afforded.

I have added to that also, Mr. President, the further suggestion that there are Senators upon this floor who desire to be heard upon this question. Even if that request under ordinary circumstances should be sought to be denied, under the circumstances surrounding this case, where there is no necessity for haste, no necessity for the rapid course which is asked at the hands of the Senate at this time, I ask that this motion shall prevail.

I therefore renew the motion to postpone to a day certain in January, when the Senate shall meet—I have not the Calendar before me, but will say after the holiday recess, the first Monday in January.

Mr. CHANDLER. Mr. President, I want to call the attention of the Senator from Maryland to the report of the commission appointed by the Secretary of the Treasury, consisting of the Commissioner-General of Immigration, Mr. Stump, from the Senator's own State; Dr. Senner, the commissioner at the port of New York, and Mr. McSweeney, secretary to the commissioners. Their report is dated October 7, 1895.

Mr. GIBSON. Will the Senator from New Hampshire yield to me a moment for the purpose of requesting him to advise the Senate that the report from which he now reads is not the last report of the Commissioner-General of Immigration?

Mr. CHANDLER. It is not, Mr. President; but it is the expression of the opinion of Mr. Stump, Dr. Senner, and Mr. McSweeney on the 7th of October, 1895, in which they recommend in the conclusion of their report the adoption of the intelligence clause. They say nothing more than the ability of the immigrant to read and write in his native tongue should be required, and that such a requirement would exclude only such immigrants as are undesirable for other reasons, and conclude as follows:

> There is no doubt that the introduction of the literary test would greatly facilitate the solution of the immigration problem, and do more than any one thing to lessen the present popular aversion to immigration.
>
> All of which is respectfully submitted.
>
> HERMAN STUMP, *Chairman,*
> Dr. J. H. SENNER.
> EDW. F. McSWEENEY, *Secretary,*
> *Commissioners.*

Here is a report which is not taken back in the current report; it is the opinion of those officers still, and the Senator from Maryland has the gravity to ask that he may have time to familiarize himself with the last report——

Mr. GIBSON. No; not myself——

Mr. CHANDLER. With the last report of the Commissioner-General of Immigration not yet printed, which does not take any different ground from the previous report of October 7, 1895, when the Senator has not even read that report. We can not wait another year for the Senator to read this year's report, when he has not read last year's report.

Mr. GIBSON. I beg the Senator's pardon. I did not catch the last remark which the Senator from New Hampshire made. Will he do me the kindness to repeat it?

Mr. CHANDLER. I said we could not wait a year for the Senator to read the report of this year, when he has not yet familiarized himself with the report of the commission made a year ago.

Mr. GIBSON. I will leave the suggestion of the Senator from New Hampshire, with reference to that proposition, to other minds than his own. I have read the report from which the Senator quotes, but he seems not to have read the report to which I refer, although he is the first Senator in this body who had the benefit of an advance copy of it.

I submit, Mr. President, that the report of the Commissioner-General of Immigration, which I now hold in my hand, is essentially different from the report previously made, and the recommendations which he suggests as submitted by the Senator from New Hampshire have been discarded in the last report, and other recommendations made which the Senate has not yet had the benefit of information upon, and can not have without the report to which I refer.

Mr. CHANDLER. May I ask the Senator in all sincerity to read that portion of the report?

Mr. GIBSON. I will do so; that is what I was about to do. Referring to these very recommendations made by the Committee on Immigration, the Commissioner-General of Immigration suggests primarily with reference to the illiteracy of the immigrants:

> The illiterate immigrant, however, is not to be considered an undesirable accession to our population, since he often proves a more honest, industrious, and thrifty citizen than many who come equipped with money and an education.

Directly the reverse of the recommendations as suggested in the report of the Committee on Immigration, of which the Senator himself is a member.

Mr. LODGE. If the Senator will allow me, what I should like to have him read to the Senate is the part of the report where he thinks the Commissioner-General takes back the distinct recommendation of last year.

Mr. GIBSON. I do not take my language from that of the Senator from Massachusetts. I have not suggested that the Commissioner-General of Immigration recanted anything in the sense of "taking back," but he makes suggestions which, by a parity of reasoning with what I have suggested, mean not a recanting, but he suggests something different from what has been suggested before, and what, in his judgment, he regards as the latest and the best information on this important subject which he is so largely charged with disseminating.

I will gratify the Senator from Massachusetts in that connection——

Mr. LODGE. What I ask, if the Senator will pardon me, is that he should read the passage which I understood him to say reverses the verdict of those gentlemen of last year. Last year they recommended the illiteracy test as on the whole the best. Now I want the passage read where they say they no longer think so.

Mr. GIBSON. I have it, though I may not be able to turn my eye to it instantly, because I had no idea that this discussion would assume the phase which it has at this time. If such a proposition is not so demonstrable by one interested as I am it is certainly a strong object lesson with reference to what I have suggested about other Senators who have not had the opportunity to be interested in this question as I have. This is the language of the report:

> The immigration laws have been found to work with reasonable satisfaction, but practical administration has demonstrated the necessity for amendments and additions which will add to their efficiency. For amendments suggested see page 17 of this report.

Among those suggestions made by the Commissioner-General of Immigration as amendments to the already existing law not one word as to the illiteracy test is suggested following the line of the bill reported by the Senator from Massachusetts.

Mr. LODGE. What I want is the passage in which the Commissioner-General takes back the distinct recommendation made last year with Dr. Senner and Mr. McSweeney.

Mr. GIBSON. I have referred to no passage in the report of the Commissioner-General where the recanting or the taking back of anything had been suggested by the Commissioner-General.

Mr. LODGE. That is all I desire to have known.

Mr. GIBSON. But the report refers to suggestions made by him which he makes in the shape of amendments to the existing law. Nowhere in those suggestions have been found the recommendations of the Committee on Immigration, but, on the contrary, at the conclusion of those suggestions the Commissioner-General of Immigration expressly says in language specific, by way of a striking contrast, as I claim, to the report of this Committee on Immigration—what? By way of an express answer to the suggestion contained in this bill the Commissioner-General says:

> The illiterate immigrant, however, is not to be considered an undesirable accession to our population.

Mr. LODGE. I think, if the Senator will read the passage as it stands, he will find it reads:

> The illiterate immigrant, however, is not always to be considered an undesirable accession.

Mr. GIBSON. Did I not so read it?

Mr. LODGE. I think the Senator left out the word "always."

Mr. GIBSON. Then I did not so intend. I did not propose to add to or take away a word from the report. I am sorry that the Senator from Massachusetts should have found it in his heart to make a suggestion which no course of conduct of mine in this connection, or ever before, has warranted. I have not misinterpreted nor misquoted, Mr. President. I would ask the indulgence of the Senate—

Mr. LODGE. I merely asked the Senator to read the language as it stood. He read "is not to be considered" when the report put in the word "always."

Mr. GIBSON. The Senate shall be the judge whether or not I have departed from the language of the Commissioner-General of Immigration. I read again:

> The illiterate immigrant, however, is not always to be considered an undesirable accession to our population—

I think that is just the way I read it before—

> since he often proves a more honest, industrious, and thrifty citizen than many who come equipped with money and an education.

Mr. LODGE. Will the Senator now read to the Senate the two preceding paragraphs?

Mr. GIBSON. I will read the preceding paragraphs. The preceding paragraphs—if the Senator from Massachusetts means that I shall be the source of enlightenment to the Senate in this connection—contain a summary of the Commissioner-General's deductions from the administration of the laws already upon our statute books. He says in his report to the Secretary of the Treasury:

> It is gratifying to me to be again able to report to you that I know of no immigrant landed in this country within the past year who is now a burden upon any public or private institution.

Mr. LODGE. Will the Senator kindly tell me from where he is reading? I asked him to be good enough to read to the Senate the two preceding paragraphs as to illiterate immigrants, which are as follows:

> From the above table it appears that the education of the masses is neglected to the greatest extent in Italy, Austria-Hungary, and Russia, while the largest proportion of those who can read and write came from Switzerland, France, Denmark, Sweden, and Germany.
>
> As exhibiting the close alliance that exists between ignorance and poverty, your attention is directed to the subjoined table of the nationality and number of immigrants who have been deported as liable to become public charges.

Mr. GIBSON. From what page of that report does the Senator from Massachusetts read?

Mr. LODGE. That is the one I wanted the Senator to read, but it has been read now.

Mr. GIBSON. Mr. President, I understood the Senator from Massachusetts to say that he desired to have read the preceding paragraphs to the one which I had before read, and I was proceeding to do so. I have respectfully asked of him the page of the report.

Mr. LODGE. I said the two preceding paragraphs—the ones which I have just read.

Mr. GIBSON. As I understood the Senator from Massachusetts, I will proceed to read the preceding paragraphs to the one to which I have referred as the conclusion of the report of the Commissioner-General as to the illiteracy test as applied by this bill. I did not hear him say the two preceding, but the preceding paragraphs, and among those preceding paragraphs passing upon all of the laws which are upon our statute books, he says:

> It is gratifying to me to be again able to report to you that I know of no immigrant landed in this country within the past year who is now a burden upon any public or private institution.
>
> With some exceptions the physical characteristics of the year's immigration were those of a hardy, sound laboring class, accustomed, and apparently well able, to earn a livelihood wherever capable and industrious labor can secure employment. As to occupations, it was composed largely of the classes designated as "skilled and unskilled laborers," with some professionals. The amount of money brought into the country by immigrants was at least $4,917,[illegible], and probably was largely in excess of these figures, since only those having less than $30 are required to disclose the exact amounts they have respectively. Experience shows that it is safe, in estimating the full amount actually brought into the country, to multiply the foregoing figures three or four times, as in many instances immigrants reported as having "$30 or over" are possessed of considerable sums of money which they have saved up to invest in small business enterprises, or to buy land and build a home for their families in the New World.
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> * * * * * * *
>
> Assuming that the tide of immigration to and emigration from a country corresponds to the fluctuations in the condition of its industries in exact harmony with the laws of supply and demand, a consideration of the foregoing tables does not justify the conclusion that our alien population is growing in undue proportion. A comparison of the figures for the past year (343,267) with the average annual immigration for the preceding ten fiscal years ([illegible]) discloses a decrease of [illegible], or over 21 per cent. Such data as I have been able to obtain as to the number of those who annually return to their own country, though approximate only, lead me to doubt seriously that there has been any material increase in our foreign born population since 1890.
>
> Regarding only the large number of arrivals, the public mind becomes much excited and urges restrictive legislation; but this apprehension would be lessened, if not entirely allayed, by a correct enumeration of those who depart never to return, and of those who come and go each year, engaging in work here during the busy season and returning to their own homes at other times, where they can live much more cheaply. In compliance with the public demand, measures have been presented and are now pending before Congress which will materially reduce the number and improve the character of aliens seeking homes in this country, and will tend to make the influx approximate in number the losses from death and the return of aliens to reestablish themselves in their native countries.
>
> To show how erroneous impressions may be derived from correct figures, attention is directed to the period from 1880 to 1890, during which time 5,246,613 immigrants landed on these shores, but the United States census reports state the actual increase in our foreign-born population in 1890 over that of 1880 at but 2,569,604, or less than half the actual arrivals for the same period, the difference representing those who died and those who left for foreign countries.
>
> In confirmation of the large proportion which, according to the above figures, remains here only temporarily may be adduced the data supplied me by the various transportation companies for the year 1895, showing that they brought to this country 258,246 steerage passengers and carried back 154,071, or about 59 per cent. All of the former passengers were not immigrants, for some were United States citizens; nor were the latter all returning aliens; but the figures are significant and show what is often lost sight of, that a very large deduction must be made from the actual arrivals to ascertain with any degree of accuracy how many become permanent residents of this country.

That is all I propose to read in gratification of the suggestion of the Senator from Massachusetts in this connection; and I now renew the motion which I made a few moments since, so that the opportunity which I have suggested for information as contained in this report may be intelligently passed upon by the Senate.

The PRESIDING OFFICER. The Senator from Maryland moves that the further consideration of the bill be postponed until the first Monday in January next, on which the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. LODGE. Before the roll is called, I wish to make an inquiry. This is a motion, as I understand, to postpone to a day certain in January next.

The PRESIDING OFFICER. Until the first Monday in January next.

The Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired with the Senator from Utah [Mr. BROWN], and withhold my vote, as he is not here.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER]. If he were present, I should vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question if present.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], who is absent.

Mr. JONES of Arkansas. I am requested by the Senator from Alabama [Mr. MORGAN] to announce his pair with the Senator from Pennsylvania [Mr. QUAY].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE], and as he is not present, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON], but I transfer that pair to the Senator from Indiana [Mr. VOORHEES], and vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote upon this question, I withhold my vote. I should vote "nay" if I were not paired.

Mr. SHOUP (when his name was called). I have a regular pair with the Senator from California [Mr. WHITE]. I do not know how he would vote if present, and therefore I withhold my vote.

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote, I feel constrained to withhold my vote. I should vote "nay" if at liberty.

Mr. McBRIDE. I announce my pair with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON], and therefore withhold my vote, not knowing how he would vote if present.

Mr. BRICE. I have a general pair with the Senator from Colorado [Mr. WOLCOTT]. I inquire whether he has voted?

The PRESIDING OFFICER. He has not.

Mr. BRICE. Then I withhold my vote, as I do not know how he would vote on this question if present.

Mr. MITCHELL of Oregon (after having voted in the negative). Has the Senator from Wisconsin [Mr. VILAS] voted?

The PRESIDING OFFICER. He has not.

Mr. MITCHELL of Oregon. Then I withdraw my vote, as I am paired with that Senator.

Mr. DUBOIS (after having voted in the negative). I inquire whether the Senator from New Jersey [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not.

Mr. DUBOIS. I am paired with that Senator, and will withdraw my vote.

Mr. GIBSON. I suggest the absence of a quorum of the Senate, Mr. President.

Mr. LODGE. The vote has not yet been announced.

The PRESIDING OFFICER. The question of a quorum will be determined upon the announcement of the vote.

Mr. BATE. I have a right to vote under my pair to make a quorum, and I vote "yea."

Mr. CULLOM. Under the circumstances, I feel at liberty to vote, and vote "nay."

Mr. DUBOIS. I feel at liberty to vote to make a quorum, and I vote "nay."

Mr. McBRIDE. In order to make a quorum, I will vote "nay."

The result was announced—yeas 13, nays 37; as follows:

YEAS—13.

Bacon,
Bate,
Blackburn,
Caffery,
Gibson,
Mills,
Mitchell, Wis.
Murphy,
Pasco,
Pugh,
Turpie,
Vest,
Walthall.

NAYS—37.

Aldrich,
Baker,
Burrows,
Butler,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Cullom,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Hansbrough,
Hawley,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Roach,
Sewell,
Squire,
Thurston,
Tillman,
Wetmore.

NOT VOTING—39.

Allen,
Allison,
Berry,
Blanchard,
Brice,
Brown,
Call,
Clark,
Cockrell,
Daniel,
George,
Gordon,
Gorman,
Gray,
Hale,
Harris,
Hill,
Irby,
Jones, Nev.
Kyle,
Lindsay,
Mantle,
Martin,
Mitchell, Oreg.
Morgan,
Morrill,
Proctor,
Quay,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Vilas,
Voorhees,
Warren,
White,
Wilson,
Wolcott.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the committee. Is the Senate ready for the question?

Mr. VEST. What is the amendment?

Mr. LODGE. To substitute for the House bill the amendment reported by the Senate committee.

Mr. PALMER. I desire to know whether the amendment reported by the committee is that printed in the bill?

Mr. LODGE. The amendment reported by the committee is a single amendment, to substitute the Senate amendment for the House bill. The substitute is printed in italics. I think it would expedite business if we should simply adopt the substitute, which will then be open to any amendments that Senators care to offer.

Mr. PALMER. I desire to move to amend the amendment.

The PRESIDING OFFICER. The Chair will inform the Senator from Illinois that to the substitute proposed by the committee the Senator from New Jersey [Mr. SEWELL] has already proposed certain amendments, which are first in order. The Secretary will read the amendments proposed by the Senator from New Jersey.

The SECRETARY. In line 4, page 3, after the word "All," it is proposed to insert the word "male," so as to read: "All male persons;" in line 7, after the word "aged," it is proposed to insert the words "or minor," so as to read "except that an aged or minor person;" in line 8, before the word "grandparent," strike out the word "or," and after the word "grandparent" insert the words "or child," so as to read "who is the parent, grandparent, or child of an admissible immigrant," etc.

Mr. SEWELL. I desire to offer an amendment. Before the word "grandparent," in line 5, I move to strike out "or," and after the word "grandparent," in the same line, to insert "child or wife." I understand from the chairman of the committee——

Mr. LODGE. Can we not have order while the Senator from New Jersey is making a statement?

The PRESIDING OFFICER. The Senator from New Jersey will suspend for a moment. The Senate will be in order. The Senator from New Jersey will state his amendment again. The Secretary suggests that he already has an amendment noted to the same effect.

Mr. LODGE. What, may I ask, is the amendment pending to the committee amendment?

The PRESIDING OFFICER. The Secretary has already stated the amendment. Will the Senator from New Jersey restate his amendment?

Mr. SEWELL. The amendments which I offer are on page 3, line 4, to insert after the word "All" the word "male;" so as to read: "All male persons."

Mr. CHANDLER. The mistake is that the Senator from New Jersey makes a new count in the lines. When he says line 4 he means line 7.

Mr. VEST. We can not hear anything on this side.

Mr. SEWELL. No; I mean line 4.

Mr. LODGE. The Senator from New Jersey has a different print of the bill.

Mr. HOAR. I suggest that the committee amendment, the Senate substitute, shall be considered as adopted and then that these amendments shall be held to be in order after that, which would be a much more convenient course.

Mr. SEWELL. I will say to the Senator from Massachusetts that these are vital questions.

Mr. HOAR. Because the whole thing may be voted down after the amendment is adopted.

Mr. LODGE. As I have said, the whole thing is open to amendment after the adoption of the committee substitute. Nobody's amendment of any kind is cut off, and it will simplify the matter very much if, instead of regarding it as an amendment to the amendment, we substitute the committee bill, and then amend that.

Mr. SEWELL. I have no objection to that course if it is a proper one.

Mr. HOAR. I ask unanimous consent that that course may be adopted. It will save trouble.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate substitute shall be adopted and that it shall be open to amendment after it is adopted. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELKINS. I wish to offer an amendment to come in as an additional section.

The PRESIDING OFFICER. The amendment proposed to be offered by the Senator from West Virginia is not now in order. It will be in order later.

Mr. ELKINS. I thought the committee were through. I wish to offer it to come in as an additional section.

Mr. LODGE. The amendments of the Senator from New Jersey are first in order, I think.

The PRESIDING OFFICER. The question is on agreeing to the amendments submitted by the Senator from New Jersey.

Mr. MORGAN. Let them be reported.

The PRESIDING OFFICER. The Secretary will state the amendments.

Mr. CULLOM. The Senate substitute now becomes the measure before the Senate?

The PRESIDING OFFICER. By resolution of the Senate the Senate substitute is now before the Senate, to which amendments are in order.

Mr. CULLOM. The substitute is not treated as an amendment, but as an original bill.

The PRESIDING OFFICER. It is.

Mr. CULLOM. So that amendments will be in order to it.

The PRESIDING OFFICER. By unanimous consent, amendments are in order. The amendments submitted by the Senator from New Jersey will be stated.

The SECRETARY. In line 4, page 3, after the word "All," it is proposed to insert the word "male;" so as to read: "All male persons"——

Mr. SEWELL. There are two prints of the bill. The last print changes the numbering of lines, I understand. That should be in line 7.

The PRESIDING OFFICER. It is line 4, according to the bill before the Secretary.

Mr. LODGE. I will say to the Senator from New Jersey, as those amendments really all stand together, that I think by his last amendment in line 8, where he proposes to add the words "child or wife," he meets the point he desires to cover, and we can in that way get rid of the first amendment, to insert the word "male," which I think would give a more sweeping effect than the Senator intends. The committee would be very ready to accept the other amendments.

Mr. SEWELL. There are two other amendments.

Mr. LODGE. There are two other amendments which the Senator from New Jersey has offered.

Mr. SEWELL. One is, in line 7, to insert the words "or minor" after the word "aged."

Mr. LODGE. I have no objection to that amendment if the first one is withdrawn.

Mr. SEWELL. Another amendment is the insertion of the words "child or wife" after the word "grandparent." I will withdraw the first amendment if the Senator from Massachusetts will accept these two amendments. I withdraw the amendment proposing to insert the word "male," and ask that the other two amendments may be adopted.

The PRESIDING OFFICER. Without objection, the first amendment is withdrawn. What course is suggested as to the other amendments?

Mr. SEWELL. The chairman of the committee, I understand, accepts them.

Mr. LODGE. I have no objection personally to the other amendments.

Mr. VEST. Does the Senator from New Jersey withdraw the amendment to insert the word "male?"

Mr. SEWELL. Yes, on condition of the adoption of the other amendments which I have offered.

Mr. VEST. On what condition? On condition that the other amendments he proposes shall be adopted?

Mr. SEWELL. Yes.

Mr. VEST. I do not understand the Senator's statement. Does the Senator say that he withdrew the first amendment on condition that his other amendments shall be adopted?

Mr. SEWELL. The committee agrees to adopt the other amendments offered, which to my mind are very important to the bill as reported. Although I agreed to its being reported, I have since discovered that it would destroy the family relation to the extent even of excluding the wife of a man who is an admissible immigrant.

Mr. VEST. Let me put a question to the Senator: Does he not think he would separate man and wife if the husband could comply with the provisions of this bill and read five lines of the Constitution, and his wife could not?

Mr. SEWELL. I do not understand the Senator from Missouri.

Mr. VEST. How could she enter as the bill stands now when it says "all persons?" The man could enter into the United States, but he would be compelled to leave his wife behind him.

Mr. SEWELL. My amendment, which the committee has agreed to accept, covers that point.

Mr. VEST. Which amendment covers it?

Mr. CULLOM. I suggest that the amendment be read.

Mr. LODGE. The amendment of the Senator from New Jersey as modified, I will say to the Senator from Missouri, and not as printed, covers it. The Senator from New Jersey proposes to insert the words "child or wife" instead of the words "or child," and that covers the point which the Senator from Missouri has raised.

Mr. DAVIS. In what line?

Mr. SEWELL. In the last line of the printed copy of my amendment, or in line 11 of the bill which the Senator from Minnesota has.

Mr. PLATT. I ask that the Secretary may read the paragraph as it will read if amended as proposed by the Senator from New Jersey.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

> All persons over 14 years of age who can not read and write the language of their native country, or some other language, except that an aged or infirm person not so able to read and write who is the parent, grandparent, child, or wife of an admissible immigrant may accompany or be sent for by such immigrant.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from New Jersey.

Mr. VEST. Mr. President, it seems to me that this provision ought to be confined to male immigrants. The Senator from Massachusetts [Mr. LODGE] in making the report from the committee gives as the basis for this legislation that the admission of illiterate immigrants debases our citizenship and degrades our labor. Now, there are a large number of young women over the age of 14 years who come to the United States and who are engaged as domestics by the people of this country. Under the laws of the United States in regard to national suffrage they can not vote, and I take it that really at the bottom of this whole question is illiterate suffrage. I do not see how the workmanship or the labor of a man who can not read or write debases the labor or workmanship of anybody else. If he is an industrious, temperate, and honest workman, how does his employment degrade any other labor in this country?

We might just as well be frank with each other in discussing this question. The great objection to illiterate immigration is that it corrupts our suffrage and endangers the basis of our Government, which is the virtue and intelligence of the people. Besides that, if we look at the tables just furnished this morning by the Commissioner of Immigration in his last report, it will be found that the number of women who come into this country as immigrants is very inconsiderable compared with the men who come as immigrants. There are two tables in this report which show the increase or decrease of male and female immigration during the years 1895 and 1896. Those tables will be found upon page 28 of the Commissioner's report. They show, for instance, that from Italy—and I take that as the country which figures most conspicuously in this whole question, because it is from Italy that there comes the most objectionable and the largest immigration—in 1895–1896 there came into the United States 49,980 male immigrants, and in the same year there came 16,465 women immigrants from the same country. The number of women is very inconsiderable, and their coming into this country can neither debase our citizenship nor degrade our labor.

I have said that Italy furnishes the most objectionable of these immigrants, and I call the attention of Senators to a very interesting table which I have just noticed on page 30 of this report. I have never seen the question put in so strong a light as it is by this table. For instance, from Italy there came into the United States in 1895–1896, 66,445 immigrants, of whom 30,728 were illiterates, and the amount of money which they brought into the United States per capita was $8.75. In immediate juxtaposition to that statement is the immigration of Germany, which stands out in the strongest contrast to that from Italy. From Germany there came into the United States in the same year 21,230 immigrants, and out of this large number there were but 410 illiterates. Each one of these immigrants brought into the United States $28.31. Nothing could put in stronger light the difference in the immigration from these two countries. This might be pursued further, because it shows that from France there comes a very small proportion of illiterate immigration; but the amount of immigration from France is very inconsiderable compared with that from Germany.

Now, Mr. President, it seems to me that this provision ought to be confined to male immigrants. There can be no danger either to our civilization or to our labor from allowing these girls to come into the United States whose labor is domestic in its nature. I can conceive of no reason except an arbitrary one why this provision should be extended to women.

I will renew the amendment which the Senator from New Jersey has withdrawn, so as to obtain the sense of the Senate upon it.

Mr. LODGE. Mr. President, I trust that the amendment to insert the word "male" will not prevail. It would create the very division of families which the Senator from New Jersey [Mr. SEWELL] aims to correct by his amendment. Of course it is perfectly true, as the Senator from Missouri says, that the women do not affect the suffrage. I think they affect very largely the quality of citizenship in a somewhat broader way. But the point which seems to me to overrule all others in this consideration is what I alluded to a few moments ago when I was having a little discussion with the Senator from Maryland [Mr. GIBSON], and that is the great body of the unemployed in this country. We see varied estimates of the number of the unemployed. We differ as to the causes for there being so many. That there are a great many, no one questions. Every immigrant who comes into the country is some of the unemployed of other lands coming in here.

I will confess that I am very radical upon this question. I should be glad to see immigration stop until every man and woman seeking work in this country have employment. Women certainly work for low wages, and the lines of work for which they compete are overcrowded. I think that that which makes it desirable to exclude the male immigrant makes it just as desirable to exclude the female immigrant. The illiteracy test is simply an effort to adopt a test which shall restrict immigration, lower the number of immigrants coming to this country, and do it by shutting out the most undesirable class. That all persons who can not read and write are undesirable, no one will contend. No form of exclusion can be perfectly accurate, but it comes as near to it as any test. If Senators will take the trouble to read the very careful analysis made in the report of the committee they will, I think, find what I say on that point justified.

This test, if it had been applied during the last year, would have shut out 75,000 immigrants, according to the last report of the Commissioner of Immigration. That is sufficient argument for me. I do not see how it can be advisable to add constantly to the volume of the employed in this country in that direct way. It is simply taking in the unemployed of other countries.

That the bill is moderate in the view of persons most directly interested, is shown by the petitions which I have on my desk and which I will have printed with the remarks I am now making.

Here I have the resolutions of the Protective Labor Union of New York, sent to me by J. E. Bausch, in which they say:

> Whereas it appears that notwithstanding the prevailing stagnation of trade and industry, and the enforced idleness of over two millions of working people, alien immigrants are still flocking to our shores in great numbers; and
>
> Whereas the effect of the competition of these newly arrived aliens must surely be to inflict great hardship and misery upon our own working people by lowering the wages of some and by depriving others of employment altogether: Therefore,
>
> *Be it resolved*, That we recommend—
>
> First. The passage of the Lodge-Corliss bill to restrict immigration.
>
> Second. Additional legislation to limit the number of immigrants to 50,000 a year, and to establish a board for the distribution of immigrants, to consist of ten members, to be selected from the various labor organizations. The said board shall have power to distribute immigrants to localities that are not already overcrowded with laborers, and to prevent them from taking the places of striking workmen, or accepting less than current rate of wages, and to return all immigrants who fail to find employment within sixty days after their arrival to the country from whence they came.
>
> Third. An amendment to the contract-labor law that will exclude actors, professional singers, musicians, and all others engaged in theatrical performances coming here under contract.
>
> NEW YORK, *November 22, 1896.*
>
> DEAR SIR: The resolutions herein mentioned were a subject matter for discussion at our meeting held on above date, and same were unanimously indorsed by the Central Labor Union of New York.
>
> Very truly,
>
> J. E. BAUSCH, *Secretary.*

That is one of the labor organizations from which I have lately received a petition.

Here are resolutions from the United Brotherhood of Carpenters and Joiners of America. They point out the competition, and demand that the number of immigrants shall be restricted to 50,000 a year:

> PHILADELPHIA, PA., *November 28, 1896.*
>
> DEAR SIR: At the ninth general convention of the United Brotherhood of Carpenters the following resolutions were unanimously adopted, and I was instructed to send you a copy:
>
> Whereas it appears that notwithstanding the prevailing stagnation of trade and industry, and the enforced idleness of over two millions of working people, alien immigrants are still flocking to our shores in great numbers; and
>
> Whereas the effects of the competition of these newly arrived aliens must surely be to inflict great hardship and misery upon our own working people by lowering the wages of some and by depriving others of employment altogether: Therefore,
>
> *Be it resolved*, That we recommend—
>
> First. The passage of the Lodge-Corliss bill to restrict immigration.
>
> Second. Additional legislation to limit the number of immigrants to 50,000 a year, and to establish a board for the distribution of immigrants, to consist of ten members, to be selected from the various labor organizations. The said board shall have power to distribute immigrants to localities that are not already overcrowded with laborers, and to prevent them from taking the places of striking workmen, or accepting less than current rate of wages, and to return all immigrants who fail to find employment within sixty days after their arrival to the country from whence they came.
>
> Yours,
>
> P. J. McGUIRE.
>
> Hon. HENRY CABOT LODGE,
> *Washington, D. C.*

Here is the resolution of the Glass Bottle Blowers' Association, with headquarters in Philadelphia. They demand the passage of a law "absolutely prohibiting all immigration of any kind, sex, character, or nationality whatever for the space of five years."

> PHILADELPHIA, PA., *December 7, 1896.*
>
> At the annual convention of the Glass Bottle Blowers' Association, held in the city of Streator, Ill., July 10, 1896, the following resolution was passed by the convention, and the general secretary of the association was ordered to send a copy of the same, under seal, to the President, Vice President, Secretary of State, and members of both Houses of Congress:
>
> Whereas it is evident to every intelligent observer that the development of our country is not keeping pace with the stream of immigration, and
>
> Whereas it is equally evident that every immigrant who lands upon our shores is a menace to the peace and prosperity of our people, occupying a space already overcrowded, and
>
> Whereas none of the legislation proposed or enacted to correct this constantly growing evil has proven or will prove efficacious: Therefore,
>
> *Be it resolved*, That we call upon our Representatives in Congress assembled to immediately enact a law absolutely prohibiting all immigration of any kind, sex, character, or nationality whatever for the space of five years.
>
> WILLIAM LAUNER,
> *General Secretary of the Glass Bottle Blowers' Association.*

I have here a list of the labor organizations and wage earners of America who have adopted resolutions demanding restriction of immigration, which have been sent to me: Carpenters and Joiners of America, General Assembly of the Knights of Labor, Protective Labor Union of New York City, Central Labor Union of New York City, Farmers' Congress at Indianapolis, Junior Order United American Mechanics of New Jersey, Trades and Labor Assembly of Ohio, Cigar Makers' International Union of Detroit.

I have also the resolution passed by the Massachusetts house of representatives in the spring of 1895:

> Resolution relative to the restriction of immigration.
>
> Whereas the present immigration laws of the United States debar from landing on our shores only a few of those immigrants who are undesirable for admission to this country by reason of their ignorance, lower standards of living and morals, criminal tendencies, and anarchistic beliefs; and
>
> Whereas the large immigration of recent years has given rise to unhealthy competition in the labor market by the introduction of foreign workmen living under degraded conditions, incompatible with the standards of living of American workingmen; and
>
> Whereas the immediate enactment by Congress of laws for the further restriction and stricter regulation of immigration is necessary for the preservation of our national character, institutions, and standards of living: Therefore,
>
> *Be it resolved*, That the —— respectfully urge upon the Congress of the United States the importance of the early enactment of laws for the further restriction and stricter regulation of immigration.

This resolution was indorsed by the Boston Clothing Cutters and Trimmers' Union; International Brotherhood of Bookbinders, Local No. 16, and the Atlantic Coast Seamen's Union.

Strong measures for restriction are also advocated by the National Association of Hat Makers of the United States (New York, January 25, 1895); Brockton Branch of the Lasters' Protective Union of America (1,100 members); S. W. Emery, director Montana experiment station, Bozeman, Mont.; Thomas Thorson, secretary of state of South Dakota, Pierre, S. Dak.; J. H. Brigham, president directors Ohio penitentiary, Delta, Ohio; Connecticut branch American Federation of Labor, Hartford (October 14, 1896), and James H. Mills, commissioner of agriculture, labor, and industry, Helena, Mont.

The educational test has been indorsed by the Boston Chamber of Commerce, January 22, 1896; Horseshoers' International Union, Buffalo, May 30, 1896; common council and mayor of Duluth, Minn.; John M. Haines, secretary Idaho Immigration Association, Boise, Idaho; Sewell Davis, secretary Montana mining and immigration committee, Butte, Mont.; S. W. Narregang, secretary South Dakota Immigration Association; D. R. McGinnis, secretary Northwestern Immigration Association, St. Paul, Minn.; Sixth Congressional immigration convention, Aitkin, Minn., March 17 and 18, 1896.

Here I have also the resolutions of the Journeymen Tailors' Union of Bloomington, Ill.

Now, Mr. President, I have read these lists and resolutions simply to show the Senate that the demand from the people who feel in daily life this competition goes far beyond anything the pending bill proposes. The people gathered in our great cities without employment, who see a constant stream of the unemployed of other nations pouring in, know that that is one direct form of competition with them. They may differ as to other policies in other respects, as to the tariff and the currency questions, but there is no doubt that they are all united to-day in feeling that this unrestricted competition of the unemployed of other lands should be prevented. That it affects them, and affects them badly, no one can doubt. It is perfectly plain that if there are unemployed here and you pour in additional unemployed constantly, you add to the chance all the time that our own unemployed will remain as they are. That, to me, is the controlling reason for this legislation. That is why it makes no difference in my mind whether it be the competition with the labor of women or the competition with the labor of men. I think at this period we ought to do something to check it.

On the question of the quality of citizenship I had the honor to submit to the Senate some time ago all that I thought it desirable to say on that most important point. But, Mr. President, I trust that the Senate, without delay, will deal with these amendments and will pass the bill, for with those of us who have examined it most closely I can assure you, sir, there is no doubt of the pressing need of such laws or the great benefit they will be. I trust that the amendment to insert the word "male" will not be adopted. I think the amendments of the Senator from New Jersey [Mr. SEWELL] cover all that it is necessary to cover in that regard, and I think that the insertion of the word "male" will merely take away from the force and scope of the bill, none too great in my judgment at this time.

Mr. CHANDLER. Mr. President, I think if the Senator from Missouri will consider the facts and the purposes and the character of the bill as it stands, he will not feel inclined to insist upon his amendment. In the first place, the Senator will realize that the proportion of males to females among immigrants is not so much greater. On the first page of the Commissioner's report the Senator will find that for the present year the total immigration was 343,267. Two hundred and twelve thousand four hundred and sixty-six were males; 130,801 were females. There were 130,000 females to 212,000 males, and in the previous year there were 109,520 females to 149,016 males. If there is an evil to be corrected by adopting an intelligence test for admission there is not such a difference between the number of males coming and the number of females coming as to justify the distinction which the Senator wishes to make by which illiterate males are to be kept out and illiterate females are to be admitted.

The Senator has assumed that the principal object in requiring that immigrants shall read and write their own language is in order that we may have intelligent voters in this Republic, and he assumes that that rule does not apply to women. I beg to call the Senator's attention to the fact that the cause of female suffrage is rapidly growing in this country, and that in the Western States at the recent election a vast number of votes of women was cast. Therefore, the distinction which the Senator is making, if it is a good one, is rapidly disappearing. If I were to have my choice as to requiring the absence of illiteracy from only one class, I would insist upon it that the women who come here, the girls of whom the Senator speaks, shall be compelled to learn to read and write before they come, and would allow the male citizens to come without that qualification.

Mr. President, this not a severe bill. I call the attention of the Senator from Missouri to the fact that it will not keep out anyone. Anybody can come who chooses, if he will only delay his coming until he learns to read and write his own language. It only requires persons of suitable age and physically capable to learn to read and write, and a man or a woman or a child who wants to come here can simply delay coming long enough to learn the rudiments of education. I ask the Senator from Missouri if that is a very severe qualification. It will not make a difference of over three months in the coming of any human being otherwise entitled to come. Why should not that be required of the females as well as the males who come?

A man is not the tutor of his own children. It is the mother who teaches the children. The children of this country do not learn to read and write in the schools. They learn to read and write by the family fireside. And who is the teacher? The mother. Where is the greatest danger from illiteracy in the families of this country? Mr. President, it is in the illiteracy of the mother. If the father can read and write and the mother can not, the children will grow up in ignorance. But if the mother can read and write she teaches her children to read and write in the sanctity of her home. With this requirement as to the women who come here we may be sure that the little children who grow up in the families of the immigrants will learn to read and write, not because the laws of the country compel education, as the laws of many of the States do, but because through the pride and the love and affection of the alien mothers who come here their children will be taught the elements of education, which will make them good men and women, and which will make not the voters of this generation, perhaps, but the voters of the next generation, whether they be all males or whether they be males and females alike, intelligent and fit to exercise the suffrage in this Republic of ours.

Mr. President, I repeat that this is a very mild bill indeed, because it only requires that persons desiring to come to this country shall delay coming long enough to have every person who wants to come, every member of every family which is coming, qualified to read and write the English language, or the native language.

I understand that the national conventions of both political parties declared in favor of a restriction of immigration. If I am wrong, no one is so competent to correct me as the present occupant of the chair [Mr. HILL in the chair], who is thoroughly familiar with the platforms of all the various political parties which made nominations during the late canvass. [Laughter.] I am quite sure that the Republican party, which supported Mr. McKinley, and one of the parties that supported Mr. Bryan declared in emphatic language, in the interest of the labor of this country and the interest of the general welfare of the country, in favor of the restriction of immigration. I hope that the Senator from Missouri will not be the first to come into this Chamber and set the example of a violation by the great political parties represented in this Chamber of the pledges of the platforms upon which they sought to obtain power over the people.

Mr. PASCO. It seems to me, Mr. President, that the language of the amendment as offered by the Senator from New Jersey [Mr SEWELL] is very objectionable in many points; and I desire to call his attention and that of the Senator from Massachusetts [Mr. LODGE], who has charge of the bill, to it.

In the first place, there is an exception as to aged persons. That is in the language of the bill, however. Surely there ought to be something more definite than the word "aged." Some limit of age ought to be fixed, or something more definite ought to be stated in the bill, so that those who have control of the matter may know just exactly how to apply the law.

Mr. SEWELL. The Senator from Florida is now reading from the text of the bill as reported.

Mr. PASCO. That is the first objection I have to make. The next covers a point which is included in the amendment of the Senator from New Jersey. I understand that he adds after the words "or child" the words "or wife." That, taken in connection with the previous text, means a wife who is an aged person or a minor, and it would prevent the admission of a minor or a wife unless she were an aged person. Certainly the Senator from New Jersey can not intend to exclude wives unless they come under those two classes.

Mr. SEWELL. I will state to the Senator that the object of the amendment is to let the wife in. She was excluded before.

Mr. PASCO. I understand the Senator proposes to add the words "or child or wife."

Mr. SEWELL. "Child or wife."

Mr. PASCO. That would mean a wife who is an aged person or a minor. I suggest that all that language be stricken out, in order to cover what the Senator from New Jersey desires and also what the Senator from Massachusetts is willing to concede.

Mr. SEWELL. If the Senator will continue the reading he will find that the language is, "child or wife of an admissible immigrant."

Mr. PASCO. I am reading the amendment. The language will be as follows if the amendments are adopted:

> All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person or minor not so able to read and write who is the parent or grandparent or child or wife of an admissible immigrant may accompany or be sent for by such immigrant.

The person must be an aged wife or a minor, if that language is adopted.

Mr. CHANDLER. That is very clear.

Mr. PASCO. And we do not wish to exclude wives who are not aged persons, and minors. I suggest that the language read as follows after the word "except," in the ninth line:

> All persons over 14 years of age who can not read and write the language of their native country or some other language, except that the wife or parent or child of an admissible immigrant, not so able to read and write, may accompany or be sent for by such immigrant

Mr. HOAR. If the Senator from Florida will pardon me, he should also include the case of grandparents; that is, if a grandchild sends for a grandparent in loco parentis.

Mr. PASCO. The Senator is right. That can be put in also.

Mr. HOAR. Yes, put that in, too.

Mr. PASCO. So as to read "except that the wife or parent or grandparent or child"——

Mr. HOAR. "Or grandchild."

Mr. CHANDLER. "Of an admissible immigrant."

Mr. PASCO. Yes; "of an admissible immigrant."

Mr. CHANDLER. While the Senator is fixing that up, I will take occasion to call attention to the fact that as the amendment will then read, if there is a bright 10-year-old boy in a family that comes, that child's intelligence brings in all the rest of the illiterate members of the family, the father and mother, although they may be 25, 30, or 40 years of age. That certainly is not the Senator's intention.

Mr. PASCO. Does not that same objection exist to the text of the bill?

Mr. CHANDLER. By no means. But the criticism of the Senator as to the use of the word "aged" needs some attention. It is difficult to fix an age, and it is left open to be decided by the immigrant officer whether a person who is a parent or a grandparent is aged. A grandparent ordinarily would be too old to learn to read and write; a parent might not be; and the proposed statute simply says that he shall be an aged person. The original text, which I had the honor to report in the last Congress to the Senate as an exception under this head, is, it seems to me, the only safe text to adopt. Certainly you can not apply an illiteracy test which will let in an illiterate father and mother of 30 years of age because they happen to have a child of 12 who can read and write the native language.

Mr. PASCO. Does not the same objection exist to the text of the bill that the Senator calls attention to?

Mr. CHANDLER. As proposed by the committee, certainly not. It leaves the question who is an aged person open to the inspector of immigration.

Mr. PASCO. What does the Senator say with reference to the limitation of a wife to an old woman or a minor child?

Mr. CHANDLER. The Senator is quite right in that criticism, and I am against that clause.

Mr. PASCO. I made the suggestion of a change of the text only because I thought it would cover those objections, which the Senator certainly can not wish to include in the bill.

Mr. SEWELL. Will the Senator from Florida read in connection with the text what he proposes?

Mr. PASCO. The text as I propose to amend it reads as follows:

> All persons over 14 years of age who can not read and write the language of their native country or some other language, except that the wife or parent or grandparent or child or grandchild of an admissible immigrant may accompany or be sent for by such immigrant.

Mr. CHANDLER. I ask the Senator again if he is serious in advocating the proposition that if there is one bright child in a family he may bring in his father and mother and everyone else?

Mr. PASCO. I think that is an objection which should be obviated, but it is not an objection that I introduced into the amendment. It was there before I suggested any change. If the Senator from New Hampshire can suggest any words that can avoid that, let him make the suggestion instead of the criticism.

Mr. SEWELL. I will accept the suggestion of the Senator from Florida.

Mr. VEST. Let me ask the Senator from Florida a question, if he pleases, Mr. President.

Mr. PASCO. Certainly.

Mr. VEST. Under the language of the amendment, as I understand him to read it now, would not a child 25 or 30 years old be sent for who could not read or write? Does a person cease to be a child of another person at any particular age?

Mr. PASCO. The Senator is still criticising the bill as it stood before I made the suggestion. That is an objection also to the amendment offered by the Senator from New Jersey. That can be easily remedied by inserting the word "minor" before the word "child," if that is desired.

Mr. VEST. That might be. The way it stands now the immigrant could send for any person in his family of any age.

Mr. PASCO. That was the language which was accepted by the Senator from Massachusetts.

Mr. PALMER. I wish to inquire whether in any of the amendments proposed the words "over 14 years of age" have been altered?

The PRESIDING OFFICER. Those words have not been altered.

Mr. LODGE. No; those words have not been changed.

Mr. PALMER. I move to strike out the words "over fourteen years of age" and insert the words "twenty-one years of age."

Mr. LODGE. I believe the amendment now pending is the one offered by the Senator from Missouri.

The PRESIDING OFFICER. That is the first amendment in order.

Mr. LODGE. The amendment of the Senator from Illinois seems to me a very objectionable one indeed. It appears to me to go far toward destroying the effect of the bill. A large proportion of the immigrants who come here are young men between the ages of 18 and 21. A large portion of the immigrants who

come into the country and stay through the summer and go back to their native country at the end are of that age. I think it would be a great injury to the bill to have that limitation changed.

Mr. CHANDLER. Will the Senator from Illinois allow me to ask him a question? Does not the State of Illinois provide for compulsory education; and if so, at what age do the laws of Illinois propose to put into the schools of Illinois the boys and girls of that State to compel them to learn to read and write?

Mr. PALMER. They propose to put pupils in school at the age of 6, but they are admissible at any time under 21.

Mr. CHANDLER. What is provision for the compulsory education of the youth of Illinois?

Mr. PALMER. I understand that that is compulsory.

Mr. CHANDLER. I ask the Senator, Why is it unreasonable, then, for us to require that children abroad who are about to come to this country shall spend two or three months in learning to read and write their own language or the English language before they come instead of taking in all the illiterates up to 21 years of age and educating them here?

Mr. PALMER. The laws which fix the authority of the parents over their children are very much alike in all countries. The usual age of majority is 21 years. Until that age the children are under the control of their parents. It is easy to understand that in communities where the labor of children is necessary for the support or the assistance of the parents the education of a child of 14 may be considered as very imperfect. There is quite enough in the bill left to the discretion of the proper officers after the parents come into the country. I know of instances in my own experience and observation where fathers have brought with them all their children. They have brought with them the children between the ages of 14 and 21. Now, to require that the sons should be sent back would be a case of very great hardship. It would necessitate the breaking up of families. I think the authority of the father should be so far recognized as that he might select his own time for the education of his children. As I said before, I know by observation and by information derived from other quarters that the labor of children abroad is very important and they are given education gradually. There are not free schools in all countries.

I think the theory of the bill ought to be that as long as the authority of the parents exists it shall be recognized. I therefore suggest that "all persons over 21 years of age who can not read and write the language of their native country," etc., is a better description of the persons who are intended to be excluded.

Mr. SHERMAN. Mr. President——

Mr. LODGE. If we could have a vote on the amendment of the Senator from Missouri, which is the pending amendment, I should be glad, and then I will yield to the Senator from Ohio to make a motion for an executive session.

Mr. SHERMAN. I have no objection to that course, if there can be a vote taken.

Mr. VEST. Mr. President——

Mr. SHERMAN. I wish to state, if the Senator from Missouri will allow me, that it will be necessary to have a short executive session. It will take but a few minutes.

Mr. VEST. I will yield now for a motion for an executive session.

Mr. SHERMAN. Very well; I make that motion. I suppose nothing would be gained by continuing the legislative session longer.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p.m.) the Senate adjourned until Monday, December 14, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 9, 1896.

SECRETARY OF THE INTERIOR.

David R. Francis, of Missouri, to be Secretary of the Interior, to which office he was appointed during the last recess of the Senate, vice Hoke Smith, resigned.

ASSISTANT ATTORNEY-GENERAL.

Isaac H. Lionberger, of Missouri, to be Assistant Attorney-General, vice William A. Little, resigned.

CHIEF JUSTICE COURT OF CLAIMS.

Charles C. Nott, of New York, to be chief justice Court of Claims, vice William A. Richardson, deceased. Charles C. Nott was temporarily appointed to the above-named position November 23, 1896, during the recess of the Senate.

JUDGE, COURT OF CLAIMS.

Charles B. Howry, of Mississippi, to be judge, Court of Claims, vice Charles C. Nott, appointed chief justice.

UNITED STATES DISTRICT JUDGES.

Charles F. Amidon, of North Dakota, to be United States district judge for the district of North Dakota, vice Alfred D. Thomas, deceased.

Arthur L. Brown, of Rhode Island, to be United States district judge for the district of Rhode Island, vice George M. Carpenter, deceased.

John E. Carland, of South Dakota, to be United States district judge for the district of South Dakota, vice Alonzo J. Edgerton, deceased.

Andrew Kirkpatrick, of New Jersey, to be United States district judge for the district of New Jersey, vice Edward T. Green, deceased.

William D. McHugh, of Nebraska, to be United States district judge for the district of Nebraska, vice Elmer S. Dundy, deceased.

John H. Rogers, of Arkansas, to be United States district judge for the western district of Arkansas, vice Isaac C. Parker, deceased.

ASSOCIATE JUSTICE, TERRITORY OF OKLAHOMA.

James R. Keaton, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma, vice Henry W. Scott, resigned.

UNITED STATES ATTORNEYS.

Chapman L. Anderson, of Mississippi, to be attorney of the United States for the northern district of Mississippi, vice Andrew F. Fox, resigned.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico, vice J. B. H. Hemingway, deceased.

William L. Marbury, of Maryland, to be attorney of the United States for the district of Maryland, vice John T. Ensor, whose term expired May 21, 1894.

George F. Moore, of Alabama, to be attorney of the United States for the middle district of Alabama, vice Henry D. Clayton, removed.

William H. White, of Virginia, to be attorney of the United States for the eastern district of Virginia, vice Francis R. Lassiter, resigned.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Macgrane Coxe, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and Honduras, to which office he was appointed during the last recess of the Senate, vice Pierce M. B. Young, deceased.

SECRETARIES OF LEGATION.

C. Max Manning, of Georgia, to be secretary of the legation of the United States at Monrovia, Liberia, to which office he was appointed during the last recess of the Senate.

John Ridgely Carter, of Maryland, to be second secretary of the embassy of the United States at London, England, to which office he was appointed during the last recess of the Senate, vice David D. Wells, resigned.

CONSULS.

George B. Anderson, of the District of Columbia, to be consul of the United States at Antigua, West Indies, to which office he was appointed during the last recess of the Senate, vice Richard M. Bartleman, transferred to the consulate at Malaga.

Walter B. Barker, of Mississippi, formerly commercial agent at Sagua la Grande, Cuba, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate.

William Coulbourn Brown, of Maryland, to be consul of the United States at Newcastle, New South Wales, to which office he was appointed during the last recess of the Senate.

Frank Dyer Chester, of Massachusetts, to be consul of the United States at Budapest, Hungary, vice Edward P. T. Hammond, resigned.

J. Leonard Corning, of New York, to be consul of the United States at Munich, Bavaria, to which office he was appointed during the last recess of the Senate, vice Ralph Steiner, resigned.

Thomas S. Doyle, of Virginia, to be consul of the United States at Beirut, Syria, to which office he was appointed during the last recess of the Senate, vice Thomas R. Gibson, deceased.

Isaac M. Elliott, of New York, formerly consul at Manila, to be consul of the United States at La Guayra, Venezuela, to which office he was appointed during the last recess of the Senate, vice Frank D. Hill, resigned.

Joseph L. Hance, of New York, formerly commercial agent at Cardenas, Cuba, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate.

Frank D. Hill, of Minnesota, formerly consul at La Guayra, to be consul of the United States at Santos, Brazil, to which office he was appointed during the last recess of the Senate, vice Henry C. Smith, resigned.

George E. Kedzie, of Mexico, to be consul of the United States at Durango, Mexico, to which office he was appointed during the last recess of the Senate, vice John S. McCaughan, resigned.

Julius G. Lay, of the District of Columbia, to be consul of the United States at Windsor, Ontario, to which office he was appointed during the last recess of the Senate, vice Marshall P. Thatcher, recalled.

Thomas Willing Peters, of Wyoming, formerly commercial agent at Plauen, Germany, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate.

George Sawter, of Connecticut, formerly commercial agent at Glauchau, Germany, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate.

Samuel M. Simmons, of Texas, to be consul of the United States at Piedras Negras, Mexico, to which office he was appointed during the last recess of the Senate, vice Jesse W. Sparks, deceased.

John F. Valls, of Louisiana, to be consul of the United States at Matamoras, Mexico, to which office he was appointed during the last recess of the Senate, vice John B. Gorman, deceased.

Horace L. Washington, of Texas, to be consul of the United States at Alexandretta, Syria, to which office he was appointed during the last recess of the Senate, Henry Ballantine, who was previously appointed, having declined to accept the office.

Paul Wiesike, of Texas, to be consul of the United States at Managua, Nicaragua, to which office he was appointed during the last recess of the Senate, vice Charles H. Wills, deceased.

Executive nominations received by the Senate December 10, 1896.

COMMISSIONER OF INTERNAL REVENUE.

William St. John Forman, of Illinois, to be Commissioner of Internal Revenue, to succeed Joseph S. Miller, resigned.

COLLECTORS OF INTERNAL REVENUE.

John C. Kelley, of New York, to be collector of internal revenue for the First district of New York, in place of Ernest Nathan, resigned.

William Crow McCreery, of Missouri, to be collector of internal revenue for the First district of Missouri, in place of Charles Speck, deceased.

ASSAYER.

Francis F. Claussen, of Louisiana, to be assayer of the mint of the United States at New Orleans, La., in place of A. M. Delavallade, deceased.

COLLECTORS OF CUSTOMS.

William H. Cooper, of Delaware, to be collector of customs for the district of Delaware, in the State of Delaware, to succeed George L. Townsend, whose term of office has expired by limitation.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachusetts, reappointed, his former commission having expired by limitation.

ASSISTANT COLLECTOR OF CUSTOMS.

Michael I. Fagen, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York, to succeed John Ramsey, removed.

PROMOTIONS IN REVENUE-MARINE SERVICE.

John I. Bryan, of Kentucky, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed W. E. Maccoun, promoted.

George C. Farkell, of Pennsylvania, to be second assistant engineer in the Revenue-Cutter Service of the United States, to succeed J. E. Dorry, promoted.

First Lieut. Henry B. Rogers, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States, in place of John Brann, deceased.

James D. Newton, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed George B. Maher, promoted.

George H. Paul, of Wisconsin, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Carl M. Green, promoted.

C. Gadsden Porcher, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Charles A. McAllister, promoted.

Warwick J. Sedgwick, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, in place of H. A. Seymour, deceased.

Frank G. Snyder, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Horatio N. Wood, promoted.

Waller Taylor, of Florida, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed H. C. Henshaw, placed on waiting orders.

John B. Turner, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Z. W. Zastrow, promoted.

Charles A. Wheeler, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Levin T. Jones, promoted.

SURGEONS, MARINE-HOSPITAL SERVICE.

P. A. Surg. Charles E. Banks, of Maine, to be a surgeon in the Marine-Hospital Service of the United States, in place of C. S. D. Fessenden, deceased.

P. A. Surg. Duncan A. Carmichael, of New York, to be a surgeon in the Marine-Hospital Service of the United States, to succeed John B. Hamilton, resigned.

William M. Jordan, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

James A. Nydegger, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

William J. S. Stewart, of Pennsylvania, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

COMMISSIONER, DISTRICT OF ALASKA.

John Y. Ostrander, of Juneau, Alaska, to be commissioner in and for the District of Alaska, to reside at Juneau, vice Henry W. Mellen, resigned.

PENSION AGENT.

Levi T. Griffin, of Detroit, Mich., who was appointed August 22, 1896, during the recess of the Senate, to be pension agent at Detroit, Mich., vice Harrison H. Wheeler, deceased.

SURVEYOR-GENERAL.

Robert A. Habersham, of Portland, Oreg., who was appointed September 22, 1896, during the recess of the Senate, to be surveyor-general of Oregon, vice John C. Arnold, deceased.

RECEIVERS OF PUBLIC MONEYS.

George B. Cosby, of Sacramento, Cal., who was appointed August 12, 1896, during the recess of the Senate, to be receiver of public moneys at Sacramento, Cal., vice Charles F. Gardner, term expired.

Benjamin K. Kimberly, of Colorado, to be receiver of public moneys at Denver, Col., vice Frank P. Arbuckle, deceased.

REGISTERS OF LAND OFFICE.

Patrick W. O'Sullivan, of Prescott, Ariz., who was appointed December 4, 1896, during the recess of the Senate, to be register of the land office at Prescott, Ariz., vice Henry D. Ross, resigned,

Silas Penry, of Jackson, Cal., who was appointed August 12, 1896, during the recess of the Senate, to be register of the land office at Sacramento, Cal., vice Thomas Fraser, removed.

Joseph Smith, of Crookston, Minn., who was appointed December 4, 1896, during the recess of the Senate, to be register of the land office at Crookston, Minn., vice Thomas A. Dunlava, deceased.

INDIAN AGENTS.

Benjamin C. Ash, of Pierre, S. Dak., who was appointed July 28, 1896, during the recess of the Senate, to be agent for the Indians of the Lower Brulé Agency, in South Dakota, to fill an original vacancy.

James L. Cowan, of Portland, Oreg., who was appointed November 13, 1896, during the recess of the Senate, to be agent for the Indians of the Warm Springs Agency, in Oregon, vice Peter Gallagher, deceased.

Joseph Emery, of Salinas, Cal., who was appointed July 28, 1896, during the recess of the Senate, to be agent for the Indians of the Klamath Agency, in Oregon, vice Marshall Petet, resigned.

Frederick Treon, of Crow Creek, S. Dak., who was appointed June 29, 1896, during the recess of the Senate, to be agent for the Indians of the Crow Creek Agency, in South Dakota, in lieu of his position as agent for the Indians of the Crow Creek and Lower Brulé Agency, the latter agency having been divided and its name changed to Crow Creek by the act approved June 10, 1896.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 10, 1896.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. MEYER. Mr. Speaker, my colleague, Mr. Boatner, of the Fifth Congressional district of Louisiana, is present, and desires to be sworn in.

The oath of office was then administered to Mr. Boatner.

OWNERSHIP OF REAL ESTATE IN THE TERRITORIES.

The SPEAKER. There being no unfinished business, the Clerk will resume the call of committees. The call rests with the Committee on the Territories.

Mr. SCRANTON. Mr. Speaker, I am authorized by the Committee on Territories to call up the bill (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887, be, and the same is hereby, amended so as to read as follows:

"That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law, shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided.

"SEC. 2. That this act shall not apply to land now owned in any of the Territories of the United States by aliens, so long as it is held by the present owners, their heirs or legal representatives, nor to any alien who shall become a bona fide inhabitant of the United States, and any alien who shall become a bona fide inhabitant of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States: *Provided*, That if any such resident alien who may have declared his intention to become a citizen of the United States in the manner provided by law shall cease to be a bona fide inhabitant of the United States, then such alien shall have ten years from the time he ceases to be such bona fide inhabitant in which to alienate such lands. This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim in any of the Territories of the United States.

"SEC. 3. That this act shall not prevent aliens from acquiring lands or any interests therein in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed or upon which a loan of money may have been heretofore or hereafter may be made and secured.

"SEC. 4. That all nonresident aliens who may not have declared their intention to become citizens of the United States in the manner provided by law, and who may hereafter acquire real estate in either of the Territories of the United States by purchase under the provisions of this act, may hold the same for ten years, except that they may hold lots or parcels of land in any incorporated or platted city, town, or village, or mines and mining claims absolutely and without any limitation as to time: *Provided*, That any such nonresident alien, if a minor, may hold such real estate for ten years from the time of reaching his or her majority, or, if of unsound mind, for ten years after the appointment of a legal guardian who may have power to make a conveyance of such real estate.

"SEC. 5. That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this act may nevertheless convey the fee-simple title thereof at any time before the institution of escheat proceedings as hereinafter provided: *Provided, however*, That if any such conveyance shall be made by such alien either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this act, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

"SEC. 6. That it shall be the duty of the Attorney-General of the United States when he shall be informed or have reason to believe that land in any of the Territories of the United States are being held contrary to the provisions of this act to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory, in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States: *Provided*, That before any such suit is instituted the Attorney-General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice.

"SEC. 7. That if it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this act the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which such lands may be situated for the benefit of the available school fund of said Territory: *Provided*, That the defendant in any such escheat proceedings may, at any time before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide inhabitant of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this act, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

"SEC. 8. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed."

The Committee on the Territories recommended the following amendments:

Strike out the word "inhabitant," where it appears in lines 5, 6, 15, 16, and 17, page 2, and line 15, page 3, and insert in lieu thereof the word "resident."

Strike out the words "who may have declared his intention to become a citizen of the United States in the manner provided by law" where they occur in lines 12, 13, and 14, page 2, of said bill.

Amend section 3 by adding thereto the following:

"*Provided, however*, That all lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided."

Strike out section 4.

Strike out the words "the fee-simple title thereof," where they occur in lines 24 and 25, section 5, page 3, and insert in lieu thereof the words "his title thereto."

Add to section 6 the following:

"In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county."

Mr. McMILLIN. Mr. Speaker, I was unable to hear a portion of the bill as it was read. Reserving the right, if I can, to make the point of order, if I find that it is not subject to consideration in this hour, I should like to have an explanation from the gentleman in charge, whether this bill changes the laws relative to the acquisition of public lands by the citizen.

The SPEAKER. The point of order, the Chair understands, is reserved.

Mr. McMILLIN. Yes.

Mr. CATRON. The bill makes no change whatever in the mode of disposing of the public lands of the United States and gives no right whatever to foreigners to acquire title to lands belonging to the United States.

Mr. McMILLIN. I suppose, then, Mr. Speaker, that the bill is subject to consideration in this hour. I wanted to ascertain that, and there was one section of the bill that I was not able to hear distinctly.

Mr. HEPBURN. Mr. Speaker, I should like to have some explanation of the provisions of this bill. It seems to me there is a good deal more in the subject than appears at first. And I especially want to call the attention of the gentleman from Colorado [Mr. BELL] to the provisions of the bill.

The Populist platform, Mr. Speaker, has time and again declared in opposition to the acquirement of lands in this country by aliens. The Territories, which, as I understand, are now clamoring for these changes proposed in this bill, have approved that platform at the last election. I should like to know what right a Delegate from one of these Territories, in view of the action of his people, has to make a modification of the laws that are now in harmony with the platform by his people approved? The gentleman from Colorado [Mr. BELL] has been entirely silent upon this subject, and yet this bill, I undertake to say, does wipe out practically the provisions of the law as now existing—prohibiting alien ownership of lands in the Territories—for under the forms of foreclosure provided for in this bill the provisions of the present law are wiped out.

And so, under the terms of a seeming loan and a pretended foreclosure, the provisions of the laws as they now exist—prohibiting alien ownership—are to be absolutely subverted; and yet these gentlemen, who have gone about the country from year to year declaiming against alien ownership, insisting that that was one of the greatest evils the country suffers from, are now here acquiescing in undoing all that has been done heretofore. The gentleman now upon his feet, from one of the Territories, is acting in direct opposition, if he will permit me to say so, to the instructions of his people in the votes given at a recent election, sustaining this declaration of the Populist platform. I would like to have some explanation of the changes that have recently occurred that justify wiping out this fundamental principle of the Populist party, that has been so generally approved heretofore, lately, in those Territories.

Mr. CATRON. Mr. Speaker, I am not here as the representative of the Populist party, and hope never to be here in that capacity. The Populist party in the Territory of New Mexico is an insignificant factor. There is quite a factor out there known as the Democratic party, who did in this last election unite with the Populist party and gave a majority of 1,900 out of a total vote of 37,000 in that Territory against the Republican party, but not upon the issue that the gentleman has indicated in regard to this bill. On the contrary, every party in that Territory favors the passage of this bill, and in the platform of every one of the parties they indorse the absolute repeal of what is known as the anti-alien bill, of which this bill is merely an amendment. The gentleman says this wipes it out entirely, by enabling them through means of mortgage to acquire property. If he will read this bill a little bit further he will discover that where the property is sold under a mortgage lien it is to be disposed of within ten years, and that the alien can not acquire the property. The object of this bill was to enable the people of the Territory to get some of the benefit of foreign capital which has been going to the various States that have refused to adopt legislation of this character, or who, after having adopted it, have repealed it. In the Territories of New Mexico, Arizona, and Oklahoma we can not get the investment of foreign capital to-day because no foreigner is entitled to hold possession or own real property; and this bill enables him to invest his means and to sell the property under a mortgage he may acquire. He may buy it in if he sees proper, but he can not hold it for a longer time than ten years, but must make a disposition of it. The fact that the Populist party in New Mexico numbers 500 or 600, or 1,000 or 1,200, has nothing to do with this bill, nothing more than it has to do with the gentleman's district in the State of Iowa; but the fact that we are American people, that we have a community who desire to progress, that we desire to obtain some of the means of Eastern capitalists, especially the cheap capital of Europe, is something that should induce Congress to see that we get the same benefits as anywhere else.

Mr. HEPBURN. I am very thankful to the gentleman for the admission he has made, that under the general law as it now exists a certain class of capital necessary to the development of those Territories can not be obtained; and yet in the face of that fact the people of his Territory have approved a platform that has declared against permitting securities for a loan of that kind of capital. And I want to call the attention of the gentleman again to the fact that I have not misstated the proposition of this bill.

Mr. CATRON. Mr. Speaker, if the gentleman will allow me to interrupt him, I will state that every single platform adopted by any party in the Territory of New Mexico favored the passage of this bill.

Mr. HEPBURN. Ah, while they were upholding Populism as understood in the rest of the United States and the people where I live understand it, these gentlemen were sneaking away from the effects of Populism by attempting to modify it in their platform in their own locality, yet they voted for the party. The gentleman can not deny that we are having an object lesson of the effect of those declarations of the platform—that the declarations of the platform that they support are destructive to their welfare. I want them to learn that they can not grow under Populism, and I want them further to be taught that they can not modify the general doctrines of Populism as they are understood in the whole country by the adoption of a little resolution that they sneak into their local platform and then vote for the Populist party upon the general platform. [Loud applause on the Republican side.]

Mr. CATRON. Mr. Speaker, I desire to say to the gentleman that no such proposition has been "sneaked" into the Republican platform of New Mexico, and his assertion to that effect is without foundation.

Mr. BELL of Colorado. Mr. Speaker, I understand that I am called upon especially to make objection to this bill. I do not know why, unless because it is presumed by some people that the Populist party is opposed to everything that is for the building up of any country.

A MEMBER. That is about it. [Laughter.]

Mr. BELL of Colorado. That may be so in some States, but it is not true in the State in which I live. We are opposed to the alien ownership of land——

Mr. HEPBURN. May I interrupt the gentleman a moment?

Mr. BELL of Colorado. Yes, sir.

Mr. HEPBURN. I want to call the gentleman's attention to a clause in his party's platform:

> The land, including all the natural sources of wealth, is the heritage of the people and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited.

I called upon the gentleman as an advocate of that doctrine to be alert in the interest of his party to prevent the passage of this bill. [Laughter.]

Mr. WILLIAM A. STONE. Will the gentleman from Colorado kindly give us a definition of Populism? I would like to have it authentically and accurately defined so that we may not misunderstand it hereafter. [Laughter.]

Mr. BELL of Colorado. It seems, Mr. Speaker, that some of our friends here care but little for this bill. Now, I want to say that the Populist party and, I believe, the masses of the people of the United States are in favor of holding the agricultural lands of the United States for the people of the United States, and if that doctrine is offensive to my friend from Iowa, then the Populist doctrine is offensive to him.

Mr. HEPBURN. The gentleman misunderstands me. I intend to vote with him against this bill. [Laughter.]

Mr. BELL of Colorado. I am glad to hear it. I am glad to know that the gentleman is a good Populist in that respect. [Laughter.] I was on the committee on platform which had this identical proposition under consideration. The understanding of that committee was that the party favored the alien ownership of such lands as might not interfere with the ordinary agricultural citizens of the United States. [Laughter.] That is, if a foreign corporation wants to come in and help to develop our mineral resources or our coal fields, or anything that the individual citizen can not go forth and develop—if a foreign corporation wants to come in and develop such property, and produce a product for itself, we are perfectly willing that it should do it.

Mr. HEPBURN. Then, as I understand your explanation, you believe in Populism in general, but do not desire to have it applied to your own locality? [Laughter.]

Mr. BELL of Colorado. No, sir; that is not correct. I believe in Populism in general. I believe in the individual citizen. I do not believe in that kind of individualism which is taught by some of our men in high places, who talk of individualism and then do everything in their power that tends to destroy individualism. We have heard individual development advocated, but the very men in high places who have advocated individual development have in the next breath advocated a corporate rule which destroys individualism. We Populists are opposed to that. We are opposed to this bill; and I am glad that my friend from Iowa called my attention to it, because I intend to oppose it. I oppose it not on the ground that aliens should not be permitted to help to develop such of our natural resources as individuals can not develop, but because the people of the entire West, and, in my opinion, the people of the whole United States, are opposed to the landlordism imported from European countries that is now being established in the Western States. We are opposed to that system getting any further hold in the Territories or elsewhere in this country.

Now, my friends, as I have been called upon to express my views of this bill, upon the suggestion that it is opposed to a part of the Populist platform, I want to say to you that the ordinary individual who has not lived in a State where Populism has prevailed is quite liable to misunderstand the Populist doctrine. He may not understand that a Populist believes in a government by the people and for the people, and that he does not believe in the destruction of government, as a great many of our friends upon this floor seem to think. I want to say to you that the Populists of Colorado do not believe in disorder, do not believe in destruction, do not believe in anarchy; that the Populists of Nebraska and of Kansas do not believe in the doctrines that are often attributed to them in the plutocratic press. They believe in nothing of the kind, and when I am called upon in this case, as a Populist, to oppose this bill, I say that I do oppose it, and in doing so I oppose a bill that every Republican and every Democrat in the State of Colorado and, I believe, in the Territories of Arizona and New Mexico is, in my opinion, opposed to.

I believe that our friends from Arizona and New Mexico who are advocating this bill are not in favor of the alien ownership of land generally, but are in favor of allowing foreigners to assist in developing our mineral resources where they can not be developed by ordinary individual effort. A poor man can not develop a mine. A poor man can not own a mine and work it successfully, even though it may abound in minerals. And to that extent I believe the people of all these Territories are in favor of the foreign ownership of lands. And my friend from Arizona [Mr. MURPHY] tells me that that is the only intent of this bill. If that were so—if the bill were limited to that—I would favor it. But I think the gentleman from Iowa is right in maintaining that this bill in its present scope practically opens the doors to the unlimited ownership of lands in the Territories by aliens—a thing which should be discouraged. I am glad to take my position, unless I am shown to be wrong, on the platform as the gentleman from Iowa presents it to this House, and to say that the Populist party is unqualifiedly opposed to the policy of allowing alien ownership of land. But if the exception proposed to be made looks only to the development of such resources as ordinary individuals can not develop—such as mining claims—then I am in favor of it. And that is the doctrine that the Populist party advocates generally—the doctrine that it advocated in the last election. So far as that party is concerned, I think it is generally understood where Populism is understood that we are in favor of all agricultural and pastoral lands being owned by citizens of the United States, and by them alone. Unless this bill is limited to mining claims or the development of resources that individuals can not develop I hope it will not pass.

Mr. MURPHY of Arizona. Mr. Speaker, although it was not my intention originally to discuss this measure, yet, in view of the fact that the controversy has drifted far away from the main principle involved, it may become me perhaps, because of the interest taken by my constituents in this matter, to explain the measure as I understand it.

It is probably known to all gentlemen here that there exists on our statute books what is known as the antialien law, which prohibits the ownership of lands in the Territories of the United States except to a limited extent by aliens, and prohibits the ownership by foreigners of more than 20 per cent in any corporate body in this country. I wish to say that the workings of that act have been very injurious to the Territories of Arizona and New Mexico, for reasons which I will state. Our Territories, as gentlemen know, comprise a large proportion of arid lands, so called—barren mountains, so called by our Eastern friends. It is a difficult matter to get capital to develop our arid lands and our mining resources, by the proper development of which there might be built up large and prosperous States. Our people are opposed to the alien ownership of large tracts of agricultural lands; but you charge upon us every day upon this floor and in committee that we have no large bodies of agricultural lands, and that therefore we are disqualified to govern ourselves. We claim that with a proper amount of capital applied to the work of development we shall have large bodies of lands as productive as those of any State.

But the workings of this law are unjust and unfair to us in this particular: It applies only to the Territories; a great mass of agricultural lands in the States are not reached by it. While Idaho, Montana, and Wyoming were represented on this floor as Territories this House repealed the operations of that law as to those Territories. That bill was pending in the Senate when those Territories became States. Immediately they lost all interest in the measure, because it is not applicable to States. In this way injustice has been done to the remaining Territories. The development of our resources in Arizona and New Mexico is left uncared for, so to speak. I would like to have any man tell me where there is any justice in such a discrimination. Injustice of that kind is not Populism, is not Democracy, is not Republicanism. No man can assail my Republicanism. No man can assail the Republicanism of the Republicans of Arizona and New Mexico. If the Populists agree with us on that issue or any other individual issue, it is not a national question.

We come here defending our rights and interests as citizens of this country—I might say as aliens in this country, for you hold us down to-day as aliens, without allowing us to participate in your action through Representatives on this floor. We come to you now—not being States—not having any votes on this floor—not having any Senators at the other end of the Capitol—and we ask simply an opportunity to invite capital to investigate the resources of our localities and to expend money in their development. There is nothing else involved in this proposition. There is no great national issue here presented in regard to the propriety of allowing aliens to come in and absorb our public lands. The simple proposition is to allow us to invite aliens to invest their money for the development and the enriching of our section of the country—to allow them to take something which you gentlemen here pretend not to want. I ask the members on this floor to give us simple justice in this matter; to place our Territories on an equal footing with the States; to give foreign capital an opportunity to go there and develop and improve what you are generally pleased to call "our arid and nonproductive regions."

Mr. McEWAN. I wish to ask the gentleman whether section 2 of this bill does not confirm titles in aliens in cases where there are at present no legal titles?

Mr. MURPHY of Arizona. I do not understand that it does.

Mr. McEWAN. Section 1 provides:

> That no alien or person who is not a citizen of the United State shall acquire title or own any land in any of the Territories.

Section 2 provides:

> This act shall not apply to land now owned in any of the Territories of the United States by aliens so long as it is held by the present owners.

That seems to me to be intended to confirm the title of those lands in persons who are aliens and who have not at the present time good titles.

Mr. MURPHY of Arizona. Even if it were as the gentleman suggests, there is nothing of that character involved. This is simply carrying out the intention of the law as it exists. But I am not prepared to say that that is the legal definition of the clause. I think perhaps the gentleman is mistaken in his construction of it.

Mr. McEWAN. Well, whether it is good or ill, it should not be accomplished by indirection. If it is to be done at all, let it be done in a proper manner and in a straightforward way.

Mr. MURPHY of Arizona. I repeat that I am not prepared to affirm that it is done even by indirection.

Mr. McEWAN. If that is the purpose of the bill, it should be so stated in the bill and in the report accompanying it. It seems to me, therefore, that the gentleman from Iowa [Mr. HEPBURN] was entirely right in saying that we ought to look very carefully into this bill before passing it. If it is intended to confirm the title in these people, it should be so stated plainly, in order that we may know exactly what we are doing, and the discussion should then proceed on that line.

Mr. CATRON. The old law confirmed the title of all these owners.

Mr. McEWAN. I will ask the gentleman whether section 2 is not an essential feature of the bill, and whether it does not change the existing law?

Mr. COOPER of Wisconsin. It does confirm title.

Mr. McEWAN. I am informed that it does confirm title, just as I have suggested, and that being the case, this proposition is against the whole spirit of the law heretofore enacted. Now, I repeat, Mr. Speaker, let the discussion take the course along that line, so that we may understand clearly what we are doing. We will then be able to know precisely what will be the effect of the legislation we are about to enact. But that is not indicated in any shape either in the bill or the report which has been presented by this committee.

Mr. CATRON. I will state to the gentleman that this provision does not change the law as it existed in the old law as amended. The old law did precisely what that section provided for, and this act substitutes the new provision for the old law. It has no other effect. The gentleman is entirely wrong in his construction of it.

Mr. HEPBURN. Does it not confirm every title secured by aliens since the passage of the other act?

Mr. CATRON. No alien could acquire title under that act.

Mr. HEPBURN. He could not acquire a bona fide title, it is true, under the provisions of that act, but in connection with the provisions of this act which we are now called upon to pass it could be acquired and made a perfect title.

Mr. CATRON. Well, out in New Mexico not a single one has done it.

Mr. HEPBURN. Possibly not.

But the gentleman from New Jersey, let me say, might have carried his criticism of this section of the bill a little further. Let me read where he ceased to read:

> Nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States: *Provided*, That if any such resident alien cease to be a bona fide resident of the United States, then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This act shall not be construed to prevent any persons not citizens of the United State from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim in any of the Territories of the United States.

Now, practically, I repeat, this law wipes out every feature that is valuable in the law as it now exists, and makes provision that an alien can, not only in the way suggested, but through foreclosure proceedings, acquire title; and if he be a speculator, if he chooses to engage in a manufactured case of foreclosure, he can secure a title that he can hold for years, or quite as long as anyone wants to hold Western lands for speculative purposes. Therefore, if we are to wipe out the old legislation upon this subject, and if these people in the Territories are now ready to declare against the platforms which they supported and voted for within the last two months, why that is all right; let them do so.

Mr. WALKER of Massachusetts. Will the gentleman allow me a question?

Mr. HEPBURN. Certainly.

Mr. WALKER of Massachusetts. I wish to ask the gentleman from Iowa if his difficulty is that this bill is not consistent with the Populist platform; and whether he proposes to keep the Populists consistent with their platform by law? [Laughter.]

Mr. HEPBURN. I think perhaps that is about the only way it can be done, but I am not engaged in that enterprise just now. [Laughter.] I am trying to show those people who voted the Populist ticket at the last election that they were mistaken, that they did not want the doctrines of that platform, that those doctrines are harmful to them, that they are absolutely destructive to the interests of those Territories, and that they can not by any possibility develop them in the manner that they want to, within the limitations of this generation, under those doctrines. That is what I want to do.

Mr. FLYNN. Mr. Speaker, this bill does not apply to the Territory which I have the honor to represent. It comes here with the unanimous report of the Committee on Territories. I want to submit to this House in this connection one question, and that is, Why should not the same law that governs a State with reference to the ownership of real estate also govern a Territory?

The gentleman from Massachusetts [Mr. WALKER] in the question which he propounded to the gentleman from Iowa [Mr. HEPBURN] solved the problem in my mind. If you desire prosperity, advancement, and development to be retarded in the Territories, this law should remain on the statute books. My judgment is that the Populist party never advocated a more nonsensical platform than the clause concerning this subject. I do not agree with the gentleman from Colorado [Mr. BELL] in his definition of Populism. I have had some experience with it very recently. [Laughter.] If I were to define what Populism is, I would say that not the rank and file, but the guiding stars of that party are Ishmaelites, with their hands raised against every man who by honest toil and labor seeks to accumulate a competency for himself and his family in the future. Populism can not prosper where there are development and success. Find a barren region where nothing but a buzzard can thrive—and a buzzard can thrive on nothing that is about to be alive, it must be decaying, leaving nothing but the bones—find such a region as that, and there, my friends, you will find the Populist party in control. I say that where peace and prosperity abound the Populist party can find no resting place.

The rank and file of that party are honest. The party was made respectable by the addition of some classes added to it by some other parties in the recent campaign. Men who know better, men who own property, men who are interested in the success and development of this country, for the purpose of striking down the party which had built up American institutions and American industries, shook hands with Populism in order to try to give this nation of ours a black eye.

Mr. WILLIAM A. STONE. Will the gentleman allow me right here to ask him a question?

Mr. FLYNN. Certainly.

Mr. WILLIAM A. STONE. Do I understand that the definition of Populism is different in each State and Territory, and in each Congressional district, and that in no two States or localities do they agree as to what Populism is?

Mr. FLYNN. I am inclined to think my friend is about right. With us Populism is anything to win. [Laughter.]

Mr. WILLIAM A. STONE. There was some discussion between a gentleman by the name of Watson, who had something to do with Populism, and another gentleman by the name of BUTLER, in the last summer, which has mixed me very much as to just what Populism is. [Laughter.]

Mr. FLYNN. That calls to my mind, Mr. Speaker, a definition of Populism which was circulated, not in my district, but in an adjoining one, when the late Vice-Presidential candidate on the Populist ticket, Mr. Watson, was starring the country. I hold in my hand a handbill which was printed and circulated, advising the people to come out and hear him, and giving the reasons for it. I think it contains a good definition of what Watson and Populism stand for. I will ask the Clerk to read it.

The Clerk read as follows:

> Tom Watson, Populist candidate for Vice President, will address the people at the depot in Baxter Springs, Kans., Saturday evening, October 1[illegible], at 6.15 p. m. Leading Populists will accompany him. He comes with special train on Pullman palace coach, with dining car, glee clubs, and brass band. Every Populist should turn out and hear Populism discussed from a sincere pure Populistic standpoint.
>
> Tom Watson is the only Populist on the national ticket. He is the only candidate in sympathy with the toiling masses. He is the only candidate not under the influence of the plutocrats, trusts, combines, and humbugs.
>
> Tom Watson is the farmers' friend and favors subtreasuries, Government ownership of railroads, stay laws, public warehouses, greenbacks, free silver, free trade, free riot, and the Ocala platform.
>
> Tom Watson is the enemy of plutocracy and opposed to corporations, supreme courts, Federal soldiers, syndicates, sound money, robber tariffs, money loaners, and all stall-fed gold standard sap suckers.
>
> Tom Watson is the only legitimate nominee of the Populist national convention and the only man entitled to the Populist vote of the State of Kansas.
>
> Tom Watson is the only real orator and statesman on the ticket. Turn out and hear him orate.
>
> Democratic decoy ducks, Republican roosters, and Populist hoboes owned by Sewall, the millionaire plutocrat, are especially invited.
>
> BY ORDER COMMITTEE.

Mr. BELL of Colorado. Will the gentleman allow me to ask him a question?

Mr. FLYNN. Certainly.

Mr. BELL of Colorado. Do you not know as a matter of fact that that literature was got out by Paul Vanderveer, who was in the employ of the Republican party and was employed by the Pacific Railroad Company? Do you not know that that was charged in our Populist papers, and that the Populists repudiated that circular? Do you not know that as a fact?

Mr. FLYNN. Are you ready now for me to answer?

Mr. BELL of Colorado. Yes.

Mr. FLYNN. I never heard of Mr. Vanderveer, and am here to say that I do know the man who got out this handbill.

Mr. BELL of Colorado. Was he not in the interest of the Vanderveer movement?

Mr. FLYNN. No, he was not. I want to say further that the Populists took great pride and delight in the circulation of that handbill as enunciating their principles.

Mr. BELL of Colorado. Did Mr. Watson appear on that occasion?

Mr. FLYNN. He was fortunately, I understand, taken ill. [Laughter.]

Mr. BELL of Colorado. Do you not know as a matter of fact that the Populist party in the State of Nebraska, through its organization, repudiated Mr. Vanderveer?

Mr. FLYNN. Who is Vanderveer? I never heard of him.

Mr. BELL of Colorado. He was the man bringing forth this literature. He had this car, and it was claimed he had it from the Pacific Railroad Company; and these men were employed at the expense of the Republican party.

Mr. FLYNN. Are you through with your question?

The SPEAKER. The gentleman from Oklahoma yielded for a question.

Mr. FLYNN. I yielded for a question, and desire to be courteous to the late Populist candidate for Speaker of this House. [Laughter.]

Mr. BELL of Colorado. I am obliged for that.

Mr. FLYNN. I would like to have a question and not a speech.

Mr. BELL of Colorado. Well, will you now let me ask you a question?

Mr. FLYNN. Yes, sir.

Mr. BELL of Colorado. May I state a fact? [Great laughter.]

Mr. FLYNN. I decline to yield further, for the simple reason that it is utterly impossible to get at the facts from a Populist standpoint. [Laughter.]

Mr. WILLIAM A. STONE. Will the gentleman yield to me for a question?

Mr. FLYNN. I yield to the gentleman from Pennsylvania.

Mr. BELL of Colorado. Will you let me get through with the question?

The SPEAKER. The gentleman from Oklahoma has yielded to the gentleman from Pennsylvania.

Mr. BELL of Colorado (to Mr. FLYNN). Do you decline to yield to me?

Mr. FLYNN. You were trying to state a Populist fact. [Laughter.]

Mr. BELL of Colorado. Then you want no more?

Mr. WILLIAM A. STONE. Mr. Speaker, inasmuch as the Populist party had undertaken to do something that they have never done before, namely, state a fact, I hope the gentleman will yield. [Laughter.]

Mr. FLYNN. I merely want to say that that is not a question.

Mr. BELL of Colorado. I want to ask the gentleman from Oklahoma if he will permit me——

Mr. FLYNN. Not to state a fact.

Mr. BELL of Colorado (continuing). To ask him a question.

Mr. FLYNN. Certainly.

Mr. BELL of Colorado. Do you know, or do you not know [laughter], that Mr. Vanderveer was in charge of these meetings published in this circular?

Mr. FLYNN. I do not.

Mr. BELL of Colorado. Then allow me to ask you if it is not a fact that Mr. Watson never appeared in answer to any of these publications of these meetings?

Mr. FLYNN. I understand, Mr. Speaker, from the public press that the executive committee in charge of Mr. Watson deemed it to be inadvisable for him to appear.

Mr. BELL of Colorado. May I ask you another question?

Mr. FLYNN. Call the limit—how many?

Mr. BELL of Colorado. Yes; I want to get you right, if you want to be right. I was present in that part of the country and know something of these meetings. I want to ask you this—if these meeting were had under the auspices of a class of men that called themselves "middle-of-the-road Populists," and were against the regular Populist organization?

Mr. FLYNN. Mr. Speaker, I want to say this—that the only honest Populist is the "middle-of-the-road Populist." The only men in the Populist party who have set principle above office are the "middle-of-the-road Populists."

Mr. BELL of Colorado. In whose employ were they?

Mr. FLYNN. The leaders, who wanted office, were ready on hand on all occasions to trade out the honest rank and file of the Populist party. [Loud applause on the Republican side.]

Mr. BELL of Colorado. May I ask you another question?

Mr. FLYNN. I want to say to this House if you desire——

Mr. GROSVENOR. I want to call the attention of the gentleman from Oklahoma to the fact that there seems to be some confusion about what is Populism and what is not; and inasmuch as I believe in getting information on a point like that from the highest authority, and seeing present here a gentleman who was at the birth of the Populist party at Ocala—I believe its birthplace was Ocala—I would like to know if the gentleman would not be willing to give way to the gentleman from Georgia [Mr. LIVINGSTON]? [Great laughter.]

Mr. FLYNN. Mr. Speaker, I decline to give way at this time. I want to say to the House, in all seriousness, that if you desire prosperity in the Territories and in the Western States you must give those people an opportunity to develop their resources. That is all, as I understand it, that this bill asks for. It has been unanimously reported by the Committee on Territories and it ought to pass. Why should not a man, whether his citizenship is here or elsewhere, have a right to purchase real estate in Arizona or New Mexico, as well as in the State of New York or any other State? If you want to eradicate Populism, allow the light of prosperity to shine upon those portions of the country, and the passage of this bill will be a step in that direction. In all seriousness, I hope the House will consider the question from that point of view. I believe this is proper legislation. I believe that the plank in our platform that has been referred to here which would insist upon debarring others than American citizens from the privilege of purchasing and holding real estate in our Territories, if they desire to do so, is a plank stolen bodily from the Populist platform, and that we have no right to claim it as ours.

Mr. QUIGG. Will the gentleman permit a question about the bill?

Mr. FLYNN. Certainly.

Mr. QUIGG. I wish the gentleman would state his own theory of what the real purpose of this bill is. It is entitled "An act to restrict the ownership of real estate by aliens," but, as I read it, it seems to be an act to confirm the titles of aliens.

Mr. FLYNN. The gentleman evidently did not understand the explanation of the bill made by the gentleman from New Mexico a while ago.

Mr. QUIGG. No; I did not understand the gentleman, although I listened to him.

Mr. FLYNN. I will yield to the gentleman from New Mexico to explain the matter for the benefit of the gentleman from New York.

Mr. CATRON. I think if the gentleman will look more attentively he will find that this bill is an amendment to a prior act restricting the ownership of real estate by aliens. The original bill, which was passed in 1887, absolutely prohibited foreigners from acquiring or owning or holding real estate in the Territories, and the purpose of this bill is to modify the provisions of that

act so that foreigners, when they are bona fide residents of the Territory, may acquire real estate and hold it during the time of their residence there and be allowed ten years after they leave the Territory in which to dispose of their real estate. This bill also permits the foreigner to invest his money, by way of a loan secured on real estate, and if the property has to be sold under the mortgage and the lender buys it in, he is allowed ten years in which to dispose of it. Unless he remains a permanent resident of the Territory he can not hold real estate permanently, but if he goes away he is allowed ten years within which to sell it. The law of 1887 contained no such provision, and this bill modifies it in that respect. This is practically an invitation to foreign capitalists to come into our Territories and develop their resources, so that we may progress. Some gentlemen here seem to think that we ought to be denied this legislation because we did not vote the Republican ticket at the last election. I would like to ask them this question: If we had voted the Republican ticket at that election would that fact have been a good argument in favor of this bill? I repeat, the object of this bill is to advance the prosperity of the Territories and develop their resources.

Mr. FLYNN. Mr. Speaker, I desire to treat my colleague, the late Populist candidate for Speaker, fairly. I may not have stated fully all that he thinks ought to be stated with reference to the Populist party, but I will endeavor to make up for the omission. I am requested to have read from the Washington Post of this morning a letter from Mr. Watson to Mr. BUTLER. I have not read the letter myself, but as both those gentlemen have been regarded generally as high Populist authorities, I will ask the Clerk to read it now.

The Clerk proceeded to read the letter.

Mr. JOHNSON of California (interrupting the reading). Mr. Speaker, I make the point of order that it is unparliamentary to have read here an attack on a member of another body who can not defend himself here. I am not a member of the Populist party, but I do not think it is proper to have read on this floor an attack upon a member of the Senate, a coordinate branch of Congress. It seems to me that it is mighty poor taste to have that letter read here, and besides I believe it is out of order.

Mr. PAYNE. Mr. Speaker, the article does not refer to the duties of the gentleman as Senator, or to his action in that capacity, but only to his action as an individual.

The SPEAKER. No. It does not refer, either, to the bill under discussion. [Laughter.] The Chair sustains the point of order. The gentleman from Oklahoma has the floor.

Mr. FLYNN. Well, Mr. Speaker, I had not read the letter. I was merely endeavoring, in as brief and pointed a way as possible, to show what Populism really is, and I have nothing further to say on that point. I trust, however, that the House will consider favorably the pending bill, which the Committee on Territories has recommended, and will enact it into law.

Mr. SCRANTON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The amendments recommended by the committee were adopted.

The question being on ordering the bill to be engrossed and read a third time, there were—ayes 60, noes 73.

Mr. SCRANTON. I ask for the yeas and nays.

The yeas and nays were refused, only eight members voting therefor; so the House refused to order the bill to be engrossed.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the House refused to order the bill to be engrossed was laid on the table.

The SPEAKER. The Clerk will proceed with the call.

INTOXICATING LIQUORS IN THE CAPITOL.

Mr. MORSE (when the Committee on Public Buildings and Grounds was called). I call up the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

The bill was read, as follows:

> *Be it enacted, etc.*, That hereafter it shall be unlawful for any person or persons to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building in the District of Columbia, or upon any part of the public grounds upon which said building is situate.
>
> SEC. 2. That any violation of this act shall be deemed a misdemeanor, and upon conviction shall, for each separate offense, be punished by a fine not exceeding $50.

The amendment reported by the committee was read, as follows:

> Add as a new section the following:
>
> "SEC. 3. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act."

Mr. MORSE. I ask for the reading of the report.

The report (by Mr. MORSE) was read, as follows:

> The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7083) entitled "A bill to forbid the sale of intoxicating drinks in the National Capitol," have had it under consideration, and respectfully report the same with the recommendation that it do pass, with an additional section as hereafter stated.
>
> Your committee are of the opinion that the sale of intoxicating drinks in the restaurant or restaurants of the National Capitol is unseemly, unsuitable, and gives offense to a large and respectable number of the citizens of the United States, and is a just cause of public scandal. Your committee are of the opinion that the sale of intoxicating drinks in the National Capitol should be entirely prohibited, and do therefore recommend that the bill pass, with the following additional section:
>
> "SEC. 3. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act."

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. MORSE. Mr. Speaker, I do not desire to discuss this bill at any length. It is self-explanatory. Suffice it to say that the sale of strong drink in the national Capitol gives offense to a large and growing number of the citizens of this great Republic. The saloon in the Capitol is a cause of public scandal. Thousands—yes, millions—of our citizens regard the saloon as the enemy of God and man, as the awful maelstrom and whirlpool that destroys the body and soul. The saloon is responsible for a large percentage of the pauperism, crime, and insanity and a large amount of the taxation of the country. Mr. Speaker, there is at this very hour assembled in this city a convention of the National Anti-Saloon League. The delegates are from every section of our country. I believe they are as august and honorable a body of earnest men and women as ever assembled in this city. They have uttered protest loud and long against what they term this national disgrace, and I believe it is therefore an opportune time to pass this bill while this great convention is in session. The passage of this bill will give joy and satisfaction to thousands—yes, millions—of our countrymen and countrywomen. The Woman's Christian Temperance Union, that great sisterhood that spans the continent and the world, has lifted up its voice in petition and in protest against this national disgrace, and let me tell the Democratic and Republican parties in this House that they can spike a Populist gun by passing this bill. Their speakers on the stump and their literature have much to say, and much that is not true, about the sale of intoxicants in this Capitol building and the personal habits of the members. Some members of the House who themselves use intoxicants to some extent have expressed to me the belief that a saloon in the Capitol is unseemly and improper, and I trust they will vote with us for the passage of this bill.

Mr. Speaker, my observation is that these bars are patronized very little by members of Congress; and my observation, Mr. Speaker, is, during the eight years I have been here, that for character, integrity, virtue, and sobriety, the 357 men who compose this House will compare favorably with the same number of men in any spot or place on the face of God's green earth. The members of this House have been charged, for political purposes, with insobriety and drunkenness. It is a vile slander. During the eight years I have been here I have seen but one intoxicated member of Congress. The patrons of this bar are largely and principally outsiders and employees of the House; colored men have frequently been seen drinking at the House restaurant; "there is no distinction on account of race, color, or previous condition of servitude"—any man who has the money can have the drink. We owe it to these people, especially the employees of this House, to remove this temptation, and to my mind that is another strong reason why this bill should pass.

Mr. Speaker, I desire to reserve the remainder of my time, and I now yield ten minutes to the gentleman from Arkansas [Mr. LITTLE] who introduced the bill.

Mr. LITTLE. Does the gentleman propose to call the previous question?

Mr. MORSE. I have not moved the previous question; but I propose to do so after the remarks of the gentleman from Arkansas. I do not wish to cut him off.

Mr. LITTLE. I am perfectly willing that the previous question be called now. I do not desire to be heard unless there should be some opposition to the bill.

Mr. MORSE. Then, Mr. Speaker, I move the previous question.

The previous question was ordered.

The question being taken, the amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill.

The SPEAKER. In the opinion of the Chair, the ayes have it.

Mr. FOOTE. I call for a division.

The question being again taken, there were—ayes 101, noes 7.

So the bill was passed.

On motion of Mr. MORSE, a motion to reconsider the last vote was laid on the table.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The call of committees proceeded.

Mr. POWERS (when the Committee on Pacific Railroads was called). I call up the bill (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871. If I can have the ear of the House a moment, I should like to make a statement.

The SPEAKER. The Clerk will read the bill.

Mr. POWERS. Before the bill is read I should like to say a word.

The SPEAKER. If there is no objection, the gentleman will proceed.

Mr. POWERS. Mr. Speaker, this bill was inadvertently referred to the Committee of the Whole on the state of the Union. It should have gone to the House Calendar. There is no appropriation in it whatever. I ask that the bill be considered as if on the House Calendar.

Mr. DINGLEY. Let the bill first be read.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That whenever a sale of the road, equipment, lands, franchises, privileges and other rights and property of the Atlantic and Pacific Railroad Company is made by virtue of any mortgage or other power authorized by act of Congress the purchasers at such sale and their [illegible] shall constitute a new company, which shall be vested with and be entitled to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad company and by acts amendatory thereof and supplemental thereto; and the incorporation as herein provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, not exceeding the amounts which the said Atlantic and Pacific Railroad Company by said acts was authorized to issue and with [illegible] together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause of the bill and insert the following:

"That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company, or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

"SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act."

Mr. McRAE. I make the point of order that this bill——

Mr. DINGLEY. I should like to know whether the bill in any way involves the interests of the United States. If it does, it can not come up under this order of business except by unanimous consent.

Mr. POWERS. This charter was originally granted by Congress——

Mr. DINGLEY. I wish to reserve a point of order until I can examine the measure.

The SPEAKER. The point of order will be reserved.

Mr. McRAE. I rose for the purpose of making this point of order: That this bill can not be considered during the morning hour. I wish to state my reasons for making that point. The bill proposes an extension of an expired charter, and it involves the yielding by the United States to these corporators of rights which they have not now, and which, I think, we ought not to yield.

Mr. POWERS. Mr. Speaker, I think that if the gentleman from Arkansas will reserve his point until the report of the committee has been read, he will discover that he is in error in the position which he takes. The whole object of this bill is, to all practical intents and purposes, simply to amend the original charter of this company. When this company was chartered in 1871 Congress provided that it might issue a mortgage; and the language of the act would seem to a layman to be broad enough to cover the mortgages in the event that they succeeded to the rights of the original company, and would give them the right to be a corporation. The language of the enabling act is:

And to secure said bonds said company may mortgage its road, equipment, lands, franchises, privileges, and other rights.

Under that language, as I have already stated, it would seem to a layman that the right to be a corporation was a franchise covered by this section of the enabling act of 1871.

But, Mr. Speaker, later on the Supreme Court of the United States, in a case reported in 112 United States Reports, and in another reported in 114 Reports, have held that the word "franchise" is not broad enough in its scope to enable the mortgage bondholders, in the event of a reorganization, to organize themselves into a new corporation. And the only purpose of this act is simply to settle that controversy. The mortgage was issued, the bonds were sold, the moneys advanced, and the road was built. Now, the mortgage then issued has been foreclosed, and it transpires in the light of the two decisions to which I have referred that the mortgagees are unable, technically speaking, to exercise the right of a corporation, or to be a corporation.

It would seem, therefore, and did so seem to the committee, that a technical objection of this kind ought to be remedied by legislation, and that is the only purpose of the bill.

Mr. McRAE. Mr. Speaker, if this bill is not intended to grant or revive a charter which was first granted to the corporation now alleged to be extinct, then I do not understand why it is presented. The act of Congress which granted the charter to the original incorporators should be subject to the point of order, and this bill is also. The authority to mortgage primarily fixed a lien upon and finally passed from the United States the title of the largest land grant that was ever made by the Congress of the United States without any substantial compliance with the provisions of the grant, and this bill will have the effect to confirm a questionable title—it yields all the rights of the United States.

There is an immense grant of public lands behind this old company. The mortgagees and purchasers are in no condition to ask the relief proposed. It is to legalize the acts and create the successor to a defunct corporation that failed to build the road for which the grant was made and which has not kept faith with the Government in a single particular. If the corporation is dead we should not resurrect or revive it.

The history of this grant, when correctly understood, is the most corrupt of any among the long list of grants of lands by the Congress of the United States to railroad companies. Now, these purchasers, who I think are the mortgagees, seek to continue the official life of the old company notwithstanding the forfeiture, and to secure the advantages and privileges which accrue under the original grant to the grantee company. It gives to them a right which they have not now. It gives them a right which in justice they ought not to have. It gives them the right to secure valid title to lands that they never properly earned, that did not fairly belong to the road, a title which belongs of right to the Government of the United States, and which should be held by it instead of giving it away in this manner. I insist that the bill should be considered in the Committee of the Whole House.

Mr. POWERS. Mr. Speaker, the gentleman from Arkansas overlooks the proviso of the bill, which reads:

Provided further, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

Now, all of these rights are reserved to the United States under this bill. All rights are withheld from the corporation that can possibly be reserved for the Government. If the gentleman makes objection to the grant of the land to the company originally, he is hurting the matter not at all by depriving these men of the chance of organizing themselves into a corporation. They foreclosed the mortgage; they had possession of the land, and if you do not let them hold them as a corporation they will hold them as tenants in common—as mortgagees. What better, then, are you off than if you pass the bill? The objection of my friend is merely a technical one, and should not interfere with the organization of the company.

Mr. CANNON. I would like to ask the gentleman from Vermont a question for information. As I understand it, this grant was made to the corporation, and the corporation was formed, the road built, the mortgage executed, default followed, and forfeiture ensued; sale followed that and the title is in the vendee. Now, as I understand the object of the gentleman from Vermont, it is to enable the vendee, who does not formally take the franchise, to continue the business under a corporate franchise. Is not that all?

Mr. POWERS. That is all there is to it. Simply to authorize the holders of these lands to act as a corporation.

The SPEAKER. But the point of order is that the bill is not in order at the present time, because the rule expressly provides that only bills recommended by the committees, and on the House Calendar, shall be considered in this order. This bill is not on the House Calendar, but on the Union Calendar.

Mr. POWERS. The motion I made was to have the bill treated as on the House Calendar, to have the reference changed. It was placed on the Union Calendar by inadvertence.

The SPEAKER. There is a difficulty about that, because the Chair must decide these questions with reference to what will be the general effect. The difficulty with that is that the placing of a bill on the House Calendar is intended for two purposes, first that it shall not carry an appropriation or the equivalent of it, and that there shall be notice to the House that it is liable to be taken up. Not being on the House Calendar, even if it ought to have been, there is no notice.

Mr. McMILLIN. Mr. Speaker, if I may be indulged one moment on the point of order——

The SPEAKER. If the point of order is made——

Mr. McMILLIN. I do not know the merits of the controversy, because I have not had an opportunity to read the bill. The very object of this rule was to enable the House to give consideration to bills that made no appropriation of money or of public lands, and I am therefore much interested in keeping that rule restricted within its proper sphere. I call the attention of the Speaker to an admission made by the gentleman in charge of the bill, which, it strikes me, is conclusive of the question. He admits that there was a disposition of public lands attempted to be made by the original act, which disposition was not made by reason of the fact that the Supreme Court held that the effort to make it was ineffectual. Now, that was a disposition. It was the disposition that they might make of the then public lands by mortgage. It strikes me that to remedy that is dealing with the public lands, and a disposition of the public lands, within the prohibition of the rule.

The SPEAKER. The Chair will not undertake to pass upon that question. It may come up in some other form, but on the question of the bill being on the Union Calendar, that is a direction of a rule of the House of Representatives. Therefore, if the point of order is insisted upon, it must be sustained on that ground.

Mr. McRAE. I insist upon the point of order, Mr. Speaker, but I am willing that the Speaker take the question under consideration and determine whether the bill should be upon the House Calendar or the Union Calendar and its status be preserved until then.

Mr. POWERS. I will withdraw the bill for the time being.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1168) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively; and

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and joint resolution were taken from the Speaker's table and referred as follows:

A bill (S. 1168) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively—to the Committee on Claims.

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894—to the Committee on Ways and Means.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I now call up the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company. I will state that the bill has passed the Senate and come over here. I believe it is on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company, or said mortgagees, at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act.

Mr. McRAE. Mr. Speaker, I make the point of order against this bill that, although it is upon the House Calendar, it should be upon the Union Calendar, and that therefore it is not properly before the House for consideration in this hour. I believe I have already said all I desire to say upon the point of order—when a like House bill was presented.

The SPEAKER. The Chair understands that this bill is on the House Calendar.

Mr. McRAE. I insist that it should be on the Union Calendar. I make the point of order that, although the bill is upon the House Calendar, it should be on the Union Calendar, and that the improper assignment to the House Calendar does not give it the right of consideration. I think that it has been so improperly assigned, because it relinquishes a possible right which the United States has to lands, and gives a right to certain purchasers under a mortgage which they do not now possess, and creates a corporation.

Mr. POWERS. It relinquishes no right whatever. It simply supplies an omission, an obvious omission, in the act of 1871.

Mr. TERRY. Mr. Speaker, I desire to suggest that this bill does give important concessions to this road, if its mortgage is anything similar to that of the Northern Pacific. It gives this road, in this act for reorganization, large advantages which the Judiciary Committee of this House, in reporting a similar bill relating to the Northern Pacific, refused to give to that company. If a measure of this kind is to pass at all, it ought at least not to give this Atlantic and Pacific road advantages that were denied to the Northern Pacific. The mortgage which the Northern Pacific Company gave, which the United States consented to, contained a proviso that whenever the lands were sold they should be sold in certain specified bodies or tracts not exceeding certain acreage, the intention being not to allow one purchaser to acquire large bodies of the public domain. It was contrary, as was supposed, to the policy of the United States Government. Now, that is my recollection of it; and the Committee on the Judiciary, with the terms of that act before them, imposed quite a number of limitations in the act for the reorganization of the Northern Pacific that do not occur in this bill. Another thing: There was a provision in that act to prevent the reorganized company from becoming the possessor of large bodies of coal lands. It had been found, in practical operation, that when a railroad company became the possessor of large bodies of coal lands it would deny equal facilities of transportation to other companies or persons who might own coal lands.

Mr. POWERS. Will the gentleman from Arkansas allow me one moment?

Mr. TERRY. Yes, sir; certainly.

Mr. POWERS. Are you desirous of submitting the amendments that were imposed upon the Northern Pacific bill?

Mr. TERRY. I was not in favor of the Northern Pacific bill even as amended; but if we are to pass any bill for the reorganization——

Mr. POWERS. I have not the slightest objection to that amendment being made to this bill, if the gentleman will accept it.

The SPEAKER. Will the gentleman from Arkansas point out any proposition involving a tax or charge, appropriation of money, authorizing payment out of an appropriation already made, or releasing any liability of the United States for money or property?

Mr. TERRY. Releasing any liability?

The SPEAKER. Or liabilities.

Mr. TERRY. I take it that the United States should not relinquish any rights or limitations that the people are interested in.

The SPEAKER. It is not releasing any right, but releasing any liability that confines the term. There is nothing that requires that a proposition of action on the part of the United States should go to the Committee of the Whole unless it refers to a certain specified thing. Now, can the gentleman state any of those specified things is stated in this bill?

Mr. TERRY. I was about to state to the Speaker that I could not recollect the exact phraseology of that rule; but I wanted to call the attention of the Speaker to the matter and let him solve it with the rule before him. The mortgage that was authorized by an act of Congress about 1871, among other terms, provided that whenever these lands were sold they should be sold in small bodies, not exceeding a certain amount.

Now, I think that that was a reservation of a valuable right to the people of the United States; and that is given away in this bill by permitting this company to acquire these lands all in a body and not to conform to the terms of the mortgage which the United States assented to about the year 1871. That is the point I desire to make. This is virtually another disposition, inasmuch as it allows the lands permitted to be mortgaged to pass away in a form that the mortgage of 1871 did not authorize, and which the Government of the United States consented to on account of this condition being in the mortgage. I think it is a point worthy of very serious consideration. And certainly this bill ought to have some amendments, which I am not prepared just at this moment to offer. This is a matter that ought to be very carefully considered in this House; and I further say that if we are going to have this bill up the gentleman from Vermont ought to allow members of the House an opportunity to present proper amendments to it, and also to see where they should come in. In a matter of so much importance let us proceed cautiously.

Mr. POWERS. If there is any way by which this bill can maintain its privilege I have no objection to its going over until to-morrow, to enable gentlemen to propose such amendments as they desire; but I do not want to lose the advantage of the position we now have of having this bill before the House and thus have it go over until another call of the committee; but if there be any way to preserve its rights, I have no objection.

The SPEAKER. The Chair has not had his attention called to any provision in this bill which seems to be obnoxious to the provision of Rule XXIII, section 3; and therefore sees no reason why the bill should go to the Committee of the Whole House on the state of the Union. That opinion seems to cover the whole ground; and it also may be a question whether the bill, being on the Calendar, is not entitled to be heard in this way; but on that the Chair does not pass at present. The Chair overrules the point of order, and the bill is in order.

Mr. POWERS. I would ask unanimous consent, then, that the bill may be postponed until to-morrow, at 1 o'clock, for further consideration, to enable gentlemen to propose any amendments they desire.

Mr. BARRETT. Mr. Speaker, I desire that unanimous consent be not granted until I have an opportunity to offer an amendment which I think the gentleman in charge of the bill will accept. I do not expect to be here to-morrow.

Mr. POWERS. The gentleman misunderstood my proposition. It was that the bill go over until to-morrow, for the purpose of giving him an opportunity to formulate his amendment.

The SPEAKER. But the gentleman from Massachusetts says that he will not be present to-morrow and would like to have his amendment disposed of now.

Mr. McMILLIN. Mr. Speaker, I suggest to the gentleman from Vermont [Mr. POWERS] that he let the bill go over until 1 o'clock on the next legislative day after to-morrow, for this additional reason: To-morrow is private bill day under the rule, and as it is not likely that many such bills can receive consideration during this short session, I think it would be well to devote the day to private bills.

Mr. POWERS. I desire to accommodate everybody, Mr. Speaker, and I am willing that this bill shall go over until Monday.

Mr. BARRETT. The amendment that I wish to offer is one that I think will be generally acceptable, and I would like to have it disposed of now.

The SPEAKER. The gentleman can state his amendment. The bill is now before the House.

Mr. McMILLIN. The effect of the decision of the Chair, as I understand it, is that this bill does not require to be considered in Committee of the Whole, but may be considered in the House.

The SPEAKER. It does not require to be considered in Committee of the Whole.

Mr. BARRETT. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 6, at the end of line 11, insert:

"But no stocks shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior as actually representing money, labor, or property, estimated at its actual cash value, at the full par value of said issue of stock."

Mr. POWERS. I have no objection to that.

The amendment was adopted.

Mr. LACEY. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

SEC. 3. Where the line of such railway is now located within the limits of any State, or where such line is now located within a Territory which may hereafter become a State, such State, or such Territory when it shall become a State, shall be empowered to require such corporation to become incorporated within such State or States as may be provided by the laws thereof.

Mr. POWERS. Mr. Speaker, if there is no other amendment to be offered at this time, I ask unanimous consent that the bill be made a special order for Monday next at 1 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

Mr. McRAE. I object to making the bill a special order. I have no objection to its going over to be called up during the morning hour of any day, but as I understand the rule, if the bill is made a special order for a particular time, it will become "unfinished business" and take precedence of everything else until it is disposed of, and I object to giving it that privilege.

Mr. POWERS. I was trying to accommodate my friend from Arkansas, but he seems rather difficult to accommodate.

The SPEAKER. Objection is made to the request of the gentleman from Vermont.

Mr. McMILLIN. I suggest to my friend from Arkansas that an agreement might be made to have the bill come up on Monday with only the privileges that it would have if it were considered to-day.

Mr. McRAE. I have no objection to that; but I do object to making it a special order and giving it special privileges on some other day which it does not have to-day.

The SPEAKER. The Chair would suggest that under the rules if the House desires it can cease the consideration of the bill at the end of sixty minutes, or it can go on to consider it the whole day.

Mr. McRAE. But making it a special order would give it precedence for every day until disposed of, and that is what I object to.

The SPEAKER. The present rule has very much that effect if the House so chooses.

Mr. McRAE. Not unless the committee is called again and the consideration completed on the same day.

Mr. DALZELL. Mr. Speaker, I suggest to gentlemen that Monday will be District day.

The SPEAKER. Objection is made to the request of the gentleman from Vermont.

Mr. POWERS. I understood the gentleman from Arkansas to waive his objection.

Mr. McRAE. I do not. If the gentleman wants the bill to go over, I have no objection, provided it does not acquire any additional privilege; but, for my part, I am ready to go on with the consideration of it now.

Mr. POWERS. I do not desire that it shall have any special privilege. If we can not pass this bill in sixty minutes we never can pass it.

Mr. HOPKINS. Mr. Speaker, if the bill is made a special order it will have special privileges, will it not?

The SPEAKER. It will, unless the order is modified so as to take away those special privileges.

Mr. McRAE. Well, that the gentleman from Vermont has consented to; I objected, unless he would consent.

Mr. BLUE. Mr. Speaker, I rise to a parliamentary inquiry. Monday is District of Columbia day, is it not?

The SPEAKER. It is.

Mr. BLUE. The gentleman from Vermont [Mr. POWERS] evidently has it in mind to call up this bill on Monday. Now would the bill necessarily come up under the arrangement proposed, in view of the rule of the House providing that Monday shall be devoted to the consideration of District of Columbia business?

The SPEAKER. Unanimous consent on the part of the House can at any time vacate its rules.

Mr. JOHNSON of California. Mr. Speaker, I rise to a parliamentary inquiry. If this bill goes over until Monday next at 1 o'clock, does it not then have just the same privileges that it has now, and no more?

The SPEAKER. That would depend on the arrangement made by the House. As it stands now, consideration of the bill must proceed. If there is a proposition to postpone the consideration of the bill until Monday, or any other day, the effect of that proposition will depend upon its terms.

Mr. JOHNSON of California. As I understood, the arrangement proposed by the gentleman from Arkansas [Mr. McRAE] was that this bill go over until Monday at 1 o'clock, to be taken up then under just the same conditions that would apply to-day.

Mr. McRAE. I have not made any proposition except to state that I object to the bill going over unless it goes over to be called up——

The SPEAKER. The Chair suggests that there might be an understanding on the part of the House that this bill be in order

when the roll of committees is called on Monday, and the call of committees might be continued to-day with that understanding.

Mr. McRAE. I will agree to that proposition.

The SPEAKER. That would give the bill the same rights then that it has now.

Mr. McRAE. I have no objection to that.

Mr. POWERS. That would be satisfactory.

The SPEAKER. The Chair desires to say, however, to the gentleman from Vermont that the committee would not be regularly called on Monday; the call would have to be consented to by the House. The chairman of the Committee on the District of Columbia does not seem to be present.

Mr. POWERS. The proposition was that this bill should not lose the position it now has.

The SPEAKER. On Saturday next it could be brought up without conflict with anything else.

Mr. McRAE. I am perfectly willing that when the committees are next called, if the gentleman desires the bill to be called up, it may come up; but what I want is that it shall not have the privileges which belong to a special order.

Mr. POWERS. The bill might come up on Monday, as I understand——

Mr. McRAE. No.

Mr. POWERS. By unanimous consent.

The SPEAKER. That arrangement would have to be made by unanimous consent, as it would displace the business of the Committee on the District of Columbia.

Mr. POWERS. Then I suggest that on Saturday, or even next Tuesday—I do not care which——

Mr. McMILLIN. I suggest that the gentleman name Tuesday. We are sure to have a session on that day.

Mr. POWERS. Very well; Tuesday.

The SPEAKER. Without objection, that arrangement will be made.

Mr. McEWAN. What is the arrangement now decided upon?

The SPEAKER. That on Tuesday when the committees are called the bill shall be in order.

The call of committees was continued.

DRAMATIC AND MUSICAL COPYRIGHT.

Mr. DRAPER (when the Committee on Patents was called). I call up Senate bill No. 2306, to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

The bill was read, as follows:

Be it enacted, etc., That section 4966 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than $100 for the first and $50 for every subsequent performance, as to the court shall appear to be just. If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor and upon conviction be imprisoned for a period not exceeding one year. Any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or musical composition may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative and may be enforced by proceedings to punish for contempt or otherwise by any other circuit court or judge in the United States; but the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or musical composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit court or the judge before whom said motion shall be made shall deem proper; service of said motion to be made on the plaintiff in person or on his attorneys in the action. The circuit courts or judges thereof shall have jurisdiction to enforce said injunction and to hear and determine a motion to dissolve the same, as herein provided, as fully as if the action were pending or brought in the circuit in which said motion is made.

"The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to dissolve or enforce said injunction, transmit without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office."

Mr. DRAPER. I call for the reading of the report.

The report (by Mr. DRAPER) was read, as follows:

The Committee on Patents, to whom was referred the bill (S. 2306) entitled "An act to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights," have had the same under consideration and report as follows:

The purpose of the proposed measure is twofold: First, to secure to musical compositions the same measure of protection under the copyright law as is now afforded to productions of a strictly dramatic character. There can be no reason why the same protection should not be extended to one species of literary property of this general character as to the other, and the omission to include protective provisions for musical compositions in the law sought to be amended was doubtless the result of oversight. The committee is of the opinion that the existing law should be so amended as to provide adequate protection to this species of literary production.

The bill provides, secondly, for added means for the protection of authors of dramatic and operatic works.

In recent years the business of producing and staging plays and operas by American authors has largely increased, and in many instances has met with the very highest measure of success. Many of the best stage productions of modern times have been the work of American authors.

These productions in many instances have been carefully and elaborately placed upon the stage at very heavy expense to proprietors and managers, and their representation has given employment in various ways to thousands of people.

The existing law relative to copyrights has been found to be inadequate to properly protect authors and producers of American plays and operas in the enjoyment of their rights of property in these duly copyrighted productions.

Persons in various sections of the country have, without the shadow of right or authority, pirated these works, and, confining their operations chiefly to the smaller and more remote towns, have given representations of these stolen productions for their own individual profit, and without making any compensation whatever to authors or owners. Under existing conditions no adequate remedy exists for this unlawful usurpation of property rights.

The offenders are almost uniformly men without attachable means, and defy all the ordinary processes by which they might be mulcted in damages. The representation of these pirated productions is generally given for a night or two only at a given place, and the offenders flit from section to section and from State to State and bid defiance to the processes of the courts seeking to restrain their unlawful acts.

Serious embarrassments have arisen in the efforts to enforce these judicial orders and to punish offenders for disobedience of them.

While it is true that an injunction order issued by a court of competent jurisdiction is operative upon the conscience of the party restrained everywhere in the United States, it appears that an attachment for contempt of such order can not be executed except in the circuit of the court which issued the original order, and this bill seeks to overcome this difficulty.

The bill further provides that the piracy, i. e., the unlawful production of any duly copyrighted play or opera, if it be determined that such unlawful representation was willful and for profit, shall be a misdemeanor, and shall subject the offender, upon conviction, to the liability of imprisonment for a period not exceeding one year.

The reason for the enactment of this provision has already been outlined.

The unauthorized publication of a copyrighted book may ordinarily be adequately punished through civil proceedings and under the provisions of existing law. The offender in such case is a person of fixed domicile, and has a press and the implements of his business, so that the ordinary processes of the court may readily be served upon him, and he may be compelled to respond in damages for his wrongdoing.

These conditions do not exist, as a rule, in the case of the professional play pirate.

It is difficult to serve him with injunction and court orders because of his migratory habits, and as he is frequently without attachable means it is impossible to satisfy a money judgment against him.

Testimony has been adduced before the committee showing that the losses accruing to authors and owners of copyrighted productions by these piracies amount to large sums each year. So little protection is in fact afforded under existing conditions that many prominent American dramatic authors no longer go to the trouble and expense of taking out copyrights for their works.

Conceding that for light causes nothing should be added to the jurisdiction or powers of the Federal courts, it would seem that the circumstances in connection with the wholesale piracy of these productions of native authors demand that something more nearly akin to drastic measures should be invoked to remedy the evil.

Believing that productions of the character mentioned constitute property in the fullest and best sense of the term, your committee sees no good reason why this species of literary production should not be surrounded by the same measure of protection as is accorded to other classes of property.

Your committee therefore recommend that the bill do pass.

Mr. DRAPER. Mr. Speaker, the report which has just been read fully explains the purpose of this bill. It was very fully considered by the Committee on Patents of this House, and unanimously reported. It has also been considered by the same committee in the Senate, and has passed that body. I do not suppose there will be need of discussing the measure at length, and I do not care to do so unless it is necessary. I call for a vote.

Mr. HOPKINS. One moment, Mr. Speaker. I do not desire to antagonize the gentleman from Massachusetts [Mr. DRAPER]; but there are some features in this bill which I think the House should understand before voting on the measure. If I understood correctly the reading of the bill, it authorizes the filing of a bill in the circuit court of the United States in the city of New York, and under that proceeding that court would be permitted to serve notice upon a company performing, say, in San Francisco, and that company, 3,000 miles away, might have their rights determined by a judge in New York City.

There is another remarkable feature in this bill which I observed by the reading. If I understand the measure—and the gentleman from Massachusetts will correct me if I am wrong—it provides that one part of the case may be tried in New York and the other part in San Francisco, or anywhere else where there may be a court of the United States; so that the same case may be pending in several courts at the same time. That would be a clear invasion of the principle that has heretofore prevailed in all cases, in both the Federal and the State courts.

There is another point in this bill which is a little remarkable. It fixes the amount of penalty to be inflicted at not less than $100 in any case, regardless of the question whether the party has been damaged to that extent or not.

Mr. LACEY. That corresponds with the present law as to dramatic performances—that is to say, the liquidated damages are $50 and $100 under the present law as to dramatic performances.

Mr. HOPKINS. If that is true, it does not apply to any other species of property.

Mr. LACEY. No.

Mr. HOPKINS. The general principle, as every lawyer understands, is that when a person claims damages for an infringement of his property rights he must show in the court where his case is commenced the amount of damages that he has sustained. But this bill provides that this sum shall be paid as damages regardless of the question whether the party has been injured to that extent or not.

As I have said, I do not care to antagonize my friend from Massachusetts, but I think the House should understand the character of this bill before voting upon it. It proposes in behalf of the particular class of persons a stretch of Federal authority which is not sanctioned in reference to any other kind of property in this country. And it seems to me it is a stretch of power that it is dangerous to permit with respect even to the productions of [illegible].

Mr. DRAPER rose.

Mr. LACEY. Will the gentleman from Massachusetts allow me a question? I notice the bill provides that the willful giving of a dramatic or musical performance without authority shall be a misdemeanor and may be prosecuted criminally in the Federal courts. I wish to ask my friend the chairman of the Committee on Patents what is the necessity for this extreme measure? Has not the present system of investigation and injunction by the United States courts been found ample for the protection of rights of this character so far as dramatic performances are concerned?

Mr. DRAPER. It has not been found of any value at all.

Mr. LACEY [continuing]. If musical performances are put in the same [illegible] as dramatic works, would it not?

Mr. DRAPER. I can reply to only one gentleman at a time, but [illegible] the first question that was proposed by the gentleman from Iowa [Mr. LACEY], the reason why the bill was introduced is because the present statute does not protect dramatic authors; and many of our dramatic authors have ceased to copyright their works because they are not sufficiently protected under the present law.

In reply to the gentleman from Illinois (Mr. HOPKINS), the language he objects to on the first page of the bill in regard to the criminal offense is already the law. It is a part of the present law and there is no new legislation about it.

Further, I think my friend misunderstands the bill, at which I am somewhat surprised, as I had the pleasure of submitting it to him in advance of its presentation to the House. As I understand it, it provides, in case an injunction is taken out against a company illegally performing a play, for instance, in New York, and the next night goes to Jersey City, that instead of it being necessary to take out a new process through an injunction proceeding in Jersey City the injunction taken in New York will hold against it, unless the company shows cause why it should not hold. As the case stands now, the law is utterly inadequate to protect against the production of plays in an unauthorized manner for this reason by strolling companies.

I would say that this legislation was asked for by substantially the entire dramatic profession of the United States, and we have had many and very interesting hearings upon the subject. I have a list of the signatures here of some of those who have asked for the legislation, and among the many dramatists who have asked for it I find such names as Bronson Howard, David Belasco, Charles Barnard, Henry G. Carleton, Reginald De Koven, James A. Herne, Charles Hoyt, Joe Howard, jr., Bill Nye, John Philip Sousa, J. Cheever Goodwin, John J. Braham, Arthur Wallack, Louis Harrison, and others. Among the actors we find such names as Helena Modjeska, Marie Jansen, Stuart Robson, William H. Crane, Annie Ward Tiffany, James B. Mackie, Kate Claxton, Thomas Q. Seabrook, Louis Aldrich, Maida Craigen, Maude Banks, Marian Manola-Mason, Robert Hilliard, Henry E. Dixey, A. M. Palmer, Daniel Frohman, Charles Frohman, Henry E. Abbey, Wilson Barrett, John Drew, Georgia Cayvan, James O'Neill, Frank Mayo, B. F. Keith, Canary & Lederer, Charles Hoyt and Frank McKee, T. Henry French, H. C. Miner, W. H. Thompson, William Faversham, Ferdinand Gottschalk, Bessie Tyree, Mark Murphy, W. D. Jones, and many others.

The statement of all of them is that under the present law, that pretends to give protection to copyrighted plays, no protection can be offered for the reason already suggested, and no indemnification can be obtained against any illegal performances in New York or elsewhere, because if an injunction is taken out in New York the players can go over to Jersey City and perform there two or three days before an injunction can be gotten out, and then be off to Philadelphia, will give as many performances there as possible, and before an injunction can be taken out in that city perhaps they will be off to Baltimore or somewhere else.

Now, Mr. Speaker, what is intended by this legislation is that the first injunction taken out shall serve in the other districts of the United States unless cause is shown why it should not.

Mr. CONNOLLY. I would like to ask the gentleman a question. Does this bill require that the injunction shall be upon hearings or upon mere application? Is it the intention of the law that the injunction may issue without a hearing, and cover all the territory of the United States?

Mr. DRAPER. No; there must be a hearing first.

Mr. HOPKINS. If the gentleman will permit me, he referred to the fact of having submitted this bill to me. He does not wish, I presume, to convey the impression to the House that I have approved of the bill and recommend its provisions?

Mr. DRAPER. I purposely did not say that. I said I submitted it to the gentleman, and was surprised to see that he misapprehended the provisions. That was all. I did not mean to imply anything further.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. DRAPER. Certainly.

Mr. HULICK. In this bill, in line 14, I find these words:

> If the unlawful performance and representation be willful and for profit.

I would like to ask the gentleman if this provision of the bill will affect charitable organizations or amateur associations in performing or representing any dramatic or musical composition for a charitable purpose, in order to obtain money for any benevolent institution or otherwise?

Mr. DRAPER. Not as I understand it. The matter was discussed in both committees.

Mr. HULICK. But this provides that any person, without any exception whatever, guilty of this offense shall, upon conviction, be imprisoned for a period of not exceeding one year, and so on. It provides that it shall be unlawful for any person publicly to perform any dramatic or musical composition for which a copyright has been granted under the penalties that I have suggested. Now, if a person should inadvertently, without understanding or examining the statute, engage in such a performance he would be held guilty of violating the act and be subject to the punishment fixed by the statute. There seems to be no exception in the bill as you have drawn it.

Mr. DRAPER. I think there will be no practical danger in that.

Mr. HULICK. Is there any exception of that class of performances anywhere in the statute? There certainly is not in this bill.

Mr. DRAPER. Unless there is something more to be said, I ask for a vote.

Mr. CONNOLLY. Let me ask the gentleman my question again.

Mr. DRAPER. I will yield for another question.

Mr. CONNOLLY. I asked whether or not the injunction that you provide for or specify here is to be an injunction granted upon hearing. I find on referring to the bill that a mere temporary injunction may be sufficient, without a hearing.

Mr. HOOKER. It provides that a motion may be made to set it aside.

Mr. CONNOLLY. I see the bill provides that any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining, etc., may be served on the parties against whom it is granted anywhere in the United States. Now, that may be a temporary injunction, granted without hearing, upon merely filing a bill setting out the facts claimed, and asking for a preliminary injunction. That may be done without hearing, and that injunction then, without any evidence ever having been heard in support of it, will be enforced everywhere in the United States to stop the performance.

Mr. HOOKER. The injunction would not be made permanent until after a hearing was had.

Mr. CONNOLLY. It becomes permanent everywhere in the United States under the language of this bill, upon merely asking for an injunction, and having it issued. It becomes permanent then until the other party comes into court and seeks to have it set aside.

Mr. DRAPER. Which he has a right to do.

Mr. CONNOLLY. Of course he has a right to do it, but in the meantime it will be enforced everywhere in the United States.

Mr. DRAPER. It is provided in the bill that he may come in and seek to have it set aside.

Mr. CONNOLLY. In the meantime it restrains him everywhere, and the practical effect of it is to give a permanent injunction without any evidence to show that the facts set out in the bill are true. Anyone can go into court, make a charge, and get an injunction that is enforced everywhere.

Mr. SULLOWAY. Why should it not restrain him everywhere?

Mr. CONNOLLY. Because the fact has not been established.

Mr. SULLOWAY. If it is to be enforced anywhere, why not let it be enforced everywhere within the jurisdiction of the United States?

Mr. CONNOLLY. Of course, if you make it an injunction granted on a hearing, that is a different thing, but this is an injunction granted upon a mere ex parte showing.

Mr. SULLOWAY. But the court would take care to order an immediate hearing.

Mr. CONNOLLY. The court could not order an immediate hearing.

Mr. SULLOWAY. And a bond would be required, if there was danger of damage.

Mr. CONNOLLY. The court might require a bond and it might not.

Mr. SULLOWAY. That is assuming that the court would not do the right thing.

Mr. CONNOLLY. We ought to require the court to do the right thing to protect the parties.

Mr. HOOKER. The court will do that.

Mr. SULLOWAY. I think the courts may be relied upon to protect everybody.

Mr. STEWART of New Jersey. Does not this preclude any person from singing a topical ballad if it is copyrighted? Would not that be included in the terms "musical composition," in line 12?

Mr. DRAPER. If it is copyrighted, of course.

Mr. STEWART of New Jersey. Then it would include a copyrighted ballad.

Mr. DRAPER. It would include the performance of anything that was the property of another, without authority. As this matter has awakened more discussion than I expected, I will yield ten minutes to the gentleman who introduced the bill, Mr. CUMMINGS of New York.

Mr. HULICK. Will the gentleman allow me just a moment, to offer an amendment? And then the gentleman can proceed.

Mr. CUMMINGS. I will.

Mr. HULICK. Mr. Speaker, I offer the following amendment: Strike out all after the word "just," in line 14, and before the word "only," in the seventeenth line; and also strike out in line 20 the word "such."

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Strike out all after the word "just," in the fourteenth line, and to the word "only," in the seventeenth line thereof; and in line 20 strike out the word "such;" so as to read, "representation of any dramatic or musical composition."

Mr. CUMMINGS. Mr. Speaker, the amendment offered by the gentleman would entirely emasculate the bill and leave the law practically where it is to-day—worthless. There are 5,000 theaters and opera houses in the United States. They cost from $10,000 to $800,000 each. These theaters employ 50,000 persons outside of actors and actresses. There are upward of 400 manuscript plays, written or owned by citizens of the United States, played nightly in our cities. They give employment to from 5,000 to 6,000 actors and actresses. The total of plays involved is over 1,500. The cost of producing these plays ranges from $2,000 to $25,000 each. This enormous aggregate invested is entirely dependent upon the right to perform these plays.

The laws of the United States recognize the right to perform a play as the exclusive property of the author or owner of the play. The copyright law imposes severe fines for the punishment of all persons who perform a play without the consent of the owner. The Federal courts provide facilities for preventing, by injunction, the unauthorized performance of plays. It would, therefore, seem that the right to perform a play was thus perfectly protected.

But the law does not protect this class of property. There is under the copyright law no real protection against the unlawful performance of a play. An injunction obtained against the unwarranted performance of a play is of comparatively limited value. A man who steals a valuable play can sell a copy for a few dollars, or perform it every night for months in practical immunity from arrest, fine, or imprisonment. There are innumerable companies in all parts of the country engaged at all times in the unlawful performance of plays to which they have no legal or moral right. The theft of successful new plays and the sale of stolen copies of the manuscripts have become a regularly organized business. There is one firm in Chicago alone that advertises the manuscripts of hundreds of plays to not one of which it has any right whatever.

These stolen plays are performed by irresponsible parties without means, local habitation, or reputation. An injunction obtained in one Federal district is inoperative in any other, and by crossing an imaginary line the person conducting the unlawful performance may defy the United States law and continue to perform the play until its commercial value is completely destroyed. Entire sections of the country, East, West, North, and South, are now so overrun with these unlawful producers of plays that reputable companies are completely debarred from entering them. The local managers and owners of theaters are nowhere in sympathy with these unlawful producers of plays, but it has now become almost impossible for them to detect a fraudulent production when contracting for performances in their houses.

No man can defend this great wrong. Look at it more closely. The man who is robbed of the work of his intellect is told to go to the courts. He goes to the circuit court in the district where the play is being produced and gets an injunction. The pirate skips into another circuit and displays his stolen goods. If followed with a second injunction he goes into a third circuit, and the chase continues. The owner of the copyright might spend all his profits if he has any, and if not might spend his entire fortune, before he could secure a conviction of the thief.

I know of one case myself. One of McKee Rankin's plays was being pirated in Denver. It was being performed in the opera house there. I say "performed"—I should say "butchered." The owner went before the judge. He secured an injunction against the performance, and the man who was running the show promptly turned the company over to another pirate, and that gentleman produced the play in that very opera house in that very city on the next day. If he had been followed up he would have turned the company over to a third pirate, and the performance would have been continued indefinitely.

Mr. Speaker, this is not the first time this bill has been before the House of Representatives. It was here in the last Congress. As a remedy it was proposed to give any Federal court jurisdiction over the entire country. I am not a lawyer and I shall not attempt to use legal phraseology. I shall try to make it so plain that even a common bootblack can understand it. [Laughter.] Say an author has copyrighted a play and sold it. Twenty-five thousand dollars has been spent in the city of New York to produce it. Somebody out in Chicago, or New Orleans, or San Francisco mangles it and sends out piratical troupes to perform that mangled play without authority from the author. The author or purchaser can go to a Federal judge—say the circuit judge of the New York district—and get an injunction which would hold in every circuit in the United States. Such was the bill proposed in the last Congress. The House voted it down, because they did not think it proper to give a Federal judge in New York complete jurisdiction over a matter in Texas. I do not say that the House was not right, although I must say that if the force bill had become a law it would have given the Federal courts far more jurisdiction than that proposed in the last Congress.

Now, Mr. Speaker, this bill attempts to correct what the House thought was wrong in the bill then. As I understand it now, it gives a Federal judge in New York the power to issue a mandamus or an injunction or power to punish for contempt, and that power can be exercised in any other judicial district in the United States if it is indorsed by the judge ruling in that district. If he refuses his assent, that ends the whole matter, and the man who owns the copyright remains unprotected. But if the judge believes that the pirate was at work in his district, by a simple indorsement he could pen the pirate and stop the robbery.

Now, Mr. Speaker——

Mr. RAY. Do I understand the gentleman to be now stating what the law is, or what this bill proposes?

Mr. CUMMINGS. What this bill proposes.

Mr. RAY. I do not think there is any such provision in the bill as the gentleman suggests. The way I read it it provides that an injunction may issue by a judge, say in the circuit court of the State of New York, and that that injunction may be served anywhere in the United States, that it shall be operative wherever served, and upon that person wherever he may go, and that the court or the judge in any circuit anywhere in the United States may enforce it. The bill does not require any indorsement by the judge.

Mr. CUMMINGS. Well, that is practically the same thing—probably a little better.

Mr. RAY. But it does not require any indorsement.

Mr. CUMMINGS. But it leaves it in the power of the judge to enforce the injunction or not to enforce it, and that is the point I am getting at. Here, for instance, is a man who spends $10,000 for a play, which is produced in the city of New York. It is a failure. He loses his $10,000. He picks his flint and tries again. He spends $15,000 more for a second play, and that also proves a failure, and his money vanishes. Finally, after repeated efforts, he procures a play that is a great success. It is bringing in money enough to more than repay him for all the losses he has incurred. Now, the moment that play is successful, ten or a dozen or perhaps twenty pirates seize it. They send their stenographers into the theater to copy the words. They can buy them, if they wish, from a company organized in Chicago, which sends its stenographers and its musicians to steal words or music. Next, these ten or twenty piratical companies spread themselves all over the Union. They do not give the play as it was written by the author. It may require thirty or forty performers to present it properly; but they mangle and mutilate it so that it can be performed by half a dozen people. They damage irretrievably the property owned by the author, or by the man who put up the money to produce it originally. The author received his copyright from the United States, and the theft of his play is a robbery of his brains. Yet he remains unprotected. The Government virtually receives his money under false pretenses. If the thief was at the South and stole a hog, he would probably be shot or hanged, but he can steal the product of another man's brain and be virtually protected by defective laws.

Mr. STEWART of New Jersey. The penalties of the bill apply to musical compositions publicly played or performed, either with or without hire. Take a musical ballad, for instance, that is sung upon the street by boys and girls, or played upon an organ without compensation, the provisions of this bill would apply to that, would they not; and if so, ought there not to be an amendment to except such cases?

Mr. CUMMINGS. I will say to my friend that the author of a popular ballad is always too glad to have it sung upon the streets or played by a hurdy-gurdy, because that brings it into public notice.

Mr. STEWART of New Jersey. That is true as a matter of sentiment, but does not this bill apply to cases where ballads are sung publicly in that way?

Mr. CUMMINGS. I think not. I have not examined it carefully. It is not the bill that I introduced. It is the one that the Senate has passed. There may be a slight difference.

Mr. STEWART of New Jersey. With the gentleman's permission, I will offer an amendment to meet that case.

Mr. CUMMINGS. I have no objection to an amendment for the specific purpose the gentleman suggests. Does he mean where these ballads are sung on the street, or where they are sung in a theater or an opera house, but not for hire?

Mr. STEWART of New Jersey. Under this bill boys and girls singing popular ballads on the street would be liable to the penalties provided in the bill.

Mr. CONNOLLY. In the eighth line the bill provides that the penalty shall apply only where the composition is produced without the consent of the proprietor. Now, if these compositions are offered for sale, the consent of the proprietor is implied.

Mr. CUMMINGS. I have no objection to an amendment such as the gentleman from New Jersey suggests, although I think it entirely unnecessary.

Mr. STEWART of New Jersey. Then I will offer it.

The SPEAKER pro tempore. The Chair would say to the gentleman from New Jersey that there is one amendment already pending.

Mr. STEWART of New Jersey. Then I will withhold mine until that one is disposed of.

Mr. CUMMINGS. I will say, Mr. Speaker, that I do not think such an amendment is necessary, because I do not think any trouble will ever arise in the cases the gentleman from New Jersey mentions. I know that when it is desired to perform "The Banker's Daughter," or any other play at a church festival, the permission of the author is always given; in fact, the author is glad to give such permission, because it makes his composition more popular, and thereby enhances its value. Finally, Mr. Speaker, I say that it is a disgrace to the Congress of the United States to have the dramatic authors and the musical composers of this country coming here year after year praying for relief and asking simple justice for the protection of their property—such protection as you give to cabinetmakers, machinists, and breeders of razor-backed hogs. [Applause.]

[Here the hammer fell.]

Mr. HULICK. Mr. Speaker, in offering the amendment which has been submitted to the House, I think that in the bill as it now stands the penalties are entirely too severe. The bill makes no exceptions in favor of any persons or any company that may present any copyrighted musical or dramatic composition. Upon further consideration, however, and with the consent of the chairman of the committee, I will withdraw the amendment I have offered and offer instead that which I send to the desk.

The Clerk read as follows:

Insert after the word "year," in line 17, the following:

"*Provided*, That if said performance and representation shall be for charitable or benevolent purposes, it shall be a good defense to any prosecution under this act."

Mr. HULICK. Only a word in support of this amendment. I had the honor to be a member of the Committee on Patents in the Fifty-third Congress when a bill of this character in regard to dramatic performances was considered by that committee. I sympathize with the friends of this measure in the efforts they are making to protect the dramatic copyrights, and I think the law should operate very severely upon persons who may willfully infringe upon such rights.

Mr. CUMMINGS. Will the gentleman allow me one question?

Mr. HULICK. Certainly.

Mr. CUMMINGS. If it is wrong to rob a man at all, is it not wrong to rob him through the operations of a church? For that is adding hypocrisy to theft. [Laughter.]

Mr. HULICK. I can not agree with my friend at all in his conclusion. I think that the authors of these dramatic compositions—the parties who have an interest in these representations and who would undoubtedly be greatly benefited—should do for the church as much at least as my amendment contemplates, and the parties presenting the play or musical concerts should not be subject to fine and imprisonment.

Mr. CUMMINGS. They have never refused it, my friend.

Mr. HULICK. Very well; then it should not be assumed that they will in any case withhold their consent to this amendment.

Mr. CUMMINGS. All that need be done by any church or charitable organization desiring to perform a copyrighted piece is to ask permission of its author; such permission is always gladly granted. I defy the gentleman to show one case where it has ever been refused.

Mr. HULICK. I have no doubt that the authors of compositions of this class are as generous as my friend from New York claims that they are; and I have no doubt they would cheerfully assent to this amendment, so that where any of these productions are presented for benevolent or charitable purposes no penalty shall attach.

Mr. RAY. If we are to recognize the fact that these copyrights belong to the authors of the compositions, then, having recognized this species of property, should it be any defense for any person who may steal such property to say that he stole it for charitable purposes?

Mr. HULICK. Not at all.

Mr. RAY. If I steal your potatoes, should it be any defense that I stole them to give them to the poor, and did give them to the poor, or gave them to a church fair or to some other charitable object?

Mr. HULICK. Certainly not. But if a church or a charitable institution should produce a musical representation protected by copyright, it should be a defense, if they are indicted or prosecuted for a violation of the law, that the act was not done for personal gain, but for a charitable purpose.

Mr. RAY. There would not be any profit to me if I stole your potatoes and gave them to the poor.

Mr. HULICK. Very true.

Mr. RAY. I would not do it for profit.

Mr. HULICK. I think the gentleman does not comprehend the force of this amendment. It does not propose to authorize any charitable or religious organization to infringe upon any legal right, but it provides——

Mr. RAY. It simply proposes to recognize in this bill the principle that, if any church or charitable organization, for the purposes of pleasure or entertainment, should find it convenient to steal the property of a dramatic or musical author, they may do so at will, and the act shall not be regarded as unlawful.

Mr. HULICK. I only gave way for the gentleman to ask a question.

Mr. STEWART of New Jersey. I wish to call the attention of the gentleman from Ohio [Mr. HULICK] to a point which may obviate some of this discussion. At line 14 of this bill I find the words "if the unlawful performance and representation be willful and for profit." Now, if church organizations did not do the thing for profit, their defense would be complete under the bill as it stands.

Mr. HULICK. If they gave a performance for profit, of course the act would be willful. But the performance might not be for profit. My amendment does not propose to license religious or charitable organizations to make these representations, but it simply contemplates that if there should be an attempt to prosecute them they may exempt themselves from punishment by making the defense that the performance was for a charitable or benevolent purpose. But this provision would not interfere with the power of the courts to enjoin any such association from making a musical or other representation. The bill fully provides against infringements of copyrights by injunctions and power to punish as for contempt for disregarding the orders of the court.

Mr. QUIGG. Will the gentleman allow me a moment? There are a number of dramatic companies organized, as the gentleman is doubtless aware, for the purpose of cooperating with churches and charitable institutions, and which go to church and charitable organizations offering to give a performance for a division of the profits. Now——

Mr. HULICK. That would not be a good defense. It would be in that case a performance for profit, and would be subject to the penalties provided in the act.

Mr. QUIGG. But if you put in that amendment, would it not allow this proceeding?

Mr. HULICK. No; I think not. I do not intend it in that way. I think the amendment is clearly not susceptible of that construction.

I sympathize with the purposes of the bill, and agree that these parties ought to be protected. But at the same time I think it would be a great hardship if the strict letter of this law were applied in many cases which would readily present themselves to any gentleman who gives it a moment's thought. Many of these performances, as gentlemen are aware, in remote country districts are gotten up on the spur of the moment by people who do not understand these rights, who have not examined the statutes in reference to the matter; and these musical and dramatic performances are inaugurated perhaps for a charitable purpose and for charity alone. Now, in such cases, if these persons so engaging in such performances shall be arrested for a violation of the law, the amendment provides that it will be a proper defense to say that it was not the intention to violate the statute or to rob anybody of his right, using the language of my friend from New York [Mr. CUMMINGS], but merely a defense against prosecution under the bill because it was not a performance undertaken for profit. But it would not be a defense against the injunction of the court or against the party undertaking to give such performance if the amendment is adopted. I do not understand that would be its effect. I simply want to protect, in such cases, entirely innocent people engaged for a charitable purpose, or perhaps members of a benevolent organization, if by chance they should present a play or musical programme of a character which would come within the provisions of this bill, so that the defense might be set up in a criminal prosecution that it was not intended for profit to themselves individually, but only for benevolent or charitable objects.

The gentleman from New York [Mr. QUIGG] tells us that the bill does not contemplate prosecutions in cases contemplated by this amendment. I can not agree with him. There is no exception in the bill. He says no prosecutions would ever be made under the bill as it is. That may be true; nevertheless I think we should not make it possible for such prosecutions to be had, and I therefore offered this amendment.

Mr. DRAPER. Mr. Speaker, it seems to me that the amendment is unnecessary, and I hope it will not be adopted. I ask a vote.

The question was taken on the amendment of Mr. HULICK, and it was rejected.

Mr. STEWART of New Jersey. I withdraw my offer of an amendment.

Mr. LACEY. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out all after the word "just," in line 14, on page 1 of the bill, down to the word "any," in line 17 of the bill, and insert:

"The printing, publication, and sale of such dramatic or musical composition by the proprietor thereof shall be deemed a sufficient consent to the public performance or representation thereof."

Mr. LACEY. Now, Mr. Speaker, a brief explanation of the amendment.

I think this bill has been drawn in a much more drastic manner than the House really understands it. Take one of our ordinary popular songs; it is copyrighted and sold; it may under this bill be sung in the private parlor, or perhaps sung on the streets, but if any troupe of performers should wish to introduce the song on the stage in connection with its performance and publicly render such composition, such troupe becomes at once subject to the penalties of this statute. It seems to me that the act should not be drawn in that severe form.

There is no reason, as far as I am able to understand, why a person who writes a popular song, sets it to music, prints and copyrights it, and publicly sells that music and song should still retain the right to say where it shall be used, and have the privilege of punishing anybody for using it in public without his consent. For that reason I think the modification I have offered should be incorporated in the bill.

Mr. QUIGG. If the gentleman will allow me, is it not a part of his property? Suppose I am the author of a song, and make so much money, on a percentage basis, on each copy of the song sold, is not the song my property for still another profitable purpose? Suppose, for instance, that I should sell to my colleague from New York [Mr. CUMMINGS]—who for the purpose of this illustration may be described as a popular concert-hall singer—the exclusive right to sing that song publicly and for profit. Now, if anybody else, another clever performer, comes along and duplicates the performance which his genius has created, am I not robbed and is he not robbed? Does not your amendment take from us an obvious property right?

Mr. LACEY. In other words, it is as if a man who patents and sells a sewing machine should ask us to make it a penitentiary offense for the young woman, the sewing girl, to use the machine.

Mr. QUIGG. Oh, no; that is not at all a parallel case.

Mr. LACEY. The point I make is that when the song or dramatic performance has been once copyrighted, published, and sold it becomes a public article just as much as any other article that is sold. The right passes from the originator to the purchaser of the article, and when a man purchases such an article he should have the right to use it in public or in private as he pleases. In other words, a man should not be permitted to sell his property and keep it at the same time.

Mr. QUIGG. I am afraid my friend from Iowa [Mr. LACEY] does not understand how these songs are used.

Mr. LACEY. I think I understand. The songs are used in various ways. A song may be incorporated into a variety show and become one of the principal parts of the show.

Mr. QUIGG. Precisely.

Mr. LACEY. And by so doing they will copyright the entire performance, and thus prevent the use of it after selling it to the public.

Mr. QUIGG. Oh, no; you can not do that.

Mr. LACEY. Again, too much stress is put upon the brains of these inventions. Nine-tenths of all these copyrighted plays are pirated in the first place. That is, the first pirate is the man who copyrights the play. He gathers his material from a thousand older sources. He makes it original simply by incorporating it into a play, and he can copyright it without any proof of originality. He does not have to go into the Patent Office and prove originality, as a man does who wishes to procure a patent upon a piece of machinery, but a copyright is granted as a matter of right to begin with, on paying the necessary fee and filing the title-page.

Mr. CUMMINGS. Then you mean to tell me that our Lord and Saviour Jesus Christ pirated the Golden Rule because some Brahmin promulgated it hundreds of years before He did?

Mr. LACEY. Not at all. He took out no patent upon it. Beside that, if He had taken out a patent on the Golden Rule, under this law it would have done Him no good.

Mr. CONNOLLY. No one uses it anyway. [Laughter.]

Mr. LACEY. My friend now proposes that if the Golden Rule should be incorporated into a play by McKee Rankin it would be a copyrighted article, and that that particular combination of words, with the Golden Rule inserted in a particular connection, if copyrighted, could not be afterwards used in that particular form. It seems to me the vice of this bill is that it makes an offense, for which a man may be sentenced to jail for a year, simply for performing in public a thing which may have already been practically pirated by the copyrighting party himself. It is an extreme law, a law that is unnecessary. I grant you, Mr. Speaker, that there is good reason for enlarging the law so as to take in musical compositions. I concede that it would be well to enlarge the law as to the practice, so that the injunctions which are granted in the city of New York may be enforced through appropriate channels in Denver and in other places; but to make a crime out of the violation of a copyright is an extreme application of the law which it seems to me is utterly unjustifiable and unnecessary. We do not authorize it in the infringement of patents.

Mr. QUIGG. Would it not be the effect of your amendment that if I wrote a song and copyrighted and published it——

Mr. LACEY. And sold it.

Mr. QUIGG. And sold it, that anybody could publicly perform it for profit?

Mr. LACEY. Certainly. If you do not want to make it public in that way, you must not sell it. When you once sell it, the right to use it passes with the sale, just the same as with any other patented article, and it should go with the sale.

Mr. QUIGG. The right to use it to the extent of making money out of it?

Mr. LACEY. The right to use it to any extent whatever; that when it is copyrighted, and you pay an additional price for the copyrighted article, the right to use it should go with it.

Mr. COX. Will the gentleman yield to me, so I can get some information about this matter?

Mr. LACEY. I yield to the gentleman from Tennessee.

Mr. COX. What kind of power do you invoke for the enforcement of this law when it is violated?

Mr. LACEY. The present law requires that the party holding the copyright shall protect himself in his civil rights by a civil proceeding in the courts, just the same as if he had a patented article. This bill proposes to go further. It proposes that you may go into the courts and file informations or obtain indictments and punish as a crime the use of a copyrighted article. It is a very extreme measure, it seems to me; one which has evidently been drawn up by some lawyer, specially employed by parties holding such copyrights, in an endeavor to make it so strong that the whole power of the Federal Government in its criminal capacity can be invoked and the cost of disputes of this character saddled upon the Government by making a new statutory crime.

Mr. STEWART of New Jersey. Does not the putting of these ballads on sale for profit work a dedication or abandonment to the public as a matter of law?

Mr. LACEY. It will if my amendment is adopted.

Mr. STEWART of New Jersey. Even without the amendment, would it not be an abandonment of the property as a pure question of law?

Mr. LACEY. Unquestionably; and yet the law is drawn in such a way as that it would probably have no effect.

Mr. COX. He wants to sell it more than once.

Mr. QUIGG. Mr. Speaker, the gentleman from Iowa in offering his amendment says that this bill is drawn up in a severe form. That unquestionably is true. But he should consider that the sort of property which we are seeking to protect in this bill is very easily stolen, and that laws which avail to render other forms of property safe from spoliation are of no service with this kind; and so the law, if it is going to accomplish anything, must be severer than one which applies in the case of an ordinary piece of property that has to be physically picked up and carried off and appropriated in some easily observed way in order to constitute a theft. This is literary property, and we are seeking in this bill to protect the author of it in all the rights that ought to accrue to him on account of his production.

Now, one of these rights the gentleman from Iowa seeks to destroy by this amendment, and that is the right to control any production of it, any use of it, out of which the user proposes to make money. When I copyright a song, if it is meritorious, the first and most profitable use to which I can put it is to hand it over to a clever actor and singer, so that he can act it and sing it into popularity. I would not make a dollar on the publication of what might be a very clever song unless it was cleverly introduced on the stage by somebody who knew how to fasten public attention upon it. Does the gentleman from Iowa mean to say that I shall not have that right, or that I shall not be protected in that right? His amendment destroys that right absolutely, and yet he must see that there would be no profit to any publisher of any song in the sale of it unless first he could demonstrate to the public that it was a clever thing. The people would not know of its existence otherwise. Every one of the songs for which there has been a popular sale has been introduced to the public by some clever performer, who has taught to the public the fact of its attractive tune or amusing words, and then everybody wants it. You destroy his most profitable right in his production. Moreover, when you come straight to the rights of the thing, is it not a very necessary right that the author of literary or musical composition should enjoy a part of every profit which anybody obtains from the use of his brains? This bill does not forbid the singing of his song or the speaking of his piece for amusement, but only that when sung or spoken for profit he shall have some of the profit. It seems that that is a fair, necessary, and equitable thing, if we are going to make an effectual copyright, and otherwise it is impossible that an author can ever make anything out of his work.

Mr. RAY. Will the gentleman allow me to ask him a question before taking his seat?

Mr. QUIGG. Certainly.

Mr. RAY. Do you think this would be a violation of the law: Suppose his song was copyrighted and the owner of it should put that song in all the bookstores in the city of New York or of the United States for public sale, and it should go on sale in that way, and some company, in connection with a church, perhaps, or a county fair, or some other institution, should get up an entertainment and have that song sung in or as a part of that entertainment, would that, in your judgment, be a violation of this law? Is this bill intended to stop a thing of that kind?

Mr. QUIGG. I do not suppose the bill is intended to stop a thing of that kind, but I think it will operate to do so.

Mr. RAY. If that would make such a use of the song an offense, it is too drastic after it has been put generally upon the market.

Mr. COOPER of Wisconsin. Will the gentleman allow me to answer that question?

Mr. QUIGG. Yes.

Mr. COOPER of Wisconsin. Permit me to say that it seems to me that in line 8 of the bill we have a complete answer to the question of the gentleman from New York and the very matter which seems to have troubled the gentleman from Iowa [Mr. LACEY]. When a man offers a product of his for public sale he gives then his consent that it may be reproduced by anybody.

Mr. QUIGG. Perhaps that is so, but I rather think not.

Mr. COOPER of Wisconsin. And without the consent probably, then, it becomes an offense; but when he offers it for notorious public sale he means that they shall pay for the use of it provided they do it. I think the point taken by the gentleman from New York is this, but if a man does not offer it in the book stores or the music stores in the manner suggested by the gentleman from New York [Mr. RAY], then he does not offer it for promiscuous interpretation, but can copyright it and yet sell it to a single singer to be sung. He does not give the right to everybody to use it.

Mr. QUIGG. My friend's answer is not mine. I should say that this bill forbade the reproduction for profit of that song by anybody anywhere and under any circumstances without the owner's consent. That is what the law ought to do. When it is suggested that this is too drastic, I say no, and that there is no profit in the song unless it has the benefit of such a law. So far as its reproduction by a Sunday school at a charitable entertainment is concerned, gentlemen are raising a question that they know the owner of the song will never raise, but in order to protect him everywhere he must have a law under which he can raise that question if he likes.

Mr. LACEY. But the law would be enforced by the grand jury or by the district attorney. The composer or author would have nothing to do with it. You are invoking here the criminal statutes of the United States and they can be brought to bear by anybody.

Mr. QUIGG. True; but there is always a complaining witness, without whom the law rarely acts. Nobody wants to proceed against Sunday schools, and there is no danger of any such situation arising.

Mr. HULICK. The gentleman says that in his opinion nobody would prosecute a Sunday school, but does the bill permit anybody to do that?

Mr. QUIGG. I hope that the bill permits it. My friend from Wisconsin [Mr. COOPER] says it does not, and perhaps he is right, but I think the law ought to avail to protect the owner at all points. I say that unless you draw the law so strictly that you can stop this piracy by everybody everywhere you have not drawn it strictly enough to protect anybody anywhere.

Mr. HULICK. Is not the remedy by injunction sufficient to stop all piracy of such productions?

Mr. QUIGG. Of course not. What good has it ever done?

Mr. HULICK. There is the power of the court to enjoin, and to enforce its orders, by fine and imprisonment, against any person who violates the law or is guilty of contempt of court.

Mr. QUIGG. Precisely; but the gentleman knows that the piracy never is stopped in that way.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say a word or two in reply to the gentleman from Iowa [Mr. LACEY], and also in reply to the gentleman from Ohio [Mr. HULICK] who has just taken his seat. With all due respect to them, it seems to me that they misunderstand the scope, intent, and purpose of this bill. There could be no possible offense under it, were it enacted into law, unless the rendition of the copyrighted song or dramatic composition were without the consent of the person owning the copyright. His consent or nonconsent goes to the very gist of the offense. The man who owns a copyrighted song or dramatic composition has the right, if he chooses, to allow any person to use it with or without compensation to him. The offense consists in using it without his consent.

If the owner of the copyright sells to proprietors of bookstores or of music stores throughout the State of New York or elsewhere his copyrighted work, whether a musical or a dramatic composition, for the purposes of general sale by them from their shelves, then, of course, everybody who buys such a composition from those dealers buys with it the consent of the owner of the copyright that they may sing or perform the thing they buy. The sale is made with his consent that the song shall be sung or the composition performed.

Mr. STEWART of New Jersey. But is not that only one use of the property, and is not the public singing of the song for profit another use?

Mr. COOPER of Wisconsin. Not at all; I will show where the mistake arises. If the author or owner of the copyright offers his production for sale everywhere in bookstores and music stores, and they sell it with his consent, then any person who buys it from them of course buys with it his consent to perform it, and there is no offense. But now go to line 11, and you find that if the unlawful performance or representation be for profit, then it will be a misdemeanor. To make it a misdemeanor there must be an unlawful performance. But the performance is not unlawful when the performer buys from a music dealer or from the proprietor of a bookstore something which the proprietor of the store has himself bought from the owner of the copyright. It is not unlawful for me to reproduce publicly a thing that I have bought in that way, because it is then my own property and I have bought the right to produce it in any place or manner that I please.

Mr. LACEY. Some gentlemen contend that the bill will have an effect directly opposite to that suggested by the gentleman from Wisconsin, and as the amendment which I propose would make the law as the gentleman now claims it is, what objection can there be to inserting the amendment?

Mr. COOPER of Wisconsin. A very great objection. It was pointed out by the gentleman from New York [Mr. QUIGG]. Under this bill if the owner of a copyright does not sell to dealers the right to sell the work generally, but himself retains the copyright and sells only to an individual singer or to the proprietor of a particular theater the right to sing the song or to use the dramatic composition, then nobody has any right to make a public representation or rendition of it except the individual so licensed.

Mr. LACEY. But the amendment covers that.

Mr. COOPER of Wisconsin. But there is no necessity for it, because the bill as it stands is absolutely correct on that point. There can be no unlawful performance unless it be without the consent of the owner, and if I copyright a song and sell it to dealers to be sold by them over the counter, anybody who purchases it from them buys with it my consent that he use it in any way he may choose, and for profit or otherwise, in his discretion. It is the property of the music dealer, and not my property, as soon as I have sold it to him to put on his shelves. The distinction made by the gentleman from New York is absolutely good; it is as plain as the distinction between daylight and darkness.

A man may own a copyright and not sell it for the use of the world at large, just as the owner of a patented invention may allow only one person or only four or five people in the whole United States to use it. He may retain his right to the patent and simply sell the patented articles. He is not obliged to allow the right to be used by everyone. But if he places the articles with storekeepers generally to be sold by them absolutely and without condition, then the people who buy do so with his consent that they use the article for profit if they desire. The particular property sold in such cases becomes that of the man who buys; it ceases to be that of the owner of the patent or copyright.

The gentleman from New York made another valuable suggestion—that the owner of a copyright might not want to part with his rights in such a way as to allow the promiscuous production of his work; he might be unwilling to allow the rendition or the interpretation of his composition by every bungler who might happen to get hold of it. Take the case of the owner of a song—for instance, the song "Lorena," published some years ago, the composition of a poor man who at that time lived in my district—a genius, if ever there was one. He wrote the song, and a great many thousands of dollars were made out of it. But he ought to have had the right, after obtaining his copyright, to withhold that song from public sale, and to give to an artist in the city of Chicago, for instance, the right to sing it on the stage there. Nobody else would have the right to sing a word of that song in public, so long as the exclusive right had been given by the author to that singer.

Mr. CUMMINGS. Will the gentleman allow me a remark right there? The song, "Mamie, come kiss your honey boy," sung by May Irwin, has brought to its author, as I read in the newspapers, $50,000 in the form of royalties.

Mr. COOPER of Wisconsin. Exactly. In that way a song may be sung into reputation and popularity all over the United States. But if the owner of the copyright of a song wishes to sell it to the music dealers in Chicago, in California, North and South Dakota, North Carolina, and all the other States, then anyone who buys the song from any one of those dealers buys it with the consent of the owner of the copyright to the public or private performance of the composition for profit or without profit. The distinction which has been made seems to me to be perfectly good. And there is no necessity whatever for the amendment of the gentleman from Iowa.

Mr. DRAPER. Mr. Speaker, it seems to me that this matter is fully understood. I hope the amendment will not prevail. I ask for a vote.

Mr. LACEY. I ask for a division of the question upon my amendment. The amendment embraces two propositions—first, to strike out that part of the bill which proposes to make the unlawful performance or representation of any dramatic or musical composition a misdemeanor punishable by imprisonment. The amendment further proposes to insert new language in place of that which I move to strike out. I ask a division of the question, so that members may have an opportunity to vote as an independent proposition on the motion to strike out.

The SPEAKER pro tempore. The first part of the amendment will be read.

The Clerk read as follows:

> Strike out all after the word "just," in line 14, down to and including the word "year," in line 17, the part proposed to be struck out being as follows:
>
> "If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor, and, upon conviction, be imprisoned for a period not exceeding one year."

The question being taken, the motion was rejected; there being—ayes 9, noes 52.

The SPEAKER pro tempore. The question is now on the second branch of the amendment of the gentleman from Iowa, which the Clerk will read.

The Clerk read as follows:

> Insert after the word "just," in line 14, the following:
>
> "The printing, publication, and sale of such dramatic or musical composition by the proprietor thereof shall be deemed sufficient consent to the public performance or representation thereof."

The question being taken, the amendment was rejected; there being—ayes 10, noes 52.

Mr. CONNOLLY rose.

The SPEAKER. Has the gentleman from Massachusetts demanded the previous question?

Mr. DRAPER. I have not. The gentleman from Illinois [Mr. CONNOLLY] has an amendment to which the committee will agree.

The SPEAKER. The amendment which the gentleman from Illinois has sent up to the desk will be read.

The Clerk read as follows:

> Amend by inserting after the word "granted," in line 17, the words "upon hearing, after notice to the defendant."

The question being taken.

The SPEAKER. The noes seem to have it.

Mr. CONNOLLY. I ask for a division. The chairman of the committee is content with this amendment, I understand.

The question being again taken, there were—ayes 43, noes 22.

So the amendment was agreed to.

Mr. DRAPER. I now move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; and

A bill (H. R. 2601) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of the committees.

The Committee on Invalid Pensions was called.

Mr. PICKLER. Mr. Speaker, I would like to inquire whether any bill that embodies a charge upon the Government could come up in this hour, under the call?

The SPEAKER. It would not be admissible under the rule.

Mr. PICKLER. I think we have no bills on the House Calendar. I therefore ask unanimous consent that we might have an hour to take up bills on the Private Calendar reported from the Committee on Invalid Pensions.

The SPEAKER. The Chair thinks that it would scarcely be in order to make the request at this time. It has not been the custom heretofore to interrupt the call of committees for requests for unanimous consent. The Chair has exercised that discretion thus far in regard to it, and thinks that it would interrupt the business.

Mr. PICKLER. I will not press the matter.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Private Land Claims was called.

Mr. SMITH of Illinois. Mr. Speaker, I desire to call up from the Committee on Private Land Claims the bill (H. R. 4603) to confer jurisdiction on the Court of Private Land Claims to try and determine a title.

The bill was read at length.

Mr. PAYNE. I make the point of order that this bill is not in order under this rule.

The SPEAKER. This bill, the Chair has just been informed, is on the Private Calendar, and could not come up under the call.

Mr. SMITH of Illinois. This call was made just as I came into the Hall, and I did not know exactly what it was. I withdraw the bill.

The SPEAKER. The Clerk will proceed with the next committee.

The Committee on Revision of the Laws was called.

Mr. BOWERS. Mr. Speaker, I call up the bill (H. R. 2782) to codify and arrange the laws relating to pensions.

If I could be permitted a moment to explain the bill before it is read——

The SPEAKER. The Chair will call the gentleman's attention to the fact that this bill is not on the House Calendar, and is not subject to be called up under the rule.

Mr. BOWERS. It is on page 4 of the Calendar.

The SPEAKER. That is the Calendar of the Whole House on the state of the Union. This is a call of committees, on which call bills can be presented at the request of committees which are on the House Calendar only.

Mr. BOWERS. Is it not entitled to be on the House Calendar?

The SPEAKER. But it is not on the Calendar; that is the point.

Mr. DOCKERY. Does it appropriate any money?

Mr. BOWERS. No; it does not.

The SPEAKER. The Chair thinks the House is entitled to know what bills are liable to come up under this committee call, and that the requirement that it should be on the House Calendar is twofold: First, that it shall not carry an appropriation, and second, that it shall give notice to the House that it is in that condition. The question whether it ought to be changed to the other Calendar or not would make no difference, as the gentleman will at once see, in that regard.

Mr. BOWERS. It carries no appropriation, but simply codifies the laws.

The SPEAKER. Then some proceeding may be taken at another time to have it put on the proper Calendar. It can be called up in the next call of the committee.

Mr. BOWERS. Would it be proper to move that it be placed on the House Calendar?

The SPEAKER. Not for action to-day. It would not be in order while this call is progressing. Later on the Chair will examine the bill, and if the proper motion is made we will be glad to assist the gentleman. It can be brought up then on another call.

The Clerk will proceed with the call of committees.

The Committee on Alcoholic Liquor Traffic was called.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT OF COLUMBIA.

Mr. MORSE. Mr. Speaker, I present for the consideration of the House the bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, and ask its immediate consideration.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, A. D. 1893, be, and the same is hereby, further amended as follows:

Amend the first section of said act by striking out the words "nor to sales by the maker, brewer, or distiller thereof not to be drunk on the premises;" so that the section as amended shall read:

"That no person shall sell, offer for sale, or keep for sale or traffic in, barter, or exchange for goods, in the District of Columbia, any intoxicating liquor, except as hereinafter provided; but this shall not apply to sales made by a person under a provision of law requiring him to sell personal property. Wherever the term 'intoxicating liquors' is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, and all other fermented and distilled liquors."

Amend section 2 of said act by inserting immediately after the words "the action of said board shall be final and conclusive" the words "as to facts. Questions of law may be appealed to the supreme court of the District of Columbia either by the applicant or any contestant of record;" so that the section as amended shall read:

"That there shall be, and there is hereby, constituted an excise board for the District of Columbia, which shall consist of the board of assistant assessors of the District, and the duty of which shall be to take up and consider all applications for license to sell intoxicating liquors and take action on such applications, and the action of said board shall be final and conclusive as to facts. Questions of law may be appealed to the supreme court of the District of Columbia either by the applicant or by any contestant of record," etc.

Amend section 5 of said act by striking out the words "and has an entrance thereto;" also by inserting immediately after "streets" next following the words "and on the corner diagonally opposite such barroom;" also by substituting "building" for "place" in the two places next following where it occurs; also by striking out from the words "every place" to the words "make the place a barroom," both inclusive; also by striking out from the words "and provided further" to the words "refer to their written consent," both inclusive; also by striking out the words "but until such conviction such licensee's license shall not be revoked or taken away from him," at the end of the section, so that said section as amended shall read:

"That in the cities of Washington and Georgetown it shall be the duty of every applicant for a barroom license to present to the excise board with his application the written permission of a majority of the persons owning real estate and a majority of the residents keeping house on the side of the square whereon it is desired to locate such business and on the confronting side of the square fronting opposite the same; and if the location of such barroom is on a corner, such consent will be required from such owners and residents on both streets and on the corner diagonally opposite such barroom; and in that portion of the District of Columbia lying outside of the said cities of Washington and Georgetown such applicant shall present such permission from a majority of the persons owning real estate and of residents keeping house within the space of 200 feet of the street or road on each side of the building where it is desired to locate such business, and within a similar space on the side of the street or road fronting opposite such building. The fact of such ownership of real estate shall be certified by the assessor of the District of Columbia and the fact of the required residence and the genuineness of the signatures of the residents aforesaid shall be certified by the lieutenant or acting lieutenant of the police precinct which embraces such proposed location: *Provided*, That any established hotel or tavern having 25 chambers for lodging guests shall always have the right to obtain for itself a license for a barroom on complying with the provisions of this act, and the petition in such case must be made by the owner or lessee of such hotel or tavern: *Provided further*, That upon a conviction of such licensee of keeping a disorderly or disreputable place it shall be the duty of said excise board to revoke such licensee's license."

Amend section 6 of said act by striking out the words "above age of 16 years;" also by inserting at the end and in continuation of said section the following: "*And provided further*, That the interior of every place where intoxicating liquors are sold shall at all times be exposed to full view from the street, except in the case of a hotel having an interior dining room, in which case there shall be a full view of the interior from the public halls;" so that said section as amended shall read:

"That under the licenses issued in accordance with this act no intoxicating liquors shall be sold, given, or in any way disposed of to any minor or intoxicated person, nor to an habitual drunkard, nor to any person who is in the habit of becoming intoxicated, if such person's wife, mother, or daughter shall in writing request that the saloon keeper shall not sell to such person, or between 12 o'clock midnight and 4 o'clock in the morning, during which last named hours and on Sundays every barroom and other place where intoxicating liquors are sold shall be kept closed and no intoxicating liquor sold: *Provided*, That the keeper of any hotel or tavern having a license under this act may sell intoxicating liquors to bona fide registered guests in his hotel or tavern at the meals or in the rooms of such guests: *And provided further*, That the said excise board may in its discretion issue a license to any duly incorporated club on the petition of the officers of the club, and that the said excise board may in its discretion grant a permit to such club to sell intoxicating liquors to members and guests between such hours as the board aforesaid may designate in said permit: *Provided further, however*, That any licensed dealer may, with the permission of the excise board, at any bona fide entertainment of any society, club, or corporation, sell intoxicating liquors between such hours as the board aforesaid may designate in said permit: *And provided further*, That the interior of every place where intoxicating liquors are sold shall at all times be exposed to full view from the street, except in the case of a hotel having an interior dining room, in which case there shall be a full view of the interior from the public halls."

Amend section 8 of said act by inserting immediately after the word "premises," in the last sentence of said section, and also immediately after the phrase "to be drunk where sold," in the same sentence, the words "or in quantities less than 1 pint, whether to be drunk on the premises or not;" so that said sentence shall read, as amended:

That "every place where distilled malt or fermented wines, liquors, or cordials are sold in quantities as prescribed for retail dealers by section 3244, Revised Statutes of the United States, to be drunk upon the premises, or in quantities less than 1 pint, whether to be drunk on the premises or not, shall be regarded as a barroom," etc.

Amend section 11 of said act by inserting immediately after "party," before "*Provided*," near the end of the section, "nor to any person for continuing the business of such twice convicted licensee at the place or places where such violations occurred or elsewhere;" so that the amended sentence of said section shall read:

"That after second conviction no license shall thereafter be granted to said party nor to any person for continuing the business of such twice convicted licensee at the place or places where such violations occurred or elsewhere: *Provided*," etc.

Amend section 14 of said act by inserting at the end and in continuation of said section the following: "*Provided*, That nothing in this section shall apply to witnesses against the violation of any of the provisions of this act;" so that said section as amended shall read:

"That any person assisting in or aiding and abetting the violation of any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than $50 nor more than $100, or be imprisoned in the District jail or workhouse for not more than one month for each and every such offense: *Provided*, That nothing in this section shall apply to witnesses against the violation of any of the provisions of this act."

Amend section 15 of said act by substituting the words "of two witnesses" for the words "satisfactory to either of them;" so that the section as amended shall read:

"That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the attorney of the District of Columbia or any of his assistants duly authorized to act for him, and said attorney or his assistants shall file such information upon the presentation to him or his assistants of sworn information of two witnesses that the law has been violated."

Amend section 16 of said act by striking out the words "between the nearest entrance to each by the shortest course of travel" and inserting instead the words "by the shortest line;" also by striking out the words "at the date of the said act or" where they occur; so that the section as amended shall read:

"That license for any of the purposes specified in any section of said act shall not be granted to any person to conduct such business within 400 feet of a public schoolhouse, private school, or house of religious worship, measured by the shortest line between such place of business and any schoolhouse, private school, or house of religious worship, except in such places of business as were located and licensed previous to the erection or occupation of such schoolhouse, private school, or place of religious worship: *Provided*," etc.

And amend section 19 of said act by striking out the words "under 16 years of age;" also by striking out the words "*Provided*, That the excise board may in its discretion permit the playing of such games, except cards, in duly licensed places," and inserting instead the words "or in any adjoining room;" also by striking out the word "*further*" after "*Provided*" next following; so that the section as amended shall read:

"That no licensee under a barroom license shall employ, or permit to be employed, or allow any female or minor or person convicted of crime to sell, give, furnish, or distribute any intoxicating drinks or any admixture thereof, ale, wine, or beer, to any person or persons, nor permit the playing of pool or billiards, or other games in the room where such liquors are sold or in any adjoining room: *Provided*, That no licensee in any place shall knowingly sell or permit to be sold in his establishment any intoxicating liquor of any kind to any person under the age of 21 years, under the penalty, upon due conviction thereof, of forfeiting such license, and no person so forfeiting his license shall again be granted a license for the term of two years."

The Committee on Alcoholic Liquor Traffic reported the following amendments:

On page 7, line 16, strike out "*Provided*, That nothing in this section shall apply to witnesses against the violation of any of the provisions of this act," and substitute the following:

"*Provided*, That no witness shall be excused from testifying in any case brought under this act on the ground that his answer may tend to incriminate him, but no witness so testifying shall thereafter be prosecuted for a violation of any provision of this act concerning which such witness may have testified."

On page 7, line 20, after the word "witnesses," insert "citizens of the District of Columbia."

On page 8, line 1, after the word "witnesses" insert "citizens of the District of Columbia."

On page 8, strike out from line 3 to line 18, inclusive.

Mr. MORSE. Mr. Speaker, I desire to say to the House that the bill which has been read from the Clerk's desk is in no sense a prohibitory bill. The existing law contains very serious defects. Gentlemen are aware that the Commissioners of the District of Columbia have recently called attention to some of these very radical defects. The changes which are proposed by this bill are to some extent changes recommended by the Commissioners of the District of Columbia. I say it is in no sense a prohibitory bill. The defects which this bill proposes to remedy have been developed since the passage of the existing law, in an attempt to enforce that law. I desire to say further that all shades of opinion are represented upon the Committee upon the Alcoholic Liquor Traffic. We have friends of prohibition and license and every other view of the matter represented upon that committee. We had an exhaustive hearing, at which, I think, nearly or quite every member of the committee was present, and this bill is unanimously reported by the committee. I will state, as a specimen of the serious defects of existing law, that a man having a license as a brewer, or the agent of a brewery, may sell strong drink without any license whatever. That was undoubtedly a serious oversight and omission in the drafting of the law as it exists on the statute book.

I repeat once more, that every gentleman who is a member of this House may vote for this bill, if he is in favor of the enforcement of the license law now upon the statute book of the District of Columbia. As an illustration of what I have said about the glaring defects in the existing law, which is proposed to be remedied by one of the amendments in this bill, I desire to send to the Clerk's desk and have read a statement by the Commissioners of the District of Columbia. I think if gentlemen of the House, whatever their individual opinions may be in regard to the liquor traffic or its suppression, will read the report of the committee and the hearing, which are too long to be read here, they will be satisfied that every statement which I have made is correct. I think if members of the House will examine the bill and the report, all those who are in favor of the enforcement of existing law, whatever may be their views on the general question, will readily vote for every provision embodied in the bill.

I ask the Clerk to read an extract from the report of the Commissioners of the District of Columbia, in regard to one of the defects in the existing law.

The Clerk read as follows:

[From the report of the Commissioners.]

LICENSES AND BREWERIES.

There are four breweries doing business in the District of Columbia and one about to begin operations, besides a score of agencies of foreign breweries engaged in business here, all of which are exempt from license tax by the provisions of section 1 of the act of March 3, 1893, entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," which makes the law inapplicable to sales of intoxicants "by the maker, brewer, or distiller thereof, not to be sold on the premises." This exemption also excepts breweries from the prohibition against Sunday liquor selling. This discrimination in favor of breweries was evidently an inadvertence, but is so unjust and so demoralizing in its tendencies as to require immediate correction. The Commissioners will recommend to Congress at its present session a bill to effect that object.

Mr. MORSE. Mr. Speaker, if no gentleman desires to be heard, I will move the previous question.

Mr. MOODY. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to his colleague?

Mr. MORSE. Certainly.

Mr. MOODY. On page 7 of your bill there is a provision that no witness shall be excused from testifying in any case brought under this act, and that in case he does testify he shall be exempt from prosecution. Now, I see the committee have proposed an amendment by inserting, after the word "witnesses," the words "citizens of the District of Columbia." Is it proposed to establish one rule for citizens of the District of Columbia who may happen to be witnesses, and another rule for temporary residents of the District of Columbia who may happen to be witnesses?

Mr. MORSE. I do not think that is the intention of the committee.

Mr. MOODY. That is the effect of this amendment.

Mr. MORSE. I think the committee will disagree with my colleague in regard to the effect of the amendment.

Mr. MOODY. I should like to have my colleague explain the purpose of the amendment.

Mr. MORSE. Well, this bill and these amendments were drawn by an organization in this city known as the Anti-Saloon League, and, as before stated, are amendments to existing law to correct defects developed by their efforts to enforce the law; and if my colleague will turn to the report of the remarks of one of these gentlemen in regard to that amendment, he will find a full and satisfactory explanation. There appeared to be at this point a loophole which allowed a man to escape from testifying, and it appeared necessary to embody this amendment in the law.

Mr. MOODY. I will say to the gentleman that I find no fault with the amendment which is proposed in the bill, and the fault which I have is with the further amendment proposed by the report of the committee, which makes one rule for one who dwells in the District of Columbia and another rule for a temporary resident of the District of Columbia; for instance, one rule by which a member of Congress could claim the privilege of not testifying because his testimony might tend to incriminate him, while that same privilege would not apply to a man or woman who lived in the District of Columbia. That is wrong. I should like my colleague to explain to me why any such discrimination is made.

Mr. MORSE. I think the committee understood the words "citizen of the District of Columbia" to mean any man who temporarily or permanently resides in this city, a member of Congress or anybody else. A citizen of the District of Columbia is undoubtedly on a somewhat different basis from citizens of other States and Territories; they do not vote here. I would say for the information of the House that we have some learned legal gentlemen on that committee, one of them the gentleman from New York [Mr. DANIELS]; and while I am not a limb of the law myself, I would put that gentleman against any member of the House as an exponent of the law. I believe that gentleman and the other members of the committee thought this amendment was all right, and that it would hold water.

Mr. MOODY. I should be glad to hear the gentleman from New York [Mr. DANIELS] explain the purpose of that amendment. I refer to the amendment upon page 7 of the bill, which is referred to in the report of the committee.

Mr. DANIELS. I have not the bill here. I have no copy of the bill.

Mr. MOODY. Then I will not ask you to get one.

Mr. MORSE. Then, Mr. Speaker, if there be no further questions, I demand the previous question.

The SPEAKER. The gentleman from Massachusetts demands the previous question.

Mr. POWERS. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. Does the gentleman yield to the gentleman from Vermont to offer an amendment?

Mr. MORSE. I do; but I certainly hope that the distinguished gentleman from Vermont will not offer a prohibitory amendment. I hope he will seek to accomplish that purpose in another bill. This is a bill which should receive the vote of every member of this House, and is not a prohibitory bill.

Mr. POWERS. I think the gentleman will see on the reading of the amendment that it is not in any sense a prohibitory amendment.

The SPEAKER. Does the gentleman yield?

Mr. MORSE. I do, sir.

The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting the following:

"SECTION 1. On and after March 4, 1897, no person in the District of Columbia shall, by himself, clerk, agent, or servant, sell, furnish, or give away any intoxicating drinks to any other person at any place other than his own dwelling house.

"SEC. 2. Any person violating the provisions of section 1 of this act shall be punished as follows: For the first offense, a fine of $50; for a second offense, a fine of $50 and imprisonment in the District Jail for the term of sixty days; for the third or any subsequent offense, a fine of $100 and imprisonment in the District Jail for the term of one year.

"SEC. 3. This act shall take effect upon its passage."

Mr. MORSE. Mr. Speaker, I hardly think the gentleman from Vermont is serious in offering this amendment. Whatever may be the merit of the proposition of the gentleman it should be presented in a separate bill and disposed of in that way. I hope he will not encumber this bill with this amendment. I think that this is a bill that ought to receive the vote of every member of the House, because it simply cures defects in the existing law, some at least of which are recommended by the District Commissioners. It is not a prohibitory bill. If we are to have a bill of that character let us have it in a separate measure, and let the House pass this bill that is presented on the recommendation of the Committee on Alcoholic Liquor Traffic, in which, as before stated, there are representatives of every shade of belief on that question. This is a unanimous report of that committee, as I have already said, to cure defects in the existing law, and I hope the House will not encumber it with such an amendment as that offered by the gentleman from Vermont.

Mr. POWERS. The gentleman from Massachusetts has reiterated the statement several times that his bill is not what is known as a prohibitory bill. He lives in a State, as well as I do, and other prominent men, including the Speaker of this House, that believes in the principle of prohibition, and that there is no other way of dealing with the liquor traffic but to stamp it out; and if you want to stamp it out you do not want to dally with any license laws; for of all the laws that have ever been invented since the morning and evening stars sang together calculated to permit the liquor traffic, it has been the license laws in force in this country. Now, if you are intent on eradicating this evil, put your foot on it and stamp it out. There is no other way.

Mr. MORSE. Mr. Speaker, if I can not get a whole loaf I prefer a half loaf to no bread; and if I can make the existing law more stringent and curtail the business, preventing liquor from being sold to minors in saloons, to stop young women from selling drink, and to prevent brewers from keeping a bar without a license, I am in favor of having such amendment made to existing law. That which is sought to be attained by the gentleman from Vermont can only be accomplished by a prohibitory measure. This is a measure of an entirely different character. This is a bill that, as I have already said, ought to receive, and I believe will receive, if left without amendment, the vote of nearly every member of this House who has read the report. I hope the amendment of the gentleman from Vermont will be voted down.

The question was taken on the adoption of the amendment offered by Mr. POWERS; and the Speaker announced that the noes seemed to have it.

Mr. BARRETT. Division.

The House divided; and there were—ayes 11, noes 66.

So the amendment was rejected.

The SPEAKER. The question is now on the amendments offered by the committee.

The question was taken; and the amendments recommended by the committee were agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the bill as amended.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MAHANY. Division.

The House divided; and there were—ayes 95, noes 15.

Mr. MAHANY. I desire to make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum. The Speaker will count the House. [After counting.] One hundred and fifty-eight gentlemen are present—not a quorum.

Mr. DINGLEY. I would state to the gentleman from Massachusetts that it is utterly impossible to get a quorum to-night. I therefore suggest that he move that the House do now adjourn.

Mr. MORSE. I move, in accordance with the suggestion of the chairman of the Committee on Ways and Means, that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 7 minutes p.m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Navy, transmitting a copy of a communication from the Secretary of the Navy, transmitting an additional estimate of appropriation for salaries, Nautical Almanac Office, for the fiscal year 1898—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of J. F. Engle, administrator of Uriah Rutherford, deceased, and Asa C. Remsburg and George W. Remsburg, executors of Isaac Remsburg, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Milwaukee Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Commissioners of the District of Columbia, reporting the results of their examination of the project for the extension of Connecticut avenue from Florida avenue to the District line, with map accompanying—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Nyack Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Annapolis Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Catskill Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey for a channel connecting Flushing Bay with Newton Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coney Island Channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for completing the two revenue steamers for the Great Lakes—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General of the United States, transmitting to Congress his annual report—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. EVANS, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. Res. 201) continuing in force section 2 of the act of June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, reported the same with amendment, accompanied by a report (No. 2296); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 5697) granting a pension to Surg. B. H. Peterson. (Report No. 2294.)

By Mr. WATSON of Indiana, from the Committee on Claims: The bill (S. 1488) entitled "An act to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind." (Report No. 2295.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of papers to accompany House bill No. 4178, for the relief of David Housel; and the same were referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARRETT: A bill (H. R. 9527) providing that the members of the President's Cabinet shall be selected from the Senate or the House of Representatives—to the Committee on the Judiciary.

By Mr. GIBSON: A bill (H. R. 9528) to prevent and punish frauds in the elections of Representatives and Delegates in Congress—to the Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. MILLIKEN: A bill (H. R. 9529) to provide for a complete system of filtration of the water supply of the United States Capitol—to the Committee on Public Buildings and Grounds.

By Mr. HOWE: A bill (H. R. 9530) regulating leases of lands for the production of coal, oil, and other mineral products in the Indian Territory—to the Committee on Indian Affairs.

By Mr. WHEELER (by request): A bill (H. R. 9531) to amend "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895—to the Committee on the Public Lands.

By Mr. COOK of Wisconsin: A bill (H. R. 9532) to regulate the importation and sale of agricultural seeds—to the Committee on Ways and Means.

By Mr. RAY: A bill (H. R. 9563) to prevent the multiplication of suicides—to the Committee on the Judiciary.

By Mr. ALDRICH of Illinois: Resolution (House Res. No. 137) providing for the payment of the funeral expenses of the late Charles F. Crisp—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BRUMM: A bill (H. R. 9533) granting a pension to Elizabeth P. Sigfried—to the Committee on Invalid Pensions.

By Mr. FISCHER: A bill (H. R. 9534) for the relief of Edmund T. Ryan—to the Committee on Military Affairs.

Also, a bill (H. R. 9535) granting an increase of pension to Jane M. Graves—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 9536) increasing the pension of William P. Haskell, lieutenant, Company I, Fourteenth Regiment Indiana Infantry—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 9537) for the relief of Mrs. Mattie R. Fredeking—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 9538) for the relief of Jeremiah Hunt—to the Committee on the Public Lands.

Also, a bill (H. R. 9539) to indemnify the legal heirs of D. C. Martz for failure of title to west half of northeast quarter, section 17, township 80, range 24 west, fifth principal meridian, Iowa—to the Committee on the Public Lands.

Also, a bill (H. R. 9540) for the relief of Malcan Phillips—to the Committee on the Public Lands.

Also, a bill (H. R. 9541) for the relief of the legal heirs of Lewis M. Burk—to the Committee on the Public Lands.

Also, a bill (H. R. 9542) granting $50 per month pension to Francis M. Bruner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9543) granting pension to Roswell Harris, Company C, Tenth Kansas Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9544) granting pension to Minnie B. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9545) for the relief of George W. Brown, of Des Moines, Iowa—to the Committee on the Public Lands.

Also, a bill (H. R. 9546) for the relief of the legal heirs of Samuel Hunt—to the Committee on the Public Lands.

By Mr. LIVINGSTON: A bill (H. R. 9547) for the relief of W. J. Fletcher, of Georgia—to the Committee on Claims.

Also, a bill (H. R. 9548) for the relief of Samuel I. Gustin—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 9549) for the benefit of Sanford Ross—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 9550) for the relief of Mrs. Margaret Hagan, widow of John C. Hagan—to the Committee on War Claims.

By Mr. RINAKER: A bill (H. R. 9551) for the relief of Capt. Fletcher H. Chapman—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 9552) granting an increase of pension to Joseph Montieth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9553) granting a pension to Verona Harriman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9554) granting a pension to Mary E. Taylor—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 9555) to amend the records of the War Department in case of Curtis C. Hutcheson—to the Committee on Military Affairs.

Also, a bill (H. R. 9556) for the relief of James B. Fowler—to the Committee on Military Affairs.

Also, a bill (H. R. 9557) to pension Sanford A. Pinyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9558) for the relief of Sanford A. Pinyan—to the Committee on Military Affairs.

Also, a bill (H. R. 9559) for the relief of Webster R. W. Atkins—to the Committee on Military Affairs.

Also, a bill (H. R. 9560) for relief of Jasper N. Martin—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 9561) granting a pension to Cyrus Scott—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 9562) to correct the military record of Michael Hayes—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Glass Blowers' Association, relating to the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Meade Post, No. 1, Grand Army of the Republic, relating to Cuban independence—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of Typographical Union, No. 2, of Philadelphia, Pa., relative to construction of laws relating to "free list"—to the Committee on Ways and Means.

Also, resolution of Glass Bottle Blowers' Association of the United States and Canada, in favor of prohibiting immigration—to the Committee on Immigration and Naturalization.

By Mr. ERDMAN: Petition of 2,827 citizens of Allentown, Pa., favoring the passage of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. FOSS: Resolutions adopted at a public meeting of citizens of Evanston, Ill., expressing abhorrence of the Armenian massacres in Turkey—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Paper from Hon. A. J. McCrary, of Keokuk, Iowa, favoring the passage of House bill No. 260—to the Committee on Rules.

By Mr. HOWE: Resolutions of the National Association of Naval Veterans, adopted at their annual convention in New York City, July 6, 1896, favoring the passage of a bill granting the officers of the Revenue-Cutter Service the same consideration by Congress as is accorded the retired lists of the Army and Navy—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of the congregation of the First Baptist Church of New Brunswick, N. J., for the recognition of Cuban independence—to the Committee on the Public Lands.

By Mr. HULL: Papers to accompany House bill for the relief of Daniel Hunt—to the Committee on the Public Lands.

Also, papers to accompany House bill to indemnify the heirs of D. C. Marts—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of the heirs of Lewis M. Burk—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of Jeremiah Hunt—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of W. J. Fletcher—to the Committee on Claims.

By Mr. LACEY: Petition and sundry letters of settlers on the Niobrara lands in the State of Nebraska, protesting against the passage of Senate bill No. 2749—to the Committee on the Public Lands.

By Mr. McCREARY of Kentucky: Petition of H. H. Fowler, J. C. Davis, J. M. Wood, and others, of Berea, Ky., in behalf of George W. Rogers—to the Committee on Claims.

By Mr. RAY: Petitions of citizens of Rome, N. Y.; also of citizens of Watertown, N. Y., for a law to prevent suicides—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of citizens of Toledo, Ohio, praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce; also House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLER: Memorial of citizens of Canton, Ohio, praying for the recognition of Cuban belligerency—to the Committee on Foreign Affairs.

By Mr. WOODARD: Petition of Joel Rhodes, praying that the war claim of Joseph E. Rhodes, deceased, late of Wayne County, N. C., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 11, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY.

Mr. DINGLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DINGLEY. I rise to make a motion that when the House adjourn to-day it be to meet on Monday next. I have been asked whether, if this motion be adopted, it will cut off the evening session for pensions, and I desire to say that it will not. The adjournment will not take place until the end of the evening session.

The SPEAKER. It simply means that when the House adjourns to-day it will adjourn to meet on Monday instead of on Saturday.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896; in which the concurrence of the House was requested.

UNION PACIFIC RAILROAD FUNDING BILL.

Mr. BELL of Texas, by unanimous consent, obtained leave to file a minority report on the bill H. R. 8189—the Union Pacific Railroad bill.

W. H. WADE.

Mr. TRACEY. Mr. Speaker, I have introduced a bill for the relief of W. H. Wade, late a captain in the Thirty-first Ohio Volunteers, and I ask that it be referred to the Committee on Military Affairs.

The SPEAKER. Under the rules that will require unanimous consent. Is there objection?

Mr. DINGLEY. Is this a claim? Under the rule all such claims ought to go to the Committee on War Claims.

The SPEAKER. The bill will go to that committee unless referred to some other committee by unanimous consent.

Mr. TRACEY. This is not, strictly speaking, a claim. It is a bill granting relief from the repayment of money disbursed by Colonel Wade when he was a captain in the Thirty-first Ohio Volunteers, the amount not having been credited to him for some technical reason.

Mr. DINGLEY. Well, it is really a claim under the rule. I have no special objection to a change of reference in this particular case, but it seems to me that it is better to adhere to the rule and let all these claims go to the proper committee.

Mr. TRACEY. I trust the gentleman will not insist upon his objection. I have conferred with members of the Committee on War Claims, and they tell me that they have agreed not to take up any new bills at this session. This case is a very pressing one, and it is very important to Colonel Wade (who was lately a member of this House) that relief shall be granted at this session. The amount involved is a small one, and the bill is absolutely just.

Mr. DINGLEY. Mr. Speaker, the difficulty is that if we break over the rule in one instance we shall have to do it in all instances. It seems to me that it is better to live up to the rule and let this bill go to the Committee on War Claims, where I understand it belongs. Otherwise we shall have similar applications in other cases all along the line, and the rule will be broken down.

The SPEAKER. Objection is made.

MEMORIAL OF MEADE POST, NO. 1, PENNSYLVANIA.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to present in the House and have printed in the RECORD a memorial of Meade Post, No. 1, of the State of Pennsylvania.

Mr. RICHARDSON. What is the nature of the gentleman's request?

Mr. HICKS. That this memorial be read and inserted in the RECORD.

Mr. RICHARDSON. I object. I do not object to its being read, but I do object to its being printed in the RECORD.

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites; and

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

SALE OF LIQUOR IN THE DISTRICT OF COLUMBIA.

Mr. MORSE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORSE. Will the Speaker please state, for my information and that of the House, what is the parliamentary situation with reference to H. R. 1888 (entitled "A bill to amend an act entitled 'An act regulating the sale of intoxicating liquors in the District of Columbia'"), upon which the House voted before adjournment last evening, and upon which the gentleman from New York [Mr. MAHANY] made the point of no quorum? When will it be in order for the House to complete the vote?

The SPEAKER. It will be in order the next time the committees are called in pursuance of the rule under which the matter came up, with this possible exception: There is a special order pending on a bill presented by the gentleman from Vermont [Mr. POWERS], which may turn out to have the right of way; but the Chair will not undertake to decide that question now.

LEAVE TO SIT DURING THE SESSION OF THE HOUSE.

Mr. HULL, by unanimous consent, obtained leave for the Committee on Military Affairs to continue in session this afternoon during the session of the House.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, this being Friday, and learning from conference with the gentleman from Maine [Mr. DINGLEY] and others that there is no public business demanding urgent attention, if no one else makes the motion, I desire to move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman will please withhold that motion for a few minutes, as the gentleman from Kentucky [Mr. EVANS] desires to present a matter from the Committee on Ways and Means.

Mr. McMILLIN. I will do so.

ALCOHOL IN THE ARTS.

Mr. EVANS. Mr. Speaker, the Committee on Ways and Means has had under consideration the Senate joint resolution to extend the time for the joint select commission on the use of alcohol free of tax in the arts to make its report, and has authorized a favorable report upon the resolution, with some amendments.

The Senate passed a joint resolution of precisely the same tenor as that offered in the House. I ask that the Senate resolution be taken up and passed by the House in lieu of the resolution reported by the Committee on Ways and Means.

The Clerk read as follows:

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894

Resolved by the Senate and House of Representatives, etc., That the provisions of section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894, be, and they are hereby, continued in force, and the joint select committee heretofore appointed under said section shall, when they have reached a final conclusion, report the same to Congress, together with such information as they shall have obtained

Mr. McCREARY of Kentucky. Mr. Speaker, is there a report in this case?

The SPEAKER. This joint resolution has not been reported by the committee. It is now in charge of the committee. It will require unanimous consent to discharge the committee and bring the resolution before the House.

Mr. DINGLEY. This is a Senate resolution, I understand.

The SPEAKER. A Senate resolution was referred to the Committee on Ways and Means.

Mr. DINGLEY. I took it for granted that the gentleman from Kentucky [Mr. EVANS] intended to have the Senate resolution, as laid before the House, taken up and acted on, as the Committee on Ways and Means has favorably reported a bill identical in its terms with this. I should like to have the order referring the Senate resolution vacated, in order that the resolution may be considered now.

The SPEAKER. As that would require unanimous consent, that consent might as well cover all the points.

Mr. DINGLEY. This resolution, as I understand, simply extends the time within which a report may be made to Congress by the commission appointed to consider the subject of the rebate of taxation on alcohol used in arts and manufactures. The proposition, I understand, is to extend the time for making the report until the close of this session.

The SPEAKER. Is there objection to the request?

Mr. McCREARY of Kentucky. I do not like to object, but I wish my colleague [Mr. EVANS] would make some explanation. I was unable to hear that of the gentleman from Maine [Mr. DINGLEY].

The SPEAKER. The Chair understands, then, there is no objection to the present consideration of the Senate resolution.

Mr. McCREARY of Kentucky. I do not intend to object.

Mr. EVANS. The joint resolution simply extends the time for the making of the report of this commission, so that the report may be made at any time before the close of the present session.

Mr. McCREARY of Kentucky. Then I do not object.

The SPEAKER. Without objection, the House will proceed to the consideration of the joint resolution.

There was no objection.

The SPEAKER. The question is on ordering the Senate joint resolution to a third reading.

Mr. EVANS. Mr. Speaker, is this the stage for offering amendments?

The SPEAKER. Now is the time for consideration of amendments.

Mr. EVANS. Then, under the instruction of the Committee on Ways and Means, I offer two amendments to this resolution. These amendments, which are embraced in the report of the Committee on Ways and Means, are intended simply to make it clear that the extension of time shall be limited to this Congress.

The SPEAKER. The Clerk will read the amendments.

The Clerk read as follows:

Insert in line 9, after the word "force," the words "until March 3, 1897."
Insert in line 11, after the word "to" the words "the present."

The question was taken on the amendments; and they were agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

On motion of **Mr. EVANS**, a motion to reconsider the vote last taken was laid on the table.

ORDER OF BUSINESS.

Mr. McMILLIN. I now renew my motion to go into Committee of the Whole on the Private Calendar.

The SPEAKER. The first thing in order would be the closing of the unfinished business which belongs to this day.

Mr. McMILLIN. I thought that had been done.

The SPEAKER. It has not been.

Mr. McMILLIN. I do not wish to interfere with that.

The SPEAKER. There is some unfinished pension business.

HELEN M. MALLERY.

The bill (S. 724) granting an increase of pension to Helen M. Mallery was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Helen M. Mallery, widow of Garrick Mallery, late captain and brevet lieutenant colonel United States Army and lieutenant-colonel Thirteenth Pennsylvania Cavalry and brevet colonel United States Volunteers, to $50 per month, and pay her a pension hereafter at that rate.

Mr. PICKLER. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of **Mr. PICKLER**, a motion to reconsider the vote last taken was laid on the table.

HANNAH R. QUINT.

The bill (H. R. 6792) granting a pension to Hannah R. Quint was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah R. Quint, widow of Brian W. Fletcher, late of Company B, Fourth Maine Infantry, and pay her a pension of $12 per month

The question being taken, the bill was ordered to be engrossed and read the third time.

Mr. ERDMAN. Mr. Speaker, I should like to have the engrossed copy of the bill produced in this case.

The SPEAKER. Then the matter must lie over. The Chair is informed that the bill has not been engrossed.

ELVIRA BACHELDER.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent to call up from the Clerk's desk a bill on the Private Calendar (S. 3245) granting a pension to Elvira Bachelder.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 a month, the name of Elvira Bachelder, dependent mother of J. K. P. Bachelder, late a private in Company D, First New Hampshire Heavy Artillery.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of this bill.

Mr. ERDMAN. I object.

The SPEAKER. The Chair desires to say that he submitted the matter to the House because he was informed that it was a case where the President had vetoed a bill on the ground of a misdescription of person, although acknowledging the propriety of the action on the part of Congress.

Mr. ERDMAN. Under the circumstances, I withdraw the objection.

So, there being no further objection, the bill was ordered to a third reading; and being read the third time, was passed.

On motion of **Mr. SULLOWAY**, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. McMILLIN. I now renew my motion, Mr. Speaker, that the House resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the Private Calendar, and the Clerk will report the first bill.

PETER COOK.

The first business on the Private Calendar was the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Peter Cook, of Lonoke County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of $884, being the amount found by the Court of Claims to be due to him as a loyal citizen for stores and supplies taken and used by the Federal Army during the late war.

Mr. DOCKERY. Mr. Chairman, let us have the report read.

The report (by Mr. NEILL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2741) for the relief of Peter Cook, respectfully report:

The Committee on War Claims of the Forty-ninth Congress, to whom was referred the claim of Peter Cook, of Lonoke County, Ark., not being fully and clearly advised of all the facts in said claim, referred the same to the Court of Claims for a finding of facts, under the provisions of the act of March 3, 1883, and generally known as the Bowman Act.

The claim has been returned to said committee by the court with findings of fact.

Your committee recommend that said findings of the Court of Claims be carried out by the passage of the bill, which is in harmony with the conclusions reached by the court, and ask that said findings be printed as a part of this report.

Your committee attach hereto the act of Congress generally known as the Bowman Act, and the decisions of the Court of Claims construing said act, and ask that they be printed as an appendix to this report:

[Court of Claims. Congressional, No. 230. Peter Cook *vs.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that said Peter Cook, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war

BY THE COURT.

Filed April 29, 1889.

[Congressional. Facts and loyalty. Court of Claims, No 230. Peter Cook *vs.* United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 23d day of January, 1885

J. W. Smith, esq., appeared for claimant, and the Attorney-General, by William J. Rannells, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 4th day of January, 1888. The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Lonoke County, State of Arkansas, where he resided during the late war of the rebellion

That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

800 bushels of corn, at $1	$800
22,500 pounds live pork, at 10 cents	2,250
14,400 pounds beef, at 5 cents	720
4 horses, at $150	600
1 mule	175
18 head of fat sheep, at $3	54
4,000 bundles sheaf oats, at 4 cents	160
100 bushels sweet potatoes, at $1	100
Total	4,859

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT:

There was taken from the claimant, from his farm in Lonoke County, Ark., during the years 1863 and 1864, by military authority, for the use of the Army, stores and supplies of the kind above described, the reasonable value of which at the time and place of taking was $884.

BY THE COURT.

Filed Janury 9, 1888.
A true copy
Test this 11th day of January, A. D. 1888.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. McRAE. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DINGLEY. I would like to ask whoever has charge of this bill if it was ever presented to the proper authorities for adjudication?

Mr. McRAE. I am not able to answer the question of the gentleman. The report accompanying the bill discloses all the information that I have in reference to the matter.

Mr. DINGLEY. The report does not state; but ordinarily it would be expected that such claims should be presented to the accounting officers.

Mr. McRAE. It was presented to the Court of Claims, and the bill carries only the amount allowed by the court.

Mr. DINGLEY. But these claims should have been presented to the Quartermaster-General.

Mr. McRAE. The bill was the basis of discussion for two hours or more during the last session of Congress, and I heard no objection to it then. I have no personal knowledge of the facts except that which I gathered in the reading of the report and from that discussion. The claimant lives in the district represented by my colleague, General NEILL, who is unavoidably absent. He made the report, and is familiar with all the facts. After hearing the discussion, however, during the last session I am convinced that the bill is a proper one and ought to pass.

Mr. DINGLEY. The bill has been discussed, as I understand the gentleman, in the House?

Mr. McRAE. Yes, sir; in the Committee of the Whole House for several hours during the last session.

Mr. DINGLEY. It does not appear to have been presented to the Quartermaster-General and either rejected or allowed.

Mr. McRAE. I do not know about that. I do not think it was presented, although I have no information on that point. I move that it be laid aside with a favorable recommendation.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTUS P. BURDITT.

The next business on the Private Calendar was the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Augustus P. Burditt, of Boston, in the State of Massachusetts, surviving partner of the late firm of Burditt & Fisk, the sum of $5,130, being for the services of the steamboat *Mattie*, owned by said firm of Burditt & Fisk, and used in the military service of the United States from the 5th day of January, in the year 1865, to the 31st day of January, in said year 1865, both days inclusive, at the rate of $190 a day, as found by the Court of Claims in its finding of facts dated the 9th day of June, 1890, House Miscellaneous Document No 236, Fifty-first Congress, first session.

Mr. OTJEN. I ask for the reading of the report.

The report (by Mr. OTJEN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 130) for the relief of Augustus P. Burditt, submit the following report:

This claim was presented to the Committee on War Claims of the Fifty-third Congress, and was favorably reported upon by that committee. A careful examination of the facts involved brings your committee to the same conclusion as that reached by the committee of the last House. A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[House Report No. 510, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4530) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt, respectfully report as follows:

This bill was before this committee in the last Congress, and the committee adopted the report then made, which is as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 668) for the relief of Augustus P. Burditt, submit the following report:

"This measure was considered by this committee in the Fifty-first Congress, and was reported upon favorably, which report is appended as a part of this report.

"Your committee concur in the conclusions stated in that report and recommend the passage of the bill."

[House Report No. 3172, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 12008) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt, having considered the same, respectfully report as follows:

That this is a claim by the surviving member of a partnership consisting of the claimant, Augustus P. Burditt, and one James Fisk, since deceased, both of whom are found to be loyal to the United States during the late rebellion, for the use of a steamboat called the *Mattie*, under military authority, for the use of the Quartermaster's Department, United States Army, from the 5th to the 31st of January, 1865, inclusive, amounting to twenty-seven days.

It is found by the Court of Claims that the steamboat was duly impressed into the service of the United States; that she was used for the period for which payment is claimed, and that her services were worth the sum of $190 a day, amounting to the sum of $5,130. The findings of the Court of Claims are hereto annexed. Your committee therefore report back the bill (H. R. 12008) favorably and recommend its passage.

[House Miscellaneous Document No. 236, Fifty-first Congress, first session.]

A copy of the findings of the Court of Claims in the case of Augustus P. Burditt against the United States, transmitted by the clerk of said court

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, June 17, 1890.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

ARCHIBALD HOPKINS,
Chief Clerk Court of Claims.

Hon. THOMAS B. REED,
Speaker of the House of Representatives.

[Court of Claims, term of 1889-90. Congressional, No. 348. Augustus P. Burditt *vs.* The United States.]

The claim or matter in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives the 27th day of February, 1885.

Leon D. Genest appeared for claimant, and the Attorney-General, by J. W. Rannells, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing the 15th day of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, find the facts to be as follows:

I.

The claimant resided in Massachusetts until 1852, when he took up his residence at Olive Branch, De Soto County, Miss., and in 1859 changed his residence to Memphis, Tenn., where he resided until the close of the war. He now resides in Boston, Mass.

In the years 1864 and 1865 the claimant, Augustus P. Burditt, and one James Fisk, since deceased, were in partnership and owned a steamboat called the *Mattie*, of 149 tons burden, and of which Matt A. Glass was master, and which was enrolled, as shown in the following certificate:

UNITED STATES CUSTOM HOUSE,
Memphis, Tenn., February 9, 1870.

I hereby certify that the steamer *Mattie*, of 149 tons burden, was enrolled and licensed for the coasting trade in this office, as appears of record, by G. N. Carlton, surveyor, on the 24th day of May, A. D. 1864, as per enrollment No. 19, permanent, owned by A. P. Burditt and James Fisk, of Memphis, one-half each, and regularly cleared and permitted by competent authority under the Treasury regulations made in compliance with existing laws at that time for the regulation of the coasting trade between the United States and the States in rebellion.

Witness my hand and seal of office, day and date above written.

[SEAL.]

D. C. TRADER,
Surveyor of Customs.

II.

November 18, 1864, the said steamboat was seized by Capt. C. H. Gaubert, an assistant quartermaster of the United States Army, for the military service at the port of St. Louis, Mo., where she was then in use by her owners, and was used by the military authorities of the United States to transport army stores to Little Rock and Devalls Bluff, the latter on White River, Arkansas. During her trip to Devalls Bluff her main shaft broke, and when she reached Devalls Bluff her cargo was unloaded and she was released from the service of the United States on the 4th day of January, 1865.

January 7, 1865, a new shaft having been put into said steamboat, she was again seized by an officer of the Quartermaster's Department, United States Army, at Devalls Bluff, and used in the transportation of army stores from that date until the 22d of January, 1865, when she was again discharged from the service of the United States at said Devalls Bluff.

It would have taken her at least nine days, or until the 31st of January, 1865, to return to St. Louis, Mo., where she had originally been taken.

The captain and crew were paid during all the time of the impressment by the owners of the steamboat.

III.

No payment has been made for the services of said steamboat from the 5th day of January, 1865, to 31st day of January, 1865. A reasonable value of the aforesaid services of said boat and crew would be the sum of $190 a day, an amount which had previously been paid for the boat by the Quartermaster's Department. The cost of running the boat to the owners was $175 per day.

The accounting officers of the Treasury disallowed this claim, holding that they had no jurisdiction, on the ground that the impressment had occurred in an insurrectionary State.

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IV.

Augustus P. Burditt, the claimant, and James Fisk, his partner, were loyal to the United States during the late rebellion.

Filed June 9, 1890.

A true copy.

Test, this 17th day of June, 1890.

[SEAL.]

ARCHIBALD HOPKINS,
Chief Clerk Court of Claims.

The committee, therefore, report back the bill (H. R. 4559) and recommend that it do pass.

The CHAIRMAN. The question is on reporting the bill favorably to the House.

Mr. LOUD. Mr. Chairman, I should like to ask if there is anyone here who knows anything further about this case than what is contained in the report.

Mr. OTJEN. Mr. Chairman, I reported that bill. It is a bill to pay a claim for the use of the steamer *Mattie* for twenty-seven days' services.

On November 27, 1864, the steamer *Mattie* was at St. Louis, and there she was seized by the Government to transport army stores to Little Rock, Ark. On January 4 she broke her shaft, and was released. The shaft was repaired in two days, and on the 7th day of January she was again seized and used from January 7 to January 22 in transporting army stores for the Government. It would have taken the boat nine days to get back to St. Louis, where she was originally seized. For the use of these twenty-seven days for which this claim is made the owners of the boat paid for running her, and the amount which they paid was found by the Court of Claims to be $175 a day. The Court of Claims found that both claimants were loyal. There is no question about the use of the boat for twenty-seven days, and the charge of $190 a day seems to be reasonable. I think the bill is just, and it seems to me that it should pass.

Mr. LOUD. I should like to ask the gentleman why this was not paid for by the Quartermaster's Department?

Mr. OTJEN. The Quartermaster's Department did not pay because she was seized in an insurrectionary State.

Mr. LOUD. She was in the city of St. Louis, which was not in a state of insurrection at that time.

Mr. OTJEN. No; she was originally seized at St. Louis, and used until the 4th of January, 1865. Then she was released, and for all that time the Government paid the owners of the boat $190 a day; but for the time after that, from the 7th day of January to the 31st day of January, she having been seized in the State of Arkansas, they have had no pay.

Mr. LOUD. Where was she seized the second time?

Mr. OTJEN. At Devalls Bluff.

Mr. LOUD. What was she doing there?

Mr. OTJEN. She was taking a load of army munitions and stores to Devalls Bluff, and unloaded there. That is where her shaft broke. Then she was released for two days, and seized again.

Mr. LOUD. Was she taking these munitions for the Southern Confederacy?

Mr. OTJEN. No; she was in the service of the Government of the United States, seized by the Quartermaster's Department.

Mr. LOUD. How was she in an insurrectionary port, I should like to ask?

Mr. OTJEN. The State of Arkansas was in rebellion at that time.

Mr. LOUD. Well, she must have been taken at some place where the United States authorities had full control, and I think the Quartermaster's Department were perfectly authorized to lease this boat.

Mr. OTJEN. I have stated the reason given by the Quartermaster's Department for not paying the claim.

Mr. LOUD. Of course, at this distance from 1865 it is pretty hard to determine the real facts of the case. Probably if the real facts of the case could have been presented to the mind of the gentleman who made the report, he might have made a different report; but the fact remains, nevertheless, that $190 a day for a little steamer of 140 tons burden is a pretty steep price. I should like to furnish the gentleman with all the steamboats that he or anybody else would want for one-half that sum.

Mr. OTJEN. It does not seem to me that $190 a day is an exorbitant price, in view of the fact that the owners of the boat paid $175 a day for the running expenses, so they only get $15 a day for the use of their boat.

Mr. LOUD. I should like to say that the facts, as they appear to the gentleman at present, did not perhaps appear at that time. Four men are all that are necessary to manage a boat of 140 tons burden, and how they could have managed to pay $175 a day for the running expenses is something that I can not understand; neither could the gentleman probably understand it, if he knew the full, true facts of the case.

Mr. OTJEN. I will say to the gentleman that the Court of Claims found these to be the facts. They have investigated the matter.

Mr. LOUD. Oh, the Court of Claims have found a great many things.

Mr. McCREARY of Kentucky. I should like to ask the gentleman a question.

Mr. OTJEN. I yield to the gentleman from Kentucky.

Mr. McCREARY of Kentucky. Is this one of those cases that have passed through the Court of Claims.

Mr. OTJEN. Yes, sir.

Mr. McCREARY of Kentucky. Were the committee unanimously in favor of reporting this bill?

Mr. OTJEN. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM P. BUCKMASTER.

The next business on the Private Calendar was the bill (H. R. 3350) for the relief of William P. Buckmaster.

The bill was read at length.

Mr. OTJEN. Mr. Speaker, I move that the Senate bill No. 224, Calendar number 470, be substituted in place of this bill. It is the same subject-matter.

The motion was agreed to.

The Senate bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to William P. Buckmaster, surviving partner of James Murphy & Co., late of New York City, out of any money in the Treasury not otherwise appropriated, the sum of $22,866.61, the same being the balance due for labor and material furnished by James Murphy & Co. in the construction of the machinery for the double-ender vessel *Otsego* in 1862 and 1863, as per report of a board of officers organized by the Secretary of the Navy in pursuance of a resolution of the United States Senate, adopted March 9, 1865.

Mr. OTJEN. I ask for the reading of the report.

Mr. LOUD. I would like to have the report read, Mr. Chairman.

The Clerk proceeded to read the report on the Senate bill, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1840) for the relief of William P. Buckmaster, submit the following report:

The facts out of which this bill for relief arises will be found stated in Senate Report No. 599, second session, Fifty-third Congress. A copy of said report is hereto attached and made a part of this report.

Your committee report herewith a substitute for the bill referring the claim to the Court of Claims for adjudication, and recommend its passage.

[Senate Report No. 599, Fifty-third Congress, second session.]

Mr. PEFFER, from the Committee on Claims, submitted the following report, to accompany S. 224:

The Committee on Claims, to whom was referred the bill S. 224, being a bill for the relief of William P. Buckmaster, the surviving partner of the late firm of James Murphy & Co., Fulton Iron Works, New York City, have had the same under consideration, and beg leave to submit the following report:

This claim is for the difference between the actual cost and the sum allowed and paid by the Government to James Murphy & Co., amounting to $22,866.61 and interest thereon, for constructing the engine and boiler of the U. S. S. *Otsego* in 1862-63. The facts are fully set forth in the following affidavits and statements:

"STATE OF MISSOURI, *City and County of St. Louis:*

"William P. Buckmaster, being duly sworn, deposes and says that he resides at No. 919 Olive street, in the city of St. Louis. I was one of the proprietors of the Fulton Iron Works, carried on under the firm name of James Murphy & Co., successors to Pease & Murphy, since 1856, and am now the only surviving partner of that firm. We built a number of marine engines and boilers, both before and during the war, for the United States Government.

"In 1862 we completed the engines and boilers for the first war vessel that was built under President Lincoln's Administration, viz, the United States sloop of war *Oneida*, and during this year we had more work than we could do by the day without taking contracts. In August of this year Mr. B. F. Isherwood, the Chief of the Bureau of Steam Engineering, came to our office to induce us to take two contracts for the machinery of double-enders. Many of these vessels were then under contract. He told Mr. Murphy, one of the firm, how difficult it was to get the machine shops to take the contracts for the machinery, and how important it was to the Government to have the machinery ready to put in the vessels as soon as they were launched. He had no drawings to show, but said the engines were of such a description, and he did not believe they would cost more than double those of a Staten Island ferryboat. Mr. Murphy told him he did not want any contracts, that material and labor were increasing in price every week, and besides he was crowded with work. Mr. Isherwood said, 'You must take one set to help the Government out.'

"Mr. Murphy then sent for the foreman of the machine shop, Isaac S. Lauback, and asked him if he thought he could build the engines in the time mentioned by Mr. Isherwood. Lauback said, 'I would like to see the drawings.' Mr. Isherwood said, 'They are not completed, but it will be double the work of a ferryboat's engine and boiler.' Lauback said he could do it if he could get the drawings at once. Mr. Isherwood then addressed himself to Mr. Murphy and said, 'You can't lose any money on one set at $82,000. I have contracted for the machinery of several of these vessels at the price named.' Murphy replied, 'I don't like to go it blind on a job of such magnitude.' Mr. Isherwood said, 'You don't go it blind. I tell you that this engine and boiler for the U. S. S. *Otsego* will not weigh more than double the weight of the engine and boiler of a Staten Island ferryboat.' 'Well,' Mr. Murphy said, 'if you say that, I will take one set to help the Government out, although I would much rather contribute $5,000, as I can have all the work I want to do at my own price without taking any contracts.'

"Our claim for the excess of cost beyond the contract price is based on these grounds:

"First. There were no drawings from which we could make an approximate estimate as to the cost of this machinery.

"Second. The Chief of the Bureau of Steam Engineering, acting for the honorable Secretary of the Navy, insisted that we should build the machinery for the U. S. S. *Otsego* because the necessities of the Government demanded it.

"Third. The comparison he presented between engines and boilers we had constructed and this machinery for the *Otsego*. He said it would not be more than double the price. It proved incorrect, as it was much greater.

"Fourth. The delay in furnishing the drawings subjected us to a loss of at least 15 per cent, that being about the amount of the advance of material and labor before we could do anything with the work in the absence of drawings. I will also state that in making up the cost of the *Otsego's* machinery, that all the charges are for actual labor and material. We included no office expenses, no charge for rent while the work was being done, or any other charge except as above stated. That we did not take any contracts from private individuals, and would not have taken this one from the Government except to aid it as far as we could at the sacrifice of profit to ourselves. The conversation between Mr. Isherwood and James Murphy, my partner, is taken from a memorandum made by me at the time contract was agreed to in my presence at our office. I made it, as we had never before entered into a contract without making an estimate of the cost of the work from drawings and specifications on which we were invited to bid.

"Fifth. Before we commenced work on the contract we wrote to Mr. B. F. Isherwood that we would not do any work unless we were protected against loss, and inclosed a contract in that letter, a completed document, so there might not be any delay if he chose to accept our terms, which he did do in his letter of September 10, 1862. It was done in this way to save time, as that was of paramount importance.

"The evidence before the Selfridge board was for the purpose of ascertaining the difference between the contract price and the actual cost of the work to the contractors, and they found the amount we claimed correct and so reported. We now offer additional evidence to establish the legality of our claim, the amount having been determined.

"WILLIAM P. BUCKMASTER,
"*Only Surviving Partner of James Murphy & Co.*

"Subscribed and sworn to before me this 29th August, A. D. 1889.

"[SEAL.]

CHAS. W. DARR,
"*Notary Public.*"

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"STATE OF NEW YORK, *City and County of New York, ss:*

"Isaac S. Lauback, being duly sworn, deposes and says that I reside at No. 157 East One hundred and seventh street, in the city of New York; that I am a machinist and engineer by profession; that from the year 1851 to 1865 I was foreman and had entire charge of the machine shop for James Murphy & Co., known as the Fulton Iron Works, in the city of New York. I recollect during the year 1862 being sent for by Mr. James Murphy, one of the firm of James Murphy & Co., to come over to the office. When I got there I found Mr. Murphy, Mr. Buckmaster, and Mr. Isherwood. Mr. Murphy said, 'Isaac, do you think you could build an incline engine, with all the work you have on hand, in nine months? The size of the engine, Mr. Isherwood says, will be about double the work and weight of the engine and boiler of a Staten Island ferryboat.' I asked to see the drawings. Mr. Isherwood said they were not ready. I said the engine of the Staten Island ferryboat was a walking-beam engine. Mr. Isherwood said, 'I know that, but the weight and work of this incline engine and boilers for the double-ender will not be more than twice the work of the engine and boiler of a Staten Island ferryboat. Do you think you could get it out in nine months?' I said, 'Yes, if you give me the drawings.'

"Mr. Isherwood then turned to Mr. Murphy and said, 'I don't see how you can lose any money on this contract, taking the Staten Island ferryboat's engine and boiler as a basis.' I then left the shop. While I was foreman for James Murphy & Co. I built the engines for three steamboats for the Staten Island Ferry Company and knew the cost of such work and the price for each engine and boiler erected on one of these boats. It was from $11,000 to $13,000 all completed ready for steam. After Mr. Murphy told me he had made a contract for the *Otsego* engine and boilers it was more than six weeks before I saw any drawings. There was more than three times the work on the *Otsego* engine and four times the work on the boilers than there was on the engine and boiler of a Staten Island ferryboat mentioned by Mr. Isherwood. After the *Otsego* was finished she was run at the dock at the Fulton Iron Works by the Government two months trying some experiment with superheated steam, and I think Sickels cut off to settle some controversy between Mr. E. N. Dickerson and Mr. B. F. Isherwood, Chief of the Bureau of Steam Engineering.

"ISAAC S. LAUBACK.

"Subscribed and sworn to before me this 5th day of July, 1889.

"[SEAL.]

N. T. MADDEN,
"*Notary Public, New York County, N. Y.*"

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"STATE OF NEW YORK, *City and County of New York:*

"Benjamin F. Isherwood, being duly sworn, deposes and says that he resides at No. 111 East Thirty-sixth street, in the city of New York, and that he is a chief engineer in the United States Navy; that in the year 1862 he was Chief of the Bureau of Steam Engineering in the Navy Department, acting under the instructions of the Hon. Gideon Welles, the then Secretary of the Navy; that, in pursuance of his duties and by order of the Secretary of the Navy, he made several contracts for engines and boilers in behalf of the said Department for a class of steam vessels known as 'double enders;' that the urgent need of the Navy for this class of vessels at the earliest possible date required him, under the authority of said Department, to make contracts with the different machine shops for the construction of the engines and boilers.

"At the time of making the contract with James Murphy & Co. for these engines and boilers the drawings were not completed, and the only data that James Murphy & Co., of the city of New York, one of the several firms with whom the said Navy Department contracted for the building of this class of engines and boilers, was from deponent's verbal explanations to said James Murphy that other works were taking said contracts in that manner. Deponent further says that at the time he was making these contracts he met the late James Murphy, one of the members of said firm of James Murphy & Co., at their office in the city of New York, and told him that he wanted said firm of James Murphy & Co. to build two sets of these engines and boilers for this class of vessels, 'double-enders,' and that deponent had given out a number of contracts for this class of engines and boilers, and that it was of vital importance to the Government to have this machinery ready on the completion of the vessels then under contract; that the said James Murphy said that he did not want any contracts, as they were full of work, and he also stated that he did not know how to make a price for these engines and boilers without the necessary drawings to figure the cost of such machinery. Deponent then told him that $82,000 for one set of these engines and boilers was a good price, and he must take a contract for one set.

"I also said to James Murphy, 'You have built the engines for the Staten Island Ferry Company steamboats, and in my judgment these engines and boilers will not cost more than double the money that they cost;' and that deponent would send a portion of the working drawings when completed, so that the work might be put under way at once. After much persuasion deponent got the consent of said James Murphy that his firm would build the engine and boilers of the U. S. S. *Otsego*. The urgency of the Government at that time for these vessels, and the reluctance of James Murphy to take a contract for these engines and boilers, induced me to make the comparison between the engines and boilers of a Staten Island ferryboat, which I knew they had constructed, and the engines and boilers of the U. S. S. *Otsego*, as the best argument to get Mr. James Murphy to accept the contract for his firm. On deponent's return to Washington he reported all that he had done to the honorable Secretary of the Navy, and in due course the Navy Department forwarded a contract to said James Murphy & Co. for the building of said engines and boilers for the said U. S. S. *Otsego*, which was afterwards returned duly executed, and that said engines and boilers were duly built and accepted by the Navy Department.

"Deponent further says that the acceptance of said contract by the said James Murphy & Co. was on the ground of my comparison to the engines and boilers of the Staten Island ferryboats which they had built, and my assurance that in my judgment the weight of these engines and boilers would not exceed double the weight of the engines and boilers of the Staten Island ferryboats, of which said James Murphy & Co. had built several, as well as the imperative necessity of the Government for the immediate use of these vessels.

"Deponent further says that the said claim of James Murphy & Co. in excess of the price named in contract was also caused by the unavoidable delay in furnishing the working drawings by reason of the great amount of work in the Bureau of Steam Engineering demanded by the war; the steady increase in the price of labor and material, and the delay in forwarding the drawings, increased the cost of the work to the contractors, subjecting them to great loss.

"B. F. ISHERWOOD.

"Sworn to before me this 31 day of July, 1889.

"[SEAL.]

JOHN G. WIEGOLD,
"*Commissioner of Deeds, New York City and County.*

"STATE OF NEW YORK, *City and County of New York, ss:*

"I, Edward F. Reilly, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that John G. Wiegold, before whom the annexed deposition was taken, was, at the time of taking the same, a commissioner of deeds of New York, dwelling in said city and county, duly appointed and sworn, and authorized to administer oaths to be used in any court in said State, and for general purposes; that I am well acquainted with the handwriting of said commissioner, and that his signature thereto is genuine, as I verily believe.

"In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county, the 5th day of July, 1889.

"EDWARD F. REILLY, *Clerk.*"

From the foregoing affidavits and other evidence it appears that the firm of James Murphy & Co., consisting of James Murphy, William P. Buckmaster, and William J. Pease, proprietors of the Fulton Iron Works, of New York, entered into a contract, under date of August 15, 1862, with B. F. Isherwood, Chief of the Bureau of Steam Engineering of the Navy Department, "to build and erect at their own expense and risk, in a secure and finished state, fit in every respect for sea service, in the U. S. S. *Otsego*, at the city of New York, all the machinery necessary for the propulsion of the same by an overhanging paddle wheel," for the sum of $82,000.

The evidence shows that the said James Murphy & Co. did not make any bid for the construction of this machinery. They knew nothing about it until Mr. Isherwood, then Chief of the Bureau of Steam Engineering, came into their office in the city of New York to induce them to take a contract; and Mr. Isherwood states in his testimony that it was of vital importance to the Government to have machinery ready when the vessels then under construction were launched. Mr. Isherwood went to New York for the express purpose of inducing these machine shops to take these contracts, and demanded that Murphy & Co. should take at least one to help the Government. It was through his representations also as to the value of the work that they consented to build a part of this machinery.

The evidence shows that the firm of James Murphy & Co. refused in August, 1862, to enter into a contract with the Navy Department to furnish the machinery for the U. S. S. *Otsego*, but was finally persuaded to do so on the assurance of said Isherwood, the contracting agent of the Navy Department, that the engines and boilers would not cost more than double those of a Staten Island ferryboat, and that the firm should promptly have the drawings and should be paid for the loss of actual labor and material over $79,000, the contract price.

By reference to the investigations and findings of the Selfridge board, as stated in their report, it is seen that at the time Mr. Isherwood, in behalf of the Navy Department, made this contract with said James Murphy & Co. for the engines and boilers of the *Otsego* the Navy Department made contracts for 17 double-enders, for machinery for 22 double-enders, for 9 harbor and river monitors with their machinery, for 1 iron double-ender and for the ironclad *Monadnock* in the months of August, September, and October, 1862, and for 5 double-enders in June, July, and August, 1863, for 3 iron tug boats in December, 1863, for the ironclad *Onondaga*, the ironclad propellers *Milwaukee* and *Winnebago* in May, and the monitor *Camanche* in June, 1862, and for the monitor *Nahant* in April, 1862. Besides, during the period appointed for the construction of this work the Department had many other heavy jobs in its own yards and in the shops of some of these contractors and of other parties, so that the machinery, material and skilled labor of the country were taxed to an unusual extent, and prices rapidly advanced.

The failure of the Department to furnish the drawings until after the contract had been made, and six weeks later than had been agreed upon, during which time the cost of labor and material greatly advanced, caused the loss. The cost of labor and material was then advancing daily. It appears that said Murphy & Co. were willing to do this work without profit, but positively refused to do it at a loss. The Government agent, Mr. Isherwood, however, insisted that they take this contract at a price not exceeding $79,000. The Government insisted, and Murphy & Co. claimed that the contract was made almost under duress by an officer of the Government in time of war, the officer saying, "You must do the work for so much money." Said Murphy & Co. claim that to have refused under the circumstances would have caused the Government to impugn their loyalty. When, however, the contract was sent to them for execution they kept it several days, expecting to get a portion of the drawings, but failed to receive them. Then, on September 5, 1862, they executed and sent the contract to Mr. Isherwood, the Government agent, in a letter, the original copy of which is on file with the papers in this case, and which reads as follows:

"NEW YORK, *September* [illegible], 1862.

"DEAR SIR: We inclose contract for the *Otsego's* machinery, which we have executed this day. We are still without any drawings, although the contract is dated August 15. Since that time labor and materials have advanced at least 15 per cent. This will enhance the cost of the work. The exigency of the situation is the only reason we accept the contract, but before we begin the work we must be assured that we will be protected against actual loss.

"Very respectfully, your obedient servants,

"JAMES MURPHY & CO.

"B. F. ISHERWOOD, Esq.,

"*Engineer-in-Chief, U. S. N.*"

Mr. Isherwood, the Government agent, in his letter of September 10, 1862, acknowledges receipt of the contract, and assures said Murphy & Co. that they should be protected against loss on account of the advancing price of labor and materials occasioned by the failure of the Government to furnish the plans and specifications as at first agreed upon.

Said Murphy & Co. would do no work until they were protected against loss, thus making the delivery of the contract conditional until an amendment to the contract was accepted by the Department. It was accepted by Mr. Isherwood's letter of September 10, 1862, directing them to push the work as fast as possible, and also stating that the Department would allow loss on labor and material in excess of the contract price. The original letter of Mr. Isherwood acknowledging receipt of the contract is on file with the papers in this case, and reads as follows:

"WASHINGTON, D. C., *September 10, 1862.*

"JAMES MURPHY & CO.,

"*Fulton Iron Works, New York:*

"Your letter of the 5th received. I will send a portion of the drawings in a few days. Push the work forward as fast as possible.

"The Department will allow actual loss on labor and material used in the *Otsego's* machinery in excess of the contract price.

"B. F. ISHERWOOD."

Said Murphy & Co. claimed and regarded these two letters as much a part of the contract as if they had been embodied in the contract itself. It was desired to save time, as that was of paramount importance. Said Isherwood at this time was Engineer-in-Chief of the United States Navy, as well as Chief of the Bureau of Steam Engineering. While in these positions, 1862 to 1863, he made contracts for the Navy Department. Payment made by the Government on such contracts acknowledged his authority to make them.

The contractors for the engines and for building the double-enders and gunboats contracted for in the years 1862 and 1863 applied to Congress for an additional allowance over the contract price paid therefor by the Navy Department, and a board of officers was appointed to examine their claims, under the following resolution, passed in the Senate March 9, 1865:

"IN THE SENATE OF THE UNITED STATES, *March 9, 1865.*

"*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered."

Under said resolution the honorable Secretary of the Navy appointed a board consisting of Commodore Thomas O. Selfridge, Chief Engineer Alexander Henderson, and Paymaster C. H. Eldredge, which convened at the Brooklyn Navy-Yard June 5, 1865, and continued in session for more than six months.

Among the contractors who had been notified by the board organized under the resolution above cited to appear before it for the purpose of testifying as to their claims to additional compensation for the work performed, Mr. William P. Buckmaster, one of the firm of James Murphy & Co., presented himself before the board and testified, under oath, as follows:

"The contract for the machinery of the double-ender *Otsego* was dated by the Navy Department August 15, 1862, in which [seven months] was allowed to complete the machinery and deliver to the Government; but it was not so delivered until June, 1864. That he was released by the Department from the terms of the contract regarding time of completion, as shown by the letter attached to the bill presented. That the total cost of the machinery was $101,386.61, and the amount received from Government, the contract price, was $79,000, leaving a balance, the excess of loss to them over and above the contract price, of $22,386.61. That there are no bills for extra work, and that there are no charges in the bill annexed to this record, marked No. [illegible], for any condemned material, faulty workmanship, or refinishing of [illegible], and that the bill shows the actual cost of labor and material. That the excess of cost is due to the rise in the price of labor and material, and also when the contract was taken it was represented by Mr. Isherwood that he considered it a fair price, urging us to accept it, as it was difficult to get the work, and it might exempt our men from being drafted. He also stated that the weight of the machinery would not exceed that of the *Paul Jones* class, while it did exceed it by one-third, no drawings or plans being shown at the time the contract was made; we could only judge of the cost by comparing it with engines and boilers of the same size, cylinder, and stroke of piston that we had built for river boats, but found it was more than double."

Upon the conclusion of the examination of all the claims presented the board made the following report:

"The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

Wooden double-enders—Machinery.

Name of vessel	Contractor	Excess of cost determined by board
* * * *	* *	*
Otsego	Fulton Works	$22,386.61
* * * *	* *	*

Subsequently, by authority of an act of Congress approved March 2, 1867, another board of officers was appointed by the Department "to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861," and its report was communicated to Congress December 4, 1867. The claim of the Fulton Iron Works does not appear to have been presented to this board for examination.

That the claimants were losers on this contract to an amount nearly, if not quite, equal to one-half of the whole contract there can be but little doubt, as were most if not all of the contractors engaged in the construction of the twenty-seven gunboats mentioned in the report of the Selfridge board. These contracts were entered into in abnormal times. War was raging, it is true, but many were the predictions then made, by some of our ablest statesmen, that it could not and would not last more than a few months at most.

Those who gifted with the greatest prescience could not and did not predict as to the future with any degree of accuracy, and few there were, indeed, who in August, 1862, the date when these contracts were entered into, could have been made to believe that nearly three years from that date would find the war still raging with unabated fury, millions of men still in arms, and prices of all kinds of labor, materials, and provisions doubled or trebled in amount.

In discussing this very claim, and others of like character, Senator Sumner (see Congressional Globe, 1865, page 1892) said:

"The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among these contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the Avenue properly appreciated the character of the great contest that was then going on? Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors did not know more about the war than your statesmen? Be to these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it.—*Congressional Globe*, page 1897.

"The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in those mighty results which we all now enjoy.

"And now again I ask, Are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right [Mr. Nye] asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, did not allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old saying that 'republics are ungrateful.' I hope that this Republic may certainly vie with any monarchy in gratitude to those who served it."—*Congressional Globe*, page 1897.

During the same debate Senator Hendricks, of Indiana (see Congressional Globe, page 1891, 1865), said:

"I am of the opinion that these sums ought to be paid as a matter of justice and right by the Government to these contractors. Each case, of course, has its special merits or demerits. But as I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have the ships; the Government could not progress in the war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that? The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course, to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims without reference to the particular merit of each case.—*Congressional Globe*, page 1890, 1891.

"The point is that, these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed.—*Congressional Globe*, page 1892.

"These contracts were made by some below their own propositions, and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with the Government? Is there any Senator here who wishes to say to these men, We have your bond, and we will hold you to your bond; we will take the blood out of your business; we will have the pound of flesh?"—*Congressional Globe*, page 1964.

Your committee also beg to call attention to the testimony of J. W. King, found in Miscellaneous Document No. 201, Forty-second Congress, first session, pages 166, 167, dated April 6, 1872. Mr. King was a chief engineer in the Navy and a member of the Marchand board, and the reasons of the board for not paying these bills are set forth in the following extract from Mr. King's testimony, which shows that these bills were never considered by the Marchand board, or any of them of a similar character:

"Q. What did the Marchand board examine and consider?

"A. They examined and considered the damages consequent on the rise in price of materials and labor, from the time the contracts were made by these parties until the termination, consequent upon delays by the Government in furnishing the plans and drawings.

"Q. For what purpose was that board convened?

"A. The Department made contracts with certain parties to build certain vessels. After making those contracts, in consequence of the war, the price of materials and labor advanced materially. They were delayed by the Government in consequence of not having the plans and drawings furnished. They made a claim to Congress for damages in consequence of that. Congress passed a law authorizing the Secretary of the Navy to organize a board to consider their claims. It was under that law that the board was organized, of which I was a member.

"Q. Was there any specific direction to you, as a board, as to what you were to examine and consider?

"A. No, sir; the law of Congress was submitted to us by the Secretary of the Navy, with directions to follow that.

"Q. What did you examine and consider under that law?

"A. We considered how much would be due each contractor upon the rise of material and labor on the contracts only, and nothing more.

"Q. Were other claims presented to you by these parties?

"A. Yes, sir.

"Q. Why did you not consider them?

"A. Because they did not come within the province of the law.

"Q. You did not consider and reject them, but you refused to consider them?

"A. We refused to consider them.

"Q. You ruled them as not within your jurisdiction?

"A. We ruled out everything except what the law provided for.

"Q. But you considered that the law applied to what?

"A. Only to the increased cost consequent upon rise in material and labor during the time they were delayed on the contract proper.

"Q. Did you consider any claim for extra work at all?

"A. No, sir.

"Q. Did you consider any claim for increased cost for extra work?

"A. No, sir.

"Q. Did you specifically refuse to consider any such claim?

"A. We did.

"Q. In making your report did you allow for anything of that kind?

"A. Nothing.

"Q. I would ask the gentleman why his board refused to entertain any claims for extra work?

"A. Because the construction of the law did not permit it.

That Congress has in the past comprehended the injustice of permitting these contractors and others similarly situated to bear the immense losses they suffered under the circumstances stated, has been made apparent in various proceedings had at different times since the close of the war, sometimes by one House acting separately and independently, sometimes by the joint action of both Houses, notably in the former case the action of the Senate of March 9, 1865, which led to the organization of the Selfridge board, and of the latter by the act of March 2, 1867, which resulted in the organization and report of the Marchand board, to say nothing of the various special acts of Congress and numerous reports submitted from the committees of the respective Houses from time to time. Among the latter, reference might be properly made to the following: Report of Senator Nye, Senate Report No. 45, second session Twenty-ninth Congress; Senate Report No. 37, second session Forty-second Congress; Representative Stone's report, No. 17, second session Thirty-ninth Congress.

A bill to pay these claimants directly the amount of their claims, as reported by the Selfridge board, passed the House of Representatives unanimously in the third session of the Forty-seventh Congress. Various special acts have been passed covering similar cases, some of them included in the report of the Selfridge board, to wit:

One of the awards has been paid by joint resolution of March 30, 1867 (15 Stats., 350), by which Donahue, Ryan & Secor were paid $179,000 for losses sustained by them in constructing the *Comanche*. Amount allowed by the board, $179,888.80.

In addition, the following special acts have been passed to relieve contractors in similar cases, to wit:

Act of February 18, 1873, to relieve the heirs of George C. Bester, $125,000. (17 Stats., 731.)

Act of June 1, 1872, to pay Charles W. Whitney $50,000. (17 Stats., 671.)

Act of June 10, 1872, to pay J. S. Underhill $23,310.75. (17 Stats., 691.)

Act of March 2, 1875, to pay Daniel S. Mershon, jr., $46,715.08. (18 Stats., 635.)

The contractors for building the Dome of the Capitol were awarded and paid $86,000 for increase in the price of labor and material during its construction. The Government prolonged the time of its completion. (See Senate Report No. 132, first session Thirty-ninth Congress.)

John Ericsson was paid $1,070,468.36 on the *Puritan* (United States Statutes, June 25, 1864, volume 13, 409) for increased cost of labor and materials.

Miles Greenwood, of Cincinnati, Ohio, was paid $76,000 for increased cost of labor and material in building the United States vessel *Tippecanoe*, in 1873.

This claim has merit in the fact that before Murphy & Co. would accept said contract and proceed with the work they required Mr. Isherwood, the contracting agent of the Navy Department, to agree in writing to pay any excess of cost of labor and material over the contract price, thus imposing upon the United States a legal liability, the amount of which, under the resolution of the Senate, has been fixed and determined.

This claim has been before Congress several times. It was introduced in both Houses in the Fifty-first Congress and referred to appropriate committees, but no further action was taken. The House Committee on War Claims at the first session of the Fifty-second Congress reported favorably. (See Report No. 1489.) At first session, same Congress, the claim was referred to this committee, but no action was had on it.

Your committee have given the matter careful consideration, and have arrived at the conclusion that the claim is just and ought to be paid. We are not willing to advise the allowance of interest.

Your committee recommend that the bill be amended by striking out all that part relating to interest, namely, the last two words in line 8, all of lines 9 and 10, and the first word in line 11, and so amended recommend the passage of the bill.

During the reading of the report,

Mr. SWANSON. Mr. Chairman, I ask whether the reading of the report was called for? If not, I move that the further reading be dispensed with.

Mr. CANNON. Let it be read.

The CHAIRMAN. Objection is made. The Clerk will proceed with the reading of the report.

The reading of the report was resumed and concluded.

The CHAIRMAN. The question is on the amendment offered by the committee.

Mr. CANNON. Mr. Chairman, this is the Committee of the Whole. I want to see if I can have the attention of the gentleman in charge of this bill. Who is in charge of the bill?

Mr. OTJEN. I made the report on the bill.

Mr. CANNON. I have been trying to refresh my recollection about this claim. I have not fully succeeded in doing so, although I have partially done so. On a former examination I came to the conclusion that the claim ought not to be paid, and that conclusion is reenforced this morning by a hasty examination. I understand this is briefly the fact: During the war contracts were made for the construction of vessels; that changes were made in some of these contracts; that there was an advance in the cost of material under some of these contracts; and at the close of the war a claim was made before the Senate of the United States, primarily, that compensation should be made for extras upon the one hand, but more particularly for the advance in the price of material between the time of the making of the contract and the time of the completion thereof. The Senate passed a resolution which I have in my hand. I will read it.

March 9, 1865, the Senate adopted the following resolution:

> *Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862-63 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session.

That resolution was adopted. The Secretary of the Navy appointed a board known as the Selfridge board. The Selfridge board, under that resolution and appointment, made investigations and reported to the Senate, and under that report the parties seeking relief here had an award made substantially of the amount that they ask to be appropriated. But the Selfridge board was overthrown, and for the reason that under our Constitution the House must concur with the Senate and the President agree with each before legislation can be had or appropriation made. The matter came before the House, and finally it came into conference, and there was legislation to this end. The House Committee on Claims unanimously rejected this bill, which was to pay the findings of the Selfridge board, upon the ground that while certain of these contractors would receive the amount of their claim, and in some cases more, other contractors would receive less than the amount of their losses, and that consequently the Senate bill was not an equitable basis of relief. It therefore reported a substitute for the Senate bill, and the conference committee finally agreed upon a bill, which became the act of March 2, 1867. I have that act before me. I call attention of the committee to it. It provides:

> That the Secretary of the Navy shall create a board to investigate the claims of—

Who?

> all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of changes or alterations in the plans and specifications required—

Pretty broad, you will notice. Second—

> and delays in the construction of the work occasioned by the Government which were not provided for in the original contract.

A second pretty broad ground. Third—

> But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Now, as I understand it, this is a claim of these parties to be reimbursed for the advance in the cost of materials used in complying with their contract before the contract expired. Am I right about that?

Mr. OTJEN. Partially so; not altogether.

Mr. CANNON. I am partially right. Well, that is one element of the compensation sought. Another is a claim for extras. Am I correct in that?

Mr. OTJEN. There are no extras, as I understand it, in this bill.

Mr. CANNON. Well, for changes.

Mr. OTJEN. No changes; merely compensation for the actual cost of labor and materials.

Mr. CANNON. Precisely. Now, the law—not the Senate resolution, but the law—provides that the investigations of this board shall cover changes in plans, extras, etc., which were not provided for in the original contract. I will read this again, because it goes right to the core of the whole question in this case, as I understand it:

> But no allowance for any advance in the price of labor or materials shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Now, it would seem to be manifestly just that a contractor entering into a contract for the Government should be compensated for extras and for the dangers resulting from the Government changing the plans of the work, and thus necessitating extra time for its completion, and in 1867, when this whole subject-matter was fresh in the minds of the people and of Congress, a law was enacted creating this board, and in fact, if not in words, turning down the Selfridge board, which existed only by a resolution of the Senate.

Mr. OTJEN. May I ask a question?

Mr. CANNON. Certainly.

Mr. OTJEN. Do I understand you to say that this claim was presented to the Marchand board?

Mr. CANNON. I do not know.

Mr. OTJEN. I understand that it was not presented to that board.

Mr. CANNON. Ah, then, these parties were guilty of laches and the intendment should be against them, because their claim was presented to the Selfridge board, as appears upon the face of the papers. The claim was presented to the Selfridge board and $20,000 was found to be due by that board, and the Senate passed a bill appropriating the money, but the House, under the lead of its Committee on Claims, refused to concur, and what was the result? The result was the creation of a new board by law—by a law which said that—

> The Secretary of the Navy is authorized and directed to investigate the claims of all contractors for building vessels of war.

Now, I do not know what the records of a generation ago might show upon full examination. They might show that this claim was presented to this new board created by law; but if they should not show that, and if the claim was not in fact presented to that board, then the presumption is that when the whole matter was fresh in the minds of the people and of Congress these parties knew that they had no claim that could pass muster, and so did not present their claim.

Mr. FOOTE. May I ask a question for information?

Mr. CANNON. Certainly, if I am competent to answer it.

Mr. FOOTE. As to the Selfridge board, was there ever any question raised as to the competency of that board?

Mr. CANNON. I do not know, nor do I care, whether that board was competent or incompetent. I do know that it breathed life only through a Senate resolution, that it found that these claimants had the money due them which you are now seeking to appropriate, but that the House and the Senate, on consideration of the findings of that board, and on consideration of this particular claim, repudiated those findings and wrote a law upon the statute book for the settlement of all these claims, and that under that law these men took nothing.

Mr. FOOTE. Was not that merely because of a technicality? If the Selfridge board was a competent board and made a finding in favor of these claimants, then the claim must have been defeated on a mere technicality.

Mr. CANNON. A mere technicality! Why, Mr. JOHN K. COWEN and several other eminent Baltimore and Philadelphia lawyers are probably as competent as any of the judges of the Supreme Court, but they are not judges of the Supreme Court, and the gentleman might as well cite an opinion given by one of them as legal authority as to claim that the action of the Selfridge board in this case is binding because the members of that board were competent. Whatever may have been their competency or their incompetency, their action was without authority of law. Their finding was not binding upon anybody, and that finding was repudiated by Congress in 1867, when this whole subject was fresh, under the lead of the Committee on Claims of the House, and legislation was had constituting the Marchand board, which had plenary jurisdiction of this whole subject. That board found a great amount of damages in a great many cases, but the names of these claimants are not found written upon this "book of life," which exists by virtue of law; but now, a generation afterwards, when the people have forgotten all about the matter, these claimants come in with a report reciting the arguments of Charles Sumner and of Senator Nye, of Nevada, both of whom died many years ago, talking in magnificent and patriotic style about "compensating labor" and giving it its "just dues." Splendid talk, but it cuts no ice in the light of the facts in this case.

I believe this bill should be laid on the table, and at ~~the~~ proper time I will move, if nobody else does, that the bill be reported back to the House with that recommendation.

Mr. COX. Before the gentleman takes his seat, will he allow me one question?

Mr. CANNON. Certainly.

Mr. COX. When this claim came here to the Committee on Claims, did they after investigation report it back favorably?

Mr. CANNON. I understand that this is a favorable report.

Mr. COX. I mean the original claim when brought here from the Senate.

Mr. CANNON. The Selfridge board, which existed by Senate resolution, found substantially in favor of the claimants for the amount that this bill carries; but the Marchand board, which existed by law, not by Senate resolution, and which had plenary jurisdiction, was silent as to this claim. I do not know whether it was before that board or not; but I say it is fair to assume that it was; and if the claimants did not present it just after the transactions occurred it is fair to presume it was because they knew that the claim had not merit. After a lapse of a generation it is fair to indulge that supposition.

Mr. OTJEN. Mr. Chairman, I presented this report on behalf of the committee and would like to say a few words in explanation of this bill.

The contract for making the engine and boiler for the steamer *Otsego* was made at a time when the Government was very anxious to have machinery of this kind made. The Government was building a large number of war vessels; and the engineer of the Navy Department, Mr. Isherwood, went to New York and induced a number of firms to make these engines.

Mr. COX. What was the date of that contract?

Mr. OTJEN. Eighteen hundred and sixty-two—about August of that year. Among others, he went to James Murphy & Co., of New York, and asked them to make two engines and boilers. Mr. Murphy said that he could not do it; that he had all the work that he could do; but finally Mr. Isherwood insisted upon that establishment making at least one engine and boiler. They asked him then for the drawings, so that they might make their figures upon which to make an estimate of the cost. He had no drawings whatever; they had not been made. Mr. Isherwood assured them that a good price for one set of these engines and boilers would be $82,000. He further told them that they would cost about double the price of an engine of a Staten Island ferryboat, which this firm had made. He insisted upon their undertaking to make one engine; and he set the price. They said to him, "We do not like to go into this thing in this way; we do not like to take these contracts without knowing what we are doing—without having the drawings; we have never taken a contract in that way. But in order to help the Government out we will take this contract; but we must have the drawings immediately."

Mr. Isherwood left; and it was six weeks before they ever got their drawings.

Mr. Isherwood came to Washington and reported to the Secretary of the Navy what had been done. In due time a contract was sent to the firm to be signed. They signed the contract, but in returning it they sent a letter to the Department in which they said they could not possibly accept that contract unless the Government would guarantee to pay them the actual cost of constructing this engine and boiler over and above the contract price. They said that prices had already advanced 15 per cent on labor and material. In answer to that, Mr. Isherwood wrote them a letter telling them to push the work, and saying "the Department will allow the actual cost of labor and material used in the *Otsego* machinery in excess of contract price."

Under these conditions this firm went to work and built this machinery. The actual cost of this engine and boiler was $101,386.61. That amount, it should be understood, does not include a cent for extras, not a cent for rent or use of offices; it simply represents the actual cost of this work.

This claim was presented to the Selfridge board, which acted under the Senate resolution referred to by the gentleman from Illinois. That board found that the actual cost of this work was, as I have just stated, $101,386.61, which would leave $22,386.61 coming to these people.

Mr. Buckmaster appeared before that board, and in his testimony he stated:

> That there are no bills for extra work, and that there are no charges in the bill annexed to this record, marked No. 36, for any condemned material, faulty workmanship, or rebracing of boilers, and that the bill shows the actual cost of labor and material.

This claim, as I understand, was never presented to the Marchand board—only to the Selfridge board; and they found that this sum of $22,386.61 was due these people.

Under the circumstances of the case, it appears to me that this is a just and honest claim and ought to be paid. There is not a dollar in it for interest; there is not a dollar in it for extras; it covers simply the actual cost of making this boiler and engine over and above the contract price. The contract was taken with due notice to the Government that the contractors could not accept it at $82,000 unless the Government would guarantee to save them harmless upon the extra expense of material and labor.

That proposition having been accepted in a letter of the engineer of the Navy Department, it seems to me that these people are entitled to this reimbursement. I have no interest in this matter except my desire to see justice done to these men.

Mr. JOY. Mr. Chairman, in view of the fact that I am the author of this bill I deem it but justice to myself and to the committee, as well as to the House, that I should say a few words upon it, and especially with respect to the remarks made by the gentleman from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations. With all due respect to that gentleman, who has made so much noise about the bill in the last few moments, I will state that in my judgment the report of the committee will, upon investigation and examination, convince any man that this claim was not presented to the Marchand board, and I will venture to assert that that report is worth just as much as a guess of the gentleman from Illinois, the benefit of which he has given the committee during the discussion of this matter to-day.

This claim was presented to the Selfridge board, but was not presented to the Marchand board. The committee made a thorough examination of the matter, and came to the conclusion that it had not been presented to the Marchand board. There was nothing to show that it had been, while on the contrary the evidence was conclusive that it was not so presented.

I have no personal knowledge of the matter, but I believe the facts are conclusive, as I have stated. It was presented, however, I repeat, to the Selfridge board. That was a board composed of honorable gentlemen, constituted by a resolution of the Senate solely; but that fact alone should not affect the House at the present time any more than it did the House at the time their report was first presented. There is a little feeling, necessarily, perhaps some rivalry, between the two bodies in reference to these matters; but if the Selfridge board told the truth, and if they examined carefully, as no doubt they did examine carefully, all of the facts in connection with this matter and passed upon those facts judicially and honestly, as they did, their report is of just as much value to you and to me and to members of this House as the report of any other board could possibly be, no matter how constituted.

Now, why did not this matter come before the Marchand board? Let us examine that for a moment. The reason is not that which has already been stated by my distinguished friend from Illinois who has just taken his seat, but it was because of the fact that it could not come before it under the resolution constituting the board. The amount that is claimed by the surviving partner of the firm of Murphy & Co. is the contract price agreed to by the Government in the main, and in addition thereto a provision added over the hand of B. F. Isherwood, esq., engineer of the United States Navy, who acted on behalf of the Government, and signed the contract with the corporation. He himself, before this company would accept the contract for $82,000, affixed an addendum to the contract in these words:

> The Department will allow actual loss in labor and material used in the *Otsego* machinery in excess of the contract price.

Now, Mr. Chairman, there was a contract by the Government to pay to this firm the very sum that is asked here in the pending bill. It is a part of the contract. The Marchand board was organized to pass on claims entirely outside of a contract, and it was so stipulated in the resolution forming the board. But this claim is of a different character. This is a claim for an upset price of $82,000, and in addition to that the advance in the cost of labor and material. It did not belong, therefore, to the Marchand board, and could not properly come before them.

Now, I say it is a pretty small piece of business for the chairman of the Committee on Appropriations of the House of Representatives, the distinguished gentleman from Illinois, to rise on this floor and state, without examination, that this matter was submitted to the Marchand board, when, as a matter of fact, it was not; and he simply makes a guess as to the facts of the case which he expects the House to accept as a result of his judgment based on no examination of the question. He was not here. His judgment, when he sees a thing with his own eyes, is of course as good as the judgment of anyone else; but his judgment of things that he has not seen and which he has not examined amounts only to imagination, and is worth no more than the judgment of any other man under the same circumstances; and in the present instance it is only a very bad guess. On this question I claim that his guess is not worth quite as much as mine.

I repeat, that this matter could not be considered by the Marchand board, because it was a contract in itself, including an amount undetermined, but which was covered by the finding of a tribunal which examined the facts at the time. The amount was determined, I repeat, at the time the transaction took place, and not a generation afterwards. The Selfridge board, a board of gentlemen appointed by the Senate alone, whose honesty was never impugned, found the facts to be on examination that $23.600 had been expended under the terms of the contract itself.

Now, Mr. Chairman, this matter ought not to go off on a few guesses by the watchdog of the Treasury here. If it is honest, as it is and as I know it to be, it ought to be paid or some reason should be given for not doing so besides that given by the distinguished gentleman from Illinois.

The matter of this payment arose at the time the work was done, and it was presented to the only board ever constituted by Congress which had authority to examine it, and by that board, appointed by a resolution of the Senate, it was allowed and the amount determined. The question of loss was determined then—the amount of the actual loss under the terms of the contract—and Mr. Buckmaster, the surviving partner of the firm of Murphy & Co., who made the contract and did the work, asks the Government now to pay him the money agreed to be paid under this contract in 1866. That is all there is of it, and it is not a matter of guess, but a matter of actual fact.

Mr. CANNON. Mr. Chairman, would it be in order to move to strike out the enacting clause of this bill?

The CHAIRMAN. It would.

Mr. CANNON. Well, in just one minute by the clock I will make that motion. The gentleman from Missouri [Mr. JOY] has certainly not read the resolution constituting the Selfridge board, the finding of that board in 1865, or the refusal of the House to abide by that finding.

Mr. JOY. In this claim?

Mr. CANNON. Yes. Neither has he read the contest between the Senate and the House, which resulted in the report of 1867, which I read to the House, constituting the Marchand board, the only board that ever had legal authority to adjudicate this exact claim. They did adjudicate claims, and all claims that were referred to them. Whether this was adjudicated or not I do not know. If it was not it was the fault of the claimant. I say again, and presumably, in the minds of legislators a generation afterwards, against the claimant. Now, having had their day in court, under the law of Congress, and not having had relief, it seems to me that we will hesitate long before we proceed to appropriate this sum, thereby establishing a precedent, an entering wedge that will be followed by a troop of similar claims, aggregating much larger amounts.

I now, sir, move to strike out the enacting clause of this bill.

The CHAIRMAN. If the gentleman will give his attention, the Chair understands that this is a Senate bill. The Chair doubts whether this motion would be in order as to a Senate bill, out of courtesy to the other body.

Mr. CANNON. Then I will make any motion that will dispose of the bill unfavorably, if I can get the committee with me. I will move that the bill be reported back to the House with the recommendation that it do not pass.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] moves that the bill be reported back to the House with the recommendation that it lie upon the table.

Mr. CANNON. That is right.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 55, noes 25.

Mr. JOY. I will ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. JOY and Mr. CANNON.

The committee divided; and the tellers reported—ayes 51, noes 23.

Accordingly the motion was agreed to.

The CHAIRMAN. This bill just considered was the Senate bill. The next bill on the Calendar is the House bill, No. 3650, involving the same subject. Without objection, the House bill will be reported back with an unfavorable recommendation.

Mr. HEPBURN. I thought by the action of the committee the Senate bill was substituted for the House bill.

The CHAIRMAN. The present occupant of the chair is informed that the motion was that the Senate bill be taken up, and that a vote was had upon that question; that the committee determined to take up the Senate bill. That leaves the House bill upon the Calendar. Without objection, the recommendation will be that the House bill lie upon the table. Is there objection?

Mr. JOY. I object, Mr. Chairman. The House bill is a bill sending this question to the Court of Claims, and I should like to make a motion that that bill be laid aside with the recommendation that it do pass, after the reading of the bill.

The CHAIRMAN. The gentleman from Missouri objects. The Clerk will report the bill.

Mr. CANNON. It seems to me that the House has expressed itself about the matter.

Mr. JOY. Let the bill go to the Court of Claims.

The Clerk read the title of the bill, as follows:

> A bill (H. R. 3650) for the relief of William P. Buckmaster.

Mr. OWENS. Is it competent to move that the bill lie upon the table, without reading?

The CHAIRMAN. That can be done only by unanimous consent. The bill is a brief one.

The Clerk proceeded to read the bill.

Mr. CANNON (during the reading). Mr. Chairman, I ask the attention of the Chair for a moment, if I may interrupt the reading of the bill, to say that I have consulted the notes of the Official Reporter, which show that the Chair is in error, and that the gentleman from Iowa [Mr. HEPBURN] is right. If I may do so, I ask for the reading of the notes of the Official Reporter.

The CHAIRMAN. The Chair has been informed since by the Clerk at the desk that the wording of the resolution was as stated by the gentleman from Illinois; but that motion would have required unanimous consent. The Chair put it to a vote of the committee, and by so doing put to a vote an unparliamentary motion. The Chair thinks the easiest way is to dispose of this bill.

Mr. CANNON. Well, after all, if it is already done, will it not save time? There are a number of cases on this Calendar that gentlemen are desirous to get at.

Mr. LOUD. We can save money by spending it on that, can we not?

Mr. CANNON. Will the Chair cause the notes of the Official Reporter to be read?

The CHAIRMAN. The Chair will have the notes read.

The Clerk read as follows:

After the reading of the House bill.

Mr. OTJEN said: Mr. Chairman, I move that the Senate bill (S. 40, Calendar number 470) be substituted in place of this bill. It is the same subject-matter.

The motion was agreed to.

The CHAIRMAN. Under those circumstances, the Chair will hold that the Senate bill was substituted for the House bill. The Clerk will report the next bill upon the Calendar.

Mr. JOY. I will ask the Chair for information. What is the position of the House bill? Does it remain on the Calendar or go off the Calendar?

The CHAIRMAN. The opinion of the Chair would be that the House bill would take the place of the Senate bill on the Calendar.

Mr. JOY. It remains on the Calendar, as I understand it.

The CHAIRMAN. Unless some disposition is made of it.

Mr. JOY. At present?

FLORA A. DARLING.

The next business on the Private Calendar was the bill (H. R. 903) for the relief of Flora A. Darling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Flora A. Darling, out of any money in the Treasury not otherwise appropriated, the sum of $15,683, in full satisfaction of all claims growing out of her arrest, imprisonment, and the seizure of her property by military authority at the city of New Orleans, in January, 1864, while on a flag of truce boat under protection of a safe-conduct given her by Maj. Gen. N. P. Banks, then commanding the Department of the Gulf.

Mr. COOPER of Texas. Mr. Chairman, there is a committee amendment. Unless it is desired that the report be read, I ask for the adoption of the amendment recommended by the committee, and that the bill as amended be reported to the House with a favorable recommendation.

Mr. DINGLEY. Mr. Chairman, I think we had better have the report read.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 903) for the relief of Flora A. Darling, submit the following report:

The facts out of which this bill for relief arises will be found stated in a report of the Committee on War Claims of the Fifty-third Congress. A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill with the following amendment:

In line 6 strike out "$15,683" and insert in lieu thereof the following: "$5,683."

[House Report No. 461, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4684) for the relief of Mrs. Flora Adams Darling, having considered the same, report as follows:

Heretofore, on April 15, 1884, the claim of Mrs. Flora Adams Darling, for which relief is now sought by act of Congress, was referred to the Court of Claims, and on May 31, 1887, that court made the following findings:

[Court of Claims. Congressional case No. 94. Flora Adams Darling *vs.* The United States.]

FINDINGS OF FACT.

At a Court of Claims held in the city of Washington on the 31st day of May, A. D. 1887, the court filed the following findings of the fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on the Judiciary of the House of Representatives on the 15th day of April, 1884, and the Attorney-General having appeared for the defendant, and the suit having been brought to a hearing on the 25th day of May, 1887, the court, upon the proofs and evidence, and after hearing John P. Jones, esq., of counsel for the claimant, and Messrs. Howard and Dewees, esqs., of counsel for the defendant, finds the following facts:

I.

Claimant was born in the State of New Hampshire, and until her marriage, in 1859, she resided in said State. After her marriage she resided in the State of Louisiana until the commencement of the war, when she returned to the State of her nativity and resided there, as hereinafter stated.

II.

Her husband, Edward I. Darling, was a brigadier-general in the Confederate service, and claimant joined him after her return to New Hampshire in order to attend him during the illness incident to his being wounded. She was passed through the lines under the protection of a flag of truce, via Washington and Acquia Creek, to Richmond, Va. She remained at Dalton, Ga., until her husband's death until November 26, 1863, when she applied for the protection of a flag of truce that she might return to her parents in the North, taking a letter from General Bragg to Gen. Dabney Maury, then at Mobile, Ala.

III.

General Maury made application to General Banks for the flag of truce, and the same being granted, claimant was sent from Mobile to Pascagoula to meet the flag of truce boat, which was to convey her to New Orleans, then within the Union lines.

Upon the arrival of the flag-of-truce boat, the *Alice McGuigan*, under command of Capt. Thomas Tileston, claimant was shown an official passport, signed by Gen. N. P. Banks, commanding the Department of the Gulf, authorizing the safe-conduct of herself, servant, and effects on board said vessel, under the protection of a flag of truce, to New Orleans.

After a passage of about three days the vessel arrived at New Orleans, having been once stopped and examined by a Federal gunboat.

* * * * * * *

V.

When at Hickoks Landing, about 6 miles from New Orleans, Captain Tileston left the vessel, saying he would send a carriage for claimant. In about two hours a Federal sergeant arrived on board the vessel, demanded of claimant the keys to her trunk, informed her that he had orders to seize her and her baggage, and showed an order from Gen. James A. Bowen, provost-marshal, to that effect. Claimant was taken in a private conveyance to New Orleans and put into prison, where she remained eight days, until she managed to escape, and, securing the assistance of the English consul and other influential friends, was granted a parole, after being guarded by two officers for the first few days. She was after this compelled to report daily to Gen. H. M. Porter.

VI.

After being detained in New Orleans in this way for many weeks, claimant received an order to sail for New York the next morning, on board the *Baltic*, an old vessel used as a Government transport. Claimant sailed in obedience to this order, being the only woman on board with the exception of her maid, in company with 400 sick soldiers. The voyage lasted fifteen days, and the vessel was detained off Cape Hatteras for several days, owing to her condition. Claimant was, in consequence of the condition of the companion way, thrown down a hatch, and suffered a severe injury to her hand, which has left it crippled ever since. She has ever since resided in the State of New York.

VII.

Before claimant left Mobile her friends advised her to place her valuables in her trunk instead of carrying them on her person.

When arrested at Hickoks Landing, the Federal officer who made the arrest demanded the keys of her trunk, and, after searching it, carried away all of her valuables. The trunk was afterwards returned to her, but she never saw any of her securities, money, or jewelry again.

Claimant placed in her trunk for safe keeping $10,000 in Confederate cotton bonds, which had been issued the previous September, $5,000 in notes of the State banks of Louisiana and Tennessee, $28 in gold, $15 in silver, and a collection of jewelry worth $640.

VIII.

Before claimant sailed the judge-advocate of the Confederate army examined her baggage to see that there was nothing in it that could be construed as a violation of the flag of truce. Her trunk contained nothing of a political nature; no papers or documents relating to army matters; nothing but such articles as a lady would carry with her in traveling.

Claimant sympathized with her husband in political sentiment, and was disloyal to the Government of the United States.

The arrest of claimant was made because the military authorities of the United States suspected the claimant as a spy.

BY THE COURT.

Filed May 31, 1887.
A true copy.
Test this 12th day of April, A. D. 1888.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Assuming that the facts found by the court are true, the question presented is, Was Mrs. Darling under the protection of a safe-conduct at the time she was arrested and her property seized? The third, fourth, and fifth findings show that she was granted a safe-conduct from Mobile, Ala., to New Orleans, and was taken on board the flag-of-truce boat, the *Alice McGuigan*, under command of Capt. Thomas Tileston, to be carried through the lines of the contending forces to New Orleans. The vessel did not go all the way to that city, but stopped at Hickoks Landing, about 6 miles from the city, where Captain Tileston left the vessel, saying to claimant that he would send a carriage to send her to the city. About two hours afterwards, while claimant was still on board of the vessel according to the suggestion of Captain Tileston, a Federal sergeant went on board, demanded of claimant the keys to her trunk, seized her baggage, arrested her, and confined her in prison. The seventh finding shows that the trunk was afterwards returned to her, but the securities, money, and jewelry it contained had been abstracted, and were never returned to the owner. The things of value abstracted consisted of $5,000 in notes of the State banks of Louisiana and Tennessee, $28 in gold, $15 in silver, and a collection of jewelry worth $640, aggregating $5,683.

Mrs. Darling, at the time of her arrest, as before stated, was still on the flag-of-truce boat, and was remaining there under the advice of the commanding officer of the vessel, under whose protection she was, and it was her privilege and right to follow his advice until he had provided a conveyance for her into the city. If she had acted otherwise, and left the boat and attempted to go to the city, and in so doing had been captured or injured by the military forces of the United States, it could have been claimed that it was her own fault in not observing the directions of the officer having her under his protection. She did observe his directions by remaining on the boat, and was arrested and her property seized while she was so doing.

There is nothing in the findings nor in the evidence to show that Captain Tileston instigated her arrest while she was under his protection; but the fact that he went to the city himself and that instead of sending a carriage, as he had promised, to take her to the city, she was arrested and her property seized by a Federal sergeant, raises a fair presumption that information was given by some person connected with the flag-of-truce boat to Gen. James A. Bowen, the provost-marshal, who ordered her arrest on an unfounded suspicion that she was a spy.

Captain Tileston states, in an affidavit made on January 24, 1874, that "I considered Mrs. Darling then, as I do now, a lady who was entitled to the protection that had been guaranteed to her by her passport. She was under my care during the passage, and I heard nothing and obtained no impression that led me for one moment to believe she would be subjected to other treatment than that accorded to all other flag of truce passengers."

He makes no explanation whatever of his failure to afford protection to Mrs. Darling while she remained under his charge, as it was his duty to do. To allow a lady who had been placed under his protection with a safe-conduct to be carried by him to New Orleans to be arrested while she was on board the flag of truce boat, by his suggestion waiting for him to furnish means to continue to her journey's end, and to be confined in prison for eight days, without any interference on his part, tends strongly to show that the safe-conduct was violated by his negligence.

Under such circumstances, the committee are of opinion that the claimant is entitled to compensation from the Government for the property taken from her, excepting the $10,000 Confederate cotton bonds, the claim for which the committee disallow.

Wildman, in his work on the Laws of Nations, includes every species of contraband known to modern nations, and securities in the transactions of life or the possession of them is not regarded unlawful, and only mentions official communications as contraband under a flag of truce. He says:

"If one belligerent does not wish to receive the person or effects of one who holds a passport under the flag of truce, he may refuse to receive the person or his effects; but to enter upon a flag-of-truce boat and seize and confiscate the securities of a person who has been granted protection is denominated by the laws of nations an act of perfidy."

The authorities upon international law are unanimous in declaring the liability of the Government when such an offense against the law of nations is committed.

Chancellor Kent states the true rule in the following language:

"He who promises security by a passport is morally bound to defend it against any of his subjects or forces, and make good any damage the party might sustain by violation of the passport. The privilege being so far a dispensation from the legal effects of war, it is always to be taken strictly, and must be confined to the purpose and place and time for which it is granted. A safeguard generally includes the necessary baggage and servants of the person to whom it is granted." (Kent's Com., 151.)

Vattel defines the general rule in substantially the same language:

"He who promises security by a safeguard promises to afford it wherever he has command, not only in his territories, but likewise in every place where any of his troops may happen to be; and he is bound not only to forbear violating that security, either by himself or his people, but also to protect it and defend the person to whom he has promised it, to punish any of his subjects who have offered him violence, and oblige them to make good the damage." (P. 416.)

All writers of international law agree that the violation of a flag of truce or safe-conduct, when acted under in good faith by the beneficiary, is barbarous and uncivilized warfare, and that the offending government is bound, by those humane rules which enlightened nations recognize, to make ample reparation.

"The violation of the good faith pledged by passports and documents of that character draws after it the most condign punishment. If it is committed on the part of the authorities or agents of the government which grants it, its bearer will be amply indemnified for all the consequences that result from the violation, and the person who commits the violation will be punished in accordance with the laws of his country." (Calvo, vol. 2, p. 87, edition of 1868.)

Phillimore has, in speaking of the rights of belligerents under flags of truce, used language which might with propriety be applied to the facts in this case:

"Every belligerent acts upon the presumption that the usages of civilized war will be observed; hence flags of truce, cartels for the exchange of prisoners, and safe-conducts are held sacred by all states; they are among the belli commercia which whoever violates deserves to be treated as a pirate." (Vol. 3, p. 105.)

Also:

"But inasmuch as the right of safe passage conveyed by the instrument of safe-conduct is neither hurtful to a third person nor onerous to the grantor, it should always receive a liberal construction, and the instrument, whatever the language of it may be, must be so interpreted as to avoid the consequence of a manifest injustice or absurdity. Thus, for instance, a safe-conduct granted to soldiers and sailors generally must be construed to extend to all officers of the army and the fleet. So a permission 'to depart freely' must be holden to continue till the grantee arrives in a place of safety. The privilege is, in fact, always to be so construed as not to be useless to the grantee." (Phillimore's International Law, vol. 3, p. 148.)

Your committee report the bill and recommend the adoption of the following amendment: In line 6, page 1, strike out the words "fifteen thousand six hundred and eighty-three dollars" and insert in lieu thereof the words "five thousand six hundred and eighty-three dollars," and, when so amended, that the bill do pass.

Mr. COOPER of Texas. I ask the adoption of the committee amendment, and then I will move that the bill be reported to the House with a favorable recommendation.

Mr. LOUD. Well, Mr. Chairman, I would like to say a word or two with regard to this bill. One thing that surprises me is the extreme generosity of the Committee on War Claims in foregoing the alleged claim of this lady for $15,000 of Confederate money! It is a piece of generosity that is seldom displayed by that committee when a case is reported to this House. Now, I can not see why the Confederate money was not as valuable as this Georgia State money.

Mr. COOPER of Texas. I will state to the gentleman, with his consent, that it was Louisiana and Tennessee bank money, which was good anterior to the war, during the war, and as good subsequent to the war as gold.

Mr. LOUD. But, however that may be—I understood that it was Georgia money—I do not think it would have been very valuable in the country to which she was going. The fact remains that there is nothing appearing in this case to substantiate the allegations made by this lady except the statement made by herself. She might as well have made it $5,000,000 as this five thousand and odd dollars. I do not believe, even on her own allegations, that the money amounted to over $43 or $44 in value; and we ought not to assume that the Government of the United States should reimburse a party to the extent of $5,000 for valuables alleged to have been contained in a trunk. I think that is a business that we should not engage in at this time. If the gentleman himself should lose a trunk, he would have great difficulty in recovering such an amount of money from a railroad corporation or any other corporation doing business in this country.

From the fact that we have had read the opinion of these great international-law writers it is evident they claim there has been an act of perfidy on the part of our Government. Now, that may be worth $5,000. I do not know about that. It is a question of the degree of the perfidy and how much perfidy is worth. Of course, if we are to measure "perfidy" and reimburse "perfidy," this Government may lodge a claim against the alleged Democratic party for a charge of "perfidy" made by the present occupant of the White House, and we might perhaps proceed to recover from that party. [Laughter.]

I can not see, in all seriousness, Mr. Chairman, that this lady has any just claim. There is nothing at this time to show that she was not properly and regularly arrested by United States forces. It is now thirty-four years since this lady was arrested, and there was evidently some good ground for the arrest at that time. I do not believe in reimbursing any person to the extent of $5,000 that may have been lost and alleged to have been contained in a trunk.

Mr. COOPER of Texas. Mr. Chairman, this claim has been pending for some years before Congress and before other tribunals, and this is the first time that I have ever heard called in question the fact that the lady, Mrs. Darling, lost the money claimed to have been lost. The claim passed the Court of Claims, and that court, on the evidence before it, found that she had lost the amount of money mentioned in the bill. I never saw and never had presented to me a more just claim, it appears to me, than this. Here is a lady who anterior to the war was a resident of the State of New Hampshire, whose sympathies were with the Union, who did not believe in its dissolution, and who had become the wife of a Southern planter.

Mr. LOUD. Will the gentleman allow me to say that the court has found that this lady sympathized with her husband?

Mr. COOPER of Texas. I will say, and the record will bear me out, that she sympathized with her husband when her wifely duty became superior to that of her patriotism.

Mr. HULICK. Will the gentleman allow me to state the report shows—

Claimant sympathized with her husband in political sentiment and was disloyal to the Government of the United States?

Now, if that statement be true, what has the gentleman to say?

Mr. COOPER of Texas. I will say this, on information possessed by myself as a member of the committee, that every act of this woman indicates her loyalty. She is a literary woman, springing from that illustrious family, the Adamses. She is the author of a book in which her letters are to be found, showing that she advised against the views of her husband and attempted to prevent him from going into the war, and that when war was probable, she was instrumental in persuading him to leave this country and go to France or England, but when it became certain that there was to be war he returned to the South and entered the Southern army, and she failed to go with him, and returned to her parents in New Hampshire.

During the war he became a general. He was wounded. She undertook to go to him, and obtained a passport at this end of the line, and did go to him and ministered to him during his sickness until he died. Thereafter she ministered for a brief period of time to the other sick soldiers. Then she obtained a passport to come back, and, under a flag of truce, at the instance of General Bragg, and with the consent and order of General Banks, she was directed to go to New Orleans. Under that flag of truce she went to a point near New Orleans and there was told to remain upon the boat until a carriage should be sent for her. While she was there on that boat, under that banner, an armed soldier came and took her keys, opened her trunk, and took therefrom these valuables. She was put under arrest and held for eight days. There was no evidence that she was disloyal, that she was a spy, or that she was in any way inimical to the Government. She remained there for some time, but at last was sent home by the Federal authorities, and she has remained at home ever since. Her claim was presented to President Lincoln as soon as possible after she returned to the North, and he referred it to a tribunal that he thought had jurisdiction of it, but the tribunal decided that they had not jurisdiction, but expressed the opinion that the case was meritorious. Since that time the claim has been presented to every branch of the Government where it could be presented. It has been before Congress, and each House has passed upon it favorably on several different occasions, but the action of the two Houses never met, so that the bill did not become a law. Afterwards the case was referred to the Court of Claims, and they found that this amount of money and property had been taken away from her.

Mr. HULICK. I wish to ask the gentleman a question for information. These notes of State banks in Louisiana and Tennessee, amounting to $5,000, were they worth their face in gold?

Mr. COOPER of Texas. They were worth their face in gold anterior and subsequent to the war.

Mr. HULICK. But at the time they were taken?

Mr. COOPER of Texas. Yes, sir. Now, Mr. Chairman, I ask for the adoption of the amendment.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS A. BEUTER.

The next business on the Private Calendar was the bill (H. R. 71) for the relief of Capt. Francis A. Beuter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the muster of Francis A. Beuter, that he be recognized as captain from the 4th day of September, 1863, in the Fourth United States Colored Troops, cavalry.

SEC. 2. That the Secretary of the Treasury pay to the said Francis A. Beuter his pay as captain of cavalry from the 4th day of September, 1863, to the date that he was mustered and paid as captain in the Fourth United States Colored Troops, April, 1865, deducting all payments on account of any other sums heretofore paid.

Mr. BAKER of New Hampshire. Mr. Chairman, I introduced that bill. It was favorably reported in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. It involves only about $800. It is simply a bill to pay an officer of cavalry from the time when he was commissioned up to the time when he was mustered in. There is no question as to the service, and there is no question as to the fact that he has not been paid. He is now a man over 80 years of age and is absolutely in need of this small pittance, which, as I have said, represents simply a salary unpaid by the Government. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

JOHN A. LYNCH.

The next business on the Private Calendar was the bill (H. R. 8055) for the relief of John A. Lynch.

The bill was read, as follows:

Be it enacted, etc., That in accordance with the findings of the Court of Claims the Secretary of the Treasury be, and he is hereby, authorized and required to pay John A. Lynch, out of any money in the Treasury not otherwise appropriated, the sum of $2,466.49, in full and complete satisfaction for services rendered and expenses incurred and defrayed by him, the said John A. Lynch, to and for the United States at Cincinnati, in the State of Ohio, in the years 1861 and 1862.

Mr. TAFT. Mr. Chairman, this bill was introduced by me. Its object is to pay for the services of a captain who was engaged in the recruiting service in Cincinnati. He served there for eight months during the years of 1861 and 1862, and received no pay for that service. The case has been examined by the Court of Claims and has been favorably reported by that body. Unless some gentleman desires to ask a question about the bill, I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. LOUD. Mr. Chairman, if I can be recognized, I will ask to have the report in this case read in my time.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from California.

The report (by Mr. WILSON of Ohio) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 8055) for the relief of John A. Lynch, submit the following report:

The facts out of which this bill for relief arises will be found stated in Senate Report No. 1389, first session of the Fifty-first Congress. A copy of said report is hereto appended and made a part of this report.

Your committee recommend the passage of the bill.

[Senate Report No. 1389, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 3460) for the relief of John A. Lynch, having considered the same, report as follows:

This claim was referred to the Court of Claims by resolution of the Senate for investigation and report, under the provisions of the acts of March 3, 1883, and March 3, 1887. The court has reported its findings to Congress, from which it appears that there is due the claimant the sum of $2,621.49 for his services, of which he had been paid $125, leaving due him the sum of $2,496.49. The findings of the Court of Claims are hereto attached and made a part of this report.

Your committee referred the bill, with these findings, to the Secretary of War for his report as to the amount which would be allowed under the law and the regulations of the War Department on the findings of the Court of Claims. The report of the Secretary of War, hereto attached, shows that $30 should be deducted from the amount found by the court, leaving the amount due the claimant $2,466.49. The letter of the Secretary of War, with its inclosures, is also attached and made a part of this report.

The committee therefore recommend the passage of the bill with an amendment striking out the words "two thousand six hundred and twenty-one dollars and forty-nine cents" in lines 6, 7, and 8 of the bill and inserting the words "two thousand four hundred and sixty-six dollars and forty-nine cents."

WAR DEPARTMENT, *Washington, May 27, 1890.*

SIR: I return herewith [illegible] bill 3460, "for the relief of John A. Lynch," referred to this Department by your letter of the 22d instant, and invite your attention to the inclosed reports of the Paymaster-General, dated the 26th instant, and the Quartermaster-General, dated the 28th instant, on the bill.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

Hon. WILLIAM M. STEWART,
Of Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, D. C., May 26, 1890.

SIR: I have the honor to return herewith House bill 3460, for the relief of John A. Lynch, referred from the Committee on Military Affairs of the Senate, and to state that the pay and allowances of a captain and assistant quartermaster, payable by the Pay Department, for eight months from August 1, 1861, to March 31, 1862, were as follows, viz:

Pay proper, $80 per month	$640.00
Servant's pay, $12 and $13 per month	104.33
Servant's clothing, $2.50 per month	20.00
Subsistence for self and servants	384.50
Forage for 3 horses, if actually owned and kept, at $8 each per month	192.00
Total	1,340.83

There were no additional allowances to a captain and assistant quartermaster when acting as commissary, as paragraph 1314, Army Regulations, 1861, forbade payment for two staff appointments at the same time.

The other items, fuel, quarters, office rent, and clerk hire, pertain to the Quartermaster-General's Department.

Very respectfully,

WM. SMITH,
Paymaster-General, United States Army.

The SECRETARY OF WAR.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 28, 1890.

SIR: I have the honor to return the letter of Hon. WILLIAM M. STEWART, United States Senate, of the 22d instant, inclosing a bill for the relief of John A. Lynch, and findings of the Court of Claims in his case, with request that the Senate Committee on Military Affairs be furnished a statement of the amount of money that would be allowed to the claimant under the findings of the court, assuming the findings to be correct, if the matter was before the War Department for settlement, and to report as follows:

Under paragraphs 963 and 974, Army Regulations of 1861, a captain and assistant quartermaster of the Army, on duty at Cincinnati, Ohio, for the eight months from August 1, 1861, to March 31, 1862, inclusive, would have been entitled to the following mentioned allowances from the Quartermaster's Department, namely:

In the findings of the Court of Claims an allowance of $30 is made for office fuel. The Quartermaster's Department was authorized by the Regulations to furnish fuel in kind only for the six months from October 1, 1861, to March 31, 1862, and there is no authority to pay commutation therefor; hence this item of allowance is omitted in this report.

The cost to the Quartermaster's Department for wood at Cincinnati, Ohio, at about the time referred to was $4.75 per cord. At this rate the cost for furnishing fuel for an office in that city for six months would have been $28.50.

Very respectfully,

S. B. HOLABIRD,
Quartermaster-General, United States Army.

The SECRETARY OF WAR.

[Senate Miscellaneous Document No. 127, Fifty-first Congress, first session.]

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 10, 1890.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of the Court of Claims filed April 7, 1890, in the aforesaid cause, which case was referred to this court by the Committee on Military Affairs of the Senate of the United States under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The PRESIDENT OF THE SENATE.

(Court of Claims. Congressional case No. [illegible]. John A. Lynch *v.* The United States.)

At a Court of Claims held in the city of Washington on the 7th day of April, A. D. 1890, the court filed the following statement of case and findings of fact, to wit:

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on Military Affairs, United States Senate, on the 5th day of June, 1888. Luther H. Pike, esq., appeared for claimant, and the Attorney-General, by Assistant Attorney-General John B. Cotton, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case was brought to a hearing on its merits on the 21st day of January, 1890.

I.

At the outbreak of the rebellion, in the year A. D. 1861, the claimant, John A. Lynch, was a citizen of the United States, a resident of the city of Cincinnati, in the State of Ohio, and by profession a lawyer.

In 1861 John C. Frémont, a major-general in the Army of the United States, was assigned to the command of the Department of the West, with headquarters at St. Louis, in the State of Missouri, and was clothed with extraordinary power and authority for recruiting, organizing, and equipping troops for his command in and outside the limits of his department, and for selecting and appointing and [illegible] the selection and appointment of such officers and agents as he might deem necessary to assist him in the due execution of the powers he was so clothed with.

II.

General Frémont appointed Richard M. Corwine, an officer under him, to wit, judge-advocate, with the rank of major, and sent him to Cincinnati, in the State of Ohio, with power to and authority to there recruit, organize, and equip troops for his command and to arrange their transportation to his department.

The said R. M. Corwine, as part of his arrangements for recruiting, organizing, and equipping troops for and transporting them to General Frémont's command, induced the claimant to assist him there, and appointed claimant informally to the rank of captain, assistant quartermaster, with assurance that upon such appointment he would be duly commissioned the same in the Army of the United States.

III.

The claimant, relying upon this assurance and [illegible] that appointment from the said Corwine, gave his entire time for a period of eight months in the years A. D. 1861 and 1862 in assisting said Corwine. From the latter part of July, 1861, until on or about the [illegible] of September of that year he acted both as assistant quartermaster and commissary of subsistence, but from the [illegible] of September, 1861, to on or about the 31st day of March, A. D. 1862, he acted only as assistant quartermaster, and all the services he so rendered were arduous and valuable to the United States.

The claimant has never been paid anything for the services he so rendered, or on account of the expenses he incurred necessarily while rendering them, and paid out of his own means, such expenses being for rooms, light, and fuel and attendance thereon, and for clerical assistance, except a sum of $125, and for transportation.

IV.

The claimant was on the 20th of November, A. D. 1862, commissioned regularly a captain and assistant quartermaster in the United States Army, but was not given rank to cover the service he had rendered antecedently. As such regularly commissioned officer he served faithfully and efficiently until he was discharged honorably after the suppression of the rebellion, and his accounts, found correct, have been closed in the Treasury Department.

V.

The claimant, by reason of being in active service in the field, was ignorant of and therefore unable to avail himself of the benefit intended for others and himself who had assisted General Frémont by the act of Congress approved March 25, 1862, and by the acts amendatory thereof and supplementary thereto. He was ignorant of the existence of the commission at St. Louis, in the State of Missouri, which, in pursuance of said acts of Congress, was created under and by General Orders of the War Department, No. 64 of 1863, as also of the rules promulgated by the General Orders of the War Department, No. 120, of March 24, 1864, for the payment of claims for such services presented to said commission, and, being so ignorant, he presented no claim to said commission.

VI.

By law and the Army Regulations of 1861, paragraphs 963 and 974, and the Revised Army Regulations of the same year, paragraphs 1068 and 1081, in force from the 31st of July, A. D. 1861, to the 1st day of April, A. D. 1862, had claimant been a regularly commissioned captain, assistant quartermaster in the United States Army, and so stationed and rendering said services at Cincinnati, in the State of Ohio, during said period of time, his army allowances and commutations would have been, as certified to the court by the War Department—each item aggregated—as follows: For pay proper (eight months), $640; servant's pay, $104.33; servant's clothing, $20; subsistence, $384.50; forage for three horses, if in actual service, $192; quarters, $192; quarters fuel, $113.16; office, $240; office fuel, $30, and by authority for payment for clerk hire contained in the general appropriation acts for the support of the Army he would have had for one clerk, at $100 per month, $800, making a total of $2,621.49. But the claimant by his petition in this court has sought to recover only $1,262.96 for the same services.

VII.

The claimant during the eight months he so rendered the services unpaid for did not actually own and keep in service three horses, but in lieu thereof hired horses and vehicles for his transportation which was made actually necessary by the distances apart of the different bodies of troops he had to give attention to and he had constantly to traverse, but the amount of such expenditures has not been shown to the satisfaction of the court.

VIII.

The claimant received $125 on account of clerk hire during said period of eight months' service, through said R. M. Corwine.

IX.

The claimant was loyal to the Government and cause of the United States throughout the war of the rebellion.

BY THE COURT.

Filed April 7, 1890.
A true copy.
Test this 10th day of April, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. WILSON of Ohio. Mr. Chairman, this claim is based on services rendered by the claimant at the beginning of the war. General Fremont was in command of the Department of the West, with authority to appoint officers and agents to assist him in his duties and in organizing that army. Under that authority he appointed Mr. Corwine, then an officer in the United States Army, and sent him to Cincinnati with authority to employ assistants in the work of recruiting and organizing that department. Mr. Corwine employed this layman, who was then an eminent lawyer (a partner of Mr. Hayes, afterwards President of the United States), to assist him, and for eight months he gave his time and attention to the work of recruiting and organization. That was a time when the Army was not well equipped, and when it was not quite clearly understood how men serving their country as soldiers were to receive their pay. On the faith of the promise that he would be made a captain to cover all this time, he gave those eight months of service, and never received for that service one dollar of compensation. I submit to you, gentlemen, that this man, who had patriotism enough to give his time and services to his country in this way, should not be deprived of such pay as the services are worth as established on presentation of the case to the Court of Claims.

Mr. LOUD. I should like to ask the gentleman who has just taken his seat, and who seems to be familiar with this case, why this bill proposes to give this claimant some $2,400 when he only claims, according to the report, $1,262.96?

Mr. WILSON of Ohio. That is a very pertinent question, and one which of course came before the committee. The reason is this: This man presented his claim according to his understanding of what a captain was allowed. The Court of Claims investigated the matter and found that the claimant had not claimed all that he was entitled to. They therefore found in his favor for a sum larger than he claimed; that is, they found he was entitled to more than he had asked. I submit that if a person, ignorant of his legal rights, presents a claim for less than is due him, it is no reason why the Government should refuse to pay the full amount that is due. That is the reason the report is drawn as it is.

Mr. LOUD. Well, Mr. Chairman, I think that if a man gets from the Government what he claims, he is doing pretty well. I believe the claimant is the best judge, at least from his standpoint, of what is due him. Now, if you will dissect this report you will find that this man would have been entitled, among other items, to $100 per month for clerk hire. Probably he did not have a clerk; yet this House, in its beneficence, proposes to pay him for clerk hire during all that time. He would have been allowed a certain amount for fuel. He did not have that fuel; yet this House, in its generosity, says, "You must have the money for the fuel anyway."

It is a question which arises at this distance of time whether this man has any just claim whatever. Still, in view of the finding of the court, I will assume that there is justly due to him what he claims; and I will move to amend the bill by striking out, in line 6, the words "two thousand four hundred and sixty-six dollars" and inserting in lieu thereof "$1,262.96."

The question being taken, the amendment was rejected; there being—ayes 34, noes 41.

The CHAIRMAN. The question is now on the motion to lay the bill aside with a favorable recommendation.

Mr. POWERS. Mr. Chairman, I should like to interrogate the gentleman from Ohio [Mr. WILSON] who reported this bill. Am I correct in assuming that the proposed appropriation to the claimant carries certain allowances which the army regulations give to regularly commissioned officers?

Mr. WILSON of Ohio. Yes, sir.

Mr. POWERS. If I understand correctly, a regularly commissioned captain in the service would be entitled to a servant's pay at the rate of $12 per month. I wish to inquire of the gentleman from Ohio whether this claimant actually had a servant during the time for which he claims compensation.

Mr. LOUD. It seems he has got to take pay for it anyway.

Mr. POWERS. Did he have such servant in fact?

Mr. WILSON of Ohio. I can not answer as to that.

Mr. POWERS. I see also that the regulations allow for servant's clothing at the rate of $2.50 per month. Now, if this man had no servant, he should have no clothing account for his servant, should he?

Mr. LOUD. But he has got to have the money all the same.

Mr. WILSON of Ohio. I am not undertaking to answer these questions. I am abiding by the decision of the Court of Claims.

Mr. POWERS. I see that a captain in the service is entitled to forage for three horses, if actually owned and kept, at $8 a month each. Did this man have three horses?

Mr. WILSON of Ohio. The finding is that he had not the horses, but that he hired horses to go to different places—to different organizations of the Army—costing more probably than he would have been entitled to under the regulation. That finding appears in the report.

Mr. POWERS. Well, the substance of this report, as I have hastily glanced over it, is that this man expected to be made a captain in the service; was disappointed in his expectations for about eight months; and now he claims that his pay as captain should antedate his service as such for this period of eight months prior to the time he was commissioned. Is that about the substance of it?

Mr. WILSON of Ohio. The claim is that he was appointed under authority which was supposed to make him substantially a captain and which was to be confirmed by the issue of a commission to him, but the commission was deferred for eight months.

Mr. POWERS. Well, Mr. Chairman, I do not know that I want to oppose this bill, but it seems to me a rather dangerous principle to pay a man for the time that he rested on his oars in expectation of an office. A great many gentlemen on this floor, no doubt, if they could recover for the time that they spent in desiring to be members of Congress, would be pretty well paid. [Laughter.] This claimant was employed by General Fremont or some agent of his to assist in the recruiting of troops. He expected, under the golden hues of the promises held out to him, that he would go into the service with the rank of captain, and ultimately he did go in with that rank. But for eight months he was disappointed in his expectations and did not acquire the rank. Now, it is proposed by the pending bill to give him pay as of the rank of captain during the eight months preceding the receipt of his actual commission. He has already received fair pay as a layman for his services and now he desires pay at the rate of a captain in the regular service, including pay for servants, when he had no servants, and also embracing forage for horses, when he had no horses, and for the allowances generally provided to officers of that rank under the army regulations.

Mr. Chairman, it seems to me that under the conditions in which we find the Treasury of the United States at this time it is a proper occasion to consider, somewhat carefully, before we undertake to pay claims which have no legal force and which seem to me have very doubtful equitable right to compensation, the situation confronting us.

Mr. BOATNER. Will the gentleman allow me to ask him a question?

Mr. POWERS. Certainly.

Mr. BOATNER. I understand that this bill is based on a record of findings of the Court of Claims. Does the court report, as a matter of law, that this man is entitled to the compensation accorded him in the bill?

Mr. POWERS. I do not understand that it is so reported.

Mr. LOUD. They only claim that he would have been entitled to it—that he had an equitable claim, in other words.

Mr. POWERS. The Court of Claims do not report any legal proposition about it. They do say that the amount of the claim for horses, servants, etc., has been shown to the satisfaction of the court. That is all.

Mr. WILLIS. Mr. Chairman, if this is an honest claim, let us pay it. If it is not an honest claim, let us reject it. If we owe this man anything we owe him the two thousand and some odd dollars which the bill carries. The Court of Claims, I understand——

Mr. DINGLEY. He does not claim but $1,200.

Mr. WILLIS. No matter what he claims. If we find that a man does not claim enough, it is our duty as honest men to give him enough to satisfy our obligation, according to the standard of righteousness and truth. Some men do not claim enough; others claim too much. If a man came to this body and claimed too much, and we found that the claim was exaggerated, although meritorious, we would cut him down to a proper adjustment; and I claim that on the principle of justice and right if a man has not claimed enough it is our duty to pay him what we owe him.

Mr. Chairman, there is a way to do wrong and a way to do right. I do not know whether this man's claim is just or not; but if it is just, I want to vote for the bill. If it is unjust, I want to vote against it.

But I will say this, not simply as a matter of theory, but as the result of experience, that men who were ready to volunteer, to incur the dangers of battle and the hardship of campaigning in those perilous times, in the days when this man came to the front, were comparatively rare. They were the men the country wanted at the time, men that the country needed and must have, men who were ready to make sacrifices for the good of the country. These were the men who were ready to put themselves in the breach for the country in order that it might not die; men who were ready to die that the country might live. And if this man started out with the expectation of getting the rank of captain, as he had a right to expect, and did his duty faithfully along the line, according as this report seems to indicate, and we owe him anything at all we owe him the entire debt which is due to him as a captain, and this debt, in honesty and honor, we are bound to pay. If he chose to hire his horses instead of keeping them, and employed his servants, and the amount raises the total to something over $2,000, although he does not claim and did not claim that much, we owe it all to him and ought to pay it.

Now, there is in this country a system and spirit of turning down and disputing just claims against the Government that is beneath the dignity of such a body as this. We ought to spurn with indignation every unjust claim that is brought before us, but at the same time be broad minded enough to support and vote for the payment of every just claim in the hands of our citizens against this Government. [Applause.]

Mr. LOUD. Mr. Chairman, I thought the proposition made by myself was exceedingly generous. I think if this House will pay what is claimed in this case it will do all that it ought to do. I can not understand why this House should now seek to force upon this man the pay for his servant, his clothing, and his rations, when it is quite apparent that he never had any servant and could not have paid him any wages, and hence he could not have had to pay for any clothing for him. You are endeavoring here also to force upon him pay for the subsistence of horses which he never had.

Now, it is a question, Mr. Chairman, whether this man was in the service or not. It is apparent that if he was regularly in the service he would not come to Congress at this hour to be reimbursed. We, thirty-two or thirty-four years from that time, are unable to ascertain the facts surrounding this case. It is more than probable that certain verbal promises might have been made to this gentleman that, under certain conditions, if he would perform certain acts and do certain things, they would use their influence some time in the future to secure a captain's commission for him, which he eventually secured. But I am willing to overlook even all of that. I am willing to give this gentleman the pay and rank of a captain, but I am not willing to do more than that, and, if it be in my power, I will endeavor to convince gentlemen that they should have accepted the amendment I proposed here; because when this House, by its act, reimburses a man in the amount that he claims, I think it has gone sufficiently far. There is no right whatever, there is no equity whatever, in this claim, above twelve hundred and some odd dollars. Now, I hope this House will defeat the whole claim.

Mr. WILSON of Ohio. Mr. Chairman, I do not know what would become of the country if it were not for the gentleman from California. He seems to think it incumbent upon him to protect the United States to the exclusion of everybody. Now, I agree with him in this, that no unjust claim should be paid, and I do not want one dollar paid to the claimant here, or anybody else, that is not an equitable claim against the Government. It is not a legal claim, or it would not be here. I agree with the gentleman from California [Mr. LOUD] on that. But this report of the Court of Claims is explicit as to the power to employ agents to perform the services which he performed. Listen, if you please, to the finding of the court with reference to that power:

> In 1861 John C. Fremont, a major-general in the Army of the United States, was assigned to the command of the Department of the West, with headquarters at St. Louis, in the State of Missouri, and was clothed with extraordinary power and authority for recruiting, organizing, and equipping troops for his command in and outside the limits of his department, and for selecting and appointing, and directing the selection and appointment of such officers and agents as he might deem necessary to assist him in the due execution of the powers he was so clothed with.

He was so clothed with it.

Now, the finding goes on to state that, in pursuance of this authority, the claimant in that case was employed to render the services of a captain, and that he did render such services for eight months, to the exclusion of all other business. I submit to you that he must have had quarters, he must have had fuel, he must have had horses or their equivalent by employment, because he could not have performed these duties without having these things. Even if they were found at his own fireside, if he was then giving his time to his country, I submit to you, gentlemen, that equity demands that he be compensated for his services as fully as if he had been commissioned and mustered.

The CHAIRMAN. The question is on the motion to lay aside the bill with a favorable recommendation.

The question being taken, on a division (demanded by Mr. LOUD) there were—ayes 55, noes 20.

Mr. LOUD. No quorum, Mr. Chairman.

The CHAIRMAN (after counting the committee). One hundred and thirty-four members are present—a quorum.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

JAMES STEWART.

The next business on the Private Calendar was the bill (H. R. 897) for the relief of James Stewart.

The bill was read, as follows:

> *Be it enacted, etc.*, That the claim of James Stewart, who served as first sergeant, second and first lieutenant in the Fourth Artillery and captain in the Eighteenth Infantry of the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of said rebellion and during his entire time of service in said Army, and not paid to him, be, and the same is hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due of the United States upon said claim.

Mr. BROMWELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

> Amend by striking out all after the enacting clause and inserting the words:
>
> "That the accounting officers of the Treasury be, and they are hereby, directed, on application being made by Maj. James Stewart, retired officer of the United States Army, or his legal representatives, to reopen, adjust, and pay his account for longevity service in the United States Army, in accordance with the law applicable thereto as construed by the Supreme Court of the United States, and out of any money in the Treasury not otherwise appropriated, any statute of limitations to the contrary notwithstanding."

The CHAIRMAN. The question is on the amendment.

Mr. BROMWELL. Mr. Chairman, I offer this amendment to the bill for the purpose of having the claim go direct to the officials of the Treasury Department, there being no question of fact which the Court of Claims could be called to pass upon.

The case is this: Major Stewart served for a number of years in the Army of the United States. Under the United States law he was entitled to certain additional compensation for each five years of service. Major Stewart was too busily engaged a large part of the time in fighting the battles of his country in the civil war to learn of this fact, and until quite recently did not learn of the additional compensation to which he was entitled. When he did so he was met by bar of the statute of limitations.

Now, I want to call the attention of the House to the fact that this House during the first session of the present Congress, on the 20th day of February, passed a bill for the relief of Lieut. W. A. Jones in language exactly identical with the amendment which I offer to this bill. It is the same kind of a case. A case arising under a claim for longevity pay, which could not go to the accounting officers of the Treasury for the reason that the statute of limitations barred it, and could not or ought not to go to the Court of Claims because all the evidence necessary to determine the amount due is in the possession of the Treasury officials. I would like to have the proceedings of this House in the case referred to read by the Clerk.

The Clerk read as follows:

> LIEUT. COL. W. A. JONES.
>
> Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1821) to reopen and adjust the account for service of Lieut. Col. W. A. Jones, Corps of Engineers.
>
> The bill was read, as follows:
>
> "*Be it enacted, etc.*, That the accounting officers of the Treasury be, and they hereby are, directed, on application being made by Lieut. Col. W. A. Jones, Corps of Engineers, United States Army, or his legal representatives, to reopen, adjust, and pay his claim for longevity service in the United States Army, in accordance with the law applicable thereto as construed by the Supreme Court of the United States, and out of any money in the Treasury not otherwise appropriated."
>
> Mr. FLETCHER. I ask that the report may be read, Mr. Speaker.
>
> The SPEAKER. Is there objection to the present consideration of the bill?
>
> Mr. DINGLEY. Mr. Speaker, let the report be read.
>
> The report (by Mr. DENNY) was read, as follows:
>
> "The Committee on Claims, to whom was referred the bill (H. R. 1821) to reopen, adjust, and pay the account for service of Lieut. Col. W. A. Jones, Corps of Engineers, having duly considered the same, do hereby report said bill back to the House with the recommendation that it do pass.
>
> "This is a claim for longevity pay for service in the Army. It appears that the Treasury officials for quite a time construed the act of Congress providing that an officer of the Army should have an increase of pay for each five years of service in the Army in such manner as to apply only to service of commissioned officers; but after many years the Court of Claims held that it applied to the service of enlisted men and of cadets at West Point, and this decision was confirmed by the Supreme Court. It was thus fully settled that this class of officers, as a result of the aforesaid ruling of Treasury officials, had not been paid for their services the full amount intended by the Longevity law. At this point the Second Comptroller of the Treasury took the stand that the accounts for service of these officers had been settled and closed, and that he could not reopen them without authority of Congress. For this reason these officers, who have thus been deprived of pay justly due them, have been forced to go before Congress for redress, as granted in the bill in this case, if passed."
>
> The SPEAKER. Is there objection to the present consideration of the bill?
>
> There was no objection.
>
> An amendment proposed by the Committee on Claims, to strike out the word "claim," in line 7, and insert in lieu thereof the word "account," was agreed to.
>
> The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.
>
> On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

Mr. BROMWELL. Now, Mr. Chairman, I have had this record read for the purpose of appealing to this House to do the same justice to Major Stewart that was done to the recipient of the benefit of the act which has just been referred to. Major Stewart was one of the heroes of the late war. He was a man who had enlisted as a young man in the Regular Army, and when the war of the rebellion came on had attained to the rank of sergeant in one of the batteries. For gallantry and devotion to the service he was promoted successively through the grades up to that of major. Had I the time to give to the House a description of some of the magnificent daring and courage which he displayed, it would satisfy the members that no more honorable record was ever made by private, by colonel, or by general in the war of the rebellion than was made by him.

At a reunion of the Loyal Legion in the city of Cincinnati a few years ago, after General Fairchild, then at the head of that order, had described one of the magnificent assaults which had been successfully carried out by Stewart's battery, complimenting him highly upon his bravery and courage, the modest old major simply rose and said, "I thank you, General." General Fairchild responded, "No; do not thank me; thank the God above who gave us such men in our time of need."

He belonged to the Iron Brigade. At Antietam, at Gettysburg, and all the other battles in which this brigade took part, Stewart's battery was ever in the thickest of the fight. He served for many years ignorant of the additional compensation to which he was entitled. He made no claim for it within the time which the law allowed. This bill is to give him an opportunity to get from the Government the pay that he might justly have claimed. He is now an old man. He has no son upon whom he can depend in the declining years of his life. He gets a small compensation. He wants this money, in case it is given, to get a home in which the declining years of his life may pass. He has earned it by his courage; he is entitled to it for his services; and only that bar of the statute of limitations, which has been set aside and broken down in other cases, stands between him and his right to recover this money.

Now, a similar act was passed by this House at the last session. I introduced a claim for longevity pay for the widow of the Hon. Thomas L. Young, who was formerly a member of this House, who had failed, just as Major Stewart failed, to claim his longevity pay. He was entitled to it as much as others who have drawn theirs; and while the bill was worded in perhaps a little different way, because made payable direct to the widow instead of to him, yet it was understood by the House and was stated when the bill was passed that it was a longevity-pay claim.

Now, objection may be urged that this is opening the way to thousands of other claims. That is the objection we hear whenever war claims come up in this House. I do not care how just a claim may be, the objection is, "Do not pass this bill, because if you do there will be a flood of other bills just like it to go through." If that is the theory upon which this House is to proceed, we ought to shut our doors and go home, because there is no bill introduced in this House that may not be followed by a flood of similar legislation. The ground upon which we ought to stand is that this Government is honest enough, is fair enough, and just enough to pay its proper debts and dues. This is a claim which might have been paid by the Government under the law, but which, through the ignorance of Major Stewart concerning his rights under the law, was not paid. It seems to me it is but a just and proper tribute to the worth and the distinguished service of this gallant soldier that he should in the last years of his life receive from the Government that which it owes him. We pay out thousands of dollars for pensions. This is as just a claim as any pension claim. Major Stewart is old. He has but few years longer to live, has no one upon whom he can depend, and this will render peaceful and happy the final years of his active and honorable life in the service of his country.

Mr. CANNON. Mr. Chairman, I want to see if I understand this bill; and if I do I want the Committee of the Whole to understand it; and then I am quite content the committee should do as the committee no doubt will do, its duty in the premises. I understand that Major Stewart is now on the retired list.

Mr. BROMWELL. He is.

Mr. CANNON. What is his pay?

Mr. BROMWELL. I am informed that he gets about $1,700.

Mr. CANNON. How long has he been on the retired list?

Mr. BROMWELL. I forget; some six or seven years, I believe.

Mr. CANNON. How old a man is he now?

Mr. BROMWELL. I can not answer the gentleman's question categorically, but I should say that he is in the neighborhood of 70 years of age.

Mr. CANNON. He was a private soldier in 1851, it appears.

Mr. BROMWELL. The honorable gentleman from New York [Mr. WADSWORTH] knew him as a child, and he can tell you his age better than I can.

Mr. CANNON. Why, WADSWORTH himself is not over 71. [Laughter.]

Mr. WADSWORTH. My friend from Ohio means that Major Stewart knew me as a child. [Laughter.]

Mr. CANNON. I hold in my hand a report and I want to call attention to it and to state what it is and why and how it comes here. In 1838 a law was passed providing that—

> Every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States.

That act was passed July 5, 1838. From 1838 down to, say, 1890 that law received a uniform construction to the effect that the only persons that were entitled to this increase in the way of longevity pay were commissioned officers in the Army, and it was for service as commissioned officers that they were allowed the one additional ration per diem for every five years of service. From 1838 down to about 1890, I suppose, that was the uniform construction of the law. But in and around the city of Washington there are a great many very bright people, some of them lawyers—and I like lawyers, though if I were a better one myself I would probably like them better. [Laughter.] Among these bright people, I say, are lawyers and retired officers of the Army, some with a great deal of leisure, and some with not so much, and it got into somebody's head that there was a chance to recover something in the Court of Claims by securing a different construction of the law, namely, that if a man who was a commissioned officer had previously served as a private soldier, the time of his service as a private should be counted, so that for every five years of service, including his service as a private, he should have longevity pay, and that construction would apply to a large number of cases.

Mr. WILSON of Ohio. May I correct the gentleman?

Mr. CANNON. Certainly.

Mr. WILSON of Ohio. There was an act passed in 1878 expressly including the time served as an enlisted man.

Mr. CANNON. I do not find that set out in the report of the committee.

Mr. BROMWELL. I will read it; it is very brief:

> SEC. 7. That on and after the passage of this act all officers of the Army of the United States who have served as officers in the volunteer forces during the war of the rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be and are hereby credited with the full time they have served as such officers and as such enlisted men in computing their service for longevity pay and retirement.

Mr. CANNON. That act was passed when?

Mr. WILSON of Ohio. It was approved June 18, 1878.

Mr. CANNON. And this claim is based upon that act—is that correct?

Mr. WILSON of Ohio. So much of it as includes the time that this officer served as an enlisted man.

Mr. CANNON. How much of it depends on that, and what is the other part based on?

Mr. BROMWELL. The object of this bill is to refer this case to the Treasury officials and let them find out.

Mr. CANNON. What is the other basis for this claim? I am asking for information. I am as swiftfooted as any man here to do real justice to this man, if it can be done safely.

Mr. STEELE. About 1868 an act was passed providing that all officers should have longevity pay and 10 per cent for every five years' service in the Volunteer or in the Regular Army. This act, amendatory thereof, provides that in computing longevity pay there shall be included the term of service as a private soldier. Longevity pay may be added to the pay of an officer—for every five years of service 10 per cent—up to 40 per cent, but longevity pay of certain officers is limited. For instance, a colonel may not have the full 40 per cent added to his pay, or a brigadier-general or a major-general may not have the 40 per cent added to his pay. This act was intended only to include a few men who served for a time as private soldiers and afterwards became officers. If this officer, for instance, had served as an officer for fifteen years he might count that fifteen years and then five years of service as a private soldier, making up the twenty years. If this man served long as an officer, I can not see that the passage of this bill is going to give him money enough to buy a home, as has been suggested here. It would give him 10 per cent for the first five years' service and 10 per cent for the next five years, and so on up to 40 per cent.

Mr. CANNON. Now, I think I understand the matter. I am seeking information in good faith, so as to find out just how I should vote. That this man Major Stewart served as a private soldier from 1851 until 1861; that then when the war broke out he was commissioned as a second lieutenant, and from that time until the present has been in the Regular Army, receiving promotion from time to time; that he was retired a few years ago; and that his pay as a retired officer of the Army is $1,500 a year.

Now, under the construction of the laws on this subject as given by the accounting officers of the Treasury, this officer of the Regular Army claims that he has been cut out of over $4,000 that ought to have been paid him before or immediately after the act of 1878 was passed; and now, because somebody along in 1890 sued in the Court of Claims in a case of this kind and recovered, he seeks to recover the sum named in the bill. But when he goes to the Court of Claims they say, "Yes, but you are barred by the statute of limitations." Then he comes to Congress and says, "Being barred by the statute of limitations, I have no remedy under the existing law, and I ask legislation that will give me this $4,000."

It may be that it is the temper of the House to-day to grant this claim. I wish to say that no man has a greater admiration for officers or privates of the Regular Army than I have. They are our fellow-citizens. They represent the arm of force of the Government. They are worthy men, entitled to credit and honor. They are entitled to a certainty of tenure, and they have it. They are entitled to certain pay; they have it. They are entitled to go upon the retired list; they have that privilege. This worthy officer has had all that, and he has it to-day. But I want to submit to the Committee of the Whole in reference to this retired list of the Army, filling up as it is with people who are in far better condition than equally worthy men who were in the Volunteer Army, there may be danger—I have sometimes thought there was danger—that you will build up a great pay roll that by and by will break of its own weight.

Having said that much, let me state now the case of a commissioned officer, a second lieutenant in the volunteer force of the Army—one who went through the war, perhaps, side by side with this man. This officer of the Volunteer Army went out of the service at the close of the war. Having received his pay as an officer while the war continued, he has not been on pay since. If he was disabled (as it does not appear that this worthy officer was, according to the report) he gets a pension the amount of which is away below—which is only one-quarter part of the amount which this worthy officer receives upon the retired list. And you must recollect that for one officer of the Regular Army situated as this one is there are a hundred of the Volunteer Army who are not enjoying his advantages. Now, I would not take away from this man the $1,700 a year which he now worthily receives. I would not measure his deserts strictly or unjustly——

Mr. STEELE. Just one minute, if the gentleman pleases. I can see where the statement which I just made was probably misleading. Under the act to which I have referred this man, if he had counted his ten years of service from 1851 to 1861, would have commenced drawing 20 per cent from the date of the passage of the act, instead of waiting for the expiration of five years' service. He would have commenced getting the 20 per cent addition to his pay that much sooner. So that the amount might be, I suppose, more than $4,000. His pay now is undoubtedly $218.75 per month.

Mr. CANNON. That is his pay now on the retired list?

Mr. STEELE. Yes, sir; his pay on the retired list.

Mr. CANNON. Then he gets $2,600 a year or more, instead of $1,500. My friend from Ohio [Mr. BROMWELL] was in error.

Mr. BROMWELL. I made my statement on the best information I had.

Mr. CANNON. Then this man is now getting, and has received for six years past, without one particle of service to the Government, and will receive until he dies—and I am glad of it, because it is our policy touching the Regular Army—$2,600 and more a year.

Now, then, it is said in Holy Writ, "To him that hath shall be given, and from him that hath not shall be taken that which he hath." I can conceive how hundreds of men who served in the Volunteer Army, and did good service there, might perhaps complain of that rule which was laid down a long time ago, and might claim that if this amount of $4,000 is to be given to this man by removing this statutory bar, something ought to be done for them more liberal than has been done, at least their pensions should not be taken away, as has sometimes happened.

One word more and I conclude. It is asked, "Would not this man have been entitled to this amount if the decision of the court had been rendered in 1878 instead of 1890?" I answer, yes. But the decision as made in 1890 was to a man who was vigilant. This man received every cent that he believed that he was entitled to; yet under this decision he wants the $4,000 which he never dreamed of getting, and can not get under the laws of his country, because the statute of limitations has run. And that law is of just as great force and of as high order as is a law which would give it to him.

If you want to adopt a precedent of this kind by removing the bar of the statute of limitations, the manly method of proceeding would be to remove that bar as to all cases. And then somebody will naturally ask, How much is it going to cost? In the Almighty's chancery, considering the condition of the Treasury, considering the worthy record of this man and of 2,000,000 other men who served in the late war, I doubt if such action ought to be taken. I am slow to favor the removal of the bar of the statute of limitations in any case. The safer way is to let it be a statute of repose.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Ohio [Mr. BROMWELL].

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 21, noes 37.

So the amendment was rejected.

Mr. WILSON of Ohio. Mr. Chairman, I have no special interest in the pending claim, but I reported it, and I want to call the attention of the committee to what I regard as the unfair statement of the gentleman from Illinois in his remarks upon this question.

This is not by any means new legislation with reference to the longevity pay of soldiers. For many years the statutes provided only that a man who had served as an officer for five years should have 10 per cent of his pay additional after that period, and for every five years of service thereafter he should have an additional 10 per cent. But in 1878 Congress passed the act which provided that if a private soldier had served in the Army five years and then became an officer of volunteers he should have longevity pay, and if he should serve another term of five years, and five years more, and still another period of five years, or four terms of five years in all, he might receive 10 per cent of his pay measured by the extent of the compensation received during each term of five years.

Now, I submit that the Government of the United States owes this man for three periods of service as honestly as the Government owes any man his salary for services in this House, save and except that the statute of limitations bars him from now presenting his claim because he did not do it at the proper time. We all despise the man who, in his individual capacity, pleads the statute of limitations in bar of an honest debt. Why, then, should a great Government like this refuse to open the door and allow the officials of the Treasury to pay this man what the law granted to him—not a law which we enacted, but a law which was enacted by those who preceded us? Those who enacted that law, at the time and under the circumstances which prevailed then, understood what it was to induce a man to serve his country in a military capacity; and the Government of the United States has kept faith with every soldier under that law. The gentleman from Illinois can not point to-day to a statute which guarantees to a private soldier anything which the country has refused to give to him. If such an occasion shall ever arise, we may well be ashamed of our Government, because it is too big and too grand and too powerful to repudiate the smallest debt of the poorest private soldier in the Army.

Give this man, then, what the law allows him, and do not stand on the fact that he was too late in presenting his claim to have the benefit of that law which other more diligent officials secured. I think this man in his old age should now receive what the Government has provided for those who served in the Army as he has served. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I do not know that I can make my voice heard in the Hall on account of the condition of my throat to-day. But I want to reply to one argument which has been made by the distinguished chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON], who finds himself in the ungracious attitude of opposing this claim merely on the technical ground that the statute of limitations at this time bars its allowance by the Treasury Department.

He puts the objection, if I understand the force of his argument, on the ground that the claimant himself had been negligent; that he had been guilty of what the law calls "laches" in the presentation of his claim——

Mr. CANNON. I said——

Mr. GROSVENOR (continuing). I will do justice to you in what you said.

Mr. CANNON. But the gentleman from Ohio does not want to misrepresent me?

Mr. GROSVENOR. Certainly not.

Mr. CANNON. I said that, so far as I had knowledge, my belief on the subject was that the claimant did not know or suppose, nor did anyone else know or suppose, but what he was getting every

dollar to which he was entitled under the law until the decision of the court to which I have referred, which was made almost a generation after the service had been performed.

Mr. GROSVENOR. Well, I should put it on a better ground than that.

Mr. CANNON. Well, my friend from Ohio always does things much better than I can possibly do. [Laughter.]

Mr. GROSVENOR. Only occasionally, when I am on the side of justice and right, and you, by accident, happen to get on the other side.

The gentleman from Illinois did say that the person who brought his suit in the Court of Claims in time was diligent, and therefore by a fair and just inference we must understand that he assumes the man who did not bring his suit within the time prescribed by the law had not been diligent and deserved to suffer.

Now, there is a pretty well settled principal of law by which, if A does any act or fails to do any act by which B is misled in the prosecution of his claim, A shall not be heard afterwards to set up his own act or his own failure to act in bar or in defeat of the right of B. Now, this principle applies here. Here stood the law upon the statute books of the United States that gave to this man so much additional pay. It was his legal right then, and it is his moral right now.

I quite agree with what my friend from Ohio [Mr. WILSON] has said in better words than I can say, that it is a pitiful sight to see a great government pleading the bar of the statute of limitations against a claim admittedly just and honest, and when it is done by anybody short of a sovereignty the person doing it loses his credit among all honorable men.

Now, let us see what the failure to act on the part of the Government has been in this behalf. The Government so construed its own statute as to forbid the prosecution of this claim by this applicant. It said to the men of the Army, "You are not entitled to charge up on this account of service the time which you spent as enlisted men," and it did not pay it. Now, shall it be said that because this claimant stood by and believed this Government was acting honestly and intelligently at the time, and therefore did not prosecute his claim in the Court of Claims, that he shall be barred? It is a much better construction to put upon all this conduct that the Government understood the law as they construed it, and refused the payments which they did under it, and then, having ascertained by a judicial settlement of the question that the Government was wrong, that that suit was brought by one individual, it is true, for his own benefit, I grant, but that, in the absence of a multitude of suits, he shall be construed to have brought the suit for himself and for all others situated as he was.

Now, I do not add anything to what has been so well said by my colleague from the Second district of Ohio [Mr. BROMWELL] about the equity there is in taking this claim and acting upon it directly, thereby giving to this old soldier the money that he had a right to years ago. I put it upon the ground that the Government itself, by its own conduct, prevented this action from being brought, held this man's money, refused to pay it to him, and now invokes the running of the statute in order that it may have the benefit of its own act, when, in fact, its own act misled this citizen into a failure to prosecute his legitimate claim. That is all I desire to say.

Mr. HULICK. Before the gentleman takes his seat I hope he will make one explanation. At the time the court gave its decision on the validity of this law, in the case referred to by the gentleman, was this claim then barred by the statute?

Mr. GROSVENOR. I so understand that it was then barred.

Mr. HULICK. Then it is a most favorable interpretation to be given.

Mr. GROSVENOR. But the same rule, in a less forcible degree, would apply in any event.

Mr. HULICK. Why, certainly.

Mr. GROSVENOR. Because it may be said that he is charged with a knowledge of the pending litigation, and he may have had that knowledge. He may be chargeable with it, but he had the right, in all conscience, holding an honest claim, to suppose that he was dealing with an honest Government. I am putting a violent assumption now, and I do not insist upon it [laughter], for if all the men of this nation who do business did it upon the same dishonest and dishonorable principles that the United States Government does, there would not be income enough from the revenues of the country to build penitentiaries enough to send them to. [Laughter and applause.] It is a better proposition to say that he had a right to stand by and say, "My Government, when it finds that it has dealt unjustly and refused to pay me an honest claim, will adjust my claim upon the basis that the law has been construed to entitle me to."

Mr. CANNON. Mr. Chairman——

Mr. STEELE. May I just read the section of the statute that I referred to a minute ago?

Mr. CANNON. Yes.

Mr. STEELE. On page 220 of the Revised Statutes, passed July 15, 1870, I find the following:

> SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service.
>
> SEC. 1263. The total amount of such increase for length of service shall in no case exceed 40 per cent on the yearly pay of the grade as provided by law.
>
> SEC. 1267. In no case shall the pay of a colonel exceed $4,500 a year, or the pay of a lieutenant-colonel exceed $4,000 a year.
>
> SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.

That is, the first of the longevity pay was in 1870.

Mr. CANNON. When?

Mr. STEELE. In July, 1870. Now, if this subsequent act had been passed in 1870, giving private soldiers the advantage enjoyed by officers, that officer at that time, allowing that he was commissioned in 1861, would have been entitled, in one year from the passage of this act, to the full 40 per cent; whereas, under the reading of this statute, if he had only served five years, he would have had to serve eleven years before he would get the full 40 per cent. But, as I stated in the first place, it is to give him the additional compensation as a private soldier, or it might be said to be retroactive in his case, as there was no law providing for a private soldier at the time.

Mr. CANNON. Mr. Chairman, I crave the indulgence of the committee to submit a remark or two, called forth by the remarks of the honorable gentleman from Ohio [Mr. GROSVENOR]. He seems to think that the statute of limitations is a fraudulent statute, an unmanly statute, and is only invoked by somebody who wants to do injustice. Holding these views and living all his life in Ohio, I greatly wonder that that statute has stood one holy minute in the laws of that State. [Laughter.]

Now, let us see a little about the statute of limitations, and if we are going to enlarge it in one case let us see how much there is to enlarge it in others. I recollect a statute of limitations, written upon the statute book away back in the late seventies, that provided that a soldier of the late war should not be entitled to arrears of pension dating back from his very disability where he did not claim it, unless he filed that claim by a certain day in 1880——

Mr. GROSVENOR. But gave notice to everybody to file.

Mr. CANNON (continuing). And multiplied thousands of people never heard of it, and did not file at all. My friend says that this individual may not have heard of this and may not have brought his action. I submit to him that all are equally chargeable with a knowledge of the law.

Mr. GROSVENOR. Then how does your Government get along, when it pretended to have a knowledge of the law, and that was a false knowledge of the law?

Mr. CANNON. My Government has enacted the law and provided tribunals for construing it, and has fixed a statute of limitations in certain cases. Now, then, if we are going to have a little chancery of the Lord here, and are going to do justice without limitation, who speaks for the man who gets his pittance, when you know that multiplied thousands in the Volunteer Army are barred by the statute of limitation of 1880? Is there one of them on the retired list who gets, until he dies, $2,600 a year, with a commissioned officer's pay from 1861 to this time? If so, I pause for an answer.

Mr. BROMWELL. Mr. Chairman, may I interrupt the gentleman——

Mr. CANNON. Certainly.

Mr. BROMWELL (continuing). For a statement? It is to correct a mistake. I find by reference to the printed record of the compensation of army officers that the regular pay of a retired major is $1,875; so that I was not very far out of the way. Now, there is an additional amount for each additional five years' service, which makes, as stated by the gentleman from Indiana [Mr. STEELE], something over $2,000, after a service of twenty years, by reason of this longevity pay.

Mr. CANNON. He is getting it.

Mr. BROMWELL. He is not getting all of it.

Mr. CANNON. He is getting it now, and you want him to get back pay to '50 or '60, and so on.

Mr. BROMWELL. I do not want anything of the kind.

Mr. CANNON (continuing). When he is getting it from day to day. I want to call the attention of this House to the fact that the presence of people in Washington—not improperly, I do not claim that—frequently has much to do with legislation. The thousands are not here. You meet about the corridors of the Capitol, and in the streets, and at the hotels, and in the boarding houses gentlemen upon the retired list. You meet them socially. Fairly well taken care of, not too much. The result is, from time to time that in the Congress, which is ever changing, there comes legislation for longevity pay. Why, until this discussion came on there is not one of us in twenty in this House that understood what longevity pay meant. I commenced talking about it, and the gentleman from Indiana [Mr. STEELE] had to tell me about it; and yet it abounds, do you not see, in legislation; and then, with the laws construed for a whole generation, somebody discovers that there is a chance to recover, and sues in the Court of Claims. I am not going to intimate that at times the Court of Claims is like "necessity"—knows no law—but they sometimes give constructions to the law that you and I never dreamed of, or even the gentleman from Ohio. And now, being barred by the statute, being cared for at $2,500 a year, the gentleman from Ohio said, "Let us remove the bar of the statute and give the claimant $1,000 at one leap." Why, that is not much money. How many are to follow after I know not. If I had my way about it, where public officials are cared for enough to meet every want, with food, clothing, and house to care for them when they are no longer able, I would not give more by affirmative action of the legislative power until the Treasury was in a condition that I could do some little meed of justice to the millions of men equally patriotic that are getting nothing but a bare pittance.

One word in conclusion. The gentleman from New York, in this case, as on other occasions, has thought proper to make a fling at the Government of the United States, saying that it is dishonest and dishonorable in its treatment of its creditors. I deny it. In my judgment no government that ever existed has been so swiftfooted to do justice to its creditors as your Government and mine.

Mr. GROSVENOR. Will the gentleman allow me to make a correction? Occasionally an Ohio man does come from New York, but I am not that man, and if the gentleman revises the remarks he has just made, I hope he will see to it that I am properly located in Ohio. [Laughter.]

Mr. CANNON. It appears that I spoke of the gentleman as from New York. Is New York angry? [Laughter.] My friend understands that it was a mere slip of the tongue.

Mr. GROSVENOR. Certainly; but it might tend to mix me up in other matters. [Laughter.]

Mr. CANNON. Oh, I think New York is entitled to one Cabinet office, and the gentleman can be put in the other place, and I hope he will be, because then I shall know where to find a friend. [Laughter.]

Now, Mr. Chairman, what is the law? When this Government makes a contract with any person, and that contract is performed by that person under the law, the Government complies with its part and complies swiftly. If there be not a strict compliance, or a question of damages arises, there is the Court of Claims; there is every Federal court in the Union into which the citizen can go and bring his action against the Government. And as a matter of fact claimants do all these things. They have their day in a court, and after they fail there they become claimants before Congress.

There is no law to control Congress in these matters. Why, we can vote $1,000,000 right out of the Treasury for any individual or for any purpose on earth. We have the power of appropriation, and there is nothing but our own consciences and a sound public sentiment to prevent us from abusing it. Therefore, as one Congress does not bind another, and as death steps in every ten or twenty years and changes the personnel of Congress, these claims, after they have been turned down time and time again, come up smiling to demand further consideration, because the claimant, or the representative of the claim, never dies. So it happens, because one of these old, stale claims which has been turned down again and again comes up again and is pushed here by somebody who is interested in it, that gentlemen who are mistaken, as I think my friend from Ohio is mistaken in this case, feel warranted in attacking the honor of the Government of the United States. It is a great Government and an honest Government, and I would rather favor a line of action that would tend to bar these claims by limitation after a reasonable time. If they were between private individuals they would never be heard of, because there the statute of limitations would operate. I wish that such a statute was written into the fixed law of the land, into the Constitution of the United States. It would be well for the Government and well for the people, and sometimes well for the reputation of everybody.

Now, that last remark is not particularly connected with this case, but I have felt justified in making these suggestions in reply to the remark of the gentleman from Ohio touching the conduct of the Government of the United States in these matters.

Mr. GROSVENOR. Mr. Chairman, I want to say a word. I now find the gentleman from Illinois planting himself upon a new ground altogether. He says that there are courts in the United States and that men may go into those courts and obtain judgment against the Government for what it owes them. Now, certainly within ninety days my friend will repudiate that doctrine, because I have known him to be even more vigorous than he is now to defeat this little claim in his endeavors to prevent the payment of judgments solemnly rendered in the United States courts in favor of individuals against the Government, judgments involving not merely a small amount, as in this case, but millions and millions of dollars.

Mr. CANNON. Will the gentleman instance one case?

Mr. GROSVENOR. Easily. The French spoliation claims.

Mr. CANNON. Not at all. There was no judgment of the court there.

Mr. GROSVENOR. And I could name others. I hope the gentleman has not forgotten.

Mr. CANNON. Oh, I have not forgotten; but of course the gentleman does not want to misrepresent me.

Mr. GROSVENOR. Not at all. Then, too, we all remember the piece of strategy which he conceived in that wonderful brain of his and carried out with that wonderful intelligence of his, that left us all prostrate here who were in favor of paying those judgments. It was all fair and honorable, of course, but perhaps somewhat doubtful in the character of the management. [Laughter.]

Mr. CANNON. "And the villain still pursued her." [Laughter.]

Mr. BROMWELL. Mr. Chairman, it seems to me that this question has resolved itself down to this one point, whether this House will do the same justice to Major Stewart that it has already done in the case of the widow of Gen. Thomas L. Young and in the case of Lieut. Col. W. A. Jones. And I want to say right here that the gentleman from Illinois himself dictated last winter the language of the bill for the benefit of General Young's widow, modified the bill as it was introduced by me and dictated the language in which it should be presented to this House. That bill passed the House, and it was nothing more than a longevity claim couched in language which made the money payable to the widow instead of to the soldier himself.

Mr. CANNON. As the gentleman has referred to that matter, some explanation is proper; but it seems to me that it would be better for him to withdraw his remarks from the RECORD. Otherwise it is due to him and myself that a brief statement of the facts should be made. The gentleman knows that I objected to that legislation. He well understands that Thomas L. Young was a member of this House for many years—served in the Army for many years. The gentleman knows what was his financial condition and that of his family at the time of his death better than I do. The gentleman knows that without warrant of law we have fallen into the habit here of giving to the widows of deceased members of Congress the pay to which their husbands would have been entitled if they had lived.

Mr. BROMWELL. The gentleman overlooks the essential point of the case.

Mr. CANNON. The gentleman knows the conversation that he and I had, and that the item making that appropriation was put on the bill in the shape in which it was with the purpose, as expressly stated by me, that it should not constitute a precedent—putting it upon the ground of the action of Congress toward the families of members who had died while in service as such. And I do not defend it upon that ground. The gentleman and I can have no quarrel about the facts of the matter.

Mr. BROMWELL. The facts are exactly as I stated. That bill was a longevity claim, and it went through this House as such. It was a claim on behalf of the widow of Thomas L. Young, a former member of this House, but that fact made it no better and no worse than this claim of Major Stewart's.

Now, this House—and I had the facts read from the Clerk's desk—passed another bill—a bill for a lieutenant-colonel of engineers—a case in which there was no more claim and no more right and no more justice in favor of granting longevity pay than there is in this case of Major Stewart's. For all we know that lieutenant-colonel of engineers may have been a brave soldier. We do know from the records that Major Stewart was. Now, will this House blow hot with one breath and cold with another, or will it do the same justice to this gallant old Major Stewart that it has done to these other two officers? That is the question that comes before us.

I know it is the policy of the chairman of the Committee on Appropriations to endeavor to cut down here all claims, however just, that take any money out of the Treasury. I am just as responsible to my constituents as he is to his. Whenever there is a just claim of this kind that has gone before the Committee on Claims—whether it comes from the South or from the North, from the East or from the West—if the claim has been investigated and found to be a just debt against this Government, I propose to stand here in my place and support it with my voice and my vote.

A MEMBER. Without regard to the condition of the Treasury.

Mr. BROMWELL. Without regard to the condition of the Treasury, an honest claim should be paid, and means should be provided for paying it.

Now, Mr. Chairman, I ask for a vote on this question.

The CHAIRMAN. The question is on laying this bill aside to be reported with a favorable recommendation.

The question being taken, it was decided in the affirmative.

Mr. DINGLEY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union, having had under consideration the Private Calendar, had directed him to report back with a favorable recommendation the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas; the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt; the bill (H. R. 71) for the relief of Capt. Francis A. Benter; the bill (H. R. 3075) for the relief of John A. Lynch, and the bill (H. R. 897) for the relief of James Stewart. He further reported that the Committee of the Whole, having had under consideration the bill (H. R. 3950) for the relief of William P. Buckmaster, had substituted therefor Senate bill No. 90, which they had directed him to report back with the recommendation that it lie on the table. He also reported that the Committee of the Whole, having had under consideration the bill (H. R. 903) for the relief of Flora A. Darling, had directed him to report the same back with an amendment, and with the recommendation that the bill be passed as amended.

The SPEAKER. The Clerk will report the first of the bills just reported back from the Committee of the Whole.

PETER COOK.

The bill (H. R. 2741) for the relief of Peter Cook, of Arkansas (reported from the Committee of the Whole with a favorable recommendation), was taken up, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AUGUSTUS P. BURDITT.

The bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt (reported from the Committee of the Whole with a favorable recommendation) was taken up, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FLORA A. DARLING.

The bill (H. R. 903) for the relief of Flora A. Darling (reported from the Committee of the Whole with a recommendation that it be passed with an amendment) was taken up and the amendment was read, as follows:

> In line 6 strike out the words "fifteen thousand six hundred and eighty-three dollars" and insert "$5,683."

The SPEAKER. The question is on the amendment.

Mr. DALZELL. Mr. Speaker, before the vote is taken on this bill, I desire to call the attention of the House to the facts as they are found in the findings of fact of the Court of Claims, accompanying the report. When I read these findings I can not believe that the Committee of the Whole, in recommending the passage of this bill, understood the facts as they are presented here. If the committee had understood them I am sure it could not have made such a recommendation as we have now before us. Prominent in findings of facts by the Court of Claims is the following: I should first say the claimant is the widow of a brigadier-general in the Confederate army, and the Court of Claims finds that the "claimant sympathized with her husband in political sentiment, and was disloyal to the Government of the United States."

It appears also that she was arrested as a suspected spy, and I can not believe, if the House understood fully the facts connected with the case, that it would be swift to recommend the payment of the claim in her behalf.

But, Mr. Speaker, aside altogether from the character of the claimant, there are not sufficient facts found accompanying the committee's report in presenting the claim to the House to justify a verdict in her favor at the hands of the House. Her claim is based on the alleged fact that certain Confederate bonds and certain State-bank notes, as well as money in silver and gold and jewels, were taken from her trunk while she was in custody. Ten thousand dollars of this amount was in Confederate cotton bonds, which, of course, the committee ignored and set aside altogether. But in addition to that amount there were said to be $5,000 in notes of the State banks of Louisiana and Tennessee. Now, what were $5,000 in face value of the notes of the banks of the States of Louisiana and Tennessee worth in 1863? The Court of Claims do not find them to be worth anything, and there is no presumption that they were worth their face value. At that time both of these States were in the hands of the Federal soldiers, and I doubt—there being all kinds of State banks in Tennessee and Louisiana, as in all of the other States of the Union at that time—I doubt whether these had any value at all, and non constat that the $5,000 were worth $500, or $5, or 5 cents.

Mr. RICHARDSON. I would ask the gentleman from Pennsylvania if the report develops what bank in Tennessee the notes were upon?

Mr. DALZELL. It is not found. We are not informed. We do not know what bank or banks issued the notes in question.

Mr. RICHARDSON. I make the inquiry for the reason that some of the banks in Tennessee—their issues—were good as gold at all times.

Mr. DALZELL. The gentleman from Tennessee misunderstands me, if I made the affirmation broad enough to cover all of the banks. I say that we do not have sufficient facts on which to base a verdict in the statement presented to us by the committee. The gentleman from Tennessee will concede that the issues of some of these banks at that time were practically worthless.

Mr. RICHARDSON. That is true.

Mr. DALZELL. Well, the notes specified in this claim may have been of the insolvent banks.

Mr. COX. If the gentleman from Pennsylvania will allow me a moment, I would like to ask my colleague to state what bank in Tennessee in 1863 had its notes at par with gold?

Mr. RICHARDSON. The State bank——

Mr. DALZELL (continuing). Well, whether they were or not, we do not know even that there were banks whose notes were worth their face value in gold; nor do we know, assuming that such banks were in existence, that these were the notes of such banks in this trunk, and non constat that they were worth anything like the amount named here.

I am reliably informed by a gentleman from Tennessee that some of the State-bank notes in 1863 were selling at 15 cents on the dollar. So, not to make a short story long, I end, as I began, by saying that it passes my belief that the House should be swift to vote $5,000 from the bankrupt Treasury of the United States to pay such a rotten claim as that presented on the face of this report.

Mr. RICHARDSON. I only wish to add to my statement in respect to the Tennessee bank money that if the gentleman will read the report he will find that the reference is to the State Bank of Tennessee, not to the State banks, as I understand it, but to the institution known as the Bank of Tennessee.

Mr. DALZELL. Oh, no. The gentleman is mistaken. Not at all.

Mr. RICHARDSON. I think you will find that to be the case, as I understood the reading of the report.

Mr. DALZELL. The gentleman is mistaken. I will read from the report:

> The claimant placed in her trunk for safe-keeping $10,000 in Confederate cotton bonds, which had been issued the previous September, $5,000 in notes of the State banks of Louisiana and Tennessee, and so on.

Mr. RICHARDSON. If that means the State Bank of Tennessee, that money was as good as gold.

Mr. DALZELL. It does not mean it, and does not say so, but on the contrary it expressly says State banks of Tennessee and Louisiana.

Mr. RICHARDSON. We had some private banks in the State at that time which would have been perfectly good, and others that were undoubtedly bad, but the Bank of Tennessee was as good as gold all along.

Mr. DALZELL. Where in the State of Tennessee was that bank doing business in 1863?

Mr. RICHARDSON. It was not doing business in Tennessee; but its assets were in gold.

Mr. HEPBURN. Where was it redeeming its notes at that time?

Mr. RICHARDSON. I do not know; but the notes would have been redeemed if presented to the bank, because the bank existed. Its assets were removed from Nashville, and it was kept up as a separate organization, and redeemed its notes at all times during the war and subsequent to the war—never failed to do so. The assets of the bank were in the hands of honest men.

Mr. DALZELL. Mr. Speaker——

Mr. BLUE. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] has the floor. Does he yield?

Mr. DALZELL. I yield to the gentleman from Kansas.

Mr. BLUE. Mr. Speaker, in addition to what has been said by the gentleman from Pennsylvania [Mr. DALZELL], an examination of this report will show, I think, that the committee has treated this claim as though this applicant was a citizen of some other country. The citations here of international law might apply if this claimant was a citizen of Great Britain or France or Germany; but what application they have in this case I fail to apprehend.

Mr. BAKER of New Hampshire. The Confederates were belligerents.

Mr. BLUE. Unless it be claimed that this applicant was not only a sympathizer with the cause of the South, but an actual resident of the South, and treating the South as a foreign country, I heartily approve of all that has been said by the gentleman from Pennsylvania [Mr. DALZELL], and if this bill is to be passed, it will be found to form a very dangerous precedent.

Mr. DALZELL. I yield five minutes to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, if I catch that report, this case is that of the wife of a husband who was disloyal to the Union. She bases her claim upon the idea that certain State-bank notes that were taken from her, and probably improperly taken (although I do not stop to inquire about that), were equivalent to gold. Part of those notes were notes of the State bank, or the banks of Tennessee, and it is asserted that those notes were equivalent to gold in 1863. Now, I undertake to say there was no State-bank note—I put it as strongly as I can—that there was no State-bank note redeemable in gold in 1863.

Mr. BOATNER. Will the gentleman allow me to interrupt him there?

Mr. COX. I will, with pleasure.

Mr. BOATNER. The redemption of Louisiana bank notes in gold was suspended during the war, by a military order of General Butler.

Mr. COX. When?

Mr. BOATNER. It was soon after General Butler assumed command of the city of New Orleans, and from that time on, as long as that order was enforced, the notes were not redeemed in gold. Those notes, however, circulated at par, and the only reason why they were not redeemed and retired by the bank was because of the military order which prevented it. Those notes were redeemed after the war in gold coin of the United States, and never were below par since 1856.

Mr. COX. Oh, well; I understand that. Here is the history and the truth of the thing. The State-bank notes of the State of Tennessee—and I talk about the State-bank notes, not about the various banks of the State—were bought up after the war at from 15 to 25 cents on the dollar. Then the Supreme Court of the United States decided that they were receivable in payment of taxes, and they went to par.

Now, whatever may be my sympathy concerning a claim of this kind, I am not going to sit here and vote to appropriate money for the payment of a claim for the seizure of State-bank notes of the State of Louisiana, upon a gold basis, when I know these notes were selling for not more than 25 to 50 cents on the dollar.

Mr. BOATNER. Does the gentleman say that Louisiana bank notes were ever sold at 15 to 20 cents on the dollar?

Mr. COX. I submit you could not cash a Louisiana bank note, in 1863, for 30 cents on the dollar in gold.

Mr. BOATNER. Do you know anybody that ever tried to do it?

Mr. COX. Did you ever try to do it?

Mr. BOATNER. No; I never did; but I know, if the gentleman will allow me, that during the entire period of the war Louisiana bank notes, wherever they circulated throughout the country, adjacent to New Orleans, were considered and treated as at par with gold. They were better than greenbacks, because greenbacks were subject to a discount, while the bank notes were considered as good as gold, and were redeemed in gold after the war.

Mr. COX. Oh, I know how they were retired. I understand that.

Mr. BOATNER. If they ever were sold at a discount, I never heard of it.

Mr. COX. But you and I know that there was not a Louisiana bank note nor a note of the State Bank of Tennessee that was redeemable in gold in 1863. You know it as well as I do.

Mr. DALZELL. Mr. Speaker, I move to lay the bill under consideration on the table.

Mr. COOPER of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. COOPER of Texas. I made the report upon this bill.

Mr. DALZELL. How much time does the gentleman want?

Mr. COOPER of Texas. Why, Mr. Speaker, would I not have the right to control the time?

The SPEAKER. The gentleman would have the right to control the time if he had asked for it at the time the bill was presented, but the gentleman did not do so.

Mr. DALZELL. I yield to the gentleman from Texas five minutes.

Mr. COOPER of Texas. I sought all the opportunities I could to get the floor.

The SPEAKER. The Chair was not aware of it. The Chair did not see anybody rising but the gentleman from Pennsylvania.

Mr. DALZELL. I yield five minutes to the gentleman from Texas. The hour is near when we have to take a recess.

Mr. COOPER of Texas. Mr. Speaker, I dislike very much to be placed in the attitude of having to discuss this bill in five minutes. I made the report on the bill, and am the introducer of the measure, and ought not to have my time controlled by another; but I will undertake to say in that five minutes what I think and know about this bill.

This is the first time that the question has ever been raised as to the value of the property taken from this lady. This bill has been in a number of branches of the Government, judicial and legislative. It was examined by a quasi judicial organization in 1866, and the value of this property was not questioned. It was subsequently examined by the Court of Claims, and you will find from the report of the Court of Claims that they estimated the value of these bank notes at $5,000. In the Fiftieth Congress a favorable report of the committee was made upon this bill, and it passed one branch. Thereafter, in a number of Congresses—I can not now recall the number—this bill has been before one branch or other of Congress, has invariably passed one branch, and this is the first time the question was ever raised as to the value of the property or bank notes.

Now, there are gentlemen upon this floor from Louisiana and from Tennessee who know the value of those notes at that time, and they state to you that their specie value was their face value.

Mr. Speaker, I have not yet seen a more meritorious case presented to the United States Congress than this. The beneficiary was a woman devoted to the Union, who was hostile to secession and objected to the dissolution of the Union, and probably on this account was temporarily separated from her husband, but went to him when wounded in battle and stayed with him until he died. She on a passport and under a flag of truce granted her by a Federal general was undertaking to return to her home when she was arrested, her trunk opened, and this property taken therefrom. She has been knocking at the doors here for many years, seeking relief at the hands of Congress, which tribunal alone can give her relief.

She now resides in the State of New York, and she never resided in the South except for a brief period. Her declaration as to the value of the property taken is not disputed, nor has it been criticised by any branch of the Government or any committee to which it has ever heretofore been referred, but now, for the first time, a question has been raised by the gentleman from Pennsylvania [Mr. DALZELL] that these notes were not of their specie value. Now, gentlemen of this Congress, have you any witness, have you any proof to the contrary? Are you willing to take his statement or the statement of the Court of Claims and of the several committees of Congress, of the several branches of Congress that have heretofore acted upon this measure, wherein they have virtually—incidentally, if not positively—passed upon the question that these notes are of the specie value named on their face?

It is a case for you to determine. I have no interest in the matter. I do not even know the beneficiary in this bill. It was referred to me as a member of the Committee on War Claims, and I made a most careful examination of the case and reported it to the committee, and the committee has twice since I have been upon it unanimously favorably reported this bill and recommended its passage. These matters were discussed in the committee, and never before has the value of these notes been attacked. The bill originally provided for the payment of bonds given by the Confederate government, known as "gold cotton bonds." These bonds have been excluded from the bill, and we are only asking relief for the money—the notes of the Bank of Louisiana and of Tennessee—and the jewelry that she had in her trunk.

Mr. COX. Will you pardon me one moment? Will the gentleman tell me——

Mr. COOPER of Texas. Certainly, with pleasure, if I can.

Mr. COX (continuing). What notes of the Bank of Tennessee are you talking about?

Mr. COOPER of Texas. It is declared by the Court of Claims to be State-bank notes, and the plural that was used, I think, meant the State Bank of Tennessee and the State Bank of Louisiana.

Mr. COX. It was in 1863 they took the property. These bank notes in 1863 were selling for not more than 25 cents on the dollar.

A MEMBER. Oh!

Mr. COX. I know what I am talking about.

Mr. COOKE of Illinois. Has the Court of Claims passed upon this particular case?

Mr. COOPER of Texas. It has, and the court says this with respect to it:

> Claimant placed in her trunk for safe-keeping $10,000 in Confederate cotton bonds, which had been issued the previous September, $5,000 in notes of the State banks of Louisiana and Tennessee, $25 in gold, $15 in silver, and a collection of jewelry worth $400.

Mr. COOKE of Illinois. Did the Court of Claims fix the value of the property thus taken from the lady?

Mr. COOPER of Texas. They stated that it was taken from the lady.

Mr. COOKE of Illinois. But did they by their order and decision fix the value of it?

Mr. COOPER of Texas. No.

Mr. SWANSON. If the lady had the notes of the State banks of Louisiana and Tennessee now, she could get $5,000 for them, could she not?

Mr. COOPER of Texas. She could get $5,000 in gold for them, so I am informed.

Mr. DALZELL. Mr. Chairman, if, as the gentleman states, this is the first time that the value of these notes has been called

in question, that is simply confirmatory of what we all understand to be the fact, that cases of this kind are put together very loosely and do not receive the careful consideration that they ought to receive. The one essential fact which the Court of Claims ought to have found in order to enter a judgment, if it had had authority to enter judgment, is the very fact which it omitted to find, to wit, the value of these State-bank notes.

Mr. McMILLIN. Let me ask the gentleman from Pennsylvania a question?

Mr. DALZELL. Certainly.

Mr. McMILLIN. Greenbacks were below par at that time, were they not?

Mr. DALZELL. In 1863? Of course.

Mr. McMILLIN. If greenbacks had been taken, does the gentleman insist that it would be a legitimate part of the inquiry of the court to ascertain what the value of the greenback was at that time?

Mr. DALZELL. Most assuredly.

Mr. McMILLIN. And that settlement of the case could be properly made only on that basis?

Mr. DALZELL. Yes, the value at the date of conversion is the test.

Mr. McMILLIN. I think the gentleman confounds the reduction in value of a commodity originally at par with the case of one that from worthlessness went up and ultimately came to be good. The State-bank notes of Tennessee were good. All those notes were redeemed, as has been stated by my colleague and others, and it has also been shown here by the statement of the gentleman from Louisiana that at the very time in question the State-bank notes of Louisiana were as good as gold and remained so, and that that money was only prevented from circulating by a military order, which was made, I suppose, to prevent contracts being made in disregard of the greenback currency. It strikes me, therefore, that the correct rule would be to determine what that property would be worth now if it had not been taken.

Mr. DALZELL. Oh, no. The measure of damages is the value at the time of conversion. Mr. Speaker, I move to lay the bill under consideration on the table.

The question being taken on the motion of Mr. DALZELL, there were—ayes 54, noes 45.

Mr. COOPER of Texas. No quorum, Mr. Speaker.

Mr. DALZELL. Mr. Speaker, I ask for tellers.

The SPEAKER. The point of no quorum being made, the Chair thinks the House must be counted.

Mr. LACEY. Mr. Speaker, I suggest that the gentleman from Texas withdraw the point of no quorum, and that, by unanimous consent, we now take a recess until 8 o'clock p. m.

Mr. McMILLIN. Mr. Speaker, it is pretty evident that there is not a quorum here, and if the House takes now the recess that it would take under the rule a few minutes later, that will leave this question to be determined hereafter.

Mr. DINGLEY. Yes; if the gentleman from Texas withdraws the point of no quorum, the bill will go over until a week from to-day.

The SPEAKER. Does the gentleman from Texas withdraw his point of no quorum?

Mr. COOPER of Texas. I did not understand the suggestion that was made.

The SPEAKER. The proposition is that the House now take a recess until 8 o'clock this evening, leaving the question on the pending bill where it is at present.

Mr. DINGLEY. The bill will have the same right a week from to-day that it has now.

Mr. COOPER of Texas. Then I understand the parliamentary situation would be that this bill could not come up until next Friday?

A MEMBER. It could not come up again in any case until next Friday.

Mr. McMILLIN. Mr. Speaker, in order to get out of the complication, I suggest that the gentleman from Texas withdraw his point of no quorum with the agreement that the motion of the gentleman from Pennsylvania to lay the bill on the table shall still be pending. Otherwise, if the gentleman from Texas withdraws the point of no quorum the vote already taken is a decision of the question. But he can withdraw his point with an agreement that the pending motion to lay the bill on the table shall remain undetermined.

The SPEAKER. Does the gentleman from Texas withdraw the point of no quorum?

Mr. COOPER of Texas. Yes, sir.

The SPEAKER. The gentleman withdraws the point of no quorum, and unanimous consent is asked that the question upon the motion made by the gentleman from Pennsylvania to lay the bill on the table shall be still pending, unaffected by any vote that has been taken upon it.

There was no objection, and it was so ordered.

The SPEAKER announced that Mr. PAYNE would act as Speaker pro tempore at the evening session; and the House then, on motion of Mr. DINGLEY (at 4 o'clock and 55 minutes p. m.), took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. PAYNE in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the second clause of Rule XXVI.

The Clerk read as follows:

> The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business under clause 2 of Rule XXVI.

The Clerk will report the first bill in order.

URIAH ANDRICKS.

The first business on the Private Calendar was the bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Andricks, late of Company H, Fifty-fourth Illinois Volunteer Infantry, at the rate of $24 per month, for loss of hearing and enlargement of the spleen.

The amendments reported by the committee were read, as follows:

> Strike out of seventh line the word "twenty-four" and insert in lieu thereof the word "fourteen," and insert between the words "late" and "of," in line 6, the word "private."

Mr. ERDMAN. Let us have the report read.

The report (by Mr. WOOD) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1948) granting a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, submit the following report.
>
> This soldier was enrolled as a private May 1, 1862, in Company H, Fifty-fourth Illinois Volunteers, and was mustered out May 3, 1865. His service and discharge are honorable. He was pensioned under act of July 14, 1862, for enlargement of spleen, a disease of service origin, at $2 per month. This pension was increased under act of June 27, 1890, to $12 per month. He was dropped March 25, 1895, and a reissue made to him under act of March 2, 1895, at $6 per month.
>
> The committee have examined a vast mass of testimony of physicians and neighbors which was filed in the case, and also other evidence submitted to the committee. The last examination by a medical board shows him disabled fourteen-eighteenths. The other testimony fully shows that he is incapacitated for manual labor. The witnesses are all shown by letters received by the Pension Office to be credible. There is no doubt in the minds of the committee that his disability is of service origin. Indeed, the Pension Bureau concede such to be the case. The committee believe injustice was done this soldier by dropping him, thus reversing the former finding and decision of the Office. There is no doubt in the minds of the committee but that under the general law this claimant is entitled to $14 per month.
>
> We recommend, therefore, the passage of the bill with an amendment striking out of seventh line the word "twenty-four" and inserting in lieu thereof the word "fourteen," and inserting between the words "late" and "of," in line 6, the word "private."

Mr. ERDMAN. I should like the gentleman in charge of this bill to answer a question or two, if he can. What was the reason assigned for the reissue in the case of this soldier at the rate of only $6 a month instead of $12, which he had been receiving?

Mr. WOOD. That is a question which I am unable to answer. That is one of those things which sometimes occur of which it is impossible to find out the reason.

Mr. ERDMAN. Has this soldier made application at the Bureau for an increase?

Mr. WOOD. I think not.

Mr. ERDMAN. Is there any reason why an increase should not be allowed him by the Bureau?

Mr. WOOD. I know of no reason except the fact that this pension, having been raised to $12 a month, was then on investigation, to "purge the pension roll," reduced to $6 a month. I think that action was in the face of the testimony on file. I never saw the soldier, to my recollection, until recently, and it does not require any medical testimony to show that he is totally incapacitated for manual labor; his appearance indicates that. There are numerous affidavits, medical and otherwise, and a large amount of testimony showing, I think conclusively, that this man ought to be pensioned at $14 a month.

Mr. ERDMAN. I should like the gentleman to give us some reason why by special bill we ought to give this soldier an increase of pension. It does not appear from the report why the Bureau would not grant the increase if application were made. Why should application be made to this House as long as there is a road open through the Pension Bureau?

Mr. WOOD. The Bureau having reduced this pension from $12 to $6, it would be an idle thing to appeal to the Bureau to grant an increase to $14. I think it would be entirely idle for this soldier to make application to the Pension Office either for a restoration of his former pension or for an increase.

Mr. ERDMAN. Have you not found that the Bureau, on application for increase, has repeatedly increased pensions?

Mr. WOOD. I have found many more instances where they have refused to do so; and in this case they have practically refused by cutting down the pension of the soldier.

Mr. ERDMAN. But the reason is not stated why they have cut it down. I should like to get at the inside of this case; but it seems impossible to do so.

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

The next business on the Private Calendar was the bill (H. R. 1061) granting pension to Gray's Battalion of Arkansas Volunteers.

The Clerk proceeded to read the bill, but was interrupted by

Mr. PICKLER, who said: Mr. Chairman, I believe that bill is not in order now. It is a general bill.

Mr. TERRY. Mr. Chairman——

The CHAIRMAN. Is a point of order made against the bill?

Mr. TERRY. I desire to state——

Mr. PICKLER. I reserve a point of order.

Mr. TERRY. I wish to state that this bill was introduced by my colleague, General NEILL, who is unavoidably absent this evening. I understand that at the last session there was some point made against the bill. General NEILL has been looking into the authorities on the question, and I ask that the bill be passed over without prejudice until he can have an opportunity to be heard.

Mr. PICKLER. No objection.

The CHAIRMAN. At the last session this bill, as the Chair is informed, was held to be a public bill, and not within the order of business under which we are now operating. But the Chair will submit the request of the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. I believe, Mr. Chairman, a point was made against the bill, but I do not think it was finally ruled upon. General NEILL wanted to be heard upon it, and has some authorities which he wishes to present. I therefore desire that the bill be passed over without prejudice, in order to give my colleague a chance to be heard.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that this bill may be passed over without losing its place until next Friday evening. If there be no objection, that order will be made. The Chair hears none, and it is so ordered.

EMELINE FILGATE.

The next business on the Private Calendar was the bill (S. 1631) granting a pension to Emeline Filgate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline Filgate, widow of James Filgate, late of Company G, Sixth United States Infantry, at the rate of $12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES L. WING.

The next business on the Private Calendar was the bill (H. R. 8484) granting a pension to James L. Wing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, James L. Wing, of Mount Vernon, Ohio, late private Company G, Forty-third Regiment Ohio Volunteer Infantry.

SEC. 2. That this act shall take effect on its passage.

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8484) granting a pension to James L. Wing, submit the following report:

The soldier, James L. Wing, was a private in Company G, Forty-third Regiment, Ohio Volunteer Infantry. He enlisted November 25, 1861, and was honorably discharged October 21, 1862.

He is now drawing a pension of $12 per month for hernia and heart disease, both of which are accepted as of service origin. His claim upon the ground of deafness was not accepted by the Pension Office as of service origin, and that claim was disallowed.

The Mansfield, Ohio, pension medical board examined soldier and rated his disability as being sixteen-eighteenths on inguinal hernia, varicocele, and disease of the heart. Upon this examination and rating he was allowed $12 per month.

On May 20, 1891, the same medical board examined soldier and found the following disabilities and gave him the following rating: "Hernia, eight-eighteenths; disease of the heart, four-eighteenths, and ten-thirtieths total deafness of left ear."

There is no question arising upon the disabilities for which pension was granted, only that it seems to the committee that upon a disability amounting to sixteen-eighteenths and of service origin a higher rate than $12 a month should have been allowed. The evidence shows that from these disabilities alone he is wholly disabled from doing manual labor.

The real question, however, relates to the deafness, which was rejected by the Pension Bureau. The evidence upon that point is very full, and seems almost conclusive. Upon what ground the pension officer rejected this claim is not easily seen. The witnesses are credible, and are certainly definite enough in their statements that their evidence should be taken as establishing the facts to which they attest.

A special examiner took evidence upon this point, and among other witnesses examined was Amos Bishop, a comrade of Wing's, who testified in part as follows:

"I recall fact that while we were near Corinth, Miss., at Farmington, Miss., about middle or last of May soldier one evening come into camp after having supported artillery, and I noticed at that time that he was picking at one ear as if something was in it. The next day I asked him about it and he said there was a buzzing in his head; that something was wrong in his head. I asked him if it was because he had cold, and some one of the boys spoke up and said that that was not the trouble, but that it was due to the artillery firing. After that I noticed that he was hard of hearing."

The witness gives much more evidence on this line showing that soldier continued deaf until he left the service.

In the same examination John M. Armstrong, a comrade who was with soldier at the time he incurred his alleged disability, gives substantially the same evidence.

Other witnesses testify that when soldier went into the Army his hearing was perfect, and that they saw him immediately upon his return from the war and that he was then deaf and has continued so to the time the affidavits were executed.

John M. Hall, of Mount Vernon, Ohio, a comrade, says that he noticed soldier's deafness soon after his discharge.

On the whole, the committee has no doubt but that soldier contracted his deafness during his service.

Under the general law for total deafness of one ear and slight deafness of the other the rate is $20 per month, and for total deafness of one ear and severe deafness of the other the rate is $25 per month.

There can be no doubt but that with this disability accepted as of service origin, and added to the service disabilities accepted by the Pension Bureau, the soldier ought to have the full rate for inability to do manual labor.

The committee recommend that section 2 be stricken out, and as amended the bill do pass.

The amendment recommended by the committee was agreed to and the bill as amended laid aside to be reported to the House with a favorable recommendation.

ADELAIDE MORRIS.

The next business on the Private Calendar was the bill (S. 757) granting an increase of pension to Adelaide Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Morris, widow of the late Arthur Morris, formerly captain of the Fourth United States Artillery, at the rate of $50 per month, which rate of $50 per month shall be in lieu of the pension she is now receiving.

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 757) granting an increase of pension to Adelaide Morris, adopt the accompanying Senate report (No. 92) as their own, and respectfully recommend the passage of the bill with the following amendment:

In line 8 strike out "fifty" and insert in lieu thereof "twenty-five."

[Senate Report No. 92, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 757) granting an increase of pension to Adelaide Morris, have examined the same and report:

A bill passed the Senate at the last session of Congress making an increase in the pension of claimant, but it failed to be acted upon in the House of Representatives. A reexamination of the military record of Captain Morris reveals the fact that it was one of extraordinary merit, full of hardships and exposure.

The former report was as follows:

STATEMENT IN RELATION TO SERVICES OF THE LATE ARTHUR MORRIS, MAJOR FOURTH ARTILLERY, UNITED STATES ARMY.

At the battle of Antietam, September 17, 1862, Lieutenant Morris's battery was so hotly engaged that its captain (Hazard) was killed and half its men were sacrificed. Lieutenant Morris distinguished himself greatly in this action. The battery was saved by his bravery, and he was rewarded for his gallantry by receiving the brevet rank of captain before he was 19 years of age.

In the action at Charlestown, Va., Lieutenant Morris volunteered for the occasion. In this engagement Lieutenant Morris narrowly escaped with his life, being struck by a spent ball, the mark of which he carried to his grave. He was personally congratulated on the field of battle for his bravery by General Hancock, who was in command.

From November, 1863, to August, 1865, Lieutenant Morris was on staff duty at Fort McHenry, Baltimore, Md. In 1865-1867 he was on duty at the following posts: Fort Brown, Tex.; Reynolds Barracks, Washington, D. C.; Fort Washington, Va.; Fort McHenry, Baltimore, Md., and in 1868 on recruiting duty in New York City.

In 1869 Lieutenant Morris was transferred to Fort Riley, Kans. While there he was sent with Light Battery B, Fourth Artillery, serving as cavalry, on the Salmon River Indian campaign, and was on scouting duty all the summer of 1870.

From Fort Riley Lieutenant Morris was again ordered to Fort McHenry, Md., and remained there from 1871 to 1872. From May, 1872, to June, 1873, Lieutenant Morris served at the Artillery School at Fort Monroe, Va.

In June, 1873, he was transferred to the Pacific Coast, and was stationed successively at Alcatraz Island, Black Point (San Francisco Harbor), Fort Canby, Oreg.; Sitka, Alaska; again at Fort Canby, Oreg., and again at Alcatraz Island.

Besides serving at these different posts while on the Pacific Coast, Captain Morris took a very active part in the Modoc campaign in the winter of 1873, and in the Nez Percés campaign in 1877. In the latter campaign he was engaged in the battle of the Clearwater, Idaho, July 11 and 12, under Gen. O. O. Howard. In the reports of this battle made by General Howard Captain Morris is mentioned in the following terms:

"Capt. Arthur Morris, Fourth Artillery: This officer had command of his company in the final charge on the Indian position at the battle of the Clearwater on the 12th of July. He behaved most gallantly, keeping himself in advance of the line of his company, leading and urging his men forward. Throughout the campaign he was always energetic and cheerful in the discharge of his duties."

At that time no brevets were allowed for Indian service, but May 2, 1890, after the act allowing such brevets was passed, General Howard included Captain Morris in his recommendations, as follows:

"Capt. Arthur Morris, Fourth Artillery: For gallant service in action against the hostile Nez Percés Indians during the battle of the Clearwater, Idaho, July 11 and 12, 1877, particularly the final charge, I recommend the brevet of major."

During Captain Morris's service on the Pacific Coast he was one of the many officers who suffered severely from the great depreciation in currency, the officers receiving their monthly pay from the Government in greenbacks when everything at that time was on a gold basis throughout California.

Lieutenant Morris received his promotion as captain, Fourth United States Artillery, on January 10, 1877, while stationed at Sitka, Alaska.

When his regiment was ordered East, in 1881, Captain Morris was first stationed at Fort Warren, Mass., where he remained until September, 1882. He was then ordered to Fort Adams, Newport, R. I., and remained there until his retirement, October 5, 1887.

Major Morris was attacked with rheumatism while in active service as first lieutenant, and suffered from it during the remainder of his life. His physicians attributed to it the disease from which he died, September 26, 1892.

From the time of his retirement, October 5, 1887, to the time of his death, September 26, 1892, Major Morris was continuously ill and under very heavy expense on account of his illness, and he was unable to do anything for the aid of his family.

On account of the original disease having shown itself while Major Morris was a first lieutenant, his widow has only been allowed the pension of a first lieutenant, viz, $17 a month, although he held the rank of captain and brevet major at the time of his death, and had devoted twenty-five years of his life to faithful, arduous, and meritorious service to his country.

Major Morris was a member of the military order of the Loyal Legion of the United States, and after his death that organization paid him a high tribute at a meeting held in New York City December 15, 1892, from which the following is extracted:

"On January 12, 1863, he was appointed aid-de-camp on the staff of his father at Fort McHenry, the headquarters of General Morris, then commanding the separate defenses of Baltimore. He was promoted first lieutenant November 12, 1863, and received his full captaincy in the regular line of promotion January 10, 1877.

"After the Peninsular battles General Hancock recommended Captain Morris for major, which was confirmed by Congress, but the commission was not issued until after his engagement in the Nez Percés campaign. He also served in the Modoc campaign with distinguished bravery. After a long period of service on the frontier in Oregon and Alaska, he was compelled from ill health contracted in the field to be placed on the retired list October 5, 1887, at the age of 43. At the close of the civil war General Hancock recommended Major Morris for a brevet lieutenant-colonelcy, but the War Department had stopped giving brevet rank for war services before action was taken.

"Major Morris came of military stock. His ancestor, Lewis Morris, of Morrisania, a signer of the Declaration of Independence, commanded the Westchester Militia in 1776 in the war of the Revolution. His grandfather, William Walton Morris, served during the Revolution on the staff of Gen. Anthony Wayne, and was afterwards in the Corps of Artillerists. His father, above referred to, Bvt. Maj. Gen. William Walton Morris, a graduate of West Point in 1819, was a distinguished officer of the Regular Army, who served in the Seminole war in Florida in 1836, throughout the Mexican war, under General Scott, and later in the civil war. Major Morris's brothers were both in the service, one in the Army and one in the Navy, during the late war, and all his associations were military from his birth. Physically he was an ideal soldier, being over 6 feet in height and of commanding presence, and while a great stickler for discipline on duty, he was in private life as genial and simple as a child. His modesty was proverbial, and, as a brother officer wrote of him, 'Truth with him was axiomatic, and rugged virtue an unvarying rule.' Years of suffering and a consciousness of the hopelessness of ultimate recovery had prepared his mind for the end, and with no hesitation, no vain misgivings, no regrets, he has been ushered into the fathomless, unknown world, prepared by honesty of purpose to meet the reward of a gentleman and soldier.

"By virtue of his Revolutionary descent Major Morris was a member of the New York branch of the Order of the Cincinnati. He was also a member of the Grand Army of the Republic, Lafayette Post, 140, and the Military Service Institution of New York."

Major Morris especially distinguished himself in the siege of Yorktown, from April 12 to May 4, 1862, and the battles of Fairoaks, Va., May 31 and June 1, 1862; Peach Orchard and Savage Station, Va., June 1, 1862; Glendale and White Oak Swamp, Virginia, June 30, 1862; Antietam, Md., September 16 and 17, 1862; Charlestown, Va., October 16, 1862, and Fredericksburg, Va., December 11 to 15, 1862. He also participated in the battles of Williamsburg, Malvern Hill, and Second Bull Run.

During the reading of the report,

Mr. TALBERT. Mr. Chairman, I ask unanimous consent that the further reading of the report be dispensed with. This seems to be a meritorious bill, and one that ought to be passed.

Mr. ERDMAN. No; I object to that. There is some very interesting matter later on that I think we ought to have.

The Clerk resumed and concluded the reading of the report as above.

Mr. ERDMAN. Mr. Chairman, I desired to have this lengthy report read and spread upon the records of this House for the reason that we have discovered, apparently, a new cause of pension. This will be apparent when you have passed this bill. It is contained in the third paragraph on the second page of the report, and reads as follows:

During Captain Morris's service on the Pacific Coast he was one of the many officers who suffered severely from the great depreciation in currency, the officers receiving their monthly pay from the Government in greenbacks when everything at that time was on a gold basis throughout California.

It seems that we have now attacked the financial question in our pension legislation, and a distinct new class of pensioners is provided for. Here we are granting a pension because of the depreciation of the currency.

It is possible that we are thus preparing the way when the 16 to 1 comes to be in a position to pension all of the people that suffer from that cause.

Mr. PICKLER. My colleague [Mr. MILES] in preparing this report simply followed the Senate report.

I hope, however, that some new cause of pensions will be discovered to satisfy the gentleman from Pennsylvania and induce him to vote for some of these bills.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JANE CHRISTIAN MARYE.

The next business on the Private Calendar was the bill (H. R. 5932) granting a pension to Jane Christian Marge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Christian Marge, only child and heir of W. S. Jett, late a soldier of the Revolutionary war, on the pension roll as a dependent daughter, to be paid a pension at the rate of $30 per month; also that the said Jane Christian Marge shall, in consequence of the passage of this act, be entitled to have and receive back pay and allowances, subject to the provisions and limitations of the pension laws.

The Committee on Pensions recommend the adoption of the following amendment:

Change the spelling of claimant's surname to "Marye," and strike out the words "and heir," in line 5; strike out the word "thirty," in line 7, and substitute therefor the word "twelve;" strike out all after the word "month," in line 8. Also amend the title of the bill.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

IRA HARRIS.

The next business on the Private Calendar was the bill (H. R. 519) granting a pension to Ira Harris.

Mr. JENKINS. Mr. Chairman, I move that the committee take up Senate bill No. 2711, to be found on page 64 of the Calendar, it being the same as the House bill, and put it upon its passage.

The motion was agreed to.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ira Harris, a lieutenant-commander of the Navy, and pay him a pension at the rate of $30 per month on and after the passage of this act.

Mr. ERDMAN. Let us have the report in that case read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2711) granting a pension of $30 per month to Ira Harris, late lieutenant-commander, United States Navy, respectfully report that on March 16, 1896, it reported House bill 519 for same beneficiary, at $30 per month, couched in substantially the same language as Senate bill 2711.

Your committee therefore favorably report this bill (S. 2711), with the recommendation that same be substituted for House bill 519 when same is reached, and passed.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Without objection, the House bill of the same title will lie on the table. Is there objection?

Mr. ERDMAN. I desire to know what the status of this bill is. There was a substitution in the Senate of their bill for ours and in the House there is a substitution of our bill for theirs.

The CHAIRMAN. As the Chair understands it, the committee has substituted the Senate bill, and the Chair was submitting to the House the question whether or no the House bill should lie upon the table. If there is no objection, that order will be made.

There was no objection.

FREDERICK A. DRISCOL.

The next business on the Private Calendar was the bill (H. R. 4655) granting a pension to Frederick A. Driscol.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick A. Driscol, of Denver, Colo., late sergeant Company E, Twelfth Regiment Rhode Island Volunteer Infantry, and Company I, Ninth Regiment Rhode Island Volunteer Infantry, for a pension at the rate of $12 a month from and after the passage of this act.

The CHAIRMAN. The question is on laying aside this bill with a favorable recommendation.

Mr. ERDMAN. Let us have the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4655) granting a pension to Frederick A. Driscol, having considered the same, respectfully report:

Frederick A. Driscol enlisted May 26, 1862, and was honorably discharged

September 2, 1862; reenlisted September 18, 1862, and honorably discharged September 18, 1863, on surgeon's certificate of disability.

On November 4, 1891, and also on January 25, 1895, he applied for pension under act of June 27, 1890.

The examination made by the pension board of surgeons of Denver, Colo., on March 16, 1892, gives a total rating of twelve-eighteenths, and the examination made by the Denver board on September 25, 1895, gives a total disability rating of twenty-eighteenths, but both applications were rejected as not ratable under act of June 27, 1890.

Claimant alleges that his disease of eye was incurred at Fredericksburg, Va., and that he suffered with aphonia, chronic inflammation of respiratory organs, cough and ulceration of throat, rheumatism, and heart disease contracted in service, and with kidney disease and affection of ears contracted since service, but at this late date is unable to satisfactorily establish his claim of service origin; and that he is totally unfitted for manual labor, and is wholly dependent upon his own labor for the support of himself and family.

He has a hospital record of "aphonia" February 9 to 27, 1863, when he was furloughed from Mount Pleasant Hospital, Washington, D. C. He was "absent sick" April 30, 1863, and applied for fifteen days' extension of furlough.

Dr. C. C. Brace filed May 29, 1894, that claimant's case was one of hypertrophy of heart, chronic bronchitis, defective vision of one eye, and chronic pharyngitis. Disabilities permanent, and thinks him incapable of performing manual labor.

Dr. A. K. Worthington testified, same date:

"He has converging strabismus of left eye, counts fingers at 1 foot; right eye normal; there is minute crepitation of lower lobe of right lung, axillary line and in posterior parts; the heart apex is at sixth intercostal space, pulsatile impulse palpable in epigastrium, pulse rate 100 standing; the heart is hypertrophied and he has chronic bronchitis; he has also chronic pharyngitis, not due to vicious habits. Disabilities permanent in character, rendering claimant unable to earn a support by manual labor."

Dr. Chase, an eye specialist, testifies to strabismus of left eye, by which he can count fingers at 2 feet when head little to one side.

Dr. W. E. McClelland, a respectable citizen, certifies he has known Frederick A. Drised for twenty-five or twenty-six years, and in his opinion his disabilities are the result of army service. He is blind in left eye and crippled with rheumatism. Thinks, as a professional man having practiced medicine for over forty years, that he is entitled to pension.

Frank Church, president police board, Denver, Colo., certifies he has known claimant over a quarter of a century and believes him entitled to pension. He is blind in one eye and crippled with rheumatism.

D. C. Packard certifies he has been a neighbor for twelve years, and knows he is unfit to perform manual labor.

John F. Barker, W. W. Rickey, and W. A. McGrew, all prominent and reputable citizens of Denver, Colo., certify that Drised is blind in one eye and is a sufferer from chronic rheumatism and piles, and believe he should be pensioned.

In view of the facts presented, your committee recommend the passage of the bill.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. PICKLER. Mr. Chairman, I move to amend by striking out of line 6 the words "of Denver, Colo."

The amendment was agreed to.

Mr. PICKLER. And in line 10 I move to amend by striking out all after the word "month."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, strike out after the word "month," the words "from and after the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURETTA S. PRINCE.

The next business on the Private Calendar was the bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, at $20 per month, the name of Lauretta S. Prince, daughter of Henry Prince, late a private in Company D, One hundred and forty-third Regiment Ohio Volunteer Infantry.

The Committee on Invalid Pensions recommended the following amendment:

In line 5, before the word "daughter," insert the word "dependent."

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll, submit the following report:

This bill is to give a pension to Lauretta S. Prince, as the dependent daughter of Henry Prince, late a private in Company D, One hundred and forty-third Regiment Ohio Volunteers. The father was granted a pension of $12 per month, and drew the same until his death, which occurred in 1891. The widow was granted a pension. She died in 1896.

The ground upon which this bill rests is the dependent and helpless condition of the daughter. She is an epileptic and wholly incapable of taking care of herself during the attacks of epilepsy and unfit for any labor or employment by which to maintain herself.

These attacks are very frequent, as many as four, five, and more in a day. Her condition requires attendance and care from others, and it seems that she comes within the spirit of law relating to dependents. She has no property or income, and is a proper subject for legislation as the committee conceives.

The committee therefore recommends the passage of the bill with the following amendment, viz:

In line 5, before the word "daughter," insert the word "dependent."

Mr. ERDMAN. Mr. Chairman, I move that the bill be amended by striking out the word "twenty" and inserting the word "eight." This is a daughter——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 4 strike out the word "twenty" and insert the word "eight."

Mr. ERDMAN. It is proposed in this bill to give a daughter more than the father, who was a soldier, received, and more than the mother, who was the widow of a soldier, received. Now, at this late day, it is proposed that the daughter shall have as much as both of them put together.

Mr. McCLELLAN. She comes from Ohio, though.

Mr. ERDMAN. For the reason stated, I move the amendment.

Mr. TAYLER. Mr. Chairman, I hope that the amendment proposed will not prevail, for the reason that the beneficiary of this bill is, as stated in the report, a helpless epileptic. In the very nature of things the infirmity growing out of that is increasing, and in the nature of things, also, she can not very long be a burden upon a generous country. I hope that this poor woman, who has no one to help her, will be pensioned at the full rate allowed by the bill.

Mr. PICKLER. If the gentleman will allow me, I will suggest that there is no precedent for $8 a month. All dependent daughters get $12 a month if they are pensioned at all.

A MEMBER. Or twenty.

The CHAIRMAN. The question is on the amendment striking out "twenty" and inserting "eight."

The amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TAYLER. There is an error in the middle initial of this beneficiary's name in the bill. I move an amendment, in the body of the bill and also in the title, that the name read "Loretta L. Prince."

Mr. PICKLER. Since the gentleman is amending the title, I will suggest that it be amended by striking out the words "to place the name of Loretta S. Prince on the pension roll" and insert the words "granting a pension to Loretta L. Prince."

The CHAIRMAN. That motion is not in order now. The question is on agreeing to the amendment proposed by the committee.

The amendment proposed by the committee was agreed to.

The CHAIRMAN. The question now is upon the amendment proposed by the gentleman from Ohio [Mr. TAYLER], which the Clerk will report.

The Clerk read as follows:

In the body of the bill and also in the title insert in lieu of the words "Loretta S. Prince" the words "Loretta L. Prince."

Mr. PICKLER. Now I move to strike out the words "to place the name of Loretta S. Prince on the pension roll," and insert the words "granting a pension to Loretta L. Prince."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "to place the name of Loretta S. Prince on the pension roll" and insert the words "granting a pension to Loretta L. Prince."

The amendment to the amendment was agreed to.

The amendment of Mr. TAYLER as amended was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA A. FOSS.

The next business on the Private Calendar was the bill (H. R. 3890) granting a pension to Eliza A. Foss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Foss, of Manchester, N. H., widow of Henry T. Foss, late corporal of Company C, First New Hampshire Heavy Artillery Volunteers, and pay her a pension of $12 per month.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3890) granting a pension to Eliza A. Foss, having carefully considered the facts in the case, respectfully report:

Henry T. Foss enlisted August 16, 1864, in Company C, First New Hampshire Heavy Artillery, and was honorably discharged June 15, 1865. He was married to the claimant July 4, 1866, and died April 27, 1874.

The beneficiary named in the bill filed application for pension, alleging the death cause to have been contracted in the service, and the claim was approved for admission. The medical referee, however, failed to find the "sequence," and therefore rejected the same.

The ostensible cause of the soldier's death was cancer. The hospital records show that he was treated for malarial poisoning, disease of liver, and jaundice while in the service, and three comrades depose to the same effect. Several persons who knew the soldier ten to twenty years before the war testify as to his unusually robust constitution and prior soundness, and continuance is fully established from discharge to death.

The medical evidence shows that on account of the man's diseased condition he fell an easy prey to the inroads made by the cancer, and is to the effect that the same was caused thereby. It further indicates that death would soon have ensued from his service disabilities in any event.

The widow is 60 years of age, has no property or income except a pension of $8, which she receives under the act of June 27, 1890, is wholly unable to earn a support, and in every way a worthy woman.

The effect of the bill is to increase her pension $4 per month, and your committee recommend its passage with the following amendment:

In line 6 strike out the words "of Manchester, N. H."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH PORTER.

The next business on the Private Calendar was the bill (S. 1945) granting a pension to Joseph Porter.

The bill was read.

Mr. HAGER. Mr. Chairman, during the first session of this Congress a bill was passed in favor of Mr. Porter and was signed by the President. I therefore ask that that bill lie on the table.

The CHAIRMAN. The gentleman from Iowa moves that this bill be reported to the House with the recommendation that it do lie on the table.

The motion was agreed to.

ADAM DENNIS.

The next business on the Private Calendar was the bill (H. R. 4744) to increase the pension of Adam Dennis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Dennis, of Manns Choice, Bedford County, Pa., late a soldier in Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and that he receive a pension of $50 per month in lieu of that which he now receives.

Mr. HARDY. Let us have the report read in that case.

The report (by Mr. ERDMAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4744) to increase the pension of Adam Dennis, after duly considering the same, respectfully report as follows:

Adam Dennis enlisted on the 1st of October, A. D. 1861, as private soldier in Company G, Seventy-ninth Regiment, Pennsylvania Volunteer Infantry. On the 8th of October, 1862, at the battle of Perryville, Ky., he received a severe gunshot wound in his left groin, and at the battle of Chickamauga, September 19, 1863, received a severe wound in his left leg, about 5 or 6 inches above the knee. From the effect of these wounds his leg was amputated, and he now draws a pension of $30 per month for loss of leg below the knee.

The amputation was made in a hurried and careless manner, and the fibula bone is 1½ inches shorter than the tibia, and both bones protrude, with not sufficient flaps to cover them, and for many years the pensioner has not been able to use an artificial limb but a small portion of the time, and when he does use the limb he is caused great suffering by reason thereof.

In the meantime the wound in the left groin has so stiffened and weakened the hip joint that his left side is partially paralyzed from the effects of the wound and the attendant suffering. The pension received is but for the loss of leg below the knee, and the severe wound in the groin is not taken into consideration in his rating. This rating is insufficient, and the pension now received by the pensioner is grossly inadequate, and the pensioner should receive a pension equal at least to the loss of a leg, as the paralyzed condition of the pensioner's left side and his inability to wear an artificial limb entitles him, in the judgment of your committee, to the rating for the entire loss of his limb, and this, in consideration of his extreme suffering, would be but a proper consideration. In addition to the wounds referred to, the pensioner suffers severely from nasal catarrh, which was contracted in the Army. This disease now affects his bronchial tubes and lungs.

From communications placed before the committee, it was apparent that the Department recognized this as an exceptional case and within the proper province of this committee for action.

The applicant, a man of intelligence, makes the following sworn statement:

"*Statement of injuries of Adam Dennis, Company G, Seventy-ninth Pennsylvania Volunteers.*

"My injuries are as follows: Gunshot wound in left groin, stiffening and weakening the hip joint; left leg off 5 inches below the knee; fibula bone 1½ inches shorter than the tibia, with both bones protruding, no flaps to cover bones, making it impossible to use an artificial limb most of the time without suffering and endangering my life. Whole left side partially affected by those wounds. Have also nasal catarrh, contracted in the Army, which now affects bronchial tubes and lungs. Heart also affected; can't say from what cause.

"ADAM DENNIS,

"*Company G, Seventy-Ninth Pennsylvania Volunteers.*

"BEDFORD COUNTY, *ss:*

"Personally appeared before me, a justice of the peace in and for the aforesaid county, Adam Dennis, who, being duly sworn according to law, doth depose and say that the above statement is true and correct.

"Sworn and subscribed this 20th day of January, A. D. 1896.

"CHAS. REILEY, *Justice of the Peace.*"

Your committee, therefore, in view of all the facts in this case, recommend that the pension of Adam Dennis be increased from $30 per month, which he now receives, to the sum of $50 per month, which your committee believes he is justly entitled to, and therefore recommend that the bill do pass.

During the reading of the report,

Mr. HARDY. I ask that the Clerk suspend the further reading of the report. I think the man ought to have at least $50 pension.

The bill was ordered to be laid aside with a favorable recommendation.

LYDIA CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 4608) granting a pension to Lydia Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension law, the name of Lydia Chapman, mother of Samuel J. Chapman, late an employee in the Quartermaster's Department, United States Volunteers, and to pay her a dependent pension from and after the passage of this act.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4608) to pension Lydia Chapman, submit the following report:

Samuel J. Chapman was the minor son of the claimant. He was steersman on board the transport steamer *B. M. Runyon*, which was impressed by the Quartermaster's Department, United States Army, for the transportation of troops and stores on the Mississippi River, in July, 1864. The boat was snagged and sunk about 100 miles above Vicksburg, July 21, 1864, and Samuel J. Chapman drowned.

His mother was, at the time of his death, dependent upon him for support. She is a widow now, nearly 90 years of age, and without any property except a life estate in an old house in Upper Acton, Ill., so old and poor that for some years it has not had a tenant. She is dependent upon a feeble unmarried daughter, who supports herself and mother by sewing.

The above facts appear from letters of the Auditor of the Treasury for the War Department and the Quartermaster-General, United States Army; a letter from the deceased, shortly before his death, informing his parents of the shipment by express of money to them; the evidence on file in the office of the Commissioner of Pensions, and by the statements of the sister of the deceased, given to the subcommittee.

The Commissioner of Pensions properly rejected claimant's claim for pension as dependent mother under the law on the ground that there was "no title, claimant's son not having been in the military or naval service of the United States."

Your committee believe that under the circumstances the deceased lost his life in the service of his country. Transports, whether chartered or impressed, were under military orders. They went, and were obliged to go, into the enemy's country. The claimant is needy; she was dependent on this son for support; he lost his life while at important work in the interest of his Government in time of war; she justly is entitled to the bounty of the Government during the brief period of her remaining life.

Your committee therefore recommend that the bill do pass with an amendment, by adding to the end of the bill "at $12 per month," and also by inserting before the word "mother," in sixth line, the word "dependent."

The CHAIRMAN. The question is on agreeing to the amendments proposed by the committee.

Mr. ERDMAN. Mr. Chairman, would the gentleman who made this report answer this: Are steersmen on board of transport steamers included in the general bill which the House passed?

Mr. WOOD. I do not know. I think not. [Cries of "Vote!" "Vote!"]

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA J. HOLMAN.

The next business on the Private Calendar was the bill (H. R. 6378) for the relief of Eliza J. Holman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Eliza J. Holman, widow of William T. Holman, deceased, late a private in Capt. Charles Pettigrew's Company, commanded by Cols. Laban C. Horrell and Albert Forolr, Indian war, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "twelve" and insert the word "eight," so as to read "at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. J. DAVIS.

The next business on the Private Calendar was the bill (H. R. 2742) to grant a pension to J. J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of J. J. Davis, late a private in Roberts's Company, Jack Hays's Regiment, in the war between the United States and Mexico, and to allow the said J. J. Davis a pension rated at $12 a month.

The amendment recommended by the committee was read, as follows:

In line 7, strike out the word "twelve" and insert the word "eight;" so as to read, "a pension rated at $8 a month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY W. KEEFFE.

The next business on the Private Calendar was the bill (S. 905) granting a pension to Mary W. Keeffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary W. Keeffe, widow of Joseph Keeffe, late captain, Fourth Infantry, United States Army, at the rate of $30 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 905) granting a pension to Mary W. Keeffe, having examined the same, adopt as their own the Senate report, and recommend the passage of the bill.

[Senate Report No. 139, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 905) granting a pension to Mary W. Keeffe, have examined the same, and report:

The claimant is the widow of Joseph Keeffe, late a captain in the United States Army, who died in Boise City, Idaho, December 4, 1891, where his widow now resides. According to the record of the soldier's military career, as furnished by the War Department, he enlisted as a private December 5, 1853, and served as such until October 30, 1862. He was appointed brevet second lieutenant, Second Artillery, October 22, 1862; second lieutenant, Fifth Artillery, October 22, 1862; first lieutenant, Fifth Artillery, July 28, 1866; transferred to Fourth Infantry, May 22, 1875; captain, Fourth Infantry, February 4, 1882; brevet first lieutenant, November 29, 1863, "for gallant and meritorious services during the defense of Fort Sanders, Tenn., and captain, September 23, 1864, for gallant and meritorious services in the battle of Fishers Hill, Virginia." He participated actively in nineteen battles during the late war.

Since the close of the war of the rebellion Captain Keeffe served in the various departments of the Army and in different parts of the United States until his death at the time above indicated, being in actual service thirty-eight years. At the time of his death he was without property, excepting his household goods, his pay being only sufficient to meet living expenses. He left a widow with six children, the two oldest having died since the death of their father, and as they contributed largely to the support of their mother and her smaller children, their death has left them in needy circumstances, and the claimant's only income now is a pension of $20 per month, and $2 per month for one of the younger children, which falls far short of being sufficient for a comfortable support and the maintenance of those dependent upon her.

The long, active, efficient, and uninterrupted service of the soldier should, in the opinion of your committee, be taken into consideration, which, together with the narrow circumstances of his widow and the dependent members of her family, entitle her to the relief provided in this bill, and therefore its passage is recommended.

Mr. ERDMAN. Mr. Chairman, I move that instead of the word "thirty" there be inserted the word "twenty-five." She will then receive $5 more than the widow of every other captain in the service.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8 strike out the word "thirty" and insert the word "twenty-five."

Mr. BLUE. Mr. Chairman, I move to strike out "twenty-five" and insert "twenty." I see no reason why there should be this change from the grade to which it belongs.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas to the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out "twenty five" and insert "twenty;" so as to read "at the rate of $20 per month."

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas to the amendment of the gentleman from Pennsylvania.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILY ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 5855) granting a pension to Emily Elliot.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Emily Elliot, the permanently helpless daughter of Joseph Elliot, late quarter gunner, United States Navy, in the Florida war; late private Company E, First Regiment Volunteers, in the Mexican war, and late private Company B, Second Regiment Maryland Infantry Volunteers, in the war of the rebellion, at the rate of $12 per month, subject to the limitations and provisions of the pension laws.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

Mr. PICKLER. Oh, no; you do not want the report on that.

The report (by Mr. McCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5855) granting a pension to Emily Elliott, permanently helpless daughter of Joseph Elliott, late quarter gunner, United States Navy, in the Florida war; private Company E, First Regiment Voltigeurs, in the Mexican war, and late private Company B, Second Maryland Cavalry Volunteers, in the war of the rebellion, having carefully examined and considered the facts presented, respectfully report as follows:

Joseph Elliott served in the Florida expedition during the years 1841 and 1842, having been taken upon the rolls of the United States receiving ship *Pennsylvania* August 1, 1842, as quarter gunner, with $8.24 due from Paymaster McLaughlin, of the Florida expedition, and his account was made up to August 22, 1842, when he was paid off and discharged.

He was enlisted as Joseph Elliott April 10, 1847, at Baltimore, Md., for the war with Mexico, and was assigned to Company E, Voltigeurs, and was discharged at Fort McHenry, Md., August 31, 1848, by expiration of service, a private.

He was also enrolled June 30, 1863, at Baltimore, Md., as a private in Company B, Second Maryland Cavalry Volunteers, to serve six months, and was mustered out with his company January 26, 1864.

Joseph I. Elliott and Lavenia McCulloh were married in 1845, and two children were the fruits of such marriage, to wit: Harriet and Emily, the latter, the beneficiary of this bill, born January 8, 1848. Her mother died in 1858, and her father, the soldier, in 1868.

Emily Elliott had a fall when a baby, which dislocated her hip, and she has been a deformed and permanently helpless cripple ever since childhood, and has no means of support.

Dr. Israel Jones, in an affidavit dated February 12, 1886, testifies that he is medical superintendent of the Home of Incurables, New York City, N. Y., and has known Emily Elliott for more than nineteen years, and that she is suffering from hip joint disease and spinal disease, and is incurable; also, that she was received in the Home for Incurables June 20, 1870, suffering from anchylosis of hip joint and hip-joint disease; that her body being, and now is, in such shape that when she walks she walks on her feet and hands. She is still with us, and her disability is permanent.

Maranda Knight testifies that she is a stepsister of Joseph I. Elliott, and that he and Lavenia Elliott had but two children, Harriet, since intermarried with Charles Parsons, and Emily Elliott, now at the Home for Incurables; that Lavenia Elliott died in Baltimore City before the war of the rebellion, and that Joseph I. Elliott died at the Soldiers' Home in Baltimore City, August 6, 1868, and that Emily Elliott was cared for by Harriet Hayward until placed in said Home for Incurables, after death of her father.

Emily Elliott filed a claim for pension (No. 621162) under the act of June 27, 1890, which was rejected on the ground that the claimant was over 16 years of age at date of filing claim and at date of the soldier's death.

From the facts presented your committee believe the claim is meritorious, and recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Elliott, the permanently helpless daughter of Joseph Elliott, late quarter gunner, United States Navy, in the Florida war; private Company E, First Regiment Voltigeurs, in the Mexican war, and late private Company B, Second Regiment Maryland Volunteer Cavalry, in the war of the rebellion, and pay her a pension of $12 per month."

Also amend title by substituting the word "Elliott" for the word "Elliot" therein, and as so amended that the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA N. KENDALL.

The next business on the Private Calendar was the bill (H. R. 5895) granting a pension to Anna N. Kendall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the statutes and limitations of the pension laws, the name of Anna N. Kendall, widow of Joshua Kendall, late of Company D, Nineteenth Massachusetts Volunteers.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5895) granting a pension to Anna N. Kendall, having carefully examined the evidence relating thereto, report:

The beneficiary of this bill was married in August, 1849, to George W. Dow. Two days later Dow left her, having stated just before they were married that he would go and look for a place for them to live and earn a living. Nothing has been heard of him since, so far as can be learned, except that claimant's brother, Robert Gillespie, heard (as he testifies) that Dow was dead. Eight years later, the claimant having heard indirectly that Dow was dead, and as the presumption of death after seven years' absence prevailed in Massachusetts, where she lived, she was married to Joshua Kendall, who enlisted August 10, 1861, and served until June 30, 1865, nearly four years, when he was honorably discharged.

He returned home and lived with claimant as her husband until he died, in November, 1871.

Her claim for pension was rejected by the Bureau of Pensions on the ground that she was not shown to be the legal widow of the soldier, as it was not shown that her first husband, Dow, was dead prior to her marriage to the soldier. The widow swears that she heard in 1850, from persons who claimed to have been with Dow, that he had died; she did not marry until seven years after she heard that he was dead. Her brother swears that he heard of Dow's death in 1850. He has never been heard from since. She lived with the soldier (to whom she was married) from 1857 until he died in 1871, and the legality of the marriage seems never to have been called in question until it was done by the Pension Office forty-four years after the disappearance of Dow and twenty-two years after the death of the soldier.

Your committee are of opinion that the rejection of the claim in the Pension Bureau was error, and they recommend that the bill do pass.

Mr. PICKLER. Mr. Chairman, I move to amend by striking out the word "statutes," in line 5, and inserting "provisions."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOHN L. BRITTON.

The next business on the Private Calendar was the bill (S. 1276) granting an increase of pension to John L. Britton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Britton, late of Company A, Second Regiment New Hampshire Volunteer Infantry, at the rate of $30 per month, in lieu of that he is now receiving.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1276) granting an increase of pension to John L. Britton, having carefully considered the facts in the case, adopt the accompanying Senate report (No. 128) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 128, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1276) granting a pension to John L. Britton, have examined the same, and report:

Claimant enlisted August 7, 1861, in Company A, Second Regiment New Hampshire Volunteer Infantry, and served until May 22, 1862, being discharged for disability. He reenlisted December 15, 1863, in Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and was discharged on surgeon's certificate of disability May 27, 1865. He was pensioned for rheumatism from May 23, 1862, at $4 per month, which pension was increased from time to time to $8, $12, and $16, which latter rate he is now drawing. On June 28, 1894, he made application for increase, alleging total disability from rheumatism. He was examined by several medical boards, all of whom found total disability, but his claim was rejected on the ground that the disability was in part due to his advanced age, which, according to the claimant's statement, is 80 years.

Soldier's condition is unquestioned. His rheumatism, for which he was pensioned, has steadily increased, until now he can scarcely hobble around with the aid of two canes. His hip is drawn out of shape, and many of the other joints of the body are deformed by rheumatism.

Your committee is of opinion that the increase asked for is reasonable and just, and therefore report the bill back favorably, with a recommendation that it pass.

Mr. BAKER of New Hampshire. Mr. Chairman, I know this old veteran, and his condition is now worse than it was when that report was made. He now requires the personal attendance of some one all the time, and my only objection to this bill is that the rate of pension is so small. If this were not a Senate bill, I should move to increase the rate.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. HICKS. Mr. Chairman, this bill is undoubtedly a very meritorious measure, and I dislike to delay the disposition of it by the committee, but I hold in my hand a communication from a number of veterans of the State of Pennsylvania, the purport and contents of which will be gratifying, I am sure, not only to the men who wore the Union blue, but also to the men who wore the gray, and I send it to the desk to be read in my time.

The communication was read, as follows:

PHILADELPHIA, PA., *December 9, 1896.*

Whereas the people of Cuba have been making a heroic effort in the cause of liberty and independence against the debasing and despotic rule of Spain; and

Whereas after years of struggle there has been shown an entire incompetence, even through the most barbarous effort, on the part of Spain to suppress the spirit of freedom that animates the Cuban people; and

Whereas the fair Island of Cuba is being desolated and the interests of commerce and trade with the United States and its citizens are suffering loss and destruction: Therefore,

Resolved by Gen. G. Meade Post, No. 1, of Philadelphia, Grand Army of the Republic, That the sympathy of every soldier who wore the "blue" is enlisted in the cause of the Cuban people in their struggle to throw off the yoke of tyranny and oppression; and

Resolved, That these preambles and resolutions be conveyed to our Senators and Representatives in Congress, asking their support of such wise and lawful measures in the Congress of the United States as will bring about the enfranchisement of the Cuban race.

BENJAMIN BROOKE, *Commander.*

Attest:

J. FLETCHER CONRAD, *Adjutant.*

Adopted November 30, 1896.

Mr. HICKS. Now, Mr. Chairman, I desire merely to add that I believe the sentiments expressed in that communication are the sentiments of every true lover of his country.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BLUFORD REEDER.

The next business on the Private Calendar was the bill (H. R. 2231) for the relief of Bluford Reeder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Bluford Reeder, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

An amendment recommended by the committee, adding after "Mexico" the words "and pay him a pension rated at $8 per month," was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER M'BRIDE.

The next business on the Private Calendar was the bill (H. R. 6282) to increase the pension of Alexander McBride.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll of the United States the name of Alexander McBride, late a private in Company I, Third United States Infantry, Mexican war, and also a private in Company F, Sixteenth Indiana Infantry Volunteers in the war of the rebellion, at the rate of $72 a month, in lieu of the pension he is now receiving, subject to the limitations of the general pension laws.

An amendment recommended by the committee striking out "seventy-two" and inserting "thirty" before the word "dollars" was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY T. YOUNG.

The next business on the Private Calendar was the bill (H. R. 6900) increasing the pension of Mary T. Young.

The bill was read, as follows:

Be it enacted, etc., That the pension of $12 per month granted to Mary T. Young, widow of James Hamilton Young, late private in Capt. J. R. Swift's company, Pennsylvania Militia, in the war of 1812, be, and is hereby, increased to $20 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE O. VAN CLEVE.

The next business on the Private Calendar was the bill (H. R. 2425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Charlotte O. Van Cleve, widow of the late Brig. and Bvt. Maj. Gen. Horatio P. Van Cleve, at the rate of $100 per month.

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5425) to grant a pension to Charlotte O. Van Cleve, have carefully considered the evidence relating thereto, and report as follows:

Horatio P. Van Cleve, the husband of this claimant, entered the Military Academy at West Point July 1, 1827, and was continuously in the service until September 11, 1836, when he resigned. He was mustered in as colonel of Second Minnesota Volunteer Infantry September 13, 1861, and served continuously until August 24, 1865, when honorably mustered out as brigadier-general. He was wounded at Stone River December 31, 1862, and was granted leave of absence on account of wounds January 9, 1863. He was brevetted major-general of volunteers to date from March 13, 1865, for "gallant and meritorious service during the war." He was commissioned second lieutenant of infantry under act of Congress approved June 11, 1890, and was placed on the retired list July 1, 1890, and died April 24, 1891.

The evidence presented to this committee shows that the widow, who is now about 77 years of age, has no income except a pension of $8 per month. She has no property except her homestead, which affords her a home merely, but, aside from that, is of no benefit to her, as it is not salable, and costs about, if not quite, as much for taxes, repairs, etc., as the rent is worth.

In view of the long and valuable services of the soldier and the age and apparent need of the widow your committee recommend that the bill pass with an amendment, striking out the words "one hundred," in line 8, and inserting in lieu thereof the word "fifty."

Appended are reports from the records of the War Department, giving the full military history of General Van Cleve.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 19, 1896.

Statement of the military service of the late Horatio P. Van Cleve, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy July 1, 1827, to July 1, 1831, when he was graduated and appointed brevet second lieutenant Fifth Infantry, July 1, 1831; second lieutenant, December 31, 1834; resigned September 11, 1836. (In volunteer service July 22, 1861, to August 24, 1865.)

SERVICE.

He joined his regiment October 2, 1831, and served with it at Fort Howard, Wis., to November 30, 1831, and at Fort Winnebago, Wis., until he resigned, September 11, 1836.

Under the authority of the act of Congress approved June 11, 1890, he was commissioned a second lieutenant of infantry July 1, 1890, and placed on the retired list of the Army as second lieutenant same date.

He died April 24, 1891, at Minneapolis, Minn.

W. P. HALL,
Assistant Adjutant General.

Case of Horatio P. Van Cleve, late brevet major-general, United States Volunteers.

The official records show that Horatio P. Van Cleve was mustered into service as colonel with the field and staff of the Second Minnesota Infantry Volunteers September 13, 1861, to serve three years, with remark "appointed colonel July 23, 1861." He appears to have been present with his regiment until April 22, 1862, when he vacated his commission as colonel Second Minnesota Infantry Volunteers by his acceptance on that date of a commission of brigadier-general of volunteers.

He is reported as in command of the Fourteenth Brigade, Fifth Division, Army of the Ohio, from April to October 16, 1862; in command of the Fifth Division (left wing), Fourteenth Army Corps, November to December, 1862; and on December 31, 1862, in command of the Third Division (left wing), Fourteenth Army Corps.

He was wounded at the battle of Stone River (Murfreesboro, Tenn.), December 31, 1862, and was granted leave of absence on account of wounds January 9, 1863. He is reported as in command of the Third Division, Twenty-first Army Corps, from March 13 to October 1, 1863; the United States forces at Murfreesboro, Tenn., from November 23, 1863, to July, 1865, and the First Brigade of the District of Middle Tennessee from July to August 19, 1865, when he was relieved from duty. He was honorably mustered out of service in orders from this Department dated August 21, 1865.

Under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he is considered by this Department as commissioned to the grade of colonel Second Minnesota Volunteers, to take effect from September 11, 1861.

He was brevetted major-general United States Volunteers, to date from March 13, 1865, for "gallant and meritorious service during the war."

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 17, 1896.

Mr. PICKLER. Mr. Chairman, I move to substitute for the bill just read Senate bill 1883, which is upon the Calendar at page 62. That bill has passed the Senate, and it grants the same pension that is proposed to be granted by the House bill.

The CHAIRMAN. The substitution would require unanimous consent.

Mr. PICKLER. I ask unanimous consent.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the Senate bill.

The bill (S. 1883) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Charlotte O. Van Cleve, widow of the late Brig. and Bvt. Maj. Gen. Horatio P. Van Cleve, at the rate of $50 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

The House bill (H. R. 5425) was laid aside to be reported to the House with the recommendation that it do lie on the table.

JOHN W. POGUE.

The next business on the Private Calendar was the bill (H. R. 4875) granting a pension to John W. Pogue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John W. Pogue, late a private in Company E, Tenth Regiment Illinois Volunteer Infantry, at the rate of $24 per month.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. [illegible]) granting a pension to John W. Pogue, late private Company E, Tenth Illinois Infantry Volunteers, at $24 per month, having examined and considered the facts and circumstances presented, respectfully report as follows:

Soldier served from August 20, 1861, to August 31, 1864, when mustered out and honorably discharged, there being nothing dishonorable shown in his record. Record shows him to have been "absent sick," but nature of sickness not stated.

He filed claim for pension June 28, 1880, and his claim was allowed from September 1, 1864, at $2 per month for "neuralgia and disease of eyes;" the pension was discontinued November 8, 1881, the Pension Bureau claiming that his disability had ceased.

He filed claim for restoration, which was rejected March 15, 1895, on the ground of no ratable disability from "neuralgia and disease of eyes" since date of dropping from roll. He filed claim under act of June 27, 1890, on December 17, 1892, which was rejected March 15, 1895, on the ground of no ratable disability under said act.

John Mahrburg, a comrade, testifies that claimant was sound at enlistment, complained of pain in his head at Fosterville, and again at Chattanooga, Tenn., in 1863 and also in February, 1864. When he next saw him, in 1875, he was complaining of pain in his head and wore glasses.

Peter Peterson testifies to prior soundness, and that he wore spectacles in 1875 and was seriously affected with neuralgia of head, disease of eyes, and heart and stomach, which he claimed were contracted in service. He has constantly grown worse and worse since 1875, during which affiant has seen him frequently, and as far back as six years ago was unable to work or do any manual labor on farm.

Levi W. Armstrong testifies he was corporal, Company E, Tenth Illinois Volunteers, and knew claimant during the war; that he was sound and in perfect health at enlistment. Never knew of his having trouble with eyes until winter of 1863 at Chattanooga, Tenn. He was then sick with neuralgia and suffered with pain in head and eyes. Have often seen him during last twelve years, and know that he is compelled to wear glasses on account of his eyes being affected by neuralgia.

Dr. John Hiett testifies, January 13, 1896, that he has treated John W. Pogue for last three years for a neuralgia affecting the head and eyes, also the stomach and heart, and that he is physically unable to perform any manual labor.

Capt. R. E. A. Simons, late First United States Colored Artillery (Heavy), testifies that claimant has been an invalid for last seven or eight years, suffering from disease of eyes, neuralgia, and heart disease, and at different times in last five years been ill for weeks at a time, and have not considered him able to perform manual labor to any great extent, and from acquaintance for last twenty years believe him entitled to pension.

Dr. Francis M. Hiett testified, January 27, 1896, that he has practiced medicine for thirty years, and been the family physician of John W. Pogue for twenty years, during which time has seen him almost every week, and for last four years almost daily. He has suffered with neuralgia of the head and defective vision, and at times with chronic diarrhea and chronic rheumatism of the muscles of the back and shoulders. For the past four years he has suffered with disease of the heart. About one year ago he was confined to his house for about two months with heart disease. He is not able to perform ordinary manual labor one half of the time.

From the facts presented, your committee believe the claim meritorious, and recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

JOHN W. BRUNER.

The next business on the Private Calendar was the bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and the United States Signal Corps.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to pay John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and of the United States Signal Corps, a pension at the rate of $24 per month from and after the passage of this act.

The amendments reported by the committee were read, as follows:

In line 4, strike out all after the word "to" and insert the following: "place upon the pension roll the name of John W. Bruner, late a private in Company F, Second Pennsylvania Volunteer Infantry, Captain Higgins's company, First Pennsylvania Cavalry, and Company G, First Pennsylvania Cavalry, and pay him a pension of $12 per month."

Amend title of the bill so as to read: "A bill granting a pension to John W. Bruner."

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7240) granting a pension to John W. Bruner, etc., having carefully considered the facts in the case, respectfully report:

The soldier responded to the call for three months volunteers and enlisted April 18, 1861, in Company F, Second Pennsylvania Infantry. He reenlisted July 31, 1861, in the First Pennsylvania Cavalry for three years, and again reenlisted as a veteran volunteer February 28, 1864, in Company G, First Pennsylvania Cavalry. The soldier was honorably mustered out and discharged August 16, 1865.

October 28, 1890, he filed an application under the act of June 27, 1890, alleging chronic diarrhea and rheumatism. July 15, 1891, the examining board reports him eight-eighteenths for chronic diarrhea and four-eighteenths for sciatica. This claim was rejected February 13, 1894, on the ground of no ratable disability.

July 3, 1894, he again filed application under said act, alleging sciatica, rheumatism, and chronic diarrhea. September 12, 1894, the examining board reports:

"Has chronic musculo-articular rheumatism of legs. * * * Applicant has general senile degeneration to a degree which incapacitates him from active manual labor."

This claim, however, was also rejected on the ground of no ratable disability.

May 13, 1895, the soldier again applied under said act, alleging chronic diarrhea, intermittent fever, and sciatic rheumatism. June 12, 1895, the examining board rates him six-eighteenths for sciatica, two-eighteenths for diarrhea, and three-eighteenths for heart trouble, but the claim was also rejected on the ground of "no ratable disability * * * from causes alleged."

Under a liberal interpretation of the law it is very clear that this claimant should have drawn a pension from the date of his first declaration, to say nothing of his subsequent filings, as the examination thereunder shows him to be pensionably disabled. He had three enlistments, without a hiatus of more than four days, covering the entire period of the war; is now 60 years of age and incapacitated for the performance of manual labor, as evidenced by the certificate of the examining board.

Your committee believe that the beneficiary named in the bill is entitled to at least the maximum rate under the act of June 27, 1890, and therefore respectfully recommend the passage of the bill with the following amendment:

In line 4 strike out all after the word "to" and insert the following: "place upon the pension roll the name of John W. Bruner, late a private in Company F, Second Pennsylvania Volunteer Infantry, Captain Higgins's company, First Pennsylvania Cavalry, and Company G, First Pennsylvania Cavalry, and pay him a pension of $12 per month."

Your committee further recommend that the title of the bill should be amended so as to read: "A bill granting a pension to John W. Bruner."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ELISHA B. BASSETT.

The next business on the Private Calendar was the bill (H. R. 3563) to correct the military record of Elisha B. Bassett.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized to revoke, disapprove, and set aside so much of General Orders, No. 223, headquarters Department of the Cumberland, Chattanooga, Tenn., dated October 23, A. D. 1863, by command of Maj. Gen. George H. Thomas, general in command, as confirms so much of Special Field Orders, No. 171, headquarters Department of the Cumberland, Murfreesboro, Tenn., dated June 23, A. D. 1863, Major-General Rosecrans commanding, as dismissed Capt. Elisha B. Bassett, captain of Company B, Nineteenth Michigan Volunteer Infantry, from the service for cowardice exhibited by deserting his command while engaged with the enemy at the affair of Thompson Station; and to grant and cause to be issued and delivered to the widow of said Elisha B. Bassett a certificate of honorable muster out of the service as of the 23d day of June, A. D. 1863. And the widow and heirs of the said Elisha B. Bassett shall not be entitled by virtue of this act to any pay or allowance subsequent to said 23d day of June, A. D. 1863.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3563) to correct the military record of Elisha B. Bassett, have had the same under consideration, and beg leave to report as follows:

The said Elisha B. Bassett, now deceased, was in the year 1863 captain of Company B, Nineteenth Regiment Michigan Volunteer Infantry. In the early part of March of that year Captain Bassett was in command of his company during the march of his regiment from Brentwood to Franklin, Tenn. On the 5th of that month the enemy were encountered near Thompsons Station, Tenn., and during the engagement that followed Captain Bassett turned over the command of his company to the first lieutenant, Hubbard, and retired to the rear. The colonel of the regiment, H. C. Gilbert, thereupon reported Captain Bassett as guilty of cowardice, and recommended his dishonorable dismissal from the service, which recommendation was carried into effect. The purpose of this bill is to so correct the military record of Captain Bassett as to clear his memory from the stain of cowardice, which we think unjustly rests upon it.

In support of the bill there were laid before the committee the affidavits of Clark, surgeon, and Bennett, assistant surgeon, of the regiment; Adams, regimental adjutant, and afterwards assistant adjutant-general of brigade; Anderson, first lieutenant of Company H, and afterwards major and colonel of the regiment; Shafter, first lieutenant Company A, and afterwards colonel and brigadier-general, and Privates Belinger, Beverly, and Ely of Captain Bassett's company.

The facts supported by the mass of testimony submitted, and based on personal and professional knowledge, are, in substance, that in the fall of 1862, months prior to the engagement at Thompsons Station, Captain Bassett was attacked with tuberculosis, and was so prostrated that he was ordered on leave to recuperate his health, and went to his home in charge of his wife, who had been sent for to nurse him.

After an absence of about two months he rejoined, and took command of his company, though greatly emaciated, and remained in service thereafter against the advice of the regimental surgeon. From this time until the following spring he spent considerable time in the hospital, leaving it only a few days before the march to Franklin and the engagement near Thompsons Station. During this march he was obliged to ride in an ambulance, but on meeting the enemy he took personal command of his company, and participated in the engagement until a movement uphill being ordered at a double-quick he found himself too weak to lead his men, and turned over his command to his first lieutenant. This action coming to the notice of the colonel of the regiment, Captain Bassett was reported for cowardice, with the result already stated.

The colonel who preferred the charge and the captain who suffered disgrace are both dead. All the testimony goes to prove the high moral and soldierly qualities of Captain Bassett, and more especially to his conduct in the engagement near Thompsons Station, where he remained in command of his company as long as he was able, and proved himself a brave man. The evidence upon which this report is based also shows that the colonel of the regiment had a strong personal dislike toward Captain Bassett, amounting to a pronounced prejudice, which he took no pains to conceal, and which found voice and expression in the charge of cowardice preferred against Captain Bassett by his superior officer. This conclusion seems abundantly warranted by the testimony submitted, which is based on the personal knowledge and observation of the affiants, and their character and opportunities are such as to absolutely command belief.

The records show that Captain Bassett was mustered into service as captain of Company B, Nineteenth Michigan Volunteer Infantry, September 5, 1862, and that he was dishonorably dismissed the service of the United States by command of Major-General Rosecrans, on the complaint and recommendation of Col. H. C. Gilbert, June 23, 1863.

It should be remembered that Captain Bassett was dismissed without trial, against which injustice he earnestly protested.

It is therefore considered an act of the merest justice that the cloud of dishonor which darkened Captain Bassett's life and followed him to his grave should now be lifted from his memory.

The committee therefore approve the bill and heartily recommend its passage.

The bill was laid aside to be reported favorably to the House.

MARION M'KIBBEN.

The next business on the Private Calendar was the bill (S. 684) granting an increase of pension to Marion McKibben.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Marion McKibben, widow of David B. McKibben, late colonel of the One hundred and fifty-eighth and the Two hundred and fourteenth Regiments, Pennsylvania Infantry, and brevet brigadier-general United States Army, to $50 per month, and pay her a pension hereafter at that rate.

Mr. ERDMAN. Let us have the report read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 684) granting an increase of pension to Marion McKibben, have examined the same, and after a hearing granted to her representative, direct a favorable report.

The following report was made by Senator PALMER:

[Senate Report No. 232, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting an increase of pension to Marion McKibben, have examined the same and report:

This bill proposes to increase the pension of Marion McKibben, widow of the late Major and Brevet Brigadier-General McKibben, from $30 to $50 per month.

Mrs. McKibben is completely broken down in health and unable to do anything for her own support. This condition of her health is believed to have been to a great extent brought on by nursing and caring for her late husband, who was for many years prior to his death a great sufferer from rheumatism contracted during his service in the Army. Her relatives are in no condition to render her assistance, and she is practically without any means of support, except the pension which she is now receiving of $30 per month. General McKibben, while engaged in battle during the month of August, 1863, was captured and taken to Libby Prison, where he contracted scurvy, from the effects of which he never recovered, and which finally resulted in cancer and death. Mrs. McKibben had been previously married to a Mr. Herring, a young man of great promise and who responded to the first call of the Government for troops in 1861, and was killed at the head of his command in one of the early battles of the war.

This appears to us a worthy case and of great merit, and in view of the services of her two husbands and her own sufferings and sacrifices incident to their services and her present helpless condition, the country should not allow her to suffer for means of support.

Your committee therefore recommend the passage of the bill.

Hereto appended is the military record of Brevet Brigadier-General McKibben.

Mr. ERDMAN. The Clerk has not read the whole of the report. He has not read the military record of this soldier.

Mr. CROWTHER. I move to amend the bill by striking out $50 and inserting $30.

Mr. ERDMAN. I have not waived my demand for the reading of the whole report. I desire that the military record of this soldier shall appear in the CONGRESSIONAL RECORD.

Mr. PICKLER. I make the point of order that the statement of the military record of this soldier as appended to the report is no part of the report. The Chair will notice that the report concludes with the statement "the following report was made by Senator PALMER." Then, after the report of Senator PALMER, there comes some kind of a statement of the military service of this soldier. But that is no part of this report, and I make the point of order that it is not in order to read it. The reading of the report has been finished. If the appended matter embraced anything but the statement of the military record there might be some reason for calling for the reading of it. But the gentleman from Pennsylvania simply calls for the reading of this long military record in order to take up time. And it is his own report, too. I make the point of order that it is not in order to read this statement appended to the report.

Mr. ERDMAN rose.

The CHAIRMAN. The Chair is inclined to think that the military record has been made by the committee a part of their report, and if any gentleman desires to have it read in his time——

Mr. PICKLER. The Chair will notice that it is not made a part of the report; it is simply appended. This is not in the form in which reports are usually made.

The CHAIRMAN. It is always the custom, as the Chair is informed, to read the entire military record as a part of the report, if it has been set forth by the committee. The Clerk will continue the reading.

The Clerk read as follows:

Statement of the military service of David B. McKibben, of the United States Army, compiled from the records of the Adjutant-General's Office.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 12, 1890.

He served as a cadet at the United States Military Academy from July 1, 1846, to November 4, 1847. He was on sick leave to some time in June, 1848; during a portion of the latter period he served in the Army in the war with Mexico, and was present at the United States Military Academy to October 31, 1848, when his resignation as cadet was accepted.

He was appointed second lieutenant Ninth Infantry March 3, 1855; first lieutenant March 1, 1861; appointed captain Fourteenth Infantry May 14, 1861; he was mustered in as colonel One hundred and fifty-eighth Pennsylvania Drafted Militia November 24, 1862; mustered out of volunteer service August 12, 1863; mustered in as colonel Two hundred and fourteenth Pennsylvania Volunteers April 5, 1865, and honorably mustered out of volunteers April 30, 1866.

He was transferred from the Fourteenth to the Thirty-second Infantry September 21, 1866; promoted major Tenth Infantry September 15, 1867; unassigned March 15, 1869; assigned to Tenth Cavalry January 1, 1871.

He received the brevets of major August 1, 1864, for gallant services at the battle of North Anna, Va.; of lieutenant-colonel August 1, 1864, for gallant services at the battle of Bethesda Church, Va.; of colonel and brigadier-general and brigadier-general of volunteers, "for gallant and meritorious services during the war," to rank from March 13, 1865.

He was on regimental recruiting service from April 23 to July 7, 1855; with regiment at Fort Monroe, Va., to December 15, 1855, and in Washington Territory to July 22, 1858; commanding escort to astronomical party, Northwestern Boundary Commission, to December 8, 1858; with regiment in Washington Territory to April 21, 1861; en route to Washington, D. C., under orders to report to the Secretary of War to June 7, 1861; on mustering duty at Trenton, N. J., and Elmira, N. Y., to August, 1861; on recruiting service to September 29, 1861; with regiment in the Army of the Potomac to November, 1862; commanding One hundred and fifty-eighth Pennsylvania Militia in Virginia and North Carolina to August 12, 1863; aid-de-camp to General Ayres, commanding Second Division, Fifth Corps, September 25 to November, 1863; on duty at draft rendezvous, Madison, Wis., to May, 1864; commanding regiment in the Army of the Potomac to June 2, 1864, when taken prisoner in action at Bethesda Church, Va.; prisoner of war to October, 1864; at Camp Parole, Maryland, to December, 1864; with regiment in New York to February, 1865; on recruiting service in New York to April, 1865; commanding Two hundred and fourteenth Pennsylvania Volunteers, in the Army of the Shenandoah, to July, 1865; in Washington, D. C., to March, 1866, and on special duty to April 30, 1866; on leave to August, 1866; on recruiting service and commanding post of Davids Island, N. Y., to September 2, 1868; on leave to March, 1869; awaiting orders to May, 1869; on reconstruction duty, etc., in Virginia to February, 1870; on recruiting service to January, 1871; on permission to delay, and on leave of absence to March 26, 1871; with regiment in Indian Territory to August 1, 1871; on sick leave, and surgeon's certificate of disability to January 5, 1872; with regiment in Indian Territory to December 11, 1872; on leave to February 8, 1873; with regiment in Texas to November 28, 1873; on sick leave and surgeon's certificate of disability to July 10, 1874; on duty at Fort Richardson, Tex., to September 26, 1874; on sick leave to May 31, 1875, when retired from active service, having been found incapacitated for active service on account of chronic rheumatism and paralysis of the left side, contracted while in the line of duty. Died at Washington, D. C., November 8, 1890.

J. C. KELTON, *Adjutant-General.*

Mr. CROWTHER. Mr. Chairman, I move that the committee report this bill to the House with the recommendation that it be laid on the table.

I make the motion for the reason that this widow is drawing all that she is entitled to under the general law, and this is a bill increasing the pension of this class of claimants. In view of the fact that she is drawing as much as she is entitled to under the general law, if the bill be laid on the table it will simply set the matter aside and allow her to continue to draw the pension she is now receiving.

I move, therefore, that it be laid aside with the recommendation that it lie on the table.

The question was taken; and on a division there were—ayes 19, noes 51.

So the motion was rejected.

Mr. TRACEY. Now, Mr. Chairman, I move that this bill be amended by striking out "fifty" where it occurs in the bill and inserting "forty;" so that it will read "$40 per month."

The question was taken; and on a division (demanded by Mr. MCCLELLAN) there were—ayes 38, noes 35.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The point of order having been made that no quorum is present, the Chair will count the committee.

The Chair announced, on counting the committee, that there were 112 members present—more than a quorum.

So the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS J. THORP.

The next business on the Private Calendar was the bill (H. R. 3945) granting a pension to Thomas J. Thorp, late private Company K, Third Ohio Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas J. Thorp, late a private Company K, Third Regiment Ohio Volunteer Cavalry, at the rate of $50 per month, such pension so granted to be in lieu of any pension that may have been heretofore allowed and paid to the said Thomas J. Thorp.

Mr. ERDMAN. Let us have the report in that case read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3945) granting a pension to Thomas J. Thorp, late private Company K, Third Ohio Volunteer Cavalry, submit the following report:

The committee has given careful consideration to this bill and recommend its passage with an amendment striking out of the title the following: "Late a private Company K, Third Ohio Volunteer Cavalry."

The soldier is now on the pension roll at $16 per month for "gunshot wound of pelvis and resulting loss of right testicle and naso-pharyngeal catarrh."

In 1868 the soldier's sight began to fail, and this disability continued increasing in severity until he became blind in his left eye in 1875. In 1877 he became blind in the right eye. He has been operated on for cataract by skilled physicians and surgeons, but has secured no relief. He is now totally blind in the left eye and can only distinguish light from darkness with his right eye. What sight remains is of no practical use to him.

Soldier also claimed pension for chronic diarrhea, resulting piles, and prolapsus of rectum, but these claims were denied by the Pension Office.

Upon the question as to whether his blindness was of service origin the soldier took an appeal from the Pension Office to the Secretary of the Interior, and in affirming the Commissioner's decision the Secretary remarks in part as follows:

"Although the impairment of his health from causes connected with the service may have had some agency in producing the conditions from which the cataract originated, it could not be proved that they were mainly due to such condition."

This decision seems to go off upon the theory that, no matter how potential the army disability may have been in producing the particular or resulting disability, unless it mainly produced it the claim should be rejected. It in effect requires the establishment of the controlling fact beyond any doubt; at any rate it excludes the doctrine of probabilities. In the tracing of resulting disabilities or diseases it is simply impossible, in the great majority of cases, to do more than reach the probable cause. In fact, there is nothing more difficult than the investigation into causes of diseases in the class of cases which predominate in the Pension Office.

The probabilities all point to this loss of vision being the result of soldier's army service. He was severely wounded, being shot in the pelvic region, causing a fracture of the pelvic bone. For six years his wound continued open, discharging pus and fragments of bone. As a consequence, he was greatly reduced in strength and vitality, and peculiarly open to resulting diseases. While he was in this condition his sight began to fail, and continued to fail until practically total blindness supervened.

It seems to the committee that the evidence shows, as certainly as it can be required to show in cases of this kind, that the soldier's blindness is due to army service. The passage of the bill, with the amendment proposed, is therefore recommended.

During the reading of the report.

Mr. TALBERT. I move to dispense with the further reading of the report, and let the bill be passed. I think that man ought to have his pension as quick as possible.

The CHAIRMAN. The Chair thinks the motion could not be entertained. The gentleman from Pennsylvania has asked that it be read in his own time.

Mr. TALBERT. I only wanted the man to get his money as soon as possible.

The Clerk resumed and concluded the reading of the report as above.

The amendment recommended by the committee was agreed to.

Mr. PICKLER. I move to further amend the bill by striking out all after the word "month," in line 7, and all of lines 8 and 9, and inserting in lieu thereof the words "in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH A. ASPOLD.

The next business on the Private Calendar was the bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the name of Mrs. Sarah A. Aspold, of Annapolis, Md., widow of Edward Aspold, late acting second assistant engineer, United States Navy, and late first assistant engineer in the United States Revenue-Marine Service, deceased, to be placed upon the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension of $25 per month, in lieu of the pension now received by her under certificate No. 7730, under act of June 27, 1890.

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1505) granting a pension of $25 per month, in lieu of $8 now received, to Sarah A. Aspold, widow of Edward Aspold, late acting second assistant engineer, United States Navy, and first assistant engineer, United States Revenue-Marine Service, having carefully examined and considered all the facts presented, respectfully report as follows:

Edward Aspold was appointed an acting third assistant engineer in the United States Navy December 8, 1862, and served on board the *Stepping Stones* and *Nansemond*; promoted to second assistant engineer October 18, 1864; detached from *Nansemond* August 9, 1865, and granted leave of absence prior to honorable discharge, and was honorably discharged from the service October 5, 1865, at the time ranking next after (with) masters. He accepted discharge in order to accept the appointment of first assistant engineer in the Revenue Marine Service, to which appointed September 20, 1865. He was assigned to duty on the *Nansemond*, stationed at Savannah, Ga. He was detached from the *Nansemond* April 19, 1869, and placed on waiting orders until October 1 following, when assigned to revenue steamer *Moccasin*, stationed at Newport, R. I. On June 17, 1870, he was granted leave of absence on account of sickness, which sick leave was continued to April 12, 1872, on which date he was ordered to the *Nansemond* at Savannah, Ga. The disease from which he was suffering during this sick leave was tubercular consumption. He was transferred to the revenue steam launch *Discover* at Savannah, Ga., June 3, 1873. Under date of November 29, 1875, he was granted leave of absence for thirty days. He died June 22, 1876, while yet in charge of the *Discover*, after an illness of four weeks.

The immediate cause of his death was hemorrhage of the lungs, and the proof is entirely satisfactory to the committee that this was the result of exposure in the service of the Government in the various grades of such service through which he passed. It will be observed that most of his service while in the United States Navy, as well as while in the Revenue-Marine Service, was performed upon the steamer *Nansemond*, and that he was continuously in service from December, 1862, until his death."

Claimant was married to Edward Aspold May 21, 1866. She applied for pension under act June 27, 1890, and is receiving $8 per month from date of application, July 28, 1890. She is now 48 years of age and has no other income than her pension. She owns a house valued at $3,000, which is mortgaged for $2,000, and maintains herself by keeping boarders.

The only ground upon which a pension could be denied her is that there is no general law now existing which extends to the widows of deceased officers in the Revenue Marine Service, notwithstanding the fact that, in the judgment of your committee, as much reason exists for granting pensions in this service as in any other branch of the military or naval service of the United States, especially when, as in this case, the identical service was performed in the Navy and in the Revenue-Marine Service.

In view of the precedents which have been set by action of Congress in other like cases, the conclusion has been reached by your committee that it is but just and proper that an increase of pension be granted the beneficiary under the circumstances from $8 per month, the rate she is now receiving, to $15, the rate she would be entitled to if her husband had died in the regular naval service. The Senate passed a bill giving her $25 per month in the Fifty-first Congress.

Your committee therefore recommend the passage of the bill with an amendment striking out the word "twenty-five," in line 10, and inserting the word "fifteen" in lieu thereof.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

RICHARD S. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 5670) to increase the pension of Richard S. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Richard S. Phillips, late corporal of Company K, Sixty fifty dollars per month, in lieu of the pension he is now second Regiment Illinois Volunteer Infantry, at the rate of receiving.

Mr. PICKLER. There seems to be an error in the printing of the bill. It should read "Sixty-second Illinois Volunteers." I will offer the necessary amendments to correct the bill.

Mr. ERDMAN. I ask first for the reading of the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5670) to increase the pension of Richard S. Phillips, submit the following report:

This soldier enlisted as a corporal in Company K, Sixty-second Illinois Volunteers, December 9, 1861, and was honorably discharged March 6, 1866. He seems, according to the record, to have been present at every muster of his company during the long period of his service, and his record and discharge are alike honorable.

It seems in 1864 he had chronic diarrhea, and also had some difficulty in his right side, which resulted in a running sore or abscess for about three months. When it healed he claims that pains and weakness in his back ensued, and have since continued. The scars of the abscess seem to have been apparent at his first medical examination, July 3, 1876. His claim under general law was rejected September 9, 1876, on ground of "no disability from cause alleged."

May 8, 1891, he was pensioned under act of June 27, 1890, at $12, from July 16, 1890, for rheumatism, disease of digestive organs and heart. His medical examination, February 11, 1891, rates him at six-eighteenths for pains in back and side and six-eighteenths for rheumatism.

He has since been growing worse and more helpless. A. G. Pickett, late assistant surgeon Fiftieth Illinois Volunteers, and who was a member of the medical board which last examined him on January 16, 1896, makes affidavit that he has been paralyzed for about four years. He says "he requires the constant attendance of another person, being perfectly helpless, and in affiant's judgment permanently so." This evidence is fully corroborated by the affidavit of F. M. Beals, another physician of seventeen years' practice. It is somewhat significant, but not, in the opinion of the committee, a controlling fact, that claimant's paralysis is of the right side, the same whereon the abscess was formed, on the healing of which the claim of weakness and pain of back is made by him.

The soldier is shown to be absolutely without property, means, or income, except his pension of $12 per month.

The committee, in view of all the above circumstances in this case, recommend the passage of the bill with an amendment inserting the word "corporal" after the word "late," in line 5.

The amendment recommended by the committee was agreed to.

Mr. PICKLER. I move to strike out after the words "Company K," in line 5, all of the remainder of the bill and to insert in lieu thereof "Fifty-second Illinois Infantry, and pay him a pension of $50 per month in lieu of the pension he is now receiving."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, after the words "Company K," strike out the words "Sixty fifty dollars per month, in lieu of the pension he is now second Regiment Illinois Volunteer Infantry, at the rate of receiving," and insert in lieu thereof "Fifty-second Illinois Infantry, and pay him a pension of $50 per month in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY PELHAM.

The next business on the Private Calendar was the bill (H. R. 4261) granting a pension to Mary Pelham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, subject otherwise to the limitations and provisions of the pension laws, the name of Mary Pelham.

The Committee on Invalid Pensions recommended the following amendment:

Add after the word "Pelham," in line 6, the words "dependent mother of Joseph Farrer, late a private in Company I, Seventh Kansas Cavalry."

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania demands the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4261) granting a pension to Mary Pelham, report as follows:

The reports from the records of the War Department show that Joseph Farrer, son of the beneficiary of this bill, served as a private in Company I, Seventh Kansas Volunteer Cavalry, from October 29, 1861, to September 29, 1865, when he was honorably discharged.

Mrs. Pelham's claim under the general law was rejected in the Pension Office on the ground that, as she had remarried since the death of the soldier and prior to the date of filing her application, there is no pensionable period. A certified transcript from the family record of the father and mother of the soldier shows that they were married February 4, 1841; that the soldier was born September 29, 1842; that his father died September 8, 1857, and that soldier himself died in May, 1867. He is shown by the evidence before this committee to have been in poor health when he returned from the service to his mother's home, where he remained for about a year, when, as he failed to regain his health, and was desirous to do so and to earn something for his own and his mother's support, and to improve his health, he concluded to try the mountain air and life in Denver, Colo., and engaged to drive a team across the Western plains. After his arrival at Denver, Colo., he remained there until the spring of 1867, when he left to again cross the plains, in company with others, driving team. He was taken worse soon after leaving Denver, and died in his wagon some time in May, 1867, and his fellow-teamsters buried him, and wrote the facts to his mother at the time, and on their arrival told her all the particulars.

Joseph Farrer never was married, and left no widow nor minor children. Mary Pelham, the mother of the soldier, is 75 years of age; is poor and dependent; and while she is unable to show positively that the cause of death originated in the service, it is shown that soldier was in poor health at discharge; that he did not recover his health, and died in about a year and a half after discharge, without medical attendance, and no one who was with him can now be found.

In view of these facts, which are shown in the evidence before the committee, it is believed that the claim is one of merit, and therefore it is recommended that the bill do pass with an amendment, adding, after the word "Pelham," in line 6, the words "dependent mother of Joseph Farrer, late a private in Company I, Seventh Kansas Cavalry."

The amendment proposed by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN T. BREWSTER.

The next business on the Private Calendar was the bill (H. R. 3884) for the relief of John T. Brewster.

The bill was read, as follows:

Be it enacted, etc., That the name of John T. Brewster, late a sergeant in Company K, One hundred and forty-first Regiment of Pennsylvania Volunteer Infantry, be placed on the roll of United States pensioners at the increase rate of $72 per month, in lieu of the pension which he is now in receipt of, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

In line 6 strike out "seventy two" and insert in lieu thereof the word "fifty."

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3884) granting an increase of pension to John T. Brewster, have had the matter under consideration and report:

John T. Brewster was a member of the One hundred and forty-first Pennsylvania Volunteers, and entered the service August 16, 1862; he remained in the service, taking an active part in the following battles: At the battle of Fredericksburg, under the command of General Burnside, he fought for two days; at the battle of Chancellorsville, under the command of General Hooker, on Sunday, the third day of the fighting, he was shot in the right thigh by a minie ball, which resulted in the breaking of the thigh. After falling in the battle he lay upon the field all that day and night; he was then removed to a log barn, where he lay for seventeen days as a prisoner without any attention being given his wound; from lying upon the log floor he contracted two bedsores, one upon the left thigh and one upon his back; he was then paroled and brought to the hospital in Washington June 15, 1863, but on account of his leg having received no attention the physicians feared to amputate it. He was transferred from the hospital in Washington in September, 1863, to that in Philadelphia, where he remained until June 10, 1865, when he was duly discharged from the hospital, and in his discharge is contained these words: "Disqualified for the Veteran Reserve Corps."

He was originally pensioned for gunshot wound of the right thigh at $8 per month, the highest rate given at that time. The Pension Bureau has caused a number of examinations to be made, and the reason assigned for not granting an increase is that he does not require the aid of a constant attendant. The applicant has caused an eminent physician of this city, Harrison Crook, 918 Fourteenth street NW., to make an examination of his present condition, and he reports under oath as follows:

I, Harrison Crook, a physician in active practice at 918 Fourteenth street NW., do hereby certify that I have known John T. Brewster since the spring of 1887, and that I have been his physician since that time; that he is suffering from a gunshot wound of the right thigh, from which injury the bone is necrosed and the soft parts are sloughing with a profuse discharge of pus. I have made various examinations of him and find each time that his condition is worse than at the previous examination. He is totally unfit for any kind of labor and is unable to care for himself, requiring always the aid of some one to dress and undress him; in fact, he requires the constant attention of some other person. I am not interested in the success or failure of this claim in any way or manner.

HARRISON CROOK, M. D.

Sworn to and subscribed before me this 2d day of March, A. D. 1896.

A. S. TAYLOR, *Notary Public.*

An examination of the papers on file in the Pension Bureau discloses no vicious habits or other reasons operating against the granting of an increase of pension. That his condition is serious is shown by the fact that the War Department allows him $50 every three years for the virtual loss of a leg, and there is no doubt if the wound was so situated that the leg could be amputated the applicant would be better off. It therefore purely becomes a question as to what his present condition is as the result of the gunshot wound.

In the Fifty-second Congress a bill to pension the applicant at $50 per month duly passed the committee, and when called up for passage in the House failed to receive unanimous consent for its consideration and did not become a law. The committee are of the opinion that his condition has become more serious, and direct a favorable report to be made, recommending the passage of the bill with an amendment striking out "seventy-two," in line 6 of printed bill, and inserting in lieu thereof "fifty."

The amendment is made because the affidavit of Dr. Crook does not clearly bring the case within the purview of the general laws for disability requiring a constant attendant, but does show that he is entitled to the rate hereby granted.

Mr. PICKLER. Mr. Chairman, in order to get this bill in form, I move to strike out all after the enacting clause and insert the words which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John T. Brewster, late sergeant of Company K, One hundred and forty-first Pennsylvania Volunteer Infantry, and pay him a pension of $50 per month in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS POLLOCK.

The next business on the Private Calendar was the bill (S. 2176) granting a pension to Thomas Pollock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Pollock, late artisan, ordnance department, Benecia Arsenal, Cal., at the rate of $30 per month.

The Committee on Pensions recommended the following amendment:

Strike out all after the word "California," in line 7, and substitute therefor the words "at such rate as the degree of his alleged disability may entitle him to."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HELEN LARNED.

Mr. PICKLER. Mr. Chairman, I desire to call attention to a bill which is in rather a peculiar situation, or has rather a peculiar history. A House bill to pension Helen Larned passed the House and Senate and went to the President at the last session; but too short a time before Congress adjourned to receive his approval. A Senate bill for the relief of the same woman passed the Senate, came to the House, went to the Invalid Pensions Committee, was reported back favorably, and is now upon the Calendar. The gentleman interested in this bill desires me to ask unanimous consent, in view of the peculiar history of the bill, that the Senate bill may be taken up now and considered by the committee. As the committee will understand, the bill had passed both Houses, but suffered a pocket veto. Ten days did not elapse after it went to the President before the adjournment of Congress. Now the bill has passed the Senate again, and we ask that it be considered in the committee.

Mr. KIRKPATRICK. I object to that.

Mr. PICKLER. We ask that it be considered.

The CHAIRMAN. What is the number of the bill?

Mr. PICKLER. The number of the bill is S. 1679, Calendar number, 1276.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that this bill be taken up for consideration. Is there objection?

Mr. ERDMAN. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

BENNETT S. SHAUD.

The next business on the Private Calendar was the bill (H. R. 1018) to increase the pension of Bennett S. Shaud.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll of the United States the name of Bennett S. Shaud, late a private of Company K, Fifteenth Ohio Volunteer Infantry, in Mexican war, at the rate of $50 per month, in lieu of the pension he is now receiving, subject to the limitations of the general pension laws.

The Committee on Pensions recommended the following amendment:

In line 7, strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM M. DALZELL.

The next business on the Private Calendar was the bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be directed to amend the records of the War Department in the case of William M. Dalzell, late fifth corporal in Company B, Second Regiment Iowa Infantry, so as to give him an honorable discharge dating to the end of the war.

Mr. McCLELLAN. Let us have the report, Mr. Chairman.

The CHAIRMAN. The Chair would suggest to the gentleman from New York that this is a long report, and can not be read before half past 10.

Mr. McCLELLAN. Then I ask unanimous consent to lay this bill aside without prejudice. The gentleman who made the report is not here to take care of it, and there has always been objection to the passage of these bills removing the charge of desertion.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this bill be laid aside, retaining its place on the Calendar, without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SAMUEL M'KINSEY.

The next business on the Private Calendar was the bill (H. R. 4620) granting a pension to Samuel McKinsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel McKinsey, of Columbus, Kans., late private in Company B, Seventeenth Regiment of Indiana Volunteer Infantry, at the rate of $30 per month, said pension to be in lieu of pension now being received by said McKinsey under certificate No. [illegible]

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The CHAIRMAN. It is impossible to read it within the time remaining.

Mr. ERDMAN. I think we had better have it read.

The CHAIRMAN. It is a long report. It can not be read between this and the time of adjournment.

Mr. KIRKPATRICK. Mr. Chairman, I hope the gentleman will withdraw that request. This is a very meritorious case. I can assure him the man needs constant attendance every hour of the day and night.

Mr. ERDMAN. Let the report be printed in the RECORD, and then stop.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the report be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The report (by Mr. KIRKPATRICK) is as follows:

(To accompany H. R. 4620.)

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4620) entitled "A bill granting a pension to Samuel McKinsey," beg leave to submit the following report, and recommend that said bill do pass with an amendment striking out the word "thirty," in line 8, and inserting the word "seventy-two" in lieu thereof.

Claimant enlisted June 12, 1861, and was honorably discharged June 21, 1864. He received a gunshot wound of left arm at Mount Pleasant, Tenn., about May 1, 1864.

He applied for pension for gunshot wound of left arm June 7, 1880, and was granted a pension for said wound at $8 per month from June 21, 1864; increased to $10 from July 3, 1878, and to $14 from July 10, 1889. Two claims for increase were rejected in 1891 and 1892, although the medical board rated him sixteen-eighteenths February 25, 1891, and eighteen-eighteenths December 2, 1892. His claim, filed in June, 1890, alleged loss of use of arm from paralysis.

On his application, the secretary of the board of examining surgeons at Columbus, Kans., was directed to examine him at his home, and he complied on February 26, 1896, and he reports the following, among other things:

"Gunshot wound of left arm. Ball entered about 2 inches above angle of flexed elbow, anterior surface, ranged downward, and is somewhere lodged in elbow joint. Elbow joint is deformed, and rotary and flexion motion limited. Forearm can be extended about halfway between the extended arm and forearm at right angle with forearm, and can be flexed a little more than at right angle with arm. It is impossible to tell exact pathological condition of elbow joint. Arm is weak, partially paralyzed.

"This applicant is paralyzed on right half of body, and also on left side, except he has left a little motion in left arm. His tongue and vocal cords are paralyzed so he can not talk only in a drawling way that you can not understand, only occasionally a word. Has been confined to the house since December, 1891, and confined to his bed since June, 1895. He lies on his back constantly, and can not move himself any more than a dead man, is entirely helpless, and has to be fed like an infant. The right hand is flexed; tendons drawn and deformed; arm and forearm shrunken." * * *

"About a year before complete paralysis set in he would occasionally fall and lose all power in his right side and nearly so in left side. This would last one or two hours, and being helped up he would gradually get so he could walk. During these spells his mind was in a semicomatose condition. * * * This applicant, in the autumn of 1894, was treated at Soldiers' Home, Leavenworth, Kans., for this disease, when it was not near so bad, but I have no knowledge of diagnosis or treatment. I can not find any tenderness or anything abnormal over spine; pupils a very little dilated. Do not find any cause for the paralysis. His habits have always been good.

"He is of course totally disabled and needs an attendant. Of course, I can not connect his present condition with gunshot wound of left arm."

George A. Morrison, M. D., testified March 3, 1896, in substance, that he has treated claimant at intervals for eight or nine years, and has seen the paralysis, which at earliest acquaintance existed in hand and arm, gradually extended to the entire arm and lower limb—the entire side and muscles involved in speech. He has great difficulty in making his wants known. The condition makes it absolutely necessary that he have the constant care and attendance of a nurse; he can not be left unattended at any time.

"I believe the condition to be permanent and progressive and traceable to the gunshot wound, * * * and that he is entitled to a first grade pension."

Dr. J. H. Baxter describes his disabilities as set forth substantially by the examining surgeon, and a large number of neighbors and Grand Army Republic comrades petition for his relief.

From all the facts presented your committee believe this old veteran should have immediate relief, and earnestly recommend the passage of the bill giving him $72 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole, reported that that committee had had under consideration the bills S. 1631, S. 2711, H. R. 4744, S. 1276, H. R. 2231, H. R. 6900, S. 1883, H. R. 4875, H. R. 3503, and had instructed him to report the same back to the House with the recommendation that they do pass. The committee had also had under consideration the bills H. R. 1948, H. R. 3481, S. 757, H. R. 5902, H. R. 4655, H. R. 2020, H. R. 3499, H. R. 4608, H. R. 6378, H. R. 2712, S. 965, H. R. 5855, H. R. 5895, H. R. 6282, H. R. 7280, S. 684, H. R. 3045, H. R. 1565, H. R. 5670, H. R. 4264, H. R. 3884, S. 2176, H. R. 1018, and H. R. 4620, and had instructed him to report the same back to the House with various amendments, and with the recommendation that as amended they do pass. The committee had also considered the bills H. R. 519, S. 1945, and H. R. 5425, and had instructed him to report the same back with a recommendation that they do lie on the table.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the engrossment, third reading, and final passage of these bills, with the privilege of fifteen minutes' debate on either side.

Mr. ERDMAN. Mr. Speaker, I have to object.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the House stands adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting, under instructions from the act making appropriations for the Navy for the year ending June 30, 1897, a statement of the claim made by the builders of the U. S. armored cruiser *Maine*, the Quintard Iron Works, N. F. Palmer, Jr., & Co., of New York City, for extra compensation—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Correll, executrix of Christian Correll, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James H. Kenan against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Richard M. Isler and Lowesky Bonvillian against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Tolson, administrator of George W. Marriott, deceased, *vs.* The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of an appropriation of $100 to recompense C. B. McAfee, of Springfield, Mo., for legal services—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting, under instructions from the act making appropriations for the Navy for the year ending June 30, 1897, a statement of the claims of the William Cramp & Sons' Ship and Engine Building Company for extra compensation for the building of the war-ships *New York*, *Columbia*, *Massachusetts*, and *Indiana*—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PATTERSON, from the Committee on Interstate and Foreign Commerce, to which was referred sundry bills of the Senate of the following titles, reported the same, accompanied by reports; which said bills and reports were referred to the House Calendar, as follows, to wit:

The bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La. (Report No. 2297.)

The bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company. (Report No. 2298.)

The bill (S. 1721) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana. (Report No. 2299.)

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, reported the same without amendment, accompanied by a report (No. 2300); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred sundry bills of the following titles, reported the same, accompanied by reports; which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 2636) for enlarging the public building at Topeka, Kans. (Report No. 2301.)

The bill (H. R. 858) for the erection of a public building at the city of Jamestown, N. Y. (Report No. 2302.)

The bill (H. R. 176) for a public building at the city of Altoona, Pa., and appropriating money therefor. (Report No. 2303.)

The bill (H. R. 256) for the erection of a public building in the city of Elmira, N. Y. (Report No. 2304.)

The bill (H. R. 163) for the erection of a public building at Plymouth, Mass. (Report No. 2305.)

The bill (S. 151) to provide for the erection of a public building at Indianapolis, Ind. (Report No. 2306.)

The bill (H. R. 1466) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California. (Report No. 2307.)

The bill (H. R. 24) to provide for the construction of a public building at Salem, Oreg. (Report No. 2308.)

The bill (H. R. 1975) to increase the limit of cost of the public building authorized by act of Congress approved February 16, 1891, to be erected at St. Paul, Minn. (Report No. 2309.)

The bill (H. R. 827) for the erection of a public building at Tampa, Fla. (Report No. 2310.)

The bill (H. R. 63) to increase the appropriation for the purchase of site and the erection of a public building at Omaha, Nebr. (Report No. 2311.)

The bill (H. R. 4793) for the purchase of ground and the erection of a public building at Wilkesbarre, Pa. (Report No. 2312.)

The bill (H. R. 50) to provide for the purchase of additional land in the square now occupied by the custom-house in the city of Baltimore, Md., and for the preparation of plans and specifications for a new custom-house building. (Report No. 2313.)

The bill (H. R. 1290) for the erection of a public building at the city of East St. Louis, Ill. (Report No. 2314.)

The bill (H. R. 862) for the erection of a public building at the city of Elgin, Ill. (Report No. 2315.)

The bill (H. R. 2719) to provide for the purchase of a site and the erection of a public building thereon at Joliet, in the State of Illinois. (Report No. 2316.)

The bill (H. R. 3283) to provide for a building for the use of the post-office, offices of the superintendent of the Hot Springs Reservation, and other civil offices in the city of Hot Springs, Ark. (Report No. 2317.)

The bill (H. R. 1659) to provide for the erection of a public building at Elizabeth City, N. C. (Report No. 2318.)

The bill (H. R. 246) for the erection of a public building at Norwich, Conn. (Report No. 2319.)

The bill (H. R. 20) for the erection of a public building at Fitchburg, Mass. (Report No. 2320.)

The bill (H. R. 845) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va. (Report No. 2321.)

The bill (H. R. 1670) for the erection of a public building at Laredo, Tex. (Report No. 2322.)

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9472) to amend chapter 114 of the acts of the third session of the Fifty-third Congress, reported the same without amendment, accompanied by a report (No. 2323); which said bill and report were referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CATRON: A bill (H. R. 9564) to better define and regulate the rights of aliens to hold and own real estate in the Territories—to the Committee on the Territories.

By Mr. FLYNN: A bill (H. R. 9565) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893—to the Committee on Indian Affairs.

By Mr. HILL: A bill (H. R. 9566) to provide for light-houses and other aids to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9567) to provide for organizing a naval reserve battalion in the District of Columbia—to the Committee on Naval Affairs.

By Mr. MEYER: A bill (H. R. 9568) for the payment of the deficit due to certain producers of sugar under provisions of the act of March 2, 1895, for payment of eight-tenths of a cent per pound bounty on production of sugar from August 28, 1894, to June 30, 1895—to the Committee on Claims.

By Mr. MADDOX: A bill (H. R. 9569) to create the northwestern division of the northern district of Georgia for judicial purposes, and to fix the time and place for holding court therein—to the Committee on the Judiciary.

By Mr. BOATNER: A bill (H. R. 9570) to fix the compensation of the Speaker of the House of Representatives, and of Senators, Representatives, and Delegates—to the Committee on Appropriations.

By Mr. FLYNN: A bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. CURTIS of New York: A bill (H. R. 9597) to facilitate the construction and maintenance of telegraphic communication between the United States, the Hawaiian Islands, Japan, and to promote commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: A resolution (House Res. No. 439) setting apart Tuesday and Wednesday, December 15 and 16, for consideration of House bill No. 4566—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 9572) for the relief of William Morehead, of Lake City, Colo.—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 9573) for the relief of Annie E. Ruff, widow of Charles F. Ruff, late lieutenant-colonel Third Cavalry, United States Army—to the Committee on Invalid Pensions.

By Mr. BUCK: A bill (H. R. 9574) for the relief of Mrs. Belle Osborne, executrix of John Osborne—to the Committee on War Claims.

By Mr. BULL: A bill (H. R. 9575) granting a pension to Ellen Dowdell, of Warren, R. I.—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9576) granting a pension to Mrs. Mary A. Clutter—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 9577) granting a pension to George W. Barnes—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 9578) granting a pension to James H. Anderson—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 9579) authorizing the President to appoint Ira Harris a lieutenant commander and to place him on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. KERR: A bill (H. R. 9580) to remove the charge of desertion from John Ryan—to the Committee on Military Affairs.

Also, a bill (H. R. 9581) granting a pension to Amelia B. Geddes—to the Committee on Invalid Pensions.

By Mr. McCALL of Massachusetts: A bill (H. R. 9582) granting an honorable discharge to James Woods—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 9583) for the relief of the Louise Home, in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. MILLER of Kansas: A bill (H. R. 9584) granting a pension to Daniel B. Hadley, late master of transportation, etc.—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9585) for the relief of estate of Caroline Mulhaupt, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9586) for the relief of Charles Levy, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9587) for the relief of William Stidham, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. RAY: A bill (H. R. 9588) for the relief of Reuben H. Waters—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 9589) for the relief of C. C. Lowe, of Rutherford County, Tenn.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9590) for the relief of the estate of Benjamin D. Carpenter, deceased, late of Brightwood, D. C.—to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 9591) granting a pension to Kate Morris—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 9594) granting a pension to Benjamin Haggard—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 9595) granting a pension to Mrs. Annie Wittenmyer—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 9596) to remove the disability of Charles H. Vogt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Resolutions of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., in behalf of the enfranchisement of the Cuban people—to the Committee on Foreign Affairs.

Also, resolutions of the select and common councils of the city of Philadelphia, Pa., regarding League Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. BULL: Petition of the pharmacists of Newport, R. I., in favor of the bill relative to the status and increase of pay of pharmacists in the Navy—to the Committee on Naval Affairs.

By Mr. BURTON of Missouri: Petition of Solomon B. J. Fugate, of Spurgeon, Newton County, Mo., for increase of pension—to the Committee on Invalid Pensions.

Also, petition of the Lucas Avenue Cumberland Presbyterian Church, St. Louis, Mo., representing 300 members, for the protection of State antigambling laws—to the Committee on the Judiciary.

By Mr. HENDERSON: Paper from Hon. John C. New, of Indianapolis, Ind., urging consideration of House bill No. 3273, relating to the classification of clerks of first and second class offices—to the Committee on Rules.

By Mr. KIEFER: Petition of Rev. J. A. Jenkins and many members of the Pacific Congregational Church, of St. Paul, Minn., expressing indignation at the conduct of Turkish soldiery toward Americans residing in that country—to the Committee on Foreign Affairs.

By Mr. LIVINGSTON: Papers to accompany House bill No. 9547, for the relief of W. J. Fletcher, of Georgia—to the Committee on Claims.

Also, petition of the heirs of Susan Fickett, deceased, late of Fulton County, Ga., praying reference of her war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Petition of citizens of Elizabeth, N. J., for the United States Government to take active measures to enforce its demands upon the Government of Turkey for reparation for the injuries inflicted upon American citizens and their property in that country—to the Committee on Foreign Affairs.

By Mr. MADDOX: Petition of the heirs of Joseph B. Austin, deceased, late of Paulding County, Ga., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. MOZLEY: Petition of citizens of Ripley County, Mo., praying that Thomas E. Chapman, of said county, be placed upon the pension roll—to the Committee on Invalid Pensions.

By Mr. OTEY: Petition of G. R. Henderson and 11 other mechanical engineers of Roanoke, Va., and vicinity, urging the passage of a bill for improving the Navy—to the Committee on Naval Affairs.

By Mr. PAYNE: Resolutions of members of the Presbyterian church at Williamson, N. Y., in reference to outrages alleged to have been committed upon American citizens in Armenia—to the Committee on Foreign Affairs.

By Mr. PITNEY: Petition of the manufacturers of plumbers' ironware, favoring the passage of House bill No. 6116, relating to convict-labor competition—to the Committee on Labor.

Also, petition of Charlton T. Lewis and others, committee of citizens of Morristown, N. J.; also petition of citizens of Elizabeth, N. J., relative to troubles in Armenia—to the Committee on Foreign Affairs.

By Mr. RAY: Petition of Reuben H. Waters, late of Company A, Fifty-second Pennsylvania Volunteers, together with affidavits in his behalf, for his relief—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of W. W. Gill, of Bedford County, Tenn., asking reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on Claims.

Also, papers relating to the claim of Winston W. Gill, of Bedford County, Tenn., for relief—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: Resolutions of the Connecticut Society of the Sons of the Revolution, favoring the publication of the records and papers of the Continental Congress—to the Committee on Printing.

By Mr. STEPHENSON: Petition of residents of Rapid River, Delta County, Mich., for the improvement of Rapid and Whitefish rivers, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. TRACEWELL: Petition of Robert E. Wilson, for restoration to pension roll—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition of ladies of the Monday Club, of Norfolk, Va., protesting against Turkish atrocities in Armenia—to the Committee on Foreign Affairs.

By Mr. WRIGHT: Petition of members of the Congregational church of Westhampton, Mass., concerning outrages to American citizens in Armenia—to the Committee on Foreign Affairs.

SENATE.

MONDAY, *December 14, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

HENRY M. TELLER, a Senator from the State of Colorado, appeared in his seat to-day.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of the proceedings of Thursday last was dispensed with.

INAUGURATION ARRANGEMENTS.

The VICE-PRESIDENT appointed, under the resolution of the Senate of the 10th instant, Mr. SHERMAN, Mr. ELKINS, and Mr. MITCHELL of Wisconsin as the committee to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President from the States of Pennsylvania and Missouri; which were ordered to lie on the table.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 9th instant, the report of Capt. D. D. Gaillard, Corps of Engineers, United States Army, of the preliminary survey of the Portland Channel in the Territory of Alaska; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in obedience to law, the claims of The William Cramp & Sons' Ship and Engine Building Company against the Government for loss and damage due to delays alleged to have been caused by the Government in the construction of the *New York*, the *Columbia*, the *Massachusetts*, and the *Indiana*; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in obedience to law, the claim of N. F. Palmer, Jr., & Co., the Quintard Iron Works, against the Government for loss and damage due to delays alleged to have been caused by the Government in the construction of the machinery of the United States armored cruiser *Maine*; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

DISTRICT TELEGRAPH AND TELEPHONE SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a report of the superintendent of the telegraph and telephone service of the District of Columbia relative to charges made in the District of Columbia to the public and to the Government for the use of telephones, and also for the use of telephones in other cities operated by underground and overhead wires; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

ANNUAL REPORT OF THE PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate the annual report of the Public Printer for the fiscal year ended June 30, 1896; which was referred to the Committee on Printing, and ordered to be printed.

CREDENTIALS.

Mr. BLANCHARD presented the credentials of Samuel Douglas McEnery, chosen by the legislature of Louisiana a Senator to represent that State in the Senate of the United States for the term commencing the 4th day of March, 1897; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 724) granting an increase of pension to Helen M. Mallery; and

A bill (S. 3245) granting a pension to Elvira Bachelder.

The message also announced that the House had passed the following bill and joint resolution, each with an amendment; in which amendments the concurrence of the Senate was requested:

A bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; and

A joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;

A bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes; and

A bill (H. R. 8413) to confirm certain cash entries of public lands.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites; and

A bill (S. 2017) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Jacob B. Good and sundry other citizens of Lancaster County, Pa., praying compensation for loss of certain property taken by the United States troops; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a memorial of the Farmers' National Congress, praying for the enactment of protective and other legislation; which was referred to the Committee on Finance, and ordered to be printed.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of legislation raising the age of consent in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of legislation substituting voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of legislation to prevent the nullification of State gambling laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to acknowledge the independence of Cuba; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Ironton, Berne, and Delta, all in the State of Ohio; a petition of sundry citizens of Princeton, Ky., and a petition of sundry citizens of Dansville, N. Y., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. LODGE presented a petition of 229 commercial travelers of the United States and a petition of the South Dakota Immigration Association, praying for the passage of the bill for the restriction of immigration; which were ordered to lie on the table.

He also presented the petition of T. L. Green, of the city of Washington, praying that an appropriation be made to pay the depositors of the failed Freedman's Savings Bank; which was referred to the Committee on Finance.

Mr. GEAR presented a petition of the Congregational church of Danville, Iowa, and a petition of 800 citizens of New London, Iowa, praying for the enactment of legislation to forbid the sale of liquors in all Government buildings; which were referred to the Committee on Education and Labor.

He also presented the petition of J. W. Quillen and 70 other citizens of Jefferson County, Iowa, and a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. McMILLAN presented a petition of the Brightwood Citizens' Association of the District of Columbia, praying that an appropriation of $100,000 be made for the improvement of Rock Creek Park; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL of Wisconsin presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the establishment of a department of commerce, the chief thereof to be a member of the President's Cabinet; which was referred to the Committee on Commerce.

He also presented a petition of the Upper Mississippi River Pilots' Association, praying for the construction of a pier or breakwater near the village of Pepin, Wis.; which was referred to the Committee on Commerce.

Mr. KYLE. I present a series of resolutions passed by the South Dakota Immigration Association on the 3d instant, in favor of the passage of the pending immigration bill. As the bill is now under consideration in the Senate, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Astoria, Oreg., praying for the early completion of the Nicaragua Canal; which was ordered to lie on the table.

He also presented the petition of Clement Marciel, of Portland, Oreg., praying compensation for injuries received by him on or about the 16th day of August, 1896, while engaged in the capacity of plasterer and cement worker at the Government station on Tillamook Rock, Oregon; which was referred to the Committee on Claims.

Mr. GALLINGER. I present a series of resolutions adopted at a union thanksgiving service in the town of Hudson, N. H., in reference to the Armenian question. The closing resolution I desire to put on record:

> That international and divine law would justify the great powers of Christendom in putting an end immediately to these atrocities, even though it should necessitate the dismemberment and destruction of the Turkish Empire.

The resolutions are signed by G. W. Buzzell, pastor of the Methodist Episcopal church; C. D. Swett, pastor of the Baptist church, and F. P. Chapin, pastor of the Congregational church. Expressing sympathy with the sentiment expressed in these resolutions, I move that they be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GALLINGER. I present a series of resolutions adopted by the New Hampshire Medical Society June 2, 1896, relative to a bill now on the Calendar, for the further prevention of cruelty to animals, commonly known as the antivivisection bill. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. THURSTON presented a petition of the Congregational church of Neligh, Nebr., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Mississippi River Pilots' Association, praying for the construction of a pier or breakwater in the Mississippi River near the village of Pepin, on Lake Pepin; which was referred to the Committee on Commerce.

Mr. BURROWS presented petitions of the Cappon & Bertsch Leather Company, of Grand Rapids, Mich.; of H. E. Staples and sundry other citizens of Montague, Mich.; and of William H. Boyd and sundry other citizens of Monroe County, Mich., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. MILLS presented a petition of sundry citizens of Valley Mills, Tex., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Houston, Tex., praying for the enactment of legislation in aid of the Wilberforce University; which was referred to the Committee on Education and Labor.

He also presented a communication from members of societies of the Colonial Dames of America, in answer to a protest made by the original New York Society of the Colonial Dames of America against the passage of Senate bill No. 3067, incorporating the

National Society of the Colonial Dames of America: which was referred to the Committee on the Library.

Mr. BLANCHARD. In June last the general assembly of Louisiana, in session at that time, passed a concurrent resolution memorializing the Congress of the United States to grant belligerent rights to the Cuban Republic, and asking the Louisiana Senators and Representatives to support the same. Congress adjourned shortly after the concurrent resolution was passed by the general assembly of Louisiana, and it has not heretofore been presented to Congress. I now present it and ask that it be printed in the RECORD.

The memorial was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

House concurrent resolution memorializing the President and Congress of the United States to grant belligerent rights to the Cuban Republic, and asking our Senators and Representatives to urge the President toward securing the same.

Be it resolved by the senate and house of representatives of Louisiana, That we extend our sympathy to the Cuban people in their struggle for freedom and independence, and we request the Congress and President of the United States to grant belligerent rights to the Cuban Republic, and ask our Senators and Representatives in Congress to urge the President toward securing the same, and that the secretary of state be instructed to transmit a copy of these resolutions to the President and our Senators and Representatives in Congress.

S. P. HENRY,
Speaker of the House of Representatives.
R. H. SNYDER,
Lieutenant-Governor and President of the Senate.

Approved June 9, 1896.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

Mr. BLANCHARD presented a concurrent resolution of the legislature of Louisiana; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution.

Whereas the memorial of the New Orleans Post-Office Clerks' Association presented to the general assembly of the State of Louisiana calls our attention to the fact that there is now pending before the Congress of the United States a bill, introduced by the Hon. N. D. SPERRY, of Connecticut, entitled "A bill for the classification of clerks in the first and second class post-offices, and for fixing the salaries of the same," known as House bill No. 3273, which bill, as approved by the honorable Postmaster-General, was reported favorably by the House Committee on the Post Office and Post-Roads; and

Whereas the passage of said bill will not only ameliorate the lot of worthy clerks and employees in the post-office service, but also furnish a satisfactory remedy for existing evils, secure better service, and be advantageous to the public at large: Therefore,

Be it resolved by the senate (the house of representatives concurring therein), That our Senators and Representatives in Congress be requested to favor the aforesaid House bill (H. R. 3273).

Be it further resolved, That copies of this resolution be forwarded to each Senator and Representative of Congress of this State.

S. P. HENRY,
Speaker of the House of Representatives.
R. H. SNYDER,
Lieutenant-Governor and President of the Senate.

Approved June 9, 1896.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

Mr. TURPIE presented a petition of the Silent Army of Deaf Soldiers, Sailors, and Marines of the United States, praying for an increase of pension for total deafness: which was referred to the Committee on Pensions.

He also presented a petition of the Business Men's Association of Evansville, Ind., praying that an appropriation be made for the improvement of the Mississippi River at its mouth; which was referred to the Committee on Commerce.

He also presented a petition of Weil Bros. & Co., of Fort Wayne, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. TURPIE (for Mr. VOORHEES) presented a petition of sundry wool dealers of Madison, Ind., and a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also (for Mr. VOORHEES) presented the petition of John M. Mott, of Chicago, Ill., praying for the enactment of legislation to secure admission of silver to the mints for free and unlimited coinage on individual account into full legal-tender money and to establish 412½ grains of standard silver as the sole money unit of the United States; which was referred to the Committee on Finance.

He also (for Mr. VOORHEES) presented a communication from members of societies of the Colonial Dames of America, in answer to a protest made by the original New York Society of the Colonial Dames of America against the passage of Senate bill No. 3087, incorporating the National Society of the Colonial Dames of America: which was referred to the Committee on the Library.

Mr. CULLOM presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to acknowledge the independence of Cuba; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Saline County, Ill., and a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Pontiac, Ill., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Immigration Restriction League of Washington, D. C., praying for the restriction of immigration and the passage of the so-called Lodge-Corliss immigration bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to acknowledge the independence of Cuba, and also to put a stop to the persecutions of the Armenians by the Turks; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Neosho, Mo., praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of 160 operators of the Kent Manufacturing Company of Delaware County, Pa., and a petition of the Wool Association of California, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Economic Association and the American Statistical Association, praying for the enactment of legislation providing for the more effective organization of the United States census; which was referred to the Committee on the Census.

Mr. ALDRICH presented a petition of 1,500 employees of the Riverside Worsted Mills, of Providence, R. I., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

THE BEET-SUGAR INDUSTRY.

Mr. ALLEN. I present a carefully prepared paper by R. M. Allen, of Nebraska, upon the development of the beet-sugar industry in that State. I move that the paper be printed as a miscellaneous document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 505) for the relief of Rev. Edwin Warriner, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," reported it without amendment.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy, to report it favorably, without amendment. It is a bill which has passed the Senate several times, and it passed at the last session, but did not get to the President in time for his signature at the close of the session. I ask that it may now be considered.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill reported by him.

Mr. HOAR. Let it be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHANDLER. What is the request as to that bill?

Mr. HOAR. The request is that it be now passed. A similar bill passed the Senate at the last session.

Mr. CHANDLER. I object, Mr. President.

Mr. HOAR. If the Senator will allow me before he objects, I will state that a similar bill passed both Houses at the last session, and it has passed the Senate I think a dozen times, always passing without any dissenting vote, but it did not reach the President in time for him to give it his attention at the close of the last session. Therefore its passage now is a mere formality.

Mr. CHANDLER. I know that all the Senator says is true; but I have very good reasons for making the objection, which I will with pleasure communicate to him.

The VICE-PRESIDENT. Objection being made to the consideration of the bill, it will be placed on the Calendar.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3361) granting a pension to Sarah R. Frary; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3362) granting a pension to Francis H. Staples; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. TURPIE introduced a bill (S. 3367) granting a pension to William Nocks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 3369) relating to crimes against the circulation of lawful money of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. HALE introduced a bill (S. 3370) granting a pension to Emily E. Atherton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3371) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3372) granting a pension to Thomas H. Scudder, of Independence, Oreg.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3373) granting a pension to Arethusa Wright, of Sheridan, Oreg.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3374) for the relief of Clement Marciel, of Portland, Oreg.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON introduced a bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. THURSTON introduced a bill (S. 3376) authorizing every judge of a district court of the United States to appoint a stenographic reporter, and fixing the duties and compensation of such reporter; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3377) granting a pension to Charles A. D. Wiswell, of Ainsworth, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3378) granting a pension to James M. Fry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY (by request) introduced a bill (S. 3379) to amend section 2 of an act to incorporate the Washington Market Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 3380) granting a pension to James R. Zearing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3381) granting pension to Lena D. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3382) for the adjustment and correction of the selection of lands by the State of Missouri under the act of Congress of July 2, 1862, donating to the States lands for the benefit of colleges of agriculture and mechanic arts; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAFFERY introduced a joint resolution (S. R. 170) to authorize and direct the Secretary of War to have made a survey of the pass at Point a L'Outre, near the Southwest Pass of the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a joint resolution (S. R. 171) requesting the President of the United States to demand the release of all citizens of the United States held in confinement at Ceuta or elsewhere in violation of the treaty with Spain and of international law; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HANSBROUGH introduced a joint resolution (S. R. 172) providing for a comprehensive index to Government publications from 1881 to 1893; which was read twice by its title, and referred to the Committee on Printing.

NATIONAL MONETARY COMMISSION.

Mr. PEFFER. I introduce a joint resolution providing for the appointment of a national monetary commission, and ask that it be read at the desk, printed, and lie on the table. I desire to give notice that upon the first day when the Senate is in session after the 1st of January next, immediately after the morning business is concluded, I shall ask the Senate to indulge me while I submit some remarks upon the joint resolution.

The joint resolution (S. R. 169) providing for the appointment of a national monetary commission was read the first time by its title and the second time at length, and ordered to lie on the table, as follows:

Whereas during the campaign immediately preceding the late Presidential election the monetary system of the country was the leading issue discussed before the people; and

Whereas the contending parties in that campaign proposed four distinct and different policies, namely: (1) National gold monometallism; (2) international gold and silver bimetallism at a ratio agreed upon by the nations; (3) national silver and gold bimetallism at the ratio of 16 to 1, with Government paper money redeemable in coin; (4) national silver and gold bimetallism at the ratio of 16 to 1, supplemented by Government full legal-tender paper money; and

Whereas the result of the election does not show that a majority of the voters favor any of said policies; and

Whereas it is agreed on all sides that a permanent adjustment of these differences is of supreme importance: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, directed to appoint four commissioners, one from the National Democrat party, one from the Republican party, one from the Democrat party, and one from the Populist or People's Party. These four shall choose a fifth, and together they shall constitute a national monetary commission, whose duty it shall be to examine and study the general subject of finance in its practical relations to the business affairs of the people of the United States. In such examination the commission shall invite suggestions, arguments, and plans by individuals, persons, and by agents and representatives of organized bodies, and shall make diligent inquiry among farmers, wage earners, merchants, manufacturers, bankers, carriers, and other business men to learn their views with respect to defects in our existing financial methods and the proper remedies therefor, and to ascertain what material points they are agreed upon and on what they disagree. The commission shall consider all matters presented to them or brought to their attention and which are relevant to the inquiry with which they are charged; they shall preserve all arguments, papers, and documents submitted to them, and report the same to Congress with their conclusions thereon, by bill or otherwise, with a view of establishing a permanent monetary system for the United States which will cure defects in existing methods and provide for the country a safe and sound currency.

The commission may sit at the cities of New York, Chicago, Denver, San Francisco, and New Orleans.

The four commissioners to be selected by the President shall be appointed within thirty days after the approval of this joint resolution; they shall meet within twenty days after the day of their appointment, at a time and place fixed by the commissioner first named by the President, when and where they shall choose by ballot the fifth commissioner, who shall be some person of recognized learning in monetary science. A plurality of votes shall be sufficient to elect. As soon as practicable after the choice of the fifth commissioner the five shall assemble and organize by the appointment of one of their number as president and one as secretary. The commission may appoint a clerk, a stenographer, and sergeant-at-arms. The salaries of the commissioners shall be $400 per month, and the clerk, stenographer, and sergeant-at-arms shall receive $150 a month, all payable by the Treasurer of the United States on vouchers certified by the secretary of the commission and approved by its president.

A reasonable allowance for rent of rooms for the use of the commission and for necessary traveling expenses of the commission shall be advanced from time to time by the Secretary of the Treasury, to be accounted for on vouchers certified by the sergeant-at-arms and approved by the president of the commission. But nothing shall be allowed for board of the commissioners or their assistants when not traveling in the discharge of their official duties, or for private room rent.

The commission shall conclude its work and report within twelve months after the date of its organization unless further time is granted by Congress.

For the purpose of defraying the expenses of the commission herein provided for, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

This joint resolution shall take effect and be in force on the day next following the day of its approval.

AMENDMENTS TO BILLS.

Mr. BLACKBURN submitted sundry amendments intended to be proposed by him to the naval appropriation bill: which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the Indian appropriation bill: which were referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill: which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill: which was referred to the Committee on Appropriations, and ordered to be printed.

HOLIDAY RECESS.

Mr. HALE submitted the following concurrent resolution: which was referred to the Committee on Appropriations:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

ELECTRIC LIGHTING IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and hereby is, directed to inquire what, if any, action is contemplated by the Commissioners of the said District in respect of the use of any of the streets, avenues, or public spaces in said District for electric lighting; and what, if any, contract or contracts have been or are contemplated to be entered into which involve the laying of conduits in or under such streets or avenues, and with what persons or corporations, and to report to the Senate.

IMPRISONMENT ABROAD OF NATURALIZED CITIZENS.

Mr. CALL submitted the following resolution; which was read, ordered to be printed, and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be, and is hereby, directed to send to the Senate a report of all naturalized citizens of the United States of whose arrest and imprisonment, or trial, or conviction, or sentence, either to imprisonment at the penal colony of Ceuta or elsewhere, he has any information; and that he shall inform the Senate in such report of the persons now held in confinement at Ceuta and of the charges, briefly stated, on which they were condemned, and the nature of the evidence, so far as the same appears on the files of the State Department.

KILLING OF GEN. ANTONIO MACEO.

Mr. CALL. I submit for reference to the Committee on Foreign Relations the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the killing of Gen. Antonio Maceo, a renowned general in the service of the Republic of Cuba, if true, while under a flag of truce and with an assurance of safety from the Spanish captain-general, was a violation of the rules of civilized war, an act of base treachery, a murder cowardly and disgraceful, which demands the execration of every Government and of all the peoples of the world, whether civilized or savage; that the Government which authorizes, permits, or fails to punish the assassins who are connected in any way with the guilt of this crime with the extreme penalty of the law is an outcast from the family of nations and from the pale of civilization and public law; that the Committee on Foreign Relations be, and is hereby, directed to make inquiry as to the facts and report to the Senate at an early day.

Mr. HALE. There was so much confusion in the Chamber that I could not understand whether the Senator desires action on the part of the Senate or whether the resolution is to be referred to the Committee on Foreign Relations.

Mr. CALL. I asked that it be referred to the Committee on Foreign Relations.

Mr. HALE. To that I have no objection.

The VICE-PRESIDENT. The resolution will be so referred.

AFFAIRS IN CUBA.

Mr. MORGAN. I offer a resolution, and ask that it be printed and lie on the table. I will state that on to-morrow I shall ask the indulgence of the Senate to make some observations upon it.

The VICE-PRESIDENT. Does the Senator request the reading of the resolution?

Mr. MORGAN. I do not care about having it read. Let it be printed and lie on the table.

The resolution was ordered to be printed and to lie on the table, as follows:

Resolved by the Senate, That the President is requested, if it is not, in his opinion, incompatible with the public service, to send to the Senate copies of the papers relating to the condition of affairs in the Island of Cuba which are referred to in the report of the Secretary of State that accompanies his last annual message as papers collected in the annual volume entitled "Foreign Relations of the United States."

And also a statement of the several amounts of the claims lodged in the Department of State by citizens of the United States against Spain growing out of the alleged insurrection now existing in the Island of Cuba.

And also all correspondence with the Spanish Government relating to the vessel called the *Competitor* and the persons captured with or near that vessel, with a statement of the charges pending in any court in Spain or Cuba against said persons and the proceedings of such court in those cases, and the place of their imprisonment, the character of their treatment while in prison, and the condition of their health. Whether said prisoners have had the privilege of counsel of their own selection on any trial that has taken place on such charges or were represented by any consul, attorney, or other agent of the United States.

PRINTING OF REPORT OF THE SECRETARY OF STATE.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed immediately, for the use of the Senate, in addition to the usual number, 300 copies of the report of the Secretary of State to the President for the year 1896, said copies to be delivered to the document room of the Senate.

COLUMBIA RIVER SALMON FISHERIES.

Mr. MITCHELL of Oregon submitted the following concurrent resolution; which was referred to the Committee on Fisheries:

Whereas the Columbia River is the only stream in the world where the Chinook salmon is found in all its perfection, no other known river producing salmon of such firm, rose-red, oily flesh; and

Whereas the artificial propagation of the Chinook salmon in the tributaries of the Columbia River has long since passed the experimental stage, the salmon packers of the Columbia River, from funds furnished by themselves, having demonstrated the practicability of keeping the annual run of the Chinook in the river up to the maximum; and

Whereas the State of Oregon and the United States Government are now only propagating a sufficient number of young Chinook to prevent a diminution of the annual run, when in point of fact the output of young salmon from the hatcheries ought to be brought up to an average of 100,000,000 a year; and

Whereas the salmon-packing industry is the largest manufacturing industry, with one exception, in the Northwest, its wage roll being $2,000,000 a year; the industry using the product of the factories of every section of the United States, it being a large exporter of its finished product and an importer only of such materials as are a source of much revenue to the General Government; and

Whereas, as the Chinook salmon has become well known and much sought as a food fish, both throughout the United States and the world over, it is greatly desired that said fish be furnished to the people as cheaply as possible, in order that it may be an article of food for the masses rather than a luxury for the few; and

Whereas the United States Fish Commission has recognized the importance of the royal Chinook salmon of the Columbia River as an article of food for the people of the whole country and is making zealous efforts to protect said fish, and to that end requires but a comparatively small appropriation for the construction and maintenance of hatcheries and necessary spawning grounds in accordance with plans already formulated to completely and fully stock the rivers: Therefore,

Be it resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be, and he is hereby, directed to set apart the Clackamas River, in the State of Oregon, one of the tributaries of the Columbia River, and the contiguous Government lands to such an extent and in such quantities as by him may be deemed advisable, as natural spawning grounds for said fish and for the use of salmon hatcheries.

PROTECTION OF DRAMATIC COPYRIGHTS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

The amendment of the House of Representatives was, on page 2, line 18, after the word "granted," to insert "upon hearing, after notice to the defendant."

Mr. PLATT. I move that the Senate concur in the amendment.

Mr. COCKRELL. What is the effect of the amendment?

Mr. PLATT. The effect of the amendment is that an injunction shall not be granted in the matter referred to without notice to the defendant. I think it is a proper amendment.

The amendment was concurred in.

OBLIGATIONS OF LEGAL CONTRACTS.

Mr. ALLEN. Mr. President, I desire to call up and have laid before the Senate a resolution introduced by me on Wednesday last.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Nebraska. The resolution will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 9th instant, as follows:

Resolved, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either by direct legislation or by legislation that withdraws all substantial remedies from their enforcement.

Mr. ALLEN. Mr. President, the success of the Populist party at the late election in many States, and notably in Kansas and Nebraska, has provoked much discussion in the Eastern press and among Eastern statesmen respecting the policies that will be pursued during the years of Populistic administration. Many prophecies of hostile legislation and adverse administrations have been made. It has been frequently predicted, if not positively asserted, that the legislation of those States this winter will be such as to retard, if not prohibit, the enforcement of legal contracts, and by that means impair their obligations. It has also been stated that the Populist party is hostile to the enforcement of legal obligations, and has no conception of their sacredness.

I will pass over the dense ignorance irresistibly implied in assertions of this character for the purpose of saying that so far as Nebraska is concerned, while her legislature will be under the control of the Populist party and her administration will shortly pass into the hands of its representatives, there is not the slightest ground to fear that anything will be done that will in any respect violate legal obligations or place a barrier across the pathway of their prompt and effectual enforcement.

The Populist party of Nebraska is composed of men who understand quite well the inviolability of all contracts as well as the sacredness of public and private property and the rights of citizens. The party was not born to destroy, but to build up and make more secure the rights of all, and to give to all that full measure of justice their position as members of society entitles them to.

I wish to utterly repudiate assertions of an intended menace of the rights of property or contracts by the legislature and incoming administration of Nebraska. Two years ago we elected the present honored chief executive of our State by a bare plurality of 3,100. It was asserted then that his election would impair the credit of the State, but the argument was not heeded. Instead of impairing its credit, his election seems to have strengthened it, for he was reelected in November last by a majority of nearly 22,000. The other gentlemen chosen for the subordinate State offices are competent business men of experience and high character; they are patriotic citizens, believers in law and order, and will discharge their respective duties conservatively, conscientiously, and to the best interests of all. Those who live elsewhere and have, or may have, obligations against the State, or any of its subdivisions, or citizens, will not be deprived of entering our courts and enforcing them as fully and completely as they can in the courts of their own State. They will find no prejudice against them or their cause if meritorious. Our judges will compare very favorably with those of the oldest States of the Union in point of ability, integrity, and a knowledge of the duties of their offices. They will hold the scales of justice impartially between residents and nonresidents; they will enforce all legal obligations in their letter and spirit, and defeat those in violation of law; they are, in every conceivable respect, abreast of the times and fully armed and equipped, by character and education, to impartially discharge their duties without fear or favor.

Mr. President, I personally know many members of the incoming legislature, and all by reputation. They, too, are gentlemen of high character and ability. The majority are Populists and silver Democrats, but they are none the worse for that. They are loyal sons of Nebraska and of the Union. They will be guilty of nothing rash, nothing that will impair the standing of the State, nothing that will destroy its credit or detract from its glory, but they will, on the contrary, build up and make better and more secure, and inspire confidence in all.

Eastern holders of stocks in our railway corporations sometimes express fear of hostile legislation, and I desire to say to them that such a feeling is groundless. While I do not doubt that the legislature will enact measures looking to the prevention of overcapitalization, wild and reckless management, and will take strong grounds against railways interfering in political matters and favoring one political party by the free service of their trains to the rigid exclusion of others from a like privilege, yet so far as equitable and just passenger and freight rates are concerned there will be nothing done of which any fair-minded man may justly complain.

There is now pending in the Supreme Court of the United States a case from Nebraska involving the constitutionality of a maximum freight rate act passed by our legislature several years ago. The case may or may not be decided before the present legislature, under the constitution, will be required to adjourn; but I am safe in saying that, whatever the decision may be, there will be nothing done by the legislature that will savor of malice, hostility, or injustice, or of which the railways or their stockholders can in the slightest degree rightfully complain. The bill may be reintroduced and carried along to a point where the legislature can amend it should the decision of the court impair it, but the new act will not be radical or impair the substantial rights of any.

Nebraska has many industries of very great importance. Two extensive beet-sugar factories have been erected in the State, one being located in the county in which I have the honor to reside. More than a million dollars have been put into these plants and the legislature has been invoked from time to time to render assistance to the enterprise and enable it to determine by experiment whether the soil of Nebraska is capable of profitably growing sugar beets or not.

Two years ago a Republican legislature enacted a law granting to the owners of these factories, and to those that might be erected, five-eighths of a cent per pound bounty on all sugar produced in the State, on condition that the proprietors would pay to the producers of the beets $5 per ton. It did not, however, make a specific appropriation to carry out the act, which, under our constitution, must be done before public moneys can be expended.

It has been frequently and persistently predicted that this enterprise would be raided and destroyed by the incoming legislature. I must say that I do not approve of all gentlemen owning these factories have done in promoting their interests, but I have no fear that they will be injuriously affected by unjust legislation. While it is a debatable question whether Nebraska should engage in a permanent policy of bounty giving, yet so widespread is the belief that our soil is capable of producing almost unlimited quantities of sugar beets that can be profitably manufactured into sugar, that aid will not be withheld until an effectual trial has been made and the question fairly and effectually determined. The benefits of the act of which I speak inure largely to the producers of beets, and as a result there was paid last year, and will be paid this year, $60,000 to beet producers that would not have otherwise been paid them.

What I have said respecting beet sugar may also be said respecting chicory. A bounty has been granted upon chicory, and chicory mills are in operation in Nebraska, and the industry promises to be one of very great profit.

The Populists of Nebraska understand quite as well as the people of any other section of the Union that it is highly important and profitable to the State to diversify our industries as far as can be done without too heavy a tax on the people. I am a believer in this doctrine myself.

The law to which I refer will not expire by its terms for one year more, and I think the legislature will make an appropriation to carry out its provisions, a thing that their Republican predecessors should have done, however ill advised its passage in the first instance may have been. The owners of these factories have complied with the law, and an observance of good faith requires that they should receive the promised bounty. I think the legislature will inaugurate a policy that will encourage new industries, thus taking a portion of our people from the farm and placing them in other pursuits, where they will no longer be competitors as producers of farm products, but become producers of other useful things, while they remain consumers of the products of the farm. I am not arguing in favor of a high protective tariff; I am only arguing in favor of that indisputable power and right inherent in every State to pursue an industrial policy that will, in the judgment of its legislature, result in the greatest good to the greatest number.

The gentlemen who are engaged in the beet-sugar industry are not members of the American Sugar Trust, as has been frequently asserted; that fact was fully disclosed in the investigation that was held by a special Senate committee, appointed in 1894, of which I had the honor to be a member. They are free from any entangling alliance with that gigantic institution; they are engaged in developing an industry new in this country, and which I do not doubt will eventually prove profitable, not only to them and their associates, but to the people of the Western States, and for that matter to the entire Union.

Mr. President, these facts are known and understood by the legislature of Nebraska, as they are known and understood by me and other citizens. The Populist legislature—and I speak for Nebraska only—can be relied on to act conservatively, wisely, and justly in all respects, and to give to every man, woman, and child beneath the sun, whether a citizen of the State, or far-off Russia, for that matter, a full measure of equal and exact justice.

I deny with all the strength I possess the slightest imputation against the incoming administration of Nebraska. No more loyal, intelligent, capable business men can be found in any State in the Union than those who will compose it for the next two years, and if any Eastern man or newspaper is still solicitous respecting the course that will be pursued I can say to them that the time has come when in justification of their own intelligence they should cease false assertions against the State and against those who are to discharge its official duties.

The Populist party of Nebraska will engage in overhauling the State offices and State institutions that for twenty-nine years have been under unbroken Republican rule. They will enact an election law that will be just to all, but which can not be tortured by construction in the interest of one political party and against the interest of another; one that will secure to every citizen an honest and free ballot; they will engage in legislation that will affect the general policy of the State; in amending vicious legislation passed by their predecessors, and in affording the people protection in many respects which has been denied them for years. The name of Nebraska will never be justly chargeable with repudiation in any form.

From the Omaha World-Herald of November 25 I read the following press dispatch:

BOSTON, MASS., *November 24.*

The jubilee banquet and celebration of the Home Market Club, in honor of the election of William McKinley, was held at Mechanics' Hall this evening. Senator HOAR, of Massachusetts, was among those who addressed the meeting. He said in part:

"It is certainly a sad thing to think that States like Kansas and Nebraska,

> children of New England, that have great farming populations where we expect to find—if we find anywhere—sobriety, integrity, steadiness, conservatism, the great communities where churches abound and where the schools are the best in the world, should have lent themselves to this crazy attempt at revolution and this passionate crusade of dishonor."

There are some respects in which these remarks of the senior Senator from Massachusetts [Mr. HOAR] need correction. Nebraska is not a child of New England, however desirable that might be. The population of Nebraska is heterogeneous: our people come from every State and Territory in the Union. Many of them formerly resided in Bohemia, the German States, England, Scotland, and Ireland, Sweden, Denmark, Norway, Italy, and, in fact, many came from different parts of the habitable globe. Many, it is true, came from New England, and, be it said to their lasting honor, they are true Nebraskans, and while they love New England as a child loves its parents, they are not blind to her faults nor her virtues. The population of Nebraska is rapidly becoming homogeneous, and all, regardless of birthplace, are deeply attached to the State and to its welfare and are keenly sensible of the necessity of her bearing a good name. They are, therefore, jealous of any imputation against it, and the senior Senator from Massachusetts was somewhat unguarded, to say the least, in saying, as he is reported to have said, that Nebraska engaged in a "crazy attempt at revolution and a passionate crusade of dishonor."

Mr. President, Nebraska is a land of churches and schools, and they are among the best in the world. The Senator from Massachusetts does not find fault with our local institutions; he only grumbles, whines, and scolds because, in the exercise of an undoubted right of freemen, the electors of Nebraska saw fit, by a clear majority, to elevate to power members of the Populist party. He speaks of it as "this crazy attempt at revolution and passionate crusade of dishonor." Mr. President, Nebraska has never engaged in a revolution that was not pacific and lofty in its character and directly within the true province of a Christian government.

Massachusetts possesses nothing in Nebraska that should entitle her foremost man to speak of our people as the senior Senator from that State has done. While we accord to Massachusetts her rights, and look upon her as an older and therefore a more compact and better-organized community than ours, we do not look to her for advice on a political, social, scientific, religious, or any other question.

Nebraska can not justly have laid at her door the charge that her citizens called or were represented in a convention that had for its chief purpose a treasonable plot to dissolve the Union. In the only great crisis in the history of our country, when Nebraska was a Territory, she gave as large a percentage of her population to the cause of the Union as any other State, and her soldiers were as valorous and chivalric as any that ever marched upon the field of battle. She has not engaged in a crusade of dishonor, and I regret that the venerable Senator from Massachusetts should permit himself to be led into such extravagant expressions.

I do not speak of this misrepresentation as strongly as I feel, but I must be permitted to say that it was an unwarranted, gratuitous, open, and flagrant insult to an honest, intelligent, poor, but struggling Christian people. Sir, the percentage of illiteracy in Nebraska is smaller than in Massachusetts. Her churches and schools, according to her population, are fully as numerous and as well equipped to impart Christian and secular education as are those of Massachusetts. Our charitable institutions are among the finest of the world; our people are industrious, economical, honest, intelligent, persevering, and loyal.

It can not be truthfully said of Nebraska that she joined in a crazy and dishonorable crusade to enforce the provisions of a brutal fugitive-slave law. Her people have never been guilty of mobbing one of their own citizens for no greater offense than raising his voice against oppression and wrong. The stillness of her atmosphere has not been broken by the appeals for assistance of cringing men and defenseless women and children, guilty of no offense but fleeing to her soil for freedom, only to be captured and placed in chains by her citizens and returned to servitude for a reward. Whatever may be said of Nebraska, she has not been guilty of any of these crimes against the laws of God and civilization. She has never dishonored her foremost citizen, when living, for extolling the cause of liberty, and placed wreaths on his grave, when dead, because he had been the friend of liberty. She has done none of these, and no dishonor of this kind attaches to her name or imperils her glory.

What was the "crazy attempt at revolution and passionate crusade of dishonor" of which the Senator from Massachusetts spoke. Nothing, sir, more than that a majority of the people of Nebraska, believing that silver is money of the Constitution, and that it should be coined at the ratio of 16 to 1, upon terms of equality with gold, saw fit to cast their ballots in November last for the elevation of one of her foremost citizens and the most brilliant orator of the age to the Presidency. Was there anything revolutionary in that? Was there anything dishonorable in it? Was it a "crusade of dishonor?" Sir, for eighty-one years of our national existence silver had been thus coined, and until it was demonetized in 1873 by a "crazy attempt at revolution and a passionate crusade of dishonor," in which some of the representative men of Massachusetts participated, and by which they sought to confiscate one-half the property of the debtor classes of the nation. If there can be more dishonor in public affairs, or in government, than the confiscation of the property of its citizens, directly or indirectly, I do not know where or in what direction it can be found. If Massachusetts possesses a monopoly of useful knowledge of the financial question, or any other, for that matter I have yet to learn the fact.

Mr. President, it is possible that a man can be born under another sun and in another clime than that of Massachusetts and possess a modicum of intelligence and patriotism and learn the sharp line of demarcation between "revolution and a passionate crusade of dishonor" on the one hand, and lofty patriotism and a high sense of public and private duty on the other. I say, sir, it is possible, because I well understand that there are those who have been born and live in Massachusetts who have conceived a most bitter hatred for the West and everything Western, and who believe that neither good nor intelligence can be found in that section of the country. The patriotism of the people of Nebraska is as broad and limitless as her plains; their Christianity and sense of duty are as pure and untainted as her atmosphere. Never thus far in the history of the State has she been guilty of dishonor, and never as long as intelligence is predominant and God reigns in the hearts of her people will she be guilty of anything that will place a stain upon her good name or that will cause her to be spoken of by honest, intelligent, and fair-minded men in a disparaging manner.

I shall not now speak at length respecting this matter, as I will at another time. I have only embraced the first opportunity presented to declare that Nebraska, though under the domination of the Populist party, will be true to her teachings and will be an honor to herself and the Union of which she is and will continue to be a foremost member.

Mr. President, it is an error to always look upon the accusing source as pure. Many times the accuser is more guilty than the accused. Shakespeare, who has given the world more useful knowledge than any other single individual, in my judgment, very aptly put the truth in this language:

> The jury, passing on the prisoner's life,
> May in the sworn twelve have a thief or two
> Guiltier than him they try.

I may be permitted to add that it is not improbable that among those who accuse Nebraska and Kansas there may be found a few more guilty than those they try.

Mr. President, I assume that the doctrine of the resolution is so well understood by the people of this country, and especially by Populists, who are always abreast of the times and familiar with the latest and best thought on political and legal questions, that it will not be necessary for me to discuss it at length.

Section 10, Article 1, of the Constitution declares, among other things, that no State shall pass any "law impairing the obligations of contracts." The States when they entered the Union surrendered this power. Of course no enlightened government would attempt the enactment of such a law, notwithstanding there might be no constitutional prohibition. Contracts are sacred; their obligation must not be impaired, and no one understands this more fully or more completely than the people of the West, nor have they the slightest desire to do so. It is the ambition of our people to get out of debt, to pay their honest obligations as rapidly as they mature in the utmost good faith and to the utmost farthing, and to enjoy an era of prosperity. They invite and will welcome new enterprises and new capital, and such enterprises and capital will be safe under the laws to be passed by the incoming legislature.

I can not understand the motives that prompt accusations against the integrity of Nebraska and Kansas, or any other State, for that matter, that may have seen fit to elect Populist State officers. Sir, we are American citizens. We understand the duties and obligations imposed upon us as citizens, and we understand our rights as well. It is the desire of all having a habitation on the soil of Nebraska to make the State one of the brightest and best of the Union. May it not be possible that in the future history of our glorious country, when the greater republic is to be built, resting on the foundations of the present, Nebraska, with her teeming millions of intelligent people and her boundless natural and acquired resources, will be called on to take her full share of responsibility, as I trust she will be awarded her full measure of praise? And when that time comes we will shrink from no responsibility or duty in contributing our full measure to the glorious result.

Mr. President, Nebraska will successfully weather every gale that may beset her pathway. Her sturdy sons and fair daughters will not become discouraged and give way under imputations like those I have noticed. The battle for better conditions will be renewed and waged to its utmost to make her one of the foremost, as she is now one of the most important, States of the Union, and

it will be done under the administration of the Populist party, for the world should know that that party has come into power to administer the affairs of the State for numberless years to come. The Populists understand well that their legislation must be of a character that will meet the approval and judgment of all to enable it to continue in power. They understand well that whatever they may do this winter will be swept aside by a Republican administration unless it be of a character to meet with popular approval and to continue the party in power.

I have no utterances of complaint against any other section of the country. I am not prepared to charge any with disloyalty or with engaging in a "passionate crusade of dishonor" because they may not entertain my political opinions. I am willing to accord to every man and every community the right to think and act as they may see proper, so long as they do not trespass upon the like right of others, and I will not fail to do them justice here or elsewhere. I demand a like right for Nebraska. I trust the resolution will be adopted.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Nebraska [Mr. ALLEN].

Mr. HOAR and Mr. GALLINGER. What is the resolution, Mr. President?

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

> *Resolved*, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either by direct legislation or by legislation that withdraws all substantial remedies from their enforcement.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HOAR. I hope the Senate may be full when action is had. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HOAR. The resolution seems to be reenacting the Constitution of the United States. My attention was called away from the Senator's speech, and there may be something in the resolution that is not apparent.

Mr. HARRIS. What is the pending question upon which the roll is to be called?

The VICE-PRESIDENT. A resolution has been submitted by the Senator from Nebraska [Mr. ALLEN], and the Chair will state that the absence of a quorum having been suggested, he has ordered a call of the roll of the Senate in order to ascertain whether a quorum is present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Blanchard,
Butler,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Elkins,
Frye,
Gallinger,
Gear,
Hansbrough,
Harris,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Murphy,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Pugh,
Quay,
Roach,
Shoup,
Stewart,
Teller,
Thurston,
Turpie,
Vest,
Walthall,
Wilson.

The VICE-PRESIDENT. Fifty-five Senators having answered to their names, a quorum is present.

Mr. HOAR. I owe an apology to the Senator from Nebraska [Mr. ALLEN] for not having heard his address to the Senate, and I will make whatever confession of guilt should be made. My attention was called away by some person who wished to speak to me on important public business, and I was unable to listen to the Senator's remarks.

This resolution, if I understand it, seems to be a reenactment of the clause of the Constitution of the United States with the addition, which I suppose is entirely sound in principle, that no State has the right to interfere with the obligation of contracts by refusing proper remedies. But what particular thing the Senator has in mind which he wishes to meet by a reaffirmation of that important principle now, I should like to be informed.

I say again, it is rather trespassing upon the Senator's good nature when he has already done so; but if he will please state as briefly as he chooses the particular grievance or trouble he now has in mind, I should be glad to hear him.

Mr. ALLEN. I shall be glad to state, for the information of the senior Senator from Massachusetts, the particular grievance. The senior Senator from Massachusetts said, on the 23d of November, at a meeting of the Home Market Club, at Mechanics' Hall, Boston, that—

> It is certainly a sad thing to think that States like Kansas and Nebraska, children of New England, that have great farming populations, where we expect to find, if we find anywhere, sobriety, integrity, steadiness, conservatism, the great communities where churches abound and where the schools are the best in the world, should have lent themselves to this crazy attempt at revolution and this passionate crusade of dishonor.

He referred, as I understand, to the action of those States in the election of Bryan electors and Populist State tickets.

The Eastern press for a month or more has been full of insinuations and charges that it was the purpose of the Populist party in Kansas and Nebraska to ignore legal obligations, rights of property, rights of citizens, and to withdraw, if they could not do it in any other way, all substantial remedies for the enforcement of contracts. I have taken occasion in the remarks which I have just submitted, and to which I very much regret the Senator did not listen, to repudiate any assertions of that kind so far as the State of Nebraska is concerned. I undertook in those remarks to show that no class of people in the United States understand the sacredness of contracts and their obligations better than the Populist party. I believe that is true.

The people who are making these assertions against the State of Nebraska are doing themselves incalculable injury, and it is for the purpose of putting at rest in authoritative form, if that can be done, these accusations and to announce the known and declared purpose and policy of the Populist party in Kansas and Nebraska, and elsewhere, for that matter, to observe the traditions and language of our Constitution in their legislation, and to do nothing which any fair-minded and honest man can truthfully say savors of repudiation or hostility, that I desire to have this resolution, coming from the Populist party or its representation in this Chamber, passed. Of course, it is merely declaratory of constitutional doctrine.

Mr. HOAR. If the Senator from Nebraska desires to make a reaffirmation of the doctrine of common honesty and thinks the resolution is necessary for that purpose, for the reasons he has stated, I of course will not interfere with it.

Mr. ALLEN. So great in this country are the word and the opinion of the senior Senator from Massachusetts, so far-reaching, either for good or evil, are his utterances, that I believe it would be the safer and wiser policy to adopt the resolution. If this language had been used by almost any other Senator in this Chamber than the senior Senator from Massachusetts I do not think there would have been any occasion for the resolution.

Mr. HILL. I suggest to my friend the Senator from Nebraska the propriety of amending the resolution, in the third line thereof, by striking out all after the word "either" and inserting the words "directly or indirectly;" so that it will read as follows:

> *Resolved*, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either directly or indirectly.

I suggest that language instead of the phrase "by direct legislation or by legislation that withdraws all substantial remedies from their enforcement."

Mr. ALLEN. Those are the only two ways that a legislature could violate the constitutional provision. I have no objection to the amendment, however. I accept it.

Mr. HILL. The amendment, then, is agreed to, I understand?

The VICE-PRESIDENT. Without objection, it will be considered as being agreed to.

Mr. PLATT. I should like to know how the resolution will read as it has been amended, and then perhaps I should like to make a single remark.

The VICE-PRESIDENT. The resolution will be read as amended.

The Secretary read as follows:

> *Resolved*, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either directly or indirectly.

Mr. PLATT and Mr. ALDRICH addressed the Chair.

The VICE-PRESIDENT. The Senator from Connecticut.

Mr. PLATT. Mr. President, it seems to me a very strange condition to which we have come that it should be supposed to be necessary for the Senate to pass a Senate resolution affirming any part of the Constitution of the United States. If we are going to do it, I think we had better do it in the language of the Constitution, and not adopt any new language about it, or attempt to put any Senatorial construction upon the language of the Constitution of the United States. The function of construing the Constitution of the United States and determining the effect of its clauses rests with the Supreme Court and not with the Senate of the United States.

I am very much inclined to think I would vote against the resolution, or any resolution proposing that the Senate shall reaffirm the Constitution of the United States, either as a doctrine or as the Constitution itself. If I may be permitted to use a somewhat homely but direct phrase, I desire to express the opinion that this is all claptrap.

Mr. ALDRICH. I rose for the purpose of making the same suggestion that has just been made by the Senator from Connecticut, and as the Senator from Nebraska has accepted the amendment suggested by the Senator from New York, I desire to ask him if he will be willing to accept a further amendment, so that the resolution, if further amended, will read as follows:

> *Resolved*, That it is the settled doctrine of the United States of America that no State possesses constitutional power to pass any law impairing the obligation of contracts.

That puts it in the plain language of the Constitution; and if it is necessary to reaffirm the Constitution, it uses the language employed in that instrument itself.

Mr. ALLEN. I think the resolution as it stands now is precisely that.

Mr. ALDRICH. I think not. It contains the words "either directly or indirectly."

Mr. ALLEN. But that has all been withdrawn. I call for the reading of the resolution.

Mr. ALDRICH. I understood the Senator from New York to make that suggestion.

Mr. ALLEN. Oh, no; I call for the reading of the resolution as amended at the suggestion of the Senator from New York.

The VICE-PRESIDENT. The resolution as amended will be read.

The Secretary read as follows:

> *Resolved*, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contract, either directly or indirectly.

Mr. ALLEN. I am perfectly willing that the words "either directly or indirectly" shall be stricken out, if that will suit the Senator from Rhode Island.

Mr. ALDRICH. My suggestion is to use the precise language employed in the Constitution itself, in order that there shall be no doubt about what we intend.

Mr. ALLEN. The resolution as it is now before the Senate uses that language.

Mr. ALDRICH. No, the language of the Constitution is that "no State shall * * * pass any * * * law impairing the obligation of contracts."

Mr. ALLEN. Yes, that is the language used here.

Mr. ALDRICH. No, it is not the precise language. I suggest that if we are going to reaffirm the Constitution we should use the precise language.

Mr. ALLEN. If there is a distinction between the language used by the Senator from Rhode Island and the language used by me in the resolution I fail to discover it. However, I am not particular about it. I am perfectly willing that the Senator from Rhode Island should have all the glory that will come to him in consequence of this substitute, and I will accept it.

Mr. ALDRICH. Very well.

Mr. ALLEN. I suppose the chief purpose of the Senator from Rhode Island is to rob the Populist party of the authorship of the resolution, but I am perfectly willing that he should do so.

Mr. MITCHELL of Oregon. I am very curious to know from the Senator from Nebraska the purpose of the resolution. For my part I can not imagine, to save my life, as was suggested by the Senator from Connecticut [Mr. PLATT], why he should solemnly introduce a resolution into the Senate of the United States affirming a specific clause in the Constitution of the United States: and I can not understand the purpose of the Senator. I should like to hear why he thinks it advisable that the Senate of the United States should select out a certain clause in the Constitution of the United States and declare by solemn resolution that that is the settled doctrine of the United States.

Mr. ALLEN. The Senator from Oregon certainly could not have been in the Chamber when I delivered my remarks upon the resolution.

Mr. MITCHELL of Oregon. I was not. I did not know that the Senator had spoken to the resolution.

Mr. ALLEN. I have spoken at some length upon the subject. It has been charged, as I said in my previous remarks, by Eastern statesmen and the Eastern press that the elevation of the Populist party to power in Kansas and Nebraska was a passionate crusade of dishonor. It has been claimed and is being claimed to-day in certain sections of the Union that it is the purpose of the incoming legislatures of the States of Kansas and Nebraska to pass laws inimical to the enforcement of legal obligations.

Unfortunately for this country, there are some people ignorant enough to believe that that is true. Now, for the purpose of enlightening them so far as that can be done, and for the purpose of convincing the business people of this country that the elevation of the Populist party, instead of being inimical to their interest, is really in favor of their true interest, as well as the interest of the masses, it was thought proper that this resolution should come from a Populistic source.

Mr. MITCHELL of Oregon. In other words, the purpose of the Senator from Nebraska is simply to show that he, as a prominent member of the Populist party, is not in favor of violating the Constitution of the United States.

Mr. ALLEN. No, Mr. President. The Senator from Oregon is not skirmishing up to the line close enough. The purpose of the Senator from Nebraska is to show that the Populist party throughout the United States understands this question quite as well as does the Senator from Oregon or the Senator from any other State, and when the assertion is made, if it shall be made after this from any source, through whatever motives may inspire the utterance, that it is the purpose of the Populist party in Nebraska or elsewhere to ignore contracts or to impair their obligations or to impair property rights the statement will be mendacious, because the truth will have been known before the utterance was made. I hope that is satisfactory to my friend the Senator from Oregon.

Mr. HOAR. Mr. President, I do not see how we shall know anything more about the opinion of the Populist party in consequence of the proposed resolution of the Senate. I was not aware that the Senate represented the Populist party, or that any Senator represented the Populist party. I supposed that Senators represented their States, without distinction of party, when they came here. It is the first time I ever heard of the Senate undertaking to define the opinions of particular political parties, or to make platforms or declarations, or, to use the phrase of the Senator from Nebraska, to skirmish up to the line in their favor. It seems to me it is introducing into the Senate what does not belong here, and is giving a new character to the Senate, making a very grave change in its constitutional purpose.

The Senate was intended by its framers to be above political parties; to be the final tribunal in which, after the clamor, anger, strife, and heat of political campaigns were over, where questions in reference to the well-being of the American people should be settled upon their merits without regard to popular anger or strife or discussion. It never was supposed by the framers of the Government that this was to be the place for political parties to be skirmishing for petty advantage, or that it was to be the place where speeches made in the canvass would be answered. Such purposes do not belong to this Chamber. They do not belong to the Senatorial character. They do not belong either to the dignity or the authority of the Senate; and while of course every Senator is supposed to believe and to intend to act upon every mandate of the instrument which he has sworn to support and to carry out in the highest good faith everything which the Constitution declares it to be his duty to carry out, it seems to me, I will not say that it is puerile, but trifling to bring in such matters here.

I understand from the Senator from Nebraska that he referred to some utterance of mine. I do not think I have ever discussed the question of the purposes of the State of Nebraska or of the Populist party there. I do not remember ever having alluded to the Populist party in a public speech during the recent campaign or at any other time, although, of course, it is not impossible that I may have done so without now remembering it. The utterance to which the Senator alluded spoke of the adhesion of the majority of the people of that State and other States—for which I expressed the highest respect—to certain political beliefs; States where schools abound, where churches abound, where the farming population is the backbone of the community, usually wise, conservative, sound, patriotic, observing public faith and regarding public honor.

The speech which I made was one made for the purpose of calling the attention of the business men of the community to which I belong to their faults, to their errors, to their mistakes. I said, what I am willing to repeat anywhere, that the first thing to be done, if we wished to get the confidence of our brethren of the West, was for the business men of New England to lend their powerful influence to putting down the evils which have grown up in the business management of the country. I said that the unlawful management of railroads, that the careless and fraudulent dealing with public trusts, that the abuses of corporate powers must stop if they expected to get the ear of their brethren in distant parts of the country in regard to their views on financial policies. That is what I said, and I said it at home, which was the fit place to say it, to people to whom I thought the lesson might be of some value. But, of course, I do not shrink or flinch from repetition of it. I did speak of the proposition to establish silver monometallism in this country without the help of other countries, to have a fluctuating, constantly shrinking standard of value for the payment of debts, foreign and domestic, as a passionate crusade of dishonor, and that I stand by here and everywhere else.

Mr. ALLEN. I am very glad to hear the senior Senator from Massachusetts express himself so plainly upon this question. It occurs to me that there is no reason why the resolution should not be adopted by the Senate unless the Republican party is perfectly willing to drift away from a doctrine which is a part and parcel of our Constitution.

I agree entirely with the Senator from Massachusetts that the Senate is not the place to represent political parties as such, but I must say in this connection that in the four years I have been a member of this body there never has been a day when the Senate was in session that political parties were not represented here in their highest and completest sense in the transaction of public business; and no one has participated in that to a greater extent than has the senior Senator from Massachusetts. He has fought and maneuvered for his party upon this floor from day to day.

I am speaking, Mr. President, in presenting this resolution, from a higher plane than merely as the spokesman, if I may call myself such, of a political party. The senior Senator from Massachusetts deliberately uttered at a meeting of the Home Market Club on the 23d of November, the statement that the people of Nebraska and Kansas had engaged in a passionate crusade of dishonor; and now he stands here and repeats the statement in substance. He was not kind enough to distinguish between Republicans and Democrats and Populists in those States, but the States as organized communities came within the language used by him. I do not know of any right which the Senator from Massachusetts possesses to stand in Boston or elsewhere and characterize the people of Nebraska with having engaged in a passionate crusade of dishonor. It strikes me that the language was unguarded, that it was intemperate in the extreme coming from a gentleman of his age and experience in public life.

What interest does the Senator from Massachusetts possess in the State of Nebraska, or in the State of Kansas for that matter, which should permit him to speak of a million and a quarter of people as being engaged in a crazy crusade of passionate dishonor in casting their honest and intelligent votes for Bryan electors? Mr. Bryan is a citizen of the State, an honored citizen of the State; a citizen of whom any State in this Union ought to be proud; in my judgment the greatest popular orator who has occupied the attention of the people of the United States since the days of Webster and Clay; a man of good education and large experience, although young in years; a conscientious believer in the doctrine of bimetallism as he understands it and as I understand it. Would it not have been better for the Senator from Massachusetts and his associates to have accorded to Mr. Bryan and to the people of Nebraska the right to think and act as they saw fit, if they did it within the pale of the law?

Now, it is for the purpose of stamping, as far as I can, all such assertions as false that the resolution is introduced. I care not whether or not it is adopted here. The Senator from Massachusetts may oppose it with his great intellect and his great influence if he desires. I wished to bring this question to the attention of the people of this country, and to state that any statement that the people of Nebraska, or any statement that the Populist party, wherever triumphant, has the slightest desire or purpose to impair the obligation of contracts is a mere gratuitous and unwarranted assertion. To relieve the Senate of this matter I move the reference of the resolution to the Committee on the Judiciary.

Mr. ALDRICH. Before the resolution goes from the attention of the Senate I should like to inquire whether my amendment was agreed to.

Mr. ALLEN. I accepted the Senator's amendment.

The VICE-PRESIDENT. The Chair so understands.

Mr. PLATT. Before the resolution is referred to the committee I should like to propose an amendment to it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the resolution the following:

> And that in the opinion of the Senate no law should be passed by Congress the effect of which will be to impair the obligation of contracts.

Mr. ALLEN. Let them both go as they are to the Committee on the Judiciary.

Mr. PLATT. Perhaps the Senator will accept that amendment.

Mr. ALLEN. I do not want to reject it and I do not want to accept it. I suggest to the Senator from Connecticut that both the resolution and the amendment go to the Committee on the Judiciary.

Mr. PLATT. Very well.

Mr. PEFFER. I assume, Mr. President, that the object the Senator from Nebraska had in view in offering the resolution was to express his opinions concerning the charges which have been recently made in the newspaper press of the country and by some men of eminence in law and in politics that some of the Western States, and especially Nebraska and Kansas by name, are governed lawlessly; that they are under the rule of men whose natural political tendencies are in harmony, working together toward anarchy, toward the revocation of contracts, toward the nullification of law. The Senator has put his case mildly and decorously, as he always does, and now that the discussion seems to be taking a wide range I myself feel called upon to say something about it.

Some newspapers in New York City, Chicago, and other cities have taken occasion to go out of their way, outside of the legitimate course of journalism, in order to make political capital out of misfortunes that have befallen the Western people, and in doing so they have undertaken to brand us as men without honor, men without conscience, and that we are undertaking to rule the community through the power of revolutionary ideas.

So far as the State of Kansas is concerned, Mr. President, I think I know something about that State. I have lived there more than a quarter of a century, and from the beginning of that period until this time I have had more or less to do with the political conditions of the State. I remember very well that during the years 1874 and 1875 we were visited by a cloud of grasshoppers, when many of our wheat fields were absolutely denuded, trees stripped of their verdure, and whole farms were left destitute by the ravages of the devouring insects. I was a member of the State senate during the session of 1875 and 1876, and took an active part in rendering relief to our own people simply because of those troubles. But the relief took the form of a bill appropriating money out of the treasury, and at that time we had a surplus of some $90,000. The bill did not pass. We made up our minds finally that we could take care of ourselves, and we did so. But during that session a bill was proposed to enact a stay law, so that judgments then in force might be stayed and that the time of the payment of debts might be postponed in order that the people might pass over another year and have an opportunity to meet their obligations without great loss. However, that bill was not passed, and so far as I can recollect there has never been a stay law passed in our State.

The only legislation of a character which might by any possible construction be regarded as interfering with the rights of creditors was one passed by the legislature in 1889. It was an act reducing the legal rate of interest from 7 per cent to 6 per cent. We had there, as I think they have in most of the Northwestern States, two limits to the rate of interest, one recognized as the legal rate, to be enforced when no stipulation had been made by the parties, and the other known as the contract rate, where persons may contract for a particular rate of interest, not to exceed the one named. At that time our legal rate was 7 per cent and our contract rate was 12 per cent. That law was repealed and another one enacted in its stead making the legal rate 6 per cent and the contract rate 10 per cent. That was done under the jurisdiction of a Republican administration. The Republican majority was overwhelming. It was before the birth of the Populist party. There were not to exceed five or six Democrats in both houses of the legislature. Kansas never has been regarded as good soil for Democracy, and it is not even yet. That was in 1889.

In 1890 came what was properly regarded as a political revolution in that State. In the election campaign of that year the Populists elected five members of Congress out of eight. They elected an overwhelming majority of the legislature, and we believed then and still believe that we elected our governor, or cast votes enough to elect him. But a Republican governor was inaugurated. During the session of the legislature which followed there was nothing of the character to which these newspapers allude. There was nothing revolutionary either proposed or enacted. There were no stay laws passed. There were no laws passed affecting the obligation of contracts in any way except it be in what I shall state; and I think lawyers who are listening to me will agree with me that there was no attempt to affect or no effect upon the obligation of contracts in that law. It was an act authorizing mortgagors to redeem their lands when sold under foreclosure proceedings in court.

Mr. PLATT. After sale?

Mr. PEFFER. After sale. That remedy was proposed in the Republican State convention held the August preceding, if I remember correctly the month. A resolution was introduced giving it as the sense of the Republican party of the State that a redemption law allowing two years should be passed. It was finally compromised after a very full discussion by able men in that convention by making it one year; and as a further compromise the next legislature passed an act making the redemption period eighteen months. That is all that was done in that respect. A question came up in the court afterwards whether the act applied to contracts already existing at the time the law was passed. The court held that it did not. Afterwards the chief justice resigned. His successor was appointed by the Republican governor; and during the administration of the chief justice appointed by the Republican governor a similar case (perhaps the same one) was brought to the attention of the court again; and then by a majority of the court it was held that the law applied to existing contracts as well as to those in future. I remember the case came to the Supreme Court of the United States and the State court was overruled.

With those exceptions, there has been nothing attempted or enacted in any way affecting the relations between debtor and creditor in the State of Kansas.

Yesterday I stole an hour or two from the Lord (if I may be allowed that expression) and ran through the statutes of Kansas for 1893 and 1895—one day last week I had gone through the statutes for 1891—in order to ascertain whether there had been any such legislation as that enacted in our State without my knowledge, and I found absolutely nothing. On the other hand, I found that the legislature in several instances assisted cities in the refunding of their bonds and enabling them in different ways to pay their debts so that there should be no further difficulty about it. In every instance where there was any difficulty in the way of the people making proper provision for the payment of their debts at maturity the legislature, wherever it had the constitutional power, came to the rescue of the people in order that our debts might be honestly paid.

And now, Mr. President, once for all, I take occasion to say that the people of Kansas are an honest people. They are brave, generous-hearted people. I have here a number of newspaper extracts (which I will not trouble the Senate with reading, nor will I have them placed in the RECORD at this time, unless the discussion continues further) in which a large number of the newspapers in our State are taking up the cause of the people. If no other good comes out of this discussion it will be that our Republican friends in that State have finally come to the conclusion that through some of their own mismanagement, and through their partisan zeal, they have themselves injured the State by publishing to the world what the Populists were going to do, for political purposes only.

Our people, I say, are an honest people. They are a brave and generous people. If anything has ever been given to them in the way of charity it has been repaid a thousandfold. I have in my mind's eye now a train of twenty-odd cars going from the State of Kansas laden with corn for the succor of the people of the Ohio Valley in their distress at a time when the floods overtook them and destroyed their property. We have rendered assistance in many ways, in every available form, when it came in our way to do so. I do hope that these attacks made upon the honesty and integrity of our people will cease. I have here, as I said, a number of newspaper extracts in which this matter is brought to the attention of the people, and I think in every instance I have yet seen, with a single exception, the attacks are denounced as fraudulent and malicious; and these good people are standing up for their homes and for the honor of the folks at home.

The VICE-PRESIDENT. In the absence of objection, the resolution, with the proposed amendment, will be referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt; and

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas.

The bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 8413) to confirm certain cash entries of public lands was read twice by its title, and referred to the Committee on Public Lands.

PROPOSED RESTRICTION OF IMMIGRATION.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. MITCHELL of Oregon. On the 5th day of June last the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States, providing for the election of Senators by the votes of the qualified electors of the States, was made a special order for to-day at 2 o'clock. I am not disposed, if it can be avoided, to antagonize nor displace the unfinished business, which is the immigration bill pending. I do desire, however, that some agreement can be had so that this special order shall hold its place and be considered at a very early day.

Mr. MILLS. I wish to state to the Senator from Oregon and other Senators interested in the immigration bill that the Senator from Maryland [Mr. GIBSON] has just been compelled to leave the Chamber on account of sickness. He was directed by his doctor to go home and take care of himself, and asked me to so state to the Senate. I hope this measure, in which he feels a very great interest, will be laid over until he comes back.

Mr. CHANDLER. I call the attention of the Senator from Texas to the fact that doubtless no one is disposed to speak upon the joint resolution proposing the election of United States Senators by the people. I do not understand from the Senator from Oregon that such is the case; and necessarily, therefore, as the Senate will not be in a position to vote upon the joint resolution to-day, it must go over to another day. I hope the Senator from Oregon will not object to its going over another day; and then we can go on with the immigration bill.

Mr. MITCHELL of Oregon. I will state that so far as I am concerned personally, I do not desire to discuss the joint resolution further. I have discussed it at length on several occasions at previous sessions of the Senate. It has also been discussed at considerable length by Senators on both sides of the Chamber, by Senators favoring the constitutional amendment and by Senators opposing the amendment. I was in hopes that we might be able to reach a vote upon it; and unless some Senator indicates a desire to discuss the joint resolution further I shall feel inclined to move to take it up for the purpose of having a vote at this time.

Mr. CHANDLER. I have been pretty vigorously opposed to the joint resolution, as the Senator from Oregon knows, and if it is to be pressed to a vote there will be further debate upon it. I had supposed that this Populist idea would disappear after the election of last November. I hope that whenever it comes to be voted upon, if it is voted upon, the Republicans, the McKinley Republicans, Silver Republicans, the Bryan Democrats, and the Palmer and Buckner Democrats will all vote against it, and leave no votes for this Populist proposition except the members of the Populist party in the Senate. It will be equally agreeable to me if the Senator from Oregon would drop the whole thing.

Mr. MITCHELL of Oregon. I can hardly see how the Senator from New Hampshire is justified in denominating it a Populist proposition, in view of the fact that a majority of Republicans upon the committee of which he is a distinguished member have joined in a report favoring the proposition, and in view of the further fact, as I think he will find when the matter comes to a vote, that more than one-half of the Republicans of the Senate are in favor of the proposition.

Mr. CHANDLER. The Republican members of the committee who joined with the Senator from Oregon were, in my judgment, overcome by the seductive influences of the Senator from Oregon and formed their opinion too hastily. I trust that, having been instructed by the result of the late election, they will now see that this proposition to overturn the ancient ways of the fathers, to change the Constitution for the first time in the history of the country, so far as the form of carrying on the Government is concerned, is wholly and utterly vicious. That is one reason why it will be necessary to delay the vote, in order to give the two Senators whom the Senator from Oregon persuaded to allow him to make this majority report (the report always having been against the measure prior to the present Congress) an opportunity to see the error of their ways and join in overwhelming the Senator's proposition by a vote of the Senate.

Mr. MITCHELL of Oregon. Having been complimented so highly in regard to the effect of my influence in committee and elsewhere, I am encouraged to persist in the hope, although perhaps it is a vain hope, that I may succeed ultimately in bringing the Senator from New Hampshire to a correct view of this proposition. If the Senator does not object I think I shall move to proceed to the consideration of the joint resolution.

Mr. FRYE. That would displace the unfinished business, as the Senator knows.

Mr. MITCHELL of Oregon. Such a vote would test the sense of the Senate.

Mr. CHANDLER. The Senator has always been entirely courteous in reference to the joint resolution, as those of us who are opposed to it have endeavored to be in return. I should prefer that the Senator would consent to let it remain where it is for a few days with a view of ascertaining whether further debate is needed.

Mr. MITCHELL of Oregon. As I stated in the outset, I hesitate to do anything that will displace the pending measure—that is, the immigration bill—because I favor it. In view of all the circumstances, I will ask the unanimous consent of the Senate that the joint resolution be made the unfinished business after House bill 3656, providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, which, by unanimous consent, is to come up, I understand, after the disposition of the immigration bill.

Mr. CHANDLER. I am not willing to have the joint resolution made the unfinished business. The Senator from Massachusetts in charge of the immigration bill I do not now see in the Chamber. Why would it not be satisfactory to the Senator to make it the special order for next Monday at 2 o'clock? I suggest whether the special order prevails over the unfinished business. I imagine it does not.

Mr. FRYE. It does not.

Mr. MITCHELL of Oregon. I desire to submit that question to the Presiding Officer.

Mr. CHANDLER. I admit the Senator can make the motion, of course, but, as I said, it would divide the Senate. I suggest to the Senator that until the debate is exhausted he ought not to divide the Senate on the question, and that he ought to be willing to make the joint resolution a special order for some day in the near future.

Mr. MITCHELL of Oregon. This thing of making special orders, I have discovered during my service in the Senate, does not amount to very much.

Mr. FRYE. Not to anything.

Mr. MITCHELL of Oregon. It does not really amount to anything, as suggested by the Senator from Maine. Here is a special order solemnly made on the 5th of June last, and yet I am told, and I believe it is the correct rule, that the unfinished business takes precedence and the special order falls. So, in view of all the circumstances, believing, as I firmly do, that I can move at any time I see proper when I can get the floor to take up this proposition, I simply give notice that at an early date, when opportunity presents, I shall move to proceed to the consideration of Senate joint resolution No. 6. That will enable the immigration bill to be disposed of at this time.

Mr. PLATT. That course is best.

Mr. CHANDLER. The Senator is courteous, as usual.

Mr. QUAY. I do not know that I shall desire to discuss the joint resolution at any period of its progress through the Senate, and I rise merely to suggest to the Senator from Oregon that he be not hasty in calling it up and putting it upon its final passage, because it is possible that there may be a few occurrences in my own State which may be developed before the Senate which will reenforce his theory, and its passage may be assisted by permitting it to lie over.

Mr. LODGE. I ask for a statement of the amendment now before the Senate.

Mr. GORMAN. I understand that the unfinished business, which is the immigration bill, is before the Senate.

The VICE-PRESIDENT. That is correct.

Mr. GORMAN. I wish to say to the Senator from Massachusetts that my colleague [Mr. GIBSON], who has taken very great interest in this measure, and had expected to participate in the debate to-day, and also in relation to the proposed amendments, is too ill to remain in the Chamber. Against the advice of his physician he came here, but was compelled to leave the cloakroom. He requested me to make this statement to the Senate and to ask the Senator from Massachusetts, in view of this fact, to permit the bill to go over. Senators on this side of the Chamber who saw my colleague to-day know that it was utterly impossible for him to remain here. I would not make the request except under the circumstances. I know how desirous the Senator from Massachusetts is to press the bill; but I ask him to let it go over until to-morrow, when I hope my colleague will be in condition to be present and participate in the debate.

Mr. LODGE. If an agreement can be made fixing a time before the holiday recess for a vote on the bill, I am perfectly willing to let it go over to-day. But I have postponed the bill over and over again. I postponed it last session to oblige the Senator from Maryland when he wanted to go to Annapolis one day; and I have tried to be as obliging as I possibly could be. The time is very short. I do not wish to press it unduly, but it is here and is stopping other business in the Senate. I am very anxious to have a vote of the Senate upon it. If we can come to an agreement to take a vote before the holiday recess, I shall be very happy to put it over now.

Mr. GORMAN. I suggest to the Senator then that he name some hour on Friday at which to take a vote upon the bill. I understand the resolution to adjourn for the holidays will not take effect until Tuesday of next week.

Mr. LODGE. A motion to adjourn over takes effect on Thursday, I understand.

Mr. HALE. I suggest to the Senator that he had better name Thursday rather than Friday, because it is the almost unbroken precedent of the Senate to adjourn at the beginning of a session from Thursday to Monday. The resolution which I submitted this morning was referred to the Committee on Appropriations.

Mr. GORMAN. I will suggest 4 o'clock Thursday.

Mr. HALE. That is better.

Mr. LODGE. That is entirely satisfactory to me, if an agreement can be made that the vote shall be taken on the bill and pending amendments at 4 o'clock Thursday.

Mr. HALE. Without further debate.

Mr. LODGE. Without further debate. I agree to that entirely.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that the final vote be taken upon the bill and amendments, without further debate, at 4 o'clock on Thursday. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. Then, in compliance with the request of the Senator from Maryland, I am perfectly willing not to press the bill at this time, understanding that it keeps its place as the unfinished business.

The VICE-PRESIDENT. The bill will go over.

Mr. PLATT. There is a joint resolution, I think, lying on the table, which came from the House of Representatives.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated by the Senator from Connecticut.

Mr. FRYE. The immigration bill is informally laid aside.

Mr. MILLS. To be voted upon on Thursday.

The VICE-PRESIDENT. That is correct.

USE OF ALCOHOL IN THE ARTS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

Mr. PLATT. I move that the Senate disagree to the amendments of the House of Representatives and request a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT, Mr. ALDRICH, and Mr. JONES of Arkansas were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House of Representatives the bill (H. R. 3771) for the relief of Stratton H. Benscoter.

The message also announced that the House had passed a concurrent resolution providing for the adjournment of the two Houses of Congress on Tuesday, the 22d day of December, 1896, until 12 o'clock meridian on Tuesday, January 5, 1897; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills;

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. Gen. Joseph B. Carr, United States Volunteers, deceased.

HOLIDAY RECESS.

Mr. CHANDLER. I ask the Chair to lay before the Senate the resolution from the House of Representatives in relation to the holiday adjournment.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read:

The Secretary read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

Mr. HALE. I move that that resolution be referred to the Committee on Appropriations.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. SHERMAN. If there is no special business fixed for to-day, I suggest that we take up the pension cases which are pending on the Calendar and proceed with their consideration. I believe there are a number of them.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the first pension case on the Calendar will be stated.

CELESTIA R. BARRY.

The bill (H. R. 1891) granting a pension to Celestia R. Barry was announced as first in order.

Mr. COCKRELL. What was done with the bill (S. 894) granting a pension to Nancy G. Allabach, which stands on the Calendar ahead of the bill the title of which has just been stated?

The PRESIDING OFFICER. The Chair understands that that bill was vetoed by the President, and has not been called up.

The bill (H. R. 1891) granting a pension to Celestia R. Barry, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Celestia R. Barry, widow of Claudius C. Barry, deceased, late a private in Captain Connor's Company, Bell's Regiment Mexican War Volunteers, and to allow her a pension of $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. JOHNSON.

The bill (S. 2184) granting a pension to William F. Johnson was announced as next in order.

Mr. COCKRELL. That bill has been adversely reported, and I do not know why it should not be indefinitely postponed, so as to get it off the Calendar.

The PRESIDING OFFICER. The Chair understands that the bill was once indefinitely postponed and then that the vote by which it was indefinitely postponed was reconsidered and the bill placed upon the Calendar.

Mr. COCKRELL. Very well. Let it remain on the Calendar, then.

SARAH WEEDON JONES.

The bill (H. R. 1178) granting a pension to Sarah Weedon Jones was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah Weedon Jones, former widow of John H. Weedon, deceased, who was a sergeant in Company I, Fourth United States Infantry, in the Mexican war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCY A. ALLEN.

The bill (H. R. 2980) to grant a pension to Mrs. Lucy A. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Lucy A. Allen, widow of Capt. William R. Allen, late of Company C, Third Regiment Kansas Volunteer Infantry, and to pay her a pension of $20 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. GALLINGER May 23, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2980) granting a pension to Lucy A. Allen, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The petitioner, Lucy A. Allen, is the widow of William R. Allen, late captain in Company C, Third Regiment Kansas Volunteers. She applied to the Pension Bureau for a pension, and her application was rejected upon the ground that her husband could not be recognized as in the service of the United States.

The evidence shows that Captain Allen enlisted in said company and regiment, and was commissioned captain by the governor of Kansas on the 2d day of July, 1861.

The regiment rendered service and was under control of the United States officers until it was mustered out on the 14th day of February, 1862.

At the time the regiment was mustered out Captain Allen was a prisoner in the hands of the enemy, and he was mustered out or discharged at some later date.

The widow is very poor, having no means of support and no property.

The committee therefore recommend the passage of the bill.

Mr. COCKRELL. I should like to ask if the amount proposed by the bill is the amount that is allowed by law to the widow of a captain?

Mr. SHERMAN. I am not able to answer the question, but some member of the Committee on Pensions no doubt can do so.

Mr. PLATT. What is the amount named in the bill?

Mr. COCKRELL. Twenty dollars.

Mr. HAWLEY and Mr. PLATT. That is a captain's pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY B. PRINCE.

The bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Nancy B. Prince, widow of Elbert Prince, late private of companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHEBE M. WOOLLEY PALMETER.

The bill (H. R. 1590) granting a pension to Phebe M. Woolley Palmeter was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Phebe M. Woolley Palmeter, daughter of Jonathan Woolley, who was a soldier and pensioner of the Revolutionary war, at $12 per month.

Mr. COCKRELL. Let the report in that case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. PEFFER May 26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1590) granting a pension to Phebe M. Woolley Palmeter, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The claimant is a daughter of Jonathan Woolley, who served for sixteen months as a private in Captain [illegible] company of Vermont Volunteers in the war of the Revolution. The soldier was a pensioner at the time of his death in [illegible], and his widow, Anna Woolley, drew a pension up to [illegible], when she died.

It is shown by the testimony of J. L. Short, Edward R. D. Mayne and Albert L. York, citizens of Madison County, N. Y., that the claimant is about [illegible] years old, very infirm, and entirely without property or income, she being entirely dependent upon others for support.

It further appears that her husband, Russell Palmeter, died in [illegible], and that she has since remained his widow; also that she is a woman of excellent character and one who enjoys the respect of every one who knows her.

There are several precedents for the allowance of pensions to the aged and destitute daughters of Revolutionary soldiers, and in view of the facts stated above the passage of the bill is respectfully recommended.

Mr. COCKRELL. I have uniformly opposed similar bills, and have made a contest over a number of them, but finally they prevailed. I simply desire to place myself on record as opposed to the principle involved in this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE V. COOK.

The bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company B, Eighth Regiment Kansas Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry, on the pension roll of the United States at a monthly pension of $12, to be paid as other pensions are paid under the general laws of the United States.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. PEFFER May 26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., have considered the same, and beg leave to submit the following report:

The record shows that said Alice V. Cook is the insane daughter of John Y. Cook, who enlisted on the 5th day of November, 1861, at Saletha, Kans., as a private in Company D, Eighth Regiment of Kansas Volunteers, to serve three years. He was mustered in at Fort Leavenworth, November 9, 1861.

The records of the War Department show that said soldier died in the hospital at Fort Leavenworth on February 13, 1863, of smallpox, which disease he contracted while in the line of his duty and in the service of the United States.

The records also show that said soldier's widow, Serena Cook, applied for and was granted a pension at the rate of $8 per month, which was stopped on the 28th day of January, 1864, when she remarried.

Said soldier left surviving him three children, namely: Alonzo, born April 22, 1855; Alice V., born September 27, 1858; Amos J., born August 9, 1861.

A pension of $2 per month (pension certificate No. 107282) was paid to the mother of said soldier's children, now Serena Martindale, as guardian of said three children, until they respectively became 16 years of age. The $2 per month for Alice V. Cook therefore ceased on the 26th day of September, 1874.

The evidence in this case shows that said Alice V. Cook is now, and has been since she was a small child, unable to take care of herself, having had epileptic fits ever since she was 2 years old. She has continued to be afflicted ever since, so that her mind has been weakened, and she is a large part of the time in the insane asylum, and is all the time in a helpless condition and requires the attention of some one to look after her. She has not now and never had any means of support of her own.

The father of said Alice V. Cook died while in the service of the United States, and it is reasonable to suppose that his last thoughts were about this poor, afflicted child, Alice, and it is but fair to presume that if this soldier had lived he would have provided a support for his unfortunate daughter.

There are many precedents where Congress has granted pensions to the poor, helpless, and dependent children of those who served in the United States Army during the war.

Under the special circumstances of this case your committee recommend that the bill do pass when amended by striking out the words "twenty-five," in line 8, and inserting "twelve."

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES ELSON.

The bill (S. 2181) granting a pension to Charles Elson was considered as in Committee of the Whole. It proposes to place on the pension roll at $50 per month, the name of Charles Elson, late a private in Company C, Fifth Regiment New Hampshire Volunteer Infantry.

Mr. COCKRELL. That bill proposed to pay $50 a month to a private soldier. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. CANNON May 26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2181) granting a pension to Charles Elson, have examined the same and report:

The bill proposes to pension the petitioner at the rate of $50 per month in lieu of the pension of $12 per month which he now receives under the act of June 27, 1890.

The papers in the case show the pensioner to have served under the name of [illegible] Hancock as a private in Company C, Fifth New Hampshire Volunteer Infantry, from September 15, 1864, to June 28, 1865, and it does not appear that while serving therein he contracted any permanent disability. No claim for pension under the general law has ever been filed, but in May, 1891, an application under the act of June 27, 1890, was made, based on rheumatism, first noticed by claimant about 1879. A medical examination by the Ogden (Utah) board disclosed "progressive muscular atrophy" (claimant had erred in his description of his disability), which was then rated at "second grade" ($30), but under the act claimed only $12 per month could be allowed.

In March, 1896, and in support of the bill under consideration, a petition, signed by 24 citizens of Ogden, Utah, was filed, reciting that the pensioner was suffering from—

"Total disability to perform any kind of manual labor, inability to take care of himself, and requires the aid of an assistant the whole time, being unable to walk alone or to get up out of a chair without assistance; this condition was caused by progressive muscular atrophy, resulting in paralysis of both hands and legs, and has existed for five years last past. The said Charles Elson is a poor man, has a family, is a good citizen, and in every way worthy."

There is also on file a certificate from the present president of the Ogden pension board of surgeons, dated February 17, 1896, stating:

"At this time he [referring to Mr. Elson] is totally disabled from performing any manual labor, by reason of locomotor ataxia. He will, in my judgment, never recover, and now requires the constant aid of a nurse. There is no evidence of vicious habits. He probably has but a short time to live, and I have never seen a pension applicant so honestly in need of assistance."

It will be observed that this certificate last quoted indicates a degree of helplessness which, if of conceded service origin, would entitle the petitioner to $72 per month, but while the origin of the disabling cause is, in this case, confessedly obscure the contention is not advanced that it should be attributed to the soldier's service.

The facts which influence the committee in their recommendation are the petitioner's honorable service in the Fifth New Hampshire Infantry, known to history as the "Fighting Fifth," having had 175 men killed out of the original 987, and of recruits (petitioner was one of these recruits) 120 killed out of 1,324, he having participated in the engagements before Petersburg in the autumn and winter of 1864-65, at Fort Steadman and Dinwiddie Court-House, Va., in March, 1865, and Sailors Creek and Farmville, Va., in April, 1865, his regiment during this period having been a part of the Second Corps; and it should be here noted that the soldier was but 19 years of age when he enlisted, and secondly, the petitioner's deplorable condition and the total inadequacy of his income to afford the necessaries incident to said condition. The prognosis of his disease is inevitably unfavorable, and a specialist on locomotor ataxia writes, "The average duration of this disease is seven years; recovery is scarcely to be hoped for;" therefore, in this case (the disease having now existed several years) a fatal termination at an early day is expected. Precedents exist for granting the relief sought by this bill, and in 1886 Congress passed bills H. R. 473 and 2971, for relief of William Boone and Francis Deming upon a showing of facts similar to those presented herein; and the present Congress in case of Francis E. Hoover (H. R. 1004) has recognized a like principle. As to the rate recommended, it can not be held to be an unusual one, since the present House Committee on Invalid Pensions and on Pensions have favorably passed, thus far, on 130 bills carrying a pension of $50 or more per month.

This is an exceptional case and demands that extraordinary relief within the power of Congress to grant, and consequently the committee recommend the passage of the bill as hereby amended:

Amend title of bill so as to read: "A bill granting an increase of pension to Charles Elson," and add, in line 7, after the word "Infantry," the words "said pension to be in lieu of that which he now receives."

The Committee on Pensions reported an amendment at the end of the bill, in line 7, after the word "Infantry," to insert "said pension to be in lieu of that which he now receives."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles Elson."

WILLIAM H. NESBITT.

The bill (H. R. 4361) to pension William H. Nesbitt was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of William H. Nesbitt, late a private in Company F, Second Illinois Cavalry, at $30 per month, in lieu of pension heretofore granted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA P. JOHNSON.

The bill (S. 3210) granting a pension to Anna P. Johnson was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Anna P. Johnson, widow of Paul Johnson, late a private in Company I, Sixteenth Iowa Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE A. WELTON.

The bill (H. R. 3152) granting a pension to Charlotte A. Welton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte A. Welton, widow of First Lieut. John A. Welton, late of Company E, Fifty-first Indiana Volunteers, and to pay her a pension of $17 a month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW R. LADD.

The bill (H. R. 6468) to increase the pension of Andrew R. Ladd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew R. Ladd, late a private in Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $12 per month in lieu of any pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM P. PAULEY.

The bill (H. R. 986) for the relief of Hiram P. Pauley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram P. Pauley, late a private in the Morgan raid militia of Seventh Indiana Legion, and to pay to him a pension of $12 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. PALMER May 26, 1896:

The Committee on Pensions, to whom was referred the bill (H. R. 986) for the relief of Hiram P. Pauley, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The affiant, Hiram P. Pauley, was a member of Capt. Marion Blair's company of what was known as the Indiana Legion, a militia organization of the State of Indiana. During the Morgan raid the company was ordered to Indianapolis to prepare to meet the invading army. It went to the United States arsenal to secure arms, and the affiant among others was ordered to open the boxes containing arms for the company, and while so engaged in lifting a box of guns received a serious injury, producing hernia of a serious character. From this injury the claimant has never since recovered, and by reason thereof is rendered totally incapable of performing manual labor. He is now old and destitute. He can not be pensioned under the existing law for the reason that he was never mustered into the United States service.

Your committee believe that inasmuch as the claimant received his injury while in an organized company preparing to defend the country against an invading army he has just claims on that country for relief. They therefore report the bill back to the House with the recommendation that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LAURA A. NELSON.

The bill (S. 2126) granting a pension to Mrs. Laura A. Nelson, was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions, with an amendment, in line 5, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, the name of Laura A. Nelson, widow of the late Capt. Theodore Nelson, of the Twenty-sixth Michigan Infantry.

The amendment was agreed to.

Mr. COCKRELL. I move to add to the bill the words, "in lieu of the pension she is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mrs. Laura A. Nelson."

MARY L. BACON.

The bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy, was considered as in Committee of the Whole. It proposes to pay to Mary L. Bacon, widow of the late George B. Bacon, lieutenant-commander, United States Navy, a pension of $40 dollars per month during her widowhood, in place of $30 per month, which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN WIBLE.

The bill (H. R. 5311) granting a pension to Sarah Ann Wible was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah Ann Wible, dependent mother of John Wible, deceased, late of Company B, First Indiana Heavy Artillery, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY PRINCE.

The bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mary Prince, widow of Ellis Prince, late corporal of company commanded by Captain Christmas, Georgia Volunteers, and late member of company commanded by Captain Spirey, Georgia Volunteers, both of Indian war of 1836, and to pay her a pension of $8 per month, to continue during her widowhood.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON OSBORN.

The bill (S. 3199) granting a pension to Jackson Osborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson Osborn, late private of Company B, Forty-eighth Ohio Volunteer Infantry, at $30 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jackson Osborn."

EDWARD STANLEY.

The bill (S. 3198) granting a pension to Edward Stanley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Stanley, who served as a private of Company G, Twelfth Regiment Maine Infantry Volunteers, at $21 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edward Stanley."

WILLIAM H. H. WRIGHT.

The bill (S. 2940) granting an increase of pension to William H. H. Wright, of McPherson, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Wright, of McPherson, Kans., late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, at $30 per month, in lieu of the pension he is now drawing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD BROOKINS.

The bill (S. 1690) granting a pension to Richard Brookins was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Richard Brookins, who served under that name in Troops M and H of the Ninth Regiment of United States Cavalry from February 5, 1867, to February 5, 1872, and from January 2, 1882, to January 3, 1887, and under the name of Dick Spencer in Company K, One hundred and twenty-third United States Colored Troops, from October 12, 1864, to October 16, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVAH A. EATON.

The bill (S. 2267) granting a pension to Alvah A. Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "and," to strike out "rate him according to the degree of his disability, in lieu of the pension he is now drawing" and insert "grant him a pension at the rate of $24 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvah A. Eaton, late of Company A, Twenty-eighth New York Infantry Volunteers, and grant him a pension at the rate of $24 per month.

Mr. COCKRELL. I move to amend the committee amendment by adding at the end of the bill the words "in lieu of the pension he is now receiving."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alvah A. Eaton."

JAMES M. SIMERAL.

The bill (S. 2605) granting an increase of pension to James M. Simeral was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Simeral, late first lieutenant of Company L, First Iowa Cavalry, and to pay him a pension of $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CELIA A. JEFFERS.

The bill (S. 2415) increasing the pension of Celia A. Jeffers to the sum of $30 per month was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Celia A. Jeffers, widow of Aaron Jeffers, deceased, late sergeant of Company F, Nineteenth Regiment Michigan Volunteer Infantry, to $30 per month, in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN C. PLANTZ.

The bill (S. 950) granting increase of pension to Franklin C. Plantz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "Plantz," to strike out "of Hay Springs, Nebr.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Franklin C. Plantz, late corporal of Company C, Fifty-first New York Volunteer Infantry, to $16 per month.

The amendment was agreed to.

Mr. GALLINGER. I suggest a further amendment, to insert at the end of the bill the words:

Said pension to be in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL A. SMITH.

The bill (S. 2702) granting an increase of pension to Samuel A. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Smith, late a private in Company C, Eighty-fourth Illinois Infantry, and grant him a pension at the rate of $30 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE E. O'BRIEN.

The bill (S. 1976) granting a pension to Catherine E. O'Brien was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine E. O'Brien, of Omaha, Nebr., widow of George M. O'Brien, late major and brigadier-general, Seventh Iowa Cavalry Volunteers, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA GIBBONS.

The bill (H. R. 2405) granting a pension to Maria Gibbons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Gibbons, widow of James Gibbons, late captain of Company B, First Battalion Arkansas State Militia, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANSOM C. HAZELIP.

The bill (H. R. 5050) granting a pension to Ransom C. Hazelip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ransom C. Hazelip, who served with Company G, Eleventh Regiment Kentucky Infantry Volunteers, and was afterwards first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers, of the United States Army, in the late war of the rebellion, at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA CHAPMAN.

The bill (S. 1881) granting a pension to Lydia Chapman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, before the word "mother," to insert "dependent," and in line 9, after the word "act," to insert "at $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Chapman, dependent mother of Samuel J. Chapman, late an employee of the Quartermaster's Department, United States Volunteers, and to pay her a dependent pension from and after the passage of this act, at $12 per month.

Mr. COCKRELL. Let the report in this case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. PALMER May 26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1881) granting a pension to Lydia Chapman, have examined the same and report:

A similar bill was introduced in the House of Representatives during the present session, referred to the Committee on Invalid Pensions, reported favorably, and is adopted as a part of this report.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4675) to pension Lydia Chapman, submit the following report:

Samuel J. Chapman was the minor son of the claimant. He was steersman on board the transport steamer *R. M. Runyon*, which was impressed by the Quartermaster's Department, United States Army, for the transportation of troops and stores on the Mississippi River in July, 1864. The boat was snagged and sunk about 100 miles above Vicksburg July 21, 1864, and Samuel J. Chapman drowned.

His mother was, at the time of his death, dependent upon him for support. The claimant, before marriage to Edmund Chapman, was a Miss Lydia Dryden, a daughter of William Dryden, a soldier in the Revolutionary war.

She is a widow now, nearly 80 years of age, and without any property except a life estate in an old house in Upper Acton, Ill., so old and poor that for some years it has not had a tenant. She is dependent upon a feeble unmarried daughter, who supports herself and mother by sewing.

The above facts appear from letters of the Auditor of the Treasury for the War Department and the Quartermaster-General, United States Army; a letter from the deceased, shortly before his death, informing his parents of the shipment by express of money to them; the evidence on file in the office of the Commissioner of Pensions, and by the statements of the sister of the deceased, given to the subcommittee.

The Commissioner of Pensions properly rejected claimant's claim for pension as dependent mother under the law on the ground that there was "no title, claimant's son not having been in the military or naval service of the United States."

Your committee believe that under the circumstances the deceased lost his life in the service of his country. Transports, whether chartered or impressed, were under military orders. They went, and were obliged to go, into the enemy's country. The claimant is needy; she was dependent on this son for support; he lost his life while at important work in the interest of his Government in time of war; she justly is entitled to the bounty of the Government during the brief period of her remaining life.

Your committee therefore recommend that the bill do pass with an amendment, by adding to the end of the bill "at $12 per month," and also by inserting before the word "mother," in sixth line, the word "dependent."

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMSTEAD M. RAWLINGS.

The bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas, was considered as in Committee of the Whole It proposes to place on the pension roll at $8 per month the name of Armstead M. Rawlings, who served as a private from September 30, 1836, to March 30, 1837, in Captain Bateman's company of Mounted Arkansas Volunteers, in the Sabine war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES E. HELFENSTEIN.

The bill (H. R. 979) granting a pension to Frances E. Helfenstein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Helfenstein, widow of George W. Helfenstein, late first lieutenant and adjutant of the One hundred and seventy-third Ohio Volunteer Infantry, at $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMINDA WHITE.

The bill (H. R. 2358) for the relief of Arminda White, widow of Israel White, was considered as in Committee of the Whole. It proposes to place the name of Arminda White on the pension roll and to pay her a pension of $20 per month as the widow of Israel White, captain of Twenty-fifth Ohio Infantry, said pension to terminate should the soldier be found to be alive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA RICKARDS.

The bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased, was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of $12 per month, the name of Lucinda Rickards, the widow, and the names of Henry, Lon, and Frank, the children, of John D. Rickards, a private in Company A, Sixty-ninth Regiment of Enrolled Missouri Militia, at the rate of $2 per month each.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEIL M'NEIL.

The bill (H. R. 1820) granting a pension to Neil McNeil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Neil McNeil, of Dayton, Minn., and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLEINA J. CLARK.

The bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky., was considered as in Committee of the Whole. It proposes to increase the pension of Orleina J. Clark, widow of the late George W. Clark, a soldier in the war with Mexico, from $8 per month to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC H. WHETSEL.

The bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky., was considered as in Committee of the Whole. It proposes to increase the pension of Isaac H. Whetsel, late private in Company B, Second Regiment United States Cavalry, to $16 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOMBS.

The bill (H. R. 950) granting increase of pension to John Coombs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Coombs, late a member of Company H, Second Regiment Illinois Light Artillery, at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE ZEIGENHEIM.

The bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky., was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Katherine Zeigenheim, widow of Francis J. Zeigenheim, late private of Third Regiment of United States Dragoons, Mexican war, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE FISHER.

The bill (H. R. 4604) granting a pension to Jane Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Fisher, widow of Henry Fisher, late private of Company B, Seventeenth Kentucky Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SPRAGUE.

The bill (S. 2916) granting an increase of pension to Mary Sprague was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Sprague, a volunteer nurse in the late war, on the pension roll, subject to the provisions and limitations, of the pension laws, and pay her the sum of $20 per month from and after the passage of this act, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BYRON COTTON.

The bill (H. R. 1022) to increase the pension of Byron Cotton was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, at $50 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE V. BARNARD.

The bill (H. R. 6466) to increase the pension of George V. Barnard was considered as in Committee of the Whole. It proposes to increase the pension now allowed to George V. Barnard, late a private of Company E, Ninety-fifth Regiment Illinois Infantry Volunteers, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. THOMPSON.

The bill (H. R. 3755) to increase the pension of Mary C. Thompson was considered as in Committee of the Whole. It proposes to increase the pension of Mary C. Thompson, widow of Dr. Fillmore Thompson, deceased, from $12 to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE DARRAGH.

The bill (H. R. 1892) granting a pension to Catharine Darragh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Darragh, widow of John Darragh, late a private in Company H, One hundred and tenth Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PALMER.

The bill (S. 3094) granting an increase of pension to George W. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Palmer, late a private of Company B, Tenth Regiment United States Infantry, at $24 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS G. CARY.

The bill (H. R. 4405) granting a pension to Augustus G. Cary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus G. Cary, late first lieutenant, United States Revenue Marine, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER P. SILVEY.

The bill (S. 877) granting an increase of pension to Oliver P. Silvey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Silvey, late of Company D, Forty-eighth Indiana Infantry, at the rate of $20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RANSOM S. ANGELL.

The bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Ransom S. Angell, late private in Company G, First Regiment Wisconsin Cavalry, and pay him a pension of $17 per month, in lieu of the pension he is now receiving

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZA G. PYNE.

The bill (H. R. 3950) granting a pension to Mrs. Eliza G. Pyne was considered as in Committee of the Whole. It proposes to place on the pension roll, at $20 per month, the name of Mrs. Eliza G. Pyne, widow of Charles M. Pyne, who was captain of unassigned company of the Forty-second Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET J. YOUNG.

The bill (H. R. 9139) granting a pension to Margaret J. Young was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Margaret J. Young, dependent foster mother of John H. Jones, late a private in Company F, Twenty-fifth Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY FARMER.

The bill (S. 396) granting a pension to Henry Farmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Farmer, late private in Captain Chile's company, Second Regiment Tennessee Mounted Infantry, in Cherokee war.

Mr. GALLINGER. I move to amend the bill by adding at the close "and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT SMALLS.

The bill (H. R. 1874) to place the name of Robert Smalls on the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Robert Smalls late a pilot in the United States Navy, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MARTIN.

The bill (H. R. 1890) granting a pension to Mary Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Martin, widow of James Martin, late a private in Company C, One hundred and twenty-fifth Regiment New York Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA PEEBLES.

The bill (H. R. 1355) to increase the pension of Theresa Peebles, of Jefferson County, Ga., was considered as in Committee of the Whole. It proposes to increase the pension of Theresa Peebles, of Jefferson County, Ga., a widow of a soldier of the war of 1812, from $12 to $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LENA D. SMITH.

Mr. VILAS. From the Committee on Pensions I desire to report back without amendment the bill (S. 3381) granting a pension to Lena D. Smith, and I ask for its present consideration. I will state that a similar bill was passed at the last session by the Senate and I am informed also by the House, but it failed at the last moment of the session to receive the signature of the President.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of $60 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 15, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1896.

INTERSTATE COMMERCE COMMISSIONER.

Charles A. Prouty, of Vermont, to be an Interstate Commerce Commissioner, for the term ending December 31, 1901, vice Wheelock G. Veazey, resigned.

POSTMASTERS.

William M. Moss, to be postmaster at Bloomfield, in the county of Greene and State of Indiana, in the place of William L. Isenhower, removed.

Edward M. Wilson, to be postmaster at Buffalo Center, in the county of Winnebago and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Lyman D. Thurston, to be postmaster at Leicester, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Frank H. Dimock, of Massachusetts, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Henry B. Rogers, promoted.

JUSTICE OF THE PEACE.

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia, to be assigned to the city of Washington.

PROMOTIONS IN THE NAVY.

Capt. George H. Perkins, United States Navy, retired, to be a commodore in the Navy, on the retired list, from the 9th day of May, 1896.

Lieut. Commander John P. Merrell, to be a commander in the Navy, from the 1st day of November, 1896, vice Commander Frederick W. Crocker, deceased.

Lieut. Commander Joseph G. Eaton, to be a commander in the Navy, from the 10th day of November, 1896, vice Commander William B. Newman, retired.

Lieut. Charles P. Perkins, to be a lieutenant-commander in the Navy, from the 18th day of February, 1896, vice Lieut. Commander George W. Tyler, deceased.

Lieut. (Junior Grade) Daniel P. Menefee, to be a lieutenant in the Navy, from the 18th day of February, 1896, vice Lieut. Charles P. Perkins, promoted.

Ensign Volney O. Chase, to be a lieutenant (junior grade) in the Navy from the 18th day of February, 1896, vice Lieut. (Junior Grade) Daniel P. Menefee, promoted.

Lieut. Benjamin H. Buckingham, to be a lieutenant-commander in the Navy, from the 28th day of February, 1896, vice Lieut. Commander Charles T. Hutchins, promoted.

Lieut. (Junior Grade) John H. Gibbons, to be a lieutenant in the Navy, from the 28th day of February, 1896, vice Lieut. Benjamin H. Buckingham, promoted.

Ensign George R. Slocum, to be a lieutenant (junior grade) in the Navy, from the 28th day of February, 1896, vice Lieut. (Junior Grade) John H. Gibbons, promoted.

Lieut. (Junior Grade) Thomas Snowden, to be a lieutenant in the Navy, from the 11th day of March, 1896, to fill a vacancy existing in that grade.

Ensign William G. Miller, to be a lieutenant (junior grade) in the Navy, from the 11th day of March, 1896, vice Lieut. (Junior Grade) Thomas Snowden, promoted.

Lieut. (Junior Grade) Edwin H. Tillman, to be a lieutenant in the Navy, from the 12th day of March, 1896, vice Lieut. William C. Babcock, deceased.

Ensign George W. Kline, to be a lieutenant (junior grade) in the Navy, from the 12th day of March, 1896, vice Lieut. (Junior Grade) Edwin H. Tillman, promoted.

Lieut. (Junior Grade) Robert F. Lopez, to be a lieutenant in the Navy, from the 1st day of April, 1896, vice Lieut. John O. Nicolson, retired.

Ensign John P. McGuinness, to be a lieutenant (junior grade) in the Navy, from the 1st day of April, 1896, vice Lieut. (Junior Grade) Robert F. Lopez, promoted.

Lieut. (Junior Grade) Frank W. Kellogg, to be a lieutenant in the Navy, from the 3d day of April, 1896, vice Lieut. Alfred L. Hall, deceased.

Ensign Joseph Strauss, to be a lieutenant (junior grade) in the Navy, from the 3d day of April, 1896, vice Lieut. (Junior Grade) Frank W. Kellogg, promoted.

Lieut. (Junior Grade) John L. Purcell, to be a lieutenant in the Navy, from the 29th day of April, 1896, vice Lieut. Hanson R. Tyler, retired.

Ensign Charles S. Stanworth, to be a lieutenant (junior grade) in the Navy, from the 29th day of April, 1896 (subject to the examinations required by law), vice Lieut. (Junior Grade) John L. Purcell, promoted.

Lieut. (Junior Grade) Reuben O. Bitler, to be a lieutenant in the Navy, from the 29th day of April, 1896, vice Lieut. Samuel Seabury, retired.

Ensign Robert L. Russell, to be a lieutenant (junior grade) in the Navy, from the 29th day of April, 1896 (subject to the examinations required by law), vice Lieut. (Junior Grade) Reuben O. Bitler, promoted.

Lieut. Commander Seth M. Ackley, to be a commander in the Navy, from the 4th day of May, 1896, vice Commander Felix McCurley, deceased.

Lieut. Charles G. Bowman, to be a lieutenant-commander in the Navy, from the 4th day of May, 1896, vice Lieut. Commander Seth M. Ackley, promoted.

Lieut. (Junior Grade) Herman G. Dresel, to be a lieutenant in the Navy, from the 4th day of May, 1896, vice Lieut. Charles G. Bowman, promoted.

Ensign Harrison A. Bispham, to be a lieutenant (junior grade) in the Navy, from the 4th day of May, 1896, vice Lieut. (Junior Grade) Herman G. Dresel, promoted.

Lieut. (Junior Grade) Harry Phelps, to be a lieutenant in the Navy, from the 10th day of May, 1896, vice Lieut. Jeremiah C. Burnett, retired.

Ensign Armistead Rust, to be a lieutenant (junior grade) in the Navy, from the 10th day of May, 1896, vice Lieut. (Junior Grade) Harry Phelps, promoted.

Ensign George R. Evans, to be a lieutenant (junior grade) in the Navy, from the 9th day of June, 1896, vice Lieut. (Junior Grade) Benjamin E. Thurston, deceased.

Commander Colby M. Chester, to be a captain in the Navy, from the 12th day of June, 1896, vice Capt. Allen V. Reed, promoted.

Lieut. Commander William W. Gillpatrick, to be a commander in the Navy, from the 12th day of June, 1896, vice Commander Colby M. Chester, promoted.

Lieut. William P. Potter, to be a lieutenant-commander in the Navy, from the 12th day of June, 1896, vice Lieut. Commander William W. Gillpatrick, promoted.

Lieut. (Junior Grade) Patrick W. Hourigan, to be a lieutenant in the Navy, from the 12th day of June, 1896, vice Lieut. William P. Potter, promoted.

Ensign Edward W. Eberle, to be a lieutenant (junior grade) in the Navy, from the 12th day of June, 1896, vice Lieut. (Junior Grade) Patrick W. Hourigan, promoted.

Commander Charles E. Clark, to be a captain in the Navy, from the 21st day of June, 1896, vice Capt. Theodore F. Kane, retired.

Lieut. Commander Benjamin S. Richards, to be a commander in the Navy, from the 21st day of June, 1896, vice Commander Charles E. Clark, promoted.

Lieut. William H. Beehler, to be a lieutenant-commander in the Navy, from the 21st day of June, 1896, vice Lieut. Commander Benjamin S. Richards, promoted.

Lieut. (Junior Grade) John B. Bernadou, to be a lieutenant in the Navy, from the 21st day of June, 1896, vice Lieut. William H. Beehler, promoted.

Ensign Charles M. McCormick, to be a lieutenant (junior grade) in the Navy, from the 21st day of June, 1896, vice Lieut. (Junior Grade) John B. Bernadou, promoted.

Lieut. (Junior Grade) Homer C. Poundstone, to be a lieutenant in the Navy, from the 4th day of July, 1896, vice Lieut. William C. Strong, retired.

Ensign Glennie Tarbox, to be a lieutenant (junior grade) in the Navy, from the 4th day of July, 1896, vice Lieut. (Junior Grade) Homer C. Poundstone, promoted.

Lieut. Commander Benjamin F. Tilley, to be a commander in the Navy, from the 4th day of September, 1896, vice Commander John S. Newell, deceased.

Lieut. Giles B. Harber, to be a lieutenant-commander in the Navy, from the 4th day of September, 1896, vice Lieut. Commander Benjamin F. Tilley, promoted.

Lieut. (Junior Grade) Albert A. Ackerman, to be a lieutenant in the Navy, from the 4th day of September, 1896, vice Lieut. Giles B. Harber, promoted.

Ensign William W. Gilmer, to be a lieutenant (junior grade) in the Navy, from the 4th day of September, 1896, vice Lieut. (Junior Grade) Albert A. Ackerman, promoted.

Lieut. (Junior Grade) Albert P. Niblack, to be a lieutenant in the Navy, from the 5th day of September, 1896, vice Lieut. Charles A. Bradbury, retired.

Ensign Robert E. Coontz, to be a lieutenant (junior grade) in the Navy, from the 5th day of September, 1896, vice Lieut. (Junior Grade) Albert P. Niblack, promoted.

Lieut. (Junior Grade) William Truxtun, to be a lieutenant in the Navy, from the 5th day of September, 1896, vice Lieut. Richard Mitchell, retired.

Ensign William H. G. Bullard, to be a lieutenant (junior grade) in the Navy, from the 5th day of September, 1896, vice Lieut. (Junior Grade) William Truxtun, promoted.

Commander Charles J. Barclay, to be a captain in the Navy, from the 1st day of October, 1896, vice Capt. James O'Kane, retired.

Lieut. Commander Harry Knox, to be a commander in the Navy, from the 1st day of October, 1896, vice Commander Charles J. Barclay, promoted.

Lieut. Sumner C. Paine, to be a lieutenant-commander in the Navy from the 1st day of October, 1896 (subject to the examinations required by law), vice Lieut. Commander Harry Knox, promoted.

Lieut. (Junior Grade) Stokely Morgan, to be a lieutenant in the Navy, from the 1st day of October, 1896 (subject to the examinations required by law), vice Lieut. Sumner C. Paine, promoted.

Ensign Webster A. Edgar, to be a lieutenant (junior grade) in the Navy, from the 1st day of October, 1896, vice Lieut. (Junior Grade) Stokely Morgan, promoted.

Lieut. Commander Clifford H. West, to be a commander in the Navy, from the 11th day of October, 1896, vice Commander William W. Gillpatrick, deceased.

Asst. Naval Constructors Lloyd Bankson and John G. Tawresey, to be naval constructors in the Navy, from the 30th day of June, 1896.

Holden A. Evans, a citizen of Florida; William P. Robert, a citizen of Mississippi; Daniel H. Cox, a citizen of New York; Thomas G. Roberts, a citizen of Alabama, and Lawrence S. Adams, a citizen of Pennsylvania, to be assistant naval constructors in the Navy, from the 1st day of July, 1896.

P. A. Engineer James P. S. Lawrance, to be a chief engineer in the Navy, from the 5th day of June, 1896, vice Chief Engineer Jackson McElmell, retired.

Asst. Engineer Walter S. Burke, to be a passed assistant engineer in the Navy, from the 5th day of June, 1896, vice P. A. Engineer James P. S. Lawrance, promoted.

P. A. Engineer Isaac S. K. Reeves, to be a chief engineer in the Navy, from the 21st day of June, 1896, vice Chief Engineer Gilbert M. L. Maccarty, retired.

Asst. Engineer Oscar W. Koester, to be a passed assistant engineer in the Navy, from the 21st day of June, 1896, vice P. A. Engineer Isaac S. K. Reeves, promoted.

P. A. Engineer Wythe M. Parks, to be a chief engineer in the Navy, from the 27th day of June, 1896, vice Chief Engineer George F. Kutz, retired.

Asst. Engineer Edward L. Beach, to be a passed assistant engineer in the Navy, from the 27th day of June, 1896, vice P. A. Engineer Wythe M. Parks, promoted.

P. A. Engineer Frank H. Bailey, to be a chief engineer in the Navy, from the 27th day of June, 1896, vice Chief Engineer James W. Thompson, retired.

Asst. Engineer Herman O. Stickney, to be a passed assistant engineer in the Navy, from the 27th day of June, 1896, vice P. A. Engineer Frank H. Bailey, promoted.

P. A. Engineer George S. Willits, to be a chief engineer in the Navy, from the 4th day of July, 1896, vice Chief Engineer George W. Roche, retired.

Asst. Engineer Louis M. Nulton, to be a passed assistant engineer in the Navy, from the 4th day of July, 1896, vice P. A. Engineer George S. Willits, promoted.

P. A. Engineer Walter F. Worthington, to be a chief engineer in the Navy, from the 14th day of October, 1895, vice Chief Engineer John L. D. Borthwick, retired.

Asst. Engineer John B. Patton, to be passed assistant engineer in the Navy, from the 14th day of October, 1896, vice P. A. Engineer Walter F. Worthington, promoted.

Asst. Engineer George W. Danforth, to be a passed assistant engineer in the Navy, from the 15th day of November, 1896, vice P. A. Engineer Andrew McAllister, retired.

P. A. Paymaster John S. Carpenter, to be a paymaster in the Navy, from the 14th day of August, 1896, vice Paymaster Henry G. Machette, retired.

Asst. Paymaster Philip V. Mohun, to be a passed assistant paymaster in the Navy, from the 14th day of August, 1896, vice P. A. Paymaster John S. Carpenter, promoted.

Paymaster Daniel A. Smith, to be a pay inspector in the Navy, from the 10th day of October, 1896, vice Pay Inspector Worthington Goldsborough, retired.

P. A. Paymaster Livingston Hunt, to be a paymaster in the Navy, from the 10th day of October, 1896, vice Paymaster Daniel A. Smith, promoted.

Asst. Paymaster Martin McMahon Ramsay, to be a passed assistant paymaster in the Navy, from the 10th day of October, 1896, vice P. A. Paymaster Livingston Hunt, promoted.

P. A. Paymaster John A. Mudd, to be a paymaster in the Navy, from the 1st day of November, 1896, vice Paymaster Henry T. Skelding, retired.

Asst. Paymaster Guy G. Rodgers, to be a passed assistant paymaster in the Navy, from the 1st day of November, 1896 (subject to the examinations required by law), vice P. A. Paymaster John A. Mudd, promoted.

George G. Seibels, a citizen of Alabama, to be an assistant paymaster in the Navy, from the 31st day of August, 1896, to fill a vacancy existing in that grade.

Edmund W. Bonnaffon, a citizen of Pennsylvania, to be an assistant paymaster in the Navy, from the 7th day of November, 1896, to fill a vacancy existing in that grade.

Medical Inspector Daniel McMurtrie, to be a medical director in the Navy, from the 3d day of September, 1896, vice Medical Director David Kindleberger, retired.

Surg. John L. Neilson, to be a medical inspector in the Navy, from the 3d day of September, 1896, vice Medical Inspector Daniel McMurtrie, promoted.

P. A. Surg. John M. Edgar, to be a surgeon in the Navy, from the 3d day of September, 1896, vice Surg. John L. Neilson, promoted.

P. A. Surg. Thomas C. Craig, to be a surgeon in the Navy, from the 11th day of October, 1896, vice Surg. Daniel M. Guiteras, retired.

P. A. Surg. Philip Leach, to be a surgeon in the Navy, from the 15th day of November, 1896, vice Surg. Alexander F. Magruder, retired.

George D. Costigan, a citizen of California, to be an assistant surgeon in the Navy, from the 11th day of August, 1896, to fill a vacancy existing in that grade.

Middleton S. Elliott, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 6th day of October, 1896, to fill a vacancy existing in that grade.

Frank L. Pleadwell, a citizen of Massachusetts, to be an assistant surgeon in the Navy, from the 24th day of October, 1896, to fill a vacancy existing in that grade.

Dudley N. Carpenter, a citizen of New Hampshire, to be an assistant surgeon in the Navy, from the 24th day of October, 1896, to fill a vacancy existing in that grade.

Daniel H. Morgan, a citizen of West Virginia, to be an assistant surgeon in the Navy, from the 27th day of November, 1896, to fill a vacancy existing in that grade.

The following-named graduates of the Naval Academy, to be ensigns in the Navy, from the 1st day of July, 1896, to fill vacancies existing in that grade on that date, viz:

Irvin V. Gillis, a citizen of New York.
Ridley McLean, a citizen of Tennessee.
Raymond Stone, a citizen of Alabama.
David F. Sellers, a citizen of New Mexico.
Charles Webster, a citizen of Massachusetts.
John T. Tompkins, a citizen of Louisiana.
Provoost Babin, a citizen of New York.
Simon P. Fullinwider, a citizen of Missouri.
Lewis B. Jones, a citizen of New York.
Stephen V. Graham, a citizen of Michigan.
Ernest L. Bennett, a citizen of Massachusetts.
Fritz L. Sandoz, a citizen of Louisiana.
John McC. Luby, a citizen of Texas.
William P. Scott, a citizen of Pennsylvania.
Arthur G. Kavanagh, a citizen of Nebraska.
Carlton F. Snow, a citizen of Maine.
Charles S. Bookwalter, a citizen of Illinois.
Roscoe C. Bulmer, a citizen of Nevada.
Gilbert S. Galbraith, a citizen of Pennsylvania.
Roscoe Spear, a citizen of Pennsylvania.
Robert W. McNeely, a citizen of North Carolina.
Walter S. Turpin, a citizen of Maryland.
George L. P. Stone, a citizen of Georgia.
William S. Whitted, a citizen of North Carolina.
Robert H. Osborn, a citizen of New York.
Walter J. Manion, a citizen of Louisiana.
George E. Gelm, a citizen of New York.
Clarence England, a citizen of Arkansas.

The following-named graduates of the Naval Academy, to be assistant engineers in the Navy, from the 1st day of July, 1896, to fill vacancies existing in that grade on that date, viz:

John M. Hudgins, a citizen of Virginia.
Boling K. McMorris, a citizen of Alabama.
Alfred W. Hinds, a citizen of Alabama.
Roscoe C. Moody, a citizen of Maine.
Leland F. James, a citizen of South Carolina.
Ralph H. Chappell, a citizen of Michigan.
Joseph M. Reeves, a citizen of Illinois.
Ignatius T. Cooper, a citizen of Delaware.
Henry T. Baker, a citizen of Ohio.
Frank Lyon, a citizen of Kentucky.
Hutch I. Cone, a citizen of Florida.
Emory Winship, a citizen of Georgia.
Edwin H. De Lany, a citizen of Tennessee.

First Lieut. Littleton W. T. Waller, United States Marine Corps, to be a captain in said corps, from the 14th day of June, 1896, vice Capt. Stephen W. Quackenbush, deceased.

Second Lieut. Albert S. McLemore, United States Marine Corps, to be a first lieutenant in said corps, from the 14th day of June, 1896, vice First Lieut. Littleton W. T. Waller, promoted.

Melville J. Shaw, a graduate of the Naval Academy and a citizen of Minnesota, to be a second lieutenant in the United States Marine corps, from the 1st day of July, 1896, to fill a vacancy existing in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 10, 1896.

CONSULS.

Frank D. Hill, of Minnesota, formerly consul at La Guayra, to be consul of the United States at Santos, Brazil.

Samuel M. Simmons, of Texas, to be consul of the United States at Piedras Negras, Mexico.

George E. Kedzie, of Mexico, to be consul of the United States at Durango, Mexico.

Paul Wiesike, of Texas, to be consul of the United States at Managua, Nicaragua.

Horace L. Washington, of Texas, to be consul of the United States at Alexandretta, Syria.

Walter B. Barker, of Mississippi, formerly commercial agent at Sagua la Grande, Cuba, to be consul of the United States at that place.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 14, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 1354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. Gen. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

HOLIDAY RECESS.

Mr. DINGLEY. Mr. Speaker, I am instructed by the Committee on Ways and Means to present for immediate consideration a concurrent resolution relating to the holiday recess.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

The concurrent resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an 'Act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 28, 1894," and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT, Mr. ALDRICH, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred as follows:

A bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896—to the Committee on Rivers and Harbors.

EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The bill was read, as follows:

Be it enacted, etc., That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Beaumont, on the first Mondays in June and December.

SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts for said district shall maintain an office in charge of themselves or a deputy at said city of Beaumont, which shall be kept open at all times for the transaction of the business of said division.

SEC. 5. That so much of all acts or parts of acts as are in conflict herewith are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS. Mr. Speaker, I will ask the gentleman presenting this bill whether it does not necessitate the creation of an additional Federal judge?

Mr. COOPER of Texas. It does not. This is a bill which passed both Houses of Congress at the last session and went to the President, but reached him so late that he did not sign it. The matter has been passed upon twice by the Committee on the Judiciary. The bill does not provide for the appointment of an additional judge, but merely for the holding of court at another point in the district.

Mr. HOPKINS. Why is it necessary to have a new district there?

Mr. COOPER of Texas. The bill does not make a new district; it simply makes a new division of the eastern district.

Mr. HOPKINS. All there is in it, then, is to take certain counties from one district and put them in another?

Mr. COOPER of Texas. No; it does not do that; it simply makes another division in the existing district. It does not interfere with any other district, does not take any counties from another district, but simply authorizes the holding of court at another point in the eastern district.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

REQUEST FOR RETURN OF A BILL.

Mr. FENTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Senate be requested to return House bill 3771 to the House of Representatives.

The resolution was adopted.

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for a special order that Thursday of this week be substituted for to-day so far as the consideration of District of Columbia business is concerned.

There was no objection, and it was so ordered.

Mr. BABCOCK. Now, Mr. Speaker, I ask to have a report printed as a House document in connection with a bill that will come up for consideration on Thursday. It is a letter from the Board of Commissioners of the District of Columbia to the House District Committee, relating to the extension of North Capitol street through the Prospect Hill Cemetery.

There was no objection, and the report was ordered to be printed.

BRIDGE ACROSS THE OUACHITA RIVER.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of a bridge bill (H. R. 6750) "to authorize the mayor and city council of Monroe, La., to construct a traffic bridge across the Ouachita River opposite said city." I think it will hardly be necessary to read the bill at length. I ask that the report be read instead.

Mr. DINGLEY. Mr. Speaker, I think the bill ought to be read.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

An amendment recommended by the Committee on Interstate and Foreign Commerce, inserting after the word "Monroe," the words "and the police jury of the parish of Ouachita," was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended by adding the words "and the police jury of the parish of Ouachita" after the word "Monroe."

On motion of Mr. BOATNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. GUERIN.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8197) for the relief of John T. Guerin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the record in the case of Corpl. John Grant, discharged as corporal of the Marine Corps at Portsmouth, N. H., December 26, 1888, and grant him an honorable discharge in his rightful name, John J. Guerin.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of John J. Guerin."

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES T. TROWBRIDGE, ETC.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, H. R. 7282, for the relief of Charles T. Trowbridge and others.

The bill was read, as follows:

Be it enacted, etc., That Charles T. Trowbridge shall be held and considered to have been mustered into service as a captain, George D. Walker as a first lieutenant, and John A. Trowbridge as a second lieutenant, of the First Regiment of South Carolina (colored) Volunteers, on the 8th day of May, 1862; and the Secretary of the Treasury shall cause to be paid to them, out of any money in the Treasury not otherwise appropriated, the pay and allowances of their respective grades from said date until the 12th day of October, 1862, less any pay and allowances that they have already received as enlisted men for the same period.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLUE. Mr. Speaker, reserving the right to object, I should like to know something about this bill before I consent to its consideration at this time.

Mr. FLETCHER. Mr. Speaker, I ask that the report be read, as it will give the desired information.

The report (by Mr. MARSH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3392) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge, having had the same under consideration, substitute therefor H. R. 7282, and recommend that the same do pass, and attach hereto and make a part of this report the War Department report.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, March 12, 1896.

DEAR SIR: In returning herewith the papers left by you at the Department yesterday, relative to the pending bill (H. R. 3392) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge, I have the honor to advise you as follows, in compliance with your request for information relative to the service of these men:

Charles T. Trowbridge was a sergeant of Company F, First New York Engineers, and on May 8, 1862, he was detailed by General Benham to raise a company for a negro regiment. John A. Trowbridge was a corporal of Company F, First New York Engineers, and is reported as "detached for a negro regiment" on May 8, 1862. George D. Walker was a corporal of Company I, First New York Engineers, and was ordered on detached service some time in May or June, 1863. Although the exact date of the order and the character of his service are not shown, it is probable that he was detailed at about the same time the two Trowbridges were, and was engaged in recruiting for the same regiment of negro troops.

It appears that these men never returned to duty as enlisted men of the First New York Engineers, but that they all received commissions in the First South Carolina (colored) Volunteers on October 13, 1862, Charles T. Trowbridge being appointed a captain, George D. Walker a first lieutenant, and John A. Trowbridge a second lieutenant.

The regiment for which these men were engaged in recruiting did not complete its organization, but was disbanded by order of Major-General Hunter on or about August 10, 1862, and the records do not show what duty they were engaged upon until October 13, 1862, on which date they were appointed commissioned officers of the First South Carolina (colored) Volunteers, but it is to be presumed that they were employed in organizing that regiment.

Although these officers had no commissions or appointments between May 8 and October 13, 1862, they appear to have been actually employed upon a duty for the performance of which, in the case of white troops, provision was made for the recognition and pay of commissioned officers. The War Department directed, in a general order dated July 8, 1862, that in organizing new regiments the governors of States should have authority to appoint a second lieutenant for each company to muster into service such recruits as might be enlisted by him but that if he should fail to secure an organized company within such reasonable time as the governor might designate, his men might be transferred to some other company, his appointment be revoked, and he discharged without pay.

It is, of course, impossible to determine now how many men were recruited for the First South Carolina Volunteers by Captain Trowbridge, First Lieutenant Walker, and Second Lieut. John A. Trowbridge, but the fact that they were mustered into the service of the United States as commissioned officers of the regiment is evidence that their service in connection with the organization of it was satisfactory.

Although these men were all regularly appointed as commissioned officers on October 13, 1862, and were regularly mustered into service under their appointments, there was no authority of law for paying them as such prior to the date of their appointment, and consequently they merely received the pay of enlisted men from May 8 to October 13, 1862. The object of the pending bill is evidently to give to them for this period the difference between their pay as enlisted men and the pay which they would have received if they had been appointed and mustered into service as commissioned officers on May 8, 1862.

The bill is defective in that it proposes a "muster" to be made in a service that long ago passed out of existence, and of men who are no longer under military control. It is defective, also, in that it makes no appropriation out of which payment can be made, and directs that payment shall be made by an official who is not a disbursing officer of the Government, and who has no funds at his disposal. It is suggested, therefore, that the bill should be amended in these respects, and I transmit herewith a draft of a bill which will, if enacted into a law, accomplish all that is desired in this case.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. LOREN FLETCHER,
House of Representatives.

Mr. BLUE. Is the bill which the gentleman asks to have considered the substitute that was drafted by Colonel Ainsworth?

Mr. FLETCHER. It is.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN DUNCAN.

Mr. DOCKERY. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 4853) for the relief of John Duncan was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to John Duncan, late of Company D, Twenty-fifth Missouri Infantry, and to correct his military record accordingly as it appears in the archives of the War Department.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. STEELE. Let us have the report read.

The Clerk proceeded to read the report; but before the reading was concluded,

Mr. STEELE said: I do not insist on the further reading of the report.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

ELLIS H. ROBERTS.

Mr. SHERMAN. I ask unanimous consent for the consideration of the bill (H. R. 596) for the relief of Ellis H. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Ellis H. Roberts, late assistant treasurer of the United States at New York City, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of $840, the said sum of money representing a loss incurred in the said office of said assistant treasurer, without default or negligence on his part, and made good to the Government by him.

There being no objection, the House proceeded to the disposition of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

GOVERNMENT RESERVATION, FORT SMITH, ARK.

Mr. LITTLE. I ask unanimous consent for the present consideration of the bill (S. 2053) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. I think we ought to hear the report. I reserve the right to object. The Secretary of War, the Secretary of the Treasury, and the Secretary of the Interior all seem to be concerned in this matter.

Mr. LITTLE. I ask that the Clerk read the report.

The report was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. DALZELL. It seems to me, Mr. Speaker, that this is too important a bill to be passed by unanimous consent, especially when the House is not paying attention to legislation. I object.

PETER YOUNG.

Mr. CROWTHER. I ask unanimous consent for the present consideration of the bill (H. R. 6143) for the relief of Peter Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the military record of Peter Young, late a private in Company K, Fifth Missouri State Militia Cavalry, by removing therefrom the charge of desertion.

The amendments reported by the committee were read, as follows:

In line 3, after the word "authorized," add the words "and directed."

After the word "desertion," in the last line, add the following words: "And grant him an honorable discharge as of the date when his regiment, the Fifth Missouri State Militia Cavalry, was mustered out of service."

Mr. CROWTHER. I ask that the report be read.

The SPEAKER. Pending the right to object, the report will be read.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6143) for the relief of Peter Young, have had the same under consideration, and beg leave to report as follows:

Peter Young was enrolled to serve as a private in Company B of the Thirteenth Regiment of Missouri Volunteers on the 15th day of June, 1861, to serve three years. He was captured and paroled at Lexington, Mo., on the 20th day of September, 1861.

On February 21, 1862, he enlisted to serve in the war as a private in Company K of the Fifth Missouri State Militia Cavalry, and was mustered into service May 12, 1862.

It is difficult to see how the charge of desertion ever came to be made against Young. There is no testimony showing that he was ever released from the parole given him by General Price at Lexington.

All the reports—company and regimental—report him as a paroled prisoner, and that for January and February, 1863, shows him present, with the remark, "At St. Louis to be exchanged." The regimental returns for April and May, 1863, show him absent at Benton Barracks, a "paroled prisoner." The company muster roll for May and June, 1863, shows him present.

The prisoners of war records at Benton Barracks show him present to January 20, 1863, when the remark appears opposite his name, "Sent to Lieutenant Tenison, commanding stragglers' camp."

Colonel Pennick, commanding the Fifth Missouri State Militia Cavalry, testifies that a careful reexamination of all retained copies of monthly reports and private memoranda as colonel of said regiment during the late war shows conclusively that Peter Young, of Company K of said regiment, was not at any time during the service of said regiment considered or marked as a deserter, and that at the time said regiment was discharged he was in good standing as a member of Company K and entitled, with the other members of said company and regiment, to an honorable discharge. His absence at any and all times was owing to the fact that he was a paroled prisoner of war, and if he was exchanged at any time prior to the muster out of the regiment he, as commanding officer of said regiment, had no knowledge of any such exchange or order, nor does he believe that Young was ever notified of such exchange.

Your committee submit, in view of the testimony, that Peter Young was not a deserter, and the bill is therefore reported favorably, with a recommendation that it do pass with the following amendments:

In line 3, after the word "authorized," add the words "and directed."

After the word "desertion," in the last line, add the following words, "and grant him an honorable discharge as of the date when his regiment, the Fifth Missouri State Militia Cavalry, was mustered out of service."

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

JACOB SCOTT.

Mr. BURTON of Missouri. I ask unanimous consent for the present consideration of the bill (H. R. 4360) for the relief of Jacob Scott.

The bill was read.

Mr. RICHARDSON. Let us hear the report in this case or let some explanation be made.

Mr. BURTON of Missouri. I think the reading of the report will sufficiently explain the bill.

The report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. I will ask the gentleman from Missouri [Mr. BURTON] whether there is anything in this report showing that this matter has ever gone before the War Department?

Mr. BURTON of Missouri. I think not.

Mr. STEELE. Then I object.

A. A. HOSMER.

Mr. HENDERSON. I ask unanimous consent for the present consideration of the bill (H. R. 6533) for the relief of A. A. Hosmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to issue to Addison A. Hosmer a certificate of location in place of certificate No. K 9, issued in pursuance of the acts of Congress approved June 22, 1860, March 2, 1867, and June 10, 1872, upon proof of ownership and loss of

the same, as the Secretary of the Interior may deem proper, and the execution of a bond, with good and sufficient sureties, in double the market value of the certificate so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost certificate. And the certificate of location so to be issued shall have all the legal force and effect as had the original one, No. K 9.

Mr. RICHARDSON. I should like to hear some explanation of this bill.

Mr. HENDERSON. I will state in brief that the bill simply authorizes the issuing of a duplicate certificate of location (the original having been lost), upon proof of ownership and the filing of a bond to indemnify the Government against all loss.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

CURTIS P. WISE.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4223) for the relief of Curtis P. Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the record of Curtis P. Wise, late a member of Company I, One hundred and twenty-eighth Regiment of Illinois Volunteer Infantry, any charge of desertion that may exist against him, and grant him an honorable discharge.

The Committee on Military Affairs recommend the adoption of the following amendment:

Add the words "to date March 31, 1865: *Provided*, That no pay, bounty, or allowance shall become due and payable by virtue of this act."

There being no objection, the bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SMITH of Illinois, a motion to reconsider the last vote was laid on the table.

VETO MESSAGE—LYDIA A. TAFT.

Mr. POOLE. Mr. Speaker, I desire to call up a privileged report from the Committee on Invalid Pensions, the bill (H. R. 577) granting a pension to Lydia A. Taft, with the veto message of the President, for immediate action.

The SPEAKER. The Chair desires to inform the House that the bill now presented is a bill which has been vetoed by the President. The Clerk will read the bill, and the question will then be taken, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. McMILLIN. Mr. Speaker, has this bill been referred to the committee, or does it stand on the veto as presented?

The SPEAKER. The Chair understands that it is a report from the Committee on Invalid Pensions.

Mr. McMILLIN. This is on a report of the committee?

The SPEAKER. It is. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Lydia A. Taft, as the widow of Lowell Taft, late a private in Company G, Eighteenth Regiment Connecticut Volunteers.

Mr. POOLE. Mr. Speaker——

Mr. TURNER of Georgia. Mr. Speaker, I ask that the veto message of the President be read as a part of my remarks.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Georgia?

Mr. POOLE. I do.

The SPEAKER. The veto message of the President will be read as a part of the remarks of the gentleman from Georgia.

The veto message is as follows:

To the House of Representatives:

I return herewith without approval House bill No. 577, entitled "An act granting a pension to Lydia A. Taft."

In 1858 the beneficiary named in this bill became the wife of Lowell Taft, who afterwards enlisted in the Union Army as a private in a Connecticut regiment, and served from August, 1862, until June, 1865. The records of the War Department show that he was captured by the enemy June 15, 1863, and paroled July 14, 1864.

No application for a pension was ever made by him, though he lived until 1891, when he died at a soldiers' home in Connecticut.

No suggestion is made that he incurred any disability in the service, or that his death was in any manner related to such service.

In 1882, nearly twenty-four years after her marriage to the soldier and seventeen years after his discharge from the Army, the beneficiary obtained a divorce from him upon the grounds of his habitual drunkenness and failure to afford her a support.

It is now proposed, five years after the soldier's death, to pension as his widow the wife who was divorced from him at her own instance fourteen years ago.

A government's generous care for widows deprived of a husband's support and companionship by the casualties or disabilities of war rests upon grounds which all must cheerfully approve; but it is difficult to place upon these grounds the case of this proposed beneficiary, who has renounced a wife's relation, with all its duties and all its rights, and who by her own act placed herself beyond the possibility of becoming the widow of her soldier husband.

If, as stated in the report of the House committee on this bill, the beneficiary, for some reason, contributed something toward the soldier's support after her divorce and paid the expense of his burial, the fact still remains that this soldier died in a soldiers' home wifeless and leaving no one surviving who, claiming to be his widow, should be allowed to profit by his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 20, 1896.*

Mr. POOLE. I now ask for the reading of the report of the Commitee on Invalid Pensions.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President vetoing the bill (H. R. 577) granting a pension to Lydia A. Taft, as the widow of Lowell Taft, a private of Company G, Eighteenth Regiment Connecticut Volunteers, submit the following statement, giving their reasons for dissenting from the position taken by the President in said message:

Lydia A. Taft was married to Lowell Taft in 1858. He was at that time a worthy, industrious, and temperate mechanic, and she proved an excellent helpmeet for him. They were poor, but his earnings were sufficient for their modest wants, and they were content. After four years of married life he, like so many thousands of other patriotic young men, concluded that his country needed his services, and enlisted August 21, 1862, in Company G, Eighteenth Connecticut Volunteers, serving his country faithfully until June 27, 1865, when, the war being over, he was mustered out. His record while in the service was a good one, and in one of the battles in which his regiment was engaged he was taken prisoner. Taft was not wounded or otherwise injured during the war, and made no claim for a pension under the general law. He came back to his wife, however, a changed man. He had contracted a love for liquor while in the Army, which soon became an uncontrollable passion, and his poor, patient wife, who had looked forward so anxiously to his return from the Army, found to her sorrow that her happiness was at an end.

Taft neglected work that was offered him and soon became a drunken, brutal sot, not only neglecting his wife by refusing to work to support the family, but in his drunken frenzy abusing the wife he had vowed to protect and care for, until living longer with him was unbearable and impossible. To protect herself from his drunken brutality, she, in 1882, applied to the courts of Connecticut for a divorce, which was granted to her upon the ground of habitual drunkenness and failure to provide for her support. She had lived with him as his wife for twenty-four years, and had for the last seventeen years of her married life been obliged to support herself and her drunken husband by sewing. The evidence before your committee also shows that after the decree of divorce had been granted to her, and after all his own relations and friends had discarded and disowned him, she still contributed of her slender means to clothe him, and when at last he died, in 1891, at the Soldiers' Home, Noroton, Conn., she brought his remains to his native village and gave him a Christian burial at her own expense. What more could be asked of this poor, neglected wife who had endured all the hardships and sufferings of the three years of her husband's army service, the terrible suspense of his confinement in rebel prison, when no tidings of her loved one came to her, and who when finally restored to her only came to make her life more wretched?

House bill No. 577 proposed to place this long-suffering woman upon the pension roll at the rate of $8 per month, just what she would have received as his widow but for the divorce, even if she had abandoned him and had herself become a drunken outcast. Her husband served his country well for three years. No one has drawn a pension upon his account. Under the law of 1890, under the protection of which it is proposed to place this poor woman, it is not necessary to show that the husband died as the result of army service, but only that the husband had served ninety days or more and had received an honorable discharge, and that the widow is destitute or has not sufficient income to support herself without labor.

Lydia A. Taft has not remarried, is now over 60 years old, and very poor. In view of these facts, which are clearly established by the evidence, your committee believe they were fully justified in reporting this bill favorably in the first instance. The fact that she was the wife of the soldier during the war, suffering all the mental anguish which all true wives and mothers of that day did, while husbands and sons were exposed to the perils of war, her long life of suffering, her support of the soldier during so many years, her present age and poverty, all amply justify such action.

The divorce, obtained under circumstances so distressing, while changing the legal status of the parties under the pension laws, ought not to be a reason, and is not in law, a bar to action by the lawmaking power. The precedent has already been set. During his former and present term of office the President has either signed or permitted to become laws no less than thirty-one bills granting pensions to widows and dependent mothers who had remarried, and in some of these cases the widow had obtained a divorce from the second husband. The case of Martha Giddings, formerly Martha Priest, who was granted a pension by the Fiftieth Congress, is cited. Having received a pension as the widow of a soldier, Mrs. Giddings remarried. Her second marriage proving unfortunate, she obtained a divorce from her second husband, and again sought to be restored to the pension rolls and recognized as the widow of the soldier. Congress passed the bill for her relief, and very properly, as your committee believe, the same was approved by President Cleveland.

The case of Elizabeth A. South, to whom the Fiftieth Congress, at its first session, granted a pension, presents similar features.

If the widow or dependent mother of a soldier, who has remarried and again become a widow, is entitled to receive the benefit of our pension laws by private acts passed by Congress, your committee can not see why Lydia A. Taft, who was the soldier's wife during the war and, as the evidence clearly shows, retained even to the last a kindly feeling for the man who had wrecked her life, should not now in her old age and condition of dependence receive the small pension of $8 per month provided for in this bill.

Your committee, for the reasons above stated, recommend that the bill to pension Lydia A. Taft do pass, the objections of the President to the contrary notwithstanding.

Mr. TURNER of Georgia. Will the gentleman from New York yield to me for a few moments?

Mr. POOLE. I will.

Mr. TURNER of Georgia. Mr. Speaker, in matters of this kind I have very rarely interfered, and should have said nothing to-day if it had not been that my friend who usually sits in front of me, and who is my guide and mentor in pension cases—I mean the gentleman from Pennsylvania [Mr. ERDMAN]—is absent.

I desire to call the attention of the House to the fact recited in the President's veto, and not contradicted in the report of the committee, that this woman had cast off her husband on account of his uselessness to her, and from him had obtained a divorce. It also appears that he died in a soldiers' home.

I submit, sir, whether a woman who has turned against her husband and kindly cast him off on account of his worthlessness ought to ask Congress to compensate her for his loss. [Laughter.] Under the circumstances, it scarcely appears that she can claim that she has been bereaved or damaged by his death.

I therefore feel that even in my position, as one who is under bonds for his good behavior, as it were, in these matters, I can afford to protest against the passage of this bill over the objections of the President.

Mr. POOLE. Mr. Speaker, I have said in the report which has been read here about all that I care to say upon this question. The fact is, as stated by the gentleman from Georgia, that Lydia A. Taft did obtain a divorce from Lowell Taft. She was his wife before the war. He served nearly four years and gave good service to the country, and no one has obtained a pension on his account. She is now old, nearly 60 years of age, absolutely destitute, and asks Congress to relieve her to the extent of what she would have been entitled under the act of 1890, as the report states, had she remained his wife up to the time of his death.

It is true that she became compelled in order to save her life from his brutality to seek the protection of the laws of the State of Connecticut and obtain a divorce. No one can blame her for that. She, however, had an affection for that man that he did not fully deserve, and ever afterwards while he lived she did what she could toward clothing him, and finally, when he was cast off by all his own family and his friends and became an inmate of the Soldiers' Home of that State, she even then looked after his clothing, and when he died she brought his body home and gave it burial.

Now, it seems to me that she is entitled, in equity, if not in law, to the same protection from the Government that she would have received had she remained his wife up to the time of his death, and that is all this bill asks. This does not establish a precedent. That has been established by acts of Congress years and years ago, and, as shown in this report, President Cleveland has signed bills of this character during this and his former term of office. This is not a new thing for us to do. It is simply giving her the $8 a month that she is entitled to in equity.

Mr. FOOTE. I should like to ask the gentleman from New York is he not, under a legal fiction, trying to establish the fact that drunkenness incurred in the Army is a disability acquired in the service, and therefore should be pensioned, and is not that a bad precedent?

Mr. POOLE. No; it was a misfortune that this man came home as he did. He was not entitled to a pension under our laws on account of drunkenness, but he was in one sense a physical wreck. He was absolutely a wreck so far as working was concerned.

Mr. BAKER of New Hampshire. Mr. Speaker, this case is one which appeals, I think, to the kindly sentiments of every person who understands it. I have not always favored the granting of the pensions which have been approved by the House, but this is a bill which should receive, I apprehend, the entire concurrence of every person who loves justice. What are the facts? This widow was divorced; but why was she divorced? Not because of any fault on her part, but because her husband became a drunkard through his service in the Army. He came home and neglected his duties, neglected to care for her, and abused her; abused her so that it was impossible for her to live with him any longer as his wife. The gentleman from Georgia [Mr. TURNER] asks, Are we to compensate her because of the loss of such a man? That is not the whole question. The question is, in part, Shall we compensate her because she lost a good husband on account of his service in the Army, and because she lost companionship and support which would have been hers if it had not been for his service in the Army? We should compensate her, and we should give her the pension which the President has vetoed. The fact that she herself lived an upright and honorable life and could not safely live with the man who was her husband only in name, but who had been a true and faithful husband before he went into the Army, is the all-important fact. If no divorce had been obtained, if he had remained true and faithful to all the demands of his married life, and she had become dissolute, the law would have permitted her to come in at his death and get a pension.

In this case the reverse is true. The fault was all his, and none of it was hers, and the mere fact that she protected herself against his drunken brutality by obtaining a divorce, the fact that she took care of herself as a woman under those circumstances ought not, should not, in my judgment, weigh with this House against granting this pension. We grant pensions here which do not come under the terms of the general law. We grant them freely because of the equity which is in each case. Here is one which is full of equity in its every form and condition. I believe that it does not come with good grace from any of us to say that we will deny this pension to this woman, who did suffer the loss of her husband's companionship during the term he served in the Army, and did submit to the great discomforts which he forced upon her for years after his return home, and who finally incurred the absolute loss of a good husband in consequence of his army service, simply because she did that which every honest, upright woman ought to do, namely, refuse to live with a man who treats her brutally.

Mr. TURNER of Georgia. Was this harm or detriment which she suffered on account of her husband's service in the war incurred in the line of his duty?

Mr. BAKER of New Hampshire. It was incurred while he was a soldier, and I think my friend knows that on his side as well as on ours during the late war those disabilities were incurred. They were an incident of the army service.

Mr. TURNER of Georgia. Would the limitations of your pension laws as to disabilities incurred not in the line of duty include things like this?

Mr. BAKER of New Hampshire. They would not, and we are here to pass bills outside of the law, not inside the law, as the gentleman from Georgia well knows. Therefore, because the equity is all on the one side, and justice is all on the same side, we should, in my opinion, pension this woman.

Mr. LOUD. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. Certainly.

Mr. LOUD. I should like to ask the gentleman if he does not think now, while we propose to do equity by this poor widow, that it would be more equitable for us to reimburse her for the time after this man came out of the Army, for all the suffering and anguish that he caused her during the exercise of this brutality which he practiced upon her?

Mr. BAKER of New Hampshire. I presume she would be content if she were compensated as this bill now provides; and if the gentleman wishes her to be compensated beyond that, and will introduce a proper bill, we will consider it at the proper time.

Mr. LOUD. That is rather an evasion of the question, Mr. Speaker.

The SPEAKER. The question is, Will the House, on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding? And upon that, under the Constitution, the yeas and nays have to be called.

The question was taken; and there were—yeas 98, nays 85, not voting 172; as follows:

YEAS—98.

Allen, Utah
Anderson,
Andrews,
Apsley,
Arnold, R. I.
Babcock,
Baker, Md.
Baker, N. H.
Barney,
Belknap,
Bishop,
Brewster,
Bromwell,
Brown,
Burton, Ohio
Chickering,
Clark, Mo.
Codding,
Colson,
Cook, Wis.
Cooke, Ill.
Cooper, Wis.
Cousins,
Cummings,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Daniels,
Dolliver,
Fenton,
Fletcher,
Foss,
Gibson,
Gillett, Mass.
Graff,
Griffin,
Griswold,
Grout,
Hainer, Nebr.
Handy,
Hardy,
Hatch,
Henderson,
Hilborn,
Hill,
Hooker,
Huff,
Hunter,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Kerr,
Kiefer,
Layton,
Leonard,
Low,
Mahany,
Marsh,
McCall, Mass.
McLachlan,
Minor, Wis.
Moody,
Otjen,
Payne,
Phillips,
Pickler,
Poole,
Pugh,
Rinaker,
Robinson, Pa.
Royse,
Russell, Conn.
Sauerhering,
Shafroth,
Sherman,
Southard,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Sulloway,
Sulzer,
Tayler,
Thomas,
Van Horn,
Van Voorhis,
Watson, Ind.
Watson, Ohio
White,
Wilson, Ohio
Wood,
Woomer,
Wright.

NAYS—85.

Abbott,
Allen, Miss.
Arnold, Pa.
Bailey,
Bartlett, Ga.
Bell, Colo.
Berry,
Black, Ga.
Blue,
Broderick,
Buck,
Burton, Mo.
Clardy,
Cobb,
Connolly,
Cooper, Tex.
Cox,
Crowther,
Dalzell,
De Armond,
Dockery,
Evans,
Foote,
Hager,
Hall,
Harrison,
Hepburn,
Howard,
Hubbard,
Hulick,
Kyle,
Lacey,
Latimer,
Lawson,
Lester,
Livingston,
Long,
Lorimer,
Loud,
Maddox,
Maguire,
McCall, Tenn.
McClellan,
McCreary, Ky.
McCulloch,
McLaurin,
McRae,
Meredith,
Miller, Kans.
Milnes,
Mondell,
Money,
Morse,
Neill,
Noonan,
Northway,
Otey,
Owens,
Pearson,
Pendleton,
Powers,
Prince,
Quigg,
Richardson,
Russell, Ga.
Sayers,
Settle,
Shuford,
Simpkins,
Spalding,
Stokes,
Strait,
Strowd, N. C.
Talbert,
Tate,
Terry,
Tracewell,
Tucker,
Turner, Ga.
Updegraff,
Warner,
Washington,
Williams,
Woodard,
Yoakum.

NOT VOTING—172.

Acheson,
Adams,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Atwood,
Avery,
Baker, Kans.
Bankhead,
Barham,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Bingham,
Black, N. Y.
Boatner,
Boutelle,
Bowers,
Brosius,
Brumm,
Bull,
Burrell,
Calderhead,
Cannon,
Catchings,
Clark, Iowa
Clarke, Ala.
Cockrell,

Coffin,
Cooper, Fla.
Corliss,
Cowen,
Crowley,
Crump,
Culberson,
Danford,
Dayton,
Denny,
De Witt,
Dingley,
Dinsmore,
Doolittle,
Dovener,
Draper,
Eddy,
Ellett,
Ellis,
Erdman,
Fairchild,
Faris,
Fischer,
Fitzgerald,
Fowler,
Gamble,
Gardner,
Gillet, N. Y.
Goodwyn,
Grosvenor,
Grow,
Hadley,
Halterman,
Harmer,
Harris,
Hart,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Hendrick,
Henry, Conn.
Henry, Ind.
Hermann,
Hicks,
Hitt,
Hopkins,
Howe,
Howell,
Huling,
Hull,
Hurley,
Hutcheson,
Hyde,
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kendall,
Kirkpatrick,
Kleberg,
Knox,
Kulp,
Lefever,
Leighty,
Leisenring,
Lewis,
Linney,
Linton,
Little,
Loudenslager,
Mahon,
Martin,
McCleary, Minn.
McClure,
McCormick,
McDearmon,
McEwan,
McMillin,
Meiklejohn,
Mercer,
Meyer,
Miles,
Miller, W. Va.
Milliken,
Miner, N. Y.
Mitchell,
Moses,
Mozley,
Murphy,
Murray,
Newlands,
Odell,
Ogden,
Overstreet,
Parker,
Patterson,
Perkins,
Pitney,
Price,
Raney,
Ray,
Reeves,
Reyburn,
Robertson, La.
Rusk,
Scranton,
Shannon,
Shaw,
Skinner,
Smith, Ill.
Smith, Mich.
Snover,
Sorg,
Southwick,
Sparkman,
Spencer,
Stallings,
Strong,
Swanson,
Taft,
Tawney,
Thorp,
Towne,
Tracey,
Treloar,
Turner, Va.
Tyler,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Wellington,
Wheeler,
Wilber,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodman.

The following pairs were announced:

Until further notice:

Mr. Huling with Mr. Stallings.

Mr. Wellington with Mr. Cowen.

For this day:

Mr. Treloar with Mr. Sparkman.

Mr. Leisenring with Mr. Robertson of Louisiana.

Mr. Bingham with Mr. Boatner.

The SPEAKER. On this question the yeas are 98, the nays 85. Two-thirds not having voted in the affirmative, the House refuses to agree to pass the bill.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair desires to announce the appointment as members of the Memorial Association of the District of Columbia of J. W. Douglass and Gardiner G. Hubbard.

ORDER OF BUSINESS.

The SPEAKER. The first thing in order is business of the committees.

Mr. WILLIAM A. STONE. Mr. Speaker, I——

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. MORSE. Mr. Speaker, I ask for a completion of the vote pending on the bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, when the House adjourned.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BABCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 45, noes 23.

Mr. BABCOCK. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum.

Mr. SHERMAN. The yeas and nays.

Mr. MORSE. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 31, not voting 194; as follows:

YEAS—130.

Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Allen, Utah.
Andrews,
Apsley,
Baker, Kans.
Baker, Md.
Baker, N. H.
Bell, Colo.
Bell, Tex.
Bishop,
Black, Ga.
Blue,
Broderick,
Brown,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Chickering,
Clardy,
Codding,
Connolly,
Cooper, Wis.
Cousins,
Cox,
Curtis, Kans.
Dalzell,
Daniels,
Dayton,
De Armond,
Dingley,
Dinsmore,
Dolliver,
Draper,
Fenton,
Foote,
Fowler,
Gibson,
Gillet, N. Y.
Graff,
Griffin,
Griswold,
Grout,
Grow,
Hager,
Hanly,
Hatch,
Heiner, Pa.
Henderson,
Hepburn,
Hilborn,
Hitt,
Hopkins,
Howard,
Howell,
Hubbard,
Huff,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kerr,
Kirkpatrick,
Knox,
Kyle,
Lacey,
Latimer,
Lawson,
Leonard,
Little,
Loud,
Loudenslager,
Maddox,
Martin,
McCulloch,
McDearmon,
McLachlan,
McLaurin,
McRae,
Miller, Kans.
Milnes,
Minor, Wis.
Morse,
Moses,
Mozley,
Neill,
Otey,
Otjen,
Payne,
Phillips,
Pickler,
Powers,
Prince,
Pugh,
Ray,
Royse,
Russell, Conn.
Russell, Ga.
Shafroth,
Sherman,
Shuford,
Smith, Mich.
Spalding,
Spencer,
Sperry,
Stahle,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stokes,
Strait,
Strowd, N. C.
Talbert,
Tate,
Tayler,
Terry,
Towne,
Van Voorhis,
Walker, Mass.
Watson, Ind.
Williams,
Wilson, Ohio
Wilson, S. C.
Wood,
Woodard,
Woomer,
Wright,
Yoakum.

NAYS—31.

Abbott,
Babcock,
Bailey,
Bartholdt,
Bartlett, Ga.
Berry,
Bingham,
Buck,
Cobb,
Crowther,
Cummings,
Hall,
Hardy,
Harrison,
Hartman,
Jenkins,
Layton,
Maguire,
Mahany,
McClellan,
Meredith,
Mitchell,
Noonan,
Owens,
Pearson,
Pendleton,
Quigg,
Richardson,
Sayers,
Sulzer,
Washington.

NOT VOTING—194.

Acheson,
Adams,
Aitken,
Aldrich, Ill.
Anderson,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Belknap,
Bennett,
Black, N. Y.
Boatner,
Boutelle,
Bowers,
Brewster,
Bromwell,
Brosius,
Brumm,
Calderhead,
Cannon,
Catchings,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Cockrell,
Coffin,
Colson,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cowen,
Crowley,
Crump,
Culberson,
Curtis, Iowa
Curtis, N. Y.
Danford,
Denny,
De Witt,
Dockery,
Doolittle,
Dovener,
Eddy,
Ellett,
Ellis,
Erdman,
Evans,
Fairchild,
Faris,
Fischer,
Fitzgerald,
Fletcher,
Foss,
Gamble,
Gardner,
Gillett, Mass.
Goodwyn,
Grosvenor,
Hadley,
Hainer, Nebr.
Halterman,
Harmer,
Harris,
Hart,
Heatwole,
Hemenway,
Hendrick,
Henry, Conn.
Henry, Ind.
Hermann,
Hicks,
Hill,
Hooker,
Howe,
Hulick,
Huling,
Hull,
Hunter,
Hurley,
Hutcheson,
Hyde,
Jones,
Joy,
Kem,
Kendall,
Kiefer,
Kleberg,
Kulp,
Lefever,
Leighty,
Leisenring,
Lester,
Lewis,
Linney,
Linton,
Livingston,
Long,
Lorimer,
Low,
Mahon,
Marsh,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McMillin,
Meiklejohn,
Mercer,
Meyer,
Miles,
Miller, W. Va.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moody,
Murphy,
Murray,
Newlands,
Northway,
Odell,
Ogden,
Overstreet,
Parker,
Patterson,
Perkins,
Pitney,
Poole,
Price,
Raney,
Reeves,
Reyburn,
Rinaker,
Robertson, La.
Robinson, Pa.
Rusk,
Sauerhering,
Scranton,
Settle,
Shannon,
Shaw,
Simpkins,
Skinner,
Smith, Ill.
Snover,
Sorg,
Southard,
Southwick,
Sparkman,
Stallings,
Steele,
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Swanson,
Taft,
Tawney,
Thomas,
Thorp,
Tracewell,
Tracey,
Treloar,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Watson, Ohio
Wellington,
Wheeler,
White,
Wilber,
Willis,
Wilson, Idaho
Wilson, N. Y.
Woodman.

The following additional pairs were announced:

Until further notice:

Mr. Corliss with Mr. McMillin.

Mr. Hicks with Mr. Hart.

Mr. Harmer with Mr. Jones.

The following for this day:

Mr. Heatwole with Mr. Culberson.

Mr. Woomer with Mr. Bartlett of New York.

Mr. Kulp with Mr. Sorg.

Mr. Grosvenor with Mr. McCreary of Kentucky.

Mr. Loudenslager with Mr. Dockery.

Mr. Brumm with Mr. Ellett.

Mr. Hill with Mr. Hendrick.

Mr. Lorimer with Mr. Hutcheson.

Mr. Wilber with Mr. Ogden.

Mr. Arnold of Pennsylvania with Mr. Price.

Mr. Aldrich of Illinois with Mr. Bankhead.

Mr. Raney with Mr. Robertson of Louisiana.

The following on this vote:

Mr. Cannon with Mr. Turner of Georgia.

Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. Loudenslager, but I desire to be recorded as present.

The SPEAKER. The gentleman will be so recorded.

Mr. FOOTE. Mr. Speaker, I desire to ask whether my colleague, Mr. Bennett, is recorded.

The SPEAKER. He is not.

Mr. FOOTE. If he were present, he would vote against the bill.

Mr. NORTHWAY. Mr. Speaker, I desire to vote. I was present during the second roll call, but did not hear my name.

The SPEAKER. Was the gentleman listening and did he fail to hear his name called?

Mr. NORTHWAY. I was talking with the gentleman from Maine, Mr. DINGLEY. I intended to vote, but did not observe that my name had been reached.

The SPEAKER. The gentleman can be marked "present."

Mr. BARTHOLDT. Mr. Speaker, I ask for the announcement of the vote.

Mr. HAINER of Nebraska. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening for his name?

Mr. HAINER of Nebraska. I was not, but I should like very much to be permitted to vote on this question.

The SPEAKER. The gentleman can be marked as "present." On this question the yeas are 132 and the nays are 51.

Mr. MAHANY. I make the point of no quorum, Mr. Speaker.

Mr. MORSE. I move a call of the House.

The SPEAKER. The rule provides for this contingency.

Mr. MAHANY. I move that the House do now adjourn.

The SPEAKER. If the gentleman will withhold that motion a moment, the Chair will have the rule read.

The fourth paragraph of Rule XV was read, as follows:

> Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

The SPEAKER. Under the rule there will now be a call of the House, the Sergeant-at-Arms will proceed to bring in absent members, and the yeas and nays on the pending question will be considered as ordered. The Clerk will therefore call the roll and the responses will show whether the member is present or not, and will also show his vote upon the pending question. The Doorkeeper will close the doors.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. My inquiry is whether a motion to suspend proceedings under the call would be in order at the present time, for the purpose of moving that the bill be recommitted to the Committee on the District of Columbia.

The SPEAKER. That motion would not be in order unless by unanimous consent.

Mr. BARTHOLDT. I ask unanimous consent.

Mr. MORSE. I object. [Laughter.]

The roll was called; and there were—yeas 167, nays 52, answered "present" 18; as follows:

YEAS—167.

Acheson,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Allen, Utah
Andrews,
Apsley,
Baker, Kans.
Baker, Md.
Baker, N. H.
Barham,
Bell, Colo.
Bell, Tex.
Bishop,
Black, Ga.
Blue,
Boutelle,
Bowers,
Broderick,
Bromwell,
Brown,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Clardy,
Clark, Iowa
Clark, Mo.
Cockrell,
Codding,
Connolly,
Cooper, Wis.
Cousins,
Cox,
Curtis, Kans.
Dalzell,
Daniels,
Dayton,
De Armond,
Denny,
De Witt,
Dingley,
Dinsmore,
Doolittle,
Draper,
Ellis,
Fenton,
Fletcher,
Foote,
Foss,
Fowler,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grout,
Grow,
Hager,
Hadley,
Hatch,
Henderson,
Hepburn,
Hermann,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Howard,
Howell,
Huff,
Hulick,
Hull,
Johnson, Cal.
Johnson, N. Dak.
Kendall,
Kerr,
Kirkpatrick,
Knox,
Kyle,
Lacey,
Latimer,
Lawson,
Lefever,
Linney,
Little,
Long,
Loud,
Maddox,
Martin,
McCall, Mass.
McCormick,
McCulloch,
McDearmon,
McLachlan,
McLaurin,
McRae,
Miles,
Miller, Kans.
Miller, W. Va.
Milnes,
Miner, Wis.
Mondell,
Moody,
Morse,
Moses,
Mozley,
Neill,
Otey,
Otjen,
Payne,
Perkins,
Phillips,
Pickler,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Ray,
Rinaker,
Robinson, Pa.
Royse,
Russell, Conn.
Russell, Ga.
Settle,
Shafroth,
Sherman,
Shuford,
Simpkins,
Smith, Mich.
Snover,
Spalding,
Sperry,
Stahle,
Steele,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stokes,
Stone, W. A.
Strait,
Strong,
Stroud, N. C.
Sulloway,
Talbert,
Tate,
Taylor,
Terry,
Tucker,
Turner, Ga.
Tyler,
Van Voorhis,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Williams,
Wilson, S. C.
Wood,
Woodard,
Woomer,
Wright,
Yoakum.

NAYS—52.

Abbott,
Arnold, Pa.
Babcock,
Bailey,
Bartholdt,
Bartlett, Ga.
Belknap,
Boatner,
Buck,
Cooke, Ill.
Crowther,
Cummings,
Curtis, Iowa
Hall,
Hardy,
Harrison,
Hartman,
Henry, Ind.
Hunter,
Jenkins,
Kiefer,
Layton,
Lorimer,
Maguire,
Mahany,
Marsh,
McClellan,
Meredith,
Mitchell,
Money,
Noonan,
Overstreet,
Parker,
Pearson,
Pendleton,
Quigg,
Reeves,
Richardson,
Sauerhering,
Sayers,
Shannon,
Southard,
Sulzer,
Taft,
Tawney,
Thomas,
Tracewell,
Van Horn,
Wanger,
Warner,
Washington,
White.

ANSWERED "PRESENT"—18.

Anderson,
Bingham,
Black, N. Y.
Brewster,
Cannon,
Corliss,
Dockery,
Dolliver,
Evans,
Hainer, Nebr.
Heatwole,
McCreary, Ky.
McMillin,
Northway,
Owens,
Sparkman,
Tracey,
Treloar.

NOT VOTING—118.

Adams,
Aldrich, Ill.
Arnold, R. I.
Atwood,
Avery,
Bankhead,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Bennett,
Berry,
Brosius,
Brumm,
Calderhead,
Catchings,
Chickering,
Clarke, Ala.
Cobb,
Coffin,
Colson,
Cook, Wis.
Cooper, Fla.
Cooper, Tex.
Cowen,
Crowley,
Crump,
Culberson,
Curtis, N. Y.
Danford,
Dovener,
Eddy,
Elliott,
Erdman,
Fairchild,
Faris,
Fischer,
Fitzgerald,
Gamble,
Gardner,
Grosvenor,
Hadley,
Halterman,
Harmer,
Harris,
Hart,
Heiner, Pa.
Hemenway,
Hendrick,
Henry, Conn.
Hicks,
Howe,
Hubbard,
Hulings,
Hurley,
Hutcheson,
Hyde,
Johnson, Ind.
Jones,
Joy,
Kem,
Ketcham,
Kulp,
Leighty,
Leisenring,
Leonard,
Lester,
Lewis,
Linton,
Livingston,
Loudenslager,
Low,
Mahon,
McCall, Tenn.
McCleary, Minn.
McClure,
McEwan,
Meiklejohn,
Mercer,
Meyer,
Milliken,
Miner, N. Y.
Murphy,
Murray,
Newlands,
Odell,
Ogden,
Patterson,
Price,
Raney,
Reyburn,
Robertson, La.
Rusk,
Scranton,
Shaw,
Skinner,
Smith, Ill.
Sorg,
Southwick,
Spencer,
Stallings,
Stephenson,
Strode, Nebr.
Swanson,
Thorp,
Towne,
Turner, Va.
Updegraff,
Wadsworth,
Walker, Va.
Wellington,
Wheeler,
Wilber,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Woodman.

During the roll call the following took place:

Several members having responded "Here" or "Present."

The SPEAKER said: The Chair will state to the House that under this rule, when members are called they are required to vote "yea" or "nay" upon the engrossment and third reading of the pending bill, unless they desire not to vote, in which case they will respond "Present." Thus the roll call will answer the double purpose of taking a vote on the bill and of showing what members are present. The Chair desires to add also that we are now under a call of the House, so that it is the duty of members who are present to remain until the call and the vote is completed, and the Sergeant-at-Arms is required to keep members here who are present, and also to bring in the absentees.

The roll call was concluded with the result already stated.

So the bill was ordered to be engrossed and read a third time.

Mr. McMILLIN. Mr. Speaker, I am paired for to-day and can not vote, but I wish to be recorded as present.

Mr. DOCKERY. I ask that my colleague, Judge COBB, be excused on account of sickness.

The SPEAKER. Without objection, the gentleman from Missouri, Mr. COBB, will be excused on account of sickness.

There was no objection.

Mr. LINTON. My colleague, Dr. AVERY, is absent on account of sickness; I understand that he has a leave of absence.

The SPEAKER. That is the understanding of the Chair.

The result of the vote was announced as above stated.

The SPEAKER. A quorum having voted, the Sergeant-at-Arms will cause the doors to be reopened. By the vote just taken the bill has been ordered to be engrossed and read a third time.

The bill was read the third time.

Mr. BABCOCK and Mr. MORSE addressed the Chair.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] is entitled to the floor.

Mr. MORSE. I ask that the question be put on the final passage of the bill. I move the previous question.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] moves the previous question on the passage of the bill.

Mr. BABCOCK. I will ask whether that cuts off debate entirely?

The SPEAKER. It cuts off debate.

Mr. MEREDITH. Does it cut off a motion to commit the bill?

Mr. BABCOCK. I desire to move that this bill be committed to the committee having jurisdiction of the subject, and I would like the privilege of making a statement.

The SPEAKER. Pending a motion for the previous question, the gentleman can move to commit or recommit the bill. Will he state his motion?

Mr. BABCOCK. I move that the bill be committed to the Committee on the District of Columbia.

Mr. MORSE. I call for the previous question.

The SPEAKER. The gentleman from Massachusetts has called for the previous question.

The question being taken on ordering the previous question, there were—ayes 105, noes 60.

So the previous question was ordered.

The SPEAKER. The question is now on the motion of the gentleman from Wisconsin [Mr. BABCOCK] that the bill be committed to the Committee on the District of Columbia.

Mr. BABCOCK. On that motion I ask unanimous consent to make a statement not exceeding five minutes.

Mr. MORSE. I object. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from Massachusetts objects.

Mr. BABCOCK. The House ought to understand this measure before it votes on it.

Mr. MORSE. I have no objection to allowing the gentleman from Wisconsin to make a statement, if I be allowed unanimous consent to make a reply. I do object to an ex parte statement.

Mr. WILLIAM A. STONE. I ask unanimous consent that each of the two gentlemen—the gentleman in charge of this bill [Mr. MORSE] and also the chairman of the Committee on the District of Columbia [Mr. BABCOCK]—be allowed five minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Wisconsin be allowed five minutes and the gentleman from Massachusetts the same time.

Several MEMBERS. Make it ten minutes.

The SPEAKER. It is proposed that each of these gentlemen be allowed ten minutes. Is there objection? The Chair hears none. The gentleman from Wisconsin is entitled to the floor for ten minutes.

Mr. BABCOCK. Mr. Speaker, I wish to say in the first place that this is a measure local entirely to the District of Columbia; that no member of the District Committee or any Commissioner of the District—indeed, no one having jurisdiction over the subject-matter of this bill—had any knowledge of this legislation until it came up on the floor of the House under the call of committees, when it was called up by the Committee on the Alcoholic Liquor Traffic. I desire to say further that it is impossible to secure a copy of this bill. I have tried at both ends of the Capitol and have failed utterly to get a single copy of the bill except one, which was handed to me by the Commissioners.

I wish to say further that I submitted this matter day before yesterday to the Commissioners when they were before our committee, and asked for an explanation. They said that they knew nothing whatever about this legislation, and I have here a statement of the Commissioners in which they say: "The Commissioners have the honor to state that they have not heretofore been requested to report upon this bill."

Now, Mr. Speaker, there are many good things in this bill, and many things that are very objectionable. But the fact is that the committee from which this bill emanates has no more authority to bring before the House legislation of this kind than they have to present legislation for the great State of New York. Specifically the rules determine what committee shall handle bills of this kind, and had I been present at the time this bill was called up I should have made a point of order and asked that the bill be referred to the proper committee.

The bill is too long for me to go through it section by section in the little time that I now have. But I will say that one of the most objectionable sections of the bill is the one thoroughly discussed on this floor two years ago. At that time a large majority of the House decided against the very section which it is sought now to enact. I refer to the 400-foot clause. As was at that time shown on the floor of the House, priority is now recognized in granting licenses. There are parties owning hotels or running restaurants or saloons whose franchise alone is worth a fortune. There are places where parties have spent almost their whole lives—in one instance more than thirty years—in building up a business in which they have now invested all their means.

Under the provisions of this bill a schoolhouse can be built within 400 feet of property which has acquired a vested interest, or a church can be built, and the owner of the property at once driven from the location and his business utterly ruined. The House decided two years ago that it would recognize priority in such matters. It provided that no saloon should be hereafter established within 400 feet of any church or schoolhouse already in existence. That was practically the unanimous opinion of the House and the Senate, and I have seen no reason whatever for changing it since that time.

Another provision embraced in this 400-foot clause is worthy of consideration. The law provides that the 400 feet shall be measured by the nearest track or path of ordinary travel. This bill does away with that provision, and you can measure directly through the block or square, and in that way reduce the distance and bring the saloon within the 400-foot limit. For instance, a hotel may be located, we will say, on the east side of a block, and directly across the block, on the west side, a school may be established. Measured through the block the distance between them probably would be only 200 feet, although by the ordinary course of travel the distance would be 500 feet or more. This bill would close up many hotels and many business places of that character that are now in existence and that are in no way objectionable to the residents in the neighborhood.

Mr. HEPBURN. Will the gentleman permit me a question?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Do I understand the gentleman's contention to be that the saloon should have the vested and prior right as against the church or schoolhouse?

Mr. BABCOCK. No, sir; that is not my contention. My contention is that the House has already voted—two years ago—that the people living there and doing business in this manner had a vested right in the property, and that no such legislation should be enacted as would practically confiscate the property, so far as these parties are concerned, by a newly built church or schoolhouse. It did provide that no saloon should hereafter be established within 400 feet of any church or schoolhouse then in existence.

Mr. KIEFER. When newly established.

Mr. BABCOCK (continuing). When newly established.

My motion is that this matter be committed to the Committee on the District of Columbia to investigate the questions involved, and that some hearings may be had on it, and that it may be discussed and considered section by section. As I have stated before, it is the only committee of the House having jurisdiction of the subject-matter involved, and I hope that the House will not act upon so important a matter without having it first duly considered by the only committee having proper jurisdiction of it.

I reserve the remainder of my time.

Mr. MORSE. Mr. Speaker, if the gentleman from Wisconsin will kindly turn to the bill in question, he will see that both sections to which he objects have been stricken from the original bill by the committee reporting the bill. That seems to answer his objection pretty well. [Laughter and applause.]

Now, Mr. Speaker, I may be permitted to say to the House that for one I am pained, as are the temperance and Christian people of this city, and have been pained during my service of eight years upon this floor, to witness the attitude of the distinguished gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Committee on the District of Columbia, toward the saloons, billiard rooms, and various other agencies and things affecting the morals of the people of this city.

Mr. BABCOCK. Will the gentleman permit me a moment?

Mr. MORSE. I decline to be interrupted.

Since I have had the honor of a seat upon this floor, I repeat, I have been pained at the attitude of the distinguished gentleman from Wisconsin in regard to all matters affecting the moral interests of the District, and this very question among them.

He says that this action of the committee in reporting the bill was done in secret and in the corner. I beg to state to this House that the bill, if I am not mistaken greatly in my recollection of the matter, was printed both in the Star and the Post of this city within a year, and undoubtedly was largely discussed by the people of the District.

This bill originated with the Anti-Saloon League of the District, and I am here to say that one of the Commissioners of the District, Mr. Truesdell, was present at a large mass meeting held here a few nights ago, and in the very warmest terms commended the action of this organization for the enforcement of law in the District. I claim, therefore, that by inference he commended this bill, because, as I have said, it originated with the Anti-Saloon League, and he must have been familiar with its provisions, because it has been published in the newspapers of the District.

Mr. BARTHOLDT. Will the gentleman allow me an interruption?

Mr. MORSE. I decline to be interrupted, Mr. Speaker. This is an important question, and I have only ten minutes.

Now, so much for its being done in a corner. It has not been done in a corner. It is well known to all the people who are interested in the affairs of this District and who desire its best interests. Now let me occupy just a moment in stating the provisions of this bill.

The amendment to section 1 of the present license law of the District of Columbia as proposed in the pending bill enforces the law on brewers and distillers and their agents, who, through an inadvertence, undoubtedly, in framing the present law, can sell without a license, as pointed out by the Commissioners of the District of Columbia.

I had read from the Clerk's desk, on the occasion of the former debate, the recommendation of the Commissioners in this regard. The gentleman from Wisconsin says the Commissioners did not know anything about any provisions of this bill.

The amendment to section 2 changes the law as follows:

> At present the excise board has final jurisdiction and interpretation of the law

The amendment does not interfere with their findings as to facts, but provides that questions of law may be appealed to the supreme court of the District, either by the applicant or contestant of record. The "contestant of record" is a man who has entered a formal or written protest to the excise board. It is claimed the excise board has interpreted the law unfairly.

The amendment to section 5 provides for securing consent before a saloon can be established by a party on a corner of the real estate owners diagonally opposite; also provides for written signature annually of abutters. The present law requires only one consent of the abutters to the establishment of a saloon, and that consent may last to the resurrection. The original owners consenting to the establishment of the saloon may have moved away. They may have died or committed suicide, as is the case in one instance, and yet the original consent holds good until the crack of doom, in spite of the views or wishes of the present owners of the abutting real estate. Is not that a sensible change? The consent of abutters certainly should be had yearly before a renewal of license.

The amendment to section 6 makes the provisions of this section clear and removes unnecessary words, i. e., "above 16 years of age." As they stand in the law they are nonsense there and have no bearing on the section. Section 6 also takes down the screens, so police officers can look in and see what is going on in the bar or saloon.

Amendment to section 8 defines a barroom and fills a gap, and says that a place where they sell less than a pint, drank on the premises or not, shall take out a license. As it is now, a man can go into a certain class of places and buy a half pint and go out and drink it on the sidewalk, and it does not require any license to sell in that way.

The present law prohibits the licensing of a twice-convicted licensee, but he can get a license at the same place for a friend, wife, or relative, and the business suffers no interruption in consequence of the revocation of the license. The amendment to section 13 provides that after a second conviction that place shall not be licensed by anyone, and that he or his representative shall not be licensed anywhere. Is not that a reasonable provision?

Under section 14 of the existing law witnesses may be intimidated for fear of incriminating themselves. The amendment to this section is to remove intimidation and to exempt witnesses from prosecution.

Section 15 provides for prosecutions on evidence satisfactory to the district attorney. Under the existing law he is made the judge and jury. The amendment provides for bringing prosecutions by the district attorney on the sworn information of two witnesses, citizens of the District of Columbia.

Section 19 of the existing law prohibits a woman under 16, or a minor under 16, or a criminal from tending bar. But a woman or a minor over 16 may tend bar. Does the gentleman from Wisconsin [Mr. BABCOCK] desire women to tend bars in this city?

Mr. BABCOCK. Does the gentleman know of any such thing in the city of Washington? Did he ever hear of any such thing in this city?

Mr. MORSE. The Anti-Saloon League says there are such instances in this city, and it is composed of honorable and upright gentlemen.

Now, I say if these amendments to existing law shall be adopted, the license law of the District of Columbia will then be far less stringent than the law of the State of New York, and of many other States. There is nothing drastic or radical about these amendments, and they ought to receive the support of every right-minded person who desires the enforcement of the existing law.

The bill, as before stated, was drafted by the Anti-Saloon League of the District of Columbia, to cure alarming defects in the existing law as developed in their efforts to enforce the law.

Now, if I have any time remaining I will yield it to the distinguished gentleman from New York, Mr. DANIELS.

Mr. DANIELS. Mr. Speaker, I have very little to say in reference to this bill, because I think the remarks of the gentleman from Massachusetts [Mr. MORSE] very ably cover the amendments proposed in it. All that was attempted in the amendments proposed by the bill was to remedy what appeared to be practical defects in the law now existing, in order to meet what appeared to be the expectations of Congress in its enactment. It is simply to meet the emergencies and defects in the law as previously enacted. It attempts nothing more than simply to carry into effect the general provisions of that law. It was not the purpose of the committee or of this bill——

Mr. BARTHOLDT. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. I think, under the order of the House, two gentlemen were permitted to occupy ten minutes each, the chairman of the Committee on the District of Columbia [Mr. BABCOCK] and the chairman of the Committee on the Alcoholic Liquor Traffic [Mr. MORSE]. I do not know that they had the privilege of yielding any time to anybody else. I have asked that privilege, and it has not been granted.

The SPEAKER. The Chair thinks, under the order, that there was no right to yield. If the gentleman makes that point, the Chair will sustain it.

Mr. BABCOCK. Mr. Speaker, I regret that the point of order was made. I would very much have liked to hear the distinguished gentleman from New York [Mr. DANIELS]. I think if this House needed any proof that this bill ought not to pass in its present condition, the remarks of the gentleman from Massachusetts have furnished it. In this bill there are some twenty amendments to the existing excise laws. I state this proposition boldly, that in the city of Washington we have the best-regulated saloons, the best laws governing the closing of saloons and the admission of minors, and there has come under my own personal observation, Mr. Speaker, more than a dozen cases where policemen have been discharged for simply going into saloons unless called in to quell a disturbance.

Now, the gentleman from Massachusetts speaks of the necessity for the property owners signing every year. Under the present law, Mr. Speaker, the objection of one single property owner to the establishment of a saloon is sufficient to oblige that man to furnish a new petition of a majority of the freeholders adjacent to his place of business. I ask, under that state of circumstances, where is the necessity of signing every year, when a single property owner can close up any saloon by his power of making complaint?

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. BABCOCK. Certainly.

Mr. WILLIAM A. STONE. What objection have you to the removal of screens from saloons, so that people passing the bar can see who are there who have a right to be there and others who ought not to be there?

Mr. BABCOCK. I said, Mr. Speaker, that there were some good provisions in this bill, some that I would be very glad to support, and I see no objection at all to that. I would vote for a proposition of that kind myself. But here we have a long bill and not a single copy of it or of the report on it can be had.

Mr. MEREDITH. I can not get one.

Mr. MAHANY. Nor can I.

Mr. BABCOCK. More than twenty members around me have asked for a copy of the bill.

Mr. DANIELS. If I can interrupt the gentleman for a moment, I will state that this bill was printed last session, and I have a copy that I got in the ordinary way last session.

Mr. BABCOCK. The gentleman says I could have gotten a copy last session. I have always made it a point to furnish bills and reports of all measures that I have called up in the House, so that the House might vote intelligently upon those propositions.

Mr. BARTHOLDT. Will the gentleman permit me to ask him a question?

Mr. BABCOCK. Certainly.

Mr. BARTHOLDT. I should like to ask whether the gentleman from Wisconsin knows whether the other side has been heard on this measure?

Mr. BABCOCK. The Committee on the District of Columbia, the Commissioners of the District of Columbia, and the attorney for the District have no knowledge whatever of any hearings on this measure, and have had no knowledge of the bill being called up and pending before Congress. The gentleman says the bill was printed over a year ago. That may be true, but at the same time it is impossible to get a copy of the report or of the bill.

Mr. MEREDITH. The gentleman from Massachusetts sent all those copies out in his campaign, I suppose. [Laughter.]

Mr. BABCOCK. I appeal, Mr. Speaker, to the good sense and judgment of this House to send the bill where it can properly be discussed and reported back.

The SPEAKER. The time of the gentleman has expired.

Mr. MORSE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has one minute remaining.

Mr. MORSE. I will state in that minute, Mr. Speaker, that the gentleman from Wisconsin has said we have the best license system in regard to closing saloons. I have a letter from a person

who signs herself "A Suffering Wife," who states that the gin mills under the existing law are open nearly all night. I ask unanimous consent that I may have this letter read at the Clerk's desk.

A MEMBER. I object.

Mr. MEREDITH. Will the gentleman allow me one question?

Mr. MORSE. Yes.

Mr. MEREDITH. Will you take testimony of that kind?

Mr. MORSE. I will, from the tone of this letter.

Mr. MEREDITH. It was upon such testimony as that your ancestors burned women for witchcraft in your State. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the bill be recommitted to the Committee on the District of Columbia.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MORSE. Division.

Mr. JOHNSON of California. The yeas and nays.

Mr. MORSE. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 142, not voting 128; as follows:

YEAS—85.

Abbott,
Aldrich, T. H.
Anderson,
Arnold, Pa.
Babcock,
Bailey,
Barney,
Bartholdt,
Bartlett, Ga.
Belknap,
Berry,
Bingham,
Boatner,
Brewster,
Bromwell,
Buck,
Bull,
Burton, Mo.
Cannon,
Catchings,
Clark, Iowa
Clark, Mo.
Cooke, Ill.
Cooper, Wis.
Corliss,
Crowley,
Crowther,
Cummings,
Curtis, Iowa
Dovener,
Evans,
Gibson,
Griffin,
Hall,
Hardy,
Harrison,
Hartman,
Henry, Ind.
Howard,
Hull,
Hunter,
Jenkins,
Joy,
Kiefer,
Layton,
Linney,
Linton,
Lorimer,
Low,
Maguire,
Mahany,
Marsh,
McClellan,
Meredith,
Milnes,
Mitchell,
Money,
Noonan,
Otjen,
Overstreet,
Owens,
Parker,
Pearson,
Pendleton,
Quigg,
Raney,
Reeves,
Richardson,
Royse,
Russell, Ga.
Sauerhering,
Smith, Mich.
Southard,
Steele,
Stephenson,
Stewart, Wis.
Sulzer,
Taft,
Tracewell,
Tracey,
Updegraff,
Van Horn,
Warner,
Washington,
White.

NAYS—142.

Aitken,
Aldrich, W. F.
Allen, Miss.
Allen, Utah
Apsley,
Arnold, R. I.
Baker, Kans.
Baker, Md.
Baker, N. H.
Barham,
Bell, Colo.
Bell, Tex.
Bishop,
Black, Ga.
Blue,
Boutelle,
Broderick,
Burrell,
Burton, Ohio
Calderhead,
Chickering,
Clardy,
Cockrell,
Codding,
Cooper, Tex.
Cox,
Curtis, Kans.
Dalzell,
Daniels,
Dayton,
De Armond,
Denny,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Draper,
Ellis,
Faris,
Fenton,
Foote,
Foss,
Fowler,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griswold,
Grout,
Grow,
Hainer, Nebr.
Hanly,
Hatch,
Heiner, Pa.
Hepburn,
Hermann,
Hilborn,
Hill,
Hooker,
Hopkins,
Howell,
Huff,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kerr,
Kirkpatrick,
Knox,
Lacey,
Latimer,
Lawson,
Lefever,
Little,
Loud,
Maddox,
Martin,
McCall, Mass.
McCormick,
McCulloch,
McDearmon,
McLachlan,
McLaurin,
McRae,
Miles,
Miller, Kans.
Miller, W. Va.
Minor, Wis.
Moody,
Morse,
Moses,
Mozley,
Neill,
Northway,
Otey,
Payne,
Perkins,
Phillips,
Pickler,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Ray,
Rinaker,
Russell, Conn.
Settle,
Shafroth,
Sherman,
Shuford,
Simpkins,
Snover,
Spalding,
Sperry,
Stahle,
Stewart, N. J.
Stone, C. W.
Stokes,
Stone, W. A.
Strait,
Strong,
Strowd, N. C.
Sulloway,
Talbert,
Tate,
Tayler,
Terry,
Thomas,
Tucker,
Turner, Ga.
Tyler,
Van Voorhis,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Williams,
Wilson, S. C.
Wood,
Woodard,
Woomer,
Wright,
Yoakum.

NOT VOTING—128.

Acheson,
Adams,
Aldrich, Ill.
Andrews,
Atwood,
Avery,
Bankhead,
Barrett,
Bartlett, N. Y.
Beach,
Bennett,
Black, N. Y.
Bowers,
Brosius,
Brown,
Brumm,
Clarke, Ala.
Cobb,
Coffin,
Colson,
Connolly,
Cook, Wis.
Cooper, Fla.
Cousins,
Cowen,
Crump,
Culberson,
Curtis, N. Y.
Danford,
Dockery,
Doolittle,
Eddy,
Ellett,
Erdman,
Fairchild,
Fischer,
Fitzgerald,
Fletcher,
Gamble,
Gardner,
Grosvenor,
Hadley,
Hager,
Halterman,
Harmer,
Harris,
Hart,
Heatwole,
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hicks,
Hitt,
Howe,
Hubbard,
Hulick,
Huling,
Hurley,
Hutcheson,
Hyde,
Jones,
Kem,
Kendall,
Kleberg,
Kulp,
Kyle,
Leighty,
Leisenring,
Leonard,
Lester,
Lewis,
Livingston,
Long,
Loudenslager,
Mahon,
McCall, Tenn.
McCleary, Minn.
McClure,
McCreary, Ky.
McEwan,
McMillin,
Meiklejohn,
Mercer,
Meyer,
Milliken,
Miner, N. Y.
Mondell,
Murphy,
Murray,
Newlands,
Odell,
Ogden,
Patterson,
Price,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Sayers,
Scranton,
Shannon,
Shaw,
Skinner,
Smith, Ill.
Sorg,
Southwick,
Sparkman,
Spencer,
Stallings,
Strode, Nebr.
Swanson,
Tawney,
Thorp,
Towne,
Treloar,
Turner, Va.
Wadsworth,
Walker, Va.
Wanger,
Wellington,
Wheeler,
Wilber,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Woodman.

The following additional pairs were announced:

For this day:

Mr. AVERY with Mr. CLARKE of Alabama.

Mr. MERCER with Mr. FITZGERALD.

Mr. SCRANTON with Mr. SWANSON.

Mr. BARTHOLDT. Mr. Speaker, I desire to inquire, for information, whether it would be in order to move to adjourn before the vote is announced.

The SPEAKER. The Chair thinks that motion is not in order until after the vote has been announced.

The result of the vote was then announced, as above recorded.

Mr. BARTHOLDT. Mr. Speaker, I now move that the House adjourn.

The question was taken, and there were—ayes 28, noes 98.

So the House refused to adjourn.

The question being taken on the passage of the bill, the Speaker declared that the ayes seemed to have it.

Mr. BARTHOLDT. I ask for a division.

The House divided; and there were—ayes 103, noes 39.

Mr. BARTHOLDT. I ask for the yeas and nays.

The yeas and nays were refused, only 15 members voting in favor thereof.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALARIES OF CONGRESSIONAL EMPLOYEES.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to ask immediate consideration for the usual joint resolution in respect to the payment of the salaries of employees of the House and the Senate for the month of December.

The joint resolution (H. Res. 209) was read, as follows:

> *Resolved by the Senate and House of Representatives, etc.*, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1896, on the 18th day of said month.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the annual Army appropriation bill (H. R. 9638); which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HULL. Mr. Speaker, I will state that the bill carries only two new items of legislation, one abandoning the Army and Navy Hospital at Hot Springs, Ark., and the other extending for ten days the time for the Paymaster-General to examine vouchers.

Mr. DINGLEY. Mr. Speaker, I desire to reserve all points of order on the bill.

TAX ON ALCOHOL USED IN THE ARTS, ETC.

Mr. EVANS. I desire to call up the House amendments, disagreed to by the Senate, to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 8, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 28, 1894." I move that the House agree to the request of the Senate for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

PRINTING OF AN AMENDMENT.

Mr. DINGLEY. I move that the House do now adjourn.

Mr. McRAE. I ask the gentleman from Maine to withhold that motion for a moment, in order that I may obtain consent to have printed in the RECORD a substitute which I desire to propose for the Atlantic and Pacific reorganization bill.

Mr. DINGLEY. The request is simply to print in the RECORD a proposed substitute?

Mr. McRAE. Yes, sir.

Mr. DINGLEY. I withdraw the motion for that purpose.

Mr. McRAE. I ask consent to have printed in the RECORD a substitute which I wish to offer.

The SPEAKER. The gentleman from Arkansas asks to have printed in the RECORD a substitute for the bill now pending in the morning hour, reported by the gentleman from Vermont [Mr. POWERS]. Is there objection? The Chair hears none.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert the following:

"That the purchasers of the railroad property of the Atlantic and Pacific Railroad Company which may at any time hereafter be sold at judicial sale in any suit or suits for the foreclosure of any of the mortgages heretofore executed by said company thereon by authority of Congress may organize anew by filing in the office of the Secretary of the Interior and in the office of the secretary of state of each State through or into which said Atlantic and Pacific Railroad may run a copy of the deed or deeds conveying said railroad and property, with a certificate, signed by them, setting forth the name adopted by them, the names, number, and residences, respectively, of its directors, and a copy of any plan of reorganization adopted by said purchasers or pursuant to which such purchase shall have been made. Upon filing such certificate such purchasers, their associates, successors, and assigns shall, by the name specified in said certificate, possess the franchise to be a corporation with the same limitations and powers as the Atlantic and Pacific Railroad Company, and shall be subject to all the obligations and duties heretofore imposed by Congress upon said company, and may acquire and hold any property of the Atlantic and Pacific Railroad Company: *Provided*, That as a condition precedent to reorganization the purchasers of the railroad property and their associates shall relinquish in writing all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company embraced within both the granted and indemnity limits, which are adjacent to and coterminous with the uncompleted portions of the road, on the 6th day of July, 1886. That nothing herein shall be held to revive any right heretofore forfeited or to extend to said purchasers at said foreclosure sale any other rights than those mentioned in the original granting act and not forfeited by the terms of the act approved July 6, 1886, and it may from time to time issue bonds, secured by mortgage upon its tangible property and franchises or otherwise, not exceeding in the aggregate the sums due upon the mortgages heretofore executed by authority of Congress at the time of the foreclosure sale, and the debts, demands, and liabilities protected and provided for by section 4 of this act, and $15,000 additional per mile for railroad hereafter constructed, the interest on any of which bonds shall not exceed 4 per cent per annum, and stocks not exceeding in the aggregate the amount bid and paid or credited for property acquired under such foreclosure proceedings, and the debts, demands, and liabilities protected and provided for by section 4 of this act; but additional stock may be issued for money, labor, or tangible property, at its actual cash value, to the par or face value of the stock, which may be common stock or preferred stock, or both, as may be authorized at stockholders' meetings, and any stock issued contrary to the provisions hereof shall be void; and that any such mortgage shall be filed and recorded in the office of the Secretary of the Interior and in the office of the register of deeds of each county through and into which said railroad may run as sufficient proof and notice of its legal execution and effectual delivery and of the lien thereby created.

"SEC. 2. That such successor company, its successors and assigns, and any purchaser of lands at such foreclosure sale under such mortgages heretofore executed by said company other than bona fide purchasers for actual settlement and cultivation, shall sell to any applicant therefor, for purposes of actual settlement and cultivation by such applicant, in tracts of not less than 40 nor more than 160 acres each, at a price not exceeding $1.25 per acre, any agricultural land then unsold heretofore granted by Congress to the Atlantic and Pacific Railroad Company and acquired by purchasers at said foreclosure sale as aforesaid: *Provided*, That said company may reserve to itself, its successors and assigns, in the sale of any lands applied hereunder, all coal necessary for use in the maintenance and operation of said railroad which may be found therein and open for mining prior to such foreclosure sale, and the right to take therefrom gravel for its own uses: *Provided, however*, That said company shall have the right to reserve from sale hereunder and to otherwise dispose of such tracts or bodies of arid lands as it shall deem necessary or advisable for use in any way in promoting and developing irrigation, through companies or associations organized under and subject to the laws of the States in which such lands are situated.

"SEC. 3. That neither the Atlantic and Pacific Railroad Company nor such successor corporation, its successors or assigns, shall consolidate its stock, or the stock at any time by it held in any subsidiary corporation, with, or sell, convey, or lease said railway, or by other corporate action give control or management over and of the same, to any corporation, company, person, or association of persons whatever without the consent of Congress; and any contract entered into by said successor company in violation of the provisions hereof shall be null and void, and may be enjoined at the suit of the United States or any State in which said road or any part thereof is situate in any court of competent jurisdiction: *Provided*, That nothing herein contained shall be construed as making any additional grant of lands to such successor corporation, or a waiver of any right of the United States now existing to enforce any further forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company, or of any purchaser or purchasers of any such lands from said company, or to extend to any purchasers at said foreclosure sale, or any subsequent foreclosure sale under the mortgages hereby authorized, any other or different rights than those heretofore granted to said Atlantic and Pacific Railroad Company.

"SEC. 4. That all debts, demands, and liabilities due or owing by said Atlantic and Pacific Railroad Company, which were contracted, accrued, or incurred in any State or Territory through or into which its line of railroad extends to any resident thereof other than railroad corporations, for ticket or freight balances, or for work, labor, material, machinery, fixtures, and supplies of every kind done, performed, or furnished in the repair, equipment, or operation, construction, or extension of said railroad or branches, and all liabilities by said railroad company in the transportation of freight and passengers, including damages for injuries to employees or others, and to property, which accrued, or upon which suit has been brought and is now pending, or upon which judgments against said railroad company have been rendered and remain unsatisfied in any such State, and all liabilities on appeal, or supersedeas, or cost bonds, or in garnishment proceedings, without regard to the date of such bonds, together with all debts and liabilities which such receiver may have incurred in operating said Atlantic and Pacific Railroad and its branches, including claims for injuries to person and property, shall be paid by such reorganized company; and judgments rendered thereon against such receiver, and remaining unsatisfied, shall have full force and effect against such reorganized company, and be enforced by execution or other proper final process directly against such reorganized company and its property, and shall be a prior lien thereon: *And provided further*, That if the holders of bonds secured by the first mortgages of the Atlantic and Pacific Railroad Company shall surrender their bonds and accept in lieu thereof bonds or stock or both from the purchasers at such foreclosure sale, then said first mortgage shall be held to be extinguished: *And provided further*, That in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made: *And provided further*, That the reorganized railroad company provided for in this act shall, for all purposes of judicial jurisdiction, be held and deemed to be a citizen and corporation of the respective States into which its line of railway, or any branch or spur thereof, may extend, or in which any such corporation may conduct or carry on any business, and the service of process upon such corporation may be made according to the laws of the respective States in which suits shall be brought: *And provided further*, That nothing herein shall be held or construed to impair or in any manner to affect the rights of any unsecured creditors of the Atlantic and Pacific Railroad Company, or to change or impair the lien of any judgments or demands, if otherwise effective, against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale. And it being the purpose and intent of this act to authorize the creation of a corporation for railroad rather than for land-owning purposes, it is provided further that all lands herein referred to should be sold from time to time when a reasonable price is offered therefor; and if, after five years from the date of the passage of this act, it shall be ascertained by any court of competent jurisdiction, subject to the right of appeal, that any of such lands, except such as may rightfully be reserved by said newly organized corporation, under the provisions hereof, for which a reasonable price, to be determined by the Secretary of the Interior, has been offered, shall be held or reserved, first by such newly organized corporation; or, second, held by any other corporation, person, persons, or association for the use or benefit of such newly organized corporation; or, third, held by any corporation or association in which any stockholder, officer, or member of such newly organized corporation shall be a member, officer, or stockholder; or, fourth, held by any stockholder, officer, director, or member of such newly organized corporation, then such land, or any part of it, so held or reserved shall immediately revert to the United States, and such holding or reservation may be ascertained in a suit by any person asking to make preemption, homestead, or cash entry of any tract or tracts of such land; and such person, if successful, shall be entitled to take the contested land according to the entry made; but no forfeiture under the third subdivision above shall take place provided the stock in the newly organized company, on account of the ownership of which a forfeiture might be worked, shall be forfeited and canceled on the books of the company as soon as a knowledge of such ownership reaches the president or board of directors of the said newly organized corporation; and the power to make such forfeiture and cancellation and appropriate the stock is hereby conferred on the said newly organized corporation.

"SEC. 5. That stockholders in said successor corporation shall possess the same rights, privileges, duties, and obligations in respect to the management of the business affairs of said corporation as were enjoyed and possessed by the stockholders of said original Atlantic and Pacific Railroad Company. The time and manner of holding elections for officers and directors of said successor corporation, the number of said directors, and the making of by-laws and transferring and voting stock shall be the same as existed under the original act incorporating said Atlantic and Pacific Railroad Company and any and all acts amendatory thereto.

"SEC. 6. That Congress shall at all times have the power to alter, amend, or repeal this act."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REYBURN, indefinitely, on account of sickness of himself.

To Mr. CRUMP, indefinitely, on account of sickness.

To Mr. WHEELER, for three days.

To Mr. HARRIS, for two weeks, on account of sickness.

To Mr. SORG, for five days, on account of important business.

To Mr. LEWIS, indefinitely, on account of important business.

To Mr. HULING, for this day, on account of important business.

To Mr. HYDE, for two weeks, on account of illness.

To Mr. EDDY, for three days.

Mr. DINGLEY. I now renew my motion to adjourn.

The motion was agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, requesting the House to return to the Post-Office Department the papers transmitted to the House in relation to the claim of R. M. Ridgeley, postmaster of Springfield, Ill.—to the Committee on Claims.

A letter from the Commissioner of the Freedman's Savings Bank and Trust Company, transmitting the annual report for the year ending December 5, 1896—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of John W. Burkitt, administrator of Joshua W. Elder, deceased, and Jane Wherry, administratrix of John J. Wherry, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimate and recommendation for additional clerks in the customs division, Secretary's Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Commissioners of the District of Columbia, transmitting a copy of a report made by the superintendent of the telegraph and telephone service of the District, in response to the requirement of the District appropriation bill—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State, with inclosures, submitting an estimate for an additional appropriation for the international exhibition at Brussels—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies in appropriations required to meet urgent demands upon the Government for the service of the current and prior fiscal years—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a combined statement of the receipts and expenditures of the Government for the fiscal year ending June 30, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Board of Commissioners of the District of Columbia to the Committee on the District of Columbia of the House of Representatives, relating to the extension of North Capitol street through the Prospect Hill Cemetery—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of a canal to connect the Black Warrior River and Fivemile Creek, Alabama, via Valley Creek—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of White River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cedar Creek, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the North Fork of Lewis River, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Raisin River, Monroe County, Mich.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Francis River to the Sunk Lands, Poplin, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Neosho River, Kansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Jones River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Menominee Harbor, Michigan and Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Redwood Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cashie River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the channel between Brazos River and Galveston Bay, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dividing Creek, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wading River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mohawk River, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Northport Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of North River, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. RAY, from the Committee on the Judiciary, reported adversely (Report No. 2324) the bill (H. R. 4057) in relation to cigarettes and to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases; and the said bill and report were laid on the table.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MEREDITH: A bill (H. R. 9598) authorizing the payment of export bounties on agricultural and other products of the United States, conditioned on their prices in principal markets and upon their carriage in American or foreign vessels—to the Committee on Ways and Means.

By Mr. BELL of Colorado: A bill (H. R. 9599) authorizing every United States district judge to appoint a stenographic reporter, and to fix the compensation and duties of such reporter—to the Committee on the Judiciary.

By Mr. SPERRY: A bill (H. R. 9600) to provide for aids to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: A bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on Printing.

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 9602) to require contestees in contested-election cases to give bond to the United States—to the Committee on Elections No. 1.

By Mr. BERRY: A bill (H. R. 9603) amending section 1 of an act granting pensions to army nurses, passed August 5, 1892—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 9604) to authorize the Secretary of War to acquire right of way for the Illinois and Mississippi Canal through Moline Bridge across Rock River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9605) in relation to a portion of the submerged lands in the Rock Island Arsenal water-power pool—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 9606) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States—to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9608) to facilitate the construction, working, and maintenance of telegraphic communication between the United States, the Hawaiian Islands, Japan, and Australasia, and to promote commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A bill (H. R. 9609) to change the names of certain streets in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. HOWARD: Joint resolution (H. Res. 207) recognizing the Republic of Cuba as a free and independent government—to the Committee on Foreign Affairs.

By Mr. TRELOAR: Joint resolution (H. Res. 208) proposing an amendment to the Constitution of the United States, lengthening the terms of Senators and Representatives in Congress to eight and four years, respectively, and also lengthening the term of the President of the United States to eight years—to the Committee on the Judiciary.

By Mr. SMITH of Illinois (by request): Resolution (House Res. No. 441) to pay W. H. Smith for services rendered in the library of the House—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 9610) granting an increase of pension to Mary E. Barden—to the Committee on Invalid Pensions.

By Mr. BELL of Texas: A bill (H. R. 9611) granting a pension to John J. Osborn—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9612) granting a pension to Moses E. Osborn—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 9613) to increase the pension of Joel Metz—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 9614) granting a pension to William F. Bolan, invalid son of John V. Bolan, late private in Company A, Third Regiment Rhode Island Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9615) for the relief of Maria Johnson (widow) and minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9616) to increase the pension of Edward W. Nortoni, late assistant surgeon Fifty-ninth Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9617) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 9618) for the relief of the owners of the ship *Achilles*—to the Committee on Claims.

By Mr. DOCKERY: A bill (H. R. 9619) granting a pension to Mirum C. Peck—to the Committee on Pensions.

By Mr. FLYNN: A bill (H. R. 9620) granting a pension to Albert Hammer—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 9621) to remove the charge of desertion from the military record of David Woods—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 9622) granting pension to Julia A. Hays, widow of Edwin R. Hays, Company L, First Ohio Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9623) for the relief of Albert C. Brown—to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 9624) for the relief of the soldiers of the Three Forks Battalion of Kentucky—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 9625) granting an increase of pension to James McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9626) granting an increase of pension to Friendly Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9627) granting an increase of pension to William J. Holway—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 9628) for the relief of Thomas Guthrie—to the Committee on War Claims.

By Mr. McCALL of Tennessee: A bill (H. R. 9629) for the relief of M. Robison, administrator T. E. Robison, deceased, late of Henderson County, Tenn.—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 9630) for the relief of George W. Freeman—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 9631) for the relief of Julius E. Mugge—to the Committee on Claims.

By Mr. OTEY (by request): A bill (H. R. 9632) for the relief of Morgan College—to the Committee on the Public Lands.

Also, a bill (H. R. 9633) for the relief of S. Plummer Morton, alias Martin Phelps—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 9634) granting a pension to John W. Brisbois—to the Committee on Invalid Pensions.

By Mr. STROWD of North Carolina: A bill (H. R. 9635) authorizing and directing the Secretary of War to place the name of W. H. High, of Wake County, N. C., on the pension roll on account of services rendered in the Mexican war—to the Committee on Pensions.

By Mr. TERRY (by request): A bill (H. R. 9636) to amend the records of Company A, Fourteenth Kansas Cavalry—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 9637) to correct the military record of Jacob Gaffney, of Madison, Pa.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Resolutions of the New Hampshire Medical Society, protesting against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo., favoring the intervention of the United States in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. BREWSTER: Petition of citizens of Pittsford, N. Y., regarding the protection of American citizens and their property in Turkey, and the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. COUSINS: Resolution of the board of trustees of the Iowa Agricultural College, favoring the Wilson-Squire engineering experiment station bill—to the Committee on Naval Affairs.

By Mr. CURTIS of Iowa: Petition of the St. Louis (Mo.) Academy of Science, protesting against the passage of Senate bill No. 1553, restricting experimentation upon animals for scientific investigation—to the Committee on the District of Columbia.

Also, petition of the Davenport (Iowa) Business Men's Association, to close crevasse in Pass a L'Outre—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Resolutions adopted at a mass meeting of the citizens of Pittsburg, Pa., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. DANFORD: Petition of James F. Johnson and other citizens of Steubenville, Ohio, favoring the passage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. EDDY: Resolution of the St. Paul (Minn.) Chamber of Commerce, indorsing Senate bill No. 2447 for a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of Dr. G. R. Brandon, of Knoxville, Tenn., asking compensation for property taken by United States forces during the late war—to the Committee on War Claims.

By Mr. HICKS: Petition of glass bottle blowers of the United States, for restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. HULL: Paper to accompany House bill granting a pension to Julia A. Hays, signed by citizens of Knoxville, Iowa—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of 15 citizens of Stillwater, Minn., asking for extension of time in which to make improvements on mining claims—to the Committee on the Public Lands.

Also, resolution of the St. Paul Chamber of Commerce, indorsing the proposed creation as part of Government of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of H. L. Jones and other citizens of Coffeyville, Kans., protesting against extending the time for the construction of the Kansas City, Oklahoma and Southwestern Railway through the Indian Territory—to the Committee on Railways and Canals.

By Mr. PITNEY: Petition of the Glass Bottle Blowers' Association of the United States in favor of the prohibition of immigration—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of 28 citizens of North Branch, Mich., praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *December 15, 1896.*

Prayer by Rev. T. DE WITT TALMAGE, D. D., of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; and

A joint resolution (H. Res. 201) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ALLEGANY INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to a provision contained in the Indian appropriation act of June 10, 1896, a communication from the Commissioner of Indian Affairs, together with a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of lands in the Allegany Indian Reservation in the State of New York; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF THE COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the Columbia Railway Company of Washington, D. C., for the fiscal year ended February 29, 1896, together with a statement of the cost of the cable railway plant; which, with the accompanying report, was referred to the Committee on the District of Columbia, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of June 6, 1896, certain information and copies of papers relating to certain rulings of the Post-Office Department in reference to second-class mail matter; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in pursuance to the provisions of the act of February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President from the State of Arkansas; which was ordered to lie on the table.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced the signature of the Vice-President to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

STRATTON H. BENSCOTER.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 3771) for the relief of Stratton H. Benscoter; and by unanimous consent the request was ordered to be complied with and the bill returned to the House of Representatives.

CREDENTIALS.

Mr. MORGAN presented the credentials of Edmund Winston Pettus, chosen by the legislature of Alabama a Senator to represent that State in the Senate of the United States for the term commencing the 4th day of March, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Washington County, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CAMERON presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for digging out the Back Channel and improving the League Island Navy-Yard; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Pittsburg, Pa., and a petition of the Young People's Society of Christian Endeavor and sundry members of the Presbyterian church of Hazleton, Pa., praying for the enactment of legislation to relieve the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

He also presented a petition of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. BERRY presented a petition of sundry citizens of Arkansas, praying for the passage of a bankruptcy bill; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of sundry citizens of Valentine, Nebr., praying for the passage of Senate bill No. 2455, granting the incorporated town of Valentine, in the county of Cherry and State of Nebraska, certain lands, and for other purposes; which was referred to the Committee on Public Lands.

Mr. MITCHELL of Wisconsin presented a petition of the Superior Commercial Club, of Superior, Wis., praying that the harbor of Duluth and Superior be improved at as early a date as possible; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of sundry woolgrowers of Onondaga County, N. Y., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. BURROWS presented the petitions of James B. Cobb and 36 other citizens of Kalamazoo, of D. S. French and 4 other citizens of St. Johns, and of G. W. Vanaiken and 16 other citizens of Coldwater, all in the State of Michigan, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. BRICE presented a petition of the Strong, Carlisle & Turney Company, of Cleveland, Ohio, praying for the enactment of legislation reforming the postal laws in regard to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation prohibiting the transportation of obscene matter from State to State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation providing for the appointment of an impartial commission to investigate the labor problem and to suggest a solution; which was referred to the Committee on Education and Labor.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation to forbid the mails to papers publishing details of suicides, except on police order for identification; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Edward C. Dinwiddie, secretary of the American Anti-Saloon League of Springfield, Ohio, praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. VEST presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to recognize the independence of Cuba and also to give material aid to the Cuban people; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. THURSTON. I present a petition signed by 10,000 representative colored citizens of the United States, praying for the passage of a bill to provide a home for aged and infirm colored people. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. JONES of Arkansas presented the petition of Robert L. Owen, of Muscogee, Ind. T., praying Congress to consider his claim for services rendered in the settlement of the Old Settler Cherokee claim; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7127) granting a pension to Samuel D. Gilman;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 3890) granting a pension to George William Hodgdon; and

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4281) granting pension to George Johnson, of Lenox, Iowa, reported it with amendments, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3252) to increase the pension of Esther Brown, reported it without amendment.

Mr. HALE. I report back without amendment, from the Committee on Appropriations, with a report accompanying it, the annual pension appropriation bill, being the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

I give notice that to-morrow morning, after the routine morning business, I shall ask the Senate to take up the bill and pass it. It is the only appropriation bill that has reached the Senate from the House.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

HOLIDAY RECESS.

Mr. HALE. I also report back from the Committee on Appropriations, without amendment, the House resolution proposing an adjournment for the holidays; and I ask that it be put on its passage.

The concurrent resolution of the House of Representatives was considered by unanimous consent, and agreed to, as follows:

> *Resolved by the House of Representatives (the Senate concurring),* That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

BILLS INTRODUCED.

Mr. BRICE introduced a bill (S. 3383) granting a pension to William H. Junkin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3384) to authorize and empower the governor of Alaska to appoint justices of the peace and constables in and for the District of Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

He also introduced a bill (S. 3385) to refer certain claims for Indian depredations to the Court of Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Depredations.

Mr. BLACKBURN introduced a bill (S. 3386) for relief of Leo L. Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3387) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3388) to further regulate the sale of milk in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PALMER introduced a bill (S. 3389) to amend an act granting pensions to the survivors of the Indian wars from 1832 to 1842, inclusive, known as the Black Hawk war, the Creek war, the Cherokee disturbances, and the Seminole war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3390) for the relief of the Roman Catholic Church of St. Peters, at Jackson, Miss.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 3391) directing the Secretary of the Interior to make surveys for and determine and report on the cost of creating reservoirs on certain rivers in the United States and their tributaries, and making appropriation therefor, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 3392) for the relief of Daniel C. Hefferman, of Dakota County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 3393) to increase the pension of Wesley C. Sawyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3394) for the relief of Capt. John T. Bruen, late of the Tenth Independent Battery New York Volunteers; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 3395) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3396) to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota, according to their respective rights and interests; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS (by request) introduced a bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3398) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEAR introduced a bill (S. 3399) granting a pension to John W. Pennell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 3400) granting an increase of pension to John A. Worswick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 173) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 174) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

PRINTING OF A PAPER ON THE SENATE.

Mr. COCKRELL. I ask for an order that a paper on the Senate published in the Youth's Companion of November 13, 1890, and quoted in my speech in the Senate in January, 1892, be printed as a document. It will cost only a few dollars, and it is a very excellent article. I hope it may be printed for the use of the Senate.

The PRESIDENT pro tempore. Is the order in writing?

Mr. COCKRELL. No. I have not written the order.

The PRESIDENT pro tempore. The Senator from Missouri asks that a certain paper of which he informs the Senate may be printed as a document. Is there objection? The Chair hears none, and it will be so ordered.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. I submit a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved, That a committee of nine Senators be elected by the Senate to constitute a committee on the use of money in elections, and that said committee be instructed to thoroughly investigate the extent to which money, if any, was used in connection with the recent Presidential election, either in promoting the nominations or in influencing in any manner the choice of Presidential electors, and to inquire whether or not any such expenditures were excessive, illegitimate, corrupt, or unlawful, and especially to inquire and ascertain to what extent for such purposes the owners of silver mines, gold mines, the bankers, the manufacturers, the railroads, or other corporations and millionaires of all classes made contributions, and what contributions, if any, were made by persons and corporations residing abroad, and to report to the Senate all the facts, and whether or not, in the opinion of the committee, any legislation by Congress is expedient and necessary to lessen or prevent the use of money in elections. Said committee shall have power to act by full or subcommittees, to send for persons and papers, and sit during the present session of Congress and until the first Monday of December, A. D. 1897, the expenses thereof to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Under the law the resolution will go to the Committee on Contingent Expenses.

Mr. ALLEN. Before the resolution is referred, I desire the indulgence of the Senate just a moment to have two articles read, showing the necessity for the passage of the resolution. I will occupy the attention of the Senate but a moment. I send to the desk and ask to have read an editorial from the New York Tribune of December 11, 1896.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read the paper at the request of the Senator from Nebraska.

The Secretary read as follows:

[New York Tribune, December 11, 1896.]

THE SILVER OUTBREAK.

Senator ALLEN and the bolters who have practically annexed themselves to the Populists are doing a public service unintentionally. Their attempt to revive agitation and uncertainty on the question of money is heartily condemned by business men of all shades of opinion and its injurious influences on industry are resented by workingmen. The right of these people to demand a popular decision on the question was not denied. But their attempt to keep the whole country in the slough of despond for an indefinite time because the popular decision was against them, and by a factious resistance to that decision, is rightly considered indecent and in its purpose revolutionary. The country will presently be prepared to resist it with the same grand union of loyal feeling which crushed the attempt of Altgeld & Co. to promote free rioting.

Loyalty in this country means obedience to the legal decisions of the nation, the source of all authority. The man who is beaten after a fair hearing is not bound to abandon his opinion. He is at liberty to strive to the utmost to convince men so that a future decision may be in his favor. But he is bound, if he has any sense of loyalty, to respect the verdict of the people until a new one has been rendered. Anything like factious opposition to such a decision is dishonorable, and is certain to arouse a popular resentment which will go very far toward deciding future contests. But when the solvency and the honor of the nation are at stake, and in purely factious opposition to measures for the maintenance of public honor a man imperils national prosperity and national credit, he marks himself as a rebel. Arms are not needed to make him an enemy of the people. He is a foe to be crushed before self-government can do its legitimate work.

When the highwayman's style of behavior was first adopted by the bolting silver Senators the Tribune repeatedly warned them that they were arousing a popular feeling which would overwhelm them and the cause they had at heart. They did not believe, and persisted. The result is that some of them have been sent back to the obscurity of private life, and others will be. The silver cause is much further from success than it has been at any time for twenty years. Yet the same conspiracy of Popocrats with the Senators who are merely the tools or hirelings of silver monopolists now attempts to resist the decision of the people at the last election. These people may well take warning that public opinion will go very much further against them than it has yet gone, and will be prepared to sustain stronger measures than they have ever contemplated as possible, if they persist in their course.

The attitude of Democratic Senators just now is uncertain. At least a dozen of them supported Bryan more or less earnestly because he was the candidate of their party, though they had no sympathy whatever with the monetary notions he advocated. Within a short time some of these Senators will begin to shape their course with reference to future elections. The silver conspirators may rest assured that men like Hill and Murphy, Smith and Gorman, Faulkner, Turpie, and Mitchell are not going to cut their own throats for the sake of the silver millionaires. It will not take much more of the highwayman's tactics to bring about a state of public opinion which every one of these Senators will respect and obey, unless he chooses to bury himself.

Mr. ALLEN. I ask also to have read an article that is marked, from the Farm, Field, and Fireside, published at Chicago, dated December 5, 1896.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

Mr. ALLEN. The article is short.

The Secretary read as follows:

[Farm, Field, and Fireside, December 5, 1896.]

ELECTION ECHOES.

The following table gives the popular vote for President in 1892 and 1896, leaving out the Prohibition vote in both cases.

This vote shows a most remarkable and problematical increase in these States known as pivotal, an increase in voting strength far beyond any reasonable increase in population.

States.	Popular vote, 1892.			Vote for President in 1896.		
	Democratic.	Republican.	Populist.	McKinley.	Bryan.	Palmer.
Alabama	138,138	9,197	85,181	54,737	107,137	5,671
Arkansas	87,752	46,974	11,831	37,512	110,103	......
California	118,151	118,027	25,311	146,217	142,958	......
Colorado	......	38,620	53,584	22,785	151,970	500
Connecticut	82,395	77,032	809	110,288	56,734	4,334
Delaware	18,581	18,077	......	20,367	16,671	957
Florida	30,143	......	4,843	11,257	29,981	1,772
Georgia	129,386	48,305	42,939	60,091	94,232	2,708
Idaho	......	8,599	10,520	5,161	15,734	......
Illinois	426,281	399,288	22,207	601,467	465,298	6,195
Indiana	262,740	255,615	22,208	327,780	300,318	2,145
Iowa	196,367	219,795	20,616	289,640	221,776	4,522
Kansas	......	157,241	163,111	158,541	171,810	1,209
Kentucky	175,461	135,441	23,500	218,153	217,797	5,018
Louisiana	87,922	13,281	13,332	21,627	78,381	1,810
Maine	48,024	62,878	2,045	80,425	32,917	1,864
Maryland	113,866	92,736	796	136,959	102,754	2,507
Massachusetts	176,813	202,814	3,210	297,787	102,655	11,510
Michigan	202,296	222,708	19,892	293,327	236,231	6,101
Minnesota	100,579	122,736	30,398	193,455	139,477	3,220
Mississippi	40,237	1,406	10,256	4,849	55,163	1,021
Missouri	268,188	226,762	41,183	304,940	363,652	2,355
Montana	17,534	18,838	7,259	10,100	41,275	......
Nebraska	24,943	87,227	83,134	102,565	115,625	2,797
Nevada	711	2,922	7,267	1,770	6,751	......
New Hampshire	42,081	45,658	291	57,444	21,271	3,420
New Jersey	171,093	156,068	985	221,367	133,675	6,373
New York	654,868	609,350	16,429	795,271	543,832	18,829
North Carolina	132,951	100,346	44,732	155,222	174,488	578
North Dakota	......	17,519	17,700	26,335	18,175	......
Ohio	404,115	405,187	14,850	525,969	474,880	1,857
Oregon	14,243	35,002	26,875	48,689	46,618	851
Pennsylvania	452,264	516,011	8,714	728,300	427,127	11,000
Rhode Island	24,335	27,002	227	37,437	14,459	1,166
South Carolina	54,698	13,384	2,410	9,313	58,801	824
South Dakota	9,081	34,888	26,512	45,101	45,275	2,500
Tennessee	136,477	99,973	23,622	148,773	163,651	1,951
Texas	239,148	81,444	99,688	166,182	291,270	4,940
Vermont	16,325	37,992	43	13,461	63,851	......
Virginia	163,977	113,256	12,274	51,127	10,179	1,331
Washington	29,844	36,470	19,165	135,391	155,968	2,216
West Virginia	84,468	80,293	4,167	39,495	51,657	2,750
Wisconsin	177,335	170,791	9,909	102,000	94,000	......
Wyoming	......	8,454	7,722	265,653	162,600	3,100
Utah	......	......	......	10,073	10,382	......
Total	5,553,165	5,186,086	1,030,671	7,053,102	6,344,463	132,581

McKinley's popular plurality over Bryan 708,639.

Cleveland carried California in 1892 by 147, and Bryan received 24,000 more votes than Cleveland received, and yet McKinley carried California.

Cleveland carried Illinois in 1892 by 26,993, and Bryan received 47,000 more votes than Cleveland received, yet McKinley carried Illinois.

Cleveland carried Indiana in 1892 by 7,125, and Bryan received 47,000 more votes than Cleveland received, yet McKinley carried Indiana.

Harrison carried Iowa in 1892 by 23,720, and Bryan received 4,541 more votes than Harrison received, yet McKinley carried Iowa.

Cleveland carried Kentucky in 1892 by 40,020, and Bryan received 42,336 more votes than Cleveland received, yet McKinley carried Kentucky.

Harrison carried Michigan in 1892 by 20,412, and Bryan received 4,000 more votes than Harrison received, yet McKinley carried Michigan.

Harrison carried Minnesota in 1892 by 21,966, and Bryan received 15,714 more votes than Harrison received, yet McKinley carried Minnesota.

Harrison carried Ohio in 1892 by 1,072, and Bryan received 70,000 more votes than Harrison received, yet McKinley carried Ohio.

Harrison carried Oregon in 1892, and Bryan received 9,000 more votes than Harrison received, yet McKinley carried Oregon.

The vote of Illinois was nearly 250,000 in excess of the vote of 1892; that of Ohio 200,000, and of Kentucky 100,000. From whence have these States gained so largely in population during four years?

At the same time Kansas, a growing Western State, only shows 10,000 gain. The great State of Texas, which has been a theater of immigration, only shows 4,000 gain; Alabama shows 5,000 loss; New York only shows 40,000 gain; Massachusetts, 1,000; Virginia shows 15,000 loss; while West Virginia, a State the Republicans were particularly anxious to carry, shows a gain of 25,000; Arkansas, a State to which immigration has been directed, only gained 1,000, while Indiana, a pivotal State, shows 80,000 gain.

These figures are inexplicable. Why have the pivotal States made such tremendous gains in voting strength? Is it legitimate, or has there been some new secret—fraudulent—device for making and swelling majorities where they are most needed put into operation? This subject is worthy of further consideration.

Mr. ALLEN. I now ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and request that it may be promptly reported back, so that it can be considered by the Senate.

The PRESIDENT pro tempore. The resolution will be so referred.

THE WATER HYACINTH.

Mr. PASCO. I submit a resolution, and ask that it be now considered.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to communicate to the Senate any information of a recent date upon the files of the Department relating to the obstruction of the navigable waters of Florida or the other South Atlantic or Gulf States by the aquatic plant known as the water hyacinth, and to inform the Senate whether any efforts have been made to remove such obstruction to commerce and with what results, and whether in his judgment any additional legislation is desirable to provide against the closing of any such navigable waters by the continued growth and spreading of such plant.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CALL. Mr. President, I have an amendment upon this subject to offer to the proper appropriation bill, of which I desire to give notice.

The waters of the St. Johns River is my own immediate region in Florida—my own home. They embrace the only portion of the State which is infected by this very destructive growth. It almost destroys the navigation of the great St. Johns River, which is in part an estuary of the sea, opens the larger part of the interior of south Florida to navigation, and making accessible the production of phosphates and the tropical fruits, vegetables, and lumber of that country. This is a subject of very great importance, as this growth, imported from a foreign country and transplanted in the waters of the St. Johns, threatens to almost entirely close the river for navigation.

I hope that the resolution will be passed, and at a later day, when the subject shall come before the Senate, I give notice that I shall ask for a considerable appropriation for the improvement of that river, to prevent it from being entirely closed. Captain Shaw, an experienced and capable navigator of many years on the river, is now gathering the information necessary for Congress, and I am only awaiting its receipt to urge Congress to appropriate the money.

Mr. PASCO. It is with a view of getting information before the Senate for intelligent action that I introduced the resolution. There is some such information at the War Department. I desire to get it in an official form, so that we may make some effort to remove this obstruction to navigation and commerce.

I understand that this obstruction exists not only in the State which my colleague and I represent, but in some of the other South Atlantic and Gulf States, particularly in the State of Louisiana. I have consulted with the Senators from that State and learn that some of their navigable waters have been obstructed by the continuous growth of this water hyacinth, which is a very beautiful aquatic plant, but it is practically shutting up the mouths of some important navigable streams in these States.

It was for the purpose of getting this information that the resolution was prepared and introduced.

The resolution was agreed to.

RIVER AND HARBOR IMPROVEMENTS IN OREGON.

Mr. MITCHELL of Oregon. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Whereas it was provided in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by Congress June 3, 1896, as follows:

"Improving Yaquina Bay, Oregon: Continuing improvement, $25,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project as recommended by the Board of Officers of the Engineer Corps October 11, 1886, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of amount herein and heretofore appropriated."

Also, "improving Willamette and Yamhill rivers, Oregon, $40,000, to be expended in accordance with report submitted February 21, 1896, for Willamette River from Portland to Eugene, and in accordance with report of survey, dated March 6, 1895, for lock and dam on Yamhill River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvements, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $250,000, including the amount herein appropriated: *And provided further*, That the sum of $10,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances: *Provided further*, That the Secretary of War may, in his discretion, use so much of the money herein appropriated as may be necessary to prevent the erosion of the west bank of the Willamette River opposite Salem, Oreg., and to maintain the river channel at that point:" Therefore

Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate at his earliest convenience as to what steps, if any, have been taken looking to the placing of said proposed improvements at Yaquina Bay, Oregon, and the Willamette and Yamhill rivers, Oregon, under contract, as provided in said provisions, respectively; and if no steps have been taken, then the reason for delay.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection? The Chair hears none.

Mr. SHERMAN. I should like to have it read.

Mr. MITCHELL of Oregon. It is simply a call for information.

Mr. GORMAN. Let it be read.

The PRESIDENT pro tempore. The Senator from Ohio asks that the resolution may again be read.

Mr. SHERMAN. I understand that it is merely a resolution calling for information. If that is the case I do not care to have it read.

Mr. MITCHELL of Oregon. That is all it is. I will state to the Senator from Ohio it is simply a resolution calling for information.

Mr. GORMAN. Let it be read, Mr. President. I should like to know what it is. Its reading was not heard on this side.

Mr. MITCHELL of Oregon. I will state to the Senator from Maryland what the resolution is. There was provision in the river and harbor act which passed at the last session for the placing under contract of three several proposed improvements in the State of Oregon. This resolution simply calls upon the Secretary of War to advise the Senate as to what steps, if any, have been taken. That is all.

The PRESIDENT pro tempore. Does the Senator from Maryland desire the resolution to be again read?

Mr. GORMAN. No. I merely wished to know what it is.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ISSUE OF BONDS IN NEW MEXICO.

Mr. WOLCOTT. I ask unanimous consent to call up the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 1052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, which came over from the House a day or two since and which was read. An objection was then made by the Senator from Missouri [Mr. COCKRELL], who now withdraws his objection, I understand. He has examined the bill. It is identical with the bill which passed both Houses of Congress before the adjournment in June and received the veto of the President because of certain restrictive language at the close of the measure, which has been eliminated from it. With that exception, the bill stands exactly as it did when it passed the two Houses of Congress before. The amendment was read by the Secretary the other day, before the objection was made by the Senator from Missouri, and I should be glad if the Senate would vote upon it.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none, and the action of the House of Representatives will be stated.

The Secretary read as follows:

Resolved, That the House agrees to the amendments of the Senate to House bill 1052, entitled "A bill approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory," numbered 1 and 4, disagrees to amendment numbered 3, and agrees to amendment numbered 2, with an amendment as follows:

"Also the certain bonds and indebtedness, together with interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated September 29, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled 'An act for the financial relief of counties and municipalities,' approved February 26, 1891.

"Such bonds having been issued in refunding and in lieu of $[illegible] of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1891, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $[illegible] in amount, together with the interest coupons thereto attached, of the county of Grant, Territory of New Mexico, dated July 1, 1881, being the unretired part of an issue of $[illegible] in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $[illegible] in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1893, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico entitled 'An act enabling the authorities having charge of the finances of any town or city of the Territory of New Mexico to refund any bonds or other obligations of said town or city by the issuance of similar obligations, bearing a less rate of interest,' approved February 11, 1891, such bonds having been issued in refunding and in lieu of bonds and indebtedness to the amount of $[illegible] of said city of Silver City, county of Grant, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

"It is intended hereby to validate, approve, and confirm any and all laws, ordinances, and proceedings, and bonds relating to the matter necessary to the validation of the said bonds of the Territory of New Mexico and of the said Santa Fe County, Grant County, and town of Silver City bonds, but no further and for no other purpose.

"The said county of Santa Fe is hereby authorized and empowered to again refund all or any portion of the indebtedness thereof by this act validated within one year from the passage of this act, in accordance with the terms and provisions of an act of the legislature of the Territory of New Mexico, being chapter 79, entitled 'An act for the financial relief of counties and municipalities' (House bill No. 122), approved February 26, 1891, except that such refunded bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually, and shall become due twenty-five years from the date of the issue of such refunded bonds, and shall be issued for the amount of unpaid principal of the bonds of said county by this act validated, with interest thereon from the date thereof, to wit, September, 1891, and March 1, 1892, respectively, at the rate of 4 per cent per annum until the date when the same shall be refunded as herein provided, less the amount of interest heretofore paid on such bonds; and when said bonds shall be so refunded they shall be subject in all other respects to all the provisions, liabilities, rights, obligations, benefits, and advantages of said act of the legislature herein referred to. In case said bonds shall not be refunded by said county of Santa Fe upon the terms and conditions in this section set forth, then the bonds validated by this act shall remain as the legal obligation of said Santa Fe County.

"If said bonds shall be refunded as herein provided, the holders of the bonds herein validated shall, upon actual notice given by said county, deliver to said county the bonds herein validated, and shall receive in lieu thereof the refunded bonds provided for in this section: *Provided*, That any of said bonds which shall not be delivered for refunding to said county of Santa Fe within six months after said notice shall be given as herein required shall not bear a rate of interest greater than 4 per cent per annum from date of issue: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by them so approved, confirmed, and made valid."

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

Mr. PEFFER. I ask the Senator from Colorado to explain how this change affects the original bill.

Mr. WOLCOTT. In no way except that it removes a restrictive clause to which the President objects, and which he thought might invalidate the bill.

The amendment was concurred in.

The PRESIDENT pro tempore. The House of Representatives has also disagreed to Senate amendment numbered 3.

Mr. WOLCOTT. I move that the Senate recede from that amendment.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PALMER. I ask for the present consideration of the bill (S. 894) granting a pension to Nancy G. Allabach. I was not present yesterday when pension bills were considered, and I now ask the immediate consideration of the bill I have named, which was returned to the Senate with the objections of the President.

The PRESIDENT pro tempore. The Chair will announce that morning business is concluded. The Senator from Illinois asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none.

Mr. PALMER. If the bill is now before the Senate, I ask for the reading of the report.

Mr. MORGAN. Did I understand the Chair to announce that the morning business had been closed?

The PRESIDENT pro tempore. The Chair so announced.

Mr. MORGAN. I was waiting to get a chance to call up a resolution which comes over from yesterday, which is a part of the morning business, and which I announced on yesterday I should ask the Senate to allow me this morning to make some observations upon. I hope the Senator from Illinois will not insist upon the point that the morning business is closed, for I submit respectfully that that resolution comes over as part of the morning business.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Alabama as soon as the bill referred to by the Senator from Illinois shall have been disposed of. The report will be read.

The Secretary proceeded to read the report submitted by Mr. PALMER from the Committee on Pensions May 9, 1896, but was interrupted by

Mr. JONES of Arkansas. What is it that is being presented by the Secretary?

The PRESIDENT pro tempore. The Senator from Illinois [Mr. PALMER] called up a bill for consideration.

Mr. CULLOM. A vetoed pension bill.

The PRESIDENT pro tempore. It is a bill which has not received the sanction of the President of the United States.

Mr. JONES of Arkansas. Does it require unanimous consent to take it up?

The PRESIDENT pro tempore. No; it does not necessarily, although unanimous consent was asked.

Mr. JONES of Arkansas. In view of the fact that the Senator from Alabama [Mr. MORGAN] had yesterday given notice that at the conclusion of the morning business this morning he would ask to occupy the attention of the Senate for the purpose of submitting remarks on a resolution of interest to the Senate, I do not think that anything should be interposed in his way.

Mr. PALMER. I certainly did not desire to interfere with the Senator from Alabama; and, with the understanding that the bill to which I have referred can be disposed of after he has concluded his remarks, I will yield to him.

The PRESIDENT pro tempore. It was partly owing to a misunderstanding on the part of the Chair that the resolution referred to by the Senator from Alabama was not laid before the Senate as morning business. The resolution was submitted yesterday, and at the request of the Senator from Alabama laid upon the table, and therefore did not come into the hands of the presiding officer.

Mr. GALLINGER. I trust that at the conclusion of the remarks of the Senator from Alabama, by unanimous consent the vetoed pension bill may be taken up for consideration.

The PRESIDENT pro tempore. The Chair will then recognize the Senator from Illinois.

AFFAIRS IN CUBA.

Mr. MORGAN. I ask for the reading of the resolution which I submitted yesterday.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public service, to send to the Senate copies of the papers relating to the condition of affairs in the Island of Cuba, which are referred to in the report of the Secretary of State that accompanies his last annual message as papers collected in the annual volume entitled "Foreign Relations of the United States."

And also a statement of the several amounts of the claims lodged in the Department of State by citizens of the United States against Spain, growing out of the alleged insurrection now existing in the Island of Cuba.

And also all correspondence with the Spanish Government relating to the vessel called the *Competitor*, and the persons captured with or near that vessel; with a statement of the charges pending in any court in Spain or Cuba against said persons and the proceedings of such court in those cases; and the place of their imprisonment, the character of their treatment while in prison, and the condition of their health; whether said prisoners have had the privilege of counsel of their own selection on any trial that has taken place on such charges, or were represented by any consul, attorney, or other agent of the United States.

Mr. MORGAN. Mr. President, in the discussion of the present phase of our relations with Spain and Cuba I will confine my remarks to comments upon the facts stated in the recent annual message of the President and the report of the Secretary of State, to which the President refers as a part of that message.

I am not able to discover that the President has made any specific recommendation or indication as to any action he deems it proper or expedient for Congress to take with reference to Spain or Cuba, nor that he has indicated any course, except a still patient waiting, that the Executive proposes to take. Congress, thus left to its own initiative, must assume its own responsibilities in a matter of the most serious gravity.

Congress must give to the statements of the President unhesitating acceptance as to matters that are committed by the Constitution to his especial charge. When he undertakes to state the facts that affect our relations with other powers we must accept those facts, unless the disproof of them is overpowering. This message, therefore, is of the most impressive importance as a statement of the leading facts and conclusions that bear upon our duties in respect of the conflict of arms that has raged for nearly two years in the Island of Cuba, and it has the support of nearly all American belief. I have not heard that Spain controverts any statement of the President in his message, and I can find no ground for the conjecture that any material issue of fact will be raised as to any important statement the President has made.

The evidence that comes from private sources relating to the condition of Cuba and the horrors of persecution, rapine, and extermination visited upon the people of Cuba admits of no doubt as to its credibility; yet it presents pictures so incredibly inhuman and so disgraceful to the civilization of this age that it stuns the mind into disbelief that such things can be true. But I do not now present such proofs.

Congress is relieved from seeking proofs as to the actual situation in Cuba by the statements of the President's message, upon which, alone, I predicate the judgment I am required to form and to act upon along with other Senators under circumstances of great responsibility and extreme pressure.

No feature of the situation is more trying than that which requires prompt action, if any action is to be taken, to save a country from utter devastation, and many thousands of innocent people, including citizens of the United States, from cruel and deliberate butchery at the hands of the Spaniards.

This situation in Cuba is no surprise to me, nor are the motive and purpose that have driven Spain to wholesale massacre of the Cubans without anticipation on my part or on the part of many who have seen that Spain is compelled for the security of the home Government to abandon her grasp on Cuba. When we were forced at the last session of Congress to consider whether our people would tolerate the conditions of the war in Cuba, that violated every principle of humanity and civilized warfare, I then stated that if we listened to the appeals of the Cubans for justice and manifested for them any sympathy or forbearance that Spain would seek occasion to provoke war with the United States in order to salve her wounded pride by a surrender of Cuba to a superior force rather than acknowledge the independence of the native population.

The fierce hand of devastation is now working in Cuba for the purpose of satisfying the Spanish people that their money could be better expended and their lives could be saved with more honor and benefit to Spain than they can be if thrown away in the effort to subjugate a people who can never become honestly loyal to the Crown and a country that is destroyed in its practical value.

If war with the United States is necessary to reconcile the Spanish people to the loss of Cuba by foreign conquest, we shall be compelled to meet that emergency. If the destruction of Cuba is enough to satisfy the popular sentiment of revenge upon the inhabitants, we can avoid a war with Spain by remaining inactive, while our own people are being ruined or slaughtered along with the Cubans.

If we take any action toward stopping this war of annihilation and extermination we have no time to lose.

The President says that both parties in Cuba have adopted and are acting upon the same theory, namely:

> That the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use to the enemy. It is to the same end that, in pursuance of general orders, Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that, unless there is a speedy and radical change in existing conditions, it will soon disappear altogether. * * *
>
> It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

The crisis of the destruction of the island is imminent, and the duty of saving the country from "complete devastation" is the motive that—

> will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Thus the inciting cause, the motive, and the action that must result are grouped together in the President's message, and Congress should not hesitate to declare that, for the reasons stated in the message of the President, the independence of Cuba is recognized. In the last session Congress adopted the following resolution by votes nearly unanimous in both Houses. I will read that solemn declaration:

> *Resolved by the Senate (the House of Representatives concurring therein)*, That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.
>
> *Resolved further*, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

That declaration left the President to his choice whether he would concur in the policy thus announced by Congress. He chose to delay any declaration on his part until facts had more fully developed the purposes of Spain toward Cuba and the ability of the Cubans to defend themselves against the whole power of the Kingdom. The war has continued until it has reached the final and desperate stage of a war of devastation and extermination, in which the people and the fruits of the land are converted into a prey to the commissioned guerrillas, who have abandoned honorable warfare and have become robbers, cutthroats, assassins, ravishers, and pirates. All these crimes will be found to have been authentically stated to our Government when the seals of secrecy are broken and they are brought to the knowledge of the world for the vindication of our action, if we are compelled to engage in war to put an end to this saturnalia of blood and fire.

Congress has already the most profound reasons for regretting that our executive department did not act in accordance with the resolution I have read. A firm declaration that the conflict in Cuba had reached the stage of open public war would have admonished Spain that the United States at least would hold her and the Cubans to obedience to the laws of civilized warfare, and the world would have been spared—

> the spectacle of the utter ruin of an adjoining country, by nature one of the most charming and fertile in the world.

But our supposed business interests were in the way, and, in the effort to secure their damages and losses, we have permitted Spain, in her despair of reducing the Cubans to submission, to make the war a revel of vengeance and the people of Cuba the victims of every horrid and brutal passion of infuriated men.

As the message of the President is the sole basis of fact on which I rest the conclusions I have reached as to my duty as a Senator in a crisis that is forced upon the country because of our just and natural sympathy for the Cubans, and as the laws of nations stand to support those conclusions, as I believe, I will enter upon a more careful statement of those facts as I will quote them from the message, and of those laws as I understand them.

Taken as a whole, the President's message is an affirmative and substantial concurrence in the resolution heretofore adopted by Congress, which I have read, which commits that body to the declaration that public civil war exists in Cuba.

It is that fact, and not its declaration in any selected form of words or by any tribunal, that defines the rights of our citizens residing in Cuba under the laws of nations, by which they are to be ascertained, admeasured, and enforced, in the absence of treaty stipulations. The existence of a state of war is not determined merely by a declaration of its existence, but by the existence of the facts which constitute a state of war under the laws of nations.

A citizen of the United States, or of any country, when absent from his own Government, is placed under the protection of the laws of nations, by the common consent of mankind. Such protection often justifies interference in his behalf by powers to which he is an alien and a stranger. In Christian countries this sort of shelter is given to those who are wronged by the local government as a duty to the stranger, thus illustrating the divine benevolence that inspires the Christian creed. This high duty is expressed in the mutual guaranties of the great European powers for the protection of humanity in Turkey, and, in that connection,

is reiterated in burning eloquence in the following extracts from the last annual message of President Cleveland:

> While none of our citizens in Turkey have thus far been killed or wounded, though often in the midst of dreadful scenes of danger, their safety in the future is by no means assured. Our Government at home and our minister at Constantinople have left nothing undone to protect our missionaries in Ottoman territory, who constitute nearly all the individuals residing there who have a right to claim our protection on the score of American citizenship. Our efforts in this direction will not be relaxed; but the deep feeling and sympathy that have been aroused among our people ought not to so far blind their reason and judgment as to lead them to demand impossible things. The outbreaks of blind fury which lead to murder and pillage in Turkey occur suddenly and without notice, and an attempt on our part to force such a hostile presence there as might be effective for prevention or protection would not only be resisted by the Ottoman Government, but would be regarded as an interruption of their plans by the great nations who assert their exclusive right to intervene in their own time and method for the security of life and property in Turkey.
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> * * * * * * * *
>
> I do not believe that the present somber prospect in Turkey will be long permitted to offend the sight of Christendom. It so mars the humane and enlightened civilization that belongs to the close of the nineteenth century that it seems hardly possible that the earnest demand of good people throughout the Christian world for its corrective treatment will remain unanswered.

The commander of an American warship lying in a port of Turkey who would refuse to protect with his guns the people of any country who were being massacred as were the Christians in Harpoot and Marash would be disgraced in the estimation of every American citizen and would deserve to be dismissed from the Navy.

The laws of nations follow a citizen of the United States into places where the laws of the United States have no local recognition and where its flag has no influence. They give him the right to recognize a government de facto, for his protection and for the regulation of his conduct, and justify his obedience to "the powers that be," even when the de facto existence of that government is denied by the titular sovereign of the country and that sovereign is supported in such denial by the silence or the indifference of the United States. I could go still further in the statement of the rights of an American citizen who is found in Cuba, in time of insurrection, but that is unnecessary for the purposes of this argument. What I now assert is that our people in Cuba have rights under the laws of nations that the courts of all neutral countries and of our own country will protect and enforce, despite the opposition even of the President of the United States, if he should oppose them.

These laws are silent in Cuba, so far as any attention to them is given by our Government, either in behalf of the people of other countries or our own. What I feel bound and authorized to do, though it is not all that I would like to do, is to give to the laws of nations full scope and enforcement in Cuba in behalf of our own people. If the Island of Cuba is still at peace, and is not enveloped in war, in the contemplation of the laws of nations, as peace and war are defined by those laws, our people there must look first to the protection of Spain for safety and for the redress of the wrongs they are suffering.

If public war prevails in Cuba, by whatever name Spain may choose to call such hostilities, our people there have all the rights and immunities that the laws of nations give to neutrals in time of war, and they have the right to obey and even to assist in the support of the armies that, for the time being, have the power to command and enforce their submission. When our Government gets its consent to enforce these rights of our people in Cuba which are supported by the laws of nations, it must do so either by recognizing the existence of war and by holding each party engaged in war to its responsibility for wrongs done to our people through its conduct or by still recognizing the existence of a state of peace in Cuba and demanding of Spain the reparation due for acts of the titular Government and also for the acts of those who are claimed by Spain to be only a warring faction engaged in insurrection.

It is a choice between giving to the lives, liberty, freedom, and property of our people in Cuba the direct and immediate support of our national power, whether it is active or merely moral, or whether it is through diplomacy or arms on the one hand and on the other the passive, dilatory, theoretic method of waiting for a more convenient season for entering suit against Spain for damages through the endless palavers of diplomatic correspondence. We must go unarmed into the ministerial courts, where verbose enigmas of speech suspend justice and reason alike, and there create a war of words to settle the controversies that are now arising daily from an unchristian and horrible war of blood, rapine, murder, and cruelty in which our people are innocently involved.

What the rights of our people are pleading, with hot breath and tears of anguish into the dull ears of the Government, whose Executive assumes the mastery over their fate, is that the powers of prevention shall be summarily applied to these abuses, with the quick resistance that responds with sufficient force to the quick and fatal blows that are assailing them.

They are not content to suffer these wrongs, within earshot of our frontier, and to pile up claims, petitions, and proofs to be brought before Spain, in long years of discussion, after she has bankrupted a kingdom to wreak blind revenge on a province.

If Spain is liable to our people, both for her own wrongs and for wrongs done by Cubans, let that liability be met as soon and as often as it arises without delay. The compensation is due on demand, and not at the end of a diplomatic lawsuit, to be commenced, conducted, and ended when it may suit the convenience of Spain.

When we know that wrongs have been done to our people who are innocent sojourners in Cuba, and that other wrongs still more serious will be done them if this war is to continue, our Government is in the most humiliating state of innocuous desuetude if it interposes no helping hand to the sufferers and refuses to forbid the further devastation and death that a cruel Government is now inflicting upon them.

Never in the history of man did a question of money, of dollars and cents, of business interests, stand so squarely against human life and personal safety, or affect a people so seriously, as those baneful influences and deeds of violence are now affecting our people in Cuba.

Spain, in the pride of her arrogance and in her contempt for the common people who are her subjects, refuses to acknowledge that they are morally or physically able to wage open war against the Crown, and persists in the declaration that their uprising is only a factious and criminal insurrection. The United States, on the other hand, to fortify her money demand against Spain for injuries suffered by our "business interests" at the hands of the Cubans, winks at the arrogant folly of Spain and joins her in the declaration, which every intelligent man in the world knows to be a travesty of the truth, that there is no war in Cuba.

It makes no difference to us, it seems, if life and liberty are destroyed; each death and each wound increases the damages in money, and Spain is expected to foot the bills. This cent per cent speculation in the horrors and sufferings of warfare is derogatory to every sympathy that any virtuous American ever permitted to find a lodgment in his heart.

If the war is to continue in Cuba without our intervention to protect the rights of our people, the money question involved may triumph over the question of life and liberty, but its triumph, long delayed, will destroy its hopes of reward in the bankruptcy of Spain. While the war continues there under our recognition that it is only a civil commotion, we are bound to rely upon the good intentions and the power of Spain to protect our people in Cuba against both the Spaniards and the Cubans. This at best is a very unsafe reliance.

The debt is very doubtful of collection and we are not justifiable in throwing away good lives to increase the volume of a bad debt that our people will probably lose in the outcome.

In my view of the situation, our duty is plain and imperative that we must secure and preserve our people in Cuba against the outrages stated in the message of the President.

In tracing the history of the struggle in Cuba the President goes back twenty-eight years to the rising at Yarra in 1868, "which was followed by an insurrection that lasted for ten years." He asserts that the conduct of Spain in that war tested in a severe manner the patience and forbearance of the Government of the United States, "the most pacific of powers," to such an extent that "no other great power, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance."

This open reproach would be extremely unjust and cruel to Spain if in that ten years of violence she had only been engaged in quelling an insurrection in Cuba that was fomented and carried on for purposes that were base and disloyal and were not justified by the most strenuous demands for redress.

In that connection the President further states that—

> Neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, nor have failed to realize the existence of conceded grievances which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government.

Thus, the President connects the two Cuban wars by asserting the continuance of the same grievances for a period that is longer than a third of this century, and contended against by constant resistance to wrong.

The whole world agrees with the President that this is a struggle for liberty demanded by a distinct people, who have long been held in a bondage to a foreign power that has forced them, by grievances that can not be endured, to sacrifice everything in a just cause, and he has, in kindness, tendered our good offices to bring it to a close.

The President further concludes, justly, that the dimensions of the war and its destructive character have rapidly increased, and are far beyond those of the first revolution of 1868 to 1878.

He says:

> If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers and character and resources, and are none the less inflexible in their resolve not to succumb without practically securing the great objects for which they took up arms. * * * If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent State.

It is the independence of Cuba and not her belligerent rights that he thinks important. No intelligent person can read the President's account of these hostilities, their character and progress, without concluding at once that war is open, flagrant, and desperate between the native Cuban's and the foreign Spaniards in the Island of Cuba, and requires no act of recognition to make it a public war. Nor can anyone escape the conclusion from what the President states, that, unless Spain concedes to Cuba the rights of an independent state and withdraws from the conflict, or is driven from the island, the virtual extermination of the native population is to be the fatal doom of Cuba. It is a marked feature of the message of the President that he assumes that the issue, as it is now presented, between Cuba and Spain is either independence or extermination.

The President evidently regards the insurrection in Cuba as having advanced to the stage of open public war, so far, indeed, as to dispense with the necessity of according belligerent rights "to the insurgents." He says that the proposition is "no longer urged (he does not say by whom) because untimely." He assumes in this statement the existence of a fact that contradicts the records of Congress if he means to say that Congress has abandoned its ground. But he says that belligerent rights to the people of Cuba are "untimely." If such rights are untimely, it must be because it is either too soon or too late to accord them, and he fails to state upon which horn of the dilemma he would have us lay our hands. If it is too late, it is because he is about to determine that we, as a people, under his lead, intend to free Cuba from Spanish sovereignty, and will do it quickly, or because he is convinced that the arms of Cuba will prevail over those of Spain at an early day, in either of which events belligerent rights would be of no service to the Cubans, and would possibly be "untimely." I will not pause now to attempt to undo this puzzle. The President thus admits the right of the Cubans to recognition as lawful belligerents, but refuses to grant it because it is, "in practical operation, clearly perilous and injurious to our own interests."

It is not because of the fact that the conflict of arms in Cuba is a mere insurrection that the President claims that it is "untimely and in practical operation clearly perilous and injurious to our own interests" to acknowledge that they are entitled to belligerent rights. If it is only an insurrection, the concession of such rights would violate the laws of nations. If it is a war, justice demands that we should recognize its existence and the rights that attend it, and the President has no authority to say for the American people that they no longer urge that belligerent rights shall be accorded to Cubans, because such a high national duty is "clearly perilous and injurious to our own interests."

No one can afford to do the President the injustice of saying that he attributes to the Cubans the vile attitude of merely factious rebellion or insurrection. He speaks of them as a people who have earnest longings for liberty and the resolution to perish in the effort to gain independence. No one can misunderstand the pure and elevated motives of the American people in the exhibition of their sympathy for the Cuban patriots. It is treason to truth and justice to impute any selfish motive to the American people in their feelings or their conduct toward the people of Cuba. It is an insult to tell them that it is perilous and injurious to their interests to ask their Government to apply to the Cubans the benefit of the laws of nations, so that in fighting for their liberty and independence they should not fight as outlaws, with halters about their necks.

The peril to "our own interests" that is at the bottom of this statement must be the danger that some of our people at home may lose money if the Republic insists that the spirit of liberty shall not be suppressed in the souls of men who aspire to the blessings we enjoy. It is money against humanity, pelf against justice, riches against liberty.

It is "untimely" that our own people and the natives who inhabit Cuba should have the benefit of our honest statement that war exists there, so that they may escape the laws that condemn them to death or imprisonment for life for offenses that are venial under the laws of war; only because it is untimely to make any declaration that might weaken the security of our "business interests" for the bill of damages that we are piling up against Spain. We—

> Crook the pregnant hinges of the knee where thrift may follow fawning.

Although I believe that the recognition of the belligerent rights of the Cubans would lead directly to the relief of our people in Cuba, and would soon result in Cuban independence, inasmuch as the President seems to prefer a more coercive policy and warns Spain that the time is near at hand for decisive action, I will support him in any movement that will save our people on that island from further outrage and give a real "promise to Cuba and its inhabitants of an opportunity to enjoy the blessings of peace."

I will not obstruct his course with questions of propriety under the laws of nations as to belligerent rights, but will follow the colors when planted by the President on the advanced ground that the concession of belligerent rights has become "untimely" and that our duty now demands active intervention.

If that ground crumbles away, I will again fall back to the position that a just care for our own people requires us to declare an armed neutrality, ready to assail either belligerent that inflicts wrongs on our people. Assuming that the subjunctive conditions and "ifs" have disappeared, or will soon vanish, and that we are lifted above the low plane of subterfuges, I will now undertake to justify this threatened advance to the high ground of national duty which the President is contemplating as being near at hand.

If he should say that the time has arrived, "the hour has struck," would any American be so base as not to hold up his hands while the battle is raging?

If he shall, indeed, execute the will of the people and the demands of humanity, let us prepare to sustain him by justifying his action with reference to the declarations of the great statesmen and publicists whose teachings are a guide for nations that never leads to dishonor.

The President having justly stated that this "insurrection," as he calls it, is for the redress of grievances of long standing and acknowledged injustice and severity, that have been the cause of two great conflicts of arms, one lasting for ten years and the other to last indefinitely; that it has spread until the Cubans dominate two-thirds of the Island of Cuba, confining the Spaniards to the seaports and larger towns; that it employs the Spanish navy and "vast bodies of men sent across thousands of miles of ocean;" that it has already cost Spain "an enormous debt;" that it presents "the spectacle of the utter ruin of a country, by nature one of the most charming and fertile in the world;" that "the passions of the combatants grow more and more inflamed, and excesses on both sides become more frequent and more deplorable;" that "the original policy of the Spanish Government" has been apparently abandoned and it "is now acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy;" that "Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns;" and that "the industrial value of the island is fast diminishing;" and that "unless there is a speedy and radical change in existing conditions, it will soon disappear altogether." It is a matter of surprise that the President should hesitate to pronounce this terrible condition a public war and to recognize it as such. True, it is not civilized warfare. It is mercenary and without just cause on the part of the aggressor—Spain—and so cruel on both sides, according to the President's statement, that it is out of the pale of Christian toleration and is massacre, rapine, and extermination.

The President then states the unavoidable connection of our country with this savage holocaust. He says:

> These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States.

There is no color of remonstrance or reproach to our people in this reference to their attitude or their sympathy for the suffering people of Cuba. The President seems to consider it as rational and commendable, and as having weight in a country where the will of the people, even if it is not always thought to be wise, is the law to our public servants, when it is constitutionally expressed.

In further justification of our people, the President says:

> In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It [the Island of Cuba] lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest is second only to that of the people and Government of Spain. It is reasonably estimated that at least from $30,000,000 to $50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about $64,000,000, rose in 1893 to about $103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly $96,000,000.

He does not state what it is at this time. The report of the Secretary of State adds some statements in general terms as to a part of the wrongs that our people have suffered in Cuba, the details of which are probably withheld because they might excite the people to some rash acts of resentment or retaliation.

These acts, which I will proceed to read, as they are stated, in the report of the Secretary of State are treated by him and the President as matters of serious concern to the Government, while their redress, for the benefit of the people or for their security, is summed up in pecuniary demands that already exceed $19,000,000. The cash account of our losses is evidently kept carefully. Congress is still left responsible, it seems, for devising some means of correcting or preventing these wrongs which is more effective than the filing of claims for damages in our Department of State;

On the international question the President says:

> Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways, both vexatious and costly.

This grave declaration seems fatal to peace.

Then the Secretary adds a more specific statement of the facts of this vexatious, costly, and inextricable involvement. He specifies in his statements the following:

> (a) To illustrate these conditions, the insurgent chiefs assert the military power to compel peaceable citizens of the United States within their reach to desist from planting or grinding cane, under the decreed penalty of death and of destruction of their crops and mills; but the measure is one of sheer force without justification under public law. The wrongs so committed against the citizens of a foreign State are without an international forum of redress to which the Government of the United States may have recourse as regards its relation to the perpetrators. The acts are those of anarchy, and in default of the responsibilities of de facto Statehood in the case there remains only the territorial accountability of the titular sovereign within the limits of its competency to repress the wrongs complained of.

He might well have added that such wrongs are not the subjects of civil litigation. They are war topics.

* * * * * * *

> (b) The nature of the struggle, however, deserves most earnest consideration. The increased scale on which it is waged brings into bolder relief all the appalling phases which often appear to mark contests for supremacy among the Latin races of the Western Hemisphere. Excesses before confined to a portion of the Island become more impressive when wrought throughout its whole extent, as now. The insurgent authority, as has been seen, finds no regular administrative expression; it is asserted only by the sporadic and irresponsible force of arms. The Spanish power, outside of the larger towns and their immediate suburbs, when manifested at all, is equally forceful and arbitrary.

* * * * * * *

> (c) The only apparent aim on either side is to cripple the adversary by indiscriminate destruction of all that by any chance may benefit him. The populous and wealthy districts of the center and the west, which have escaped harm in former contests, are now ravaged and laid waste by the blind fury of the respective partisans. The principles of civilized warfare, according to the code made sacred by the universal acquiescence of nations, are only too often violated with impunity by irresponsible subordinates, acting at a distance from the central authority and able to shield themselves from just censure or punishment by false or falsified versions of the facts.
>
> The killing and summary execution of noncombatants is frequently reported, and while the circumstances of the strife are such as to preclude accurate or general information in this regard, enough is known to show that the number of such cases is considerable. In some instances, happily few, American citizens have fallen victims to these savage acts.
>
> A large part of the correspondence of the State Department with its agents in Cuba has been devoted to these cases of assault upon the rights of our citizens. In no instance has earnest remonstrance and energetic appeal been omitted. But the representatives of the Spanish power often find it easily practicable to postpone explanations and reparation on the ground of alleged ignorance of facts or for other plausible reasons.
>
> Its effect upon the personal security of our citizens in Cuba is not the only alarming feature of the reign of arbitrary anarchy in that island. Its influence upon the fortunes of those who have invested their capital and enterprise there, on the assumed assurance of respect for law and treaty rights, is no less in point.

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> (d) A gross estimate of $50,000,000 would be more likely to fall under than over the mark. A large proportion of these investments is now exposed to the exceptional vicissitudes of the war. Estates have been desolated and crops destroyed by the insurgents and Spaniards alike. Upon those not actually ravaged operations have been compulsorily suspended owing to the warnings served by the revolutionists or the withdrawal of protection by the Spanish authorities, often accompanied by a similar prohibition against continuing work thereon or by forbidding communication and residence, thus entailing enforced abandonment of the premises. Provisions and stock have been seized by either force for military use without compensation. Dwellings have been pillaged.
>
> In short, the cessation of all remunerative production accompanies actual or probable loss of the invested capital. Numerous claims on these several accounts have been filed, but in many instances the sufferers are known to abstain from formal claim or complaint for prudential reasons, lest worse should befall them at the hands of the insurgents and the Spaniards in turn, accordingly as either may gain temporary control of their property. A partial estimate of material claims and injuries of this class already aggregates a trifle under $16,000,000.
>
> Nor does the loss fall upon capital alone. Large numbers of the agricultural laboring classes are driven from the fields to the nearest towns, partly by the peremptory orders of the local military commanders and partly by the cessation or destruction of their only means of livelihood. They are well nigh destitute. Among them are many citizens of the United States. Some idea of the extent of this calamitous condition is given by the reports which reach the Department from a single district. It is officially reported that there are in one provincial city alone some 4,000 necessitous refugees from the surrounding country to whom the municipal authorities can afford little or no relief. Over 200 of these are American citizens, engaged in prosperous farming and stock raising at the beginning of the outbreak, whose employment and resources have been swept away by eighteen months of civil strife, reducing them from affluence to penury and throwing them upon the charity of an exhausted community in a devastated land.
>
> All these disastrous conditions, with the evils and disorders necessarily following in their train, are interfering with the insular avenues of trade and very gravely impairing the business operations of Cuba.

This indictment of Spain by the Secretary of State is indorsed "a true bill" by the President, and it charges a capital offense in every count.

The Congress of the United States has never been presented with a stronger or more moving statement of facts, demanding the immediate and determined intervention of the United States, than the President has thus solemnly laid before the political and war-making department of the Government.

The Constitution enjoins upon the President that "he shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient." Congress has also required the President, as soon as practicable, to communicate to Congress all the facts and proceedings relative to any case in which a citizen of the United States has been unjustly deprived of his liberty by, or under the authority of, any foreign government; and has made it his duty forthwith to demand of such government the reasons of such imprisonment.

The official and conclusive statement of the cruel death of some innocent and unarmed citizens of the United States in Cuba, and the taking of others from their homes in the country and their virtual imprisonment in the towns and villages, and their outlawry, if they fail to inscribe their names on rosters kept for the purpose, within a short period of time, creates the emergency that requires the President to give information of the facts, and equally requires Congress to act with reference to them. As the President has omitted to state the facts in detail, Congress is not so informed as to be enabled to act with certainty, and is left in doubt as to the propriety of further delay, which the President seems to advise, in taking measures to relieve our people in Cuba from this inhuman treatment.

Another case, of more marked significance, is thus stated in the report of the Secretary of State, which is made a part of the President's message to Congress:

> In April last, the *Competitor*, a small schooner of American registry, eluding the vigilance of the Federal authorities, took on board men and supplies presumably intended to aid the Cuban insurrection, and reached the coast of that island near San Cayetano. Being discovered by the Spanish coast guard, a conflict ensued, resulting in the capture of a number of those on board as well as the seizure of the vessel. The prisoners, among them several American citizens, were subjected to a summary military trial, which, although conducted by an admiralty court, alleged to be competent, appeared to have lacked the essential safeguards of procedure stipulated by the existing conventions between the United States and Spain. This Government promptly intervened to secure for its implicated citizens all the rights to which they were clearly entitled, including appeal from the pronounced sentence of death. Their cases were subsequently carried to the higher tribunal at Madrid, which has set the conviction aside and remanded the cases for retrial.

At the first session of this Congress the Senate, having been informed only by common rumor of the existence of the facts above stated, and having awaited with due respect the action of the President under the mandatory law in section 1001 of the Revised Statutes, was anxious, for reasons of grave public importance, to be officially informed as to that transaction.

The Senate therefore sent the President a respectful resolution requesting him to inform this body as to that unpleasant event.

The President declined to inform the Senate as to the facts in the case, and what is above quoted is all the information that he has sent to Congress touching the *Competitor* case. The Senate had neither the right nor the purpose to relieve the Executive from the duty of communicating the facts in the *Competitor* case to Congress, in obedience to the statute.

The above indefinite outline of a terrible wrong to "several American citizens," whose names and places of residence are not stated in the report of the Secretary of State, on its face requires the prompt and decisive action of Congress.

The facts should be again demanded by a resolution of the Senate, which I now have the honor to present to this body.

No crime is stated in this report against any law, for it is the right of the people of the United States, under our laws and our treaties with Spain, to visit the Island of Cuba and to sell supplies not contraband to Cubans. If they are only "presumably intended to aid the Cuban insurrection," or if that intention is proven, our citizens are not subject under our treaties with Spain to the outlawry of a summary military trial "and a conviction and sentence to death," as was done for an offense that is not capital, even upon a presumable intention to aid the Cuban insurrection. We are told by the Secretary of State that "the particulars of many of these cases" (presumably including the *Competitor* case) "will be found in the collected annual volume entitled 'Foreign Relations of the United States.'" This collected volume may not be printed before this Congress is ended, so that we can not act advisedly in this grave matter until we make another effort to get a knowledge of the facts.

It needed no judgment of an appellate Spanish court to determine that under our treaties with Spain and under the laws of nations applicable in time of peace a summary military trial before a court of admiralty could not condemn a citizen of the United States to death for the offense described in the report of the Secretary.

Such a court could not have jurisdiction to try a citizen of the United States for such an offense, and his death, if it follows such a sentence, would be murder of the same description as that inflicted in the case of the people found on board the *Virginius*. "The appeal from the pronounced sentence of death" was an appeal by the otherwise helpless Americans to the mercy of Spain. This was not the right to which they were entitled from Spain or from their own Government. They were entitled to the whole power of the United States, in accordance with our treaties, for their protection against a trial by a tribunal that had no right to arraign them or try them for the offense with which they were charged, and Congress is not yet informed of the charges against them.

We are told that a higher tribunal at Madrid has set aside their conviction "and remanded the cases for trial." So far as we are furnished with any light on this grave dilemma the cases against these American citizens are remanded for trial to the same military tribunal that is without jurisdiction to hear them. If they are remanded to some other tribunal, why has not the President informed Congress of the fact, that they shall decide what is required by the country to be done for the security of their rights and the safety of their lives?

The Senate has not been indifferent or remiss in its duty toward these American citizens in their imprisonment in foul Spanish dungeons during the long months of anguish through which they have lingered under sentence of death. Although their case has not been thought worthy of mention by the President, and their names or other means of identification are not given by the Secretary in his report, the Senate has taken the testimony of credible witnesses, some of whom were present at that "summary military trial," and has proven that it was as hasty and as unfair as a drumhead court-martial, and that the prisoners were not represented by their chosen counsel; that they had no witnesses in their defense; that they did not understand the accusation against them, which, with the testimony for the Government, was in the Spanish language, and that no consul or representative of the United States was present to witness the trial. The youngest of these men, who had scarcely attained to his manhood, is a person of excellent family and of good character, who went as a newspaper correspondent to Cuba only for the purpose of gaining the information about the war the want of which has caused the Government serious perplexity.

This unnamed noncombatant sufferer is still immured in some Spanish prison to await a trial that is now as tardy, when a conviction is uncertain, as it was hasty when a death sentence was was preordained by Spanish vengeance.

The "business interests" are using this shining beacon of Spanish wrath to warn Americans from selling food and medicines to Cuban insurgents, while they are growing rich in selling horses, cattle, coal, and military and naval supplies to the Spaniards to aid in the extermination of the native Cubans.

It is for such purposes that, in the language of the President, "the United States is compelled to actively police a long line of seacoast against unlawful expeditions." If war exists in Cuba those people could freely trade with ours. Being an insurrection, to trade with them is death according to Spanish law, and we are standing by to witness this tragedy with composure, because it is "perilous and injurious to our own interests" to interrupt our business interests in controlling and supplying the Spanish markets in Cuba.

It is a most unfortunate mistake to say that anything that will save American life is "a proposition no longer urged" by those who demand the rights of our people in trading with Cuba or in the offices of humanity toward those oppressed people.

The President turns toward Congress with hesitating doubts as to their having anything to do with any question arising in this grave situation, and excuses himself for the allusion he makes to that departure by saying, after some cautionary advice about "undue stimulation and ill-timed expression of feeling:"

> But I have deemed it not amiss to remind Congress that a time may arrive when a correct policy and care for our interests * * * will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Why this precautionary reminder is given to Congress is not very apparent. I assume that a President will not threaten war with a foreign power and remind Congress of its duty in that regard unless he believes that sufficient grounds exist for the open and fearless discussion of the subject. Among the remedies for the great wrongs which he charges up to Spain—if our proposed friendly intervention is not accepted—war is the only one left, since the President rejects the recognition of belligerent rights, which only means neutrality between the warring parties.

The attitude of the President is not consistent with neutrality. It means war with Spain, or the acceptance by Spain and Cuba of his friendly intervention to give autonomy to Cuba, sovereignty to Spain, and peace to both countries. So I read the President's message, and in that light I must take my attitude as a Senator.

I am not willing to assist the President in the project of intervention by duress or threats of war. If we must intervene, I prefer open war to the sort of intrusive policy that was tried and failed in Hawaii. Here are resolutions of honorable Senators which demand open war with Spain or such a declaration of the independence of Cuba as will doubtless cause Spain to make war against the United States. I am required to vote on these propositions, and I owe it to Alabama, the Senate, and myself that I shall be able to justify my vote upon the facts as they exist, and the laws of nations as I understand them, and the feeling I entertain for the oppressed, who lift up appealing hands and call for help against despotic cruelty and misrule.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Senator from Alabama will please suspend. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CHANDLER. It will be agreeable to the committee to have the bill remain as it is until the Senator finishes his remarks.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the bill be laid informally aside, that the Senator from Alabama may conclude his remarks. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. I find in the President's message statements of fact (to which I have already referred by quoting therefrom) which demand that the Government of the United States, in justice to our own people, should command and enforce the peace in Cuba.

If the United States can do this, as was done in 1878 by Spanish recognition of the Republic of Cuba as a treaty-making power, no one can complain of the adjustment they may make; but it does not follow that the United States shall not have full "indemnity for the past and security for the future" upon the basis of the solemn statement made in the message of the President. These great wrongs must be compensated, and the future peace of our own border must be guaranteed through our own strength rightfully exerted, and not be left dependent upon promises made by Spain alone, or else we are bound to adopt the resolution of the Senator from Texas. Now, what hope is there that this comprehensive plan of settlement can be secured? I answer to my own judgment and conscience and in accord with the convictions of my constituents, who are near neighbors to Cuba, that it is utterly hopeless.

If the pacification of Cuba is accomplished through the intervention of the United States, it will not be by peaceable intervention, nor can the wrongs done to our people ever be redressed by any other means than compulsion. Spain can not plead guilty to the barbarities against our people, as they are stated in the President's message, without confessing to inveterate and malignant hatred toward them and the United States, which would make her an unsafe neighbor in Cuba. If she pleads, in avoidance, her inability to prevent these cruel and destructive wrongs and injuries, she must confess her inability and unfitness to provide permanent and just government in Cuba. With us this is an evil that reaches out through the ages to come, and it challenges this generation of our people to the duty of saving their posterity from this terrible infliction.

Spain must see, as Europe sees, that the despotic severity of Bourbon rule, as it has been manifested in all her history, can not be maintained by sheer force against the native Cubans, whose eyes are constantly fixed upon the flag that represents the personal and political liberties of our great Republic, and whose dearest hopes are excited in their free and welcome association with our prosperous and happy people. We can not become the propagandists or the defenders of absolutism in government; neither can we withhold our sympathies from those who seek the liberties we enjoy and suffer in the support of the right of the Cuban people to throw off the galling yoke of bondage to a foreign people 3,000 miles distant from them, who hold them as feudatories of the Spanish Crown.

If, for just cause, Spain has been compelled to abdicate her sovereignty in all the twelve great States in Spanish America, there is no reason why we should deny to Cuba the right of home rule and sovereign independence, for reasons more just and causes more imperative than any other Spanish-American State has ever claimed as the ground of revolt.

No State in Spanish America was ever forced to endure such oppressions, in peace or war, as the President in his message has justly charged to Spanish rule in Cuba.

Will the United States, in order to protect her own people in Cuba, or to promote or protect their commerce with that island, engage with Spain to hold those people to their allegiance or submission to the Spanish Government? If the Cubans refuse to accept our friendly intervention and reject the olive branch that the President is seemingly ready to extend to them, what will we do about it?

We can not be hereafter more indifferent to their fate than we have proven ourselves to be, in the executive department of our Government. We can not be more active and vigilant than we have been in shutting them off from the assistance of our people. Our ears can not be more deaf than they have been to the pleadings of humanity in their behalf. We can let them alone, declare and maintain our neutrality in the war, and that is all they ask at our hands. But we can never interfere with arms for the overthrow of the Cubans or their Republic, or to compel their surrender to Spain.

In this condition of impotency to establish permanent peace in Cuba and permanent security for our own people while the Spanish Monarchy is dominant in that island, we have no alternative left to us but the single choice between the continuous repetition of the terrible evils portrayed in the message of the President or a base, humiliating, and cruel delay on our part while rapine and destruction are rampant in Cuba, in the hope that some fortunate turn in events may relieve us from a duty that we owe to humanity, to Christian civilization, to the spirit and traditions of our country and our people, and to the lives and liberties of our people in Cuba who are now held beneath the cruel power of Spanish jealousy and revenge.

I had gathered a few great authorities found in the writings of our most eminent statesmen and our highest court to support the conclusions I have stated to the Senate, but I find that they need no other support than that sense of justice and national duty which is instinctive in the hearts and minds of all Americans. I do not rely upon any authority for the facts I have recited, except those stated in the message of the President and the report of the Secretary of State. That is enough. The facts are incontrovertible and our duty is plain. If we fail to act upon them, we take the responsibility of a delay to perform a plain duty at the expense of our people whose lives are in constant peril.

Mr. President, I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution was read, and agreed to.

MRS. ELIZA G. PYNE.

Mr. GALLINGER. Yesterday the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne was passed by the Senate. I will state that the beneficiary under the bill is now drawing a pension; and although there is some informality in the matter, which I will not stop to explain, I move that the votes whereby the bill was ordered to a third reading and passed be reconsidered, and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the votes will be reconsidered. The Chair hears no objection, and it is so ordered. The Senator from New Hampshire moves that the bill be indefinitely postponed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was read twice by its title, and referred to the Committee on the District of Columbia.

The joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month was read twice by its title, and referred to the Committee on Appropriations.

NANCY G. ALLABACH—VETO MESSAGE.

Mr. PALMER. I ask for the benefit of the unanimous consent given a while ago to call up the bill (S. 891) granting a pension to Nancy G. Allabach.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the unfinished business may be informally laid aside and that the Senate proceed to the consideration of the bill indicated by him. Is there objection?

The Senate, by unanimous consent, proceeded to reconsider the bill.

The PRESIDENT pro tempore. The reading of the report was called for by the Senator from Illinois.

Mr. PALMER. Let the report be read.

The PRESIDENT pro tempore. The Secretary will read the report in this case.

The Secretary read the report submitted by Mr. PALMER May 9, 1896, as follows:

> The Committee on Pensions, to whom the bill (S. 891) granting a pension to Nancy G. Allabach was recommitted, together with the objections of the President thereto, beg leave to report:
>
> The committee have reconsidered said bill, and considered the objections of the President thereto, and recommend its passage notwithstanding his objections.
>
> The facts of the case, as found by the committee, are that Peter H. Allabach was a soldier in the Mexican war and participated in the battles of Palo Alto, Resaca, and the military operations on the line of the Rio Grande. He conducted himself with conspicuous gallantry. He married the proposed beneficiary of this bill on the 8th of September, 1851. She is now 67 years of age, and unable to earn her own support.
>
> During the late civil war he was colonel of the One hundred and thirteenth Regiment of Pennsylvania Volunteers, and commanded a brigade in one or more severe battles. His conduct won the approbation of Gen. W. S. Hancock, Gen. A. A. Humphrey, and Gen. Henry S. Briggs, his immediate commanders. The letters of General Hancock, General Humphrey, and General Briggs are made part of this report.
>
> After the close of the war of the rebellion Colonel Allabach returned to and engaged in the pursuits of civil life. He died in this city on the 11th of February, 1892.
>
> This bill proposes to pay to Mrs. Nancy G. Allabach a pension of $30 per month, which is the pension allowed by the general law to disabled officers of the rank Colonel Allabach held in the service of the United States. All the facts before the committee prove that Colonel Allabach was an officer of great merit, and rendered most valuable services to the country. His conduct as a citizen was exemplary, and he left his widow, the beneficiary of the bill before the committee, without other means of support than the small pension allowed by the general law. Upon these facts, the committee reported the bill, "An act granting a pension to Nancy G. Allabach," to the Senate, and recommended its passage. It passed both the Senate and House of Representatives; was laid before the President, was disapproved by him, and was returned to the Senate with his objections and recommitted to the Committee on Pensions for reconsideration.
>
> Your committee recognizes the constitutional right and the duty of the President to refuse to sign any bill which has passed both Houses of Congress which he does not approve. "If he approve, he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated."
>
> Your committee would give emphasis to that provision of the Constitution which makes the President a sharer with Congress in responsibility to the country for all legislation.
>
> Recognizing this imperative obligation imposed upon the President by the Constitution, your committee proceed to a respectful consideration of the objections of the President to this bill.
>
> The President, in his message containing his objection to this bill, correctly recites some of the facts which led your committee to recommend its passage, but he does not allude to the eminent and distinguished services rendered by the husband of the beneficiary in the war with Mexico and in the late civil war, in which the integrity of the Union as well as the peace of the continent and the existence of popular constitutional government was involved. He says truly that "Colonel Allabach did not at any time apply for a pension," to which it may well be answered that no services rendered to the country, however brilliant or useful, are pensionable.
>
> General pension laws are passed to make provision for the unfortunate; but the brave and patriotic soldier, who on many occasions imperiled his life in defense of his country or for the maintenance of its just authority, may well have hoped that, though he passed through the perils of the battle field without personal harm, those who control the treasury of a grateful country would, when appealed to directly, make provision for the dependent, loved wife whom he left poor and can no longer support or protect.
>
> It is further stated by the President as a ground of objection to this bill (and the committee quote his language):
>
> "I do not see how the same relief as is contained in this bill can be denied to many thousand widows who, in a similar situation, are now on the pension rolls under general laws."
>
> Your committee beg to say that if, upon all the facts of this case, Mrs. Allabach is entitled to the relief afforded to her by this bill, it is no objection to its passage that it does not afford equal or ample relief to the many thousands of widows who are on the pension rolls under general laws. If the bill upon its own facts is just and proper, it will only be a precedent for like just and proper special legislation.
>
> Your committee admit without hesitation that the general pension laws are liberal and make provision for the large class of soldiers and those who are or were dependent upon them; but the committee would regret that a precedent should be established by Executive action which would, in effect, operate to deprive both Houses of Congress of the right, in the exercise of their discretion, to make provision for special cases of exceptional merit.

Mr. GALLINGER. The veto message which is embodied in the report and follows the part which the Secretary has just read has been already read to the Senate. I ask that it may be passed over.

The PRESIDENT pro tempore. Without objection, it will be so ordered. There are some letters commending Colonel Allabach attached to the report. Does the committee desire to have the letters read?

Mr. GALLINGER. It might be well to have them read.

Mr. COCKRELL. Has the President's veto message been read?

The PRESIDENT pro tempore. It has been heretofore read, the Chair is informed.

Mr. BATE. The veto message has not been read with the report.

Mr. PALMER. I am content that it shall be again read.

Mr. COCKRELL. I should like to have it again read. Is the Senator from Illinois seeking to overthrow the veto of the President?

Mr. PALMER. I am certainly seeking to have this bill passed notwithstanding the President's objections.

The PRESIDENT pro tempore. The remainder of the report will be read.

The Secretary read as follows:

> [Senate Document No. 25, Fifty-fourth Congress, first session.]
>
> *Message from the President of the United States, returning, without his approval, Senate bill No. 891, entitled "An act granting a pension to Nancy G. Allabach."*
>
> *To the Senate:*
>
> I herewith return without my approval Senate bill No. 891, entitled "An act granting a pension to Nancy G. Allabach."
>
> This bill provides for the payment of a pension of $30 a month to the beneficiary named as the widow of Peter H. Allabach.
>
> This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.
>
> He was mustered out of his last service on the 22d day of May, 1863, and died on the 11th of February, 1892.
>
> During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty-nine years after his discharge from the Army, was in any degree related to such service.
>
> His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.
>
> It is proposed, however, by the special act under consideration to give this widow a pension of $30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.
>
> This condition is precisely covered by existing general laws; and if a precedent is to be established by the special legislation proposed, I do not see how the same relief as is contained in this bill can be denied to the many thousand widows who, in a similar situation, are now on the pension rolls under general laws.
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION, *April 21, 1896.*

> [Fifty-fourth Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday, the 2d day of December, 1895.]
>
> An act granting a pension to Nancy G. Allabach.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month, in lieu of that she is now receiving.
>
> THOMAS B. REED,
> *Speaker of the House of Representatives.*
> A. E. STEVENSON,
> *Vice-President of the United States and President of the Senate.*
>
> I certify that this act originated in the Senate.
>
> WM. R. COX, *Secretary.*
>
> —
>
> GOVERNORS ISLAND, NEW YORK HARBOR, *April 26, 1873.*
>
> Col. P. H. Allabach is known to me as a brave and faithful soldier, who has served the Government as an officer of the Army during the Mexican war and the late rebellion. In the latter war he was colonel of the One hundred and thirty-first Pennsylvania Volunteers and a brigade commander in the division of Gen. A. A. Humphreys.
>
> His services to the country commend him for the position he now seeks.
>
> WINF'D S. HANCOCK,
> *Major-General, United States Army.*
>
> —
>
> WASHINGTON, *November 6, 1866.*
>
> SIR: Understanding that Col. P. H. Allabach, of Washington (late of the One hundred and thirty-first Pennsylvania Volunteers), is an applicant for the appointment of naval storekeeper at the Washington Navy-Yard, I beg leave to state that Colonel Allabach served under my command in the Army of the Potomac as commander of the Second Brigade of the Third Division (my division) of the Fifth Corps from the 14th September, 1862, until the middle of May, 1863, when his regiment and brigade were mustered out of service, their term having expired. During all this time Colonel Allabach's brigade took a conspicuous part in the operations of the Army. At the battle of Fredericksburg, on the 13th December, he was especially distinguished for the gallant manner in which he led his brigade against the stone wall on the right of our Army. It is generally conceded that the attack of my division was the most spirited made that day on our right. At Chancellorsville he exhibited the same zeal and spirit; in fact his conduct throughout all the operations of the Army was of the same character. This brigade was noted on all occasions for promptitude and good discipline, the result of his devotion to duty, his good judgment, and fine soldierly qualities.
>
> Very respectfully, your obedient servant,
>
> A. A. HUMPHREYS,
> *Major-General Volunteers, Brigadier and Brevet Major-General, U. S. A.*
>
> HON. GIDEON WELLES,
> *Secretary of the Navy.*
>
> —
>
> PITTSFIELD, MASS., *January 28, 1863.*
>
> MY DEAR COLONEL: I am just in receipt of your favor of the 26th instant, for which please accept my acknowledgments. I assure you that you and your noble command have been much in my mind during my long and discouraging separation from you, and you may well imagine that I have had a very large share in the admiration which your gallant charge at Fredericksburg excited throughout the country. I congratulate you and the officers and brave men of the brigade upon such distinguished conduct. My brief but pleasant acquaintance with the command gave me the assurance that it would never be found wanting in the hour of conflict, but I must confess that I was not prepared to learn that in their first engagement they have eclipsed the veteran regiments of the old Army of the Potomac.
>
> My second thought after that of exultation was that the officer who had led such a command so creditably was entitled to retain the command; and as I wrote to Lieutenant Whittlesey, I had determined, in justice to you, to request at headquarters that I might be transferred to some other position in order that you might be retained in command. But before I was able to get to Washington, and without any suggestion on my part, I received about a week since an order from Headquarters of the Army directing me to report for duty as soon as my health would permit to Major-General Schenck, commanding Middle Department, at Baltimore. So it seems that my connection with the gallant Pennsylvanians is dissolved before an acquaintance has been fairly formed. I am sincerely grateful to you for your kind expression of a desire for my return. Nothing but the considerations before mentioned respecting your own claims would have induced me to have suggested a change, and now that the change has been effected without suggestion on my part, I can but hope that it is an indication that you are not to be disturbed.
>
> I regret exceedingly any difficulty with Lieutenant Whittlesey. I am confident that any fault that he may have committed has resulted from a misconception of his duties. I would write more at length did it not occur to me that perhaps you might not wish to pursue the matter further, now that his connection with the brigade is to be terminated.
>
> Captain Porter has arrived at his home in Springfield, about 50 miles from here. He has written me once. He was then suffering considerably from an acute inflammation, caused by his long journey from Washington.
>
> I have no intimation where precisely my new command is to be; very likely somewhere on the line of the Potomac.
>
> Please present my sincere regards to the officers of your command with whom I am acquainted, and be assured that I shall follow and remember with the liveliest interest the brave men with whom to have been associated for only so brief a period will always be esteemed by me a high honor.
>
> Very truly, your obedient servant,
>
> HENRY S. BRIGGS.

Mr. PALMER. Mr. President, I have been content to submit this message of the President, together with the report of the committee and the testimonials which have been read of the distinguished merit of Colonel Allabach, and have no desire to discuss the questions which are involved.

The Senator from Missouri [Mr. COCKRELL] asked me rather significantly if I desired to have this bill passed notwithstanding the objections of the President. I have the most profound respect for the President, and I have a respect equally profound for the position of a Senator. I think the President ought at all times to discharge his own duties with absolute fearlessness, and I think that the Senate ought with equal fearlessness to discharge its duties. It involves no reproach on either side, and no controversy need arise between the President and the Senate when the Senate chooses to discharge its own duties. I have earnestly, however, opposed the views of the President in one particular. In my judgment, where the Congress of the United States determines upon the amount of a pension to be paid to any meritorious pensioner the President ought not to interfere in determining the mere amount. I am not willing that a precedent shall be established by which the President shall, for such reasons as he gives in this veto message, decline to sign a pension bill. I recognize it to be his right to do so, and in a proper case he ought to do so—I mean in a case that is proper in his judgment he ought to do so—but I am not willing that the President shall prescribe a rule for the Congress of the United States in regard to the amount of pension to be paid to any person who may be the object of the national bounty.

Colonel Allabach served in two wars. He discharged his duty in both; he discharged his duty brilliantly in the civil war, so much so as to secure the encomiums, the thanks, the complimentary notices of distinguished public men.

I have insisted, therefore, that this bill is a proper one, and that it ought to be passed notwithstanding the objections of the President.

The PRESIDENT pro tempore. The question before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. BACON. Will the Senator from Illinois allow me to ask him—I was not in the Chamber during the reading of the report—whether this is a case in which the President recognizes the right to a pension, but simply questions the amount?

Mr. PALMER. As I understand it, it is.

Mr. COCKRELL. This claimant is receiving all the general law allows. There is no question about that.

Mr. PALMER. The widow is receiving that amount. This bill proposes to give her, instead of $8 a month, which I believe she is now receiving, $30 a month. Is not that the amount?

Mr. GALLINGER. That is the amount; and I will say, in answer to the suggestion of the Senator from Missouri, that it is precisely what we are doing almost every day in the Senate of the United States. The bill recognizes the rank this officer held, the rank of colonel, and proposes to give his widow the pension of the widow of a colonel, instead of that of a widow of a private. Colonel Allabach served five years.

Mr. HARRIS. May I ask the Senator if that practice of the Senate, as the Senator states it, be correct, would it not be wise for his committee to report a general law covering such cases and regulating the amount of pension by rank?

Mr. GALLINGER. Mr. President, the question of regulating this matter by general law is an easy point to suggest to the Senate, but it has not been done and will not be done. We consider these cases as individual cases.

Colonel Allabach served for five years in the Mexican war, having service that was brilliant in the extreme. I had in my desk when I left the Senate at the close of the first session of this Congress a letter written by this soldier to his wife from Mexico detailing a certain service which he performed in one of the great battles of the Mexican war when his horse was shot from under him and he received a wound. I regret that I can not now find that letter. I did not know that this matter was to come up today. Very likely I returned the letter to the widow. It was a very pathetic letter, in which Colonel Allabach expressed to his wife the dangers and sufferings he was enduring in the Mexican war, but still his willingness to continue until the honor of the United States had been demonstrated and achieved.

In the late civil war he enlisted, and served the period for which he enlisted with marked distinction. It will be observed that General Briggs, who was his superior in command, when at his home in Pittsfield, Mass., in consequence of illness, wrote a letter to Colonel Allabach, after he had made a most brilliant charge at the head of a brigade, expressing to him his regret that he had not been appointed as a brigadier-general to command that brigade, and his regret that he himself had been recalled to again assume the command.

I have no doubt from evidence which has come to me, largely oral, it is true, that Colonel Allabach might himself have been pensioned for a long series of years if he had applied for a pension; and that is one of the points on which the President bases his veto message—that the soldier himself had not been pensioned. I have in mind a multitude of soldiers who performed most conspicuous service in the late war, who could have been pensioned from the moment they left the service to the present time, but they have been patriotic enough, having means of support, not to ask the Government to bestow any of its bounty or its funds upon them. I have no doubt that Colonel Allabach belonged to that class of patriotic men.

His widow is in destitute circumstances. Her husband had the rank of colonel. He performed important, conspicuous, and patriotic service in two wars, and we simply propose to give her the pension of the widow of a colonel, a thing which has been done over and over again since I have been a member of the National Legislature, in cases of much less conspicuous merit than the one which is now before us.

It does seem to me that the veto message was written upon a misapprehension of the facts in this case, and that the duty of the National Congress in this matter, without any reflection upon the President of the United States—because I certainly shall utter no word of reflection or suggestion in that direction—is plain to do this just act, generous, it may be, but just, nevertheless, and give to this widow a pension commensurate with the rank which her distinguished husband held.

Mr. BATE. Mr. President——

Mr. PALMER. I doubt somewhat, Mr. President, whether there is a quorum present.

Mr. BATE. I was just going to correct a statement of the Senator from New Hampshire as to the time Colonel Allabach served in the Mexican war. The Senator spoke of five years' service in that war. I wish to say that the Mexican war lasted only two years. So, of course, the Senator is mistaken in that statement. I know nothing about the services of Colonel Allabach in the last war.

Mr. GALLINGER. Then, on that point it may be that somebody has made a mistake in writing a report. In a report written by Mr. McCLELLAN, of the House of Representatives, I think the son of the late distinguished General McClellan, he says:

> The military record of Peter H. Allabach, who served as colonel One hundred and thirty-first Pennsylvania Volunteers, and also in the Mexican war, is as follows:
>
> Peter H. Allabach was mustered into service as colonel One hundred and thirty-first Pennsylvania Infantry Volunteers August 18, 1862, to serve nine months; was in command of the Third Provisional Brigade from August 22, 1862, to October 10, 1862, and of the Second Brigade, Third Division, Fifth Army Corps, from October 16, 1862, to May 11, 1863; and was mustered out of service with the field and staff of his regiment May 23, 1863.
>
> The records on file in the office of the Adjutant-General of the Army show that Peter H. Allabach was enlisted in Company K, Third United States Infantry—

He was in the Regular Army, I take it—

> at Philadelphia, Pa., November 25, 1844, was transferred to Company E, same regiment, September, 1849, and was discharged from the latter company, as a sergeant, at Paso del Norte, N. Mex., November 25, 1849, by reason of expiration of term of service.

I will say that a portion of this five years' service was in the Regular Army and not all of it in the Mexican war. It was a slip of the tongue when I said he was five years in the Mexican war.

Mr. BATE. The Mexican war began in May, 1846, and terminated in 1848.

Mr. GALLINGER. I am very glad to be corrected by the distinguished soldier from Tennessee on that point. I was aware of that historical fact quite as well as the Senator, but am glad to have the record correct. Colonel Allabach served five years, nevertheless.

The **PRESIDENT** pro tempore. The Senator from Illinois [Mr. PALMER] suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Burrows,
Butler,
Call,
Cameron,
Chandler,
Clark,
Cockrell,
Cullom,
Davis,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Gorman,
Harris,
Hawley,
Hoar,
Kyle,
McBride,
McMillan,
Mantle,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Pugh,
Quay,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Vest,
Vilas,
Walthall,
Wilson,
Wolcott.

The **PRESIDENT** pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present. The question before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. TELLER. What is the bill?

The **PRESIDENT** pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (S. 891) granting a pension to Nancy G. Allabach.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. He not being present, I do not feel at liberty to cast my vote; but if I had that liberty, I should vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. Not seeing him in the Chamber, I withhold my vote. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote if he were present, but I should vote "yea."

Mr. SHOUP (when his name was called). I have a general pair with the Senator from California [Mr. WHITE]. Not knowing how he would vote on this question, I withhold my vote. I should "yea" if he were present.

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. CLARK (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably detained from the Chamber by severe illness. I make this announcement for the day.

The roll call was concluded.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], but I have already voted "yea" under the assurance of his colleague, the senior Senator from Rhode Island [Mr. ALDRICH], that his colleague, if present, would vote "yea." Therefore my vote may stand.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON].

The result was announced—yeas 41, nays 11; as follows:

YEAS—41.

Aldrich,
Allen,
Bacon,
Baker,
Blackburn,
Burrows,
Butler,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Clark,
Elkins,
Frye,
Gallinger,
Gorman,
Hawley,
Hoar,
Kyle,
McMillan,
Mantle,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Pugh,
Quay,
Roach,
Sewell,
Sherman,
Teller,
Vilas,
Wilson.

NAYS—11.

Bate,
Berry,
Blanchard,
Chilton,
Faulkner,
Harris,
Mills,
Morgan,
Pasco,
Vest,
Walthall.

NOT VOTING—37.

Allison,
Brice,
Brown,
Caffery,
Cockrell,
Cullom,
Daniel,
Davis,
Dubois,
Gear,
George,
Gibson,
Gordon,
Gray,
Hale,
Hansbrough,
Hill,
Irby,
Jones, Ark.
Jones, Nev.
Lindsay,
Lodge,
McBride,
Martin,
Murphy,
Shoup,
Smith,
Squire,
Stewart,
Thurston,
Tillman,
Turpie,
Voorhees,
Warren,
Wetmore,
White,
Wolcott.

The **PRESIDENT** pro tempore. The bill is passed, notwithstanding the objections of the President, two-thirds of the Senators present having voted therefor.

EXECUTIVE SESSION.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I should like to address a word to the Senator from Missouri. As the Senator knows, an agreement has been entered into that the immigration bill shall be voted upon at 4 o'clock on Thursday. It seems to be the duty of the committee to see to it that Senators wishing to debate the bill shall have such time as is available between now and that hour. If there are Senators here who desire to speak upon the bill this afternoon, I certainly think the Senate ought to remain and hear the debate. If there is no Senator who desires to speak, of course, Mr. President, I do not wish to prevent the adoption of the motion of the Senator from Missouri.

Mr. VEST. I can answer only for myself. I do not wish to debate the bill. I understood that we fixed the hour of 4 o'clock Thursday for taking a vote upon the measure, in order to enable the junior Senator from Maryland [Mr. GIBSON], who is now ill, to speak. I do not know of any Senator who desires to speak at this time. I ask for a vote on my motion.

The **PRESIDENT** pro tempore. The Senator from Missouri moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1896.

POSTMASTERS.

Charles C. Collier, to be postmaster at Blocton, in the county of Bibb and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

James R. Crowe, to be postmaster at Sheffield, in the county of Colbert and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Amelia H. Bates, to be postmaster at Sonoma, in the county of Sonoma and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

David Macartney, to be postmaster at Antioch, in the county of Contra Costa and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Ralph W. Putnam, to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California, in the place of Briggs C. Farnum, whose commission expired July 18, 1896.

Ole C. Vinzent, to be postmaster at Berkeley, in the county of Alameda and State of California, in the place of John McCarthy, whose commission expired April 4, 1896.

Willard Wells, to be postmaster at Eureka, in the county of Humboldt and State of California, in the place of Fletcher A. Cutler, resigned.

George F. Gardner, to be postmaster at Lake City, in the county of Hinsdale and State of Colorado, in the place of James F. Steinbeck, whose commission expired July 22, 1896.

Lillian T. Oviatt, to be postmaster at Longmont, in the county of Boulder and State of Colorado, in the place of A. C. Oviatt, deceased.

Nehemiah Jennings, to be postmaster at Southport, in the county of Fairfield and State of Connecticut, in the place of Nehemiah Jennings, whose commission expired July 2, 1896.

William C. Kinsella, to be postmaster at Fairfield, in the county of Fairfield and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

William A. Lowry, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

William H. Smith, to be postmaster at Newark, in the county of New Castle and State of Delaware, in the place of Stephen R. Choate, whose commission expired July 22, 1896.

James F. Corbett, to be postmaster at Punta Gorda, in the county of De Soto and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

L. Moreton Murray, to be postmaster at Daytona, in the county of Volusia and State of Florida, in the place of John M. Jolley, whose commission expired January 6, 1896.

William A. Sloan, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

David J. Bailey, jr., to be postmaster at Griffin, in the county of Spalding and State of Georgia, in the place of William B. Hudson, resigned.

Mary Kirtley, to be postmaster at Salmon, in the county of Lemhi and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John Beard, to be postmaster at Danville, in the county of Vermilion and State of Illinois, in the place of William R. Jewell, whose commission expired December 21, 1893.

Julia Buckmaster, to be postmaster at Alton, in the county of Madison and State of Illinois, in the place of John Buckmaster, deceased.

Adam A. Funk, to be postmaster at Rantoul, in the county of Champaign and State of Illinois, in the place of Henry M. Morris, whose commission expired July 18, 1896.

Judd Hartzell, to be postmaster at Laharpe, in the county of Hancock and State of Illinois, in the place of Mary Figley, whose commission expired July 18, 1896.

Marcellus Keene, to be postmaster at Atlanta, in the county of Logan and State of Illinois, in the place of John W. Barr, removed.

Charles A. Keyes, to be postmaster at Springfield, in the county of Sangamon and State of Illinois, in the place of Redick M. Ridgely, removed.

William A. Melody, to be postmaster at Waukegan, in the county of Lake and State of Illinois, in the place of E. B. McClanahan, removed.

Charles Raymond, to be postmaster at Evanston, in the county of Cook and State of Illinois, in the place of David P. O'Leary, removed.

Charles H. Rolston, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois, in the place of James E. Y. Rice, resigned.

David Shunick, to be postmaster at Alexis, in the county of Warren and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Malbern M. Stephens, to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois, in the place of Daniel C. Marsh, deceased.

Cornelius Sullivan, to be postmaster at Riverside, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

James A. Frost, jr., to be postmaster at Orleans, in the county of Orange and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Mary A. Mitchell, to be postmaster at Batesville, in the county of Ripley and State of Indiana, in the place of George Mitchell, deceased.

Samuel J. Nicoles, to be postmaster at Walkerton, in the county of St. Joseph and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

George E. Oberholtzer, to be postmaster at Clay City, in the county of Clay and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Anthony C. Blohm, to be postmaster at Walnut, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Edward F. Douglass, to be postmaster at Dysart, in the county of Tama and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John G. Duff, to be postmaster at Britt, in the county of Hancock and State of Iowa, in the place of Thomas A. Way, whose commission expired April 18, 1896.

William H. Healy, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa, in the place of George Sanborn, whose commission expired April 23, 1896.

John Hornstein, to be postmaster at Boone, in the county of Boone and State of Iowa, in the place of W. C. Bremerman, removed.

John F. Huntington, to be postmaster at Oakland, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Richard H. Mobley, to be postmaster at Williamsburg, in the county of Iowa and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

E. Duke Naven, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa, in the place of C. W. Ravlin, removed.

Miss Ino Yowell, to be postmaster at Sidney, in the county of Fremont and State of Iowa, in the place of Moses R. Yowell, removed.

Jacob Descombes, to be postmaster at Chickasha, in Chickasaw Nation County, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

James Rennil, to be postmaster at Pauls Valley, in Chickasaw Nation County, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Hugh L. Lourey, to be postmaster at Frankfort, in the county of Marshall and State of Kansas, in the place of William J. Granger, resigned.

George A. Van Atta, to be postmaster at Clay Center, in the county of Clay and State of Kansas, in the place of Charles E. Gifford, deceased.

Salem H. Ford, to be postmaster at Owensboro, in the county of Daviess and State of Kentucky, in the place of John M. Simmons, removed.

Mrs. Jennie Curtis, to be postmaster at Thibodeaux, in the parish of Lafourche and State of Louisiana, in the place of Mrs. Jennie Curtis, whose commission expired February 8, 1896.

Albert F. Derouen, to be postmaster at Jennings, in the parish of Calcasieu and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Eben A. Poole, to be postmaster at Boothbay Harbor, in the county of Lincoln and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Howard Melvin, to be postmaster at Denton, in the county of Caroline and State of Maryland, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

William H. Jordan, to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts, in the place of Joseph M. Hollywood, whose commission expired January 6, 1896.

John R. Mackessy, to be postmaster at Waverley, in the county of Middlesex and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

James H. O'Toole, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts, in the place of Daniel W. Davis, whose commission expired May 27, 1895.

Joseph St. John, to be postmaster at Cohasset, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Albert C. Cross, to be postmaster at Bangor, in the county of Van Buren and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Joseph Gauntlett, to be postmaster at Milan, in the county of Washtenaw and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John P. Gerardy, to be postmaster at Durand, in the county of Shiawassee and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

George H. Gilbert, to be postmaster at Reed City, in the county of Osceola and State of Michigan, in the place of William A. Strong, removed.

Blendina Hicok, to be postmaster at Flint, in the county of Genesee and State of Michigan, in the place of John H. Hicok, deceased.

Edgar Nichols, to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan, in the place of Roman I. Jarvis, removed.

Robert M. Porter, to be postmaster at Williamston, in the county of Ingham and State of Michigan, in the place of William L. Robson, whose commission expired July 22, 1896.

William P. Christensen, to be postmaster at Olivia, in the county of Renville and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John H. Hanson, to be postmaster at Lake Benton, in the county of Lincoln and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Annie Lesser, to be postmaster at Wheaton, in the county of Traverse and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John McCabe, to be postmaster at St. Peter, in the county of Nicollet and State of Minnesota in the place of William G. Gresham, whose commission expired December 21, 1896.

Patrick H. O'Hara, to be postmaster at Graceville, in the county of Bigstone and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Oliver H. Phillips, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Robert A. Smith, to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota, in the place of Henry A. Castle, whose commission expired February 1, 1896.

Sadie E. Truax, to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John T. Barnett, to be postmaster at Iuka, in the county of Tishomingo and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John S. Saunders, to be postmaster at Starkville, in the county of Oktibbeha and State of Mississippi, in the place of F. H. Powers, whose commission expired July 2, 1896.

John W. Duncan, to be postmaster at Adrian, in the county of Bates and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Rella C. Harber, to be postmaster at Trenton, in the county of Grundy and State of Missouri, in the place of Thomas B. Harber, deceased.

Gideon B. Hart, to be postmaster at Breckenridge, in the county of Caldwell and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Charles Q. Hardman, to be postmaster at Edina, in the county of Knox and State of Missouri, in the place of Robert F. Schofield, whose commission expired July 2, 1896.

Edward C. Meehan, to be postmaster at Norborne, in the county of Carroll and State of Missouri, in the place of George F. Crutchley, removed.

Luke W. Morris, to be postmaster at Mexico, in the county of Audrain and State of Missouri, in the place of John W. Mason, removed.

Alva H. O'Dowd, to be postmaster at Weston, in the county of Platte and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

J. W. Overstreet, to be postmaster at La Plata, in the county of Macon and State of Missouri, in the place of William E. Cole, removed.

Barbean A. Roy, to be postmaster at Bonne Terre, in the county of St. Francis and State of Missouri, in the place of Thomas H. Walker, deceased.

Kate E. Sullivan, to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri, in the place of Kate E. Kidd, change of name by marriage.

Addison M. Gooding, to be postmaster at Hartington, in the county of Cedar and State of Nebraska, in the place of Thomas B. A. Watson, whose commission expired July 18, 1896.

Allen T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Robert Pohl, to be postmaster at Austin, in the county of Lander and State of Nevada, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Frank B. Dailey, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in the place of Frank G. Tower, deceased.

James J. Davidson, to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Michael A. Devine, to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey, in the place of Richard W. Sayre, removed.

John W. Goddard, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in the place of Edward O'Farrell, resigned.

Michael J. Hickey, to be postmaster at Raritan, in the county of Somerset and State of New Jersey, in the place of Patrick Burns, deceased.

George McCracken, to be postmaster at Dover, in the county of Morris and State of New Jersey, in the place of William Pollard, removed.

May J. Munson, to be postmaster at Millington, in the county of Morris and State of New Jersey, in the place of Annie M. Baker, whose commission expired July 14, 1896.

Charles H. Pierson, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey, in the place of Samuel A. Lorenz, removed.

William Pintard, to be postmaster at Redbank, in the county of Monmouth and State of New Jersey, in the place of William T. Corlies, whose commission expired July 18, 1896.

Charles W. Scott, to be postmaster at Cramer Hill, in the county of Camden and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

R. Howard Thorn, to be postmaster at Ocean City, in the county of Cape May and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

William J. Whelan, to be postmaster at Elizabeth, in the county of Union and State of New Jersey, in the place of Patrick Sheridan, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1896.

CHIEF JUSTICE COURT OF CLAIMS.

Charles C. Nott, of New York, to be chief justice Court of Claims.

UNITED STATES ATTORNEY.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico.

JUSTICE OF THE PEACE.

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia, to be assigned to the city of Washington.

DISTRICT JUDGES.

Andrew Kirkpatrick, of New Jersey, to be United States district judge for the district of New Jersey.

John H. Rogers, of Arkansas, to be United States district judge for the western district of Arkansas.

Arthur L. Brown, of Rhode Island, to be United States district judge for the district of Rhode Island.

John E. Carland, of South Dakota, to be United States district judge for the district of South Dakota.

COLLECTOR OF CUSTOMS.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachusetts.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

William M. Jordan, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Charles E. Banks, of Maine, to be a surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. Henry B. Rogers, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Waller Taylor, of Florida, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 15, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ADAM HAND.

Mr. PRINCE. I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 7960) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge, of date May 29, A. D. 1865, to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers.

Mr. McCLELLAN. Reserving the right to object, I ask for the reading of the report.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7960) granting an honorable discharge to Adam Hand, having considered the same, would report the following as a substitute therefor:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge, of date May 29, A. D. 1865, to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers."

Your committee find that at the second session of the Fifty-third Congress the Committee on Military Affairs submitted a favorable report upon a similar bill for the benefit of said Adam Hand, which report is in part as follows:

"It appears from the record of this soldier that he was mustered into the service on the 23d of April, 1861, as a private in Company H, Tenth Regiment Pennsylvania Volunteers, to serve three months, and was mustered out as such with the company July 30, 1861; that he again enlisted and was enrolled October 30, 1862, and mustered in to date November 1, 1862, as sergeant of Company F, One hundred and seventy-third Regiment Pennsylvania Volunteers, to serve nine months, and was mustered out as such with his company August 16, 1863. Said soldier again enlisted and was enrolled on May 12, 1864, as a private in Company B, One hundred and eighty-fourth Pennsylvania Volunteers, to serve three years. He appears on the muster roll of the company for May and June, 1864, as sergeant, and was mustered in as first lieutenant of same company.

"On the 9th of March, 1865, he was granted leave of absence to enable him to attend his family. But while at home said Hand was taken sick, and, although he forwarded the affidavits of physicians to show his sickness and asking for an extension of furlough, it appears from the record that his colonel reported him for absence without leave and had such proceedings taken as resulted in his dismissal from the service.

"Your committee have carefully examined the record relating to the dismissal of Lieutenant Hand, and are of the opinion that an injustice was done to him by his colonel. The colonel admits that he had received one or two notes from doctors as certificates of disability, but says they were improper in form and unauthenticated, and the fact is that he did not take the pains to find out whether the officer was really sick or not, but proceeded to have him dismissed from the service, when he was a worthy officer and had a good record as a soldier from his enlistment.

"Your committee respectfully refer to the affidavits of said Lieutenant Hand, and of Charles Kleckner, the lieutenant-colonel of said last-mentioned regiment, and make them a part of this report. Said Kleckner fully shows that said Adam Hand was a good officer.

"Charles Kleckner, of Philadelphia, Pa., of date May 29, 1893, under oath says: 'I was formerly lieutenant-colonel in command of the One hundred and eighty-fourth Regiment Pennsylvania Volunteers, and so continued up to January 1, 1865, when Col. John H. Stover joined the regiment and assumed command, but I continued with the regiment until its final muster out of service. I remember the above-named Adam Hand, of Company B, said regiment, and at my recommendation he had, about December, 1864, been commissioned and mustered in as first lieutenant of said company, and about March, 1865, he was granted leave of absence, after which date I do not remember seeing him. That up to that time said Hand had always proven himself to be a good, faithful soldier, and I never heard any thing detrimental of him, and I would furthermore say that he would never have been commissioned first lieutenant had he been guilty of any act of cowardice. In addition to this I would say that I never heard or knew said Adam Hand to make any remarks other than those of loyalty to his country and the command. I testify to these facts from actual personal knowledge, and, having known the soldier while in said regiment, if any of the facts were otherwise I would surely know it.'

"Adam Hand, of Sterling, Ill., of date August 22, 1893, makes oath that he served as a private in Company H, Tenth Pennsylvania Infantry, from April 23, 1861, to July 30, 1861, when the term of service of said regiment expired.

"That he served as sergeant in Company F, One hundred and seventy-third Pennsylvania Infantry, from November 1, 1862, to August 16, 1863, when the term of said last-named regiment expired, and was never absent from duty from either of said services one day.

"That he enlisted as private in Company B, One hundred and eighty-fourth Pennsylvania Infantry, on May 12, 1864, was promoted to sergeant soon after, and on December 11, 1864, was promoted to first lieutenant.

"On March 9, 1865, he was granted leave of absence for sickness, the regiment then lying in winter quarters, when he got worse at home, as stated by him in former affidavit.

"That up to this sickness he had not missed a day's duty with his last command, which had been in the front all the time.

"He further says that he has read a copy of the report on him made by Col. John H. Stover on April 26, 1865, and solemnly swears that everything in that statement derogatory of deponent, or depreciative of deponent's standing as a soldier, is an unfeeling and absolute falsehood, and that none of the disgraceful, insubordinate expressions charged to this deponent in said report were ever uttered or even thought of by this deponent.

"He further says that the animus of said colonel in making such false statements and insinuations may be ascertained from the following facts:

"That said One hundred and eighty-fourth Regiment was mustered in at Harrisburg, Pa., in May, 1864, and went straight to the front and joined the Second Corps at Belle Plaine and fought with said corps through the remaining battles of the Wilderness, Cold Harbor, Spottsylvania, and around to the front of Petersburg, Va.

"That said Colonel Stover remained at Harrisburg, Pa., on recruiting service, and did not go with his regiment to the field, and did not join said regiment until January 1, 1865, when the latter had gone through the campaign and was lying in winter quarters (the regiment thus far having been under the command of Lieut. Col. Charles Kleckner, and said Company B having then been continuously under the command of deponent, first as a sergeant and afterwards as lieutenant, after Lieutenant Brown was wounded, in July, 1864).

"When Colonel Stover came to his regiment, as aforesaid, he brought with him three personal friends to fill vacancies among the line officers. He had a relation named McCartney for Company B, but Company B was then so reduced by battles and sickness as to be entitled to only one commissioned officer, and thereupon said colonel began and continued to treat deponent as though the latter was in the way of his plans, and deponent believes that this was the reason he did not forward the medical certificates of deponent's home illness, and made the aforesaid false and injurious report in reference to deponent, and had deponent dropped from the rolls without deponent's knowledge and while he was lying very sick at home as aforesaid."

Your committee accept and approve such former report, and recommend the passage of the substitute herein reported.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING, NEWPORT, KY.

Mr. BERRY. I ask unanimous consent for the consideration of the bill (H. R. 9172) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The bill was read, as follows:

Be it enacted, etc., That chapter 111 of the acts of the third session, Fifty-third Congress, is hereby amended by striking out the first proviso therein and inserting the following: "*Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I hope the gentleman from Kentucky [Mr. BERRY] will explain whether this bill involves any increased expense.

Mr. BERRY. No; it is really a saving to the Government.

Mr. DINGLEY. Is this a public-building bill?

Mr. BERRY. No, sir; it simply provides that the distance between the public building in course of construction at Newport, Ky., and the adjacent buildings be reduced from 50 feet, as originally provided, to 40 feet, which is the uniform rule adopted by the Government.

Mr. DINGLEY. Does the bill involve any increased expenditure?

Mr. BERRY. No, sir.

Mr. DINGLEY. As I understand, 40 feet is the usual rule in these cases.

Mr. BERRY. Yes, sir. If 50 feet should be reserved the expense to the Government would be greater.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BERRY, a motion to reconsider the last vote was laid on the table.

VESSELS PROPELLED BY GAS, NAPHTHA, ETC.

Mr. BENNETT. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors was read, as follows:

Be it enacted, etc., That all vessels of above 15 tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4426 of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 4412 of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections 4233 and 4234 of the Revised Statutes, relating to lights, fog signals, steering and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS. I wish to inquire whether the bill has been considered by the appropriate committee of the House?

Mr. BENNETT. It has been considered by the Committee on Interstate and Foreign Commerce, and reported favorably, and, in addition to that, its passage is recommended by the Treasury Department in the letter appended to the report.

Mr. BAKER of New Hampshire. Reserving the right to object, I wish to inquire of the gentleman whether he has had an understanding on this question with the gentleman from New Jersey [Mr. GARDNER], who at the last session asked me in his absence to object to the consideration of this bill if unanimous consent should be asked.

Mr. BENNETT. The gentleman from New Jersey [Mr. GARDNER] is aware that this bill was to be called up at the first opportunity.

Mr. BAKER of New Hampshire. Then I have no objection.

Mr. COOPER of Florida. I should like to hear the report read.

Mr. HOPKINS. Allow me to ask whether there is any reason why this bill should not have gone to the Committee on the Merchant Marine and Fisheries, instead of the Committee on Interstate Commerce.

Mr. BENNETT. This bill was sent by the Speaker to the Committee on Interstate and Foreign Commerce, and was referred to the subcommittee on ships, shipping, and sanitation, and the matter was fully considered.

Mr. HOPKINS. But why did it not go to the Committee on Merchant Marine and Fisheries?

Mr. BENNETT. Because such a reference would have been improper. It was properly referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Does the gentleman from Florida ask for the reading of the report?

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. BENNETT) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CUMMINGS. I object.

WEAR CRAWFORD.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 511) to remove the charge of desertion from the military record of Wear Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wear Crawford, late of Company G, Fifty-second Regiment of Indiana Infantry Veteran Volunteers, and to issue to the said Crawford an honorable discharge from said service: *Provided*, That no back pay or allowance shall become due or payable by reason of the passage of this act.

The Committee on Military Affairs recommend the following amendment:

Add at the close of the bill the words "Said discharge to be dated June 28, 1865: *Provided*, That no pay, bounty, or allowance shall become due or payable by virtue of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

ADVERSE REPORT.

Mr. TERRY. Mr. Speaker, on yesterday an adverse report was submitted from the Committee on the Judiciary by the gentleman from New York [Mr. RAY] with reference to the bill (H. R. 4057) in relation to cigarettes, which was laid on the table. I desire to have that bill, with the accompanying report and the views of the minority, referred to the House Calendar under the rule.

The SPEAKER. It can be done at the request of any member.

Mr. TERRY. I make that request.

The SPEAKER. The report, with the views of the minority, at the request of the gentleman from Arkansas, will be referred to the House Calendar.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker, I call for the regular order, but first yield to the gentleman from New York, who wishes to make a request.

COMMITTEE ON AGRICULTURE.

Mr. WADSWORTH. Mr. Speaker, pending the demand for the regular order, I wish to ask unanimous consent that the Committee on Agriculture may have leave to sit during the sessions of the House.

There was no objection, and it was so ordered.

ALCOHOL USED IN THE ARTS.

The SPEAKER announced the appointment of the following conferees on the disagreeing votes of the two Houses on the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894: Mr. EVANS, Mr. RUSSELL of Connecticut, and Mr. MCMILLIN.

MRS. JANE STUART WHITING.

The SPEAKER laid before the House the bill (S. 1511) granting a pension to Mrs. Jane Stuart Whiting, with House amendment disagreed to by the Senate, and request for a conference between the two Houses on the disagreeing votes thereon.

Mr. PICKLER. Would it be in order to move that the House insist on its amendment, and agree to the conference?

The SPEAKER. That motion would be in order.

Mr. PICKLER. I desire to make that motion.

The motion was agreed to.

CELESTE A. BOUGHTON.

The SPEAKER also laid before the House the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, with House amendment disagreed to by the Senate, and request for a conference thereon.

Mr. PICKLER. I move that the House further insist on its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The SPEAKER. The gentleman from Vermont is recognized.

Mr. POWERS. I now insist upon the regular order, and call up the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company. I send to the Clerk's desk the report of the committee, which I ask to have read.

Mr. McRAE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. McRAE. To inquire if the Committee on Pacific Railroads has been called. Is this the committee hour, and has that committee been called?

The SPEAKER. This is the committee hour, and the Chair recognized the gentleman from Vermont [Mr. POWERS] because of an arrangement which was made in the House that whenever the time came for calling committees he should be recognized.

Mr. McRAE. Then it is to be treated as if the committee had been regularly called.

The SPEAKER. As if the committee had been called.

Mr. RICHARDSON. In the morning hour.

Mr. POWERS. I ask to have the report read.

The report (by Mr. POWERS) was read, as follows:

The Committee on Pacific Railroads having considered the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," respectfully report that they adopt House Report No. 178, upon a House bill identical in terms with said Senate bill, which is hereto annexed, and recommend the passage of said Senate bill.

[House Report No. 178, Fifty-fourth Congress, first session.]

The Committee on Pacific Railroads, having considered the bill (H. R. 626) entitled "A bill to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871," respectfully report:

Your committee recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the substitute as proposed, and that as thus amended the bill be passed.

The committee adopt the report (No. 787) made by the Senate Committee on the Judiciary April 20, 1896, in reference to Senate bill 1832, being a bill identical with House bill 626.

[Senate Report No. 787, Fifty-fourth Congress, first session.]

The Committee on the Judiciary, having considered the bill (S. 1832) entitled "A bill to define the rights of purchasers under mortgages authorized by the act of Congress approved April 20, 1871," respectfully report:

By special act of July 27, 1866 (14 Stat. L., 292), Congress incorporated the Atlantic and Pacific Railroad Company, with usual corporate powers, and authorized the company to construct, maintain, and operate a line of railroad and telegraph on prescribed route, substantially along the thirty-fifth parallel, from Springfield, Mo., across the Indian, New Mexico, and Arizona Territories, and California to the Pacific. To aid construction thereof grants of public lands, right of way, and material therefor were made (secs. 2 and 3). In addition to the plain purpose of thereby promoting settlement of the country through which the road would pass, the Government use and purpose thereof was as expressed by section 11 of the charter act, "that said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation."

It was then assumed that the road would be built by popular subscription, and the sole direct authority given to raise funds for that purpose was the authorized issuance of $100,000,000 of its capital stock. By section 8 construction was to commence within a prescribed period and proceed annually for prescribed distance until entire completion of the road; and by section 9, on default therein and its continuance for one year, "then in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road." It appears that such popular subscription failed to materialize, and there being no express authority in the charter act whereby the company could mortgage its franchises (in addition to its tangible property), and default in construction having occurred, whereby the reserved power of the United States, reserved by section 9, supra, had accrued, the company applied to Congress and obtained the passage of an act, on April 20, 1871, authorizing mortgage of its franchises and property, which act reads as follows:

"*Be it enacted, etc.*, That the Atlantic and Pacific Railroad Company, organized under act of Congress of July 27, 1866, is hereby authorized to make and issue its bonds in such form and manner, for such sums, payable at such times, and bearing such rate of interest, and to dispose of them on such terms as its directors may deem advisable; and to secure said bonds the said company may mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe. As proof and notice of the legal execution and effectual delivery of any mortgage hereafter made by said company, it shall be filed and recorded in the office of the Secretary of the Interior: *Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage."

Thereupon the road from Springfield to the eastern boundary of the Indian Territory was constructed, and on subsequent default upon its mortgage that portion of the line was sold years ago, and is now operated as part of the St. Louis and San Francisco Railway. The line constructed in the Indian Territory (some 112 miles), and extending thence to Albuquerque, N. Mex., was mortgaged as the Central Division, and the line extending from Albuquerque into California was mortgaged as the Western Division. The line from Albuquerque westward has since been constructed and is operated through to California, finding its outlet east by connection at Albuquerque through the rails of the Atchison, Topeka and Santa Fe Railway.

Default has been made upon the bonds of both the Central and Western divisions, and foreclosure proceedings are pending.

While the purpose of the mortgage act of 1871, supra, was undoubtedly to subject all the franchises of the company thereto, including the right to be a corporation, as the broad terms of the act fully import, the United States Supreme Court has since ruled that the franchise to be a corporation does not so pass, in the absence of positive provision therefor, accompanied by express provisions as to the mode in which such sale and transfer of the right to be a corporation may be effected. (Memphis Railroad Co. *vs.* Commissioners, 112 U. S., 609-619. New Orleans, etc., Railroad Co. *vs.* Delamore, 114 U. S., 501-508.)

Because of this defect the pending bill is presented.

While all franchises of the company were intended to be thus mortgaged, including the right to be a corporation, the act of 1871 is silent in providing a mode therefor.

The road extends through separate jurisdictions, to wit, the Indian Territory, New Mexico, Arizona, and California.

Your committee is advised that no laws exist in New Mexico, Arizona, or California authorizing such reincorporation, and, of course, none such exist in the Indian Territory. Hence the purchasers at these foreclosure sales properly ask further legislation making the authority to mortgage given by the act of 1871 operative according to its intent and to enable such purchasers themselves to become a corporation.

Mr. POWERS. Mr. Speaker, the report so far read covers the entire ground, and unless some gentleman desires the balance of it, it will save some time to omit the further reading.

Now, Mr. Speaker, as the report states, this bill simply provides that the mortgage bondholders of the Atlantic and Pacific Railroad Company may reorganize into a corporation—in other words, may have the right to be a corporation. The necessity for this bill arises from the fact that the Supreme Court in two cases has decided that the mortgage of a railroad company, together with its franchises, does not carry the right to be a corporation. Everybody connected with this original company supposed that the right to mortgage, given them by Congress in 1871, which in terms embraced the franchises, was broad enough to enable them, on a foreclosure sale, to organize as a corporation; but the Supreme Court says no; hence the necessity for the passage of this bill.

The House will remember that this company was started in 1866, was given a mammoth land grant of 42,000,000 acres, and that in 1871 it became necessary for the company, in order to build its road, to issue a mortgage. That mortgage was issued, covering the property and franchises of the road, but lacking this essential, vital point—the franchise to be a corporation.

Now, when this question was before the House on a former occasion it was said that this land grant was a monstrous land grant, that it was fraudulent, that great wrong was done to the Government in the amount of land granted to the railroad. Concede that to be true for the purposes of this argument; what has that to do with the pending question? Congress enacted the law. It became a part of the rights of that company to take those lands; but it turns out upon investigation that the lands are in the arid region; they are good for nothing. The company itself, out of the 42,000,000 acres, has only succeeded in selling seven hundred thousand and odd acres. A great proportion of the land has been forfeited to the Government, and a suit is now pending, and is up for argument in court to-day, to determine the right of the Government to forfeit the balance.

But be that as it may, this is the practical question that is presented to the House: This company, however fraudulent it may have been, however disproportionate its land grant may have been to its right to build a railroad to the California coast, nevertheless that wrongdoing is not to be imputed to the applicants for this charter. The applicants for this charter are the innocent parties who advanced their money upon a mortgage of this road. That money built the road. It could not have been built otherwise. As the report shows, it was supposed that private subscriptions along the line of the road would be ample to build the road, but those hopes proved to be delusive. The company were obliged to borrow money. They did borrow it, and A, B, C, innocent parties who had nothing whatever to do with any wrongdoing connected with the making of the land grant, advanced their money and the road was completed.

Now, it is highly improper to visit upon these innocent parties any wrongdoing that may have been practiced by the original promoters of the enterprise. There is no justice or propriety in that. These mortgage bonds are held by guardians, by trustees, by women, and by other parties, and the proposition of the gentleman from Arkansas [Mr. McRAE] is that they be visited with the consequences and be made to suffer for that former wrongdoing, for which they are in no wise responsible. But now, Mr. Speaker, there was not any wrongdoing. The gift on the part of the Government of this 42,000,000 acres of land did not amount to anything to this company. As I have already said, they have sold only 708,000 acres out of the 42,000,000 acres given to them, for the simple reason that you might turn a razor-back pig loose on the land in that country and it could not get a living.

Mr. STEELE. That being the case, how did they expect to get subscribers along the line of the road to build this road?

Mr. POWERS. Because in those days there was a great fever for building these roads, especially to the Pacific. The Union Pacific was being built. Everybody turned his attention to the project of building railroads to the Pacific Ocean, and everybody who put his money in these roads going out West was sadly disappointed.

Mr. FOOTE. Where are these arid lands?

Mr. POWERS. They are in Arizona, the Indian Territory, New Mexico, etc., on the line of the road.

Now, the Government has already forfeited about 13,000,000 or 14,000,000 acres of the land, and claims the right to forfeit the balance; and there is no reason in the world why these people who have advanced their money and taken a mortgage upon this road and have purchased the property or are about to purchase it in the foreclosure sale should not have the right to be organized into a corporation. Supposing you have the right to say they shall not have the right to do so, how do you leave the property and how do you leave the parties? You leave these mortgagees who have invested their money in these great properties without any right as a corporation and of continuing the railroad in the interests of the people along its lines.

Mr. BLACK of Georgia. Will the gentleman state to the House the difference between the bill he has offered and the substitute offered by the gentleman from Arkansas?

Mr. POWERS. The substitute offered by the gentleman from Arkansas provides very many things that nobody can live under. The gentleman, of course, will unfold his plan when he comes to it. It is a very objectionable plan. He has injected a penalty, consequent on what he says is the wrongdoing on the part of the original parties on these innocent parties. I say that the House of Representatives ought to be above that kind of legislation.

Mr. FLYNN. Is it not a fact that there is no new authority conferred upon this company that the old company did not have?

Mr. POWERS. There is no new authority whatever. If anybody will take the trouble to read the bill they will see that the only provision in it which is operative is to simply give these parties the right to be organized into a corporation.

Mr. FLYNN. Another question. Is it not a fact that the railroads can not operate in the Indian Territory without a charter from Congress?

Mr. POWERS. They can not. There is no other way in which the road can be operated. It does not pay its current expenses now.

Mr. KNOX. As to this portion of the road which was the St. Louis and San Francisco, was not there a land grant which went with that road?

Mr. POWERS. Very likely. I do not know how that is.

Mr. KNOX. Did not the whole road pass to that corporation, and is it not now operated by it? Is it not that way?

Mr. POWERS. I presume that is so. I am not familiar with that.

Mr. KNOX. That is a corporation.

Mr. MOODY. Will the gentleman permit me to ask him a question?

Mr. POWERS. Certainly.

Mr. MOODY. My question is, Is it not a fact that this road at the present time is not worth any more than the mortgage upon it?

Mr. POWERS. Probably not.

Mr. MOODY. Why should any new corporation be permitted to issue stock in excess of the amount of the mortgage?

Mr. POWERS. On the question of stock, the gentleman will notice on page 4 it is to be assessed for money, labor, or property that may be necessary.

Mr. MOODY. I understand that perfectly; but it is provided that the amount of new issue of stock shall not exceed the aggregate amount which the old company had issued.

Mr. POWERS. Exactly.

Mr. MOODY. Now, the old company may have issued without consideration a hundred millions of stock.

Mr. POWERS. The old company, as the gentleman will see from the report of the Commissioner of Railroads, issued a capital of $[illegible], which was mortgaged.

Mr. MOODY. What is the amount of the mortgage?

Mr. POWERS. The first mortgage $18,000,000, the second $20,000,000, and other bills payable $14,000,000.

Mr. MOODY. Are these secured by this mortgage?

Mr. POWERS. They will be secured by this mortgage if this additional stock is issued.

Mr. BARTLETT of New York. Does your bill restore any rights that have been forfeited?

Mr. POWERS. It does not touch the right of the Government to forfeit these lands. It expressly reserves to the Government all rights that it now has. And, Mr. Speaker, in this connection I wish to say that the United States Government has in its employ a special counsel to look after its land-grant interests, Mr. Joseph H. Call, and when the original bill was introduced into the Senate and was there pending Mr. Call wrote a letter to Senator WHITE in relation to this subject, in pursuance of which Senator WHITE made sundry amendments to the bill then pending. Those amendments having been made, and being acceptable to the counsel of the United States, this bill passed the Senate unanimously, and I will now ask the Clerk to read the letter of Mr. Call.

Mr. FOOTE. As I understand, this new bill does not deprive the Government of any rights that it had under the old law?

Mr. POWERS. Of none whatever.

Mr. PARKER. May I ask the gentleman whether the Government has not some right of free transportation over this road, and whether there is anything in the pending bill preserving that right?

Mr. POWERS. The Government does have a preferential right of transportation over the road for its own business, and this bill expressly retains that right.

Mr. PARKER. I do not find it in the bill.

Mr. TERRY. I would like the gentleman from Vermont to point that out in this bill.

Mr. POWERS. Well, if it is not there, we are perfectly willing to have it put in the bill.

Mr. TERRY. I know, but the gentleman has stated several times that this bill preserves all the existing rights of the Government, and now I want him to point out that provision.

Mr. POWERS. I supposed that the bill did contain that provision; but if it does not, let it be amended.

Mr. DOCKERY. Then the provision is not in the bill.

Mr. POWERS. I ask that the Clerk read the letter of Mr. Call.

The letter was read, as follows:

WASHINGTON, D. C., *March 23, 1896.*

DEAR SIR: As special counsel for the United States, having charge of the litigation in southern California which is seeking to enforce the rights of the Government to lands claimed to have been granted to various railroad companies, I am naturally interested on behalf of the Government in any legislation which may affect the rights of the Government in such lands as it is now seeking to recover from the claims of the various railroad companies.

I therefore carefully read the bill introduced by yourself (No. 1829) on January 29 for the purpose of authorizing a reorganization of the Atlantic and Pacific Railroad Company, and it seemed to me at the time that I first read it (and upon reflection I still adhere to the conclusion) that this bill did not sufficiently guard the rights of the Government. Hence I wrote to you, as you will remember, concerning it. Since that time, and within a few days, the representatives of the parties interested in the passage of the bill and myself have been in conference for the purpose of drawing up such a substitute as would be perfectly satisfactory to them and would fully protect every interest of the Government. I am happy to say that we have agreed upon a substitute which in my judgment clearly obviates any criticism, so far as the Government's interests and rights are concerned, and which is perfectly acceptable to the people who are interested in the Atlantic and Pacific Railroad and its indebtedness. I therefore inclose you copy of the bill so agreed upon, with the suggestion and request that, if it meets your approval, you will have it presented by the Judiciary Committee as a substitute for the original bill.

I think that you will quite agree with me, upon reading it, that this bill fully guards every interest of the Government and yet gives to the Atlantic and Pacific bondholders and parties interested all that they would be fairly entitled to under the various mortgages made by the road.

Owing to the fact that it is of a great deal of importance to the section of country through which the Atlantic and Pacific runs, and to the interests of southern California, to have the road reorganized as quickly as it may be, I very cheerfully suggest that you use your influence to procure the speedy passage of this bill.

Very truly, yours,

JOSEPH H. CALL.

Hon. STEPHEN M. WHITE,
United States Senate.

Mr. POWERS. Now, Mr. Speaker, to obviate the objection made by the gentleman from Arkansas and to prevent any possibility of doubt upon the point raised by him, I propose to amend the bill, in line 11 of page 2, by adding, after the word "corporation," the words "and be under the same obligations to the Government of the United States;" so that it will provide that the new company "shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, and be under the same obligations to the Government of the United States specified in the act of Congress approved July 27, 1866," and so on.

Mr. TERRY. Now, Mr. Speaker, with the permission of the gentleman from Vermont, I want to call attention to this point: We have just had read from the Clerk's desk a letter or report from the attorney representing the United States, stating that this bill protects every right of the Government. There is an official statement from an official of the United States to Congress that this bill protects every right of the Government, and yet in the very next breath we find the gentleman in charge of the bill proposing an amendment to protect certain rights of the Government. It shows how much reliance is to be placed on that report from a Government official whom the gentleman quotes as an authority on this subject.

Mr. GROUT. I think the gentleman from Arkansas misapprehends. I think my colleague does not believe this amendment necessary, but merely offers it to satisfy the gentleman from Arkansas.

Mr. TERRY. Here is the provision in the old law:

> That said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

That important provision in the original law is entirely left out here.

Mr. GROUT. It is not written into this bill, but it is left unchanged as it stands.

Mr. POWERS. I did not yield to the gentleman from Arkansas for a speech, but merely to ask a question.

Mr. TERRY. The gentleman yielded to me to make a suggestion, if I understood him, and I simply wanted to show the House how much reliance could be placed on the report of this Government officer as to the merits of this bill.

Mr. POWERS. I decline to yield further, Mr. Speaker. I proposed the amendment not because I thought it necessary, for it is not necessary, not because I distrusted the report of the Government counsel, for I do not, but because I wanted to make the bill satisfactory to the House. Now, if the amendment I proposed is not satisfactory to the gentleman from Arkansas, let him draw any amendment, in language as strong as he pleases to use, that will cover the rights of the United States Government, and I shall be glad to accept it. I desire to accept any amendment which will get rid of the technical objections of the gentleman from Arkansas to this bill.

Mr. TERRY. I do not think that an objection that seeks to protect the rights of the United States is simply "technical." This is not a technical objection, the gentleman will permit me to say.

Mr. POWERS. As I have already said, this bill is entirely unobjectionable on its merits to any fair-minded man. Objection, if made, is made upon technical grounds, and I think it is below the dignity of this Congress to throttle a body of gentlemen who have put their money into an enterprise to build a railroad, by saying that they shall not have the poor boon of organizing themselves into a corporation so that they can operate their property.

Mr. MOODY. How much stock does the gentleman understand this bill authorizes the new corporation to issue?

Mr. DOCKERY. That is a very pertinent inquiry.

Mr. POWERS. It authorizes the company to issue stock enough to put itself in a condition to operate the road.

Mr. MOODY. I do not think that the gentleman's answer is specific enough for the House to act upon. We want to know how much stock this company is authorized to issue.

Mr. POWERS. No man can tell how much it will take for the purpose I have named; but the restriction is that the company shall issue stock only for actual property received.

Mr. MOODY. Oh, no; I beg the gentleman's pardon. The provision of the bill is that two classes of stock may be issued. The second class is to be issued in return for property; but the first class may be issued in an amount "not to exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding."

Mr. POWERS. Exactly.

Mr. MOODY. Now, why should Congress authorize this corporation to organize itself upon a broader stock basis than the debt which has been foreclosed on this property?

Mr. POWERS. For the simple reason that the road as it is operated to-day is operated at a loss, and it can not be operated successfully without a further capitalization and the issue of new stock. It is proposed that this company be allowed to issue stock up to the amount of the outstanding stock, share for share, and that a further amount may be issued for actual money or property received by the company.

Mr. MOODY. I ask the gentleman whether he would agree to an amendment in substantially this form:

> Amend by striking out from the word "*Provided*," on page 2, line 32, to the word "value," on page 3, line 41, and inserting the following:
>
> "The capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed $[illegible]."

That would permit this corporation to make any new investments that they may desire.

Mr. POWERS. Does the gentleman offer that as an amendment?

Mr. MOODY. I will do so with the assent of the gentleman.

Mr. POWERS. I am willing to accept that amendment.

Several MEMBERS. Let it be read.

The amendment as just proposed by Mr. MOODY was read.

Mr. POWERS. Now, I reserve the balance of my time.

Mr. MOODY. Is that amendment accepted?

Mr. POWERS. Yes, sir; I accept it.

Mr. MITCHELL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The amendment sent to the desk by the gentleman from New York [Mr. MITCHELL] will be read.

The Clerk read as follows:

> Strike out, in lines 31 and 32, page 3, after the word "not," the following:
>
> "Expressly assumed in their contract of purchase at said judicial sale"—
>
> And insert:
>
> "Legally chargeable against said old corporation."
>
> So as to read:
>
> "But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not legally chargeable against said old corporation."

Mr. POWERS. There is no objection to the amendment of the gentleman from New York [Mr. MITCHELL].

Mr. TAWNEY. I have not been able to obtain a copy of this bill. I wish to ask whether it contains any provision for the protection of persons who bought lands from the original company in the event their title should fail. Is there any provision for the protection of persons who now hold lands under contract from the old company?

Mr. POWERS. The bill leaves any creditor of the old corporation with all the legal rights that he now has. We do not undertake to legislate here in behalf of creditors or against them.

Mr. TAWNEY. I am not speaking of creditors, but of persons holding lands under warranty deeds or under land contracts.

Mr. POWERS. This does not interfere with any obligation (including warranty) which may have been assumed by the former corporation. All such obligations remain intact. The bill does not affect them at all.

Mr. BRUMM. As a matter of information, I would like to ask the gentleman a question. Under the original incorporation there were, I presume, land grants from the Government. The original company evidently sold some of those lands.

Mr. POWERS. I have already answered the point that the gentleman is evidently coming to. If he will look at the report of the Commissioner of Railroads he will see——

Mr. BRUMM. The gentleman undertakes to anticipate my inquiry; he may not do so correctly. I say the original company evidently sold some of the lands embraced in their land grants. When the mortgage was foreclosed, was not the title of individuals holding such lands wiped out by the sale under the mortgage?

Mr. TAWNEY. The gentleman means their rights under the warranty.

Mr. BRUMM. I do not care whether we call it warranty or title.

Mr. TAWNEY. The title would not be wiped out.

Mr. BRUMM. It would be if the interest of the mortgagee had vested before the land was sold.

Mr. POWERS. I do not quite understand the suggestion of my friend from Pennsylvania. But I will state to him that we could not, by any act of legislation here, destroy the vested rights of the purchasers of the land. Those who purchased the land from the company in the first instance we could not cut out of their rights even if we so desired. But there is no such proposition in the pending bill.

Mr. BRUMM. I think we can make a condition that the land grant originally awarded to this corporation, and sold by them to bona fide purchasers, shall not be reinvested in the hands of this new corporation.

Mr. POWERS. That is expressly provided against. Let me call the attention of my friend from Pennsylvania to the last provision of the bill, which reads:

> *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

Mr. BRUMM. Then the rights that have already vested under the previous corporation are to be protected. If that is the intent and meaning of the clause, that answers the proposition.

Mr. POWERS. That is the meaning of it.

Mr. KNOX. Will the gentleman yield to me for a moment?

Mr. POWERS. I dislike to refuse, but I do not propose to have my time exhausted in catechism. I will answer any question with respect to the bill, but prefer for the present to reserve the remainder of my time.

Mr. McRAE. Mr. Speaker, as a general proposition I am opposed to the granting of Federal charters at all. I think such should be done by the States. In this case it does not appear to me that there is any necessity for it. Beyond all question the bill as presented should not pass unless amended in several particulars.

The original act of July 27, 1866, granted to the Atlantic and Pacific Railroad Company 42,000,000 acres of land, and authorized 175 private individuals, named in the granting act, scattered all the way from Maine to California, upon the conditions that they should build something over 2,000 miles of railroad from Springfield, Mo., to the Pacific Ocean, before July 4, 1878. That is to say, that before the title finally passed from the Government this construction was to be fully completed. Within the time fixed by the granting act for the completion of the entire road they built only 125 miles of it. They came to Congress and asked Congress to give them the right to mortgage the road. That authority brought them no money. They then asked and obtained authority to mortgage the lands, franchises, privileges, and other rights and property. They executed the mortgages, but, as I have said, they completed only 125 miles of the road within the time fixed in the granting act.

The mortgagees deliberately, with the full knowledge of the terms of the grant as to the time prescribed for the completion of the road, made the mortgages due at a later day. There was inserted in the act authorizing the mortgage a provision that any forfeiture should extend only to as much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage. These mortgagees, at every meeting of the committee when the forfeiture bill was being considered, and when Congress sought to forfeit the grant, contended that Congress had no authority to do so under the law. The act of July 6, 1886, was passed with the understanding that it would restore to the public domain 10,795,480 acres of land. And yet in the face of the record they have made, after they have violated every condition imposed on them by the granting act, they still deny the power to forfeit. Congress on the 6th day of July, 1886, declared a forfeiture of all lands adjacent to and coterminous with the uncompleted portions of the road at that time, and attempted in this manner to exercise its sovereign right and power to restore to the public domain something over 10,000,000 acres of the lands granted. These mortgagees and this faithless corporation in the courts of law have ever since been fighting the Government and the settlers, and are to-day contesting in the Supreme Court of the United States for these lands upon the same old contention that the Congress of the United States had no authority to declare the forfeiture. And yet the mortgagees of this corporation come to us with its record of broken pledges and asks that we give them the same rights and powers and privileges granted by the grant of July 27, 1866. Thirty years have elapsed since the grant was made, and yet more than one-half of the road is unconstructed, the corporation bankrupted and now in the hands of a receiver, being unable to pay interest on its bonds. Across the great Mojave desert, where it was expected that by this grant we would secure railroad facilities, no road has yet been constructed, and there is but little prospect of any by this concern.

Now, if any relief is to be given to these debtors who come here as mortgagees—and I will grant for the sake of argument that some of them have acted honestly and in good faith in the investment of their money—we should see to it (1) that no relief is given to the men who acquired this charter and afterwards violated every promise made by them and broke every condition imposed upon them by the grant; (2) that the terms of the forfeiture act of July 6, 1886, shall be first accepted by the new corporation as a condition precedent, and that this act shall not take effect until they reconvey the lands thus forfeited; (3) that the settlers shall have the lands which have been earned and not sold at the minimum Government price of $1.25 per acre, and those who have purchased fully protected in their titles; (4) that the bona fide debts due for work, labor, material, etc., shall be paid, and (5) the stock should be limited to the actual value of the road, so as to prevent the watering of the stock, and that the interest shall not exceed 4 per cent. The substitute which I have offered will secure all of this. If it is not adopted, I hope amendments will be that will secure the same things.

Mr. Speaker, shall we, by breathing into this corporation a new life, permit it to repudiate the honest debts of those who have performed labor for it? I have provided that all the debts, except those due to the old Atchison, Topeka and Santa Fe and to the St. Louis and San Francisco railroad companies, shall be paid. As for these railroad corporations who have wrecked the Atlantic and Pacific and themselves, and reorganized, I have no concern. They have second mortgages, and as they have been relieved of the payment of a part of their debts by similar reorganizations. So, if Congress sees fit to give the Atlantic and Pacific relief against them, I have no objection, but as to the laborer and the mechanic, and those who have legitimate claims growing out of the operation of the road, I say it would be legalized repudiation to permit these mortgage creditors to defeat the payment of their debts or be preferred to them, even though they may have originally invested their money in good faith. So I have endeavored to provide for the protection of these men.

I think that the settlers along the line of the road should be protected in their purchases already made, and also by reducing the price for which these lands may be sold, so that the price shall be no more than the Government price. These lands have been withheld from settlement for thirty years. The act of forfeiture of 1886 reduced the Government price of land along this grant to $1.25 an acre, and I think the railroad lands should not exceed that sum. Let us say to this corporation, "If you are to be reorganized under authority from Congress, you shall first accept as a condition precedent the terms imposed by the forfeiture act of 1886; and you shall sell the lands you have earned or acquired to actual settlers at the price at which the Government sells its public lands;" and further, that purchasers shall be protected, as the gentleman from Minnesota [Mr. TAWNEY] suggested a moment ago, as to sales already made.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. McRAE. Certainly.

Mr. POWERS. I wish to say to the gentleman that if he has any amendment providing that the land shall be sold at $1.25 an acre, it will be entirely acceptable, for you can not sell them for 50 cents an acre.

Mr. GROUT. All that have been sold so far have brought only 50 cents an acre.

Mr. McRAE. Vote for my substitute and you will get it. If you will not do that, then perfect the bill in that respect. Why should there be any objection to my proposition to limit the stock to be issued by this company as reorganized to the actual amount due upon mortgages and other just indebtedness such as that provided for by section 4 of my substitute? Why should we give this new corporation authority from the Congress of the United States to do what the old one did, water its stock and enrich its stockholders at the expense of the Government and people? The old incorporators contributed nothing to the building of this road. These do not propose to contribute anything to it. I question whether the old set honestly and in good faith appropriated the money they borrowed from the bondholders. The most that ought under any circumstances to be done is to protect the honest bonded debt; but so far as the outstanding stock is concerned, I appeal to Congress to study the history of this grant before authorizing a reissue of any part of it with a charter to go forth and rob shippers and settlers. We should also provide for a low rate of interest upon the bonds and stock, say not exceeding 4 per cent.

Mr. Speaker, I propose the substitute which I send to the Clerk's desk, and I ask that it be now read. It embodies every provision that I have referred to, and will, I think, protect every valid interest involved. While I dislike to vote for a charter to reorganize or to organize a Federal corporation by authority of the Congress of the United States, I am willing to do so in this case if gentlemen will accept these conditions; but I want it understood that the forfeiture which was declared ten years ago must be made a condition precedent to the reorganization. They shall not, with my consent, stand in one branch of this Government denying the right of Congress to make a forfeiture, and in the other branch asking permission from Congress to live. I ask the Clerk to read the substitute which I now offer for the bill and amendments.

The Clerk read as follows:

> Strike out all after the enacting clause and insert the following:
>
> "That the purchasers of the railroad property of the Atlantic and Pacific Railroad Company which may at any time hereafter be sold at judicial sale in any suit or suits for the foreclosure of any of the mortgages heretofore executed by said company thereon by authority of Congress may organize anew by filing in the office of the Secretary of the Interior and in the office of the secretary of state of each State through or into which said Atlantic and Pacific Railroad may run a copy of the deed or deeds conveying said railroad and property, with a certificate, signed by them, setting forth the name adopted by them, the names, number, and residences, respectively, of its directors, and a copy of any plan of reorganization adopted by said purchasers or pursuant to which such purchase shall have been made. Upon filing such certificate such purchasers, their associates, successors, and assigns shall, by the name specified in said certificate, possess the franchise to be a corporation with the same limitations and powers as the Atlantic and Pacific Railroad Company, and shall be subject to all the obligations and duties heretofore imposed by Congress upon said company, and may acquire and hold any property of the Atlantic and Pacific Railroad Company: *Provided*, That as a condition precedent to reorganization the purchasers of the railroad property and their associates shall relinquish in writing all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company embraced within both the granted and indemnity limits, which are adjacent to and coterminous with the uncompleted portions of the road, on the 6th day of July, 1886. That nothing herein shall be held to revive any right heretofore forfeited or to extend to said purchasers at said foreclosure sale any other rights than those mentioned in the original granting act and not forfeited by the terms of the act approved July 6, 1886; and it may from time to time issue bonds, secured by mortgage upon its tangible property and franchises or otherwise, not exceeding in the aggregate the sums due upon the mortgages heretofore executed by authority of Congress at the time of the foreclosure sale, and the debts, demands, and liabilities protected and provided for by section 4 of this act, and $15,000 additional per mile for railroad hereafter constructed, the interest on any of which bonds shall not exceed 4 per cent per annum, and stocks not exceeding in the aggregate the amount bid and paid or credited for property acquired under such foreclosure proceedings, and the debts, demands, and liabilities protected and provided for by section 4 of this act; but additional stock may be issued for money, labor, or tangible property, at its actual cash value, to the par or face value of the stock, which may be common stock or preferred stock, or both, as may be authorized at stockholders' meetings; and any stock issued contrary to the provisions hereof shall be void; and that any such mortgage shall be filed and recorded in the office of the Secretary of the Interior and in the office of the register of deeds of each county through and into which said railroad may run as sufficient proof and notice of its legal execution and effectual delivery and of the lien thereby created.
>
> "SEC. 2. That such successor company, its successors and assigns, and any purchaser of lands at such foreclosure sale under such mortgages heretofore executed by said company other than bona fide purchasers for actual settlement and cultivation, shall sell to any applicant therefor, for purposes of actual settlement and cultivation by such applicant, in tracts of not less than 40 nor more than 160 acres each, at a price not exceeding $1.25 per acre, any agricultural land then unsold heretofore granted by Congress to the Atlantic and Pacific Railroad Company and acquired by purchasers at said foreclosure sale as aforesaid: *Provided*, That said company may reserve to itself, its successors and assigns, in the sale of any lands applied hereunder, all coal necessary for use in the maintenance and operation of said railroad which may be found therein and open for mining prior to such foreclosure sale, and the right to take therefrom gravel for its own uses: *Provided, however*, That said company shall have the right to reserve from sale hereunder and to otherwise dispose of such tracts or bodies of arid lands as it shall deem necessary or advisable for use in any way in promoting and developing irrigation, through companies or associations organized under and subject to the laws of the States in which such lands are situated.
>
> "SEC. 3. That neither the Atlantic and Pacific Railroad Company nor such successor corporation, its successors or assigns, shall consolidate its stock, or the stock at any time by it held in any subsidiary corporation, with, or sell, convey, or lease said railway, or by other corporate action give control or management over and of the same, to any corporation, company, person, or association of persons whatever without the consent of Congress; and any contract entered into by said successor company in violation of the provisions hereof shall be null and void, and may be enjoined at the suit of the United States or any State in which said road or any part thereof is situate in any court of competent jurisdiction: *Provided*, That nothing herein contained shall be construed as making any additional grant of lands to such successor corporation, or a waiver of any right of the United States now existing to enforce any further forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company, or of any purchaser or purchasers of any such lands from said company, or to extend to any purchasers at said foreclosure sale, or any subsequent foreclosure sale under the mortgages hereby authorized, any other or different rights than those heretofore granted to said Atlantic and Pacific Railroad Company.
>
> "SEC. 4. That all debts, demands, and liabilities due or owing by said Atlantic and Pacific Railroad Company, which were contracted, accrued, or incurred in any State or Territory through or into which its line of railroad extends to any resident thereof other than railroad corporations, for ticket or freight balances, or for work, labor, material, machinery, fixtures, and supplies of every kind done, performed, or furnished in the repair, equipment, or operation, construction, or extension of said railroad or branches, and all liabilities by said railroad company in the transportation of freight and passengers, including damages for injuries to employees or others, and to property, which accrued, or upon which suit has been brought and is now pending, or upon which judgments against said railroad company have been rendered and remain unsatisfied in any such State, and all liabilities on appeal, or supersedeas, or cost bonds, or in garnishment proceedings, without regard to the date of such bonds, together with all debts and liabilities which such receiver may have incurred in operating said Atlantic and Pacific Railroad and its branches, including claims for injuries to person and property, shall be paid by such reorganized company; and judgments rendered thereon against such receiver and remaining unsatisfied, shall have full force and effect against such reorganized company, and be enforced by execution or other proper final process directly against such reorganized company and its property, and shall be a prior lien thereon: *And provided further*, That if the holders of bonds secured by the first mortgages of the Atlantic and Pacific Railroad Company shall surrender their bonds and accept in lieu thereof bonds or stock or both from the purchasers at such foreclosure sale, then said first mortgage shall be held to be extinguished: *And provided further*, That in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made: *And provided further*, That the reorganized railroad company provided for in this act shall, for all purposes of judicial jurisdiction, be held and deemed to be a citizen and corporation of the respective States into which its line of railway, or any branch or spur thereof, may extend, or in which any such corporation may conduct or carry on any business, and the service of process upon such corporation may be made according to the laws of the respective States in which suits shall be brought: *And provided further*, That nothing herein shall be held or construed to impair or in any manner to affect the rights of any unsecured creditors of the Atlantic and Pacific Railroad Company, or to change or impair the lien of any judgments or demands, if otherwise effective, against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale. And it being the purpose and intent of this act to authorize the creation of a corporation for railroad rather than for land-owning purposes, it is provided further that all lands herein referred to should be sold from time to time when a reasonable price is offered therefor; and if, after five years from the date of the passage of this act, it shall be ascertained by any court of competent jurisdiction, subject to the right of appeal, that any such lands, except such as may rightfully be reserved by said newly organized corporation, under the provisions hereof, for which a reasonable price, to be determined by the Secretary of the Interior, has been offered, shall be held or reserved, first, by such newly organized corporation; or, second, held by any other corporation, person, persons, or association for the use or benefit of such newly organized corporation; or, third, held by any corporation or association in which any stockholder, officer, or member of such newly organized corporation shall be a member, officer, or stockholder; or, fourth, held by any stockholder, officer, director, or member of such newly organized corporation, then such land, or any part of it, so held or reserved shall immediately revert to the United States; and such holding or reservation may be ascertained in a suit by any person asking to make preemption, homestead, or cash entry of any tract or tracts of such land; and such person, if successful, shall be entitled to take the contested land according to the entry made; but no forfeiture under the third subdivision above shall take place, provided the stock in the newly organized company, on account of the ownership of which a forfeiture might be worked, shall be forfeited and canceled on the books of the company as soon as a knowledge of such ownership reaches the president or board of directors of the said newly organized corporation; and the power to make such forfeiture and cancellation and appropriate the stock is hereby conferred on the said newly organized corporation.
>
> "SEC. 5. That stockholders in said successor corporation shall possess the same rights, privileges, duties, and obligations in respect to the management of the business affairs of said corporation as were enjoyed and possessed by the stockholders of said original Atlantic and Pacific Railroad Company. The time and manner of holding elections for officers and directors of said successor corporation, the number of said directors, and the making of by-laws and transferring and voting stock shall be the same as existed under the original act incorporating said Atlantic and Pacific Railroad Company and any and all acts amendatory thereto.
>
> "SEC. 6. That Congress shall at all times have the power to alter, amend, or repeal this act."

Mr. McRAE. Mr. Speaker——

Mr. POWERS. Now, Mr. Speaker——

Mr. McRAE. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Arkansas.

Mr. McRAE. Mr. Speaker——

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Before the gentleman proceeds, if he will allow me, I should like to ask the chairman of the committee if he will permit me to introduce the legislative bill, that it may be printed and referred.

Mr. POWERS. Certainly.

Mr. BINGHAM, from the Committee on Appropriations, reported a bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. McRAE. Mr. Speaker, this proposed substitute is identical in many respects with the resolution passed by the House and reported from the Committee on the Judiciary at the last session for the reorganization of the Northern Pacific Railroad Company. Except as to the condition as to the forfeiture act, the price of land, and the limitations upon the issue of stock to be issued and the interest on it, I think it is identical. I do not understand why we should give the Atlantic and Pacific any greater privileges in the matter of a reorganization than we did the Northern Pacific. The debts provided for are those which the courts usually direct receivers to consider as preferred claims. The bill, unless amended, would put in the power of the new corporation the right to deny the payment of them. Although the gentleman who presents this bill talks very long and loud about the righteousness of the bondholders' claims, he has not said anything about these small debts that may be due to laborers and employees of the railroads, and whose rights should be sacred with us.

Mr. HARRISON. Why take that power from the courts and embody it in this act?

Mr. McRAE. Because these mortgagees have come here and ask to be taken out of court by a new scheme of reorganization which involves the repudiation of some debts due from the old concern.

Mr. HARRISON. Can the court give them power to exist as a corporation?

Mr. McRAE. But when we give them the right to exist and be a corporation and grant them all the rights of the old corporation we should give them that power with the emphatic declaration that they shall pay their laborers and other debts for improving and operating the road, and that they can not have it until they do pay them.

Mr. HARRISON. Would not the courts protect them anyway?

Mr. McRAE. The courts can not protect them when we say in this bill, which permits them to be organized, that they shall not be held liable for any debts "not expressly assumed in their contract of purchase at said judicial sale."

Mr. HARRISON. I understand an amendment has been offered and adopted legally only requiring them to assume the debts that they legally assume on the sale.

Mr. McRAE. I do not know of any amendment that has been adopted. We have not yet closed debate. Here is what the act says:

> But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale,

Mr. MITCHELL. Will the gentleman allow me to interrupt him and ask that the Clerk be allowed to read an amendment which I have offered, and which has been accepted, which substitutes the words "legally chargeable against said old corporation" for the words "expressly assumed in their contract of purchase at said judicial sale." This amendment cures the defect he refers to.

Mr. McRAE. I do not care to have it read in my time. The gentleman can have it read in his. If he wants to protect this class of debts, I suggest that he should join us in the effort to put the protection in the charter. If you want the laboring men and honest creditors of the old concern protected, put it into the act and leave nothing to construction. Almost this entire grant has been lost to the people by construction.

Mr. Speaker, I am familiar with this grant and the efforts to forfeit it, and I say to you that the history of the corporation for thirty years has been that of broken pledges and an effort to get all it could and give as little return as possible to the people. Now, I yield ten minutes to my colleague, Judge TERRY.

Mr. TERRY. I desire to send up an amendment and wish it read.

The SPEAKER. The gentleman from Arkansas presents the following amendment. The Chair thinks there are quite a number of amendments pending which ought to be disposed of before any more are considered.

Mr. TERRY. I want it read and considered pending, to be voted on at the proper time.

The Clerk read as follows:

> Amend by adding, after the word "sale," in line 28, page 3, the following:
>
> "But such new company shall be subject to all the obligations and debts to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation, and nothing in this act shall be held to deprive the United States of any right or remedy they may at any time have had against said Atlantic and Pacific Railroad Company."

Mr. TERRY. Mr. Speaker, I desire to call the attention of the House to what is the real effect of this bill reported by the Committee on Pacific Railroads. It in effect gives the purchasers by sale all the rights, privileges, and immunities of the old company, and does not impose upon the new company a single one of the obligations of the old company either to the Government of the United States or to anybody else.

Mr. POWERS. Will the gentleman yield to me a moment? I can relieve my friend, although the House would be greatly entertained by hearing him. I will accept that amendment.

Mr. TERRY. That is all right. I am glad you are in that frame of mind; but I do not propose to be cut off by what you may accept at the present time. [Laughter.] Now, let us look at the bill. It is not often that a man can get the floor, but when he does he does not want to be shut off by such an offer of concession as that made by my friend from Vermont. Here is the provision of the original bill:

> Shall constitute a new company, which shall be entitled to hold and possess the franchises and property so sold and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866.

Not a word said about any of its obligations, or its debts, or its duties.

Now, I want to call the attention of this House to the very words of the section in the original charter, which the people of the United States have an interest in:

> SEC. 20. *And be it further enacted*, That to better accomplish the object of this act, namely, to promote the public interests and welfare by the construction of said railroad and telegraph lines and keeping the same in working order, and to secure to the Government at all times, particularly in times of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard to the rights of said Atlantic and Pacific Railroad Company, alter, amend, or repeal this act.

Now, I want this charter of this new company to be subject to the same kind of restrictions or provisions for the benefit or in behalf of the people of the United States. And yet, Mr. Speaker, we have the astonishing spectacle of an officer of the United States Government, who it is said has examined this measure, allowing to go unprotected the rights of the United States and recommending to this House a bill that does not protect a single one of these important rights.

Mr. POWERS. Will the gentleman yield a moment?

Mr. TERRY. Certainly.

Mr. POWERS. If the gentleman will take the trouble to look at the bill, he will find that section 2 reads as follows:

That Congress at all times shall have power to alter, amend, or repeal this act.

Mr. TERRY. Yes, sir; but there is no provision with the same power and strength of language as that contained in section 20 of the existing law, and I want that preserved, and I want the right of the United States to regulate the rates of transportation of Government troops, supplies, etc., preserved. It is true that the gentleman has made a concession upon that point, but that is a matter to be passed on by the House, and I would rather have the amendment in the language that I have proposed. I have called the attention of the House to these matters to show how this bill was brought in originally with a certificate by a Government officer that the rights of the Government would be perfectly protected under it. It may be, sir, that it is considered by such officials that the Government of the United States, whilst it may have rights against individuals, has none against such a corporation as this. It simply shows the representatives of the people how carefully they must scan legislation of this kind.

And now, Mr. Speaker, I say that this House ought not to pass this bill in any haste. I have presented the suggestions that have occurred to me, and I also recommend to every Representative here who desires to protect the people of the United States to examine this bill carefully and see to it that it is not railroaded through here at the speed that is proposed.

One other thing: Another part of the bill proposes to relieve the new company from existing debts and claims. As suggested by my colleague [Mr. McRAE], it is usual for the courts in appointing receivers to provide that certain debts shall be preferred and shall be a lien upon the property, and that provision is contained in the substitute of my colleague. In some instances the courts appointing receivers have not put such a provision in their orders, and where the courts have failed to protect the rights of the people I think the Congress of the United States ought to step in and do what the courts have failed to do. The courts failed to protect the rights of the people in the order appointing a receiver for the Northern Pacific Railroad, and we stepped in and tried to do it. Let us step in here and try to protect them in this case. I do not know whether the court did its duty in the matter or not, but if it did this provision will not do any harm.

I yield back the time to my colleague [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I yield to the gentleman from Illinois [Mr. COOKE].

Mr. COOKE of Illinois. Mr. Speaker, I desire to ask if it is in order to offer an amendment to the substitute of the gentleman from Arkansas?

The SPEAKER. The substitute can be amended, but the vote must be taken first on the original bill.

Mr. McRAE. Mr. Speaker, I desire to say that the amendment proposed by the gentleman from Illinois [Mr. COOKE] is entirely satisfactory to me, and if the House will consent, I am willing that it shall become a part of the substitute.

The SPEAKER. It can be accepted only by the House.

Mr. McRAE. I say that if the House will consent I am willing that it shall be made a part of the substitute.

Mr. COOKE of Illinois. I ask that the amendment be read.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Illinois, which will be pending.

The amendment was read, as follows:

In section 1 of the substitute, after the words "shall relinquish in writing," insert the following: "and convey to the United States, by a proper deed or instrument, to be filed with and approved by the Secretary of the Interior within six months after the passage of this act, and before this act shall take effect."

Mr. McRAE. Now, Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. McEWAN].

Mr. McEWAN. Mr. Speaker, the amendment that I wish to offer is for the purpose——

The SPEAKER. Is it an amendment to the original bill?

Mr. McEWAN. It is an amendment striking out from the bill all that relates to releasing this proposed purchaser from debts and claims.

The SPEAKER. The Chair desires to say that amendments would not be in order under the rule until the pending amendments are disposed of.

Mr. McEWAN. Mr. Speaker, I have watched the matter closely, and I submit that there is but one amendment to that particular part of this bill.

The SPEAKER. There can be only one amendment pending at a time.

Mr. McEWAN. All the others have been accepted.

The SPEAKER. But they have not been accepted by the House. They have been accepted by the proposer of the bill; but that is not a binding acceptance until the House ratifies it.

Mr. McEWAN. I ask that my amendment be considered as pending.

The SPEAKER. That can not be done, except by unanimous consent.

Mr. McEWAN. Then I ask unanimous consent.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that his amendment be considered as pending, to be taken up in its regular order.

There was no objection, and it was so ordered.

Mr. McEWAN. Mr. Speaker, the gentleman from Arkansas has kindly yielded me one minute, and I use it merely to say that if the payment of wages for labor be now protected by the courts and given a lien superior to this mortgage, then it is not becoming on the part of Congress to change that law in this respect and to impose a greater burden upon labor than it now bears by ordering the courts in their decree not to include unpaid wages. If labor be not protected by law, then certainly there is no occasion for the insertion of the provision in the bill, for then the law will operate to relieve the purchasers from the payment of wages. So, either way, this clause of the bill ought to be stricken out—I mean the words beginning in line 29 and extending down to line 32:

But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims on contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

Mr. McRAE. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The question will now be taken on the amendments as they will be read by the Clerk. The first amendment to be voted on is that of the gentleman from Iowa [Mr. LACEY].

The Clerk read the amendment, as follows:

Add as a new section the following:

"SEC. 3. Where the line of such railway is now located within the limits of any State, or where such line is now located within a Territory which may hereafter become a State, such State, or such Territory when it shall become a State shall be empowered to require such corporation to become incorporated within such State or States as may be provided by the laws thereof."

Mr. POWERS. There is no objection to that amendment.

The amendment was agreed to.

The next amendment (offered by Mr. MOODY) was read, as follows:

Amend by striking out from the word "*Provided*," on page 2, line 32, to the word "value," on page 3, line 41, and inserting the following:

"The capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed $100,000,000."

The amendment was agreed to.

The next amendment (offered by Mr. MITCHELL) was read, as follows:

Strike out after the word "not," in line 31, page 2, the following: "Expressly assumed in their contract of purchase at said judicial sale;" and insert: "Legally chargeable against said old corporation."

The amendment was agreed to.

Mr. POWERS. I now call for the previous question.

Mr. TERRY. I have an amendment pending.

Mr. POWERS. I believe the gentleman from Kansas [Mr. BRODERICK] desires to offer an amendment.

Mr. TERRY. I have an amendment pending.

The SPEAKER. Is it an amendment to the substitute or to the bill?

Mr. TERRY. It is an amendment to the original bill, which I understand we have a right to perfect before the vote is taken on the substitute.

The SPEAKER. Certainly. The Clerk will report the amendment of the gentleman from Arkansas [Mr. TERRY].

The Clerk read as follows:

Amend by adding after the word "sale," in line 28, page 3, the following:

"But such new company shall be subject to all the obligations and duties to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation; and nothing in this act shall be held to deprive the United States of any right or remedy they may at any time have had against said Atlantic and Pacific Railroad Company."

The amendment was agreed to.

The SPEAKER. There is another amendment—that of the gentleman from New Jersey [Mr. McEWAN]—which the Clerk will read. This amendment is pending by order of the House.

The Clerk read as follows:

Strike out the following words after the word "sale," in line 28, page 2, down to and including the word "sale," in line 32, page 2:

"But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale."

Mr. POWERS. The whole object of this amendment has been accomplished by the adoption of the amendment of the gentleman from New York [Mr. MITCHELL]. I hope, therefore, that this amendment will be voted down.

Mr. McEWAN. I disagree with the gentleman from Vermont [Mr. POWERS]. The intent of my amendment has not been accomplished. The purpose of that amendment is to remit this whole matter to the courts, in order that it may be decided in accordance with the law as it now stands. My amendment will strike from the bill all reference to existing debts or claims, and will leave that whole matter to be decided by the courts in accordance with the law. My hope is that the courts will find some way to enforce the payment of wages.

There must be some purpose in putting into the bill the words which I propose to strike out. That purpose must be to change existing law. If the words do not change existing law, they are superfluous; and if they do, they should not be in this bill. If the House wishes to be safe in this matter, it ought to adopt my amendment striking out those words, and allow the courts to decide the whole question in accordance with the present law. Let the courts determine whether the debts incurred for labor should or should not be paid under the law as it now stands. I am quite certain that my purpose was not accomplished by the other amendments.

Mr. MITCHELL. I wish to ask the gentleman how the courts can enforce anything that is not legally enforceable? The amendment proposed by me and already adopted makes all claims which are legally chargeable against the old corporation binding upon the new corporation. If the gentleman has in view debts which can not be enforced in the courts, I presume we do not wish to enforce their collection. I believe the aforesaid amendment will absolutely protect the wage earners, and it was for their protection and the protection of other similar creditors that I offered the amendment taking away from the reorganized company the power to assume or not, as they elected, the debts of the old company.

Mr. McEWAN. In answer to the gentleman, I would say that if the House wants to accomplish the apparent purpose of the gentleman from New York it will undoubtedly accomplish that purpose and my own in a better way by leaving out all reference to debts and claims and contracts. There is no doubt about that.

If it be for the purpose of having something put before the court to be construed, all right; have it as the gentleman from New York has it. But if you want to say to the court, "Construe it according to the statutes on the statute book, or, in case there is no statute, then according to the common law," that is a different question. The best way to accomplish the gentleman's purpose, if that is what he wants, is to strike out all the words to which I have referred.

Mr. POWERS. The import of my friend's suggestion is that you instruct the court how they shall decide a question. Now, it seems to me that we had better leave it to the court and not hamper them by saying, "You must decide so and so."

Mr. McEWAN. Let me ask the gentleman: Is this a new law so far as the debts and claims involved are concerned?

Mr. POWERS. Not at all. The Supreme Court of the United States, in the case of Fosdick *vs.* Schall, have preserved all the rights of laborers on railroads, in an opinion delivered by Chief Justice Waite, and which has been confirmed a half dozen times since. There is no trouble about that, as far as their protection is concerned.

Mr. McEWAN. Then the gentleman quite agrees with me in my assertion that there is no reason for these words appearing in the bill. That being the case, let us strike them out.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from New Jersey.

Mr. HARRISON. Let us have the amendment and that portion of the bill read.

The amendment proposed by Mr. McEWAN was again reported.

The question being taken on the amendment, the House divided; and there were—ayes 23, noes 36.

So the amendment was rejected.

Mr. TAWNEY. Mr. Speaker, I desire to offer the amendment I send to the desk, to be added to the first section of the bill.

The Clerk read as follows:

And provided further, That in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made.

Mr. POWERS. That amendment is entirely acceptable.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment proposed to the substitute, by the gentleman from Illinois [Mr. COOKE].

The amendment was agreed to.

The SPEAKER. The question is on the substitute as amended.

Mr. POWERS. Mr. Speaker, I think the House has perfected the bill so that there is no need for the substitute, and I hope it will be voted down.

Mr. McRAE. On the adoption of the substitute, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 163, not voting 121; as follows:

YEAS—71.

Abbott,
Aldrich, T. H.
Allen, Miss.
Bailey,
Baker, Kans.
Baker, N. H.
Bankhead,
Barham,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Colo.
Bowers,
Brumm,
Buck,
Clardy,
Cockrell,
Colson,
Connolly,
Cooke, Ill.
Cooper, Tex.
Corliss,
Cox,
Cummings,
Dinsmore,
Dockery,
Hall,
Howard,
Hutcheson,
Latimer,
Lawson,
Little,
Maddox,
Maguire,
Marsh,
Martin,
McClure,
McCormick,
McCulloch,
McDearmon,
McEwan,
McLaurin,
McRae,
Meyer,
Money,
Moses,
Murphy,
Neill,
Noonan,
Ogden,
Otey,
Otjen,
Pendleton,
Richardson,
Sayers,
Shuford,
Sparkman,
Spencer,
Stewart, N. J.
Stokes,
Strait,
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Thorp,
Towne,
Tyler,
Wilson, S. C.
Woodard,
Yoakum.

NAYS—163.

Adams,
Anderson,
Arnold, Pa.
Arnold, R. I.
Avery,
Barney,
Barrett,
Beach,
Bell, Tex.
Bennett,
Berry,
Bingham,
Bishop,
Black, Ga.
Blue,
Brewster,
Broderick,
Brosius,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Cannon,
Chickering,
Clark, Mo.
Clarke, Ala.
Codding,
Cook, Wis.
Cooper, Fla.
Cousins,
Crowther,
Culberson,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
Dingley,
Dolliver,
Dovener,
Draper,
Ellis,
Erdman,
Evans,
Faris,
Fletcher,
Foote,
Foss,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Graff,
Griffin,
Griswold,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hardy,
Harrison,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hermann,
Hooker,
Hopkins,
Howell,
Hubbard,
Huff,
Hulick,
Hunter,
Hurley,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Kerr,
Kirkpatrick,
Knox,
Kyle,
Lacey,
Lefever,
Linney,
Long,
Lorimer,
Loud,
Low,
Mahany,
Mahon,
McCall, Mass.
McCleary, Minn.
McClellan,
McLachlan,
Mercer,
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Mozley,
Northway,
Odell,
Owens,
Payne,
Perkins,
Phillips,
Pickler,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Raney,
Ray,
Reeves,
Rinaker,
Royse,
Sauerhering,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Southard,
Spalding,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Taft,
Tawney,
Tayler,
Thomas,
Tracewell,
Tracey,
Treloar,
Turner, Ga.
Updegraff,
Van Voorhis,
Walker, Mass.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Williams,
Willis,
Wilson, Idaho
Wilson, Ohio
Wood,
Woodman,
Woomer,
Wright.

NOT VOTING—121.

Acheson,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Andrews,
Apsley,
Atwood,
Babcock,
Baker, Md.
Bartholdt,
Belknap,
Black, N. Y.
Boatner,
Boutelle,
Bromwell,
Brown,
Calderhead,
Catchings,
Clark, Iowa
Cobb,
Coffin,
Cooper, Wis.
Cowen,
Crowley,
Crump,
Danford,
Dayton,
De Armond,
Denny,
De Witt,
Doolittle,
Eddy,
Ellett,
Fairchild,
Fenton,
Fischer,
Fitzgerald,
Fowler,
Gamble,
Goodwyn,
Grosvenor,
Hadley,
Hanly,
Harmer,
Harris,
Hartman,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hill,
Hitt,
Howe,
Huling,
Hull,
Hyde,
Johnson, Ind.
Jones,
Joy,
Kem,
Kendall,
Kiefer,
Kleberg,
Kulp,
Layton,
Leighty,
Leisenring,
Leonard,
Lester,
Lewis,
Linton,
Livingston,
Loudenslager,
McCall, Tenn.
McCreary, Ky.
McMillin,
Meiklejohn,
Meredith,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Murray,
Newlands,
Overstreet,
Parker,
Patterson,
Pearson,
Price,
Quigg,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Scranton,
Settle,
Shafroth,
Shannon,
Shaw,
Skinner,
Smith, Mich.
Sorg,
Southwick,
Stallings,
Sulzer,
Tucker,
Turner, Va.
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Wheeler,
White,
Wilber,
Wilson, N. Y.

So the substitute was rejected.

Mr. LIVINGSTON. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. PAYNE). Was the gentleman in the Hall of the House, and did he fail to hear his name?

Mr. LIVINGSTON. I did not hear my name called.

The SPEAKER pro tempore. Was the gentleman in the Hall of the House at the time his name should have been called?

Mr. LIVINGSTON. I do not know whether I was or not. I came out of the barber shop while the roll was being called.

The SPEAKER pro tempore. Under the gentleman's statement the Chair can not entertain the request.

The Clerk announced the following pairs:

For this day:

Mr. GROSVENOR with Mr. SULZER.
Mr. HENDERSON with Mr. MCMILLIN.
Mr. LOUDENSLAGER with Mr. LIVINGSTON.
Mr. LEISENRING with Mr. LESTER.
Mr. PARKER with Mr. KENDALL.
Mr. PITNEY with Mr. KLEBERG.
Mr. SCRANTON with Mr. CROWLEY.
Mr. ANDREWS with Mr. ELLETT.
Mr. MCCALL of Tennessee with Mr. DE ARMOND.
Mr. ROBINSON of Pennsylvania with Mr. CATCHINGS.
Mr. HARMER with Mr. JONES.

Until further notice:

Mr. EDDY with Mr. MINER of New York.
Mr. HYDE with Mr. HENDRICK.
Mr. HULING with Mr. COWEN.
Mr. CRUMP with Mr. SORG.
Mr. HILL with Mr. STALLINGS.
Mr. LEWIS with Mr. ROBERTSON of Louisiana.
Mr. REYBURN with Mr. WHEELER.
Mr. SMITH of Michigan with Mr. TUCKER.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. COOKE of Illinois. Mr. Speaker, I offer the following amendment to the first section of the bill.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. POWERS. I believe the previous question has been ordered.

Mr. COOKE of Illinois. I did not understand that the previous question had been ordered.

The SPEAKER pro tempore. The Chair is informed that the previous question has not been ordered.

Mr. POWERS. I moved it, and I supposed it was ordered by the House. No objection was made.

The SPEAKER pro tempore. The Chair thinks the amendment is in order.

The Clerk read as follows:

After section 1 insert:

"*Provided further*, That as a condition precedent to reorganization the purchasers of the railroad property and their associates shall relinquish in writing and convey to the United States (by a proper deed or instrument to be filed with and approved by the Secretary of the Interior within six months after the passage of this act and before the act shall take effect) all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company embraced within both the granted and indemnity limits which were adjacent to and coterminous with the uncompleted portions of the road on the 6th day of July, 1886."

Mr. COOKE of Illinois. Mr. Speaker, in support of the amendment, I would say that I understand there are millions of acres of unearned land grants involved here; that the original company has neglected to complete the road in accordance with its original charter; that it has not earned the land grants, and that there is litigation pending concerning it. Yet the purchasers are here asking us practically to give a new charter, to give them a standing whereby they may claim this unearned land to the extent of millions of acres. It seems to me only a wise and proper precaution to require them to relinquish that land grant upon those portions of the road which have been practically abandoned by the old corporation, and that the purchasers under the foreclosure should not and could not acquire any equitable right to such unearngd grants. They at least ought to drop that much.

Mr. POWERS. Mr. Speaker——

Mr. LACEY. I should like to ask the gentleman a question.

The SPEAKER pro tempore. The gentleman from Vermont [Mr. POWERS] is recognized.

Mr. POWERS. I yield to the gentleman from Iowa.

Mr. LACEY. I should like to ask the gentleman from Illinois why the act of Congress declaring a forfeiture of all unearned land grants coterminous with uncompleted portions of the railroad, which act is already a law—why that does not dispose of this whole question?

Mr. COOKE of Illinois. Mr. Speaker, the act in question is an act which we shall simply be following and carrying into effect by the adoption of this amendment. Our action in adopting this amendment will be in entire consonance with the provision of law now in force, to which the gentleman has referred. There is every reason, in other words, to make our legislation in such a case as this entirely consistent with the existing law, which would forfeit these land grants because the company has not earned them and has abandoned these portions of the road.

Mr. POWERS. Mr. Speaker, the Government of the United States has already instituted a suit to declare a forfeiture of these very lands. The suit is now pending. It is being argued in the Supreme Court of the United States to-day, and it seems to me we should not undertake to blackmail this company as the condition upon which they shall have the right to organize into a corporation.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois [Mr. COOKE].

The question being taken, on a division (demanded by Mr. COOKE of Illinois) there were—ayes 78, noes 48.

Mr. POWERS. I demand the previous question on the passage of the bill.

The previous question was ordered.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 4361) to pension William H. Nesbitt;

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon;

A bill (H. R. 5311) granting a pension to Sarah Ann Wilde;

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 5059) granting a pension to Ransom C. Hazelip;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 2358) for the relief of Armida White, widow of Israel White;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 1892) granting a pension to Catharine Darragh;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension roll;

A bill (H. R. 1890) granting a pension to Mary Martin; and

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company B, Eighth Regiment Kansas Volunteer Infantry;

A bill (S. 2481) granting a pension to Charles Edson;

A bill (S. 3210) granting a pension to Anna P. Johnson;

A bill (S. 2126) granting a pension to Mrs. Laura A. Nelson;

A bill (S. 3199) granting a pension to Jackson Osborn;

A bill (S. 3198) granting a pension to Edward Stanley;

A bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.;

A bill (S. 1690) granting a pension to Richard Brookins;

A bill (S. 2267) granting a pension to Alvah A. Eaton;

A bill (S. 2605) granting an increase of pension to James M. Simeral;

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of $30 per month;

A bill (S. 950) granting increase of pension to Franklin C. Plantz;

A bill (S. 2702) granting an increase of pension to Samuel A. Smith;

A bill (S. 1976) granting a pension to Catherine E. O'Brien;

A bill (S. 1881) granting a pension to Lydia Chapman;

A bill (S. 2916) granting an increase of pension to Mary Sprague;

A bill (S. 3094) granting an increase of pension to George W. Palmer;

A bill (S. 877) granting an increase of pension to Oliver P. Silvey;

A bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry;

A bill (S. 396) granting a pension to Henry Farmer; and

A bill (S. 3381) granting a pension to Lena D. Smith.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 3771) for the relief of Stratton H. Bemoter.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 2 to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, and recedes from its amendment numbered 3 disagreed to by the House.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the President of the United States having returned to the Senate, with his objections, the bill (S. 894) granting a pension to Nancy G. Allabach, the Senate had proceeded to reconsider said bill and had resolved that the bill pass, two-thirds of the Senate agreeing thereto, and had directed that the said bill be transmitted with the message of the President to the House of Representatives for its action.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3245) granting a pension to Elvira Bachelder; and

A bill (S. 724) granting an increase of pension to Helen M. Mallery.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 396) granting a pension to Henry Farmer—to the Committee on Pensions.

A bill (S. 877) granting an increase of pension to Oliver P. Silvey—to the Committee on Invalid Pensions.

A bill (S. 950) granting an increase of pension to Franklin C. Plantz—to the Committee on Invalid Pensions.

A bill (S. 1690) granting a pension to Richard Brookins—to the Committee on Invalid Pensions.

A bill (S. 1881) granting a pension to Lydia Chapman—to the Committee on Invalid Pensions.

A bill (S. 1976) granting a pension to Catherine E. O'Brien—to the Committee on Invalid Pensions.

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson—to the Committee on Invalid Pensions.

A bill (S. 2267) granting an increase of pension to Alvah A. Eaton—to the Committee on Invalid Pensions.

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of $30 per month—to the Committee on Invalid Pensions.

A bill (S. 2481) granting an increase of pension to Charles Edson—to the Committee on Invalid Pensions.

A bill (S. 2605) granting an increase of pension to James M. Simeral—to the Committee on Invalid Pensions.

A bill (S. 2702) granting an increase of pension to Samuel A. Smith—to the Committee on Invalid Pensions.

A bill (S. 2916) granting an increase of pension to Mary Sprague—to the Committee on Invalid Pensions.

A bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.—to the Committee on Invalid Pensions.

A bill (S. 3094) granting an increase of pension to George W. Palmer—to the Committee on Invalid Pensions.

A bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry—to the Committee on Invalid Pensions.

A bill (S. 3198) granting an increase of pension to Edward Stanley—to the Committee on Invalid Pensions.

A bill (S. 3199) granting an increase of pension to Jackson Osborn—to the Committee on Invalid Pensions.

A bill (S. 3210) granting a pension to Anna P. Johnson—to the Committee on Invalid Pensions.

A bill (S. 3381) granting pension to Lena D. Smith—to the Committee on Invalid Pensions.

SECOND-CLASS MAIL MATTER.

Mr. LOUD. Mr. Speaker, in accordance with the instructions of the Committee on the Post-Office and Post-Roads, I now move that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. 4566) to amend the laws relating to second-class mail matter.

Mr. QUIGG. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from California moves that the House resolve itself into Committee of the Whole, and pending that, the gentleman from New York moves that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. QUIGG. Division, Mr. Speaker.

The House divided; and there were—ayes 85, noes 62.

Mr. LOUD. Mr. Speaker, at this early hour of the day I shall have to ask the House to give me the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 133, not voting 119; as follows:

YEAS—103.

Abbott,
Aldrich, T. H.
Allen, Utah
Anderson,
Arnold, Pa.
Arnold, R. I.
Babcock,
Baker, N. H.
Bankhead,
Barney,
Barrett,
Bartholdt,
Bartlett, Ga.
Bartlett, N. Y.
Belknap,
Bell, Colo.
Bennett,
Bingham,
Black, Ga.
Blue,
Brosius,
Burrell,
Burton, Mo.
Calderhead,
Chickering,
Colson,
Cook, Wis.
Cooke, Ill.
Cooper, Wis.
Corliss,
Crowther,
Cummings,
Dovener,
Erdman,
Fairchild,
Faris,
Foote,
Foss,
Gibson,
Gillet, N. Y.
Goodwyn,
Griffin,
Hager,
Hardy,
Harmer,
Hart,
Heatwole,
Hilborn,
Hooker,
Hopkins,
Howell,
Hubbard,
Hurley,
Hutcheson,
Jenkins,
Johnson, Cal.
Joy,
Knox,
Lawson,
Linney,
Little,
Long,
Lorimer,
Low,
Marsh,
McClellan,
McCormick,
McEwan,
McLaurin,
Miller, W. Va.
Minor, Wis.
Mitchell,
Morse,
Mozley,
Murphy,
Noonan,
Odell,
Otey,
Owens,
Poole,
Quigg,
Reeves,
Royse,
Russell, Ga.
Sauerhering,
Shannon,
Sherman,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Strait,
Sulloway,
Towne,
Tracey,
Treloar,
Turner, Ga.
Van Voorhis,
White,
Wilson, Idaho
Wilson, S. C.
Wood,
Woodman,
Yoakum.

NAYS—133.

Acheson,
Adams,
Aitken,
Allen, Miss.
Avery,
Bailey,
Baker, Md.
Barham,
Bell, Tex.
Bishop,
Bowers,
Broderick,
Bromwell,
Brumm,
Buck,
Burton, Ohio
Catchings,
Clardy,
Clark, Mo.
Codding,
Connolly,
Cooper, Fla.
Cooper, Tex.
Cousins,
Cox,
Culberson,
Dalzell,
Daniels,
Dayton,
De Armond,
Denny,
Dingley,
Dockery,
Ellis,
Evans,
Fletcher,
Gardner,
Gillett, Mass.
Graff,
Grout,
Grow,
Hainer, Nebr.
Hall,
Harrison,
Hatch,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Howard,
Huling,
Hunter,
Johnson, Ind.
Johnson, N. Dak.
Kerr,
Kiefer,
Kirkpatrick,
Kyle,
Lacey,
Latimer,
Layton,
Linton,
Livingston,
Loud,
Maddox,
Mahany,
Mahon,
Martin,
McCall, Mass.
McClure,
McCreary, Ky.
McCulloch,
McDearmon,
McLachlan,
McRae,
Meyer,
Miles,
Miller, Kans.
Milnes,
Money,
Moody,
Neill,
Ogden,
Otjen,
Overstreet,
Payne,
Pearson,
Pendleton,
Perkins,
Pickler,
Pitney,
Prince,
Pugh,
Raney,
Richardson,
Rinaker,
Russell, Conn.
Sayers,
Shuford,
Simpkins,
Smith, Ill.
Snover,
Southard,
Spalding,
Sparkman,
Spencer,
Sperry,
Stahle,
Steele,
Stokes,
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Strowd, N. C.
Taft,
Talbert,
Tate,
Tawney,
Taylor,
Terry,
Thomas,
Tracewell,
Updegraff,
Walker, Mass.
Washington,
Williams,
Willis,
Wilson, Ohio
Woodard,
Woomer,
Wright.

NOT VOTING—119.

Aldrich, W. F.
Aldrich, Ill.
Andrews,
Apsley,
Atwood,
Baker, Kans.
Beach,
Berry,
Black, N. Y.
Boatner,
Boutelle,
Brewster,
Brown,
Bull,
Cannon,
Clark, Iowa
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Cowen,
Crowley,
Crump,
Curtis, Iowa,
Curtis, Kans.
Curtis, N. Y.
Danford,
De Witt,
Dinsmore,
Dolliver,
Doolittle,
Draper,
Eddy,
Ellett,
Fenton,
Fischer,
Fitzgerald,
Fowler,
Gamble,
Griswold,
Grosvenor,
Hadley,
Halterman,
Hanly,
Harris,
Hartman,
Heiner, Pa.
Hemenway,
Hendrick,
Hicks,
Hill,
Hitt,
Howe,
Huff,
Hulick,
Hull,
Hyde,
Jones,
Kem,
Kendall,
Kleberg,
Kulp,
Lefever,
Leighty,
Leisenring,
Leonard,
Lester,
Lewis,
Loudenslager,
Maguire,
McCall, Tenn.
McCleary, Minn.
McMillin,
Meiklejohn,
Mercer,
Meredith,
Milliken,
Miner, N. Y.
Mondell,
Moses,
Murray,
Newlands,
Northway,
Parker,
Patterson,
Phillips,
Powers,
Price,
Ray,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Scranton,
Settle,
Shafroth,
Shaw,
Skinner,
Smith, Mich.
Sorg,
Southwick,
Stallings,
Sulzer,
Swanson,
Thorp,
Tucker,
Turner, Va.
Tyler,
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
Wilber,
Wilson, N. Y.

The following additional pair was announced:

Mr. WELLINGTON with Mr. FITZGERALD, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The House determines not to adjourn. The question now recurs on the motion of the gentleman from California that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill mentioned.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. QUIGG. Division, Mr. Speaker.

The House divided; and there were—ayes 91, noes 49.

Mr. QUIGG. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 84, not voting 129; as follows:

YEAS—142.

Acheson,
Adams,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Avery,
Bailey,
Baker, Md.
Barham,
Bishop,
Black, Ga.
Blue,
Bowers,
Bromwell,
Brosius,
Bull,
Burton, Ohio
Calderhead,
Clardy,
Clark, Mo.
Cockrell,
Codding,
Connolly,
Cooper, Tex.
Cooper, Wis.
Cox,
Culberson,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Daniels,
De Armond,
Denny,
Dingley,
Dockery,
Dolliver,
Draper,
Ellis,
Erdmann,
Evans,
Fletcher,
Gardner,
Gillett, Mass.
Goodwyn,
Graff,
Grow,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Hanly,
Harrison,
Hart,
Hatch,
Henderson,
Henry, Ind.
Hepburn,
Hermann,
Hilborn,
Hubbard,
Huling,
Hunter,
Johnson, Ind.
Johnson, N. Dak.
Kiefer,
Kirkpatrick,
Kyle,
Lacey,
Latimer,
Lawson,
Layton,
Lefever,
Linney,
Linton,
Little,
Loud,
Maddox,
Mahany,
Marsh,
McCall, Mass.
McCleary, Minn.
McClure,
McCreary, Ky.
McCulloch,
McDearmon,
McLachlan,
Miles,
Miller, Kans.
Milnes,
Mondell,
Moody,
Moses,
Neill,
Ogden,
Otey,
Otjen,
Overstreet,
Owens,
Payne,
Pearson,
Perkins,
Pickler,
Pitney,
Powers,
Price,
Pugh,
Rainey,
Reeves,
Richardson,
Rinaker,
Royse,
Russell, Conn.
Sayers,
Shafroth,
Simpkins,
Snover,
Southard,
Spalding,
Spencer,
Sperry,
Stahle,
Steele,
Stokes,
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Taft,
Talbert,
Tawney,
Taylor,
Tracewell,
Tracey,
Tyler,
Updegraff,
Washington,
Williams,
Willis,
Wilson, Idaho
Wilson, Ohio
Woodard,
Wright.

NAYS—84.

Abbott,
Aitken,
Allen, Utah
Anderson,
Arnold, Pa.
Arnold, R. I.
Baker, Kans.
Baker, N. H.
Bankhead,
Barney,
Barrett,
Bartholdt,
Bartlett, Ga.
Bartlett, N. Y.
Belknap,
Bell, Colo.
Bennett,
Berry,
Bingham,
Brumm,
Buck,
Burrell,
Chickering,
Crowther,
Cummings,
Dinsmore,
Dovener,
Fairchild,
Faris,
Foote,
Gibson,
Gillet, N. Y.
Griffin,
Hardy,
Harmer,
Heatwole,
Hopkins,
Howard,
Howe,
Howell,
Hurley,
Jenkins,
Johnson, Cal.
Joy,
Knox,
Lorimer,
Loudenslager,
Maguire,
Martin,
McClellan,
McLaurin,
McRae,
Meyer,
Miller, W. Va.
Minor, Wis.
Mitchell,
Mozley,
Murphy,
Odell,
Poole,
Quigg,
Ray,
Sauerhering,
Sherman,
Shuford,
Sparkman,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Strait,
Strowd, N. C.
Sulloway,
Sulzer,
Tate,
Terry,
Thomas,
Towne,
Treloar,
Van Horn,
White,
Wilson, S. C.
Wood,
Woodman,
Woomer.

NOT VOTING—129.

Allen, Miss.
Andrews,
Apsley,
Atwood,
Babcock,
Beach,
Bell, Tex.
Black, N. Y.
Boatner,
Boutelle,
Brewster,
Broderick,
Brown,
Burton, Mo.
Cannon,
Catchings,
Clark, Iowa
Clarke, Ala.
Cobb,
Coffin,
Colson,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Corliss,
Cousins,
Cowen,
Crowley,
Crump,
Curtis, N. Y.
Danford,
Dayton,
De Witt,
Doolittle,
Eddy,
Ellett,
Fenton,
Fischer,
Fitzgerald,
Foss,
Fowler,
Gamble,
Griswold,
Grosvenor,
Grout,
Hadley,
Harris,
Hartman,
Heiner, Pa.
Hemenway,
Hendrick,
Henry, Conn.
Hicks,
Hill,
Hitt,
Hooker,
Huff,
Hulick,
Hull,
Hutcheson,
Hyde,
Jones,
Kem,
Kendall,
Kerr,
Kleberg,
Kulp,
Leighty,
Leisenring,
Leonard,
Lester,
Lewis,
Livingston,
Long,
Low,
Mahon,
McCall, Tenn.
McCormick,
McEwan,
McMillin,
Meiklejohn,
Mercer,
Meredith,
Milliken,
Miner, N. Y.
Money,
Morse,
Murray,
Newlands,
Noonan,
Northway,
Parker,
Patterson,
Pendleton,
Phillips,
Prince,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Scranton,
Settle,
Shannon,
Shaw,
Skinner,
Smith, Ill.
Smith, Mich.
Sorg,
Southwick,
Stallings,
Swanson,
Thorp,
Tucker,
Turner, Ga.
Turner, Va.
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
Wilber,
Wilson, N. Y.
Yoakum.

So the motion was agreed to.

The following additional pairs were announced for the rest of this day.

Mr. WILBER with Mr. YOAKUM.

Mr. GROSVENOR with Mr. JONES.

Mr. CORLISS with Mr. COWEN.

Mr. SOUTHWICK with Mr. MONEY.

The SPEAKER. Upon this question the yeas are 142 and the nays are 84. The House decides to resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill No. 4566, and the gentleman from New York [Mr. PAYNE] will please take the chair.

SECOND-CLASS MAIL SERVICE.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of House bill No. 4566, which the Clerk will report.

The bill (H. R. 4566) to amend the postal laws relating to second-class mail matter was read, as follows:

Be it enacted, etc., That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act: *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

SEC. 2. That publications of the second class, except as provided in section 25 of the act of March 3, 1879, when sent by the publisher thereof, and from the office of publication, excluding sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 1 cent a pound or fraction thereof, such postage to be prepaid as now provided by law: *Provided, nevertheless*, That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of 1 cent for 4 ounces.

SEC. 3. That all periodical publications regularly issued from a known place of publication at stated intervals as frequently as four times a year, by or under the auspices of benevolent or fraternal societies, trades unions, or orders organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, shall be entitled to the privilege of second-class mail matter: *Provided*, That such matter shall be originated and published to further the objects and purposes of such society or order.

SEC. 4. That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals as frequently as four times a year, bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication, which shall be shown by the publication itself.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and must have a legitimate list of subscribers who voluntarily order and pay for the same: *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications, or any particular issue of any regular publication, designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates: *And provided*, That all extra numbers of second-class publications sent by the publishers thereof, acting as the agent of an advertiser or purchaser, to addresses furnished by the latter, shall be subject to pay postage at the rate of 1 cent for every 4 ounces or fraction thereof: *And provided further*, That it shall not be permissible to mail any given article or articles, or any part of any particular number of a newspaper or periodical, segregated from the rest of the publication, except at the third-class rate of postage.

SEC. 5. That publishers and others, whose publications shall be admitted as mail matter of the second class under the provisions of this act, shall be required, before depositing such mail matter in the post-office, to separate the same into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct.

SEC. 6. That the act of Congress in regard to second-class mail matter approved July 15, 1894, be, and the same is hereby, repealed.

SEC. 7. That this act shall take effect and be in force from and after July 1, 1896.

Mr. LOUD. Mr. Chairman——

The CHAIRMAN. The gentleman from California is recognized.

Mr. QUIGG. Mr. Chairman, I should like to hear the report on this bill.

The CHAIRMAN. The gentleman from California is entitled to the floor.

Mr. QUIGG. Is not this committee entitled to have the report read?

The CHAIRMAN. Not unless some gentleman asks to have it read in his time for debate. The gentleman from California [Mr. LOUD] is recognized.

Mr. LOUD. Mr. Chairman, I had hoped, after the discussion which has taken place with regard to this measure through the public press and through the correspondence addressed to members of this body, that we could approach its discussion here at least with calmness and consideration. I have felt regarding this measure as I feel regarding all measures coming before us, that if the House desires to pass this or any other bill it should have an opportunity to do so without factious obstruction by any member of this body.

Mr. Chairman, without assuming special credit to myself—because this bill does not originate with me alone—I have no hesitation in saying that this is, without exception, the most important measure that has been brought before this body and the most important without doubt that will be presented before it shall adjourn.

Mr. QUIGG. Allow me to ask the gentleman whether, in view of the great importance of this bill, he will not consent at this time to have the report of the committee read for the information of members.

Mr. LOUD. Mr. Chairman, with all due respect and courtesy to the gentleman from New York, I hope he will endeavor to confine himself quietly to his seat until I shall have at least got started in the few remarks that I propose to submit. The gentleman will evidently have abundant time before this question comes to a vote to have that report—which I commend to his very careful consideration—read in his own time, if he so desires. Satisfied in the justice of our cause, we would be content to rest the case upon the calm judgment of any and all who will give it their thoughtful consideration. Meanwhile, I hope I may be permitted, even by the gentleman from New York, to pursue in my remarks the course that I have laid out for myself, and I shall cheerfully accord to him the same courtesy.

Mr. Chairman, many gentlemen here may assume, perhaps, that I have magnified the importance of this measure, but this measure received the commendation of the Post-Office Department ten years ago. The officers of that Department whose duty it is to carefully investigate the working of our postal system saw the gross abuses that had grown out of the laws of 1879 and 1885 and presented the question to Congress in 1887, and each year since that time they have begged and pleaded with Congress in no uncertain tones to give the administration of the Post-Office Department some relief. The abuse has so grown in magnitude of late years that even the President of the United States in his last message called attention to the grievous evil which confronts us in the handling and carriage of second-class mail matter. I hope the House will pardon me while I read a few words from the report of the present Postmaster-General, a gentleman who has given this matter careful attention and study, aided and guided by the opinions of the officers who have gone before him for eight years. With that experience to draw upon, he took up the question and brought it down to the present time, and on page 6 of the report he uses this language:

> So disheartening is it for the responsible head of the Department to see this waste of its earnings, with its resulting impairment of the efficiency of the postal service, its absorption of the fruits of good management and of careful economies, that but for the hope that Congress would enact the bill now on the House Calendar I should have taken the responsibility to modify and reverse the successive rulings through which this inroad on the service has been effected, and to exclude from the benefit of second-class rates the serial libraries and other publications not in the policy of the law, even if within the letter of its rather loose phraseology. This would have imposed upon those who profit at the public expense by existing practices the necessity of seeking through the courts or otherwise the restoration of their special privileges.

Mr. Chairman, I am satisfied that if the present Postmaster-General had another year to serve he would carry into execution the purpose set forth in this part of his annual report. For my part I do not believe that it was ever intended by Congress that serial novels should pass through the mails at pound rates, a privilege originally vested in the newspapers of this country, and confined to them up to 1879, when by a ruling of the Attorney-General at that time, General Devens, it was held that a book issued in serial numbers was entitled to be carried at second-class rates under the rather loose phraseology of the law. With all due respect to the learning of the gentleman and to his honesty and integrity, I think he erred, because in the advertisements of these so-called serials throughout the land even to-day they are not referred to as serial publications, but in their proper sphere, as books, and books alone.

We all admit that this country is to-day in an unfortunate condition financially. While perhaps we may not all agree as to the remedy for the cure of the existing evil, we do all admit that from a financial standpoint this country is in an unfortunate position. Now, this bill presents to this body the opportunity to relieve the country from a deficiency of $10,000,000 already existing in the service of the Post-Office Department, and to give to it in addition a revenue of $10,000,000 more. At the lowest calculation there is involved in this bill a saving to the Government of $20,000,000 per annum, and if we may take the figures of Postmaster-General Wanamaker, acknowledged to be a good business man, and who was at that time in a position to know whereof he spoke—if we may take his estimate made in 1892, we must come to the conclusion that this iniquity—I will term it iniquity—costs our people more than $40,000,000 annually. That is not much money, gentlemen, I am willing to admit, to us who deal with hundreds of millions as some people deal with dollars.

Mr. BINGHAM. Will the gentleman state on what page of the Postmaster-General's report I can find the statement to which he has just referred?

Mr. LOUD. The gentleman will find it on page 11 of our report. We have copied a portion of the report of Postmaster-General Wanamaker, in which he says:

> It is stated that a single publisher in Maine sent through the mail in one year 1,600 tons of books. A number of publishers at certain seasons of the year issue a new book every week, and some of them mail 2 tons a day. There are probably 50,000 tons of so-called serials passing through the post-offices every year at a penny a pound.

Mr. BINGHAM. The gentleman refers me to page 11 of his report——

Mr. LOUD. Now, if the gentleman will allow me——

Mr. BINGHAM. I merely wanted to be correct in my understanding of the gentleman's statement. As I read the statement on the middle of the page referred to, it is that "there are probably 50,000 tons of so-called serials passing through the post-offices every year at a penny a pound, causing a million dollars per year"—$1,000,000, the gentleman will observe—"to be added to the deficit."

Mr. LOUD. Those figures—$1,000,000—as the gentleman can easily ascertain, are either an error of the Postmaster-General or a typographical error, because 50,000 tons of matter means 100,000,000 pounds, which would cost us for transportation alone $8,000,000, for which we receive in return but $1,000,000, and to that you must add handling, which is at least $4,000,000 more.

Mr. BINGHAM. The gentleman called my attention to a certain page of his report. I have read the statement on that page, and have asked him to inform me whether the sum stated as the estimated deficit was meant to be $1,000,000 or $10,000,000. The gentleman tells me now that the statement as printed is an error, and that it means $10,000,000. I merely desired to be informed whether I was correct in reading the gentleman's own record.

Mr. LOUD. Mr. Chairman, as I have stated, this bill will be opposed upon sentimental and educational grounds. Before the debate on this question closes we shall hear of the great advantages derived from the transportation through the mails of these serial novels and sample copies. Now, I should like to put a question to this House—whether, admitting every statement that can be made in favor of the present system, this House would be willing to-day to vote for the next ten years a sum of money equaling $240,000,000 for educational purposes, and those educational purposes not within the control of Congress or anybody else. That is what you have done by your law in the last ten years. I say that the present system within the last ten years has cost this country $240,000,000, which has come by taxation from the sweat of the faces of the people of our whole land, and which has gone to support a few publishers of books and newspapers, or so-called newspapers.

Mr. FOOTE. Will the gentleman give us the figures?

Mr. LOUD. I will insert the figures in my remarks as they will appear in the RECORD; I dislike to take up time now in reading them. Beginning in 1887, when the second-class matter transmitted through the mails was 126,000,000 pounds a year, the amount has grown until in 1896 it is 296,000,000 pounds. Even during the depression of 1893-94—the most serious period this country has gone through for many years—second-class matter increased at the rate of 15 per cent a year, while first-class matter increased at the rate of 2½ per cent a year. Postmasters-General for years have been prophesying that within a year, or two years at the furthest, there would be no deficiency in the Post-Office Department. Permit me to say, with due respect to them, that they have been chasing a phantom. Let us see what the estimated deficiencies have been and what the actual deficiencies are.

In 1891 the estimated deficiency, in round numbers, was $5,500,000; the actual deficiency was $6,200,000. In 1892 the estimated deficiency was $3,978,000, and the actual deficiency was $5,503,798.

In 1893 there was an estimated deficiency of $1,500,000 and an actual deficiency of $5,177,000; and without going through with the table, which I will publish in full, I want to say, what the present Postmaster-General will sustain me in saying, that so long as our law remains as it is the receipts of the Post-Office Department never, by any possibility, can equal the expenditures.

For the convenience of members who wish to examine this matter in detail, I append at this point three tables, showing the weights and receipts from the several classes of mail matter, the estimated and actual deficiencies in the service, and the weight and amount of deficiency in transporting second-class matter.

The tables are as follows:

Weights and receipts of several classes of matter during 1896.

Class.	Weight.	Revenue.
	Pounds.	
First class	65,337,343	$60,021,464
Second class	348,988,648	2,661,403
Third class	78,701,118	10,324,169
Fourth class	19,950,187	3,129,321
Government, free	94,480,189	....

Chasing a delusion.

Year.	Estimated deficiency.	Actual deficiency.
1891	$5,581,615.19	$1,190,216.19
1892	3,978,382.38	5,348,793.87
1893	1,552,423.17	5,177,171.74
1894	7,880,473.07	9,243,935.11
1895	5,971,736.89	9,807,043.63
1896	6,404,219.42	8,127,088.44

To these deficiencies must be added the amounts earned by the Pacific railroads, which average about $1,700,000 a year.

Deficiencies in transportation of second-class matter.

Year.	Amount transported.	Year.	Amount transported.
	Pounds.		*Pounds.*
1887	120,000,000	1896	286,640,310
1888	143,000,000	Total	2,097,640,310
1889	162,000,000		
1890	174,000,000		
1891	197,000,000	Cost of handling, at 8 cts.	$167,811,224
1892	225,000,000	Receipts for handling, at 1 cent per pound	20,976,403
1893	256,000,000		
1894	275,000,000		
1895	285,000,000	Deficiency	146,834,821

To this should be added county free matter, which has averaged 50,000,000 pounds a year; also the cost of handling, which will amount to at least $75,000,000, making a total deficiency on transmission and handling second-class matter of $222,000,000. Adding 50,000,000 pounds of county free matter, at 4 cents a pound, $20,000,000 (a low estimate), and you have a grand total of $242,000,000.

Now, Mr. Chairman, this bill proposes two reforms in the service of the Post-Office Department. While the bill covers four pages, there are but two propositions advanced in it that are of any vital concern to this House. This bill denies the right of admission to the mails, at second-class rates, of serial novels. That is to say, they are denied admission to the mails at the rate of 1 cent a pound. It costs the Government to transport and handle this class of mail matter at least 12 cents a pound.

A MEMBER. At what rate would they go?

Mr. LOUD. They would go at the rate of any other book, I will say in answer to the gentleman; that is to say, the same rate that would be charged on any other book or publication of like character—8 cents a pound.

But some gentlemen say that this is a bill, as it now stands, in the interest of the express companies, and that we are driving this matter out of the hands of the Government to be carried by the express companies. I do not care. I do not care who does the business. If we can not do it successfully then it is our duty, I believe, to get out of it, and if anybody else can carry it profitably at less than 8 cents a pound I am perfectly willing that they shall have the entire business.

But, Mr. Chairman, what is making this condition more serious to the House is the fact that the Government of the United States is now getting all the long-haul matter, and the express companies, which some of our friends seem so much to fear, are getting the advantage of all the concentrations of weight and short-haul matter. Within a radius of 500 miles the express companies to-day are carrying the matter for a fraction under a cent a pound. Beyond the radius of 500 miles of course they dump it all on the United States Government for transportation.

I remember a little scene in the city of Chicago, threetwo or years ago, when there was a train load of second-class mail matter to be shipped to Boston. The express companies there, alive to business, wanted to get the transportation of the matter to its destination, and made a bid for that purpose. But the party desiring to send it said: "Why, we can do much better than that with the Government. The Government will carry it to Boston for 1 cent a pound. Why should we pay you more?" And the express companies asked Mr. Hesing, then and now the postmaster there, the question, "Can you afford to carry it to Boston for 1 cent a pound? We can not." He said: "But I would carry it to the North Pole, if there was a postal route there, under the laws of the Government, at that price." And, as a matter of fact, Mr. Chairman, he would have been required to carry it to Circle City, Alaska, at the rate of 1 cent a pound, if there had been a route, although it would cost the Government $185 a pound for the service.

Mr. STEELE. A hundred and eighty-five dollars a pound!

Mr. LOUD. Yes, sir. We had a contract for carrying the mails there, which cost the Governmen $85 a pound; but the contractor could not afford to perform the service at that rate, and the contract was finally canceled and a new contract entered into at something like double, or more than double, the former rate.

The other provision in the bill denies to the newspapers of the country the sample-copy privilege which they have heretofore enjoyed. Now, there is the only serious objection that we are going to meet with on the floor of the House in regard to this bill. Some portion of the press of the country are not willing to surrender the sample-copy privilege which they now enjoy. I recognized this difficulty when the measure was brought before Congress. I knew that we must have, as we usually have in support of any other measure that is passed by this body, the support of the metropolitan press of the country. I know how members of Congress themselves are sometimes controlled, and that some of us even fear the great press of the country. Now, then, I want to say that the great press of the country have indorsed this measure from the first letter to the last.

I remember meeting with the press association in New York a year ago. I remember how tenaciously they desired to hang on to the sample-copy privilege. But when the matter was presented to them, and the serious wrongs that the Government was suffering from explained, the American Newspaper Publishers' Association, be it said with credit and lasting honor to themselves, arose patriotically, and without the single exception of a man in the body, stated that they were willing to surrender the sample-copy privilege that they now enjoy in order that this loss might hereafter be prevented to the Government. Some of you perhaps do not know who compose the American Newspaper Publishers' Association. Let me say that this paper which I hold in my hand is a list of them, and that it embraces most all of the large daily newspapers published throughout the length and breadth of our country. Probably 95 per cent of the great daily newspapers—the great metropolitan journals of this country—have given their official indorsement to this in the following manner:

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION.

[Officers: President, Charles W. Knapp, St. Louis Republic; vice-president, J. A. Butler, Buffalo News; secretary, W. C. Bryant, Brooklyn Times; treasurer, Herbert F. Gunnison, Brooklyn Eagle. Executive committee: M. A. McRae, Cincinnati Post, St. Louis Chronicle, and Cleveland Press; S. H. Kauffmann, Washington Star; Frederick Driscoll, St. Paul Pioneer Press; Chas. H Taylor, jr., Boston Globe; W. H. Seif, Pittsburg Times. Address all communications to the secretary, care New York office, 322 Potter Building.]

NEW YORK, *March 9, 1896.*

DEAR SIR: I beg to notify you officially that at the regular annual meeting of this association held at the Hotel Brunswick, New York City, on February 21, a resolution was unanimously adopted indorsing House bill No. 4566, to amend the postal laws relating to second-class mail matter.

Very truly, yours,

WM. C. BRYANT, *Secretary.*

Hon. E. F. LOUD,
House of Representatives, Washington, D. C.

List of members.

Albany, N. Y., Argus, Express, Journal, Press and Knickerbocker, and Times-Union; Augusta, Ga., Chronicle; Augusta, Me., Kennebec Journal; Baltimore, Md., American, Herald, and News; Bangor, Me., Commercial; Boston, Mass., Daily Standard, Globe, Herald, Journal, Post, Transcript, and Traveller; Brooklyn, N. Y., Citizen, Eagle, Standard-Union, and Times; Buffalo, N. Y., Courier, Express, and News; Burlington, Vt., Free Press; Chattanooga, Tenn., Times; Chicago, Ill., Inter Ocean, Journal, News, Record, Post, Times-Herald, and Tribune; Cincinnati, Ohio, Commercial-Gazette, Enquirer, Post, Times-Star, Tribune, and Volksblatt; Cleveland, Ohio, Farmer, Leader, Plain Dealer, and Press; Columbus, Ohio, Dispatch and Ohio State Journal; Dayton, Ohio, Herald; Denver, Colo., Republican, Rocky Mountain News, and Times; Detroit, Mich., Journal, Evening News, Tribune, and Free Press; Evansville, Ind., Courier; Galveston, Tex., News; Grand Rapids, Mich., Herald and Press; Hartford, Conn., Courant; Houston, Tex., Post; Indianapolis, Ind., Journal, News, and Sentinel; Jacksonville, Fla., Times-Union; Jamestown, N. Y., Journal; Jersey City, N. J., Journal; Joliet, Ill., News; Kansas City, Mo., Journal and Star; Lincoln, Nebr., Nebraska State Journal; Los Angeles, Cal., Times; Louisville, Ky., Commercial and Courier-Journal; Lynn, Mass., Item; McKeesport, Pa., News; Meriden, Conn., Journal; Milwaukee, Wis., Herold, Evening Wisconsin, Journal, and Sentinel; Minneapolis, Minn., Journal, Times, and Tribune; Montgomery, Ala., Advertiser; Nashville, Tenn., Banner; Newark, N. J., News; New Bedford, Mass., Standard; New Haven, Conn., Journal and Courier, News, and Register; New Orleans, La., Picayune and Times-Democrat; New York, N. Y., Commercial Advertiser, Evening Post, Journal, Mail and Express, Press, Staats-Zeitung, Sun, Times, and World; Oil City, Pa., Derrick; Omaha, Nebr., Bee; Oshkosh, Wis., Northwestern; Philadelphia, Pa., Call, Evening Bulletin, Inquirer, North American, Press, Record, Star, and Times; Pittsburg, Pa., Commercial Gazette, Chronicle-Telegraph, Dispatch, Leader, Post, Press, and Times; Portland, Me., Advertiser, Argus, and Express; Portland, Oreg., Oregonian; Providence, R. I., Journal and Telegram; Reading, Pa., Eagle and Herald; Richmond, Va., Dispatch; Rochester, N. Y., Democrat and Chronicle, Herald, and Union and Advertiser; Sacramento, Cal., Bee; San Francisco, Cal., Examiner; Savannah, Ga., Morning News; Scranton, Pa., Truth; Sioux City, Iowa, Tribune; Springfield, Mass., Republican and Union; Springfield, Ohio, Farm and Fireside and Republic-Times; St. Joseph, Mo., Herald and News; St. Louis, Mo., Chronicle, Globe-Democrat, Republic, Star, and Westliche Post; St. Paul, Minn., Dispatch, Globe, and Pioneer Press; Syracuse, N. Y., Herald; Tacoma, Wash., News; Toledo, Ohio, Bee and Express; Topeka, Kans., Capital and State Journal; Utica, N. Y., Press; Washington, D. C., Post and Star; Waterbury, Conn., American; Wilmington, Del., Every Evening; Wichita, Kans., Eagle; Woonsocket, R. I., Reporter; Worcester, Mass., Spy; Montreal, Quebec, Star; Toronto, Ontario, Globe and Mail and Empire.

Mr. QUIGG. Will the gentleman print in his remarks the names of the newspaper publishers and associations indorsing that action?

Mr. LOUD. I shall be pleased to do so, with the consent of the House. I have the list of the newspapers, and it will afford me great pleasure to print them, if it can be done.

Mr. SHERMAN. I wish to say to the gentleman that it is impossible to get any more reports. The reports and the copies of the bill itself are both exhausted.

Mr. LOUD. I have a number of reports here which I shall be glad to give to gentlemen who desire them.

Mr. JOHNSON of Indiana. Has the gentleman any copies of the bill?

The CHAIRMAN. The Doorkeeper will take charge of those reports and the House will be in order.

Mr. LOUD. Mr. Chairman, following that is the indorsement of the Illinois State Press Association, comprising nearly every paper in the State of Illinois. Following that we have the indorsement of the American Trade Press Association of New York City, embracing a large majority of that large and influential class of trade journals centered in New York City. It is as follows:

AMERICAN TRADE PRESS ASSOCIATION.

[President, David Williams, Iron Age, New York; first vice-president, E. C. Brown, Progressive Age, New York; second vice-president, W. E. Redding, Harness, New York; third vice-president, D. O. Haines, New York Shipping and Commercial List; treasurer, C. T Root, Dry Goods Economist, New York; secretary, W. M. Lawton, The Upholsterer, New York. Board of directors: R. P. Rothwell, Engineering and Mining News, New York; L. J. Mulford, Jewelers' Circular, New York; L. D. Gallison, American Hatter, New York, and Col. Clifford Thomson, The Spectator, New York.]

OFFICE OF THE SECRETARY, NO. 160 FIFTH AVENUE,
New York, February 7, 1896.

DEAR SIR: At a meeting of the directors of the American Trade Press Association held this day the following resolution was unanimously adopted:

"*Resolved*, That the board of directors of the American Trade Press Association desire to express their approval of the provisions of the bill (H. R. 4566) introduced in the House of Representatives by Mr. LOUD, of California.

"This approval is based particularly on its provisions excluding from the mails a class of printed matter not in any sense publications based upon a list of bona fide subscribers, but which is made to assume some of the characteristics of legitimate periodical publications for the purpose of securing the advantage of second-class postage.

"As publishers of established newspapers, whose business is based upon a legitimate constituency of paying subscribers, they are entirely willing to forego the advantage of mailing sample copies at pound rates, and gladly advocate the change proposed, believing that in no other way can the abuses which have injured the Post-Office revenue and the business of reputable publishers be overcome."

DAVID WILLIAMS,
R. P. ROTHWELL,
L. J. MULFORD,
L. D. GALLISON,
CLIFFORD THOMSON,
Directors.
W. M. LAWTON, *Secretary.*

Manufacturers' Record, Southern States Magazine, Iron Age, Boot and Shoe Recorder, American Wool and Cotton Reporter, United States Investor, Paper and Press, Bonfort's Wine and Liquor Circular, Fire and Water, Contract News, Druggists' Circular, Oil, Paint, and Drug Reporter, Fire Service Review, Water Works Statistics and Fire Department Equipment, American Hatter, Millinery Trade Review, Cloaks and Furs, United States Tobacco Journal, The Upholsterer, American Silk Journal, Wall-Paper News, Shipping and Commercial List and New York Price-Current, The Pharmaceutical Era, Engineering and Mining Journal, Metal Worker, Carpentry and Building, Coal Trade Journal, Safety Valve, Clothing Gazette, Haberdasher, Harness, Spectator, Jewelers' Circular, Architectural and Building, New York Lumber Journal, Boot and Shoe Weekly, Blacksmith and Wheelwright, Amateur Sportsman, Lumber, Cloak and Suit Review, Wheel and Cycling Trade Review, Weekly Underwriter, Confectioners' Gazette, Electrical World, Electric Railway Gazette, Dry Goods Economist, Progressive Age, Paper Mill, Western Brewer, Ice and Refrigeration, American Miller, American Elevator and Grain Trade Journal, The Painters' Magazine.

We have also the following indorsement of the Agricultural Press League, embracing almost all the great agricultural papers of the country:

THE AGRICULTURAL PRESS LEAGUE.

[Officers: M. J. Lawrence, president, Ohio Farmers, Cleveland, Ohio; J. W. Wilson, vice-president, Farm, Field, and Fireside, Chicago, Ill.; J. B. Connor, treasurer, Indiana Farmer, Indianapolis, Ind.; E. W. Chandler, secretary, Farmers' Review, 172 Washington street, Chicago, Ill. Executive committee: F. P. Holland, Texas Farm and Ranch, Dallas, Tex.; J. J. Dillon, Rural New Yorker, New York; W. F. T. Bushnell, Dakota Farmer, Aberdeen, S. Dak.]

CHICAGO, ILL., *April 25, 1896.*

DEAR SIR: At a meeting of the Agricultural Press League held in Chicago, April 14, the following resolution was unanimously adopted:

"*Resolved*, That we heartily favor and indorse the bill known as the Loud bill to amend postage on second-class matter."

I inclose herewith a list of the members of the Agricultural Press League. Wishing you success in your efforts to secure this legislation, I am,

Yours, truly,

E. W. CHANDLER, *Secretary.*

Hon. Mr. LOUD,
House of Representatives, Washington, D. C.

List of members.

W. F. Baum, Chicago Stockman; Harry L. Baynes, American Swineherd; James Baynes, American Swineherd; J. P. Blake, Coleman's Rural World; George R. Briggs, American Agriculturist; L. C. Brown, Prairie Farmer; W. F. T. Bushnell, Dakota Farmer; T. Butterworth, Western Agriculturist and Live Stock Journal; E. W. Chandler, Farmers' Review; H. H. Chandler, Farmers' Review; F. V. Collins, Northwestern Agriculturist; J. B. Conner, Indiana Farmer; A. S. Core, Farmers' Call; E. E. Critchfield, Agricultural Advertising; H. P. De Clerque, German-American Farmer; John J. Dillon, Rural New Yorker; J. L. Draper, Wool, Markets, and Sheep; E. P. Harris, Fruit; H. A. Heath, Kansas Farmer; H. E. Heath, Nebraska Farmer; C. M. Heintz, Rural Californian; F. P. Holland, Texas Farm and Ranch; A. D. Hosterman, Farm News; C. H. Howard, Farm, Field, and Fireside; Charles V. Jenkins, Farm Journal; L. B. Kuhn, Western Plowman; M. J. Lawrence, Ohio Farmer; M. J. Lawrence, Michigan Farmer; H. F. McIntosh, Cultivator; N. W. Neal, Farmers' Home Journal; T. E. Orr, National Stockman and Farmer; Miller Purvis, Illinois Farm and Fireside; N. A. S. Ross, Practical Farmer; Andrew Simonson, Wisconsin Agriculturist; J. M. Stahl, Farmers' Call; W. H. Sutherlin, Rocky Mountain Husbandman; J. P. Wallace, Wallace's Farmer; J. Q. Williams, Farmers' Voice; J. W. Wilson, Western Rural.

Associate members.

George Batten, advertising agent; C. N. Page, Iowa Seed Company; A. L. Thomas, Lord & Thomas; F. B. White, Frank B. White Company.

I refer to this, Mr. Chairman, to ease the minds of some of my friends as to how the press of this country stand toward this measure. I know it will relieve the minds of some of us. The only class of papers that oppose this bill are those which, if I may be permitted to use the word, are criminally participants of this bounty.

Mr. COX. Will the gentleman yield for a question?

Mr. LOUD. Certainly, for a question.

Mr. COX. I want to know how it happened that the copies of the bill and report were alone in your hands, when we could not get hold of them at all?

Mr. LOUD. Oh, well, Mr. Chairman, I will state that this bill has been reprinted twice or three times. The committee, under the rule of the House, had the right to print for its own use a number of copies of this bill and report, which we have harbored until the present time. That is all.

Mr. COX. I understand that the gentleman has harbored them until the discussion came up on his bill. I do not like that kind of harboring.

Mr. LOUD. Well, Mr. Chairman, I have harbored this for a day to come, and the day has come, and the bills are at the disposal of the members of the House.

Mr. CUMMINGS. As I understand it, these are the committee's bills and the committee's copies of the report, and you extend the courtesy to the House of distributing them.

Mr. LOUD. That is all. There have been over 15,000 of these printed up to the present time.

Mr. COX. Who had them?

Mr. LOUD. There has been a great demand for them. There have been three reprints.

Mr. COX. I am very much inclined to favor your bill, but I should like to know where the harboring came in.

Mr. LOUD. Mr. Chairman, probably a strenuous fight will be made on this floor to amend this bill in relation to sample copies, because that is the only method by which the illegitimate journals—and I term them so—can gain admission to the mails at second-class rates. I regard the sample-copy provision of this bill as of greater moment than the provision relating to the serial novel, because you can not anticipate the magnitude of the growth of this sample-copy abuse. Do you know how it is done? Let me read to you something, just to give you an insight into this abuse. I hold in my hand a paper assumed to have the largest circulation of any journal in the United States, and yet I will venture to say that there are not ten men in this House who ever heard of it. I refer to a paper called Comfort, which has a guaranteed circulation of 1,250,000 copies. How does it gain its circulation? I have in my hand a letter from an advertising agent at South Bend, Ind., in which he says:

Hon. EUGENE F. LOUD,
House of Representatives, Washington, D. C.

DEAR SIR: Appreciating your valuable efforts in bringing to time the fraudulent papers and periodicals, I take pleasure in mailing to you, under separate cover, four copies of that king of frauds, Comfort, published at Augusta, Me.

These four copies were all received in this morning's mail, and all to the same address.

Mr. OWENS. Cold comfort!

Mr. LOUD. Now, this is not the only one. There are thousands of them in the country that are published solely for advertising purposes. You will find in going through them many advertisements which read like this, "Send a postage stamp and you will learn something to your advantage," or something of that character. If you send a postage stamp, what do you learn? You get a copy of this paper, you have become a subscriber until the resurrection morn, and that is the way they get their lists of subscribers.

Here is another sample letter that was given to me by a member of this House:

MAJESTIC MANUFACTURING COMPANY,
OFFICE AND FACTORY, NOS. 2014 TO 2020 MORGAN STREET.
St. Louis, December 9, 1896.

DEAR SIR: To give you a little idea of the workings of the Post-Office Department regarding newspaper matter, will say that this concern undertook to do some advertising in papers throughout the country nearly three

years ago, most of which was discontinued a year ago. Notwithstanding in many instances we have written the papers two, three, and four times to stop sending us their copies, they daily pour in upon us at the rate of about 100 pounds per week, simply because the cost of sending them is nominal and it counts in their circulation.

We lay this matter before you in order that you may strengthen yourself in placing it before the proper department as an outrage on the Post-Office Department.

Respectfully, yours,
MAJESTIC MFG. CO.,
R. H. STOCKTON, *Vice-President.*

Hon. SETH COBB,
Washington, D. C.

Mr. WILLIAM A. STONE. I want to ask the gentleman right here a question upon that particular point. Is it not true that the circulation of a newspaper is the guide by which it charges for advertising?

Mr. LOUD. Why, certainly.

Mr. WILLIAM A. STONE. And by representing the circulation in that way, where they send out copies gratuitously, they get their price from their advertisers.

Mr. LOUD. Certainly; the price of advertising is regulated by the circulation.

Mr. WILLIAM A. STONE. And that is called circulation.

Mr. LOUD. That is called circulation. I do not know anything about this paper Comfort, but it is a much better paper than many of these others. It is first-class of this class of material; but I will venture to assert that Comfort has not a thousand bona fide subscribers in this country who voluntarily order and pay for the same, yet it has a circulation, sworn to, of 1,250,000 every issue.

Now, then, this bill does not take away from any newspaper in the country any right that it legitimately enjoys to-day, except the right of sending out sample copies. If the sample copy could be confined to its legitimate intent, I do not think your committee would have recommended striking off this sample-copy abuse; but let me say that the only means by which this class of journals can exist is through the sample-copy privilege.

Mr. HALL. May I ask my colleague a question?

Mr. LOUD. Let me illustrate. Here is an advertising journal seeking admission to the Post-Office Department's second-class privileges. Its nominal list of subscribers, of patrons, permit me to say, is 250—250 copies. It secures certain advertising and then circulates through "sample copies" as many as a million and a half or two million copies, an unlimited number, if you please, at the expense of the United States Government and the people. Now I yield to a question of my colleague.

Mr. HALL. I would like to ask my colleague on the committee if he can tell us what that copy of Comfort weighs?

Mr. LOUD. I have not weighed it.

Mr. HALL. Have you weighed it, that and some of the other periodicals, so as to estimate what it costs the United States Government to send that matter out?

Mr. LOUD. It will weigh about 2 ounces. I have not figured that out. I think the Postmaster-General has figured it out.

There is another phase of this case, Mr. Chairman—the book phase—that I do not care to refer to to-night. I expect as this debate proceeds to have my amiable friend from New York [Mr. QUIGG] present to you, as he did once before in this House, copies of Shakespeare and Dickens as representing this great class of serial novels that go through the mail now at pound rates. After the gentleman shall have taken that position, I will bring upon the floor of this House samples of books which I believe represent—and I say so honestly—35 per cent of the class of serial novels sent through the mail, which you will find is not quite of the high class and character that the gentleman will present on the other side. But I prefer leaving that portion until we shall have progressed further with the consideration of this bill; and I will not even present them then unless this question is presented on the other side.

How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used thirty-seven minutes.

Mr. LOUD. If any gentleman desires to ask any question, I will be pleased to yield to him for that purpose.

Mr. BINGHAM. I would ask the gentleman having charge of the bill a question. The consideration of this legislation at this time is somewhat of a surprise to myself, and I speak for myself, and to a number of gentlemen of the House. The gentleman now stands recognized, and under the rules of the House his bill is unfinished business, and this legislation, unless it is decided by a vote of the House to take up an appropriation bill, will stand for consideration until concluded. There are some gentlemen who desire to discuss this bill, I presume upon both sides of the proposition; and I would therefore suggest to the gentleman, as he does not lose his standing, that the House adjourn, so that gentlemen having data and matter that they desire to read or bring together can have an opportunity to do so, unless some other gentleman desires to speak on the gentleman's own side. I am making this suggestion largely in the interest of gentlemen who have statements they desire to make. The gentleman does not lose anything either technically or parliamentarily.

Mr. LOUD. Of course, theoretically, "the gentleman" loses nothing; but let me explain to the House the position that the gentleman in charge of the bill and the bill is placed in on account of crowding out. You well understand, under the morning hour for the call of committees to present matters, this committee is liable to be placed in just the same position it was to-day. While it is unfinished business, it is true, every day until the close of this session, it may go so far that the committee may be recognized—and I want to emphasize that—to call this matter up at half past 2 or 3, or half past 3 o'clock, and still be subject to the inevitable hour and a half of filibustering—permit me to use that word, because I think it was filibustering—subject to the same hour and a half every day of filibustering, which brings us up close to the time of adjournment.

Mr. BINGHAM. So far as I am concerned, I think this measure of so much importance that it should receive the fullest deliberation and discussion, now that it has got its standing in the House, and whatever may have been my votes with regard to it, they went simply to the question of taking it up to-day. I would have voted with the gentleman to take it up to-morrow. I will vote with him at any time to take up for consideration legislation on this subject. I am simply asking him now that, unless some one desires to speak upon the bill this evening, he consent to let it go over until to-morrow. It is only about half an hour before the usual hour of adjournment. I will say to the gentleman further that there has been no filibustering on my part, because I want this matter settled.

Mr. QUIGG. If the gentleman from California will permit me, I will say, so far as my part of the "filibustering" is concerned, that I do not desire to filibuster against this bill. I am perfectly willing that it shall come forward and be considered and disposed of. All I desired was that it should not come forward to-day. I heard only this morning of the purpose to bring it before the House to-day. I knew that the gentleman from California was aiming to get a rule, and I should have been very glad to have had him get a rule. So far as I am concerned, I have received a vast mass of papers in relation to this bill, and my desire for delay was simply to get an opportunity to study them during the evening. That was the only point I had in view, and if the gentleman will now consent to the proposition made by the gentleman from Pennsylvania, I assure him that, so far as I am concerned, there will be no effort made to delay the consideration of his bill from day to day.

Mr. LOUD. I should like very much to have this bill made a special order for to-morrow.

Mr. QUIGG. So should I.

Mr. WILLIAM A. STONE. Ask unanimous consent.

Mr. BINGHAM. I will state to the gentleman from California, in all frankness, that I have been instructed by the Appropriations Committee to bring up the legislative, executive, and judicial appropriation bill at the earliest practicable moment, so that I should be compelled to object to unanimous consent unless my committee should determine otherwise. I will further say to the gentleman that I believe the legislative bill will be disposed of in a day or two days at the longest. The gentleman in charge of the military appropriation bill has informed me within a very few minutes that he thinks that bill will be disposed of in two hours. Now, as the House does not enter upon the holiday recess until Tuesday noon, and as there are no other appropriation bills on the Calendar, and I do not know of any purpose to bring any others forward before the holiday recess, the gentleman will evidently have several days for the consideration of his bill.

Mr. LOUD. Mr. Chairman, let me make a brief statement to show the House the position into which gentlemen are forcing me. Thursday has been set aside for the business of the District of Columbia. The gentleman from Pennsylvania [Mr. BINGHAM] and the Military Committee propose to take to-morrow, and perhaps some other day during the week, for appropriation bills.

Mr. BINGHAM. Well, Mr. Chairman, I withdraw all that I have said. Let the gentleman go on until the usual hour of adjournment.

Mr. LOUD (continuing). Friday is Private Calendar day, and almost everybody goes home toward the end of the week. It was not my purpose to ask the committee to proceed further with the consideration of this bill this evening unless some gentlemen on our side desired to speak.

A MEMBER. Then let the committee rise now.

Mr. LOUD. I am perfectly willing to accept the gentleman's proposition, but, as I have said, I would like to have this bill made a special order. Let me say to the committee that this bill is not a matter of any special moment to me, but it is a matter of great importance to this Government. I believe that the passage of this bill will save us from fifteen to twenty million dollars a year, and there is no other proposition to make any such saving that can be brought before this House upon which we can hope for unanimity but this. Perhaps we shall not be compelled to pass a revenue measure. Perhaps we shall not have any revenue legislation. Perhaps we shall be saved from the necessity of

the issuance of bonds on the eve of the incoming of our Republican Administration by the passage of this bill. This is a measure of such importance that I think it ought to be considered and passed upon even before the gentleman from Pennsylvania calls up the legislative appropriation bill, which might very well wait a few days.

Mr. BINGHAM. This bill does not change newspaper postage. The great daily and weekly newspapers will go through the mails after this bill is passed at the same rates as now.

Mr. LOUD. Mr. Chairman, I reserve the balance of my time, and if no gentleman desires to proceed this evening, I move that the committee rise.

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. LOUD. Does all this controversy and colloquy come out of my time? [Laughter.]

The CHAIRMAN. If the present occupant of the chair should be presiding when that question arises, he will try to treat the gentleman indulgently. [Laughter.]

The motion of Mr. LOUD was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, and had come to no resolution thereon.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Pending the announcement of the result, the Speaker appointed Mr. CROWTHER, Mr. KIRKPATRICK, and Mr. BAKER of Kansas to act as House conferees on the bills S. 1231 and S. 1511.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HILL obtained leave of absence on account of important business.

The House then (at 4 o'clock and 30 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior recommending an increase of the salary of the Commissioner of Education and of certain other employees of the Bureau of Education and of the Interior Department proper—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the report of the Columbia Railway Company for the fiscal year ending June 30, 1896, together with a statement of the cost of the cable-railway plant—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, in accordance with the provisions of the Indian appropriation act approved June 10, 1896, a communication from the Commissioner of Indian Affairs, with inclosures, relating to certain leases entered into by the Seneca Nation of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of cases (disposed of since the last former return) wherein the court has found upon preliminary inquiry that those in whose names the claims are made were not loyal throughout the war—to the Committee on War Claims, and ordered to be printed.

ADVERSE REPORTS ON PUBLIC BILL AND RESOLUTION REFERRED TO CALENDARS.

Under clause 2 of Rule XIII, the bill of the House (H. R. 4057) in relation to cigarettes and to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, reported adversely (Report No. 2324) by Mr. RAY from the Committee on the Judiciary, December 14, 1896, and said report was, upon request of Mr. TERRY, taken from the table and referred to the House Calendar, and House Report No. 2289, submitted by Mr. TERRY June 11, 1896, and erroneously referred to the House Calendar, being the views of the minority of said committee on said bill, is hereby withdrawn and ordered printed as part 2 of House Report No. 2324.

Under clause 2 of Rule XIII, Mr. BINGHAM, from the Committee on Appropriations, to which was referred the resolution of the House (House Res. No. 200) requesting certain information from the Secretary of the Treasury relative to expenditures for public works, and also directing the Clerk of the House to submit to the House a statement of certain claims against the United States, reported the same adversely, accompanied by a report (No. 2332); which said resolution and report were, upon the request of Mr. WALKER of Massachusetts, referred to the House Calendar, pursuant to said rule.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers. (Report No. 2326.)

The bill (S. 482) entitled "An act for the relief of the estate of Thomas Sherwin, deceased." (Report No. 2327.)

By Mr. MAHON, from the Committee on War Claims:

A resolution (House Res. No. 442) to refer the joint resolution (H. Res. 40) authorizing Musadora, Victoria, Ella, and Frank Wasson, of Tennessee, to present their claim, with all the accompanying papers, to the Court of Claims, reported in lieu of House Joint Resolution No. 40. (Report No. 2328.)

The bill (H. R. 9503) for the relief of David D. Smith. (Report No. 2329.)

By Mr. WILSON of Ohio, from the Committee on War Claims: The bill (H. R. 2049) to reimburse Louis Benecke for arms furnished the United States. (Report No. 2330.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jessie McMillan," received by the President May 27, 1896. (Report No. 2333.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. WOODMAN: A bill (H. R. 9639) to preserve and enhance the patriotism of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. ALLEN of Utah: A bill (H. R. 9640) to authorize every United States district judge to appoint a stenographic reporter, and to fix the duties and compensation of such reporter—to the Committee on the Judiciary.

By Mr. QUIGG: A bill (H. R. 9641) to provide for the removal of the Library collections from the Capitol to the new Library building, and for their custody and management therein, and for other purposes—to the Committee on the Library.

By Mr. SULZER: A bill (H. R. 9642) to restore pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9644) to abolish the office of Commissioner of Indian Affairs and the office of Assistant Commissioner of Indian Affairs, and to create in lieu thereof a board of Indian commissioners—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 9645) to further regulate the sale of milk in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BERRY: A bill (H. R. 9646) to further higher theatrical interests—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. TRACEY: A bill (H. R. 9648) for the adjustment and correction of the land grant to Missouri for the benefit of the agricultural college—to the Committee on the Public Lands.

By Mr. MEYER: A bill (H. R. 9667) to establish the department of commerce, manufactures, and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. WOODMAN: A joint resolution (H. Res. 210) directing the President to act in Cuban affairs—to the Committee on Foreign Affairs.

By Mr. HARMER: A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893—to the Committee on Printing.

By Mr. BABCOCK: A joint resolution (H. Res. 212) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880'"—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.—to the Committee on the District of Columbia.

By Mr. ANDREWS: A resolution (House Res. No. 443) to pay J. C. Hiatt for services in the Clerk's document room—to the Committee on Accounts.

By Mr. HALL: A resolution (House Res. No. 444) to have printed 8,000 additional copies of the annual report of the Secretary of the Interior for the current year for the use of the House—to the Committee on Printing.

By Mr. QUIGG: A resolution (House Res. No. 445) providing for the consideration of House bill No. 9641—to the Committee on Rules.

By Mr. ALDRICH of Illinois: A resolution (House Res. No. 446) to pay Kendall Lee $100 for caring for room of Committee on Accounts—to the Committee on Accounts.

By Mr. McCALL of Tennessee: A resolution (House Res. No. 447) to discharge the Committee on Ways and Means from further consideration of Senate bill No. 2889 and fix a time when the same shall be considered and voted upon by the House—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 9649) for the relief of the personal representatives of Thomas F. Wilson, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 9650) granting a pension to John O'Brien—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 9651) for the relief of the heirs and legal representatives of Lindsay Ridgway—to the Committee on War Claims.

By Mr. BROSIUS: A bill (H. R. 9652) to remove the charge of desertion standing against Andrew Lankhoff—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 9653) to increase the pension of John D. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9654) for the relief of David Bolling—to the Committee on Claims.

By Mr. FLYNN: A bill (H. R. 9655) granting a pension to Absolom Newberry—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9656) for the relief of Emeline F. Mitchell—to the Committee on Pensions.

By Mr. NOONAN: A bill (H. R. 9657) granting an increase of pension to Lafayette Nichols—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 9658) for the relief of estate of Jean Constantin, of Lafayette, La.—to the Committee on War Claims.

Also, a bill (H. R. 9659) for the relief of Augustin Broussard, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9660) for the relief of Mrs. Catherine Hilbert, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9661) for the relief of Arvillien Broussard, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9662) for the relief of Natalie Boudreau, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9663) for the relief of the estate of Mrs. Celestine Vavasseur, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9664) for the relief of Valivien Martin, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9665) for the relief of the estate of John A. Rigues, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

By Mr. RANEY: A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. WILLIAM F. ALDRICH: Papers to accompany House bill for the relief of the personal representatives of Thomas F. Wilson, deceased, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. BARTHOLDT: Petition of John O'Brien, of St. Louis, Mo., to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. CROWTHER: Petition of citizens of Easton, Mo., praying that a bill be passed granting a pension to Capt. John N. Smith—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Resolutions of the Iowa and Illinois Central District Medical Association, against the bill to prohibit vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Resolutions of the National Board of Trade, for the enactment of a national trade-mark registration law—to the Committee on Patents.

By Mr. FLETCHER: Resolution of the St. Paul (Minn.) Chamber of Commerce, favoring the establishment of a department of commerce and manufactures—to the Committee on Manufactures.

Also, petition of Rev. William Wilkinson and other citizens of Minneapolis, Minn., protesting against the Armenian outrages—to the Committee on Foreign Affairs.

By Mr. FLYNN: Papers to accompany House bill granting a pension to Absolom Newberry—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of the Board of Trade of Asbury Park, N. J., to grant the rights of belligerents to the Cubans in their struggle for freedom—to the Committee on Foreign Affairs.

By Mr. LONG: Petition of Thomas Guthrie, of Helena, Okla., for reimbursement for property taken during the war of the rebellion—to the Committee on War Claims.

By Mr. MAGUIRE: Petition of Edmund P. Tierney, in favor of the passage of House bill No. 2425, for his relief—to the Committee on Invalid Pensions.

By Mr. MONEY: Memorial of Robert L. Owen, for the payment of an "Old Settler" Cherokee claim—to the Committee on Indian Affairs.

By Mr. REEVES: Resolutions adopted at a public meeting of the citizens of Pontiac, Ill., relative to the outrages perpetrated upon the Armenians in Turkey—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Petition of M. C. Vick, of Liberty, Tenn., for the payment of a claim for secret service in the late war—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: Papers to accompany House bill No. 8487, granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. TRACEWELL (by request): Petition of John H. Trapp, A. G. Cotton, Henry Hinchman, and other citizens of Vernon, Ind., for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WOOMER: Resolutions of Quittaphilla Council, No. 748, Junior Order United American Mechanics, of Lebanon, Pa., in favor of recognizing the independence of Cuba—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *December 16, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

ARTHUR BROWN, a Senator from the State of Utah, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

DISTRICT TELEGRAPH AND TELEPHONE SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a statement supplemental to their communication of the 12th instant, in response to the requirement of the District appropriation act for the current fiscal year, relative to charges made in the District of Columbia to the public and to the Government for the use of telephones, and also for the use of telephones in other cities operated by underground and overhead wires; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Lincoln Club, of Monroe County, N. Y., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. BLANCHARD presented a petition of sundry citizens of Louisiana, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. PEFFER presented the petition of L. D. Gleason and sundry other citizens of Wakeeney, Kans., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CALL presented a petition of sundry citizens of Florida, praying for the enactment of legislation for the relief of Robert Meacham, postmaster at Punta Gorda, Fla., in 1892; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation be made to provide for the transfer of foreign mails with a view to expediting their delivery in Philadelphia; which was referred to the Committee on Appropriations.

He also presented a petition of Quittapahilla Council, No. 748, Junior Order of United American Mechanics of Pennsylvania, praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a memorial of the association of the alumni of the St. Louis Medical College, of St. Louis, Mo., remonstrating against the passage of Senate bill No. 1552, for the further

prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SMITH presented a petition of Goodwill Council, No. 32, Junior Order of United American Mechanics, of New Brunswick, N. J., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of G. W. Beck and 24 other citizens of Carmi, Ill., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. BURROWS presented a petition of sundry employees of the A. C. Stayley Manufacturing Company, of South Bend, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 8413) to confirm certain cash entries of public lands, reported it without amendment.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel, reported it without amendment, and submitted a report thereon.

ACCEPTANCE OF MEDALS AND TESTIMONIALS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back favorably five bills, all of them authorizing officers of the United States to accept medals or testimonials from foreign governments. Such bills are always passed without objection and even without discussion. I will ask for their present consideration, if there be no objection.

The VICE-PRESIDENT. The Senator from Ohio reports back and asks for the present consideration of sundry bills. The first bill reported will be read for information.

The Secretary read the bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. There are a number of other bills of the same character, and I hardly think it is just to make a discrimination. I introduced a bill at the last session to authorize Passed Assistant Surgeon Kinyoun, of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela.

Mr. SHERMAN. There are five of these bills and all are reported favorably. I suppose the bill referred to by the Senator from Missouri is among them, if it has not been already reported.

Mr. COCKRELL. It has been reported and is on the Calendar.

Mr. HOAR. I desire to inquire of the Senator from Ohio what were the services of this gentleman?

Mr. SHERMAN. I understand that he was appointed to act on some state occasion, I think in connection with the coronation of the Czar, and a medal was bestowed upon him as a compliment. I do not think much of these things myself; I am generally opposed to this class of bills, but they have always passed the Senate. I do not know of a single exception. Therefore the committee reports them favorably.

Mr. HOAR. I think the bills had better go to the Calendar.

The VICE-PRESIDENT. The bills will be read by title and placed on the Calendar.

Mr. HOAR. I will withdraw my objection.

Mr. ALLEN. I desire to enter an objection to the consideration of the bills at this time.

The VICE-PRESIDENT. Objection being interposed to their consideration, the bills will be read by title and placed on the Calendar.

The bills were read by title, as follows:

A bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government;

A bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany;

A bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government;

A bill (S. 3361) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government; and

A bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian government.

Mr. HOAR. I understand that the bill which I inquired about is merely a formality. There was a piece of silver of no great value, except as a memorial of the occasion, given to a large number of Americans abroad who took some part as a committee with other committees in the matter of the coronation, and one of them happening to be a secretary of legation he hesitated about his right to accept it without the leave of Congress. So I will withdraw my objection to the consideration of the bill.

The VICE-PRESIDENT. The Chair will state that the objection was renewed by the Senator from Nebraska, and objection having been made, the bills will be placed on the Calendar.

PAY OF EMPLOYEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month, to report it without amendment, and I ask that it be put upon its passage. It is the usual joint resolution that is passed every year.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT LEXINGTON.

Mr. VEST. I am directed by the Committee on Commerce to report a bill to amend the act to authorize the construction of a bridge across the Missouri River at or near Lexington, Mo., and I ask for its present consideration. It is a mere formal matter to extend the time for constructing the bridge, and it is important that it should be passed now.

The bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, was read the first time by its title and the second time at length, as follows:

> *Be it enacted, etc.,* That an act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, be, and the same is hereby, amended so as to extend the time for the commencement of the construction of said bridge to one year and its completion to three years from the approval of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GEAR introduced a bill (S. 3402) granting a pension to Bethany Bostwick, daughter of John Bostwick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3403) for the relief of Peter Mariann from the charge of desertion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3404) for the relief of Louis Bruns from the charge of desertion; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3405) to pension John L. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 3406) for the relief of E. D. Coe; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL introduced a bill (S. 3407) granting a pension to Ambrose J. Vanarsdel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. I ask that the Committee on Pensions may be discharged from the further consideration of the bill (S. 371) granting a pension to Ambrose J. Vanarsdale; that is a bill for the same purpose, but his name is not correctly spelled there, and I wish to have the bill indefinitely postponed.

The VICE-PRESIDENT. Without objection, the Committee on Pensions will be discharged and the bill will be postponed indefinitely.

Mr. COCKRELL introduced a bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3409) for the relief of William J. Landram's estate; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 3410) granting a pension to Mary M. Kuhn, daughter of George H. Kuhn, late sergeant in Company F, Ninety-third Regiment New York Infantry Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLANCHARD introduced a bill (S. 3411) to pay to Marie Eliza Payne, of Natchitoches Parish, La., an amount found due by the Court of Claims; which was read twice by its title.

Mr. BLANCHARD. In connection with the bill just introduced, I file a copy of the findings of the Court of Claims, which I move be referred with the bill to the Committee on Claims.

The motion was agreed to.

Mr. SMITH introduced a bill (S. 3412) granting a pension to Sarah J. Van Rensellaer, widow of Maj. Stephen V. C. Van Rensellaer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3413) for the relief of Joseph Edward Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3415) granting a pension to Ella D. Cross; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3416) to amend section 6 of "An act to authorize the construction of a bridge over the Arkansas River at or near Van Buren, Ark.," approved March 9, 1894; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 3417) to provide for deepening the water at the entrance to the St. Johns River, Florida, to a depth of 30 feet; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3418) to provide for deepening the channel of the St. Johns River, Florida, and for the removal of all obstructions in the channel to Palatka and south of Palatka to Sanford, and to improve the Oklawaha River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3419) for the relief of the sufferers from the cyclone in Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3420) making an appropriation for seed to be furnished to the sufferers from the cyclone in Florida; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3421) to improve the navigation of the Oklawaha River, Florida, and the lakes from which it flows; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3422) to provide for the extirpation of the water hyacinth in the St. Johns and Oklawaha rivers, Florida, their tributaries and adjacent lakes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 3423) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a joint resolution (S. R. 175) appropriating $5,000 for a survey and estimate for the removal of the water hyacinth from the St. Johns and the Oklawaha rivers, in Florida; which was read twice by its title, and referred to the Committee on Commerce.

PREFERENCE RIGHTS OF VETERANS.

Mr. MITCHELL of Oregon introduced a bill (S. 3411) to amend section 1754 of the Revised Statutes; which was read twice by its title.

Mr. MITCHELL of Oregon. I ask the unanimous consent of the Senate to make a few remarks in explanation of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. Mr. President, much has been said in laudation of the preference given to ex-Union soldiers and sailors of the civil war by section 1754 of the Revised Statutes of the United States, and the public generally, including many, perhaps, if not most, of the officers in the Government service, believe that all honorably discharged soldiers and sailors in the United States service during the civil war are entitled to preference rights under the law and the civil-service rules. This is a mistake, and the purpose of the bill I now present is to rectify such mistake.

Section 1754 of the Revised Statutes, act of March 3, 1865, provides as follows:

> Persons discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

While section 2, Rule VII, of the civil-service rules provides that—

> The names of all competitors whose claims to preference under the provisions of section 1754 of the Revised Statutes have been allowed by the Commission, and who attain an average of 65 or over shall be placed in the order of their average percentages at the head of the proper register of the eligibles.

While section 3 of Rule VII provides as follows:

> For filling vacancies in positions for which competitive tests are not practicable, persons who served in the military or naval service of the United States in the late war of the rebellion and were honorably discharged therefrom shall be placed at the head of the proper register in the order of their fulfillment of said requirements.

All this on its face would seem to mean very much and be all right, while, as a matter of fact, it means very little and is all wrong, except in so far as it goes, but it is too restricted in its application. Very few of the soldiers or sailors of the civil war who were honorably discharged thirty-odd years ago from the service of the United States by reason of disability resulting from wounds or sickness incurred in the line of duty, and it is only to this class the preference is given by existing law, are now living to take advantage of this act of 1865, while many of those who were honorably discharged at the close of the war, not by reason of disability resulting from wounds or sickness incurred in the line of duty, but by expiration of term of service, have since their discharge become disabled by reason of wounds or sickness incurred in the line of duty and who are capable of performing the duties of any one of thousands of offices in the civil service, but are not capable of performing manual labor, and are not able to wrangle in competitive examinations with men of a generation later from the schools. This latter class comprises the surviving old soldiers and sailors of the civil war, and therefore it is that I propose by this amendment to existing law to provide that all honorably discharged officers and men, soldiers and sailors, of the late civil war who served ninety days or more during the war of the rebellion from 1861 to 1865, all Mexican, and all Indian war veterans, be granted the privileges conferred by section 1754 of the Revised Statutes, and also any privileges conferred on the class embraced in said section 1754 by sections 2 and 3 of Rule VII of the civil-service rules. If a preference is to be given to the veterans of the war of the rebellion, then let it be a preference in fact and not merely in name, and let this same preference be granted also to that other equally meritorious class, the grizzled veterans of Indian wars.

I ask that the bill be referred to the Committee on Civil Service and Retrenchment, where I trust it will receive favorable consideration and action.

The VICE-PRESIDENT. The bill will be referred as indicated.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL of Oregon, it was

> *Ordered*, That the papers in the case of L. W. Huston, referred to the Committee on Post Offices and Post Roads December 11, 1887, be taken from the files and referred to the Committee on Post Offices and Post Roads.

ORDER OF BUSINESS.

Mr. BLANCHARD. I ask the unanimous consent of the Senate to call up and put upon its passage at this time Senate bill 1624, being Order of Business 1252.

The VICE-PRESIDENT. The Senator from Louisiana asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. HALE. Has the regular order of business been completed?

The VICE-PRESIDENT. The regular order has not yet been disposed of.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The introduction of resolutions, concurrent and other, is in order.

REPORT ON IRRIGATION IN ARIZONA.

Mr. ALLEN. I have here a report on the irrigation investigation for the benefit of the Pima and other Indians on the Gila River Indian Reservation, Ariz., prepared by Mr. Arthur P. Davis, of the Geological Bureau. There has been no appropriation made for its publication. It is regarded by the Bureau as a paper of considerable importance, and being short and not requiring the expenditure of much money to publish it, I ask to have it printed as a miscellaneous document.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the paper indicated by him be printed as a public document.

Mr. FRYE. What is the paper?

Mr. ALLEN. It is a report on an irrigation investigation for the benefit of the Pima and other Indians on the Gila River Indian Reservation, Ariz.

Mr. FRYE. I have no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PENSION APPROPRIATION BILL.

Mr. HALE. I ask that the pension appropriation bill be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9734) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER. Mr. President, before this bill is put on its passage (and I apprehend that there will be no opposition manifested to its passage), I desire to occupy the attention of the Senate a few minutes in some observations touching the matter of pension frauds.

Before doing so I want to put on record my appreciation of the present administration of the Pension Bureau and to say that in my judgment the man who is at the head of that great department of the Government at the present time is desirous not only of administering the laws in a generous and just spirit, but that his sympathies are with the men and the women who are asking for recognition because of the services of the brave men who periled their lives that this Government might live.

Now, as to pension frauds. I was very much surprised a few days ago in listening to the reading of the message of the President of the United States to find that that high official has not yet disabused his mind of the idea that the pensioners of this Government are men of rascally tendencies who are attempting in every possible way to obtain from the Treasury of the United States money that is not justly their due. I wish to read from the message of the President two or three paragraphs bearing upon this question. The President says:

> The diminution of our enormous pension roll and the decrease of pension expenditure, which have been so often confidently foretold, still fail in material realization. The number of pensioners on the rolls at the close of the fiscal year ended June 30, 1896, was 970,678. This is the largest number ever reported. The amount paid exclusively for pensions during the year was $138,214,761.94, a slight decrease from that of the preceding year, while the total expenditures on account of pensions, including the cost of maintaining the department and expenses attending pension distribution, amounted to $142,206,550.59, or within a very small fraction of one-third of the entire expense of supporting the Government during the same year. The number of new pension certificates issued was 90,640. Of these, 40,374 represent original allowances of claims, and 15,878 increases of existing pensions.
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> * * * * * * *
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> The sum appropriated for the payment of pensions for the current fiscal year, ending June 30, 1897, is $140,000,000, and for the succeeding year it is estimated that the same amount will be necessary.
>
> The Commissioner of Pensions reports that during the last fiscal year 339 indictments were found against violators of the pension laws. Upon these indictments 167 convictions resulted.
>
> In my opinion—

Says the President—

> based upon such statements as these and much other information and observation, the abuses which have been allowed to creep into our pension system have done incalculable harm in demoralizing our people and undermining good citizenship. I have endeavored within my sphere of official duty to protect our pension roll and make it what it should be, a roll of honor, containing the names of those disabled in their country's service and worthy of their country's affectionate remembrance. When I have seen those who pose as the soldiers' friends active and alert in urging greater laxity and more reckless pension expenditure, while nursing selfish schemes, I have deprecated the approach of a situation when necessary retrenchment and enforced economy may lead to an attack upon pension abuses so determined as to overlook the discrimination due to those who, worthy of a nation's care, ought to live and die under the protection of a nation's gratitude.

It will be observed, Mr. President, that the President of the United States calls attention to the fact that during the past fiscal year 339 indictments were found against violators of the pension laws. The President does not say, nor have I any data at hand to inform myself on that point, whether the indictments were found against soldiers or against pension attorneys.

Mr. HAWLEY. Or against witnesses.

Mr. GALLINGER. Or against witnesses, as the Senator from Connecticut very properly observes. It is at least competent for me to conclude that all of these 339 indictments and 167 convictions have not been found against men or women who are drawing pensions under the laws of the United States.

Bearing on this subject, I am pleased to turn to an editorial in the Washington Post of December 9, 1896, which discusses this question with so much fairness and ability that I desire to put it upon record pending the consideration of this bill. If the Washington Post, one of the great newspapers of this country, had never done anything more than to prick this bubble that the President is constantly obtruding upon Congress and the country as regards pension frauds it would deserve the gratitude of every lover of his country and of every supporter of the pension system of the United States. The editorial is as follows:

> The President, in his message, quotes from the report of the Commissioner of Pensions to show that during the last fiscal year 339 indictments were found "against the violators of the pension laws." "Upon these indictments," he says, "167 convictions resulted." Inasmuch as an indictment is not proof of guilt, it would have been more accurate to have said that 339 persons were indicted for alleged violations of the pension laws. They are not "violators" until convicted. The President, after citing these figures, remarks that in his opinion, "based upon such statements as these and much other information and observation, the abuses which have been allowed to creep into our pension system have done incalculable harm in demoralizing our people and undermining good citizenship."
>
> There are 970,678 names on the pension roll, and the annual payments aggregate about $140,000,000. That some abuses have crept into the system is doubtless true, but the fact that only 167 persons were proven guilty last year will be accepted as convincing proof that these abuses are few and small as compared with rascalities that have frequently shown up in other departments of the public service. The number of convictions is about one-seventieth part of 1 per cent of the number of pensioners.

And that is upon the assumption that these convictions have all been found against persons drawing pensions, and not against other parties who were interested in getting pension claims allowed, or as witnesses in pension cases.

> And it should be borne in mind—

Continues the Post—

> that the hunt for pension frauds during the last fiscal year was prosecuted with great vigor. The best detective talent and the most vigorous prosecution were given, and very properly so, to that work. All good citizens, including the pensioners and their comrades, believe that it is eminently politic to hunt down and punish violators of the pension laws, so that the roll may be kept, as it always has been, a roll of honor. And when the Administration, after a year of unremitting effort, backed by unlimited means, reports the conviction of only 167 frauds, and a disbursement of $140,000,000 to almost a million pensioners, the old soldiers and their friends point with pride to the Pension Bureau, and challenge comparison between that and other branches of the service which present possibilities of rascality.
>
> We do not think the figures quoted by the President would convince an optimist that the abuses of the pension system have "demoralized our people" or "undermined good citizenship" to an alarming extent. There is not a church in the United States that would be surprised or feel disgraced if one-seventieth of 1 per cent of its membership were sent to the penitentiary in any one year. The Post-Office Department or the Treasury would not be shocked if such a fractional percentage of its employees proved dishonest. The fact is that the results of the long and strong hunt for pension frauds have strengthened the system in public confidence. The country does not regret but is proud of its generous treatment of the men who saved the Union from disruption. As to the Pension Bureau, it has, under the present Commissioner, ceased to be a political factor, and there is some reason to hope that its tranquillity may not again be disturbed by the wild waves of partisan strife and commotion.

Without giving my entire assent to the closing paragraph of that editorial, as I do not believe the Pension Bureau has ever been used for political purposes, I am satisfied, after having read it, to simply express my judgment upon this continuous and unjustifiable attack by the Executive of the United States upon the pensioners of this Government, and his iterated and reiterated assertion that the roll of those who are drawing pensions is not a roll of honor, and that there are rascalities and disgraces connected with it that are not to the credit of the men who fought for our Government and our flag. I am content to leave the discussion of the question at this point. I am sure that the Congress of the United States at least will never indorse sentiments such as I have read from the annual message of the Chief Executive, but that Congress will to-day, as heretofore, stand by the soldiers in all their just rights and be willing to grant them what the Government solemnly pledged its honor to do for them when they enlisted under the banner of our flag and our Constitution in the matter of providing liberally for them and their dependent ones.

Mr. HAWLEY. Mr. President, I have not attempted to make a careful estimate of the figures in the case, but in finding a percentage of corruption in this matter not only the 900,000 pensioners should be counted, but the two or three witnesses in each case, claim agents, and all who are involved in it. They are among the persons against whom indictments might be found. The total number among whom the conviction of 167 persons should be distributed is probably not less than 2,000,000. If out of 2,000,000 people who either draw pensions or have been witnesses or agents only 167 have been convicted after very diligent search and prosecution, I think it is a most amazing record of honesty.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. HALE. The Committee on Appropriations has no amendments to propose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. BLANCHARD. I now renew my request for unanimous consent for the present consideration of the bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Private Land Claims with amendments.

Mr. PLATT. I wish the Senator from Louisiana would give a short explanation of why this bill is necessary. One does not get it from the reading of the bill.

Mr. BLANCHARD. I shall be glad to do so.

Mr. President, this bill comes with the unanimous report of the Committee on Private Land Claims of the Senate. Its purpose is to authorize certain parties in Louisiana, who claim certain rights under land grants, to have them adjudicated in the courts of the United States at New Orleans. I can best give the Senate information about the bill by reading certain extracts from the report of the Committee on Private Land Claims of the Senate. Without reading all of the report, I call attention to the concluding part of it, in which it is said:

> From a variety of causes it now appears that about 288 claims, aggregating about 8,000 acres of land, remain prima facie unconfirmed and unrecognized by any of the agencies of the United States heretofore referred to, and are borne upon the records of the Land Department as "unconfirmed claims." They form a separate and distinct kind of claim, peculiar, it seems, to the State of Louisiana, and have a history and literature peculiarly their own. They have never, it seems, fallen under the suspicion of fraud or irregularity in the circumstances leading to their inception, and the fact that the average quantity of land in each of them is only about 28 acres, and that all or nearly all of them have been in possession and cultivation time immemorial would seem to render such a suspicion entirely out of the question.
>
> Under a resolution of the Senate of December 2, 1879, the Secretary of the Interior submitted a schedule or tabular statement of these claims, prepared by the surveyor-general of Louisiana and accompanied by a report made by that officer under date of February 19, 1880. The whole constitutes Senate Executive Document No. 111 of the second session of the Forty-sixth Congress, and your committee have obtained from the very full and minute history afforded by it much of the information contained in this report.

I will call the attention of the Senator from Connecticut to this statement in the report:

As early as 1874 the surveyor general had urged in his annual report a general act of relinquishment of all the supposed right and title of the United States in these lands, without the necessity of the claimants taking any action whatsoever. (See General Land Office Report for 1874, pp. 75–79.) And again in the year 1877 he repeats the recommendation, strengthening it by referring to similar action by Congress with respect to similar claims in Missouri, as contained in the act of June 12, 1866. (14 Stat. L., 62.)

Without wishing to go as far as these recommendations do, your committee are impressed with the justice of extending some simple and inexpensive mode of relief to these claimants. The subject was referred for report to the Secretary of the Interior, who, by letter of February 11, 1896, transmitted to the committee, with his approval, the views of the Commissioner of the General Land Office as contained in that officer's report of February 11, both of which your committee herewith submit as an appendix to this report.

It will be observed that these officers approve of the plan of adjustment contained in the bill under consideration, with some unimportant amendments, and your committee think their recommendations are just and should prevail.

It would seem, therefore, Mr. President, that the bill has not only the sanction of the Committee on Private Land Claims of the Senate, but of the Secretary of the Interior and of the Commissioner of the General Land Office. In addition to that, the surveyor-general of Louisiana in 1874 and again in 1877 made recommendations similar to those made by the committee in this report, a part of which I have read.

The quantity of land is only about 80,000 acres. The United States make no claim whatever to it, and this bill merely furnishes a method by which these parties can go into the Federal court in New Orleans and establish their rights.

The VICE-PRESIDENT. The amendments reported by the Committee on Private Land Claims will be stated.

The first amendment was, in section 4, line 9, after the words "evidence of," to strike out "title" and insert "titles;" and in line 11, after the words "hundred and," to strike out "eighty-six" and insert "sixty-six;" so as to make the section read:

SEC. 4. That the district court of the United States for the eastern district of Louisiana, holding sessions at New Orleans, in said State, shall have jurisdiction to hear and decide according to the rules of a court of chancery, all suits brought under this act, and the practice of said court shall be the same as was provided for the district court of the United States for the eastern district of Missouri, under sections 2, 3, 4, and 5 of an act entitled "An act authorizing documentary evidence of title to be furnished to the owners of certain lands in the city of St. Louis," approved June 12, 1866, 14 Statutes at Large, page 62, except that it shall not be necessary to make any parties defendant in any suit save the United States, and neither party shall in any event recover costs or expenses against the other, but each party, whether on appeal or otherwise, shall pay all the costs and expenses whatsoever by him incurred.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 8. That whenever a final decree in any case shall be rendered under this act it shall be the duty of the clerk of the court rendering the same to transmit without delay to the Commissioner of the General Land Office a full, true, and complete transcript of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3771) for the relief of Stratton H. Bensteter.

The message also announced that the House insisted upon its amendment to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. KIRKPATRICK, and Mr. BAKER of Kansas managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. KIRKPATRICK, and Mr. BAKER of Kansas managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. EVANS, Mr. RUSSELL of Connecticut, and Mr. MCMILLIN managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 511) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 596) for the relief of Ellis H. Roberts;

A bill (H. R. 4223) for the relief of Curtis P. Wise;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 6533) for the relief of A. A. Hosmer;

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city;

A bill (H. R. 7282) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge;

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Volunteers;

A bill (H. R. 8197) for the relief of John J. Guerin;

A bill (H. R. 9020) to constitute a new division of the eastern judicial district of Texas, and to provide for holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court; and

A bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 724) granting an increase of pension to Helen M. Mallery;

A bill (H. R. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; and

A bill (H. R. 3245) granting a pension to Elvira Bachelder.

THE REVENUE BILL.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order. The first case will be called.

Mr. VEST. I do not see the Senator from Nebraska [Mr. ALLEN] in his seat, but I wish to call up the Dingley bill, in order to submit some remarks upon it.

The VICE-PRESIDENT. The title of the bill referred to by the Senator from Missouri will be stated.

The SECRETARY. A bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. VEST. Mr. President, I am aware that in criticising the details of this bill I violate the maxim of de mortuis nil nisi bonum, and but for the fact that a number of very well-meaning persons persist in calling for its passage I should not allude to the bill at all. It seems to me that the Senate and country have not appreciated the full meaning of this extraordinary measure. It is one of the most extraordinary bills ever introduced into Congress—extraordinary not only in its provisions, but in the manner of its birth and inception. The Administration, protesting there was no deficit in the Treasury and deprecating an evaporating gold reserve, suggested to Congress the necessity of some legislation looking to a relief from our financial embarrassment, intimating in strong terms the advisability of some scheme authorizing a loan at lower interest and the retirement of Treasury notes, the convertibility of which was urged as the root of our moneyed ills, and begging that Congress should take no holiday recess until the situation should be relieved.

The House of Representatives, fearful of the political responsibility of ignoring this prayer in the face of the country, clamorous for some settlement of our currency question, pigeonholed the resolution of adjournment which had already reached them from the Senate, and then, sensible of the absurdity of hanging on through the holiday season without an effort at legislation, proceeded to the immediate passage of the Dingley tariff bill, for which there had been no administrative demand, and which, on the contrary, had been pronounced entirely unnecessary.

Its inspiration came not from the woolgrowers, for the head of their association, Mr. Lawrence, lingered at the door of the House committee room, and could get no audience of that committee whereby he might demonstrate, as he had been endeavoring to do for a month past, the utter insufficiency of the McKinley rates to prevent woolen manufacturers from purchasing some wool abroad to furnish employment for American labor, and he now withholds his approval of this proffered bounty and denounces in unstinted terms the inadequacy of the proposed rates, having called upon his association to send their alleged million votes by proxy for a demonstration against the bill at the national capital on January 20, 1897.

This bill was not inspired by the woolen manufacturers, for many of them say that the proposed rates are prohibitory on all wools of large shrinkage. It came not from the iron men, for they are unanimous in declaring that no form of iron needs a cent more of protection above the high rates of the present law, except cotton ties and tin plate.

In this connection, Mr. President, I call attention to a report just made by the special agent of the Secretary of the Treasury upon tin plate. I repeat now what I had the honor to state in January last when discussing the proposed sale of bonds, that when the Wilson bill was pending before the Senate it was proposed on the part of the tariff reformers—those of us who believe in a tariff for revenue and not for protection—that the duty upon tin plate, which under the McKinley Act was 2.2 cents per pound, should be reduced 1.1 cents, making it 1.1 cents, as it is now in that act. We were met with the protests of the protectionists, and with the prophecy by the Senator from Rhode Island [Mr. ALDRICH], the most active of all the protection element in this Chamber, that if 1 cent should be taken from the protective duty upon tin plate it would absolutely destroy that industry in the United States.

Mr. ALDRICH. I am sure the Senator from Missouri does not wish to misrepresent me.

Mr. VEST. Not at all.

Mr. ALDRICH. I made no such statement.

Mr. VEST. But the Senator did make it when we were discussing the Wilson bill.

Mr. ALDRICH. I beg the Senator's pardon. He will find no such statement made by me.

Mr. VEST. Well, Mr. President, I do not think my memory is at fault, and I will refer to the RECORD hereafter; but I assert that it was the contention on the part of the protectionists. Does the Senator deny that? Did he not resist the decrease of the duty upon tin plate?

Mr. ALDRICH. I resisted the decrease of the duty upon tin plate, for the reason that I believed then, as I believe now, that if there had been no reduction of the rate fixed by the act of 1890 instead of having half the market for American producers we should have had the whole of it.

Mr. VEST. Mr. President, I reassert—and the debates upon the Wilson bill will prove that I am absolutely correct—that the whole protection vote of this Chamber was cast against that decrease of duty; and the contention in that debate was that if we took 1.1 cents off from the protective duty on tin plate it would result in disaster to the American industry and put the consumers of this country absolutely at the mercy of the Welsh producers of tin plate. I read in January last, when discussing the bond issue and incidentally the tariff question, the report which had come from Mr. Ayer, the special agent of the Treasury Department—and he can not be accused of any proclivities toward my side of the question—showing that even then there had been a large increase in the productive capacity of the tin-plate manufactories in the United States; and I now ask the Secretary to read from his last report, made nearly a year afterwards, the part which I have marked to show that the increase of the manufacture of tin plate continues under the reduction of 1.1 cents a pound.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,
Custom-House, New York, October 28, 1896.

SIR: I have the honor to report that during the fiscal year ended June 30, 1896, the production in the United States of commercial tin and terne plates was 67,228,951 pounds, against [illegible] pounds produced during the previous fiscal year, showing thereby an increased production of more than 58 per cent.

Mr. VEST. Mr. President, no object lesson can be more significant than this. The contention on the part of those of us who opposed the McKinley rates of tariff taxation was that the duties were too high, that the American manufacturers would succeed and prosper under reduced duties, and that there was no necessity for putting these enormous burdens upon the consumers of the United States in the name of American industry. Two and two-tenths cents, as I now repeat, was the duty upon tin plate under the McKinley tariff law. At the point of the legislative bayonet we reduced that duty 1.1 cents a pound, and now we have this report showing that there has been this enormous increase in the American production of tin and terne plate with that reduction of duty.

Mr. ALDRICH. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. VEST. Certainly.

Mr. ALDRICH. The Senator from Missouri is familiar with the conditions of the iron and steel industry in the United States, and being thus familiar, he is undoubtedly aware, as every other gentleman is who is familiar with the subject, that the rates now existing under the so-called Gorman-Wilson law are more protective on the whole iron and steel schedule than were the rates of the McKinley bill at the time that the bill was adopted.

Mr. VEST. Oh, Mr. President——

Mr. ALDRICH. A great change has taken place in the condition of the iron and steel industry here and abroad.

Mr. VEST. That is the old story with which the Senator undertook to answer me in January last, as the RECORD will show, when I called attention to the increased production of tin and terne plate at that time in the United States, and I reply to him now, as I did then, that he can not evade this argument as to a specific article by saying that the whole of the iron and steel schedule is protective in the Wilson law.

I take, now, an article which has been conspicuous in the tariff discussion, an article which has repeatedly come before Congress claiming additional protection, and I show that after we reduced the rates of the McKinley Act 1 cent per pound there has been an unprecedented and unparalleled increase of production on the part of the manufacturers in this country.

Mr. ALDRICH. Will the Senator from Missouri allow me another interruption?

Mr. VEST. Certainly.

Mr. ALDRICH. In 1890, when the rates were imposed upon tin plate, the Senator from Missouri and his friends said it was physically impossible to make any tin plate in the United States, and they said also that the duty of 2.2 cents per pound would be added to the price of every pound of tin plate sold in the United States subsequent to that time. The results have shown, as stated in the article read by the Senator from Missouri, that last year one-half of the tin plates consumed in the United States was made in the United States.

We could show also by figures that instead of the price having been increased by the rate of 2.2 cents per pound it never has been so low as it is to-day; that there has been a constant reduction in price from that day to this. These results are owing, first, to the protective tariff imposed by the act of 1890, and second, to the protective duty of 1.1 cents a pound, a specific duty imposed by the Senator from Missouri and his friends in the act of 1894. If you had treated tin plate as you did some other products in that bill, namely, by imposing a small ad valorem rate upon it instead of a high specific, that industry would have been prostrated.

Mr. VEST. No matter what may have been said in discussion or in debate by myself or by anybody else, the fact remains, and it can not be obscured by the Senator from Rhode Island, that he and his protection friends placed in the McKinley Act a protective duty of 2.2 cents a pound upon tin and terne plate, and they did it because they said it was necessary to build up the manufacture of those articles in this country. Of course I opposed that increased duty. I have opposed every increased duty, and I have done so upon the broad ground that it comes from the pockets of the consumers of this country.

Now, when we reduced that duty 1 cent a pound in the Wilson Act against the opposition and contention of the Senator from Rhode Island and his associates, we find that the directly opposite result has come from what he then prophesied, showing that the duties in the McKinley Act were too high, that they were oppressive and exorbitant.

The Senator from Rhode Island does not agree with the President-elect of the United States in regard to the cause of the increased production of tin plate in this country. I read the other day an interview with Mr. McKinley at Canton upon the tariff question, in which he accounted for the increased production of tin plate in this country by saying that it was the economical production caused by the natural oil which had been applied to tin-plate manufacture in Indiana. After I saw that statement I turned to the list of manufacturers of tin and terne plate in the United States, old and new, and I found that there were 77 new manufacturers, and out of that number but 5 are in the State of Indiana. So Mr. McKinley must be mistaken when he ascribes the enormous increase of production and the cheapening of prices in this country to the use of natural oil.

No, Mr. President, these facts can not be answered except by a surrender on the part of the Senator from Rhode Island and his associates of the contention that the enormous duties in the McKinley Act were necessary to the manufacturers of the United States. This bill, I repeat, comes not from the iron men, for they are unanimous in declaring that no form of iron needs a cent more of protection above the high rates of the present law, except cotton ties and tin plate.

It is but a spasmodic effort to discredit the act of 1894, that freed the people from so many burdens, gave them higher prices for their wools, built more woolen mills, increased the wages of the operatives, gave the people cheaper and better clothes, and put in the Treasury from woolen goods as much money as the McKinley rates realized in 1894 from both wools and woolens. It is a crude, badly constructed makeshift, and even the dignified report upon the bill admitted that it was "not a measure of what might be done when all branches of the Government are in harmony with the majority of the House on protection lines, as a majority hope can be done in 1897–98."

There has never yet been a tariff placed upon wool which was not a disappointment to its friends and denounced by the men it was intended to benefit.

The records of Congress will bear melancholy proof that every wool tariff has been followed by disaster to the trade and a clamor for more protection. The opium habit has no stronger hold upon its unfortunate victims than has the protection habit. It was fondly imagined that the McKinley bill had reached the summit of protectionist demands, and that belief carried with it the comfort that, come what might, no more could ever be asked. Yet, in his letter of December 26, 1895, the head of the Wool Growers' Association says:

> Under it prices of wools constantly declined, and the inevitable result would have been a failure to secure prosperity to American sheep husbandry.

Even in Texas, where the cost of growing wool is as low, if not less, than in any other State, sheep declined in numbers from 4,218,812 in 1890 to 2,859,269 in 1894.

Now, look at the results under the free-wool period. With domestic wool constantly declining in price under the rates of the McKinley bill, which let in foreign cloths, paying over 100 per cent duty, reduced wages, and shut up factories, we find the home supply totally inadequate for the revival of our manufactures under a free-wool system, and we not only exhaust our home supply of wools, but import 250,000,000 pounds of foreign wools to keep busy the wheels of the old mills, and supply more new mills than were ever built in a single year before, and this not on a declining price for wools, but on one higher than four years of McKinley rates had left them.

The year 1895 built more mills for textile work than any year under the high McKinley rates and built 61 new woolen mills, against 45 in 1894.

The Wool and Cotton Reporter, commenting on the growth of our carpet trade, says:

> It may be assumed "that if cloth and dress-goods manufacturers had been afforded their raw material at equally low rates (with carpet wools) during the same period they would have obtained equal control of the home market." (January 2, 1896, page 19.)

And a prominent importer of woolen goods says—

> That with only a year and a half of free wool the domestic manufacturer has made such strides as to control the market: that present rates are practically prohibitory, and the imports of woolen cloths are bound to decrease. With a margin of 50 per cent the home manufacturer can easily undersell the foreign goods of like grades.

In order to test the accuracy of that prediction, I call attention to the statement of the Treasury Department just made for September, 1896, which shows that in 1895, for the nine months ending with the month of September, there were imported into the United States woolen goods amounting in quantity to 56,958,193 pounds, of the value of $87,528,761. In 1896, for the nine months ending with September, there were imported into the United States of woolen goods 35,932,642 pounds, of the value of $56,615,877, showing that the prediction which I have incorporated in my remarks made more than a year ago has come true and the importation of woolen goods has fallen off from $87,528,761 in 1895 to $56,615,877 in 1896.

The proposed bill is nearly impossible of administration. The horizontal bill of 1884 was simplicity itself compared with this, yet that brought a protest from the Treasury Department on account of the difficulties which conditional rates would involve.

This bill re-enacts the McKinley law, and to determine a rate it will be necessary to consult not only the new bill, but the Wilson Act, the McKinley Act, and the market price of any given article to determine what rate is to be applied.

Take as an instance—and not a lone instance by any means, but one is enough—the ordinary article of toilet soap. The last soap of this description which came under the McKinley rate was worth 42 cents per pound and the duty was 15 cents per pound, or a little above 35 per cent ad valorem. The Wilson law made the rate 35 per cent. Now, the 15 per cent proposed additional duty will carry it above the McKinley rate, and therefore the McKinley rate is to apply for the present. If the price advances a little, so that the McKinley ad valorem falls below the Wilson 35 per cent, then the Wilson rate is to apply, but if in this age of declining prices and in the utilization of hitherto waste products the price of soap should decline, or if only cheaper grades are imported, then neither the McKinley nor the Wilson rate is to apply, but the new rate of 40.25 per cent. No two soaps will bear the same rate nor will the same soap bear a like rate two days in succession or at any two ports of entry, and it will take double or treble the custom-house force to keep track of the range of prices and the change of rates. The scheme is absurd. The instanced soap problem is simple in comparison to that of cotton cloth, where the intricate classification of the number of threads to the square inch in the old law is revived and the Wilson method of an ad valorem duty on the yard and pound must be both compared and prices watched to determine the possible rate which may be applicable at any particular hour of entry.

The probable results of this tariff bill upon the revenues under the wool and woolen schedule have been estimated from three standpoints. The friends of the bill take the importations of wools and cloths in the last year under the reduced Wilson rates and assume a like importation under the proposed prohibitory rates, thus securing an apparent increase of $12,000,000 from wool duties and nearly $19,000,000 from woolens. The Treasury Department takes the year 1893 as the last normal importation of both wools and cloths, undisturbed by any panic or threat of tariff revision, and from this they estimate there will be an increase of but $3,000,000 from wool and no appreciable increase from woolens over the receipts of 1895. The last estimate takes the fiscal year 1895 for a basis, and this gives six months' importations of woolens under the prohibitory McKinley rates and six months under the reduced Wilson rates, and gives as a result $12,000,000 increase in the wool duties and $10,000,000 increase in woolens.

Of course each individual who gives a thought to the subject will select his own basis for an estimate, but it is worth noting that the men most directly interested—the woolen manufacturers—vehemently insist that the specific rates proposed are absolutely prohibitory on all foreign wools of large shrinkage and shut them out as possible bidders for lots of foreign wools now needed in their business. They are, however, still under the fear of the threats of the wool men, who claim a million votes, and perhaps these manufacturers may be induced to hold their peace or even be scared into an approval of the change proposed. Meanwhile it is refreshing to notice what even partisan bias can not misinterpret, and that is the wonderful advance which our woolen mills have made in the last year. They have secured the home market. The heavy importations of wools only prove the success of the home manufacturers; and while the importations of woolens were heavy at first, to fill the depleted shelves of the jobbers, the importers are emphatic in saying that with free wool even the Wilson rates upon cloths are prohibitory, and that woolen importations will surely decline, even without any change in the law. We manufactured in 1895 nearly 550,000,000 pounds of wool in this country, an amount never before approached, and a return now to the old system will mean disaster to the manufacturer, and he recognizes this to an extent that has set him to demanding an ad valorem duty upon wool. The cry is almost universal from manufacturing centers, "Give us, if any, an ad valorem tariff on wool," and some of the manufacturers even claim that they can better stand an ad valorem of 60 per cent on wool rather than the proposed specific rate, which does not reach 40 per cent on the average imported wools, though prohibitory on many others.

I ask the Secretary to read this estimate from the Treasury Department as to the revenue results of the proposed Dingley tariff act.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., December 21, 1896.

We have taken the imports of wool and woolens for consumption during the year ending June 30, 1893, as nearer the normal than 1894 or 1895.

In the fiscal year 1893, under the McKinley law, there were collected on raw wool $5,117,229, or 44.27 per cent ad valorem. The estimated duties on raw wool, according to the rates of the Dingley bill, would be $6,244,191, or 53.31 per cent ad valorem, showing an increase over the Wilson bill by the latter amount.

On manufactures of wool the McKinley law, in the fiscal year 1893, produced in duties $36,151,322, or 98.55 per cent ad valorem. The rates of the Dingley bill on the same importations would produce $27,367,712, or 75.73 per cent ad valorem. But as the Wilson bill did not take effect on manufactures of wool until January 1, 1895, we have not a complete year's duties under that bill.

During the year ending June 30, 1895 (six months McKinley and six months Wilson bill), the duties were $20,028,298. Taking the actual collections under the Wilson bill during the nine months ending September 30, 1896, and estimating the duties on the imports of the remaining three months at the actual ad valorem rate collected during the nine months ending September 30, 1896, viz, 47.74 per cent ad valorem, we find that the duties collected during the calendar year 1896 under the Wilson bill would be about $25,000,000, or about the same amount as would be collected at the rates of the Dingley bill if the imports were as in 1893.

On this basis of calculation the Dingley bill would not produce more than the increased duties on raw wool.

Mr. VEST. When I addressed the Senate in January last I made the assertion, and produced market quotations to substantiate it, that under the McKinley tariff law the prices of domestic wools in the United States had constantly and fearfully decreased; that from year to year while that law was in effect the prices of wools in the Boston market went down, and that the enormous duty upon wool imposed by the McKinley Act did not benefit, as Mr. Lawrence, the shepherd king of Ohio, says, the producer of wool or the woolgrower in this country. I will not repeat what I said then, but I ask permission to insert in my remarks the table which I then produced and which is of as much force now as then.

WOOL.

In September, 1891, about one year after the McKinley bill took effect, Ohio, Pennsylvania, and West Virginia XX was worth in the Boston market 30 to 31 cents.

In October, 1892, the same grade was worth in the same market 28 to 29 cents, being a fall of 2 cents a pound.

Ohio, Pennsylvania, and West Virginia X was worth in September, 1891, in the Boston market 29 to 30 cents.

In October, 1892, it was worth in the same market 27 to 27½.

In September, 1891, No. 1 was worth in the Boston market 35 to 36 cents, and No. 2 33 cents.

In October, 1892, No. 1 was worth in the same market 32½ to 33 cents, and No. 2 31½ to 32 cents.

In September, 1891, fine unwashed was worth in the Boston market 21 to 22 cents.

In October, 1892, it was worth 19 to 20 cents.

In the Boston market in September, 1891, Michigan, New York, and New England was worth 27 cents.

In October, 1892, it was worth 25 to 26 cents.

In September, 1891, Oregon (scoured) was worth in the Boston market from 56 to 58 cents.

In October, 1892, it was worth 53 to 56 cents.

In September, 1891, Texas (scoured) was worth in the Boston market 60 to 62 cents.

In October, 1892, 56 to 58 cents.

These returns are taken from the official bulletin of the National Association of Wool Manufacturers for 1891 and 1892-'93. This was under the McKinley law. Now I ask your attention to the operation of the Wilson Act. In September, 1894, immediately after the passage of the Wilson Act, XX wool, the same quality of Ohio wool, was worth in the Boston market 18 to 19 cents; December 19, 1895, it was worth in the same market 19 to 21 cents. Fine unwashed was worth in September, 1894, 12 to 13 cents; it was worth a year afterwards, in December, 1895, 12 to 14 cents. Fine unmerchantable was worth in September, 1894, 13 to 15 cents; December 19, 1895, it was worth 14 to 15 cents, showing a gradual improvement in prices during one year under the Wilson law. These figures are taken from the American Wool and Cotton Reporter for December 19, 1895, which I have and can produce if necessary.

But I called attention also to the fact that under free wool as adopted in the Wilson tariff law the price of domestic wool had increased; that at the time that law went into effect in 1894, the price of XX Ohio wool, the test wool, in the Boston market was 18 to 19 cents; that under the provisions of the Wilson law at the time I spoke, in January, the price had gone up to 19 or 20 cents per pound. I was answered then with the prediction that that was a mere temporary thing; that the price would inevitably decline under the operation of the provisions of the derided Wilson Act.

I have now before me the Boston market quotations just made, showing that last week the same grade of wool, XX Ohio and Pennsylvania, sold in the Boston market for 19 to 20 cents. So under free wool the price of domestic wool has increased in the United States notwithstanding the enormous importation of foreign wools. This price has held its own and remains stationary under the much-derided and abused law. There can be no illustration more pertinent or more unanswerable in regard to these two systems, the one the enormous duties on domestic wool under the McKinley law, the other the free-wool system which the Democratic party adopted in the Wilson Act.

It is true, Mr. President, that the importation of foreign wools has decreased. I have here a statement which I saw in a newspaper this morning, taken from the official reports of the Treasury Department, in regard to all imports. For the month of September the imports into this country decreased $13,000,000, and for the eleven months ending with September they decreased $117,000,000. Why this decrease of imports into the United States? If there be anything in the old argument of a balance of trade in favor of this country we have it to-day. Yet I undertake to say the people of the United States were never suffering from greater business and monetary depression than now. I repeat that if the theory that the balance of trade causes prosperity to the country be true, why is it that we have not prosperity now, when we are exporting much more largely than we are importing? Why this decrease of imports? Because the people of this country are unable to buy either foreign or domestic goods. Why is it that to-day the manufacturers are complaining because they can not sell to the jobbers, and the jobbers can not sell to the retail merchants, and the traveling men are going through the country deploring the fact that they are not able to collect and not able to sell? The balance of trade is in our favor. We are upon the gold standard.

We were told that if McKinley should be elected prosperity would flood this country like the sunshine of a summer day. McKinley was elected. Has prosperity come? Confidence was to be restored. Confidence, then, has been restored. What has been the result of this confidence? The people buy neither domestic nor foreign goods. Do you expect by increasing the tariff rates, as we are told now authoritatively must be done, that you will put more money into the pockets of the people; that you will give them greater ability to buy by increasing their taxes? And, Mr. President, the pretense is that this is to be done in order to get money to pay the ordinary expenses of the Government. Turn to your money statement put upon our desks this morning. The Secretary of the Treasury reports $126,000,000 surplus money in the Treasury over and above the gold reserve—money idle, not used for any purpose whatever. What do you propose to do with your increased tariff taxation in the bill which the chairman of the Committee on Ways and Means advertises this morning is now in preparation and will be offered at the extra session? What do you propose to do with your increased duties? Put more money in the Treasury, to lie there idle and to be withdrawn from circulation? Why, if the deficit should continue as now, which is not at all probable, until the middle of McKinley's Administration, it would not exhaust the $126,000,000 of idle money we have on hand. Why should not that money be sent out amongst the people?

We are told there is $22.85 per capita circulation in this country. A more atrocious falsehood was never put in print or uttered by mortal man. This is a fictitious estimate; I care not whether made by Mr. Foster or Mr. Carlisle. There is no such money in circulation in the United States. They take no account of the bank reserves, State and national. They amount to over $600,000,000 at the least, locked up by law, that can not be used by the people nor paid out by the officials of those institutions. And yet they are counted from year to year until this moss-covered lie is absolutely accepted by many people as the truth. There is no such amount as $22.85 per capita in circulation in the country.

What we want and must have in this country is more circulating medium. Do you expect to furnish it with your increased tariff duties?

We are told that with an increased tariff taxation to pay the expenses of the Government relief will come to the people. How? Increase taxes; pile up more money in the Treasury and add to the $126,000,000 of idle money there to-day; withdraw it from circulation, and yet give relief to the people of the United States!

But, Mr. President, even if the absurd position should be taken that it is necessary to have more money in the Treasury, I deny that increased tariff duties will bring it. We can judge only by experience. If we turn to the Treasury reports in regard to tariff taxation it will be seen that the McKinley high rates decreased the amount collected from imports in this country. I hold in my hand a Treasury statement of the receipts and expenditures of the Government from its beginning until now. If we turn to the three McKinley years, taking the import receipts for 1890 (and the McKinley law went into effect, I believe, in October, 1890), there was collected in 1890 from import duties $229,668,584.

Now, mark. In the year 1891, with an enormous increase of tariff duties, the import duties fell from $229,832,000 to $219,452,000.

Now take the import duties for 1892, when the McKinley law was in full force and in uninterrupted operation. The duties collected continue to fall from $219,452,000 to $177,450,000, and in 1893 they went back from $177,000,000 to $203,000,000. But under the McKinley law at no time were the receipts from import duties as large as in the years preceding the enactment of that law. How is it possible, then, by increased tariff taxation, to do what our friends on the other side propose to do—put more money into the Treasury?

I voted, Mr. President, against taking up the Dingley bill for consideration because I was opposed to it. I should vote against taking up any other bill increasing tariff taxation, because I am opposed to it. There is no necessity for any increase. It will be time enough to increase duties upon imports or to look after new sources of revenue when we have exhausted the idle money now in the Treasury.

Mr. MITCHELL of Oregon. May I call the attention of the Senator from Missouri to a fact? I suppose he takes into consideration the fact that taking the duty off of sugar alone reduced the amount of income some $52,000,000.

Mr. VEST. That is true, but the McKinley Act enormously increased the duty out of all proportion upon other articles. We collected under the McKinley law upon imports of woolen goods 100 per cent. The appraised valuation of these woolen cloths at the custom-houses was some thirty-six million five hundred and odd thousand dollars, and we collected within a fraction of the same amount in duty.

No, Mr. President, I repeat that the only relief you can give to this country, as much as it may be derided, as much as I may subject myself to the oft-repeated charge of being a lunatic and an anarchist and a repudiator, is in giving more money to the people. No country can be prosperous with an increasing population and a decreasing volume of money. You have a system now which congests the money of the country. It is found in the banks and money centers. It is said that we have $600,000,000 in gold. Does it circulate among the people? Does it relieve the middle and lower classes of people in the United States?

Mr. President, this issue can not be smothered by abuse and ridicule. The man who thinks that the last election has terminated the struggle is unfit to legislate for a free people; he knows nothing about the great popular impulses and heart throbs that sent millions to the polls for free silver. If we are anarchists and lunatics when we ask that the mints be opened to the free coinage of silver, then this country is lost, because there were 6,499,000 American freemen who stamped themselves as lunatics and anarchists at the election in November last. William J. Bryan, the "boy orator," who has been caricatured and slandered and ridiculed, polled 47.1 per cent of the entire vote, and McKinley's popular majority was barely 600,000 in a poll of nearly 14,000,000. If there be in this country 6,499,000 anarchists and lunatics and enemies of the public welfare, God help the Republic and free institutions; we are lost.

But it is a vile slander. The men who voted for Bryan are as honest and patriotic and law abiding as any upon the face of the earth. We do not propose to be ridiculed out of what we think to be right and just. We are for equality. We adhere to the principles which the fathers of the Republic declared, that there should be no monopolies, no class legislation, no exclusive privileges; and the single gold standard is the vilest monopoly that was ever manufactured in the brain of mortal man.

Mr. President, I do not care to say more of that election than that, in my opinion, it was a parody upon popular government and free institutions. For one I am curious to know what will be the result of the investigation proposed under the resolution of the Senator from Nebraska [Mr. ALLEN]. I should like to understand why in the new and growing States of Texas and the West there has been no increase of population in four years, while in the old, finished, and complete States of Ohio, Indiana, and Illinois there has been an enormous increase, such as never was found before in any census of the United States.

I am constrained to believe that the Senator from New Hampshire [Mr. CHANDLER] was correct when in a published interview he declared that the St. Louis convention was honeycombed with corruption; that the delegates were bought and sent there for the sole purpose of nominating Mr. McKinley. This was no ebullition of partisan passion or of personal zeal for Mr. REED; for the distinguished Senator from New Hampshire afterwards, in a deliberate letter to the Senator from Massachusetts [Mr. LODGE], wherein he undertook to explain why Mr. McKinley had divided the approbation of the New Hampshire Republicans with Mr. REED, reiterated the charge and declared that every word he had uttered in regard to the composition of the St. Louis convention was true.

Sir, when the average American citizen hears from such high Republican authority that the convention which nominated the candidate of the Republican party was made up of delegations procured by money, that the delegates were sent there by the use of money, he is very apt to inquire how the stream that comes from so corrupt a source can be pure.

Mr. ALDRICH. Mr. President, I have no disposition to try to follow the Senator from Missouri in his arguments to-day, but he has made two statements to which it seems to me some attention should be paid, as they are certainly very misleading. I have no doubt one of them grows out of his defective memory as to what occurred in the Senate at the time when the Wilson bill was under discussion here.

The Senator from Missouri stated that the Republican Senators resisted the reduction of a cent a pound on tin plate, saying that if the reduction were made it would ruin the industry, and that the Republicans sought to maintain the McKinley rates upon that article.

The facts are not as stated by the Senator from Missouri. When this subject was before the Senate for consideration, as the RECORD, page 5141, will show, I moved that the rate be increased upon tin plates from 1.2, which was the rate recommended by the committee, and is the rate in the existing law, to 1.5, an increase of three-tenths of a cent a pound; and the reasons which I stated were that the rate upon black sheets as fixed by the same bill was 1.225 cents a pound, and the rate upon the finished product was 1.2. For the purpose of making the bill in itself harmonious, I moved to add three-tenths of a cent to the rate suggested by the committee, and nowhere in the course of that long discussion was a statement made by any Senator upon this side that it was necessary to maintain the rate of 2.2 cents, or that the reduction suggested by the committee would ruin the industry. So much for that.

The Senator stated, as I understood him, in the course of his remarks, that the woolen manufacturing industry of the United States had never been in its history as prosperous as it is to-day. No statement could possibly be wider of the mark. There never has been a time, I venture to say, in thirty years at least, when the woolen manufacturing industry of the United States was so depressed and so unsatisfactory as it is at this very minute. Petitions are coming here every day from the woolen manufacturers of every section of the country imploring Congress by some method to give them relief from the existing condition of depression, and from the importations which threaten the very existence of the interest.

Mr. VEST. Mr. President——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. FRYE. I ask that the unfinished business may be laid aside informally that the Senator from Missouri may finish his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none. The Senator from Missouri will proceed.

Mr. VEST. Mr. President, I am obliged to the Senator from Maine for his courtesy in suggesting that I should continue, but I will not detain the Senate more than a moment.

The Senator from Rhode Island [Mr. ALDRICH] admits that when we were considering the Wilson bill he moved to increase the duty upon tin plate from one cent and two-tenths to one cent and five-tenths per pound. Why he did so is utterly immaterial to this issue. I assert now, notwithstanding his statement—and I think the memory of every Senator who was then in this body will confirm what I state—that the duty proposed by the committee of one cent and two-tenths, which was a reduction of 1 cent per pound from the McKinley rate, was resisted by every protectionist Senator in this Chamber. I recollect distinctly that the junior Senator from Pennsylvania [Mr. QUAY] was persistent in his attempt to retain the original McKinley rate, and if he could do no better that the decrease should be simply fractional.

What I state, and that is the salient point I make, is that here was a test of the two systems, the one the high protective duty of 2.2 cents a pound upon tin plate in the McKinley Act and the other a duty of about one-half, or 1.2 cents, under the Wilson bill, and that under the reduction the industry of manufacturing tin and terne plate in the United States has increased in almost a fabulous degree. That is all. Whether I have misquoted the Senator from Rhode Island as to the words he used or not is utterly immaterial to the great truth which I have enunciated and which the record shows.

Mr. ALDRICH. Will the Senator allow me right there to ask him a question?

Mr. VEST. Certainly.

Mr. ALDRICH. Does the Senator attribute the large increase which has taken place in the production of tin plate in this country to the existence of the duty fixed by the Wilson bill?

Mr. VEST. No, Mr. President, I do not. I think it would be well if that duty were reduced. I believe that the manufacturers in the United States, with our natural resources, can compete with foreign manufacturers with only the difference created by the cost of transportation and labor.

Mr. ALDRICH. I will ask the Senator another question. Does he think that if 20 per cent ad valorem or any other peculiar revenue duty had been fixed on tin plate at that time the price would have been proportionately less now?

Mr. VEST. I have not the slightest doubt of it. I think the result has been achieved by the enterprise, capital, and natural resources of this country, by the improvement in machinery and the superiority of inventive skill and talent which make our labor the best in the world. Let any man go to Europe and look at their methods of production and then come home and look at ours. We talk about the difference in labor. The American workman in one hour can produce more of infinitely better quality than the foreign workman in two hours. All our methods are superior. We are the most inventive people in the world, and of all the people in the world we can best do without artificial protection.

Mr. ALDRICH. I dislike to interrupt the Senator, but if it will not interrupt him I should like to ask him still another question. How does he explain the fact that prior to the passage of the act of 1890 not a pound of tin plate was made in the United States?

Mr. VEST. Simply as I would explain the absence of any other article in the United State prior to the time when our people engaged in its manufacture.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. FRYE. The Senator can not do that, because when there was no duty on tin plate, at three different times we tried in the United States to manufacture tin plate, and immediately on starting our mills Great Britain cut down the price of tin plate and broke them down. It was an absolute failure and never was any success until the duty was placed on tin plate in the McKinley Act.

Mr. VEST. I beg the Senator's pardon; the reason why we produced no tin plate in the United States was because our capitalists could not see their way clear to make it profitable. They did not have the skilled labor. They did not know anything of the necessary methods. It was not owing to the lack of a protective tariff; it was simply owing to the absence of the machinery and the men to work it. The minute that the American capitalists around Pittsburg found that they could make money by manufacturing tin and terne plate they procured the machinery, brought the laborers here from abroad, went into the business, and then found immediately, not by virtue of any protection, but because of our natural resources, that we could not only compete, but that we could excel foreigners in the manufacture of this article.

Mr. FRYE. But, if the Senator will allow me, it is a little singular that this watchful capital of the United States did not receive any encouragement, and did not get the skilled labor, and did not make their discoveries until there was a duty placed on tin plate in the McKinley Act.

Mr. VEST. That duty was put on under the universal demand for protection which comes to us when any tariff bill is made. The Senator from Rhode Island, for instance, tells us that the manufacturers of wool are clamoring now for a change and for more protection. Of course they are. You might as well expect a man who is a slave to the drink habit not to demand more and more of what is killing him from day to day as to expect that any man who can get an increase of a protective duty will not come here and demand it. Wait until your extra session is called and you open the doors here. My friend from Rhode Island knows very well what will happen. A lot of hungry coyotes from the plains famished and starving when they smell a dead deer will not be more greedy and avaricious than every class of manufacturers in this country, and if they can get no other argument they will come here, as they do from time to time when a tariff bill is up, and say, "Well, I am doing pretty well, but I voted the ticket, I subscribed to elect McKinley, and I want my part of this bounty; I am entitled to it." If you give it to one you must give it to another. Whoever heard that there was any end to protection?

Now, the Senator from Rhode Island says the woolen manufacturers are suffering. I read here in January and have before me now reports from the Woolen and Cotton Reporter. That is good authority with the Senator from Rhode Island. It ought to be. It published his speech on the tariff and sent out 50,000 copies. [Laughter.] It is not possible that my friend would be so ungrateful as to go back on the organ that trumpeted his praise throughout the country in 1890. Then he was with them the great apostle of protection, the most distinguished statesman upon this floor. When I ask him if he accepts what they state, he shakes his head. Does he intend to deny what they said about himself?

Mr. President, that is the organ of the cotton and woolen manufacturers of this country. I know it was attacked here because I read page after page in which that paper stated that the year 1895, under free wool, had been the most successful to the woolgrowers and the woolen manufacturers of any year in our history. Do Senators pretend to say there were not 61 new factories put up in that year, against 45 in 1894? There were more than in any other year in the history of this Government. How do they account for it? Do they believe that these astute men, these shrewd capitalists in the United States, would put their money in a losing venture? Do they believe that new woolen mills would be put up under free wool if it is deadly to the woolen interests of the United States? No, Mr. President, they were put up and were in operation a year ago, from the public statements of the Woolen and Cotton Reporter, and they are in operation to-day so far as I know. When the Senator simply says that the woolen manufacturers demand more protection, he says what is true of any interest in the United States when you once open the door for tariff legislation.

Mr. FRYE. Mr. President, I desire just one word, and that is simply to say that from my own personal knowledge there never has been a time since I have had anything to do with public affairs when the woolen industry of this country was as near dead as it is to-day.

Mr. VEST. Will my friend permit me? Is not that observation true in regard to every interest in this country?

Mr. FRYE. Not at all. It is not.

Mr. BLACKBURN. How about the farming interest?

Mr. VEST. I do not know how it is in Maine, but I know that in the State of Missouri, the fifth State in the Union, there never was such depression, especially among the farmers of the country; and it extends to all departments of business.

Mr. FRYE. I desire to make one other statement in relation to that matter. A leading woolen manufacturer stated in a public address about four months ago that one-half of the woolen mills in the United States had their doors closed. Secretary North, of the American Wool Association, replied by saying it was not strictly true that one-half the woolen mills had their doors closed, but if you took into consideration those running on third time, those running on half time, and those closed it was a fact that one-half of the woolen cards in the United States of America had stopped running. In my own State I know it is true that one-half the mills have closed their doors.

Mr. VEST. Now?

Mr. FRYE. Now. I was in a little town called Dexter, where there were five woolen mills. Four of them had their doors closed, and they had been closed for six months. One of them was running on half time. That is true of the woolen industry of the United States. I am not saying what the causes may be. The Senator and I would undoubtedly disagree entirely on that, but that is a fact which I think everybody familiar with the manufacturing industry recognizes.

Mr. MILLS. Before he takes his seat, will my friend from Maine tell me how he accounts for the fact that though the importations of wool have been much larger than the importations in the year preceding the putting of wool on the free list, almost double, yet every pound of that wool has been consumed in the United States, together with the entire domestic crop of wool? How can the factories all be still when there is so much more wool consumed in the United States?

Mr. FRYE. The Senator is assuming altogether too much. The entire domestic crop of wool in the United States has not been consumed.

Mr. MILLS. A little fraction of it has gone to Mexico and Canada, but the great body of it has been consumed here.

Mr. FRYE. A very large fraction of it is lying in the barns and storehouses to-day because it could only be sold at from 12 to 15 cents per pound. The farmers of this country could not afford to raise wool and sell it at any such price, and they have held on to it, hoping for better times. The increase of importations, as a matter of course, comes from the fact that wool is on the free list.

Mr. MILLS. But it is being manufactured, of course.

Mr. FRYE. Undoubtedly it is being manufactured, but we would manufacture twice as much if all the woolen mills of the United States were running. There has been an immense falling off in the consumption of wool in the United States, but not in the importation of wool. The Senator is right about that.

Mr. MILLS. But if the consumption stopped the importation would stop.

Mr. FRYE. The trouble with the wool schedule is not that the duty is not high enough. It is my judgment that that same duty on woolen manufactures with free wool if in a different form would be all the duty the woolen manufacturers of this country would require; but it is a fact that under an entire ad valorem duty on woolen goods where the duty is 40 per cent not over 25 per cent has been collected at our custom-houses. That is a fact which everybody who knows anything about the subject recognizes. The result is that almost for the first time in our history this country has been literally swamped, inundated, with the cheapest, poorest, shoddiest kind of woolen goods ever brought into it. That is the trouble; and all these little mills in the United States that made the common American goods for the wear of the average man have been compelled to stop. The trouble is not with the high-priced goods, but it is with the low-priced goods, where they are gotten in under an ad valorem tariff.

I think I could take the woolen schedule to-day and arrange it, without increasing the real ad valorem duty, so that it would afford ample protection to the American manufacturer. I could take the cotton schedule—I am not complaining of that schedule—and by making not more than three amendments I could make it as good a tariff as the cotton manufacturers of the United States wish for. I could take your iron and steel schedule, with two or three amendments, and make it as good a schedule as the protectionists of this country would ask for.

The woolen schedule is the very worst in the whole lot. It has worked mischief from the beginning to the end, and will continue to do so as long as it is permitted to remain. Whatever other causes may combine to make business bad, that is the trouble.

Mr. VEST. Will my friend answer me one question?

Mr. FRYE. Certainly.

Mr. VEST. Why is it that in 1895 under the Wilson law 65 new mills were constructed in this country, and only 45 were constructed under the McKinley law in 1892?

Mr. FRYE. I will answer the Senator by asking him a question. Why is it that a magnificent mill in my city which, with the machinery in it, cost $500,000, not less than three months ago was sold for $14,000?

Mr. VEST. Because it was not profitable, I suppose.

Mr. FRYE. But cotton factories are being built, nevertheless, in other parts of the country.

Mr. VEST. I can not answer the Senator's question without knowing all the circumstances of the case and something of the men who conducted the business.

Mr. FRYE. The Senator knows as well as I do—only he attributes it to an entirely different cause—that there is no money in manufacturing in the United States. It does not make any difference what it is; there is no money in it.

Mr. MILLS. Why not?

Mr. FRYE. Take it down in Nashville, where you say you can manufacture cheaper than we can in the North; when I was there there were four big cotton mills, and three of them had their doors closed.

Mr. VEST. I do not know as to specific instances, but I have been informed—and I think the Southern Senators here will corroborate what I state—that in all the depression and failure of corporations, suspensions, and receiverships that have obtained in this country for the last six or seven years the exception has been the cotton mills of the South. My information is that they have steadily paid their dividends, that they have been profitable everywhere in that section, and that new mills are being put up for the very reason that that class of manufacture is profitable. I may be mistaken, but that is the result of what I have read in the newspapers and what I have been told by friends interested in such enterprises.

Mr. FRYE. I only state what I was told in Nashville, where the mills were pointed out to me.

Mr VEST. I understand the cotton mills have largely increased in number, and I have heard the assertion made repeatedly that they have paid their dividends when all other corporations, banks, and factories of every description in the North have been unable to do so.

Talking about the consumption of wool, I received this morning a circular from Justice, Bateman & Co., who are the apostles of protection in the way of cotton merchants and brokers——

Mr. ALDRICH and others. Wool.

Mr. VEST. Wool and cotton both.

Mr. FRYE. Not cotton.

Mr. VEST. I think they also deal in cotton, but possibly principally in wool. What I was about to say was that they call attention to the alarming fact that there is now about to be imported into this country an enormous quantity of Australian wool, equaling, they state, two-thirds of the entire product of Utah in a single year, and possibly some other sheep-growing State or Territory, and that unless something be done, this country will be absolutely flooded with foreign wool. Now, I ask the question which the Senator from Texas [Mr. MILLS] asked, and which will suggest itself to even an unreflecting mind, Why is this enormous quantity of wool being brought to this country? Is it brought here for spectacular purposes? Is it simply brought here to pay transportation, to be exhibited, and not used? It can not be consumed for food; it must be manufactured. Why is it that this wool is being brought here, unless there is a demand for it, and unless it is consumed by our manufacturers?

As I said before in the same connection, why were there more mills put up in 1895 under the Wilson law than in any other year in the history of the wool industry in this country?

Mr. FRYE. Mr. President, I think I can answer the question the Senator asks. Here is a bill called the Dingley bill pending in the Senate of the United States when Bateman made his report——

Mr. VEST. I am talking about 1895.

Mr. FRYE. I am talking about Bateman's report, to which the Senator referred, in which he complains there was an enormous quantity of wool being imported into the United States now, or a threat of importation, and the Senator wants to know what is going to be done with it if it is not going to be manufactured. With that Dingley bill pending, and with the threat of 6 cents a pound, in these times there is ample justification for any man, for speculative purposes, to buy and bring wool into the United States and hold it against the passage of the Dingley bill. They do not know that the Dingley bill is not going to pass; on the contrary, the people of the United States are demanding that it shall pass, and any number of them, because a Senator the other day called up the Dingley bill in this Senate, assumed for that reason that he was going to support the Dingley bill, that a majority would support the Dingley bill, and that it would become a law.

Then, again, there is held out to the world—and the world knows it perfectly well; the world has received notice—that if it is possible there will be a tariff bill passed within the next five months which will in certain directions increase protection, notably upon wool. There was inducement enough for a speculator to buy wool in Australia, where he can get it for 6 cents a pound, and it does not cost him more than 3 cents additional to land it in New York in the steamer, insurance and all. There is inducement enough to the speculator to buy enormous quantities of wool and put it into the warehouses in the United States.

Mr. VEST. Does the Senator think it is brought here simply to be stored?

Mr. FRYE. I think that a good deal of it is brought here on speculation, and I venture to predict that the Senator will find within the next six months, if this Congress adjourns without passing the Dingley bill—I believe in passing the Dingley bill simply to prevent this country being flooded with this speculative importation—that the importations into this country of all manner of goods will be increased to an enormous extent within the next four months.

Mr. ALDRICH. Mr. President——

Mr. VEST. If the Senator will excuse me for just a moment I shall be done.

Mr. ALDRICH. I was about to make a few suggestions in response to the questions asked by the Senator from Texas and the Senator from Missouri. Both those Senators seemed to assume that because we have large importations of wool that is an infallible indication that we have prosperity in wool manufacturing and woolgrowing. Suppose that all the wool consumed in the United States was imported, what would then happen? Would the domestic woolgrower be better off? An increase in the importations of foreign wool with a stationary consumption or a falling off of consumption in the United States means the exclusion of the American grower from the American market and the destruction of the flocks of the American shepherd, and nothing else; and the practical result shows that.

Mr. VEST. In reply to the suggestion of the Senator from Rhode Island—taking that up first—as to the price of domestic wool, I point to one single fact which is unanswerable, that under the McKinley high-tariff rates on wool there was a constant fall in the price of domestic wool and a decline more rapidly under the McKinley law than ever before or since.

Mr. MITCHELL of Oregon. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. MITCHELL of Oregon. Will the Senator state the difference in the prices of domestic and foreign wool, that is, the prices in this country and the prices in London, England, and other foreign countries, pending the operation of the McKinley Act?

Mr. VEST. I do not see how that affects the question that I put.

Mr. MITCHELL of Oregon. I think it very seriously affects it.

Mr. VEST. Enormous duties were put upon wool in order, as it was stated, to put up the price of domestic wool to the American sheep grower, but instead of doing that it has put it down.

Mr. MITCHELL of Oregon. Does not the Senator know it to be a fact that during the operation of the McKinley Act on wool the price of wool in this country was over and above the price in Bradford, England, and all foreign countries to an extent equal to the amount of the duty?

Mr. VEST. That might have been so, but that does not answer the question. It might have been so, and I do not even controvert it. I have heard the statement made before, and I have heard it contradicted by as good authority as made it.

Mr. MITCHELL of Oregon. There can not be any question about it.

Mr. VEST. But even if so, it does not explain the fact that the McKinley high tariff on wool did not give a better price to the domestic grower, and Mr. Lawrence, the shepherd king of Ohio, explains it by saying the price of wool went down over the whole country during the operation of the McKinley law, and that the demonetization of silver—unpalatable as that may be—caused the decline in the price of wool. If anybody will read Document No. 17, which is the basis of the speech delivered by the Senator from Oregon, he will find the statement of Mr. Lawrence to that effect.

I am astonished, Mr. President, to hear the Senator from Maine say that mills of any sort are closed now. I was under the impression that after McKinley was elected we should have prosperity in every department of trade in this country, and I am therefore unable to explain how it is that the mills that were closed before the election were not opened the minute the result was known.

Mr. FRYE. We are living under Democratic laws now.

Mr. VEST. It was certain, however, that those laws would be temporary. Now, the Senator tells us that these men who, according to Justice, Bateman & Co., will bring in this enormous amount of Australian wool are doing so upon the presumption that the Dingley bill will pass. The Senator from Nebraska [Mr. ALLEN], when he made the motion to take up the bill, accompanied it with a reply to an inquiry made on the other side that he did not propose to support it, and it is an open secret that the Dingley bill is dead, in the tomb of the Capulets in a parliamentary sense. How could any man here or abroad think there would be anything but an enormous increase in tariff duties with Mr. McKinley elected as President? Everybody assumed that when he was elected he would again undertake to put in force in this country the rates which existed under the McKinley law, or approximating to them as nearly as possible. Does anybody believe that the men who are buying up this Australian wool, lying out of their money, paying transportation upon it, and bringing it to this country with an uncertainty in regard to what legislation may be had, or speculators and capitalists do not know exactly what is to be expected in this country to-day in the way of Congressional action?

No, Mr. President, the fact remains, and it can not be answered, that more woolen mills were put up in 1895 than in any one year; that 250,000,000 pounds of foreign wool came into this country and were consumed under the free-wool system; that the goods which were manufactured out of these wools were purchased by somebody, and that the statement that free wool would prostrate the wool interests of the United States either as to manufacturers or woolgrowers has been absolutely refuted and is absolutely disproved.

Mr. ALDRICH. I desire very briefly to call the attention of the Senate to some of the peculiarities in the argument of the Senator from Missouri. That Senator and his great leader, Mr. Cleveland——

Mr. VEST. My former leader. [Laughter.]

Mr. ALDRICH. I accept the amendment.

They have always insisted that the duties fixed upon imported goods were invariably added to the price of the goods and that therefore a great hardship was brought to bear upon the people of the United States by the added cost of all these articles. Now, the Senator says that the act of 1890, which placed the highest rate of duty upon wool that was ever placed by any act in the history of the Government, reduced the price of wool; that that act itself reduced the price of wool to the people of the United States.

How does the Senator make that agree with the argument which he has used a thousand times upon this floor that a high rate of duty——

Mr. VEST. Will the Senator permit me?

Mr. ALDRICH. I shall be very glad to hear the Senator.

Mr. VEST. I have always stated that no other influence could have accomplished that but the tariff, in which he takes so much interest. Notwithstanding these high duties, the price of wool went down in the United States, and the prophecy that that act would increase the price in favor of the domestic woolgrower proved to be false, for in spite of any duty you could put on it there were causes at work that made the price of wool fall.

Now I ask the Senator this question: How does he explain the fact that after we put wool upon the free list the price went up and has so continued up to this time?

Mr. ALDRICH. Oh, no.

Mr. VEST. Here is a report which shows that it is higher now than it was in 1894, when the Wilson bill passed.

Mr. ALDRICH. I understand the Senator now to state that the decrease in the price of wool which followed the enactment of the act of 1890 was not on account of the duty placed by that act upon wool, but from other causes, and that that duty had nothing whatever to do with it. Am I correct in that assumption?

Mr. VEST. Mr. President, I have never undertaken to say that the imposition of those duties caused of itself that fall in the price of wool. It is sufficient to me from my standpoint to say that it did not increase the price, as it was the contention of the Senator and his associates it would do, when they put that enormous duty upon wool.

Mr. ALDRICH. The Senator from Missouri understands as well as I do—for it has been demonstrated in this Chamber and elsewhere a thousand times—that while it was true that there was a decrease in the price of wool subsequent to the passage of the act of 1890, a decrease owing to the additional increased production all over the world and to improved methods in production, yet the price of the same quality of wool relatively with that in London was higher by almost exactly the amount of the duty here than it was abroad. That was the effect of the McKinley Act, and it was the effect which it was expected would follow the passage of that act.

Mr. VEST. Why did the price not go down when the duty was taken off?

Mr. ALDRICH. The Senator asks why the price of wool did not go down when the duty was taken off. There might have been prior to the passage of the act——

Mr. VEST. Oh!

Mr. ALDRICH. A feeling that the removal of the duties would produce such a depression that the price would go down. Those things are always anticipated. If we were to put a duty of 12 cents a pound on wool to-day, the market would not remain stationary until that bill became a law, but you would get an anticipation of that in an increase in the price of wool. So we had a decrease in the price of wool in anticipation of the removal of the duty. There was after the passage of the act a natural reaction, but it was very small. There might have been perhaps other causes; but the American producer of wool knows as well as I do, and as well as the Senator from Missouri himself knows, that the present low price of wool is owing to the removal of those duties by the Wilson Act.

Mr. VEST. Why is the price of wool higher than it was then?

Mr. ALDRICH. Oh, no; it is not.

Mr. VEST. Here is the market report.

Mr. ALDRICH and Mr. FRYE. It is not higher in the United States.

Mr. VEST. It is higher in the United States now than it was in 1894.

Mr. ALDRICH. The Senator is entirely mistaken.

Mr. VEST. Here is the report.

Mr. ALDRICH. I hope the Senator will give us the date. I think the woolgrowers of the United States will be very much surprised to know that the price of wool is higher.

Mr. VEST. I quote from the New York and Philadelphia market report of December 10, 1896:

> Ohio, Pennsylvania, and West Virginia XX wool, 19 to 20 cents.

Mr. MITCHELL of Oregon. That is since the election.

Mr. VEST. Yes; December 10.

Mr. ALDRICH. What was the price in 1890?

Mr. VEST. From 18 to 19 cents.

Mr. ALDRICH. Oh, no; not the same class of wool. A Senator near me tells me the wool clip of his own State was sold for from 10 to 11 cents, as against 21 and 22 cents in 1890.

Mr. VEST. I am talking about XX Ohio wool, upon which the Senator made a report and furnished a table in his great speech of 1890.

Mr. ALDRICH. There has been no time since 1890 that XX Ohio wool sold in New York at 19 and 20 cents. It was worth from 30 to 35 cents at the time, or 33 cents, as I remember it.

Mr. VEST. I will ask the Secretary to read the tables taken from the market report, if the Senator will permit me.

Mr. ALDRICH. Certainly.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Secretary will read as requested.

The Secretary read as follows:

WOOL.

In September, 1891, about one year after the McKinley bill took effect, Ohio, Pennsylvania, and West Virginia XX was worth in the Boston market 30 to 31 cents.

In October, 1892, the same grade was worth in the same market 28 to 29 cents, being a fall of 2 cents a pound.

Ohio, Pennsylvania, and West Virginia X was worth in September, 1891, in the Boston market, 29 to 30 cents.

In October, 1892, it was worth in the same market 27 to 27½.

In September, 1891, No. 1 was worth in the Boston market 35 to 36 cents, and No. 2, 33 cents.

In October, 1892, No. 1 was worth in the same market 32½ to 33 cents, and No. 2, 31½ to 32 cents.

In September, 1891, fine unwashed was worth in the Boston market 21 to 22 cents.

In October, 1892, it was worth 19 to 20 cents.

In the Boston market in September, 1891, Michigan, New York, and New England was worth 27 cents.

In October, 1892, it was worth 25 to 26 cents.

In September, 1891, Oregon (scoured) was worth in the Boston market from 56 to 58 cents.

In October, 1892, it was worth 53 to 56 cents.

In September, 1891, Texas (scoured) was worth in the Boston market 60 to 62 cents.

In October, 1892, 56 to 58 cents.

Mr. ALDRICH. I think the Secretary has read sufficient to answer my purpose, which was to show that Michigan wool about 1890, and prior to that time, ranged from 33 to 34 cents. The same wools are now about 19 or 20 cents, about equivalent to the difference in the duty.

Mr. MILLS. The price has been falling all the time.

Mr. VEST. Let the Secretary read on to show what was the effect of the McKinley law and the Wilson law.

The Secretary read as follows:

> Now, I ask your attention to the operation of the Wilson Act. In September, 1894, immediately after the passage of the Wilson Act, XX wool, the same quality of Ohio wool, was worth in the Boston market 18 to 19 cents; December 19, 1895, it was worth in the same market 19 to 21 cents. Fine, unwashed, was worth in September, 1894, 12 to 13 cents; it was worth a year afterwards, in December, 1895, 12 to 14 cents. Fine, unmerchantable, was worth in September, 1894, 13 to 15 cents; December 19, 1895, it was worth 14 to 15 cents, showing a gradual improvement in prices during one year under the Wilson law. These figures are taken from the American Wool and Cotton Reporter for December 19, 1895, which I have and can produce if necessary.

Mr. MITCHELL of Oregon. Mr. President, I wish to make a statement. The same grades of wool in the Pacific Coast States—that is, California, Oregon, and Washingtion—which, under the operation of the McKinley Act, brought on an average from 14 to 18 cents a pound, could not be sold for 5 cents a pound at any time during the last year until within a short time past; in fact, these same grades of wool in Oregon, to my certain knowledge, that brought from 14 to 18 cents a pound during all the time of the operation of the McKinley Act, sold as low as 4 cents a pound, and no advances whatever could be had from merchants at 5 cents a pound. Recently the price of wool has slightly gone up in Oregon.

Mr. ALDRICH. Mr. President, the Senator from Montana hands me a statement of the relative prices of wool in that State in 1890 and 1896. The average price in 1890 was 17 cents; in 1896 it was 6 cents, a difference of 11 cents a pound.

Mr. VEST. Not in Boston.

Mr. ALDRICH. I am not specially contending over what is the price in Boston, but I am undertaking to show that the wool producers of the United States have suffered to the extent of the duty which was removed by the act of 1894. The price of wool to-day is less by almost exactly the amount of duty than it was in the years prior to 1890.

Mr. VEST. Where?

Mr. ALDRICH. Everywhere in the country, in all the markets. I have already stated that in Boston—we will take Boston, if you please——

Mr. VEST. Boston is the great wool market.

Mr. ALDRICH. It is one of the great wool markets.

Mr. VEST. It is the great wool market of the United States.

Mr. ALDRICH. But the wool producers of the country are quite as much interested in the markets of Oregon and Washington and Montana.

Mr. GEAR. Philadelphia is the great wool market.

Mr. ALDRICH. I think the Senator from Iowa is right. Probably there is more wool sold in Philadelphia than anywhere else in the country.

Mr. VEST. Large quantities of wool are sold in Boston, Philadelphia, and New York.

Mr. ALDRICH. What I am saying is that the price of wool was 12 and 13 cents a pound higher in 1890 than it is in 1896.

Mr. MILLS. The Senator knows it has been falling every year.

Mr. ALDRICH. What I mean to say further is that, while there has been a gradual decline in the price of wool all over the world, so long as a protective tariff was maintained in the United States the wool producers of this country received the full benefit in the increased price of their wool up to the very hour of its repeal. I think there is nothing in the whole history of tariff legislation which shows so plainly the beneficent results of the protective system as the benefits which the farmers of the United States have received from the protective tariff on wool.

Mr. MILLS. Mr. President, it is a fact known to every gentleman in this Chamber, because of course they are all well informed on this question, which they have been discussing for a generation and more, that wool has been steadily, persistently falling ever since 1860 under all tariffs. We commenced in 1863 to put up the tariff for the protection of wool, and the tariff climbed and climbed until the climax was reached in 1890; and yet year by year and year by year wool continued to fall, and when the tax was put on in 1890 at the demand of the Wool Growers' Association to save from sacrifice that product in the United States, it continued still to fall. It fell from 1890 to 1891, and 1892, and 1893, and 1894, and when wool was put on the free list the price fell a little for a few months, and then rose a cent or two per pound.

But when the Senator from Rhode Island [Mr. ALDRICH] says that domestic wool in the United States has enjoyed the full benefit of the protection placed upon it, he skips over a period of five years to make a comparison. The Senator from Rhode Island will not state in this assembly that the tariff duty of 11 cents a pound on unwashed wool imposed by the McKinley Act was taken off the price of American wool the day after the Wilson bill was passed and became a law. If the domestic wool of the United States enjoys the benefit of the protective duty, if the price is regulated by the fiat of law, then, sir, when the duty was taken off by law the protection of the domestic wool was taken off by law. But it was not the fact. The wool is as high to-day, at least, as it was when you had your duty on it under the McKinley law, and there are other reasons than the tariff which, as my friend the Senator from Missouri [Mr. VEST] stated, affect the prices of wool.

The Senator from Rhode Island is well posted on this question—as well as any gentleman in this Chamber. He knows that from the beginning of the high duties on wool domestic manufacturers in the United States have been putting in cotton and shoddy and hair and rags and everything that escapes duty as a substitute for wool. American wool has been displaced by those substitutes, and that has produced the depression in the price of wool in great measure. I was sitting down the other day with this coat on, which I supposed was made of American cloth, and feeling along the edge of it I found some hair sticking out, and I pulled out a half dozen horsehairs more than a foot long, placed there as a substitute for wool, for the protection of the American woolgrower. [Laughter.] Let my friends go and read the statistics given by our census. They show from 1860 to the present time a most marvelous growth in the utilization of substitutes in place of wool in the domestic manufactures of the United States.

Now, I know you are going to put back your duty. You are going to pass your bill in the next Congress, for you will then have a majority in both branches and the President of the United States. I do not think there is any doubt about it. I do not believe you are going to do it here now, however. I am not given to making predictions, but when you put back the duty on wool at 6 cents or 10 cents, or any other amount, I make the prediction here that there will not be one-tenth of 1 cent increase in the price of American wool occasioned by it.

Mr. GEAR. I should like to inform my friend the Senator from Texas that the long hairs which he pulled out of his coat were put in by the tailor who made it, to stiffen the collar. [Laughter.]

Mr. MILLS. No, sir; they were woven in. That is the way the Senator attempts to get out of it.

Mr. GEAR. I wish also to say to my friend the Senator from Texas that in the district which I formerly represented in Congress there is a good deal of wool raising. In 1890 and all through the pendency of the McKinley law the price of wool in that district was 19 to 21 cents. When the so-called McKinley law was repealed there was an immediate drop of 10 cents a pound, and the farmers of that district have not had more than 10 or 11 cents a pound from that day until within sixty days of the election of McKinley, when wool advanced a little—1 or 2 cents.

Some Germans in my home town are large dealers in wool. I drop into their establishments occasionally and look at their stock. They are holding 200,000 pounds of wool to-day of this year's crop, 1896, at 10 and 11 cents, expecting, as they have the right to do, that when we have a majority in both Houses we will put a fair, moderate duty on wool for the benefit of the woolgrowers. They are Democrats, but they appreciate the situation, that it will enhance the price of the wool they have on hand.

Mr. CHANDLER. While the Senator from Texas is thinking over the statement of the Senator from Iowa, I think it my duty to call up the immigration bill. I would not do so if I saw any encouragement to believe that there would be immediate action upon the Dingley bill. I obtained some hope when the Senator from Nebraska [Mr. ALLEN] boldly called up the bill the other day, but upon interrogating him I found that the measure was to receive no support from him. The Senator from Missouri [Mr. VEST], at whose instance it was taken up to-day, has spoken on it at length, but I think he said it is in the tomb of the Capulets. Whether the Senator meant that the Chamber of the Senate is the tomb of the Capulets or that the Committee on Finance as now constituted is the tomb of the Capulets, I do not know; but the Senator spent a great deal of time in pounding a bill which he says is dead.

It seems to me, Mr. President, that we had better defer further discussion upon the bill until it is before the Senate with some hope of its passing. The Senator occupied a wide field of discussion. He mentioned my name at the close of his remarks. I did not hear distinctly what he had to say, but I did hear him refer to the resolution offered by the Senator from Nebraska [Mr. ALLEN]. When that resolution comes before the Senate it will be my pleasure and my duty to define my position in connection with the proposed investigation. But I now hope that as the immigration bill is to be voted upon at 4 o'clock to-morrow afternoon, and as I know there are Senators who wish to debate the pending amendments, the discussion upon that measure may proceed. I ask for the regular order.

Mr. ALDRICH. May I trespass upon the kindness of the Senator from New Hampshire for a moment longer?

Mr. CHANDLER. Not to resume the woolen discussion, Mr. President. [Laughter.]

Mr. ALDRICH. If the Senator will allow me to speak, I will take my own subject. I suppose I could speak on the bill the Senator refers to, but I prefer to——

Mr. ALLEN rose.

Mr. CHANDLER. The Senator from Nebraska will be sure to reply, and I would just as soon have the debate upon the immigration bill, if the Senator from Rhode Island is quite willing.

Mr. ALLEN. Before the Senator from New Hampshire presses his request and we pass from this very interesting subject, I should like to know if it is settled in Republican circles upon the other side of the Chamber——

Mr. CHANDLER. The Senator from Nebraska will allow me to interrupt him. I must yield first to the Senator from Rhode Island if I yield at all; but if the Senator from Nebraska will think over and mature his remarks, I will yield to him afterwards. [Laughter.]

Mr. ALDRICH. Mr. President, in the course of some remarks which I submitted to the Senate upon this question in 1891, I had published in the RECORD a statement of the comparative prices of wool in this country and in England, using equivalent qualities in both cases. The quotations came from the very highest authority in London and in this country. That table showed conclusively that the difference in the price of the same quality of wool between London and the United States was 12 cents a pound for a series of fifteen years, or almost the exact equivalent of the duty in the United States, showing that the whole amount of the duty was added, as has been sometimes claimed by Senators upon the other side, to the price of wool in this country, and that the farmer received the full duty.

Mr. ALLEN. Before the Senator from New Hampshire presses his request, and after having matured my thoughts somewhat, I should like to ask him if it is really settled upon the other side of the Chamber that the Dingley bill is dead, and that nothing further is to be done with it?

Mr. CHANDLER. It will depend almost entirely upon the attitude of the Senator himself and Senators upon the other side of the Chamber. If the Senator was sincere in calling up the bill and wishes to get rid of the obstacle that is put in the path of the passage of the bill, to wit, the clause for free silver coinage, the bill will be taken up and acted upon, I have no doubt. But I suppose it is now evident to the Senate and to the country that the Senator from Nebraska made his speech as a continuation of his campaign addresses of last fall——

Mr. ALLEN. Not at all.

Mr. CHANDLER. Which is equally true as to the Senator from Missouri [Mr. VEST]. I do think that before Senators urge upon the Senate the discussion of the Dingley bill they ought to define their own position, and tell us whether they come here instructed by the result of the election in November to help pass through the Senate of the United States, whether it is the tomb of the Capulets or the tomb of anybody else, a bill to fill the Treasury of the United States and protect the industries of the United States.

Now, if the Senator from Nebraska will define his position fairly and squarely, he will soon find out what this side of the Chamber desires to do with the Dingley bill.

Mr. ALLEN. I regret that the Senator from New Hampshire declines to answer my question. In absolute good faith, never in

my life being more sincere, I put the question, whether it is really the settled purpose of the Republican party to abandon this important measure in midstream, or whether it is the purpose to take it up, consider it in a dignified manner, and pass it, or have it defeated, as the case may be?

Mr. CHANDLER. Will the Senator permit me to ask him a question?

Mr. ALLEN. Certainly.

Mr. CHANDLER. Will the Senator vote against the free-coinage amendment to the Dingley bill?

Mr. ALLEN. Mr. President, I would not be guilty of voting against free coinage at the ratio of 16 to 1 for anything in the world. I would not want to imperil my intelligence to that extent.

Mr. CHANDLER. Now, I will ask the Senator another question. Does he not know that if that amendment is put upon the bill it is impossible to make it a law?

Mr. ALLEN. No; I do not. The Senator from New Hampshire has announced himself as a bimetallist; several other Senators have announced themselves as bimetallists; and I have hoped that in the light of the discussion in the fall something has been gained in the way of knowledge upon the other side of the Chamber, and that we might confidently expect the free-silver amendment to be adopted.

Mr. CHANDLER. If the Senator will allow me, I will state that I have no doubt he has done his best to instruct the country, but there is the House of Representatives, which will not adopt the amendment, and there is a President of the United States—he is not my President, although he did all he could to help to elect my candidate last November [laughter]—who will not sign such a bill; and the Senator knows very well that this bill can not pass unless the Republicans are helped to pass it by some Palmer Democrat or Bryan Democrat or some Bryan Populist. It can not be done; and, as the Senator from Missouri says, it is all leather and prunella to get up here and talk about the bill when they characterize it in the first breath as a dead bill, as a bill which is in the tomb of the Capulets.

Mr. ALLEN. I do not believe the bill is dead.

Mr. CHANDLER. Then will the Senator help us to get this amendment off of it?

Mr. ALLEN. I think that statement was simply poetic license on the part of the Senator from Missouri. I do not believe as he states.

The Republicans have within one of a majority in this Chamber. They have 44 Senators. One more will give them power to pass any bill they see fit to pass in this body. Here in the Dingley bill is the foundation for as high a protective measure as you may see fit to adopt. You have your foundation already laid. You have promised the country relief. You are still holding forth the idea that the country will be relieved of its present distress. Why not take hold of this bill in a spirit of fairness and candor, and with the intelligence possessed on the other side of the Chamber, and construct it into a permanent tariff measure?

Mr. President, I do not believe that the tariff question is so great a question—I may not have the proper conception of it, however—that it requires six or eight months to construct a tariff bill. We are threatened here with an extraordinary session of Congress. I believe the most sensible thing that this Congress could do, if it could be done, and I believe the country would approve of it, would be to adjourn and not convene for two years. The country would receive some rest.

The Senator from New Hampshire understands quite well that there is some reasonable prospect of the present Chief Executive signing this bill or signing a tariff measure. He has committed himself to the Republican doctrine of gold monometallism. I understand he laughs and rejoices when he comes in contact with his Republican friends at the great joint victory achieved in the fall, congratulating his Republican friends upon the united victory and the vindication of the Republican doctrine of gold monometallism. Is it not possible that in this Chamber and in the other branch of Congress there is enough Republican influence to induce His Excellency to sign a permanent tariff act?

Mr. GALLINGER. With a free-silver amendment?

Mr. ALLEN. My friend the Senator from New Hampshire [Mr. GALLINGER] seems to have gone mad upon the subject of free silver. Not only have I never yet heard that Senator—I say it in kindness—offer a reason why silver should not be coined, but I have never heard him offer a decent and respectable subterfuge or respectable sophistry against the coinage of silver.

Mr. GALLINGER. Will the Senator from Nebraska permit me?

Mr. ALLEN. Certainly.

Mr. GALLINGER. I think the Senator has heard President Cleveland offer reasons against it.

Mr. ALLEN. Never.

Mr. GALLINGER. And if this bill is passed with your free-silver attachment it will have to receive the approval or disapproval of the President of the United States. Now, does the Senator think—and I appeal to his intelligence, to which he alluded a moment ago—that President Cleveland would sign a tariff act with a free-silver attachment?

Mr. ALLEN. The President of the United States has become a Republican. I should like to hear any gentleman point out the difference between the political principles he advocates to-day and the principles advocated by the Republican party. You would have to put a tag upon the principles of the Republican party and a tag upon the principles of Grover Cleveland before you could distinguish between them.

Mr. GALLINGER. Will the Senator permit me again? I do not desire to interrupt him unjustifiably.

Mr. ALLEN. It is no interruption at all.

Mr. GALLINGER. I think the Senator is right, so far as concerns free silver coinage in this country under existing conditions; both the Republican party and the President of the United States are committed against it. Hence, I again ask him if he thinks the President would sign a tariff bill with a free-silver attachment?

Mr. ALLEN. I do not stand close enough to His Excellency to know what he would do. I assume, however, that he is a convert to Republicanism. He has no party of his own. He lost control of the Democratic party at Chicago last summer. He has a following of barely 125,000 in the United States calling themselves Gold Democrats. I assume, therefore, that the President has gone over body and soul, and that includes a good deal, to the Republican party.

Mr. GALLINGER. Will the Senator from Nebraska permit me again?

Mr. ALLEN. Let me answer the Senator from New Hampshire.

Mr. GALLINGER. Very well.

Mr. ALLEN. Why, then, under those circumstances, would he not sign a moderate tariff bill, such as our Republican friends say they intend to present?

Mr. GALLINGER. The Senator asserts with a good deal of earnestness that the President of the United States is a Republican, because he agrees with the Republican party upon financial principles. If that be true, he must be a Populist, because he agrees with the Populist party upon the tariff question.

Mr. ALLEN. No; he does not even agree with the Populist party upon the tariff question.

Mr. GALLINGER. What is the difference? You would have to tag the Populist party and the President to discover the difference.

Mr. ALLEN. Not at all. There is not a Populist principle which any man who can read and see can not understand. I know of no principle that is advocated by the Populist party of which the President is an adherent. But that is neither here nor there.

Mr. GALLINGER. It is.

Mr. ALLEN. Why does not the Republican party in this Chamber, having jurisdiction now of the subject-matter, take the Dingley bill, which was urged last winter so strongly by the senior Senator from Ohio [Mr. SHERMAN], and upon that build a permanent tariff measure? I recall well hearing the senior Senator from Ohio say, after we had twice refused to take up the bill, that he would call it up himself at another time. But he never yet has done so. That statement occurs in his remarks of February 25 last, I think it is. It has never been done. I have no doubt that the influence of the Republican party in both branches of Congress would be sufficient to induce the President of the United States to sign a moderate tariff act.

A moment ago I heard the Senator from Maine [Mr. FRYE] and I also heard the Senator from Rhode Island [Mr. ALDRICH], who is the great apostle of protection, speak about the decline in the price of wool as though the decline in the price of that article were due entirely to tariff legislation or a lack of protection. But I did not hear either one of those Senators say anything about the price of farm produce in general. The wool industry must be protected by law, while the great mass of farmers from the Atlantic to the Pacific must go without protection in any form, with the prices of their products constantly falling, until they have reached a point where they will not bring two-thirds of the cost of production. If the corn and articles of that kind which are grown in the great Mississippi Valley are to sell at present prices, then the more cheap wool this country can have the better off it will be.

The Senator from Rhode Island desires to raise the price of wool to the consumers, and yet he is not willing to give one letter or one line of legislation to raise the price of general farm products to the farmer. He wishes to know what is the difficulty. I appeal to that Senator, who is a man of great knowledge upon this question, and, for that matter, upon all other subjects, to state whether it is not true that this country has to-day more manufactured articles than it can consume in the next two or three years. The factories are full of manufactured articles; jobbing houses are full of them. The stores in the cities and the country towns are full of articles to be sold. There never was more wheat and corn and oats and cotton and tobacco in this country than there is to-day. Why are not these articles exchanged, commerce enlivened, and money put into circulation? Mr. President, it is simply because the volume of money is so low that farm produce brings nothing. The farmer can not convert it into money, or into sufficient money, and therefore he can not purchase the surplus articles of the manufacturer; and that is all there is to it.

Now, I say to the other side of the Chamber that so far as I am concerned individually, I will not place a thing in your pathway to obstruct a reasonable tariff measure from your standpoint. You have cried tariff from every hilltop in this country for the last six months. You have succeeded in deluding the country. You have told the people that our prosperity would be brought about by the reenactment of a tariff law. I think we can demonstrate to the country the falsity of that statement quicker by permitting you to pass such an act and by that means draw the attention of the people of the country once more to the only great issue, the financial question.

Mr. SHERMAN obtained the floor.

Mr. CHANDLER. Will the Senator from Ohio allow me to make a remark? I suggest that the immigration bill go over to-day and be taken up after the routine morning business to-morrow, its consideration to be continued until the hour for voting already agreed upon.

Mr. TELLER. Before that is done I wish to say a word. I do not like to object to the request, but I wish to say a word or two.

Mr. CHANDLER. I do not propose to stop debate on this matter.

Mr. TELLER. I do not propose to debate this question.

Mr. SHERMAN. I think I have the floor.

Mr. CHANDLER. I merely desire to ask unanimous consent that the immigration bill may be taken up after the routine morning business is finished to-morrow morning.

Mr. TELLER. I will not object to that, after I can say a few words, which I can say now.

Mr. CHANDLER. That bill is not now before the Senate. It is the Dingley bill.

The PRESIDING OFFICER. The Chair recognized the Senator from Ohio. He will recognize the Senator from Colorado later.

Mr. TELLER. I will wait until the Senator from Ohio gets through.

Mr. SHERMAN. I will yield to the Senator from Colorado. I desire to make only a few remarks.

Mr. TELLER. I will wait until the Senator from Ohio concludes.

Mr. SHERMAN. Mr. President, I do not wish to take part in the political feature of this debate, which has been very interesting, but only in the most important object of tariff legislation, and that is revenue. A deficiency of revenue caused by defective laws is almost a crime when committed by the Congress of the United States. It is the first duty of Congress to appropriate money for the ordinary expenditures of the Government of the United States. That is usually done without any party friction. The question then is how to raise money to pay those appropriations and to carry on the operations of the Government. This is the difficult problem to be solved by Congress. Upon that question the two great parties honestly differ, one believing that duties may be levied upon imported goods for revenue only, while the other believes that the duties should be so levied that they shall protect, improve, and encourage domestic manufactures, as well as to furnish adequate revenue for the support of the Government. This contention has existed between parties since the origin of our Government, and is likely to continue while the Government lasts. The result has been that on account of this dispute now for several years the Government of the United States has expended more than the receipts, more than the taxes levied upon the people of the United States. This is a disgrace to any Congress, and ought to be corrected when the opportunity offers. Difference of opinion in the Senate of the United States has undoubtedly created this difficulty.

Now, let me call attention to the fact that from the close of the civil war until 1893 every year the Congress of the United States provided sufficient revenue to carry on the operations of the Government, and not only to do that, but to pay off rapidly the public debt. I have before me the familiar statement which shows that from July 1, 1866, until the commencement of the Administration of Mr. Cleveland the receipts were ample to cover the expenses, and a surplus each year, which in the aggregate amounted to $1,580,000,000, which was applied to the payment of the public debt. The ascertained interest-bearing debt at the close of the war was about twenty-three or twenty-four hundred million dollars. The precise figures are contained in the books. That debt had been reduced to $585,000,000 prior to the coming in of the Administration of Mr. Cleveland on his second term. The Democratic party in Congress, in pursuance of their policy, then proceeded to pass the existing tariff law. Everybody knows—it is not a matter of doubt—that since that time the receipts from customs duties have greatly declined.

I have here a table which shows that in a single year after the passage of the existing tariff law the revenues of the Government from customs fell some $50,000,000. It is found in this statement that the revenues in 1891 from customs were $219,000,000; in 1893 they were $177,000,000; in 1894 they were $131,000,000, and in 1895 they were $152,000,000; showing that in each year the revenues from the customs fell below those provided for by the McKinley Act and the previous tariff laws at least $50,000,000.

That deficiency is the fault of the existing tariff law. There can be no question about it. The provisions of the law are not sufficient to furnish revenue for the support of the Government, and that is mainly because it is founded upon ad valorem rates instead of specific duties.

Now, that is undoubtedly true. I do not reproach anybody for it. I would desire myself to reduce the burden of taxation upon our people, but the people of the United States never utter a complaint when Congress will supply sufficient revenues to carry on the operations of the Government and gradually pay the public debt. Had it not been for the passage of the existing tariff law, if the McKinley law had remained upon the statute book, producing the revenue it was shown to produce, every part of the public debt of the United States, the interest-bearing debt, would have been paid off at the end of this century. It is manifest that that is the fault of the existing order of things.

I say, therefore, that I will at any moment, upon the motion of anyone, vote to proceed to the consideration of any tariff bill that will increase the revenues of the Government. I do not care whether the bill is in the form of protective duties or in the form of revenue duties. It is a shame, it is a disgrace to the Congress of the United States, at this time of profound peace, to have an insufficient revenue to carry on the Government of the United States and to issue bonds for the purpose of borrowing money to carry on the Government in time of peace. It is a reproach to us; it would be a reproach to any government of Europe. It is a marked and singular incident that the debt of the United States, instead of now being $585,000,000 and in process of reduction, has been increased $265,000,000. That is the fault of the insufficient tariff law.

Sir, I do not care in what form it comes, upon whose motion it may be made. I am willing to take up and consider the pending bill, the Dingley bill, that has been so often referred to. The first thing to be done is to add to it sufficient provisions to increase the revenue so that hereafter in the incoming Administration we shall not be going into debt year by year. If that can be done in a proper way, let it be done. We may differ about the subjects of taxation, the mode and the manner of taxation; that is a matter of honest difference; but the duty should be performed in one way or the other, and it makes but little difference, as the bill proposed is only a temporary measure, whether it is done upon the principles adopted by the Democratic party or the principles adopted by the Republican party.

Mr. VEST. Will the Senator from Ohio permit me to ask him just one question, if it does not interrupt him?

Mr. SHERMAN. Certainly.

Mr. VEST. The money statement of the Treasury Department this morning shows one hundred and twenty-six million and some hundred thousand dollars over and above the gold reserve, as it is called. What does the Senator propose to have done with that money?

Mr. SHERMAN. That condition of affairs is caused by the existing deficiency of revenue. The deficiency created a doubt as to whether we would be able to meet the expenses of the Government and to maintain the gold reserve created for the special purpose of preserving the parity of United States notes with coin. In order to meet the current deficiencies, the President of the United States was compelled to use the gold reserve, to divert it from the purpose designated by Congress, and expend it for current demands. This led to the demand of gold for United States notes, and the money now indicated by the Senator is the United States notes redeemed in gold, and these notes are held in the Treasury to prevent us from falling from the gold or specie standard. Have I answered the Senator sufficiently?

Mr. VEST. It appears from this money statement that the one hundred and twenty-six million and some hundred thousand dollars is a part of the proceeds of the sale of bonds. I do not understand that those proceeds are greenbacks.

Mr. SHERMAN. A very small part of it forms the proceeds of bond sales. The bonds were paid for in gold. The notes were redeemed in gold. This is shown by the report of the Secretary of the Treasury.

Mr. VEST. I will say, with great respect to the Senator from Ohio, that he does not answer my question.

Mr. SHERMAN. I did answer it.

Mr. VEST. It was not as to how the money came there, or

what was done with the gold, or what has been done by the Treasury Department, but what does the Senator propose shall be done with the one hundred and twenty-six million and some odd hundred thousand dollars.

Mr. SHERMAN. Let us see how that money was accumulated in the Treasury. In Republican times there was no difficulty about the reserve. All the reserve was maintained, and never during that period of thirteen years was the reserve called upon for more than $30,000,000. But the very moment the policy was adopted of having insufficient revenue, when every intelligent man knew that the Department had to fall upon and use the gold reserve, it created a doubt as to our ability or willingness to maintain the specie standard. That has been the cause of it, and that is an additional reproach to the Democratic party. That is the result of an insufficient tariff revenue.

All I wish to say is that if we can take up the Dingley bill I am willing to do it. If we are to play fast and loose and talk about silver and other matters which have no connection with a tariff bill at all, then, as a matter of course, it is idle and useless to take it up; it is a waste of time; but if we can have any assurance whatever on this side of the Chamber that we can take up the Dingley bill and provide enough revenue in some way or other to carry on the operations of Government we will gladly join in that movement. That bill it is proposed shall last but for a year, and it is not a matter of great importance. We can live through that year under it if necessary. It would be a wise act for this Congress, and for the Senate especially, where the block is made, and where it ought to be rectified, to take up the Dingley bill sent to us by the House of Representatives, which, it is conceded, would add to our revenues $40,000,000. We ought to pass it as it is, defective as it is, but without those riders which would prevent it from becoming a law.

The silver rider was a mere cowardly evasion of a great and important duty. I say, with all the emphasis of the words I can give to it, that the proposition to go to the single silver standard—for that is what it means—was introduced in order to defeat the bill itself. It is wrong; but whether wrong or right in itself, it had no place on the tariff bill. It had no connection with our revenues or expenditures. It was put there to prevent the proper action of Congress in passing a revenue bill to carry on the operations of the Government. If we can take up the bill and remove this difficulty in any way, if Senators will see it their duty to help us along and provide means to carry on the Government, there would be no difficulty about it. Let us take the Dingley bill as it is. I do not believe in many of its features; I do not believe in the principles upon which it is founded; still I will vote for it, because it would do that first and primary duty, it would increase the revenues of the Government and enable the Government to go on without going every day and every hour into debt more and more.

Mr. PETTIGREW. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Certainly.

Mr. PETTIGREW. I should like to ask the Senator from Ohio if he thinks it would obviate the necessity of selling bonds to procure gold if the revenue was increased?

Mr. SHERMAN. Undoubtedly.

Mr. PETTIGREW. Then I should like to ask a further question. Would the Senator be willing, if we passed, for instance, the Dingley bill, to vote for an amendment to repeal the law of 1875 authorizing the issue of bonds?

Mr. SHERMAN. I do not think there is any law now authorizing the issue of bonds except the resumption act, which provides that gold shall be used as a fund to redeem United States notes.

Mr. PETTIGREW. Under some authority bonds have been issued. Under a pretended or real authority bonds have been issued?

Mr. SHERMAN. Yes.

Mr. PETTIGREW. I suppose they were issued under the resumption act. Would the Senator consent to vote for an amendment to repeal that authority, so that bonds could not be issued without the consent of Congress?

Mr. SHERMAN. If nothing was done to impair the redemption fund, which is a primary thing, I would vote for any measure that will restore it and maintain it. But, sir, Congress ought always to confer the power to borrow money, if necessary. Congress ought to exercise that power when it is necessary on account of the deficiency of the revenues. There was no deficiency of the revenues until the existing tariff law was passed.

Mr. PETTIGREW. It seems to me that the Senator does not answer my question. I think Congress has the power probably to borrow money, and to enact laws to do it, but it appears the President assumes the power under some act of Congress—under the resumption act, he says. The question is, having provided revenue enough to run the Government, would the Senator be willing to vote for a law to repeal that so-called authority in the President to borrow money?

Mr. SHERMAN. I think the taking of money from the resumption fund is a great stretch of power, but I am not prepared to say that the President of the United States was not justified in doing it. The fault was here in Congress. We should have provided money enough, without reference to that fund, to have carried on the operations of the Government. When, therefore, the President, in the absence of action by Congress, saw that the $100,000,000 of gold was likely to be exhausted—it ran down at one time to $45,000,000—he did what I think he was justified in doing under the circumstances. He rather "whipped the devil around the stump," I may say, and, invoking the provisions of the resumption act, he did sell bonds. Whether the sale of those bonds was legal or not makes no difference; it was an honest debt to be paid. We had promised to pay the United States notes, and when they came pouring into the Treasury there was nothing for the Secretary of the Treasury to do but to use any money at hand, gold or any other money, to pay off and redeem those notes. But, sir, all this was the result of insufficient revenue, sufficient revenue not having been provided by existing law.

Mr. TELLER. Mr. President, I do not intend to discuss the silver question or the financial question. The Senator from Ohio reprobated such a discussion, and then proceeded to discuss it and to open the door, I suppose, for others to follow. So far as the question as to whether the Dingley bill can become a law is concerned, I do not feel at liberty to discuss it in the method that it was discussed by two Senators, because I do not understand that we have the right to discuss the question whether the President will or will not veto a bill. I suppose we can legislate with reference to that point in our minds, but it has been an unwritten rule of the Senate, as it is of all legislative bodies of this character, that no reference shall be made to the action of the Executive.

The Senator from New Hampshire [Mr. CHANDLER] asked the Senator from Nebraska [Mr. ALLEN] whether he thinks the President of the United States would sign the bill because of some obstruction that he imagines may be put upon the bill in the shape of a free-silver attachment. The Senator from Nebraska might have replied in as much order as the Senator from New Hampshire by asking him if he thinks the President of the United States would sign this bill if there was no silver attachment put on it.

Mr. President, the conditions of the Senate were as well known when the bill was brought in as they are to-day. It was as well known then that if every man in this Chamber who had been elected as a Republican had voted for the bill it would still have lacked at least one vote. There was no earthly reason to suppose that any man who had not acted with the Republican party in this Chamber would cast his vote for the bill. It is the barest pretense in the world for anyone to stand here and say he expects or believes that the bill can become a law. Without violating the law I have mentioned, I can say there is certainly an obstruction here which everybody knows existed when the bill was introduced, and it exists whether the silver attachment is on the bill or off. When the Senator from Maine [Mr. FRYE] says that he is in favor of passing the bill he knows it can not be passed, and he does not know it any better to-day than he knew it when the bill was introduced. The bill was not introduced to be passed, and it is not a fit bill to pass. We have heard from the Senator from Ohio again and again that it is not a protective bill. We have heard again and again that it is not a Republican bill, and we have heard from the friends of the bill that it was a makeshift, a temporary-expedient bill.

Mr. President, the Republican party is about to come into power. If it were not so late I would be tempted to express some opinion as to how it secured power. At some other time I shall probably do so. But it is coming into power; and it is coming into power with a promise and a pledge to the American people that the distressed condition of affairs which has existed for many years shall disappear with Republican success, when it shall be followed by a Republican Administration.

Mr. HOAR. And legislation.

Mr. TELLER. Of course; you have promised that you would legislate. We were told during the campaign that an era of confidence would begin the moment the election was over. If such an era has struck the country, I have failed to observe it.

Mr. President, the Republican party will have a duty to perform to the American people, and they will not perform that duty by talking about the Dingley bill unless they will say to the country that the Dingley bill is the bill they want; that it is exactly such a bill as will bring prosperity to the country. Every one of them on this side of the Chamber who has ever spoken about the bill has condemned it. If they think that they can pass the bill and go to the country, and then, if prosperity does not come, say, "Well, we did not get the bill we want," that will not answer the demand the people will make upon them. They are to pass a bill such as they want. It is to be a Republican bill from a Republican standpoint. I do not know whether it is to be the McKinley bill or not, but I should assume not, from the fact that in the Republican platform I discovered there was a provision which said, "We are not attached to schedules." When I inquired of

some leading Republicans in the country, at a proper time to make such an inquiry, what that meant, they said it meant that **they** did not mean to promise to reenact the McKinley bill. But the Republican party has said that this country suffers for nothing but more tariff; that the financial question does not disturb us. So the Senator from Nebraska who sits on my right [Mr. THURSTON], in an interview published in a morning paper, says that that is not what disturbs the country, it is more tariff, or, as the Senator from Missouri [Mr. VEST] from his standpoint says, more taxes.

Now, Mr. President, this bill will never become a law, and there is not a man on this floor who does not know it. Why should the American Senate spend its time with this bill. Why should you disturb the business of the country with talk about passing the bill when you all know that it will not pass and can not become a law—when you know there are obstacles here or elsewhere that are absolutely insurmountable?

Mr. CHANDLER. Will the Senator allow me to answer the inquiry he put?

Mr. TELLER. Certainly.

Mr. CHANDLER. No Senator upon this side of the Chamber who supported Mr. McKinley commenced talking about this bill. The Senator from Nebraska [Mr. ALLEN], who, with the Senator from Colorado, tried to elect Mr. Bryan, got up the bill the other day.

Mr. TELLER. I am not sure but that we did elect him, too.

Mr. CHANDLER. And the Senator from Missouri [Mr. VEST] got the bill up to-day. The talk about this bill and wasting the time of the Senate has not been upon this side of the Chamber.

Mr. TELLER. This is a Republican measure, and it is now receiving the support of the Republicans on this side, in the way of the Senator from Ohio and the Senator from Maine at least.

Mr. CHANDLER. But the Senator was lecturing the Republican side of the Chamber for talking about the bill.

Mr. TELLER. You were talking about it. You were professing that you want to pass it. It would not be offensive if I should say that every one of you know you do not want to pass it. I said last summer that no one in the country would have been so frightened as those on this side of the Chamber would have been if you had supposed it would have become a law. It is ineffective to do what you say is needed to be done in the country.

Mr. CHANDLER. If the Senator will allow me a word, when he makes that imputation upon the whole Republican side of the Chamber, for one, I beg leave to deny it.

Mr. TELLER. Very well; I will except the Senator.

Mr. CHANDLER. The Republicans supported the bill in good faith.

Mr. FRYE. As I have stated that I desire its passage, the Senator from Colorado will have to exclude me from the list.

Mr. GALLINGER. I am in the same category.

Mr. FRYE. I am very earnestly in favor of passing it.

Mr. TELLER. I will retract what I said. I will say I did not see how anybody did expect it to pass; and I can not see from my standpoint——

Mr. SEWELL. Will the Senator from Colorado allow me to interrupt him?

Mr. TELLER. In a minute. I can not see from my standpoint how anybody could have expected any advantage to come to the country from its passage, if it had been possible to pass it. Now I will hear what the Senator from New Jersey has to say.

Mr. SEWELL. If the Senator will relieve the bill from the silver amendments, I am very anxious to vote for it just as it stands. I believe if we could have passed the bill at the last session it would have been a benefit to the country, by giving the Government the money that was needed instead of borrowing it.

Mr. TELLER. If there are any considerable number of Republicans here who think the bill ought to pass, and that the passage of the bill would bring prosperity, why do they not press the bill; why do they not find out whether they have got the votes to pass the bill; why do they not find out whether it can become a law or not?

Mr. CHANDLER. The Senator himself knows the obstacle. I do not say there are not obstacles to the passage of the bill; but the Senator undertook to impugn the motive of every Senator on this side of the Chamber, except his own peculiar associates, by saying we did not desire the bill to become a law.

Mr. TELLER. I repeat, if it is offensive, I repeat, this bill was not introduced to be passed, and it was understood when it was introduced that it could not be passed; that it was introduced for a political advantage and a political purpose. I make that statement, Mr. President, on my own authority.

Mr. CHANDLER. That is the Senator's opinion. I can not help his entertaining that opinion.

Mr. HALE. As the Senator has made so grave a charge, I wish he would give a little more in detail some of the reasons for his remarkable statement that the bill was never reported with the expectation that it would be passed. Does the Senator bear in mind that it was a measure framed by the House of Representatives with deliberation, with the avowed purpose of being a temporary measure to raise revenue for a Democratic Administration, debated and passed there, and sent to this body; and then the Republicans of this body, almost united, agreed to endeavor to pass it without crossing a "t" or dotting an "i" as the other branch of the Government had sent it to us?

For one I wish to say in all sincerity, and as sincerely as the Senator from Colorado can say anything (and he is a sincere man), that it never occurred to me that we were not to pass the bill in honest fashion for an honest purpose, if we could do it. I believe, with the Senator from New Jersey [Mr. SEWELL], that it would have been a benefit and it would have helped the country could we have passed it at the last session. We could not and did not. I agree fully with my colleague that if we could pass it to-day just as it is it would be a beneficent measure. It would give revenue at once, or almost at once. It would help the country in the feeling that there would be no more sales of bonds to run the Government.

So far as I am concerned, the Senator is wrong in saying that there was anything underneath or underlying or furtive in the attempt to pass this bill.

Mr. TELLER. Mr. President, I did not give way to the Senator to make a speech.

Mr. HALE. I am obliged to the Senator, who is always very courteous.

Mr. TELLER. The bill was introduced in the other House with great haste, if I may speak of what occurred in another body. It practically came in without the deliberation of a committee, it having been considered for a few hours only, as everybody knows. When the President sent his message here about the finances of the country it had no reference whatever to the revenue. When he had declared in his message that he needed no more revenue, when the Secretary of the Treasury had declared in his report that he needed no more revenue, the committee of the House, with great haste, with hot haste, reported a bill which did not pass with deliberation. It passed as no other tariff bill ever passed in the history of this country—passed with a few hours of discussion, only a few favored members of that body being able to say a word on it. It came here as no other bill ever came to this Senate; it came when everybody knew there was a decided majority in the Senate against a tariff bill. It came here, if I may be allowed to say so, when it was known that there was not even the remotest possibility on the face of the earth that it ever could become a law, and it was known that before it could become a law one of the principal officials of this country would have to stultify himself to a degree that there was no reason to suppose he would.

That is the reason I say the bill was not expected to become a law. I say it was not expected to become a law because it does not stand to reason that Republican Senators knew so little of public affairs as to suppose that from the other side of the Chamber they could get a vote for a measure which was infinitely more offensive than measures which had called down the denunciation of many a Senator and of the President of the United States himself. They knew the President of the United States had declared that the law which did pass was infamous because of the high tariff it put upon many products, and upon the same products they put 15 per cent more. They had no reason, in the nature of things, to suppose that they could get a vote from the other side of the Chamber. I assert here that no Senator will rise in this Chamber and state that he attempted to get a vote from the other side of the Chamber. While it was said, with an indefiniteness that was sometimes quite astonishing, that there were hopes that if it passed the two Houses of Congress it might become a law, I venture to say that no Senator will say here that he dickered with the Chief Executive as to whether he would veto or sign the bill.

I repeat, that everything which touches and surrounds this bill shows that it was a political movement, and only a political movement. It was a political movement to distract the attention of the American people from the financial question, and the Republican party went into the campaign of this year making an effort to withdraw public attention from the financial question and center it upon the tariff question. They would have had a good chance, if the bill could have passed the Senate and been vetoed by the President, to have made an issue. They would have had a good chance if it had been met here by a consolidated Democratic and Populist vote and defeated; but it was not. Men who were as much in favor of protection as any man sitting on this side of the Chamber, realizing the purpose for which the bill was introduced and pressed, believing that it was not intended to become a law, believing that it could not become a law, believing that it was for an evil purpose—evil, and for nothing else—joined with the opposition on the other side in declining to take it up. It has been brought before the Senate at this session by a great big vote. Was there any sentiment among the Republicans to press it to a vote? If there was, the reading of the debate—I was not here—does not indicate it.

Mr. President, everybody knows that this bill can not pass; everybody knows it will not become a law; everybody knows that if you are to have a tariff bill you will have to wait until after the 4th of March, and you will have to wait until the Republican party comes into power. Everybody knows that if the Republican party would be fair and frank and say, "We can not pass this bill," or if they would say what most of them know, that this bill will not grant the tariff they have promised, the people of the United States would wait with patience until that party comes into power and has the opportunity of passing a tariff bill. If they pass this bill and it should become a law, they must pass another in the early months of next spring. Not a Senator on this floor on this side will say that, in his judgment, this is the bill that the Republican party have promised the country. Not a Senator here will say that this is the bill which will restore prosperity to the business of this country. They expect a different kind of bill from this, and if any prosperity comes from a tariff bill it will be from a bill different from this.

Mr. President, the business of this country is disturbed by these continual agitations of the tariff question more so than by the agitation of the silver question; and yet we have the agitation all the time going on, because there is not quite frankness enough to say, what everybody knows, that the bill can not become a law. When the change shall have occurred, it will be the duty, in my judgment, of the Republican party, if they keep their pledges to the people, to have an early session—and it can not be too soon after the incoming Administration—and then to formulate a law which will be in line with what is called Republican sentiment and Republican principle. When they have put that before Congress, if they fail to pass it, they will be in some degree at least absolved from their promise; but they never will be absolved from it until they have tried it; they will never know whether they can pass it or not until they have tried it. If you can pass any bill now, why not pass a bill which will accomplish what you propose? If you can pass this bill, you can pass another and a better bill.

Mr. President, I did not mean to say so much when I rose. I meant to say a word or two about the wool question, and I want to say a word or two about it now.

The price of wool has gone down in this country, and it went down in spite of the tariff. It went down because everything else went down. It did not go down more than did other products of the farm. We have had free trade in wool, and it still continues to go down. I was myself of the impression that it had gone lower than it did under the McKinley Act. I may be mistaken about that, because I see that it is here disputed, and I have not looked it up. It did not go down to the extent that it did because of the lack of tariff. It went down because the conditions of the country are putting everything down; because everything which the farmer raises is lower now than it was three years ago. It went down because there had sprung up a competition in wool which this country had never been called upon to meet before. Within the last four or five years there has been built up an Asiatic trade in wool. Twenty-five million pounds a year have been coming to us, and coming more than at that rate this year. When the year shall close you will find it more than 25,000,000 pounds. It began four or five years ago with the importation of a million pounds of Chinese wool. We have now got 25,000,000 or 26,000,000 pounds a year, a growing trade, a trade which threatens the wool interests of this country, whether with or without a tariff. The Senator from Oregon [Mr. MITCHELL] says the woolgrowers could not sell their wool on the Pacific Coast for more than 5 or 6 cents, I think.

Mr. MITCHELL of Oregon. They could not sell it for 5 cents.

Mr. TELLER. They could not sell it for 5 cents; but 25,000,000 or 26,000,000 pounds of Chinese wool were sold on the Pacific Coast at a price at which the Chinaman is satisfied to continue his export, which is increasing year by year, more this year than last year, and more last year than the year before. How does he do it, Mr. President? The Chinaman is on a silver basis. He brings his wool here, and last year he sold it in San Francisco on an average of 8 cents a pound and bought exchange on China, which gave him 15½ cents of Chinese money for it when he got home, which is as potent in purchasing labor or anything else in China as it was thirty years ago. While the American farmer sold his wool for 8 cents, the Chinaman sold his for 15½ cents. Having the great Pacific Sea, which brings all kinds of goods from Asia to the Pacific Coast, he can sell his goods for less than an American farmer who has to transport his goods 250 miles by rail can sell his for. No American farmer can compete with the great Chinese woolgrowers even in the interior of China. That is one thing which is putting down the price of wool; that is one thing which threatens it infinitely more than the lack of a tariff.

Mr. President, the Senator from Ohio [Mr. SHERMAN] repeats what he has said again and again, and I will challenge it, because I always feel that I should do so. He says that we have issued bonds because we had a deficiency in revenue. The President of the United States declared in his official communication to us that at the time he issued those bonds there was no occasion for money to carry on the Government; that he had enough of it in the Treasury. The Secretary of the Treasury made the same declaration, and an examination of the reports will show that when the bonds were issued, in one instance at least, there was more free money in the Treasury for the use of the Government than there is to-day. If there had been revenue tenfold, unless the revenue came in the shape of gold, in which it did not come and in which it will not come, the President of the United States, if he maintained the gold standard, was compelled to issue bonds to buy gold, and if you continue the present system of finance you must continue to buy gold whenever the gold shall run below what the President may think is the danger line. No amount of revenue will help you.

There is another question which might be considered with this bill, and that is, Will this bill produce more revenue? It is very doubtful whether under this bill, with its high rates, you will have as much revenue as you have to-day. I do not find fault with it because it keeps out imports; I am not finding fault with it; but if you are legislating for revenue the question is whether, if you put on a high tariff in addition to a tariff reasonable now in many respects, you will get more revenue or will get less. The Senator from Rhode Island [Mr. ALDRICH] said here to-day, as I understood him, that the tariff on iron was satisfactory; at least if he has not said so now it was so stated when the Wilson bill was under consideration. He said then that the tariff upon cotton goods was the most scientific schedule which had ever been enacted, and entirely satisfactory to the manufacturers of cotton.

Mr. HOAR. With some exceptions.

Mr. TELLER. No exception was made then, whatever may have been found in practice. It was believed when the Wilson bill passed that the manufacturers of woolen goods had been amply taken care of. Their representatives on this floor were satisfied with that bill.

Mr. ALDRICH. The Senator is mistaken.

Mr. TELLER. No, I am not.

Mr. ALDRICH. I do not know any of their representatives on this floor.

Mr. TELLER. I will admit that the woolen goods schedule was not sufficient, because when you get $87,000,000 of importations of woolen goods in nine months or in a year, that is more, in my judgment, than the American people ought to submit to.

Why did we get that great amount of woolen goods? We got it because the condition of Europe was such that manufacturers of woolen goods in that country were compelled to unload upon us at any price they could get. Every man who has kept in touch with the affairs of Europe knows that woolen goods were never before so low in other countries, and that they were never before so low in this country. It would astonish men who are not familiar with this matter to take the schedules of the importations of woolen goods and see the price at which they are brought here and the price at which they can be and are sold. It was the distress in Europe which brought a great avalanche of woolen goods here. If I were to revise the tariff, I would revise it, not by putting 15 per cent more duty upon iron and steel, which have enough now; not by putting 15 per cent more upon cotton and 15 per cent more upon wool, but I would put enough duty upon wool to give the American wool manufacturer practically the American market; not so much, however, that he may be able to demand that the American consumer shall pay an inordinate sum.

Has this Dingley bill been properly considered? Does it consult the interest of each manufacturing industry in the country when it gives on one grade of carpets 2½ per cent more than the McKinley law gave, and gives 15 per cent more upon what everybody admits, I believe, is a satisfactory tariff upon iron and steel, and only 15 per cent upon the woolen schedule, when everybody, I think, who has examined it and who believes in tariff at all will assert that more than 15 per cent is needed if anything at all is needed.

I do not intend to discuss the tariff question. I only want to say in justice to myself that if I had believed that this bill when it was before the Senate was a bill which would have brought relief to the suffering industries of the country, I should have voted for it.

Mr. President, I want prosperity in the United States. I believe it can be brought to our people by a decent financial system; I do not believe it can be brought in any other way; but if you can show me any other method which will stand the test of logic and reason, I will support it with you. I do not say that I will support any tariff bill that you introduce, because I do not believe tariff is the remedy; on that I reserve the right when the time comes to do as my judgment shall dictate; but if you will show me any system that will convince my judgment that prosperity will come from its adoption, I am not so attached to the silver question or the money question that I would not welcome prosperity from any other source or in any other direction. If the country can be made prosperous by other legislation, the section of the country which I in part represent will come in for its share of that prosperity. I am not myself legislating for any single section. My interest extends to all the people and to every portion of the country.

At some time when I shall have the opportunity I mean to discuss this question in a different way. I trust I may discuss it in temperance, but I mean to discuss not only this question, but to discuss the great questions which were presented in the late campaign. I want to say here that I mean then to resent for myself and the 6,000,000 men who voted with me the repeated assertions made here and elsewhere that we were less patriotic or less honest than the men who voted for our opponents.

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Debate on the immigration bill is still in order.

Mr. GORMAN. Mr. President, as one Senator on this side of the Chamber who has uniformly voted against the consideration of the Dingley bill both at the last session and at the present, I desire to say, in reply to the distinguished Senator from Ohio [Mr. SHERMAN], that I believed then, as was so well expressed by the distinguished Senator from Colorado [Mr. TELLER], that this bill at that time was introduced in the face of a Presidential election for a purely political purpose; that the knowledge was within the reach of every Senator and every Member of the other House that this body as constituted at that time and as now constituted was opposed to the passage of such a bill; that the bill did not meet the conditions of the Treasury, as stated by the Senator from Ohio, and that the bill in every section of it was unequal and unjust, except possibly in that portion relating to pottery and to the woolen schedule.

The Presidential election has passed. The combinations of men and interests made in that campaign are now matters of history. To the credit of the Republican party be it said that at no time, not even in the critical hours of that campaign, did they ever lower their standard or depart from their declaration that when they came into power they would have a high protective tariff; and the men who followed their banner and who aided them in that contest were bound to accept the result, as I am bound, now that they have the majority.

I remember full well that when a distinguished friend of mine appealed to your party to enter the contest upon a single issue, the offer was declined through an ex-President of the United States, who had a right to speak for his party, who said they were delighted to have the support of all who would come to them to save the honor of the Government and to prevent repudiation, but that they would adopt a protective tariff when they came into power. That the country understands. You will come into power on the 4th of March.

It matters not, Mr. President, who is responsible now for the deficiency in the Treasury. The Senator from Ohio and I have debated that question before, and I think I have, at least satisfactorily to myself, shown that the deficiency began with the McKinley law and has continued under the Wilson law. But there is the condition, and now is your responsibility. You can not meet it at this session of Congress. You have not the power in this body to pass such a monstrosity as the Dingley bill which is before the Senate. You have not the time nor the inclination to remodel that bill and make it a Republican measure. There is neither the time nor the inclination to do it, and it is trifling with the business interests of the country, in my judgment, to hold out the hope by continuous debate here at this session that some action will be taken when everybody knows that action is impossible.

You will come into the possession of all branches of the Government, including this body, after the 4th of March, and in my best judgment you will have a clear, safe majority for a protective tariff when you assemble on the 4th day of March. For one, feeling as I do and knowing as I do the business conditions of the people whom we all represent and whom we all desire to relieve, when you come to the discussion of that matter those of us who will be here on this side will puncture your bill and expose its enormities or its deficiencies, presenting our views, and presenting them fully (as I hope debate will always be full in the Senate), but with no desire to obstruct you unnecessarily in the passage of your party measure. The responsibility will be with you. If the passage of that measure will bring prosperity, if it will give additional zest to the manufacturers, to the transportation companies, and to the farmers, so be it; I shall rejoice with you; but let it be a full and complete measure, such as you desire the Government shall be administered under, and you will have to take that responsibility only after full and fair discussion in this body.

Mr. HALE. Do I understand the Senator to express here the undoubted conviction that the House bill, the Dingley bill, so called, can not be passed at this session?

Mr. GORMAN. I say without the slightest hesitation that if the Senator from Maine will join me in the frank statement that he ought to make, he and I both know that it is utterly impossible to pass that bill at this short session.

Mr. HALE. Now, let me say to the Senator, while I think it would be well to pass the bill, and I am in favor of passing it, and will vote to take it up and pass it at any time, the statements which have been made here to-day by the Senator from Colorado [Mr. TELLER], who certainly represents a considerable element upon this side of the Chamber, and the statement made by the Senator from Maryland [Mr. GORMAN], who largely represents the other side of the Chamber, that it is impossible to pass the House bill, show to me how difficult it will be to pass it. I hope in this view the Senate and the country will take notice of the difficulties under which we are situate here, for with the combination, or with those thinking with the Senator from Maryland on that side of the Chamber and those thinking with the Senator from Colorado on this side, voting against the passage of the Dingley bill, it is clearly impossible to pass it.

I do agree with the Senator that it will be the business of the Republican party at an early session—and the earlier the better, as the Senator from Colorado says—to take up this whole subject and mature a protective measure, moderate in its terms, but sufficient to give revenue to the Government and properly protect American industries, and I am very glad of his assurance that that will not be obstructed unduly or in any way as mere obstruction.

Mr. TELLER. Will the Senator from Maryland allow me?

Mr. GORMAN. Certainly.

Mr. TELLER. I wish to say to the Senator from Maine that I spoke for no one but myself. When I spoke of the impossibility of passing the Dingley bill I bore in mind all the time the fact that if every man who was elected as a Republican and who ever sat on this side of the Chamber as a Republican voted for the bill it still could not pass.

Mr. GORMAN. I answered the Senator from Maine frankly in stating my opinion as to the possibility of passing the bill. I do not think he has exhibited his usual frankness in his comments upon that answer. But I should like to have from him, a Senator of great experience in this body and knowledge of its members, an opinion as to whether at any time, from the day the bill was received in this body from the House of Representatives until now, there has been a majority in favor of it.

Mr. HALE. I did not, until very late in the consideration at the last session, give up the idea that it might be passed here. I did not go into the question beyond that, and I do not think the question ought to be discussed here as to what the Executive would do with it.

Mr. GORMAN. I do not speak of the Executive. I make no reference to him.

Mr. HALE. I thought it a good measure. The Senator did not. I believe now it was a good measure. I did not intend in any way to be irksome to the Senator in commenting upon his attitude, but to thank him for his frankness. The country will listen to him as it will listen to few Senators here, and when he was foreshadowing, as he had a clear right to do (I think it was a patriotic service that he did), the difficulties in passing the Dingley bill at this session he was giving me light and information upon the situation. I am glad that he did it, and the country will thank him for doing it.

Mr. GORMAN. If I have succeeded in enlightening the Senator from Maine upon the condition in this Chamber and the possibility of passing a bill, I confess I have accomplished a feat that I never expected to see accomplished in this body.

Mr. President, I do not care about the mere finesse of this matter. There is no politics in it as it stands now. I do not believe that the statements of the Senator from Ohio [Mr. SHERMAN] or of the Senator from Maine [Mr. HALE], or both of them, or of the Senator from New Hampshire [Mr. CHANDLER], can affect the political issue in the United States. The great contest is over. It has become history. You have succeeded. I will not say how I think you have succeeded, but you have succeeded, and you and your party have the responsibility of the Government. You can not, and you know you can not, accomplish anything substantial at the present session of Congress. But if you had the power to pass the Dingley bill just as it came from the other House, you could not afford to permit the tariff to rest on the Dingley bill during the incoming Administration. Your Executive would be compelled to call an extra session of Congress, or you would be obliged at the next regular session to take up the question of the tariff and upturn every business interest in the United States. The Republican party can not afford to do that. No party could afford to do it. You have no idea of doing it. In the interest of the business of the country, we have no idea of permitting you to do it. Now, the country might as well understand it.

Mr. HALE. At the present session?

Mr. GORMAN. Yes; at this session.

Mr. HALE. That is very ample and sufficient.

Mr. ALLEN. It is understood, then, that the Dingley bill is dead?

Mr. GORMAN. I know it is ample so far as concerns my statement; but I think the Senators on the other side, as the Senator from Colorado has frankly stated it, ought to admit it and stop this discussion, and prevent our constituents, who are interested in this question, from holding meetings and conventions, as they are doing in the great cities of the Union, and coming to Washington almost daily, or telegraphing Senators about the passage of this bill, where they are interested in some particular item in it.

Mr. PLATT. Will the Senator from Maryland yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. PLATT. The Senator from Maryland is quite right. We have never had the votes on this side of the Chamber to pass the Dingley bill, and we have less now than we ever had before.

Mr. TELLER. That is a frank statement.

Mr. PLATT. It is true.

Mr. GORMAN. I have only one word to say further, and that is in reply to the distinguished Senator from Ohio [Mr. SHERMAN]. I do not intend to thrash over old straw as to who is responsible for the deficiency in the revenues. I wish to state for myself, as I have said heretofore on all occasions when we were considering revenue measures, that I agree that the party which would deliberately frame a revenue measure that did not provide sufficient revenue to meet the current expenses of the Government ought to go out of power; and whenever we have considered such a measure in this body I have always voted for such rates of duty and such a levy upon domestic articles as in my judgment would produce sufficient revenue, with a fair surplus to be kept in the Treasury. But the conditions since 1890, when the McKinley bill was passed, have been such, with falling markets, with depression in all branches of industry, with the consumers unable to purchase the ordinary amount of commodities, that the estimates of the Treasury Department in the framing of the McKinley bill and the last bill were at fault. That, together with the decision of the Supreme Court, have left a deficiency in the Treasury every year. During the latter part of the Harrison Administration the balance in the book account could be made only $2,000,000, and the fact of it was that we were then $50,000,000 short. But that has all passed.

The President of the United States and the Secretary of the Treasury say that out of the proceeds of the sales of bonds, sold, as they claimed at the time, for the purchase of gold to meet the run made upon the Treasury, there is now in the Treasury $125,000,000 or $126,000,000. It will be more than ample for the present fiscal year to meet the deficiencies, whatever they may be, and for the next fiscal year. So, from the present laws and the proceeds of the sales of bonds the Republican party will have all the money that will be necessary to conduct the affairs of the Government until 1898 without any further increase of revenue. In the meantime I take it you will prepare your bill, and you will see to it that there will be a larger revenue than we have now. How you will reach that conclusion is a matter for your own consideration, but I wish to say to the Senator from Ohio that his party can not be embarrassed by the failure to have legislation at the present session of Congress. There will be no further necessity for the sale of a single bond to meet the payments that may be due this year and the next. You will have ample time to meet them in the ordinary way and to dispose of this matter as the Republican party may desire.

Mr. SHERMAN. I can not speak, as a matter of course, for my associates here as a general thing, but I am inclined to think, and I believe that it is their opinion, that in view of the statements which have been made from the other side of the Chamber that the Dingley bill can not pass, we ought not to waste any more time upon it. So far as I am concerned, I am not disposed, and I think the great majority on this side, without having had any opportunity to consult each other, are not disposed to attempt the impossible in order to pass the Dingley bill.

Mr. QUAY. The funeral services on the Dingley bill having been concluded, I move that the Senate proceed to the consideration of executive business.

Mr. CHILTON. Will the Senator from Pennsylvania yield to me for a moment? A bill has come over from the other House similar to one which passed both the House and the Senate during the last session of Congress, which went to the President in the closing days of the session and failed to receive his signature.

Mr. QUAY. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. CHILTON. I ask unanimous consent that House bill 9469 be taken from the table and put upon its passage.

The bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas and to provide for holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, was read the first time by its title and the second time at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHANDLER. Not displacing the unfinished business.

The PRESIDING OFFICER. Not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 4223) for the relief of Curtis P. Wise;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 7282) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge; and

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Volunteers.

The bill (H. R. 596) for the relief of Ellis H. Roberts was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8197) for the relief of John J. Guerin was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

A. A. HOSMER.

The bill (H. R. 6533) for the relief of A. A. Hosmer was read twice by its title.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. CHANDLER. I shall not object if we can have the same understanding as to all such bills, that the unfinished business shall not be displaced.

The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. What is the bill?

Mr. CARTER. It is a bill which has come over from the other House, and is identical with one which has heretofore passed the Senate.

Mr. COCKRELL. Let the bill be read for information.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior to issue to Addison A. Hosmer a certificate of location in place of certificate No. K 9, issued in pursuance of the acts of Congress approved June 22, 1860, March 2, 1867, and June 10, 1872, upon proof of ownership and loss of the same, as the Secretary of the Interior may deem proper, and the execution of a bond, with good and sufficient sureties, in double the market value of the certificate so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost certificate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company with amendments in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. QUAY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 39 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 17, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1896.

POSTMASTERS.

Charles L'Amoreaux, to be postmaster at Schoharie, in the county of Schoharie and State of New York, in the place of Florence A. Smith, whose commission expired July 2, 1896. Mr.

L'Amoreaux is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles W. Anderson, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York, in the place of Emory L. Tompkins, whose commission expired July 18, 1896. Mr. Anderson is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James S. Boyd, to be postmaster at Cold Spring, in the county of Putnam and State of New York, in the place of Ellis H. Timm, whose commission expired May 20, 1896. Mr. Boyd is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John E. Brennan, to be postmaster at Highland Falls, in the county of Orange and State of New York, in the place of Philip Altshimer, whose commission expired July 19, 1896. Mr. Brennan is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James C. Brophy, to be postmaster at Shortsville, in the county of Ontario and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Brophy is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John E. Cannon, to be postmaster at Andover, in the county of Allegany and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Cannon is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Marvin D. Fisher, to be postmaster at Spencer, in the county of Tioga and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Fisher is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John A. Homeyer, to be postmaster at Richmond Hill, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Homeyer is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James F. Hunt, to be postmaster at Croton on Hudson, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Hunt is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Norman W. Kelso, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York, in the place of George B. Tripp, whose commission expired April 8, 1896. Mr. Kelso is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Katherine I. Merritt, to be postmaster at Pelham, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Katherine I. Merritt is now serving as postmaster under a temporary commission issued during the recess of the Senate.

B. Frank Palmer, to be postmaster at Larchmont, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Palmer is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Willard Peck, to be postmaster at Hudson, in the county of Columbia and State of New York, in the place of Judson M. Johnson, whose commission expired December 19, 1895. Mr. Peck is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles S. Powell, to be postmaster at Freeport, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Powell is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Edward J. Shanahan, to be postmaster at Amsterdam, in the county of Montgomery and State of New York, in the place of Mrs. Julia A. Carey, whose commission expired December 14, 1895.

Albert J. Smith, to be postmaster at Northville, in the county of Fulton and State of New York, in the place of Charles G. Bacon, whose commission expired July 18, 1896. Mr. Smith is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Benjaman M. Tasker, to be postmaster at Fort Edward, in the county of Washington and State of New York, in the place of O. C. Robinson, whose commission expired January 6, 1896. Mr. Tasker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Leander Wright, to be postmaster at Amityville, in the county of Suffolk and State of New York, in the place of Solomon Ketcham, jr., whose commission expired December 17, 1895. Mr. Wright is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Benjamin H. Bunn, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina, in the place of Bennett Bunn, deceased. Mr. Bunn is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John W. Kirby, to be postmaster at Lenoir, in the county of Caldwell and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Kirby is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John F. Hogan, to be postmaster at Northwood, in the county of Grand Forks and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Hogan is now serving as postmaster under a temporary commission issued during the recess of the Senate.

William C. Jimeson, to be postmaster at Cooperstown, in the county of Griggs, and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Jimeson is now serving as postmaster under a temporary commission issued during the recess of the Senate.

William J. Mooney, to be postmaster at Langdon, in the county of Cavalier and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Mooney is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John Cranker, to be postmaster at Perrysburg, in the county of Wood and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Cranker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Franklin L. Krock, to be postmaster at Huron, in the county of Erie and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Krock is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Isaac Marker, to be postmaster at Versailles, in the county of Darke and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Marker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Frank Spearsmaker, to be postmaster at London, in the county of Madison and State of Ohio, in the place of John M. Bover, whose commission expired July 18, 1896. Mr. Spearsmaker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James C. Waltimire, to be postmaster at Deshler, in the county of Henry and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Waltimire is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Mary V. Wilson, to be postmaster at Lebanon, in the county of Warren and State of Ohio, in the place of Mary V. Proctor, changed her name by marriage. Mary V. Wilson is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles F. Belt, to be postmaster at Dallas, in the county of Polk and State of Oregon, in the place of Ulysses S. Grant, whose commission expired July 18, 1896. Mr. Belt is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Joseph C. Sawyer, to be postmaster at Newburg, in the county of Yamhill and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Sawyer is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Virginia A. Williams, to be postmaster at Independence, in the county of Polk and State of Oregon, in the place of Essie G. Robertson, whose commission expired July 18, 1896. Virginia A. Williams is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Thomas J. Butler, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Butler is now serving as postmaster under a temporary commission issued during the recess of the Senate.

George W. Clancy, to be postmaster at Darby, in the county of Delaware and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Clancy is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John J. Connelly, to be postmaster at Bryn Mawr, in the county of Montgomery and State of Pennsylvania, in the place of J. Newton Marshall, removed. Mr. Connelly is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James S. Gale, to be postmaster at Milford, in the county of Pike and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Gale is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Alexander Griffith, to be postmaster at Bridgeport, in the county of Montgomery and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Griffith is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Jacob S. Groff, to be postmaster at Newtown, in the county of Bucks and State of Pennsylvania, in the place of Joseph P. Carver, whose commission expired July 2, 1896. Mr. Groff is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Thomas A. Hendrick, to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Hendrick is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Frank O. Howard, to be postmaster at Columbus, in the county of Warren and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Howard is now serving as postmaster under a temporary commission issued during the recess of the Senate.

R. Lindsay Kent, to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Kent is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Henry F. Mann, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania, in the place of Jarid C. Irwin, whose commission expired July 18, 1896. Mr. Mann is now serving as postmaster under a temporary commission issued during the recess of the Senate.

William D. H. Mason, to be postmaster at Williamstown, in the county of Dauphin and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Mason is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Henry Miller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania, in the place of John B. S. Zeller, whose commission expired April 8, 1896. Mr. Miller is now serving as postmaster under a temporary commission issued during the recess of the Senate.

David A. Minnich, to be postmaster at York, in the county of York and State of Pennsylvania, in the place of Hiram Young, whose commission expired June 22, 1896. Mr. Minnich is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles E. Steel, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania, in the place of John Toole, removed. Mr. Steel is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Lloyd Trump, to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Trump is now serving as postmaster under a temporary commission issued during the recess of the Senate.

J. Albert Walton, to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania, in the place of Henry C. Warfel, whose commission expired May 9, 1895. Mr. Walton is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John M. White, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. White is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Arthur F. Young, to be postmaster at Union City, in the county of Erie and State of Pennsylvania, in the place of John C. McLean, whose commission expired July 2, 1896. Mr. Young is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Walter D. Harris, to be postmaster at Olneyville, in the county of Providence and State of Rhode Island, in the place of James H. Walch, whose commission expired December 17, 1895. Mr. Harris is now serving as postmaster under a temporary commission issued during the recess of the Senate.

G. W. S. Jenkins, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina, in the place of William O. Prentiss, resigned.

Miss Georgie L. B. Tobin, to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Miss Tobin is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Michael F. Bowler, to be postmaster at Groton, in the county of Brown and State of South Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Bowler is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Barney O'Neil, to be postmaster at Howard, in the county of Miner and State of South Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. O'Neil is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Mrs. Nora Boothe, to be postmaster at Del Rio, in the county of Valverde and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mrs. Boothe is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James A. Boyd, to be postmaster at Lancaster, in the county of Dallas and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Boyd is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John L. Brooks, to be postmaster at Georgetown, in the county of Williamson and State of Texas, in the place of Charles W. Brooks, deceased. Mr. Brooks is now serving as postmaster under a temporary commission issued during the recess of the Senate.

David B. Howerton, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, in the place of David B. Howerton, whose commission expired July 22, 1896. Mr. Howerton is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Felix C. Williams, to be postmaster at Hamilton, in the county of Hamilton and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Williams is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Eli H. Porter, to be postmaster at Wilmington, in the county of Windham and State of Vermont, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Porter is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Elizabeth C. Adams, to be postmaster at Radford, in the county of Montgomery and State of Virginia, in the place of Richard H. Adams, deceased. Elizabeth C. Adams is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John W. Carroll, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Carroll is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Mildred H. Davies, to be postmaster at Manassas, in the county of Prince William and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Davies is now serving as postmaster under a temporary commission issued during the recess of the Senate.

William Graham, to be postmaster at Orange, in the county of Orange and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Graham is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Rufus K. Sanders, to be postmaster at Saltville, in the county of Smyth and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Sanders is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Theodore Tiedemann, jr., to be postmaster at Ballard, in the county of King and State of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Tiedemann, is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John C. McEldowney, to be postmaster at New Martinsville, in the county of Wetzel and State of West Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. McEldowney is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles A. Prichard, to be postmaster at Mannington, in the county of Marion and State of West Virginia, in the place of Hugh B. McCracken, removed. Mr. Prichard is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Joel D. Cruttenden, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in the place of Louis J. Bachand, removed. Mr. Cruttenden is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James Deverenx, to be postmaster at Shell Lake, in the county of Washburn and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Deverenx is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Henry G. Ellsworth, to be postmaster at Barron, in the county of Barron and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Ellsworth is now serving as postmaster under a temporary commission issued during the recess of the Senate.

David Thompson, to be postmaster at Black River Falls, in the county of Jackson and State of Wisconsin, in the place of John H. Levis, removed. Mr. Thompson is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James P. McDermott, to be postmaster at Rock Springs, in the county of Sweetwater and State of Wyoming, in the place of Charles Sorenson, deceased. Mr. McDermott is now serving as postmaster under a temporary commission issued during the recess of the Senate.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1896.

UNITED STATES ATTORNEY.

Chapman L. Anderson, of Mississippi, to be attorney of the United States for northern district of Mississippi.

RECEIVER OF PUBLIC MONEYS.

Benjamin K. Kimberly, of Colorado, to be receiver of public moneys at Denver, Colo.

ASSAYER.

Francis F. Claussen, of Louisiana, to be assayer of the mint of the United States at New Orleans, La.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

George H. Paul, of Wisconsin, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

APPOINTMENTS IN THE NAVY.

Ensigns.

Irvin V. Gillis, a citizen of New York.
Ridley McLean, a citizen of Tennessee.
Raymond Stone, a citizen of Alabama.
David F. Sellers, a citizen of New Mexico.
Charles Webster, a citizen of Massachusetts.
John T. Tompkins, a citizen of Louisiana.
Provoost Babin, a citizen of New York.
Simon P. Fullinwider, a citizen of Missouri.
Lewis B. Jones, a citizen of New York.
Stephen V. Graham, a citizen of Michigan.
Ernest L. Bennett, a citizen of Massachusetts.
Fritz L. Sandoz, a citizen of Louisiana.
John McC. Luby, a citizen of Texas.
William P. Scott, a citizen of Pennsylvania.
Arthur G. Kavanagh, a citizen of Nebraska.
Carlton F. Snow, a citizen of Maine.
Charles S. Bookwalter, a citizen of Illinois.
Roscoe C. Bulmer, a citizen of Nevada.
Gilbert S. Galbraith, a citizen of Pennsylvania.
Roscoe Spear, a citizen of Pennsylvania.
Robert W. McNeely, a citizen of North Carolina.
Walter S. Turpin, a citizen of Maryland.
George L. P. Stone, a citizen of Georgia.
William S. Whitted, a citizen of North Carolina.
Robert H. Osborn, a citizen of New York.
Walter J. Manion, a citizen of Louisiana.
George E. Gelm, a citizen of New York.
Clarence England, a citizen of Arkansas.

ASSISTANT ENGINEERS.

John M. Hudgins, a citizen of Virginia.
Boling K. McMorris, a citizen of Alabama.
Alfred W. Hinds, a citizen of Alabama.
Roscoe C. Moody, a citizen of Maine.
Leland F. James, a citizen of South Carolina.
Ralph H. Chappell, a citizen of Michigan.
Joseph M. Reeves, a citizen of Illinois.
Ignatius T. Cooper, a citizen of Delaware.
Henry T. Baker, a citizen of Ohio.
Frank Lyon, a citizen of Kentucky.
Hutch I. Cone, a citizen of Florida.
Emory Winship, a citizen of Georgia.
Edwin H. De Lany, a citizen of Tennessee.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 16, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BATTLE SHIP TEXAS.

Mr. BAILEY. Mr. Speaker, it has been charged in the public prints, and particularly in the New York Journal, that the construction of the battle ship *Texas* was grossly mismanaged. I think this House and the country ought to know the truth about it, and I ask unanimous consent for the present consideration of the resolution which I send to the desk.

Mr. DINGLEY. I suggest to the gentleman that the resolution had better go to the Committee on Naval Affairs, and let that committee make a preliminary inquiry.

Mr. BAILEY. This is a direction to the committee to make the inquiry.

Mr. DINGLEY. I think the resolution had better be referred in the first instance. The committee may want to make it broader.

Mr. BAILEY. Will the gentleman permit the resolution to be read?

Mr. DINGLEY. I have no objection to the reading.

The Clerk read as follows:

Resolved by the House of Representatives, That the Committee on Naval Affairs be hereby instructed to investigate the facts and circumstances connected with the construction of the battle ship *Texas*, and report the same to this House as early as practicable.

Resolved further, That for the purpose of this investigation the said Committee on Naval Affairs is hereby authorized to sit at such time and places as it may determine, and is empowered to send for persons and papers, to administer oaths, to take testimony, and to appoint a subcommittee, which subcommittee, if appointed, shall have the same powers as the said committee.

Resolved further, That the Sergeant-at-Arms of the House of Representatives is hereby directed to attend the sessions of the Committee on Naval Affairs, or the subcommittee appointed to conduct this investigation, in person or by deputy, to serve such process as may be issued and to execute the orders of the committee.

Resolved, That the sum of [illegible], or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of this investigation.

Mr. DINGLEY. I think the resolution had better be referred to the Committee on Naval Affairs, and let them make a preliminary examination of the matter.

The SPEAKER. Without objection, the resolution will be referred to the Committee on Naval Affairs.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the following title:

Joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relative to copyrights; when the Speaker signed the same.

OWNERS OF BRIG TALLY-HO.

Mr. BARRETT. I ask unanimous consent for the present consideration of the bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims.

The bill was read, as follows:

Be it enacted, etc., That the claim of the legal owners of the brig *Tally-Ho*, her cargo and freight, and of personal effects on board her, alleged to have been sunk by a collision with the United States steam vessel of war *Pinta* on or about the 2d day of October, 1883, be referred to the Court of Claims, to hear and determine the same to judgment, notwithstanding the lapse of time, with right of appeal as in other cases.

Whereas the legal owners of said brig, cargo, freight, and personal effects, or some of them, did, on the 28th day of July, 1884, file in said Court of Claims, in the case referred to said court by the Secretary of the Navy, and then numbered on the docket of said court Departmental Case No. 16, their petition setting forth their losses by said collision; and whereas evidence has been taken upon said petition, both by said petitioners and by the United States, and said evidence has been filed in said court, the claim above referred to said court may be heard and determined by said court upon said petition already filed therein, and the said evidence already taken and filed by either party upon said petition may be used and referred to in said hearing and determination of said claim in all respects as if originally taken and filed for the purposes of the hearing and determination thereof provided for by this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS. I should like to hear the report of the committee.

The report (by Mr. WATSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2578) entitled "A bill to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims," have had the same under consideration, and report as follows:

The grounds for such reference of the claim to the Court of Claims are so clearly stated in the annexed House report (139) of the first session of the Fifty-first Congress that the committee adopt it and recommend favorable action on the bill, in accordance with its suggestions.

As the general jurisdiction of the Court of Claims does not cover cases of marine torts, Congress has heretofore, in many cases similar to that of the *Tally-Ho*, given jurisdiction to said Court of Claims. See the cases of the schooner *John A. Andrews* (18 Stat. L., p. 291), the schooner *Flight* (19 Stat. L., p. 510), the schooner *Don Pedro* (20 Stat. L., p. 480), the towboat *Future City* (28 Stat. L., p. 210).

The bill has the merit of enabling the rights of the United States and the citizens affected to be finally determined by the Supreme Court, if said parties desire to appeal to said court from the judgment of the Court of Claims.

Your committee recommend that the bill do pass with the following amendment: "With the right of either party to appeal to the Supreme Court of the United States," added to the end of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS. Reserving the right to object, I should like to know from the gentleman from Massachusetts how much money is involved in this claim?

Mr. BARRETT. The amount is very small—only a few thousand dollars.

Mr. HOPKINS. Well, how much? The trouble is that the merits of this case are not presented in the report at all. From the reading of the report members can not tell whether this is a case that should be considered by this House or one that should go to the courts. My observation has been that this House does not always agree with the conclusions of the Court of Claims; yet the findings of that court are always urged by applicants as conclusive upon this House. Now, I think that before we pass a bill which will modify the laws that now bar this claim and will permit the party to go to the Court of Claims and get judgment, we ought to know something about the merits of the case.

Mr. BARRETT. If the gentleman from Illinois [Mr. HOPKINS] had taken the trouble to read the report which I laid before him he would have found that the facts are there fully set forth. The present committee simply adopted the report of the Fifty-first Congress. The facts in brief are these: The *Tally-Ho* was proceeding on the high seas off the coast of Massachusetts when, without any negligence on the part of her officers or crew, she was run down by a United States vessel of war, the *Pinta*. The officers of that United States vessel were summoned before a naval court and found guilty of gross negligence. The Secretary of the Navy forwarded this claim to the Court of Claims, as a matter of course, under the Bowman Act. The Court of Claims decided, upon a technicality, after the evidence had all been prepared, that it could not consider this matter, as the claim arose out of a maritime collision.

In seven previous cases of exactly similar nature claims of this sort have been sent by Congress to the Court of Claims. In this case the precedent is being exactly followed. The testimony has all been prepared and submitted to the court. There is no extra expense involved on either side in allowing this adjudication to be continued. There is not, as the gentleman from Illinois supposes, any new principle involved here, for Congress has already, in seven cases cited in the report as read by the Clerk, allowed similar claims to be sent to the Court of Claims. This matter has been favorably reported upon by at least two committees of this House; the bill has passed the Senate, and now awaits the favorable action of this body.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. BARRETT. Certainly.

Mr. BARTLETT of New York. Does not this bill involve some fifteen or twenty thousand dollars?

Mr. BARRETT. Mr. Speaker, the papers in the claim are in the hands of the Committee on Claims. I have not in mind the exact amount asked for. The gentleman who was directed by that committee to make the report left the city last night for his home in Indiana. As I introduced this bill, I have, after consultation with him, called it up to-day.

I will say, Mr. Speaker, that I do not think the amount involved is so large as is suggested by the gentleman from New York; but if it were fifteen or twenty thousand dollars, the fact is perfectly incontestable that in previous cases of this sort the question has been sent to the Court of Claims. The Secretary of the Navy by his own order made that disposition of this case when it first came before him.

Mr. McMILLIN. Will the gentleman allow me a question?

Mr. BARRETT. Certainly.

Mr. McMILLIN. I could not hear a portion of the bill as distinctly as I wished, and I do not understand whether this bill limits the Government to the evidence now on file in connection with this claim.

Mr. BARRETT. It does not.

Mr. McMILLIN. I notice the bill provides that all the evidence heretofore taken may be used. What I was going to suggest——

Mr. BARRETT. The evidence was all presented before this technical point was encountered. The simple provision of the bill is that the evidence so taken may be used.

Mr. McMILLIN. An opinion was simply sought by the Department, as I understand the gentleman. But the evidence on which to base a final judgment would probably be more strenuous.

Mr. BARRETT. Any testimony bearing upon the question can be introduced under this bill.

Mr. HOPKINS. Let me ask the gentleman why, if this is such a clear case, it should go to the Court of Claims at all? Why not introduce it and have it properly discussed and disposed of here?

With an indefinite amount, such as this bill covers, it seems to me that we ought to be very careful in granting unanimous consent for its consideration and passage.

Mr. DOCKERY. Mr. Speaker——

Mr. BARRETT. Does the gentleman from Illinois wish a reply to his observation?

Mr. HOPKINS. I should not have made the observation if I had not wanted enlightenment from the gentleman from Massachusetts.

Mr. BARRETT. Then the simple reason why this is referred to the Court of Claims is because in every previous case of this sort Congress has sent the claim there. Also, because the court was established to deal with such questions and because the Secretary of the Navy has already sent it there as a matter of course, and because all of the evidence is there on file; and the bill only provides that this little technicality which stands in the way shall be set aside so as to enable the case to be disposed of judicially.

Mr. DOCKERY. Will the gentleman from Massachusetts allow me to call his attention to the fact that the language of the bill seems to require a judgment of the court to be rendered "on the evidence now on file?" It does not provide, with all due deference to him, for taking any new evidence, as I understand the language of the bill.

I wish to call attention to the further fact that the bill authorizes a judgment to be rendered by the court. The issue does not go to the court, under the provisions of the Bowman Act, to find the facts in the case, but it authorizes the court to render a judgment which shall be final and conclusive.

Mr. BARRETT. It does not technically go to the court under the provisions of the Bowman Act, because that court has already decided that it has no jurisdiction in maritime cases such as this. It is simply a technicality which Congress has already decided to settle by referring such cases to the Court of Claims in seven cases, according to a line of precedents to which I have already referred.

Mr. BRUMM. I understand that this bill has not been reported by the Committee on Claims.

Mr. BARRETT. I understand that it has. I have the report at hand.

Mr. BRUMM. Will the gentleman be kind enough to allow me to see the report?

Mr. BARRETT. Certainly. I hand the gentleman the report, No. 388 of the present Congress, from the Committee on Claims.

Mr. DOCKERY. I suggest to the gentleman that the bill ought to be amended so as to authorize the filing of additional evidence if desired.

Mr. BARRETT. There is no objection to that if the gentleman wishes to make the amendment. These people are willing to have all of the evidence that can be presented submitted in connection with the case.

Mr. DOCKERY. I have not prepared an amendment, but it seems to me that we ought to have all the light possible upon the merits of the bill.

Mr. BOUTELLE. I will state to the gentleman from Missouri that practically there can be no new evidence filed in the case, as everything pertaining to it has been on file for a number of years past. The bill has simply been held up Congress after Congress by technical informalities, such as failure to secure concurrent action upon it in the same Congress, and so on. It is an entirely unobjectionable case, and I hope there will be no objection to its passage.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BARRETT, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

W. H. WADE.

Mr. TRACEY. Mr. Speaker, I desire to call up House bill No. 9383, for the relief of William H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers, and ask unanimous consent for its present consideration.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be and he hereby is, authorized and directed to credit the account of W. H. Wade on the books of the Department, as captain and acting regimental quartermaster of the Thirty-first Regiment of Ohio Volunteers, with the sum of $420.15 received by him as such captain and acting regimental quartermaster and disbursed by him to extra duty men for extra duty as of date the [illegible] day of September, A. D. 1862, and transmit to said W. H. Wade a receipt in full of all demands against him on said account; and that he cause all proceedings in the circuit court of the United States for the western district of Missouri against said W. H. Wade to be dismissed and satisfaction entered on the records of said court of any judgment therein rendered against him as such captain and acting regimental quartermaster on account of said receipt and disbursement of funds, of principal, interest, and costs of suit.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. Let me ask the gentleman from Missouri if it is not possible that the judgment entered against this man might not involve a larger amount than the amount named here? It seems that the two matters involved in the bill are not necessarily connected. The first part authorizes a credit of $420 and the second part requires that all proceedings in the circuit court of the United States for the western district of Missouri shall be dismissed and satisfaction entered on the records of the court.

Mr. TRACEY. There can be no such conflict. The judgment referred to is for the amount of the principal, with interest up to the time that it was rendered.

Mr. BARTLETT of New York. I would suggest to the gentleman that he had better strike out the latter provision, relating to the cancellation of the judgment. That will follow necessarily on the adoption of the former provision of the bill.

Mr. TRACEY. I have no objection to striking out the latter part of the bill if it is deemed necessary.

Mr. BARTLETT of New York. That ought to be done, it seems to me.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There was no objection.

Mr. BARTLETT of New York. Now, Mr. Speaker, I move to strike out the latter part of the bill, beginning with the word "and," in line 13, down to the close of the bill, as follows:

> And that he cause all proceedings in the circuit court of the United States for the western district of Missouri against said W. H. Wade to be dismissed and satisfaction entered on the records of said court of any judgment therein rendered against him as such captain and acting regimental quartermaster on account of said receipt and disbursement of funds, of principal, interest, and costs of suit.

Mr. TRACEY. What objection is there to allowing that to remain in?

Mr. BARTLETT of New York. For the reason that there is a credit of four hundred and some odd dollars to be given to him, and in the second place you provide for a cancellation of the judgment. Now non constat that the judgment is for the same amount.

Mr. TRACEY. The judgment is for that amount, as I have stated, with interest.

I desire to say, Mr. Speaker, with reference to the proposed amendment, that if the cancellation of judgment follows as a legal result the giving of the credit for $420.15, I can see no objection to its remaining in the bill as it is. I can not perceive, therefore, the merits of the amendment, if that follows as a legal result.

Mr. BARTLETT of New York. The amendment is desirable, Mr. Speaker, because the judgment may be for some other cause of action.

Mr. TRACEY. There is no other.

Mr. BARTLETT of New York. Well, we do not know anything about that. Of course I do not question the gentleman's statement.

Mr. TRACEY. There is absolutely no other. It is simply on the $420.15, with the interest computed at 6 per cent since the date of payment and the cost of suit. That is what the judgment is for, and that is the reason why I ask the cancellation of the judgment.

Mr. BARTLETT of New York. The gentleman consented to my amendment. If it is not accepted, I object.

The **SPEAKER.** The question is on the amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT of New York. Then I object, Mr. Speaker. The agreement was that the amendment should be accepted.

Mr. TRACEY. There was no agreement further than this, that I stated——

The **SPEAKER.** These matters must be conducted in entire good faith, without any mistakes, and, as perhaps there was a mistake, the Chair will regard the matter as open for objection. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I object.

W. E. JUDKINS, EXECUTOR OF LEWIS M'KENZIE.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3114) for the relief of W. E. Judkins, executor of Lewis McKenzie.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be and he is hereby, authorized and directed to pay to W. E. Judkins, executor of Lewis McKenzie, out of any money in the Treasury not otherwise appropriated, the sum of $[illegible], it being the amount expended by him in the contested election cases in the Forty-first and Forty-second Congresses from the Seventh district of Virginia.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, before consent is given, I should like to hear some explanation of this. It appears to be an old matter, going back a long time.

Mr. SWANSON. I should like to state in this connection that Mr. McKenzie was the Republican candidate for Congress. He contested the Democratic candidate and was seated. Then he had another contest in which he did not succeed. After that Mr. McKenzie died. His executor was Mr. Judkins, a preacher. I think every Claims Committee of this House since that time has reported this bill favorably; but there has been nobody who had interest enough to prosecute it, and it has died the usual death on the Calendar. Now, all the vouchers are on file, showing this amount of money expended and never repaid. I am interested in this, not because the parties live in my district, but because Mr. Judkins, who married Mr. McKenzie's daughter, is chaplain of the Randolph-Macon College, where I went to school, and is one of the ablest preachers in Virginia. I know that this amount of money was expended, as shown by the report of the committee and the vouchers on file, and it has never been repaid simply for the reason that there was nobody here who was sufficiently interested in the claim to secure its passage in Congress, and it died on the Calendar. The report of the committee, which is very short, will verify all these facts.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, let the report be read. I should like to ask if this comes from either Elections Committee of the House or is it from the Committee on Claims?

Mr. SWANSON. It comes from the Committee on Claims. At that time the Committee on Elections did not have cognizance, I think, of the amount which was to be certified. It is only since the statute was passed limiting the expenditure to $2,000 that the Committee on Elections has had jurisdiction; but I should like to state to the gentleman further that the Committee on Elections have decided that it is only cases before the committee in a particular Congress that they can take cognizance of. Any claim arising in a case in which they did not act the committee refuse to take cognizance of. The vouchers showing the expenditures in this case are all on file with the Committee on Claims.

Mr. DINGLEY. I think it would be better to let this go over until there can be some examination. This seems to be a claim

twenty-five years old, and we should like to know what the facts about it are. I think it should lie over until another day.

Mr. SWANSON. The report is very short.

Mr. DINGLEY. I suggest that it be sent to Committee on Elections No. 1. We will give them jurisdiction to examine into the matter. I have no objection to its going to Elections Committee No. 1.

The **SPEAKER.** Objection is made to the present consideration of the bill.

Mr. SWANSON. I accept the suggestion of the gentleman from Maine, that it be sent to Elections Committee No. 1, to make an examination and report.

The **SPEAKER.** Is there objection to that disposition?

There was no objection.

BRIG TALLY-HO.

The **SPEAKER.** The gentleman from Massachusetts [Mr. BARRETT] desires to correct an error in the passage of a bill that was presented by him (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims.

Mr. BARRETT. Mr. Speaker, I find that the Committee on Claims recommended the adoption of an amendment adding to the bill S. 337 the words:

> With the right of either party to appeal to the Supreme Court of the United States.

I therefore ask unanimous consent that the amendment may be considered as incorporated in the bill.

Mr. DOCKERY. That is right.

The **SPEAKER.** The gentleman from Massachusetts [Mr. BARRETT] asks unanimous consent that the amendment proposed by the House committee be added to the Senate bill as an amendment. Is there objection?

There was no objection.

Mr. RICHARDSON. Has the amendment been read?

Mr. BOUTELLE. It provides for an appeal to the Supreme Court of the United States.

The **SPEAKER.** The bill has already been passed upon by the House, and by an error this amendment was omitted.

The amendment was agreed to.

NANCY G. ALLABACH—VETO MESSAGE.

The **SPEAKER** laid before the House the bill (S. 894) granting a pension to Nancy G. Allabach, with a veto message of the President.

[For text of veto message see Senate proceedings of December 15.]

Mr. PICKLER. Mr. Speaker, I move to refer the bill and accompanying veto message to the Committee on Invalid Pensions.

The motion was agreed to.

STRATTON H. BENSCOTER.

The **SPEAKER** laid before the House the bill (H. R. 3771) for the relief of Stratton H. Benscoter, with Senate amendments.

The amendments of the Senate were read.

Mr. HULL. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendments. It is simply a different way of expressing the same thing as the House did in passing the bill.

The **SPEAKER.** The gentleman from Iowa moves to recede from the disagreement of the House to the Senate amendments and to concur in the Senate amendments.

The motion was agreed to; and the amendments of the Senate were concurred in.

CHANGE OF REFERENCE.

There being no objection, the bill (H. R. 9274) to amend an act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and to repeal a certain provision therein, reported back from the Committee on Appropriations, was referred to the Committee on Elections No. 2.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

Mr. LITTLE. Mr. Chairman, I desire to reserve all points of order against the pending bill.

Mr. DOCKERY. That must be done in the House.

Mr. HULL. I will state to the gentleman that all points of order have been reserved.

The Clerk read as follows:

> A bill (H. R. 9858) making appropriations for the support of the Army for the fiscal year ending June 30, 1898.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The **CHAIRMAN.** The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HULL. Mr. Chairman, I desire to make a very brief statement, simply as to what the bill carries and the changes that are made. If members will send for the report, No. 2325, which is very brief, they can have all the information that is necessary for the House and which it is possible for the House to have on the bill. The bill makes an increase in the pay for the Army proper and Ordnance Department, and reductions in amount asked for the subsistence of the Army. In each case where there is a reduction made the evidence before the committee showed that there was a surplus carried over from former appropriations. The increase in the pay of the rank and file of the Army is made for the reason that the evidence before the committee shows that our last appropriation was not sufficient to pay the Army in full the amount provided by law. This bill as reported carries $23,126,314.30, and we appropriated last year $23,278,402.73, being a reduction of $158,000 from the sum we appropriated last year.

Mr. STEELE. I would like to ask the gentleman whether in the reduction in the cost of rations the estimate is based upon the cost of rations last year? My impression is that the estimate was made——

Mr. HULL. It was based not only upon the cost last year, but on the amount of appropriations necessary for different years. It was based upon the statement of the Quartermaster-General as to what was necessary to get during this year.

Mr. STEELE. You mean the Commissary-General?

Mr. HULL. It was not the Commissary-General; we made no reduction in his department, but in the estimates of the Quartermaster-General.

Mr. STEELE. Did the estimate of the Commissary-General take into account the increased cost of rations?

Mr. HULL. There was nothing concerning that except what you will find in his report and the Book of Estimates.

Mr. STEELE. Undoubtedly the cost of rations will be greatly more the next fiscal year than they have been in preceding years. I know the price of flour, of beef, and of pork has increased materially.

Mr. HULL. We have left that just as it was submitted in the estimates. I want to call attention, Mr. Chairman, especially to the fact that there is no change in the general law except in two instances, and I do not care to take extended time now. When the provisions are reached I desire to discuss the two new provisions of the bill. One of them, I am certain, is subject to a point of order. The other is questionable in my mind; but that need not be decided until we reach it. The first change in the law is made at the request of the Paymaster-General of the Army, extending his time for approving vouchers ten days. He now has twenty days, and he stated before the committee that it is impossible for his department to do the work in the time now prescribed by law, and he asked us to insert an amendment extending it to thirty days. We have incorporated that in the bill.

Mr. DINGLEY. What is the necessity of that? The President or Secretary of the Treasury has the authority now to extend the time, and is it not better to leave the law as it is and let the extension be a matter of administration?

Mr. HULL. The gentleman from Maine is better qualified to pass upon a matter of administration than I am, and it is easy to dispose of the amendment, when we reach it, by a point of order, if it is thought desirable to do so.

Mr. DINGLEY. I think it is not desirable to amend the law so as to extend the time for the audit of accounts beyond what is now provided. If in any specific instance it becomes necessary to extend the time, the President or Secretary of the Treasury has ample authority to do it; but a sufficient reason for the extension ought to be given. There is a constant tendency to defer the settlement of accounts, and I think we ought to have the existing law as a spur to promptness.

Mr. HULL. Is it not true that an officer who is allowed an extension of time must apply once a year for that extension?

Mr. DINGLEY. Yes; the permission to extend the time covers only the current year, and I think it ought to be thus, for the reason that the twenty days now allowed is ordinarily sufficient time.

Mr. HULL. Well, if any officer has been compelled to apply repeatedly for such extensions, that might be a good reason for this proposed legislation. However, I do not desire to take up time in discussion of this amendment, because I do not regard it as of any special importance.

Mr. STEELE. By the time the returns in some departments are in, has the paymaster, who is required by law to examine them, any time to do so?

Mr. HULL. He has twenty days.

Mr. STEELE. But in fact he does not have the twenty days, because the twenty days are taken up in getting the returns in.

Mr. DINGLEY. He has twenty days after they are received.

Mr. HULL. Well, Mr. Chairman, as I have said, that point is not an important one in the bill, so I trust that members will not take up much time in discussing it.

I desire now to call special attention to a new provision contained in this bill, which I think is the one that my friend from Arkansas [Mr. LITTLE] has his eye upon. It is found on page 19, where the committee have incorporated a provision—

> That the Army and Navy Hospital at Hot Springs, Ark., is hereby abandoned, and all improvements on Government reservations are surrendered and turned over to the Interior Department except quarters for the officers.

That is the provision as it stands in the bill. When it is reached I shall offer an amendment in somewhat different language, but I desire now to submit the reasons for incorporating this provision in the bill. In the first place, the gentleman from Arkansas will recognize the fact that the committee, or the House, can practically abandon that hospital by refusing to appropriate anything for its maintenance. I do not regard it as of any benefit to the people of Hot Springs or the State of Arkansas to keep a hospital there that has no inmates, especially when, by a change of administration and by turning it over to the Interior Department, it can be leased to parties who will fill it with inmates, and thus cause so much more money to be expended in the State of Arkansas. The Secretary of War has made a very careful and complete examination of this whole question, and I want to call attention to that part of his report, commencing at the bottom of page 10, where he says:

> The experience gained in carrying on the Army and Navy Hospital at Hot Springs, Ark., does not appear to have sustained expectations in regard to its value to the officers and men of the Army and Navy, nor do these expectations appear to be realizable. It would seem that the only way to keep the hospital filled would be to compel the sick of the Army and Navy to go there for treatment.

It appears, therefore, that in order to utilize this hospital we must not merely provide that the sick of the Army and Navy may go there, but we must pass a law to compel them to go. That would certainly be rather an extreme measure, to establish a hospital and maintain it, and then pass a law forcing men to go to it. The Secretary says further:

> The present buildings have a capacity for 80 patients, 16 officers and 64 enlisted men, but the attendance is seldom more than half the capacity, and frequently not more than one-fourth.

The Surgeon-General, in calling attention to this hospital, says that unless extraordinary measures are adopted it can not be made to fulfill the purposes for which it was created, and in his report he states that there have been as high a number as ten officers in the institution during the past year and as low as one.

To go a little further with the report of the Secretary of War, he says that the hospital was erected in pursuance of an act of Congress approved June 30, 1882, and, including furnishings, cost $140,500. This reservation is under the control of the Interior Department, with the exception of a small part taken possession of by the act of Congress establishing the Army and Navy Hospital. If we abandon the hospital it reverts to the Interior Department, and it can be leased under that Department, and the Secretary of War says that it will thus become a source of profit to the Government instead of a continual loss.

Just think of it! To care for twenty patients we have this Army and Navy Hospital at Hot Springs, where there is one surgeon and one assistant surgeon, and in addition to that the law provides for a surgeon of the Navy, but for some years the naval surgeon has not gone there, because no men from the Navy have been in the hospital for treatment, and the Navy Department does not now detail a surgeon to that hospital. In addition to the surgeon and assistant surgeon there are twelve members of the Hospital Corps and a large number of civilian employees, and all to take care of an average of about twenty men. The Secretary of War in his report says that it would be better and cheaper for the Government to maintain the officers and men who report to that hospital for treatment in a first-class hotel under the best medical attendance that could be procured in the United States than to continue to maintain the hospital.

Mr. STEELE. It would appear by the language in line 6, page 19, that it is the intention to abandon this property "except quarters for the officers." If there is to be that exception, it is hardly an abandonment.

Mr. HULL. Those words "except quarters for the officers" belong properly in another part of the paragraph.

Mr. PARKER. The words referred to, instead of coming in after the words "Interior Department," should have been inserted before the word "*Provided*," so as to make the clause read:

> For construction and repairs of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, except quarters for the officers, etc.

Mr. HULL. When we reach that portion of the bill, I shall move to transfer the clause "except quarters for the officers," so as to come in before the word "*Provided*," in line 2.

The committee has left out all appropriation for this hospital. The Interior Department has a man on the reservation looking after the Government's property, so that at the expiration of this fiscal year, if we make no further appropriation, the reservation will be practically abandoned. I can therefore see no reason why there should be any point of order made with a view to striking out this provision. The Secretary of the Interior has charge of the entire reservation. It is not a military reservation, and the Interior Department now leases grounds for hotels, cottages, and different purposes of that kind. It can lease this property for a hotel or hospital or whatever other purpose it may please.

Mr. Chairman, there are a few typographical errors in the bill, which was printed hastily. These errors will be corrected by amendments as we reach them. I have no desire to occupy further the time of the committee.

Mr. HEPBURN. Before the chairman of the Committee on Military Affairs takes his seat, I should like to call his attention to a provision on page 13 of this bill—the paragraph making appropriations for "incidental expenses." In that paragraph a large number of objects of expenditure, or possible expenditure, are grouped together. I should like to know from the chairman of the committee upon what basis the aggregate appropriation has been reached. Is it upon the basis that some portion of the appropriation will be expended on each one of these objects? One of those objects, as I observe, is "expenses of the interment of officers killed in action," and there are numbers of other expenditures provided for here which in the present condition of the Army will not probably have to be met. From the nature of many of the objects embraced in this paragraph it would seem that large amounts which may be saved on some of these items might under the language of the bill be expended for other items. I should like to know whether in the general estimate by which this aggregate of $600,000 was reached the committee assumed that there would be some expenditure for each of the objects provided for.

Mr. HULL. In answer to that question I will simply say we have assumed that expenses may be incurred under each head. We have followed the language of the estimates of the War Department and the language of appropriation bills passed heretofore. We have had regard, also, to the evidence before the committee as to whether or not we could cut down this amount. The General stated that there had been expended during the present year over $555,000 of the $600,000 appropriated, and that there being two years more to run on the appropriation, gathering up the debts that were contracted during the year, it was now known that $600,000 would be required to meet the incidental expenses of the Department.

As to the amount to be expended for each individual item, the committee had no intention of going into details in that way, because we hoped to get this appropriation bill through before the 4th of March; and we very much doubt if we could even have been able to report the bill had we undertaken to go into the War Department and examine every particular item of expenditure to which every dollar appropriated in the bill is to be applied.

As to the item for the interment of men killed in battle and other such questions which my colleague has raised, I will state that the item to which he refers includes those who may die on duty as well as those killed in battle. But the probabilities are that a very small portion of the $600,000 will be used for that purpose.

Mr. HEPBURN. I notice also an item of this kind:

> For expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished.

There are a good many items of that kind. Now, there is no probability of a dollar being expended for any of those objects during the coming year. I find here, however, an item for office furniture and other items of that character. Now, with this lump sum appropriated in this way, covering this vast number of possible objects, could not the Department expend the whole of the sum appropriated for objects which probably Congress would not approve? I take it for granted that the gentleman himself would not approve an expenditure of $600,000 for office furniture, yet under the loose language in which this bill is drawn if there were no necessity for the expenditure of any of this $600,000 upon any other object the whole appropriation might be expended for office furniture—an expenditure which this House certainly would not wish to sanction.

It seems to me that there should be some more specific method of directing the channels in which this money shall go. The appropriation ought not to be made in this loose way—a large sum being appropriated on account of the seeming necessity of providing for objects designated, for which, in fact, no expenditure will be required.

Mr. DOCKERY. I did not hear the whole of the statement of the gentleman in charge of this bill. I wish merely to inquire whether the bill provides for any increase of salaries?

Mr. HULL. There is no increase of salary in the bill—nothing of that kind at all.

Now, Mr. Chairman, I ask that the bill be read by sections for amendment.

Mr. LITTLE. Does the gentleman desire to close general debate at this time?

Mr. HULL. I do if nobody desires to continue this debate.

Mr. LITTLE. I should like to make an arrangement of this kind, if I can: I do not wish to take up unnecessarily the time of the committee; but I should like to have an understanding that when that part of the bill in which I feel a particular interest shall be reached, I may have a little more time for debate than would be allowed under the five-minute rule.

Mr. HULL. There will be no objection to that. I recognize the propriety of the gentleman's request.

Mr. LITTLE. Very good; then I have no objection to closing general debate now.

The Clerk (proceeding to read the bill by paragraphs) read the following:

> For pay of officers of the line, $2,000,800.

Mr. HULL. By a clerical or typographical error the word "thousand" has been omitted in the clause just read. The amount of the appropriation should be $2,800,000. I ask that the clause be amended by inserting the word "thousand" after the word "hundred."

The CHAIRMAN. In the absence of objection, that amendment will be made.

There was no objection.

The Clerk read as follows:

> For pay of Hospital Corps, $292,800.
>
> For service pay of enlisted men, including Hospital Corps, by reason of length of service, in addition to their monthly pay, and payable therewith, $175,000.
>
> For clerks and messengers at the Headquarters of the Army and at the several department headquarters; at the recruiting headquarters and rendezvous; at the Military Academy at West Point; at the Artillery School at Fort Monroe, Va.; at the Infantry and Cavalry School at Fort Leavenworth, Kans., and at the Cavalry and Light Artillery School at Fort Riley, Kans., not exceeding 90 clerks, at $1,000 each; 25 clerks, at $1,100 each; 10 clerks, at $1,200 each, and 45 messengers, at $720 each; $161,900.
>
> And said clerks and messengers shall be employed and apportioned to the several headquarters, stations, and inspection districts by the Secretary of War.

Mr. HULICK. Mr. Chairman, I would like to ask the gentleman in charge of this bill a question, with his consent. I notice that there seems to be an increase all along the line in these sums for the pay of the Hospital Corps, etc., and for the service pay of enlisted men. Will the gentleman state the reason of the increase? Is this because of additional enlistments provided for by acts of Congress since the former appropriation bill went into effect?

Mr. HULL. Does the gentleman refer to the clerks and messengers?

Mr. HULICK. I observe that all of the paragraphs that have just been read have been increased.

Mr. HULL. The service pay is increased, I will state to the gentleman, by reason of length of service. This is simply the amount fixed by law.

Mr. HULICK. Is it because of increased enlistments in the Army?

Mr. HULL. There is a difference, the gentleman will understand, between the service pay and the regular pay. In the service pay there is an increase of compensation for every five years of service.

Mr. HULICK. Is that the sole cause of the increase?

Mr. HULL. That is the sole cause of the increase.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

> Pay Department: For pay of officers in the Pay Department, as now authorized and provided by law, $31,500;
>
> For additional pay to such officers for length of service, to be paid with their current monthly pay, $21,450.
>
> In all, $52,950; *Provided*, That the Paymaster-General shall have not to exceed thirty days for the examination of paymasters' accounts before transmitting them to the Auditor for the War Department.

Mr. DOCKERY. Mr. Chairman, I desire to raise a question of order on the proviso beginning on page 5 with the word "*Provided*," in line 23, down to the end of the paragraph, being the following words:

> *Provided*, That the Paymaster-General shall have not to exceed thirty days for the examination of paymasters' accounts before transmitting them to the Auditor for the War Department.

The proviso changes existing law.

Mr. HULL. We concede that the point of order is well taken.

The CHAIRMAN. The Chair sustains the objection, and the words will go out of the bill.

The Clerk will proceed with the reading.

The Clerk read as follows:

RETIRED ENLISTED MEN.

> For pay of the enlisted men of the Army on the retired list, $400,000.

Mr. PICKLER. I move to strike out the last word, for the purpose of asking the chairman of the Committee on Military Affairs a question. What is the provision of law now in reference to the pay of retired enlisted men in the Army?

Mr. HULL. The retired pay, if that is what the gentleman refers to, is three-fourths of the full pay.

Mr. PICKLER. During life?

Mr. HULL. During life.

Mr. BLUE. After what period of service?

Mr. HULL. After thirty years' service.

Mr. PICKLER. Do they not get anything before that?

Mr. HULL. Not on this account. They have their service pay, of course.

Mr. PICKLER. I withdraw the amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

> *Provided*, That $20,000 of the appropriation for incidental expenses, or so much thereof as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of not less than ten days in the Quartermaster's Department; but no such payment shall be made at any greater rate per day than is fixed by law for the class of persons employed at the work done therein.

Mr. HEPBURN. Mr. Chairman, I would ask consent to go back to the preceding paragraph, in order to ask the chairman of the Committee on Military Affairs a question in regard to the language embodied in the bill in lines 17, 18, 19, 20, 21, and 22 on page 12.

The CHAIRMAN. Is there objection to recurring to the paragraph referred to by the gentleman from Iowa?

There was no objection.

Mr. HEPBURN. The language to which I refer is as follows:

> That, after advertisement, all the supplies for the use of the various departments and posts of the Army and of the branches of the army service shall hereafter be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interest of the Government considered.

Does that mean within the limits of the United States?

I remember a number of years ago there was a good deal of criticism of one of the quartermasters who made purchases of blankets abroad. That did not seem to meet the wishes and sentiment of the American people, and I would like to know from the gentleman now whether it is the purpose of this bill to seek European markets, for instance, in making purchases of this character?

Mr. HULL. I wish to say to my colleague that the question of buying abroad was not considered by the committee. I presumed, at once, without giving the matter any further consideration, that the supplies for the Army would necessarily be purchased at home.

Mr. HEPBURN. They were not on one occasion.

Mr. HULL. I remember that. This bill sought simply to limit the purchases to the point which was most in the interest of the Government.

If my colleague wishes to offer an amendment limiting it absolutely to the United States I shall raise no point of order against it, and am perfectly willing to have it incorporated in the bill.

Mr. HEPBURN. Then, Mr. Chairman, I would like to amend the bill by inserting, after the word "cheapest," in line 20, on page 12, the words:

> In the markets of the United States.

The CHAIRMAN. Without objection, that amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The Clerk, proceeding with the reading of the bill, read as follows:

> Construction and repair of hospitals: For construction and repairs of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same: *Provided*, That the Army and Navy Hospital at Hot Springs, Ark., is hereby abandoned and all improvements on Government reservation are surrendered and turned over to the Interior Department, except quarters for the officers, $75,000.

Mr. HULL. Mr. Chairman, I ask to correct the bill in a verbal way simply, by inserting, in line 2 on page 19, the words "except quarters for officers, $75,000," and to strike out those words in line 6.

The CHAIRMAN. The amendment suggested by the gentleman from Iowa [Mr. HULL] will be adopted unless there be objection.

Mr. LITTLE. As I understand, it is a mere transposition of a line.

Mr. HULL. Yes; it does not affect the matter in which the gentleman from Arkansas [Mr. LITTLE] is interested.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, the gentleman from Arkansas [Mr. LITTLE] asked for additional time on the paragraph which has just been read, relating to a hospital at Hot Springs. I yield to him such time as he wants.

Mr. LITTLE. I want first to make a point of order against this provision.

Mr. HULL. I desire to be heard on that.

The CHAIRMAN. Which provision?

Mr. LITTLE. Beginning after the word "same," in line 2, on page 19, the words—

> Provided, That the Army and Navy Hospital at Hot Springs, Ark., is hereby abandoned and all improvements on Government reservation are surrendered and turned over to the Interior Department.

I make the point, Mr. Chairman, that that is not only new legislation, but is a change of existing law and not in the interest of economy. I find, Mr. Chairman, on page 273 of the Manual, the following ruling made by Mr. Kerr when Speaker:

> To a bill making appropriations for the Indian service, an amendment transferring the management of Indian affairs from the Department of the Interior to the War Department, but [illegible] expenditures, was held to be germane as an amendment, but subject to the point of order as being a change of law and no retrenchment appearing as the result of the proposed change.—Speaker KERR, *Congressional Record*, Forty-fourth Congress, first session, page [illegible].

Also the following ruling upon the same point:

> An amendment to the sundry civil appropriation bill striking out the appropriation for the Coast and Geodetic Survey and abolishing it as a bureau of the Treasury Department, also providing for the transfer of the Coast Survey to the Navy Department and of the Geodetic Survey to the Interior Department, was held not in order as being a change of law, no reduction of expenditure appearing to result from such legislation.—*Congressional Record*, Fifty-third Congress, second session, page [illegible].

Now we find by referring to this clause of the bill that the appropriation made last year was $75,000, and the appropriation made this year is $75,000; and I call the attention of the Chair to the fact that this hospital was established by solemn statute enacted in 1882, and this bill not only seeks to transfer the hospital from the War Department to the Interior Department, but seeks to abandon it as a military hospital, which we do not think can be done in an appropriation bill, nothing appearing in the bill indicating that it will reduce the expenses of the Government.

The CHAIRMAN. The Chair would like to ask the gentleman from Arkansas if the rule that was in force in the House at the time that Speaker Kerr made the ruling to which he has just referred is the same as the rule under which we are proceeding in this Congress?

Mr. LITTLE. I am so informed. I confess I do not know personally.

Mr. MILES. Will the gentleman allow me an interruption?

Mr. LITTLE. Certainly.

Mr. MILES. Do I understand that this is an attempt practically to repeal a statute?

Mr. LITTLE. Yes, it does repeal it. It abandons the military hospital at Hot Springs.

The CHAIRMAN. Before the gentleman from Arkansas [Mr. LITTLE] takes his seat, will he please send to the Chair the law which he claims is being changed by the bill under consideration?

Mr. HULL. Mr. Chairman, I want to say just a word on this when the gentleman from Arkansas [Mr. LITTLE] has concluded.

The CHAIRMAN. The Chair will give the gentleman from Iowa [Mr. HULL] opportunity to be heard before deciding the question.

Mr. LITTLE. I have sent out for the statute. I have the amendment here proposed to the appropriation bill originally, which I send to the Chair.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] is recognized.

Mr. HULL. Mr. Chairman, I simply want to call the attention of the Chair to the fact that this is a different question to what we ordinarily find in a proposition to change the law on an appropriation bill. This is not really a change of law as an abandonment of a hospital. In the first place, this reservation was all under the control of the Interior Department, and, as I understand, this part of it was simply taken away from the Interior Department for the purpose of a hospital for the Army and Navy, and for that only.

Mr. STEELE. Temporarily.

Mr. HULL. Temporarily, or as long as it is so used. I understand further, Mr. Chairman, that the Interior Department keeps a man there all the time to look after the entire reservation, collect the rent from the part that is leased, and see that the interests of the Government are properly provided for. I do not regard the point as to reduction of expenditures as of any force under our rule, but I want to call the attention of my friend from Arkansas [Mr. LITTLE] to this fact, that on page 20 of the bill, where we come to the Medical Department proper, there is a reduction in the amount expended, and the reduction is made because the committee omitted the words that heretofore carried an appropriation for this hospital at Hot Springs, Ark. Heretofore the Army and Navy Hospital at Hot Springs, Ark., had been specifically mentioned as entitled to part of the appropriation.

I think, Mr. Chairman, if we simply struck out the appropriation entirely that the property reverts to the Interior Department. But in order to make it clear, this provision was inserted in the law. I do not regard it as a change that comes within the rule.

The CHAIRMAN. The Chair would like to ask the gentleman from Arkansas where the law is that provides that this shall be under and maintained by the War Department, because the law sent up to the Chair provides how these buildings shall be erected and says nothing about which Department of the Government shall maintain the hospital at this place.

Mr. HULL. The proviso is simply intended to make it clear, so that in case the Interior Department can lease these buildings it can do so at once, instead of having questions that might be raised without the proviso by which the War Department surrenders control of them. I am satisfied that the gentleman from Arkansas, if he is desirous of serving his people and the Government to the best advantage, would be glad to have this fixed in some way so that these buildings can be utilized, and in place of being worthless to the Army and Navy, and a great expense to the Government, becoming profitable to the Government and filled with patients from other points of the United States. That can only be done by providing a method by which the Government can lease the present buildings.

Mr. LITTLE. I shall address myself to that later on.

Mr. HULL. On the question of the point of order, I do not believe it to lie in this case, for the reason that the whole reservation has been under the control of the Interior Department. So much of it was taken out of that control simply while this Army and Navy Hospital was maintained; and the very minute that the War Department ceases to maintain the Army and Navy Hospital there it virtually reverts to the Interior Department.

Mr. BAILEY. Mr. Chairman, the rule is plain—and the construction of the rule has been uniform—that no bureau and no institution, on a general appropriation bill can be transferred from one Department to another. My friend from Arkansas [Mr. LITTLE] read to the Chair some decisions of a former occupant of the chair, but he omitted to read, at the bottom of page 284 of the Manual of the first session of the Fifty-fourth Congress, a citation which expressly declares:

> Provisions in or amendments to appropriation bills transferring the supervision and management of bureaus from one Department to another is a change of law.

However desirable it may be to abandon this military hospital, the very purpose of that rule is to force its abandonment as an independent proposition.

The CHAIRMAN. Before the gentleman from Texas leaves that point of a previous ruling of a Speaker of the House that one bureau can not be transferred from one Department to another, does not that relate to the bureaus that are fixed by law in a particular Department?

Mr. BAILEY. Undoubtedly, if this hospital was not established by law and is not maintained by law it needs no provision in the bill to abandon it. To say nothing about it would abandon it. The law originally provided for its establishment and its maintenance. Now, if that law is not a continuing act, all the Committee on Military Affairs needs to do is simply to make no appropriation for it, and thus abandon it. The very fact that the committee have felt it necessary to incorporate an express provision for its abandonment is a concession on the part of the committee that it has been established and is maintained by existing law.

The CHAIRMAN. Does the gentleman from Iowa desire to say anything further upon this point.

Mr. HULL. I do not desire to say anything more.

The CHAIRMAN. The Chair is of the opinion that it does violate the rule that provides that in an appropriation bill no change shall be made; and if the gentleman has anything further to say the Chair would be very glad to hear him.

Mr. HULL. I will simply say it explains existing law instead of changing the law, and that the Interior Department having control of the reservation, any abandonment of what we have heretofore been doing for the Army and Navy Hospital is an abandonment by the War Department. If Congress refuses to appropriate for the hospital the control would naturally go back to the Interior Department; and the amendment in the proviso simply makes clear what, to my mind, is already the law.

The CHAIRMAN. The law provides an appropriation of $100,000 to be appropriated for the erection of an army and navy hospital at this place, and that it shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submitted to the Secretary of War by the Surgeons-General of the Army and Navy, etc. The Chair is of the opinion that it can not be transferred from the War Department to the Interior Department in an appropriation bill, and will sustain the point of order made by the gentleman from Arkansas.

Mr. HULL. I want to offer another proviso, which will come in on page 18, in the appropriation for the "Construction and repair of hospitals." Congress never appropriates as much as the Department feels that it should have for construction and repairs, and while we left out the Hot Springs hospital we left the amount untouched. In all the appropriation bills passed since I have been in Congress, and, in fact, since the hospital was established at Hot Springs, there has been a specific clause providing that the appropriation should include the Army and Navy Hospital at Hot Springs. In this bill we have left that out, but we have not reduced the amount of the appropriation. As this is the first part of the bill where an appropriation is made for hospitals, I offer an amendment to this paragraph, to come in after the words "seventy-five thousand dollars," as follows:

> *Provided*, That on or before June 30, 1897, the Army and Navy Hospital at Hot Springs, Ark., shall be closed.

I do not desire to take up any time upon this point, but will ask the Chair to decide whether the amendment is in order or not.

Mr. LITTLE. Mr. Chairman, I ask to have that amendment read.

The amendment was read, as follows:

> Page 19, line 6, after the word "dollars" insert the following:
>
> "*Provided*, That on or before June 30, 1897, the Army and Navy Hospital at Hot Springs, Ark., shall be closed."

Mr. LITTLE. Mr. Chairman, I make the same point against that that I made against the other amendment. It simply seeks to attain the same result in an indirect way. This hospital is a permanent institution; and in answer to one suggestion that has been made by the gentleman from Iowa, I wish to say that this property is segregated from the other property at Hot Springs, and is not in any way under the direction or supervision of the Secretary of the Interior.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL. I do not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I make that motion for the purpose of asking the gentleman from Arkansas [Mr. LITTLE], who seems to be familiar with this subject, what amount the Government has expended since 1882 upon these improvements at Hot Springs, Ark. I remember that at that time and later the argument was made by gentlemen from Arkansas, in support of appropriations to improve the Hot Springs Reservation, that they were essential, or at least that they would be exceedingly valuable, to the Army in connection with the reservation as a hospital site. I think that large sums have been expended upon that reservation, and now I understand it is the wish of the War Department to abandon that hospital. Will the gentleman kindly state what amount has been expended there?

Mr. LITTLE. I will state, for the information of my friend, that originally, under the leadership of Gen. John A. Logan, $100,000 was appropriated for the erection of this hospital, and afterwards, I believe, $70,000, making altogether $170,000.

Mr. HULL. Let me correct the gentleman. The total was $140,500.

Mr. HEPBURN. Does that include all the expenditures made in the improvement of the property known as the Hot Springs Reservation?

Mr. LITTLE. There has been usually in the appropriation bill an item of six or eight hundred dollars for the necessary improvement of the hospital, for repairs, and for keeping up the public grounds. It should be remembered that there are several acres of land included in that part of the military reservation set apart for the hospital, and that appropriations have been made for keeping up and beautifying those grounds.

Mr. HEPBURN. I am under the impression that the gentleman is mistaken as to the total amount. I think that very large amounts of money have been expended in the improvement of the property, outside of the cost of the erection of this hospital.

Mr. PAYNE. If the gentleman from Iowa will permit a suggestion, I think the gentleman from Arkansas [Mr. LITTLE] is simply stating the amount expended upon the Government hospital, which is a very small fraction of the total amount expended upon the reservation.

Mr. HEPBURN. Yes; but the expenditures upon the reservation have been justified to members of the House, from time to time, upon the ground that they were necessary or incidental to the hospital. The hospital has been the basis and the excuse for those other expenditures, so that the outlay on both may properly be included together. That is the reason why I asked the gentleman the aggregate amount of the appropriations made, so that we could find out what this hospital in its entirety has cost.

Mr. LITTLE. I think that the hospital proper, as I have already stated, has cost $140,500. The entire reservation covers quite a large area. There is the general reservation proper and the East Mountain Reservation. The military hospital embraces only a small portion of that, but the entire East Mountain Reservation is owned by the Government, and also the West Mountain and the North Mountain reservations. The improvements outside of the hospital have been extensive in some respects, especially as to the East Mountain Reservation, where the Government has gone on and beautified the grounds and built a boulevard to the top of the mountain, that being the mountain out of which flow the hot waters and the one at the base of which this hospital is erected. But the hospital proper has cost only the amount I have stated, except that there have been other amounts appropriated to beautify the grounds, which are segregated from the reservation by a stone wall.

Mr. HEPBURN. What was the cost of extending the waters under a street there at one time?

Mr. LITTLE. Oh, that had no connection whatever with the hospital. At one time there was appropriated seventy-five or eighty thousand dollars, as I remember, for the bridging of Hot Springs Creek. The Government owning all the property on one side of the creek, an appropriation was made to bridge or arch the creek down the main avenue, the Government paying half the expense and the city, I think, paying the other half.

Mr. HEPBURN. Now, will the gentleman tell us what is the aggregate of the appropriations made and expended upon that reservation, or upon all those reservations?

Mr. LITTLE. The two that I have indicated are all that I remember. But I will say to the gentleman that there is a large revenue to the Government every year from this reservation, ranging, I believe, from $40,000 to $75,000 annually. The moneys thus received are expended, under the direction of the Secretary of the Interior, upon the necessary improvements. And it ought not to be forgotten that the Government owns a large number of salable lots, which are now valued at from $75,000 to $100,000, in addition to the remainder of these extensive reservations. But the rents from the bath houses and the leases furnish the money for the necessary improvements, and really costs the Government nothing.

Mr. HEPBURN. What did I understand the gentleman to state as the amount of annual revenue?

Mr. LITTLE. From $40,000 to $75,000, I think. I speak from memory. It pays the expenses of the superintendent of the reservation and other officers and makes the necessary improvements, all from the rentals paid the Government.

Mr. HULL. If the Government is receiving a revenue of from $40,000 to $75,000 a year from the balance of this reservation, why should the gentleman from Arkansas insist on wasting that amount upon a useless hospital?

Mr. LITTLE. I think the assumption of my friend from Iowa is erroneous. The expenses of maintaining this establishment, outside of the payment of Government employees, is but a small amount—$3,000 or $4,000 for an entire year. The assumption of the gentleman that the hospital does no good to the Army is an error, as I think I am able to show. Not one dollar of this money is wasted.

Mr. HULL. Then the gentleman had better show it to the War Department and the Surgeon-General's Office.

Mr. LITTLE. Not knowing that this bill was under way in the committee and having no idea of its being reported so early, I did not have my attention drawn to this provision until a few days ago—after the bill was reported.

The report of the Secretary of War had not been distributed at that time; at least I had failed to get a copy and knew nothing at all about this recommendation, and when I learned of it I was greatly astonished that the Secretary of War should desire to strike down this worthy institution. In all sincerity, I desire to say that in regard to this hospital I believe the House is now in danger of making a very great mistake. I believe that this institution, if it were cared for properly in the appropriation bills, would not only be of the greatest benefit to the Army, but its operations and benefits could be extended; a division could be set apart for the treatment of disabled or ailing veterans in the Soldiers' Homes of this country.

While I am on the floor, as the question of appropriation will come up later, without regard to the ruling of the Chairman upon the point of order—I am proceeding by unanimous consent, I believe, at any rate—I wish to say that there is a reason why no greater number of sick soldiers are sent to this hospital. The smallness of such attendance is not on account of any lack of advantages there, for the advantages of the institution for treatment of particular classes of diseases are not excelled in the civilized world. Nobody, I presume, who is acquainted with the curative powers of the waters at Hot Springs will deny that the use of those waters affords the surest treatment for rheumatism, neuralgia, and various other diseases not necessary to be mentioned.

I wish now to call the attention of the chairman of the committee to the statement of the Surgeon-General's report, on which the recommendation of the Secretary of War seems to have been based. It appears that there are in this hospital 16 beds for officers and 64 for enlisted men. That is the capacity of the building. It is stated in this report that during the last year there were a total of 84 soldiers treated there—officers and privates. Then the report proceeds:

> Of these cases 50 were returned to duty, 15 were discharged for disability, 3 resumed their status on furlough, and 17 remained under treatment at the close of the year. Inquiries made in regard to the 50 men returned to duty

six months after they were sent from the hospital showed that 36 were doing duty with their commands or were well at the time they had been discharged for expiration of term of service; 8 had been discharged for disability on account of relapses and 2 for venereal disease contracted subsequent to their return to duty; 4 were undergoing treatment on account of relapse, and 2 had deserted. Of the [illegible] completed cases, [illegible] were cases of rheumatism, and of these [illegible] were returned to duty after an average treatment of eighty-five days and [illegible] were discharged for disability after an average treatment of ninety-five and six-tenths days.

Now, Mr. Chairman, if we compare the average number of sufferers from rheumatism and neuralgia treated at this hospital with the small amount required to carry on this laudable enterprise—some three or four thousand dollars of actual expenditure by appropriation outside of the pay of officers, stewards, etc.—it strikes me the propriety of continuing this hospital must be apparent, because the mode of treatment pursued there reaches cases which are not curable in the ordinary way.

I wish to call special attention to the language which I shall read from the report of the Surgeon-General, from which it will be seen that he does not recommend the abandonment of this hospital. On the contrary, he points out, as I construe his language, the reason why the attendance has been so small as it has been:

> The special advantages afforded by the Government in this general hospital in the treatment of the diseases mentioned in Circular No. 10, A. G. O., December 8, 1882, do not seem to be appreciated properly by medical officers of the Army.

I take it for granted, although I am not familiar with details of that kind, that the sick persons of the Army are by direction of the local surgeons of the Army directed as to where they shall go for treatment. From the statement of the Surgeon-General it appears that the officers of the Army have not appreciated up to this time the conditions existing at this hospital and the wonderful curative powers of these waters. He says further:

> It is equipped with all the latest and best appliances for the treatment of patients by hydrotherapy, electricity, massage, and the Swedish movements. No sanitarium or private establishment at Hot Springs offers any such advantages. It is believed that if cases suitable for treatment at the Springs were sent earlier in the progress of the disease many serious complications might be prevented and a larger percentage of recoveries be effected.

It appears that under the regulations of the Department only the more desperate cases have been sent to this hospital for treatment.

Now, in view of the splendid appliances at this institution, the magnificent building which has been erected at the expense of the Government under the leadership of a man whose friendship to the soldiers can not be questioned—Gen. John A. Logan—it does seem to me that this institution ought not to be stricken down on a mere ex parte recommendation of the Secretary of War. Nothing is offered in lieu of the accommodations of which it is proposed to deprive the officers and men of our Army. The doors of this hospital should not be closed, but left open to meet the needs of these men.

If the attendance is not sufficient to fill up all the beds provided in the hospital, why can not provision be made that the old soldiers in the Soldiers' Homes of the country who are suffering with neuralgia and rheumatic diseases or other diseases that may be healed by these waters, contracted in the service, may be sent to this institution for treatment? I believe sincerely that when the powers of these waters and the facilities of this hospital become known to the public it will be regarded as little less than a crime to strike down the institution in this way. I hope it will not be done.

My friend suggests that if I am a friend of the public or of my own people I will not object to this. I claim to be a friend of both. As such I believe that this hospital ought to be nurtured. I believe the future will show that the establishment of this hospital was among the wisest acts of Congress. As Gen. John A. Logan himself said, in presenting the bill for the establishment of this hospital, "The city of Hot Springs virtually belongs to the Government; these waters belong to the Government." This building with its appliances has been erected at public expense and for a noble purpose. And to strike down this institution by action taken thus early in the session, at a time when neither I nor the friends of that city, or of this hospital, I might say—I will not say it, because it might be offensive—when the friends of this institution are called upon to meet this question without warning and without opportunity to make a fair showing to the House—would, it seems to me, be entirely wrong and without justification.

I have said this much at this time for the reason that later on I shall ask that the usual appropriation be made for the maintenance of this hospital.

And, Mr. Chairman, I wish to urge on the thinking members of this House, those who are acquainted with the Hot Springs and the curative powers of its waters, not to confuse this institution, which is segregated from the Government property there, with the other interests that the Government holds. This institution is fed by pipes which furnish the curative waters fresh from the springs for use in the hospital. And in view of the fact of the hundreds of old soldiers in Homes scattered throughout the country, with the number ailing with fearful diseases, neuralgic and rheumatic, whose conditions can be cured or at least greatly ameliorated by that institution, I think before we lay violent hands on it and abandon it we ought to look and see if we can not enlarge its sphere of usefulness and make it more valuable than it is now to these people. And I think, Mr. Chairman, when this matter is properly presented before the chairman of the Committee on Military Affairs, he will agree with me.

I do not like to disagree or differ with the committees of this House, and I never do so when it is possible to avoid it. But on this occasion I feel constrained to object to the proposed cutting off of the appropriation for this institution. I think it contrary to the best interests of the Government, and of its property there. I believe that the Government will lose money by striking down the institution—looking at it from a business standpoint—because the Government owns now thousands of dollars' worth of property which would be affected by the action proposed, and no great expense is required to keep the institution up. Let us take proper steps, after mature deliberation, to bring this balm to every suffering soldier. Let this boon of relief be enjoyed by all the old suffering veterans throughout the nation, that their last days may be without that suffering that their exposure has placed upon them.

I thank the House and the chairman of the Committee on Military Affairs for being so kind as to permit me to progress irregularly in regard to this matter.

Mr. PAYNE. Mr. Chairman, I suspect that the hospital at Hot Springs, to which reference is made in this bill, was built not wholly on account of the necessity for such an institution at that point, but because of the enterprise of the citizens at Hot Springs, and I want to say, after somewhat of acquaintance with the people there, acquired by an investigation that I happened to make a few years ago as a member of this body, that in the way of getting the benefit of appropriations they are the most enterprising people that I have yet met in the United States.

It was found a few years ago in a controversy in the courts between certain individuals claiming these lands and the United States—it was found by the Supreme Court of the United States that the Government, unfortunately for the Government, owned this Hot Springs Reservation. There were then some buildings on it, a hotel and some bath houses, and the Government appointed a commission to ascertain the value of the buildings and made an appropriation and issued certificates to the owners to pay for the buildings which they had already erected on one side of the gully. On the other side of this line or gully the Government sold the land to the actual settlers at what was really a nominal figure. The Government rented some of the privileges for bath houses and rented the hotel at $1,000 a year. The testimony before our committee during the time of the lease showed that it was worth $25,000 a year. I may say that after a year or two, or within a year or two afterwards, it was rented for a period of ten years at $3,000 a year, because the men who were upon the property had expended some money of their own in enlarging the hotel. But they were not satisfied with this. The enterprising gentlemen down there inaugurated a scheme to make a magnificent street of this gully to which I have referred, at Hot Springs, and they involved the Government in an expenditure of money amounting to hundreds of thousands of dollars to build a continuous archway over this gully, and then by grading up they succeeded in securing a magnificent street. In that grading, by some arrangement with the contractors, they managed to get a good deal of the material off of the land on the side of the hill opposite to the Government reservation, improving the property there, so that they were able to put a fine block of stores along the street on that side. That property became and was at the time that I was there, during the period of this investigation, of immense value.

Of course to an ordinary citizen of the United States it would have been supposed that the abutting owners of the property would pay equally, share and share alike, for this grand improvement. But not so with the enterprising people of Hot Springs. They impressed upon Congress the idea that it was Government property, and that the Government should do the entire work; and as a consequence the property owners along the opposite side of the street found themselves in possession of a magnificent roadway instead of a gully and creek, which existed there before, without any cost to themselves. Their property necessarily was largely enhanced in value.

At the time I was there they had just commenced the foundation of the hospital, and we had some eminent physicians before us. These gentlemen demonstrated that it was unsafe to leave matters in the condition in which we found them, because the lower opening of the archway was just opposite, or a little below, the Government hospital, and the enterprising people there having deposited all of their sewage into the creek through this archway (the contractor having left convenient openings along the line for that purpose), as a consequence the physicians thought that in hot weather malaria was likely to prevail, and, of course, instead of it being a healthy place for a hospital it would not help

anything but rheumatism, unless malaria was a cure for other diseases that people might have at that point.

These gentlemen very kindly suggested to Congress to extend these improvements not only below the hospital, but some 6 or 7 miles below, where the creek enters into the Ouachita River. I remember that I was out of Congress one term. I had succeeded, up to the time I left, in heading off any appropriations to extend this archway; but when I came back I found that they were making a small appropriation to complete the archway across the street below the Government reservation, in order to protect the health of the people who should be in the hospital. I think that the whole appropriation for that purpose was some $20,000.

Now, we were continually told, as my friend [Mr. LITTLE] has been told by the citizens of Hot Springs, that the revenues of the Government were so enormous from this property and from the sale of some land farther away that the Government was getting and would get a good deal more than the improvements cost; but when we came to balance up the books we found that the Government was paying several dollars to one that it was receiving; so that undoubtedly it was a most unfortunate thing for the Government, in a pecuniary point of view, when the Supreme Court discovered that the Government owned the reservation at Hot Springs.

I suggested that it ought to be sold to the highest bidder, but immediately there was a great protest. They wanted to keep one spring there where the poor people—the lazzaroni—could go and have the benefit of these baths. There was a mud hole on the side of the hill. They called it the Rial Hole; and I understand the mud was from the sediment that came from the water, and had great healing qualities. There the lazzaroni were permitted to go at certain hours in the day and take their baths. The other baths were in magnificent bath houses, built at large expense, the Government allowing the privilege on the reservation, and also furnishing hot water. Now, from time to time various appropriations have been made to seal over the tops of the springs and to collect the water in that way, while it had the natural heat in it as it came from the springs, for the purposes of these bath houses; not that the gentlemen who owned them would take the property at that time and make the improvements themselves for the purpose of running them, but the Government was a very convenient paymaster to do all this sort of thing; and I have no doubt that this hospital was located there because of the importunities and the persuasiveness and enterprise of the citizens of Hot Springs.

Why, Mr. Chairman, the Government gave them a portion of the reservation upon which to build a court-house, I think, or a schoolhouse, and the enterprising city of Hot Springs, after they got title to it, sold it and pocketed the money. Whether they ever built a court-house in another place or not I do not know, but that is the way this thing has been running, and I have no doubt that the Secretary of War has been impelled by his judgment and business ability, notwithstanding the recommendations that have undoubtedly been made to him by these enterprising gentlemen, to state in this report that this hospital is entirely unnecessary, and an expensive institution for the Government to maintain. Just what the annual income is to-day I am not able to say, but members of the House can find it in the report of the Secretary of the Interior, this whole property being under the charge of the Secretary of the Interior, except the Government hospital.

Mr. PARKER. Mr. Chairman, I have already pointed out to this committee one thing, and that is that this hospital is not established by any law except just such an amendment, tacked on to an appropriation bill, as is now declared to be and is out of order.

The CHAIRMAN. To what is the gentleman speaking?

Mr. PARKER. I am speaking, sir, to the same question that has been before the House—the advisability of continuing this hospital.

The CHAIRMAN. Debate is not in order.

Mr. PARKER. I move to insert the words:

> *Provided*, That no part of the appropriation mentioned in this bill shall be applied to the support of the hospital at Hot Springs, Ark.

In the law of 1882 we find the following:

> For construction and repair of hospitals, as reported by the Surgeon-General of the Army, $75,000: *Provided*, That $100,000 be, and hereby is, appropriated for the erection of an army and navy hospital at Hot Springs, Ark., which shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submitted to the Secretary of War by the Surgeons-General of the Army and Navy; which hospital, when in a condition to receive patients, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States: *Provided further*, That such hospital shall be erected on the Government reservation at or near Hot Springs, Ark.

Now, it is nothing but a rider anyhow, and what we propose is that now that we have the Army appropriation bill here, and are putting the horse ahead, we will get rid of that rider.

Mr. LITTLE. Mr. Chairman, do I understand that there is an amendment pending? I could not understand what it was.

The CHAIRMAN. Will the gentleman send his amendment to the Clerk's desk?

Mr. PARKER. Yes, sir; I have it in writing.

Mr. HULL. I have one I can send up if the gentleman desires. I wanted to offer it at the following page.

The Clerk read as follows:

> Page 19, line 6, after the word "dollars," insert the following: "*Provided*, That no part of the appropriation mentioned in this bill shall be applied to the support of the hospital at Hot Springs, Ark."

Mr. HULL. Put in the words "Army and Navy Hospital" at Hot Springs.

Mr. LITTLE. Mr. Chairman, I desire to interpose the same point of order against this amendment.

The CHAIRMAN. The point of order is sustained; and the Clerk will read.

The Clerk proceeded to read.

Mr. BLUE. Mr. Chairman, with the consent of the Chairman——

Mr. HULL. I do not think it makes any difference. I will offer it at another place.

Mr. BLUE. I think the Chair is evidently in error about that.

The CHAIRMAN. The Chair has decided the point of order. The Clerk will read.

The Clerk read as follows:

MEDICAL DEPARTMENT

> Medical and hospital department: For the purchase of medical and hospital supplies including disinfectants for general post sanitation, expenses of medical supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases; advertising and other miscellaneous expenses of the Medical Department, the amount to be expended for pay of civilian employees not to exceed $40,000, $135,000; experimental cooking, $200; in all, $135,200.

Mr. HULL. I desire to offer an amendment, to come in at the close of this paragraph, after the word "dollars."

The Clerk read as follows:

> On page 20, line 21, after the word "dollars" insert the following: "*Provided*, That no part of this sum shall be expended in the further maintenance of the Army and Navy Hospital, at Hot Springs, Ark."

Mr. HULL. Before the Chair decides the question on the point of order I desire to be heard.

Mr. LITTLE. I want to raise the same point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HULL. Mr. Chairman, the appropriation in this clause heretofore has included the Army and Navy Hospital at Hot Springs, Ark., and the committee did not appropriate for it, with the understanding that it was to be eliminated from the bill and turned over to the Interior Department. It seems to be very clear that it is not new legislation in this bill to limit appropriations to certain hospitals or to provide that no part should be used for others; not new legislation for this House in Committee of the Whole to determine whether it will appropriate for a specific thing or shall not, and whether it will limit the appropriation or not. And it seems to me that the Chair, in considering that question, ought to remember that the entire question of appropriations is before the Committee of the Whole, and the Committee of the Whole has the right to limit the appropriations to the specific things that it desires to appropriate for. To hold otherwise is to abridge the power of the House. I regard this as a very different proposition from the one that the Chair ruled on a few minutes ago, as to transferring it to the Interior Department. And in reference to this point I think the Chair will be unable to find that there is any decision in the House or in Committee of the Whole that denies to the Committee of the Whole the right to limit appropriations in Committee of the Whole on an appropriation bill. There is no decision in all the parliamentary history of the House which would hold this amendment out of order.

Mr. BLUE. This rule under which this point of order is made in its essence provides that no amendment nor an original proposition on an appropriation bill shall change existing law. I am informed that in former appropriation bills this Army and Navy Hospital at Hot Springs, Ark., has been specifically named. This amendment proposed by the gentleman from Iowa is not obnoxious to that part of the rule, because it does not change existing law. It is made in the abundance of caution as a provision that no part of this appropriation shall be used there, while the existing law, so far as it goes, specifically applies to that particular point. It was on that account that I a moment ago said, without any disparagement of the Chair's ruling, that I thought the Chair was in error, because it certainly does not change existing law. Therefore I think that the point of order is not well taken.

The CHAIRMAN. Let the Chair ask the gentleman from Kansas this question——

Mr. HULL. If the ruling of the Chair should be against this amendment, I desire to say it simply limits committees in reporting appropriation bills in all their discretion, and compels them to appropriate for objects that are utterly and entirely worthless for the public service. It would be a question under such a decision of the Chair whether you could even reduce appropriations if any gentleman should raise the point of order that it changed existing law. The whole question of appropriation is before this Committee of the Whole. It is possible that the Committee of the Whole will not agree with the Committee on Military Affairs that this is wise to be done, but it is certainly in the discretion of the Committee of the Whole, and I think it should pass upon this question.

The CHAIRMAN. The Chair would like to ask the gentlemen who favor this amendment if, under any existing law, any part of the appropriation can be applied to the purpose prohibited by this appropriation?

Mr. HULL. I can only say, in answer to that, that heretofore on all Army appropriation bills since the Army and Navy Hospital at Hot Springs has been established there has been a specific proviso including the Army and Navy Hospital at Hot Springs, Ark. The Committee on Military Affairs dropped that out this time. We preferred to make a direct transfer to the Interior Department, but that the Chair has ruled out, and I am willing to concede that the Chair had good grounds for this ruling, although I was in hopes that he would rule the other way. [Laughter.] Then the committee is reduced to this position. It has eliminated from its appropriation the amount required for the Army and Navy Hospital at Hot Springs, and it has the right to submit to the Committee of the Whole whether that action shall stand or not. This is not a change of existing law. Without that right this or any appropriation bill may be destroyed. It is simply dropping an appropriation from an appropriation bill. It does not change any law, and I think my friend from Maine [Mr. DINGLEY] can call attention to a case where he, as Chairman of the Committee of the Whole, in the last session, decided a point exactly similar to this, and where the decision was sustained by the committee.

Mr. DINGLEY. Mr. Chairman, it is a familiar principle which has been repeatedly approved by votes of the Committee of the Whole that the committee have a right to vote upon an amendment limiting the expenditure of an appropriation where there is no change of existing law. I remember that at the last session of Congress I, as Chairman of the Committee of the Whole, ruled on precisely that proposition and the ruling was sustained. A few years ago a paragraph was proposed as an amendment to an appropriation bill providing that "no part of the appropriation herein made shall be used in printing United States notes of smaller denominations than those that are canceled." The point of order was raised against that provision that it was a change of existing law. The Chairman of the Committee of the Whole ruled that it was not a change of existing law; that inasmuch as the House had the right to refuse to appropriate at all for a purpose that was already authorized by law, they certainly could refuse to appropriate for a part of that purpose, there being no change of existing law. This, I say, is a principle that has been so frequently invoked, and is so often necessary for the protection of the Treasury, that I should dislike very much to have a decision made to the effect that the Committee of the Whole or the House can not within the limits of existing law put a limit upon expenditures. If such a decision were to be made, it might be held that if an object was authorized by law the House must make appropriation for it whether it wished to or not, and must appropriate the full amount; but a limitation on the use of an appropriation is a very different thing from a change of existing law, and I repeat, I should dislike very much to have a decision made which would overturn or overthrow a principle often invoked, so useful and so necessary to wise appropriation.

Mr. GROW. Mr. Chairman, the gentleman from Maine has stated what I intended to say on the principle of parliamentary law involved in this case in better form than I could have presented it, but I may be permitted to cite a few remarkable instances in practice on this point. The Wilmot proviso was put on an appropriation bill carrying $2,000,000. The point was made and argued that it was out of order, but the Chair held that it was in order as a limitation on a specific appropriation of money. Again, in the contest made in this House against the use of the Army in enforcing the laws of the bogus legislature of Kansas a proviso was offered to the Army appropriation bill that no part of the money therein appropriated should be used for the enforcement of the laws of the bogus legislature imposed upon the people of Kansas by the border ruffian invasion. The proviso was held by the Chair to be in order. The proviso was put on the bill by a vote, but we were unable to pass the bill with it on, and Congress adjourned without passing the Army bill, and President Pierce called an extra session. I agree with the gentleman from Maine that it would be a bad precedent to hold that the power which appropriates money can not limit and restrict the use of a specific appropriation. There is no obligation to make any appropriation at all, and if that be so, then certainly half the appropriation might be made, or any part on a limit of the appropriation that might be made.

The power to appropriate money carries with it, under parliamentary law, the right to restrict, direct, or control a specific appropriation.

Mr. KNOX. Mr. Chairman, I think there can not be any question of the right of the House to limit the expenditure of an appropriation, but it seems to me that there is direct authority in decisions made in the House for the limitation of this appropriation. On a certain occasion an amendment was offered providing that no part of the money thereby appropriated should be applied to the transportation of troops on certain railroads. The point of order was made that the amendment changed existing law, and the Chair held that it was in order as a limitation upon the appropriation and was not a change of existing law. Now, if we can provide in the Army bill that no money therein appropriated shall be expended for the transportation of troops upon a certain railroad, it seems clear that we have the same right to say that no part of the money appropriated in this bill shall be expended upon a certain hospital, and that such a provision does not change existing law. The case I have cited arose in the first session of the Fifty-second Congress, and will be found upon page 228[illegible] of the CONGRESSIONAL RECORD, and I submit that it is a direct authority upon this point.

Mr. CURTIS of New York. Mr. Chairman, carrying forward the suggestion of the gentleman from Maine, I would like to inquire of the Chair, if he should see fit to rule this proviso out as a change of existing law, what would be the effect if, when the legislative bill comes up for consideration, making appropriation for the salaries of Congressmen, some member should rise and object to the appropriation of $5,000 a year as a violation of existing law? For years, since what is known as the "back-salary grab," the legal salary of Congressmen has been $7,500, but the appropriation bills have brought in from year to year only $5,000. Now, if it be competent for the Chair to rule out this proviso, would not the Chairman of the Committee of the Whole, when the legislative bill is under consideration, be compelled, following that precedent, to decide that the action of the committee recommending an appropriation of only $5,000 for the salary of Congressmen (which is all they expect to get and all they ought to have) would be a change of existing law?

Mr. DOCKERY. I suggest to my friend from New York that he is in error as to the existing provision of the statutes in reference to the compensation of members of Congress. The pay now fixed by law is only $5,000 per annum.

Mr. CURTIS of New York. You will find in the Revised Statutes that the salary is fixed at $7,500.

Mr. DOCKERY. The gentleman will find that that provision was repealed, and $5,000 is now the salary as fixed by statute.

Mr. CURTIS of New York. No amendment of the law as I cited it appears in the Revised Statutes. I think it right that the salary should be what is now paid. I only mentioned the fact to show the absurdity of the proposition contended for here that this House has not the right to direct how its appropriations shall be expended. I believe that the motion of the committee ought to be sustained. I am a member of the committee. I trust that the Chair will render his decision in this case in accordance with what I believe to be the parliamentary law and in conformity with the action of Congress upon matters of this kind. I trust, in other words, that the Chair will recognize the right of the House to limit the expenditure of the appropriations which it makes.

Mr. DINGLEY. I wish to call the attention of the Chair to a paragraph on page 281 of the Manual of last session:

> Inasmuch as the House or the Committee of the Whole House on the state of the Union may refuse to appropriate in a general appropriation bill for a particular object authorized by law, it is the well-settled practice that it may appropriate for a part of that object, and by a provision styled a "limitation," prohibit the expenditure of any of the appropriation for another part of the same general object. But a provision in an appropriation bill, or an amendment thereto authorizing the expenditure of an appropriation or any part of it for an object not authorized by law, or in any manner diverting an appropriation to such object, is not a "limitation."

Then it goes on to explain what is not a limitation; but the present case comes under the first division of that decision.

Mr. DOCKERY (during a pause). I suggest that the remainder of the bill be read and that this paragraph be passed over with the privilege of returning to it. In the meantime the Chairman can consider the question.

The CHAIRMAN. The Chair is very sorry to entertain different views from those entertained by the gentleman in charge of this bill, but as the Chair views this question, this being an appropriation for hospitals, a proposition to divert the money from that object is a change of existing law. The Chair therefore sustains the point of order.

Mr. HULL. With all respect to the Chair, I desire to make an appeal from that decision.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 69, noes 53.

So the decision of the Chair was sustained.

Mr. PARKER. Mr. Chairman, in order to bring this matter fully before the House, I move to amend by inserting the words "except at the hospital at Hot Springs, Ark.;" so that we shall appropriate for other hospitals, and not for this one.

Mr. LITTLE. I renew the point of order against this amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. LACEY. Mr. Chairman——

The CHAIRMAN. The Chair does not care to hear any further discussion.

Mr. LACEY. I should like to cite an authority.

The CHAIRMAN. The Chair does not care to hear anything further on this point.

Mr. LACEY. I desire to cite some authorities which have not been cited and which are directly in point.

The CHAIRMAN. The Chair has decided the question; and the Clerk will read.

Mr. LACEY. Then I appeal from the decision of the Chair, so that we may have an opportunity to present this question properly. On this appeal, in addition to the decision that has already been cited by the gentleman from Maine [Mr. DINGLEY], I wish to call attention to two other decisions.

The CHAIRMAN. One moment. Is there anything before the committee?

Mr. LACEY. My appeal is before the committee, unless the Chair declines to entertain it.

The CHAIRMAN. The Chair did not understand that the gentleman appealed.

Mr. LACEY. I took an appeal from the decision of the Chair.

The CHAIRMAN. Does the gentleman desire to argue the question?

Mr. LACEY. I desire to present the appeal to the committee. The Chair did not wish to be informed, but the Committee of the Whole would perhaps like to be.

The CHAIRMAN. If the gentleman can inform the Chair, he may proceed.

Mr. LACEY. I do not wish to undertake to inform the Chair further than to call attention to previous decisions, which the Chair declined to allow me to read.

Mr. WILLIAMS. I rise to a parliamentary inquiry. What is before the committee?

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] offered an amendment, that the appropriations in the bill be applied to Government hospitals, except the one at Hot Springs, Ark. Upon that amendment a point of order was made, which was sustained by the Chair. The gentleman from Iowa [Mr. LACEY] appeals from that decision, and is proceeding now to show the committee why his appeal should be sustained.

Mr. LACEY. I trust I can have the attention of the committee, for this question is of much more importance than the question whether or not the Hot Springs Hospital shall be continued. It is a question of the right of this House to control the appropriations that it may hereafter pass for the public service; whether it is within our power to limit those appropriations or not; whether the House may determine that specific objects which have been pointed out by law as public objects may be omitted from an appropriation bill.

On this subject the decisions have been uniform until the one that the Chair made a few moments ago, and which is now the decision of the committee, because the committee has affirmed the action of the Chair. But the question comes up here again upon a motion in a somewhat different form; and I want to call the attention of the committee to two other decisions (in addition to those already cited by the gentleman from Maine), which seem to me conclusive on this question. I trust the Committee of the Whole will give attention to these citations, because they can not afford to go wrong on a question of this kind. I read from page 282 of the Digest, and from decisions in the present Congress and under the rules as they now stand:

> To the Indian appropriation bill an amendment was proposed reducing the amount appropriated for salaries of certain inspectors in the Indian service from $3,000 to $2,000 per annum each. The point of order was made that said salaries were now fixed by law at $3,000 per annum, and that the present bill provided that the amounts appropriated were to be in full compensation for services; therefore, that the amendment would change existing law. The Chair overruled the point of order, and held that the amendment did not change existing law; that Congress had the right to make limitations and fix conditions upon such appropriations, the persons performing the service having the option of accepting or refusing the amounts so appropriated.

Now, in the Fifty-second Congress, under a rule very similar to the one at present in force, it was decided as follows, and I read from the Digest:

> The following provision in the Army appropriation bill, namely, "That hereafter no money appropriated for Army transportation shall be used in payment for the transportation of troops and supplies for the Army" over certain lines of railroad which are indebted to the Government, was held subject to the point of order under this rule.

Why? Because it provided that "hereafter" it shall not be so used. That is a change of existing law. Then, in order to meet that exact point, the amendment was changed, the word "hereafter" was eliminated from the amendment, and the proposition was limited to the specific appropriation then under consideration. And we find in the Digest this provision:

> An amendment providing that no money appropriated in the pending bill should be applied to the transportation of troops on certain railroads was held in order as being a limitation of expenditure, and not a change of existing law.

So, Mr. Chairman, we have had two decisions directly opposite to that rendered by the Chair in the present case. In the first session of this Congress we had one such decision and we have the decision in the Fifty-second Congress which I have just quoted.

Now, I make this appeal in good faith, in order that the decisions of the committee may be harmonious on such questions—questions which are vital to the conduct of the business of this House. It is not a question whether we shall have the Hot Springs hospital or not, but it is a question with reference to the proper method of procedure in the consideration of legislation on appropriation bills in this body.

The CHAIRMAN. Before the gentleman from Iowa takes his seat, the Chair desires to make this suggestion with reference to the pending point, that there is a distinction between the present appropriation and the questions raised to which the gentleman has referred.

Here is a general appropriation bill making provision for hospitals without applying it to specific hospitals. Certain sums are appropriated, and then the proviso is suggested that no part of the money hereby appropriated shall be used for a certain hospital, to wit, the hospital at Hot Springs. The Chair has held that to be a change of existing law.

Mr. LACEY. It is precisely the same as in the railroad case. The two points were identical.

The CHAIRMAN. The Chair thinks the case is entirely different. If an amount of money was appropriated—so many thousand dollars—for a hospital at any point, so many thousand dollars for a hospital at another point, and so on, and no appropriation was made for Hot Springs at all, it would present a different question. That would be the kind of a case the gentleman presents. But where there is a general appropriation, as in the present instance, you must have new legislation in order that the amount of money that you appropriate shall be diverted from any one of the hospitals which have been heretofore supported by the Government. It is, as the gentleman will see, a different proposition from where a salary is provided, where the law fixes the salary at $3,000, for instance, and only $2,000 is appropriated. The reason that the Chair, in that instance, held that there was no change in existing law was because it was left optional with the party to accept the $2,000 or not, specifically holding that it did not affect the rights of the party to receive the $3,000, and collect it, if he saw proper to go into the Court of Claims for that purpose.

Mr. LACEY. But the Chair, with all due deference, loses sight of the decision in the case where there was a specific appropriation for the transportation of troops—a general appropriation, a lump sum to be used, in the appropriation bill, and an amendment providing that the money should not be paid out of the appropriation for carrying troops over a certain line, specifying the particular road. That was held to be a proper limitation on the appropriation, and not a change of existing law. When the word "hereafter" was inserted in the first instance in the amendment it was held to be a change of existing law. But when that word was eliminated it was held that the House had the right to determine how the money should be expended which it appropriated, and that the provision was in order.

Now the pending amendment is limited to a specific appropriation before the committee, that is to say, it provides that it shall not be expended at Hot Springs. Why, on what principle, or under what provision of the rules, can we not limit the appropriation? It is a general appropriation for general purposes, just as in the case I have illustrated in the Fifty-first Congress.

It is a power that is inherent in the House, which was so held in all the decisions heretofore, and it can not afford to relinquish or surrender it in this manner.

Mr. CANNON. I would like to ask the gentleman from Iowa a question with his consent.

Mr. LACEY. Certainly.

Mr. CANNON. I was not present when the point of order was made upon which the committee voted a few minutes ago, and did not hear the decision of the Chair. I want to see if I understand exactly what is involved in the controversy.

Mr. PARKER. I offered the amendment, and I should like to explain it.

Mr. CANNON. Well, in a moment. I merely want to ask a question. I have not found the general provision that the gentleman refers to. On what page is it?

Mr. LACEY. The provision is not in the printed bill. It is in an amendment offered by the gentleman from New Jersey [Mr. PARKER] at the close of this paragraph.

Mr. CANNON. Where do you mean?

Mr. PARKER. I believe we are on page 20.

Mr. LACEY. Will the Clerk read the proposed amendment?

Mr. PARKER. I merely inserted the words—

Except the Army and Navy Hospital at Hot Springs, Ark.

Mr. HULL. That goes in after the word "diseases," in line 15.

Mr. PARKER. Yes.

Mr. CANNON. Then I want to ask if the effect of that language is to appropriate for the maintenance of hospitals other than the Hot Springs hospital?

Mr. PARKER. Yes.

Mr. MILES. Certainly.

Mr. LACEY. And you omit that hospital.

Mr. CANNON. And the effect of the language is to omit to appropriate for the hospital at Hot Springs?

Mr. PARKER. Yes, that is all.

Mr. LACEY. That is all there is to it.

Mr. CANNON. Well, it seems to me, with all due regard to the Chair, if that is the effect of it, that the Chair could not have understood the case as put to the committee.

Mr. PARKER. Mr. Chairman, it was in deference to the Chair that I offered this last amendment; it was because I did not want to say that there was any doubt as between us as to the meaning of the previous amendment. I could see that the proviso that I had offered—

Provided, That no part of this money shall be expended for the Army and Navy hospital at Hot Springs—

looks as if it were a creation of law; but I have put it in different words. Here is a general appropriation for hospitals. It will cover this hospital unless some exception be made. The House has the right to say whether or not it will appropriate for this hospital, and I therefore, in deference to the opinion of the Chair and the decision of the House, have put it in other words, which simply omit this hospital from the appropriations made by this House. Thereby the House makes no ordinance of law against the hospital, but simply says that it has omitted this one and does not constitute it one of the hospitals for which appropriation is made by the House.

Now, the rule as to retrenchment does not at present apply. We can not argue on the old decisions as to that matter; but we can, under the general powers of this House—its constitutional powers under all circumstances—say whether we will appropriate in an appropriation bill for a particular purpose. And if the bill has been drawn in such general terms that this matter can not be got before the House except by putting in an exception, it has the right to assert that exception as part of its constitutional power and to declare that in making that general appropriation it appropriates for everything except a certain thing. That is the point that I make.

The CHAIRMAN. The question is, Shall the decision of the Chair in sustaining the point of order to the amendment offered by the gentleman from New Jersey [Mr. PARKER] to the pending bill stand as the judgment of the House?

Mr. McRAE. Before the vote is taken, I want to state that the decision quoted by my friend from Iowa [Mr. LACEY] was made during the Fifty-second Congress, when the rule under which we are now operating was not in force. That was a correct ruling then, but it is not applicable to the pending question under the present rules.

I apprehend, Mr. Chairman, that if the House by a general appropriation for the pay of Members and Senators should appropriate, as usual, a lump sum, but should except a particular member by name and say that he should not have his salary, the exception would be out of order, and I think the exception of this hospital is a violation of the spirit of the rule.

I think the Chair has correctly held that in this general appropriation for all the hospitals you can not except any particular one without changing the general law that allows the Secretary of War to distribute the lump sum, and if you do that you violate the rule which declares that there shall be no change of existing law in an appropriation bill.

I think it would be a great injustice to abandon or cripple this magnificent institution located at Hot Springs.

The CHAIRMAN. Those in favor of sustaining the decision of the Chair——

Mr. CANNON. Mr. Chairman, a single word. I do not care whether this hospital at Hot Springs is appropriated for or not. I have no opinion whether it ought to be appropriated for, because I have not investigated the matter; but it does seem to me, as this matter is presented under the rules of the House, that we are liable to get a very awkward precedent here unless we are careful. It seems to me that this decision goes to the point that it is not in order by amendment in Committee of the Whole to test the sense of the committee whether we will withhold money to carry out any given law.

The CHAIRMAN. That is not the decision of the Chair, the Chair will state to the gentleman from Illinois.

Mr. CANNON. All right; then I misunderstood the Chair.

The CHAIRMAN. The decision of the Chair is that this amendment which is offered is a change of existing law and in violation of the rule adopted by the House relating to this subject.

Mr. CANNON. Well, now, let me read it, and see if the Chair is right.

Mr. WILLIAM A. STONE. Were any points of order reserved against this bill?

Mr. HULL. All points of order were reserved.

Mr. CANNON. I will read it:

Medical and hospital department—

I have no interest in the matter except not to get an awkward precedent, if it be an awkward precedent. I want to get right myself and in harmony with the Chair if I am mistaken.

Medical and hospital department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, except—

Now read the amendment.

The Clerk read as follows:

Except in the Army and Naval Hospital at Hot Springs, Ark.

Mr. CANNON. That does not change existing law. It does not abolish the hospital at Hot Springs, Ark., if I understand the English language. This is a matter sounding of appropriations, and the amendment merely has the effect to withhold the appropriation for the coming fiscal year for this hospital. If it does not mean that I do not understand the English language. Now, then, so far as I have any recollection, the authorities are uniform. Let me read one that has not been read. I read from the Manual:

The failure of Congress to appropriate money, in the appropriation act for the current fiscal year, for an object authorized by law, does not repeal such law; and an amendment providing for such object is in order on an appropriation bill, notwithstanding its omission from the previous appropriation act.—Journal, Forty-fifth Congress, second session, page 306.

Now, then, it seems to me that I can not multiply words about this matter. If the amendment is not adopted the money appropriated in this paragraph can be used for every army hospital—every one. If this amendment is adopted it can be used for the support of every army hospital the coming fiscal year except the one at Hot Springs; and there we make no appropriation. That is all I desire to say about it, and I do it, as the gentleman in the chair will understand, with hesitation, because I like to agree with the Chair. I think it is a mistake of the Chair, with all due deference to the Chair, upon the question of fact. It seems to me if the Chair will take this and look at it closely he will see that it does not change existing law, but has the effect merely of withholding the appropriation for the fiscal year.

Mr. WILLIAM A. STONE. I want to ask the gentleman a question, if he will yield to me.

Mr. CANNON. With pleasure.

Mr. WILLIAM A. STONE. I understand that all this discussion has taken place on an appeal made by the gentleman from Iowa.

Mr. CANNON. The gentleman from New Jersey.

Mr. HULL. On an appeal of the gentleman from Iowa [Mr. LACEY].

Mr. WILLIAM A. STONE. Of course I do not understand that from anything that has been said on the appeal, but recollect that he took an appeal.

The CHAIRMAN. The gentleman from Iowa appealed from the decision the Chair made on the amendment offered by the gentleman from New Jersey.

Mr. WILLIAM A. STONE. That is what I understand.

Mr. STEWART of New Jersey. Will the gentleman from Illinois allow me to ask him a question?

Mr. WILLIAM A. STONE. And we have not voted upon that yet.

Mr. CANNON (to Mr. STEWART of New Jersey). Certainly.

Mr. STEWART of New Jersey. Supposing that one of these points for which disinfectants is provided is abandoned, would there be any question that we could except that from the appropriation?

Mr. CANNON. Not in my judgment.

Mr. STEWART of New Jersey. Does not that cover the rule?

Mr. CANNON. Certainly. I say this—that it has been uniformly held in Committee of the Whole that it is always competent by amendment to refuse to appropriate to carry out any law. This Congress might adjourn, so far as the rules of the House are concerned, without appropriating a cent of money. That is a power which has always been insisted upon.

The CHAIRMAN. The Chair desires to say, so that there may be no misunderstanding of the Chair's decision, that the Chair holds that the amendment changes existing legislation.

Mr. CANNON. If the Chair will allow me, I will say respectfully that the Chair seems to me to place the question merely upon the manner of doing it. In other words, the suggestion of the Chair is that by doing in detail for fifty other institutions we can fail to do in detail for this one institution. Now, I think we can in one wholesale provision do for the fifty others and except this one.

Mr. HULL. If the Chair will indulge me in an additional word, I desire to call the attention of the committee to the language of the appropriation bills heretofore passed providing for this hospital. In those bills this language is used: "Including the Army and Navy Hospital at Hot Springs, Ark." The amendment offered by the gentleman from New Jersey [Mr. PARKER] changes just one word. That amendment reads: "Except the Army and Navy Hospital at Hot Springs, Ark." and the question for the committee to determine is whether we have the power to change one word in an appropriation bill if a point of order is made upon it.

Mr. DALZELL. Mr. Chairman, I want to see whether I understand this point or not. I understand the Chair to hold that this amendment changes existing law because it changes a general appropriation by making an exception. What I want to know is, Where is the general appropriation to which the Chair refers? Is it in this bill?

Mr. MILES. Mr. Chairman, I make the point of order that a member of the House has no right to cross-examine the Chair. [Laughter.]

Mr. DALZELL. Oh, I think a member of the House who lacks information on any particular subject may seek light from the Chair. [Laughter.]

The CHAIRMAN. This bill makes a general appropriation for all these institutions.

Mr. DALZELL. But the pending bill can make no general appropriation until it has passed. The question now is whether or not we shall make a general appropriation in this bill.

The CHAIRMAN. It seeks to make a general appropriation.

Mr. DALZELL. Exactly; but this bill has the same right to make a special appropriation that it has to make a general appropriation, and there can be no change of existing law in this case when the question is whether or not this provision shall be law. That is the question now before the committee, and if I understand the Chair—and I want to understand him—he is treating what is proposed to be enacted into law as if it were already enacted into law; whereas the real question is whether we shall make a general appropriation or whether we shall make a special appropriation in this bill.

The CHAIRMAN. The Chair will submit the question to the committee.

Mr. LACEY. Before the question is submitted let me suggest one further point. This committee would have the right to strike out this entire appropriation. Now, does not the greater include the less; does not the right to strike out the entire appropriation for army hospitals include the right to strike out the appropriation for this one army hospital?

The CHAIRMAN. The Chair will state the question. The gentleman from New Jersey [Mr. PARKER] offered an amendment, which the Clerk will read.

The amendment was read, as follows:

On page 20, in line 15, after the word "diseases," insert the words "except the Army and Navy Hospital at Hot Springs, Ark."

The CHAIRMAN. The point of order was made against that amendment by the gentleman from Arkansas [Mr. LITTLE], and the Chair sustained the point. The gentleman from Iowa [Mr. HULL] has appealed from the decision of the Chair. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 57, noes 84.

The CHAIRMAN. On this question the ayes are 57 and the noes are 84. The decision of the Chair is overruled, so the amendment is in order.

Mr. LITTLE. Mr. Chairman, I am opposed to the adoption of this amendment, and I want to state a few additional reasons. Upon investigation, I find that the amount of money expended at this hospital in 1896 was $3,600. I find that out of 43 completed rheumatic patients, 36 went back to the service from the hospital cured. There were 80 in all during the year 1896 and 36 of them were cured of rheumatism, and a great many others were cured and improved of other diseases. Now, it does seem to me that this small pittance should be allowed to go to this hospital, which was established at the instance of men who were supposed to be the special friends of the soldier.

This hospital is a monument to the memory of that gallant soldier, Gen. John A. Logan, of Illinois. It was built almost exclusively at his instance during his public service in Congress. I regret very much to see the rule of strict economy begin at this point, when at best there will be a saving of but little over $3,000, because the Government employees who are there, the hospital nurses and others, will continue to draw their salaries, if not at Hot Springs at some other post. The gentleman from New York [Mr. PAYNE] chose a while ago to pass some animadversions upon the people of Hot Springs. I do not know why the gentleman should have felt called on to do so, but I learn that fifteen or twenty years ago, when the town had a few sports in it, some of them given to playing poker and such games, looking out for "suckers," the gentleman visited Hot Springs. [Laughter.] I do not know what happened to him there [laughter], but I can assure him that he will encounter no such dangers if he will return now. [Laughter.]

At that time the town was a small place. Now it is a beautiful city of 18,000 people, with splendid police regulations, and no visitor, not even from New York, need be uneasy. Then the Government property was a mere waste. Now it is a valuable property and is of real interest and value to the Government. The money that has been appropriated for the improvement of Hot Springs has been more than reimbursed. More than $100,000 of the property of the United States was sold at one offering, and more than $100,000 of it remains a part of the general reservation. The people of Hot Springs are not different from the people of any other city of this country.

I do not know why my friend wants to "jump" indiscriminately upon the people of Hot Springs. I know many of those people personally. The statement of the gentleman that they are a progressive people is true. I would add that they are an honest people, an industrious people, a people who love their city, a people who are proud of the Government reservation at that place, proud of its adornments, proud of the efficacy of the waters that flow from those mountains, proud of the hospital that stands as a monument to General Logan, who often enjoyed the benefits of these waters. They believe that this institution, which could be worth so much to the Army, ought not to be stricken down, but should be perpetuated. No better people, no grander citizenship exists anywhere. For intelligence, for patriotism, for morality they will compare favorably with any citizenship in the nation.

In the statement which I read a few moments ago when some gentlemen who are here now were not present, the Surgeon-General indicates that it is hard to make the surgeons of the Army understand the curative powers of these waters and the splendid facilities of this institution. He recommends, therefore, a relaxation of the present regulations, so that persons suffering from the diseases for which these waters are so valuable may go to that institution before their diseases have so far progressed as to render their cure doubtful. I speak the truth, as it will be confirmed by the declaration of every man of medical learning who has investigated the subject, when I say that the waters of the Hot Springs are a specific——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. I should like to occupy a few moments more.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman have five minutes more. He has reached a very interesting point.

The CHAIRMAN. Is there objection to allowing the gentleman from Arkansas to proceed for five minutes longer? The Chair hears none.

Mr. LITTLE. Mr. Chairman, as I was about to remark, every learned man in the profession of medicine who has investigated this subject agrees that the waters of Hot Springs are a specific for rheumatism, neuralgia, and for other diseases to which, unfortunately, humanity is heir. Persons whose diseases can not be reached by any other remedies go to the city of Hot Springs, halt and lame, and after remaining there a comparatively short time are able to "take up their beds and walk" as of old.

A MEMBER. Do they have to drink the water, or is it applied externally?

Mr. LITTLE. They drink the water, and they bathe in it. Those waters are charged with medicinal qualities which will cure afflicted humanity when nothing else will. Rheumatism and neuralgia are diseases peculiarly prevalent in the Army; and for those diseases these waters are practically a specific, to say nothing about other diseases for which the efficacy of the waters is well recognized. For the diseases peculiar to the soldier on account of his exposure to the weather and the other hardships which he endures these waters are almost a specific. Of 43 such cases received at that institution in 1896, 36 went away cured, and the parties remained well, according to the report of the Surgeon-General.

Now, if this institution were costing the Government its millions, there might be objection to appropriating money for its maintenance; but the expenditure last year was only $3,600.

Mr. HULL. Was not that for the payment of employees only?

Mr. LITTLE. That was for medicine and other expenses, exclusive of the pay of regular Government employees. Of course it does not include pay of officers, nurses, etc., because they are on the pay roll.

Why is there not more effort to enlarge the usefulness of this hospital, which can be done without any serious outlay, and to extend the opportunities for receiving the treatment furnished there? The Surgeon-General says that the facilities are not exceeded elsewhere in the United States. This being true, I say that instead of attempting to strike down this institution by withdrawing these small appropriations for its support, we had better make provision for opening the doors of the institution wider, so as to admit the suffering veterans of the various Soldiers' Homes of the United States. I believe that if this hospital, under proper legislation and with such additions as may be necessary, could be opened to those veterans—it is now opened only to the active members of the Army—if that institution could be opened to the rheumatic and the neuralgic sufferers who are to-day in our Soldiers' Homes and fast breathing away their lives for want of adequate treatment—if those sufferers could be carried to that institution for treatment and restored or relieved, as they might be, we should do honor to ourselves and do honor to the memory of John A. Logan, the man who really established that hospital, and do justice to the suffering man who contracted his diseases while in line of duty, defending his country.

It was said by the chairman of the committee that I did not seem to be the friend of the people of Hot Springs, or I would not insist on this proposition. Let me tell him that whether it would be best for the people of Hot Springs or not, I believe that the doors of this institution should not be closed. I do not believe the institution ought to be passed over to the Secretary of the Interior to be by him leased to private parties. We have now our thousands of bath tubs open to the suffering public. We have our pools open to those who are unable to pay for medicinal treatment; and 75 per cent of the poor unfortunate creatures who go there to take advantage of those waters leave the city healed and return to bless their homes and love their country. [Applause.]

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, only a few words in reply to the gentleman from Arkansas [Mr. LITTLE]. He has dealt largely in sentimental considerations, but this is simply a practical question. The Surgeon-General of the Army, after paying his tribute to the splendid facilities at Hot Springs for the treatment of disease, acknowledges that we can not get the patients there. The Secretary of War appointed a commission to investigate this question. The officers went to Hot Springs and made a thorough investigation, and the result of their findings is crystallized in the report of the Secretary of War.

I notice that on this question the division of votes in the Committee of the Whole has been somewhat on party lines. The gentleman who submits this report to the Congress of the United States is a Democrat. This is not a party question; and I want to call the attention of the House again to the language of the Secretary of War. He says:

> The experience gained in carrying on the Army and Navy Hospital at Hot Springs, Ark., does not appear to have sustained expectations in regard to its value to the officers and men of the Army and Navy, nor do those expectations appear to be realizable.

In another place he says:

> It does not seem that the establishment should be maintained by the War Department. I therefore recommend that authority be granted by Congress for its transfer to the Interior Department and lease for private use, the same as building sites and spring water privileges on the Government Hot Springs Reservation are now leased. If this is done, a considerable revenue should be derived, and the hospital and Army appropriations somewhat relieved.

I want to call the attention of the committee to this fact: That with 1 surgeon, 1 assistant surgeon, 12 members of the Hospital Corps, and the large number of civilian employees necessary to keep up the grounds, and with the large drafts made on the Army appropriation bill every year for medical supplies, they had an average of about 20 patients only this last year. The Secretary of War tells us in his report that if you want to care for them at Hot Springs, as a matter of economy for the Government you could keep them—every one of them—at a first-class hotel and employ the best medical attendance in the United States for a less sum than you have been paying to keep up this hospital—a hospital to which patients will not go.

It seems to me, Mr. Chairman, that there should be no division of sentiment on a question of this character. It seems to me that it should have been transferred as we suggested. That, of course, is past now and can not be undone. But I believe that at least there should be a limitation put on the provisions of the bill, to show the people at Hot Springs that they can no longer depend on the Government of the United States for keeping up this utterly useless place for the care of persons who will not resort to it.

Mr. WILLIAM A. STONE. Did not the Committee on Military Affairs report in favor of keeping this up?

Mr. HULL. No, sir. The committee reported against it.

Mr. WILLIAM A. STONE. I thought the design of the committee was only to limit the expenditure.

Mr. HULL. The gentleman from Pennsylvania misapprehends the bill. The appropriation here is for the Medical and Hospital Department in the Army, established heretofore, and would have included Hot Springs—that is to say, it would include the Army and Navy Hospital at Hot Springs. But this year we left that out and put in a proviso that this hospital should be abandoned and turned over to the Interior Department. We did not make, therefore, the usual appropriation for it.

The provision that the committee put in the bill, however, was stricken out on the point of order on the ground that it changed existing law. I then offered an amendment providing that no part of the money appropriated should be used at Hot Springs. That was ruled out by the Chair, and the Chair was sustained by the committee by a vote of some 69, I think, to about 53. My associate on the committee from New Jersey then offered the amendment that is now pending, excepting the Army and Navy Hospital at Hot Springs from the operation of this appropriation, which will reach the point that we have in view—the point we are trying to reach—in a very much worse way, however, than by the adoption of the provision we had incorporated in the bill.

For my own part, and I think I may speak for the entire committee and the War Department, and all those who are familiar with the workings of this institution, this limitation is entirely proper and should be placed upon the bill.

Mr. HUBBARD. Let me ask the gentleman when this hospital was established?

Mr. HULL. In 1882.

Mr. HUBBARD. By what means are patients sent to that hospital?

Mr. HULL. They are sent by the Army. They can apply and go there on a special order sending them if they desire it.

Mr. HUBBARD. In view of the fact that it is a well-understood fact that the Hot Springs hospital is particularly adapted to the treatment of rheumatic and neuralgic diseases, it seems to me it should not be abolished, and perhaps the medical board did not take into consideration that fact in their recommendation. Let me ask the gentleman how far this is from the next hospital?

Mr. HULL. The medical board does not recommend this. It is the recommendation of the Secretary of War. There are hospitals at all of the army posts; every army post has one.

Mr. HUBBARD. How far from Hot Springs is the next hospital?

A MEMBER. Does this also include patients from the Navy?

Mr. HULL. Originally they had a few patients from the Navy, but for years past none have come to the institution from the Navy. And although the law authorizes the appointment of a surgeon of the Navy to look after the sailors, it has been inoperative for some years, because there were no patients, and the surgeon has not been detailed because of that fact.

[Here the hammer fell.]

Mr. WASHINGTON. Will the gentleman from Iowa allow me to ask him a question?

Mr. HULL. Certainly, if the committee will permit.

Mr. WASHINGTON. There is no law now by which patients can be compelled to go to this hospital if they do not choose to go there?

Mr. HULL. None whatever.

Mr. WASHINGTON. Then if we are compelled to keep it open, it may stand idle, without a single patient, and yet this expenditure of public money will go on?

Mr. HULL. Undoubtedly; that is correct.

Mr. WILLIAM A. STONE. As I understand the gentleman from Iowa, the chairman of the Committee on Military Affairs, nobody is entitled to admission to this hospital but soldiers?

Mr. HULL. Only soldiers and sailors.

Mr. WILLIAM A. STONE. But I understand the gentleman to say that no patients from the Navy have been received there for some years?

Mr. HULL. That is correct. None have entered.

Mr. WILLIAM A. STONE. And no soldiers unless they are sent from other places?

Mr. HULL. None; and they decline to go there. I would infer from a speech made on the other side that the impression prevails that there was something connected with the location of this hospital which induced the committee to make the recommendations they have made. That is incorrect. It is solely a matter of economy.

Mr. WILLIAM A. STONE. It has nothing to do, then, with the people or the location?

Mr. HULL. Nothing whatever. It is simply carrying out a recommendation which was made by the officials in charge, who are thoroughly informed as to the existing conditions and necessities of that branch of the service.

Mr. WILLIAM A. STONE. It is dispensing with a post hospital that has become unnecessary.

Mr. HULL. I think it was never necessary. Now I will yield to my friend from Minnesota [Mr. KIEFER].

Mr. KIEFER. This is merely for soldiers and sailors in active service, I understand.

Mr. HULL. That is all.

Mr. KIEFER. Not for veterans of the late war.

Mr. HULL. It is a Regular Army hospital, the same as any other post hospital.

Mr. LITTLE. I offer the following as a substitute for the amendment.

The Clerk read as follows:

> On page 20, line 15, after the word "diseases," insert: "And the supply of the Army and Navy General Hospital at Hot Springs, Ark."

Mr. HULL. That is not a substitute, but we can vote it down easier than we can discuss the point of order.

Mr. LITTLE. I intend the substitute to come at the same point where the amendment is proposed. I offer it as a substitute for the amendment.

Mr. TRACEY. Mr. Chairman, I make the point of order——

Mr. HULL. Oh, let us vote it down. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Did the gentleman from Iowa make the point of order?

Mr. HULL. I did not make any point of order.

Mr. TRACEY. I made the point of order that it is not a substitute for the pending amendment.

The CHAIRMAN. Does the gentleman desire to be heard on that?

Mr. LITTLE. I think it is a substitute. It is a question as to what disposition shall be made of the money. One is that it shall not be appropriated and the other is that it shall.

Mr. TRACEY. I do not care to discuss the matter, Mr. Chairman.

Mr. LITTLE. The House has decided that a good many things are in order.

The CHAIRMAN. The Chair will overrule the point of order and will put the question on the substitute.

Mr. LITTLE. I want to be heard for just a moment on the substitute. I want to answer the question which my friend Mr. HUBBARD asked of the chairman of the committee a moment ago, as to how men were admitted to this hospital. They are admitted at the instance of the local surgeons in charge of the army posts wherever they may be, or of the hospitals at other points. Now, the Surgeon-General says that—

> The special advantages afforded by the Government in this general hospital in the treatment of the diseases mentioned in circular No. 16 do not seem to be appreciated properly by medical officers of the Army.

Mr. HUBBARD. That is just it exactly.

Mr. LITTLE. I say if proper regulations could be had we could fill this hospital to overflowing. It is not idle. They treated 80 patients there last year and cured 60 leaving 17 uncompleted cases. The Surgeon-General says further:

> It is believed that if cases suitable for treatment at the springs were sent earlier in the progress of the disease many serious complications might be prevented and a larger percentage of recoveries be effected.

The Surgeon-General has not recommended the abolishment of this hospital. He recommends its improvement, and it ought to be done in justice to the country and in justice to the soldiers. I desire to insert the following extract from Circular No. 16, issued by the War Department, showing how these waters are estimated, and then ask if this hospital should be abandoned:

> In accordance with the provisions of General Orders, No. 60, Headquarters of the Army, Adjutant-General's Office, Washington, D. C., September 3, 1892, the following information is published to the Army:
>
> The Army and Navy General Hospital at Hot Springs, Ark., is designed for the treatment of officers and enlisted men who are ill with diseases for which the Hot Springs waters seem better suited than any methods of treatment available at their respective stations. Relief may reasonably be expected at the Hot Springs in the following conditions:
>
> In the various forms of gout and rheumatism after the acute or inflammatory stage; neuralgia, especially when depending upon gout, rheumatism, metallic or malarial poisoning; paralysis not of organic origin; the earlier stages of locomotor ataxia, or tabes; the early stages only of Bright's disease; diseases of the urinary organs; functional diseases of the liver; gastric dyspepsia not of organic origin; chronic diarrhea; catarrhal affections of the digestive and respiratory tracts; chronic skin diseases, especially the squamous varieties, and chronic conditions due to malarial infection.
>
> Speaking generally, treatment by the Hot Springs water may be said to stimulate all the secretions and the organic functions, to promote digestion and assimilation, and to favor tissue metamorphosis and excretion, thereby relieving internal congestions, stimulating blood making, increasing the appetite, and favoring new and healthy tissues at the expense of the old and inactive.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Arkansas [Mr. LITTLE].

The question was taken; and on a division (demanded by Mr. LITTLE) there were—ayes 59, noes 72.

Accordingly the substitute was rejected.

The amendment offered by Mr. PARKER was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SIGNAL SERVICE.

> For the expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use in target ranges; telephone apparatus (excluding exchange service) and maintenance of the same; maintenance and repair of military telegraph lines, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $15,000.

Mr. STEELE. Mr. Chairman, I offer an amendment, to come in after line 2, on page 25, after the word "dollars."

The amendment was read, as follows:

> On page 25, line 2, after the word "dollars," insert the following:
>
> "*Provided*, That department commanders may detail two enlisted men from each army post in their respective departments, under such arrangements as they may deem best, to report to the chief signal officer of the department for instruction and duty."

Mr. HULL. Mr. Chairman, I do not raise any point of order on that, but I do not see any necessity for it. Nothing has been brought to the attention of our committee to indicate the necessity for it.

The CHAIRMAN. If there be no objection, the amendment as offered will be considered as adopted.

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

> To defray the contingent expenses of the Commanding-General's Office, $1,750.

Mr. PARKER. Mr. Chairman, I move to insert in lieu of that the words:

> To defray the contingent expenses of the Commanding-General's Office, in his discretion, $1,750.

It simply inserts the words "in his discretion." Those words have been in every appropriation bill for several years past, including that of last year, and the change has arisen simply from copying the words of the estimate instead of the words of the bill of last year.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> On page 25 strike out lines 4, 5, and 6 and insert in lieu thereof the words "To defray the contingent expenses of the Commanding General's Office, in his discretion, $1,750."

Mr. HULL. The only change which that makes in the bill is to insert the words "in his discretion."

The amendment was agreed to.

Mr. STEWART of New Jersey. With the consent of the committee, I should like to return to page 23, for the purpose of offering an amendment.

Mr. HULL. Suppose we get through with the bill, and then I will not object.

The reading of the bill was resumed and concluded.

Mr. HULL. Now the gentleman from New Jersey desires to return to page 23 for what purpose?

Mr. STEWART of New Jersey. I move to strike out from line 16 to line 21, with reference to firing the morning and evening salutation, as a useless and expensive practice.

Mr. HULL. Mr. Chairman, I hope that will not be done.

Mr. MILNES. How much will it strike out?

Mr. HULL. Fifteen thousand dollars.

Mr. WILLIAM A. STONE. Mr. Chairman, that is about the only semblance of war we have, and we ought to keep it up.

Mr. HULL. Let us have a vote upon it. We can vote it down.

The question was taken, and the amendment was rejected.

Mr. HULL. Mr. Chairman, I move to strike out of the bill, wherever it occurs, the amount of the appropriation of last year. It was put in the bill simply for the convenience of members.

The CHAIRMAN. It will be so ordered, unless objection is made.

There was no objection.

Mr. BLUE. I want to ask the chairman of the committee a question, if he will permit me. In these blanket provisions, which cover very large amounts, in which there is no specific amount given, have the committee investigated those to ascertain whether the amounts are correct or not in the estimate?

Mr. HULL. They are exactly the estimates submitted by the Secretary of War, except where we have cut them down.

Mr. BLUE. Are those items of the estimate made singly or in aggregate?

Mr. HULL. They are made in the aggregate, as you will see from the Book of Estimates. We had the generals of the Army before us, who testified as to the amount needed in each appropriation. Now, I move that the committee rise and report the bill and amendments back to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9638) and had directed him to report the same back with amendments, and that as amended the bill do pass.

The SPEAKER. The question is on agreeing to the amendments.

Mr. LITTLE. I desire a separate vote on the amendment referring to the hospital at Hot Springs, on page 20 of the bill.

The SPEAKER. The question then will be on the other amendments, if no further separate vote is required.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the Hot Springs amendment.

The Clerk read as follows:

> Insert in line 15, page 20, after the word "diseases," the following, "except at the Army and Navy Hospital at Hot Springs, Ark."

Mr. HULL. Mr. Speaker, I move the previous question on the bill and amendment.

The SPEAKER. The gentleman from Iowa moves the previous question on the bill and amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

Mr. McRAE and **Mr. TERRY.** Mr. Speaker——.

The SPEAKER. For what purpose does the gentleman rise?

Mr. TERRY. I would like to say a few words.

Mr. HULL. I object to any further discussion.

Mr. TERRY. I know there will be fifteen minutes after the previous question is ordered.

The SPEAKER. There has been debate.

Mr. HULL. The matter has been debated in the committee. I object to any further discussion of it now. We want to pass the bill.

Mr. TERRY. I ask unanimous consent to make a statement of about three minutes.

Mr. HULL. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. HULL. We have had a very full debate.

Mr. TERRY. I do not think the gentleman ought to do that.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. LITTLE. Division.

The House divided; and there were—ayes 75, noes 42.

Mr. LITTLE. No quorum, Mr. Speaker. I want the yeas and nays, which reaches the same point.

The SPEAKER. The gentleman makes the point of no quorum.

Mr. HULL. I move that the House do now adjourn. [Cries of "Oh, no!"]

The SPEAKER (after counting). One hundred and fifty-five gentlemen are present—not a quorum.

Mr. HULL. I move that the House do now adjourn.

The SPEAKER put the motion.

Mr. WILLIAM A. STONE. Before the vote is announced, the gentleman from Arkansas says he only wants a yea-and-nay vote.

Mr. HULL. But we can not get a quorum.

The motion to adjourn was agreed to; and accordingly (at 1 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an abstract of the official emoluments of the officers of the customs service received by them during the fiscal year ending June 30, 1896—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the President of the Board of Managers of the National Homes for Disabled Volunteer Soldiers, announcing the death of Gen. George L. Beal, of Maine, a member of the Board—to the Committee on Military Affairs.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a statement supplemental to their letter of the 12th instant, relating to the charges for the use of telephones—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Smithsonian Institution, submitting a detailed statement of the expenditures for the fiscal year ending June 30, 1896, under the appropriations for "International Exchanges," the "National Museum," the "Astrophysical Observatory," the "National Zoological Park," and "North American Ethnology"—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred a bill and joint resolutions of the following titles, reported the same, accompanied by reports; which said bill and reports were referred to the House Calendar, as follows, to wit:

The joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies. (Report No. 235.)

The joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc. (Report No. 236.)

The bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia. (Report No. 237.)

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MEREDITH, from the Committee on the District of Columbia: The bill (S. 1265) entitled "An act for the relief of Emmart, Dunbar & Co." (Report No. 234.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 9331) for the relief of Charles T. Plunkett, of Lynchburg, Va. (Report No. 238.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased; and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 9668) defining the status of children born of a marriage between a white man and an Indian woman, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 9669) amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes"—to the Committee on Indian Affairs.

By Mr. MEREDITH: A bill (H. R. 9670) for the redemption of a certain certificate of indebtedness for paving Pennsylvania avenue—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 9672) making an appropriation for the purpose of repairing the Key West light-house and buoy depot, Key West, Fla.—to the Committee on Interstate and and Foreign Commerce.

Also, a bill (H. R. 9673) making an appropriation for the construction and building of a light-keeper's dwelling at Egmont Key light station, Florida—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9674) making an appropriation for the purpose of establishing a light station at or near St. Josephs Point, in St. Josephs Bay, Florida—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9675) making an appropriation for the purpose of constructing the front beacon of Apalachicola Bay range light station, Florida—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9676) making an appropriation for the purpose of establishing range lights to mark the channel over the bar, entrance to Choctawhatchee Bay, Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California: A bill (H. R. 9677) to provide for the reorganization and improvement of the musical service of the Army, Navy, Marine Corps, and of the bands at the Military and Naval Academies of the United States, and to regulate the employment of enlisted men in competition with civilians—to the Committee on Military Affairs.

By Mr. WRIGHT (by request): A bill (H. R. 9678) to forfeit the charters of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company on failure to equip and put in operation the underground electric system, as provided in the act of June 10, 1896—to the Committee on the District of Columbia.

By Mr. WASHINGTON (by request): A bill (H. R. 9679) to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MERCER: A bill (H. R. 9680) to authorize judges of United States district courts to appoint official stenographers—to the Committee on the Judiciary.

By Mr. DINSMORE: A bill (H. R. 9681) to amend the law defining the jurisdiction of the district courts at Fort Smith, Ark., Fort Scott, Kans., and Paris, Tex.—to the Committee on the Judiciary.

By Mr. BOWERS: A bill (H. R. 9682) to authorize the Secretary of the Interior to employ patrols for forest reservations in California—to the Committee on the Public Lands.

By Mr. BABCOCK: A joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway company, etc., approved June 10, 1896—to the Committee on the District of Columbia.

By Mr. BARRETT: A joint resolution (H. Res. 216) to amend section 6, Article II, of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TRUMAN H. ALDRICH: A resolution (House Res. No. 448) directing the Secretary of War to furnish a complete set of the Official Records of the Union and Confederate Armies to each Senator and Member of the present Congress not already entitled by law to receive the same—to the Committee on Appropriations.

By Mr. BAILEY: A resolution (House Res. No. 449) authorizing and directing the Committee on Naval Affairs to investigate the facts and circumstances connected with the construction of the battle ship *Texas*—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDERSON: A bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.—to the Committee on Pensions.

By Mr. BUCK: A bill (H. R. 9684) for the relief of Amanda Owens—to the Committee on Invalid Pensions.

By Mr. DOCKERY (by request): A bill (H. R. 9685) granting a pension to Abraham Park—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9686) to grant honorable discharge to William R. Ferguson, private Company K, Twelfth Regiment Tennessee Cavalry—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 9687) to pension Margaret Wilber, of Blair, Nebr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) to pension Mrs. Esther M. Royce, of Omaha, Nebr.—to the Committee on Invalid Pensions.

By Mr. MILNES: A bill (H. R. 9689) for the relief of Daniel E. De Clute—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 9690) granting a pension to George G. Vogel—to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 9691) for the relief of F. Flovival Metoyer, of Natchitoches Parish, La.—to the Committee on War Claims.

By Mr. OTEY: A bill (H. R. 9692) for the relief of R. L. Johnson, Dryburg, Va.—to the Committee on Claims.

Also, a bill (H. R. 9693) for the relief of J. W. Chandler, of Halifax County, Va.—to the Committee on Claims.

By Mr. RANEY: A bill (H. R. 9694) granting a pension to Henry Klushman, late private in Company A, Backof's Battery of Missouri Artillery Volunteers—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 9695) granting a pension to Henry H. Grimmett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9696) granting a pension to John D. Reeds—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 9697) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 9698) for the relief of Edgar Zielian—to the Committee on Claims.

By Mr. WILSON of New York: A bill (H. R. 9699) for the relief of the legal representatives of John Roach, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, Pa., in favor of a department of trade and commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, in favor of increasing the mail facilities in New York Harbor—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Pennsylvania: Petition of William French and other citizens of Lawsonham, Pa., asking for the recognition of Cuban independence—to the Committee on Foreign Affairs.

By Mr. BARTLETT of New York: Petition of the Typothetæ of New York City, W. W. Pasko, recording secretary, protesting against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWSTER: Resolutions of the Lincoln Club of Monroe County, N. Y., urging the recognition of the Cubans as belligerents in their struggle for liberty—to the Committee on Foreign Affairs.

By Mr. CROWTHER: Petition of Indian Grove Post, No. 508, Department of Missouri, Grand Army of the Republic, asking for the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of the Trades League of Philadelphia, Pa., in favor of an appropriation for a mail boat—to the Committee on Appropriations.

By Mr. ELLIS: Four petitions of citizens of Gilliam County, Oreg., asking for an extension of time in which to pay for forfeited lands—to the Committee on the Public Lands.

Also, memorial from the Chamber of Commerce of Astoria, Oreg., asking for the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Memorial of Church E. Gates & Co. and 100 other citizens of New York City, requesting Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal—to the Committee on Railways and Canals.

By Mr. HENDERSON: Petition of the General Assembly of the United Presbyterian Church, representing 100,000 members, urging the passage of a bill to prohibit interstate gambling by telegraph—to the Committee on the Judiciary.

Also, petition of the General Assembly of the United Presbyterian Church, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and Territories—to the Committee on the Judiciary.

Also, paper from Hon. Charles W. Fairbanks, of Indianapolis, Ind., urging the consideration of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on Rules.

By Mr. McCLEARY of Minnesota: Resolution of the St. Paul (Minn.) Chamber of Commerce, favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Resolution of the National Encampment of the Grand Army of the Republic in favor of protection to the American flag and against its use for advertising purposes—to the Committee on Military Affairs.

By Mr. OGDEN: Papers relating to the claim of George Gunney, of Natchitoches Parish, La.—to the Committee on War Claims.

Also, papers relating to the claim of Annie Paul Matthews, of Escambia County, Fla.—to the Committee on War Claims.

By Mr. RAY: Petition of citizens of the State of Maryland, favoring an amendment to the Constitution recognizing the name of the Deity—to the Committee on the Judiciary.

Also, petition of 200 citizens of Elmira, N. Y., for the passage of a bill prohibiting interstate gambling by telegraph—to the Committee on the Judiciary.

By Mr. SPERRY: Memorial of Hon. George H. Ford, president of the Board of Trade; George B. Martin, general manager of Empire and New England Transportation Company; William E. Morgan, harbor master, and other prominent citizens, all of New Haven, Conn., requesting Congress to authorize the honorable Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal, New York City—to the Committee on Railways and Canals.

Also, resolution of the New York Board of Trade and Transportation, indorsing House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on Rules.

By Mr. STEWART of Wisconsin: Resolutions of the Chamber of Commerce of Milwaukee, Wis., in favor of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Paper to accompany House bill for the relief of Edgar Zielian—to the Committee on Claims.

Also, resolution of the Delaware State Grange, Patrons of Husbandry, urging the recognition of the Cubans as belligerents in their struggle for freedom—to the Committee on Foreign Affairs.

Also, resolutions of the Delaware State Grange, denouncing trusts and monopolies and approving the remarks of the President in his message upon the subject—to the Committee on the Judiciary.

SENATE.

THURSDAY, *December 17, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

WILLIAM LINDSAY, a Senator from the State of Kentucky, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MILLS. I do not think we ought to adopt that motion.

Mr. SHERMAN. I think the Senator had better postpone the motion until later in the day.

Mr. MILLS. That course would be better.

Mr. ALDRICH. We have agreed to take the vote on the immigration bill to-day.

Mr. HALE. That vote is to be taken at 4 o'clock to-day.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate the tenth annual report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month; and it was thereupon signed by the Vice-President.

DISTRICT CHARITIES AND REFORMATORY INSTITUTIONS.

Mr. HARRIS. Mr. President, in the expiring hours of the last session I was named as a member, on the part of the Senate, of a joint committee to consider and report upon the charities in the District of Columbia, immediately after which I gave notice that I could not serve; but I have not until now formally asked to be excused from service upon that committee. I now ask the Senate to excuse me from service upon it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Tennessee is excused.

RIGHTS OF PURCHASERS UNDER MORTGAGE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; which were read.

Mr. HILL. I move that the Senate nonconcur in the amendments of the House of Representatives and request a committee of conference on the disagreeing votes of the two Houses.

Mr. BERRY. I would rather have the bill printed with the amendments. I want to look at the amendments. Let it go over.

Mr. HILL. I made the motion with a view that the amendments might be printed. I will include that in my motion, if they would not otherwise be printed.

Mr. COCKRELL. I suggest, in accordance with the suggestion of the Senator from Arkansas, that the bill be printed as amended by the House, so that we may know exactly what has been done, and then let the amendments go to a committee of conference.

Mr. HILL. There is no objection to that course.

The VICE-PRESIDENT. Without objection, the bill and amendments will be printed. The Senator from New York moves that the Senate nonconcur in the amendments and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HILL, Mr. PLATT, and Mr. CLARK were appointed.

PETITIONS AND MEMORIALS.

Mr. MURPHY presented the petition of Dr. W. H. Doane, of Pittsford, N. Y., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New York Board of Trade and Transportation, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MILLS presented a petition of sundry citizens of Texas, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. SHERMAN. I present a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the passage of a bill providing for the inspection of immigrants at ports of debarkation by a medical officer of the United States. This petition prays for the passage of a bill different from the one now pending in the Senate, and I move that it be referred to the Committee on Immigration.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the enactment of legislation providing for the reorganization of the consular and diplomatic service; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of McConnelsville, Ohio, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to prevent the nullification of State antigambling laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation raising the age of consent in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to prohibit the transportation of obscene matter from State to State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to forbid the mails to papers publishing details of suicides; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to substitute voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation for the appointment of an impartial commission to investigate the labor problem and to suggest a solution; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Barlow, Bartlett, and Ormiston, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. DAVIS presented the petition of Jeremiah Sullivan, of St. Paul, Minn., praying for the enactment of legislation relieving him from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of the Upper Mississippi River Pilots' Association, praying for the construction of a breakwater near Pepin, on Lake Pepin, Upper Mississippi; which was referred to the Committee on Commerce.

He also presented resolutions adopted at a meeting of 2,500 citizens of Minneapolis, Minn., favoring the extension of Government aid and sympathy to the suffering Armenians and Cubans; which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of 10 depositors of the Freedman's Savings Bank of the city of Washington, D. C., praying Congress to appropriate sufficient money to recompense them for the losses they sustained by the failure of that bank; which was referred to the Committee on Finance.

He also presented a petition of Maryland Council, No. 2, Junior Order United American Mechanics, of Baltimore, Md., numbering 308 members, praying that the so-called Lodge bill to restrict immigration, and now pending in the Senate, be passed; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Methodist Episcopal Church of Philadelphia, Pa., praying for the enactment of legislation prohibiting the sale of liquor in the United States Capitol; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the establishment of a department of commerce; which was referred to the Committee on Commerce.

Mr. MORRILL presented a petition of the wool merchants of Grand Rapids, Mich., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CLARK presented a petition of sundry citizens of Evanston, Wyo., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. HAWLEY presented a petition signed by D. A. Rood, United States Hotel, Hartford; C. C. Goodrich, of the Hartford and New York Transportation Company; Smith, Northam & Co., and sundry other citizens of Hartford, Conn., praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal, New York City; which was referred to the Committee on Commerce.

Mr. ALLEN. I present a preamble and resolutions adopted by the central committee of the Democratic party of Cook County, Ill., which I send to the desk, and, being short, I ask that they may be read and referred.

The VICE-PRESIDENT. The Secretary will read as indicated.

Mr. PLATT. What was the request?

The VICE-PRESIDENT. The Senator from Nebraska will please repeat his request.

Mr. ALLEN. They are resolutions adopted by the central committee of the Democratic party of Cook County, Ill. They are very brief and very important, as I view it, and I ask that they may be read and appropriately referred.

Mr. PLATT. Resolutions of all political bodies before the country are important, I suppose, but I do not think we ought to put them in the RECORD.

Mr. ALLEN. If the Senator objects, I will take the resolutions and see that they get into the RECORD at the proper time.

The VICE-PRESIDENT. Are there further petitions and memorials?

Mr. CHANDLER. I present the petitions of James Arrington and 31 other citizens of Cherokee County, Ala.; of H. D. Wright and 28 other citizens of Covington County, Ala.; of J. S. Harper and 37 other citizens of Cherokee County, Ala.; of R. T. Ewing and 46 other citizens of Cherokee County, Ala.; of W. M. Wilson and 40 other citizens of Cherokee County, Ala.; of J. T. Bradford and 46 other citizens of Clarke County, Ala.; of T. B. Bolen and 89 other citizens of Clarke County, Ala.; of S. J. Barker and 58 other citizens of Clarke County, Ala.; of John A. Milner and 62 other citizens of Dekalb County, Ala.; of T. J. Whalen and 70 other citizens of Talladega County, Ala.; and of W. A. Smith and 20 other citizens of Dale County, Ala., setting out at full length that by reason of the system of election that exists in the State of Alabama there is no lawful State government there elected by the people, and that Alabama has not really at this time a republican form of government.

These petitions are in aid of the resolution presented by the Senator from Nebraska [Mr. ALLEN], which was referred to the Committee on Privileges and Elections and reported favorably, and is now upon the Calendar. The prayer of the petition is that Congress will endeavor to secure a republican form of government in Alabama. As the resolution is now upon the Calendar, I ask that these petitions may be received and laid on the table.

Mr. ALLEN. I beg to correct the Senator from New Hampshire. The resolution was brought up and voted on and defeated at the last session of Congress.

Mr. CHANDLER. I think the Senator is mistaken about the defeat of the resolution.

Mr. ALLEN. The resolution was defeated, having received 6 votes on the other side of the Chamber.

Mr. CHANDLER. I think that was on some motion to take it up, or some——

Mr. ALLEN. No.

Mr. CHANDLER. I remember, Mr. President, it was disposed of in some way by reason of an indiscreet speech made by the mover of the resolution, attributing motives to Senators upon this side of the Chamber which did not exist. I had forgotten that. But the resolution can be taken up at any time and acted upon.

Mr. ALLEN. I beg to correct the Senator from New Hampshire again. There was nothing said by the Senator from Nebraska respecting the motive inspiring the breasts of Senators on the other side until after the resolution was determined. I may say, however, in this connection, that I had a grave suspicion before the resolution was voted upon that it never would be acted upon in good faith by the other side of the Chamber with the exception of a few Senators.

Mr. CHANDLER. I repeat, that the Senator managed his resolution badly, and I leave the case there. But it is not beyond the hope of resurrection, if the Senator will now aid me in getting it up again and will present it to the Senate for a vote under more favorable conditions than he selected in bringing it up at the last session.

The VICE-PRESIDENT. The petitions will lie on the table.

Mr. THURSTON. I present a petition of sundry sheep raisers of Nebraska, praying for the passage of the Dingley tariff bill. I ask that it be referred to the Committee on Finance for post-mortem consideration.

The VICE-PRESIDENT. The petition will be referred as indicated.

Mr. HALE presented a petition of sundry citizens of Portland, Me., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Maine Medical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the town council of Falls Church, Va., praying that authority be given the Washington, Arlington and Falls Church Electric Railway to enter the District of Columbia by way of the Aqueduct Bridge; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. BACON presented a petition of the Board of Trade of Brunswick, Ga., praying that steps be taken to provide proper fortifications for the defense of the port of Brunswick; which was referred to the Committee on Coast Defenses.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2379) to remove the charge of desertion from the military record of George W. Taylor, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2328) for the relief of Patrick Rainey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2259) for the relief of William B. Ellis, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8139) for the relief of M. R. William Grebe, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2618) granting honorable discharge to Andrew V. Sende, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom were referred two amendments submitted by himself on the 14th instant, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas, reported it without amendment.

Mr. HALE, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR, from the Committee on Pacific Railroads, submitted a report to accompany the bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway, reported from that committee on the 6th of May last.

Mr. PERKINS, from the Committee on Education and Labor, to whom was referred the bill (S. 3227) to provide a home for aged and infirm colored people, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 3424) for the relief of Capt. George W. Goethals; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BATE (by request) introduced a bill (S. 3425) granting a pension to James M. Kercheval; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3426) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3427) granting an increase of pension to Tobias Baney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3428) granting a pension to Eunice Parke Detweiler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3429) granting a pension to William

Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3430) amending chapter 304 of the laws of 1876, entitled "An act to provide for the appointment of commissioners for taking affidavits, etc., for the courts of the United States," passed August 15, 1876; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 3431) for the erection of a public building at Plymouth, Mass.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. PETTIGREW introduced a bill (S. 3432) to regulate and reduce the rates of fares for carrying passengers upon the street railways in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE introduced a bill (S. 3433) granting an increase of pension to Joseph B. Sellers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3434) to increase the pension of Martha M. McCall, widow of William Wallace McCall, a soldier of the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3435) to amend section 554 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3436) to amend section 597 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL of Oregon introduced a bill (S. 3437) to regulate the taking of proofs and filings in certain land cases; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3438) for the relief of Albert C. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 3439) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3440) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. LINDSAY introduced a bill (S. 3441) for the relief of Merril Denham; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 3442) to protect citizens of the United States engaged in labor in foreign countries, and to increase the efficiency of domestic labor; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. CALL introduced a joint resolution (S. R. 176) appropriating $10,000 for the relief of the destitute sufferers from the cyclone in October last in the State of Florida; which was read twice by its title.

Mr. CALL. Mr. President, I move the reference of the joint resolution to the Committee on Appropriations, and pending the motion I desire to accompany it with a very brief statement.

Last fall a cyclone and tidal wave approached the coast of Florida and a wind storm perhaps 15 or 20 miles in width passed over the entire breadth of the State. It destroyed all the farms, blew down all the timber, destroyed all the turpentine farms, destroyed the crops, and left the people in that part of the State in entire destitution.

Contributions have been made liberally from the different societies, corporations, and individuals of the State, and some from abroad. There are still a large number of persons without houses to live in, without seed to plant for the coming year, without means of removing the fallen timber from their fields, and in a state of great destitution. The legislature does not meet until April, and that will be too late to enable them to plant their crops and work their farms for the coming year.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

Mr. MORGAN introduced a joint resolution (S. R. 177) to amend section 1 of the act approved June 10, 1896, chapter 395, relating to the Eckington and Soldiers' Home Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "the introduction of domestic reindeer into the District of Alaska for 1896."

ORIGINAL DISTRICT OF COLUMBIA TERRITORY.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

> Whereas the United States has acquired large holdings of land on and near the south bank of the Potomac River in that portion of the State of Virginia originally comprised within the District of Columbia; and
>
> Whereas it is proposed to build a memorial bridge across said river to connect the city of Washington with Arlington Cemetery; and
>
> Whereas the United States maintains the roads leading from the Aqueduct Bridge to the said cemetery: Therefore
>
> *Resolved*, That the Attorney-General be, and he is hereby, instructed to report to the Senate, first, what proportion the present holdings of the United States in the State of Virginia and within the former limits of the District of Columbia bear to the whole territory originally ceded by that State to the United States; secondly, by virtue of what legislation the Virginia portion of the original District was retroceded to the said State; thirdly, whether the constitutionality of such acts of retrocession has been judicially determined; fourthly, what legislation is necessary again to secure to the Government exclusive jurisdiction over either the whole or a part of such territory originally included in the District of Columbia as is now embraced in the State of Virginia.

THE MILITIA AND THE ARMY.

Mr. HAWLEY. I beg leave to give notice that as soon as may be convenient after the holidays I shall ask the Senate to consider the bill (S. 2849) to promote the efficiency of the militia and the bill (S. 2202) to reorganize the line of the Army, etc.

PUBLIC BUILDING AT NEWPORT, KY.

Mr. BLACKBURN. I ask the indulgence of the Senate for a moment to take up and consider House bill 9472, which simply corrects a mistake made in the act providing for a public building at the city of Newport, Ky. The original bill required the space of 50 feet to protect the building from fire. This House bill simply reduces that space from 50 to 40 feet, which is the law that obtains and applies in all cases. The bill is reported favorably upon by every member of the Senate Committee on Public Buildings and Grounds who is in the city, and I ask the Senate to allow it to be considered now, in order that the Department may go on during the recess to locate the site.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia.

Mr. COCKRELL. I would rather that bill would not come up this morning. It will lead to some discussion, and I have received some remonstrances against it. I hope it will not come up in this morning hour. I have no objection to its consideration, but I hope it will lie over until after the recess.

Mr. GALLINGER. The Senator would not object to unanimous consent after the morning hour, if I get an opportunity to ask consent? Is not that the Senator's position?

Mr. COCKRELL. Oh, after the recess. I am perfectly willing for it to come up after the recess. I do not know about agreeing that it shall come up by unanimous consent.

Mr. HARRIS. In the morning hour.

Mr. COCKRELL. In the morning hour. I would be reasonable about it, but I should dislike to promise that I would give unanimous consent in the morning hour, because something else might be brought up that I would prefer to have considered. But really I have not had time to look into this measure since I have received the remonstrances against it, and I was not expecting it to come up just at this time.

Mr. GALLINGER. I had intended to move to proceed to the consideration of the bill if objection should be made, but of course I always want to be extremely courteous to the Senator from Missouri, as he is always courteous to me. If the Senator wishes the bill to go over until after the recess, the misfortune on my part is that I shall not be here for nearly a month after the recess. If the Senator would endeavor to look into the bill between now and to-morrow, I should seek an opportunity to get consideration for it then.

Mr. HAWLEY. We have agreed to adjourn until Monday.

Mr. GALLINGER. I understand that we are to adjourn from to-day until Monday. I shall have to accede, of course, to the request of the Senator from Missouri.

Mr. COCKRELL. I am very much obliged to the Senator.

SABINE RIVER BRIDGE.

Mr. BLANCHARD. I ask the unanimous consent of the Senate to place upon its passage the bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas.

Mr. COCKRELL. What is the order of business?

Mr. BLANCHARD. I will state that the bill was reported this morning favorably from the Committee on Commerce by the Senator from Missouri [Mr. VEST]. It does not appear upon the Calendar.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION OF NEW MEXICO.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order. The first case will be stated.

The bill (S. 1514) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, was announced as first in order.

Mr. HALE. That ought to go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

READJUSTMENT OF ACCOUNTS OF ARMY OFFICERS.

The bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy was considered as in Committee of the Whole. It directs the Secretary of the Treasury, by his accounting officers, on application being made by any person, or his legal representative, an officer or ex-officer of the United States Army and a graduate of West Point, to readjust his accounts previously settled and paid under an erroneous construction of law as subsequently declared by the Supreme Court of the United States, and to pay any balance which may be found due in accordance with the law applicable thereto as construed by the Supreme Court of the United States in the cases of Captains Morton and Watson against the United States.

Mr. COCKRELL. There is an amendment which should have been offered to that bill, which the Senator from Minnesota [Mr. DAVIS] had in charge. It is in line 7, after the words "West Point," to insert "or who, being an enlisted man at the time of such commission, has been commissioned as an officer in the Regular Army." I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. WILLIAM M. MAYNADIER.

The bill (S. 1731) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army, was considered as in Committee of the Whole. It proposes to pay to William M. Maynadier $3,726.50, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Prescott, Ariz., caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by him for the arrest of Chandler, the restoration of both sums having been recommended by the board of inquiry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. Mr. President, in accordance with notice yesterday given by the Senator from New Hampshire [Mr. CHANDLER], I now move to take up the immigration bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. PALMER. I desire to inquire whether the amendment I proposed a few days ago is still pending—to strike out the word "fourteen" and insert "twenty-one?" I ask the status of that amendment at the present time.

The VICE-PRESIDENT. The Chair will state that the amendment submitted by the Senator from New Jersey [Mr. SEWELL] is pending. After that is disposed of the amendment of the Senator from Illinois will be considered.

Mr. QUAY. There is an important public bill on the Calendar to which I think there is no objection. It is Order of Business 628, and was reported by the Senator from California [Mr. PERKINS], from the Committee on Education and Labor. I should be greatly obliged to the Senator from Massachusetts if he would permit me to call up that bill and have it passed. I think it will lead to no debate.

Mr. LODGE. I make no objection if there is to be no debate.

The VICE-PRESIDENT. The bill will be read, subject to objection.

The Secretary proceeded to read the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, but before concluding was interrupted by

Mr. ALDRICH. Is it asked that this bill shall be considered by unanimous consent?

The VICE-PRESIDENT. The Senator from Pennsylvania [Mr. QUAY] asks unanimous consent for the present consideration of the bill.

Mr. ALDRICH. I think it had better go over until after the holidays.

The VICE-PRESIDENT. Objection being interposed, the bill will go over. The immigration bill is before the Senate, the pending amendment being that submitted by the Senator from New Jersey [Mr. SEWELL], which will be stated.

Mr. PASCO. I thought the amendment offered by the Senator from Missouri [Mr. VEST] was pending—to strike out the word "male."

Mr. SEWELL. If the Senator from Florida will allow me, I will offer the amendment, with a change in its phraseology. It may not be practical as it stands, and I desire to put it in different language.

The VICE-PRESIDENT. The amendment will be stated, after which the Chair will recognize the Senator from Florida [Mr. PASCO].

The SECRETARY. In line 9, on page 3, after the word "language," in the committee amendment, it is proposed to strike out:

> Except that an aged person, not so able to read and write, who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

And insert:

> But an admissible immigrant over such age of 14 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

So that if so amended the clause will read:

> All persons over 14 years of age who can not read and write the language of their native country or some other language, but an admissible immigrant over such age of 14 years, may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

Mr. PASCO. I understand this is the language I suggested to the Senator from New Jersey.

Mr. LODGE. I understand that is the amendment the Senator showed me, and I make no objection to it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New Jersey [Mr. SEWELL].

The amendment was agreed to.

Mr. LODGE. The next amendment is the amendment offered by the Senator from Missouri [Mr. VEST].

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. In line 7, on page 3, after the word "all," it is proposed to insert the word "male."

Mr. VEST. With the consent of the Senate, I will withdraw the amendment I offered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. VEST. I move to strike out the word "fourteen" where it occurs and insert "sixteen," so as to make the age at which or above which a party can come into the United States as an immigrant 16 years.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. In line 7 of the committee amendment, after the word "over," it is proposed to strike out "fourteen" and insert "sixteen;" so as to read:

> All persons over 16 years of age who can not read and write, etc.

Mr. PALMER. If in order, I move to amend the amendment of the Senator from Missouri by striking out the word "fourteen" and inserting "twenty-one."

Mr. LODGE. I understand the amendment of the Senator from Illinois is to raise the age to 21 years. Am I correct?

The VICE-PRESIDENT. The Chair so understands the amendment.

Mr. LODGE. I merely desire to say, as I said the other day, that I regard that amendment as almost equivalent to a destruction of the object of the bill, and I trust that carrying the age to that point will not pass. I do not desire to discuss it.

Mr. PALMER. Mr. President, I beg to say that the effect of this bill, if the word "fourteen" is retained, will be to practically separate families. Now, it may happen that a father may be able to read and write as required by the bill, and it may happen that the family will consist of male persons who have passed the age of 14 and are yet under the age of 21. The effect would be that the father who could read might himself be admitted into this country, and his children under 14 years of age might be admitted, but that the proper officers would be compelled to reject such of his children as were between the ages of 14 and 21. As I said on a former occasion, in most countries, especially in the countries from which we derive most of our institutions, the age of majority of children is 21, and the condition of pupilage continues until the age of 21.

This bill as it now stands would present this remarkable state of facts, that the father himself being able to read and write, as required by the bill, his children under 14 years of age might be admitted, but his children over 14 years of age and under 21, members of his family, for whose care and maintenance he would be responsible by the laws of all civilized countries, could not be admitted, and he would be compelled either to return with the whole family or he would be compelled to permit the return of his children between those ages to the country from which they came. In the family relation of a man of fair intelligence the nurture and parental care of the father over his children, in my judgment, would be worth more than mere literary training. I assume that the law now forbids the admission into this country of immoral persons. The law is familiar to members of the Senate. Now, the remarkable state of the case would be that the father, although qualified for admission under this law and all the statutes on the subject, would be compelled either to break up his family or return with his family to the country from which they came.

Such a consequence ought to be avoided in any bill passed by the American Congress. It ought not to be passed, because if we assume that the father has all the necessary qualifications of admission, and for reasons of either poverty or neglect, as the case may be—poverty might be supposed to be the reason—the father has been unable to educate his children, and he proposes to introduce them into this country, not 21 yet, but 15, 16, 17, 18, all years of parental care, he would be compelled under those circumstances to abandon the control of them, and compelled to abandon the advantages for which he may have brought his children to this country, the benefit of our free schools. I will not and can not, in my view of this case, consent to such a provision as would compel the father of an immigrant, possessing all the qualifications required by our laws, to abandon his children between 14 and 21 years of age, to give them up, and either return them to his native land, where there would be no provision made for their care, or himself to return, he being permitted by this proposed statute to himself enter the country and bring with him all his children under 14 years of age, but those who are between those ages he would be necessarily compelled to abandon or to abandon his hope, the hope that might have inspired his desire to emigrate to this country. This view of the case seems to me to be absolutely conclusive on this subject.

I know the Senator said a few days ago that young men came to this country and may return. I believe where young men have sufficient enterprise and energy to emigrate from foreign countries to the United States, the mere spirit of adventure which dictates that migration furnishes an evidence that they are themselves good citizens, bad citizens being excluded by our existing laws.

Mr. CHANDLER. Mr. President, I wish the attention of the Senator from Illinois a moment in order that I may ask him whether the trouble which he has stated is not entirely obviated by the suggestion which I made the other day, that it will require only a few months' delay on the part of the father and the mother in coming here with children to enable them to instruct their children how to read and write either the English language or their native language? Does the Senator realize that this bill is no hardship upon his own statement of the case, because it can only exclude the children of this father and mother and delay them for a period of time sufficient to enable them to educate those children? Take the case of a father and mother, say 40 years of age. The law requires that that father and mother shall read and write, and the Senator does not propose to change that requirement. Now, here is a father and mother who can read and write, the parents of a family in Italy or in England. They want to come to this country. They have children between the ages of 16 and 21 who can not read or write. They ought to have had their children taught to read and write, but they find that when they desire to come to this country they have not so taught them. Now, I ask the Senator if it is a hardship which would make him wish to amend this bill simply to say to that father and mother, "You can read and write; and now before coming to America you wait until your children can read and write your own language." That is my answer to the Senator from Illinois, as it was my answer to the Senator from Missouri the other day.

This is a mild bill; it is a weak bill, in the opinion of many of us, because it does not go far enough. It does nothing in the world but detain abroad in their own countries for a sufficient length of time the persons who want to come here so that they may obtain the simplest rudiments of education, to wit, the reading and writing of their own language.

Mr. President, this bill has been purposely made mild in order that it may receive the support of members of all political parties, and with the hope that it would go through the Senate without any objection from any quarter, in accordance with the pledges of both the great political parties of the country. I am confident the Senator from Illinois, who I know is astute in debate, acute in limitations and definitions, and strong in argument, will be unable to answer this argument.

Mr. PALMER. Mr. President, the remark of the Senator from New Hampshire goes upon the assumption that the father and mother have the means of educating their children and that they have the opportunity of doing so. It means that they will know what the laws of the United States are in that respect; it means an indefinite delay in the matter of emigration. My own observation is that emigration very often is the result of necessity or the result of an ambitious and earnest spirit and desire for the well-being of the emigrant. I can see no reason, assuming that the law is already in force which excludes improper persons, for a regulation like this, aside from its injustice.

I believe in the right of expatriation. I believe in the right of emigration. I believe that this world was made by the Almighty, and that these attempts at controlling the movements of good people are wrong. I admit the right of any Government to exclude from its borders persons of bad character, persons addicted to crime, dangerous persons of all classes, but I want to say that I have no idea in the world that the class of persons whom it is really desirable to exclude from the country will be affected by this bill. I understand the dangerous classes more generally read and write than the classes which are not so dangerous. I claim, however, the right of any person of good character and industrious habits to come into the United States at his pleasure, and bring with him his wife and his children. I believe in that right. While I would consent to any other limitation aside from that of good character and industrious habits, still I would not consent to the separation of families which this bill would necessarily produce.

The Senator says let them wait a while. It is not always easy for the persons who wish to come to the United States to wait. It would be, whatever else may be said about it, an exclusion of those who are illiterate, persons who have every other merit than the merit of literacy. Such persons it is the purpose by this act to exclude, and to impose no other requirement than that they shall read and write. I feel that, while the proposition of the Senator is plausible, it has no merit whatever, no foundation in justice or reason.

Mr. CHANDLER. I am sorry the Senator from Illinois does not recognize the merit of my suggestion. I will ask the Senator a question. Suppose a father and mother, who can read and write, in order to come to this country from a foreign country, have bright children between the ages of 16 and 21—how long does the Senator think it would take the father and mother to teach those children to read and write? The Senator says they have not the means to do it. They have in the family the personal ability to do it. Now, I ask the Senator how long it would take the father and mother to qualify those children to come over with them, and if they can read and write, which is what we propose to require, and have children between the ages of 16 and 21 whom they have not taught to read and write, is it not a very useful and wholesome law for us to say to them by our statute, by our notice to them before they come, that they have neglected a duty, which duty they shall fulfill before they take ship for this land of liberty and intelligence? I think the Senator will see that it is a very slight requirement which is imposed in this case, and that the Senator ought not to insist upon his amendment.

Mr. HOAR. I should like to observe that this is not really so important a matter as it seems, for it is almost never that you would find two parents, father and mother, both able to read and write and their children unable to do so. Once in a very great while it may happen, but that is not the rule in such matters.

Mr. LODGE. I hope we may have a vote on the amendment, and I trust it will be defeated.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Illinois [Mr. PALMER] to the amendment of the Senator from Missouri [Mr. VEST].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment submitted by the Senator from Missouri.

Mr. MORGAN. What is the amendment?

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 7, it is proposed to strike out "fourteen" and insert in lieu thereof the word "sixteen;" so as to read:

> All persons over 16 years of age who can read and write, etc.

Mr. VEST. I understand there is no opposition to that amendment.

Mr. LODGE. I make no objection to it. I would rather have it "fourteen," but I will not press the point.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. MORGAN. Is there any other amendment pending now?

Mr. HILL. The Senator from West Virginia [Mr. ELKINS] offered an amendment the other day.

Mr. MORGAN. I offer an amendment which I think the committee will accept.

The VICE-PRESIDENT. The Chair calls attention to the fact that the amendment offered by the Senator from New Jersey [Mr. SEWELL], which has been agreed to, will have to be changed in one part. The Secretary will read that portion of the amendment, and the Senate can take such action as it desires.

The SECRETARY. The amendment of the Senator from New Jersey reads as follows:

> But an admissible immigrant over such age of 14 years, etc.

Mr. LODGE. If there is no objection, I ask that that may be changed so as to conform to the amendment just made.

The VICE-PRESIDENT. That course will be pursued, if there be no objection.

Mr. MORGAN. Now let my amendment be stated.

The VICE-PRESIDENT. The amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. Add as an additional section the following:

> This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba: *Provided*, That such persons have heretofore been inhabitants of that island.

Mr. LODGE. I make no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama.

Mr. PLATT. Why should we make a distinction as to countries?

Mr. ALDRICH. Can we do it under the treaties?

Mr. PLATT. If we are going to restrict the immigration from one country and not restrict it from another country with these conditions, it seems to me there should be some explanation at least. I am not sure now that it would not interfere with the most-favored-nation clause in treaties.

Mr. CHANDLER. I should like to ask the Senator from Alabama whether, from the considerations which influence him and which appeal to me in this case, if we are to admit Cubans without this qualification, we would not also be bound from motives of humanity to make an exception in favor of the Armenians. Now they are coming to our doors. They are not able to come in under existing law. Some of them are sent back. Can we open our doors through special statutes to all the oppressed peoples of the earth or make exceptions in their behalf to our general laws as to the admission of immigrants? I suggest to the Senator from Alabama whether we can do that wisely.

Mr. MORGAN. Mr. President, in undertaking to provide for the refugees driven from the Island of Cuba by cruelties which we all recognize, and which the President's message fully states and portrays, I confined myself to their case because I did not know how to formulate a general rule for the admission of refugees from Armenia or from any other country where persecutions may prevail.

It has been the theory of our Government in regard to immigration, as I understand it, that we open the doors of hospitality to all the citizens of the nations of the earth where they feel that they are oppressed in their own country. This is a welcome home to the oppressed, as I understand, and perhaps that feature of the bill may be in conflict with those provisions. I have no desire at this time to make a criticism of that sort. But the demand, on the ground of humanity, is so obvious in respect of Cuba at this moment of time that we can not pass the pending bill as it is without doing violence to those instincts which cause us to welcome to our shores the refugees from the most tyrannical of all oppressors, for the safety of their lives as well as for other reasons.

This bill turns an immigrant back at the seaboard and requires him to be able to read the Constitution of the United States from selected slips. Of course he has to be familiar with the whole instrument in order to read it. He must read it in some language, either his own or some other. Very likely the Constitution of the United States has never been translated into many of the languages which are prominent in Christendom; therefore, of course a man would find more difficulty in educating himself at home on the subject of the Constitution of the United States and in attaining the ability to read the peculiar idiom that is found in the technical expressions in that very important and peculiar instrument. So I thought we would not do any wrong to any human being or to any nation in the world, or to the favored-nation clause in a treaty with any government in the world, by making this exception in favor of Cuba.

We can not afford, Mr. President, to turn back a Cuban who escapes from that island now, and say that he shall not put his foot on this shore. After he has attempted to flee from that country we can not afford to return him to the merciless grasp of the men whom he has escaped. I could go over a number of instances personally known to me where that sort of restriction would be extremely cruel, unjust, and un-American. I do not believe, of course, that this would be making a discrimination as to the favored-nation clause against any nation in the world. If it would, that is sufficient reason for an act of Congress to abolish the favored-nation clause, which I think ought to be abolished anyhow, out of all the treaties we have. That would be reason enough. But how can any enlightened nation in the world, when she is inflicting upon her people in a time of public, general insurrection, if you please to call it such, the terrible evils and consequences that are visited upon the Cubans, complain that we have provided in advance that those people shall have refuge in America if they choose to come here?

I do not see how any nation could make complaint, nor do I see that it would be in the slightest degree just if it should be made. On the contrary, a nation who would make a complaint of that kind would subject herself to criticism that ought to abolish her from the family of nations. Would Turkey be heard if she were to complain, in the event that we pass the proposed statute, that the Armenians who have fled from her borders are not allowed the same privileges that Cubans are? Certainly not. Would England or France complain because we undertook to extend hospitality to the Cubans or Armenians? Certainly not. So the question is immaterial, and we can make this exception in favor of Cuba without in the slightest degree interfering with any of our foreign relations or the general clause about the most favored nation. A nation can not be considered as being favored by having an opportunity to prevent its people from coming to our shores when the persecutions that drive them here are of such a character as those which exist in Cuba or Armenia.

That is my reason for introducing the amendment, and not to make a discrimination.

Mr. LODGE. Mr. President——

Mr. HOAR. Will my colleague allow me to make a suggestion? It seems to me it is unwise to accomplish the purpose the Senator from Alabama has in mind, which everybody who knows him will be assured is a humane and wise purpose, by a general provision of this kind. I think my colleague will see that it is hardly wise to exempt persons from this entire bill by permanent legislation merely on the ground of the place from which they come, so that any ignorant person, any criminal person, if they are affected by this act and not by the previous act, or any pauper coming from Cuba will be admitted.

Now, what I should like to suggest to my honorable friend the Senator from Alabama, and to my colleague, would be a provision like this:

"That the President of the United States," or the Secretary of State, or whatever public official should have the discretion—I think the President of the United States probably, if it is to be permanent through all time—"may in his discretion provide for the admission of any immigrants who are flying from war or political oppression abroad on being satisfied that they are persons of good character, seeking an asylum here in good faith."

Perhaps my language is not accurate enough, but I should myself like such a provision very much better than the Senator's amendment, applicable to a particular district of country and excepting persons coming from that district of country for all time from all the constraints of the act.

Mr. MORGAN. I should like to say a few words to the senior Senator from Massachusetts, if I am not interrupting his colleague.

I thought over a general provision of that kind and tried to frame it so as to fit the case, to meet the very arguments which are suggested now, but I could not do it without putting it into the hands of the President of the United States to say what people should be admitted here and what people should be excluded. While I certainly have no reason to expect or believe or think that the present Executive would have any motive whatever in a matter of this kind other than to act with perfect fairness about it, the time may arrive when the question would be raised upon the Executive as to the propriety of his action in admitting certain people from certain countries and refusing others. More than that, for the President of the United States to say by proclamation in regard to a particular nation, "We admit the people from that nation, because they are persecuted at home," is casting a diplomatic slur upon the condition of those people in their own government, which would be extremely unpleasant, and might lead to very unpleasant consequences. It would put the President upon very serious inquiry as to whether he should recognize the complaints of those people against their own government.

In looking through our treaty with Spain I found ample reason for introducing this amendment in the form in which I have presented it. Thousands of refugees have come from Cuba to the

United States, so many, indeed, that the President has mentioned it in his message almost in a complaining way. But they are here, and amongst our people they are very welcome, and I suppose that if we had the power to extradite them, or if it was our duty to extradite a single one of them to Cuba, to answer his responsibility to the Spanish Government, the people of the United States would almost rise in revolt before they would see it done. It would be a very much more distressing state of public sentiment than occurred many years ago when fugitive slaves were being captured in the North, in Pennsylvania and other States, and returned to the South. The sentiment of the people of the country would be so violently opposed to an extradition of that kind that I think no Executive would be prepared to favor it, or even to attempt to execute it. But the treaty expressly provides that there shall be no extradition for political offenses.

Now, no man who lives in Cuba now—and the amendment confines its application to those who live there now or have heretofore inhabited Cuba—escapes from the island to-day unless he comes driven away by political differences there. It makes no difference whether you call it insurrection or war.

Mr. HOAR. Will my honorable friend, at some convenient time, allow me to read for his consideration what I have drawn up on this point?

Mr. MORGAN. Certainly.

Mr. HOAR. Considering that there may be necessity for prompt action, and considering the large duties of the President of the United States, perhaps it would be better to give the power to the Secretary of State. So I have drawn up what I will read:

> The Secretary of State may, in his discretion, provide, either by general regulation or special order, for the admission of immigrants flying from war or political oppression, or in consequence of political disorder, on being satisfied that they are persons of good character, seeking an asylum in this country in good faith.

Now, if the Senator from Alabama will allow me just one word, I will say that I have given the power to the Secretary of State, as I said, and I have not required that officer to find that what they fly from is political oppression, because it may be said that that would give offense to some country with which we are at peace. Take the case of a man who came from Germany, or England, or Switzerland, or anywhere else. So I have made the provision read, "flying from war or political oppression or in consequence of political disorder, on being satisfied that they are persons of good character, seeking an asylum in this country in good faith."

Mr. MORGAN. If the Senate wants to spread the doctrine over the whole area of this subject, that is a very good form in which to do it. It is liable to but one single objection which I can see now, and that is, we are making a difference between the President of the United States and his clerk, the Secretary of State, because the President and the Secretary of State under our system of governmental administration are master and clerk, and that is all. The Secretary never acts without the authority of the President. He never pretends to act except by the authority of the President. Therefore, if the Secretary of State should make these exemptions it would be attributed necessarily to the President of the United States. That does not relieve the difficulty, which I have suggested, of involving the President in making a declaration that civil war or insurrection or rebellion or political disorder exists in a State sufficient to justify the migration of its citizens; and that would probably be a cause of offense.

I was about to state that my amendment has reference to a particular provision of our treaty with Spain, and I had gone on to state that thousands of immigrants were here, and none of them had been extradited, nor has any demand for their extradition been made. We know perfectly well that there are men here to-day who would be extradited to Spain or to Cuba for trial there for their lives for offenses alleged to have been committed against the Spanish Crown if extradition were possible.

Now, why is it not possible? It is because the treaty provides that there shall be no extradition for a political offense.

Mr. CAFFERY. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. CAFFERY. Is not the clause in the treaty with Spain that political offenses are nonextraditable common to all treaties with foreign nations? It is not singular and peculiar to the treaty with Spain.

Mr. MORGAN. I am not prepared to say that it applies to every treaty, and it would take some time to look up that point. As a general proposition, what the Senator from Louisiana says is true. There is no extradition for political offenses, although treaties vary very much in their language as to the definition of political offenses.

We had serious trouble in regard to a treaty with Russia on that account. In the treaty which we negotiated and concluded with Russia that question arose as to the actual murder of a member of the royal family. It was concluded that that was not a political offense; that it need not necessarily be a political offense. It might be done through the purpose of a single anarchist. So that while the general rule of course is as stated, there may be exceptions to it. In the case of Russia there is an exception, and as to one other Government—I believe it is that of Belgium—there is such an exception.

I have no disposition to make any particular discrimination in favor of the Cubans as exhibiting my sympathy with those people. My sympathy for Cuba rests upon very much higher ground than that, and in what I have had to do with the Cuban question in the Senate I have never been moved for one moment in a vote I have given or in a speech I have made by motives of sympathy for the Cubans. There has been working in my bosom sympathy enough to have urged me to do anything as a private citizen, but as a Senator of the United States my course in regard to Cuba has been predicated entirely and exclusively upon justice to our own country and our own people.

So this is not an amendment which smacks of Cuban sympathy any more than it does of sympathy for any other oppressed people—the Armenians or any other. The right of expatriation is a right which we recognize distinctly. When a man expatriates himself for reasons which are satisfactory to him, whether dislike of his own government or a greater fondness for ours, or to escape some evil or peril in his own government, whatever his motive may be, our doors stand wide open to receive him upon the ground that he has a right to expatriate himself and apply his allegiance to this country.

Mr. HOAR. Does the Senator apply that principle to paupers and ignorant persons?

Mr. MORGAN. Paupers seem to have no rights except those which the public chooses to give them.

Mr. HOAR. I do not use the word "paupers" in an offensive sense. I mean persons who have no property, no present capacity to earn their own living. I refer to the persons who are excluded by this bill.

Mr. MORGAN. They are thrown through the mercy of God and the cruelty of the human family upon public benefaction and public trusteeship. They become the wards of the world, and are thrown upon the benevolence of the Christian world for the sake of living and having a place where they can breathe out the remnant of their miserable lives. They are excepted out of the general rules, because they are of no use in political circles. They do not belong in the political circles where they are capable of conducting some part of the strife that illustrates and adorns our political quarrels with each other. Paupers are considered as a peculiar condition of humanity that demands universal benevolence, and therefore, being thrown upon the pity of society, we say to the people abroad: "You must provide through your own charitable institutions for your own people needing charity." That is what we say when we send a pauper back. "You belong to a different beat, a different ward, a different jurisdiction. You are a charge upon the world, but you are a charge upon a particular part of it, because you happened to have been born there or live there, and you can not come and give us that guardianship by your own voluntary act."

They are excluded. They have no option in the matter. The criminal classes are excluded because they are dangerous to society. We exclude them upon the same grounds or very similar grounds to those upon which we exclude immoral publications and some species of deadly instrumentalities which are put under the ban. A criminal is considered as a man who has no right to the protection of any country at all in the choice of his domicile. He must stay in the country against which he committed the crime, and suffer his penalties there, and if his own country has branded and stamped him as a criminal, then he has no appeal either to our mercy or to our sense of justice in welcoming him to this country.

I do not in my heart and mind and conscience place the illiterate upon the ground either of paupers or criminals. Illiteracy may be a misfortune, and is a misfortune in the general sense, although I have seen a great many people educated out of all ability to earn a living, out of all capacity for any usefulness in life. I have seen them educated in those arts and practices of crime which excel almost the imagination of man as to their ingenuity and the persistence with which they are pursued. It is not to be said that education in letters is the reformer of the human heart. It is a higher power that reforms the human heart. It is the law of morality that does it. Politics does not do it. Education in the schools does not do it. It requires some power of regeneration that is stronger and better than either of those to take a bad man and make a good man out of him. But that is a matter which I need not discuss at this moment of time.

Coming to the particular amendment which I have offered, I still believe it is better than the suggestion of the Senator from Massachusetts [Mr. HOAR], and I do not think that the parallel which he draws between illiteracy and crime holds good at all. I think we have special reasons under the treaty with Spain and under existing conditions in Cuba, of which our President has recently informed us in a very distinct and very bold way, why in

passing this bill we should not instantly cut off the refugees from Cuba from the right to land upon our shores unless they can translate the Constitution of the United States in their thoughts at least from one language to another.

Now, upon the question of the Constitution, I have thought that the committee made a very difficult selection of an instrument by which to test the civil-service qualifications of a man who may enter into the United States from a foreign country. It is the most puzzling instrument that ever had any attention paid to it in the Senate of the United States. We are very prone to get up here when certain measures are before us and ask each other the question whether the measure has been read in connection with the Constitution, and what the Constitution means. In its expressions it is bound to be very technical, for the reason that it is a new expression of governmental organization and powers and liberty. It does not read like any other instrument in the world, although some portions of it were somewhat copied from ancient British laws and German laws.

But the Constitution as an instrument is one that is extremely technical in its expressions. I think I could quote a dozen here that would puzzle a well-educated American on first thought to interpret exactly as to what they meant, or to understand them on first reading. It requires a pretty high state of education for a man even to understand the text of the Constitution of the United States, to say nothing of its interpretation. I think that they made a very difficult selection; and I shall make a different proposition in another amendment that I shall offer, having reference to naturalization, which is the real pith and merit of this whole business after all, so far as the influx of foreign people into our country is concerned. The question of naturalization is the question of citizenship; and I have another amendment which relates to that subject and incorporates a knowledge of the Constitution of the United States, or a capacity to read it, along with the Ten Commandments. If every man who is naturalized in the United States is compelled to read the Ten Commandments, that man will not die without having had an opportunity to understand the groundwork of the civilization and the Government of the United States. It can not do him any harm. Whether he reads it understandingly or not (I mean understandingly in the sense of a conviction of its truth), I propose that man shall not go to his grave harmed by the fact that he has not read the Ten Commandments.

There are a great many men in the United States to-day, native born and naturalized, who have never read the Ten Commandments. They are none the better for that. The country is none the better off because those men have not been compelled in the presence of some officer of the Government, if you please, or some one else, to recite or to read that basis of all Christian law. So I put that in now for the purpose of giving the man who wants to be naturalized a double opportunity to study the two great things that control in American civilization—the Constitution of the United States and the Ten Commandments. I am in the habit of calling the first ten amendments to the Constitution of the United States the ten political commandments.

Mr. MILLS. That is about right.

Mr. MORGAN. It is about right. But when a man is naturalized from a foreign country there must be better security for that man's intelligence in regard to the true virtues and the true powers and duties of an American citizen when he can satisfy the court by ostensible demonstration that he has really read the Ten Commandments.

I would not undertake, Mr. President, to put that sacred body of laws, or any allusion to it, in a bill to come before the Senate of the United States unless I was most profoundly impressed with the necessity of making the allusion. Otherwise it would be in some sense a sacrilege to do it. But when we are making qualifications for those who are to become citizens of the United States, who were not born here and who must come upon some knowledge that they possess of our institutions, I insist that they shall show they have had some education of heart and conscience as well as of political conditions. That is the best thing after all. If I believed that every man and every woman who emigrates to the United States would be obedient to the Ten Commandments you might take all political conditions and throw them to the winds, so far as I am concerned. I should feel that we were secure in a higher class of citizenship, affected by loftier and better motives, than I could feel at all assured of if the man understood nothing of our language except perhaps he had been stuffed before he came with a reading of the Constitution of our country.

I would not take the exposition of the Constitution of the United States from Hon. Carl Schurz, and yet he stands, I think, to-day eminent among the immigrants from foreign countries in official rank, in literary qualifications, in powers of mind, and in exaltation of character. He could not read the Constitution of the United States to me as an expounder. Why? He was not raised under it. He was not raised in an American atmosphere. He did not imbibe with the very first breath of his life that splendid and beautiful system which no man can inherit except an American. He may adopt it; he can not get it by inheritance; and he will never feel it and understand it exactly like an American.

I believe in educating people in the atmosphere of the Constitution of the United States. It does not make much difference to me whether they have the power of analysis so as to detect all the elements of that atmosphere and apply them at will to the different subjects as they arise. Give me the spirit of a man educated beneath that splendid record of organic law. Let him understand the spirit of it and feel it. That man can be always appealed to to observe his own rights and those of his fellows, the equal justice between man and man, and to put the bridle of restraint upon usurpation and power. After all, one of the highest offices that a private American citizen ever has to execute is to stand upon his manhood, to stand upon his rights under the Constitution of the United States, and put the bridle of restraint upon those high servants who undertake to rule and control him under the Government of the country.

This, Mr. President, is all I have to say. I shall offer the other amendment when the proper time comes.

Mr. PLATT. The Senator from Alabama seems to have wandered quite far away from the precise point.

Mr. MORGAN. I have another amendment that covers some of my remarks, and which I shall offer when it is in order.

Mr. PLATT. He has said very much that appeals both by its eloquence and by its good sense to the judgment of all. What he has said should be the character of citizenship in the United States will meet with the hearty approval of every Senator. But the precise question, it seems to me, he largely left untouched.

I am sorry that the Cuban question has been mixed up with the immigration question, or that an attempt should be made to combine the two in one bill. If the proposed amendment, however, simply provided that nothing in the bill contained should prevent the landing upon our shores of Cuban refugees, that would be one thing.

Mr. MORGAN. I am willing to put it in that form.

Mr. PLATT. It would then be defective in that it did not provide for the future, and admit refugees from other countries where similar circumstances might prevail. I do not know whether under our law the bill would exclude political refugees or refugees fleeing from the horrors of war or oppression in their own country. I do not know whether the bill would at all exclude them; but surely we ought not to go further than to say it should not apply to refugees, if that can be defined. We ought not, for the purpose of providing that it shall not exclude the refugees from Cuba, admit all immigrants from Cuba from now forward for all time who come within the restricted clauses of the bill. That was my objection.

Mr. MORGAN. If the Senator will allow me, I have provided against that by saying "who have heretofore inhabited Cuba."

Mr. PLATT. But the amendment of the Senator, if adopted, will allow for all time, whatever the fate of the Cuban controversy may be, illiterate persons to come from Cuba as immigrants—after the war is over, after the Republic of Cuba has been established, and for all time. If this matter of excluding persons because they are illiterate is a correct test by which we shall regulate our immigration, and I think it is, it does not seem to me because there is imminent trouble in Cuba now that we should make a distinction in favor of Cuba, and, no matter what the fate of the country may be or what its future government may be, allow illiterate immigrants from Cuba to come to our shores.

If the purpose of the Senator is what he says it is, then the amendment ought to be framed in some other way.

Now, the bill will stand as a law on our statute books. We do not know where the next struggle for liberty may occur. We do not know in what country the patriotic, liberty-loving sentiment may attack monarchical or despotic government. But if the amendment be adopted, then the immigrants or refugees from the country where the next conflict may take place will be excluded by the bill, while political refugees and immigrants from Cuba, which by that time may have been composed into a settled government, will be admitted under the bill.

It is a discrimination, Mr. President, that we can not justly or logically make in the form in which it is proposed to make it. If the Senator had confined it to an amendment which would allow refugees from Cuba to come to our shores, and that only, and not affect the future immigration from the country when matters shall have been composed there, and allow ignorant people to come from that future country when they can come from no other country, much as I dislike to see the two questions combined, I should not have felt like making any suggestion whatever on the amendment.

Mr. LODGE. Mr. President, I wish to say, first, in regard to the precise effect of the amendment, that it applies only to the proposed law. Hitherto our legislation in regard to immigration has excluded persons liable to become a charge on the community, criminal or diseased persons, and contract laborers—objectionable classes which the United States shut out on account of objections to them. This is the first measure of a general restrictive character, and it applies the test of illiteracy with a view of excluding also the ignorant.

The Cuban amendment proposed by the Senator from Alabama applies only to the pending bill, not to the prior immigration laws of the United States, as I understand it. I think that the amendment is rather too broadly drawn, and is obnoxious to the objection that has just been made by the Senator from Connecticut; that is, I think after Cuba has become, as we all hope it will become, an independent and settled government, it would still allow immigrants from that country, and favor them over the immigrants from other countries. That I do not think ought to be the case. I believe it should apply to the Cubans only during the time when they are engaged in war with Spain or suffering from the oppressions of that country. There is no reason for excepting them after they reach a period of peace and prosperity, and the amendment would lead to that result.

Now, I want to say a single word as to the point which has been raised about commercial treaties and the favored-nation clause. The favored-nation clause has no bearing whatsoever on the question of immigration. No nation in the world, no independent nation, has ever given up the right, or ever would give up the right by treaty, to say who should come and who should not come within its boundaries. That is an absolute sovereign right which every nation must retain and uphold. We singled out the Empire of China and excluded her citizens by name, as we had an undoubted right to do, just as we have an undoubted right to single out any other country, and say there shall be no immigrants from that country. If that country chooses to retaliate, well and good. But we have never given up our rights by any form of treaty on that point. Our rights are absolute in dealing with the question of immigration to the United States.

I think the Cuban case can be distinguished from other cases very easily. Those people are right at our doors. They have suffered under the most terrible oppression. They are now engaged in a desperate struggle for liberty. If they desire to flee for safety, if they desire to put their women and children in a place of safety, they have no country to turn to but the United States. We are their next-door neighbor. The Armenian fleeing from oppression can cross—as thousands of them have done—the nearest boundary to Russia. He is surrounded by countries in which he will be entirely safe. The Cuban refugee has no place to go except to the United States. For that reason it seems to me we can properly make an exception for the Cubans while they are refugees, while war and oppression exist in the island, and for no longer time.

The amendment offered by my colleague seems to me to be too sweeping. It would be only necessary then for any European country which had a class of citizens that they found objectionable——

Mr. HOAR. I will say to my colleague, with his leave, that I think my amendment, which was very hastily drawn, is a little too sweeping, and I shall not press it, but will vote for an amendment exactly on the lines my colleague has just stated, if he pleases; that is, I would be willing to agree that the bill should not apply to persons fleeing from Cuba during the continuance of the present disorders in that island, if that will cover the case. I should not be willing to limit it to the recognition of belligerency, because I do not think anyone wants to put that in this bill.

Mr. LODGE. Certainly not.

Mr. MORGAN. The senior Senator from Massachusetts would not say "persons fleeing from Cuba." He would say "persons arriving from Cuba."

Mr. HOAR. Very well; I mean to say persons who flee to get rid of the disorders there, and they are not criminals who escape.

Mr. MORGAN. I am perfectly content with that suggestion. I think it covers the whole case.

Mr. HOAR. I will not interrupt my colleague now, but when he gets through I will ask the clerks to take down a modification of the amendment of the Senator from Alabama.

Mr. LODGE. I was only going to say, in conclusion, as my colleague has withdrawn his amendment, that the objection to legislation of that kind is that then any country which desires to get rid, we will say, of a class of citizens whom it may find it difficult to support, paupers, persons of any kind who are a charge on the community, can simply by the passage of an oppressive law bring them within the exception of political oppression. We have lately seen one country which has undertaken to drive out a whole class of its citizens. Large funds were raised to project suddenly into this country some 5,000,000 persons in a state of complete indigence and to throw them into the labor market of America and on our people for support by taxation.

Therefore, Mr. President, I think in making exceptions we should be very careful. I am entirely in favor of making an exception which will give the Cuban refugees admission to this country, the only place where they can take refuge if they desire to flee from the disorders and oppressions now existing in the island. If the Senator will limit it as he has manifested a readiness to do, I think there ought to be no objection to it. I am perfectly sure that we have an absolute right to make any exceptions we choose. We can admit whom we please. We can exclude whom we please. They undertook once in Europe to make objection to our giving asylum to Kossuth. That was resented by this country. That covers the whole principle. The soil of the United States is the possession of its people; they, and they alone, can say who shall come upon that soil and who shall not. If they choose to say that one people in Europe shall not come in the form of immigrants, but that they will open their doors to refugees from the Island of Cuba, it is entirely within their right so to do. I think the only question for us to consider now is whether it is not advisable to make a very strict and limited exception which shall permit the Cubans during the continuance of the present struggle to find refuge in this country, but that after the restoration of the island to independence and prosperity that exemption shall cease.

Mr. CAFFERY. Mr. President——

Mr. HOAR. If the Senator from Louisiana will allow me one moment, my object will be entirely accomplished by what I understand the Senator from Alabama to approve by inserting in his amendment the words "during the continuance of the present disorders there;" so that it will read:

> This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorders there: *And provided*, That such persons shall heretofore have been inhabitants of that island.

That is the Senator's amendment.

Mr. MORGAN. I am content with that, Mr. President.

Mr. HOAR. Very well.

Mr. CAFFERY. Mr. President, I quite agree with the Senator from Connecticut [Mr. PLATT] that an exception in the pending immigration bill in favor of Cuba would be a discrimination against other people or other nations in a like or similar condition. I understand from Senators who have spoken on this subject that there is no disposition to limit the hospitality of the United States in cases of emergency, of a character induced by political oppression at home. If the exception incorporated in the bill should be made and there should be either far or near from our shores oppression of any people in any country and those people sought refuge in our borders, they could not obtain it. I can see no reason whatever why we should make a special exemption in favor of the Cubans.

The junior Senator from Massachusetts says that the Cubans have no other shore to fly to. They have the adjacent country of South America. They have the Republic of Argentina. They have the Republic of Mexico. They have more opportunities of near refuge than have people oppressed in Europe, because those people would have to fly to the United States in order to obviate the necessity of going to other countries ruled perhaps in the same despotic manner as the country from which they desire to expatriate themselves.

It occurs to me that the difficulties suggested by the amendment of the Senator from Alabama, and the attempt to remedy that amendment by the Senator from Massachusetts, are very suggestive of grave objections to the whole bill. Under the present bill none but criminals, paupers, diseased persons, as I understand, are excluded from the United States as immigrants. The shores of the United States are open now under our laws to all people who are oppressed in any quarter of the globe, provided they do not come within the classes mentioned here. If we admit political refugees from one country we may make an invidious distinction, or we may make a very serious mistake.

I am not in favor of closing our doors against political refugees from any country if they have the requisite qualifications of our present immigration laws. I think it would be a bad distinction. I think it would be unwise, because people who, at home, have that sense of liberty which impels them to rebel against monarchical and oppressive institutions are very likely to make the very best citizens for the United States.

I was heartily in favor of the amendment offered by the Senator from Illinois [Mr. PALMER]. I thought if an educational qualification were to be imposed as a condition of immigration that that qualification ought to be as light as possible, and I was perfectly willing to extend the period to 21 years of age in order to obviate the apparent danger of dividing parent and child, as would almost inevitably occur where the limit of illiteracy was placed at 14 years of age, for the child might be illiterate, or, vice versa, the parent illiterate. At 21 years of age the parental relations cease, and there would be no objection on the ground of separation of the family.

I am perfectly willing, so far as I am concerned, to allow the present immigration laws to stand as they are. I am of opinion that the difficulty suggested by the amendment of the Senator from Alabama will disclose the weakness of any attempt to impose a qualification of illiteracy. I would inquire whether it follows as a matter of course that an illiterate immigrant makes

a good citizen of the United States, and I would inquire whether the vast domain of the South and West are now so full of working people, of hardy immigrants, as to justify or necessitate the limitation of immigration proposed in this bill. A class of immigrants termed undesirable (I think the Italians have been called "undesirable" in debate; if not so, I beg pardon) have largely flowed toward my part of the country. They make very excellent citizens. They are a hard-working, industrious people. Those of them who come from Sicily betake themselves more to fishing and oystering than to agricultural pursuits; but those who go to the fields and work, either as tenants or for wages, develop into hard-working, industrious citizens. I have no disposition whatever to exclude them. As a matter of course, a great many of them would be excluded under the operation of this proposed law, because the Italians have no system of public schools of which I am aware. I think their education is mostly based upon private resources and private means. On that point, however, I am not well informed.

But, Mr. President, I think the needs of the South and the West require a larger amount of immigration than now comes to them, and I think that any law not manifestly and obviously necessary to the common weal of a country, excluding immigrants from that country, is unnecessary and indefensible. I further think that any attempt to modify the law so as to admit that very class of persons whom we are most anxious to admit, to wit, political refugees, who would be excluded upon the ground of illiteracy, shows the danger of altering or impairing in any wise the laws as they now stand.

Mr. GALLINGER. Mr. President, I understand that the amendment submitted by the Senator from Alabama proposes to exempt Cubans during the continuance of the present war in the Island of Cuba. I will ask the Senator if I am correct in that supposition?

Mr. MORGAN. Yes, my amendment as amended on the suggestion of the Senator from Massachusetts has that object.

Mr. GALLINGER. I was not in the Chamber when that amendment was submitted. In view of that fact, it strikes me when I cast my vote for this measure I shall cast it in sympathy with the great heart of the American people. It seems to me that for the Government of the United States to return to Cuba under existing conditions a refugee from that island, sending back that man who is fighting for freedom and independence and giving him into the power of the cruel, despotic, and murderous Spanish Government, would be an act of cruelty and injustice and inhumanity that no American citizen ought to tolerate by his vote or by his words.

I am in profound sympathy with that people, who are battling, as I understand the matter, for precisely the same principles for which our forefathers contended against the great power of the British Empire; and, Mr. President, I should feel that I was doing my own convictions a profound injustice and that I was voting in favor of cruelty and oppression if I failed to record my vote in favor of exempting those men during the continuance of the war in Cuba from the provisions of this proposed act.

I am in sympathy with and in favor of this bill, but I trust in enacting it we shall not lose sight of those great principles of humanity, and of justice, and of equality, and of right which have always heretofore, as I look at it, animated the Congress of the United States in making statutes for the government of our people and for the control of our great public concerns.

Mr. CALL. Mr. President, I shall vote for this bill with the amendment placed upon it by the Senator from Alabama and the Senator from Massachusetts, allowing the Cubans to come into the country during the present disorder, but I can hardly see the justification of the principles upon which the bill is based. Intercourse with foreign nations is either desirable or undesirable. If all commercial intercourse by the coming or going of the inhabitants of different countries is to be entirely prohibited, we return to the condition of China. If it is to be limited intercourse between the persons of different populations and different countries, how is it to be limited? This bill proposes to limit it by the ability to read and write, adding to it the exclusion because of criminal conduct contained in the act of Congress of which this is to be an amendment. Is that a test? Is a country filled with people who can read and write of necessity a country capable of advancing the arts of civilization? Does the skilled laborer, the man of inventive genius, always have this qualification accompanied by the capacity to read and write?

That is not my observation of mankind. It is desirable that the country should teach every citizen to read and write. That it is a means of acquiring intelligence, that it expands thought, that it is a necessity for higher civilization is beyond doubt; but have we no need of the sturdy laborer in the intercontinental railroad between this country and South America, which is soon to be built? Do the great public works have no need of the sturdy hand and the strong limb and the muscle of the laborer who can not read and write? Is it true that we have in our country a dearth of necessary employment—I do not mean from transitory causes, but a permanent surplus of labor, more than the necessities of this Western Hemisphere demand? I doubt it, Mr. President. I question that when we consider the vast area of desert land, with the as yet uncultivated land areas not only in this country, but of the adjacent Island of Cuba, capable of sustaining a population of 10,000,000 or 12,000,000, now only 1,500,000, which population will be supplied from this country, because it will not be six months after the recognition by this country of the independence of Cuba shall be made before there will be 100,000 Americans there, and their places will need to be supplied. So of Mexico. The overflow of our population will go into Mexico, it will go into the Central American Republics, and it is a grave question whether or not we should exclude the honest, the laborious, the capable laboring man of other countries who is not able to read and write.

I question the efficacy of this restriction. It would seem to me that it would have been the wiser policy, acknowledging the sovereign right of every nation to admit or exclude that class of population which would benefit or injure it, that in the treaty-making power there should be ample means of limiting or enlarging the admission of people of different countries into our country. We may say that we will not admit immigrants, persons coming here for a permanent residence. We may say that we will exclude them from coming into the country at all. We will let every man who can read and write come for a temporary sojourn, but we will not allow him, if he can not read and write, even to touch our soil.

In the treaty-making power we have the means of suspending all intercourse with foreign countries, or of opening or continuing immigration or prohibiting it.

It seems to me that this is a serious defect, and that it will be wiser to establish some system of treaty stipulation by which we can exclude objectionable people from our shores, rather than by an act of Congress, which provides a restriction including all the sturdy laborers who may come from other countries, however good their character may be.

The question of suffrage or how far aliens should be admitted to the rights of suffrage and citizenship is an entirely different question. Residence and commerce rest on different grounds from citizenship and a participation in the government of a country.

Intercourse, commerce, and the advantages of it, or the disadvantages, is one thing and the participation in the government of a country is a different thing, and the reasons which demand the one and prohibit the other are entirely distinct. But I have no intention of going into this subject further. I shall vote for the bill with the amendment I suggest in deference to the opinion of others.

Mr. MILLS. Mr. President, as I intend to vote against this bill, I think it proper that I should briefly give some of the reasons which constrain me to that vote.

I do not believe that the ability to read and write constitutes the whole sum of what it takes to make a good average citizen of the United States. This is a change of the policy of our Government adopted at its very foundation. We are losing sight of a fundamental truth that was at the bottom of our Government when it was formed, that we were erecting on this continent a Government which was to be free and the home of a free people, that it was to be the asylum of the downtrodden and the oppressed of other countries. We admitted all to come to our shores except paupers and criminals. The pauper who could do nothing to support the Government or to help build up the society which sustained him had no right to put himself upon our society to become a charge. The criminal is a violator of law, and we have a natural right to exclude all such from coming to our shores. That has been the policy of our Government from its foundation until the present time. Now, sir, it seems that the civil-service idea has taken such a hold upon the American people that we are extending it to the immigration of foreigners coming to this country; and we are, I imagine, to establish a civil-service commission to try these people so as to determine whether they can read and write, and whether they understand the Ten Commandments in the Bible or the ten commandments in the Constitution which were referred to by the Senator from Alabama [Mr. MORGAN].

I remember some years ago a distinguished citizen of the State of Ohio was telling me about some Irishmen who sought naturalization in one of the courts of Cincinnati. One of the judges told the leading Irishman who had his fellow-countrymen in charge to take them out, to read to them the Constitution of the United States, to explain it to them, and see whether or not they understood it, and then to come back and report in court after he had performed this duty. He took them out and read the Constitution to them from beginning to end, explained it to them, and brought them back into court. The judge said: "Pat, have you read the Constitution to them?" "Yes, sir." "Have you explained it to them?" "Yes, sir." "Do they understand it?" "Yes, your honor; they understand it and are delighted with it." [Laughter.]

So it is with a great many of our people who seem to understand the Constitution and are delighted with it; yet, Mr. President, it is a fact which has existed from the beginning of our Government to the present day that the most intellectual men in our country do not comprehend it. The Senate and House of Representatives have been quibbling over almost every provision of that Constitution for a hundred years. The Supreme Court have declared at one time that the Constitution meant so and so and at another time they have said it did not mean that. They have been reversing their decisions over and over again and the arguments which have been made in this body and the other in the legislative branches, and all over the country by the most intelligent men, show that there has been a constant misunderstanding of both the provisions and the meaning of the Constitution of the United States.

I am opposed to making an educational test of citizenship for those who are coming to this country. I am willing to receive them if they are not paupers and criminals and give them an opportunity to be educated and become good citizens here. Some of the very best citizens we have in this country are men who have come to us from foreign countries. Our forefathers were foreigners; great numbers of them could not read and write; and yet they laid the foundation of the greatest republic of the earth.

Mr. CAFFERY. Will the Senator permit me to make a suggestion to him?

Mr. MILLS. Certainly.

Mr. CAFFERY. The Constitution of the United States prescribes no qualification for suffrage. That is a matter within the province of the States exclusively.

Mr. MILLS. Of course; and the State of Texas has just adopted an article of amendment to its constitution on the subject of suffrage.

But I was going to say that we have a great body of foreign people in this country who are good citizens. They are laborers; they have helped to build up this great hive of American industry, and there is room for more of them in the United States. Speaking for my own State, I would be glad to welcome 100,000 Germans to come to Texas; I would be glad to welcome 100,000 Irishmen; I would be glad to welcome 100,000 Scandinavians. There is a large number of these three races of foreigners living in the State of Texas. I have known many of them, and known them for many years, and I know them to be good citizens. Suppose that the people from some of these foreign countries wish to come and bring their children and they have not had the opportunity to have them educated under the despotic governments of Europe, they are to be kept away and to wait until they can educate their children, and the Government can make no provision for them. This is a free country. We have hitherto invited them to come and enjoy the blessings of liberty with ourselves, and now we say: "Because your government is a despotic government and has enslaved you and your children and it is impossible for you ever to educate them, you shall be proscribed from coming to this country and enjoying the blessings of free government."

This is the only really free country in the world. It is a peculiar Government among the governments and nationalities of the world. This continent was dedicated to liberty when this Government was erected, to be the home of a free people, of a self-governing people, of a people who held their liberties in their own hands; and now we are told that the civil service must apply to the immigration of people coming from foreign countries, and a man or his children who can not stand the test of a civil-service examination must be remanded back to despotism again because they have lived in a despotic government which cared not for them.

No, Mr. President, I am opposed to the educational test. The capacity to read and write is no evidence of virtue either in manhood or womanhood, and I have not a doubt but that the penitentiaries of every State in the Union are full of criminals who can read and write, and read and write well. I have not a doubt that the majority of the wretches whose necks have been broken on the gallows could read and write. The acquirement of the capacity to read and write does not dispel vice and wickedness from the heart. There are thousands and hundreds of thousands of good people in this country and in other countries who can not read and write. I doubt very much if one in ten of the men or women who first came to this country could read and write; but yet see what a precious heritage they have created in this country and bequeathed to us.

These, sir, are the reasons which constrain me to vote against this bill, and to preserve and persevere and continue in the policy of our fathers to keep the test of pauperism and crime the only test to be applied to foreigners coming to enjoy this heritage of liberty with us.

Mr. CHANDLER. I understood the Senator from Texas to say that Texas was about to adopt an intelligence qualification of some sort.

Mr. MILLS. I said that Texas had already adopted an amendment to her constitution in reference to suffrage.

Mr. CHANDLER. May I ask the Senator what that is?

Mr. MILLS. I do not remember just the exact provisions of it.

Mr. CHANDLER. Is it applying an intelligence qualification to voters?

Mr. MILLS. It is not. It is a residence qualification.

Mr. CHANDLER. The speech of the Senator from Texas would seem to me to be a sort of apotheosis of ignorance. The Senator has argued that we ought not to undertake to require the immigrants into this country who are capable of reading and writing to learn to read and write before they come here. The Senator denounces this and waxes eloquent over it, at the very same time that his own State and the State of Mississippi have adopted an intelligence clause to keep the negro from voting. Mr. President, it seems to me that the Senator ought to be willing that we should apply to immigrants coming into this country the simple test which the people of his State apply to keep ignorant negroes, as he would call them, from the ballot box. If the State of Texas is authorized in making that requirement as a condition of suffrage, it seems to me that the people of the United States have a perfect right to make it a condition of the admission of immigrants to enjoy the citizenship of this country.

Mr. MILLS. Perhaps I ought to say, as to the amendment of the constitution of Texas, that I voted against it. I held the same views then that I hold now.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The question is on the amendment of the Senator from Alabama [Mr. MORGAN] as modified by the Senator from Massachusetts [Mr. HOAR]. The Secretary will state the amendment.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 2. This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorder there: *Provided*, That such persons have heretofore been inhabitants of that island.

Mr. PALMER. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON], who is detained at home by reason of illness.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. He not being present and I not knowing how he would vote, I withhold my vote.

Mr. MARTIN (when his name was called). I am paired with the junior Senator from Montana [Mr. MANTLE], and therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS], and therefore withhold my vote.

The PRESIDING OFFICER (when the name of Mr. THURSTON was called). The present occupant of the chair has a general pair with the Senator from South Carolina [Mr. TILLMAN]. If that Senator were present, the occupant of the chair would vote "yea."

The roll call was concluded.

Mr. SHOUP. I have a standing pair with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], but I transfer that pair to the Senator from Wyoming [Mr. WARREN], and vote "yea."

Mr. PASCO. I transfer my pair with the Senator from Washington [Mr. WILSON] to the Senator from Indiana [Mr. VOORHEES], and vote "yea."

Mr. CARTER. I inquire whether the junior Senator from Maryland [Mr. GIBSON] has voted?

The PRESIDING OFFICER. The junior Senator from Maryland has not voted.

Mr. CARTER. Having a general pair with that Senator, I withhold my vote.

Mr. PALMER (after voting in the negative). I desire to inquire whether the Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. PALMER. Then I withdraw my vote, as I have a general pair with that Senator.

Mr. MITCHELL of Oregon. I desire to inquire if the senior Senator from Wisconsin [Mr. VILAS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Oregon. Then, as I am paired with that Senator, and the Senator from Illinois [Mr. PALMER] is paired with the Senator from North Dakota [Mr. HANSBROUGH], I suggest that we transfer our pairs.

Mr. PALMER. That is satisfactory to me, and I vote "nay."

Mr. MITCHELL of Oregon. I vote "yea."

Mr. NELSON (after having voted in the affirmative). Has the Senator from Missouri [Mr. VEST] voted? If not, I desire to withdraw my vote, as I have a pair with him.

The PRESIDING OFFICER. The Senator from Missouri has not voted.

Mr. NELSON. Then I withdraw my vote.

The result was announced—yeas 47, nays 6; as follows:

YEAS—47.

Allen,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Brown,
Burrows,
Butler,
Call,
Cameron,
Cannon,
Chandler,
Chilton,
Clark,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gorman,
Harris,
Hawley,
Kyle,
Lodge,
McBride,
McMillan,
Mantle,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Pasco,
Peffer,
Perkins,
Platt,
Proctor,
Quay,
Roach,
Sewell,
Stewart,
Teller,
Turpie,
Wetmore,
Wolcott.

NAYS—6.

Caffery,
Hill,
Lindsay,
Palmer,
Pettigrew,
Walthall.

NOT VOTING—36.

Aldrich,
Allison,
Blanchard,
Brice,
Carter,
Cockrell,
Cullom,
Daniel,
Gear,
George,
Gibson,
Gordon,
Gray,
Hale,
Hansbrough,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Martin,
Murphy,
Nelson,
Pritchard,
Pugh,
Sherman,
Shoup,
Smith,
Squire,
Thurston,
Tillman,
Vest,
Vilas,
Voorhees,
Warren,
White,
Wilson.

So the amendment was agreed to.

Mr. ELKINS. I wish to call up the amendment which I have heretofore offered.

The PRESIDING OFFICER. The amendment submitted by the Senator from West Virginia will be read.

The SECRETARY. It is proposed to add the following as an additional section:

SEC. 3. That in addition to the restrictions now provided by law there shall be collected a head tax of $10 on all immigrants coming to the United States in vessels not of the United States; and any and all clauses in existing treaties in contravention hereof, and all acts of Congress contrary hereto, are hereby abrogated and repealed.

Mr. FRYE. Did the Senator from West Virginia consider at all the effect that his amendment might have to compel all the immigrants to go into Canada and then come across on the cars?

Mr. ELKINS. They would not then come in vessels of the United States. Immigrants from Canada merely cross the river or the border.

Mr. FRYE. But suppose the vessel lands them in Canada?

Mr. ELKINS. Then it would apply to them, I should think.

Mr. FRYE. It would not apply to them if the vessel landed them in Canada, because we can not legislate so as to impose a tax on an immigrant who lands in Canada.

Mr. ELKINS. If they want to come to the United States by way of Canada it would be a restriction in a certain sense, but they would rather come in vessels of the United States or pay the head tax than come by Canada, because in the end it would be more expensive.

Mr. FRYE. I should think the effect of it would be as I have stated, although the Senator from West Virginia knows better than I do.

Mr. ELKINS. When I drew the amendment I inserted the provision abrogating "any and all clauses in existing treaties in contravention hereof." On further examination, however, I find that the amendment will not abrogate any treaty of the United States with any foreign government. The amendment, to my mind, offers an opportunity to Congress to restrict immigration, or failing to do so, encourage American shipping. I believe all parties have declared in favor of the principle of restriction. The amendment would also encourage American shipping. It is easily understood, and I think it will accomplish to some extent both purposes.

Mr. NELSON. Mr. President, I regret that I have to differ with my amiable friend the Senator from West Virginia [Mr. ELKINS] in reference to this amendment. I heartily concur in and approve of the bill as reported from the committee of which I am a member, especially as modified by the amendments of the Senator from New Jersey [Mr. SEWELL] and the Senator from Alabama [Mr. MORGAN]. I think the policy of an educational test is entirely in harmony with the principles of our institutions and our form of government. Our Government is based on the foundation of education and intelligence. It is a Government in which all the people have a voice, and such a Government can only prosper and exist if it is based upon intelligence. A government with popular suffrage in the hands of ignorant, uneducated people, like certain peoples of the Old World, especially in the Russian Empire, would be as dangerous as gunpowder in the hands of a child before a blazing fire.

Free governments, free constitutions, can only flourish and exist where the people are intelligent, educated, and cultivated. So, in harmony with our institutions and our form of government, it is just and proper to make this educational test. We have a right—it is not only a right inherent in every government, but we have peculiarly that right, being the freest Government on the face of the earth—to say to immigrants when we admit them to fellowship among our own people that they shall approximate the standard of the intelligence and culture of our own people.

But this amendment destroys the singleness and unity of the pending measure, a chief factor of its strength. The amendment seeks to enforce another test, ostensibly on the plea of encouraging or building up American commerce. It will do nothing of the kind, Mr. President. A mere tax of $10 a head can neither bring us any revenue—at best it would produce only a paltry three to four million dollars a year—nor increase our commerce on the high seas. We can not increase it by any such method. Neither would it in a material degree retard immigration. All that it would accomplish would be merely to impose a burdensome tax upon those whom I regard as among the best and worthiest of our immigrants. There are two classes of immigrants that I think are undesirable. It is not only the criminal, the ignorant, whom we should exclude, but I do not think we crave any capitalists or men of wealth in this country. I think it is the people who represent the middle classes, the people without any money reserve, the intelligent working people of the Old World, who are the most desirable of our immigrants.

The amendment amounts to nothing but a tax, a burden. Let us look at the state of the transportation lines which are plying between this country and Europe. The Government report shows that there are upward of 300 foreign vessels which are licensed to carry passengers, but leaving those out of the question which chiefly carry freight, and taking into account only the great transatlantic passenger lines, we find this to be the state of the case. There are the following foreign lines, with the following number of steamers and ports of destination:

	Steamers.
White Star Line—to Queenstown and Liverpool	4
North German Lloyd—to Southampton, London, and Bremen	6
Wilson Line—to Hull, Newcastle, and Gothenburg	4
Red Star Line—to Antwerp	4
Anchor Line—to Glasgow, Leghorn, Genoa, and Naples	4
Cunard Line—to Liverpool and Queenstown	6
Thingvalla Line—to Christiania, Copenhagen, and Stettin	3
Hamburg-American Line—to Hamburg	8
Holland-American Line—to Rotterdam and Amsterdam	3
French Line—to Havre	2
Allen State Line—to Glasgow	2
Atlantic Line—to Naples, Genoa, and Leghorn	3
Total	49

As against this total of foreign lines and steamers we have only one line, the American Line, with 4 steamers, running only to Southampton. Out of a total of 53 steamers—passenger steamers—that are plying across the Atlantic, we have only 7½ per cent. It is evident, therefore, that to put a tax of $10 a head upon every passenger who does not come in an American ship would not help to encourage American shipping, would not retard immigration; it would merely impose a head tax upon humanity.

I would rather vote for a bill which would exclude immigration altogether than to vote for a measure of this kind. I think one of the last subjects of taxation to which we ought to resort in this country is a tax upon our common humanity, upon those who are less fortunate than we are. That would make this country, now the land and the home of the free and the model country of the world, the most mercenary and most selfish of all the nations on the face of the earth.

Mr. President, we can not build up the commerce of this country by any such Lilliputian and paltry plan. I have in my hand a list of the five leading maritime nations of the world, with the tonnage of their merchant marines. First, at the head of the list, is Great Britain, with a total tonnage of 12,263,539 and 40,000,000 people. Next comes the United States, with a tonnage of 2,231,725 and 72,000,000 people; next comes the German Empire, with a tonnage of 1,943,761 and 45,000,000 people, and fourth comes little Norway, with 1,669,468 and only 2,000,000 people. Next to Norway comes France, with 1,129,575 tons and 38,000,000 people.

Having lived nearly all my life on the broad prairies of the West, I do not understand this question of shipping as I would like, but I know that the little country of Norway, with only 2,000,000 of people and a merchant marine the fourth in the world, makes a success in that line on the ocean by methods entirely different, in some respects, from those which have been pursued in this country, and while I believe in the principle of protection, I have sometimes thought we could learn a lesson from some of the countries of the Old World in the way of encouraging American shipping and increasing our merchant marine.

But I shall not enter into a discussion of that question at this time. I submit again that the amendment is entirely out of harmony with the spirit of the bill; that it can not increase our merchant marine; that it can not materially retard immigration; that it can only be a tax and burden upon the best and most desirable of our immigrants, and that for these reasons it ought not to be injected into this wholesome measure.

Mr. ELKINS. Mr. President, like my colleague, the Senator from Minnesota [Mr. Nelson], I do not care to go into any extended discussion of the amendment. I believe that the average number of immigrants coming into this country annually for the last ten years, according to the Commissioner's recent report, is about 425,000. The foreign steamship lines make out of this business, on an average, $20 a head. From some countries it is greater and some countries less, but I take it from what I can gather from statistics that it is about $20, or something over $8,000,000 per annum. This $8,000,000 is paid to foreign shipowners for the transportation of immigrants to this country, and one of the evils growing out of immigration to the United States, to my mind, is that these foreign shipowners and this foreign shipping interest, through their agents abroad, encourage persons all over Europe to come to this country for the sake of the money the steamship lines get out of the business. Everybody who can raise enough money or have it provided who wants to come to the United States is reached by the agents of the steamship companies and brought to this country. In some way or other paupers and criminals are supplied with money to come to this country; the cities of Europe get rid of this population largely by the aid of foreign shipping interest.

I do not agree with the Senator from Minnesota when he says that the amendment is prohibitory. There is a way left open in the amendment by which the immigrants can reach this country without paying the head tax. It is by coming in American ships. It is humiliating, I confess, that we have only one American line, although the Senator omitted to state that a great many immigrants come to the United States in sailing vessels. But I venture to state that the present American line can bring all the immigrants to this country that want to come in American ships, and would be willing to engage to do it. If the present American line could not bring all the immigrants, then other lines would be established at once. There is about $8,000,000 in the business per annum, and I am sure that if the amendment prevails the American shipowners will get some of this traffic. The amendment does not necessarily exclude people who want to come to this country. I hope it will not always be the case that we will only have one American line to Europe, but that we may have many, and regain the commerce on the seas which we once enjoyed.

In discussing the amendment, I will not go into the subject of American shipping. I do not offer it as the best means of promoting American shipping; far from it; but it is one of the means, and it is the sense of this country, if I understand it, agreed to by nearly all parties, that there should be some proper restriction upon immigration. The amendment would be in a certain sense a restriction, and if not a restriction, it would encourage American shipping.

It would not hurt an immigrant to come to our country in an American ship, and by doing so he could come as cheaply as now and at the same time encourage American shipping.

Mr. CHANDLER. I am unable to vote for the amendment, and I will state briefly my reasons. The amendment is very adroitly contrived by the Senator from West Virginia [Mr. Elkins], who is always zealous and astute in behalf of any cause he seeks to promote to kill two birds with one stone—to help the American steamship lines and to limit immigration. I am unable to follow the Senator in his attempts to do both of those things by means of this amendment. I am willing to vote to aid the American line of steamships. I believe it now has a large subsidy in the way of mail money from this Government. During the last session we passed a law giving to that steamship line the exclusive carriage of express packages between Europe and this country by a discrimination which we made. If it is necessary to keep the American line running, or to establish another American line, I am willing to vote to aid the lines from the Treasury of the United States to any reasonable extent, but I am not in favor of doing it by imposing a head tax upon immigrants coming to this country.

I am in favor of as rigid immigration laws as any Senator in this Chamber. I have endeavored to contribute to the enactment of laws for the limitation of immigration, but the policy as to the imposition of a head tax has been to levy only such a head tax as would pay the expenses of administering the immigration laws. It is right to pay for administering the laws, to pay for taking care of the paupers who come here through the year, after they come, to sustain them until they can be sent back to their native country. That principle is justifiable—to make the immigrants pay the expenses of administering these laws. But, Mr. President, the last thing in the world that this country ought to do is to raise money by putting a tax upon immigrants coming here, to be put into the Treasury of the United States. A tax of one or two dollars a head pays all the bills. If this tax is imposed, we will take out of the pocket of every immigrant who comes here $8.

So far as the imposition of the tax might tend to keep immigrants from coming, I sympathize with the motive, but we have to consider it with reference to the immigrants who come. When an immigrant comes here, a single man, a single woman, a man and wife, or family, if there is any good use to which they can put $8 each that will benefit this country it is to their own use. They need it when they come here. They are not allowed by existing laws to come here with any contract that they may go to work and earn a living. If they have any such contract, either express or implied, they are sent back, and so they come here poor and, as we are going to require now, intelligent immigrants to become a part of our social and political system. They come here to go out on the Western prairies, into the State of the Senator who addressed the Senate in opposition to the amendment, to make their homes there. The very best use to which that money can be put is to leave it in the hands of the immigrant, and I for one repudiate the idea that under any policy of restriction of immigration the United States ought by a head tax to take money out of the immigrants who come here and seek to become citizens of the United States and put it into the Treasury.

Mr. MORGAN. I desire to ask the Senator from New Hampshire a question before he takes his seat.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. CHANDLER. Certainly.

Mr. MORGAN. I find no definition in the pending bill, and I find none in any law which I have seen yet, as to what it is that constitutes an immigrant. That particular character who is denounced in this bill and kept out of the country because he can not read is not defined in any statute so far as I know.

Mr. CHANDLER. It is not defined anywhere, I will say to the Senator. The duty of determining whether a person who comes to this country has come as a visitor or has come as an immigrant has to be left necessarily to the immigration officers who administer these laws.

Mr. MORGAN. The man comes; he lands in Philadelphia or Boston, and he is inquired of by the immigration agent whether he is an immigrant. He says, "No; I am a visitor." How soon is he compelled to return to his country if he gets in here as a visitor?

Mr. CHANDLER. Practically, the question is settled by exercising a stricter supervision over steerage passengers than over cabin passengers. At the same time the immigration inspectors do examine the lists of cabin passengers and take all the pains they can to apply the immigration laws to cabin passengers as well as to steerage passengers. But necessarily the question whether a person comes as an immigrant or as a visitor must be decided by the immigrant inspector at the docks on our seaboard.

Mr. MORGAN. After all, it is a question of intention on the part of the immigrant, and there is nobody who can decide the intention but the immigrant himself. No man can inspect another man's mind or heart and find out what he means to do except by what he says. When the man lands at Boston and is inquired of whether he is an immigrant, he says: "No; I am not an immigrant." He does not say he will not become one to-morrow. He does not say that to-morrow he may marry some woman in this country and make up his mind to live here permanently.

Mr. CHANDLER. What is the object of the Senator in making the inquiry?

Mr. MORGAN. My difficulty——

Mr. CHANDLER. I will say to the Senator that the present head tax of $1 is imposed not only upon immigrants, but on all passengers. The present $1 head tax, which we use to pay the expenses of administering the immigration laws, we collect from every passenger who comes by sea from a foreign country except American citizens.

Mr. MORGAN. My object in making the inquiry is to ascertain whether there is in this bill which we are proposing to enact, or in any law of the United States, a legal test of who is an immigrant, because unless you make a test of that kind the law is entirely at the mercy of the man who comes here to say whether he is an immigrant or not.

Mr. CHANDLER. That may be a defect of the existing system, but there is no way, if the Senator will allow me, to define it. If any distinguished European citizen comes to this country we do not interrogate him as to whether or not he intends to remain.

Mr. MORGAN. If, as the Senator from New Hampshire asserts, there is no way to make a definition on this subject, or to make a

law by which a man can be excluded as an immigrant because he comes in that character, of course he is bound to say that the law we are trying to enact is of no use. If you can not enforce the law against the man's declarations, whether the declarations are false or not, of course the law is of no service. He can evade it by merely making a declaration of his intention to be or not to be an immigrant, and yet after he has landed here he may in a day change his intention from that of a mere visitor to that of an immigrant to this country for purposes of settlement and naturalization.

I call the attention of the Senate to this subject because I believe this legislation is not going upon the proper line. I believe that the way to reach the evil we are trying to remedy, in addition, if you please, to what you have in the pending bill, is to make it applicable to the right of naturalization, to make it applicable to the right to file an application to become a citizen. For instance, provide that no man can become a citizen of the United States by naturalization unless he can read and write in some language. The law might declare that no man can become a citizen of the United States except upon an application filed after five years of permanent residence in the United States and proof of good character. We might raise the time to five years in reference to citizenship. If you apply your legislation to that subject, then you will have some chance to enforce penalties and restrictions upon foreign immigration. But if you leave it merely to the declaration of the immigrant himself as to whether he is coming here as an immigrant or only as a visitor, your law can not possibly amount to anything.

Mr. STEWART. Mr. President, I hope the bill will pass as reported by the committee. If it should be found after testing it that it is leaky, we can apply the exact remedy. It certainly has very important provisions in it. The clause for a test as to reading and writing is important in many respects. I will state that I have given a little attention to the condition of our insane asylums, and I am informed in a general way that more than three-fourths of the insane in many of the States are foreigners. I visited the insane asylum of Nevada recently, while I was at home, and I ascertained that over 90 per cent of the inmates are foreigners. The physician in charge told me that the majority of those of foreign birth had been insane practically from infancy. They never had been competent to take care of themselves; they had always been helpless; and he explained the reasons, stating what ailed them.

Certainly if you apply the test of reading and writing it will exclude that class of imbeciles who are becoming a tremendous charge in the various States. I think very important information would be obtained if we could have reports from the different States as to their insane asylums, giving the percentage of foreigners and the percentage of those who have been always helpless. I think it would show that Europe has been sending to this country vast numbers of imbeciles whom we put in our insane asylums as insane who never were sane, and whom it was the duty of the foreign countries to provide for. Applying this test will stop that evil.

Further investigation will show how very extensive it has been. I believe that if we should pass this bill as it is, when it went into operation we would learn any defects it may have, and a slight amendment would correct them. I do not now see how we can apply the provision to charge a certain amount of money, with a guaranty that the immigrant will go back, and all that. That complicates it. We do not know how to do it. Nobody seems to be clear as to how it would work. The bill as reported is certainly simple; its provisions can be executed; I think it will be very valuable; and I hope it will pass as it comes from the committee.

Mr. PERKINS. Mr. President, I can not agree with my friend from New Hampshire that the amendment offered by the Senator from West Virginia is imposing a head tax upon immigrants into this country. The amendment, if I understand it correctly, provides that those who come to this country as immigrants in ships flying the Stars and Stripes shall have a special concession made to them of $10 per head. Surely, Mr. President, it seems to me any immigrant inspired by the right principle, who comes here with the right motives, because he is attached to our institutions and desires to better his condition and become a citizen of this Republic, would wait a week or two and take passage in an American ship. It is a proper elementary school for him to take his first lesson in American citizenship by being under the influence of a ship flying Old Glory at her peak, officered by American citizens, and with a crew composed mostly of American citizens. I think it is a wise provision that this amendment should be incorporated into the law, for after the immigrant has made the passage across the Atlantic Ocean surrounded by those influences he will, perhaps, be better able to fully appreciate the beneficent influences that are to surround him in the country which he proposes to make his future home.

It is a right step, too, I think, to give this crumb of comfort, financially, to American ships. The English line of steamers, which has been referred to by my friend from Minnesota, the German line of steamers, the French line, the Italian line, are all receiving large subsidies from their respective Governments, amounting to treble, aye, quadruple, that paid to American ships, and it is proper, I think, that this discrimination should be made in favor of our own vessels. It is a crumb of comfort, and at the same time it is giving encouragement to our American shipbuilders in leading them to hope that Congress will hereafter do more for them.

There is another phase of this question that has not been presented here. In the State of California we were flooded a few years ago by Chinese who came into that State and the other States of the Pacific Coast. It was only after appealing to Congress for many years that relief came to us and that class of servile labor was prevented, in a degree, from overrunning our State and taking the bread from our own people who were seeking, and are to-day seeking, employment. But we are threatened and menaced by another evil almost as great. There is the Japanese nation—the Yankees of the West, you may call them. They are coming into the States of Oregon and California and they are making their way East. Wages for skilled labor in Japan are one-tenth of the amount they are in this country, and for ordinary workmen perhaps an amount twenty times less than here is paid. Already the Japanese Government is offering a subsidy. I have the figures here with me. It is almost appalling to our American shipowners to think that the Japanese Government to-day is offering a subsidy of 25 cents on a minimum tonnage of 700 tons register. It is one quarter of a dollar of our money per ton for a thousand miles run at a minimum of 10 knots speed per hour; and there is an extra 10 per cent for each 500 tons of increased tonnage over a thousand tons and up to 6,000 tons, and a speed subsidy increase of 20 per cent for each knot over 10 knots additional speed up to 17 knots. I do not want to weary the Senate by giving the data in relation to what they are doing to encourage their ships which are bringing emigrants from that country, who are immigrants into this country, to compete with our people; but the subsidy on a ship of 5,000 tons register of foreign build making 15 knots speed amounts in round numbers to $31,500 per voyage between the ports on the Pacific Coast and Japan.

Mr. FRYE. The round trip?

Mr. PERKINS. The round trip, paying the expenses really of the ship for the round voyage between Japan and the Pacific Coast. Is it a tax upon immigrants to say that if they come in those ships subsidized by the Japanese Government they shall pay $10 more than when they come in an American-built ship manned by Americans? I can not agree with my friend from New Hampshire in the position he takes upon this question.

Referring to the remarks of my friend from Minnesota [Mr. Nelson] on the great progress made by the Scandinavians of Denmark, Norway, and Sweden in their successful navigation of the ocean, let me ask why it is. There are two reasons, but the principal reason is because their wages are but 25 per cent of the sum which we are paying those who man our American ships. The Scandinavians are the best sailors in the world and they are among the best citizens we have in this country; but it is not the fault of foreigners that they do not come here and dominate our coast trade and take it from us and pay the small wages they are paying in those countries.

Only a few days ago I read in one of the exchanges that English shipowners had placed some of their ships under the Norwegian flag. Why? Because the sailors' associations of those countries were not so organized that they could command the wages that were paid by the English shipowners; and the reason why the number of ships under the flag of Norway and Sweden to-day is increasing is simply because they operate their vessels cheaper than we operate our vessels.

But I will not weary the Senate. I hope the amendment will be adopted. It is on the right lines. It is on the lines of progressive American shipping interests. It is on the lines of true Americanism. The immigrant is not worthy to come to this country and become an American citizen if he will not wait one week, aye, two weeks, to come in an American ship, and thereby save the $10 that my friend from New Hampshire says is a head tax imposed upon him.

Mr. HILL. Mr. President, in my humble opinion the pending amendment is entirely in the wrong direction. There are several grounds upon which the amendment is defended. First, upon the ground that we need the revenue; second, upon the ground that it is desirable for the purpose of hindering and preventing immigration, and, third, upon the broad ground that it is necessary for the purposes of protection.

Mr. President, it can not be successfully defended upon either ground. In the first place, it will produce little or no revenue in fact. It attempts simply to impose a sum ostensibly for revenue, but in fact for something else, and violates every just principle of legislation. If Senators want to increase the revenues of the country bills can be introduced for that purpose, having for their direct and principal object the raising of revenue. If Senators desire to restrict immigration there are ample methods by which to do it. If they desire to prevent all immigration an amendment can be made to this bill for that purpose.

Again, the amendment is defended upon the high ground—the high and lofty ground, if I may use that word—of protection. It is the principle of protection run mad that you are to seize hold of this subject of immigration, which should be treated upon higher and different grounds than that which would regulate the question of protection. You are to take hold of it and use it for the purpose of giving a monopoly to certain ships that sail across the Atlantic, and upon that ground you are to place substantially the entire immigration of the country.

Mr. President, where does this lead? If we are to protect American shipping by this discrimination, why limit it to the ten-dollar matter? Why not provide that there shall be no immigration at all, except by those who come over in American ships? That is the bold, that is the manly way of reaching the point desired to be reached. But it is proposed to take hold of the taxing power of the Government and do indirectly what they have not the courage to do directly.

Mr. President, where will this lead? Is it so necessary for the interests of this country to build up the passenger service and freight service of American ships that we must violate every just principle of legislation to do it? Have there not been enough steps in the wrong direction heretofore? What will we hear at the extraordinary session which yesterday seemed to be conceded by both sides of the Chamber would be convened? When the tariff bill comes before the Senate, if this principle shall be sustained and approved now, we will hear the argument advanced that certain rates of duties shall be placed upon articles, but that those duties shall be reduced if they come here in American bottoms. That is the principle that will be insisted upon. It will be claimed that you must take away all the taxing power of the Government, which gives you a right to discriminate upon the duties that you shall provide; that if the goods come in American ships they shall pay only so much; and if they shall come in other ships they shall pay so much more—losing sight of the great and high purposes of the Government in the raising of revenue by the taxing powers of the Government. Unquestionably that will be resorted to when the tariff shall be again revised. It is the spirit of paternalism run mad. It is an effort on your part not to legislate directly in a manly way, in a straightforward way, in the lines that you want. If you want more revenue, introduce your revenue bill. If you want to restrict immigration, restrict it in some proper and legitimate way. If you want to protect American industries, it must be done in some other way than by using the taxing power of the Government to build up monopolies.

Mr. President, upon every sort of ground it is a bad principle which is invoked here, and the amendment ought not to be adopted.

Mr. WOLCOTT. Mr. President, I am very glad that the Senator from California [Mr. PERKINS] and others who advocate the pending amendment have abandoned the notion that it is in the slightest degree restrictive of immigration or intended in the slightest degree to affect favorably the immigration to this country. The open purpose of the amendment is to further subsidize certain steamship lines. We have had a good deal of experience in the Senate with these American lines of steamers. We pay to-day $14,400 for every trip the ships make from New York to Southampton. We pay them $4 for every sea mile they travel as a bonus for carrying the American flag upon a line which has two ships, and two ships only, which were built in this country. Not only that, Mr. President, but when the bill allowed them $4 a mile they contended successfully that a mile meant a land mile and not a sea mile, and so a few thousand dollars a trip was added to that subsidy. In the last half of the last session of Congress we passed a law which provided that nobody could ship an express package of a small size, of certain dimensions, unless he shipped it by an American line of steamers.

That much we are doing for the line, and now we are asked to legislate as to the steamers which, so far as the Atlantic trade is concerned, sail practically only from Southampton that every immigrant must come by that line or pay a penalty of $10. It will defeat its purpose, Mr. President. It will defeat the purpose of the makers of the amendment. The effect of it must be of course that the other lines will have to carry their passengers for $10 less than an American line will carry theirs for, and the American line will receive the benefit of $10 upon each passenger.

If that were the only effect we could bear it with equanimity. But it is going to have a more far-reaching effect. It means that the St. Lawrence River will be filled with steamers bringing immigrants to the United States. It means on the other side of the ocean that the lines to Vancouver of the Canadian Pacific will bring the immigrants and land them at Vancouver. Wherever an immigrant comes by land to this country he is exempted from the provisions of the law.

Then, further, look at the hardship that is imposed upon the immigrant. Among the best immigrants we get are the few we get from France, the immigrants from Norway, and elsewhere. These people have got to come to Southampton to take their steamer, and they have got to pay that additional expense. That they must pay or else they must forfeit the sum of $10, which neither restricts immigration nor affects it in any way except to impose an additional and unjust burden and hardship upon the immigrants to this country, whom we welcome under the conditions prescribed in the pending bill.

Mr. LODGE. Mr. President——

Mr. MORGAN. Will the Senator from Massachusetts allow me to offer an amendment to the amendment before he proceeds with his remarks?

Mr. LODGE. Certainly.

Mr. MORGAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be read by the Secretary.

The SECRETARY. Add the following to the amendment already offered:

Seagoing vessels built in any foreign country, that are owned exclusively by citizens of the United States who reside therein, shall be entitled to all the rights and privileges of vessels built and owned in the United States, as to registry and nationality, except as to the coastwise trade, upon the payment of an ad valorem duty of 20 per cent at the time of making the registry thereof.

Mr. LODGE. Mr. President, I am entirely in favor of the principle of discriminating duties in favor of American shipping. I do not know that I am opposed to a head tax on immigrants. But I think that this amendment complicates the bill with a question which ought to be kept entirely apart from the question of immigration.

A great many Senators who are in favor of the pending bill as it stands would be opposed, and properly opposed, very probably, to the introduction into it of provisions which bring up totally different principles of legislation upon which parties are divided. As it now stands it is not in any sense a party measure. If we add to it an amendment prohibiting discriminating duties we immediately carry it into the region of the much-mooted tariff question.

It will be seen from the character of the free-ship amendment, offered by the Senator from Alabama, just where it would lead us. Speaking as the chairman of the committee in charge of the bill, I should regret very much to see the bill, which I deem of very great importance, complicated by other and extraneous questions. However much the propositions of the original amendment commend themselves to me on independent grounds, I think it is the part of wisdom not to add this amendment to the bill, and I trust that it will not be done.

Mr. SEWELL. Mr. President, I desire to correct the impression which seems to have been created in connection with the American Steamship Line. From an intimate knowledge of the affairs of the line, I think I can state positively that they had no interest in and no knowledge of the amendment. While I agree with the Senator from Massachusetts that it would be a good thing some day to take up the question of discriminating duties, I do not want this company, who are doing their full duty to the country, to be saddled with the odium of trying to get money in this way.

Mr. CHANDLER. I move that the amendment and the amendment to the amendment be laid on the table.

Mr. ELKINS. Mr. President——

Mr. CHANDLER. I withdraw my motion for the present.

Mr. ELKINS. In justice to the American Line, and answering the question asked by the Senator from New Jersey, I wish to state that I do not think any officer of that line or anybody interested in it knew anything about the introduction of this amendment. I never discussed the matter with any person connected with the American Line, and I do not know whether the American Line favors the amendment or not. I state that for the information of the Senator from Colorado.

Mr. WOLCOTT. I did not hear what the Senator stated.

Mr. ELKINS. I only know one officer of the American line, and no officer of the line and no one interested, so far as I know, knew anything about my introducing the amendment. I introduced it long ago as an original bill.

Mr. WOLCOTT. I certainly did not mean to intimate that this bill was being pressed by the American Steamship Line. I have no doubt the Senator from West Virginia intended it as a Christmas present to the American Line without their knowledge.

Mr. ELKINS. I should like to help the American Line, and I tell the Senator from Colorado I should like to help all American steamship lines and help American shipping generally.

Mr. WOLCOTT. So would I.

Mr. ELKINS. But the Senator is entirely wrong in saying that there was any purpose here to benefit them directly or that the bill concerns them in any way so far as I have anything to do with it. It was not introduced at their request and I have never spoken to any officer or agent or any person connected with or interested in the American Line on the subject.

The Senator from Colorado makes the point that Chinese and Japanese coming to the United States, to save $10, will land at Vancouver. When a Japanese wants to get to Colorado he would have a hard time to save $10 by paying out $50 to come by railroad from Vancouver to Denver. Even the Japanese know more than this. The Senator also declares the St. Lawrence River would be filled with ships bringing immigrants to the United States who want to avoid the payment of the ten-dollar head tax. But suppose they wanted to come to West Virginia. They would have to pay $25 or $30 to come by rail, in order to save $10. I say to the Senator from Colorado this fully answers the practical point raised by him.

Now, Mr. President, here is an opportunity to make a distinction between foreign ships and home ships, American interests and foreign interests. I am not afraid to stand here and advocate American shipping and American interests. The Senator from New Hampshire is entirely mistaken when he calls this a head tax. Any immigrant coming into this country can avoid this tax by coming in an American ship; and I repeat, that it would help not only the American Line, but it would help American lines that might hereafter be established, and American shipping generally.

American shipping needs all the aid it now enjoys and more to sustain itself against English opposition.

I doubt whether the American line can live even with the aid from the Government it now enjoys. It is a great question—one full of doubt. Where the United States gives one dollar toward aiding American shipping, England gives three times as much to encourage English shipping. If we pursue our present policy, no matter how liberal it may seem, England will in time drive our ships off both the Atlantic and the Pacific.

I believe it to be the sense of this country and the judgment of the people of this country, particularly the wage earners, that there should be some restriction which is substantial and not theoretical and sentimental upon immigrants coming here to compete with the American laborer.

I believe, again, that at all times and on all occasions and whenever an opportunity offers we ought to encourage American shipping. The Senator from New York is entirely mistaken in the statement that nobody wants the revenue which may come from this provision. I admit it is not nor was it intended as a revenue measure, but since the party which has honored him and to which he formerly belonged has bankrupted the Government in four short years, even a few thousand dollars would be a help when we face a deficiency for the current year of fifty millions, and which is still increasing.

Mr. CHANDLER. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire, to lay on the table the amendment and the amendment to the amendment.

The motion was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk as separate sections to the bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to add as additional sections the following:

SEC. —. That no person, being a subject or citizen of any foreign government, shall be admitted to citizenship under the laws of the United States who, when application for naturalization is made, can not read correctly the Ten Commandments and the Constitution of the United States printed in some language.

SEC. —. That no application for citizenship in the United States and no declaration of intention to become such citizen shall be filed in any court or have validity for any purpose until it shall be first established by proof, to the satisfaction of the court or judge before whom such declaration is made or filed, that such immigrant has in good faith resided in the United States continuously for the period of five years prior to the date of such application.

Mr. MORGAN. Mr. President, I am offering that amendment in perfect good faith, because I believe that that is the only point in which we can touch the question of immigration with any real value to the United States. A number of the States of this Union, including my own, exercising that sovereign right which they have of regulating the suffrage, prescribing the conditions of suffrage, admit men to vote who have come into the United States and filed a declaration of their intention to become citizens of this country. The only restriction that is put upon that by the different States is a certain time of residence within the State. The immigrant may come here and the next day he may declare his intention before a court to become a citizen of the United States and renounce his allegiance to all foreign potentates and powers. Thereupon, under the law as it is now, I believe he is required to reside here three years before he can be admitted to full citizenship by naturalization, which must also be done by the action of a court.

These State constitutions which admit men to this right of suffrage, which is exclusively a State right, are all predicated upon an act of Congress. The act of Congress defines—and it is only that law which can define—the persons who have applied for citizenship in the United States who declare their intention to become citizens. So these constitutional declarations in the different States, and all of the State laws predicated upon those constitutional provisions, hinge and hang upon the provisions in our law that a man may file his declaration of his intention to become a citizen on the day after or the day of his arrival in the United States if he chooses to do so. Therefore, a man who has no interest in this country, who can withdraw at pleasure his application to become a naturalized citizen, or ignore it, can go to Alabama and can vote in the elections there equally with the native-born citizen. That inducement held out by the different States is working a very serious injury upon the whole population of the country. It is admitting unqualified and unprepared men into the exercise of that suffrage about which we have so many complaints made at so many different times.

Now, I propose to enlarge the time to five years, so that a man can not file his declaration of intention to become a citizen of the United States until after he has lived here five years continuously and in good faith, leaving it to the law as it stands to regulate his other qualifications, such as good conduct and devotion to our institutions, and all of that, which I do not propose to change in the slightest degree. My proposition is a simple one, and a very distinct one, and it is only this: That the time for filing the declaration of intention to become a citizen of the United States shall be extended to the period of five years, and that until that period has elapsed and has been ascertained by the judge at the time of the filing of the application his declaration of intention to become a citizen shall not be valid for any purpose whatever. That is my point; that is my proposition.

Mr. President, if we are in earnest in trying to improve the real citizenship of the United States, which relates so necessarily to participation in the political privileges of this country, I do not see how we can avoid passing these additional sections to this bill. Leave the bill, if you please, standing where it is in respect of the right of coming ashore, the right of landing here, but when you come to provide for its effect upon the suffrage, upon participation in the political powers and privileges of this country, let us say that no State of the American Union shall admit that man to suffrage upon the declaration of his intention to become a citizen until he has been here five years and has established his character according to the requirements of what is a pretty severe and strict law, if it is honestly administered.

I put in the amendment, in addition to being able to read the Constitution of the United States, that he should be able to read the Ten Commandments; and as I stated before, it is in no spirit of levity that I introduce what I consider to be very much the most important feature of education into this measure, for an education in the Christian basis of the American Government is something which every man ought to have before he acquires at least the rights of citizenship by adoption of this Government. I need not enlarge upon that. I only want to disabuse any impression that possibly might arise in the minds of the Senate or the country that in the introduction of this feature of the case I have anything else than the most serious intention of making every man who comes to the test to acquire American citizenship show before the officer, the judge who admits him, that he knows the foundations of the Christian religion as they are taught in the Ten Commandments. If he can read the Ten Commandments in his own way, whether he pursues them or not, whether he obeys that law or not, he is that far advanced toward real civilization, and until he is advanced that far toward real civilization he has never made one step in the march in that direction. The man who has not taken that step, the man whose mind and conscience do not recognize the supreme and divine authority of the Ten Commandments as the basis of all jurisprudence and all law, has no right or qualification under the flag of the United States. That is not a religious test by any means. It is a test that goes to the constitution of society; it is a test which relates to that organism which pervades all Christendom, and it is a test which no nation in this world and no people in this world would dispense with or can afford to dispense with without invoking upon themselves the destruction of the Almighty.

So, Mr. President, with due regard to these fundamental and foundation tests in all of our legislation, the Christian Sabbath, which is observed in this country from end to end and enforced by State laws and even by the laws of the United States Government, is one of the recognized institutions of every form of Christianity, whether Protestant or Catholic, but it is a regulation of Christianity that this nation could not and would not dispense with. There are not a thousand votes, I suppose, in the United

States to-day that would strike from our Constitution and from our laws the distinct recognition of that divinely ordained day of rest. So what we may say about it makes no difference when we continually recognize in all of our social, domestic, political, national, and State relations, and relations to the laws of our country, the great underlying foundation of the Ten Commandments, for they all rest upon that. Let a man believe them as he will or practice them as he will, but let it be understood that he must know this before he can acquire citizenship in this country. I believe, and I believe it firmly, that if every man who comes up and upon oath accepts citizenship and naturalization at the hands of our judicial officers were required to read the Ten Commandments, though it might be the only time in a man's life when he did read them, when it is associated with that act which changes his citizenship from one sovereign to another, that man's mind will be impressed by the fundamental principles of that great code to such an extent that he at least will stand in a better light, a purer atmosphere in respect of the citizenship with which we are about to crown him; for, Mr. President, it is a crown of glory that we set upon the head of every man who comes to this country from any monarchic region when we admit him to the great privileges, immunities, and responsibilities of American citizenship. The citizenship of Rome of which Paul boasted was as nothing compared with the citizenship that we put like a crown of glory upon the head of a man who comes here from a foreign country seeking refuge and hospitality on our shores and under our laws, and accepting upon his sworn petition that great privilege of American citizenship. Let him be qualified, let him be prepared, at least if it is an educational test, by proving that he has had that much education in addition to his knowledge of the fundamental law of our institutions.

I therefore move the adoption of the amendment.

Mr. LODGE. Mr. President, I agree with the Senator from Alabama [Mr. MORGAN] that citizenship in the United States is treated altogether too lightly under our laws. The naturalization laws need improvement and amendment, but I feel about this as I did about the last amendment offered by the Senator from West Virginia [Mr. ELKINS], that it is opening up a new and a very large question which is not strictly within the scope of this bill. The amendment deals with the naturalization laws and with admission to citizenship. This bill is intended to deal solely with the admission of immigrants.

If I am not greatly mistaken, this bill as it stands has very nearly the unanimous support of the Senate. I do not want to encumber it with other questions or with amendments, however meritorious, which will open up new questions and divide the Senate on the great point of the restriction of immigration by the test proposed in this bill. It is for that reason that I feel obliged to oppose this amendment as I opposed the last.

It is now nearly 4 o'clock, and I move to lay the amendment on the table.

Mr. MORGAN. On that I call for the yeas and nays.

Mr. GORMAN. Will the Senator from Massachusetts withdraw his motion for a moment, that I may say a word?

Mr. LODGE. Certainly.

Mr. GORMAN. At the request of my colleague [Mr. GIBSON], who was taken suddenly ill several days since, the question of the consideration of this bill was postponed, and an agreement was entered into to finally vote on the bill at 4 o'clock to-day without further debate. My colleague was exceedingly anxious to participate in this debate, and had some remarks prepared and some amendments to offer. He had hoped to be able to reach here today, but was positively forbidden by his physician to leave his quarters. I do not want to ask any further postponement of the matter, nor does he, but I wish simply to state that it is owing to his unfortunate indisposition at this time that he is unable to present his views and to offer such amendments as he desires.

Mr. LODGE. I now renew the motion to lay the amendment on the table.

Mr. MORGAN. I ask for the yeas and nays.

Mr. PALMER. May I ask that the amendment may be read?

The VICE-PRESIDENT. The amendment submitted by the Senator from Alabama will be stated.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts to lay upon the table the pending amendment, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH]. In his absence, I withhold my vote.

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. WHITE].

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

The roll call was concluded.

Mr. BLANCHARD (after having voted in the affirmative). I have a pair with the Senator from North Carolina [Mr. PRITCHARD]. He did not answer to his name and is not in the Chamber. I therefore withdraw my vote.

The result was announced—yeas 45, nays 16; as follows:

YEAS—45.

Allen,
Bacon,
Bate,
Blackburn,
Brown,
Burrows,
Butler,
Caffery,
Cannon,
Chandler,
Clark,
Davis,
Dubois,
Faulkner,
Frye,
Hale,
Harris,
Hawley,
Hill,
Hoar,
Lodge,
McMillan,
Martin,
Mills,
Mitchell, Wis.
Morrill,
Nelson,
Palmer,
Pasco,
Peffer,
Pettigrew,
Platt,
Proctor,
Quay,
Sewell,
Sherman,
Smith,
Stewart,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore,
Wilson,
Wolcott.

NAYS—16.

Baker,
Berry,
Call,
Cameron,
Chilton,
Gallinger,
Gorman,
Hansbrough,
Kyle,
Lindsay,
Mantle,
Mitchell, Oreg.
Morgan,
Murphy,
Pugh,
Teller.

NOT VOTING—28.

Aldrich,
Allison,
Blanchard,
Brice,
Carter,
Cockrell,
Cullom,
Daniel,
Elkins,
Gear,
George,
Gibson,
Gordon,
Gray,
Irby,
Jones, Ark.
Jones, Nev.
McBride,
Perkins,
Pritchard,
Roach,
Shoup,
Squire,
Thurston,
Tillman,
Voorhees,
Warren,
White.

So the amendment was laid on the table.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question now is on the passage of the bill.

Mr. MILLS. Let us have the yeas and nays on that question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD], and therefore withhold my vote.

Mr. COCKRELL (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I will transfer that pair to the Senator from Wyoming [Mr. WARREN], and vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. ROACH]. If it will be satisfactory to the Senator from Louisiana [Mr. BLANCHARD], I will transfer that pair to the Senator from North Carolina [Mr. PRITCHARD], which will permit the Senator from Louisiana and myself to vote.

Mr. BLANCHARD. I will consent to that.

Mr. PERKINS. I vote "yea."

Mr. BLANCHARD. Under that arrangement I vote "nay."

Mr. SHOUP (when his name was called). I have a standing pair with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WOLCOTT (when his name was called). I have a pair with the junior Senator from Ohio [Mr. BRICE]. I am not certain how he would vote, and therefore withhold my vote. If he were here, I should vote "yea."

The roll call was concluded.

Mr. CARTER. I have a general pair with the junior Senator from Maryland [Mr. GIBSON]. If he were present, he would vote "nay," and I should vote "yea."

The result was announced—yeas 52, nays 10; as follows:

YEAS—52.

Allen,
Bacon,
Baker,
Bate,
Berry,
Brown,
Burrows,
Butler,
Call,
Cameron,
Cannon,
Chandler,
Chilton,
Clark,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Hale,
Hansbrough,
Harris,
Hawley,
Hill,
Hoar,
Kyle,
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mitchell, Oreg.
Morrill,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Quay,
Sewell,
Sherman,
Smith,
Stewart,
Teller,
Vest,
Walthall,
Wetmore,
Wilson.

NAYS—10.

Blackburn,
Blanchard,
Caffery,
Lindsay,
Mills,
Mitchell, Wis.
Morgan,
Murphy,
Palmer,
Vilas.

NOT VOTING—27.

Aldrich,
Allison,
Brice,
Carter,
Cockrell,
Cullom,
Daniel,
Gear,
George,
Gibson,
Gordon,
Gorman,
Gray,
Irby,
Jones, Ark.
Jones, Nev.
Pritchard,
Roach,
Shoup,
Squire,
Thurston,
Tillman,
Turpie,
Voorhees,
Warren,
White,
Wolcott.

So the bill was passed.

Mr. LODGE. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. LODGE, Mr. CHANDLER, and Mr. FAULKNER were appointed.

ELECTRIC-LIGHT SUBWAYS.

Mr. GALLINGER. I submit a resolution for which I ask immediate consideration.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a resolution which will be read for information.

The resolution was read, as follows:

Resolved, That until Congress shall provide by legislation for the construction of municipal subways, or otherwise provide for the extension of underground electric light wires or conduits, the Commissioners of the District of Columbia are requested not to permit excavations in the streets, avenues, or alleys of the city of Washington for the laying of any additional wires for electric lighting.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire for the present consideration of the resolution which has been read?

Mr. SHERMAN. I think it ought to go over.

Mr. SMITH. Has the resolution been before the Committee on the District of Columbia?

Mr. GALLINGER. It has not.

Mr. SMITH. I move that it be referred to that committee.

Mr. GALLINGER. If objection is made, the resolution goes over; it need not be discussed.

The VICE-PRESIDENT. An objection being interposed, the resolution will go over.

PUBLIC LANDS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. I ask that the unfinished business may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, December 21, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 17, 1896.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Merritt Barber, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, November 15, 1896, vice Vincent, retired from active service.

Maj. John Curtis Gilmore, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, November 15, 1896, vice Barber, promoted.

Quartermaster's Department.

Lieut. Col. William Burton Hughes [since deceased], deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, August 21, 1896, vice Sawtelle, who vacated on accepting appointment as Quartermaster-General.

Lieut. Col. Augustus Gilman Robinson, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, September 22, 1896, vice Hughes, deceased.

Maj. John Vincent Furey, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, August 21, 1896, vice Hughes, promoted.

Maj. Lewis Cass Forsyth, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, September 22, 1896, vice Robinson, promoted.

Capt. Charles Alfred Booth, assistant quartermaster, to be quartermaster with the rank of major, August 21, 1896, vice Furey, promoted.

Capt. William Samuel Patten, assistant quartermaster, to be quartermaster with the rank of major, September 22, 1896, vice Forsyth, promoted.

Medical Department.

Lieut. Col. Charles Ravenscroft Greenleaf, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, October 10, 1896, vice Town, retired from active service.

Maj. William Henry Gardner, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, October 10, 1896, vice Greenleaf, promoted.

Capt. William Blackford Davis, assistant surgeon, to be surgeon with the rank of major, August 11, 1896, vice Worthington, deceased.

Capt. William Winbourn Gray, assistant surgeon, to be surgeon with the rank of major, October 16, 1896, vice Gardner, promoted.

Capt. Louis Brechemin, assistant surgeon, to be surgeon with the rank of major, November 9, 1896, vice Price, deceased.

Capt. Louis Areatole La Garde, assistant surgeon, to be surgeon with the rank of major, November 13, 1896, vice Lauderdale, retired from active service.

Cavalry arm.

Maj. James Franklin Randlett, Ninth Cavalry, to be lieutenant-colonel, October 14, 1896, vice Bernard, Ninth Cavalry, retired from active service.

Capt. Henry Jackson, Seventh Cavalry, to be major, August 27, 1896, vice Keyes, Third Cavalry, retired from active service.

Capt. Albert Emmett Woodson, Fifth Cavalry, to be major, October 14, 1896, vice Randlett, Ninth Cavalry, promoted.

First Lieut. Herbert Jermain Slocum, Seventh Cavalry, to be captain, August 26, 1896, vice De Rudio, Seventh Cavalry, retired from active service.

First Lieut. William John Nicholson, adjutant, Seventh Cavalry, to be captain, August 27, 1896, vice Jackson, Seventh Cavalry, promoted.

First Lieut. Fred Waldron Foster, Fifth Cavalry, to be captain, October 14, 1896, vice Woodson, Fifth Cavalry, promoted.

First Lieut. William Carey Brown, First Cavalry, to be captain, November 6, 1896, vice Adams, First Cavalry, retired from active service.

Second Lieut. William Thomas Littebrant, Tenth Cavalry, to be first lieutenant, August 26, 1896, vice Slocum, Seventh Cavalry, promoted.

Second Lieut. Matthew Calbraith Butler, jr., Fifth Cavalry, to be first lieutenant, August 27, 1896, vice Brewer, Seventh Cavalry, appointed adjutant.

Second Lieut. Henry Anson Barber, First Cavalry, to be first lieutenant, August 27, 1896, vice Watkins, Ninth Cavalry, retired from active service.

Second Lieut. Michael Mark McNamee, Third Cavalry, to be first lieutenant, September 9, 1896, vice Jackson, Ninth Cavalry, appointed quartermaster.

Second Lieut. Richmond McAllister Schofield, Fourth Cavalry, to be first lieutenant, October 14, 1896, vice Foster, Fifth Cavalry, promoted.

Second Lieut. Ralph Harrison, Second Cavalry, to be first lieutenant, November 6, 1896, vice Brown, First Cavalry, promoted.

Artillery arm.

Lieut. Col. Alexander Cummings McWhorter Pennington, Fourth Artillery, to be colonel, October 29, 1896, vice Lodor, Second Artillery, retired from active service.

Maj. Henry Cornelius Hasbrouck, Fourth Artillery, to be lieutenant-colonel, October 29, 1896, vice Pennington, Fourth Artillery, promoted.

Capt. John Haskell Calef, Second Artillery, to be major, August 27, 1896, vice Turnbull, First Artillery, retired from active service.

Capt. John Luke Tiernon, Third Artillery, to be major, September 1, 1896, vice Eagan, First Artillery, retired from active service.

Capt. James Madison Lancaster, Third Artillery, to be major, October 29, 1896, vice Hasbrouck, Fourth Artillery, promoted.

First Lieut. Robert Harmon Patterson, First Artillery, to be captain, June 29, 1896, vice Shaw, First Artillery, retired from active service.

First Lieut. Oliver Ellsworth Wood, Fifth Artillery, to be captain, August 27, 1896, vice Brincklé, Fifth Artillery, retired from active service.

First Lieut. Edwin Styles Curtis, Second Artillery, to be captain, August 27, 1896, vice Calef, Second Artillery, promoted.

First Lieut. Edward Davis, Third Artillery, to be captain, September 1, 1896, vice Tiernon, Third Artillery, promoted.

First Lieut. Joseph Mark Califf, Third Artillery, to be captain, October 29, 1896, vice Lancaster, Third Artillery, promoted.

Second Lieut. William Lacy Kenly, Fourth Artillery, to be first lieutenant, June 29, 1896, vice Patterson, First Artillery, promoted.

Second Lieut. William George Haan, Fifth Artillery, to be first lieutenant, August 27, 1896, vice Wood, Fifth Artillery, promoted.

Second Lieut. Sidney Sanzade Jordan, Fifth Artillery, to be first lieutenant, August 27, 1896, vice Curtis, Second Artillery, promoted.

Second Lieut. Walter Augustus Bethel, Fourth Artillery, to be first lieutenant, September 1, 1896, vice Davis, Third Artillery, promoted.

Second Lieut. Morris Keene Barroll, Second Artillery, to be first lieutenant, October 29, 1896, vice Califf, Third Artillery, promoted.

Infantry arm.

Maj. Joseph Theodore Haskell, Twenty-fourth Infantry, to be lieutenant-colonel, August 27, 1896, vice Bradford, Seventeenth Infantry, retired from active service.

Capt. Henry Hollingsworth Humphreys, Fifteenth Infantry, to be major, July 13, 1896, vice Gageby, Twelfth Infantry, deceased.

Capt. Otis Wheeler Pollock, Twenty-third Infantry, to be major, August 27, 1896, vice Haskell, Twenty-fourth Infantry, promoted.

First Lieut. David Dawson Mitchell, adjutant, Fifteenth Infantry, to be captain, July 13, 1896, vice Humphreys, Fifteenth Infantry, promoted.

First Lieut. Alfred Bainbridge Johnson, Seventh Infantry, to be captain, August 27, 1896, vice Jamar, Fourteenth Infantry, dismissed.

First Lieut. Charles Byrne, Sixth Infantry, to be captain, August 27, 1896, vice Townsend, Sixth Infantry, retired from active service.

First Lieut. William Ralph Abercrombie, Second Infantry, to be captain, August 27, 1896, vice Sarson, Second Infantry, retired from active service.

First Lieut. William Augustus Nichols, quartermaster Twenty-third Infantry, to be captain, August 27, 1896, vice Pollock, Twenty-third Infantry, promoted.

First Lieut. Colville Penroe Terrett, adjutant, Eighth Infantry, to be captain, August 27, 1896, vice Haden, Eighth Infantry, retired from active service.

First Lieut. Nat Poyntz Phister, First Infantry, to be captain, November 4, 1896, vice Pierce, First Infantry, deceased.

First Lieut. Alexis Rupert Paxton, Fifteenth Infantry, to be captain, November 7, 1896, vice Chapin, Fifteenth Infantry, retired from active service.

First Lieut. Zerah Watkins Torrey, Sixth Infantry, to be captain, November 19, 1896, vice Munson, Sixth Infantry, retired from active service.

Second Lieut. Edwin Victor Bookmiller, Second Infantry, to be first lieutenant, July 10, 1896, vice Schenck, Ninth Infantry, wholly retired from the service.

Second Lieut. Alexander Ross Piper, Second Infantry, to be first lieutenant, July 16, 1896, vice Smiley, Fifteenth Infantry, appointed adjutant.

Second Lieut. Edward Thomas Winston, Fourteenth Infantry, to be first lieutenant, August 27, 1896, vice Williams, Nineteenth Infantry, retired from active service.

Second Lieut. Matt Ransom Peterson, Sixth Infantry, to be first lieutenant, August 27, 1896, vice Johnson, Seventh Infantry, promoted.

Second Lieut. Edwin Tuttle Cole, Eighth Infantry, to be first lieutenant, August 27, 1896, vice Byrne, Sixth Infantry, promoted.

Second Lieut. William Allen Phillips, Twenty-second Infantry, to be first lieutenant, August 27, 1896, vice Abercrombie, Second Infantry, promoted.

Second Lieut. John Rodger Meigs Taylor, Seventh Infantry, to be first lieutenant, August 27, 1896, vice Edwards, Twenty-third Infantry, appointed quartermaster.

Second Lieut. George William Kirkman, First Infantry, to be first lieutenant, August 27, 1896, vice Stafford, Eighth Infantry, appointed quartermaster.

Second Lieut. Francis Edmond Lacey, jr., Tenth Infantry, to be first lieutenant, November 4, 1896, vice Phister, First Infantry, promoted.

Second Lieut. Sydney Amos Cloman, First Infantry, to be first lieutenant, November 7, 1896, vice Paxton, Fifteenth Infantry, promoted.

Second Lieut. Charles Crawford, Tenth Infantry, to be first lieutenant, November 11, 1896, vice Brooke, Twenty-first Infantry, deceased.

Second Lieut. William Sidney Graves, Seventh Infantry, to be first lieutenant, November 19, 1896, vice Torrey, Sixth Infantry, promoted.

Medical Department—To be assistant surgeons with the rank of first lieutenant.

Basil Hicks Dutcher, of New York, October 26, 1896, vice Perley, promoted.

Leigh Austin Fuller, of New Jersey, October 26, 1896, vice Macauley, deceased.

Franklin Middleton Kemp, of New York, October 26, 1896, vice Robinson, promoted.

George Alfred Skinner, of Minnesota, October 26, 1896, vice Fisher, deceased.

Carl Roger Darnall, of New Jersey, October 26, 1896, vice Davis, promoted.

William Evans Richards, of Mississippi, October 26, 1896, vice Gray, promoted.

Louis Percy Smith, of the District of Columbia, November 9, 1896, vice Brechemin, promoted.

Marshall Morgan Cloud, of Kansas, November 13, 1896, vice La Garde, promoted.

To be post chaplain.

Rev. Leslie Richard Groves, of New York, October 26, 1896, vice Simpson, retired from active service.

Ordnance Department.

Capt. Valentine McNally, ordnance storekeeper, to be ordnance storekeeper with the rank of major, June 6, 1896, to fill an original vacancy.

Corps of Engineers—To be additional second lieutenants.

1. Cadet Edwin Roy Stuart.
2. Cadet George Matthias Hoffman.

Artillery arm—To be additional second lieutenants.

8. Cadet Harry Frederick Jackson.
4. Cadet Robert Emmet Callan.
5. Cadet William Harvey Tschappat.
7. Cadet William Slaun Guignard.
9. Cadet Edwin Landon.
11. Cadet Clarence Henry McNeil.
12. Cadet Joseph Powell Tracy.
14. Cadet Lloyd England.
16. Cadet James William Hinkley, jr.
19. Cadet Percy Myers Kessler.
23. Cadet Johnson Hagood.
30. Cadet George Thomas Patterson.
32. Cadet Frank Kerby Fergusson.

Cavalry arm—To be second lieutenants.

8. Cadet Eugene Postell Jervey, jr., vice Quay, Fifth Cavalry, promoted.

10. Cadet Le Roy Eltinge, vice Hart, Fourth Cavalry, promoted.

13. Cadet John Buffalo Christian, vice Suplee, Second Cavalry, promoted.

15. Cadet Thomas Ferrers Howard, vice Lyman, Second Cavalry, retired from active service.

17. Cadet George Williams Moses, vice Ryan, Third Cavalry, promoted.

20. Cadet Newton Davidson Kirkpatrick, vice Anderson, First Cavalry, promoted.

22. Cadet Charles Ezra Stodter, vice Perry, Ninth Cavalry, promoted.

25. Cadet Alexander Macomb Miller, jr., vice Stockle, Tenth Cavalry, promoted.

To be additional second lieutenants.

27. Cadet Paul Reisinger.
28. Cadet Charles Bryant Drake.
29. Cadet Charles McKinley Saltzman.
31. Cadet John Morrison, jr.
33. Cadet Harry Ormiston Williard.
35. Cadet Lucius Roy Holbrook.
37. Cadet John Parsons Wade.
40. Cadet Elvin Ralph Heiberg.
41. Cadet Stephen Morris Kochersperger.
42. Cadet Ola Walter Bell.
43. Cadet Abraham Grant Lott.
49. Cadet Edward Leonard King.
56. Cadet Samuel Field Dallam.
57. Cadet William Kelly, jr.

59. Cadet George Thomas Summerlin.
61. Cadet Charles Trumbull Boyd.
65. Cadet Henry Charles Whitehead.
67. Cadet William Dixon Chitty.
70. Cadet Alfred Eldrekin Kennington.
71. Cadet Launing Parsons.
72. Cadet Edward Percy Orton.
73. Cadet Robert Boyd Powers.

Infantry arm—To be second lieutenants.

6. Cadet Samuel Victor McClure, vice Sargent, Seventh Infantry, promoted.

18. Cadet Alga Prestina Berry, vice Sigworth, Tenth Infantry, promoted.

21. Cadet Lucian Stacy, vice Chase, Twentieth Infantry, promoted.

24. Cadet Haydon Young Grubbs, vice Lowe, Eighteenth Infantry, promoted.

26. Cadet Celwyn Emerson Hampton, vice Hagadorn, Twenty-third Infantry, promoted.

34. Cadet Herschel Tupes, vice Jackson, Fifteenth Infantry, promoted.

36. Cadet George Henry Shelton, vice Lee, Eleventh Infantry, promoted.

38. Cadet Isaac Newell, vice Hambright, Twenty-second Infantry, deceased.

To be additional second lieutenants.

39. Cadet Robert Morris Brookfield.
44. Cadet Frank Homer Whitman.
45. Cadet Francis Gurney Smith. [Since resigned.]
46. Cadet Clarence Newcomb Purdy.
47. Cadet Merch Bradt Stewart.
48. Cadet Frederick Worthington Lewis.
50. Cadet Charles Ernest Russell.
51. Cadet Dennis Edward Nolan.
52. Cadet James Newell Pickering.
53. Cadet William Arthur Burnside.
54. Cadet Duncan Norbert Hood. [Since resigned.]
55. Cadet Reynolds Johnston Burt.
58. Cadet Russell Creamer Langdon.
60. Cadet Harry Herbert Tebbetts.
62. Cadet Thomas Aloysius Wansboro.
63. Cadet Houston Valle Evans.
64. Cadet Arthur Raphael Kerwin.
66. Cadet George Swazey Goodale.
68. Cadet Benjamin Minturn Hartshorne, jr.
69. Cadet Frank Crandall Bolles.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 17, 1896.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Macgrane Coxe, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and Honduras.

SECRETARIES OF LEGATION.

C. Max Manning, of Georgia, to be secretary of the legation of the United States at Monrovia, Liberia.

John Ridgely Carter, of Maryland, to be second secretary of the embassy of the United States at London, England.

INTERSTATE COMMERCE COMMISSIONER.

Charles A. Prouty, of Vermont, to be an Interstate Commerce Commissioner for the term ending December 31, 1901.

COLLECTOR OF CUSTOMS.

William H. Cooper, of Delaware, to be collector of customs for the district of Delaware, in the State of Delaware.

ASSISTANT COLLECTOR OF CUSTOMS.

Michael I. Fagen, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York.

INDIAN AGENT.

James L. Cowan, of Portland, Oreg., to be agent for the Indians of the Warm Springs Agency, in Oregon.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Duncan A. Carmichael, of New York, to be a surgeon in the Marine-Hospital Service of the United States.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

James A. Nydegger, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

William J. S. Stewart, of Pennsylvania, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

CONSULS.

Joseph L. Hance, of New York, formerly commercial agent at Cardenas, Cuba, to be consul of the United States at that place.

Isaac M. Elliott, of New York, formerly consul at Manila, to be consul of the United States at La Guayra, Venezuela.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

George C. Farkell, of Pennsylvania, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

John I. Bryan, of Kentucky, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

James D. Newton, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Charles A. Wheeler, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

C. Gadsden Porcher, of Virginia, to be a second assistant engineer in the Revenue Cutter Service of the United States.

John B. Turner, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Frank G. Snyder, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Warwick J. Sedgwick, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

POSTMASTERS.

John S. Saunders, to be postmaster at Starkville, in the county of Oktibbeha and State of Mississippi.

John T. Barnett, to be postmaster at Iuka, in the county of Tishomingo and State of Mississippi.

John L. Brooks, to be postmaster at Georgetown, in the county Williamson and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 17, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ARMY APPROPRIATION BILL.

The SPEAKER. The previous question having been ordered on the passage of the Army appropriation bill, the first question is on agreeing to the amendment reported from the Committee of the Whole.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. LITTLE. I ask for a division.

The House divided; and there were—ayes 90, noes 27.

Mr. LITTLE. No quorum.

Mr. HULL. I ask for the yeas and nays.

The yeas and nays were ordered.

ENROLLED BILL SIGNED.

Pending the roll call,

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ARMY APPROPRIATION BILL.

Mr. LITTLE. Mr. Speaker, I ask that the amendment be read.

The amendment was read, as follows:

Page 20, line 16, after the word "diseases," insert the following: "Except at the Army and Navy Hospital at Hot Springs, Ark."

The question was taken; and there were—yeas 152, nays 80, not voting 123; as follows:

YEAS—152.

Acheson,
Adams,
Aldrich, W. F.
Andrews,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Baker, Md.
Barrett,
Beach,
Bingham,
Bishop,
Blue,
Boutelle,
Bowers,
Bromwell,
Brosius,
Brown,
Bull,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Clark, Mo.
Colson,
Cousins,
Crowther,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Daniels,
Dayton,
De Witt,
Dingley,
Dolliver,
Doolittle,
Draper,
Evans,
Faris,
Fenton,
Foote,
Foss,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Graff,
Griffin,
Griswold,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hanly,
Hardy,
Heatwole,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hicks,
Hilborn,
Hopkins,
Howe,
Howell,
Hulick,
Huling,
Hull,
Hurley,
Jenkins,
Johnson, N. Dak.
Kirkpatrick,
Knox,
Lacey,
Lefever,
Leighty,
Linney,
Long,
Lorimer,
Loud,
Loudenslager,
Mahany,
McCall, Tenn.
McClellan,
McEwan,
McLachlan,
Mercer,
Meredith,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Moody,
Murray,
Noonan,
Northway,
Otjen,
Overstreet,
Parker,
Payne,
Perkins,
Phillips,
Pickler,
Poole,
Powers,
Prince,
Pugh,
Quigg,
Ray,
Reeves,
Royse,
Rusk,
Russell, Conn.
Shannon,
Sherman,

Simpkins,
Snover,
Southard,
Spalding,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strong,
Tawney,
Thomas,
Tracewell,
Tracey,
Treloar,
Tyler,
Updegraff,
Van Voorhis,
Wadsworth,
Walker, Mass.
Warner,
Wellington,
White,
Willis,
Wilson, Ohio
Wood,
Woodman,
Woomer,
Wright.

NAYS—80.

Abbott,
Allen, Miss.
Allen, Utah
Bailey,
Baker, N. H.
Bankhead,
Barney,
Bartholdt,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Berry,
Broderick,
Burrell,
Catchings,
Clardy,
Cobb,
Cockrell,
Connolly,
Cooper, Tex.
Cox,
Culberson,
Cummings,
De Armond,
Denny,
Dinsmore,
Dockery,
Ellett,
Erdman,
Fletcher,
Hall,
Harrison,
Hart,
Howard,
Hunter,
Hutcheson,
Johnson, Cal.
Joy,
Kiefer,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Lester,
Little,
Maddox,
Marsh,
McCulloch,
McDearmon,
McLaurin,
McRae,
Meyer,
Mozley,
Murphy,
Neill,
Odell,
Ogden,
Otey,
Owens,
Pendleton,
Price,
Raney,
Richardson,
Sayers,
Shafroth,
Shuford,
Smith, Ill.
Sorg,
Sparkman,
Spencer,
Stokes,
Strait,
Strowd, N. C.
Sulloway,
Swanson,
Talbert,
Tate,
Turner, Ga.
Wilson, S. C.

NOT VOTING—123.

Aitken,
Aldrich, T. H.
Aldrich, Ill.
Anderson,
Apsley,
Arnold, Pa.
Baker, Kans.
Barham,
Bartlett, N. Y.
Belknap,
Bennett,
Black, Ga.
Black, N. Y.
Boatner,
Brewster,
Brumm,
Buck,
Chickering,
Clark, Iowa
Clarke, Ala.
Codding,
Coffin,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Corliss,
Cowen,
Crowley,
Crump,
Dovener,
Eddy,
Ellis,
Fairchild,
Fischer,
Fitzgerald,
Fowler,
Gamble,
Goodwyn,
Grosvenor,
Hadley,
Harmer,
Harris,
Hartman,
Hatch,
Heiner, Pa.
Hemenway,
Hendrick,
Hermann,
Hill,
Hitt,
Hooker,
Hubbard,
Huff,
Hyde,
Johnson, Ind.
Jones,
Kem,
Kendall,
Kerr,
Kulp,
Leisenring,
Leonard,
Lewis,
Linton,
Livingston,
Low,
Maguire,
Mahon,
Martin,
McCall, Mass.
McCleary, Minn.
McClure,
McCormick,
McCreary, Ky.
McMillin,
Meiklejohn,
Miles,
Milliken,
Miner, N. Y.
Mondell,
Money,
Morse,
Moses,
Newlands,
Patterson,
Pearson,
Pitney,
Reyburn,
Rinaker,
Robertson, La.
Robinson, Pa.
Russell, Ga.
Sauerhering,
Scranton,
Settle,
Shaw,
Skinner,
Smith, Mich.
Southwick,
Stallings,
Strode, Nebr.
Sulzer,
Taft,
Tayler,
Terry,
Thorp,
Towne,
Tucker,
Turner, Va.
Van Horn,
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Watson, Ohio
Wheeler,
Wilber,
Williams,
Wilson, Idaho
Wilson, N. Y.
Woodard,
Yoakum.

So the amendment was adopted.

The following pairs were announced:

Until further notice:

Mr. Corliss with Mr. Cowen.

Mr. Hemenway with Mr. Robertson of Louisiana.

Mr. Smith of Michigan with Mr. Tucker.

Mr. Stewart of New Jersey with Mr. Clarke of Alabama.

Mr. Low with Mr. Stallings.

Mr. Chickering with Mr. Miner of New York.

Mr. Crump with Mr. Turner of Virginia.

Mr. Kulp with Mr. Hendrick.

Mr. Heiner of Pennsylvania with Mr. Jones.

Mr. Watson of Indiana with Mr. Fitzgerald.

Mr. Grosvenor with Mr. Wheeler.

Mr. Hill with Mr. Kendall.

For this day:

Mr. Reyburn with Mr. Moses.

Mr. Milliken with Mr. Money.

Mr. Gamble with Mr. Maguire.

Mr. Hooker with Mr. Livingston.

Mr. Dovener with Mr. Crowley.

Mr. Codding with Mr. Cooper of Florida.

Mr. Aitken with Mr. Bartlett of New York.

Mr. Harmer with Mr. McCreary of Kentucky.

Mr. McCall of Massachusetts with Mr. Shaw.

Mr. Wanger with Mr. Sulzer.

Mr. Wilber with Mr. Yoakum.

Mr. Apsley with Mr. Patterson.

Mr. Arnold of Pennsylvania with Mr. Russell of Georgia.

Mr. Barham with Mr. Washington.

Mr. Belknap with Mr. Terry.

Mr. Cooke of Illinois with Mr. Williams.

Mr. Pitney with Mr. Boatner.

Mr. Hadley with Mr. McMillin.

The result of the vote was announced as above recorded.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York, from the Committee on Military Affairs, reported the bill (H. R. 9767) making appropriations for the support of the Military Academy; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. DOCKERY. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. All points of order are reserved.

REPORT OF THE SECRETARY OF THE INTERIOR.

Mr. PERKINS, from the Committee on Printing, reported the following resolution:

Resolved, That there be printed 5000 copies of the annual report of the Secretary of the Interior for the current year for the use of the House.

The resolution was adopted.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

INAUGURAL CEREMONIES.

Mr. BABCOCK. Mr. Speaker, this day having been substituted for Monday for the consideration of District business, I call up the joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies.

The joint resolution was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1897: *Provided*, That such temporary occupation shall not exceed the period of fifteen days, and shall be subject to conditions prescribed by said Commissioners.

Mr. BABCOCK. Mr. Speaker, this is the resolution usually adopted on such occasions, for the purpose of accommodating the large amount of extra travel which the inauguration brings to Washington.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BABCOCK. Mr. Speaker, I call up the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1897, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in the said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, this also is a customary resolution, and it has been submitted to the committee by the marshal of the District, with a view to granting the use of parks and other public places during the inaugural ceremonies.

Mr. COX. Does it include any public buildings?

Mr. BABCOCK. No, sir; simply streets and parks.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BABCOCK. Now, Mr. Speaker, I ask unanimous consent to present a bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States, for the purpose of decorating the streets of the city of Washington on the occasion of the inaugural ceremonies on the 4th day of March, 1897.

The bill was read, as follows:

Whereas the Citizens' Reception Committee of the District of Columbia, for the entertainment of the citizens of the Republic at the inauguration of the President of the United States on the 4th day of March, 1897, within the city of Washington, desires to add to the pleasure of the occasion by an extensive decoration of the streets of the city, and in order that the General Government may render such assistance as may be within its power: Therefore,

Be it enacted, etc., That the Secretary of War and the Secretary of the Navy be authorized to loan to Louis D. Wine, chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets in the city of Washington in the District of Columbia, on the occasion of the inauguration of the President of the United States on the 4th day of March, 1897, all of the United States ensigns, flags, signal numbers, etc., belonging to the Government of the United States, as in their judgment can be spared and are not in use by the Government at the time of the inauguration. The loan of said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 25th day of February, and they shall be returned by him by the 8th day of March, 1897.

SEC. 2. For the protection and the return of said ensigns, flags, signal numbers, etc., the said Louis D. Wine, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may

designate, a satisfactory bond in the sum of $50,000: *And provided*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to said ensigns, flags, etc., not necessarily incident to the use heretofore specified.

Mr. BABCOCK. Mr. Speaker, it is necessary, I believe, to ask unanimous consent for the consideration of this joint resolution. It is a copy of two resolutions which have heretofore been passed by the House, but this particular resolution is not on the Calendar. I ask unanimous consent that it be considered.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BABCOCK. I move to reconsider the vote by which the two joint resolutions and one bill have just been passed, and I also move that in each case the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

A bill (H. R. 6533) for the relief of A. A. Hosmer; and

A bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana; and

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo., approved July 26, 1894."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hill, Mr. Platt, and Mr. Clark as the conferees on the part of the Senate.

ATLANTIC AND PACIFIC RAILROAD.

Mr. POWERS. Mr. Speaker, I observe from the message just sent to us by the Senate that that body has disagreed to the amendments of the House to the bill with reference to the Atlantic and Pacific Railroad Company. I move that the House insist on its amendments, and agree to the conference asked by the Senate.

The motion was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1621) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana—to the Committee on the Public Lands.

METROPOLITAN RAILROAD COMPANY.

Mr. BABCOCK. I call up the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Metropolitan Railroad Company be, and it is hereby, authorized to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said extension be completed within six months from the date of the passage of this act, and the said company is hereby authorized and empowered to increase its capital stock for the purpose of making and equipping the extension of its route authorized by this act, but the amount of the capital stock so to be issued, as aforesaid, shall not exceed the cost of the making and equipment of the extension herein provided for: *Provided further*, That the Metropolitan Railroad Company is hereby authorized to issue such an additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, amounting to $250,000, heretofore issued for the completion and equipment of its road.

Mr. BABCOCK. This bill proposes to extend the line of the Metropolitan Railroad about 1,200 feet beyond its present terminus on Connecticut avenue, up Columbia road. A measure of this kind passed the House at its last session, and was attached as an amendment to what was known as the Eckington bill, which finally went to conference. In the conference, upon the demand of the Senate committee, this provision was stricken from the bill. The only point in which this bill differs from the measure which then passed the House is that it provides in addition for converting $250,000 worth of certificates into stock. These certificates were issued in the construction of two loops, one around Lincoln Park, and in the erection of the car stable at Fourteenth and East Capitol streets.

Mr. BAKER of New Hampshire. I desire to ask the chairman of the committee in regard to the proviso in this bill, which I see authorizes an additional amount of capital stock for the conversion of outstanding certificates of indebtedness amounting to $250,000. Are those certificates of indebtedness to that amount to be funded into stock at par?

Mr. BABCOCK. Yes, sir; I so understand.

Mr. BAKER of New Hampshire. Then the holders of those certificates, in view of the market price of the stock, would receive, instead of $250,000, $540,000, would they not?

Mr. BABCOCK. It ought to be well understood by any business man that the stockholders would be entitled pro rata to any additional amount of stock that may be issued. As among the stockholders there can be no hardship.

Mr. BAKER of New Hampshire. That may be true, as far as the stockholders are concerned. If these certificates of indebtedness were held entirely by the stockholders, the gentleman might be correct; but I understand that is not the case. These certificates of indebtedness have been sold around the city and upon the stock board for months; they are sold daily. And under the provision now contained in this bill the holders of those certificates will actually receive two dollars for one. The increase which they would receive, counting back to the time the certificates were issued, would be equal to an interest of about 110 per cent. I move, therefore, to amend the bill by striking out, in lines 16 and 17, the words "capital stock" and inserting the word "bonds;" so that the proviso will read:

That the Metropolitan Railroad Company is hereby authorized to issue such an additional amount of bonds as will provide for the conversion into such bonds of its outstanding certificates of indebtedness, etc.

Mr. BABCOCK. These certificates are good only for the amount represented by their face. They represent so much money; they do not represent so much stock.

Now, when additional stock is issued, the rule practically in all corporations is that the opportunity to subscribe for the additional stock is offered first to those who are already stockholders. This money will go into the treasury, and then the certificates will be paid off. The holders of the certificates do not get the stock. Smith or Brown, simply because he holds a certificate, will not be entitled to stock; he gets his money.

Mr. BAKER of New Hampshire. The proviso is that—

The Metropolitan Railroad Company is hereby authorized to issue such an additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, etc.

Mr. BABCOCK. That is right.

Mr. BAKER of New Hampshire. I have been informed by officers of the company that it is their intention to issue stock, and that no harm will result, for the reason, as urged by the gentleman from Wisconsin, that the stock will go to the existing stockholders and not to outsiders.

Now, the whole question practically resolves itself into this: This amount of money presumably was expended for the improvements of the road; for that purpose the $1,800,000 worth of bonds authorized by Congress were issued. Following in the line of previous legislation, if it be necessary for us to proceed further in this direction, we should authorize the issue of an additional amount of bonds, leaving the capital stock exactly where it is. If we authorize the company to issue this additional amount of stock, then after a while, after the company has been making big profits and paying large dividends, if anything should happen to destroy that prosperity it may come here and say: "We must have this or we must have that, otherwise we shall be unable to pay the interest on our stock." On the other hand, if now, while this road is in its present condition of prosperity, we provide for the issue of these bonds and their payment from time to time, the indebtedness of the company will be diminished while the stock capitalization will remain exactly the same; so that it will not become at some future time a charge upon the people who may ride on this road.

Mr. DOCKERY. The proposition of the gentleman from New Hampshire, as I understand it, is to convert the outstanding floating indebtedness, known as certificates of indebtedness, into bonds?

Mr. BAKER of New Hampshire. Yes, sir; bonds instead of stock.

Mr. DOCKERY. That seems to me to be a very businesslike proposition.

Mr. BAKER of New Hampshire. I therefore move to strike out the words "capital stock" in the lines to which I have referred, and also, in line 17, the word "stock," and insert the word "bonds," so as to accomplish the purpose I have indicated.

Mr. RICHARDSON. I would call the attention of the gentleman to this fact: I do not know what the officers of the road may say on the proposition, but in passing the original bill it provided not only for the issue of bonds, but also for the issue of stock, and the two, that is to say, the bonds and the stock so issued, were used to raise enough money to construct the road on the new plan.

Now, I would ask the gentleman why he would charge it all to bonds instead of part to bonds and part to stock?

Mr. BAKER of New Hampshire. I think the gentleman from Tennessee is mistaken, and that the authorization was only for stock.

Mr. RICHARDSON. I have not the bill before me, but I am quite sure that in the authorization granted by Congress for the present system in use on that road both bonds and stock were authorized.

Mr. BAKER of New Hampshire. I am talking of the Metropolitan road. Its indebtedness, except these certificates, is all in bonds, and I do not see why this additional expenditure should not be paid for in bonds in the same manner as heretofore.

Mr. STEELE. I would like to ask the gentleman a question: Whether it is not a fact that this company is now building useless structures in this city, that they could easily dispense with, in order to absorb part of the great profits of the corporation, so that the dividends may not appear ridiculously excessive. I would also ask if it is not a further fact that the extension asked for in this case is to keep some other road from getting through to this desirable point?

Mr. RICHARDSON. I do not think the road has earned any dividends at all. It has just completed a very expensive new system—the best in the world, I think, the underground electric system—and I do not think that they have found it necessary to hide any dividends. In fact, my information is exactly the opposite.

Mr. STEELE. My information is that, right in the face of this construction of which the gentleman speaks, the dividends have been excessive, beyond what ought to be allowed in a great city like this.

Mr. BABCOCK. I think likely that the gentleman from Indiana is confusing two roads. His question doubtless refers to the Washington and Georgetown Railroad, not to the Metropolitan line, to which this bill refers.

Mr. STEELE. I understand that it is the same thing.

Mr. BABCOCK. By no means.

Mr. STEELE. I understand that they are one and the same.

Mr. RICHARDSON. The gentleman is entirely mistaken. There is no sort of connection between them, at least such has always been my information and understanding. They are exactly competitors, as I understand it and as the District Committee understand it.

Mr. STEELE. I do not so understand it.

Mr. RICHARDSON. But if the gentleman from Indiana has any information upon the subject he ought to furnish it to the committee for its guidance.

Mr. STEELE. I have only verbal information, which, however, I think is reliable. I have not personally examined the question. I did not understand that they were going to ask any further favors this year, and supposed that they were done. I have not, therefore, taken the pains to inform myself.

Mr. RICHARDSON. What I mean to say is that in all the hearings and appearances before the committee these two lines seem to be utterly at variance with each other. I ask the chairman of the committee if this is not true?

Mr. BABCOCK. Undoubtedly.

Mr. RICHARDSON. And I have not seen any collusion or any evidence of collusion between them.

Mr. STEELE. It would doubtless be surprising to find people interested in these District charters and franchises coming before the District Committee and complaining of each other. People are not going before the committee, as a rule, to complain of the corporations of the District of Columbia.

Mr. BABCOCK. I will answer the gentleman as to the road coming before Congress and asking for this additional legislation. That is a mistake. This is asked by the people of the city along the line of the proposed extension, unanimously asked by them; and the president of the road, as I have stated on the floor of the House before, told me that he did not care to have the bill passed; that they did not want to construct that piece of road at all. It is up the hill at the end of Connecticut avenue, and every property holder there—and it is all settled—is interested in this proposed extension, which extends for a distance of about 1,200 feet.

Mr. STEELE. Is there any limitation upon the time when it shall be completed?

Mr. BABCOCK. Yes, sir; six months.

Mr. BAKER of New Hampshire. Mr. Speaker, I understand that that is entirely true, so far as the extension is concerned; but I do not understand it to be accurate in regard to the issuing of the stock or the bonds, and, as I said before, as bonds were authorized at the last session of Congress for this extension, and the extension has cost $250,000 more than that authorization, the stockholders, or certain portions of them, having advanced the money, it is right that they should be reimbursed in bonds, but not in stock, and my amendment will go to that point.

Mr. DOCKERY. If the gentleman will permit me——

Mr. ODELL. Do you consider it a good business policy to inflict a fixed charge upon this company rather than to convert this into stock that would only share in the profits of the company?

Mr. BAKER of New Hampshire. The same principle applies in relation to this that applied to the bond issues, as I have heretofore stated. This stock goes only to a portion of the stockholders and not to all; consequently, the stock being issued at the par value, which is only $50, and the stock selling for more than twice par, it is unjust to the other stockholders and it is unjust to the community.

Mr. HULL. If the gentleman will yield I will ask, If stock is issued is it not a fixed charge on the community perpetually?

Mr. BAKER of New Hampshire. Absolutely.

Mr. HULL. If bonds are issued they constitute only a fixed charge on the corporation until their revenues pay the bonds.

Mr. BAKER of New Hampshire. That is the fact.

Mr. ODELL. Theoretically that is the fact.

Mr. DOCKERY. In other words, this company has a form of indebtedness outstanding called certificates of indebtedness.

Mr. BAKER of New Hampshire. Yes.

Mr. DOCKERY. Now they propose to fund that floating debt. How should it be done? A bond is an evidence of indebtedness and the form of indebtedness the company ought to issue.

Mr. RICHARDSON. This represents money paid out.

Mr. DOCKERY. But the capital stock is the money on which the company does business, and this is an indebtedness of the company. The capital stock directs and controls the business of the corporation.

Mr. ODELL. As long as you can not change the rate of fare, how would an issue of stock be a charge upon the community? The rate of fare is fixed by law.

Mr. DOCKERY. I was not discussing that phase of the proposition.

Mr. ODELL. That is the phase presented by the suggestion that it will be a tax on the community.

Mr. BAKER of New Hampshire. The issue ought to be an issue of bonds, and not of stock, unquestionably.

Mr. BABCOCK. Mr. Speaker, if the proposition as stated by the gentleman from New Hampshire is correct, it will be a very unusual proceeding on the part of a board of directors and an injustice upon the stockholders. I do not think the premises that he states are true, but I will accept the amendment, to make this an issue of bonds rather than of stock.

Mr. DOCKERY. That is right.

Mr. BABCOCK. There certainly can be no harm in that, but it would be a very unbusinesslike proceeding to pay certificate holders 250 cents on the dollar if somebody owed them only 100 cents on the dollar. I will accept the amendment, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BAKER of New Hampshire. I ask to have the amendment reported from the desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, lines 16 and 17, strike out the words "capital stock" and insert in lieu thereof the word "bonds."

In line 17, after the word "such," strike out "stock" and insert "bonds."

The question being taken on the amendment, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. BAKER of New Hampshire) there were—ayes 34, noes 31.

Accordingly the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

BEQUEST OF THE LATE PETER VON ESSEN.

Mr. BABCOCK. Mr. Speaker, I move that the bill (H. R. 8472) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

CONSTRUCTION OF BUILDINGS IN THE CITY.

Mr. BABCOCK. Mr. Speaker, I also ask that the bill S. 3008 be recommitted to the committee.

The Clerk read as follows:

A bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia.

The motion was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, here is a resolution of considerable importance that ought to be considered this morning.

The Clerk read as follows:

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

Resolved, etc., That the time within which the said Eckington and Soldiers' Home Railway Company of the District of Columbia and the Belt Railway Company of the District of Columbia shall begin to equip those portions of their respective lines which are situated within the boundary of the city of Washington with compressed-air motors be, and it is hereby, extended to July 1, 1897: *Provided*, That prior to said last mentioned date the said railway companies shall have become satisfied that said compressed-air motors are in all respects proper and satisfactory as a motive power for the speedy and convenient propulsion of street cars.

SEC. 2. That if said railway companies shall decide to adopt said motive power, they shall completely equip their respective lines with such motive power on or before July 1, 1898.

SEC. 3. That if said railway companies shall not, on or before July 1, 1897, decide to adopt compressed-air motors, then said railway companies shall, within one year from July 1, 1897, equip the respective lines in the city of Washington with an underground electric system.

Mr. BABCOCK. Mr. Speaker, I desire to say, in reference to this resolution, that the bill granting authority to put on compressed-air motors was passed by this House last June. A contract was let to one of the business houses of this country and an order given for what are known as compressed-air bottles to a firm in Germany owned by the German Government. The contract was made for delivery, it being the only place where these bottles could be satisfactorily constructed in that time. Shortly after the contract was let the whole institution burned down, and it has been impossible to secure them in time for use. I believe they have now one car and one only. Both roads, after the passage of the bill last year, went into the hands of receivers, in September. A hearing as to the sale under the creditors' bill is set for the 5th day of January; and unless the extension is granted the court will decree the sale of the road, thus losing to the stockholders the full amount of their stock, which I believe is $250,000.

Mr. HULICK. It is $250,000 on one road and $500,000 on the other.

Mr. BABCOCK. That is right—$250,000 on one road and $500,000 on the other. Mr. Schoepf, the receiver of the road, assures the committee that he has made arrangements for the money to take care of the indebtedness, providing for its equipment, if the extension of time is given, and thereby prevent the road being sold out by the sheriff. These are the facts in connection with the bill.

Mr. HEPBURN. Mr. Speaker, it is my opinion that this extension ought not to be granted. I think that this House has sufficient evidence to satisfy it that this company up to this time has treated with absolute contempt every requirement that Congress has made with reference to various improvements required in the operation of this road. When the bill the provisions of which it is now proposed to extend was before the House we were assured that the contract had been made in this country for these motors——

Mr. BABCOCK. That is true; they were.

Mr. HEPBURN. When the facts are, as I am assured, Mr. Speaker, that there is no such motor in the United States; that there is no firm constructing them; and the whole pretense was based upon misrepresentation.

Mr. HULICK. Would the gentleman allow me a question?

Mr. HEPBURN. Yes, sir.

Mr. HULICK. Have you investigated this fact as to whether any of these motors are being used now? If you have, and that is your conclusion, it is directly opposite to the testimony considered and the evidence considered by the committee and the conclusions arrived at upon evidence satisfactory to eight members of the committee.

Mr. HEPBURN. Mr. Speaker, my authority is derived from a committee or association of citizens of the northeast portion of this city that have been looking into this matter; that have been corresponding with the alleged firm from which these motors, it was said, were to be obtained—gentlemen who have been studying this question—and they tell me there is not in operation now in the United States one of these motors that has passed the experimental stage, nor is there any firm in the United States engaged in their manufacture; that there are one or two institutions that are experimenting with this kind of motor; but that the enterprise of construction has gone no farther than the experiment.

Mr. BABCOCK. Will the gentleman allow me a word right there?

Mr. HEPBURN. I would rather you should wait till I get through; but if you prefer to do so, say it now.

Mr. Speaker, I want to call the gentleman's attention to another matter of history in connection with this company. They were given a time in which to begin the use of this motor. As I am informed, before the expiration of the time for using the new motor, in order to avoid that provision of the statute, there was begun a friendly suit that put these two roads in the hands of a receiver. The two roads are substantially the same. The receiver is the general manager of both, and, as I am informed, the whole movement was with a view to securing this extension and to give an excuse for not complying with the act of Congress.

If this is true—and my authority is the same that I have cited, gentlemen who have investigated the matter, who are interested in it, and who are simply striving to compel this company to give them the facilities which the law requires them to give—I am satisfied that it ought to influence our action upon this bill. If this House knew the contumacious manner in which these companies have treated every requirement of the law, I am sure that no member would feel that they were in a position to ask any more favors from Congress. For example, one of these companies was required to build a line of road and operate it upon North Capitol street. That street had just been paved. The company tore up the pavement along a considerable portion of the street and put down its tracks, and then, instead of repaving the street with concrete or with asphaltum so as to correspond with the general pavement, it filled it in with cobblestones, while along another portion of the line the company has not yet put down any pavement. Furthermore, it refused to operate a portion of the road. The act of June last required operation, and this requirement has either been disregarded or the operation has been of an inefficient and unsatisfactory character.

The people came here demanding that this corporation should be compelled to comply with the conditions of its grant, and, after great trouble, it did put on a line of cars which ran at long intervals, twenty minutes or half an hour apart, and that only during a portion of the day, until 8 o'clock in the evening. The Commissioners attempted to compel the company to reform its schedule, but they have not yet been able to secure service on that road at all commensurate with the demands of the thickly settled portion of the city through which it runs. I am informed that it is the belief of persons who have investigated this subject that the majority stockholders, those who have acquired by purchase the control of a bare majority of the stock, are pursuing that course which is known to many gentlemen engaged in corporate operations as "freezing out" the balance of the stockholders, that these various delays, that these various suits, that putting the road into the hands of a receiver, are all parts of a scheme of those who hold a bare majority of the stock to freeze the minority out, and the whole course of the company indicates it. They pretend that the road is insolvent, yet this very manager, whom the gentleman from Wisconsin quotes, has been heard to say, as I am informed, pluming himself upon his management, that the road which now runs along C street, in this part of the city, was in the very first year of its operation a remunerative enterprise and was able to pay a dividend.

Now, if these statements are not true—and I give them as they come to me from reputable gentlemen who are representing their associates in that part of the city, endeavoring to look after their rights and to compel this corporation to respect those rights—if these statements are not true, I say, some of the gentlemen of the committee who have heard the other side of the story can doubtless correct me. But I believe, Mr. Chairman, that the statements are true, and if they are I am sure that this House will not desire to extend any additional facilities to this corporation.

Mr. HULICK. May I ask you another question before you take your seat? You say that you have received these representations from parties in interest. Now, what interest have they—as stockholders, as bondholders, or as creditors?

Mr. HEPBURN. No, sir; they are citizens of the northeastern portion of this city, which this corporation was chartered to serve, and who are groaning under the failure to receive the service which it was pledged to give them and which Congress has said it should give.

Mr. HULICK. Then I understand that these complaints do not come from the minority stockholders or from the creditors of the company?

Mr. HEPBURN. No, sir; I speak of no one and for no one but the citizens of that portion of the city, who almost universally, as I am told, feel that this railroad company is simply playing with their interests and their rights.

Mr. HULICK. What is their specific complaint against this company so far as the rights of the citizens and of the patrons of the road are concerned?

Mr. HEPBURN. I will try to tell you. They complain that along a part of the road there is an utter failure to give them any service at all. The company has laid its tracks in the streets, but refuses to operate the road. That is one complaint. Another is that the company refuses to give the citizens the improved facilities for travel which Congress has declared it should give, and that it is striving from day to day and month to month and from year to year to extend its privileges by fallacious excuses, while showing an utter contempt for the requirements of the law. Those are some of the complaints.

Mr. BABCOCK. Mr. Chairman, I desire to answer a few of the propositions which the gentleman from Iowa has submitted. First, in reference to the air motors. There is a member of the committee here who resides in New York, where these air motors are in use, and who is familiar with their use. On one line in New York there are now six of these motors in operation. They are used on a cable road intermediately between the cable cars. The company has made a contract for 25 of them, 6 of which are now in operation.

Mr. HEPBURN. Let me ask the gentleman whether the use of these motors has gone beyond the mere experimental stage. Are they not being experimented with, just as one of our street railroad companies here experimented for months and months with the storage-battery cars? Gentlemen will remember when those cars were nominally in use upon the Metropolitan Railroad for a year or so, yet it was a mere experimental use, and they were finally abandoned.

Mr. BABCOCK. In New York a contract has been made for the entire equipment of the road with these motors, and they are being supplied as fast as the manufacturer can turn them out, so it is obvious that their use has gone beyond the experimental stage. In reference to the stockholders of this company, the gentleman has stated the facts as to the holding of the majority of the stock.

Mr. HEPBURN. I have stated the facts as they were reported to me.

Mr. BABCOCK. Well, the facts are these: There are 10,000 shares of stock; 5,003 shares are held by what is termed the company—that is, the men who control the road; 4,997 shares are held by outside interests in small holdings, less than 200 shares in each holding.

Mr. HEPBURN. One question right there. Are not the 5,003 shares held entirely by men who do not reside in the city of Washington?

Mr. BABCOCK. They are held by the controlling interest of the road——

Mr. HEPBURN. The controlling interest in other cities.

Mr. BABCOCK. I do not know whether the holders reside here or not. But that has nothing to do with the ownership or the rights of the stockholders.

Mr. HEPBURN. Well, it might have in this "freezing-out" process.

Mr. BABCOCK. Will the gentleman allow me to continue a few moments without interruption?

Mr. HEPBURN. The gentleman will excuse me.

Mr. BABCOCK. As I stated before, innocent holders hold nearly 5,000 shares of this stock—one-half of it within three shares. Now, would the gentleman advocate a policy which would compel the sale of this road? Does he favor a policy which would play into the hands of these foreign owners and sacrifice the interests of the people here in Washington who own one-half of the stock of the road lacking three shares?

Mr. HEPBURN rose.

Mr. BABCOCK. I trust the gentleman will not interrupt me at this moment.

Now, the object of this bill, and what it will accomplish, is to protect these stockholders—to adopt such legislation that there may be a chance to go ahead and develop this road. We have here the same old story that we had with the Metropolitan road. In reference to that road the same arguments were brought forward that are brought forward here to-day. The Metropolitan Company acknowledged, as this company now acknowledges, "We are in default before Congress."

This road has not given the people the service they are entitled to. Numerous complaints have come to us on this ground. I can show the gentleman two bushel baskets full of petitions directly in the line of what he says. Now, the thing for Congress to do is the best thing that it is possible to do. What is that? To sell out the road, to put it into the hands of these gentlemen residing outside of Washington, to "freeze out" the stockholders who are here in this city? By no means. We are assured, as I said before, that if the receiver can convince the court that the money is forthcoming to pay this indebtedness—if the ability can be shown to handle the finances of the road—the court will hold the matter open and give an opportunity for doing so.

Now, these men ask for six months. Why do they ask for six months? Why do they ask for more than ninety days? Because the concern that had contracted to furnish 25 motors on this New York avenue line, of which 6 are now in operation, will require two or three months to finish that contract. They are people who are building these motors successfully, and those who will equip the first branch of this line, if it is done at all.

I fully sympathize with everything that the gentleman from Iowa has said in regard to the service of this road. I have stood on this floor and in committee and for days and weeks and months have fought propositions for extensions and amendments of this company's charter. I have said to these people that I would never vote to authorize them to lay down another rail in the city of Washington until they first rendered adequate service. Since the last bill in reference to this company was passed it appears that this factory has been burned, so that it would seem they have not been in default in not carrying out what they undertook to do. Now, shall we give them six months more time on this matter or shall we allow the creditors to foreclose the road and let the foreign stockholders take possession of it? That is the question.

Mr. HEPBURN. I can answer the gentleman's question. I would forfeit this charter if I had the power; and I would grant the franchise to that portion of these stockholders who have evinced a disposition and desire to conform to the action of Congress. That is what I would do. And I would refuse any grant or any further extension of any kind to these men who for years have refused to obey any of the orders that have been issued to them by Congress. Six months hence these men can make the same kind of an excuse with regard to their failure that they are now making about the burning of the factory.

Mr. BABCOCK. No; this bill provides——

Mr. HEPBURN. I confess, Mr. Speaker, that I have not a particle of confidence in any statement in the nature of an excuse that is made by the management of these companies.

Mr. BABCOCK. Will the gentleman allow me a moment?

Mr. HEPBURN. I believe they are organized solely for the purpose of selfishly furthering their own interests to the detriment of the interests of the public. I have no idea that they intend to use the motors now spoken of. I believe it is their purpose ultimately, when they can no longer delay, to put in the underground electric system. But they are trying to postpone that expenditure till the latest possible moment.

Let me remind the gentleman of some things which would seem to indicate that this is the fact. Did not this company go to the court that now has the custody of this property and ask authority to issue a new form of indebtedness for the purpose of further experimenting with these motors, and in that proceeding did they not seek for an order of the court to postpone in favor of this new debt the lien of the bondholders who, up to this time, have furnished the money for carrying on the operations of this road? Is not that true?

Mr. BABCOCK. I am not aware of the fact.

Mr. HEPBURN. And did not the court very properly and necessarily refuse assent to the proposition, and rebuke the impudence of those who asked to perpetrate an outrage of that kind?

But these gentlemen apparently think that they can control Congress and control the court just as they please. And they find advocates, it seems. I recognize the fact that the gentleman from Wisconsin was most earnest in his opposition to giving this company what he now seems anxious to grant them. Six months ago he was not willing that what is now asked should be done; and it was only with the greatest reluctance that he was persuaded to allow that bill to pass.

Mr. BABCOCK. That is correct.

Mr. HEPBURN. Now, after they have had the six months which they asked and have made most dismal failure, I am astonished that he should come here advocating another six months, although no excuse of a respectable character has yet been made for the default already incurred.

Mr. BABCOCK. I desire, Mr. Speaker, to call the attention of my friend from Iowa to one provision in the pending bill that he has apparently overlooked; that is, the mandatory section 3, which provides:

> SEC. 3. That if said railway companies shall not, on or before July 1, 1897, decide to adopt compressed-air motors, then said railway companies shall, within one year from July 1, 1897, equip the respective lines in the city of Washington with an underground electric system.

We gave the Metropolitan road two years to do it in.

Mr. HEPBURN. Well, will the gentleman consent to an additional amendment, forfeiting all the rights of the corporation if they fail to comply with what you call the mandatory requirements of this act?

Mr. BABCOCK. Well, that is a pretty arbitrary proposition.

Mr. HEPBURN. What is a mandatory requirement to a company like this?

Mr. BABCOCK. A penalty could be provided at $500 a day.

Mr. BAKER of New Hampshire. They would not pay it, and could not pay it, if it was provided.

Mr. HEPBURN. Let there be a forfeiture, or some guarantee of good faith on their part.

Mr. BAKER of New Hampshire. Mr. Speaker, as a further illustration of this matter, I ask the Clerk to read a part of the act of 1896, approved June 10 of that year, bearing upon this very question.

The Clerk read as follows:

> *Be it enacted, etc.*, That within three months from the passage of this act the Eckington and Soldiers' Home Railway Company and the Belt Railway Company, both of the District of Columbia, respectively, shall begin to equip those portions of their respective lines which are situated within the boundaries of the city of Washington with compressed-air motors. If after a trial of three months the said compressed-air motors shall, in the judgment of the Commissioners of the District of Columbia, prove to be in all respects a proper and satisfactory motive power for the speedy and convenient propulsion of street cars, then the said Commissioners are hereby authorized and directed to issue to the said railway companies, respectively, permits to equip their lines within the District of Columbia with such compressed-air motors; and within six months from the passage of this act the said railway companies shall cease to use horsepower on any and all of their respective lines. In the event that the said compressed-air motors shall not be approved as herein provided for, then within eighteen months from the passage of this act the said companies, respectively, shall construct and put into full operation on all their lines in the city of Washington the underground electric system.

Mr. BAKER of New Hampshire. You will notice that by the act of the last session of Congress just read by the Clerk the same requirement was made of this company which the gentleman from Wisconsin [Mr. BABCOCK] thinks would be improper at the present time.

There is another point to which I wish to call the attention of the House. That act provides that they shall begin to equip the road within three months. At the time it was under consideration in the House I objected to giving them three months in which to begin the equipment. We have practically now the same answer given then in regard to the necessity for an extension of the time. The gentleman from Wisconsin has explained what he regards as the necessity for it. We yielded on that point in the last session, and at the expiration of the three months they had not begun to do what the law required them to do. They have not equipped one single portion of the road with one of these motors up to the present time.

Then the act goes on and says that they shall run their cars regularly over certain streets, mentioned in the bill which you then passed. They have not even done that.

Still again, the act of last June requires that these motors shall be satisfactory to the Commissioners of the District of Columbia, and that they shall not be used, even if found satisfactory to the company, until they have been approved and a permit granted by the Commissioners for that purpose.

In the resolution which is now before the House all of these clauses are omitted, and if the resolution should become operative the powers of the Commissioners of the District of Columbia relating to the road would be absolutely annihilated. There is not a word in the resolution requiring these motors to be satisfactory to the Commissioners, or that the cars to be operated by the motors shall be run to suit the Commissioners or the public.

I would like, therefore, some member of the committee to explain why these clauses of the act of last June are omitted from this provision.

Mr. RICHARDSON. I submit to the gentleman from New Hampshire that the resolution does not repeal those provisions, but simply extends the time, and the provisions to which he refers remain operative and in force. If there should even be any doubt upon the subject it can be put in by resolution.

Mr. BAKER of New Hampshire. If it does not repeal it I can not understand the meaning of some portions of this resolution. For instance, this proviso, on page 1:

> *Provided*, That prior to said last mentioned date the said railway companies shall have become satisfied that said compressed air motors are in all respects proper and satisfactory as a motive power for the speedy and convenient propulsion of street cars.

And again, section 2:

> SEC. 2. That if said railway companies shall decide to adopt said motive power they shall completely equip their respective lines with such motive power on or before July 1, 1898.

Mr. MILNES. I will state to the gentleman from New Hampshire that that part of the bill was agreed in the committee to be stricken out.

Mr. BAKER of New Hampshire. It was not so reported to the House.

Mr. MILNES. It should have been, the committee having agreed upon it.

Mr. BAKER of New Hampshire. I do not know how that is, but it is not so stated before the House. I do not believe the House, and can not believe that the committee, is ready to turn over to this company absolute and conclusive power and judgment in relation to this question.

Mr. RICHARDSON. Not at all. It is at the discretion of the Commissioners.

Mr. BAKER of New Hampshire. Then I shall be glad to have the committee in some way correct this bill, and then I will proceed with my argument. My attention has been called to the fact that, although the resolution is before the House, there has been no report made upon it and no statement made by the committee as to its purposes or its amendments, excepting the verbal report which has been made here this morning.

Mr. MORSE. Will the gentleman from New Hampshire allow me a moment?

Mr. BAKER of New Hampshire. Yes.

Mr. MORSE. In that moment which the gentleman yields to me I should like to say that I have walked over some of the routes of these horse cars, and if the company are not going to change the motive power they should get some wagons and shovels and clean up the excrement of the horses on the lines of these roads. It is no wonder that the people of this District have malaria, because I do not believe there is a city in the United States where such a vile, filthy condition of the public streets is allowed as is permitted in this city. It is vile. Just walk down New Jersey avenue and strike this Belt Line. I have to put my handkerchief to my face every time I cross that track. It is an outrage upon the citizens of the District.

Mr. RICHARDSON. I should like to ask the gentleman if it is not the duty of the District Commissioners, instead of the railroad company, to keep the city clean?

Mr. MORSE. In answer to the gentleman, I will say that it seems to me that it is the duty of the Commissioners and of this House to see that the company abandons the antiquated fifteen-dollar horses that are hitched to these cars and substitutes for them electric power or cable power or motors run by some other power, and get rid of these filthy animals in the public streets.

Mr. BABCOCK. Is the gentleman aware that that is what Congress has been trying to do for some time? That is the object of this bill.

Mr. MORSE. The gentleman from New Hampshire [Mr. BAKER] has just been pointing out that this bill fails to do it, and that these roads have not been held up to the conditions of the existing law.

Mr. BABCOCK. Has the gentleman read the bill?

Mr. MORSE. I have heard the statement of the gentleman from New Hampshire [Mr. BAKER].

Mr. BABCOCK. I desire to say that there is an abundant supply of both the bills and the reports in the House.

Mr. MORSE. Now, I want to continue that remark. The gentleman from Wisconsin [Mr. BABCOCK] the other day, in referring to the matter of "abundant supply," called the attention of the House and dwelt at great length upon the fact——

Mr. BABCOCK. Mr. Speaker, this is not the alcoholic-liquor bill that is under consideration.

Mr. MORSE. I beg your pardon.

Mr. BABCOCK. And the matter of time is very precious this afternoon.

Mr. MORSE. The gentleman from Wisconsin went back to the alcoholic-liquor debate. It was not myself that went back to it. I insist upon my position and statement that these railroad companies have not, as pointed out by the gentleman from New Hampshire [Mr. BAKER], complied with the existing law, and that we have in this District, on the lines of these roads, still the antiquated horse car that is unknown in any other city in the Union of the size of the city of Washington.

Mr. ODELL. Except New York.

Mr. MORSE. And it is high time that the existing law was changed, and that the motive power of these lines was changed from horses to electric or cable power or some other form of motor. With that change I believe the health of the people of this District will be greatly improved, and the filth and excrement which is now allowed to accumulate on these tracks will be removed.

Mr. RICHARDSON. Mr. Speaker, I want to say a word or two in reply to the remarks of the gentleman from Massachusetts [Mr. MORSE] with respect to horse cars. I want to say that he is mistaken when he says horse cars are not used in any other city in the Union of the population of Washington, but that is immaterial. These roads that are involved in this controversy are largely suburban roads. One of them extends out into the country to Brookland, and for a mile or more along it there is scarcely a building. Now, it is true that they use horse cars on a part of their tracks, but this proposition is one which involves the removal of the horses. We are trying our best to get a provision enacted into law which will remove the horses and horse cars from these lines. We believe this is the best that can be done.

The gentleman from New Hampshire [Mr. BAKER] finds fault with the roads because they have not complied with the act of Congress which was passed last June. They have not, but the gentleman from New Hampshire [Mr. BAKER] says that they were given three months within which to begin to comply with that act of Congress and that not one thing was done within the three months. That is the gentleman's statement. It is in evidence before the committee, Mr. Speaker, that within two days, and I believe on the first day after the passage of the law, the company made a contract with the manufacturers of these bottles or tubes to hold the compressed air for the motors, in order that they might comply with the act of Congress. The manager of the road stated——

Mr. HEPBURN. Will the gentleman permit a question there?

Mr. RICHARDSON. In a moment. The manager of the road stated in his testimony before the committee that within forty-eight hours, I believe, an agreement was made with the company in Germany to furnish these tubes or bottles. Now, that was a beginning. I will yield now to the gentleman from Iowa [Mr. HEPBURN] for his question.

Mr. HEPBURN. Mr. Speaker, I want to ask the gentleman if he did not state to the House when the bill which this one proposes to amend was under consideration that this company had then made contracts for those new machines with which to operate their road, and did he not make that statement in reply to a suggestion made by myself that no machines of that kind were manufactured in the United States?

Mr. RICHARDSON. There was some debate on the measure at that time, and it may be that I made some such remark, based upon the testimony before the committee at that time.

Mr. HEPBURN. If the gentleman will allow me——

Mr. RICHARDSON. In a moment. I do not remember that I spoke then on the proposition to manufacture bottles or tubes. I do not think I did, but we did have testimony before the committee that an arrangement had been made that within thirty days they would operate some kind of compressed air motor car upon this line. That statement was made by a different gentleman than the one who has recently been before the committee with respect to these matters.

Mr. HEPBURN. Very naturally.

Mr. RICHARDSON (continuing). And the assurance then was that within thirty days a compressed-air car would be in operation. An arrangement was made by the company to comply with the act of Congress passed in June with a company in Germany—and I am informed the only company—that manufactures these bottles which hold the compressed air; and, as I was about to remark, three months' time was given that company in the contract within which to manufacture these bottles.

Mr. HEPBURN. Before the gentleman gets away from that I desire to ask him——

Mr. RICHARDSON. In a moment. Let me finish this idea, and then I will yield to the gentleman.

I do not know these things of my own personal knowledge; I only know from the testimony before the committee—they made the contract within forty-eight hours in their effort to comply with the act of Congress. It was made in June, and before the three months just expired. Near the close of the three months within which these bottles were to be supplied the manufactory, owned by the Government of Germany, that had the contract to supply them was burned. It was some time before they learned why it was the contract was not complied with within the three months. That is what I want to state with respect to the effort made by the company to secure the necessary supply. Whether it is true or not I do not know, but I believe it is.

Mr. HEPBURN. Will the gentleman state what reason he has to believe in this second or revised statement in regard to the contract rather than he has to believe in the first that was made in June last or earlier?

Mr. RICHARDSON. Why, if their testimony is to be believed, it is true. I believe they told the truth.

Mr. HEPBURN. Of course. But do you believe it?

Mr. RICHARDSON. I do. I believe it. They come and tell us that the reason why they have not complied with this act was because there was a fire that destroyed the manufactory. I am compelled to believe them. Now, they say they can go forward within this time, presuming it should be given them. I do not know whether they can; but the question is, What are you going to do if they should not? Do you propose to repeal the charter?

Mr. HEPBURN. I would.

Mr. RICHARDSON. What would become of the stockholders and those who have put their money into this road?

Mr. HEPBURN. I would regrant the franchise to those who would show some disposition to obey the commands of Congress.

Mr. RICHARDSON. They are not here seeking or asking such relief. The road would be sold for less than half what the stockholders have paid for it.

Mr. HEPBURN. There is no trouble in disposing of these valuable franchises of these people to sound and solvent corporations.

Mr. RICHARDSON. I do not know about that.

Mr. HEPBURN. But right here I want to ask the gentleman. He tells us he believes this story about the burning of the factory in Germany.

Mr. RICHARDSON. I believe it upon their statements. I believe the gentleman who testified about it is a reputable man, and entitled to full credit.

Mr. HEPBURN. But was not it a reputable man in the same sense that told the gentleman last June that they had already completed a contract with a firm in this country for twenty-five of these motors?

Mr. RICHARDSON. But the gentleman is making an assumption in that respect that I do not agree with him about.

Mr. HEPBURN. I am quite confident it was made. I think it was made by the gentleman from Tennessee.

Mr. RICHARDSON. I do not think I spoke on the occasion he refers to about these bottles.

Mr. MILNES. Will the gentleman allow me to suggest——

Mr. RICHARDSON. I do not think I did.

Mr. HEPBURN. I remember that I called the gentleman's attention to this correspondence which the members of this association in the northeastern part of the city had had with the alleged manufacturers of this machine.

Mr. RICHARDSON. I am reminded by the gentleman from Michigan [Mr. MILNES] that there was a contract made with a firm in Pittsburg with reference to some portion of the machinery for this line, and that may be what was spoken of, but, as I understand it, there had been no contract made for these tubes or bottles, which are very peculiar in their construction, and about which I have not expert knowledge. The gentleman asks me why I believed the representations made at that time and why I believe them now. I reply that I believed them because I thought the persons making them were reputable gentlemen, and the company comes here and gives the excuse for not having complied with the act of Congress.

I believe it is to the interest of the minority stockholders, as well as to the interest of the majority, that this extension should be given, and that Congress should require this company to equip this road with a rapid-transit motor. I believe that this bill will accomplish that purpose and will give the people rapid transit on this line. The gentleman from Iowa speaks of a portion of the line paying its way from the time of its construction. I think he is correct in that. I think the line along C and D streets and along G street to the Treasury building did earn its expenses, but that is only a part of a system which extends, as I have said, out to Brookland; and as to a large portion of that system the reports show that it is not earning its expenses. These street railroads file their reports annually, and if gentlemen will take the trouble to examine them they will find that the greater portion of this line is not paying running expenses. Of course when you consider the receipts of any line of road you must take into account the whole of the road, and when you take in the whole of this Eckington road you find that it has not earned money for its stockholders.

Now, Mr. Speaker, I think that in this case we ought not to repeal the charter of the road, because I do not think that will accomplish the object we have in view. On the contrary, it would leave the people along the line of that suburban road utterly without street-car accommodation. Its effect would be to injure the people at Eckington, who are clamoring for legislation against this company, because they would be left without transportation facilities, and I venture to say that their property would be reduced 50 per cent in value in consequence of that deprivation. So, in my judgment, looking at the question conservatively, the best thing that we can do is to grant this extension of time, to require the company to put on rapid transit, and to impose such a penalty as will compel them to do it. If anybody desires to provide in this bill that if the company do not comply with the requirement of the act of Congress their charter shall be forfeited, I do not object. I am willing to put in a provision that in case of failure on their part to comply with the requirements of the law, steps shall at once be taken in the District courts to forfeit their charter. I think that about the best thing we can do is to grant the extension asked for with proper safeguards.

Mr. BABCOCK. Mr. Speaker, I am instructed by the committee to offer the amendment which I send to the desk.

The amendment was read, as follows:

> Strike out the word "*Provided*," in line 9, and all following, in lines 10, 11, 12, and 13.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the joint resolution.

Mr. HEPBURN. One moment, Mr. Speaker. I want to offer an amendment to the third section.

Mr. BAKER of New Hampshire. Mr. Speaker, the second section is quite as bad as that which has been struck out. It reads as follows:

> That if said railway companies shall decide to adopt said motive power they shall completely equip their respective lines with such motive power on or before July 1, 1898.

That, again, leaves the entire discretion in this matter to the managers of the company.

The SPEAKER pro tempore. Does the gentleman offer an amendment?

Mr. BAKER of New Hampshire. I move to strike out section 2.

Mr. BABCOCK. Mr. Speaker, that action would be simply ridiculous. This section provides that if these motors prove satisfactory the company must equip its road with them within six months.

Mr. BAKER of New Hampshire. In his opinion it may be perfectly ridiculous now, Mr. Speaker, but it was not ridiculous in the opinion of the gentleman from Wisconsin last June to permit the Commissioners of the District of Columbia to decide whether these motors are fit for use or not, fit to accommodate the people who desire to travel upon this road, and the proposition is not ridiculous to-day. It is proper that this House should decide what this company shall do, and not that the company should decide for the House. Here is a company which, by existing law, is

under certain restrictions, and it comes here now and asks an extension of time in order that it may accomplish certain things, while at the same time, by indirection, it asks that the House shall abdicate all the authority which it has heretofore reserved and placed in the Commissioners of the District of Columbia; and that is a demand which I do not believe this House will grant. I call for a vote upon my motion.

Mr. BABCOCK. Mr. Speaker, I demand the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment proposed by the gentleman from New Hampshire [Mr. BAKER].

The question was taken; and the Speaker pro tempore declared that the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The committee divided; and there were—ayes 15, noes 25.

So the previous question was refused.

Mr. HEPBURN. Now, Mr. Speaker, I offer an amendment to section 3.

The SPEAKER pro tempore. The amendment to section 2 should be disposed of before an amendment to section 3 is received. The Chair understands the gentleman from Iowa to say that his amendment is to section 3. The question is on agreeing to the amendment of the gentleman from New Hampshire, striking out section 2.

Mr. BAKER of New Hampshire. Let it be understood that the motion is to strike out section 2 absolutely. The amendment proposed by the gentleman from Iowa applies, I understand, to section 3.

The SPEAKER pro tempore. So the Chair understands. The question is now on the motion of the gentleman from New Hampshire to strike out section 2.

Mr. WILLIS. Mr. Speaker, am I in order for a few remarks?

The SPEAKER pro tempore. Certainly.

Mr. WILLIS. Mr. Speaker, I am opposed to striking out the clause referred to by the gentleman from New Hampshire [Mr. BAKER] for several reasons. It seems that this House is very much dissatisfied because this company has failed on the subject of compressed air. Now, I think that the House ought to have a very profound sympathy for the company on that very subject. [Laughter.] Then another brother—the gentleman from Massachusetts—comes here and indulges in a tirade against horses, which, historians have told us, have been the gauge and test of civilization from the beginning of the world.

This company, as I understand, is trying to do the best it can. It asks a little additional time to carry out the provisions of a contract into which it has entered. In the last Congress, or possibly at the last session—I have forgotten which—when we were dealing with the Metropolitan road, if the suggestions of certain gentlemen present in this House had been carried out, the road would have been ruined. Yet that road to-day, I undertake to say, is the best piece of city railroad in the world.

Mr. BABCOCK. That is true.

Mr. BAKER of New Hampshire. What is the gentleman's statement?

Mr. WILLIS. I say that the Metropolitan road is the best street railroad I ever traveled on.

Mr. BAKER of New Hampshire. Who was there in this House that undertook to "ruin" that road?

Mr. WILLIS. There was a measure before the House which, if it had been carried out, would have ruined the company.

Mr. BAKER of New Hampshire. I never heard of it.

Mr. WILLIS. If these gentlemen have had horsepower on their road, and the streets have been defiled because of that fact, that matter ought to have been attended to. If they have failed with regard to the matter of compressed air, we ought to give them a little time to introduce another motive power. The world was not made in a day. If we will not be too rapid, if we will not urge too precipitately our desires and opinions upon this road, we will give them the benefit of the provision which the gentleman from New Hampshire wishes to strike out. I believe they are honest enough and true enough to bring about righteous results. Let us not be precipitate on this subject; let us act with cool heads and with freedom from prejudice.

Mr. HULICK. Mr. Speaker, this amendment should not be adopted, and the bill as now amended should be passed at once. The interests of all the parties concerned in the successful operation of this road should be conserved; and they will be by the passage of this bill in its present form. On the 9th day of January next, unless some such measure as we are asked to adopt be taken, the court having jurisdiction of this case will order the road to be sold, thereby imperiling the rights and interests of the stockholders and of all parties concerned. I have no special sympathy for the majority who have the control of the stock of this road nor for the minority. It is within the power of Congress to protect those rights and interests which are now imperiled. The action of the court, as I have said, will be taken on the 9th of January next. If the bill as it now stands be passed, it will relieve this corporation from its embarrassment and no injury will result to the interests of any man.

I wish to emphasize what has been said by the gentleman from Tennessee. And I will say I doubt the propriety of this House accepting the testimony of the gentleman [Mr. HEPBURN] who has opposed this measure so earnestly, because, although he is doubtless sincere and represents what he honestly believes to be true, nevertheless his statement is not that character of testimony that we should receive upon a question of this kind—not that kind of testimony which the committee is in the habit of receiving. Testimony received by the committee is of such character as to be accepted as true, unless evidence of like character shall come before the House so as to induce it to reverse the conclusion arrived at by the committee upon the facts before it. Now, the evidence before the committee, as suggested by the gentleman from Tennessee, was that after the passage of the act of June, 1896, this company immediately entered into a contract for the purchase of the bottles in which to compress the air as a motor; and the testimony is undisputed, except for the declaration of the gentleman from Iowa on the floor here to-day that the contract could not be carried out, for the reason that the bottles containing the compressed air to be placed upon these cars could not, at the time, be manufactured in this country or anywhere else in the world. Hence it was practically impossible to carry out the contract.

The law passed by Congress provided that these two railroad companies must within three months after the passage of that act equip their respective lines with improved motive power. What did this company do in compliance with that legislation? As soon as it was within their power they found where some of these bottles could be purchased. It appears that before the destruction of the establishment in Germany a contract had been made by some parties in New York, and some of these bottles had been purchased by them. This company found out where those bottles were. It was discovered they were owned by parties in the city of New York. It appeared further, before our committee, that this species of motive power has been used in that city with success, and is being so used to-day. We were advised this morning by parties who claim to know the facts that this motive power is now being used there on 3 miles of road, going out and returning—experimentally, I admit, but successfully nevertheless—and that contracts have been entered into there for the completion of cars to be provided with motors to be operated by this system of compressed air.

Now, what is proposed here? This company say, and the testimony before the committee seemed to be satisfactory on that subject, that it will cost at least one-fourth less than any other system of power—electric, cable, or other motive power—that has been tried. Here, then, is a company in financial distress and embarrassment which, under the law, is seeking to adopt a motive power for the propulsion of its cars that is reasonable in cost and within the possibility of accomplishment with their present means.

Mr. MEREDITH. Will the gentleman allow me to interrupt him for a question?

Mr. HULICK. Certainly.

Mr. MEREDITH. Is there any opposition, or was there any opposition, to this bill from any person in the world, so far as the committee is concerned or is aware?

Mr. HULICK. I am very glad the gentleman has asked that question, that the members of the House may know there has not been a whisper of any sort to the committee of opposition against the adoption of this measure, except such as came here from gentlemen who are opposed to the extension of time as provided by this bill.

Mr. HEPBURN. If I may be permitted to suggest it, the absence of opposition before the committee may possibly be the result of the experience of gentlemen who have appeared before the committee and made opposition heretofore. Their remonstrances and objections have often been treated with no consideration.

Mr. HULICK. I do not know the observation and experience of the gentleman from Iowa in those committees in which he has the honor to be a member. But I wish to say to him that no such condition of affairs has ever prevailed in the District Committee, but, on the contrary, the most respectful consideration and attention has been given to all remonstrances or appeals of this character. And I will say further, that if there was anything of the kind before the committee, notwithstanding that this is reported favorably by the committee to the House, if there were any opposition to it based on the grounds that the gentleman has suggested, or for any good reason, I would myself either vote against the bill or would move to recommit it to the committee, and give a hearing to all interested parties on the points at issue. But nothing of the kind has been suggested since this bill was before us for consideration.

Now, what does the gentleman from Iowa say? What does he base his opposition on? He says that the citizens along the line of this road are protesting against the extension of time. It is a very strange fact that no word of such opposition was before the committee. The gentleman says that the opponents of this bill are not stockholders nor bondholders nor creditors of the company, but that they—whom he does not tell us—come in and complain against the companies because they have not done what they proposed to do under the act of June, 1896, and have refused to do what they had authority to do under their charter. Now he says he would take the charter away from them altogether and give it to the minority stockholders. What nonsense! How impractical! Why, Mr. Speaker, the minority stockholders' rights are as sacred, in the view of the Committee on the District of Columbia and of this House, as the rights of the majority; and we have endeavored to treat all exactly alike. We are not regarding the rights of either the majority or the minority stockholders, but the rights of all parties in interest and also of the patrons of the road. We are endeavoring to conserve the rights of the people—the interests of the public—that the gentleman proposes to speak for and claims to represent on the floor of the House, and looking to their interests, as well as to those of creditors and stockholders, we have presented this measure for your adoption.

Another thing to which I wish to call attention. The bill proposes to give an opportunity for a trial of three months by the road of this new system. We have the further statement before the committee, and the assurance of gentlemen in whom we have perfect confidence, that within thirty days they will put this motive power into certain of their cars, and place them on the track and begin at once to furnish to the public the service required. If the bill is adopted, then, we have the assurance of the company that they will within thirty days place this power on the tracks and the experiment will be able to be satisfactorily tested.

Mr. HEPBURN. If the gentleman will allow me, do I understand, or are we to infer from this last remark, that this unfortunate factory in Germany has been rebuilt?

Mr. HULICK. Yes, sir; you can infer that. I can state that it is ready to supply orders for these bottles, which are on the market to all companies who are prepared to buy them. And this company, being in the condition to which I have referred, will be able to procure the bottles and will not need to ask any farther extension of time, or at least, if they fail under this grant, will have no excuse for not fully testing this new propelling power.

I say, then, Mr. Speaker, with the gentleman from Tennessee [Mr. RICHARDSON], and I think it is the sentiment of all the members of the committee, that you may attempt [illegible] placed in an attempt to carry out the requirements of the act; but we have every reasonable business-like assurance that if the bill is adopted the interests of the people will be subserved, the bondholders, the creditors, and the stockholders [illegible] at the same time will be subserved, and I am satisfied I [illegible] that this measure will be satisfactory to many people whose interests are involved in these [illegible].

Mr. TRACEY. If the road is able to put in these motors within thirty days, and put the cars on the road for service, why the necessity for this extension of something like seven months? I understand the gentleman to say that it is proposed to have the motors placed in the cars and on the road for service within thirty days. If that is true, why the necessity for this extension?

Mr. HULICK. I think perhaps the gentleman misunderstood my statement. Doubtless I was not fortunate in my expression. I did not intend to be understood by the gentleman, or by the House, that they will be ready to operate their cars in that time, but only that there would be a portion of them equipped and operated as an experiment; that within thirty days they will have this power on the track, and try to demonstrate its success; and if it is a success, then it will be feasible to have all their cars equipped in like manner. If it is not a success, and shall not be adopted, they pledge themselves to place such other power, electric or otherwise, upon the road as will make it a success and be acceptable to the public and in harmony with the requirements of their company charters and the acts of Congress relating thereto.

Mr. MEREDITH. They will only be able to get about twenty-five cars every three months, you know.

Mr. HULICK. And another fact, suggested by my friend from Virginia [Mr. MEREDITH], it is a physical impossibility to get these cars more rapidly than perhaps twenty-five every three months. They must be constructed to suit this power. Now, the purchasing of the bottles is a small matter compared with the construction of the cars, because of the time it takes to build them. But within six months the whole road, if this is a success, will be fully equipped with this power to the satisfaction of everybody.

Mr. BABCOCK. Now, Mr. Speaker—

Mr. RICHARDSON. I ask my colleague to yield to me for one moment, to correct a statement made by the gentleman from Iowa [Mr. HEPBURN]. He asked me if I did not recollect some guaranty or promise made by some gentlemen interested in these roads when the bill was pending before Congress last spring.

Mr. HEPBURN. You are mistaken. I referred to representations that I understood the gentleman from Tennessee [Mr. RICHARDSON] to make with regard to the companies.

Mr. RICHARDSON. I have turned to the debate on the bill at that time, and there was no such question, as far as I can find, and no such guaranty made by me. The matter was not debated at all when the bill was pending. I simply want to put myself right on that.

Mr. BABCOCK. Mr. Speaker, after a conference with the gentleman from New Hampshire [Mr. BAKER], he has suggested certain amendments which are satisfactory to the committee, and, with the permission of the House, I will offer these amendments which are suggested by the gentleman, and which I think remove his objection.

The SPEAKER pro tempore (Mr. SHERMAN). Does the gentleman withdraw his motion to strike out the section?

Mr. BAKER of New Hampshire. I will withdraw it, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BABCOCK] offers certain amendments, which he will send to the desk.

Mr. BABCOCK. I offer to amend by inserting, in line 3 of the bill, between the words "time" and "within," the words "granted by the act approved June 10, 1896," and striking out all beginning with the word "*Provided*," in line 9, to the end of section 1. Also, amend section 2 so that it will read as follows:

> That if said compressed-air motors shall be adopted, said companies shall equip [illegible] their respective lines with such motive power on or before July 1, 1897.

Amend section 3 as follows:

> That if said compressed-air motive power shall not be adopted on or before July 1, 1897, then said railway company shall, within one year from July 1, 1897, equip the respective lines in the city of Washington with an underground electric system.

This removes, I believe, all objections.

The amendments offered by Mr. BABCOCK were agreed to.

Mr. HEPBURN. Now, Mr. Speaker, there are some amendments which are proposed to come at the bottom of section 3.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HEPBURN] offers an amendment to section 3, which the Clerk will report.

The Clerk read as follows:

> [illegible]

Mr. HEPBURN. I understand that the committee are willing to accept these amendments.

Mr. BABCOCK. The penalty, I think, is much too high—$500 a day.

Mr. HEPBURN. That was the sum you named. I took it from you.

Mr. BABCOCK. Five hundred dollars a day?

Mr. HEPBURN. Yes.

Mr. BABCOCK. Was it not $500 a month that I named?

Mr. HEPBURN. Oh, no.

Mr. BABCOCK. I think $100 a day would be a sufficient penalty.

Mr. HEPBURN. Well, let us make it $200 a day. If they are acting in good faith it will do them no harm.

Mr. RICHARDSON. If we make the penalty too high no court will enforce it. It would be better to make it more reasonable. If it is unreasonable and extravagant no court will enforce it.

Mr. HEPBURN. Then make it a hundred dollars a day.

Mr. MAHON. I move to strike out "one hundred" and insert "fifty."

Mr. HEPBURN. I hope that will not prevail.

Mr. MAHON. I hope it will.

Mr. HEPBURN. The committee are willing to accept "one hundred."

Mr. MAHON. I do not care what the committee are willing to accept. The question is, What is right?

The question being taken on the amendment to the amendment offered by Mr. MAHON, the Speaker pro tempore announced that the ayes seemed to have it.

On a division (demanded by Mr. HEPBURN) there were—ayes 13, noes 22.

Accordingly the amendment to the amendment was rejected.

The amendment of Mr. HEPBURN was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the joint resolution.

Mr. HULICK. Mr. Speaker, I offer a formal amendment:

> SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

EMMART, DUNBAR & CO.

Mr. BABCOCK. Mr. Speaker, I desire to call up for consideration the bill S. 1265, and I move that the House resolve itself into Committee of the Whole to consider the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole for the consideration of the bill S. 1265.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.

> *Be it enacted, etc.*, That the sum of $14,545.22, the amount found due Emmart, Dunbar & Co. by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 36-inch water main under their contract of September 1, 1871, with said District, be, and the same hereby is, appropriated, out of the revenues of the District of Columbia; and the Commissioners of said District are hereby authorized and directed to pay the said sum of money to said firm in satisfaction of said amount so found due.

Mr. BABCOCK. Mr. Chairman, I yield to my colleague, Mr. MEREDITH of Virginia, who made the report on this bill.

Mr. MEREDITH. Mr. Chairman, this bill affords an opportunity to the District government to be honest. It does not often happen, as a friend suggests on my left. I suppose that the government is honest, but it is generally compelled to pay after a long period of years. This is a bill, sir, to pay out of the District fund to Emmart, Dunbar & Co. the sum of fourteen thousand and some odd dollars for work done in 1871. The auditor of the District has made a report in which he finds due to that company the sum specified in the bill. It has passed the Senate and has been reported favorably by the Committee on the District of Columbia of this House. The Commissioners of the District of Columbia say in their report that it ought to be paid. The Committee on the District of Columbia have investigated the matter and they have agreed with the Senate that this is an honest and just debt, and that these men, who have been kept out of this money for twenty-five years without interest, ought to be paid, and that the District Commissioners should have authority to pay it, as they ask. It seems to me that if any gentleman will read the report he will be satisfied that this is an honest debt for work done by these gentlemen twenty-five years ago, and they have not been paid by reason of the fact that the District Commissioners thought that there ought to be authority from Congress to pay them. They have been kept out of their money that long, and they are here to-day asking for the original amount found to be due them by the auditor of the District, without interest, to come out of the District fund entirely, the Government paying not one cent of it. We ought to accommodate the District Commissioners, and we ought to permit this debt, which is honest and just and which has been so long standing, to be paid.

Mr. BAKER of New Hampshire. Will the gentleman permit me to ask him a question?

Mr. MEREDITH. Certainly, sir.

Mr. BAKER of New Hampshire. Is this in excess of the contract for work done not included in the contract? How does the claim arise?

Mr. MEREDITH. This is a claim, as I understand it, for extra work which was done under the old District government, before it was changed to the District Commissioners. They believed that it required some authority from Congress to pay it, but recognized that it is honest and just. Their accounting officer made a report specifying every item, which they acknowledge to have been performed by this company. They claim to-day that it is due to this firm of Emmart, Dunbar & Co., and all they ask is authority of Congress to pay it. They claim that it ought to be paid.

Mr. BAKER of New Hampshire. I presume the gentleman has stated the findings of the auditor and the Commissioners of the District?

Mr. MEREDITH. Certainly.

Mr. BAKER of New Hampshire. But my purpose was to find how the claim originally arose. I ask the gentleman if it arose outside of the contract?

Mr. MEREDITH. If my friend will permit me, I will read the report. I read from Mr. Daniel Donovan on the claim. He was the accounting officer of the District at that time and was familiar with the facts.

> On the 21st day of September, 1871, Lloyd W. Emmart, Alexander Dunbar, and William Smith, doing business under the style of Emmart, Dunbar & Co., of Washington, D. C., entered into a contract in writing with George H. Elliott, major of engineers, United States Army, chief engineer of the Washington Aqueduct, and Edwin L. Stanton, acting governor of the District of Columbia, to "lay cast-iron water pipes, stopcocks, and special castings, under an act of Congress approved by the President July 14, 1870, and an act of the legislative assembly of the District of Columbia approved by the governor July 29, 1871."
>
> Said acts provided for additional supply of Potomac water by means of the Washington Aqueduct to the cities of Washington and Georgetown, and authorized a loan for said purpose, by the laying of a new iron main 36 inches in diameter, at the expense of the cities aforesaid, from the distributing reservoir above Georgetown to certain stated points in the said cities.
>
> This contract comprises three sections or divisions, namely:
>
> The reservoir division, extending from the distributing reservoir of the Washington Aqueduct to the west side of Foundry Branch;
>
> The West Washington division, extending from Rock Creek Bridge to the west side of Fifteenth street, and
>
> The East Washington division, extending from the west side of Fifteenth street to the center of New Jersey avenue and L street NW.
>
> The material part of the contract and specifications pertinent to the claim in question are here set out:
>
> "The pipes are to be laid in such locations and upon such lines and grades as the engineer may designate.
>
> "All the pipes, stopcocks, and special castings appertaining thereto, except the air cocks, will be furnished to the contractor at the railroad depot or on such wharf or wharves in the cities of Georgetown and Washington as the engineer may elect.
>
> "The cost of handling after delivery and all other expenses of labor, materials, tools, etc., incurred in hauling, distributing, and laying of said pipes, stopcocks, and other appurtenances shall be paid by the contractor.
>
> "The contractor shall be responsible for any loss incurred or damage done to any pipes or appurtenances from the time of delivery until laid and covered. * * *
>
> "No pipes or appurtenances shall be laid or used which are known or may be found to be in any way defective. Notice shall always be given to the engineer or inspector of any such defective or imperfect material, and it shall be set aside and conspicuously marked with the letter D in white paint. If any defective pipe or other casting shall be found to have been laid, it shall be removed and replaced by a sound pipe or casting without charge. * * *
>
> "When the pipes are laid the spigots shall be so adjusted in the sockets as to give a uniform space all around, and if any pipe does not allow sufficient space, it shall be replaced by one of proper dimensions, and the pipes shall be separated such a distance between the end of the spigot and the shoulder of the socket as may be required by the engineer. No claim shall be made nor allowed for extra quantities of lead or gasket. * * *
>
> "The width of lead required for the various sizes is as follows: 36 inch pipe, 2½ inches; 30 inch pipe, 2¼ inches; 12 inch pipe, 1¾ inches; 6 inch pipe, 1½ inches.
>
> "The thickness of lead will be about as follows: For 30 and 36 inch pipes, from one-half to nine-sixteenths of an inch; for pipes 12 inches in diameter and under, from six-sixteenths to seven-sixteenths of an inch. * * *
>
> "Before running the lead the joints shall be carefully wiped out to make them clean and dry. The joints shall be run full at one pouring, and the melting pot shall always be kept within 25 feet of the joint about to be poured. The joints shall be faithfully calked, by competent mechanics, in such manner as to secure tight joints without overstraining the iron of the sockets. The calking shall be done toward the place of the gates and other points where the lead may be porous, so as to drive it together at these points. The lead, after being driven, shall be flush with the face of the socket. * * *
>
> "Every open end of a pipe shall be plugged or otherwise closed before leaving the work for the night.

* * * * * * *

Mr. STEWART of New Jersey. The gentleman is simply reading the specifications. The question I desire to ask him is, Has this claim been investigated by prior Congresses?

Mr. MEREDITH. This claim has been investigated not only by prior Congresses, and reported on favorably, but it has already, at this session of Congress, passed the Senate upon the recommendation of the Commissioners of the District of Columbia, and this money comes out of the fund of the District entirely, the Government paying not one cent. The auditor of the District, who has charge of the financial matters of the District, has made a thorough investigation, and he states in his report that is a just debt and that so many dollars are due to this company, naming the sum specifically.

Mr. STEWART of New Jersey. This debt, as I understand, matured in 1871?

Mr. MEREDITH. It matured in 1871.

Mr. STEWART of New Jersey. Can the gentleman state any good or sufficient reason why it has not been paid before this?

Mr. MEREDITH. The only reason I can suggest is that this government, as I understand, never pays anybody but its employees unless it is forced to do it by an act of Congress. In the Fifty-third Congress I reported a bill to pay this debt, and it came up in the House and was knocked out upon a point of order because it was sought to put it upon some appropriation bill. The requirement of the bill then was that the Government should pay one-half of this amount, but now it is claimed that the District fund alone should pay it, so that not one cent of this money comes out of the constituents of the gentleman from New Hampshire or of any other gentleman on this floor. The Commissioners having charge of the affairs of this District believe this to be an honest claim and that it ought to have been paid years ago. Gentlemen will remember that the form of government here was changed some years ago, and that was the reason it was not paid at the time. It was thought then, and the Commissioners think now, that an act of Congress is required to give them authority to do what is the honest thing to do—pay this debt.

Mr. BAKER of New Hampshire. I am entirely satisfied with that part of the gentleman's remarks. What I wish to know is whether this sum of twelve or fourteen or eighteen thousand dollars is for extra work, work outside of the contract. Upon what is it based?

Mr. MEREDITH. If my friend will look at the report which I hold in my hand, in the report of Mr. Donovan, who was employed by the District authorities to investigate the matter, he will find that every item that is here charged against the District is fixed and identified in that report, and that the Commissioners agree that the amount should be paid.

Mr. BAKER of New Hampshire. But what is it for? Is it for extra work or material?

Mr. MEREDITH. If the gentleman will look on page 9 of the report he will get the information he desires.

Mr. HULICK. Here it is [reading]:

For extra work done and materials furnished, $18,965.17

Mr. BAKER of New Hampshire. Then it is for extra work and material. Now, was this such a claim that it could have been brought before the so-called "Brodhead commission?"

Mr. MEREDITH. I do not know that it was. I am not prepared to answer that question, but what I do know, and what I desire to impress upon this House, is that the Commissioners of the District of Columbia, whose duty it is to look after the interests of this District and see to it that no unjust claim is paid, have examined this matter, by their accounting officer and auditor, and have become satisfied that every dollar charged in this claim is due and has been due since 1871, a period of twenty-five years, during which the interest on the claim, if interest had been charged, would have more than doubled the amount.

Mr. DOCKERY. I will ask the gentleman if this bill is unanimously approved by the Commissioners of the District?

Mr. MEREDITH. I believe that one of the Commissioners dissented, but a majority of them are in favor of it, and I do not understand that the Commissioner who dissented believes that the claim ought not to have been paid. I ask my friends simply to read the report in this case and they will be satisfied. I think that my friend from Missouri, to be consistent, ought not to attempt to oppose the passage of this bill now, for it seems to me that but for him these old people, who have been kept out of their money so long, would have had it years ago. I may be mistaken, but I think it was my friend from Missouri who knocked the bill out on a point of order in the last Congress; but I do maintain, Mr. Chairman, that this is an honest and just debt and that it ought to have been paid long ago, and ought to be paid now without further delay.

Mr. TALBERT. Who pays this claim, if it is paid?

Mr. MEREDITH. The taxpayers of your district, my friend, do not pay one cent of it. The treasury of the District of Columbia alone pays this claim.

Mr. TALBERT. And the Government has nothing to do with it?

Mr. MEREDITH. No, sir; not at all. The Government does not pay a penny.

Mr. TALBERT. Then why should the Government say whether the claim shall be paid or not if it has no interest in it?

Mr. MEREDITH. I do not think that any man ought to say that this claim shall not be paid.

Mr. TALBERT. I am merely asking for information.

Mr. MEREDITH. I am obliged to the gentleman. The Government, I repeat, does not pay one cent of this claim. All that the Commissioners ask is that Congress shall give them authority to do what they believe is honest and right and just in this matter.

Mr. DOCKERY. I suggest to the gentleman in charge of this bill that it ought to be amended in one particular.

Mr. MEREDITH. Oh, we do not want it to go back to the Senate and be further delayed.

Mr. DOCKERY. Well, the auditor of the District recommended that this claim be paid from the water fund of the District, and the bill is not so drawn.

Mr. TRACEY. Mr. Chairman, this report shows that one of the Commissioners dissented from the payment of this claim on the distinct ground that the contract did not warrant the contractors in making any claim for extra service or extra work, and I assume that there must have been some reason for the Commissioner taking that ground. Further on in the report made by Mr. Donovan, it is stated that "no claim shall be made nor allowed for extra quantity of lead or gas fitting," yet I find that to be item No. 2 in the claim filed.

Mr. BABCOCK. Mr. Chairman, this is a bill which has passed the Senate and been acted upon favorably by the Committee on the District of Columbia. This same measure has been before Congress and before the House committee during the entire time that I have been a member. I think that on several occasions it has been reported favorably to the House, and I think that once—in the Fifty-third Congress—it was passed. The bill, as I understand, is for extras on enlarged contract under the old city organization here. The bill as originally rendered was for $60,000. The committee has not attempted to go into this matter item by item and to determine which items are correct and which are not. But we have depended upon the authorities here in the city. They say that this money is due to this gentleman, an old man who has haunted the Capitol here for years in connection with this matter. We depend upon the report made by the auditor and by the Commissioners. They say that the District of Columbia justly owes this man this money, and ask Congress to give them authority to pay it. That is the case in a nutshell.

Mr. COX. Will the gentleman allow me a moment?

Mr. BABCOCK. Certainly.

Mr. COX. Upon the gentleman's statement of the facts, the Commissioners have decided that this claim is a valid one.

Mr. BABCOCK. A just one.

Mr. COX. Why, then, do not the Commissioners pay it?

Mr. BABCOCK. Because they have no authority to do so, as the indebtedness arose under the old form of city government. The present Commissioners can not pay the claim without authority from Congress.

Mr. MEREDITH. The claim arose under the legislative form of government.

Mr. BABCOCK. Yes; the contract was originally let under the old form of city government.

Mr. COX. The contract was made under a former system of government, and now there is a different system?

Mr. MEREDITH. Exactly.

Mr. COX. And now the present officers of the city do not feel fully authorized to pay this claim because they do not represent that form of city government which was in operation when the claim was created?

Mr. BABCOCK. They have no authority at all to pay a claim of this kind without the action of Congress.

Mr. COX. They do not feel that they ought to pay indebtedness which arose under the old system?

Mr. BABCOCK. They have no authority to do so.

Mr. COX. What is the amount of the claim?

Mr. BABCOCK. Fourteen thousand two hundred dollars.

Mr. COX. Now, tell me, what was it for?

Mr. BABCOCK. The gentleman from Virginia [Mr. MEREDITH] made the report, and he can give the gentleman the details.

Mr. MEREDITH. Every item is here in the report which I hold in my hand. The claim was for laying water mains from the reservoir through the city.

Mr. STEWART of New Jersey. As I understand from the statement of the chairman of the committee [Mr. BABCOCK], the committee made no inquiry, and has no special knowledge, as to the justice or injustice of this claim, but relies on the statements of the District auditor.

Mr. BABCOCK. It was impossible for the District Committee to go into these matters item by item. The auditor appointed a man from his office for that special purpose, who spent several months upon the subject. He made a report; the auditor submitted the report to the Commissioners; and the Commissioners have recommended the payment of the claim, basing their recommendation on the report of the auditor. That is the status exactly.

Mr. STEWART of New Jersey. Then the committee have not gone into the details of these items to ascertain whether they are just charges or not?

Mr. BABCOCK. It would have been simply an impossibility for the committee to do so.

Mr. STEWART of New Jersey. Then the result is this—that the committee and the Commissioners have taken the statements of the District auditor as true without any special examination on their own part.

Mr. BABCOCK. Yes, sir.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported to the House with a favorable recommendation.

The question was decided in the affirmative.

Mr. BABCOCK. I have another matter here which will require to be considered in Committee of the Whole, and I would like to call it up now.

The CHAIRMAN. The Chair understands that the House went into Committee of the Whole for the consideration of this particular bill. If that is so, no other matter would be in order.

Mr. BABCOCK. I move, then, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (S. 1265) for the relief of Emhart, Dunbar & Co., had directed him to report the same back with the recommendation that it pass.

The House proceeded to the consideration of the bill just reported from the Committee of the Whole.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates.

The bill was read, as follows:

Be it enacted, etc., That the auditor of the supreme court of the District of Columbia is hereby empowered and directed to examine and audit for settlement all claims for property taken, injured, or destroyed by reason of the destruction or removal of the Northern Liberty Market, in the city of Washington, D. C., in September, 1872, as also all claims for payments made for the purchase, rent, or use of any stall or privilege in said market house and for license for conducting any business therein, to the extent of the unexpired term of said purchase, rent, use, or license.

SEC. 2. That when the auditor has ascertained the amount of the loss as above described, in any case growing out of the removal or destruction of the market as aforesaid, he shall issue a drawback certificate, signed by him as auditor, to the party or parties who suffered such loss or damage, or to their legal representatives, stating the amount found to be due and on what account issued, and shall keep a registry thereof; and such drawback certificates with interest thereon at 3.65 per cent per annum from September 4, 1872, shall be received for arrears of taxes due the District of Columbia and unpaid on June 30, 1895.

SEC. 3. That said auditor shall make a tabular statement of all claims presented, the persons owning the same, and the amount found to be due on account of each; and for the purposes hereinbefore specified said auditor shall have the power to subpœna witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatsoever of the late board of public works and the District of Columbia, and shall provide, by fair and equitable rules, for the examination of the same by claimants or their attorneys. Said auditor shall give notice for the presentation of the claims hereinbefore specified in such manner as he may deem necessary, and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice; and said auditor shall make full report of all his acts and proceedings to the Commissioners of the District of Columbia. Said auditor shall complete his work under this act within two years from its passage and be paid for his services such compensation as the judges of the supreme court of the District of Columbia may determine, to be paid, together with the necessary costs, expenses for clerical and other services, stationery, books, advertising, and other incidentals under this act, on the order of the Commissioners of the District of Columbia on the request, in writing, of the said auditor, out of the surplus revenues of said District.

The amendment reported by the Committee on the District of Columbia was read, as follows:

At the end of the bill add the following:

"*Provided*, That no claim shall be allowed, and no drawback certificate shall issue, upon such claim until the Commissioners of the District of Columbia shall have first approved the same."

Mr. MILNES rose.

Mr. DOCKERY. I make a point of order against this bill.

The SPEAKER. The gentleman will state his point.

Mr. DOCKERY. My point is that the bill should first be considered in Committee of the Whole.

The SPEAKER. For what reason?

Mr. DOCKERY. For the reason that it creates a liability upon the Treasury, and possibly a very large one.

Mr. MILNES. It makes no appropriation.

Mr. DOCKERY. The bill in express terms carries a liability to be paid from the revenues of the District of Columbia.

Mr. MILNES. There is no appropriation contemplated by the bill.

Mr. DOCKERY. If the object of the bill is not what I state, I am utterly at a loss to understand the English language. If the Chair will turn to page 3 of the bill he will find a provision authorizing payment out of the surplus revenues of the District.

Mr. MILNES. Payments are to be made by drawback certificates, which are to be receivable for taxes. There is no appropriation in the bill.

Mr. DOCKERY. I ask the attention of the Chair to the provision on page 3, in lines 20 to 25, inclusive.

The SPEAKER. The Chair will hear the gentleman from Michigan upon the point of order.

Mr. MILNES. Mr. Speaker, I think the point of order is not well taken, for the reason that there is no appropriation contemplated by the bill.

The SPEAKER. It seems that there are certain expenses to be paid from the revenues of the District of Columbia involved in the bill.

Mr. MILNES. That is true so far as the costs in the case are concerned.

The SPEAKER. It provides for costs?

Mr. MILNES. For the cost of the clerk of the court, that the clerk shall be appointed by the court, and provides for the costs necessarily involved.

The SPEAKER. That is an expenditure.

Mr. MILNES. That, of course, would be an expenditure.

I will move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8726.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. LACEY in the chair.

The CHAIRMAN. The Clerk will report the title of the bill under consideration.

The Clerk read as follows:

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates.

Mr. MILNES. Mr. Chairman, there is a committee amendment which I think would be first in order.

Mr. DOCKERY. Before a vote is taken we want some debate upon this measure. The bill has not been read.

The CHAIRMAN. It has just been read in the House.

Mr. DOCKERY. There is no disposition to make any point on that. I only wish time enough to get a copy of the report and see what liabilities are involved.

Mr. MILNES. I will say to the gentleman from Missouri that I propose to have the report read.

Mr. DOCKERY. That ought to be done before a vote is taken.

Mr. MILNES. I ask for the reading of the report.

The report (by Mr. MILNES) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, beg leave to report the same back to the House with an amendment to be added to the third section, as follows:

"*Provided*, That no claim shall be allowed and no drawback certificate shall issue upon such claim until the Commissioners of the District of Columbia shall have first approved the same."

And that as so amended the bill be passed.

A bill of exactly the same purport as that pending in the House was introduced in the Senate during the present session of Congress, and the report of the District Committee of the Senate upon that bill is herewith appended and made a part of this report:

"The Committee on the District of Columbia, to whom was referred the bill (S. 3114) to provide for the payment of certain claims against the District of Columbia by drawback certificates, beg leave to report the same back to the Senate with a recommendation that it pass.

"A great many years ago, by permission of the United States authorities, the city of Washington constructed a market house on a portion of the public grounds at the intersection of Seventh street and New York avenue, then unimproved and unoccupied, and accordingly the city erected a large market, known as the Northern Liberty Market.

"By ordinance of the city the rights and privileges to the stalls in this market were sold at public outcry to the highest bidder for a term of years—generally five years each—the amount of the bid to be paid annually, and in addition the city charged and received in advance an annual rent for each of said stalls and for all privileges granted in the market, and also a license for conducting any market business. The city in this way derived a large revenue from this market, and at different times added to the size of it by new constructions. During the existence of the board of public works extensive improvements were inaugurated in the city, and the board determined to remove the market house. Accordingly, on the afternoon of September 3, 1872, the board issued an order to their agent, Thomas M. Plowman, to remove the market house that night.

"In obedience to these instructions, Plowman gathered about 200 laborers, and, marching to the market house about 7 o'clock in the evening, he proceeded at once, with pickaxes, shovels, etc., to pull down and destroy the building. This was entirely without notice to the stall holders, and, to their utter surprise, they found on the following morning that the building had been torn down, the roof and stalls falling in upon their tools, implements, and the provisions and supplies that they had provided for the next day's market, and that the work had been done in such a reckless, sudden, and violent manner as to destroy their property, ruin their business, and result in the death of two unoffending citizens. In order to make the work complete, the board of public works had succeeded in having all the judges beyond the District limits, or at least beyond reach of any of the parties in interest who might have applied for an injunction.

"Whatever may have been the justification in the eyes of the board of public works for this sudden and unexpected and heroic manner of removing this market, there is no question that just compensation should be made to those citizens whose property was thus sacrificed. Not only should they receive compensation for the property actually destroyed or injured, but they should also receive repayment of any sums of money which they had, in accordance with law, paid for the rights and privileges of conducting their business in the market house to the extent of the unexpired term for which they had paid and of which they had been deprived. These two matters alone are covered by the bill. At least one party had paid in August for his license to do business there for twelve months, while the building was destroyed within three weeks after the amount was paid.

"In a letter upon this subject Governor Shepherd, who was at that time the head of the board of public works, says:

"'I take the liberty of saying that I sincerely hope the claims of these citizens will be adjusted and paid.

"'The Northern Liberty Market was located at the junction of two of the leading avenues and three of the principal streets of the city. It stood immediately in the way of the extensive improvements that were proposed and were then in process of execution, and it became necessary, in order to save delay in the execution of these extensive public improvements and to avoid the long litigation which would have grown out of putting this matter into court, for the board of public works to take sudden and heroic measures for the removal of this market house. This was done by tearing down and removing said building by a large force of laborers as the lesser of two evils, and in full view of the fact that it was better and less expensive to compensate the citizens who might suffer loss in this way rather than to delay the execution of the public work or to go into court for a long period of litigation.

"'I have always felt that, as the property and business of these stall holders were necessarily sacrificed to the public good, they were entitled to compensation.'

"The interest of 3.65 per cent allowed is exactly the amount allowed upon all claims, liquidated and unliquidated, growing out of the extraordinary action of the board of public works. The act of June 20, 1874 (U. S. Stat., vol. 18, pt. 3, p. 116), establishing the board of audit to adjust various classes of claims for improvements under the board of public works, provided that these should be paid in bonds of the District of Columbia, bearing 3.65 per cent per annum, and the act of June 16, 1880 (U. S. Stat., vol. 21, p. 284), referred a number of the claims which had not been finally adjudicated by the board of audit to the Court of Claims, and provided in section 6 that these claims should be paid in 3.65 per cent bonds of the District of Columbia, with a special proviso that before the bonds were delivered for payment of the claims "coupons shall be detached therefrom from the date of said bonds to the date upon which such claims were due and payable." If parties simply having claims, liquidated or unliquidated, against the District of Columbia for work done by them were allowed interest, it seems to the committee that parties whose property was destroyed or injured and whose money was actually paid for certain privileges which they never enjoyed should not be treated with less consideration.

"Some of these parties brought suit against Governor Shepherd for the recovery of damages, but he became insolvent and removed to Mexico, so that judgment was never obtained. Several filed claims before the board of audit, but they were dismissed for want of jurisdiction. At the time this injury was suffered by these parties the supreme court of the District of Columbia held that the District was not responsible for the actions of the board of public works. (See Barnes vs. The District, 1 MacArthur's Reports, 332.) On March [illegible], 1876, the United States Supreme Court reversed the above decision and held that the District was liable for the wrongdoing of the board of public works (1 Otto, 540.) But this decision came after the expiration of the time within which these parties might have sued under the statute of limitations, and they have therefore been entirely without remedy. The Commissioners report that there has never been any tribunal to which these claims could be presented for this violent destruction of private property.

"The bill makes no appropriation of funds from the United States Treasury or from the District funds, but simply provides that these parties shall be issued drawback certificates which may be receivable for unpaid taxes. There are past due penalties and taxes amounting to at least $[illegible] due the District of Columbia, some of which has been due since [illegible], and, in the opinion of the committee, these just claims against the District can be liquidated in this manner without any material expense to the District, and probably with a benefit resulting from the settlement of some of these past-due taxes which will result in restoring property to the tax lists which will pay its share of public burdens in the future."

Mr. MILNES. Now, Mr. Chairman, I think the propriety of the passage of this bill and its merits are very fully set forth in the report which has just been read.

It appears that a good many years ago there was erected in the city of Washington, by the city, a large public market building, and it was provided by an ordinance of the city that the stalls in the market should be rented—let to the highest bidder—for a period of, usually, five years, and also that the city of Washington charged and collected a license for the privilege of doing business in that market. In 1872 it became necessary, or it was so concluded by the parties then in power in the city, that this market should be torn down to make way for certain public improvements in process of construction. Governor Shepherd, who was then at the head of the board of public works, as stated in the report, said that it was necessary to carry on the improvements contemplated that this market building should be torn down; and also that it would be cheaper to take a large force of men and tear it down at night than to go into the courts and have litigation over it; that the parties who were injured by the destruction of their property, in tearing down the structure, could be paid more cheaply by the city, and that it would cost less in time and money to do it in that way. Accordingly a large force of men, 200 or more in number, assembled after dark with pickaxes, shovels, crowbars, and other implements of destruction, and gathered together at the public market without notice to the parties occupying the stalls in the market, and between that time and the next morning they demolished the building and destroyed practically everything that was contained in the building. The destruction also caused the death of two men, as I understand, who were engaged in the market—two lives being sacrificed in the demolition of the building.

Now, these men were occupying this building by permission, or by contract with the authorities of the city of Washington. They had paid for the use of the stalls in the market; they had paid their licenses to the city of Washington for the privilege of conducting their business there; they had placed their market supplies in the market building, and the city authorities came and destroyed the building, and the property in it, without giving them notice of any kind whatever.

Suit was brought against Colonel Shepherd as head of the board of public works, but he became a bankrupt and moved from the city of Washington to Mexico, and that suit was stopped, as nothing could be recovered from it. Suit was then brought in the courts of the city; but the courts ruled at that time that the city was not liable for the action of the board of public works. Therefore that suit was thrown out of court. Later the supreme court of the District of Columbia overruled the decision just mentioned, and held that the city of Washington was liable for the damages in tearing down the market building.

But when that decision was made the time had expired within which they could bring suit in the courts. Therefore the parties who suffered by the destruction of that market, whose property was destroyed, have had no remedy against the city, and can have no remedy except by act of Congress. That is the reason why this bill has been brought here.

Now, Mr. Chairman, I reserve the balance of my time, and should like to hear if there is any opposition.

Mr. DOCKERY. I desire to ask the gentleman if there is in fact an officer known as the auditor of the supreme court of the District of Columbia—if that is his correct title?

Mr. MILNES. I suppose so. That is the recommendation of the District Commissioners, and I suppose there must be such an officer.

Mr. DOCKERY. If this office exists, it is the first time the fact has been called to my attention. We have an auditor for the District of Columbia, but I did not know until the fact—if it be a fact—was called to my attention by this bill, that there was such an officer as the auditor of the supreme court of the District.

Mr. MILNES. As the District Commissioners recommended it, I take it for granted that that is the fact.

Mr. DOCKERY. Now, in lines 18, 19, and 20 the bill proposes to compensate the auditor for the work authorized under this act, and the amount of the compensation is to be determined by the judges of the supreme court of the District of Columbia. I suggest to the gentleman in charge of the bill that we leave the question of his compensation for the future, to be determined after the service is rendered.

With the gentleman's permission, I will offer an amendment to strike out, in lines 18, 19, and 20, the words:

> For his services such compensation as the judges of the supreme court of the District of Columbia may determine, to be paid, together with.

So that it will leave the appropriation for the necessary expenses, the question of compensation of the auditor to be determined hereafter.

Mr. MILNES. I scarcely think any auditor would go on and do this work if no provision is made for expenses incurred, clerk hire, and so forth.

Mr. DOCKERY. That is left in the bill. It leaves all the necessary expenses for clerk hire, stationery, and so forth to be paid out of the surplus revenues of the District of Columbia.

Mr. MILNES. I do not understand the gentleman's amendment, and I ask the Clerk to report it.

The Clerk read as follows:

> On page 3, line 18, after the word "paid," strike out the words "for his services such compensation as the judges of the supreme court of the District of Columbia may determine, to be paid, together with."

Mr. MILNES. What objection is there to the provision as it is?

Mr. DOCKERY. Well, I would prefer to leave the question of compensation for the auditor, who is a salaried officer of the District, an open question. I think it would be better for Congress itself to determine the question of compensation after the service has been rendered. He is now receiving a good salary from the District. His time is fully employed and paid for, and the question of compensation can very easily be determined after the service is rendered. This amendment leaves the necessary revenue to provide for incidental clerical expenses and stationery. There is no trouble about it.

Mr. MILNES. I have no objection to that. I will accept the amendment.

The amendment offered by Mr. DOCKERY was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the committee, which the Clerk will report.

The Clerk read as follows:

> In line 25, after the word "District," insert the following:
> "*Provided*, That no claim shall be allowed, and no drawback certificate shall issue upon such claim, until the Commissioners of the District of Columbia shall have first approved the same."

The amendment was agreed to.

Mr. MILNES. If there is nothing more to be said upon the bill, I will move that the committee rise, and that the bill be reported favorably.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, and had directed him to report the same back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MILNES, a motion to reconsider the last vote was laid on the table.

EXTENSION OF NORTH CAPITOL STREET.

On motion of Mr. BABCOCK, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home, with Mr. LACEY in the chair.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways, such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street; and the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, but the cost of grading shall not exceed $10,000: *Provided*, That one-half of said sum shall be charged to the revenues of the District of Columbia: *And provided further*, That this appropriation shall be immediately available.

With amendments, as follows:

> In lines 6, 7, and 8 strike out, after the word "to," the words "chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways" and insert in lieu thereof the words "the act approved March 2, 1893, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.'"
>
> At the end of the bill insert:
>
> "*Provided further*, That in lieu of condemnation proceedings the Commissioners of the District of Columbia are authorized to acquire by purchase the lands of said cemetery and Annie E. Barbour, or either of them, paying therefor, out of the appropriation herein authorized, the sum of $25,000 to the said cemetery and the sum of $20,000 to Annie E. Barbour."

Mr. CURTIS of Iowa. Mr. Chairman, as gentlemen on the floor will remember, this bill was considered at some length in May last, and, for want of time, further consideration was postponed until the present session. In the meantime the Commissioners of the District have carefully considered the former legislation with respect to the opening of North Capitol street, and have submitted to the Committee on the District of Columbia their conclusions, with recommendation as to future necessary legislation, in order that this street may be opened. I now present a substitute recommended by the Committee on the District of Columbia, indorsed by the Commissioners, and will be glad to have it read.

The Clerk read as follows:

> A bill to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioners of the District of Columbia are hereby authorized and directed to proceed with the opening of North Capitol street northward through the property of the Prospect Hill Cemetery, and to pay the owners of the land necessary to be taken for public use in the extension of said North Capitol street according to the report of the appraisers appointed by the supreme court of the District of Columbia March 16, 1894, to appraise the land necessary for the extension of said North Capitol street, as said report was confirmed by the supreme court of the District of Columbia June 22, 1894, and finally adjudged by the court of appeals of the District of Columbia March 4, 1895, so far as the same relates to the land of said Prospect Hill Cemetery.
>
> That the following sum is hereby appropriated out of the revenues of the District of Columbia for the purposes following, namely:
>
> Fifty-one thousand six hundred and eighty-six dollars to pay the award of said appraisers, confirmed and adjudged as aforesaid.
>
> SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. BLUE. Now, Mr. Chairman——

Mr. CURTIS of Iowa. I yield to the gentleman from Kansas.

Mr. BLUE. I move to strike out all that part of this bill pertaining to the appropriation, commencing with—

> That one-half of the following sums named, respectively, is hereby appropriated out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia for the purposes following, namely, etc.

Mr. BABCOCK. I would say to the gentleman that that has been amended by the committee. The appropriation is entirely from the District revenues and not from those of the General Government.

Mr. BLUE. Does the substitute read entirely from the funds of the District government?

Mr. BABCOCK. Yes.

Mr. CURTIS of Iowa. Will the gentleman state his objection? I did not hear it.

Mr. BLUE. The gentleman from Wisconsin states that the substitute has been amended to meet my amendment, and that it is to be appropriated from the District funds. Is that right?

Mr. BABCOCK. That is right.

Mr. BLUE. Let me hear that part of it again.

Mr. CURTIS of Iowa. I will state, Mr. Chairman, for the benefit of the gentleman, that the Commissioners recommended that, in accordance with the organic act, one-half of the appropriation be taken from the general fund and one-half from the District fund. In considering the matter the committee thought it advisable to make the whole amount of this appropriation chargeable to the District revenues, and have so recommended in the substitute.

Mr. BLUE. Mr. Chairman, that is in better condition than it was before; but I will insist on my amendment, for this reason: I am opposed to the policy of committing to the District Committee the question of appropriations of money, either from the National Treasury or from the District treasury. The duties of the committee pertain more directly to general legislation without any question of expenditure or revenue; and it is out of place to put in a bill coming from that committee, without any reference whatever to the Committee on Appropriations, a sum of money. The item contained here is a considerable sum——

Mr. BABCOCK. Will the gentleman permit me to ask him a question?

Mr. BLUE. Yes, sir.

Mr. BABCOCK. Will you be kind enough to state where your authority or rule is for any such statement?

Mr. BLUE. If the gentleman from Wisconsin had paid attention he would not have asked that question. I said I was opposed to the policy——

Mr. BABCOCK. Oh, indeed.

Mr. BLUE. I mentioned no rule; and I say here now that I believe it is bad policy, and that the committee that has charge of appropriations for the District should have control of the appropriations generally; and for that reason I insist on the amendment, and believe that this should go out of the bill.

The CHAIRMAN. Will the gentleman from Kansas reduce his amendment to writing.

Mr. BLUE. It begins at the word "that," and it strikes out all of the first section of the bill down to section 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Strike out the following words:
> "That the following sum is hereby appropriated out of the revenues of the District of Columbia for the purposes following, namely, $51,686 to pay the award of said appraisers confirmed and adjudged as aforesaid."

The CHAIRMAN. Is that amendment offered to the original bill or the substitute?

Mr. BLUE. To the substitute.

Mr. BABCOCK. Mr. Chairman, I suppose that all members of the House understand that this would make the bill entirely inoperative. I have confidence enough in the gentleman from Kansas [Mr. BLUE] to know that had he known the conditions surrounding this legislation he would not attempt to strangle it in this place. North Capitol street, the gentleman will understand, leads out from the Capitol until it reaches this cemetery, which has been before Congress and under consideration for many years. Congress passed an act providing for the condemnation of ground for a street through the cemetery. The court appointed a jury, and an award was made. This simply appropriates money out of the District fund to pay the award. The Commissioners say that unless this is done now this ground which it is proposed to make the street will be occupied by the cemetery company for graves and lots, and will in the end cost a great many times this sum of money to put this street through, and it must necessarily go through. This being the fact, the committee has taken it up and reported this bill and acted upon it promptly. Now, gentlemen, the owners of this property say that they want this settled, and we can not occupy it as a street until it is. We have not been——

Mr. MILNES. Are there not twenty-eight burials already in the part of this cemetery proposed to be taken for the street?

Mr. BABCOCK. Yes, sir; there are twenty-eight there now. The only reason why the Commissioners objected to this before was that the jury, under the instructions of the court, when they made their award, based the valuation on the value of the land as cemetery lots. They did not value the property by the acre, but valued it as cemetery lots, and the court has since sustained that verdict. Now, this street can not be opened through the cemetery under the highway act, and if it is opened at all it must be opened under a special act of Congress, because it is provided in the charter of the cemetery that no street shall go through it. The parties interested have consented now, if this bill can be gotten through promptly, to accept this settlement, which is at least 25 per cent cheaper than any basis of settlement that could probably ever be obtained again. For these reasons, I say that if the gentleman from Kansas were fully conversant with the facts and circumstances of the case I am sure he would not endeavor to annoy these people and obstruct the interests of all concerned by still further delaying this settlement.

Mr. BLUE. In reply to that, Mr. Chairman, I have only to say that the arguments advanced by the gentleman from Wisconsin might apply to any other bill carrying an appropriation. I have heard no reason whatever why the appropriation carried by this bill should not go to the Appropriations Committee, like all other appropriations for the opening of streets. This is made an exceptional case, outside of the general practice, as I understand it, but no reason is assigned why this particular appropriation should be controlled by the Committee on the District of Columbia.

Mr. BABCOCK. There is a good and sufficient reason. This is a local matter, local to the District, and therefore a matter on which the District Committee have the right of way, while it is outside the jurisdiction of the Committee on Appropriations.

Mr. BLUE. I do not so understand it.

Mr. BABCOCK. The gentleman ought to read the rules of the House, then.

Mr. BLUE. Ah, but you can not upon any proper policy frame a bill in such shape as to take from the Appropriations Committee the right to pass upon an appropriation like this. Now, I do not know anything about the value of the land in question, but from the reading of this report and from some things that I have heard, I believe that the appraisement in the first instance was excessive. This is a very large sum for such a piece of land; and the fact that this measure comes from the committee it does come from indicates that there is some exceptional reason why this appropriation should be under the supervision of that committee rather than under the committee which regulates appropriations generally. I submit that there has been no sufficient reason or excuse offered why this appropriation should not take the usual course.

Mr. BABCOCK. This is the usual course.

Mr. CURTIS of Iowa. Mr. Chairman, the position of the gentleman from Kansas may possibly be tenable, but I believe that he commits an error in applying his principle to this particular bill. The fact remains, as he very well knows, that on every District day there are passed through this House measures emanating from the District of Columbia Committee which carry appropriations of money. Now, let me remind the House that this is not new legislation. It is legislation which has been before Congress on three different occasions. It is the reenactment of former legislation, emanating, I may add, on every occasion from the District Committee, both in the Senate and in the House. I want to say further, for the gentleman's information—although I need not, for I know he has read the report of the Commissioners—that the supreme court of the District has sustained the decision of the lower court, and that this legislation is absolutely necessary, owing to the peculiar conditions which exist, to the opening of North Capitol street. There is no possible hope of a lower award. In the opinion of the Commissioners, and I may say also in the opinion of the committee, delay in this matter will be dangerous if it is desired to open the street at all, and I trust that every one will agree that the street should be opened, as ample evidence has been presented to show the necessity of opening the street.

Mr. BLUE. Let me ask the gentleman a question. Suppose this amendment prevails and the appropriation is stricken out, will not the bill then contain all the necessary legislation except the mere appropriation of money?

Mr. CURTIS of Iowa. If it is conceded, as I think it will be, that should this bill go before the Appropriations Committee the committee must necessarily approve the amount recommended, for no other amount can be accepted, then there can be no advantage in adopting such an amendment, because it will only insure delay in the settlement of an important matter which has been under consideration during many sessions of Congress. I think that a re-reference of this subject at this time would be decidedly improper.

Mr. BLUE. The gentleman speaks of this legislation having been under consideration before.

Mr. CURTIS of Iowa. Yes, sir.

Mr. BLUE. Has the question of the appropriation of money in this manner ever been submitted to the Appropriations Committee?

Mr. CURTIS of Iowa. The Appropriations Committee itself in 1886, in the absence of any legislation or recommendation emanating from the District Committee, recommended an appropriation to pay such an award as might be made to cover the value of the property taken, together with damages both to the cemetery property and to the estate of Anna E. Barber, and others, but the opinion of the supreme court, which the gentleman has undoubtedly read, rendered that legislation obsolete.

Mr. BLUE. Then what is the object, except the mere matter of saving a few days, in declining to let this take the ordinary and usual course?

Mr. BABCOCK. This is the usual course in such matters.

Mr. CURTIS of Iowa. I might reply to the question of the gentleman from Kansas by propounding one to him: What can possibly be the objection to allowing this bill to go through as recommended by the committee?

Mr. BLUE. The very objection that I have made to it—that upon your theory the Committee on the District of Columbia at any time when they deem they have sufficient excuse, on the ground of haste or anything else, may arrogate to themselves the complete appropriation of all money for the payment of damages in any case of condemnation in the District.

Mr. CURTIS of Iowa. The amount, if I understand the situation correctly, can not be changed; and it ought not to be. This legislation has been strongly urged upon Congress since 1888. So far as the practical effect upon the property is concerned, the proceedings already taken have operated in precisely the same way as if the street had been opened. There has been absolutely no sale for the property, nor can there be under present conditions.

Mr. COX. How was the amount of damage to the proprietors of the land estimated?

Mr. CURTIS of Iowa. By a jury.

Mr. COX. Who constituted that jury?

Mr. CURTIS of Iowa. For the information of the gentleman from Tennessee and others, I will read from the report of the committee.

Mr. COX. Before the gentleman reads, will he answer my question, Who constituted that jury?

Mr. RICHARDSON. The jury was appointed by the court.

Mr. CURTIS of Iowa. I will read the names of the jury.

Mr. COX. Was the jury appointed by the court?

Mr. CURTIS of Iowa. By the court.

Mr. COX. Then, as I understand, a jury was appointed to estimate the value of the property and to assess the damages?

Mr. CURTIS of Iowa. Certainly.

Mr. COX. And that jury reported back to the court?

Mr. CURTIS of Iowa. Yes, sir.

Mr. COX. Then the court approved that finding of the jury?

Mr. CURTIS of Iowa. Yes, sir.

Mr. COX. Then, upon the recommendation of the court it is proposed to appropriate this amount to pay the property holders?

Mr. CURTIS of Iowa. But the Commissioners objected to the award as made, and appealed to the supreme court of the District, which sustained the lower court.

Mr. COX. Then you have a decision of the highest court on matters of this kind in the District affirming the amount of damages to be paid to these parties?

Mr. CURTIS of Iowa. Yes, sir.

Mr. KIEFER. That is exactly the situation.

Mr. HENDERSON. I trust I may be allowed to make a single statement. This matter has for many years given a great deal of annoyance to all connected with the administration of the city government, as well as to the District Committee and the Appropriations Committee. I remember myself visiting the cemetery as a member of the committee, in order that we might understand the situation and, if possible, reach some solution of the difficulty, there being a conflict between those who were laying out the road and the cemetery association. Now, I wish to ask my colleague [Mr. CURTIS of Iowa] whether this bill, if passed, will be accepted by the Germans who are interested in this cemetery as a solution of this long-disputed question?

Mr. CURTIS of Iowa. It will.

Mr. KIEFER. It will be absolutely satisfactory.

Mr. HENDERSON. Then I think we shall be wise to pass the measure.

Mr. TALBERT. Is this amount to be paid exclusively out of the funds of the District of Columbia?

Mr. CURTIS of Iowa. It is. The Commissioners recommended that one-half only be appropriated from the District funds, but the committee has recommended that the whole amount be so appropriated. I ask for a vote.

Mr. HULICK. Allow me to make a single statement. In the charter of this cemetery association there is a condition which prohibits absolutely the appropriation of any of their lands for public streets. The act incorporating the Prospect Hill Cemetery contains this provision:

> That no streets, lanes, alleys, roads, or canals of any sort shall be opened through the property of the said corporation exclusively used and appropriated to the purposes of this cemetery.

That is the provision of the act of incorporation of 1860. Now, the act of 1893, which was passed by Congress in order to assist the Commissioners in appropriating the land of this cemetery, would have been met, apart from the other objections upon which the supreme court set aside the verdict of appropriation, by the provision which I have just read from the charter of the association. So that we are brought squarely to meet this question: Shall we, by passing this bill, accept this property now for the amount which has been assessed by a commission appointed by the court for the purpose of estimating the value of the land appropriated, or shall we decline to accept this award, and thereby be forever estopped from taking any steps whatever to condemn any portion of this cemetery for street purposes, placing ourselves at the mercy of this corporation—leaving them in such a position as to be able to say, "We are protected by our charter, which prohibits any appropriation, public or private, or in any other way, except by the consent of the trustees?" At this time the opportunity is afforded for this city to take this appropriation of land by the payment of the amount of money contemplated by the bill, which amount these people are satisfied to take as a consideration for the right of way through their property, notwithstanding the provision of their charter.

Mr. COX. They consent to this?

Mr. HULICK. They do. But if this bill be not passed there will be no right or authority whatever to extend any street through that property. The streets will have to be deflected around it, and there will be no remedy for the city by appropriation or otherwise.

Mr. CURTIS of Iowa. I ask for a vote on the pending amendment.

The CHAIRMAN (Mr. LACEY). This bill was before the Committee of the Whole on a former occasion, and at that time some amendments were considered. It is necessary now to ascertain the status of those amendments.

Mr. RICHARDSON. This bill was not pending heretofore. This is an entirely new bill, which has been substituted for the other bill.

The CHAIRMAN. A substitute has been offered by way of amendment; but the original bill still stands; and to the original bill some amendments were heretofore offered.

Mr. RICHARDSON. The gentleman from Iowa, when he took the floor, stated that he desired to have this bill substituted; and

it was read by common consent. Though the formal request was not made, it was understood, I think, that the substitute was to be considered as the pending measure. I believe the Chair did not submit the request to have it taken up; but we have proceeded in that way practically by unanimous consent, and the amendment of the gentleman from Kansas was offered to the substitute.

Mr. BABCOCK. The gentleman from Iowa offered the substitute for consideration at this time.

The CHAIRMAN. The Chair will state that the original bill was before the committee at a former session, and was partly acted upon, and consequently we must dispose of that and the amendments pending before we can reach the substitute.

Mr. BLUE. Mr. Chairman, after consultation with some of the gentlemen on the Appropriations Committee, I will withdraw the amendment to the substitute.

Mr. RICHARDSON. Then, Mr. Chairman, I ask unanimous consent that the substitute which has been offered by the gentleman from Iowa [Mr. CURTIS] be taken up as the pending measure instead of the original bill.

Mr. HENDERSON. That is right.

Mr. DOCKERY. I hope it will be done.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair will state that this unanimous consent should also include giving to this bill the same number as the other, and if there be no objection that will be ordered.

There was no objection.

Mr. RICHARDSON. Now I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. CURTIS of Iowa. I move now, Mr. Chairman, that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, Mr. LACEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 6713, had directed him to report the same back with substitute for the original bill, and with a favorable recommendation.

The SPEAKER pro tempore. The Chair is informed that the substitute is in the form of an amendment to the original bill, and the question will be on the amendment so offered in the nature of a substitute.

The amendment in the form of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I desire to submit a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

Mr. GROUT. I ask the gentleman from Pennsylvania to yield to me for a moment, in order to submit a resolution providing for the printing of some testimony.

Mr. BINGHAM. I will withdraw the motion temporarily for that purpose.

INVESTIGATION OF SOLDIERS' HOME, LEAVENWORTH, KANS.

Mr. GROUT. I now offer the resolution I send to the desk.

The Clerk read as follows:

> Joint resolution providing for the printing of testimony in the investigation of the Soldiers' Home at Leavenworth, Kans.
>
> *Be it resolved, etc.*, That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON. If I am not mistaken, Mr. Speaker, that is in the form of a joint resolution. It is not usual to provide for the printing by Congress of such matters by a joint resolution.

Mr. GROUT. That is true; but I was informed that under a recent law it was necessary when printing to an amount over $500 was ordered. We have ascertained from the Public Printer the probable expense of the work.

Mr. RICHARDSON. If the gentleman will pardon me, the printing law does not change the law in that respect, a law which has been in force for many years—for thirty years at least. Neither House under that law can provide for printing to an amount exceeding $500 by a simple resolution. It must be by a concurrent resolution if it involves an expenditure exceeding that sum. But this is a joint resolution, which would require the signature of the President. A concurrent resolution simply requires the concurrent action of the two Houses.

If the gentleman will put his resolution in the form of a concurrent resolution, the usual form, there will be no objection to it, as far as I am aware.

Mr. PERKINS. I suggest that the resolution be modified as suggested by the gentleman from Tennessee.

Mr. GROUT. Then I modify it and make it a concurrent resolution.

The SPEAKER pro tempore. The resolution will be treated, then, as a concurrent resolution, and the question is, Is there objection to its present consideration?

There being no objection, the concurrent resolution was considered, and agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I now renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HOPKINS in the chair.

The Clerk read the title of the bill, as follows:

> A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Chairman, the House is familiar with the legislation contained in this bill. Being one of the supply bills of the Government, its general provisions were fully discussed in the first session of this Congress. Your committee have, in the consideration and conclusions which they have reached and presented to the House, followed closely almost in every particular, certainly in every possible paragraph, the wordings common to the current law as contained in the appropriation bill for the current fiscal year, as well as following the general statute law. Where we have made changes they have been upon the recommendation of the Department chiefs of bureaus, with reference to their subordinate force, and we have endeavored to observe the strictest and closest economy in any changes that we have made with reference to promotions. The compensation fixed by statute has been consistent and in accord with the appropriation bills since the Forty-fourth Congress. We have made no changes from the present current law. There are but two paragraphs that we consider new legislation in this bill. One is with reference to the Library; the other with reference to accounts, in connection with the accounting officers, recommended by the Treasury. Those are the only two paragraphs of the bill that can be considered as new legislation, and that which is concerning the Library your committee believe will not come under the rule.

The estimates that are submitted in the annual book from the Treasury Department aggregate, for the next fiscal year, $22,767,158.80. Of this amount there is recommended in the bill $21,669,369.80. The appropriation for the same purposes for the current year aggregates $21,705,768.94, being $13,390.14 more than is recommended in the bill for the service for year ending June 30, 1898. The total amount recommended in this bill is $1,097,781 less than the aggregate estimate submitted. The whole number of salaries provided for in the bill aggregates 10,035, being 140 less than the number estimated for and 136 more than the number provided for under the current law. The increase is almost wholly in the new Library building, so that the clerical force of the subordinate Departments of the Government are not, save in a most qualified way, increased in the bill submitted for your consideration.

In accordance with the recommendations of the estimates, we reduced the Senate force by three annual clerks at $1,500 each. In other respects, we continue current law. As to the House of Representatives, we continue the current law, save an increase of 4 of the subordinate force, now authorized and employed under resolutions of the House, namely, 1 at $1,600, 1 at $1,200, and 2 at $1,000 each. Otherwise, the bill provides for the force of the House as it now runs under current law. I would state that the Library of Congress has been the subject of careful examination on the part of the committee, not only with reference to this bill, but a year ago, when the question was before us, and it was determined then that the question as to the increased force in the Library should be relegated to this session of Congress, the committee believing that none of the increased appropriations, save in a most qualified way, would be necessary during this year. Therefore it becomes a part and parcel of the legislation under this bill.

The question pertaining to the future administration of the Library may provoke some debate in the consideration of this bill. Therefore, when we reach those paragraphs of the bill I shall ask to pass them, in order that at the conclusion of the bill we may take up such time in their consideration as the House may determine wise.

Mr. QUIGG. Will the gentleman yield to me for a question?

Mr. BINGHAM. With pleasure.

Mr. QUIGG. I should like to offer some amendments, or rather a proposition as a substitute for the entire proposition of the committee on the subject of the Library, and I want to ask the gentleman in charge of the bill if he will afford me the opportunity to do so?

Mr. BINGHAM. I have stated, and if the gentleman considers my statement not sufficiently full I will repeat, that when we come to the paragraph of the bill covering the Library of Congress I will then ask to postpone its consideration, if the House desires, to the conclusion of the bill; so that these paragraphs are in no wise affected by a postponement, taking them out of the regular order of the bill. Then the gentleman, as I understand, will be in order for the submission of his amendment or substitute, or whatever may be the wish of the House to consider in connection with the paragraph of this bill——

Mr. QUIGG. And so far as the gentleman is concerned, he will raise no question of order against their consideration?

Mr. BINGHAM. I will state that I will not bring an appropriation bill into this House for its consideration proposing in any form whatever to curtail or limit the fullest deliberation on the part of the House. I believe the bill belongs to the House; and if the House sees proper, I shall not resist it. I shall be willing to have full and complete debate. The gentleman will receive no opposition from myself to the consideration of anything that is germane or proper to be considered in connection with the bill.

Mr. QUIGG. Mr. Chairman, I ask, if the gentleman will permit me to interrupt him for that purpose, unanimous consent that in the RECORD of to-day may be printed the substitute proposition which I shall offer at the proper time. That is to say, at the conclusion of the gentleman's remarks to-day my substitute may be printed in the RECORD.

The CHAIRMAN. The Chair will say to the gentleman from New York that that will not be in order while the gentleman from Pennsylvania has the floor.

Mr. BINGHAM. I will state to the gentleman from New York that I have no objection to the printing of his bill in the RECORD.

In the Secretary's office, the office of the Supervising Architect, the office of the Comptroller of the Treasury, the office of the Treasurer, the Bureau of Statistics, the office of construction of standard weights and measures, and the office of the Director of the Mint your committee have made some changes with reference to the clerical force, in no wise increasing that force save in one or two particulars, but merely transferring them from one class to another.

In the mints and assay offices, with reference to the mint at Carson City, there has been some reduction in the working force of that establishment, as well as at the mint at New Orleans, based upon testimony submitted by the Director of the Mint, which is available to all members of the House, as it is now printed.

With reference to the government of the Territories, the appropriation is largely reduced, because their sessions of the legislatures are biennial, and the paragraph of this bill will not cover and does not of necessity cover an appropriation necessary for the year that the Territorial legislatures are in session.

In the War Department, in the Record and Pension Office, upon the recommendation of the Chief, there has been a reduction of twenty-five subordinate clerks at $1,000 each.

In the Navy Department, while the bill will seem to have many amendments, that Department, under an act of Congress, is being reorganized for the current year. It directs that the subordinate force of the different bureaus shall be so adjusted that each four months they shall be reassigned. The Secretary of the Navy is reorganizing the Department on that basis, and while there are many changes, there is not one dollar increase of compensation or appropriation asked for in the bill.

In the Interior Department, in the Pension Office, for the per diem and traveling expenses of special examiners under the current law the appropriation is $500,000. In the present bill, on the recommendation of the Commissioner of Pensions, this is to be reduced to $450,000.

In the Post-Office Department there are a few provisions with reference to an increase of the force, as well as in the Department of Justice. In the judicial expenses of the United States courts in the Indian Territory we simply appropriate in this bill for the judges. The salaries for other subordinate officers of the court, as well as district attorneys, marshals, clerks, commissioners, etc., become a part and parcel of the sundry civil appropriation bill, and therefore the legislative bill is relieved of that paragraph and that amount of appropriation.

The only legislation which your committee submits in their bill outside of that condition and subject to a point of order is contained in the provision under the office of Comptroller of the Treasury, which is that all books, papers, and other matters relating to the offices or accounts of disbursing officers of the Executive Departments and the Commissioners and boards in the District of Columbia shall at all times be subject to inspection and examination by the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts. The bill authorizes this through such officials. When we reach that paragraph the necessity of that new legislation will be so patent and it is of such importance to the good administration of the Departments that I do not anticipate any objection to that clause, although it is new legislation in the bill.

Now, if any gentleman desires to ask any question I will yield to him for that purpose. If not, I will ask that the bill be read by paragraphs.

Mr. DOCKERY. I suppose that the gentleman asks that general debate be closed. I do not know of anyone on this side who desires to debate any proposition in the bill, but I assume that the gentleman in charge of the bill will permit a little relaxation of the rule should any debate be considered necessary during the reading of the bill by paragraphs.

Mr. BINGHAM. I have no objection during the progress of the bill to reasonable debate on every paragraph.

The CHAIRMAN. Without objection, the reading of the bill by paragraphs will now begin.

There was no objection.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives and Delegates from Territories, $[illegible].

For mileage, $[illegible].

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:

Mr. JOHNSON of California. Mr. Chairman, I find that we have passed something that I desire to ask about. I want to ask the gentleman from Pennsylvania, with reference to this Capitol police, if it would be in order to move to increase that force or would some distinguished gentleman, animated by an economical desire, raise the point of order upon it?

Mr. BINGHAM. I would state to the gentleman that the committee thought there was no necessity for an increase of that force for the coming fiscal year. We have in the present year, under the law that is now in operation, increased that force twelve, and its efficiency or its complete usefulness has not yet been developed. We have increased the force for the current year over previous years, and I hardly think, and the committee hardly thought, there was any necessity for an additional increase.

The Clerk read as follows:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, $[illegible]; assistant clerk, $[illegible]; messenger, $[illegible]; clerk to the Committee on Appropriations, $[illegible]; assistant clerk, $[illegible]; messenger, $[illegible]; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, at $2,000 each, and for assistant clerk to the Committee on War Claims, $1,200; in all $[illegible].

Mr. SHERMAN. I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 14, line 5, after the word "dollars" insert:
"For messenger to the Committee on Interstate and Foreign Commerce, who shall also act as assistant doorkeeper, $1,200."

Mr. BINGHAM. Mr. Chairman, I make the point of order against that amendment.

Mr. STEWART of New Jersey. Mr. Chairman, I hope the gentleman from Pennsylvania will not insist on his point of order. What is the point?

Mr. BINGHAM. That the amendment changes existing law.

Mr. STEWART of New Jersey. Oh, no; it does not.

Mr. BINGHAM. There is no law authorizing this appropriation.

Mr. STEWART of New Jersey. This bill has not yet become a law, and this amendment does not change existing law. This messenger to our Committee on Interstate and Foreign Commerce is one of the most efficient men on either side of the House, and he now receives but $60 a month. When the committee is not in session he acts as one of the doorkeepers in the lobby at one of the most difficult doors to attend, and he is very intelligent and efficient in that capacity. For his services he is getting only $60 a month, where others are getting $1,200 and $1,500 and even $2,000 a year. I submit that it is a piece of injustice that this man should be required to work for $60 where some others get twice as much or more than that.

Mr. BINGHAM. Mr. Chairman, do I understand that the proposition is that this gentleman who is now performing this line of work shall be transferred to the service of the Committee on Interstate and Foreign Commerce?

Mr. STEWART of New Jersey. No, sir. He is now acting as messenger to that committee, and he is also acting as a doorkeeper in the lobby.

Mr. BINGHAM. Then his employment as doorkeeper is authorized now under the law?

Mr. STEWART of New Jersey. Yes, sir.

Mr. BINGHAM. And what he is doing for the Interstate and Foreign Commerce Committee he is not required by law to do?

Mr. STEWART of New Jersey. He is not required to do it.

The CHAIRMAN. Will the gentleman from New Jersey send to the Chair the law which authorizes the employment of the person contemplated in the amendment?

Mr. STEWART of New Jersey. He is employed under the general law providing for all the messengers of this House, and the amendment simply increases his salary so as to conform it to the compensation of other men who are performing similar duties.

Mr. DOCKERY. I suggest to the Chair that the amendment does more than that. It creates a new office under the head of "Clerks and messengers to committees." We have not yet reached the paragraph of the bill relating to the Doorkeeper's force, and if the gentleman desires to move to increase this salary his amendment will properly come in when we reach that class of employees.

Mr. STEWART of New Jersey. Oh, it is immaterial where this comes in.

Mr. DOCKERY. No, it is not immaterial, because it proposes to increase the force.

Mr. STEWART of New Jersey. Not at all.

Mr. BINGHAM. Mr. Chairman, the Committee on Accounts are perfectly ready at any time to bring in their recommendation for such changes as they think desirable and proper in the subordinate force pertaining to the business of the House and the convenience of its members——

Mr. HEPBURN. Mr. Chairman, I desire to ask whether this employee is not provided for simply by a resolution of the House. I ask the chairman of the Committee on Appropriations, as he is more familiar with these matters than I am. If this messenger is employed simply by resolution of the House, then it seems to me that the gentleman's point is not well taken. I am not able to find any statute authorizing the appointment of these messengers, and I think they have simply been put into the appropriation bills from time to time, having been previously employed under special resolutions of the House.

Mr. BINGHAM. Mr. Chairman, all I have to state to the gentleman is that your committee has had no consideration whatever of this proposition. The question of the necessity for this appointment has never been submitted to the committee. We took the four members of the subordinate force that had been added to the existing force by resolutions of the House and continued them in the bill.

Mr. HEPBURN. How is it that certain messengers receive $1,000 or $1,200 a year, while certain others, performing like duties, receive but $60 a month?

Mr. BINGHAM. That may have been determined by a resolution of the House fixing their compensation, or by increase of the subordinate force by the committee.

Mr. HEPBURN. If this is one of the cases provided for by a resolution of the House, then does this amendment involve any change of existing law?

Mr. CANNON. It changes the law if there is not any law authorizing it.

Mr. BINGHAM. I will state to the gentleman that it has been the unbroken practice that increase of the subordinate force of the House comes from the Committee on Accounts upon its recommendation, and the House determines whether there shall be the increase proposed at the salary indicated by the Committee on Accounts or not. Now, we have no record of this recommendation coming from the Committee on Accounts other than as it is contained in the bill. Therefore we assume, as we have desired to be consistent in the action of the House, that this employee was not required. The gentleman in charge of a committee has seen fit to use this subordinate of the House for other purposes. I am not questioning his usefulness in the discharge of the duties he is now performing. I am not questioning that his services are necessary to that committee. I am simply saying that, in view of the action of the House, and in view of the provisions of this bill, drawn in conformity to the action of the House, the amendment is subject to the point of order that it contemplates an increase either as to personnel or as to compensation, and therefore, according to what have always been the rulings in this House, is not in order.

Mr. HEPBURN. It is certainly not an increase in the personnel of the House. This gentleman is already an officer of the House; he is already in the service of the House. The only point, it seems to me, which could be raised with any plausibility would be that this is an increase of salary, and therefore a change of existing law. Now, if the salary is fixed simply by resolution of the House, I think such a resolution can scarcely be called "law" in contemplation of our rules. Hence, I submit, the proposed increase in pay ought not to be held obnoxious to our rules.

Mr. BINGHAM. Let me ask whether this gentleman has not been appointed as a folder? I judge so from the compensation allowed. Is he not a folder now?

Mr. HEPBURN. I think not.

Mr. BINGHAM. The compensation is the same as that given to folders.

Mr. SHERMAN. I will say, in answer to the gentleman from Pennsylvania, that I think Mr. Barnsley is carried on the rolls as a folder. But he is in fact performing duty as a messenger; and he is not only messenger to the committee, but an assistant doorkeeper at the most important door of the House. All the other messengers are receiving $1,200 a year. He is borne on the rolls as a folder and is receiving only $60 a month, and out of that sum he is obliged to pay $3 or $4 a month for janitor's care of the committee room, so that in fact he receives only about one-half the pay that other messengers to committees are receiving.

If my friend objects to the special phraseology of the amendment as I have sent it to the desk I am willing to modify it so as to provide that the pay of this particular folder—J. H. Barnsley—be increased from $60 a month to $100 a month. He will then receive simply the pay provided in your bill for every other officer performing like service.

Mr. BINGHAM. If I understand the gentleman's proposition, it is that a subordinate of this House, having been appointed under a resolution of the House as one of its folders, at a compensation of $60 per month, has been performing additional duty or other duty than that of a folder. Now the gentleman from New York comes before this House and sets forth the usefulness and efficiency of this employee, which is all granted. And the gentleman wants to change the line of work of this employee from that of a folder to that of a messenger, and a messenger to a particular committee. I simply say to the gentleman there is no law for that, and the amendment is subject to the point of order. The Committee on Rules can come into this House at any time with a resolution creating the place which the gentleman from New York now proposes to create by this amendment; and the gentleman who has the appointing power may select this employee for the place. I simply say that this increase of salary, being a change of law, is not in order.

Mr. DOCKERY. Let us have a ruling.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, $1,500; hire of horses, feed, repair of wagon and harness, $800, or so much thereof as may be necessary; assistant doorkeeper, superintendent of document room, assistant superintendent of document room, and Department messenger, at $2,000 each; 1 special employee (John T. Chancey), $1,500; 1 special employee, $1,500; document file clerk, $1,600; assistant document file clerk, $1,314; clerk to Doorkeeper, and janitor, at $1,200 each; 9 messengers, including the messenger to the reporters' gallery, at $1,200 each; 9 messengers, at $1,000 each; 6 laborers, at $720 each; 2 laborers in the water-closet, at $720 each; 3 laborers, including 2 in the cloakrooms, at $600 each; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; 3 clerks in folding room, 1 at $1,800, and 2 at $1,200 each; foreman, $1,500; messenger, $1,200; folder in sealing room, $1,200; page, $600; laborer, $720; 10 folders, at $900 each; 5 folders, at $840 each; 3 folders during the session, at $70 per month each, $1,436.13; 15 folders, at $720 each; night watchman, $900; driver, $840; 14 messengers, on the soldiers' roll, at $1,200 each; 2 chief pages, at $900 each; 31 pages, boys not under 12 years of age, during the session, including 2 riding pages, 1 telephone page, and 1 telegraph page, at $2.50 per day each, $17,077.50; 2 messengers during the session, at $70 per month each, $957.42; 10 laborers during the session, at $60 per month each, $4,103.22; 6 laborers, known as cloakroom men, at $50 per month each; horse and buggy, for Department messenger, $250; in all, $131,[illegible].

Mr. SHERMAN. I move to amend by striking out, in line 10, page 14, the word "nine" and inserting "ten;" so as to read:

Ten messengers, including the messenger to the reporters' gallery, at $1,200 each.

Mr. BINGHAM. I reserve a point of order on that amendment.

Mr. SHERMAN. I submit this amendment in order to meet the wants of the Committee on Interstate Commerce as suggested by my colleagues on the committee and myself. I propose to provide compensation for this special officer on the assumption that the Doorkeeper, if this provision be made, will assign this gentleman to the position, so that he will receive for the duties he is performing similar compensation to that received by other messengers; that he will not, for performing specially meritorious and arduous duties, receive the pay which under this paragraph is allowed to an ordinary laborer, saying nothing of the deduction to which he is compelled to submit in paying $3 or $4 a month to somebody who does the janitor's work in the committee room. I think this amendment simply makes fair and just provision for an efficient officer. If the former amendment was obnoxious to the rules, it does seem to me this one is not.

Mr. BINGHAM. In replying to my friend from New York, I am not going to question in any way the efficiency of this subordinate. The messengers for the respective committee rooms are assigned by the Doorkeeper of the House. This appropriation is for the Fifty-fifth Congress. What may be the organization of that Congress I do not know. Whether this man will be here then I do not know. But conceding all that the gentleman from New York states as to the efficiency of this officer, I must stand by the details of this bill, for the reason that our committee was open for the hearing of any applications for necessary increases. The Committee on Accounts is continually open for that purpose. No recommendation for an increase of this character has been made. This bill carries no such recommendation. My point of order is that this amendment proposes an increase beyond the current law; there is no authority for the appointment of an additional messenger.

The Clerk resumed the reading of the bill until the heading "Library of Congress" was reached, on page 19.

Mr. BINGHAM. Mr. Chairman, with reference to the paragraphs now following in the bill, pertaining to the Library of Congress, commencing on page 19, and continuing down to near the bottom of page 22, I ask that all of these paragraphs be passed over without prejudice until the conclusion of the bill.

Mr. QUIGG. Does that include the Botanic Garden at the bottom of page 22 and the beginning of page 23?

Mr. BINGHAM. No; only the Library matters; to be recurred to after the conclusion of the rest of the bill.

The CHAIRMAN. Then the gentleman asks unanimous consent to pass over pages 19, 20, 21, and 22, down to the "Botanic Garden," as the Chair understands the request?

Mr. BINGHAM. That is my wish. I desire to include those paragraphs only that relate to the Library.

Mr. QUIGG. I would like to have that stated accurately to see if I understand the gentleman correctly. As I understand the gentleman from Pennsylvania, he desires to pass over all of that portion of the bill beginning with line 1, page 19, down to and including line 7, on page 23?

Mr. BINGHAM. No; down to and including line 23 on page 22, omitting the "Botanic Garden."

Mr. QUIGG. I am satisfied, if that is the gentleman's wish.

Mr. HEPBURN. If this order should be made—and I submit this as a parliamentary inquiry—would it preclude a point of order against the paragraphs in question at the time they are reached for discussion?

Mr. DOCKERY. Oh, no.

The CHAIRMAN. In the opinion of the Chair it would not.

Mr. BINGHAM. Opportunities for discussion and the submission of points of order will of course be afforded after we reach the concluding paragraphs of the bill, when this matter will be again taken up.

Mr. HEPBURN. Then this will be treated simply as if it were the last paragraph of the bill?

Mr. BINGHAM. Precisely.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania to pass over the portion of the bill to which he has referred until the conclusion of the remainder of the bill?

Mr. WILLIAM A. STONE. This, of course, simply dispenses with the consideration of these paragraphs until the bill has been completed, and involves nothing else?

The CHAIRMAN. That is all. After the bill is completed the committee will return to these paragraphs without prejudice. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk resumed the reading of the bill until the heading "Civil Service Commission" was reached.

Mr. BROSIUS. Mr. Chairman, if it be agreeable to my colleague in charge of this bill, I would be very glad to have unanimous consent to pass over this section relating to the Civil Service Commission for the present without prejudice, to be recurred to later on when the consideration of the bill is resumed.

Mr. GIBSON. After the Library matter is disposed of.

Mr. BINGHAM. I will state that I am perfectly willing to submit to general debate if desired; but I have no inclination, whenever there is demand for debate upon any particular paragraph, to pass it over.

Mr. BROSIUS. I think I can relieve my colleague. I may desire to submit a few observations on the subject embodied in this provision of the bill. I have great reluctance—so great that I can not overcome it—to submit any remarks to the committee at this late hour of the day; but I think it would probably subserve my purpose if the committee will indulge me in the privilege of recording a few observations in connection with some statements and figures which will illustrate the operation of the civil-service law. These will be inserted in the RECORD for the information of the members of the House, as well, possibly, as for the information and advantage of some members of the committee.

Mr. BINGHAM. As I understand it, my colleague desires unanimous consent to print some remarks and statistics respecting this provision of the bill. I trust the committee will have no objection.

Mr. EVANS. I sincerely hope that the suggestion of the gentleman from Pennsylvania [Mr. BROSIUS] will be adopted by the gentleman in charge of the bill. There are a good many things that probably will be presented in discussion on this subject, and it is a little late now to begin the consideration of it. I was about to make the same request myself, that is, that this part of the bill should be passed over informally.

Mr. BINGHAM. What is the objection to the gentleman proceeding now, if he desires to discuss this portion of the bill?

Mr. EVANS. The lateness of the hour.

Mr. BINGHAM. Very well, then, let it be passed over without prejudice.

The CHAIRMAN. Unanimous consent is asked that the paragraphs relating to the Civil Service Commission be passed over for the present, to be recurred to hereafter, without prejudice. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read to and including line 22 on page 36.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill (H. R. 9643), and had come to no resolution thereon.

PROPOSED SUBSTITUTE RELATIVE TO THE LIBRARY.

Mr. QUIGG. Mr. Speaker, I ask unanimous consent to insert in the RECORD the proposition which I shall offer at the proper time as a substitute for all that portion of the committee's bill which deals with the Library of Congress.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The proposed substitute is as follows:

Strike out all from and including line 2, on page 19, to and including line 23, on page 22, and insert as follows:

"For compensation of the director of the Library, $[illegible]; and for chief librarian, $[illegible]; and for 1 librarian, to act as superintendent of reading room, $[illegible]; and for 12 assistant librarians, 1 at $1,[illegible], 2 at $1,[illegible] each, 3 at $1,200 each, and 6 at $[illegible] each; and for 19 attendants—10 for the collection and distribution of books, at $720 each; 2 in Representatives' reading room, 1 at $[illegible], and 1 $720; 1 in Senators' reading room, at $[illegible]; 1 in the Toner Library, at $[illegible]; 1 in the Washingtonian Library, at $[illegible]; 2 in the cloakrooms, at $720 each, 1 in the stamping room, at $720; and 1 in the packing room, at $720; and 2 watchmen, at $720 each; and 1 chief of catalogue department, at $[illegible]; and 16 assistant cataloguers, 2 at $1,800 each, 4 at $1,200 each, 4 at $1,000 each, and 6 at $[illegible] each; and 1 superintendent of art gallery, at $2,000; and 3 assistants, at $[illegible] each; and 1 superintendent of hall of maps and charts, at $[illegible]; and 2 assistants, at $[illegible] each; and 1 superintendent of periodical department, at $1,500; and 3 attendants and collators, at $720 each; and 1 superintendent of manuscript department, at $1,500; and 2 assistants, at $720 each, and 1 superintendent of music department, at $1,500, and 3 assistants, 1 at $[illegible] and 2 at $720 each; and 1 superintendent of Congressional reference library at Capitol, $1,500; and 2 attendants at Congressional reference library, 1 at $[illegible] and 1 at $720; and 1 superintendent of the law library, $[illegible], and 2 assistants, at $1,000 each, and 1 laborer at $720; in all, $[illegible].

"For purchase of books for the Library, $[illegible]; for purchase of law books for the Library, under direction of the Chief Justice, $[illegible]; for purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal, under the direction of the Chief Justice, $1,500; for expenses of exchanging public documents for the publications of foreign governments, $1,500; for purchase of files of periodicals, serials, and newspapers, $[illegible]; in all, $15,[illegible].

"For contingent expenses of the Library, $[illegible].

"For expenses of the copyright business, $[illegible].

"For compensation of the register of copyrights, $[illegible], and for [illegible] clerks, 2 at $1,800 each; 2 at $1,600 each; 3 at $1,400 each; 10 at $1,200 each, 10 at $[illegible] each, and 2 at $720 each; in all, $[illegible]."

For compensation of custodian of the Library building, $[illegible]; for 1 clerk, $1,[illegible]; 1 messenger, $720; for 1 captain of the watch, $1,[illegible]; for 12 watchmen, at $720 each; for 1 chief engineer, at $1,[illegible]; for 5 assistant engineers, at $1,[illegible] each; for 10 firemen, at $720 each; for 1 electrician, at $1,[illegible]; for 3 elevator conductors, at $720 each; for 3 mechanics, at $[illegible] each; for 10 skilled laborers, at $720 each; for 30 charwomen, at $240 each; in all, $[illegible].

For fuel, lights, repairs, and miscellaneous supplies, $[illegible].

Upon notice by the Joint Committee on the Library to the President of the United States that the new building for the use of the Library of Congress is ready to be occupied, the President, by and with the advice and consent of the Senate, shall appoint a director of the Library, who shall receive an annual compensation of $[illegible], and who shall have charge of the Library of Congress, under such rules and regulations as may be lawfully established from time to time. The director of the Library shall give bond, payable to the United States, in the sum of $[illegible], with sureties approved by the Joint Committee on the Library, for the safe-keeping of the Library collections and for the due and faithful performance of his duties.

All the duties now by law committed to the Librarian of Congress shall devolve upon the director of the Library when appointed, and the office of Librarian of Congress shall thereupon be abolished. The Joint Committee on the Library is hereby empowered, in behalf of Congress, to assume the charge and custody of the new building for the Library of Congress, and to make rules and regulations for its occupancy and use and for the accommodation and display in the said new building of the Library collections; and upon satisfactory proof that the duties heretofore conferred by law upon Bernard R. Green in relation to the construction and completion of the said new building have been fully performed, the Joint Committee on the Library is authorized to discharge the said Bernard R. Green of all duties and responsibilities in connection with the said building.

That any balance now existing of the appropriations heretofore made for the construction and completion of the said building is hereby rendered available not only for that purpose but also to furnish and equip the said building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building; and the Joint Committee on the Library is hereby directed, through such agencies as it may select, to effect the removal of the said Library collections and their arrangement in the new building, and to purchase the necessary furniture for the furnishing and equipment of the said new building; and all expenses incurred in carrying out the provisions of this paragraph shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.

The Joint Committee on the Library shall have power to establish rules and regulations for the conduct and use of the Library of Congress, and, with the exception of the director of the Library, to employ or remove all persons for whose compensation provision is made in this or any subsequent act under the title of "The Library of Congress."

The Speaker of the House of Representatives of the Fifty-fourth Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fifth Congress a temporary Committee on the Library of three members, which said Committee on the Library shall have the same powers and perform the same duties in relation to the Library of Congress as are authorized by law and the Rules of the House of Representatives; and which said temporary Committee on the Library shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge such duties until after the meeting and organization of the House of Representatives of the Fifty-fifth Congress and until the appointment of the regular Committee on the Library. And hereafter the Speaker of each subsequent House of Representatives shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary Committee on the Library, with similar powers and for the same purposes.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 2459) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;

A bill (H. R. 2358) granting a pension to Arminda White, widow of Israel White;

A bill (H. R. 2069) to grant a pension to Mrs. Lucy A. Allen;

A bill (H. R. 9173) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes;

A bill (H. R. 1890) granting a pension to Mary Martin;

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 4361) granting a pension to William H. Nesbit;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 5303) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 950) granting a pension to John Coombs;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1892) granting a pension to Catharine Darragh; and

A bill (H. R. 3771) for the relief of Stratton H. Benscoter.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill S. 1832 Mr. POWERS, Mr. JOHNSON of California, and Mr. HARRISON.

CHANGE OF REFERENCE.

The SPEAKER. The Committee on Claims report back the bill S. 296, and ask for a change of reference to the Committee on War Claims. Without objection, that change will be made.

There was no objection.

Mr. WILLIAM F. ALDRICH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM F. ALDRICH. I desire to offer a resolution and have it referred to the Committee on Rules.

The resolution was read, as follows:

Resolved, That it shall be in order, immediately after the approval of the Journal on the morning of the 6th day of January, 1897, to take up Senate bill 2461, entitled "An act to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama, and of the Tuskegee Normal Industrial Institute," and consider the same in the House as in the Committee of the Whole until the same shall be disposed of.

The SPEAKER. Without objection, the resolution will be referred to the Committee on Rules.

There was no objection.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair desires first to lay before the House the personal requests of several members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KULP, indefinitely, on account of sickness.

To Mr. ARNOLD of Pennsylvania, for five days, on account of important business.

To Mr. GAMBLE, for five days, on account of important business.

OLD SETTLERS OR WESTERN CHEROKEE INDIANS.

Mr. PENDLETON. Mr. Speaker, I ask the gentleman from Pennsylvania to withhold his motion to adjourn for a moment in order that I may introduce a memorial of the Old Settlers or Western Cherokee Indians, and ask unanimous consent that it be printed as a House document. It will only require a moment.

Mr. DALZELL. I will withdraw the motion for the time being.

Mr. PENDLETON presented a memorial of the Old Settlers or Western Cherokee Indians, praying that the balance of the money due them be paid by the Secretary of the Interior.

The SPEAKER. Is there objection to the printing of this memorial as a House document and referring it to the Committee on Indian Affairs?

There was no objection.

And then, on motion of Mr. DALZELL (at 5 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State transmitting an estimate of deficiency in the appropriation for printing and binding, Department of State, for the fiscal year 1897—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Marie Eliza Payne against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles W. Morris, administrator of William Morris, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting the tenth annual report of the Commission—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the Commissioner-General of Immigration of the results of his mission to the Italian Government—to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 9498) for the relief of the Erie Railroad Company. (Report No. 2340.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7281) for the relief of Winslow Warren. (Report No. 2341.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 1332) for the relief of Charles W. Russey. (Report No. 2342.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 1785) entitled "An act for the correction of muster of Adolph Von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry." (Report No. 2344.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 252) entitled "An act for the relief of Twyman O. Abbott." (Report No. 2345.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the petition of Edmund P. Tierney in favor of the passage of House bill No. 2125 for his relief; and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DOCKERY: A bill (H. R. 9701) to amend section 2 of an act to incorporate the Washington Market Company—to the Committee on the District of Columbia.

By Mr. HARRISON: A bill (H. R. 9702) to require contestants in contested-election cases to give security for costs—to the Committee on Elections No. 1.

By Mr. SPARKMAN: A bill (H. R. 9703) to provide for lighthouses and other aids to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. WELLINGTON: A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet—to the Committee on the District of Columbia.

Also, a bill (H. R. 9705) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line of railroad into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOODMAN: A bill (H. R. 9706) to amend section [illegible] of the Revised Statutes of the United States—to the Committee on Foreign Affairs.

By Mr. BULL: A bill (H. R. 9708) for the erection of a monumental statue in the city of Washington, D. C., to the late James G. Blaine—to the Committee on the Library.

By Mr. CATRON: A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories—to the Committee on the Territories.

By Mr. HULL: A bill (H. R. [illegible]) to authorize officers who served during the war of the rebellion in the Regular Army to bear the rank, and on occasions of ceremony, wear the uniform of their highest rank—to the Committee on Military Affairs.

By Mr. COOKE of Illinois: A bill (H. R. 9726) to amend section 5511 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 9727) to amend section 907 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A joint resolution (H. Res. 217) for negotiations to secure a modification of the treaty of 1817—to the Committee on Foreign Affairs.

By Mr. HITT: A joint resolution (H. Res. 218) authorizing E. H. Pierce and C. E. Marr, keepers of the Cuckolds, Maine, fog-signal station, to accept the silver watches presented to them by the Canadian government—to the Committee on Foreign Affairs.

Also, a joint resolution (H. Res. 219) authorizing Lieutenant-Colonel Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government—to the Committee on Foreign Affairs.

By Mr. GROUT: A resolution (House Res. No. 450) providing for the expenditure of $1,000 by the chairman of the Special Committee Investigating the Soldiers' Home at Leavenworth, Kans.—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII private bills of the following titles were presented and referred as follows:

By Mr. AITKEN: A bill (H. R. 9711) for the relief of John Bishop—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 9712) for the relief of Amelia Johnson, widow of Alexander Johnson, who lost his life on the Capitol Grounds July 2, 1894, while in the service of the United States—to the Committee on Claims.

By Mr. HULICK: A bill (H. R. 9713) for the relief of Capt. Lorenzo D. Jones, late road master and assistant superintendent of the United States military railroads in the Southern States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9714) to refer to the Court of Claims the claim of John S. Armstrong for compensation for loss of wheat in 1862—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 9715) for the relief of David K. Reynolds—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 9716) granting an increase of pension to Daniel Ridenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9717) granting an increase of pension to William Blades—to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 9718) for the relief of Mrs. S. C. Davis and Duren Larry—to the Committee on the Public Lands.

By Mr. MORSE: A bill (H. R. 9719) granting arrears of pension to H. Morris Husband—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 9720) to correct the military record of George W. Sampson—to the Committee on Military Affairs.

Also, a bill (H. R. 9721) granting a pension to Eber Robbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9722) granting an increase of pension to John Molyneaux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9723) granting an increase of pension to Hiram T. Abbott—to the Committee on Invalid Pensions.

By Mr. SNOVER: A bill (H. R. 9724) for the relief of John Balkwill—to the Committee on Military Affairs.

By Mr. WOOMER: A bill (H. R. 9725) to remove the charge of desertion from the military record of Michael Neidinger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Glass Bottle Blowers' Association of the United States, favoring a prohibition of immigration for five years—to the Committee on Immigration and Naturalization.

Also, resolutions adopted by the Trades League of Pennsylvania, favoring an appropriation for the transfer of incoming foreign mail—to the Committee on Appropriations.

By Mr. AITKEN: Petition of John Bishop, to accompany House bill for his relief—to the Committee on Military Affairs.

By Mr. BARRETT: Resolutions adopted by the Pattern Makers' Union of Boston, Mass., urging the passage of the bill introduced by Hon. W. E. Barrett, for a larger dry dock and deeper harbor at Boston—to the Committee on Naval Affairs.

By Mr. BROMWELL: Memorial of the California Wool Growers' Association, recommending the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Resolutions of the Cleveland Chamber of Commerce, favoring the passage of House bill No. [illegible], for the inspection of immigrants at ports of debarkation by a medical officer of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Cleveland Chamber of Commerce, favoring reform in the consular service—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of the California Wool Association, favoring immediate tariff legislation—to the Committee on Ways and Means.

By Mr. GROUT: Resolution adopted by the Glass Bottle Blowers' Association of the United States, favoring the passage of a bill prohibiting immigration of all kinds—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Petition of P. Culmore and 88 other citizens of Faribault, Rice County, Minn., urging Congress to investigate the titles to gold and silver mines in the United States and charge a rent for all silver and gold mines where those in possession have not a good title; also reserving all future grants of mineral lands to actual settlers, citizens of the United States—to the Committee on Mines and Mining.

By Mr. HEPBURN: Petition of 300 citizens of New London, Iowa, also petition of the Congregational church of Danville, Iowa, urging the passage of bill to prohibit the sale of liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Congregational church of Danville, Iowa, favoring the passage of Senate bill No. 1575, forbidding the transportation of obscene matter by express or otherwise—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Resolution of the Astoria (Oreg.) Chamber of Commerce, urging the protection of salmon fisheries, and for the establishment of hatcheries in Oregon—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce, of Astoria, Oreg., for the improvement of the harbor of Astoria—to the Committee on Rivers and Harbors.

By Mr. HULING: Petition of Preston Rives Sherrard, Samuel

C. Blair, and sundry other citizens of the State of West Virginia, urging the enactment of laws against polygamy in the United States—to the Committee on the Judiciary.

By Mr. LAYTON: Resolutions of manufacturers of plumbers' ironware, asking for the passage of House bill No. 6116, to protect free labor from competition with convict labor—to the Committee on Labor.

By Mr. OTEY: Resolutions of the Board of Trade of the city of Lynchburg, Va., asking for a department of commerce and a Cabinet officer—to the Committee on Interstate and Foreign Commerce.

By Mr. OVERSTREET: Papers to accompany House bill No. 9402, for the relief of Mary Griffith—to the Committee on Invalid Pensions.

By Mr. STRONG: Petition of 1,050 citizens of the city of Washington Court-House, Ohio, favoring the passage of a law forbidding admission of newspapers publishing the details of suicides to the mails—to the Committee on the Judiciary.

Also, petition of citizens of Washington Court-House, Ohio, for the passage of laws to prevent the nullification of State antigambling laws by use of the telegraph—to the Committee on the Judiciary.

Also, petition of citizens of Washington Court-House, Ohio, for raising the age of consent in the District of Columbia and Territories—to the Committee on the Judiciary.

Also, petition of 500 men of Columbus, Ohio, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and Territories—to the Committee on the Judiciary.

By Mr. UPDEGRAFF: Petition of the Iowa Agricultural College, asking for an annual appropriation for land-grant colleges for the promotion of engineering experiments—to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 18, 1896.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL HOUSE EMPLOYEES, ETC.

Mr. ODELL. Mr. Speaker, I present a report from the Committee on Accounts.

The SPEAKER. The gentleman from New York [Mr. ODELL] has a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ fifteen additional folders in the folding room of the House of Representatives for the purpose of folding public documents, at a compensation of $[illegible] each per month, to be paid out of the contingent fund of the House: *Provided*, That all such employees shall be dropped from the rolls of the Doorkeeper at a period not later than one month from the expiration of the present session.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House of Representatives, who died August 19, 1896, a sum equal to his salary for six months and the expenses of his last illness and funeral, said expenses not to exceed the sum of $250.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Kendall Lee, the sum of $100 for caring for the room of the Committee on Accounts during the past session and recess.

The report (by Mr. ODELL) was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, begs leave to report as follows:

The resolution providing for the payment to James S. Cotton of the sum of $[illegible] for hauling congressional seeds from railroad station to House post-office and residences of members of the House of Representatives is disapproved.

The resolution providing for payment to William H. Smith, for services rendered in the library of the House during the months of July, August, and September, 1896, at the rate of $1,440 per annum, is disapproved.

The resolution authorizing the employment of fifteen additional folders in the folding room during the current session and one month thereafter, at $[illegible] per month each, is approved.

The resolution providing for the payment to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House, a sum equal to his salary for six months and the expenses of his last illness and funeral, said expenses not to exceed the sum of $250, is approved.

The resolution providing for the payment of $100 to Kendall Lee for caring for room of the Committee on Accounts during the past session and the recess is approved.

Mr. DINGLEY. Mr. Speaker, I desire to raise the point of order that this should be considered in Committee of the Whole, as it involves a charge upon the Treasury.

The SPEAKER. The Chair will hear the gentleman from Maine, but the impression of the Chair is that the matter has been decided otherwise.

Mr. DINGLEY. I am aware it is not usual to consider such resolutions in Committee of the Whole because the point is not made. I understand this resolution provides for an increase of fifteen officials.

Mr. ODELL. A temporary increase.

Mr. DINGLEY. I think there was a ruling by Mr. Speaker Carlisle sustaining a point of order that a resolution of this kind must be considered first in Committee of the Whole when the point is made.

The SPEAKER. The Chair thinks recent rulings have been the other way. This is out of the contingent fund of the House, is a part of its expenditures, and does not affect the United States beyond that.

Mr. ODELL. I will state to the gentleman that this is only a temporary increase.

Mr. DINGLEY. I will not insist on the point of order, but I should like to know why, at this session of Congress, when there are only the usual public documents to be distributed, no speeches to be made for the campaign, we need an increase of fifteen men in the folding room?

Mr. ODELL. Mr. Speaker, in reply to the gentleman from Maine, I will state that on September 29 the annex, in which was stored over 400,000 volumes, was blown down and about 50,000 of the covers of these documents were ruined, so that they will have to be rewrapped; and removing from the annex to temporary quarters caused a loss of about sixty days' time that should have been devoted to rewrapping the documents and sending them out to different members. I have here a letter from the superintendent of the folding room, in which he sets forth fully the necessity for these additional folders. The committee understood it was somewhat unusual——

Mr. RICHARDSON. Mr. Speaker, it is impossible for us to hear what is going on over there, and we would like very much to hear the proceedings.

The SPEAKER. All gentlemen will please take their seats.

Mr. ODELL. Mr. Speaker, I will ask that the Clerk read this letter from the foreman of the folding room, which will explain the necessity for these additional folders.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 15, 1896.

DEAR SIR: In compliance with your request, I beg to submit for your information the following reasons for asking for additional folders for this department for the balance of the second session of the Fifty-fourth Congress and one month after the expiration of said session.

The extra work caused by the wreck of the old annex folding room on the night of September 29 in moving and arranging documents from wrecked building to the Capitol building and new annex folding room, threw us back in our regular work about sixty days, and we have not been able to regain much of this lost time since. About 50,000 documents will have to be rewrapped, owing to the bad condition of the wrappers, caused by the action of the storm on them.

In anticipation of an extra session of Congress, we will be compelled to wrap from [illegible] documents to meet the demand of members.

With all this work in view at the present time, the additional help asked for can be steadily employed during the time herein stated and will be beneficial to this department.

Very respectfully,
J. MARTIN McKAY,
Foreman Folding Room, House of Representatives.

Hon. B. B. ODELL,
Chairman Committee on Accounts.

Mr. DINGLEY. Is this in anticipation of an extra session?

Mr. ODELL. Not altogether. It is to take care of the work that has piled up upon them through this disaster.

Mr. DINGLEY. Were the additional men employed in the folding room at the last session discharged at the end of the session?

Mr. ODELL. Yes, sir.

Mr. DINGLEY. And the committee have examined this carefully and are satisfied that in consequence of that storm—for it can not be placed on any other ground—fifteen additional men are required to repair the damages?

Mr. ODELL. We have examined the matter very thoroughly. The committee were unanimous. In the report we have made to the House we feel that we have been very conservative. We have made more reports against resolutions than we have recommended. And the very resolution preceding this, which asked for increased compensation, we have disagreed to. We feel that there is a necessity for these fifteen additional folders.

Mr. DINGLEY. Mr. Speaker, I do not desire, of course, to interfere in matters where the committee are thoroughly satisfied that the public services require an additional expenditure, but I think it is necessary, and I have no doubt the committee felt that, with the revenue running behind to the extent it has—$40,000,000 deficit since the 1st day of July—we ought to be very careful when we enter upon any public expenditures that can be avoided without injury to the public service.

Mr. ODELL. Mr. Speaker, I think there can be no criticism passed upon the Committee on Accounts for any unwarranted expenditures. I ask for a vote.

Mr. RICHARDSON. Mr. Speaker, was unanimous consent given for the consideration of this resolution?

The SPEAKER. It was not. It is a privileged report.

Mr. RICHARDSON. I could not hear whether the gentleman from Maine [Mr. DINGLEY] made a point of order.

The SPEAKER. The gentleman from Maine suggested that the House should go into Committee of the Whole.

Mr. RICHARDSON. He did not make the point of order that it should be considered in Committee of the Whole?

The SPEAKER. He raised the point of order, and the Chair intimated that the rulings had been the other way.

Mr. RICHARDSON. I understand the rule to be that, being an appropriation from the contingent fund, it would not have to be considered in Committee of the Whole, but I could not hear whether that point was made or whether it was some other point of order.

The SPEAKER. The Chair desires to apologize to the gentleman from Tennessee for the disorderly behavior of the House, but the Chair endeavored to obtain order.

Mr. RICHARDSON. The explanation and apology is entirely satisfactory to "the gentleman from Tennessee." All I desired to know was what was going on, and whether the point of order was made.

The SPEAKER. The point of order was not made, and a discussion took place as to the merits.

Mr. RICHARDSON. I also heard some statement indicating that this was necessary because of an approaching extra session, and I only want to learn whether the distinguished leader of the House meant officially to say there would be an extra session or not. We could not understand what he said about that.

Mr. DINGLEY. Mr. Speaker, I am very sorry that there was such confusion that my statement was misunderstood by the gentleman.

The SPEAKER. Will gentlemen have the kindness to take their seats, in order that there may not be any misunderstandings?

Mr. DOCKERY. Let us have a vote.

The SPEAKER. The question is on agreeing to the resolution.

Mr. LACEY. I offer an amendment to the first resolution. I ask the attention of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. I think he will accept this amendment.

Mr. WILLIAM A. STONE. What is it?

Mr. LACEY. Let it be read.

Mr. WILLIAM A. STONE. I will accept almost anything that anybody offers me. [Laughter.]

The Clerk read as follows:

Amend by adding at the end of the first resolution the following: "Provided, That the said employees shall be selected from States not now represented on the Doorkeeper's roll."

Mr. WILLIAM A. STONE. Mr. Speaker, I want to make a point of order against that amendment, that it is not germane, and is not applicable for many reasons. This is a House resolution. Under the law the Doorkeeper is to make the appointments, and this amendment would make it really a joint resolution, or such a resolution as would require the concurrence of the Senate.

Mr. LACEY. Mr. Speaker, I understand that the point of order is made that this amendment will defeat the purpose of the resolution.

The SPEAKER. That would not be an argument on the point of order; that would be on the merits. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. FLYNN. I desire to offer an amendment—to insert after the word "State" the words "or Territories."

The question was taken on Mr. FLYNN'S amendment to the amendment; and the Speaker declared that the noes seemed to have it.

Mr. FLYNN. The gentleman accepts the amendment, Mr. Speaker.

The SPEAKER. The amendment would have to be accepted by the House.

The amendment to the amendment was rejected.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. MILLER of Kansas. Mr. Speaker, I have an amendment which I wish to suggest—a proviso that the salaries of these additional folders shall be paid out of the money that would go to the folders who have been spending the vacation in New York and Pennsylvania. [Laughter.]

Mr. WILLIAM A. STONE. I make the point of order against that amendment, Mr. Speaker.

The SPEAKER. I presume that the gentleman does not seriously mean to offer that amendment, inasmuch as he has not put it in writing or sent it to the Chair.

The question was taken on the amendment of Mr. LACEY; and the Speaker declared that the ayes seemed to have it.

Mr. WILLIAM A. STONE. I ask for a division.

The House divided; and there were—ayes 97, noes 42.

Mr. WILLIAM A. STONE. Mr. Speaker, a parliamentary inquiry. Have I not a right to demand tellers on this question?

The SPEAKER. The gentleman has that right.

Mr. WILLIAM A. STONE. I ask unanimous consent for five minutes to make a statement.

Mr. LACEY. I object.

Mr. WILLIAM A. STONE. I demand tellers. I want to say that under this amendment there is not a State in the Union that will get any appointments. There is not one that is not represented.

The SPEAKER. The gentleman is not in order.

Tellers were refused, only 30 members voting in favor thereof.

The amendment of Mr. LACEY was then agreed to.

Mr. ODELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused, only 27 members voting in favor thereof.

The question being taken on agreeing to the resolution as amended, the Speaker declared that the noes seemed to have it.

A division was asked for.

The House divided; and there were—ayes 45, noes 80.

So the resolution was rejected.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. The Chair understands that the first thing before the House is the unfinished business coming over from last Friday.

Mr. EVANS. Mr. Speaker, before that is proceeded with, I desire to present a conference report.

Mr. BINGHAM. Mr. Speaker, I desire to submit——

The SPEAKER. The gentleman from Pennsylvania will please suspend until after the conference report presented by the gentleman from Kentucky is disposed of.

SECTION 2 OF TARIFF LAW.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162) "Joint resolution continuing in force section 2 of the act approved June 3, 1896, entitled 'An act to repeal section 6 of an act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendments to said resolution and agree to an amendment as follows: Insert after the word "Congress," in the seventh line, "not later than ten days after the beginning of its next session;" and the House agree to the same.

WALTER EVANS,
CHARLES A. RUSSELL,
BENTON McMILLIN,
Managers on the part of the House.
O. H. PLATT,
NELSON W. ALDRICH,
Managers on the part of the Senate.

The conference report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 7864) to amend the immigration laws of the United States; asked a conference with the House on the said bill and amendments, and had appointed Mr. LODGE, Mr. CHANDLER, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas;

A bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy; and

A bill (S. 1731) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 1731) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army—to the Committee on Claims.

A bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy—to the Committee on Claims.

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas—to the Committee on Interstate and Foreign Commerce.

CELESTE A. BOUGHTON.

Mr. CROWTHER submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1261) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after full and free conference are unable to agree.

GEO. C. CROWTHER,
WM. BAKER,
S. S. KIRKPATRICK,
Managers on the part of the House.
J. H. GALLINGER,
JOHN M. PALMER,
Managers on the part of the Senate.

Mr. TRACEY. I move that the House insist on its amendment, and ask a further conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CROWTHER, Mr. BAKER of Kansas, and Mr. KIRKPATRICK as conferees on the part of the House.

MRS. JANE STEWART WHITING.

Mr. CROWTHER submitted also the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1311) granting a pension to Mrs. Jane Stewart Whiting, having met, after full and free conference, are unable to agree.

GEO. C. CROWTHER,
WM. BAKER,
S. S. KIRKPATRICK,
Managers on the part of the House.
J. H. GALLINGER,
FRANK J. CANNON,
JNO. L. MITCHELL,
Managers on the part of the Senate.

Mr. TRACEY. I move that the House insist on its amendment and ask for a further conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CROWTHER, Mr. BAKER of Kansas, and Mr. KIRKPATRICK as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. MORSE. I ask the gentleman from South Dakota [Mr. PICKLER] to withdraw the call for the regular order, so that I may present a matter from the Committee on Public Buildings and Grounds which will create no debate and will occupy but a few minutes.

Mr. PICKLER. Mr. Speaker, have we not entered upon the regular order already?

The SPEAKER. Objection is made.

Mr. BINGHAM. One word with reference to the order of business. While I recognize the force and the justness of the general rule of the House fixing Friday for the consideration of the Private Calendar, I ask unanimous consent, as we have already proceeded to some extent with the consideration of the legislative, executive, and judicial appropriation bill, that the Private Calendar be considered to-morrow and that the legislative bill be taken up in Committee of the Whole to-day.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent that to-morrow be substituted for to-day in the consideration of private business. Is there objection?

Mr. PICKLER. I rise to a parliamentary inquiry. If this request be acceded to, will it cut off the consideration to-day of the unfinished business coming over from last Friday?

The SPEAKER. The proposition, if agreed to, would substitute Saturday for to-day, all private business having the same right to-morrow that it would have to-day. That is the understanding of the Chair.

Mr. PICKLER. Suppose the legislative bill should not be finished to-day?

Mr. BINGHAM. Then the order of the House would operate, of course, and private business would be considered to-morrow.

Mr. BAKER of New Hampshire. Why would not to-morrow be as good as to-day for the legislative bill?

Mr. BINGHAM. I prefer that we should go on with the bill to-day. The matter is for the House to determine.

FLORA A. DARLING.

The SPEAKER. As the Chair understands, objection is made. The first thing in order is the unfinished private business. The Clerk will read the bill on which the House was dividing at the time of the adjournment last Friday.

The bill (H. R. 903) for the relief of Flora A. Darling was read.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. DALZELL] that this bill be laid on the table.

Mr. COOPER of Texas. I had hoped, Mr. Speaker, that the gentleman from Pennsylvania——

The SPEAKER. The question is not debatable.

Mr. COOPER of Texas. I did not wish to indulge in debate; I was about to ask the gentleman to withdraw his motion to lay on the table.

Mr. DALZELL. Personally I should like very much to oblige the gentleman, but it seems to me, in the interest of the public business, that I had better insist on my motion. This question was fully debated in the Committee of the Whole a week ago, and also in the House.

The SPEAKER. The gentleman from Pennsylvania declines to withdraw his motion. The question is on the motion to lay the bill on the table.

The question having been taken,

The SPEAKER. The ayes seem to have it.

Mr. COOPER of Texas. I call for a division.

The question being again taken, there were—ayes 100, noes 54.

Mr. COOPER of Texas. No quorum.

The SPEAKER (having counted the House). Two hundred and eight members are present, a quorum.

Mr. COOPER of Texas. Mr. Speaker, I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 96, not voting 119; as follows:

YEAS—140.

Adams,
Anderson,
Atwood,
Avery,
Barham,
Bartholdt,
Bennett,
Bingham,
Bishop,
Blue,
Bowers,
Brewster,
Broderick,
Brosius,
Brown,
Burrell,
Burton, Mo.
Burton, Ohio
Cannon,
Clark, Iowa
Connolly,
Cooke, Ill.
Cousins,
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Daniels,
Dayton,
Dingley,
Dolliver,
Doolittle,
Dovener,
Fairchild,
Fenton,
Fletcher,
Foote,
Foss,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Graff,
Griffin,
Grout,
Hager,
Hainer, Nebr.
Halterman,
Hanly,
Hardy,
Harmer,
Harris,
Hatch,
Heiner, Pa.
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hicks,
Hilborn,
Hill,
Hopkins,
Howe,
Howell,
Hubbard,
Hulick,
Huling,
Hull,
Johnson, N. Dak.
Kerr,
Kiefer,
Kirkpatrick,
Lacey,
Leighty,
Leisenring,
Leonard,
Linney,
Linton,
Long,
Mahany,
Marsh,
McCall, Tenn.
McCleary, Minn.
McEwan,
McLachlan,
Mercer,
Miller, Kans.
Miller, W. Va.
Minor, Wis.
Mitchell,
Moody,
Morse,
Mozley,
Northway,
Odell,
Overstreet,
Parker,
Payne,
Pearson,
Perkins,
Poole,
Powers,
Prince,
Pugh,
Raney,
Ray,
Reeves,
Rinaker,
Robinson, Pa.
Royse,
Scranton,
Settle,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Spalding,
Sperry,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Tawney,
Thomas,
Thorp,
Tracewell,
Tracey,
Treloar,
Updegraff,
Van Voorhis,
Wanger,
Watson, Ohio
Wellington,
Wilson, N. Y.
Wood,
Woomer,
Wright.

NAYS—96.

Abbott,
Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Bailey,
Baker, N. H.
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Berry,
Black, Ga.
Buck,
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Culberson,
Cummings,
De Armond,
Denny,
Dinsmore,
Dockery,
Erdman,
Fitzgerald,
Gibson,
Goodwyn,
Hall,
Harrison,
Hart,
Hartman,
Howard,
Hunter,
Hurley,
Hutcheson,
Jenkins,
Johnson, Cal.
Jones,
Joy,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Lester,
Little,
Livingston,
Maddox,
Mahon,
Martin,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McLaurin,
McMillin,
McRae,
Meredith,
Meyer,
Miles,
Neill,
Ogden,
Otey,
Otjen,
Owens,
Pendleton,
Price,
Richardson,
Sayers,
Shafroth,
Sorg,
Southwick,
Sparkman,
Spencer,
Stokes,
Strait,
Stroud, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Tate,
Terry,
Towne,
Turner, Ga.
Turner, Va.
Tyler,
Van Horn,
Walker, Mass.
Washington,
Williams,
Wilson, S. C.
Woodard,
Yoakum.

NOT VOTING—119.

Acheson,
Aitken,
Aldrich, Ill.
Allen, Utah
Andrews,
Apsley,
Arnold, Pa.
Arnold, R. I.
Babcock,
Baker, Kans.
Baker, Md.
Bankhead,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Belknap,
Black, N. Y.
Boatner,
Boutelle,
Bromwell,
Brumm,
Bull,
Calderhead,
Catchings,
Chickering,
Clardy,
Codding,
Coffin,
Colson,
Cook, Wis.
Corliss,
Cowen,
Cox,
Crowley,
Crump,
Curtis, N. Y.
De Witt,
Draper,
Eddy,
Elliott,
Ellis,
Evans,
Faris,
Fischer,
Gamble,
Griswold,
Grosvenor,
Grow,
Hadley,
Heatwole,
Hemenway,
Hendrick,
Hermann,
Hitt,
Hooker,
Huff,
Hyde,
Johnson, Ind.
Kem,
Kendall,
Knox,
Kulp,
Lefever,
Lewis,
Lorimer,
Loud,
Loudenslager,
Low,
Maguire,
McCall, Mass.
McClure,
McCormick,
Meiklejohn,
Milliken,
Milnes,
Miner, N. Y.
Mondell,
Money,
Moses,
Murphy,
Murray,
Newlands,
Noonan,
Patterson,
Phillips,
Pickler,
Pitney,
Quigg,
Reyburn,
Robertson, La.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Mich.
Southard,
Stahle,
Stallings,
Steele,
Strong,
Taft,
Tayler,
Tucker,
Wadsworth,
Walker, Va.
Warner,
Watson, Ind.
Wheeler,
White,
Wilber,
Willis,
Wilson, Idaho
Wilson, Ohio
Woodman.

So the motion to lay the bill on the table was agreed to.

The following pairs were announced until further notice:

Mr. CORLISS with Mr. COWEN.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. SMITH of Michigan with Mr. TUCKER.

Mr. CHICKERING with Mr. MINER of New York.
Mr. KULP with Mr. HENDRICK.
Mr. GROSVENOR with Mr. WHEELER.
Mr. MILLIKEN with Mr. MONEY.
Mr. LOW with Mr. STALLINGS.
Mr. HEINER of Pennsylvania with Mr. JONES.
Mr. WATSON of Indiana with Mr. KENDALL.
Mr. CRUMP with Mr. MILLS.
Mr. RUSSELL of Connecticut with Mr. CATCHINGS.
Mr. BARNEY with Mr. BANKHEAD.
Mr. LEFEVER with Mr. ELLETT.
Mr. STEWART of New Jersey with Mr. CLARDY.
Mr. FARIS with Mr. RUSK.

The following pairs were announced for this day:

Mr. EVANS with Mr. COX.
Mr. HARMER with Mr. BARTLETT of New York.
Mr. ARNOLD with Mr. RUSSELL of Georgia.
Mr. REYBURN with Mr. MOSES.
Mr. GAMBLE with Mr. MCGUIRE.
Mr. CODDING with Mr. CROWLEY.
Mr. APSLEY with Mr. PATTERSON.
Mr. PITNEY with Mr. BOATNER.
Mr. MCCALL of Massachusetts with Mr. SHAW.

Mr. CLARDY. Mr. Speaker, I desire to vote on this question.

The SPEAKER. Was the gentleman present when his name should have been called, and failed to hear it?

Mr. CLARDY. I can not say as to that. I came in just as my name was called.

The SPEAKER. The Chair can not, under the rule, entertain the gentleman's request.

The result of the vote was then announced as above recorded.

HANNAH R. QUINT.

The next unfinished business on the Calendar was the bill (H. R. 6792) granting a pension to Hannah R. Quint, reported from the Committee of the Whole with favorable recommendation.

The SPEAKER. This bill was laid aside at the last session for the consideration of such business, on the demand for its engrossment. The engrossed bill is now before the House.

Mr. ERDMAN. I move to recommit this bill. This is a double divorce case.

Mr. PICKLER. Is a motion in order to lay on the table the motion to recommit?

The SPEAKER. The Chair thinks not.

The engrossed bill will be read.

The bill was read at length.

Mr. ERDMAN. While I understand that this motion is not debatable, I ask unanimous consent that the report in this case, which was passed at the last session, be read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. PICKLER. That was read in Committee of the Whole and fully discussed. I object.

The question being taken on the motion of Mr. ERDMAN to recommit the bill, the House divided; and there were—ayes 54, noes 73.

So the motion was rejected.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The previous question was ordered, under the operation of which the bill was passed.

On motion of Mr. PICKLER, a motion to reconsider the last vote was laid on the table.

WILLIAM P. BUCKMASTER.

The next unfinished business on the Calendar was the bill (S. 90) for the relief of William P. Buckmaster.

The SPEAKER. The committee recommend that this bill be substituted for House bill No. 3950, and that it do lie on the table.

Mr. JOY. Mr. Speaker, I desire to move that the consideration of this matter be passed over until the next private bill day, retaining its place on the Calendar.

The SPEAKER. It would require unanimous consent.

Mr. JOY. I make that request, Mr. Speaker. I will state in reference to this that the gentleman who took the opposition consents that it may go over. I want to find some other facts pertaining to it before final action is taken by the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri, that the consideration of this bill go over until the next private bill day?

There was no objection, and it was so ordered.

CAPT. FRANCIS A. BEUTER.

The next unfinished business on the Calendar was the bill (H. R. 71) for the relief of Capt. Francis A. Beuter.

The bill was read at length.

The question being on the engrossment and third reading of the bill, it was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the last vote was laid on the table.

JOHN A. LYNCH.

The next unfinished business on the Calendar was the bill (H. R. 3075) for the relief of John A. Lynch.

The bill was read at length.

Mr. LOUD. Mr. Speaker, I should like to ask if this bill is subject to further amendment in the House.

The SPEAKER. The Chair thinks it is.

Mr. LOUD. Well, Mr. Speaker, I will offer an amendment to strike out "$2,466.49," the amount carried in the bill, and insert in lieu thereof "$1,666.49."

I understand this will not be objected to by the friends of the measure, and while I do not think the applicant is entitled to more than $1,266.33, which was the amount claimed, still, understanding that the friends of the measure will not raise any objection to striking out the $800 for clerk hire, I offer that amendment, and hope the House will adopt it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the words "two thousand four hundred and sixty six dollars and forty nine cents" and insert in lieu thereof the words "one thousand six hundred and sixty six dollars and forty nine cents."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES STEWART.

The next unfinished business on the Calendar was the bill (H. R. 807) for the relief of James Stewart.

The bill was read at length, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BROMWELL, a motion to reconsider the last vote was laid on the table.

URIAH ANDRICKS.

The next unfinished business on the Calendar was the bill (H. R. 1948) to grant a pension to Uriah Andricks, late Fifty-fourth Illinois Volunteer Infantry.

The bill was read at length.

The amendments recommended by the Committee of the Whole were agreed to.

Mr. PICKLER. Mr. Speaker, I desire to offer another amendment striking out all after the word "month," in line 8, and inserting in lieu thereof the words "in lieu of the pension he is now receiving."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 8 strike out the words "for loss of hearing and enlargement of spleen" and insert in lieu thereof the words "in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMELINE FILGATE.

The next unfinished business on the Calendar was the bill (S. 1631) granting a pension to Emeline Filgate.

The bill was read at length, ordered to a third reading, read the third time, and passed.

JAMES L. WING.

The next unfinished business on the Calendar was the bill (H. R. 3481) granting a pension to James L. Wing.

The bill was read at length.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ADELAIDE MORRIS.

The next unfinished business on the Calendar was the bill (S. 757) granting an increase of pension to Adelaide Morris.

The bill was read at length.

The amendments recommended by the Committee of the Whole were read.

The SPEAKER. The Chair thinks the amendment proposed, striking out "fifty" and inserting "twenty-five," was intended to be substituted in both places.

Mr. PICKLER. That was the intention of the House committee.

The SPEAKER. The question is on agreeing to the amendment to substitute "twenty-five" for "fifty" wherever the "fifty" occurs.

Mr. PICKLER. It so appears in the Senate bill. It is stricken out in both places in the Senate bill, and the "twenty-five" is in italics.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JANE CHRISTIAN MARYE.

The next unfinished business on the Calendar was the bill (H. R. 5902) granting a pension to Jane Christian Marge, with amendments.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time and passed.

The title of the bill was amended so as to read: "A bill granting a pension to Jane Christian Marye."

IRA HARRIS.

The next unfinished business on the Calendar was the bill (S. 2711) granting a pension to Ira Harris.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the bill H. R. 519, on the same subject, will lie on the table.

There was no objection, and it was so ordered.

FREDERICA A. DRISCOLL.

The next unfinished business on the Calendar was the bill (H. R. 4675) granting a pension to Frederica A. Driscoll.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

LAURETTA S. PRINCE.

The next unfinished business on the Calendar was the bill (H. R. 2629) to place the name of Lauretta S. Prince on the pension roll, with amendments.

The amendments recommended by the Committee of the Whole were read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

Mr. ERDMAN. I desire to move an amendment in this case.

The SPEAKER. The gentleman from South Dakota asks the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The House divided; and there were—ayes 57, noes 0.

Mr. ERDMAN. No quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and thirty gentlemen are present—not a quorum. Under the rules of the House, there not being a quorum present, a call of the House will be considered as ordered, and the yeas and nays on the pending question are ordered at the same time. The Clerk will call the roll, and gentlemen will answer "present," if they do not desire to vote, and if they desire to vote they will do so.

The question was taken; and there were—yeas 171, nays 53, present and answering 11, not voting 120; as follows:

YEAS—171.

Adams,
Aldrich, T. H.
Aldrich, W. F.
Allen, Utah
Anderson,
Baker, Kans.
Baker, Md.
Barham,
Bartholdt,
Belknap,
Bennett,
Bingham,
Blue,
Boutelle,
Bowers,
Brewster,
Broderick,
Bromwell,
Brosius,
Brown,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Clark, Iowa
Clark, Mo.
Connolly,
Cook, Wis.
Cooke, Ill.
Cousins,
Crowther,
Cummings,
Curtis, Kans.
Dalzell,
Danford,
Daniels,
Dingley,
Dockery,
Dolliver,
Doolittle,
Dovener,
Draper,
Eddy,
Ellis,
Evans,
Fairchild,
Fenton,
Fischer,
Fletcher,
Foote,
Foss,
Fowler,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hanly,
Hardy,
Hatch,
Heatwole,
Heiner, Pa.
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill,
Hopkins,
Howell,
Hubbard,
Huff,
Hulick,
Hull,
Hunter,
Hurley,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Joy,
Kendall,
Kerr,
Kiefer,
Kirkpatrick,
Lacey,
Latimer,
Layton,
Leighty,
Leonard,
Linney,
Long,
Mahany,
Mahon,
Martin,
McCall, Mass.
McCleary, Minn.
McLachlan,
Mercer,
Miller, Kans.
Miller, W. Va.
Minor, Wis.
Mitchell,
Moody,
Murphy,
Murray,
Noonan,
Northway,
Odell,
Otjen,
Overstreet,
Payne,
Pearson,
Perkins,
Phillips,
Pickler,
Poole,
Powers,
Prince,
Pugh,
Quigg,
Raney,
Ray,
Reeves,
Rinaker,
Royse,
Scranton,
Settle,
Shafroth,
Sherman,
Simpkins,
Smith, Ill.
Southard,
Southwick,
Sperry,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Sulzer,
Tawney,
Thomas,
Tracewell,
Tracey,
Treloar,
Updegraff,
Van Horn,
Van Voorhis,
Walker, Mass.
Walker, Va.
Watson, Ohio
Wellington,
White,
Willis,
Wilson, N. Y.
Wood,
Woodman,
Woomer,
Wright.

NAYS—53.

Allen, Miss.
Bailey,
Bankhead,
Bartlett, Ga.
Bell, Colo.
Black, Ga.
Buck,
Clardy,
Cobb,
Cockrell,
Cooper, Tex.
Cox,
Culberson,
De Armond,
De Witt,
Dinsmore,
Erdman,
Harrison,
Hart,
Howard,
Kleberg,
Little,
Livingston,
[illegible]
Maddox,
Maguire,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McLaurin,
McMillin,
McRae,
Meredith,
Ogden,
Otey,
Pendleton,
Richardson,
Sayers,
Stokes,
Strait,
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Turner, Ga.
Turner, Va.
Washington,
Wilber,
Wilson, S. C.
Woodard,
Yoakum.

PRESENT AND ANSWERING—11.

Andrews,
Bell, Tex.
Berry,
Cannon,
Clarke, Ala.
Cooper, Wis.
Kyle,
McCall, Tenn.
Morse,
Neill,
Spalding.

NOT VOTING—120.

Abbott,
Acheson,
Aitken,
Aldrich, Ill.
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Baker, N. H.
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Bishop,
Black, N. Y.
Boatner,
Brumm,
Calderhead,
Catchings,
Chickering,
Codding,
Coffin,
Colson,
Cooper, Fla.
Corliss,
Cowen,
Crowley,
Crump,
Curtis, Iowa
Curtis, N. Y.
Dayton,
Denny,
Ellett,
Faris,
Fitzgerald,
Gamble,
Griswold,
Grosvenor,
Hadley,
Hall,
Harmer,
Harris,
Hartman,
Hemenway,
Hendrick,
Hitt,
Hooker,
Howe,
Huling,
Hutcheson,
Hyde,
Johnson, Ind.
Jones,
Kem,
Knox,
Kulp,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Linton,
Lorimer,
Loudenslager,
Low,
Marsh,
McClure,
McCormick,
McEwan,
Meiklejohn,
Meyer,
Miles,
Milliken,
Milnes,
Miner, N. Y.
Mondell,
Money,
Moses,
Mozley,
Newlands,
Owens,
Parker,
Patterson,
Pitney,
Price,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Mich.
Snover,
Sorg,
Sparkman,
Spencer,
Stahle,
Stallings,
Stone, C. W.
Taft,
Tayler,
Thorp,
Towne,
Tucker,
Tyler,
Wadsworth,
Wanger,
Warner,
Watson, Ind.
Wheeler,
Williams,
Wilson, Idaho
Wilson, Ohio.

The SPEAKER pro tempore (Mr. PAYNE). On this question the yeas are 171, the nays 53. The yeas have it, and the previous question is ordered, a quorum being present.

The question now is on agreeing to the amendments. The Clerk will report the amendments.

The Clerk read as follows:

In line 5, after the word "Lauretta," strike out the initial "S." and insert the letter "L." In the same line, after the word "Prince" and before the word "daughter" insert the word "dependent."

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. ERDMAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ERDMAN. To demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill has not yet been ordered to be engrossed.

The question was taken, and the bill was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania raises the point that the engrossed bill shall be read. The bill will be laid aside to be engrossed.

Mr. PICKLER. A parliamentary inquiry. This bill going over now, an order having been made for engrossment, will the bill be in order as unfinished business to-morrow? As I understand, it will be in order.

The SPEAKER pro tempore. That will depend upon whether the previous question was ordered upon the bill to its passage. If it was so ordered, it will come up at any time; otherwise not. That will depend upon what the Journal shows. The bill will have to be laid aside for the present for the purpose of engrossment.

ELIZA A. FOSS.

The next unfinished business on the Calendar was the bill (H. R. 3499) granting a pension to Eliza A. Foss.

The bill was read.

Mr. PICKLER. Mr. Speaker, I ask for the previous question on the bill to its passage.

The previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH PORTER.

The next unfinished business on the Calendar was the bill (S. 1495) granting a pension to Joseph Porter, which, as recommended by the Committee of the Whole, was laid on the table.

ADAM DENNIS.

The next unfinished business on the Calendar was the bill (H. R. 4734) to increase the pension of Adam Dennis.

The bill was read.

Mr. PICKLER. Mr. Speaker, I move to amend that bill by striking out, in lines 6 and 7, the words "Manns, Bedford County, Pa.," and also striking out the word "soldier," in line 6, and inserting "private."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LYDIA CHAPMAN.

The next unfinished business on the Calendar was the bill (H. R. 4608) granting a pension to Lydia Chapman.

The bill was read.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to substitute for that bill the bill of the Senate (S. 1881) granting a pension to Lydia Chapman.

There was no objection.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill (H. R. 4608) was, by unanimous consent, laid on the table.

ELIZA J. HOLMAN.

The next unfinished business on the Calendar was the bill (H. R. 6355) for the relief of Eliza J. Holman.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

J. J. DAVIS.

The next unfinished business on the Calendar was the bill (H. R. 2742) to grant a pension to J. J. Davis.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY W. KEEFFE.

The next unfinished business on the Calendar was the bill (S. 905) granting a pension to Mary W. Keeffe.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

EMILY ELLIOTT.

The next unfinished business on the Calendar was the bill (H. R. 5855) granting a pension to Emily Elliot.

The amendments recommended by the Committee of the Whole were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to make it read: "Granting a pension to Emily Elliott."

ANNA U. KENDALL.

The next unfinished business on the Calendar was the bill (H. R. 5895) granting a pension to Anna U. Kendall.

The amendments recommended by the Committee of the Whole were agreed to.

Mr. PICKLER. Mr. Speaker, I desire to have that bill amended by inserting in line 7, after the word "volunteer," the words "and pay her a pension of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. BRITTON.

The next unfinished business on the Calendar was the bill (S. 1276) granting an increase of pension to John L. Britton.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BLUFORD REEDER.

The next unfinished business on the Calendar was the bill (H. R. 2231) for the relief of Bluford Reeder.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER M'BRIDE.

The next unfinished business on the Calendar was the bill (H. R. 6282) to increase the pension of Alexander McBride.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY T. YOUNG.

The next unfinished business on the Calendar was the bill (H. R. 6050) increasing the pension of Mary T. Young.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLOTTE O. VAN CLEVE.

The next unfinished business on the Calendar was the bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

Mr. PICKLER. I call the previous question.

The SPEAKER pro tempore. The gentleman from South Dakota moves the previous question upon the bill and amendment to final passage.

The question having been put on ordering the previous question,

The SPEAKER pro tempore. The ayes seem to have it.

Mr. ERDMAN. I call for a division.

The question being taken again, there were—ayes 75, noes 1.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore (having counted the House). One hundred and seventy-nine gentlemen are present—a quorum. The ayes have it; and the previous question is ordered. The question is upon agreeing to the amendment.

Mr. ERDMAN. Mr. Speaker——

The SPEAKER pro tempore. The Chair was in error. There is no amendment pending to the bill.

Mr. ERDMAN. I understand that there are fifteen minutes for debate on this question.

Mr. PICKLER. This bill was debated in Committee of the Whole.

The SPEAKER pro tempore. The Chair understands that the bill was debated in the Committee of the Whole.

Mr. ERDMAN. The RECORD will show that there was no debate on the bill.

The SPEAKER pro tempore. Was not the report read?

Mr. ERDMAN. The report was read.

The SPEAKER pro tempore. That was debate.

Mr. PICKLER. I should like to inquire, if in order, what the gentleman——

The SPEAKER pro tempore. Debate is not in order.

The question being taken, the bill was ordered to a third reading.

Mr. ERDMAN. I demand the presence of the engrossed bill.

The SPEAKER pro tempore. This is a Senate bill. This is the engrossed copy.

The bill was read the third time, and passed.

The next unfinished business on the Calendar was the bill (H. R. 5425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

The SPEAKER pro tempore. This bill is a House bill, similar in its provisions to the Senate bill just passed. The Committee of the Whole reported this bill with the recommendation that it be laid on the table. Without objection, that action will be taken.

There was no objection.

JOHN W. POGUE.

The next unfinished business on the Calendar was the bill (H. R. 4875) granting a pension to John W. Pogue.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN W. BRUNER.

The next unfinished business on the Calendar was the bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and the United States Signal Corps.

The amendment reported from the Committee of the Whole on the Private Calendar was read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title recommended by the Committee of the Whole, to make the title read "A bill granting a pension to John W. Bruner," was agreed to.

ELISHA B. BASSETT.

The next unfinished business on the Calendar was the bill (H. R. 3508) to correct the military record of Elisha B. Bassett.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARION M'KIBBEN.

The next unfinished business on the Calendar was the bill (S. 684) granting an increase of pension to Marion McKibben.

The bill was read.

Mr. PICKLER. I demand the previous question.

The SPEAKER pro tempore. The gentleman from South Dakota moves the previous question on the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to; and the bill as amended was ordered to a third reading, read the third time, and passed.

THOMAS J. THORP.

The next unfinished business on the Calendar was the bill (H. R. 8945) granting a pension to Thomas J. Thorp, late private in Company K, Third Ohio Volunteer Cavalry.

The bill and amendment were read.

Mr. PICKLER. I demand the previous question.

The SPEAKER pro tempore. The gentleman from South Dakota moves the previous question upon the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title reported from the Committee of the Whole, to make the title read "A bill granting a pension to Thomas J. Thorp," was agreed to.

SARAH A. ASPOLD.

The next unfinished business on the Calendar was the bill (H. R. 1565) granting a pension to Mrs. Sarah A. Aspold, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and being read the third time, it was passed.

RICHARD S. PHILLIPS.

The next unfinished business on the Calendar was the bill (H. R. 6670) to increase the pension of Richard S. Phillips, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY PELHAM.

The next unfinished business on the Calendar was the bill (H. R. 4264) granting a pension to Mary Pelham, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN T. BREWSTER.

The next unfinished business on the Calendar was the bill (H. R. 3384) for the relief of John T. Brewster, reported from the Committee of the Whole with an amendment in the nature of a substitute.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

THOMAS POLLOCK.

The next unfinished business on the Calendar was the bill (S. 2176) granting a pension to Thomas Pollock, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to a third reading; and being read the third time, it was passed.

BENNETT S. SHAUG.

The next unfinished business on the Calendar was the bill (H. R. 1618) to increase the pension of Bennett S. Shaug, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SAMUEL M'KINSEY.

The next unfinished business on the Calendar was the bill (H. R. 4620) granting a pension to Samuel McKinsey, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. PICKLER. Mr. Speaker, I ask that the motion be entered to reconsider and lay on the table in all cases where it has not already been made with reference to the bills just acted upon on the Calendar of unfinished business.

The SPEAKER pro tempore. Without objection, that order will be made.

Mr. ERDMAN. I object.

Mr. PICKLER. Then, Mr. Speaker, I move to reconsider the various votes taken on the bills just considered on the Calendar of unfinished business, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

THOMAS B. REED.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

The first business on the Private Calendar was the bill (H. R. 129) for the relief of Thomas B. Reed.

The bill was read, as follows:

Be it enacted, etc., That the claim of Thomas B. Reed, who served as sergeant, first sergeant, and first lieutenant Fifth Pennsylvania Reserve Corps, and captain Two hundred and fifth Pennsylvania Volunteers, of the United States Army, in the late war of the rebellion, for a balance of wages earned by him in the suppression of said rebellion, and during his entire time of service in the said Army, and not paid to him, be, and the same is hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due by it of the United States upon the said claim.

Mr. MAHON. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DOCKERY. I ask to have the report read in my time.

Mr. MAHON. All right.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 129) for the relief of Thomas B. Reed, report:

Reed served as an enlisted man in the Fifth Pennsylvania Reserve Corps Volunteers, United States Army, from June 5, 1861, to March 5, 1863, when he was honorably discharged for promotion and commissioned first lieutenant in said corps and served therein till June 2, 1865; next he was commissioned second lieutenant, Twenty-ninth Infantry, United States Army, July 22, 1867, and from then to June 18, 1875, he served as a commissioned officer in the United States Army. During the whole time he served as such commissioned officer the following provisions of law were, respectively, in force:

"That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States. (5 U. S. Stat., section 15, page 258, act of July 5, 1838.)

"There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service." (Act of July 15, 1870, now section 1262 of the Revised Statutes.)

He was paid for his services in the said intervals of time between March 5, 1863, and June 18, 1875, merely what other officers of his grade were generally paid, and he was paid or allowed nothing whatever in those two intervals of time on account of his said prior length of services in the United States Army as an enlisted man. For this reason he alleges he was short paid for his services rendered during these two intervals between March 5, 1863, and June 18, 1875, partially in the suppression of the late rebellion, and requests the passage of this bill, the sole object of which is to remove any statutable limitation bar that exists, or may exist, to prevent the Court of Claims from hearing and determining his demand in the premises as if it accrued within six years.

The commutation value or price thus put in controversy of the one additional ration per diem for every five years of prior service computes to about the sum of [illegible], and your committee, having fully considered the matter, can see no reason why the question involved should not be heard and determined, as this officer requests, in the Court of Claims.

Your committee would further observe that this bill nowise asks Congress to determine the justness of this claim (which is for a balance of wages for military services rendered by a distinguished officer); it only asks Congress for what is frequently granted by it to the capitalists and property claimant, and that is "that the claimant may go before a competent tribunal and prove the justness of his claim if he can."

The committee recommend that the bill do pass.

Mr. DOCKERY. I did not catch the reading of the bill. Does it authorize the Court of Claims to render a judgment?

Mr. MAHON. No; it merely involves a question of law. The bill passed both Houses in the last Congress, but not in time to receive the signature of the President. It involves no appropriation.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JAMES BIGLER.

The next business on the Private Calendar was the bill (H. R. 3313) for the relief of James Bigler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States [illegible] the alleged destruction and taking by the United States [illegible] during the period from May 21, 1862, [illegible] property formerly situated at Biglers Mills, Va., alleged to have been the property of James Bigler, of Newburg, N. Y., and to have been used and destroyed by the United States troops. Such investigation to extend to the title of the property and the [illegible] the owner whether loyal or not, the value of [illegible] of the destruction and by whose [illegible] was destroyed. And when such investigation [illegible] Secretary of War shall report the result [illegible] to Congress for action in the premises.

Mr. DOCKERY. Mr. Chairman, I hope we shall have the report read in that case.

The report (by Mr. HURLEY) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. [illegible]) [illegible] submit the following report:

[illegible] upon the Secretary of War to have the claim of James Bigler [illegible] through the Quartermaster's Department of the Army and to report the result with his recommendation thereon [illegible] the premises.

[illegible] for the destruction and [illegible] and conversion of [illegible] property at Biglers Mills, Va., by Federal troops during the period from May 6, 1862, [illegible] 1865, briefly stated, the facts in the case are as follows:

[illegible] acres of timber land situated at Biglers Mills, in York County, on the south side of the York River, nearly midway between West Point and Yorktown, Va.; that immediately thereafter he entered into possession of said property and made extensive improvements thereon, [illegible] erection of a pier and bulkhead on the river front, [illegible] equipped with the best machinery then known, [illegible] and grist mills also fully equipped with modern machinery, brickyard, [illegible] houses, barns, and other buildings; that as the land was [illegible] for cultivation [illegible] and a large portion of [illegible] trees.

That from the time he took possession of said property until on or about April [illegible], 1862, when he was [illegible] dispossessed therefrom by the Confederate [illegible] Mr. Bigler did a large and prosperous business at such place, that all the improvements made by him thereon were in excellent condition, and remained [illegible] from the time he was thus dispossessed until after it was [illegible] Confederate [illegible] shortly before the battle of [illegible] of May, 1862. Biglers Mill was [illegible] Va.; that on the 4th and 5th of May, 1862, [illegible] Federal gunboats then lying in York River and at the same time [illegible] marines, who placed thereon [illegible]

[illegible]

Substantially the same [illegible]

[illegible] Fifty-first Congress and H. R. [illegible] Report No. [illegible] [illegible]

[illegible]

The distinction between the two kinds of damages is [illegible]; one is the result of accident, the other is the result of design. [illegible]

Grotius asserts the same doctrine. He says:

"The king may in two ways deprive his subjects of their right, either by way of punishment or by virtue of his eminent power. But if he do so in the last way it must be for some public advantage, and then the subject ought to receive, if possible, a just satisfaction for the loss he suffers out of the common stock."

Again he says:

"The state has an eminent right of property over the goods of the subjects, so that the state, or those that represent it, may make use of them, and even destroy and alienate them, not only in extreme necessity, but for the public benefit; to which we must add that the state is obliged to repair the damages suffered by any subject on that account out of the public stock."

Mr. William Whiting has discussed the subject of war claims with direct reference to the liabilities of the United States growing out of the late war. He writes with extreme caution, but even he asserts that

"If the private property of loyal citizens, inhabitants of loyal States, is appropriated by our military forces for the purpose of supplying our armies and [illegible] in prosecuting hostilities against a public enemy, the Government is bound to give a reasonable compensation therefor to the owner."

Again he says:

"When individuals are called upon to give up what is their own for the advantage of the community, justice requires that they should be fairly compensated for it; otherwise public burdens would be shared unequally."

Again he says:

"[illegible] that the property taken shall be actually used. It may be [illegible] removed, or destroyed [illegible] Suppose a bridge owned by a private corporation [illegible] our forces upon the banks of a river [illegible] public use."

Judicial [illegible] than that of the text writers.

In Grant vs. The United States (1 N. & H. Reports) the court says:

"It may safely be assumed as the settled and fundamental law of Christian and civilized States that governments are bound to make just indemnity to the citizen or subject whenever private property is taken for the public good, convenience, or safety."

In that case the United States was held to pay for the property destroyed in Arizona merely to prevent it from falling into the hands of the enemy.

In the case of Mitchell vs. Harmony, reported in 13 Howard, page 115, Chief Justice Taney, delivering the opinion of the court, says:

"There are, without doubt, occasions in which private property may lawfully be taken into possession or destroyed to prevent it from falling into the hands of the public enemy; and also where a military officer charged with a particular duty may impress private property into the public service or take it for public use. Unquestionably in such cases the Government is bound to make full compensation to the owner."

If as [illegible] the State must pay for the property of a citizen destroyed to prevent it from falling into the hands of an enemy, [illegible] the State pay for property destroyed to prevent a garrison [illegible] from falling into the hands of an enemy.

The uniform action of Congress has been in strict accord with the principle [illegible] by the courts and [illegible] the commentators. Congress has recognized the principle in a great variety of cases [illegible] The war of the Revolution was fought before we had any constitutional prohibition against taking private property for public use without compensation. The troops for that war were furnished by the several States. Congress did not assume the obligation of making compensation for property taken by the military authority. But it clearly recognized the principle that compensation should be made. Accordingly, in 1784 a resolution was adopted from which the following is an extract:

"That it be referred to the several States [illegible] who may have been the greatest sufferers [illegible] United States should make any allowance to any particular State which may be [illegible] much beyond others that the allowance ought to be determined by Congress."

In accordance with that resolution, when in 17[illegible] Mary [illegible] and others petitioned [illegible] destroyed on Long Island by the American Army [illegible] British [illegible] August, 1776, the committee [illegible] recommended the prayer [illegible] State of New York [illegible] Congress did pass an act [illegible] academy in Wilmington, [illegible] of which the following is a copy:

"That there be paid [illegible] to the corporation of trustees of the public academy of Wilmington, in the State of Delaware, [illegible] and the damage [illegible] of the same by the troops of the United States during the late war, there be granted to the said corporation of trustees [illegible] compensation [illegible] payable out of any money appropriated in the Treasury of the United States, [illegible] accounting officers of the Treasury."

The [illegible] by that resolution was recommended by Alexander Hamilton, [illegible] Secretary of the Treasury.

Subsequent to the war with Great Britain of 1812 a large number of claims for similar injuries were compensated by Congress. [illegible] to a few.

An appropriation was made to William H. Washington [illegible] which was [illegible] near the west end of the [illegible] destroyed by order of an officer of the United States. The facts of the case briefly stated, were that a corporal was placed in charge of the house, [illegible] from his superior [illegible] the enemy. [illegible] The committee reported that [illegible] the house and stores to prevent the latter from falling [illegible] the petitioner should be paid the value of his house. He was paid accordingly.

In 1862 an act was passed to pay J. [illegible] Arms for a house destroyed in Fairfax County, Va. That house was destroyed, as the committee reported, by [illegible], and to prevent its being used by the enemy as a cover for attack, and also as a point for observation. That act was approved by President Lincoln.

In 18[illegible] Congress passed an act making compensation to the Kentucky University for buildings destroyed. The buildings were taken by military authority. They were destroyed by accident, but if the Government is required to make compensation for buildings taken and then destroyed by accident, it is difficult to see why it should not pay for buildings taken and then destroyed by design. That act was approved by President Grant.

One other legislative precedent is worthy of notice. The case of Mitchell vs. Harmony has already been referred to. In that case the property of the plaintiff was taken by military authority. As a consequence of the taking, the goods fell into the hands of the enemy. The courts held that the taking was unnecessary, and therefore required the officer in command to make compensation for the loss of the goods. But Congress held that inasmuch as the officer acted in good faith, and for what he believed to be the interests of the Government, the Government ought to protect him against the consequences of his mistake. Congress therefore assumed the defense of the officer before the Supreme Court, and when judgment was finally rendered against him assumed the payment of it.

To the foregoing precedents a great many might be added. Not a single case has been found in which Congress has denied the liability assumed in the precedents cited. Not a single authority has been found controverting the principle asserted by Grotius, by Vattel, by Whiting, by the Court of Claims, and by the Supreme Court of the United States.

Your committee therefore report back the bill, and recommend its passage.

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with a favorable recommendation.

Mr. DINGLEY. Mr. Chairman, it seems to me that this bill opens up a very large and dangerous field, if I understand the scope of it. I think it would be well to have it pretty carefully examined. As I understand, it is a bill to give compensation for the destruction of private property in military operations within the theater of war. My understanding is that this took place in Virginia, within the field of active military operations. If that is the character of the bill, if the Government is called upon to pay damages for property destroyed by military operations, it seems to me we shall have a pretty large expenditure to provide for.

I know the case of William and Mary College is sometimes quoted as a precedent, but that was a purely sentimental case, and the House, in voting compensation, put it rather on the ground that it was an educational institution, which, under the peculiar circumstances, should have special recognition. I was not aware that we had, with both eyes open, ever made an appropriation to pay for the destruction of property in the actual operations of war—in the theater of war.

Mr. DOCKERY. Do I understand the gentleman from Maine to say that this bill proposes an appropriation of that sort?

Mr. DINGLEY. It may be that I have misunderstood it, but that is my understanding, and I rose to ask to be informed exactly what it is.

Mr. DOCKERY. If so, it would seem to be a new departure.

Mr. DINGLEY. It seems to me, if I understand it, that it is evidently a new departure. Of course it may be said that the William and Mary College matter afforded a precedent; but we all understand how that bill was got through the House, on purely sentimental grounds, and it strikes me that we must be very careful about recognizing claims for the destruction of property within the scene of military operations. Therefore I have risen to ascertain a little more definitely what this bill is. I do not know who has charge of the bill. It may be that in hastily reading the first part of the report I have not got the meaning of it.

Mr. ODELL. This bill carries no appropriation, but merely refers the matter to the Secretary of War for investigation.

Mr. DINGLEY. I know that, but it is the entering wedge for an appropriation, and we have not done even that with our eyes wide open. We have not even authorized an investigation, where property has been destroyed in the theater of war, in the operations of war.

Mr. ODELL. I will say to the gentleman from Maine that I would have no objection to the insertion of an amendment which would preclude the investigation if it should be found to be in the theater of war.

Mr. DINGLEY. Do not the facts stated in the report show that it was?

Mr. ODELL. No; I do not think so.

Mr. DINGLEY. It was in Virginia, where military operations were going on.

Mr. ODELL. It may have been in a part of Virginia that was not in the theater of war.

Mr. SWANSON. Portions of Virginia were not in the theater of war.

Mr. DOCKERY. The bill seems to be for the relief of a New Yorker who owned property within the theater of war.

Mr. DINGLEY. That does not make any difference.

Mr. DOCKERY. Certainly not.

Mr. DINGLEY. I have called attention to this without having read the report carefully, because we must be very careful about allowing an entering wedge for payment for property destroyed in the theater of war in military operations. If we are going into that sort of business, then instead of raising an extra fifty million or seventy-five million of dollars to meet the deficiency, we shall be obliged to raise many times that sum.

Mr. ODELL. Mr. Chairman, in order to give time for investigation, I ask that this bill be passed over without losing its place on the Calendar, so that this question may be answered. I am not familiar enough with the question myself to be able to answer.

Mr. CANNON. What is the request?

The CHAIRMAN. That the bill be passed over without prejudice.

Mr. DINGLEY. I have no objection at all to that.

There was no objection, and it was so ordered.

OFFICERS AND CREWS OF THE UNITED STATES GUNBOATS KINEO AND CHOCURA.

The next business on the Private Calendar was the bill (H. R. 3294) for the relief of the officers and crews of the United States gunboats *Kineo* and *Chocura*.

The bill was read, as follows:

Be it enacted, etc., That the sum of $12,474.72 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the officers and crews of the United States gunboats *Kineo* and *Chocura* who were engaged in duty thereon in the year 1864 their pro rata shares thereof, being for salvage money, their due on account of saving and taking up forty-nine bales of cotton, said amount having been realized from the sale of said cotton and the same converted into the United States Treasury.

Mr. COOKE of Illinois. Mr. Chairman, I would like to hear the report read in that case.

The CHAIRMAN. The Chair will state to the gentleman that there are 88 pages in this report. Does the gentleman desire it read in his time?

Mr. FISCHER. Mr. Chairman, this report itself only contains two pages. The rest is an appendix.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Illinois.

The report (by Mr. HURLEY) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3294) for the relief of the officers and crews of the United States gunboats *Kineo* and *Chocura*, submit the following report:

The committee find the facts to be as follows:

In 1864 four Confederate steamers ran the blockade out of Galveston Harbor, Texas, viz, *Harriet Lane*, *Matagorda*, *Isabel*, and *Susanna*. One of the United States gunboats, the *Katahdin*, saw them and gave chase. The four blockade runners were in plain sight, but were too fast for the *Katahdin*, and soon left her hull down, except the *Matagorda*, to which she got so close that to prevent capture her crew threw overboard into the Gulf of Mexico over 200 bales of cotton. Several of the United States vessels picked up this cotton and sold it in New Orleans; many bales were washed ashore on Galveston Island. The cotton picked up by the *Kineo* and *Chocura*, as soon as placed upon the levee at New Orleans, was seized by the United States marshal, and the following proceedings had:

1.

District court of the United States of America for the eastern district of Louisiana, holding session in the city of New Orleans, May term, A. D. 1864.

New Orleans, Wednesday, the 27th day of July, 1864, court met pursuant to adjournment. Present, the Hon. Edward H. Durell, judge.

[United States vs. Forty-nine Bales of Cotton. No. 7884.]

This cause came up for trial. District attorney for libelants; C. Roselius, esq., for claimants.

When after hearing the pleadings, evidence, and agreements, the court considering that this is not a case of prize, but of salvage, that 30 bales were saved by the officers and crew of the U. S. gunboat *Kineo* and 19 bales by the officers and crew of the U. S. gunboat *Chocura*:

It is ordered, adjudged, and decreed, That, after deducting the costs and charges to be taxed, three-fourths of the net proceeds be adjudged to the salvors; that is to say, two-fourths to the officers and crews of the aforesaid gunboats *Kineo* and *Chocura* in proportion to the number of bales saved by each vessel respectively, and one-fourth to be kept in the registry for one year and a day, unless sooner claimed by the owners, and if not claimed within that period the court will make such further order as the nature of the case may require.

And it is further ordered, That the registrar of the court be authorized to withdraw from the First National Bank of New Orleans the funds deposited in this cause by the marshal, for the purpose of distributing the same in accordance with the judgment.

True copy from the minutes of July 27, 1864.

CLERK'S OFFICE, *May [illegible], 1866.*

2.

District court of the United States of America for the eastern district of Louisiana, holding session in the city of New Orleans, May term, A. D. 1864.

New Orleans, Wednesday, the 3d day of August, 1864, court met pursuant to adjournment. Present, the Hon. Edward H. Durell, judge.

[United States vs. Forty-nine Bales of Cotton. No. 7884.]

It is ordered, adjudged, and decreed that after deducting from the gross proceeds, amounting to $26,737.50,

The costs, fees, and charges heretofore taxed, amounting to	$1,788 67
The judgment favor gunboat *Kineo* for two-fourths on 30 bales	7,637 58
The judgment favor gunboat *Chocura* for two-fourths on 19 bales	4,837.13
The judgment favor United States for one-fourth on whole net proceeds	6,237 36
The remaining one-fourth, say	6,237 36
Total	26,737.50

True copy from the minutes of August 3, 1864.

CLERK'S OFFICE, *May 10, 1866.*

[SEAL]

R. LOEW, *Deputy Clerk.*

3.

District court of the United States of America for the eastern district of Louisiana, holding session in the city of New Orleans, February term, A. D. 1866.

Court met pursuant to adjournment. Present, Hon. Edward H. Durell, judge.

[United States vs. Forty-nine Bales of Cotton. No. 7884.]

On motion of John R. Goodloe, United States attorney, and on suggesting that on the 27th day of July, 1864, this honorable court decreed—(Recites Order No. 1.)

And on further suggesting that the delay allowed has elapsed, and that no one has appeared and claimed said one-fourth proceeds of the derelict property,

Ordered, adjudged, and decreed, That the remaining one-fourth, amounting to $6,236.16, less $6 cost, to be paid into the Treasury of the United States, as provided by law.

CLERK'S OFFICE.

A true copy from the minutes of April 21, 1866.

R. LOEW, *Deputy Clerk.*

Afterwards, to wit, on the 2d day of November, A. D. 1888, claim was made to the honorable Secretary of the Treasury for settlement and payment of the amount claimed, to wit, $12,474.72, in answer to which the following letter was received:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 25, 1888.

SIR: The Department is in receipt of your letter of the 2d instant, inclosing the application of Charles A. Ball for himself and others for the proceeds of 30 bales of cotton picked up at sea by the gunboat *Kineo* in the year 1864.

It appears from the papers presented in the case that, in a proceeding in the United States district court for the eastern district of Louisiana, at the

May term, 1864, in the case of the United States vs. Forty-nine Bales of Cotton, two-fourths of the net proceeds of the [illegible] of cotton referred to [illegible] to the officers and crew of the Aiken as salvage, one-fourth of such proceeds to the United States, and the remaining one-fourth was ordered to be kept in the registry of the court for a year and one day, and if not claimed by the owners within that period the same was to be subject to the further order of the court.

It also appears that after the delay allowed had elapsed and no one appearing to claim the same the said one-fourth was, by order of the court, paid into the United States Treasury.

The matter having thus been adjudicated by the court, and the money remaining undistributed having been covered into the Treasury, the accounting officers would have no authority to settle and pay any claim against the portion adjudged to the United States nor against the portion set apart for the owners and afterwards paid into the Treasury without being first appropriated by Congress for the benefit of the claimants. Under the circumstances, therefore, it seems that any relief the officers and crew of the Aiken may be entitled to in the premises can be obtained only through Congress.

The papers inclosed with your letter are herewith returned.

Respectfully, yours,

L. H. MAYNARD, *Assistant Secretary.*

JOHN C. STARKWEATHER, Esq.,
[illegible] New York avenue, Washington, D. C.

This claim is made under the prize act of June 30, 1864, which provides for the distribution of salvage, etc., accruing or awarded to a vessel among the officers and men entitled thereto. The act of June 8, 1874, provides for the distribution of the proceeds of prize money to the captors.

The act of June 30, 1864, provides for salvage in case of recapture, and the last clause of section No. 27 reads as follows: "The whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize." This became a law June 30, 1864, just twenty-seven days prior to the decree of the court, which was rendered July 27, 1864, as before stated. This being the case, said court decree is void absolutely, and the payment of the sum claimed into the Treasury of the United States is a wrong against these claimants, and should be repaid to them at once as provided by law.

Your committee, in view of the foregoing statement of facts, report back the bill and recommend its passage.

The committee attach hereto the acts of Congress of June 8, 1874, and June 30, 1864, and statement of vessels captured and destroyed for [illegible] of the [illegible] battle from May, 1861, to May, 1865; [illegible] prizes adjudicated from the commencement of the rebellion to November 1, 1865, of prizes adjudicated to May 1, 1868, and ask that it be printed as an appendix of this report.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM B. ISAACS & CO.

The next business on the Private Calendar was the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be and he is hereby, authorized and directed to pay to William B. Isaacs & Co., out of any money in the Treasury not otherwise appropriated, the sum of $16,967.[illegible], the same being the amount found by the Court of Claims to be the proportionate part belonging, when taken by the United States, to the Bank of Virginia of certain gold coin taken possession of by the United States on or about the 2d day of August, A. D. 1865, and which coin has ever since been and now is held by the United States, and to which moneys, by the findings of said court, the said William B. Isaacs & Co. are now, in law and justice, entitled as assignees, the said findings of the Court of Claims having been made in a proceeding and trial in said court authorized by the joint resolution of Congress of the 31st day of January, A. D. 1887 (twenty-fourth volume United States Statutes, page 641), to be instituted in said court against the United States.

Mr. CANNON. The report had better be read, Mr. Chairman.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1524) entitled "A bill to execute the findings of the Court of Claims," respectfully report the same and recommend that it do pass.

The bill provides that the Secretary of the Treasury shall pay to William B. Isaacs & Co. the sum of $16,967.[illegible], the same being the amount found by the Court of Claims to be due to the said William B. Isaacs & Co. in their suit against the United States, No. [illegible].

The principal facts are these: Certain banks of Virginia sent their coin to the town of Washington, in the State of Georgia, for safe-keeping, and after the war, to wit, on the 2d of August, 1865, the sum of about $[illegible] was taken possession of by the troops sent to Georgia after the war. The Union generals commanding in the South and in Virginia had given to the claimants protection and safe conduct of their money from Washington to the city of Richmond, and en route about the sum above named was taken possession of by the Federal troops, which was covered into the Treasury.

A controversy having arisen as to the ownership of this specie, Congress passed a joint resolution directing the Court of Claims to ascertain and report who were the owners of the coin in question. They reported that the Bank of Virginia, whose assignees the claimants are,

Was the equitable owner of a part of the fund in the Treasury, proportionate to the amount which it contributed thereto, such proportionate part being the sum of $16,967.[illegible]. The claim thereto and the right of property therein passed to and is now owned by the claimants in this suit, who are equitably entitled to the same.

The remainder of the fund, being the sum of $[illegible], is the property of the United States, the [illegible] never having passed to said banks, and the claimants not having derived any claim or title in and through said judicial proceedings.

BY THE COURT.

JUNE 22, 1891.

This [illegible] appears that neither the United States nor any other party has the slightest claim to said sum of $16,967.[illegible], and that it is the rightful property of the claimants. Therefore, we feel that the Government is in duty bound to return this money to the [illegible] as [illegible] ascertained by the Court of Claims. Therefore, your committee recommend that the bill do pass without amendments.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE M'ALPIN.

The next business on the Private Calendar was the bill (H. R. 1353) for the relief of George McAlpin, to repay to him moneys unlawfully collected from him by the United States.

The bill was read, as follows:

Whereas George McAlpin was the sutler of the Eleventh Regiment Pennsylvania Cavalry during the years 1862, 1863, 1864, and 1865, and was during those years required by the United States, at the United States custom-house at Baltimore, Md., to pay the sum of 3 per cent on the value of all of the supplies shipped to him during said years within the lines of the Army; and

Whereas he was thus unlawfully and unjustly required to pay to the United States and did thus unlawfully and unjustly pay the sum of $6,906.18, being 3 per cent on $230,206.20, to the United States, as appears by the books of the custom-house at Baltimore, Md.: Therefore,

Be it enacted, etc., That the Treasurer of the United States is hereby directed to pay to the said George McAlpin, out of any moneys in the Treasury not otherwise appropriated, the sum of $6,906.18.

Mr. CANNON. Read the report.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1353) for the relief of George McAlpin, submit the following report:

This claim was presented in the Fifty-third Congress, and was favorably reported upon by the House Committee on War Claims, to whom it was referred.

After a careful investigation of the facts involved, your committee adopt the report of the Fifty-third Congress, a copy thereof being hereto attached, and make it a part of this report and recommend that the bill do pass.

The evidence before the committee shows that said sum of money now claimed was paid under protest, and that protest was made at the time of payment.

[House Report No. 32, Fifty-third Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3062) for the relief of George McAlpin, report as follows:

This case was referred to the Committee on War Claims of the Fifty-second Congress and was favorably reported upon by that committee. After an investigation of the facts involved, the report of that committee is adopted, a copy thereof being attached hereto, and your committee recommend the passage of the bill.

[House Report No. 2[illegible], Fifty-second Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. [illegible]) for the relief of George McAlpin, to repay him moneys unlawfully collected from him by the United States, respectfully make the following report:

George McAlpin was appointed sutler of the Eleventh Pennsylvania Cavalry in November, 1862, and served in that capacity down to the close of the war, in 1865. His appointment was made under the act of March 19, 1862, providing for the appointment of sutlers for each regiment in the public service. This regiment served in the Army of the James, in the State of Virginia. As sutler he was required to purchase goods, which he did mostly in the city of Baltimore, from which city they were shipped through the lines to the point where the regiment was in service, under regulations regulating such service. Between the 3d of November, 1862, and the 12th of May, 1865, Mr. McAlpin purchased sutler's stores, mostly in Baltimore, provided for in said act and the revised schedules provided for therein, and had them consigned to himself at different points in the State of Virginia—Old Point, Newport News, Suffolk, Portsmouth, Norfolk, Yorktown, Williamsburg, Bermuda Hundred, Fort Monroe, and other points. Between these dates he purchased and shipped goods to the amount of $230,206.20, which were cleared through the custom-house at Baltimore. The amount of stores so shipped appears from the certified statements from the custom-house at Baltimore.

Under the fifth section of an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," it is provided—

"That the President may, in his discretion, license and permit commercial intercourse with any such part of a State or section the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons as he in his discretion may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations; and officers of the customs and other officers shall receive for services under this section and under said rules and regulations such fees and compensation as are now allowed for similar service under other provisions of law."

Under the provisions of this act certain regulations were prescribed by the Secretary of the Treasury, and among others one with reference to the transfer or clearing of sutlers' goods through the custom-house.

Under the heading "Sutlers' permits, how obtained and upon what conditions," is regulation 24, as follows:

"Permits will be granted to sutlers to transport to the regiments sutlered by them such articles as they are authorized to sell free of the 5 per cent fee; but no permit will be granted to a sutler except on presentation to the proper permit officer of the original certificate of his appointment, or the commanding officer of his regiment, countersigned by the division commander thereof, and his application and affidavit in the form prescribed. Transportation shall not be permitted to any sutler of any amount of goods exceeding $2,500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in."

Trade regulation 42:

"Fees for permits so to purchase or sell and transport [illegible] from such districts [illegible], goods, wares, or merchandise, 5 per cent on the sworn invoice value thereof at the place of shipment; [illegible] for each permit for individual, family, or plantation supplies, on every purchase over $20 and not over $50, [illegible] cents."

Subsequently, on March 31, 1864, this regulation was modified by the Secretary of the Treasury, as follows:

"The forty-second trade regulation, series of September 11, 1863, is hereby so far amended that on and after the 1st day of April next the invoice valuation permit fees on shipments to and from insurrectionary districts will be 3 per cent instead of 5, as therein prescribed."

Mr. McAlpin complied with all the rules and regulations relative to his appointment and qualifications, procuring the proper certificate and making the necessary affidavit, bringing him within all the provisions of the act regulating his appointment and the regulations thereunder, above prescribed.

By a mistake of the custom-house officers at the custom-house in Baltimore Mr. McAlpin was charged 5 per cent and 3 per cent fees on all such shipments through the custom-house, charging them to him as a trader instead of under the regulation above mentioned for sutlers. The amount of payments so made was $6,906.18.

Under the above acts of Congress and the regulations mentioned no fees should have been charged on sutler's goods, such as were shipped by Mr. McAlpin through the custom house at Baltimore, and therefore the amount paid by him to the Government, to wit, the said sum of $6,906.18, was wrongfully collected from him, as there was no law or regulation of the Treasury authorizing such collections.

Your committee find from the evidence adduced before them that the said sum was paid to the United States through the custom house at Baltimore without any warrant of law.

Your committee also find, from the evidence adduced, that Mr. McAlpin fully complied with all the laws, rules, and regulations governing the duties of sutlers and paid all the legal fees and taxes relating to the office of army sutler, and therefore respectfully recommend the passage of this bill.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. PARKER. Mr. Chairman, is there anyone who will explain this bill to the House?

Mr. MAHON. I have charge of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. MAHON. Mr. Chairman, the way I became identified with this bill, not particularly as chairman of the Committee on War Claims, was this: In the Fifty-third Congress this old gentleman, who is not a constituent of mine, but who lived here in this city, called upon Mr. Wolverton, who was a distinguished member of that Congress, and myself and, after two or three hours' consultation, prevailed on us to bring his claim before Congress. We both investigated it very thoroughly, getting from the Treasury Department and from the custom-house at Baltimore all the necessary data to find whether this old man's claim was a just one or not. He was then 83 years of age. We found him without friends. A kind lady, no relative of his, kept him at her home at Hyattsville. She took him there and kept him there three years, until he died, about two months ago.

Now, there is no question about the fact that the custom-house at Baltimore collected the same customs and duties off this man that they would off a trader. The act of Congress and the rules and regulations of the Treasury Department regulating sutlers doing business with the Army of the Potomac especially, fixed what fees they were to pay. They were to pay 5 per cent on all goods transmitted from the cities of Baltimore or Philadelphia, or other Northern ports. This old gentleman bought his goods largely in the city of Baltimore; and the paper I hold in my hand is a certified copy of all the goods passing through the custom house at Baltimore, the kind of goods, where they were going, and the value of them, all certified to by the custom-house officials.

Mr. PARKER. Will the gentleman permit me to ask him a question?

Mr. MAHON. Yes.

Mr. PARKER. I have no doubt of the particulars that the committee have gone through; but the point I had in my mind was this: If this gentleman paid in that way in 1862, 1863, or 1864, under protest, did he not have the right to go to the Court of Claims or the executive officers and ask for a return of the money thus paid under protest?

Mr. MAHON. No, sir. This money, some $6,000, having been paid into the Treasury of the United States without any warrant of law, and having passed into the common Treasury, there is no way to get it back to those it belongs to except by an act of Congress.

Mr. PARKER. Is it not very common to bring suits against custom-house officers in such cases?

Mr. MAHON. No, sir. The custom-house officer has paid this money into the Treasury.

Mr. PARKER. When did this claimant first bring the matter up—in 1861?

Mr. MAHON. This matter was in controversy for a long time. George McAlpin was a prosperous man until there occurred a disastrous fire in the city of St. Louis some ten years ago, in which every dollar that he had in the world was swept out of existence, and this claim was all he had left.

Mr. PARKER. Then he did not raise the question of this claim until ten years ago?

Mr. MAHON. He raised it at the time he paid the money.

Mr. PARKER. How?

Mr. MAHON. By a protest, which keeps his claim alive and in good standing.

Mr. PARKER. For thirty years?

Mr. MAHON. It ought to. Do you propose that the Congress of the United States shall refuse to pay back $6,000 to this man if he can show beyond question that it was taken from him by the representatives of this Government without any authority of law?

Mr. PARKER. Is the gentleman asking me a question?

Mr. MAHON. Yes, sir.

Mr. PARKER. Then I will answer it. It seems to me that a sutler who went down to the seat of war and found that he would have to pay this tax in order to carry on his business probably added enough to his prices to pay the tax.

Mr. MAHON. I will say to the gentleman from New Jersey that if years ago I had collected of him $6,000, and if he could convince me now, even after thirty years, that I had collected it unjustly and unlawfully, I would not only return him the money, but I would return it with interest if I could.

Mr. PARKER. That might be proper, if I had not charged it up in my expenses and made profits beyond that amount in my business by means of the privileges thus secured. Sutlers, I believe, generally added their expenses to their prices.

Mr. MAHON. That is no answer. This man went into a dangerous business, and if he did make $5,000 or $10,000 out of it, that is no good reason why this Government should take that money from him. Now, there is no doubt whatever about the facts in this case. After a thorough investigation by my colleague, Mr. Wolverton, and myself, and by the customs officers in the Treasury, we have become entirely satisfied that this $6,000 was taken from this man without any authority of law. The Government collected not only the 5 per cent, which was quite right, but also the 3 per cent which was authorized to be charged up to traders but not to sutlers.

Mr. COX. Let me ask the gentleman a question. Suppose the Government officers did collect that money and this man put goods on the market under the privileges which he enjoyed, does not the gentleman think that he probably regulated his profits according to the amount of tax and other expenses that he had to pay?

Mr. MAHON. No, sir. As to the sutlers in the Army of the United States during the war, the prices they charged the soldiers were fixed by the officers commanding the division or the brigade where they operated; not by themselves.

Mr. COX. Do I understand the gentleman to say that this man sold only to soldiers?

Mr. MAHON. To soldiers and officers.

Mr. COX. Oh, he was trading with everybody, probably.

Mr. MAHON. No. The law also provided that when a sutler delivered goods to a family to a certain amount he had to pay $10, and on another amount he had to pay $25, but he has made no claim for any refund of that.

Mr. DALZELL. Who owns this claim now?

Mr. MAHON. The old man is dead and his wife is dead, but there is a son left who is a physical wreck, and who will be in the almshouse inside of a year if he does not get this relief.

Mr. COX. I think this money ought to go back to the people who bought the goods. [Laughter.]

Mr. MAHON. Now, Mr. Chairman, I propose to amend this bill so as to provide that the money shall go to this man's administrator and be applied, first, to pay this poor woman living out at Hyattsville, or wherever it is, who took care of him and buried him, and the balance, if there is any, to this son, who is very poor and is a helpless cripple, living in the city of Tyrone. I will not take up the time of the committee in further discussing this bill. I simply want to restate that there is no question that the Treasury of the United States has to-day this amount of money which belongs to George McAlpin, which should have been paid back to him at the time, and I simply ask the House to do justice to his estate, and so I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. DINGLEY. Mr. Chairman, I suppose the gentleman and his colleague had ample evidence before them that this man was a sutler at the time this claim arose.

Mr. MAHON. There is no doubt about that. Here is his commission and here is his bond. We have examined the case carefully. He was a sutler, doing business and complying fully with the regulations.

Mr. DINGLEY. Was there any evidence before you that this claimant made any effort to obtain the return of the money after it had been paid as a tax prior to the Fifty-second Congress?

Mr. MAHON. Not except through the custom-house at Baltimore and through the Treasury, where they could not afford him any relief.

Mr. DINGLEY. Mr. Chairman, this case may be all right, but it seems to me that after a claim against the Government has slept for more than thirty years and the statute of repose has come to operate, for the very good reason that the evidence which could have been obtained at the time must necessarily now be in large part missing, we ought to beware how we entertain such a claim. The Government finds itself at a great disadvantage after the lapse of thirty years in presenting a defense in these cases, and where a claim of this kind has been allowed to sleep for over thirty years, I think that we ought to accept the evidence which the claimant produces with a great deal of caution. I merely submit this as a general observation and not as specially applicable to this case.

Mr. MAHON. George McAlpin offers no evidence here, except the evidence of the books and records of the Government and the acts of Congress, showing that the officers collected from him this money without warrant of law, and that it was paid into the Treasury. That is his evidence, and the best evidence in the world is record evidence. That shows conclusively that this money was taken from him without authority of law. I offer the amendment which I send to the desk.

Mr. DOCKERY. Does not the gentleman think it would be wise to send this case to the Court of Claims to get a judicial finding of the facts?

Mr. MAHON. How are we to help the matter by sending the case to the Court of Claims? Here is the law and here is the record. If we want to dispose of this question in such a way that this man's great-great grandchildren shall receive the money justly due him, the Court of Claims is the proper place to which to send the matter.

I have no personal interest in this case, Mr. Chairman—none whatever. But this old man was around this Congress for years looking after his claim; and the only reason it did not go through in the last Congress was because we had not then within our reach the evidence that we have now.

Mr. CANNON. Will the gentleman allow me a question?

Mr. MAHON. Certainly.

Mr. CANNON. It is claimed, as I gather from this report, that these goods were bought during a period of two years. Am I correct in that?

Mr. MAHON. The transactions commenced November 3, 1862, and the last payment was made May 12, 1865.

Mr. CANNON. About two years and a half. Now, I have looked over this report hastily. I am not sure that I am right in the view which I am inclined to take. But I ask the gentleman's attention to this passage on the second page of the report:

> Permits will be granted to sutlers to transport to the regiments entitled by them such articles as they are authorized to sell, free of the [illegible] per cent fee; but no permit will be granted to a sutler except on presentation to the proper [illegible] of the [illegible] certificate of his appointment, or the [illegible] of his regiment countersigned by the division commander thereof, and an application [illegible] in the form prescribed.

Now I ask the gentleman to observe this language:

> Transportation shall not be permitted to any sutler of any amount of goods exceeding $2,500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in.

Thirty months was the length of time this man was engaged in this line of business. At $2,500 a month, $75,000 would be the limit of the amount which, under the regulations, he could have handled. Now, 5 per cent on $75,000 would be $3,750. The percentage, I am informed, on most of this business was 3 per cent. But I wish to call my friend's attention to the fact that he allows 3 per cent on $235,000. I submit that this man can not be entitled to more than 3 per cent on $75,000, because under the regulations of the Department he could not handle more than $2,500 per month.

Mr. MAHON. Will the gentleman read what follows in the report about other goods?

Mr. CANNON. I do not think that changes the aspect of the matter at all.

Mr. MAHON. I call attention to this language:

> Transportation shall not be permitted to any sutler of any amount of goods exceeding $2,500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in.

He could ship more than $2,500 of goods per month if he had Department orders to do so.

Mr. CANNON. Oh, no. This $2,500 was to cover such goods as, under the order of the War Department and under the law, he was required to deal in; but as a sutler he was not permitted to ship goods to the amount of more than $2,500 per month.

Now, what are the facts as they appear in this report? If during these thirty months he shipped $235,000 worth of goods, the excess over $75,000 was shipped not as a sutler but as a trader. Now, 3 per cent on $75,000 would be $2,250.

Mr. MAHON. Add to that 6 per cent, and see where you will be.

Mr. CANNON. The report does not pretend to add anything for interest, and the Government, I am quite sure, is not going to enter upon the policy of paying interest to anybody.

Mr. MAHON. Well, let the amendment I have sent to the desk go through, and then I will offer another which perhaps will satisfy these gentlemen.

Mr. DOCKERY. Two thousand two hundred and fifty dollars is the whole amount to which this man would be entitled in any event.

Mr. MAHON. Well, I move the amendment which I send to the desk.

The amendment was read, as follows:

> In line 4, strike out the word "said" and insert the words "administrator of;" and after the word "McAlpin," in the same line, insert the word "deceased;" so as to read: "That the Treasurer of the United States is hereby directed to pay to the administrator of George McAlpin, deceased, out of any moneys," etc.

The amendment was agreed to.

Mr. MAHON. Now, Mr. Chairman, I do not object to the amendment which has been suggested by the gentleman from Illinois [Mr. CANNON] to make the amount to be paid to this man $2,500, because I think that amount will be ample to take care of this old man for the remainder of his life.

A MEMBER. Two thousand two hundred and fifty dollars is the correct amount.

Mr. MAHON. Very well; I accept that amendment.

Mr. DOCKERY. Mr. Chairman, if I understand the matter correctly, the gentleman in charge of this bill consents that the amount to be paid under the bill be reduced from something over $6,000 to $2,250.

Mr. MAHON. Only for this reason, that this old man ought to receive something promptly——

Mr. DOCKERY. We have a reduction of about $4,000 in the amount of this claim as the result of a debate of ten minutes.

Mr. MAHON. I claim that every dollar which the bill proposes to pay is justly due; but I am willing to take half a loaf rather than go without bread.

Mr. DOCKERY. But the gentleman suggested that interest at 6 per cent be added.

Mr. MAHON. No.

Mr. DOCKERY. Now, sir, the Government has never entered upon the policy of paying interest. The gentleman from Illinois has kindly saved the Government about $4,000 by his suggestion, and of course if he is content with the amount of $2,250 left in the bill, I will not object. But I think the result of this colloquy between the gentleman from Pennsylvania and my friend from Illinois emphasizes the necessity of sending this claim to a competent court to judicially ascertain the facts in connection with it.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

> Strike out, in lines 5 and 6, the words "six thousand nine hundred and six" and insert the words "two thousand two hundred and fifty."

The CHAIRMAN. There is an amendment pending, submitted by the gentleman from Pennsylvania [Mr. MAHON], to strike out the name of the party in the bill and insert "the administrator of the estate," and the question will first be taken upon that.

The amendment of Mr. MAHON was adopted.

The CHAIRMAN. The question will now be taken on the amendment proposed by the gentleman from Illinois, which has just been read.

Mr. COX. Mr. Chairman, I do not desire but a moment's time. It is plain and palpable about this claim, as it is about claims of a similar character, that when a sutler got the goods, and put them on the market where he sold them, he fixed his prices according to the expenses involved, including the expenditure which is now claimed to be refunded to him.

Now, if he sold them to the soldiers, and this price was added, they are the men who paid the tax, and ought to be relieved by such action as this, and not the sutler. And I do not think that this character of claims should be sent to the Court of Claims to ascertain the true amount.

Mr. LOUD. Does not the gentleman know that the benevolent sutlers sold their goods without any profit whatever?

Mr. COX. Oh, yes; yours did, no doubt. Ours did not. We paid pretty high charges to them.

Mr. LOUD. I understand that you used to get them without paying anything whatever. [Laughter.]

Mr. COX. Well, we managed to get along.

Now, this thing ought to be sent to the Court of Claims and let them investigate the whole matter. I wish to enter my protest against paying this sutler for goods, on a claim of this character, which he collected from the soldiers.

Mr. MAHON. How does the gentleman know that he did?

Mr. COX. Well, you do not say that he did not; and I think it is a fair assumption.

Mr. MAHON. The gentleman's argument is evidence of the fact that he does not know anything of sutlers in the Union Army.

Mr. COX. Well, I was on the other side, and did not learn very much of them, except as we chanced to capture them.

Mr. MAHON. The gentleman ought to know that the prices of the various kinds of commodities dealt in by these men was not fixed by the sutlers at all. The officer commanding the division fixed the price, and the sutler had to comply with his order. If, for instance, he paid 60 cents a pound for butter, and the general commanding said it should be sold for 25 cents a pound, he had to take that for it.

Mr. COX. I would like to ask the gentleman from Pennsylvania this question: Did you ever see a sutler, on either side, that did not take pains to take care of himself?

Mr. MAHON. I never saw a sutler that every boy in the army did not try to beat. [Laughter.]

Mr. COX. And I never saw a sutler that did not beat the boys. [Renewed laughter.]

Mr. MAHON. Not on our side.

Mr. PARKER. Can we not have a vote on this matter? We are taking up more of the time of the House than the claim is worth.

Mr. COX. I move to refer this matter to the Court of Claims.

The CHAIRMAN. The question will first be taken on the amendment proposed by the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

Mr. MAHON. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The gentleman from Tennessee has suggested that he desired to make a motion.

Mr. COX. Well, Mr. Chairman, a good friend has suggested to me that perhaps we had better leave it as it is, because it may get bigger, and therefore I will not renew my motion. I feel that it is a swindle all the way through.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Chair will call the attention of the committee to the necessity of amending the title in accordance with the action taken by the committee, and without objection the title will be amended accordingly.

There was no objection.

EUGENE OSCAR FECHÉT.

The next business on the Private Calendar was the bill (H. R. 4434) for the relief of Eugene Oscar Fechét.

The bill was read, as follows:

> *Be it enacted, etc.*, That the accounting officers of the Treasury of the United States are hereby authorized and directed, upon application being made by the said Eugene Oscar Fechét, a private and noncommissioned officer of volunteers, cadet of the United States Military Academy, and commissioned officer of the Regular Army, or his legal representative, for commutation of rations and of pay which accrued while the said Eugene Oscar Fechét was in the Volunteer and Regular armies of the United States, to pay to the said Eugene Oscar Fechét, or to his legal representative, the sum of $665.47, this being the sum found to be due him by the Paymaster-General of the Army under the principles of the decision of the Supreme Court of the United States in the Watson case, out of any money in the Treasury of the United States not otherwise appropriated.

The CHAIRMAN. The question is on laying aside the bill, to be reported to the House with a favorable recommendation.

Mr. DOCKERY. I hope we shall have some information concerning this bill.

Mr. BAILEY. Mr. Chairman, I should like to have the report read, at least.

The CHAIRMAN. The report will be read in the time of the gentleman from Texas.

The report (by Mr. AVERY) was read, as follows:

> The Committee on War Claims, to whom was referred the bill (H. R. 1140) for the relief of Eugene Oscar Fechét, submit the following report:
>
> It appears from the records of the War Department that Lieutenant Fechét entered the military service as an enlisted man in the Second Michigan Battery, United States Volunteers, September 10, 1861, when barely passed 15 years of age, and was discharged as first sergeant of Battery B, First Michigan Light Artillery, United States Volunteers, April 10, 1864, by reason of his appointment as cadet at the United States Military Academy. Served as a cadet from July 1, 1864, to June 15, 1868, when he was commissioned second lieutenant Second United States Artillery, and resigned March 15, 1875.
>
> The claim that cadet service at the United States Military Academy should be counted in computing longevity pay is based upon the original act providing increased compensation to officers for length of service (section 15, act of July 5, 1838, 5 Stat. L., 258) and upon the decision of the Supreme Court of the United States March 11, 1889, in the case of The United States *vs.* Watson. (130 U. S. R., page 80.)
>
> A bill was passed in the Fifty-third Congress, second session, for the relief of the legal representatives of Capt. Orsemus B. Boyd (S. 2180; H. R. 5511). The House report upon this bill is very full and exhaustive, and was adopted and is now a part of the Senate report, and as the present bill is exactly similar in all respects, your committee have not believed it to be necessary to restate at length the argument of House report (H. R. 7511).
>
> In order to exactly ascertain the sum due under the provisions of this bill, and to incorporate this sum as a part of this bill, the bill was referred to the War Department. The following communication from the Paymaster-General of the Army states the exact amount due:
>
> WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
> *Washington, D. C., December 14, 1895.*
>
> SIR: I have the honor to return herewith Senate bill 445.
>
> It appears that Lieutenant Fechét served as an enlisted man from September 10, 1861, to April 10, 1864; as cadet, Military Academy, from July 1, 1864, to June 15, 1868, and as second lieutenant, Second Artillery, from June 15, 1868, to March 15, 1875, when he resigned.
>
> The amount necessary to pay him under the within bill is $665.47.
>
> Very respectfully,
>
> T. H. STANTON,
> *Paymaster-General United States Army.*
>
> The SECRETARY OF WAR.
>
> In conclusion, the committee find that, under the decision of the Supreme Court of the United States, the claimant has a just claim against the United States.
>
> The committee report herewith a substitute for House bill 1140, and recommend that it do pass.

Mr. BAILEY. Mr. Chairman, it occurs to me that there can be no defense of a proposition to include the period during which the Government was educating this officer, in order to increase his pay. The bill itself declares that it is in consonance with a decision of the Supreme Court of the United States, and I do not dispute that statement; but I will venture to express my astonishment that the Supreme Court has ever decided that a man was serving this Government in the Army during the time that it was paying him for the privilege of educating him.

Mr. POWERS. Cadets are regularly mustered into the service.

Mr. BAILEY. I know they are mustered into the service, but I know that they are rendering the Government no service. I know, and every gentleman on this floor knows, that there is the greatest competition among the young men of every district to secure these appointments to the Military and Naval academies, at West Point and Annapolis, and it seems to me that the Government does quite enough when it takes these young men and educates them at its own expense, without including the period of their education in order to increase their pay under this longevity law.

I have little expectation of defeating this bill, but I desire to express my disapproval of the principle of it.

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with a favorable recommendation.

The question being taken, the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. MAHON) there were—ayes 47, noes 50.

Accordingly, the committee refused to order the bill to be laid aside to be reported to the House with a favorable recommendation.

MATHIAS PEDERSEN.

The next business on the Private Calendar was the bill (H. R. 4310) for the relief of Mathias Pedersen.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to Mathias Pedersen, out of any money in the Treasury not otherwise appropriated, the sum of $300, being the sum unlawfully collected from him on November 27, 1863, by the board of enrollment, namely, $300 to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States.

The Committee on War Claims recommended the following amendment:

> In line 4, after the word "Pedersen," insert "late of Spring Valley, Rock County, Wis."

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. DOCKERY. I hope we may have the report read.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] is recognized, and calls for the reading of the report.

The report (by Mr. OTJEN) was read, as follows:

> The Committee on War Claims, to whom was referred the bill (H. R. 4310) for the relief of Mathias Pedersen, submit the following report:
>
> This claim was presented in the Fifty-first Congress and was favorably reported upon by the House Committee on War Claims, to whom it was referred.
>
> The facts of the claim are fully set forth in that report, which is as follows:
>
> [House Report No. 301, Fifty-first Congress, first session.]
>
> "The Committee on War Claims, to whom was referred the bill (H. R. 2862) for the relief of Mathias Pedersen, report as follows:
>
> "This claim is for the repayment of $300, together with interest thereon at 6 per cent per annum, amounting in all to $768. The $300 was collected from the claimant by the board of enrollment on November 27, 1863, to furnish a substitute when drafted for service in the Army, the receipt for which accompanies this report. Evidence is submitted showing the claimant to be a native of Norway; that he came to the United States and located in the State of Wisconsin in the month of June, 1860, when 21 years of age. It is shown also that that the claimant was drafted into the service of the United States from the town of Spring Valley, Rock County, Wis., on November 12, 1863, and in order to secure his release he was obliged to pay to the board of enrollment the sum of $300.
>
> "It is further shown that the claimant was exempt from military service at the time he was drafted and at the time he paid the $300, on the ground that he was then the subject of a foreign Government, and that he did not declare his intention of becoming a citizen of the United States until October 17, 1864.
>
> "Your committee have considered all the papers and facts in the case and are of the opinion that the claim is a just one. Your committee, therefore, report back the bill with the recommendation that it pass, with the following amendments, viz:
>
> "In lines 5 and 6 strike out the words 'seven hundred and sixty-eight' and insert the words 'three hundred,' and in line 11 strike out all after the word 'States.'"
>
> Your committee recommend the passage of the bill with the following amendment:
>
> In line 4, after "Pedersen," insert "late of Spring Valley, Rock County, Wis."

Mr. RAY. Mr. Chairman, I should like to make an inquiry of the chairman, or of some member of the committee who is familiar with this bill, in regard to it. It seems to me rather strange that a man should have been drafted into the service of the United States, away back in 1862, and that he should be forced to pay $300, and that nothing should be said about it until 1896. And I should like to know whether or not the evidence shows that this man presented to the board of enrollment the fact that he was not a citizen of the United States.

Mr. UPDEGRAFF. I am unable to say whether the evidence shows that fact or not.

Mr. WALKER of Massachusetts. Mr. Chairman, I submit that the House should have the opportunity to hear what is being said. We can not hear the remarks which gentlemen are making.

The CHAIRMAN. The committee will be in order.

Mr. UPDEGRAFF. Mr. Chairman, I am unable to state whether the evidence shows the fact suggested by the gentleman from New York [Mr. RAY] or not. It is two years since I examined the evidence; but I do know that this claimant has been besieging Congress for some sessions. I know that he was here in the Fifty-first Congress. Whether he was here before that or not, I am unable to state from personal knowledge.

I am personally acquainted with this man. He was drafted shortly after he came to this country from Norway. He was an ignorant man and he paid the $300 substitute money and went on about his business. He lived in a Norwegian settlement, among foreigners. He lives there now, and probably he did not have much information on the subject for some time. That is all I can state about it personally. The evidence shows that he was drafted and paid the commutation money, that he was not a citizen of the United States, and that he had only recently immigrated from Norway.

Mr. RAY. Well, he was enjoying all the benefits of our Government, and has continued to do so ever since.

Mr. UPDEGRAFF. That is true, and he has been bearing all its burdens that were lawfully placed upon him, the same as the gentleman from New York and myself.

Mr. RAY. The simple point is that at that time he had not been naturalized.

Mr. UPDEGRAFF. He was not a citizen.

Mr. RAY. But he had come here intending to make this his home and to become a citizen.

Mr. UPDEGRAFF. No, there is no evidence of that.

Mr. RAY. Well, he has remained ever since.

Mr. UPDEGRAFF. Yes, he has remained ever since. The fact is that the money was taken from him without authority of law and appropriated by the Government, and he simply asks the Government to restore it to him after thirty-four years, without interest.

Mr. RAY. Well, he seems to have paid the money cheerfully and without objection at that time.

Mr. OTJEN. Mr. Chairman, I made this report, and I should like——

Mr. DALZELL. Do I understand that this bill carries interest on that $300?

Mr. UPDEGRAFF. Not at all.

Mr. DALZELL. I should like to ask my friend, who has been a member of this House for a great many years, if he knows of a single precedent for the passage of any such act as this?

Mr. UPDEGRAFF. Yes; there was one passed last session by this House. I remember distinctly. I can not remember the name, but it was brought up by unanimous consent and passed the House. There can be no reason against the passage of the bill. The Government of the United States by force took from this man $300, which it has, and it has never returned it.

Mr. DALZELL. Why, he certainly paid $300 to avoid the draft, and the Government paid it out for a substitute.

Mr. OTJEN. Let me answer that statement. As I understand the evidence, at the time he was drafted and paid this money this board assured him that he could get this money refunded later on, but that it was necessary for him to pay this money in order to avoid the draft.

Mr. DALZELL. Well, does "later on" mean thirty years after?

Mr. OTJEN. I understand he has been here for more than twenty years. I am so informed by the clerk of the Committee on War Claims. It is not an unusual thing that men were drafted who were not citizens of the country, and there have been more bills than this to refund money where they had paid the draft money. The fact is, that he paid the money to this board; that he did not declare his intention until a year afterwards to become a citizen of the United States; that he was not a citizen of the United States at the time he was drafted; and so, of course, he is entitled to have his money back.

Mr. HULICK. Mr. Chairman——

Mr. RAY. Now, Mr. Chairman, I believe I have the floor. Do I understand the gentleman to say that the evidence before the committee shows that the board of enrollment, knowing the fact that this man was not a citizen of the United States; that he was not subject to the law; that he was not liable to be drafted, and knowing that, if that was the fact, they would be taking his money illegally, insisted upon his paying it in order that he might escape the draft?

Mr. OTJEN. I can not say that the board of enrollment knew that he was not a citizen. I can only say that from the evidence it appeared that the board stated if he was not a citizen he could have this money refunded. They, of course, would have no direct evidence showing that he was a citizen or not a citizen, and for that reason they advised him to pay this money, which he could have refunded if it was correct that he was not a citizen.

Mr. RAY. Now, Mr. Chairman, it is perfectly plain from the gentleman's statement that, at the time he recites the question was before the board, this man was not subject to military duty, not subject to the draft, and that they passed upon the matter, or that they had it under consideration and insisted upon his paying the money, and he did pay it to escape the draft. And now, in the year 1896, he comes before this Congress with a claim to refund that money. It strikes me this is a most remarkable case. This man the next year declared his intention to become a citizen of the United States; two years later he did become a citizen of the United States, and he has enjoyed all the blessings and privileges of a citizen of the United States from that time. If we are to go back that length of time and pay every man back the money he paid, as in this instance, $300, through mistake of some kind, for the preservation of this country under the circumstances that then existed, we certainly will have our hands full——

Mr. DOCKERY. We have just passed a bill to pay a sutler.

Mr. RAY (continuing). And we will have the Treasury empty. What is that?

Mr. DOCKERY. We have just passed a bill to pay a sutler $2,250.

Mr. RAY. I am not responsible for that. Did the gentleman vote for it?

Mr. DOCKERY. I did not so vote.

Mr. RAY. Why did you not fight the proposition if it was wrong?

Mr. DOCKERY. I did.

Mr. OTJEN. Does the gentleman claim that if it was the fact that this man was not a citizen of the United States, the Government had the right to take $300 from him and refuse to refund it?

Mr. RAY. No, sir; I do not claim any such thing; but it does strike me as a very remarkable condition of things that this man was compelled by any board of enrollment to pay $300 when he was not a citizen of the United States and not subject to draft. It seems to me that the presumption is against this claimant. The presumption is that the officers of the United States do their duties. And the presumption is that at this time they did their duty and insisted upon this man paying this money to the Government, as they believed that for some reason or another he was subject to the draft.

Mr. OTJEN. In reply to the gentleman, I just want to say this: There is absolutely no question that this man was drafted; that he paid this $300 to the board of enrollment; that at the time he was not a citizen of the United States; that he did not declare his intention to become a citizen of the United States until one year after that, and that the money has never been refunded.

Mr. DINGLEY. Mr. Chairman, while this claim in itself is a very small one and of little moment, yet it tends to open up a large class of claims that may come in here to bother us in the future, and it seems to me that we ought to look the question fully in the face. Two gentlemen in my own district have applied to me to introduce bills for the refund of the commutation money paid by them, on the ground that they were in fact disabled at the time of the draft, and therefore exempt under the law, and they produce affidavits to establish that fact.

Now, it seems to me that some things ought to be regarded as settled, even in claims against the Government. The presumption always is that the officers of the Government, in administering any law, administer it correctly. If they do not, there is an opportunity for appeal; there is an opportunity for a remedy at the time. There was a chance for a remedy in this case and in the cases in which I have been appealed to, by presenting the question to the Secretary of War. Nothing of that kind was done, but now, after thirty-four or thirty-five years have passed, these claims are brought into this House. There are thousands of men throughout the country who were drafted, many of whom have now discovered that they were disabled at the time, and who will claim that they are therefore entitled to have their commutation money repaid. They will be found in every district in the United States.

Now, after this law has been administered, and after more than thirty years have elapsed, and no appeal from the action of the administration has been taken, is it not wiser, under such circumstances, to assume that the officers of the Government did their duty and that the matter is settled, rather than to go into the business of dealing with every little claim that may be presented here? The difficulty is not about this particular case, but if we pass favorably upon this, there is not a member of this House who will not be appealed to in the future by gentlemen who will claim that they were drafted under conditions which made them legally exempt on account of disability or some other reason. I simply desire to warn members that they are opening up a Pandora's box of evils by entertaining these cases that ought to be considered as having been settled long ago, and I do not believe that we ought to do it. Unless we are going to fight the war over again and examine every individual case that comes up after the lapse of thirty-four years, we had better consider some things as settled.

I know there is a tendency to go into these matters. We have to listen constantly to appeals of people who claim that they were wronged during the war, more than a third of a century ago, but it does seem to me that there are controlling reasons why the Congress of the United States ought not to enter upon the policy of reopening such cases and thus bringing upon themselves the multitude of troubles that will inevitably result in the future.

For this reason it seems to me—and I speak simply from observation of what has taken place in this body during my connection with it—for this reason it seems to me that after a matter has stood as settled for thirty-four years, we had better let it stay settled, especially when there is so much urgent business to which this House ought to devote its attention. Where there is a clear case, and there has been an attempt made from year to year to right a wrong, which has failed, through some disability or for some other cause, it may be proper to reopen the case; but if we undertake to pass bills of this kind, we shall certainly make abundant difficulty for ourselves in the future.

Mr. MAHON. Mr. Chairman, the gentleman from Maine uses the plural and speaks of "these claims."

Mr. DINGLEY. I was speaking not of this particular case, but of claims of this general class.

Mr. MAHON. I want to say in reply that the reason we have had these people for the last thirty years thundering at the doors of Congress with war claims is that this nation, unlike other civilized nations, has not accorded to its people who have suffered from the war the justice they deserve. Why, sir, after the Franco-Prussian war, after France had received that terrible drubbing at the hands of the Fatherland, France, with an exhausted treasury, appropriated $45,000,000 to pay the losses incurred by the victims of the ravages of war, whether their property had been destroyed by the Germans or by the French army itself.

Mr. DINGLEY. That was immediately after the war, when the facts were all fresh and easily established.

Mr. MAHON. I will come to that later. Take the Revolutionary war—and I cite the illustration because the old law, which was laid down by a people who were heathens, has been invoked in the Congress of the United States against these claimants, to the effect that the Government is not bound under any circumstances to pay a claim for damages caused by war, whether resulting from the action of the troops of the United States or of the enemy—take the Revolutionary war. After that war the English Government paid to the people of the colonies who had remained loyal to the Crown $48,000,000 for property destroyed in the war. Again, the great German Empire after her war paid to her people who had borne more than their fair share of the ravages incident to it an amount sufficient to reimburse them for their losses. I admit, sir, that these things were done not simply because the constitutions or the statutes of those nations required it to be done, but because those were humane Governments, that recognized their obligations to the people who had sworn allegiance to the national emblems; and you will find that the Governments of those great nations have always carefully compensated the sufferers by war. And, Mr. Chairman, I believe that if the gentlemen who oppose these war claims would read the history of those great European Governments, the doctrine of Grotius, announced three hundred years ago, would not be invoked in this Chamber against the payment of these just claims. In the war of 1812, when the British came up the Potomac River and burned the property of American citizens loyal to the Government of the United States, in more than 300 cases, as I have found by an examination of the records of Congress, compensation was made, and altogether over a million dollars was appropriated to pay the losses of our people in that war of 1812. No court of this Government or any other government has ever decided that when a man who has been loyal to his flag and his country has sacrificed his property for the common good he should bear that burden over and above the ordinary burdens imposed on other men.

Mr. RAY. May I ask the gentleman a question?

Mr. MAHON. Wait till I get through, and I will answer.

Now, Mr. Chairman, do you know how much this magnificent Government has paid to these unfortunate people who lived along the border line, extending 2,200 miles. Gentlemen who live in the Pacific States or on the prairies, unless they were in the Army of the United States during the war, know nothing of the sufferings of the people along that border line where the conflict raged. To the people in those border States who suffered as the people elsewhere in the country did not suffer this Government has paid the magnificent sum of about $7,000,000.

Mr. Chairman, no argument can be offered in favor of the Government closing its Treasury against these unfortunate people. If there is any merit in any of these bills which come here—and I am not talking about this particular bill—you can not honestly and justly avoid liability for the claim on the ground of lapse of time. Sir, when a claim is urged against a citizen by the Government, he can not plead the statute of limitations against the United States. I have known instances in my own State where the Government has collected money from citizens upon transactions dating sixty years back. Any dollar of obligation that may have been incurred, even by a man's ancestors, to the Government of the United States can be enforced against him by law without regard to lapse of time.

We entered into a great conflict in 1861, and after four long and bloody years that great controversy which was submitted to the arbitrament of the sword, whether slavery should exist in this country or not was settled. For four years those two magnificent armies—one representing the North and the other representing the South—fought battles before which the battles of Alexander, of Cæsar, of Philip, and of Napoleon "pale their ineffectual fires." In that conflict those soldiers on both sides showed a bravery and heroism unequaled in the history of the world. And, sir, when we had settled that great conflict with the loss of over a million men and untold amounts of money, this Government in 1865 came out of that conflict greater, richer, more magnificent than it had been in 1861. [Applause.] At the close of the war our Treasury was full. We rapidly paid off our national debt; and there was no reason under heaven why this Government should not have liquidated promptly, within a few years after the war, these claims which have been knocking at the doors of Congress for the last thirty years.

Gentlemen may think that I speak too earnestly about this matter. But, sir, I live in a county which furnished as many men to the Union armies and sacrificed as many men on the field of battle as any other county in the State of Pennsylvania. That county has to-day within its confines as many men with armless sleeves and legless trousers as any county in the State. And that county paid all her taxes. In addition to all the other sacrifices and hardships endured by that county, there marched over the territory of that county during those four years 280,000 men. When the question was the salvation of this capital and its great archives, and with it the salvation of the life of the nation—when the Confederate raider was within the confines of the District of Columbia—an order went out, at the instance of President Lincoln, that if necessary for the salvation of this capital and this nation, my city should be laid in ashes and my county sacrificed. We are going to come here some day and ask compensation for what we suffered in that way.

Now, Mr. Chairman, I repeat, let these claims be met on their merits. Do not plead the "baby act" by saying that they are thirty years old, and therefore must not be paid. Examine into the merits of these claims. And if this Government has taken money from its citizens unlawfully or has sacrificed their property for the common good, then, in the name of heaven, the fact that thirty years have elapsed should be no answer when claim is made for something in the way of remuneration. The fact that these just claims have been unpaid for thirty years is an argument which should appeal with sledge-hammer force in favor of their payment without further delay. The time has come to pay them. [Applause.]

I say, Mr. Chairman, let this bill be decided upon its merits. If, on fair examination, gentlemen of the House think that this claim ought not to be paid, I have no complaint to make. Settle every claim upon its merits; but do not defeat meritorious bills because, although the claimants have time and again asked for payment, the Government has time and again refused obstinately to pay what it justly owes. [Applause.]

Mr. UPDEGRAFF. Mr. Chairman, the gentleman who reported this bill from the Committee on War Claims informs the House that this claimant has been here urging his claim since 1875; and this statement is made on information derived from the clerk of the committee. There has been no laches here—none whatever. This differs from a case where a man has been adjudged able-bodied by the board. This is a case where the board had no right or jurisdiction to touch the man at all. He was a citizen of Scandinavia, not a citizen of this country. The Government laid its strong hand upon him and took from him by force $300, of which it has had the use since 1862. That is a fair statement of the case. He was then unable to speak our language. He is unable to speak it to-day with anything like a fair understanding of it; he can speak it only in such a manner as to transact the ordinary business of life. He knew nothing about our institutions. He came from a monarchical country that did not endure much protest from men upon whom it laid its hands.

I am in favor of reimbursing every man who was thus wronged out of his money. There is no good reason why this Government should act as a highway robber, and then at the close of a long period of denied justice plead the statute of limitations. Oh, no. This Government of ours we should all love and respect. But how can you expect a man to love and respect a Government which robs him with a strong hand of his money; which takes, as in this instance, $300 from this man and refuses to reimburse him?

Mr. CANNON. Will the gentleman allow me a moment on the facts of this case?

Mr. UPDEGRAFF. Certainly.

Mr. CANNON. It seems that this is a bill to pay $300 unlawfully collected from Mr. Pedersen by the board of enrollment to furnish a substitute when he was drafted into the service in the Army, he not being a citizen of the United States. Now, I am not aware of any legislation under which the United States ever sold exemptions in the military service for $300 or any other sum. I am asking the gentleman for the facts.

Was there such a provision of law?

Mr. UPDEGRAFF. There was a law passed during the war which permitted a man drafted into the military service of the Government to pay the sum of $300 to some officer provided by the law, which was regarded as equivalent to furnishing a substitute; and in that case he was exempted from the draft.

Mr. CANNON. Is not the gentleman mistaken about that?

Mr. UPDEGRAFF. No; I think not.

Mr. CANNON. I would be very glad to know what the law was, if the gentleman can cite it.

Mr. HULICK. Was it not a State law?

Mr. UPDEGRAFF. Oh, no; it was a Federal law.

Mr. CANNON. I think not.

Mr. HULICK. Let me ask the gentleman whether the law under which a man paid the $300 was not a State law for furnishing the troops of the State to the Government, or was it a United States law applicable to all the States?

Mr. UPDEGRAFF. It was a law of the United States of America.

Mr. HULICK. I do not know of any general law that compelled soldiers drafted to pay that sum to secure their exemption. We had in Ohio a law whereby a citizen could furnish a substitute, in certain counties and districts, but I do not know of any statute of the United States authorizing the board of enrollment to receive $300, or any other sum, as a payment for the exemption of a man drafted into the service. It must have been a State regulation, and if so, the State itself, if it had enacted a law by which this money was taken, should return it to this man, instead of the Government of the United States.

Mr. DOCKERY. They wanted men, and the draft was to secure men, not money.

Mr. NORTHWAY. If my colleague will permit me, has he stopped to inquire what right a State would have to take a soldier out of the United States service?

Mr. UPDEGRAFF. Mr. Chairman, I decline to be interrupted further.

I will answer the gentleman that there is a law on the statute books, which he will find on examination, which provided that when a man was drafted by the authorities of the United States he could relieve himself from that draft by paying to the board of enrollment, or some other authority—I can not recall precisely what it was—the sum of $300. Why, it is a matter of common knowledge. I supposed that no man doubted it or was ignorant of the fact. It was a law of the United States, and the States had nothing whatever to do with it.

Mr. EVANS. Did not the money go into the Treasury of the United States?

Mr. UPDEGRAFF. Undoubtedly.

Mr. EVANS. That is the essential point.

Mr. UPDEGRAFF. That is the essential point, as the gentleman from Kentucky suggests.

Mr. CANNON. Well, it is very easy to produce the law if it existed. I think my friend is mistaken.

Mr. UPDEGRAFF. I know that I am not mistaken about it.

Mr. CHARLES W. STONE. If the gentleman from Iowa will yield to me for a moment——

Mr. UPDEGRAFF. With pleasure.

Mr. CHARLES W. STONE. Mr. Chairman, I hold in my hand the act of February 28, 1867, which recites, in its preamble, the legislation providing for the commutation of military service by the payment of $300, the payment of which sum would exempt the person drafted from military service. It also provides that within a certain time, specified in the act, the persons illegally drafted, who were not subject to draft and who paid this sum, might have this money, so paid, refunded to them. It provided general legislation on the subject applicable to all claims which came within its provision up to that time.

By the act of March 1, 1869, which is a general act for the relief of all persons who had been illegally drafted, not being subjects of the United States, or for any other reason not subject to military duty in the armies of the United States, and who had paid the commutation money provided for in the act recited in the preamble of the first law to which I have referred, it was provided that they might have it refunded to them at any time within the space of two years. Here was a general provision, a general remedial act, applying to all persons who had such claims. That being a provision of law covering this case, fixing a time, in the wisdom of the lawmakers, within which this claim ought to have been presented, and that time having long passed, twenty-six or twenty-seven years ago, I think it incumbent upon the claimant now not only to show that he was illegally drafted, but to show some reason why, when the remedy was open to him, he did not embrace it.

Mr. UPDEGRAFF. That would apply to nearly all claims before this House.

Mr. CHARLES W. STONE. I will send to the Clerk's desk and ask that the Clerk read the law covering the matter.

Mr. UPDEGRAFF. I decline to yield further. The gentleman has already stated the substance of the act. The same objection which he makes will apply to almost every claim here. Of course, we understand very well that this man can not now apply to the Secretary of War and get back his commutation money. Nobody claims any such thing as that.

Mr. RAY. No; but under the law which the Clerk now has he had years in which to make his application and in which to have the money refunded.

Mr. UPDEGRAFF. Very well.

Mr. RAY. Why did he not do it?

Mr. UPDEGRAFF. Because he was ignorant of his rights; because he was a foreigner and did not understand our language and our institutions, and did not know enough—was not able to make a showing or to prepare an application to get his money back at that time. He probably knew nothing of this law.

Mr. RAY. Now will the gentleman——

Mr. UPDEGRAFF. No. I decline to yield further.

Mr. RAY. Let me ask you one question as a lawyer. Do you want to stand up in this House and assert that you would open the Treasury to the hand of every man who ever had a claim against the Government, who was given years in which to assert that claim, and who had let the time go by and lost the benefits of that law, who then came in, years afterwards, to ask that the money be paid him, because he was ignorant at the time when he should have presented the claim? Do you say you want to do that?

Mr. UPDEGRAFF. I would do what was right under all circumstances, whatever they were. [Applause.] If I had wronged a man fifty years ago, and it was made apparent, I would be less than a man if I did not restore to him his rights. And that applies to a government as well as an individual. [Applause.] The Government owes the same duty to this man as though it were the case of one individual who had wronged another. The Government holds this $300 to-day by its strong hand, just as a robber holds the money of his victim, and it holds it by no other authority under God's heaven. The Government has the money. It had no right to take it. It had no jurisdiction to touch this man and compel him, by threats, to come up and pay this $300. He now asks the Government of his adopted country to remove this stain upon itself by restoring to him the $300 which it wrongfully obtained from him so many years ago.

Now, Mr. Chairman, I hope we may have a vote.

The CHAIRMAN. The question is on the amendment offered by the committee.

The amendment was agreed to.

The question being taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation, the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. UPDEGRAFF) there were—ayes 54, noes 59.

Mr. UPDEGRAFF. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. RAY and Mr. UPDEGRAFF.

The committee again divided; and the tellers reported—ayes 65, noes 55.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

And then, on motion of Mr. MAHON, the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry private bills and had directed him to report back without amendment and with the recommendation that they do pass the bills H. R. 129, 2204, and 1524; that the committee had also had under consideration the bills H. R. 1353 and 4810, and had directed him to report back the same with amendments and with the recommendation that as amended the same do pass.

Mr. MAHON. Mr. Speaker, I ask that the previous question be considered——

The SPEAKER. The Clerk will report the first bill.

THOMAS B. REED.

The first business reported from the Committee of the Whole was the bill (H. R. 1250) for the relief of Thomas B. Reed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. The hour of 5 o'clock having arrived, the House will be in recess until 8 o'clock this evening, when the gentleman from Illinois, Mr. HOPKINS, will take the chair.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. HOPKINS in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the second clause of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

JESSE M'MILLAN.

Mr. TERRY. Mr. Speaker, I desire to have corrected a mistake that occurred in a bill which was passed at the last session. It was unanimously passed by the House.

The Clerk read as follows:

A bill (H. R. 9362) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896.

Be it enacted, etc., That the act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896, be amended by striking out the word "Infantry" and inserting the word "Cavalry" therein, and that the pension provided for in said act be allowed and paid said Jesse McMillan from the date said act first became a law.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out the words "date said act first became a law" and insert "8th day of June, 1896."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PICKLER. What is this? Is it just to correct a mistake in the character of the service?

Mr. TERRY. The bill became law, but there was a mistake in the character of the regiment.

Mr. PICKLER. I will not object to that, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. TERRY. I move the adoption of the amendment.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special rule.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 56, noes none.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

FANNY MOALE GIBBON.

Mr. CURTIS of New York. Mr. Chairman, I desire to ask a favor, which I believe the House will take great pleasure in granting when I state the reasons for it, and that is to consider now the pension bill, S. 2008, granting a pension to Fanny Moale Gibbon.

She is the widow of the late Maj. Gen. John Gibbon, whose service in the war was that of one of our ablest and most conspicuous officers. At the battle of Gettysburg he was placed in command of an army corps during the engagement. I ask unanimous consent of the committee to have this bill taken up out of its order. This lady is an invalid, nearly blind; has a daughter in poor health, and two grandchildren without father or mother—the children of a deceased daughter, and of a distinguished officer of the Army, also dead. They are doubly orphans and have a double claim upon the Government. This lady has not the means wherewith to properly live, and I ask unanimous consent for the present consideration of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to take up out of its order the bill S. 2008. Is there objection?

Mr. NEILL. Mr. Chairman, I am not getting up to object; but the first bill on the Calendar, as I understand it, is a bill that I have charge of, and I do not desire to lose my place. With the understanding that I do not, I make no objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (S. 2008) granting a pension to Fanny Moale Gibbon.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Moale Gibbon, widow of Maj. Gen. John Gibbon, United States Army, and pay her a pension at the rate of $100 per month from and after the passage of this act.

Mr. CURTIS of New York. Mr. Chairman, if it is desired to know more definitely the services of Major-General Gibbon, as there are three pages in this report, I will state those services to the committee, but I apprehend it is not necessary. I have stated the simple facts, and I hope that will be entirely satisfactory to the committee, and that it will consent to the passage of the bill. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I do not rise to oppose the pension of this widow, but to move an amendment. I move that the words "one hundred" be stricken out and the words "seventy-five" inserted.

Mr. CURTIS of New York. Mr. Chairman, I do think if my friend from South Carolina, could he know the circumstances connected with this case, the helpless condition of this aged lady, of her invalid daughter and two young grandchildren, and would recall for a moment the splendid, magnificent service of that distinguished man, he would gladly withdraw his amendment. I appeal most earnestly to the gentleman from South Carolina to withdraw his amendment.

Mr. TALBERT. I simply leave the matter to the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina, to strike out "one hundred" and insert "seventy-five."

Mr. PICKLER. Who offers that amendment?

The CHAIRMAN. The amendment is offered by the gentleman from South Carolina [Mr. TALBERT].

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. McCLELLAN. Division.

The committee divided; and there were—ayes 21, noes 22.

Mr. TALBERT. Mr. Chairman, it seems that there is some mistake about the count, and I ask for another rising vote on this question. I think if the House properly understands it, it will not pass this bill with a pension of $100. It does seem to me that $75 is a very liberal pension. We attempted last session to establish something like uniformity in the pensions of officers' widows.

The CHAIRMAN. If the gentleman is not satisfied with the count, he can ask for tellers.

Mr. TALBERT. I ask for tellers.

The question was taken on ordering tellers.

The CHAIRMAN. Not a sufficient number rising in support of the demand for tellers, tellers are refused, and the amendment is lost.

The bill was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill H. R. 1490, which the Clerk proceeded to read.

Mr. NEILL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. NEILL. I rise to ask for the present consideration of House bill 1061, Calendar number 514, which came over from last Friday night on account of my unavoidable absence at that time, and which I understood would come up first this evening for consideration.

The CHAIRMAN. It appears that that bill was passed over without prejudice on account of the absence of the gentleman from Arkansas, the question of order being reserved as to whether the bill is one that is properly subject to consideration at a Friday night session. The Chair supposes that that bill would properly come up first, and the Clerk will report it.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

The bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers, raised under the act of Congress of May 13, 1846, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Mr. RAY. Mr. Chairman, I desire to raise a point of order against the consideration of that bill at a Friday night session.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. RAY. I did not hear the bill very distinctly as it was read, but from what I did hear it appears to be a general bill.

The CHAIRMAN. It is a bill applying to one regiment or battalion.

Mr. RAY. Mr. Chairman, I do not think it is in order under the rule which governs our action at these Friday night sessions.

Mr. NEILL. That is the precise question that is to be determined.

Mr. RAY. Well, I make the point of order that this bill being a general bill, it is not in order at a Friday evening session.

The CHAIRMAN. The Chair would be glad to hear from the gentleman if he has any reasons to give or authorities to cite.

Mr. RAY. I am not prepared with any authorities at this time; but it seems to me that the bill is not in order, according to the rule under which we are acting.

Mr. NEILL. Mr. Chairman, I will ask the Chair if it is not the duty of gentlemen objecting to a bill to present their objections first.

Mr. PICKLER. Mr. Chairman, I have no objection to this bill if it is in order, but if, as the Chair says, it includes a whole regiment, and if it can be considered at a Friday night session, then we might take up in succession every regiment or organization in the Army and pension them all wholesale. If you can reach one regiment in this way, you can certainly reach all other regiments, and thus include the whole Army.

A MEMBER. Let us have a ruling.

Mr. NEILL. I do not want any ruling, Mr. Chairman, until I am heard on this question.

The CHAIRMAN. The Chair will call the attention of the gentleman from Arkansas to a ruling which was made on the 22d of May last as to this same bill. The bill was before the committee at that time, and the same point of order was made against it ——

Mr. NEILL (interposing). Mr. Chairman, that was right at the adjournment of a night session, when it was utterly impossible for anybody to be heard, and I think that, in common fairness, it would be rather hard to hold me to that as a ruling. There was no time whatever for any argument to be heard on that occasion, but I am prepared now, I undertake to say, with authorities, with abundant precedents, with a decision of the Speaker of this House, to show that my bill is in order in its present place. I do not consider that that action last spring was a ruling. As I have already said, it was right in the closing minutes of the evening session, and there was no opportunity for a hearing. Now, if I can be heard upon the question of order, I desire to be.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NEILL. Mr. Chairman, this bill, I undertake to say, is in all essential parts a private bill. It has been so adjudicated and decided by the Speaker of this House. By his authority it was placed upon the Private Calendar. I did not put it there. I had nothing to do with it. It was done by the judicial action of the Speaker of this House. The bill went to the Private Calendar and has remained there ever since. But, Mr. Chairman, no objection is made to this bill, nor has any objection ever been made. Gentlemen have simply "called time" on me on one occasion, and that right in the closing moments of a night session, on the ground that this was a private bill. Now, I will undertake to show by precedents, by a decision of the present Speaker of this House made in the Fifty-first Congress on a bill entirely analogous to this, that this is not a public bill. In that case the gentleman in charge of the bill was trying, as I am now, to get consideration for his bill, and he supposed that it was a public bill; but the Speaker ruled that it was a private bill, and on that ground denied it consideration. During the Fifty-first Congress a bill was passed to pension Powell's Battalion of Missouri Volunteers. On page 1418 of volume 26 of the Statutes at Large there is found this enactment, chapter 568:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May 13, 1846, for service during the war with Mexico, and the names of the surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.
>
> Approved March 3, 1891.

This is printed among the private acts of that session, not among the public acts.

But, Mr. Chairman, the bill for pensioning Powell's Battalion has a history. It was introduced in the Senate by Mr. Manderson, Senator from Nebraska.

Mr. PICKLER. I trust the gentleman from Arkansas will finish his argument as soon as possible.

Mr. NEILL. I will proceed whenever the Chair appears to be listening.

Mr. PICKLER. This bill has been ruled out of order two or three different times.

Mr. NEILL. Whenever the Chair is willing for me to go on, I will proceed. I paused because the Chair seemed to be occupied.

The CHAIRMAN. The Chair was trying to listen to the gentleman and at the same time endeavoring to examine some authorities on the question.

Mr. NEILL. Well, I have the authorities here. I ask the Chair to indulge me a moment.

The CHAIRMAN. The Chair asks the attention of the committee a moment. The Chair finds that on the 22d of last May this identical bill was brought before the committee. At that time the gentleman from Iowa [Mr. HEPBURN] was in the Chair. A point of order was made upon the bill by the gentleman from New York [Mr. PAYNE], and the point of order was sustained.

Now, the Chair is inclined to think that if this question had not been already adjudicated this should be held to be a private bill——

Mr. NEILL. Right on that point, a word.

The CHAIRMAN. That it should be held to be a private bill because it applies to a specific battalion or regiment—not to a class, but to the individuals in a certain military organization. While inclined to take a different view from the former ruling, the present occupant of the Chair feels bound by that ruling——

Mr. TERRY. Right on that point, I desire to call the attention of the Chair to the fact that this House at the session of last Friday night decided by unanimous consent that my colleague [Mr. NEILL] should be heard upon this question.

Mr. NEILL. That is in the RECORD.

Mr. TERRY. I call the attention of the Chair to what took place last Friday night.

Mr. PICKLER. That is admitted, of course.

Mr. TERRY. Well, then, we are not bound by that former ruling, because it was decided on last Friday night by the House that my colleague should be heard on this proposition.

The CHAIRMAN. That he should be heard upon the question whether this is a private bill; but the Chair does not think that that changes the position of the matter.

Mr. PICKLER. I suggest that, if the intimation of the Chair should be followed upon this question, we might go a little further and regard as a private bill one applying to a whole army corps.

The CHAIRMAN. The Chair, being inclined to take a view different from the former ruling, will take the sense of the committee upon the question—will submit the question to the decision of the Committee of the Whole.

Mr. NEILL. Will the Chair hear me a moment?

The CHAIRMAN. The Chair was about to take the sense of the Committee of the Whole as to whether this point of order should be sustained.

Mr. NEILL. I want to call the attention of the Chair to the fact that from the ruling made in May last there was no opportunity to appeal or argument, as that ruling was made in the very last moments of the sitting of the committee.

The CHAIRMAN. That is the reason why the Chair thinks opportunity should now be given to the Committee of the Whole to determine the question.

Mr. TALBERT. Will the gentleman from Arkansas yield to me for a moment?

Mr. NEILL. I will.

Mr. TALBERT. Only one suggestion. It may be that the House and the Chair are under a misapprehension. As I understand the object of the bill, it is not to pension at once a whole brigade or any other military organization—nothing of the sort. The object, as I understand, is that this organization of Arkansas volunteers who fought, I believe, in the Mexican war be made pensionable, so that they may come in and apply under the regular pension laws and receive pensions under those laws if they sustain their applications. The case is analogous to the case of a body of Missouri State troops who, I believe, in the session before last were made eligible to apply for and receive pensions under the pension laws already existing. It is my understanding that the object of this bill in which the gentleman from Arkansas is interested is to make this brigade of Arkansas troops——

Mr. NEILL. Not a brigade—a small battalion.

Mr. TALBERT (continuing). Pensionable under the existing laws.

The CHAIRMAN. The Chair will take the sense of the Committee of the Whole upon this question. In view of the fact that the former ruling on this subject was made just at the adjournment, with no opportunity to consider the question deliberately or have it decided by the Committee of the Whole, the present occupant of the chair, being inclined to hold that the bill is in order, will take the sense of the committee upon it.

Mr. GARDNER. Would it be in order for me to make a suggestion?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. I submit that this bill, being of a peculiar character, fairly illustrates the distinction which has heretofore been recognized by the authorities, but which it is sometimes difficult to define—between a private bill and a special bill. I think if there were time to examine the authorities, there would be no question that this is a special bill, and no question about its being outside of the class known as private bills.

Mr. NEILL. I will undertake to produce the ruling of the present Speaker of this House in a case "on all fours" with this, holding that a bill of this nature is a private bill. If I do not succeed in doing that, I will withdraw the bill.

The CHAIRMAN. The Chair would be very glad to hear the gentleman's authorities.

Mr. PICKLER. I hope that if the Chair is going to submit this question to the Committee of the Whole, the committee will understand what it is proceeding to do, and will decide the question intelligently. Nobody would be more pleased to accommodate the gentleman from Arkansas than I would. I know he has been diligent and persistent with this bill, trying to get it before the House, and I wish he could have it considered. But it is wholly out of order here, and it would be contrary to our rule to consider it to-night. A private bill is a bill for a specific object for a single individual, and not for a number of individuals. If you can pension

a battalion, you can pension a regiment, and, on the same principle, you can pension an entire army corps.

Mr. TERRY. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Certainly.

Mr. TERRY. Would it not be competent to pass a bill——

Mr. NEILL. I rise to a parliamentary inquiry. I want to know who has the floor?

The CHAIRMAN. The gentleman from South Dakota has at present.

Mr. NEILL. I never yielded it.

The CHAIRMAN. The gentleman from South Dakota has yielded to the gentleman from Arkansas for a question.

Mr. TERRY. Would it not be competent, for instance, by one single bill to remove the charge of desertion standing against three soldiers?

Mr. PICKLER. That would be a general bill.

Mr. TERRY. Would it not be a private bill?

Mr. PICKLER. No, sir; I think not.

Mr. TERRY. Well, it has been so understood by the House.

Mr. PICKLER. Why, Mr. Chairman, if this proposition were admissible here to-night, then, as a parliamentary principle, all that we would have to do in the Committee on Invalid Pensions would be to combine all of the eight or nine hundred bills in one single bill and bring them in and pass them all at one time. If that could possibly be held to be within the scope of the rule, it would save us an immense amount of trouble, I will admit. It would enable us to get them before the House and get through with the work in a very short time. But that is not and never has been the rule. That is not what is meant by a private pension bill.

This is a general bill, and the statement of the gentleman from South Carolina [Mr. TALBERT] makes it clear that it is. We have bill after bill pending here on the Calendar to pension certain militia regiments from certain States; and nobody has ever dreamed of getting them up as private bills, for consideration at these night sessions. Why, if you name a battalion in this pension bill, I can name my regiment, that from first to last had about 2,000 men in it. Now, allow us to bring in a bill for the pensioning of an entire regiment, if you are going to admit this. There is no reason why it should not be done, nor is there any reason why, if that principle is admitted, we could not pension a brigade or an army corps.

This is getting clear away from the object and intent of the rule. The private bill belongs to and affects only the single individual. It can not be a general bill in any particular. There is a wide distinction between them.

Mr. TALBERT. Let me ask the gentleman if this is not a private bill in its ultimate analysis?

Mr. HARDY. I ask that the rule be read under which we pass bills on Friday night.

The CHAIRMAN. The gentleman from South Dakota has the floor.

Mr. TALBERT. I wish the gentleman to yield to me only to make a suggestion or to ask this question: While this may be a general bill, is it not true that in its last analysis it becomes a private bill when applied to the private individuals who are the beneficiaries of it?

Mr. PICKLER. That might be said of any general pension law that could be named, because eventually it applies to the individuals who are the beneficiaries of the law.

Mr. TALBERT. It seems to me that while this is a general bill, I repeat in the last analysis it comes down to private individuals and becomes a private bill.

Mr. PICKLER. I repeat, Mr. Chairman, that I desire the committee to vote intelligently on this question. If you permit this bill to come before the committee to-night, nobody can tell what will be the result. What will it cost; how many individuals does it affect; what does it mean; how many were in that battalion, and what do you know of the bill? Why, it would be a most dangerous precedent. It is a general bill and should be on the Calendar of the Committee of the Whole House on the state of the Union, where we have similar bills for the benefit of the militia of Missouri and Tennessee. They are on the general Calendar, where they belong, and simply because this is one battalion it does not make it any the less a general bill than if it was for an army corps.

I do not think, therefore, that it would be safe for the House to adopt this precedent. And besides, this bill was before the House in last May, as the Chair has stated, and was ruled out of order by the gentleman from Iowa [Mr. HEPBURN], then in the chair. I have no object in keeping the bill out but to avoid irregularity in our proceedings; and, I repeat, it will not do to consider this and act upon it as a private bill.

Mr. RAY. Will the gentleman from South Dakota allow me a moment?

Mr. PICKLER. Certainly.

Mr. RAY. Mr. Chairman, with the permission of the gentleman from South Dakota, I wish to say that if the Chair has authorities decisive of the question I will not make a single suggestion. But in view of the circumstances I will suggest that it is a matter of construction entirely whether the word "private" is used in the rule as meaning "personal" or simply in contradistinction to the term "public."

The rule under which we act seems to me to be open to a good deal of construction and contention; and my belief is that the term "private pension bills," as used in the rule, means "personal pensions bills." I am not prepared to say, of course, that that is the proper construction of the language of the rule, but it seems to me that the force and effect of the language is precisely the same as if the word "personal" had been used in place of "private." The language of the Constitution, Manual, and Digest, page 483, sustains this view. It is there said: "A pension bill for the relief of a soldier's widow is a private bill, but a bill granting a pension to such persons as a class instead of as individuals is a public bill."

Mr. PICKLER. That has always been the practice, because in the consideration of these bills and in their preparation one name only appears in the bill, and none other. It has always been, as the gentleman states, considered as a personal bill.

Mr. RAY. And the question is, Does the word "private" refer to private individuals, or is it used in contradistinction to the word "public?" It seems to me it is quite a question before you have finished it.

The CHAIRMAN. The question is as to whether the point of order made by the gentleman from New York [Mr. RAY] shall be sustained.

Mr. PICKLER. This bill is for a battalion. If it is a private bill, would it be in order, for instance, to amend by moving that the Army of the Tennessee be included? Would not that be a germane amendment, if this is a proper bill?

The CHAIRMAN. A private bill could not thus be amended. A private bill could not be amended by adding the name of one person to that of another person, much less an army.

Mr. PICKLER. There would certainly be no inconsistency in attaching a brigade to a bill for the relief of a battalion.

The CHAIRMAN. The Chair desires to take the sense of the committee on this.

Mr. NEILL. Mr. Chairman, I have never yielded the floor. I thought I had the right to make an argument.

The CHAIRMAN. The gentleman stated that he wished to present an authority from the Speaker.

Mr. NEILL. Mr. Chairman, I was ready when the gentleman from South Dakota [Mr. PICKLER] sprang upon the floor like a bolt of lightning.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas.

Mr. NEILL. Mr. Chairman, I desire to have the Clerk read a bill which I have sent to the desk, the Powell Battalion bill, passed March 1, 1891.

The Clerk read as follows:

> Chapter 568. An act granting pensions to Powell's Battalion of Missouri Mounted Volunteers.
>
> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May 13, 1846, for service during the war with Mexico, and the names of the surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.
>
> Approved, March 3, 1891.

Mr. NEILL. Now, Mr. Chairman, the history of that bill is this: It was introduced into the Senate by Senator Manderson; it passed the Senate and came over to the House in July, 1890; it was referred to the House committee on July 29, 1890; it was reported by Mr. Norton and put upon the Calendar as a private bill. I have the Calendar before me from the file clerk's office, which the Chairman or any other gentleman can inspect. It is a private bill. On December 4, 1890, Mr. Norton, of Missouri, who had reported the bill in this House, undertook to call it up. Will this House remember who was Speaker in December, 1890? It was THOMAS B. REED, the same THOMAS B. REED who is to-day Speaker. The RECORD shows that he was in the chair. I read from the RECORD:

> ORDER OF BUSINESS.
>
> Mr. WILLIAMS of Ohio. Mr. Speaker, I desire to present a conference report.
>
> The SPEAKER. It is not usual to interrupt the morning hour with a conference report. The Committee on Invalid Pensions having no other bill, the call rests with the Committee on Pensions.
>
> Mr. NORTON (from the Committee on Pensions). Mr. Speaker, I present for consideration the bill (S. 1826) granting pensions to Powell's Battalion of Missouri Mounted Volunteers.
>
> The bill was read.
>
> Mr. DINGLEY. That is a private bill.

Who is Mr. DINGLEY? Is he the equal in parliamentary knowledge and in intellectual endowments of the gentleman from South Dakota? [Laughter.]

> The SPEAKER. That bill is not on the House Calendar and is not admissible for consideration during the morning hour.

The bill was not on the House Calendar, Mr. Chairman, because it was upon the Private Calendar, which I have here before me, and it was placed there by the order of THOMAS B. REED, Speaker of the Fifty-first Congress.

Now, Mr. Chairman, is any more authority needed than that? I will put THOMAS B. REED, of Maine, and Governor DINGLEY against the distinguished parliamentarian from South Dakota, and the gentleman from New York also. I am not surprised at the exhibition to-night. This little bill embodies relief——

Mr. PICKLER. Will the gentleman permit me a question?

Mr. NEILL. I will not yield.

Mr. PICKLER. This was not on a Friday night. It was not passed on Friday night at all.

Mr. NEILL. I do not yield, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. NEILL. This little bill, Mr. Chairman, carries relief to less than thirty people. These men in 1846 and 1847 were citizens of the State of Arkansas. Those who are affected by the bill are now all old men and widows, people standing with one foot in the grave and the other hard by. In 1846 they volunteered and signed a muster roll which pledged them to go to Mexico. They were not sent there, because the authorities concluded to send them up into the Indian Territory. They served there from six to eight months, the five companies of this little battalion. When the Mexican war act was passed in June, 1887, and when that grand soldier, Gen. John C. Black, of Illinois, was administering the Pension Office, he took a liberal view of that law and placed these people upon the pension rolls under the Mexican war act as fast as they made their proofs. But with the advent of the Harrison Administration the then Commissioner of Pensions took a different view of the law and refused to place any more of them upon the roll, holding that they did not come within the purview of the Mexican war act.

When I came to Congress, in July, 1893, I came with a petition or two in my pocket from men who had been suspended from the rolls, men who were members of this little Gray's Battalion. I went to see Commissioner Lochren, who told me the history of the matter, which I have here and which is embodied in the report. He said that he had found the ruling of his predecessor upon the record, and that he was not inclined to reverse it and to hold that he could place these men and their widows upon the pension rolls under the Mexican war act.

Immediately after that I introduced this special bill for their relief, and I have pressed it, Mr. Chairman, continuously, in season and out of season—no; not out of season, because it was never out of season; but all the time that was proper and legitimate I have tried to get relief for these few people left this side of the grave. I am not surprised, Mr. Chairman, at the gentleman from South Dakota to-night. It was the gentleman from South Dakota in May last, when I called up this bill, who said it was not in order, because it was a general bill in the very closing seconds of that night session. It was the gentleman from South Dakota last Friday night, when I was stretched upon a bed of sickness and unable to leave my room, who again asserted that this was a general bill, and said it was not admissible.

Mr. Chairman, I undertake to say that there is not a lawyer in the United States who has a reputation above that of a police court or a justice's court who would undertake to say that the ruling of Speaker REED in 1891 on Powell's Battalion does not cover this completely. At that time Mr. Norton, of Missouri, was trying to get that battalion of gallant Southerners, who did not come in under the Mexican war act, admitted to the pension rolls. He was trying to call it up as if it were a public bill. Mr. DINGLEY said, "That is a private bill," and Mr. Speaker REED said it was "a private bill. It is not upon the House Calendar."

Why, Mr. Chairman, we do not need such citations even. We do not need to go back to the abstruse rules of common law as to what is a private law and a public law. That has long since fallen into disuse. Private laws are now printed with the general laws, and all that is necessary is an exhibition of the law printed by authority to prove it. But this bill is in all senses a private bill, and the only reason I can see for the animus displayed against its consideration is that the benefits of this law would accrue to a few old men and women far down in the Southland.

Mr. RAY. Will the gentleman allow me to call his attention to an authority?

Mr. NEILL. I will yield to an inquiry.

Mr. RAY. I desire to call the gentleman's attention to an authority.

Mr. NEILL. I yield, then.

Mr. RAY. I will not make a speech. I will simply read to you, and I desire to call the attention of the Chair [cries of "Vote!" "Vote!"] to the same authority. If you would keep quiet you would know more and behave better. I want to call attention to the Constitution and Manual——

Mr. NEILL interposed an objection.

Mr. RAY. I was just going to read——

Mr. NEILL. I yielded only for an inquiry.

Mr. RAY. I was just going to read from the Constitution, Manual, and Digest, page 488:

> The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities. (28 Stat. L., page 611.)

Mr. NEILL. Does the gentleman know where that comes from?

Mr. RAY. Let me read further.

Mr. NEILL. That comes from the printing bill, which I have sent for.

Mr. RAY (reading):

> The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interest of individuals, public companies, or corporations, a parish, city, or county, or other locality." To be a private bill it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill, but a bill granting pension to such persons as a class, instead of as individuals, is a public bill.

That is just what this bill is—to grant pensions to survivors of this regiment as a class; and if this is good authority, then that settles this question.

Mr. HARDY. Mr. Chairman——

Mr. PICKLER. Mr. Chairman——

Mr. NEILL. Mr. Chairman, I did not yield the floor. I do not yield to the gentleman from South Dakota at present. I may later.

Mr. HARDY. Will the gentleman from Arkansas yield to me for a moment? I am a member of the committee.

Mr. NEILL. Certainly. I yield for a question; not for a speech.

Mr. HARDY. Well, just a moment. I am a member of the committee that reported the bill, and I can explain a point or two.

Mr. NEILL. Very well.

Mr. HARDY. Mr. Chairman, it is delightfully refreshing at such a late hour in the life of this Congress to see the friendly interest manifested by the gentlemen on the Democratic side of the House in favor of pension legislation. I regret very much that the gentlemen on that side were not so favorable to pension legislation at the first session of this Congress as they are now. Even so distinguished an objector to pension legislation as the gentleman from Pennsylvania [Mr. ERDMAN] is as dumb as one of President Cleveland's dead ducks in the marshes of South Carolina on the merits of this bill. [Great laughter.]

If this bill were one to place on the pension roll the Indiana State Militia, or the Indiana Home Guards, I doubt if there would be so much interest manifested in its favor on the other side of the House. However, I am glad to see that gentlemen over there have become friends of the soldiers at last; and for the remainder of this session, if we pass this bill to-night, I trust that we shall have no more calls for a quorum of the committee, and no more objections made to the passing of pension bills on Friday nights. [Applause.]

Mr. NEILL. Mr. Chairman, the gentleman from New York in reading this authority from the Digest and Manual to show the meaning of the term "private bill" forgot to state that it is simply an extract from the printing bill which became a law in January, 1895. The language is: "The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills to remove political disabilities." That language is used simply for the purpose of describing bills with a view to determining the number of them that shall be printed.

Now, Mr. Chairman, judged by the very rule laid down here, this bill is a private bill, because it was printed as a private bill and only as a private bill. That is the fact, and I rest my case upon that fact, upon the decision of the officers of this House that this is a private bill, manifested by printing only the number of copies that the law authorizes to be printed of a private bill, and, further, I rest it upon the decision of Speaker REED in the Fifty-first Congress in the analogous case which I have cited. The language read from the Digest by the gentleman from New York is, I repeat, simply a quotation from the printing bill, and is there used for the purpose of determining how many copies of each kind of bill shall be printed, and I say again that, judged by that rule as interpreted by the officers of this House, this is a private bill, because the number of copies of it printed was the number which is prescribed by the law for private bills.

Now, Mr. Chairman, I do not think it is necessary to detain the committee longer in the consideration of this question. I confess to a great deal of interest in this bill, because it is a matter that has occupied more of my attention than almost any other, on account of the injustice that has been done to a few old people in this land, old soldiers and their widows, men who volunteered in 1847 and followed the flag of their country even to the halls of the Montezumas, braving death and disease, but who have been unable to get in under the Mexican war pension act. It occurs to me, Mr. Chairman, that, judged in the light of common sense, judged by judicial reason, judged by the authority of Speaker REED in the luminous statement which I have cited, there can be no question that this is a private bill. Gentlemen say that upon that ground we might pass bills here tacking on brigades and divisions, but that is the merest nonsense. In legislating upon these matters we are governed by the rules of common sense, and, as I have said, the old rules of the common law as to what would be a public bill and what would be a private bill are abrogated.

This bill has been treated at every step in this House as a private bill, by the Speaker, by the Clerk, by those having authority to deal with it; but when the time comes for its consideration then we have invoked here the specter of a "public bill," right in the face of the decision of the Speaker of this House, rendered in 1890, only six years ago, that a bill similar to this was a private bill. Mr. Norton, in charge of that bill at that time, was ruled out because it was held to be a private bill, and yet the gentleman from South Dakota [Mr. PICKLER] and his allies here now would rule out these feeble old men and women from the benefit of the pension law because they say that this is a public bill! Mr. Chairman, I have done.

Mr. TERRY. Mr. Chairman, I desire to call the attention of the committee to one or two considerations connected with this bill. Some members here, talking with me about it, have seemed to fear that if we passed the bill it would be a great addition to the pension roll. As to that, I want to call attention to some facts as set forth in the report. I read from the report:

> The following correspondence shows the course pursued by the Pension Bureau with reference to these claimants, and also indicates that the number of persons likely to be benefited by the passage of the act is very small, as most of the survivors and widows are already pensioned under former rulings of the Department:
>
> HOUSE OF REPRESENTATIVES, UNITED STATES,
> *Washington, D. C., August 1, 1894.*
>
> DEAR SIR: I was some months since informed by you that under General Black's construction of the act of Congress of January 29, 1887, providing for pensioning soldiers of the Mexican war, some of the members of Lieutenant-Colonel Gray's Battalion of Arkansas Volunteers, 1846 and 1847, were on the pension list, but that under your construction of the act these soldiers are not within its provisions.
>
> I have an amendment to offer to H. R. 7414, now pending, to include these soldiers and their widows.
>
> Will you kindly furnish me (if it can be done) by Friday, 3 p. m., a statement showing number of these men now on pension roll and number of rejected applications on file.
>
> Very respectfully,
>
> ROBERT NEILL.
>
> Hon. WILLIAM LOCHREN,
> *Commissioner of Pensions.*
>
> DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
> *Washington, D. C., August 2, 1894.*
>
> SIR: In compliance with the request contained in your communication of yesterday, I have the honor to advise you that I have caused a careful examination of the Mexican war pension records (act of January 29, 1887) to be made, and it appears that 58 claims have been filed under this act by soldiers who alleged service in Gray's Battalion, Arkansas Volunteers. Of this number 52 claims have been admitted and 6 rejected. Twenty-five claims have been filed by the widows of such soldiers, and of this number 10 have been admitted, 13 rejected, and there are 2 claims now pending.
>
> RECAPITULATION.

Soldiers' claims filed	58
Widows' claims filed	25
Total	83
Soldiers' claims admitted	52
Widows' claims admitted	10
Total	62
Soldiers' claims rejected	6
Widows' claims rejected	13
Widows' claims pending	2
Total	21

> Very respectfully,
>
> WM. LOCHREN, *Commissioner.*
>
> Hon. ROBERT NEILL,
> *House of Representatives.*
>
> There is a precedent for the proposed legislation in the act of Congress granting pensions to Powell's Battalion of Missouri Volunteers (Mexican war), approved March 5, 1891.

In 1887, the Commissioner of Pensions, Commissioner Black, I believe, decided that these men were not entitled to the benefit of the Mexican war pension act because they had not actually got into Mexico. They went up into the Indian Territory, and then, instead of letting them go on to Mexico, the Government authorities put them to garrison the fort there and sent the regulars who were at the fort on to Mexico to take part in achieving those great victories which added luster to the arms of this Government in that memorable war. There is only a little handful of these veterans left, and whether this bill is subject to a technical objection or not, as we have the matter up here now, why not pass the bill and let these old fellows get the benefit of the pension law for the short time remaining to them. They are dying off every day. Let us cut the knot of technicality and do justice to these old soldiers. This bill has been submitted to the committee. Now let us sustain what the Chair indicates would be his ruling and pass this bill.

Mr. PICKLER. Mr. Chairman, the previous gentleman from Arkansas—very "previous" often in this House—becomes jocular, and compares my parliamentary knowledge with that of the Speaker of the House and the gentleman from Maine [Mr. DINGLEY]. I want to say that in my opinion it would make REED and DINGLEY, a hundred years hence, turn over in their graves, if they could hear such propositions as the gentleman claims that they have held in regard to bills of this nature.

Now, this bill in regard to Powell's Battalion, which is cited as a precedent here, was not up at a Friday night meeting at all; it was up on Tuesday, February 24, 1891. It came up by unanimous consent. Let me read from the RECORD of the proceedings at that time.

Several MEMBERS. Let us vote.

Mr. PICKLER. No; I am not going to be misrepresented; I do not wish the Committee of the Whole to vote without a correction being made of the misrepresentations of the gentleman from Arkansas—because they are clear misrepresentations. I read from page 3213, volume 118, of the CONGRESSIONAL RECORD:

> POWELL'S BATTALION MISSOURI VOLUNTEERS.
>
> Mr. NORTON. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk, and that it be now put upon its passage.
>
> The bill was read, as follows.

Then the bill is given. I read further:

> The SPEAKER. Is there objection to the present consideration of this bill?
>
> Mr. BURROWS. I think we should have some explanation of this measure. The proposition appears to be to put a whole battalion on the pension roll.

Then the gentleman from Illinois [Mr. CANNON] and other gentlemen engaged in the debate, until we find on page 3214 the following:

> Mr. DOCKERY. I hope there will be no objection to the bill.
>
> The SPEAKER. Is there objection?

Mr. Speaker REED did not think the bill had any right to consideration under the rules. He asks, "Is there any objection?"

> Mr. JOSEPH D. TAYLOR. I demand the regular order. [Cries of "Oh, no!"]
>
> The SPEAKER. The regular order is demanded.
>
> Mr. MCKINLEY. I am instructed by the Committee on Rules to submit the report which I send to the desk.

I may say, parenthetically, that Mr. McKinley will submit another report down here pretty soon.

> The SPEAKER. The gentleman from Ohio presents a report from the Committee on Rules.
>
> Mr. JOSEPH D. TAYLOR. While I do not know anything personally about the merits of the bill of the gentleman from Missouri [Mr. NORTON], I am assured it is all right; and I withdraw the demand for the regular order.
>
> Mr. MCKINLEY. As my colleague [Mr. JOSEPH D. TAYLOR] withdraws the demand for the regular order, I will not at this moment ask action on the report which I have sent to the desk.
>
> The SPEAKER. The gentleman withdraws the demand for the regular order. Is there objection to the consideration of the bill presented by the gentleman from Missouri [Mr. NORTON]? The Chair hears none.
>
> The House accordingly proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

That is the way the bill with reference to Powell's Battalion was passed. It was passed by unanimous consent on a Tuesday, in the daytime—not at a Friday night session at all; and the Speaker was evidently holding all the way along that the bill was out of order, because he continued to put the query to the House as to whether there was objection. It was by unanimous consent, and in no other way, that the bill came up for consideration.

In reply to what the gentleman has said about the personal deserts of the people embraced in this bill, I have not a word to say. I think my record in regard to the treatment of old men and old women coming here for pensions will compare favorably with the record of any gentleman on the other side of the House. The point I make is that this bill is out of order, and, as chairman of the Committee on Invalid Pensions, I do not think I can afford to sit here and submit to such a measure being taken up as a private bill without objection on my part. I have no objection to raise in regard to any equities that there may be in favor of the bill. The simple point is whether the bill is in order or out of order.

Whenever this bill has been presented here before (for I think I remember its having come up at three or four different times) it has always been treated as a joke. To-night it seems to be presented as a serious matter. I think the bill is out of order, and I hope such will be the ruling of the Committee of the Whole.

Mr. McRAE. Mr. Chairman, it is well before we vote that we should understand the facts not only as to this bill, but as to the precedents which have been cited. There is no controversy about the correctness of the record read by the gentleman from South Dakota, Mr. PICKLER, and none about the record read by my colleague, General NEILL. The record in each case was made up on two different occasions, though on the same bill. On one occasion the bill was presented during the morning hour, when only bills on the House Calendar—public bills—could be considered. This bill being a private bill, and being on the Calendar as a private bill, the point was made by the distinguished gentleman from Maine [Mr. DINGLEY] that it could not be considered during that hour. The Speaker sustained the point; holding that it was not only a private bill, but was on the Private Calendar. On the other occasion referred to by my friend from South Dakota the bill was passed by unanimous consent, and the Calendar it was on was immaterial. There can be no question about this.

Now, I trust that this Committee of the Whole, which is called upon through the fairness of the Chairman to settle this question, should do so with a distinct understanding of the whole record. When this bill was reported during the last session—in the early part of this Congress—it was assigned by the Speaker under the rules to the Private Calendar. There it remained until it was reached on the Calendar—reached at a time when, to my personal knowledge, we were within a very few minutes of half past 10 o'clock, and when the question was decided without debate and without discussion, although gentlemen were on the floor ready to debate it and to present the precedents which have been submitted by my colleague here to-night. Under such circumstances the decision was made which has been referred to by the Chair. The present Chairman is not satisfied that it should stand, and has submitted the point to the committee.

The bill has continued upon the Private Calendar ever since then, notwithstanding the alleged hasty, ill-considered decision. Now, is it fair to General NEILL, is it fair to the committee itself, to keep this bill upon the Private Calendar, treating it as a private bill until the opportunity comes to pass it, and then say that it is a public bill, and thereby send it to the foot of the Union Calendar, without regard to whether it is a public or a private bill and without regard to whether it affects one man, two men, three men, or twenty men? I think common fairness requires that this committee should give the bill consideration at this time. If it is a just measure, let us pass it; if not, let us vote it down. But I appeal to the committee to overrule the point and dispose of it.

Mr. SMITH of Illinois. Will the gentleman permit a question?

Mr. McRAE. Certainly.

Mr. SMITH of Illinois. Several of us desire to see this bill and the report, but the copies seem to be exhausted. I would ask the gentleman from Arkansas if this is to place all of the members of that particular battalion on the roll?

Mr. McRAE. It is to give them a pensionable status.

Mr. NEILL. No; it is to place them on the pension roll. Two-thirds of the survivors of the battalion are on the roll to-day. There are only 26 applicants, so far as known up to this time, to be added to the roll. Those who applied and made their proof during the administration of General Black in that office were placed on the roll. Those which were presented to the incoming administration after General Black's administration closed were refused. Twenty-six people are all the pending applicants, as I am informed by the Commissioner.

Mr. SMITH of Illinois. Now, if I can be permitted a moment, Mr. Chairman, I desire to make a single remark. I asked the question simply for information and for the reason that we were unable to secure copies of the bill and the report, and were therefore unable to understand fully just what was desired to be done or what the bill was intended to accomplish.

I understand that the pending question is on the point of order raised against the consideration at the Friday night session, and I desire to say that I am surprised at some of the old soldiers on the Republican side of the House raising such technical objections in a matter of this kind.

I was not in the Army myself. Thank God I was too young to be there. But it does seem to me that those who served during the last war and who are day after day and night after night urging with earnestness legislation in favor of the soldiers of our country should not rise on an occasion of this kind and present technical objections to a bill which is brought up for consideration and which involves the pensioning of some of our soldiers.

I believe myself, sir, after the very slight examination that I have been able to give to this measure, that it properly belongs on the Private Calendar, where it has been placed by the Speaker of the House; and we could have voted this measure up or voted it down long ago, instead of taking up an hour or more in discussing whether a point of order should or should not be sustained against it. Those who are to be benefited by this bill if it should become a law are as much entitled to the consideration of the patriotic citizens of this country as are any of the soldiers of any war since this Government has had its existence.

I simply give these suggestions. I shall vote against some of my colleagues on this measure, and I am sorry that they have precipitated the character of fight on this bill which they have.

The CHAIRMAN. The question is, Shall the point of order be sustained? The point of order is made that this bill is not in order to-night; that it is not a private bill, coming within the terms of the rule, although on the Private Calendar.

The question was taken; and the point of order was overruled.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable report?

Mr. CROWTHER. I desire to offer the following amendment to the bill.

The Clerk read as follows:

At the end of line 12 insert:

"That the provisions of existing pension laws are hereby extended to the officers and enlisted men, their widows, children, dependent mothers and fathers, of all militia raised in the several States during the years 1861 to 1865, inclusive, who performed military service in the Federal Army, or when serving with United States volunteers or regulars, or when serving as State militia under the orders or command of the War Department or any military officer of the United States, during a period of ninety days or longer, and that a certificate of discharge from such service from either State or United States authority shall be prima facie evidence of such service.

"SEC. 2. That the following provisions of paragraph 3, section 4693, Revised Statutes of the United States, to wit: 'But no claim of a militiaman or nonenlisted person on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service shall be valid unless presented to a successful issue prior to the 4th day of July, 1874,' be, and the same are hereby, repealed."

Mr. PITNEY. I make the point of order——

Mr. McRAE. I make the point of order, Mr. Chairman, first, that this is not germane to the pending bill, and second, that the rule prohibits the adding of one private bill to another as an amendment. If the Chair desires authority——

The CHAIRMAN. The Chair is ready to rule upon the question. The point of order is sustained.

Mr. CROWTHER. With all due deference to the ruling of the Chair, I appeal from the decision.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. PICKLER. Mr. Chairman, I hope the gentlemen on the other side of the House will take an equitable view of this matter. These militia performed good services, and I should be sorry to see them kept off the rolls—old men and old women.

Mr. NEILL. Well, bring along your bill.

Mr. PICKLER. I hope the gentleman from Illinois will also remember that these men performed services, and are entitled to consideration. They are just as much entitled to consideration as the others were, and now let us swallow the whole thing, as you have insisted upon taking a part of it. I trust that they will not do injustice now to these militia regiments.

Mr. TERRY. I suggest to the gentleman that he do what has been done in this case, get the report of a committee in favor of it.

Mr. CROWTHER. It has been favorably reported.

Mr. PICKLER. If you can pension one regiment, I do not see why you can not add another regiment to it. I hope these gentlemen will not be unfair to these poor old people.

Mr. TERRY. Report a bill in their favor.

Mr. HAINER of Nebraska. That has been done already.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, on a division (demanded by Mr. CROWTHER), there were—ayes 91, noes 0.

Accordingly, the decision of the Chair was sustained.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PICKLER. I move to reconsider.

Mr. McRAE. You can not do that in Committee of the Whole.

The CHAIRMAN. That can not be done in Committee of the Whole.

Mr. PICKLER. I call for tellers.

Mr. McRAE. Too late.

Mr. PICKLER. If I can have unanimous consent, what I wish to know is, How many people are carried by this bill? [Cries of "Regular order!"]

Mr. NEILL. If the gentleman had asked for the reading of the report, he would have found that out; but I shall be happy to state the fact to him. On August 2, 1894, according to Commissioner Lochren's letter to myself, there were 21 applicants. Up to date there have been 5 additions, as stated in a letter which I hold in my hand, making 26 of these people who will get $8 a month.

Mr. PICKLER. Have you their names?

Mr. NEILL. No.

Several MEMBERS. Regular order.

The CHAIRMAN. The regular order is called for. The Clerk will report the next bill.

WILLIAM M. DALZELL.

The next business on the Private Calendar was the bill (H. R. 1198) directing the Secretary of War to grant an honorable discharge to William M. Dalzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be directed to amend the records of the War Department in the case of William M. Dalzell, late fifth corporal in Company B, Second Regiment Iowa Infantry, so as to give him an honorable discharge dating to the end of the war.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGE M. BROOKS.

The next business on the Private Calendar was the bill (S. 637) granting a pension to George M. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George M. Brooks, late private in D Company of the Sixty-ninth Regiment of Indiana Infantry Volunteers, and pay to him a pension of $15 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report in this case.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, having carefully considered the same, adopt as their own the annexed Senate report (No. 351), and recommend that the bill do pass.

[Senate Report No. 351, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, have examined the same and report:

The record shows that said Brooks was enrolled on the 9th day of August, 1862, as a private in Company D, Sixty-ninth Regiment Indiana Volunteers.

Said Brooks testifies that he contracted the measles while in camp at Indianapolis, Ind., about the middle of November, 1862, which entirely destroyed his voice and induced pain in his breast, from which he is still suffering; and that during the fall of 1862 and the following winter, while he was in the service of the United States, he incurred a throat and lung trouble from which he has never been entirely clear since; that it has at times been better, and at other times worse, and sometimes very bad; that some of his physicians told him that he had bronchitis, others that it was a throat and lung trouble, and others asthma; that for years he has been troubled with dizziness and swimming in the head, glimmering in the eyes, shortness of the breath under moderate exercise or excitement, and has general disability.

Surgeon Jameson testifies that said Brooks had some acute bronchitis following the measles; he also had the jaundice, which was contracted while in the United States service and line of duty at Indianapolis on or about November 15, 1862.

In certificate of disability for discharge the surgeon certifies to aphonia and general debility, consequent upon measles contracted in camp.

The examining surgeon on October 23, 1863, finds aphonia and debility, consequent upon measles; that he is still unable to labor. Disability at three-fourths.

P. H. Jameson, acting surgeon United States Army, states that when soldier was discharged "he was unfit for duty by reason of acute bronchitis following measles; he had also jaundice, which was contracted while in the service of the United States and the line of his duty at Indianapolis, Ind., on or about the 15th day of November, 1862."

Said Brooks was honorably discharged on the 29th day of April, 1863, and on his certificate of discharge it is stated that he was discharged "by reason of general disability and aphonia, consequent upon measles contracted in camp at Indianapolis."

The evidence shows that said Brooks made application for an invalid pension in 1863, which was granted to him on pension certificate No. 18631. The pension certificate stated that said Brooks should have an annual examination in order to draw his yearly pension, but on account of his having failed to appear for his medical examination in 1864 he was dropped from the rolls as a pensioner, and has never received any pension since.

On February 27, 1891, said Brooks made application to the Pension Office for "restoration to the pension rolls on account of permanent disability from bronchial troubles, weak eyes, piles, disease of liver, and general debility." But on account of his not being able to furnish all the evidence required of him by the Pension Office he has failed to get restored to the pension rolls.

Said Brooks further testifies that he is unable to furnish evidence required showing physical condition from 1863 to 1868 for the following reason, to wit: Soon after being discharged he left home on account of his health, and passed from under the care and cognizance of a family physician, going from place to place and not remaining long in any one place, and having no permanent home until the winter of 1867-68, and this time having so long since passed that he is unable to find those by whom to furnish the required evidence; also believing that drugs would not cure him, he sought no medical treatment.

George W. Mears, examining surgeon, on May 1, 1863, rated said Brooks as three-fourths incapacitated for obtaining his subsistence by manual labor from aphonia and debility.

L. D. Prescott, M. D., testifies February 21, 1863, that said Brooks had been under his treatment for bronchitis and aphonia, the result of an attack of measles while in camp at Indianapolis in November, 1862.

W. P. Morrison, M. D., under date of August 29, 1881, testifies as follows:

"I have known the above George M. Brooks for the last thirteen years; that I am his family physician and that the said George M. Brooks has suffered from aphonia and chronic liver disease; further, that he is a strictly temperate man and of good habits; that I consider him incapacitated for heavy manual labor or farm work, and has been the entire time of my acquaintance with him by reason of the above disability."

Following is the professional statement of a reputable physician concerning the present condition of the soldier's health:

SALINA, KANS., *February 12, 1896.*

I have this day examined George M. Brooks, about 53 years of age, late a private in Company D of the Sixty-ninth Regiment Indiana Volunteers. Having been his family physician for the last two years, I am of the opinion that his disability resulted from an attack of measles which led to a chronic bronchitis, with exacerbations and remissions and attended with considerable bronchorrhea, always worse in the winter months. He also has a weak heart. He is entirely unfit to perform manual labor, but does perform about one-fourth that of an able-bodied man.

W. S. HARVEY, M. D.

Personally appeared before me, clerk of the district court in and for Saline County, Kans., W. S. Harvey, personally known to me to be a practicing physician, and made the foregoing affidavit.

Sworn to and subscribed before me this 20th day of February, A. D. 1896.

[SEAL.] AUG. SWEDENBURY,
Clerk of the District Court of Saline County, Kans.

STATE OF KANSAS, *County of Saline, ss:*

I, A. L. Brown, clerk of said county and State aforesaid, do hereby certify that W. S. Harvey is a practicing physician of twenty-five years' standing, as shown by the records on file in my office.

[SEAL.] A. L. BROWN, *County Clerk.*

The soldier himself makes oath and testifies as follows:

SALINA, KANS., *February 19, 1896.*

George M. Brooks, late a private in Company D, Sixty-ninth Regiment Indiana Volunteers, being duly sworn, says that he is the identical George M. Brooks above referred to; that he is now in the fifty-fourth year of his age. He further says that he is disabled from doing physical labor, and that this disability is the result of measles contracted in the fall of the year 1862 while he was in the military service of the United States, so he verily believes. That he has never been able to do regular physical labor since he was discharged from the service of the United States.

GEO. M. BROOKS.

Sworn and subscribed to before me this 19th day of February, 1896.

[SEAL.] A. L. BROWN, *County Clerk.*

All of which being considered, your committee recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. BOATWRIGHT.

The next business on the Private Calendar was the bill (H. R. 6233) granting an increase of pension to John J. Boatwright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Boatwright, late of Company I, Twenty-fourth Ohio Volunteer Infantry, at the rate of $72 per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6233) entitled "A bill granting increase of pension to John J. Boatwright," beg leave to submit the following report, and recommend that said bill do pass, with an amendment striking out the word "seventy-two," in line 7, and inserting the word "thirty" in lieu thereof:

John J. Boatwright enlisted June 14, 1861, and served as private, Company I, Twenty-fourth Ohio Volunteer Infantry, until June 23, 1864, when he was honorably discharged. On March 6, 1880, he filed an application for pension for "rupture left groin" incurred in December, 1861, while building fortifications at Cheat Mountain, Va.

He was pensioned from June 24, 1864, at $4 per month for left inguinal hernia; increased to $6 from May 3, 1882; to $10 from April 3, 1884, and on an increase claim to $14 for "left inguinal hernia and disease of eyes," from March 23, 1888. Increase claims were rejected January 12, 1885, June 1, 1889, and August 11, 1891, and an increase claim filed March 3, 1892, for additional disabilities of right hernia and disease of urinary organs, was rejected July 12, 1894, on the ground of "no disability therefrom since date of filing claim."

He was rated by board of examining surgeons, March 18, 1891, at twelve-eighteenths for double rupture; fifteen-thirtieths for partial deafness of both ears, and eight-eighteenths for partial blindness, and the board at Kearney, Nebr., March 21, 1894, described his physical condition as follows:

Age, 63; weight, 131 pounds; body poorly nourished.

Eyes.—Pupils do not respond readily to light and shade; conjunctiva of both eyes red, sclerotic coat inflamed; vision, right eye, can not see type; vision, left eye, can not see test type, can not count figures with left eye at 3 feet; can not discern light with right eye; can read large print with glasses that he has—+ glasses.

Pulse intermittent. No inguinal tumors found; inguinal rings normal; no tumor through external ring. Urine normal. Considering age and condition of eyes, believe applicant not able to perform manual labor.

Dr. L. P. Woolworth, Kearney, Nebr., filed affidavit August 9, 1894, that he has been family physician since 1884, and claimant has been in feeble condition during entire time, not having been able to perform a day's labor since first acquaintance. His gait is feeble, having to walk with a cane all the time. He is suffering from a fistulous opening in left side just above crest of ilium, which discharges pus all the time; has incomplete hernia of right side, and can not wear truss. Urine thick, highly colored, and offensive, and has to be voided frequently; mind is feeble and memory poor, unfitting him for any business. Claimant is disqualified from earning a living.

Dr. H. S. Hill, Springfield, Mo., filed affidavit February 24, 1896, from which we extract following:

"Examined claimant February 17, 1896; left testicle was very much atrophied, soft, and tender. No hernia down to-day, but internal rings are plainly felt, and there is impulse against finger on coughing. Posterior curvature of dorsal vertebræ very prominent. Fistula 1½ inches back of upper border of crest of left ilium; pus expressed on examination. Left leg on an average 1 inch smaller than right; little or no feeling over left leg from knee up; manifests no sensation when parts are pinched or pricked with a pin. Applicant compelled to use a cane in walking.

"Find there has been iritis, quite severe, of the right eye, leaving the pupil irregular and almost irresponsive to light. From appearances, would judge the sight of right eye almost entirely gone, and entirely so so far as being of any practical use. General debility exists in a marked degree. I deem him totally disabled for the performance of any manual labor. Have been a practicing physician for twenty-seven years."

Dr. M. C. Wyatt and Dr. B. T. Northrip filed affidavits February 24, 1896, substantially corroborating Dr. Hill, and each states he found hernia of both sides, and total blindness of right eye and greatly impaired vision of left eye. Dr. Wyatt says he is only able to distinguish very large print with great difficulty, and both state he is totally incapacitated for manual labor.

Your committee believe an injustice has been done this pensioner, and urgently recommend the passage of this bill as amended, to give him $30 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. SENTMAN.

The next business on the Private Calendar was the bill (H. R. 1311) granting an increase of pension to Charles W. Sentman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Charles W. Sentman, late of Company D, Twentieth Regiment of Indiana Volunteers a pension of $30 per month from the passage of this act, in lieu of the pension now drawn by him of $8 per month under certificate No. 11858.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I ask for the reading of the report.

The CHAIRMAN. The report will be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1311) for the relief of Charles W. Sentman, submit the following report:

Charles W. Sentman enlisted in Company D, Twentieth Indiana Infantry, and was duly mustered into the service of the United States on the 22d day of July, 1861, and served until July 2, 1865, when he was mustered out and honorably discharged.

He participated in the following battles: Glendale, Savage Station, Charles City Cross Roads, Malvern Hill, Second Bull Run, Chantilly, Fredericksburg, Kellys Ford, Mine Run, Battles of the Wilderness, Spottsylvania, Cold Harbor, North Anna, Bermuda Hundred, and Petersburg.

He was wounded in the shoulder the second day at Gettysburg, and again in front of Petersburg, where a finger of the right hand was shot away.

George W. Painter, a reputable man and a comrade of the soldier, says, in an affidavit filed with the papers in the case:

"I knew him intimately and continuously all of said time [covering enlistment and service]. At the time of his enlistment applicant was in good physical condition and in good health, and apparently as rugged a man as was in the regiment. He was a good soldier and did good service all through, never shrinking any duty or responsibility."

Frank Barwick, another comrade, says in an affidavit on file in the case:

"I certify that C. W. Sentman was a soldier with me in Company D, Twentieth Indiana Volunteer Infantry, and was counted one among the most rugged as well as bravest of that company from July, 1861, until July 2, 1863, being then severely wounded at Gettysburg, Pa. When sufficiently recovered, returned and bore a faithful part as far as able until some time in May, 1864, was again wounded, but again returned to regiment with less ability physically, but if anything more patriotic zeal. He was a No. 1 soldier, and by his example prompted many to better service. We were under Gen. Phil. Kearny up to his death, and he recommended that a token of honor be given to the foremost of his command, two of whom were in my company, and C. W. Sentman was first to be named by all present, including officers of regiment. I am not aware of his ever failing to do his whole duty in camp, and especially on picket, march, and battlefield."

He is now drawing $8 per month under the law of 1862.

The report of the Commissioner of Pensions to this committee in this case shows that "applicant's physical and mental condition is that, in addition to wounds for which pensioned, he has asthma, for which he is rated three-fourths, and one-fourth for two wens in scalp," thus showing total disability.

The same facts are shown by Drs. Fenton and Swank, two reputable physicians of Williamsport, Ind., and by numerous other affidavits on file.

He has a wife and child, a little girl, 13 years old.

His wife is in feeble health, and all are dependent upon the $8 pension received from the Government. He is absolutely without means of support. He has never applied for a pension under the act of 1890. His application for an increase was rejected in 1892, because the disabilities other than those for which he is pensioned were not shown to be of service origin.

In view of the long and meritorious services rendered by this soldier, of his wounds, and his present helpless physical and financial condition, your committee recommend the passage of this bill.

Mr. PICKLER. Mr. Chairman, I move to amend by striking out of line 4 the words "pay to" and inserting in lieu thereof the words "place upon the pension roll the name of."

The CHAIRMAN. The Chair will suggest that there should be a further amendment in line 5.

Mr. PICKLER. Yes, I desire to amend further by inserting after the word "volunteers," in line 5, the words "and pay him." After the word "month," in line 6, I move to strike out the remainder of the bill and insert in lieu thereof the words "in lieu of the pension he is now receiving."

I think that puts the bill in shape.

The CHAIRMAN. The Chair will treat all these suggestions as one amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out, in line 4, the words "pay to" and inserting in lieu thereof the words "place upon the pension roll the name of."

Also in line 5, after the word "volunteers," insert the words "and pay him."

Also strike out all after the word "month," in line 6, and insert in lieu thereof the words "in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CLARA L. NICHOLS.

The next business on the Private Calendar was the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols, of the United States Army, be, and it is hereby, increased from $30 per month to $100 per month, and the Secretary of the Interior is hereby authorized and directed to place the name of the said Clara L. Nichols upon the pension roll at the rate of $100 per month, subject to the provisions of existing pension laws.

Mr. CROWTHER. Mr. Chairman——

Mr. ERDMAN. Let us have the report.

Mr. PICKLER. This is the gentleman's own report, and I hope he will not ask that it be read.

Mr. ERDMAN. I would rather have this report read.

Mr. CROWTHER. Mr. Chairman, I move to strike out the words "seventy-five" and insert in lieu thereof the word "fifty."

Mr. Chairman, this is another of those bills making an invidious distinction between the widows of general officers and the widows of private soldiers. I think the line ought to be drawn right here upon that sort of proposition.

The CHAIRMAN. That would require an amendment in line 6 and line 9.

Mr. CROWTHER. Certainly.

Mr. BLUE. Mr. Chairman, I hope that amendment will prevail. I was unavoidably detained this evening, and was surprised to find when I reached here that a pension had been passed giving the widow of General Gibbon $100 a month.

A MEMBER. Providentially detained.

Mr. BLUE. It was not providentially; it was unavoidably. Later on I hope we shall be able to cut that pension down to where it belongs. I understood from the gentleman from New York [Mr. CURTIS] that it would not be pressed beyond $75; but this evening, in the absence of some of us, it was put up to $100. This invidious distinction of which the gentleman from Missouri speaks is becoming invidious to the whole country, and it is about time it should stop. This lady's husband was a brevet major-general and not a major-general, so that $50 ought to be the outside limit for the pension of the widow of any brigadier-general, or any other man, for that matter.

Mr. ERDMAN. Mr. Chairman, I call for the reading of the report in my own time.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols, having had the same under consideration, respectfully report:

The War Department gives General Nichols's service as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 5, 1895.

Statement of the military service of William A. Nichols, late of the United States Army, compiled from the records of this office.

Cadet at the United States Military Academy, July 1, 1834, to July 1, 1838, when he was graduated and promoted; brevet second lieutenant Second Artillery, July 1, 1838; second lieutenant, July 7, 1838; first lieutenant, June 1, 1841; regimental adjutant, August 18, 1846, to December 8, 1847, and September 1, 1848, to September 2, 1852; brevet captain, assistant adjutant-general, July 29, 1852; brevet major, assistant adjutant-general, March 7, 1861; lieutenant-colonel, assistant adjutant-general, August 3, 1861; colonel, assistant adjutant-general, June 1, 1864.

Brevetted captain September 23, 1846, for gallant conduct in the several conflicts at Monterey, Mexico; major, September 8, 1847, for gallant and meritorious conduct in the battle of Molino del Rey, Mexico; brigadier-general, September 24, 1864, and major-general, March 13, 1865, for meritorious and faithful services during the war.

SERVICE.

He joined his regiment September 10, 1838, and served with it at Fort Niagara, N. Y., to October 24, 1838; at Fort Gratiot, Mich., to December 20, 1838; at Detroit, Mich., to June 1, 1839; on sick leave to October 15, 1839; with regiment at Buffalo, N. Y., to March 13, 1840; on sick leave to August 10, 1840; with regiment at Buffalo, N. Y., to September 21, 1840; at Madison Barracks, N. Y., to August 13, 1841; at Fort Monroe, Va., to April 30, 1842; at Fort Columbus, N. Y., to June 18, 1842; at Fort Trumbull, Conn., to October 20, 1842; at Fort Adams, R. I., to August 29, 1843; at Fort Hamilton, N. Y., to September 27, 1843; on leave to December 10, 1843; with regiment at Fort Hamilton, N. Y., to July, 1844; at Fort Columbus, N. Y., to March 1, 1845; on detached duty conducting recruits to May 15, 1845; with regiment at Fort Columbus, N. Y., to September 1, 1845; at Fort Adams, R. I., to June 1, 1846; en route to and in the military occupation of Texas and in the war with Mexico to October 6, 1846; being engaged in the battle of Monterey, Mexico, September 21 to 23, 1846, and as aid-de-camp to General Quitman August 19 to October 6, 1846; on duty at headquarters of his regiment, Fort Columbus, N. Y., November 21, 1846, to January 6, 1847, and assistant adjutant-general Fifth Military Department November 21, 1846, to January 6, 1847; en route to and in the war with Mexico to December 8, 1847, being assistant adjutant-general of General Garland's brigade April 9 to November 20, 1847, and was engaged in the siege of Vera Cruz March 9 to 29, 1847; battle of Cerro Gordo April 17 and 18, 1847; skirmish at Amozoque May 14, 1847; capture of San Antonio August 20, 1847; battle of Churubusco August 20, 1847; battle of Molino del Rey September 8, 1847; storming of Chapultepec September 13, 1847, and in the assault and capture of the City of Mexico September 13 and 14, 1847; on recruiting service December 8, 1847, to June 22, 1848; on leave to September 10, 1848.

With regiment at Fort Columbus, N. Y., to October 11, 1848; at Fort Monroe, Va., to September 2, 1852, being also assistant adjutant-general of the Fourth Military Department, July 29 to September 2, 1852; on duty in Adjutant-General's Office, Washington, D. C., to October 7, 1852; assistant adjutant-general Fourth Military Department, October 8, 1852, to May 19, 1853, of the Department of New Mexico, July 20, 1853, to (on leave March 16 to August 20, 1856) September 15, 1858; on duty in the Adjutant-General's Office, Washington, D. C., November 1, 1858, to November 1, 1860; assistant adjutant-general, Department of Texas, December 16, 1860, to April 22, 1861, when he was taken prisoner of war at San Antonio, Tex., and paroled; assistant adjutant-general, Department of the East, June 10 to November 14, 1861, and of the Department of New York to December, 1861; on mustering and disbursing duty in New York City to May, 1862; on duty in Adjutant-General's Office, Washington, D. C., May 19, 1862, to August 11, 1866; at St. Louis, Mo., as assistant adjutant-general, Division of the Missouri, August 11, 1866, to date of death, April 8, 1869.

H. C. CORBIN,
Assistant Adjutant-General.

First Lieut. W. A. NICHOLS,
Twenty-third Infantry, Fort Clark, Tex.
(Through Maj. S. T. Cushing, Office Commissary-General.)

The applicant, now 60 years old, files the following petition for the increase of her pension:

"The pension certificate of Clara L. Nichols, widow of Col. and Bvt. Maj. Gen. William A. Nichols, United States Army, No. 15865, dated the 22d day of November, 1873, payable at Topeka, Kans., amounts to $30 a month.

"This is the regular pension allowed by law to officers of the general's rank, and a special act of Congress will be necessary to increase it; but so many widows of general officers have had their pension raised to $50 and $100 per month whose claims are not as strong as mine, and who certainly could

not need it more, that I feel, in justice to my husband's services, as well as valuable service rendered by myself at the beginning of the rebellion, I ought to make an effort to be similarly favored.

"Through the kindness of General Sheridan, who knew my necessity, I received the appointment of postmaster at Fort Leavenworth, Kans., immediately after my husband's decease, a position which I held for nearly twenty-three years consecutively, and which I voluntarily resigned about three years since. During that time my friends urged my applying for increase of pension, but I preferred working for the means of support for myself and family, only too grateful for the position that enabled me to do so.

"Now, with advancing years and somewhat enfeebled health, I lay my case before Congress, and mention as briefly as may be the ground upon which I base my petition.

"For generations my family have been in the service of the United States Army and Navy, thereby precluding the possibility of acquiring property for the benefit of survivors. My grandfather, Thomas De Russy, was an officer of the French navy, and during the war of the Revolution served on the *Bon Homme Richard* with the renowned Paul Jones. My father, Gen. R. E. De Russy, Corps of Engineers, United States Army, was one of West Point's earliest graduates, fought in the war of 1812, and devoted a long life to the service of his country.

"My husband's father, Mr. F. B. Nichols, was a midshipman on board the frigate *Chesapeake* in the war of 1812, was wounded and taken prisoner, and from this wound suffered till the close of his honorable life. To the personal and military record of my late husband, Gen. W. A. Nichols, especially during the Mexican war, I invite attention with unmixed pride.

"Unfortunately the war of the rebellion found General Nichols serving in Texas, the adjutant general of the archtraitor Gen. David Twiggs, and with many others he was forced to submit to the humiliation of being given over to the enemy as a 'prisoner of war' without even the opportunity to draw sword in his own defense or the service of his Government, but even here General Nichols rendered good and efficient aid by thwarting the plans of Twiggs and his confederates, as will be shown by the accompanying pamphlet, Texas and Its Late Military Occupation, by Captain Phillips, U. S. A., pages 13 and 16; Extracts from General Townsend's Anecdotes of the Civil War, and the Records of the Rebellion.

"In this matter I was able to assist my husband by sewing in my clothing valuable papers from the headquarters of General Twiggs, and more effectually by writing in the smallest hand upon the silk paper taken from the books on my parlor table orders dictated and signed by General, then Major, Nichols, which I concealed in the center of new spools of cotton, replacing the little round label. These spools I managed to convey successfully to Major French, of the artillery, Colonel Waite, and others, thus saving to the Government the valuable 'Light Battery,' and preventing Colonel Waite's entire command from being intercepted by the Texan Rangers and deprived of their arms and munitions.

"The idea of reaching these officers and saving their commands originated with General Nichols, but his messengers having failed to get through the lines, this plan was conceived and executed by myself, and my husband gave me full credit for it.

"The officers in San Antonio were taken prisoners on the 23d of April, 1861, paroled, and ordered to leave the country. So little transportation was given that we were forced to leave everything except the clothing, bedding, and supplies necessary for our march to the coast.

"The only property possessed by General Nichols was a tract of land in Kerr County, Tex., which was immediately confiscated as belonging to an alien enemy, the timber cut off, and the lots 'squatted' upon by the scores of poverty-stricken families.

"The general's death occurred while he was endeavoring to regain possession, and all later efforts have been almost futile. Thus we were impoverished as the direct result of the rebellion, and I pray that Congress will generously grant me the same relief in my declining years that has been awarded others in similar circumstances.

"CLARA L. NICHOLS.

"FORT CLARK, TEX., *January 17, 1895.*"

Considering the rank and distinguished services of General Nichols and the dependence of the widow, the committee make a favorable report, with an amendment striking out the words "one hundred," in lines 6 and 9, and inserting "seventy-five" in place thereof.

Mr. ERDMAN. Mr. Chairman, this bill was introduced by the gentleman from Pennsylvania [Mr. DALZELL]. I do not see him here to-night. However, I know that he is very much interested in it. It will be observed that we intend to pension this applicant for her own service as well as in right of the memory of her husband; and it is therefore different from a number of bills pensioning the widows of generals. I hope the amendment offered by the gentleman from Missouri will not be adopted, but that the bill will be passed, as suggested by the committee.

Mr. CROWTHER. Mr. Chairman, I desire to call the attention of the committee to a few lines in this report made by the distinguished gentleman from Pennsylvania. Referring to the $30 a month pension she now receives as widow of a general in the Army, this petitioner says:

> This is the regular pension allowed by law to officers of the general's rank, and a special act of Congress will be necessary to increase it; but so many widows of general officers have had their pension raised to $50 and $100 per month whose claims are not as strong as mine, and who certainly could not need it more, that I feel in justice to my husband's services, as well as valuable service rendered by myself at the beginning of the rebellion, I ought to make an effort to be similarly favored.

It seems to me that that is the strongest argument against the passage of this bill, at least at the rate of $75 per month. This committee has uniformly granted an increase in the amount of pensions to general officers' widows, and my motion is to increase that pension $20 per month more than that allowed by the general law. It seems to me that that should be sufficient, when we take into consideration the fact that the pension of no private soldier's widow of the war of 1861 to 1865 has been increased by this House more than from $8 to $12 per month. If there are any widows whose pensions should be increased, they are the widows of the private soldiers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri to the amendment offered by the committee. The amendment by the committee is to strike out the words "one hundred" where they occur and insert the words "seventy-five." The amendment offered by the gentleman from Missouri is to strike out "seventy-five" and insert "fifty."

The question was taken; and the amendment of Mr. CROWTHER to the amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The question is now on laying aside the bill as amended with a favorable report.

Mr. PICKLER. Mr. Chairman, I move to strike out all after the enacting clause and insert the following.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Clara L. Nichols, widow of the late Bvt. Maj. Gen. William A. Nichols, and pay her a pension of $50 per month in lieu of the pension she is now receiving."

The substitute was agreed to.

The bill as amended by the substitute was laid aside with a favorable recommendation.

Mr. PICKLER. I offer the following amendment to the title: After the words "Clara L. Nichols" strike out the remainder of the title; so as to read: "To increase the pension of Clara L. Nichols."

The CHAIRMAN. Without objection, the bill will be reported with the recommendation that the title be amended as suggested.

There was no objection.

SUSAN A. CUNNINGHAM.

Mr. HILL. Mr. Chairman, I do not often impose on the generosity of this body by asking a favor, but next week will be Christmas week, and Susan A. Cunningham, of Connecticut, is not a general's widow, but is a private soldier's daughter, who has been totally and permanently blind from childhood. Her father and mother are dead, and she is absolutely dependent on the charity of her friends. I ask three minutes of the time of this committee to consider a bill for her relief which has been passed by the Senate and has been reported favorably and unanimously by the House committee. It is Senate bill No. 1318. The report is short, and will occupy but very little time.

Several members called for the regular order.

Mr. WILSON of Ohio. I presume, Mr. Chairman, that we are all in the same fix as the gentleman who asks this special favor for his bill.

Mr. HILL. If the gentleman will pardon me, it is not my bill at all.

Mr. WILSON of Ohio. I do not care whose bill it is, I object.

The CHAIRMAN. Objection is made, and the Clerk will report the next bill.

LEROY M. BETHEA.

The next business on the Private Calendar was the bill (H. R. 7317) to increase the pension of Leroy M. Bethea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Leroy M. Bethea, of Wilcox County, Ala., from $12 to $25 per month, for services in the war with Mexico.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. COPLEY.

The next business on the Private Calendar was the bill (H. R. 1474) granting a pension to John J. Copley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll of the Mexican war veterans, subject to the provisions and limitations of the pension laws, the name of John J. Copley, formerly a private in Company E, Fifteenth United States Infantry, and to grant him a pension from and after the passage of this act at the rate of $12 per month.

An amendment recommended by the committee striking out "twelve" and inserting "eight," before the word "dollars," was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. COMLY.

The next business on the Private Calendar was the bill (H. R. 1810) directing the Secretary of the Interior to place Sarah E. Comly on the pension roll, etc.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of $50 per month.

Several amendments recommended by the committee were read.

Mr. BROMWELL. Mr. Chairman, I am requested by the gentleman from West Virginia [Mr. DOVENER], who introduced this bill, to ask the committee to substitute the Senate bill, which is exactly the same as the House bill as proposed to be amended by the committee.

The CHAIRMAN. If there be no objection, the Clerk will report the proposed substitute—the Senate bill.

Mr. ERDMAN. I shall object unless the report is read. I want to know something about this bill.

The CHAIRMAN. The report can be read afterwards.

The Senate bill (S. 1637) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of $35 per month, the same to be in lieu of the pension now drawn by her.

The report on the House bill (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1810) entitled "A bill granting an increase of pension to Sarah E. Comly," beg leave to submit the following report, and recommend that said bill do pass with amendments:

The claimant is the widow of Clifton Comly, late major Ordnance Department, United States Army. Major Comly died in service April 17, 1894, of disease originating in the line of his duty. He entered the United States Military Academy July 1, 1858, and after his graduation therefrom June 17, 1862, he passed through all the grades to the rank of major, which he held at the time of his death. He rendered distinguished service during the late war in the cavalry arm of the service until May 28, 1863, when he was transferred to the Ordnance Department, and remained there, rendering valuable and efficient service, until the date of his death.

The medical officers of the Army certify that his death was caused by cerebral hemorrhage, superinduced by overwork, he having (as stated by Surg. John Van R. Hoff) for more than a year staggered under a load of official responsibility much beyond the capacity of any man.

Mrs. Comly receives the pension of $25 per month provided by the general law for the widows of officers of this soldier's rank, but it is shown by the papers accompanying the bill that aside from this pension and the interest on a small life-insurance fund she has no means whatever for the maintenance of herself and the support and education of her young son.

The following amendments to the bill are recommended:

Change the title of the bill so as to read: "A bill granting an increase of pension to Sarah E. Comly;" strike out the initial "C" where it occurs in the deceased soldier's name in line 6; strike out the word "fifty" in line 7, and insert in lieu thereof the word "thirty-five," and add after the last word in line 7 the words "the same to be in lieu of the pension now drawn by her."

The Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

The House bill (H. R. 1810) was laid aside to be reported back with the recommendation that it lie on the table.

BERNHARD STUEBER.

The next business on the Private Calendar was the bill (H. R. 557) to remove the charge of desertion from the military record of Bernhard Stueber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Sergt. Bernhard Stueber, late of Company F, One hundred and seventh Regiment Pennsylvania Volunteers, on the records of the Adjutant-General's Office, and issue him an honorable discharge.

Mr. McCLELLAN. I ask for the reading of the report, Mr. Chairman.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 557) to remove the charge of desertion from the military record of Bernhard Stueber, late a sergeant in Company F, One hundred and seventh Pennsylvania Volunteers, beg leave to report that they have carefully considered the same and find the facts so clearly set forth in a report made to the Fiftieth Congress and again to the Fifty-first Congress that said reports are in part adopted.

The committee find that the charge of desertion was recorded against Sergeant Stueber under the following circumstances: Some time in March, 1862, he contracted, while in the discharge of his duty, a severe cold, which settled on his lungs, and in May following was attacked with diarrhea in addition. After the battle of Antietam his captain and surgeon wanted to place him in a hospital, but, disliking the idea of going to a hospital, he applied for a thirty days furlough to go home. Oscar Templeton, then acting captain, granted the furlough, which was indorsed by the commanding officer of the regiment. As authorized by the furlough, Sergeant Stueber left his command about the 21st of September, 1862, and arrived home at Canton October 2, 1862, and there went to bed and for one year was unable to do any work. After the expiration of his furlough his attending physician, Dr. Pratt, some of his neighbors, and Stueber himself corresponded with Captain Templeton, sending him certificates as to his continued inability to do duty in the field.

The committee find further that First Sergt. Frank H. Wetz, subsequently commissioned as second lieutenant of Company F, has testified under oath that he made the entry on the company roll showing Stueber to be a deserter, in ignorance of the existence of the furlough granted by Acting Captain Templeton, and afterwards learned that it was incorrect; but receiving no orders to correct the error he could not change it.

Your committee believe that the charge of desertion was unwarranted by the facts, and that the record should be corrected by removing the charge from the record.

The bill is therefore reported favorably, with a recommendation that it do pass with an amendment striking out all between the title and the enacting clause.

The following is a copy of the report referred to:

Bernhard Stueber was enrolled March 2, 1862, for three years, in Company F, One hundred and seventh Pennsylvania Volunteers, and served in that organization until September 14, 1862, when he is reported as having deserted at South Mountain, Maryland. He never returned to his command, which was retained in service until July 13, 1865.

The following is a synopsis of the evidence which has been presented to this office with a view to the removal of the charge of desertion, viz:

Applicant Stueber swore that some time in March, 1862, he was taken sick with a severe cold which settled on his lungs, and in May was taken with diarrhea in addition. After the battle of Antietam his captain and the surgeon wanted to place him in a hospital, which he declined, but asked the captain for a furlough for thirty days to go home. Oscar Templeton, then acting captain, gave him the desired furlough, which was indorsed by the commanding officer of the regiment. He left about September 21, 1862, and arrived home at Canton October 2, 1862. There he went to bed, and for one year was not able to do any work. After his furlough had expired his attending physician, Dr. Pratt, some of his neighbors, as well as himself, corresponded with Captain Templeton and sent him certificates. States that after leaving the Army he was at no time able to perform military duty.

Frank H. Wetz, late first sergeant Company F, and subsequently second lieutenant of that company and regiment, swore that he made the entry on the rolls showing applicant a deserter September 14, 1862, which he afterwards learned was incorrect, but not receiving any orders to correct the charge he could not change it; that applicant had been failing in health, and was looking sick and very much reduced. Was informed by Lieutenant Templeton, then acting captain, and by others, that applicant left the service on a furlough for thirty days and was never able to return.

James Davison, M. D., swore that applicant was attended during his sickness, after he returned from his regiment, by Dr. Theodore Pratt, who died in 1882; that he was not called upon in his case, but being acquainted with him, frequently talked with him; he looked bad, and was certainly unfit to return to duty as a soldier for about one year.

Mathew Manley and Charles A. Krise swore that after applicant returned from the Army in the fall of 1862, on furlough, they signed a certificate, with Dr. Pratt, his attending physician, which was sent to his captain or lieutenant, Oscar Templeton; that some correspondence ensued about it and everything seemed to be satisfactory, and that applicant was never able to return; that Charles A. Krise saw him in 1864, and found him still unable to work at his trade, tailor and cutter, and M. Manley saw him in 1866; he was then some better and stronger, but not as sound as before he enlisted.

The application for removal of the charge of desertion against this soldier was on January 17, 1886, denied by this office on the grounds that the evidence was not sufficient to establish that he was prevented from completing his term of enlistment by reason of disease incurred in line of duty; that there was no record of the alleged furlough, and that, as the charge of desertion appeared to have been properly made, the Department had no power to remove it.

Under date of March 20, 1889, the new attorney in the case again called it up without submitting any additional testimony, but the application was again denied, this Department holding that "the official records show that this soldier deserted September 14 (or 17), 1862, at South Mountain, Maryland, and never returned.

"There is not the slightest record to show that he had any authority to leave his command, and as it was in action on September 14, 1862, at South Mountain, and on September 17, 1862, at Antietam, Md., it is not at all probable that any such authority was granted.

"The case of this soldier has been repeatedly denied by this office on the ground that the testimony submitted was not sufficient to establish that he was sick when he left his command, or that he was prevented by disease contracted in line of duty from completing his term of enlistment."

Since the foregoing, additional testimony has been received, of which the following is a synopsis, to wit:

J. W. Vandyke, a neighbor, testified on August 24, 1889, that he has known the soldier for some thirty years; that when the latter entered the Army he was a sound, healthy man, and that when he returned therefrom in September, 1862, he was unable to get out of the house for weeks thereafter; that the soldier sold his property in the fall of 1863, at which time his health was very poor, and moved to Philadelphia, but came back to Bradford County, Pa., in 1865, being then in the same condition; that affiant knows that the soldier had leave of absence to come home, as he (affiant) was a justice of the peace and made several affidavits which were sent to his captain relative to the soldier's condition, etc.

J. C. Craven, late a member of Company C, One hundred and thirty-second Pennsylvania Volunteers, testified August 23, 1889, that he met the soldier at Arlington Heights, Virginia, about September 2 or 3, 1862, and noticed his reduced weight and generally broken-down appearance, which the soldier claimed to be the result of cough and diarrhea; that he (affiant) again met him on or about the evening of the day after the battle of South Mountain, about September 15, 1862, the soldier having been in action with his regiment the day before, and that he was still sick and scarcely able to keep up with his regiment; that he (affiant) did not see him again until the spring of 1863, when he met him at Canton, Pa., he (Stueber) having gone home sick in the meantime; that he was not fit to perform military duty then or afterwards, and that he spoke of his leave and his desire to return to his command.

The soldier, in his affidavit of August 27, 1889, reiterates only his former statements.

This additional testimony was not accepted to warrant the reversal of the former adverse decision, and the application for removal of the charge of desertion and the granting of an honorable discharge was denied September 11, 1889.

Since then no new testimony has been introduced, and the status of the soldier has not, in consequence, been changed.

Respectfully submitted.

F. C. AINSWORTH,
Colonel and Assistant Surgeon United States Army.

The SECRETARY OF WAR.

An amendment recommended by the committee striking out the preamble was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH H. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 2361) for the relief of Joseph H. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to remove the charge of desertion from the military record of Joseph H. Johnson, late a private of Company I, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge as of date August 5, 1865, and that said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances which may have been due him on said date of discharge, excluding therefrom the time of his absence without leave.

Mr. McCLELLAN. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2361) for the relief of Joseph H. Johnson, have had the same under consideration and report thereon as follows:

Joseph H. Johnson was enrolled and mustered into service as a private in Company I of the One hundred and fiftieth Indiana Volunteers, on the 25th day of February, 1865, to serve one year. He is charged with having deserted on the 14th day of July, 1865. He left the command at that date and did not return in time to be mustered out with his regiment on the 5th of August, 1865.

It will be noted that the war was over when he left the command. His reason for leaving, which is fully corroborated by the testimony, was that he had been informed that his wife was very sick. He applied for a furlough and was refused. He went home and remained eight or ten days, until his wife was out of danger, and then started to return to his command. When he arrived at Lafayette, Ind., he met a number of his comrades returning home, and they informed him that the regiment had been mustered out. He then returned home with his comrades.

When he left the command in Virginia he told his comrades that his wife was not expected to live, and that he was going home to see her and would return soon if he could leave her. He left his gun and accouterments with the ordnance sergeant.

The testimony shows that he was a man of good character and habits, and a faithful soldier. Relief was denied by the War Department for the reason that the case does not come within the provisions of the act of Congress approved March 2, 1889.

It is apparent, however, to your committee that the soldier did not intend to desert his command. He testified himself that the captain of his company gave him leave to go. His veracity appears to be unquestioned, and the fact that he started to return to his command as soon as he could safely leave his wife is conclusive proof that his conduct was not that of a deserter.

Your committee therefore report the bill favorably, and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

IRA POWERS.

The next business on the Private Calendar was the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ira Powers, late of Company A, Seventh Tennessee Cavalry, of Henderson County, Tenn., on the pension roll of the United States, to receive $12 per month, from September 1, 1890.

The amendments recommended by the committee were agreed to, as follows:

Striking out all after the word "States," in line 7, and inserting in lieu thereof the words "and pay him a pension of $12 per month."

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5061) granting a pension to Ira Powers, late private, Company A, Second Tennessee Cavalry, and Companies A and C, Seventh Tennessee Cavalry Volunteers, having examined and carefully considered the facts and circumstances presented, respectfully report as follows:

Ira Powers enlisted August 14, 1862, and was honorably discharged, after faithful service, August 7, 1865. He filed a claim for pension under the act of June 27, 1890, on August 18, 1890, alleging hernia, nervous debility, and spinal affection. His claim was rejected December 4, 1891, on the ground of "no pensionable disability under act of June 27, 1890."

He filed affidavit March 21, 1893, which alleges existence of hernia (right side), spinal affection, general debility, disease of eyes, and piles; and in affidavit of March 28, 1893, in addition to above, alleged disease of heart.

In support of his claim, he filed March 25, 1893, the affidavit of M. M. Grimsley, to the effect that he had been a neighbor for four years, and claimant had not been able to do a whole day's work in five years.

Also affidavit of Dr. P. W. Austin that claimant has spinal affection, sore neck, hip, headache, does not see well, subject to piles, and has had hernia. Disability from spinal affection, one-half; from eyes, one-fourth; from piles, one-sixteenth.

The affidavit of W. B. Rulon that he is suffering from spinal affection—disabled one-half; seriously affected with heart disease, from which disabled one-fourth; also hernia, piles, premature old age, and loss of sight, one-fourth.

Soldier has a hospital record in service of diarrhea, catarrh, and variola, and was twice in hospital with catarrh and diarrhea; he was almost constantly in hospital from March 3 to July 3, 1865, with catarrh, fever, variola, and diarrhea.

The board of examining surgeons at Savannah, Tenn., rated him, May 6, 1891, at six-eighteenths for incomplete hernia and four-eighteenths for rheumatism. The board at same place, April 11, 1894, reported "No disability," and the claim was again rejected June 11, 1894, on the ground of "No ratable disability found under act June 27, 1890."

Dr. R. A. Dickson files with the committee an affidavit, dated February 21, 1896, saying he "finds on examination that claimant is suffering with chronic inflammation of the left kidney, irregular valvular action of heart, unable to rest on left side; also find a hernia of right side. I have known Mr. Powers and been his family physician since 1874 up to this date, and here testify his total disability for physical labor of any kind."

Rev. T. Rogers and John H. Rogers testify they served in same company with Ira Powers, and believe him entitled to the full benefits of the act of June 27, 1890 ($12 per month), from the date of filing his claim.

A petition signed by 108 neighbors certifies to personal acquaintance with Ira Powers for over five years, and believe him entitled to $12 per month since date of filing his claim.

Your committee believe this soldier justly entitled to the maximum pension under act of June 27, 1890, and therefore recommend that the bill be amended by striking out all after the word "States," in line 7, and insert in lieu thereof "and pay him a pension of $12 per month," and as amended that the bill do pass.

Mr. ERDMAN. Mr. Chairman, I do not think this is a bill that we ought to pass. This soldier applied under the Harrison Administration, and the Harrison examining board said that he was not entitled to a pension, and the Pension Bureau under the Harrison Administration said that he was not entitled to a pension, and rejected his application. Subsequently he applied under the present Administration, with the same result. Now it appears that 108 of his neighbors certify that they know this applicant and believe him to be entitled to a pension, and therefore we are asked, acting in this quasi judicial proceeding, to accept the certificate of those 108 neighbors of the applicant, and to allow it to override the sworn testimony presented in this case under two administrations, the findings of General Bussey, and of two pension boards under two different administrations. I do not think we ought to pass this bill. I like to have the reasons for the passage of these bills placed upon the record, in order that the people may understand why we do pass pension bills. That the people take an interest in the subject, I find from many letters that I receive. They also criticise some of our actions here, and one of the letters that I have received, and that I hold in my hand, reads as follows:

> DEAR SIR: Having been informed that you were not merely a member of the Committee on Invalid Pensions, but also the subcommittee man to whom all the pension claims of claimants from the State of Pennsylvania are referred, I take the liberty of addressing you again in reference to my claim as widow of Colonel ——, late colonel of the —— Pennsylvania Regiment, for increase of pension. My husband served from the beginning to the end of the war. In April, 1865, lost a portion of his left leg, and died subsequently from the effects of the amputation. I am drawing merely $30 per month, and firmly believe that I am entitled to more, as the widow of a colonel. I noticed in last week's paper that Brig. Gen. Jos. Carr's widow, residing in Albany, N. Y., was granted by your committee a pension of $75 per month. I am informed on good military authority, on authority of an officer who served under General Carr, and who also knows of the services of my late husband, that my husband served longer and was in more battles than General Carr, and General Carr did not lose a leg in battle.

Just as this woman criticises your action, so will thousands and hundreds of thousands do the same unless you endeavor to use some fairness and some equity in the disposition of these cases.

Mr. PICKLER. You had better write to her. "Comparisons are odious."

Mr. ERDMAN. Well, I will give the name of this lady to the gentleman from South Dakota, and he may answer her in that strain if he sees proper to do so.

I want to call the attention of gentlemen to the fact that the record they are making in some of these cases, as displayed upon the minutes, will be something to trouble them hereafter.

Mr. McCALL of Tennessee. Mr. Chairman, this bill was introduced by myself, and I wish only to state for the information of the House that I have known this soldier well for thirteen years. During that time I have known him as a man who has been constantly going down, down, down, until now he is unable to do work. That he is disabled, there is no question; that he was a good soldier, there is no question; and the fact that by reason of some technicality in the administration of the pension laws he has been refused a pension is a fact for which he ought not to be held responsible. He having been a soldier under the peculiar conditions of his case, and coming from the region of country from which he hailed, I think it will be but slight justice to place him on the pension roll, by the passage of this bill, at $12 a month.

Mr. PICKLER. The gentleman will allow me to make the further suggestion that, as the report shows, on one examination the surgeons found him entitled to a rating of ten-eighteenths.

Mr. McCALL of Tennessee. The board of examining surgeons at Savannah, Tenn., in May, 1891, gave him a rating of six-eighteenths for incomplete hernia and four-eighteenths for rheumatism. On the coming in of the present Administration that board was changed. This soldier was subsequently examined by the board at the same place, but not by the same board as to its personnel, and they found "no disability." But I know, as a matter of fact, that the man is disabled.

Mr. ERDMAN. But does not the gentleman know that under the cumulative system of rating even General Bussey turned him down?

Mr. McCALL of Tennessee. I do not want to discuss who has been right or who has been wrong. There is one thing I know—that this man was a good soldier, and that he is now disabled.

Mr. PEARSON. The gentleman from Pennsylvania [Mr. ERDMAN] has undertaken to harrow up our souls with visions of the troubles that will afflict some of us hereafter. I am informed that that gentleman at least will not be one of those who will be troubled here in the future. [Laughter.]

Mr. ERDMAN. Mr. Chairman, I do not expect to trouble the gentleman from North Carolina or any other gentleman here by my presence; but I think possibly my conduct may bear fruit hereafter in the action of other gentlemen. Let me add that my not being here in the Fifty-fifth Congress is a matter of my own choosing, which is a great deal more than can be said by a number of gentlemen who are voting on the other side. [Laughter.]

The question being taken, the bill was ordered to be laid aside to be favorably reported to the House.

HESTER A. BOSTWICK.

The next business on the Private Calendar was the bill (H. R. 4941) to pension Hester A. Bostwick.

The bill was read, as follows:

Be it enacted, etc., That from the 11th day of November, 1894, Hester A. Bostwick, widow of Capt. Burr H. Bostwick, deceased, late of Company K, Seventh Regiment of Kansas Volunteer Cavalry, is hereby pensioned at the rate of $30 per month.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause of the bill and insert the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hester A. Bostwick, widow of Burr H. Bostwick, late captain of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension of $20 per month."

Mr. PICKLER. I hope that the gentleman from Ohio [Mr. LAYTON] who reported this bill will make a brief statement of the matter, as the report is long.

Mr. LAYTON. I do not think it is necessary for me to make any statement. The gentleman from Ohio [Mr. WILSON] who introduced the bill, and who is much better able to state the case than I am, is present; and as my recollection of the facts is somewhat obscure, it having been a long time since the bill was reported, I ask the gentleman from Ohio, the author of the bill, to make a statement.

Mr. ERDMAN. I shall call for the reading of the report. I think that is the most satisfactory way of considering the matter.

The report (by Mr. LAYTON) was read, as follows:

The committee to whom was referred the bill (H. R. 4941) granting a pension of $20 per month to Hester A. Bostwick, widow of Burr H. Bostwick, late captain Company K, Seventh Kansas Cavalry Volunteers, having carefully examined and fully considered all the facts and circumstances presented, respectfully report, as follows:

Captain Bostwick enlisted April 25, 1861, and served as first sergeant Company D, Nineteenth Ohio Volunteer Infantry, until August 30, 1861; he again enlisted as first lieutenant Company K, Seventh Kansas Cavalry, November 29, 1861; was promoted to captain October 20, 1862, and was honorably mustered out and discharged September 29, 1865, after an arduous service of over four years. His horse fell upon him near Corinth, Miss., about November, 1862, terribly bruising and crushing him, breaking three ribs and crippling his spine, and he never recovered from the injury received in line of duty. He was pensioned from November 15, 1867, for "injury of right side and resulting disease of lungs." He died from a blood clot in the brain, or an effusion of blood in the membranes of the brain.

Applicant was married to soldier February 22, 1866, and has remained a widow since his death. Her claim for pension under general law on the ground that the disease of brain of which soldier died is not accepted as a result of pensioned causes. Her claim under act of June 27, 1890, was rejected on the ground of nondependence.

Dr. T. B. Wright, who attended soldier during his final sickness, from September 21 to November 11, 1894, testified that soldier suffered with violent headache for many days in the beginning of his sickness, with slight fever; that he had several recurrent attacks of paralysis, with coma and stertorous breathing; at times he had a low delirium. The pupil of one eye was dilated during entire sickness. He suffered from an attack of herpes zoster during the last weeks of his sickness. He died in a profoundly comatose condition, which had lasted several days before his death. The post mortem examination showed an extensive blood clot within the membranes of the brain, of such character as to indicate repeated hemorrhages during the time he had been sick. The cause of such hemorrhages was probably a weakened state of the blood vessels, due to long continued low vitality of the patient.

Dr. H. C. Allen, of Circleville, Ohio, testified (March 10, 1896):

"I was called in consultation in the case of the late Capt. Burr H. Bostwick, and was also present at the post-mortem examination. He died from hemorrhage, or blood clot on the brain, and I am inclined to think that from the symptoms he had several hemorrhages. The hemorrhages, I think, were caused from atheromatous degeneration of the arteries, and in my opinion the wound from which he suffered, by reducing the vitality and general health, contributed to his death."

Dr. A. H. Shaeffer testified (March 10, 1896):

"I was well acquainted with Capt. B. H. Bostwick for nearly thirty years, or very soon after the close of the civil rebellion, in which he was a Union officer, and knew him to have been wounded in said service, and also knew him to be a frail, debilitated, sickly person; and, as I believe, his deteriorated physical state of health, resulting from his impaired health, brought on or from his suffering from wounds, did cause a liability of weakening of the tissues of the general system and the coats or tissues of the blood vessels, as to cause cerebral hemorrhage, and in my opinion the paralysis superinduced by weakening of coats of blood vessels by deteriorated condition of system was sole cause of his cerebral hemorrhage, which was the cause of death. I did not treat Captain Bostwick, but saw him repeatedly during his last sickness, and do think that his case is one clearly to my mind resulting from causes mentioned * * * I have been a practicing physician for forty-seven years."

From these statements of reputable physicians who had the patient under their observation, your committee believe that it requires no effort of the imagination to conclude that the death cause may be attributable to results of the soldier's army service. Stripped of technicalities, the embolism or atheromatous hemorrhages of the brain which produced death were undeniably the sequence of the anemic condition and low vitality of the patient, together with the failure of the diseased lungs to properly purify the blood before it was sent into the degenerated and impoverished arteries.

While the nondependent condition of claimant, as found by the Pension Bureau, cuts no figure in the case, in view of the foregoing, yet the facts concerning her property should be stated.

The testimony shows she owned real estate valued at $1,600, which was mortgaged for $1,500 at 6 per cent interest, and her property of other kinds amounted to about $250. The expense of interest, repairs and taxes consumed nearly the entire income, leaving her with less than $10 per month, and one witness says consumed the entire income.

Your committee therefore earnestly recommend the passage of the bill after same is amended by striking out all after the enacting clause and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hester A. Bostwick, widow of Burr H. Bostwick, late captain of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension of $20 per month."

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOSIAH P. HILL.

Mr. SMITH of Illinois. Mr. Chairman, I will ask unanimous consent for the present consideration of the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment Illinois Volunteers, in the war of the rebellion.

During the eight years that I have been in Congress I have never asked at a Friday night session for the consideration of any bill out of its regular order, but having known the beneficiary of this bill for twenty-five years, personally and intimately, and knowing as I do his condition, I ask unanimous consent to-night for the consideration of this bill.

The CHAIRMAN. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, to $72 per month.

Mr. ERDMAN. Let us have the report. I want to know something about this case.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment Illinois Volunteers, in the war of the rebellion, submit the following report:

Josiah P. Hill was a sergeant in Company F, Eighty-first Illinois Volunteers, enlisted August 11, 1862, and honorably discharged August 5, 1865. His record during the service and since the war is good.

He is now pensioned under the act of June 27, 1890, at $12 per month, which he has been drawing since August 13, 1891, for disease of lungs, rheumatism, and disease of heart. He seems to have made no application under the general law, and there is no evidence that his disability is of service origin, except as below stated.

In January, 1893, claimant had a stroke of paralysis, completely disabling his right side; his condition is slightly improved since; he can barely get about by aid of a crutch; he is 62 years of age; his intellect is much impaired, and his speech so defective by reason of the paralysis that it is very difficult to understand him when he attempts to say anything; he is unable to dress himself and requires a constant attendant; he has no means or income except his pension of $12.

The above facts concerning his condition appear from a petition of 65 citizens of Carbondale, Ill., where he lives, and from the affidavits of Dr. John T. McAnally and Dr. John O'Hara. The last named has been his family physician since his return from the service. He swears that he treated him soon after the war for "nephritis" (kidney disease) and lumbago; he has also treated him for rheumatism, sciatica, and vertigo. Of the paralysis, he swears it to be "the result, I think, of the foregoing diseases."

Your committee regard this as a case practically of charity. There is not sufficient evidence, it is believed, to pension this soldier under the general law, if he should make application. His record is long and honorable; his character good. For these reasons, as well as his great need, we think him fairly entitled to the bounty of the nation whom he so faithfully served, and we recommend the passage of the bill with an amendment, inserting, in the sixth line, in lieu of the words "seventy-two," the word "fifty."

The amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

SUSAN E. CUNNINGHAM.

Mr. HILL. Mr. Chairman, the objection to the request I made a few moments ago has been withdrawn, and I now ask unanimous consent that this Christmas present may be sent to this blind woman. I ask that the bill (S. 3182) granting a pension to Susan E. Cunningham may be taken up and passed.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan E. Cunningham totally and permanently blind, daughter of Thomas Cunningham, late private, Company F, Fourth Regiment New York Heavy Artillery, at the rate of $12 a month.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE L. BENNER.

Mr. PICKLER. Mr. Chairman, I ask that we proceed now with the Calendar. I call for the regular order.

The CHAIRMAN. The Clerk will read the next bill.

The next business on the Private Calendar was the bill (H. R. 6841) granting a pension to George L. Benner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of right thigh received during the civil war while said Benner was an employee of the Quartermaster's Department, said pension to be rated according to the degree of disability existing as the result of said injury.

Mr. ERDMAN. Let us have the report read in that case.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that the Secretary of the Interior be authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of the right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department, to be rated according to the degree of disability existing as the result of said injury.

George L. Benner was a teamster during the war of the rebellion, employed by the United States under Captain Dana, United States Army, an assistant quartermaster; also under a wagon master named Lyles, and was accidentally injured, while performing his duties, by being caught between the front wheel of an army wagon and a tree, about November 7, 1861, incurring a fracture of the right thigh.

Dr. N. S. Lincoln, surgeon of quartermaster's hospital, testified February 28, 1896, that George L. Benner was admitted to the quartermaster's hospital under his (Dr. Lincoln's) charge on the 7th of November, 1861, on account of a bad fracture of the thigh; that he suffered severely many weeks, and has never completely recovered from the effects of the injury.

Dr. James T. Young, medical assistant quartermaster's hospital, testifies (February 29, 1896) that George L. Benner was admitted to the quartermaster's hospital November 7, 1861, with a fracture of the thigh, and that he was discharged therefrom in March, 1862. He has never recovered from the effects of the injury. The fracture was treated by Dr. N. S. Lincoln with Dr. Young's assistance.

Your committee believe the bill is meritorious, and precedents having been set by previous action of Congress in pensioning the employees in Quartermaster's Department for injuries received in line of duty, earnestly recommend the passage of the bill without amendment.

The bill was laid aside to be reported to the House with favorable recommendation.

ANNIE E. NOLAN.

The next business on the Private Calendar was the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Nolan, widow of Nicholas Nolan, late major Third United States Cavalry, at the rate of $50 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let the report be read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, adopt the following Senate report, No. 345:

The Committee on Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, have examined the same, and report:

Nicholas Nolan served his country as a soldier continously from December 9, 1852, to October 25, 1883, at which time he died from wounds and disease contracted in the service. He entered the Army as a private and was successively promoted through the several grades to that of major of the Third United States Cavalry. He was an especially brave and faithful soldier, his services during the war of the rebellion in the Shenandoah Valley, and also in Arizona, the Indian Territory, and other far Western points, being of the highest military order. For a considerable time before his death he was a sick man, but he remained with his command and literally died at his post of duty, after a military career of over thirty-one years.

The following is Major Nolan's military record, as furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 29, 1896.

Statement of the military service of Nicholas Nolan, late of the United States Army, compiled from the records of this office.

He served as private and corporal of Battery M, Fourth Artillery, from December 9, 1852, to September 1, 1858; as private, corporal, sergeant, and first sergeant of Troop K, Second Dragoons, from September 1, 1858, to September 5, 1861, and as sergeant and first sergeant of Troop B, Sixth Cavalry, from September 5, 1861, to September 22, 1862, when he was discharged, having accepted appointment as second lieutenant, Sixth Cavalry. Second lieutenant, Sixth Cavalry, July 17, 1862; first lieutenant, July 5, 1864; captain, Tenth Cavalry, July 28, 1866; major, Third Cavalry, December 19, 1882. He was brevetted first lieutenant August 1, 1863, "for gallant and meritorious services in the battle of Brandy Station, Va.," and captain March 31, 1865, "for gallant and meritorious services in the battle of Dinwiddie Court-House, Va."

SERVICE.

He served as an officer with his regiment in the Army of the Potomac to July 11, 1863; acting assistant inspector-general, Regular Cavalry Brigade, to September, 1863, and aid-de-camp to General Pleasanton to October 14, 1863, when he was wounded in action at Auburn, Va., and was absent sick on account of his wounds to January, 1864; with his regiment in the Army of the Potomac and in the Shenandoah Valley to March 30, 1865, when taken prisoner and paroled at the battle of Dinwiddie Court-House, Va.; on parole and on leave to May, 1865; with regiment in Maryland to October, 1865, and in Texas and the Indian Territory to November 13, 1870; before a board at Washington, D. C., to January, 1871; with his regiment in the Indian Territory and in Texas to February 8, 1883; commanding the post of Fort Huachuca, Ariz., to August 14, 1883, and the post of Fort Apache, Ariz., to October 16, 1883, when he left on leave of absence for Holbrook, Ariz., where he died October 25, 1883.

W. P. HALL,
Assistant Adjutant-General.

Major Nolan left a wife and one child without property of any kind. The widow is not strong, having undergone unusual hardships and privations with her husband in his campaigns. She is now receiving a pension of $25 per month and is exerting herself to earn sufficient to support herself and child, a daughter 14 years of age. The present bill asks for an increase of pension to $50 per month.

Your committee, after a very careful examination of the case, and in view of the long and distinguished services of Major Nolan, recommend favorable action on the bill.

In addition to the facts set forth in the Senate report, it is shown that this widow cares for an invalid stepson, the son of the soldier, for whose care and support she is in no way legally bound. This seems to your committee to raise this above the general run of cases, and to make it exceptional, inasmuch as the only way in which the Congress can provide for this invalid son of a brave soldier who died at the post of duty is by increasing the pension of the widow who cares for him.

Your committee therefore recommend the passage of the bill.

Mr. CROWTHER. Mr. Chairman, I move to strike out "fifty" where it occurs in this bill and insert "twenty-five;" so that it will read "$25 a month."

I will state that the amount of pension provided in the amendment is the amount the widow of a major would receive under the general law.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee now rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS having resumed the chair as Speaker pro tempore, Mr. LACEY reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report back favorably without amendment the following bills: Senate bills Nos. 2008, 637, 937, and 3182; and House bills Nos. 1061, 1498, 7317, 2364, and 6841. Also, that he had been directed to report with amendment, and, as so amended, with favorable recommendation, Senate bill No. 2129 and House bills as follows: Nos. 6233, 1311, 6528, 1474, 537, 5061, 4941, and 1168. Also, that the committee had directed him to report back the bill H. R. 1810 with the recommendation that it lie on the table.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on these several bills, with the limit of fifteen minutes' debate on each side on each bill.

Mr. BLUE. Well, I do not know about that. There is one bill that should be excepted.

Several MEMBERS. Regular order.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the Chair will declare the House, under the rule, adjourned until to-morrow (Saturday) at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting the report of the commanding officer of the Watertown Arsenal of "Tests of iron, steel, and other materials for industrial purposes" made by the United States testing machine during the year ending June 30, 1895—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Suisun Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for defending suits in the Court of Claims against the District of Columbia for the fiscal year 1897—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting, with the draft of a proposed joint resolution and inclosures from the Smithsonian Institution, recommendations for an appropriation to enable the United States to participate in the work of making an international catalogue of scientific works—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. RICHARDSON, from the Committee on Printing, to which was referred the bill of the House (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, reported the same without amendment, accompanied by a report (No. 2354); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. UPDEGRAFF, from the Committee on the Judiciary: The bill (H. R. 9483) for the relief of John N. Quackenbush. (Report No. 2346.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 2381) entitled "An act granting a pension to Lena D. Smith." (Report No. 2347.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 3198) entitled "An act granting an increase of pension to Edward Stanley." (Report No. 2348.)

The bill (S. 3199) entitled "An act granting an increase of pension to Jackson Osborn." (Report No. 2349.)

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By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (S. 3210) entitled "An act granting a pension to Anna P. Johnson." (Report No. 2350.)

The bill (S. 2906) entitled "An act granting an increase of pension to Mary Sprague." (Report No. 2351.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9684) for the relief of Amanda Owens; and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 9728) providing for the marking and monumenting of the battlefield of Massacre Hill—to the Committee on the Library.

By Mr. RINAKER: A bill (H. R. 9729) to provide for the purchase of a site and the erection of a public building thereon at Carlinville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Kansas: A bill (H. R. 9730) to divide the State of Kansas into two judicial districts—to the Committee on the Judiciary.

By Mr. ALLEN of Utah: A bill (H. R. 9731) to provide for proportional representation in the House of Representatives—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. McRAE: A bill (H. R. 9732) to reorganize the judicial districts of the State of Arkansas, and for other purposes—to the Committee on the Judiciary.

By Mr. DALZELL: A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: A bill (H. R. 9734) to provide an American register for the bark *E. C. Morrell*, of Philadelphia, Pa.—to the Committee on the Merchant Marine and Fisheries.

By Mr. McLACHLAN: A bill (H. R. 9735) providing for the erection of an addition to the public building at Los Angeles, Cal., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: A bill (H. R. 9750) to suspend the bonded warehouse privilege—to the Committee on Ways and Means.

By Mr. NEILL: A bill (H. R. 9751) to provide for holding of United States courts at Batesville, Ark., and for other purposes—to the Committee on the Judiciary.

By Mr. HITT: A joint resolution (H. Res. 220) authorizing certain officers of the Navy to accept the medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

By Mr. TOWNE: A joint resolution (H. Res. 221) directing the Secretary of the Treasury to report a proposed plan for consolidation and rearrangement of customs districts, etc.—to the Committee on Ways and Means.

By Mr. COBB (by request): A joint resolution (H. Res. 222) to repeal the joint resolution in reference to the Free Zone—to the Committee on Ways and Means.

By Mr. BROSIUS: A concurrent resolution (House Con. Res. No. 59) to print a compilation of statistics on the executive civil service of the United States—to the Committee on Printing.

By Mr. HAGER: A resolution (House Res. No. 452) providing two additional clerks for the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. HURLEY: A resolution (House Res. No. 453) to pay W. H. Grimshaw from June 12 to December 6, 1896—to the Committee on Accounts.

Also, a resolution (House Res. No. 454) to place W. H. Grimshaw on soldiers' roll in place of John Ryan, deceased—to the Committee on Accounts.

By Mr. TRACEY: A resolution (House Res. No. 455) to employ fifteen additional folders—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 9737) for the relief of Fletcher B. Nebbett, administrator of Richmond T. Rutledge, deceased—to the Committee on War Claims.

By Mr. ANDREWS: A bill (H. R. 9738) to increase the pension of George W. Churchill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9739) to increase the pension of Alexander G. Willets—to the Committee on Invalid Pensions.

By Mr. FOSS (by request): A bill (H. R. 9740) to extend certain patents—to the Committee on Patents.

By Mr. HURLEY: A bill (H. R. 9741) for the relief of Robert D. Benedict—to the Committee on Claims.

Also, a bill (H. R. 9742) for the relief of Gen. Peter J. Claussen—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 9743) for the relief of Benjamin F. Ruggles—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 9744) for the benefit of the heirs of Peter J. Hiatt—to the Committee on War Claims.

By Mr. McLACHLAN: A bill (H. R. 9745) for the relief of John H. Lillie, of Los Angeles, Cal.—to the Committee on the District of Columbia.

By Mr. SORG: A bill (H. R. 9746) for the relief of Cornelius Kouchley, late private of Company H, Fifty-eighth New York Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9747) for the relief of Charles Lenharr, late of Company H, Fifty-fourth Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 9748) for relief of Mathew Burns—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 9749) granting a pension to Lydia G. Cate—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, urging the passage of a revenue bill sufficient to meet the expenses of the Government—to the Committee on Ways and Means.

By Mr. BELL of Colorado: Petition of O. P. McMains, agent for settlers of Stonewall, Colo., asking for an investigation of official corruption in the Maxwell grant case—to the Committee on the Public Lands.

By Mr. BINGHAM: Resolutions of the California Wool Association, favoring the enactment of the Dingley bill—to the Committee on Ways and Means.

Also, resolutions of the Trades League of Philadelphia, urging the immediate enactment of revenue laws for the increase of revenue—to the Committee on Ways and Means.

By Mr. BROMWELL: Petition of employees of the custom-house at Cincinnati, Ohio, for an appropriation to supply deficiency in compensations—to the Committee on Appropriations.

By Mr. CANNON: Petition of Mrs. Malinda Ogle, of Chicago, Ill., praying for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of J. M. Stine and other citizens of Fairmount, Ill., urging that examining surgeons of the pension service be not placed under civil-service law—to the Committee on Reform in the Civil Service.

By Mr. COOK of Wisconsin: Resolution of the Commercial Club of Superior, Wis., urging the use of all honorable means to induce the Secretary of War and other officers in authority to take action at as early date as possible in reference to completing the improvements at Duluth and Superior harbors—to the Committee on Rivers and Harbors.

Also, resolution of the Trades League of Philadelphia, Pa., urging the immediate enactment of revenue laws for the expenses of the Government—to the Committee on Ways and Means.

Also, memorial of the California Wool Growers' Association, recommending the passage of the Dingley bill—to the Committee on Ways and Means.

Also, memorial of the citizens of Menasha, Wis., in mass meeting assembled, asking that Congress take such action as will secure full and immediate satisfaction for damages already inflicted on our fellow-citizens in Turkey, and to grant them full protection of person, property, and rights in the prosecution of their lawful occupations—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of the Trades League of Philadelphia, favoring immediate legislation to raise revenue—to the Committee on Ways and Means.

By Mr. GROUT: Resolutions adopted by the California Wool Association, favoring the immediate adoption of the Dingley bill—to the Committee on Ways and Means.

By Mr. HARRIS: Petition of 60 veterans of Upper Sandusky, Ohio, in favor of House bill No. 9209, granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of Osceola Council, No. 116, Junior Order United American Mechanics, urging the recognition of the Cubans as belligerents in their struggle for independence—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Resolutions of the California Wool Association, favoring the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. MADDOX: Petition of the heirs of Elijah Pinson, deceased, late of Barton County, Ga., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: Paper of W. M. Davis, of Fulda, Minn., in relation to the tariff—to the Committee on Ways and Means.

By Mr. McCREARY of Kentucky: Paper to accompany House bill for the relief of the heirs of Peter J. Hiatt—to the Committee on War Claims.

By Mr. OVERSTREET: Resolutions adopted at a meeting of citizens of Franklin, Ind., December 15, 1896, favoring action by the United States to secure peace in Cuba—to the Committee on Foreign Affairs.

By Mr. SORG: Paper to accompany House bill for the relief of Charles Lenharr—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Cornelius Kouchley—to the Committee on Military Affairs.

By Mr. SPENCER: Petition of Mathew Burns, of the State of Louisiana, to accompany House bill for his relief—to the Committee on Claims.

By Mr. TURNER of Georgia: Memorial of the Board of Trade of the city of Brunswick, Ga., praying for proper fortifications of the harbor of Brunswick—to the Committee on Military Affairs.

By Mr. VAN HORN: Petition of G. A. Karwiese, relative to Nicaragua Canal, with accompanying map—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petition of numerous citizens of Washington County, Ohio, praying for the submission of an amendment recognizing the Deity in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WOODARD: Petition of the heirs of John A. Williams, deceased, late of Wayne County, N. C., praying for reference of his war claim to the Court of Claims—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 19, 1896.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

CORRECTION.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to correct the Journal. I understood the Clerk to read that I had raised an objection to the amendment of the gentleman from Iowa, that it should be first considered in Committee of the Whole. I made no such objection and raised no such point of order. The RECORD states the point of order which I did raise, and if the Journal is made to conform to the RECORD it will be correct.

Mr. DINGLEY. Mr. Speaker, I suggest that it be eliminated from the Journal. While I raised the point of order, I subsequently withdrew it, so that it need not appear in the Journal.

The SPEAKER. The correction will be made. The matter was only mooted and not brought up.

The Journal as corrected was approved.

Mr. TERRY. Mr. Speaker, I desire to correct the RECORD. I am reported in the proceedings of last evening's session as saying that in 1885 Commissioner Black decided that Gray's Battalion were not entitled to the benefits of the Mexican war pension act. That, of course, is an error, as the act had not passed at that time. I was referring to certain portions of the committee report, and what I intended to say was that General Black admitted a number of the members of that battalion to the pension rolls, but it was afterwards decided that they were not entitled to the benefits of that act.

SWEARING IN OF A MEMBER.

Mr. CANNON. I rise to a privileged report. I am directed by the Committee on Appropriations——

The SPEAKER. If the gentleman from Illinois will permit, the Chair will submit a communication from the governor of Georgia, on which the House may desire to take action.

The Clerk read as follows:

STATE OF GEORGIA, EXECUTIVE OFFICE,
Atlanta, December 18, 1896.

MY DEAR SIR: On the 16th instant there was a special election held in the Third Congressional district of Georgia to fill the vacancy in the Fifty-fourth Congress caused by the death of the Hon. Charles F. Crisp. There was only one candidate, Charles R. Crisp, and consequently he received all the votes cast. As soon as the returns are received his commission will be promptly forwarded to Washington.

Very truly, yours,

[SEAL.]

W. Y. ATKINSON,
Governor of Georgia.

Hon. T. B. REED,
Speaker House of Representatives.

Mr. TURNER of Georgia. Mr. Speaker, I ask that Mr. Crisp be sworn in.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] asks that Mr. Crisp be sworn in. That will require unanimous consent of the House.

Mr. TURNER of Georgia. I ask unanimous consent.

The SPEAKER. Is there objection?

Mr. DINGLEY. Mr. Speaker, I understand these are not the credentials in the usual form, but that this is simply a communication from the governor of Georgia.

Mr. TURNER of Georgia. It seems to be an official communication from the governor informing the House of the result of the election.

Mr. DINGLEY. But not the ordinary credentials.

Mr. TURNER of Georgia. I will state to the gentleman from Maine [Mr. DINGLEY] that the election of this gentleman is universally conceded, and there was no opposition whatever. So far from there being any prospect of a contest, the election itself was unopposed by any party or faction in the district.

Mr. DINGLEY. I have seen that statement in the public journals.

Mr. TURNER of Georgia. I therefore ask unanimous consent that the gentleman be sworn as a member of the House, without waiting for the formal credentials.

The SPEAKER. The gentleman asks unanimous consent. Is there objection?

There was no objection.

Mr. Crisp, accompanied by Mr. BARTLETT of Georgia and Mr. MADDOX, appeared at the bar of the House and took the oath of office.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I am directed to report, from the Committee on Appropriations, an urgent deficiency bill carrying about $800,000, and I ask unanimous consent that it may have immediate consideration in the House. I believe it will not take more than three or four minutes to dispose of it.

The SPEAKER. The gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, asks unanimous consent to report an urgent deficiency bill, and that the same be considered by the House now.

Mr. BAILEY. Pending that, I desire to make a parliamentary inquiry. Of course that bill would be open to amendment in the House, the same as if it were considered in Committee of the Whole?

Mr. CANNON. If the gentleman chooses, I will request that the bill be considered in the House under the five-minute rule.

The SPEAKER. Is there objection to the request as modified?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

Mr. CANNON. As this is under the five-minute rule, I ask that the first reading be dispensed with and that the bill be read for amendment.

The SPEAKER. The gentleman asks that the first reading of the bill be dispensed with and that the bill be read for amendment. Is there objection?

There was no objection.

The Clerk proceeded to read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1897, and for other objects hereinafter stated, namely:

TREASURY DEPARTMENT.

Contingent expenses, Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States for the fiscal years as follows:

For the fiscal year 1897, $100,000.
For the fiscal year 1896, $2,004.21.

PUBLIC BUILDINGS.

For completion of post-office at Columbus, Ga., $4,000.

NAVY DEPARTMENT.

BUREAU OF CONSTRUCTION AND REPAIR.

Preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and other steam auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $200,000.

BUREAU OF STEAM ENGINEERING.

To carry on the current work of the Bureau in repairs to machinery of naval vessels, and furnishing necessary stores and supplies therefor, $200,000.

DEPARTMENT OF JUSTICE.

For compensation of one clerk, class 4, from January 1 to June 30, 1897, $900.

Mr. BAILEY. Mr. Speaker, I am unable to know when the Clerk reaches the end of a paragraph. With the consent of the House, I will ask the gentleman from Illinois [Mr. CANNON] if it be true that this bill has not been printed?

Mr. CANNON. It is now reported to the House for the first time.

Mr. BAILEY. And has never been printed?

Mr. CANNON. It has not been printed. I have a copy, printed for the use of the committee, which I can send to the gentleman. I am sure that when the gentleman hears a brief explanation he will see that the committee is justified in its course. I will make the explanation now or later. When the gentleman hears it, I think he will see that the committee is justified in asking immediate consideration, instead of waiting for the printing of the bill and for its consideration on Monday.

Mr. BAILEY. I think the House is entitled to at least a brief explanation.

Mr. CANNON. Certainly.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] has the floor.

Mr. CANNON. If the gentleman prefers, I will make the explanation now. This is a bill covering practically five items: First, "Contingent expenses, Independent Treasury," $102,000, in round numbers. That fund by the 1st of January will be exhausted. The bare statement of that fact is sufficient to show the necessity for the appropriation. The amount of the appropriation for this purpose, as is usual, did not come up to the estimate by this amount, and when this appropriation is made, the service for this year will not cost quite as much as it did for last year.

The next item is a small deficiency in the service for miscellaneous items of expenditure in the Treasury Department contingent fund, which was incurred unavoidably and awaits appropriation for payment.

In the Navy Department, in the next two items, are one of $500,000 for the Bureau of Construction and Repair and another of $200,000 for the Bureau of Steam Engineering. The Committee on Appropriations very carefully examined these estimates, having the heads of these Bureaus before it, in addition to the formal estimates, which have been submitted to the committee, and they made a searching examination. We find that the appropriations carried by the naval appropriation bill for the current year for these Bureaus have been substantially exhausted, so that on the 1st day of January work will have to cease on the repairs of the various ships that now need it. It is proper for me to say that the time has arrived, in our policy of creating a navy, to repair those ships that have been in commission and service from four to six years. They are much larger, more powerful, more expensive, and repairs more expensive, than ships of the old Navy, and the committee believe—in fact, it was so stated by the officers before us—that in the Navy, as upon the land, "A stitch in time saves nine." These repairs would cost less if made promptly than if they should run a year or two and increase.

I will state further that the committee believes the House desires to be entirely practical, and in the main, so far as we have a new Navy, we believe it to be of efficient ships, well armed and ready for service, equal, so far as it goes, with any navy on the seas; and we believe that these repairs can be kept up as they are necessary at less expense than to let them wait. And we believed further, to be entirely practical, that our Navy should be in good condition; and so far as I am concerned, I would rather keep it in good condition for service really needed than to rush into the newspapers for interviews or to perform by word of mouth for war in time of peace.

Mr. SAYERS. Mr. Speaker, if the gentleman will allow me, I desire to state, in reference to these appropriations for the Navy, that unless they be made before the recess, many employees will have to be discharged from the various navy-yards; and it is therefore absolutely necessary that these appropriations should pass both Houses before the recess.

Mr. CANNON. Well, as to the employment of the navy-yard force, as I understand, you can not make repairs without employing somebody to do the repairs; but the committee was thoroughly satisfied that these repairs can be most economically made now; that it is necessary to have this appropriation to make them, and that the ships ought to be, from a standpoint of public economy, kept in good condition.

Mr. CUMMINGS. Mr. Speaker, I would like to ask my friend a question.

Mr. CANNON. Certainly.

Mr. CUMMINGS. Is it not true that these repairs are absolutely necessary for the purpose of keeping the Navy of the United States practically upon a war footing?

Mr. CANNON. Oh, well, to keep it upon a proper footing in peace, and efficient in war if war comes.

Mr. CUMMINGS. Would not a war footing be the proper footing to-day?

Mr. CANNON. Oh, I want to say to the gentleman that this is a substantial recommendation to do a proper thing, namely, to keep our small but efficient Navy in good repair, as it ought to be kept, in peace or in war, for real work, or as a moral force, if you choose, in peace. And I make this recommendation—would have made it twelve months ago, and, if I shall have the honor to make recommendations, will make it twelve months hence as readily as I make it now; and I do not want anything I have said here in recommending this appropriation to be considered as a threat to anybody. There is quite enough of that throughout the world now. I would rather do substantial things.

The Clerk read as follows:

For compensation of two assistant messengers from January 1 to June 30, 1897, $720.

For the rent of a building for the Court of Claims for the balance of the fiscal year 1897, $2,500.

JUDICIAL.

That the appropriation of $10,000 made in the sundry civil appropriation act approved June 11, 1896, to enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for the Court of Private Land Claims as may be necessary, is hereby made available for expenses incurred during the fiscal year 1897, and until the expiration of the term of service of said court.

That the oath or oaths required to be taken by marshals and deputy marshals before entering upon the duties of their respective offices may be administered by any officer of the United States or of any State authorized by law to administer oaths.

That United States marshals may receive credit in the settlement of their accounts for amounts paid by them to their deputies for services heretofore rendered, notwithstanding any of said deputies may not have taken oaths of office in compliance with sections 782 and 1756 or 1757, Revised Statutes of the United States, prior to the rendition of said services.

For fees of United States attorneys in the District of Columbia, $2,000.

To establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes, under the act of June 10, 1896, $25,000.

LEGISLATIVE.

For payment of the messengers of the respective States for conveying to the seat of Government the votes of the electors of said States for President and Vice-President of the United States at the rate of 25 cents for every mile of the estimated distance by the most usual road traveled from the place of meeting of the electors to the seat of Government of the United States, computed for the one distance only, $900.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, $3,000.

For fuel and oil for the heating apparatus, $3,000.

To pay the account of the Keystone File Company, $58.50.

PUBLIC PRINTING.

That the unexpended balances of the appropriations made for printing and binding for the Supreme Court of the United States for the fiscal years 1896 and 1897 shall be expended under the direction of that court and the printing for that court shall be done by the printer it may employ, unless it shall otherwise order.

Mr. RICHARDSON. Mr. Speaker, I would like to ask the gentleman in charge of this measure if this is not a change of existing law?

Mr. CANNON. Which?

Mr. RICHARDSON. The last item read there, giving direction as to how certain printing shall be done for the Supreme Court.

Mr. CANNON. It does not change existing law, I will say to my friend. We have inquired into this matter, and find that heretofore it has been done in this way.

Mr. RICHARDSON. I desire to reserve the point of order against that item.

Mr. CANNON. Why, certainly.

Mr. RICHARDSON. We are put to a very great disadvantage. This is the first time an appropriation bill has ever been considered in this House without printing; and we did not know until we had entered into the consideration of the bill it had never been printed. I do not think unanimous consent was asked to consider it until it was printed.

Mr. CANNON. On the contrary, there were numerous occasions in the last session of this Congress and in prior Congresses when this has been done.

Mr. RICHARDSON. I venture to say it was never done unless unanimous consent was asked to so consider it.

Mr. CANNON. Unanimous consent was asked to consider it.

Mr. RICHARDSON. We had no notice that it was to be considered. Not having been printed, we can not get copies of the bill, and do not know what is in the bill nor how much it carries.

Mr. CANNON. I will consider the gentleman's protest, but he did not make it in apt time. Unanimous consent was given. I have no objection to any line of remarks the gentleman desires to make in regard to the matter. But I want to say to him that this is an urgent deficiency bill, the urgency having been brought to the attention of the committee only within the last two days, and the bill is sought to be passed in this way now so that it can be enacted into law before the beginning of the holiday recess next Tuesday.

Mr. RICHARDSON. There is nothing unusual in that. We have urgent deficiency bills in every Congress.

Mr. CANNON. Well, I say to the gentleman that this is not a new practice. Bills have been passed in this way at least a dozen times.

Now, touching the items the gentleman has referred to, if he desires to be informed about them I will cheerfully give him all the information I can. There is an appropriation of $7,000 for the current year for printing for the Supreme Court. Under that appropriation, as under similar appropriations heretofore made, the briefs and other printing of the court in the main have been done, but heretofore, under the law, the fees collected by the clerk of the court have gone into a fund from which the opinions of the justices and such other special confidential printing as was desired was done by a private printer designated by the court. Since the creation of the appellate courts, narrowing the jurisdiction of the Supreme Court, the business has fallen off, cases have been fewer, and less fees have been collected, and the result is that from that source there is not now sufficient money to pay for this private printing after the fund has provided for the other burdens that it has to bear, and a justice of the court, by its direction, appeared before your committee and said that, in view of this situation, the court desired to be authorized to use from the allotment made for its printing at the Public Printing Office sufficient money to do this confidential printing. For the reason I have stated, namely, that the fees of the court have fallen off, your committee, on full consideration, thought that was a reasonable request, and therefore they have made this appropriation available in part for that purpose.

Mr. SAYERS. If the gentleman will allow me, this appropriation is made only to execute an existing law.

Mr. CANNON. Precisely. Now, Mr. Speaker, if there is nothing further to be said, I ask that the bill be placed on its passage.

Mr. RICHARDSON. Has the gentleman stated how much is carried by this bill?

Mr. CANNON. Yes, sir. The amount is $881,862.92, $700,000 of which is for the Navy.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I ask that the bill and report be printed in the usual way, so as to keep up the files.

Mr. RICHARDSON. That is like locking the stable after the horse is stolen.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

CENTENNIAL EXPOSITION, NASHVILLE, TENN.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (S. 2889) in relation to the Tennessee Centennial Exposition at Nashville, and that the bill be put upon its passage. I make this request with the approval of the chairman of the Committee on Ways and Means, a bill similar to this having been reported by the Committee on Appropriations.

The bill was read, as follows:

Be it enacted, etc., That there shall be exhibited at the Tennessee Centennial Exposition, to be held at Nashville, Tenn., in the year 1897, by the Government of the United States, from its Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission, such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and to secure a complete and harmonious arrangement of said Government exhibit a board of management shall be created, to be charged with the selection, purchase, preparation, arrangement, safe-keeping, and exhibition of such articles and materials as the heads of said Departments and institutions of the Government may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one member to be detailed by the head of each Executive Department, one by the head of the Smithsonian Institution and National Museum, and one by the head of the United States Fish Commission; and the President shall name one of said persons so detailed as chairman; and the members of said board shall have no compensation in addition to their regular salary, and their actual and necessary expenses only shall be paid out of the sum hereinafter appropriated.

SEC. 2. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Tennessee Centennial Exposition for the Government exhibit, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States; but the contract for said building or buildings shall not exceed the sum of $30,000, and there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of $30,000. The Secretary of the Treasury is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Nashville or to the said Tennessee Centennial Exposition Company to purchase the same at an appraised value, to be ascertained in such manner as he may determine, and whatever sum may be received on sale of said building shall be covered into the Treasury of the United States.

SEC. 3. That for the purpose of paying the expenses of the selection, purchase, preparation, transportation, installation, care, and return of said Government exhibit, and for the employment of proper persons as officers and assistants by the board of management created by this act and for their expenses, and for the maintenance of the building hereinbefore provided for, and for other contingent expenses incidental to the Government exhibit, to be approved by the chairman of the board of management and by the Secretary of the Treasury upon itemized accounts and vouchers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary, to be disbursed by the board of management hereinbefore created, of which not exceeding the sum of $10,000 shall be expended for clerical service.

SEC. 4. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the exposition, any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal.

SEC. 5. That medals with appropriate devices, emblems, and inscriptions commemorative of said Tennessee Centennial Exposition and of the awards to be made to exhibitors thereat be prepared at some mint of the United States for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1890, upon the payment by the Tennessee Centennial Exposition Company of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

SEC. 6. That the United States shall in no manner and under no circumstances be liable for any bond, debt, contract, expenditure, expense, or liability of any kind whatever of the said Tennessee Centennial Exposition Company, its officers, agents, servants, or employees, or incident to or growing out of said exposition, nor for any amount whatever in excess of the $130,000 herein authorized; and the heads of the Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission, and the board of management herein authorized, their officers, agents, servants, or employees, shall in no manner and under no circumstances expend or create any liability of any kind for any sum in excess of the appropriations herein made, or create any deficiency.

SEC. 7. That the appropriation herein made shall take effect when the Secretary of the Treasury shall be satisfied that the solvent appropriations made by the State of Tennessee, its counties and cities, and by individuals or companies to said centennial exposition, together with solvent subscriptions to the stock of the centennial company made by the State, its counties, and cities, and by private corporations and by individuals, shall amount to at least the sum of one-half million of dollars.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BAILEY. Mr. Speaker, my understanding was that the consideration of this bill was to be postponed until Monday.

Mr. McMILLIN. That was the suggestion at first. The gentleman from Pennsylvania [Mr. BINGHAM] was supposed to stand in the way of immediate consideration because he had charge of an appropriation bill that he desired to have considered to-day, but he has consented that this bill be now taken up, and that consideration of the appropriation bill be deferred till this bill is called up.

Mr. BAILEY. Well, Mr. Speaker, I have never seen one of these exposition bills defeated, and I suppose that if this bill is to pass it may as well pass now as at another time. If I had any means of defeating it, I should be glad to do so, but I shall not object to its present consideration.

Mr. HULL. May I ask the gentleman from Tennessee what reason there is for the Government of the United States holding an exposition or fair at Nashville, Tenn.?

Mr. McMILLIN. The Government, under this bill, does not become liable in any degree for the conduct of the exposition for any cost except that of making its own exhibit. The bill provides simply for the Government doing what it did at Omaha last year, and what it has done over and over again both at home and abroad. It provides only for making a Government exhibit, and even that is to be done only when the buildings have been erected and prepared by the people of Tennessee at a cost of about $500,000. Foreign nations and the other States and Territories have been invited to make exhibits.

Mr. HULL. Then, Mr. Speaker, I understand that the only reason why we should do this now is because we have been doing it heretofore.

Mr. McMILLIN. The occasion of this exposition is the celebration of the one-hundredth anniversary of the admission of the State of Tennessee into the Union, a State than which none is grander or more meritorious. The Government has not only made exhibits heretofore within our own borders, but has made them in foreign countries.

Mr. WASHINGTON. When Iowa has been one hundred years in the Union, we will celebrate the anniversary of her admission with even a greater celebration. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. BAILEY. Mr. Speaker, are we not going to have a word on this subject? Are not the friends of the bill ready to make any defense of it?

Mr. McMILLIN. I will state to the gentleman from Texas that a bill similar to this has been reported favorably by the Committee on Appropriations. The report upon that bill contains a statement of the facts and reasons, and, if he desires, it can be read.

Mr. DOCKERY. I suggest that it be printed in the RECORD.

Mr. McMILLIN. I am perfectly willing that it shall be printed in the RECORD, if the gentleman from Texas does not desire to have it read at this time, and will have it done, with the permission of the House.

TENNESSEE CENTENNIAL EXPOSITION.

The Committee on Appropriations, which has had under consideration the bill (H. R. 5836) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1896, and make an appropriation therefor, submit the following report:

The corporation known as "The Centennial Exposition Company of Tennessee" was chartered for the purpose of celebrating an important event in the history of the nation (the admission of Tennessee as a State into the Union), as well as for the encouragement and support of art, agricultural, horticultural, and mechanical arts, such as fairs, exhibitions, art exhibits, and associations of like nature. The charter of incorporation was filed under the laws of Tennessee on the 14th day of July, 1894. The general powers of said corporation are such as are usually conferred upon like organizations.

Nashville, Tenn., where this exposition is to be held, is a city of about 100,000 inhabitants, having, according to the census of 1890, a population of about 20,000 in excess of the population of Atlanta, Ga. The population of Tennessee is 1,767,518, according to the census of 1890. The resources of the State are varied and almost matchless.

Tennessee was admitted into the Union June 1, 1796. The Tennessee Centennial Exposition is the outgrowth of a patriotic desire on the part of the people of Tennessee to mark with becoming dignity and display the one hundredth anniversary of that event. It is distinctly a patriotic enterprise, and is therefore necessarily State and national in its character.

For a decade past there has been a feeling among Tennesseans that the nature of the celebration should be a great exposition of the arts, sciences, and industries, because such demonstrations are educational, and the memory of them is lasting. As the time approached the feeling grew stronger, until, in June, 1894, a largely attended mass convention of distinguished Tennesseans met in the State capitol and formally launched the enterprise and organized a management to preside over its destinies.

The principles laid down at the convention were that the exposition should be built by a stock association with a capital of $750,000, and that it should be held at Nashville, the capital of the State; that its purposes should be to show the history and progress of the State during the century of its existence, and to illustrate in the most effective manner possible the greatness of the United States as a nation; to commemorate the lofty character of the founders of the Republic and of the State, and to emphasize the importance of maintaining that spirit of self-sacrificing, patriotic devotion to country and to duty; to stimulate activity in all lines of industry, and to promote the most friendly feelings between the sections of the common country by inviting all States and the Government of the United States to participate.

The convention adjourned and the work of providing funds for the carrying out of its intentions was taken up. The duty of making the start naturally fell to the people of Nashville, and when a canvass was made the response was prompt and enthusiastic. Your committee is advised that the auditor's report for April 25, 1896, shows the following sums to have been contributed to the general fund and paid by citizens of Nashville, the city of Nashville, and the county of Davidson, in which the city of Nashville is located, to wit:

Private subscriptions by citizens	$151,511 00
Subscription by Davidson County	100,000 00
Subscription by municipality of Nashville	50,000 00
Subscription from miscellaneous sources	3,375.57
Total subscription to general fund	304,886.57

Of the foregoing subscriptions and donations, $225,033.87 has already been paid in cash, leaving $79,853 to be paid on the two calls yet to be made.

The Tennessee legislature of 1895 gave specific authority to county courts to make appropriations for a State exhibit, and under this act $50,000 has been set aside to be used solely for displaying the resources of Tennessee. Considering this amount in connection with the general fund, and also $5,200, which is in the treasury of the woman's board, the actual total amount of money set apart for the exposition is $356,711.

Your committee is advised that immediately after June 1, when the centennial and inaugural ceremonies will occur, an organized movement will be made by prominent men in the State to double the present subscription total, and that success will certainly crown their efforts; that no subscriptions to the capital stock have been solicited since September, 1895, for the reason that more money was not immediately needed, and that when the requests are renewed the responses will be prompt and liberal.

The counties of the State have just begun making their appropriations, and from this source an additional $100,000 will be set aside. Your committee is also advised that bills are pending before all legislatures now in session providing for the representation of such States at the Tennessee Centennial Exposition, and similar measures will be introduced in all legislatures that assemble next January; that invitations have been extended to foreign countries to make displays, and a number of them, notably Japan, Mexico, and China, have expressed a purpose to accept. The exposition seems, in the judgment of your committee, to be thoroughly on its feet, and henceforward the way will be smooth. The enterprise has become well seated in the minds of the people, and as no similar event will occur in the United States during 1897, it will be obliged to attract many exhibitors and visitors.

The construction of six of the main exposition buildings was begun in January, 1896, and five of them will be finished by June 1. They are, as shown by photographs of designs and buildings now nearly completed, marvels of beauty in architecture. The commerce building, on account of its immense size, will not be completed before July. The erection of the agriculture building has been commenced and it will show very material progress by June. During the summer six other splendid structures will be started, and all will be completed by January 1, 1897. The exposition will open May 1, 1897, and continue through six months to October 31, 1897. The grading of Centennial Park, which is a 200-acre tract of blue grass land in the immediate suburbs of Nashville, was begun last fall and is now about finished. Two lakes have been excavated and filled with water, the walks and roadways have been macadamized, and thousands of roses, evergreens, flowering shrubs, and additional shade trees have been set out. This work will be continued, so that by the spring of 1897 the park may be more beautiful than the grounds of any exposition held heretofore have been.

The patriotic nature of the Tennessee Centennial Exposition will be better understood from the statement that the executive committee of twenty-one members and all the officers, with the single exception of the director-general, who has immediate charge of the administration and construction, serve without any salary whatever, and from the further statement that no charge will be made for space for exhibits in any of the exposition buildings. The executive committee was selected from among the best business men of Tennessee, and they have the control of the entire enterprise. No expenditures can be made except upon the authority of this committee, and the system of receipts and explanatory vouchers used, your committee is assured, is as perfect as that of the United States Government. It appears to be the determination of the management to carry out the wishes of the people in wasting no money and expending it all directly upon the exposition itself.

Congress has encouraged expositions of a similar character at Chicago, Philadelphia, New Orleans, and Atlanta, while Government aid has been extended to even lesser affairs in other parts of the country. We are assured that this exposition, designed to commemorate an important event in the history of the United States, will be on a larger scale than any other exposition held in this country, the World's Fair at Chicago alone excepted.

The citizens of Nashville and Tennessee have, as already shown, subscribed $356,711, a much larger sum of money than had been obtained from like sources either at New Orleans or Atlanta when Government aid was granted, and under the pending bill a much larger contribution is required of the citizens of Nashville and Tennessee than was required of New Orleans or Atlanta under the appropriations granted by Congress to the New Orleans and Atlanta expositions.

The sum asked for according to this bill is but $130,000, and the appropriation is not to take effect until "the Secretary of the Treasury shall be satisfied that the solvent appropriations made by the State of Tennessee, its counties and cities, and by individuals or companies to said centennial exposition, together with solvent subscriptions to the stock of the Centennial Company made by the State, its counties and cities, and by private corporations and by individuals shall amount to at least the sum of one-half million of dollars."

So that while the appropriation asked for in this case is much less, the guaranties of subscription to be made "by the State, its counties and cities, and by private corporations and by individuals" largely exceed those required of other expositions which were aided with appropriations by Congress.

The appropriation, as will be seen, is not asked for in order to directly promote the interests of the exposition company or of private exhibitors, but to enable the Government of the United States to erect a suitable building and to exhibit "from its Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people."

Your committee is persuaded, aside from the large benefits that will accrue to the masses of the people who either as visitors or exhibitors may attend this exposition, that the one hundredth anniversary of the admission of Tennessee as a State into the Union is an event entitled to proper celebration, and such as to commend itself to appropriate recognition by Congress.

Your committee report the bill back herewith without amendment and recommend its passage.

Mr. TALBERT. I want to ask the gentleman a question. Does this bill carry any appropriation on the part of the Government except the expenditure which it will incur in making its own exhibit?

Mr. McMILLIN. Not a dollar. On the contrary, the bill expressly provides that the Government shall not pay any portion of the expenses of the exposition, and the officers representing the Government are forbidden to incur any liabilities on the part of the United States in addition to what is appropriated by this bill. A portion even of that goes back when the Government building is sold.

Mr. GIBSON. The bill effectually guards the interests of the Government.

Mr. TALBERT. The Government will not be called upon to pay any back indebtedness?

Mr. McMILLIN. Not at all.

Mr. TALBERT. The Government, then, is expected to make only such an appropriation as will pay for its own exhibit?

Mr. McMILLIN. The bill does not look to anything beyond that, and that expenditure is not to be made until the buildings have been constructed and the success of the enterprise is thereby assured. I have before me, to be examined by members, pictures of the buildings. They are most beautiful, appropriate, and complete. I doubt if the same amount of money has ever, at any exposition of this country, been turned to greater advantage or resulted in more beautiful structures.

Mr. TALBERT. And the Government will dispose of its own buildings as it sees proper?

Mr. McMILLIN. The bill provides that the buildings which may be erected by the Government shall be sold and the money covered into the Treasury.

Mr. SHAFROTH. How large an appropriation is asked?

Mr. McMILLIN. One hundred and thirty thousand dollars, or so much thereof as may be required. That is the amount, all told, of possible expenditure.

Mr. BAILEY. Mr. Speaker, I desire simply to record my protest against this bill, as I have recorded it against all similar bills since I have been a member of this House. A little more than twenty years ago Congress was first induced to make an appropriation of this kind. At that time there was a very general opposition to such a measure; but it was urged that inasmuch as the appropriation then asked was for the centennial celebration to be held at Philadelphia a similar occasion could not arise for one hundred years. I believe that such was the statement of Mr. Randall himself. I remember, too, that Hon. John Randolph Tucker, then a member from Virginia, predicted during that debate that the measure then about to pass would become a precedent, and that instead of that being the only one of its kind to be passed for one hundred years it would soon happen that there

would be such a measure every year. In twenty years we have lived to see his prediction fulfilled. Last year I saw this House pass a bill appropriating something more than $200,000 to assist in holding an exposition of this kind in the city of Omaha, and it actually passed the bill without reading it.

Mr. MERCER. The bill was read.

Mr. BAILEY. It was read at first; but it was not read when it was put upon its passage. The truth is, I was at lunch; and the gentlemen interested in passing the measure, fearing that I might be back before the reading of the bill was finished, passed it without reading. And here at the very next session of this same Congress, within six months, we are asked to make another appropriation for the purpose of holding another centennial exposition.

Mr. MAHON. Will the gentleman allow me to interrogate him?

Mr. BAILEY. I will.

Mr. MAHON. Does not the gentleman know that the million dollars appropriated by the General Government for the Centennial Exposition at Philadelphia in 1876 was paid back with interest?

Mr. BAILEY. The Government loaned $1,500,000, and was obliged to sue in order to compel its repayment.

Mr. CANNON. I presume the gentleman from Texas [Mr. BAILEY] desires to be accurate.

Mr. BAILEY. I do.

Mr. CANNON. There was a loan of a million or a million and a half of dollars to assist in that exposition, which amount was repaid; but the Government put up its own buildings at its own expense, and made its own exhibit, just as it proposes to do here. The Philadelphia exhibit, the Chicago exhibit, and the Atlanta exhibit cost much more than this is to cost.

Mr. BAILEY. There is no question about the fact that the loan of $1,500,000 was repaid under legal proceedings. I am not mistaken about that.

Mr. CANNON. Well, it came back into the Treasury.

Mr. BAILEY. It came back under legal compulsion.

Mr. Speaker, I have no expectation that the course which has been entered upon will ever be reversed. I expect that before we are through with this matter all the towns and cities in the land will have the benefit of similar appropriations, and when we finish the circle, I expect to see it made a second time, until within fifty years, at a moderate estimate, $50,000,000 will have been expended by the Government for purposes of this kind.

Now, if appropriations of this sort are justified upon the ground that in this way the Government is assisting in the education of the people, I do not hesitate to say that I would rather spend the same money in the maintenance of common schools—a proposition to which I am utterly opposed; but if the Government is going to undertake to educate the people, let us educate those who need it most. Let us go out and take those who are ignorant and try to dispel the darkness from their minds. The people who attend these expositions are as a rule people who are able to travel—people who see something of the world anyway—people who do not need this kind of education. Appropriations of this sort are a gratuity on the part of the Government, and though I have no hope of preventing them, I must protest against them.

Mr. CANNON. Mr. Speaker, the first appropriation of this kind was, I believe, for the exposition at Philadelphia; then there were two or three small appropriations until the Chicago appropriation was reached. That was a great appropriation; and it was a great exposition. Following upon that came the Atlanta Exposition. I advocated and voted for the Atlanta appropriation. When that point had been reached, I was quite content to quit. It seemed to me we had come to a point where we ought to quit. But then the appropriation for Omaha went through; and it seems to me, as that went through, that this has quite as much merit, and it is for another portion of the country. I, however, hope that in the future the House will stop making appropriations of this kind, or if we are to do anything, that we confine ourselves simply to furnishing our own exhibit.

Mr. LOUD. Why not stop now? Is not this as good a time as any other?

Mr. CANNON. The gentleman asks, "Why not stop now?" He might have put that question when Omaha was asking an appropriation.

Mr. BAILEY. I tried at that time to have the House stop.

Mr. DOCKERY. Gentlemen ask, "Why not stop now?" In view of the activity manifested by the Tennessee delegation on both sides of this Chamber, I think gentlemen must realize that it would be difficult to do that. I simply desire to say that I am opposed to this bill.

Mr. DINGLEY. Mr. Speaker, before the vote is taken, I desire to make a single observation.

The gentleman from Tennessee [Mr. McMILLIN], in speaking of this proposed exposition at Nashville, alluded to it as being the celebration of the one hundredth anniversary of the admission of Tennessee into the Union. While that is true in point of time, yet I would dislike very much to have the idea presented and accepted here that the Government of the United States proposes to go to the expense of aiding any purely State exposition by making the Government exhibit contemplated in this bill, at an expenditure of $130,000.

Up to the present time I think all of the appropriations that have been made by Congress for this purpose have been for expositions international, or at least national, in their character: and the appropriations for them have been justified on the ground that they were rather of an international or interstate character than as relating purely to any State.

Mr. McMILLIN. The gentleman is entirely correct in that. The proposed exhibit at Nashville is of that character. Invitations have been extended to all countries to participate.

Mr. DINGLEY. I so understand.

Mr. McCALL of Tennessee. This exposition will be known as the Tennessee Centennial and International Exposition.

Mr. DINGLEY. Of course, Mr. Speaker, everyone will see at once the danger of making appropriations for purely State expositions.

This bill provides for foreign exhibits as well as for the exhibits from the various States in the Union, and is for that reason rather of an international character. But I should not care to have it go forth that we had started out on the plan of aiding a purely State exposition. It must be international, or at least national, in character to justify such action on our part. And while I am not going to enter into the question of the wisdom of these appropriations, yet it must be conceded by all that such expositions, within the proper sphere, do subserve a great national purpose. There is no doubt of that; but care must be taken that a misapprehension in regard to the action of Congress in such matters may not exist among the people that we will participate in and appropriate for a purely State exposition, or even an exposition on narrower grounds where people come and ask the Government's aid for a Government exhibit. We must put it on the higher ground that it is purely national or international, as I have already said.

Further, these expositions are not supposed to be multiplying until they cover every State in the Union. In the Omaha case, as I am informed, twenty-five States claimed to be interested. In the present instance the various States of the Union are invited to participate, as well as the governments of foreign nations.

But I only desired at this time to enter a caveat against the idea that we are aiding, by Government expenditure, a purely State exhibit.

Mr. McCALL of Tennessee. Mr. Speaker, I wish to say a word by way of explanation to the House. This Tennessee Centennial and International Exposition is not a local or mere State affair. The citizens of the State have already subscribed and expended some $800,000 in the inauguration of this enterprise. We will make a great success of it ourselves, but what we want is to have the Government help us to make it a still greater success. We expect to have people and exhibits from all of the States of the Union as well as from abroad. They are already asking for space from all parts of the country, which is being assigned to them, and, with the exception of the Chicago Exposition, we intend to make this the greatest State and International Exposition ever held in this country.

Mr. WILLIAM A. STONE. Will not the gentleman except the Philadelphia Exposition?

Mr. McCALL of Tennessee. Well, I doubt very much whether we will not make it a greater success even than that. We intend to make it a great success. It is already a great success as far as we have gone, and now all we want is the Government's blessing that it shall be even a greater success.

Mr. DOCKERY. It would be cheaper for us to give you the Government's benediction. That would save something like $130,000. [Laughter.]

Mr. WASHINGTON. Mr. Speaker, a single word with reference to the criticism of my friend from Maine [Mr. DINGLEY] that it would not be proper for the Government of the United States to appropriate money for participation in what might be a purely State exposition. In this case that objection could not possibly arise. The Tennessee Centennial Exposition has long ago passed far beyond the point of a State affair.

There were transmitted last year, through the State Department, invitations to all the civilized nations of the earth to participate in this exposition. Replies and acceptances have been received from a very large number of them, and in many instances space has already been allotted, and many foreign exhibits are in transit to this country. Indeed, some have already arrived.

It is also an interstate exposition, and several of the State legislatures, especially in the North and East, have made appropriations for the erection of buildings on the ground allotted to them on the site of the proposed exposition. The State of Rhode Island has a building already under construction.

Our own buildings have been already erected and completed in a large measure. The grounds have been graded and beautified, trees planted, walks and drives macadamized. In fact, all the necessary preparations have been finished to make this exposition a grand success. A plat of ground has been allotted for the Government building, and if this bill should not pass and the Government should fail to participate in our centennial exposition, that plat of ground will remain unoccupied, and on it will stand a board bearing the inscription: "This space reserved for the United States Government building and exhibit."

The people of Tennessee, individually and by counties and cities and corporations, have subscribed and paid $158,943.77 to the capital stock of the exposition company. The remaining $11,056.23 necessary to meet the requirements of the proposed appropriation by Congress will be raised within the next ten days, $9,000 of that amount having been already pledged. The passage of this bill will inspire our people with new energy and stimulate them to further effort. In addition to the already large, commodious, and handsome buildings that have been completed, the management propose at once to begin the construction of three or four other buildings, in order to meet the daily increasing demand for more space by exhibitors.

One word more. The centennial exposition will open its doors complete in every detail on the 1st of May, 1897. If the Government is to have an exhibit there, it is vital that this measure should pass now in order to insure sufficient time to erect the Government building and to prepare properly the various objects in the several Departments which will form the exhibit.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, Mr. BAILEY demanded a division.

The House divided; and there were—ayes 127, nays 25.

Mr. BAILEY. Mr. Speaker, I believe a bill like this ought not to be passed with less than a quorum, and I make the point of no quorum. It will save time if the gentleman will give us the yeas and nays. I would have demanded the yeas and nays except that I did not desire to waive the point of no quorum.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] makes the point of no quorum.

Mr. GIBSON. I hope the gentleman from Texas will not insist on the point of order.

The SPEAKER (after counting the House). One hundred and eighty-six members present—a quorum. The ayes have it, and the bill is passed.

On motion of Mr. McCALL of Tennessee, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on Rules to submit a report, and upon it I ask the previous question.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] submits the following report from the Committee on Rules, on which he asks for the previous question.

The Clerk read as follows:

> The Committee on Rules, to whom was referred House resolution No. [illegible], have had the same under consideration, and hereby report the following substitute therefor:
>
> "*Resolved*, That on Tuesday, January 5, 1897, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. No. 4566, a bill to amend the postal laws relating to second-class mail matter; that said bill shall be considered under the rules governing general debate during the said day and the following day, January 6, until the hour of 2 p. m., at which time general debate shall close, and said bill shall then be open to amendment and consideration under the five-minute rule until 4 p. m., at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and bill to its final passage."

Mr. QUIGG. Mr. Speaker——

Mr. HENDERSON. Mr. Speaker, I have asked for the previous question.

Mr. QUIGG. Do I understand that the rule allows two days of general debate?

Mr. McMILLIN. In order that the right may not be waived, I will ask the gentleman to consent that a second be considered as ordered——

Mr. HENDERSON. I demanded the previous question when I presented the report.

Mr. McMILLIN (continuing). Otherwise all debate will be cut off.

The SPEAKER. The gentleman asks for the previous question, which, if ordered before any debate is had, would give twenty minutes' debate on a side.

Mr. BINGHAM. Will the gentleman from Iowa [Mr. HENDERSON]——

Mr. HENDERSON. Let us have the previous question ordered, and then I will answer your question.

The previous question was ordered.

Mr. HENDERSON. The gentleman from New York [Mr. QUIGG] asked me a question, but I could not hear him.

Mr. QUIGG. I inquired, Mr. Speaker, whether this rule gave two days for general debate. I did not quite understand the reading by the Clerk.

Mr. HENDERSON. It gives one day for general debate and until 2 o'clock on the next day, then from 2 until 4 o'clock on the second day for debate and amendment under the five-minute rule; then the amendments and the bill to be voted upon, the previous question being considered as ordered.

Mr. QUIGG. May I inquire whether the time for general debate is not a little problematical under the rule?

Mr. HENDELSON. Not at all.

Mr. QUIGG. When does the time for general debate begin?

Mr. HENDERSON. Immediately after the reading of the Journal. There is no opportunity to cut off the time that is set.

Mr. QUIGG. I did not hear the reading very distinctly.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CANNON. Is the gentleman from New York [Mr. QUIGG] opposed to the bill?

Mr. QUIGG. I am opposed to the bill in its present form.

Mr. CANNON. Well, if that is so, would not a better way to manifest that opposition be to let the bill take its chances along with the other business of the House, instead of being considered under the special order? As I understand the special order, it gives general debate for one day, and on the next day until 2 o'clock, and then two hours for amendment, which practically means no amendment. If the gentleman is really opposed, and if other members are really opposed to it in its present shape, and if it ought to be considered and amended and changed, if it is practically to be considered and amended, and defeated or passed, as the case may be, it can not be done except under the ordinary rules of the House. It is the bill or nothing, practically, under the special order. I call the gentleman's attention to that fact.

Mr. HENDERSON. I reserve the balance of my time.

Mr. QUIGG. Mr. Speaker, this bill is, as the gentleman from California [Mr. LOUD] described it the other day, undoubtedly the most important piece of general legislation that is coming before Congress during this session. It makes very radical changes in the postal laws. I do not propose to discuss the bill now, except as to one or two features which the House ought to bear in mind when it comes to vote on this rule.

The gentleman from Illinois [Mr. CANNON] suggests that under this rule we have got to vote for the bill or nothing, and if that is so—I could not hear the reading of the rule very well—I shall have to vote against the rule. This bill makes very extraordinary changes in the present postal laws, which the gentleman from California [Mr. LOUD] says are in the interest of economy. I doubt it very much. The statement of the gentleman from California [Mr. LOUD] that this bill will save to the Treasury the sum of from $20,000,000 to $40,000,000 is to my mind utterly, prodigiously absurd. Mr. Wanamaker, when Postmaster-General, figured out in dollars and cents what this bill would save if it had then been the law; and he figured out that $1,000,000 would be saved on what is called the "sample copy" privilege, and that $1,100,000 would be saved on what is called the "periodical" privilege. So that the estimate of the Postmaster-General at that time was that that bill would save $2,100,000. I can very easily demonstrate that the bill will cost a great deal more than that in the revenues of the Government in first-class matter and fourth-class matter, which, as the gentleman from California says, are the paying branches of the service, and which are greatly increased from the results of the second-class circulation.

This bill also confers upon the Postmaster-General most extraordinary powers. We now have in the postal laws twenty pages of regulations, which have all the effect of statute law, for every twenty lines of law. The powers we have already equipped the Postmaster-General with are so vast that he does not hesitate to make a law every time he needs one; and the present Postmaster-General says that if we do not pass this bill he will make it into law by simply writing out an order to postmasters. The gentleman from California read to us the other day what might be described as a rather bold statement on the part of the Postmaster-General. He thought it proper to tell us that if we do not give him this bill he will give it to himself. That is the way, I admit, that most of the important regulations now in the book of postal laws were brought into existence; and this bill confers upon the Postmaster-General much larger powers.

How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has used five minutes of his time.

Mr. QUIGG. This bill proposes to confer upon the Postmaster-General very much larger powers. The characteristics of mail matter as described in the law are added to in this bill in various ways, so that the Postmaster-General is empowered to say, for example, that the publication shall be ruled out of the mails because the persons claimed by the publisher as subscribers were not "voluntary" subscribers. Actually, this bill equips the Postmaster-General with power to say, "Your subscribers did not subscribe voluntarily, and consequently you can not send your publications through the mails as second-class matter." There are various other large grants of power in this bill. The postmaster can say what is a "periodical." At present the law assumes to say what a "periodical" is, and describes exactly what qualifications a publication must have in order to be considered a periodical. Under the bill that we are to consider under this rule the Postmaster-General is entitled to say what a "periodical" is, and if he does not like the looks of it or objects to the looks of the editor or the publisher, he can rule it out of the mails by a stroke of his pen.

Now, I submit, Mr. Speaker, that this bill ought to be considered very carefully. There is no objection that I know of to the bill coming up, to its being debated, to its being acted upon in the ordinary way. There was no objection the other day to its consideration, provided the gentleman from California would consent to wait until the day following, in order that the facts and figures that we had in connection with this bill might be looked up a little. When he came here with a proposition to take up this bill, nobody had heard anything of it, and the bill had not been thought of since last summer, in the last session; and the gentleman proposed to take it up straightway. It had been six months since I had looked at any of the collection of documents that I have received from publishers and others interested in the mail service. I was not ready to go on, and the protest that was made then was addressed simply to going on at that particular hour of that particular day. But, so far as I am concerned, I am perfectly willing to go on at any time now. The gentleman does not need this rule. There is going to be no filibustering against his bill or the consideration of it; and I hope he will not insist upon a rule which is so sharp as this seems to be in regard to the time of debate. A rule that would simply bring the matter forward at a particular time, a rule that it should be considered until it was disposed of, and disposed of within a time long enough to give us a fair debate, I would be willing to support, but a drastic rule of this character is certainly unnecessary.

I reserve the balance of my time.

Mr. BINGHAM. I desire to have two or three minutes.

Mr. QUIGG. I yield the gentleman the balance of my time.

Mr. BINGHAM. I would like to ask the gentleman from the Committee on Rules who has presented this rule a question. Does not the bill called the Loud bill stand before the House as unfinished business, and would it not come up immediately after the morning hour each day unless set aside by an appropriation bill or some vote of the House upon some other legislative proposition?

Mr. HENDERSON. It stands as unfinished business after the morning hour, but under that head we might never reach it. The members of the Committee on Rules thought that a bill which the House had expressed its desire to consider should be brought up for consideration at such a time as would enable it to become law if it is to be stamped with the favorable action of this House, and we might never be able to reach it should its present status continue.

Mr. BINGHAM. My objection to the bill is this: The Postmaster-General presumes that this is most important legislation.

Mr. HENDERSON. The gentleman is speaking in his own time, is he not, Mr. Speaker?

The SPEAKER. The gentleman has been recognized for the remainder of the time of the gentleman from New York.

Mr. BINGHAM. The Postmaster-General assumes that this is most important legislation, and in connection with that assumption he states in his annual report that if this legislation is not enacted by Congress, he shall proceed under existing law to literally almost carry out the paragraphs contained in the Loud bill.

Mr. LOUD. Only one of them.

Mr. BINGHAM. Only one of them. The gentleman says that the Postmaster-General's statement has reference to but one of the paragraphs of his bill. He does not so state it in his report. However, if the Postmaster-General can, by regulation in his Department and by construction of existing statutes, do this, there must be a neglect on his part in the performance of his duty, and I do not think that this House should hasten or expedite him in doing that which under the existing law he has authority to do. What I want in this case is the fullest debate. If this rule will give us full debate with full opportunity for amendment, I am for the rule; but I desire the rule to be so framed that under it this bill can be amended to meet what are called, and what may properly be called, inroads on the service, which the Postmaster-General can not meet by a ruling, but which, he claims, put the Government to great expense in carrying through the mails matter not authorized by law. My only inquiry, therefore, is whether this rule will give us full opportunity to make changes in this proposed legislation.

Mr. DALZELL. Mr. Speaker, the question before us is not whether the House shall pass what is known as the Loud bill, but whether they shall consider it in a particular way. The importance of this proposed legislation is conceded on all hands. Two objections are made to the adoption of this rule. The objection made by my colleague [Mr. BINGHAM] who has just taken his seat is that the bill has already been under consideration by this House, and constitutes now an item of unfinished business. While that is true, it is unfinished business in the second morning hour, and my friend knows that the first morning hour, under the rules of this House, is a morning hour of indefinite duration, so that the chances are that this bill may not come up for a very long time. Therefore, if it is to be considered at all, it ought to be considered so that if it pass the House it can go to the Senate and receive prompt action there. The other objection made to the rule is that there is not sufficient time allowed.

Now, this bill contains practically but a single proposition. It relates to second-class matter. It is not a long bill, and very little time will be required to consider amendments which will put it in such shape as gentlemen opposing it, or as the House, may desire, and besides, the bill has already been discussed the greater part of a day. In addition to all that, the House must remember that this is the short session, and that there are other bills of pressing importance brought to the attention of the Committee on Rules every day and time asked for their consideration. It is the intention of the committee, immediately after this shall have been disposed of, to present another rule fixing a time for the consideration of the funding bill. The committee took into consideration all the suggestions that have been made up to this time, and were clear in the opinion that, considering the character of this bill and the consideration that it had already had, sufficient time was allowed by the rule as reported, and I trust that the opponents of this bill will not attempt to shut off its consideration by the House in an orderly manner.

Mr. HENDERSON. Mr. Speaker, I reserve the balance of my time.

Mr. LOUD. I ask the gentleman to yield me two or three minutes.

Mr. HENDERSON. I yield to the gentleman.

Mr. LOUD. Mr. Speaker, I think the rule proposed by the committee is a most liberal one, allowing seven hours for general debate and two hours for amendments. No one knows better than the gentleman from New York [Mr. QUIGG] and the gentleman from Pennsylvania [Mr. BINGHAM] that there are but two propositions in this bill. There are but two objections that can possibly be raised by either of those gentlemen. Hence there are but two provisions in the bill that they would even seek to amend, and it seems to me that two hours is a liberal time for amendments after the bill shall have received seven hours' debate.

Some of the statements made by the gentleman from New York [Mr. QUIGG] seem to be wild and misleading, as I assume they will be in the future. The chairman of the Post-Office Committee has made no statement that this bill will save from twenty to forty million dollars a year. The claim that he has made (which I have repeated to many gentlemen) is that this bill will probably save $10,000,000 a year. Speaking of the loss on the transmission of second-class matter, the chairman has said that the amount was from twenty to forty million dollars, but we do not propose by this bill to wipe out the second-class matter and to throw it all into the third-class, and therefore the saving will not amount to any such sum. The statement by Postmaster-General Wanamaker, to which the gentleman refers, was that the loss in 1892 was about $2,200,000, but if the gentleman wants to be honest, he will see that that statement is incorrect and misleading, because at that time the Postmaster-General estimated that it cost only 2 cents a pound to handle and transmit this matter. If he will take the Postmaster-General's own figures, he will find that that statement or estimate of $2,200,000 was based upon an estimated cost of 2 cents a pound for transmission and handling. Postmaster-General Wanamaker made no statement or estimate of what it would cost to transmit this matter at 12 cents a pound. No Postmaster-General until the present one—I say it with confidence—ever anticipated that it would cost 8 cents a pound to transmit all classes of mail matter.

Mr. QUIGG. Will the gentleman yield to me a moment?

Mr. LOUD. Certainly.

Mr. QUIGG. I call the gentleman's attention to page 185 of the RECORD.

Mr. HENDERSON. I hope the gentleman from New York [Mr. QUIGG] will not consume our time.

Mr. QUIGG. I have the permission of the gentleman from California [Mr. LOUD] to ask him a question. He challenged a statement which I had made. The gentleman from Iowa [Mr. HENDERSON] need not be solicitous. The gentleman from California can take care of himself, I presume. I call the attention of the gentleman from California to these words of his on page 185 of the RECORD:

> At the lowest calculation, there is involved in this bill a saving to the Government of $20,000,000 per annum.

I wish to say that is the statement to which I alluded.

Mr. LOUD. The statement, I think, must have been incorrectly reported. All that I have ever argued was that the amount would reach $10,000,000. I am willing to state that I believe the amount would really reach $20,000,000; but I do not believe that I have ever made that claim publicly. If I have, it has been a slip of the tongue. I have desired to put the matter very conservatively, and therefore have limited the statement to $10,000,000.

I do not think there would have been any occasion for this rule if we were not compelled to take into consideration the action of some gentlemen in this House, particularly the gentleman from Pennsylvania [Mr. BINGHAM], who said on the evening when we had this bill up for consideration:

> I would have voted with the gentleman to take it up to-morrow. I will vote with him at any time to take up for consideration legislation on this subject.

That statement was made by the gentleman from Pennsylvania, I supposed, in good faith.

Mr. BINGHAM. "The gentleman from Pennsylvania" makes no change in that statement. "The gentleman from Pennsylvania" asked the gentleman in charge of the bill to give the House such information as would enable us to act intelligently on the subject. I want the gentleman's legislation considered; I am perfectly willing to have it considered at any time.

Mr. LOUD. The gentleman will bear in mind that he made that statement on the evening when we had this measure up for consideration. Yet he knows that he has blocked by the legislative appropriation bill the further consideration of this measure. I look simply at results, without considering the language that gentlemen may use.

Mr. BINGHAM. I told the gentleman in the debate that evening that I was instructed by the Committee on Appropriations to bring forward the legislative bill.

Mr. LOUD. That is something that the gentleman thought of subsequently, for further down in the report of the debate I see he made that statement.

Mr. BINGHAM. The gentleman from California has met with no antagonism from me, and I do not propose to be placed in a false position.

Mr. LOUD. I have only quoted the gentleman's language.

Mr. BINGHAM. I am in favor of considering the legislation which the gentleman proposes. I want it fully considered.

Mr. LOUD. Then let us go ahead under this rule, which I think is abundantly liberal.

Mr. HENDERSON. Mr. Speaker, how much time is there remaining on this side?

The SPEAKER. Ten minutes.

Mr. HENDERSON. Do gentlemen on the other side desire to say anything further?

Mr. QUIGG. I think not.

Mr. HENDERSON. In closing this discussion, I wish simply to say that this is a brief bill of three pages. Its consideration has already occupied a part of one day. By the proposed rule we give it practically two more days; and, with the work which the House has to consider, we believe we have given this bill all the time that it would seem we can afford to give it. We have put this bill forward because it may never be reached under the ordinary rules; and after the decided expression which the House has already given in respect to and in favor of the bill, and with the information before us that its passage is going to make a large saving to the Government, the Committee on Rules unanimously felt that they should allow the House an opportunity to act upon it without any unreasonable delay. We bring this proposed rule forward now so that gentlemen of the House, if the rule be adopted, may know that this measure will come up immediately after the holiday recess. I ask for a vote.

The question being taken on agreeing to the resolution reported by the Committee on Rules, it was agreed to; there being on a division (called for by Mr. QUIGG)—ayes 102, noes 2.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Several MEMBERS. Regular order.

PACIFIC RAILROAD LEGISLATION.

Mr. HENDERSON. I have another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Iowa presents a privileged report, which will be read.

Mr. HENDERSON. The Committee on Rules have instructed me to present the resolution which I send to the desk.

The Clerk read as follows:

> *Resolved*, That on Thursday, January 7, 1897, immediately after reading the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. No. 8189, entitled "A bill to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned;" that said bill shall be considered under the rules governing general debate during the said day and the day following until the hour of 5 o'clock p. m., at which time general debate shall close, and then said bill shall be open to amendment and consideration under the five-minute rule until 5 o'clock p. m. the following day, at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and the bill to its final passage; and the final vote thereon shall be taken immediately after the reading of the Journal on Monday, January 11.

Mr. HENDERSON. I ask the previous question on the adoption of the report.

Mr. TURNER of Georgia. If the gentleman will permit me, I would like to ask what date is fixed in the resolution?

Mr. HENDERSON. Thursday, Friday, and Saturday, January 7, 8, and 9, and Monday following to vote.

Mr. TURNER of Georgia. Thursday, the 7th of January?

Mr. HENDERSON. Yes, the 7th; immediately after the reading of the Journal.

Mr. McCREARY of Kentucky. If the gentleman will permit me——

Mr. HENDERSON. I prefer not to yield until after the previous question has been ordered.

Mr. McCREARY of Kentucky. I only wanted to ask the gentleman if he proposes to have a session of Congress on the 8th of January?

Mr. STEELE. Jackson's day?

Mr. HENDERSON. Why, yes; we are a business House.

Mr. Speaker, I ask the previous question on the adoption of the report.

The previous question was ordered.

Mr. HUBBARD. If the gentleman from Iowa will permit me, I would like to ask a question. If the amendments to be offered on Saturday to this bill are not sufficient to consume the day, will that time be occupied by general debate?

Mr. HENDERSON. We have two days for general debate and one for debate under the five-minute rule, when amendments will be in order, and Monday of the following week the vote will be taken, which practically allows four days for the consideration of the bill.

Mr. DALZELL. You can consume all the time on Saturday by formal amendments, moving to strike out the last word, etc., and debate.

Mr. HUBBARD. Does the adoption of this report preclude a motion to recommit the bill?

Mr. HENDERSON. No; certainly not. That is a right reserved under the rules.

Mr. Speaker, I do not think it is necessary for me to say very much about the bill. The bill referred to in the resolution is what is known as the Pacific funding bill; and the only question before the House in considering the rule now is, Shall we take this matter up and consider it at all? It does not involve, in discussing the pending order, a discussion of the merits of the bill; and when we vote for this rule for the consideration of the bill it does not necessarily imply that afterwards it will involve the voting for the bill in question. The member reserves to himself the right to vote as he pleases on the passage of the bill.

I want to say that we have consulted—the Committee on Rules have consulted—with gentlemen entertaining opposite views in respect to the legislation proposed here, and we have endeavored to fix the time so as to meet the views of both sides, and give such time as is necessary to a full, candid, and fair consideration of the bill.

You will see that under the rule we give Thursday, Friday, and Saturday, after the disposition of the Loud bill, by the rule just adopted in the House, for discussing the Pacific funding bill and the amendments that may be offered; and on Monday, immediately after the reading of the Journal, the vote on the bill and amendments and such substitute as may be offered is to be taken.

Mr. DOCKERY. Under the rule as presented will there be an opportunity to offer a substitute?

Mr. HENDERSON. Certainly; because amendments are permitted, and a substitute is an amendment.

Mr. DOCKERY. But the opportunity under the rule will not present itself unless the last section of the bill is reached.

Mr. McMILLIN. If the gentleman from Iowa will permit me, I will state to my friend from Missouri that a substitute may be offered, but not voted upon until the time fixed.

Mr. HENDERSON. That is correct.

Now, a few words as to the question whether we should consider the bill or not. The subsidy bonds covered by the bill amount, I understand, to over $61,000,000. The amount of indebtedness on the 1st of next January will be, in round numbers, $111,000,000. The Government has a second lien for this on 2,293.1 miles of railroad, with the appurtenant property of the road. All of the prior liens upon the property remain unpaid, and hence the amount involved in the question to be considered is the Government claim, plus the prior liens, amounting in all to over $172,000,000.

The President tells us in his message that on January 1, 1897, there will be due on the bonds of the road $19,000,000, and by

January 1, 1899, an additional amount of more than $41,000,000. It is contended—I do not know with what truth—that if a foreclosure is had the Government will realize but very little out of its claim. That, I trust, is a point on which we will have ample discussion and full light, if the bill is to be considered. But it has been pressed upon us by the executive officers of the Government again and again that in order to protect the interests of the Government Congress should act, and by some method, either an extension of the time, a reduction of interest, or some other means, adopt a form of procedure or adjustment whereby all the claim of the Government can be ultimately secured.

I desire to call the attention of the House to a few recommendations bearing upon the question of whether we should consider it, and on that question only. The Commissioner of Railroads, in his report for 1884, calls special attention to the subject and gives his idea of a remedy. On February 15, 1886, the President transmitted a communication to Congress on the subject, with the report of the Government directors of the Union Pacific Railway Company. Of so great importance was the subject deemed that on March 3, 1887, an act of Congress was passed authorizing the appointment of three commissioners to investigate the whole subject of the relations of the bond-aided railroads to the Government. On January 17, 1888, President Cleveland transmitted the report of that Commission, known as the Pacific Railroad Commission, to Congress, closing his message with these words:

> The public interest urges prompt and efficient action.

In his annual message to Congress to the second session of the Fiftieth Congress President Cleveland said:

> The adjustment of the relations between the Government and the railroad companies receiving land aid should receive early attention. The report of a majority of the commissioners appointed to examine the affairs and indebtedness of these roads, in which they favor an extension of the time of payment of such indebtedness in at least one case where the corporation appears to be able to comply with the well guarded and exact terms of such extension, and the reenforcement of this opinion by gentlemen of undoubted business judgment and experience, appointed to protect the interests of the Government as directors of said corporation, may well lead to the belief that such an extension would be to the advantage of the Government.
>
> The subject should be treated as a business proposition, with a view to a final realization of its indebtedness by the Government, rather than as a question to be decided upon prejudice or by way of punishment for previous wrongdoing.

To the first session of the Fifty-first Congress President Harrison transmitted approvingly the report of the Secretary of the Interior, in which it is said:

> Another question of great importance, etc., which it is necessary for the Fifty-first Congress to take up and which I recommend to your earnest consideration, is that in regard to the debt rapidly maturing in favor of the United States against those Pacific railroads that received aid from the Government, etc. (Page 84.)
>
> No recommendation is necessary further than that it should receive early and earnest attention as one of the most important subjects to be dealt with. The particulars of the settlement may be wisely left to Congress.

To the second session of the Fifty-first Congress President Harrison transmitted the report of the Secretary of the Interior, indorsing it. The Secretary said:

> The Commissioner of Railroads adheres to the opinion given in his last report that it will be necessary to extend the time in which the railroads may meet their obligations to the Government.
>
> The subject was fully discussed by the present Secretary in his last annual report, the views then expressed are still retained.

In his annual message to the first session of the Fifty-second Congress President Harrison said:

> A large part of the debt is now fast approaching maturity with no adequate provision for its payment. Some policy for dealing with the debt with a view to its ultimate collection should be at once adopted.

Observe the words "no adequate provision for its payment."

To the second session of the Fifty-second Congress President Harrison said as to the subsidy bond debt:

> We must deal with the question as we find it, and take that course which will, under existing conditions, best secure the interests of the United States.

And he renews his recommendation of last year—

> That a commission with full power be appointed to make settlement.

To the second session of the Fifty-third Congress the President, indorsing generally the Department recommendation, transmitted the annual report of the Secretary of the Interior, wherein that officer recommended action by Congress on the subject, and referred approvingly to the report of the Government directors, calling attention to the approaching maturity of the subsidy bond debt and renewing the recommendation so frequently made by their predecessors for a prompt and complete adjustment of the financial relations between the railroad companies and the United States.

In his message to the third session of the Fifty-third Congress, December 3, 1894, President Cleveland refers to this subject, especially as to the Union Pacific Company, as—

> Of pressing moment.

And he continues:

> Not to enact the needed enabling legislation at the present session postpones the whole matter until the assembling of a new Congress, and inevitably increases all the complications of the situation, and could not but be regarded as a signal failure to solve the problem, which has practically been before the present Congress ever since its organization.

In the first paragraph of his message to the first session of the Fifty-fourth Congress the President indorses the recommendations of the Department officials.

Mr. Secretary Smith devoted a large space to the subject, and pressed upon Congress the necessity of action on the subject.

In his message to this session of Congress the President says:

> The Secretary calls attention to the public interests involved in an adjustment of the obligations of the Pacific railroads to the Government. I deem it to be an important duty to especially present this subject to the consideration of the Congress.

Then he follows with a statement in regard to the indebtedness, closing his reference to it with these words:

> Therefore, unless Congress shall otherwise direct or shall have previously determined upon a different solution of the problem, there will hardly appear to exist any reason for delaying beyond the date of the default above mentioned such Executive action as will promise to serve the public interests and save the Government from the loss threatened from further inaction.

I might quote further from the report of the Attorney-General, from the Commissioner of Railroads, and from different sources in respect to the importance of action. Now the time has come when Congress should treat this matter, or it will go from our hands and be treated by the executive officers of the Government.

The Committee on Rules, urged by the people's interests and by these different officers of the Government, have unanimously brought in this rule, so that the House might have an opportunity to determine whether or not it will take up this question and consider it. If they decide to consider it, then they must determine whether or not it is their intention to confess to the country that they have not the ability to bring forward a remedy by legislation. It may be that when this is considered no method can be pointed out that will show how the Government can save this vast sum of money. That is a matter for discussion, but at all events every Representative should have the courage to let this matter come up for full consideration and discussion, and see whether or not we can save these many millions to the country, or whether we must abandon them to the chance of foreclosure, knowing a prior lien is upon every dollar of that which we have a second lien upon.

I reserve the balance of my time. [Cries of "Vote!" "Vote!"]

Mr. MAGUIRE. Mr. Speaker, I realize that under the drastic rules of this House it is useless to oppose the report of the Committee on Rules giving and fixing time for the consideration of this bill. I am well aware that under the rules of the House cloture, which the committee invokes for the bill, applies to the consideration of the report, and I know also that a number of gentlemen who are opposed to the bill will not vote against the committee on this question.

But, sir, I can not permit the statement just made by the gentleman from Iowa [Mr. HENDERSON] to pass unchallenged. Several of his statements are misleading and some of them absolutely erroneous. The Government is not menaced by any such danger as the gentleman suggests. It is not the interest of the Government, but the interests of the debtor companies that are to be promoted by the Powers bill. The Government is amply protected by the Thurman Act, under which foreclosure proceedings will shortly be instituted, unless Congress as a favor to the defaulting companies shall relieve them from their obligations under that act by extending the time for the payment of the debt.

That the companies interested should be anxious to have the bill brought on speedily for consideration is quite natural, because their interests are to be promoted by it, but the interests of the United States Government are now protected by the best safeguard of which existing conditions will permit, namely, the right of foreclosure and such rights as it may have to pursue diverted assets and the unpaid subscriptions of stockholders. The provisions of the Thurman Act are far better for the Government than the proposed refunding act. The Thurman Act was a settlement of the Pacific Railroad question. It presented the alternative to the companies to pay or submit to foreclosure. They did not pay, and this urgent proposition is to relieve them of the alternative. That is all. The only defect so far developed in the Thurman Act is that it does not vest jurisdiction in any particular court (nor, in my opinion, any court) over the interests of the United States Government in the roads.

If any change of existing law is needed, it is that jurisdiction be vested in the supreme court of the District of Columbia, or some other particular court, to adjudicate and determine the interests of the Government in the roads.

The gentleman from Iowa [Mr. HENDERSON] says that the question is how to get the most money for the Government. That question should properly be discussed when the bill is up for consideration on its merits. It is the question presented by the bill. That may be the ultimate question, but the gentleman is mistaken in stating that the Secretary of the Interior, Mr. Smith, suggested that refunding is the best method. He did not. He stated before the House committee and testified before the Senate committee that, in his opinion, foreclosure was the best means of getting the most money for the Government out of these roads. Messrs.

Anderson and Coombs, Government directors of the Union Pacific Railroad Company, who have investigated the matter fully, in like manner stated and testified that, in their opinion, foreclosure is the best method of procedure for the protection of the Government.

Mr. Coombs, Government director of the Union Pacific Railroad, testified before the Senate committee, and stated before the House committee that $120,000,000 can be obtained by foreclosure sale of these two roads, which would net the Government about $60,000,000. This is about $40,000,000 more than it will ever get if the bill now proposed to be given consideration shall pass. Mr. Anderson, Government director of the Union Pacific Railroad and author of the majority report of the Pacific Railway Commission, in which refunding was recommended, as stated by the gentleman from Iowa [Mr. HENDERSON], testified before the Senate committee, during its hearings last spring, that he had changed his mind on that subject, and that in his opinion foreclosure and not refunding was the best remedy.

The gentleman refers to the President's message to Congress at the opening of the present session, urging action, or, rather, declaring that if action be not taken by Congress by the 1st of January next there would seem then to be no further reason for delaying foreclosure proceedings. It seems to me that neither this House nor the country has anything to fear from that alternative. The House and the country may well permit every reason which has heretofore influenced the President to delay foreclosure proceedings to be removed by the failure of further Congressional action in the interest of these companies.

Let the course of judicial procedure ordinarily adopted in such cases among citizens be followed.

For my part, I am not only opposed to the bill, but opposed to the consideration of any such measure. It is neither necessary nor useful.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. WILLIAM A. STONE. I call for the regular order.

The SPEAKER. The gentleman from Missouri has a motion that he desires to make to reconsider.

Mr. TRACEY. Mr. Speaker, in the vote of the House yesterday upon the report of the Committee on Accounts there were several items included, and I desire to move to reconsider the vote by which the report was rejected.

Mr. DOCKERY. And to be called up at some other time.

The SPEAKER. The gentleman from Missouri moves to reconsider the vote by which the report of the Committee on Accounts was rejected

Mr. DOCKERY. He simply desires to enter a motion to reconsider.

Mr. TRACEY. I do not desire to interfere with the progress of the regular order, but I should like to have a motion to reconsider entered.

The SPEAKER. Very well. The gentleman enters a motion to reconsider, which will be pending.

Mr. WILLIAM A. STONE. I call for the regular order.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

Mr. WILLIAM A. STONE. A parliamentary inquiry. I understand that there are some messages from the Senate that have not yet been submitted to the House. If the regular order is called for, would not those messages come before the House at the next step?

The SPEAKER. They would, if the House votes down the proposition to go into Committee of the Whole House on the state of the Union.

Mr. WILLIAM A. STONE. I do not want to do that. I ask unanimous consent that the message from the Senate pertaining to the immigration bill may be disposed of; and on that I simply desire to say that questions of this character have been defeated by the simple exigencies of events, and if we can not get this matter disposed of now, it is likely it will not be disposed of at all. Therefore I ask unanimous consent that we return to the regular order, to have the question of the message from the Senate relating to the immigration bill disposed of.

Mr. KIEFER. I object.

Mr. BINGHAM. What does the gentleman wish? Simply the appointment of a committee of conference?

Mr. WILLIAM A. STONE. That is all; or a reference to a committee. It will not take ten minutes' time.

Mr. BINGHAM. I am perfectly willing. If it is simply for the appointment of conferees or reference to a committee, I will not object; but the moment it excites debate I shall ask for the consideration of the appropriation bill.

The SPEAKER. If the matter is once entered on, of course the Chair can not interrupt the proceedings.

The parliamentary situation is this: The Committee on Appropriations have the right of way, and if they make the motion, then the House has got to pass upon it and determine whether it will go into Committee of the Whole House on the state of the Union or not. If the motion is not made, or if the motion is negatived, then the business on the Speaker's table will be in order, and the immigration bill is one of the pieces of business on the Speaker's table.

Mr. BINGHAM. Mr. Speaker, I have made a motion that the House go into Committee of the Whole.

Mr. WILLIAM A. STONE. Will the gentleman give us the right of way long enough to dispose of this immigration bill on Monday?

Mr. BINGHAM. If we can go on without delay, we shall get through with the legislative bill in a short time. I insist upon my motion, Mr. Speaker.

The question being taken on the motion of Mr. BINGHAM that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, the Speaker declared that the ayes seemed to have it.

Mr. McCALL of Massachusetts. I call for a division.

The House divided; and there were—ayes 78, noes 37.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Clerk, reading the bill by paragraphs, read as follows:

Indian Office: For the Commissioner of Indian Affairs, $4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; financial clerk, $2,000; chief of division, $2,000; principal bookkeeper, $1,800; five clerks of class 4; twelve clerks of class 3; draftsman, $1,600; stenographer, $1,600; stenographer, $1,400; ten clerks of class 2, twenty-three clerks of class 1; thirteen clerks, at $1,000 each; twelve copyists, one messenger, two assistant messengers; one laborer; female messenger, $840; messenger boy, $360; and two charwomen; in all, $115,830.

Mr. BINGHAM. Mr. Chairman, in the paragraph just read there is a type error in the total at the end. I move to amend by striking out the word "eight" in line 18, page 83, and inserting "six."

The amendment was agreed to.

The Clerk read as follows:

Court of Private Land Claims: For chief justice and four associate justices, at $5,000 each;
For clerk, $2,000;
For stenographer, $1,500;
For attorney, $2,500;
For interpreter and translator, $1,500; in all, $31,500.
For deputy clerks, as authorized by law, so much thereof as may be necessary

Mr. CATRON. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 108, after line 17, insert:

"That section 19 of an act entitled 'An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories,' approved March 3, 1891, as amended in legislative, executive, and judicial appropriation act for the fiscal year 1896, be, and the same is hereby, further amended to read as follows:

"'SEC. 19. That the powers and functions of the court established by this act shall cease and determine on the 31st day of December, 1898, and all papers, files, and records in the possession of said court belonging to any other public office of the United States shall be returned to such offices, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior.'"

Mr. BINGHAM. I will simply say, Mr. Chairman, that the extension of time proposed in this amendment has been determined after correspondence with the Attorney-General, and is approved by the Committee on Appropriations.

The amendment was agreed to.

The Clerk read as follows:

United States courts, Indian Territory: For salaries of the three judges of the United States courts in the Indian Territory, at $5,000 each, $15,000.

Mr. UPDEGRAFF. Mr. Chairman, I desire to present the amendment which I send to the desk.

The amendment was read, as follows:

On page 108, after the word "dollars," in line 21, insert "*Provided*, That section 24 of the act of May 28, 1896, making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, be, and is hereby, amended by striking out the words 'Indian Territory or,' so that said act shall apply to the Indian Territory, except as herein otherwise provided: *Provided further*, That the provisions of sections 19, 21, and 22 of said act shall not apply to the Indian Territory: *Provided further*, That each of the district attorneys in the Indian Territory shall receive a salary of $4,000 per annum and each of the marshals shall receive a salary of $4,000 per annum."

Mr. UPDEGRAFF. Mr. Chairman, I do not wish to occupy any unnecessary time, but I am willing to give any explanation

of this amendment that may be desired. In 1895 an act was passed reorganizing the judiciary of the Indian Territory, providing for marshals, attorneys, and commissioners, and putting them upon salaries. In the act on this subject which was passed at the last session of Congress, abolishing the fee system as to attorneys, marshals, and commissioners, it was thought best for all parties to omit the Indian Territory from the operation of that act, but since then experience has induced the Department of Justice to deem it wise to include that Territory within the operation of the salary system, as provided in that act of last session, with the exception that the Department does not desire to disturb the commissioners system of the Territory, which now rest upon the act of 1895, under which the commissioners are salaried. The act of last session abolishing the fee system as to certain offices and affixing salaries thereto omitted the Indian Territory from its operation, and therefore omitted fixing the salaries of the United States attorneys and marshals for that Territory, so that we had to add in this amendment a provision for the pay of the attorneys and marshals of the Territory. In that Territory there are no justices of the peace. The United States commissioners are justices of the peace, or perform the ordinary duties of justices of the peace. In this amendment the commissioners system of the Indian Territory, organized under the act of 1895, is not disturbed.

Mr. DOCKERY. As I understand, Mr. Chairman, this proviso is recommended by the Attorney-General and by the Committee on the Judiciary.

Mr. UPDEGRAFF. It is.

Mr. BINGHAM. There is no objection to the amendment.

Mr. UPDEGRAFF. It is recommended by the Department of Justice and it has been submitted to the Judiciary Committee of the House, and I present the amendment under the instructions of that committee, whose unanimous approval it has received.

Mr. DOCKERY. Mr. Chairman, in this connection, I desire to have printed in the RECORD a letter from the Department of Justice.

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., December 12, 1896.

SIR: I inclose herewith, as requested by Mr. DOCKERY, the proposed amendment to the appropriation for salaries and expenses United States courts, Indian Territory, 1898, which is included in the legislative, executive, and judicial appropriation act for the fiscal year 1898.

Respectfully,
JUDSON HARMON,
Attorney-General.

Hon. H. H. BINGHAM,
House of Representatives.

The Clerk read as follows:

SEC. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each, and for charwomen, at the rate of $240 per annum each.

Mr. DOCKERY. I offer the amendment which I send to the desk as an additional section to the bill.

The Clerk read as follows:

SEC. 3. Section 996 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 996. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said courts, respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn. And it shall be the duty of the judge or judges of said courts, respectively, to cause any moneys deposited as aforesaid which shall remain in the registry of the court unclaimed for ten years or longer to be deposited in a designated depository of the United States to the credit of the United States."

Mr. DOCKERY. I desire to say that this amendment has the approval of the Attorney-General, and the reasons for its adoption will be found on page 23 of his report, in the paragraph which I ask the Clerk to read.

The Clerk read as follows:

FUNDS IN REGISTRY OF UNITED STATES COURTS.

Reports of examinations made by the Department of the various Federal offices show, from time to time, the existence of funds deposited by clerks or other officers of the courts, as provided in sections 995 and 5504 of the Revised Statutes. Money so deposited can not be drawn except by judicial orders (section 996), which are, of course, not made when the parties to whom the money belongs are unknown or disappear. I suggest that some provision be made for covering such deposits into the Treasury when they have remained unclaimed for a certain period.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. BINGHAM. I understand that this concludes the paragraphs of the bill, save those which were set aside—first, the paragraphs with reference to the Library of Congress, and second, those with reference to the Civil Service Commission.

Mr. QUIGG. I understood the gentleman from Pennsylvania to say that the bill should be completed, and that we would then proceed with the consideration of the paragraphs in regard to the Library.

Mr. BINGHAM. I said that at the completion of the bill we would enter upon the consideration of the paragraphs covering the Library. Later on in the bill we reached the paragraphs concerning the Civil Service Commission, which stand in exactly the same position as the provisions with respect to the Library. As the latter provisions were first set aside, we should naturally in the first place proceed to their consideration.

The CHAIRMAN. The Clerk will read the portion of the bill relating to the Library of Congress, which was omitted when regularly reached.

The Clerk read as follows:

LIBRARY OF CONGRESS.

For Librarian, $5,000.

For the following, to be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including the copyright work and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe, namely: For chief assistant Librarian, $4,000; assistant librarian (superintendent of reading room), $3,000; assistant, $1,800; 2 assistants, at $1,500 each; 3 assistants, at $1,200 each; 6 assistants, at $900 each; 10 attendants in collecting and distributing books, at $720 each; 2 attendants in Representatives' reading room, 1 at $900 and 1 at $720; attendant in Senators' reading room, $900; attendant in the Toner library, $900; attendant in the Washington library, $900; 2 attendants in the cloakrooms, at $720 each; attendant in the stamping room, $720; attendant in the packing room, $720; 2 watchmen, at $720 each; chief of catalogue department, $3,000; 2 assistants, at $1,800 each; 4 assistants, at $1,500 each; 4 assistants, at $1,200 each; 6 assistants, at $900 each; superintendent of art gallery, $2,000; 3 assistants, at $900 each; superintendent of hall of maps and charts, $2,000; 2 assistants, at $900 each; superintendent of periodical department, $1,500; 3 attendants and collators, at $720 each; superintendent of manuscript department, $1,500; 2 assistants, indexing, at $720 each; superintendent of music department, $1,500; assistant, $900; 2 assistants, at $720 each; superintendent of Congressional reference library at Capitol, $1,500; 2 attendants, 1 at $900 and 1 at $720; superintendent of law library, $2,000; 2 assistants, at $1,400 each; and laborer, $720; in all, $93,020.

Mr. WILLIAMS (before the reading of the paragraph was concluded). I rise to a parliamentary inquiry. I wish to make a point of order upon a part of the language here, on page 19, beginning at line 3. I rise for the purpose of inquiring whether it is in order to make that point of order now?

The CHAIRMAN. The Chair thinks that the reading of the paragraph should be concluded.

The Clerk resumed and concluded the reading of the paragraph.

Mr. WILLIAMS. Mr. Chairman, the paragraph having now been read, I wish to make the point of order that this clause, beginning in line 3, "To be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including copyright work and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe," is obnoxious to a point of order, because it is new legislation.

Mr. BINGHAM. I submit, Mr. Chairman, that when this bill was reported to the House no points of order were reserved upon it. Therefore the bill as it now comes before the Committee of the Whole is not subject to points of order.

Mr. WILLIAMS. Is it not the fact that a bill of this kind must be subject to points of order unless there is an agreement to the contrary?

Mr. DOCKERY. Allow me to state in this connection that the point of order raised by the gentleman from Mississippi [Mr. WILLIAMS] would undoubtedly be well taken but for the ruling of the Speaker, twice repeated at the last session, that points of order can not be made upon paragraphs carried in an appropriation bill unless they are reserved at the time the bill is reported. I think that is a statement of fact to which all will agree.

Mr. BAILEY. Who was in the chair when that decision was made?

Mr. DOCKERY. Mr. Speaker REED. I will state to the gentleman that the question was first raised by myself, and subsequently the same question was raised by the gentleman from Maine [Mr. DINGLEY]; and upon both occasions the Speaker, Mr. REED, decided that points of order must be reserved at the time a bill is reported.

Mr. BAILEY. It occurred to me that such a ruling could not have been made when the Speaker was in the chair, because the question would naturally have been raised in the Committee of the Whole, where the Speaker does not preside.

Mr. DOCKERY. I remember that in the first instance the question was raised by me simply by way of a parliamentary inquiry, and later (I do not remember the precise circumstances) the question was presented to the Chair by the gentleman from Maine [Mr. DINGLEY], and the Chair held as I have just stated.

Mr. BAILEY. Of course, if that has been the ruling, I shall be compelled to acquiesce. It seems to me, however, a very dangerous ruling, because it would compel some member of the House every time a bill of this character is reported to reserve points of order upon it. When a bill is reported from a committee there is of course no member of the House who has read the bill except the members of the committee which reports it; and therefore under such circumstances all that any member could do would be simply to reserve points of order blindly. It looks to me as if nobody ought to be required to make a point of order until the paragraph which is the subject of it has been reached in the consideration of the bill. Of course, if the Speaker of the House has held that way, the question is res adjudicata and must be accepted by the House. But it would require a most excellent parliamentarian to convince me that the decision was correct.

Mr. SAYERS. I would ask the gentleman from Missouri [Mr. DOCKERY] if, while Mr. Carlisle was Speaker of the House, he did not hold that it was not necessary to reserve such points of order?

Mr. DOCKERY. I am inclined to think such was Mr. Carlisle's ruling. But this I can say, in this presence, and I would not do so unless I felt that I was right, that this ruling was twice made by the present Speaker of the House.

Mr. WILLIAM A. STONE. It has been the ruling throughout this Congress, as I understand it, has it not?

Mr. DOCKERY. It has been, undoubtedly.

Mr. WILLIAM A. STONE. That certainly would seem to settle the matter.

Mr. WILLIAMS. I do not pretend to understand as well as the gentleman from Missouri probably does what has been the ruling of the Speaker on this particular point. But there is a matter of fact in connection with this subject which I think the gentleman does not take into consideration. There must be, of course, some point at which the point of order may be made to a given paragraph in a bill. Now, that point is naturally the point when the paragraph in question is first reached and read.

Certainly it will not be denied that this paragraph has not been considered or read, but by unanimous consent it was passed over when it was reached in the bill until all of the remainder of the items in the bill were disposed of. So that for all the purposes of consideration, including the purpose of making points of order, the paragraph is before the House now for the first time.

This is the first time that a point of order could have been reserved by anyone to this particular paragraph.

Mr. DALZELL. I would like to say to the gentleman from Texas [Mr. BAILEY], who seems to think there is no reason for the ruling cited, that the reason of the ruling is based on the fact, as I understand it, that the House had seen fit to commit to the Committee of the Whole a bill without objection whatever to its contents or to any new legislation that may be embodied in it. It is not in the power of the committee, therefore, to refuse to consider that which the House itself has seen fit to commit to it for consideration.

It seems to me that the ruling is entirely logical.

Mr. WILLIAMS. Was this bill ever read in the House?

Mr. DALZELL. That I do not know.

Mr. BAILEY. The logic of the gentleman from Pennsylvania would be entirely reasonable if the House, as a matter of fact, knew what it was committing to the committee.

Mr. DALZELL. I recognize the force of the gentleman's objection; but the rule rests on a logical basis, and the House is presumed to know what is in the bill when it commits it to the committee.

Mr. WALKER of Massachusetts. Mr. Speaker, I suggest to the gentleman from Pennsylvania that he get a little nearer to the gentleman from Mississippi, so that he can hear him, without reference to the fact of whether the rest of the House can do so or not. [Laughter.]

Mr. QUIGG. I ask for order upon the floor.

Mr. WILLIAMS. I would like to ask the gentleman from Pennsylvania this question for information: Was this bill ever read in the House before we sent it to the Committee of the Whole? My recollection is that it was not.

The reasoning the gentleman applies in vindication of the ruling of the Speaker is on the presumption that the bill was read in full before it was referred to the committee. But as a matter of fact this paragraph was never reached in the consideration of the bill until now. It was not subject to consideration, whether for the purpose of making points of order, or for any other purpose, until now.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I understand that when the bill is brought in by the committee it is customary for any member who desires to do so to make a statement that all points of order are reserved, and it goes on the record in that shape. No such reservation was made with reference to this bill when it came in the House.

Mr. WILLIAMS. But we can not know what is in the bill until it is read. We did not know that this clause was embodied in it.

Mr. WILLIAM A. STONE. I understand that that has been the ruling of the Speaker of the House; that it has been held during this Congress; and if that be true, there is no further discussion of the subject. I take it for granted that the Chairman of the committee would scarcely reverse the ruling of the Speaker to which reference has been made.

Mr. DOCKERY. The Speaker has so ruled twice.

Mr. WILLIAMS. Was it under these circumstances, where the bill was never read in the House or elsewhere, and where by unanimous consent the paragraphs were passed over in the bill, to be recurred to afterwards?

The CHAIRMAN. The Chair is ready to rule upon this question.

If this were a new or original proposition, the present occupant of the chair would have no difficulty in sustaining the point of order. But my own recollection is, and I have refreshed my recollection by reference to certain precedents, that the practice of the House has universally been to reserve points of order against an appropriation bill, and that where that has not been done—where the bill is sent to the committee without objection—the whole of the bill is to be considered by the committee, and that it is not competent for the committee to refuse to consider any portion of the bill so committed to it.

The Chair therefore overrules the point of order.

Mr. QUIGG. I understand from the gentleman in charge of the bill that the entire paragraphs with regard to the Library are to be read.

Mr. BINGHAM. Certainly.

Mr. QUIGG. I do not wish to lose my rights to amend any paragraph by substitution after the Clerk has passed it.

Mr. BINGHAM. There is no disposition to deprive the gentleman of any of his rights. The purpose is to read the paragraphs set aside for action now, commencing on page 19 and closing on page 22—to read the paragraphs through; and the gentleman's amendment runs through all the paragraphs.

Mr. QUIGG. Precisely.

Mr. BINGHAM. And it makes a general substitute.

Mr. DOCKERY. But let me suggest to the gentleman in charge of the bill that, unless there be an agreement by consent, the gentleman can not offer his amendment by way of a substitute to all the paragraphs. I see no objection, however, to making the agreement by unanimous consent.

Mr. BINGHAM. There is no objection to it. We are willing that that course shall be adopted.

Mr. DOCKERY. Then all the paragraphs may be read and the general proposition of the gentleman from New York [Mr. QUIGG] be offered as a substitute to all the paragraphs; but that can not be done under the rule except by unanimous consent.

Mr. BINGHAM. I ask for unanimous consent, then, that that privilege be extended to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent of the committee that the gentleman from New York [Mr. QUIGG] be permitted to introduce his substitute to all of the paragraphs that have been referred to. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

> For purchase of books for the Library, $4,000; for purchase of law books for the Library, under the direction of the Chief Justice, $1,500; for purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, $1,500; for expenses of exchanging public documents for the publications of foreign governments, $1,500; for purchase of files of periodicals, serials, and newspapers, $2,500; in all, $11,000.

Mr. PARKER. I have an amendment to that.

The amendment was read, as follows:

> Amend page 21, line 19, by striking out "four" and inserting "twenty-five."
> Amend section 22, line 4, by striking out "eleven" and inserting "thirty-two."

Mr. DOCKERY. What is the purpose of this?

Mr. PARKER. It adds $21,000 to the appropriation for the purchase of books for the Library. I think it would be better to consider this now, as it will take only a moment.

Mr. BINGHAM. I have no objection to considering it now.

Mr. PARKER. Mr. Chairman, for many years the Library of Congress has received an appropriation of only $4,000 a year for the purchase of new books for that Library. It is true that two sums of $1,500 each are given for the purchase of books for the use of the Supreme Court—books of reference and law books—but this great institution, which we propose to make the national library of the United States, has received but $4,000 a year for new books.

Let us make comparison. The Boston Public Library, the library of a single city, received in the year 1894 over $27,000 for new books, $3,000 for binding, and $1,800 for periodicals.

The Royal Library at Berlin received $24,000 in 1880, which was increased in 1895 to $35,000. The National Library at Paris received for purchases of books and binding $45,000 in 1895. And the British Museum received, in the year 1881, the sum of $50,000 for new books, $12,500 for the purchase of manuscripts, $45,000 in addition for the expense of binding, and $15,000 for the mere expense of printing catalogues. No wonder that these libraries stand as the first libraries of the world. For years this Library of the greatest people in the world has been told that there was no room for more books, and that therefore appropriation should not be increased. This year the Committee on Appropriations report, for salaries and keeping alone of the magnificent palace that has been put up across the square, an increase from $56,320 to $213,900.

That is an addition of over $150,000 to the annual expense, besides that of furniture and moving, which is charged to the initial expense of the Library.

Mr. Chairman, I appeal to this committee. We are building a library. Do not let us put up a palace and leave it without occupants.

I have not stated all that stands against us. The British Museum receives 8 copies, under the copyright law, of every book that is published in England, and 6 of them are available for exchanges for other books published abroad.

Our Library receives but two copies of any publication in this country, and must maintain those copies upon its own shelves. It has no material for exchange except Government publications. I have not asked much. It is about one-fourth of what is given to one library in London. It is about one-half of what is given to one library in Paris, where they have other Government libraries exceeding in number and contents those that we have here in the bureaus of the Departments. It is but $25,000. It is one-fifth of the amount appropriated this very morning to a single national exhibit at a particular exhibition. It is a policy that we are inaugurating; and I appeal to this House that we shall make a start toward buying new books for that Library.

Mr. DOCKERY. Will my friend allow me to suggest whether or not it would be good policy to wait until we catalogue and arrange the books now belonging to that Library before we buy new books?

Mr. PARKER. I would say not. The cataloguing and arranging of books is a work that is never completed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. May I ask permission to answer that question? The cataloguing and arranging of books will take years. New books are easier arranged upon the shelves than old ones. The work of acquiring new books must be performed when they are published, or when they can be obtained, or the opportunities are lost. Daily, in the breaking up of old libraries, this Library is losing its opportunities to put the treasures of the world upon its shelves. And this year, when we inaugurate a new library, let us inaugurate a policy which represents the love of learning and the love of literature, and not merely the love of the home in which it is to be established. [Applause.]

Mr. BINGHAM. Mr. Chairman, in order to understand this appropriation, I will state the amount in the bill is $4,000 for the Library, and the gentleman's amendment is to increase that paragraph or line in the bill to $25,000. In order to understand exactly what we are doing, I will read:

> For purchase of books for the Library, $4,000; for purchase of law books for the Library, under the direction of the Chief Justice, $1,500; for purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, $1,500; for expenses of exchanging public documents for the publications of foreign governments, $1,500; for purchase of files of periodicals, serials, and newspapers, $2,500; in all, $11,000.

Now, that covers the purchases for the Library. That has been the appropriation for many years; and we have never heard any complaints. Under the copyright law the author of every American publication that is copyrighted files two volumes of that publication in the Library; and therefore we have, by virtue of the copyright law, all the publications made in our own country. Again, there are throughout the city of Washington innumerable libraries appropriated for in this bill—for every Department, almost every division; certainly every bureau. I venture the statement that in this bill, outside of this paragraph, we appropriate $40,000 for books to be used by the bureaus of the various Departments.

Now, we are going into this new Library and we have made in our bill every preparation for the transfer of the 740,000 volumes in the Library of Congress. Until they are spread out so that we can know what the Library of Congress contains—and no one knows what it contains—the necessity for an increase of appropriation in this bill for the next fiscal year, certainly to my mind, in view of my statement, is neither clear, apparent, nor necessary. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

> For furniture for Library reading rooms, halls, copyright offices, etc., a sum not exceeding $5,000, and for expenses of removal of Library copyright collections to the Library building, a sum not exceeding $5,000, are hereby authorized to be expended, on and after the passage of this act, out of any unexpended balance of the appropriations heretofore made for the completion of the building for the Library of Congress, and a sufficient amount of all further unexpended balance of said appropriations shall be available for the expenses, including personal services of the custody and care of said Library building until July 1, 1897.

Mr. DOCKERY. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

> On page 22, after line 23, insert:
> "The Librarian of Congress shall, on and after July 1, 1897, give bonds payable to the United States in the sum of $50,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties according to law.
> "The Librarian of Congress shall make to Congress at the beginning of each regular session a report for the preceding fiscal year as to the affairs of the Library of Congress, including the copyright business; and said report shall also include a detailed statement of all receipts and expenditures on account of the Library and said copyright business."

Mr. BINGHAM. Does the gentleman desire to say anything on his amendment?

Mr. DOCKERY. I do not.

Mr. BINGHAM. Mr. Chairman, I would simply submit that the pertinency of the gentleman's amendment is such that to my mind it should be ingrafted in the bill. While the statute of to-day directs that the Librarian of Congress shall give bond, he has been giving bond according to the statutes, which runs back to 1802, which reads as follows:

> The Librarian of Congress shall, before entering upon the duties of his office, give bonds, payable to the United States, in such sum and sufficient security as the Joint Committee on the Library deems sufficient for the safe-keeping of the books, etc.

The present Librarian of Congress entered upon his duties in 1864. He then gave bond for $3,000 in accordance with the statute. Since that time, however, he has become the disbursing officer for the Library, and under the statute he gives a bond of $6,000 as disbursing officer. By a later statute he becomes the register of copyright, and he gives bond in the amount of $5,000 under that statute; so that to-day the present Librarian is under bonds to the amount of $14,000. But in view of the increased duties, obligations, and responsibilities that will devolve upon the Librarian who may be appointed, or who may be continued, under this legislation, I think that $50,000 is a reasonable amount for his bond.

The amendment was agreed to.

Mr. QUIGG. Mr. Chairman, I desire to offer a substitute for all the paragraphs in relation to the Library that have been read, with the exception of the one that has been voted on. That I desire to incorporate in the amendment that I send to the Clerk's desk. Mr. Chairman, there is no controversy between the Committee on Appropriations and the Committee on the Library as to the sum to be appropriated for next year, nor as to the number of employees. The amendment I send to the desk begins at a point which I have indicated in pencil mark, and I ask that the reading of the amendment prior to that point be dispensed with, it being simply the appropriation bill.

Mr. DOCKERY. Does the gentleman desire to add to his substitute the amendment just adopted by the committee, or does he offer his amendment as a substitute for everything else but that amendment?

Mr. QUIGG. For everything except what we have voted upon.

The amendment of Mr. QUIGG was read, as follows:

> Upon notice by the Joint Committee on the Library to the President of the United States that the new building for the use of the Library of Congress is ready to be occupied, the President, by and with the advice and consent of the Senate, shall appoint a director of the Library, who shall receive an annual compensation of $5,000, and who shall have charge of the Library of Congress, under such rules and regulations as may be lawfully established from time to time. The director of the Library shall give bond, payable to the United States, in the sum of $50,000, with sureties approved by the Secretary of the Treasury, for the safe-keeping of the Library collections and for the due and faithful performance of his duties.
>
> All the duties now by law committed to the Librarian of Congress shall devolve upon the director of the Library when appointed, and the office of Librarian of Congress shall thereupon be abolished. The Joint Committee on the Library is hereby empowered, in behalf of Congress, to assume the charge and custody of the new building for the Library of Congress, and to make rules and regulations for its occupancy and use and for the accommodation and display in the said new building of the Library collections; and upon satisfactory proof that the duties heretofore conferred by law upon Bernard R. Green in relation to the construction and completion of the said new building have been fully performed, the Joint Committee on the Library is authorized to discharge the said Bernard R. Green of all duties and responsibilities in connection with the said building.
>
> That any balance now existing of the appropriations heretofore made for the construction and completion of the said building is hereby rendered available not only for that purpose but also to furnish and equip the said building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building, and the Joint Committee on the Library is hereby directed through such agencies as it may select, to effect the removal of the said Library collections and their arrangement in the new building, and to purchase the necessary furniture for the furnishing and equipment of the said new building; and all expenses incurred in carrying out the provisions of this paragraph shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.
>
> The Joint Committee on the Library shall have power to establish rules and regulations for the conduct and use of the Library of Congress, and, with the exception of the director of the Library, to employ or remove all persons for whose compensation provision is made in this or any subsequent act under the title of "The Library of Congress."
>
> The Speaker of the House of Representatives of the Fifty-fourth Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fifth Congress a temporary Committee on the Library of three members, which said Committee on the Library shall have the same powers and perform the same duties in relation to the Library of Congress as are authorized by law and the rules of the House of Representatives; and which said temporary Committee on the Library shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge such duties until after the meeting and organization of the House of Representatives of the Fifty-fifth Congress and until the appointment of the regular Committee on the Library. And hereafter the Speaker of each subsequent House of Representatives

> shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary Committee on the Library, with similar powers and for the same purposes.

Mr. QUIGG. Mr. Chairman, at the last session of Congress——

Mr. BINGHAM. How much time does the gentleman desire?

Mr. QUIGG. Not long.

Mr. BINGHAM. Can not the gentleman state how much time he desires?

Mr. QUIGG. I do not desire very much time, but the gentleman has assured me that I shall have as much as I want. I can not state definitely just what time I shall want, but what I have to say will not take a week, and it may not take more than half an hour.

Mr. BINGHAM. I have given the assurance that opportunity for reasonable debate will be given, but I think the committee are entitled to know how much time the gentleman from New York desires. We will try on this side not to occupy very much time. Will half an hour satisfy the gentleman?

Mr. QUIGG. No, I do not think I can finish in half an hour. I do not want to confine myself.

Mr. BINGHAM. Well, I do not wish to have to ask that the committee rise, so as to have the debate on this paragraph limited by the House. I suggest to the gentleman that with reference to all subordinate matters in connection with the Library this bill is in accordance with his own proposition almost word for word. So far as the gentleman's argument on his general proposition is concerned (which is what the committee probably desires especially to be enlightened upon), that relates to certain distinct paragraphs of the proposed legislation, and the committee have raised no points of order against the gentleman's amendments.

Mr. QUIGG. Mr. Chairman, if the gentleman from Pennsylvania will not insist on making a speech right now, I shall not detain the committee very long. I can not, however, undertake to state at this time the exact number of minutes I shall occupy. The gentleman did assure me that there would be plenty of time for debate upon this proposition. It may be, too, that other members will desire to take part in the debate.

Mr. BINGHAM. I will say to the gentleman that not a single member has asked me for time.

Mr. QUIGG. Mr. Chairman, I want to make a reasonably full statement of the reasons that have seemed to justify the Committee on the Library in bringing in the proposition which they have submitted, and I do not want to say in advance that I shall finish it in half an hour or in any particular time, although I do not think I shall be half an hour in making my statement.

Mr. BINGHAM. Well, if the gentleman thinks he will not be more than half an hour, it is all right.

Mr. QUIGG. Mr. Chairman, at the last session of Congress the Joint Committee on the Library was instructed to meet during the recess "to inquire into the condition of the Library and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; and also to report a plan for the organization, custody, and management of the new Library building and the Library of Congress." In accordance with this instruction, the Joint Committee on the Library met in Washington and held ten or twelve sessions. The committee examined the Librarian, examined Mr. Green, the engineer superintendent in charge, and a considerable number of librarians from various parts of the United States, who presented themselves before the committee at its request to be questioned about modern library methods and about the public uses to which the Library of Congress might be put. The committee has not yet had an opportunity to prepare its report. Some portions of the testimony that were submitted to gentlemen living at remote points for revision have not yet been returned, and the testimony is not yet in print. But the committee's recommendations are now before Congress in the bill which has just been read.

The committee received information from the gentlemen who appeared before it of great interest and, as I conceive, great importance to Congress. Large powers under the law as it exists to-day seem to devolve upon the Joint Committee on the Library; and yet the law is so worded that while the powers of the committee seem to be ample, there are many respects in which the committee would not care to act without specific instruction from Congress. The legislation which we propose here is submitted for the purpose of obtaining from Congress either a release from all administrative functions or such clear direction and such ample authority as will warrant the committee in assuming the responsibilities which already the law implies. The paragraphs contained in this appropriation bill as submitted by the gentleman from Pennsylvania add to our confusion. They provide a sum of money, for instance, to cover the expense of the removal of the Library collections, but there is no authority in any particular person to perform the work of removing those collections, and the committee does not supply it. There is a sum appropriated for furnishing the building, but it is not made anybody's business to go and do it. The joint committee proposes that there shall be clear and explicit legislation on these points, and also touching the organization of the force and the conduct of the institution.

The Library of Congress came into existence in 1800 by one of the series of resolutions passed by Congress in that year for the removal of the seat of government from Philadelphia to Washington. The suggestion has been made that the powers which we propose to confer upon the Joint Committee on the Library are not warranted by the Constitution; that the administrative function therein conferred is unsuitable for a committee of Congress, and that when it is sought to empower the joint committee to select the force of employees to serve in the new Library building we are departing from the constitutional lines fixed by the fathers of the Government. This contention, if I understand it, assumes that the Library is an executive branch or bureau of the Government, and not an instrument of this Congress to assist it in the performance of its duties. I desire, therefore, to call attention to the language of the statute under which books were originally purchased for this Library. It is section 5 of an act approved April 24, 1800, and it reads as follows:

> That for the purchase of such books as may be necessary for the use of Congress at the city of Washington and for fitting up a suitable apartment for containing them, and for placing them therein, the sum of $5,000 shall be, and hereby is, appropriated; and that said purchase shall be made by the Secretary of the Senate and the Clerk of the House of Representatives pursuant to such directions as shall be given and such catalogue as shall be furnished by a joint committee of both Houses of Congress, to be appointed for that purpose.

There is the language, Mr. Chairman, which justifies the joint committee in the proposition which is now submitted to the House. The act of April 24, 1800, was amended in 1802; and the law under which we are now acting was adopted in that year. That law directed the President of the Senate and the Speaker of the House to establish rules and regulations for the government of the Library; and it directed that the President of the United States, solely, without any act of confirmation by the Senate, should appoint a Librarian. Since that time, Mr. Chairman, other statutes have been passed enlarging the functions of the joint committee; and the one in force to-day is section 85 of the Revised Statutes:

> The Joint Committee on the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof, and from time to time to alter, amend, and repeal the same.

The Senate rule provides that its committee shall have power to act jointly with the similar committee of the House of Representatives. And the House rule provides that "all proposed legislation touching the Library of Congress shall be committed to the Joint Committee on the Library."

It will appear, Mr. Chairman, from this provision of the Revised Statutes that the powers of the joint committee are large and general. They can establish regulations not inconsistent with law in relation to the Library of Congress or either department thereof, and from time to time alter, amend, or repeal the same.

Mr. WALKER of Massachusetts. Will the gentleman allow me a question?

Mr. QUIGG. Yes, sir.

Mr. WALKER of Massachusetts. The gentleman says that the powers of the committee are quite ample. They include, as I understand him, the power of appointment of the employees in the Library. Now, how many employees are there in the Library?

Mr. QUIGG. I am inclined to think, Mr. Chairman, that that authority does cover the ground indicated——

Mr. WALKER of Massachusetts. Practically it covers it.

Mr. QUIGG. Unless the paragraph brought in by the Committee on Appropriations should be enacted.

Mr. WALKER of Massachusetts. How many employees of the Library are there—about 140?

Mr. QUIGG. There are 42 at this time. There will be in the new building 187.

Mr. WALKER of Massachusetts. I understand the gentleman is a member of the Library Committee on the part of the House.

Mr. QUIGG. Well?

Mr. WALKER of Massachusetts. I wish to say that I do not think this House should take from that committee the authority which it now has to appoint those employees——

Mr. QUIGG. Does the gentleman desire to ask a question?

Mr. WALKER of Massachusetts. I think it would be a great injustice to take away from the committee that authority; and I believe the House is of that opinion.

Mr. BAILEY. Will the gentleman yield to me for a question?

Mr. QUIGG. Certainly.

Mr. BAILEY. The difficulty which I have is this: The employees in the Library are not now treated as employees of this House, are they?

Mr. QUIGG. Not of the House, but of Congress.

Mr. BAILEY. When we vote to allow the employees of the House an extra month's pay, do they draw it?

Mr. QUIGG. I can not answer that question.

Mr. DOCKERY. They do not.

Mr. BAILEY. The difficulty which occurs to me is this: If they are employees of the House, then plainly the President has no right to appoint the Librarian; and the Librarian appointed by the President would have no right to appoint his subordinates, because the employees of this House must be chosen by the House itself.

Mr. QUIGG. I did not suggest that the employees of the Library were employees of the House.

Mr. BAILEY. That is just the point. I want to find out from the gentleman exactly how he does regard them.

Mr. QUIGG. I did say that they are employees of Congress. The authority which we have conferred upon the President, to appoint a Librarian, is one that certainly we could easily withdraw from him.

The original act which I read to the House intrusts the work of the Library to the Secretary of the Senate and the Clerk of the House of Representatives. They were directed to buy the books. They expended a sum of money under the direction of the Joint Committee on the Library. Afterwards, when the question of a Librarian came to be considered, as I understand the facts, it was impossible for the House and Senate to agree, and the matter was referred to the President solely, without any requirement of confirmation, and he appointed the Clerk of the House, who acted as Librarian. Subsequently a Librarian was appointed independently of either body. But as to the control of Congress over the whole question, I do not think there can be any doubt.

The ability of Congress to appoint the entire Library force, if it shall choose to do so, or to delegate the duty to anybody else, regardless of the constitutional provision, seems to be entirely clear.

Mr. BAILEY. That is so, of course, if it is treated as a power lodged in the House.

Mr. QUIGG (continuing). Now let us see what the constitutional provision is. It is found in section 2, Article II, which provides that the President—

> Shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

So that if the employees of the Library are the employees of a Department or a bureau of the Government, and are officers of the United States, as are unquestionably the appointees of the Patent Office, which is an office that will bear comparison with this, then there can be no doubt that the appointment of minor officers has got to be lodged either in the Presidents or the courts of law or in the heads of Departments.

But the Constitution also provides that the House of Representatives shall choose their Speaker and other officers, and that the Senate shall have a similar power. And if these persons employed in the Library are servants of Congress, then certainly Congress may lodge the power of their appointment and removal wherever it sees fit.

Mr. BAILEY. I perfectly agree with that. But what I was trying to ascertain was the position of the gentleman on the other question, namely, whether it had been the practice heretofore to consider the employees of the Library as employees of the House.

Mr. QUIGG. The gentleman from Texas says "employees of the House." Certainly not of the House, but of Congress, assuredly.

Mr. BAILEY. Then, if the gentleman will permit me, the Constitution of the United States really recognizes no such appointment as an officer of these two Houses. In this building the two Houses have necessarily a joint supervision, but there is no such thing recognized in the Constitution as an "officer of the Senate and the House." The Senate chooses its officers, and the House, under the Constitution, chooses its officers also; but nowhere are the House and Senate jointly authorized to choose an officer.

Mr. QUIGG. Is it so? Why, here is an instance, Mr. Chairman, where those who made the Constitution proceeded to place a certain power in the hands of two men, who, by that act, were constituted officers of both Houses.

Mr. BAILEY. Well, the First Congress passed two or three laws that were held to be invalid, as the gentleman knows.

Mr. QUIGG. Yes, but I have observed that the statesmen of this day and generation are, or seem to be, more familiar with what the framers of the Constitution intended than those who gave it its first interpretations.

But here is a distinct commission by the Sixth Congress, when this question was fresh in the minds of those who wrote the Constitution, directing the Secretary of the Senate and the Clerk of the House of Representatives to act jointly as officers of the two Houses for the purchase of certain books for the two Houses for the establishment of this Library. They were placed in that work under the direct supervision—indeed, the control—of the joint committee of the two Houses, and they were required to purchase books according to a catalogue to be furnished to them by the joint commission.

Mr. BINGHAM. Will the gentleman allow an inquiry?

Mr. QUIGG. Certainly.

Mr. BINGHAM. I will state as a preliminary that from 1802 to 1815 the Clerk of the House, for the time being, was appointed to act as Librarian of Congress. But when you come to the statute appointing the Librarian of Congress, it was not until the act of 1815 when the appointment was given solely to the President; and——

Mr. QUIGG. The gentleman is mistaken in that.

Mr. BINGHAM (continuing). That was the law until 1815, when the first provision that the statutes show as to the Librarian of Congress appears.

Mr. QUIGG. The gentleman is in error. The act was passed January 26, 1802.

Mr. BINGHAM. And the Clerk of the House was appointed for the time being. Now, the first Librarian appointed solely by the President was appointed in 1815.

Mr. QUIGG. The gentleman is mistaken. The act directing the President to appoint a Librarian is before me at this moment. It was passed in 1802.

Mr. BINGHAM. Yes.

Mr. QUIGG. It said that a Librarian was to be appointed by the President of the United States solely.

Mr. BINGHAM. Yes.

Mr. QUIGG. And he appointed the Clerk of the House.

Mr. BINGHAM. Yes; I grant you that; but a Librarian of Congress was not appointed until 1815 under that specific designation, which is the designation of the law to-day.

Mr. QUIGG. That is the specific designation—"a Librarian"—and it appears in the act of 1802.

Mr. BINGHAM. Yes.

Mr. QUIGG. There is nothing in the original act that suggests that an officer of the House or an officer of the Senate was to be appointed.

Mr. BINGHAM. Grant all that.

Mr. QUIGG. But a Librarian.

Mr. BINGHAM. Yes.

Mr. QUIGG. And the President appointed the Clerk of the House to be that Librarian.

Mr. BINGHAM. He appointed the Clerk of the House for the time being, but the title of Librarian was never used in any appointment or commission until 1815.

Mr. QUIGG. It makes no difference what he was called. The act gave the title to the office, and it was passed in 1802, and it makes no difference how the commission read.

Mr. BINGHAM. Unless the gentleman has a constitutional contention with the gentleman from Texas——

Mr. WILLIAM A. STONE. I understood the gentleman from New York [Mr. QUIGG] to say that the employees of the Library were, under the present law, officers or employees of Congress; and also to say that under his construction of the present law the Joint Committee on the Library had the power to appoint these employees.

Mr. QUIGG. Well, I do not know whether it has or not.

Mr. WILLIAM A. STONE. As a matter of fact, has a committee of Congress, especially any committee of the House, been appointing employees of the Library?

Mr. QUIGG. No; it never has.

Mr. MAHON. The Senate has got all the appointments. [Laughter.]

Mr. WILLIAM A. STONE. Now, I understand your provision in this substitute authorizes the Speaker to continue or to appoint a committee of the next House to cooperate with the Senate during the adjournment?

Mr. QUIGG. Yes.

Mr. WILLIAM A. STONE. Is that done to give to the House the same force and effect on that committee as the Senate members?

Mr. QUIGG. Precisely.

Mr. WILLIAM A. STONE. Then I understand, also, that you have embodied in this substitute a provision that the Librarian shall be appointed with the advice and consent of the Senate?

Mr. QUIGG. Yes.

Mr. WILLIAM A. STONE. While, as a matter of fact, the Librarian is appointed by the President at present, without the advice and consent of the Senate, and the provision reported by my colleague [Mr. BINGHAM] in charge of the appropriation bill does not contemplate that the Senate shall confirm the appointment at all.

Mr. BINGHAM. Not at all.

Mr. WILLIAM A. STONE. Therefore I should like to hear the gentleman upon the question whether he has not, in his substitute, clothed the Senate committee—in giving them the right to grant or withhold confirmation—with as much power as they now have?

Mr. QUIGG. I have not lodged with the Senate committee any new power at all.

Mr. WALKER of Massachusetts. Will the gentleman allow me one suggestion?

Mr. QUIGG. I will answer the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] first. I say that this provision in my proposition to have the Speaker of the House appoint a temporary committee to act during the recess is for the purpose of preserving the equilibrium upon the joint committee between the two Houses.

Mr. WILLIAM A. STONE. I see; but you still give to the Senate the right to confirm.

Mr. QUIGG. And if the administration of the Library is lodged, as the substitute lodges it, in the hands of the joint committee, no possible injury can result to any proper interest of either House by having the Librarian appointed in the usual way.

Mr. WILLIAM A. STONE. Let me conclude by another question. What about the permanency and stability of the management of the Library, with the committee changing with each House and with the Librarian serving a term of four years and going out and in with the different political coloring of the Administration?

Mr. QUIGG. There is no provision in regard to the term of the Librarian. There is nothing that requires the Librarian to go out at any time. No term of office is fixed. Once appointed, he will remain, as now, until removed by the President.

Mr. WILLIAM A. STONE. I fail to see the necessity of any Librarian at all under the substitute. If the management of the whole business and the appointment of everybody and the making of rules is lodged in the committee, it seems to me there is no necessity for a librarian.

Mr. WILLIAMS. The chief Librarian has all the responsibility and gives a bond——

Mr. WILLIAM A. STONE. And gets nothing out of it.

Mr. QUIGG. The powers invested by the substitute are the powers which are exercised to-day by the board of regents at New York, which differs from the joint committee materially, in that they are a permanent body. I concede that there are very obvious objections to the exercise of administrative functions by the joint committee of Congress, for the reason pointed out by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], and I should not be frank if I did not acknowledge that fact; but we are confronted with certain conditions. The Library has been administered for half a century precisely as the Committee on Appropriations proposes in this bill it shall be administered hereafter.

Mr. BINGHAM. Will the gentleman now indicate what he deems to be the way it has been administered?

Mr. QUIGG. The language in the Revised Statutes empowering the Committee on the Library is very broad and general and gives to the committee so little of specific duty that practically it has done nothing. No effort has ever been made, so far as I am aware, to control the Librarian in any sense whatever.

Mr. BINGHAM. That is your neglect.

Mr. QUIGG. He informed the joint committee that he spends the sums appropriated in the appropriation bills without any reference to the joint committee or to anybody else; that he appoints as he chooses to appoint; that he administers all the affairs of the Library as seems good to his judgment, and he has made no report other than a general report to Congress at the beginning of each term.

Mr. CANNON. Will the gentleman allow me to ask him a question before he leaves that branch of the subject?

Mr. QUIGG. One moment, and I will. Under that method of government the Library has become absolutely chaotic, and serious abuses have arisen which have impaired its usefulness both to Congress and to the public. These misfortunes are mainly due to the fact that the language of the statute gave to the Committee on the Library no specific responsibility. The language is general. They can make rules and regulations.

Mr. BINGHAM. Regulations, not rules.

Mr. QUIGG. Well, regulations; and that is the extent of the commission at present held by the committee. Now, I want to say to gentlemen——

Mr. CANNON. Now, will the gentleman, before he leaves that part of his subject, permit me to interrupt him? I want to get his proposition, to see if I understand it. I have not read his substitute. As I understand from what he says and what I have been told by others, the gentleman's substitute provides in terms that the Librarian shall be appointed by the President by and with the advice and consent of the Senate.

Mr. QUIGG. It does.

Mr. CANNON. And that the other 185 employees——

Mr. BINGHAM. One hundred and eighty-six.

Mr. CANNON. One hundred and eighty-six employees—copyright, custodian of the building, and assistant librarian, all the employees—shall be appointed and shall be subject to removal by the Joint Committee on the Library. Am I right?

Mr. QUIGG. That is correct.

Mr. CANNON. Well, now, if my friend will allow me right at that point, this amendment, as I understand, leaves the copyright business with the Librarian?

Mr. QUIGG. Yes.

Mr. CANNON. Now, why is it not entirely competent, if we have authority to legislate and administer both under the Constitution, for us not only, through the Joint Committee on the Library, to absorb the copyright business and to control it directly by the joint committee, but to take in the Patent Office, and the whole Interior Department, and all the other Departments except the Secretaries alone?

Mr. QUIGG. The committee proposes no change in the law. The present copyright law says:

> That the law shall be administered; that all records and other things relating to copyrights and records by law to be preserved shall be under the control of the Librarian of Congress and kept or preserved in the Library of Congress; that the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

There is absolutely no change. Under this bill the copyright business is placed under the Librarian, as the gentleman from Illinois very well knows, for conventional reasons. We require everybody who brings a book to us to be copyrighted to deposit two copies of it with the copyright register, who is the Librarian, and the Librarian puts one away and places the other in the Library of Congress. And for the reason that we wanted the usufruct of the copyright law, we placed the administration of the law in the hands of the Librarian of Congress and under the supervision of the joint committee. We are proposing no change in the law. But there is no occasion for the patent law to be administered in that way. We do not want to use the patented articles. Congress, I repeat, wanted the use of the books that would accrue from requiring every man who desires a copyright to deposit two copies of his copyrighted book in the Library, and consequently it made the Librarian act as a copyright clerk.

Mr. BINGHAM. But in your bill you create the office of register of copyrights, and you fix the compensation of that officer. Now, you know very well that that matter was discussed in the Senate, and that it was a matter of controversy between the two Houses. It originated in the Senate on the legislative bill in the first session of this Congress. The law puts the business of copyrights in the hands of the Librarian of Congress. We took the ground that the proposition to create a register of copyrights in that way was not constitutional. The question went into conference. It went into the Senate, and the Senate, after two days' debate on the constitutionality of the proposition contained in the gentleman's substitute, withdrew it because it was not constitutional.

Mr. QUIGG. The distinction between the proposition in this substitute and the proposition that was then pending before the Senate is very clear. That bill created the office and created the officer to fill it, and placed that office outside of the jurisdiction of the Librarian.

Mr. BINGHAM. What does your proposition do?

Mr. QUIGG. Here the Librarian is over the entire establishment.

Mr. BINGHAM. Why, Mr. Chairman——

Mr. QUIGG. I trust the gentleman will not interrupt me.

Mr. WILLIAM A. STONE. The gentleman from New York is so good-natured about interruptions that we can not help interrupting him, and I would like to ask him whether he does not think that this substitute of his places the Library in the control of what we call "politics," and whether he thinks that institution ought to be so controlled?

Mr. QUIGG. I could never bring myself to offend the sensibilities of the gentleman from Pennsylvania by proposing any such thing. [Laughter.]

Mr. WILLIAM A. STONE. Oh, I want to get on the committee. That is what I want. [Laughter.]

Mr. QUIGG. But I shall be very frank with the gentleman on that matter in a few moments. I wish to recur to the suggestion of his colleague [Mr. BINGHAM]. The measure that was in the Senate was a bill creating an office and an officer to fill it, but removing that officer and his functions from any relation to the Library of Congress; and the contention of Senators at that time was that this officer would no longer be a servant of Congress, would no longer have any connection with the Library, and that the reason why he should be appointed by the Joint Committee on the Library would not exist if he was to be removed from the Library in the discharge of his duties. The case was very clearly stated by Senators, and the Senator from New Hampshire, dealing with the question of our jurisdiction over the Library, used these expressions:

> The Senator from Delaware always follows his constitutional theories to the uttermost limit; the Senator from Connecticut wants to run away from his, whereas I take the Library of Congress as I find it on the statute book, and I take the copyright law as I find it on the statute book, and I say it was a solecism to authorize the President of the United States to appoint the Librarian of Congress. I think the provision for his appointment grew out of a notion that had no foundation in correct constitutional law, and that the provision might be repealed to-morrow, and I say that it ought to be repealed to-morrow, and the Librarian of Congress ought to be appointed by Congress itself.

Now, the contention in that debate, which covered this whole question, was that the register of copyrights was being removed from the Library of Congress——

Mr. BINGHAM. I think not.

Mr. QUIGG. I so understand.

Mr. DRAPER. If I may interrupt the gentleman a moment, I should like to be informed how the minor officers are now appointed in the Library, and how they have been appointed for years past, so as to understand this proposed change.

Mr. QUIGG. Well, Mr. Chairman, I should have some difficulty to make a clear statement on that subject. So far as the law is concerned, I apprehend that it clothes the Joint Committee on the Library with power to make the appointments. So far as regards the practice, I would better divide the practice, I think, into two parts—theoretical practice and actual practice. [Laughter.] In theoretical practice the Librarian of Congress (who is by the legislation of my friend from Pennsylvania confirmed in all these duties and responsibilities) has made the appointments. In actual practice I do not think that has occurred. I do not know who has made them. I do not know whom the persons employed in the Library represent. I found it very difficult to obtain evidence on that subject, and such evidence as I did obtain is quite conflicting. I do, however, remember an incident in connection with the bill for the registration of copyrights. I remember that when that bill was being considered by the House in the last Congress, before it got very far everybody knew who was to be the register of copyrights; and I remember that the bill did not make much progress until it was known who was to be register of copyrights; and I suspect the policy has been for the Librarian to appoint as he thought it wise to do.

Now, I will say to the House very clearly, so far as the present joint committee is concerned, what will be done if the legislation which that committee proposes to the House shall be passed. I do not know whether the present members on the part of the House will be members of the joint committee in the next Congress or not, but I do know what is the unanimous purpose of the Senators and Representatives who are on the present joint committee. In the first place, we want the House to say clearly and distinctly what the authority of the joint committee is, and, so far as I am personally concerned, I would much rather that the House should agree with the gentleman from Pennsylvania than with me, for the task this bill imposes upon the Joint Committee on the Library is not an easy or an enviable one. I will cheerfully yield it to the gentleman from Pennsylvania. But if that function is imposed upon the joint committee, and if it should be the present joint committee, I can say very distinctly just what will be done. In the first place, the counsel and advice which the joint committee has received from the distinguished librarians of this country will be taken as to the uses to which the Library can be put.

It is true that this substitute of the joint committee places the director of the Library under the supervision and direction of the joint committee. And that was done advisedly; that was done upon the suggestion of all the librarians who came before the committee. Reflecting the views of educated men generally, of students and scholars, they want this Library to be of some service to the country. Up to this time it has been of no service to the country, and practically of no service to Congress. Nobody knows what the Library contains. Nobody knows how many books there are in it. Nobody knows anything of the vast collections that have accumulated there during all these years. They have never been catalogued adequately, and there exists to-day for all the contents of the Library nothing except the card catalogue—740,000 cards for 740,000 books—and if ever a card is "lost, strayed, or stolen," that ends the usefulness of the Library so far as concerns the book to which that card refers. There is no inventory maintained day by day; there is no shelf list to act as a directory to the Librarian as to where he shall go for books. Those two catalogues are maintained in every well-conducted library in connection with a card catalogue.

With the proper appliances it would be possible for the Librarian to get out for the instruction and information of Congress a bibliography upon any subject coming before us for legislation; and if this proposition passes and the now existing joint committee should administer it for a season, it will be the duty of the Librarian when any subject of importance is pending in Congress to lay before members a bibliography showing every book that contains information on the question and the points covered by the book. That is the kind of work that the Library of Congress ought to do if it is going to be of service.

I say to gentlemen that there is much more involved in this bill than the organization of the force. In the first place, there is distinct, unequivocal authority to some one to go and move the Library. No such authority exists now or is conferred in the appropriation bill, or could be—it would be new legislation. In the next place, it terminates the service of the gentleman now in charge of the building, which might be prolonged unnecessarily far into the next year, unless some proposition of this kind were adopted. And, finally, it requires the joint committee to furnish the building and places at the committee's disposition a sum of money now remaining out of sums heretofore appropriated for the construction of the building. There is no authority in the paragraphs brought here by the Appropriations Committee to do any of these things.

I should like to say (although it does not bear directly upon the subject we are discussing) something with regard to the time which has been occupied in the construction of this building. It ought to be said by somebody. I think the history of the construction of this building is unique among public buildings. When General Casey was put in charge in 1886, he said that the building would be done within eight years, and he fixed the sum of money that it would cost to build it. Two years ago he told the House that that building would be ready one year before the date which he had originally supposed possible as the time of its completion. And with that building, incomparable as it is among public monuments in this or any other country, almost ready for occupancy, there exists in the Treasury to-day a balance of $60,000 out of the appropriation of $6,500,000 made for its construction. [Applause.] I say this is a unique history. No eulogy could be pronounced upon that officer more illustrative of his fine character than is contained in the work he did in the construction of this building. General Casey died a year before the Library was completed. The work has gone on under the officer who was his assistant while he lived.

Mr. Chairman, a great deal is to be done in moving into that new building. There are vast collections that need to be looked over and assorted. And it was the judgment of the librarians who came here that expert testimony—the judgment of artists and book lovers—should be taken by the joint committee as to what ought to be done with these collections, as to how and where they should be displayed. And all that is involved in the legislation which the joint committee has proposed.

Now I come right down to the question asked by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. Some of these positions in the Library call for men of peculiar qualifications; they ought to be filled by men who know the library business. The positions of cataloguers and librarians are positions that require technical information, in order that their duties may be properly performed. There exist in this country colleges where the duties of a librarian are taught. Several of the colleges maintain a chair for the instruction of young men in library economy. If the joint committee should be intrusted with the selection of this force, regard will be paid to the public interests——

Mr. BINGHAM. How do you know that?

Mr. QUIGG. I have several times made the qualifying provision to which the gentleman seeks to draw attention.

Mr. BINGHAM. How does the gentleman know what the future committee will do?

Mr. QUIGG. He does not. Neither does he know who will be appointed Librarian. We do know, however, that under the gentleman's bill the present Librarian is continued.

Mr. WILLIAM A. STONE. During good behavior.

Mr. QUIGG. And we do know that the present condition of the Library is not ideal.

Mr. BINGHAM. How could it be in its present quarters?

Mr. QUIGG. I should think that the gentleman, who is a member of the Committee on Appropriations, would not have asked that question.

I was saying, Mr. Chairman, that if the selection of the force is left to the present Joint Committee on the Library, those positions that ought to be filled by experts will be filled after examination, and that those positions that do not call for peculiar qualifications will be filled according to the best judgment of the joint committee. That may not be the ideal way of doing the work, but it seems to be the way that will get the best result to the public service.

Mr. ADAMS. How do you know that the next committee will take the same view of the matter?

Mr. QUIGG. Oh, well, we are assuming, and I think the gentleman from Pennsylvania will agree with me that from among the 357 Representatives who will come from all over the United States it will be possible for the Speaker of the House to select three who will be honest and upright and intelligent in the administration of their duties under the bill. We can safely suppose that the people of this country who have elected these Representatives will be willing to trust them, whether in the passage of legislation on this floor or in the conduct of the affairs of the Library of Congress.

But it is the plain effect of the Appropriations Committee's bill to continue in office the present Librarian, to increase his salary $2,000, and to confirm him in a right of selection of the employees in the new building, concerning the results of which in the past nobody in the House can form any proper judgment.

Mr. WILLIAM A. STONE. Will the gentleman allow me a moment?

Mr. QUIGG. Certainly.

Mr. WILLIAM A. STONE. In response to the gentleman's last suggestion, I would ask: Where do you get any information that it is the intention of the committee to continue the present Librarian?

Mr. DOCKERY. That is a very pertinent question.

Mr. WILLIAM A. STONE. Where do you get any such an idea?

Mr. QUIGG. It is in the bill.

Mr. WILLIAM A. STONE. No; the gentleman is mistaken. The bill says the President shall appoint a Librarian.

Mr. QUIGG. I beg the gentleman's pardon. The bill says nothing of the kind. Is there anything in this bill calling on the President to make any appointment?

Mr. BINGHAM. The statute itself so provides.

Mr. QUIGG. Oh, yes: the "statute," which has been on the statute books for ninety years, and the Librarian has been in office for thirty years. But there is nothing in your bill to change the situation. That is the point. You confirm it and enlarge it.

Mr. WILLIAM A. STONE. But my point was this: The gentleman stated that it was the purpose of the committee in offering this bill to continue the present Librarian in office.

Mr. QUIGG. I am talking of the effect of the bill, of course. I did not say it was the "purpose" of the committee, I think. I said it was the effect of the bill. If it is not the purpose of the committee, it is certainly the effect of the bill.

Mr. NORTHWAY. Oh, no.

Mr. WILLIAM A. STONE. Certainly not.

Mr. BINGHAM. The bill simply makes the appropriation under the law.

Mr. QUIGG. Well, Mr. Chairman, I must confess that I can not talk against three members at the same time, and all the time.

The CHAIRMAN. The gentleman from New York will not be interrupted without his consent.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I might say that if our committee had had charge of the matter a little more completely than we had, it is possible that an investigation would have been undertaken; and it is also possible that changes would have been made in the office to which the gentleman has referred.

Mr. QUIGG. I did not understand the suggestion of the gentleman.

Mr. WILLIAM A. STONE. I say there is nothing to justify the assertion that the purpose of the bill, or of the committee, is to retain the present Librarian in office.

Mr. BINGHAM. The President can turn him out to-day if he so desires.

Mr. WILLIAM A. STONE. And the bill expressly provides against the very condition of affairs that the gentleman from New York suggests.

Mr. QUIGG. I do not know, of course, the purpose of the bill, but I do know its effect, and it is to reward the Librarian of Congress——

Mr. WILLIAM A. STONE. A librarian.

Mr. QUIGG. No; to reward this present and particular Librarian for his conduct of the Library by an addition to his salary of $2,000 a year, and by the confirmation of all the powers that he has heretofore exercised, properly or otherwise, in regard to appointments. That is the effect of the bill, whatever may be the purpose of the gentleman framing it.

Mr. WILLIAM A. STONE. The gentleman from New York is aware of the fact that the bill does not go into effect until July 1, next——

Mr. QUIGG. Oh, well; no doubt that time will arrive.

Mr. WILLIAM A. STONE (continuing). By which time we hope the President will be able to make a selection from the few remaining applications that he will still have on hand. [Laughter.]

Mr. QUIGG. Mr. Chairman, I want to say, on behalf of my colleagues on the joint committee, that we do not look forward with any pleasure to the performance of the duties that are imposed upon us by that bill. We are entirely content to be relieved of them. We have thought it our duty to present the facts in the case with regard to the condition of the Library; and from those facts we take it that gentlemen will be able to see what the conditions are that will arise in the new Library unless measures are taken such as the joint committee have proposed in this bill. Gentlemen need not be afraid at the suggestion to empower the joint committee to appoint. That power must go somewhere, and who can be better trusted than three of your own colleagues? From whom can the hope of excellent results be more assuredly expected?

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. QUIGG. Yes.

Mr. MAHON. If the gentleman's statement is true, after you have an efficient force in every respect appointed, why should they not be protected from men who may follow you, who may choose to throw them out for purposes which are not commendable? Why not insert a provision that they shall not be removed except for cause, on charges made by the Librarian, to be investigated by the Joint Committee on the Library?

Mr. QUIGG. I am content to accept such an amendment, if the gentleman will reduce it to writing.

Mr. MAHON. I suggest to the gentlemen in charge of the measure that they insert a clause of that kind, that if an officer is an efficient man, he shall not be removed except on charges preferred by the Librarian, to be investigated by the joint committee of the two Houses.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOCKERY. Mr. Chairman, I desire to say a single word in reference to the proposition submitted by the gentleman from New York [Mr. QUIGG].

First, I want to answer the implied criticism of the gentleman when he states that the paragraph in the bill carrying a salary of $6,000 for the Librarian is in its effect a continuation of the present incumbent. I deny this proposition. The Committee on Appropriations have provided a salary for the Librarian under existing law.

Mr. BINGHAM. And increased his salary.

Mr. DOCKERY. And, as the gentleman suggests, we have increased the salary $2,000. But this increase of salary does not take effect until the 1st of July next. In other words, so far as the Librarian and his force are concerned, with the exception stated, we have simply provided salaries pursuant to the statute, taking into account the changed conditions that will obtain when the Library is removed to the new building. Now, Mr. Chairman, so far as I am concerned, I do not wish to be understood as desiring the retention of the present Librarian of Congress. The power to remove and appoint rests solely with the President.

Mr. BINGHAM. And nothing in the bill changes it.

Mr. DOCKERY. That is true. The Librarian is not confirmed by the Senate. We make no change whatever in the law. The power to remove and appoint is still lodged with the President, and if, as the gentleman from New York [Mr. QUIGG] intimates, the Librarian is not a competent officer—and I do not take issue with him on that point—the responsibility, under the law, is with the President.

Mr. QUIGG. That is where the gentleman is in the habit of leaving responsibilities—on the President.

Mr. WILLIAMS. And where the gentleman from New York [Mr. QUIGG] used to leave them.

Mr. DOCKERY. That is where they properly belong. This Library of Congress is a department of the Government. It is an executive department and should be under the control of the executive branch. I do not propose, as the gentleman's substitute does, to create the office of director of the Library at a salary of $6,000 per annum, with no right of the director, as the executive head of that great department, to remove or appoint a laborer.

Mr. BINGHAM. Or a charwoman.

Mr. QUIGG. Will the gentleman yield?

Mr. DOCKERY. I will yield to the gentleman.

Mr. QUIGG. Will the gentleman inform the committee where he gets the authority for saying that this is an executive department?

Mr. DOCKERY. I did not intend to say that it is an executive department. It is, however, a department of the Government.

Mr. QUIGG. I understood the gentleman to say it is an executive department.

Mr. DOCKERY. I do not desire to be so understood. While it is called the Library of Congress, it is clearly, within the meaning of the statute, a bureau of the Government. The gentleman from New York [Mr. QUIGG], in reply to the queries of the gentleman from Texas [Mr. BAILEY], distinctly admitted that the employees of this Library are not under the control of the House. They are appointed in accordance with law by the Librarian, who is an appointee of the President. They are not, therefore, in any sense employees of the House. We have a House library and employees for that library carried in this bill.

The Senate have a library, and their employees are also carried in this bill. But the Library of Congress is an executive bureau, as the gentleman from Mississippi [Mr. WILLIAMS] aptly suggests, and is no part of the library belonging to the House of Representatives and controlled by its employees. The House has, I think, five employees who have supervision of the House library. They are on the House roll, and if a month's extra pay is given the employees of the House these gentlemen are beneficiaries. But this Congressional Library—it is a misnomer to call it the Congressional Library. It is a great national Library [loud

applause] and belongs to the Government of the United States. It belongs to the people of the United States, and is an executive bureau, and as such should be presided over by some executive officer with authority to appoint and remove its employees. [Renewed applause.]

Mr. QUIGG. Will the gentleman yield for a question?

Mr. DOCKERY. And I would suggest to the gentleman from New York that a "peanut stand" can not be properly organized and conducted without some one to supervise the business and be responsible for its management.

Mr. QUIGG. Will the gentleman permit me to ask him a question?

Mr. DOCKERY. Certainly.

Mr. QUIGG. I ask the gentleman's attention to section 5 of the act organizing the Library:

> That the keeper of said Library shall receive for his services a sum, the amount whereof, together with the necessary expenses of the said Library, after having been ascertained by the President of the Senate and the Speaker of the House of Representatives for the time being, shall be paid out of the sum annually appropriated for the contingent expenses of both Houses of Congress.

Mr. DOCKERY. That is not the existing statute.

Mr. QUIGG. Does it not seem to indicate——

Mr. DOCKERY. That is not existing law. It is ancient history.

Mr. QUIGG. Does not that seem to indicate that this Library was obtained for the use of the two Houses of Congress?

Mr. DOCKERY. Certainly; and also for all the people of the United States.

Mr. QUIGG. Oh, no.

Mr. DOCKERY. Certainly. It is now used by the people under existing regulations.

Mr. QUIGG. It is not that way now.

Mr. DOCKERY. It is used by the public under regulations that are now in force.

Mr. Chairman, the substitute offered by the gentleman from New York [Mr. QUIGG] raises a grave issue. Under our form of government its legislative, executive, and judicial departments should be as contemplated by the Constitution—absolutely independent each of the other. Congress should keep in close touch with the executive branch by committees. We now require from the Executive Departments an annual report on the condition of the public business. We require them to report inefficient employees and delinquent officers and officers who have failed to pay moneys due the United States, but the Constitution and sound business judgment forbid any attempt on the part of Congress to take physical control and appoint or remove employees. In the direction of a close scrutiny of these Departments we ought not to relax supervision. We must not, however, even with the constitutional question aside, attempt to intermingle the legislative and executive functions of the Government, but keep them divorced. [Applause.] This has been our policy heretofore.

The gentleman from New York suggests that certain appointments have been made by the Librarian under the influence of men who have been in public life. I will assume that they are not now in public life. That is also true in the Treasury Department, the Department of the Interior, and in other executive branches of the Government. The gentleman himself, and other gentlemen, doubtless, in the past, as I have, have gone to the heads of those Executive Departments and solicited appointments for our constituents.

Mr. QUIGG. I have not had that opportunity so far.

Mr. DOCKERY. The gentleman will do it under the incoming Administration. [Laughter.]

Mr. WILLIAM A. STONE. I do not see how one can, with the existing civil-service rules.

Mr. DOCKERY. The gentleman from New York may not have to prefer such requests in the event his substitute is agreed to, because he will have 187 offices of his own. I can see, Mr. Chairman, that we may intermingle the legislative and executive functions in connection with the Library to an extent that will absolutely paralyze the usefulness of that great Library. We have constructed the most magnificent library building in this country.

Mr. WALKER of Massachusetts. In the world.

Mr. DOCKERY. It is a beautiful building, and I am proud of it. It is an imposing structure, and a credit to the great architect who designed it and the Republic which authorized its construction. It is almost oriental in its magnificence.

Now, Mr. Chairman, by the provision carried in the bill as it comes from the Committee on Appropriations, the incoming President can, with a salary of $6,000 a year, command the very best executive talent to direct and control the Library. Let us hold him to strict account for the proper conduct of the Library and care of the Library building, and if Representatives desire appointments under the Librarian they can present the claims of their constituents——

Mr. WILLIAM A. STONE. And relieve this committee.

Mr. DOCKERY. And relieve this joint committee. Mr. Chairman, I desire also to relieve the incoming Speaker of the House, because it is obvious that if this substitute becomes a law a great many of us will be applicants for positions on the Committee on the Library. [Laughter.] There is now a great desire for places on the Committee on Ways and Means and on the Committee on Appropriations, but the pressure for those places now will not be a circumstance compared with the urgency there will be to secure positions on the Joint Committee on the Library. [Laughter.] Why, I am informed, Mr. Chairman, that my good friend from Pennsylvania on my left [Mr. WILLIAM A. STONE] has already indicated his desire for a place on that committee in the event the proposition of the gentleman from New York prevails.

Mr. NORTHWAY. Please do not forget the Ohio man.

Mr. DOCKERY. The "Ohio man" is never wanting where there is anything to be disposed of. [Laughter.] But, Mr. Chairman, in all seriousness, in organizing this great library in that gorgeous new building, let us not make the grave mistake of also organizing a scramble for 187 offices to be disposed of under the direction and control of the joint committee of the two Houses of Congress, to the detriment of the public service. [Applause.]

Mr. BINGHAM. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 9643, the legislative appropriation bill, and had come to no resolution thereon.

THE LATE REPRESENTATIVE CRISP.

Mr. TURNER. Mr. Speaker, I ask for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

> *Resolved*, That Saturday, January 16, 1897, beginning at 10 o'clock a. m., be set apart for paying a tribute to the memory of the Hon. CHARLES F. CRISP, late a member of the House of Representatives from the Third district of the State of Georgia.

The resolution was unanimously adopted.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the result, by unanimous consent, leave of absence was granted as follows:

To Mr. CLARDY, for five days, on account of important business.

To Mr. COOKE of Illinois, for four days, on account of important business.

To Mr. FOSS, for four days, on account of sickness in his family.

To Mr. LEFEVER, for three days, on account of sickness.

To Mr. FARIS, for four days, on account of important business.

To Mr. RUSSELL of Georgia, on account of sickness.

REPRINTS.

Mr. LOUD, by unanimous consent, obtained an order for a reprint of the bill H. R. 4566 and the accompanying report.

Mr. ELLETT, by unanimous consent, obtained an order that House Report No. 1646, first session Fifty-fourth Congress, to accompany the bill S. 2143, be reprinted for the use of Congress.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6533) for the relief of A. A. Hosmer;

A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court; and

A bill (H. R. 9742) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The House then (at 5 o'clock and 11 minutes p. m.) adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Steadman, administrator of James Steadman, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Napa River, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Ohio River from Marietta to its mouth—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Wallabout Channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of La Trappe River, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cambridge Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Potecasi Creek, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Barnegat Bay, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Niantic Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey for the purpose of further determining the cause of the erosion of the easterly end of Galveston Harbor, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Mispillion River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Coney Island Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Tuckerton Creek and Flats, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Oldmans Creek, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Coldwater River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Colorado River, Arizona—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Southport Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor at Portwing, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a reply to the House resolution of June 6, 1896, relating to certain bonds in which the old State of Virginia is interested—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HARTMAN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 6780) to amend section 2335 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 2357); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. HUTCHESON, from the Committee on Claims, to which was referred the bill (H. R. 9475) for the relief of Calvin T. Hazelwood, reported the same (Report No. 2356); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin"—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: A bill (H. R. 9754) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894—to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE: A bill (H. R. 9755) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana—to the Committee on Private Land Claims.

By Mr. TOWNE: A bill (H. R. 9756) to amend the river and harbor act of August 18, 1894—to the Committee on Rivers and Harbors.

By Mr. MURRAY: A bill (H. R. 9757) to insure minority representation in Federal elections—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WANGER: A resolution (House Res. No. 456) to increase the pay of J. Herman Barnesley—to the Committee on Accounts.

By Mr. DOOLITTLE: A resolution (House Res. No. 457) for consideration of the bill (H. R. 35) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 9758) granting an increase of pension to John S. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9759) granting an increase of pension to George W. Ferree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) to correct the military record of Showers Nelson—to the Committee on Military Affairs.

Also, a bill (H. R. 9761) to correct the military record of Patrick Dunphy—to the Committee on Military Affairs.

By Mr. BENNETT: A bill (H. R. 9762) granting a pension to August Westhoff—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9763) granting an increase of pension to John H. Laney—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 9764) for the relief of Henry Snider, of Moundsville, W. Va.—to the Committee on War Claims.

By Mr. FENTON: A bill (H. R. 9765) for the relief of Ellen Owens—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 9766) to amend the record of Fayette Adams, Company I, Thirty-seventh Illinois Volunteers—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 9767) granting pension to Richard M. Mick, Company F, Eighty-sixth Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9768) for relief of Pleasant W. Cook, a Mexican veteran—to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 9769) granting a pension to Melvina Buckler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CROWTHER: Petition of citizens of Savannah, Mo., to accompany House bill for an increase of pension for John H. Laney—to the Committee on Invalid Pensions.

By Mr. EDDY: Resolution of the California Wool Growers' Association, asking for the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. KIEFER: Petition of the St. Paul (Minn.) Chamber of Commerce, in favor of an appropriation for repairing crevasses on Lower Mississippi River—to the Committee on Rivers and Harbors.

By Mr. LAYTON: Resolutions of the California Wool Growers' Association, favoring the immediate adoption of the emergency tariff known as the Dingley bill—to the Committee on Ways and Means.

Also, resolutions of the board of managers of the Trades League of Philadelphia, urging immediate action upon the revenue laws, so as to provide for the expenses of the Government—to the Committee on Ways and Means.

By Mr. MAHON: Petition of citizens of Chambersburg, Pa., asking for the protection of American missionaries in Armenia—to the Committee on Foreign Affairs.

By Mr. McCALL of Tennessee: Paper to accompany House bill for the relief of Pleasant W. Cook—to the Committee on Pensions.

By Mr. NORTHWAY: Petition of citizens of Akron, Ohio, praying for the passage of a service-pension bill for all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. ODELL: Petition of S. W. Fullerton Post, No. 53, Grand Army of the Republic, of Newburg, N. Y., in relation to the struggle for independence in Cuba—to the Committee on Foreign Affairs.

By Mr. POOLE: Petition of citizens of Tully, N. Y., urging the passage of a tariff bill—to the Committee on Ways and Means.

By Mr. STAHLE: Resolutions of Captain Colwell Post, No. 201, Grand Army of the Republic, of Carlisle, Pa., urging Congress to take action in regard to the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: Paper to accompany House bill No. 9749, granting a pension to Lydia G. Cate—to the Committee on Pensions.

SENATE.

MONDAY, *December 21, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

STEPHEN M. WHITE, a Senator from the State of California, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. BACON, and by unanimous consent, the further reading was dispensed with.

REPORT OF BOARD OF ORDNANCE AND FORTIFICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the annual report of the Board of Ordnance and Fortification for the year ended October 31, 1896; which, with the accompanying report, was referred to the Committee on Military Affairs, and ordered to be printed.

INTERSTATE COMMERCE CLASSIFICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of March 18, 1896, a statement showing each case in which it has ordered any carrier or carriers, subject to its jurisdiction, to make any change in the classification of freight, or in the rates charged for moving passengers or property, or any modification in the practices affecting such charges and in connection with any such order; the classification of rates or practices in effect at the time when complaint was filed, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the State of Illinois; which was ordered to lie on the table.

PARLIAMENTARY PROCEEDINGS OF SENATE OF SPAIN.

The VICE-PRESIDENT presented a communication from the Senate of Spain, transmitting to the Senate of the United States 26 volumes of the parliamentary proceedings of that body; which was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.;

A bill (S. 1276) granting an increase of pension to John L. Britton;

A bill (S. 1631) granting a pension to Emeline Filgate;

A bill (S. 1881) granting a pension to Lydia Chapman;

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve;

A bill (S. 2711) granting a pension to Ira Harris; and

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making appropriation therefor.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

The message further announced that the House insisted upon its amendments to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POWERS, Mr. JOHNSON of California, and Mr. HARRISON managers at the conference on the part of the House.

The message also announced that the House further insisted upon its amendment to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. BAKER of Kansas, and Mr. KIRKPATRICK managers at the conference on the part of the House.

The message further announced that the House further insisted upon its amendment to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. BAKER of Kansas, and Mr. KIRKPATRICK managers at the conference on the part of the House.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims;

A bill (S. 684) granting an increase of pension to Marion McKibben;

A bill (S. 757) granting an increase of pension to Adelaide Morris;

A bill (S. 905) granting a pension to Mary W. Keefe; and

A bill (S. 2176) granting a pension to Thomas Pollock.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 71) for the relief of Capt. Francis A. Benter;

A bill (H. R. 129) for the relief of Thomas B. Reed;

A bill (H. R. 897) for the relief of James Stewart;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 2742) to grant a pension to J. J. Davis;

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 3490) granting a pension to Eliza A. Foss;

A bill (H. R. 3503) to correct the military record of Elisha B. Bassett;

A bill (H. R. 3884) for the relief of John T. Brewster;

A bill (H. R. 3945) granting a pension to Thomas J. Thorp;

A bill (H. R. 4264) granting a pension to Mary Pelham;

A bill (H. R. 4620) granting a pension to Samuel McKinsey;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 4744) to increase the pension of Adam Dennis;

A bill (H. R. 4875) granting a pension to John W. Pogue;

A bill (H. R. 5670) to increase the pension of Richard S. Phillips;

A bill (H. R. 5855) granting a pension to Emily Elliott;

A bill (H. R. 5895) granting a pension to Anna N. Kendall;

A bill (H. R. 5902) granting a pension to Jane Christian Marye;

A bill (H. R. 6282) to increase the pension of Alexander McBride;

A bill (H. R. 6378) for the relief of Eliza J. Holman;

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 6792) granting a pension to Hannah R. Quint;

A bill (H. R. 6900) increasing the pension of Mary T. Young;

A bill (H. R. 7240) granting a pension to John W. Bruner;

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia;

A bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897;

A bill (H. R. 9753) making appropriations to supply urgent deficiences in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes;

A joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies;

A joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.; and

A joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor;

A bill (H. R. 950) granting a pension to John Coombs;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 1599) granting a pension to Phebe M. Woolley Palmeter;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;

A bill (H. R. 1890) granting a pension to Mary Martin;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1892) granting a pension to Catharine Darragh;

A bill (H. R. 2358) granting a pension to Arminda White, widow of Israel White;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;

A bill (H. R. 3152) granting a pension to Charlotte A Welton;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 3771) for the relief of Stratton H. Benscoter;

A bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;

A bill (H. R. 4361) granting a pension to William H. Nesbit;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5394) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased.

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 6533) for the relief of A. A. Hosmer;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

A bill (H. R. 9173) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 9742) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Bryan Silver Club, of Spokane, Wash., favoring the recognition of the independence of Cuba; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the enactment of legislation closing the crevasse in Pass a L'Outre at the mouth of the Mississippi River; which was referred to the Committee on Commerce.

He also presented a petition of the board of library commissioners of Columbus, Ohio, and a petition of sundry citizens of Wyandot County, Ohio, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the Cleveland Christian Endeavor Union, of Cleveland, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the United States Capitol; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of John Ward, of Sandusky, Ohio, late private in Company K, Third Ohio Cavalry, praying for the enactment of legislation to correct his military record; which was referred to the Committee on Military Affairs.

He also presented sundry petitions of citizens of Ohio, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for immediate amendment of the revenue laws so as to provide for the current expenses of the Government; which was referred to the Committee on Finance.

Mr. SHERMAN. At the request of the Senator from South Dakota [Mr. KYLE], the chairman of the Committee to Establish the University of the United States, I present a communication from David Starr Jordan, president of Leland Stanford Junior University of California, transmitting the substance of his argument before the Select Committee to Establish the University of the United States on the need of a national university. I move that the communication be printed and referred to the Committee to Establish the University of the United States.

The motion was agreed to.

Mr. MORRILL presented the petition of T. J. Deavitt, of Montpelier, Vt., praying that pensions be paid in bonds or notes bearing a low rate of interest; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of Robert Brigham, late postmaster at Franklin, Pa., praying for the enactment of legislation reimbursing him for money lost by him through the failure of the Venango National Bank; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of managers of the Trades League of Philadelphia, Pa., praying for the immediate amendment of the revenue laws so as to provide for the current expenses of the Government; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Allensville, Pa., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of the board of managers of the Trades League of Philadelphia, Pa., praying for the establishment of a department of trade and commerce; which was referred to the Committee on Commerce.

Mr. McMILLAN presented the petition of M. E. Rumsey and 100 other citizens of Michigan, and a petition of W. E. Boyden and 25 other citizens of Michigan, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of 500 citizens of Elmira, N. Y., praying for the enactment of legislation restoring the former law of the District of Columbia against Sunday traffic; which was referred to the Committee on the District of Columbia.

He also presented a petition of 200 citizens of Elmira, N. Y., praying for the enactment of legislation raising the age of consent in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Society for the Promotion of Agricultural Science, of Lafayette, Ind., and a memorial of the faculty of the Ohio State University, of Columbus, Ohio, remonstrating against the passage of the bill to regulate the practice of vivisection in the District of Columbia; which were ordered to lie on the table.

He also presented the petition of Frances E. Willard, president, and Katharine Lente Stevenson, secretary, of the National Woman's Christian Temperance Union, praying for the enactment of legislation raising the age of protection of girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of Frances E. Willard, president, and Katharine Lente Stevenson, secretary, of the National Woman's Christian Temperance Union, praying for the enactment of legislation prohibiting Sunday traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of a revenue-producing measure; which was referred to the Committee on Finance.

He also presented petitions of Golden Star Council, No. 6, Daughters of Liberty, of Middletown, Pa.; of Captain Colwell Post, No. 201, Grand Army of the Republic, of Carlisle, Pa., and of Lafayette Post, No. 217, Grand Army of the Republic, of Easton, Pa., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. PEFFER presented a petition of the 1900 Silver Club, of Manhattan, Kans., praying for the recognition of belligerent rights in Cuba; which was ordered to lie on the table.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for immediate action on revenue measures; which was referred to the Committee on Finance.

He also presented a memorial of the Democratic central committee of Cook County, Ill., remonstrating against removals from office for political reasons; which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE presented a petition of the Council of Trades and Labor Unions of Detroit, Mich., praying for the passage of the so-called Lodge-Corliss immigration bill; which was ordered to lie on the table.

Mr. GEAR presented the petition of James Ironside and sundry other citizens of Iowa, and the petition of M. M. Walker and 25 other citizens of Iowa, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented resolutions adopted by the I. G. White Post, Department of Iowa, Grand Army of the Republic, of Washington, Iowa, favoring the so-called Cullom Cuban resolution and praying for the passage of the same; which were referred to the Committee on Foreign Relations.

Mr. BURROWS presented the petition of S. Stearn and 41 other citizens of Marcellus, Mich.; of George H. French and sundry other citizens of Homer, Mich.; of Sherwood & Griswold and sundry other citizens of Allegan, Mich., and of 38 citizens of Van Buren County, Mich., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the petition of P. Cudmore and 137 other citizens of Faribault, Minn., praying for the enactment of legislation providing for the purchase from Great Britain of the territory lying west of Duluth and Hudsons Bay; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER. I desire to present a letter, in the shape of a petition, signed by Hon. Frank Jones, Hon. A. F. Howard, Hon. J. Albert Walker, and other leading citizens of the city of Portsmouth, N. H., asking that an appropriation be made for rebuilding the old ship *Constitution*. These gentlemen say:

> The historic old ship *Constitution*, now lying at the Portsmouth Navy-Yard is in a sinking condition, and if something is not done very soon she will be beyond preservation. The people of New Hampshire are in favor of having her rebuilt, which appears to be the wish of the entire American people. It seems rather hard that *Old Ironsides*, the most famous relic in the Navy, should be allowed to go to the bottom, etc.

I wish to call the attention particularly of my colleague [Mr. CHANDLER] and of the senior Senator from Maine [Mr. HALE], both of whom are members of the Committee on Naval Affairs, to this very important matter. I hope the committee will see their way clear to making a favorable report in regard to the rebuilding of this old ship.

The VICE-PRESIDENT. The petition will be referred to the Committee on Naval Affairs.

Mr. FRYE presented resolutions adopted by Burnside Post, No. 47, Department of Maine, Grand Army of the Republic, of Auburn, Me., favoring the recognition of the Republic of Cuba; which were ordered to lie on the table.

Mr. BATE presented resolutions adopted by Ed. Maynard Post, No. 14, Department of Tennessee, Grand Army of the Republic, numbering 339 veterans of the late war, expressing sympathy with the patriots of Cuba, and praying "that the United States take all lawful and honorable means to put an end to the cruel campaign of butchery and carnage which is now devastating that island;" which were ordered to lie on the table.

He also presented a memorial of Company C, Marble City Guards, Unattached Company National Guards of the State of Tennessee, relative to the death of General Maceo, and expressive of sympathy for the patriots of Cuba; which was ordered to lie on the table.

Mr. COCKRELL. I present a communication, in the nature of a petition, from W. E. Bragg, president of the Second district Missouri Christian Endeavor Union, in behalf of 5,000 young men and women belonging to this organization in fifteen counties of northwest Missouri, on behalf of the passage of a bill to prohibit the sale of liquor in the Capitol building. I ask that the petition be referred to the Committee on the District of Columbia.

Mr. HARRIS. I suggest to the Senator from Missouri that the petition should be referred to the Committee on Rules.

Mr. COCKRELL. Is there a bill for this purpose before that committee?

Mr. HARRIS. Yes; the Committee on Rules has control of the matter.

Mr. COCKRELL. Then let the petition be referred to the Committee on Rules.

The VICE-PRESIDENT. The petition will be so referred.

Mr. COCKRELL. I present the memorial of a joint committee appointed by the Medical Society of the District of Columbia to present the views of the medical and other scientific societies and educational institutions relative to the proposed legislation embodied in Senate bill 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia."

This joint committee is composed of Dr. S. C. Busey, president, representing the District Medical Society; Dr. G. M. Sternberg, Surgeon-General United States Army, representing the Biological Society; Dr. D. E. Salmon, Chief of the Bureau of Animal Industry, representing the Agricultural Department; Dr. Walter Reed, Surgeon, United States Army, representing the Medical Department of the United States Army; Dr. D. S. Lamb, representing Howard University; Dr. C. W. Stiles, representing the Georgetown Medical School; Dr. E. A. De Schweinitz, representing the Columbian Medical School; Dr. H. N. Stokes, representing the Chemical Society of Washington; and Dr. W. M. Sprigg, representing the National University.

I ask that the memorial be received and printed and filed as a protest against the passage of the bill referred to, and that it be placed with the report in favor of that bill on the Calendar.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. TURPIE presented a petition of sundry citizens of Franklin, Ind., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. MORGAN. I present a memorial of the North Capitol and Eckington Citizens' Association on the subject of a resolution passed by the House of Representatives a few days ago, which has not yet come to the Senate, in which the memorialists set forth their objections to the adoption of that resolution. The memorial is addressed to the Senate, and is signed by these gentlemen. I ask that it be printed, because it is a matter that I think Senators generally would like to read.

Mr. FRYE. Printed as a document, I suppose?

Mr. MORGAN. Printed as a document. Let it be referred to the Committee on the District of Columbia.

Mr. HALE. I am pretty near the Senator from Alabama, but I could not hear a word he said.

The VICE-PRESIDENT. The Senator from Alabama will please repeat his request.

Mr. MORGAN. I presented a memorial on behalf of a citizens' association here against the adoption by the Senate of a resolution which has passed the House on the subject of extending the time to the Eckington Railway Company for arranging their business.

Mr. HALE. Is that the road which runs out to the boundary on the north?

Mr. MORGAN. Yes; the Eckington line.

Mr. GALLINGER. It runs near the Soldiers' Home and to Brookland.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the memorial will be referred to the Committee on the District of Columbia and printed.

Mr. DANIEL presented a petition of the board of directors of the Chamber of Commerce of Richmond, Va., and a petition of the Board of Trade of Lynchburg, Va., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

He also presented a memorial of the Democratic central committee of Cook County, Ill., remonstrating against removals from office on account of "pernicious political activity;" which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of R. G. Wright, A. R. Cocke, S. A. Austin, and sundry other citizens of Waynesboro, Va., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. MURPHY presented the petition of Ira S. C. Lockwood and sundry other citizens of Madrid, Ind., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. MILLS presented sundry petitions of citizens of Texas, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. HARRIS. I present a communication from Henry Hotter, secretary of the Memphis Cotton Exchange, of Memphis, Tenn., transmitting resolutions adopted at a meeting of sundry cotton growers and farmers of Memphis, Tenn., praying Congress to vote against the passage of the Cuban resolutions recently adopted by the Committee on Foreign Relations. I move that the communication and the accompanying resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that an appropriation be made for the preservation, extension, and improvement of the harbor at that city; which was referred to the Committee on Commerce.

He also presented the petition of Jeff Harney, headman, in behalf of himself and about 200 Siuslaw, Coos, and Umpqua Indians now living in Lane, Douglas, and Coos counties, State of Oregon, praying that an investigation be made of the circumstances by which they were wrongfully deprived of certain lands in that State, and also that relief be granted them by reasonable annuities or by a sum in gross; which was referred to the Committee on Indian Affairs.

NICARAGUA CANAL.

Mr. MITCHELL of Oregon. I present a petition of citizens of Oregon, praying for the passage of the bill in aid of the early construction of the Nicaraguan Canal under governmental control, and I ask unanimous consent of the Senate that I may occupy a few minutes, not exceeding ten or fifteen at most, in submitting some remarks on this question.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. Mr. President, I crave the indulgence of the Senate for a few minutes that I may once more make an appeal for the early consideration of the bill now on the Calendar in aid of the speedy construction of the Nicaragua Canal under the control of the Government of the United States.

Although I have heretofore on many occasions, in conjunction with other Senators who are favorable to this great enterprise, urged at length the importance of this measure as one paramount to any that could engage the attention of Congress, I do not intend to desist from any proper efforts I may exert in furtherance of the passage of this bill until success shall attend these efforts.

It will be remembered that the Senate, at the beginning of its last session, when reorganizing the committees of this body, in view of the vast amount of other business always engaging the attention of the Committee on Foreign Relations, and which committee had, up to that time, jurisdiction of the Nicaragua Canal bill, organized a new committee called the Select Committee on Construction of the Nicaragua Canal, and to which committee was assigned exclusive jurisdiction of this important subject.

That committee, as is known, is composed of seven Senators, the distinguished Senator from Alabama [Mr. MORGAN] being chairman, the other members being Senator PALMER of Illinois, Senator MARTIN of Virginia, Senator HAWLEY of Connecticut, Senator MITCHELL of Oregon, Senator SQUIRE of Washington, and Senator SEWELL of New Jersey.

This committee at the last session, and immediately after its organization, entered upon the consideration of a measure having for its purpose the early construction of the Nicaragua Canal, under the direct control of the Government of the United States, and after a most thorough and careful consideration, perfected a measure which received the approval and cordial support of every member of that committee, and it was, on June 2 last, reported to the Senate by our distinguished chairman [Mr. MORGAN] accompanied by a very careful and elaborate report prepared by him, in which every phase of the project is discussed with great ability and circumstantiality, and which report also received the hearty approval of each member of such committee. The bill is now on the Calendar of the Senate, and is number 1221 of the Order of Business.

Of course, not being chairman of the committee having the bill in charge, but merely a member thereof, it is not my province to move its consideration, but knowing full well how earnestly desirous the distinguished chairman of the committee is of securing consideration at the very earliest practicable moment, I felt it my duty to cooperate with him in appealing to the Senate that this important measure may not be sidetracked by other, and in the main, infinitely less important, matters which seem to be constantly pressing themselves to the front for consideration.

Until the bill can be taken up for discussion, it would of course be out of place for me to enter at length upon the arguments which to my mind are overwhelming in favor of this measure. These I have heretofore gone into at length on several occasions. And while my purpose at this time is to aid in bringing about the consent of the Senate to an early consideration of this bill, it may not perhaps be out of place, with the indulgence of the Senate, to state briefly the purport of the pending measure.

The bill provides that the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of $100 each and shall be nonassessable, and no more than this number of shares shall be issued, except by the consent of Congress.

It is further provided that if the Maritime Canal Company of Nicaragua shall within one year from the passage of the act show to the satisfaction of the Secretary of the Treasury that all the stock of the company heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or satisfactory arrangements have been made for the return and cancellation of said stock, and that bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said contracts, then the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock, the same to be deposited with the Treasurer of the United States, and which stock shall be issued in consideration of the guaranty by the United States of the bonds of such company and shall be regarded as fully paid and nonassessable.

It is further provided that in addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled.

The bill further provides that upon the issuance and delivery of the stock and bonds which the bill provides for, the board of directors of the company shall consist of 11 members, 1 to be appointed by Costa Rica, 1 by Nicaragua, 1 by the stockholders of the Maritime Canal Company other than the said Governments, and the remaining 8 to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President, the same shall be filled by appointment by the President in the same manner for the unexpired term.

It is further stipulated that no director appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

It is further provided that at their first meeting the directors appointed by the President of the United States shall divide themselves by lot into three classes, one of which shall consist of two directors who shall hold office for two years, one of three directors who shall hold office for four years, and one of three directors who shall hold office for six years and until their successors are appointed and qualified, and their successors, respectively, shall hold office for six years. The director named by the holders of stock other than that held by the United States and the States of Nicaragua and Costa Rica shall hold office for six years and until his successor is appointed and qualified. Six of the eleven directors, of whom five at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer, but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

It is further provided that the treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors; and that the compensation of the directors shall be $5,000 per year, except the president, who shall receive $6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty by the Secretary of War.

Every director appointed by the President of the United States shall visit the canal and make a personal examination of the works at least once each year. And they shall on or before the 15th day of November of each year make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of

the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

The bill further provides, after making provision for the cancellation of all outstanding claims and stock of the Maritime Canal Company, that, to secure the means to construct and complete said canal and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua shall issue coupon or registered bonds, or both, of the said company, in denominations of not less than $50 nor more than $1,000, to an amount not exceeding $100,000,000, to be dated on the 1st day of July, 1896, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time. It is also provided that the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. It is further provided such mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington, and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, a first lien is created by the bill in favor of the United States upon the Nicaragua Canal.

The bill further provides that the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is, by the pending bill, authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is, by this bill, appropriated out of any money in the Treasury not otherwise appropriated. And all payments of principal of said bonds, or the interest thereon, shall be made through the Treasury of the United States.

The bill further provides that the Maritime Canal Company of Nicaragua shall pay into the Treasury of the United States the interest on the guaranteed bonds provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds, and upon the payment of such interest by the United States, the said company shall be charged with and shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

The bill further provides that the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall, under the provisions of this bill, detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.

It is further provided that the President of the United States may, and is authorized, in his discretion, at any time to appoint a board of three civil engineers, the members of which shall be selected from civil life, to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of $200,000 is appropriated for the purposes of such examinations and investigations by said board of civil engineers.

The bill further stipulates that the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him.

It is also provided that the said Maritime Canal Company shall not issue any bonds or mortgages except as provided for in this bill, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this bill.

It is also provided that the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, to be used for the purposes specified in the bill.

It is further provided that Congress shall at all times have the power to alter, amend, or repeal this proposed act.

There are various other important provisions in the bill, all tending to place not only the construction of this great work, but also its operation and management, after it is constructed, under the direct and absolute control of the Government of the United States, and all tending, moreover, to authorize its early completion.

While the construction of the Nicaragua Canal as provided for in the pending bill will be of vast benefit to every section of the United States, and would be a controlling factor in both internal and external commerce, a regulator not only of freight rates, but of the distances of transportation lines, and with resultant benefits of incomparable character to the whole people, it is nevertheless a fact that that section of the country which I in part represent—the Pacific Coast States—would by the construction of this great work be advantaged immeasurably beyond that of any other section, and hence it is the people of that section, irrespective of party, are justly earnest in their demands for early legislation on this important subject.

The mere statement of the benefits that must inevitably accrue, as all must concede, to the people of California, Oregon, and Washington, and those of adjacent States, is of itself a most convincing and unanswerable argument in favor of the speedy consideration and passage by Congress of this measure.

To the wheat growers and producers of other cereals in those States, the producers of wool, hops, fruit, and other agricultural products, and of lumber and its manufactured products, to those engaged in our salmon and cod fisheries, the construction of the Nicaragua Canal is of most vital importance. These producers are to-day, by reason of enormous freight rates, not only between Pacific coast ports and Liverpool and other European ports, where they must dispose of their surplus products, especially of wheat, hops, salmon, but also between Pacific and Atlantic ports of both the United States and South America, in the latter of which—I mean the Atlantic ports of the United States—they must find a market for their surplus wool, fruits, lumber, and many other products, absolutely at the mercy not only of the foreign producer of those products, but also of those of the States east of the Rocky Mountains, more especially of those east of the Missouri River.

At present, to reach the principal market for our surplus wheat, salmon, and hops in European ports, our producers and shippers are compelled to proceed by the circuitous route doubling Cape Horn, a distance from San Francisco of 14,690 miles, and from Oregon and Washington ports a still greater distance. By the construction of the Nicaragua Canal this water route to Liverpool and other European ports in the same latitude would be reduced in length to the enormous extent of 6,996 miles, a saving within a fraction of 7,000 miles, reducing the distance from 14,690 miles to 7,694 miles.

Again, the sole water route at present between the ports of the Pacific and Atlantic coasts—that is, between Portland, Oreg., for instance, and the port of New York—is about 15,440 miles, and between San Francisco and New York 14,840 miles. By the construction of the Nicaragua Canal this distance will be shortened nearly 10,000 miles: to be entirely accurate, about 9,894 miles, or, stated differently, the distance of the water route then between our Pacific and Atlantic ports will be reduced from 14,840 miles, taking San Francisco as a Pacific coast port, to 4,946 miles.

It is estimated the construction of this canal will result in reducing water freight rates from the Pacific ports of San Francisco, Portland, Yaquina, Coos Bay, Siuslaw, Tillamook, Astoria, and other California and Oregon ports and Puget Sound ports not less than $2 per ton below the present rates by Cape Horn, to say nothing of the great saving of time in the voyage by reason of the immense shortening in distance. Estimating that the Pacific Coast States have a surplus of 2,000,000 tons of wheat—it was over 1,800,000 tons three years ago—a saving of $2 per ton would be a saving annually to the wheat growers alone of the Pacific Coast States, to say nothing of the producers of lumber, hops, salmon, and other products, of $4,000,000 annually, or an amount more than sufficient to meet any possible annual liability of the Government under the proposed guaranties of the pending bill.

But not only so. The construction of this maritime canal will have a controlling influence in regulating freight rates on wool, lumber, the products of lumber, fruits, salmon, furs, and other products of the Pacific States, the markets for which are in Boston, New York, Philadelphia, Baltimore, and other Atlantic ports. As a regulator of freight rates on the several transcontinental lines of railroad, no expedient could possibly be so effective as the construction of the Nicaragua Canal. The provisions of the interstate-commerce act and the labors and decisions of the Interstate Commerce Commission have done much good in this direction, but the opening of this great competitive water route would do more toward reducing, regulating, and equalizing transportation charges across the continent each way on all kinds and character of traffic than all other influences combined.

And in addition to all this, the construction of this great maritime work will lend a stimulus to the development of the immeasurable resources of the Pacific States, including those of Alaska, which can not but be marvelous in effect.

I have heretofore considered at length, and especially in a speech delivered in this body on January 7, 1895, the constitutional objections urged against the power of Congress to enact this proposed legislation. I have also heretofore urged the vast importance of the work, considered from a naval point of view. I have also discussed at length, not only the feasibility and practicability of this work, but also its undoubted success, when completed, as a business enterprise. The fact is, if this great work when completed will produce even one-fourth of the revenues of the Suez Canal annually the company would be able to meet every possible liability of the Government of the United States under the pending bill, leaving a surplus of two or three million dollars annually to the company.

But as the bill is not now up for consideration, I must not detain the Senate. My purpose at this time is to cooperate with and aid the distinguished chairman of the committee having this subject in charge in inducing the Senate to give its consent to take up this bill for consideration at the earliest possible date consistent with the consideration of appropriation and other important and necessary measures.

I ask that the petition lie on the table, as the bill on the subject is pending before the Senate.

The VICE-PRESIDENT. That order will be made.

Mr. MORGAN. Mr. President, I wish to say to the Senator from Oregon and to the Senate that I should have asked the Senate to proceed to the consideration of the Nicaraguan Canal bill before this but for the fact that I was informed that the Senator from Oregon would probably be out of his seat for some time to come, and I was not willing to undertake the discussion of this great measure in his absence. I now find that I was entirely misinformed, and so I shall endeavor to secure the early consideration of the subject by the Senate. I wish to add that I am very much delighted with the presentation of this matter to-day by the Senator.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3127) to provide for the medical inspection of emigrants at the port of debarkation, asked to be discharged from its further consideration, and that it be referred to the Committee on Immigration; which was agreed to.

Mr. FRYE. I report back from the Committee on Commerce the bill (H. R. 6399) to amend the laws relating to American seamen, with an amendment in the nature of a substitute, it being the Senate bill already reported from the committee touching the same subject and now on the Calendar. I ask that the substitute may be adopted without reading, and that the bill as amended may take the place of Order of Business 398, being the bill (S. 2226) to amend the laws relating to American seamen, and that Senate bill 2226 be indefinitely postponed.

The VICE-PRESIDENT. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. FRYE. I am also directed by the Committee on Commerce, to whom was referred the bill (H. R. 2663) to amend the laws relating to navigation, to report it with an amendment in the nature of a substitute, which the committee has hitherto reported as a Senate bill and which is now on the Calendar. I ask that the substitute may be adopted without reading, and that the bill as amended take the place on the Calendar of Order of Business 383, being the bill (S. 187) to amend the laws relating to navigation, and that Senate bill 187 be indefinitely postponed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 2672) concerning tonnage tax, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river, reported it without amendment.

Mr. SHERMAN, from the Committee on Foreign Relations, reported sundry amendments to the bill (S. 3361) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government.

Mr. GEAR, from the Committee on Agriculture, submitted a report to accompany the bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes, reported by him from that committee on the 16th of May, 1896.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased, reported it without amendment, and submitted a report thereon.

INDEPENDENCE OF CUBA.

Mr. CAMERON. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 163) acknowledging the independence of Cuba, to report it with amendments.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. CAMERON. I submit herewith from the committee a report which I ask to be printed in the usual form and also in the RECORD, and after being printed I ask that the accompanying papers be placed on the files of the Senate.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. CAMERON. I ask that 500 additional copies of the report be printed for the use of the Senate document room.

Mr. SHERMAN. And that the joint resolution be postponed until after the holiday recess.

Mr. CAMERON. I was going to state that nothing will be done with the subject, so far as the committee is concerned, until after the holidays.

Mr. HALE. The Senator makes that statement. I did not hear him.

Mr. CAMERON. I made the statement very distinctly that the committee would ask for no action so far as they are concerned until after the holiday recess.

Mr. BACON. We are unable to hear on this side.

Mr. HALE. No action will be asked until after the holidays.

Mr. SHERMAN and Mr. MORGAN addressed the Chair.

The VICE-PRESIDENT. The Senator from Ohio.

Mr. MORGAN. I desire the privilege of the floor to submit a report on the question of Cuba additional to that which has just been laid before the Senate.

The VICE-PRESIDENT. The Chair recognizes the Senator from Alabama for that purpose.

Mr. MORGAN. On behalf of myself and the Senator from Texas [Mr. MILLS], I submit an additional report, fully concurring in the report of the committee, but stating some additional facts which have come to our attention and which we think are important for the purpose of supporting the conclusions at which the committee have arrived.

Mr. FRYE. I hope the Senator will ask that it shall be printed with the other report.

Mr. MORGAN. I do make that request.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Mr. CAMERON, from the Committee on Foreign Relations, submitted the following report (to accompany S. R. 163):

Congress at its last session, after long and patient consideration, adopted with practical unanimity the view expressed by your committee that the time had come for resuming intervention with Spain for the recognition of the independence of Cuba. Spain having declined to listen to any representation founded on an understanding between herself and the insurgents, and Congress having pledged itself to friendly intervention, the only question that remains to be decided is the nature of the next step to be taken, with proper regard to the customs and usages of nations.

Before deciding this question, your committee has preferred to examine with some care all the instances which have occurred during this century of insurgent peoples claiming independence by right of revolt. The inquiry has necessarily led somewhat far, especially because the right of revolt or insurrection, if insurrection can be properly called a right, seems in every instance except one to have carried with it a corresponding intervention. For convenience, we have regarded both insurrection and intervention as recognized rights, and have attempted to ascertain the limits within which these rights have been exercised, and their force admitted by the general consent of nations.

The long duration of the French revolutionary wars, which disturbed the entire world for five and twenty years, and left it in a state of great confusion, fixed the beginning of our modern international systems at the year 1815, in the treaties of Vienna, of Paris, and of the Holy Alliance. The settlement of local disturbances, under the influence of the powers parties to these treaties, proceeded without serious disagreement until 1821, when the Greeks rose in insurrection against the Sultan. The modern precedents of European insurrection and intervention, where independence was the issue involved, began with Greece.

1. GREECE—1821-1827.

The revolution broke out in Greece at the end of March, 1821. Within a month the rebels got possession of all the open country and all the towns except so far as they were held by Turkish garrisons. The Sultan immediately called all Mussulmans to arms; the Greek Patriarch was hung at the door of his own church at Constantinople; several hundred merchants were massacred; several hundred Christian churches were destroyed, and the Russian ambassador insulted.

Russia was then the head of the Holy Alliance—the union of Russia, Austria, and Prussia which had crushed Napoleon and guaranteed the peace of Europe. The Greek revolution was the work of liberal forces which had produced the disturbances of 1789, and which the Holy Alliance existed chiefly to combat. No government in Europe sympathized with the Greek rebels. Austria was entirely hostile. England and Prussia followed the same impulse. France feared intervention on account of her royalist dynasty. Even Russia, the only power which must profit by weakening Turkey, was interested in revolutionizing the principalities, but not in revolutionizing Greece.

This universal fear of innovation caused no small part of the interest suddenly developed in the practices of international law and its limitations for the advantage of legitimate governments. The neutrality acts of the United States and of England took shape in 1818 and 1819. The great powers of Europe held congress after congress for the international settlement of political and even social difficulties—at Aix in 1818; at Carlsbad in 1819; at Vienna in 1820; at Troppau, October-December, 1820; at Laibach from January to May, 1821; and subsequently at Vienna and Verona in the last six months of 1822. At Troppau, in November, 1820, the three powers of Russia, Austria, and Prussia united in signing a protocol expressly intended to assert the right of intervention in all cases where a European power "should suffer, in its internal régime, an alteration brought about by revolt, and the results of which are menacing for other States". The language of this protocol had much to do with the subsequent course of events:

"Faithful to the principles they have proclaimed and the respect due to the authority of every legitimate government, as well as to every act which emanates from its free will, the Allied Powers will engage to refuse their recognition to changes consummated by illegal methods. When States where such changes shall have been effectuated shall cause other countries to fear, by their proximity, an imminent danger, and when the Allied Powers can exercise in regard to them an efficacious and beneficent action, they will employ, in order to restore them to the bosom of the Alliance, at first friendly processes; in the second place, a coercive force, if the exercise of that force becomes indispensable."

England and France did not join in this declaration or in the intervention in Naples, which was its immediate object, but the Alliance acted systematically on the principle thus laid down, which was in the full energy of its operation, when four months afterwards the Greeks broke into revolt.

For these reasons the Greek insurrection assumed great importance in the eyes of all the civilized world and in the history of international relations. Other revolts were directed merely against a local authority and aimed to subvert a dynasty or an oppressive rule. The Greeks fought for independence; and since the Declaration of Independence by the United States in 1776 no new nationality, based on successful insurrection, had been recognized by Europe.

Russia almost instantly began by calling the attention of the allies to her claim that the whole Greek race, whether in Greece proper, or in the islands, or in the principalities, were of right under Russian protection. This declaration was made June 22, 1821, within three months of the outbreak of the revolution and two years before the "Monroe doctrine" took shape. It was coldly received by all the powers except Prussia, while the Turkish Government rejected with indignation a simultaneous warning from Russia in the form of an ultimatum, dated June 28, that the further coexistence of Turkey with other European States would depend on her conduct in this matter, which was a European and universal interest that Russia claimed the peculiar right to defend. Under these circumstances the Russian ambassador left Constantinople August 10, 1821.

The concessions demanded by Russia in her ultimatum did not then include any settlement of the Greek insurrection. They chiefly concerned the principalities. An entire year passed before the other powers succeeded in bringing Turkey to concessions that opened a possibility of restoring her diplomatic relations with Russia and dealing with the subjects in dispute. Only when at last the powers induced Turkey to consent to allow her affairs to be discussed in a general conference did Russia insist that the Greek insurrection should be included among the subjects of mediation. The Turkish Government declared in the most energetic language that it would never admit of such interference or consent to make the affairs of Greece a subject of negotiation with Russia. In the face of this declaration, made in July, 1822, the other powers, led by Austria and supported by England under the horror roused by the massacre of Chios, abandoned their jealousy of Russia and their dread of insurrection so far as to join in insisting that Turkey should yield, and that the affairs of Greece should be made the subject of joint intervention. But, in spite of this pressure, Turkey did not yield, and the powers held new conferences at Vienna and at Verona which lasted till December, 1822, and which, while deciding on intervention in Italy and Spain, ended by yielding to Turkey an indefinite postponement of the Greek dispute. In this postponement Russia seemed cordially to acquiesce. The dread of revolution overcame for the moment the other interests of the Russian people.

In the whole discussion, from March, 1821, until January, 1823, the right of intervention was never disputed, except by Turkey. On that point the whole law was stated in conversation between the British ambassador and the Turkish minister. The Turk took the ground that everything had been done by Turkey if she had satisfied her treaty obligations. "Everything as against Russia," replied Strangford, the British Ambassador, "but not as regards the allies and friends of the porte. According to Turkish law it was not allowed to leave a house in a condition that endangered a neighbor's safety. The Turkish Government believed it had restored the old solidity of the wall, but he (Lord Strangford) feared they were mistaken." "God forbid," said the Turk, "but in any case this would be our affair, not yours." "God forbid," repeated Lord Strangford, "for this is our affair as well as yours."

This was the situation when Lord Castlereagh died, and George Canning became prime minister of England. Down to that moment the British Government had identified itself with the Turkish Government, and had overstepped the line of neutrality in order to assist the Turkish campaigns by sea and land. Lord Castlereagh and Lord Strangford avowedly considered the Greeks as a worthless and mongrel race, incapable of self-government, whose claims were to be wholly rejected. George Canning held that the greater danger to the peace and welfare of Europe was the Holy Alliance and its system of political interference; but in the case of Greece, where the Holy Alliance had refrained from interfering, while it was actively repressing disturbances in Spain and Italy, Canning held that intervention was proper, and that the duties and interests of England required her to intervene. His chief anxiety was to bring about his object without war between any of the parties.

He began by recognizing Greek belligerency. The Greeks issued a proclamation declaring a strict blockade of the ports of Patras and Lepanto; and thereupon the Ionian high commissioner, on the 17th of November, 1824, recognized this "communication from persons exercising the functions of government in Greece," and ordered "all ships and boats of whatever description, bearing the Ionian flag, 'to respect the same in the most strict and exact manner.'"

This seems to have been the step which led to Canning's somewhat famous definition of the nature of belligerency in 1825. "The Turkish Government," we are told, "complained that the British Government allowed to the Greeks a belligerent character, and observed that it appeared to forget that to subjects in rebellion no national character could properly belong." To this remonstrance Canning replied through the British resident at Constantinople that "the character of belligerency was not so much a principle as a fact; that a certain degree of force and consistency acquired by any mass of population engaged in war entitled that population to be treated as a belligerent, and, even if their title were questionable, rendered it the interest, well understood, of all civilized nations so to treat them."

This proposition must have seemed somewhat broad, even to Canning, for in applying it to the special case of Greece he added that "a power or community, call it which you will, which was at war with another and which covered the sea with its cruisers, must either be acknowledged as a belligerent or dealt with as a pirate." At that time no other power than England, and Turkey least of all, admitted the necessity of this alternative, since the war had then lasted four years without producing it; but what no other power was ready to admit in 1825 became the accepted law of all Europe in 1861, in a form much more pronounced. Although this dictum of Canning's was never, so far as we know, officially published, it was quoted by Lord John Russell, then Her Majesty's principal secretary of state for foreign affairs, in the speech which he made in the House of Commons May 6, 1861, as his single and sufficient authority to justify the step upon which he and his colleagues in the Government had decided of recognizing the belligerency of the "power or community" which he officially called "the Southern Confederacy of America," and which at that time had not a ship at sea or an army on land, and which had given as yet no official evidence of a war to the British Government. Simultaneously the same action was adopted by the Government of France, which "concurred entirely in the views of Her Majesty's Government," and whose concurrence, in the absence of protest or objection by any other power, made Russell's view the accepted practice of Europe.

Canning's recognition of Greek belligerency in 1825, as well as the joint recognition of "the Southern Confederacy of America" in 1861, was only the first step toward an anticipated system of intervention. To this subject we shall be obliged to return after the further story of the Greek precedent has been told. Canning followed up the recognition of belligerency by making a direct offer of assistance to the Greeks. Early in the year 1824 a paper purporting to be a plan of pacification for Greece, drawn up by the court of St. Petersburg, had appeared in the European gazettes, and although no one knew from what source the gazettes had received it, no one seriously disputed its authenticity. The plan suggested the division of Greece into three principalities, under Turkish garrisons, with an internal organization to be guaranteed by the combined powers. The Greek Government, alarmed at this suggestion, wrote to Canning a strong remonstrance, and an appeal to the help and protection of England. The letter reached Canning November 4, just at the moment when he was considering the Greek blockade. His reply, dated December 1, 1824, contained a paragraph which invited the Greeks to place their interests in his hands: "If they should at any time hereafter think it fit to solicit our mediation, we should be ready to tender it to the Porte; and, if accepted by the Porte, to do our best to carry it into effect conjointly with other powers. * * * This appears to the British Government all that can reasonably be asked of them."

The Greeks, whose military position was desperate, at length decided not only to act on Canning's suggestion, but to place themselves absolutely in the hands of Great Britain. This they did by a formal act in June, 1825. The trust was declined, but Canning, strengthened by this authority, was enabled to draw Russia away from Austrian influence, and to negotiate in St. Petersburg, in the form of a protocol, dated April 4, 1826, an agreement for a joint offer of mediation to Turkey for the pacification of Greece. Upon this protocol rests the diplomatic value of the subsequent intervention:

"His Britannic Majesty, having been requested by the Greeks to interpose his good offices in order to obtain their reconciliation with the Ottoman Porte, having in consequence offered his mediation to that Power, and being desirous of concerting the measures of his Government with His Majesty the Emperor of all the Russias; and His Imperial Majesty, on the other hand, being equally animated by the desire of putting an end to the contest of which Greece and the Archipelago are the theater, by an arrangement which shall be consistent with the principles of religion, justice, and humanity, have agreed:

"1. That the arrangement to be proposed to the Porte, if that Government should accept the proffered mediation, should have for its object to place the Greeks toward the Ottoman Porte in the relation hereafter mentioned:

"Greece should be a dependency of that Empire," etc. * * *

Canning wished to save Turkey from Russian aggression, but Turkey refused to be saved. The Sultan would listen to no mediation between himself and his revolted subjects, least of all at a moment when his military position warranted him in feeling sure of success in subduing the revolt. Another year passed without bringing the issue to a point. Then France joined with England and Russia, and the three Powers, on the 5th of July, 1827, united in a formal treaty, signed in London, which committed them to armed intervention in case the Sultan should still reject their proffered mediation within the space of one month.

The preamble to this treaty set forth the motives which led the three sovereigns to intervene:

"Penetrated with the necessity of putting an end to the sanguinary contest which, by delivering up the Greek provinces and the isles of the archipelago to all the disorders of anarchy, produces daily fresh impediments to the commerce of the European States and gives occasion to piracies which not only expose the subjects of the high contracting parties to considerable losses, but besides render necessary burdensome measures of protection and repression. His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the King of France and Navarre having besides received on the part of the Greeks a pressing request to interpose their mediation with the Ottoman Porte, and being, as well as His Majesty the Emperor of all the Russias, animated by the desire of stopping the effusion of blood and of arresting the evils of all kinds which might arise from the continuance of such a state of things, have resolved to unite their efforts and to regulate the operation thereof by a formal treaty, with a view of reestablishing peace between the contending parties by means of an arrangement which is called for as much by humanity as by interest of the repose of Europe."

The treaty proceeded to bind the three parties to offer their mediation immediately on the basis of Turkish suzerainty and Greek self-government, and in case Turkey should not accept within one month the proposed mediation the powers should prevent further hostilities by ordering their squadrons to interpose.

The Turkish Government, August 30, reiterated its decided, unconditional, final, and unchangeable refusal to receive any proposition on behalf of the Greeks. The next day the ambassadors sent the necessary orders to their squadrons, and in attempting to carry out these orders the admirals, much to the regret of the British Government, brought on the battle of Navarino October 20, 1827.

2. BELGIUM—1830.

The next European nation that claimed its independence on the ground of the right of revolution was the Belgian.

By a provision of the general European settlement of 1815 Holland and Belgium were united in one kingdom, known as that of the Netherlands, over which was placed the son of the last Stadtholder of Holland as King William I of the Netherlands.

When the French Revolution of July, 1830, occurred it spread instantly to the Netherlands. Toward the end of August, 1830, disturbances began, and soon became so serious as to threaten grave complications abroad as well as at home.

King William sent a formal note, dated October 5, to the British Government identical with notes to Prussia, Austria, and Russia, the four contracting parties to the treaty of 1815, calling on them to restore order, since all were bound "to support the Kingdom of the Netherlands and the actual state of Europe."

Representatives of the four powers, and with them the representative of France, met in London, November 4, 1830, and adopted a protocol:

"His Majesty the King of the Netherlands having invited the Courts of Great Britain, Austria, France, Prussia, and Russia, in their quality of powers signatory to the treaties of Paris and Vienna, which constituted the Kingdom of the Netherlands, to deliberate in concert with His Majesty on the best means of putting an end to the troubles which have broken out in his States; and the Courts above named having experienced, even before receiving this invitation, a warm desire to arrest, with the shortest possible delay, the disorder and the effusion of blood, have concerted * * *."

This protocol at once set aside the King of the Netherlands, ignoring his exclusive claim to support, and "to deliberate in concert." Without concerting with or supporting King William, the Five Powers imposed an immediate armistice on both parties.

Naturally the Belgian rebels then declared themselves independent. With such encouragement, their safety was guaranteed almost beyond the possibility of risk. The claim of independence was made November 18, 1830, and was recognized one month later by the powers, in their seventh conference, December 20. The representatives of the five powers, whose names were among the most famous in diplomacy—Talleyrand, Lieven, Esterhazy, Palmerston, Bulow—adopted, without the adhesion or even an invitation to be present of the Netherlands minister, a protocol which announced intervention pure and simple; beginning with the abrupt recognition of the revolutionary government:

"The plenipotentiaries of the five courts having received the formal adhesion of the Belgian Government to the armistice proposed to it, and which the King of the Netherlands has also accepted, * * * the conference will occupy itself in discussing and concerting the new arrangements most proper to combine the future independence of Belgium with the interests and the security of the other powers, and the preservation of the European equilibrium."

The Netherlands minister immediately recorded, December 22, a formal protest, and a reservation of King William's right to decide on "such ulterior measures as should be taken in the double interests of his own dignity and the well being of his faithful subjects."

A few days later, January 4, 1831, Holland entered a still more formal protest. In this strong and dignified paper the King's Government pointed out to the Five Powers the extreme importance of the new precedent they had established in international law:

"As King, called to guard the well being of a fraction of the European population, His Majesty has been deeply concerned to remark that the complications arisen in Europe have appeared so grave that it has been thought proper, as the only remedy, to sanction the results of a revolt which was provoked by no legitimate motive, and thus to compromise the stability of all thrones, the social order of all states, and the happiness, the repose, and the prosperity of all peoples.

"Independent of the solidarity established between the different members of the European system, His Majesty, as sovereign of the Kingdom of the Netherlands, has seen in it an attack directed against his rights.

"If the treaty of Paris of 1814 placed Belgium at the disposition of the high allies, these, from the moment they fixed the lot of the Belgian provinces, renounced, according to the law of nations, the faculty of returning on their work, and the dissolution of the bonds formed between Holland and Belgium under the sovereignty of the House of Orange Nassau became placed beyond the sphere of their attributes. The increase of territory assigned to the united province of the Netherlands was moreover acquired under burdensome conditions, for valuable consideration, requiring the sacrifice of several of their colonies, the expense required to fortify several places of the southern provinces of the Kingdom, and other pecuniary charges.

"The conference assembled, it is true, at the request of the King, but that circumstance did not confer on the conference the right to give its protocols a direction at variance with the object for which its assistance had been asked, and, instead of cooperating in the establishment of order in the Netherlands to make them tend to the dismemberment of the Kingdom."

Without noticing this protest, the conference proceeded, on January 27, 1831, to fix the boundaries and other conditions of the new State. The Belgians on the 4th of June, elected a King who was instantly recognized by the powers. On the 26th of June the conference adopted another series of eighteen articles. The King of Holland replied, July 12, that these new articles were very important changes, wholly in the interests of Belgium and to the injury of Holland.

The Belgians meanwhile continued to organize their Government on a basis, diplomatic and territorial, that assumed in their favor all the points in dispute. The King of Holland therefore put an end to the armistice and marching forward routed the Belgian forces August 11 and moved on Brussels. Belgium was then at his mercy. The King of the Belgians meanwhile wrote directly to the King of France requesting the immediate succor of a corps of French troops, and without waiting for concert with other powers the French Government marched 50,000 men across the frontier. (Granville to Palmerston, August 4, 1831. British State Papers, 1833.)

Thus within less than a year after rebellion had broken out, and without waiting for evidence of the right or the military force of the insurrection, every sort of intervention took place, diplomatic and military, joint and separate. Nor did the intervention stop with the measures taken for the succor of Belgium. As King William of Holland continued to reject the conditions imposed by the powers, and held Antwerp as a pledge for more favorable conditions of peace, the Governments of France and England, abandoning the European concert, announced that they should put their naval and military forces in motion, and accordingly the British Government, November —, 1832, embargoed Dutch ships and blockaded the Dutch coast, while the French army, November 14, formally laid siege to Antwerp.

3. POLAND—1831.

While the Belgian revolution was going on, a rebellion broke out in the ancient Kingdom of Poland, and on the 25th of January, 1831, the Polish diet declared the Czar Nicholas no longer King of Poland, and elected a regency of five members, with Prince Adam George Czartoriski at its head.

The Czar instantly gave notice to the minister of the new French King, Louis Philippe, that he would tolerate no intervention in Poland. Louis Philippe, who owed his own crown to the right of revolution, was the only sovereign in Europe who could be supposed likely to interpose, but for the moment his interest in France and Belgium absorbed all his energy. Much popular sympathy was felt for the Poles, and Lafayette, then near the end of his life, founded a Polish committee and raised money for their assistance. Before the question could acquire diplomatic importance by establishing a claim founded on the power of the rebels to maintain themselves, the Russian armies crushed the rebellion, and on September 8 regained possession of Warsaw. The entire struggle lasted barely nine months, and from the first its result was universally regarded as inevitable, or in the highest degree unpromising to the success of the revolution. As a diplomatic precedent it seemed to have no value, except as far as it offered an example of the power of Russia, as the Belgian insurrection had shown the power of England and France when in union.

4. HUNGARY—1849.

The next European people who claimed recognition as an independent member of the family of nations seems to have been the Hungarians.

On the 14th April, 1849, the Hungarian Diet formally declared Hungary an independent State and the Hapsburg dynasty forever deposed from the throne. The next day the Diet elected Louis Kossuth provisional president.

In regard to history, geographical importance, population, and military resources, this people had no occasion to excuse or explain their claims or their rights. Hungary was not a new country. Its Government existed from time immemorial, and its right to change its sovereign was as complete as that of England or of France. The provisional government had nearly 150,000 men in arms at that moment. The Austrian Emperor could hardly dispose of a larger force for the purpose of conquest.

The young Emperor Francis Joseph instantly appealed for aid to the Czar Nicholas of Russia, who instantly intervened. The Czar issued a manifesto April 27, stating the facts and the grounds on which his intervention was believed to be legitimate. This paper founded the right of intervention not on the weakness of the belligerent, but on his strength. Russia asserted as a principle that she must intervene, because if she did not intervene Hungary would establish her independence.

"The insurrection in Hungary," began the manifesto of April 27, 1849, "has of late made so much progress that Russia can not possibly remain inactive. * * * Such a state of things endangers our dearest interests and prudence compels us to anticipate the difficulties it prepares for us. The Austrian Government being for the moment unable to oppose a sufficient power to the insurgents, it has formally requested His Majesty the Emperor Nicholas to assist in the repression of a rebellion which endangers the tranquillity of the two Empires. It was but natural that the two cabinets should understand one another on this point of common interest, and our troops have consequently advanced into Galicia to cooperate with Austria against the Hungarian rebellion. We trust the governments that are equally interested in the maintenance of tranquillity will not misunderstand our motives of action.

"The Emperor Nicholas is sorry to quit the passive and expectant position which he has hitherto maintained, but still he remains faithful to the spirit of his former declarations, for, in granting to every State the right to arrange its own political constitution according to its own mind, and refraining from interfering with any alterations of their form of government which such States might think proper to make, His Majesty reserved to himself his full liberty of action in case the reaction of revolutions near him should tend to endanger his own safety or the political equilibrium on the frontiers of his Empire."—*Annual Register, 1849, page 320.*

This precedent tended to establish the right of every government to intervene in the affairs of foreign States whenever their situation should "tend to endanger its own safety or the political equilibrium on its frontiers." As far as is known, every other government in the world tacitly acquiesced in the establishment of this precedent.

If any government recorded a protest, it was that of the United States, but even the United States protested only by inference from the acts and language of the President. On March 4, 1849, the Administration of President Taylor began, and the Russian intervention in Hungary took place a few weeks afterwards, before the new President had time to consult other governments in regard to possible action in European affairs. Without alliance or consultation, President Taylor instantly appointed an agent to inquire into the situation in Hungary. Secretary Clayton signed his instructions June 18, 1849, six weeks after the Russian troops had been ordered to enter Hungary. The language of these instructions was as emphatic and decisive as that of the Czar's circular:

"Should the new government prove to be, in your opinion, firm and stable, * * * you might intimate, if you should see fit, that the President would, in that event, be gratified to receive a diplomatic agent from Hungary to the United States by or before the next meeting of Congress, and that he entertains no doubt whatever that, in case her new government should prove to be firm and stable, her independence would be speedily recognized by that enlightened body."

The Russian intervention brought the Hungarian war so quickly to an end that before October all resistance was over, and when Congress met, early in December, 1849, President Taylor's annual message could only proclaim what would have been American policy:

"During the late conflict between Austria and Hungary there seemed to be a prospect that the latter might become an independent nation. However faint that prospect at the time appeared, I thought it my duty, in accordance with the general sentiment of the American people, who deeply sympathized with the Magyar patriots, to stand prepared, upon the contingency of the establishment by her of a permanent government, to be the first to welcome independent Hungary into the family of nations. For this purpose I invested an agent, then in Europe, with power to declare our willingness promptly to recognize her independence in the event of her ability to sustain it. The powerful intervention of Russia in the contest extinguished the hopes of the struggling Magyars." * * *

To this paragraph and to some expressions in the instructions the Austrian minister was ordered to take exception. He protested accordingly. Daniel Webster had then become Secretary of State, and replied to the protest in a paper known as the Hulsemann letter, in which he declared what he believed to be the American policy and the law in regard to new nationalities claiming recognition:

"Of course questions of prudence naturally arise in reference to new states brought by successful revolutions into the family of nations; but it is not to be required of neutral powers that they should await the recognition of the new government by the parent state. No principle of public law has been more frequently acted upon within the last thirty years by the great powers of the world than this. Within that period eight or ten new states have established independent governments within the limits of the colonial dominions of Spain on this continent; and in Europe the same thing has been done by Belgium and Greece. The existence of all these governments was recognized by some of the leading powers of Europe, as well as by the United States, before it was acknowledged by the states from which they had separated themselves. If, therefore, the United States had gone so far as formally to acknowledge the independence of Hungary, although, as the event has proved, it would have been a precipitate step and one from which no benefit would have resulted to either party, it would not, nevertheless, have been an act against the law of nations, provided they took no part in her contest with Austria."

Secretary Webster's view of the rights of intervention did not cover ground so wide as that taken by the Czar in his circular of April, 1849, but the attitude of President Taylor seems to have been intended as a counteraction, or a protest, as far as the influence of America extended, not so much to the claims of right or law asserted by the Czar as to the object of his intervention. The instructions of June 18, 1849, expressly said that Russia "has chosen to assume an attitude of interference, and her immense preparations for invading and reducing the Hungarians to the rule of Austria, from which they desire to be released, gave so serious a character to the contest as to awaken the most painful solicitude in the minds of Americans."

Thus on both sides the right to intervene both for and against the Hungarians seems to have been claimed and not expressly denied by either; and no other power appears to have offered even so much opposition as was shown by President Taylor to the principles or to the acts of Russia, which settled the course of history.

5. STATES OF THE CHURCH—1850.

Besides the four precedents of Greece, Belgium, Poland, and Hungary, where new nationalities were in question, a much larger number of interventions occurred in Europe in the process of disruption or consolidation, which has, on one hand, disintegrated the ancient empires of the Sultan, of Spain, of the Church, and, on the other, concentrated the new systems of Germany, Russia, and Italy.

Interventions have occurred most conspicuously in Spain, by France, in 1823; in Portugal, by England, in 1827; again in Spain and Portugal in 1834, by England and France, under what was called the "quadruple treaty;" in Piedmont and Naples, by the Holy Alliance, in 1821; and in so many instances since 1848 that the mere enumeration would be long and difficult; but none of the disturbed countries claimed permanent independence under a form of revolution unless it were perhaps the States of the Church, or Rome, which, on February 8, 1849, declared the Pope to be deposed and set up a provisional government under a revolutionary triumvirate. The National Assembly of France, which was then a Republic, hastened to adopt, March 31, 1849, a resolution that if, "in order better to safeguard the interests and honor of France, the Executive should think proper to support its negotiations by a partial and temporary occupation in Italy, it would find in the Assembly the most entire agreement." The Assembly doubtless intended to intervene in Italy in order to protect the revolutionary movement there from the threatened intervention of Austria. The French Executive, Louis Napoleon, gave another direction to the policy of France. He immediately sent a French army to Civita Vecchia, which landed there April 26, and after a bloody struggle drove the republican government out of Rome. The French entered Rome July 3. Pope Pius IX returned there in April, 1850, and during the next twenty years Rome remained under the occupation of a French army.

The only reason given by France in this instance for intervention was that the occupation of Rome was necessary in order to "maintain the political influence of France." This was the ground taken by President Louis Napoleon in explaining his course to the Chambers in 1850.

The British Government acquiesced in this rule of European law or practice. On May 9, 1851, Lord Palmerston, then foreign secretary, said in Parliament, in reply to a formal inquiry, that the occupation of Rome was "a measure undertaken by France in her own discretion and in the exercise of her own judgment. The British Government had been no party to this measure. France had exercised her own rights in regard to it, and it was not at all necessary that the previous concurrence of the British Government should have been obtained in this matter. The British Government had been no party to this aggression, and could not therefore be said to have concurred in it. It was a matter on which they might have an opinion, but in which they had no particular right, by treaty or otherwise, to interfere."

6. THE OTTOMAN EMPIRE—1878.

Since the year 1827 intervention in the affairs of the Ottoman Empire has been so constant as to create a body of jurisprudence and a long series of treaties, on which the existence of all political systems of southeastern Europe seems now to be more or less entirely based.

Not only Greece, Montenegro, Roumania, Bulgaria, Roumelia, Servia, and Egypt have been the creation of such intervention, or the objects of its restraints, but also Samos, Crete, and even the Lebanon, owe their legal status to the same source.

An authority so great must assume some foundation in law, seeing that the entire world acquiesced not only in the practical exercise of the force, but also in the principle on which it rested, whatever that principle was.

The treaty of Berlin, in 1878, was a broad assertion of the right of the European powers to regulate the affairs of the Ottoman Empire, but the treaty contains no statement of the principle of jurisprudence on which the right rests.

The preamble merely declares that the Powers "being desirous to regulate, with a view to European order, the questions raised in the East by the events of late years, and by the war terminated by the preliminary treaty of San Stefano, have been unanimously of opinion that the meeting of a congress would offer the best means of facilitating an understanding."

In effect, the treaty of Berlin reduced the Ottoman Porte to tutelage, extinguished its sovereignty over certain large portions of its dominions, and restrained its rights over other portions. It recognised the independence of Servia, Roumania, and Montenegro, and fixed their boundaries. It established Bulgaria as "an autonomous and tributary principality under the suzerainty of the Sultan." It created the province of Eastern Roumelia "under conditions of administrative autonomy." It stipulated an organic law for Crete. It interfered in all directions with the internal arrangements of the Ottoman Empire.

Perhaps the most typical instance of assumption of power by the combined Governments was Article XXV of the treaty, which began: "The provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary."

So liberal a use of the right of intervention has seldom been made, but the principle of jurisprudence on which it rested has never been officially declared. Nothing in the treaties expressly limits to the Ottoman Empire the right of intervention which was exercised in its case. The only principle jealously insisted upon seemed to be that of joint as against separate intervention by the European powers. With this implied restriction, the right of intervention "with a view to European order" appears to be the only foundation for the existing status of southeastern Europe and equally applicable to the rest of the world.

These six precedents include, as far as is known, every instance where a claim to independence has been made by any people whatever in Europe since the close of the Napoleonic wars in 1815. Other successful revolutions, such as those of Tuscany and the States of the Church in 1859, were the immediate results of intervention, and that of Naples in 1860 was from first to last perhaps the most striking example of intervention in modern times, although Naples hardly thought necessary to pass through any intermediate stage of recognition as an independent authority.

The six precedents therefore constitute the entire European law on the subject of intervention in regard to European peoples claiming independence by right of revolution. There is no other authoritative source of the law, for the judicial courts of Europe were bound to follow the political decision; and the opinions of private persons, whether jurists or politicians, being without sanction, could not be accepted as law.

From this body of precedent, it is clear that Europe has invariably asserted and practiced the right to interfere, both collectively and separately, amicably and forcibly, in every instance, except that of Poland, where a European people has resorted to insurrection to obtain independence.

The right itself has been based on various grounds: "Impediments to commerce;" "burdensome measures of protection and repression;" "requests" of one or both parties "to interpose;" "effusion of blood" and "evils of all kinds;" "humanity," and "the repose of Europe." (Greek Treaty of 1827.) "A warm desire to arrest, with the shortest possible delay, the disorder and the effusion of blood." (Protocol of November 4, 1830, in the case of Belgium.) "His own safety or the political equilibrium on the frontiers of his Empire." (Russian circular of April 27, 1849, in the case of Hungary.) "To safeguard the interest and honor" and to "maintain the political influence" of the intervening power. (French declarations of 1849-50 in regard to the States of the Church.) Finally, in the latest and most considerable, because absolutely unanimous, act of all Europe, simply the "desire to regulate." (Preamble to the treaty of Berlin in 1878, covering the recognition of Servia, Roumania, Montenegro, and Bulgaria.)

ASIA.

There remains the experience of Asia and America.

In regard to Asia, probably all authorities agree that the entire fabric of European supremacy, whether in Asiatic Turkey, Persia, Afghanistan, India, Siam, or China, rests on the right of intervention.

The exercise of this right constitutes another large but separate branch of public law, which, by common consent, is not regarded as applicable to nations of European blood.

Furthermore, although many governments in Asia have been extinguished by means of the right of intervention, none is known to have claimed independence founded on the right of insurrection. Certainly none has been recognized by Europe or America on that ground.

AMERICA—1822-23.

America, both North and South, has always aimed to moderate European intervention and to restrict its exercise. On this point we have the evidence of George Canning in a celebrated speech on the foreign enlistment act, in 1824.

"We have spent much time," said Canning, "in teaching other powers the nature of a strict neutrality; and, generally speaking, we found them most reluctant scholars. * * * If I wished for a guide in a system of neutrality, I should take that laid down by America in the days of the Presidency of Washington and the Secretaryship of Jefferson."

In fact, the British Government did take that guide. The American neutrality act of 1794, revised and reenacted in the act of April 20, 1818, served as the model for the British foreign enlistment act in 1819. The cause of that act of 1819 was stated by Canning in the speech just cited:

"When peace was concluded between this country and Spain in 1814 an article was introduced into the treaty by which this country bound itself not to furnish any succors to what were then denominated the revolted colonies of Spain. In process of time, as those colonies became more powerful, a question arose of a very difficult nature, to be decided on a due consideration of their de jure relation to Spain on the one side and their de facto independence of her on the other. The law of nations was entirely silent with respect to a course which, under a circumstance so peculiar as the transition of colonies from their allegiance to the parent state, ought to be pursued. It was difficult to know how far either the statute law or the common law was applicable to colonies so situated. It became necessary, therefore, in the act of 1818 to treat the colonies as actually independent of Spain." * * *

Apparently Canning did not consider that the revolt of the American Colonies in 1776 offered a precedent for "a circumstance so peculiar as the transition of colonies from their allegiance." He regarded the situation as so peculiar that it needed to be met by measures in regard to which "the law of nations was entirely silent." He seemed to regard the foreign-enlistment act as a recognition of independence.

The Government of the United States was not so much perplexed in regard to the steps by which colonies achieved independence; but in the actual condition of Europe, where the Holy Alliance held entire control, and intervened everywhere against claims based on the right of insurrection, the President had the strongest reasons for moving slowly, and, if possible, only in concert with England.

The disturbances in the Spanish colonies in America had begun as a consequence of the overthrow of the Bourbon dynasty by Napoleon, and the establishment of Joseph Bonaparte as King of Spain in 1808; but the movements for independence took serious form at a much later time.

In Mexico, the first national Congress met at Chilpancingo in 1813, and formally declared the independence of Mexico on the 6th of November of that year. It was practically suppressed by the execution of Morelos, December 22, 1815, and did not revive until Iturbide, in January, 1821, joined Guerrero in the so-called Plan of Iguala. Iturbide made his triumphal entry into the City of Mexico September 27, 1821.

Venezuela first declared independence on July 15, 1811, but the Spanish forces continued the war until General Bolivar drove them from the interior in 1821, and General Paez captured Puerto Cabello in 1823.

Chile began her revolution in 1810, but did not declare independence until January 1, 1818, and then only by proclamation of the executive authority, "the actual circumstances of the war not permitting the convocation of a national congress."

Buenos Ayres also began her revolution in 1810, but did not declare independence and claim recognition until October 25, 1816.

The question of intervention began in 1817. The Spanish Government appealed to the European powers for aid. The Czar openly took sides with Spain, and when, in September, 1817, the Spanish Government asked permission to build several ships of war in the Russian dockyards, the Czar suggested that Spain should buy five ships of the line and three frigates belonging to the Russian navy. This was done, and the ships were sent to the seat of war. At the same time, in October, 1817, the Russian Government instructed its ambassador in London to press on the British Government the great importance of European intervention.

Great Britain declared energetically that she would have no part in trying to force back the subjects of Spain under the domination of an oppressive government. In fact, Lord Castlereagh had already assured President Monroe that if Great Britain intervened at all it would be on a system of perfect liberality to the Spanish provinces; and the President decided, as early as April, 1818, to discourage European mediation, and to take the ground that there could be no rational interference except on the basis of the independence of the South Americans. In August he made a formal proposal to the British and French Governments for a concerted and contemporary recognition of Buenos Ayres, whose de facto independence made that country the natural object of a first step toward the establishment of a general policy. In December he notified both Governments that he had patiently waited without interfering in the policy of the allies, but, as they had not agreed upon anything, and as the fact of the independence of Buenos Ayres appeared established, he thought that recognition was necessary. In January, 1819, he announced to them that he was actually considering the measure.

Thus all parties had agreed, as early as 1817 and 1818, upon the propriety of intervention between Spain and her colonies. Both the United States and Europe asserted that the time had come; they disagreed only as to the mode. When Lord Castlereagh, at the congress of Aix-la-Chapelle, in October, 1818, proposed to the four other Powers "to intervene in the war between Spain and her American colonies by addressing offers of mediation to the two belligerents," Russia energetically opposed and rejected the scheme, not because it was intervention, but apparently because it was mediation, and to that extent recognized rights in the insurgents. When President Monroe interposed his fiat, that no interference could be countenanced by him except on the basis of independence, he dictated in advance the only mode of intervention which he meant to permit. If he waited before carrying it out, it was only because, in the actual balance of European and American power, he felt that isolated action might injure the cause he had determined to help.

He waited in vain. Neither England nor any other power moved again. No information came from Europe. No further attempt to subject the revolted colonies was probable, and even the declaration of the congress of Troppau in November, 1820, which announced a general and active intervention against all "illegitimate" authorities, caused little alarm as long as England and France were not parties to it. Delay was not dangerous. The system which Monroe aimed to establish could not be firm or broad as long as it rested on the recognition of a single country like Buenos Ayres, or on the isolated action of the United States. That system included all American communities which rejected foreign authority; it was to be taken as a whole, and referred to every part of the contest, from the recognition of the flag at the outset to the recognition of independence at the close. Therefore Monroe waited until the effect of his action should settle the whole question and cover all the ground. After a delay of four years from the time when he began his policy, the Greek revolt in Europe, and the military successes of Bolivar and Iturbide in America gave the desired opportunity, and Monroe sent to Congress his celebrated message of March 8, 1822, recommending the recognition of all the revolted colonies of Spain—Mexico, Colombia, Chile, and Buenos Ayres.

These countries asked no more. They based their claim on their independence de facto, and Monroe admitted its force. "The provinces," he said, "which have declared their independence and are in the enjoyment of it ought to be recognized." He added that "the measure is proposed under a thorough conviction that it is in strict accord with the law of nations." In reality it created the law so far as its action went, and its legality was recognized by no European power. All waited in open or tacit disapproval of Monroe's course. England herself, even after Canning succeeded Castlereagh, refused to approve. Spain protested vigorously; and as far as concerned objections, the Spanish Minister in Washington offered them in great numbers and with sufficient energy. He instantly protested, not only on grounds of morality and fact, but also of policy. "Buenos Ayres," he said, was "sunk in the most complete anarchy." In Peru, "near the gates of its capital," a rebel and a Spanish army divided the inhabitants. In Chile "an individual suppresses the sentiments of its inhabitants." "On the coast of Terra Firma, also, the Spanish banners wave." "In Mexico, too, there is no government." And he concluded, with force: "Where, then, are those governments which ought to be recognized?"

The question was not without difficulties, as Monroe knew, and on this point all Europe supported the Spanish contention. Although Congress unanimously approved and adopted the President's views and immediately appropriated $100,000 for diplomatic expenses, and although Mexico, Colombia, Chile, and Buenos Ayres were in consequence admitted into the family of nations by the sole authority of the President of the United States, with the approval of Congress, two years passed before the British Government consented even to discuss the subject in Parliament as a serious measure of policy.

Then, on June 15, 1824, a motion was made by Sir James Mackintosh, and Canning replied. His speech made no allusion to the action of the United States; it denied the de facto right of recognition, so far as to say that "We ought not to acknowledge the separate and independent existence of any government which is so doubtfully established that the mere effect of that acknowledgment shall be to mix parties again in internal squabbles if not in open hostilities." Canning still thought "that before we can act information as to matters of fact is necessary."

Nevertheless, Monroe's act, which extinguished the last hopes of the Holy Alliance in America, produced the deepest sensation among European conservatives, and gave to the United States extraordinary consideration. England used it as a weapon at the congress of Verona to threaten the other powers when they decided on intervention in Spain. Slowly Canning came wholly over to the side of Monroe, as France and Austria forced his hands in Spain. As early as October, 1823, he sent consuls to all the chief cities in rebellion throughout Mexico and Central and South America. Immediately after his speech in Parliament of June 15, 1824, he authorized his consul at Buenos Ayres to negotiate a commercial treaty with that Government. On the 1st of January, 1825, he notified other powers that England had determined to recognize the independence of Colombia, Mexico, and Buenos Ayres. In a speech in Parliament on the 15th of February, 1825, he explained and defended his conduct, blaming the United States, by implication, for pursuing "a reckless and headlong course," and claiming credit for following one "more strictly guarded in point of principle." "The whole question was one of time and mode."

Notwithstanding Canning's explanation, the principle of intervention on which he acted was not clear. Nothing in his act of recognition revealed a rule of any general value. He considered that "any other period or mode than that chosen would have been liable to some objection." Yet the period and mode he chose were strongly objected to throughout Europe, and met with energetic protest from Spain. Nearly two years more passed before he cleared up the mystery. Then, when driven to armed intervention in the affairs of Spain and Portugal, he made, on the 12th December, 1826, a speech in Parliament which was perhaps the most celebrated of his life. At the very end of this speech he explained the "principle" on which he had acted in regard to the independence of the Spanish colonies and the "time and mode" of recognition. It was the moment when a French army took possession of Spain.

"If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation, that we should blockade Cadiz? No! I looked another way. I sought materials of compensation in another hemisphere. Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain it should not be Spain 'with the Indies.' I called the New World into existence to redress the balance of the Old."

The principle thus avowed by Canning added little to the European law of intervention, but the principle avowed by Monroe created an entire body of American jurisprudence. As an isolated act it meant little, but in Monroe's view it was not an isolated act; it was part of a system altogether new and wholly American, and it was to be justified on grounds far wider than itself. The European law and practice of intervention, extending as it did its scope and energy with every new step in European development, could be met only by creating an American law and practice of intervention exclusive of the European within the range of its influence. This Monroe did not hesitate to do. With boldness which still startles and perplexes the world, he lopped off one great branch of European intervention and empire and created a new system of international relations. His opportunity was given by Canning, who, in the midst of his European difficulties in 1823, intimated that England would be well pleased to see the United States take ground even more advanced than in the recognition of the South American revolted States. Monroe lost no time in doubts or hesitations. In his annual message of December, 1823, he announced the principle that the new nations which his act alone had recognized as independent were by that act placed outside of the European system, and that the United States would regard any attempt to extend that system among them as unfriendly to the United States.

"With the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. * * * It is impossible that the Allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness. * * * It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."

So sweeping a right of intervention had never been claimed, unless by Russia, in regard to the Greeks, in 1821, and has never been exercised by any other single power; but the claim rested on the same general ground as that of the innumerable interventions of Europe. "Danger to our peace and happiness" was not essentially different from "danger to peace, honor, political power, and interests," which European nations had alleged as just reasons for intervention, and while the right of intervention on this ground was so energetically maintained, the right of deciding absolutely as to the time and mode of intervention was as energetically exercised by Monroe.

From that day to this the American people have always and unanimously supported and approved the Monroe doctrine. They needed no reasoning to prove that it was vital to their safety. The enormous and rapidly increasing force developed by Europe in her system of joint action, from the Treaty of Verona to the overwhelming authority, hitherto unknown to mankind, which was exhibited in the Treaty of Berlin; the rapid extension of her system over the rest of the world, and the inevitable pressure of its expansion; her immense superiority in wealth and mechanical resources; the irresistible energy of her enormous naval and military armaments when concentrated, as under the Berlin Treaty, in a single mass, left no doubt that America must abandon the hope of independence if she could not maintain a system of her own. Europeans, indeed, sometimes expressed fear of America, but their fears rested only on the assumption that America could stand apart. Even the celebrated historian Niebuhr complained because the Czar did not conquer the Turkish Empire and found Christian States in Asia Minor in order to balance the growing power of America. Europe did not, it is true, adopt Niebuhr's advice and colonize Asia Minor, but she conquered or subdued under her system all the rest of Asia, and used this accession of strength for her common objects. She spread her system over all Asia, all Africa, all Australasia, and all Polynesia. America made no contest, even within America, except in regard to those countries or communities which expressly declared their will and their power to be American.

Within that limited range President Monroe attempted to build up an American system. He disclaimed the right or the intention to interfere with actual European possessions in America, so long as these communities were contented to remain European; but he claimed and exercised, under the broadest principle, the right to intervene in favor of communities that plainly displayed their wish and their power to be American; and, what was vital to the exercise of his claim, he asserted and used, in its fullest extent, the right to judge for himself, and finally, both as to "time and mode"—both when and how—any particular community had proved its will and its right to claim admission into the American system. Against the opposition of all Europe, and at the risk of many and serious embarrassments, Monroe took and successfully held ground which his successors have struggled, with varying fortune, to maintain.

The right of intervention lay necessarily at the bottom of the strife of forces, and the United States exercised it freely, although usually striving to exercise it for the common good of an American system. In the case of Texas the United States Government, as is notorious, exercised the whole right of intervention against an American power; but the case of Texas did not differ in principle from that of Colombia, except in being wholly an American and domestic affair. In both instances the intervention rested on the claim of the Executive and the legislature to be absolute and final judge of the "time and mode" of interference. In no case were other governments expected to sanction the decision in order to give it validity.

In the case of Texas, however, we have to call attention to a subject on which the proposed action of Congress necessarily depends.

In a report made June 18, 1836, by Mr. Clay, from the Senate Committee on Foreign Relations, in respect to the recognition of the independence of Texas (Senate Document No. 406, Twenty-fourth Congress, first session), are the following passages:

* * * * * * *

"The recognition of Texas as an independent power may be made by the United States in various ways: First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent to Texas with the usual credentials, or lastly, by the Executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate in its executive character would be necessary, and in the second in its legislative character.

"The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.

"The President of the United States by the Constitution has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power, but in this case he has not yet done it, for reasons which he without doubt deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion or by other acts of one or both branches of Congress, as was done in relation to the Republics formed out of Spanish America. But the committee do not think that on this occasion any tardiness is justly imputable to the Executive. About three months only have elapsed since the establishment of an independent government in Texas, and it is not unreasonable to wait a short time to see what its operation will be, and especially whether it will afford those guaranties which foreign powers have a right to expect before they institute relations with it."

Taking this view of the whole matter, the committee conclude by recommending to the Senate the adoption of the following resolution:

"*Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power."

President Andrew Jackson, in his Texas message of December 21, 1836, began by calling attention to these resolutions passed by "the two Houses at their last session, acting separately, 'that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.'" After treating shortly the principles of recognition, President Jackson continued:

"Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of recognizing a new state; a power the exercise of which is equivalent, under some circumstances, to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress—in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations. In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted."

The initiative thus asserted by Congress and conceded by President Jackson to Congress in the case of the recognition of Texas was followed, in the case of Hungary, by President Taylor, in the instructions already quoted, which authorized his agent to invite the revolutionary government of Hungary to send to the United States a diplomatic representative, since the President entertained no doubt that in such case, at the next meeting of Congress, "her independence would be speedily recognized by that enlightened body."

Until now no further question has been raised in regard to the powers of Congress.

So much space has been taken by this historical summary that the case of Texas must be passed over without further notice, and the cases of Haiti and Santo Domingo may be set aside as governed by peculiar influences. The record shows that in every instance except Poland down to 1850 where any people has claimed independence by right of revolt the right of intervention has been exercised against the will of one or the other party to the dispute. In every instance the only question that has disturbed the intervening powers has regarded neither the right nor the policy so much as the "time and mode" of action. The only difference between the European and American practice was that the United States aimed at moderating or restricting the extreme license of European intervention, and this was the difference which brought the United States nearly into collision with Europe in 1861 and 1862. Lords Palmerston and Russell, as well as the Emperor Napoleon and his ministers, entertained no doubt of their right to intervene even before our civil war had actually commenced, and accordingly recognized the insurgent States as belligerents in May, 1861, although no legal question had yet been raised requiring such a decision. The United States Government never ceased to protest with the utmost energy against the act as premature and unjust, and this last and most serious case of interference in which the United States were concerned as an object of European intervention revealed the vital necessity of their American system at the same time that it revealed the imminent danger of its destruction.

THE UNITED STATES AND MEXICO—1861-1866.

Allusion has been already made to the declaration of Lord John Russell on the part of the British Government in the House of Commons May 6, 1861, in which he announced that the law officers of the Crown had already "come to the opinion that the Southern Confederacy of America, according to those principles which seem to them to be just principles, must be treated as a belligerent." This astonishing promise of belligerency to an insurrection which had by the latest advices at that time neither a ship at sea nor an army on land, before the fact of war was officially known in England to have been proclaimed by either party, was accompanied by a letter of the same date from Lord John Russell to the British ambassador at Paris, in which he said that the accounts which had been received from America were "sufficient to show that a civil war has broken out among the States which lately composed the American Union."

"Other nations have therefore to consider the light in which, with reference to that war, they are to regard the Confederacy into which the Southern States have united themselves; and it appears to Her Majesty's Government that, looking at all the circumstances of the case, they can not hesitate to admit that such Confederacy is entitled to be considered as a belligerent, invested with all the rights and prerogatives of a belligerent."

Under these circumstances, Lord John Russell invited the Emperor of France to cooperate with England in "a joint endeavor" to obtain "from each of the belligerents" certain concessions in favor of neutrals. On May 8 the French minister "concurred entirely in the views of Her Majesty's Government" and pledged himself to the joint action. On May 13 the British Government issued its formal proclamation of neutrality between the United States and "certain States styling themselves the Confederate States of America."

Lord John Russell justified this action on the ground of "the size and population of the seceding States" and "the critical condition of our (British) commerce." He denied that the British Government had any thought of giving assistance to the South.

Nevertheless, the language of Lord John Russell showed that he considered the issue as decided in advance and that his measures were shaped on that assumption. His speech of May 6 characterized the insurgents, without qualification, as "the Southern Confederacy of America." In his official correspondence with his official agents he used the term "Northern or Southern Confederation of North America," or "the Confederate States of America," as though their independence were fully established. All his expressions and acts warranted the belief that the recognition of belligerency was in his mind only a preliminary step to the recognition of independence as an already accomplished fact, and that he had hurried the declaration of belligerency in order to avoid the remonstrances certain to be made by the new American minister about to arrive. More serious still, as a symptom of European temper, was the joint action concerted between England and France, which soon proved that England, while waiting for the dissolution of the Union, meant, in recognizing the independence of the Southern Confederacy, to revive her old belligerent claims of 1812, which had never been expressly abandoned.

This threatened wreck of all American rights was even more imminent than our highest officials supposed. Only by slow degrees have we learned how narrow an escape we made, and even at this day much remains to be revealed. We know that as early as March, 1861, the French minister at Washington advised his Government to recognize the Confederate States, and in May he advised it to intervene by forcibly raising the American blockade. Mercier's recommendation was communicated to Russell, who entertained no doubts as to the right of intervention, either diplomatic or military, even at that early moment, when the serious operations of war had hardly begun:

"There is much good sense in Mercier's observations," wrote Russell to Palmerston, October 17, "but we must wait; I am persuaded that, if we do anything, it must be on a grand scale. It will not do for England and France to break a blockade for the sake of getting cotton; but in Europe powers have often said to belligerents, 'Make up your quarrels. We propose to give terms of pacification which we think fair and equitable. If you accept them, well and good. But if your adversary accepts them, and if you refuse them, our mediation is at an end, and you must expect to see us your enemies.'

"France would be quite ready to hold this language with us. If such a policy were to be adopted, the time for it would be at the end of the year, or immediately before the meeting of Parliament."

Already, on May 6, Russell had officially announced the Greek precedent as his rule of law. In October he was ready to take the last step but one in the line of the Greek example. The five years of 1821 counted as five months in 1861. Palmerston was not yet ready, and the concession of the United States in the Trent affair in the following winter made an aggressive movement less popular in England, but in the autumn of 1862 Palmerston also thought the moment had arrived. Neither of these two powerful statesmen, the highest English authorities of their times on the subjects of foreign relations, doubted the right or the expediency of intervention after the second campaign in Virginia. On September 14, 1862, Palmerston wrote to Russell suggesting a joint offer by England and France of what is diplomatically called "good offices," as in the Greek protocol of 1826. Russell eagerly approved.

"Whether the Federal Army is destroyed or not," replied Russell to Palmerston, September 17, 1862, "it is clear that it is driven back to Washington, and has made no progress in subduing the insurgent States. Such being the case, I agree with you that the time is come for offering mediation to the United States Government, with a view to the recognition of the independence of the Confederates. I agree further that in case of failure, we ought ourselves to recognize the Southern States as an independent State. For the purpose of taking so important a step I think we must have a meeting of the cabinet. The 23d or 30th would suit me for the meeting.

"We ought then, if we agree on such a step, to propose it first to France, and then, on the part of England and France, to Russia and other powers, as a measure decided upon by us.

"We ought to make ourselves safe in Canada." * * *

In this scheme of intervention Russell once more advanced beyond the Greek precedent. Canning would move only in concert with Russia. Russell proposed to move in concert with France alone.

Palmerston replied, September 23:

"Your plan of proceedings about the mediation between the Federals and Confederates seems to be excellent. Of course the offer would be made to both the contending parties at the same time; for, though the offer would be as sure to be accepted by the Southerns as was the proposal of the Prince of Wales to the Danish princess, yet in the one case as in the other there are certain forms which it is decent and proper to go through.

"A question would occur whether, if the two parties were to accept mediation, the fact of our mediating would not of itself be tantamount to an acknowledgment of the Confederates as an independent state.

"Might it not be well to ask Russia to join England and France in the offer of mediation? * * *

"We should be better without her in the mediation, because she would be too favorable to the North; but, on the other hand, her participation in the offer might render the North the more willing to accept it."

The middle of October was the time suggested by Palmerston for action. "If the Federals sustain a great defeat, they may be at once ready for mediation, and the iron should be struck while it is hot. If, on the other hand, they should have the best of it, we may wait a while and see what may follow."

Fortunately for the United States, Russell and Palmerston found their serious difficulties, not in France or in the law, but in the political division of their own party. These two powerful statesmen, who had been both honored with the position of prime minister of England, had united their influence to create the existing ministry. They seem to have supposed that their united authority was sufficient to control the ministry they had created, but the moment Russell opened the subject to others he received a check. He persevered; he issued a confidential memorandum suggesting his idea; he brought the subject before a cabinet meeting October 23, 1862, and the division of opinion proved to be so serious that the subject was postponed. The question became one of internal politics, social divisions, and party majorities.

The scheme of intervention was embraced by the Emperor of France as seriously as by Russell and Palmerston. Long before the two English statesmen decided to act, Napoleon III had given his first interview to the Confederate agent accredited to his Government. News of the defeat of the Union Army before Richmond reached Paris on the 15th of July, 1862, and the next day Mr. Slidell asked and received an interview. The Emperor talked with exceeding frankness, according to the report made by Mr. Slidell to Mr. Benjamin.

"The Emperor received me with great kindness and [said] * * * that he had from the first seen the true character of the contest, and considered the reestablishment of the Union impossible and final separation a mere question of time; that the difficulty was to find a way to give effect to his sympathies; that he had always desired to preserve the most friendly relation with England, and that in so grave a question he had not been willing to act without her cooperation; that he had several times intimated his wish for action in our behalf, but had met with no favorable response, and that, besides, England had a deeper interest in the question than France; that she wished him to draw the chestnuts from the fire for her benefit; * * * that he had committed a great error, which he now deeply regretted; France should never have respected the blockade; that the European powers should have recognized us last summer, when our ports were in our possession and when we were menacing Washington; but what, asked he, could now be done?"

Napoleon's language was not official; but he had committed himself beyond recall to the policy he described; for hardly had the civil war broken out than he had plunged into a scheme of armed intervention in Mexico. Perhaps the ultimate salvation of America in this crisis was due to the mistake of judgment which led Europe to attack the Monroe doctrine and the American system in Mexico, instead of attacking its heart. He made no secret of his wish to substitute French influence on the Gulf of Mexico in the place of American. This had been the dream of every great French ruler, and Napoleon III had a "doctrine" of his own, far more ancient than that of Monroe and backed by more formidable military force. Europe did intervene by arms in the American civil war, but fortunately she attacked our ally and only indirectly ourselves. Fortunately, too, in betraying his ultimate objects in Mexico, Napoleon alienated England and did not conciliate Spain.

Yet the attack was made, violently in Mexico, more cautiously at Washington, and as systematically as the mutual jealousies of Europe permitted. At the moment when Russell and Palmerston brought their scheme of intervention before the British cabinet, Napoleon sent reenforcements of [illegible] men to his force in Mexico, with orders to occupy the country, and simultaneously sent a formal invitation to England and Russia to intervene in the American civil war.

These papers have not been published, and we do not know the express grounds on which the invitation was offered or declined. To the fact that Russia was avowedly friendly and that the two most powerful British prime ministers of their time were outvoted in their own cabinets America owed her escape from European domination. Mexico indeed, suffered severely, but only while our civil war was in doubt. From the moment the authority of the Union was wholly restored, in 1865, the entire influence of the United States Government was exerted to reestablish also the authority of the Monroe doctrine. The life of the one was dependent on the life of the other.

CUBA.

Into this American system, thus created by Monroe in 1822-'23 and embracing then, besides the United States, only Buenos Ayres, Chile, Colombia, and Mexico, various other communities have since claimed, and in most cases have received, admission, until it now includes all South America, except the Guianas; all Central America, except the British colony of Honduras, and the two black republics of Spanish Santo Domingo and Haiti, in the Antilles.

No serious question was again raised with any European power in regard to the insurrection or independence of their American possessions until in 1868 a rebellion broke out in Cuba, and the insurgents, after organizing a government and declaring their independence, claimed recognition from the United States.

The Government of the United States had always regarded Cuba as within the sphere of its most active and serious interest. As early as 1825, when the newly recognized States of Colombia and Mexico were supposed to be preparing an expedition to revolutionize Cuba and Puerto Rico, the United States Government interposed its friendly offices with these Governments to request their forbearance. The actual condition of Spain seemed to make her retention of Cuba impossible, in which case the United States would have been obliged, for their own safety, to prevent the island from falling into the hands of a stronger power in Europe. That this emergency did not occur may have been partly due to the energy with which Monroe announced "our right and our power to prevent it," and his determination to use all the means within his competency "to guard against and forefend it."

This right of intervention in matters relating to the external relations of Cuba, asserted and exercised seventy years ago, has been asserted and exercised at every crisis in which the island has been involved.

When the Cuban insurgents in 1869 appealed to the United States for recognition, President Grant admitted the justice of the claim, and directed the minister of the United States at Madrid to interpose our good offices with the Spanish Government in order to obtain by a friendly arrangement the independence of the island. The story of that intervention is familiar to every member of the Senate, and was made the basis of its resolution last session, requesting the President once more "to interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba."

The resolution then adopted by Congress was perfectly understood to carry with it all the consequences which necessarily would follow the rejection by Spain of friendly offices. On this point the situation needs no further comment. The action taken by Congress in the last session was taken "on great consideration and on just principles," on a right of intervention exercised twenty seven years ago, and after a patient delay unexampled in history.

The interval of nine months which has elapsed since that action of Congress has proved the necessity of carrying it out to completion. In the words of the President's annual message: "The stability two years' duration has given to the insurrection; the feasibility of its indefinite prolongation in the nature of things, and as shown by past experience; the utter and imminent ruin of the island unless the present strife is speedily composed," are, in our opinion, conclusive evidence that "the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that the sovereignty is extinct in Cuba for all purposes of its rightful existence. * * * a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict."

Although the President appears to have reached a different conclusion from ours, we believe this to be the actual situation of Cuba, and, being unable to see that further delay could lead to any other action than that which the President anticipates, we agree with the conclusion of the message that, in such case, our obligations to the sovereignty of Spain are "superseded by higher obligations which we can hardly hesitate to recognize and discharge." Following closely the action of President Monroe in 1818, Congress has already declared in effect its opinion that there can be no rational interference except on the basis of independence. In 1822, as now, but with more force, it was objected, as we have shown, that the revolted States had no Governments to be recognized. Divisions, and even civil war, existed among the insurgents themselves. Among the Cubans no such difficulty is known to exist. In September, 1895, as we know by official documents printed on the spot, the insurgent Government was regularly organized, a constitution adopted, a President elected, and, in due course, the various branches of administration set in motion. Since then, so far as we are informed, this Government has continued to perform its functions undisturbed. On the military side, as we officially know, they have organized, equipped, and maintained in the field sufficient forces to baffle the exertions of 200,000 Spanish soldiers. On the civil side they have organized their system of administration in every province, for, as we know officially, they "roam at will over at least two-thirds of the inland country." Diplomatically they have maintained a regularly accredited representative in the United States for the past year, who has never ceased to ask recognition and to offer all possible information. There is no reason to suppose that any portion of the Cuban people would be dissatisfied by our recognizing their representative in this country, or that they disagree in the earnest wish for that recognition. The same thing could hardly be said of all the countries recognized by Monroe in 1822. Greece had no such stability when it was recognized by England, Russia, and France. Belgium had nothing of the sort when she was recognized by all the powers in 1831. Of the states recognized by the treaty of Berlin, 1878, we need hardly say more than that they were the creatures of intervention.

The only question that properly remains for Congress to consider is the mode which should be adopted for the step which Congress is pledged next to take.

The Government of the United States entertains none but the friendliest feelings toward Spain. Its most anxious wish is to avoid even the appearance of an unfriendliness which is wholly foreign to its thought. For more than a hundred years, amidst divergent or clashing interests and under frequent and severe strains, the two Governments have succeeded in avoiding collision, and there is no friendly office which Spain could ask which the United States, within the limits of their established principles and policy, would not be glad to extend. In the present instance they are actuated by an earnest wish to avoid the danger of seeming to provoke a conflict.

The practice of Europe in regard to intervention, as in the instances cited, has been almost invariably harsh and oppressive. The practice of the United States has been almost invariably mild and forbearing. Among the precedents which have been so numerously cited, there can be no doubt as to the choice. The most moderate is the best. Among these, the attitude taken by President Monroe in 1822 is the only attitude which can properly be regarded as obligatory for a similar situation to-day. The course pursued by the United States in the recognition of Colombia is the only course which Congress can consistently adopt.

We recommend, therefore, the joint resolution, with amendments, to read as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the independence of the Republic of Cuba be, and the same is hereby, acknowledged by the United States of America.

"*Be it further resolved*, That the United States will use its friendly offices with the Government of Spain to bring to a close the war between Spain and the Republic of Cuba."

ADDITIONAL VIEWS PRESENTED BY MR. MORGAN AND MR. MILLS IN SUPPORT OF THE REPORT OF THE COMMITTEE.

The report of the committee has the unqualified approval of the undersigned members of that body, but they conceive that it is well to present therewith the former action of the Committee on Foreign Relations, in 1859, on the same subject and on some of the same points that are discussed in the present report.

On January 24, 1859, the Senate Committee on Foreign Relations had under consideration a Senate bill "making appropriations to facilitate the acquisition of the Island of Cuba, by negotiation," and made a report, which is here to appended and designated as Appendix No. 1.

That report covers a period of fifty nine years, and sets forth the political conditions then existing in Cuba, and the disastrous effects of Spanish rule in Cuba during that time. They are the same in their leading characteristics that existed at the beginning of the insurrection that was set on foot by the native population in 1868, in the outbreak at Yarra, which was followed by ten years of internecine warfare, attended with horrible butcheries.

The causes that provoked that uprising of the native Cubans are the same that are stated in the report of the committee made ten years previously, in 1859. They are summed up in the following general statement of that committee:

"There can be no doubt that an immense majority of the people of Cuba are not only in favor but ardently desirous of annexation to the United States. It would be strange indeed if they were not so. Deprived of all influence, even in the local affairs of the island, unrepresented in the Cortes, governed by successive hordes of hungry officials sent from the mother country to acquire fortunes to be enjoyed at home, having no sympathy with the people among whom they are mere sojourners, and upon whom they look as inferiors; liable to be arrested at any moment on the most trifling charges, tried by military courts or submissive judges, removable at pleasure; punished at the discretion of the captain general, they would be less than men if they were contented with their yoke."

The "mother country," as it is styled by the committee, is thus described in their report.

"Spain is a country of coups d'état and pronunciamentos. The all powerful minister of to-day, may be a fugitive to-morrow with the forms of a representative government; it is, in fact, a despotism sustained by the bayonet. A despotism tempered only by frequent, violent, and bloody revolutions. Her financial condition is one of extreme embarrassment."

Spain is not the "mother country of Cuba" even in the sense of having supplied that island with a large part of the ancestors of her present population.

She is a cruel stepmother, whose introduction into the Cuban family has been the immediate cause of the robbery of the step-children of their inheritance, and their cruel persecution to keep down revolt. The committee were engaged in 1859 in providing for the purchase of Cuba by negotiation with Spain, and were as gentle in their description of Spanish rule in

Cuba as a decent respect for the world's knowledge of the truth of the actual situation of the people there would permit. It is dark enough without the illumination of the fires of devastation that succeeding years have witnessed in Cuba.

Among the great debates in Congress upon that report of the Committee on Foreign Relations the part of a speech that relates to Cuba and the report of the committee above referred to, made by Hon. Judah P. Benjamin in the Senate on February 11, 1859, is appended hereto, marked Appendix No. 2. Mr Benjamin gives an accurate and much more complete statement of the condition of the people of Cuba and the methods of Spanish Government in that island than is stated in the report of the committee. The relations of Spain and the United States were not then strained by the disturbances of actual insurrection in Cuba as they were afterwards, from 1868 to 1878, and have been almost ever since and are now, by the excessive and inhuman abuses of power in Cuba, to which no limit can be now anticipated, either as to the time when they will end or the increased cruelty that is now a settled feature of the present Spanish war of extermination. The President recognizes the fact that the present war is for independence on the part of the Cubans, and not for the gratification of personal ambition, or alone for the redress of personal or political grievances, with which the painful history of their sufferings is crowded. For the sake of liberty and the independence of their country they are willing to forget the recompense that is due them for their individual sufferings.

Hon. T. Estrada Palma was duly accredited as diplomatic delegate plenipotentiary to the United States, under an appointment by the constituent assembly of the Republic of Cuba.

He appears to have been received, informally, for the purpose of presenting the case of Cuba to our Government.

On the 7th December, 1895, he addressed a note to the Secretary of State, accompanied by a statement of facts, in which the case of Cuba is set forth officially. That document has been printed by the order of the Senate, and is appended hereto and numbered 3.

In the papers that accompanied this note, the delegate stated the causes of the revolution in Cuba; that it had reached that stage in which the issue between the contending parties "is independence or extermination."

The recent message of the President is clear on the point that he has been forced to the same conclusion.

The delegate then stated the facts, showing the preliminary organization of the revolt, the uprising, the growth of the revolution, the battles and campaigns that had already been fought, including the great and victorious campaign of Gomez against Captain General Martinez Campos, which caused him to be recalled to Spain and supplanted by Captain General Weyler; the military organization of the Cubans, their civil government, their treatment of prisoners, that the government he represented is not a negro government, the character of the war, the protests of resident citizens of the United States in Cuba against their cruel treatment by the Spanish forces, that their lives and property are placed under the special protection of the Cuban Government, and that they are exempt from taxes and contributions by the constitution of the Republic of Cuba when that government is recognized by their respective governments. The letter of the Cuban delegate, thus addressed to our Secretary of State, has appended to it several papers which set forth fully the grievances complained of by the Cuban people. In its nature it is a declaration of the independence of Cuba, stating the grounds of their united action. That declaration is in keeping with the historical narrative given by Mr. Benjamin in his speech, herewith presented, and with the report of the Committee on Foreign Relations in 1859, and with the messages of President Grant and President Hayes, and the letters of Mr. Sickles and Mr. Cushing as ministers to Spain, and of Mr. Fish and Mr. Evarts as Secretaries of State.

All these papers are uniform in their statements of the wrongs and grievances of the Cuban people, and of the wrongful and tyrannical course of Spain toward them. In none of them is any fact or reason stated to excuse or palliate the cruelties that Spain has inflicted upon her subjects in Cuba. In none of them is any bad purpose imputed to the Cuban people. No one has contradicted these statements, or any material part of them, on the authority of the Spanish Government, or upon any official or other credible authority.

The tenor of the message of the President to this session of Congress is a reaffirmation of all this history, stated in all these papers. In the part of his message relating to Cuba he has laid them before Congress without any special recommendation, and has left to Congress the duty of making provision for the security of the rights, the property, and the lives of our citizens residing in Cuba, and of enforcing the right of indemnity on behalf of the legal successors of those who have been killed there. He has intimated that delay is the wisest policy, but he has refrained from saying that delay is required by our national honor, or by the interests of humanity.

A comparison of this message, which is appended hereto and marked Appendix 4, will show that it agrees with the statements of every President who has alluded to the subject, and it further shows that the same spirit of tyrannical domination now prevails in Cuba that has kept the people of that island in despairing servitude during this entire century.

The message of Mr. Cleveland, who has no aversion to Spanish rule in Cuba, confirms, in all important statements, the truth of the charges made by Mr. Estrada Palma against Spain in the exposition of the case of Cuba which he presented to our Secretary of State.

The only difference in the situation in Cuba as it is described in the report of the Senate Committee on Foreign Relations in 1859 and as it is described in the President's message in 1896—thirty-seven years later—is that, as time has progressed, the wrongs of Cuba have been aggravated and the means of repression employed by Spain have grown into a war against humanity, a war of annihilation of property and the extermination of the native population. If the firm purpose of our predecessors to put an end to this condition of affairs in Cuba, in the comparatively mild form of tyranny that existed fifty years ago, has degenerated into doubts and misgivings as to our duty to our own people and the demands of Christian civilization, let the responsibility for this lapse from the true spirit of American liberty and our love of home rule and independence rest where it justly belongs, and not upon the people through the indifference to their will on the part of their representatives in Congress.

Concurring in all that is said in the general report of the committee, the additional facts herein stated are presented as additional reasons for agreeing to that report, and for the passage of the resolution of the Senator from Pennsylvania [Mr. CAMERON], which the committee recommends.

R. Q. MILLS.
JOHN T. MORGAN.

APPENDIX NO. 1.

IN THE SENATE OF THE UNITED STATES, *January 24, 1859.*

Mr. Slidell made the following report, to accompany bill S. 497:

The Committee on Foreign Relations, to whom was referred the bill (S. 497) making appropriations to facilitate the acquisition of the Island of Cuba by negotiation, have had the same under consideration, and now respectfully report:

It is not considered necessary by your committee to enlarge upon the vast importance of the acquisition of the Island of Cuba by the United States. To do so would be as much a work of supererogation as to demonstrate an elementary problem in mathematics, or one of those axioms of ethics or philosophy which have been universally received for ages. The ultimate acquisition of Cuba may be considered a fixed purpose of the United States, a purpose resulting from political and geographical necessities which have been recognized by all parties and all Administrations, and in regard to which the popular voice has been expressed with a unanimity unsurpassed on any question of national policy that has heretofore engaged the public mind.

The purchase and annexation of Louisiana led, as a necessary corollary, to that of Florida, and both point with unerring certainty to the acquisition of Cuba. The sparse and feeble population of what is now the great West called in 1800 for the free navigation of the Mississippi and the enforcement of the right of deposit at New Orleans. In three years not only were these privileges secured, but the whole of the magnificent domain of Louisiana was ours. Who now doubts the wisdom of a measure which at the time was denounced with a violence until then unparalleled in our political history?

From the day we acquired Louisiana the attention of our ablest statesmen was fixed on Cuba. What the possession of the mouth of the Mississippi had been to the people of the West that of Cuba became to the nation. To cast the eye upon the map was sufficient to predict its destiny. A brief reference will show the importance attached to the question by our leading statesmen and the steadiness and perseverance with which they have endeavored to hasten the consummation of so vital a measure.

Mr. Jefferson, in a letter to President Madison, of the 27th of April, 1809, speaking of the policy that Napoleon would probably pursue toward us, says:

"He ought to be satisfied with having forced her (Great Britain) to revoke the orders on which he pretended to retaliate, and to be particularly satisfied with us, by whose unyielding adherence to principle she has been forced into the revocation. He ought the more to conciliate our good will, as we can be such an obstacle to the new career opening on him in the Spanish colonies. That he would give us the Floridas to withhold intercourse with the residue of those colonies can not be doubted. But that is no price, because they are ours in the first moment of the first war, and until a war they are of no particular necessity to us. But, although with difficulty, he will consent to our receiving Cuba into our Union to prevent our aid to Mexico and the other provinces. That would be a price, and I would immediately erect a column on the southernmost limit of Cuba and inscribe on it a ne plus ultra as to us in that direction. We should then have only to include the north in our confederacy, which would be, of course, in the first war, and we should have such an empire for liberty as she has never surveyed since the creation; and I am persuaded no constitution was ever before so well calculated as ours for extensive empire and self-government. * * *

"It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it."

Again, in writing to President Monroe on the 23d June, 1823, he says:

"For certainly her addition to our confederacy is exactly what is wanting to advance our power as a nation to the point of its utmost interest."

And in another letter to the same, on the 24th October, 1823, he says:

"I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico and the countries and isthmus bordering on it would fill up the measure of our political well-being."

John Quincy Adams, while Secretary of State under Mr. Monroe, in a dispatch to Mr. Nelson, our minister at Madrid, of the 28th April, 1823, says:

"In the war between France and Spain, now commencing, other interests, peculiarly ours, will in all probability be deeply involved. Whatever may be the issue of this war as between those two European powers, it may be taken for granted that the dominion of Spain upon the American continents, north and south, is irrecoverably gone. But the Islands of Cuba and Puerto Rico still remain nominally and so far really dependent upon her that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands, from their local position and natural appendages to the North American continent, and one of them, Cuba, almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas, the character of its population, its situation midway between our southern coast and the Island of Santo Domingo, its safe and capacious harbor of the Habana, fronting a long line of our shores destitute of the same advantage, the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself. It is obvious, however, that for this event we are not yet prepared. Numerous and formidable objections to the extension of our territorial dominions beyond sea present themselves to the first contemplation of the subject; obstacles to the system of policy by which alone that result can be compassed and maintained are to be foreseen and surmounted both from at home and abroad; but there are laws of political as well as of physical gravitation; and if an apple, severed by the tempest from its native tree, can not choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain and incapable of self-support, can gravitate only toward the North American Union, which, by the same law of nature, can not cast her off from its bosom.

"The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. This opinion is so generally entertained that even the groundless rumors that it was about to be accomplished, which have spread abroad, and are still teeming, may be traced to the deep and almost universal feeling of aversion to it, and to the alarm which the mere probability of its occurrence has stimulated. The question both of our right and of our power to prevent it, if necessary by force, already obtrudes itself upon our councils, and the Administration is called upon, in the performance of its duties to the nation, at least to use all the means within its competency to guard against and forefend it."

On April 27, 1825, Mr. Clay, Secretary of State, in a dispatch to Mr. A. H. Everett, our minister at Madrid, instructing him to use his exertions to induce Spain to make peace with her revolted colonies, says:

"The United States are satisfied with the present condition of those islands (Cuba and Puerto Rico) in the hands of Spain, and with their ports open to our commerce, as they are now open. This Government desires no political change of that condition. The population itself of the islands is incompetent at present, from its composition and its amount, to maintain self-government. The maritime force of the neighboring Republics of Mexico and Colombia is not now, nor is it likely shortly to be, adequate to the protection of those islands, if the conquest of them were effected. The United States would entertain constant apprehensions of their passing from their possession to that of some less friendly sovereignty; and of all the European powers, this country prefers that Cuba and Puerto Rico should remain dependent on Spain. If the war should continue between Spain and the new Republics, and those islands should become the object and the theater of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations the performance of which, however painful it should be, they might not be at liberty to decline."

Mr. Van Buren, writing to Mr. Van Ness, our minister to Spain, October 2, 1829, says:

"The Government of the United States has always looked with the deepest interest upon the fate of those islands, but particularly of Cuba. Its geographical position, which places it almost in sight of our southern shores, and, as it were, gives it the command of the Gulf of Mexico and the West India seas, its safe and capacious harbors, its rich productions, the exchange of which for our surplus agricultural products and manufactures constitutes one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. Other considerations, connected with a certain class of our population, make it the interest of the southern section of the Union that no attempt should be made in that island to throw off the yoke of Spanish dependence, the first effect of which would be the sudden emancipation of a numerous slave population, the result of which could not but be very sensibly felt upon the adjacent shores of the United States. On the other hand, the wisdom which induced the Spanish Government to relax in its colonial system, and to adopt with regard to those islands a more liberal policy which opened their ports to general commerce, has been so far satisfactory in the view of the United States as, in addition to other considerations, to induce this Government to desire that their possession should not be transferred from the Spanish Crown to any other power. In conformity with this desire, the ministers of the United States at Madrid have, from time to time, been instructed attentively to watch the course of events and the secret springs of European diplomacy, which, from information received from various quarters, this Government had reason to suspect had been put in motion to effect the transfer of the possession of Cuba to the powerful allies of Spain.

"You are authorized to say that the long-established and well known policy of the United States, which forbids their entangling themselves in the concerns of other nations, and which permits their physical force to be used only for the defense of their political rights and the protection of the persons and property of their citizens, equally forbids their public agents to enter into positive engagements the performance of which would require the employment of means which the people have retained in their own hands; but that this Government has every reason to believe that the same influence which once averted the blow ready to fall upon the Spanish islands would again be found effectual on the recurrence of similar events; and that the high preponderance in American affairs of the United States as a great naval power, the influence which they must at all times command as a great commercial nation, in all questions involving the interests of the general commerce of this hemisphere, would render their consent an essential preliminary to the execution of any project calculated so vitally to affect the general concerns of all the nations in any degree engaged in the commerce of America. The knowledge you possess of the public sentiment of this country in regard to Cuba will enable you to speak with confidence and effect of the probable consequences that might be expected from the communication of that sentiment to Congress in the event of any contemplated change in the present political condition of that island."

And again, on the 13th of October, 1830:

"This Government has also been given to understand that if Spain should persevere in the assertion of a hopeless claim to dominion over her former colonies they will feel it to be their duty, as well as their interest, to attack her colonial possessions in our vicinity, Cuba and Puerto Rico. Your general instructions are full upon the subject of the interest which the United States take in the fate of those islands, and particularly of the former; they inform you that we are content that Cuba should remain as it now is, but could not consent to its transfer to any European power. Motives of reasonable state policy render it more desirable to us that it should remain subject to Spain rather than to either of the South American States. Those motives will readily present themselves to your mind; they are principally founded upon an apprehension that if possessed by the latter it would, in the present state of things, be in greater danger of becoming subject to some European power than in its present condition. Although such are our own wishes and true interests, the President does not see on what ground he would be justified in interfering with any attempts which the South American States might think it for their interest, in the prosecution of a defensive war, to make upon the islands in question. If, indeed, an attempt should be made to disturb them, by putting arms in the hands of one portion of their population to destroy another, and which in its influence would endanger the peace of a portion of the United States, the case might be different. Against such an attempt the United States (being informed that it was in contemplation) have already protested and warmly remonstrated in their communications last summer with the Government of Mexico; but the information lately communicated to us in this regard was accompanied by a solemn assurance that no such measures will, in any event, be resorted to; and that the contest, if forced upon them, will be carried on, on their part, with strict reference to the established rules of civilized warfare."

Mr. Buchanan, in his dispatch to Mr. R. M. Saunders, of June 17, 1848, said:

"With these considerations in view, the President believes that the crisis has arrived when an effort should be made to purchase the Island of Cuba from Spain, and he has determined to intrust you with the performance of this most delicate and important duty. The attempt should be made, in the first instance, in a confidential conversation with the Spanish minister for foreign affairs; a written offer might produce an absolute refusal in writing, which would embarrass us hereafter in the acquisition of the island. Besides, from the incessant changes in the Spanish cabinet and policy our desire to make the purchase might thus be made known in an official form to foreign governments and arouse their jealousy and active opposition. Indeed, even if the present cabinet should think favorably of the proposition, they might be greatly embarrassed by having it placed on record, for in that event it would almost certainly, through some channel, reach the opposition and become the subject of discussion in the Cortes. Such delicate negotiations, at least in their incipient stages, ought always to be conducted in confidential conversation, and with the utmost secrecy and dispatch.

"At your interview with the minister for foreign affairs you might introduce the subject by referring to the present distracted condition of Cuba and the danger which exists that the population will make an attempt to accomplish a revolution. This must be well known to the Spanish Government. In order to convince him of the good faith and friendship toward Spain with which this Government has acted, you might read to him the first part of my dispatch to General Campbell and the order issued by the Secretary of War to the commanding general in Mexico and to the officer having charge of the embarkation of our troops at Vera Cruz. You may then touch delicately upon the danger that Spain may lose Cuba by a revolution in the island, or that it may be wrested from her by Great Britain, should a rupture take place between the two countries, arising out of the dismissal of Sir Henry Bulwer, and be retained to pay the Spanish debt due to the British bond holders. You might assure him that while this Government is entirely satisfied that Cuba shall remain under the dominion of Spain, we should in any event resist its acquisition by any other nation. And, finally, you might inform him that, under all these circumstances, the President had arrived at the conclusion that Spain might be willing to transfer the island to the United States for a fair and full consideration. You might cite as a precedent the cession of Louisiana to this country by Napoleon, under somewhat similar circumstances, when he was at the zenith of his power and glory. I have merely presented these topics in their natural order, and you can fill up the outline from the information communicated in this despatch, as well as from your own knowledge of the subject. Should the minister for foreign affairs lend a favorable ear to your proposition, then the question of the consideration to be paid would arise, and you have been furnished with information in this dispatch which will enable you to discuss that question.

"The President would be willing to stipulate for the payment of $100,000,000. This, however, is the maximum price; and if Spain should be willing to sell, you will use your best efforts to purchase it at a rate as much below that sum as practicable. In case you should be able to conclude a treaty, you may adopt as your model, so far as the same may be applicable, the two conventions of April 30, 1803, between France and the United States, for the sale and purchase of Louisiana. The seventh and eighth articles of the first of these conventions ought, if possible, to be omitted; still, if this should be indispensable to the accomplishment of the object, articles similar to them may be retained."

Mr. Everett, in his celebrated letter of December 1, 1852, to the Compte de Sartiges, rejecting the joint proposition of the French and British Governments for a tripartite convention with the United States, disclaiming, severally and collectively, all intention to obtain possession of the Island of Cuba, and respectively binding themselves to discountenance all attempts to that effect on the part of any power or individuals whatever, said:

"Spain, meantime, has retained of her extensive dominions in this hemisphere but the two islands of Cuba and Puerto Rico. A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The President desires to do so. No word or deed of his will ever question her title or shake her possession. But can it be expected to last very long? Can it resist this mighty current in the fortunes of the world? Is it desirable that it should do so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least $12,000,000? Cuba at this moment costs more to Spain than the entire naval and military establishment of the United States costs the Federal Government. So far from being really injured by the loss of this island, there is no doubt that, were it peacefully transferred to the United States, a prosperous commerce between Cuba and Spain, resulting from ancient associations and common language and tastes, would be far more productive than the best contrived system of colonial taxation. Such, notoriously, has been the result to Great Britain of the establishment of the independence of the United States. The decline of Spain from the position which she held in the time of Charles V is coeval with the foundation of her colonial system, while within twenty-five years, and since the loss of most of her colonies, she has entered upon a course of rapid improvement unknown since the abdication of that Emperor."

Mr. Marcy, in his dispatch of July 23, 1853, to Mr. Pierre Soulé, says:

"SIR: There are circumstances in the affairs of Spain, having a connection with this country, which give unusual importance at this time to the mission to that Government. The proximity of her remaining possessions in this hemisphere—the islands of Cuba and Puerto Rico—to the United States, the present condition of the former, and the rumors of contemplated changes in its internal affairs, complicate our relations with Spain. The island of Cuba, on account of its magnitude, situation, fine climate, and rich productions, far superior in all respects to any in the West India group, is a very desirable possession to Spain, and, for the same reasons, very difficult for her to retain in its present state of dependence. The opinion generally prevails among the European nations that the Spanish dominion over it is insecure. This was clearly evinced by the alacrity with which both England and France, on occasion of the late disturbances in Cuba, volunteered their aid to sustain the Spanish rule over it, and by their recent proposition to the United States for a tripartite convention to guarantee its possession to Spain. Without an essential change in her present policy, such a change as she will most likely be unwilling to make, she can not, it is confidently believed, long sustain, unaided, her present connection with that island.

"What will be its destiny after it shall cease to be a dependency of Spain is a question with which some of the principal powers of Europe have seen fit to concern themselves, and in which the United States have a deep and direct interest.

"I had occasion recently, in preparing instructions for our minister to London, to present the views of the President in relation to the interference of Great Britain, as well as of France, in * * * Cuban affairs. To spare myself the labor of again going over the same ground, I herewith furnish you with an extract from those instructions.

"The policy of the Government of the United States in regard to Cuba, in any contingency calling for our interposition, will depend in a great degree upon the peculiar circumstances of the case, and can not, therefore, now be presented with much precision beyond what is indicated in the instructions before referred to. Nothing will be done on our part to disturb its present connection with Spain, unless the character of that connection should be so changed as to affect our present or prospective security. While the United States would resist, at every hazard, the transference of Cuba to any European nation, they would exceedingly regret to see Spain resorting to any power for assistance to uphold her rule over it. Such a dependence on foreign aid would, in effect, invest the auxiliary with the character of a protector, and give it a pretext to interfere in our affairs, and also generally in those of the North American continent. In case of collision with the United States, such protecting power would be in a condition to make nearly the same use of that island to annoy us as it could do if it were the absolute possessor of it.

"Our minister at Madrid, during the Administration of President Polk, was instructed to ascertain if Spain was disposed to transfer Cuba to the United States for a liberal pecuniary consideration. I do not understand,

however, that it was at that time the policy of this Government to acquire that island unless its inhabitants were very generally disposed to concur in the transfer. Under certain conditions the United States might be willing to purchase it; but it is scarcely expected that you will find Spain, should you attempt to ascertain her views upon the subject, at all inclined to enter into such a negotiation. There is reason to believe that she is under obligations to Great Britain and France not to transfer this island to the United States. Were there nothing else to justify this belief but the promptness with which these two powers sent their naval forces to her aid in the late Cuban disturbances, the proposition for a tripartite convention to guarantee Cuba to Spain, and, what is more significant than either of the above facts, the sort of joint protest by England and France, to which I adverted in my instructions to Mr. Buchanan, against some of the views presented in Mr. Everett's letter of the 1st of December last to Mr. Sartiges, the French minister, would alone be satisfactory proof of such an arrangement. Independent of any embarrassment of this nature, there are many other reasons for believing that Spain will pertinaciously hold on to Cuba, and that the separation, whenever it takes place, will be the work of violence."

From these and other extracts that might be presented it is manifest that the ultimate acquisition of Cuba has long been regarded as the fixed policy of the United States—necessary to the progressive development of our system. All agree that the end is not only desirable but inevitable. The only difference of opinion is as to the time, mode, and conditions of obtaining it.

The law of our national existence is growth. We can not, if we would, disobey it. While we should do nothing to stimulate it unnaturally, we should be careful not to impose upon ourselves a regimen so strict as to prevent its healthful development. The tendency of the age is the expansion of the great powers of the world. England, France, and Russia all demonstrate the existence of this pervading principle. Their growth, it is true, only operates by the absorption, partial or total, of weaker parties—generally of inferior races. So long as this extension of territory is the result of geographical position, a higher civilization, and greater aptitude for government, and is not pursued in a direction to endanger our safety or impede our progress, we have neither the right nor the disposition to find fault with it. Let England pursue her march of conquest and annexation in India, France extend her dominions on the southern shores of the Mediterranean and advance her frontiers to the Rhine, or Russia subjugate her barbarous neighbors in Asia; we shall look upon their progress, if not with favor, at least with indifference. We claim on this hemisphere the same privilege that they exercise on the other—

"Hanc veniam petimusque damusque vicissim."

In this they are but obeying the laws of their organization. When they cease to grow, they will soon commence that period of decadence which is the fate of all nations as of individual man.

The question of the annexation of Cuba to the United States, we repeat, is a question but of time. The fruit that was not ripe when John Quincy Adams penned his dispatch to Mr. Forsyth (it has not yet been severed by violence from its native tree, as he anticipated) is now mature. Shall it be plucked by a friendly hand, prepared to compensate its proprietor with a princely guerdon, or shall it fall decaying to the ground?

As Spain can not long maintain her grasp on this distant colony, there are but three possible alternatives in the future of Cuba: First, possession by one of the great European powers. This we have declared to be incompatible with our safety, and have announced to the world that any attempt to consummate it will be resisted by all the means in our power. When first we made this declaration, we were comparatively feeble. The struggle would have been fearful and unequal; but we were prepared to make it at whatever hazard. That declaration has often been repeated since. With a population nearly tripled, our financial resources and our means, offensive and defensive, increased in an infinitely larger proportion, we can not now shrink from an issue that all were then ready to meet.

The second alternative is the independence of the island. This independence could only be nominal; it could never be maintained in fact. It would eventually fall under some protectorate, open or disguised. If under ours, annexation would soon follow as certainly as the shadow follows the substance. An European protectorate could not be tolerated. The closet philanthropists of England and France would, as the price of their protection, insist upon introducing their schemes of emancipation. Civil and servile war would soon follow, and Cuba would present, as Haiti now does, no traces of its former prosperity, but the ruins of its once noble mansions. Its uncontrolled possession by either France or England would be less dangerous and offensive to our Southern States than a pretended independent black empire or republic.

The third and last alternative is annexation to the United States. How and when is this to be effected? By conquest or negotiation? Conquest, even without the hostile interference of another European power than Spain, would be expensive, but with such interference would probably involve the whole civilized world in war, entail upon us the interruption, if not the loss, of our foreign trade, and an expenditure far exceeding any sum which it has ever been contemplated to offer for the purchase of Cuba. It would, besides, in all probability, lead to servile insurrection, and to the great injury or even total destruction of the industry of the island. Purchase, then, by negotiation seems to be the only practicable course; and, in the opinion of the committee, that can not be attempted with any reasonable prospect of success, unless the President be furnished with the means which he has suggested in his annual message, and which the bill proposes to give him.

Much has been said of the danger of confiding such powers to the Executive, and from the fierceness with which the proposition has been denounced it might be supposed that it was without precedent. So far is this from being the case, that we have three different acts upon the statute book, placing large sums of money at the disposition of the President for the purpose of aiding him in negotiations for the acquisition of territory. The first is the act of February 26, 1803. Although its object was well known, viz, to be used in negotiating for the purchase of Louisiana, the act does not indicate it. It placed $2,000,000 unreservedly at the disposition of the President, for the purpose of defraying any "extraordinary expense which may be incurred in the intercourse between the United States and foreign nations." Second. The act of February 13, 1806, using precisely the same phraseology, appropriates $2,000,000, it being understood that it was to be used in negotiating for the purchase of Florida.

The act of March 3, 1847, "making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," has been adopted as the model on which the present bill is framed. Its preamble states that "whereas, in the adjustment of so many complicated questions as now exist between the two countries, it may possibly happen that an expenditure of money will be called for by the stipulations of any treaty which may be entered into, therefore the sum of $3,000,000 be, and the same is hereby, appropriated, to enable the President to conclude a treaty of peace, limits, and boundaries, with the Republic of Mexico, to be used by him in the event said treaty, when signed by the authorized agents of the two Governments and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof." The bill now reported appropriates, under the same conditions, $30,000,000 to make a treaty with Spain for the purchase of the Island of Cuba.

It will be perceived that this bill defines strictly the object to which the amount appropriated shall be applied, and in this respect allows a much narrower range of discretion to the present Executive than the acts of 1803 and 1806 gave to Mr. Jefferson. In those cases the object of the appropriation was as well known to the country and to the world as if it had been specifically stated. The knowledge of that fact did not then in the slightest degree tend to defeat the intended object, nor can it do so now. Under our form of government we have no state secrets. With us diplomacy has ceased to be enveloped with the mysteries that of yore were considered inseparable from its successful exercise. Directness in our policy and frankness in its avowal are in conducting our foreign intercourse not less essential to the maintenance of our national character and the permanent interests of the Republic than are the same qualities to social position and the advancement of honest enterprise in private life.

Much has been said of the indelicacy of this mode of proceeding; that the offer to purchase will offend the Spanish pride, be regarded as an insult, and rejected with contempt; that, instead of promoting a consummation that all admit to be desirable, it will have the opposite tendency. If this were true, it would be a conclusive argument against the bill, but a brief consideration will show the fallacy of these views. For many years our desire to purchase Cuba has been known to the world. Seven years since President Fillmore communicated to Congress the instructions to our ministers on that subject, with all the correspondence connected with it. In that correspondence will be found three letters from Mr. Saunders, detailing conversations held with Narvaez and the minister of foreign relations, in which he notified them of his authority to treat for the purchase of Cuba, and while the reply was so decided as to preclude him from making any direct proposition, yet no intimation was given that the suggestion was offensive. And why should it be so? We simply say to Spain, "You have a distant possession, held by a precarious tenure, which is almost indispensable to us for the protection of our commerce, and may, from its peculiar position, the character of its population, and the mode in which it is governed, lead at any time to a rupture which both nations would deprecate. This possession, rich though it be in all the elements of wealth, yields to your treasury a net revenue not amounting, on the average of a series of years, to the hundredth part of the price we are prepared to give you for it. True, you have heretofore refused to consider our proposition, but circumstances are changing daily. What may not have suited you in 1848 may now be more acceptable. Should a war break out in Europe, Spain can scarcely hope to escape being involved in it. The people of Cuba naturally desire to have a voice in the government of the island. They may seize the occasion to proclaim their independence, and you may regret not having accepted the rich indemnity we offer."

But even these arguments will not be pressed upon unwilling ears. Our minister will not broach the subject until he shall have good reason to believe that it will be favorably entertained. Such an opportunity may occur when least expected. Spain is the country of coups d'etat and pronunciamentos. The all powerful minister of to-day may be a fugitive to-morrow. With the forms of a representative government, it is, in fact, a despotism sustained by the bayonet; a despotism tempered only by frequent, violent, and bloody revolutions. Her financial condition is one of extreme embarassment—a crisis may arise when even the dynasty may be overthrown unless a large sum of money can be raised forthwith. Spain will be in the position of the needy possessor of land he can not cultivate, having all the pride of one to whom it has descended through a long line of ancestry, but his necessities are stronger than his will; he must have money. A thrifty neighbor, whose domains it will round off, is at hand to furnish it. He retains the old mansion, but sells what will relieve him from immediate ruin.

The President, in his annual message, has told us that we should not, if we could, acquire Cuba by any other means than honorable negotiation, unless circumstances which he does not anticipate render a departure from such a course justifiable, under the imperative and overruling law of self-preservation. He also tells us that he desires to renew the negotiations, and it may become indispensable to success that he should be intrusted with the means for making an advance to the Spanish Government immediately after the signing of the treaty, without awaiting the ratification of it by the Senate. This, in point of fact, is an appeal to Congress for an expression of its opinion on the propriety of renewing the negotiation. Should we fail to give him the means which may be indispensable to success, it may well be considered by the President as an intimation that we do not desire the acquisition of the island.

It has been asserted that the people of Cuba do not desire a transfer to the United States. If this were so, it would present a very serious objection to the measure. The evidence on which it is based is that on receipt of the President's message addresses were made by the municipal authorities of Habana and other towns, protesting their devotion to the Crown and their hostility to the institutions of the United States. Anyone who has had an opportunity of observing the persuasive influence of the bayonet in countries where it rules supreme will know how much value to attach to such demonstrations of popular sentiment. There can be no doubt that an immense majority of the people of Cuba are not only in favor, but ardently desirous of annexation to the United States. It would be strange, indeed, if they were not so; deprived of all influence, even in the local affairs of the island; unrepresented in the Cortes; governed by successive hordes of hungry officials sent from the mother country to acquire fortunes to be enjoyed at home, having no sympathy with the people among whom they are mere sojourners, and upon whom they look down as inferiors; liable to be arrested at any moment on the most trifling charges; tried by military courts or submissive judges, removable at pleasure; punished at the discretion of the captain-general, they would be less than men if they were contented with their yoke. But we have the best authority, from the most reliable sources, for asserting that nearly the entire native population of Cuba desires annexation.

Apprehensions have been expressed by some Southern statesmen of perils resulting from the different elements composing the population, and the supposed mixture of races. They are not justified by the facts. The entire population, by the census of 1850, was 1,247,230, of which 605,560 were whites, 205,570 free colored, and 436,100 slaves.

Allowing the same annual percentage of increase for each class as shown by comparison with the previous census, the total population now is about 1,586,000, of which 742,000 are whites, 253,000 free colored, and 591,000 slaves. There is good reason to suppose that the slaves considerably exceed the estimated number, it having been, until very recently, the interest of the proprietor to understate it. The feeling of caste or race is as marked in Cuba as in the United States. The white creole is as free from all taint of African blood as the descendant of the Goth on the plains of Castile. There is a numerous white peasantry, brave, robust, sober, and honest, not yet, perhaps, prepared intelligently to discharge all the duties of the citizen of a free republic, but who, from his organization, physical and mental, is capable of being elevated by culture to the same level with the educated Cubans, who, as a class, are as refined, well informed, and fitted for self-government as men of any class of any nation can be who have not inhaled with their breath the atmosphere of freedom.

Many of them, accompanied by their families, are to be met with every summer at our cities and watering places, observing and appreciating the working of our form of government and its marvelous results; many seeking until the arrival of more auspicious days an asylum from the oppression that has driven them from their homes; while hundreds of their youths in our schools and colleges are acquiring our language and fitting themselves hereafter, it is to be hoped at no distant day, to play a distinguished part in their own legislative halls, or in the councils of the nation.

These men, who are the great proprietors of the soil, are opposed to the continuance of the African slave trade, which is carried on by Spaniards from the Peninsula, renegade Americans, and other adventurers from every clime and country, tolerated and protected by the authorities of Cuba of every grade.

Were there a sincere desire to arrest the slave trade, it could be as effectually put down by Spain as it has been by Brazil. Cuba and Porto Rico are now the only marts for this illegal traffic; and if the British Government had been as intent upon enforcing its treaty stipulations with Spain for its abolition as it has been in denouncing abuses of our flag, which we can not entirely prevent, this question would long since have ceased to be a source of irritating discussion, it may be, of possible future difficulty. Those who desire to extirpate the slave trade may find in their sympathy for the African a motive to support this bill.

We have, since the conclusion of the Ashburton treaty in 1842, kept up a squadron on the coast of Africa for the suppression of the slave trade, and we are still bound to continue it. The annual cost of this squadron is at least $800,000. The cost in seventeen years amounts to $13,600,000 and this, too, with results absolutely insignificant. It appears from a report of a select committee of the British House of Commons, made in March, 1850, that the number of slaves exported from Africa had sunk down in 1842 (the very year in which the Ashburton treaty was concluded) to nearly 30,000. In 1843 it rose to 55,000. In 1846 it was 76,000; in 1847 it was 84,000, and was then in a state of unusual activity. Sir Charles Hotham, one of the most distinguished officers of the British navy, and who commanded on the coast of Africa for several years, was examined by that select committee. He said that the force under his command was in a high state of discipline; that his views were carried out by his officers to his entire satisfaction; that, so far from having succeeded in stopping the slave trade, he had not even crippled it to the extent of giving it a permanent check; that the slave trade had been regulated by the commercial demand for slaves, and had been little affected by the presence of his squadron, and that experience had proven the system of repression by cruisers on the coast of Africa futile. This, too, when the British squadron counted 27 vessels, comprising several steamers, carrying about 300 guns and 3,000 men. The annual expense of this squadron is about $3,500,000, with auxiliary establishments on the coast costing at least $1,500,000 more—a total cost annually of $5,000,000 in pursuance of a system which experience has proved to be futile.

In 1847 the Brazilian slave trade was in full activity. It has been entirely suppressed for several years. The slaves now shipped from the coast of Africa are exclusively for the Spanish islands. It is not easy to estimate the number. From the best data, however, it is supposed now to be from twenty-five to thirty thousand per year. It would cease to exist the moment we acquire possession of the Island of Cuba.

The importation of slaves into the United States was prohibited in 1808. Since then, a period of more than fifty years, but one case has occurred of its violation—that of the *Wanderer*, which has recently excited so much attention.

Another consequence which should equally enlist the sympathies of philanthropists, excepting that class whose tears are only shed for those of ebon hue, and who turn with indifference from the sufferings of men of any other complexion, is the suppression of the infamous coolie traffic—a traffic so much the more nefarious as the Chinese is elevated above the African in the scale of creation; more civilized, more intellectual, and therefore feeling more acutely the shackles of the slave ship and the harsh discipline of the overseer. The number of Chinese shipped for Cuba since the commencement of the traffic up to March last is 28,777, of whom 4,134 perished on the passage. From that date up to the close of the year the number landed at Habana was 9,149. We blush to say that three-fourths of the number were transported under the American and British flags—under the flags of the two countries that have been the most zealous for the suppression of the African slave trade. The ratio of mortality on the passage was 14½ per cent, and a much larger proportion of these wretched beings were landed in an enfeebled condition. Coming, too, from a temperate climate, they are not capable of enduring the exposure to the tropical sun, in which the African delights to bask. When their allotted time of service shall have been completed, the small remnant of the survivors will furnish conclusive evidence of the barbarity with which they are treated. The master feels no interest in his temporary slave beyond that of extracting from him the greatest possible amount of labor during the continuance of his servitude. His death or incapacity to labor at the end of his term is to the master a matter of as much indifference as is the fate of the operative employed in his mill to the Manchester spinner.

Another effect of this measure, which will recommend it most strongly to the humanitarians, will be the better treatment and increased happiness of the slaves now existing in the island that would inevitably flow from it. As a general rule, the slave is well treated in proportion to his productiveness and convertible value, as an expensive instrument is more carefully handled than one of less cost. When the importation of slaves from abroad is arrested, the home production affords the only means of supplying the increasing demand for labor. It may be assumed as an axiom of political economy that the increase of population, if not the only true test, is the most reliable of the average well-being of the class to which it is applied. Tried by this test, the slave of the United States affords a very high standard as compared even with the white population of our favored land. But when comparison is made with the statistics of African slavery in all European colonies the results are startling. Since Las Casas, in his zeal for the protection of the Indian, originated the African slave trade, it is estimated that the whole number transported to the New World has been about 8,375,000. Of these, we, in our colonial condition, and since, have only received about 375,000. By natural increase, after deducting all who are free, we had, in 1850, 3,204,000 slaves of the African race. These, allowing the same percentage of increase for nine years as the census returns show during the last decennial period, would now number over 4,300,000; while, from the same data, the free colored population would amount to 485,000. The British West India colonies received about 1,700,000. The whole population of these islands, including Jamaica and Trinidad, acquired from the Spaniards, and British Guiana, black, white, and mixed, is but 1,032,629. The Spanish and other West India islands received about 3,000,000. This is very much more than their entire population to-day. The proportion may vary in some of the colonies, but the general result will be found everywhere the same—a very much less number now existing of African descent, either pure or mixed, than have been imported from Africa.

There is another aspect in which this proposition may be viewed, which is deserving of serious consideration. It is forcibly put in the President's annual message that the multiplied aggressions upon the persons and property of our citizens by the local authorities of Cuba for many years past present, in the person of the captain-general, the anomaly of absolute power to inflict injury without any corresponding faculty to redress it. He can, almost in sight of our shores, confiscate, without just cause, the property of an American citizen, or incarcerate his person; but if applied to for redress, we are told that he can not act without consulting his royal mistress at Madrid. There we are informed that it is necessary to await the return of a report of the case which is to be obtained from Cuba, and many years elapse before it is ripe for decision. These delays in most instances amount to an absolute denial of justice. And even when the obligation of indemnity is admitted, the state of the treasury or a change of ministry is pleaded as an excuse for withholding payment. This would long since have justified us in resorting to measures of reprisal that would have necessarily led to war and ultimately resulted in the conquest of the island. Indeed, such is the acute sense of these wrongs prevailing among our people that nothing but our rigid neutrality laws, which, so long as they remain unrepealed or unmodified, a Chief Magistrate, acting under the sanction of his official oath to see that the laws be faithfully executed, is bound to enforce, has prevented the success of organized individual enterprises that would long ere this have revolutionized the island. It is in part, probably, for this cause that the President has recommended the policy which this bill embodies, and the world can not fail to recognize in its adoption by Congress a determination to maintain him in his efforts to preserve untarnished our national character for justice and fair dealing.

The effects of the acquisition of Cuba will be no less beneficial in its commercial, than in its political and moral aspects. The length of the island is about 770 miles, with an average breadth of about 40 miles, comprising an area of 31,468 square miles. The soil is fertile, climate genial, and its ports the finest in the world. Habana is more familiarly known to us, for apart from our extensive trade, which employs several hundred American vessels, thousands of our citizens have touched at that port in our steamers on their way to California or New Orleans. They have all carried away with them vivid recollections of its magnificent harbor, and have breathed ardent prayers that their next visit should be hailed by the Stars and Stripes floating from the Moro. And yet Cuba can boast of several other harbors equally safe and more extensive than that of Habana.

In 1856 the importations, by official custom-house returns, were $31,216,000; the exports $31,850,000. As duties are levied on exports as well as imports, there can be no exaggeration in these returns, and the real amount is undoubtedly considerably larger.

When we consider that more than two-thirds of the whole area of the island is susceptible of culture, and that not a tenth part of it is now cultivated, we may form some idea of the immense development which would be given to its industry by a change from a system of monopoly and despotism to free trade and free institutions. Whatever may be the enhanced cost of production, caused by the increased value of labor, it will be nearly if not quite compensated by the removal of export duties, and of those levied on articles produced in the United States, which are now by unjust discrimination virtually excluded from consumption. It is not possible within the limits which your committee have prescribed to themselves for this report to cite more than a few of the most important. Of flour, on an average of three years, from 1848 to 1850, there were imported from the United States 5,042 barrels, paying a duty of $10.81 per barrel. From other countries, and it is believed exclusively from Spain 25,[illegible] barrels, paying a duty of $2.52 per barrel, a discrimination against our flour of nearly 200 per cent on its present average value in our markets. On lard, of which the importation from the United States was 10,[illegible] pounds, a duty is levied of $4 per quintal, while of olive oil 8,[illegible] pounds were imported, which is chiefly used as its substitute, paying a duty of 87 cents per quintal. Of beef, dry and jerked, but 329,161 pounds were imported from the United States, paying a duty of $1.76 per quintal, while the importation from other quarters, principally from Buenos Ayres, was 20,511,000 pounds, paying a duty of $1.17, the difference being, in fact, a protection of the Spanish flag, which thus enjoys a monopoly of this branch of trade. To-day, with its increased population and wealth, it is fair to presume that, were Cuba annexed to the United States, with the stimulus afforded by low prices, her annual consumption of our flour would be 1,000,000 barrels; of our lard, 25,000,000 pounds; of our beef, 20,000,000, and of pork, the most solid and nutritious food for the laborer, 100,000,000 pounds. The same ratio of increase would be exhibited in our whole lists of exports. Many articles that now appear not at all or in very limited quantities would force their way into general consumption. The Spanish flag, deprived of the advantage of discriminating duties of tonnage and impost, would soon abandon a competition which it could not sustain on equal terms, and the whole carrying trade, foreign and domestic, would fall into the hands of our enterprising merchants and shipowners, but chiefly those of the Northern and Middle States, while the farmer of the West would have a new and constantly increasing market open to him for the products of the soil. With all the disadvantages under which we now labor, the American vessels entering the port of Habana alone last year numbered 958, with a tonnage of 403,479. To what figure will this be extended when ours shall be the national flag of Cuba?

The cultivation of sugar is the chief basis of the wealth and prosperity of Cuba. The average annual production, exclusive of what is consumed in the island, is about 400,000 tons; that of Louisiana about 175,000 tons. The whole amount of cane sugar from which Europe and the United States are supplied is estimated at 1,273,000 tons; of this, Cuba and Louisiana now furnish somewhat more than 45 per cent. Is it extravagant to predict that, with Cuba annexed, we should in a few years have as complete control of this great staple—which has long since ceased to be a luxury and become almost a necessity of life—as we now have of cotton?

There is one other consideration, of minor importance when compared with the vast political interests involved in the question of acquisition; it is that of cost. Ten years past, as appears from the published correspondence, our minister at Madrid was authorized to offer $100,000,000 as the extreme price for the purchase of Cuba. If that was its value then, something may be added to it now. Assuming it to be twenty-five millions more, the annual interest, without reference to the probable premium which would be realized from a loan bearing 5 per cent interest, would be $6,250,000. Of the imposts of $31,216,000 in 1856, your committee have not before them the means of ascertaining the proportion coming from the United States. From the summary of Balanzas Generales from 1848 to 1854, in the report of Commercial Relations, volume 1, page 187, it may, however, be fairly assumed to be somewhat more than one-fourth, or about $8,000,000. This proportion would doubtless be largely increased. Admitting it to be $16,216,000, it would leave a balance of $15,000,000 on which duties could be levied. Under our present tariff the average rate of duties is about 18 per cent; but as the articles on our free list are of very limited consumption in Cuba, the average there would be at least 20 per cent. This would yield a revenue from customs of $3,000,000. But under the stimulus of free trade and free institutions, with the removal of many burdens from the consumer, it would necessarily be greatly and speedily augmented. It would be a moderate calculation to say that in two years it would reach $4,000,000. On the other hand, it may be said that our expenditure would be largely increased. Such is not the opinion of your committee. On the contrary, it is believed that from the greater security of our foreign relations, resulting from the settlement of this long agitated and disturbing question, our naval expenditure might be safely reduced, while no addition to our military establishment would be required. It has already been shown that an annual saving of $800,000 may be effected by withdrawing the African squadron when its services will no longer be necessary. Thus our expenditure for the interest on the debt incurred by the acquisition would be credited by $4,800,000, leaving an annual balance of but $1,425,000 to the debit of the purchase. Is this sum to be weighed in the balance with the advantages, political and commercial, which would result from it? Your committee think that it should not.

A few words on the wealth and resources of Cuba, and your committee will close this report, which has swollen to dimensions not incommensurate with the importance of the subject, but which, it may be feared, will, under the pressure of other business during this short session, be considered as unduly trespassing on the attention of the Senate. The amount of taxes that can be levied upon any people, without paralyzing their industry and arresting their material progress, is the experimentum crucis of the fertility of the land they inhabit. Tried by this test, Cuba will favorably compare with any country on either side of the Atlantic.

Your committee have before them the last Cuban budget, which presents the actual receipts and expenditures for one year, with the estimates for the same for the next six months. The income derived from direct taxes, customs, monopolies, lotteries, etc., is $16,323,950. The expenses are $16,229,661. This equilibrium of the budget is accounted for by the fact that the surplus revenue is remitted to Spain. It figures under the head of "Atenciones de la Peninsula," and amounts to $1,401,160, and is the only direct pecuniary advantage Spain derives from the possession of Cuba, and even this sum very much exceeds the average net revenue remitted from that island, all the expenses of the army and navy employed at or near Cuba being paid by the island. The disbursements are those of the general administration of the island, those of Habana and other cities being provided for by special imposts and taxes.

It may be moderately estimated that the personal exactions of Spanish officials amount to $5,000,000 per annum, thus increasing the expenses of the government of Cuba, apart from those which, with us, would be considered as county or municipal, to the enormous sum of $21,300,000, or about $13.50 per head for the whole population of the island, free and slave. Under this system of government and this excessive taxation the population has, for a series of years, steadily increased at the mean rate of 3 per cent per annum, about equal to that of the United States.

Since the reference of the bill to the committee, the President, in response to a resolution of the Senate requesting him, if not incompatible with the public interest, to communicate to the Senate any and all correspondence between the Government of the United States and the Government of Her Catholic Majesty relating to any proposition for the purchase of the Island of Cuba, which correspondence has not been furnished to either House of Congress, informs us that no such correspondence has taken place which has not already been communicated to Congress. He takes occasion to repeat what he said in his annual message, that it is highly important, if not indispensable to the success of any negotiation for the purchase, that the measure should receive the previous sanction of Congress.

This emphatic reiteration of his previous recommendation throws upon Congress the responsibility of failure if withheld. Indeed, the inference is sufficiently clear that, without some expression of opinion by Congress, the President will not feel justified in renewing negotiations.

The committee beg leave to append hereto various tables concerning statistical details of matters treated of in this report.

All of which is respectfully submitted.

No. 1.—*Commerce of the Island of Cuba with foreign nations for the years 1852, 1853, and 1854, made up from the "general balances."*

[From Ex. Doc. No. 107, first session, Thirty-fourth Congress, Commercial Relations of the United States.]

Country.	1852.		1853.		1854.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
Spain	$10,201,429	$3,882,634	$7,759,905	$3,298,871	$9,167,428	$3,615,092
United States	6,552,586	12,076,498	6,720,732	12,131,065	7,867,680	11,641,813
England	5,628,824	5,486,677	6,195,921	8,322,195	6,610,900	11,110,526
France	2,210,354	1,513,368	2,177,222	3,293,330	2,558,198	1,921,567
Germany	1,102,012	1,020,165	1,115,940	1,474,018	1,420,629	1,824,674
Belgium	403,908	321,290	298,511	495,306	635,893	811,880
Spanish America	2,134,618	801,160	1,677,476	514,831	2,145,370	671,380
Portugal-Brazil	....	....	....	....	16,245	14,180
Holland	243,386	267,152	88,876	246,661	194,390	251,482
Denmark	657,551	864,396	485,422	403,085	538,824	310,949
Russia	....	483,218	....	253,688	....	....
Sweden-Norway	27,788	15,480	47,756	16,310	14,076	25,094
Austria	....	241,458	....	138,046	....	168,453
Italy	32,306	380,586	69,022	651,275	24,182	313,779
Deposit	483,486	....	377,011	....	310,865	....
Total	29,780,212	27,453,990	27,789,800	31,210,465	31,394,578	32,683,731
Add for Prussia	....	....	....	....	....	5,258

No. 2.—*Statement of the aggregate of revenue and expenditure of the Island of Cuba.*

REVENUE.

Section 1.—Contributions and imports	$3,026,833.69
Section 2.—Customs	9,807,878.87
Section 3.—Taxes and monopolies	1,089,785.44
Section 4.—Lotteries	*6,719,210.00
Section 5.—State property	119,285.94
Section 6.—Contingencies	565,928.94
Total	21,318,928.88
Deduct for sums paid as portions of the forfeitures under seizures	12,972.88
Actual total	21,325,956.00

EXPENDITURE.

Section 1.—Grace and justice	712,755.00
Section 2.—War	5,893,538.36
Section 3.—Exchequer	7,645,145.43
Section 4.—Ordinary expenses	2,386,634.16
Extraordinary expenses	1,190,710.73
Section 5.—Executive department	2,115,883.12
Section 6.—Attentions (remittances) of the peninsula	1,401,160.00
Total	21,321,665.44

*From this sum should be deducted $5,622,000, which figures among the expenditures of the exchequer under the Government guaranty of prizes in the lotteries, and which is included in the sum of $7,645,145.43 set down as expended by that department. This leaves a net revenue from that source of $1,097,210, and a total net revenue of $16,105,956.

No. 3.—*Table of the total production of sugar, consumption, etc.*

	Tons.
Cane sugar	2,067,653
Palm sugar	100,000
Beet-root sugar	164,829
Maple sugar	30,247
Total	2,362,729

But the quantity of sugar from which the United States, England, Europe, and the Mediterranean is to be supplied reaches only 1,273,000 tons. Thus, for the 300,000,000 souls who are dependent on it, it gives but 8 pounds per head, while the consumption in England is triple that quantity and in the United States 20 pounds per head. The use of sugar in the world is rapidly increasing. In France it has doubled in thirty years. It has increased more than 50 per cent in England in fifteen years. In the Zollverein it has quadrupled. The following table will show the imports and production of sugar in Great Britain, France, and the United States during many years:

Consumption of sugar in Great Britain, France, and United States.

Years.	Sugar duty paid in France.				Great Britain.	United States.			Average amount.
	Colonial.	Foreign.	Beet root.	Total.		Foreign.	Louisiana.	Total.	
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Per cent.*
1841	74,515	12,042	27,162	114,719	208,200	65,601	88,000	153,601	49.52
1842	77,443	8,210	35,070	110,723	193,823	69,474	89,200	158,674	45.42
1843	79,455	9,005	29,155	118,215	204,016	28,854	64,360	93,214	42.30
1844	87,382	10,209	32,075	129,666	206,000	83,801	44,400	128,201	41.83
1845	90,958	11,542	35,132	137,632	242,831	88,336	45,000	133,336	40.40
1846	78,632	15,185	46,845	140,662	261,932	44,974	83,028	128,002	41.85
1847	87,825	9,626	52,390	140,821	290,275	98,410	71,040	169,450	34.95
1848	48,371	9,540	48,103	106,014	309,424	104,214	107,000	211,214	29.40
1849	63,335	18,979	43,793	126,107	299,041	133,121	99,180	232,301	31.00
1850	50,996	21,862	67,297	142,155	310,391	84,813	110,000	194,813	32.22
1851	....	....	74,999	....	329,715	190,193	102,000	292,193	32.82
1852	32,000	14,882	67,445	114,327	360,720	228,772	118,273	347,045	29.00
1853	32,841	15,044	87,121	135,006	380,466	232,213	160,967	393,180	30.72
1854	40,113	18,943	85,825	144,881	475,005	227,982	224,662	452,644	....
1855	45,373	49,822	52,912	148,107	384,234	236,942	173,317	410,259	....
1856	46,767	16,456	95,103	158,326	397,448	272,631	115,713	388,344	....
1857	42,466	25,689	*132,000	200,155	367,476	388,501	36,933	425,434	....

*To close of February.

The production of beet-root sugar in France was for four years as follows:

Years.	Number working.	Kilos.
1854	303	77,848,208
1855	208	50,180,864
1856	275	91,016,088
1857	341	132,000,000

The figures for 1857 are only to March 1, and exceed by 54,000,000 kilograms the product of last year. The production in the Zollverein in 1855 was as follows:

	Cwt.
Prussia	14,060,263
Anhalt	2,301,364
Bavaria	247,126
Saxony	131,968
Wurtemburg	603,256
Baden	908,925
Hesse	50,137
Huringen	122,965
Brunswick	634,496

giving a total of 19,188,402. The increase in the consumption is immense. In 1841 the total for the three countries above named was 420,000 tons. This has increased to 800,000 tons, or a quantity nearly doubled, and the supply has come from Louisiana and from beet roots: the former failed considerably in the last two years, and, as a consequence, nearly convulsed the world. The value of sugar in the open market, then, seems to depend upon the precarious crop of Louisiana, since, when that fails, the prices rise all over the world.—*United States Economist.*

No. 4.—*Table of number of Chinese shipped from China from 1847 to March 23, 1858.*

The following table, derived from a reliable source, exhibits the total number of vessels that have arrived at this port since 1847 with Asiatics, their flags, tonnage, number of Asiatics shipped and landed, number and percentage of deaths, etc. which, I think, will not be deemed uninteresting:

Flags of vessels.	Number.	Tonnage.	Asiatics, number shipped.	Landed.	Deaths.	Percentage of deaths.
American	13	13,545	6,744	5,929	815	12
British	29	21,275	10,791	9,295	1,496	14¼
Dutch	8	5,008	2,773	2,463	310	11¼
French	7	6,007	3,655	3,154	501	13¾
Spanish	5	2,038	1,779	1,489	290	11¼
Portuguese	3	1,246	1,049	1,021	28	2¾
Peruvian	3	2,484	1,314	812	502	38¼
Bremen	1	560	249	236	13	5¼
Norwegian	1	470	221	179	42	19
Chilean	1	250	202	155	47	23¼
Total	71	53,008	28,777	24,643	4,134	14¼

From the foregoing it will be seen that the loss of life on the total number shipped actually amounts to 14½ per cent; and whilst the number of deaths of those brought hither in Portuguese ships amounts to only 2½ per cent, the number brought in American ships amounts to 12 per cent, in British ships to 14½ per cent, and in French ships to 13½ per cent, whilst in Peruvian ships the number of deaths amounts to 8½ per cent.

No. 5.—*Population of the West Indies, as stated in Colton's Atlas of the World, volume 1.*

Haiti:		
Haitian Empire		572,000
Dominican Republic		136,000
Cuba (slaves 330,425)		1,009,060
Puerto Rico		447,914
French islands:		
Guadalupe and dependencies		154,975
Martinique		121,478
French Guiana		22,110
St. Bartholomew		9,000
Danish islands:		
St. Thomas	13,666	
Santa Cruz	23,729	
St. John	2,228	
		39,623
Dutch islands—Curaçao, etc		28,497
Dutch Guiana		61,080
British islands:		
Bahamas	27,519	
Turks Island	4,428	
Jamaica *	377,433	
Caymans	1,760	
Trinidad *	68,645	
Tobago	13,208	
Granada	32,671	
St. Vincent	30,128	
Barbados	135,939	
St. Lucia	24,516	
Dominica	22,061	
Montserrat	7,653	
Antigua	37,757	
St. Christophers	21,177	
Nevis	9,601	
Barbuda	1,707	
Anguilla	3,052	
Virgin Islands	6,689	
British Guiana	127,695	
		968,639
Total		3,575,376

* Acquired from Spain.

No. 6.—*Comparative statement of the number of seagoing vessels entering the port of Habana for the years named.*

	American.		Spanish.		English.		French.		Other nations.		Aggregate of each month.	
	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.
1858.												
January	101	44,162	54	10,808	13	6,258	1	1,050	14	3,845	183	66,116
February	79	37,367	29	5,998	22	9,976	3	1,635	13	3,710	146	58,694
March	781	44,402	32	7,022	11	4,884	5	3,948	9	2,756	158	63,012
April	102	42,492	66	13,523	21	9,347	2	1,238	21	6,053	212	72,663
May	102	42,359	81	18,961	15	5,940	3	1,176	10	3,085	211	71,521
June	69	29,839	65	14,895	11	5,184	2	700	13	4,371	160	54,868
July	54	24,409	67	15,058	10	4,181	1	336	12	4,817	144	44,751
August	48	21,768	83	10,256	11	5,324	1	299	10	3,928	103	40,575
September	60	21,107	18	4,628	10	5,443	2	1,066	12	3,371	102	35,587
October	73	35,540	56	12,976	15	7,500	2	718	10	3,323	161	60,087
November	69	30,313	66	17,729	7	4,052	3	853	15	3,390	160	56,340
December	95	23,825	86	19,182	15	6,090	1	614	12	3,782	239	55,493
Total for 1858	958	392,572	653	151,027	161	74,127	25	12,662	79	46,432	1,940	679,815
Total for 1857	909	406,873	684	153,651	152	61,110	67	28,700	141	42,972	1,953	693,306
1856	883	384,752	652	150,534	131	59,013	62	20,133	132	38,163	1,815	652,495
1855	889	370,327	527	120,881	116	49,053	123	31,522	113	29,152	1,717	613,155
1854	903	356,908	571	111,823	122	50,559	69	18,790	127	30,057	1,792	567,186
1853	813	304,138	553	111,029	136	58,324	63	20,877	122	33,100	1,717	527,468
1852	750	308,150	578	114,358	143	55,427	52	12,238	124	29,782	1,647	520,196
1851	856	344,068	550	114,216	191	58,318	47	11,124	156	40,759	1,800	568,483
1850	634	298,259	541	107,230	164	65,136	51	12,466	152	40,337	1,542	523,468

APPENDIX NO. 2.

SPEECH OF HON. J. P. BENJAMIN, OF LOUISIANA, ON THE ACQUISITION OF CUBA.

[Delivered in the Senate of the United States, Friday, February 11, 1859.]

* * * * * * *

I have thus far spoken, sir, of the beneficial results to humanity arising from the acquisition of Cuba, in the double aspect of the preservation of the island from a lapse into the barbarism and savage state of the other Antilles, and of regard for its miserable laboring population. What would be its effects on the superior race—on the white natives of the island, now numbering nearly three quarters of a million?

In spite of pro forma petitions, recently forwarded from Habana, under the orders of the captain general, the ardent aspirations of the Cubans for release from the grinding tyranny under which they languish are too well known for concealment. I will not appeal to a knowledge personal to us all; I will not rely on the fact that, amongst the numerous Cubans with whom I have had opportunity of conversing on the subject, I never yet have found one—no, not one—who did not pant for the hour of freedom, who was not ready to strike for his liberty if the remotest prospect of succor could be held out to him. I will appeal to history, and leave its teachings to the appreciation of a candid world. My sketch must be rapid.

At the close of the last and the commencement of the present century Cuba was prosperous and happy. Subjected to a colonial system identical with that then generally prevalent amongst civilized nations, if her commerce was restricted by the monopoly established in favor of the mother country, her own internal administration was conducted by wise rulers, guided by paternal interest in her welfare. She shared the political benefits conquered by the Spanish people, and when the constitution of 1812 was established, Cuba reaped its advantages. When, on the death of Ferdinand VII, Queen Christina threw herself into the arms of the liberal party in order to insure the triumph of Queen Isabella over the pretensions of Don Carlos, the royal statute was proclaimed in both Spain and Cuba, and the latter was represented in the national congress and enjoyed the liberties accorded by that celebrated document to the mother country. Under its provisions, the Junta de Fomento was established in Habana, with branches in all the principal cities of the island. When, in 1836, the revolution of La Granja placed the party of the Progresistas in power, subverted the royal statutes, and proclaimed the old constitution of 1812, the Queen Mother, then Regent, in convoking the Cortes, included the deputies from Cuba in the call.

In the meantime, however, the example of the other Spanish-American colonies which had succeeded in establishing their independence had not been without its effects on Cuba. In 1825 the liberator, Bolivar, offered to aid the patriots by an invasion of the island. Numerous societies were formed under the title of the "Soles de Bolivar," and everything was prepared for seconding the invasion, which might very possibly have proved successful but for the intervention of our own Government, which dissuaded the invasion. (See letters of Mr. Clay to the ministers of Colombia and Mexico, December 20, 1825.) The knowledge of this effervescence of the public mind induced, on the part of the Spanish King, one of the most extraordinary acts which ever emanated from a despot. He gave the Captain-General, by an ordinance of the 28th of May, 1825, all the powers granted to the governors of besieged towns; or, in other words, declared the whole island under martial law, with full power in the Captain-General over the lives, fortunes, and liberties of the people, and with the right of suspending all laws and royal decrees at his pleasure.

This would appear scarcely credible, but I desire to read a passage from this ordinance of 1825 of the Spanish King. I find it fortunately translated here in a little book called Cuba and the Cubans, which I would recommend to the perusal of gentlemen who may desire some additional facts in relation to the condition of the island:

"On the 28th of May, 1825, the royal ordinance addressed to the Captain-General of Cuba declares: 'It has pleased His Majesty, in conformity with the advice of his ministers, to authorize your excellency, fully investing you with the whole extent of power which by royal ordinances is granted to the governors of besieged towns; in consequence thereof His Majesty most amply and unrestrictedly authorizes your excellency not only to remove from the island such persons holding office from the Government or not, whatever their occupation, work, class, or situation in life may be, whose residence there you may believe to be prejudicial, or whose public or private conduct may appear suspicious to you, employing in their stead faithful servants of His Majesty. Also to suspend the execution of whatever royal orders or general decrees in all the different branches of the administration, or in any part of them, as your excellency may think conducive to the royal service.'"

We are told that under this system of government the whites are contented. Why, sir, independent of the conspiracies of which I have spoken, in 1823-24 and 1825, again in 1826 another conspiracy broke out, and its chiefs were arrested, and Sanchez and Aguerro were executed at Port au Prince; and again, at a later day, the conspiracy called the conspiracy of the Black Eagle broke out, and was again repressed, and those engaged in it executed or exiled or imprisoned. The different conspiracies that have existed of late years are familiar to us all; the various expeditions of Lopez and his companions; and the last of which I have any memory, or, at least, authentic detail, is that of 1851, when a few Cuban patriots, worn-out, disappointed fugitives, still had courage to meet together on the 4th of July, 1851, and declared the independence of Cuba. Here is their declaration of independence. I am going to refer to this, not so much for the purpose of showing this fact, not so much for the purpose of calling attention to the signatures, including names of this same family of Aguerro, that seems to have distinguished itself in behalf of the liberties of its country, but because there is a list of grievances in this declaration of independence to which I now desire to call the attention of the Senate, and which I will lay before it, asking every man who hears it, if it be possible that human beings subjected to grievances like these can be content, can be willing to kiss the rod which smites them?

They begin, sir, by stating the horrible cruelties that are exercised upon them. It is in Spanish; I will read it as well as I can; it will be probably somewhat imperfect in the translation.

They state that "they supposed the world would refuse credence to the history of the horrible iniquities which have been perpetrated in Cuba, and would consider, with reason, perhaps, that if there existed monsters capable of committing them, it is not conceivable that there should exist men who for so long a time had submitted to them; but if those persons are few who reach the truth of particular facts, by reason of the means of which the Government disposes to obscure and disfigure them, nobody can resist the evidence of acts that are public and official."

Therefore, they go on to relate:

"It was publicly, and with arms in his hands, that General Tacon despoiled the Island of Cuba of the constitution of Spain, proclaimed by all the powers of the Monarchy and which these powers had ordered to be sworn to as the fundamental law of the entire Monarchy.

"It was publicly, and by the acts of the courts, that Cuba was declared to be deprived of the rights which all Spaniards enjoyed, and which are naturally conceded to persons the least civilized.

"It was publicly that the decree was issued which deprived the sons of Cuba of all right of being chosen to occupy public offices or of employment in the State.

"It was publicly that omni-modal faculties were granted to the Captains-General of Cuba, who may deny to those whom they desire to have punished or sentenced by the tribunals even the form of a trial before the courts.

"Publicly prominent in the Island of Cuba are still those military commissions which in other countries the law permits only in extraordinary cases during a time of war, and then only for offenses against the State.

"Publicly has the Spanish press threatened Cuba with tearing from it the property in its slaves, of converting the island into ruin and ashes, and of disenchaining against it all the hordes of barbarous Africans which now exist within it.

"Public is the continual increase of the army and the creation of new mercenary bodies which, under pretext of public security, are only put upon us for the purpose of augmenting the burdens that lie upon Cuba and of exercising with greater vexation the system of subordination and espionage over its inhabitants.

"Public are the obstacles and difficulties which are placed in the way of each individual for moving, for exercising any industry, nobody being sure that he will not be seized and fined, by reason of some defect of authorization or want of license at every step that he makes in the island.

"Public are the contributions which are exhausting the Island of Cuba and the projects of other contributions which are threatened and which are to absorb all the products of its riches, there remaining nothing to its miserable inhabitants but the pain of labor.

"Public are the exactions of all kinds which inferior officers impose on its inhabitants, with the greatest disregard to the opinion of mankind."

I return now, sir, to the year 1836, when the Cuban deputies were convoked to the meeting of the constituent Cortes at Madrid. The Cortes assembled in 1837, but the Cuban deputies were not admitted to their seats. Cuba was deprived of her representation; nor was this the only outrage inflicted on her rights. It was decided that she should be governed in the future by exceptional laws, and not by the laws common to the rest of the Monarchy. These special laws were never passed; but the royal ordinance has continued in force to the present hour, maintaining martial law, and Cuba has thus remained ever since a helpless victim, subject to the despotic control of a single man, the extent of whose powers can only be described by the word invented to express them—omni modas, of all kinds.

Ever since this monstrous system has been adopted Cuba has not been blessed with one hour of peace. Constantly repeated have been her efforts to shake off the yoke under which they groan, but all in vain. Twenty thousand bayonets on the land and a powerful fleet off its coasts keep the dread watch of the tyrant and suppress the first symptoms of revolt. The whites have been disarmed, and 4 companies of colored men have been added to each of the 16 regiments of peninsular troops stationed on the island, thus holding before the unfortunate inhabitants the constant threat of a war of races, a renewal of the horrors of Santo Domingo. Their pride of race has been shocked by a governor's decree authorizing marriages between the two races, except when one of the parties is a noble.

"The army is maintained faithful solely by a rigorous isolation, all communication between the inhabitants and troops being interdicted. No security for life, person, or liberty against the caprice of a despot; no arms for self-defense, the size of a walking stick even being limited to dimensions small enough to pass through a ring furnished the policeman.

"The Cubans have not even the idea of a trial by jury. Cases are tried before the judges of royal appointment, the venal favorites of the Spanish court, who are speedily removed to make room for more hungry aspirants. The Captain-General, himself a mere soldier, presides by law over the supreme court of justice. All offices, with the exception of a few of the lowest order, are in the hands of Spaniards. The penalty for carrying weapons of any description is six years' hard labor in the chain gangs of the penal colonies of Africa. The Cuban can not have company at home without a permit, for which he must pay $2.50, and he must be provided with a license, at the same cost, if he is to absent himself from town or from his home in the country. Neither can he change his domicile without notifying the police, obtaining a permit, and paying for the same. He can not lodge any person, whether foreigner or native, stranger, friend, or relative, in his house without previous notice to the police. Mayors of cities are not elected by the people, but by the aldermen of the common councils and under the dictation of the Spanish governors. These aldermen serve for life, and their offices are either inherited or purchased from the Crown at public auction for prices varying according to the perquisites thereof. Thus it happens that even they who should be the immediate guardians of the people often become speculators, who, far from extending them protection, extort the full interest of the capital invested in the purchase of their offices. No affidavit is required in Cuba but a suspicion or a secret denunciation to tear a man from the bosom of his family at any hour of the day or night, throw him into a dungeon, there to linger for weeks or months, if it so please the authorities, and then set him free with the bare acknowledgment of his innocence, or send him to transatlantic exile, if, though innocent, he still remains suspicious."

Such is the sad, the dreadful condition of the unfortunate islanders who are represented by the official press as hastening to lay at the feet of the Queen ardent professions of loyalty to her Government and attachment to her person. They have again and again made heavy sacrifices for freedom—nay, at this very moment, and for years past, they maintain, by secret contributions, for gratuitous circulation, public journals in the United States, repeating their constant appeal to our sympathies.

The whole of the recent wrongs committed, Mr. President, in relation to the arming of the blacks, and other similar outrages, were committed under the instigation of Great Britain, and Lord Palmerston did not blush to acknowledge his guilt in the face of the civilized world. I have here his dispatch, in which, in answer to the remonstrance of the inhabitants of the island, communicated to him through the correspondence of the Spanish minister, he replied to the effect that it was true that the measures he was recommending might not be suitable for the whites, but that they were exceedingly beneficial to the blacks—an actual recommendation to the Spanish Government to trample the white native Cuban under foot for the benefit of the Africans that had been imported in defiance of the treaties with Great Britain herself. Here is Lord Palmerston's dispatch of September 11, 1851, and it is capable of that signification alone:

"With reference to that passage in M. Miraflores's note, in which he states that the Spanish Government can not understand how Her Majesty's Government can seriously recommend a measure which would prove very injurious to the natives of Cuba, when they also recommend that the Spanish Government should conciliate the affections of those Cubans, I have to instruct your lordship to observe to M. de Miraflores that the slaves of Cuba form a large portion, and by no means an unimportant one, of the population of Cuba, and that any steps taken to provide for their emancipation would therefore, as far as the black population are concerned, be quite in unison with the recommendation made by Her Majesty's Government—that measures should be adopted for contenting the people of Cuba, with a view to secure the connection between that island and the Spanish Crown; and it must be evident that if the negro population of Cuba were rendered free that fact would create a most powerful element of resistance to any scheme for annexing Cuba to the United States, where slavery still exists."

There it is, sir. It is the white population that is to be trampled under the feet of the blacks, and such blacks as now exist in Jamaica; it is this white population that is represented in the face of the Senate and the country as desirous of continuing subjects of the rule under which they now groan.

Sir, it is very easy to say: "If the people of Cuba desire emancipation from this tyranny, why do they not rise in arms?" And we are pointed to our own condition when our forefathers resisted the tyranny of the British Crown. How unfair to them! How delusive the comparison! We were 3,000,000 men. We had the right of speech, the liberty of the press. We could assemble, combine, prepare. We could arm. We had a right to buy arms, and to wear them. When Patrick Henry was urging the Virginia assembly to the declaration of American independence, his cry was that three millions of men in arms could not be vanquished by any power that our enemy could send against us. But how is the case of the miserable Cubans? Had we, as they have, a foreign army in our midst—an army composed of soldiers whose fidelity to the mother country is only secured by the system already mentioned, of strict isolation, of absolute interdiction from any communication with the inhabitants of the island—had we such a force as that amongst us, and, backed by the bayonets of the black race, threatening an exterminating war of races? No, sir; there is no fairness, no justice, in the reproach.

I must waive, Mr. President, all discussion of the effects that the acquisition of this island would have on the industrial, agricultural, and commercial interests of our country, these points having been already treated very satisfactorily by gentlemen who have already spoken.

I shall not even speak of its geographical position, commanding, as it does, a commerce which, before all that are now within sound of my voice shall have disappeared from the earth, will reach $1,500,000,000. Still I must call attention to the fact that it seems hitherto to have been taken for granted that this country is exposed to no risk so long as this island remains within the feeble grasp of Spain. I apprehend this is a mistake, and a very grave mistake. It is a grave mistake for several reasons: First, because those harbors, being the most capacious and the best fortified in the Gulf, offer a secure rendezvous, in case of difficulties with other foreign powers, for collecting fleets and navies with which our own unprotected coasts could be attacked; secondly, because Spain is not now an independent nation.

I deny her independence in the true sense of the word. Spain has bartered away her sovereignty in Cuba, effectually bartered it away to Great Britain. She did not yield to motives of policy or of philanthropy in abolishing the slave trade. There was a time when Spanish dignity was not insulted by the offer to buy something from her, and her pride was not touched when Great Britain paid her £400,000 sterling for giving up the slave trade. Again and again has the Spanish nation been twitted upon the floor of the British Parliament with having cheated Great Britain by taking the money and then countenancing the traffic. It is under the controlling influence of Great Britain that Spanish pride has been so far humiliated that a mixed commission sat in the Island of Cuba; that British subjects in the town of Habana try Spanish subjects in their own colonies for breaches of the treaty, and that England had a hulk, a prison ship belonging to herself, lying in the harbor of Habana, to enforce the edicts of British judges over Spanish colonists; and yet we are told that this is an independent nation, whose pride and dignity will revolt at the bare proposal for a cession of sovereignty over the island.

The safety of our country is further involved in the acquisition of Cuba, or at least in her independence; because her harbors not only furnish points of rendezvous for hostile fleets, but secure harbors of refuge in which they could refit and repair, and prepare themselves for fresh attacks on our unprotected coasts. It was those harbors that afforded refuge for the British fleet after its descent on New Orleans, and in them did the French fleet refit after its bombardment of the castle of San Juan d'Ulloa. In the event of a rupture with Great Britain, which many gentlemen around me seem to suppose inevitable in no very distant future, Cuba would be, in her possession, a tremendous point of vantage for attack; and little would she reck of any opposition by Spain to her use of it for her own purposes in a moment of emergency. It is for this reason that the instincts of the American people have already taught them that we shall ever be insecure against hostile attack until this important geographical and military position is placed under our protection and control.

This being the relation borne to us by Cuba, the President has proposed that Congress shall give expression to the national sentiment by sanctioning a proposition to Spain for the purchase of the island. Why should we not do it?

First, we are told that it is an offense to the dignity of Spain to make the offer of purchase. To that reply has been made so often and so victoriously that it is hardly necessary to repeat it. We have only to say that of all the colonies that Spain ever possessed on this continent, none remain but the islands of Cuba and Puerto Rico, and, I believe, some small islands adjacent, not worth naming; and that, of all she has lost, everything has been torn from her by violence, with the exception of Florida, that we bought, and Louisiana, that France bought. If it was no offense for France to purchase Louisiana, and no offense for us to purchase Florida, it is a little too late to say that it is an offense to her dignity for us to propose the purchase of Cuba. And, sir, I can not understand the dignity and sense of honor of a country that sells to the people of Great Britain for a sum of money an agreement to abandon the slave trade, and under that treaty gives to Great Britain power to hold courts in her own territory, judging her own subjects; and then turns upon us and, on the bare indication of a desire to purchase, tells us that she considers herself insulted by the proposition. I am afraid she will have to be insulted; I am afraid the proposition will have to be made. This insult was offered to her dignity a good many years ago in relation to this same island, first by Great Britain and afterwards by us, and this is the first time we have ever heard of her being insulted by the offer.

But, sir, we are told that England and France will object. If that be true, it affords to my mind a controlling motive for persisting. I wish to examine a little into this subject of the interference of England and France; and first I desire the attention of the Senate to a fact which has not yet been adverted to in this debate—that as far back as 1823 Great Britain tried to buy Cuba from Spain, and made her offers of purchase, which were rejected; that then in 1825 and 1826 Great Britain was at the bottom of the plot for declaring Cuba independent, by an insurrection of the people, with the aid of the Colombian and Mexican forces, her object being to get the control of the island under a protectorate, which she thought she could establish without exciting our jealousy; and that it was these views of Great Britain which induced the interference of Mr. Clay with the Colombian and Mexican ministers, and this broke up the plot. July 10, 1823, Mr. Appleton, being then at Cadiz, wrote to Mr. Adams, our Secretary of State:

"The contents of the letter of which I herewith inclose a duplicate are substantially confirmed by all that has come to my knowledge since it was written. I shall say nothing of the official declaration of England; they are documents which must long since have reached you. I have it, however, in my power to say, upon the best authority, that the sentiments she now professes in relation to acquisition of territory at the expense of Spain have not always been entertained by her.

"Mr. Quadra, now deputy of the Cortes, had, when minister of ultra-marine in 1830, distant overtures made to him for the cession of the eastern side of Cuba to England. These overtures were treated with great coldness, and it is supposed have not been repeated. This fact has been communicated to me in confidence by Mr. Gener, a deputy from the Habana, who, being a European by birth, has had more access to the secrets of the cabinet than his companions, and has lately received a distinguished proof of the respect in which he is held in being called on to preside over the Cortes during an epoch of particular difficulty."

In 1827, Mr. Everett, then in Madrid, sent to Mr. Clay the following dispatch:

"MADRID, *August 17, 1827*.

"SIR: The inclosed copy of a confidential dispatch addressed to the minister of state by the Conde de la Alcudia, Spanish minister at London, was handed to me to-day by a private friend, and may be depended on as authentic. As the communication was made to me in the strictest confidence, and as the document is in itself unsuitable for the press, I take the liberty of transmitting it to you, for the President's information, in the form of a private letter, and request that it may not be placed on the public files of the Department of State."

Here is the letter:

[Translation.]

The Spanish minister at London to the minister of state.

LONDON, *June 1, 1827*.

MOST EXCELLENT SIR: I deem it my duty to give you notice for the information of the King, our Lord, that this Government dispatched a frigate some time ago to the Canary Islands, with commissioners on board, who were instructed to ascertain whether any preparations were making there for an expedition to America; and also the state of defense of those islands, and the disposition of the inhabitants. The result of these inquiries was that the said islands were in a wholly defenseless situation, provided with few troops, and those disaffected and ready for any innovation.

The frigate then proceeded to the Habana, where the commissioners found many persons disposed to revolt; but in consequence of the large military force stationed there and the strength of the fortifications, they considered it impossible to take possession of the island without the cooperation of the authorities and the army. In consequence of the information thus obtained, measures have been taken in both these islands to prepare the public opinion by means of emissaries in favor of England, to the end that the inhabitants may be brought to declare themselves independent and to solicit the protection of the British. The latter are prepared to assist them, and will in this way avoid any collision with the United States. The whole operation has been undertaken and is to be conducted in concert with the revolutionists resident here (at London) and in the islands, who have designated a Spanish general, now at this place, to take command of the Habana when the occasion shall require it.

The Duke of Wellington communicated to me the above information, which is also confirmed by an intimation which he gave to Brig. Gen. Don Francisco Armenteros, when this officer took leave of him to go to the Habana. The Duke then advised him, if he should discover any symptoms of disaffection in the authorities, to give immediate notice to the King, as it would be a grievous thing for His Majesty to lose the Habana.

I have thought it my duty to make these circumstances known to your excellency.

May God keep you many years.

EL CONDE DE LA ALCUDIA.

This is the same Great Britain that now, having failed in her own attempt, generously proposes to the American people an alliance of three parties, France, England, and the United States, each of whom shall say, as they are bound to do in her estimate under the law of nations, that not one of them will ever acquire Cuba. Having failed herself, both by open negotiation and secret maneuver, to obtain possession of the island, she proposes to us magnanimously to renounce what she can not get, provided we will be equally generous; for such, after all, was the real proposition made in the dispatch to which Mr. Everett made his celebrated answer; and when we respectfully declined her proposal, we were informed through another dispatch that she held herself at liberty to act as she pleased for the future; and the British secretary actually proceeded, with a grave face, to argue that England had equal interests with ourselves in the Island of Cuba, because, in a geographical line, Cuba was no nearer to the United States than to the Island of Jamaica—that delectable paradise of her negro savages.

So much, sir, as regards any objections that may be made by England.

But France, we are told, will be offended; her sense of justice will be shocked at our violation of national courtesy in desiring to acquire a neighboring isle. The reproach will come with a good grace, sir, from the present Emperor of the French, who was so particularly regardful of public law when at Bologne and at Strasburg he attempted to overthrow the constitutional Government of his own country for the purpose of acquiring that power which he has since shown was desired only for the gratification of his own selfish ambition. We are to be called on to renounce all rights of national growth in deference, forsooth, to France and England. We alone are not to grow; and the reason is that we declare our purpose in advance, which gives to these intermeddling powers an opportunity of raising an outcry; whereas in the secrecy of their cabinets projects of invasion are entertained and executed before notice is given; and, when reproached for their breaches of national law, the world is coolly informed in diplomatic jargon that the outrage is un fait accompli.

Mr. President, I trust that if the voice of England is raised on this question, the first, the prompt, the peremptory answer to be given will be to ask her to give an account of her seizure of the Bay Islands in defiance of her treaty with us; to call for her title to control the Nicaragua transit; and when she has made good in the law of nations that new title invented by Lord Clarendon, and which he calls "spontaneous settlement," then, and not till then, we shall be ready on our part to give her a reason why we want "spontaneous settlement" in Cuba.

If, sir, on the other hand, the Emperor of France shall make objection, let him be asked by what right he attempts to interfere with us in the purchase of territory from Spain, when we are only following the example of his uncle, who did the same thing? Let him be asked what greater right France had to buy Louisiana than we have to buy Cuba? And, sir, let both France and England be required to show by what principle of national law territorial acquisition is forbidden when peaceful and for a price, but permissible if effected by the exercise of violence committed by the strong against the weak.

Mr. President, there is one paramount principle affecting the whole question of annexation, which our self-respect requires us to present prominently before the world. It is that in the expansion of our system we seek no conquest, subjugate no people, impose our laws on no unwilling subjects. When new territory is brought under our jurisdiction, the inhabitants are admitted to all the rights of self-government. Let no attempt be made to confuse this subject by the use of inappropriate terms. It is the fallacy lurking under the use of the word "belongs," of which despots make use. Cuba "belongs" to Spain. True. But in what sense? New York "belongs" to the United States also; but in what sense?

Cuba is subject to Spanish sovereignty. Her people now owe allegiance to Spain; but the island does not belong to Spain as property belongs to an individual. The Cubans are not the property of the Crown. Nay, the soil of the island belongs to private proprietors. The right of Spain, as a proprietary right, extends only to the public places on the island not disposed of to private individuals, and to such revenues as she can lawfully and legitimately exact from her subjects. But, sir, from the date of our independence we have had fixed principles on the subject of the true proprietorship of countries. The fundamental theory of our Government is that the people of all countries are the true and only owners; that governments are established for their benefit, and that whenever governments become subversive of the true ends of their institution it is the right of the people to alter and abolish them. The Island of Cuba belongs not to Queen Isabella, but to the people who inhabit it, and who alone have the right to decide under what government they choose to live.

Now, Mr. President, bringing this discourse to a close, I desire to say, in a few words, what my view is in relation to the policy of this country. I would propose, as the President proposes, the purchase of the Island of Cuba from the Government of Spain. If that be refused, if it be supposed that Spanish pride or Spanish dignity is involved in the proposition to such an extent as to make it impossible for them to cede it, I would then say to Spain: "If you will not cede the island to us, grant independence to your subjects there, and we will pay you a reasonable equivalent for the abandonment of your revenues, and make settlement hereafter with the people of Cuba for our advances."

If this offer be again refused, then let us announce to Spain in advance that whenever opportunity shall occur we are ready and resolute to offer to the people of Cuba the same aid that England offered to the other Spanish colonies; the same alliance, offensive and defensive, which France so nobly tendered to us in the hour of our darkest peril. Tell her that we shall repair the wrong by us done to the generation now passing away in Cuba when we impeded their efforts for gaining their independence by affording to the present generation our aid, countenance, and assistance. Tell her that, when the Cubans shall have conquered their independence, theirs shall be the right of remaining a separate republic, if they so prefer; that we will cherish, aid, and protect them from all foreign interference, and will draw close the bonds of a mutual, social, and commercial intercourse that shall be of incalculable benefit to both. Tell her, too, that if the people of the island, with their independence once acquired and republican institutions established, shall desire to unite themselves with us, they shall be admitted to the equal benefits which our system of government secures to each independent State that enters into its charmed circle. She shall unite with us freely, the equal associate of free States; and when the union shall have been accomplished, the sword of the nation shall smite down any rude hand that shall attempt to sunder those whom the God of Freedom has united.

APPENDIX NO. 3.

CUBA'S CASE.

WASHINGTON, *December 7, 1895*.

SIR: I hand you herewith a statement of the facts upon which I, as authorized representative of the Cubans in arms, ask that the rights of belligerency be accorded them by your Government.

If you so desire, I can exhibit to you the originals of the documents mentioned or set forth in said statement.

Should it be necessary or desirable for me to point out the arguments, based on the facts submitted, which I deem proof that we are now in condition to ask for belligerency, it will afford me great pleasure to do so.

Begging your earliest and most favorable consideration of this subject, I have the honor to remain, very respectfully, yours,

T. ESTRADA PALMA.

To Hon. RICHARD OLNEY,
Secretary of State of the United States of America,
Washington, D. C.

WASHINGTON, D. C., *December 7, 1895*.

SIR: While admitting that, as a rule, governments do not take cognizance of the justice or injustice of a struggle in which they are called upon to grant the rights of belligerency to one of the contending parties, the revolution for the independence of the Cuban people, initiated on February 24 last, is so similar in its character to that which resulted in the establishment of the foremost Republic in the world, the United States of America, that I feel called upon to point out the causes leading to the present uprising in Cuba.

CAUSES OF THE REVOLUTION.

These causes are substantially the same as those of the former revolution, lasting from 1868 to 1878 and terminating only on the representation of the Spanish Government that Cuba would be granted such reforms as would remove the grounds of complaint on the part of the Cuban people. Unfortunately the hopes thus held out have never been realized. The representation which was to be given the Cubans has proved to be absolutely without character; taxes have been levied anew on everything conceivable; the offices in the island have increased, but the officers are all Spaniards; the native Cubans have been left with no public duties whatsoever to perform, except the payment of taxes to the Government and blackmail to the officials, without privilege even to move from place to place in the island except on the permission of governmental authority.

Spain has framed laws so that the natives have substantially been deprived of the right of suffrage. The taxes levied have been almost entirely devoted to support the army and navy in Cuba, to pay interest on the debt that Spain has saddled on the island, and to pay the salaries of the vast number of Spanish officeholders, devoting only $746,000 for internal improvements out of the $26,000,000 collected by tax. No public schools are within reach of the masses for their education. All the principal industries of the island are hampered by excessive imposts. Her commerce with every country but Spain has been crippled in every possible manner, as can readily be seen by the frequent protests of shipowners and merchants.

The Cubans have no security of person or property. The judiciary are instruments of the military authorities. Trial by military tribunals can be ordered at any time at the will of the Captain-General. There is, besides, no freedom of speech, press, or religion. In point of fact, the causes of the Revolution of 1775 in this country were not nearly as grave as those that have driven the Cuban people to the various insurrections which culminated in the present revolution.

A statement of the facts and circumstances that have forced the Cubans from peaceful to belligerent measures of obtaining that redress which they are satisfied can only come with absolute independence and republican form of government are set forth at large in the pamphlet hereto annexed, marked "A."

ABSOLUTE INDEPENDENCE OR EXTERMINATION.

Every promise of reform made to procure peace in 1878 having been broken by the Spanish Government, and subsequent peaceful endeavor in that direction having proved useless, Cuba is to-day in the condition described by Vattel (Law of Nations, sec. 291):

"If his (the sovereign's) promises are not inviolable, the rebels will have no security in treating with him; when they have once drawn the sword they must throw away the scabbard, as one of the ancients expressed it, and the prince destitute of the more gentle and salutary means of appeasing the revolt will have no other remaining expedient than of utterly exterminating the insurgents; these will become formidable through despair; compassion will bestow success on them; their party will increase, and the state will be in danger."

The only solution of the revolution in Cuba is independence or extermination.

PRELIMINARY ORGANIZATION FOR REVOLT.

Years before the outbreak of the present hostilities the people within and without the island began to organize, with a view of preparing for the inevitable revolution, being satisfied, after repeated and patient endeavors, that peaceful petition was fruitless.

In order that the movement should be strong from the beginning, and organized both as to civil and military administration, the Cuban revolutionary party was founded, with José Marti at its head. The principal objects were by united efforts to obtain the absolute independence of Cuba, to promote the sympathy of other countries, to collect funds with these objects in view, and to invest them in munitions of war. The military organization of this movement was completed by the election of Maximo Gomez as commander-in-chief. This election was made by the principal officers who fought in the last revolution.

THE UPRISING.

The time for the uprising was fixed at the solicitation of the people in Cuba, who protested that there was no hope of autonomy, and that their deposits of arms and ammunition were in danger of being discovered and their leaders arrested. A large amount of war material was then bought by Marti and vessels chartered to transport it to Cuba, where arrangements were made for its reception in the provinces of Santiago, Puerto Principe, and Santa Clara; but at Fernandina, Fla., it was seized by the United States authorities. Efforts were successfully made for the restitution of this material, nevertheless valuable time and opportunity were thus lost. The people in Cuba clamored for the revolution to proceed immediately, and in consequence the uprising was not further postponed. The date fixed for the uprising was the 24th of February. The people responded in Santiago, Santa Clara, and Matanzas. The provinces of Puerto Principe and Pinar del Rio did not respond, owing to lack of arms. In Puerto Principe rigorous search had previous to the 24th been instituted and all arms and ammunition confiscated by the Government. The leaders in the provinces of Matanzas and Santa Clara were imprisoned, and so the movement there was checked for the time being.

On the 27th the governor-general of the Island of Cuba, Emilio Calleja, issued a proclamation declaring the provinces of Matanzas and Santiago in a state of siege, and fixed a period of eight days within which all those who surrendered were to be pardoned. Under these conditions, on the 3d of March, Juan Gualberto Gomez surrendered, was brought to Habana, and set at liberty, but before he could leave the palace of the captain-general was rearrested on the ground that he had bought arms for the movement, and was subsequently court-martialed and sent in chains to the Spanish penal colony in Ceuta, Africa.

GROWTH OF THE REVOLUTION.

In the province of Santiago the revolution rapidly increased in strength under the leadership of Bartolome Masso, one of the most influential and respected citizens of Manzanillo; Guillermo Moncada, Jesus Rabi, Pedro Perez, José Miro, and others.

It was characterized by the Spanish Government as a negro and bandit movement, but many of the most distinguished and wealthy white citizens of the district flocked to the insurgent camp.

The Spanish authorities, through some of the Autonomists, attempted to persuade these men to lay down their arms. Gen. Bartolome Masso was twice approached in this behalf, but positively refused to entertain any negotiations which were not based on the absolute independence of Cuba.

On the 1st of April Gens. Antonio and José Maceo, Flor Crombet, and Augustin Cebreco, all veteran leaders in the former revolt, landed at Duaba, in the province of Santiago, and thousands rose to join them. Antonio Maceo then took command of the troops in that province, and on the 11th of April a detachment received Gens. Maximo Gomez, José Marti, Francisco Borrerro, and Angel Guerra.

Captain-General Calleja was, on the 16th of April, succeeded by Gen. Arsenio Martinez Campos, the present commander-in-chief of the Spanish forces, who has the reputation of being Spain's greatest living general.

BATTLES AND CAMPAIGN.

Campos's first plan of campaign was to confine the revolution to the province of Santiago, and he then stated that he would crush the insurgents, establish peace, and return to Spain by the November following.

He asserted that the province of Puerto Principe would never rise in rebellion; and in order to give color to the statement and hope of labor to the unemployed he projected a line of railway from Santa Cruz to Puerto Principe, planning also another from Manzanillo to Bayamo.

These two projects, as well as the proposed construction of wharves, were never seriously contemplated. From the very beginning of the uprising, conflicts between the Spanish troops and the Cubans were of daily occurrence, and many engagements of importance also took place, forts being captured, towns taken and raided.

It is of course useless to describe every skirmish in this province. The following are among the most important operations:

Los Negros, where General Rabi defeated the Spanish Colonels Santoscildes and Zubikoski; Ramon de las Yaguas, where Colonel Garzon surprised and captured Lieutenant Gallego and 50 men, who were disarmed and permitted to leave unmolested—the troops sent to reenforce the Spaniards being also defeated; El Guanabano, where General Masso and Colonel Estrada forced Santoscildes to retreat to Bayamo, with great loss; Jarahuca, where General Maceo defeated General Salcedo, who had more than 3,000 men under him.

Combined operation of Generals Antonio and José Maceo, who captured the town of Cristo and 200 rifles and 40,000 rounds, while Colonel Garzon took the town of Caney and Colonel Planas attacked a military convoy on the railroad.

The town of Campechuela was attacked by Colonel Guerra and Colonel Estrada, who forced the garrisons of the two forts to surrender.

Juraguanas, where Colonel Estrada, with 1,000 men, met an equal number of Spanish regulars and defeated them.

Colonel Guerra surprised a Spanish guerrilla under Boeras; made many prisoners, whom he set at liberty.

El Cacao, where General Rabi cut to pieces the Spanish forces under Lieut. Col. U. Sanchez and obtained many rifles and ammunition.

El Jobito: This was one of the most important engagements in the east. It took place near Guantanamo, and Lieutenant-Colonel Bach was killed and his troops decimated by Generals Maceo and Perez.

About the middle of July Gen. Martinez Campos, urged by the numerous complaints through the press that the Spanish forces in Bayamo were in a deplorable condition, without food or hospitals, and were cut off from Manzanillo, and wishing by a concerted movement of his lieutenants to crush the revolution at one blow, started from Manzanillo on the 12th for the purpose of relieving Bayamo, and intending thence to march west and drive Gomez into the Spanish military line between the province of Santa Clara and Puerto Principe, thus catching the Cubans between two fires. At the same time three Spanish columns were to march against Maceo and his forces from different directions, and surround and exterminate them. Campos, with 4,800 men under the command of Gen. Fidel Santoscildes, met 3,600 Cubans under Generals Maceo and Rabi on the road to Bayamo at Peralejos.

The battle which followed is known as the battle of Bayamo, Valenzuela, or Peralejos. It lasted eleven hours. General Santoscildes fell in the early part of the engagement, and thereupon Campos himself took command. The Spaniards, completely routed, were forced to kill all their mules and horses to form with them a barricade; left their convoy, the wounded, and dead on the field, and fled in disorder to Bayamo. The loss of the Spaniards was 400 killed and a larger number wounded. The Cubans' was 127 in all. Maceo took care of the Spanish wounded, and sent word to Campos to send a detachment to receive them, which was done.

General Campos, on reaching Bayamo, sent for heavy reenforcements, withdrawing a considerable number of troops from the province of Santa Clara.

Generals Roloff, Sanchez, and Rodriguez landed in that province at about this time with a large amount of raw material, but not enough, as is proved, to fully arm all those who enthusiastically rushed to join them. Before the Spaniards had extricated Campos from his perilous position, the Cuban forces in the province of Santa Clara had been organized into the Fourth Army Corps, and operations were immediately begun.

Santa Clara is one of the wealthiest provinces in the island, and to protect the interest there large reenforcements were called from Spain, as they could not rely on the Spanish "volunteers." The best proof of this was that 400 Spanish volunteers, under Major Casallas, deserted and joined the Cuban ranks in a body at their first opportunity, taking with them all their arms, ammunitions, and supplies. Here, as in other provinces, skirmishes are of daily occurrence, and many fierce encounters have taken place. Among the most important engagements were the capture of Fort Taguasco by Gen. Serafin Sanchez; Las Varas, where 2,000 Spanish troops under Colonel Rubin were defeated by Generals Roloff and Sanchez; Cantabria, where Colonel Rego took many prisoners and war materials, and the raid and burning of the town of Guinia de Miranda by Colonel Perez, and Cayo Espino, where Colonel Lacret inflicted a severe defeat on the Spaniards under Colonel Molina. A most important part of the work of the forces in Santa Clara, which occupied considerable time and caused many encounters with the enemy, was the destruction of telegraph and telephone communications and railroads, of which there are many lines or branches in this district.

GOMEZ'S CAMPAIGNS.

Immediately on the landing of Generals Marti and Gomez they set out to cross the province of Santiago and enter that of Puerto Principe. It will be remembered that at about this time General Campos arrived in the island with reenforcements of over 10,000 men. The object of Gomez in marching into Puerto Principe was to lead those whom he knew were only expecting his arrival in that province in order to take the field. The citizens of Puerto Principe, or Camaguey, as it is also called, had the reputation of being rather conservative, and hence both Spaniards and Cubans waited their determination with great interest.

Gen. Martinez Campos boasted that the inhabitants of Camaguey would never rise in revolt against Spain, but to make assurance doubly sure he placed a cordon of troops numbering about 10,000 on the border between Santiago and Puerto Principe to prevent the entry of Gomez into the latter district. Gomez and Marti started on their westward journey with about 300 men. In trying to pass the first line of troops at Boca de Dos Rios a severe conflict took place May 19, with a greatly superior force, in which José Marti was killed. Great joy was manifested by the Spaniards, who claimed that the revolution had received its deathblow in the loss of Marti, but Gomez continued his advance westward, and ordering a feint to be made by Gen. Antonio Maceo at a point in the north of the Spanish cordon, he succeeded in eluding the enemy and entering the southern part of the province of Puerto Principe in the beginning of June. Here he was joined by Salvador Cisneros Betancourt, now the President of the Republic, the most influential Cuban of that province, together with all the young men of the city, and his forces were rapidly swelled to thousands by additions from all parts of the province. These he subsequently organized into the Third Army Corps.

Thus Gomez was successful in this first campaign of the revolution. Immediately on his arrival in Camaguey he proceeded by a series of rapid cavalry movements to increase his supply of arms and ammunition. He captured and burned Alta Gracia and captured the fort of El Mulato; he cut to pieces a Spanish guerrilla near Las Yeguas. The town and fort of San Jeronimo surrendered to him, and he attacked and raided the town of Cascorro, in all of which places many arms and ammunition as well as prisoners were taken, the latter being invariably released.

During the summer the city of Puerto Principe was constantly menaced in order to allow Gomez to complete his organization of the province.

He was much criticised by Gen. Martinez Campos for his inactivity during the summer, but the Spanish troops, nevertheless, did not interfere with his plans. Early in July he issued the first of the now famous orders relative to the sugar crop, and announced his intention of marching through Santa Clara and into Matanzas in the winter in order to superintend the carrying out of his decrees, increasing his military stores in the meantime, as well as securing the food supply of his army by corralling the cattle of the province in secure places.

As will be shown further on, General Gomez was, upon the establishment of the Government, confirmed as commander-in-chief of the Cuban forces.

In order to carry out this winter campaign he placed Maj. Gen. José Maria Rodriguez in command of the Third Army Corps. The Spaniards explained the wonderful progress of the revolution by the fact that it is impossible for their soldiers to operate during the wet season, and stated that as soon as the winter or dry season set in, or, as it has been expressed by one of her diplomatic representatives, after three days of a northern wind, the Cubans would be driven back from the provinces of Santa Clara and Puerto Principe in the province of Santiago, intending then, by a concentration of their entire fleet at the eastern end of the island, to cut off all basis of supplies and starve the Cubans into submission. At the beginning of the dry season Gomez had perfected all the arrangements of his march to the west; he had ordered Gen. Antonio Maceo, with about 4,000 men, mostly infantry, to follow and join him at Sancti Spiritus, on the western boundary of Santa Clara, where Generals Roloff, Sanchez, Perez, and Lacret were waiting, under orders, for the advance of the commander-in-chief.

Between the provinces of Santa Clara and Puerto Principe there is a line of forts extending from the town of Jucaro to the town of Moron, called the trocha. To prevent the entrance of Gomez into Santa Clara, Gen. Martinez Campos reenforced their garrisons and placed strong columns along the line to fill up the gaps. General Gomez, with a few hundred men, succeeded by a series of maneuvers in getting through this line and falling upon the town of Pelayo, and captured the forts which guarded it, together with the entire garrison and a large amount of arms and ammunition. He then moved north in the province of Santa Clara, into the district of Remedios, moved west, recrossed the trocha, and there joined forces with Gen. Antonio Maceo. The latter had marched his soldiers through the entire province of Puerto Principe, although four large Spanish columns were sent to interrupt his progress. These he succeeded in eluding, defeating them, however, on several occasions. The combined forces of Maceo and Gomez, by a series of strategic movements, again succeeded in passing the trocha, their rear guard defeating Colonel Segura, inflicting heavy loss and capturing nearly 200 mules laden with arms, ammunition, and supplies.

On the arrival of the combined forces in Santa Clara, Gomez, taking charge of all the forces in the district, divided them, sending flying columns in advance under Generals Suarez, Perez, and Lacret, dispatching others to Sagua, in the north, and toward Trinidad, in the south. Maceo's forces made a demonstration on the city of Santa Clara, which was now Martinez Campos's headquarters, while Gomez threatened Cienfuegos. In all the operations which now followed General Gomez had ample forces in his rear, so that his retreat, if made necessary, would not be cut off.

Immediately on the threatening of Cienfuegos General Martinez Campos removed his headquarters from Santa Clara to Cienfuegos, and thence dispatched a large number of troops to form a line between Cienfuegos, Las Cruces, and Lajas, to impede the westward march of the Cuban army. Still advancing westward, and ordering a concentration of his troops, Gomez outflanked the Spanish command, his rear guard distracting their attention and engaging them severely at Maltiempo, in the western part of the province.

On the border of Matanzas Gomez again radiated his troops. Gen. Quintin Bandera on the north, General Maceo in the center, General Gomez himself to the south, while Generals Suarez, Perez, Lacret, and other officers attracted the attention of the enemy by rapid marches and raids. Martinez Campos had again changed his headquarters, this time moving to Colon, in the province of Matanzas; he hoped that the Spanish forces to the rear of the Cubans would be able to cooperate with him, but every means of communication by railroad, telephone, or telegraph had been completely destroyed by the Cubans in their progress, and no word could be sent nor soldiers transported quickly enough for a combined attack of front and rear of the Cubans. From this time on fighting was very sharp, and, as the order of Gomez concerning the grinding of the sugar crop was evidently being disobeyed in Matanzas and Santa Clara, the torch was applied, and it is estimated that a very insignificant part of the sugar crop will be exported this season.

With calls for the protection of the plantations in Santa Clara and Matanzas to attend to, the cities of Santa Clara, Cienfuegos, Matanzas, Cardenas, and Colon threatened, with all communications to the east, except by water, cut off, with the Cuban forces still advancing in oblique directions to the west, Martinez Campos concentrated as many troops as possible, sending to the most easterly province, that of Santiago, all the troops that could be spared from that district, he himself again changing his headquarters with the advance of Gomez to Jovellanos, thence to Limonar, to Matanzas, and finally to Habana, where, at the present writing, he is actively engaged in fortifying the land approaches to the capital, while he has hurried to the neighborhood of Batabano as many troops as could be spared, withdrawing even a large number of the marines from the fleets, thus assigning them to shore duty. Even the line at Batabano has been broken by the Cuban forces, and all communications to the east have been cut off.

So grave has the situation become that martial law has been proclaimed in the provinces of Habana and Pinar del Rio, so that the entire island from Point Maysi to Cape Antonio is now declared to be in a state of siege. The censorship of the press has been made more rigid than ever, and an order issued for the delivery of all horses in the island to the Spanish Government at prices ranging from $18 to $35. It is not intended to pay for these in cash, as only certificates of the delivery of the horses to the Government, with the value of the animal as fixed by the latter, are given to the owners. Either this is an extreme war measure, taken only because of absolute necessity and of the scarcity of money, or it is another example of the gentle methods of the Spanish Government in its treatment of the Cuban and his property.

While the westward march of Gomez was in progress, Gens. Francisco Carrillo and José M. Aguirre landed on the eastern end of the island with a considerable supply of munitions, including some artillery, and succeeded in marching through the provinces of Santiago and Puerto Principe into that of Santa Clara, capturing several forts on the way. General Carrillo has taken command in the Remedios district, where his personal popularity has caused thousands to join him. General Aguirre reported to the commander-in-chief, and is now assisting in the operations of Matanzas.

It was not the intention of General Gomez when he planned his winter campaign to march on and lay siege to the capital, his only object being to prevent the grinding and export of the sugar crop and the consequent flow of treasure into the Spanish coffers, and to demonstrate to the world that he could control the provinces and enforce his orders.

While this march of the main bodies of troops westward has been carried on, the Cuban forces of the other army corps have also succeeded in carrying out the orders concerning sugar cane and preventing the establishment of Spanish lines of communication. As artillery has now been introduced into the Cuban army, forts are more easily taken. There has been constant communication from the interior to the coast; vessels of the Spanish navy have frequently been engaged by the insurgents, and in one case a small armed coast-guard vessel was captured by them.

Supplies are received by the Cubans at convenient points on the coast and transferred to the interior. When it is remembered that in the revolution of 1868 to 1878 there were never more than 10,000 armed insurgents in the field; that these rarely, if ever, took the offensive, and yet compelled Spain to maintain an army of 120,000 men in the field, many of whom were Cuban volunteers in the strict sense of the term; that this little band caused Spain to spend in the ten years over $700,000,000 and to lose over 200,000 men, and that when in contrast we see in this revolution there are already more than 50,000 Cubans in the field, directed by veterans of the last war, who now are on the offensive, and that now Cuban does not fight against Cuban, the chance of ultimate success of the Cuban arms must appear to an impartial observer, especially in the light of Gomez's wonderful western march, and that in two months more the climate will again militate against the Spanish troops.

MILITARY ORGANIZATION.

The military organization of the Cubans is simple and complete.

Maj. Gen. Maximo Gomez is the commander-in-chief, as we have said, of all the forces, a veteran of the last revolution, as indeed are all the generals almost without exception. Maj. Gen. Antonio Maceo is second in command of the army of liberation, and was, until called upon to cooperate with the commander in chief in the late march to the western province, in command of Santiago.

The army is at present divided into five corps—two in Santiago, one in Puerto Principe, and two in Santa Clara and Matanzas. These corps are divided into divisions, these again into brigades, and finally into regiments; the forces are moreover divided into cavalry and infantry, besides having engineers, and lately artillery and a perfect sanitary corps, which latter is in command of Eugenio Sanchez Agramonte, with the grade of brigadier-general. Maj. Gen. José Maceo commands the First Santiago Corps, while Maj. Gen. Bartolme Masso commands the Second Corps in that province.

Commanding divisions and brigades in these two corps are Brig. Gens. Pedro Perez, Agustin Cebreco, Jesus Rabi, Luis Feria, Bernardo Capote, Higinio Vasquez, and Angel Guerra.

The Third Corps is in command of Maj. Gen. José M. Rodriguez. The Fourth Corps is in command of Maj. Gen. Carlos Roloff, the divisions and brigades being commanded by Maj. Gens. Francisco Carrillo and Serafin Sanchez and Brig. Gens. Tranquilino Perez, Juan B. Zayas, and Rogelio Castillo. The Fifth Corps is in command of Maj. Gen. Manuel Suarez, and the divisions and brigades are commanded by Francisco Perez, José Lacret, and José M. Aguirre.

The first two corps consist of 20,000 men, mostly infantry; the third, of about 4,000 men, mostly cavalry; the Fourth and Fifth Corps consisted before the late invasion of Gomez of over 20,000 men, both infantry and cavalry, which force has been considerably increased in these last days. Of the 50,000 men at least that there are in the field, more than half are fully armed and equipped, the rest carrying miscellaneous weapons or side arms.

The work of fully equipping the army is now proceeding rapidly. The higher grades and commissions are all confirmed by the Government.

Stations for the manufacture of powder and the reloading of cartridges are established, as well as for the manufacturing of shoes, saddles, and other equipments. The hospitals for the sick and wounded are also provided. Red Cross societies have offered their cooperation, but the Spanish commander in chief has refused to allow them to enter the insurgent lines.

The discipline of the army is strict and marauding is promptly punished, as was done in the case of Lieut. Alberto Castillo, an officer of the Second Corps, who was tried and shot for robbery, and as has been repeatedly done with the "plateados," men who, taking advantage of the unsettled condition of affairs in the country, have turned bandits. The Cuban army of liberation is entirely volunteer, without pay.

CIVIL GOVERNMENT.

As above indicated, José Marti was the head of the preliminary civil organization, and he, immediately upon landing with Gomez in Cuba, issued a call for the selection of representatives of the Cuban people to form a civil government.

His death postponed for a time the selection of these men, but in the beginning of September the call previously issued was complied with.

Representatives from each of the provinces of Santiago, Puerto Principe, Santa Clara, and the western part of the island, comprising the provinces of Matanzas and Habana, making twenty in all, were elected to the constituent assembly, which was to establish a civil government, republican in form.

A complete list of the members of the constituent assembly which met at Jimaguayu, in the province of Puerto Principe, on the 13th of September, 1895, together with an account of its organization and subsequent action, will be found in the document hereto annexed and marked B.

A constitution of the Republic of Cuba was adopted on the 16th of September, and copy of which will be found in document annexed marked B.

On the 18th of September the following officers of the Government were elected by the constituent assembly in accordance with the terms of the constitution:

President, Salvador Cisneros Betancourt, of Puerto Principe; vice-president, Bartolome Masso, of Manzanillo; secretary of war, Carlos Roloff, of Santa Clara; secretary of the treasury, Severo Pina, of Sancti Spiritus; secretary of the interior, Santiago Garcia Canizares, of Remedios; secretary of foreign relations, Rafael M. Portuondo, of Santiago de Cuba; subsecretary of war, Mario Menocal, of Matanzas; subsecretary of the treasury, Joaquin Castello, of Santiago de Cuba; subsecretary of the interior, Carlos Dubois, of Baracoa; subsecretary of foreign relations, Fermin Valdes Dominguez, of Habana.

The installation of these officers duly followed. The election of the general in chief and the second in command, who is to bear the title of lieutenant-general, was then had and resulted in the unanimous election of Maximo Gomez and Antonio Maceo, respectively.

On the same day the constituent assembly elected by acclamation as delegate plenipotentiary and general agent abroad of the Cuban Republic the undersigned, Tomas Estrada Palma. The credentials issued to me are hereto annexed, marked C.

Immediately thereafter the government council proceeded to the headquarters of General Gomez, in Puerto Principe, where the latter took the oath of allegiance to the constitution of the Republic, together with his troops, who there gathered for this purpose, and was installed as commander-in-chief of the armies of the Republic.

The government council then proceeded to the province of Santiago, where Gen. Antonio Maceo and his forces took the oath of allegiance.

Thence the council proceeded to the province of Santa Clara to inspect and administer the oath to the troops of the Fourth and Fifth Army Corps. They are now on their way to the province of Santiago, where their permanent headquarters will be established.

The divisions of the provinces into prefectures, under the supervision of the secretary of the interior, and the duties which devolve in this department, are fully set forth in Exhibit B, as well as the duties of the secretary of the treasury. The impositions, rate, and collection of the taxes, and sources of income of the Government, will also be found in Exhibit B.

All moneys collected in accordance with the laws of the Republic, as well as those received through voluntary contributions, are delivered to him or his duly authorized agent, and expended under his supervision or that of his agents, to supply the present needs of the Government, which are mainly purchase of arms and ammunition.

The money thus collected has been sufficient to equip the army and keep it supplied with ammunition, although, as it is natural, from the rapid increase of the ranks and the difficulty of bringing supplies into the island, many of the new recruits have not yet been fully armed. The problem of equipping the army is not a financial one, but arises from the caution necessary to blockade running, and, above all, the preventive measures taken by foreign governments, and the notice which is in all cases given to the enemy of the embarkment of munitions. No report of the secretary of the treasury has yet been made, as he has not been in office but three months.

For the purpose of properly collecting the imposts, the roads to all cities, as well as the coast, are patrolled by the Cubans. The Cuban Government publishes two newspapers, El Cubano Libre and the Boletin de la Guerra.

TREATMENT OF PRISONERS.

From the beginning of this insurrection, the conduct of the Cubans as to prisoners has been in strong contrast to that of the Spaniards. Prisoners taken by the Cubans have been invariably well treated, cared for, and liberated, officers as well as common soldiers, as soon as it was possible under the circumstances, and word sent to the Spanish officers to call for them, on the guaranty that the detachment would be respected.

As instances, we may recite those even admitted by the Spaniards, namely: Ramon de las Yaguas, Campechuela, and Peralejos, in Santiago; el Mulato, San Jeronimo, and Las Minas, in Puerto Principe; Taguasco, Pelayo, and Cantabria, in Santa Clara. After the last-mentioned engagement, Colonel Rego returned his prisoners to the Spanish lines, obtaining a receipt for their delivery, signed by a lieutenant, of which a copy is hereto annexed, marked D.

This action, in accordance with the spirit of the insurrection, which is declared not to be against the Spaniards, of whom many are fighting for the independence of the island, but against the Spanish Government, is echoed by the general order of the commander-in-chief on this subject, of which the following is a copy:

CIRCULAR OF THE GENERAL IN CHIEF.

"GENERAL HEADQUARTERS OF THE ARMY OF LIBERATION,
"*Camaguey, August 1, 1895.*

"In order to establish in a clear and precise manner the mode of procedure toward the chiefs, officers, and soldiers of the monarchy captured in action or operations, and toward those who voluntarily surrender to our columns or authorities, I have deemed it convenient to order as follows:

"ARTICLE 1. All prisoners captured in action or by the troops of the Republic will be immediately liberated and returned to their ranks, unless they volunteer to join the army of liberation. The abandoned wounded will be gathered and attended to with all care, and the unburied dead interred.

"ART. 2. All persons who shall be arrested, charged with committing the misdemeanors in the circular of July 1, by violating or disregarding the said order, will be summarily proceeded against.

"ART. 3. Those of the prisoners who are chiefs or officers of the army of the monarchy will be respected and considered according to their rank and treated according to the valor with which they may have resisted, and will all be returned to their ranks if they so desire.

"ART. 4. Those who volunteer to join the ranks of the republicans, and appear before our columns and authorities, will have their option in the mode of serving the cause of the Republic, either in arms or by more peaceful occupations, civil or agricultural pursuits.

"I communicate this to you for your instruction and for your rigid compliance. Country and liberty.

"MAXIMO GOMEZ,
"*The General in Chief.*"

On the part of the Spanish, attention is called to the order prohibiting newspaper correspondents from entering insurgent lines to prevent accurate information being given to the world at large; the order to shoot all who supply food or medicines to the insurgents; the order, which in every instance has been carried out, to shoot all officers of the Cuban army who may be captured, under which Domingo Mujica, Gil Gonzalez, Quirina Amezago, and Acebo have been executed. At the recapture of Baire, old men, women, and children were ruthlessly slaughtered by the Spanish soldiery, the hospital at Gran Piedra was captured and over seventy wounded and defenseless Cubans were killed; at Cayo Espino peaceful men and women were butchered by Colonel Molina, and the outrages committed by the troops under Garrido and Tejera are legion. The action of convicts who have been liberated by Spain to fight the Cubans under such leadership as that of the notorious Lola Benitez, who bears the title of colonel, are, as might be expected, a blot on any Christian army.

As to the treatment of Cubans suspected of sympathy with the insurgents, we have but to consider the large number of men who have lately been arrested and on bare suspicion summarily sent to the Spanish penal colonies for life. Some foreign citizens have indeed escaped court-martial on the interference of their governments, but it is well known that even civil trials at this time are under the absolute control of the Government.

NOT A NEGRO MOVEMENT.

The Spaniards charge, in order to belittle the insurrection, that it is a movement of negroes. It should be remembered that not more than one-third of the entire population are of the colored race. As a matter of fact, less than one-third of the army are of the colored race. Take, for instance, the generals of corps, divisions, and brigades. There are but three of the colored race, namely, Antonio and José Maceo and Augustin Cebreco, and these are mulattoes whose deeds and victories have placed them far above the generals of those who pretend to despise them. None of the members of the constituent assembly or of the government are of the colored race. The Cubans and the colored race are as friendly in this war as they were in times of peace, and it would indeed be strange if the colored people were not so, as the whites fought for and with them in the last revolt, the only successful purpose of which was the freedom of the slaves.

If it be true that this is merely a movement of bandits and negroes and adventurers, as the Spaniards assert, why have they not armed the Cuban people to fight against the outlaws, or why have not the Cuban people themselves volunteered to crush this handful? On the contrary, they know that giving those Cubans arms who have them not would be but to increase the number of insurgents, and they have therefore sent more than 125,000 troops from Spain, mostly conscripts; they have sent over forty of their most famous generals; they have increased their navy, and virtually, so far as the Cubans are concerned, blockaded the entire coast. They have been compelled to make many onerous loans to carry on the campaign; they have increased the fortifications of their ports; they have brought torpedoes to protect their harbors, and they have even placed armed troops on their mail steamers to prevent their capture.

Besides this large army, they have between 60,000 and 80,000 volunteers to protect their towns. These volunteers, so called, are native Spaniards and a branch of the regular army, the service being compulsory—that is, instead of serving in the regular army at home, where their entire time must be given up, they volunteer to enter this body on emigration to Cuba, where they may follow to a considerable extent their occupation. In other words, they correspond to our home guards or militia, except that the service is obligatory and that the men can not leave the island without permission.

It is not denied that a large number of what the Spaniards term the lower classes are in this revolution, but this is only a proof of how deep into the mass of the people have been implanted the seeds of discontent and of republicanism. This is a movement not like our last revolution—the result of the agitation of the wealthy and the educated—but one which is the outcome of the popular sentiment of all classes.

Much surprise has been expressed that with the immense army and resources at hand Spain has not been able to crush the insurrection or prevent its rapid growth. Aside from the climate, which is deadly to the raw, ill-fed, ill-clothed, ill-treated, and badly paid Spanish troops, the greater part of whom are mere lads, the Spaniards have to divide their troops into an army of occupation and another of operation. These must necessarily move in considerable numbers, because if compelled to flee without a knowledge of the intricacies of the country they would be decimated.

A Cuban command on dispersion is readily reorganized, as each man is his own guide. This is one of the most valuable of Cuban movements—to disperse as if routed, to rally at a previously agreed point, and then to fall upon and surprise the seemingly victorious enemy. The Cuban, used to the country and the climate, marches and rides much faster than the Spaniard. He can live and thrive, and does so in necessity, on food that is death to the Spanish soldier. Moreover, in a friendly country the movements of the enemy are readily ascertained by the Cuban general, who can thus select his own position or evade the engagement, while the Spanish are never so well informed and are at the mercy of their guides.

It must be remembered that the Cuban fights for the noblest principle of man—independence; that he does so without compulsion or pay, but spontaneously and enthusiastically—nay, he fights the battle of despair, knowing it is better to be killed thus than to bear the tortures of a Spanish prison or to trust himself to the tender mercy of a Spanish commander. On the other hand, the Spanish troops fight by compulsion and for pay, which is even now months in arrears; they fight without faith, for their heart is not with their cause. They know that surrender means pardon and good treatment, while fighting may mean death. Hundreds of Spanish soldiers have singly or in groups gone over to the insurgent lines, being satisfied that they would live there under better conditions.

CHARACTER OF THE WAR.

There was also an attempt made by the Spanish to brand the Cubans with carrying on an uncivilized warfare because of their use of dynamite. General Roloff before using this explosive issued a proclamation warning all persons of the danger of traveling by rail. Dynamite has been used freely, but only as a substitute for gunpowder in the destruction of railroad bridges, trestles, and trains which could be used and were used for the transportation of Spanish troops. Of course it is a serious loss to Spain to have these railroads destroyed, but no one can seriously deny that it is a measure justified by the necessities of war. The use of this explosive as a substitute for gunpowder in the operation of mines is simply a proof that the Cubans are keeping pace with the advance of inventions in the art of war.

DESTRUCTION OF PROPERTY.

The subject, however, which has caused probably the most discussion is the order of General Gomez to prevent the grinding of sugar cane, and in case of the disobedience of said order the destruction of the crop. General Gomez issued a preliminary warning dated July 1, of which the following is a copy:

"GENERAL HEADQUARTERS OF THE ARMY OF LIBERATION,
"*Najasa, Camaguey, July 1, 1895.*

"*To the Pioneers and Owners of Cattle Ranches:*

"In accord with the great interests of the revolution for the independence of the country and for which we are in arms:

"Whereas all exploitations of any product whatsoever are aids and resources to the Government that we are fighting, it is resolved by the general in chief to issue this general order throughout the island, that the introduction of articles of commerce, as well as beef and cattle, into the towns occupied by the enemy, is absolutely prohibited. The sugar plantations will stop their labors, and whosoever shall attempt to grind the crop notwithstanding this order will have their cane burned and their buildings demolished. The person who, disobeying this order, will try to profit from the present situation of affairs will show by his conduct little respect for the rights of the revolution of redemption, and therefore shall be considered as an enemy, treated as a traitor, and tried as such in case of his capture.

"MAXIMO GOMEZ,
"*The General in Chief.*"

Nevertheless, throughout the country preparations were made for the grinding of the crop. A peremptory order, of which the following is a copy, was then issued on November 6:

"HEADQUARTERS OF THE ARMY OF LIBERATION,
"*Territory of Sancti Spiritus, November 6, 1895.*

"Animated by the spirit of unchangeable resolution in defense of the rights of the revolution of redemption of this country of colonists, humiliated and despised by Spain, and in harmony with what has been decreed concerning the subject in the circular dated the 1st of July, I have ordered the following:

"ARTICLE I. That all plantations shall be totally destroyed, their cane and outbuildings burned, and railroad connections destroyed.

"ART. II. All laborers who shall aid the sugar factories—these sources of supplies that we must deprive the enemy of—shall be considered as traitors to their country.

"ART. III. All who are caught in the act, or whose violation of Article II shall be proven, shall be shot. Let all chiefs of operations of the army of liberty comply with this order, determined to unfurl triumphantly, even over ruin and ashes, the flag of the Republic of Cuba.

"In regard to the manner of waging the war, follow the private instructions that I have already given.

"For the sake of the honor of our arms and your well-known courage and patriotism, it is expected that you will strictly comply with the above orders.

"M. GOMEZ, *General in Chief.*

"To the chiefs of operations: Circulate this."

On the 11th of November the following proclamation was issued:

"HEADQUARTERS OF THE ARMY OF LIBERATION,
"*Sancti Spiritus, November 11, 1895.*

"*To honest men, victims of the torch:*

"The painful measure made necessary by the revolution of redemption drenched in innocent blood from Hatuey to our own times by cruel and merciless Spain will plunge you in misery. As general in chief of the army of liberation, it is my duty to lead it to victory, without permitting myself to be restrained or terrified, by any means necessary to place Cuba in the shortest time in possession of her dearest ideal. I therefore place the responsibility for so great a ruin on those who look on impassively and force us to those extreme measures which they then condemn like dolts and hypocrites that they are. After so many years of supplication, humiliations, contumely, banishment and death, when this people, of its own will, has arisen in arms, there remains no other solution but to triumph, it matters not what means are employed to accomplish it.

"This people can not hesitate between the wealth of Spain and the liberty of Cuba. Its greatest crime would be to stain the land with blood without effecting its purposes, because of puerile scruples and fears which do not concur with the character of the men who are in the field, challenging the fury of an army which is one of the bravest in the world, but which in this war is without enthusiasm or faith, ill fed, and unpaid. The war did not begin February 24; it is about to begin now.

"The war had to be organized; it was necessary to calm and lead into the proper channels the revolutionary spirit, always exaggerated in the beginning by wild enthusiasm. The struggle ought to begin in obedience to a plan and method more or less studied, as the result of the peculiarities of this war. This has already been done. Let Spain now send her soldiers to rivet the chains of her slaves; the children of this land are in the field, armed with the weapons of liberty. The struggle will be terrible, but success will crown the revolution and efforts of the oppressed.

"MAXIMO GOMEZ, *General in Chief.*"

The reasons underlying this measure are the same which caused this country to destroy the cotton crop and the baled cotton in the South during the war of the secession.

The sugar crop is a source of large income to the Spanish Government, directly by tax and export duty as well as indirectly. The action of the insurgents is perfectly justified, because it is simply a blockade, so to speak, on land—a prevention of the gathering and hence the export of the commodity with, naturally, a punishment for the violation thereof.

PROTESTS OF ALIENS.

Strenuous protests have, too, been made by and on behalf of aliens residing in or having property in Cuba.

It is admitted in civilized warfare that the property of alien residents, whether they are in sympathy with the enemy or not, when in the track of war, is subject to war's casualties, and that all property which might be of aid and comfort to the enemy may be taken or destroyed, the commander in the field being the judge of the exigency and necessities which dictate such action. This proposition has been laid down by the State Department and the Supreme Court of this country in the matter of the destruction of cotton in the late war.

The provision of the constitution of the Republic of Cuba that the citizens of a country which acknowledges the Cubans as belligerents shall be exempt from the payment of taxes and contributions to the Republic naturally implies that the property of such citizens, after the granting of belligerency by their country, even though by all the laws of war it is contraband and may be seized or destroyed, will be absolutely respected, and, I have all reason to assert, will be under the special protection of the Cuban Government and its army.

For aliens to ask this protection as a right while their Government denies the existence of the belligerency of the Cubans might well be considered by the latter as allowing aid and comfort to go to their enemy, simply on the expectation that some time in the future the Government of those aliens may, out of gratitude to the Cubans, acknowledge, what is after all but a state of fact, belligerency. In the meantime the aid and comfort thus allowed by the Cubans to flow to the Spaniards must strengthen the latter and thus draw out the struggle or weaken the former. General Gomez explains the importance of this measure in the following letter:

"DISTRICT OF REMEDIOS,
"*Province of Santa Clara, December 6, 1896.*

"TO TOMAS ESTRADA PALMA.

"MY DEAR AND ESTEEMED FRIEND: It is not long since I wrote you, but an opportunity offers by which I may send you a few words of encouragement and good cheer. Rest assured I write you whenever I can, which is not often, owing to the great amount of work which at present falls upon my shoulders. I know the pen is mightier than the sword, but my mission at present is with the latter; others must wield the pen.

"Eight days ago Gen. Antonio Maceo and myself met and fought the enemy with our forces in conjunction. The Spanish column, including infantry, cavalry, and artillery were our superiors in number, but the arms of the Cuban Republic were again victorious. I have not time at present to go into details of the battle, they will follow later. Suffice it to say, Spanish reports to the contrary notwithstanding, we won the day.

"Our advance may be slow, but it will be sure and firm. If you hear of our retreat, remember that it will be temporary and for a purpose. Our faces are turned toward the west, and nothing will stop us. The result of my observations as we proceed is that the Spaniards are in need of almost everything—money, sympathy, soldiers, and even leaders who have faith and courage in the righteousness of their cause.

"If Cuban valor and resolution do not fail us, and if the hearts of Cuba's children do not weaken, I have every reason to believe that the close of the six months' campaign now initiated will find everything satisfactorily settled and Cuba free.

"I know that unfavorable comment has been made on some of the methods we have been forced to employ in this revolution, but it will not do to listen to the complaints of the superficial and irresponsible. No sugar crop must be made this winter under any circumstances or for any amount of money. It is the source from which the enemy still hopes and dreams of obtaining its revenue. To prevent that end, for the good of our country, has been and shall be our programme.

"We are Cubans, and have one great aim in view, one glorious object to obtain—the freedom of our country and liberty. It is of more importance to us than glory, public applause, or anything else. Everything else will follow in time. I have never believed in or advised a sanguinary revolution, but it must be a radical one. First of all we must triumph; toward that end the most effective means, although they may appear harsh, must be employed.

"There is nothing so bad, so dishonorable, so inexcusable, in the eyes of the world as failure. Victory is within our reach. To hesitate, to delay it, to endanger it now, would be stupid, would be cowardly, would be criminal. We will succeed first; the applause of the world will follow. To do otherwise would be not to love one's country. I have never felt more confident than at the present moment. You can rest assured that Cuba will soon achieve her absolute independence.

"Ever your true friend,
"MAXIMO GOMEZ."

As I have through various sources been approached on this subject in behalf of property of American citizens on the island, and as I know the cordial friendship which the Cubans bear to the Government and people of the United States of America, feeling assured that this country, from its very history, must likewise feel a deep sympathy with a people who are treading in their footsteps, I have written to the Government of the Republic of Cuba the following letter:

"NEW YORK, *December 23, 1895.*

"SALVADOR CISNEROS BETANCOURT,
"*President of the Cuban Republic.*

"MY DISTINGUISHED FELLOW-COUNTRYMAN: There have been many complaints made to me from various sources that the property of citizens of the United States of North America has been destroyed by our army of liberation in Cuba under the order of our distinguished general in chief, Maximo Gomez. I know very well how you and all my countrymen feel toward this Republic, and that you desire to do everything in your power to demonstrate your friendship, and I deem it my duty to communicate the above facts to you so that you may consider the matter carefully and thoroughly; at the same time I know that many Spaniards intend to transfer their property, as some have done already, to American citizens or companies especially organized for their purposes, in case that you should, before or after receiving the rights of belligerents, take active measures for the protection of North American interests.

"I say this because I am sure that, at least after the granting of belligerency, you will do your utmost to guard the interests of the citizens of a country which warmly sympathizes with us in our present struggle.

"Hoping that you will give this subject your most thoughtful consideration, I remain your devoted friend, for country and liberty,

"T. ESTRADA PALMA."

In view of the history of this revolution as herein stated, in view of the causes which led to it, its rapid growth, its successes in arms, the establishment, operation, and resources of the Government of the Cuban Republic, the organization, number, and discipline of its army, the contrast in the treatment of prisoners to that of the enemy, the territory in its control and subject to the carrying out of its decrees, of the futility of the attempts of the Spanish Government to crush the revolution, in spite of the immense increase of its army in Cuba and of its blockade and the many millions spent for that purpose, the cruelties which on the part of the Spanish have especially characterized this sanguinary and fiercely conducted war, and the damage to the interests of the citizens of this country under the present conditions, I, as the duly accredited representative, in the name of the Cuban people in arms who have fought singly and alone against the monarchy of Spain for nearly a year, in the heart of a continent devoted to republican institutions, in the name of justice, in the name of humanity, in the name of liberty, petition you, and through you the Government of the United States of America, to accord the rights of belligerency to a people fighting for their absolute independence.

Very respectfully, yours,

T. ESTRADA PALMA.

The Hon. RICHARD OLNEY,
Secretary of State of the United States of America.

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A.

CUBA VS. SPAIN.

War is a dire necessity. But when a people has exhausted all human means of persuasion to obtain from an unjust oppressor a remedy for its ills, if it appeals as a last resource to force in order to repel the persistent aggression which constitutes tyranny, this people is justified before its own conscience and before the tribunal of nations.

Such is the case of Cuba in its wars against Spain. No metropolis has ever been harsher or more obstinately harassing; none has ever exploited a colony with more greediness and less foresight than Spain. No colony has ever been more prudent, more long-suffering, more cautious, more persevering than Cuba in its purpose of asking for its rights by appealing to the lessons of experience and political wisdom. Only driven by desperation has the people of Cuba taken up arms, and, having done so, it displays as much heroism in the hour of danger as it had shown good judgment in the hour of deliberation.

The history of Cuba during the present century is a long series of rebellions; but every one of these was preceded by a peaceful struggle for its rights—a fruitless struggle because of the obstinate blindness of Spain.

There were patriots in Cuba from the beginning of this century, such as Presbyter Caballero and Don Francisco Arango, who called the metropolitan Government's attention to the evils of the colony, and pointed to the remedy by pleading for the commercial franchises required by its economical organization, and for the intervention of the natives in its government, not only as a right, but also for political expediency, in view of the long distance between the colony and the home government, and the grave difficulties with which it had to contend. The requirements of the war with the continental colonies, which were tired of Spanish tyranny, compelled the metropolitan Government to grant a certain measure of commercial liberty to the Island of Cuba, a temporary concession which spread prosperity throughout its territory, but which was not sufficient to open the eyes of the Spanish statesmen. On the contrary, prompted by suspicion and mistrust of the Americans, they began by curtailing, and shortly after abrogated the limited administrative powers then possessed by some of the corporations in Cuba, such as the "Junta de Fomento" (a board for the encouragement of internal improvements).

As if this were not enough, the Cubans were deprived of the little show of political intervention they had in public affairs. By a simple royal decree in 1837 the small representation of Cuba in the Spanish Cortes was suppressed, and all the powers of the government were concentrated in the hands of the Captain-General, on whom authority was conferred to act as the governor of a city in a state of siege. This implied that the Captain-General, residing in Habana, was master of the life and property of every inhabitant of the Island of Cuba. This meant that Spain declared a permanent state of war against a peaceful and defenseless people.

Cuba saw its most illustrious sons, such as Heredia and Saco, wander in exile throughout the free American Continent. Cuba saw as many of the Cubans as dared to love liberty and declare it by act or word die on the scaffold, such as Joaquin de Agüero and Placido. Cuba saw the product of its people's labor confiscated by iniquitous fiscal laws imposed by its masters from afar. Cuba saw the administration of justice in the hands of foreign magistrates, who acted at the will or the whim of its rulers. Cuba suffered all the outrages that can humiliate a conquered people, in the name and by the work of a government that sarcastically calls itself paternal. Is it to be wondered, then, that an uninterrupted era of conspiracies and uprisings should have been inaugurated? Cuba in its despair took up arms in 1850 and 1851, conspired again in 1855, waged war in 1868, in 1879, in 1885, and is fighting now since the 24th of February of the present year.

But at the same time Cuba has never ceased to ask for justice and redress. Its people, before shouldering the rifle, pleaded for their rights. Before the pronunciamento of Aguero and the invasions of Lopez, Saco, in exile, exposed the dangers of Cuba to the Spanish statesmen, and pointed to the remedy. Other farsighted men seconded him in the colony. They denounced the cancer of slavery, the horrors of the traffic in slaves, the corruption of the officeholders, the abuses of the Government, the discontent of the people with their forced state of political tutelage. No attention was given to them, and this brought on the first armed conflicts.

Before the formidable insurrection of 1868, which lasted ten years, the reform party (which included the most enlightened, wealthy, and influential Cubans, exhausted all the resources within their reach to induce Spain to initiate a healthy change in her Cuban policy. The party started the publication of periodicals in Madrid and in the island, addressed petitions, maintained a great agitation throughout the country, and having succeeded in leading the Spanish Government to make an inquiry into the economical, political, and social condition of Cuba, they presented a complete plan of government which satisfied public requirements as well as the aspirations of the people. The Spanish Government disdainfully cast aside the proposition as useless, increased taxation, and proceeded to its exaction with extreme severity.

It was then that the ten-year war broke out. Cuba, almost a pigmy compared with Spain, fought like a giant. Blood ran in torrents. Public wealth disappeared in a bottomless abyss. Spain lost 200,000 men. Whole districts of Cuba were left almost entirely without their male population. Seven hundred millions were spent to feed that conflagration—a conflagration that tested Cuban heroism, but which could not touch the hardened heart of Spain. The latter could not subdue the bleeding colony, which had no longer strength to prolong the struggle with any prospect of success. Spain proposed a compact which was a snare and a deceit. She granted to Cuba the liberties of Puerto Rico, which enjoyed none.

On this deceitful ground was laid the new situation, throughout which has run a current of falsehood and hypocrisy. Spain, whose mind had not changed, hastened to change the name of things. The capitan-general was called governor-general. The royal decrees took the name of authorizations. The commercial monopoly of Spain was named coasting trade. The right of banishment was transformed into the law of vagrancy. The brutal attacks of defenseless citizens were called "componte." The abolition of constitutional guaranties became the law of public order. Taxation without the consent or knowledge of the Cuban people was changed into the law of estimates (budget) voted by the representatives of Spain; that is, of European Spain.

The painful lesson of the ten-year war had been entirely lost on Spain. Instead of inaugurating a redeeming policy that would heal the recent wounds, allay public anxiety, and quench the thirst for justice felt by the people, who were desirous to enjoy their natural rights, the metropolis, while lavish in promises of reform, persisted in carrying on unchanged its old and crafty system, the groundwork of which continues to be the same, namely: To exclude every native Cuban from every office that would give him any effective influence and intervention in public affairs; the ungovernable exploitation of the colonists' labor for the benefit of Spanish commerce and Spanish bureaucracy, both civil and military. To carry out the latter purpose it was necessary to maintain the former at any cost.

I.

In order to render the native Cuban powerless in his own country, Spain, legislating for Cuba without restriction as it does, had only to give him an electoral law so artfully framed as to accomplish two objects: First, to reduce the number of voters; second, to give always a majority to the Spaniards; that is, to the European colonists, notwithstanding that the latter represent only 9.3 per cent of the total population of Cuba. To this effect it made the electoral right dependent on the payment of a very high poll tax, which proved the more burdensome as the war had ruined the larger number of Cuban proprietors. In this way it succeeded in restricting the right of suffrage to only 53,000 inhabitants in an island which has a population of 1,631,000; that is to say, to the derisive proportion of 3 per cent of the total number of inhabitants.

In order to give a decided preponderance to the Spanish European element, the electoral law has ignored the practice generally observed in those countries where the right to vote depends on the payment of a poll tax, and has afforded all the facilities to acquire the electoral privilege to industry, commerce, and public officials, to the detriment of the territorial property (the ownership of real estate). To accomplish this, while the rate of the territorial tax is reduced to 2 per cent, an indispensable measure, in view of the ruinous condition of the landowners, the exorbitant contribution of $25 is required from those who would be electors as freeholders. The law has, moreover, thrown the doors wide open for the perpetration of fraud by providing that the simple declaration of the head of a commercial house is sufficient to consider all its employees as partners, having, therefore, the right to vote. This has given us firms with thirty or more partners. By this simple scheme almost all the Spaniards residing in Cuba are turned into electors, despite the explicit provisions of the law. Thus it comes to pass that the municipal district of Guines, with a population of 13,000 inhabitants, only 500 of which are Spaniards and Canary Islanders, shows on its electoral list the names of 32 native Cubans and of 400 Spaniards—only 0.25 per cent of the Cuban to 80 per cent of the Spanish population.

But, as if this were not enough, a so-called permanent commission of provincial deputations decides every controversy that may arise as to who is to be included in or excluded from the list of electors, and the members of this commission are appointed by the governor-general. It is unnecessary to say that its majority has always been devoted to the Government. In case any elector considers himself wronged by the decision of the permanent commission, he can appeal to the "audiencia" (higher court) of the district, but the "audiencias" are almost entirely made up of European magistrates; they are subject to the authority of the governor-general, being mere political tools in his hands. As a conclusive instance of the manner in which those tribunals do justice to the claims of the Cuban electors, it will be sufficient to cite a case which occurred in Santa Clara in 1892, where 1,000 fully qualified liberal electors were excluded at one time, for the simple omission to state their names at the end of the act presented by the elector who headed the claim. In more than one case has the same "audiencia" applied two different criterions to identical cases. The "audiencia" of Habana, in 1887, ignoring the explicit provisions of the law, excused the employees from the condition of residence, a condition that the same tribunal exacted before. The same "audiencia" in 1885 declared that the contributions to the State and to the municipality were accumulative, and in 1887 decided the opposite. This inconsistency had for its object to expunge from the lists hundreds of Cuban electors. In this way the Spanish Government and tribunals have endeavored to teach respect for the law and for the practice of wholesome electoral customs to the Cuban colonists.

It will be easily understood now why on some occasions the Cuban representation in the Spanish Parliament has been made up of only three deputies, and in the most favorable epochs the number of Cuban representatives has not exceeded six. Three deputies in a body of four hundred and thirty members! The genuine representation of Cuba has not reached sometimes 0.96 per cent of the total number of members of the Spanish congress. The great majority of the Cuban deputation has always consisted of Spanish peninsulars. In this manner the ministers of "ultramar" (ministers of the colonies), whenever they have thought necessary to give an honest or decent appearance to their legislative acts by an alleged majority of Cuban votes, could always command the latter—that is, the peninsulars.

As regards the representation in the senate, the operation has been more simple still. The qualifications required to be a senator have proved to be an almost absolute prohibition to the Cubans. In fact, to take a seat in the higher house it is necessary to have been president of that body or of congress, or a minister of the Crown, or a bishop, or a grandee of Spain, a lieutenant general, a vice-admiral, ambassador, minister plenipotentiary, counselor of state, judge, or attorney-general of the supreme court, of the court of accounts, etc. No Cuban has ever filled any of the above positions, and scarcely two or three are grandees. The only natives of Cuba who can be senators are those who have been deputies in three different congresses, or who are professors and have held for four years a university chair, provided that they have an income of $1,500; or those who have a title of nobility, or have been deputies, provincial deputies, or mayors in towns of over 20,000 inhabitants, if they have in addition an income of $4,000, or pay a direct contribution of $800 to the treasury. This will increase by one or two dozen the number of Cubans qualified to be senators.

In this manner has legislative work, so far as Cuba is concerned, turned out to be a farce. The various Governments have legislated for the island as they pleased. The representatives of the peninsular provinces did not even take the trouble of attending the sessions of the Cortes when Cuban affairs were to be dealt with; and there was an instance when the estimates (budget) for the Great Antille were discussed in the presence of less than 20 deputies and a single one of the ministers, the minister of "ultramar" (session of April 3, 1880).

Through the contrivance of the law, as well as through the irregularities committed and consented to in its application, have the Cubans been deprived also of representation in the local corporations to which they were entitled, and in many cases they have been entirely excluded from them. When, despite the legalized obstacles and the partiality of those in power, they have obtained some temporary majority, the Government has always endeavored and succeeded in making their triumph null and void. Only once did the home-rule party obtain a majority in the provincial deputation of Habana, and then the governor-general appointed from among the Spaniards a majority of the members of the permanent commission. Until that time this commission had been of the same political complexion as the majority of the deputation. By such proceedings have the Cubans been gradually expelled, even from the municipal bodies. Suffice it to say that the law provides that the derramas (assessments) be excluded from the computation of the tributary quotas, notwithstanding that they constitute the heaviest burden upon the municipal taxpayer. And the majorities, consisting of Spaniards, take good care to make this burden fall with heavier weight upon the Cuban proprietor. Thus the latter has to bear a heavier taxation with less representation.

This is the reason why the scandalous case has occurred lately of not a single Cuban having a seat in the "ayuntamiento" (board of aldermen) of Habana. In 1891 the Spaniards predominated in 31 out of 37 "ayuntamientos" in the province of Habana. In that of Güines, with a population of 12,500 Cuban inhabitants, not a single one was found among its councilors. In the same epoch there were only 3 Cuban deputies in the provincial deputation of Habana; 2 in that of Matanzas, and 3 in that of Santa Clara. And these are the most populous regions in the Island of Cuba.

As, on the other hand, the government of the metropolis appoints the officials of the colony, all the lucrative, influential, and representative offices are secured to the Spaniards from Europe. The governor-general, the regional and provincial governors, the "intendentes," comptrollers, auditors, treasurers, chiefs of communications, chiefs of the custom-houses, chiefs of administration, presidents and vice-presidents, of the Spanish bank, secretaries of the government, presiding judges of the "audiencia," presidents of tribunal, magistrates, attorneys-general, archbishops, bishops, canons, pastors of rich parishes—all, with very rare exceptions, are Spaniards from Spain. The Cubans are found only as minor clerks in the Government offices, doing all the work and receiving the smallest salaries.

From 1878 to this date there have been twenty governors in the province of Matanzas. Eighteen were Spaniards and two Cubans. But one of these, Brigadier-General Acosta, was an army officer in the service of Spain, who had fought against his countrymen; and the other, Señor González Muñoz, is a bureaucrat. During the same period there has been only one native Cuban acting as governor in the province of Habana, Señor Rodriguez Batista, who spent all his life in Spain, where he made his administrative career. In the other provinces there has never, probably, been a single governor born in the country.

In 1887 there was created a council, or board of ultramar, under the minister of the colonies. Not a single Cuban has ever been found among its members. On the other hand, such men as Generals Armiñan and Pando have held positions in it.

The predominance of the Government goes further still. It weighs with all its might upon the local corporations. There are deputations in the provinces, and not only are their powers restricted and their resources scanty, but the governor-general appoints their presidents and all the members of the permanent commissions. There are "ayuntamientos" elected in accordance with the reactionary law of 1877, restricted and curtailed as applied to Cuba by Señor Canovas. But the governor-general appoints the mayors, who may not belong to the corporation, and the governor of the province appoints the secretaries. The Goverment reserves, moreover, the right to remove the mayors, of replacing them, and of suspending the councilors and the "ayuntamientos," partly or in a body. It has frequently made use of this right for electoral purposes, to the detriment always of the Cubans.

As may be seen, the crafty policy of Spain has closed every avenue through which redress might be obtained. All the powers are centered in the Government of Madrid and its delegates in the colony; and in order to give her despotism a slight varnish of a representative régime she has contrived with her laws to secure complaisant majorities in the pseudoelective bodies. To accomplish this purpose she has relied upon the European immigrants, who have always supported the Government of the metropolis in exchange for lasting privileges. The existence of a Spanish party, as that of an English party at one time in Canada, has been the foundation of Spanish rule in Cuba. Thus, through the instrumentality of the laws and the Government, a régime of castes has been enthroned there, with its outcome of monopolies, corruption, immorality, and hatred. The political contest there, far from being the fruitful clash of opposite ideas, or the opposition of men representing different tendencies, but all seeking a social improvement, has been only a struggle between hostile factions—the conflict between infuriated foes which precedes an open war. The Spanish resident has always seen a threat in the most timid protest of the Cuban—an attack upon the privileged position on which his fortune, his influence, and his power are grounded, and he is always willing to stifle it with insult and persecution.

II.

What use the Spanish Government has made of this power is apparent in the threefold spoliation to which it has submitted the Island of Cuba. Spain has not, in fact, a colonial policy. In the distant lands she has subdued by force Spain has sought nothing but immediate riches, and these it has wrung by might from the compulsory labor of the natives. For this reason Spain to-day in Cuba is only a parasite. Spain exploits the Island of Cuba through its fiscal régime, through its commercial régime, and through its bureaucratic régime. These are the three forms of official spoliation, but they are not the only forms of spoliation.

When the war of 1878 came to an end two-thirds of the island was completely ruined. The other third, the population of which had remained peaceful, was abundantly productive; but it had to face the great economical change involved in the impending abolition of slavery. Slavery had received its death blow at the hands of the insurrection, and Cuban insurrectionists succeeded at the close of the war in securing its eventual abolition. Evidently it would have been a wholesome and provident policy to lighten the fiscal burdens of a country in such a condition. Spain was only bent on making Cuba pay the cost of the war. The metropolis overwhelmed the colony with enormous budgets, reaching as high a figure as $46,000,000, and this only to cover the obligations of the State, or rather to fill the unfathomable gulf left by the wastefulness and plunder of the civil and military administration during the years of war, and to meet the expenses of the military occupation of the country. Here follow a few figures: The budget for the fiscal year of 1878 to 1879 amounted to $46,594,000; that of 1879 to 1880 to an equal sum; that of 1882 to 1883 to $35,860,000; that of 1883 to 1884 to $34,169,000, that of 1884 to 1885 to the same sum; that of 1885 to 1886 to $34,169,000. For the remaining years, to the present time, the amount of the budget has been about $26,000,000, this being the figure for 1893 to 1894, and to be the same by prorogation for the current fiscal year.

The gradual reduction that may be noted was not the result of a desire to reduce the overwhelming burdens that weigh upon the country. It was imposed by necessity. Cuba was not able by far to meet such a monstrous exaction. It was a continuous and threatening deficit that imposed these reductions. In the first of the above-named years the revenue was $8,000,000 short of the budget or appropriations. In the second year the deficit reached the sum of $20,000,000. In 1883 it was nearly $10,000,000. In the following years the deficits averaged nearly $4,500,000. At present the accumulated amount of all these deficits reaches the sum of $100,000,000.

As a consequence of such a reckless and senseless financial course, the debt of Cuba has been increased to a fabulous sum. In 1868 we owed $25,000,000. When the present war broke out our debt, it was calculated, reached the net sum of $190,000,000. On the 31st of July of the current year the Island of Cuba was reckoned to owe $295,707,264 in bulk. Considering its population, the debt of Cuba exceeds that of all the other American countries, including the United States. The interest on this debt imposes a burden of $9.79 on each inhabitant. The French people, the most overburdened in this respect, owe only $6.30 per inhabitant.

This enormous debt, contracted and saddled upon the country without its knowledge; this heavy load that grinds it and does not permit its people to capitalize their income, to foster its improvements, or even to entertain its industries, constitutes one of the most iniquitous forms of spoliation the island has to bear. In it are included a debt of Spain to the United States; the expenses incurred by Spain when she occupied Santo Domingo; those for the invasion of Mexico in alliance with France and England; the expenditures for her hostilities against Peru; the money advanced to the Spanish treasury during its recent Carlist wars; and all that Spain has spent to uphold its domination in Cuba and to cover the lavish expenditures of its administration since 1868. Not a cent of this enormous sum has been spent in Cuba to advance the work of improvement and civilization. It has not contributed to build a single kilometer of highway or of railroad, nor to erect a single lighthouse or deepen a single port; it has not built one asylum or opened one public school. Such a heavy burden has been left to the future generations without a single compensation or benefit.

But the naked figures of the Cuban budgets and of the Cuban debt tell very little in regard to their true importance and signification as machines to squeeze out the substance of a people's labor. It is necessary to examine closer the details of these accounts and expenditures.

Those of Cuba, according to the last budgets or appropriations, amount to $26,411,314, distributed as follows:

General obligations	$12,884,549.55
Department of justice (courts, etc.)	1,006,308.51
Department of war	5,918,598.16
Department of the treasury	727,892.45
Department of the navy	1,091,969.65
Government, administration	4,035,071.43
Interior improvements (fomento)	746,925.15

There are in Cuba 1,631,687 inhabitants according to the last census, that of 1887. That is to say, that this budget burdens them in the proportion of $16.18 for each inhabitant. The Spaniards in Spain pay only—42.06 pesetas per head. Reducing the Cuban dollars to pesetas at the exchange rate of $95 for 500 pesetas, there results that the Cubans have to pay a tribute of 85.16 pesetas for each inhabitant, more than double the amount a Spaniard has to pay in his European country.

As shown above, most of this excessive burden is to cover entirely unproductive expenditures. The debt consumes 40.59 per cent of the total amount. The defense of the country against its own native inhabitants, the only enemies who threaten Spain, including the cost of the army, the navy, the civil guard, and the guardians of public order, takes 36.59 per cent. There remains for all the other expenditures required by civilized life 22.52 per cent.

And of this percentage the State reserves to us—what a liberality!—2.75 per cent to prepare for the future and develop the resources of the country!

Let us see now what Spain has done to permit at least the development of natural wealth and the industry of a country impoverished by this fiscal régime, the work of cupidity, incompetency, and immorality. Let us see whether that nation has left at least some vitality to Cuba, in order to continue exploiting it with some profit.

The economical organization of Cuba is of the simplest kind. It produces to export, and imports almost everything it consumes. In view of this, it is evident that all that Cuba required from the State was that it should not hamper its work with excessive burdens nor hinder its commercial relations, so that it could buy cheap where it suited her and sell her products with profit. Spain has done all the contrary. She has treated the tobacco as an enemy; she has loaded the sugar with excessive imposts; she has shackled with excessive and abusive excise duties the cattle-raising industry, and with her legislative doings and undoings she has thrown obstacles in the way of the mining industry. And to cap the climax, she has tightly bound Cuba in the network of a monstrous tariff and a commercial legislation which subjects the colony, at the end of the nineteenth century, to the ruinous monopoly of the producers and merchants of certain regions of Spain, as in the halcyon days of the colonial compact.

The district which produces the best tobacco in the world, the famous Vuelta Abajo, lacks every means of transportation afforded by civilization to foster and increase the value of its products. No roads, no bridges, or even ports are found there. The State in Cuba collects the taxes, but does not invest them for the benefit of any industry. On the other hand, those foreign countries desirous of acquiring the rich tobacco-raising industry have closed their markets to our privileged product by imposing upon it excessive import duties, while the Spanish Government burdens its exportation from our ports with a duty of $1.80 on every thousand cigars. Is this not a stroke of actual insanity?

Everybody is aware of the tremendous crisis through which the sugar industry has been passing for some years, owing to the rapid development of the production of this article everywhere. Every government has hastened to protect its own by more or less empirical measures. This is not the place to judge them. What is important is to recall the fact that they have endeavored to place the threatened industry in the best condition to withstand the competition. What has Spain done in order, if not to maintain the strong position held before by Cuba, at least to enable the colony to carry on the competition with its every day more formidable rivals? Spain pays bounties to the sugar produced within its own territory, and closes its markets to the Cuban sugar by imposing upon it an import duty of $6.20 per hundred kilograms. It has been calculated that a hundredweight of Cuban sugar is overburdened when reaching the Barcelona market with 141 per cent of its value. The Spanish Government oppresses the Cuban producer with every kind of exactions; taxes the introduction of the machinery that is indispensable for the production of sugar, obstructs its transportation by imposing heavy taxes on the railroads, and winds up the work by exacting another contribution called "industral duty," and still another for loading and shipping, which is equivalent to an export duty.

As a last stroke, Spain has reenforced the commercial laws of June 30 and July 20, 1882, virtually closing the ports of Cuba to foreign commerce and establishing the monopoly of the peninsular producers without any compensation to the colony. The apparent object of these laws was to establish the "cabotage" (coasting trade) between Cuba and Spain. By the former all the Cuba products were admitted free of duty in the Spanish Peninsula, excepting, however, the tobacco, rum, sugar, cocoa, and coffee, which remained temporarily burdened. By the latter the duties on the importations from Spain in Cuba were to be gradually reduced through a period of ten years, until, in 1892, they were entirely abolished. The result, however, has been that the temporary duties on the principal, almost the only, Cuban products have remained undisturbed until now, and the duties on the Spanish products have disappeared. The "cabotage" (coasting trade) is carried on from Spain to Cuba, but not from Cuba to Spain. The Spanish products pay no duties in Cuba; the Cuban products pay heavy duties in Spain. As at the same time the differential tariffs which overburdened with excessive duties the foreign products have been retained, the unavoidable consequence has been to give the Cuban market entirely to the peninsula producers. In order to have an idea as to how far the monopoly of Spain goes, it will be sufficient to point to the fact that the burdens which many of the foreign articles have to bear exceed 2,000 and even 2,300 per cent as compared with those borne by the Spanish products. One hundred kilograms of cotton prints pay a duty, if Spanish, of $3.65; if foreign, $47.26. One hundred kilograms of knitted goods pay, if from Spain, $10.95; if from a foreign country, $195. One thousand kilograms of bags for sugar, when they are or are represented to be Spanish, pay $4.60; if from another country, $62.50. One hundred kilograms of cassimere, if it is a Spanish product, pay $15.47; if foreign, $300.

Still, if Spain was a flourishing industrial country, and produced the principal articles required by Cuba for the consumption of its people, or for developing and fostering its industries, the evil, although always great, would be a lesser one. But everybody knows the backwardness of the Spanish industries, and the inability of Spain to supply Cuba with the products she requires for her consumption and industries. The Cubans have to consume or use Spanish articles of inferior quality or pay exorbitant prices for foreign goods. The Spanish merchants have found, moreover, a new source of fraud in the application of these antiquated and iniquitous laws; it consists in nationalizing foreign products for importation into Cuba.

As the mainspring of this senseless commercial policy is to support the monopoly of Spanish commerce, when Spain has been compelled to deviate from it to a certain extent by an international treaty, it has done so reluctantly and in the anxious expectation of an opportunity to nullify its own promises. This explains the accidental history of the reciprocity treaty with the United States, which was received with joy by Cuba, obstructed by the Spanish administration, and prematurely abolished by the Spanish Government as soon as it saw an opportunity.

The injury done to Cuba and the evil effects produced by this commercial legislation are beyond calculation; its effects have been material losses which have engendered profound discontent. The "Círculo de Hacendados y Agricultores," the wealthiest corporation of the island, last year passed judgment on these commercial laws in the following severe terms:

"It would be impossible to explain, should the attempt be made, what is the signification of the present commercial laws as regards any economical or political plan or system; because economically they aim at the destruction of public wealth, and politically they are the cause of inextinguishable discontent, and contain the germs of grave dissensions."

But Spain has not taken heed of this, her only care has been to keep the producers and merchants of such rebellious provinces as Catalonia contented, and to satisfy its military men and bureaucrats.

For the latter is reserved the best part of the booty taken from Cuba. High salaries and the power of extortion for the officeholders sent to the colony; regular tributes for the politicians who uphold them in the metropolis. The governor-general is paid a salary of $50,000, in addition to a palace, a country house as a summer resort, servants, coaches, and a fund for secret expenses at his disposal. The director-general of the treasury receives a salary of $18,500; the archbishop of Santiago and the bishop of Habana, $18,000 each; the commander-general of the "Apostadero" (naval station), $16,392; the general segundo cabo (second in command of the island) and the president of the "audiencia," $15,000 each; the governor of Habana and the secretary of the General Government, $8,000 each; the postmaster-general, $5,000; the collector of the Habana custom house, $4,000; the manager of lotteries, the same salary. The chief clerks of administration of the first class receive $5,000 each; those of the second class, $4,000, and those of the third class, $3,000 each. The major-generals are paid $7,500, the brigadier-generals, $4,500, and when in command, $5,000; the colonels, $3,450, and this salary is increased when they are in command of a regiment. The captains of "navio" (the largest men-of-war) receive $5,300; the captains of frigate, $4,500; the lieutenants of "navio" of the first class, $3,370. All these functionaries are entitled to free lodgings and domestic servants. Then follows the numberless crowd of minor officials, all well provided for, and with great facilities better to provide for themselves.

At the office of the minister of "ultramar" (of the colonies), who resides in Madrid, and to whom $91,800 a year are assigned from the treasury of Cuba—at that office begins the saturnalia in which the Spanish bureaucrats indulged with the riches of Cuba. Sometimes through incapacity, but more frequently for plunder, the money exacted from the Cuban taxpayers is unscrupulously and irresponsibly squandered. It has been demonstrated that the debt of Cuba has been increased in $30,222,500 through Minister Fabié's incapacity. At the time this minister was in power the Spanish Bank disposed of twenty millions from the Cuban treasury, which were to be carried in account current at the disposal of the minister for the famous operation of withdrawing the paper currency. Cuba paid the interest on these millions, and continued paying it all the time they were utilized by the bank. Minister Romero Robledo took at one time (in 1892) $1,000,000 belonging to the treasury of Cuba from the vaults of the Bank of Spain, and lent it to the Transatlantic Company, of which he was a stockholder. This was done in defiance of law and without any authorization whatever. The minister was threatened with prosecution, but he haughtily replied that, if prosecuted, all his predecessors from every political party would have to accompany him to the court. That threat came to nothing.

In June of 1890 there was a scandalous debate in the Spanish Cortes, in which some of the frauds committed upon the Cuban treasury were, not for the first time, brought to light. It was then made public that $6,500,000 had been abstracted from the "caja de depósitos," notwithstanding that the safe was locked with three keys, and each one was in the possession of a different functionary. Then it was known that, under the pretext of false vouchers for transportation and fictitious bills for provisions during the previous war, defalcations had been found afterwards amounting to $22,811,516. In the month of March of the same year General Pando affirmed that the robberies committed through the issue of warrants by the "junta de la deuda" (board of public debt) exceeded the sum of $12,000,000.

These are only a few of the most salient facts. The large number of millions mentioned above represents only an insignificant part of what a venal administration, sure of impunity, exacts from Cuban labor. The network of artful schemes to cheat the Cuban taxpayer and defraud the State covers everything. Falsification of documents, embezzlement of revenues, bargains with delinquent debtors, exaction of higher dues from inexperienced peasants, delays in the dispatch of judicial proceedings in order to obtain a more or less considerable gratuity—such are the artful means daily employed to empty the purse of the taxpayer and to divert the public funds into the pockets of the functionaries.

These disgraceful transactions have more than once been brought out to light; more than once have the prevaricators been pointed out. Is there any record of any of them having ever been punished?

In August of 1887 General Marin entered the custom-house of Habana at the head of a military force, besieged and occupied it, investigated the operations carried on there, and discharged every employee. The act caused a great stir, but not a single one of the officials was indicted or suffered a further punishment. There were, in 1891, 350 officials indicted in Cuba for committing fraud; not one of them was punished.

But how could they be punished? Every official who comes to Cuba has an influential patron in the Court of Madrid, for whose protection he pays with regularity. This is a public secret. General Salamanca gave it out in plain words, and before and after General Salamanca all Spain knew and knows it. The political leaders are well known who draw the highest income from the officeholders of Cuba, who are, as a matter of course, the most fervent advocates of the necessity of Spanish rule in Cuba. But Spanish bureaucracy is moreover so deep-rooted in Spain that it has succeeded in shielding itself even against the action of the courts of justice. There is a royal decree (that of 1882) in force in Cuba which provides that the ordinary courts can not take cognizance of such offenses as defalcation, abstraction, or malversation of public funds, forgery, etc., committed by officials of the administration, if their guilt is not first established by an administrative investigation. The administration is, therefore, its own judge. What further security does the corrupt officeholder need?

III.

We have shown that notwithstanding the promises of Spain and the ostensible changes introduced in the government of Cuba since 1878, the Spaniards from Europe have governed and ruled exclusively in Cuba, and have continued exploiting it until they have ruined the country. Can this tyrannical system be justified by any kind of benefits that might compensate for the deprivation of actual power of which the natives of the colony complain? More than one despotic government has tried to justify itself with the material prosperity it has fostered, or with the safety it has secured to its citizens, or with the liberty it has given to certain manifestations of civilized life. Let us see whether the Cubans are indebted to the iron Government of Spain for any of these compensating blessings.

Personal safety is a myth among us. Outlaws, as well as men of law, have disposed at will of the property, the peace, and the life of the inhabitants of Cuba. The civil guard (armed police), far from being the guardians, have been the terror of the Cuban peasants. Wherever they pass they cause an alarm by the brutal ill treatment to which they submit the inhabitants, who in many cases fly from their homes at their approach. Under the most trifling pretext they beat unmercifully the defenseless countrymen, and very frequently they have killed those they were conveying under arrest. These outrages became so notorious that the commander-in-chief of the civil guard, Brigadier-General Denis, had to issue a circular in which he declared that his subordinates, "under pretext of obtaining confidential information, resorted to violent measures," and that "the cases are very frequent in which individuals arrested by forces of the corps attempt to escape, and the keepers find themselves in the necessity of making use of their weapons." What the above declarations signify is evident, notwithstanding the euphemisms of the official language. The object of this circular was to put a stop to these excesses; it bears the date of 1883. But the state of things continued the same. In 1886 the watering place of Madruga, one of the most frequented summer resorts in the island, witnessed the outrageous attacks of Lieutenant Sainz. In 1887 occurred the stirring trial of the "componte," occasioned by the application of torture to the brothers Aruca, and within a few days were recorded in the neighborhood of Habana the cases of Señor Riveron, who was stabbed in Govea by individuals of the public force; of Don Manuel Martinez Moran, and Don Francisco Galañena, who were beaten, the former in Calabazar and the latter in Yaguajay; of Don José Felipe Canosa, who narrowly escaped being murdered in San Nicolas, and of a resident of Ceiba Mocha, whom the civil guard drove from his home.

This was far from the worst. In the very center of Habana, in the Camp de Marte, a prisoner was killed by his guards, and the shooting at Amarillas and the murders at Puentes Grandes and Alquizar are deeds of woful fame in the country. The administration of General Prendergast has left a sorrowful recollection for the frequency with which prisoners who attempted to escape were shot down.

While the armed police force were beating and murdering peaceful inhabitants the highwaymen were allowed to escape unscathed to devastate the country at their pleasure. Although three millions are assigned in the budget to the service of public safety, there are districts, such as the Province of Puerto Principe, where its inhabitants have had to arm themselves and undertake the pursuit of the bandits. The case has occurred of an army of 5,000 or 6,000 troops being sent to pursue a handful of highwaymen within a small territory without succeeding in capturing them. Meanwhile a special bureau was established in Habana for the prosecution of highwaymen, and fabulous sums were spent by it. The best the Government succeeded in doing was to bargain with a bandit and deceive and kill him afterwards on board the steamer *Baldomero Iglesias* in the Bay of Habana.

Nevertheless, the existence of highwaymen has served as a pretext to curtail the jurisdiction of the ordinary courts and submit the Cubans to the jurisdiction of the courts martial, contrary to the constitution of the state, which had already been proclaimed. In fact, the code of military laws (codigo de justicia militar) provides that the offenses against persons and the means of transportation, as well as arson, when committed in the provinces of ultramar (the colonies) and the possessions of Africa and Oceanica, be tried by court-martial.

It is true, however, that an explicit legal text was not necessary for the Government to nullify the precepts of the constitution. This was promulgated in Cuba, with a preamble providing that the Governor-General and his delegates should retain the same powers they had before its promulgation. The banishment of Cubans has continued after as before said promulgation. In December of 1891 there was a strike of wharf laborers in the Province of Santa Clara. To end it the governor captured the strikers and banished them en masse to the Island of Pinos.

The deportations for political offenses have not been discontinued in Cuba, and although it is stated that no executions for political offenses have taken place since 1878, it is because the Government has resorted to the more simple expedient of assassination. General Polavieja has declared with utmost coolness that in December of 1880 he had 265 persons seized in Cuba, Palma, San Luis, Songo, Guantánamo, and Sagua de Tánamo, and transported the same day and at the same hour to the African island of Fernando Po. At the close of the insurrection of 1879-80 it was a frequent occurrence for the Government to send to the penal colonies of Africa the Cubans who had capitulated. The treachery of which Gen. José Maceo was a victim carries us to the darkest times of the war of Flanders and the conquest of America.

Cuba recalls with horror the dreadful assassination of Brig. Gen. Arcadio Leyte Vidal, perpetrated in the Bay of Nipe in September of 1879. War had just broken out anew in the eastern department. Brig. Gen. Leyte Vidal resided in Mayari, assured by the solemn promise of the Spanish commander-in-chief of that zone that he would not be molested. One month had not elapsed since the uprising, however, when, having gone to Nipe, he was invited by the commander of the gunboat *Alarma* to take dinner on board. Leyte Vidal went on board the gunboat, but never returned. He was strangled in a boat by three sailors and his corpse was cast into the sea. This villainous deed was committed in compliance with an order from the Spanish general, Polavieja. Francisco Leyte Vidal, a cousin to Arcadio, miraculously escaped the same tragic fate.

The mysterious deaths of Cubans who had capitulated long before have been frequent in Cuba. To one of these deaths was due the uprising of Tunas de Bayamo in 1879.

If the personal safety of the Cubans, in a period which the Spaniards would depict with brilliant colors, continues at the mercy of their rulers, who are aliens in the country both by birth and in ideas, have the Cubans' honor and property any better safeguard? Is the administration of justice good, or even endurable? The very idea of a lawsuit frightens every honest Cuban. Nobody trusts the honesty or independence of the judges. Despite the provisions of the constitution, without warrant and for indefinite time, imprisonments are most common in Cuba. The magistrates can tighten or loosen the elastic meshes of the judicial proceedings. They know well that if they curry favor with the Government they can do anything without incurring responsibility. They consider themselves, and without thinking it a disgrace, as mere political tools. The presidents and attorneys-general of the "audiencias" receive their instructions at the Captain-General's office. Twice have the governors of Cuba aimed at establishing a special tribunal to deal with the offenses of the press, thereby undermining the constitution. Twice has this special tribunal been established. More than once has a straightforward and impartial judge been found to try a case in which the interests of influential people were involved. On such occasions the straightforward judge has been replaced by a special judge.

In a country where money is wastefully spent to support a civil and military bureaucracy the appropriation for the administration of justice does not reach $500,000. On the other hand, the sales of stamped paper constitute a revenue of $750,000. Thus the State derives a pecuniary profit from its administration of justice.

Is it, then, a wonder that the reforms that have been attempted by establishing lower and higher courts to take cognizance of criminal cases and by introducing oral and public trials should not have contributed in the least to improve the administration of justice? Onerous services have been exacted from people without proper compensation as gratuitous services. The Government, so splendidly liberal when its own expenses are in question, haggles for the last cent when dealing with truly useful and reproductive services.

Is the Cuban compensated for his absolute deprivation of political power, the fiscal extortions, and the monstrous deficiencies of judicial administration by the material prosperity of his country? No man acquainted with the intimate relations which exist between the fiscal régime of a country and its economical system will believe that Cuba, crushed as it is by unreasonable budgets and an enormous debt, can be rich. The income of Cuba in the most prosperous times has been calculated at $80,000,000. The state, provincial, and municipal charges take much more than 40 per cent of this amount. This fact explains itself. We need not draw any inferences therefrom. Let us confine ourselves to casting a glance over the aspect presented by the agricultural, industrial, and real-estate interests in Cuba at the beginning of the present year.

Despite the prodigious efforts made by private individuals to extend the cultivation of the sugar cane and to raise the sugar-making industry to the plane it has reached, both the colonists and the proprietors of the sugar plantations and the sugar mills (centrales) are on the brink of bankruptcy and ruin. In selling the output they knew that they would not get sufficient means to cover the cost of keeping and repairing their colonies and sugar mills. There is not a single agricultural bank in Cuba. The "hacendado" (planter, landowner) had to recur to usurious loans and to pay 18 and 20 per cent for the sums which they borrowed. Not long ago there existed in Habana the Spanish Bank, the Bank of Commerce, the Industrial Bank, the Bank of St. Joseph, the Bank of the Alliance, the Bank of Maritime Insurances, and the Savings Bank. Of these there remain to-day only the Spanish Bank, which has been converted into a vast state office, and the Bank of Commerce, which owes its existence to the railways and warehouses it possesses. None of these give any aid to the sugar industry.

The cigar-making industry, which was in such flourishing condition a short time ago, has fallen so low that fears are entertained that it may emigrate entirely from Cuba. The weekly El Tabaco came to the conclusion that the exportation of cigars from Cuba would cease entirely within six years. From 1889 to 1894 the exportation from the port of Habana had decreased by 110,210,000 cigars.

City real estate has fallen to one-half and in some cases to one-third the value it had before 1884. A building in Habana which was erected at a cost of $300,000 was sold in 1893 for $120,000.

Stocks and bonds tell the same story. Almost all of them are quoted in Habana with heavy discounts.

The cause of the ruin of Cuba, despite her sugar output of 1,000,000 tons and her vast tobacco fields, can be easily explained. Cuba does not capitalize, and it does not capitalize because the fiscal régime imposed upon the country does not permit it. The money derived from its large exportations does not return either in the form of importations of goods or of cash. It remains abroad to pay the interest of its huge debt, to cover the incessant remittances of funds by the Spaniards who hasten to send their earnings out of the country, to pay from our treasury the pensioners who live in Spain, and to meet the drafts forwarded by every mail from Cuba by the Spaniards as a tribute to their political patrons in the metropolis, and to help their families.

Cuba pays $2,122,776 in pensions to those on the retired list and to superannuated officials not in service. Most of this money is exported. The first chapters of the Cuban budget imply the exportation of over $10,000,000. Cuba pays a subsidy of $471,836.08 to the Transatlantic Company. It would be impossible to calculate the amount of money taken out of Cuba by private individuals; but this constant exportation of capital signifies that nobody is contented in Cuba and that everybody mistrusts its future. The consequence is that, notwithstanding the apparently favorable commercial balance, exchange is constantly and to a high degree against Cuba.

On the other hand, if Cuba labors and strives to be on the same plane as its most progressive competitors, this is the work of her own people, who do not mind any sacrifices; but the Government cares little or nothing about securing to the country such means of furthering its development as are consigned in the budget under the head of "Fomento."

And now, at the outbreak of the present war, Spain finds that, although the appropriations consigned in our budgets since 1878 amount to nearly $200,000,000, not a single military road has been built, no fortifications, no hospitals, and there is no material of war. The State has not provided even for its own defense. In view of this fact, nobody will be surprised to hear that a country 670 kilometers long, with an area of 118,833 square kilometers, has only 246½ lineal kilometers of highroads, and these almost exclusively in the province of Habana. In that of Santiago de Cuba there are 9 kilometers; in Puerto Principe and Las Villas not a single one. Cuba has 3,500 kilometers of seashore and 54 ports; only 15 of these are open to commerce. In the labyrinth of keys, sand banks, and breakers adjacent to our coasts there are only 19 light houses of all classes. Many of our ports, some of the best among them, are filling up. The coasting steamers can hardly pass the bars at the entrance of the ports of Nuevitas, Gibara, Baracoa, and Santiago de Cuba. Private parties have sometimes been willing to remedy these evils; but then the central administration has interfered, and after years of red tape things have remained worse than before. In the course of twenty-eight years only 130 kilometers of highroads were built in Cuba; 2 first-class light-houses were erected, 3 of the second class, and 1 of the fourth class, 3 beacon lights and 2 port lights; 246 meters of wharf were built, and a few ports were superficially cleaned and their shoals marked. This was all. On the other hand, the department of public works consumes unlimited millions in salaries and in repairs.

The neglect of public hygiene in Cuba is proverbial. The technical commission sent by the United States to Habana to study the yellow fever declared that the port of the capital of Cuba, owing to the inconceivable filth, is a permanent source of infection, against which it is necessary to take precautions. There is in Habana, however, a "junta de puerto" (board of port wardens) which collects dues and spends them with the same munificence as the other bureaucratic centers.

Does the Government favor us more in the matter of education? It will suffice to state that only $182,000 are assigned to public instruction in our splendid budget. And it may be proved that the University of Habana is a source of pecuniary profit to the State. On the other hand, this institution is without laboratories, instruments, and even without water to carry on experiments. All the countries of America, excepting Bolivia, all of them, including Haiti, Jamaica, Trinidad, and Guadalupe, where the colored race predominates, spend a great deal more than the Cuban Government for the education of the people. On the other hand, only Chile spends as much as Cuba for the support of an army. In view of this it is easily explained why 76 per cent of such an intelligent and wide-awake people as that of Cuba can not read and write. The most necessary instruction among us, the technical and industrial, does not exist. The careers and professions most needed by modern civilization are not cultivated in Cuba. In order to become a topographer, a scientific agriculturist, an electrician, an industrial or mechanical engineer, a railroad or mining engineer, the Cuban has to go to a foreign country. The State in Cuba does not support a single public library.

Are the deficiencies of the Spanish régime compensated by the wisdom of its administration? Every time the Spanish Government has undertaken the solution of any of the great problems pending in Cuba it has only confused and made it worse. It has solved it blindly or yielded to the influence of those who were to profit by the change. It will be sufficient to recall the withdrawal from circulation of the bank notes, which proved to be a highly lucrative transaction for a few persons, but which only embarrassed and impaired the monetary circulation of the island. From one day to another the cost of living became 40 per cent dearer. The depreciated Spanish silver entered in circulation to drive out, as was natural, the "centen" (five-dollar gold coin) and make small transactions difficult. To reach these results the Spanish Government had transformed a debt on which it had no interest to pay into a debt bearing a high rate of interest. It is true that, in exchange, all the retail dealers whose votes it was desirable to keep derived very large profits from the operation. These dealers are, of course, Spaniards.

IV.

In exchange for all that Spain withholds from us, they say that it has given us liberties. This is a mockery. The liberties are written in the constitution, but obliterated in its practical application. Before and after its promulgation the public press has been rigorously persecuted in Cuba. Many journalists, such as Señores Cepeda and López Briñas, have been banished from the country without the formality of a trial. In November of 1891 the writer Don Manuel A. Balmaseda was tried by court-martial for having published an editorial paragraph in El Criterio Popular, of Remedios, relative to the shooting of the medical students. The newspapers have been allowed to discuss public affairs theoretically, but the moment they denounce any abuse or the conduct of any official they feel the hand of their rulers laid upon them. The official organ of the home-rule party, El País, named before El Triunfo, has undergone more than one trial for having pointed in measured terms to some infractions of the law on the part of officials, naming the transgressors. In 1887 that periodical was subjected to criminal proceedings simply because it had stated that a son of the president of the Habana "audiencia" was holding a certain office contrary to law.

They say that in Cuba the people are at liberty to hold public meetings, but every time the inhabitants assemble, previous notification must be given to the authorities, and a functionary is appointed to be present, with power to suspend the meeting whenever he deems such a measure advisable. The meetings of the "Circulo de Trabajadores" (an association of workingmen) were forbidden by the authorities under the pretext that the building where they were to be held was not sufficiently safe. Last year the members of the "Circulo de Hacendados" (association of planters) invited their fellow-members throughout the country to get up a great demonstration to demand a remedy which the critical state of their affairs required. The government found means to prevent their meeting. One of the most significant events that have occurred in Cuba, and one which throws a flood of light upon its political régime, was the failure of the "Junta Magna" (an extraordinary meeting) projected by the "Circulo de Hacendados." This corporation solicited the cooperation of the "Sociedad Económica" and of the "Junta General de Comercio" to hold a meeting for the purpose of sending to the metropolis the complaints which the precarious situation of the country inspired. The work of preparation was already far advanced when a friend of the Government, Señor Rodrigues Correa, stated that the Governor-General looked with displeasure upon and forbade the holding of the great meeting. This was sufficient to frighten the "Circulo" and to secure the failure of the project. It is then evident that the inhabitants of Cuba can have meetings only when the Government thinks it advisable to permit them.

Against this political régime, which is a sarcasm and in which deception is added to the most absolute contempt for right, the Cubans have unceasingly protested since it was implanted in 1878. It would be difficult to enumerate the representations made in Spain, the protests voiced by the representatives of Cuba, the commissions that have crossed the ocean to try to impress upon the exploiters of Cuba what the fatal consequences of their obstinacy would be. The exasperation prevailing in the country was such that the "junta central" of the home rule party issued in 1892 a manifesto in which it foreshadowed that the moment might shortly arrive when the country would resort to "extreme measures, the responsibility of which would fall on those who, led by arrogance and priding themselves on their power, hold prudence in contempt, worship force, and shield themselves with their impunity."

This manifesto, which foreboded the mournful hours of the present war, was unheeded by Spain, and not until a division took place in the Spanish party, which threatened to turn into an armed struggle, did the statesmen of Spain think that the moment had arrived to try a new farce, and to make a false show of reform in the administrative régime of Cuba. Then was Minister Maura's plan broached, to be modified before its birth by Minister Abarzuza.

This project, to which the Spaniards have endeavored to give capital importance in order to condemn the revolution as the work of impatience and anarchism, leaves intact the political régime of Cuba. It does not alter the electoral law. It does not curtail the power of the bureaucracy. It increases the power of the General Government. It leaves the same burdens upon the Cuban taxpayer, and does not give him the right to participate in the information of the budgets. The reform is confined to the changing of the council of administration (now in existence in the island, and the members of which are appointed by the Government) into a partially elective body. One half of its members are to be appointed by the Government and the other half to be elected by the qualified electors—that is, who assessed and pay for a certain amount of taxes. The Governor-General has the right to veto all its resolutions and to suspend at will the elective members. This council is to make up a kind of special budget embracing the items included now in the general budget of Cuba under the head of "Fomento." The State reserves for itself all the rest. Thus the council can dispose of 2.75 per cent of the revenues of Cuba, while the Government distributes, as at present, 97.25 per cent for its expenses, in the form we have explained. The general budget will, as heretofore, be made up in Spain; the tariff laws will be enacted by Spain. The debt, militarism, and bureaucracy will continue to devour Cuba, and the Cubans will continue to be treated as a subjugated people. All power is to continue in the hands of the Spanish Government and its delegates in Cuba, and all the influence with the Spanish residents. This is the self-government which Spain has promised to Cuba, and which it is announcing to the world, in exchange for its colonial system. A far better form of government is enjoyed by the Bahama or the Turks islands.

The Cubans would have been wanting not only in self-respect, but even in the instincts of self-preservation, if they could have endured such a degrading and destructive régime. Their grievances are of such a nature that no people, no human community capable of valuing its honor and of aspiring to better its condition, could bear them without degrading and condemning itself to utter nullity and annihilation.

Spain denies to the Cubans all effective powers in their own country.

Spain condemns the Cubans to a political inferiority in the land where they are born.

Spain confiscates the product of the Cubans' labor without giving them in return either safety, prosperity, or education.

Spain has shown itself utterly incapable of governing Cuba.

Spain exploits, impoverishes, and demoralizes Cuba.

To maintain by force of arms this monstrous régime, which brings ruin on a country rich by nature and degrades a vigorous and intelligent population, a population filled with noble aspirations, is what Spain calls to defend its honor and preserve the prestige of its social functions as a civilizing power of America.

The Cubans, not in anger but in despair, have appealed to arms in order to defend their rights and to vindicate an eternal principle, a principle without which every community, however robust in appearance, is in danger—the principle of justice. Nobody has the right of oppression. Spain oppresses us. In rebelling against oppression we defend a right. In serving our own cause we serve the cause of mankind.

We have not counted the number of our enemies; we have not measured their strength. We have cast up the account of our grievances; we have weighed the mass of injustice that crushes us, and with uplifted hearts we have risen to seek redress and to uphold our rights. We may find ruin and death a few steps ahead. So be it. We do our duty. If the world is indifferent to our cause, so much the worse for all. A new iniquity shall have been consummated. The principle of human solidarity shall have suffered a defeat. The sum of good existing in the world, and which the world needs to purify its moral atmosphere, shall have been lessened.

The people of Cuba require only liberty and independence to become a factor of prosperity and progress in the community of civilized nations. At present Cuba is a factor of intranquility, disturbance, and ruin. The fault lies entirely with Spain. Cuba is not the offender; it is the defender of its rights. Let America, let the world decide where rest justice and right.

ENRIQUE JOSE VARONA,
Ex-Diputado à Cortes.

NEW YORK, *October 25, 1895.*

B.

COMPILATION OF THE LAWS, RULES, DECREES, CIRCULARS, AND OTHER ORDERS PASSED BY THE NATIONAL COUNCIL FROM THE 19TH OF SEPTEMBER, 1895, THE DATE ON WHICH IT COMMENCED TO EXERCISE ITS FUNCTIONS.

[Mangos de Baragua.]

The National Council, in a meeting held on the 18th of October, 1895, resolved that the publication in book form in an edition of 500 copies of all the laws, rules, decrees, and other orders passed by it be printed after being previously approved by the Council and sanctioned by its president.

JOSÉ CLEMENTE VIVANCO,
The Secretary of the Council.

CONSTITUENT ASSEMBLY, REPUBLIC OF CUBA.

I, José Clemente Vivanco, secretary of the National Council and chancellor of the Republic of Cuba, certify that the representatives of the different army corps into which the army of liberation is divided met in constituent assembly on the 13th day of September, 1895, at Jimaguayu, agreed to have a preliminary session where the character of each representative would be accredited by the respective credential of his appointment. There resulted,

after the proper examination by the chairman and secretaries, who were temporarily Citizens Salvador Cisneros Betancourt and Secretaries José Clemente Vivanco and Orencio Nodarse, the following distribution:

Representatives of the First Army Corps, Citizens Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, Rafael M. Portuondo, and Pedro Aguillera.

For the Second, Citizens Licentiate Rafael Manduley, Enrique Cespedes, Rafael Perez Morales, and Marcos Padilla.

For the Third, Citizens Salvador Cisneros Betancourt, Lopez Recio Loynaz, Enrique Loynaz del Castillo, and Dr. Fermmin Valdes Dominguez.

For the Fourth, Licentiate Severo Pina, Dr. Santiago Garcia Canizares, Raimundo Sanchez Valdivia, and Francisco Lopez Leiba.

For the Fifth, Dr. Pedro Pinan de Villegas, Licentiate José Clemente Vivanco, Francisco Diaz Silveria, and Orencio Nodarse.

They proceeded to the election of officers for the following session, and the following appointments were made: Salvador Cisneros Betancourt, president; Rafael Manduley, vice-president; secretaries, Licentiate José Clemente Vivanco, Francisco Lopez Leiba, Licentiate Rafael M. Portuondo, and Orencio Nodarse.

The assembly having been organized, as above, and in the presence of the above representatives, they proceeded to hold the sessions to discuss the constitution which is to rule the destinies of the Republic. These sessions took place on September 13, 14, 15, and 16 instant, and in all the articles which were to form the said constitutional charta were discussed. Every article of the projected constitution presented to the assembly by the representatives licentiate, Rafael M. Portuondo, Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, and Pedro Aguillera, was well discussed, and, together with the amendments, reforms, and additions were also discussed by the proposers. On deliberation, in conformity with the opinion of the assembly, it was unanimously resolved to refer the said constitution, with the resolutions of the said assembly, to a committee of revision of the text, composed of the secretaries and of the representatives, Dr. Santiago Garcia Canizares and Enrique Loynaz del Castillo, who, after complying with their mission, returned the final draft of the constitution on the 16th. It was then read, and the signature of each and every representative subscribed.

The president and other members of the assembly, with due solemnity, then swore upon their honor to loyally and strictly observe the fundamental code of the Republic of Cuba, which was greeted by the spontaneous and enthusiastic acclamations of all present, in testimony of which are the minutes in the general archives of the Government.

In compliance with the resolution passed by this council in a meeting held to-day, and for its publication, I issue the following copy in the Mangos de Baragua on the 18th of October, 1895.

JOSÉ CLEMENTE VIVANCO,
Secretary of the Council.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

The revolution for the independence and creation in Cuba of a democratic republic in its new period of war, initiated on February 24 last, solemnly declares the separation of Cuba from the Spanish monarchy, and its constitution as a free and independent state, with its own Government and supreme authority, under the name of the Republic of Cuba, and confirms its existence among the political divisions of the world.

The elected representatives of the revolution, in convention assembled, acting in its name and by the delegation which for that purpose has been conferred upon them by the Cubans in arms, and previously declaring before the country the purity of their thoughts, their freedom from violence, anger, or prejudice, and inspired only by the desire of interpreting the popular voice in favor of Cuba, have now formed a compact between Cuba and the world, pledging their honor for the fulfillment of said compact in the following articles of the constitution:

ARTICLE I. The supreme powers of the Republic shall be vested in a government council composed of a president, vice-president, and four secretaries of state, for the dispatch of the business of war, of the interior, of foreign affairs, and of the treasury.

ART. II. Every secretary shall have a subsecretary of state, in order to supply any vacancies.

ART. III. The government council shall have the following powers:

1. To dictate all measures relative to the civil and political life of the revolution.

2. To impose and collect taxes, to contract public loans, to issue paper money, to invest the funds collected in the island, from whatever source, and also those which may be raised abroad by loan.

3. To arm vessels, to raise and maintain troops, to declare reprisals with respect to the enemy, and to ratify treaties.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be accused.

5. To decide all matters, of whatsoever description, which may be brought before them by any citizen, except those judicial in character.

6. To approve the law of military organization and the ordinances of the army, which may be proposed by the general in chief.

7. To grant military commissions from that of colonel upward, previously hearing and considering the reports of the immediate superior officer and of the general in chief, and to designate the appointment of the latter and of the lieutenant-general in case of the vacancy of either.

8. To order the election of four representatives for each army corps whenever in conformity with this constitution it may be necessary to convene an assembly.

ART. IV. The government council shall intervene in the direction of military operations only when in their judgment it shall be absolutely necessary to do so to realize high political ends.

ART. V. As a requisite for the validity of the decrees of the council, at least two-thirds of the members of the same must have taken part in the deliberations of the council, and the decrees must have been voted by the majority of those present.

ART. VI. The office of councilor is incompatible with any other of the Republic, and requires the age of 25 years.

ART. VII. The executive power is vested in the president, and, in case of disability, in the vice president.

ART. VIII. The resolutions of the government council shall be sanctioned and promulgated by the president, who shall take all necessary steps for their execution within ten days.

ART. IX. The president may enter into treaties with the ratification of the government council.

ART. X. The president shall receive all diplomatic representatives and issue the respective commissions to the public functionaries.

ART. XI. The treaty of peace with Spain, which must necessarily have for its basis the absolute independence of the Island of Cuba, must be ratified by the government council and by an assembly of representatives convened expressly for this purpose.

ART. XII. The vice-president shall substitute the president in the case of a vacancy.

ART. XIII. In case of the vacancy in the offices of both president and vice-president on account of resignation, deposition, or death of both, or from any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying the positions.

ART. XIV. The secretaries shall have voice and vote in the deliberations of resolutions of whatever nature.

ART. XV. The secretaries shall have the right to appoint all the employees of their respective offices.

ART. XVI. The subsecretaries in cases of vacancy shall substitute the secretaries of state and shall then have voice and vote in the deliberations.

ART. XVII. All the armed forces of the Republic and the direction of the military operations shall be under the control of the general in chief, who shall have under his orders as second in command a lieutenant general, who will substitute him in case of vacancy.

ART. XVIII. All public functionaries of whatever class shall aid one another in the execution of the resolutions of the government council.

ART. XIX. All Cubans are bound to serve the revolution with their persons and interests, each one according to his ability.

ART. XX. The plantations and property of whatever description belonging to foreigners are subject to the payment of taxes for the revolution while their respective governments do not recognize the rights of belligerency of Cuba.

ART. XXI. All debts and obligations contracted since the beginning of the present period of war until the promulgation of this constitution by the chiefs of the army corps, for the benefit of the revolution, shall be valid as well as those which henceforth the government council may contract.

ART. XXII. A government council may depose any of its members for cause justifiable in the judgment of two-thirds of the councilors, and shall report to the first assembly convening.

ART. XXIII. The judicial power shall act with entire independence of all the others. Its organization and regulation will be provided for by the government council.

ART. XXIV. The present constitution shall be in force in Cuba for two years from the date of its promulgation, unless the war for independence shall terminate before. After the expiration of the two years, an assembly of representatives shall be convened, which may modify it, and will proceed to the election of a new government council, and which will pass upon the last council. So it has been agreed upon and resolved in the name of the Republic by the constituent assembly in Jimaguayu on the 18th day of September, 1895, and in witness thereof we, the representatives delegated by the Cuban people in arms, signed the present instrument. Salvador Cisneros, president; Rafael Manduley, vice-president; Pedro Pinan de Villegas, Lope Recio, Fermin Valdes Dominguez, Francisco Dias Silveira, Dr. Santiago Garcia, Rafael Perez, F. Lopez Leyva, Enrique Cespedes, Marcos Padilla, Raimundo Sanchez, J. D. Castillo, Mariano Sanchez, Pedro Agullera, Rafael M. Pontnondo, Orencio Nodarse, José Clemente Vivanco, Enrique Loynas del Castillo, Severo Pina.

ELECTION OF GOVERNMENT.

The constituent assembly met again on the 18th of the said month and year, all the said representatives being present. They proceeded to the election of members who are to occupy the offices of the government council, the general in chief of the army of liberation, the lieutenant-general, and the diplomatic agent abroad. The secret voting commenced, each representative depositing his ballot in the urn placed on the chairman's table, after which the count was proceeded with, the following being the result:

President: Salvador Cisneros, 12; Bartolome Maso, 8.

Vice-president: Bartolome Maso, 12; Salvador Cisneros, 8.

Secretary of war: Carlos Roloff, 18; Lope Recio Loinaz, 1; Rafael Manduley, 1.

Secretary of the treasury: Severo Pina, 19; Rafael Manduley, 1.

Secretary of the interior: Dr. Santiago Garcia Canizares, 19; Carlos Dubois, 1.

Secretary of foreign relations: Rafael M. Portuondo, 18; Armando Menocal, 1, blank, 1.

Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1; blank, 1.

Subsecretary of the treasury: Dr. Joaquin Castillo, 7; Francisco Diaz Silveira, 5; José C. Vivanco, 3; Armando Menocal, 3; Carlos Dubois, 1; blank, 1.

Subsecretary of the interior: Carlos Dubois, 13; Orencio Nodarse, 5; Armando Menocal, 1; blank, 1.

Subsecretary of foreign relations: Fermin Valdes Dominguez, 18; Rafael Manduley, 1; blank, 1.

Therefore, the following were elected by a majority of votes:

President, Salvador Cisneros; vice-president, Bartolome Maso; secretary of war, Carlos Roloff; secretary of the treasury, Severo Pina; secretary of the interior, Dr. Santiago Garcia Canizares; secretary of foreign relations, Rafael M. Portuondo; subsecretary of war, Mario Menocal; subsecretary of the treasury, Dr. Joaquin Castillo; subsecretary of the interior, Carlos Dubois; subsecretary of foreign relations, Dr. Fermin Valdes Dominguez.

The vice-president of the assembly immediately installed the president in the office of the government council that had been conferred upon him; the latter in turn installed those of the other members elected, who were present, all entering on the full exercise of their functions after previously taking the oath.

On proceeding to the election of those who were to occupy the positions of general in chief of the army, lieutenant-general, and diplomatic agent abroad, the following citizens were unanimously elected by the assembly for the respective places: Maj. Gen. Maximo Gomez, Maj. Gen. Antonio Maceo, and Citizen Tomas Estrada Palma—all these appointments being recognized from that moment.

LAWS FOR THE CIVIL GOVERNMENT AND ADMINISTRATION OF THE REPUBLIC.

CHAPTER I.—*Territorial division.*

ARTICLE I. The Republic of Cuba comprises the territory occupied by the Island of Cuba from Cape San Antonio to Point Maisi and the adjacent islands and keys.

ART. II. This territory shall be divided into four portions or states, which will be called Oriente, Camaguey, Las Villas or Cabanacan, and Occidente.

ART. III. The State of Oriente includes the territory from the Point Maisi to Port Manati and the river Jobabo in all its course.

ART. IV. The State of Camaguey includes all the territory from the boundary of Oriente to the line which starts in the north from Laguna Blanca through the Esteros to Moron, passing by Ciego de Avila, follows the military trocha to El Jucaro in the southern coast, it being understood that the towns of Moron and Ciego de Avila belong to this State.

ART. V. The State of Las Villas has for boundary on the east Camaguey, on the west the river Palmas, Palmillas, Santa Rosa, Rodas, the Hannabana River, and the Bay of Cochinos.

ART. VI. The State of Occidente is bordered on the Las Villas, extending to the west to Cape San Antonio.

ART. VII. The islands and adjacent keys will form part of the states to which they geographically belong.

ART. VIII. The state of Oriente will be divided into ten districts, which shall be as follows: Baracoa, Guantanamo, Sagua de Tanamo, Mayari, Santiago, Jiguani, Manzanillo, Bayamo, and Tunas.

Camaguey comprises two—the eastern district and the western district.

Las Villas comprises seven—Sancti Espiritus, Trinidad, Remedios, Santa Clara, Sagua, Cienfuegos, and Colon.

That of Occidente comprises sixteen—Cardenas, Matanzas, Union, Jaruco, Güines, Santa Maria del Rosario, Guanabacoa, Habana, Santiago de las Vegas, Bejucal, San Antonio, Bahia Honda, Pina del Rio, and Mantua.

ART. IX. Each of these districts will be divided into prefectures, and these in their turn into as many subprefectures as may be considered necessary.

ART. X. For the vigilance of the coasts there will be inspectors and watchmen appointed in each State according to the extent of the coasts and the number of ports, bays, gulfs, and salt works that there may be.

ART. XI. On establishing the limits of the districts and prefectures, the direction of the coast, rivers, and other natural boundaries shall be kept in mind.

CHAPTER II.—*Of the Government and its administration.*

ART. XII. The civil government, the administration, and the service of communications devolve upon the department of the interior.

ART. XIII. The secretary of the interior is the head of the department; he will appoint the employees and will remove them whenever there will be justifiable cause, and will have a department chief to aid him in the work of the department.

ART. XIV. The department chief will keep the books of the department, take care of the archives, will be the manager of the office, and will furnish certifications when requested to do so.

ART. XV. The department of the interior will compile from the data collected by the civil governors the general statistics of the Republic.

ART. XVI. The civil governor will inform the department of the interior as to the necessities of his state, will order the measures and instructions necessary for compliance with the general laws of the Republic and the orders given by that department, will distribute to the lieutenant-governors the articles of prime necessity which will be delivered to them for that purpose, will communicate to his subordinates the necessary instructions for the compilation of statistics, and will have a subsecretary, who will help him in the discharge of his functions.

ART. XVII. The lieutenant-governor will see that the orders of the governors are obeyed in the district, and will have the powers incident to his position as intermediary between the civil governors and the prefects. In case of absolute breach of communication with the civil governors, they will have the same powers as the latter.

ART. XVIII. The prefect shall see that the laws and regulations communicated to him by his superior authorities are complied with. All residents and travelers are under his authority, and, being the highest official in his territory, he in his turn is bound to prevent all abuses and crimes which may be committed.

He will inform the lieutenant-governor as to the necessities of the prefecture; will divide these into as many subprefectures as he may consider necessary for the good conduct of his administration; he will watch the conduct of the subprefects; he will distribute among them with equity the articles delivered to him, and he will have all the other powers incident to him in his character of intermediary between the lieutenant-governor and the subprefects.

ART. XIX. The prefect will also have the following duties: He will harass the enemy whenever possible for him to do so; will hear the preliminary information as to crimes and misdemeanors which may be committed in his territory, passing the said information to the nearest military chief, together with the accused and all that is necessary for the better understanding of the hearing. He will not proceed thus with spies, guides, couriers, and others who are declared by our laws as traitors and considered as such, for these, on account of the difficulty of confining them or conducting them with security, shall be tried as soon as captured by a court consisting of three persons, the most capable, in his judgment, in the prefecture, one acting as president and the others as members of the court. He will also appoint a prosecuting officer, and the accused may appoint some one to defend him at his pleasure.

After the court is assembled in this form, and after all the formalities are complied with, it will in private judge and give its sentence, which will be final and without appeal; but those who form the said court and who do not proceed according to our laws and to natural reason will be held responsible by the superior government. Nevertheless, if in the immediate territory there be any armed force, the accused shall be sent to it with the facts in order that they shall be properly tried.

The prefects will take the statistics of his prefecture, setting down every person who is found therein, noting if he is the head of a family, the number of the same, his age, his nationality, and occupation, if he is a farmer the nature of his farm, and if he has no occupation the prefect will indicate in what he should be employed. He will also keep a book of civil register in which he will set down the births, deaths, and marriages which may occur.

He will establish in the prefecture all the factories that he can or may consider necessary in order to well provide the army, as it is the primary obligation of all employees of the Republic to do all possible so that the hides shall not be lost, and organizing in the best manner, and as quickly as may be, tanneries, factories of shoes, rope, blankets, and carpenter and blacksmith shops.

He will not permit any individual of his district to be without occupation. He will see that everyone works, having the instruments of labor at hand in proportion to the inhabitants of his territory. He will protect and raise bees, he will take care of abandoned farms, and will extend as far as possible the zones of agriculture.

As soon as the prefect learns that the secretary of the interior or any delegate of this authority is in his district, he will place himself under the latter's orders. This he will also do on the arrival of armed forces, presenting himself to their chief in order to facilitate the needed supplies and to serve him in every possible manner. He will have a bugle to warn the inhabitants of the enemy's approach; he will inform the nearest armed force when his territory is invaded. He will collect all horses and other animals suitable for the war and lead them to a secure place, so that when the army may need them or they may be required by the civil authorities to whom they may appertain.

He will provide the forces that may be, or pass through his territory with whatever they may need, which may be within his power, and especially shall he provide guides and beeves and vegetables which the chief may require to maintain the said forces. He will also deliver the articles manufactured in the shops under his immediate inspection, demanding always the proper receipts therefor.

He will also provide the necessary means for the maintenance of all the families of the territory, especially those of the soldiers of the army of liberation.

Until otherwise decreed he will celebrate civil marriages and other contracts entered into by the residents of his prefecture; he will act in cases of ordinary complaints and in the execution of powers and wills, registering the same in a clear and definite manner, and issuing to the interested parties the certificates which they may require.

ART. XX. The subprefects will see that the laws and orders communicated to him by his superior authorities are obeyed in territory under his command; he will inform the prefect as to the necessities of the subprefecture and will see to the security and order of the public; arresting and sending to the prefects those who may travel without safe-conduct, seeing that no violation of law whatsoever is perpetrated, and will demand the signed authority of the civil or military chief who has ordered a commission to be executed.

ART. XXI. The subprefects will compile a census in which the number of inhabitants of a subprefecture will be stated and their personal description; he will keep a book of the births and deaths which will occur in his territory, and of all this he will give account at the end of the year. He will invest the means provided by the prefect to pay the public charges, and if the said resources are insufficient he will collect the deficit from the inhabitants; he will not authorize the destruction of abandoned farms, whether they belong to friends or enemies of the Republic, and he will inform the prefect of the farms which are thus abandoned.

ART. XXII. For the organization and better operation of the states manufactories a chief of factories shall be appointed in each district, who will be authorized to establish such factories which he may deem convenient, employing all citizens who, on account of their abilities, can serve, and collecting in the prefectures of his district all the instruments he can utilize in his work. These chiefs will be careful to frequently inspect the factories, to report any defects which they may notice, and to provide the superintendents with whatever they may need, that the work may not be interrupted.

Together with the prefect, he will send to the department of the interior the names of the individuals he considers most adapted to open new shops, and on the 1st day of each month he will send to that department a statement of the objects manufactured in each shop of his district, indicating the place of manufacture, what remains on deposit, what has been delivered, with the names of commanders of forces, civil authorities, or individuals to whom they were delivered.

ART. XXIII. The coast inspectors will have under their immediate orders an inspector, who will be his secretary, who will occupy his place in his absence or sickness, and as many auxiliaries as he may deem convenient. He may demand the aid of the prefects and armed forces whenever he may consider it necessary for the better exercise of his functions. The duties of the inspectors will be to watch the coasts and prevent the landing of the enemy, to be always ready to receive disembarkments and place in safety the expeditions which may come from abroad, to establish all the salt works possible, to capture the Spanish vessels which frequent the coasts on his guard, and to attend with special care to the punctual service of communications between his coast and foreign countries.

ART. XXIV. The coast guards will acknowledge the inspector as their superior, will watch the places designated to them, and will execute the orders given.

ART. XXV. The lieutenant-governors, as well as the inspectors of whatever class, will have their residence, wherever the necessity of their office does not prohibit it, in the general headquarters, so that they can move easily, furnish the necessary aid to the army, and carry out the orders of the military chief.

Country and liberty.

OCTOBER 17, 1895.

The secretary of the interior, Dr. Santiago Garcia Canizares, being satisfied with the preceding law, I sanction it in all respects.

Let it be promulgated in the legal form.

SALVADOR CISNEROS BETANCOURT,
The President.

OCTOBER 18, 1895.

LAW OF CIVIL MARRIAGE.

ARTICLE I. Males of 18 years of age and females of 14 can contract marriage.

ART. II. To contract marriage they must go to the notary of their residence, two witnesses being present, who will sign the contract with the parties and the notary.

ART. III. The marriage contract may contain any agreement or convention which the contracting parties may agree upon and which is not opposed to the nature of the contract nor to law.

ART. IV. If one of the contracting parties is less than 20 years of age, the marriage can be contracted with notice to the father, the mother, or the guardian, according to the circumstances, and if these oppose the celebration of the marriage, the judge of the district, with knowledge of the facts, will decide the question.

ART. V. The following reason will prevent marriage: Consanguinity in the direct line. In the collateral, brother and sister can not marry; it is null by the relationship in said degrees, or by being contracted by fraud or by force. It is completely dissolved for incompatibility, by a chronic and contagious disease, or one which will cause impotency, and by adultery; moral or physical ill treatment of the wife gives to the wife the right to demand from the husband, when they live apart, to bear the expenses of the marriage; if the woman commits adultery she loses this right.

ART. VI. In case of separation, the male children of 14 years of age and upward and female children of 12 and upward may elect between their parents as to residence. Those less than 3 years of age must remain with the mother. Those who have not yet reached the age of puberty, but are older than 3 years, remain with the parent who has not given the motive for the separation. This is in case that the separation is caused by some guilt. If it occurs on account of sickness, the children will remain with the one who did not desire the separation. If the separation is on account of incompatibility, the parents must agree as to this point. On reaching the age of 3 years, the children who until then have been with the mother, the question of their custody will be governed by the other provisions of this article.

When the male reaches the age of 14 and the female of 12, whatever may have been their previous residence, they may alter it.

ART. VII. Marriage being once dissolved, the parties may remarry, but the woman shall not do so until twelve months have elapsed, in order to avoid confusion of paternity.

ART. VIII. Civil marriage is placed on an equal footing, as to duty and effects, with that recognized by our former legislation, and celebrated by the intervention of the church.

ART. IX. The promise of marriage does not have any other result than that of the payment of the penalty, which must be stipulated by the contracting party. If no penalty is stipulated, no duty of payment is incurred.

ART. X. The seduction of a female, whether she be a minor or not, obliges the seductor to marry the seduced or to pay a penalty in proportion to the fortune of both, which the judge of the district must determine.

Country and liberty.

PROVIDENCIA, *September 25, 1895.*

GARCIA CANIZARES, *Secretary of the Interior:*

Let the foregoing be promulgated in the legal form, it having my sanction.

PROVIDENCIA, *September 25, 1895.*

SALVADOR CISNEROS BETANCOURT,
President.

CIVIL MARRIAGE.

Instructions which must be observed by the prefects of the Republic of Cuba in the celebration of civil marriage, exercising the function which is given them by the provisional law passed by the Government Council on the 25th of September, 1895.

ARTICLE I. The prefect of the residence of the wife, who is the only one competent to celebrate the marriage, will demand of the parties a copy of their certificate of birth, so that they can prove their marriageable age, which of the male is 18 years and of the female 14 years.

ART. II. If either of the contracting parties should not have that document, by the omission, suppression, or burning of the register, or for any other cause, this credential may be substituted by a certificate of the authorities as to the nationality or residence, in which certificate the cause of the absence of the original certificate shall be stated (after previous investigation and on information received as to its omission), the names of the parents, their civil status, and the year and month of the birth of the contracting parties.

ART. III. If it appears that the contracting parties are over 20 years of age the prefect will proceed to the celebration of the civil marriage without further requisite than to give it publicity, for which purpose he shall affix notices in the most frequented places of the perfecture.

ART. IV. But if either of the parties is less than 20 years of age the contract must not only be made public, as previously stated, but notice given to the father, the mother, or the guardian, so that if these oppose the marriage it may be suspended until, with a full knowledge of the facts, the question be decided by the judge, who must investigate, the prefect fixing a time for the opposing parties to establish and justify their position, which must not be longer than eight days.

ART. V. In all cases the prefect will demand from the contracting party their assurance of the consent of each other, or at least that of the bride, and of her ability to enter the matrimonial contract, which requisite the prefect may omit if he himself possess knowledge of the circumstances.

ART. VI. If there are no disabilities to the marriage the prefect will register in a book entitled Book of Civil Marriages Contracted in the Prefecture ——, designating on the first page the year and making an index at the end in alphabetical order.

ART. VII. The contract will be formulated in the following terms:

"Formula of the marriage of persons of 20 years and upward:

"In the prefecture of —— on the —— day of 189–, before me, the prefect ——, and before me, the undersigned secretary, there appeared —— and ——, of 20 years and upward, the former born and resident of ——, son of (here the names of parents), and the latter born and resident of the prefecture ——, daughter (here the names of parents), who are known to the prefect and to myself, the secretary, or who, unknown, were presented to M. and P., who act as witnesses, who affirm that they know them, or at least that they know her, and they so declare and affirm."

"The contracting parties thereupon say, in the presence of these witnesses and those to this instrument, A and B, called for that purpose, that of their own free will and without any violence, they promised to marry civilly, which marriage they now celebrate, and they agree to live in complete harmony and conjugal union and never to separate unless because of incompatibility, or for any of the other reasons allowed by law, declaring that this marriage is for the welfare and honour of both, and for their offspring, and as the laws and customs of good government require (here any agreement made between the contracting parties shall be inserted, besides the nuptial contract), and the register will thus end; and in order that this marriage shall be known and always and in all cases have its legal force, the prefect orders the minutes of this contract to be drawn in the said terms, signing with the contracting parties, and the said witnesses (if they can write, and if they can not others at their request may do so), to all of which I, the secretary, certify."

FORMULA FOR THE MARRIAGE OF THOSE LESS THAN 20 YEARS OF AGE.

The beginning will be as in the above formula, adding that the contracting parties being minors, the father, mother, or guardian appeared, who declared their assent and signed (if they can write) the register, and if not, a person of their confidence whom they may select. The declaration as to register will be the same as in the preceding formula.

FORMULA OF CIVIL MARRIAGE TO WHICH THERE IS OPPOSITION.

After the preamble similar to the first formula in the register is declared that the father, mother, or guardian whosoever has interposed before the competent authority, has dissented, declares the contract not to be proper, as he explains in the following declaration. As to the rest, the register will be as in the first formula to its conclusion.

But in case the father, mother, or guardian do not make any opposition, it shall be so declared in the register that the time fixed having passed and the person having the right to exercise this right having failed to do so, the marriage has been consummated.

NOTE.—Of every marriage there will be formed a file consisting of the copy of the register of birth, of the cedula, of the declaration of the opposition of the father, mother, or guardian, and of the decree in which it shall be declared proper, or it is ordered that the marriage shall take place because they have not exercised that right, or because the party opposing had not complied with the law. This file shall be kept for future use.

Country and liberty.

GARCIA CANIZARES,
Secretary of the Interior.

PROVIDENCIA, *September 27, 1895.*

Let the foregoing be promulgated in its legal form, as I sanction the foregoing law in all its parts.

SALVADOR CISNEROS BETANCOURT,
President.

PROVIDENCIA, *September 25, 1895.*

EXTRACT OF THE SESSIONS.

[Republic of Cuba, Provisional Government, secretary of the council—José Clemente Vivanco, secretary of the Government Council and chancellor of the Republic.]

I certify that among the resolutions passed by this council, according to the minute book of the sessions, the following are to be found:

To give two months' time to the chiefs and officers of the last revolution to join the new army of liberation, so as to have their ranks recognized, and four months' time to those in foreign countries to place themselves in communication with the delegates. To allow the Cuban emigrants individual freedom in the nature of their contributions for the revolution. To permit the export of wooden blocks on payment of $5 in gold as tax for each piece. To prohibit absolutely the export of corn and all forage; of cattle, pigs, horses; without allowing anything to enter the towns without the previous payment of taxes.

To prohibit absolutely also the introduction in the towns of all kinds of fruits and articles of commerce which may favor the said towns and indirectly the Government which we are fighting.

San Andres de la Rioja, October 9, 1895.

(Signed) JOSÉ CLEMENTE VIVANCO,
Secretary of the Council.

REGULATIONS FOR THE SERVICE OF COMMUNICATIONS.

ARTICLE 1. The secretary of the interior will be the postmaster-general of the whole island and the civil governor the chief of his territory.

ART. 2. The postal service is established between the prefectures of the Republic and between the towns and prefectures near by.

ART. 3. In order to organize the postal service an inspector will be named for each district; as many chiefs as there are post-offices and as many couriers and auxiliaries as are necessary for each one.

ART. 4. The inspector is the superior chief in his district of the postal service; under his direction will be the postmasters, couriers, and auxiliaries. He shall organize the service by placing the post-offices in the most convenient places, so that the service shall be carried out with the greatest ease and with the greatest rapidity. He will employ the number of employees that are necessary. He will ask for their resignations whenever there is any justifiable cause for it. He will see that everyone shall fulfill his duties, and shall name the hours when the couriers shall depart. He shall correct all defects that come under his notice, propose all modifications which he may think will give a better service, and give an account of all extraordinary services which his subalterns may render in order that they should be registered and rewarded.

ART. 5. The chiefs will reside in the post-office, from which they can not be absent during the appointed hours, and they are to act whenever possible as auxiliaries to the prefect's office. They will receive official and private correspondence, sign receipts for that delivered by mail carriers, setting down the hour of delivery, and they will deliver, under receipt in which they will also put down the time of departure, to the outgoing postman the mail matter in their hands, giving with it a memorandum stating the name of mail carried and the time of departure. They will also see that the post-offices are well attended and have in them the necessary number of horses required for the service, unless in cases where the service is carried on foot. They will report to the inspector the defects they may observe in the service without forgetting the importance of their position.

ART. 6. The mail carriers will collect daily at the appointed hours, along the route marked out, without delaying on the way nor hurrying their horses except in urgent cases that will be pointed out by the chief. They will have a receipt for the correspondence delivered to them, and will receive in exchange for the receipt a signed memorandum stating what mail they carry, which memorandum they will present to the chief of postal department, so that he may sign it and declare that he has received them, and, after complying with this requisite, change it for a receipt which he will leave in the office of departure.

A great service will be done by the couriers, and for that reason men of known honesty and valor shall be chosen, who are capable of appreciating the service they render their country.

ART. 7. A mail service will be organized in every city occupied by the enemy, and will consist of as many chiefs and carriers as may be considered necessary.

ART. 8. The inspectors of mails will be the immediate superior officer of the service in the town of his residence, and will have under his command the postmasters and mail carriers, and they will exercise their functions in the same manner as the coast inspectors. They will have special care in the selection of employees and in keeping all possible secrecy to elude the vigilance of the enemy.

ART. 9. The postmasters will be considered as the chiefs of mail carriers and will act with the carriers, as the carriers with the drivers, always giving an account of any extra services rendered.

ART. 10. The mail carriers will have charge of receiving from the postmasters the mail matter and carry it out of the cities for delivery to the office of the nearest prefect. They will give and ask for receipts as the drivers, and like these must be honest men, sharp and brave enough with courage to overcome the difficulties that may arise in the performance of their important and dangerous mission, and worthy to occupy these positions of trust, in which they can lend such valuable services to the sacred cause every Cuban is bound to defend.

ART. 11. The inspectors and postmasters will keep a book to record the appointments of employees and the services rendered by them and will make up their archives with this book and circulars, communications, and official documents that they receive on the copies of those they may have to transmit.

Country and liberty, September, 1895.

DR. SANTIAGO GARCIA CANIZARES,
Secretary of the Interior.

In conformity with the preceding regulations, I sanction them in every part, and that it may govern and produce its corresponding effects have it published in the legal form.

Country and liberty.

Residence of the Executive in Limones, the 6th day of October, 1895.

SALVADOR CISNEROS, *President.*

LAW FOR THE ORGANIZATION OF THE PUBLIC TREASURY.

ARTICLE I. All property of whatever description situated in the territory of the Republic comes under the jurisdiction of the secretary of the treasury; therefore this department shall take charge of articles of whatever description brought to this island by expeditions from abroad. This department also has the faculty of raising public loans and general taxes.

ART. II. The secretary of the treasury will be the superior chief of his department throughout the Island of Cuba, and through him the subaltern officers will receive the orders given by the council. The duties of the secretary will be to determine, on information of the collectors, the taxes which shall be paid in each state and the form in which they shall be collected, to nominate the employees of his department and to discharge them for justifiable cause. He will deliver to the chiefs of corps and civil governors the articles which he receives from abroad; he will give a receipt for the articles or sums of money which from any source whatever may be collected by the public treasury. He may trade with the merchandise belonging to the Republic; he may lease or sell whatever be convenient, and will present an account every three months to the council of the funds belonging to the Republic.

ART. III. To facilitate the work of the treasury a chief of department will be appointed who will act as general comptroller, and in each State a collector and a secretary of the administration of the treasury, and for each district a delegate.

ART. IV. The chief of the department, or general comptroller, will have charge of the archives of the department, will keep the books in due form, and will take part in all the collections and disbursements which may occur.

ART. V. The collector will represent in each State the secretary of the treasury, he will give information as to the taxable property in his State, he will dictate the necessary measures to carry out the general orders communicated to him by the secretary of the treasury, he will collect by means of agents the taxes fixed upon, and he will send to the department as soon as possible the funds collected; nevertheless he may deliver the amounts he may deem necessary to the chiefs of the different army corps, who will give a receipt for them and justify their expenditure. The collectors will monthly send to the department a statement of their operation.

ART. VI. The secretary of the administration of the treasury will keep the archives of his respective State, will keep the books in due form, and will take part in the operations of the collector.

ART. VII. The delegates or agents will be the collectors of taxes in each district, and the commissioners will see that the orders of the collectors of the State are carried out. They may appoint auxiliaries whenever necessary, and are authorized to demand the aid of the prefects and armed forces for the better fulfillment of their commissions.

Country and liberty.
Canaster, October 16, 1895.

SEVERO PINA,
Secretary of the Treasury.

In conformity with the previous law, I sanction it in all its parts. Let it be promulgated in legal form.

Country and liberty, October 18, 1895.

MANGOS DE BARAGUA.

SALVADOR CISNEROS BETANCOURT,
President.

INSTRUCTIONS TO THE OFFICERS OF THE DEPARTMENT OF THE TREASURY OF THE REPUBLIC OF CUBA.

ARTICLE I. According to article 18 of the constitution and the decree of the general in chief of the 29th of September last, the military chiefs shall give the necessary aid to the officers of the treasury for the better fulfillment of their duties.

ART. II. With the aid of the armed forces, they will proceed to the destruction of those plantations, whatever be their nationality, which will refuse to pay the taxes decreed by the Government of the Republic.

ART. III. As a basis for the rate of tax, the production of the plantations shall serve as well as the price of their products, taking into consideration the expense of transportation.

ART. IV. The amount of the tax will be paid in advance in gold or in drafts on New York, Paris, or London in the form agreed upon.

ART. V. All kinds of traffic with the enemy is absolutely prohibited. Only the following articles and products are allowed to be exported:

Coffee and cocoa, $4 per hundredweight.

Wood in blocks, $5 per thousand feet or $1 apiece, as will best suit the interests of the Republic and the functionary authorizing the exportation.

Guana (a textile palm), $4 per hundredweight.

Wax, $4 per hundredweight.

Fattened steers, $1 per head.

Cheese, $2 per hundredweight.

In regard to mines, tobacco, and plantains for exportation, it is left to the judgment of the collector of the treasury.

ART. VI. The exportation of wood or guana (the latter until December 6) will only be permitted when worked or packed by individuals who are in the confidence of our authorities.

ART. VII. The exportation of cattle will only be allowed when, in the judgment of the authority, they run imminent risk of falling into the hands of the enemy.

ART. VIII. The collector of the treasury of each state may suspend, temporarily, the exportation of the products referred to in Article V, immediately giving an account of it to the secretary of the treasury for final adjudgment.

Salanilla del Contra Maestre, October 24, 1895.

SEVERO PINA,
Secretary of the Treasury.

In conformity with the previous law, I sanction it in all its parts. Let it be promulgated in legal form.

Salandia, October 25, 1895.

SALVADOB CISNEROS BETANCOURT,
President.

EXTRACT OF THE SESSIONS OF THE GOVERNMENT COUNCIL, REPUBLIC OF CUBA.

Secretary of the Government José Clemente Vivanco, secretary of the Government Council and chancellor of the Republic, I certify that in the minute books of the sessions celebrated by this council the following resolutions are found:

SEPTEMBER 19, 1895.

To appoint a secretary of the Government and chancellor of the Republic, José Clemente Vivanco. To send the appointments of general in chief, lieutenant-general, and delegate plenipotentiary abroad to Maj. Gen. Maximo Gomez, Maj. Gen. Antonio Maceo, and Tomas Estrada Palma, respectively.

To appoint as civil governor of Camagney, Dr. Oscar Primelles, and of Oriente, Rafael Manduley.

To complete the system of the division of the territory of the island into zones, and that the subsecretary of war, in the absence of the secretary, agree with the general in chief as to the organization of the army of liberation.

SEPTEMBER 20, 1895.

To give two months' time to the chief and officers of the past revolution to join the newly organized army of liberation, for the recognition of their grades, and four months' time to those outside of the island. That each secretary of state may name a chief of his department. To appoint as director of the treasury in Oriente Diego Palacios, and in Camagney, Col. Lope Recio Loynaz. That the secretary communicate with the general in chief so the latter may indorse the authorities, passes, and orders given by the Government and require all the forces of the army of liberation to respect and obey them.

To ask the general in chief for Capts. Francisco Garcia, Manuel Manero and Ensign Enrique Boza, as their services are needed by the Government. That the Cuban emigrations shall be at liberty as to the manner of contributing to the revolution.

To ask from abroad a copy of all the decrees passed by the government of the last revolution, and to order that in conformity with the minutes sent from here all documents shall be printed emanating from the Government as well as the constitution passed by the constituent assembly, which shall be placed in our archives.

SEPTEMBER 24, 1895.

To publish a circular of the secretary of the interior, addressed to the prefects, subprefects, and other functionaries of civil order, recommending them to fulfill their respective duties.

To approve the order given by the general in chief as to the respect due peaceful families and their interests, excepting in cases of military necessity or on account of manifest or suspected treachery, and that the secretary of the interior address such communication to the civil governors advising them of this resolution.

To appoint chief of postal service for the eastern and western districts of Camagney, Manuel Manero and Francisco Garcia, respectively, and to confirm the appointments of prefects temporarily made by the general in chief.

To ask the general in chief to order all the chiefs of army corps to send to the secretary of war a detailed account of the chiefs and officers under his orders, their record of service, the positions which they occupy, and their respective abilities.

To communicate to Maj. Gen. Carlos Roloff that his aids, Francisco Diaz Silveira and Orencio Nodarse, remain with this Government.

SEPTEMBER 25, 1895.

To permit the export of wood in blocks after the payment of $5 in gold for each block. To absolutely prohibit the sale of corn and all kinds of forage, cows, oxen, and horses, permitting only other animals to be taken within a radius of 6 leagues from the towns on a payment of the tax.

That through the secretary of the treasury a detailed statement of the tax-paying property shall be sent to the prefects and military chiefs.

To approve the provisional law of civil marriage passed June 4, 1869, by the chamber of representatives of the past revolution and to put it in force on motion of the secretary of the interior.

To approve and enforce the instructions as to said law, which were passed June 21, 1869, by the said chamber.

To confirm the appointment of inspectors of coasts and coast guards made previously by the general in chief.

OCTOBER 5, 1895.

That each secretary of state shall present to the council such projects of laws and regulations as shall be in force in their respective departments, and that the secretary of foreign relations, together with the subsecretary, the acting secretary of war, shall draw a project of criminal procedure for deliberation and approval by the council.

OCTOBER 6, 1895.

To absolutely prohibit the introduction in the towns of all articles of commerce which, favoring trade indirectly, aid the enemy's Government, and to confirm the appointment of the inspector of shops and prefectures in the district of Tunas to Citizen Luis Marti, provisionally given by the general in chief of the third division, José M. Capote, on September 17, 1895.

OCTOBER 16, 1895.

That the secretary of the Government shall collect all the laws, rules, decrees, and all other orders of this council and an extract of the resolutions for publication in book form for an edition of 500 copies.

To approve the project of the law for the organization of the public treasury, presented by the secretary of the treasury.

To approve the law for the civil government and administration of the Republic, presented by the secretary of the interior.

OCTOBER 21, 1895.

To send a communication to the chiefs of army corps to send the secretary of the treasury a detailed account of all the contracts made by them since the beginning of the war, in order that, in conformity with article 21 of the constitution, they be approved.

To give military consideration to all civil functionaries, appointing for this purpose a commission composed of the secretary of the interior and the subsecretary of war, so that they may present a report as to the rules to be followed in this behalf.

OCTOBER 24, 1895.

To approve the project as to instructions of the officers of the public treasury, presented by the secretary of the treasury.

To approve the report as to the military considerations to be enjoyed by the civil functionaries, presented by the secretary of the interior and the subsecretary of war, commissioned for this purpose at the last session, which is as follows:

The President of the Republic, that of general in chief of the army; the vice-president, and the secretaries of state, of major-generals.

The secretary of the council and chancellor, brigadier-general; the chiefs of departments of states, civil governors and collectors of the treasury, colonels; the lieutenant-governor, delegate of the treasury, and the secretary of administration of the treasury, majors; the prefects, the inspectors of shops, of coast and communication, that of captains; the subprefects, ensigns.

All these considerations shall be enjoyed by them unless they have higher rank.

OCTOBER 25, 1895.

The following decree was approved:

ARTICLE I. No one can be punished by death, or by imprisonment or reprimand, without having been previously judged by court-martial.

ART. II. The factories, barns, houses, fruit trees, and useful wood trees will be respected by all the citizens of the Republic.

ART. III. Housebreaking and unjustifiable raids will be severely punished.

ART. IV. No citizen can be dispossessed from the house he occupies without justifiable motive.

ART. V. The forces on the march, detachments, or commissions will not occupy inhabited houses without the consent of their owners, unless the exigencies of the war require it or in extraordinary cases, when it will be justified by the officer who orders it.

And for the publication thereof in accordance with the resolution of the 16th instant, I publish the present compilation, which is a true copy of the originals, on file in the archives of my secretaryship.

Country and liberty.
Salanilla, October 25, 1895.

JOSÉ CLEMENTE VIVANCO,
Secretary of the Council.

There will soon be published the laws of organization and military ordinances drafted by the general in chief and approved by the council, which shall be joined to the present compilation, C.

[COAT OF ARMS OF CUBAN REPUBLIC.]

In the name of the Republic of Cuba by delegation of the Cuban people in arms. The constituent assembly resolved by acclamation on this day to confer on Tomas Estrada Palma, the diplomatic representative and agent abroad, the title of delegate and plenipotentiary of the Republic of Cuba.

In witness whereof we have affixed our signatures in Jimaguayu on the 18th of September, 1895.

Salvador Cesneros, B., President; Rafael Manduley, Vice-President; Enrique Loinaz del Castillo, Severo Pina, Fermin Valdes Dominguez, Rafael Perez Morales, Raimundo Sanchez, J. D. Castillo, Pedro Pinan de Villegas, Pedro Aguilera, Marcos Padilla, Rafael M. Portuondo, Dr. Santiago Garcia Canizares; Lope Recio, L.; Orencio Nodarse, secretary; Franco Diaz Silveira, Enrique Cespedes, Mariano Sanchez Vaillant, F. Lopez Leiva, secretary; José Clemente Vivanco, secretary.

D.

ARMY HEADQUARTERS AT CUMANATAGUA.

Mr. ALFREDO REGO.

MY DEAR SIR: I had the pleasure to receive your polite note. I see by it the generosity of your heart, and I thank you, in the name of my superior officers, to whom I will communicate your humanitarian act.

I send the committee desired to bring back the prisoners. It takes this letter to you, and is composed of Benito Mesa and Telesforo Ramirez. I beg you to give them the necessary aid, promising you that your men will be respected by this garrison.

Yours, truly,

(Signed) JOSÉ BRETONES, *Lieutenant.*

APPENDIX NO. 4.

PRESIDENT'S MESSAGE.

The insurrection in Cuba still continues with all its perplexities. It is difficult to perceive that any progress has thus far been made toward the pacification of the island or that the situation of affairs as depicted in my last annual message has in the least improved. If Spain still holds Habana and the seaports and all the considerable towns, the insurgents still roam at will over at least two-thirds of the inland country. If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers, and character, and resources, and are none the less inflexible in their resolve not to succumb, without practically securing the great objects for which they took up arms. If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent state. Indeed, as the contest has gone on, the pretense that civil government exists on the island, except so far as Spain is able to maintain it, has been practically abandoned. Spain does keep on foot such a government, more or less imperfectly, in the large towns and their immediate suburbs. But, that exception being made, the entire country is either given over to anarchy or is subject to the military occupation of one or the other party. It is reported, indeed, on reliable authority that, at the demand of the commander-in-chief of the insurgent army, the putative Cuban government has now given up all attempt to exercise its functions, leaving that government confessedly (what there is the best reason for supposing it always to have been in fact) a government merely on paper.

Were the Spanish armies able to meet their antagonists in the open, or in pitched battle, prompt and decisive results might be looked for, and the immense superiority of the Spanish forces in numbers, discipline, and equipment could hardly fail to tell greatly to their advantage. But they are called upon to face a foe that shuns general engagements, that can choose and does choose its own ground, that from the nature of the country is visible or invisible at pleasure, and that fights only from ambuscade and when all the advantages of position and numbers are on its side. In a country where all that is indispensable to life in the way of food, clothing, and shelter is so easily obtainable, especially by those born and bred on the soil, it is obvious that there is hardly a limit to the time during which hostilities of this sort may be prolonged. Meanwhile, as in all cases of protracted civil strife, the passions of the combatants grow more and more inflamed and excesses on both sides become more frequent and more deplorable. They are also participated in by bands of marauders, who, now in the name of one party and now in the name of the other, as may best suit the occasion, harry the country at will and plunder its wretched inhabitants for their own advantage. Such a condition of things would inevitably entail immense destruction of property, even if it were the policy of both parties to prevent it as far as practicable. But while such seemed to be the original policy of the Spanish Government, it has now apparently abandoned it and is acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy.

It is to the same end that, in pursuance of general orders, Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that unless there is a speedy and radical change in existing conditions it will soon disappear altogether. That value consists very largely, of course, in its capacity to produce sugar—a capacity already much reduced by the interruptions to tillage which have taken place during the last two years. It is reliably asserted that should these interruptions continue during the current year, and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the Government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and Government of Spain. It is reasonably estimated that at least from $30,000,000 to $50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about $64,000,000, rose in 1893 to about $103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly $96,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vexatious and costly.

Many Cubans reside in this country and indirectly promote the insurrection through the press, by public meetings, by the purchase and shipment of arms, by the raising of funds, and by other means, which the spirit of our institutions and the tenor of our laws do not permit to be made the subject of criminal prosecutions. Some of them, though Cubans at heart and in all their feelings and interests, have taken out papers as naturalized citizens of the United States, a proceeding resorted to with a view to possible protection by this Government, and not unnaturally regarded with much indignation by the country of their origin. The insurgents are undoubtedly encouraged and supported by the widespread sympathy the people of this country always and instinctively feel for every struggle for better and freer government, and which, in the case of the more adventurous and restless elements of our population, leads in only too many instances to active and personal participation in the contest. The result is that this Government is constantly called upon to protect American citizens, to claim damages for injuries to persons and property, now estimated at many millions of dollars, and to ask explanations and apologies for the acts of Spanish officials whose zeal for the repression of the rebellion sometimes blinds them to the immunities belonging to the unoffending citizens of a friendly power. It follows from the same causes that the United States is compelled to actively police a long line of seacoast against unlawful expeditions, the escape of which the utmost vigilance will not always suffice to prevent.

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general, have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States. It was at first proposed that belligerent rights should be accorded to the insurgents—a proposition no longer urged because untimely and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. But imperfect and restricted as the Spanish government of the island may be, no other exists there—unless the will of the military officer in temporary command of a particular district, can be dignified as a species of government. It is now also suggested that the United States should buy the island—a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. It is urged, finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is in truth the most pacific of powers, and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct toward Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our Government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1868. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance. It may also be said that this persistent attitude of the United States toward Spain in connection with Cuba unquestionably evinces no slight respect and regard for Spain on the part of the American people. They in truth do not forget her connection with the discovery of the Western Hemisphere, nor do they underestimate the great qualities of the Spanish people, nor fail to fully recognize their splendid patriotism and their chivalrous devotion to the national honor.

They view with wonder and admiration the cheerful resolution with which vast bodies of men are sent across thousands of miles of ocean, and an enormous debt accumulated, that the costly possession of the Gem of the Antilles may still hold its place in the Spanish Crown. And yet neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, or have failed to realize the existence of conceded grievances, which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most patriotic and enlightened of Spanish statesmen without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government. It is in the assumed temper and disposition of the Spanish Government to remedy these grievances, fortified by indications of influential public opinion in Spain, that this Government has hoped to discover the most promising and effective means of composing the present strife with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sovereignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacification of the island might not be effected on that basis. Such a result would appear to be in the true interest of all concerned. It would at once stop the conflict which is now consuming the resources of the island and making it worthless for whichever party may ultimately prevail. It would keep intact the possessions of Spain without touching her honor, which will be consulted rather than impugned by the adequate redress of admitted grievances. It would put the prosperity of the island and the fortunes of its inhabitants within their own control, without severing the natural and ancient ties which bind them to the mother country, and would yet enable them to test their capacity for self-government under the most favorable conditions. It has been objected on the one side that Spain should not promise autonomy until her insurgent subjects lay down their arms; on the other side, that promised autonomy, however liberal, is insufficient, because without assurance of the promise being fulfilled.

But the reasonableness of a requirement by Spain of unconditional surrender on the part of the insurgent Cubans before their autonomy is conceded is not altogether apparent. It ignores important features of the situation—the stability two years' duration has given to the insurrection; the feasibility of its indefinite prolongation in the nature of things, and, as shown by past experience, the utter and imminent ruin of the island unless the present strife is speedily composed; above all, the rank abuses which all parties in Spain, all branches of her Government, and all her leading public men concede to exist and profess a desire to remove. Facing such circumstances, to withhold the proffer of needed reforms until the parties demanding them put themselves at mercy by throwing down their arms, has the appearance of neglecting the gravest of perils and inviting suspicion as to the sincerity of any professed willingness to grant reforms. The objection on behalf of the insurgents, that promised reforms can not be relied upon, must of course be considered, though we have no right to assume, and no reason for assuming, that anything Spain undertakes to do for the relief of Cuba will not be done according to both the spirit and the letter of the undertaking.

Nevertheless, realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both, as well as on its own account, that the Cuban problem should be solved with the least possible delay—it was intimated by this Government to the Government of Spain some months ago that, if a satisfactory measure of home rule were tendered the Cuban insurgents, and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish Government, it is believed to be not altogether unwelcome, while, as already suggested, no reason is perceived why it should not be approved by the insurgents. Neither party can fail to see the importance of early action, and both must realize that to prolong the present state of things for even a short period will add enormously to the time and labor and expenditure necessary to bring about the industrial recuperation of the island. It is, therefore, fervently hoped on all grounds that earnest efforts for healing the breach between Spain and the insurgent Cubans, upon the lines above indicated, may be at once inaugurated and pushed to an immediate and successful issue. The friendly offices of the United States, either in the manner above outlined or in any other way consistent with our Constitution and laws, will always be at the disposal of either party.

Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features and properly apprehend our inevitably close relations to it, and its possible results, without considering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way, or with our friendly coöperation.

When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest, or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Mr. HILL. I rose simply for the purpose of asking the Senator from Pennsylvania whether in the report which he has just submitted to the Senate in regard to Cuba, or in the additional report submitted by the Senator from Alabama, there is discussed the constitutional power of Congress to pass the resolution presented, or whether the reports are simply confined to the propriety of the action suggested?

Mr. CAMERON. I will state in reply to the Senator from New York that I do not think it within the province of the committee to discuss the constitutionality of the power of Congress. That ought to be admitted by everybody.

Mr. HILL. Then, as I understand it, the discussion of that subject is not contained in either report?

Mr. MORGAN. If the Senator will allow me, I will state that I think the Senator from Pennsylvania has not seen my report.

Mr. HILL. That is what I supposed.

Mr. MORGAN. In the report submitted by the Senator from Texas and myself no discussion is made of a question which we consider it is simply preposterous to discuss.

Mr. HILL. That is the reason why it is not discussed?

Mr. MORGAN. That is one very good reason.

Mr. HILL. That might be satisfactory to the Senator from Alabama, but I simply desired the information which I have already received, that it is not discussed in either report. That is all I care to know for the present.

IMPRISONMENT ABROAD OF NATURALIZED CITIZENS.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. CALL on the 14th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of State be, and is hereby, directed to send to the Senate a report of all naturalized citizens of the United States of whose arrest and imprisonment, or trial, or conviction, or sentence, either to imprisonment at the penal colony of Ceuta or elsewhere, he has any information; and that he shall inform the Senate in such report of the persons now held in confinement at Ceuta and of the charges, briefly stated, on which they were condemned, and the nature of the evidence, so far as the same appears on the files of the State Department.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3443) for the relief of the Globe Works, of Boston, Mass.; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 3444) to increase the pension of Charles Riley, of Battery L and Battery F, First United States Artillery; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3445) to increase the pension of Capt. John H. Mullen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3446) to amend section 2324 of the Revised Statutes of the United States relating to mining claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Mines and Mining.

Mr. NELSON (for Mr. DAVIS) introduced a bill (S. 3447) to amend an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," being chapter 80 of the private acts of the Twenty-seventh United States Statutes at Large, approved February 10, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL of Oregon introduced a bill (S. 3448) to pension William Russell for services in Oregon Indian wars; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3449) granting an honorable discharge to Henry H. Staub, late second lieutenant in the Fifty-fourth Ohio Regiment; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 3450) to amend the charters of the Eckington and Soldiers' Home and Belt Railway companies, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3451) granting a pension to Rebecca P. Quint; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3452) for the relief of George W. Wood; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN introduced a bill (S. 3453) granting a pension to Adelaide Sessions; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3454) for the relief of Matthew Burns; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3455) for the relief of James H. Birch; which was read twice by its title, and referred to the Committee on Claims.

Mr. ROACH (by request) introduced a bill (S. 3456) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 3457) granting a pension to Mary L. Cook; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 3458) for the relief of the Louise Home, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DUBOIS (by request) introduced a bill (S. 3459) to authorize the Washington, Alexandria and Mount Vernon Railroad Company to extend its tracks to the Union Station of the Capital Traction Company, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER introduced a bill (S. 3160) for the relief of Susan S. Rayner; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a joint resolution (S. R. 180) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years and shall not be eligible for reelection; which was read twice by its title.

He also introduced a joint resolution (S. R. 181) providing that the Constitution of the United States be so amended that the members of the House of Representatives shall be chosen every third year; which was read twice by its title.

Mr. PROCTOR. I ask that the joint resolutions be ordered to lie on the table, and I give notice that I shall at an early day after the holiday recess ask that they be taken up for the purpose of submitting brief remarks, and that I shall then ask their reference to the appropriate committee.

The VICE-PRESIDENT. The joint resolutions will lie on the table for the present.

Mr. PETTIGREW introduced a joint resolution (S. R. 182) authorizing the Secretary of the Treasury to take up and pay the Union Pacific Railway Company 8 per cent trust notes, and making an appropriation for that purpose; which was read twice by its title.

Mr. PETTIGREW. I ask that the joint resolution lie on the table, as I wish to submit some remarks in regard to it hereafter.

The VICE-PRESIDENT. The joint resolution will lie on the table.

Mr. SHERMAN introduced a joint resolution (S. R. 183) to authorize the use of reservations and other public spaces in the city of Washington on the occasion of the inauguration of the President, March 4, 1897; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

RECOGNITION OF THE INDEPENDENCE OF A FOREIGN PEOPLE.

Mr. VEST. I introduce a joint resolution and ask that it be read at length.

The joint resolution (S. R. 179) declaring that the President has not the exclusive power to recognize the independence of a foreign people struggling to establish a government for themselves was read the first time at length, as follows:

Resolved by the Senate, etc., That the President is not invested by the Constitution with exclusive power to determine when the independence of a foreign people struggling to establish a government for themselves shall be recognized by the United States; but this power is vested in Congress and the President, to be exercised in conformity with section 7, Article I, of the Constitution.

Mr. VEST. Mr. President, before any disposition is made of the joint resolution, I wish to say one word in explanation of a portion of it.

It is very well known that the Secretary of State, Mr. Olney, for whom I have great respect personally and as a lawyer, upon Saturday last, in a carefully prepared and authoritative interview, declared that the power to recognize the independence of a people struggling to achieve it was vested alone in the President of the United States, and that while Congress might act upon that subject, it would simply be the declaration of opinion on the part of certain eminent gentlemen, which could not officially affect the Chief Executive at all.

I must confess that this statement, coming in an extraordinary way (for it is the first time I have known a Cabinet minister to address the people of the United States through an interview in the public press), excited with me great surprise. I had occasion when the matter was under discussion and deliberation to investigate to some extent this question, and I came to the conclusion, without putting my judgment against that of so distinguished an official and lawyer as Mr. Olney, that the President of the United States did not have this power. I found in the Madison Papers that when the framers of the Constitution of 1789 deliberately gave to Congress the war-making power they were under the impression that that grant included all the minor and subsidiary action which might be taken by the Chief Executive, that action probably bringing on war.

It is to me a most astounding proposition that while the war-making power was given to Congress, the President of the United States could bring about war by exercising the high prerogative of declaring whether a people struggling to achieve their independence were entitled to recognition by this Government or not. If this proposition be true, then for a hundred years the statesmen of this country have been in the dark upon this question. The independence of Venezuela and other South American Republics was recognized, not by the action of the Chief Executive, but by Congress; and finally the Texas question, after years of debate, was determined by the admission of Texas into the Union by a joint resolution of Congress.

Mr. HALE. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Maine rises to a point of order. The Senator will state his point of order.

Mr. HALE. I do not think, under the rule, on any resolution, except by unanimous consent, any debate should take place. There has been no unanimous consent given to the Senator to discuss the question. I do not think now, as the whole subject-matter generally has gone over on the report of the committee, that the Senator should precipitate a discussion this morning on this grave question; and I must therefore ask that under the rule the resolution shall go over.

Mr. STEWART. I ask that the Senator from Missouri may have unanimous consent to conclude his remarks.

Mr. VEST. No.

The VICE-PRESIDENT. The Senator from Nevada asks unanimous consent that the Senator from Missouri be permitted to conclude his remarks.

Mr. VEST. Mr. President, I would not inflict a word upon the Senate against the will of so respectable and eminent a Senator as the Senator from Maine. I do not wish even one unwilling auditor. Therefore, I have said all I propose to say.

Mr. HALE. The Senator sees that if he opens the subject generally, a debate will be precipitated when nobody has expected it. I ask that the resolution may go over.

Mr. FRYE. Perhaps my colleague did not observe that it is a joint resolution. I suppose the Senator from Missouri has introduced it that it might be referred to the Committee on the Judiciary.

Mr. VEST. I am utterly indifferent, if the committee will determine upon it early; but——

Mr. HALE. I have no objection to its going to the committee.

Mr. VEST. I think it is that sort of a question which ought to be determined now.

The VICE-PRESIDENT. Under the rule, the Chair thinks that the joint resolution must go to the Committee on the Judiciary.

Mr. VEST. Let it lie over under the rule until to-morrow, if there is objection. I shall call it up to-morrow.

Mr. HALE. That is right.

The VICE-PRESIDENT. The joint resolution will go over.

AFFAIRS IN CUBA.

Mr. HILL. I introduce a joint resolution which I ask may be read and lie upon the table. I give notice that at the proper time I shall offer the joint resolution as a substitute for the joint resolution reported by the Senator from Pennsylvania [Mr. CAMERON] this morning from the Committee on Foreign Relations.

The joint resolution (S. R. 178) declaring that a state of war exists in Cuba, and recognizing the parties thereto as belligerents, was read the first time at length, as follows:

Resolved by the Senate, etc., That it is hereby declared that a state of public war exists in Cuba, and that the parties thereto are entitled to and are hereby accorded belligerent rights in accordance with the principles of international law, and the United States will preserve a strict neutrality between the belligerents.

Mr. HILL. I ask that the joint resolution be printed.

The VICE-PRESIDENT. The joint resolution will lie on the table, and it will be printed under the rule.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER. I submit an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill, which I ask may be read, printed, and referred to the Committee on Civil Service and Retrenchment.

The amendment was read, as follows:

The head of each of the several Executive Departments, at his discretion, may reinstate or reappoint to any subordinate position which from any cause may become vacant in his Department any person now or formerly employed in the civil service of the Government who, in his opinion, was reduced in salary or was discharged from the service for causes not affecting his or her efficiency or moral character, and such prior service for that purpose shall be held to be equivalent to a civil-service certificate of eligibility, anything in any statute, rule, or regulation to the contrary notwithstanding.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Civil Service and Retrenchment, and printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indians Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

INDEPENDENCE OF CUBA.

Mr. CHILTON. I desire to offer an amendment to the joint resolution (S. R. 163) acknowledging the independence of Cuba, which, at the proper time, I shall offer. I ask that it may be read and printed.

The amendment was read, and ordered to be printed, as follows:

Strike out all after the resolving clause and insert:

"That it is hereby declared that a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States."

GOVERNMENTAL OWNERSHIP OF THE TELEGRAPH.

Mr. PALMER. I submit a resolution in regard to reprinting a document, and I ask that it be read and considered.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of Senate Document No. 205, first session Fifty-fourth Congress.

Mr. COCKRELL. What is the document?

Mr. PALMER. It is Document No. 205, papers containing an article by Judge Walter Clark, entitled "Telegraph and telephone," in the American Law Review, and other matters of that sort. I have a great many applications for it.

Mr. CULLOM. So have I.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

HARBOR AT ASTORIA, OREG.

Mr. MITCHEL of Oregon submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged in a memorial submitted to Congress by the Chamber of Commerce of the city of Astoria, in the State of Oregon, that by reason of the improvement at the mouth of the Columbia River, made by building the jetty, which, it is averred, is a perfect success, the channel at the entrance having been widened, deepened, and straightened so that the largest vessels that float can with perfect safety enter the Columbia River, and whereby the entrance to the Columbia River and the harbor of Astoria have been made equal in all respects to any on the Pacific coast, and which improvement has already so stimulated the growth of commerce that greater and improved harbor facilities are required at the port of Astoria; and

Whereas it is further averred in such memorial that the construction of such jetty has also produced changes in the currents, channels, and sands inside of the mouth of the river which threaten encroachment upon and serious injury to the harbor space of Astoria if not guarded against at once; and

Whereas it is further represented in such memorial that, in order to protect such harbor, sand bars should be removed, currents directed and controlled, and works and retaining walls constructed for the preservation of the channels and the anchorage area in such harbor: Therefore,

Resolved, That the Secretary of War transmit to the Senate, at his earliest convenience, such information as is in the possession of the Department relating to the harbor at Astoria, Oreg., together with such suggestion or recommendation as may be deemed advisable.

TREASURY SETTLEMENTS.

Mr. HILL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, required to reexamine the settlements reported by him in Senate Executive Document No. 178, Fifty-fourth Congress, first session, and to report whether the awards are of the same character as those heretofore paid upon the steamer *Peerless*, reported to Congress in Executive Document No. 67, Forty-eighth Congress, first session, together with a detailed statement of the facts, and to report also whether the awards are similar to those appropriated for last session.

Mr. COCKRELL. The Secretary of the Treasury, in response to a similar resolution during the last session, reported that the Senate or House separately had no authority to require him to reexamine a case finally passed upon, but that he would, in response to such a resolution, report the facts as to what had been done in the matter. So, under his decision heretofore (and I think probably he is correct), it would not be a reexamination and repassing upon the claim, but simply a report of the reasons for the former action.

Mr. HILL. There is no harm in the resolution I suppose?

Mr. COCKRELL. Oh, no; there is no harm in it.

The resolution was considered by unanimous consent, and agreed to.

PACIFIC RAILROADS.

Mr. GEAR. I notice by the Calendar that the unfinished business is the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose. I ask unanimous consent that after the unfinished business is disposed of the bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway, and the bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, be taken up as the unfinished business.

The **VICE-PRESIDENT.** Is there objection to the request of the Senator from Iowa?

Mr. GORMAN. I trust the Senator from Iowa will not make that request now. Let us wait until we return here on the 5th of January and then determine the order of business. If the Senator insists upon his request, I shall be compelled to object.

The **VICE-PRESIDENT.** Objection is interposed to the request of the Senator from Iowa.

Mr. GEAR. I wish to state, Mr. President, that my reason for making the request is because of the sixty millions of bonds issued in aid of the construction of these roads twenty millions will mature by January 1, and will have to be met by the Government. It seems to me the time has come when Congress should determine what shall be done in regard to these matters. The law of 1887 makes it the specific duty of the President to interfere and to do certain things. I hardly think that Senators wish that to be done when there is, perhaps, a chance of negotiating in some other way or enacting some legislation looking to a settlement of those debts. I hope the Senator from Maryland will withdraw his objection.

Mr. GORMAN. It is utterly impossible, of course, to consider this great measure between now and the time of our adjournment for the holidays.

Mr. GEAR. I would state to the Senator from Maryland that I do not expect to do anything of that kind. I did not intend to ask to have the bills taken up until after the holiday recess, and probably not until the other House had acted on the subject. I simply wanted to have the order adopted, so that the Senate could take up the subject after the holiday recess.

Mr. GORMAN. My suggestion to the Senator is that we defer the subject until after we reassemble on the 5th of January, and then determine the order of business.

Mr. GEAR. I do not object to the subject going over, so that my request shall be made a preferential one.

Mr. GORMAN. I object to any order being made now.

Mr. GEAR. Then, Mr. President, I move that the Senate make this order.

Mr. HILL. That is not in order. The Senator can move to proceed to the immediate consideration of the subject, but he can not now move that the Senate proceed to its consideration at some future time.

Mr. GEAR. I do not move immediate consideration. I will say to the Senator from New York. I simply ask that these bills may go on the Calendar as the unfinished business, not to be taken up until after the holiday recess.

Mr. GORMAN. The Senator recognizes the fact that it is impossible for him to make an arrangement now after an objection has been made. The only way to proceed to the consideration of the bill is to move to take it up at present under the rule, but I object to making any arrangement with reference to the matter now.

The **VICE-PRESIDENT.** Objection is interposed to the request of the Senator from Iowa.

Mr. GEAR. Then I make the motion.

The **VICE-PRESIDENT.** Will the Senator indicate his motion?

Mr. GEAR. I move that the bills for the settlement and adjustment of the accounts between the Government and the Union and the Central Pacific Railroad companies be made the unfinished business immediately after the disposal of the bill for free homes in charge of the Senator from South Dakota [Mr. PETTIGREW].

The **VICE-PRESIDENT.** The Chair will state to the Senator that that can be done only by unanimous consent. If the Senator's motion is to make a special order, that will be entertained.

Mr. GEAR. I do not wish to make it a special order, because that can be set aside. At the last session I understand we made the immigration bill the unfinished business for this session.

The **VICE-PRESIDENT.** That was done by unanimous consent, the Chair will state.

Mr. STEWART. The Senator from Iowa can give notice that he will call up the bills referred to by him.

Mr. GEAR. Then I give notice that immediately after the assembling of Congress after the recess I shall call up the bills I have named for action.

The **VICE-PRESIDENT.** Notice will be entered.

APPROPRIATION BILLS REFERRED.

Mr. HALE. Two appropriation bills have come from the House of Representatives. I ask that they be laid before the Senate and referred to the Committee on Appropriations, as the committee desire to hold a meeting to-day.

The following bills were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898; and

A bill (H. R. 9751) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

DISTRIBUTION OF APPROPRIATION BILLS.

Mr. DUBOIS. Mr. President, I rise to a question of privilege. Some time last session I introduced an amendment of the rules which provided for the distribution of the appropriation bills among the various committees of the Senate. After some considerable debate, on the motion of the chairman of the Committee on Appropriations [Mr. ALLISON] on February 7, 1896, the following was adopted:

That the resolution and amendments be referred to the Committee on Rules, with instructions to report the same back to the Senate on the first Monday of December, either with or without amendment.

I am aware that the distinguished chairman of the Committee on Appropriations is detained from the Senate by sickness, and we all wish he were here; but as he is not a member of the Committee on Rules, I hardly think his absence is a sufficient excuse for that committee not acting.

I simply rose to inquire why the Committee on Rules have not reported that amendment back in accordance with the vote of the Senate.

Mr. BURROWS. Probably the Senator will pardon me for suggesting that the chairman of the Committee on Rules, when perhaps the Senator from Idaho was absent, stated that the committee were unable to report upon that proposition and asked unanimous consent that they might have further time, which was granted by the Senate several days ago. Having indefinite time, the matter will possibly be called up on the 4th of March.

Mr. DUBOIS. Very well, Mr. President. I only desired to ascertain the manner of its "taking off."

DANIEL E. LYNN.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The **VICE-PRESIDENT.** The morning business has not closed. Resolutions, concurrent and other, are in order.

RECOGNITION OF THE INDEPENDENCE OF A FOREIGN PEOPLE.

Mr. BACON. Mr. President, it occurs to me that a resolution declaring the powers of Congress ought to be a concurrent resolution rather than a joint resolution. I therefore offer a concurrent resolution, which I ask may be read and referred to the Committee on the Judiciary.

The concurrent resolution was read, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate (the House of Representatives concurring), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power.

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

BONDS OF PACIFIC RAILROADS.

Mr. PETTIGREW. I offer a resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Whereas by public advertisement the Secretary of the Treasury has offered for sale certain of the first-mortgage bonds of the Union and other Pacific railroads held in the Treasury of the United States as a part of the sinking fund provided by law for the extinguishment of the paramount and first lien debt of said Pacific railroads; and

Whereas it does not appear that any legal authority exists for the sale of said bonds as proposed:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the number and amount of the bonds which he thus proposes to sell; the title under which the United States holds the same; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor and a copy of the guaranty bid announced by him, and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, and also to report what, if any, similar sales of such first-mortgage bonds of said Union or other Pacific railroads at any time purchased for and held in said sinking fund have been at any time heretofore made, and what disposition has been made of the proceeds thereof, if so sold.

Mr. PLATT. Mr. President, I do not wish to object to a resolution of inquiry, but the preamble of this resolution states as a fact something about which as a Senator I do not know anything, and I do not like to commit myself to the statement of a fact that I know nothing about. I wish the preamble of the resolution might be again read.

Mr. PETTIGREW. I will modify the resolution by striking out the preamble, and will simply ask for the consideration of the resolution.

Mr. PLATT. I have no objection to a resolution of inquiry.

The **VICE-PRESIDENT.** The Senator modifies his resolution by striking out the preamble.

Mr. HILL. Now, I should like to have the resolution again read as it stands.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the number and amount of the bonds which he thus purposes to sell——

Mr. HILL. That portion of the resolution will have to be amended so as to make it intelligible, if it is desired to be so.

The Secretary continued the reading of the resolution, as follows:

the title under which the United States holds the same; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor and a copy of the guaranty bid announced by him, and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, and also to report what, if any, similar sales of such first-mortgage bonds of said Union or other Pacific railroads at any time purchased for and held in said sinking fund have been at any time heretofore made, and what disposition has been made of the proceeds thereof, if so sold.

Mr. HILL. I call the attention of the Senator to the first part of the resolution as not being complete or perfect.

Mr. PETTIGREW. I withdraw the resolution and will offer it again at some future time to-day. Bids are to be received to-day for the bonds referred to, and under the advertisement the time was exceedingly short. I will therefore ask leave to offer the resolution again later.

The **VICE-PRESIDENT.** The resolution is withdrawn.

BRIG TALLY-HO.

Mr. LODGE. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 337.

The **VICE-PRESIDENT** laid before the Senate the amendment of the House of Representatives to the bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims.

The amendment was, on page 2, line 26, after the word "act," to insert "with the right of either party to appeal to the Supreme Court of the United States."

Mr. LODGE. The bill passed the Senate referring the claims of these persons to the Court of Claims, and the other House has added the amendment which has been read, simply giving both to the Government and the claimants the right of appeal to the Supreme Court. In behalf of my colleague, who is particularly interested in the bill, I move to concur in the amendment, which I understand is satisfactory to all concerned. It does not give the claimants any additional privileges.

Mr. PASCO. The chairman of the Committee on Claims is not in the Chamber, but I reported the bill to the Senate, and I see no objection to the suggestion made by the Senator from Massachusetts.

Mr. WHITE. May I ask what is the nature of the amendment?

Mr. PASCO. It simply gives the right of appeal.

Mr. LODGE. It gives both parties the right of appeal to the Supreme Court.

Mr. WHITE. In a case of what character?

Mr. LODGE. It is the case of a claim. The bill passed the Senate allowing the claim to be referred to the Court of Claims, and it also passed the House of Representatives. The House has added an amendment giving the parties, both the Government and the claimants, the right of appeal to the Supreme Court.

Mr. WHITE. That is satisfactory.

Mr. LODGE. I have asked the Senate to concur in the amendment.

Mr. HILL. May I ask the Senator from Massachusetts why should the parties interested in this particular claim have any different rights from those given to claimants generally? Why should there be special legislation?

Mr. LODGE. The addition, I suppose, was made so as to give the Government the right to appeal.

Mr. HILL. Why should the Government in this case have any different rights than it has in regard to claims generally? We have general laws governing appeals.

Mr. LODGE. The object of the House amendment, I understand, is further to protect the Government's rights. The claimants have no objection to it.

Mr. HILL. That may be.

Mr. LODGE. I see no harm in it. The amendment gives both parties the right of appeal.

Mr. HILL. I see just this harm in it, that every time litigants or the Government want to reargue a particular claim they will come to Congress and have an amendment offered to a particular bill, or have a bill introduced, giving the Government or the parties the right to appeal to the Supreme Court. We have certain general laws applicable to bills in claim cases, and unless there is something unusual about this case, it strikes me that the Government as well as the claimant should be content to abide by the general law. Otherwise, we shall be flooded with legislation of this character. That is the suggestion I make.

Mr. LODGE. I hope the Senator from New York understands that the amendment was not put in the bill at the suggestion of the claimants. The amendment was put in by the other House for the protection of the Government.

Mr. HILL. I do not think that makes any difference.

Mr. LODGE. It was inserted for the protection of the Government, and no objection is made on the part of the claimants.

Mr. HILL. What are the precise reasons why the Government should have in this particular instance—I know nothing about the merits of the claim—the right of appeal?

Mr. LODGE. I am not in the councils of the other House or of its committee. I only know that the House made the amendment. The claimants make no objection to it, and are anxious that the bill authorizing their claims to be referred shall be passed; and for that reason I have moved to concur in the House amendment.

Mr. PASCO. I suggest that provisions giving the right to appeal are sometimes in bills of this character and sometimes they are not. The privilege of appeal was not in the bill when it came to the Committee on Claims of the Senate, and we reported it without any such provision. The other House, in its wisdom, has seen fit to put this provision in the bill. It is acceptable to the claimants themselves, or to those who represent them, and, I understand, to the Senators from Massachusetts, and I do not see that it is worth while to delay the progress of the matter by insisting upon any objection when all parties seem to be willing to submit to the inconvenience of the further delay of an appeal to the Supreme Court, in case one or the other party sees fit to take it there. For that reason the committee proposes to accept the amendment brought here from the other House.

Mr. HILL. I do not care anything about this particular case, because I know nothing about it, but I do not think it answers the position taken by myself in regard to this matter to say that it is agreed between the claimants and the Government in a given claim that there shall be an additional right of appeal. Where is it to stop? What is the precedent you propose to set here? We have certain general laws governing the matter. If there is some special, particular reason why the Government or the claimants should have a special right of appeal in this particular case, it is all right; but to do it as a matter of course, to do it just for the mere asking, to do it because somebody suggests it ought to be done, I do not think is good legislation. I am opposed to it. I raise no technical objection about the matter, however.

Mr. MITCHELL of Oregon. May I interrupt the Senator from New York? I have served on the Committee on Claims for some seventeen years now, and we have claims of every character before that committee. Sometimes the amount involved is merely nominal, even in cases referred to the Court of Claims; the questions involved are unimportant, and in cases of that kind it is thought not necessary to allow either party to go farther than the Court of Claims. Again, there are cases wherein the questions are of great magnitude, the amounts involved are large, and it is thought by the committee that such cases ought to go to the Supreme Court of the United States. That is why in some cases it is provided that either party may go to the Supreme Court of the United States, while in other cases it is not so provided.

Mr. HILL. Will the Senator from Oregon permit me to say a word? He is of course aware of the existence of several statutes regulating appeals from judgments of the Court Claims to the Supreme Court of the United States. I had occasion some time ago in an important case to reexamine those very statutes, and in a case in which I was counsel the court announced an important decision in regard to the rights of appeal. There are general statutes applicable to all claim cases in which appeals are limited in reference to amounts.

I do not think that for light reasons Congress, in allowing a claim to be referred to the Court of Claims, should provide a special right of appeal either for the Government or for the claimant. I do not think that to say the Committee on Claims does it occasionally, changing the general law, is quite an answer to the proposition.

Mr. PASCO. This is not a case under the general law at all. It is a case which it is proposed to refer to the Court of Claims by a special bill, and the two Houses of Congress have a right to determine the question whether or not there shall be a right of appeal in this and other similar cases. The other House has seen fit to require that the right of appeal shall be given.

Mr. HILL. May I ask the Senator from Florida a question?

Mr PASCO. Certainly.

Mr. HILL. Does the Senator mean to say that if in this particular bill Congress does not say anything about the right of appeal, there would not exist a right of appeal under existing law?

Mr. PASCO. That is the status of the case as it comes to us from the other House. The House took that view of it, and required that there should be a right of appeal, and the Senate committee is disposed to yield to the judgment of the House upon that question, particularly when the Representatives and the Senators from Massachusetts, who know the wishes of the claimants, are willing to accept the amendment offered by the House of Representatives.

Mr. HILL. As I recollect the law, no difference is made in regard to the right of appeal between cases which are referred to the Court of Claims by special law and those which are brought there by original claims filed. In certain instances the right of appeal is given, and in others it is not. Therefore this seems to be a special bill to give the Government or the claimants rights in addition to those which are given by the general law. I do not think it is good legislation. I make no special objection o it, however, and if the Senator desires to put it to a vote, all right.

Mr. PASCO. It is merely a matter which the two Houses of Congress have a right to control. If the Senator from New York is opposed to the amendment, of course he can vote against it when the question comes up. But I see no reason why the amendment agreed to by the House should not be adopted here.

Mr. LODGE. I ask for a vote on my motion to concur in the amendment.

The VICE-PRESIDENT. The question is upon concurring in the amendment made by the House of Representatives.

The amendment was concurred in.

ELECTRIC-LIGHT SUBWAYS.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, a resolution coming over from a previous day, which will be read.

The resolution submitted by Mr. GALLINGER on the 17th instant was read, as follows:

> *Resolved*, That until Congress shall provide by legislation for the construction of municipal subways, or otherwise provide for the extension of underground electric-light wires or conduits, the Commissioners of the District of Columbia are requested not to permit excavations in the streets, avenues, or alleys of the city of Washington for the laying of any additional wires for electric lighting.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. I desire to modify the resolution by substituting the word "directed" for "requested" where it occurs in the body of the resolution.

The VICE-PRESIDENT. The resolution will be so modified, without objection.

Mr. HARRIS. What disposition does the Senator from New Hampshire propose to make of the resolution?

Mr. GALLINGER. I submitted the resolution on Thursday last and asked that it should be voted upon. Of course I desire that it shall be acted upon at the present time.

Mr. HARRIS. The resolution ought to go to the Committee on the District of Columbia.

Mr. GALLINGER. I understand that the Senator from Missouri [Mr. COCKRELL] has a substitute which he desires to substitute for the resolution.

Mr. HARRIS. The resolution ought to go to the committee.

Mr. GALLINGER. That is not my purpose.

Mr. HARRIS. I move to refer the resolution to the Committee on the District of Columbia.

Mr. GALLINGER. Perhaps the Senator from Tennessee will do me the courtesy to allow the Senator from Missouri to offer his substitute first.

Mr. HARRIS. Certainly.

Mr. COCKRELL. I offer a substitute for the resolution.

The VICE-PRESIDENT. The substitute submitted by the Senator from Missouri will be read.

The substitute was read, as follows:

> Whereas the Senate and House are both engaged through their respective Committees on the District of Columbia in investigating the subject of the laying of the subways in the streets, roads, avenues, and alleys of the District of Columbia, as recommended by the Commissioners of the said District in a letter of the president of the Board of District Commissioners, transmitted to the respective chairmen of the said Committees on the District of Columbia, under date of February 8, 1896, and as provided by Senate bill 261 and House bill 5020, accompanying said letters; and
>
> Whereas the said Commissioners of the District of Columbia have recently entered into a contract with the Potomac Light and Power Company of the District of Columbia for the lighting of certain public parks and streets in the District of Columbia which involves the opening of several miles of city streets for the purpose of laying conduits therein:
>
> Now, therefore, in view of the pending investigation by Congress of the subject of the construction of said general subway system for the purpose of placing therein all telephone, electric light, and other wires and cables,
>
> *Be it resolved by the Senate of the United States of America*, That the Commissioners of the District of Columbia are hereby requested not to permit the said Potomac Light and Power Company to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying conduits therein (for lighting the streets and parks as provided in said contract) until some definite action is taken by Congress regarding the construction of said general subway system, and that the said Commissioners and the commissioner of public buildings and grounds, are requested, in view of the great importance of having the parks, streets, and avenues as thoroughly lighted as possible before the District becomes crowded with people to witness the inauguration of the President-elect on March 4, 1897, in order to afford protection to life and property, to issue permits to the United States Electric Lighting Company for the erection of temporary poles in the parks, streets, avenues, and alleys of the District upon which to string electric wires, provided said company, in part compensation for the privileges heretofore conferred upon it by Congress, will light the streets, avenues, roads, and parks free of cost to both the United States and the District of Columbia which were to have been lighted by the said Potomac Light and Power Company under its said contract with the said Commissioners during the time that may elapse before action is taken by Congress regarding the construction of said general subway system, or until the said contract with the Potomac Light and Power Company shall expire, viz, June 30, 1897.
>
> And the said Commissioners of the District and the commissioner of public buildings and grounds are further requested to issue permits to the said United States Electric Lighting Company to supply such additional electric lights along or contiguous to the line of its existing wires as may, in the judgment of the said respective Commissioners be deemed necessary to further protect life and property during the crowding of the District with people for the purpose of witnessing the said inauguration: *Provided*, That such of said additional lights, poles, and wires as are placed in streets, avenues, and parks are supplied by said company free of cost to both the United States and the District of Columbia, as further part compensation for the privileges heretofore granted said company by Congress: *And provided*, That the said company will remove, at its own cost, all such temporary wires, lights, and poles whenever requested to do so by the said Commissioners of the District of Columbia or the said commissioner of public buildings and grounds.

Mr. GALLINGER. I desire simply to say that the substitute offered by the Senator from Missouri is agreeable to me, and I trust it may be passed.

Mr. HARRIS. I move that the resolution and the substitute be printed, and referred to the Committee on the District of Columbia. The resolution seems to dispose of what I conceive to be a very important question, and it ought to be carefully considered before it is finally acted upon by the Senate.

Mr. COCKRELL. I hope that if the resolution and the substitute are referred to the Committee on the District of Columbia that committee will give the matter immediate attention. It is a very important question whether we shall have three or four or a half dozen electric-light companies in Washington tearing up the streets from time to time, or whether we shall have one or more companies under the direct control of Congress and compel them to do what we desire to have done. No one desires that there shall be a monopoly here. Congress will not tolerate it. No one wants to have companies come in here, get charters, do a little work, and then compel or try to intimidate or force other companies to buy them out at enormous prices.

The substitute proposes to make the existing company furnish until June next, free of cost, exactly the lights which the District Commissioners want, and to let the other matter remain until the Committee on the District of Columbia can make some permanent arrangement for having all these subways under general control. That was the intention of what was enacted at the last session. It was to give the District Commissioners an opportunity to make one general system of subways and control them.

Mr. HARRIS. I should quite agree with the Senator from Missouri as to the policy of not allowing rival companies to construct conduits or subways for the transmission of electricity to the same parts of the city, but if we are to have underground wires, as is the policy, it does not matter to the District of Columbia or to the city whether the conduit is constructed by Jones or Smith, and it is an easy matter to determine as to the company or companies which may be permitted to occupy a given part of the territory. But that the question is one of importance is my main point now. The resolution ought to go to the committee and be there carefully considered. I quite agree with the Senator from Missouri that it ought to be considered early and reported upon early, and so far as I have power over the matter it shall be considered early and reported upon as early as we can reach satisfactory conclusions. But I certainly should feel very much opposed to having the Senate act upon a question such as is embodied in either of the resolutions submitted without the careful consideration of the propositions by the proper committee.

Mr. GALLINGER. I desire to say a single word further before the vote is taken on the motion to refer the resolution and the substitute.

Some ten or fourteen days ago I offered, and there was passed through the Senate, a resolution looking to an inquiry by the Committee on the District of Columbia of substantially this very subject. So far as I know, no movement has been made in that direction beyond that. But I observed in the newspapers of the city of Washington a few days ago a statement, apparently authentic, to the effect that the Commissioners of the District of Columbia had conferred with the Committee on the District of Columbia and had received assurances from the Committee on the District of Columbia that that resolution would not meet with their approval, and that acting upon that assurance the Commissioners of the District of Columbia had proceeded to sign certain contracts which had been held up in their office for some time.

Now, Mr. President, I do not know with whom the Commissioners conferred. Very likely they conferred with my distinguished friend the Senator from Tennessee and the other distinguished members of the committee. They did not confer with me, and I am not in any wise responsible for the newspaper statements. I think they are accurate. Nor do I assent to doing business in that way in the Senate or on the part of the Committee on the District of Columbia.

Mr. HARRIS. I desire to say to the Senator from New Hampshire that he gives me the first information I have had of any such conference as he suggests; and if he would ascertain the facts through other channels than newspaper reports, as a rule he would be very much more accurate than he is when he bases his declarations upon such reports. I have heard of no such conference as the one referred to, and certainly did not take any part in it.

Mr. GALLINGER. I have sufficient information to justify the statement that the Commissioners did get certain information in the room of the District of Columbia Committee. The resolution I refer to has been before the committee for a couple of weeks. No action has been taken upon it, and yet we have assurances that if the pending resolution goes there immediate and sincere action will be taken upon it. I do not care to discuss this question. I believe there is a scheme on foot in the District of Columbia which will not bear very close investigation. I believe that the gentlemen who came here at the last session of Congress and solemnly said they only intended to lay their wires west of Rock Creek—they said it to me, certainly; I think they said it to the committee, and I believe the Committee on Appropriations acted upon the statement—and who are getting permission to lay wires on the east side of Rock Creek are not acting in very good faith. It does seem to me, inasmuch as the Committee on Appropriations took action upon this subject during the last session of Congress, that the matter should be held up until the committee has had an opportunity to investigate it further. It is a matter of no concern to me personally.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] that the resolution and the substitute be printed and referred to the Committee on the District of Columbia.

Mr. GALLINGER. Let us have the yeas and nays on that question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. For that reason I withhold my vote.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote, and therefore withhold my vote.

Mr. MITCHELL of Oregon (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. VILAS]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. GEAR. I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], but under our agreement, when the question is not political, either may exercise his judgment as to voting. I will therefore let my vote stand, although the junior Senator from Rhode Island is absent.

Mr. PUGH. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but in order to make a quorum I will vote. I vote "yea."

The result was announced—yeas 25, nays 21; as follows:

YEAS—25.

Berry,
Blackburn,
Burrows,
Butler,
Caffery,
Chilton,
Daniel,
Gray,
Harris,
Hawley,
Hill,
Jones, Ark.
Lindsay,
McMillan,
Martin,
Morgan,
Pasco,
Pugh,
Quay,
Roach,
Sewell,
Smith,
Squire,
Walthall,
White.

NAYS—21.

Bacon,
Brown,
Cameron,
Cannon,
Cockrell,
Dubois,
Frye,
Gallinger,
Gorman,
Hale,
Lodge,
Mantle,
Mitchell, Wis.
Morrill,
Peffer,
Perkins,
Pettigrew,
Platt,
Teller,
Vest,
Wilson.

NOT VOTING—43.

Aldrich,
Allen,
Allison,
Baker,
Bate,
Blanchard,
Brice,
Call,
Carter,
Chandler,
Clark,
Cullom,
Davis,
Elkins,
Faulkner,
Gear,
George,
Gibson,
Gordon,
Hansbrough,
Hoar,
Irby,
Jones, Nev.
Kyle,
McBride,
Mills,
Mitchell, Oreg.
Murphy,
Nelson,
Palmer,
Pritchard,
Proctor,
Sherman,
Shoup,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Voorhees,
Warren,
Wetmore,
Wolcott.

So the motion to refer was agreed to.

USE OF ALCOHOL IN THE ARTS.

Mr. PLATT submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled, "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its amendments to said resolution, and agree to an amendment, as follows:
>
> Insert after the word "Congress," in line 11, "not later than ten days after the beginning of its next session."
>
> And the Senate agree to the same.
>
> O. H. PLATT,
> NELSON W. ALDRICH,
> *Managers on the part of the Senate.*
> WALTER EVANS,
> CHARLES A. RUSSELL,
> BENTON McMILLIN,
> *Managers on the part of the House.*

The report was concurred in.

BONDS OF PACIFIC RAILROADS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the number and amount of the bonds of the Pacific railroads which he purposes to sell, as per the terms of the advertisement dated December 16, 1896; the title under which the United States holds said bonds; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor and a copy of the guaranty bid announced by him; and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, and also to report what, if any, similar sales of such first-mortgage bonds of said Union or other Pacific railroads, at any time purchased for and held in said sinking fund, have been at any time heretofore made, and what disposition has been made of the proceeds thereof, if so sold.

HERBERT H. D. PEIRCE.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 3340) authorizing Herbert H. G. Pierce to accept a medal from the Russian Government.

Mr. COCKRELL. There are several bills of exactly the same kind on the Calendar. If one is passed, all ought to be passed.

Mr. LODGE. Certainly. I agree with that view.

Mr. COCKRELL. I ask unanimous consent that they all may be considered now. I think there are three or four others now on the Calendar.

The VICE-PRESIDENT. The Chair will first ask if there is objection to the request of the Senator from Massachusetts for the present consideration of the bill indicated by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LODGE. There is one trifling amendment which I ask to have made. The name is spelled wrongly. It should be "Peirce" instead of "Pierce." I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Herbert H. D. Peirce to accept a medal from the Russian Government."

JOSEPH J. KINYOUN.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMANDER E. S. HOUSTON.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The **VICE-PRESIDENT.** The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. COCKRELL. I ask that the two or three little bills remaining may be passed. It will take only a minute.

Mr. PETTIGREW. I have no objection to the unfinished business being laid aside temporarily simply to dispose of the two or three bills the Senator from Missouri refers to.

The **VICE-PRESIDENT.** Is there objection? The Chair hears none.

C. E. MARR AND E. H. PIERCE.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. COL. W. H. FORWOOD.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I understood that the chairman of the Committee on Foreign Relations, the Senator from Ohio [Mr. SHERMAN], reported some amendments to the bill.

Mr. GALLINGER. The Senator from Ohio, from the committee, recommends that the bill be amended by inserting in line 3, after the first word, the words "Lieutenant-Colonel;" after the word "Forwood" to strike out the words "lieutenant-colonel and" and insert "deputy;" after the word "surgeon" in the same line to insert "general;" after the word "Army," in line 4, to strike out the words "deputy surgeon-general;" and to strike out all of section 2; so as to make the bill read:

> *Be it enacted, etc.*, That Lieut. Col. W. H. Forwood, deputy surgeon-general United States Army, be, and he is hereby, authorized to accept a case of surgical instruments tendered him by the minister of the Argentine Republic in the city of Washington, in the name of the Argentine Government, in recognition of professional services rendered the late Lieut. Commander Rafael Garcia Mansilla, who was accidentally injured while riding in the Soldiers' Home Park and brought to the hospital there April 17, 1891, for treatment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize Lieut. Col. W. H. Forwood to accept certain testimonials from the Argentine Government."

ADMIRAL T. O. SELFRIDGE AND OTHERS.

Mr. COCKRELL. There is only one more bill of this kind upon the Calendar. I ask unanimous consent for the present consideration of the bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PETTIGREW. I yield to the Senator from Washington [Mr. SQUIRE] to make an announcement.

FORTIFICATIONS AND OTHER SEACOAST DEFENSES.

Mr. SQUIRE. Mr. President, I desire to announce that at an early date I propose to ask for the consideration of the bill (S. 1159) to provide for fortifications and other seacoast defenses. It was my intention to ask for the present consideration of the bill to-day, but upon consultation with Senators who thought we would not be able to arrive at a vote before the holiday recess which is to be taken, I concluded to postpone it until after the Senate reassembles. I believe it is such an important measure that it ought to be brought to the attention of the Senate at an early date, and that we should have a vote upon the bill, which has been reported from the Committee on Coast Defenses and has already been quite fully discussed before the Senate, and recommended by the Secretary of War.

The amount called for in the bill is $10,000,000, which is about the amount of the estimate of the Secretary of War in his annual report for the next fiscal year. It is an admitted fact that the condition of our seacoast defenses is at present most lamentable, and calls for redoubled energy on the part of the Government to put the national defenses in suitable condition to resist possible attack upon our seacoast cities by foreign fleets in case of hostilities between our own and any other nation. At the last session of this Congress larger appropriations were made than have ever been made for this purpose in any previous Congress. Thus the disposition of Congress upon this subject has already been made manifest. I am informed that the money appropriated at the last session of Congress has already been applied to the purpose by the War Department and the work is rapidly going forward upon the allotments and contracts made. The work entered upon thus vigorously must be as vigorously pursued if we would make the system of defenses effective. We can not escape from the necessities of the situation, which require a large additional and immediate appropriation which should be adequate for the purpose in the immediate future.

CELESTE A. BOUGHTON.

Mr. GALLINGER submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1201) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after full and free conference, are unable to agree.
>
> J. H. GALLINGER,
> JOHN M. PALMER,
> *Managers on the part of the Senate.*
>
> GEO. C. CROWTHER,
> WM. BAKER,
> S. S. KIRKPATRICK,
> *Managers on the part of the House.*

Mr. GALLINGER. I move that the Senate request a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. GALLINGER, Mr. PALMER, and Mr. BAKER were appointed.

MRS. JANE STEWART WHITING.

Mr. GALLINGER submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, having met, after full and free conference, are unable to agree.
>
> J. H. GALLINGER,
> FRANK J. CANNON,
> JOHN L. MITCHELL,
> *Managers on the part of the Senate.*
>
> GEORGE C. CROWTHER,
> WILLIAM BAKER,
> S. S. KIRKPATRICK,
> *Managers on the part of the House.*

Mr. GALLINGER. I move that the Senate request a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. CANNON, and Mr. MITCHELL of Wisconsin were appointed.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, which had been reported from the Committee on Public Lands with amendments.

Mr. PETTIGREW. I ask that the bill be read at length.

Mr. COCKRELL. This is an important bill, and I insist that while the bill is being read there shall be a quorum in the Chamber. I say there is no quorum upon the floor of the Senate now.

The **PRESIDING OFFICER** (Mr. HARRIS in the chair). The want of a quorum being suggested, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Burrows,
Caffery,
Call,
Cannon,
Carter,
Chilton,
Clark,
Cockrell,
Cullom,
Dubois,
Frye,
Gallinger,
Gear,
Gray,
Harris,
Hawley,
Hill,
Lindsay,
McBride,
Martin,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Murphy,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Quay,
Sewell,
Sherman,
Smith,
Squire,
Stewart,
Teller,
Turpie,
Vest,
Walthall,
White.

The **PRESIDING OFFICER.** Fifty Senators have responded to their names. A quorum is present. The Secretary will read the bill.

The Secretary read the bill.

The **PRESIDING OFFICER.** The amendments reported by the Committee on Indian Affairs will be stated.

The SECRETARY. In section 1, line 5, it is proposed to strike out the words "in the Territory of Oklahoma," and at the end of line 15 to add the following proviso:

> *Provided, however,* That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

So as to make the section read:

> That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however*, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States: *Provided*, That the public land laws of the United States are hereby suspended until further legislation by Congress, in so far as they may affect the territory hitherto known as Green County, Tex.

Mr. VEST. Is there a report accompanying that bill, Mr. President?

The **PRESIDING OFFICER.** There is.

Mr. PLATT. There is a report accompanying the bill.

Mr. VEST. I call for the reading of the report.

The **PRESIDING OFFICER.** The Secretary will read the report.

Mr. PLATT. I desire to say with regard to the report, which appears as printed to be a report of the Committee on Public Lands, that that is a mistake. It is a report of the Committee on Indian Affairs, as is shown by the Calendar. The action of the committee was not unanimous. I was not in favor of the bill, and I was authorized by some of the members of the committee to make a minority report, but I did not happen to be present in the Senate when the report was made, and it never was convenient to make a minority report. I do not know just how many members of the committee agreed to sign a minority report, but there were three at least.

Mr. CULLOM. From what committee does the bill come?

Mr. PLATT. It comes from the Committee on Indian Affairs. With that explanation, I desire to have the report read. I hope that this matter will not be acted upon in a thin Senate. It is a very important matter; it relinquishes to the settlers a sum estimated all the way from seventeen to thirty million dollars. It is a pretty important bill, and ought not to be disposed of in a thin Senate. I desire, however, to have the report read, that it may go into the RECORD.

Mr. VEST. Is the amount stated by the Senator from Connecticut the amount which the bill if it becomes a law will cost the Government?

Mr. PLATT. The report says it will not be over $17,000,000. The Secretary of the Interior thinks it will be $35,000,000.

Mr. VEST. I want to make a suggestion to the Senator from South Dakota who has charge of the bill. This is a very important measure, and I suggest to the Senator that he allow it to go over until after the recess, and then fix a day for its consideration.

Mr. PLATT. It would be the unfinished business if it went over.

Mr. VEST. I do not want to delay the bill, but at the same time I want an opportunity to examine it and to ascertain exactly what it amounts to.

Mr. CULLOM. I hope if the bill goes over the minority of the committee will submit a report, in order that we may understand their views on the subject.

Mr. VEST. I want to hear both sides of the question.

Mr. PETTIGREW. I want to say to the Senator from Missouri that after the statement he has made I do not desire to insist on a vote on the bill to-day, but I desire that the report of the Senate committee shall be read, so that it may go into the RECORD. After that I shall not object to the bill being the unfinished business when we convene after the holidays, unless some Senator wishes to speak upon it now.

The **PRESIDING OFFICER.** Does the Senator from South Dakota desire the report to be read or printed in the RECORD?

Mr. PETTIGREW. I desire that the report shall be read.

The **PRESIDING OFFICER.** The report will be read.

The Secretary read from the report submitted by Mr. PETTIGREW May 16, 1896, as follows:

> The Committee on Indian Affairs, to whom was referred the bill (H. R. 3656) providing for free homesteads on public lands in Oklahoma Territory for actual and bona fide settlers, having had the same under consideration, report it back with the following amendments:
>
> From the title strike out the words "in Oklahoma Territory."
>
> From line 5, section 1, strike out the words "in the Territory of Oklahoma."
>
> At the end of line 15, section 1, add the words:
>
> "*Provided, however,* That all sums of money so released, which if not released would belong to an Indian tribe, shall be paid to such Indian tribe by the United States."
>
> Thus amended, your committee recommend that the bill do pass.
>
> The effect of the first two amendments reported will be to change the act from one covering alone the surrendered Indian lands of Oklahoma Territory to an act covering the Indian reservation lands opened by treaty or agreement to public settlement in all States and Territories of the United States.
>
> The effect of the third amendment reported will be to secure to all Indians payment for lands surrendered under agreements with the United States Government that certain compensation was to be bestowed upon them.
>
> In seeking to change the act from one of limited scope to one of general application, your committee is actuated by a belief that its just provisions should not be confined to a circumscribed area or to a selected number of people, but should cover all of that class to whom, in its original form, it was made locally applicable.
>
> The measure involves no new principle of legislation, but is sustained by precedents numerous in the statute books of the nation. It aims merely to bring newly acquired public domain under the beneficent provisions of the homestead law, an enactment which has in years of our past extended westward from congested population centers those energetic millions of our own and other races who required only room and a place to toil that the fruits of their labor might fall into the lap of the world. It is hardly necessary to go into details and statistics in support of the achievements of the homestead law. They have been repeatedly uttered and printed in connection with measures before this body, and they justify the wisdom of the framers of that enactment.
>
> The contention of your committee is that in the application of the homestead law there should be no discrimination—that it should be applied to every portion of the public domain and to all the people who go out to subdue the wilderness. The argument that these lands were bought for a price from the Indians, and that it was provided that the ultimate white owners of the land should compensate the General Government for its outlay, has been given due consideration. The only possible conclusion, within lines of equity, is that the provision was an erroneous one, and that its elimination from the statutes has been already too long delayed. Our entire national domain was originally purchased from the Indians, either for a cash or commodity price, or through the cost of conquest, and much of it has been twice bought, because of its ancient occupancy by foreign nations. Yet in the parceling of the domain, under the operation of the homestead act, the proposition that the Government should exact the cost of land from its former occupants never found the form of law until it came to be applied to these recently acquired infinitesimal remnants of a governmental area that once reached westward from the Mississippi to the Pacific.
>
> In connection with a measure similar to the one reported herewith, the Secretary of the Interior has submitted a report, and, through a tabulated statement therein embodied, exhibits the conclusion that the enactment of the bill under consideration would deprive the Government of some $35,000,000. This statement of the pecuniary benefit to come to the nation can never be fulfilled under conditions now existing and which have existed since the land was thrown upon the market. Much of the area to be disposed of lies within the semiarid region of the far West. It is not worth to the settler the price asked for it. For example, there were 9,500,000 acres released in 1889 from Indian jurisdiction in the great Sioux Reservation of the Dakotas. Of this total only a little over 700,000 acres has been taken, for which the occupants have agreed to pay about $825,000. This leaves 8,800,000 acres undisposed of, and under the terms of the treaty with the Indians, the Government is bound to pay, at the expiration of ten years from March 2, 1889, to the Indians, one half a dollar per acre, whether any of it is sold to settlers or not. Unsalable real estate should not be figured in as prospective cash assets. And the land not taken is practically unsalable. The 700,000 acres occupied by settlers represent all that will ever be attractive to producers. The balance is ranging grounds for herds, and is available without entry or purchase for that purpose.
>
> The same line of reasoning will apply to the ceded lands of Oklahoma, of which there are over $15,000,000 worth entered in the tabulated statement of the Secretary of the Interior.
>
> On the other hand, there are ceded reservation lands in Idaho, Washington, and Montana that will not be affected by the measure recommended by your committee, because of their mineral character. They will remain under the operation of the mineral-land laws and will become readily salable as such. Their value must therefore be deducted from the loss estimate of the Interior Department.
>
> Of the worthless desert land there is an area sufficient within the ceded fractions of Indian reservations enumerated in the report of the Secretary of the Interior to materially reduce the aggregate of his estimate. Land of this character can never be sold to farmers or stock growers, or to any other class of producers; and for so much of it as the Government has purchased from the Indians it can not expect to be compensated.
>
> It is the conclusion of your committee, upon the reasonable basis above outlined, that the Department's alleged loss estimate under the provisions of this bill should be reduced at least one-half, or to about $17,500,000. But your committee can not admit that this money total should be considered as loss

revenue. It represents an exaction not before imposed upon agricultural producers who, through toil and the privations of extreme poverty upon the frontier, plant the foundation stones of wealth teeming Commonwealths so firmly that they will endure as long as the rains fall and the sun endows life with the energy of its rays.

The report made by Mr. LACEY to the House of Representatives in relation to House bill No. 3948 is hereby made a part of this report.

Mr. PETTIGREW. That is all of the report I desire to have read.

Mr. COCKRELL. Let it all be printed in the RECORD.

The PRESIDING OFFICER. The remainder of the report will be printed in the RECORD, if there be no objection. The Chair hears none.

The remainder of the report is as follows:

[House Report No. 147, Fifty-fourth Congress, first session.]

Mr. LACEY, from the Committee on the Public Lands, submitted the following report to accompany H. R. 3948:

The Committee on the Public Lands, having had under consideration House bill 3948, report the same back with a favorable recommendation, with the following amendments:

Insert in line 3, after the word "that," the words "so much of," and strike out the word "requiring" in the same line, and insert the words "as require" in lieu thereof.

Also amend by adding, after line 14, the following words:

"*Provided further*, That this act shall not apply to reservations where the proceeds of the sales of homestead or other entries thereof are under existing treaties required to be paid over to the Indians, or held in trust, or paid into the Treasury for their benefit."

Thus amended, your committee recommend that the bill do pass.

The proposed bill does not involve any new and untried principle of legislation, but is only a return to the homestead law in its original form and purpose.

It will be proper to review briefly in this connection the history of the homestead act, which, after some years of discussion, finally became a part of the laws and marked a new epoch in the country's history when it finally became a law, May 20, 1862.

In 1852 the Free Soil Democracy, in their platform at Pittsburg, declared the public lands to be a "sacred trust," and that they "should be granted in limited quantities free of cost to landless settlers."

In 1852, and until its final passage, Hon. GALUSHA A. GROW, now again a member of this House, appeared as the champion of this great change in the land policy of the nation. A bill was lost January 20, 1859, in the House, by a vote of 91 to 95.

On February 1, 1859, a homestead bill passed the House by a vote of 120 to 76. February 17, 1859, it was taken up in the Senate by a vote of 26 to 21.

Mr. Slidell antagonized the bill in the Senate and called up the bill for the purchase of Cuba in its stead.

The proposal to open free homes to the landless on the public domain gave way to a proposition to strengthen slavery by the purchase of more territory already fully occupied with slave labor. On a previous motion to postpone the consideration of the homestead bill the vote stood 28 to 28, and Vice-President Breckinridge gave the casting vote against the bill.

The bill was lost, but the agitation in its favor largely influenced subsequent political events.

March 6, 1860, Mr. Lovejoy, of Illinois, reported the Grow homestead bill favorably. March 12, 1860, it passed the House by a vote of 115 to 65.

In the Senate Mr. Andrew Johnson, of Tennessee, reported a substitute requiring homestead settlers to buy their land at 25 cents an acre at the end of five years' settlement. Senator Ben Wade moved to amend by substituting the House bill. The motion was lost by a vote of 31 to 26. May 10, 1860, the Senate passed Senator Johnson's substitute by a vote of 44 to 8.

The House refused to concur and a conference was ordered, and the conference committee, after twelve meetings, accepted the Senate substitute. As expressed by Mr. GROW, it was "a half loaf."

The conference report was adopted by a vote of 115 to 51 in the House, and 36 to 2 in the Senate. Mr. Colfax stated that the proposed cost of 25 cents an acre to the homesteader was equal to the average cost of the land to the Government.

Mr. Colfax and Mr. Windom announced that this bill was only the first onward step in the line of a new policy. But on June 23, 1860, James Buchanan, President of the United States, vetoed the bill and it failed to pass over his veto, the vote in the Senate being 28 yeas and 18 nays, 8 votes less than a two-thirds majority.

Mr Buchanan declared the bill to be unconstitutional. He said that 25 cents an acre was a mere nominal price, and that it was equivalent to giving the land away. He declared that Congress had no power to grant free homes on the public domain or to grant land for use in the education of the people.

The land, he said, was like money in the Treasury, and was a sacred fund that could only be disposed of by being sold for cash or for land warrants. The Louisiana purchase was paid for out of the National Treasury, and Congress had no more power to give it away than they would have had to give the money away that had been paid to Napoleon for its purchase. The proceeds of land sales he looked upon as a source of revenue long to be enjoyed by the nation.

He did not recognize the benefits that might result to the people at large by the transfer of an uninhabited wilderness into a populous and prosperous Commonwealth.

The benefits to the old States by the addition of new taxpayers to the population did not seem to be appreciated by the President. The President did not realize that in this new homestead policy lay a germ of national growth of untold value, in which the old States would share the wealth to be added by the new members of the national confederation.

The idea that an uninhabited public domain was a sacred trust which should be kept as a solitude until it could be sold for cash seems to have fully entered the mind of the Executive.

He was willing and desirous of paying $100,000,000 out of the funds in the Treasury for the purchase of Cuba, which would add new power to the cause of slavery, and he might well understand that a different result would follow the building up of new States in the West under a system of free homes.

The bill was lost, and the war of 1861 soon followed. The friends of the homestead law did not despair.

When Hannibal was besieging Rome, his camp near the city was sold at public sale in the forum, and in the darkest hours of 1861 and 1862 the homestead bill was considered almost within the sound of hostile guns.

Mr. Aldrich introduced the bill July 8, 1861, and it was referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy reported it favorably.

It was again referred to the Committee on Public Lands.

On February 28, 1862, it passed the House by a vote of 107 to 16.

March 25, 1862, Senator Harlan reported it favorably in the Senate, with amendments, and it passed as amended May 5, 1862, by a vote of 33 to 7.

The two Houses agreed upon a conference, and on May 20, 1862, after the details were finally agreed upon, Mr. Lincoln added another chapter to the great history of his life by approving the bill.

From that time until the present the general policy of the homestead law has been accepted without question. Occasional amendments and modifications have been made, but the bill in its substance has been unchanged.

On June 8, 1872, the soldiers and sailors were accorded the privilege of deducting the time of their service in the Army or Navy from the five years necessary to acquire their patents.

These homes were exempt from execution against all prior debts, and the unfortunate debtor was given another opportunity to regain a home in the new lands of the far West.

Substantially all the lands embraced in the area subject to homesteads has at some time been purchased from France, Mexico, Spain, or the Indians. The only difference was that some portions cost more than others.

The purchase from France in 1803 cost 3½ cents per acre. The purchase from Spain in 1819 cost 17.1 cents per acre. The purchase from Mexico in 1848 cost 4¾ cents per acre. The Gadsden purchase in 1853 cost 34.3 cents per acre. The purchase from Texas in 1850 cost 25.17 cents per acre. Alaska, bought in 1867, cost 1.19 cents per acre.

The State cessions from Georgia cost 10.10 cents per acre.

The entire public domain up to 1880 had cost $88,157,389.98, or 4.7 cents per acre.

Up to 1880 the Government had sold or disposed of land to the amount in value of $200,702,849.11. This included extensive grants to the new States for school and other purposes. The average amount realized per acre, including these grants for public purposes, was 36½ cents.

After charging up all the expenses of surveys, Indians, cost of administration, etc., the Government, on June 30, 1880, lacked $121,366,746.85 of having been fully reimbursed, its total outlays up to that time being $322,069,595.96.

The total actual cost, after adding these expenses, was 17¼ cents per acre.

The splendid States and Territories of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Florida, Alabama, Mississippi, Louisiana, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Utah, Idaho, Washington, Oregon, Nevada, California, Oklahoma, Indian Territory, New Mexico, and Arizona have thus been added to the Union at a cost of but little over $120,000,000. The census of 1890 showed these States to have wealth, real and personal, in the following amounts:

Michigan	$2,095,016,272	Florida	$389,489,388
Wisconsin	1,838,318,523	Montana	453,135,210
Minnesota	1,605,831,327	Wyoming	169,773,710
Iowa	2,287,348,333	Colorado	1,145,712,267
Missouri	2,397,902,945	New Mexico	231,459,897
North Dakota	337,106,746	Arizona	188,880,976
South Dakota	425,141,290	Utah	349,411,234
Nebraska	1,275,685,514	Nevada	180,323,628
Kansas	1,799,343,501	Idaho	207,896,591
Alabama	622,773,504	Washington	760,698,726
Mississippi	454,242,668	Oregon	590,306,101
Louisiana	495,316,597	California	2,533,733,627
Oklahoma	48,285,124		
Arkansas	455,147,422	Total	23,588,539,104
Indian Territory	120,765,462		

The policy that has added so greatly to these results should not be abandoned.

But some exceptions have recently been made in this beneficent policy. The Indian title has been extinguished by treaties in some instances, and the land opened up to homestead settlement with a requirement that the settler should improve the land and reside upon it and in all respects comply with the homestead laws for the full term of five years, and then he should buy it from the Government at a fixed price.

The lands thus offered were attractive to the prospective settler. Every difficulty thrown around the entry upon a new reservation led to an increased public estimate of its value, and thousands of settlers have taken up their homes in these new purchases only to find them less desirable and less valuable than many of the tracts that had been previously taken under the homestead law free of all charge. A period of drought has supervened, bringing much loss to the old and well-settled portions of the country, and falling with especial hardship upon the pioneer who has located his right to purchase a homestead near the border line of the permanently arid belt.

There is no reason that the homestead settlers in Kansas, Nebraska, and other States should obtain their lands free of cost which does not apply with equal or greater force to those of the Dakotas and Oklahoma. The only grounds upon which the discrimination against these settlers is based is the fact that the lands cost the Government more than those previously opened to homestead settlement. But this is only a question of degree and not of principle.

The Gadsden purchase in Arizona cost 34 3/10 cents an acre, while the rich and well watered prairies of Iowa cost but 3½ cents per acre.

The Government purchases and extinguishes the Indian title to the end that a new State, peopled with American citizens, may take the place of the wild inhabitants. The cost of extinguishing this aboriginal title is not an obligation to be levied upon the new settlers of the same region, but is for the mutual and general benefit of the whole country. Costly Indian wars opened the older portions of the country to the plow of the pioneer. The expenses of these wars were not apportioned at so much an acre upon the land. Nor should the cost of extinguishing the Indian title by peaceable means become a mortgage upon the farm of the settler who civilizes and builds up the new State in the wilds of the continent.

We believe that the homestead laws should be extended to these reservations and that the settlers of Oklahoma, South Dakota, and other Western States should all be put upon the same footing, and that the policy of the administration of the public lands should be again adopted in its entirety, and that the public domain should be devoted to the purpose of furnishing free homes to a free people.

H. R. 292, introduced by Mr. FLYNN of Oklahoma, is limited in its effect to that Territory alone.

It was referred to the Secretary of the Interior, and he has made his report adversely to the bill, inclosing also the communication of the Commissioner of the General Land Office to the same effect.

The objections to the bill are clearly and strongly stated by these officials, and we incorporate them into this report so that the House may be in possession of the different views taken of the proposed legislation.

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1896.

SIR: I have the honor to hand you herewith the report of the Commissioner of the General Land Office, dated the 16th instant, on H. R. No. 292, entitled "A bill providing for free homesteads on the public lands in Oklahoma Territory."

The bill, which is quoted in full in the Commissioner's report, provides in effect that all homestead settlers within the Territory of Oklahoma, upon making final proof on the tract entered by them and showing the period of residence thereon required by existing law, shall acquire title to said tract by simply paying the usual and customary fees required in such cases, without the payment of the price per acre required for said land by existing law.

For the information of Congress, I desire to submit the following:

Statement showing approximate loss to the United States if homestead settlers on Indian and abandoned military reservations are relieved from paying for said lands at rates now fixed by law upon a showing of five years' residence.

Reservation.	Area ceded, exclusive of allotted and reserved.	Price to be paid by settlers.	Amount that will be received from settlers under existing law.
	Acres.		
Cherokee Outlet, Okla	732,280 1,822,240 2,806,350	$2.50 1.50 1.00	$1,830,700 2,733,360 2,806,350
Pawnee, Okla	169,320	2.50	423,300
Tonkawa, Okla	68,950	2.50	172,375
Sac and Fox, Okla	364,536	1.25	455,670
Iowa, Okla	207,028	1.25	258,785
Pottawatomie, Okla	256,896	1.50	385,344
Cheyenne and Arapahoe, Okla	3,500,562	1.50	5,250,843
Kickapoo, Okla	85,000	1.50	127,500
Wichita, Okla	491,388	1.25	614,235
Total in Oklahoma			*15,058,462

* Loss to United States if settlers are relieved from payment.

(a) It is not practicable, without an extended search of the records, to give the amount already paid by homestead settlers for these lands, as the moneys received therefor are not kept separate from the sales of other lands.

As these lands have not been open to settlement for five years, very few have been able to make final proof thereon, and it is doubtful if many of them have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

(b) The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians, to recompense them for the cession of the lands. If homestead settlers are relieved from paying for them, the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

(c) These lands are subject to disposal under other than the homestead laws. It can not be determined what amount is likely to be embraced in other than homestead entries, but the larger portion of these reservations will undoubtedly be entered under the homestead law, and therefore affected by the proposed legislation.

(d) It has been necessary to estimate the area embraced in abandoned military reservations affected by the act, as some of them and parts of others are unsurveyed, and also to estimate the appraised price to be paid per acre, as the appraisements of them have not yet been made. It is believed, however, that the figures given are a very close approximation.

(e) This amount will be reduced by just so much as is received from settlers who commute their homestead entries. It is most probable that where settlers have the option of obtaining the land free by five years' residence very few of them will pay for the land in order to obtain title three or four years earlier.

I have, therefore, to recommend that the bill do not pass.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 16, 1896.

SIR: I have had the honor to receive by reference from the Department, under date of January 9, 1896, for report in duplicate and return of papers, H. R. bill No. 292, "Providing for free homesteads on the public lands in Oklahoma Territory," which was referred to the Department January 7, 1896, by Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands of the House of Representatives, with a request that you make any suggestions you may desire to make in regard thereto to aid the committee in its consideration.

The bill provides:

"That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes in the Territory of Oklahoma, who have or who shall hereafter reside upon the tract, entered in good faith, for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees; and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect.

"SEC. 2. That all acts or parts of acts inconsistent with the terms and provisions of this act are hereby repealed."

I have the honor to report that it appears to be the purpose of the bill to release parties who may make what is known as final proof on homestead entries in Oklahoma from the requirement of also paying for the lands embraced in the entry.

The lands that will be affected by the provisions of the bill, if it becomes a law, are as follows:

Sac and Fox and Iowa lands, subject to disposal under section 7 of the act of February 13, 1891 (26 Stat. L., 750), which provides that each homestead settler before receiving a patent shall pay $1.25 per acre for the land taken by him.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands, subject to disposal under section 16 of the act of March 3, 1891 (26 Stat. L., 1026), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him.

Kickapoo lands, subject to disposal under section 3 of the act of March 3, 1893 (27 Stat. L., 563), which requires each homestead settler to pay $1.50 per acre for the land settled upon.

Cherokee Outlet lands, subject to disposal under section 10 of the act of March 3, 1893 (27 Stat. L., 640), which requires each settler before receiving a patent to pay the sum of $2.50 per acre for any land east of 97½° west longitude, $1.50 per acre for any land between 97½° and 98½° west longitude, and $1 per acre for any land west of 98½° west longitude, and interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Tonkawa and Pawnee lands, subject to disposal under section 13 of the act of March 3, 1893 (27 Stat. L., 644), which provides that each settler shall pay $2.50 per acre for the land taken by him, and interest upon the amount to be paid from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Wichita lands, which, when opened to settlement, will be subject to disposal under the act of March 2, 1895 (28 Stat. L., 897), which requires each homestead entryman to pay $1.25 per acre for the land entered at the time of submitting his final proof. This act further provides that the money received from the sales of Wichita lands shall be deposited in the Treasury subject to the judgment of the Court of Claims in a suit authorized to be brought by the Wichita Indians against the United States for the purpose of determining the amount, if any, which they are entitled to receive for the relinquishment of their lands.

The lands referred to constitute the greater part of Oklahoma Territory, all of the lands in which, that are now opened to homestead entry, having been acquired by treaty with various Indian tribes, except what is known as the "Public Land Strip," now embraced in Beaver County.

Without endeavoring to state the exact amount paid by the United States to the Indians for the relinquishment of all their rights to said lands, it is found by reference to the acts of March 1, 1889 (25 Stat. L., 759); March 2, 1889 (25 Stat. L., 1004); February 13, 1891 (26 Stat. L., 750); March 3, 1891 (26 Stat. L., 1022 and 1025); March 3, 1893 (27 Stat. L., 562), and March 3, 1893 (27 Stat. L., 640-644), that the Government has paid or agreed to pay to the Indians over $18,000,000 for such cessions, and doubtless other cessions made at earlier dates were also in consideration of payments of varying sums of money.

In providing for the disposal of these lands, Congress evidently intended to reimburse the United States for the money so expended, when it departed from the usual custom and required a payment for the land even when the settler showed five years' residence upon the land. This legislation is not peculiar to lands in Oklahoma Territory, but similar provisions are made in regard to other lands, where the Government has paid a valuable consideration in obtaining the cession thereof by the Indians, as, for instance, in the case of the Sioux and Lake Traverse lands in North and South Dakota, the Crow lands in Montana, the Siletz lands in Oregon, and the Nez Perce lands in Idaho.

This course appears to be just and equitable, for it would not be proper to burden the people of the whole country in order that land might be acquired for the purpose of giving free homes to a very small proportion of them.

The settlers upon these lands understood that the law required them to pay for the land settled upon, and many parties doubtless were debarred from entering into competition with the parties who entered these lands because they were unwilling or unable to make the required payment.

The Government probably entered into its engagements with the Indians, by which the Indian title to these lands was extinguished, simply because it expected to receive again from the settlers the money paid therefor, and such payment appears to be the foundation of the whole transaction between the settlers and the Government.

It should be observed also that if the Court of Claims should decide that the Wichita Indians shall be paid for the relinquishment of their lands, it may be necessary for Congress to make an appropriation to satisfy such judgment if the bill becomes a law.

For the reasons stated, I am compelled to withhold my approval from the bill, which, with accompanying letter, is herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The objection made to H. R. 292, that it would include military reservations, does not apply to H. R. 3948, the general bill. It only applies to lands obtained by purchase or treaty from the Indians.

The arguments of the Secretary and Commissioner against the bill are substantially the same as those urged by Mr. Buchanan in his veto message in 1860. The figures given, however, might prove misleading. The Secretary has computed all the lands in Oklahoma and estimated them at the maximum selling prices, thus indicating that the Government would lose the sum of $15,058,462 by the passage of a bill of this character as applied to Oklahoma alone.

This makes no allowance for lands which have already been commuted and probable commutations in the future, and also takes no account of any waste and worthless land that the Government will not be able to sell. It will be observed in the letter of the Secretary that this land is all estimated at from $1.25 to $2.50 an acre, the maximum prices for public, agricultural, or grazing lands. But the existing law requires the purchaser to comply with all the requirements of the homestead law without any of its benefits. After living upon it and reclaiming it to cultivation, he must in the end pay for it at the full price.

The situation of these people also appeals to the generosity of the nation. Since the enactment of the laws opening these reservations to settlement a period of almost continuous drought has prevailed. In the lands bordering on the arid belt a marked falling off of population has occurred, and the settler has found it hard enough to support himself and family without making provision for the purchase of his home at the end of five years' residence.

We think these settlers should be accorded the generous and liberal provisions of the original homestead law.

The nation can well afford in times of peace to deal as liberally with its pioneers as it did in the dark days when the original law was enacted, in May, 1862.

The bill as amended by the committee would read as follows:

A bill to provide for free homes on lands purchased from the Indian tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of all acts or parts of acts as require payment to the United States therefor from persons who have acquired or may hereafter acquire homesteads upon the public lands included in the limits of any grant obtained by treaty or purchase from the various tribes of Indians are hereby repealed, and the settlers entitled to the benefits of the homestead laws upon such lands shall only be required to pay the usual and customary fees required from homestead settlers upon other public lands: *Provided*, That the right to commute any such entry and pay for said lands at the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided further*, That this act shall not apply to any lands where the proceeds of the sales or homestead or other entries thereof are under existing treaties required to be paid over to the Indians or held in trust or paid into the Treasury for their benefit.

The Secretary of the Interior and the Commissioner of the General Land Office have also made a special report as to H. R. 3948, which for the information of the House we set out in full, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office, dated the 21st instant, on H. R. 3948, "To provide for free homesteads on lands purchased from the Indian tribes."

As an expression of my views on legislation of this character, I respectfully refer you to my report on House bills 292 and 2645, which are of a character similar to this. For the reasons therein expressed, and those sub forth in the report of the Commissioner, herewith transmitted, I recommend that this bill do not pass.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 21, 1896.

SIR: I have had the honor to receive, by reference from the Department, under date of January 17, 1896, for report in duplicate and return of papers, H. R. bill No. 348, "To provide for free homes on lands purchased from the Indian tribes," which was referred to the Department by Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands of the House of Representatives, with a request that you make any suggestions you may desire to make in regard thereto to aid the committee in its consideration.

The bill provides:

"That all acts or parts of acts requiring payment to the United States therefor from persons who have acquired or may hereafter acquire homesteads upon the public lands included in the limits of any grant obtained by treaty or purchase from the various tribes of Indians are hereby repealed, and the settlers entitled to the benefits of the homestead laws upon such lands shall only be required to pay the usual and customary fees required from homestead settlers upon other public lands: *Provided*, That the right to commute any such entry and pay for said lands at the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect."

I have the honor to report that it appears to be the purpose of the bill to release parties who may make what is known as final proof, under sections 2291 and 2305, United States Revised Statutes, on homestead entries embracing lands acquired from the Indians by treaty or purchase, from the requirement of also paying for the lands embraced in the entry.

Large tracts of land have been acquired through purchase from the Indians, for some of which the Government has already paid the Indians, and for the price of others of which the Government is responsible. Laws were enacted opening these lands to settlement under the homestead law, which laws provided for the payment therefor by the entrymen of sums, specified in the various laws, corresponding to the amount paid therefor by the Government to the Indians, or for the payment of which to them the Government bound itself by its treaties or agreements with the Indians.

The amounts resulting from such payments were required either to be deposited to the credit of the Indians or to reimburse the Government for payments made to the Indians.

The lands that will be affected by the provisions of the bill if it becomes a law are as follows:

Sac and Fox and Iowa lands, Oklahoma, subject to disposal under section 7 of the act of February 13, 1891 (26 Stat. L., 750), which provides that each homestead settler before receiving a patent shall pay $1.25 per acre for the land taken by him.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands, Oklahoma, subject to disposal under section 16 of the act of March 3, 1891 (26 Stat. L., 1026), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him.

Kickapoo lands, Oklahoma, subject to disposal under section 3 of the act of March 3, 1893 (27 Stat. L., 563), which requires each homestead settler to pay $1.50 per acre for the land settled upon.

Cherokee Outlet lands, Oklahoma, subject to disposal under section 10 of the act of March 3, 1893 (27 Stat. L., 640), which requires each settler before receiving a patent to pay the sum of $2.50 per acre for any land east of 97½° west longitude, $1.50 per acre for any land between 97½° and 98½° west longitude, and $1 per acre for any land west of 98½° west longitude, and interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Tonkawa and Pawnee lands, Oklahoma, subject to disposal under section 13 of the act of March 3, 1893 (27 Stat. L., 644), which provides that each settler shall pay $2.50 per acre for the land taken by him, and interest upon the amount to be paid from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Wichita lands, Oklahoma, which, when opened to settlement, will be subject to disposal under the act of March 2, 1895 (28 Stat. L., 876), which requires each homestead entryman to pay $1.25 per acre for the land entered at the time of submitting his final proof. This act further provides that the money received from the sales of Wichita lands shall be deposited in the Treasury, subject to the judgment of the Court of Claims, in a suit authorized to be brought by the Wichita Indians against the United States for the purpose of determining the amount, if any, which they are entitled to receive for the relinquishment of their lands.

The lands acquired from the Sioux Indians in Dakota and the Ponca Indians in Nebraska by the cession of the Indian title thereto were made subject to homestead entry by the act of March 2, 1889 (25 Stat. L., 888), which act provided for the payment for said lands by the settlers, in addition to the fees provided by law, of the sums therein specified. The moneys received from the settlers are to be deposited in the United States Treasury and applied to reimburse the Government for all necessary expenditures contemplated and provided for by said act, and to create a permanent fund for the Indians.

The lands acquired from the Sisseton and Wahpeton Indians in North and South Dakota (known as the Lake Traverse lands) were by the act of March 3, 1891 (26 Stat. L., 1039) made subject to homestead entry, the settlers thereon being required to pay therefor at the rate of $2.50 per acre.

The agricultural lands ceded by the Chippewa Indians in the State of Minnesota under the provisions of the act of January 14, 1889 (25 Stat. L., 642), are, by section 6 of said act, made subject to disposal under the homestead law, and each settler is required, before receiving patent, to pay $1.25 per acre for the land taken by him. The money is to be deposited in the Treasury for the benefit of the Indians as a recompense for the cession of their surplus lands.

The Yankton lands in South Dakota, subject to disposal under the act of August 15, 1894 (28 Stat. L., pages 314 to 320), which provides that each homestead settler shall pay $3.75 per acre before receiving a certificate of entry.

The Fort Berthold lands in North Dakota, subject to disposal under section 25 of the act of March 3, 1891 (26 Stat. L., 1032), which requires each homestead settler to pay $1.50 per acre before receiving a final certificate.

The Cœur d'Alene lands in Idaho, subject to disposal under section 22 of the act of March 3, 1891 (26 Stat. L., 1031), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him before receiving a patent.

The Nez Perce lands in Idaho, subject to disposal under section 16 of the act of August 15, 1894 (28 Stat. L., pages 326 to 332), which provides that each settler on said lands shall pay $3.75 per acre for the lands settled upon before receiving a certificate of entry.

The Colville lands in Washington, subject to disposal under the act of July 1, 1892 (27 Stat. L., 62), which requires each homestead settler to pay $1.50 per acre before receiving a final certificate for the land covered by his entry.

The Crow lands in Montana, subject to disposal under section 31 of the act of March 3, 1891 (26 Stat. L., 1043), which provides that each homestead settler shall, before receiving a patent, pay $1.50 per acre for the land settled upon.

The Siletz lands in Oregon, subject to disposal under section 15 of the act of August 15, 1894 (28 Stat. L., 326), which provides that each homestead settler shall pay $1.50 per acre for the land settled upon.

Without endeavoring to state the exact amount paid or agreed to be paid by the United States to the Indians for the relinquishment of all their rights to said lands, which would require an extended examination of the statutes, it is found by reference to the statutes to which I have referred as governing the disposal of said lands that, in the aggregate, over $21,000,000 has been paid or agreed to be paid.

This amount should be increased by the moneys agreed to be paid for earlier cessions, especially for lands in Oklahoma Territory, where cessions were required from more than one tribe of Indians for the same lands, as, for instance, in the case of the Muscogee or Creek and Seminole cessions, obtained at an expense of over $4,000,000 (see acts of March 1 and 2, 1889, 25 Stat. L., 759 and 1004), where subsequently the Cheyenne and Arapahoe, Pottawatomie, Absentee Shawnee, Sac and Fox, Iowa, and Kickapoo tribes of Indians received valuable considerations amounting to over $2,000,000 for portions of the same lands so ceded. This amount of $21,000,000 does not embrace any compensation for the Great Sioux lands in North and South Dakota and Nebraska, for the Chippewa lands in Minnesota, for the Colville lands in Washington, or for the Wichita lands in Oklahoma, as the Government has not agreed to pay the Indians any fixed amount for these lands.

As regards the two former, the Indians are to receive the proceeds from the disposal of the lands, estimated to amount in the two reservations to nearly $9,000,000, and as to the two latter, the proceeds are to be deposited in the United States Treasury subject to future determination as to whether the Indians shall receive the whole or any part thereof. If the bill under consideration becomes a law, it will be necessary for Congress to make other provision for the Sioux and Chippewa Indians, and possibly for the Colville and Wichita Indians, to recompense them for the loss of the proceeds arising from the disposal of the lands ceded by them.

In providing for the disposal of these lands Congress evidently intended to reimburse the United States for the money so expended when it departed from the usual custom, and required a payment for the land even when the settler showed five years' residence upon the land. This course appears to be just and equitable, for it would not be proper to burden the people of the whole country in order that land might be acquired for the purpose of giving free homes to a very small proportion of them.

In order to show clearly the effect of the proposed legislation, the following table has been prepared:

Statement showing approximate loss to the United States if homestead settlers on Indian reservations who make final proof on their entries are released from paying for said lands at rates now fixed by law.

Reservation.	Area ceded, exclusive of allotted and reserved.	Price to be paid by settlers.	Amount that will be received from settlers under existing law.	Am't now paid.	Loss to United States if settlers are released from payment.
	Acres.				
Cherokee Outlet, Okla.	732,280 1,822,240 2,806,350	$2.50 1.50 1.00	$1,830,700 2,733,360 2,806,350		
Pawnee, Okla.	169,320	2.50	423,300		
Tonkawa, Okla.	68,950	2.50	172,375		
Sac and Fox, Okla.	364,536	1.25	455,670		
Iowa, Okla.	207,028	1.25	258,785		
Pottawatomie, Okla.	256,896	1.50	385,344		
Cheyenne and Arapahoe, Okla.	3,500,562	1.50	5,250,843		
Kickapoo, Okla.	85,000	1.50	127,500		
Wichita, Okla.	491,388	1.25	614,235		
Total in Oklahoma.			15,058,462	(a)	$15,058,462
Chippewa, Minn. b	3,322,936	1.25	4,153,670	None.	4,153,670
Great Sioux, N. Dak., S. Dak., and Nebr. b	554,864 177,048 7,819,026	1.25 .75 .50	693,580 132,786 3,909,513		
			4,735,879	$87,682	4,648,197
Lake Traverse, N. Dak., and S. Dak.	573,882	2.50	1,434,705	(a)	1,434,705
Yankton, S. Dak.	151,692	3.75	568,845	(a)	568,845
Fort Berthold, N. Dak.	1,838,720	1.50	2,758,080	None.	2,758,080
Cœur d'Alene, Idaho c	174,690	1.50	262,035	None.	262,035
Nez Perce, Idaho c	500,556	3.75	1,877,085	None.	1,877,085
Colville, Wash. c	1,416,668	1.50	2,125,002	None.	2,125,002
Crow, Mont.	1,700,000	1.50	2,550,000	840	2,549,160
Siletz, Oreg.	177,000	1.50	265,500	668	264,832
Total					d35,700,073

a It is not practicable, without an extended search of the records, to give the amount already paid by homestead settlers for these lands, as the moneys received therefor are not kept separate from the sales of other lands. As these lands have not been open to settlement for five years, very few have been able to make final proof thereon, and it is doubtful if many have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

b The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians to recompense them for the cession of the lands. If homestead settlers are released from paying for them, the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

c These lands are subject to disposal under other laws as well as the homestead laws. It can not be determined what amount is likely to be embraced in other than homestead entries, but the larger portion of these reservations will undoubtedly be entered under the homestead law and therefore affected by the proposed legislation.

d This amount will be reduced by just so much as is received from settlers who commute their homestead entries. It is most probable that where settlers have the option of obtaining the land free by five years' residence, very few of them will pay for the land in order to obtain title three or four years earlier.

The settlers upon these lands understood that the law required them to pay for the land settled upon, and many parties doubtless were deterred from entering into competition with the parties who entered these lands because they were unwilling or unable to make the required payment.

The Government probably entered into its engagements with the Indians by which the Indian title to these lands was extinguished simply because it expected to receive again from the settlers the money paid therefor, and such payment appears to be the foundation of the whole transaction between the settlers and the Government.

For the reasons given, I am of the opinion that the proposed legislation is inadvisable and therefore that the bill should not become a law.

I deem it proper to state that reports have been made to the Department by this office on bills of a purport similar to that under consideration, as follows:

H. R. bill No. 834, upon which report was made January 28, 1896.
H. R. bill No. 2645, upon which report was made January 16, 1896.
H. R. bill No. 282, upon which report was made January 16, 1896.

The bill and accompanying letter are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

An amendment, it will be observed, is proposed by the committee to H. R. 348 so that the bill will not apply to lands where the Government practically acts as a trustee for the sale of the lands for the Indians.

Mr. PETTIGREW. Now, Mr. President, I ask that the bill go over until after the holidays, and be made the unfinished business immediately after Congress reconvenes.

Mr. CULLOM. I think the Senator from Connecticut [Mr. PLATT] intends to present some tables in connection with the report. He is not in the Chamber at this moment, but I suppose he can present them hereafter and have them printed in the RECORD.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the bill under consideration go over until after the holidays, remaining the unfinished business of the Senate. Is there objection? The Chair hears none, and such is the order of the Senate.

Mr. PLATT subsequently said: I was called out of the Chamber a moment ago, when the Secretary commenced to read the report on the bill which was then under consideration, which is called the free-home bill, and supposed that the reading would take some little time. I learn that during my absence authority was given that the report might be printed in the RECORD. I desire to have also printed in the RECORD a table which has been furnished me from the office of the General Land Commissioner, which gives very full statistics—much fuller than those furnished in the report—in relation to this matter, and I ask that this table may be printed in the RECORD with the report.

The PRESIDING OFFICER. It will be so ordered if there be no objection. The Chair hears no objection.

Mr. COCKRELL. I hope that the report may be reprinted with the table submitted by the Senator from Connecticut as a separate Senate document, that is, that the same number of the report be reprinted with the table, so that we may have the whole subject together.

The PRESIDING OFFICER. Does the Senator make that motion?

Mr. COCKRELL. I do.

Mr. VEST. I beg to inquire of the Senator from Connecticut whether he proposes to make a minority report?

Mr. PLATT. I had expected to make a statement of my views and those of the members of the committee who agree with me when we proceeded to the consideration of the bill, but I can put those views in the form of a written report if it be desired.

Mr. COCKRELL. Let it be in the form of a minority report attached to the report of the majority of the committee.

Mr. VEST. I should like to see the minority report of the Senator, if it suits his convenience to make one.

Mr. PLATT. I can put my views in writing, and will do so between now and the reassembling of Congress after the holidays.

Mr. COCKRELL. Let permission be granted that the views of the minority may be filed with the Secretary and sent to the Public Printer so soon as the Senator from Connecticut shall have prepared them. I see no objection to that being done and that the views of the Senator be attached to the report of the committee as a minority report.

Mr. PETTIGREW. I should like to know to what the table refers which the Senator from Connecticut wishes to have printed.

Mr. PLATT. The table is very much such a table as is found on page 13 of the report of the committee, and contains some additional facts and figures in relation to the matter.

Mr. PETTIGREW. As I understand, the table simply shows the number of acres of land which are purchased, the cost of the lands to the Government, and some other facts in connection therewith.

Mr. PLATT. That is all; and it shows the amount which has already been paid by the settlers, the price per acre to be paid, and the amount which has been received by the Government.

Mr. PETTIGREW. I have no objection to the table being printed in the RECORD in connection with the report of the committee.

The table referred to is as follows:

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, the amount which will be received therefor under existing law, the amount already received from disposals, and the loss to the United States if homestead settlers are relieved from further payment.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for cession.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by settler.	Amount that will be received from settlers under existing law when all lands have been disposed of	Amount received to June 30, 1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Great Sioux, N. Dak., S. Dak., Nebr.	9,053,935	(a)	Mar. 2, 1889 (25 St., 888).	8,550,938	$0.50 .75 1.00	$4,735,879	$111,337.63	$4,624,541.37	Proceeds to be deposited in United States Treasury for benefit of Indians.
Lake Travers, N. Dak. and S. Dak.	606,712	$2,203,000.00	Sec. 27, act Mar. 3, 1891 (26 St., 1038).	573,882	2.50	1,434,705	29,271.55	1,405,433.45	
Yankton Sioux, S. Dak.	161,606	610,000.00	Aug. 15, 1894 (28 St., 319).	151,692	3.75	568,845	37,864.45	530,980.55	
Fort Berthold, N. Dak.	1,946,880	800,000.00	Mar. 3, 1891 (26 St., 1032).	1,838,720	1.50	2,758,080	None.	2,758,080.00	
Cœur d'Alene, Idaho	185,060	650,000.00	Mar. 3, 1891 (26 St., 1027).	174,690	1.50	262,035	None.	262,035.00	Subject to entry under other than homestead law, but greatest proportion will probably be entered under the homestead law.
Nez Perce, Idaho	550,000	1,668,622.00	Aug. 15, 1894 (28 St., 331).	550,556	3.75	1,877,085	None.	1,877,085.00	Do.
Colville, Wash.	1,500,000	(b)	July 1, 1892 (27 St., 62).	1,416,668	1.50	2,125,002	None.	2,125,002.00	Proceeds to be subject to future disposition by Congress. See section 2, act July 1, 1892 (27 Stat., 63).
Siletz, Oreg.	177,000	142,600.00	Aug. 15, 1894 (28 St., 326).	177,000	1.50	265,500	1,445.65	264,054.35	Subject to entry under other than homestead laws, but greatest proportion will probably be entered under homestead law.
Crow, Mont.	1,800,000	946,000.00	Mar. 3, 1891 (26 St., 1042).	1,700,000	1.50	2,550,000	840.00	2,549,160.00	
Chippewa, Minn.	5,026,147	(a)	Jan. 14, 1889 (25 St., 642).	3,322,936	1.25	4,153,670	None.	4,153,670.00	Proceeds to be deposited in United States Treasury for benefit of Indians.
Cherokee Outlet (exclusive of Pawnee and Tonkawa lands), Okla.	6,754,486	9,324,125.00	June 16, 1880 (21 St., 248). Mar. 3, 1881 (21 St., 422). Mar. 3, 1883 (22 St., 624). Oct. 19, 1888 (25 St., 609). Mar. 2, 1889 (25 St., 994). Mar. 3, 1893 (27 St., 640).	5,360,870	1.00 1.50 2.50	7,370,410	c137,496.86	7,232,913.14	

a Proceeds from disposal. b See remarks.

c No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, etc.—Continued.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for cession.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by settler.	Amount that will be received from settlers under existing law when all lands have been disposed of	Amount received to June 30, 1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Pawnee, Okla.	230,770	$283,005.79	Mar. 3, 1893 (27 St., 644).	169,320	$2.50	$423,300	a $7,000.00	$416,300.00	The Cherokee Indians were also paid for ceding their rights in these lands. Amount included in item "Cherokee Outlet." Do. b
Tonkawa, Okla.	79,086	30,600.00	Mar. 3, 1893 (27 St., 643).	68,950	2.50	172,375	a 1,000.00	171,375.00	Do. b
Sac and Fox, Okla.	391,184	950,275.00	Feb. 13, 1891 (26 St., 750).	364,536	1.25	455,670	a 52,000.00	403,670.00	Cost of cession includes amount paid Creek Indians for these lands. b
Iowa, Okla.	219,446	305,565.46	Feb. 13, 1891 (26 St., 753).	207,028	1.25	258,785	a 30,000.00	228,785.00	Do. b
Absentee Shawnee and Pottawatomie, Okla.	309,134	773,000.31	Mar. 3, 1891 (26 St., 1021).	256,896	1.50	385,344	a 35,000.00	350,344.00	Cost of cession includes amount paid Creek and Seminole Indians for these lands. b
Cheyenne and Arapahoe, Okla.	3,732,300	5,400,646.87	Mar. 3, 1891 (26 St., 1025).	3,500,562	1.50	5,250,843	a 3,000.00	5,247,843.00	Cost of cession includes amount paid to Creek, Seminole, and Choctaw and Chickasaw Indians for these lands. b
Kickapoo, Okla.	184,386	264,922.02	Mar. 3, 1893 (27 St., 361).	85,000	1.50	127,500	None.	127,500.00	Cost of cession includes amount paid to Creek Indians for these lands. b
Wichita, Okla.	574,010	929,512.50	Mar. 2, 1895 (28 St., 897).	491,388	1.25	614,235	None.	614,235.00	Cost of cession is amount paid Choctaw and Chickasaw Indians for these lands. The proceeds from disposal are to be deposited in United States Treasury for future determination by courts as to amount to be paid the Wichita Indians.
Total	33,252,541	25,261,907.95	....	c 28,911,672	......	35,739,263	396,256.14	d 35,343,006.86	

a No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

b 14 Stat., 635; 25 Stat., 757; 26 Stat., 1025; 28 Stat., 212; 25 Stat., 1004.

c The difference between area ceded and area opened to settlement and entry is due to reservations for schools, etc.

d This amount will be reduced by so much as may be received in payment for commutation of homestead entries if any of the settlers elect to commute instead of receiving patent without payment by a longer residence.

Mr. PETTIGREW. I wish to say that whatever revenue there might be would be distributed over the next twenty or fifty years which would elapse before all the lands would be taken if this bill did not pass. The sum, in my opinion, which will come out of the Treasury by the passage of this bill will not amount to $13,500,000, and that sum will be distributed over several years of time. The revenue to the Government last year from the sale of these reservations was only $340,000. So that the anticipation of much revenue from that source is a vain hope.

The PRESIDING OFFICER. If there be no objection, when the views of the minority shall have been prepared and handed to the Secretary, the original report, with the views of the minority, will be reprinted, together with the tables presented by the Senator from Connecticut. The Chair hears no objection, and it is so ordered.

SPECIAL EXAMINER OF DRUGS AT PHILADELPHIA.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, in line 8, before the word "hundred," to strike out "two thousand five" and insert "one thousand eight;" so as to make the bill read:

> *Be it enacted, etc.*, That section 2743 of the Revised Statutes be, and it hereby is, so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles, at Philadelphia, Pa., shall receive a salary of $1,800 per annum, and shall be paid each year quarterly.

Mr. COCKRELL. What is the salary of that officer now?

Mr. QUAY. The salary is $1,500, which is much lower than the salary of the similar officer heretofore at the port of Boston and the port of New York.

I will say further, in relation to the amendment of the committee, that the intention of the bill when introduced was to fix the salary of the officer at Philadelphia at the same amount paid similar officers in some of the other large ports. The Committee on Finance in their wisdom have seen fit to reduce by $700 the original proposition.

Mr. PLATT. How much is the salary they fix?

Mr. QUAY. The salary appears in the bill at $1,800, instead of $2,500. My own opinion is that the amendment of the committee ought to be voted down.

Mr. COCKRELL. I hope the Senator will not insist upon that after a committee of the Senate has investigated the subject and reported such an amendment. Let the bill go through in the way it is reported and get it out of the way.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. R. WILLIAM GREBE.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (H. R. 3139) for the relief of M. R. William Grebe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order by which M. R. William Grebe was dismissed from the military service of the United States as a captain of the Fourth Missouri Volunteer Cavalry, and to honorably discharge him, to date from the 12th of December, 1864; but he shall not be entitled to any back pay or allowances to which he might have been entitled but for such action.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHOLIC CHURCH AT MACON CITY, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 71) for the relief of the Catholic church at Macon City, Mo., which has been favorably reported by the Committee on Claims and has been passed by this body three times heretofore.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to cause to be investigated by the Quartermaster's Department of the Army the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes, during the late war, of the Catholic church at Macon City, in Macon County, Mo., the actual value of such use and occupation, and to find, award, and certify to the Secretary of the Treasury what amount, if any, is equitably due from the United States to said Catholic church as the reasonable value of such use and occupation; and to pay to the person or persons authorized to receive and receipt for the same the amount, if any, so found to be due from the United States; and provides that the acceptance of any sum paid under the provisions of this act shall be in full satisfaction of all claims of every kind and nature for such use and occupation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE JOHNSON.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "in lieu of that he is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the general pension laws, the name of George Johnson, late a private in Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Johnson, of Lenox, Iowa."

HENRY A. F. WORTH.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (H. R. 5787) for the relief of Henry A. F. Worth.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Henry A. F. Worth, late captain Company K, Sixth Regiment United States Infantry, and to pay him a pension of $72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 129) for the relief of Thomas B. Reed;
A bill (H. R. 897) for the relief of James Stewart; and
A bill (H. R. 3075) for the relief of John A. Lynch.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 71) for the relief of Capt. Francis A. Benter; and
A bill (H. R. 3503) to correct the military record of Elisha B. Bassett.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia;

A joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies;

A joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.; and

A joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;
A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;
A bill (H. R. 2231) for the relief of Bluford Reeder;
A bill (H. R. 2742) to grant a pension to J. J. Davis;
A bill (H. R. 3481) granting a pension to James L. Wing;
A bill (H. R. 3499) granting a pension to Eliza A. Foss;
A bill (H. R. 3884) for the relief of John T. Brewster;
A bill (H. R. 3945) granting a pension to Thomas J. Thorp;
A bill (H. R. 4264) granting a pension to Mary Pelham;
A bill (H. R. 4630) granting a pension to Samuel McKinsey;
A bill (H. R. 4655) granting a pension to Frederick A. Driscol;
A bill (H. R. 4744) to increase the pension of Adam Dennis;
A bill (H. R. 4875) granting a pension to John W. Pogue;
A bill (H. R. 5670) to increase the pension of Richard S. Phillips;
A bill (H. R. 5855) granting a pension to Emily Elliott;
A bill (H. R. 5895) granting a pension to Anna N. Kendall;
A bill (H. R. 5902) granting a pension to Jane Christian Marye;
A bill (H. R. 6282) to increase the pension of Alexander McBride;
A bill (H. R. 6378) for the relief of Eliza J. Holman;
A bill (H. R. 6792) granting a pension to Hannah R. Quint;
A bill (H. R. 6900) increasing the pension of Mary T. Young;
A bill (H. R. 7240) granting a pension to John W. Bruner; and
A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896.

LOAN OF FLAGS FOR INAUGURAL CEREMONIES.

The bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of the inaugural ceremonies on the 4th of March, 1897, was read twice by its title.

Mr. SHERMAN. I am directed by the committee having in charge the arrangements for the inauguration to ask the immediate passage of the bill which has just been read. It is necessary to have it done now rather than later; it will take but a moment, and there is no objection to it. I therefore ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

INVESTIGATION OF SOLDIERS' HOME AT LEAVENWORTH, KANS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

> *Resolved by the House of Representatives (the Senate concurring)*, That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

ESTHER BROWN.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. CANNON. Will the Senator from Tennessee withdraw the motion for a moment to allow me to call up a very modest pension bill?

Mr. HARRIS. I should be glad to do so if I were not afraid that the precedent would tempt other Senators to ask me to do the same thing. But I will risk it, Mr. President. I yield to the Senator from Utah.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The motion is withdrawn.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (S. 3252) to increase the pension of Esther Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Esther Brown, widow of James Brown, late a captain in Company C, Mormon Battalion Volunteers, Mexican war, at the rate of $12 per month, in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HARRIS. I renew my motion.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 22, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 21, 1896.

POSTMASTERS.

Robert M. Cameron, to be postmaster at Belmond, in the county of Wright and State of Iowa, in the place of Miss Lyna Whited, whose commission expired December 14, 1896.

Orrin L. Mickel, to be postmaster at Woodbine, in the county of Harrison and State of Iowa, in the place of William F. Schuler, whose commission expired December 14, 1896.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts, in the place of Charles H. Riley, whose commission expired December 14, 1896.

Nettie J. Van Inwegen, to be postmaster at Ortonville, in the county of Bigstone and State of Minnesota, in the place of Nettie J. Van Inwegen, whose commission expired December 14, 1896.

Miss Felicie Lonise Delmas, to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in the place of Leman D. Herrick, whose commission expired December 14, 1896.

Charles Trimble, to be postmaster at Grenada, in the county of Grenada and State of Mississippi, in the place of Mrs. Jennie T. Mister, whose commission expired December 20, 1896.

Miss Angusta B. Berard, to be postmaster at West Point, in the county of Orange and State of New York, in the place of Miss Angusta B. Berard, whose commission expired December 20, 1896.

Eugene Gardner, to be postmaster at Philmont, in the county of Columbia and State of New York, in the place of William H. Stickles, deceased.

William F. Sponenburg, to be postmaster at Manlius, in the county of Onondaga and State of New York, in the place of Frank P. Emmons, whose commission expired December 20, 1896.

William A. Ault, to be postmaster at Wadsworth, in the county of Medina and State of Ohio, in the place of Benjamin F. Sonnestine, resigned.

Alfred J. McQniston, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania, in the place of James S. Hart, whose commission expired December 14, 1896.

Isaac R. Wilkinson, to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island, in the place of Almon K. Goodwin, whose commission expired December 14, 1896.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. David Perry, Tenth Cavalry, to be colonel, December 11, 1896, vice Biddle, Ninth Cavalry, retired from active service.

Maj. John Morris Hamilton, First Cavalry, to be lieutenant-colonel, December 8, 1896, vice Randlett, Ninth Cavalry, retired from active service.

Maj. Theodore Anderson Baldwin, Seventh Cavalry, to be lieutenant-colonel, December 11, 1896, vice Perry, Tenth Cavalry, promoted.

Capt. Edward Settle Godfrey, Seventh Cavalry, to be major, December 8, 1896, vice Hamilton, First Cavalry, promoted.

Capt. Albert Gallatin Forse, First Cavalry, to be major, December 11, 1896, vice Baldwin, Seventh Cavalry, promoted.

First Lieut. Edwin Parker Brewer, adjutant, Seventh Cavalry, to be captain, December 8, 1896, vice Godfrey, Seventh Cavalry, promoted.

First Lieut. Montgomery Davis Parker, Ninth Cavalry, to be captain, December 11, 1896, vice Mathey, Seventh Cavalry, retired from active service,

First Lieut. Oscar James Brown, First Cavalry, to be captain, December 11, 1896, vice Forse, First Cavalry, promoted.

Second Lieut. Charles Dudley Rhodes, Sixth Cavalry, to be first lieutenant, December 8, 1896, vice Holbrook, Seventh Cavalry, appointed adjutant.

Second Lieut. Winthrop Samnel Wood, Tenth Cavalry, to be first lieutenant, December 11, 1896, vice Parker, Ninth Cavalry, promoted.

Infantry arm.

Second Lieut. Frank Daniel Webster, Sixth Infantry, to be first lieutenant, December 7, 1896, vice Webber, Twentieth Infantry, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1896.

SURVEYOR-GENERAL.

Robert A. Habersham, of Portland, Oreg., to be surveyor-general of Oregon.

CONSULS.

Julius G. Lay, of the District of Columbia, to be consul of the United States at Windsor, Ontario.

George B. Anderson, of the District of Columbia, to be consul of the United States at Antigua, West Indies.

William Coulbourn Brown, of Maryland, to be consul of the United States at Newcastle, New South Wales.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Merritt Barber, assistant adjutant-general, to be assistant adjutant-general, with the rank of colonel.

Maj. John Curtis Gilmore, assistant adjutant-general, to be assistant adjutant-general, with the rank of lieutenant-colonel.

Medical Department.

Lieut. Col. Charles Ravenscroft Greenleaf, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel.

Maj. William Henry Gardner, surgeon, to be deputy surgeon-general, with the rank of lieutenant-colonel.

Capt. William Blackford Davis, assistant surgeon, to be surgeon, with the rank of major.

Capt. William Winbourn Gray, assistant surgeon, to be surgeon, with the rank of major.

Capt. Lonis Brechemin, assistant surgeon, to be surgeon, with the rank of major.

Capt. Lonis Areatole La Garde, assistant surgeon, to be surgeon, with the rank of major.

Cavalry arm.

Maj. James Franklin Randlett, Ninth Cavalry, to be lieutenant-colonel.

Capt. Henry Jackson, Seventh Cavalry, to be major.

Capt. Albert Emmett Woodson, Fifth Cavalry, to be major.

First Lieut. Herbert Jermain Slocum, Seventh Cavalry, to be captain.

First Lieut. William John Nicholson, adjutant, Seventh Cavalry, to be captain.

First Lieut. Fred Waldron Foster, Fifth Cavalry, to be captain.

First Lieut. William Carey Brown, First Cavalry, to be captain.

Second Lieut. William Thomas Littebrant, Tenth Cavalry, to be first lieutenant.

Second Lieut. Matthew Calbraith Butler, jr., Fifth Cavalry, to be first lieutenant.

Second Lieut. Henry Anson Barber, First Cavalry, to be first lieutenant.

Second Lieut. Michael Mark McNamee, Third Cavalry, to be first lieutenant.

Second Lieut. Richmond McAllister Schofield, Fourth Cavalry, to be first lieutenant.

Second Lieut. Ralph Harrison, Second Cavalry, to be first lieutenant.

Artillery arm.

Lieut. Col. Alexander Cummings McWhorter Pennington, Fourth Artillery, to be colonel.

Maj. Henry Cornelius Hasbronck, Fourth Artillery, to be lieutenant-colonel.

Capt. John Haskell Calef, Second Artillery, to be major.

Capt. John Luke Tiernon, Third Artillery, to be major.

Capt. James Madison Lancaster, Third Artillery, to be major.

First Lieut. Robert Harmon Patterson, First Artillery, to be captain.

First Lieut. Oliver Ellsworth Wood, Fifth Artillery, to be captain.

First Lieut. Edwin Styles Cnrtis, Second Artillery, to be captain.

First Lieut. Edward Davis, Third Artillery, to be captain.

First Lieut. Joseph Mark Califf, Third Artillery, to be captain.

Second Lieut. William Lacy Kenly, Fourth Artillery, to be first lieutenant.

Second Lieut. William George Haan, Fifth Artillery, to be first lieutenant.

Second Lieut. Sidney Sanzade Jordan, Fifth Artillery, to be first lieutenant.

Second Lieut. Walter Augustus Bethel, Fourth Artillery, to be first lieutenant.

Second Lieut. Morris Keene Barroll, Second Artillery, to be first lieutenant.

Infantry arm.

Maj. Joseph Theodore Haskell, Twenty-fourth Infantry, to be lieutenant-colonel.

Capt. Henry Hollingsworth Humphreys, Fifteenth Infantry, to be major.

Capt. Otis Wheeler Pollock, Twenty-third Infantry, to be major.

First Lieut. David Dawson Mitchell, adjutant, Fifteenth Infantry, to be captain.

First Lieut. Alfred Bainbridge Johnson, Seventh Infantry, to be captain.

First Lieut. Charles Byrne, Sixth Infantry, to be captain.

First Lieut. William Ralph Abercrombie, Second Infantry, to be captain.

First Lieut. William Augustus Nichols, quartermaster Twenty-third Infantry, to be captain.

First Lieut. Colville Penroe Terrett, adjutant, Eighth Infantry, to be captain.

First Lieut. Nat Poyntz Phister, First Infantry, to be captain.

First Lieut. Alexis Rnpert Paxton, Fifteenth Infantry, to be captain.

First Lieut. Zerah Watkins Torrey, Sixth Infantry, to be captain.

Second Lieut. Edwin Victor Bookmiller, Second Infantry, to be first lieutenant.

Second Lieut. Alexander Ross Piper, Second Infantry, to be first lieutenant.

Second Lieut. Edward Thomas Winston, Fourteenth Infantry, to be first lieutenant.

Second Lieut. Matt Ransom Peterson, Sixth Infantry, to be first lieutenant.

Second Lieut. Edwin Tuttle Cole, Eighth Infantry, to be first lieutenant.

Second Lieut. William Allen Phillips, Twenty-second Infantry, to be first lieutenant.

Second Lieut. John Rodger Meigs Taylor, Seventh Infantry, to be first lieutenant.

Second Lieut. George William Kirkman, First Infantry, to be first lieutenant.

Second Lieut. Francis Edmond Lacey, jr., Tenth Infantry, to be first lieutenant.

Second Lieut. Sydney Amos Cloman, First Infantry, to be first lieutenant.

Second Lieut. Charles Crawford, Tenth Infantry, to be first lieutenant.

Second Lieut. William Sidney Graves, Seventh Infantry, to be first lieutenant.

Ordnance Department.

Capt. Valentine McNally, ordnance storekeeper, to be ordnance storekeeper with the rank of major.

APPOINTMENTS IN THE ARMY.

Medical Department—To be assistant surgeons, with the rank of first lieutenant.

Basil Hicks Dutcher, of New York.
Leigh Austin Fuller, of New Jersey.
Franklin Middleton Kemp, of New York.
George Alfred Skinner, of Minnesota.
Carl Roger Darnall, of New Jersey.
William Evans Richards, of Mississippi.
Lonis Percy Smith, of the District of Columbia.
Marshall Morgan Cloud, of Kansas.

To be post chaplain.

The Rev. Leslie Richard Groves, of New York.

Corps of Engineers—To be additional second lieutenants.

1. Cadet Edwin Roy Stuart.
2. Cadet George Matthias Hoffman.

Artillery arm—To be additional second lieutenants.

3. Cadet Harry Frederick Jackson.
4. Cadet Robert Emmet Callan.
5. Cadet William Harvey Tschappat.
7. Cadet William Slann Gnignard.
9. Cadet Edwin Landon.
11. Cadet Clarence Henry McNeil.
12. Cadet Joseph Powell Tracy.
14. Cadet Lloyd England.
16. Cadet James William Hinkley, jr.
19. Cadet Percy Myers Kessler.
23. Cadet Johnson Hagood.
30. Cadet George Thomas Patterson.
32. Cadet Frank Kerby Fergusson.

Cavalry arm—To be second lieutenants.

8. Cadet Eugene Postell Jervey, jr.
10. Cadet Le Roy Eltinge.
13. Cadet John Bnffalo Christian.
15. Cadet Thomas Ferrers Howard.
17. Cadet George Williams Moses.
20. Cadet Newton Davidson Kirkpatrick.
22. Cadet Charles Ezra Stodter.
25. Cadet Alexander Macomb Miller, jr.

To be additional second lieutenants.

27. Cadet Paul Reisinger.
28. Cadet Charles Bryant Drake.
29. Cadet Charles McKinley Saltzman.
31. Cadet John Morrison, jr.
33. Cadet Harry Ormiston Williard.
35. Cadet Lucius Roy Holbrook.
37. Cadet John Parsons Wade.
40. Cadet Elvin Ralph Heiberg.
41. Cadet Stephen Morris Kochersperger.
42. Cadet Ola Walter Bell.
43. Cadet Abraham Grant Lott.
49. Cadet Edward Leonard King.
56. Cadet Samnel Field Dallam.
57. Cadet William Kelly, jr.
59. Cadet George Thomas Summerlin.
61. Cadet Charles Trumbull Boyd.
65. Cadet Henry Charles Whitehead.
67. Cadet William Dixon Chitty.
70. Cadet Alfred Eldrekin Kennington.
71. Cadet Lanning Parsons.
72. Cadet Edward Percy Orton.
73. Cadet Robert Boyd Powers.

Infantry arm—To be second lieutenants.

6. Cadet Samuel Victor McClure.
18. Cadet Alga Prestina Berry.
21. Cadet Lucian Stacy.
24. Cadet Haydon Young Grubbs.
26. Cadet Celwyn Emerson Hampton.
34. Cadet Herschel Tupes.
36. Cadet George Henry Shelton.
38. Cadet Isaac Newell.

To be additional second lieutenants.

39. Cadet Robert Morris Brookfield.
44. Cadet Frank Homer Whitman.
45. Cadet Francis Gnrney Smith. (Since resigned.)
46. Cadet Clarence Newcomb Pnrdy.
47. Cadet Merch Bradt Stewart.
48. Cadet Frederick Worthington Lewis.
50. Cadet Charles Ernest Russell.
51. Cadet Dennis Edward Nolan.
52. Cadet James Newell Pickering.
53. Cadet William Arthur Burnside.
54. Cadet Dnncan Norbert Hood. (Since resigned.)
55. Cadet Reynolds Johnston Burt.
58. Cadet Russell Creamer Langdon.
60. Cadet Harry Herbert Tebbetts.
62. Cadet Thomas Aloysius Wansboro.
63. Cadet Houston Valle Evans.
64. Cadet Arthur Raphael Kerwin.
66. Cadet George Swazey Goodale.
68. Cadet Benjamin Minturn Hartshorne, jr.
69. Cadet Frank Crandall Bolles.

Cavalry arm.

Lieut. Col. David Perry, Tenth Cavalry, to be colonel.

Maj. John Morris Hamilton, First Cavalry, to be lieutenant-colonel.

Maj. Theodore Anderson Baldwin, Seventh Cavalry, to be lieutenant-colonel.

Capt. Edward Settle Godfrey, Seventh Cavalry, to be major.

Capt. Albert Gallatin Forse, First Cavalry, to be major.

First Lieut. Edwin Parker Brewer, adjutant, Seventh Cavalry, to be captain.

First Lieut. Montgomery Davis Parker, Ninth Cavalry, to be captain.

First Lieut. Oscar James Brown, First Cavalry, to be captain.

Second Lieut. Charles Dudley Rhodes, Sixth Cavalry, to be first lieutenant.

Second Lieut. Winthrop Samnel Wood, Tenth Cavalry, to be first lieutenant.

Infantry arm.

Second Lieut. Frank Daniel Webster, Sixth Infantry, to be first lieutenant.

INDIAN AGENT.

Benjamin C. Ash, of Pierre, S. Dak., to be agent for the Indians of the Lower Brulé Agency, in South Dakota.

POSTMASTERS.

David J. Bailey, jr., to be postmaster at Griffin, in the county of Spalding and State of Georgia.

Salem H. Ford, to be postmaster at Owensboro, in the county of Daviess and State of Kentucky.

Frank Speasmaker, to be postmaster at London, in the county of Madison and State of Ohio.

Robert A. Smith, to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 21, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

JOHN C. HOWE.

Mr. WALKER of Massachusetts. I ask unanimous consent for the present consideration of a private bill. It is a case in which great injustice has been done; and I have been waiting during two Congresses to get it up.

The SPEAKER. The gentleman from Massachusetts [Mr. WALKER] asks unanimous consent for the present consideration of the bill which will be read.

The bill (H. R. 753) for the relief of John C. Howe was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John C. Howe, deceased, $66,907, out of any money in the Treasury not otherwise appropriated, the same being compensation in full for the use by the United States, to wit, in 66,907,313 cup-anvil cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States, issued to him August 16, 1864, and No. 43851, during the entire term of said letters patent, as appears in the findings of law and of fact made by the United States circuit court for the district of Connecticut, in the case of Forehand et al. *vs.* Porter, reported in volume 15 of the Federal Reporter, at page 256, and as further appears in the findings of fact made by the Court of Claims, after full testimony and full hearing in Congressional case No. 1, entitled Forehand et al. *vs.* The United States, heard on reference of the matter to said Court of Claims by the Committee on Claims of the Senate, under and pursuant to the act of March 3, 1883, commonly known as the Bowman Act, said findings of fact having been certified to the Committee on Claims of the Senate by said court on the 26th day of April, 1889.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent to occupy a moment in stating the facts of this case. This invention was made in 1864. In 1868, long after the war, the Government took possession of it and manufactured the quantity of cartridges mentioned in the bill (66,907,313). The parties who are interested in this claim spent very much more than $10,000 in prosecuting their case through all the United States courts. They obtained decisions of the United States courts in their favor. They then presented the matter to the Senate, where it was referred to the Committee on Claims. Favorable findings have been rendered by that committee; the bill has three times—in the Fifty-second, the Fifty-third, and the Fifty-fourth Congresses—received a unanimous report in its favor from the Senate committee; and it has passed the Senate twice. It was on our desk awaiting action in the Fifty-second and the Fifty-third Congresses; but it has never been brought up.

This is a case of very great hardship. Not only did Mr. Howe suffer the loss of his property, which was taken possession of by the Government, but these claimants have been compelled to spend between ten and twenty thousand dollars in establishing their rights; they are out of pocket that much money. If the House will indulge me a moment, I will read an extract from a letter which I have received from Mr. Causten Browne, of Boston, the counsel for these parties. Mr. Browne says:

> I have a letter this morning from Perry, who is the principal party in interest, next to Howe's daughter, and who has spent over $10,000 on the case out of his own pocket. He says: "Sickness and misfortune have ruined me to the last dollar, and you can hardly imagine the anxious feeling I have about this claim, which is my last hope for the old age of myself and my wife." Howe's daughter, as I think you already know, has never been able to pay her father's funeral expenses.

These parties have been waiting for years in the hope of receiving justice from the Congress of the United States. They have neglected other matters in which they might have earned support to give their attention to the prosecution of this claim. In this, as I think, they acted foolishly. If I had been their counsel, I would have told them to throw away this case before ever taking it to the courts. But they have expended their money in prosecuting a just claim and now, in their old age, are in a condition of suffering and want.

As I have said, the bill has been unanimously reported by three committees of the Senate; and it has also been unanimously reported by three committees of this House. It has twice passed the Senate, but up to this time we have been unable to have it brought before the House for action. I do ask that the bill be considered now. Either let it be defeated, if the claim is not a good one, or let it go through.

Mr. COX. As I understand, this is a Senate bill?

Mr. WALKER of Massachusetts. I desire to move to substitute for this the Senate bill, which has been again passed in this Senate.

Mr. COX. Has the bill been referred in this House to any committee?

Mr. WALKER of Massachusetts. It has been favorably reported by the Committee on Claims, and referred to the Committee of the Whole House, but it has not been reached in the Committee of the Whole. Let me say to my friend that the House bill is identical, word for word, with the Senate bill. The bill has been reported unanimously in three Congresses. I hope the gentleman will at any rate allow the bill to be considered now.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLSON. I should like to hear the report of the committee on this bill.

The SPEAKER. The gentleman from Kentucky [Mr. COLSON] reserves the right to object, and calls for the reading of the report.

The report (by Mr. DENNY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 753) for the relief of the legal representatives of John C. Howe, having had the same under consideration, report as follows:

In 1864 John C. Howe, of Worcester, Mass., invented and patented a new metallic center-fire cartridge, and on August 16, 1864, a patent, No. 43851, was granted to him therefor. (A copy of the specification is annexed hereto.)

In 1868 the United States adopted, without permission of Howe, and began to manufacture for its own use, and also in some instances for sale, a metallic cartridge then and since known in the service as the "cup-anvil" cartridge.

Between 1868 and the date of expiration of the Howe patent, August 16, 1881, the United States manufactured 66,907,313 of these "cup-anvil" cartridges.

This total product was valued by the United States at $1,635,928.35.

Of this total product, the United States sold 5,721,818 and received in cash for same about $199,375.16, which is at the average rate of nearly $35 a thousand; the balance, or 61,185,495, were used by the United States.

Howe claimed that the "cup-anvil" cartridge infringed his patent, and this the ordnance officers of the United States denied.

Howe was a mechanic and a poor man, residing in Worcester, Mass., and had no money to prosecute his claim.

His employers, Forehand & Wadsworth, firearms manufacturers, of Worcester, Mass., took up his cause and agreed to prosecute it.

To that end he vested them with the legal title to the patent and to his claim against the United States for the infringement, and they brought suit in the United States circuit court for the district of Connecticut against the master armorer at Springfield, Mass., Samuel W. Porter (who had made a part of the cup-anvil cartridges for the United States), to have the validity of the patent and the fact of infringement decided by a competent tribunal. This suit was begun May 23, 1881.

The United States defended the suit by its district attorney for the district of Connecticut, Hon. Daniel Chadwick, the United States paying all the expenses of the defense. The testimony was begun on April 11, 1882, and concluded on October 30, 1882. The proofs in defense fill a volume of [illegible] printed pages.

The case was argued orally and on printed briefs before Judge Nathaniel Shipman.

On February 10, 1883, the opinion of the court was rendered construing the patent, and finding that it was valid and had been infringed by the making of the "cup-anvil" cartridges.

This opinion is reported in 15 Federal Reporter, page 256, under the name Forehand et al. *vs.* Porter.

In or about December, 1883, Forehand & Wadsworth presented to the Senate a memorial to Congress, setting forth the facts and praying for suitable compensation for the infringement.

This memorial was, on December 4, 1883, referred to the Committee on Claims of the Senate, and was by that committee, on January 9, 1884, referred under the Bowman Act of March 3, 1883, to the Court of Claims for findings of fact.

In or about February, 1884, a petition was filed in the Court of Claims by Forehand & Wadsworth in pursuance of the reference to that court. The Attorney-General of the United States filed a general traverse and conducted an even more elaborate defense on all the issues than had been made in the circuit court. The testimony in the case began on May 3, 1884, and ended on January 14, 1885. All the testimony in the case in the circuit court was stipulated into the case in the Court of Claims. In addition thereto other testimony was taken, making a volume of 86 printed pages, and including the depositions of Marcellus Hartley, of New York, president of the Union Metallic Cartridge Company, and William A. Hulbert, of New York, on behalf of claimants; and, on behalf of the United States, the depositions of Col. A. H. Buffington, commandant at the Springfield Armory; S. W. Porter, master armorer at Springfield; Benj. F. Butler, of Lowell, Mass.; John E. Earle, expert, of New Haven, Conn.; John C. Howe, subpœnaed; Col. J. M. Whittemore, commandant at the Watervliet Arsenal, West Troy, N. Y., and Thomas J. Vail, of Hartford, Conn.

In May, 1885, the case was argued in the Court of Claims orally and by printed briefs, Causten Browne and W. H. Kenyon being heard for claimants and F. P. Dewees, Assistant Attorney-General of the United States, being heard for the defense.

In November, 1888, the Court of Claims rendered its decision and made its findings of fact. A reargument was had on some of the issues again, both orally and by printed briefs, and on April 8, 1889, the original decision and findings were confirmed and added to. The material substance of the findings is that the invention, as defined by the circuit court in Forehand *vs.* Porter (15 Fed. Rep., 256), was novel with Howe and was useful, and was infringed by the making of the "cup-anvil" cartridges, and that a reasonable royalty for the United States to pay for the infringement would be $66,907, or $1 per thousand.

The findings and opinion of the Court of Claims were, on April 26, 1889, certified by said court to the Committee on Claims of the Senate. The decision and findings are printed hereinafter. The decision is reported in volume 24, Court of Claims Reports, page 477.

* * * * * * *

The Government manufactured these cartridges to an amount valued at $1,635,928.35, of which the United States sold 5,721,818 and received therefor the sum of $199,375.16, the Government retaining the balance of 61,185,495 for its own use.

As the court has established the validity of the patent belonging to the claimant, and its infringement by the Government, he is entitled to a reasonable royalty for its use, and your committee recommend the passage of the accompanying bill.

Mr. WALKER of Massachusetts. Let me call the attention of my friend from Tennessee [Mr. COX] to the fact that this claim

has been prosecuted through all the courts. It is not a case that has simply been before the Court of Claims only, as is the fact with many cases brought in; but these parties began suit in the United States court in Connecticut, and they obtained decisions in their favor all the way through. The various committees which have considered the case have unanimously reported in favor of the claim. If this claim is not to be paid, then there can never be a claim which ought to be paid. I want the case considered now. If it is to be defeated, let it be done, so that an end may be put to these people's long suspense.

Mr. WILLIAM A. STONE. What is the amount involved?

Mr. WALKER of Massachusetts. A little less than $67,000. But it ought to be paid just as much as though it were only $6.07.

Mr. COX. Let me ask the gentleman one question before consent is given for the consideration of the bill.

Mr. WALKER of Massachusetts. Let us have consent for its consideration.

The SPEAKER. The Chair will first put the question. Is there objection to the present consideration of the bill?

Mr. COX. I object.

Mr. WALKER of Massachusetts. I certainly did not want to interrupt the gentleman, Mr. Speaker, and hope he will be given an opportunity to make his suggestion. I did not mean to cut him off, and hope he will be heard. Let him withdraw his objection and ask such questions as he thinks necessary to a full and fair understanding of this matter. That is all I ask. I think he must have misunderstood me, and hope he will go on now.

Mr. COX. The very point that I wanted to ask the gentleman from Massachusetts was this: This claim passed through the committee, and now the man is making an application—the man Howe, or his heirs, the inventor—for this allowance; but, as I understand it, he has sold or transferred a very large interest in the invention, and the Court of Claims so finds.

Now, I wanted to ask my friend from Massachusetts this question: If he was not in the employ of the Government of the United States at the time that he made that invention?

Mr. WALKER of Massachusetts. He was in the employ of the manufacturing firm of Forehand & Wadsworth, in the town where I live. I knew him, knew his wife and children. Furthermore, the money that has been put into this claim for the purpose of prosecuting it by the man who claims here and by the firm of Forehand & Wadsworth is more than the amount that will be refunded to them if this allowance is made. That is to say, if the $67,000 is paid, taking the money already expended in prosecuting the claim before the various courts and tribunals from 1881 to the present time, it will no more than refund the money and the interest these parties have actually paid out. The money is to be paid, if we award the claim, directly to Mr. Howe's heirs, and, as I have said, it will not be a great deal more for those people, aside from his daughter, than the amount they have already put in to prosecute the claim through the different tribunals up to the present time.

Mr. COX. This claim involves something like $67,000, I believe?

Mr. WALKER of Massachusetts. Sixty-seven thousand nearly, or within a few dollars of it.

Mr. COX. The claim has been in some way, or by some means, transferred to some one else. Now, what that party paid for the claim is a matter that I think should enter materially into the consideration of the equities of the case. The amount so paid does not appear anywhere in the report.

Mr. WALKER of Massachusetts. I can assure the gentleman——

Mr. COX (continuing). Now, Mr. Speaker, I would take the word of the gentleman from Massachusetts as quick as that of any other man in the world. But in voting the public money out of the Treasury I would like to know who is getting the benefit of the claim on which we are passing, for he knows and I know that men are buying these claims against the Government and sending them here for appropriation, when often the amount of the claim is two or three hundred per cent more than what they paid for it. Now, while I would do anything for my friend from Massachusetts in the world that was within my power to do, I shall be compelled to interpose objection to the consideration of this claim until all of these facts are fully determined.

The SPEAKER. The gentleman from Tennessee objects.

Mr. WALKER of Massachusetts. I hope the gentleman from Tennessee will not object until he allows me to answer his question.

Mr. COX. Certainly not.

Mr. WALKER of Massachusetts. This is not a speculative claim in any sense of the word. It is not a claim that has been sold. The facts are fully stated in the report, if the gentleman had heard the reading of it.

Mr. Howe, the inventor, died in poverty. The firm of Forehand & Wadsworth failed. Mr. Forehand is on his feet again, and is worth some money. Mr. Wadsworth died in poverty, and the party who furnished the money to prosecute the claim, as much as $10,000 or more, is also in poverty. These men who furnished the claimant the money to prosecute his claim did it from sympathy and a kindly feeling for him, and not for the purpose of making a speculation out of it. Their sympathies were excited in Mr. Howe's behalf, and especially when it was ascertained that Mr. Howe's daughter did not have money enough to pay the funeral expenses of her father, which are still due.

I beg the gentleman not to object.

Mr. COX. I will be glad to do anything for the gentleman from Massachusetts in my power——

Mr. WALKER of Massachusetts. I do not want anything done for me. It is only for this honest claimant that I ask the gentleman's consideration.

Mr. COX. Well, I do not want anything from the gentleman from Massachusetts, and I object.

The SPEAKER. Objection is made.

Mr. WILLIAM A. STONE. I ask for the regular order.

Mr. BAILEY. I hope the gentleman will withdraw that for a moment, as I wish to make a request of the House.

Mr. WILLIAM A. STONE. Very well, I will withdraw it for the present.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed joint resolution of the following title:

Joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefore; when the Speaker signed the same.

CAROLINE S. BAKER.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (S. 2989) to increase the pension of Caroline S. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $30 per month, subject to the provisions and limitations of the pension laws, the name of Caroline S. Baker, widow of John Howard Baker, late assistant engineer, United States Navy, in lieu of the pension she is now receiving.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of California. Mr. Speaker, reserving the right to object, I should like to hear the report read.

Mr. BAILEY. I can make a statement which I think will satisfy the gentleman. The husband of this widow was ordered by the Government, while in the line of his duty, into a Chinese port where cholera prevailed. Under these orders he went into the infected port, took the cholera, and died. Since her husband's death the widow has been drawing, under the law, $15 for herself and $2 for her child, making $17 for the widow and the child. During this time she has resided with her father, who recently died, and she is left with absolutely nothing except the $17 per month for herself and her child.

If this woman's husband had been in the employ of a private corporation and had lost his life under such circumstances, there is not a gentleman on this floor who, sitting as a juror, would not award her as damages a sum sufficient to yield more than this bill carries.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CROWTHER. Mr. Speaker, I reserve the right to object until I can inquire whether this bill has been reported from the Committee on Invalid Pensions.

Mr. BAILEY. This bill for which I ask unanimous consent is a Senate bill. It passed the Senate unanimously, and a similar bill was reported unanimously by the House committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the last vote was laid on the table.

CONSTRUCTION OF CERTAIN BRIDGES.

The SPEAKER. There are some bridge bills which the gentleman from Louisiana [Mr. OGDEN] desires to present.

Mr. OGDEN. I ask unanimous consent for the present consideration of the bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company.

The bill was read. It provides that the construction by the Kansas City, Shreveport and Gulf Railway Company, a corporation duly organized under the laws of the State of Louisiana, of the bridge over Caddo Lake, at the village of Mooringsport, La., be approved and ratified, subject to certain stipulations and conditions.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. OGDEN. Mr. Speaker, I also ask unanimous consent for the present consideration of the bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana.

Mr. WILLIAM A. STONE. Mr. Speaker, is this a bill presented by the same member who presented the other?

The SPEAKER. This is another bridge bill, presented by the same gentleman who presented the other.

The bill was read. It provides that the Kansas City, Watkins and Gulf Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, be, and is, authorized to construct and maintain a bridge across Black River, in the State of Louisiana, at such point suitable to the interests of navigation as may hereafter be selected by said railway company for crossing said river with its railroad line.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. OGDEN. Mr. Speaker, I also ask unanimous consent for the present consideration of the bill S. 1725.

Mr. WILLIAM A. STONE. I call for the regular order.

IMMIGRATION BILL.

The SPEAKER. The Clerk will present the following business on the Speaker's table.

The Clerk read as follows:

A bill (H. R. 7864) amending the immigration laws of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under section 3 of this act shall be deported to the country from whence they came.

SEC. 7. That this act shall take effect three months after its passage.

The amendments of the Senate were read, as follows:

Page 1, line 7, strike out all after "following:" down to and including line 7, page 3, and insert: "All persons over 16 years of age who can not read and write the language of their native country or some other language; but an admissible immigrant over such age of 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild notwithstanding the inability of such relative to read and write as aforesaid.

"Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

Page 3, after line 7, insert:

"SEC. 2. This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorder there: *Provided*, That such persons have heretofore been inhabitants of that island."

Mr. BARTHOLDT. Mr. Speaker, I move that this bill be recommitted to the Committee on Immigration and Naturalization. I make this motion with the consent and at the request of some members of the committee; and I desire to say that if it should precipitate debate I would like to be heard in support of the motion.

Mr. DANFORD. A parliamentary inquiry. Will a motion to nonconcur in the Senate amendments and agree to the conference asked be in order, either as an amendment to or as a substitute for the motion of the gentleman from Missouri?

The SPEAKER. The motion is in order; but the vote will have to be taken on the motion to refer to the committee.

Mr. DANFORD. I make that motion—to nonconcur in the Senate amendments and agree to the conference.

Mr. WILLIAM A. STONE. Mr. Speaker, there is no previous question ordered, and I should like to be heard for a moment on this motion.

The SPEAKER. Does the gentleman from Missouri desire to be heard now?

Mr. BARTHOLDT. It is immaterial to me, Mr. Speaker.

Mr. WILLIAM A. STONE. Let the gentleman first be heard, and then I desire to be heard.

Mr. BARTHOLDT. How much time have I?

Mr. WILLIAM A. STONE. We are not limited.

The SPEAKER. The gentleman has an hour.

Mr. BARTHOLDT. Mr. Speaker, this bill is what is commonly known as the immigration bill. It passed the House last summer in a shape which seemed satisfactory all around. It was a compromise measure, and it was framed upon the principle of the Golden Rule. The extremists for restriction upon the one side were told that if they refused to accept this compromise measure it might result in no legislation at all upon the subject, and they acquiesced in the action of the House. On the other hand, there were those who claimed that restriction is not liberty—who held and now hold that the right of asylum on American soil should not be denied to anyone except those already barred by existing laws. The majority of our adopted citizens belong to the class who hold these views. And who will deny that their sentiments in this respect are thoroughly and uprightly American and in accord with those of the founders of the Republic? But they were told—and I was one of those who imparted the information to them—that they had to choose between the House bill and some harsher or more stringent measure; and so these people, a very large class, also acquiesced in the House bill; and I stood here upon this floor advocating the passage of that bill for the purpose of preventing more stringent and more harsh legislation on the subject.

All this, Mr. Speaker, was before the election which resulted in such a glorious victory for sound money and Republican principles. There is not one on this side of the Chamber, and perhaps no one within the sound of my voice, who can justly deny that that great victory was largely due to the loyalty, the sound sense, and the conservatism of our adopted citizens, who, almost irrespective of party, voted for sound money, protection, and McKinley, thereby turning the scales in more than half a dozen States—in Ohio, in Illinois, in Wisconsin, in Michigan, in Iowa, in Minnesota, and even in old Kentucky.

I should not refer to this fact now, Mr. Speaker, if it had not a direct bearing upon this question of immigration. The advocates of harsh measures of restriction of immigration never fail to point to the ignorant foreign vote as a justification of their position. It was said in the Senate, and it was repeated in the House last summer, that immigration was a growing danger to the institutions of our country, and the great centers of population were pointed out as an especial source of peril. But the result of the last election, Mr. Speaker, was a refutation of these assertions as complete as any patriot could wish for. All the large cities, all the counties, all the States in which the foreign vote forms a considerable element of strength voted against repudiation and for the nation's honor, and instead of endangering the life of the Republic, the presence of these foreign-born citizens helped materially, if not decisively, to save it.

With the permission of the House, I wish in this connection to

print some editorials of leading American newspapers which readily concede this fact. One of them, from the New York Evening Post, I ask time for the Clerk to read. It bears directly on the connection between immigration and election results.

The Clerk read as follows:

[The New York Evening Post, November 9, 1896.]

It is already clear that the demand for severe restrictions upon foreign immigration made by some uneasy people in the East will receive less support hereafter than before from the West, which has never manifested much sympathy with it. The next Congress will be controlled by sound-money Republicans, and such Congressmen from the West will have a keen sense of their indebtedness to the foreign element, without the support of which many of them would have lost their districts. Take the State of Iowa, for example. More than two-fifths of the people are of foreign parentage; of this foreign element two-fifths are Germans, over one-fifth Scandinavians, and more than one-tenth English, Scotch, and Welsh, nearly all of which races voted solidly for sound money. Those people who fear that the nation is being ruined by "the ignorant foreign vote" should read with attention this tribute to that vote on the morning of election day by the Iowa State Register, the leading Republican newspaper of its State:

"The question has often come to us, What would become of the cause of sound money, which we consider absolutely vital to honesty and honor and the country, if it were not for the Germans, the Scandinavians, the Scotch-Irish, and the Irish who follow in the footsteps of leaders like Archbishop Ireland, the Welsh, the French, the Hebrews, nearly all of whom have come to this country in years more or less recent? Every man who has observed the trend of politics must concede that these elements are nine-tenths, or seven-tenths, for sound money—against debased currency, against repudiated debts, and for national integrity. We can not let this campaign come to a close without acknowledging the debt America this year owes to those of foreign birth."

Mr. BARTHOLDT. Mr. Speaker, I have a vast number of editorials of similar tenor from the New York Sun, from the St. Louis Globe-Democrat, the leading Republican newspaper of the West, and other reputable journals, which I shall print in the RECORD, with the permission of the House. They are as follows:

[St. Louis Daily Globe-Democrat, Friday morning, November 13, 1896.]

THE FOREIGN VOTE.

A feature of the recent election that merits general attention is the fact that the foreign-born citizens generally voted in favor of the gold standard and against the various follies and wickednesses of Bryanism. The States in which this element is strongest gave the largest majorities for McKinley, while those in which it counts for least gave majorities the other way. There is little or no foreign population in the South, where the preponderance was heaviest for Bryan, and the percentages in the Western States that he carried are among the smallest in the country. The Germans and the Scandinavians were practically solid for sound money, casting more than 500,000 votes on that side, which would have reversed the result in several States if they had been cast for free silver. In a relative way, the same is to be said of other nationalities. The fallacy of cheap money did not lead them astray; the proposition to make debts easier to pay by adopting the process of repudiation did not capture them. They did not take kindly to the idea of promoting prosperity by reducing wages and destroying values; and so, without regard to former partisan affiliations, they went to the polls and helped to overthrow the Chicago platform and ticket.

The lesson of this manifestation is obvious and important. We give ourselves a good deal of trouble from time to time about the foreign vote, and the probabilities of mischief that it involves; but we have here a striking proof that such apprehensions are not well founded. It is not true, as the result of the late election plainly shows, that the foreign-born voters constitute a force that can readily be used by demagogues and fanatics for the accomplishment of wild and evil purposes. These people bring with them from their native countries certain traits of integrity and morality and certain sentiments of respect for established principles and institutions which make them good citizens and careful voters. There are socialists and anarchists among them, to be sure, but the proportion of such persons is small. The great majority of them are honest, sensible, and patriotic, and can be trusted to do the right thing in all emergencies. It is the native-born element that furnishes most of the recruits for movements of a fantastic and dangerous kind in our politics. The free-silver craze was not imported from Europe. It originated in the minds of Americans, and was most prevalent in localities where the foreign vote was the lightest. This is worth thinking about, as an assurance that the Republic is not in the danger that we are sometimes told from the presence of citizens who happen to have been born across the sea.

[The New York Evening Post, November 6, 1896.]

NATIVE AND FOREIGN BORN.

Nine of the forty-five States of the Union lie within the region pierced by the Rocky Mountain range or west of those mountains. They are for the most part thinly settled, having in 1890 a total population of only 2,814,400, or less than 5 per cent of the 62,116,811 in the whole forty-five, although they have an abnormal proportion of the electoral votes—36 out of 447, or about one-twelfth. These 36 votes are so divided between the two candidates as to give Bryan a majority of 10 or of 4, according as Wyoming shall prove to be for or against him.

This side of the eastern foothills of the Rockies lie 36 States, of which 22 are north of the Potomac and Ohio rivers, and 14 below that line—counting Missouri with the South, as it has always been in political affiliations, and the adjoining State of Kansas with the North, as it has been since the slavery issue was raised until that issue was supplanted by Populism. The Northern States have 38,295,521 people, and 263 electoral votes; the Southern, 21,110,888 people, and 148 electoral votes. These Northern States are solid for McKinley, with the exception of Kansas, Nebraska, and possibly South Dakota; the Southern ones solid for Bryan, except West Virginia and Kentucky.

Among the various points of difference between these two groups of States is one which is seldom thought of, but which is brought into bold relief by the results of the recent election. The South is essentially a native section, the white population of many States being almost exclusively the descendants of the early settlers. The North is nearly half of foreign birth, with many States in which that element constitutes a large majority of the people.

The last census gives the number of persons whose parents, one or both, were foreign born, which is a much fairer test than that of native or foreign birth. For the South the whites alone are now to be considered, as the negro vote has nowhere turned the scales except in Kentucky. For this inquiry, moreover, we disregard Kentucky and West Virginia, which have gone for McKinley. Taking the other States in that section, we find that the whites have among them only about 1 per cent of people of foreign parentage in North Carolina; between 3 and 4 in South Carolina, Georgia, and Tennessee, and between 4 and 5 in Virginia, Alabama, Mississippi, and Arkansas. In Florida there is a large element of Cubans; in Louisiana, New Orleans, the one large city in the South, has drawn many foreign immigrants; and in Texas many Mexicans have drifted across the Rio Grande, and there is a considerable German population, carrying the ratio in these three States up to about 15 per cent in Florida, 19 in Texas, and 26 in Louisiana. In the section, as a whole, the foreign vote is very small, and in no one of these last three States has it ever been a controlling element.

On the other hand, in the North we have in New England persons of foreign parentage constituting from about 23 per cent of the population in Maine to 56 in Massachusetts and 59 in Rhode Island; in New York about 57, New Jersey 50, and Pennsylvania 37; while west of the Alleghanies the only States with a relatively small proportion are Indiana, with about 21, Missouri 26, and Kansas 28. Everywhere else the ratio is large, and in some States very great, about 35 per cent in Ohio, 43 in Nebraska, 44 in Iowa, 50 in Illinois, 55 in Michigan, 61 in South Dakota, 74 in Wisconsin, 76 in Minnesota, and 79 in North Dakota.

The salient fact about the recent election from this point of view is that the almost entirely native South went overwhelmingly wrong on the burning issue, while the largely foreign-born North went even more overwhelmingly right. From the Atlantic to the Missouri River there was not a break in the McKinley column. New York, more than half foreign, gave McKinley about 275,000 more votes than Bryan; Illinois, half foreign, 145,000 majority for McKinley in a vote two-thirds as large as New York's; Wisconsin, nearly three-fourths foreign, about 100,000 majority in a total vote only about a quarter as large as New York's.

Moreover, the State which makes the poorest showing of all the great States east of the Missouri River is the one which has the smallest foreign element. Indiana has only about 21 per cent of people with foreign parents, and its majority for sound money is only 22,000, while Iowa, with nearly 44 per cent, gives a majority of about 72,000. Indeed, it is not too much to say that but for its foreign vote Indiana would have gone for free coinage, since nearly three-fourths of its foreigners are Germans, Scandinavians, English, and Scotch, who voted overwhelmingly for sound money. The most hopelessly wrong State in the whole North is Kansas, which has not only chosen Bryan electors, but has also elected a Populist legislature, a Populist State ticket, and a judge who will make the majority of the supreme court Populist; and Kansas has less than 28 per cent of foreigners among her population. North Dakota has more than 79 per cent, and North Dakota has rejected Populism in every form, National and State.

But the most striking test of the foreign element is afforded in Missouri. As a whole, that State has about 26 per cent of people of foreign parentage, of whom nearly half are found in St. Louis, where they number 304,773, or almost exactly two-thirds of the whole 451,770. The foreign metropolis of Missouri went for sound money by a large majority; the remainder of the State, with only 363,453 foreigners out of 2,076,998, gave free coinage a still larger majority; so that it was the native Americans who carried it the wrong way.

We have had a school of writers and speakers in this country who for years have lamented the threatened destruction of our institutions by "the ignorant foreign vote." We trust that these people will have their eyes opened to the true state of things by the revelations as to native ignorance and foreign good sense made by the returns of the recent election.

[The New York Sun, November 20, 1896.]

THE "ALIEN" AND THE FLAG'S HONOR.

To a correspondent who seems to share Speaker REED's singular notion that Bryanism and repudiation found their strongest support among American citizens of foreign birth, or, as the Speaker states it, "that we have tried to assimilate those from abroad too rapidly, and that, in offering them so generous an asylum against oppression, we have run some risk of oppression by alien ideas ourselves," we have only this to say:

The proportion of foreign-born to native population in the whole country is about 15 to 85; exactly, the percentages by the last census are 14.77 and 85.23.

Twenty-three States went for McKinley and honest money, several of them so doing under the direct inspiration of Mr. REED's persuasive eloquence; and in these twenty-three states the percentages of foreign-born people are as here shown:

Maine	11.94	Ohio	12.51
New Hampshire	19.21	Indiana	6.67
Vermont	13.26	Illinois	22.01
Massachusetts	29.35	Michigan	25.97
Rhode Island	30.77	Wisconsin	30.78
Connecticut	24.60	Minnesota	35.90
New York	26.19	Iowa	16.96
New Jersey	22.77	North Dakota	44.58
Pennsylvania	16.08	Oregon	18.27
Delaware	7.81	California	30.32
Maryland	9.05		
West Virginia	2.48	Average	19.[illegible]
Kentucky	3.19		

Twenty-two States voted for Bryan and repudiation, and in those States the percentages of foreign-born people were as below:

Virginia	1.11	Kansas	10.38
North Carolina	.21	Nebraska	19.13
South Carolina	.54	Montana	32.61
Georgia	.66	Wyoming	24.57
Florida	5.86	Colorado	20.38
Alabama	.98	Washington	25.76
Mississippi	.62	Idaho	20.69
Louisiana	4.45	Utah	25.53
Tennessee	1.13	Nevada	32.14
Arkansas	1.31	South Dakota	27.69
Texas	6.84		
Missouri	8.77	Average	12.14

This answers in the negative those who maintain that the communities wherein the old American stock has been least affected by immigration were the safeguard of the cause of honesty; while the communities with a large infusion of "alien" population and "alien ideas" were the centers of danger.

[Westliche Post (Rep.), St. Louis, Mo., December 19, 1896.]

The worst kind of a Christmas present for the adopted citizen would be an illiberal immigration law.

While the Anglo-American press has thus dissuaded Congress from passing any more stringent measures than passed by the House last summer, the German newspapers of the country, especially the Republican papers, now claim immunity from such legislation as a well-earned right, and threaten to make their future support of Republican principles depend upon our action on this matter. Am I right, then, in asking my colleagues to go slow, be fair, and act conservatively on this question? In view of their loyalty, again so nobly demonstrated, our adopted citizens justly expected a moderation of even the House bill; instead of that, it is now proposed to make its provisions more stringent and more sweeping. This means that we announce to the country and say to these people that for their loyalty they shall be not rewarded, but punished.

It may be urged that even with some of the amendments adopted by the Senate to which I and several other members of the committee are opposed, the bill will not affect German and Scandinavian immigration. This may be physically true, Mr. Speaker; but I desire to say to the House that I do not stand here in defense of the Germans. They need no defense at my hands. I am an American Representative of an American constituency. I am for America against Spain, against the German Empire, against the world. I am for America, right or wrong, always for America. [Applause.] This is not a question of European nationality, it is a question of American principle and American interests. The fact that Germans and Scandinavians are not materially affected by this bill, and yet oppose it, is a proof that their opposition is inspired not by self-interest, but by principle, and therefore deserves more consideration at our hands.

Now, what are these amendments? In the first place, the House bill exempted all females from the educational test. The Senate bill subjects to it every Irish and German and Swedish servant girl. The first result will be a large decrease in the immigration of female domestics, and a later consequence will be that we shall have a famine of domestic servants in this country, there being from seven to ten applications for each new arrival. I for one can not see why the educational test should be applied to a servant girl coming into this country, while on the other hand I do know that there is a great lack of domestic servants in all the large cities, for the reason that our American girls prefer to go into factories and workshops and stores rather than into the kitchen. We are absolutely dependent upon the supply of domestic servants coming from abroad, and therefore I think the House bill was wise in exempting female immigrants from the educational test.

Another Senate amendment provides that—

> All persons over 16 years of age who can not read and write the language of their native country or some other language shall be excluded, except that the wife or parent or child of an admissible immigrant, not so able to read and write, may accompany or be sent for by such immigrant.

Now, what does that mean? We know what an admissible immigrant is, but do we not wish to give the same right accorded to an admissible immigrant to a resident immigrant or to a citizen of this country? This amendment says nothing about such cases, so that in many instances a citizen of this country who desires to bring over his relatives from abroad will be unable to do so because, if they are unable to read and write, they will not be allowed to land here.

Mr. Speaker, does not this alone show that the bill is imperfect? Does it not show that it requires amendment? I claim, further, that we do not know what the effect of such a provision as this will be. The House bill as passed was a complete and perfect measure. We were absolutely certain as to the effect of each one of its features and lines, but here is an amendment the effect of which even those who are thoroughly conversant with the subject are unable to predict.

My idea is that this amendment ought to be referred to the Bureau of Immigration, with a request for a report upon its probable effect. This matter can not be settled in conference, my friends. There is no time in conference to settle such questions. Provisions of this kind are not like those merely providing for an expenditure of money. They cut deeply into the most delicate relations of family, of society, and of life, and therefore I think we should act very conservatively in considering such legislation.

Another amendment provides the test that is to be applied and says that every immigrant shall be required to read and write five lines of the Constitution of the United States. Just think of an Irish or a German servant girl standing upon Ellis Island and reading and writing the Constitution of the United States! In my judgment, Mr. Speaker, this ought to be left to the executive officers of the Government to regulate, and should not be included in this bill. Everyone knows that the Constitution contains words that even we do not fully understand. Take a foreigner, an immigrant—how can he be expected to read and write those difficult words which perhaps he has never seen in his life before? If anything else were taken as the test—the Bible, a good novel, any standard work—there would be less objection to it, but the Constitution is the most difficult document for an immigrant to read and write and understand. Again, Mr. Speaker, imagine an immigrant reading these lines contained in the Declaration of Independence:

> He has prevented the population of these States and has failed to encourage measures for the immigration of foreigners.

Imagine, I say, a foreigner reading these lines. What must he think? Will he not be forced to the conclusion that we, in this day, are deviating from the ideas that inspired the fathers and that inspired their Declaration of Independence? Almost anything else would be better than such a test as this bill proposes.

Another amendment of the Senate provides that Cuban refugees shall be exempted from the provisions of the law. In other words, an ignorant negro can come from Cuba to our shores and, upon the plea that he is a refugee, he will be admitted, and thereby raised to a higher level than the sturdy laboring man coming from Ireland, or the honest immigrant from Germany.

Mr. Speaker, I protest against such a discrimination. These matters can not be patched up in conference, and this is the reason, Mr. Speaker, that I move a recommittal of this bill to the Committee on Immigration. Since the Senate has requested this conference, the bill will retain its privileged character, and consequently can come up at any time. For that reason, Mr. Speaker, there is no danger that a satisfactory bill will not be passed. The committee, after considering this measure, can report it back to the House, and the House can pass it within three weeks—soon after our reassembling in January.

Just one remark more I desire to make. By referring this matter to the conference we put the responsibility upon the shoulders of our honored Speaker, who must appoint the conference committee. This is a very ticklish question—a very knotty problem. I would rather see the House assume the responsibility of this matter. For these reasons, Mr. Speaker, I have made my motion.

I reserve the remainder of my time for the purpose of answering any questions which may be put.

Mr. WILLIAM A. STONE. Mr. Speaker, I want the House to understand thoroughly the exact status of this proposition. The bill which passed the House with amendments went over to the Senate and was there amended in several particulars. It comes back from the Senate very much changed, with a request upon the part of the Senate that a committee of conference shall be appointed by the House, the Senate having appointed its conferees. The motion of the gentleman from Missouri [Mr. BARTHOLDT] is to refer this bill to the House Committee on Immigration. The motion of the gentleman from Ohio [Mr. DANFORD], who is also a member of the Committee on Immigration, is to nonconcur in the Senate amendments and agree to the conference.

All discussion on the merits of this bill as it left the Senate or the House is wholly immaterial now, for the reason that any objectionable features in the measure may be changed in the committee of conference. The simple reason why the gentleman from Ohio [Mr. DANFORD] makes the motion to nonconcur at once and consent to the conference is to save time and get the bill before the conference committee immediately, so that we may have some possible hope of passing an immigration bill during this Congress. During the last Congress the House passed an immigration bill. It went over to the Senate, where it was changed as radically as that body has changed the present bill. It was delayed from time to time, with the result that that Congress passed no immigration bill at all.

Now, both political parties have declared for further restriction of immigration, and have declared that the test should be what is known as the educational or intelligence test. This is not a political measure at all. It is neither Republican nor Democratic. It is a measure aimed wholly at the general good of the whole country. Both parties have declared in favor of such a measure. What I want is that an immigration bill shall be passed during this Congress. If this bill goes to the Immigration Committee of the House, and the Commissioner-General of Immigration is sent for to give his views on the subject, it may be necessary for that gentleman to take another trip to Europe before he can submit his views. We reconvene here on the 5th day of January. There will then be left only two months for the work of this Congress, and during that time there will come up many measures of great moment. In my judgment, it will be the death knell of any immigration bill at this Congress to refer it to the House committee.

I do not question the good intentions of the House committee. I do not question the good intentions of the chairman of that committee. Nor have I any idea that the committee would purposely delay the measure. But according to the gentleman's own statement we shall gain three weeks by at once referring the bill to a conference committee.

Now, what is the purpose in referring it to the House Committee on Immigration? Under the rules, the Speaker will in all probability pursue the same course in the appointment of the conference committee on this matter that he usually pursues in reference to all these matters. He will appoint two members of the majority side of the House, and one of the minority side. The Senate has already appointed its conferees—Senators LODGE, CHANDLER, and FAULKNER. These six conferees can get together to-morrow, if they will, and do the work they have to do. They can reconcile the objections to the bill as amended by the Senate, if there are any, and can bring us a bill which we can pass. And when we have done that, we have done what both the great political parties have promised the people of this country to do.

I am not here making objections to the amendments of the Senate; nor am I here advocating them. They are not at all in issue at this time. Ably as the gentleman from Missouri has discussed them, their merits and demerits are wholly irrelevant to the present question. The simple question is whether we shall pursue the most direct road to the result which we all profess to want, or whether we shall open up the possibility of not taking any action on this subject and not passing any bill at all during this Congress. For these reasons, I most earnestly hope that the motion of the gentleman from Missouri (although he is chairman of this committee) may be voted down, and that the motion of the gentleman from Ohio [Mr. DANFORD], who is next in rank on the committee to the chairman, may be adopted, so that the bill shall be sent at once to a conference committee.

Mr. WILSON of Ohio. Will the gentleman allow me a question?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. WILSON of Ohio. Will the gentleman inform the House whether the sections in the original bill are substantially the same as the existing law relative to immigration?

Mr. WILLIAM A. STONE. No, sir; they are not.

Mr. WILSON of Ohio. Then these sections are to be abandoned by this amendment of the Senate, are they?

Mr. WILLIAM A. STONE. There are no sections in the original law which fix an educational test.

Mr. WILSON of Ohio. No, sir; but in sections 2, 3, and 4 of the bill which passed the House there are certain provisions——

Mr. BARTHOLDT. Is the gentleman referring to the House bill?

Mr. WILSON of Ohio. Yes, sir.

Mr. WILLIAM A. STONE. The gentleman is speaking of the bill as it originally passed the House?

Mr. WILSON of Ohio. Yes, sir.

Mr. WILLIAM A. STONE. I supposed he was referring to the existing law.

Mr. WILSON of Ohio. The sections to which I have just referred contain several provisions other than those with regard to the educational test. Are those to be abandoned and the educational test alone substituted for the House bill?

Mr. WILLIAM A. STONE. That I can not say.

Mr. WILSON of Ohio. If the Senate amendment is adopted, is not that the effect?

Mr. WILLIAM A. STONE. Yes, that is the effect. It strips the bill, as I understand it—and the gentleman from Missouri [Mr. BARTHOLDT] can correct me if I misstate the matter—it will strip the bill, as I understand it, of all its restrictive features save and except the educational test.

Mr. CANNON. If the gentleman from Pennsylvania will permit me a moment, I do not find this bill in print, but I take the copy of the bill as I find it on the Speaker's table, and I desire to ask him a question with reference to it.

I notice the House bill has this language:

> That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

The Senate provision strikes that out and provides that—

> All persons over 16 years of age who can not read and write the language of their native country, or some other language, shall be excluded; but an admissible immigrant over 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

Now, as I understand the Senate amendment, a foreigner might have been naturalized here, and yet he can not send for his parent, or grandparent, or wife, or minor child, provided such person so sent for is unable to comply with that provision of the law.

Mr. BARTHOLDT. Under the Senate amendment, that is correct.

Mr. CANNON. If that is correct, I am clearly against this proposition; and I think the House bill in that respect is decidedly preferable.

But, Mr. Speaker, if legislation be desirable on the subject at all, I can not see any objection to sending it to a committee of conference. Because it is quite competent for the House, in that event, first to instruct the House conferees. It is also quite competent for the House to vote down or refuse to adopt the report of the conference committee, and thereby defeat legislation. Or it is quite competent for the conferees to report back a disagreement and take the sense of the House upon the question.

Mr. WILLIAM A. STONE. Certainly.

Mr. CANNON. So that, if legislation be desired at all, it is well enough, it seems to me, that this should go to a conference committee.

I make these remarks for the reason that I can not believe that the House conferees will assent to the Senate amendment; at least without very serious modification.

Mr. WILLIAM A. STONE. They will not, I am satisfied. The House conferees can not agree to it.

I yield three minutes to the gentleman from Ohio [Mr. DANFORD].

Mr. DANFORD. Mr. Speaker, the proposition to send this question back to the House Committee on Immigration simply means that we are to have no legislation by this Congress on the subject.

Already the Committee on Rules have provided business for at least two weeks after the recess. The appropriation bills have the right of way in the House at all times, and unless this bill is sent to a vote by the nearest road—that is, sent to a committee of conference, where these questions at issue can be fairly discussed and dealt with, and where the differences between the House and Senate can be adjusted—in my opinion there is no hope for legislation by the Congress upon the question at all.

The House committee spent nearly three months on this subject, investigating the immigration question and maturing a bill. The bill was satisfactory to the committee; they so reported to the House—I believe unanimously—and has been amended, and amended materially, in the Senate. It seems to me that the usual way, and the proper way, to settle the differences between the two Houses is by a conference. The Senate bill passed that body with but 10 dissenting votes. The House bill passed the House by a very large majority. It seems to me that this bill ought to go to a conference committee, and that we ought to reach something in the way of legislation in this Congress on the subject, and not defer it to another Congress and a future time.

Mr. WILLIAM A. STONE. I yield now to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL of Massachusetts. Mr. Speaker, I think it is important for the House to consider for a minute the situation of this measure. In the first place, the gentleman from Missouri [Mr. BARTHOLDT] moves to have this whole matter recommitted to the Committee on Immigration. The gentleman from Ohio [Mr. DANFORD] then moved that we nonconcur in the Senate amendment and assent to the Senate request for a conference on the disagreeing votes on the bill.

It is entirely immaterial to consider whether we will agree with the Senate amendments or not. If the House shall vote to nonconcur in the amendments for the time being and agree to the conference, it has precisely the same effect as if the bill were referred to the Committee on Immigration and the committee should report to the House the recommendation to nonconcur in the amendments. The great advantage of having this bill go immediately to conference and having it decided over referring it to the Committee on Immigration is most apparent. The reports of the Committee on Immigration are not privileged. If we refer this matter to that committee, and that committee, after one week or three weeks, or immediately, report it back to the House, their report has no privilege whatever.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. MCCALL of Massachusetts. I will, with pleasure.

Mr. BARTHOLDT. I desire, for the information of my friend from Massachusetts [Mr. MCCALL] and the House, to read the rule which has reference to this matter:

> When a bill comes back with Senate amendments requiring consideration in Committee of the Whole, the bill and amendments thereupon are referred to the committee having jurisdiction of the subject. If the Senate accompany their amendments with a request for a conference, this endows the bill with privilege in all its subsequent stages.

Consequently, if you refer this bill to the Committee on Immigration, it retains its privileged character, according to this rule, in my judgment.

The SPEAKER. The Chair thinks he ought to say that he has had that rule under consideration subsequently, and is not satisfied with its soundness. The matter having been mentioned he feels obliged to say so, such being the fact. That is the way the matter stands.

Mr. BARTHOLDT. I desire to call attention to the fact that that ruling was made in the Fifty-first Congress.

The SPEAKER. The Chair is quite well aware of that. That is another misfortune connected with it. [Laughter.]

Mr. MCCALL of Massachusetts. Mr. Speaker, it seems to me that the statement of the Chair disposes of the position of the gentleman from Missouri [Mr. BARTHOLDT]. If this matter is referred to the Committee on Immigration, it certainly is problematical whether it retains any privilege; and this thing is certain, that if this House votes to nonconcur and assents to the request of the Senate for a conference, and conferees are appointed on the part of the House by the Speaker, then the report of that conference committee is privileged, and whenever they bring the report before the House the House can immediately act upon it.

So the situation is clear. If this matter is referred to the Committee on Immigration, we can not have from that committee, even from the standpoint of the gentleman from Missouri [Mr. Bartholdt], anything else than a recommendation to nonconcur. The gentleman from Ohio [Mr. Danford] proposes that at this very moment the House nonconcur, that we take the short cut to solve the matter, and dispense with a superfluous reference, by having a committee of conference appointed, and then the report, when it shall be made, will be privileged.

So that, if there is any member who is a friend of the House bill, who believes in legislation and is opposed to the Senate amendments—as the gentleman from Missouri appears to be—the only way that he can accomplish his desire effectually is to vote for the motion of the gentleman from Ohio.

Now, Mr. Speaker, this matter has been voted upon by both Houses of Congress. One House voted before the election and another since the election, and an overwhelming majority of both bodies was in favor of some measure restricting immigration. I would say, sir, that there is no division between the two great parties on this question. The Republican national convention and the Democratic national convention united in demanding some measure of restriction, and if we desire to have restriction we should vote down first the motion of the gentleman from Missouri [Mr. Bartholdt], to shelve the whole thing and practically destroy it by referring it to a nonprivileged committee, and then we should vote for the motion of the gentleman from Ohio [Mr. Danford], which sends it immediately to conference, out of which legislation will spring.

We can rely upon it that our House conferees will insist upon any position of the House which is the wiser position. I have no doubt that they will represent the rights of the House fully, but after they have done that, after the committees of the two Houses have agreed upon a measure, then we can vote upon that measure immediately, and it can go to the President.

Mr. WILLIAM A. STONE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has forty-one minutes.

Mr. WILLIAM A. STONE. I yield ten minutes to the gentleman from South Carolina [Mr. Wilson].

Mr. WILSON of South Carolina. Mr. Speaker, I have listened with a great deal of interest to the remarks made by the distinguished chairman of the Committee on Immigration, the gentleman from Missouri [Mr. Bartholdt]. While they are in thorough consonance with his record during the first session of this Congress, being in favor of very liberal rules and laws for the admission of immigrants, I have listened in vain to hear from him some good reason why his motion should prevail.

The matter presented to us is of a very simple nature. The Senate has seen fit to amend the bill as it left this House, and in doing so has left out some of our provisions and incorporated others. The only way by which the two Houses can ever come to an agreement is through a committee of conference. The rules so prescribe. Now, the only possible effect that the adoption of the motion of the gentleman from Missouri [Mr. Bartholdt] can have will be that the question will be referred to the Committee on Immigration to determine whether or not the House shall agree to the Senate amendments or disagree and agree to the request for a committee of conference.

Now, is there any necessity for the House, which is capable of deciding the matter now, to submit to that committee the decision of that simple question, whether or not we will agree or disagree to the Senate amendments. Why, my friend from Missouri [Mr. Bartholdt] who is making this motion never would consent to the Senate amendments as they came here, and in committee he surely would not vote for the adoption of a report recommending that this House accept the Senate amendments. Therefore he would be compelled to report to this House, so far as his vote could do so, that the House disagree to the Senate amendments and agree to the committee of conference.

That being the case, why then resist the motion of the gentleman from Ohio, in order that we may now do what he admits we would then have to do, to wit, disagree to the Senate amendments and insist on the House bill. Now, when the matter gets before that conference committee it will be thoroughly in the hands and in the power of that committee to accept so much of the Senate amendments as shall be acceptable to it and to insist on so much of the House bill as it should wish. Nothing else but the conference committee can ever determine the issue, and the one sole issue here. As to the imperative necessity of legislation on immigration, that was decided in this House by an overwhelming vote, as I recollect only twenty-six antagonizing it by their votes. It has been declared to be the policy of both great parties in this country, and I believe also the third party, that undesirable immigration should be kept beyond the borders of this country, and that an educational test should be the test applied.

Now, I do not like the tendency of the remarks of the gentleman to draw the political line here. It is not a matter for the application of the party lash. All parties are agreed upon it. There is no difference between them. Here is an opportunity presented for making a post-election performance agree with a pre-election promise.

Now, Mr. Speaker, the difference between the two bills is simply this: In the House bill the excluded class, the undesirable class, added to the undesirable classes already existing under our law, is that of male immigrants from 16 years of age who can not read or write their own language or the language of this country. The Senate amendment, so far as males are concerned, makes it apply to all males, even those above 65 years of age. As to females, the House allowed all females to come in. The Senate amendment allows only those females who are the wives or minor children of the males who shall come in. The House allowed only the parents of admissible immigrants who were incapable of reading or writing. The Senate bill allows grandparents as well. So you see there are some differences as to classes, and some differences as to age. The House bill also had the Corliss amendment, which applied to immigrants coming in from Canada along the Canadian border. The Senate bill makes no reference to that. The Senate amendment allows Cuban refugees during the currency of the pending disorder there to come into this country. The House said nothing about that. Now, it will be fully in the power of the conference committee to reconcile these differences of the two Houses and to report to the House a bill which they can adopt, and which will be the law of this land and will meet the demands of the people.

Why, Mr. Speaker, the people of this country are in earnest about this matter. They do not intend to be trifled with. They have the promise of two of the political parties of this country to rely upon, and I believe they will have the action of this Congress to congratulate themselves upon.

Mr. WILLIAM A. STONE. I now yield to the gentleman from Tennessee [Mr. McMillin].

Mr. McMILLIN. I will not occupy the time of the House, as I think the gentleman from South Carolina has covered the question.

Mr. WILLIAM A. STONE. Then I will yield to the gentleman from California [Mr. Johnson] three minutes, or five minutes. How much time does the gentleman wish?

Mr. JOHNSON of California. I only wish to say this. I think the gentleman from South Carolina [Mr. Wilson] has covered the ground: and I am ready to vote. I think we are all ready to vote in favor of your motion. [Cries of "Vote!" "Vote!"]

Mr. BARTHOLDT. Mr. Speaker——

Mr. WILLIAM A. STONE. I will yield to the gentleman from New York [Mr. Foote]. Do you wish to occupy any time?

Mr. FOOTE. I see the House is ready to vote, and I am ready to vote.

Mr. WILLIAM A. STONE. Very well.

Mr BARTHOLDT. Mr. Speaker, I do not want to unnecessarily occupy the time of the House except to say that it is unfortunate that those members of the Committee on Immigration and Naturalization who have requested me to make this motion are not now present in the House, having left for their homes; so that, so far as the committee is concerned, I am the only one to defend my position. That I made the motion in good faith I trust the House will concede. I do not desire to endanger the bill, but the subject-matter is of so vast importance and, as I stated before, these Senate amendments cut so deeply into the most delicate relations of family, of society, and of life, that I thought I was justified in making the motion to recommit this bill to the House committee for the purpose of getting some new light, some additional information upon the amendments added to it by the Senate, which, Mr. Speaker, are being opposed, very bitterly opposed, by all the German newspapers of the country, and opposed by many reputable American journals. I ask the House to go slow, and in doing so we will do justice to people whose sentiments might easily be offended by a different course.

Mr. Speaker, there seems to be an impression among some of our friends who have spoken here that the bill, if it is recommitted, will be buried. Why, sir, it can be brought back from the committee at any time by special rule, and I stated at the outset of my remarks, and I repeat it here and now, that immediately after the reassembling of the House I shall call the committee together, and probably on the very first day of our meeting we can modify the bill satisfactorily and report it back to the House, and it can then be taken up by a special rule and disposed of in such a way as we desire to dispose of it.

Mr. Speaker, in urging my motion I am actuated by an undefinable fear that this bill will ultimately pass in a form that will not be acceptable to many people who I know are deeply interested in the subject. The character of the conferees on the part of the Senate is already known. The personality of the House conferees is not yet known, but I fear that if I do not insist on the motion to refer the bill back, it will be finally passed in such shape that I shall be unable to defend it, and our party will probably suffer by it. That is all I have to say.

Mr. WILLIAM A. STONE. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. Bowers].

Mr. BOWERS. Mr. Speaker, I simply want to call the attention of the House to the fact that if this bill is sent back to the committee, it will lose its present position and privilege, and even if the committee wanted to bring it up for consideration here, the chances are very much against it in this short session, with a very large amount of other important legislation pending. The vote to-day, therefore, is practically a vote on the bill.

Now, Mr. Speaker, every man knows that the vast majority of the people of the United States demand further restriction of immigration. We are their representatives, and if we do not do something in that line, we fail in our duty as such representatives. For my own State of California, I can say that nine out of ten of all the people are in favor of further restriction of immigration, in favor of a far more stringent bill than this, and if this bill fails to satisfy them it will be because it does not go far enough. I remind gentlemen upon this side of the House that this is not a new question, that it has been discussed for years, and you know, gentlemen, that the people demand some legislation of this kind at your hands and will hold you responsible if you do not accord it to them.

Mr. WILLIAM A. STONE. I yield five minutes to the gentleman from Delaware [Mr. Willis].

Mr. WILLIS. Mr. Speaker, I shall vote to send this bill to a committee of conference, for the reason that I want an early opportunity to vote in favor of a bill of this kind. I think that the House bill is a good measure, and there are some things in the amendments of the Senate that are good. I can say to the gentleman from Missouri [Mr. Bartholdt] that I think he need not be apprehensive of any radical action on the part of this House with reference to this bill. He need not fear but that both he and his countrymen have the profoundest respect of the American Congress and of the American people, as do all who come here from other nations and demean themselves as the great bulk of that people do. Daniel Webster once said, in that memorable speech of his on the "American Union:"

> This Union we reached by the discipline of our virtues in the severe school of adversity, and although our territory has stretched out wider and wider and our population spread farther and farther, yet they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, personal, and social happiness.

Mr. Speaker, these were grand words, breathing a magnificent sentiment. We indorse that sentiment to-day; but the words themselves indicated that there was a line beyond which the nation might go and incur peril. The great influx of immigration, the conflict of diverse conditions, have seemed to throw a shadow over this country during the last ten or twenty years, and now we call upon such citizens as the gentleman from Missouri and those from his own honored fatherland who have influence in the American community—we call upon them to join us in sustaining the dignity and the purity of the temple which our fathers built. We call upon them to join with us in guarding it against uncircumcised hands, so that it may be preserved through generations to come for such as may see fit to immigrate here from other lands and help to sustain and promote the highest and grandest and supurbest form of human civilization that the world has ever known.

Mr. WILLIAM A. STONE. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. Foote].

Mr. FOOTE. And then I shall ask to be recognized——

Mr. RAY. While the gentleman is on his feet, let me ask him a question.

Mr. WILLIAM A. STONE. Certainly.

Mr. RAY. Supposing this matter is referred to a committee of conference, when the conference report comes in, it will be open to debate, will it not?

Mr. WILLIAM A. STONE. Certainly.

Mr. RAY. And even if the conferees agree upon a report which the House does not like, it will be perfectly competent for the House to set it aside.

Mr. WILLIAM A. STONE. Oh, certainly. Sending it to a conference will simply give us an opportunity to settle the question.

Mr. FOOTE. Mr. Speaker, I am in favor of sending this bill to a conference, for the reason that it does not go far enough. Our people have asked for bread and this gives them a stone. Our people are asking for protection at our hands. My people are asking it. And I feel that I can not vote for a bill in so incomplete a form as this now is.

We should pass such a bill—and I believe the people of this country demand its passage—that our American workmen should have protection from the competition of immigrant labor first; and then, if there is anything left over—if we need development in this country, if our lands need population, after our American citizens have been satisfied and taken care of—pass such a bill that immigrants can come here if they show proper qualifications. But so long as one of our citizens looks for work in vain—so long as his place is filled by a foreigner, just so long our citizen workmen have a right to say that they are misgoverned and that our Republican party have a pledge unfulfilled. I am in favor of sending this bill to the conference committee and getting from them a protective immigration bill that will protect our workmen to the fullest extent.

Mr. WILLIAM A. STONE. Mr. Speaker, I now demand the previous question, unless the gentleman from Missouri [Mr. Bartholdt] will do so.

Mr. BARTHOLDT. If there is nobody else desiring to be heard, I move the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. Bartholdt to refer the bill and amendments to the Committee on Immigration and Naturalization, the motion was rejected.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio [Mr. Danford] to nonconcur in the amendment of the Senate and agree to the conference asked.

The motion was agreed to.

On motion of Mr. DANFORD, a motion to reconsider the last vote was laid on the table.

CONFEREES ON IMMIGRATION BILL.

The SPEAKER announced the appointment of the following conferees on the part of the House on the bill H. R. 7864, the immigration bill: Mr. Bartholdt, Mr. Danford, and Mr. Wilson of South Carolina.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. BINGHAM, the House resolved itself into Committee of the Whole on the state of the Union (Mr. Hepburn in the chair) and resumed the consideration of the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. Bingham rose.

Mr. QUIGG. I ask the gentleman from Pennsylvania [Mr. Bingham] whether he will not yield to me a moment while I give notice of an amendment that I shall offer at the conclusion of the general debate in order to perfect the substitute. I should like to have the amendment read now by the Clerk.

Mr. BINGHAM. The gentleman proposes simply to give notice of the amendment?

Mr. QUIGG. Yes, sir.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BINGHAM. Certainly, for that purpose.

The CHAIRMAN. The proposed amendment will be read for the information of the Committee of the Whole.

Mr. QUIGG. The object of the amendment will be apparent from the reading.

The CHAIRMAN. The amendment will be read for information.

The Clerk read as follows:

> *Provided*, That the organization of the force to be employed in the new Library building having been completed under the provisions of this act, removals shall thereafter occur only for cause and after full inquiry.

Mr. BINGHAM. That the gentleman desires to offer as an amendment to his substitute?

Mr. QUIGG. Yes, sir. I think, Mr. Chairman, I would have the right to incorporate that in the substitute at any rate. I want the amendment to go in that paragraph of the substitute which deals with appointments and removals, after the words "Library of Congress."

The CHAIRMAN. Does the gentleman ask now that this be considered a part of his substitute?

Mr. QUIGG. I do.

The CHAIRMAN. Is there objection?

Mr. BINGHAM. The gentleman offers his amendment, as I understand, simply for the information of the Committee of the Whole.

The CHAIRMAN. As the Chair understands, the gentleman from New York asks unanimous consent to modify the amendment heretofore offered by him so as to include what has just been read.

Mr. QUIGG. I ask unanimous consent to make that modification.

The CHAIRMAN. Is there objection?

Mr. BRUMM. I object.

Mr. BINGHAM. Mr. Chairman, in my remarks on this proposed legislation I shall detain the House, I trust, but a very limited time. The gentleman from New York [Mr. Quigg] who has offered the substitute, which has doubtless been read and fully understood by members of the House, has had fair and reasonable time for debate.

In reference to the Library of Congress—the possibility of its great usefulness in the future; its limited usefulness in the past, by reason of circumscribed quarters—it is unnecessary for me to either describe or enter upon any details. The House knows that by statutory provision in the future it can make the Library of Congress the great research as well as the great reference library of this country. The gentleman from New York has told us that the Library comprises 740,000 volumes. In addition to that it is well to submit that its field of usefulness is far greater than would be indicated by the sum total of its volumes. That Library embraces 40,000 maps, some of them not to be duplicated and most valuable and rare; 250,000 musical compositions; 200,000 specimens of graphic art, including line engravings, mezzotints, photographs, photograves, and every line of artistic work usually covered by the term "graphic art." With this vast aggregation of volumes, numbering hundreds of thousands, it is the fifth great library of the world, and is the substantial growth, as such, of the years since 1851.

Prior to 1813, when the Library was burned by the British with the Capitol in this city, it contained but 3,000 volumes. Again, in 1851, it was demolished by fire, and but 20,000 volumes remained of the whole collection after that disaster. In 1870 the copyright law was established, and the copyright law, Mr. Chairman, has been the basis of the accretions and additions to that Library. Copyright law has also been the basis of the several great libraries of the world. It has been specially beneficial to our own Library. The volumes added have averaged from about sixty thousand to seventy thousand dollars in value each year. That is how our Library has grown to its present magnitude—fifth among the great libraries of the world. Save and except the allowance of a few thousand dollars annually for the purchase of rare and valuable books from abroad, the additions to the Library have mainly come from the copyright law, added to such donations as have from time to time been made.

Here in this connection I desire to pay briefly a tribute to the present Librarian, Mr. Spofford. It was through his force, persistency, and comprehensive knowledge of the conduct of the libraries of the world and the operation of the copyright law abroad that Congress in 1870 adopted the law which has virtually, in effect, built up our Library to its present enormous proportions and gives to that establishment two volumes of every American publication that comes under the limitations and privileges of the copyright law.

Without going into the question of the usefulness of the Library, which is wholly under control of Congress, and without stating that its usefulness to-day, under the statutes, is most limited, I propose to proceed to explain the bill as reported by the Committee on Appropriations prior to entering upon a general discussion of the substitute proposed by the gentleman from New York [Mr. QUIGG]. The first paragraph provided in the bill is for a Librarian at $6,000 per annum. In that appropriation we follow the wording of the law from 1870, when the copyright law was added to the duties of the Librarian, and his compensation was then fixed at $4,000.

The wording in this bill is the wording of legislation since 1870, with this exception, that we increase compensation of the Librarian $2,000. This increase is justified, first, as a recognition by Congress of the great responsibility, great obligations, and the larger duties that will devolve upon him in the new building where the Library will be transferred during the next three months; and secondly, because of the increased bonded obligation which we have required. We believe that under these circumstances the Librarian is justly entitled, as an official with great labor and trained experience, to a larger compensation than heretofore received. We increase that compensation under what we call the existing law. We do not change the title or name of Librarian. We do not infringe upon his duties, but as we increase his force and as we increase the compensation of certain subordinates in the details of work in the new Library building, impossible to be done in the old one, we have felt it proper to increase his compensation, because increased work will be demanded of him in the new quarters. We in no wise in the paragraph change existing law. Existing law, made in 1802, declares that the Librarian shall be appointed solely by the President for the Library of Congress. That law remains unchanged, and President Cleveland to-day can by a mere stroke of his pen change or remove the Librarian of Congress for any cause or reason good to himself, or for a more efficient administration of the Library.

The Librarians of Congress up to the present time have occupied virtually a life position, or so long as fitness and usefulness continued. We make no change whatever, either as to the President's power of appointment solely or in the manner suggested by the substitute of the gentleman from New York, by and with the confirmation of the Senate.

The Librarian holding virtually a life position, to emphasize my statement let me invite the attention of the committee to the fact that under the act of 1802 the Clerk of the House for the time being was appointed to act as Librarian of Congress. Gentlemen will understand that the Librarian then had comparatively few duties to perform, as the volumes embraced in the Library amounted to only a few thousand volumes—not exceeding 3,000 volumes.

From 1802 to 1807 John Beckley was Clerk of the House and acted in that capacity. From 1807 to 1814 Patrick Magruder was Clerk of the House and was named to take charge of the Library under the then law. The first commissioned Librarian—commissioned by President Madison—was George Watterston, appointed in 1815 and served until 1829. He was removed, having been the editor of a paper in antagonism to Jackson, censuring Jackson, criticising his family relations, and was removed largely, perhaps, on personal grounds or because personally offensive. He had been in office from 1815 to 1829. John F. Meehan was appointed by Jackson, and remained in office from 1829 to 1861. President Lincoln appointed Mr. John G. Stephenson, who served from 1861 to 1864, when Mr. Stephenson resigned, being ambitious for other honors and distinctions under the Administration. The present Librarian, Mr. Spofford, entered the Library in 1861 as assistant librarian. His appointment as Librarian was made by Mr. Lincoln in 1864, and he is to-day in possession of the office.

Your committee's bill changes no law. We leave it as it has been executed since 1815, the only change being an increase of the compensation of the Librarian of Congress, $2,000. The question as to the individual who is to receive that increased compensation will not be settled, under the provisions of the bill, until the 1st day of July, 1897.

The first change in connection with existing law is in recognition of the increased force that will be necessarily employed under the provisions of the House Appropriations Committee bill now before us. Up to this date there have been but 43 in the subordinate force employed in the Library. Up to 1893 there were only 30 subordinate employees, all of whom, however, had been appointed by the Librarian. We make this proposed increase in view of the necessity of a larger force for the conduct of the work in the new Library building, qualified by the following words:

> To be selected by the Librarian of Congress by reason of special aptitude for the work of the Library, including the copyright work and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe.

Following these words we give the detailed force. I need not emphasize the statement of the wisdom of the incorporation of what might technically be called new legislation—but which is new legislation only in the line of good government, and remains in this bill fairly to be considered, the point of order having been overruled—as part and parcel of the paragraph, to be voted upon by this committee.

I again emphasize that every appointment from 1815 up to to-day has been made by the Librarian, and has been largely and almost wholly made under specific acts of Congress directing the Librarian to make the appointments, his subordinates being increased from time to time.

Mr. QUIGG. Will the gentleman point me to any law of that kind?

Mr. BINGHAM. It was my purpose to refer to that subject when I reached it in the subsequent paragraphs of the bill.

Mr. QUIGG. Well, I do not want to interfere with the gentleman's statement.

Mr. BINGHAM. I will submit that I have simply searched from 1867 up to and including the first session of this Congress. I have a number of statutes wherein specific authority is given to the Librarian to employ a subordinate force; but I will advert to this when I come to the gentleman's paragraph as to the power of removal and appointment.

Mr. Chairman, under the paragraph relating to the detailed force for the Library, there is an appropriation in all of $93,050. We have taken the recommendation of Mr. Spofford, which is a part of the Book of Estimates submitted by the Treasury Department for the consideration of the Committee on Appropriations and the House, which is also, with some nine additional force, the recommendation of the Committee on the Library, whom we heard before the Subcommittee on Appropriations.

In other words, in the sum total of the force, in its subordinate divisions, and in its numbers, there is no contention between the recommendation of the Committee on the Library to the Appropriations Committee and the recommendation of the Committee on Appropriations to this House, as included in this bill, with the one qualification that we require the Librarian of Congress to make certain rules and regulations for the appointment of his subordinate force.

The gentleman in charge of the substitute [Mr. QUIGG] doubtless received the same information as to the necessity for this subordinate force of the Library, and received it from Mr. Spofford, as we did. It only increases the force, as recommended by Mr. Spofford to the committee, by nine. We accepted the gentleman's recommendation because that additional force of nine goes

to the cataloguing of the Library, and he stated in his testimony that he thought with this increase of nine, specially detailed to make a catalogue of the Library, it could be done in about three years. We give the nine additional men recommended as a part of the necessary force for the conduct of the Library; and we go as far as we think wise by appropriating for the first year. Therefore, as to the first paragraph of the bill, with reference to the subordinate force, there is no contention, save that which would allow the Committee on the Library to appoint and remove.

Mr. RAY. Do I understand the gentleman to say that he has made provision here for cataloguing the Library?

Mr. BINGHAM. All that has been asked for by the Librarian and all that has been asked for by the Committee on the Library.

Mr. RAY. Does that include the law library?

Mr. BINGHAM. It is the entire Library of Congress, and the Library of Congress is divided into two parts—the library proper and the law library.

Mr. QUIGG. I will say to my colleague from New York [Mr. RAY]——

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BINGHAM] yield?

Mr. BINGHAM. For an inquiry, of course.

Mr. QUIGG. I want to make a statement in answer to my colleague from New York [Mr. RAY] that it is believed that the force of cataloguers carried in this bill can, in the course of three years, make a fair catalogue of the Library, including the law library, but not a subject catalogue.

Mr. BINGHAM. I was going to refer to that matter.

Mr. RAY. Mr. Chairman, of course I do not want to interfere with the gentleman.

Mr. BINGHAM. It is no interference.

Mr. RAY. But my attention has been called for so many years to the want of a good catalogue of this Congressional Library, and especially the law library, that I do hope that in some way, at this time, the committee will set on foot measures to properly catalogue this Library, so that we may know what there is in it, so that the officers of this Library may know what books they have, and so that we can obtain them when we desire them for use.

Mr. BINGHAM. I submit to the gentleman we have given every subordinate in connection with that work asked for by Mr. Spofford and an addition of nine, as requested by the Committee on the Library.

Permit me to state in that connection, as something was said in connection with the card catalogue now used by the Library—the only means of knowing the contents of the Library—that there are 740,000 cards. Mr. Spofford recognizes, as I think all do, that the most modern convenience, so far as the handling of a library is concerned, is by what is called a "card catalogue." There are 740,000 of these cards in connection with our Library. I asked Mr. Spofford as to whether there was any possibility of loss of cards, and he said he thought not, that it would be very great exception if there was a loss, as whenever a card is taken out a colored slip of paper is inserted in its place to indicate that that volume and that card were out. While 740,000 might seem a large number, they are absolutely under the control and care of the Librarian, and therefore not open to loss. To exhibit to you fully the extent to which cards are used in great libraries and records for reference, I telegraphed this morning to Colonel Ainsworth, who has charge, as gentlemen know, of all that portion of the records which contain the muster rolls in connection with the Record and Pension Office, as to the number of cards he had in his "card catalogue," as it may be called. He telegraphed:

> Index record cards made by this office from muster rolls, hospital registers, and other records number 45,821,340 on December 19, 1896.

This shows you how valuable is a card catalogue.

Mr. QUIGG. The gentleman understands, of course, in that case there is an original record given, but in the Library there exists nothing except this card catalogue. There is no original. We have no record of books as they come into the Library, and there is no shelf list which would give any indication of what is taken from the Library.

Mr. BINGHAM. I am not discussing that point, because I am giving the gentleman all he desires in subordinate force. I am simply showing to what extent the card catalogue to which he refers is used.

Mr. QUIGG. Precisely; but the point I make is that under the present government of the Library, there is nothing but this card catalogue to show what the contents of the Library are.

Mr. BINGHAM. You have nothing but the present form, but we have given all the force you have asked.

Mr. QUIGG. I am quite satisfied with the appropriation.

Mr. BINGHAM. With reference to the catalogue, we have increased Mr. Spofford's estimate, and given the nine additional that your committee asked.

So much as to the first paragraph of the bill, it being for the appointment of the Librarian and also the work in connection with the Library business. Now to the next paragraph of the bill. Again your Appropriations Committee bill follows the existing law word for word.

We use the words that have been used, I may say, ever since the copyright law became a part of the duty, under the act, of the Librarian of Congress. We give him the necessary force. There is no disagreement on the part of the Committee on the Library and the recommendation of the Committee on Appropriations. We give the same total of dollars and cents. We give the same total of subordinate force that the gentleman gives in his substitute.

In his bill the gentleman has an officer not heretofore called for—register of copyrights. We felt that we had no discretion in that matter, in view of the fact that it is indicated by the law who should have charge of and who should act as copyright register; and we thought that touching upon that proposition we would leave the law about the register's work just as it stands to-day and increase the subordinate force, and let the responsibility rest on the Librarian. Now, here are the words of the statute:

> That all records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress and kept and preserved in the Library of Congress, and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

The Joint Committee on the Library of Congress have two powers by law—one to make regulations consistent with law, under the law, not contrary to law; and under the copyright law it is provided that, under the supervision of the Joint Committee on the Library, he (the Librarian) shall perform all acts and duties required by law touching copyrights. That has been on the statute book since 1870. We therefore make no change in the law in that respect. We continue it just as it was in the appropriation bill under which we are now working, and for which gentlemen voted at the last session of this Congress, and we increase the force just as the Librarian asks for it. And the gentlemen of the Joint Committee on the Library, governed, doubtless, by Mr. Spofford's recommendation, asked for the same thing, and therefore on that proposition there is no contention between the gentleman's substitute and the bill before us.

The next paragraph is as to the custody, care, and maintenance of the new Library building. Of necessity, Congress must take care of that building. It takes care of all the public buildings by appropriations for "custody, care, and maintenance," which has been the mode of appropriation in all the appropriation bills. The maintenance, care, and custody of the new Library building up to this time has been paid for out of the appropriations made for the construction of that building, and it has never been disputed by the Comptroller in the adjustment of the accounts.

What do we do? We give everything that has been asked for by Mr. Green, who has charge of the building, finishing the construction and completing it for occupation; we give every man and every dollar asked for by Mr. Spofford. The matter has been gone over by the Joint Committee on the Library, and they recommend every subordinate we ask for in our bill, the only difference being that we have incorporated an increase of one messenger at the request of the Committee on the Library. Therefore, on this part of the bill there is no contention between us; we give all that is asked for. Next comes the purchase of books for the Library, etc. The only difference between the substitute of the gentleman from New York and our bill here is that he proposes an increase from four thousand to eight thousand dollars for the purchase of books. We had that question before us on the day before yesterday, when the gentleman from New Jersey [Mr. PARKER] moved an increase of $25,000, and the committee determined to let it remain as it stood in the bill, as recommended by the Committee on Appropriations. That has been the appropriation for several years past, so that in this particular we have made no change.

"Contingent expenses of the Library, $500." That is what has been given for this purpose heretofore. "Expenses of copyright, $500." The gentleman's bill increases that to a thousand dollars. We thought that what had been heretofore given was ample.

The next paragraph relates to the furniture for the Library reading rooms, etc. For that we give $50,000, and we give $6,000 for the removal of the books from the old building to the new. Upon the examination of Mr. Green, we ascertained—what was simply a corroboration of the statement of General Casey a year ago—that the building would be ready for occupation in February of this year, or certainly by the 1st of March. Mr. Green has stated that the building will be ready for the new Library on the 1st of March. He further states that of the appropriations heretofore made for the new Library building there will be an unexpended balance of between fifty thousand and seventy thousand dollars; that is my recollection.

Mr. RAY. Do I understand the gentleman to say that we are to appropriate $6,000 to carry the books over from this building to the new Library?

Mr. BINGHAM. Yes, sir; that is the best estimate we could get.

Mr. RAY. I will take them over for $600. [Laughter.]

Mr. BINGHAM. I am afraid the gentleman would have to give a bonus of some of the most valuable books. [Laughter.]

Mr. RAY. Not at all.

Mr. BINGHAM. Well, I regret, Mr. Chairman, that the gentleman did not come before the committee when they were considering that subject, because he might have obtained the contract.

Mr. RAY. I will take it now.

Mr. BINGHAM. On that point, I submit that we availed ourselves of what we considered the best judgment that could be obtained—namely, that of Mr. Spofford—and it was also the opinion of the Joint Committee on the Library that $8,000 would be required.

Mr. QUIGG. I beg pardon.

Mr. BINGHAM. Did you not say $8,000?

Mr. QUIGG. No, sir; we made no such statement or recommendation. We did not go into that question.

Mr. BINGHAM. Well, that is the amount we recommend, and if it is not found necessary to use it all the balance will be unexpended. My recollection, however, is that the inquiry was put to the gentleman from New York, and that the Committee on the Library were willing to supervise the work, but said that when they got the power to do it they would simply send for Mr. Spofford or Mr. Green and have the books carted over. Perhaps the gentleman's idea of "carting" over the books was like that of his colleague from New York [Mr. RAY], that it could be done for a few hundred dollars. We recommend an appropriation of $6,000 for that purpose, which will be expended under the supervision of the Librarian, and expended, as all other public money is expended, subject to supervision in settlements by the Comptroller.

Mr. RAY. I suppose that amount includes the cost of selecting the books and carrying them over?

Mr. BINGHAM. It includes all that pertains to the transfer of the books from one building to the other. This money we do not appropriate in our bill, but we make it available from moneys already appropriated for the building.

Mr. QUIGG. Will the gentleman allow me a question right there?

Mr. BINGHAM. With pleasure.

Mr. QUIGG. The gentleman has indicated to the committee that his bill appropriates a certain sum of money for the removal of the collections and a certain sum of money for furnishing the Library. Now, who, under his bill, is authorized to remove the collection, and who to furnish the Library?

Mr. BINGHAM. The Librarian of Congress, who has always had within his jurisdiction the purchase of all furniture for the present Library, and who has also handled the books, and charged the expense to miscellaneous items. Who better than the Librarian (whoever he may be) can make that selection of furniture and provide for the transfer of the books?

Mr. QUIGG. Why, an engineer, of course.

Mr. BINGHAM. An engineer would not know anything about it.

Mr. QUIGG. There is a very large and serious problem of engineering involved in the transfer of those books.

Mr. BINGHAM. But the gentleman's amendment gives that power to the Joint Committee on the Library.

Mr. QUIGG. "The gentleman's amendment" gives it to somebody, and your bill gives it to nobody.

Mr. BINGHAM. Our bill gives it to a man to whom properly belongs the supervision of such matters; we give it to the Librarian, who is himself to take charge of that line of work.

Mr. QUIGG. Not in your bill.

Mr. BINGHAM. We give it to the Librarian; that is the whole purpose of the provision.

Mr. QUIGG. Under your bill, he will commit a felony if he takes one of those books out of the Library.

Mr. BINGHAM. Well, I think we will stand the risk of the felony.

Now, Mr. Chairman, I have shown how closely we have adhered to the law of 1802—how we have not infringed and impinged upon the statute conferring power upon the Joint Committee on the Library. We have only in our bill changed the qualifications necessary for a subordinate force to be employed by the Librarian of Congress upon examination and subject to certain rules. We have also made available for the transfer of books and for the furniture certain moneys heretofore appropriated for the construction of the building and not expended. That is our bill. We have observed Mr. Spofford's recommendations; we have observed Mr. Green's recommendations; we have observed the recommendations of the Joint Committee on the Library, except in the new legislation which gentlemen desire to have passed by this House in order that the Joint Committee on the Library shall not only have charge of the Library, but shall control it in every particular.

I will now take up the provisions of the gentleman's substitute. It proposes (and this is new legislation):

> Upon notice by the Joint Committee on the Library to the President of the United States that the new building for the use of the Library of Congress is ready to be occupied, the President, by and with the advice and consent of the Senate, shall appoint a director of the Library, who shall receive an annual compensation of $7,500, and who shall have charge of the Library of Congress, under such rules and regulations as may be lawfully established from time to time. The director of the Library shall give bond, payable to the United States, in the sum of $50,000.

So far as the bond is concerned, the House has already determined, by the adoption of the amendment of the gentleman from Missouri [Mr. DOCKERY], that bond shall be given in the sum of $50,000 in lieu of the bond now given. The gentleman's propositions in the first paragraph of his amendment change existing law as it has been on the statute books since 1802 and as it has been observed by the various Administrations which have been in power. From 1815 up to the present time there have been (including Mr. Spofford's commission, which began in 1864) four Librarians of Congress. President Cleveland, in his first Administration, continued Mr. Spofford; President Cleveland, in the present Administration, has continued Mr. Spofford. Who may be the Librarian in the future I do not know. The new Administration will come in on the 4th of March next, and from that time until this legislation goes into effect it will have ample opportunity for the consideration of everything that may be necessary to the reaching of a clear, proper, and wise conclusion as to who should be the Librarian of Congress under these new provisions of law.

In this connection, let me read from the gentleman's testimony before the committee.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. BINGHAM. With pleasure.

Mr. McMILLIN. I see that in the bill of the committee, and I believe in the amendment of the gentleman from New York, provision is made for a Librarian at $6,000 a year. What is the salary of the Librarian at present?

Mr. BINGHAM. It has been $4,000 since 1870.

Mr. McMILLIN. That was my recollection; so that this is an increase of $2,000. Now, in view of the fact that this is an office in which the incumbent is generally continued for a very long term, and the duties of which are to be discharged in but one place, I ask my friend whether he does not think $1,000 an ample salary?

Mr. BINGHAM. The Committee on Appropriations went over that ground very thoroughly. We listened with great patience as well as great instruction to the representatives of the Joint Committee on the Library with reference to certain provisions covered by their recommendations. We heard also, as stated by Mr. QUIGG, the recommendations of the leading librarians of the country with reference to the great obligations and responsibilities imposed upon such an officer as the Librarian of Congress, in view of which those leading librarians asked that the salary be fixed at $7,500. But your committee thought that such a proposition might meet with opposition. We concluded that $6,000 was a fair compensation for a trained, experienced, and scientific man to administer this great work. The bill was brought into the committee from the subcommittee with $6,000 recommended as the salary; we have brought the bill into the House from the general committee with that recommendation, believing that $6,000 will be a fair compensation.

Mr. McMILLIN. Will the gentleman allow me one further remark? The members of Congress, who are asked to fix this salary at $6,000, receive for their service during a limited term only $5,000 a year. In addition to that, a majority of all the governors of the various States receive less than $5,000 a year. The judges of many of the courts, both State judges and, as I remember, most of the Federal judges, receive less than $6,000. I confess, therefore, very candidly, that I am wholly unable to see why there should be given to the Librarian of Congress by this bill a salary higher than $5,000.

Mr. BINGHAM. Well, the gentleman of course knows all of his privileges, so that when we come to that paragraph in the bill he will be at liberty to exercise them. I have stated why we did it, and largely on the basis of the argument of the gentleman from New York himself.

Mr. QUIGG, in speaking of Mr. Spofford, submitted—

> That he had shown by his conduct of the Library, and I think the fact is entirely familiar to the committee, that he has been unable to deal with all of the work committed to him by Congress. I do not know that anybody could have dealt with it more satisfactorily than Mr. Spofford.

That condition of affairs is no fault of the present Librarian, but is largely due to the limited quarters and the inroading upon him of the Library work, increased, as it was increased, by the copyright law. He was helpless.

We recognized that fact as one argument in connection with the necessity for enlarging the compensation of the Librarian. And again he states:

> That the libraries of the world of to-day are conducted on a very different principle or basis from this one. Librarians are now professional. They are men who are educated to the business of conducting libraries. It is a course of a few years' study and is maintained in the schools of the State of New York. A gentleman familiar with library business, being engaged in the principal school there, teaches a class this profession. He was president of a college that trained librarians; he is now teaching that science in Columbia College, and it has become a distinct profession in itself.

In recognizing the valuable statements of the gentleman from New York, who had made an examination of the leading libraries of the country and the great libraries of the world, we thought that $4,000 was too small a salary for the incumbent of this great office and that $7,500 would perhaps be in excess, and we compromised on what we thought a reasonable sum, $6,000.

The President "shall solely appoint" is the language of the law. Since 1802 this statute has been on the books, that the President shall appoint solely, without confirmation by the Senate, a Librarian of Congress. I have told you the limit of that act when it was placed upon the statute books and what its administration has been. We leave the law just as it is in that regard. The gentleman from New York proposes, however, that when the next Administration comes in the President "shall appoint;" that he shall not only appoint, but immediately, and he takes the power of selection "solely" from him and makes it subject to confirmation by the Senate—a four years' tenure.

Mr. QUIGG. I beg the gentleman's pardon. There is nothing in my amendment which provides a term of that sort.

Mr. BINGHAM. Certainly, not directly; but I submit to the gentleman that when such questions come before the Senate for confirmation, by and with the advice and consent of the Senate, they are treated as a four-year tenure.

Mr. QUIGG. They are not, unless the statute so provides. I would suggest to the gentleman that special care—that, in fact, too much care can not be exercised in the selection of a Librarian.

Mr. BINGHAM. I agree with the gentleman most heartily.

Mr. QUIGG. And I want to remind him that by my substitute the conduct of the Library is imposed upon a joint committee of Congress. The joint committee then would be in control, substantially, of the Library. We hold that, the control being retained in Congress, no harm would result, but very great good might result, from an appointment in the usual way, so that the qualifications of the Librarian would be thoroughly discussed.

Mr. BINGHAM. I have clearly answered the gentleman with reference to that point. I have referred to the effect of the law, and the appointments under existing statutes which have been in existence for many years. I may say to him by way of repetition that during all of these years there have been but four appointments made.

But the gentleman suggests now that the Library Committee have custody of the Library in the bill. I am coming to the very next line in his bill. I have already passed the paragraph in relation to the direct control of the Library by the simple statement that we continue the law, that we do not change it, and say to the incoming Administration you shall do so and so, and by and with the advice and consent of the Senate. We leave that just as it is.

I come right at once to the gentleman's paragraph, that this director of the Library shall have charge. What does the gentleman mean by the direction being in the Joint Committee on the Library? This director shall have charge of the Library—

> Under such rules and regulations as may be lawfully established from time to time.

Of course he is governed by the law of Congress. He is governed by the regulations in the statutes which we now allow to exist; but the gentleman, further on in the bill, instead of leaving the Librarian, or director, as he calls him, "in charge," continues the power "under such rules and regulations as may be lawfully established from time to time," takes from him the right to appoint and remove subordinates, takes from him every right; and a little further on, I will show you that when they come to remove the Library, the Library Committee want to fix the places in the Library where history shall be, where biology shall be, where the sciences shall be, where fiction shall be. They take absolute control.

Therefore, I say to the gentleman that in this bill and its subsequent paragraphs he has taken from the director of the Library every possible control of the force, every possible adjustment of the great volume of music and prints and books. He takes from him every power that he possesses and vests it in the Committee on the Library.

The Librarian shall give bond. We have covered that.

Now he abolishes the Librarian and makes him a director in charge.

> The Joint Committee on the Library—

Here the gentleman comes in for power—

> The Joint Committee on the Library is hereby empowered in behalf of Congress to assume the charge and custody of the new building for the Library of Congress.

The committee takes charge of the building absolutely—

> To make rules and regulations for its occupancy and use.

We give him "regulations" under the old law which we allow to stand. The gentleman adds to it "rules"—

> For the accommodation and display in the said new building of the Library collections.

Again repeating myself, they take all control from the director of the Library—this gentleman who, as it appears from the testimony before the Committee on Appropriations, "is a trained, experienced man," which I grant, this being a technical line of work for which he is trained. It is proposed to take that capable man, at $6,000 a year, and tell him by an act of Congress "there is nothing you can do, but the Joint Committee on the Library can do it." I say to the gentleman, we could get a man perhaps to carry out the gentleman's provisions at almost the reasonable sum that the gentleman from New York [Mr. RAY] mentioned in connection with the removal of the Library—$100.

Mr. RAY. I said $600.

Mr. BINGHAM. The Joint Committee on the Library propose to take absolute control. Now, what do they do next? They say to Mr. Bernard R. Green:

> And upon satisfactory proof that the duties heretofore conferred by law upon Bernard R. Green in relation to the construction and completion of the said new building have been fully performed, the Joint Committee on the Library is authorized to discharge the said Bernard R. Green of all duties and responsibilities in connection with the said building.

They start right away on the removals. But let us see whether that is necessary. I make the statement to this committee that every public building constructed by the Government, supervised and controlled in construction by its officers, has need of no transfer whatever. Why, although the city post-office in Washington is not yet completed, its occupancy has already been apportioned by the Secretary of the Treasury. Mr. Green is not a contractor to deliver anything to us. He is an officer of the Government, empowered by Congress to do a certain act. So was his predecessor empowered to do such an act. He has officially informed us that the Library will be ready in March, or at the end of February. We take official cognizance of that. We put in our bill an appropriation of $6,000 for the removal of the old Library, and $50,000 for furniture, and Mr. Spofford, or whoever may be in charge, will commence to move just as soon as this is available.

Why, the State, War, and Navy building, almost as large as the Library building, was never formally transferred. Permit me to state, in connection with Mr. Green, the committee propose to summarily dispose of him. Mr. Green is disposed of by law, and of necessity. He turns the building over, and his work is completed.

General Casey built the State, War, and Navy Department building. General Casey built the Washington Monument. General Casey had the construction of this great building from its inception. He died one year ago. There was never any formal transfer of any one of these great Government structures. This building is in possession of the Government to-day as fully as if it had been formally transferred. Mr. Green was with General Casey for thirty years, was his leading man in the construction of the State, War, and Navy building, his leading subordinate with reference to the Washington Monument, and his leading, valuable subordinate in the construction of the Library of Congress. To-day, by special act of Congress, he is continued as General Casey's successor. We need no transfer.

This bill appropriates for the removal of the books, and we have it officially that the Library will be ready by the end of February. Why do you want Mr. Green to notify the joint committee of Congress, and the joint committee of Congress to notify the President, that the building is ready, and that he shall appoint a Librarian, by and with the advice and consent of the Senate, and that the joint committee shall immediately turn out Mr. Green by act of Congress? It is not necessary.

We shall have possession of that Library in February. The books will be removed, and we provide for their removal; but the joint committee want to do that. They want to handle that $6,000 which is to be expended for the removal that the gentleman from New York [Mr. RAY] says can be made for a few hundred dollars.

Mr. RAY. I did not say one hundred; I said six hundred.

Mr. BINGHAM. The Committee on the Library want to buy the furniture. That is wholly unnecessary.

Now I come to the next point:

> That any balance—

We concede a balance of between $50,000 and $70,000—

> That any balance now existing of the appropriations heretofore made for the construction and completion of the said building is hereby rendered available not only for that purpose, but also to furnish and equip the said

building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building—

We reach now what, vulgarly speaking, may be called the milk in the cocoanut. They tell you how this appropriation shall be used—

and the Joint Committee on the Library is hereby directed, through such agencies as it may select, to effect the removal of the said Library collections and their arrangement in the new building, and to purchase the necessary furniture for the furnishing and equipment of the said new building; and all expenses incurred in carrying out the provisions of this paragraph shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.

The Joint Committee on the Library are going to be purchasing agents, and purchase the necessary furniture for the furnishing and equipping of the new building. They want to move the Library. They want to determine where each division and character and line of work shall go in the building. Then they want to buy the new furniture through such agencies as they may select. And in the matter of the appointment and removal of employees they want absolute charge.

I desire to know where this director of the Library is to come in; this gentleman whom they recommended to the committee at $7,500, but for whom they now accept $6,000 as a fair compensation. I wish to know what he is to have charge of when he goes into the new building.

Mr. RAY. I suppose he is to look on, and smile, and approve. I want to ask the gentleman, right there, who is to purchase the furniture?

Mr. BINGHAM. The Librarian has always purchased all the furniture for the Library. He will purchase it here, and his accounts will go through the accounting officers for verification.

Mr. RAY. That leaves it simply to the discretion of the Librarian.

Mr. BINGHAM. He enters into a bond of $50,000. It is not a great responsibility. It consists in the purchase of desks, chairs, and racks. It is not the draperies and things beautiful that you see in your house. It is practically the furniture for the Library, and it is more wisely left to him than it would be to leave it to the gentleman himself or to myself, however much we might think ourselves capable of buying such goods.

Mr. RAY. I fully agree with the gentleman on that. I simply desired to know who has the control of that.

Mr. BENNETT. Mr. Chairman, I desire to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BINGHAM. With pleasure.

Mr. BENNETT. Do I understand the gentleman from Pennsylvania to say that General Casey was entitled to any credit for the architectural features of the new Library?

Mr. BINGHAM. Mr. Chairman, I did not say a word about the architecture. General Casey had plans and specifications.

Mr. BENNETT. The plans and specifications were prepared by Mr. Smithmeyer.

Mr. BINGHAM. I am not taking from or detracting from what any trained or disciplined architect did. I am merely speaking of the great responsibility that the Government had placed on General Casey. Of the State, War, and Navy building the architect was Mr. Mullett, the designer of the Washington Monument I do not remember, and Mr. Smithmeyer was the architect of the Library. That is all on record.

Now you come to this plan of the committee:

That the Librarian shall have power to establish rules and regulations for the conduct and use of the Library of Congress and to employ and remove all persons, with the exception of the director of the Library, for whose compensation as employees of the Library provision is made in any act of Congress.

Gentlemen, that is evidently the whole purpose of this added legislation. There has been no criticism as to the administration of the Library of this subordinate force that I have heard of, save that which I heard of a few days ago—that this subordinate force was the result of the pressure of a few men on the Librarian, and that he had yielded to that pressure; and they even went so far as to say that my friend from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, had some 14 or 18 of these appointments. When we come to consider——

Mr. RAY. Well, I presume that accounts for the bad condition of the Library—the disorderly condition.

Mr. BINGHAM. When we come to consider that up to 1890 there were but 30 of this subordinate force, there could not have been very much pressure so far as change was concerned. The force now numbers 42 or 43; that comprises additions that have been made by Congress since 1890. Who have received those appointments I do not know, and I do not care; but I do know that the chairman of the Committee on Appropriations has had no such number, if any number at all, to justify that remark around the Capitol.

Mr. CANNON. If the gentleman will allow me.

Mr. BINGHAM. With pleasure.

Mr. CANNON. As long as the gentleman has mentioned it and it has floated around, I suppose I may do what I did not intend otherwise to have done. I do not know anybody on that force except two. One is the Librarian, Mr. Spofford, and I am not acquainted with any others except one, who is an individual appointed on my recommendation. So far as I have any recollection, I never recommended anybody except this man who was appointed upon my recommendation, but even that not until I had the blessing and recommendation of the House chairman of the Committee on the Library, the gentleman from Pennsylvania [Mr. HARMER], whom I thanked at the time and now thank. That is all there is of that. The fourteen seems to fade to one, and I am under many obligations to the gentleman from Pennsylvania [Mr. HARMER], because it was a very worthy appointment to be made.

Mr. HARMER. That is correct.

Mr. BINGHAM. Now, let me say, as the gentleman has concluded that point of my argument, we propose to increase this force to 187 subordinates. That includes the subordinates to the Library, subordinates under the copyright law, and the subordinates for the care, custody, and maintenance of the Library building. The force is now 43. We increase the force to 187—144 new appointments. The gentleman, in my earlier remarks, asked me to refer to any act of Congress wherein power had been given the Librarian to appoint. I make this first preliminary statement: There never has been since 1815 an appointment made on the force of the Library of Congress that has not been made by the Librarian, and very often by the direction of Congress that the Librarian shall make the appointment. The act of 1867 says:

To enable the Librarian of Congress to employ two additional assistants etc., $2,400.

In 1871, in relation to adjusting and fixing the salaries of the employees in the Library, then fourteen in number besides the Librarian, the act gave him full power to adjust and fix the salaries of his subordinates.

To enable the Librarian of Congress to employ two assistants in connection with the work of the copyright department.

To enable the Librarian of Congress to employ enough clerical force to complete the alphabetical index.

For three additional assistants, at $1,200 each, to be employed in the Library.

1890. That the Librarian of Congress be authorized to employ three assistants, at a yearly compensation of $1,200 each.

1894. Whereas by the passage of the copyright law additional labor was placed upon the Librarian of Congress: Therefore,

Be it resolved, etc., That there is hereby appropriated the sum of $6,500 for the employment of additional clerical force, under the direction of the Librarian of Congress.

1896. For the employment of eight clerks, at $900 each, under the direction of the Librarian of Congress, necessary for the execution of the copyright law. February 26, 1896—

Our own act—

to enable the Librarian——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McCREARY of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania in charge of the bill be permitted to continue his remarks without limit.

There was no objection, and it was so ordered.

Mr. BINGHAM. Mr. Chairman, there are several other acts that I might cite, but I have looked back only as far as 1871. In fact, however, all the acts of Congress since then, and certainly all the acts before then, have contained similar provisions, although the force was then quite limited, being 20 in 1890 and 43 now, in 1896-97. Every one of those acts, I say, gives the Librarian the power, either directly or by implication, and under those acts he has appointed every one of his subordinates, and I have never heard any criticism upon the subordinates.

Mr. McCREARY of Kentucky. The gentleman has just stated, as I understand him, that the number of employees in the Library at present is 43, and in the pending bill his committee recommends that the number be increased to 187.

Mr. BINGHAM. Yes, sir; an increase of 144.

Mr. McCREARY of Kentucky. I desire to ask the gentleman whether the committee has looked carefully into the necessity for such a large increase.

Mr. BINGHAM. Probably the gentleman was not present when I went over that matter very thoroughly. The committee took Mr. Spofford's judgment as to the force required in connection with the Library and the carrying out of the copyright law, and it took also the judgment of Mr. Green in regard to the custody of the new building. He has been with the building since its inception and is very competent to judge upon that question. The subject has been gone into very carefully and critically by the Joint Committee on the Library, who have had the advice of the leading librarians of the country who have examined the new building. The Committee on the Library did not think that we gave enough force, but we follow the estimate of the Treasury Department, as recommended by Mr. Spofford and Mr. Green, and add nine additional men recommended by the Committee on the Library for the special purpose of commencing a catalogue of the Library, the idea being that they, with the other increased force, will probably be able to make a catalogue within the next three years. We have gone into the question as thoroughly as we could, and the joint committee have gone into it as thoroughly as they could, and upon this point there is no controversy between the two committees.

Mr. McCREARY of Kentucky. Mr. Chairman, I asked the question only for information and not to indicate any antagonism on my part to the committee's proposition. On the contrary, I am with them in their proposition, but I wanted to bring out some information on that point.

Mr. BINGHAM. Now, Mr. Chairman, the Committee on the Library ask to employ and remove all persons. The House heard the gentleman from Missouri [Mr. DOCKERY] in the close of the debate on Friday last, when he stated that under the bill of the joint committee, from the assistant librarian, at $4,000 a year, running on through this force of 187 subordinates down to the charwomen, the "director," as the committee would have him in their bill, the Librarian, as we call him, could not remove a single one of the subordinates. Understand, that "director" or Librarian is to be the trained, experienced, college-bred man that the gentleman from New York speaks of, yet the gentleman, by his bill, will not allow him to remove any one of his assistants from the humblest to the highest. What kind of administration will you have under such a proposition? What kind can you have when the allegiance of the subordinate is due to the gentleman from New York or to the gentleman from Pennsylvania rather than to his immediate superior? I say to you that such a plan would be destructive of the discipline of any organization whatever, from the administration of the Library of Congress to (as the gentleman from Missouri said) even that of a peanut stand.

In that connection, I want to ask to whom does the gentleman from New York want to give this authority? The gentleman does not propose to give control to his own director. Let us examine the history of this House with reference to the incumbency of the wise men to whom the gentleman proposes to give the control of the appointment and removal of the subordinate force. I go back to the Forty-seventh Congress and succeeding Congresses up to the present one, and what do I find? I find that Mr. McCook, of New York, served on the Library Committee for one Congress; Governor Lindsay for one Congress; Mr. Geddes for one Congress; Governor Singleton for two Congresses; Mr. Woodward for one Congress; Mr. Nutting for one Congress; Mr. Stahlnecker for two Congresses; Mr. O'Neill of Pennsylvania—a rare man, recognized by the House as such, a dearly beloved friend of mine—the House and the Speakers appreciated his services so highly that they kept him on the Library Committee during four Congresses—the only man, according to the records, who has been in that position for so many Congresses. Mr. Davidson served for two Congresses; Mr. Sanford for one; Mr. CUMMINGS for two. In time the gentleman from New York [Mr. CUMMINGS] will have served as my friend O'Neill did, for four Congresses. Mr. O'Ferrall served for one Congress; Mr. Compton for one; Mr. BARTLETT for one; Mr. ROBERT ADAMS, Jr., for one; Mr. HARMER for one, and Mr. QUIGG for one. I will say nothing as to the future of the gentleman from New York [Mr. QUIGG].

That record illustrates the changing character of the committee to whom the gentleman proposes to commit the absolute control of this Library. Now, let me refer a moment to the hearing of the gentleman from New York [Mr. QUIGG] before the Committee on Appropriations. I asked him this question:

Your testimony not being printed, I ask this question: How are the subordinate forces of the other great libraries selected?

Here is his answer:

The library in Boston employs its force through a board of regents lawfully, but practically by the librarian. The State library at Albany employs its force through the civil service commission of the State. All the other libraries employ their force through their boards of regents or boards of control, or by the librarians themselves.

Then I asked:

The boards of regents, however, in these several libraries are largely continuing boards?

Answer:

They are largely permanent boards—yes, sir. The board of regents, for instance, of the State of New York is a life body.

The Library Committee of Congress, with the record of membership such as I have read, has a life of two years.

Then I asked this further question:

The Library Committee of the two Houses is always partisan, is it not; in other words, it has a majority that represents the dominant party of the respective Houses?

To that question the gentleman from New York answers:

I suppose that is so.

Now, gentlemen of the House——

Mr. QUIGG. Will the gentleman yield a moment?

Mr. BINGHAM. With pleasure.

Mr. QUIGG. Of course, the gentleman's remarks should be interpreted in the light of the amendment that I have proposed, which is to the effect that, the force of the Library having been constituted, it shall remain practically a permanent force, or permanent during good behavior.

Mr. BINGHAM. Is that in the gentleman's bill?

Mr. QUIGG. Certainly.

Mr. BINGHAM. That is the amendment the gentleman proposes to offer?

Mr. QUIGG. Yes, sir.

Mr. BINGHAM. Well, we will discuss that when we come to it. I am discussing the gentleman's substitute as he presented it.

Mr. QUIGG. I am meeting the gentleman's objection with an amendment which will perfect my substitute in that respect, and which of course the gentleman must be in favor of.

Mr. BINGHAM. That I will consider when we reach it.

Now, gentlemen, the House is rather careful as to how it proposes to distribute patronage. I am not going to refer invidiously or unkindly to the gentleman from New York or the other gentlemen of the joint committee, who under a resolution of the House have made an investigation as to the Library. Throughout the gentleman's testimony—and I repeat I do not wish to be understood invidiously—we find him telling us what this committee is going to do. I have shown by referring to the record of the committee the transitory tenure of the power which is exercised by members of that committee. The gentleman is now in his first Congress as a member of the committee. What may be the future the gentleman knows nothing of. What may be the administration of the Joint Committee on the Library if his substitute should be enacted into law he knows nothing of. He can speak only for himself, and for himself as a member of that committee only up to the 4th of March. And while I would with great pleasure see large power intrusted to the gentleman, because I recognize his ability and his wisdom, yet the House has always been somewhat critical as to where it shall place the disposition of its patronage.

In this Congress the House selected my old colleague from Pennsylvania, Mr. McDowell, as Clerk of the House; the gentleman from New York and his friends were able to select as Doorkeeper Mr. Glenn. Those two gentlemen control the great subordinate force of this House, subject, of course, to recommendations by members. But when you come to the next Congress, the Committee on the Library, whoever may be Speaker—and I trust it will be the distinguished gentleman who now presides over this House—will be appointed with reference to the fact that Mr. McDowell, of Pennsylvania, and Mr. Glenn, of New York (who, I presume, will be continued in their positions), are, respectively, the Clerk and the Doorkeeper of the House. The present Committee on the Library on the part of the House embraces, as members are aware, the gentleman from New York [Mr. QUIGG], the other gentleman from New York [Mr. CUMMINGS], and the gentleman from Pennsylvania [Mr. HARMER]; but in the next Congress the House and the Speaker might meet with some criticism or suggestion as to the wisdom of continuing all those gentlemen as members of the Committee on the Library, and we may have one more illustration, in addition to those I have already read, as to the changing personnel of the Committee on the Library.

Mr. RAY. Do I understand the gentleman to intimate that in the Fifty-fifth Congress this House is to turn out Mr. McDowell and Mr. Glenn?

Mr. BINGHAM. Oh, no. I rather intimated by my proposition the probability of those gentlemen being continued.

Mr. QUIGG. Do I understand the gentleman from Pennsylvania that his objection to this bill arises from the fact that the members of the Committee on the Library come from New York, instead of from Pennsylvania?

Mr. BINGHAM. Not at all. I admitted how far I would be willing to intrust this work to the gentleman.

Mr. QUIGG. Is that the motive of the gentleman from Pennsylvania and his colleagues?

Mr. BINGHAM. Not at all. As I have said, I have stated how far I would intrust the matter to the joint committee.

Mr. QUIGG. I was very sure that it was not.

Mr. BINGHAM. Certainly not.

Now I come to the other paragraph in the bill proposed by the gentleman from New York. He provides further that—

The Speaker of the House of Representatives of the Fifty-fourth Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fifth Congress a temporary Committee on the Library of three members, which said Committee on the Library shall have the same powers and perform the same duties in relation to the Library of Congress as are authorized by law and the rules of the House of Representatives; and which said temporary Committee on the Library shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge such duties until after the meeting and organization of the House of Representatives of the Fifty-fifth Congress and until the appointment of the regular Committee on the Library. And hereafter the Speaker of each subsequent House of Representatives shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary Committee on the Library, with similar powers and for the same purposes.

I submit to the gentleman that perhaps that section, section 5 of his substitute, had been drafted and made a part of it by the gentleman from the general testimony and the questions put to him before the Subcommittee on Appropriations in the hearings. But we are confronted with the fact that this proposition, while of course it stands on no law and asks to be permitted to stand on law, is an incursion upon the history of Congress since its commencement. There has been but one act or resolution in this Congress of a similar action. I refer to the provision made under what is known as the Dockery law, with reference to the auditing of the accounts in the Departments in the first session of this Congress, where permission was given to the Committee on Accounts to exercise the power of approval in connection with the auditing of accounts of the officers of the House. That referred to the contingent fund. The committee, of course, could not be empowered to act in that manner except by authority of Congress.

The committee died with the Congress. The operations of the law were to go into immediate effect, and Congress determined to give to this committee an independent power of approval with reference to these accounts; and for that reason enacted the provision of law to which I have just referred. It provided, using the language of the law itself, "that the Committee on Accounts may pass judgment upon the legality and propriety of expenditures from the contingent fund of the House by its Clerk" in the absence of such certificates of payment of such contingent expenses, such as washing towels, etc., between the two Congresses. But that is the only case in the history of Congress where such a committee has been appointed ad interim and assigned to such duties.

Now, gentlemen, I have stated fully all that I have desired with reference to the pending measure. The bill we bring you equips the Library, gives it the subordinate force asked for by the Joint Committee on the Library, as submitted in the Book of Estimates, as well as by Mr. Spofford and Mr. Green, for the new Library of Congress. We give all that is required for the purpose contemplated. We give you no new legislation save that which makes the qualification of the subordinates in the new Library dependent upon their fitness according to the rules of the Librarian. We give you a clear, clean bill, protected by every legal method, asking nothing excepting what the law provides. We change no law from 1802, covering the appointing power in connection with the Library. We take from the Committee on the Library no responsibilities as to copyright or the regulation of the Library. We take the law which has been well carried out since 1802, and ask the House to stand by the bill submitted by the Committee on Appropriations.

Mr. CUMMINGS. Mr. Chairman, as the minority member on the Joint Committee on the Library, I submit a few observations to the House without prejudice to either the subcommittee on Appropriations or to the Joint Committee on the Library.

In the last Congress a joint resolution came from the Senate asking the appointment of a special committee to investigate the Congressional Library, and to propose some plan for the removal of the books, and for the government of the new Library building. This was amended so as to provide that the Joint Committee on the Library should sit as such special committee during the recess, ascertain the condition of the Congressional Library, and propose some plan for the removal of the books and for the work in the new Library building.

As a member of the committee, I was here one month before the opening of this session. This committee held its sessions and listened to all that Mr. Spofford, the Librarian, had to say. It summoned before it the most expert librarians of this country, listened to their statements, and asked their advice. Before the investigation was ended we found that a subcommittee on Appropriations was at work on the same line, without regard to the action of the House or of the joint committee.

The Committee on Appropriations did some surprising work. It brought before this House a legislative, executive, and judicial appropriation bill a week ahead of the holidays, something unprecedented, I believe, in the history of this country. Before the testimony taken by the joint committee was all in, this Committee on Appropriations was prodding the joint committee to hurry up with its investigation, "or we will make our report and leave you out."

Mr. BINGHAM. Will the gentleman allow me to make a statement?

Mr. CUMMINGS. I will.

Mr. BINGHAM. I yielded to every gentleman who asked me to during my remarks.

Mr. CUMMINGS. I did not interrupt you.

Mr. BINGHAM. I merely desire to state to the gentleman that it has been the custom of the Committee on Appropriations to bring in the District appropriation bill before the holidays. The chairman of the committee communicated to me that the gentlemen in connection with the District appropriation bill——

Mr. CUMMINGS. Well, now, Mr. Chairman——

Mr. BINGHAM. I want to give the reason why they did not want to bring the bill in.

Mr. CUMMINGS. The fact that they did not is enough.

Mr. BINGHAM. Then the gentleman does not want to know the reason why we did not bring the bill in.

Mr. CUMMINGS. I am not impugning your action.

Mr. BINGHAM. I think the gentleman is.

Mr. CUMMINGS. The fact itself is enough.

Mr. BINGHAM. The gentleman stated that we brought it in before his committee reported.

Mr. CUMMINGS. That is correct. I say you brought it in before the testimony taken before the Joint Committee on the Library was even revised. You brought it in before the Joint Committee on the Library had any opportunity to make a report. No report has been made to this day.

Mr. BINGHAM. I know that the joint committee can run on as long as they want to, but that is no reason why we should stop the supply bills of the Government.

Mr. CUMMINGS. We were acting at the instance of the House, and the Committee on Appropriations practically took from us our privilege and our right of action.

Mr. BINGHAM. You were to report to the House, but you have not made your report.

Mr. CUMMINGS. We have not had an opportunity.

Mr. BINGHAM. The gentleman, representing you came in with your proposed legislation.

Mr. CUMMINGS. Why did you come in with your legislation here, ahead of our report, and without waiting for the printing of the testimony taken by the joint committee?

Mr. BINGHAM. If the gentleman will allow me to explain, I will tell him. Will the gentleman allow——

Mr. CUMMINGS. Not if you please. I did not interrupt you, although you probably unwittingly made misstatement after misstatement.

Mr. BINGHAM. What about?

Mr. CUMMINGS. No matter. It makes little difference. I do not desire to be interrupted, and I do not mean to make any misstatements.

Mr. BINGHAM. Very well; I shall not interrupt the gentleman. I refrain, however, through pure courtesy.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. CUMMINGS. Now, Mr. Chairman, what is the meaning of this action of the Committee on Appropriations? Why is it that this bill is brought in here before the holidays? Why was not the District of Columbia appropriation bill put in here? Why was not the sundry civil bill put in?

Mr. BINGHAM. Why does not the gentleman allow me to state the reason?

Mr. CUMMINGS. Why is it that the legislative, executive, and judicial appropriation bill was brought in here before the holidays? Why is it that the Committee on Appropriations is so anxious to run the Library in the same way that it has been run in years past?

I noticed that when the gentleman from New York [Mr. QUIGG] was making his masterly argument the other day on behalf of the bill reported from the joint committee, all the members of what you gentlemen on the other side call the "hog combine" were on their feet, deviling him and asking him questions. [Laughter.] The combine was there in full feather. One big chief said that if the proposition of the joint committee was passed by the House he wanted to be put on the Committee on the Library immediately. [Laughter.]

Now, gentlemen, I did not vote in committee to sustain the substitute which the gentleman from New York [Mr. QUIGG] has proposed here. That substitute was not his substitute; it was the substitute of the committee.

The gentleman [Mr. QUIGG] and myself supported an entirely different proposition. It was a proposition that these appointments should be made by the Joint Committee on the Library, upon the recommendation of the Librarian or director. Of course, as a Democrat, I can not be interested in patronage at this time. [Laughter.] Some other time, possibly, but not now. Politics cut no figure with me in the investigation. I love books. I read books. I can not go past a secondhand bookstore without stopping to look at the books, and usually I buy one.

My work on the committee was conscientious work and a work of love. I was personally interested in the condition of the Government Library. The confusion there is something almost indescribable, but it is not the fault of the Librarian. No better man ever had charge of a library; but Mr. Spofford, like the Joint Committee on the Library, is subject to pressure that the Committee on Appropriations places upon them.

Mr. CANNON. Now, I challenge the truth of that statement.

Mr. CUMMINGS. Read Mr. Spofford's testimony and you will not challenge it.

Mr. CANNON. You read it.

Mr. CUMMINGS. And you should have read it before you brought this bill into the House.

Mr. CANNON. You read it. I challenge the truth of that statement, and call upon you to read it.

Mr. CUMMINGS. I have not the testimony. You have not given us a chance to get it printed. Why do you not call on me to read President McKinley's inaugural message? [Laughter.]

Mr. CANNON. It is your committee that took the testimony.

Mr. CUMMINGS. The Librarian has been hampered by an insufficiency of appropriations, and that insufficiency, and not the Librarian, is responsible for the condition of the Congressional Library. Spofford has done magnificently, hampered as he has been. I can go to him to-day and get any book or document in a surprisingly short time. Five years ago there was a discussion on the floor of this House over the sinking of the *Tallapoosa*. A statement made by me was challenged. In seven minutes I had sent here by Mr. Spofford the files of three New York papers bearing date of the accident and confirming my statement. But, gentlemen, Mr. Spofford is not going to live forever. He says he has no shelf catalogue, because he never could get an appropriation for a shelf catalogue. He has a card catalogue, and that is all he can produce, with scant appropriations.

Now, I call the attention of my friend from Pennsylvania [Mr. BINGHAM] in charge of this bill to a matter under discussion. His bill reads:

> Copyright department: For the following under the direction of the Librarian of Congress, necessary for the execution of the copyright law, namely.

Mr. Spofford told the joint committee that he had repeatedly asked to be relieved from the control of this copyright business. It interfered with his duties as Librarian. He urged the joint committee in drawing up its bill to see to it that the Librarian was relieved from all copyright duties. You gentlemen of the Appropriations Committee examined him. He could not tell you anything different from what he told us; and yet we find here that you have again burdened him with the copyright load.

Now, more than that; Mr. Spofford——

Mr. QUIGG. Will the gentleman allow me there?

Mr. CUMMINGS. Yes.

Mr. QUIGG. That, as I understand it, constitutes the reason for the difference which was pointed out by the gentleman from Pennsylvania in his own bill and our substitute. We had provided a clerk whom we called a register of copyrights.

Mr. BINGHAM. And we provide an assistant.

Mr. QUIGG. Our bill places the responsibility for copyright work on a single individual, on that individual clerk, at the same time placing the entire Library—the copyright department, the library department, and the custodian's office—under a director as the administrative officer of all.

Mr. CUMMINGS. That is right; and a proper designation.

Now, Mr. Chairman, we find that the Committee on Appropriations not only put the copyright department in Mr. Spofford's hands against his protest, but they go further. They give him charge of the custodian of the building, of the police, of the engineers, of the electricians, of the elevator conductors, and the mechanics, and the charwomen, and hold him responsible for their appointment. Great duties for the Librarian of Congress!

Mr. BINGHAM. Who do you give it to?

Mr. CUMMINGS. We give it—I say "we," I mean the committee. I do not support the proposition.

Mr. BINGHAM. You are speaking for the committee.

Mr. CUMMINGS. No; I am not. I am speaking for myself.

Mr. BINGHAM. You are the only one who had access to all the evidence.

Mr. CUMMINGS. I have not access to the evidence. It is not printed.

Mr. BINGHAM. I know you have to some. To whom do you give it?

Mr. CUMMINGS. The committee gives it to the Joint Committee on the Library.

Mr. BINGHAM. That is right.

Mr. CUMMINGS. Now, the Joint Committee on the Library are not overburdened with duties, as is the Librarian of Congress.

Now, Mr. Chairman, after a special committee appointed by the House has summoned witnesses thousands of miles, has taken their testimony, and has spent not only days but nights in the investigation and has formulated just exactly what the House asked it to do, I submit the question to the House whether it is right for another committee to "hog" the whole business before the report is even begun and before the testimony has all been received from the stenographer.

Mr. BINGHAM. This law takes effect the 1st of next July.

Mr. CUMMINGS. Then why such haste? The appointments will take effect after the inauguration of the next President. [Laughter.]

Mr. BINGHAM. Our bill will not.

Mr. QUIGG. The gentleman says that his bill will not take effect until the 1st of July. His bill appropriates $7,000 to be immediately available.

Mr. BINGHAM. Yes, for furniture, and $6,000 for the transfer of the books to the new building; but the gentleman [Mr. CUMMINGS] is talking about the plan.

Mr. QUIGG. The $6,000 will go a very little way.

Mr. WILLIAM A. STONE. Mr. Chairman, in this connection, I want to say that I understand New York has two members on the Joint Committee on the Library, while Pennsylvania has but one. [Laughter.]

Mr. CUMMINGS. One point more, Mr. Chairman. The reason why I supported the proposition to have the appointments made by the joint committee on the recommendation of the director of the Library was because of the testimony of Mr. Putnam, librarian of the Boston Library. That library is one of the most complete in the United States in its appointments, in its service, in its cataloguing, and Mr. Putnam is not only a good librarian, but a practical business man. Over that library there is a board of trustees. These trustees make the appointments upon the recommendation of the librarian.

Now, in my judgment, a library as large as the Library of Congress certainly ought to have some head besides the Librarian and the Committee on Appropriations. If there is a more proper head, if there is a more suitable body, than the Joint Committee on the Library to act as board of trustees for that institution, I would like to see them. What is the Joint Committee on the Library? Why is it that the Committee on Appropriations, after absorbing at one time the duties of nearly every other committee in this House, now come forward with a proposition which practically makes that committee the Committee on the Library? For, if the Librarian makes the appointments, the Committee on Appropriations make the appropriations, and don't you forget it! [Laughter.]

Mr. BINGHAM. They always do.

Mr. CUMMINGS. Of course they do, and to-day one Senator—a member of the Committee on Appropriations—has, it is said, seventeen appointments in the Library.

Mr. BINGHAM. I suppose he has been here thirty years.

Mr. CUMMINGS. And my friend from Illinois [Mr. CANNON], as he tells us, has one. I am glad of it. That is more than I have, although I have been on the Committee on the Library for six years.

Mr. CANNON. It has been stated that I had fourteen, but I do not think the gentleman's committee circulated that report. [Laughter.]

Mr. CUMMINGS. I want to give notice that I shall offer as an amendment to the bill the proposition to have the employees appointed by the Joint Committee on the Library, upon the recommendation of the director of the Library. If I fail in that, I shall move to strike out from line 3 down to line 7, leaving the Library practically (aside from the appropriations made in this bill) under the same supervision as it is to-day; for I believe that to-day the Joint Committee on the Library have some supervision over it, and I do not believe that after the passage of this bill the joint committee will have anything whatever to do with the Library. My proposition to make the joint committee responsible for the appointments upon the recommendation of the Librarian seems to me to be concise and practical, and I hope it may be carefully considered.

Mr. CANNON. Mr. Chairman, I shall detain the committee but a very few moments, and I ask the attention of the gentleman from New York [Mr. QUIGG]. I have read to-day the substitute which he proposes. Of course I am familiar with the legislative bill, and I make this statement, that so far as the personnel of the force provided for in the legislative bill, and the personnel of the force provided for in the gentleman's substitute are concerned, they are the same. The point of divergence is this, that under the legislative bill the Librarian of Congress, to be appointed after the 1st of July next——

Mr. QUIGG. I beg the gentleman's pardon. There is nothing like that in his bill.

Mr. CANNON. Well, the increase of salary takes effect after the 1st of July next——

Mr. QUIGG. I know; but I hope the gentleman will be accurate. He is now undertaking to state what his bill contains, and I do not want him to state anything that it does not contain.

Mr. CANNON. Oh, well, the President has power to remove the Librarian at any time.

Mr. QUIGG. At any time; and he has had for ninety years; and the present Librarian has been there for thirty years.

Mr. CANNON. Precisely. Now, I say, Mr. Chairman, as to the personnel of the force in the new Library under the legislative bill, it is substantially the same as the personnel under the gentleman's amendment.

Mr. QUIGG. It is precisely the same, with the single distinction that you propose to appoint an assistant to the Librarian, whom you intend to act as a copyright clerk, while we appoint a register of copyrights.

Mr. CANNON. That is a difference of name.

Mr. QUIGG. Precisely. We are not divided on the number of clerks or their compensation.

Mr. CANNON. Not at all. Now, the only difference is in the method of the appointment of the force. Under the legislative bill, which I hold in my hand, the law is left just as it is now, so that the President alone, without any confirmation by the Senate, appoints the Librarian. That is as it has always been.

Mr. LACEY. Under the substitute of the gentleman from New York [Mr. Quigg] the Joint Committee on the Library may remove these employees from time to time.

Mr. QUIGG. Oh, no. Under the amendment I have submitted to-day these employees are not to be removed except for cause and after investigation.

Mr. CANNON. Very well. I will come to that point in a moment. Under the gentleman's substitute the Librarian of Congress is to be appointed by the President, by and with the advice and consent of the Senate. It is for the House to determine whether in that respect the gentleman's substitute is better than the law as it now stands, under which the Librarian is appointed by the President solely—without reference to the advice and consent of the Senate. In my judgment, the best way is to let the law in that respect stand as it is.

Under the scheme embraced in the legislative bill the officers appropriated for in this new Library are to be appointed by the Librarian of Congress, with due regard to their capacity for the work. I believe that is right. Under the scheme of the gentleman from New York—or rather under the scheme reported by his committee, because the gentleman disavows this as his own scheme, as does his colleague on the committee, the other gentleman from New York—under the report of the committee, as embodied in the substitute offered by the gentleman, all these employees, except the Librarian of Congress, are to be appointed by the Joint Committee on the Library, and that committee will have the sole power of removal.

The gentleman says that he has modified his substitute so as to provide that these officers shall not be removed except "for cause." Well, "cause" means anything that is displeasing to the party who has the appointing power, because as there is no appeal from the action of the appointing power, anything is "cause" which in their discretion they may make "cause.". So that, after all, the gentleman's amendment does not help the original proposition.

Now, I believe the provisions embraced in this legislative bill on this subject are right. This Library is practically a great department, embracing not only the national Library, but covering the copyright business and the care of that great building. I believe that, as a general proposition, appointments must, under the Constitution, be made by the President, by the courts, or by the heads of Departments. That is in substance the language of the Constitution. I do not think that Congress has any right to devolve this duty upon the House and the Senate: and I think that when our fathers adopted such a provision as a part of the Constitution they acted wisely, because it is not best—it never has been found best in the history of governments—to invest in the legislative power the administrative function. Hence, any such mingling of authority has been expressly prohibited by the Constitution. I know there was an eminent gentleman who once served in this House who said he did not know what the Constitution had to do "between friends." But, after all, there is the provision of the Constitution by which we are governed.

I think I can demonstrate to the House in a few moments that we ought not to attempt to violate the Constitution in this respect. From necessity, the House must appoint its own employees; and from necessity the Senate must appoint its own employees. Now, what is the fact? I speak from investigation when I say that in my judgment this House has one-third more employees than it needs, and one-third more than it would have if it were a department of the Government, we making the legislation and appropriation for that department, and the department itself making the appointments. And I will add that the Senate, per capita, has four times as many employees as the House. Now, the wisdom of the fathers in constitutionally divorcing the legislative from the administrative power is apparent upon the bare statement. We must, of course, retain the appointment of our own officials.

Mr. DRAPER. Does the gentleman think there is any one Department of the Government that has not one-third more employees than it would need if it were carried on upon business principles?

Mr. CANNON. Oh, I think if we would let the business out by contract—which the gentleman understands it is not competent for us to do—we could get along without so many employees in almost all the Departments.

Mr. BENNETT. Even in Congress.

Mr. CANNON. But, I repeat, for the work that is to be done I think the House has one-third more employees than any Department of the Government with corresponding work has: and the Senate has four times as many employees, proportionately to the number of members, as the House has.

Now, I do not propose, so far as I am concerned, to start out by violating the Constitution—by throwing upon the House or the Senate or upon both the administrative function. That is what the gentleman's bill does. In express words, it devolves the appointment of these one hundred and eighty-odd officers—upon whom? Upon the Joint Committee on the Library of the House and the Senate. Who makes the appropriations? Who would make the appointments in this department, including such force performing the copyright service and controlling the national Library? Why, the House and the Senate.

Mr. QUIGG. Right in that line, let me ask the gentleman this question: Does he think that Congress would have the right to elect the Librarian if it wished to do so?

Mr. CANNON. To elect the Librarian of the national Library?

Mr. QUIGG. Yes: the Librarian of the Congressional Library.

Mr. CANNON. Clearly not.

Mr. QUIGG. You think that Congress would not have the right to do that?

Mr. CANNON. No more right than it would have to elect the Secretary of the Interior.

Mr. QUIGG. The gentleman, I believe, brought in an appropriation bill some little while ago, which Congress voted on, electing General Casey to carry on the construction of that building, did he not?

Mr. CANNON. Oh, no.

Mr. QUIGG. I think the gentleman did. And he brought in a bill electing General Casey's successor in the construction of that building.

Several Members. Oh, no.

Mr. QUIGG. Now, if Congress can elect a man to spend $6,000,000——

Mr. CANNON. The gentleman will allow me to reply. His committee, if I recollect aright, brought in a joint resolution naming first General Casey, and, upon his death, naming Mr. Green to be in charge——

Mr. Quigg rose.

Mr. CANNON. Let me answer the gentleman's question. I do not want to wrangle. The gentleman's committee brought in a joint resolution naming those parties, officers of the Government, to have charge of the construction of the Library. The House passed the resolution; the Senate passed it; the President approved it. That was an accomplishment of that object by law. Now, whether it was constitutional or otherwise it is not necessary for me to discuss at this time. Why, if our constitutional duty is to be determined by propositions that I have made, or my eminent friend from New York might make, or has made heretofore, or will hereafter make, why then God save the Constitution! [Laughter.]

Mr. QUIGG. Now, I wish to call the gentleman's attention to the original act.

Mr. CANNON. Oh, I know about that.

Mr. QUIGG. The gentleman ought to allow me to interrupt him. He says he does not want to wrangle. Neither do I wish to wrangle with him any more than I did the other day.

Mr. CANNON. What does the gentleman wish?

Mr. QUIGG. I allowed myself to be interrupted during the discussion of this matter as often as the gentleman, or all of the members of his committee, wanted.

Mr. CANNON. What does the gentleman want?

Mr. QUIGG. I have told you. I rose for the purpose of calling the gentleman's attention to the original act, as he was speaking upon that subject.

Mr. CANNON. Oh, no; I do not care anything about the original act.

Mr. QUIGG. I suspected you did not.

Mr. CANNON. The original act has long since passed out. Othér legislation has taken its place, and it does not add anything to the argument to call up a mistake that was made a hundred years ago. Our fathers made mistakes, just as we are liable to make mistakes, and when you come and want to bless a proposition by a bad precedent, the precedent goes for nothing.

Now, I say, practically, that Congress has the power to legislate. It has the power to appropriate. It has in harmony with its powers legislated and appropriated heretofore. Under that legislation we have various Departments of the Government. The President and the heads of these Departments make appointments of subordinates. Their action is reported to Congress. We haul them up, "drag them over the coals," if they fail to perform their duty. We have the powers of impeachment; we criticise and investigate. And that is as it ought to be. Therefore I have no patience with the contention embodied in the substitute of the gentleman from New York, when he proposes to practically take that power from Congress by creating a committee of the two Houses—a committee of the House and the Senate—and call it a joint committee, to conduct this department.

Now, a word as to the criticism of the gentleman from New York [Mr. Cummings]. It is the business of the Committee on Appropriations to report this bill. This is a short session of Congress. We have reported it as promptly as possible. We could not report the bill that we usually reported, because the gentleman from Vermont [Mr. Grout] was absent. We therefore saw proper to report this bill. This joint committee came to us, as I am informed. We did not go to them. They were authorized to investigate and report. They were authorized to report to the House. They did not report to the House. They have not yet done so. But they came to our committee and stated what they had done, and sought to have their scheme incorporated upon this bill. When we got their scheme the gentleman from Pennsylvania [Mr. Bingham], of the subcommittee, did not deem it a wise one. Therefore we took the working force that the Committee on the Library eliminated and recommended it, and turned down, so far as we could by recommendation, this conferring of power on the joint committee here of the Senate and House to run a department. Then the gentleman from New York begins to kick; begins to complain and to scold about the Committee on Appropriations wanting to "ride over them." The trouble is that we took the employees—they having investigated the matter—and when we refused to let them ride over our bill with unconstitutional and unwise legislation, they come and kick and scold, I was going to say just as an old woman would, but I will not; it would not be respectful.

Mr. WILLIAM A. STONE. Before the gentleman from Illinois takes his seat I wish to ask a question.

Mr. CANNON. Certainly.

Mr. WILLIAM A. STONE. I understood the gentleman from New York to suggest that this was a mere controversy between the two committees—I refer to the gentleman from New York [Mr. Cummings]. He suggested that it was a controversy, as I understand it, between the joint committee and the Library Committee as to who should control the patronage?

Mr. CUMMINGS. You misunderstood me.

Mr. WILLIAM A. STONE. I am very glad to be informed.

In this connection, I wish to state that the Committee on Appropriations have nothing whatever to do with the appointments under the bill which they brought in.

Mr. QUIGG. Would not permit themselves to have anything to do with it.

Mr. WILLIAM A. STONE. Most certainly not.

Mr. QUIGG. The gentleman from Pennsylvania would not have anything to do with it!

Mr. WILLIAM A. STONE. The gentleman from New York [Mr. Quigg] is quite able to take care of what is his due in matters of appointment.

Mr. QUIGG. I should hope so.

Mr. WILLIAM A. STONE. Another thing; these appointments are all vested, by the bill reported by my colleague [Mr. Bingham], in the Librarian, and the President has the power to appoint the Librarian without the advice and consent of the Senate. Now, the authority must be lodged somewhere. Where else can you better lodge it?

And then another suggestion, which is in the form of a question. This is called the Congressional Library. By what authority and by what right is it so called? It is a national library. Everybody has access to it. Why should a committee of Congress, a joint committee or any other kind of a committee, control that Library in matters of appointment any more than they should control the Pension Office appointments?

Mr. QUIGG. That is the question.

Mr. CANNON. Oh, well, Mr. Speaker, as to the gentleman's first question, as to this being a contest between the Committee on the Library and the Committee on Appropriations, I simply want to say, if anybody supposes that to be the case, they are misled.

Mr. RAY. Well, may I ask——

Mr. CANNON. In a moment. There is no such contest. The substitute absolutely lodges the power to appoint, to bind and loose, as to every one of these employees, save one, with the Joint Committee on the Library, to employ, to turn off, to reemploy. The Committee on Appropriations antagonizes the conferring of that power, because it is unwise, and against the Constitution, and against good government.

Now, what do we propose in lieu thereof in our scheme? I will state it again. We propose to authorize the head of this department to make these appointments, and that is the way the appropriations are made, substantially, for the public service. The Committee on Appropriations have no more to do with the controlling of those appointments than any other committee in the House.

Mr. RAY. Now may I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. RAY. Is not that virtually placing these appointments in the hands of the Committee on Appropriations? It seems to me that it is, because, if you will permit me, you can not run the Congressional Library without these appointees, and they can not get their pay without the consent of the Committee on Appropriations. If they do not do just exactly as the Committee on Appropriations want them to do, why then you may refuse to appropriate the money, and out they go.

Mr. CANNON. Mr. Speaker, the gentleman, eminent lawyer as he is, would not have made such a statement——

Mr. RAY. I do not say that as a matter of fact, understand me, but is not that the ground work? Here is the suggestion I want to make.

Mr. CANNON. I understand the suggestion.

Mr. RAY. Now, let me explain. You seem to think that I made that statement as a reflection on the Committee on Appropriations.

Mr. CANNON. Not at all.

Mr. RAY. I did not so intend it, because I want to say that I am in favor of your scheme and shall so vote: but I was simply suggesting that as the ground work of the fear that some gentlemen seem to have. That is all.

Mr. CANNON. Now, if the gentleman will allow me a minute, I will disabuse his mind.

Mr. RAY. You do not have to disabuse my mind.

Mr. CANNON. Very well, then. I will disabuse the mind of anybody who may have been misled.

Mr. WILLIAM A. STONE. That may have been abused. [Laughter.]

Mr. CANNON. That may have been misled upon that proposition. Just a word, now, and I will get through. This House is composed of 357 members, appointed upon committees by the Speaker. The jurisdiction of those committees is determined by the rules of this House.

There is not a committee of this House that can appropriate anything. Legislation, whether it be by appropriation or otherwise, is formulated by the committees to be reported to the House. The House passes upon it, amends it, lays it upon the table, or does what it chooses, the committee being the servant of the House. Therefore, the question is answered when I say the Committee on Appropriations has no power to loosen or bind. It is a mere convenience of the House to perform its directions.

This bill, I will say to the gentleman, reported by the Committee on Appropriations to this House, carries appropriations for over 10,000 of subordinate force and the pay of over 10,000 people; yet this Committee of the Whole, this afternoon, can lay the whole of it on the table, strike out the enacting clause, strike out any portion of it that they choose or increase anywhere along the lines that the law will permit.

Mr. FAIRCHILD. Mr. Chairman, it is my intention to offer an amendment to the substitute of my distinguished colleague from New York; but before sending it to the desk I do not wish to be misunderstood. I am opposed to the substitute and in favor of the bill as reported from the committee.

The Congressional Library is destined to become the greatest library in the world. To call it a Congressional Library is a misnomer. It should rather be called the "National Library." In it every citizen should feel a patriotic pride. It should be divorced entirely from politics. The tenure of office of the Library employees should be permanent, with far more reasons than applies to any other Department of the Government. To subject the Library to a change of employees with every new Congress would be disastrous to its efficiency. Almost as well dump its vast numbers of books into the bottom of the Potomac. The proposed substitute of my colleague is therefore a backward step, the adoption of which would be deplorable. But if there is any danger that the substitute is to be adopted by this House, it is in the interest of correct legislation that it should be perfected. The argument of my colleague from New York, as I understand it, is that because all resolutions and rules and bills relating to the Library are referred to the Committee on the Library, therefore the Committee on the Library should have charge of all the appointments, which number about 187. Following the same line of argument, I would call the attention of my distinguished colleague from New York to the fact——

Mr. QUIGG. Mr. Chairman, there was nothing of that kind in anything I have ever said. The gentleman is absolutely in error about what I have said.

Mr. FAIRCHILD. I so understood the remarks of my colleague from New York, to which I listened with great attention on Saturday; and certainly the substitute which he offers so says. I wish to call his attention to the fact that that substitute also refers to one part of the Library called the "copyright department," and to the further fact that all bills introduced into this House relating to copyrights are properly referred to the Committee on Patents. Therefore, following the same line of argument, all appointments for that department ought to be made by the Committee on Patents. I therefore offer this amendment to his substitute with the statement that my only argument in its favor is that I am a member of the Committee on Patents. [Laughter and cries of "Vote!" "Vote!"]

Mr. WALKER of Massachusetts. Read.

The Clerk read as follows:

> *Provided, however*, That in the copyright department, the appointments for which provision is herein made—to wit, register of copyright, $3,000; twenty-nine clerks, two at $1,800, two at $1,600 each, three at $1,400 each, ten at $1,200 each, ten at $900 each, and two at $720 each—shall be made by the Committee on Patents.

[Laughter.]

Mr. CANNON. That is an amendment to the substitute?

Mr. BINGHAM. As I understand, that is an amendment to the substitute. Now, Mr. Chairman, I ask that we proceed to a vote.

Mr. QUIGG. Mr. Chairman, I desire to move the amendment that I gave notice of. I have offered an amendment.

The CHAIRMAN. The Chair understands that.

Mr. QUIGG. And I desire to say, further, that my colleague moves to amend that amendment, and I shall be very glad to accept it on behalf of the Committee on the Library.

Mr. CUMMINGS. I send up an amendment.

The CHAIRMAN. The gentleman from New York sends up an amendment to the text, which the Clerk will read.

The Clerk read as follows:

> After the word "persons," in the fourth line in the clause relating to appointments and removals, insert as follows:
> "On the recommendation of the director of the Library."

Mr. BINGHAM. Is that an amendment to the substitute?

Mr. CUMMINGS. It is.

The CHAIRMAN. The Chair understands this to be an amendment to the text.

Mr. CUMMINGS. That is right; and it is accepted, I will state to the gentleman from Pennsylvania, by my colleague [Mr. Quigg].

Mr. BINGHAM. Amendments have been offered to the bill, a substitute has been offered, and certain amendments have been offered to the substitute. I hope the gentleman will indicate what paragraph the amendment is to, so that we can go on, under the rule, under the limitations of amendments to the bill and to the substitute.

Mr. QUIGG. The only difficulty as to that is that the substitute has not been printed with numbered lines; so that it is difficult to indicate where the amendment comes in.

Mr. BINGHAM. The gentleman can indicate the connection.

Mr. QUIGG. It is to be inserted, if the Chair will permit me, at the end of the fourth clause of the substitute.

> The Joint Committee on the Library shall have power to establish rules and regulations for the conduct and use of the Library of Congress, and, with the exception of the director of the Library, to employ or remove all persons on the recommendation of the director of the Library.

Mr. CUMMINGS. I understand that my colleague [Mr. Quigg] accepts that amendment?

Mr. QUIGG. I accept the amendment.

Mr. WILLIAMS. Mr. Chairman, I understand the purpose of the amendment offered by the gentleman from New York [Mr. Cummings] to be this: That it virtually takes this business out of the hands of the Joint Committee on the Library and requires them to appoint upon the recommendation of the director of the Library?

Mr. QUIGG. Precisely.

Mr. WILLIAMS. So that the man who will appoint is the man who will have the responsibility for the conduct of the appointees?

Mr. QUIGG. Precisely.

Mr. BINGHAM. In other words, the appointments are subject to confirmation by the joint committee?

The CHAIRMAN. The parliamentary situation is this: The gentleman from New York [Mr. Quigg] offered a substitute, and subsequently offered an amendment to that substitute——

Mr. QUIGG (interposing). Mr. Chairman, I think I have a right to incorporate my amendment in the proposition, as there has been no action taken on my substitute. It is my proposition.

Mr. BINGHAM. No, it is the committee's proposition.

Mr. QUIGG. I think that until action has been taken on it I have a right to modify it.

The CHAIRMAN. The Chair would like to state the parliamentary situation, if the committee will indulge him. The gentleman from New York [Mr. Quigg] offered a substitute, to which he subsequently offered an amendment. Another amendment was offered to that substitute by another gentleman from New York, and now the gentleman from New York [Mr. Cummings] offers an amendment to the text of the bill—that is to say, to the paragraphs of the bill that were passed over by consent.

Mr. QUIGG. If the Chair will permit me, the amendment of my colleague is not to the text of the bill; it is to the text of the substitute. My colleague offers an amendment to the substitute that I have proposed, namely, after the word "persons," in the clause relating to appointment and removal, he proposes to insert "on the recommendation of the director of the Library;" so that that clause will read: "That the Joint Committee on the Library shall make the appointments and removals on the recommendation of the director of the Library."

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. Cummings] assents to the statement of his colleague [Mr. Quigg] that the amendment is an amendment to the substitute?

Mr. CUMMINGS. It is an amendment to the substitute.

Mr. SHAFROTH. Mr. Chairman, I desire to offer an amendment to the bill, if it is in order at the present time.

The CHAIRMAN. It is in order. The gentleman will send up his amendment.

Mr. BINGHAM. Let the gentleman indicate the line and paragraph.

Mr. SHAFROTH. The line and paragraph are indicated.

The amendment was read, as follows:

> Strike out, in line 2, page 19, after the word "Librarian," the following: "six thousand dollars," and insert in lieu thereof the words "five thousand dollars."

Mr. McCORMICK. Mr. Chairman, I sent up an amendment some time ago, and I should like to know what has become of it.

The CHAIRMAN. The Chair will recognize the gentleman after this amendment is disposed of. The question is on the amendment offered by the gentleman from Colorado.

Mr. SHAFROTH. Mr. Chairman, I would like to say a word on the amendment. The object of it is to reduce the salary of this officer from six thousand to five thousand dollars a year. The Librarian is receiving at the present time $4,000 a year, and it seems to me that in view of the depressed times and of the fact that a $5,000 salary is a great salary, this amendment ought to prevail. It is true that gentlemen who reside in the large cities are used to hearing of people who get large salaries, but the great mass of the people of the United States regard a salary of $5,000 a year as an enormous one. I do not believe that this Government ought to be small in the compensation it pays to its officers, but a salary of $5,000 is very large, and in view of its increased purchasing power at the present time it is about equivalent to a salary of $8,000 twenty years ago.

Now, Mr. Chairman, in view of these considerations and in view of the fact that there are very few salaries in this Government that exceed $5,000, it seems to me that it would be wise to "call a halt" on salaries in excess of $5,000 unless they are attached to offices of an extraordinary nature. It is true that the Librarian at the present time works in cramped quarters, but he can not have any more duties to perform in the new building than he has now. In fact, he will have more subordinates; the number of his assistants is more than doubled by this bill, and when these additional conveniences are given to him it would seem that instead of increasing his salary we ought rather to let it stand at the present figure of $4,000 a year.

We must bear in mind that some of the greatest officers of the United States receive very little more than this bill gives to the Librarian. The members of the Cabinet, with all their responsibilities and with great social duties to perform, receive only $2,000 a year more than this bill provides for the Librarian. There can be no comparison between those officers and the Librarian of Congress. When we take into consideration the condition of the people, the condition of the Treasury of the United States, knowing that each day there is a deficiency there, it seems to me we ought not to increase this salary at the present time; at least, ought not to let it exceed $5,000 a year.

In view of the fact that the Librarian remains here in Washington, is put to no expense of travel, that he can have his home here year after year, and that in addition the appointment when made will no doubt be a life position, the salary proposed in this amendment is a fair and a remunerative salary. In a Republic of this kind we ought to have no office that is profitable. With us public office ought to be simply remunerative—not profitable. Whenever you exceed a salary of $5,000 for a position of this kind you are giving something in the nature of a profit to the officeholder. I hope the amendment will prevail.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. Shafroth].

The question being taken, there were on a division (called for by Mr. Shafroth)—ayes 49, noes 50.

Mr. SHAFROTH. I call for tellers.

Tellers were ordered; and Mr. Shafroth and Mr. Bingham were appointed.

The committee again divided; and the tellers reported—ayes 71, noes 61.

So the amendment of Mr. Shafroth was agreed to.

Mr. RICHARDSON. I send to the desk an amendment to the text of the bill, to come in immediately after the first item.

The Clerk read as follows:

> The President shall nominate, and by and with the advice of the Senate shall appoint, the Librarian.

Mr. RICHARDSON. Mr. Chairman, it seems to me that an officer of this importance, with a salary of $6,000, or, according to the amendment just adopted, $5,000, ought to be appointed by the President by and with the advice and consent of the Senate. I

see no reason why an exception should be made in this case, when there is, if I remember correctly, no other exception—no other case in which an officer of similar importance is appointed without the advice and consent of the Senate.

Mr. BINGHAM. Only a word in response to the gentleman from Tennessee [Mr. Richardson]. The bill as before the Committee of the Whole does not propose to change in this respect the law as it has existed since 1802. And the wisdom of that law is exemplified in the fact that since 1815, when the first Librarian was commissioned by President Madison, there have been but four Librarians of Congress. In this historical fact we have a remarkable record of permanence of tenure. This office carries with it none of the idea connected with appointments that run merely for four years. The appointment has been made solely by the President. The Committee on Appropriations were of the opinion that there was nothing which would justify them in even suggesting a change of the law in this respect, for the reason that the law as it is upon the statute book has in the past worked so well, and has secured in the position of Librarian trained, experienced men. This is the consideration which governed the committee in framing the bill.

Mr. QUIGG. I rise to a point of order. If I remember correctly, we have already perfected the text of the bill. It was read through under the five-minute rule, amendments to various clauses were offered and were disposed of. The text of the bill having been completed, it was agreed by unanimous consent that my substitute might be offered and might pass through the same process of perfection. But I make the point of order that this amendment is not in order, because we have perfected the text of the bill.

Mr. RICHARDSON. The point of order raised by the gentleman from New York [Mr. Quigg] would at any rate come too late after two speeches had been made upon the amendment. But I desire to submit that the point of order, even if it had been made in time, would not have been good, because under our rules the text of the bill must be first perfected before the substitute of the gentleman from New York could be voted upon, and inasmuch as we have not passed from the consideration of the text of the bill, additional amendments are in order. As long as amendments are offered to the text, they must first be voted upon before the question can come up on the gentleman's substitute. But at any rate it is too late to make the point of order.

Now, Mr. Chairman, in reply to the gentleman from Pennsylvania——

Mr. QUIGG. Will not the gentleman allow the Chair to decide the point of order?

The CHAIRMAN. The Chair overrules the point of order.

Mr. RICHARDSON. I knew what the Chair was going to decide. [Laughter.]

In reply to the gentleman from Pennsylvania, I wish to say that the adoption of the amendment I have offered will not in any way militate against the idea which he has expressed; in other words, my amendment does not contemplate any particular term of office; and if there should be a new appointment made upon nomination by the President and confirmation by the Senate, there is nothing to prevent the appointee from holding for as long a time as previous incumbents, or even longer. It occurs to me that with respect to an office of this kind we should not depart from the constitutional provision that the President shall nominate and by and with the advice and consent of the Senate appoint.

Mr. WILLIAM A. STONE. Mr. Chairman, I move to amend by striking out the last word. In all probability the Senate will add this amendment to the bill if it should occur to them. I am very sorry the gentleman from Tennessee has offered the amendment, because the Senate might not have thought of it. [Laughter.] There are some things that we ought to keep as free from politics as possible. I am perfectly well satisfied, in all matters strictly political, to take my share of the patronage that belongs to me. [Laughter.] But in the Library ——

Mr. JOHNSON of Indiana. Will the gentleman permit a question?

Mr. WILLIAM A. STONE. Not now.

There are some things, Mr. Chairman, that we ought not to mix with politics—churches, for instance, and the Library is another. To confirm an appointment of this character—an appointment made by the President of the United States of a Librarian—you do to a certain extent clothe the Senate with political supervision and control over the appointment. It ought not to be. This is a great Library——

Mr. WILLIS. How about the appointment of judges—Supreme Court judges?

Mr. WILLIAM A. STONE. I will yield to the gentleman for a question after I have made my statement.

This is a great Library. Hundreds of thousands—millions of dollars—are expended upon it. It is an ornament to the country and will be of value to our nation at present and for all time to come. We propose to make it the greatest Library of the whole world.

The President can name a man, if you clothe the Senate with the power to confirm, and they can refuse to confirm the appointment; and the President of course will still have power to name another. But when a man's confirmation is before the Senate, the Senators who might be disposed to nonconcur in the appointment might be seen by the friends of the proposed librarian, and arrangements made by which the confirmation shall be granted.

I say that no possible benefit can be derived from making this a political office. The President under any circumstances will have to make the selection. Why, instead of making this office dependent upon confirmation by the Senate it would be equally proper, and just as reasonable, to provide that the House should advise and confirm the nomination.

It seems to me that such a proposition ought not to receive any support on the floor of the House, and, I repeat, I regret exceedingly that it emanated from this side.

Mr. McCORMICK. In direct line with the suggestions of the gentleman, I send an amendment to the desk, and ask its present consideration.

The CHAIRMAN. The Chair will recognize the gentleman later, after the amendments now at the desk are disposed of.

Mr. WALKER of Massachusetts. Mr. Chairman, I think the House ought to heed the advice of the distinguished gentleman from Pennsylvania [Mr. William A. Stone] upon the question of patronage, because I do not think there is a man here who knows the evils of patronage, and knows it from experience, more than the gentleman from Pennsylvania himself. [Laughter.] He knows from personal experience more of the evils likely to grow out of the effectiveness of "seeing a man" who has something to do with appointments, or has power to influence elections, and realizes how dangerous it would be to confer this power on one man, especially where the appointment relates to a matter in which 356 men are supposed to be interested.

I submit, therefore, that after having this "expert testimony," and in view of our own judgment in the matter—a judgment that will confirm what the gentleman has said—we all of us, although we have had a great deal of experience, and some of us have some ability, ought to agree with him, and vote down the amendment. [Laughter.]

Mr. WILLIAM A. STONE. A single suggestion. The gentleman's own experience ought to allow him to favor this amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Tennessee [Mr. Richardson].

The question was taken; and the amendment was rejected.

Mr. McCORMICK. Mr. Chairman, I now offer the amendment I send to the desk.

The Clerk read as follows:

> Insert after line 18, page 21:
> "*Provided*, That all persons employed in the said Library of Congress shall be appointed solely with reference to their fitness for the particular duty, and without reference to their political or party affiliations, and shall be removed for cause only."

Mr. McCORMICK. Mr. Chairman, I wish to lift this great Library above and beyond all political influences, and take it away from all the uncertainty of political administration, and for that reason I send this amendment to the desk.

There is a provision in the former part of the bill which declares that employees shall be chosen for their aptness for the position they are to occupy, but I think it not sufficiently definite and emphatic, and I ask that this amendment be adopted.

The care of this valuable and truly national Library in its new and magnificent home can be far better intrusted to men chosen for their knowledge and love of books than to men appointed simply as a reward for political service.

The language of the amendment is almost identical with that of the act of May 4, 1882, governing appointments in the Life-Saving Service, which act has been of inestimable benefit to that important service.

Mr. WILLIAM A. STONE. Let us hear the amendment.

The amendment was again read.

The question being taken on the amendment, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. McCormick) there were—ayes 61, noes 32.

Accordingly the amendment was agreed to.

Mr. WILLIAM A. STONE. I should like to make a parliamentary inquiry. This amendment just adopted was made to the bill, was it not?

The CHAIRMAN. To the text of the bill.

Mr. FOOTE. Mr. Chairman, I offer the following amendment to the substitute.

Mr. BINGHAM. The substitute is not being considered yet.

The CHAIRMAN. The gentleman from New York [Mr. Foote] will please withhold his amendment for the present. There are three amendments pending to the substitute. The question now is on the amendment offered by the gentleman from

New York [Mr. QUIGG] to the substitute, which the Clerk will report.

The Clerk read as follows:

> *Provided*, That the organization of the force to be employed in the new Library building having been completed under the provisions of this act, removals shall thereafter occur only for cause, and after full inquiry.

Mr. BINGHAM. That is an amendment to the substitute.

The CHAIRMAN. That is an amendment to the substitute.

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. FAIRCHILD].

Mr. WILLIAM A. STONE. Mr. Chairman, that is an amendment to the substitute also.

The CHAIRMAN. That is an amendment to the substitute.

Mr. WILLIAM A. STONE. I only call the attention of the committee to the fact, because there have been so many amendments.

The CHAIRMAN. The Chair stated that it was an amendment to the substitute.

Mr. FAIRCHILD. I understand my colleague from New York [Mr. QUIGG] accepts that amendment.

The CHAIRMAN. Nevertheless it must be voted upon.

Mr. BINGHAM. Let the amendment be reported.

The CHAIRMAN. It has already been reported; but without objection, the Clerk will again report it.

The Clerk read as follows:

> *Provided, however*, That in the copyright department, the appointments for which provision is herein made, to wit: Register of copyrights, $3,000; twenty-nine clerks, two, at $1,800 each; two, at $1,600 each; three, at $1,400 each; ten, at $1,200 each; ten, at $900 each, and two, at $720 each, shall be made by the Committee on Patents

[Laughter.]

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. CUMMINGS], which the Clerk will report.

The Clerk read as follows:

> After the word "persons," in the fourth line of the clause relating to appointments and removals, insert as follows:
> "On the recommendation of the director of the Library."

The amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. FOOTE] is now recognized for an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

> After the words "the office of the Librarian of Congress shall thereupon be abolished," insert the following:
> "The director of the Library shall have the power to appoint one chief librarian, one librarian to act as superintendent of reading room, twelve assistant librarians, one chief of catalogue department, sixteen cataloguers, one superintendent of art gallery and three assistants, one superintendent of hall of maps and charts and two assistants, one superintendent of periodical department, one superintendent of manuscript department and two assistants, one superintendent of music department and three assistants, all to be paid salaries as above provided for, but no employee shall thereafter be removed except for cause. The Joint Committee on the Library is hereby empowered in behalf of Congress to assume the charge and custody of the new building for the Library of Congress and to make rules and regulations for its occupancy and use, and, upon satisfactory proof that the duties heretofore conferred by law upon Bernard R. Green in relation to the construction and completion of the said new building have been fully performed, the Joint Committee on the Library is authorized to discharge the said Bernard R. Green of all duties and responsibilities in connection with said building; that any balance now existing of the appropriations heretofore made for the construction and completion of the said building is hereby made available, not only for that purpose, but also to furnish and equip the said building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building, and the said director of the Library is hereby authorized to effect the removal of the said Library collections and their arrangement in the new building, and, with the advice and consent of the Joint Committee on the Library, to purchase the necessary furniture for the equipment of the said new building. The Joint Committee on the Library shall have power, except as above provided, to employ or remove all persons for whose compensation provision is made in this act."

Mr. FOOTE. I wish to say, in explanation, that this removes from the substitute offered by my colleague [Mr. QUIGG] objections which have been urged on the floor. This gives the director of the Library full power to appoint or remove his immediate force, all the heads of his departments, and all his assistants necessary to run the Library.

It leaves under the Library Committee the subordinate force, and gives the House of Congress—the lower House—the right to overlook the building, and to have charge of the same to the Committee on the Library. In other words, it merely takes from the patronage that part of the force needed in the Library by the director of the Library, or chief librarian, to properly carry out any scheme he may have in the way of cataloguing or any scheme he may have for the purpose of hastening the progress of the work in this Library, and takes it entirely out of politics. I therefore offer that amendment.

Mr. BINGHAM. I simply desire to say that the bill submitted by the Committee on Appropriations is a consistent bill throughout. Perhaps the bill submitted by the gentleman from New York [Mr. QUIGG] is a consistent bill throughout. This is confusing, and a change of either of these bills in all their consistency—— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FOOTE] to the substitute which has just been reported.

The question was taken, and the amendment to the substitute was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from New York [Mr. QUIGG].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. QUIGG. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, noes 85.

So the substitute was rejected.

Mr. GILLETT of Massachusetts. I have an amendment I desire to offer.

The CHAIRMAN. Is the gentleman's amendment to the original text?

Mr. GILLETT of Massachusetts. Yes, sir.

The Clerk read as follows:

> Add to line 18, page 21:
> "All the above appointments except the Librarian and two assistants are to be made from lists of eligibles to be submitted by the Civil Service Commission, under their rules, who are hereby empowered to hold examinations for all the above positions."

Mr. WILLIAM A. STONE. Mr. Chairman, I make the point of order against that that it changes existing law.

Mr. QUIGG. But my friend wants it taken out of politics. [Laughter.]

Mr. WILLIAM A. STONE. "My friend" is quite able to state what he wants. [Laughter.] I make the point of order that it changes existing law.

The CHAIRMAN. The Chair is constrained to overrule the point of order.

Mr. WILLIAM A. STONE. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIAM A. STONE. The point of order I make is that the amendment directing that all appointments should be made under the provisions of the civil-service law is simply directing what the President had power to do under the law as it now stands. In other words, it is a change of law as it now exists. The law gives to the President power to issue an order putting all these appointments under the civil service, and it is not necessary for Congress to repeal that provision by directing that it be done in this way. He can make such an order without any legislation of this kind, and it is a change of the law as it now exists.

Mr. WILLIAMS. Mr. Chairman, that part in the bill as reported by the committee to which this is offered as an amendment is itself a change of existing law, and being a change of existing law, an amendment to it is not obnoxious to the objection that it changes existing law.

The CHAIRMAN. This bill when reported to the House contained, in the paragraph relating to the Library of Congress, that which is manifestly on its face new legislation. This would have been subject to a point of order under the provisions of Rule XXI, section 2. No such point of order was made, and the bill therefore was sent by the House to the Committee of the Whole for consideration just as it was reported, and in its entirety. Under these circumstances, as has been heretofore several times ruled, no point of order could be made in the committee against the paragraph on the ground that it contained new legislation. The committee, in other words, could not refuse to consider what the House had sent to it for consideration. But the right of consideration involves also the right of amendment; that is to say, the committee has the right to perfect as it may see fit the matter submitted to it. For these reasons the point of order is overruled. [Cries of "Vote!" "Vote!"]

Mr. GILLETT of Massachusetts. The House has already voted by two to one for a clause which practically amounts to the same as this, saying that this patronage shall be taken out of politics. Now, if gentlemen seriously intend to accomplish that the House ought to adopt this amendment, as it is the only practical method of carrying out what they have voted for.

Mr. WILLIAM A. STONE. Mr. Chairman, I suggest that at this stage of the proceedings we ought not to put this House on record in favor of a proposition of that kind.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. GILLETT of Massachusetts. Division.

The committee divided, and there were—ayes 37; noes 73.

So the amendment was rejected.

The CHAIRMAN. The Chair is informed that by unanimous consent the paragraph relating to the civil service was passed over for consideration, and that consideration is in order at this time.

Mr. BINGHAM. Under the agreement with the committee, we passed over the paragraph commencing on page 24, Civil Service Commission, from line 6 down to line 19. I have no statement to make in connection with the matter beyond this. Your committee heard the Commissioners of the Civil Service. We gave them the same appropriation for the next year that we have under the current law. One of the Commissioners read to us a careful and elaborately prepared statement, wherein he submitted that at the conclusion of the reorganization of their force of subordinates they would be able to do their work during the next fiscal year with the same appropriation as during the current year. We therefore appropriate the same amount of money for the same subordinate force.

Mr. BROSIUS and Mr. BAKER of New Hampshire addressed the Chair.

The CHAIRMAN. The Clerk will read the paragraph, after which the Chair will recognize the gentleman from Pennsylvania.

The Clerk read as follows:

> CIVIL SERVICE COMMISSION.
>
> For three Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 2; fifteen clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; one messenger; two laborers; engineer, $840; and two watchmen; in all, $91,340
>
> For necessary travelling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, $7,000.

Mr. BINGHAM. What amendment does the gentleman offer?

Mr. BROSIUS. I have not offered anything. I have simply been recognized and have taken the floor upon this paragraph.

Mr. CANNON. Mr. Chairman, we are under the five-minute rule, and nothing can be spoken to under that rule unless there is some proposition pending. Therefore, if there is no amendment offered there can be no recognition.

The CHAIRMAN. The Chair recognized the gentleman from Pennsylvania [Mr. BROSIUS] assuming that he was going to offer an amendment.

Mr. BROSIUS. Mr. Chairman, I was recognized by the Chair and I desire to say now that when I suggested the passing over of this paragraph and intimated that I might desire to make some observations upon it, it was understood that an opportunity would be afforded when the paragraph should be taken up to submit observations as under general debate. The understanding was that this was to be treated precisely as the matter of the Library has been treated, which was passed over in the same way, and in pursuance of that distinct understanding I rose a moment ago and addressed the Chair and was recognized. Have I the right to proceed?

The CHAIRMAN. The gentleman has correctly stated the position.

Mr. CANNON. A parliamentary inquiry, Mr. Chairman. Are we under the five-minute rule?

The CHAIRMAN. The Chair is advised that this paragraph was passed over by unanimous consent, and that it was understood that when the paragraph was taken up, general debate was to be in order just as though it had come up for the first time.

Mr. BINGHAM. That is correct.

Mr. BAKER of New Hampshire. Mr. Chairman, I ask the gentleman from Pennsylvania [Mr. BROSIUS] to yield to me to offer an amendment.

Mr. BROSIUS. I will yield the gentleman two minutes in which to offer his amendment.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Chair will state that, strictly speaking, amendments are not in order until after the general debate.

Mr. BROSIUS. I know they are not, but I have yielded to the gentleman from New Hampshire two minutes and he can do what he pleases with the time so far as I am concerned. [Laughter.]

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read.

Mr. BINGHAM. Mr. Chairman, I raise the point of order against that amendment.

Mr. RICHARDSON. I understand that the amendment is simply read for information.

The CHAIRMAN. That is all.

Mr. BROSIUS. I now yield ten minutes to the gentleman from Kentucky [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I am not at all opposed to a civil-service law which is properly restricted and wisely limited, especially if it be executed in the spirit of fairness which should be behind it, but if it be a cloak merely for partisan benefit or advantage, or a vehicle for foisting upon the people an office-holding class to the enormous extent of nearly 75,000 persons, each of whom will have practically a life tenure, and many of them be in places where the civil-service principle is abnormal, and to my mind wholly inapplicable, then I think it is time to call a halt and consider whether the law itself should not be reconstructed.

I chanced to have charge of one of the largest of the bureaus of the Government when the law went into effect in 1883, and cheerfully bear testimony to its beneficial results within the limited application given to it by President Arthur. Doubtless it was equally useful in some of the respects in which other Presidents have put it in force. That is to say, to the extent that such examinations as are fairly within its principles can be made to show fitness for places in the public service, it is, so far as I can see, unobjectionable; but if offices are to be filled through its operations, with reference to which no sort of congruity can be found between the examinations and the duties of such offices, then, in my judgment, it becomes absurd. To illustrate: What possible congruity is there between a civil-service examination and inspecting cattle, watching a stillhouse, or hunting a counterfeiter or a moonshiner? I confess my utter inability to see any. Trial and experience are the means of developing fitness for such positions.

I am not here to criticise the President. I feel that the country owes him a strong tribute of praise upon some phases, especially some later phases, of his official conduct, but I think nothing better illustrates what would be the dangerous powers of the President than some later rules made under the civil-service law, if those rules were not subject to revocation. Take, for example, the internal-revenue service. In my judgment, it would have been a most remarkable exercise of authority to extend the civil-service law irrevocably to deputy collectors, storekeepers, etc. The efficiency of these officers is so wholly dependent upon other qualities than those which can be developed by civil-service examinations that my astonishment might have been excessive, but for one chastening, or rather I should say modifying, consideration. Every one or nearly every one of those offices was filled by a partisan of the President before the necessity dawned upon the Executive mind to extend the panoply of civil-service reform over them. It would have excited less suspicion of using a law for party advantage if this extension had been made before the change in incumbents of the offices, or if the places after being made vacant had been filled through the operations of the law, or, indeed, if only half of the incumbents had been removed and their places filled with Democrats.

In either of these contingencies a possible show of fairness might have been preserved. It was certainly the exercise of a very kindly foresight to have the changes all made before any other step was taken. It was well to get good and ready for it. Any law which would admit of such misuse should be reconsidered, or its operations reformed, if the rules made by the President are irrevocable.

Mr. RICHARDSON. Will the gentleman permit a question?

Mr. EVANS. I prefer not to be interrupted now. At the conclusion of my remarks I will try to answer the gentleman's question.

Another instance was that of a certain large office in this city. By some lucky accident those who administered the affairs of that office were informed of the purpose to extend the law so as to embrace it in due season to prepare for the emergency. It had a lump appropriation to pay its expenses from, and had not been limited to any specific number of clerks or employees. Knowing what was to come, the employees of this office were largely increased. The official list was considerably padded, and when the order extending the law to it became effective it was easy to drop all the employees of one party and have a full complement of the faithful to be protected by law.

And I am told that down in a city not very remote from where I live a way has been discovered by which the blind dispenser of civil-service lottery favors can discriminate with unerring exactness between a Republican and a Democrat. Whether these things all be exactly as stated I can not precisely say, but if they are so it seems to me to be time to look into the situation.

To purely clerical positions in the Departments and large offices, and to a great extent in the postal service, I think the civil-service law should extend permanently. Further than that it might become a cloak for the most violent partisan deceitfulness and misuse if the President could not change the rules. I am not in favor of the bald doctrine that to the victors belong the spoils. There should be no such thing as spoils, and anything that is mere spoils should be abolished as odious; but I confess it is difficult to convince me that it is the logic of a great political victory that the other side shall still continue to run the Government and be in position, possibly at the very next election, materially to aid in bringing the country under the dominion of the most dangerous political doctrines.

However, Mr. Chairman, while I have thought it well to call the attention of the committee to these matters, I think it is not necessary to repeal the law to remedy them. A careful investigation has left no doubt upon my mind that the whole subject is under Presidential control, and that the rules issued from time to time can be modified or revoked at any time the President may see fit. And I find that the power of revocation has accordingly been freely exercised. In making the comprehensive rules of November 2, 1896, the President expressly revoked all others. If one President goes too far, another may correct it. The power to make rules necessarily includes the power to revoke them. And as the Chief Executive is the real fountain of all appointing power, we might suppose the rules of November 2 were made by the President to conveniently govern in his own Administration but for the very late date of their promulgation.

Now, Mr. Chairman, I will hear the question that the gentleman from Tennessee desires to ask.

Mr. RICHARDSON. I rose to interrupt the gentleman when he was citing certain facts, to ask him whether there had not been an illustrious example set to the present Chief Magistrate of the country by his immediate predecessor in office in making such changes as the gentleman spoke of.

Mr. EVANS. Possibly so.

Mr. RICHARDSON. Well, Mr. Chairman, I ask for a few minutes to——

Mr. BROSIUS. Mr. Chairman, if the gentleman will allow me, I do not think the gentleman from Kentucky [Mr. Evans] has any time to yield.

Mr. RICHARDSON. I did not ask the gentleman for any time. I addressed the Chair in my own right.

Mr. BROSIUS. But I was in possession of the floor, the genman will remember.

Mr. RICHARDSON. I recognize that, and I ask the gentleman if he will not give me five minutes?

Mr. BROSIUS. I can not do so now.

Mr. BINGHAM. I will state to the gentleman from Tennessee, and to the gentleman from Pennsylvania also, that it is my purpose at the conclusion of the remarks of the gentleman from Kentucky [Mr. Evans] to move that the committee rise.

Mr. BROSIUS. He has concluded now.

Mr. BINGHAM. Then, Mr. Chairman, I move that the committee rise.

Mr. RICHARDSON. As I understand, this matter will be open for debate to-morrow.

Several Members. Oh, yes.

The question being taken on the motion of Mr. BINGHAM that the committee rise, it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Dalzell reported that the Committee of the Whole on the state of the Union, having had under consideration the legislative appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House was requested:

A bill (H. R. 3787) for the relief of Henry A. F. Worth; and

A bill (H. R. 3139) for the relief of M. R. William Grebe.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894.

The message also announced that the Senate had further insisted upon its disagreement to the amendment of the House to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. Cannon, and Mr. Mitchell of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its disagreement to the amendment of the House to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Gen. Horace Boughton, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. Palmer, and Mr. Baker as the conferees on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Buck, for two days, on account of business.

To Mr. Steele, for two days, on account of important business.

To Mr. Lawson, for ten days, on account of important business.

And then, on motion of Mr. Bingham (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting the report of the Board of Ordnance and Fortification for the year ending October 31, 1896—to the Committee on Appropriations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Apalachicola Bay, Florida, and the approaches to Apalachicola—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Smithtown Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of John Ehs and R. E. Wester, administrator of Joseph Lynn, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting his annual report for the fiscal year ending June 30, 1896—to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of rule XIII, Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 1338) entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina," reported the same without amendment, accompanied by a report (No. 2362); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COLSON, from the Committee on Claims: The bill (S. 21) entitled "An act to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due. (Report No. 2360.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9595) granting a pension to Mrs. Annie Wittenmyer. (Report No. 2361.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. McCORMICK: A bill (H. R. 9770) providing that the Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park—to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 9771) providing that those who have commuted homesteads may avail themselves of the provisions of the homestead act—to the Committee on the Public Lands.

By Mr. HULICK (by request): A bill (H. R. 9772) to protect citizens of the United States engaged in labor in foreign countries, and to increase the efficiency of domestic labor—to the Committee on Foreign Affairs.

By Mr. DANFORD: A bill (H. R. 9773) to levy and collect duties on wool, hair, sheep, cotton, and other fibers—to the Committee on Ways and Means.

By Mr. RINAKER: A bill (H. R. 9774) to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS of Iowa: A bill (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 9776) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota"—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE (by request): A bill (H. R. 9777) to promote the safety of employees and shippers upon railroads by compelling common carriers to equip their freight cars with safety appliances to protect such persons from injury resulting from falling between freight cars—to the Committee on Interstate and Foreign Commerce.

Mr. CLARK of Iowa: A bill (H. R. 9778) to give trusses to soldiers of the war with Mexico—to the Committee on Pensions.

By Mr. CUMMINGS: A joint resolution (H. Res. 223) relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862—to the Committee on Naval Affairs.

By Mr. HILL: A joint resolution (H. Res. 224) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARKE of Alabama: A bill (H. R. 9779) for the relief of Mrs. Sarah A. Herndon—to the Committee on War Claims.

By Mr. COFFIN: A bill (H. R. 9780) granting a pension to Sarah Anderson (colored), of Annapolis, Md.—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 9781) granting a pension to Mary J. Ellis, of Kendall, Russell County, Ky.—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 9782) for the relief of Mrs. M. A. Eddy—to the Committee on Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 9783) donating 2 condemned cannon and 10 condemned cannon balls to citizens of Marengo, Iowa, for monumental purposes—to the Committee on Naval Affairs.

By Mr. DRAPER (by request): A bill (H. R. 9784) for the relief of the Globe Works, of Boston, Mass.—to the Committee on War Claims.

By Mr. KIRKPATRICK: A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON (by request): A bill (H. R. 9786) for the relief of Elias E. Barnes—to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 9787) to pay to Marie Eliza Payne, of Natchitoches Parish, La., an amount found due by the Court of Claims—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 9788) granting a pension to Bethiah H. Rollins—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9789) for the relief of the Roman Catholic Church of St. Peters, at Jackson, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9790) for the relief of James Couch, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 9791) granting an increase of pension to John Wedemeyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9792) granting a pension to Frederick W. Tappmeyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9793) granting an increase of pension to Joseph C. Berry, alias Joseph White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9794) granting a pension to Samuel S. Grimmett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9795) granting an increase of pension to Uriah H. Owings—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9796) granting a pension to Turner J. Bowling—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 9797) to increase the pension of Gilbert G. Fancher—to the Committee on Pensions.

By Mr. McDEARMON: A bill (H. R. 9798) for the relief of F. W. Thomas, postmaster at Dyersburg, Tenn.—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Mississippi: Papers relating to the claim of Abel Walker, of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. BROMWELL: Memorial of the Chamber of Commerce of Cincinnati, Ohio, concerning the improvement of the Mississippi River by repairing crevasses at Pass a Loutre—to the Committee on Rivers and Harbors.

By Mr. CHICKERING: Resolutions of Joe Spratt Post, No. 323, Grand Army of the Republic, of Watertown, N. Y., urging the recognition of the Cubans as belligerents in their struggle for liberty—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Paper of M. V. Allen, of Covington, Ind., favoring the passage of House bill No. 8354, to pension maimed veterans of the late rebellion—to the Committee on Invalid Pensions.

By Mr. HUBBARD (by request): Resolutions of James A. Garfield Post, No. 6, Grand Army of the Republic, of Jefferson City, Mo., condemning the action of Spain toward Cuba—to the Committee on Foreign Affairs.

By Mr. HULICK: Resolutions adopted at a public meeting of citizens of Columbus, Ohio; also, resolutions of the Young Men's Seth Brown Club of Lebanon, Ohio, asking for the recognition of Cuban independence—to the Committee on Foreign Affairs.

Also, resolution of the California Wool Association, favoring the immediate passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. LAYTON: Petition of George W. Perry and 119 other ex-Union soldiers of Darke County, Ohio; also, petition of Joseph H. Taylor and 19 other ex-Union soldiers of Auglaize County, Ohio; also, petition of T. Crampton, jr., and 3 other ex-Union soldiers of Brookfield, Mo., asking for the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of the Trades League of Philadelphia, Pa., for immediate action upon the revenue laws so as to provide for the expenses of the Government—to the Committee on Ways and Means.

Also, petition of the California Wool Association, favoring the passage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. REYBURN: Resolutions of the select and common councils of the city of Philadelphia, Pa., asking the United States to dig out the Back Channel at League Island Navy-Yard—to the Committee on Rivers and Harbors.

Also, resolutions of the select and common councils of Philadelphia, asking for aid in deepening the channel of the Delaware River—to the Committee on Rivers and Harbors.

Also, memorial of the committee of the American Economic and Statistical Association, for the passage of legislation for the more effective organization of the United States census—to the Committee on Appropriations.

Also, resolutions of the National Board of Trade, of Philadelphia, Pa., in favor of the development of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the National Board of Trade, of Philadelphia, recommending the principle of reciprocity and the fostering of the export trade—to the Committee on Foreign Affairs.

Also, resolutions of George G. Meade Post, No. 1, Grand Army of the Republic, in favor of the independence of the Cubans—to the Committee on Foreign Affairs.

By Mr. SPENCER: Papers relating to the claim of Lewis P. Kirk, of Tishomingo County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of Martha L. Dixon, of Hinds County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of William Wall, of Marshall County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of B. A. Jones, administrator, of Marshall County, Miss.—to the Committee on War Claims.

By Mr. WATSON of Ohio: Resolutions adopted at a mass meeting of citizens of Columbus, Ohio, relative to granting belligerent rights to the Cubans—to the Committee on Foreign Affairs.

By Mr. WILSON of Ohio: Petition of 1,050 citizens of the city of Washington Court-House, Ohio; also petition of the Ministers' Association of Springfield, Ohio, favoring the passage of a law prohibiting the transportation of obscene matter—to the Committee on the Judiciary.

Also, petition of citizens of Washington Court-House, Ohio, for a commission to investigate the labor problem and suggest a solution—to the Committee on Labor.

Also, resolution of the Ministers' Association of Springfield, Ohio, relating to arbitration for railroad strikes—to the Committee on Labor.

Also, petition of 1,050 citizens of the city of Washington Court-House, Ohio; also petition of the Ministers' Association, of Springfield, Ohio, favoring the enactment of better Sabbath laws for the national capital—to the Committee on the District of Columbia.

Also, petition of citizens of the city of Washington Court-House, Ohio, favoring arbitration for railway strikes—to the Committee on Labor.

Also, resolutions of Mitchell Post, No. 45, Grand Army of the Republic, of Springfield, Ohio, favoring the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *December 22, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Oregon and Georgia; which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1723) to approve and ratify the constuction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana; and

A bill (S. 2989) to increase the pension of Caroline S. Baker.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTHOLDT, Mr. DANFORD, and Mr. WILSON of South Carolina managers of the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Guthrie, Okla., praying for the passage of the bill providing for free homesteads on the public lands in that Territory; which was ordered to lie on the table.

He also presented a petition of the Evangelical Association of New York City, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. SEWELL presented a memorial of sundry citizens of Hackensack, N. J., remonstrating against a continuance of the treatment received by Armenian citizens in Turkey; which was referred to the Committee on Foreign Relations.

Mr. CANNON presented the petition of H. W. Hales and 11 other citizens of Utah, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. SHERMAN presented the petition of K. G. Vaughn, of Carroll County, Va., praying that he be reimbursed for losses sustained by him during the war; which was referred to the Committee on Claims.

Mr. BURROWS presented a petition of sundry citizens of Allegan, Mich., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Galien, Mich., praying for the enactment of legislation to abate the organizations known as trusts; which was referred to the Committee on the Judiciary.

Mr. GEAR presented a petition of sundry citizens of Fonda, Iowa, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of 48 depositors of the failed Freedman's Saving and Trust Company of the District of Columbia, praying that an appropriation be made to reimburse them for their losses by the failure of that company; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of sundry citizens of Ventura County, Cal., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. WALTHALL presented the memorial of J. M. Harrison and sundry other citizens of Wayne County, Miss., and the memorial of G. L. Cunningham and sundry other citizens of Wayne County, Miss., remonstrating against the passage of House bill No. 9345, to enable certain persons in the State of Mississippi to procure title to public lands; which were referred to the Committee on Public lands.

Mr. CAMERON presented petitions of Lafayette Post, No. 217, Grand Army of the Republic, of Easton, Pa.; of Captain Colwell Post, No. 201, Grand Army of the Republic, of Carlisle, Pa., and of Colonel Crosdale Post, No. 256, Grand Army of the Republic, of Riegelsville, Pa., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3272) granting a pension to Hannah Hess; which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Zeb Branson Post, No. 462, Department of Illinois, Grand Army of the Republic, of Ipava, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. COCKRELL. I desire a change of reference in regard to a petition that was presented by me yesterday praying for the passage of a bill to prohibit the sale of liquor in the Capitol building. It was referred to the Committee on Rules. I understand that the bill on that subject which came from the House is before the Committee on Public Buildings and Grounds, and not the Committee on Rules. Upon the suggestion of my friend from Tennessee [Mr. HARRIS], the petition was referred to the Committee on Rules. I ask that the Committee on Rules be discharged from its consideration, and that it be referred to the Committee on Public Buildings and Grounds.

Mr. PLATT. What bill does the Senator from Missouri refer to?

Mr. COCKRELL. The bill proposing to prohibit the sale of intoxicants in the Capitol.

Mr. PLATT. Some bill relating to that subject has been referred to the Committee on the District of Columbia. I do not know whether that is the bill the Senator refers to.

Mr. FRYE. It is a general bill touching the sale of liquor in the District which was referred to the Committee on the District of Columbia. This bill refers to the sale of liquor in the Capitol building.

Mr. COCKRELL. Let the petition go to the committee that has the bill, and then if that committee is discharged, it will go wherever the bill goes. The Committee on Rules does not have charge of that bill now, and the Committee on Public Buildings and Grounds has it. Whatever may be right about it, that is the fact.

Mr. FRYE. I think on the motion of the junior Senator from Missouri [Mr. VEST] the other bill was sent to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. There is no question as to the propriety of the reference of the petition. It ought to go to the committee that has charge of the bill, no matter which committee it is.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). If there is no objection, the change of reference suggested by the Senator from Missouri will be made. The Chair hears no objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming, of Battery E, Third United States Artillery, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 3113) granting a pension to Margaret A. Kidwell, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3398) for the relief of Augusta Tuller, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3415) granting a pension to Ella D. Cross, reported it without amendment, and submitted a report thereon.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. From the Committee on Appropriations I report back with amendments the bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes. As it is very important that the bill should be passed before the adjournment to-day, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I ask that the formal reading be dispensed with, and that the amendments of the committee be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 3, to strike out lines 12, 13, and 14, in the following words:

> For the rent of a building for the Court of Claims for the balance of the fiscal year 1897, $2,500

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

> SENATE.
>
> For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $5,523.07.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. The committee has no further amendments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I ask that the clerks see to it that the bill is sent to the other House as soon as possible.

The VICE-PRESIDENT. It will be so ordered.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3461) to grant a pension to Hans Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLANCHARD introduced a bill (S. 3462) for the relief of the legal representatives of Alfred Duplantier, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3463) for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW (by request) introduced a bill (S. 3464) granting lands to the State of South Dakota to aid the construction of the Dakota Pacific Railroad Company from Sioux Falls, S. Dak., to Granger, Wyo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 3465) granting a pension to Rafael Chacon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3466) granting a pension to John Burns; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3467) for the relief of Jeremiah Sullivan from the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 3468) for the relief of John D. Thorne; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3469) granting an increase of pension to Joanna W. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 3470) for the relief of the estate of Tredwell S. Ayres, deceased, late of Memphis, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHITE introduced a bill (S. 3471) authorizing lands containing petroleum to be entered as placer lands, under chapter 6 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HILL (for Mr. BRICE) introduced a joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INDEBTEDNESS OF PACIFIC RAILROADS.

On motion of Mr. GEAR, it was

> *Ordered,* That the computations of the Treasury Department regarding debts of the Union and Central Pacific railroads be printed, and that 1,000 extra copies of the paper be printed for the use of the Senate.

UNPAID ALLOWANCES OF CENTRAL PACIFIC RAILROAD.

On motion of Mr. GEAR, it was

> *Ordered,* That the communication from the Acting Secretary of the Treasury, transmitting a statement of the unpaid allowances standing credited on the books of the Treasury of the United States to the Central Pacific Railroad Company as compensation for services upon unaided lines, together with interest upon said amounts at the rate of 2 per cent per annum to the 1st day of July, 1897, be printed.

ANACOSTIA RIVER FLATS.

On motion of Mr. McMILLAN, it was

> *Ordered,* That 500 extra copies of the memorial of the East Washington Citizens' Association, relative to the reclamation of the flats of the Anacostia River, be printed for the use of the Senate.

DEATH OF CHARLES GOVIN.

Mr. CALL submitted the following resolution; which was read:

> *Resolved,* That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the Senate such information as the State Department has relating to the death of Charles Govin, a citizen of the United States and a newspaper correspondent, from violence by the Spanish forces at Corredena, in the Island of Cuba, during the present year.

Mr. CALL. I ask the Secretary to read a letter in support of the resolution, if there be no objection.

Mr. HALE. What does the Senator ask be done with the resolution?

Mr. CALL. I ask that it be passed.

Mr. SHERMAN. It is merely a call for information.

Mr. HALE. Has the resolution the usual discretionary clause in it?

Mr. CALL. It has. The resolution has the usual clause, "if not incompatible with the public interest." I ask that the letter be read.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The letter will be read.

The Secretary read as follows:

> KEY WEST, FLA., *December 19, 1896.*
>
> MY DEAR SIR: I would like of your kindness to pass a resolution in case of my brother Chas. Govin, American born, and correspondent of the Equator Democrat, of this city, who was hacked to pieces by the Spanish forces under General Ochoa, near Habana, in the place called Corredena. There is full information of this case in the State Department. In the name of an American mother, for the honor of our country and the sake of humanity, I ask you to investigate this case and help us in this matter as a good American.
>
> I remain, yours, very truly,
>
> J. M. GOVIN.
>
> P. O. box 247.
>
> Hon. WILKINSON CALL,
> *United States Senate, Washington, D. C.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

THE INITIATIVE AND REFERENDUM.

Mr. BUTLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved,* That a special committee, to consist of three Senators, be appointed and hereby instructed, through a subcommittee or otherwise, to inquire into the feasibility of applying the principle of direct legislation through the initiative and referendum to the legislation of the Federal Government, and to report to the Senate at this session, by bill or otherwise, the results of said inquiry; and that for the purpose hereof the committee be authorized to sit in the city of Washington, or any other city of the United States, and to employ such clerical aid as may be necessary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making appropriation therefor.

UNION PACIFIC RAILWAY TRUST NOTES.

Mr. PETTIGREW. Yesterday I introduced a joint resolution (S. R. 182) authorizing the Secretary of the Treasury to take up and pay the Union Pacific Railway Company's 6 per cent trust notes, and making an appropriation for that purpose, which I asked to have lie on the table. I now desire to have the joint resolution read at length, and I wish to make a brief statement in regard to the same before its reference.

The VICE-PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

> *Resolved by the Senate and House of Representatives, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to the holders of the Union Pacific Railway Company's 6 per cent trust notes the amount due thereon, and take possession of the bonds and stocks now held as security for said notes, said bonds and stocks being the property of the Union Pacific Railway Company.
>
> SEC. 2. That for the purpose of carrying out the provisions of this act the sum of $10,000,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. PETTIGREW. Mr. President, I wish to call the attention of the Committee on Pacific Railroads, to whom I desire to have the joint resolution referred, to certain facts in connection with this matter.

I am of the opinion that the Union Pacific Railroad was not and is not insolvent, inasmuch as previous to its going into the hands of receivers its income was sufficient not only to pay the operating expenses, but all the interest upon its indebtedness except that which it owed the Government. Nevertheless a floating debt was created for the express purpose, in my opinion, of securing the securities of the company which now are collateral to the trust notes issued for the floating debt.

In 1891 the company issued its 6 per cent gold notes for $8,500,000, or at least the principal and interest amounts to that sum at the present time, and deposited bonds and securities of the Union Pacific Railroad, the bonds and securities of the branch lines of the Union Pacific Railroad, with Morgan & Co. to secure these trust notes.

The notes have been past due for two years. The interest has been unpaid, I understand. It is now proposed on the part of the owners of these notes to foreclose upon the securities, organize a corporation that is to hold the securities, issue bonds to the amount of $10,000,000, and issue $5,000,000 of stock, and deliver the stock to the people who take the bonds and furnish the money to pay these trust notes, the stock to be given as a bonus with the bonds, without any consideration being paid for the stock whatever.

Their apparent purpose is to get possession of the bonds and stocks of the branch lines of the Union Pacific Railroad. These stocks and bonds amount to $93,000,000 and are worth on the market to-day from $35,000,000 to $40,000,000. Yet it is proposed to sell them to pay these trust notes, to get possession of the branch lines, and then, in case the Government takes the main line of the Union Pacific Railroad, divert the branch line to the Northwestern or other roads which nearly parallel the Union Pacific, and greatly decrease the property and the security of the Government.

It seems to me that any business man under these circumstances would step in and protect his interests, and it is the duty of the Government of the United States to step in and protect its interests and redeem these securities, to pay the trust notes, to take these stocks and bonds, for in case we take the property (and it seems to me likely that we shall take the property of the Union and Central Pacific railroads) these branch lines will be absolutely essential. The money of the Union Pacific Railroad has gone into their construction—$30,000,000 or $40,000,000 of it. Twenty-eight million dollars of these securities are bonds, most of which are worth par, and over $50,000,000—yes, $65,000,000—is stock of the branch line, the Oregon Short Line, and other lines built as feeders to the Union Pacific Railroad.

Now, unless this matter is attended to at once, there is no question but that these people will carry out their scheme of securing control of the branch lines, so as to divert business from the main line of the Union Pacific Railroad to other lines, greatly decreasing the value of the property against which the Government has issued its own bonds.

There is no mention that I know of in the report of the committee with regard to this asset and no notice taken of it, and yet it is one of the most important assets the Government has. An advertisement has been placed in the Wall Street Daily News, signed by Mr. G. Moore, Mr. James W. Alexander, and Mr. John F. Adkin as a committee for the purpose of carrying out this project.

Mr. PLATT. Who are they?

Mr. PETTIGREW. I understand this committee represent the estates which control the Union Pacific Railroad, which have made great fortunes out of the management of the road, and have so managed the property as to swindle the sinking fund and prevent the Government from securing its pay, and have discriminated in such manner against the people they have served as to cause great scandal in relation to these roads. But the same people who propose to carry out this plan of diverting this property are the people in reality who control the Union Pacific road to-day; and a part of the plan was a failure to pay interest on the first-mortgage bonds of the road, although the revenue was sufficient to pay the interest, so that the appointment of receivers would be necessary, and the receivers appointed are men in the interest of men who controlled these roads at the time of their appointment, and the receivers refused to use the revenue for the payment of interest on these prior bonds for the purpose of complicating this question and better facilitating the means used to defeat the claim of the Government against this property.

Mr. GEAR. May I ask the Senator a question?

Mr. PETTIGREW. Certainly.

Mr. GEAR. Can a receiver pay any money without the order of the court?

Mr. PETTIGREW. I am not certain that he can or can not.

Mr. GEAR. It is the general rule that where a receiver is appointed by a court, he is governed by the instruction and order of the court, and that he must pay in accordance with the order of the court.

Mr. PETTIGREW. The same people who controlled these roads previous to the appointments of receivers have succeeded in getting the receivers they want. The people who controlled the road before the receivers were appointed and failed to pay this interest, although the roads earned the interest, followed up the same policy. They have not applied to the court for the payment of the interest. They do not desire to pay it. They propose to control this question. It seems to me it is the duty of the Government of the United States to pay off its first indebtedness, to pay off the trust notes, to take possession of these roads, and take possession of the branch lines of the roads and operate them, if necessary, in the interest of the people who dwell along the line. Certainly the Government of the United States can operate these roads to the greater profit and satisfaction of the people they serve than the men who have operated them in the past or the men who are engaged in this reorganization scheme.

Mr. GEAR. May I ask the Senator a question? The Senator from South Dakota, I understand, advocates the policy that the Government shall take possession and operate these roads, if necessary. Is not that so?

Mr. PETTIGREW. Is that all of your question?

Mr. GEAR. No.

Mr. PETTIGREW. Let us have the whole of it.

Mr. GEAR. In that event, does not the gentleman recognize the fact that upon roads operated by the Government the charges for transportation and passengers are from 30 to 40 per cent higher than upon roads operated by corporations?

Mr. PETTIGREW. I am glad the Senator has asked that question, and I shall be glad to answer it. In the first place, I do believe it would be well for the Government to take possession of these roads and operate them. Our experience in the past in the operation of roads by private corporations has been such that it can not possibly be worse if the Government takes control. On the contrary, I believe that it would be far better.

I will now answer the second part of the gentleman's question. In some of the countries of Europe I am well aware the apparent rates are higher than they are on the trunk lines in the United States. But, Mr. President, it is not the rates that the people of this country complain against; it is the discrimination which makes the corporations the arbiters of the destinies of men and places; it is discrimination and rebates and fraudulent practices in violation of law, combinations and pools, which give to individuals advantages over their neighbors and which give to towns advantages over competing towns. That is the difficulty more than anything else. If the people of this country could know that the rate was the same to everyone, and if the people could know that every man had an equal and a fair chance in the struggle for existence and in competition for business, the complaints and protests against the railroads of this country would be far less than they are.

Mr. PEFFER. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. PEFFER. I wish to inquire whether the Senator from South Dakota desires to be understood as stating that in countries where the government as a government exclusively manages the roads the rates are higher than they are in this country?

Mr. PETTIGREW. In some of them they are higher than in this country, upon a mileage basis. In some of them they are not. In Australia they are higher, but that is a very sparsely settled country. In Austria, I understand, they are not as high, although the passenger rates for first-class passengers is higher than those in the United States. Some of the European countries are deeply in debt and the roads are operated for the purpose of paying off the debt. However, I think that in Austria this is not so much sought after, and that therefore the rates in that country are less than they are in the United States. I understand that in Belgium the rates are not much different from what they are here. So it is in Italy, and so it is in France.

Mr. GEAR. May I be allowed to state to the Senator that the ordinary rates in the United States are less than they are in any other country in the world?

Mr. PETTIGREW. I think not.

Mr. GEAR. It is the case, I will say to the Senator.

Mr. PETTIGREW. I think not. I think it will be found on a thorough examination of the question that the rates in the United States are not lower than in any other country. Take, for instance, the roads in Austria, and the passenger rates have three grades. If you would take an average of the highest rates and the lowest rates, they would be fully as high as they are in this country. The rates for third-class passengers are much less than they are in this country, and the rates for second-class passengers are lower than they are in this country, while the rate for first-class passengers is very much higher than it is in the United States.

Mr. GEAR. I will call the attention of the Senator to the accommodations. They are far inferior in those countries to the accommodations in the United States, and they are such as the American people would not submit to. That is a matter of history.

Then there is one other statement I wish to make. It will be borne in mind that the Populist party at St. Louis declared in favor of the Government ownership of railways. It is a matter of well-known information that that party during the recent campaign just closed investigated this question with the intention of preparing a statement to give to the public to show how much cheaper the Government could operate railroads than a private corporation, and it is a matter of fact that when they found the facts in the case they desisted, that they did not and never have put out such a statement.

Mr. PETTIGREW. I am glad the Senator from Iowa has had an opportunity to inject into my speech a speech of his own. I said in the first place that it was not so much a protest against the rates in this country as a protest against the discriminations which led to the dissatisfaction with regard to American railroad management. I say again, that if this difficulty were removed, if absolute control on the part of the Government were had, if the interstate-commerce law was amended so that the rates could be absolutely fixed by the Interstate Commerce Commission, and if such steps were taken as absolutely to prevent discrimination, it would answer the purpose as well as Government ownership.

But here is an opportunity, Mr. President, to acquire ownership of a transcontinental line. Here is an opportunity to try the experiment and at the same time protect the interests of the Government by operating a railroad by the Government itself. If the experiment is a failure, and if it does not give peace and prosperity to the people it serves, we can very easily afterwards dispose of the property and reconsider our action. It is at least worth the trial.

What has been our experience with railroads? The railroads in the United States perhaps clamor more loudly than anyone else against legislation which shall in any way interfere with business, and yet they of all others undertake to overturn the very fundamental principle of Anglo-Saxon civilization in claiming that competition is killing, and therefore they ask to be allowed to combine, so as to destroy competition. The great trunk lines west of Chicago are in combination. When their representatives are placed on the stand they testify that they are not, but the evidence disclosed that they were. This was testimony taken last fall to show that these lines were in combination to control business and control rates, and distribute the proceeds of the profits of their unlawful act. The great railroad pool east of Chicago, embracing every road running to the seaboard, is in combination—a combination to control rates, a combination to divide and to distribute the business. These combinations will say to one man in a city or town that he may do business and his neighbor shall not, and they say it by giving to favored ones a better freight rate, a freight rate so much better than that offered to the public that the difference is a good profit upon the business in which they are engaged, thus destroying competition, and thus gradually accumulating the property of this country in the hands of a few. They discriminate between towns. They say that one town shall be a wholesale point and that another, struggling also for a wholesale trade, shall not, by giving a special rate to favored localities. Against these things the American people protest, and one of the loud outcries against existing conditions results from these monopolies of the railroads of this country.

Therefore, Mr. President, I do believe it would be well if we would take possession of the Union Pacific Railroad, operate it, and take possession of the branch lines and operate those in the interests of the people they serve. I believe that it is the fear that this will be done that has led these people, beginning away back five years ago, to handle this property so as to enable them to sever branch lines from the main line upon which the Government has its security, and at the same time enrich themselves.

Mr. President, the proposition which they propose to carry out is similar to their usual operations. There are $8,500,000 of these trust notes. They propose to issue $10,000,000 of bonds. They propose to divide to the holders of these bonds, without any consideration whatever, $5,000,000 of stock, thus increasing the indebtedness from $8,400,000 to $15,000,000, and thus compelling the Government, if it ever redeems this property, not only to pay to these people the amount due them upon their trust notes, but also to redeem the stock which has been issued without consideration.

Mr. President, no wealth can be acquired in that way, except it is acquired at the expense of the men who produce it. Stock issued without consideration upon which some one hereafter is to pay interest is a means of taking from the producers of wealth the result of their toil, for no wealth can be produced except by toil. No wealth can exist except some one has toiled to produce it and manifested self-denial and those traits of character which make good citizenship. If we allow the issuance of stock without the payment of money for it to compel the payment of interest upon it, those who toiled have had taken from them the product of their toil. It seems to me it is time to call a halt; it is time to stop such transactions; and in this case in particular, where the Government is directly interested, it is our duty to act at once.

Mr. President, I ask to have printed in the RECORD a list of the bonds and stocks, amounting to $93,266,087.75, which are held by the Morgan syndicate as security for these trust notes. I wish to call the attention of the Committee on Pacific Railroads to this matter, and very much hope that the joint resolution will be at once reported.

The VICE-PRESIDENT. If there be no objection, the statement referred to by the Senator from South Dakota will be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The statement referred to is as follows:

Statement showing the stocks held by J. P. Morgan & Co., trustees, under the trust indenture of the Union Pacific Railroad Company dated September 4, 1891.

	Par value.
Atchison, Colorado and Pacific Railroad Company	$250,300.00
Atchison, Jewell County and Western Railroad Company	105,000.00
Bozeman Coal Company	96,000.00
Carbon Cut-off Railway Company	250,000.00
Central Branch Union Pacific Railroad Company	674,300.00
Colorado Western Railroad Company	9,100.00
Denver, Leadville and Gunnison Railway Company	5,000,000.00
Echo and Park City Railway Company	480,000.00
Grays Peak, Snake River and Leadville Railroad Company	6,000.00
Green River Water Works Company	225,000.00
Hutchinson Southern Railroad Company	6,434,800.00
Junction City and Fort Kearney Railway Company	44,000.00
Kansas Central Railroad Company	1,313,400.00
Kansas City and Omaha Railroad Company	1,725,375.00
Kearney and Black Hills Railway Company	773,141.91
Laramie, National Park and Pacific Railroad and Telegraph Company	65,500.00
Lawrence and Emporia Railway Company	465,000.00
Loveland Pass Mining and Railroad Tunnel Company	4,800.00
Montana Railway Company	420,000.00
Montana Union Railway Company	425,000.00
Morrison Stone, Lime and Town Company	100,000.00
Occidental and Oriental Steamship Company	150,000.00
Omaha and Elkhorn Valley	40,300.00
Omaha and Republican Valley Railway Company	2,327,321.77
Omaha Union Depot Company	7,500.00
Oregon Railway and Navigation Company	6,300.00
Oregon Short Line and Utah Northern Railway Company	15,115,703.33
Pacific Express Company	2,400,000.00
Rattlesnake Creek Water Company	65,300.00
St. Joseph and Grand Island Railroad Company	2,301,500.00
St. Joseph Terminal Railroad Company	25,000.00
Salt Lake Foundry and Manufacturing Company	87.00
Salina and Southwestern Railway Company	231,700.00
South Park and Leadville Short Line Railroad Company	1,000,000.00
Union Depot Company, Kansas City	45,000.00
Union Elevator Company, Council Bluffs	46,700.00
Union Elevator Company, Omaha	81,000.00
Union Pacific Coal Company	4,437,900.00
Union Pacific Coal Company (held as collateral)	562,100.00
Union Pacific, Denver and Gulf Railway Company	13,251,862.00
Union Pacific, Lincoln and Colorado Railway Company	1,907,800.00
Union Pacific Railway Company	177,450.00
Union Pacific and Western Colorado Railway Company	400,500.00
Western National Fair Association	7,950.00
Wood River Improvement Company	258,500.00
Total stocks	62,646,393.01

Statement showing the bonds held by J. P. Morgan & Co., trustees, under the trust indenture of the Union Pacific Railroad Company dated September 4, 1891.

	Par value.
Atchison Union Depot Railroad Company, second mortgage	$4,500.00
Colorado Central Railroad Company	1,437,000.00
Denver, Leadville and Gunnison Railway Company, first mortgage	54,000.00
Echo and Park City Railway Company, first mortgage	480,000.00
Green River Water Works Company, first mortgage	217,000.00
Hutchinson Southern Railroad Company, first mortgage	1,025,000.00
Idaho Central Railway Company, first mortgage	82,000.00
City of Junction City, Davis County, Kans	5,000.00
Kansas Central Railroad Company, first mortgage	1,345,000.00
Kansas City and Omaha Railroad Company, first mortgage, certificate of deposit	1,595,500.00
Kansas Pacific Railway Company, income bonds	1,250.00
Kearney and Black Hills Railway Company, first mortgage	339,325.00
Loveland Pass Mining and Railroad Tunnel Company, first mortgage	400,000.00
Manhattan, Alma and Burlington Railway Company, first mortgage	330,000.00
Ogden Union Railway and Depot Company, first mortgage	163,000.00
Omaha and Republican Valley Railway Company, first mortgage	121,000.00
Omaha and Republican Valley Railway Company, extension first mortgage	1,248,000.00
Omaha and Republican Valley Railway Company, consolidated mortgage	591,000.00
Rattlesnake Creek Water Company, first mortgage	132,000.00
Union Depot Company, of Spokane Falls, first mortgage	334,000.00
Union Pacific Coal Company, first mortgage	4,880,000.00
Union Pacific, Denver and Gulf Railway Company, consolidated mortgage	6,637,000.00
Union Pacific Railway Company, Omaha Bridge	1,000.00
Union Pacific Railway Company, equipment trust, series C	375,000.00
Union Pacific Railway Company, Kansas Division, and collateral mortgage	5,000,000.00
Union Pacific Railway Company, Omaha Bridge renewal	145,000.00
Utah Southern Railroad Company, first mortgage	418,000.00
Utah Southern Railroad, extension first mortgage	911,000.00
Echo and Park City Railway Company, notes	200,000.00
Hutchinson and Southern Railway Company, note, balance due on it	417,873.76
Portland and Puget Sound Railroad Company, certificate of indebtedness held as collateral	909,245.98
Kearney and Black Hills Railway Company, first mortgage	350,000.00
Total bonds	30,152,694.74
Total stock	62,646,393.01
	92,799,087.75
Wood River Improvement Company, notes held as collateral	467,000.00
Total	93,266,087.75

Mr. PLATT. Mr. President, the very interesting remarks which the Senator from South Dakota [Mr. PETTIGREW] has made should, I think, convince the Senate that its duty is to consider a matter which has been so long delayed and which the Senator from Iowa [Mr. GEAR] has so often attempted to have considered: that is, the proposition to settle with the Government the debt of the Union Pacific and Central Pacific Railroad companies. It seems to me that there is no question before the Senate or before the country more imperatively demanding attention than this question.

I make these remarks because several years ago—I think as long ago as 1887—the Senator from Maine [Mr. FRYE] will perhaps correct me if I am wrong—I was for a short time on the committee to investigate the relations between the Government and these railroad companies. A report for a settlement was then made by the committee. I went off the committee soon after that; but from that time to the present the committee on the relations between the Government and the Pacific railroad companies has been trying to obtain consideration in the Senate and in the other branch of Congress of this important question, but it has always in some way been postponed.

The Government now has a debt against these two railroads, the Union Pacific and the Central Pacific Railroad, amounting at the present time, I think, to something like $115,000,000. That seems to attract the attention of no one, and it is in imminent danger of being lost by delay and by inaction, and it seems to me that the request which the Senator from Iowa, the chairman of the Committee on Pacific Railroads, made early in this session, that this matter should receive the consideration of the Senate, and which he renewed yesterday, is not only a reasonable request, but one which ought to receive objection from no quarter. I can not understand why it is that we have been so utterly indifferent to the question of whether a debt to the Government of over $100,000,000 should be secured, if possible, or lost; and I hope, Mr. President, that when the Senate reconvenes after the recess it may address itself to this matter first of all.

I am not now familiar with the subject. I do not know that the method proposed for the settlement of these claims and the security of them is the best that could be devised, but I know from the report of the committee and I know from the remarks just made by the Senator from South Dakota that it is a matter which we ought not to trifle with and neglect any longer.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution introduced yesterday by the Senator from Missouri [Mr. VEST].

Mr. MORGAN. Before that is done, I desire to hear the joint resolution of the Senator from South Dakota read.

The Secretary again read the joint resolution.

Mr. MORGAN. I wish to inquire of the Senator from South Dakota whether it is his purpose to refer the joint resolution to a committee?

Mr. PETTIGREW. I desire to have the joint resolution referred to the Committee on Pacific Railroads.

Mr. MORGAN. Then, Mr. President, in connection with that, I wish to state that so far as I am concerned, as a member of that committee, the subject of this resolution is entirely new to me. The committee have never taken it into consideration so far as I know, though I have not been present at every meeting, and the last meetings the committee held last spring I was unable to attend.

The statements made by the Senator from South Dakota are very strong, broad, and very earnest, and doubtless he must feel entirely able to sustain them. If they can be sustained, they show a state of affairs in connection with the administration of the Union Pacific Railway which develops, as I conceive and as I understand, a fraudulent combination among certain persons interested in what are called the branch lines of that railway to load down those branch lines with debt, so that they may be absorbed by capitalists; and if the result should be that the Union Pacific Railway, when it is finally disposed of, should not fall into the proper hands, then these gentlemen by combinations and arrangements among themselves can unite these branch roads with the Northwestern system, and thereby make a road paralleling the Union Pacific, which would deprive it of its traffic advantages.

I think that no single mind is capable, without, perhaps, a devotion of as much as a year of time to the investigation of the labyrinth of fraud and rascality which has attended the administration of these two railroads in the West, to understand and to explain to the Senate or to the people of the United States the true and full history of that saturnalia of fraud which has occurred in regard to these two railways.

When the foundations of those roads were laid, as soon almost as they began to be built, in fact before they began to be built, there was developed in the eastern part of the United States what was called the Credit Mobilier, that seemed to have infested the atmosphere even of Congress, and more recently, within the last few months, there has been developed a twin brother of the Credit Mobilier in the Central Pacific establishment, which has carried on the same processes, by the same methods of bribery and corruption, and to the same results that have inflicted upon this country and upon that system of railroads such terrible scandal.

I do not know, Mr. President, that we shall ever get to the bottom of that; I do not know that it would be for the welfare and peace and good name of this country that these things should really be probed to the bottom; but I know that the enormity of those offenses is so great, the proof of them is so evident, that many members of Congress have staggered at an approach to the subject and have preferred to turn away, and by a sort of silent condonation allow those things to go unreproved and uninvestigated and to seek some more pleasant way out of the trouble and the danger and the load of debt that these transactions have imposed upon the Government and people of the United States. Developments have been made and the record of the proof of them by sworn witnesses is on the files of the Senate and printed according to its order and is before the country, and no Senator need think he can escape any responsibility for what we shall do here in reference to those railways. There will be no covering up, no hiding out, no shrinking from contact with the subject merely because it is repulsive and unpleasant. It will all have to come to light.

The assaults made to-day upon the managers connected with these branch lines of the Union Pacific Railroad by a Senator in his place demands of the Committee on Pacific Railroads that they should investigate it; demands of that committee, inasmuch as the time of this session is very short, that they should occupy some portion of the holidays in investigating that matter and in making a report upon the accusations made by the Senator from South Dakota as to whether they are to be sustained or whether he is mistaken in his charges; and I propose to ask, as a member of that committee, that we shall sit in vacation and that we shall investigate this subject.

Mr. PLATT. The committee have authority to do that now.

Mr. MORGAN. It is said that the time is short for the consideration of this measure, and the Senator from Connecticut [Mr. PLATT] has called our attention very properly to the fact that this is a very great matter, involving pretty nearly $200,000,000 of debt against the Government of the United States and an enormous charge upon the people. He calls attention to the fact that that debt is now rapidly maturing, in fact on the 1st day of January, now close at hand, a very large part of it is to fall due. He calls attention also to the fact that the Committee on Pacific Railroads have on frequent occasions endeavored to get a hearing before this body upon reports of bills made by them concerning these two railroads.

Very shortly after the organization of the Select Committee on Pacific Railroads, of which I had the honor then to be appointed a member, and have remained on the committee ever since, the committee of the Senate and the Railroad Committee of the other House—I forget its precise designation—united in the report of identical bills to both bodies. The two bills were separate, the one relating to the Union Pacific and the other to the Central Pacific Railway, if I remember the record correctly. At all events, the bills which were reported to each House were identical in their terms. It was a very remarkable fact that one House was under the control of the Democratic party and the other House under the control of the Republican party, and that every member of the Committee on Railroads in each House coincided in the report of those measures. They came here, and, as I remember, the Senator from Maine who sits in front of me [Mr. FRYE] endeavored to call up, and did call up, the report of the committee and the bills, and endeavored to put the bill upon its passage, whereupon Mr. Huntington objected, and insisted that the two bills should be incorporated into one, or, at all events, that they should be considered together. That objection prevailed, and the bill was laid over, because the time was short for the consideration of the measures. From that time to this the committee have never reported a bill until near the close of the last session of the present Congress. We have had very frequent hearings, including hearings from a syndicate of bondholders from Germany, represented by an honorable attorney from New York by the name of Stetson, who was here for the purpose of assisting that bond syndicate in getting a bill passed to put the control of an American railroad, and run it, in German interests.

Various propositions have come before us in reference to each distinct road, until, after a while, a combination between them seems to have been formed which produced a bill in each House which was satisfactory to the majority of the committee of the Senate and I believe a majority of the committee in the other House. These bills are now pending, and one of them is the bill which the honorable chairman of the committee is now urging for consideration.

Some members of the committee, Mr. President, object to this bill for one reason and some for another, which objections, I dare say, will be stated at large before the Senate whenever we come to the consideration of this very grave and very important matter—grave and important not merely with respect to the amount involved in it and the interests of the people and also of the Government of the United States in those roads, but very grave and very serious in respect of that load of accusation and proof of fraud and crime which has almost buried them out of reach of human consideration.

Mr. President, I am in favor of taking up those bills and considering them; I am in favor of having this subject disposed of; but when they are considered and disposed of I wish it understood that there will be a claim of latitude of debate upon this subject that is commensurate simply with the magnitude of the question involved and the great amount of proof that has been brought to the attention of the Government and the Senate by the reports of the committee. I am in favor of the consideration of the bill. I am not in favor of its passage; I am opposed to it. In that opposition I wish to state now that I could have no personal interest or bias in the matter. The people whom I, along with my honorable colleague, represent have no interest in it in a financial sense. We are stationed in what may be called the doldrums of this question, where no breeze blows in any direction; we are down in Alabama, at a point where it is impossible to benefit that State by giving a preference or an advantage to one line of these railways over another. If our interests as a people incline in either direction, it is toward the Southern Pacific Railway as a competitor of these roads. Therefore I feel authorized to cast my vote, and to conform in a large degree my judgment and my opinion according to the best interests of two classes of people. One class is that wonderful, enterprising, and grand group of people on the Pacific Slope, and the other is the great body of people who live between the Missouri River and the Pacific Slope.

It is my purpose, Mr. President, to take care of the interests of the Government of the United States in the best way that I can, for we shall never get justice. That is impossible. Justice has passed out of the reach of judgment, and we can never lay our hands on it for the benefit of the Government. But the people live, the people have their rights, the people must furnish all the money that will ever be drawn into the coffers of these great railway systems. They can not live a day without the contributions of the people. They are as helpless without those contributions as a crop of corn planted in the Sahara Desert is fruitless and helpless without the rains of heaven to fall upon it. They have no income except what the people must contribute. Therefore I take great interest in seeing that the people of the country I have referred to shall have their rights respected and their future secured against monopoly by combinations between the Union and Central Pacific railroads or the Southern Pacific road and the other transcontinental railroads of this country falling into private hands. All of them must live upon the people, and all of them in combination will constitute themselves again, as they have done in the past and are doing now, a ruling, powerful, unconquerable monopoly, that will wring the last drop of substance out of these people, according to the axiom of railroad managers that they must earn from the people "all that the traffic will bear." That is the rule by which monopoly measures necessity.

Mr. President, no remonstrances have ever come to the Senate of the United States from any section of this Union so strong, so earnest, so well sustained by proof, so supported by the entire mass of the people as those which have come from the Pacific Coast against frauds in the administration of these roads against their being released from their indebtedness to the Government of the United States, and against having towering fortunes built up and put in the hands of grasping monopolists through their sacrifice. The files of the Senate are loaded with those remonstrances, petitions, and arguments. They have been, many of them, printed here, and the aggregate would form many large volumes.

The people of California and of the whole Pacific Slope are asking for nothing but relief against the power of the monopoly, which they assert has already robbed them of these vast millions which have been aggregated into private fortunes through the management and the managers of these railroads and which stand there as a threat against the prosperity of the Pacific Slope worse and more alarming than any which has ever been made against any section of the American Union. No people have suffered like they have; none are bound in such chains as bind them; there are none to whom agricultural, industrial, and commercial prosperity and expectation is so sad a blank of hopeless endeavor for the future as it is to them.

I therefore hope, Mr. President, when we come to the consideration of this question, that we will not deny to these people a voice in these proceedings, and that we shall not treat it simply as a cent per cent arrangement by which certain men are to grow rich and the world and people are to grow poor. I hope, casting aside sympathy, but coming to those moving considerations which are supposed to stir the heart of justice, that we shall come to this question with a strong determination that the people of this country, at least, shall not be sacrificed to this Gorgon of monopoly.

Heretofore I have had the honor to submit to the Senate of the United States a motion, which is now on the Calendar, to have the bill which has been reported to this body recommitted with instructions. Those instructions change the plan of our action, and, in my humble judgment, they secure to the people of the Pacific Coast, the intermediate populations, and to the Government of the United States all that is just and right and conscientious in our action upon this great subject. More than that, they secure to every honest stockholder, every bondholder, whether a first or second mortgage bondholder, full and perfect guaranty of all his rights when they are measured by the general aggregate value of this entire property and its interests.

The Union Pacific Railroad Company, if I am not incorrectly informed—and, if I am, some member of the committee on this floor will correct me—has now lying in the treasury of its receivers money enough, acquired from the income of that road after enormous expenditure has been made in rebuilding it, to pay the interest on the first-mortgage bonds as it is due. No one denies that proposition, and I must be right about it. That railroad company is not bankrupt in the sense of its being unable out of its earnings to pay the interest on the first-mortgage bonds, and yet it comes here as a bankrupt mendicant, pretending to be in the last stages of beggary for the purpose of exciting, possibly, the double consideration of pity for those who are concerned in it and the necessity of hasty action to close out this bankrupt concern in the quickest way possible. The Central Pacific Railroad Company has paid the interest on its first-mortgage bonds up to date. It has done not only that, but it has paid from 1 to 1½ per cent dividend to the foreign stockholders, who own 51 per cent of the stock of that road. That company comes here as a bankrupt concern after having paid the interest upon its first-mortgage bonds and a dividend to its British stockholders.

I suppose these facts, Mr. President, will have some weight upon the judgment of Congress as to the amount of haste it is necessary for us to make in order to save something out of this wreck. It is regarded now that all we can make out of it is some fees for salvage, when the truth is that both these railroads, upon the showing, one of the court and the other of the directors, are solvent and able to steer along. They are both doing what has become a fixed and settled practice amongst railroads in the United States, running down their receipts and injuring their property when in the hands of receivers, or when, for other reasons, it is thought to be necessary to do so in order to force the bankruptcy and sale of the roads, so that a few large moneyed men may buy them in for nothing. That is the game which we have to confront here to-day. That is the question which stands in front of this great subject that will come up here as soon as the Senator from Iowa can get the right of way for his bill with the consent of this body. We have to deal with a false pretense in the outset of this proposed legislation.

The Senator from Iowa [Mr. GEAR] asked a question of the Senator from South Dakota [Mr. PETTIGREW], which, as well as I could hear him, was whether the courts have not fixed the rights as between the branch railroads and the trunk roads on the Union Pacific line, or whether the courts could not fix or adjust those rights. That is the way I understood the question.

Mr. GEAR. I beg pardon. I did not ask the Senator from South Dakota that question. I simply asked the Senator the question whether the courts did not fix the amounts to be paid by receivers at all times, and to whom they should be paid. I simply asked for information.

Mr. MORGAN. I wish to interpose right here the statement that the Government of the United States has never been made a party to the suits for foreclosure of the Pacific railroads, and if the Attorney-General of the United States has due consideration for the welfare of this people and the integrity of the Government, he will never go into court and submit himself to that jurisdiction on a bill of foreclosure.

Mr. GEAR. I suppose, I will inform the Senator, that when a suit is pending before a court for the foreclosure of a road, notice would be served on all parties in interest, and naturally would be served on the Government. As to that I do not know, however. I have not asked the Attorney-General.

Mr. MORGAN. The Government of the United States can not be sued without its consent. There is no law which authorizes it to be sued in respect of these railroads.

Mr. GEAR. I will state to the Senator from Alabama that on that question there is some difference of opinion even among my legal friends. I am not myself a lawyer, but many of the best lawyers in this country hold that when Congress enacted the law of 1864, subordinating the first mortgage of the Government to the mortgage of the railway, permitting it to become the first mortgage in its turn, the Government became in that sense the same as an individual. It is a question of law.

Mr. MORGAN. That question came up in committee. It was presented by a very bright and astute lawyer, and he seemed to try to work out the right or the power to make the Government of the United States a party defendant to the suit, upon the idea that the Congress of the United States, in according the priority to what are called the first-mortgage bonds, had also accorded to the courts jurisdiction to determine that priority and to administer it. I think I should not have much difficulty with the sound lawyers of this body upon a proposition of that kind. I do not think any man yet has ever acquired the right to sue the United States by inference from its transactions. I understand that that right can not be exercised against this great sovereignty otherwise than through a law constitutionally enacted.

Mr. GEAR. There is no doubt, I imagine, in the Senator's mind as a lawyer that the Government could waive its right by an act? Congress could do so?

Mr. MORGAN. Of course.

Mr. GEAR. Then the doubt remains whether by the act of 1864 the Government did or did not waive its rights. That is the point as to which some of my legal friends in the country and also some in this body differ.

Mr. MORGAN. The gentleman who presented that point seemed to be entirely satisfied, after a few inquiries were made as to the foundation of his proposition, that he was resting on very slight grounds. At all events, the Attorney-General, in whose keeping the statute places the control of this property, has never gone into court and made himself a party; and he never will do so, in my judgment. I hope he never will. So we have rights which lie behind any power of a court of foreclosure, that are fixed by statute, conclusively fixed, and the Attorney-General, before he could get his consent to submit the rights of the Government of the United States to the adjudication of a Federal court, would have to repeal a half dozen statutes on our book, including the charters of these companies themselves. It would be a tremendous assumption of authority on the part of the Attorney-General if he should undertake such a universal repeal of statutes as would become necessary in order to deprive the Government of the United States of rights which have accrued by forfeiture.

There is a good deal of misapprehension about this point, and perhaps I might take a moment to state what it is without undertaking perhaps to remove it. There seems to be a misapprehension prevalent in the minds of very good lawyers who have not looked carefully into the statutes that, because bonds and mortgages are out, any court having jurisdiction of a mortgage foreclosure can exercise its power to take this property under its control and administer and dispose of it according to its judgment.

In the charter of these two railroads and in various measures which have become laws since that time there was fixed in favor of the United States that which has never been surrendered; that is to say, a strict statutory lien upon this property which differs from a mortgage toto cælo, and the condition upon which the property was to pass into the hands of the United States was such that if the corporations failed to comply with certain requirements of the act, amongst which is the payment of these bonds, the whole property of the company is forfeited by operation of law.

Mr. VEST. Will the Senator from Alabama, in connection with the statement he made in regard to the appearance of the Government in this suit, be kind enough to state what he understands by that part of the President's message which, according to my recollection—I have not turned to it—is to the effect that unless something is done by Congress in the very near future the executive department will take steps by the 1st of January, I believe, to protect the interests of the Government. Now, I understand that the only way in which the Government can do that is by interpleading in the pending suit.

Mr. MORGAN. The Senator from Missouri asks me to interpret the President's message, but in all Egypt there was but a single man, and he was divinely inspired, who could interpret the dreams of Pharaoh. I suppose the Senator from Missouri can interpret that message if anybody can, but I do not stop to try to do it.

What I conclude about it is that the President has found himself in possession of a supposed authority to dispose of this property on and after the 1st of January, when a very large part of these bonds will fall due, I understand, and the companies are expected to default in the payment of them. Whether he had his mind fixed upon the enforcement of that lien according to statutory requirement and through the agencies provided by the statute as a part of the duty of the Executive of the country, or whether he had his mind fixed upon the supposed power of some court to foreclose the mortgage, as it is called, in some pending suit, I do not know.

But I was about to state, and I will proceed with my statement, that this statutory lien covers all the property of every kind and character, real, personal, and mixed, in action or in possession, equitable or legal, of these railroad corporations at the time when the default was committed; and the statute creates a forfeiture—mark the word—a forfeiture of that property into the rightful ownership and possession of the Government of the United States.

Mr. VEST. Will the Senator from Alabama permit me to have that portion of the President's message read? I only quoted it from memory.

Mr. MORGAN. I wish the Senator would excuse me from discussing the message, because I am not now paying any attention to its statements.

Mr. VEST. I simply desire to ascertain, because it is a matter of very great public interest, whether there is any probability of the Government interpleading, as the Senator said there is not, or that he hopes there is not. Of course I will not interrupt his remarks if he desires that I shall not.

Mr. MORGAN. The Government can not interplead in regard to the Pacific railroads, certainly, because there is no suit pending. If the Attorney-General brings an interpleader, he cuts the system of transcontinental railroads in two, and takes one end of it and interpleads about it, leaving the other in the air. I can not suppose ~~that~~ the President of the United States ever imagined that that would be the national policy, or that he would indulge himself in any conjecture or ruminations about it.

Mr. VEST. There is a suit pending.

Mr. MORGAN. The suit pending is in regard to the Union Pacific?

Mr. VEST. Yes.

Mr. MORGAN. None is pending in regard to the Central Pacific; and yet Congress designed those two roads to be one system, and when we abandon that design we may as well throw to the wind all our interest in them. So far as the people are concerned, it would be better if they had never been built rather than they should be converted into engines for their destruction.

I will proceed now. Here is a forfeiture of all the property of these railroad companies for condition broken in the nonpayment of the bonds and for failure to comply with various other conditions. What is the result of that forfeiture? It transfers, by force of the statute, the possession and ownership of this property into the United States. There is no intermediary; no intermediate act is necessary to vest the title; no action of any court is necessary. Hence we have empowered the President of the United States in the original statute, and we have repeated that authorization through the Secretary of the Treasury, to enter into possession, to take possession, of this property and hold it for this Government. On the happening of that default, whether it has happened or whether it may hereafter happen, these two railroad companies after that have no more right of property in the property covered by their charters than I have. Their right of property ceases and determines and passes by operation of law into the hands of the Government of the United States, and the President of the United States is empowered then, by the same statute and subsequent laws, to take possession of it, but not to dispose of it. Congress alone can dispose of it, whether the President or a court is selected as the agent for that purpose.

Now, if I am right in my attitude on this question, that property belongs to the Government of the United States to-day, or will belong to it when the first forfeiture happens. The remaining duty is merely for Congress to provide how it shall be disposed of. Numbers of erudite gentlemen, whose attention has not been riveted upon this subject, and whose special duty it has not been to investigate it, have insisted from time to time that the Government of the United States by no means whatever ought to own this property, and they have seemed to suppose that it would require some new legislation in order for that ownership to come about, whereas in the very charter under which these railroad companies were organized a provision for the ownership of this property by the Government of the United States was expressly made, the conditions all stated, and the manner of acquiring actual possession provided for. And to-day, instead of having to enact laws to take possession of this property, or to declare a forfeiture, if we propose to turn this property into other channels, private ownership by contract with Congress, or through a court, or in any other way, we shall have to repeal the laws which stand upon the statute book in order to get at the subject.

Now, that is a great vantage ground for the Government of the United States which I for one do not propose to give up. We can hold that vantage ground in virtue of the statute under which the roads have been built, and we can say to these men: "Now, if you want to buy those roads you have to stand on an equality with everybody else. Bring up your money and buy them if we desire to sell them. If we do not wish to sell them, get out of these offices here; go home, and we will put into the corporations a set of directors, authorized already by the acts of incorporation, and those directors shall be responsible directly to the Government of the United States. We will not create a bureaucracy to take charge of these roads; we will not permit any head of a Department in the Government of the United States to take charge

of them. We will not have the offices of these railroad companies filled by political tricksters, whether they are Democrats, Republicans, Populists, or whatever else. It shall be no bureaucracy at all. The Executive of the Government of the United States shall have nothing to do with the roads unless it may be an inspection, which we may allow to be made through the Commissioner of Railroads, and a report of their condition for the information of the Executive and of Congress. We will turn you out of doors, who have lost this property by your fraudulent defalcations and have no longer any interest in it." We will take the five Government directors who are now allowed by law in these railroad companies, the Government of the United States not having one dollar of stock in them, and we will multiply those directors until we make fifteen or whatever number the charter requires. We will put a president over that board of directors, and we will say to them: "Take these roads and manage them as if they belonged to the stockholders whom you represent." If you send those railroads to a court, the receiver does that, or a multitude of receivers do it. Instead of having judicial receivers to run a great railroad system under the control of a judge with ermine on his shoulders and sitting on the bench, we will have a number of receivers appointed under the authority of the Congress of the United States, who shall supplant and take the places of these defaulting directors, and use all of the corporate powers as they now exist or as they may be conferred by acts of Congress, for the purpose of working the companies out of debt.

Here is basis enough. As to the Central Pacific Railroad Company, if it can pay a dividend to its stockholders, it is good property; and that it does so no man on this floor will deny, or, if he does, I have the proofs to show that the fact is as I have stated it. As to the other road, the Union Pacific, it has now in reserve, as I am informed—I do not state it positively, because my information may be somewhat indefinite about it—money enough to pay interest on its first-mortgage bonds, and thus to upset the suit for the foreclosure, the basis of which is its failure to pay the interest on the first-mortgage bonds whenever that money is applied to the declared purposes of the suit. It is holding on there now by the skin of its teeth, trembling lest the jurisdiction of the court should slip from under it by the application of the money to the payment of the interest on the bonds and the extinction of them, whereupon there would no longer be any basis of jurisdiction in the court.

Now, Mr. President, this is a general outline of the instructions to the Committee on Pacific Railroads, which I have proposed and shall offer to the Senate in regard to a proper system of administering this property. I think I shall be perfectly able to demonstrate that with the assistance of the Government of the United States, such as we are obliged to give now in meeting the Government bonds and in taking care of what is called the prior lien upon it, with no greater latitude of legislation or committal of the Government to responsibilities, we can do just what we are compelled now to do, and save this property for the creditors, the stockholders, the Government, and the people.

A question has been raised here as to whether railroads under the control of governments under bureaucratic control in Europe have paid. They may or may not have paid. I do not undertake to measure American institutions or American experience by foreign institutions or foreign experience. Our Government is supposed to be one of the people, for the people, and by the people, and in their supreme authority over the Congress of the United States and the Executive, inside of the Constitution, the people are supposed to be quite competent at all times to see that right, equity, and justice prevail in the administration of any part of our Government, and particularly of a great public trust, for this is a great public trust. It makes no difference how the trust may have been created, or what duties the Government of the United States may have assumed in regard to public or private corporations; the great trust remains. It makes no difference what questions may possibly arise in the minds of strict constructionists as to the authority of Congress to do these things. It is sufficient to say that they have been done. They are accomplished facts. They are on the statute books. What I propose to do is merely to work out such results as are unquestioned in respect to their constitutionality and their propriety. I do not wish to change the laws under which this great national trust was created, but to execute those laws in securing to the United States forever the national advantages that were contemplated in the enormous grants of lands and loans of money that were made to secure them.

But, sir, we passed the laws in regard to those railroad companies at a time when no State intervened between the Missouri River and the California line. It was all territory subject to the jurisdiction of Congress. There was no impediment of any kind. If you were now to undertake to pass a law of that kind in this body, objection would be made by State after State against your right to do so, unless you submitted to this qualification or that or the other in respect to taxation or some other matter; perhaps as to the right of way. The whole thing rests upon legislation made at a time when there was no obstruction. I for one, sir, am opposed to surrendering that power into the hands of any set of private men. It is a trust, a great national public trust for beneficent and wise purposes, and it seems almost as if it were a benevolence from on high that our predecessors seized upon the opportunity to exercise on behalf of the United States those powers which were then unquestioned for the benefit of this great country, the Atlantic and the Pacific coasts and the people thereof, and all the people in the intermediate sections of country.

It is a great public trust. Connected with it is the right of the Government of the United States to carry its armies, its munitions of war, its supplies of every kind, its officers, its mails, through over these roads and to control the telegraph lines upon them. There is one single item in this matter which I think would convince any American who was considering the rights and the future prosperity of this great land that we can not afford to place these railroads in private ownership, and especially in the ownership of a foreign German syndicate like that which was advocated by Mr. Stetson before the committee. We can not afford to do it. What item is that? It is the supply of our steam navy in the Pacific Ocean with coal. Sir, if we had the Nicaragua Canal, which in my estimation is one of the greatest enterprises with which the Government could possibly be connected, in passing our coal ships through that canal and up the coast of Mexico and California, and Oregon and Washington, they might be taken in flank, captured, interrupted by any enemy which we might find on the high seas. How important is it, therefore, that the Government of the United States should have the ability at its own will and pleasure, without the interruption of commerce or the consent of any private interest, to put these roads under control of its military authorities at any moment that it chooses to do so for the purpose of supplying coal to a fleet in the Pacific Ocean.

Does anyone here suppose that Great Britain, who absolutely owns the larger part of and controls the Canadian Pacific Railway, would ever give up her power over that railway to the extent of having to depend upon private consent, or private license, or private obstruction, or law suits which might intervene before she could transfer her troops or munitions of war, her coal supplies and provisions, across through Canada to the Straits of Fuca? Great Britain has coal in Vancouver. She has plenty of good steaming coal there, but she has Esquimalt between that coal and the Pacific Ocean, and we have nothing. Whether we can find outside of Esquimalt a location on which to build fortifications to hold that great fortress in check, no man has yet reported. I have inquired of many, and I can not find out that we have such a position. I dare say we have not got it. But the single item to which I call attention, the absolute necessity of having these railroads at all times under the control of the Government of the United States, is so impressively important that I can not at least shut it out from my thoughts, and I can not consent—I never could consent—to abandon the control of the Government of the United States over this property into private hands, especially if they are foreign hands.

Mr. President, am I not right in saying that in the United States to-day there is not a railroad 200 miles long, perhaps not one 100 miles long, the control of which is not virtually in the hands of foreign people? Am I not right in that statement? An American stockholder in an American railroad would be a curiosity who ought to be put in the side show of a circus.

Mr. GEAR. May I interrupt the Senator from Alabama?

Mr. MORGAN. Certainly.

Mr. GEAR. The Senator from Alabama is undoubtedly looking for information.

Mr. MORGAN. I am.

Mr. GEAR. The Senator states that he thinks there is no railroad 200 miles long in this country which is not owned by foreigners. I can cite him a road seven or eight thousand miles long, 58 per cent of the stock of which is owned by women in this country and 75 per cent of the stock of which, including the ownership of the women, is owned as trust funds by colleges and similar institutions.

Mr. MORGAN. Who own the bonds?

Mr. GEAR. The bonds are owned like any other paper. They are owned wherever they may be held. They are largely held, I will state for the information of the Senator, by the people of this country, and the road is a dividend-paying road.

Mr. MORGAN. If you will point out to me the men who own the bonds, I will tell you the men who control the road.

Mr. GEAR. Not necessarily; not in the case of a dividend-paying road.

Mr. MORGAN. There is no question about it.

Mr. GEAR. They control the road only when the road defaults in dividends, and this road has never defaulted. Therefore the bondholders have nothing to do with it except to cut their coupons.

Mr. MORGAN. Suppose they have not. I would like mightily to believe that they have not.

But, Mr. President, there are very few dollars put into the treasuries of railroads in the United States after current expenses are settled for that do not go abroad. I am not complaining of it. I regret it. I think the people have been very foolish about it, but still it is so. I am not going to complain about it, or anything of that sort: but still, in looking out for the preservation of the powers that Congress now possesses over these railroads, I must be permitted to cast my eyes in the direction from whence comes the real control of the railroads of the United States; and when we have got one of them that we can keep our hands upon, I am in favor of doing it.

Mr. President, these two roads have cost the United States an immense amount of money. We have had to pay the interest upon these bonds straight along for thirty years without any recoupment or recovery of the money excepting possibly some little driblet in what is called the Thurman fund in the Treasury. When we come to settle this final account, we can not get interest on that interest; we shall have to take it straight, and with a great reduction, very likely; perhaps there will be no collection at all.

Who has paid this money? The people of the United States tributary to the roads. These men who control these roads have been dealing with money that has been extracted from the people without a full consideration, largely without justice, when you come to reach the equities of the account. These roads have cost the people of the United States enormously, and I do not see any reason why Congress should get so disgusted with the frauds that have festered in these companies as that they will turn their backs in holy horror upon the question and say, let us march out of it and throw the people's rights to the dogs, and tax them still more to pay this debt.

No, sir; let us take care of these people. Let us take care of them now and in the future, as to their present rights and their prospective rights. Let Congress march up for once in its existence squarely to the duty of taking care of the people, for there is not one dollar of this money with which we are dealing that has not come from the pockets of the people, and there is not a dollar of it that will not come from the pockets of the people in the future.

These railroads have been built without drawing upon the private purses of the men who built them for a single dollar. They claim to be the holders and owners of property valued here at a low rate, $90,000,000, but in fact far exceeding this low estimate. These men have acquired this property, and they have got their fangs upon it, and it has never cost them a dollar out of their pockets up to to-day. And they have grown enormously rich in the use of the money of the people. After the roads have been robbed to the satisfaction of, the most gluttonous of the misers of the world, they were alleged to be bankrupt, and all of that money has come out of the pockets of the people.

I for one am for holding on to the powers that we have got over these roads until we can again earn it and pay the people out of debt. They can do it. There is no trouble about it. Over that railroad I would not be heard to deny that the Congress of the United States, with the powers reserved in these charters, had the authority to fix the rates of toll. If these people are ever robbed by high rates under the plan I have proposed, it will be because Congress will consent to it. There is no occasion for doing that. On the contrary, it is our duty to see that they are not robbed.

More than that, Mr. President, the administration of those railroads in the hands of an honest power such as Congress would be, will set a precedent and establish an example for the management of other railroads in the United States that will force the respective State railroad commissioners to bring them square up to the line and make them do their duty. We will demonstrate under this administration that it is within the reach of the powers of law and correct administration to accomplish such a grand result: and having done that, we perhaps will have done more to disentangle this Gordian knot that we are now trying to cut with the sword of this bill than we could ever do under other circumstances.

I would not have the Government of the United States manage this railroad as a part of its administrative system. I would separate the management of it as far from the powers of the Executive as the management of a railroad is separated from the power of the executive when it is in the hands of a judicial receiver. One or the other has to do it, or else we must huddle this property up together and put it up at auction. Who is going to buy it? What American can buy it? You may take all the grand estates that have been accumulated out of these railroads in the past and that now look like towering, hanging gardens of royalty above the heads of the people, and coin them into money, and they can not buy them.

Whenever this property is sold at auction it will be bought abroad, mark you.

Mr. MITCHELL of Oregon. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. MITCHELL of Oregon. The Senator a moment ago referred to his plan, as I understood him, and to certain results which would follow the plan of the Senator from Alabama. Will the Senator be kind enough to state what plan he proposes?

Mr. MORGAN. The plan is developed in the resolution of instruction which is on the Calendar. I have not had it sent to the committee, but all the members of the committee have seen it. It is discussed in a report which I had the honor to make at the last session of Congress upon this subject. I call it my plan simply because I happened accidentally to fall upon it after reading some decisions of the Supreme Court and the views of a number of gentlemen of very great ability, particularly of California. I am informed—I hope it is true—that a committee of the most intelligent and enlightened citizens of California are now preparing a substitute for this bill, following in some degree perhaps the plan that I have suggested, which I hope to be able to get here in time for its discussion before the bill is passed.

I myself do not want to take an hour for delay, but I do not want hasty consideration. I want the opportunity I now enjoy as a Senator to look at this great subject in the light of truth, sincerity, honesty, and lawfulness, and when I have done so to come to my conclusions about it, without reference to whether it is going to enrich one man or impoverish another, except, always, that the general great body of the people must be cared for under the administration of this road. We can not abdicate that duty. Whatever you may do here, as long as I live and have the power of expression, I will challenge the right of the Congress of the United States to subordinate and subject the people, particularly of the Pacific Coast and the intermediate country, to the will of incorporators, men of power and wealth, who may happen to own this road. Let us stand by the people. They are the life of this country. There is nothing in America that is worth considering at all except the character and rights of the American people brought in contact with the resources which a benevolent Providence has placed within their reach. Let us stand by these people, see that they are not wronged, that the powers of justice still exist, that its strong right arm is not shortened, neither is it weakened: that the sword of justice is not dulled by any seduction. Let it fall where it is destined to fall. Let those who have sinned be condemned, but let the righteousness of the people prevail against iniquity through the action of their servants in Congress.

This is all I care to say upon the subject now. I wanted to bring it to the attention of the Senate, but I did not expect to do it to-day, until the resolution of the Senator from South Dakota seemed to make my remarks pertinent.

Mr. GEAR. Mr. President, I do not wish to discuss this question. I am very glad, however, that it has come up incidentally through the remarks and the resolution offered by the Senator from South Dakota. It is evidence to me that it is a desire on the part of the Senate to take up this important measure. The conditions that surround the case are simply these: Nineteen million dollars of bonds have matured and will mature on the 1st day of January. Between now and January, 1898, forty-one million more dollars of Government subsidy bonds will have matured, which it is incumbent on the Government to pay.

The attention of Congress is called to this question imperatively by the President of the United States and by the Secretary of the Interior, and also by the Commissioner of Railroads. The President of the United States says that it has assumed such an imperative position that the duty will fall on him, under the act of 1887, to protect in some way the rights of the Government, if Congress shall fail to act upon it. How they shall be protected in the event that the President of the United States has to resort to the act of 1887 we can simply imagine. It seems to me that the time has come when some action should be had by Congress on this matter. The other branch of Congress, I see, has set apart four days in January for the discussion of the bill pending in that body.

One word in regard to the bill pending from the Committee on Pacific Railroads, of which committee I have the honor to be chairman. I do not think the members of that committee, who were united, with the exception of the distinguished Senator from Alabama, in favor of that report, were wedded either to that plan or any specific plan, but they are simply governed by what they desire to have done for the interest of the Government in saving the large amount of money, $115,000,000, which is involved in this transaction. Personally, for myself, I will simply say I am opposed in toto to the policy and principle of the Government buying and operating roads. From my observation and from the experience of other countries (which the Senator says is no guide for us) the results are not favorable to Government operation, because such roads are more expensive than the roads in this country.

In so far as the right of the Government to operate a road is concerned, I think nobody will deny that the Government has the right, because it is a principle of law which every lawyer understands and which certainly every layman should understand that in times of exigency and of national peril the laws are subordinated to the action of the Government, and it has a right to take possession of any road in this country and operate it for the benefit of the Government when the necessities of the case are such as to require it.

And, as I said before, I am very glad this discussion has come up, and, as I gave notice yesterday, I shall call up the bill immediately after the holidays.

Mr. PETTIGREW. Mr. President, I approve of the suggestion made by the Senator from Alabama that the committee should take up and look into this question during the holiday recess. I hope they will do so, and I hope they will take into consideration in that investigation the fact that in 1891 the Union Pacific Railroad owned and had in its possession $65,000,000 of the stocks of the branch lines of the Union Pacific Railroad, and that it had in its possession $28,000,000 of the bonds of these branch lines and other bonds which it had received from different counties and cities in aid of the construction of the branch lines; and that at that time, in 1891, the earnings of the Union Pacific road were sufficient to pay the operating expenses, to pay the interest on the prior bonds, the first-mortgage bonds of the road, and furnish a surplus. Yet, by some means, a floating debt of $8,000,000 was created, which turns up in the hands of the officers and directors and representatives of the road, and the bonds and stocks of these branch lines are taken by these officers and placed with Morgan & Co. as security for this floating debt, and notes were issued to the holders of this floating debt. The committee should also ascertain how this floating debt came into existence, the consideration received for it, and everything in connection with it, in view of the fact that the road was earning its operating expenses, interest on its bonds, and a surplus besides.

I should like also to have the committee investigate further the proposition now made by these same men to sell these securities, these stocks and these bonds, to satisfy the trust notes which they hold, and then, after getting possession of the stocks and bonds, to form a corporation and issue the bonds of this corporation for $10,000,000, to issue $5,000,000 of stock of this new corporation, which is to be divided among the people who take the bonds, and furnish the money as a bonus without paying one cent for it, and thus create a corporation, with a million and a half dollars in its treasury in excess of paying the trust notes, that shall control these branch lines. They wish to control these branch lines through this corporation and hold a million and a half of dollars in the treasury, so that they can pay assessments, etc., and do those things necessary to manage the property. In other words, they will have a corporation owning and controlling absolutely for the paltry sum of eight and one-half million dollars the stock and bonds amounting to $93,000,000 now the property of the Union Pacific road.

The VICE-PRESIDENT. The Senator from South Dakota will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the special order.

The SECRETARY. A bill (S. 1012) to prevent the desecration of the national flag.

Mr. GALLINGER. I ask unanimous consent that the special order be laid aside temporarily.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GEAR. I will state for the benefit of and in reply to the Senator from South Dakota that if there is a quorum of the committee present during the holidays, all the matter he refers to will be fully investigated.

The VICE-PRESIDENT. The Senator from South Dakota will proceed.

Mr. PETTIGREW. Now, Mr. President, these people propose to get control of this $93,000,000 of stocks and bonds which control the branch lines of the Union Pacific road independent absolutely of the rights and interests of the Government. These stocks and bonds are worth $35,000,000 to-day upon the market, as I am credibly informed, and yet they are to be taken by the very people who have managed the road, who created this debt and put the road in the hands of a receiver when it was solvent, and so get possession of these lines to the detriment of the interests of the Government in this connection. Then their apparent purpose is—and I hope the committee will look into that question—to divert the business of the branch lines to other roads and thereby make the property upon which the Government holds this security almost worthless.

I say, Mr. President, it seems to me that at this juncture prompt action is necessary in order to prevent the accomplishment of this purpose, which is in the line of the dishonest and corrupt acts of these men through a lifetime.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Pacific Railroads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The message further announced that the House requested the Senate to furnish to the House a copy of the Senate amendment to the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment, which has been lost.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9753) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes; and it was thereupon signed by the Vice-President.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. There are on the Calendar eight pension bills. It will take but a few minutes to consider them; and as these are very deserving cases, I ask unanimous consent that the bills be now considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. The first pension bill on the Calendar will be proceeded with.

WILLIAM F. JOHNSON.

The bill (S. 2184) granting a pension to William F. Johnson was considered as in Committee of the Whole. It proposes to place the name of William F. Johnson, a crippled son of Robert E. Johnson, late of Company E, Eleventh Regiment New Jersey Volunteers, on the pension roll at the rate of $25 per month.

Mr. GALLINGER. I move to amend the bill by striking out, in line 7, before the word "dollars," the word "twenty-five" and inserting "twelve."

Mr. COCKRELL. What is the bill?

Mr. GALLINGER. The bill was reported adversely, I will say to the Senator, and was afterwards reconsidered and placed on the Calendar. It is in behalf of the son of a soldier who is entirely helpless, helpless from childhood; but it proposes to pension a child at $25, when our rule is $12. I simply move an amendment making it $12.

Mr. COCKRELL. Then the bill ought not to have been reported adversely?

Mr. GALLINGER. That was a mistake, I will say to the Senator.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL D. GILMAN.

The bill (H. R. 7127) granting a pension to Samuel D. Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel D. Gilman, late of the Straffard Guards, New Hampshire Volunteers, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELEANOR L. CURTISS.

The bill (H. R. 5710) granting a pension to Eleanor L. Curtiss was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Eleanor L. Curtiss, widow of Warner H. Curtiss, late captain and provost-marshal of the Sixth Congressional district of Iowa, and to pay her a pension of $12 per month, and $2 per month additional for each of her two children during minority.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY COLLINS.

The bill (H. R. 158) granting a pension to Mary Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Collins, mother of John Collins, late of Company D, Sixteenth Regiment Massachusetts Volunteer Infantry, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WILLIAM HODGDON.

The bill (H. R. 3890) granting a pension to George William Hodgdon was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month the name of George William Hodgdon, permanently helpless son of George W. Hodgdon, late of Company D, Fourteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA BOYNTON FERRIS.

The bill (H. R. 1511) for the relief of Lydia Boynton Ferris was considered as in Committee of the Whole. It proposes to place the name of Lydia Boynton Ferris, daughter of John Boynton, who was a soldier in the war of 1812 in Capt. Joseph Morrill's Company, Vermont Militia, from September 12 to November 30, 1812, on the pension roll and pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANNA WEDEL.

The bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Anna Wedel, widow of the late Dr. Henry R. Wedel, assistant surgeon of the Fourth Minnesota Volunteer Infantry, at $20 a month, and to pay her a pension at that rate in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. KETURAH WILSON.

The bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Keturah Wilson, formerly of Madison County, Ky., and widow of James Wilson, deceased, late a private in Captain Stone's Company Mounted Volunteers, First Kentucky Regiment, Mexican war, and allow her a pension at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. There are three or four bills which have been reported from the Committee on Pensions this morning which I should like to have considered. They are bills which will provoke no discussion, and I ask unanimous consent that they may be now considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

GEORGE W. TAYLOR.

Mr. COCKRELL. While the Senate is waiting until the bills to which the Senator from New Hampshire refers are brought in from the Secretary's office, I ask unanimous consent for the present consideration of the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "discharge," to insert "as of date May 1, 1865;" so as to make the bill read:

> *Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George W. Taylor, late of Company F, One hundred and third Regiment Illinois Volunteer Infantry, on the records of the War Department, and to issue to said George W. Taylor a certificate of honorable discharge as of date May 1, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PATRICK RAINEY.

Mr. COCKRELL. I now ask unanimous consent for the present consideration of the bill (H. R. 2328) for the relief of Patrick Rainey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 7, after the word "discharge," to insert "as of the date of January 28, 1863, on account of minority;" so as to make the bill read:

> *Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, and issue to said Rainey an honorable discharge as of the date of January 28, 1863, on account of minority.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARGARET A. KIDWELL.

Mr. GALLINGER. I now ask that the bills to which I referred a while ago may be considered.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The bill (H. R. 3113) granting a pension to Margaret A. Kidwell was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Margaret A. Kidwell, who was the wife of Henry Kidwell, late private of Company H, Second Regiment Missouri Artillery.

Mr. PEFFER. There was an amendment reported by the Committee on Pensions to strike out certain words. Although the amendment does not appear on the face of the bill, it appears in the report submitted by the committee. In line 6, after the name "Margaret A. Kidwell," I move to strike out "who was the wife" and insert "widow."

Mr. GALLINGER. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AUGUSTA TULLER.

The bill (H. R. 3398) for the relief of Augusta Tuller was considered as in Committee of the Whole. It proposes to place upon the pension roll, at $12 per month, the name of Augusta Tuller, the daughter of Isaac Way, a Revolutionary soldier, she being now 90 years of age and dependent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA D. CROSS.

The bill (S. 3115) granting a pension to Ella D. Cross was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Ella D. Cross, widow of Richard D. Cross, late lieutenant-colonel of the Fifth Regiment New Hampshire Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER BUCKLEY.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2355) to correct the military record of Peter Buckley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Military Affairs with an amendment, in line 9, after the date "1861," to strike out "with the pay and emoluments due him at that date" and insert "without pension or other allowances;" so as to make the bill read:

> *Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the military record of Peter Buckley, late a member of Company E, of the Eleventh Regiment of New York Volunteers, and that an honorable discharge be granted the said Peter Buckley as of the 25th of July, 1861, without pension or other allowances.

Mr. HAWLEY. I think there is an error in the record of the amendment. I think it was not intended by the committee to strike out the words "with the pay and emoluments due him at that date." The bill gives him an honorable discharge from July 5, 1861. I think it but right to give him what was due him at that time. If those words be stricken out, it will be inflicting a fine of $20 or $30 on the man. I make no objection to the insertion of the words "without pension or other allowances," because what he chiefly cares about, I suppose, is to cure his record. He is a man of excellent standing in the community and has been ever since the war.

The PRESIDING OFFICER. Does the Senator suggest an amendment to the amendment reported by the committee?

Mr. HAWLEY. I suggest that the committee amendment striking out the words "with the pay and emoluments due him at that date" be rejected.

Mr. COCKRELL. If there is any question about that matter, let the whole amendment be disagreed to, and then move the last words as an amendment. The Senator can do that.

Mr. HAWLEY. Then I ask the Senate to disagree to the striking out of the words reported by the committee.

The PRESIDING OFFICER. If there be no objection, the amendment reported by the committee striking out those words will be disagreed to. The Chair hears no objection, and it is so ordered.

Mr. HAWLEY. Now, I move at the end of the bill to insert the words, "without pension or other allowances."

The amendment was agreed to.

Mr. HAWLEY. I hope the Secretary will make the record correctly this time. I think the clerk of the committee made a mistake in drafting the amendment.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF EDWIN DE LEON.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that $479.11 be paid to the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt, by the Secretary, being the balance due him on adjustment of his official accounts by the First Comptroller of the Treasury of the United States of America.

Mr. MORGAN. What "Secretary" is referred to there? The bill says "the Secretary." I call the attention of the Senator in charge of the bill to the fact that "the Secretary" who is to make the payment is not officially designated. I suppose the Secretary of the Treasury was intended. I do not, however, offer any amendment to the bill.

Mr. COCKRELL. I suggest that the words "by the Secretary" be stricken out. They are useless.

Mr. MORGAN. Yes.

Mr. PASCO. The bill was reported by the Senator from Minnesota [Mr. DAVIS].

Mr. COCKRELL. I move to strike out the words "by the Secretary."

Mr. PASCO. Very well; let those words be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 6, after the word "Egypt," it is proposed to strike out "by the Secretary."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER SUPPLY OF THE CITY OF WASHINGTON.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the bill is before the Senate as in Committee of the Whole.

The Secretary proceeded to read the bill, but before concluding was interrupted by

Mr. TURPIE. I object to the further consideration of the bill.

The PRESIDING OFFICER. The Senator from Indiana interposes an objection to the consideration of the bill.

Mr. CHANDLER. I ask the Senator from Indiana, before the bill goes over, to allow it to be read through, if he has no objection.

Mr. TURPIE. I have no objection to the bill being read for information.

The PRESIDING OFFICER. The reading of the bill will continue.

The Secretary resumed and concluded the reading of the bill.

Mr. CHANDLER. The bill having been read, it may remain upon the Calendar.

The PRESIDING OFFICER. The bill has been read at length, and goes over under objection.

SAMUEL BURRELL.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Will the Senator withdraw his motion until I can call up a bill, which I am sure will not lead to discussion? It is a bill to remove a charge of desertion, which has heretofore passed the Senate. My colleague [Mr. PALMER] was interested in it, but he is not present.

Mr. MILLS. I withdraw my motion.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 2320) for the relief of Samuel Burrell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion now on the records of the War Department against Samuel Burrell, late first lieutenant of Company M, Fifth Illinois Cavalry Volunteers, and to grant him an honorable discharge, to date from April 13, 1863; but he shall receive no pay or allowance by virtue of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. WOLCOTT. I renew the motion made by the Senator from Texas [Mr. MILLS], that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned, the adjournment under the concurrent resolution of the two Houses being until Tuesday, January 5, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 22, 1896.

RECEIVER OF PUBLIC MONEYS.

Lewis E. Whitcher, of Highmore, S. Dak., who was appointed July 28, 1896, during the recess of the Senate, to be receiver of public moneys at Mitchell, S. Dak., vice Richard D. Welch, deceased.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Capt. Arthur Lockwood Wagner, Sixth Infantry, to be assistant adjutant-general with the rank of major, November 17, 1896, vice Gilmore, promoted.

Quartermaster's Department.

Col. Charles Greene Sawtelle, assistant quartermaster-general, to be Quartermaster-General with the rank of brigadier-general, August 19, 1896, vice Batchelder, retired from active service.

First Lieut. Carroll Augustine Devol, Twenty-fifth Infantry, to be assistant quartermaster with the rank of captain, August 21, 1896, vice Booth, promoted.

First Lieut. Thomas Cruse, quartermaster, Sixth Cavalry, to be assistant quartermaster with the rank of captain.

First Lieut. Daniel Edward McCarthy, quartermaster, Twelfth Infantry, to be assistant quartermaster with the rank of captain.

First Lieut. John Thornton Knight, Third Cavalry, to be assistant quartermaster with the rank of captain.

Subsistence Department.

First Lieut. William Herbert Baldwin, quartermaster, Seventh Cavalry, to be commissary of subsistence with the rank of captain, October 14, 1896, vice Scott, retired from active service.

First Lieut. David Legge Brainard, Second Cavalry, to be commissary of subsistence with the rank of captain, October 14, 1896, vice Alexander, promoted.

Pay Department.

Capt. Allan Hyre Jackson, Seventh Infantry, to be paymaster with the rank of major, November 17, 1896, vice Robinson, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 22, 1896.

PROMOTION IN THE NAVY.

Capt. George H. Perkins, United States Navy, retired, to be a commodore in the Navy, on the retired list.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Lieut. Col. William Burton Hughes (since deceased), deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel.

Lieut. Col. Augustus Gilman Robinson, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel.

Maj. John Vincent Furey, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel.

Maj. Lewis Cass Forsyth, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel.

Capt. Charles Alfred Booth, assistant quartermaster, to be quartermaster with the rank of major.

Capt. William Samuel Patten, assistant quartermaster, to be quartermaster with the rank of major.

RECEIVER OF PUBLIC MONEYS.

Lewis E. Whitcher, of Highmore, S. Dak., who was appointed July 28, 1896, during the recess of the Senate, to be receiver of public moneys at Mitchell, S. Dak., vice Richard D. Welch, deceased.

INDIAN AGENT.

Joseph Emery, of Salinas, Cal., to be agent for the Indians of the Klamath Agency, in Oregon.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Capt. Arthor Lockwood Wagner, Sixth Infantry, to be assistant adjutant-general with the rank of major, November 17, 1896, vice Gilmore, promoted.

Quartermaster's Department.

Col. Charles Greene Sawtelle, assistant quartermaster-general, to be Quartermaster-General with the rank of brigadier-general, August 19, 1896, vice Batchelder, retired from active service.

First Lieut. Carroll Augustine Devol, Twenty-Fifth Infantry, to be assistant quartermaster with the rank of captain, August 21, 1896, vice Booth, promoted.

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Pay Department.

Capt. Allan Hyre Jackson, Seventh Infantry, to be paymaster with the rank of major, November 17, 1896, vice Robinson, retired from active service.

POSTMASTERS.

James C. Brophy, to be postmaster at Shortsville, in the county of Ontario and State of New York.

John E. Brennan, to be postmaster at Highland Falls, in the county of Orange and State of New York.

Charles Trimble, to be postmaster at Grenada, in the county of Grenada and State of Mississippi.

John A. Homeyer, to be postmaster at Richmond Hill, in the county of Queens and State of New York.

Marvin D. Fisher, to be postmaster at Spencer, in the county of Tioga and State of New York.

John E. Cannon, to be postmaster at Andover, in the county of Allegany and State of New York.

Edward J. Shanahan, to be postmaster at Amsterdam, in the county of Montgomery and State of New York.

Charles S. Powell, to be postmaster at Freeport, in the county of Queens and State of New York.

Willard Peck, to be postmaster at Hudson, in the county of Columbia and State of New York.

William M. Moss, to be postmaster at Bloomfield, in the county of Greene and State of Indiana.

Leander Wright, to be postmaster at Amityville, in the county of Suffolk and State of New York.

Benjamin M. Tasker, to be postmaster at Fort Edward, in the county of Washington and State of New York.

Miss Felicie Louise Delmas, to be postmaster at Scranton, in the county of Jackson and State of Mississippi.

Mary A. Mitchell, to be postmaster at Batesville, in the county of Ripley and State of Indiana.

James A. Frost, jr., to be postmaster at Orleans, in the county of Orange and State of Indiana.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 22, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

JOHN KEHL.

Mr. LAYTON. Mr. Speaker, I rise to present a privileged resolution, the object of which is to authorize a reengrossment of a bill the engrossed copy of which has been lost.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That H. R. 1261, a bill for the relief of John Kehl and to restore him to his former rating, is hereby ordered to be reengrossed, and that the engrossed copy be delivered to the Committee on Invalid Pensions.

The resolution was adopted.

Mr. LAYTON. I submit another resolution relating to the same subject.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to furnish to the House a copy of the Senate amendment to H. R. 1261, a bill for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment, which has been lost.

The resolution was agreed to.

ALICE GARD.

Mr. JOHNSON of Indiana. I ask unanimous consent for the present consideration of a private pension bill.

The SPEAKER. Subject to objection, the bill will be read.

The Clerk read as follows:

A bill (H. R. 8653) granting a pension to Alice Gard.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Gard, of Greenfield, Hancock County, Ind., at the rate of $50 per month.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

In line 7 of the bill, strike out the word "fifty" and insert "twenty;" so as to make the rate of pension $20 per month.

Add to the bill the following:

"As the dependent and permanently blind sister of Mahlon B. Gard, late private of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

RAILROAD ALIGNMENTS IN INDIAN TERRITORY.

Mr. PENDLETON. I ask unanimous consent for the present consideration of the bill which I send to the desk, proposing to allow railroads through the Indian Territory to change their alignments.

The bill was read, as follows:

A bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds."

Be it enacted, etc., That the act passed at the first session of the Fifty-fourth Congress entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds" be amended by adding thereto the following:

"SEC. 4. That the power and authority hereby conferred upon such railroad companies may also be exercised in the acquisition of the use of additional ground for right of way between existing stations when found necessary to correct and straighten alignment of constructed road or to reduce grades, subject in all respects to all the terms, limitations, conditions, and payments prescribed by this act: *Provided*, That where both the abandoned line and such new line shall pass through the lands of any individual occupant, the value of the land embraced in such abandoned right of way shall be deducted from the amount awarded such occupant for the land so taken for such new line: *And provided further*, That in the construction of such new line such railroad company shall not be permitted or authorized to abandon any existing stations: *And provided further*, That no such change of alignment shall be regarded as a deviation or in any way impair the rights of the railway company in any particular by reason of any such deviation; but such change of alignment shall be certified to the Secretary of the Interior by the company, with a map showing such change, and the original map of location filed with the Secretary of the Interior shall be deemed to be amended to conform to such change of alignment."

The amendments reported by the committee were read, as follows:

In line 6 strike out all after the word "by" and insert in lieu thereof the words "making section 4 of said act hereafter read as follows."

In line 7, after the word "That," insert as follows:

"All lands acquired under the provisions of this act shall be used for railroad purposes strictly, and not more than 20 acres of land at any one station shall be acquired hereunder by any one railroad company; nor shall any additional land for station purposes be so acquired which is not contiguous to land already occupied for railroad purposes."

And amend the title by adding after the word "grounds" the words "and to correct alignments."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. JOHNSON of North Dakota. I should like to ask whether this bill contains any limitation as to the length of time within which this proposed right is to be exercised. For instance, if it is desired to change a grade or straighten a curve at some time within ten or twenty years from now, would the right to do so exist, or is there a limitation of time within which this right must be exercised?

Mr. PENDLETON. I believe the bill, as drawn, embraces no limitation of that kind, and I believe that in the States there is no such limitation in operation. This bill applies to the Indian Territory, as to which all legislation of this sort must come from Congress. Some of these roads were built at an early day, and many of them built hastily. In some cases it is desired to change the alignment of the road between depots, not to change the locations of the depots themselves. If the gentleman from North Dakota regards it as desirable that there be a limit of time within which these changes of alignment must be made, I will cheerfully assent to an amendment to that effect.

Mr. JOHNSON of North Dakota. I certainly think that authority of this kind ought not to be granted to be exercised at a distant future time, when that country may be well settled and the lands occupied.

Mr. PENDLETON. That is a question which did not occur to the committee; but I am perfectly willing, and I am sure the committee would be, to have the bill amended in the manner indicated.

Mr. JOHNSON of North Dakota. I have not such an amendment written out now, but I should be very glad to see the bill amended in that way.

Mr. PENDLETON. I will say to the gentleman that I will interpose no objection to the amendment, and will see that the amendment is put on in the Senate. It never occurred to me. I have no objection whatever to it.

Mr. JOHNSON of North Dakota. I will be satisfied with that.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LITTLE. I offer an additional amendment to this bill.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Amend by adding the following proviso at the end of line 33, page 3.

"*Provided, however*, That no railroad accepting the benefits of this act, and the act to which it is amendatory, shall charge, demand, or receive a greater rate of passenger fare than 3 cents per mile, under penalty of $100, to be recovered at the instance and for the benefit of the party injured thereby."

Mr. LITTLE. Mr. Speaker, I want to say in explanation of the amendment that as I understand the bill it is intended really for the benefit of the Missouri, Kansas and Texas Railroad Company, a road which was built in 1872 through the Indian country. It now charges 5 cents a mile for passenger fare. No other railroad operating in the Territory is authorized to do that. All of the charters granted by Congress since 1872 limit the rate of fare to 3 cents per mile for passengers. It is the purpose of the amendment to limit any railroad company accepting the benefits of this act to a tariff rate of 3 cents a mile for passengers.

This matter was brought up in committee. The committee were not unanimous in favor of the bill; a majority was in favor of the amendment. But it seems to me that this old road, which has had the use of this country since 1872, ought not to be given this additional advantage over the other roads which now enter the Territory.

People who travel along the line of the Missouri, Kansas and Texas road are subjected to this higher rate of fare. Travelers on any other route except that are only required to pay 3 cents. Sir, if a man lives across the line of the Territory and goes on the road, he pays only 3 cents in the Indian country, while the man who resides inside the line pays 5 cents per mile for going the same distance.

This charge is an unjust exaction upon the people of the Indian Territory. This right gives to this railroad company this special privilege. It is wrong; it is unjust to other companies there, and I hope the House will adopt the amendment.

Mr. PENDLETON. Mr. Speaker, in reply to the gentleman from Arkansas, I wish to say, first, that all charters granted through the Indian Territory must necessarily be granted by Congress. The Missouri, Kansas and Texas Railroad, it is true, is the only road which has not the 8-cent limitation fare per mile placed on its passenger rate. But the circumstances surrounding the Missouri, Kansas and Texas are exceptional. In the first place it was built, at an earlier period than any other road and consequently at a much greater expense. In the next place, it runs through the Indian Territory the entire distance from Kansas to the State of Texas, making a longer distance of unprofitable road for this line to operate than any other road in the Territory.

Now, that road does not earn one-half as much per mile in the Indian Territory as it earns in the adjacent States. It is perfectly willing and would be glad to reduce its rates at any time when this Territory is converted into a regular Territory or made a State.

Mr. LITTLE. Will the gentleman allow me to interrupt him for a moment for a question?

Mr. PENDLETON. Certainly.

Mr. LITTLE. I would ask the gentleman from Texas if any other road in the Indian country enjoys this privilege?

Mr. PENDLETON. I have already stated that no other road does. I also stated that no other road has such a large number of miles to operate in the Indian Territory as the Missouri, Kansas and Texas. The other roads simply pass through or cut off a corner of that country. The Santa Fe road runs down through Oklahoma and cuts off a small corner of the Chickasaw Nation. The San Francisco road cuts off a small corner of the Choctaw Nation, but the Missouri, Kansas and Texas runs all the way from Kansas, 250 miles I think, down to Texas.

We perhaps have the power to do what the gentleman wants to have done, but it does not seem to me to be a just exercise of our power.

Again, if, under the decision of the courts, a railroad company has the right to levy and collect enough tolls for the operation of its road and pay interest on its bonds and dividends on its stock, if we reduce the rate for this road in the Indian Territory, in the event that the operation does not pay enough to cover the expenses I have named, then it can go into Kansas or up into Missouri or Texas and raise their schedules on the people there to a sufficient extent to make up for the losses in the Indian Territory.

So, from the standpoint of policy, I do not believe that it is desirable. Mr. Speaker, while I should like to have this question settled on its merits, I will not make any point of order. I believe the amendment is not in order, because not relevant to the bill. But, as I say, I shall not make the point of order, but simply discuss the question upon its merits.

Mr. LITTLE. Mr. Speaker, I desire only to say, in response to the gentleman in charge of this bill, that this railroad has had the benefit of the best traffic through the Indian Territory and the benefits of a trunk line running through that Territory. In all the surrounding States they are allowed to charge, I believe, but 8 cents, and there can be no reason, it strikes me, founded upon justice, why this Indian country and its industrious citizens should be made an exception. This road runs through the richest coal fields in the Indian Territory, through some of its largest towns, and it has an immense traffic from that Territory. I can not conceive any reason why this special privilege should be given to this company. The 'Frisco Railroad, entering at the city of Fort Smith, passes over the Winding Stair Mountain, the roughest route in all the Territory. The road under consideration has a sweep of the prairies, with an inexpensive line, in a great measure. It has had exclusive privileges for years in that country, and now, with a population of 400,000 people, it seems to me that it is inequitable and unjust to them to allow this exorbitant tax, which is more than they charge in any of the adjoining States, and more than any other railroad company in that Territory is allowed to charge. I ask it in justice to the inhabitants of that country that this exaction be removed. What I ask is a right that is accorded to every citizen of that country as far as every other railroad is concerned and so far as the citizens of the States are concerned. This road has enjoyed greater privileges than any other road in the Indian country, and it ought not to object to this simple act of justice toward the people. I ask that the amendment be adopted.

Mr. PENDLETON. Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

The committee amendments were agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Arkansas [Mr. LITTLE].

The question being taken, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. LITTLE) there were—ayes 87, noes 51.

Accordingly, the amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PENDLETON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela;

A bill (S. 3340) authorizing Herbert H. G. Pierce to accept a medal from the Russian Government;

A bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany;

A bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government;

A bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government;

A bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government;

A bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs;

A bill (S. 71) for the relief of the Catholic church at Macon City, Mo.; and

A bill (S. 3252) to increase the pension of Esther Brown.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa; and

A bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 837) to refer the claim of the owners of the brig *Tully-Ho* to the Court of Claims.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

A bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany—to the Committee on Foreign Affairs.

A bill (S. 3364) to authorize Lieut. Col. W. H. Forwood to accept certain testimonials from the Argentine Government—to the Committee on Foreign Affairs.

A bill (S. 3368) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government—to the Committee on Foreign Affairs.

A bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government—to the Committee on Foreign Affairs.

A bill (S. 3252) to increase the pension of Esther Brown—to the Committee on Pensions.

A bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela—to the Committee on Foreign Affairs.

A bill (S. 71) for the relief of the Catholic church at Macon City, Mo.—to the Committee on War Claims.

A bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs—to the Committee on Ways and Means.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

And then, on motion of Mr. Bingham, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill (H. R. 9643), with Mr. Hepburn in the chair.

Mr. BINGHAM. Mr. Chairman, before we proceed to the general debate, which for the remainder of the hour is under the control of my colleague [Mr. Brosius], I wish to state that several gentlemen have asked me, last evening and this morning, if unanimous consent could not be given for leave to print their remarks with reference to the several sections of the bill. I would state that it is desired, if possible, to conclude this bill to-day, and it will abbreviate the debate, especially on the civil-service paragraph of the bill, and enable us to close the debate at a much earlier moment, if this leave is granted. I therefore ask unanimous consent for that privilege.

Mr. McMILLIN. I suggest to the gentleman that that motion can properly be made only in the House, because the Committee of the Whole, strictly speaking, have no control over the Record.

Mr. BINGHAM. I believe it is customary to make the motion in Committee of the Whole, if there is no objection.

Mr. McMILLIN. I shall interpose no objection, but only suggest that in the strict sense the Committee of the Whole has no power over the Record.

The CHAIRMAN. The Chair is of the opinion that the committee can not grant the leave.

Mr. BINGHAM. If that is the opinion of the Chair, I will withhold the request until we are in the House.

Mr. BROSIUS. I now yield to the gentleman from Tennessee [Mr. Gibson].

Mr. GIBSON. Mr. Chairman, I rise to express some opinions in regard to the civil service and to call attention to what seems to me to be some of the defects of that service as now constituted and administered.

I recognize the truth of the proposition that two great national parties are necessary to the welfare, if not to the existence, of our country—two parties large enough in every section of the Republic to put each other on their best behavior. Where there are several parties, there will seldom be a majority of any one party in both Houses of Congress, and seldom a President elected by the people.

TWO GREAT PARTIES NECESSARY.

In such an event the President will be elected by the House of Representatives, and we all know that this could only be effected by combines, and often, perhaps, by the corrupt use of money or of Federal patronage. We have had one President elected by the House, and the cry of "bargain, sale, and corruption" that was raised over that election has not yet ceased its echoings along the political corridors of our history.

We want no repetitions of that experience. Who does not know that our country would not long stand the strain of a Congress composed of three or more parties, neither of which had a majority, and a President elected by "bargain, sale, and corruption" in the House of Representatives? And even if there were no corrupt practices, do we not all know that the charge would be made by the friends of the defeated candidates? And as a result our Presidents would be regarded as mere schemers or tricksters, and having no great party to champion their cause, they would be regarded with distrust or contempt by the great body of the people. There would be millions ready to defame them and but few to defend.

And in the absence of a majority party, legislation would be the result of dickers and combines between the various factions, and these combines would often sacrifice some States for the enrichment or glorification of other States, or would cripple or destroy some interests or industries in order to build up or aggrandize other interests or other industries. Selfishness would be the main rule of political action, and the public welfare would seldom be considered.

Mr. Chairman, without great national political parties we can have no Presidents who will command the respect of the whole nation, and we can have no Congresses whose legislation will be satisfactory to a majority of the American people.

THE DANGER OF MINORITY PARTIES.

The secret of the many political revolutions in France and the Spanish-American republics is the want of two great national parties. Indeed, wherever republics have fallen, their fall has been the consequence of struggles between three or more minority parties, and the anarchy, misrule, and dissatisfaction consequent therefrom. Men prefer security to liberty, and when compelled to choose between the two, will always choose security.

Two great national parties being then necessary to the well-being of our country, it is the part of patriotism to encourage the growth and nationalization of political parties in the United States; and all legislation and all policies that tend to weaken large parties or to multiply small parties are dangerous to the public welfare, however well meant and however lofty the patriotism that prompts them.

There should be a fraternity of patriotism in all sections of our country, and among all classes, trades, professions, and sects. As men are now constituted this national fraternity can not better exist than in connection with great political parties, wherein millions of men living in every section and State of the Union, and representing every great industrial, financial, social, and denominational interest, are banded together in the advocacy of the same great principles of national government and march under the same political banner.

But there can be no such great political parties based upon motives perfectly unselfish. Pure patriotism is an impulse almost divine, and it has filled the bosoms of millions of men both in war and in peace, and has nerved thousands to deeds of heroism and self-sacrifice that shine on the pages of history from the days of Leonidas to those of Maceo. But it must still be remembered that nearly all patriots were partisans first, and through partisanship developed into patriots. Indeed, partisanship is but the portico to the sublime temple of patriotism. [Applause.]

When there is no great principle at stake, when liberty is not openly endangered, when the life or honor of our country is not directly assailed—when, in short, there is no great issue involved, no issue—

> To stir a fever in the blood of age,
> Or make the infant's sinew strong as steel—

no issue that thrills like a bugle's call or a cannon's roar, then there must be other motives to incite men to political action.

MOTIVES OF POLITICAL ACTION.

But great causes of national excitement seldom arise, and it is the duty of statesmanship to provide for the ordinary as well as for the extraordinary. More ships sink at the wharves than founder in the waves, and more nations are shattered in times of peace than are crushed in times of war.

Who, Mr. Chairman, will keep up the organization of our great parties if there are to be no rewards for those who do the work? In the language of St. Paul:

> Who goeth a warfare at any time at his own charges? who planteth a vineyard, and eateth not of the fruit thereof? or who feedeth a flock, and eateth not of the milk of the flock?

[Laughter.]

And as long as men are selfish, so long must there be selfish motives to prompt them to political action. A few—but they are very few—will actively participate in politics for the intellectual pleasure it produces. Another few—and these, too, are very few—do what they do in politics for the general good, prompted by the noblest impulses of patriotism. And, Mr. Chairman, I fear that if every element of selfishness is removed from our national politics, the great political parties of our country will break up into fragments and indifference to public questions take the place of vigilance and zeal. There can be no parties without leaders, without captains of tens, and captains of hundreds, and captains of thousands; and who will ordinarily be a captain without some reward or the hope or expectation thereof?

When the life of our country is at stake, or her honor involved, such an issue is enough to cause all true patriots to band themselves under our country's banner; and then it is that the hosts of patriotism

> Come as the winds come
>   When forests are rended;
> Come as the waves come
>   When navies are stranded;

and the existence of our country is gloriously maintained or her honor triumphantly vindicated. But in the ordinary days of peace, when "grim-visaged war hath smoothed his wrinkled front," and when there is no great question to stir men to action, then party service becomes irksome, and if there be no reward there is apt to be no work.

Why, Mr. Chairman, even a party as unselfish and patriotic as the Populist party professes to be deigns to condescend to dicker for preferment, place, and power; and their candidate for Vice-President has charged that his party leaders were so keen for office as to sacrifice principle for the sake of power.

It must be admitted, therefore, that a large proportion of political workers are prompted first by the hope of party victory, and second by the probability of obtaining personally some of the special fruits of that victory. The expectation of reward is a great incentive to action, and the expectation of office is an honorable aspiration, an aspiration that has burned in the hearts of millions of as good men and as patriotic men as ever took interest in public affairs.

ASPIRATION TO OFFICE HONORABLE.

As I look at it, Mr. Chairman, a man has as much right to aspire to a Government clerkship as to a seat in Congress, and it is as honorable to apply for a postmastership as to be a candididate for Senator. This is a country of free and equal men, and we have no privileged class, unless this civil-service law creates one. One man has as many rights as any other man, and while all can not hold office, yet anyone has the right to seek office, and has the right to hold up his head like a freeman when he puts in his application. [Applause.]

"Then you are for the spoils system," I hear somebody say. No; I am neither for nor against the "spoils system." There are no "spoils." When the American people vote a party into power, that means that the leaders of that party have been voted into power, and that the administration of the Government has been, for a certain term, intrusted to the possession and management of that party.

Instead of the offices being "spoils," to take possession of them is only discharging the duty imposed by a majority of the people at the ballot box. When the people vote a party into power they expect that party to take charge of all the offices as fast as they become vacant. The meaning of a popular election is that the policy and leaders of the majority party shall control the country for the ensuing term, and that the policy and leaders of the minority party shall go to the rear. And when the time comes wherein there shall be no displacement of the men who hold the offices, then the time will come when a very large part of the interest taken by the people in public affairs will cease, and indifference to political questions will prevail; and when we cease to take adequate interest in the affairs of government, then the days of the Republic will be drawing to a close.

The civil-service law was, no doubt, conceived and voted for by men who believed that they were doing their country a service, but I fear their views were

> —— too bright or good
> For human nature's daily food.

[Laughter.]

Theories that are beautiful to the eye of contemplation are often found to be worthless when put into practice. They are like patents for perpetual motion; and, like elixirs of life and panaceas, they seem perfect until brought into actual use, and then they are either worthless or a downright evil.

The men who devised the civil-service law and put it in operation were moved thereto by special cases of outrageously unfit appointments or grossly unwise removals. The civil-service reformers began by writing down all politics as corrupt and akin to crime, and all politicians as scoundrels.

THE GOSPEL OF MUGWUMPERY.

Acting on this view, they determined that, if they could prevent it, no man who had anything to do with politics should, with their consent, ever hold an office himself or ever help any other person to get an office. They determined to elevate the office-holding class far above the reach of the politicians, and to make them pure, holy, and undefiled, consecrated, like vestal virgins, to the sacred altars of the Government.

Some men, very excellent men in their own opinion, seem to think it is rather disreputable for any man to take an active part in politics. They seem to think it a grievous fault for a man to be a Democrat, and a still more grievous fault for a man to be a Republican, while it is but little short of high treason for a man to be a Populist. According to these "honorable men" (for they are "all honorable men"), all truly good citizens should disdain to belong to any particular political party, but keep themselves in a position to damn them all as equally bad. In their estimation none of them have any rights any good citizen is bound to respect. According to these "honorable men," the perfect citizen is a mugwump, and their main object seems to be to glorify and transfigure every man who is a mugwump, and to hold mugwumpery up to the gaze of the American world as the beau ideal, the pink of perfect citizenship, and to fill every office with the beauty and the chivalry of mugwumpery.

But men say to me, "Does not the Republican platform favor the civil-service law?" To that I reply that I do not understand the Republican party to be committed to a civil-service law that keeps Democrats in and shuts Republicans out. In the South, after Mr. Cleveland and his Cabinet had turned almost every Republican out of office and put Democrats in their places, he extended the civil service, so as to keep them in, and keep them in during life or good behavior. I want it expressly understood that I am opposed to that sort of civil service, and I believe that the great body of the Republican party is opposed to it, platform or no platform. That is a sort of civil service that says "turkey" to every Democrat and "buzzard" to every Republican. I want no buzzard in mine; Christmas is too near—both Christmases, the church Christmas and the Republican Christmas. [Laughter.]

The civil-service law has been extended by President Cleveland so as to include not only all the officers and clerks in all the Executive Departments in Washington, except those appointed directly by the President himself, but also so as to include all the various officers and clerks in all the various Federal offices throughout the United States, with like exception. Indeed, it may now be said that generally every officer and clerk in Government employ is now under the civil service, except officers appointed directly by the President, and fourth-class postmasters, so that the civil service now includes all the men in the Railway Mail Service, all the clerks and mail carriers in the post-offices, all the men employed by the internal-revenue offices and pension agencies, all the surgeons of the various pension boards, and nearly every other position in any Government office that can be named where the salary is above that of a common laborer.

I am not one of those who look with horror upon partisanship. Partisanship is close kin to patriotism. A man who does not love his party is not apt to love his country, just as a man who does not love his church is not apt to be a Christian. The greatest heroes the world has ever produced, the noblest patriots that ever graced the cause of human rights, the grandest judges who ever held aloft the scales of impartial justice, and the wisest statesmen who ever laid the foundations of freedom and public prosperity were all nursed in the lap of partisanship; and let us be careful and not allow our zeal to destroy partisanship to so blind us as to cause us to destroy patriotism and weaken the pillars of human liberty. [Applause.]

THE CIVIL SERVICE VS. THE SPOILS SYSTEM.

There are no "spoils" in our politics. The victorious party is charged with the duties of government, and these duties can not be efficiently discharged unless the captains of the party be put into possession of the places of power. The term "spoils" is a misnomer, and should have no place in American political nomenclature. I feel safe in saying that there is as much partisanship, as much favoritism, as much tyrannical partiality now in the various large Government Departments as there ever was in the so-called "days of the spoils system." And what is worse, this partisanship and this partiality are now more hid from the public gaze, and is generally beyond the reach of redress. There are hundreds of Government employees right here in Washington, under the very shadow of this Capitol, who are cowed by the iron hand of official tyranny, or are converted into servile flatterers by the hope of favor or the fear of official frowns. Many men are sure to—

> Crook the pregnant hinges of the knee,
> Where thrift may follow fawning.

Although the civil-service law was passed to remove Government clerks from the effects of political prejudice and the power of political influence, yet it is notorious that during the present Democratic Administration hundreds of Republicans have been removed from office or put on lower salaries solely because they were Republicans, and that hundreds of Democrats have been appointed or promoted, not because of their merits, but solely because they were Democrats. And now it is proposed to sanctify all the wrongs done and keep in office all the Democrats thus improperly appointed or promoted.

If some fitting hand would write the secret history of "civil-service reform" as exhibited in our great Departments, there would be disclosures of official oppression, official favoritism, and official injustice toward the clerks there employed that would far exceed any of the stories of wrong under the "spoils system." In former days an oppressed or ill-treated clerk could appeal to his Congressman for redress, but now there is no appeal, and the poor, outraged clerk must suffer in silence or resign.

A TRUE CIVIL SERVICE REFORM.

I am in favor of a thorough examination of every Department of the Government to the end that all inefficient employees may be discharged, whether this inefficiency be the result of age, ignorance, laziness, intemperance, or any other vice or infirmity. I have good reason to believe that there are far more men in the civil service of the Government than are needed for the work to be done, and that this redundancy is largely due to the fact that this civil-service law is supposed to be a shield to protect those in office against removal or even against investigation. There are hundreds of men in the clerical service who are rendering no service proportionate to their compensation, and who have been drawing unearned salaries for years and years. They are, in fact, mere pensioners, but pensioners who have deserved no pensions and yet are drawing ten times as much as many heroes who shed their blood and ruined their health on the field of battle fighting for the preservation of our country.

There is another wrong in the civil service I wish to see corrected. Some States have a representation in the civil service far in excess of their just proportion. I believe in equality of rights, equality of duties, equality of burdens, and equality of benefits; and I believe that each State and Territory should have its due numerical proportion of all the offices of the Government, and I will never be content on this subject until full justice is done every State and Territory in the Union. Because a State is near the city of Washington is no reason it should have more than its share of the Federal offices.

If these civil-service "reformers" would bring their great ability to bear on the subject of weeding out the incompetents in the various Departments and thus opening the way for the admission of men of competency and energy, and would see that each State and Territory got its proportion of the offices, I will gladly join hands with them and aid them in these good works. This I consider a true civil-service reform, and is one of the reforms I favor.

I would not have every Federal officeholder kicked out of his office as soon as the successful party came into power; I would not have incompetent men take the place of those who are competent; I would not sacrifice the public welfare for personal gain; I would not treat the officeholders of the defeated party as public enemies, or, at best, as men of doubtful loyalty or questionable integrity or capacity.

NO OFFICES TO BE HELD FOR LIFE.

No, Mr. Chairman; I favor no such doctrines. The principles I favor are these: When a man is appointed to an office, not strictly political, let him be appointed for four years and let it be understood that he shall have the right to hold his office for four years, provided he makes a good officer; and if he can get a reappointment let him serve four years longer, and in certain offices, where special acquirements are necessary, I would not object to a third term. But as a rule, I am opposed to any man holding an appointive office for a longer term than eight years. I am opposed to persons being appointed to office for life, or holding office for life, whether they be as eminent as the judges of our Supreme Court or as humble as the women who wash the floors of the Capitol. "If this be treason, make the most of it," as Patrick Henry said in his great speech for liberty. If it be treason to oppose life tenures of office in republican America, I am ready to meet the charge. [Applause.]

Life tenure of office is not democratic, it is not republican, it is not American, it is not right; it is aristocratic and monarchical. A monarchy is for the benefit of a few; a democracy is for the benefit of a majority; but a republic is for the benefit of all, and I am utterly opposed to any office-holding aristocracy. I draw my sword against it, and will enter into no parley or compromise with it. Rotation in appointive offices is the great political law of America, and not only of America, but of every land where the people rule and true political freedom exists. Life tenure of office may suit monarchical England, but it does not suit republican America. But I am opposed to men filling subordinate clerical offices being removed before their term expires, merely because an opposition party has come into power. I think all of our officials not strictly political should hold office not so much under any party as under the American people. But where an officer has been an active partisan I would favor an abridgment of his term when the opposite party came into power, "for all they that take the sword shall perish with the sword."

Nor would I favor the appointment of men not qualified. I have no objection to an examination as to fitness, but I would not make that examination harder than that a superintendent of public instruction must undergo. I would have the examination for an ordinary clerkship to cover reading, writing, spelling, and arithmetic, and I would not care a cent whether he could square the circle, tell where the island of Geefuzz is located, state the length of a millimeter, scan a dithyrambic poem, measure the orbit of a comet, or

> —— distinguish and divide
> A hair 'twixt south and southwest side.

[Laughter.]

PARTISANSHIP AKIN TO PATRIOTISM.

I will say, in conclusion, Mr. Chairman, that I believe in honorable and patriotic partisanship. Partisanship is but a preparation for patriotism, and they who are partisans when the country is at peace are almost sure to be patriots when danger threatens. A man who has not enough zeal to make a partisan is not apt to have enough to make a patriot. Partisanship is to patriotism what denominationalism is to religion. He whose heart swells with pride at the sight of his party's emblems will feel a grander glow of enthusiasm when he beholds the banner of his country, and he who responds promptly to the call of his party is sure to spring to the front when the beat of the drum proclaims that the Republic is in peril.

I honor those noble men who make sacrifices for the sake of the party they love. These are the men who are sure to make still greater sacrifices for the sake of their country when the emergency requires. All honor to those patriotic partisans who aid in keeping up their party's organization, and who strive through their party to promote the welfare of the whole people. Without them we would not have the liberties we this day enjoy. Without them the cause of human rights would not to-day be so far advanced and so secure in its place. Without them this great Republic would not to-day be that home and fortress of freedom that it is. They are the very sentinels on the watchtowers of liberty, and never will I by any vote or act of mine degrade or dishonor, or even belittle, the noble men who made the great parties of my country in the days that are gone, or who will continue to hold up the party banners in the grand days yet to come.

Mr. BROSIUS. I now yield to the gentleman from New Hampshire [Mr. BAKER].

Mr. BAKER of New Hampshire. Mr. Chairman, yesterday, near the close of the session, an amendment which I had the honor to present was read for information, but it seems not to have been printed in the RECORD. I ask that it be reported again.

The amendment was read, as follows:

Page 24, line 19, after the word "dollars," add as a new paragraph the following:

"The head of each of the several Executive Departments, at his discretion, may reinstate or reappoint to any subordinate position, which from any cause may become vacant in his Department, any person now or formerly employed in the civil service of the Government who, in his opinion, was reduced in salary or was discharged from the service for causes not affecting his or her efficiency or moral character, and such prior service for that purpose shall be held to be equivalent to a civil-service certificate of eligibility, anything in any statute, rule, or regulation to the contrary notwithstanding."

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry.

Mr. BINGHAM. Does the gentleman simply offer that to speak to?

Mr. McMILLIN. Was it offered yesterday, or was it simply read for information?

The CHAIRMAN. The Chair understands that it was simply read for information.

Mr. BAKER of New Hampshire. It was read for information, with the understanding that at the proper time, at the end of the discussion, I shall offer it.

Mr. BINGHAM. Then the gentleman simply speaks to it now?

Mr. McMILLIN. I make the point of order that it changes existing law.

Mr. BINGHAM. I submit that when the gentleman offered that yesterday, I made my point of order against it, and the understanding then was that it was read simply for information.

Mr. McMILLIN. The Chair so ruled just now.

The CHAIRMAN. The Chair understands that the purpose of the gentleman now is to simply have it read for the information of the House.

Mr. BAKER of New Hampshire. For information, and to be regarded as pending at such time as it can be offered. Then there can be a chance under the rules for the gentleman from Pennsylvania or other persons to raise objection to it.

The CHAIRMAN. If it is the purpose of the gentleman that his amendment should now be pending, then the Chair thinks that the point of order would now be properly made; but if it is offered simply for information, then it will not be subject at present to a point of order.

Mr. BAKER of New Hampshire. The Chair ruled yesterday that no amendment could then be offered for consideration; that I must be offered at the end of the present discussion. I have had it read now for information, but propose at the proper time to offer it for action.

The CHAIRMAN. With that understanding, the gentleman will proceed.

Mr. BAKER of New Hampshire. Mr. Chairman, that the American people would welcome and gladly maintain a constitutional nonpartisan civil service, in which continuance in office should be dependent solely on efficiency and good character, I have no doubt. I would vote for such a reform, under proper conditions, had I an opportunity to-day; but that something which has been masquerading for years in the name of civil-service reform is not a reform or a benefit to the Government or the people. It has never been honest or sincere. It was begun in misrepresentation; it has been continued in deceit and calumny. It is a delusion, and lacks little if any of being a stupendous humbug. Without proof, but with bitter denunciation, the strictly legal system of appointment, which had been sustained by the approval of the fathers of the Republic and the practice of every Administration for more than a century, was condemned as a "spoils system," and then and ever since every one who has not approved without question the so-called "civil-service reform" has been stigmatized as a "spoilsman" and denounced by all the followers of the new scheme as an enemy of good government. This has been done without reason or discretion, and with great injustice.

On the other hand, the new plan was at once proclaimed as a "reform" and as a "merit system," and this without consideration of its practical results. It is a change; but I do not regard it, as enforced, as a reform or as involving any special merit. It has not retained the meritorious clerks in office, neither has it supplied their places with those more meritorious or efficient.

This is shown in part by the official documents I hold in my hand. They are Senate Documents of the Fifty-third Congress, second session, Nos. 105 and 107, and are the reports of the Secretary of the Interior and of the Secretary of the Treasury, in response to a Senate resolution of inquiry asking what appointments, dismissals, and other changes had taken place in their several Departments for a given period of time. The report of the Secretary of the Interior covers fourteen months and fifteen days, beginning on the 4th day of March, 1893; and as I read to you the changes which took place in that Department during that brief period I wish you to remember that this is less than one-half the time which has elapsed of the present Administration. During that time it is shown that the changes in the various bureaus of the Interior Department have comprised 817 appointments, 171 reinstatements, 893 promotions, 422 reductions, 876 dismissals, and 88 resignations by request. The following classifications are compiled from Executive Document No. 105:

DISMISSALS AND REQUESTED RESIGNATIONS.

District of Columbia	142	Alabama	8
New York	104	Colorado	7
Pennsylvania	81	Oregon	6
Ohio	74	North Dakota	6
Virginia	61	Florida	6
Illinois	49	Georgia	6
Maryland	44	Texas	5
Indiana	34	Kentucky	5
Kansas	34	Rhode Island	4
Missouri	32	Louisiana	4
Iowa	25	Arkansas	3
Connecticut	25	Delaware	3
West Virginia	21	Montana	3
Michigan	19	New Hampshire	3
Wisconsin	18	Idaho	2
Massachusetts	15	South Dakota	2
Maine	14	Indian Territory	2
Minnesota	14	Washington	2
North Carolina	14	Wyoming	2
Vermont	14	Nevada	1
Nebraska	13	Oklahoma	1
New Jersey	11	Arizona	0
California	10	New Mexico	0
Tennessee	10	Utah	0
South Carolina	9	Alaska	0
Mississippi	9		

PROMOTIONS.

District of Columbia	80	Nebraska	8
New York	70	Connecticut	8
Pennsylvania	66	California	7
Virginia	60	Maine	6
Georgia	48	New Hampshire	5
Ohio	47	Minnesota	5
North Carolina	39	Rhode Island	5
Illinois	39	Washington	5
Maryland	38	Vermont	5
Indiana	36	Florida	4
Kentucky	33	Colorado	3
Missouri	31	Oregon	2
Tennessee	27	Delaware	2
Texas	27	Idaho	2
Wisconsin	20	Nevada	2
Alabama	20	North Dakota	2
Mississippi	20	Montana	1
South Carolina	18	South Dakota	1
Massachusetts	16	Wyoming	1
New Jersey	16	New Mexico	1
Michigan	15	Oklahoma	1
West Virginia	14	Utah	1
Arkansas	12	Indian Territory	1
Kansas	11	Arizona	0
Louisiana	11	Utah	0
Iowa	10	Alaska	0

REDUCTIONS.

District of Columbia	51	West Virginia	4
New York	49	Arkansas	3
Ohio	39	Louisiana	3
Illinois	36	Minnesota	3
Pennsylvania	34	New Hampshire	3
Indiana	21	South Carolina	3
Maryland	19	Wyoming	2
Massachusetts	17	Colorado	1
Virginia	15	Delaware	1
Iowa	11	Florida	1
Kansas	11	Idaho	1
Wisconsin	11	South Dakota	1
Michigan	10	New Mexico	1
Missouri	10	Alabama	0
Vermont	9	Montana	0
New Jersey	9	Nevada	0
Connecticut	7	North Dakota	0
Mississippi	7	Oregon	0
North Carolina	6	Rhode Island	0
Kentucky	6	Washington	0
Nebraska	6	Arizona	0
Georgia	5	Oklahoma	0
Maine	5	Utah	0
California	4	Indian Territory	0
Tennessee	4	Alaska	0
Texas	4		

APPOINTMENTS.

Georgia	106	Iowa	9
Virginia	53	California	7
North Carolina	54	Maine	6
District of Columbia	43	Florida	6
New York	38	Kansas	5
Indiana	37	Delaware	4
Ohio	31	Vermont	4
Illinois	33	Washington	4
Pennsylvania	32	Colorado	2
West Virginia	31	Idaho	2
Maryland	27	Nebraska	2
South Carolina	25	New Hampshire	2
Wisconsin	25	North Dakota	2
Tennessee	23	Oregon	2
Missouri	22	South Dakota	2
Kentucky	21	New Mexico	2
Alabama	20	Indian Territory	2
Mississippi	17	Nevada	1
Texas	16	Alaska	1
New Jersey	14	Oklahoma	1
Connecticut	14	Wyoming	0
Massachusetts	14	Montana	0
Arkansas	12	Rhode Island	0
Minnesota	12	Arizona	0
Louisiana	11	Utah	0
Michigan	10		

Now, I wish to call attention to the fact that from the State of Georgia alone there were dismissals and resignations by request 6, that there were promotions numbering 48, that there were 5 reductions, and that there were appointments to the number of 106.

Mr. BURTON of Missouri. From that State?

Mr. BAKER of New Hampshire. From the one State of Georgia, being about one-thirtieth of the whole number of clerks in the Interior Department.

Let us see, because the resolution called for this, how the soldier fared under these changes:

Of the 817 appointments 46 were ex-soldiers. As 140 of the 817 were women, who of course do not count in such calculations, 677 were men, and the soldiers thus formed .068 of the appointments. On the other hand, 186 of the 876 dismissals were soldiers. Taking out the 257 women who were discharged leaves 619 men, and of this number the soldiers formed 30 per cent. Of the 88 requested resignations 9 were handed in by women, leaving 79 men, of whom 32, or 40½ per cent, were soldiers.

There were 893 promotions, of which 267 were given to women, thus showing 626 men. Of these 70 were soldiers, giving them a percentage of the promotions of .111. Of the 422 reductions 71 were women and 351 were men. The soldiers reduced aggregated 130, and they formed 37 per cent of the total number of men.

In the matter of reinstatements the ex-soldiers make a better showing. The total number was 171—women 29, men 142. The soldiers were 53, or 37.4 per cent.

The report of the Secretary of the Treasury covers fourteen months and twelve days, and is nearly if not quite as bad as that of the Secretary of the Interior.

In the Treasury Department, of the 837 appointments 90 had been soldiers. Deducting from the total appointments the 241 women, we have a total of 596 men appointed, only 90, or a little over 15 per cent, of whom were soldiers. On the other hand, deducting the 179 women from the total of 639 removals or requested resignations, 460 men were removed, of whom 126, or over 27 per cent, were soldiers.

There were 538 promotions, 214 of women, leaving 324 men. Of the 324 men promoted, 27, or only 8.3 per cent, were soldiers. Of the 160 persons reduced, 20 were women, leaving 140 men reduced; and of this number 50, or 35.7 per cent, were soldiers.

The tables herewith will show the specific classification of all these changes. They are as follows:

NUMBER OF APPOINTMENTS AND REAPPOINTMENTS IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY 16, 1894.

Alabama	9	Nebraska	3
Arizona	2	Nevada	1
Arkansas	13	New Hampshire	2
California	6	New Jersey	14
Colorado	1	New York	68
Connecticut	7	North Carolina	21
Delaware	7	North Dakota	11
District of Columbia	208	Ohio	30
Florida	7	Oregon	1
Georgia	16	Pennsylvania	43
Idaho	1	Rhode Island	2
Illinois	28	South Carolina	13
Indiana	22	South Dakota	2
Iowa	9	Tennessee	23
Kansas	12	Texas	15
Kentucky	41	Vermont	3
Louisiana	11	Virginia	40
Maine	6	Washington	2
Maryland	40	West Virginia	21
Massachusetts	16	Wisconsin	5
Michigan	11	Wyoming	1
Minnesota	6	Unknown	7
Mississippi	15		
Missouri	24	Total	837
Montana	1		

Army	90
Navy	2
Women	241

REMOVALS AND RESIGNATIONS BY REQUEST IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY 16, 1894.

Alabama	2	Missouri	10
Arkansas	3	Nebraska	5
California	8	Nevada	2
Colorado	2	North Dakota	2
Connecticut	8	New Hampshire	6
Delaware	5	New Jersey	7
District of Columbia	174	New York	74
Florida	1	North Carolina	15
Georgia	3	Ohio	51
Illinois	26	Pennsylvania	55
Indiana	20	Rhode Island	1
Iowa	5	South Dakota	2
Kansas	9	South Carolina	5
Kentucky	7	Tennessee	5
Louisiana	2	Texas	8
Maine	4	Virginia	83
Maryland	24	West Virginia	18
Massachusetts	13	Wisconsin	9
Michigan	7	Unknown	11
Minnesota	9		
Mississippi	1	Total	639

Army	126
Navy	3
Hospital nurses	2
Women	179

PROMOTIONS IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY 16, 1894.

Alabama	8	Nebraska	3
Arkansas	7	New Hampshire	2
California	6	New Jersey	9
Connecticut	5	New Mexico	1
District of Columbia	86	New York	47
Delaware	5	North Carolina	14
Florida	4	Ohio	23
Georgia	11	Oregon	2
Illinois	23	Pennsylvania	87
Indiana	13	South Carolina	17
Iowa	7	South Dakota	3
Kansas	8	Tennessee	18
Kentucky	17	Texas	9
Louisiana	10	Vermont	4
Maine	7	Virginia	80
Maryland	34	Washington	1
Massachusetts	13	West Virginia	6
Michigan	8	Wisconsin	11
Minnesota	10	Wyoming	1
Mississippi	8		
Missouri	11	Total	538
Montana	2		

Soldiers	27
Marine Corps	1
Navy	1
Women	214

REDUCTIONS IN GRADE OF CLERKS AND OFFICERS IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY 16, 1894.

Alabama	4	New Hampshire	8
California	1	New Jersey	3
Connecticut	3	New York	10
Delaware	2	North Carolina	5
District of Columbia	18	Ohio	11
Georgia	1	Pennsylvania	11
Illinois	14	South Carolina	1
Indiana	10	Tennessee	4
Iowa	1	Utah	1
Kansas	2	Virginia	4
Louisiana	3	Washington	1
Maine	7	West Virginia	2
Maryland	6	Wisconsin	4
Massachusetts	7	Wyoming	1
Michigan	10	Unknown	4
Minnesota	1		
Mississippi	1	Total	160
Missouri	2		

Soldiers	50
Navy	2
Hospital nurses	3
Marine Corps	2
Women	20

Under the present Administration a majority of the soldier clerks in the Executive Departments have been discharged or been reduced in salary, and the reduction in the salary of each of those reduced veterans has usually been to such a grade as to equal or exceed the amount of pension received.

[Here the hammer fell.]

Mr. BAKER of New Hampshire. Mr. Chairman, I ask unanimous consent that I may have ten minutes in which to complete my presentation of this matter.

Mr. BINGHAM. Mr. Chairman, I would ask my colleague [Mr. BROSIUS] whether he can not apportion his time so that the gentleman from New Hampshire may have such additional time as he desires?

Mr. BROSIUS. I have given away all the time that I can afford to give.

Mr. BINGHAM. Very well. I do not object to the request of the gentleman from New Hampshire.

There was no objection.

Mr. BAKER of New Hampshire. Mr. Chairman, in one of the auditing offices of the Treasury Department in March, 1893, there were about 200 employees, and more than one-fifth of them had rendered service in the Army of the Union. Of those within one year all but about four had been discharged or reduced in salary and every Confederate soldier had been promoted. Comment is unnecessary.

At the beginning of this Administration the Secret Service Division of the Treasury had among its employees about an equal number of Republicans and Democrats. To-day, under the process which I have been describing, there is but one Republican left in the whole Secret Service of the Government. I hold in my hand a letter that I have received from an avowed adherent of the so-called reform, one who has had official knowledge of the Departments and is personally well known to me, but who writes in confidence, so that I can not give the author's name. This letter says:

> They found hosts of Democrats in the various Departments who had been kept there through successive Republican Administrations and treated with fairness and generosity. These partisans found voice and activity on the advent of their party and addressed themselves to injuring and defaming their fellow-employees of an opposite political faith.
>
> Never in the history of the Departments have malice, malignity, and envy had such complete sway. Never has such gross, such indecent injustice prevailed. Lending their ears to the slanderer and the traducer, high officials have gratified the personal spite of Democratic employees who had held their places for years by favor of the party and persons they now made haste to overthrow.
>
> And now comes President Cleveland, who, with a stroke of his pen, covers into the classified service all these incompetents and all the men who have wrought this wrong and injustice and have gloried in it.

And, Mr. Chairman, under this system it has been the purpose and the policy of the so-called reformers to prevent information of the changes in the several Departments from going to the people. Clerks have been directed to say nothing about them, and even during the pendency of bills in this House in the last Congress presented by the Dockery Commission, the clerks in the Treasury and other Departments were instructed not to talk to Congressmen or Senators in regard to them or give them any information concerning them, and when I sought information from some officers in them whom I personally knew I was given that as a reply, and the few who did furnish me facts and refreshed my knowledge as to them were compelled to come to me under the cover of night that they might maintain their official positions. And this is the system that we are to praise and perpetuate as civil-service reform! Why, gentlemen, years ago I had the honor of serving in one of these Departments. I know what its personnel was from 1865 to 1874 by actual contact with it, and, by business and other relations with that Department, I have known it ever since, and I tell you that there has never been, in the history of the Treasury Department, a time when it was so well managed, when it had clerks of such ability who so honestly and faithfully discharged their duties, as during that so-called "spoils" time from 1865 to 1875. Then, a person who was in the clerical service of a Department could hold his head up among men, for he was treated as a man.

Now, under this so-called reform, except in salaries and in shorter hours of employment, the clerks in the Departments have few, if any, advantages. They are under a surveillance which never before was applied to any department of the Government, and men have been appointed in the Departments, and, upon appointment, have been instructed to spy out their fellow clerks and report anything they could find as an excuse for decapitating Republican clerks. If my friend the chairman of the Committee on Civil Service Reform desires proof on this subject, if he will have an investigation instituted, he shall have it. And, in the face of all these things, has anyone heard that we have a Civil Service Commission? Has anyone heard that any member of the present Civil Service Commission has at any time raised his voice, either officially or personally, to condemn these proceedings in the Departments? If anybody has heard it, I would like to have him speak now. On the contrary, the Civil Service Commission has been entirely subservient. The members of that Commission, for some cause or another, have not been willing to stand up in their places and say that any wrong has been committed.

Mr. TERRY. May I ask the gentleman one question?

Mr. BAKER of New Hampshire. Yes, sir.

Mr. TERRY. Can you state what proportion of Republicans and what proportion of Democrats are now in the public service of the United States?

Mr. BAKER of New Hampshire. I do not know, but from my information and observation I should say that there are about two Democrats to one Republican; at least that was the case before the election. There may have been a change since then.

Mr. TERRY. I venture to say you will find to-day that there are not more than 25 per cent of Democrats in the public service of the United States, notwithstanding all these things that you say have been done. That is what we do not like. [Laughter.]

Mr. BAKER of New Hampshire. There certainly was a much larger proportion last October, and I have no doubt there is at present.

Now let me say, Mr. Chairman, that on this subject I desire that there shall be the amplest investigation, and I am prepared, either while I am a member of this House or afterwards, to put myself at the service of the committee and to produce proofs of what I have said here to-day.

Mr. McMILLIN. Will the gentleman name one Department or bureau of the Government service in which over 50 per cent of the employees are Democrats?

Mr. BAKER of New Hampshire. If the gentleman had been listening he would have heard me state just now that the Secret Service of the whole Government has but one Republican left in it at this time. That is one instance.

Mr. McMILLIN. And how many are there in that branch of the service?

Mr. BAKER of New Hampshire. I do not know the exact number, but it is somewhere between twenty and fifty.

Mr. McMILLIN. And does not the gentleman know that from the time that service was instituted the party in power has held its men there under all Administrations?

Mr. BAKER of New Hampshire. In answer to the gentleman, I say I know that at the close of the Harrison Administration nearly if not quite one-half the persons engaged in that branch of the service were not Republicans. That I know.

Mr. WELLINGTON. Will the gentleman permit me a moment?

Mr. BAKER of New Hampshire. If I have the time.

Mr. WELLINGTON. A question was asked a moment ago as to how many persons are employed in the Secret Service.

Mr. BAKER of New Hampshire. Yes, sir.

Mr. WELLINGTON. Is not the number thirty-four.

Mr. BAKER of New Hampshire. I do not know the exact number.

Mr. WELLINGTON. There are thirty-four persons in that service; and among that number there is one Republican.

Mr. BAKER of New Hampshire. Only one Republican—one in thirty-four.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. If I can have an extension of time. I will yield, and continue to yield.

Mr. RICHARDSON. I think the gentleman was granted an extension of time unanimously. I wish to ask him a question in regard to the Weather Bureau. Does he not know that the Chief of the Weather Bureau, appointed by this Administration, is a Republican, and that every chief of division in that Bureau is a Republican except one?

Mr. BAKER of New Hampshire. I do not know about that; but I do know that a Republican was turned out to put in the gentleman to whom my friend from Tennessee refers.

Mr. RICHARDSON. The previous incumbent served out his term.

Mr. BAKER of New Hampshire. No; he did not.

Mr. RICHARDSON. He did serve out his term, as I remember, and the present incumbent, a Republican, was appointed.

Mr. BAKER of New Hampshire. In the Pension Office about ten-seventeenths of the entire force are Democrats, and in the Fish Commission not even 10 per cent of the present employees are Republicans. When the Government Printing Office was put under the civil-service rules by President Cleveland discharges and appointments had been made until about two-thirds of its employees were Democrats. That has been the general practice. Seldom, if ever, has President Cleveland extended those rules until his partisans have secured a large majority of all the offices of value covered by them. His official acts in this direction are not meritorious unless merit consists in keeping as a reformer that which has been secured as a spoilsman. The record of his first Administration is briefly set forth by Mr. Henry C. Lea in an article printed in the New York Independent issued October 18, 1888, and entitled "Mr. Cleveland and civil-service reform." In this article he states that in the two years preceding 1887 Mr. Cleveland made the following removals: Two thousand Presidential postmasters out of a total of 2,359, 40,000 out of 52,699 fourth-class postmasters, 100 out of 111 collectors of customs, all surveyors of customs, all the surveyors-general, all the post-office inspectors in charge, 11 out of 13 superintendents of mints, 84 out of 85 collectors of internal revenue, 65 out of 70 distrist attorneys, 8 out of 11 inspectors of steam vessels, 16 out of 18 pension agents, and 190 out of 224 local land officers.

Under no Administration have the appointments, reductions, and removals of the clerks and employees of the Government been so great or so unprincipled as under the present one, which professes to lead the cohorts of reform.

The Civil Service Commission, as I have said, has entered no protest even against this carnival of plunder under the name of purification, and the Commission itself and the organization of its subordinate employees are based upon political preferences and divisions, so that promotions among its employees have been decided by the politics of the several applicants. In short, the Civil Service Commission itself does not in practice enforce the theoretical principles upon which it claims existence.

For such useless service the people are paying by direct appropriation about $150,000 annually, and for further clerical service detailed from the Departments about $25,000 additional. This is more than four times as much as is appropriated for the office of the Comptroller of the Treasury, $50,000 annually more than the appropriations for the Comptroller of the Currency, and is in excess of the cost of more than half of the offices of the several Departments. But there is another phase of this matter to which I ask your thoughtful attention. Whatever our views in regard to the alleged reform, it is appropriate that we should consider whether or not it is rightfully a part of our governmental system.

The Constitution, Article II, section 2, provides for the appointment of the nonelective officers of the Government. Certain specified officers and all officers not otherwise provided for must be nominated by the President and confirmed by the Senate, but Congress is authorized to vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of Departments.

The appointment of the clerical force of the several Departments is vested in the heads of those Departments by law. What is the true meaning of the Constitution in this matter? What is the proper legal definition of the word "vest" as used in this connection? I apprehend that the definition of Bouvier will be generally accepted. He says it is "to give an immediate fixed right of present or future enjoyment."

Congress having given an immediate fixed right to the heads of the several Departments to appoint the inferior officers of those Departments, can it by subsequent legislation so modify and limit the power of appointment thus vested as to require those heads of Departments to appoint one of three designated individuals presented to them by a commission or other authority in whom, under the Constitution, Congress can not vest any power of appointment? In other words, has Congress by the act of January 16, 1883, constitutionally deprived the heads of Departments of the power vested in them by section 169 of the Revised Statutes and other statutes of selecting from the seventy millions of our citizens those qualified to perform the clerical service of the Departments and constitutionally required them to limit that power and discretion so that their power of appointment can not extend beyond three persons, and those not of their selection? If Congress can so limit the power of appointment vested in the heads of the Departments, can it authorize or empower a commission, with the approval of the President, to establish and enforce such limitations upon constitutional authority? No one will assert that the power of appointment, constitutionally vested by Congress in the heads of the Departments, did not intentionally and legally vest in them the authority to make the selections necessary to appointment, or that the power to select the appointee under the provisions of the Constitution was not inherent in and a concomitant of the power of appointment. Does it not necessarily follow that any essential limitation of such power is the restriction of a constitutional duty imposed upon them? Hence, when the heads of Departments are required to select their appointees from three persons certified to them by a commission in whom the power of appointment can not be vested under the Constitution, an attempt has been made to deprive them of a part of their constitutional authority and confer it upon others, in plain violation of the express provisions of the Constitution.

If this reasoning is sound, then at least a part of section 2 of the act of January 16, 1883, is beyond the power of Congress and nearly all of civil-service Rules VIII, IX, X, XI, and XII, promulgated by the President under date of November 2, 1896, are ultra vires and not binding upon the heads of Departments any further than they may voluntarily accept them.

For convenience I have confined my remarks to the clerical service of the Departments, but like constitutional objection is applicable to the other branches of the service claimed to be under the civil-service law and rules. Evidently Congress may withhold the appointing power from the heads of Departments, but under the Constitution it can vest it only in them or the President or the courts of law, and neither the President nor the courts could constitutionally be restricted in their selections and appointments by the dictation of the Civil Service Commission or any similar authority.

Congress can not indirectly accomplish that which it is prohibited by the Constitution from doing directly, and as the Civil Service Commission under the Constitution can not be vested with power to appoint any officer of the United States, it can not legally restrict the powers vested by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Commission.

Again, by section 166 of the Revised Statutes each head of a Department may transfer the clerks in his Department from one bureau or office of it to another as he may find it necessary and proper to do, but by Rule X of the Civil Service Commission he is prohibited from so doing except by permission of the Commission. Which power is to control the several Departments—the one legally in charge of them or an outside and irresponsible commission not vested with executive functions? This Commission is so grasping and imperious that under its Rule VI the President and each head of an executive department can not appoint more than two private secretaries or confidential clerks without its permission. In the Treasury Department there are a Secretary and three Assistant Secretaries; in the Post-Office Department there are a Postmaster-General and four Assistant Postmasters-General. Under the rule just cited two Assistant Secretaries and three Assistant Postmasters-General must accept their private and confidential clerks at the hands of the Civil Service Commission, which can not, whatever its purpose or powers, recognize or satisfy the personal characteristics of the officers who should be aided in the immediate discharge of their official duties, oftentimes temporarily at least of a confidential character, by those whose capacity is personally known to them and in whose discretion they have the fullest confidence. These are but a few examples of the extra-legal, unwarranted, and unjust assumptions of the so-called civil service reform; yet the time allowed me will not permit a further discussion of them now. But before leaving this part of my subject I remark that the act of 1883 does not specifically repeal any prior statute, and that it is evident that the rules promulgated by the President can not repeal an act of Congress.

This brief statement of the enacted and promulgated limitations upon the constitutional powers vested in heads of the Departments, whether valid or invalid, involves the consideration of some of the necessary conditions attending their execution. If the authority of the head of a Department can be so circumscribed that he must accept for appointment one of three persons certified to him by the Commission concerning whom he has no knowledge, and is not expected to acquire any, except that he or she has answered satisfactorily to the Commission a certain per cent of the academic questions submitted to the candidate, who is responsible for the character and adaptability of the appointee, the Commission which certified him with two others or the constitutional appointing power which blindly chose him rather than either of the other two?

The Treasurer of the United States is a bonded officer responsible for all the millions of dollars received by the Government. Under the law and rules now existing he can have no voice or influence in selecting any of those upon whom he must rely for the honest and efficient safe-keeping and disbursement of Government funds. What banker or trust officer would accept the presidency or cashiership of an institution having the custody and investment of even $1,000,000 under like conditions? Is there anywhere any board of directors or trustees who would ask anyone to assume such responsibility, or would any such board attempt to manage any institution of trust if an outside power should absolutely control the selection of its cashier, tellers, and clerks?

Still more, Does any large financial, commercial, or manufacturing house select its employees by competitive academic examination, or does any advocate of the alleged civil-service reform adopt and enforce its theories or example in his private business? Why, then, should the affairs of the nation, unparalleled in detail, variety, and importance, be administered upon a theory not applicable to the business of the citizens by whom our Government "of the people, by the people, and for the people" was established and is maintained?

The true business principles of the best business houses of the country should be applied to the business of the Government, and the heads of Departments charged with the details of administration should, under the usual proper and constitutional limitations naturally imposed by Congress, appoint and be responsible for its clerical and other service performed by the "inferior officers" specified in the Constitution.

The friends of the civil-service law should remember that it contains really no new practice and is based upon no new theory except the competitive idea, with appointments necessarily based thereon and the changes incident thereto.

Section 164 of the Revised Statutes is as follows:

> No clerk shall be appointed in any Department in either of the four classes above designated until he has been examined and found qualified by a board of three examiners, to consist of the chief of the bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department.

The original statute upon which this section is based was enacted in 1853, thirty years before the Civil Service Commission was established, and from that time was enforced by the heads of Departments, and under it no clerks were appointed who had not successfully passed an examination and been found properly qualified. That practice was in accord with the Constitution and with common sense, but that the one or the three who in a competitive examination may answer off-hand more of a given number of specifically prepared or technical questions must for that sole reason be appointed to office to the exclusion of those who have demonstrated by their examination that they are by education worthy of appointment is absurd and unjust, and is a limitation upon the natural and political rights of the American citizen.

I have given reasons which lead me to believe that the present law and rules are not in accord with our theory of government or in consonance with the Federal Constitution or productive of good as administered.

I believe that Congress can rightfully provide that the civil-service appointees of the Government shall be examined physically and mentally to ascertain their qualifications for office; that if found qualified they shall be appointed for a term of years; that they shall be eligible to reappointment and not removable during their term of office except for cause based upon specified charges, of which they shall be duly notified, and that when evidence is taken to sustain them they may be present in person or by attorney and may cross-examine the witnesses and produce evidence in their own behalf. The details of this general plan would not be difficult or expensive.

Now, gentlemen, I have stated facts that are crying wrongs, but my resolution, which goes to one point, and one point only, would permit some of them to be speedily corrected. There is in it nothing of criticism upon the Civil Service Commission or the civil-service idea. It simply provides that six months or six years or some other fixed time of actual efficient service shall be regarded as equal for the purposes of appointment or reappointment to a day's successful examination before the Civil Service Commission resulting in a certificate of eligibility. All that it seeks to accomplish is this: To give to any Administration—the present Administration or any subsequent one—when it is shown conclusively to the head of any Department that a wrong has been committed, even though more than one year has elapsed, the right to correct that wrong and put back the clerk who has been unjustly removed. That, I submit, is in the line of true civil-service reform.

If justice can not be done under the present law and rules, let them be changed until they shall prosper the right. The law certainly is not more sacred than its purpose. If the law or the civil-service idea would be shattered by restoring to their places and duties the worthy and efficient clerks who have been discharged for political reasons only, then the existing system is not entitled to the respect or support of any patriotic citizen, and the claim that it is a "reform" is not only preposterous, but a disgrace to American manhood.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAKER of New Hampshire. One word more. I do not believe in any system of administration which will permit clerks to be discharged at the mere will of anybody. A true civil-service reform will prevent unjustifiable dismissals as well as protect the Government in appointments. [Applause.]

Mr. BROSIUS. Mr. Chairman, how much time have I?

The CHAIRMAN. Twenty-five minutes.

Mr. BROSIUS. I gave away only thirty minutes, and I would like to know what has become of the other five minutes.

The CHAIRMAN. The Chair does not know.

Mr. BAKER of New Hampshire. I hope the gentleman will be allowed the additional five minutes.

Mr. BROSIUS. I do not like to be curtailed in my time without knowing who gets the time that I lose. If somebody else would put it to good use, I would be content; but to have the time entirely lost I would regret.

The CHAIRMAN. The gentleman has thirty minutes.

Mr. BROSIUS. Mr. Chairman, before I go into details and subject myself to interrogation, I desire to submit some general reflections on the "merit system" in operation to some extent in our executive civil service. A view of the rise, progress, and present state of that system may not be uninteresting to those who care for economy and efficiency in the public service.

That civil-service reform in the United States owes something to the example of the mother country can not be doubted, but it would take me too far afield to go into the genesis of the movement for reform in Great Britain or to trace its historical continuity. It is interesting, however, as showing what great institutions can grow from small beginnings, to note the first awakenings in England to the importance of improving the civil service of the country. Some writers have found in Magna Charta the first civil-service rule in English history. The barons at Runnymede extorted from King John this provision for securing duly qualified officers:

> We will not have any justices, constables, or sheriffs but of such as know the law of the realm and mean truly to observe it.

In the reign of Edward II, 1308–1327, it is said there were kept in a tower in London 6 horseshoes and 61 nails, which, by an ancient custom, the sheriffs of London were compelled to count when they were sworn into office. Their ability to do so was regarded as a proof of sufficient education for the office, as only an educated man could count up to 61. In 1388 Parliament passed an act which provided—

> That none shall be made officers of the King for any gift, brokerage, favor, or affection, but upon desert.

These are the historical beginnings of civil-service reform among English-speaking people. Centuries of abuses, in which extortionate levies upon the people ministered to the vices and luxuries of the few and the pleasure and power of kings, lords, and nobles were everything, while justice, equality, economy, and the personal worth of the citizen were nothing, were destined to elapse before the appointing power ceased to be the instrument alike of revenge and favor, to reward obsequious servility and compel acquiescence in the will of official despots. There is some humor mingled with the sadness of the reasons given by a custom-house officer for his submission to the royal will, reasons which to this day cause a continuous reign of terror in the unclassified civil service of the United States. "I have," he said, "fourteen reasons for obeying His Majesty's command—a wife and thirteen children."

Through all this age-long struggle we have seen the merit system develop according to the law of history. The growth of popular intelligence and official responsibility acquired with lapse of time a progressively increasing influence in the administration of civil service, and a healthier public opinion opposed its vices and abuses with an aggressive resistance which at last was rewarded with a high degree of success.

In accordance with the same law of growth, but possibly under more favorable conditions, has the merit system been evolved in our own country. Few finer compliments have ever been paid the American colonists than that conveyed in the following observation of Lecky, in his History of England in the Eighteenth Century, quoted by Mr. Eaton in his great work on Civil Service in Great Britain:

> No nation ever started on its career with a larger proportion of strong character or a higher sense of moral conviction than the English colonies in America. They almost entirely escaped the corruption that so deeply tainted the Government at home.

Strong confirmation of the truth of this observation is found in the high level of political rectitude and official duty and purity which prevailed in the United States for a generation after the Government under the present Constitution went into operation. So little did the fathers anticipate the corruption and abuses which were to grow up in our public service that no definite provisions were made in the Constitution against this source of danger to our institutions. The power of appointment was created, but the power of removal from office was left to inference only.

After a hundred years of experience under our constitutional system, Americans have learned to revere and love that immortal instrument, and to subject their conduct to its express or implied limitations. By habit they look to the organic law of the land for some warrant for the erection of any public institution for the regulation and conduct of public affairs; the more so in this case in view of the magnitude our civil service has attained, employing as it does nearly 180,000 persons in its various branches, and the warm controversy which has for years agitated the country on the vexed question of reform in its administrative methods.

In section 2 of Article II of the Constitution, which enumerates the powers of the President, are found these words:

> Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Agreeably to this provision Congress has vested the appointment of all inferior officers in the heads of Departments. The Supreme Court of the United States has held that in making appointments the heads of Departments are subject to such restrictions and limitations as Congress may impose in reference to both appointments and removals in advancement of the public interests.* There is thus complete constitutional and legal warrant for such regulation of the civil service of the country as will make it subserve in the highest degree the public welfare.

Singularly enough, however, for more than three-quarters of a century little restrictive legislation was invoked to suppress abuses and promote efficiency in the public service. In the early period of our history so high was the sense of official honor and rectitude and such fidelity to duty was practiced in the conduct of public functions that no legislative coercion was needed.

During the administrations of the first six Presidents those who were charged with the duty of appointing officers performed their duty with a conscientious regard for the public interests, regarding the appointing power as a public trust to be exercised with a scrupulous care for the public welfare. Political opinions or religious affiliations or private motives were not considered in executive appointments. The elevation of mind and lofty patriotism which characterized the statesmen of that period find striking illustration in a letter of Washington to a friend, in which he said:

> My friend —— I receive with cordial welcome to my house and welcome to my heart; but with all his good qualities he is not a man of business. His opponent, with all his politics so hostile to me, is a man of business. My private feelings have nothing to do with the case. As George Washington, I would do this man any kindness in my power. As President of the United States, I can do nothing.

So Jefferson, animated by the same high sense of public duty, said:

> Of the thousands of officers, therefore, in the United States, a very few individuals only, probably not twenty, will be removed, and those only for doing what they ought not to have done. I know that in stopping thus short in the career of removal I will give great offense to many of my friends. That torrent has been pressing me heavily and will require all my force to bear up against, but my maxim is fiat justitia, ruat cœlum.

In 1801, in closing a letter on the subject of appointments, he said:

> The only question concerning a candidate shall be, Is he honest, is he capable, is he faithful to the Constitution?

Madison, Monroe, and John Quincy Adams shared with their predecessors these elevated views of public duty with respect to the civil service. All removals from office in those six Administrations were for cause. Washington made 9 removals, John Adams 9, Jefferson 39, Madison 5, Monroe 9, John Quincy Adams 2. These were offices of higher grade which were filled by the President by and with the advice and consent of the Senate. But the number of removals in the inferior grades were correspondingly small, and in all cases for cause. Political influence and personal favor or disfavor are not believed to have had an agency in a single removal or in the selections to fill vacancies.

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* United States vs. Lyman B. Perkins, 116 U. S., 483.

ORIGIN OF THE SPOILS SYSTEM.

In the Administration of John Quincy Adams, however, the tide of official honor and duty in this particular reached its flood, and the succeeding Administration witnessed the beginning of its ebb. Mr. Jenckes, reporting from the Joint Select Committee on Retrenchment of the House of Representatives in 1868, says:

> The change which commenced with the Presidency of General Jackson is too well known to need description. It is summed up in a single phrase. "To the victors belong the spoils." This means that the entire force of the civil service of the United States may be changed for mere political opinion without any regard whatever for qualifications or the meritorious service of the persons in office or the persons seeking office. * * * From that time to the present, nearly forty years, the partisan obligations of the candidate for office have been held to be of more consequence than his qualifications for the place for which he is a candidate, and every administrative department of the Government has been used as an instrument of political or party patronage.

Daniel Webster, describing the condition of the civil service in 1832, said:

> As far as I know, there is no civilized country on the earth in which, on a change of rulers, there is such an inquisition for spoils as we have witnessed in this free Republic. * * * The same party selfishness which drives good men out of office will push bad men in. Political proscription leads necessarily to the filling of offices with incompetent persons, and to a consequent malexecution of official duties.

The reports from time to time made by Congressional committees, covering the period from Jackson to Buchanan, furnish graphic illustrations of the results of the spoils system in our civil service. A few examples will suffice to convey an idea of the extent of the abuses under that system. At the New York customhouse, between 1858 and 1861, the collector removed 389 out of 690 employees. In the three following years the succeeding collector, of a different party, removed 525 out of 702 employees. A later collector in three years removed 830 out of 903, and another in sixteen months removed 510 out of 892, or one removal for every day of his term.

Later times furnish still more striking abuses. In recent times there have been instances in which as many as 96 per cent of the incumbents of offices have been removed on a change of administration. In contrast with this the reports of the Civil Service Commission show that in the last three years in the two great Departments of the Treasury and Interior the removals of those appointed under competitive examinations have not exceeded 2 per cent a year. But in the unclassified service the same revolting spectacle, an "in-and-out" panorama, is still witnessed with every change of administration. Sometimes the incumbents change their politics with such alacrity that they hold their places, notwithstanding the change in party occupancy. It reminds one of the saloon keeper at Winchester during the war. It is said the tide of battle swept back and forth through that little town seventy-six times during the war. When the Union forces were in possession the saloon keeper wore a suit of blue, and when the Confederates returned he changed to a suit of gray, making the changes with such promptitude as not to disclose to the respective combatants the trick he was playing. After the war was over, a neighbor asked him how he managed always to be on the side that was in possession. He replied that the changes of occupancy were pretty fast, but they would have to be d——n quick if they got ahead of him.

THE DAWN OF A BETTER SENTIMENT.

In the midst of this carnival of spoils and reckless indifference to the public welfare there appeared now and then a man who was more sensible than others of the vicious character of the lawless system which Marcy had conceived and Jackson had put into operation. Above the confusion and chaos of the struggle for spoils at times there arose a voice which, with a fervency of spirit and true devotion to a great idea which would have done credit to St. Paul, arraigned the existing methods for their failure to promote the public welfare, and proclaimed to the idolators of the spoils system that the dawn of the day of the people's deliverance from its degrading despotism was at hand. The voice was heard, and by degrees heeded, but those who uttered it were reviled and ridiculed, dubbed "snivel" service reformers, and subjected to indignities and proscription. But the voice was not silenced. It grew in volume and power until it awakened the sleeping masses and brought the nation to a realization of the shame it was suffering to pollute the temple of its civil service. The conscience of the Republic was marshaled in aggressive opposition to the system which made merchandise of office and chattel mongers of those who wore the mantle of high and honorable place. At length the better sense of the people prevailed, the principle that public office is a public trust to be administered for the public welfare began to be recognized, and the initial step was taken in the legislation which has improved our civil service and placed it, to some extent at least, on a footing of efficiency and official responsibility.

In 1871 a law was passed providing as follows:

> The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote efficiency, and ascertain the fitness of each candidate in respect to age, character, knowledge, and ability for the branch of the service he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service. (R. S. U. S., section 1753.)

This was in response to a sentiment that had been evolved out of years of agitation, and only acquired force enough to crystallize into legislation after the nation had completed the work of securing the results of the war to save its life, and had a little time to look after the honor of its public service. Some one aptly said that we could not be expected to repair our plumbing, though our people were dying of poisonous gases, while our roof was on fire. Though the enactment had the cordial favor of Grant's Administration, it was but a spasm of legislative virtue and did not last. A recent writer likened it to strawberries sprouted in March. The hearts of our people warmed to the reform but a day and then grew cold again. In 1874 Congress refused the needed appropriation to sustain the work of the commission Grant appointed, and under which the merit system was operated for some time in the departmental service with signal benefit to the service. The President informed Congress that the new methods had "given persons of superior character to the service," and they had developed more energy in the discharge of duty; and in one of his messages he said it would be a source of mortification to himself and those associated with him in enforcing the civil-service rules if Congress should refuse to make the further appropriation which he asked in aid of the work. It was not possible to continue the merit system without an appropriation, and the rules were accordingly suspended by President Grant in 1875. This was disheartening, but it did not suppress the reform. In a few custom-houses and post-offices, notably in New York, where the new system had taken root, it remained. The benefits were so obvious that public opinion forced the question of reform in our civil service to the forefront of politics.

In 1872 both political parties had committed themselves distinctly to the merit system. On June 5 of that year the Republican national convention at Philadelphia declared:

> Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage, and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

On the 9th of July of the same year the Democratic national convention at Baltimore declared in equally unequivocal terms, as follows:

> The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition and an object of selfish greed. It is a scandal and reproach upon free institutions and breeds a demoralization dangerous to the perpetuity of republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and that public station become again a post of honor. To this end it is imperatively required that no President shall be a candidate for reelection.

From that time forward no political party dared go before the people without a distinct recognition in its platform of the claims of civil-service reform. The two great parties vied with each other in their professions of devotion to the reform—albeit they were suspected of being most celestial in their professions, when they were quite terrestrial in their performances. But to this day no national platform has appeared without a plank favoring civil-service reform.

THE PENDLETON ACT.

In January, 1883, the results of the agitation which thoughtful and earnest men had kept up were crystallized in what is known as the Pendleton Act, drawn, I believe, by Dorman B. Eaton, whom Grant had appointed on the first Civil Service Commission with George W. Curtis and others, and who was an earnest, able, and sincere civil-service reformer, and was introduced into the Senate by Senator Pendleton, and hence bore his name. After a long debate it passed the Senate with but 5 votes against it. In the House it was not debated at all, but passed under a suspension of the rules by more than a two-thirds vote. Under this act the merit system has been enforced in our civil service for thirteen years to an annually increasing extent. Under its provisions custom-houses and post-offices, as they reach in their growth a certain number of employees, come automatically under the law and the rules of the merit system. Then, too, periodically, whenever the President is disposed, another branch of the service is placed under the law, until by automatic growth and Executive extension the number of employees in the classified competitive service has grown from about 14,500 in 1883 to 87,406 at this time, and embraces the following branches of the service: Departmental, Government Printing, Indian, Railway Mail, Customs, Postal, and Internal Revenue.

The entire executive civil service of the United States, approximately correct, with a few outlying positions, the duties of a number of which are not yet accurately determined, but are under consideration by the Departments, may be distributed generally as follows:

Class A	20,036
Class B	8,621
Class C	1,667
Class D	10,606
Class E	18,179
Class 1	6,771
Class 2	4,690
Class 3	1,561
Class 4	1,570
Class 5	1,130
Class 6	508
Positions in navy-yards registered under Navy Department regulations	5,063
Pension examining surgeons	4,120
Presidential officers not confirmed by Senate now classified	36
Indians employed at Indian agencies and schools	2,061
Private secretaries and confidential clerks (excepted)	10
Cashiers in post-offices and custom-houses (excepted)	97
Deputy collectors of customs (excepted)	6
Assistant postmasters (excepted)	570
Attorneys and assistant attorneys (excepted)	98
Excluded under clause (a) of Rule III, section 8	5,161
Excluded under clause (b) of Rule III, section 8	53
Excluded under clause (c) of Rule III, section 8	3
Excluded under clause (d) of Rule III, section 8	844
Presidential officers confirmed by Senate	4,815
Laborers or workmen below classification	6,638
Miscellaneous positions not yet classified	71,806
Total in executive civil service	178,716
Total in classified service	87,406

PROGRESS OF REFORM.

It thus appears that the merit system in our civil service has made gratifying progress. That it has been retarded by the obstructive hostility of its enemies goes without saying. That it has been scandalized by groundless complaints is plain enough—complaints as foolish and childish as Sydney Smith's complaint of the solar system when he said to his friend Jeffrey:

> D——n the solar system; bad light, planets too remote; pestered with comets, feeble contrivance; could make a better with ease.

That its efficiency has fallen short of what it might have been but for the indifference if not faithlessness of officials charged with the duty of carrying it into effect is too obvious to need to be mentioned. The success of any branch of the system depends upon the fidelity of those whose duty it is to execute it, and the success of the whole system depends upon the fidelity with which the President, the Civil Service Commissioners, and the appointing officers carry out its provisions. To have an ideal execution of the law you must have ideal men, whom you can not obtain. There are still too many who render the merit system a good deal of lip service, whose hearts are lightly troubled with devotion to its claims, and who stumble at the actual application of its principles in the administration of office. They remind one of the story Gladstone tells of Lord Melbourne. The latter was seen coming from church one Sabbath in great excitement. Meeting a friend, he exclaimed:

> It is too bad. I have always been a supporter of the church and have always upheld the clergy; and it is really too bad to have to listen to a sermon like that I heard this morning. Why, the preacher actually insisted upon applying religion to a man's private life.

But withal, it has been for thirteen years in a state of progressive efficiency, yielding new fruit each year and deepening its hold upon popular respect as its benefits become more fully realized.

THE SPOILS SYSTEM.

Now let me invite your attention to what the merit system is, and to distinguish it sharply from what is known by the very apt designation of "the spoils system." The two systems stand for opposite theories of politics and official duty and responsibility. The idea underlying the spoils system was clearly expressed by Senator Marcy in that famous utterance in the United States Senate, that "There is nothing wrong in the rule that to the victor belongs the spoils of the enemy." His contention was that the political party that won the victory was entitled to enjoy the fruits of it, which meant that all the employees of the Government should be dismissed on the change of Administration and the places filled by adherents of the winning party. To carry out this theory rotation in office was inaugurated and was advocated by some statesmen as a cardinal political principle, a practical necessity in party administration to reward party workers and political friends and to wreak revenge upon their adversaries.

But rotation in off[illegible] dream. It has never gotten further in its development than succession in office, and that sometimes has been very rapid. George William Curtis said:

> The doctrine of rotation in office implies that merit should not be considered. It treats the public service as a huge soup house, in which needy citizens are to take turns at the table, and they must not grumble when they are told to move on.

The system is predicated upon the false and demoralizing ideas—1. That a political party is a body of politicians associated in an effort to capture the Government and appropriate the honors and profits of the public service to the use of themselves. 2. That political campaigns are battles for the conquest of spoils with which to reward leaders, fighters, and workers. 3. That regard for principles, love of country, and obligation to duty are to be professed but not practiced to the prejudice of party ends. 4. That fidelity and work for the party are qualifications for office paramount to personal worth and merit.

Of course I do not go to the length of saying that appointing officers give no attention to qualifications, for they do, and the better and more conscientious the man the better will his appointments be. Cromwell improved the civil service of England greatly, not because his system was not despotic, for no ruler was ever more so, but because he had higher conceptions of duty and of what the civil service ought to be than his predecessors. He mixed his religion and his politics and produced a unique combination which was calculated to advance the public welfare. He appointed according to his own will, but he put conscience into the selection, as he did in everything else, and good appointments were the result. Experience, however, in our time has clearly shown that the best intentions are likely to be overcome by the importunities of those to whom the appointing officer is under obligation, and this result is advanced by the influence of our democratic American optimism that holds one man as good as another. John Stuart Mill once wrote Mr. Motley that he deplored the fatal belief of the American public that anybody was fit for anything. This idea would be fatal to civil-service reform, as it would be fatal to private business and to the great manufacturing and transportation managements of the country. At all events, it is obvious that the way to pluck the flower, safety, from the nettle, danger, in this particular is to release the appointing officer from the duress under which he is placed by his political success.

The fallacy into which many good people have fallen, and which found eloquent advocates in great statesmen, from Burr to Marcy, and from Jackson to Tweed and Conkling, finds its latest and most striking crystallization in the famous reply of Judge Barnard on his trial for the corrupt use of judicial patronage: "I won this office and its patronage is mine." But no intellectual greatness or political distinction can redeem or powers of eloquence sanctify a system so vicious in principle and demoralizing in practice as the spoils system. Some years ago, at a dinner in New York, Professor Huxley asked Senator Conkling what he thought of the civil-service reform. The Senator launched into an eloquent defense of the spoils system. Huxley was asked what he thought of it. He replied that it was the most eloquent defense he had ever heard of a perfectly indefensible thing.

It hardly needs to be pointed out how in practice this system vitiates the relation between the legislative and executive departments of the Government. Under the Constitution no encroachment of one upon the other is contemplated. Yet, under the perverted practice which has long been in vogue, the executive function is, to a large extent, usurped by members of Congress, who become purveyors of patronage, whose importunities for favors for their constituents can not easily be resisted by the average Executive. The result has been that the lives of both President and Congressmen have been made miserable. President Lincoln once said he never went to sleep without looking under the bed to see if a certain Senator was there in pursuit of an office. At another time, when he was sore distressed by these Congressional importunities, he said he could not get time to consider the Southern question. "I am," said he, "like a man so busy in letting rooms in one end of his house that he has not time to put out the fire in the other end." Secretary Windom said:

> In the last one hundred days a few thousand men in search of office have taken nine-tenths of the time of the President and his Cabinet.

But it perverts also the relations between the Representatives and their constituents. In many districts the real question upon which the election of a member of Congress turned was not whether he could represent the highest interest of his district and the country at large, but, Could he make the necessary alliances to secure the requisite offices to meet pressing demands; could he command favors enough to secure the caucus or patronage enough to carry the convention? Dr. Andrew D. White tells of a member of Congress with whom he conversed on an important measure. He asked the Congressman why he did not make a great speech on the subject, educate the country, and extend his own fame.

The oppressed statesman, holding out a bundle of letters, replied: "I can not do it, sir. I have not the time. Here are fifty unanswered letters from my constituents asking me to get offices for them."

Contrast this situation with that of a statesman in England under the superb civil-service system of Great Britain. A member of Parliament a few years ago, speaking of their civil service, said he represented one of the most important districts in the United Kingdom, but he thanked Heaven that he was powerless as to the appointment of the pettiest tidewaiter in the Empire. It was the boast of Gladstone that the only office in his gift was that of his own private secretary. It has been said that the number of offices which go to the victors as spoils at a Parliamentary election in Great Britain does not exceed thirty.

THE MERIT SYSTEM.

The merit system, on the other hand, stands for a body of ideas which are the extreme opposite of those I have just considered.

1. It recognizes the public welfare as the supreme good.
2. It insists everywhere and at all times, in politics and official life, that merit is the paramount test of fitness for the public service.
3. That public office is a public trust, to be administered in advancement of the public good—and never to be filled by mere favor or bestowed as spoils.
4. That the practice of dispensing office on account of political opinions or affiliations is a demoralizing and despotic use of official power and detrimental to the public service.
5. That patriotism as well as good morals condemns the use of the power of appointment and removal for mere selfish and partisan ends, as they condemn the use of public money for personal ends.

These are the cardinal principles which the civil-service law and the rules under it are the means of applying in the administration of our civil service. No patriot can withhold the homage due to sound principle and patriotic purpose, justice, and purity in political and official life by omitting to extol a system which has for its object the dignity of man, official rectitude, the elevation of the public service, and the expression in our public life of the highest reason and best conscience of our people.

Whatever view may have prevailed when the "merit" system was first introduced, I hazard nothing in saying that it has long since passed the experimental stage. It is now firmly rooted in public favor, and is perhaps as well established as an administrative policy as any other institution of our Government. Its success in bettering the condition of our civil service deserves the wide acceptance it has received and the high esteem in which it is held. The people of the United States are practically united in the conviction that public office is a public trust; that it is to be filled for the benefit of the people rather than of the incumbent; that personal character and capacity constitute the best title to public place; that the merit system is based upon the American principle of the right of the people to have the worthiest and best-qualified citizens to serve them, and that every citizen has the right to compete for the honor of civic preferment if he possesses the qualifications: that every office bestowed as patronage or spoils, without regard to fitness, is so much taken from better qualified citizens, whose services the Government has a right to enjoy; that the portals of the public service should be opened to no man who can not give the open sesame of "tested merit."

In other words, the people are now practically united in regarding as axiomatic these propositions:

1. That the highest claims upon preferment in our civil establishment are the character and capacity that best qualify a person for the discharge of duties of the office.
2. That common justice requires the application of a fair public test for ascertaining those qualifications.
3. That he who represents the highest evidence of fitness has morally, and should have legally, the right to the office.

These principles, which have been accepted as sound and salutary by all political parties in our recent history, and are believed to be founded in natural justice, are promotive of wise and economic administration and conducive to the general welfare. And the occasional—I might say periodical—outcry against the merit system is a survival from a time and a state of public opinion which has long since passed and will not be likely to return to plague the people.

BENEFITS OF THE SYSTEM.

The benefits which the merit system confers upon the people are direct and indirect. The direct benefits are those derived from securing for Government employment the most reliable and efficient service. The indirect benefits are those derived from the stimulus and encouragement given to the general education of the people; the industry and achievement which come from generous rivalry between aspirants for the honor of civic places, which are the trophies of merit alone; and the incentive to exertion which produces character and attainments, moral independence, and that manly thought and action which give citizens influence and make them men of light and leading in the community.

It saves young men who desire Government employment from the degradation of servility to political masters and the humiliation of beggars for patronage from those who have the power to bestow it. It opens the doors of the public service to the personal worth and intelligence of the nation on the only terms upon which an honorable man should be required to seek civic preferment, the terms of winning it by honorable competition for the prize that rewards success in the tournament of merit. It makes it possible for young men who are too humble to command influence and too manly and independent to ask favors, and who are qualified for the public service, to win places without the sacrifice of self-respect and manhood. Nor have these advantages been unappreciated by young men and women of the country—they have been availed of to a surprising extent. In 1894, 37,379 persons were examined for all branches of the service; 22,131 passed the merit test successfully and were placed upon the eligible list, and 4,373 were appointed to places in the civil service of their country.

And, furthermore, to the honor of our public schools, the statistics of the Commission show that the great majority—more than 80 per cent—of those appointed to positions from the eligible lists have received only a common or high school education. College graduates do not comprise more than one-sixth of those who enter the Government service through civil-service examinations. It is also interesting to note that the persons who are appointed to the service are not fresh from their books, as the average age of the appointees to the service is 28 years, a period of life which is several years beyond the time of leaving school.

Then, again, the open public competition which closes the doors to patronage and favoritism in appointments, destroys the motives for removals, for vacancies can not be filled by chosen favorites; but only by those whom the chances of battle in an open contest of merit assign to the place. In such case there remains little inducement to increase places beyond the necessities of the service, for they can not be filled by the personal selection of the appointing officer, but by those certified from the head of an eligible list. And, moreover, as General Grant wisely said, it is much easier to remove the unworthy persons who come in through competition, for they are without political influence to keep them in, which is not the least of the vices of the spoils system.

It is the uniform testimony of the chiefs of bureaus and divisions, as well as the heads of Executive Departments, that appointees coming in under the civil-service rule are more efficient than those appointed under the old system, that abuses under the former system have been corrected, that the moral tone of the public service has been elevated and the service made more economical and businesslike.

In the Post-Office Department a rule has been promulgated in this Administration that no carrier shall be removed except for cause upon written charges filed with the Post-Office Department, and of which the carrier shall have full notice and an opportunity to make defense. Gratifying evidence of the high ground taken by the present Postmaster-General is found in his address before the national convention of letter carriers in this city in September last. He there said:

> No one rejoices more than I do, both on principle and on the lower plane of selfish convenience, that every free-delivery post-office in the country is now under civil-service rules: that the gateway to employment therein is no longer partisan influence, but the free and open road of personal merit, and that the tenure of that employment no longer depends upon anything else than individual merit and individual fidelity.

He has also followed the lead of his predecessor in the previous Administration, and recommended a merit tenure for three of the Assistant Postmasters-General. This may well be regarded as indicating the trend of sentiment among those occupying the most conspicuous positions in the public service.

THE PRESENT STATE OF THE LAW.

The present state of the law is in many respects satisfactory, but not in all. The provisions for safeguarding the service against political influences might be improved, though, as far as admissions to the service are concerned, they are quite ample. The law does not allow more than two of the Civil Service Commissioners to be adherents of the same party.

It provides for a system of examinations to test fitness, which excludes the possibility of political discriminations, because the identity of the persons is not known to the examiners who determine the percentages, and selections are made according to grade as they stand on the eligible list.

No person shall be removed or otherwise prejudiced for not contributing to any political fund or not rendering any political service.

No person in the service has a right to use his official authority or influence to coerce the political action of anyone.

No recommendation of any applicant for office which may be given by any Senator or Member of th[illegible]e of Representatives, except as to the character or residenc[illegible]e applicant, shall be received or considered by any person concerned in making the examinations or appointments.

And it is the duty of all officers of the Government, to which the law and rules of the civil service shall relate, to aid in all proper ways in carrying said law and rules into effect.

It will thus be seen that if all officers charged with duties under the law perform their duty, the civil service will enjoy absolute immunity from discrimination on political grounds as far as admissions to the service are concerned.

After their admissions a different rule prevails. Promotions, removals, and reductions, singularly enough, have not been excepting to a limited extent amenable to law. To correct this defect, I introduced a bill early in the first session of this Congress making it a penal offense to willfully discriminate in favor of or against any eligible for appointment to or any employee in the classified civil service of the Government in the matter of promotions, reductions, or dismissals on the ground of their political opinions or affiliations. That bill was reported favorably from the Committee on Reform in the Civil Service and is now on the Calendar. Happily, the necessity for the measure is to some extent superseded by the rules recently promulgated, which place greater restrictions upon official liberty in this respect, and if enforced with fidelity will greatly improve the system. Heretofore the Departments have regulated the discipline of employees according to their own rules: and in the matter of removals, promotions, and reductions the "spoils system" had a big pull. It has been thought by many better not to place restrictions upon the appointing power in relation to removals, because the good of the service requires removals to be made at times, and some discretion must be lodged in those who are responsible for the service.

The complaints that have been mostly made—and they are numerous and in many instances with apparent warrant—relate to this aspect of the service. It is not possible, perhaps, to eliminate the personal factor entirely from the treatment of employees, and there is much force in the contention that the liability to abuse of the power of removal is minimized by the fact that there is no guaranty that a vacancy will be filled by a person more agreeable, politically and personally, than the one removed. Still, I am of the opinion that some restriction should be placed upon removals, for abuses are believed to be practiced in some instances to the prejudice of faithful employees by their removal or reduction without justifiable cause. This can only be prevented by making such abuses penal offenses, and the new rules do this. As the law has been, there was no redress for any employee who believed injustice had been done him in these respects. He complained and his outcry of injustice went up and down the land, bringing scandal and discredit upon the service and upon the heads of Departments involved, with no means available of establishing the truth of the accusation or vindicating the appointing officers against the aspersions cast upon their official duty and honor.

There is another defect in the law which I would correct. I would extend the preference given to a limited number of honorably discharged Union soldiers and sailors of the late war by section 1754 of the Revised Statutes to all honorably discharged soldiers and sailors. The limitations upon this preference are not really understood. The law says:

> Persons discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

While section 2, Rule VII, of the civil-service rules provides that—

> The names of all competitors whose claims to preference under the provisions of section 1754 of the Revised Statutes have been allowed by the Commission, and who attain an average of 65 or over shall be placed in the order of their average percentages at the head of the proper register of the eligibles.

While section 3 of Rule VII provides as follows:

> For filling vacancies in positions for which competitive tests are not practicable, persons who served in the military or naval service of the United States in the late war of the rebellion and were honorably discharged therefrom shall be placed at the head of the proper register in the order of their fulfillment of said requirements.

This is all right as far as it goes, but it ought to go further. Very few of the soldiers of the late war who were honorably discharged thirty-odd years ago by reason of disability resulting from wounds or sickness incurred in the line of duty are now surviving to avail themselves of the advantage of this provision of the law. There are, however, a large number of honorably discharged soldiers who have since their discharge become in some degree disabled by reason of wounds or sickness incurred while in the service who are capable of performing the duties of many of the offices under the civil-service law, but who are not entitled to any preference over others under that law. With a view to correcting this defect I introduced in the first session of this Congress a bill to amend existing law so as to extend this preference to all honorably discharged Union soldiers and sailors of the war of the rebellion and the widows of such honorably discharged persons, provided they are found to possess the business capacity necessary to discharge the duties of such offices. That bill was favorably reported by the Committee on Reform in the Civil Service, and is now on the Calendar.

Under existing law there were in the year 1894 but 14 of the preferred class of soldiers placed upon the eligible list for the entire departmental service of the United States, and only 10 secured appointments. In the year 1893, 15 were placed on the eligible list and 13 received appointments. From June 30, 1894, to January 1, 1896, only 4 were appointed. After the lapse of thirty years from the close of the war, and in view of the widely prevailing sense of gratitude and generosity toward the surviving defenders of the Union, it is believed that the extension of the preference as I have suggested would be an act of justice which the people of the United States, in grateful recognition of the services and sacrifices of those who served in the Army and Navy in the war for the Union, would highly commend. It is believed that the average age of the surviving Union soldiers is about 60 years, while the average age of those passing examinations is about 27 years. It is therefore apparent that the number of this class who would pass the merit test under our civil-service rules would be limited. The extension of the preference to the widows of soldiers and sailors who were honorably discharged from the service of the United States would be a recognition of a meritorious class to wh m the patriotic women of America are quite willing to concede the slight advantage which will inure to them through the proposed preference.

With some modifications with a view to the improvements I have suggested, the law would be about as good as we can hope to have it: and if those intrusted to carry it into effect are as good as the law we will soon have a civil service in the United States in which faithful employees in the great Government workshops, where 175,000 people are earning their living and serving the public, will be under the law secure in their places as long as they are faithful and efficient, and into which no passport but merit and personal worth can gain admission.

Mr. Chairman, it was my original intent to lay before the Committee of the Whole some information relating to the present state of the executive service of the United States, with a view to meeting some inquiries which are being made by members of the House relating to that service. I shall not be able to do that fully in the time I occupy the floor to-day; and I shall therefore at the proper time ask consent to so extend my remarks as will enable me to place upon the tables of members some statements and figures which will reveal the condition of the civil service to some extent at this time and answer some of the inquiries which members are making.

EFFICIENCY OF SERVICE.

I hold in my hand the replies of the chiefs of the various Departments of the Government to a resolution passed by this House at the last session, asking for certain information relating to the state of efficiency among the employees of the service. I desire to give to the committee a statement of the result of those replies, to show as well as such a statement can show the state of efficiency in the service. Every chief in the entire civil service was requested to state how many employees in his Department or bureau were below the average standard of efficiency; and I have the happiness to be able to say that it appears from the reports from all the bureaus and Departments of the Government that but thirty-three servants in the employ of the Government at the time these answers were made were below the average standard of efficiency.

Mr. ANDERSON. Do I understand the gentleman to say that in all the Departments the inefficient were found to number only thirty-three?

Mr. BROSIUS. Only thirty-three, as reported by the heads of the various bureaus of the Government.

Mr. BOWERS. What time was that response made?

Mr. BROSIUS. At the close of the last session of Congress. The resolution of inquiry was passed on the last day of January, and the replies covered the period from that to the last of April.

Mr. BOWERS. As late as that?

Mr. BROSIUS. That is about the time.

Mr. BOWERS. Will the gentleman allow me a half minute?

Mr. BROSIUS. I prefer not to be interrupted, if the gentleman will allow me.

It will be easily seen, Mr. Chairman, by the members of the committee that the character of the statement that I am making, and am about to make, would naturally elicit a great number of inquiries, and my time would be entirely consumed by somebody else.

I have answered the gentleman from Tennessee that the total number of employees as shown by these reports of the heads of the bureaus of the Government is thirty-three inefficients.

Mr. ANDERSON. I think I can find that many in one single Department.

Mr. BROSIUS. Well, that may be. This statement comes to

Congress from the heads of the various bureaus and Departments of the Government as to the average standard of efficiency of the employees.

Mr. COX. Will the gentleman let me ask him a question?

Mr. BROSIUS. Now, if my friend from Tennessee will desist——

Mr. COX. I only want to ask one, and a short one.

Mr. BROSIUS. I want to make some observations myself on the service, and unless my time is extended indefinitely I shall be compelled to decline to answer any inquiry.

Mr. COX. I have a very pertinent question.

Mr. CANNON. I think the gentleman from Tennessee has a very interesting question. He looks like it. [Laughter.]

Mr. BROSIUS. I have no doubt of that fact. He always has interesting questions and they generally lead to various other questions, as they suggest thought in others.

In the Treasury Department the report shows 22 employees below the average standard of efficiency, of which number 8 are inefficient on account of age, one being 57 years of age, one 63, one 68, one 69, one 70, one 77, one 82, and one 84.

In the Department of Labor there were 2; and the inefficiency in their cases arose from ill health.

In the Post-Office Department there were 9 reported, 6 females and 3 males, and age was the cause of the inefficiency of 5 and mental infirmity of 2.

I thought it proper, Mr. Chairman, to make this statement for the information of the committee and the House. If any reliability attaches to these replies from the chiefs and heads of the bureaus and Departments of the Government, it certainly reveals a very gratifying and satisfactory state of the service so far as that is concerned.

Now, in relation to the present state of the civil service, we have, in round numbers, 175,000 employees in the various Departments and bureaus of the Government. We are paying them every year, in round numbers, about one hundred millions of dollars. You can easily see the importance attaching to the subject when you contemplate the money taken from the pockets of the people to pay these servants.

In the service of the Government to-day there are in the aggregate in the departmental service 58,548 employees; of this number, there are in the classified service 46,454, and we pay them $48,130,017 a year. In the Post-Office Department there are 104,811 all told, and in the classified service the number is 26,316. We pay that Department $38,665,025. In the Government Printing Office there are 2,852 employees, all of whom but 36 are in the classified service, and we pay them $2,509,830. In the custom-house service there are 5,103 employees in the aggregate, and 4,545 of them are in the classified service. We pay them $6,333,027 per annum. In the Internal-Revenue Department of the Government there are 3,282 employees, and 3,168 of them are in the classified service. We pay them $3,298,266 a year: making a total of employees in the civil service of 174,596, and in the classified service, 83,299, the whole of which costs the people $98,936,167.

These figures are approximately correct, but I will print with my remarks a tabulated statement containing the correct figures.

I want to say, Mr. Chairman, that I rejoice more than I can express to hear honorable members on this floor, with a devotion to a great principle and a fervency of spirit, I may say, that would do credit to the apostle to the Gentiles, arraigning the remnant of the spoils system that yet lingers in the executive civil service of the United States. I agree with what they say to a large extent. I unite with my friend from New Hampshire [Mr. BAKER] in condemning the remnant of that iniquity that remains in the civil service of the country, and that he has been lashing with appropriate vigor, thinking he was arraigning the reformed civil service of the country; in other words, the merit system, which in the past only covered a part of the executive civil service.

Mr. BAKER of New Hampshire. Will the gentleman permit me?

Mr. BROSIUS. My friend knows I have but a few minutes.

Mr. BAKER of New Hampshire. You told what I thought; not what I said.

Mr. BROSIUS. I should be glad to yield to interruptions if I had the time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BROSIUS] declines to be interrupted.

Mr. BROSIUS. The complaints which our friends make against the civil service are shown by what they themselves say not to be complaints against the merit system, but against the spoils system which remains.

Mr. WALKER of Massachusetts. That is so.

Mr. BROSIUS. And all the employees who have been removed from office, according to the report cited by my friend from New Hampshire [Mr. BAKER], taken from the report of 1894, were removed under the spoils system, and not under the classified civil service of the United States. [Applause.] There is no way that they could be removed, if they were under the classified system, unless you assume that a man does a thing without a motive. Every vacancy made under the classified service of this Government must be filled, not by the selection of the appointing officer, but from the head of an eligible list according to grade, which was fixed and established without the possibility of political preference. For all who understand anything about the civil service of this country know that those men are placed on that list after an examination under rules, which preclude the possibility of political preference, because the identity of the applicant examined is not known to those who conduct the examinations, fix the percentages, and determine the applicant's place on the eligible list.

This absolutely excludes the possibility of any political discrimination. The civil-service rules of this country, so far as they apply to the service, sufficiently guard admissions to the service against the influence of politics. But after they get into the service, it is true that the merit system ceases to have the same effectiveness, because not applicable, or at least not enforced, as I think it ought to be. And if any member of the committee has an amendment to offer to make it apply more effectually to employees after they have been admitted into the service, I think I shall support such an amendment. Of course the rules adopted under the executive order recently promulgated do this to some extent.

There is also a mode of shifting employees in the service so as to reduce and promote which operates very unjustly when used to favor one party at the expense of another. It is claimed, with what truth I do not know, that this abuse has been carried on to a vicious extent in this administration. There is a vice also in the present classification of employees that ought to be corrected. Any one who visits the departments can see a number of clerks sitting side by side, all doing the same kind of work while their salaries may vary several hundred dollars. This inequality ought not to be tolerated.

But there has always been a practical difficulty after employees are admitted. What is the best mode of regulating their discipline with a view to securing the least of the worst and the most of the best results is not by any means free from difficulty.

Mr. LACEY. Will my friend yield right there? I do not want to interrupt, but I want to ask for information.

Mr. BROSIUS. I know; everyone is asking for information; but I have no time.

Mr. LACEY. The gentleman has made a misstatement. I do not think he desires to do so.

Mr. BROSIUS. I only have a few minutes.

Mr. NORTHWAY. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BROSIUS] has refused over and over again to yield.

Mr. NORTHWAY. I do not want to interrupt, but I want to make a request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BROSIUS] is entitled to the floor.

Mr. NORTHWAY. I want to request that the time of the gentleman from Pennsylvania [Mr. BROSIUS] be extended until he concludes his remarks, because he is chairman of the Committee on Reform in the Civil Service, and we want to ask him questions.

Mr. CANNON. I hope the time will not be extended beyond 4 o'clock.

Mr. BROSIUS. Oh, no.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Pennsylvania [Mr. BROSIUS] be extended indefinitely. Is there objection?

There was no objection.

Mr. LACEY. Will the gentleman now yield for a question?

Mr. BROSIUS. With the greatest satisfaction.

Mr. LACEY. I understand the gentleman to say that there is no possibility by which politics can enter into the selection of employees in the civil service. Now, is it not true that the eligible list has to be drawn from—three persons in number—and that the political character of these men is very easily ascertained? And does it not often happen that the party in power selects, and generally selects, a man who is of the same politics from the eligible list? That is one point I want to ask you about; and also to ask you if there is any remedy for it.

Mr. BROSIUS. My friend is entitled to the benefit of that statement. It is true, just as he has said, that when a vacancy is announced in any Department the Civil Service Commission certify three persons from the head of the list. It had not occurred to me that the discretion that the appointing officer has in selecting one of those three involved a political discrimination that was worth mentioning. Now, I concede there is a possibility of there being among the three persons at least one of each political party, and if the appointing officer chooses to find out and select the one of his own party he has the power to do it. His discretion goes to that length.

The danger, however, which the gentleman from Iowa [Mr. LACEY] apprehends is more apparent than real, for in practice, as he can see by looking at the number of certifications and the number appointed in a large number of cases two are chosen from the three certified, which is permissible where there are two vacancies. I am assured by the Civil Service Commissioners that little attention is given by appointing officers to the politics of eligibles certified for appointment.

Mr. LACEY. Mr. Chairman, what I wish to ask my friend is this: As chairman of that committee, whether he had any method by which that could be prevented. As a matter of fact, I understand that under the party in power, whether it be Democratic or Republican, as the case may be, there is no difficulty in having persons of its political faith appointed: and, after all, politics are not taken out of the civil service. Is there any remedy?

Mr. HENDERSON. Better not change it for the next four years. [Laughter.]

Mr. BROSIUS. It is not possible for us to devise a civil-service system free from fault. We have not arrived at perfection.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BROSIUS. Oh, yes; I yield to everybody. I am here for the day.

Mr. BAKER of New Hampshire. In the official document to which I referred it is shown that there were 1,638 appointments in the Interior and Treasury Departments. Does the gentleman know, or rather believe, that even 38 of these 1,638 were Republicans?

Mr. BROSIUS. I do not know; and I will give a handsome reward to any man who will put me on a plan by which I can ascertain the ratio of the two parties in the executive civil service of this country.

Mr. HENDERSON. It fluctuates.

Mr. BROSIUS. I have been unable to find out, and I have interrogated those who I thought ought to know; but I can get no information about it. And I believe that one-half of the statements made upon that subject are as vague, as uncertain, and unreliable as the information we get from Cuba. We know nothing about it.

Mr. CANNON. Now, will the gentleman allow me to ask him a question at that point?

Mr. BROSIUS. With great pleasure. I am here for the day.

Mr. CANNON. I want to say, as a preface to the question, I do not think we are going to repeal the civil-service law; but I think there is perhaps a real evil presented by the amendment proposed to be offered by the gentleman from New Hampshire that I want to call my friend's attention to, namely, that when the present Administration came in—and I have no doubt it was so under the former Administration—a large number of employees and heads of divisions that were not in the civil service were dropped, mustered-out of the service, and their places filled purely from a political standpoint, and in some instances, I will not say in all, by incompetent people, by competent people in some instances, I will not say in all. Now, then, there came in an order covering that class of employees by the civil service. As I understand, the gentleman from New Hampshire claims that as to such appointments people who were in the civil service who are competent should be eligible to reappointment.

Mr. BROSIUS. I get the gentleman's point without further elaboration.

Mr. CANNON. Now, what I want to understand is whether the gentleman would favor a continuance of the spoils system so far as its preservation there is concerned, or whether he is in harmony with some arrangement like unto that which is offered by the gentleman from New Hampshire?

Mr. BROSIUS. I am not willing, speaking personally, to preserve any portion of the spoils system for any purpose whatever, for I regard it as intrinsically bad, as iniquitous, as absolutely below the degree of tolerance: and I would not preserve it, so far as I am concerned, in any part of the civil service of this country when a better system could be applied.

I do not see how any man can be of a different opinion after witnessing the object lesson in this House yesterday, which will be read, I have no doubt, with regret if not humiliation by many good people of this country. Two legislative days were consumed by a controversy whether the Capulets or the Montagues should enjoy the patronage of the new Library, that great institution, with that great erection, which is not surpassed if equaled as a combination of architecture and art in any other country. Do you not know what the discriminating people of this country will say when they read those proceedings? They will say, "A plague on both your houses. Those places shall not be the prey of politics, but shall be filled by a mode of selection which recognizes merit and qualification alone as the paramount test of fitness."

But the difficulty to which my friend refers is one which is not easily overcome, unless we establish a tribunal of appeal from the decisions and the decrees of the chiefs to appoint and remove. It has always been a difficulty. I was about to refer to that a moment ago in relation to the discipline of the civil service after the employees are admitted through civil-service rules. When Mr. Harrison came in, in 1889, it became a question of how promotions and reductions and removals were to take place. The Civil Service Commission, desirous to make the civil service as effective as possible, had a conference with the President upon that subject, I have been advised. It was the opinion of President Harrison that the question of promotions, reductions, and removals ought to be left to be treated by the Departments themselves. President Harrison thought that an "efficiency record" was a suitable and proper means of ascertaining who should be promoted, reduced, or removed. Further, as you will remember, Mr. Harrison's Administration established what they called an "efficiency record," for the government of the employees in these respects. How well it worked men may differ in opinion, but it was practiced throughout that Administration. After that Administration was succeeded by the present one——

Mr. McMILLIN. Right there, before the gentleman goes from this branch of the subject, will he yield to a question?

Mr. BROSIUS. With great satisfaction.

Mr. McMILLIN. Concerning the administration of the civil service by President Harrison's Administration, is it not a fact that immediately upon his assuming the duties of the office, or very soon thereafter, he suspended the rule or order which had been made by President Cleveland placing the Railway Mail Service under the civil service, and turned out in less than a year of his Administration between 1,000 and 2,000 Democratic employees and put in his partisan employees?

Mr. BROSIUS. It is perfectly true that President Harrison suspended the operation of an order that had been promulgated by his predecessor, and he did it to the great good of the service, as was afterwards fully and most convincingly demonstrated. That order, it will be remembered, was made at the close of Cleveland's Administration, but its initial operation was projected into President Harrison's term, which was an unsuitable and unseemly thing. When Mr. Harrison came into office, he found the Railway Mail Service of this country in a state of chaos, and in order to have suitable service it was found necessary to suspend the order that had been promulgated by his predecessor and to reinstate efficient men who had been turned out, and give the Civil Service Commission time to make adequate preparation for the examinations to meet the requirements of the service. I have been advised that the order of suspension was issued on the representation of the only Commissioner then in office that they could not have eligible lists prepared in time for the order to go into operation on the date named therein.

But it is unfortunate for my friends on the other side to suggest a comparison between President Cleveland's first Administration and that of his successor in respect to removals from the Railway Mail Service. That there may be no misapprehension as to the course of events in that Service from 1885 to 1889, I will give the figures from the Report of the Postmaster-General for 1889, as follows:

Changes made in the Railway Mail Service during the four years from March 5, 1885, to March 4, 1889.

Year.	Removals.	Resignations.	Probationers dropped.	Deaths.	Totals by years.
Mar. 5, 1885, to Mar. 4, 1886...	508	509	394	29	1,440
Mar. 5, 1886, to Mar. 4, 1887...	446	453	91	25	1,015
Mar. 5, 1887, to Mar. 4, 1888...	505	329	119	41	[illegible]
Mar. 5, 1888, to Mar. 4, 1889...	571	646	103	32	1,[illegible]
Total..........	2,0[illegible]	1,9[illegible]7	707	127	4,7[illegible]
Whole number on roll Mar. 5, 1885..........					4,[illegible]
Whole number on roll Mar. 5, 1889..........					5,[illegible]4
Average clerks on the roll for each year..........					4,845
Total changes made during the four years..........					4,7[illegible]

This table, in one respect at least, makes a phenomenal showing. It shows that the total changes made in Cleveland's first Administration were exactly equal to the total number in the Service on March 5, 1885.

Mr. McMILLIN. But does not the gentleman know that men were put in under the Harrison Administration who had not been connected with the service before, and who had never passed any civil-service examination?

Mr. BROSIUS. There was no civil-service examination for that service at that time, and after the order of President Cleveland was suspended the employees were, of course, appointed in the old way.

Mr. McMILLIN. And appointed from the Republican party, as the gentleman will candidly admit.

Mr. BROSIUS. I am not able to say how many Republicans or how many Democrats were appointed. I only know that the efficiency of the Railway Mail Service, as indicated by the ratio of pieces handled to errors committed, showed very rapid improvement after President Harrison suspended that order.

Mr. WALKER of Massachusetts. If the gentleman from Pennsylvania will permit me, I will say to the gentleman from Tennessee that of five men restored in my district three were Democrats, and they were restored upon my recommendation, and it was so all over the country.

Mr. McMILLIN. It was not so all over the country. The gentleman is wholly in error about that.

Mr. WALKER of Massachusetts. Perhaps it was not so in the same proportion.

Mr. BROSIUS. Mr. Chairman, I do not yield for a colloquy between members of the committee, because that would take not only all of this day, but to-morrow as well, when we shall not be here. [Laughter.]

Mr. HENDERSON. I will ask the gentleman whether it is not true that the order that was suspended by President Harrison had been made just before Mr. Cleveland retired from office?

Mr. BROSIUS. Immediately before his retirement.

Mr. HENDERSON. I remember distinctly that the Harrison Administration looked up the record of the men that had been removed, grading them "one," "two," and "three," and those as low as three were not eligible to reappointment, and were not reappointed even upon the recommendation of a member of Congress. I tried myself to get a man in and failed, but by virtue of President Harrison's suspension of that order, I did get in several old soldiers, splendid officers, faithful men.

Mr. COX. Who decided that question of efficiency?

Mr. HENDERSON. The Department: on the record the men had made during their term of service. There never was a more righteous exercise of power than that which took place in pursuance of that suspension, and there never was a more brutal abuse of power than there was in the removals of men who were faithful to the service and faithful to the country, even with their lives.

Mr. BROSIUS. Mr. Chairman, I have observed on other occasions that the questions of my friend from Tennessee always suggest thought in others [laughter], and now, while I feel under obligation to answer any questions that may be addressed to me because I have had my time so liberally extended, I can not yield for colloquies or debates between members of the committee. [Laughter.]

I was speaking of the improvement in the efficiency of the Railway Mail Service. At the time that order of Mr. Cleveland was issued the state of the service was portrayed by a ratio of about 4,000 pieces of mail matter handled to 1 error committed in the handling. After the order had been suspended and the offices filled by more efficient men, the ratio began to rise, until to-day, or at least within a month, there are, as I am informed, 10,000 pieces of matter handled to 1 error committed. Of course I speak in round numbers.

Now, Mr. Chairman, in reference to the amendment of my friend from New Hampshire [Mr. Baker], I want to say that, apart from any question of its merits, the amendment is obnoxious to a point of order which has been or will be made, and I want to point out briefly in what respect it is obnoxious to the point of order. I think it very unwise on an appropriation bill to alter or modify in any material respect our civil-service law. The law and the rules promulgated under it provide, and have for many years provided, for a mode of reinstating persons who have been separated from the service for any cause not involving their own fault or delinquency.

Mr. BAKER of New Hampshire. Is there not a time limit on that?

Mr. BROSIUS. I was about to state that, but I can not state the whole law in one breath. It would have been stated before now if the gentleman had not interrupted. [Laughter.] The law and the rules, I say, provide how persons who have been separated from the service for any cause not involving their own fault or delinquency may be reinstated, but it wisely imposes a limit of time upon that reinstatement, namely, one year. That is, if a person has become separated from the service, from no cause involving his own fault or delinquency, he can be reinstated at any time within a year. That is a very wise provision, because without such a limit the law would enable the appointing power, if he chose, to reinstate a man in office for any length of time, long after he had ceased to possess the qualifications which in the first instance made him eligible to appointment.

It is easily seen that to open that "spoils gate" would lead to the overthrow to a large extent of the merit system and result in great detriment and injury to the public service. To guard against that evil, the limit was placed at one year, in analogy to the rule requiring an examination every year to keep up an applicant's eligibility. Now, the amendment of the gentleman from New Hampshire proposes to repeal that part of the law by abolishing the limitation entirely, which would open the service to the reinstatement of anybody who had ever been in the service after any length of time. If a man had been dismissed ten years ago, and is now ten years older and correspondingly less efficient, he could still be reinstated by the appointing officer.

Mr. BAKER of New Hampshire. Will the gentleman consent to an amendment which will make that limit five years instead of one?

Mr. BROSIUS. No; I will not consent to any amendment that materially alters or modifies the civil-service law, because I think it is not a suitable thing to do upon an appropriation bill. When a change is made, if it is to be made, it ought to be done with deliberation and by a bill for that special object. But it is obnoxious to a point of order not only in that respect, but it changes existing law in another respect. Under the present law no one can be reinstated at any time, except to a position requiring no higher qualification than the one from which he was separated. But that limitation is also repealed by this amendment, so that a man can not only be reinstated at any time without limit, but to any place without limit. And certainly members of this committee will see the utter impropriety of such an alteration of our civil-service law. It would emasculate the law; it would destroy it to a great extent; practically it would not be worth a twopence after you opened the gates to such unlimited reinstatements.

Mr. Chairman, the civil service of this country is full of difficulty. I was speaking a moment ago about the difficulties that President Harrison found in the administration of the service. For twenty years, or well-nigh that period, the offices were filled by one party, because the Republican party was in the ascendency and controlled the patronage of the Government. Then there were not so many removals, because Republicans were not eager to dismiss some Republicans in order to appoint other Republicans.

For example, for twenty years the chiefs of division were promoted from within and showed the normal operation of the service when unaffected by the vicious influence of politics. When the civil-service law went into operation the chiefs of division were put on an excepted list and remained there until the recent order was promulgated, and were to a great extent the footballs of party politics. I am told it takes four years for an average man to become a competent chief of division. They must learn from the bottom toward the top and can learn in no other way. While they were regarded as spoils, apprentices were kept in place. When Mr. Cleveland came into office the first time, in 1885, he found these places on an excepted list and treated as political appointments. He continued to treat them as such and turned the incumbents out and filled the places with Democrats to a greater or less extent. In that Administration the Civil Service Commissioners tried to have the chiefs of division classified, as I believe they also did under the Harrison Administration, but their suggestion was not honored with Executive approval.

After that was done—after these offices were all filled with Democrats—whether to the advantage or the detriment of the service the Lord only knows, excepting as we may judge from the report of the chiefs and heads of Departments—after it was all done and after all the other places in the executive service were filled up with Democrats as far as they could be (and I condemn that as much as anyone), then the President of the United States promulgated his new order extending the civil service to nearly every place in the executive civil service of the United States. Now, however he may have sinned in the early part of his Administration, manifestly he saw his error; he repented and became converted, and issued a thoroughgoing civil-service merit-system order.

Mr. BAKER of New Hampshire. Is it not rather the fact that the President, after he had secured all these offices, attempted by that order to keep them?

Mr. BROSIUS. That is exactly what I said. He could only appoint them for the purpose of keeping them. I supposed even my friend from New Hampshire would know that he did not appoint them to dismiss them.

Mr. BAKER of New Hampshire. And for that reason he is not entitled to the usufruct of his own sin.

Mr. BROSIUS. Well, I always thought that what a man does in his unregenerate days ought not to be thrown up to him after he has repented and becomes sanctified and occupies a front pew in the church.

Mr. BAKER of New Hampshire. Even though he holds stolen property?

Mr. BROSIUS. No, sir. That remark is intended for an illustration, but it is one that does not illustrate.

Now I want to direct the attention of the committee to the state of the rules at this time in relation to the making of political discriminations in the service. And I think it is eminently right; it is sound through and through, and it does not detract from its soundness with me because it is promulgated by a Democratic President. The truth in the matter does not depend upon the politics of the lips that declare it; not with me. Now I will read from Rule II, section 1:

> Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act or of these rules shall be dismissed from office.

Now, one trouble I have found with the civil-service law hitherto has been that there was no penalty attached to the violation of the provisions of the law with respect to political discrimination. But under this rule the man who offends is to be dismissed from office. And it is only necessary to enforce the law to prevent such discriminations.

The second section reads—

> No person in the executive civil service shall use his official authority or official influence for the purpose of interfering with an election or controlling the result thereof.

A Member. What rule is that?

Mr. BROSIUS. The third section of rule 2. Now mark the language of the third section:

> No person in the executive civil service shall dismiss or cause to be dismissed or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

Mr. Chairman, that came from a Democratic Executive; but in my judgment it is 24-karat fine, and I would write it in letters of gold over the archway to the entrance of every Department of the Government. If that section were faithfully carried out, we would have an executive civil service as near perfection as we can hope to arrive at. It would come up even to the exacting requirements of my friend from the old Granite State, Mr. Baker.

Mr. ANDERSON. I wish to ask the gentleman whether that rule has been carried out by the present Administration?

Mr. BROSIUS. My friend asks whether that rule has been carried out by the present Administration. It has not. The rule did not exist until the promulgation of the order of May 6, 1896. To what extent it has been observed since that I am unable to say.

Mr. BAKER of New Hampshire. Will the gentleman allow me a question?

Mr. BROSIUS. With pleasure.

Mr. BAKER of New Hampshire. When has there been any "spoils system" within the last ten years, excepting——

Mr. BROSIUS. Why, sir, a man who has been a member of this House for all these years and has had as much to say about the civil service of the country as my distinguished friend from New Hampshire——

Mr. BAKER of New Hampshire. Will the gentleman give a direct answer?

Mr. BROSIUS. For him to ask me whether there has been a time within ten years when the civil service of the United States has not been under the merit system! Why, bless his innocent soul, we started under the act of 1883 with only 14,500 in the classified service out of a total of 131,000 employees in the entire civil service. Then there were successive extensions until the beginning of this year, when the number in the classified service reached 55,736. Then the recent order of extension added to that number 27,563, still leaving 91,297 employees untouched by the competitive system.

Mr. BAKER of New Hampshire. Does not the gentleman know that of these dismissals a very large number were under the civil-service rules and had been ever since 1883?

Mr. BROSIUS. If my friend from New Hampshire believes that statement, it is because he has said it so often that he has begun to consider it as true.

Mr. BAKER of New Hampshire. Because it is true.

Mr. NORTHWAY. Will the gentleman from Pennsylvania allow me a moment?

Mr. BROSIUS. Certainly.

Mr. NORTHWAY. As I understand the gentleman, he claims that up to within six months past removals have been made for political causes and appointments have been made for the same reason, and that now these appointments are covered by the civil-service rules. That is true, is it not?

Mr. BROSIUS. Well, not just as you have stated it, because the gentleman makes no discrimination between the classified and the unclassified service.

Mr. NORTHWAY. But if there was any evil growing out of it, the civil-service rules and their operation, to that extent, the gentleman will admit, would protect them?

Mr. BROSIUS. The civil-service law and rules protect, to a great extent, those who are within its provisions, and none others.

Mr. NORTHWAY. If the gentleman will allow me, let me complete my statement.

I am told—I have no knowledge of the fact myself, beyond the information that has been conveyed to me—that our pension examining boards throughout the country are under the civil-service rules.

Mr. HILL. They will be after the 10th of January.

Mr. NORTHWAY (continuing). Or rather, that they will be, as the gentleman says, after the 10th of January. Now, so far as I know, these appointments, up to the present time, have been filled by Democrats.

Mr. BROSIUS. Certainly.

Mr. NORTHWAY. And your civil-service rules will protect them in the enjoyment of their offices forever. Politics fills them, and politics will protect them.

Mr. BROSIUS. Politics have filled them and politics should vacate them. Is that the point?

Mr. NORTHWAY. I would not have, for the examination of our soldiers, these men all of one political party. It does not seem reasonable or just.

Mr. BROSIUS. Mr. Chairman, if I were a czar, if I had the power to regulate the civil service of the United States, I think I could be nonpartisan enough—I say I think I could, I do not know that I could be, because I am a thoroughgoing Republican, and do not know just how far I would yield to the solicitation of politics—but if I had the control of it I think I could formulate nonpartisan rules that would cover the point to which the gentleman has referred. But as I have not control, I think I can say now from the standpoint of patriotic independence that I would extend the civil-service rules of the country to cover every employee of the service of the Government of the United States, and make merit and efficiency the paramount test for appointment and promotion; and I would do it when the parties were evenly divided in the service of the country as nearly as is practicable. And if the President of the United States had looked to it to have the offices fairly divided in the places covered by his order before issuing it there could have been, and would have been, no complaint made about it. But Republicans very naturally flinch when they see the places filled with adherents of the present Administration and of its political ideas, and find these places now covered and protected by the ægis of an Executive order promulgated in the last year of the Administration. I am not surprised that the Republicans squeal. I feel like squealing myself, and I would if there was any remedy for it without turning our backs upon our own principles.

Mr. BAKER of New Hampshire (interrupting). What is the "merit system?"

Mr. BROSIUS. What is the "merit system?" The merit system is one that recognizes personal worth, intelligence, qualification, and fitness as the paramount condition of eligibility for the public service.

Mr. WALKER of Massachusetts. And the only proper test.

Mr. BAKER of New Hampshire. I agree absolutely with the gentleman from Pennsylvania.

Mr. BROSIUS. Then the gentleman is correct on that branch of the subject.

Mr. BAKER of New Hampshire. But as the civil-service examinations are now conducted, is eligibility any proof of merit?

Mr. BROSIUS. Yes, sir.

Mr. BAKER of New Hampshire. I entirely disagree with the gentleman there.

Mr. BROSIUS. When you disagree, it shows that you are wrong. When you agree it proves that you are right. [Laughter.]

Mr. McCREARY of Kentucky. Will the gentleman allow me a question?

Mr. BROSIUS. Certainly.

Mr. McCREARY of Kentucky. The gentleman is chairman of the Civil Service Committee, I believe?

Mr. BROSIUS. I am that unfortunate individual. [Laughter.]

Mr. McCREARY of Kentucky. I would like to ask the gentleman this question: After an order has been issued by the President embracing within the service rules certain classes of employees, has the successor of that President power, by order, to suspend the operation of that rule?

Mr. BROSIUS. Oh, my friend from Kentucky is very astute; but I think I am a little too astute to fall into a trap that he would set for me like that. My friend will excuse me if I say that the irrelevancy of the inquiry is so obvious that it does not require an answer.

Mr. McCREARY of Kentucky. I hope my friend from Pennsylvania [Mr. Brosius] will not misappreciate the question. I have never had time to study the civil-service law closely, and I suppose that he, as chairman of the committee, has studied it closely, and I am anxious to have information on this subject.

Mr. BROSIUS. Well, I think that is quite likely.

Mr. McCREARY of Kentucky. Has the gentleman any opinion on that subject at all?

Mr. BROSIUS. I know persons who are in urgent need of information on the subject of the civil service; but when a law officer of the Government is interrogated about the law in a certain case, he politely replies that he will cross that river when he gets to it, and I shall have to make that reply, because I do not care to go into that subject. I have no doubt Mr. McKinley will do what he thinks is right in the premises.

Mr. McCREARY of Kentucky. The civil service has been considerably extended within the last few months.

Mr. BROSIUS. Obviously so.

Mr. McCREARY of Kentucky. Does the gentleman from Pennsylvania [Mr. Brosius] indorse the extension of it?

Mr. BROSIUS. Is that the whole of the question?

Mr. McCREARY of Kentucky. That is the only question I propose to ask just now.

Mr. BROSIUS. I indorse the extension of the order, but I condemn in unmeasured terms the wholesale removal of Republicans to make places for Democrats previous to issuing the order, if that was done to the extent believed by some; as for myself, I am not prepared to believe the President went as far in this direction as is currently reported.

But if he did, time will cure the wrong and make things even. Under the merit system there is no danger that Republicans will not have their share of the offices. They have all to gain and nothing to lose. An incident is told me by Major Harlow, one of the Civil Service Commissioners, of a Democratic collector in Vermont, which illustrates the practical working of competitive examinations in this respect.

One day some of the party leaders came to the Vermont collector and complained:

"See here, Mr. Smalley, you have not got any Democrats in your office. These fellows holding the Government positions are all Republicans."

"Well, what do you suggest?" asked the collector.

"We've got a couple of good Democrats, and we want you to put out two Republicans and give them the places," was the reply.

"All right," said Mr. Smalley; "I am a little hampered, but I'll see what can be done. You see this list of names?"

"Yes."

"Well, run over it and see if you can find the names of your two Democrats on it."

The politicians did as directed. One of them suddenly blurted out:

"What is this darned thing, anyway, Mr. Smalley?"

"That," answered the collector, "is the list of persons who have passed the civil-service examination. If any vacancies occur in my office force, the law requires me to fill them from the names on that list."

"But these are all Republicans, Mr. Smalley; there is not a Democrat on the list."

"I am afraid not," said the collector regretfully.

"The trouble is, our Vermont Democrats don't go to school, as they should, and until they do, there is no way of getting them Government positions."

Another illustrative incident is worth recording in this connection. Major Harlow had an experience while postmaster at St. Louis which matches Mr. Smalley's story very well. Father Walsh, the shrewd rector of St. Bridget's parish, made a study of the civil-service law, and one day came to the post-office and got a copy of the regulations governing examinations. The next time there was an examination at the post-office a group of bright young fellows from St. Bridget's parish school put in an appearance as candidates. They had evidently been prepared with care. Some of them came out of the examination with the highest percentages and were given positions. "That thing continued," said Major Harlow. "Father Walsh's young men would come out of the examinations at the top of the list, and under the law they would get the appointments as vacancies occurred. One day some of my A. P. A. friends came into the office and said: 'Look here, Harlow, you are filling up the post-office with Catholics. Why don't you give Protestants a chance?'"

These incidents show that the competitive system possesses the merit enjoyed by a certain church, which, a wag suggested, he preferred to any other, because it had nothing to do with either politics or religion.

Mr. McCREARY of Kentucky. Is it not true that during Harrison's Administration there were a great many changes made that resulted in placing more Republicans in office than Democrats?

Mr. BROSIUS. I presume likely.

Mr. McCREARY of Kentucky. Do you indorse that?

Mr. BROSIUS. Well, that is past.

Mr. McCREARY of Kentucky. There are about 76,000 officers of the United States who are not embraced in the civil service. Does the gentleman from Pennsylvania [Mr. BROSIUS] desire that the civil service shall be extended so as to embrace them?.

Mr. BROSIUS. Well, that is not before us, but I do not hesitate to answer my friend. Of course not. In the administration of the civil service of the country, as in the administration of all other practical affairs, we ought to try to be as practical as we can, to secure the highest degree of benefit and usefulness within the limit of what is practical and useful. Now, it is the wildest folly in the world to pursue a theory beyond that point.

Mr. ANDERSON. Will the gentleman allow me to ask him a a question?

Mr. BROSIUS. Wait till I get through with what I am saying. Therefore I would not, because of obvious and practical difficulties that would be encountered, be in favor of covering the entire service with the merit system. I do not care to go into a discussion of what officers I would put into the classified service and what officers I would not.

Mr. McCREARY of Kentucky. I did not ask that.

Mr. ANDERSON. Now will the gentleman yield for a question?

Mr. BROSIUS. Certainly.

Mr. ANDERSON. Is there anything in the merit system that prevents the head of a Department from inquiring and finding out, when he has two men reported from the head of the eligible list, which of those men is a Republican and which is a Democrat, and taking his choice in appointing or promoting him?

Mr. BROSIUS. The only rule upon that subject is section 4 of Rule II, which says:

> 4. No question in any examination or form of application shall be so framed as to elicit information concerning, nor shall any inquiry be made concerning, nor any other attempt be made to ascertain, the political or religious opinions or affiliations of any applicant, competitor, or eligible; and all disclosures thereof shall be discountenanced. And no discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor, or eligible because of his political or religious opinions or affiliations.

And anyone violating that rule is liable to be dismissed from office.

Mr. ANDERSON. Is not that done, as a matter of fact, in almost every case?

Mr. BROSIUS. Oh, perhaps so. I have no doubt it is done. I have no doubt that the best law that human wisdom ever devised is frequently violated, and when I see some of the best Republicans I know on this floor advocating what I regard as a despicable system of spoils I am not surprised that other men, who are not their equals in merit or in any other way, commit infractions of law. I have no doubt they do.

Mr. ANDERSON. Down here in the General Land Office there are quite a number of special agents whose duty it is to investigate land entries and other entries. Now, does the gentleman insist that this examination in arithmetic, algebra, and geometry—such an examination as is formulated in the Civil Service Commission—shows the competency of these men for that special service?

Mr. BROSIUS. Now, I know my friend is intelligent, and that he will comprehend me when I say that when he mentions a detail in the administration of this office which may not be observed carefully or with the greatest fidelity, that that is not to be held an argument against the system. I have no doubt that in these examinations some persons are asked improper questions; but on the whole, and in the large aggregate, the questions that are propounded in these examinations, so far as I know, are appropriate and suitable to the purpose of eliciting the information and knowledge which will best qualify the person for the office he is seeking.

There is no warrant for the complaint sometimes heard that the examinations are not of a character to test fitness for office: that they are scholastic, technical, bookish, and not practical. In conversation with the Commissioners I have obtained information which throws some light upon this subject.

The Commission has given more than 250 different kinds of examinations, and is liable at any time to be called upon to prepare any of these examinations to meet the demands of the service. The examining work of the Commission covers a wider range than the curriculum of any educational institution in the country. In fact, in the preparation of examination papers the Commission combines the functions of the common school, high school, business college, and the university, as well as the technological institute. The examinations range from the simplest educational test for skilled laborers, messengers, and watchmen, to the highly technical tests for the Patent Office, the Department of Agriculture, the Geological Survey, Supervising Architect's Office, etc. In the preparation of examinations the Commission carefully avoids the introduction of any tests which are not of value in bringing out the qualifications of applicants for the positions which they seek. So-called "catch" questions are unknown in civil-service examinations. Only common-sense business questions are given to test the fitness of applicants for the civil service.

The regular clerk examination for Department service is confined to spelling, copying, letter writing, and arithmetic as far as percentage. It has been suggested to the Commission that other subjects ought to be introduced into this examination to test the general intelligence of competitors, but the Commission does not believe in testing applicants upon subjects which are not pertinent to the duties of the positions which they seek, and which are of no value in determining their relative fitness for the public service. For this reason it is the constant aim of the Commission to see that its examinations are in line with the requirements of the positions to be filled. In the examinations for minor positions, such as skilled laborers, printers' assistants, messengers, etc., the educational tests are necessarily of the simplest character. As to the clerks and carriers at post-offices, they are examined in simple spelling, copying, letter writing and the fundamental rules of arithmetic. They are also required to show some knowledge of United States geography, especially in regard to the location of cities and States, and in addition they must show their ability to read ordinary addresses correctly, all of which tests are directly applicable to the duties of the service which they desire to enter.

Of the examinations for special and technical positions, the educational tests are more severe, owing to the character of the positions sought. If a draftsman or chemist is required, the competitors are examined in drafting or chemistry, or if the positions to be filled require a knowledge of other special or technical subjects, the competitors are examined upon those subjects. It will thus be seen that the examinations of the Commission vary with the requirements of the service, the simple examinations being given to those who seek positions where the duties require little educational qualification, and the more difficult examinations being given to those who seek positions requiring higher qualifications.

Mr. ANDERSON. Now, I ask you further if it would not be a fact that the Commissioner of the General Land Office could talk to these gentlemen in his office and in a few minutes find out their qualifications much better than through one of these examinations—I will not say one of these absurd examinations—one of these civil-service examinations? In other words, he knows the kind of work in which they are to be engaged——

Mr. BROSIUS. Why, how could a man take into his office all the people who have a right to compete for the honor of serving their country in her civil service and talk over their qualifications for office? And if he could, how would he escape the solicitations and importunities of members of Congress in the interest of their patriotic and self-sacrificing constituents?

Mr. ANDERSON. They were examined for that special service?

Mr. BROSIUS. It does not make any difference.

Mr. ANDERSON. A business man ought to have the right to select men to conduct the business of which he is the head.

Mr. BROSIUS. Yes, sir: a private business man has that right; but this business is not done for you or any other business man; it is done for the people of the United States.

Mr. ANDERSON. Precisely.

Mr. BROSIUS. And the people have the right to have the best service they can get: and the way to get the best service is to open the gateway of the civil service of the country to the personal worth, merit, and intelligence of the whole land.

Mr. ANDERSON. Precisely. That is the point I was making—that they would get a better service by this mode of procedure.

Mr. BROSIUS. Certainly; manifestly so.

Mr. WILLIS. I would like to ask the gentleman a question if he will yield.

Mr. BROSIUS. Certainly.

Mr. WILLIS. I would like to ask the gentleman a question, because I will not probably have an opportunity to take part in this debate, and I want to vote intelligently. I would like to hear the gentleman upon a point that I do not know what to do with. The gentleman has stated here that thirty-three by the last report were below the line of efficiency. I believe that was about the time this merit system was thoroughly introduced. "There were then," he said, "thirty-three below the standard of efficiency in the departmental service." That is, before that report was made, or about that time, the service was thoroughly filled under the spoils system, a great flood of appointments were made—poured in through the spoils funnel, so to speak—and after that occurred, this report goes on to say, there were only thirty-three persons in the departmental service below the line of efficiency. Does the gentleman believe that?

Mr. BROSIUS. I must. It is not my purpose or my duty to impugn the sincerity, the candor, or the honesty of the chiefs of the bureaus and Departments, the men who made this report. I might not agree to their standard, but I would not like to express any doubt of the truthfulness of their reports.

Mr. WILLIS. I would like to ask the gentleman whether he does not consider that as one of the few phenomena which have occurred in the present age that this occurred under this corrupt and iniquitous spoils system, and yet that it should happen that there were only thirty-three in the service below the line of efficiency?

Mr. BROSIUS. Well, I once heard an Englishman say about an argument that it was pregnant with three assumptions and five fallacies; and I should say that this argument, if it is intended for such, is pregnant with one assumption at least, and I do not know how many fallacies. Now, the assumption is that these officers were in the classified service of the country. They were to some extent in the classified service, and to a great extent in the unclassified service. Now, I am not able to say how many of these delinquents were in the classified and how many were in the unclassified service, because the inquiries covered all the offices; and I have not been able to find out how many of these delinquents were in the one service or the other. It is a matter of no earthly consequence, so far as I can understand the point of my friend's inquiry.

Mr. TRACEY. Will the gentleman allow me to ask him a question?

Mr. BROSIUS. Certainly.

Mr. TRACEY. I understand that when the head of a Department reports a vacancy and asks for three eligibles, that he may refuse to make a selection of either of the three and may demand another three. Is that correct?

Mr. BROSIUS. That is correct, provided he finds a physical disability or some insuperable difficulty in the individuals which renders them unsuitable for the service. In that case, he may return the list, with his statement of the reasons for so doing, and if the reasons are approved by the Civil Service Commission they certify another list; otherwise not.

Mr. TRACEY. May I ask one more question?

Mr. BROSIUS. Why, with pleasure.

Mr. TRACEY. Why is it esteemed to be necessary under the merit system to leave the head of a Department or the chief of a bureau the right to choose any of three men, instead of requiring him to take the highest on the list?

Mr. BROSIUS. Why is it necessary for you to have a little piece of elastic in your suspenders instead of having them wholly elastic? It is perfectly obvious to everybody that a little flexibility in the practical operation of business affairs is useful. I can not tell why the law was so made, but I see no practical objection to that provision of it.

Mr. TRACEY. Does it not lead to the very complaint you are making?

Mr. BROSIUS. It does not, because in its average, in the totality of effect, that is so trifling as to be of no consequence. It cuts no figure in the efficiency of the civil service of the country. That is all. If it did, I think it ought to be amended.

Mr. TRACEY. Does it not cut a figure, however, in the make-up of the political character of the service?

Mr. BROSIUS. I do not believe it can, because if you give it its utmost effect, if you include the very furthest limit of effect that can possibly result, it would be too insignificant to be considered in regard to the predominance of one party or the other in the service.

Gentlemen will understand that when a vacancy is made in the civil service—the classified portion of it—the officer knows that he can not select anyone to fill the place, but that the vacancy must be filled by a certification from the eligible list. He does not know whether a Republican or a Democrat is to be certified, and therefore his motive for creating the vacancy is utterly destroyed, and it is the history of the classified service that only about 2 per cent per annum of change is made in that part of the service which is filled through the competitive or merit system. The conditions of good administration require, according to the experience of those best informed, about 2 per cent, or a trifle more, of changes in a year.

Mr. TRACEY. I do not want to be troublesome, but I do want to get some information, and I want to ask the gentleman another question.

Mr. BROSIUS. I shall be happy if I can supply the gentleman with information. Let me say in this connection that the experience of the past has shown that removals of those who entered the service through the competitive system are very little more than 2 per cent each year, as I have stated, while of those in the classified service who entered under the old system something over 6 per cent are removed; but of those in the unclassified service the removals have ranged from 40 to 80 per cent each year. This is very persuasive evidence in favor of the merit system.

But there is another development in the civil service which illustrates the vicious tendency of the spoils system. I am advised by those who have given careful attention to the subject that since 1883 there has been a progressive increase in the number of unclassified places in the civil service and a progressive decrease in the number of places filled by competitive examination. The president of the Civil Service Commission advises me that the classified clerical places in Washington within the same limits of service have decreased 3.9 per cent since 1888, effecting a saving of $228,200, while the unclassified places increased in number in the same period 37 per cent, involving an extra yearly expenditure of $2,971,875, and that if the patronage system had remained unchecked and the positions which have been made competitive had increased in the same proportion it would require an extra yearly expenditure of $3,100,620 for salaries in Washington alone.

This affords most convincing evidence of the economy of the competitive system, and I entertain no doubt that the "merit system," which the Civil Service Commission are honestly and industriously, within the limits of the appropriation allowed them, trying to make as effective as possible, is more than paying its way in money saved to the Government in the conduct of its civil service.

One other matter I want to mention. A very erroneous idea prevails in some quarters that the merit system contemplates a life tenure in office. The only tenure known to the merit system is the "efficiency" tenure. The only life tenure ever known in our civil service was under the spoils system, where political influence could keep a man in office long after he ceased to be efficient. From the standpoint of the merit system there is no reason for placing a man in office and for continuing him in office except that he is efficient in the performance of his duties. This is the spirit of civil-service reform, and it would be given full effect in practice if reform methods prevailed within the service in the matter of promotions, reductions, and dismissals, as they do in admissions to the service. Equally groundless is the complaint that under the operation of the merit system only young men and young women fresh from school secure places, while practical knowledge is ignored. Perhaps no better illustration of the practical working of the merit system in this respect can be afforded than a statement of the occupations of persons appointed to the classified departmental service from June 30, 1895, to June 30, 1896. The records of the Commission show the occupations of 207 appointees in the period named, as follows:

Agent steamship company	1
Agriculturist	1
Architect and civil engineer	1
Beef salesman	1
Bookkeepers	3
Botanist	1
Butcher	1
Carpenters	3
Chemists	3
Civil engineer	1
Clerks	16
Clerk naval vessel	1
Clerk and stenographer	1
Collectors	2
Compositors	15
Compositors and proof readers	2
Cotton buyer	1
Dairyman	1
Dealer in live stock	1
Draftsmen	3
Draftsman and civil engineer	1
Editor	1
Electrical engineer	1
Engineers	2
Engravers	3
Farmers	11
Laborers	4
Laborer and housekeeper	1
Lawyer	1
Lithographic apprentice	1
Lithographic color pressman	1
Lithographic steam pressman	1
Machinist	1
Mailing clerk	1
Mechanic	1
Mechanical draftsmen	2
Messenger	1
Messenger boy	1
Molder	1
Naval cadet	1
Newspaper work	1
Ovenman	1
Physician	1
Physician and druggist	1
Postal clerks	4
Pressmen	3
Second lieutenant revenue cutter	1
Skilled laborer	1
Special-delivery messenger	1
Stenographers	32
Stenographers and bookkeepers	2
Stenographer and clerk	1
Stock dealer	1
Students	23
Teachers	24
Teacher and stenographer	1
Topographical draftsman	1
Typewriters	2
Veterinarians	10
Total	207

Here is a total of 207 appointments distributed among persons engaged in 59 occupations, ranging from butcher and dairyman to lawyer and editor. Nothing could make it clearer that every American citizen may compete for public place on terms of equality, no class having any advantage over another.

Now, in conclusion, to show how thoroughly the country is in unity with reform in the civil service, and how the two great political parties have vied with each other in declarations of devotion to the merit system, I insert some utterances of distinguished statesmen and others, together with the planks in the party platforms on this subject since 1872, and also the declarations of the Republican President-elect on the subject, that those who sporadically assail the existing system by trying to strike out the necessary appropriation to carry it out may see how unequal they are to the task.

REPRESENTATIVE MEN ON CIVIL-SERVICE REFORM.

The objection which is expressed in the cry of "life tenure" and "a privileged class" is one of the most ancient and familiar appeals of the spoils system to ignorance and prejudice. * * * Of all the familiar tricks of the American demagogue none is more amusingly contemptible than the effort to show that a system which tends to promote a degrading loss of self-respect and a cringing dependence upon personal favor is peculiarly a manly and American system. Civil-service reform is but another successive step in the development of liberty under law.—*George William Curtis.*

In some regards it [the tyranny of the spoils system] was more dangerous, because less obvious, more insidious and obscure, and less easily arousing the indignant revolt of the moral sense of the people, than the one that fell with the triumph of the Union armies.—*Edward Cary.*

It [party spirit] exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of popular form it is seen in its greatest rankness, and is truly their worst enemy.—*Washington.*

So far as respects subordinate offices, talent and integrity are to be the only qualifications.—*Albert Gallatin.*

Talent and worth alone are to be inquired into.—*Jefferson in reply to Gallatin.*

Every man of sense knows that he can go to any of these Departments and cut off one-half of the clerical force, and yet have a sufficient force to perform all the duties. If others do not know it, I, at least, have a very strong conviction on this point. There is scarcely a Department of this Government in which, if conducted by a private individual as he would conduct his private business or the affairs of a private corporation, he would not only reduce the compensation of these employees, but reduce largely the number of the employees. Who does not know that this is so in every one of the Executive Departments?—*Senator Sherman*, Congressional Globe, 1870, page 3846.

The greatest reform we could bring about would be to free Senators and Representatives of all responsibility as to the distribution of offices.—*Representative John J. Kleiner*, 1886.

Offices are public trusts, not private spoils.—*Daniel Webster.*

No people have a higher public interest, except the preservation of their liberties, than integrity in the administration of their Government in all its branches. *United States Supreme Court.*

The oft-repeated maxim that the public service should be conducted on business principles means that accuracy, promptitude, honesty, and efficiency are as essential in public as in private affairs; but the methods of securing these qualities can not be exactly the same. The merchant has a direct personal and pecuniary interest in his private affairs which leads him to make a careful selection of his employees; but in the public service there must be substituted some more complicated agency in the form of laws, regulations, reports, and inspections.—*Col. Silas W. Burt.*

The very men who advocate the spoils system for public business would call a man a fool if he proposed the same system for private business.—*Thomas H. Benton.*

The right of suffrage, the rule of apportioning representation, and the mode of appointing to and removing from office are fundamental in a free government, and ought to be fixed by the Constitution. An unforeseen multiplication of offices may add a weight to the executive scale, disturbing the equilibrium of the Government. I should therefore see with pleasure a guard against the evil, * * * even by an amendment of the Constitution.—*Madison.*

To encourage industry and foster merit by teaching all public servants to look forward to promotion according to their deserts and to expect the highest prizes in the service if they can qualify themselves for them.—*Report of British Parliamentary Committee of Investigation, 1854.*

With such successes and such moral forces behind us we may indeed hope to see the day when our party warfare will be contests of opinion, free from the demoralizing and repulsive interference of the plunder chase; when a change of party in the national administration will no longer present the barbarous spectacle of a spoils debauch, torturing the nostrils of our own people and disgracing the Republic in the eyes of civilized mankind; when our Presidents and heads of the Executive Departments will no longer be the almoners of party government, in danger of their lives from the furious onset of the begging throng, but will be respected as officers of state having high duties to fulfill which demand all their strength and ability; when the public offices, national, State, and municipal, will cease to be the feudal fiefs distributed by bosses, or the merchandise of spoils jobbers, and again serve the true purpose for which they have been instituted, thus becoming once more an integral element of government for the people; and when our legislators, escaped from the shackles of the spoils bondage, no longer beset by the snares and pitfalls which have threatened to wreck their morals and their self-respect, no longer supplicating for Executive favor, will be able and proud to devote all their energies to the great tasks which at a time so full of difficult problems the country imposes upon them.—*Carl Schurz.*

Original appointment to office no longer depends on character, capability, or presumed or proven fitness; nor does the tenure depend upon fidelity and capacity; but unhesitating service as a political and personal partisan, to whom scruple of any kind will be only an incumbrance, has become the most reliable groundwork for success in procuring or retaining public office.—*Thomas F. Bayard in 1881.*

It may well alarm the lovers of free institutions when all the offices in these several Departments are spoken of in high places as being "spoils of victory," to be enjoyed by those who are successful in contest, in which they profess this grasping of the spoils to have been the object of their efforts.—*Daniel Webster.*

The continued operation of the law relating to our civil service has added the most convincing proofs of its necessity and usefulness. It is a fact worthy of note that every public officer who has a just idea of his duty to the people testifies to the value of this reform. Its stanchest friends are found among those who understand it best, and its warmest supporters are those who are restrained and protected by its requirements.—*President Cleveland.*

The question of civil-service reform is how by law you will take the offices out of politics; how by law you will relieve the men who are chosen to the great duty of governing this country from the petty and degrading work of running about begging for offices in this Department and in that.—*Senator Lodge.*

Of all characters, my feelings despise a man capable of cringing to power for a benefit or office. Such characters are * * * badly calculated for a representative system. * * * Merit alone should lead to preferment.—*General Jackson in 1822.*

I am opposed to removals to make places for our friends.—*Abraham Lincoln to Congressman Stuart in 1850.*

There is another important class of officers which * * * friends of reform have endeavored earnestly to persuade the Executive to include in the classified service, namely, the assistant heads of bureaus, chief clerks, and heads of divisions. The late officers of this grade had generally entered at the lowest point and had risen through the service. As a body, they were trained and competent officers, but the great majority of them have been removed or reduced and their places have been filled with untrained successors. The argument that it is necessary to change such officers in order that a new Administration may learn the actual condition of the public business, is at once the frank confession of the disastrous consequences of a wholly partisan service and its utter condemnation. It is the acknowledgment that the proper conduct of the public business requires the removal of the best officers in the service. For if it were true that such officers are partisans so offensive that they wantonly obstruct and embarrass a new Administration, their peremptory removal would be an urgent public duty. But the offense for which they would be justly removed would be due to the evil practice of regarding these offices, not as public trusts, but as party prizes; while to replace such officers by others appointed upon the same principle would not secure reform, but it would be a gross public wrong, because it would be the substitution of one set of offensive partisans for another, and, therefore, the confirmation and perpetuation of a flagrant abuse. If such officers, however, should understand that, whatever might be the change of Administration, their positions would be secure so long as they were faithful and industrious, they would no longer obstruct and embarrass the public service to injure one party or to aid another. To do their duty and to serve the public, not a party, would be their aim. If, in the sense alleged, those who are employed in the public service are rascals, they are made so by party spirit, and consequently to turn either party out of the service is to turn out the rascals.—*George William Curtis.*

The civil service can never be placed on a satisfactory basis until it is regulated by law for the good of the service itself, for the protection of those who are intrusted with the appointing power against waste of time and obstruction to the public business caused by inordinate pressure for place, and for protection of incumbents against intrigue and wrong.—*Inaugural address of President Garfield.*

The malign influence of political domination in appointments to office is widespread and reaches out from the President himself to all possible means of approach to the appointing power. It poisons the very air we breathe * * * —*Senate Report No. 576 for 1882*, pages 2 and 3.

The essential point is not to find coal heavers who can scan Virgil correctly, but coal heavers who, being properly qualified for heaving coal, are their own masters and not the tools of politicians.—*George William Curtis.*

During Mr. Johnson's Administration * * * a condition of things existed which rivals the most corrupt era that can be found in the history of any nation. Men were known to offer $5,000 for the influence which might secure an appointment to a ganger's situation in the Revenue Service; there $1,500 was the limit of the pay that could be honestly earned, and when it was morally certain that the advent of a new Administration would terminate the employment within a year. This is simply a type of similar transactions extending through many grades of the public service.—*Jacob D. Cox, Secretary of the Interior in 1869*, in North American Review, 1871, pages 87 and 88.

In 1825 it was held by Judge Barbour, in The Commonwealth vs. Callaghan (2 Va. Cas., 460), that two justices of the peace who

were charged with the duty of electing certain officers acted corruptly and criminally because they exercised their power on grounds other than that of the "merit and qualifications of the officers." No motive of personal gain was alleged.

The beneficial influences of the civil-service law in its practical workings are clearly apparent. Having been at the head of the Department both before and after its adoption, I am able to judge by comparison of the two systems, and have no hesitation in pronouncing the present condition of affairs as preferable in all respects. * * * Under the instrumentalities which are now used to secure selections for clerical places, the Department has some assurance of manly capacity and also moral worth, as the character of the candidates is ascertained before examination.—*William Windom, ex-Secretary of the Treasury.*

The persons appointed under this system are unquestionably more efficient, as a whole, than those selected under any system of pure patronage.—*Benjamin F. Tracy, ex-Secretary of the Navy.*

The Department of the Interior, with its 7,500 clerks, could not be run six months without the great body of the employees being under the civil-service rules.—*John W. Noble, ex-Secretary of the Interior.*

Another year's experience has served only to strengthen the conviction expressed in my last annual report as to the excellent working of the civil-service law in the Post-Office Department, and my desire to see its operation extended to every branch of the postal service to which such extension is practicable.—*Wilson S. Bissell, ex-Postmaster-General.*

The General Superintendent of the Railway Mail Service, in his report for 1894, states:

The civil-service laws and regulations as applied to the Railway Mail Service accomplish all the most sanguine expected. * * * In the judgment of this office the present efficiency could not have been obtained under any other method.

In referring to the great improvement in the Railway Mail Service since the classification of that service, ex-Postmaster-General Wilson S. Bissell said:

This record is unprecedented in the history of the service and renders comment upon the effect of the civil service law upon it unnecessary.

Worthy clerks had to do the work of incompetent partisan or official favorites. Those in the postal service were nearly all active partisans and henchmen of great politicians and they did not hesitate to neglect their duties to do the bidding of their masters. When Mr. James (postmaster at New York City) came to his place in 1873 there were confusion, rubbish, and demoralization in the office hardly conceivable. From 400 to 600 of long-neglected bags of mail were found scattered or piled in various parts of the office.—*Dorman B. Eaton.*

The inspectors when absent from duty were generally engaged in electioneering and in procuring the naturalization of foreigners. * * * A custom-house tax was regularly levied and paid in advance of elections, * * * and a refusal to pay it was invariably followed by removal from office. * * * A system of favoritism was uniformly extended to the most violent political partisans, * * * and finally there were evidences of official delinquency, if not of downright corruption, which have seldom, if ever, occurred in any civilized country on the face of the earth.—*Report of Congressional Committee on the New York Custom-House in the Jackson Administration.*

It is sometimes urged against civil-service reform that the head of each Department and bureau ought to have the selection of his own subordinates; but under the patronage system he has no such selection at all. The men selected are chosen not on account of the knowledge of their fitness possessed by the appointing officer, but because they are recommended by a certain Representative or Senator. The head of the Department or bureau feels little responsibility for their acts. It often happens that he is not at liberty to discharge an inefficient man lest he may offend the Congressman whose influence secured the appointment of that man. The Congressman, on the other hand, does not feel the responsibility for these appointments, for he is not nominally nor legally the appointing officer. In many cases it is not known on whose recommendation the appointment is made. This system "invades the independence of the Executive and makes him less responsible for the character of his appointments. It impairs the efficiency of the legislator by diverting him from his proper sphere of duties and involving him in the intrigues of the aspirants for office."—*James A. Garfield*, Atlantic Monthly, July, 1877.

I will show it in evidence that the heads of bureaus have protested against appointments that have been made in their bureaus, but they could not help them. They have protested against removals in their bureaus, and the removals have been made.—*Senator Cockrell.*

The entire delegation of the State from which the clerk came was called upon to give him backing and to insist that the clerk should be retained in office; and it has frequently happened that notwithstanding the protest of the executive officer and the head of the Department an officer has been retained in his place year after year who was entirely incompetent to discharge the duties of that office.—*Senator Miller.*

The extravagance of the present system was well shown in the examination of the Bureau of Engraving and Printing by a committee of which I was chairman. Of a force of 958 persons, 350, with annual salaries amounting to $300,000, were found to be superfluous, and were discharged. The committee report that for years the force in some branches had been twice and even three times as great as the work required. In one division a sort of platform had been built underneath the iron roof about 7 feet above the floor to accommodate the surplus counters. It appeared that the room was of ample size without this extravagance for all the persons really needed. In another division were found 20 messengers doing work which was found could be done by 1. The committee report that the system of patronage was chiefly responsible for the extravagance and irregularities which had marked the administration of the Bureau, and declared that it had cost the people millions of dollars for that branch of the service alone. Under this system the office had been made to subserve the purpose of an almshouse or an asylum. In consequence of this report, the annual appropriation for the Printing Bureau was reduced from $600,000 to $250,000, and out of the first year's savings was built the fine building now occupied by that Bureau.

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In one case thirty-five persons were put on the "lapse fund" of the Treasurer's office for eight days at the end of the fiscal year, to sop up some money which was in danger of being saved and returned to the Treasury.

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From my experience of many years in the Treasury Department I will say that I have very rarely known a person to be selected under the system of patronage because he was the fittest person for the place. It is a consideration which is almost entirely disregarded in the selection of clerks. The only question is, What is the pressure behind him? And the chief of the bureau or division who desires to secure the services of competent clerks is almost unable to do so. It may chance that the person who is most pressed is competent; but if he is not competent, he is just as likely to secure the appointment. It is a common complaint by heads of bureaus that they are unable, under the present system, to secure competent clerks. I know an instance where the head of a department tried for years without success to fill three or four vacancies in his office with men of special qualifications.

* * * * * * *

We not only do not get competent clerks, but a great many more clerks are forced upon the service than are really needed. I find that in the Treasurer's office alone there have been 640 removals, resignations, etc., and 380 appointments during the last six years. The entire force of the office is now but 286. A part of the removals was on account of a permanent reduction of force, but the greater part were wanton removals to make places for new people. In a single year 146 people were removed and 161 appointed. The office was kept in a continual state of terror and anxiety, from which the public business suffered, to say nothing of the misery and injustice inflicted on individuals.

Testimony of Edward O. Graves before a committee of Congress in 1882:

As intimated in my last report, I have endeavored to improve the civil service within the departmental service by a system of promotions and the equalization of salaries to labor performed. This plan went into operation July 1, 1881. It has succeeded so well that I have concluded, after consultation with a number of the postmasters of the leading cities, to extend a similar scheme to all post-offices with fifty or more employees, and to ingraft it upon the railway mail, adjusting it to the present system of advancements by case examinations. From the smallest of the classified post-offices the workers will now begin to climb first through the various grades of the post-office to the railway mail, and finally to the Post-Office Department. Even the announcement of this plan has caused a new zeal. Since the Administration of President Grant there has been no competitive system of promotions in the Post-Office Department. Advancement in most cases was made on the personal solicitation of friends and not always by the merit of the applicant, so that not infrequently worthy clerks who deserved promotion were passed over in order to favor others less deserving. A great majority discovered that there was no recognition of merit and gave up the struggle for advancement. I felt certain that there was but one way to bring about the greatest state of efficiency in the clerical force, and that was to give to all the positive assurance that advancement or reduction, retention or dismissal, would depend solely upon themselves, and that all should have a fair chance.

Report of Postmaster-General Wanamaker, 1890:

The wise forbearance that had been exercised by most of our former Presidents had left in the several subordinate stations a body of trained and experienced men, who possessed the knowledge of official business essential to the successful working of any government, and who were, in general, men of unexceptional characters. This degree of permanency of official life in Washington formerly had an important influence on the prosperity and growth of the city, for men who felt that they were secure in their places so long as they properly discharged their duties to the Government could afford to seek permanent homes for their families where their salaries were earned. All this was suddenly changed; and it was changed with a disregard of the claims of meritorious public servants, and with the employment of excuses to effect their removal from office on which all candid men, of whatever political connection, must now look back with regret and disapprobation as a course alike unworthy of those who then assumed the administration of the Government and injurious to the future welfare of the country.

* * * * * * *

The influence of this new method of administration on the material prosperity of the city of Washington was the least of the evils that attended it. The opponents of President Jackson's government saw in it a long train of public mischiefs, and scarcely any wise man will now question that they were right.—*Life of Daniel Webster, by G. T. Curtis*, Volume I, pages 347 and 348.

PLATFORM UTTERANCES ON THE SUBJECT OF CIVIL-SERVICE REFORM.

The first platform declaration in favor of reform in the civil service is found in the platform adopted by the national Republican convention held at Philadelphia June 5, 1872, as follows:

Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

This was followed by the declaration of the Democratic party in its national convention held in Baltimore on July 9, 1872, as follows:

The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition and object of selfish greed. It is a scandal and reproach upon free institutions and breeds a demoralization dangerous to the perpetuity of Republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and that public station become again a post of honor. To this end it is imperatively required that no President shall be a candidate for reelection.

In the Republican platform adopted by the national Republican convention held at Cincinnati June 14, 1876, is the following declaration:

Under the Constitution the President and heads of Departments are to make nominations for office; the Senate is to advise and consent to appointments, and the House of Representatives is to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected; that Senators and Representatives who may be judges and accusers should not dictate appointments to office. The invariable rule in appointments should have reference to the honesty, fidelity, and capacity of the appointees, giving to the party in power those places where harmony and vigor of administration require its policy to be represented, but permitting all others to be filled by persons selected with sole reference to the efficiency of the public service and the right of all citizens to share in the honor of rendering faithful service to the country.

The national Democratic convention held at St. Louis June 27, 1876, made the following declaration:

Reform is necessary in the civil service. Experience proves that efficient, economical conduct of the Government business is not possible if its civil

> service be subject to change at every election, be a prize fought for at the ballot box, be a brief reward of party zeal instead of posts of honor assigned for proved competency, and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men nor the instrument of their ambition.

The national Republican convention held at Chicago June 2, 1880, made the following declaration:

> The Republican party, adhering to the principles affirmed by its last national convention of respect for the constitutional rules governing appointments to office, adopts the declaration of President Hayes that the reform of the civil service should be thorough, radical, and complete. To this end it demands the cooperation of the legislative with the executive department of the Government, and that Congress shall so legislate that fitness, ascertained by proper practical tests, shall admit to the public service.

The national Democratic convention of 1880, held at Cincinnati June 22, declared as follows:

> We execrate the course of this Administration in making places in the civil service a reward for political crime, and demand a reform by statute which shall make it forever impossible for the defeated candidate to bribe his way to the seat of the usurper by billeting villains upon the people.

The national Republican convention held at Chicago June 3, 1884, made the following declaration:

> Reform of the civil service, auspiciously begun under Republican administration, should be completed by the further extension of the reform system already established by law to all the grades of the service to which it is applicable. The spirit and purpose of the reform should be observed in all executive appointments, and all laws at variance with the objects of existing reform legislation should be repealed, to the end that the dangers to free institutions which lurk in the power of official patronage may be wisely and effectively avoided.

The national Democratic convention held in Chicago July 8, 1884, made the following declaration:

> We favor honest civil-service reform and a compensation of all United States officers by fixed salaries.

The national Republican convention held at Chicago June 21, 1888, declared as follows:

> The reform of the civil service, auspiciously begun under the Republican Administration, should be completed by the further extension of the reform system already established by law to all the grades of the service to which it is applicable. The spirit and purpose of the reform should be observed in all executive appointments, and all laws at variance with the object of existing reform legislation should be repealed, to the end that the dangers to free institutions which lurk in the power of official patronage may be wisely and effectually avoided.

The national Democratic convention held in St. Louis June 7, 1888, made the following declaration:

> Honest reform in the civil service has been inaugurated and maintained by President Cleveland, and he has brought the public service to the highest standard of efficiency, not only by rule and precept, but by the example of his own untiring and unselfish administration of public affairs.

The national Republican convention held at Minneapolis June 7, 1892, declared as follows:

> We commend the spirit and evidence of reform in the civil service and the wise and consistent enforcement by the Republican party of the laws regulating the same.

The national Democratic convention of 1892, held at Chicago June 21, made the following declaration:

> Public office is a public trust. We reaffirm the declaration of the Democratic convention of 1876 for the reform of the civil service, and we call for the honest enforcement of all laws regulating the same.

Republican platform as adopted on the 16th of June, 1896, reads:

> The civil-service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable.

Democratic platform of July 7, 1896, reads:

> We are opposed to life tenure in the public service except as provided in the Constitution. We favor appointments based on merit, fixed terms of office, and such an administration of the civil-service laws as will afford equal opportunities to all citizens of ascertained fitness.

Mr. McKinley said in his letter of acceptance:

> The pledge of the Republican national convention that our civil-service laws shall be sustained and "thoroughly and honestly enforced and extended wherever practicable" is in keeping with the position of the party for the past twenty-four years, and will be faithfully observed. * * * The Republican party will take no backward step upon the question. It will seek to improve, but never degrade, the public service.

Upon another occasion the same distinguished standard bearer of the Republican party, who will have control of the civil service of this country after the 4th of March next, declared that the civil-service law was a Republican measure. It was in this House in 1890 that he made this declaration, when the annual attempt was made to cripple the civil service by cutting down the appropriation to carry it into effect:

> It is a Republican measure, and is in accord with the highest and best sentiments of the country, and no party will have the courage to wipe it from the statute book or to amend it, save in the direction of its improvement. The Republican party must take no step backward. The merit system is here and it is here to stay, and we may just as well understand and accept it now and give our attention to correcting the abuses, if any exist, and improving the law wherever it can be done to the advantage of the public service.

APPENDIX.

A compilation of statistics prepared by Mr. Theodore L. De Land for the Civil Service Commission showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation of the Senate, whether the positions are in the classified service and excepted from examination, whether they are in the unclassified service by reason of their exclusion, whether they are mere laborers and unclassified, or whether they are positions classifiable but not yet classified.

THE GENERAL REPORT ON THE STATISTICS PERTAINING TO THE EXECUTIVE CIVIL-SERVICE CLASSIFICATION UNDER THE PRESIDENT'S ORDER OF MAY 6 AND NOVEMBER 2, 1896.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 13, 1896.

The PRESIDENT CIVIL SERVICE COMMISSION,
Washington, D. C.

SIR: I have the honor to report to the Civil Service Commission that I have completed the compilation of the statistics which show approximately an official statement of the number of civil officers of the United States confirmed by the Senate above classification, the number of classified persons by classification, the number of excepted places, the number excluded from classification, the number of laborers or workmen below classification, and the number of positions not yet classified carried on the rolls of the Executive Mansion, the Executive Departments, and the bureaus, offices, and commissions of that service, whether compensated by a fixed salary or otherwise, inside or outside the District of Columbia, in most cases as the numbers and amounts stood on the average for the last fiscal year, which ended June 30, 1896.

The Treasury Department very courteously printed the blank devised at the Commission, on which the tables submitted herewith were prepared, and furnished the supply used in the work.

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It was not practicable to classify by compensation positions in the navy-yards and naval stations, so far as the work relates to positions classified by the Navy Department, under regulations of that Department which were approved by the Commission and by the President.

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Since the tables were submitted by the proper officers they have in many cases been modified by them, and will of necessity be modified more or less hereafter.

Many offices and some Departments did not retain duplicates of their classifications. The opinion was general that the Commission might print the tables as an appendix to its annual report, and thus exhibit the general condition of the executive civil service at the period of the greatest extension of the rules.

There are urgent historical reasons why the tables should be printed: they have been collated and compiled at a great expenditure of time, and in their present condition are inaccessible to all except those with the Commission.

A general review of the tables will be found in the following skeleton:

THE CLASSIFIED SERVICE.

Classified by compensation, the number of positions is as follows:		
Class A, any amount less than $720		20,063
Class B, $720 to less than $840		8,621
Class C, $840 to less than $900		1,667
Class D, $900 to less than $1,000		10,046
Class E, $1,000 to less than $1,200		18,179
Class 1, $1,200 to less than $1,400		6,771
Class 2, $1,400 to less than $1,600		4,809
Class 3, $1,600 to less than $1,800		1,561
Class 4, $1,800 to less than $2,000		1,570
Class 5, $2,000 to less than $2,500		1,130
Class 6, $2,500 or more		548
Total classified by compensation		75,345
Examining surgeons for pensions		4,133
Presidential offices not confirmed by Senate		36
Total for examination		79,501
Classified, but excepted from examination:		
Private secretaries and confidential clerks	10	
Cashiers in custom-houses	75	
Cashiers in post-offices	34	
Deputy collectors of customs	6	
Assistant postmasters	570	
Attorneys and assistant attorneys	96	
Total excepted places		791
Positions now held by Indians in the Indian service		2,061
Total classified service		82,343
Total employment of labor, navy-yard registration		5,063
Total covered by civil-service rules and regulations		87,406

THE UNCLASSIFIED SERVICE.

Excluded from classification under Rule III, section 8:		
Clause (a), $300 or under and partially employed	5,151	
Clause (b), detailed for civil duty	53	
Clause (c), employed in foreign country	3	
Clause (d), quasi naval-military, enlisted for term of years	844	
Total excluded from classification		6,051
Presidential officers confirmed by Senate		4,815
Laborers or workmen below classification		8,638
Positions not yet classified:		
Miscellaneous	266	
Government directors Union Pacific Railroad	5	
Clerks in first-class post-offices (not free delivery)	5	
Clerks in second-class post-offices (not free delivery)	575	
Clerks in third-class post-offices (not free delivery)	1,718	
Positions not yet classified—Continued.		
Clerks in fourth-class post-offices (not free delivery)	2,512	
Fourth-class postmasters	66,725	
Total not yet classified		71,806
Total unclassified service		91,310
Total classified service	82,343	
Total employment of labor under Navy regulations	5,063	
Total dealt with by United States Civil Service Commission		87,406
Total executive civil service		178,716
Total dealt with by Commission		87,406
Total in classified service before the revision of the rules		55,736
Total brought under civil-service rules and regulations by the revision of the rules May 6 and November 2, 1896		31,670
Amount paid for compensation of persons in the executive civil service		$99,574,767.28

DISTRIBUTION BY BRANCHES.

Departmental service:		
Classified by compensation		39,173
Examining surgeons for pensions		4,120
Presidential, not confirmed by Senate		36
Excepted places		108
Indians now in the Indian service		2,061
Excluded from classification		3,093
Presidential, confirmed by Senate		901
Laborers or workmen below classification		7,905
Navy Department employees under registration		6,063
Not yet classified, in the—		
War Department	79	
Department of Justice	5	
Interior Department	85	
Library of Congress	39	
Total not yet classified		208
Total departmental service		62,668
Paid for compensation		$48,768,617.04
Post-office service:		
Classified by compensation		25,724
Excepted places		592
Excluded from classification		2,840
Presidential, confirmed by Senate		3,635
Laborers or workmen below classification		485
Positions not yet classified—		
Fourth-class postmasters	66,725	
Clerks in—		
First-class post-offices	5	
Second-class post-offices	575	
Third-class post-offices	1,718	
Fourth-class post-offices	2,512	
Total not yet classified		71,535
Total post-office service		104,811
Paid for compensation		$38,665,025.10
Government printing service:		
Classified by compensation		2,816
Presidential, confirmed by Senate		1
Laborers or workmen below classification		35
Total Government printing service		2,852
Paid for compensation		$2,509,830.97
Custom-house service:		
Classified by compensation		4,464
Excepted places		81
Excluded from classification		67
Presidential, confirmed by Senate		215
Laborers or workmen below classification		213
Miscellaneous, not yet classified		63
Total custom-house service		5,106
Paid for compensation		$6,333,027.36
Internal-revenue service:		
Classified by compensation		3,168
Excluded from classification		51
Confirmed by Senate		63
Total internal-revenue service		3,282
Paid for compensation		$3,298,266.81

Recapitulation by branches for whole service.

Branch of service.	Aggregate.	Classified.	Excepted.	Compensation.
Departmental	62,668	50,561	108	$48,768,617.04
Post-office	104,811	26,316	592	38,665,025.10
Government printing	2,852	2,816		2,509,830.97
Custom-house	5,106	4,545	81	6,333,027.36
Internal revenue	3,282	3,168		3,298,266.81
Total service	178,716	87,406	781	99,574,767.28

[NOTE.—An excepted place is a classified place.]

CLASSIFIABLE, BUT NOT CLASSIFIED.

The following positions in the executive civil service are classifiable, but not as yet classified:

DEPARTMENTAL SERVICE.

War Department.

Quartermaster's Department at large:		
Guides	2	
Scouts	1	
Superintendents of national cemeteries	75	
		78
Engineer department at large:		
Cranesman (will possibly be transferred to the classified list)		1
Total War Department		79

Department of Justice.

Penitentiary at Fort Leavenworth, Kans.:	
Warden	1
Chaplain	1
Deputy warden	1
Superintendent of industries	1
Superintendent of transportation and farm	1
Total Department of Justice	5

[NOTE.—The question of transferring the above employees of the Fort Leavenworth Penitentiary to the classified list is under consideration by the Attorney-General.]

Department of the Interior.

Geological Survey:		
Field assistants		4
Land service:		
Examiners of Chippewa Indian lands	32	
Oklahoma town-site trustees	6	
Unalaska town-site trustee in Alaska	1	
Juneau town-site trustee in Alaska	1	
Special commissioner, Des Moines River land grant	1	
Custodians of abandoned military reservations (no pay)	24	
Custodian, Casa Grande	1	
General appraiser of abandoned military reservations	1	
		67
Miscellaneous:		
Visitors to Government Hospital for the Insane	9	
Government Directors for the Union Pacific Railroad	5	
		14
Total Department of the Interior		85

Library of Congress.

The Librarian	1
Assistant librarians	30
Clerks	8
Total Library of Congress	39

Recapitulation, departmental service.

War Department	79
Department of Justice	5
Department of the Interior	85
Library of Congress	39
Total departmental service	208

Post-office service.

Fourth-class postmasters		66,725
Clerks in—		
First-class offices	5	
Second-class offices	575	
Third-class offices	1,716	
Fourth-class offices	2,512	
		4,810
Total post-office service		71,535

Custom-house service.

Ports with less than five employees—	
State of Maine:	
Belfast	2
Kennebunk	1
Saco	1
Wiscasset	2
Total for Maine	6
State of Massachusetts:	
Edgartown	3
Fall River	3
Marblehead	2
Newburyport	1
Plymouth	1
Springfield	1
Total for Massachusetts	11
State of Rhode Island: Newport	2
State of Connecticut: Stonington	1
State of New Jersey: Great Egg Harbor	1
State of Pennsylvania: Erie	2
State of Maryland:	
Annapolis	1
Eastern district	1
Total for Maryland	2
State of Virginia:	
Alexandria	1
Cherrystone	2
Tappahannock	1
Total for Virginia	4

Ports with less than five employees—Continued.		
State of North Carolina:		
Beaufort		1
Albemarle		1
Total for North Carolina		2
State of South Carolina: Georgetown		1
State of Georgia:		
St. Marys (port of Atlanta)		1
Port of St. Marys		1
Total for Georgia		2
State of Florida:		
Apalachicola		3
Fernandina		2
St. Augustine		3
Total for Florida		8
State of Louisiana: Brashear		2
State of Tennessee: Nashville		1
State of Ohio: Columbus		2
State of Indiana: Evansville		1
State of Missouri: St. Joseph		2
State of Michigan: Grand Rapids		1
State of Nebraska:		
Omaha		2
Lincoln		1
Total for Nebraska		3
State of Oregon: Coos Bay		1
State of New York: Syracuse		1
State of West Virginia: Wheeling		1

Recapitulation, custom-house service.

State of—	
Maine	8
Massachusetts	11
Rhode Island	3
Connecticut	1
New Jersey	1
Pennsylvania	2
Maryland	2
Virginia	4
North Carolina	2
South Carolina	1
Georgia	2
Florida	8
Louisiana	2
Tennessee	1
Ohio	2
Indiana	1
Missouri	2
Michigan	1
Nebraska	3
Oregon	1
New York	1
West Virginia	1
Total not yet classified	60
Add Denver, classified since June 30	3
Total by tables	63

General recapitulation not yet classified.

Departmental service	298
Post-office service	71,535
Custom-house service	60
Total not yet classified	71,893
Add Denver custom-house	3
Grand total by tables	71,896

PRESIDENTIAL APPOINTMENTS NOT CONFIRMED BY SENATE.

Secretary Civil Service Commission			1
Interior Department:			
Land service:			
Mineral-land commissioners in Montana and Idaho	12		
Mine inspectors	2		
		14	
Indian commissioners:			
Members of commission (no pay)	9		
Member who is secretary	1		
		10	
Commissioner to negotiate with the Chippewa Indians		1	
Commissioner to select and appraise certain lands on the Puyallup Reservation, in the State of Washington		1	
Special agents to allot lands in severalty to Indians		8	
Architect of the Capitol		1	
Total Interior Department			35
Total Presidential not confirmed by Senate and now in the classified service			36

POSITIONS EXCEPTED FROM EXAMINATION.

[Excepted places are in the classified service.]

Departmental service.

Office of the President of the United States:		
The private secretary (but the confidential clerk is not yet selected)		1
State Department:		
The private secretary (but the confidential clerk is not yet selected)		1
Treasury Department:		
The private secretary (but the confidential clerk is not yet selected)		1
Department of Justice:		
The private secretary (but the confidential clerk is not yet selected)	1	
Attorneys and assistant attorneys	98	
		99
Post-Office Department:		
The private secretary (but the confidential clerk is not yet selected)		1
Navy Department:		
The clerk to the Secretary (but the confidential clerk is not yet selected)		1
Interior Department:		
The private secretary		1
A confidential clerk		1
Department of Agriculture:		
The private secretary		1
A confidential clerk		1
Total now designated as specially excepted from examination		108

[NOTE.—By Rule VI of the civil-service rules it is provided for exceptions from examination or registration in the departmental service as follows: Private secretaries or confidential clerks (not exceeding two) to the President or to the head of each of the eight Executive Departments.]

Post-office service.

Cashiers to postmasters at first-class offices	22
Assistant postmasters	570
Total excepted in post-office service	592

Custom-house service.

Cashiers to collectors	75
Principal deputies	6
Total excepted in custom-houses	81

Recapitulation of excepted places.

Departmental, specially excepted	108
Post-office service	592
Custom-house service	81
Total specially excepted	781

Total Indians now in the service normally excepted from examination.

At the following Indian agencies:

Blackfeet	30	Pine Ridge	107
Cheyenne and Arapahoe	51	Ponca, Pawnee, Otoe, and Oakland	25
Cheyenne River	42	Pottawatomie and Great Nemaha	13
Colorado River	11	Pueblo, Jicarilla	15
Colville	20	Quapaw	11
Crow	27	Rosebud	72
Crow Creek and Lower Brule	51	Round Valley	8
Devils Lake	32	Sac and Fox, Iowa	1
Flathead	19	Sac and Fox, Oklahoma	5
Fort Belknap	28	San Carlos	46
Fort Berthold	25	Santee	13
Fort Hall	22	Shoshone	25
Fort Peck	31	Sisseton	7
Green Bay	26	Southern Ute	11
Hoopa Valley	9	Standing Rock	76
Kiowa	45	Tongue River	14
Klamath	9	Tulalip	21
La Pointe	15	Uintah and Ouray	27
Lemhi	6	Umatilla	6
Mescalero	17	Union	28
Mission, Tule River	15	Warm Springs	16
Navajo	22	Western Shoshone	14
Neah Bay	15	White Earth	30
Nevada	16	Yakima	16
Nez Perces	12	Yankton	32
Omaha and Winnebago	20	Miscellaneous	42
Osage	10		
Pima	17		
Total Indians at Indian agencies			1,356

At the following Indian schools:

Albuquerque	61	La Pointe Agency day school	2
Blackfeet	2	Lac du Flambeau	3
Carlisle	9	L'Anse day school	1
Carson	10	Lemhi Agency	1
Cherokee	1	Mescalero Agency	3
Cherokee day schools	8	Mount Pleasant	10
Arapahoe (Cheyenne and Arapahoe Agency)	12	Navajo Agency	1
Cheyenne (Cheyenne and Arapahoe Agency)	11	Navajo Agency day school	1
Cheyenne River Agency	5	Neah Bay Agency	1
Chilocco	31	Nevada Agency	3
Colorado River	6	Nevada Agency day school	1
Colville (Tonasket) Agency	3	Winnebago	9
Crow (agency)	1	Omaha	6
Crow Creek	8	Oneida	7
Lower Brule	9	Osage (agency)	4
Flandreau	4	Kaw	2
Fort Belknap (agency)	9	Perris school	2
Fort Berthold	6	Phoenix	26
Fort Hall	8	Pierre	2
Fort Lapwai	23	Pima Agency	11
Fort Lewis	12	Pine Ridge Agency Ogalalla day school	2
Fort Mojave	6	Pine Ridge Agency day schools	19
Fort Peck	7	Pipestone	2
Fort Shaw	15	Pawnee (Ponca Agency)	4
Fort Totten	7	Ponca (Ponca Agency)	3
Fort Yuma	20	Otoe (Ponca Agency)	2
Genoa	19	Pottawatomie	1
Grand Junction	3	Kickapoo	1
Grande Ronde	3	Sac and Fox (Iowa) of the Missouri	1
Green Bay (agency)	10	Puyallup Agency	9
Stockbridge day school	1	S'Kokomish	2
Haskell Institute	19	Chehalis	4
Hoopa Valley	8	Quinaielt	1
Moqui industrial school	5	Quapaw	6
Kiowa Agency	8	Seneca, Quapaw Agency	1
Fort Sill (agency)	5	Ramona, Santa Fe	2
Rainy Mountain	5	Sac and Fox (agency)	6
Riverside	4	Absentee Shawnee	5
Klamath (agency)	4	Salem school	4
Yainax	4	San Carlos (agency)	8
Port Apache	2	Tomah	2
Santa Fe	13	Umatilla Agency	1
Santee (agency)	9	Simnasho, Warm Springs	2
Seger colony	9	White Earth (agency)	4
Shoshone (agency)	4	Pine Point	3
Siletz (agency)	5	Leech Lake	4
Sisseton (agency)	5	Wild Rice River	6
Agricultural (Standing Rock Agency)	5	Red Lake	3
Grand River (Standing Rock Agency)	7	Twin Lakes Mission	1
Industrial (Standing Rock Agency)	6	Wittenberg	3
Standing Rock day school	12	Yakima Agency	11
		Toppenish day school	1
		Yankton	8
		Independent day schools (11)	1

Aggregate of Indians employed in the Indian schools	705
Aggregate of Indians employed in the Indian agencies	1,356
Aggregate of Indians employed in the Indian service	2,061

The fact that Indians now occupy certain subordinate positions carries the positions occupied by them into the excepted list. If in the future it should be desired to fill any of those positions by whites, such positions would by that act go into the competitive list; but if filled by whites and desired to be filled by Indians, that act would carry those places from the competitive to the excepted list so long as filled by Indians. It will thus be noticed that by the operation of the rule the excepted places filled by Indians may be increased to the full limit of certain subordinate employees in the Indian service—at agencies and schools—if it were possible to fill those places with Indians. The rule allows positions in the Indian service other than superintendents, teachers, teachers of industries, kindergartners, and physicians to be filled by Indians.

THE CLASSIFIED EXECUTIVE CIVIL SERVICE.

The following is a general distribution of the positions classified by compensation in the departmental service, those appointed by the President and not confirmed by the Senate, and the positions included under the General Schedules A and B in the Navy Department at large, now under the special regulations of the Navy Department, which regulations are under the general supervision of the Civil Service Commission, with the President's approval, dated November 2, 1896:

Departmental service.

Executive Office			20
Civil Service Commission			57
State Department			78
Treasury Department:			
In Washington—			
Secretary's Office proper		15	
Secretary's general office—			
Chief clerk	136		
Division of appointments	17		
Division of bookkeeping and warrants	36		
Division of customs	18		
Division of public moneys	16		
Division of loans and currency	63		
Division of revenue-cutter service	14		
Division of mail and files	22		
Division of special agents	11		
Division of stationery, etc	24		
Miscellaneous division	10		
Disbursing clerks	5		
Miscellaneous roll	4		
		376	
Secret Service division	33		
Supervising Architect	155		
Comptroller of the Treasury	18		
Auditor for the Treasury Department	99		
Auditor for the War Department	290		
Auditor for the Interior Department	129		
Auditor for the Navy Department	46		
Auditor for the State and other Departments	56		
Auditor for the Post-Office Department	465		
Comptroller of the Currency	86		
Treasurer of the United States	280		
Register of the Treasury	53		
Commissioner of Internal Revenue	298		
Bureau of Statistics	35		
Light-House Board	29		
Mint Bureau	17		
Bureau of Navigation	20		
Life-Saving Service	25		
United States Coast and Geodetic Survey	150		
Marine-Hospital Service (Surgeon-General's Office)	19		
Steamboat Inspection Service (Inspector-General's Office)	5		
Bureau of Engraving and Printing	1,528		
Bureau of Immigration	5		
Special witness	2		
		3,731	
Total Treasury Department in Washington		4,122	
Outside Washington—			
Steamboat Inspection Service	151		
Marine-Hospital Service	451		
Light-House Service	2,270		
Life-Saving Service	1,992		
Mints and assay offices	828		
Revenue-Cutter Service	161		
Custodian and janitor service	704		
Subtreasuries	290		
Construction of public buildings	112		
Immigration service	161		
Special Treasury agents	38		
Special inspectors of customs	56		
Chinese inspectors	36		
Immigrant inspectors	71		
Shipping commissioners	54		
Internal-revenue agents	30		
Special Treasury employees	31		
Field force, Coast and Geodetic Survey	46		
Total Treasury Department outside Washington		7,442	
Total Treasury Department			11,564

War Department:			
Office of the Secretary	65		
Office of the Adjutant-General	181		
Office of the Inspector-General	11		
Office of the Judge-Advocate-General	11		
Office of the Quartermaster-General	115		
Quartermaster's Department at large	622		
Office of the Commissary-General of Subsistence	36		
Subsistence Department at large	81		
Office of the Surgeon-General	113		
Medical Department at large	26		
Office of the Paymaster-General	21		
Pay Department at large	44		
Office of the Chief of Engineers	72		
Engineer Department at large, including the District of Columbia and the Mississippi and Missouri River Commissions	4,277		
Office of the Chief of Ordnance	38		
Ordnance Department at large	1,622		
[NOTE.—The Ordnance Office will revise the classified list.]			
Office of the Chief Signal Officer	4		
Signal Service at large	1		
War Records Office	57		
Record and Pension Office	508		
United States Military Academy	36		
Chickamauga and Chattanooga National Military Park Commission	22		
Shiloh Battlefield Commission	12		
Gettysburg National Park Commission	21		
Antietam Battlefield Board	8		
Civilian employees at the Headquarters of the Army and at the several department headquarters, etc	173		
Total War Department			8,193
Department of Justice:			
Attorney-General's Office	87		
Office of the Solicitor of the Treasury	13		
United States penitentiary at Fort Leavenworth, Kans	59		
Clerks to United States attorneys	57		
Office deputies and clerical assistants	204		
Indian depredation claims	1		
Total Department of Justice			421
Post-Office Department:			
Office of the Postmaster-General		12	
Office of the Assistant Attorney-General		3	
Office of the topographer		24	
Office of the disbursing clerk		49	
Office of the First Assistant Postmaster-General proper		227	
Office of the Second Assistant Postmaster-General:			
Office of the Second Assistant Postmaster-General proper	108		
Foreign mails	11		
Mail messengers	3		
Clerks on ocean steamers	15		
Mail-bag repair shop	157		
Mail-lock repair shop	49		
Railway Mail Service	7,405		
		7,748	
Office of the Third Assistant Postmaster-General:			
Office of the Third Assistant Postmaster-General proper	90		
Stamped-envelope agency	15		
Postage stamp agency	8		
Postal-card agency	4		
		117	
Office of the Fourth Assistant Postmaster-General:			
Office of the Fourth Assistant Postmaster-General proper	57		
Office of post-office inspector	135		
		192	
Total Post-Office Department			8,372
Navy Department:			
Department proper—			
Office of the Secretary	30		
Naval War Records of the Rebellion	15		
Library	3		
Judge-Advocate-General's Office	10		
		58	
Bureau of Navigation	23		
Hydrographic Office	69		
		92	
Bureau of Ordnance		15	
Bureau of Equipment	13		
Naval Observatory	38		
Nautical Almanac Office	13		
		64	
Bureau of Yards and Docks		8	
Bureau of Construction and Repair		73	
Bureau of Steam Engineering		21	
Bureau of Supplies and Accounts		46	
Bureau of Medicine and Surgery		13	
Total Department proper			390
Department at large—			
Commandants' offices—			
Navy-yard at—			
Portsmouth, N. H	1		
Boston, Mass	2		
Brooklyn, N. Y	3		
League Island, Pa	3		
Washington, D. C	3		
Norfolk, Va	3		
Pensacola, Fla	1		
Mare Island, Cal	2		
Naval station at—			
New London, Conn	1		
Port Royal, S. C	1		
Key West, Fla	1		
Puget Sound, Wash	1		
Naval Torpedo Station, Newport, R. I	1		
Naval War College	1		
Naval Home, Philadelphia, Pa	1		
Total commandants' offices		25	

Navy Department—Continued.		
Bureau of Ordnance—		
Navy-yard at—		
Portsmouth	1	
Boston	1	
Brooklyn	19	
League Island	3	
Washington	52	
Norfolk	2	
Pensacola	1	
Mare Island	7	
Naval station at Newport	3	
Naval Proving Ground at Indian Head	7	
Total Bureau of Ordnance		96
Bureau of Equipment—		
Navy-yard at—		
Portsmouth	2	
Boston	6	
Brooklyn	19	
League Island	1	
Washington	3	
Norfolk	3	
Pensacola	1	
Mare Island	4	
Total Bureau of Equipment		39
Bureau of Yards and Docks:		
Navy-yard at—		
Portsmouth	9	
Boston	11	
Brooklyn	29	
League Island	14	
Washington	4	
Norfolk	28	
Pensacola	9	
Mare Island	13	
Naval station at—		
New London	3	
Port Royal	3	
Key West	1	
Puget Sound	2	
Total Bureau of Yards and Docks		126
Bureau of Construction and Repair:		
Navy-yard at—		
Portsmouth	4	
Boston	4	
Brooklyn	48	
League Island	6	
Washington	7	
Norfolk	31	
Pensacola	3	
Mare Island	22	
Bath Iron Works	5	
Cramp & Sons, etc	18	
Crescent Shipyard	3	
Columbian Iron Works	4	
J. H. Dialogue & Sons	4	
Newport News S. and D. D. Co	22	
Union Iron Works	10	
Moran Bros. & Co	3	
Homestead Steel Works	1	
Total Bureau of Construction and Repair		195
Bureau of Steam Engineering:		
Navy-yard at—		
Portsmouth	3	
Boston	1	
Brooklyn	18	
League Island	3	
Washington	1	
Norfolk	9	
Pensacola	1	
Mare Island	11	
Bath Iron Works	1	
William Cramp & Sons	5	
John H. Dialogue & Sons	1	
Newport News S. and D. D. Co	4	
Union Iron Works	2	
Moran Bros. & Co	1	
Total Bureau of Steam Engineering		61
Bureau of Supplies and Accounts:		
Navy-yard at—		
Portsmouth	9	
Boston	10	
Brooklyn	66	
League Island	7	
Washington	21	
Norfolk	19	
Pensacola	2	
Mare Island	23	
Naval station at Newport	1	
Naval Academy	3	
Total Bureau of Supplies and Accounts		161
Navy pay offices—		
Pay office at—		
Boston	4	
New York	7	
Philadelphia	4	
Baltimore	2	
Norfolk	4	
San Francisco	4	
Washington	7	
Total Navy pay offices		32
Naval Academy		12
United States Marine Corps, civil force—		
At headquarters, Washington—		
Commandant's office	3	
Adjutant's and Inspector's office	2	
Paymaster's office	2	

Navy Department—Continued.				
United States Marine Corps, civil force—Continued.				
At headquarters, Washington—Continued.				
Quartermasters' office	3			
Assistant quartermaster's office	1			
Assistant quartermaster at Philadelphia	2			
Total United States Marine Corps, civil force		13		
Branch Hydrographic Office—				
Office at—				
Boston	2			
Brooklyn	4			
Philadelphia	1			
Baltimore	1			
Norfolk	1			
Savannah	1			
New Orleans	1			
Cleveland	1			
Chicago	1			
San Francisco	2			
Port Townsend	1			
Total Branch Hydrographic Office		16		
Total Department at large			774	
Total Navy Department, classified by compensation				1,168
Total Navy Department under Schedules A and B				5,063
Interior Department:				
Secretary's Office proper	161			
Census division	37			
Official Register for 1895	4			
Total office Secretary of the Interior		202		
Office of the Assistant Attorney General		22		
General Land Office—				
Commissioner's office	359			
Transcribers' roll	7			
Total General Land Office		366		
Office of Indian Affairs—				
Regular roll	87			
Depredation claims roll	3			
Allotments roll	7			
Total Office of Indian Affairs		97		
Pension Office—				
Regular roll	1,642			
Special examiners	150			
Total Pension Office		1,792		
Patent Office		577		
Office of Education		40		
Office of Commissioner of Railroads		5		
Geological Survey—				
Office force	28			
Scientific force	11			
Temporary force	275			
Total Geological Survey		314		
Total by bureaus			3,410	
Land service—				
Miscellaneous		44		
District land offices—				
Regular employees	117			
Temporary clerks in contest cases	82			
		199		
Offices of surveyors-general—				
Regular roll	90			
Temporary clerks on mineral cases	116			
Temporary clerks on miscellaneous work	10			
		216		
Total land service			459	
Indian service:				
Miscellaneous		17		
Indian agencies		527		
Indian schools		1,352		
Total Indian service			1,896	
Pension-agency service:				
Augusta, Me		10		
Boston, Mass		29		
Buffalo, N. Y		28		
Chicago, Ill		37		
Columbus, Ohio		38		
Concord, N. H		11		
Des Moines, Iowa		32		
Detroit, Mich		23		
Indianapolis, Ind		34		
Knoxville, Tenn		23		
Louisville, Ky		15		
Milwaukee, Wis		23		
New York, N. Y		41		
Philadelphia, Pa		34		
Pittsburg, Pa		36		
San Francisco, Cal		12		
Topeka, Kans		34		
Washington, D. C		31		
Total pension-agency service			491	
Pension examining surgeons			4,120	
Alaska school service			32	
Office Architect of the Capitol			66	
Government Hospital for the Insane			435	
Freedman's Hospital			70	
Superintendent of hospital at Hot Springs, Ark			1	
Total Department of the Interior				11,000
Department of Agriculture:				
Office of the Secretary of Agriculture			66	
Division of Accounts and Disbursements			11	

Department of Agriculture—Continued.			
Division of Statistics	96		
Division of Botany	20		
Division of Entomology	18		
Division of Economic Ornithology and Mammalogy	18		
Division of Pomology	9		
Division of Microscopy	2		
Division of Vegetable Physiology and Pathology	17		
Division of Chemistry	17		
Division of Forestry	12		
Division of Publications	12		
Division of Seeds	26		
Document and folding room	8		
Division of Gardens and Grounds	26		
Museum	4		
Office of Experiment Stations	32		
Office of Irrigation investigation	2		
Division of Agrostology	13		
Division of Agricultural Soils	9		
Office of inquiries relating to public roads	4		
Office of Fiber Investigation	2		
Furniture, cases, and repairs	3		
Bureau of Animal Industry	721		
Weather Bureau	533		
Total Department of Agriculture			1,681
Department of Labor			92
Commission of Fish and Fisheries:			
Division of administration	30		
Division of fish culture	106		
Division of inquiry respecting food-fishes	9		
Division of statistics and methods of the fisheries	14		
Vessel service	10		
Total Commission of Fish and Fisheries			169
Interstate Commerce Commission			137
Office of the Superintendent of the State, War, and Navy Building			126
The Smithsonian Institution:			
United States National Museum	158		
National Zoological Park	30		
Bureau of American Ethnology	20		
Astrophysical Observatory	6		
Bureau of International Exchanges	13		
Total Smithsonian Institution			227
Total by compensation and navy-yard regulation			48,356
Total Presidential not confirmed			36
Total for the departmental service			48,392

POSITIONS EXCLUDED FROM CLASSIFICATION.

The following positions are excluded from classification by the terms of Rule III, section 8, clauses (a), (b), (c), and (d), which provide that the following-mentioned positions or employees shall not be subject to the provisions of the civil service rules:

"Clause (a). Any position filled by a person whose place of private business is conveniently located for his performance of the duties of said position, or any position filled by a person remunerated in one sum both for services rendered therein and for necessary rent, fuel, and lights furnished for the performance of the duties thereof: *Provided*, That in either case the performance of the duties of said position requires only a portion of the time and attention of the occupant, paying him a compensation not exceeding, for his personal salary only, $300 per annum, and permitting of his pursuing other regular business or occupation."

Under clause (a) the following positions were excluded:

Departmental service.

Treasury Department:			
Marine-Hospital Service—			
Assistant surgeons	49		
Sanitary inspectors	2		
Total Marine-Hospital Service		51	
Light-House Service—			
Custodians of light-house property	14		
Laborers	36		
Post-light keepers	1,400		
Total Light-House Service		1,450	
Disbursing agents, construction of public buildings		29	
[NOTE.—Some of these disbursing agents did receive over $300 per annum, but some of the buildings are completed at this time and they will soon be out of office.]			
Immigration service at large—			
Internes	1		
Inspectors	3		
Total immigration service		4	
Special inspector of customs		1	
Total Treasury Department, clause (a)			1,535
War Department:			
Engineer Department at large—			
Gauge readers	103		
Collectors of statistics	2		
Total Engineer Department at large		105	
Signal Service at large:			
Telegraph operators	11		
Messengers	3		
Janitors	4		
Engineer	1		
Total Signal Service at large		19	
Total War Department			124
Department of Justice:			
Organist at penitentiary at Fort Leavenworth, Kans		1	
Clerks to United States attorneys		3	
Office deputy		1	
Total Department of Justice			5
Post-Office Department, railway postal clerks			34

Navy Department:				
Branch Hydrographic Office—				
Messengers at—				
Portland, Me			1	
Philadelphia, Pa			1	
Portland, Oreg			1	
Total Navy Department				
Interior Department:				
Indian agencies—				
Physicians at—				
New York Agency	1			
Pottawatomie Agency	1			
Santee Agency	1			
		3		
Transportation agents		3		
Total at Indian agencies			6	
Government Hospital for the Insane, chaplains			5	
Total Interior Department				11
Department of Agriculture:				
River observers			113	
Wind-signal displaymen			110	
Cotton region observers			119	
Sugar and rice observers			8	
Corn and wheat observers			131	
Total Department of Agriculture				481
Total departmental service				2,193

Post-office service.

Clerks in charge of substations in cities or towns having—			
First-class offices	538		
Second-class offices	28		
		566	
Stamp agencies in cities or towns having—			
First-class offices	2,058		
Second-class offices	216		
		2,274	
Total post-office service			2,840

Custom-house service.

Classified offices:			
Inspector, Bath, Me	1		
Storekeepers, Ellsworth, Me	3		
Inspector, Houlton, Me	1		
Deputy collector, Machias, Me	1		
Storekeeper, Barnstable, Mass	1		
Boatman, Barnstable, Mass	1		
Storekeepers, Hartford, Conn	2		
Deputy collector, Rochester, N. Y	1		
Deputy collectors, Bridgeton, N. J	4		
Inspectors, New York, N. Y	4		
Deputy collector, New York, N. Y	1		
Cartmen, New York, N. Y	2		
Deputy collector, Petersburg, Va	1		
Deputy collectors, Sandusky, Ohio	4		
Assayer, Kansas City, Mo	1		
Deputy collectors, Detroit, Mich	3		
Deputy collectors and inspectors, Grand Haven, Mich	8		
Deputy collectors and inspectors, Milwaukee, Wis	2		
Deputy collectors and clerks, Marquette, Mich	7		
Deputy collector and inspector, Duluth, Minn	3		
Deputy collector, Great Falls, Mont	1		
Inspector, Sitka, Alaska	1		
Total in classified offices		53	
Unclassified offices:			
Deputy collector, Kennebunk, Me	1		
Deputy collector, Bristol, R. I	1		
Deputy surveyor, Port Jefferson, N. Y	1		
Deputy surveyor, Patchogue, N. Y	1		
Deputy surveyor, Chattanooga, Tenn	1		
Deputy surveyor, Rock Island, Ill	1		
Deputy surveyor, Peoria, Ill	1		
Deputy surveyor, Council Bluffs, Iowa	1		
Deputy surveyor, Burlington, Iowa	1		
Deputy surveyor, Dubuque, Iowa	1		
Deputy surveyor, Sioux City, Iowa	1		
Deputy collector, Eureka, Cal	1		
Deputy collector, Yaquina, Oreg	1		
Deputy collector, Dunkirk, N. Y	1		
Total in unclassified offices		14	
Total custom-house service, clause (a)			67

Internal-revenue service.

Alabama, at large, deputy collectors	2
California, First district, deputy collector	1
Colorado, at large, deputy collectors	3
Georgia, at large, deputy collector	1
Illinois, First district, deputy collector	1
Illinois, Fifth district, deputy collector	1
Illinois, Eighth district, deputy collectors	2
Illinois, Eighth district, janitor	1
Indiana, Sixth district, deputy collectors	8
Indiana, Seventh district, deputy collectors	2
Iowa, Third district, deputy collector	1
Iowa, Fourth district, deputy collectors	4
Kansas, at large, deputy collector	1
Kentucky, Second district, deputy collectors	2
Kentucky, Eighth district, janitor	1
Maryland, at large, clerk	1
Michigan, First district, deputy collector	1
Missouri, Sixth district, deputy collector	1
New Jersey, Fifth district, deputy collectors	2
New York, Third district, janitor	1
North Carolina, Fourth district, deputy collector	1
North Carolina, Fifth district, deputy collector	1
Ohio, Tenth district, janitor	1
Ohio, Eleventh district, deputy collector	1

Oregon, at large, deputy collector	1	
Pennsylvania, First district, deputy collector	1	
Pennsylvania, First district, janitor	1	
Pennsylvania, Twenty-third district, deputy collector	1	
Tennessee, Second district, deputy collector	1	
Tennessee, Fifth district, deputy collector	1	
Texas, Third district, deputy collectors	2	
West Virginia, at large, deputy collectors	2	
Wisconsin, First district, deputy collectors	3	
Wisconsin, Third district, deputy collectors	2	
Recapitulation, internal-revenue service:		
Deputy collectors	46	
Janitors	5	
Total internal-revenue service		51

Recapitulation for clause (a).

Departmental service	2,193	
Post-office service	2,840	
Custom-house service	67	
Internal-revenue service	51	
Total excluded under clause (a)		5,151

"Clause (b). Any person in the military or naval service of the United States who is detailed for the performance of civil duties."

Under clause (b) the following positions were excluded from classification:

Treasury Department:			
Officers of high rank detailed from the Army or Navy for duty with the Light-House Service		28	
Assistant surgeons detailed from the Marine-Hospital Service for duty with the immigration service		1	
Total Treasury Department			29
War Department:			
Army officer on duty with the Chickamauga and Chattanooga National Park Commission			1
Interior Department:			
Army officers detailed by the President for duty as Indian agents		17	
Army officers detailed for duty at the following national parks—			
Yellowstone	1		
Yosemite	1		
General Grant, Sequoia, and California parks	1		
Total at national parks		3	
With Rock Creek Park Commission		2	
Total Interior Department			22
Superintendent State, War, and Navy building			1

Recapitulation for clause (b).

Treasury Department	29	
War Department	1	
Interior Department	22	
State, War, and Navy building	1	
Total excluded under clause (b)		53

"Clause (c). Any person employed in a foreign country under the State Department, or temporarily employed in a confidential capacity in a foreign country."

Under clause (c) the following positions were excluded from classification:

State Department dispatch agent at London	1	
The Smithsonian Institution foreign agents	2	
Total excluded under clause (c)		3

"Clause (d). Any position whose duties are of a quasi-military or quasi-naval character and for the performance of whose duties a person is enlisted for a term of years."

Under clause (d) the following positions were excluded from classification:

Treasury Department:			
Revenue-Cutter Service—			
Crews of vessels on the Atlantic, Gulf, and Pacific coasts—			
Petty officers	133		
Seamen	295		
Stewards	50		
Cooks	28		
Boys	114		
Oilers	45		
Firemen	63		
Coal passers	46		
Buglers	22		
		796	
Crews of vessels on the Great Lakes—			
Petty officers	11		
Stewards	5		
Oilers	4		
Firemen	3		
		23	
Total Treasury Department			819
Navy Department:			
Clerks to paymasters at the following—			
Navy-yards at—			
Portsmouth	2		
Boston	2		
Brooklyn	2		
League Island	2		
Washington	2		
Norfolk	2		
Pensacola	1		
Mare Island	2		
		15	
Naval stations at—			
Newport	1		
New London	1		
Port Royal	1		
Key West	1		
Puget Sound	1		
		5	
Naval Academy		5	
Total Navy Department			25

Recapitulation for clause (d).

Treasury Department	819	
Navy Department	25	
Total excluded under clause (d)		844

Recapitulation of excluded places.

Total clause (a)	5,151
Total clause (b)	53
Total clause (c)	3
Total clause (d)	844
Total positions excluded from classification	6,051

The law and regulations of the Treasury Department provide that enlisted men in the Revenue-Cutter Service on the Atlantic, Gulf, and Pacific coasts shall enlist for three years; the enlisted men on the Great Lakes only for the season of navigation.

The clerks to paymasters in the Navy are subject to the navy regulations, and are therefore placed in the excluded class while on shore duty with the paymaster. If they were at sea, they would be considered in the Navy, and therefore not in the executive civil service.

PRESIDENTIAL OFFICES, CONFIRMED.

The officers of the executive civil service nominated by the President and confirmed by the Senate are distributed generally among the several Executive Departments, the commissions, and offices as follows:

The departmental service.

Civil Service Commission	4
State Department	4
Treasury Department	367
War Department	2
Department of Justice	159
Post-Office Department	5
Navy Department	2
Interior Department	348
Department of Agriculture	3
Department of Labor	1
Commission of Fish and Fisheries	1
Interstate Commerce Commission	5
Total departmental service	901
Total post-office service	3,635
Total Government printing service	1
Total custom-house service	215
Total internal-revenue service	63
Total Presidential offices confirmed by Senate	4,815

UNCLASSIFIED LABORERS OR WORKMEN.

The persons merely employed as laborers or workmen in the executive civil service are distributed by numbers generally among the several Executive Departments, the commissions, and offices as follows:

The departmental service.

State Department	4
Treasury Department	848
War Department	6,459
Department of Justice	15
Post-Office Department	52
Navy Department	4
Interior Department	271
Department of Agriculture	74
Department of Labor	2
Commission of Fish and Fisheries	13
Office Superintendent State, War, and Navy building	100
Smithsonian Institution	63
Total departmental service	7,905
Total post-office service	485
Total Government printing service	35
Total custom-house service	213
Total laborers and workmen below classification	8,638

THE TOTAL EXECUTIVE CIVIL SERVICE.

The entire executive civil service of the United States, approximately correct, with a few outlying positions, the duties of a number of which are not yet accurately determined, but are under consideration by the Departments, may be distributed generally as follows:

Class A	20,033
Class B	8,621
Class C	1,067
Class D	10,006
Class E	18,179
Class 1	6,771
Class 2	4,699
Class 3	1,561
Class 4	1,570
Class 5	1,130
Class 6	508
Positions in navy-yards registered under navy regulations	5,063
Pension examining surgeons	4,120
Presidential officers not confirmed by Senate, now classified	36
Indians employed at Indian agencies and schools	2,061
Private secretaries and confidential clerks (excepted)	10
Cashiers in post-offices and custom-houses (excepted)	97
Deputy collectors of customs (excepted)	6
Assistant postmasters (excepted)	570
Attorneys and assistant attorneys (excepted)	98
Excluded under clause (a) of Rule III, section 8	5,151
Excluded under clause (b) of Rule III, section 8	53
Excluded under clause (c) of Rule III, section 8	3
Excluded under clause (d) of Rule III, section 8	844
Presidential officers confirmed by Senate	4,815
Laborers or workmen below classification	8,638
Miscellaneous positions not yet classified	71,806
Total in the executive civil service	178,716

The officers of the different Departments, offices, and commissions have been exceedingly courteous and at all times, so far as possible, ready to give any information necessary to complete this work.

I append to this report a folder which will give a general view of all the different branches of the service.

Respectfully submitted.

THEODORE L. DE LAND, *Examiner.*

THE EXECUTIVE CIVIL SERVICE OF THE UNITED STATES.

An approximate statement of the number of civil officers of the United States confirmed by the Senate above classification, the number of classified persons by classification, the number of excepted places, the number excluded from classification, and the number of laborers or workmen below classification, and number not yet classified, carried on the rolls of the Executive Departments, bureaus, offices, and commissions, whether compensated by a fixed salary or otherwise, inside or outside the District of Columbia, on June 30, 1896.

Bureau, office, or commission.	Classified service.																			
	Classified by compensation.												Presidential, not confirmed by Senate.	Excepted places.						
	Class.											Total by classes.		Private secretaries or confidential clerks.	Indians.	Cashiers.	Deputy collectors.	Assistant postmasters.	Assistant attorneys.	Total excepted.
	A.	B.	C.	D.	E.	1.	2.	3.	4.	5.	6.									
	Less than $720.	$720, but less than $840.	$840, but less than $900.	$900, but less than $1,000.	$1,000, but less than $1,200.	$1,200, but less than $1,400.	$1,400, but less than $1,600.	$1,600, but less than $1,800.	$1,800, but less than $2,000.	$2,000, but less than $2,500.	$2,500, or more.									
RECAPITULATION, DEPARTMENTAL SERVICE.																				
Executive Office				1	1	8		2	5	2	1	20		1						1
Civil Service Commission	2	2	2	2	8	15	13	10	8			57	1							
State Department	7	5	1	10	6	17	9	4	11	7	1	78		1						1
Treasury Department	4,067	2,567	229	936	698	836	784	407	512	377	151	11,564		1						1
War Department	2,320	1,308	426	1,007	782	907	653	221	359	166	43	8,192								
Department of Justice	42	84	1	38	42	69	49	22	34	23	17	421		1					98	99
Post-Office Department	368	373	90	1,554	4,464	1,065	182	188	34	17	37	8,372		1						1
Navy Department	225	156	30	100	239	160	117	74	43	18	3	1,163		1						1
Interior Department	1,950	736	161	756	685	1,090	643	278	303	201	78	6,880	35	2	2,061					2,063
Pension examining surgeons												4,120								
Department of Agriculture	377	264	99	51	350	271	131	37	44	25	32	1,681		2						2
Department of Labor	2	4	1	3	11	24	24	12	5	5	1	92								
Commission of Fish and Fisheries	41	27	3	32	16	15	16	7	5	4	3	169								
Interstate Commerce Commission	2	5	1	48	24	37	9	2	1	3	5	137								
Superintendent State, War, and Navy building	1	100	2	3	11	3						120								
Smithsonian Institution	109	23	2	25	10	21	10	3	7	11	6	227								
Library of Congress																				
Registered under Navy Department regulations												5,063								
Total departmental service	9,513	5,654	1,048	4,566	7,342	4,538	2,642	1,267	1,370	855	378	48,356	36	10	2,061				98	2,169
GENERAL RECAPITULATION, UNITED STATES.																				
Departmental service	9,513	5,654	1,048	4,566	7,342	4,538	2,642	1,267	1,370	855	378	48,356	36	10	2,061				98	2,169
Post-Office service	8,429	2,530		5,621	8,180	531	268	57	29	60	19	25,724				22		570		592
Government printing service	1,109	66	37	23	1,251	256	29	7	24	12	2	2,816								
Custom-house service	212	322	578	129	1,087	661	898	185	102	181	109	4,464				75	6			81
Internal-revenue service	770	49	4	267	819	785	862	45	45	22		3,168								
Total civil service United States	20,033	8,621	1,067	10,006	18,179	6,771	4,699	1,561	1,570	1,130	508	84,528	36	10	2,061	97	6	570	98	2,842

Bureau, office, or commission.	Unclassified service.								Grand totals.			Aggregate salaries.
	Excluded from classification under Rule III, section 8.					Above classification, Presidential, confirmed by Senate.	Below classification, laborers or workmen.	Positions not yet classified, miscellaneous.	Classified service.	Unclassified service.	Aggregate number.	
	(a.)	(b.)	(c.)	(d.)	Total.							
RECAPITULATION, DEPARTMENTAL SERVICE.												
Executive Office									21		21	95,900.00
Civil Service Commission						4			58	4	62	91,240.00
State Department			1		1	4	4		79	9	88	128,500.00
Treasury Department	1,535	29		819	2,383	367	848		11,565	3,598	15,163	11,071,227.00
War Department	124	1			125	2	6,459	79	8,192	6,665	14,857	[illegible]
Department of Justice	5				5	159	15	5	520	184	704	1,844,909.00
Post-Office Department	34				34	5	52		8,373	91	8,464	[illegible]
Navy Department	3			25	28	2	4		1,164	34	1,198	[illegible]
Interior Department	11	22			33	348	271	85	8,978	737	9,715	[illegible]
Pension examining surgeons									4,120		4,120	[illegible]
Department of Agriculture	481				481	3	74		1,683	558	2,241	[illegible]
Department of Labor						1	2		92	3	95	[illegible]
Commission of Fish and Fisheries						1	13		169	14	183	180,440.00
Interstate Commerce Commission						5			137	5	142	195,080.00
Superintendent State, War, and Navy building		1			1		100		120	101	221	128,440.00
Smithsonian Institution			2		2		63		227	65	292	243,718.16
Library of Congress								39		39	39	51,720.00
Registered under Navy Department regulations									5,063		5,063	[illegible]
Total departmental service	2,193	53	3	844	3,093	901	7,905	208	50,561	12,107	62,668	46,766,617.06
GENERAL RECAPITULATION, UNITED STATES.												
Departmental service	2,193	53	3	844	3,093	901	7,905	208	50,561	12,107	62,668	46,766,617.06
Post-Office service	2,840				2,840	3,635	485	71,535	26,316	78,495	104,811	[illegible]
Government printing service						1	35		2,816	36	2,852	[illegible]
Custom-house service	67				67	215	213	63	4,545	558	5,103	[illegible]
Internal-revenue service	51				51	63			3,168	114	3,282	[illegible]
Total civil service United States	5,151	53	3	844	6,051	4,815	8,638	71,806	87,406	91,310	178,716	89,674,767.28

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 13, 1896.

Approximately correct:

THEODORE L. DE LAND, *Examiner.*

Here a message from the Senate was received, and the committee rose. The Speaker having resumed the chair, Mr. HEPBURN, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 9643, the legislative appropriation bill, and had come to no resolution thereon.

Mr. CANNON. Mr. Speaker, before the House again goes into Committee of the Whole, there are a couple of Senate amendments to the urgent deficiency bill which I should like to have concurred in at this time.

Mr. BROSIUS. It is understood that I shall have the floor when the committee resumes its session.

Mr. CANNON. That is understood.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendments to the bill H. R. 9753, the urgent deficiency bill.

The amendments were read, as follows:

Page 3, strike out lines 12, 13, and 14.
Page 5, after line 2, insert:
"Senate: For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $5,523.05."

Mr. BRODERICK. Mr. Speaker, I desire to ask the gentleman from Illinois whether any change has been made in the appropriation for the penitentiary at Leavenworth?

Mr. CANNON. Oh, no.

The amendments of the Senate were concurred in.

On motion of Mr. CANNON, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

LEAVE TO PRINT.

On motion of Mr. BINGHAM, by unanimous consent, leave was granted to members to print remarks in the RECORD in connection with the legislative appropriation bill, the privilege being limited to ten days.

GEORGE JOHNSON.

Mr. HEPBURN. Mr. Speaker, I hold in my hand House bill No. 4281, in which two informal amendments have been made by the Senate. I move to concur in those amendments.

The amendments were read, as follows:

In line 8, after "Infantry," insert "in lieu of that he is now receiving."
Amend the title so as to read: "An act granting an increase of pension to George Johnson, of Lenox, Iowa."

The amendments were concurred in.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the vote be taken upon the legislative appropriation bill and all amendments thereto at 3 o'clock to-day, or earlier if debate shall sooner close.

Mr. RICHARDSON. Mr. Speaker, I hardly think that motion is in order now. The Committee of the Whole have given the gentleman from Pennsylvania [Mr. BROSIUS] unlimited time, and some of us on this side desire to submit a few remarks on the paragraph under consideration, and it was distinctly understood when the gentleman's time was extended that we should have an opportunity to do so. General debate on the paragraph has not been closed.

Mr. BINGHAM. How much time does the gentleman want?

Mr. RICHARDSON. The general debate has not been closed, and I insist that we on this side should have a few minutes' time after the gentleman from Pennsylvania [Mr. BROSIUS] has concluded.

Mr. BINGHAM (to Mr. BROSIUS). How much more time does my colleague desire to occupy?

Mr. BROSIUS. I should be very glad to limit myself if I knew to what extent I am to be interrupted by interrogations, but after having been so kindly indulged by the committee, I do not feel at liberty to decline such interruptions.

Mr. BINGHAM. Can not the gentleman reach some conclusion?

Mr. BROSIUS. I will conclude at the earliest moment I can.

Mr. BINGHAM. I trust the gentleman will name some definite hour, so that the House can reach a conclusion.

Mr. BROSIUS. As far as I am concerned, the vote can be taken at 3 o'clock; but I can not tell what other gentlemen may have to say about it.

Mr. RICHARDSON. If the gentleman will conclude at half past 2 o'clock, I am willing that the vote shall be taken at 3.

Mr. BINGHAM. Can my colleague conclude at that time?

Mr. BROSIUS. I can, if nobody takes up my time by interruptions, but gentlemen will see my difficulty in refusing to answer questions, after the kind indulgence I have received from the committee with the distinct understanding that I would yield for questions.

Mr. BINGHAM. Then, Mr. Speaker, I renew my motion.

Mr. TERRY. Mr. Speaker, I desire to know the exact terms of the proposition upon which the question is now submitted.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole for further consideration of the legislative appropriation bill, and, pending that, he moves that all debate on the pending bill be closed and the vote be taken at 3 o'clock.

Mr. TERRY. Does the gentleman submit that proposition as a motion, or is unanimous consent asked?

The SPEAKER. The Chair is not quite sure in what form the gentleman submits it.

Mr. BINGHAM. I desire unanimous consent.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent.

Mr. TERRY. I object.

Mr. BINGHAM. Then I make the motion.

Mr. RICHARDSON. Then a quorum will be required to carry it. We are not going to be cut off after the gentleman from Pennsylvania has occupied the whole time to-day and yesterday.

Mr. WILLIAM A. STONE. Would not the gentleman be satisfied to vote at half past 3?

Mr. RICHARDSON. I can not consent to that, if other gentlemen are to occupy all the time.

Mr. BROSIUS. I hope the gentleman from Tennessee [Mr. RICHARDSON] will correct the statement he just made.

Mr. RICHARDSON. What statement?

Mr. BROSIUS. The gentleman certainly did not mean to say what he did. I understood him to complain that "the gentleman from Pennsylvania"—referring, as I understood, to myself—had occupied the whole of yesterday on this proposition.

Mr. RICHARDSON. Oh, no. I said the gentleman had the whole time yesterday on this proposition——

Mr. BROSIUS. Not at all.

Mr. RICHARDSON. And, after farming out ten minutes to the gentleman from Kentucky [Mr. EVANS], he asked to have the remainder of us cut off from debate. The gentleman remembers that.

Mr. BROSIUS. As the gentleman knows, the committee rose. I had no control over that. Let us be just and fair.

Mr. RICHARDSON. I think we agree exactly as to the facts.

Mr. WILLIAM A. STONE. Would not the gentleman from Tennessee consent to have a vote taken at half past 3?

Mr. RICHARDSON. Certainly, if the gentleman from Pennsylvania will close his remarks at half past 2.

Mr. TERRY. I think the time had better be left indefinite for the present. All the talk thus far, or substantially all, has been on the other side. Now let us go into committee and see how much time members may desire to occupy in further discussion. The gentleman from Tennessee on my right [Mr. RICHARDSON] is the only gentleman on our side who seems to manifest any desire to speak. But something may be said, as the debate progresses, which some of the rest of us may want to answer.

Mr. BINGHAM. Will an hour be ample for gentlemen on that side?

Mr. RICHARDSON. That would be satisfactory to me—an hour on this side.

Mr. WILLIAM A. STONE. Then I move that at the end of one hour after the gentleman from Pennsylvania [Mr. BROSIUS] closes his remarks we proceed to vote.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that at the expiration of one hour from the close of the remarks of the gentleman from Pennsylvania [Mr. BROSIUS], who is now entitled to the floor in Committee of the Whole, a vote be taken, unless the debate should conclude earlier.

Mr. RICHARDSON. That will be entirely satisfactory, provided this side of the House is allowed to control that hour.

The SPEAKER. The gentleman from Tennessee desires, as a part of the arrangement, that the hour be controlled on his side of the House.

Mr. BINGHAM. That is all right.

The SPEAKER. With that qualification, is there any objection to the proposition?

Mr. TERRY. I object. Let us go into the Committee of the Whole, and see what may be done there in the way of discussion. We on this side are not going to be unreasonable; but I do not like to enter into a "blind-pool" arrangement.

Mr. WILLIAM A. STONE. You will have an hour under this proposition: that ought to be satisfactory.

Mr. TERRY. I do not know but what a number of gentlemen here may want to say something.

Mr. WILLIAM A. STONE. Your side will have one hour after the gentleman from Pennsylvania gets through.

Mr. BINGHAM. Does the gentleman from Arkansas [Mr. TERRY] desire to enforce his objection?

Mr. TERRY. Yes, sir. I desire that we go into Committee of the Whole and let the general debate run along. It may be that none of us on this side will want to speak. I am not going to be unreasonable; but we do not like to tie our hands in this way. That is the point.

Mr. BINGHAM. I move, then, that the House resolve itself into Committee of the Whole, to resume the consideration of the legislative appropriation bill.

Mr. BROSIUS. If it will in any way help my colleague in charge of the bill to bring the bill to a vote this afternoon, as I understand he desires, I will yield the floor at this moment and allow anyone who may wish it to occupy the floor for a reasonable time, not exceeding an hour. The meaning of my proposition is this: I will yield the floor at this moment for the sake of assisting my colleague to bring the House to a vote upon this bill. But if my yielding the floor will not result in that, then I do not desire to yield it.

Mr. BINGHAM. Will gentlemen on the other side accept the proposition of my colleague [Mr. BROSIUS]?

Mr. TERRY. I did not understand the last proposition.

Mr. BINGHAM. My colleague states that he is willing to yield the floor at once, in order that gentlemen on the other side may proceed with the discussion.

Mr. WILLIAM A. STONE. For a full hour.

Mr. TERRY. At the suggestion of some of my colleagues, I will assent to the proposition which has been made.

Mr. BROSIUS. I ask unanimous consent that when the House goes into Committee of the Whole for the purpose of again considering this measure a vote be taken at 3 o'clock. That will allow three-quarters of an hour for further discussion. For the purpose of making an arrangement agreeable to those gentlemen who desire to address the House, I will yield the floor at this time.

Mr. BINGHAM. The suggestion was for one hour, if my colleague will permit me.

Mr. BROSIUS. Very well: I will make it one hour.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee of the Whole on the state of the Union be directed to close the general debate on the legislative appropriation bill in one hour, and come to a vote thereon, with the understanding that he has presented to the House. Is there objection?

There was no objection.

The motion of Mr. BINGHAM was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

Mr. RICHARDSON. Mr. Chairman, I do not know that I shall desire to occupy the attention of the committee more than one-half of the time that has been allotted to me, and if other gentlemen wish to address the committee it will give me a great deal of pleasure to yield them a portion of the time, provided I am allowed by the committee to control it.

I want to make one or two observations in respect to some declarations that were made in the committee on yesterday afternoon by the gentleman from Kentucky [Mr. EVANS], as well as those which have been made to-day by the able and accomplished chairman of the Committee on Reform in the Civil Service [Mr. BROSIUS].

I want to address myself for a little while to the charge that was asserted with a great deal of vehemence that the alterations or changes made in the Railway Mail Service early in the Administration of Mr. Harrison, beginning March 15, 1889, and extending through the first six weeks of his Administration, made this service vastly more efficient than it had been under the previous Administration.

I am not mistaken when I say that the gentleman from Pennsylvania, who assumes to be very familiar with all of the facts in connection with this matter, asserted with marked vehemence that these changes in the service had made that service decidedly more efficient. Am I mistaken? He said it had become inefficient under the first Administration of President Cleveland and in a chaotic condition, and to improve its condition, to remedy that inefficiency, it had become necessary that these changes should be made, and he said that the records would sustain him in that charge. He said further that the record of the number of errors reported in the Railway Mail Service sustained him in the assertion he had made.

Now, fortunately for the truth of history, and unfortunately for the argument of the gentleman from Pennsylvania, I have at hand the record of the errors which occurred in the Railway Mail Service for the years immediately preceding the advent of Mr. Harrison into office, and the errors which occurred in the years following his advent into office, and this record does not sustain him. Let us see if the statement of the gentleman from Pennsylvania is borne out by the record.

Mr. BROSIUS. If the gentleman will allow me a correction of his statement, the only figures I assumed to be able to give referred to the ratio of pieces of mail matter handled, and the errors committed in the handling of them at the time the change was made, or about that time, and the ratios of pieces handled and the errors committed at this time, or up to a short time ago, and I gave the figures as they appear. I did not pretend to do so for the intervening period. If I am incorrect in that statement I desire to be corrected, and will thank the gentleman from Tennessee for setting me right.

Mr. RICHARDSON. I propose to show, Mr. Chairman, from the records that the ratio of errors committed to pieces of mail matter handled in the Railway Mail Service was very much greater immediately following the changes made by Mr. Harrison as compared with the service prior to that date.

Mr. BROSIUS. My friend must remember that I gave no figures. I gave my impression that the service was benefited in the manner I had suggested.

Mr. RICHARDSON. But you made the positive statement, and not your impression, that the changes had impaired the efficiency of the service.

Mr. BROSIUS. I meant to assert, and think I did, that the suspension of the order improved the service.

Mr. RICHARDSON. Certainly; and therefore that the changes must have made the service, according to your contention, much better. Now, let us see if the gentleman is correct. I say he is not.

I have a table showing the pieces of mail matter distributed and handled since July 1, 1883, down to 1890. I ask your attention, if you please.

In 1884, there were 4,519,661,900 pieces of mail matter handled. The number of errors committed in 1884 amounted to 1,167,233. There was an increase of errors in 1884 over the previous year of 308,745. Now, that is the last year of Mr. Cleveland's Administration——

Mr. BROSIUS. Oh, no; the first year of his Administration.

Mr. RICHARDSON. I meant to say that it was the last year of the Administration immediately preceding Mr. Cleveland's.

Mr. BROSIUS. I made no statement in reference to any period of service, except that time of the suspension of Mr. Cleveland's order and from that time down to the present moment.

Mr. RICHARDSON. I shall refer to that in a moment. I have this table here, embracing all of the years 1885, 1886, 1887, down to 1890, but I will not take the time of the committee to read them all. I shall content myself with reference only to that point which answers emphatically the statement of the gentleman from Pennsylvania.

Now, on the 4th of January, 1889, President Cleveland issued a proclamation putting the Railway Mail Service under the civil-service rules. This order was to take effect on the 15th of March. He went out of office on the 4th of March. On the 11th of March, before the order became operative, Mr. Harrison suspended its effect until the 1st day of May. I want to show, first, the number of changes made by Mr. Harrison and his Railway Mail Superintendent during that time, and then I will come to the effect it had upon the service. Between March 15, 1889, and April 30, 1889, about six weeks, the time to which he suspended the operation of this order, there were 1,436 removals in the Railway Mail Service. For the same length of time the preceding year, under Mr. Cleveland, there were 54 removals. For the same period for 1887, two years before, there were 45 removals. For the same time in the preceding year there were 85 removals, and in 1885, the first year of his Administration, during the same period there were only 51 removals. When Mr. Harrison came into office and made this suspension which I have mentioned of the civil-service order of Mr. Cleveland, there were within six weeks, as I say, 1,436 removals and 216 resignations—the resignations possibly forced ones. What happened in the corresponding period of the next year?

Mr. WALKER of Massachusetts. How many removals were there during Mr. Cleveland's whole term of office?

Mr. RICHARDSON. During his whole four years he made 51 the first year, 85 the second, 45 the third, and 54 the fourth. The gentleman can add them up. There were 235 in all. And yet in less than six weeks Mr. Benjamin Harrison made 1,436 removals and received 216 resignations, nearly 1,700 in the short space of six weeks. Yet my friend from Kentucky [Mr. EVANS] talked about "padding the service" before he put the civil service into operation down in Kentucky in some cases that he referred to.

Mr. EVANS. What case was that?

Mr. RICHARDSON. I should like to know if it was not padding that Mr. Harrison did.

Mr. EVANS. The case that I referred to was not in Kentucky, but in this city, and not by the President.

Mr. RICHARDSON. It does not matter by whom it was done. I am not defending the President necessarily, but I am trying to show the outrage that was then perpetrated. Now, Mr. Chairman, I present the table showing these changes:

Statement showing changes in the Railway Mail Service between certain periods, as stated below.

	Removals.	Resignations.	Expirations of appointments.	Deaths.
Between Mar. 15, 1885, and Apr. 30, 1885..	51	79	50	5
Between Mar. 15, 1886, and Apr. 30, 1886..	85	57	25	3
Between Mar. 15, 1887, and Apr. 30, 1887..	45	65	16	8
Between Mar. 15, 1888, and Apr. 30, 1888..	54	64	11	4
Between Mar. 15, 1889, and Apr. 30, 1889..	1,436	216	261	8
Between Mar. 15, 1890, and Apr. 30, 1890..	27	56	12	4
Between Mar. 15, 1891, and Apr. 30, 1891	15	47	3	13
Between Mar. 15, 1892, and Apr. 30, 1892 .	26	55	8	5
Between Mar. 15, 1893, and Apr. 30, 1893..	18	52	5	10
Between Mar. 15, 1894, and Apr. 30, 1894..	30	22	2	3
Between Mar. 15, 1895, and Apr. 30, 1895	15	22	1	4
Between Mar. 15, 1896, and Apr. 30, 1896	18	25	1	2

Gentlemen come and say that in some one Department of this Government to-day there are more Democrats than Republicans. The Secret Service, I believe, is the only instance cited, but I venture to say that 70 per cent of the departmental officers in the city of Washington are to-day Republicans. And why is it? When the civil-service law was first put upon the statute books, there was not a Department or bureau, or division in any bureau, in this Government presided over by a Democrat. Every Department and every bureau was under the control of the Republicans, and it was natural that Republicans were in office. Therefore, when the civil-service law was passed at first, and spread over the Departments and included the employees then in the service of the Government, it was quite natural that a large majority of them were Republicans.

Mr. BROSIUS. Will my friend from Tennessee [Mr. RICHARDSON] allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. BROSIUS. Does he know any means of ascertaining the ratio of the respective parties in the service of the Government?

Mr. RICHARDSON. No; I do not. I think a great many of them have no politics; but when you arraigned the Democratic party for having its followers in office I wanted to show that I know it is a fact, from information given me by employees, that a large percentage of the employees are Republicans. While the gentleman was speaking I cited the Weather Bureau. Now, if I were going to complain as a party man, my complaint would be that the President of my party has not taken quite as many places for his followers as he might have taken. I do not care to boast particularly that I am a spoilsman, but I would not have appointed Republicans to important places if I had been President.

Mr. WILLIAM A. STONE and Mr. BOWERS rose.

Mr. RICHARDSON. I want to get through with this idea: otherwise I shall not be able to express it. I made the statement while the gentleman was speaking, and I believe it to be true, that every chief in the Weather Bureau except one is a Republican. The Chief of the Bureau, a most efficient one, too, is a Republican, appointed by Mr. Cleveland: the chief clerk is also a Republican, appointed by the present Secretary of Agriculture, as I understand it.

Mr. Chairman, the complaint is made by these gentlemen of the inefficiency of the Railway Mail Service. They seem to overlook the fact that the Superintendent of the Railway Mail Service is a Republican who has not been removed by President Cleveland.

Mr. BROSIUS. If my friend will allow me, he will remember I made no complaint of inefficiency in the Railway Mail Service. On the contrary, I undertook to show its great efficiency.

Mr. RICHARDSON. But you charged—and there is no use in trying to get away from it—you charged that these changes made by Mr. Harrison when he came into office—these changes unprecedented in number, unparalleled in the history of Administrations—had made that service more efficient. That was your charge. I say that they are unparalleled and unprecedented, because if you take the same length of time—a period covering six weeks in 1889—it makes 1,436 removals. Take the same period in 1890, and there were only 27; in 1891, only 15; in 1892 there were only 26 removals; and in 1893, when Mr. Cleveland again came into office, during these six weeks there were only 16 removals. During the same period in 1894 there were only 30 removals, and in 1895 only 15 removals and in 1896, covering the same six weeks, only 18 removals. Now, how do you, as a civil-service reformer, account for the fact that within the first six weeks of Mr. Harrison's term, immediately upon his suspension of the civil-service order of President Cleveland, he put into the Railway Mail Service 1,436 clerks? The gentleman further went on to account for it——

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him one question?

Mr. RICHARDSON. Certainly; but I would prefer to get through with my statement.

Mr. WILLIAM A. STONE. Do you not remember, in charging this all to the President's failures, that there are a large number of Democrats who are not in accord with the President?

Mr. RICHARDSON. You are after having some wit or fun. I know my friend is always very facetious.

Mr. WALKER of Massachusetts. I ask the gentleman to permit me to make a correction of what I said. I said that these three out of five were Democrats who were restored. They were men who had been removed by President Harrison and were restored. I wanted to correct that statement, instead of saying that they were men removed by President Cleveland.

Mr. RICHARDSON. I want to print in part of my remarks a table which will show exactly what I have said.

The next question that I wish to address myself to—these changes being unparalleled, and which the gentleman did not undertake to account for—is, How did they affect the Railway Mail Service? How are we to ascertain this fact? By taking the number of pieces handled, as the gentleman from Pennsylvania has said. I have a table which shows this. I propose to read from the CONGRESSIONAL RECORD, and from the debate which will be found in the RECORD on page 7787, Fifty-third Congress, July 21, 1894. This table was placed in the RECORD by Mr. Bynum, of Indiana, then a member of this House. And what does it show? It shows that instead of making the service more efficient, this act of Mr. Harrison's and the changes mentioned made it inefficient.

Let us see if I am not correct in that. In 1888, the last year of Mr. Cleveland's Administration, there were 6,528,000,000 pieces of matter handled by the railway mail clerks. The number of errors were 1,765,821. In 1889, immediately following these changes made by Mr. Harrison, the number of pieces handled by the Railway Mail Service increased to 8,026,837,130; the number of errors increased to 1,777,295. In 1890, under these clerks, the first full year of the service of the new clerks, the number of errors increased from 1,777,395 to 2,769,345, an increase in errors from 11,471 from the last year of Mr. Cleveland's Administration to 991,950 errors under these new clerks, put in to benefit the service in the railway mail department.

Here is the table:

Table of pieces of mail distributed, etc., annually since July 1, 1883.

Year ending June 30—	Number of pieces distributed.	Increase.	Number of errors.	Increase of errors.	Decrease of errors.	Number correct to each error.
1884	4,519,661,900	558,145,620	1,167,223	208,745	......	3,872
1885	4,948,059,400	428,397,500	887,704	....	279,519	5,575
1886	5,329,521,475	381,462,075	1,250,443	372,739	....	4,225
1887	5,834,601,875	505,479,398	1,734,617	474,174	....	3,361
1888	6,528,772,060	694,161,185	1,765,821	31,204	....	3,691
1889	8,026,837,130	498,065,070	1,777,295	11,474	....	3,951
1890	7,847,723,600	820,886,470	2,769,245	991,950	....	2,834

Now, I want the gentleman from Pennsylvania to tell us if he had examined the record when he made his statement that the number of pieces showed that the service had been made more efficient by these changes.

Mr. TRACEY. Is there not a decrease in the percentage of errors?

Mr. RICHARDSON. There is an increase.

Mr. TRACEY. That is a decrease.

Mr. RICHARDSON. No, sir; I will show you how it is. The number of pieces handled to one error in 1888 was 3,691; in 1889, to 3,951 pieces handled to one error, the largest number——

Mr. TRACEY. That was a decrease in the percentage.

Mr. RICHARDSON. It was an increase. There were more errors.

Mr. TRACEY. Read that over again.

Mr. RICHARDSON. I will read it over again.

Mr. TRACEY. You will find it is a decrease in the percentage of errors.

Mr. RICHARDSON. But you should wait until I make the statement in full. There were 3,361 pieces handled to one error in 1887; there were 3,690 in 1888; 3,951 in 1889; and in 1890, the first full year under Harrison, there were only 2,834 pieces handled to each error. For every 2,831 pieces handled by these new clerks put in to benefit the service, and to bring it out of chaos, there was an error; and under Mr. Cleveland they handled 3,700 pieces in round numbers to an error.

Mr. TRACEY. Thirty-nine hundred in 1889.

Mr. RICHARDSON. Thirty-nine hundred in 1889.

Mr. TRACEY. That is the first year of the new Administration.

Mr. WILLIAMS. Of which year most of the work was done by the old clerks.

Mr. RICHARDSON. Yes. During the first full year of Harrison's Administration for every 2,834 pieces handled there was 1 error, according to this record.

Mr. TRACEY. That was an increased percentage, but in 1889 there was a decrease.

Mr. RICHARDSON. Mr. Bynum said further, and I repeat it now:

> It will be seen from the foregoing table that in 1885, the first year of Mr. Cleveland's Administration, there was an increase of nearly 500,000,000 pieces distributed, and a decrease in the number of errors of nearly 300,000. In 1884 there were 3,872 pieces correctly handled to each error, while in 1885 there were 5,575 pieces correctly handled to each error. During the year 1888, the last wholly under Democratic Administration, 7,026,837,130 pieces were handled, with a total of 1,777,296 errors.

I ask the gentleman to keep that in his mind.

Mr. COX. Will my colleague yield to me for one question?

Mr. RICHARDSON. Certainly.

Mr. COX. What was the number of errors committed before the civil-service law was applied in that branch of the public service?

Mr. RICHARDSON. I have shown that in the last year of Mr. Cleveland's Administratioo, before the civil service was applied, 5,575 pieces were handled for each error. When the service was put under the civil-service law under Mr. Harrison, when these "more efficient" clerks that we have heard about were appointed, there was 1 error to about every 2,800 pieces.

Mr. COX. So that before the civil service was applied less errors were committed than under the civil service?

Mr. RICHARDSON. That is true.

Mr. TRACEY. But is it not true that the method of marking errors was almost wholly changed after the Harrison Administration came in, and that errors were then marked that had never been marked before, which would account largely for the increase of which the gentleman speaks?

Mr. RICHARDSON. There may have been some change made in the marking, but it would not account for the great increase in the number of errors.

Mr. TRACEY. Certainly it would increase the number.

Mr. RICHARDSON. Mr. Bynum, on the occasion when he made these remarks, read a large number of interesting letters bearing upon this subject, which are printed in the RECORD at page 7786. I will not stop to read them all, but I will read one to which I ask the attention of my friend from Pennsylvania [Mr. BROSIUS]. It is a description of the condition of affairs that existed between the 11th day of March, 1889, and the 1st day of May following, during which time there was this carnival that I have described—this large number of dismissals.

The letter is from Waterville, Me., is addressed to Mr. Bynum, and is as follows:

> WATERVILLE, ME., *October 16, 1893.*
>
> DEAR SIR: I received a copy of the bill you introduced in the House a short time since, and I wish to say to you that the ex-postal clerks are very much pleased with your undertaking, and trust the bill may pass.
>
> In their haste to remove us from the service they appointed one man who had been dead for more than one year, another who was nearly dead and who told the superintendent that he could not go back, he was too sick; but they made him go on, as they said, till they could straighten things out. He went on, and after a few months resigned, went home, and died.
>
> Yours, respectfully,
>
> ——— ———.
>
> Hon. WILLIAM D. BYNUM,
> *Congressman, Washington, D. C.*

It would seem that they could not get the changes made fast enough with the living, so that they actually appointed dead men and others who were nearly dead and not able to transact the business of the office, simply in order that they might have them "in;" and one of these letters says that these changes were made and inefficient Republicans appointed hurriedly, because it was easier to get rid of an inefficient Republican, and make a place for a more efficient one, than it would be to get rid of an efficient Democrat that they would wish to discharge later, to appoint a Republican.

Mr. BROSIUS. Who was the writer of that letter?

Mr. RICHARDSON. The gentleman did not give his name.

Mr. BROSIUS. Do you propose to place the responsibility upon President Harrison, or upon anyone else, by reading an anonymous letter?

Mr. RICHARDSON. Did my friend direct that inquiry to his friend from New Hampshire [Mr. BAKER], who read an anonymous letter here this morning, in his presence, in respect to the employees now in the Departments?

Mr. BROSIUS. I perceive the purpose of reading the letter which the gentleman from Tennessee has just read.

Mr. RICHARDSON. And I perceived the purpose of the gentleman from New Hampshire in reading his letter.

Mr. BROSIUS. My comment is that the letter is of no consequence whatever unless we know something about the writer of it.

Mr. RICHARDSON. Precisely; and I think the same is true of the letter read by the gentleman from New Hampshire this morning.

Now, Mr. Chairman, what I took the floor for was to show that the record does not bear out the gentleman from Pennsylvania in the statement he has made. It shows that the statement of the gentleman from Kentucky [Mr. EVANS], when he said that somebody had padded the Departments here before covering them by the civil-service law, in order that there might be members of a certain party in office when that law should take effect, might easily be paralleled.

The object of this debate has been perfectly apparent throughout. The object is to prepare the country for some sort of executive order or proclamation of the President who is to be inaugurated on the 4th day of March next in relation to employees who have been appointed under the present Administration and who are now protected by the civil-service rules which the gentleman from Pennsylvania lauds so loudly. It is to prepare for action of some sort by which those employees shall be displaced in order that the incoming Administration may have some spoils to give away to its followers. That, I say, is clearly the object, because when the gentleman from Kentucky [Mr. MCCREARY] addressed a question on that point to the gentleman from Pennsylvania, that gentleman did not undertake to answer it in his usual ingenuous manner. So, Mr. Chairman, I conclude that the object is to prepare the country and to prepare us all for the great change which is to take place on the 4th day of March.

Now, when Mr. Harrison came into office in 1889, he found a civil-service order that was not completely executed. He found that he had until the 15th of March to "pad" the offices with Republican employees, but he saw that that was not sufficient time, and therefore he extended it. As I have already said, I have never been a radical civil-service reformer, but if the present distinguished Chief Executive, in his wisdom and in the exercise of the discretion given him by Congress, shall see fit to extend the civil-service rules over other divisions and bureaus of the public service, I trust he will make his proclamation operative or complete before the 4th day of March: and then we shall see whether our friends coming into power propose to stand by their own civil-service law which the gentleman from Pennsylvania [Mr. BROSIUS] praises so highly. And, I may add, we will see whether they live up to their platform upon which they nominated their candidate and made their canvass, not only in 1896, but in 1892 and 1888, I believe, for they have always declared in favor of civil-service reform.

Now, Mr. Chairman, I will yield to the gentleman from Massachusetts [Mr. WALKER]. How much time does he desire?

Mr. WALKER of Massachusetts. Ten minutes.

Mr. RICHARDSON. I yield to the gentleman.

Mr. WALKER of Massachusetts. Mr. Chairman, if the results of the suspension of the order by President Harrison have been accurately stated in what has been presented to this House by the gentleman from Tennessee [Mr. RICHARDSON], I submit that no stronger evidence has been given on this floor in thorough condemnation of the spoils system than those facts; and if they do accurately represent the results of that suspension of that order, I think it will be a warning to the incoming President that he make no such mistake.

Now, with reference to all the evidence that has been presented to this House of the violation of the civil-service rules by the preceding Administration to the present, and by the Administration which preceded that, I have to say that such evidence simply justifies the policy of our adhering to the civil-service rules.

And I wish to call the attention of the House and the country to this further fact, that when you depart from a system that is confessedly wrong in order to adopt a system that is confessedly right, you will have conclusive evidence to justify the departure from the wrong system and the adoption of the right system in the continuance of the spirit of the old, debauched, and condemned system, exhibited in the violation of the spirit of the new and reformed system, while conforming to its letter. Is there a man on this floor at this moment who will not say that I have accurately delineated what always happens in passing from bad practices to the good in the weakness of human nature?

I want to say, secondly, that this spoils system, this turning of men out of their employment because of their political belief, is more contemptible and barbarous and wicked almost than actual war. We have had a little illustration of that down in Pensacola, where the Government proposed to establish, and did establish, a navy-yard; and for that purpose a few hundred mechanics were taken down there. But less and less appropriations were made, until finally the yard was discontinued. And the descendants of those people, with the lethargy and inertia of human nature in pulling up and breaking off old relations and establishing new, have been so far unable to adjust themselves to their surroundings, until the children and grandchildren of those first-class mechanics have gone back nearly to the ignorance of what were called "poor white trash" of the South before the war.

I want to say, Mr. Chairman, to this House and the country that the principle of civil service, the "merit rule," enters into and is the controlling principle in every well-regulated factory in the United States. There is no employer in this country within my knowledge who allows a man to be dismissed from his employment unless for cause—even though he may have become disabled by old age in many cases. Why, sir, I had a man in my employment in a very important place whose peculiarities were such that he made it uncomfortable for me and uncomfortable somewhat for the men over whom he had direction—some hundred or more. But he was an honest, faithful, industrious, loyal, skillful man. Because of his peculiarities there never was a time during twenty years when I would not have felt relieved and rejoiced if he had resigned his position; I would have given quite a sum of money to have had him do so. Yet he continued to hold his place until he died; he was never dismissed from my employment. I would have cut off my right hand before I would have dismissed him.

Mr. TERRY. Do I understand my friend from Massachusetts to say that the same rule is now applied in the civil service as in our factories?

Mr. WALKER of Massachusetts. I said nothing of the kind. I said that the true civil-service principle, employment and promotion for merit only, governs and controls in all our large factories.

I want to say another thing. At one time I went into a factory at Buffalo, and I saw sitting around there three or four men who seemed to me to be superannuated men, who were accomplishing but little. I said to the employer, "Why do you keep those men?" Knowing our customs, I asked the question simply to see what he would say. "Why," replied he, "these men have been in my factory twenty, thirty, or forty years, and I would rather fail in my business than disturb them in their old age and bring distress upon their wives and children."

Mr. Chairman, every right-minded man employing his fellows considers that every man in his employ has a "vested right" in his job, and would no more remove him, if he could avoid it, than he would dispossess a neighbor on an adjoining realty in order that he might possess himself of his land. Employing as I did some five hundred or a thousand men, I was constantly approached by good women of the church that I attend, and by others, seeking a job for themselves or others, those in whom they were interested. I uniformly meet such applications by saying, as President Lincoln once said, "I have no influence in this administration; you must go to the foreman having charge of that branch of the business, and if he has a vacancy, you can undoubtedly get it. But no influence of mine shall disturb a man in my employ."

One other remark and I am done. I think there is nothing that I know of more pernicious in the government of this country than the influence of Congressmen upon appointments of every name and nature. Why, sir, when a man is dismissed from office here in Washington for his political opinions, a man with wife and children about him, and perhaps an aged mother dependent upon him—his dependents, perhaps, in ill health—it is a heart-rending spectacle, whether the man be Democrat or Republican. It is damnable. You can not use any language that is strong enough to characterize such conduct.

Now, let me give you, on the other hand, an illustration of the nobility of some of these wage earners to whom I have referred. On one occasion a man came to me complaining that injustice had been done him by the very foreman of whom I spoke as not being the most pleasant man in his disposition. The man came to me and related his story. I said to him:

"It seems to me that your cause is just. It seems to me that injustice has been done to you. I will call down the foreman and investigate the case. I am afraid, I am very much afraid, that I shall find him guilty of having done you an injustice. I hate to do it. He has been in my employ for thirty years without any intermission.

"Now, I will submit the whole case to you and let you determine it yourself. I have rarely had complaint of his doing injustice to anybody heretofore. I have never really observed before that he actually had done injustice to any of the employees; but I will call him down and lay the matter before him. I will try the case impartially, and if he did, if I recognize the fact that he has been guilty of this offense, I must dismiss him. Discipline is gone if I restore you and do not dismiss him; but I will enter upon his trial if you say so.

"But remember, if I displace him and put another man in his place, the new man may do injustice ten times where this man, against whom this complaint is made, has done it once. That he has done injustice to you I do not deny. Clearly it has been done. But what shall I do? I leave the matter entirely to you."

He took his hat in his hand, and said, "Mr. WALKER, I would rather leave the factory than have him dismissed," when I confronted him with the difficulties that beset me.

So, Mr. Chairman, we must expect that these wrongs against the spirit of the law will occur under the law, until public sentiment has grown to so justify the law and condemn the evasion of its spirit as to compel its enforcement. When that time comes there will be no infraction of its spirit any more than its letter. [Applause.]

Mr. RICHARDSON. I now yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, before I address myself to the subject immediately under consideration—about which I know nothing and care less—I want to note a single observation which fell, accidentally, I hope, from the lips of the gentleman from Massachusetts [Mr. WALKER] who has just taken his seat. He mentioned in a very pathetic manner an instance of the exodus of some worthy mechanics from New England, who went somewhere down to Florida, I think, and in the lapse of time they had degenerated "to the level of the 'poor white trash,' among whom they found themselves." I had hoped, sir, that, whether consciously or unconsciously, these thoughts, of which the remark of the gentleman from Massachusetts was an unconscious reflection, had passed entirely out of the public mind in this country, and that these little sectional flings and innuendoes had for all time ceased to be bantered about between us.

I might say in response to the gentleman from Massachusetts that the phrase he uses, "poor white trash," is never used in the South except by the negroes or novelists. I might say, in response to what he has said, that if the mechanics of New England whom he mentioned fell to the level of the people among whom they had come, it violated my observation of the fact that they are already at or below that level before they leave New England.

Mr. WALKER of Massachusetts. Will the gentleman allow me an instant?

Mr. WILLIAMS. A word, if you please, before yielding to the gentleman.

I rose, Mr. Chairman, principally because it struck me that that remark of the gentleman ought to be noticed, and also to remind the gentleman from Massachusetts of the fact, which I know to be a fact, that this class of poor people in the South to whom he refers as "poor white trash" are the most magnificent raw material out of which to make superb manhood and womanhood that exists to-day anywhere on the face of the globe.

I would remind the gentleman and the committee that the only Americanism to-day in the United States, pure and unmixed, is to be found in the South. I would remind him that from the "poor white trash," if he will so designate them, and from amongst the poorest and "trashiest" of them, sprang such men as Henry Clay and Andrew Jackson, and also that there has sprung from that very type Abraham Lincoln himself. I would remind him that from the very class of these poor white trash of the South Lincoln got his magnificent courage, his magnificent sense of humor and sympathy with humanity, and all that made him an American, and not merely a Western man, or an Eastern man, or a Southern man. The very bone of his bone and sinew of his sinew, the blood that was in him, was of the South; and it was to the poor white trash of the South that he owed character as well as his origin. And the same is true of Andrew Jackson; the same is true of Henry Clay, and it has been true, Mr. Chairman, of nearly every "tribune of the people" who has adorned American civilization and made American history.

So much for that fling of the gentleman from Massachusetts.

Mr. WALKER of Massachusetts. I deny, Mr. Chairman, having made any such fling, and want to say that nothing could be any more unjust to me than the remarks of the gentleman from Mississippi.

Mr. WILLIAMS. I do not want to be unjust to the gentleman from Massachusetts. I said in the beginning that the expression dropped, perhaps, unconsciously from his lips.

Mr. WALKER of Massachusetts. Not at all.

Mr. WILLIAMS. But whatever may be the feeling of the people of New England, whether they speak them openly or indulge them unconsciously, the language of the gentleman from Massachusetts was doubtless an expression of habitual thought. Now, my friends, upon the question which is before the House I have only this to say: Is there a man in my presence who, put in charge of a great commercial or manufacturing business, would for one moment, as a man of common sense, undertake to conduct it upon a system of competitive book examinations?

There is a system of civil service which is right and which ought to be put in operation. The employees of the Government ought to be put in office for a fixed term and for a long term, not coinciding with the Presidential or party term, and they ought to be kept in office during good behavior during that time, not to be removed during the term except for cause set forth and proven, if you please. They ought to hold their offices as a sheriff or a clerk does in a State administration; but to undertake to carry on any sort of serious business on the principle that men are competent to carry it on in proportion to their ability to answer schoolbook questions is a piece of utter folly. I think that there ought to be a pass examination; in other words, that no man ought to be permitted to enter the service of the Government unless he presents

a certain degree of intelligence; and the fact as to whether he possesses it or not could be arrived at by some sort of practical as well as theoretical examination. After that appointment he ought not to be removed for politics and politics solely He ought to be removed only for cause, and cause stated, and ought to hold the office for a given length of time.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. WILLIAMS] has expired.

Mr. RICHARDSON. I give the gentleman four minutes longer, if he desires it. May I ask how much time I have left?

The CHAIRMAN. The gentleman from Tennessee [Mr. RICHARDSON] has ten minutes.

Mr. WALKER of Massachusetts. I ask for two or three minutes in which to reply to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. RICHARDSON. I promised the gentleman from California [Mr. BOWERS] five minutes. I now give the gentleman from Mississippi [Mr. WILLIAMS] four minutes.

Mr. WILLIAMS. Then, to address myself rapidly to the question from a common-sense standpoint, first, I lay down the proposition that no man would carry on a great business upon this system. Then I say that when you come to consider its practical effects in the Government you find that it leads to a bureaucracy. It leads to a more nearly perfect effectiveness in the clerical administration of the public service. You may go to Prussia to-day, and you will find nowhere on the face of the globe more effective public service than there. The man is mad who would deny that the civil-service system leads to a greater clerical and technical effectiveness upon the part of the employees. That is undoubtedly true. But you are obtaining effectiveness of work on the part of employees, effectiveness of clerical work, at the sacrifice of a great democratic principle. I use the word democratic spelled with a small "d" and not a big one—not in a partisan sense. You are sacrificing the idea that there must not be in a democratic Republic a class set aside by itself with no interest in common with the people, but that your official class ought to be a class that comes out periodically from the body of the people and goes back periodically into the body of the people, never losing this oneness of interest, this identity of purpose which the citizens should have under the Government.

That is not all. This system leads to another thing. After these officials are kept in for an indefinite length of time old age makes them ineffective in the service, and just when they become least effective they become most capable of appealing to the sympathies of their superiors and of everybody else to keep them in the service. People say, "Why, it would be a shame and a disgrace to discharge this old man or old woman who is unable to make a living." They have been taught to depend upon the Government to the bitter end for their sustenance. Therefore, they have saved nothing from year to year, and when the dark days of old age come, then they appeal to be kept in the public service upon the ground of pure sympathy and nothing else. It can lead to nothing in ordinary love and charity and pity and mercy but that; it must lead to that if the system is perpetuated. Now, would it not be infinitely better to have them serve like sheriffs, clerks, and the officers of your State administrations, and when they have served their terms go back among the people and lift up their own burdens, as the other people do, and carry them bravely, as the other people do?

Mr. HARDY. For instance, change them with every Administration.

Mr. WILLIAMS. No; I do not think so. I am just as far removed from the blind spoilsman as I am from the doctrinaire civil-service reformer. I believe in a fixed tenure of office, but not a life tenure. I believe in holding office for competency, but not for competency demonstrated by answering book questions alone. I do not believe anybody ought to be in the service unless his competency is shown by examinations, but I do not think that his grade of competency can be shown by grades or marks in answering questions. You all remember Tom Brown at Oxford. The dean asked him what the twenty-seventh article of the Church of England was, or something else, and he could not answer. The dean said, "Why, I could have answered that when I was 14 years of age, and you ought to be ashamed;" and Tom Brown's answer was, "I could have done it then, too." [Laughter.] So it is with a great deal of this examination stuff. The boy newest from school gets the place. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I ask the gentleman to give me three minutes.

Mr. RICHARDSON. I promised first the gentleman from California.

Mr. WALKER of Massachusetts. Two minutes, then.

Mr. RICHARDSON. I can not withdraw that promise. That is all.

Mr. BOWERS. I yield to the gentleman two minutes of my time.

Mr. WALKER of Massachusetts. Let me say, Mr. Chairman, again, that it is impossible for the great manufacturing and mercantile business of this country to be successfully conducted upon any other system as to their employees than the "merit system," absolutely and completely, from the head down. That is what we ask of this Government in its business.

Now, a word in reference to the poor "white trash" in the South. [Laughter.] I want to say to that gentleman that he knows, and knew when he began his remarks, that I made that reference in no spirit of casting any slur on or to revile any people, or of contempt for any people at all. But everybody knows that in the days of slavery there were a class of white people who were banished to the mountains and sand hills who were called "crackers" and "poor white trash." They were an object of pity by the slave owners and of contempt by the negro slaves. They could not read or write, and he knew all that. He knew, we all knew, of these people being stranded there, and he knows that I meant no slur upon any of this white class. We have ignorant people in the North also. And yet he replied that when Yankees came down South they were on a level with these people called "crackers" or "poor white trash." When he said that he cast a contempt on the people of the North that I did not cast upon the people of the South in any sense, committing a worse offense than he had even charged upon me.

Now, I want to say these people of the South were in that condition out of no want of humanity or anything else, but under political and economical conditions that, God be thanked, have passed away from the South never to return. [Applause.] I have no apologies to make to him or to anybody else for referring to that class, which class is well known in the history of that community.

Mr. WILLIAMS. Nobody knows the class except novelists and negroes.

Mr. WALKER of Massachusetts. I will simply say—[laughter]—I will let that go as to the truthfulness of a man who will stand up in this place and say that.

Mr. BOWERS. Mr. Chairman, I am in favor of the merit system—the foundation of all successful business everywhere. But I am utterly opposed to this civil-service reform humbug that has been foisted upon the American people by a few anglomaniacs. It is a system entirely at variance with the spirit and institutions of this Government. There is not a suspicion of Americanism about it. It is an imported English plant.

It is the first step—and a long one—toward the establishment of privileged classes in this country—a class privileged to hold office during life. The United States Senator, the Congressman, the State legislator, the lawmakers, must each and all go out of office at the end of a stated term, no matter how efficient and useful he may have become; but the great mass of those who must execute the laws are to be intrenched in their position, and through thorough organization will soon be able to dictate to every candidate for a legislative office.

This talk of taking the civil service out of politics is too stupid to deceive any but the most ignorant, and these are deceived by the continued chatter of civil-service advocates about "spoilsmen" and "spoils of office." There has been nothing but politics—and the most shameful politics—and spoils of office in this civil-service business for the last three and a half years.

No Executive ever went to such lengths to secure the spoils of office for his party and his personal adherents as the present prophet of civil-service reform. He has prostituted the system for this purpose only.

It seems clear that it was understood from the first that as soon as a Department was cleared of Republicans and Democrats substituted in their places it would be put under civil-service rules and the crowd commissioned for life and nailed hard and fast in office. In several of the Departments great celerity was manifested in the "weeding-out" process, and they were soon ready for the prophet's blessing.

But in the customs service this was slower, and he had to wait over three years before the weeding out of Republicans was accomplished; but the work was thoroughly done, and the protecting cloak of civil-service rules has been spread over it, and the present force empowered to pass upon the qualifications of any one who may hereafter seek admission to the service.

The present Executive has carried into effect a shrewd scheme to keep in office indefinitely about 60,000 of his personal adherents and Democratic appointees after that party has been retired by the people by over a million majority.

There is still time for the President to extend the protection of civil-service reform in several directions, particularly as to the consular service of the United States, so that the few consuls of the United States who are not now foreigners may become so for all practical purposes.

It is generally believed that the President will not include the Cabinet officers in the batch to be covered with this voluminous civil-service cloak. These are about the only appointees now left that the Executive may appoint without the gracious permission of the Senate. It will be an act of self-restraint and courtesy on the part of the present Executive that will be highly appreciated by the President-elect, because every argument advanced for the extension of civil-service rules over other officers and employees applies with equal force to the Cabinet.

The logical, the inevitable, result of this civil-service system will be to give the country, in a few years, double the number of officers and employees necessary to do the public business. Very many of the employees are now well advanced in years, and in a very short time will be unable to perform the duties of their stations, but they must be kept on or pensioned and others appointed to do their work. This result any one can see is inevitable.

There is one other natural sequence of this life tenure of officers and employees. Being fortified in their positions, one of the strong incentives to be courteous and obliging in the discharge of their duties is removed; and this spirit of "What are you going to do about it," is too often manifested in the service already.

There should be no life tenure attached to any office in this country, except to Army and Navy offices, and it is warranted in these cases only because these officers must surrender absolutely and completely their personal liberty as well as a large part of the rights and privileges, and particularly the opportunities, common to the American citizens.

Make stated terms for all offices, and insure against removal during such term, except for sufficient cause arising from the administration of the office. That will be an American system—a true merit system.

Mr. McMILLIN. Mr. Chairman, I do not desire to discuss this question at length, but as I made the inquiry of the gentleman from Pennsylvania [Mr. BROSIUS] which brought up the discussion of the wrong that had been done in turning out railway-mail clerks, I wish to say that there was a bill introduced and referred to a committee of the House in the Fifty-third Congress to place on the eligible list for appointment in the Railway Mail Service the clerks who had been wrongfully discharged. I believe the bill passed the House, and I submit, to be incorporated into the RECORD, the report made upon that bill by an able, distinguished, and faithful Representative in that Congress, Mr. Goodnight, of Kentucky. It details many facts connected with the transaction, and goes far to show the manner in which the civil-service law was enforced by Mr. Harrison's Administration.

The report is as follows:

Mr. Goodnight, from the Committee on the Judiciary, submitted the following report:

[To accompany H. R. 4017.]

The Committee on the Judiciary, to whom was referred House bill No. 4017, submit the following report:

On the 1st day of December, 1888, the President issued an order placing the Railway Mail Service under the regulations of the civil service on and after the 15th day of March, 1889. Rules governing the service were promulgated on the 4th of January, 1889. On the 11th day of March, 1889, President Harrison issued an order extending the time when the said order should take effect from the 15th day of March, 1889, to the 1st day of May, 1889. Appointments to the mail service prior to the time the same was placed in the classified service were made under regulations of the Department. These regulations restricted the age of appointees to 35 years and under, and required a probationary service of six months, during which time the efficiency of the applicant was tested by strict examinations before permanent appointment could be made. Under such regulations the service was supplied with very efficient clerks.

As the rules for the regulation of the service by the Commission had been promulgated more than two months before the extension thereof by President Harrison, it seems that the said extension was made simply to enable the Department officials to remove those in the service, and to appoint others in their stead. From the 15th day of March to the 1st of May, 1889, more than one thousand removals were made and inexperienced parties appointed in their places. The changes made greatly reduced the efficiency of the service. The clerks dismissed during this interval were dismissed without cause, other than political, most of them having unquestioned records for efficiency. Not only were a large number of removals made during this period, but clerks whose services could not be dispensed with at that time were retained until the months of August and September and then dismissed, and their notice of dismissal dated April 29. Also, appointments were made in August and September, regardless of the civil-service regulations, by dating the orders therefor April 29.

It appears evident from the facts that the object of the extension of the time fixed by President Cleveland from the 15th of March till the 1st of May, 1889, was to enable the new administration to make changes and appointments for political reasons alone. The purpose of this bill is to authorize the Postmaster-General to reinstate any of the clerks removed between said dates whenever vacancies may occur without examination and certification by the Civil Service Commission. As the Postmaster-General has a complete record of the efficiency of all the clerks so removed, your committee is of the opinion that from this he can ascertain the qualifications of the applicants better than from any other source, and that these clerks who have prepared themselves and proven their efficiency should, for the good of the service, and in justice to themselves, be reinstated as vacancies may occur. The reinstatement is not compulsory, but left to the discretion of the Postmaster-General.

Your committee think the bill eminently just and proper, and recommend its passage.

Mr. RICHARDSON. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. RICHARDSON. I yield to the gentleman from Arkansas [Mr. NEILL].

Mr. NEILL. Mr. Chairman, I am well aware that it is very doubtful whether I could in any length of time greatly enlighten this body on the great subject of civil-service reform, and most certainly I can not do it in three minutes. I must say, however, that while we have had some fine declamation, and even eloquence, this afternoon, I have not perceived that this Chamber was very much illumined until just now, when the electric lights have been turned on. [Laughter.]

Judged by the standard of the distinguished chairman of the Committee on Civil Service Reform, the gentleman from Pennsylvania [Mr. BROSIUS], I doubt not that I would be classed as a "spoilsman," yet I am not opposed to the merit system or to efficiency in the public service. I believe in it. But, Mr. Chairman, when you talk about "spoilsmen" and about that "iniquitous" system, you ought to remember that it is the system that was in vogue in the days of Jackson and of Lincoln and their great compeers. Indeed, I think there has been a great deal of silly sentimentalism on the subject of civil-service reform—sentiment in which the great mass of the people of the United States do not take much stock. For my part, I take little interest in the question of how many removals President Harrison made, or how many removals President Cleveland has made. I have read the civil-service law, every line of it, time and again, and I have never found in it any restriction upon the right or power of removal from office, except that in certain instances men are not to be removed for refusing to do certain things. My understanding of the civil-service law is that it was intended to establish a system of competitive examination for men to get into the Government employ, but I have always thought that the back door was left open, and the only fault I have found with the present Chief Magistrate (whom, in a humble way, I helped to place in power) was that he did not turn enough of them out, as he had a right to do. [Laughter.]

Mr. Chairman, with the gentleman from Mississippi [Mr. WILLIAMS], I am opposed to life tenure of office. I subscribe to the doctrine of the Chicago convention of 1896, which opposes life tenure in office. I am aware that when I gave my adhesion and support to the platform containing that among its provisions I subjected myself to the ordeal of being designated by gentlemen upon the other side of the Chamber and their allies as an "anarchist," but, Mr. Chairman, although I may be classed on that side of the House as an anarchist, I am happy in the knowledge that there are nearly 7,000,000 of us "anarchists" in the United States.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will now report by paragraphs the portion of the bill under consideration.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 2; fifteen clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; one messenger; two laborers; engineer, $840, and two watchmen; in all, $91,340.

Mr. SETTLE. Mr. Chairman, I desire to offer an amendment, striking out, beginning with line 7, down to and including line 15.

I also announce my purpose to offer an amendment striking out the second paragraph, from line 16 down to and including line 19, if it is in order at this time.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Beginning with line 7, strike out down to and including line 15.

Mr. SETTLE. Mr. Chairman, I do not desire to address the committee on this amendment. Other members have expressed their views with reference to the civil-service law and the manner of its enforcement. I desire to say that I am opposed to the method of enforcing the civil-service law, and desire to vote to strike out from this bill the appropriations contained in this paragraph and to afford the House an opportunity of doing the same thing.

Mr. BINGHAM. Mr. Chairman, I ask for a vote.

Mr. BROSIUS. Before that motion is voted upon, Mr. Chairman, I want to say a word. I think it is suitable to direct the attention of this committee, especially of the Republicans of the committee, and more particularly the attention of my distinguished Republican friend who has offered this amendment, to certain historical considerations in relation to the civil-service law. It is a most remarkable spectacle, after the history of the civil service of the United States has to some extent been reviewed here this afternoon, that such an amendment should be introduced into this body. For the purpose of directing the attention of all Republican members to the subject in a more distinct manner than I have hitherto done, I desire now to read from the Republican platform as adopted on the 16th of June, 1896. I want it to be fresh in the minds of members. I read:

The civil service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable.

And our standard bearer said in his letter of acceptance:

The pledge of the Republican national convention that our civil-service laws shall be sustained and "thoroughly and honestly enforced and extended wherever practicable," is in keeping with the position of the party for the past twenty-four years, and will be faithfully observed. * * * The Republican party will take no backward step upon the question. It will seek to improve, but never degrade the public service.

Upon another occasion the same distinguished standard bearer of the Republican party, who will have control of the civil service of this country after the 4th of March next, declared that the civil-service law was a Republican measure. It was in this House in 1890 that he made this declaration, when the annual attempt was made to cripple the civil service by cutting down the appropriation to carry it into effect:

It is a Republican measure, and is in accord with the highest and best sentiments of the country, and no party will have the courage to wipe it from the statute book or to amend it, save in the direction of its improvement. The Republican party must take no step backward. The merit system is here and it is here to stay, and we may just as well understand and accept it now and give our attention to correcting the abuses, if any exist, and improving the law wherever it can be done to the advantage of the public service.

Mr. SETTLE. Mr. Chairman, I simply desire to say, in reply to the gentleman from Pennsylvania, that I am thoroughly familiar with the declaration contained in the Republican platform on this subject, and my offering an amendment to strike out the appropriation in this bill does not so much indicate hostility on my part to the merit system as my opposition to the extension of the civil-service law, making it embrace the number of offices it has been made to embrace by recent Executive orders. There seems to be in this House opposition to that line of policy; and I believe that this amendment, striking out the appropriation, should be adopted by this committee.

Mr. BROSIUS. Does not the gentleman know that his amendment strikes down the civil-service law altogether?

Mr. SETTLE. Oh, no; if the amendment be adopted, we shall simply fail to make the appropriation under this provision of the bill. I agree that this would cripple the law a great deal, and I wish I could cripple it a great deal more. [Laughter and applause.]

Mr. RICHARDSON. I suppose, Mr. Chairman, that when the gentleman from Pennsylvania quoted from an ex-Chief Magistrate of this country his opinion in respect to the efficiency of the civil service, he meant to answer the question which I propounded when I had the floor a short time ago: that is, whether the incoming President will make the radical changes that a former Republican President made when he came into office in March, 1889?

Mr. BROSIUS. Mr. Chairman, have I permission to answer the gentleman?

Mr. RICHARDSON. The gentleman has my permission.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. BROSIUS. I apprehend, indeed I feel quite sure, that the Executive-elect, when he comes to treat the question of the civil service, will do all he can to improve its effectiveness. Whether he will change the order that has been promulgated by the present Executive I have no means of knowing. But I know enough of the man to believe that he will pursue a conservative and cautious course in that respect, with the view he has himself so repeatedly declared, not only in his letter of acceptance but in his speeches on this floor, that the civil service of the United States is here; it is here to stay; and all we desire to do is to improve it all we can and make it as efficient as possible.

Mr. RICHARDSON. Would it be inconsistent with the former course of the Chief Executive-elect if he should make the radical change which President Harrison made in 1889?

Mr. BROSIUS. Does not my friend know that a great man, a statesman, a philosopher, has nothing to do with consistency? [Laughter and applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, I have heretofore sent to the Clerk's desk an amendment looking to the perfection of the text of the bill. I ask that the amendment be reported and acted on now.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from New Hampshire.

The Clerk read as follows:

Page 24, line 19, after the word "dollars," add as a new paragraph the following:

"The head of each of the several Executive Departments, at his discretion, may reinstate or reappoint to any subordinate position which from any cause may become vacant in his Department any person now or formerly employed in the civil service of the Government who, in his opinion, was reduced in salary or was discharged from the service for causes not affecting his or her efficiency or moral character, and such prior service for that purpose shall be held to be equivalent to a civil-service certificate of eligibility, anything in any statute, rule, or regulation to the contrary notwithstanding."

Mr. McMILLIN. There is a point of order pending against that amendment, I understand.

Mr. BINGHAM. I make a point of order against the amendment.

The CHAIRMAN. The Chair was under the impression that this was an amendment to the paragraph now under consideration. But, as a matter of fact, it applies to the following paragraph, and is not in order at this time. The present question is upon the motion to strike out, made by the gentleman from North Carolina [Mr. SETTLE].

The question being taken, there were on a division (called for by Mr. SETTLE)—ayes 29, noes 62.

So the amendment was rejected.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, $7,000.

Mr. SETTLE. I move to strike out that section.

The CHAIRMAN. The gentleman from North Carolina [Mr. SETTLE] moves to strike out the paragraph just read. An amendment, however, to this paragraph is pending and will take precedence—the amendment of the gentleman from New Hampshire [Mr. BAKER], which has just been read. Against this amendment the point of order is raised that it changes existing law. Does the gentleman from Pennsylvania desire to be heard on his point of order?

Mr. BINGHAM. I submit that the concluding language of the gentleman's proposition, "anything in any statute, rule, or regulation to the contrary notwithstanding," assumes or presupposes that the amendment is contrary to existing statute. I will, however, refer the Chair to the civil-service act, the first two divisions under section 2. I also refer the Chair to the regulations adopted under that act—the first paragraph of section 2, and also Rule IX.

The CHAIRMAN. The Chair has examined the citations made by the gentleman from Pennsylvania, and is clearly of the opinion that the point of order is well taken.

Mr. HILL. Mr. Chairman, I desire to submit an amendment, which is not a step backward, but a step forward.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from Connecticut [Mr. HILL].

The Clerk read as follows:

Amend by adding at end of line 19, page 24:

"And such further sum, from any moneys in the Treasury not otherwise appropriated, as may be necessary to defray the expense of conducting civil-service examinations of all persons now in the classified list who have never taken such examinations; and the Civil Service Commission is hereby directed to hold such examinations and to certify for vacancies that may be due to failures to pass such examinations from the eligible lists, as in the cases of appointments made subsequent to the extension of the service."

Mr. BINGHAM. I make the point of order against the amendment; it is an indefinite appropriation, and it changes existing law.

The CHAIRMAN. The Chair will hear the gentleman from Connecticut, if he desires to be heard, on the point of order.

Mr. HILL. I did not care to discuss the question of order. I simply wanted to discuss the propriety of 40,000 employees being admitted without civil-service examination.

The CHAIRMAN. The Chair is prepared to rule, and sustains the point of order.

The question now recurs on the motion made by the gentleman from North Carolina [Mr. SETTLE] to strike out the paragraph.

The motion was rejected.

Mr. BINGHAM. Mr. Chairman, I ask now, in order that the text of the bill may be corrected as to the sum total, to make a change in one of the paragraphs. The committee have changed the compensation of the Librarian from $6,000 to $5,000. The sum total, as pertaining to appropriations for the Library, is $93,020. It should read now, owing to the change to which I have referred, $92,020, which makes the bill consistent. I ask that the correction be made.

The CHAIRMAN. In the absence of objection, the correction will be made as indicated by the gentleman from Pennsylvania.

There was no objection.

Mr. BINGHAM. I move that the committee rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union, having had under consideration the legislative, executive, and judicial appropriation bill, had directed him to report the same to the House with sundry amendments, and as so amended that the bill do pass.

Mr. BINGHAM. I move the previous question upon the bill and amendments.

The previous question was ordered, under the operation of which the amendments recommended by the committee were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House do now adjourn.

Mr. RICHARDSON. I ask the gentleman to withhold the motion for a moment until I submit a privileged report from the Committee on Printing.

Mr. WILLIAM A. STONE. I shall not object, if it does not lead to debate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3139) for the relief of M. R. William Grebe;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;

A bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897;

A bill (H. R. 9753) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes;

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve;

A bill (S. 1631) granting a pension to Emeline Filgate;

A bill (S. 1276) granting an increase of pension to John L. Britton;

A bill (S. 2711) granting a pension to Ira Harris;

A bill (S. 1881) granting a pension to Lydia Chapman;

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.; and

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

CIVIL SERVICE STATISTICS.

Mr. RICHARDSON. I submit, Mr. Speaker, for present consideration a concurrent resolution, which I send to the desk.

The Clerk read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That 1,500 copies of the compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation by the Senate, whether the positions are in the classified service and excepted from examination, whether they are in the unclassified service by reason of their exclusion, whether they are mere laborers and unclassified, or whether they are positions classifiable but not yet classified, be printed, of which 1,000 copies shall be for the use of the House of Representatives and 500 copies for the use of the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BRUMM. I object.

Mr. RICHARDSON. This is a privileged matter.

Mr. BROSIUS. I would like to say a word in regard to this question.

It is a privileged matter. I am told by the Civil Service Commission that they have received 150 letters from members of Congress inquiring for the information which the report embraces, and which the report, having been already compiled, will fully answer.

I think it is something that would be very valuable to members of the House, and I do not know any other mode of making it available but the method now proposed.

Mr. HENDERSON. Why not include the proportion of the several States in this report?

Mr. BROSIUS. It does not include the apportionment by States, I will say to the gentleman. That, I suppose, will be embodied in the report of the Civil Service Commissioners, which is now about ready. This report has involved a great deal of labor and care and will be a valuable document.

Mr. HENDERSON. Do you give that proportion in the statistics you have furnished in your speech to-day?

Mr. BROSIUS. Only to a limited extent. The information embodied in this resolution relates to the condition of the service, giving a complete list of all positions covered by it. This information, I think, embodied in the resolution presented by the gentleman from Tennessee, answers every possible inquiry the members of the House can make relative to the present state of the civil service.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAM A. STONE. Mr. Speaker, I now renew my motion that the House adjourn.

The motion was agreed to.

The House accordingly (at 3 o'clock and 40 minutes p. m.) adjourned until Tuesday, January 5, 1897, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, transmitting a supplemental estimate for appropriation for the support of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1898—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the Chief of Engineers, with an inclosure, recommending action for the protection of the interests of the United States in the sale and disposal of certain lands situated in the Chippewa Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mare Island Strait, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, with a statement of the disbursements made from the several appropriations for the Indian Department for the fiscal year ending June 30, 1896—to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MARSH, from the Committee on the Militia, to which was referred the bill of the Senate (S. 1169) entitled "An act authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held," reported the same without amendment, accompanied by a report (No. 2363); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COX, from the Committee on Claims: The bill (S. 1584) entitled "An act for the relief of L. Robert Coates & Co., of Baltimore, Md." (Report No. 2364.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 9742) for the relief of Gen. Peter J. Claussen. (Report No. 2365.)

By Mr. MAHON, from the Committee on War Claims:

A resolution (House Res. No. 463) to refer the bill (H. R. 6622) for the relief of the estate of Edward Gallaher, deceased, late of Richmond County, Ga., together with all the accompanying papers, to the Court of Claims. (Report No. 2366.)

The bill (H. R. 957) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased, late of Annapolis, Md. (Report No. 2367.)

By Mr. WILSON of Ohio, from the Committee on War Claims: A resolution (House Res. No. 464) to refer the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased. (Report No. 2368.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 9479) granting a pension to C. H. John. (Report No. 2369.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 9004) to place the name of Charles S. Devine on the pension roll. (Report No. 2370.)

The bill (H. R. 9495) granting a pension to James R. Zearing. (Report No. 2371.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: A bill (H. R. 9800) to promote the safety of railroad employees by the blocking of frogs, etc.—to the Committee on Railways and Canals.

By Mr. HEPBURN: A bill (H. R. 9801) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway—to the Committee on Pacific Railroads.

By Mr. WELLINGTON: A bill (H. R. 9802) to improve the civil service by affording advancement to those in the classified service who have been denied advancement through circumstances beyond their control—to the Committee on Reform in the Civil Service.

By Mr. FLYNN: A bill (H. R. 9803) to amend an act entitled "An act authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. MERCER: A bill (H. R. 9804) to amend an act entitled "An act to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898," approved June 10, 1896—to the Committee on Appropriations.

By Mr. BAKER of New Hampshire (by request): A bill (H. R. 9805) to promote aerial navigation—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 9816) to authorize the Secretary of the Treasury to acquire square 574 for the erection thereon of a building for the Government Printing Office—to the Committee on Public Buildings and Grounds.

By Mr. SAYERS: A joint resolution (H. Res. 225) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897—to the Committee on Appropriations.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DENNY: A bill (H. R. 9806) for the relief of Hampton Wall, of Amite County, Miss.—to the Committee on War Claims.

By Mr. JOHNSON of California: A bill (H. R. 9807) to increase the pension of James R. McDavitt to $30 per month—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9808) for the relief of Lemuel Tanner, of Lafourche Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9809) for the relief of A. E. and M. E. Goodrich—to the Committee on War Claims.

Also, a bill (H. R. 9810) for the relief of Mrs. Ozeine Boudreau, of St. Martin Parish, La.—to the Committee on War Claims.

By Mr. PHILLIPS: A bill (H. R. 9811) to remove the charge of desertion standing against the military record of Stewart Hodge, Company K, Sixty-third Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9812) to increase the pension of Harriet J. Levis, widow of Hosea J. Levis, late of Company E, One hundred and third Ohio Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9813) to remove the charge of desertion standing against the military record of Andrew Donaldson, Company F, Second Regiment Pennsylvania Provisional Volunteers—to the Committee on Military Affairs.

By Mr. WASHINGTON: A bill (H. R. 9814) for the relief of Sarah McClay, administratrix of Robert McClay, deceased, late of Davidson County, Tenn.—to the Committee on War Claims.

By Mr. FITZGERALD: A bill (H. R. 9815) for the relief of David D. Smith—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HITT: Petition of the California Wool Association, favoring the passage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. JOHNSON of California: Paper to accompany House bill to increase the pension of James R. McDavitt—to the Committee on Pensions.

By Mr. LAYTON: Resolutions of numerous citizens of Columbus, Ohio, urging Congress to recognize the independence of Cuba without further delay—to the Committee on Foreign Affairs.

By Mr. PHILLIPS: Papers to accompany House bill to remove the charge of desertion standing against the military record of Andrew Donaldson, Company F, Second Regiment Pennsylvania Provisional Volunteers—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against Stewart Hodge, of Company K, Sixty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against Andrew Donaldson, of Newcastle, Pa.—to the Committee on Military Affairs.

By Mr. PITNEY: Petition of citizens of Chatham, N. J., proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SORG: Resolutions adopted at a public meeting of citizens of Columbus, Ohio, W. S. Taylor, president; also paper of Rev. W. M. Bell, of Dayton, Ohio, in behalf of Cuban independence—to the Committee on Foreign Affairs.

By Mr. WATSON of Ohio: Resolutions of J. C. McCoy Post, No. 1, Grand Army of the Republic, of Columbus, Ohio; also resolution of Jasper Lodge, No. 579, Knights of Pythias, of Reynoldsburg, Ohio, expressing sympathy with Cuba—to the Committee on Foreign Affairs.

By Mr. WELLINGTON: Petition of 700 citizens of Hagerstown, Md., favoring free Cuba—to the Committee on Foreign Affairs.

Also, petition of Samuel Gantz, of Hagerstown, Md., for compensation for services—to the Committee on War Claims.

SENATE.

TUESDAY, *January 5, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of December 22, 1896, was read and approved.

CURRENT SCIENTIFIC LITERATURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting the report of Prof. Simon Newcomb and Dr. John S. Billings, delegates from this country to the International Conference on a Catalogue of Scientific Literature, held in London, July, 1896, by request of the Royal Society, and having for its object an international agreement as to the steps necessary to the preparation, editing, and continuous publication of the current scientific literature of all countries; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

BONDS OF PACIFIC RAILROADS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1896, a report as to the number and amount of the bonds of the Pacific railroads which he purposes to sell as per the terms of the advertisement dated December 16, 1896; the title under which the United States holds said bonds; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor, and a copy of the guaranty bid announced by him; and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

PACIFIC RAILROADS SINKING FUND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury; which was read, ordered to be printed, and referred to the Committee on Pacific Railroads, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 31, 1896.

SIR: In response to a resolution of the Senate of December 10, 1896—

"That the Secretary of the Treasury be directed to send to the Senate a copy of the account of the amount due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to operating expenses, which account was transmitted to the Treasury Department by the Secretary of the Interior on the 5th day of March, 1886, together with a copy of the letter of the Secretary of the Interior transmitting said account"—

I have the honor to state that, after a diligent search of the records of this Department, the papers referred to in the above resolution can not be found.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

The PRESIDENT OF THE SENATE.

CHIEF OF CENSUS DIVISION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior of the 28th ultimo, submitting an estimate of appropriation for a chief of census division for the fiscal year ending June 30, 1898; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR IMPROVEMENTS IN OREGON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 15, 1896, a report of the Chief of Engineers, United States Army, relative to the placing of proposed improvements at Yaquina Bay, Oregon, and the Willamette and Yamhill rivers, Oregon; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

DISTRIBUTION AND SALE OF DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the clerk in charge of documents of that Department, containing a statement of the number of documents received, distributed, and sold during the fiscal year ended June 30, 1896; which, with the accompanying report, was ordered to lie on the table and be printed.

THE WATER HYACINTH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 15, 1896, the report of the Chief of Engineers, United States Army, concerning the obstruction of the navigable waters of Florida or the other South Atlantic or Gulf States by the aquatic plant known as the water hyacinth, etc.; which was read.

Mr. PASCO. I ask that the communication be referred to the Committee on Commerce.

Mr. FRYE. Let it be printed, too.

Mr. PASCO. Yes; let it be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. PASCO subsequently said: I ask that the order with reference to printing the report on the water hyacinth be modified so as to exclude the printing of the plates. Let the report be printed without the plates accompanying it.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Maine [Mr. FRYE] to the request of the Senator from Florida.

Mr. FRYE. My opinion coincides entirely with that of the Senator from Florida. I do not think there is any necessity to print the plates, because it would take a great deal of time and would do no especial good.

The VICE-PRESIDENT. Without objection, the order to print will be so modified.

ANNUAL REPORT OF THE BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting the annual report of the Bureau of Animal Industry for the fiscal year ended June 30, 1896; which, with the accompanying report, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

FISHERIES OF THE INDIAN RIVER, FLORIDA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting a report of an investigation of the condition of the fisheries of the Indian River, Florida; which, with the accompanying paper, was referred to the Committee on Fisheries, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate eighteen communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Kentucky, West Virginia, South Carolina, Texas, Nebraska, North Dakota, Idaho, Florida, Massachusetts, Wisconsin, Minnesota, Vermont, Wyoming, Montana, Maine, Colorado, Washington, and Michigan; which were ordered to lie on the table.

Mr. SHERMAN. I do not know whether it is usual to publish these certified copies. I should like to have information, if the Chair can give it to me, as to whether they are usually published.

The VICE-PRESIDENT. The Chair is advised that it is not usual to publish them. The law requires the Secretary of State to transmit them to the President of the Senate.

Mr. SHERMAN. My impression is that they ought to be printed.

The VICE-PRESIDENT. The Chair lays them before the Senate and they are placed on file. They are not printed.

Mr. SHERMAN. I shall not make any motion in regard to them. I think they ought to be printed, however.

The VICE-PRESIDENT. The Chair will entertain the motion of the Senator from Ohio.

Mr. SHERMAN. I will withhold it for the present.

Mr. FRYE. The others received were not printed, but were simply laid on the table.

Mr. SHERMAN. I withhold my motion.

The VICE-PRESIDENT. The communications are laid before the Senate for the Senate to take such action as it may desire.

JOHN KEHL.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for a copy of the Senate amendment to the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment, which was lost; and by unanimous consent the request was ordered to be complied with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 8053) granting a pension to Alice Gard;

A bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds, and to correct alignments;" and

A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the House had passed a concurrent resolution providing for the printing of 1,500 copies of the compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation by the Senate, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.;

A bill (S. 1276) granting an increase of pension to John L. Britton;

A bill (S. 1631) granting a pension to Emeline Filgate;

A bill (S. 1881) granting a pension to Lydia Chapman;

A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve;

A bill (S. 2711) granting a pension to Ira Harris;

A bill (H. R. 3139) for the relief of M. R. William Grebe;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;

A bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897; and

A joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Vernon, Ind., praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Colesburg, Iowa, praying for the enactment of legislation excluding from the mails newspapers giving accounts of suicides; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. HOAR. I present the memorial of Charles Francis Adams, president, and 10 other gentlemen, members of the council of the Massachusetts Historical Society, remonstrating against the destruction of the United States frigate *Constitution*, and praying that adequate provision be immediately made for renewing that ship and hereafter preserving her; and that when renewed she may be placed at the Washington Navy-Yard, and thereafter kept in complete repair and used as a naval museum.

This petition is very brief, about as brief as I could state it if I undertook to make a compact statement of its contents under the rule. I respectfully ask that the petition be read in full.

The VICE-PRESIDENT. The petition will be read.

The Secretary read as follows:

To the Senate and House of Representatives of the United States:

Your memorialists, representing the Massachusetts Historical Society, and acting under instructions from it, would represent that it has come to the knowledge of the society that the U. S. frigate *Constitution*, now lying at the navy-yard in Kittery, Me., has, through age and lack of adequate renewal, reached a condition when she must be either practically rebuilt or broken up, as the alternative to sinking at her moorings.

The oldest society of the kind in America, the Massachusetts Historical Society, and the frigate *Constitution* are almost coeval: for, while this society was still young in years, the *Constitution* was launched from the ways of a wharf in Boston still named "Constitution Wharf" in grateful memory of the event; and when, in 1829, her destruction was ordered, it was the spirited lyric of Oliver Wendell Holmes, subsequently for many years a prominent member of the society, which led to the revocation of the order and the preservation of the historic ship. The Massachusetts Historical Society thus feels a peculiar and almost personal interest in and reverence for the frigate *Constitution*.

Your memorialists would further represent that an historical interest attaches to the *Constitution* which attaches to no other ship in the maritime annals of the English-speaking race in America: for it has been truly asserted by an American historian that it was the broadsides of the *Constitution* which, on the 29th day of August, 1812, in the conflict with the British frigate *Guerrière*, in the space of one short half hour, elevated the United States into the rank of a first-class power. The *Constitution* is also in the popular mind of the country associated with feats of devotion and daring than which none in our naval history are more skillful, more glorious, or more worthy of commemoration. Her name is synonymous with seamanship, courage, and unbroken triumph. In the view of your memorialists, therefore, as in the view of a large portion of the citizens of the United States, and especially of New England, the same interest should attach to the *Constitution* which in Great Britain attaches to the equally old, though hardly more famous, line-of-battle ship *Victory*, which bore the flag of Nelson at Trafalgar.

Under these circumstances your memorialists would pray that adequate provision be immediately made for renewing the *Constitution* and for hereafter preserving her, representing, as she ever will, a form of naval architecture now extinct, and associated, as she is and ever must be, with many of the most cherished recollections of the American people. The *Victory* is carefully perpetuated by Great Britain as an historical relic of unsurpassed value and abiding interest, and the American people regard the *Constitution* as to them in no way less precious.

Under the instructions of the society they represent, your memorialists, constituting the council of that society, would therefore respectfully pray that the *Constitution*, when renewed, may be permanently placed at the Washington Navy-Yard, where she may in future be easily accessible to that large number of American citizens who feel a patriotic and abiding interest in the associations she must forever recall, and that, like the *Victory* at Portsmouth, she be then hereafter kept in complete repair and used as a naval museum, open to all.

And your memorialists will ever pray, etc.

CHARLES FRANCIS ADAMS, *President.*
EDWARD J. YOUNG, *Recording Secretary.*
HENRY W. HAYNES, *Corresponding Secretary.*
JUSTIN WINSOR, *Vice-President.*
SAMUEL A. GREEN, *Second Vice-President.*
CHARLES C. SMITH, *Treasurer.*
SAM'L V. McCELENNY, *Cabinet Keeper.*
CHARLES R. CODMAN.
THORNTON K. LOTHROP.
A. LAWRENCE LOWELL.

Mr. HOAR. I move that the petition be printed as a document, and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. HOAR presented the memorial of Mrs. A. J. Clifford and 244 other citizens of Boston, Mass., and a memorial of sundry citizens of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Daniel Burt and 16 other citizens of Springfield, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors within the Capitol and Capitol Grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the First Free Baptist Christian Endeavor Society, of Boston, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MORRILL presented a petition of members of the Society of Colonial Dames of America, praying for the incorporation of the name "National Society of the Colonial Dames of America," as contained in Senate bill No. 3087; which was referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the Ohio State Medical Society, praying for the passage of Senate bill No. 3127, to provide for the examination of immigrants at ports of debarkation; which was referred to the Committee on Immigration.

He also presented a petition of the instructors and students of the Ohio Normal University, of Ada, Ohio; a petition of the executive committee of the Republican party of Cuyahoga County, Ohio, and a petition of the board of education of Springfield, Ohio, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented resolutions in the nature of a petition adopted at a mass meeting of citizens of Delhi, Home City, and Fernbank, Ohio, praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Ohio State Medical Society, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the memorials of Edward R. Waite, editor of the Cycling News, of Toledo; of Webster Bros., publishers of the Democrat, of Defiance; of Webster Bros., publishers of the News, of Defiance; of E. B. Lewis, publisher of the Free Press, of Fredericktown; of Will E. Osborn & Son, publishers of the Triweekly Bee, of Antwerp; of Walter Hartpence, publisher of the News, of Harrison; of R. F. Paine, publisher of the Press, of Cleveland; of H. N. Clemens, publisher of the Buckeye Trail, of Cleveland; of C. P. Godfrey, publisher of the Gazette, of Ottowa; of Sam C. Scott, publisher of the Magnet, of New Waterford; of R. C. Shanover, publisher of the Weekly Review, of Wilmot; of McClung & Hinkle, publishers of the Herald, of Jackson; of Kenyon, publisher of the Reporter, of West Union; of A. C. Gorsuch, publisher of the News, of Woodville; of D. N. Belt, publisher of the News, of Thornville; of O. T. Corson, publisher of the Ohio Educational Monthly, of Columbus; of Mast, Crowell & Kirkpatrick, publishers of the Farm and Fireside and Woman's Home Companion, of Springfield; of C. C. Waddle, publisher of the Chillicothe Daily News and Ross County Register, of Chillicothe; of A. R. De Fluent, publisher of the Doylestown Journal, of Doylestown; of J. P. Coates, manager of the Daily News, of Toledo; of H. C. Ray and E. H. Irwin, publishers of the Herald, of New Madison; of Jackson & Cooke, publishers of the Market Review and Farm Journal, of Akron; of the News and Telegraph Publishing Company, publishers of the Hamilton (Ohio) Daily News, of Hamilton; of A. E. Hough, editor of the Gazette, of Hillsboro; of E. W. Otwell, publisher of the Journal, of Greenville; of J. C. Ochiltree, editor of the Daily Evening Press, of Dayton; of Marshall & Beveridge, publishers of the Republican, of Xenia; of A. I. Root & Co., publishers of the Gleanings in Bee Culture, of Medina; of the Oatman Printing Company, publishers of the Massillon Gleaner, of Massillon; of Ernest Beach, publisher of Plain City Advocate, of Plain City; of the Williams Publishing and Electric Company, of Cleveland; of Robert Bandlin, manager of the Cleveland Citizen, of Cleveland; and of sundry newsdealers and booksellers of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against withdrawing the appropriation for the maintenance of the Hot Springs Hospital; which was referred to the Committee on Appropriations.

He also presented a petition of the Arkansas River Deep Water Convention, of Fort Smith, Ark., praying that an appropriation be made for the continuance of the improvement of the Arkansas River; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens and business men of Van Buren, Ark., remonstrating against granting further time to the Fort Smith and Van Buren Light and Transit Company in which to build a bridge across the Arkansas River at that city; which was referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Commercial League of Fort Smith, Ark., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the Arkansas River Improvement Convention, of Fort Smith, Ark., praying that an appropriation be made for the purpose of defraying the expense of cutting a channel 120 feet wide and 26 feet deep through Sabine Lake; which was referred to the Committee on Commerce.

Mr. HARRIS presented memorials of Cayoc & Turner, publishers of the Mail and Printing Pamphlet, of Martin; of William Caruthers, publisher of the Vidette, of Hartsville; of E. C. Rolingan, publisher of the Vanderbilt Observer (college magazine), Vanderbilt University of Nashville; of B. F. Haynes, publisher of the Tennessee Methodist, of Nashville; of W. E. Miller, publisher of the Waverly Sentinel, of Waverly; of J. W. N. Burkett, publisher of the Jackson Daily Sun, of Jackson; of the Review Publishing Company, publishers of the Review, of Knoxville; of Deering J. Roberts, M. D., publisher of the Southern Practitioner, of Nashville; of Watts & Co., publishers of Good Reading, of South Berlin; of P. J. Hanifin & Co., publishers of the Cooperative Detective and Police Journal, of Nashville; of Frank L. Fornshell, publisher of the Herald and Tribune, of Jonesboro; of W. M. Goodman, publisher of the Farm Magazine, of Knoxville; of the Ruskin Cooperative Association, publishers of the Coming Nation, of Ruskin; and of Henry H. Dukes, publisher of the Newport Times, of Newport, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented resolutions adopted by the Commercial Club of Kansas City, Mo., favoring the enactment of legislation looking to the opening of the Indian Territory to settlement; which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted at a public meeting of citizens of Sedalia, Mo., and a petition of the Ministers' Union of Kansas City, Mo., and Kansas City, Kans., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a memorial of the Cotton Exchange of St. Louis, Mo., remonstrating against the recognition of the independence of Cuba; which was ordered to lie on the table.

He also presented memorials of C. F. Ridings, of the Meadville Messenger, of Meadville; of N. J. Stanley, of the Haymaker, of Kansas City; of W. F. B. Goforth, of the Intelligencer, of Iberia; of W. R. Littell, of the Independent, of Tarkio; of A. C. Talley, of the Southwest News, of Greenfield; of Thomas R. Green, of the Lutesville Banner, of Lutesville; of A. J. Slack, of the Crawford County Democrat, of Steelville; of Goss & McEntire, of the Nevada Director, of Nevada; of D. B. Dorsey, of the Braymer Bee, of Braymer; of J. S. Webb, of the Waverly Times, of Waverly; of W. B. Rogers, of the Republican, of Trenton; of John F. Martin, of the Daily and Weekly Enterprise, of Charleston; of Pearson-Allendorph Manufacturing Company, of the Western Dental Journal, of Kansas City; of the Barrick Publishing Company, of the Kansas City Packer, of Kansas City; of Charles Fillmore, of the Unity, of Kansas City; of T. G. Wiler, publisher, Kansas City; of A. T. Still, M. D., of the Journal of Osteopathy, of Kirksville; of John B. Harris, of the Review Ruxvasse, of Callaway County; of J. H. Bode, of the Demokrat, of St. Charles; of Robert N. Bode, of the Monitor, of St. Charles; of the St. Louis Tribune Company; of Charles W. Lucas, of the National Threshermen and Tanners of Kansas City; of the Times Publishing Company and the Kansas City Times, of Kansas City; of E. J. Orr, of the People's Record, of Marshall; of Daniel J. Carey and sundry other newsdealers and booksellers, of Kansas City, all in the State of Missouri, and of James B. Goode, editor of the News at Lemont, Lockport, Spring Forest, and Summit, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented the memorials of E. T. Robinson, M. D., publisher of the Atlas, of Port Orange, Fla.; of W. D. Williams, publisher of the Holmes County Advertiser, of Westville, Fla.; of M. D. Cushing, publisher of the Southern Pythian, of Tampa, Fla., and of J. T. Ball, Key West Advertiser, of Key West, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present a communication in the nature of a petition from W. S. Norwood, of Titusville, Fla., and one from the East Coast Company, of Miami, Fla., relative to the Perrine land grant. I move that the communications be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. I present a petition from the Society of Colonial Dames of America, with an accompanying letter from Mrs. Angelica E. Gamble, of Tallahassee, Fla., praying that a charter be granted to the National Society of the Colonial Dames of America. I move that the communication and accompanying letter be referred to the Committee on the Library.

The motion was agreed to.

Mr. PASCO presented the memorial of Dr. E. T. Robinson, publisher of The Atlas, of Port Orange, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Florida Division of the United Confederate Veterans, praying for the enactment of legislation relieving the sufferings of the Cubans, and expressing sympathy with them in their struggle for freedom and independence; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Saco Valley Local Union of Christian Endeavor, of Saco Valley, Maine, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented memorials of the Lisbon Falls Fiber Company; of the Bowdoin Paper Manufacturing Company; of the Star Publishing Company, of Rockland; of the Pyepscot Paper Company; of Ladd Bros., of Dexter; of Herbert W. Rowe, of Bangor; of W. A. Newcomb, of Augusta; of F. Leon Gage, of Skowhegan; of D. H. Knowlton & Co., of Farmington; of Theo. Cary, of Houlton; of George H. Gilman, of Houlton; of M. N. Rich, of Portland, and of W. M. & A. C. Ladd, of Fairfield, all in the State of Maine, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the memorials of F. A. Brandecker, publisher of Kathalisches Wochenblatt, Chicago; of B. W. Baker, publisher of The Chaddock, Quincy; of A. Geavenhorst, publisher of Volksblatt, Effingham; of M. Teague, publisher of Duquoin Evening Call, Duquoin; of D. J. Brink, publisher of the Review, Coalsburg; of W. L. Puterbaugh, publisher of Carroll County Mirror; of A. L. Langdon, publisher of Saturday Review, Quincy; of J. C. Colllins, publisher of Mason County Record, San Jose; of D. M. Harkrader, publisher of the Alexis Argus, Alexis; of J. B. Martin, publisher of The Enterprise, Homer; of E. G. Mendenhall, publisher of Our Horticultural Visitor, Kinmundy; of James A. Fahs, publisher of Hinckley Review, Hinckley; of W. I. Larash, publisher of The Daily and Weekly Citizen, Rushville; of the Germania Printing and Publishing Comany, Quincy; of Saul & Stinson, publishers of the Daily Leader, Pontiac; of C. W. Bliss, publisher of Montgomery News, Hillsboro; of John Trainer, editor and publisher of The Lesson Leaf, Decatur; of George R. Haines, publisher of Baylis Guide, Baylis; of J. Van Slyke, publisher of Plaindealer, McHenry; of M. J. Hartnett, publisher of Shawnee News, Shawneetown; of Frank M. Mungle, publisher of The Poultry Churn, Dekalb; of Williams & Gooves, publishers of Rankin Independent, Rankin; of A. Paessler, publisher of Volksblatt, Joliet, and of Charles E. Blankinship, publisher of The Pataka News, Pataka, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry communications, in the nature of petitions, from Judge R. S. Tuthill, of Chicago; from Wilkinson & Onstott, of Petersburg; from J. Millikin & Co., of Decatur; from Lobdell, Farwell & Co., of Chicago; from James Wilde, jr., & Co., of Chicago; from A. M. Corwin, of Chicago; from C. P. Kimball & Co., of Chicago; from Snow & Watkins, of Sheldon; from Pitkin & Brooks, of Chicago; from The D. H. Ranck Publishing Company of Chicago; from Henry C. Lytton, of Chicago; from S. Gerber & Son, of Argenta; from William T. Robertson, of Rockford; from J. J. Glessner, of Chicago; from the Illinois State Press Association; from the Agricultural Press League; from the Associated Trade Press; from the American Trade Press Association, and from the American Newspaper Publishers' Association, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the petition of Rev. James H. Potts, of the Michigan Christian Advocate, of Detroit, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Wayne County Medical Society, of Detroit, Mich., remonstrating against the passage of the bill to restrict the pracitce of vivisection in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Michigan Society of Sons of the American Revolution, of Detroit, Mich., praying for the enactment of legislation providing for the publication of Revolutionary archives; which was referred to the Committee on Appropriations.

He also presented a petition of Welsh Post, No. 137, Grand Army of the Republic, of Ann Arbor, Mich., praying for the passage of the so-called Pickler pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the officers representing the Gurley Memorial Presbyterian church, of Washington, D. C., praying for the passage of Senate bill No. 1498, to raise the age of protection for girls in the District of Columbia to 18 years; which was referred to the Committee on the District of Columbia.

He also presented the memorials of the Washington News Company and sundry other booksellers and news dealers of Washington, D. C.; of James R. Taylor, of the Romulus Roman, of Romulus, Mich.; of Orville Dennis, of the McBain Chronicle, of McBain; of the Angelus Publishing Company, of the Angelus, of Detroit; of E. H. Beach, of The Bookkeeper, of Detroit; of N. L. Martin, of The Sault Ste. Marie Herald, of Sault Ste. Marie; of the Nivison Estep Company; of Zeeland Record, of Zeeland; of Chester Wood, of the Lansing Review, of Lansing; of Alfred S. Sewall, of the Michigan Independent, of Buchanan; of D. H. Bower, of the Buchanan Record, of Michigan; of George S. Stout, of the Plain Dealer, of Lake City; of William H. Marvin, of the Utica Sentinel, of Utica; of H. M. Pernin, of Pernin's Monthly Stenographer, of Detroit; of Olof Olson, of the Baneret, of Muskegon; of Scheffer & Zuiderveld, of the Vryheids Banier, of Grand Rapids; of Martin & Wuizburg, of the Germania, of Grand Rapids; of I. J. Goodman, of the Journal, of White Pigeon; of J. C. Sherman & Son, of the Vermontville Echo, of Vermontville; of D. W. Knakerbacker of the Homer Index, of Homer; and of Thomas W. Brewer, of the Livingston Herald, of Howell, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Michigan State Horticultural Society, of Grand Rapids, Mich., praying that an amendment of the tariff laws be made relative to summer fruits, vegetables, and nursery stock which are shipped into the United States from Canada free of duty; which was referred to the Committee on Finance.

Mr. SHOUP presented the petition of P. H. Bell and 10 other citizens of Idaho, and the petition of George Holbrook, sr., and 37 other citizens of Boise County, Idaho, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. BURROWS presented resolutions adopted by the Michigan State Horticultural Society at its annual meeting held in the city of Grand Rapids, December 2, 1896, favoring protective legislation for fruit growers and farmers whose products come into competition with Canadian products; which were referred to the Committee on Finance.

He also presented resolutions adopted by Welch Post, No. 137, Grand Army of the Republic, of Ann Arbor, Mich., praying for the passage of the so-called Pickler pension bill; which were referred to the Committee on Pensions.

He also presented the petition of L. J. Nixon and 29 other woolgrowers of Eaton County, Mich., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented the memorial of B. F. Browne and 8 other newspaper publishers of Michigan, and of John D. S. Hanson, publisher of the Hart (Mich.) Journal, and 15 other publishers of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James H. Potts, D. D., publisher of the Michigan Christian Advocate, praying for the passage of the so called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the town council of Stockton, N. J., praying for the enactment of legislation recognizing the belligerency of the Cubans in their struggle for independence; which was ordered to lie on the table.

He also presented the memorials of the Methodist Publishing Company, of Camden; of David Spencer, of the Morris Journal, of Dover; of Schultz & Pilgrim, Willanen Daily News and Warren Democrat, of Phillipsburg; of Benjamin Patterson, Monitor-Register, Morristown; of E. S. Allen, secretary Knickerbocker Guide Company, publisher of Travelers' Railroad Guide; of Alonzo Chamberlain, News-Letter, Hasbrouck Heights, and of August Koehler, Orange Sonntags Blatt, of Orange, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented a memorial of the Free Silver Club, of Solomon, Kans., remonstrating against the removal of Federal officers "on account of their support of their own party ticket in the late campaign;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of T. L. Newcomb, of Pomona, Kans.; of J. J. Henley, of Clyde, Kans.; of D. S. Gilmore, of Admire, Kans., and of Celsus S. Lamb, of the Daily Eclipse, of Parsons, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK presented the petition of Walter B. Cowen and 33 other citizens of Wyoming, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented the memorial of John B. Wallace, publisher, of Carbon, Wyo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. T. Seymour and 116 other citizens of Wyoming, praying for the enactment of legislation providing for the entry of oil lands; which was referred to the Committee on Public Lands.

Mr. GEAR presented a petition of the Honey Creek Quarterly Meeting of Friends' Church of New Providence, Iowa, praying for the enactment of legislation raising the age of protection for girls in the District of Columbia to 18 years; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Honey Creek Quarterly Meeting of Friends' Church of New Providence, Iowa, remonstrating against the selling of liquor in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. LODGE presented a petition of the Northampton Board of Trade, of Northampton, Mass., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of the Congregational Club of Boston, Mass., remonstrating against the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Massachusetts State Pharmaceutical Association, praying that alcohol used in the arts be admitted free of duty; which was referred to the Committee on Finance.

He also presented a petition of the Society of the Daughters of the American Revolution, praying that Mrs. Irena Wilkinson Gibson be allowed a pension; which was referred to the Committee on Pensions.

He also presented a memorial of sundry churches of Massachusetts, remonstrating against the sale of liquors in all buildings owned by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petitions of sundry manufacturers of mats and matting in the United States, praying for the retention of specific duties; which were referred to the Committee on Finance.

He also presented memorials of Procter Bros., publishers of Cape Ann's Weekly Advertiser, Gloucester, Mass.; of 243 newspaper and bookselling firms of Boston, Mass.; of the Daily Enterprise, of Brockton; of the Contributor, of Boston; of the Missionary Herald, of Boston; of the Wheelwoman, of Boston; of the Enterprise, of Marlboro; of the Bicycling World, of Boston; of the Advertiser, of Fall River; of the Independent, of Ipswich; of the Cape Cod Independent and Falmouth Enterprise, of Falmouth; of John M. Wallace, the News, of Woburn; of the Bubiers Publishing Company, of Lynn; of John S. Lewis, of Stoneham; of Daniel G. Hitchcock, of Warren; of Allen Lindsey, of Marblehead; of the Lawrence Telegram, of Lawrence; of Education, of Boston; of the Everett Herald, of Everett; of the Record, of Stoughton; of the Tribune, of Lowell; of the Columbian, of Boston; of the Old Colony Memorial, of Plymouth; of the Business Folio, of Boston; of the Leader, of Boston; of the True Light, of Holyoke; of the New England Druggist, of Boston; of the Evening News, of Taunton; of Dr. Edward Hartshorn, of Boston; of the Guardian, of Boston; of A. C. Hodges, of Buckland, publisher of four religious papers in Massachusetts; of the Commercial Bulletin, of Boston; of the Banker and Tradesman, of Boston, and of the Popular Education, of Boston, all in the State of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that an appropriation be made for the improvement of the harbor at that city; which was referred to the Committee on Commerce.

Mr. BAKER presented a petition of the Union Veterans' League of Kansas City, Kans., praying for the adoption of the so-called Cameron resolution, with reference to the independence of the Island of Cuba; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Federated Trades Council of Milwaukee, Wis., praying for the enactment of legislation granting belligerent rights to the Cuban insurgents; which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the adoption of the so-called Cameron resolutions in relation to the independence of the Island of Cuba; which was ordered to lie on the table.

He also presented memorials of Heyrman & Kuypers, publishers of the Brown County Democrat and De Valpastem, Depere; of Ellaison & Berray, publishers of Waushara Argus, Wautoma; of Robert N. Schilling, publisher of Milwaukee Advance; of Henry E. Voight, publisher of Der Gefluegel Zuechter, Wausau; of R. H. Johnson, publisher of the Central Wisconsin, Wausau; of A. W. Horn, publisher of the News, Cedarburg; of W. A. Colman, publisher of the Vilas County News, Eagle River; of John Smith, publisher of De Gids, Depere; of Grant H. Lawton, publisher of the Gazette, Whitewater; of F. B. Grigg, publisher of the Wave, West Superior; of C. E. Mears, publisher of Polk County Press, Osceola; of Short & Woolvefton, publishers of Brandon Times, Brandon; of Cassius L. Coward, publisher of the Times, Waupun; of Ant. Novak, publisher of Dema'cuost, Milwaukee; of S. W. Brown, publisher of the Journal, West Salem; of Frank E. Noyes, publisher of Daily and Weekly Eagle, Marinette; of B. F. Parker, publisher of International Good Templar, Milwaukee; of H. J. Desmond, publisher of the Catholic Citizen, Milwaukee; of Charles Bancroft, manager of the Wisconsin News Company, and of sundry other citizens of Milwaukee, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of the Christian Endeavor Society of Abington, Conn., remonstrating against the sale of liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorials of John W. Waters, publisher of the Morning Dispatch, of New Britain; of James R. Bolton & Co., Mother's Journal, New Haven; William N. Hamilton, New England Fancier, Danielson; of C. H. Scholey, the Shore Line Times, Guilford; of H. Loether, Neue Zeitung, Waterbury; of

A. E. Loveland, Yale Medical Journal, New Haven, and of D. J. Moseley, the Religious Herald, of Hartford, all in the State of Connecticut, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD presented the memorials of William F. Ray, St. Bernard Voice, of Arabi; of J. V. Gilmire, Sugar Planters' Journal, of New Orleans, of Eaton & Mains, Southwestern Christian Advocate, of New Orleans, and of Parey Bros., Bunkie Leader, of Bunkie, all in the State of Louisiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

THE RAMIE INDUSTRY.

Mr. PERKINS. By request I present a certain statement containing valuable information in relation to the ramie industry. I ask that it be printed as a public document.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RECOGNITION OF FOREIGN GOVERNMENTS, ETC.

Mr. HALE. I present a memorandum on the method of the recognition of foreign governments and foreign states by the Government of the United States from 1789 to 1896. I ask that it be printed as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3370) granting a pension to Emily E. Atherton, reported it with amendments, and submitted a report thereon.

Mr. SHOUP (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 3407) granting a pension to Ambrose J. Vanarsdel, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 3035) granting a pension to Mrs. Elizabeth Gmsh, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6678) for the relief of Eliza J. Holman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3877) granting a pension to Henderson Marple, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 3472) granting a pension to Laura Barnes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3473) granting a pension to John R. Roback; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3474) granting a pension to James L. Colding; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK introduced a bill (S. 3475) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL (by request) introduced a bill (S. 3476) to regulate expert testimony in the courts of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PEFFER introduced a bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3478) to improve the banking system, to secure depositors against loss, to provide safe depositories for the people's savings, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. McMILLAN introduced a bill (S. 3479) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHOUP introduced a bill (S. 3480) to better define and regulate the rights of aliens to hold and own real estate in the Territories; which was read twice by its title, and referred to the Committee on Territories.

Mr. COCKRELL introduced a bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds

Mr. PROCTOR introduced a bill (S. 3482) to amend the act to incorporate the Washington Market Company, approved May 20, 1870; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3483) to open a street through block 205, from Fourteenth street to Fifteenth street northwest, concurrent with the streets in the adjacent blocks called Wallach place and Caroline street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 3484) for the relief of John Burns; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a joint resolution (S. R. 185) giving authority for the erection of overhead wires for the illumination of the city of Washington during the inaugural ceremonies, March, 1897; which was read twice by its title, and referred to the Committee on the District of Columbia.

IMPRISONMENT OF JULIO SANGUILLY.

Mr. CALL. I submit two resolutions, which I ask may be read and printed and lie over under the rule until to-morrow morning, when I shall submit some observations upon them.

The following resolution was read, and ordered to lie over and to be printed:

Resolved, That the President of the United States be, and he is hereby, requested to send to the Senate, either in open or secret session, as he may prefer if, in his opinion, not incompatible with the public interest, all the correspondence and reports of the consul-general of the United States at Habana relating to the arrest, imprisonment, trial, and condemnation to perpetual imprisonment in chains of Julio Sanguilly, a citizen of the United States, by the authorities of Spain in Cuba.

The following concurrent resolution was read, and ordered to lie over and to be printed:

Whereas Julio Sanguilly, an American citizen, arrested in his home in Habana the day before the outbreak of the present insurrection, has been confined in his cell in the Cabanas prison for the past twenty-three months; and

Whereas the lawyer who defended him in his first trial has also been imprisoned in said prison; and

Whereas his principal witness, Lopez Coloma, was shot in said prison by order of the Spanish authorities immediately preceding the second trial of said Sanguilly; and

Whereas the attorney who conducted the proceedings in the appeal before the authorities at Madrid has since been deprived of his office and emoluments attached thereto by the authorities at Madrid in consequence thereof; and

Whereas the said Julio Sanguilly has been tried and condemned to perpetual imprisonment in chains, without evidence against him and without the opportunity of defense: Therefore,

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the President of the United States be instructed to demand the immediate release of the said Julio Sanguilly, with permission to return to the United States.

The concurrent resolution was changed to a joint resolution (S. R. 186) instructing the President to demand the release of Julio Sanguilly; which was read twice by its title.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

NORTH AMERICAN COMMERCIAL COMPANY.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish for the information of the Senate a detailed statement of the public revenue derived from the North American Commercial Company in its annual settlements with the Treasury Department for the exclusive privileges which they enjoy by the terms of the lease of the seal islands of Alaska dated May 1, 1890; also giving in detail the reason why only $1,100 is returned in his annual report for 1896 as the gross receipts from that company for the privilege of taking 30,000 seal skins in 1896.

STANDING RULES OF THE SENATE.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 2,000 copies of the Standing Rules of the Senate, with the index, be printed and bound in paper covers, for the use of the Senate.

CIVIL-SERVICE COMPILATION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That 1,500 copies of the compilation of the statistics showing the exact status of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation by the Senate, whether the positions are in the classified service and excepted from examination, whether they are in the unclassified service by reason of their exclusion, whether they are mere laborers and unclassified, or whether they are positions classifiable but not yet classified, be printed, of which 1,000 copies shall be for the use of the House of Representatives and 500 copies for the use of the Senate.

Mr. HALE. Instead of the resolution being referred to the Committee on Printing, I ask that it be put upon its passage. The document contains information for which every Senator and Representative is being applied to by constituents, and the sooner the resolution is passed the better.

The concurrent resolution was considered by unanimous consent, and agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 8053) granting a pension to Alice Gard, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds, and to correct alignments," was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9613) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

NATIONAL MONETARY COMMISSION.

Mr. PEFFER. Mr. President, in accordance with the notice I gave some time ago, I ask that the joint resolution (S. R. 160) providing for the appointment of a national monetary commission may be laid before the Senate.

The VICE-PRESIDENT. The morning business having been concluded, the Chair lays before the Senate the joint resolution indicated by the Senator from Kansas.

Mr. PEFFER. I ask that the joint resolution may be read at length.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read as follows:

Whereas during the campaign immediately preceding the late Presidential election the monetary system of the country was the leading issue discussed before the people, and

Whereas the contending parties in that campaign proposed four distinct and different financial policies, namely: First, national gold monometallism; second, international gold and silver bimetallism at a ratio agreed upon by the nations; third, national silver and gold bimetallism at the ratio of 16 to 1, with Government paper money redeemable in coin; fourth, national silver and gold bimetallism at the ratio of 16 to 1, supplemented by Government full legal-tender paper money; and

Whereas the result of the election does not show that a majority of the voters favor any of said policies; and

Whereas it is agreed on all sides that a permanent adjustment of these differences is of supreme importance: Therefore,

Be it resolved by the Senate and House of Representatives, etc., That the President of the United States be, and he is hereby, directed to appoint four commissioners, one from the National Democratic party, one from the Republican party, one from the Democratic party, and one from the Populist or People's Party; these four shall choose a fifth, and together they shall constitute a national monetary commission, whose duty it shall be to examine and study the general subject of finance in its practical relations to the business affairs of the people of the United States. In such examination the commission shall invite suggestions, arguments, and plans by individual persons and by agents and representatives of organized bodies, and shall make diligent inquiry among farmers, wage earners, merchants, manufacturers, bankers, carriers, and other business men, to learn their views with respect to defects in our existing financial methods and the proper remedies therefor, and to ascertain what material points they are agreed upon and on what they disagree. The commission shall consider all matters presented to them or brought to their attention and which are relevant to the inquiry with which they are charged; they shall preserve all arguments, papers, and documents submitted to them and report the same to Congress, with their conclusions thereon, by bill or otherwise, with the view of establishing a permanent monetary system for the United States which will cure defects in existing methods and provide for the country a safe and sound currency.

The commission may sit at the cities of New York, Chicago, Denver, San Francisco, and New Orleans.

The four commissioners to be selected by the President shall be appointed within thirty days after the approval of this joint resolution; they shall meet within twenty days after the day of their appointment at a time and place fixed by the commissioner first named by the President, when and where they shall choose by ballot the fifth commissioner, who shall be some person of recognized learning in monetary science. A plurality of votes shall be sufficient to elect. As soon as practicable after the choice of the fifth commissioner the five shall assemble and organize by the appointment of one of their number as president and one as secretary. The commission may appoint a clerk, a stenographer, and sergeant-at-arms. The salaries of the commissioners shall be $400 per month, and the clerk, stenographer, and sergeant-at-arms shall each receive $250 a month, all payable by the Treasurer of the United States on vouchers certified by the secretary of the commission and approved by its president.

A reasonable allowance for rent of rooms for the use of the commission and for necessary traveling expenses of the commission shall be advanced from time to time by the Secretary of the Treasury, to be accounted for on vouchers certified by the sergeant-at-arms and approved by the president of the commission. But nothing shall be allowed for board of the commissioners or their assistants when not traveling in the discharge of their official duties, nor for private room rent.

The commission shall conclude its work and report within twelve months after the date of its organization unless further time is granted by Congress.

For the purpose of defraying the expenses of the commission herein provided for the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

This joint resolution shall take effect and be in force on the day next following the date of its approval.

Mr. PEFFER. Mr. President, the object which it is sought by this joint resolution to accomplish is not only desirable—it is imperatively necessary in the public interest.

PRESENT FINANCIAL SYSTEM UNSATISFACTORY.

Our financial system is not good; it is not satisfactory to any class of the people, nor to any political party. Nor are the objections and criticisms of recent origin. They appeared soon after the disbandment of the Army, when the Government began a rapid conversion of our paper currency into 6 per cent bonds. The protest was strong enough and general enough to bring into life a new political party which maintained a national organization sixteen years and four times contended for the Presidency of the Republic.

The revision of our mint laws in 1873, whereby the coinage of silver dollars was discontinued, aroused an opposition which has continued to the present. The opposition first took form in resolutions introduced in the Senate by Hon. Stanley Matthews, then a member of this body, January, 1878. The Secretary of the Treasury (Mr. Sherman) in April, 1877, had asked the opinion of the Attorney-General whether resumption bonds could not legally be made payable in gold. On receiving a negative answer, the Secretary, in his first annual report, recommended to Congress that such bonds be authorized. To set the matter at rest, the Matthews resolutions were offered.

I submit the correspondence and the resolutions without reading:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit: Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present standard value, that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement prepared by the Hon. H. M. French, Assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard—that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS,
Attorney-General.

In answer, the Attorney-General wrote this letter:

DEPARTMENT OF JUSTICE, *Washington, April 25, 1877.*

SIR: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

THE MATTHEWS RESOLUTIONS.

Whereas by an act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had previously provided that the same might be paid in lawful money or other currency than gold or silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the

United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of the said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Be it resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

An effort was made by Senator Edmunds, of Vermont, to have the resolution modified in favor of gold payments when demanded by the creditor, but the amendment was voted down—yeas 18, nays 48—and the resolution passed the Senate by a large majority. It was at once sent to the House, where in like manner similar amendments were defeated, and the original resolution passed by 189 yeas to 79 nays.

An effort to restore the old coinage laws resulted in the passage of the Bland-Allison Act over the President's veto February 28, 1878, and the faint-hearted execution of that law prompted another movement for free coinage twelve years later, which ended in the approval of the Sherman law of July 14, 1890. In May, 1891, steps were taken for the formation of a political party having as one of its cardinal doctrines the reformation of our currency system. In 1892 the Populist or People's Party candidate for the Presidency received over a million votes.

The Sherman law occasioned so much trouble in speculating circles that an extraordinary session of Congress was convened August 7, 1893, for the express purpose of repealing it, and that brought the money question to the front as the leading issue in the campaign of 1896.

A commission composed of eminent statesmen and economists, with Hon. JOHN P. JONES, then and now a member of this body, at its head, was appointed in 1876 to investigate and report fully upon the subject of money. Several international conferences have been held since that time for the purpose of determining whether an agreement could not be reached among the nations to establish a common ratio of value between gold and silver in coinage, and it is now proposed to appoint a commission to bring about another conference to further consider the same subject.

In addition to these evidences of dissatisfaction with our financial methods, bills and resolutions in large number relating in some way to the currency have been before Congress at every session in the last thirty years, and the tension of the public mind is greater now than ever. Each and all of the great parties in the late campaign have given notice that they intend to continue the agitation of the money question until it is permanently settled and got out of the way.

For these reasons alone, Mr. President, if no others were assigned, this joint resolution is appropriate and ought to pass. Nothing which concerns our domestic affairs is more timely than some measure of this kind. If passed and its provisions carried into execution, the views of all classes and conditions of the people will be heard and their opinions will have equal prominence in a hearing before Congress. It would seem reasonable that there ought to be some common ground on which we can all meet, and the proposed commission would try to find it.

But there are other reasons why the resolution ought to pass.

INADEQUACY OF THE COIN SUPPLY.

At no time in the history of the country has the supply of coin been sufficient for the convenient transaction of the people's business. The colonies were compelled frequently to issue paper money. Virginia once legalized the use of tobacco as money. The first loan negotiated by the Continental Congress was, by stipulation, paid in tobacco. The only coin we had when the Government of the United States was formed was foreign coin. Coins of Great Britain, France, Portugal, and Spain were then in circulation here. The Spanish milled dollar was made the measure of our unit of value in the first mint act.

In 1791 Congress authorized the establishment of a United States bank in order to secure more currency. The next year a mint was authorized, that more coin might be obtained; and, by way of encouragement to miners and to induce them to bring to the mint for coinage all the gold and silver they could procure, the law provided for the free and unlimited coinage of both metals. The next year (1793) foreign coins were made legal tender, but the demand for currency was greater than the supply, and it became necessary to charter State banks and to authorize them to issue their notes to be used as money. In 1816 the second United States bank was chartered, and it continued in business twenty years. In the meantime, local banks multiplied in all the States, issuing notes until they were superseded by the national banks provided for by the acts of 1863-64.

The demand for local banks of issue has been renewed since the great war closed. Farmers in the Southern States, being distressed by lack of money, proposed what is known as the subtreasury plan, that they might use warehouse receipts for temporary circulation. And now, in addition to the large stock of coin reported to be in the country, the paper circulation amounted to $703,757,186 on the 1st day of December last, not including silver certificates, which represent an equal amount of silver dollars held in the Treasury for their redemption.

And yet, with a reported total circulation of coin and paper amounting to $1,646,144,746, it supplies but 8 per cent of the total money and substitutes for money used in our enormous bank business. From several examinations made in recent years it appears that about 1 per cent of the money passed over bank counters in a given time is gold coin, about 1 per cent is silver coin, 6 per cent is Government paper and bank notes, and 92 per cent is made up of notes, checks, drafts, and other forms of private paper.

INJUSTICE OF THE PRESENT SYSTEM.

The present system operates unjustly. It bears heavily on the people. It puts money before labor. It makes savings more valuable than the ability to earn. It allows charges of 6 per cent to 150 per cent a year for the use of borrowed money, while labor saves only 3 per cent, and it measures allowable profits on business investments and speculative enterprises by the interest standard. It multiplies redemption money by ten and charges interest on the whole, just as it permits railway companies and other corporations to bond themselves for more than they are worth and charge the people toll on the inflated capital. It makes investments in credit more valuable than investments in land or mines or machinery. It fixes the value standard of money by law, while all other property finds its price level in open market. It affords the lender all advantages and the borrower none. It saves the creditor, though the debtor be destroyed.

Mr. President, the value of money ought to be measured by the value of the property out of whose proceeds debts and taxes must be paid and means of subsistence procured. As the general price level is, so should the price of money be, and this whether to borrow or to buy. But under the present régime the standard of money is as rigid as the yardstick or the gallon measure, while market prices for the productions of labor fluctuate on a falling scale like the billowy waters of a settling lake.

For example, take the single article of wheat. Its average price in 1867 was $1.98; in 1873 it was $1.15; in 1879 it was $1.10; in 1885 it was 77 cents; in 1890 it was 83 cents; in 1895 it was 50 cents. Correspondingly, a dollar in 1867 was worth a little more than one-half of a bushel of wheat; in 1873 it was worth seven-eighths of a bushel; in 1879 it was worth nine-tenths of a bushel; in 1885 it was worth a bushel and nearly one-third; in 1890 it was worth a bushel and one-fifth; in 1895 it was worth 2 bushels.

To put the same idea in another light, let it be said that at the average price of wheat in 1867 it would have required 1,135,000,000 bushels of that grain to pay the nation's interest-bearing debt as it then stood; at the average price in 1873 the debt at that time could have been paid with 1,187,000,000 bushels; in 1887 the number of bushels required to pay the debt then would have been 1,502,488,000 at the price that year; and in 1895 the debt then unpaid might have been extinguished with 1,833,000,000 bushels if sold at the average price of wheat that year.

Here are the figures showing the debt and the average home price of wheat in the years named.

1867.	
National debt	$2,248,067,387
Price of wheat per bushel	$1.98
1873.	
National debt	$1,710,483,950
Price of wheat per bushel	$1.15
1887.	
National debt	$1,021,692,350
Price of wheat per bushel	$0.68
1895.	
National debt	$716,202,060
Price of wheat per bushel	$0.50

Lest it be answered that wheat has fallen faster than other grains and other farm products, and that therefore it is not fair to use the price of that article alone as a basis of comparison, if we will take all the cereals into account, we shall find substantially the same result. I submit a statement showing the aggregate production and value and the average price per bushel of all the corn, wheat, oats, barley, rye and buckwheat in the United States the years mentioned:

Year.	Production.	Value.	Price per bushel
	Bushels.	*Dollars.*	*Cents.*
1867	1,329,729,400	1,284,037,300	97
1873	1,538,892,891	919,217,273	60
1879	2,437,482,300	1,245,127,719	51
1885	3,015,439,000	1,143,146,759	37
1890*			
1895	3,572,399,277	1,017,316,936	28

* No report on barley and buckwheat for 1890.

Mr. HOAR. I inquire of the Senator whether, in his very interesting statement, he has also put in proximity with the tables to which he has referred any tables showing the increased wheat area or its increased production?

Mr. PEFFER. I have not here the tables showing the increased area; but if the Senator desires it, I will have them incorporated with the other figures.

Mr. HOAR. If the Senator will pardon me—I do not wish to interrupt him—I have tried as well as I could to get at the truth in regard to the matter of the increased actual value of gold as compared with the various products of human industry, including agriculture.

Mr. PEFFER. I think that possibly the Senator will be satisfied upon that point as I proceed.

Mr. HOAR. If the Senator will allow me—I do not wish to disturb him at all—I have sometimes thought that that question was insoluble by the human intellect. In my judgment, it has got to be one of the most difficult questions ever presented to the human brain. As the Senator is comparing what a bushel of wheat would buy in particular years, I should like to know as well from so careful and honest an investigator as is the Senator from Kansas, as we all know, how many bushels of wheat there were for sale in the world in those years, and therefore whether there has been, taking wheat alone, an increased production proportioned to the demand which accounts or partly accounts for the change?

Mr. PEFFER. For the information of the Senator I will collect the figures that he asks for—I have them all at my committee room—and will incorporate them in answer to the Senator's question.

[These are the figures asked for by the Senator from Massachusetts.]

Table showing the aggregate production, area, and value of the cereals—corn, wheat, oats, rye, barley, and buckwheat—produced in the United States from 1867 to 1895, inclusive, except the years between 1888 and 1893, for which years no estimate was made by the Department of Agriculture.

Calendar year.	Total production.	Total area of crops.	Total value of crops.
	Bushels.	*Acres.*	*Dollars.*
1867 *a*	1,329,729,400	65,636,444	1,284,037,300
1868 *a*	1,450,789,000	66,715,926	1,110,500,583
1869	1,491,412,100	69,457,762	1,101,884,188
1870	1,629,027,600	69,254,016	987,423,018
1871	1,528,776,100	65,061,951	911,845,441
1872	1,664,331,600	68,280,197	874,594,459
1873	1,538,892,891	74,112,137	919,217,273
1874	1,454,180,200	80,051,289	1,015,530,570
1875	2,032,235,300	86,863,178	1,030,277,099
1876	1,961,422,100	93,920,619	965,018,844
1877	2,178,934,646	93,150,286	1,035,571,078
1878	2,302,254,950	100,956,260	913,975,920
1879	2,437,482,300	102,260,950	1,245,127,719
1880	2,718,193,501	120,926,286	1,361,497,704
1881	2,066,029,570	123,388,070	1,470,957,200
1882	2,699,394,496	126,568,529	1,469,693,393
1883	2,629,319,088	130,633,556	1,280,775,937
1884	2,992,880,000	136,292,766	1,184,311,521
1885	3,015,439,000	135,876,080	1,143,146,759
1886	2,842,579,000	141,859,656	1,162,161,910
1887	2,600,177,000	141,821,315	1,204,289,370
1888	3,290,742,000	146,281,000	1,320,255,398
1893	2,701,039,858	140,913,391	1,041,780,158
1894	2,435,321,676	133,392,872	1,044,066,948
1895	3,572,399,277	149,355,163	1,017,316,936

a Oregon not included.

WORLD'S PRODUCTION OF WHEAT.

The world's production of wheat was not accurately reported by our Agricultural Department prior to 1891. Here is a table giving the most reliable estimates for the years 1884 to 1890, and for the years since we have the official report:

Year.	Bushels.	Year.	Bushels.
1884	2,240,032,000	1890	2,170,123,000
1885	2,101,030,000	1891	2,432,322,000
1886	2,108,997,000	1892	2,481,805,000
1887	2,227,115,000	1893	2,562,913,000
1888	2,212,843,000	1894	2,672,341,000
1889	2,085,506,000	1895	2,532,677,000

While the prices of manufactured articles have fallen, the descent has not been as low as that of farm products; but that the general level of prices has been greatly depressed none deny. Mr. Sauerbeck's table of index numbers makes this perfectly clear. He took the average market price of forty-five different commodities in general use, and let the number 102 represent the average price for the year 1874, using that as an index number with which to compare the average price of the same articles in the subsequent years to 1892. The showing is this:

Year.	Index numbers for 45 principal commodities.	Year.	Index numbers for 45 principal commodities.
1874	102	1884	76
1875	96	1885	72
1876	95	1886	69
1877	94	1887	68
1878	87	1888	70
1879	83	1889	72
1880	88	1890	72
1881	85	1891	72
1882	84	1892	68
1883	82		

These forty-five articles were made up of provisions, clothing, groceries, fuel, etc., such as are in general use and regarded as necessaries among the people in common.

FALLING PRICES, RISING MONEY.

As an inevitable concomitant of falling prices we have rising money. As prices of articles in general go down, the price of money in particular goes up. Thirty years ago a dollar bought only half a bushel of wheat; two years ago it bought 2 bushels—four times as much. By using the Sauerbeck table we can get more nearly accurate figures as to the general market. I submit a statement made from that table, showing how many units $100 would have purchased in each of the years mentioned, beginning in 1874 with a quantity represented by 98.05:

1874	98.05	1884	131.58
1875	104.16	1885	138.88
1876	105.26	1886	144.92
1877	106.39	1887	147.05
1878	114.93	1888	142.85
1879	120.48	1889	138.88
1880	113.63	1890	138.88
1881	117.64	1891	138.88
1882	119.04	1892	147.06
1883	121.95		

These figures show that if the number 98 is used to represent what $100 bought in 1874, it will require the number 147 to represent what the same money bought in 1892. In other words, money, measured by the necessaries of life, was worth 50 per cent more in 1892 than it was in 1874. I will add, it is worth 10 per cent more now than it was in 1892.

BURDEN OF DEBTS, TAXES, INTEREST, AND RENT INCREASED.

The rise in the purchasing power of money and the fall in the general level of prices have the effect of increasing the burden of debts, taxes, interest, and rent; and the reason of this oppression is that more of the products of labor to meet any given money demand is required now than formerly. A farmer has nothing to pay his debts with but the crops he raises, and it took 2 bushels of his 1895 wheat to get a dollar, while in 1867 it required only half a bushel—just one-fourth as much. Hence, if he had to pay a $100 debt with wheat, it would have taken four times as many bushels in 1895 as it did twenty-eight years before.

The aggregate mortgage debt on the farms of the country in 1890 was more than two thousand million dollars. I have not the exact figures at hand. But whatever the amount was it would have required about two and a half times as much wheat to pay it that year as would have been necessary to pay the same amount twenty-three years before.

And so it is with all debts; they grow more burdensome as long as prices of things with which they must be paid are going down. A dollar is a fixed amount, but relatively to other things it grows dearer as they get cheaper.

Taxes, interest, and rent are affected the same way. They are fixed charges; they mean so many dollars, and they remain the same, while cotton and pork and shoes and productions in general are steadily falling. A hundred dollars regularly due every year is equivalent to adding three or four dollars at each payment.

Rising money undermines the home: it multiplies renters; it impoverishes the people.

It will not answer to say that because prices in general have fallen, therefore the buyer and the seller are even, no matter how low the level is. If men had nothing to do but to buy and sell, the case would be altogether different. But it is a crime to kill people without just provocation. It is regarded as a heinous offense to kill one's self. We are all expected to live and to earn a living, to trade and accumulate property. It is often found to be necessary to incur debts, and they must be paid with interest. We need dwelling places, and if we do not own homes of our own, we must rent, and that costs money. We are taxed to support the Government, and taxes now mean money. Sickness or other misfortune befalls us, and physicians' charges, lawyers' fees—all such necessary expenses are on the same level that they were years ago; but money has not fallen. If the farmer and the mechanic needed nothing more than they could procure from each other, they could get along without trouble. But each of them is constantly in need of something the other does not have—as professional services, insurance, a dwelling, and money. The ratio of local taxation on the $100 of property is not increasing; it is about stationary, the country's average being $1.84 in 1880, and $1.85 in 1890; but a dollar in taxes grows larger in a time of falling prices the same as a dollar in any other form of obligation.

We pay for our daily bread, but the demands of society grow more exacting with the spread of Christian civilization. We need more than bread, and we can procure it only out of the proceeds of our surplus productions. Hence it is that we are much more interested in the price of what we sell than in that of what we buy. Our surplus must pay for all we need of other people's productions, and in addition to that we must have means to pay insurance, rent, taxes, interest, and principal debts. Low prices of things we have to buy avail us nothing when we come to debts that we have to pay out of the low prices received for what we sell.

WAGES GREATLY REDUCED

Nor will it do to say that wages of labor are as high as they ever were. If it were true, it would not help matters; but it is not true, except as to those persons who are fortunate enough to have regular and permanent employment. A recent report of the Commissioner of Labor shows that over 3,000,000 persons of work age were out of employment part of the time during the last year, and that about one and a quarter million were out of employment all the time. If all the money that has been paid for labor during the last five years had been divided among all the people who were able and willing to work, including the unemployed, the general level of wages would have been greatly lowered. If a hundred dollars be divided among a hundred men each will have $1; but if one-quarter of the men are idle and three-quarters get the money, it means $1.33⅓ a day to those that work. Taking out 10 per cent of the workers, it leaves $1.11 to each of them that work. If the average daily wage now is $1.25 for 90 per cent of the working people of the country, it would be $1.12½ if all the workers were employed and the aggregate amount of the wages were paid to all instead of to only 90 per cent. This would reduce wages 8 per cent.

And under the present conditions long continued labor will suffer most of all, for labor is nature's handmaid in the production of wealth, and ever and always the wage earner is the least able to bear society's burdens. The poor people are always found among those whose daily subsistence comes out of their daily toil. Deprive them of work, and their means of living is gone. Fair wages for one is not enough for two.

INFLUENCE OF THE MONEY POWER.

The influence which wealth exerts in the affairs of men is greater by far than any other force in Christendom. It directs the course of governments and dictates the policies of nations. It declares war and commands peace. It controls legislation and inspires judicial decisions. It is now permitted to exercise supreme power over the Treasury of the United States. It compels the President to sell the country's credit; it contracts to protect the Treasury six months against withdrawals of gold, and threatens to destroy the public credit unless circulating notes of the Government are retired and the currency put in charge of the banks.

It suggests party platforms; it supplies money for campaign funds, and demands reward in legislative favors. "It moves the money that controls the affairs of the world." It covers the earth with debt and holds the people slaves.

While I speak, sir, the people of the United States are paying semiannual interest on an aggregate debt equal to the assessed value of all their taxable property, and our national taxes are increasing every decade, while the ability of the masses to pay is steadily diminishing.

Recently I read a statement prepared by a newspaper writer in London giving the amounts which each of fifty-six different nations—naming them—owed to bankers and brokers in that city. I do not remember the figures, but the aggregate was enormous. These debts, like all others, must be paid out of the earnings of the people, and failure to pay, as we all know, is cause for war.

An investigation made during the first Administration of President Cleveland brought out the astounding fact that, taking the civilized world as a whole, one-half of the occupied lands of the people were mortgaged. It is not putting it too strongly to say that 90 per cent of the corporations are in debt. Indeed, the leading object of modern industrial capitalization appears to be the building of interest fountains. The annual interest charge on American railway bonds is not less than $250,000,000, and other corporations are bonded in like manner. The farm and home mortgage debt of the country in 1890 was a little over $6,000,000,000, and this, at only 6 per cent, produces $360,000,000 annually.

For the purposes of argument it may be said, in a general way, that nearly everybody is in debt. There are exceptions, but it will not be claimed that more than 20 per cent of the people are free from debt. Fifty-two per cent of our families are renters, and they are all in debt and under bonds. The average proportion of renters in cities of 8,000 inhabitants and upward is 56 per cent of the entire population; and in the large cities—of 100,000 population and more—the average is 77 in the 100 families. In New York City, renting families constitute 91 per cent of the whole number of families residing there. Every renter is bonded to his landlord.

The aggregate indebtedness of the people is great beyond comprehension, and that it is increasing must be apparent to every reading person. And when the individual debts are added to the corporate, municipal, and national obligations the grand total is bewildering, even to the mathematician. These large debts are likewise growing in amount. The Pall Mall Gazette, in an article recently published in that journal and copied in the Scientific American, discusses this subject, showing the steady enlargement of the aggregate debt of the world's nations. The comparison is made between the years 1875 and 1895. England, Germany, Spain, and the United States have reduced their national debts, but the rest have increased theirs to such an extent that fourteen of the principal nations show an aggregate increase of about $4,200,000,000 in the twenty years. The aggregate of the national debts of the world in 1875 is put at £4,750,000,000—equivalent to $22,285,000,000. It had grown to £5,800,000,000, or $28,188,000,000 in our money, in 1895. And these are only the public debts; they do not include corporate and individual obligations. The annual interest charge on this enormous burden is estimated at £230,000,000, or $1,117,800,000.

I submit the article without reading, and ask that it may be printed with my remarks as an appendix. It is not very long.

The PRESIDING OFFICER (Mr. PASCO in the chair). The article will be printed as an appendix, in the absence of objection.

HOW THE MONEY POWER ACQUIRED ITS STRENGTH

Mr. PEFFER. Mr. President, they that own a country's debts are the rulers of its people. The money power has acquired its mastery over the people through the ownership of their securities. Let demand be made to-morrow on the nation, the States, the banks, the railroads and other corporations, the manufacturers, the merchants, and the farmers for what they owe, and the country would be bankrupt. In less than two years the Government borrowed nearly $300,000,000 to redeem notes because the public creditors refused to accept anything but gold, though the notes were payable in silver.

To prosecute a great war Congress authorized the issue and circulation of large amounts of paper that might be used as currency among the people. Some of these notes were converted into bonds, and they were depreciated in order to create a market for the bonds. The public debt July 1, 1866, was $2,773,236,173, and of this amount $1,900,000,000, in round figures, was in notes of different classes and issued at different times, some of which bore interest. July 1, 1869, the interest-bearing debt was $2,162,060,522 in bonds. These bonds had cost their owners about 60 cents on the dollar. The value of the bonds was greatly enhanced by the credit-strengthening act of 1869, the refunding act of 1870, and the mint act of 1873, so that bonds which had not cost more than 60 cents on the dollar rose to a premium of 25 to 30 per cent in the eighties. The Government paid out upward of $60,000,000 in premiums on the bonds it redeemed between 1881 and 1892.

In addition to the rise in value of bonds by reason of the enactment of these laws, the value or the purchasing power of a dollar has been greatly enhanced by the arbitrary action of the Treasury Department in discrediting our silver coin. Every bond now out is redeemable in coin of the standard value of July 14, 1870. It is so written in the bond. I present a copy of one of the one-thousand-dollar bonds issued in 1877.

COPY OF OBLIGATION

Four per cent loan of 1907, consols.

(FACE OF BOND.)

1877 1907. 21

FOUR PER CENT CONSOLS OF THE UNITED STATES.

A 4

Washington, *July 1st, 1877.*

Principal and interest payable in coin M Thousand at the Treasury of the United States.

THE UNITED STATES OF AMERICA

Are indebted to —— or assigns, in the sum of One Thousand Dollars. This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the National Debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the first day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin, from the day of the date hereof, at the rate of four per centum

per annum, payable quarterly on the first day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. Transferable on the books of this office.

Date of issue ——.
Entered ——.
Recorded ——.

——,
Register of the Treasury.

Act of July 14th, 1870.

Also one issued under date of February 1, 1895.

COPY OF OBLIGATION.

Four per cent Loan of 1925.

Act of January 14, 1875. Washington, D. C., *February 1, 1895.* 100

1925. FOUR PER CENTS OF 1895.

100 THE UNITED STATES OF AMERICA No. ——.

Are indebted to —— or assigns, in the sum of One Thousand Dollars. This bond is issued under authority of an act of Congress entitled "An act to provide for the resumption of specie payments," approved January fourteenth, eighteen hundred and seventy-five, being one of the descriptions of bonds described in the act entitled "An act to authorize the refunding of the national debt," approved July fourteenth, eighteen hundred and seventy, as amended by the act of January twentieth, eighteen hundred and seventy-one, and is redeemable at the pleasure of the United States after the first day of Feb., nineteen hundred and twenty-five, in coin of the standard value of the United States on said July fourteenth, eighteen hundred and seventy, with interest in such coin from the day of the date hereof at the rate of four per centum per annum, payable quarterly on the first day of February, May, August, and November in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. Transferable on the books of this office.

Date of issue ——.
Entered ——
Recorded ——.

——,
Register of the Treasury.

It will be seen that in both cases the bonds are expressly "redeemable in coin of the standard value of the United States on the 14th day of July, 1870"—the date of the approval of the refunding act. Our coin at that time consisted of gold and silver—gold at 25.8 grains to the dollar, and silver at 412.5 grains to the dollar. And such was our coin when the credit-strengthening act of March 18, 1869, was approved. Yet the Treasury Department persists in paying only gold for interest on the bonded debt and in redemption of Government notes.

The effect of this discrimination in favor of gold coin is to practically demonetize silver and to add largely to the value of gold, thus strengthening the power of the money interest and adding to the burdens of the masses of the people. The thirst for gold seems to be as great, sir, in the closing years of the nineteenth century, as was the demand for silver among the grasping Greeks and Romans, when slaves alone wrought in the mines; for now, as then, the profits of toil are absorbed by the wealthy few.

ABOUT THE REMEDIES PROPOSED.

This much, Mr. President, concerning the condition of the finances of the country. And now something about proposed remedies. The resolution refers to the different views of the political parties in the late Presidential campaign. For convenience of reference I present the money planks of four of the party platforms, beginning with that of the Republican party. I ask that the Secretary be permitted to read those planks in the platforms as I have marked them.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

The Secretary read as follows:

[From the platform adopted by the national Republican convention at St. Louis, June 18, 1896.]

The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payments in 1879; since then every dollar has been as good as gold.

We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are, therefore, opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained, the existing gold standard must be preserved.

All our silver and paper currency must be maintained at parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

[From the platform adopted by the Democratic party in Chicago, July 9, 1896.]

We demand the free and unlimited coinage of both silver and gold at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation. We demand that the standard silver dollar shall be a full legal tender, equally with gold, for all debts, public and private, and we favor such legislation as will prevent for the future the demonetization of any kind of legal-tender money by private contract.

We are opposed to the policy and practice of surrendering to the holders of the obligations of the United States the option reserved by law to the Government of redeeming such obligations in either silver coin or gold coin.

* * * * * * *

Congress alone has the power to coin and issue money, and President Jackson declared that this power could not be delegated to corporations or individuals. We, therefore, denounce the issuance of notes intended to circulate as money by national banks as in derogation of the Constitution, and we demand that all paper which is made a legal tender for public and private debts, or which is receivable for duties to the United States, shall be issued by the Government of the United States, and shall be redeemable in coin.

[From the National Democratic platform adopted at Indianapolis, September 3, 1896.]

The experience of mankind has shown that by reason of their natural qualities gold is the necessary money of the large affairs of commerce and business, while silver is conveniently adapted to minor transactions, and the most beneficial use of both together can be insured only by the adoption of the former as a standard of monetary measure and the maintenance of silver at a parity with gold by its limited coinage under suitable safeguards of law.

* * * * * * *

Realizing these truths, demonstrated by long public inconvenience and loss, the Democratic party, in the interests of the masses and of equal justice to all, practically established by the legislation of 1834 and 1853 the gold standard of monetary measurements, and likewise entirely divorced the Government from banking and currency issues. To this long-established Democratic policy we adhere, and insist upon the maintenance of the gold standard and of the parity therewith of every dollar issued by the Government and are firmly opposed to the free and unlimited coinage of silver and to the compulsory purchase of silver bullion.

But we denounce, also, the further maintenance of the present costly patchwork system of national paper currency as a constant source of injury and peril.

We assert the necessity of such intelligent currency reform as will confine the Government to its legitimate functions, completely separated from the banking business, and afford to all sections of our country a uniform, safe, and elastic bank currency under Government supervision, measured in volume by the needs of business.

[From the People's Party platform adopted at St. Louis July 24, 1896.]

1. We demand a national money, safe and sound, issued by the General Government only, without the intervention of banks of issue, to be a full legal tender for all debts, public and private; a just, equitable, and efficient means of distribution direct to the people and through the lawful disbursements of the Government.

2. We demand the free and unrestricted coinage of silver and gold at the present legal ratio of 16 to 1, without waiting for the consent of foreign nations.

3. We demand the volume of circulating medium be speedily increased to an amount sufficient to meet the demands of the business and population of this country, and to restore the just level of prices of labor and production.

* * * * * * *

5. We demand such legislation as will prevent the demonetization of the lawful money of the United States by private contract.

6. We demand that the Government in payment of its obligations shall use its option as to the kind of lawful money in which they are to be paid, and we denounce the present and preceding Administrations for surrendering this option to the holders of Government obligations.

Mr. PEFFER. It will be observed that there are three general propositions on which all of the parties are agreed, and they are these:

First. That gold coin ought to be used in our currency.

Second. That silver coin ought to be used in our currency.

Third. That paper money ought to be used in our currency.

But, while there is agreement on these as general propositions, there is difference of opinion with respect to details. All favor unlimited coinage of gold, but only one demands that gold shall be and remain the sole permanent standard of money. Two of them demand unlimited coinage of silver at the present legal ratio, two favor a limited coinage of that metal, and one of these two wants the ratio determined by international agreement.

The Republican party is satisfied with the present system of paper currency; at all events, no dissatisfaction with it is expressed in the party platform. All the party seems to demand on this head is that every dollar shall be as good as gold.

The National Democratic party denounces what it denominates—

The present costly patchwork system of national paper currency—

And demands a—

uniform, safe, and elastic bank currency under Government supervision, measured in volume by the needs of business.

The Democratic party and the People's or Populist party demand a paper currency issued only by the Government, but they differ in two important particulars. The Democratic party opposes national-bank notes, but it does not demand that they shall be superseded by Government paper. What it says on that point is this:

And we demand that all paper which is made a legal tender for public and private debts, or which is receivable for duties to the United States, shall be issued by the Government of the United States.

The Populists demand—

A national money, issued by the General Government only, without the intervention of banks.

The other point of difference is that the Democratic party insists that the paper money which is made legal tender shall be redeemable in coin, while the People's Party does not.

The object aimed at by the pending joint resolution is, if it be practicable, the bringing about of a substantial agreement upon these matters in dispute. And this ought not to be impossible. There is no material difference between the Republican contention and that of the National Democrats. It is altogether reasonable to expect that when the Republicans have brought about an international agreement it will be promptly ratified by the National Democrats, if, indeed, they are not absorbed by the Republicans before the agreement is published.

And further, if the late advance made by the Democrats in their platform was made only for the purposes of a temporary alliance with other parties, and not to move itself permanently on a higher plane of politics, there would be little to displace in order to obtain their acquiescence in the Republican theory. A bill (S. 2642, third session Fifty-third Congress) introduced by the senior Senator from Arkansas [Mr. JONES] as a Democratic measure was entitled "A bill providing for the issue of bonds, the coinage of silver, and for other purposes," and after providing for the issue of bonds for the redemption of greenbacks, and the strengthening and continuation of national banks, it provided in the ninth section as follows:

> That from and after the passage of this act the Secretary of the Treasury is hereby authorized and directed to receive at any United States mint, from any citizen of the United States, silver bullion of standard fineness, and coin the same into silver dollars of 412½ grains each. The seigniorage on the said bullion shall be the difference between the coinage value thereof and the price of the bullion in London on the day the deposit is made.

Unless the Democrats have moved beyond the doctrine of that bill with the firm determination to never return, it would not require a long exercise of the diplomatic art to bring together three of the parties on the silver question; and even the People's Party might be brought to yield something on silver if other parties would yield something on the subject of legal-tender Government paper money. But that would undermine the metallic currency theory and terminate the rule of the money changers. And there, sir, is where the trouble lies. The Populist wants money that needs no redemption. Even the new Democrat wants legal-tender money redeemed in coin. In that respect, at least, he is in accord theoretically with the present Secretary of the Treasury, who has given notice that silver dollars will be redeemed with gold coin whenever that course is necessary to preserve the parity between the two metals.

Mr. President, the discussion, when narrowed down to the real issue, will turn on this theory of redemption, and I will now address myself to that point.

I believe our monetary system is fundamentally wrong—false in theory and ruinous in practice. The device we use to represent values is not only made out of a valuable commodity, but it has a fictitious and arbitrary value given to it by law, and then it is allowed free and unlimited mintage, so that all the gold outside of the mines may be brought to the level of the mint price by getting it coined, and that can be done without expense to the owner. By our laws we declare that the eagle, containing 258 grains of standard gold, is and shall be of the value of $10; and by the same laws we provide—

> That any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit—

And that—

> hereafter no charge shall be made for that service.

And this falsely and arbitrarily valued metal is not only made full legal tender for all debts and to any amount, but it is protected by the laws of the land against the competition of any other kind of currency in all cases where a contract stipulates that an obligation to pay money can be discharged only by the delivery of gold coin. This puts borrowers at the mercy of lenders and sets up a golden king. In plain words, the laws of the Republic select a single article, give it a fixed and unchangeable value, and require that all debts, dues, and demands shall be paid in that article at its legal value. If we are permitted to use any substitutes for gold, they must be redeemable in gold. And when danger approaches, or when bankers and speculators take on fright, what little gold there is is immediately put out of sight, and panic with its disasters follows.

The true theory of money is that it discharges a function—a public function—a function imposed upon it by law, just as ministerial functions are imposed by law on executive officers. A piece of plain silver or gold bullion can no more perform money functions than a plain citizen can perform official functions. The value of money is imparted by law. The price of gold or silver or other metal on which certain devices are imprinted to make it what we call coin, has value in itself as a commodity; but its value as money is what the laws prescribe—that and only that.

This proposition is easily and plainly demonstrated by means of two coins of the same metal and denomination, one of which has had the money function withdrawn from it by melting.

For the purpose of demonstrating the proposition, I procured a few days ago two silver dollar coins and had one of them melted in order to take the money function away from it. This is the American dollar [exhibiting.] Its legal functions attach to it by the law. This is the other dollar melted [exhibiting]. It is not a dollar now, though it is as fine and as heavy as it was before melting. It is simply a bar of silver bullion. The coin having the commission of a mighty people upon it is worth a dollar in all the markets of the country, while the bar is worth nothing as money. I might go into any merchant's room and lay down this coin and ask for the worth of it in anything that he has to sell and he immediately would give me a dollar's worth. I lay the bar of bullion down and ask him to give me the worth of that in any article he has to sell and he laughs at my credulity and tells me, "Why, that is not money; that is only a bit of metal."

Mr. President, the simple question put to any sane man why one of these pieces is money and the other one is not will settle the matter in his own mind in favor of the proposition which I have just asserted. All there is in coin that gives it money value is what the law itself has imparted to it, and the lawmaking power has received its authority from the people.

The functions of money are to enable persons to procure property or service; to effect exchanges of the values of their productions; to discharge their pecuniary obligations in cases of nonperformance of contract; to pay their debts and taxes, and to meet the demands of society upon them for aid and support in matters deemed necessary or important and provided for only by the unwritten laws of communities.

Money is representative in its character; it is charged with duties of supreme moment; it is the most subtle of all material agencies in the development of commerce and in social and religious progress. It has no value except what is imparted to it by the sovereign power of the nation, and that value consists chiefly in the fact that the coin is charged with these peculiar representative qualities. It is an order for its face value on any person who has anything to sell; it is a tender of payment to the amount printed on its face, and it is a receipt for like amount. If the thing we call money were not thus endowed with purchasing and debt-paying power, it would be utterly worthless beyond what it would sell for as bullion or paper on the market. A man can carry in his vest pocket money enough to purchase his family supplies for a year at a department store, while if he were compelled to exchange for it property that is not money it might require a team of six horses to haul the stuff to town, and then it would have to be sold to a merchant or trader who deals in that kind of property in order to procure money to pay for the things desired.

When metal is coined and declared by law to be a lawful tender in payment of debt to the amount stamped on its face, it is thus set apart—sanctified, if you please—for certain uses. This coining and printing is a certificate of authority, just as an officer's commission certifies to his official character; and he who repudiates the one does no better than he who defies the other.

Money is a tool of trade, a necessary instrument of commerce—indispensable in the economy of modern civilization; and now that we find our present financial methods to be faulty as well as inadequate we ought to devise a better and more satisfactory system.

We are quite competent to do this, if we will only lay aside our prejudices and honestly work together to find a solid foundation that we may build upon it a suitable and comely superstructure, durable as it shall be symmetrical.

We are an inventive people, and invention applies as well to statecraft as to mechanic arts. Principles are eternal in politics as in the realm of matter. Good government follows a wise application of sound theories in legislation and of wisdom and prudence in execution of the laws.

We have learned that commerce is the greatest factor in civilization, and that money is as necessary in commercial affairs as blood is in the lives of men. And we have learned, too, that an insufficiency of money, or a plethora, or a congestion, or an irregular circulation, or money of inferior quality, is as troublesome in the business affairs of the people as are like conditions of blood in the human body.

I believe, sir, that we are not only competent to solve this seemingly difficult problem of money, but that we have already discovered the essential factors in the solution. I have read with much interest that part of the last report of the Comptroller of the Currency in which that officer calls attention to the large use of private credit in the transaction of daily business.

> The check—

He says—

> and not the note, is the symbol of banking progress, and in its extensive use is the best proof of a high plane of industrial and commercial life.

That officer regards this feature of modern finance as of great importance. He says:

> The check system is therefore a subject of interest and importance in our business world—of so much interest and so much importance that knowledge of the extent and influence of it is necessary to a proper understanding of the machinery of exchange.

And there, sir, lies the secret. Credit is the life of modern trade; and whose credit is equal to that of the Government? Our nation's credit was sufficient to carry on to a successful conclusion the most gigantic war in history. During those four dreadful years over $14,000,000 of business was done by the Treasury Department of the United States—virtually all of it done with paper money, and not a dollar lost to any citizen on account thereof.

Money is credit coined, Mr. President. Let us, then, coin the public credit, and let the people have its use at a charge by way of interest that they can afford to pay, and the problem is solved.

As to the machinery necessary to carry out this plan, that is matter of detail for the work of such a commission as is proposed in this resolution. I would suggest in a general way—

First. Provide for the coinage of gold and silver enough at the standard value of July 14, 1870 (and that is the present standard), to pay interest on the Government bonds outstanding and to redeem the bonds at maturity. All the bonds now out are redeemable in such coin. Revive the act of January 18, 1837, so far as it provides for the free and unlimited coinage of silver and gold.

Second. Establish a system of public banking on capital secured by standard coin or bullion, or by United States bonds and par bonds of States, or by unencumbered real estate. Government paper only should be issued. Let interest rates be not to exceed 6 per cent per annum on short-time paper, and 2 or 3 per cent on long-time loans. Savings depositories should be connected with the banks, and deposits, whether of savings or of business funds, should be made secure against loss. To provide for flexibility in the currency, a legal-tender interest-bearing note might be issued to savings depositors. These could be used either as currency or as bonds, as the 7.30 notes were used thirty years ago and more.

This general plan, in a modified form, is presented somewhat in detail in the bill I introduced this morning, a copy of which I ask leave to insert with my remarks as an appendix, and without reading.

While the change proposed would be radical, it need not be so sudden as to derange business or occasion general loss. The way from the treadmill to the electric motor is marked by individual misfortunes; but such is the experience of men. The way of progress is nature's way. Change comes from improvement. The old passes away as the new appears. And so, in changing our financial methods by improving them, the men whose business it is to deal in money will have to be satisfied with less profits and less power and influence than they now enjoy; but this will be many times compensated in the common good flowing to the people through a revived commerce and enlivened trade.

We must have a change in our financial methods. All parties and all men of intelligence concede this. And coin is utterly inadequate, even if it were not objectionable on other grounds. We have outgrown the metallic system, just as the weaver has dispensed with the hand loom. Metal money is unjust, unfair, and grossly oppressive in its operations. It is based on false theories. In practice, it drains away the profits of toil and converts them into treasures of the rich. It takes from one and gives to another. As I have said elsewhere—

> A monetary system which thus breeds wealth on one side and poverty on the other, that increases the value of the unit of measurement and correspondingly diminishes the value of the articles which are charged with the payment of debts and taxes, thus taking from the great body of the people and giving to a few, is vicious. It is evil and only evil, and that continually.

If gold and silver had nothing but their weight stamped upon them, they might be used in trade as corn and cotton are used; but when they have a fixed value attached to them by law and are made money in which all other money is to be redeemed, and to measure all other values which fluctuate as the market rises or falls, then they become a means of evil.

To procure a livelihood is the object of toil—all toil—and for that reason values ought to be regulated by the market for things that people produce and out of the proceeds of whose sales they get their living. The waters of the ocean rise and fall in the ebbing and the flowing of the tides, and a placid surface is sometimes lashed into fury by the force of tempests and storms, yet the general level of the sea is maintained. So it ought to be in commercial life. The unit of value among men ought to be a common divisor of all values determined in the open market. It would rise and fall with the general price level and would be justly redeemable in such units. Money should need no redemption. It ought to be made to circulate and not to lie idle in tills and vaults. All money should be good money—money that the Government will receive in payment of taxes and all other dues and demands. What the Government receives as money the people of these United States will never repudiate. Reception of money is its redemption, no matter who pays it. The Government has no more authority to determine the value of gold than it has to determine the value of corn. It has no authority to fix the value of any commodity. Congress is authorized to regulate the value of coin, but not of bullion. And the coin value is a money value, not a market value.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3576) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. I ask that the unfinished business may be temporarily laid aside, not losing its place as unfinished business, until the Senator from Kansas can complete his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Kansas will proceed.

Mr. PEFFER. Mr. President, the only redemption money needs is circulation. Money so redeemed is fair to rich and poor alike, and if borrowers could get the use of it at rates they can afford to pay, business would never lag, for men could not then afford to let their money lie idle. Farming and manufacturing would be as profitable as the lending of money.

We are now using private credit in more than 90 per cent of our business transactions; and it is matter of necessity. It has come about just as the use of commercial paper came about in the early history of banking. But private credit is sometimes precarious, and especially is this true when we are doing business on a metallic basis, when all debts and dues must be paid in gold or in currency redeemable in gold. We are now using the public credit to some extent, but we need to nationalize it and coin it into money. Then it will not only afford ample capital and an abundant currency, but it will ease the force of panics and breed loyalty among the people.

APPENDIX A.

[From the Pall Mall Gazette.]

WORLD'S DEBTS INCREASING.

Whether it be a good or a bad thing for the nations, there is no room to doubt that the debts of the world are growing steadily. In 1875 it was computed that they stood at £4,750,000,000, as compared with a round £4,200,000,000 two years earlier. On the basis of figures, many of which have been obtained by us at first hand, and are likely on that account to be more accurate than some of the wild guesses to which certain irresponsible statisticians have treated us, we ourselves estimate that the indebtedness of the world to-day stands at £5,800,000,000. As probably everyone knows, France has the doubtful distinction of being the country which has the largest debt. The latest figures put the total at something like £1,200,000,000, which is nearly double the debt—£660,000,000—of Great Britain, which ranks as second on the list. Russia follows with a total of £575,000,000, and insignificant Italy comes fourth with £506,000,000—that is, if we count as separate items the joint debt of Austria-Hungary and the individual debts of the two portions of the nation. The joint debt stood in 1895 at £275,990,000; while the debt of Austria alone was £122,678,000, and that of Hungary alone £207,729,000, or £606,397,000 in all. The United States debt amounts to £339,000,000, and that of Spain—exclusive of the more recent loans in prosecution of the war in Cuba—at £279,000,000. In the following statement we give a comparison for 1875 and 1895 of the indebtedness of the nations which now owe, or did then owe, £100,000,000 or over:

Country.	1875. (Estimated.)	1895. (Estimated.)
France	£900,000,000	£1,200,000,000
Great Britain	780,000,000	661,000,000
Russia	340,000,000	575,000,000
Italy	390,000,000	505,000,000
United States	440,000,000	339,000,000
Spain	375,000,000	279,000,000
Austria-Hungary	350,000,000	605,000,000
Germany	200,000,000	84,000,000
Australasia	46,000,000	240,000,000
Turkey	135,000,000	180,000,000
Portugal	69,000,000	153,000,000
India	130,000,000	127,000,000
Brazil	94,000,000	118,000,000
Egypt	75,000,000	106,000,000
Total	4,324,000,000	5,172,000,000

In spite of the substantial reduction of the English, American, Spanish, and German debts, there is a net increase for the fourteen nations in the twenty years of £848,000,000. It may be added that in 1885 these same twelve nations owed £4,140,000,000, made up thus: France, £988,000,000; Great Britain, £740,000,000; Italy, £455,000,000; Russia, £381,000,000; United States, £379,000,000; Spain, £270,000,000; India, £127,000,000; Turkey, £127,000,000; Australasia, £98,000,000, and Portugal, £83,000,000. In the years 1875-1885 there was on this showing a net reduction of about £15,000,000 on the indebtedness of the nations enumerated; but the whole world's obligations in 1885 represented an increase on 1875, our calculations giving a total for the former of nearly £4,900,000,000. Among the minor debtors, Belgium has increased its obligations from £71,000,000 in 1875 to £91,000,000 in 1895, and in the same time the debt of the Netherlands has gone up from £80,000,000 to £92,500,000, and that of Canada from £31,000,000 to £51,300,000. The Greek debt stands at £32,984,000, and that of Mexico at £32,720,000 (as against £61,500,000 in 1875); while among the new borrowers must be reckoned Japan, which now owes £47,300,000, and the Argentine Republic, which owes about £74,000,000. For the small borrowers—Bulgaria, Denmark, Norway, Sweden, Chile, Peru, Servia, etc.—we have allowed £150,000,000, which is probably only two-thirds of the actual obligations of these nations.

The sum paid annually as interest on the world's debts approximates to £230,000,000. Twenty years ago the total was about £200,000,000, and the increase of only £30,000,000, with a capital addition of more than £1,000,000,000, is explained by the fact that money now is cheaper, provided credits are good, than it was in 1875, when, on some of its loans, England was paying 3½ per cent; India, 4 per cent; Holland, 4½ per cent; Canada, 4¼ per cent; France, Russia, and Brazil, 5 per cent; Italy and Portugal, 6 per cent; Hungary, 7½ per cent; Egypt, 8 per cent; Turkey and Peru, 10 per cent; Spain, 15 per cent, and Mexico, 18 per cent. France, of course, pays out the largest sum of money every year in the way of interest, the total running to about £37,000,000, or 19s. 8d. per head of the population. Great Britain's disbursement is £24,540,000, or 12s. 9d. per head. Russia pays out a little more, £24,728,000, or 4s. 11d. per head. Austria-Hungary, on the joint and special debts, pays out £37,190,000 a year, and the average per capita expenditure on the joint debt is 4s. 10d.; on the special Austrian debt, 10s. 10d., and on the special Hungarian debt, 15s. The annual charge in Italy amounts to £23,450,000, which works out at the rate of 15s. 1d. per head. Spain pays nearly £11,300,000 interest annually, or 13s. 1d. per head. Though the capital itself is a large item, the charge per annum in the United States is no more than 1s. 9d. per head. In Uruguay, on the other hand, it runs to as much as £1 2s. 6d. per head. Burdett says that in Peru this per capita charge runs to £1 3s., but there must be something wrong with Burdett's figures. In Portugal the amount is 15s. 10d. per head, and in Egypt 11s. 10d. per head. In Germany it is no more than 1s. 4d.

Can anyone say offhand what is the aggregate debt of all the English possessions in all parts of the globe? We will give the total—it is £1,0[illegible]. After the mother country, India has the heaviest debt, the total being, as we have seen, £1[illegible]. Then comes New South Wales with £[illegible], Canada with £[illegible], Victoria with £4[illegible], New Zealand with £[illegible], Queensland with £[illegible], Cape Colony with £25,625,178, and South Australia with £2[illegible]. St. Helena brings up the rear with a modest £5,0[illegible].

APPENDIX B.

BILL (S. 3[illegible]) TO IMPROVE THE BANKING SYSTEM, TO SECURE DEPOSITORS AGAINST LOSS, TO PROVIDE SAFE DEPOSITORIES FOR THE PEOPLE'S SAVINGS, AND FOR OTHER PURPOSES.

Introduced by Mr. PEFFER January 5, 1897.

Be it enacted, etc., That any five or more persons, citizens of the United States, may associate themselves in manner and form as provided in sections [illegible] of the national bank act approved January 3, 1864, for the purpose of organizing and carrying on the business of banking under the provisions of this act, and every such association, when so formed, shall be a body corporate as provided in section 8 of said national bank act, with powers, duties, and responsibilities as provided in section 8 of said act and following sections providing for the organization and management of national banking associations, except as herein otherwise provided.

SEC. 2. That the capital stock of such associations shall not be less than $[illegible] nor more than $[illegible]; it shall be divided into shares of $[illegible] each, and no stockholder shall own more than 10 per cent of the shares. The capital shall consist of standard coin or bullion of silver and gold, as hereinafter provided, or of unincumbered real estate situated in the county where the bank is to be located, or of United States bonds, or of such coin or bullion and such real estate or bonds, or either of them in any proportion; but such proportions shall not be changed except on ninety days' public notice and by permission of the Comptroller of the Currency: *Provided*, That one-fourth part of the capital may consist of State bonds of any State when and as long as such State bonds are at or above par in the market. If at any time such bonds fall below par, they must be replaced by other forms of capital herein authorized.

SEC. 3. The certificate of incorporation shall show what lands and lots, if any, are included in the capital stock of every such association, together with the names of the owners thereof; such certificate, with the mortgages covering each parcel or tract of land, properly acknowledged and executed, shall be immediately filed for record in the proper recording office of the county, and shall be recorded and indexed, which record shall be notice to all persons of the Government lien. No transfer of stock shall operate to release the lien until and unless other like security is first substituted or its value replaced by bonds or coin or bullion, as above, and not without the consent of the Comptroller of the Currency, in accordance with rules and regulations prescribed by him. The certificate of incorporation shall show also the amount of coin, if any, or of bullion or bonds, included in the capital stock of the association; and whenever any material change is made in the proportion of the several classes of stock, a supplementary certificate showing the change shall be made and recorded in like manner as the original certificate, with appropriate cross references for tracing connections on the records.

SEC. 4. That no lands or lots of which the title is in dispute, or which are exempt as homesteads, or are exempt for other purposes by constitutional provisions or the laws of the State shall be taken as stock in any such banking association. Improvements of permanent nature on lands taken as stock shall be insured in some well-established company or companies, and they shall be kept continuously so insured all the time the land is held as such bank stock. Such lands shall be taken at the assessed valuation thereof for purposes of taxation, and they shall be held as security for the payment of the amount of stock subscribed by the owner thereof in case of failure on the part of the bank to meet its legal obligations. And each stockholder shall be further liable for his proportionate share of any losses sustained by depositors or other patrons occasioned by the negligence or fraud of the cashier or of any other officer, agent, attorney, or employee of the bank. In case the assessed valuation of the lands is reduced so as to materially affect their value as such security, the difference shall be promptly made good by additional security. Failure for thirty days after notice by the examiner hereinafter provided for to supply such additional security, shall be cause for closing the bank by the examiner. The form of subscriptions for stock and for pledging the lands as security therefor shall be prescribed under the direction and subject to the approval of the Comptroller of the Currency.

SEC. 5. That before any such banking association shall be permitted to commence business it shall show to the satisfaction of the Comptroller of the Currency—

First. That all of the capital stock has been subscribed, giving the names of the stockholders; that it is all paid up with coin, or bullion, or bonds, or properly secured by pledges of non-exempt and otherwise unencumbered real estate lying within the county where the bank is to be located, and that the permanent improvements thereon are insured in reputable and well-established companies.

Second. That the said association is the owner of unencumbered land, buildings, and other improvements and appurtenances, such as vaults, safes, and furniture, suitable and ready for the immediate beginning of the business of banking; that such lands, improvements, fixtures, and furniture, and such as may be thereafter acquired, have been duly mortgaged to the United States of America as security for the faithful performance of its duties under the law on the part of said banking association.

Third. That all the mortgages above mentioned, and all the coin or bullion paid in, as capital stock, together with the bonds to be used for like purposes, have been deposited in the United States Treasury.

SEC. 6. When all these preliminary arrangements have been completed, then the Comptroller shall, in writing or printing, over his official signature, grant authority to said association to begin the business of banking, subject to the provisions hereof, under the name and at the place mentioned in the certificate of incorporation, and on notice thereof the Secretary of the Treasury shall forthwith transmit to the proper officers of such association United States notes, as herein provided, to the amount of the capital stock subscribed, less one-fourth of 1 per cent, which amount shall be reserved to pay for the work of preparing and forwarding the notes. The notes shall be prepared under the direction of the Secretary of the Treasury; they shall be made of the best quality of bank-note paper, and shall be as nearly as practicable similar in all respects to those issued under authority of the act of Congress approved February 25, 1862, commonly known as the "greenback act," except that there shall not be anything printed on the notes showing that they may not be used in payment of duties on imports and interest on the public debt. The notes shall be in denominations of $1, $2, $5, $10, $20, and $50, and shall be delivered in such proportions of each denomination as the bank officers shall direct, and they shall be received in payment of all debts and demands whatsoever of the United States, and shall be lawful money and a legal tender in payment of all debts, public and private, within the United States, the same as the original United States notes. Stock may be increased in manner provided in the by-laws not inconsistent with the provisions of this act, and to any extent not exceeding $[illegible] approved by the Comptroller of the Currency. And additional notes to the amount of the increase of capital shall be issued and delivered, the same as in the beginning of the bank's operations.

SEC. 7. That the bank shall at all times have and keep on hand an amount of available cash funds equal to [illegible] per cent of its deposits which are subject to demand checks. The bank shall close its public business at [illegible] o'clock p. m. every day, and within one hour thereafter a notice printed in large letters or plainly written, signed by the cashier and bookkeeper, shall be posted securely on the outside of the front door of the bank, showing the exact condition of the bank's business at the hour of closing that day. The notice shall state the amount of liabilities, distinguishing by classes, as bills payable, deposits payable on demand, etc., and assets, stock, company property, bills receivable, reserve, cash on hand, etc. In cases of bills receivable the average time to run shall be stated. Any willfully false statement in this matter is hereby declared to be a felony, punishable by imprisonment at hard labor not less than five years nor more than ten years, in the discretion of the jury trying the case. All losses sustained by depositors in the bank, in cases where the bank would be responsible in law, the United States will bear, and the Treasurer of the United States is hereby authorized and directed to pay the same, out of any moneys in the Treasury not otherwise appropriated, on certificate by the Comptroller of the Currency.

SEC. 8. That no officer or stockholder of the association shall be permitted to borrow from the bank or to become indebted to it an amount of money greater than 10 per cent of his paid-up stock, nor shall he be accepted as surety or indorser for any borrower from the bank in any greater sum [illegible], including any sum or sums for which at the time he may be indebted or bound to the bank. The cashier is specially charged with the execution of this section.

SEC. 9. That the affairs of the bank shall be examined once a month by an agent of the Treasury Department detailed for that purpose on request by the Comptroller of the Currency; but such officer shall not be placed on such duty at the same bank more than twice in one year, and his visits shall not be less than five months apart. He shall make reports on blanks prepared by the Comptroller of the Currency, to include all important features of the business provided for in the law. He shall examine closely every detail of the business required by law to be observed, and if he finds that the business is being carefully conducted according to law he shall so report to the Comptroller, and, at the expense of the bank, he shall publish a certificate to that effect in some paper of general circulation in the place where the bank is located. If he find irregularities or omissions which may be corrected [illegible] suggestion, no further notice need be taken of them, but important errors, failures, or negligences shall be immediately reported and instructions [illegible]. In case of unsafe condition of the bank's business, it shall be treated as [illegible] case under provisions of the national bank act. Examiners under the provisions of this act shall be allowed their necessary traveling expenses incurred in the discharge of their duties on itemized statements verified by affidavit, and reasonable advances for this purpose shall be made by the Treasurer on warrant from the Secretary of the Treasury at the time of [illegible] detail.

SEC. 10. Interest charged in discounting paper by a bank under the provisions of this act shall not exceed the rates of 6 per cent per annum on loans or discounts on paper having thirty days or less to run, 5 per cent on paper running from thirty days to sixty days, and 4 per cent on paper at sixty to ninety days; and no loan shall be made for a period longer than three months. All charges by way of commission or other means for securing gain, profit, or compensation in buying or selling business paper shall be construed to mean interest for the purposes of this act. The demanding or receiving of charges at rates higher than these shall be deemed a criminal offense and shall be punished by imprisonment not less than three months in the discretion of the court, and until the excess is repaid to the person entitled.

SEC. 11. That any and every such bank shall have connected with it and [illegible] which it shall be the responsible head, a savings depository, in charge of a competent person, appointed as the cashier of the bank is appointed, who shall enter into bond in a sum not less than $[illegible], to be fixed and approved by the judge and attorney of the United States district court for the district in which the bank is situated, conditioned that he will faithfully discharge his duties and properly account according to law for all moneys intrusted to his care. Stockholders of the bank shall not be accepted as sureties on this bond. Such savings depositories shall be kept supplied with fireproof vaults and safes for the proper protection of moneys, deposits, papers, and books of the institution.

SEC. 12. The savings depository shall receive deposits of [illegible] cents and multiples thereof, but it shall not receive more than $25 from or for one person [illegible] one day. All deposits greater than $1 shall be in multiples of that sum. Receipts for deposits of $1 or less shall be in the form of adhesive stamps placed on cards of convenient size. The stamps and cards shall be prepared under direction of the Comptroller of the Currency, each stamp representing 5 cents, and the stamps shall be made in blocks of 20 each, perforated, and the cards shall be of size and dimensions to receive on one side 20 stamps, leaving small margin. Deposits of sums greater than $1 and less than $25 shall be receipted for on blanks specially prepared for the purpose, [illegible] randa to be retained showing the number and date of each receipt, [illegible] name and address of depositor and amount of deposit, and showing also whether the time is to be longer than three months. An account shall be opened and kept with each depositor, showing dates and amounts of deposits and withdrawals. Interest will not be allowed on deposits which are withdrawn within three months. Interest will be paid in lawful money of the United States at the rate of 2 per cent per annum on all sums less than $[illegible] running more than three months and not more than six months; 2 per cent on such sums running six months to nine months; [illegible] per cent on such sums running nine months to twelve months; [illegible] per cent on all such sums running one year or longer, in all cases payable annually to the depositor or his order, or credited on his account as a deposit, as he or she shall direct. Deposits which are subject to withdrawal within three months shall be kept separate and apart from all other moneys, and shall not be used for any purpose whatever except to pay out on the depositor's orders. Blank order books for this purpose shall be kept in the depository.

SEC. 13. That all moneys deposited for a period of three months or longer shall be immediately turned over to the bank on notes promising to pay an equal amount to the depository ninety days after date, without grace, with interest at the rate of 4 per cent per annum, and in case the money when due is not required for payment to depositors by the depository, it may be used another ninety days in like manner, the bank paying into the depository regularly the interest due at the end of each ninety-day period, and so on, the intent being that the bank may use the time deposits for ninety-day periods at the rate of 4 per cent annual interest, payable quarterly, as long as the principal is not needed for payment to depositors. And in case of loss to any depositor where a private savings bank would be liable, the Treasurer of the United States will pay the amount of the loss on certificate of the Comptroller of the Currency showing the amount of the loss and that it is a proper case for allowance under this act.

SEC. 14. In any case where a person wishes to deposit $25, or any multiple of that sum, not exceeding $100, the cashier shall receive the money and deliver to the depositor a savings note for the amount of the deposit, and immediately turn the money over to the bank for use, as provided in the last preceding section. The note shall be dated day of issue and shall bear interest from that date at the rate of 3.65 per cent per annum if not presented for redemption within six months thereafter. Reports showing the number, date, and amount of each and all of these savings notes issued shall be forwarded once in every ten days to the Comptroller of the Currency. All savings notes shall be made payable on demand after thirty days, and when paid they shall be immediately canceled by stamping or writing across their face in red ink the word "canceled," adding the day and year, and at the end of each calendar month all such canceled notes shall be forwarded by registered mail to the Comptroller of the Currency, to be by him examined and reported to the Treasurer of the United States for destruction as other canceled Government paper is destroyed. These savings notes while outstanding may pass from hand to hand, the same as bank notes; they will be receivable for taxes and all public dues, and shall be lawful money and legal tender in payments of all debts to the amount of their face value, excluding interest. And for the purpose of carrying out this provision the Secretary of the Treasury shall, from time to time, cause to be prepared Treasury notes of appropriate design, in denominations of $25 and multiples of that sum, not larger than $100, bearing interest at the rate of 3.65 per cent per annum when out longer than six months. They shall have the name of the bank issuing printed on them as the place of redemption; they shall be numbered consecutively in each of the denominations; they shall have blank lines to be filled when issued to a depositor, showing date and amount, and they shall show on their face that they are receivable for taxes and all public dues and are lawful money and legal tender at their face value, excluding interest, for any amount. They shall be redeemable only at the bank where issued. And on all moneys received by the bank on these notes the bank shall pay into the depository 3 per cent annual interest, payable every six months while the notes are out. This interest money shall be forwarded by draft to the United States Treasury at the end of every calendar month.

SEC. 15. That all lands pledged to the association as security for stock, and all the lands, together with the buildings and appurtenances thereunto belonging, with the furniture and fixtures and all other real and personal property of the association and the insurance herein provided for, together with the coin, bullion, and bonds on deposit, shall be held for any and all acts, failures, omissions, negligences, or frauds of the bank or of the depository which has occasioned loss to any creditor. And it shall be part of the duty of bank examiners herein provided for to see that the stockholders' property and that of the bank is kept properly insured; and at any time, in case the insurance has expired without renewal, it shall be the duty of the examiner to personally see that a renewal is effected immediately at the expense of the owner. The cost of such renewal, if need be, must be paid by the bank, on penalty of closing its doors.

SEC. 16. In like manner, the said bank shall have connected with it a loan department which shall be in charge of a superintendent appointed by the President of the United States, by and with the advice and consent of the Senate. His term shall be during good behavior and fitness to discharge his duties, and his salary shall be fixed by the Secretary of the Treasury at not less than $[illegible] nor more than $[illegible] per year, according to the probable amount of business to be done by him. Salaries may be adjusted once in three years.

SEC. 17. That the business of the loan department shall be to lend moneys as hereinafter provided, under and subject to rules and regulations prescribed by the Comptroller of the Currency. The words "land" and "real estate," as they are used in this act, shall be held to include lots and small tracts in villages, towns, and cities, as well as lands in general, together with the improvements thereon.

SEC. 18. Applications for the loan of money will be made on blanks prepared under the direction of the Comptroller of the Currency, showing the location, description, and estimated value of the particular lot, parcel, or piece of land offered as security, with the appraisement, under oath, of three disinterested freeholders of the neighborhood who have personal knowledge of the premises, showing the actual value of the land or lot, with and without improvements, estimated as other lands or lots in that locality are valued, and its assessed value for taxation, together with the report of a local examiner in cases where, for good reason, the superintendent is of opinion that such examination is necessary. In case the land offered be public land, not subject to homestead entry, the Government price shall be taken as the assessed value of the land, and it may be taken as security for a loan for that amount. The application shall be accompanied by a complete abstract of title, and if it appears to the satisfaction of the superintendent that the security offered is sufficient under the rules established, for the amount of money asked for, the application shall be granted; and after due execution of note or notes, as the case may be, with first mortgage on the land or lot, conditioned that taxes and insurance be kept paid, and that waste shall not be committed on the premises, nor any other act done or permitted that will reduce the value of the security, a check shall be drawn by the superintendent on the Treasurer of the United States, which check, when indorsed by the Comptroller of the Currency, and record of such indorsement made, shall be paid as warrants on the Treasury are paid. The notes shall be filed and preserved, the mortgages recorded according to the laws of the particular State, and afterwards preserved with the notes in fireproof vaults or safes.

SEC. 19. That the notes and mortgages and other instruments of like nature, if any there need be, which are required to carry out the provisions of this act, shall be drawn in favor of the United States of America, conditioned that in case of failure at any time to pay interest, taxes, and insurance, or other necessary charge specified, as the same become due and payable, according to the contract of loan or the law of the State, the whole debt, principal and interest, shall become at once due and payable, and proceedings for collection may be begun as herein provided.

SEC. 20. That the time for which money may be lent under the provisions of this act shall not be less than one year nor longer than twenty years, nor at a rate of interest exceeding 2 per cent per annum, payable annually.

SEC. 21. In case of failure at any time to pay interest, taxes, and insurance, or other stipulated charges, according to the contract, the whole debt, principal and interest, shall become due and payable, and the attorney for the district in which the bank is situated, on notice by the superintendent, shall proceed without unnecessary delay to collect the same according to law in the State courts. Proceedings shall be conducted in the name of the superintendent and his successors in office for the use and benefit of the United States. The commission of waste on the premises mortgaged by any willful act of the mortgagor, or by his connivance, procurement, permission, or consent, or any other act by him so done or permitted, that has, or may be reasonably expected to have, the effect of reducing the value of the security, shall be held to annul the contract of loan; the debt shall at once become due and payable, and proceedings to collect the same shall be immediately begun as herein provided for in other cases. When a loan has been paid, the mortgage of record shall be released in an instrument signed officially by the superintendent; and in cases of foreclosure and court decrees the release shall be made by the attorney who brought the suit, following the State law as to manner and form. And in all cases of orders for the sale of land under court decrees in foreclosure proceedings, on application of the mortgagor, execution shall be stayed, and he shall have three years in which to redeem the land on payment of judgment, interest, and accruing costs: *Provided, however*, That the stay shall operate only from year to year, on condition that interest on the judgment, together with taxes and insurance on the property, be paid each year as they become due, and that no waste be committed. In other words, the stay may be extended from year to year for three years on condition that the annual charges be paid when due, and that the security be not impaired, but not otherwise. The proceeds of sale shall be paid over to the superintendent. All moneys received by the superintendent on account of the payment of loans, except one-half of the interest, shall be immediately transmitted by the bank's draft to the United States Treasurer, who shall cover the same into the Treasury, to be used as other public funds are used. One-half of the interest in every case shall be paid over to the bank as compensation for the use of building and appurtenances.

SEC. 22. That no loan under the foregoing provisions shall be for less than $100, nor for more than $[illegible], to or for any one person or family, nor to effect the purchase or redemption of a tract of land containing more than 160 acres; and no such loan shall be granted unless it be to procure or to save a home; that is to say, before a loan is made it must appear that the applicant, being without a home, needs the money to purchase one; or that, having a home, he is in danger of losing it by reason of his being unable to pay the incumbrance which is a lien upon it and is about to be enforced in court. In no case shall money be loaned under the foregoing provisions for purposes of speculation, and every application shall contain a statement of the applicant, under oath, showing that the money is intended for purposes herein provided for, and that it is not for purposes of speculation.

SEC. 23. That in order to provide funds to carry out the provisions of this act the Secretary of the Treasury is hereby authorized and directed to cause to have prepared, as the same shall be needed, not to exceed in the aggregate $[illegible] Treasury notes, in form, color, dimensions, devices, and reading matter similar to the United States notes, commonly called "greenbacks," issued under the act of February 25, 1862, except that there shall be nothing printed thereon showing that the notes are not receivable for customs dues, or that they may not be used in payment of interest on the public debt. These notes shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, and of all claims and demands against the United States of every kind whatsoever, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States. The Treasurer of the United States shall pay out said notes on checks of the superintendents approved by the Comptroller of the Currency, as hereinbefore provided. When any of said notes are afterwards received in the Treasury, they shall be paid out the same as other moneys; and when the notes are all paid out, checks from superintendents shall be paid from any moneys in the Treasury not subject to special appropriations by Congress.

SEC. 24. All banking associations organized under the provisions of this act shall pay to the United States an annual tax of one-fourth of 1 per cent of their note circulation, and their capital stock shall be subject to taxation under State laws the same as the stock of national banking associations.

SEC. 25. That willful violations of any of the provisions of this act by any stockholder, officer, agent, or employee of the banks and depositories herein authorized are hereby declared to be criminal offenses, and, except as herein otherwise provided, on conviction, the persons found guilty shall be punished by imprisonment for a period not less than one year nor more than five years, in the discretion of the jury trying the case. Penalties provided for in this act may be enforced as other criminal actions in the district court of the United States for the district where the bank is located, and the action may be prosecuted by any person injured on proper information imparted to the attorney for that district.

SEC. 26. The offices of First Assistant and Second Assistant Comptroller of the Currency are hereby created. These officers shall be appointed by the President, by and with the advice and consent of the Senate, subject to removal for cause only. The yearly salary of the first-named officer shall be $[illegible], and that of the second $[illegible], payable as other salaries are paid. Their duties shall be to assist the Comptroller, as he shall direct, in the work of his office.

SEC. 27. That banks herein authorized may, at any time when the owners of two-thirds of the stock shall so desire and shall so express themselves in the way provided in the by-laws, discontinue the business of banking upon showing to the satisfaction of the Comptroller of the Currency that all depositors have been paid in full and that all legal demands against the bank have been paid or satisfactorily secured. But before the lien of the United States on the lands of stockholders and on the lands and personalty of the bank association shall be released, the association shall pay into the Treasury of the United States lawful money equal in amount to that issued and delivered to it during its banking career, together with a sum of money sufficient to pay all its outstanding notes, and unless such payment be made within three months after the day of closing its business, on notice by the Comptroller of the Currency the United States district attorney for the district in which the bank was located shall immediately proceed according to law to collect the amount due.

SEC. 28. That in every particular where they are applicable, the provisions of the national banking act shall be construed in aid of the provisions of this act.

SEC. 29. That gold and silver bullion suitable for minting and in quantities worth $[illegible] or more may be brought to any mint of the United States, and it shall be received by the proper officers and coined into current standard coins for the benefit of the depositor and without expense to him. Such coins shall be lawful tender in payment of all debts to any amount whatever.

Mr. PEFFER. Mr. President, the joint resolution has been read twice. I ask that it may be now placed upon the Calendar.

The PRESIDING OFFICER. The Senator from Kansas asks that the joint resolution, which has been twice read, be now placed upon the Calendar.

Mr. FRYE. Has the joint resolution ever been referred to a committee?

Mr. PEFFER. It has not been referred to a committee.

Mr. FRYE. Ought it not to be referred to the Committee on Finance?

Mr. PEFFER. I would rather have it go on the Calendar, so that it may come up in the regular order for discussion.

Mr. FRYE. Under the rule it should be referred.

Mr. PEFFER. The Senator will remember that the word "may" is used in the rule, and it is not used in such connection as to mean "shall."

Mr. FRYE. On looking at the Calendar, the presumption is that everything there has been reported by a committee.

Mr. PEFFER. That may be true, Mr. President, but we have any number of instances within the recollection of all of us where a proceeding of this kind has been pursued after a second reading. It has been asked as a special favor in several instances, I know. I do not ask this as a special favor, but I think it is the rule.

Mr. FRYE. It ought not to be done, but at the same time I shall not undertake to make any motion in regard to it.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. Does it require unanimous consent?

Mr. PEFFER. I do not think it does require unanimous consent. I think it would require a motion to prevent it from going to the Calendar.

The PRESIDING OFFICER. The Chair will state that a motion to refer is in order and will be entertained by the Chair if made.

Mr. HILL. That is not quite the precise question I asked.

The PRESIDING OFFICER. The Chair thinks the joint resolution will go to the Calendar unless such a motion is made.

Mr. PLATT. Has the joint resolution been read twice?

The PRESIDING OFFICER. The joint resolution has been twice read, the Chair will state.

Mr. HILL. I suggest to the Senator from Kansas the propriety of having a committee examine this proposition. The difficulty about it is that some day, when perhaps there is not a very large attendance in the Senate, the matter may be brought up immediately, and not having been considered by any committee, Senators may not be prepared to act upon it as intelligently as they otherwise would. I suggest to the Senator whether in the end it would not expedite the measure to have it referred?

Mr. PEFFER. It undoubtedly would take the course of other measures. An objection would pass it over, under Rule IX, when it was reached in the regular way, and all Senators would have notice of it. It would certainly be taken up under Rule VIII first, and on an objection it would be passed over.

Mr. HILL. I assume that an important measure like this ought to have the consideration of a committee of the Senate. I am not now going to discuss the merits of the proposition. It involves a good deal; it requires a large amount of investigation. It involves, to a certain extent, the whole financial subject; and everything that we have had upon that subject has been referred to a committee and reported. I do not know of any important measure such as this is that has not been referred to a standing committee of the Senate, and I do not know why the joint resolution should not be referred. The Senator from Kansas does not ask any special favor about it. Therefore I think, like any other bill relating to the finances, it ought to be referred to the Committee on Finance.

The PRESIDING OFFICER. The Chair will have the rule relating to the matter read to the Senate. The Secretary will read as indicated.

The Secretary read as follows:

RULE IV.

* * * * * * *

4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

Mr. PLATT. The practice, I think, is that we have two Calendars. We have one on which bills reported go, and we have another to which resolutions and such matters as have not been to a committee, but have been before the Senate and talked about, go, which is called in common phrase the table calendar. I understand that the request now is that the joint resolution shall go on the regular Calendar with matters which have been reported.

The PRESIDING OFFICER. The Senator from Kansas has not been specific in his request, but a motion to refer will be entertained. That will dispose of the matter.

Mr. HILL. I was going to appeal to the Senator from Kansas, to his sense of propriety, that he consent that the joint resolution be referred to the Finance Committee.

Mr. PEFFER. The only time since the Senator from New York and I have been associated in this Chamber that I did not consent to a request that he made was during our discussion upon the resolution to appoint a committee to investigate the bond transactions. It was the only time, I say, that I did not concur in the Senator's request, and now I am willing to yield to the Senator's appeal and let the matter go to the Committee on Finance if he insists upon it.

Mr. HILL. The Senator consents to it. By unanimous consent the joint resolution can be referred to the Committee on Finance.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Finance.

DEATH OF CHARLES GOVIN.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 22d ultimo, a report from the Secretary of State, accompanied by copies of correspondence concerning the death of Charles Govin, a citizen of the United States, in the Island of Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 5, 1897.

Mr. CALL. I ask that the message may be printed; and I suppose it should be referred properly to the Committee on Foreign Relations.

The PRESIDING OFFICER. The message will be printed and referred to the Committee on Foreign Relations.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory, for actual and bona fide settlers, and reserving the public lands for that purpose.

The PRESIDING OFFICER. The Chair will state that the bill has been read at length. There are now certain amendments pending.

Mr. PETTIGREW. I ask to have the bill read at length, with the amendments reported from the Committee on Public Lands.

The PRESIDING OFFICER. The first amendment will be read.

Mr. PETTIGREW. I should like to have the bill read at length as proposed to be amended.

Mr. COCKRELL. Before the bill is read, I should like to ask a question. Has the report in the case been read?

The PRESIDING OFFICER. The Chair is informed that it has been read, and that it has also been printed in the RECORD.

Mr. COCKRELL. How about the minority report? I have never heard it read.

The PRESIDING OFFICER. The minority report has been printed in the RECORD, but it was not read at length.

Mr. COCKRELL. I should like to hear that read. I have not been able to find a minority report thus far.

Mr. MORRILL. Evidently the bill is of vastly too great importance to be considered when the Senate is as thin as it is to-day. There is hardly a quorum present at this time, and as the bill is a very important one, proposing to repeal laws that were established in relation to land equal in amount to thirty or forty million dollars, and involving the question whether the Government shall be reimbursed that sum or not, I ask that the measure be postponed for one week. I do not think that we are likely to have a full Senate here the present week. I hope the bill will be postponed for a week.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the bill be postponed for one week. The Chair understands the request to be that it be postponed without losing its place as unfinished business at that time.

Mr. PETTIGREW. Do I understand that the Senator from Vermont asks unanimous consent that the bill be put over for one week?

The PRESIDING OFFICER. That is the request which has been submitted to the Senate.

Mr. PETTIGREW. To that, of course, I shall object.

Mr. FRYE. If the Senator will pardon me, in order to find out whether there is a quorum of Senators in the Chamber, I suggest the lack of a quorum.

The PRESIDING OFFICER. The Senator from Maine suggests the want of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Baker,
Berry,
Burrows,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Davis,
Faulkner,
Frye,
Gear,
Gray,
Hale,
Harris,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Sewell,
Shoup,
Smith,
Stewart,
Teller,
Tillman,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. MORRILL. I ask unanimous consent that the bill may go over until to-morrow, when I trust the attendance will be larger than it is to-day.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the bill go over until to-morrow as the unfinished business without losing its place. Is there objection?

Mr. PETTIGREW. I do not think I shall object to that request. I am simply desirous that the bill shall be considered by the Senate and disposed of, and of course anxious that delay shall not place it in such a position that it will not be disposed of at this session. Believing, of course, that the request is made not for the purpose of delay or to hinder in any way the consideration of the bill, I will consent that it shall go over and be the unfinished business for to-morrow, but to-morrow I shall insist upon its consideration without further delay.

Mr. HOAR. I should like to suggest that if the Senate delays this matter it does not hurt the bill which is entitled to precedence so much as it does other bills that come after it. If the bill in charge of the Senator from South Dakota is to go over, I should like the consent of the Senate for the consideration of the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted, which is also a special order and has been such ever since the 15th of April, 1896. Our law in regard to the penalty of death is simply a relic of the barbarism of the past. I ask that that bill may be taken up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont [Mr. MORRILL]?

Mr. HARRIS. Let the title of the bill be read. I did not hear what it was.

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Massachusetts will be stated.

The SECRETARY. A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted.

The PRESIDING OFFICER. The immediate question before the Senate is the request of the Senator from Vermont, which is that the pending business be laid aside informally until to-morrow morning. Is there objection? The Chair hears none.

Mr. PETTIGREW. It is to retain its place as the unfinished business.

The PRESIDING OFFICER. It is to retain its place as the unfinished business, the bill being only informally laid aside.

INFLICTION OF DEATH PENALTY.

Mr. HOAR. I ask unanimous consent of the Senate for the consideration at this time of the bill which I have named.

The PRESIDING OFFICER. The bill will be stated by title.

Mr. FRYE. Let it be read in full for the information of the Senate, please.

The PRESIDING OFFICER. The bill will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted, as follows:

Be it enacted, etc., That in all cases where the accused is found guilty of the crime of murder or of rape under sections 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

SEC. 2. That except offenses mentioned in sections 5332, 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 5332, 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on the Judiciary with an amendment, to insert as an additional section the following:

SEC. 5. That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be punished by imprisonment at the discretion of the court. So much of the ninth section of chapter 341 of the acts of the year 1885 as is inconsistent herewith is herewith repealed.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill if this would not be a good place to insert a provision in regard to jurisdiction of the courts in offenses committed in the Indian reservations? Is there not such a bill as that pending before the committee of which the Senator from Massachusetts is chairman?

Mr. HOAR. I should think that would be the subject of a separate report, but I hope it will not be permitted to interfere with this bill, as it would very likely embarrass or delay its passage.

Mr. COCKRELL. I hope the Senator and his committee will give attention to the matter to which I have referred.

Mr. HOAR. I will. The committee have that bill before them. I will state that the Senator from Wisconsin [Mr. VILAS] has, as a subcommittee, the matter of Indian jurisdiction, with which he is very familiar, in charge. He will make a report, I have no doubt, at an early day.

Mr. HAWLEY. I see a feature of this bill the wording of which I do not quite like. I see it is provided in section 2—

That except offenses mentioned in sections 5332, 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, etc.

Mr. HOAR. If the Senator will pardon me, those are offenses provided for in the Articles of War, with the exception of treason, and treason has a special provision, so that the punishment of treason is much milder; that is, this bill reduces the punishment for certain offenses, if the jury shall so find, to imprisonment for life; but in cases of treason the punishment has already been reduced, at the discretion of the court, to imprisonment for a term of years. It would take a very long bill to enumerate all the offenses mentioned in the Articles of War and those regarding the Navy.

Mr. HAWLEY. All that is referred to here is contained in those sections of the Revised Statutes?

Mr. HOAR. Yes; it is all contained in those sections.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TERMS OF PRESIDENT AND REPRESENTATIVES.

Mr. PROCTOR. I wish to give notice that on Monday next, on the completion of the morning business, I shall ask to have taken up, for the purpose of briefly addressing the Senate regarding them, Orders of Business 62 and 63 of subjects on the table, being joint resolutions introduced by me relating to the Presidential term and the terms of members of the House of Representatives.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 6, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 5, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Tuesday, December 22, 1896, was read and approved.

CERTAIN LANDS IN KANSAS.

Mr. BRODERICK. Mr. Speaker——

The SPEAKER. The gentleman from Kansas [Mr. BRODERICK] desires to present a request. This requires unanimous consent, because the provisions of the rule already adopted require the House to go into Committee of the Whole. If there be no objection, the gentleman will be allowed to submit his request. The Chair hears no objection.

Mr. BRODERICK. I desire to submit a resolution, and ask unanimous consent for its present consideration. If it provokes any discussion, I will withdraw it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution relating to Union Pacific Railway lands.

Whereas there are large and valuable tracts of land, situate in the State of Kansas, which were embraced in the grant made by the Government to the Union Pacific Railway Company to which patents have not yet been issued; and

Whereas most of these lands have been sold by said railway company to bona fide purchasers who are in possession and who have made lasting and valuable improvements thereon; and

Whereas the United States land officers at the Topeka, Kans., land office have allowed and are allowing homestead entries to be made upon these lands without any apparent legal authority: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to this House the cause of the omission to issue patents to said lands and the authority under which the United States land officers at Topeka, Kans., pretend to act in permitting these entries to be made.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LACEY. I should like to hear some statement from the gentleman from Kansas [Mr. BRODERICK] before unanimous consent is given.

Mr. BRODERICK. Mr. Speaker, the facts are recited in the preamble to the resolution. These lands were granted to the railroad company, but for some reason which is not generally understood patents have not been issued, and men are going to the Topeka land office now and making pretended homestead entries upon these lands.

These lands have been in the possession of the present owners in many instances for twenty or twenty-five years. They have been paid for, occupied, and the owners have made valuable improvements upon them, but the Department has omitted to issue the patents. We simply ask why this omission has been made, and ask under what authority, if any, these lands are being homesteaded.

Mr. LACEY. As I understand, then, this only asks for information from the Department?

Mr. BRODERICK. It asks only for information. It is simply a resolution of inquiry. An official report of the facts is all that is desired at this time. Other steps may be taken later if the answer to this resolution warrants further action.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

SECOND-CLASS MAIL MATTER.

Mr. MEREDITH. Mr. Speaker——

Mr. LOUD. Mr. Speaker, I am compelled to ask for the regular order.

Mr. MEREDITH. I ask my friend to allow me to introduce a resolution. It will only take a moment.

The SPEAKER. The gentleman from California [Mr. LOUD] demands the regular order. Consequently, under the rule already adopted, the House resolves itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 4566, and the gentleman from New York [Mr. PAYNE] will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, with Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4566) to amend the postal laws relating to second-class mail matter.

Mr. LOUD. Mr. Chairman, the bill has already been read and printed in the RECORD, and I ask that the reading of it be dispensed with.

The CHAIRMAN. The Clerk is simply reporting the title of the bill.

Mr. QUIGG. Mr. Chairman, I ask that the rule under which we are now proceeding be read.

The CHAIRMAN. Without objection, the Clerk will report the rule.

The Clerk read as follows:

Resolved, That on Tuesday, January 5, 1897, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. No. 4566, a bill to amend the postal laws relating to second-class mail matter; that said bill shall be considered under the rules governing general debate during the said day and the following day, January 6, until the hour of 2 p. m., at which time general debate shall close, and said bill shall then be open to amendment and consideration under the five-minute rule until 4 p. m., at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and bill to its final passage.

Mr. QUIGG. I should like to ask the gentleman from California [Mr. LOUD] if he has any suggestion to make about the time to be consumed in general debate.

Mr. LOUD. In view of the limited time for debate, and the very many requests for opportunity to speak, it seems to me that the time can be better distributed by a gentleman on this side and one on the other; that it would be better to parcel it out in that manner than to allow individual members to secure the floor who would be entitled to an hour each. I would make that suggestion.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. QUIGG] if he desires to be recognized.

Mr. LOUD. I make that request, Mr. Chairman, that the gentleman from New York be allowed to control the time in opposition to the bill, and that I may be allowed to control it on the other side.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from New York may be permitted to control one-half of the time against the bill, and the gentleman from California [Mr. LOUD], on behalf of the committee, on the other side. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. QUIGG. Does the gentleman from California desire to proceed with the remainder of his time that was not used by him the other day?

Mr. LOUD. If the gentleman from New York is ready to proceed, in view of the fact that I have occupied so much time, I would prefer to wait until later on in the debate.

Mr. QUIGG. Mr. Chairman, in presenting this bill to the consideration of the House the other day, the gentleman from California [Mr. LOUD] enlarged upon its importance. I desire to concur in the view that he then expressed—that this is the most important measure that has been under consideration here during the present session of Congress, and it is likely to be the most important bill that we shall have to consider, save, possibly, the funding bill presently to be acted on. I concur in this view the more earnestly because there is very little else that the gentleman from California said with which I can entirely agree.

This bill is not only important, it is revolutionary; and it is not less reactionary than revolutionary. If this bill passes, for the first time since the Post-Office Department was established Congress will have taken a step backward in the liberal policy it has maintained with regard to the public uses of the post-office. If this bill passes, privileges and rights will be withdrawn and denied which have existed for half a century, privileges and rights so widely availed of that industries have been built upon them, trades and businesses established, and conditions of production and barter fixed. If this bill passes, a blow will be struck at every occupation connected with the art of printing and the business of publishing, circulating, and selling the product of the printing press. If this is so, and anybody can see at a glance that it is so, no argument is needed to enforce the assertion that we should be sure of our ground and be fully persuaded of compensating results to the public interest before we give our approval to such radical, such injurious and far-reaching legislation.

Two pretenses are made with which to justify this bill. The first is that the mails are now being used in a way that the law did not intend or contemplate and that by this bill we are simply providing against abuses. The second is that its passage will save to the public Treasury the sum which the gentleman from California, by mathematical processes that are altogether bewildering, variously estimates from ten to forty millions of dollars. If either of these pretenses could be established, if they were even credible, I should certainly support the bill in spite of the grievous injuries that its enactment must entail upon the industries and occupations to which I have just referred. But the facts in the case conclusively prove that the uses of the mails which this bill seeks to prevent were held in full contemplation when the law took its present shape, have since been repeatedly confirmed, and that the effect of the bill upon the revenue and expenditure of the Post-Office Department is altogether problematical. Indeed, I think that the House will see before this debate is concluded that the inevitable loss of revenues in first and fourth class postage will be quite as great as any possible saving by reason of the reduction of the cost of mail transportation and that the net effect of the bill will be to produce disaster to printers, binders, publishers, newsdealers, and paper manufacturers, without materially affecting the financial condition of the post-office.

The difficulty, Mr. Chairman, which the Post-Office Department has experienced in comprehending the fact that it is the positive and assured purpose of the law to permit all publications not obscene or indecent to be sent through the mails to subscribers and dealers when issued at stated intervals from a known office of publication, and when not covered with a permanent binding, is not easy to understand. The statute by which this privilege was expressly conferred was enacted in 1845, more than fifty years ago. It contained this provision:

All letters, newspapers, and all magazines and pamphlets periodically published, or which may be published in regular series or in successive numbers under the same title, shall be designated as second-class matter.

I am not able to say at what particular time publishers of books began to issue their publications in serial form, but it was at some time subsequently to the passage of this law and prior to the act of 1879, which is the existing statute with regard to second-class matter and the statute which the pending bill purposes to amend. It came about as the result of the wonderful improvement in printing machines and the marvelous processes by which the cost of paper making was reduced. Now, I ask the committee while I run over the history of this matter to bear in mind the fact that the gentleman from California, echoing the voice of the Post-Office Department, alleges that existing law did not intend to permit the circulation through the mails at pound rates of serial publications which are books. He said in this report with which he accompanied the bill:

We have oftentimes wondered why a long-suffering people have remained practically silent through all these years, for [illegible] people have long been taxed from thirty to forty million dollars a year more than it costs to transmit their mail matter in order that a very small privileged class, embracing but a few thousand, might be indulged in the luxury of pursuing a legitimate and in most cases a very profitable business.

From that language we might infer that our friend had reference to the whole of this second-class business, and not to the particular "abuses" at which he says this bill aims. But in his speech on December 15 he interpreted the remark in his report and commented on it as follows:

Now, this bill presents to this body the opportunity to relieve the country from a deficiency of $10,000,000 already existing in the service of the Post-Office Department and to give to it in addition a revenue of $10,000,000 more. At the lowest calculation there is involved in this bill a saving to the Government of $20,000,000 per annum, and if we may take the figures of Postmaster-General Wanamaker, acknowledged to be a good business man, and who was at that time in a position to know whereof he spoke—if we may take his estimate made in 1892, we must come to the conclusion that this iniquity—I will term it iniquity—costs our people more than $40,000,000 annually.

I called the gentleman's attention on December 19, when the rule under which this discussion is proceeding was brought into the House by the gentleman from Iowa [Mr. HENDERSON], to the fact that he had said that we were thus going to save from $20,000,000 to $40,000,000 which were caused to be expended by this "iniquity." The gentleman from California did not wish to have it understood, evidently, that when he brought in his appropriation bill his forty-million-dollar saving would show there. I questioned him at that time particularly on this point of the saving to the revenue, because that is the only reason why anybody in this House will want to vote for the bill.

If this bill passes, it will pass because the gentleman from California has persuaded the House that the law never intended to confer these privileges, and because he has persuaded the House that a huge sum of money will be saved by forbidding the mails to periodically issued paper books and sample copies of newspapers. So that unless he comes in here with an appropriation bill that carries out his pretenses—I do not wish to use the word "pretenses" as relating to the gentleman from California, so I will say a bill that carries out his assurances—unless he comes in here with such an appropriation bill, certainly the House will be in a position to say that it voted under a misapprehension. When I warned the gentleman from California on December 19 that it was from twenty to forty millions that he had claimed he was going to save—and I suggest here that there is a good, big "hedge" between twenty and forty millions—he replied as follows:

The chairman of the Post-Office Committee has made no statement that this bill will save from twenty to forty millions a year. The claim that he has made, which I have repeated to many gentlemen, is that this bill will probably save ten millions a year.

Now, Mr. Chairman, I have quoted the language of the gentleman from California where he said that this postal business which he proposes to stop costs $10,000,000 annually; then I have read his language where he says that Mr. Wanamaker states that it costs forty millions; then I have read his language where he says that if his bill passes it will save twenty millions—ten millions by reducing expenditures and ten by adding to the revenues; and lastly, I have just read his statement that it is only ten millions he is going to save. Now, I want to say to the gentleman from California that he will not save even ten millions. When he talks about mail matter being carried at 8 cents a pound, he uses a thoroughly misleading expression, and it has misled him woefully. It assumes that there are no fixed charges in the Post-Office Department.

If this bill passes, the gentleman is not going to reduce the number of post offices by a single one; he is not going to reduce the number of postmasters; he is not going to reduce the number of post-office clerks; he is not going to reduce the number of railway mail clerks; he is not going to reduce the number of carriers. The only reduction that he can possibly effect is in the one solitary item of the cost of transportation on the railroads. That is the one place where any saving can be effected, and the saving that he will effect there will not be ten millions nor two millions. This second-class mail matter has not increased invariably from year to year, as the gentleman from California intimates that it has. It did not increase, for instance, in the year 1894 over the year 1893. On the contrary, there was a decrease in the amount of second-class matter carried; but there was an increase in the amount of postal expenditure for that year. The compensation to postmasters increased, the compensation to clerks increased, the compensation to carriers increased, the cost of star routes increased, the cost of railroad transportation increased more than a million and a half of dollars, the cost of post-office car service increased, the cost for steamboat service increased, and the cost for railway mail clerks increased. There was an increase of expenditure all along the line. I have the figures here showing a large increase in every item.

Now, the weight of mail matter carried in that year was substantially the same as in the year before, and the weight of second-class matter slightly declined. What, then, accounts for the increased expenses? Why, the distance covered by the mails was 15,000,000 miles greater than in the preceding year. There were 716 new star routes; there were 77 new railroad routes; there were 207 additional mail clerks; there were 192 new post-offices; there were 211 additions to the postal clerks; there were 111 additions to the force of carriers. So the increase in the mail service of this vast and growing country of ours must go on from year to year, and the gentleman from California is not going to reduce it. I shall come presently in the course of my remarks to a clear statement of how the compensation of the railroads is determined, and the committee will then see that a reduction of the weight of mail matter to be carried involves in no respect a proportionate reduction of expense even for transportation.

Mr. HENDERSON. Will the gentleman permit a question?

Mr. QUIGG. Yes, sir.

Mr. HENDERSON. Those of us who are not familiar with the evidence put before the Post-Office Committee, and who have not had time to examine the reports, would like to know exactly what the issue is between the gentleman from New York and those representing the other side. If the gentleman will indicate the rates of the different classes of mail matter carried, and what kinds of matter will be transferred under this bill from one class to another, we shall probably be better able to follow his line of argument.

Mr. QUIGG. I am extremely obliged to the gentleman from Iowa for his suggestion. Mr. Chairman, this bill proposes all sorts of changes in the existing law, but there are two which are especially radical. Before the debate is concluded I will try to indicate all of the proposed changes, but these two are the great, the serious and important ones. First, the bill forbids access to the mails to periodical publications which are books. Now, periodical publications, whether they are books or newspapers—their characteristics being defined by statute—are admitted to the mails under the act of 1879 as second-class matter, and by the act of 1885 the postage rate for second-class matter was fixed at 1 cent a pound. The rate at which these second-class publications are carried has been variously altered during the last fifty years, but the original law, preceding that of 1879, giving to them second-class privileges, was passed in 1845, and has not been changed subsequently except in the direction of greater liberality. Its language I have already quoted. The present law, however, is the act of 1879, and it is this act which the pending bill amends.

The act of 1879 with regard to second-class matter says that it must have these four characteristics:

First. It must be regularly issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

That establishes its periodical character.

Second. It must be issued from a known office of publication.

That fixes its identity.

Third. It must be formed of printed sheets, without board, cloth, leather, or other substantial binding, such as distinguishes printed books for preservation—

Mark the language of the statute—"printed books for preservation"—

from periodical publications.

And, fourth. It must be originated and published for the dissemination of information of a public character, or be devoted to literature, the sciences, arts, or some special industry, and it must have a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

Now, Mr. Chairman, those are the statutory characteristics which a publication must possess in order to be admitted to the mails as second-class matter. It is proposed by the gentleman from California in this bill so to change the law that those periodical publications which are books shall not be carried as second-class matter, but must go into the third class, and pay 8 cents a pound instead of 1 cent.

He proposes one other change. There has existed in this country since, I think, 1879—the gentleman from California will correct me if I am wrong in the date—a privilege to newspapers that allows them to send, at the rate of 1 cent a pound, sample copies of their publications to individuals everywhere—wherever they are to be reached by the mails. The object of this law was to enable newspapers to extend their circulation throughout the country. The gentleman from California proposes to stop that law; to cut off that privilege; to prevent the exercise of it by any newspaper at any time under any circumstances.

Mr. HENDERSON. What is the regular rate on newspapers?

Mr. QUIGG. A cent a pound. But they must be sent to subscribers only—paid subscribers. The law does not give permission for newspapers to be sent at the pound rate to those who are not subscribers unless the papers be sent as sample copies. And if any newspaper is sent as a sample copy to the same person repeatedly, every postmaster is directed to notify the fact to the Department, which fact deprives that paper of its second-class privilege, if the postmaster chooses to exercise his authority.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. QUIGG. Certainly.

Mr. HEPBURN. Under this privilege of sending sample copies, as the law is construed, is it not possible for a publisher to send to one person, say, a hundred copies of his publication marked as sample copies, under one cover——

Mr. QUIGG. Several copies; yes.

Mr. HEPBURN. And is it not possible for the person who receives those hundred copies, if he should sell only 10 of them, to return the 90 unsold copies at 1 cent a pound?

Mr. QUIGG. Oh, that is not possible. They must not be sent for any such purpose. The law is carefully guarded. Sample copies can not be sent to dealers.

Mr. HEPBURN. I want to get at the fact as to the manner in which this privilege is used.

Mr. QUIGG. If the gentleman will allow me, I shall refer to that subject when I reach that portion of my remarks relating to sample copies. Having now defined the two principal changes which the gentleman from California seeks to make in the law, I desire to return to his allegation that this privilege of sending books through the mail was never intended to be granted.

The gentleman from California [Mr. Loud] referred in his speech to the decision of an Attorney-General from which he dates the book privilege. This is his language:

> For my part I do not believe that it was ever intended by Congress that serial novels should pass through the mails at pound rates, a privilege originally vested in the newspapers of the country, and confined to them up to 1879, when, by a ruling of the Attorney-General at that time, General Devens, it was held that books issued in serial numbers are entitled to be carried at second-class rates, under the rather loose phraseology of the law.

And this is the view of the present Postmaster-General, as it has been the view of previous Postmasters-General; and the present official at the head of the Post-Office Department makes bold to say that if we do not pass this bill he will pass it himself. He says:

> But for the hope that Congress—

This, I will state, is from his report for the current year—

> But for the hope that Congress would enact the bill now on the House Calendar, I should have taken the responsibility to modify and reverse the successive rulings through which this inroad on the service has been effected and to exclude from the benefit of second-class rates the serial libraries and other publications not in the policy of the law, even within the letter of its rather loose phraseology.

So that this present Postmaster-General gives us to understand that if we reject this bill he will enact it into a law himself; and now let us see what it is that he must ignore in addition to the adverse action of the present Congress.

This decision of Attorney-General Devens was rendered with reference to a case that arose under the old law, not under the law of 1879. The question arose under that earlier law on the 27th of November, 1878, by the action of the postmaster at New York in refusing to permit one of these serial publications, that was a book, to go through the mail at second-class rates. Attorney-General Devens having interpreted the law, and having held that periodicals might be admitted to the mails provided they conformed with the statutory conditions then existing, and that this book did so conform, the Department came before the House Committee on the Post-Office and Post-Roads with precisely this proposition, and here is the language that it employed in its suggestion:

> The Post-Office Department submitted to the House committee the following: "Nothing herein contained"—

Now, understand that the House committee was then considering the rates bill, the bill which I have just read as existing law. The House committee was then considering what became the law of 1879, which it was about to bring into the House for its action; and the gentleman from Illinois, the present chairman of the Committee on Appropriations, was a member of the committee at that time and can correct me if I err in any statement.

Mr. LOUD. If the gentleman from New York will permit me, I understood him to suggest, or he left the impression upon my mind, that the gentleman from Illinois [Mr. Hopkins] was a member of the committee in 1879. That I think is a mistake, as he could not have been here at that time.

Mr. QUIGG. My reference was to the gentleman from Illinois [Mr. Cannon], the chairman of the Committee on Appropriations. As I understand it, that gentleman's period of service as a member of this House dates from the creation of the Government. [Laughter.]

Now, the proposition submitted by the Post-Office Department to the House Post-Office Committee at that time, in 1879, and prior to the enactment of the law, was this:

> Nothing herein contained shall be so construed as to admit publications which, although issued in regular series or successive numbers, are but books, or reprints of books, to the benefit of the privileged rate, whether printed in this country or abroad.

And the committee took this proposition, which is the one we are now considering, and rejected it, and brought in the act as it stands. Does the gentleman from California mean to say now that this law did not intend that books should go through the mails at this reduced rate? Why, this is not all of it. The Postmaster-General who succeeded at that time, Thomas L. James, delivered an address in the city of New York in 1883, in which he referred to this law of 1879, the law that was passed with this Department amendment rejected. This was what Postmaster-General James said:

> The constant tendency of our postal system has been toward the extension of the privileges of the mails in every branch of correspondence and every form of literary production. Its facilities first made possible the cheap publication of newspapers, and later on standard works of literature, by placing upon all periodical popular reading matter the lowest rate of postage ever known in a civilized land. In no other country have the masses ever before enjoyed such an inestimable intellectual privilege, and no money—

Listen to this, gentlemen—

> no money expended by the Government in any of its multiform agencies has ever conferred such enormous advantages. This extension of reading good books by the masses—

Do you hear that language? "This extension"—

> is in itself one of the marks of progress, of civilization, and of the widening benefits of a government of the people and for the people. This impulse and direction, of course, must not be changed.

Why, it seemed absurd to that Postmaster-General.

"There must be no steps backward," he said in conclusion. And now will the gentleman from California [Mr. Loud] say that the law did not intend to permit these books to go through the mails?

But that is not all the evidence. I mentioned a moment ago that the gentleman from Illinois [Mr. Cannon] was a member of the committee when this amendment was rejected and the existing law was brought in. In 1888 we had another of these bills before us to keep books out of the mails. This proposition has come up again and again, gentlemen, only to be defeated, and by ever-increasing majorities. When it was up in 1888 the gentleman from Illinois [Mr. Cannon] used this language:

> Prior to 1879, while I was a member of the Committee on the Post-Office and Post-Roads, this class of literature was allowed to pass through the mail at 2 cents a pound. The policy of legislation—

Mark the gentleman's words. The very language which Postmaster-General Wilson uses, only the gentleman from Illinois [Mr. Cannon] says it was the policy, and Mr. Wilson says it was not. Well, who knows, the man who made the law or the man who was not here then?

Says the gentleman from Illinois [Mr. Cannon]—

> the policy of legislation being to encourage the dissemination of sound and desirable reading matter among the masses of the people of the country at cheap rates, the question was discussed and the legislation was advisedly had.

You see they were coming before that Congress telling them that the law did not intend to permit these books to go through the mails. That was the plea then, just as it is the plea now, and the gentleman from Illinois [Mr. Cannon] bore his testimony to the fact that "the legislation was advisedly had."

Then subsequently the question came up again and again, and the last time two years ago, when it appeared neatly tucked away in an appropriation bill. The bill was considered under the five-minute rule, and the clause was passed before anybody discovered what it was, and then such a storm of criticism and protest arose that the gentleman in charge of that bill (Mr. Henderson, of North Carolina) gave us an opportunity in the House to debate that particular paragraph and to vote upon it. It was debated and voted on and rejected by a vote of 182 to 27.

Yet in the light of all these actions, the gentleman from California [Mr. Loud], echoing the Postmaster-General, says that this law did not intend to permit books to go through the mails, and the Postmaster-General gives us to understand that if our action to-day is the same as has heretofore been taken, he will legislate for himself and keep these books out by simply a stroke of his pen.

Now, Mr. Chairman, I think it is pretty well established that the law did intend books to go through the mails, when issued serially, and when not bound for preservation.

But I admit that the policy of continuing the law may yet be considered. If, as the gentleman from California [Mr. Loud] says, the sample-copy privilege and the book privilege costs this Government $40,000,000, there can not be any doubt that something ought to be done to check the expense. If, as he says, he is going to save forty millions, or thirty millions, or ten millions, or five millions, I think we ought to vote for his bill. I say he will not save five millions, nor four millions, nor three millions, and I doubt if he saves two. I doubt very much whether the net effect of this bill will be to save a cent. On the contrary, it is my sober belief that if this bill passes the result will be to increase the deficit of the Department.

Mr. Chairman, the proposition on which the gentleman from California [Mr. Loud] relies to prove that this bill will effect this saving is about as follows—I am not claiming to quote the gentleman from California [Mr. Loud], but I undertake to give the argument of the Post-Office Department and of that gentleman with reference to this bill, and to express it in a few sentences that will enable the committee to understand it perfectly. It asserts that the second-class matter mailed by publishers and news dealers, including the matter circulated free within the county of publication, amounts to 348,988,648 pounds, or 68 per cent of the entire weight of the matter carried; that 52,348,348 pounds of this second-class matter were carried free, consisting of newspapers delivered through the mails to subscribers residing within the county where the paper was printed; that the 296,640,300 pounds remaining, which includes not only these serial publications and sample copies of newspapers, but all the periodical publications of the country, all the daily and weekly newspapers, all the reviews and magazines, paid to the Government a revenue of only $2,966,403; that this matter increases enormously from year to year; that the cost of transporting the mails is about 8 cents a pound; that the second-class matter was therefore carried at an expense of about $28,000,000, and the revenue derived from it being only about $3,000,000, that there was a loss on transportation alone of nearly $25,000,000, and a further loss in handling of even more; that the finances of the Department show a deficit, and that the way to economize is to shut down on books and sample copies.

Now, that is the argument of the committee, but does the committee give us any information to support the argument? Supposing that its statement is true, does the committee tell us what proportion of this second-class matter consists of books and sample copies? Not at all. There is not a word in the gentleman's speech nor a word in his report that throws any real light on the facts. There is only an extract from Mr. Wanamaker, from one of his reports, which went to show that the book matter amounts to about 50,000 tons—that is, one hundred millions of pounds. That, so far as Mr. Wanamaker is concerned, is a guess. He does not claim to have the fact. He speaks of the amount as substantially 50,000 tons. The committee does not show us what it is.

Now, there exist in this country 2,000 daily newspapers. There are nearly as many weekly newspapers that circulate outside the county in which they are published. There are nearly 300 magazines, some of which circulate, as the Century Magazine, 250,000 copies monthly; and all of this matter goes to make up the 300,000,000 pounds which is carried as second-class matter.

What would be the effect if we should forbid the mails to these sample copies and these books? The gentleman from California says that if they carry 100,000,000 pounds at 8 cents a pound we shall save $8,000,000. But he does not show that they amount to 100,000,000 pounds, nor any other weight, and when you come to understand how the weight of matter is paid for you will easily see that the decrease of the heft to be carried does not proportionately decrease the expense. Here is the scale of compensation: If a railroad carries 200 pounds of matter per day over the whole of its route it is paid at the end of the year $42.75. If it carries 500 pounds it is paid $64.12. The rate diminishes, you see. If it carries a thousand pounds it is paid $85.50. If it carries 5,000 pounds it is paid $171. Now, note the difference. If it carries 200 pounds it gets $42.75—and these rates are fixed by statute. If it carries 5,000 pounds it only gets $171, and for every additional 2,000 pounds it gets $21.37. So that a railroad that carries 200 pounds is paid more—is paid twice as much exactly—for its 200 pounds as another road carrying great weights is paid for any additional 2,000 pounds over the weight of 5,000. Not only does the rate fall as the burden increases, but in our contracts we pay for a great many things besides weight.

Weight is one of the elements of cost, to be sure, but it is only one. We pay for speed, we pay for the length of the route, we pay for the frequency of the carrying, and then we pay for weight, and our rate for weight diminishes in proportion as the bulk of the matter and its weight increase. So that when the gentleman tells us that the rate is 8 cents a pound he says what is misleading, because it is neither accurate nor complete. It is true that we carry 500,000,000 pounds of matter of all kinds, and if we carry 500,000,000 pounds of all kinds of matter and if we spend $90,000,000 for our postal service the cost per pound for handling, delivering, and transportation will be 18 cents. That is plain, and for certain purposes it is true; but it does not follow that you will save 18 cents every time you diminish that weight by a pound. We pay for transportation—I think it is—about $36,000,000, and that would seem to establish a rate of 8 cents per pound. But when you examine the scheme by which the transportation is paid for, you perceive that you do not reduce the expense by 8 cents when you reduce the weight by a pound. Nor for every pound that we add do we increase it 8 cents. Postmaster-General Wanamaker did not fall into the mistake of computation with which my friend from California has misled himself.

When the gentleman from California said the other day that he was going to save either ten, or twenty, or thirty, or forty million dollars, the gentleman from Pennsylvania [Mr. Bingham], who has been at the head of the Post-Office Committee, who considered this bill when he was at the head of that committee, and who is now opposed to it, called attention to the fact that Mr. Wanamaker's statement was that the saving by the exclusion of books would be only about $1,000,000, and that the saving by the exclusion of sample copies would be only one million more. The gentleman from California replied that Mr. Wanamaker had made an obvious mistake, because the cost of transportation was 8 cents a pound, but I think I have shown that it is the gentleman from California who makes the mistake, and that it is erroneous to say that the cost is 8 cents a pound, or any other specific sum. Now, what did Mr. Wanamaker say? I will read his statement, and I ask gentlemen to notice closely his language, for it is extremely careful and exact. Mr. Wanamaker says that the weight of books carried is, he thinks, 50,000 tons, and if 50,000 tons, then 100,000,000 pounds. Now, what is going to be the saving by the proposed change according to Mr. Wanamaker? He says:

> It is estimated that by the sample-copy abuse over $1,000,000 is annually lost to the revenue.

Mark the language: "Annually lost to the revenue." That does not mean that this amount would be added to the revenue by stopping what he calls the "abuse." Then he says further:

> In the transportation of paper-covered books, considerably more than a million is kept out of the postal income.

"Kept out of the postal income." That, as gentlemen will see, is very guarded language, and it was doubtless chosen by Mr. Wanamaker because he knew, what the gentleman from California ignores, that the expenses of the Post-Office Department are to a great extent fixed charges, and that so far as they are not fixed they are bound to increase by reason of the extension of the service, and also because Mr. Wanamaker recognized, what the gentleman from California ignores, that the scheme of payment for transportation which is fixed by law does not permit anybody to say that the cost is so much a pound, because the system of payment is complicated, based upon length of route, based upon frequency of service as well as upon weight, and, in so far as it is based upon weight, diminishing as to the rate in proportion as the weight increases.

Now, where will the gentleman from California save this great sum when he comes in here with his appropriation bill? I hope the gentleman is keeping his appropriation bill carefully in mind when he makes his statements of the amount that he is going to save. One of the chief items of expenditure is the compensation of postmasters, for which we pay $16,000,000; the gentleman from California is not going to pay any less. There is an item of $9,000,000 for clerks; the gentleman from California is not going to pay any less. There is an item for free delivery, which includes carrier service, $12,000,000, and it is going to continue to be just as large.

There is an item of $6,000,000 for star routes. That is going to increase, and the gentleman from California knows it, because the needs of the country for mail service are increasing. There is an item of $6,000,000 for postal-car service, and we are going to have the postal cars just the same. There is an item for steamboat service, and there is $7,000,000 for railway mail clerks, and those expenditures are going to be just the same. There is an item for transportation over the railroads, $27,000,000. Perhaps that may be slightly reduced. Perhaps the gentleman may make a saving there of $1,000,000, or even of a million and a half. When you add all these items that I have enumerated, they make up $83,000,000 out of the $90,000,000 that we expend on the Post-Office Department, and the remainder is made up of the cost of manufacturing postage stamps and other items, all of which must go on anyhow. The gentleman from California, therefore, is not going to save $40,000,000, or $20,000,000, or $10,000,000, or any such sum. If he saves a million, he will be very lucky.

But what else will he do? In his remarks the other day the gentleman from California described to us this sample-copy abuse, and I propose now to answer the question that was addressed to me by the gentleman from Iowa [Mr. Hepburn]. Here is what the gentleman from California said about the sample-copy abuse.

The CHAIRMAN (interposing). One hour of the gentleman's time has expired. The Chair presumes the gentleman may extend his own time if there is no objection.

Mr. QUIGG. I shall not detain the committee very much longer, as I propose to be considerate of others. The gentleman from California said:

> Here is an advertising journal seeking admission to the Post-Office Department with second-class privileges. Its nominal list of subscribers, of patrons, permit me to say, is 250 copies. It secures certain advertising and then circulates through sample copies as many as a million and a half or two million copies, an unlimited number, if you please, at the expense of the United States Government and the people.

Is that so? If it is, this is not the law that the gentleman should ask us to consider. He ought to bring in a bill impeaching somebody. What he describes as being done is as much an offense against the existing law as it possibly could be against the pending bill or any that could be devised. I read a few minutes ago the characteristics of second-class matter. Listen to this one:

> Nothing herein contained—

Says the law—

> shall be so construed as to admit to the second-class rate publications designed primarily for advertising purposes, or free circulation, or for circulation at nominal rates.

Why, Mr. Chairman, that law covers this case perfectly. What the gentleman from California says has been done could not be done except with the connivance and complicity of the post-office authorities. Every postmaster in the country is instructed to report all such abuses, and if any such abuse occurs the journal that commits it is written out of the mails at once, as it ought to be. And the rules made by the Post-Office Department to give effect to the statute cover this case in specific terms. Why, when a man applies for the pound rate, here is the affidavit that he is required to take. He must say whether he prints a newspaper or magazine, how often it is published, where it is published, who its proprietors are, whether he is in any way interested in any business that it advertises, who its editors are, and how their compensation is determined.

Do you see that point? That rule is made to reach the question whether his editors are paid out of the advertisers' profits, and if so, the journal can not circulate as second-class matter. He must say, too, whether the editors have any pecuniary interest in any business or trade that is advertised; whether the publication is open to the advertisement of any reputable house. He must tell how many advertisements he prints. He must tell what his bona fide circulation is. He must tell what the subscription price of his publication is per annum. And he must tell the average number of sample copies sent out with each issue, and how he gets the names of the persons to whom he sends these sample copies. And then, if the Department is satisfied with his statements on these points, it allows the journal to circulate, and if the Department is not satisfied it has the right, under existing law, to rule it out.

The gentleman referred in his remarks to a newspaper called Comfort, which he said was one of the "abuses." He said it had an honest circulation of only about 1,000 copies, although it sends through the mails a million and a quarter. That, of course, could not be so unless the Department chose to permit the fraud. But is it so at all? Here is a letter from the editor of Comfort, and he says that he has a circulation of three-quarters of a million—a paid circulation of voluntary subscribers who have sent in their subscription price—a paid circulation of 750,000; that he maintains an office in Boston where he pays $50,000 a year to his editors to write his paper. He says, further, that he has taken an oath for the Post-Office Department as to the extent of his circulation, and has sent it to the Department, so that the Department knows that this paper has a paid-for circulation of 750,000 copies. And if the Department is not satisfied with the evidence, it can rule the paper out. He says, also, that he pays the Government $2,000 a month second-class postage.

And now I want to show why I do not believe this bill will make a net saving, but why, on the contrary, it will cost the Government more than the apparent saving of perhaps a million or two. This publisher says he pays the Government $2,000 a month for second-class postage. Remember that all these statements I am now quoting the Government may disprove if the facts enable it to do so. The gentleman from California can verify by the receipts at Augusta, Me., from this newspaper every statement that I now read to the House.

Mr. LOUD. I wish to ask the gentleman what are the correct figures as to the amount of postage this publisher pays monthly on second-class matter?

Mr. QUIGG. Comfort pays about $2,000 a month second-class postage.

Mr. LOUD. The gentleman said $200,000 a month.

Mr. QUIGG. If so, that was a slip of the tongue.

Mr. LOUD. One of those unfortunate slips for which the gentleman has been criticising me so much.

Mr. QUIGG. This paper pays often more than $6,000 a month for first-class or letter postage. Now, the only thing that the publisher of Comfort does is to run a newspaper; that is all. He pays this sum for first-class postage as the result of the maintenance of a newspaper. He pays $2,000 a month to the Government to take his newspaper and spread it broadcast. He pays $6,000 to the Government for the stamps with which he conducts his correspondence with his patrons. He pays $2,000 more a month for third and fourth class postage. And he has received 125,000 letters in a single month, and has an average receipt from the mails of 100,000 letters a month. That means $2,500 more that is paid to the Government by the patrons of Comfort in first-class postage. And that does not include, of course, any of the money that comes to the Government in first, third, and fourth class postage from those readers of Comfort who answer the advertisements—some 300 advertisements that that paper prints. These advertisements cost the advertiser 50 cents a line of 9 words to the line. The advertiser does not advertise if it does not pay him to do so. Of course he advertises because he gets answers through the mails to his advertisements, and for every answer that comes to him the Government receives 2 cents in first-class postage. And that answer is an answer looking to some transaction with the advertiser; and if a transaction is had, the Government is liable to receive more as the result of its pound rate from its third and fourth class postage.

Now, all that business is wiped out when you wipe out the $2,000 receipts for second-class postage from Comfort. You save the Government the sum, whatever it is, which it costs to carry and handle Comfort's edition, but to do so you must lose at least $12,500. It does not look as though there could be a large net saving on that transaction.

The gentleman from California has read you the names of a number of newspapers that approve this bill. He has had the indorsement of a newspaper association. I undertake to say that that newspaper association is not widely representative. It is entirely respectable, responsible, and excellent as far it goes. But you must understand that it is composed of daily newspapers, and daily newspapers are not the ones which this bill hits materially. It does hit them in denying the sample-copy privilege to some extent, but not materially. The daily newspaper is printed in cities where everybody knows of the publication and where it does not need to rely upon sample copies for increasing its circulation. Yet the New York Tribune, which opposes this bill, says that "it aims materially to increase the expense of every honest newspaper and every honest newsdealer in the United States."

The American Publishers' Association—

Says the Tribune—

> an organization useful to its own members, does not represent the Herald and the Tribune, two of the largest daily papers in New York City, and it only represents at the utmost 101 out of a total of more than 1,800 daily newspapers published throughout the length and breadth of our country.

The sample-copy privilege is one on which all of the great weekly newspapers rely. It is of inestimable service to them. If it is cut off, if it is forbidden, the establishment of new periodical ventures is almost impossible if they seek for general circulation. Every great weekly throughout the land, such as the Independent, such as the Methodist Christian Advocate, such as the Youth's Companion, use this privilege constantly, and by using it vastly increase their business, and thereby vastly increase their payments to the Government in first, second, third, and fourth class postage.

Mr. Chairman, this bill is one of those penny-wise and pound-foolish schemes that continually issue from the class of mind which occupies itself with only one phase of a great question. I have upon my desk a great burden of petitions which I shall presently deliver to the House, from paper manufacturers, printers, binders, ink makers, pressmen, publishers, and news dealers, every one of whom sees in this proposition a distinct menace to his trade. There are features of the bill which I have not the time to discuss that are scarcely less serious than those to which I have been directed. One of these is the provision that the Postmaster-General must be satisfied, before he admits a paper to the second-class privileges, that its readers have voluntarily subscribed and voluntarily paid their subscription. To give to the Postmaster-General such far-reaching authority as that is to establish a press censorship the like of which does not exist in the Empire of the Czar or Sultan. Another is the provision that news agents shall not be allowed to return to news agents or publishers unsold periodicals or publications except at the third-class rate. This provision repeals existing law, and would operate to drive thousands of news dealers out of employment and greatly to curtail the circulation of every weekly journal and monthly magazine. The bill abounds with crudities and absurdities that are conceived in deplorable ignorance of the ruinous results they would have upon established business.

The House ought not to pass this bill. The Government's policy, Mr. Chairman, of circulating periodical publications and books as well as newspapers at the lowest possible rate has been one of the most civilizing agencies that were ever employed for the upbuilding of a nation. It ranks in its beneficent effect upon our people next to the common-school system. It has brought into the poorest cottage in the country all the treasures of learning and infinite entertainment. To take the step which this bill contemplates, without the slightest assurance of benefit to the Treasury, would be to deny to the people sources of pleasure and of information which are no less necessary than beneficent. [Applause.]

The CHAIRMAN. The gentleman has used one hour and seventeen minutes of the time.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on December 22, 1896, approved and signed bills of the following titles:

An act (H. R. 9173) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes; and

An act (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

SECOND-CLASS MAIL MATTER.

The committee again resumed its session.

Mr. LOUD. Mr. Chairman, I yield thirty minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Chairman, I would be perfectly safe, sir, in this contention, to take up this question where the gentleman from New York [Mr. QUIGG] left it, and in submitting the case to the House on that proposition—that is, the great educational features that are involved in the cheap rates of postage on second-class mail matter. I believe that I might accept the issue there, and go to this House on that proposition alone, and gain success for the pending bill.

But I shall not start, sir, to consume the few minutes of time allotted to me with this branch of discussion. I shall take up first the economic idea that is involved in it—the question as to whether there is a saving to the Government possible in the passage of this bill. Of course I must rely upon some one else for the information upon which I predicate my remarks, and I am not going to that class of our citizens who are interested financially in defeating this proposition, but I am going to those men whose duty it has been, as a part of this great Government of ours, to study this question and arrive, if possible, at a true and satisfactory solution of the question, with a view of attaining the best results for the greatest number of our fellow-citizens.

I will take Postmaster-General Wilson first, and, notwithstanding the gentleman's insinuations as to his ideas of propriety about the management of this great office and his declarations as to what he would do in case this House did not see proper to pass this bill, I will submit to the candid judgment of those who are doing me the credit to listen to me as to whether or not his statements do not bear upon their face the impress of reason and good sense. It has been his business to look into these matters, study them, and present them to this House, and no man upon this floor, I do not care what his politics or his prejudices may be, believes that Mr. Wilson would intentionally make a statement calculated to mislead.

The gentleman from New York [Mr. QUIGG], with all of his ingenuity and all of his antagonism to this bill, has utterly failed to demonstrate that Mr. Wilson has made an incorrect statement when he tells you in his report that the passage of a bill similar to this will result in a great saving to the Government.

Now, Mr. Chairman, let us see what there is in this statement. Postmaster-General Wilson gives a summary of the business of the Post-Office Department, a statement of what it costs the Government to handle the postal business of the country. I shall call attention to the statements with reference to the income that the Post-Office Department receives from it:

First-class mail matter, both domestic and foreign—

That is the class of mail which includes our letters. The business interests of the country are concerned in this. I might say there is not a man, woman, or child from Maine to Texas who is not directly affected by the tax upon first-class mail matter. There are no classes about this. It is not the publisher of a serial library, or a newsdealer, or a newspaper man, or the publisher of a periodical who is most directly concerned. There is no class especially interested in this, but the great body of the American people from the youngest to the greatest are interested. What is the statement with reference to this?

Of first-class matter, both domestic and foreign, there was carried in the United States during the past fiscal year 65,337,343 pounds. What did the Government get for carrying that 65,000,000 pounds, in round numbers? It received something over $60,000,000 for carrying it. That is the item that reaches the home of every individual in the land.

We will next take second-class mail matter, the matter which is under discussion now, the matter which carries the serial libraries, these great educational pieces of machinery that the gentleman talks about; this class of our public service which disseminates books and disseminates information among our people, as the gentleman says. And I want to take occasion a little later to call your attention to the character of some of the information that is being distributed. Second-class mail matter mailed by publishers and agents, including free county matter, during the past fiscal year, 348,000,000 pounds. Three hundred and forty-eight million pounds of this stuff that is in the interest of the classes, against 65,000,000 pounds that is in the interest of the masses. For the carrying of the first the Government gets $60,000,000 a year, and for carrying the 348,000,000 pounds of second-class matter it gets, Mr. Chairman, $2,000,000 a year. I submit this to the good sense and good judgment of this House for a candid verdict upon this question, responsive to the issue here presented. Are not the masses here taxed to make lucrative the business of the publishers and dealers in this cheap literature?

Now, Mr. Chairman, we will go to third-class matter. Of that class the Government carried seventy-eight million and some odd pounds during the past year, and received for it $10,324,000. Of fourth-class mail matter, including parcels, etc., sent from foreign countries, the Government carried 19,000,000 pounds, in round numbers, and received $3,000,000 for it.

Without going into the discussion of these last classes, I desire simply to call your attention to the grave discrimination that exists here between first-class matter and second-class matter.

Oh, but the gentleman says, it is the great distributer of information.

Mr. RICHARDSON. Mr. Chairman, will the gentleman allow me to ask him if there is any difference in the relative cost to the Government of carrying these different kinds—first, second, third, and fourth class matter?

Mr. KYLE. Oh, I think there is, but I do not know what it is. I am not able to give it.

Mr. LOUD. There is no difference in the cost of transportation.

Mr. KYLE. There is no difference in the transportation. There must be a difference in the number of clerks, and so forth, to handle this stuff.

Mr. RICHARDSON. But the question I want to ask is, if it costs as much to carry a pound of first-class matter as it does a pound of second-class matter.

Mr. KYLE. Certainly. The mail matter of the Government is weighed every four years, and the contracts are made based upon that weighing with the railroad companies.

Now, Mr. Chairman, I was about to call attention to some of the information that is distributed, which my friend from New York [Mr. QUIGG] talks about.

Mr. COX. Distributed as second-class matter.

Mr. KYLE. Now, I hold in my hand some of these books which are now passing through the mails of this country as second-class matter, and I want to ask you, as I presume some of you, most of you, are fathers, if you would like the Government to put its machinery into operation to convey to your boy a book bearing the title of this book which I show you, If the Devil Came to Chicago [laughter]—"Entered at the post-office at Chicago as second-class matter," and which is carried at 1 cent a pound, while good books bound pay 8 cents per pound, thus making it easier to obtain the trash than solid reading matter?

Mr. MILLIKEN. Will the gentleman allow me to ask him a question there?

Mr. KYLE. Certainly.

Mr. MILLIKEN. How far do you think the devil would have to travel to get to Chicago?

Mr. KYLE. Well, sir, if you have a question you desire to ask, I will answer it, but will not reply to that which you have asked, with all due respect to you.

Mr. COX. He is there already.

Mr. KYLE. I want to call attention to another book. It is also entered as second-class mail matter. This is the kind of literature, gentlemen, that is being circulated as a part of the great educational system of this country, so to speak. It is known as The Seventh Commandment; and there are others here, such as Innocent Evils. I would like to exhibit some of these pictures to some of you gentlemen to show you something of the degrading stuff that passes through the mails at pound rates.

Mr. QUIGG. Will the gentleman yield?

Mr. KYLE (continuing). And mind you, gentlemen, you are taxing all the postal business of this country; you are taxing all the commercial interests and the interest of every man, woman, and child that ever writes a letter to sustain this sort of an undertaking in this country.

Mr. QUIGG. Will the gentleman yield to me?

Mr. KYLE. Certainly, sir.

Mr. QUIGG. Of course the gentleman is familiar with the law that forbids the mail to any obscene and indecent literature?

Mr. KYLE. Yes, sir. These, I suppose, do not come quite to that point.

Mr. QUIGG. I desire simply to call the gentleman's attention to the fact that under the law it is just as much a violation of the law as it ever would be.

Mr. KYLE. Now, Mr. Chairman, I have to hurry on; but I want to stop right here and advert to a statement that the gentleman from New York made during his speech when he was discussing this matter and talking about the law not authorizing such and such a thing—that the law did authorize the admission of these books as second-class mail matter. Now, Mr. Chairman, it has been said more than once that the way to get rid of a bad law was to enforce it. I respectfully submit to this House that the demonstration that this is a vicious law has been made by its execution. Now, I want to call attention here to what Mr. Wilson says about the cost of the transportation of this matter, and see if there is not a fair chance for the saving of some money to the Post-Office Department and to the people of this country. And the gentleman from New York has asserted to this House, if I understood him correctly, that there had been no increase in this matter, in the face of what the Postmaster-General says upon that proposition.

Mr. QUIGG. I hope the gentleman will not so misquote me.

Mr. KYLE. I beg the gentleman's pardon, and shall be glad to be corrected if I do.

Mr. QUIGG. I said that it had not increased inevitably from year to year; that there was a year—1894—that it did not increase over 1893; and I said that the expenses in that year did increase. I admit, of course, that the figures are quite correct. I have said nothing to the contrary.

Mr. KYLE. Your point is that in one year it did not increase?

Mr. QUIGG. That was half of my point. My point was that in one year there was no increase, but in that year the expenses increased all along the line.

Mr. KYLE. Now, Mr. Chairman, I want to call attention to what the Postmaster-General has to say in respect to the increase of the weight of the second-class mail matter. For the year it was 37,000,000 pounds, against 13,000,000 last year, showing how this stuff is crowding into the mails. The mere cost of the transportation of this matter is estimated at 8 cents a pound. The Government, for transporting this wholesome literature, pays at the rate of 8 cents per pound for carrying it to its people; and what does it get in return for it? If the Postmaster-General is to be believed, the Government gets 8½ mills a pound for carrying, and pays out 8 cents for carrying. Why, if we do business enough of that sort in this country, it would not take us long to bankrupt the Treasury—paying at the rate of 8 cents a pound for distributing this stuff, and getting back 8½ mills a pound for it. I call attention to this fact—the report of not only Mr. Wilson, but Mr. Bissell and Mr. Wanamaker—that in their opinion, if it were not for this extra tax levied by this second-class matter, the postal service would be self-sustaining. As it is, we have an annual deficit of something over $8,000,000, which is to be made up from the Treasury.

Now, it is for you gentlemen to say whether it is just to tax the whole people, whether it is right to tax the masses at this rate, simply to sustain these gentlemen in publishing their "serial libraries" composed largely of such works as If the Devil Came to Chicago, and If Christ Came to Congress? [Laughter.]

Mr. Chairman, I find that there are other things in the Postmaster-General's report that I would like to discuss, but which I shall have to pass over for want of time. I will, however, call attention to some more of these figures. The total amount of matter is, in round numbers, 349,000,000 pounds, which, at 8 cents a pound for transportation, costs $27,920,000. The revenue received, at 8½ mills a pound, is $2,966,403, showing a loss on transportation alone of nearly $25,000,000. Now, what are you going to do with the statement of the gentleman from New York [Mr. QUIGG] that there is no loss from this source, and that there can not be a saving of the two millions, or of more than $1,000,000? Which are you going to accept, the statement of the gentleman from New York or the statement of the man whose official duty it is to inform himself about these questions, and who has the ability to be informed about them?

I call attention now to some statements made by Mr. Wanamaker upon this subject. It is not only Postmaster-General Wilson who has been struggling to get rid of this wrong, this imposition upon the people of this country, but also Postmaster-General Wanamaker and Postmaster-General Bissell. All three of these Postmasters-General have been calling attention to this evil and appealing to Congress to relieve the Department of this wrong. I call it a wrong because I believe it is a wrong, and I believe that if I had time I could demonstrate that it is a wrong. Here is what Mr. Wanamaker says about the carrying of these cheap books and the discrimination that is made in their favor:

> First. The enjoyment of the privilege of low postage by these paper-covered books works an injustice to the publishers of all other books. We all know that unnumbered thousands of books are issued every year in this country bound in cloth, leather, or some other substantial form of binding. There are also many books published with paper covers, the publishers of which make no pretense of issuing them as parts of a series or library of publications, they having the fairness to issue them under their true name—books. Now, why should there be any discrimination against these books, either bound or unbound? Why should they be taxed, for carriage by mail, 1 cent for every 2 ounces, while those that come under what are called the serial class go through for a cent a pound? There are, indeed, actual instances of the same book precisely, issued with paper covers, but by different publishers, in the one case charged but a cent a pound and in the other eight times that amount. These distinctions are manifestly absurd and unjust, and while they operate advantageously to one class of publishers they are harmful to another.

I say so, too. Why should there be any discrimination against books? And I want the man on this floor who is able to give a satisfactory answer to that inquiry of Mr. Wanamaker to do so. Why should there be a postal rate of 8 cents a pound upon a book with a cloth back while there is a charge of only 1 cent a pound on these paper-covered publications? Can any gentleman tell why? I pause for an answer. If there is any reason for discrimination, it is the other way. I believe the man who is trying to accumulate a library for himself and his family should be encouraged, rather than the fellow who is dealing in this cheap paper-back literature which is poisoning the youth of the land to-day. [Applause.] Mr. Wanamaker puts the question in such a way as to appeal to every man who opposes this bill to answer it, but no man has yet responded. The gentleman from New York [Mr. QUIGG] occupied the floor for an hour and a half this morning talking to this committee, and he doubtless has read Mr. Wanamaker's presentation of this question and has been impressed with the injustice and the inequality of the existing law, and he did not undertake to answer.

Let me call attention now briefly to what Mr. Wanamaker said with reference to this class of literature:

> There are many novels of that class which every librarian who has any regard for the morals of the community deplores the existence of, novels which depict, sometimes in the most seductive, sometimes in the most repulsive, aspects the decline and fall of woman—novels in which, where there is not a seduction there is an adultery, and where there is not an adultery there is a seduction, and very frequently there are both. Now, what kind of literature is that to bring into domestic circles, to be put forth by the thousand, and scattered all over your country, to the exclusion, or at least to the prejudice, of decent and elevating literature?

What kind of literature is that to bring into the domestic circle by these cheap rates of postage? The gentleman from New York [Mr. QUIGG] has endeavored to impress this House with the idea that nearly everybody is opposed to this bill. Well, sir, I have been in Congress for six years and during that time have served upon the Post-Office Committee. Not a great many bills have emanated from that committee, but among those that have I have never known one in which so great an interest was manifested by the good people of the country as has been exhibited in favor of this bill. If you go into our committee room, you will see stacks of letters there from presidents of colleges, from preachers, from business men, from newspaper men, from every class of good citizens appealing to this Congress to pass this bill. I have some of those letters before me, but I have time to call attention to only one.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KYLE. In that time I desire to call attention to one letter signed by Governor Matthews, in which he says:

> Aside from the possible saving to the Post-Office Department, the moral good accomplished, it is believed, would be of decided advantage to the public by the passage of the Loud bill, which is the pending bill.

I have another from Mr. David K. Goss, superintendent of schools, Indianapolis, in which he makes this appeal for the dear young people of our country. He says:

> I am sure that every school-teacher in the land will rejoice if Congress passes what is called the Loud bill, for one of its provisions is to deny the privilege of second-class rates to the publishers of dime novels and other questionable literature, an evil of monstrous proportions that should have been corrected many years ago. My interest in this bill is due entirely to my desire to see the Government dissolve partnership with the publishers of a class of publications that depends almost entirely upon the young for purchasers, and I speak advisedly when I declare that there is no more dangerous element in society to-day than the bad influence of the bad books of the class referred to, for they give the young incorrect and perverted ideas of life and its duties, and have turned many an honest boy into a criminal career who would otherwise have been a useful and respected citizen. While I doubt whether imposing a rate of 8 cents a pound on these publications will very seriously curtail their sales, still it will discontinue a perverted use of the mail system of the country and free it from its responsibility in affording aid in the circulation of a literature that appeals only to the baser instincts of human nature.

And I might go on and call attention to the fact that the American Press Association met in the city of New York and passed resolutions in favor of this bill. Not only that, but there is a newspaper association known as the Agricultural Press Association, which met in convention and indorsed this bill and appealed to Congress to pass it. The President of the United States has called the attention of Congress to it and suggested that some remedial legislation ought to be had. The Postmasters-General of the country have called attention to the evil and said that it ought to be stopped. And, gentlemen, where does the opposition to it come from?

[Here the hammer fell.]

Mr. LOUD. I yield the gentleman five minutes more.

Mr. KYLE. Where does the opposition to this bill come from? The American Trade Press Association says it is confined chiefly to those interested in the sale and distribution of such matter as I have been referring to, when the fact is that an overwhelming majority of the newspapers which have expressed themselves on the subject are on record in favor of the proposed legislation. This association, says the opposition, comes first from the manufacturers of white paper; next, the printers of paper-covered novels; and third, those interested in the sale and distribution of such matter as paper-covered novels.

Mr. COX. Suppose the book the gentleman has exhibited here, which goes as second-class matter, and which I think is justly subject to his criticism, were bound in cloth, what postage would it pay?

Mr. KYLE. It would go at the rate of 8 cents a pound. Under the present system it goes at the pound rate.

Now, Mr. Chairman, I have not time, in the five minutes allowed me, to take up another branch of this discussion. I will simply call attention to the complaint made by the president of a Western university. He calls attention to the fact that these serial libraries, which we have been talking about, pass through the mails at the pound rate, while the publications emanating from his university, which are devoted to scientific subjects, can not pass through the mails except at a higher rate. Why? Because they do not get in under the law which requires that the publication shall appear periodically as many as four times a year, shall issue from a known place of publication, shall be numbered consecutively, etc. Yet, because these other men are willing to take advantage of the liberal opportunities afforded to publishers, while he is unwilling to do so, they may exercise a privilege which he or his institution can not. You may take this paper-covered book and send it to any part of this country at the pound rate; but if you take the Holy Scriptures or some religious tract and attempt to send it through the mails, you must pay the rate of 8 cents a pound. The wonder is, Mr. Chairman, as was remarked by the chairman of our committee in presenting this proposition, that a long-suffering people have stood quietly by and permitted this wrong to exist without rising up and condemning it. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3415) granting a pension to Ella D. Cross;

A bill (S. 2855) to correct the military record of Peter Buckley;

A bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt; and

A bill (S. 2184) granting a pension to William F. Johnson.

The message also announced that the Senate had passed bills of the following titles with amendments in which the concurrence of the House was requested:

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell; and

A bill (H. R. 2328) for the relief of Patrick Rainey.

The message also announced that the Senate had passed the following resolution:

> *Resolved*, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the amendments of the Senate to the bill (H. R. 1281) entitled "An act for the relief of John Kehl, and to restore him to his former rating."

The message also announced that the Senate had passed without amendment House concurrent resolution relative to printing extra copies of a compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, etc.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased;

A bill (H. R. 7127) granting a pension to Samuel D. Gilman;

A bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 3890) granting a pension to George William Hodgdon;

A bill (H. R. 3398) for the relief of Augusta Tuller;

A bill (H. R. 2320) for the relief of Samuel Burrell;

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris; and

A bill (H. R. 158) granting a pension to Mary Collins.

SECOND-CLASS MAIL MATTER.

The committee again resumed its session.

Mr. BURTON of Ohio. Mr. Chairman, I am in favor of the passage of this bill because it will diminish the public expenditures, and because it will destroy a special privilege enjoyed by a few, for the existence of which no satisfactory reason can be given. It is unquestionably true that during past years when the revenues of the Government were abundant some national expenses have been incurred which will not bear the closest examination, and if no other benefit should result from the present condition of business depression and from these times when the expenses of the Government exceed its receipts, good may result from a closer scrutiny of public appropriations.

I wish to call attention, in the first instance, to the great opportunity under our postal laws for extravagant expenditure and unjust discrimination, due to the fact that there are four classes of postal matter, carried according to widely different rates. First-class matter, including letters and postal cards, goes at 32 cents a pound; and in view of the fact that a maximum is fixed, and the weight of the package does not usually equal that maximum, the revenue to the Government from first-class matter is, according to official statistics, 93 cents per pound. Next in rate comes matter known as fourth-class matter, comprising general merchandise of divers kinds in packages not exceeding 4 pounds in weight, for which there is a charge of 16 cents per pound. Next comes third-class matter, including, generally, bound books—seeds and bulbs have also been included—the rate being 8 cents a pound. Then for second-class matter, including newspapers and periodicals, the rate falls to 1 cent a pound. Thus we have this extraordinary range—from 32 cents per pound to 1 cent a pound. Yet for the carrying of all these different classes of postal matter the railway and steamship companies charge precisely the same figure without distinction. And, indeed, Mr. Chairman, the danger of discrimination and extravagance does not cease here, for the Government carries the package indiscriminately to every place within the limits of the United States at the same price. If it charges a certain price to carry a letter or a package from one place to another within the limits of the same township, it charges no more to carry it 4,000 miles, or to far-off Alaska. But the railway and steamship companies, carrying the mails according to their ordinary rules as to rates, grade their charges according to the distance the package is carried.

So it will be observed that the very greatest care should be exercised in allowing to any class of mail matter any special privilege, because there is the gravest danger of discriminating and involving the Post-Office Department in extravagant expenditures.

The argument was made by the gentleman from New York [Mr. QUIGG] that it does not make very much difference, even if the tonnage carried as mail matter is greatly increased, because there is a diminishing scale of charges, and as the quantity increases there is a diminution of the rate paid for its carriage. Now, that suggestion, if it establishes anything, proves too much. It proves that we might as well carry as part of the work of the Post-Office Department express matter and freight to an unlimited weight.

But there are two conclusive answers to the argument of the gentleman. In the first place, we have no guide to know what the transportation of mail matter of any kind will cost except the average price, which up to this time will be found to be 8 or 8½ cents a pound on every package. Second-class mail matter pays but 1 cent a pound; so that there is a manifest loss of 7 or 7½ cents a pound on every package of this class.

In the second place, when the weight of mail matter carried reaches a fixed amount, there is no decrease in rates on any quantity in excess of that. This fixed amount or maximum, as I now recollect it, is 5,000 pounds per day by any one route. Now, all the leading routes by which the bulk of second-class matter is carried haul a quantity far in excess of the maximum fixed, and would carry such excess if everything was excluded which this bill seeks to exclude. Consequently the cost of carrying any particular kind of mailable stuff, whether its admission to the mails tends to increase the aggregate quantity carried or not, does not fall materially below the average cost.

Now, what are the defects which have been found in the present postal system? First, I will say, the carrying of unbound books as periodicals. A sufficient reason why this practice should be discontinued is the incongruity and, I may say, the absurdity of its continuance. We all know what is meant by the word "periodical." It is a newspaper or publication having to do with current events or with subjects of present interest. It is not like a reprint, for example, of the works of Shakespeare or Dickens, but it is something which adds to the stock of literature already in existence. Nor is it properly a publication of that sensational class issued by many of the book-publishing establishments of the country.

A few specimens selected at random from the titles of some of these so-called periodicals which are circulated as second-class matter at this cheap rate will enable us to judge exactly what they are. Among them we find Diamond Dick's Ride for Life. That is one of the "educational documents" which our friends say should be sent throughout the country. Diamond Dick's Pat Hand, The Black Mogul, Gentleman Joe in Pittsburg, The James Boys and the President's Special, and books of like character; and here is one author who has a taste for alliteration, Cool Chris, the Crystal Sport, and so on.

But it is hardly necessary to quote titles to show the character of these books. The inevitable tendency among publishers who enjoy this doubtful privilege, and who, under an unnatural construction of the law, are enabled to transact business in this unusual manner, must be to send out books of a lower grade.

The argument has also been made that the so-called return privilege should continue. Everyone knows what that is. A hundred copies of a magazine are sent out to a news dealer. The news dealer sells, say, 10 copies. Under the present law he may send back to a news agent, who is practically the publisher himself, the other 90 copies at a cent a pound, although it costs the Government 8 cents a pound. Now, for this, I submit, there is no justification. There may be an excuse for a low rate on what the people do read, but is there any justification for these low rates on those periodicals which the people do not read?

Mr. COX. Mr. Chairman, will the gentleman yield to me for one moment for information?

Mr. BURTON of Ohio. Certainly.

Mr. COX. When they send out these periodicals to news dealers and a number are sold, is there anything in the law prohibiting the sending of those numbers out again at the same rate?

Mr. BURTON of Ohio. I fancy not.

Mr. COX. They send them back again?

Mr. BURTON of Ohio. Those which are not sold can be sent elsewhere.

Mr. COX. They send them out again?

Mr. BURTON of Ohio. They could do so.

Mr. COX. They go out hunting a market, then, in which to sell them? They may send them back to the same place?

Mr. BURTON of Ohio. It would be a violation of the spirit of the law to send them back to the same place, but there is certainly no prohibition on their going elsewhere.

A crucial test as to whether this Government ought to continue these low rates is to ask yourselves whether we would be willing to pass a bill for the printing gratis of these different kinds of matter going as second-class periodicals. A publisher who strongly opposes the passage of this bill says:

> A very important fact, which should not be lost sight of, is that in very many cases the publishers do not receive from consumers more than 10 cents per pound for this literature.

Yet this literature, counting the cost for handling, which should be added to the cost for transportation, costs the people of the United States, according to reliable estimates, 14 cents a pound, and it would be cheaper for this Government, at its own Printing Office or by private contract, to print these so-called periodicals for 10 cents a pound and give them away than it is to give them access to the mails under the present system. I do not believe a bill proposing the printing of this material gratis by the Government would have a dozen votes, and perhaps not one, in this House.

Passing to the next great abuse under the present system. It is that of the sample copy. Now, I do not believe we will any of us object to the sample copy, if restricted to its proper use, for which it was originally intended, namely, that of sending out copies of bona fide publications, so that persons may judge of their merit and decide whether to subscribe or not. But the trouble is an abuse has grown up from this system which can not be separated from its legitimate use. One single periodical sends out monthly, under the sample-copy privilege, 1,250,000 copies. It is not a newspaper. It is a travesty to call it such. There are many similar sheets. It appears from the report of the Postmaster-General that the increase during six years in newspapers entered for circulation at the post-office as second-class matter was 24,304, but the actual number of periodicals which during that time obtained standing in the newspaper directory was 3,747. So, as Postmaster-General Bissell stated, only 15 per cent of those included under the designation of second-class matter were legitimate newspaper publications.

These go in enormous quantities. They are a cheap advertising medium. They are sent indiscriminately over the country. Advertisers, realizing the fact that they go in the mail almost for nothing, and are scattered far and wide, are willing to pay large prices for the privilege of advertising in their columns. And right here I wish to pay attention to the leading argument made in favor of this sample-copy privilege. It is claimed that while these copies are carried at a loss to the Government, yet the Government makes up for the loss in other ways. It is said that letters come to the publisher of the sample copy. He offers prizes. All of which stimulates the post-office business. To that a sufficient answer is, that there is just so much money that the people of this country have to spend. There is just so much business they can transact, and they will transact just as much business, write just as many letters, and pay attention to a great deal better class of advertisements, if this business of advertising is restricted to the legitimate newspaper and the ordinary way of doing business. Indeed, there will be an improvement, because with the greater responsibility and degree of care which must be exercised by the regular newspaper in regard to matter in its columns, there will be a higher standard, and money will be invested in a better way.

Now, Mr. Chairman, some other objections are made to the passage of this bill. One which I see stated is that it will prevent the sending of newspapers after the expiration of a term of subscription, because the bill describes a subscriber to a paper as one who "voluntarily orders and pays for the same." That clearly is not a correct interpretation of the proposed law. It has been decided by the Post-Office Department, according to my understanding, that a subscriber who receives a paper after the expiration of his term of subscription is voluntarily receiving that periodical. Until he comes to the post-office and states that he wishes it no longer, he is counted a subscriber. So there is no objection to this law in that regard. But in any event there can be no objection made to the phraseology used, for no one wishes to subscribe for a newspaper unless he does so voluntarily.

Now, as to the statement that the passage of this bill will throw out of employment hundreds and thousands of people. There is always such an appeal made in such cases. Then, too, the claim is made that the people will be deprived of good reading. They may exercise more discrimination, but they will have just as good reading. I do not believe that the number of publications, the amount of printing, the number of men employed, will be at all diminished under the proposed law. The present method is not a rational way to do business; and when we shut off these objectionable classes of matter, we will be better off by reason of this reform, and we will be more prosperous than under the present régime.

One word in conclusion. It must be very clear to everyone familiar with the course of things in this House that there is always a certain degree of inertia in the way of legislation. Wrongs may go unrighted, salutary reforms may not be adopted, avenues may be pointed out for increase in individual and national prosperity which are not taken advantage of because of the hesitancy of this body to act; but let a measure be presented for consideration that strikes at some special privilege, and we are, as it were, contending with an army intrenched for battle. The cry of "Injury to the people" is made, and it would seem from some of the arguments employed as if a great wrong were to be done.

If the public expenditures are to be diminished and reform is to be accomplished, I do not believe this House can do better than to pass this bill. If it becomes a law, this branch of the public service will be more economically conducted and it will be more just for all. [Loud applause.]

Mr. QUIGG. How much time does the gentleman from California desire?

Mr. JOHNSON of California. Not a very large amount—twenty or twenty-five minutes.

Mr. QUIGG. I have no desire to limit the gentleman. I yield half an hour to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, there is an old adage that "fools rush in where angels fear to tread." I presume that will be exemplified in my case when I attempt to take part in this debate and meet those gentlemen on the opposite side whose many years' study of the question have doubtless enabled them to know all about it.

Now, I may misunderstand the importance of this question. It may be that I have a misunderstanding about the language of the gentleman from California, the chairman of the Committee on Post-Offices and Post-Roads, in his opening remarks on this matter. But if I correctly understood him, he stated that this was one of the most important—if not the most important—bills that would come before Congress. As I listened to his remarks I understood him to say that there would be a saving of at least $40,000,000 to the United States if this bill, his pet measure, should pass. If that be true, what is the use of having tariff debates? What is the use of having hearings before the Committee on Ways and Means? What is the use of our doing anything on earth except to pass this bill, thus giving an increase of revenue and stopping all the deficiency, and thus ending all this talk that has been going on amongst the people of the United States in regard to deficiencies in the revenue?

Why, according to this Daniel who has come to judgment (I am proud the State of California has produced such a Daniel, who has given us such a judgment, if he can back it up)—according to him, all on earth that this suffering nation—which he says is suffering now—that this nation, which is now running behind, and which he said so many times on the stump—that this nation that is going to the "demnition bow wows," as my learned friends on the left, who represent the Populist party, said so frequently during the campaign—if this nation is going to this damnation and ruin, financially and otherwise, because we can not pay our debts as they come due, why on earth do we not take this measure that the learned gentleman from California has offered us, and, by simply passing a little innocent bill of this kind, to amend the postal laws of the country, stop all this discussion? [Laughter.] As I listened to his remarks, and as I read them afterwards, it seemed to me that we could express the situation in doggerel, and we might—

> Let DINGLEY and REED, McKinley and Hanna about tariff worry no more;
>   Let Bryan and free silver together lie in the tomb;
> Let the Ways and Means Committee shut, lock, and bolt their door,
>   And give LOUD and his postal scheme lots and lots of room

[Great laughter.]

If the gentleman's ideas are correct and are carried out, all that is needed is to pass this bill and save $240,000,000 to the people in the next ten years, thus ending the deficiency in our Treasury and giving us prosperity without any increase of our tariff.

Why, the golden sands of Pactolus' stream are as nothing compared to the wealth that will come to the United States if we only pass this bill. Golconda's mountains themselves shrink into utter insignificance compared to the wealth that, according to the gentleman from California, will pour into our coffers if we only pass this bill. [Laughter.] Why, sir, all that will be necessary will be for the Secretary of the Treasury of the United States under the incoming Administration, whoever he may be, whether he be the leader of this House, whom we all honor and respect and esteem, and in whose behalf every man here, Republican, Democrat, Populist, all alike, would sign a petition to have him made Secretary of the Treasury—whether it be NELSON DINGLEY, or whether it be that leader of men who my learned friends on my left seem to think is composed in equal parts of alligator, horse, and fighting man, because he led the battle in favor of the Republican party in the last campaign and led it to success—Mark Hanna, of Ohio; whether the next Secretary of the Treasury be either of these gentlemen, or whoever he may be, all that he will have to do if this bill passes will be to walk over to the Postmaster-General and say, "My dear sir, please exert a little of your authority upon the postal revenues and replenish our depleted Treasury and thus enable us to pay our bills when they become due." [Laughter.]

Now, Mr. Chairman, we all know that the talk of this kind indulged in by the gentleman from California is nonsense. [Laughter.] It is mere flapdoodle, such as is fit only to be doled out to fools and idiots. [Laughter.] It ought not to be presented to the members of this House. It does not appeal to us in any way except to our sense of the ridiculous. The idea that this bill will save two hundred and forty millions for the next ten years! Why, Aladdin and his wonderful lamp are as nothing to my colleague from California. He proposes to rub his brush upon the postal revenues and, lo, the genii of wealth will appear, and the gentleman will call upon him for $40,000,000 each year, and it will be at once poured into the Treasury. [Laughter.] Pshaw! What kind of an argument is that to present to this House? And yet that is the gentleman's statement. The learned gentleman from Ohio [Mr. BURTON], a gentleman whom I esteem and revere as a lawyer and whom I believe to be honest in this regard—the learned gentleman from Ohio says that there are objections to this bill, and he asks those who are opposed to it to maintain their objections to it. Is that the manner in which the gentleman argues a case in court when he is for the plaintiff? I have always understood, in my brief life and with my feeble understanding, that those who suggest a change are required to give the reasons for the change, instead of calling upon their adversaries to maintain a negative.

If there is any good in this proposed new law, if there is any necessity for it, show us, oh statesman from Cleveland, who has basked in the smiles of Chairman Hanna [great laughter]—show us wherein the necessity or the advantage lies. I say to you that it is absolutely necessary that reasons should be given why we should make a change in the postal law, and you are bound to give them, and not to call upon us poor devils who are satisfied with the existing law to give reasons why there should be no change. Do not ask us to prove a negative, but give us the reasons why a change should be made. We are like the man who was thrown from his horse, with a colt right behind it, into the midst of the river, and as he rose to the surface he grabbed, as a drowning man will do, at the first thing that came within his reach, which happened to be the colt's tail, and as the colt was feebly endeavoring to carry himself and his master ashore the people on the bank shouted to the man, "Let go the colt and take hold of the mare." But he said, "Good God! I've got hold of *something* now, and I think I had better not change until I get ashore." [Laughter.] So it is with us, Mr. Chairman; we have got hold of something good now, and we do not want to let go what we have and attempt to take something new unless those who propose the change can show good reasons for it. [Laughter.]

"But," say both the gentlemen who have preceded me, the gentleman from Mississippi [Mr. KYLE], who follows in the wake of the chairman of the committee, and my learned friend from Ohio [Mr. BURTON], "bad books go through the mails." Now, that is a wonderful discovery! [Laughter.] Just think of it! There are bad books going through the United States mails! Who ever heard of that before? And my friend from Mississippi [Mr. KYLE] has at last awakened to the fact that a book has been published called, If Christ Came to Congress. [Laughter.] He has been here six years, and he never knew of that before. Now, if my friend would only subscribe to some of these publications that he denounces, if he had subscribed, for instance, to the Howard Publishing Company, he would have found that out long ago, and if he had been a devout member of Congress he would have discovered that Christ comes to Congress, as he comes to every other place, regardless of the title of that novel. [Laughter.] These gentlemen say that bad books go through the mails, and they read you the titles of some of them, Jibbering Jack or Patsy McGallahan, or other fancy names like these, and they say that these books are going to injure the people.

Just think of it, gentlemen! In the report presented by the committee they quote from that good man, that man whom I have heard the leaders of the party of the gentleman from Mississippi denounce, or rather I have read their speeches wherein they denounced him as a man who had bought a seat in the Cabinet for $400,000; yet now this committee and my friend from Mississippi quote Postmaster-General Wanamaker to show that we ought to vote for this bill. [Laughter.] I congratulate the gentleman from Mississippi on his conversion to the goodness of Wanamaker. [Laughter.] They tell us that bad books go through the mails. Admitting that bad books go through the mails, are there not good books also going through the mails? I have one here now—Jane Eyre, by Charlotte Brontë—that has been handed to me by a gentleman who is opposed to this bill. I read that book forty or fifty years ago—I hate to think how old I am [laughter]—and I thought it was a good book then, and I think it is a good book now. That book goes through the mails, and I venture the assertion that for every bad book that the chairman of the committee, my colleague from California, can hold up before this House as a specimen of bad literature going through the mails, we can show at least ten good books that go through the mails.

Now, Mr. Chairman, I am nothing but a poor backwoods country lawyer, yet I have learned in the few years that I have practiced law in the small towns and villages of California that you may pass any number of laws that you choose in regard to crime and yet you never can prevent crime. You can punish crime; you can make men perhaps think twice before they commit it, because of the punishment which they will receive. But you can not prevent crime. No more can you prevent the sending of bad books through the mail. I venture the assertion that bad books were sent through the mail before the era of this Committee on the Post-Office and Post-Roads. I venture to assert that bad books were sent through the mail long before any agitation had been engendered in the United States for a change of the postal laws. Bad books will go through the mails forever and ever.

I am old enough to remember when there was a crusade against other books going through the mails; and I have read books—I dislike to admit it, because perhaps it will be said by men who favor this bill that I am not a good judge of books—but I have read books by Fielding and by Smollett that now, under the new order of things, would not be allowed to be sent through the mails—at least, objection would be made. Yet those works rank among the classics of England. Men's minds change, and they may change in reference to books as well as other things.

But there are good books going through the mails. Literature is being disseminated cheaply. I dissent entirely from the view of my learned friend from Ohio as to the reprinting of old books. I say for one that, in my judgment, the reprinting of the English classics, the reprinting of the works of Bulwer, and Dickens, and Scott, and the sending of such books through the mails at reduced prices, so that the poor people may read them, is not an evil, but a great good to the people.

I beg pardon for speaking of "the people" or for intimating that they ought to receive any consideration at the hands of the gentleman from California [Mr. LOUD], because in the next House I shall not be permitted to speak of "the people;" and when I speak of them now it is through a lapsus linguæ, because it is true, as the gentleman so kindly informed the House, that I shall not be in the next House. More is the pity for the next House. [Laughter.] But at the same time I am a member of the present House; and inasmuch as I am one of the people, I may be pardoned for saying again that I believe you can not bring those English classics too close to the people nor make them too cheap. And when you can buy a set of the works of Charles Dickens for 25 cents or less per volume by reason of the operation of the present postal laws of the United States, I say the good that will be done to the people of this country by reason of their being able to purchase the works of Dickens at such a price outweighs all the damage that may be done to any of the people by the dissemination of all the bad books that may be circulated. If people want to get bad books, they will get them; if they want to read vicious literature, they will read it; and you can not pass laws which will prevent it.

Why, sir, I have sometimes heard talk against sumptuary laws. I have heard gentlemen—Republicans, Democrats, and Populists alike—animadvert at length upon sumptuary laws, contending that no such laws should be passed; that the people ought to be allowed in such matters to do as they please. Yet here we are called upon, it seems to me, to enact sumptuary legislation. We are called upon here to protect the people against themselves—to protect them against having literature sent to them that may debauch and injure them. I have faith in the plain people of the land. I have faith that they will not be injured by the literature which may be sent out under present laws. So it seems to me that the argument urged in favor of this bill, that we should prevent the dissemination of bad books, falls to the ground. The dissemination of bad books will continue, because wherever there is a demand for bad books there will be a supply. But it seems to me that the dissemination of good books under such legislation as is proposed here may largely be interfered with, because to get good books costs money; and in order to have them furnished to the people at cheap rates we must continue to give the publishers of these books the same privileges that they now enjoy. But the real reason for this bill—the real object of the bill, I may say, or the real argument which gentlemen have offered in its favor—is furnished by the report made by the Committee on the Post-Office and Post-Roads itself; and for the information of the committee, if I may be permitted, I will read from that very report to show you why I make that remark. On page 3 of the report I find this language:

> There is much maudlin sentiment among many of our people about the Post-Office Department. Many compare it with the war and naval establishments and say it should not be run for profit or even to pay expense of operation, but should be supported by taxation and run in the interest of and for the people. To our mind, however, there is no comparison: the one is for the defense of the nation as a whole; no one individual needs their protecting arm more than another, and all are taxed according to their means for its support. The Post-Office Department is an accommodation to the great mass of our people, but not an absolute necessity; private means could as well, or better, be adapted to the transmission of our mails, and, in the opinion of the writer of this report—and that opinion is formed after many

years of practical and theoretical experience in postal affairs—could be so done much more cheaply, with quicker dispatch and better satisfaction to the people.

There is the meat of the whole thing. There is the occasion for this bill. It is an insidious attack on the Post-Office Department of the country. It is the beginning of the agitation that you shall take the post-office from the nation and put it into the hands of private individuals. And I congratulate the Committee on the Post-Office and Post-Roads that they have the courage to avow their desire to put into private hands that which I for one deem should be left for all time in the hands of the National Government.

Mr. Chairman, I read that report of the committee, and I read it carefully, and when I found that sentence in it I read it over two or three times, and became convinced that it was my duty, and it was the duty of every member of this House, to vote against the bill if he believes in the United States Government managing the post-office; if he believes in the United States carrying on the communication between its own citizens in all parts of this broad land. If you are in favor of taking the Post-Office Department from the National Government and giving it into the hands of private individuals, all right; vote for the bill. If, on the contrary, you are in favor of keeping the post-office in the hands of the nation, then vote against it.

For one I believe in the Post-Office Department. I believe it ought to be kept in the hands of the National Government. I believe it to be an advantage to the nation—to the advantage of all of our people. I disagree entirely with the report of the committee. I believe, in opposition to the report, that the Post-Office Department is an absolute necessity to the people, and that the business can be better conducted through the Department than in any other possible way. So believing, Mr. Chairman, I shall vote against this bill. I believe it to be wrong in principle and wrong in practice to admit at this time, at this age, and in this generation that such a change should be made. I am opposed to putting the opening wedge into legislation which will serve to sever the Post-Office Department from the fostering care and protecting arm and supervision and control of the United States Government. So long as our Post-Office Department is conducted by the United States, it will do well. The moment we put it in the hands of private individuals trouble ensues—trouble to the writer and trouble to the receiver of the letter. Trouble on all hands will follow. Therefore, that reason alone ought to be sufficient, it seems to me, to justify any member in voting against the passage of such a bill as this. We must vote against it unless some strong reason, unless, indeed, potent reasons shall arise and be stated, other than were told about bad books going through the mails, for its support.

My friend from Colorado, a BELL that usually sounds true when struck in the interest of the people, even though a Populist, has handed me a memorandum and called my attention to the fact that the law now prohibits the sending through the mails of vicious literature, some of that class presented by the gentleman from Mississippi [Mr. KYLE]. It is even now denied the right of passage through the mails. I frankly confess that I am not as familiar with the law as I ought to be. I frankly confess that I presume the chairman of the committee and the committee itself know, or at least think they do, very much more about the matter than I do, and they have said that the law in this report was sufficient at the present time. On page 4 of their own report they claim it is sufficient now. But inasmuch as that information emanated from that committee, I was afraid I ought to take it in a Pickwickian sense, and understand that they meant something a little different from what they did say in their report, because I can not conceive that any set of men would come into the House, and in one breath say that the law ought to be amended in order to prevent the sending through the mails of vicious books and literature of that character, and in the next breath declare that the law was sufficient as it is now to prevent the very thing that they ask to have prevented. But if it be true that the law does prevent it as at present constituted, and my friend from Colorado says it does—if that is true (and I dilute the security of the statement; I weaken, in other words, the citation, and do not strengthen the precedent when I say that even the committee's report indorses the proposition of the gentleman from Colorado) [laughter]; if it be true that the present law is sufficient, and that under it the vicious publications, the literature of this class, is denied transmission through the mails, in the name of common sense why do you want to change it? [Laughter.]

Is it because of this great deficiency in the revenue? Is it because of the $8,000,000 per year that they say this Post-Office Department costs? For one, I think the Post-Office Department should be carried on whether it makes money or loses money. I do not care a snap of my finger whether it costs the Government $185 to send a letter to Alaska, as the gentleman from California [Mr. LOUD] intimated. If we have a United States citizen living in Alaska under the protection of the Stars and Stripes, and there is a post-office there, it is the duty of this Government to send his mail to Alaska, even if it costs $185 per letter to send it. I do not believe in this making fish of one and flesh of the other. I agree with my learned friend from Ohio [Mr. BURTON] that there should be no privileged classes, and that is why I am opposed to this bill.

They say that certain trade press associations have declared in favor of this bill. Why? Because it benefits them. Who have declared against it? Nearly every country newspaper in the United States of America; every cheap magazine in the United States. Where can you find better magazines than Munsey's, McClure's, the Cosmopolitan, and others that I might name, that are sold now for a dollar a year or 10 cents a copy, and which are enabled to be sold at that cheap rate because of the privilege given to them by the present liberal postal laws. I am not familiar with the facts connected with their circulation, but I understand that it increased from a few thousand to over a million by reason of the liberal operation of the postal laws. Why cut them off? Does any member of the Post-Office Committee think that those magazines are vicious literature? Does he think that the people ought to be deprived of the right to read those magazines simply because they are cheap? I do not know how the great newspapers of New York stand upon this question. I do know how one newspaper stands upon it; that is the New York Tribune. A friend has sent me a copy of it; and in the New York Tribune I have found editorial after editorial against this bill, urging Congress to defeat it. I do not speak of that as a matter that should have much weight with the members of this House. I regard it as a fatal confession of weakness on the part of the gentleman from California [Mr. LOUD], the chairman of this committee, and of his colleague, the gentleman from Mississippi [Mr. KYLE], when they undertake to say that the newspapers favor it. Who and what are the newspapers of this land that they should dictate legislation to Congress? Who and what are the newspapers that they should say a law is good or a law is bad, and we should blindly accept their directions? There is not a member of Congress, always excepting the chairman of the Post-Office Committee, but what has been abused by the newspapers, and when you were abused by them did you think that they were the ones entitled to tell you how to vote? [Laughter.]

It seems to me that every measure should stand upon its own merits, and we should discuss it regardless of what the newspapers say, whether they affirm or deny its goodness, whether they affirm or deny its wickedness; and, furthermore, that in deciding whether we shall support this bill we should ask ourselves, Have any reasons been assigned to justify us in changing the law? The only reasons given, and they can be summarized, are three:

First, that bad books go through the mails.

That amounts to nothing.

Second, that there is expense attending it.

That, as it seems to me, amounts to nothing, because of the good results.

And third, that we would save $10,000,000 a year.

That I have, I think, already shown to be a chimera of the imagination.

Now, what is left of the bill? Why should we pass it? They say Postmasters-General have recommended the bill. They say that a Democratic Postmaster-General and a Republican Postmaster-General have recommended it. When and where did it become the law that the mere recommendation of a Cabinet officer entitled a bill to be passed through Congress? I do not know. Of course I am a new member of Congress. I have been here only one term, and owing to some mysterious dispensation of Divine Providence, for which He knows the reason and I do not, I shall not be here again. [Laughter.] In the short time that I have been here I never have yet found it the law or the rule that because a Cabinet officer recommended a bill, therefore it should necessarily pass.

The CHAIRMAN (Mr. SHERMAN) raised the gavel.

Mr. JOHNSON of California. Oh, now, don't do that, Uncle James! [Laughter.]

The CHAIRMAN. The Chair regrets to say that the time of the gentleman has expired.

Mr. JOHNSON of California. If that be true, I suppose "the gentleman from California" must expire, unless my friend the gentleman from New York [Mr. QUIGG] will give me a few minutes more.

Mr. QUIGG. How much time does the gentleman from California desire?

Mr. JOHNSON of California. Well, about five minutes more, I think.

Mr. QUIGG. I yield to the gentleman five minutes.

Mr. JOHNSON of California. For what I have received I am thankful. For what I shall receive I will be thankful. [Laughter.]

Now, as I was saying, why should we pass this bill? Usually there is a demand for legislation found in the operation of the law in existence. Usually that demand for legislation can be succinctly presented to Congress by the advocates of the measure. We are not usually required to arise and say, "These are the objections to the bill," and receive answer to those objections. The wise man in presenting a case, when he is either a lover or a lawyer, speaks of the good results to flow from the marriage or from the verdict. But here it is reversed, and we find gentlemen saying there are certain evils which now exist in our imagination because we object to the bill. They say our objections are of no force. Let them show first wherein the law works badly. Let them go further. They merely speak of the titles of various books. Far be it from me to even intimate that the grave, sedate, and learned gentleman from California [Mr. LOUD] has ever read any of these books the titles of which he has called to our attention! [Laughter.]

I know that the operation of his mind is so quick and the X-rays that scintillate from his intellect are so penetrating he is able to tell by a look at a book, on reading its title, whether it is a good or a bad book! Therefore he may be pardoned for saying all these are bad books. But "upon what meat hath this our Cæsar" from Mississippi "fed" [laughter] that he is also able to tell that these are bad books? And my kind friend from Ohio [Mr. BURTON], have you read these books? [Laughter.] Is it possible that you have? I shrink from the thought that you have read these books. [Great laughter.]

Now, the title of a book in itself amounts to nothing. One of the pleasantest books that any man here remembers is The Damnation of Theron Wade. I presume the gentleman from New York [Mr. QUIGG] has read it if anyone else has, and I presume a great many have read it. The title of that book would make us antagonize it; and yet it is interesting, it is eloquent and instructive. The title of the book itself is not sufficient to condemn it. I admit that the title of the book If Christ Came to Congress condemns that book without reading it; and it ought to be condemned. [Laughter.] I admit that if we could pass a law to keep that book and its sequel, which has been advertised, out of the mails, that we would be doing right to pass it, even if we had to do bodily violence to the gentleman the reputed author of the book.

But the question is as to whether the title of a book itself makes it bad. I do not think it does. The title of a book of itself does not make it bad. You must have waded through these books. Just think of it, gentlemen of the House of Representatives—just think of what the chairman of the Committee on the Post-Office and Post-Roads has suffered in behalf of the dear people, whom he loves! He has waded through hundreds and hundreds and thousands of these bad books in order that he might be able to tell you that they were bad, and in order that you might vote for this bill to prevent others from suffering. It reminds me of a story of cholera times in New York, when the doctor said, "You must not eat green-apple or rhubarb pie;" and when the man of the house came in one day and found a rhubarb pie, made in the good old-fashioned style—and it makes my mouth water to think of it—he asked what it was, and when his wife told him he said, "Good God! wife, in these cholera times, are you going to permit our dear, loved children to eat that rhubarb pie and die of cholera? No, no; take it away; put it in the pantry; keep it there." And they did so; and that evening, after the children had retired, true to his duty as a father, true to his duty as an American citizen, he went into the pantry, where that pie was, and to save the lives of his innocent children ate that pie himself. [Great laughter.]

And so to-day, Mr. Chairman, the learned chairman of the Committee on the Post-Office and Post-Roads has read all these bad books to prove to us the necessity of passing this bill in order that we might be saved from evil by his vicarious punishment. [Great laughter.]

Mr. LOUD. I yield five minutes to the gentleman from Mississippi, simply to correct a statement.

Mr. KYLE. Mr. Chairman, I understood from the remarks of the gentleman from California——

Mr. JOHNSON of California. Which one?

Mr. KYLE. Mr. JOHNSON. (Continuing.) That he stated that he had read some speech of mine, where I charged Mr. Wanamaker with having paid $400,000 for a seat in the Cabinet.

Mr. JOHNSON of California. If the gentleman so understood me, or if I said so, that was an error. I presumed that he, like other Democrats, believed that. Of course, what a man intends to say and what he does say is frequently very different. [Great laughter.]

Mr. KYLE. I accept the explanation. It is all satisfactory to me.

Mr. LOUD. I yield forty-five minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Chairman, I feel a great deal of the same satisfaction that I presume a visitor to St. Louis did the day after the cyclone. I am glad I did not come before the gentleman from California [Mr. JOHNSON], and that I have the privilege of talking after him, so that I may have missed the cyclone with which he struck the other gentlemen on our side of this question.

Now, I do not know what the particular relations are between the two distinguished gentlemen from California. The thinly veiled sarcasm of the last gentleman in his attack upon the bill would indicate that in order to have a consolidated and a united Republican party in the State of California the two gentlemen should get together. They have been accusing us in Ohio of being divided. I think that the Republican party in California, if the remarks of the gentleman who has just concluded are any index of the situation, ought to get together and harmonize their differences.

Now, so far as any covert attack upon the chairman of the committee is concerned, I propose to make no defense, because I take it for granted that he is fully able to take care of himself; but so far as the attack made upon this bill is directed against the Post-Office Committee, of which I am a member, I propose to try, in my feeble way, to reply to some of the comments and criticisms that have been made, not only by the learned gentleman from California [Mr. JOHNSON], but by the gentleman from New York [Mr. QUIGG] who preceded him.

To begin with, and for fear that I should overlook it, the gentleman from California [Mr. JOHNSON], referring to page 3 of the report, quoted the language of the chairman of the committee, in which he says it is his opinion, formed after many years of practical and theoretical experience in postal affairs, that the transmission of the mails could be done more cheaply and with quicker dispatch and better satisfaction by private means than by the post-office authorities, and the gentleman seemed to think that he had discovered in that statement the colored individual in the wood pile so far as this bill is concerned.

Upon that ground the gentleman charged the committee with undertaking to break down the Post-Office Department by bringing in and urging the passage of this bill. The gentleman appeared to think that we were engaged in an insidious attack upon the Post-Office Department in attempting to save for it an amount which has been variously estimated at from one to ten million dollars per annum, or even a larger sum. It strikes me, Mr. Chairman, that the gentleman from California must be entirely unfamiliar with the history of the legislation that is proposed in this bill. He must be entirely unaware of the fact that from 1879 down to the present time there has been hardly a report made by any Postmaster-General of the United States, Republican or Democrat, which has not called attention to the evils which this bill attempts to correct, or has not made recommendations for their correction. If, therefore, the chairman of the Post-Office Committee, and the members of that committee, who have adopted this report, are engaged in an insidious attack upon the Department, equally guilty are Postmasters-General Wanamaker, Bissell, and the present Postmaster-General, Wilson.

Again, the gentleman from California [Mr. JOHNSON] says that we come here with our bill occupying a negative position, that we say in effect, "Prove that our bill is not a good bill," and that we do not rely upon the positive merits of the bill itself. In other words, to use the gentleman's own illustration, according to him we come into court and say, "Here is our complaint; now let the defense prove that our allegations are not true." If the gentleman were aware, as he probably is not aware, of the hundreds and thousands of letters that have been mailed to the Post-Office Committee since the introduction of this bill, urging its passage, letters from business men, from the public press all over the country, even from the weekly newspapers which are supposed to be most injuriously affected by the bill—if the gentleman could have seen and read those communications, he would never have asked, "What is the demand for this bill?" The demand, sir, is universal. It comes from all classes of people and from all sections of the country. The bill is indorsed not only by the business men, the manufacturers, and others who by reason of frauds upon the postal service under the present law are compelled to pay more than their just proportion in the other grades of postage, but the indorsement comes also from the publishers of newspapers themselves, who, if any class are to be affected injuriously by the withdrawal of the privilege of sending sample copies, must be the class to suffer most.

Mr. QUIGG. Will the gentleman——

Mr. BROMWELL. I decline to be interrupted.

The gentleman from New York in his statement that every measure of this kind which had been brought before Congress had met with an unfavorable reception evidently overlooked the bill which was introduced in this House in 1890 by the distinguished gentleman from Pennsylvania [Mr. BINGHAM], who was then chairman of the Post-Office Committee. In order that the House may see the action which was taken at that time upon that bill I will occupy a moment in referring to the bill and also to the report which was made upon it. On February 27, 1890, Mr. BINGHAM introduced in this House—

> A bill (H. R. 7358) to fix the rate of postage on periodical publications containing the print or reprint of books.
>
> *Be it enacted, etc.*, That from and after the passage of this act all publications purporting to be issued periodically and to subscribers, but which are merely books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, or whether they be sold by subscription or otherwise, when offered for transmission by mail, shall be subject to postage at the rate prescribed by law for third-class matter.

The report on that bill was made April 7, 1890, by Mr. BINGHAM, the chairman of the committee. The opening paragraphs are as follows:

> The Committee on the Post-Office and Post-Roads, having under consideration the bill (H. R. 7358) to fix the rate of postage on periodical publications containing the print or reprint of books, submit the following report:
>
> A bill of like character passed the House of Representatives, Fiftieth Congress, and Mr. Blount of Georgia submitted the following report.

Then follows the report previously made by Mr. Blount.

This report of the gentleman from Pennsylvania then goes on to quote the language of the Postmaster-General, on pages 43, 44, 45, and 46 of his report for 1889.

The report further states:

> In letter under date of March 7, 1890, the Postmaster-General thus addresses the chairman of Committee on the Post-Office and Post-Roads.

Then, after giving the letter of Postmaster-General Wanamaker, the report concludes:

> The committee therefore recommend the passage of the bill.

It seems, therefore, from the statement of this report that a bill of similar character to this was passed in the Fiftieth Congress, and that a similar bill was introduced, fathered, and favorably reported upon by the chairman of the Post-Office Committee, General BINGHAM.

Now, the gentleman from California [Mr. JOHNSON] asks us to state the reasons why this bill should be passed. Those reasons have been given. I can add but little to the statement as already made. There are two reasons that stand out preeminent. In a room adjacent to this Hall, the Committee on Ways and Means of this House are engaged day after day hearing from representative business men of the country their views in regard to the revision of the tariff—a measure made absolutely necessary by the deficiency of the revenues under the present system, $39,000,000 being the amount we are behind in receipts as compared with our expenditures for the fiscal year up to the present time. Taking in view this deficiency, it is proposed to increase the tariff duties. But, gentlemen, there is another way in which we can assist the revenues of the Government in addition to increasing the tariff. When a business man finds that he is running behind, he has the choice of two methods of improving his standing; one is to increase the receipts of his business if possible; the other is to cut down, if possible, its expenses. Both of these means are available to us. We hope shortly after the 4th of March of this year to enact a bill which shall increase the receipts of the Government; but it is none the less the duty of this House before the 4th of March, if possible, to assist in this good work of cutting off this deficit by a proper economy—a cutting down wherever it can properly be done in the expenses of the Government.

I care not whether the amount that will be saved if this bill be passed be placed at $1,000,000 or $40,000,000. The principle is the same. If we can save $1,000,000 to this Government by the passage of this bill, it is our duty to do it. Gentlemen get up on the floor of this House and oppose the payment of the just debts of this Government in the way of war claims and other just obligations. When the amount is only a few hundred dollars, they debate and argue; they spend hours in opposition to the payment of just claims against the Government; yet they are willing to stand idly by and permit, or even directly to advocate, the continuance of an abuse in the postal system which year after year takes from the revenues of the Government not merely a few hundred or a few thousand dollars, but millions. The demand, therefore, is first on the ground of economical management of the Post-Office Department. But, Mr. Chairman and gentlemen of the committee, there is a very much higher duty than even that of economy; there is a higher duty than the mere saving of dollars and cents to the Government, and that is the duty we owe, so far as the question of these serial novels is concerned, at any rate of transmission through the mails, to the morality of the youth of this country.

The gentleman from California [Mr. JOHNSON] may ridicule the idea that these novels are the means of transmitting immorality to the youth of our land. He says the transmission of one cheap edition of Dickens's novels through the mails at this cheap rate of postage more than compensates for the damage done by the transmission of the innumerable immoral novels that are sent to all parts of our land. But I say to you that one human soul saved is worth all of the intellectual development of the human mind that can be gathered by the use of Dickens's novels or the reading of Thackeray's novels or any other of the standard authors of the world. I say that the evil of such transmission through the mails is so widespread in regard to the serial novels, that the good done, as compared with the evil, is as a grain of wheat to a barrel of chaff. To be convinced of this fact it is only necessary to take a list of these publications and read it through. How many of these books would you select to put into the hands of your son and your daughter to be convinced of their working great injury to the morality of youth?

But I have here an article which will command the attention and respect of, I hope, even the gentleman from California himself. It is an article in a work entitled Books and Reading for the Young, by J. H. Smart, who was for twelve years past president of Purdue University at Lafayette, Ind., an educator known not only throughout the United States, but throughout the world. In regard to this class of literature that is circulated through our mails at the 1 cent a pound rate under the pretense of educational value, he says:

> The extent to which vicious literature is read by the youth of this country is alarming. Tons upon tons of it are sent out from the larger cities all over the country, and our children read it and are demoralized by it. If one doubts this, let him read the reports of Anthony Comstock, or let him spend an hour at the news stands in our larger cities and towns; or, what is better, let him inquire of any teacher of youth who has given the subject attention.
>
> I am reliably informed that a large part of the bad literature that goes out of New York is sent to the great West, and I know from personal observation that much of it comes to the State of Indiana. The circulation of bad literature has become so extensive in New England that it has called out the following appeal, signed by such men as Noah Porter, Theodore D. Woolsey, Francis A. Walker, Leonard Bacon, Francis Wayland, and James E. English:
>
> "We desire to call attention to the cheap, trashy literature which is demoralizing the youth of our country. In this class we notice the paper named The New York Boys' Weekly, with a reputed circulation of 40,000, and the Boys of New York, with a reputed circulation of 50,000. These papers contain stories of the most sensational and slangy character, judging by the titles, of which we name the following: Dashing Dick, King of the Highway; Yankee Claude Duval, the Dashing Knight of the Road; Corkey, or the Tricks and Travels of a Supe; Shorty, Jr., or the Son of His Dad; Bang Up, or the Boy Ranchero, etc. We see not one redeeming trait in these or other papers of this class. We are informed that many of the advertisements in their columns are of the most villainous kind. Will you not do what you can to warn your readers against the peril that besets our youth?
>
> "Our object is not to advertise any periodical in place of those we deprecate, but only to warn the public of a danger suspected by few and realized by fewer still."

There is also here a quotation from Prof. William G. Sumner, of Yale College, which I will not take the time of the committee to read, but it is of the same general character.

Now, the gentleman says that you can not tell much from the title of a book about what it is, but I have here a collection of books, and I think the titles would indicate about their character. I will say that some of them are made up of fairly good literature. The collection which I hold in my hand is from the Munro Library of popular novels. This publication was started long before the decision of Attorney-General Devens, which admitted this class of literature to the mails. I am informed by reliable business men, who know the facts, that the proprietors of this library—of this series of books—had made an immense fortune before the favorable construction of law by Attorney-General Devens, which gave them the privilege of sending this matter through the mails at a lower rate. Originally issued as weeklies or monthlies, I have forgotten which, they now issue them daily, so that every day one of these cheap novels goes into the mails, or is supposed to go into the mails. As a matter of fact, dozens and hundreds of them are dumped in together, of all sorts of issues and of all sorts of days, and these go through the United States mail at the rate of a cent a pound.

Now, I will take one of these, and from the catalogue which is published at the end will give you a sample of the general run of these books, and I will say also that George Munro & Sons, publishers—and this is only a type of the entire class—are not the publishers of one series only, but they have a great variety of names under which the publications are sent out, and a book which appears as number one of one series will appear as number ten in another series or number fifteen in a third series. All they have to do is to tear off the paper back and paste a new one on, and instead of its being the Old Sleuth Series, for instance, or Old Sleuth Library, it will be The Boys Dashaway Library, or instead of that it may be Die Deutsche Library, or the Laurel Library, and so on.

Now, here are some of the publications of the "Old Sleuth Library," which is stated to be "a series of the most thrilling detective stories ever published, issued quarterly, price 5 cents each," and I will say that there are 69 of them altogether. Old Sleuth, the Detective; The King of the Detectives; Old Sleuth's Triumph; Under a Million Disguises; Night Scenes in New York; Old Electricity, the Lightning Detective."

I am reading them right along, and if any gentleman can find one of these books that he would like to put into the hands of his son or daughter, I shall be very glad to have him pick it out for me. The Robber Detective; Iron Burgess, the Government Detective; The Brigands of New York, and so on for quantity and quality.

Out of the entire 69 there is not one book that you or I would want to see in our households.

Now, gentlemen say that the present law is sufficient to exclude this class of literature. The law, if enforced, is sufficient to exclude a certain class of this abominable literature. The law gives the Post-Office authorities the right to throw out of the mail books containing obscene matter, but the law, as construed by the Department and by the Attorney-General, does not give the right to throw out of the mails books that are almost equally as villainous as those containing obscenity.

Let me read to you from a letter addressed by the Postmaster-General to the chairman of the Post-Office Committee, Hon. John S. Henderson, and found in the report of the committee on pages 21 and 22:

> Fourthly. The favoring of works of fiction, as is shown above, carries with it the circulation at practically the expense of the nation, of a very vicious class of literature. On this point I can not, perhaps, do better than to quote the views of the gentleman before alluded to. He says:
>
> "But the worst side of this question I have not yet touched, and that is the wide diffusion of what, for want of a better name, may be termed the 'bigamy' school of fiction. I mean the writings of such novelists as Ouida, Adolphe Belot, Du Boisgobey, Dumas the younger, and the coarse and brutal pictures of Emile Zola.
>
> "There are many novels of that class which every librarian who has any regard for the morals of the community deplores the existence of, novels which depict, sometimes in the most seductive, sometimes in the most repulsive, aspects the decline and fall of woman—novels in which where there is not a seduction there is an adultery, and where there is not an adultery there is a seduction, and very frequently there are both. Now, what kind of literature is that to bring into domestic circles, to be put forth by the thousand, and scattered all over your country to the exclusion, or, at least to the prejudice, of decent and elevating literature?"

The gentlemen who advocate the allowance of this class of matter to go through the mails at the reduced rates, and thus to make the Government of the United States accessory to the distribution of this vicious stuff, have no plea to make for that higher class of literature which is really educational. The schoolbooks of the country do not go through the mails at a cent a pound. They have no plea to make for the Holy Bible. That does not go through the mails at a cent a pound unless it is cut up into sections, in order to defraud the Government, as these book publishers have done. Your religious tracts do not go through the mails in the same class with this literature. They pay 8 cents a pound. Why, then, should this special favor be given to this class of publishers. There is no sentimentality about it. The newspapers that are demanding free sample copies and these serial publishers who are demanding these privileges are business men. They are in the business for the purpose of making money. They do with their money when it is made just what every other business man does. There is no special appeal that they can make to us to favor them in assisting their business. When it comes to the legitimate newspaper publications—the issues of the great dailies, the weeklies, and the monthly magazines—they form a different class of literature. It has been the policy of this Government to favor that literature for the general dissemination of information and knowledge. But when it comes to this class of literature, they are nothing more than books—books with paper covers. There is no more reason why the mere manner in which a publication is bound shall make a discrimination in its favor of 7 cents a pound than there is why we should discriminate between a sample of merchandise sent through the mails in a canvas bag and the same sample of merchandise sent in a paper bag. They are exactly the same book. A work of Dickens is a book whether it is bound in paper or bound in cloth.

Now, why should a cloth-bound book of Dickens pay 8 cents a pound for transmission through the mails while a paper-bound book pays but 1 cent a pound? Not the difference in the binding. That can not be the reason. There never was any intention to include these books in this privileged class. The publishers saw that all that was necessary was to use the name of some series—Household Series, Favorite Series, Sleuth Series, Detective Series, or something else, then mark it volume 1, number 1, issued daily, weekly, or monthly, as the case may be, subscription $12 a year, take it down to the post-office, make a false oath to the postmaster, and they would get their books through the mail at a cent a pound.

Now, it may be thought that I am using extravagant language when I say "by making a false oath." I have had a communication handed me by the Postmaster-General, which consisted of an affidavit made by the former owner of a New York sample-copy paper. I refer to it as a sample-copy paper, because he admitted in his affidavit and made the statement that this paper had 7,000 legitimate paid-up subscribers; that on the strength of the 7,000 subscribers there were 68,000 copies sent out, and 32,000 sample copies of this publication. In other words, on the strength of a legitimate circulation and subscription of 7,000, 100,000 copies were sent out through the mails. This affidavit was filed with the Postmaster-General.

Mr. CANNON. I will ask, for information, if the gentleman will allow me, was this against the law?

Mr. BROMWELL. I understand it was against the law, and he may be prosecuted.

Mr. CANNON. Why was he not sent to the penitentiary if he was guilty of violating the law?

Mr. BROMWELL. Possibly he may have been; I do not know. I intended this as one illustration of the abuse of the sample-copy privilege. I am not here saying that he would not make himself amenable to the laws. I do not know what the circumstances were as to that; but in his affidavit he stated that on the basis of 7,000 subscription list he was able to send out 100,000 papers, 32,000 of which were sample copies.

Mr. CANNON. But that is clearly against the law.

Mr. BROMWELL. Undoubtedly it is.

Mr. CANNON. Does my friend think it is safe to repeal a law that some believe is beneficial in its general results because some individual has violated that law?

Mr. BROMWELL. Well, so far as that is concerned, I will answer the gentleman this way: I believe that this Post-Office Department ought to be managed, if possible, in its different branches so as to pay its expenses. I believe that the sample-copy privilege is one of the reasons why a deficiency exists; and it seems to me, from all the information we can get, a reason why the sample-copy privilege ought to be withdrawn. Do I answer the gentleman's question?

Mr. CANNON. The gentleman answers by giving one of the means of cutting down the deficiency, or of wiping out the deficiency; but I will point the gentleman to one other very important consideration. For instance, in each county a paper goes absolutely free of postage. In every county of the United States, as I understand, a paper published in that county has the franking privilege. Now, if the gentleman does not interfere with that, as I understand his bill, I would like to have him say so.

Mr. BROMWELL. I will answer the gentleman by saying that if the expenses of the Post-Office Department can be brought within its income by cutting off serial publications alone, then I would be willing to have sample copies go out so far as that could be done without entailing additional expense; and if it became necessary to curtail the expenses by curtailing the sample copies, I would cut them off; and if it required additional economy to bring the expenses of the Post-Office Department within its receipts, I should be in favor of cutting off the county free matter. Of course, it has been the policy for years to allow free county matter to go through the mails. Whether it would be wise or politic to withdraw that privilege from county free matter is another question.

Mr. CANNON. I am not advocating that. I simply wanted to get at the theory on which the gentleman was proceeding.

Mr. BROMWELL. Reference was made, I think, by the gentleman from New York to the fact that the American Newspaper Publishers' Association represented only a small portion, numerically, of the newspapers published in the United States. I believe he said only 170 out of about 1,800 newspapers. I have here a circular of the American Newspaper Publishers' Association, indorsing this bill, which was adopted by the association, by the unanimous vote of the executive committee, on February 20, 1896, and afterwards by the unanimous vote of the association on February 21, 1896. I find by reference to the list of members of this association that it is composed of newspapers nearly all of which are of national reputation. The press of nearly every large city in the United States is represented. There are five papers from Albany, N. Y., two from Augusta, Ga., three from Baltimore, one from Bangor, eight or nine from Boston, five from Brooklyn, three from Buffalo, and I believe nearly every newspaper published in my own city, Cincinnati, is upon the list. There are eight or ten from Philadelphia, six or eight from Pittsburg, five or six from St. Louis, and so on through the list. I am also informed that while it is true that the number of these papers is but a small percentage of the whole number of publications of this kind in the United States, yet the actual output of the papers upon this list constitutes about 75 per cent of the newspaper matter issued in the country.

Mr. MILLIKEN. What class of papers does the gentleman refer to now?

Mr. BROMWELL. The papers that make up the American Publishers' Association.

Mr. QUIGG. Daily newspapers, are they not?

Mr. BROMWELL. Yes, sir; daily newspapers, and they indorse this bill.

Mr. MILLIKEN. Is it not just possible that they desire to get rid of competition?

Mr. BROMWELL. These are for the most part daily newspapers; but gentlemen know that Harper's Weekly is not a daily publication, and I have here an article from Harper's Weekly, under date of April 11, 1896, indorsing this bill. I will read it:

THE LOUD BILL.

> It is to be hoped that Congress will not adjourn before passing the Loud bill, which seeks to limit second-class matter strictly to newspapers and

periodicals. A strong effort is being made to defeat the measure, and there seems to be some misconception at Washington as to the attitude toward it of some of the publishers of periodicals. The Weekly has favored this bill simply because it is for the general interest that it should become a law. The Government is now losing annually between $18,000,000 and $19,000,000 as the result of a perversion of the law.

The law of 1885 fixing the rate of postage on newspapers and periodicals at 1 cent a pound is a liberal law, and was intended primarily for the benefit of readers of such publications. It is the policy of the Government to extend the circulation of periodical literature, and to help to cheapen it to the people by reducing the charge for carrying it in the mails. Every abuse of this law which adds to the cost of maintaining the Post-Office Department is a menace to the law itself, for if the abuse continue, there will inevitably come a time when the Government must fix the charge for carrying second-class matter at a rate which will cover the cost of transportation. It will be remembered that the enormous loss resulting from the second-class rate is not due to the charge to which the Government is put for carrying real newspapers and periodicals, but for the inclusion among second-class matter of books, advertising circulars, enormous sample editions, and other publications not properly included in second-class matter. Recently the sample edition of one publication alone, as we learn from the report of the committee, weighed 300,000 pounds. Its carriage in the mails cost the Government $24,000. As the postage paid was $3,000, the Government lost $21,000 on this one edition. We have the estimate of the Department that if the perversion of the law should cease, the post-office could afford to carry periodicals for nothing, and this certainly indicates the extent of the abuse.

The abuse ought to be stopped not only because it is the cause of such enormous expense to the Government, but because it interferes with the rights of the great majority of those who use the post-office. The post-office is established primarily for the carrying of letters. At the present rate of postage letters are carried for 32 cents a pound, giving the Government a profit on this class of mail matter of 24 cents a pound. In other words, to take the estimate of the committee, the people who send letters through the mail, and they include practically the whole population of the country, pay to the Government every year between $30,000,000 and $40,000,000 more than the cost of transmission. If letter postage were reduced one-half, the Government would still make a yearly profit of from $15,000,000 to $20,000,000. But one of the stubborn facts in the way of reducing letter postage is the loss of $18,000,000 to $19,000,000 by reason of the abuse of the law relating to second-class matter. It is another evidence of the patience of the people of the United States that they permit those who pervert this law for their own profit to postpone the day of penny postage.

I have also the proceedings of the American Newspaper Publishers' Association to which I have already referred, and which I insert in my remarks at this point:

The American Newspaper Publishers' Association (composed of publishers of leading dailies) approve Mr. LOUD's postal bill—

First, by the unanimous vote of the executive committee, February 20, 1896.

THE EXECUTIVE COMMITTEE.

[From the Brooklyn Times, February 21, 1896.]

The executive committee of the American Newspaper Publishers' Association entertained Congressman E. F. LOUD, chairman of the Postal Committee of Congress, and Third Assistant Postmaster-General Craige at dinner last evening at the Hotel Waldorf, where they discussed the postal bill relating to second-class mail matter, which has lately been introduced in Congress by Mr. LOUD, and after a full debate and a thorough examination into the merits of the bill, the members of the executive committee unanimously agreed to report back to the meeting of the association to-day that the executive committee fully indorsed the bill, and would ask the members to give it their hearty and earnest support.

The following were present: Charles W. Knapp, of the St. Louis Republic; Congressman E. F. LOUD; Third Assistant Postmaster-General Craige; M. A. McRae, of the Cincinnati Post; J. A. Butler, of the Buffalo News; W. H. Seif, of the Pittsburg Times; Herbert F. Gunnison, of the Brooklyn Eagle; S. H. Kauffmann, of the Washington Star; H. Montgomery, of the Chicago Tribune; D. N. Houser, of the St. Louis Globe-Democrat, and William C. Bryant, of the Brooklyn Times.

Then, by the unanimous vote of the association, February 21, 1896.

THE ASSOCIATION.

[From the New York Times, February 22, 1896.]

The American Newspaper Publishers' Association concluded its annual meeting at the Brunswick Hotel last evening with a banquet. The association has been in session for the last three days, the attendance has been very large, and the amount of work transacted greater than at any previous session.

Nearly all the officers of the association were present, including President Charles W. Knapp, of the St. Louis Republic; Vice-President J. A. Butler, of the Buffalo News; W. C. Bryant, of the Brooklyn Times; M. A. McRae, general manager of the Cincinnati Post, St. Louis Chronicle, and Cleveland Press; S. H. Kauffman, of the Washington Star, and W. H. Seif, of the Pittsburg Times.

* * * * * * *

A vote of the association was then taken, and it was found to be unanimously in favor of the Loud bill as it had been reported.

Publishers of legitimate newspapers advocate the passage of the Loud bill because it strikes at the root of the abuses which have led to a very large and growing loss in the postal revenues and have called forth the protests and recommendations of successive Postmasters-General.

So long as the newspaper rates were confined to copies mailed to subscribers the present difficulties had no existence; but since 1879, when these rates were extended to sample copies, thousands of publications, bearing sufficient resemblance to regular newspapers to obtain admission to the second class, have been established, mainly for the purpose of circulating sample copies, which, when once entered as second-class publications, they are entitled to send out in unlimited quantities.

This is a rapidly growing evil which is injuring both the revenues of the Government and the business of established newspapers.

If the Loud bill is passed, this privilege will be withdrawn. Second-class rates will apply only to copies mailed to regular subscribers and the temptation to evasions of the law, which are at present so ruinous to regular publishers and the post-office revenues, will cease.

The issuing of books as pretended serials, when in fact they have few or no subscribers, was never intended by the framers of the present law.

It is far preferable that a reasonable and moderate reform, such as would be accomplished by Mr. LOUD's bill, should be carried into effect than that the abuses in connection with second-class matter should be allowed to continue until the loss to the Government becomes so tremendous that a recasting of the whole system shall become necessary.

Now, the gentleman from New York [Mr. QUIGG] seems to assume that the raising of the rate of postage for these periodicals must result in these publishers going out of business. That is his assumption. He figures that we get so much postage now, and that if we raise the rate we shall lose all of that postage and also the postage which is incidental to that; that the first-class postage, and also the incidental postage from third and fourth class matter, will be lost, because we shall have closed out this line of business.

Now, if such publications as Munro's could exist before the decision of the Attorney-General, and if the publishers could become wealthy while paying postage at the old rates, it is not very likely that, with the improved facilities they now have for getting out cheap literature, with the cheapening of paper, and the fact that in many instances, as I am told, the publishers have their own paper mills, so that they make the profit upon the paper as well as the profit upon the books—in view of these facts and considerations it is not at all likely that an increase from 1 cent to 8 cents a pound in the rate of postage would result in closing them out. Here, for instance [illustrating], is a book that weighs about 2 ounces, one-eighth of a pound. If this were mailed at the pound rate, the postage upon it would be 1 cent. How much does that add to the cost of the book? Instead of selling it at 5 cents they could sell it at 6 cents and let the purchaser pay the additional postage.

But gentlemen who are opposing this bill do not seem to have agreed together upon one point. In some of these boiler-plate protests that seem to emanate from some syndicate, from some central headquarters, modified in language just enough to keep them from being exactly the same—in some of these protests it is stated that if we pass this bill the poor publishers will be driven into bankruptcy, that the paper mills will be closed down, that the typesetters will all be thrown out of work, that the mail carriers will be discharged, that the news agents will have to go to the poorhouse, and, reasoning along that line, they appeal to us to let the existing law stand, so as to keep up the great body of manufacturers and distributers of this kind of literature. On the other hand, another class of the opponents of this bill speak from a directly opposite standpoint. They say it does not make any difference to the publishers whether we pass this bill or not. They take no interest in publishers, but they say that we are not attacking or injuring them, that it is not the publishers who are to suffer, but the consumers. The publisher will go right on, they say; he will simply add the additional postage to the price of his publications, and the consumer will pay just so much more for them.

[Here the hammer fell.]

Mr. QUIGG. Mr. Chairman, I desire to take this opportunity of answering somewhat more fully than the gentleman from Ohio [Mr. BROMWELL] did the question that was addressed to him by the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from New York [Mr. QUIGG] is proceeding by unanimous consent.

Mr. QUIGG. No, sir; I am proceeding in my own time.

The CHAIRMAN. But the gentleman could not, without the unanimous consent of the committee, which has been given, occupy more than one hour.

Mr. QUIGG. The gentleman from Illinois inquired concerning the fraudulent character of a transaction which the gentleman from Ohio described. I wish to read the provision of the statute on that subject.

That any person who shall submit or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service any false evidence relative to the character of any publication, for the purpose of securing the admission thereof at the second-class rate for transportation in the mails, shall be deemed guilty of a misdemeanor; and for every offense, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $500.

So that if the gentleman from Ohio has information from the Department that a crime of this sort has been committed, the duty of the Department under the statute is obvious.

Mr. LOUD. I now yield twenty minutes to the gentleman from Louisiana [Mr. OGDEN].

Mr. OGDEN. Mr. Chairman, I recognize in this bill the culmination of a long-felt want. The object of the measure is to correct an abuse that has grown up in our postal service, as shown by the successive reports of various Postmasters-General, beginning with the recommendation of the Third Assistant Postmaster-General in 1883, followed by the report of Postmaster-General Wanamaker, by that of Postmaster-General Bissell, by that of Postmaster-General Wilson, and by the message of the President of the United States recently submitted to Congress. The Postmaster-General, after stating that the total deficit, omitting the amount credited to the Pacific railroads, was $8,127,088.44, says:

There is no necessity for this annual deficit. The Department is powerless to prevent it, but a few lines of amendment by Congress to the postal laws will wipe it out and give in its place a steady surplus. It has its chief source in the transmission at second-class rates of a large and rapidly increasing volume of matter never in the contemplation of the law, which gives the nominal rate of 1 cent a pound on such matter, and assuredly outside of the policy of the law as to newspapers and periodicals.

For years the attention of Congress and of the people has been called by this Department to this gross and growing abuse. Vigorous efforts were made by my immediate predecessors, Postmaster-General Wanamaker and Postmaster-General Bissell, to secure legislation which would protect the postal service from this waste of its revenues and the taxpayers from the large burden imposed on them by the regular deficits.

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The increase in the weight of second-class matter for the year was 37,000,000 pounds, as against 13,000,000 pounds last year. The mere cost of transportation of this matter is estimated at 8 cents a pound. The postage revenue received from it was 8¼ mills a pound. Thus 349,000,000 pounds, in round numbers, at 8 cents a pound for transportation, cost $27,920,000; postal revenue received, at 8¼ mills per pound, $2,866,403, a loss on transportation alone of nearly $25,000,000.

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It thus appears that from two-thirds of the matter handled the last fiscal year the revenue was less than one-thirtieth of the cost of the mail service.

Whether an abuse exists or not in connection with our postal system is a question which ought to be considered by this House. I do not say, because Mr. Wanamaker called the attention of Congress to this matter, or because Mr. Bissell did the same, or because Mr. Wilson has emphasized the existence of this evil, or because the President of the United States has indorsed the views of these several officials, that therefore a measure of this kind must necessarily be right. But certainly the fact that these officers of the Government, following their duty, have thus called attention to the abuses which have grown up is no reason why gentlemen here should vote against this bill.

I always listen to the gentleman from California [Mr. JOHNSON] with a great deal of interest, and often with amusement. But his reasons for not supporting this bill seem to me in the main to amount to this: That because Mr. Wanamaker, and Mr. Bissell, and Mr. Wilson, and the President of the United States have called attention to this subject is reason why he and those who think with him should vote against the measure. I am not as good at relating an anecdote as my friend from California, but his attitude on this question reminds me of a story I heard of a little boy. About Christmas time, he had in his hand a nice piece of cake and was met by one of his companions, who asked, "Why don't you eat your cake; ain't it good?" "Oh, yes," was the reply, "it is good, but grandma said I might eat it; and you know I don't do anything that grandma wants me to do." Now, I listened for half an hour to the remarks of the gentleman from California, and after all, his position, it seemed, was that he did not want to do anything that the officers of the Government had recommended that Congress should do.

I confess, Mr. Chairman, that I do not always follow the advice of the officers of the Government; but I do think that when they offer important recommendations, those recommendations ought to be considered fairly and justly upon their merits and should not be opposed through a spirit of factious opposition. If the recommendation is wise, fair, just—if it commends itself to our judgment—then it is our duty to follow it.

The whole question presented here is whether this is a bill which Congress ought to pass. Under what auspices does it come before this body? As already stated, it had been recommended by three Postmasters-General and by the President of the United States. It was introduced by the distinguished gentleman from California [Mr. LOUD], referred to the Committee on the Post-Office and Post-Roads, and comes back here with the unanimous report of that committee in its favor. Is that report to be discredited without reason? Has any gentleman on this floor shown why it should be discredited? Is it not a fact that abuses have crept into our postal service? Is it not a fact, as stated by Postmaster-General Wilson, that the second-class matter, embracing in weight about two-thirds of all which passes through the mails, is handled for about one-tenth of the cost of transportation alone?

Does anyone deny it? Is there any gentleman here who will dispute that statement? Ought we not to be just before we undertake to be generous? Ought we not to listen to the story of the wants and the needs of the people of the United States rather than give transportation through the mails to millions of pounds of mail matter at one-tenth of what it actually costs to transport it? That is the question that this House must consider.

To show the extent of our generosity, I submit the following average postal revenue, as shown by the Postmaster-General's report, from each pound of mail matter:

First class matter	cents	93
Second-class matter	mills	8.5
Third class matter	cents	13.1
Fourth-class matter	do	15.8

It seems to me that these simple statements of facts is a sufficient answer to the assertion of my friend from California [Mr. JOHNSON] that the friends of the bill had given no reason for its support or its passage.

I believe in the policy of the Government practiced for many years in allowing newspapers and other legitimate publications very low rates. The provisions of this bill in no wise affects them. But we do propose to exclude from the benefits of this rate millions of pounds of matter that was never intended by the act of 1885 to be transported as second-class matter.

This bill is in no wise partisan. It was enforced by a number of Republican ex-Postmasters-General while they were in office, it has been indorsed by two Democratic Postmasters-General, and it has been indorsed by the President of the United States. It has been indorsed by the Committee on the Post-Office and Post-Roads of the House, at whose head is a distinguished Republican member of this body, and it comes before the House without any minority report whatever against it.

Now, Mr. Chairman, there has absolutely been no reason given by the opponents of this measure why it should not pass. And while I have the floor I want to give another reason for favoring the bill. I favor it because it would result in a saving to the Government, in my judgment, of not less than $10,000,000 a year in the transportation of the mails; which, if that saving be made, would make it possible for a succeeding Congress to put into execution measures of relief to certain persons who have to perform their work for the Government at ridiculously low prices. I speak of the fourth-class postmasters of the country.

In this connection I will say that since I have been a member of the Committee on Post-Offices and Post-Roads I have found that while we were giving largesses to some classes of our people, and while we were being generous to certain publishers throughout the United States to the extent of $10,000,000 a year of the people's money, we were pursuing a niggardly policy to many thousands of fourth-class postmasters. Mr. Chairman, in order to be able to frame some measure of relief for these deserving employees, I wrote to the Auditor of the Treasury for the Post-Office Department, and afterwards to the Postmaster-General himself, requesting certain specific information relative to compensation of fourth-class postmasters. This information was denied me on the plea of a lack of clerical force. I then introduced a resolution in the House calling for the information, as follows:

Resolved, That the Postmaster-General be requested to furnish this House at an early date the following information in regard to the salaries of fourth-class postmasters, to wit:

Number of fourth-class postmasters whose salaries are $50 per annum or less, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed $50 and are not above $100 per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed $100 and are not above $200 per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed $200 and are not above $500 per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed $500 and are not above $900 per annum, and the aggregate amount of the same.

This resolution was introduced in the House on the 17th day of March, and was reported and passed on the 23d. The Postmaster-General made no direct response to this order of the House, but on page 19 of his annual report, recently submitted to Congress, he gives the exact information called for by the resolution. My reason now for calling the attention of the House to this matter is that if the pending bill is passed I believe that we can be able to take up and dispose of the matter of proper compensation of these fourth-class postmasters, as well as in respect to the compensation of the letter carriers, and in regard to the reclassification of clerks, whose request for a reform in this matter ought to be listened to with respect.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. OGDEN. Certainly.

Mr. MILLIKEN. How will the passage of this bill accomplish that result?

Mr. OGDEN. I will tell the gentleman. If you save the money in this direction, it can be applied in other ways. When asked why you do not increase the salaries of the fourth-class postmasters, the answer is always that we have a deficit of millions of dollars a year in the postal service, and an annual deficit in our public revenues of $30,000,000 or $40,000,000, and therefore it is idle to talk of remedying these abuses. When letter carriers come before Congress and ask a remedy, the same answer is given to them as is given to the postmasters, and, as has been stated by gentlemen on the floor, the same answer is unavoidably and invariably given in respect to any other question of claims against the Government, no matter how just they are.

But let me again state some of the reasons for the passage of this bill. In the first place, I think we will be able to save eight or ten millions of dollars annually in the postal service——

Mr. MILLIKEN. Just a word, if the gentleman will permit me, in that very connection. That is just the point. The issue between the gentlemen and myself is on that proposition of knocking off a deficit, or of saving $8,000,000 of expenditures. If the gentleman would make that perfectly clear, that we can save eight millions or ten millions, or even five millions of dollars, I will vote with him for the bill, just as the gentleman from New York said that he would.

Mr. OGDEN. Well, that is a matter of opinion, of course; but I think I can convince the gentleman. It is a question of belief. Whether you believe it or not, we know, as a matter of fact, that we are carrying this mail matter at a ridiculously low price, and when we are informed as to the extent of its transmission through the mails it is manifest that if we prevent its transmission at the present price we will not be involved in this great expense without proper compensation.

Mr. MILLIKEN. Will my friend allow me to ask him a question? I do not want to interrupt him, because I do not suppose he wants to be interrupted. I suppose the real purpose of this bill, and the purpose of the Post-Office Department in bringing it here—for they certainly were instrumental in bringing it here—and the purpose of the committee, was to curtail expenditures and make a saving to the Government. Now, my own belief is that they will not save a cent, and if they do not save a cent, why, they are not correcting any abuses.

Mr. OGDEN. Well, when you have the opportunity, in your time, you may prove that it will not save a cent, if you can. We believe it will save millions, and are proceeding on that theory. Then, we have thousands of people behind us who, if we do save these millions, will have an opportunity to come up and present their grievances to Congress.

Mr. MILLIKEN. I will help the gentleman to correct those grievances. I am with him on that.

Mr. FAIRCHILD. Does not the gentleman think that the burden of proof is upon those who favor the passage of this bill?

Mr. OGDEN. Oh, well, that matter of the burden of proof is stale.

Mr. FAIRCHILD. But is not the burden of proof upon you?

Mr. OGDEN. I think it has already been proven. You must disprove it. Postmaster-General Wanamaker says it is proved, and he puts it at two millions.

Mr. FAIRCHILD. The report puts it at $1,000,000.

Mr. OGDEN. Postmaster-General Wilson puts it at $8,000,000. You must disprove the statement of these gentlemen. I take the statements as true. You must disprove those statements.

Now I propose to go on with my line of argument.

As I stated, I introduced a resolution, because as a member of the Committee on Post-Office and Post-Roads I found a bill which was introduced by the gentleman from New York [Mr. CUMMINGS]. I also found another bill, introduced by the gentleman from Alabama [Mr. WHEELER]. I also found other bills looking to the increase of the compensation of fourth-class postmasters. I found those bills, but could find no data to act upon. It is idle to come before this House, as gentlemen well know, and talk about passing measures without presenting proper data for consideration.

Mr. CUMMINGS. Did you find a letter carriers' bill there?

Mr. OGDEN. I did. I voted for it in committee, and it is upon the Calendar of this House.

Mr. CUMMINGS. Why did you not bring that up instead of this bill?

Mr. OGDEN. I am not the chairman of the committee, and I am not of the majority of this House. You might just as well ask me why I am not Jack the Giant Killer, or why I do not climb up to heaven, as another Jack tried to do. [Laughter.] But now let me proceed.

I want to put before this House and before the people of this country, because it is new matter to them, this information from the report of the Postmaster-General. I want to tell you that there are 21,875 fourth-class postmasters whose average salary is only $25 a year. That is an astounding statement, but it is true. Their salary is only $2.10 a month, or less than 7 cents a day. That is what 21,000 fourth-class postmasters get for their work. They are required to give bond, to keep their offices open six days in the week, and to keep a set of books, and render reports at stated intervals. It is a startling fact that the aggregate compensation of these over 21,000 postmasters is $60,000 less than the allowance made for rent, light, and fuel to the third-class post-offices of the United States, numbering 2,776. There are 15,650 postmasters whose average pay is only $75 a year. They are a little better off, for they get $6.25 a month.

Mr. COX. Are those Presidential offices?

Mr. OGDEN. No; they are fourth-class postmasters. They get $6.25 per month, or 21 cents a day. There are 13,000 more who receive an average of $150 a year, or $12.50 a month, or 42 cents a day.

Mr. TRACEY. Do you find any difficulty in finding candidates for those offices?

Mr. OGDEN. Yes; frequently for the smaller ones, and I will appeal to every member of this House who represents a country district that the trouble with reference to the smaller offices is to keep them from being discontinued. But there are often zealous men and women, too——

Mr. COX. Who want the office.

Mr. OGDEN. They do not know what is in store for them until they get a fourth-class post-office whose salary is less than $50 a year, for then their troubles begin.

Mr. MILLIKEN. Will my friend allow me to ask him a question?

Mr. OGDEN. Yes.

Mr. MILLIKEN. My friend was in Congress at the incoming of the present Administration of his own party?

Mr. OGDEN. No; I was not.

Mr. MILLIKEN. Then you escaped great misery. [Laughter.]

Mr. OGDEN. I agree with you. I hope you will escape an equally great one when your party comes in. [Laughter.]

Mr. McCREARY of Kentucky. We shall escape it, and those on his side will encounter it.

Mr. MILLIKEN. You will escape it because we will have it. But I was going to ask my friend if, for every post-office, no matter how small it might be, in his country, there were not plenty of candidates?

Mr. OGDEN. Only when it is a paying office. I believe the gentleman is from Maine?

Mr. MILLIKEN. Certainly.

Mr. OGDEN. If he will hunt around in Maine, he will probably find some trouble, especially if he has it to do under a Republican Administration instead of a Democratic, and without proper compensation.

Mr. MILLIKEN. There are very few cases where men are not willing to serve their Government in the civil service for a consideration.

Mr. WILLIAMS. Not at 7 cents a day.

Mr. OGDEN. Maine patriots are not built that way.

Mr. MILLIKEN. They are well built.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. OGDEN. I ask leave to print the accompanying table with my remarks.

There was no objection.

The table is as follows:

Salaries of fourth-class postmasters averaging $500 or less.

	Number	Amount	Equals—	Less than—
			Per month.	*Per day.*
$50 per year or less average, say, $25	21,875	$546,875	$2.10	$0.07
Between $50 and $100 average, say, $75	15,362	1,152,225	6.25	.21
Between $100 and $200 average, say, $150	13,022	1,953,300	12.50	.42
Between $200 and $500 average, say, $300	11,002	3,[illegible]	25.00	.84
Total for 4 classes, average, say, $116	61,262	7,102,[illegible]	9.70	*[illegible]
Receiving more than $500 and less than $1,000	....	3,255,700	....	....

*About.

There are 3,685 Presidential postmasters, divided as follows:

	Number	Amount
Between $1,000 and $2,000, third class	2,776	
Between $2,000 and $3,000, second class	741	
Between $3,000 and $8,000, first class	167	
At $8,000, New York	1	
	3,685	*$6,170,[illegible]
Fourth-class postmasters at average figures†		†10,[illegible]
Total actual	....	‡16,[illegible] 16,[illegible]
		31.1[illegible]

*Actual.

†Average.

‡Average of fourth class, and actual of first, second, and third classes.

Mr. QUIGG. I will yield to my colleague from New York. How much time does the gentleman desire?

Mr. CUMMINGS. Twenty minutes.

Mr. QUIGG. I yield twenty minutes to my colleague from New York.

Mr. CUMMINGS. Mr. Chairman, this bill came unexpectedly before the House in the morning hour. No notice was given to its opponents. It appeared so unexpectedly that the House was dependent upon the courtesy of the chairman of the committee for copies of the reports accompanying the bill. The measure comes before the House now as a special order. The men whose interests are affected by it have had a fortnight in which to put in a protest against it. They have not been idle. The House is being inundated with protests. When my friend from California boldly asserted that the American Publishers' Association, representing apparently all the daily papers published in the United States, favored this bill, I was somewhat astonished. If that were true, I felt as though it might be my duty to go back on my convictions as heretofore expressed on the floor of the House, and

vote for the bill. But, sir, it was not true. I have here a copy of the New York Tribune of December 30. I read this extract:

> The American Publishers' Association, an organization useful to its own members, does not represent the Herald and the Tribune——

Mr. MAHANY. But it does represent all the rest, I believe?

Mr. CUMMINGS. You are welcome to the Journal and other papers favoring your party.

Mr. MAHANY. I am glad we have them.

Mr. CUMMINGS (continuing):

> two of the largest daily newspapers in New York City, and it only represents at the utmost 161 out of a total of more than 1,800 daily newspapers published throughout the length and breadth of our country.

Upon the indorsement of this publishers' association you are to assume that the newspaper press of the United States is in favor of this bill. Gentlemen, 85 per cent of the newspaper press of the United States is composed of newspapers publishing less than 1,000 copies of each issue. You are feeding the "killies" to the sharks. These are the newspapers that you strike at, in the interest of the American Publishers' Association.

Mr. MAHANY. How do you know that?

Mr. CUMMINGS. I have a statement prepared by Mr. George P. Rowell showing it. I can prove it, if you desire.

Mr. MAHANY. Can you give a list of them?

Mr. CUMMINGS. I can; every one of them. You will find them in Rowell's Newspaper Directory.

Now I read in the Tribune something further concerning the merits of this bill:

> The purpose of his measure—

The Tribune honestly says—

> is undoubtedly to stop abuses. Its actual object, therefore, is beyond criticism * * * But—

It asks—

> why tear down the whole building merely to get rid of one broken beam?

And that is precisely what you propose to do. There is no sense whatever in some of the provisions of the bill. You charge a higher rate of postage upon alleged sample copies and compel publishers to insert their supplemental sheet in the main sheet. Now, let us see how that will work. The Daily News of New York every Sunday furnishes to its subscribers and buyers a supplemental sheet, containing a complete novel, either from Dickens, Thackeray, Barrie, or one of the latest novels issued either in England or America. By the passage of this bill you rob the country boy of his privilege. He buys the Sunday News to obtain that novel. You rob him in the interest of the rich and against the interests of the poor.

Mr. OGDEN. If my friend will allow me to interrupt him, let him pay for his privilege.

Mr. CUMMINGS. He does pay for his privilege when he buys the newspaper.

Mr. OGDEN. Not at all.

Mr. CUMMINGS. That is the law, and you are changing it so as to take his privilege from him.

Mr. MAHANY. Do you believe that the Post-Office Department ought to be a free circulating library?

Mr. CUMMINGS. I believe that the Post-Office Department ought to obey the law—that the head of the Post-Office Department ought not to do, as it has done, say to Congress, "You defeat the proposed legislation if you please; I shall carry it out despite your action." My friend here, Mr. MILLIKEN, asks me if the Department is originated for the purpose of making money out of the people. That is a very proper question. The Department is the servant of the people. It must carry out the wishes of the people by obeying the law.

Mr. MAHANY. It is not originated for the purpose of making money, but it is expected to pay its own expenses.

Mr. MILLIKEN. Why do not the Navy Department and the War Department pay their own expenses?

Mr. CUMMINGS. Another pat question. Now, Mr. Chairman, I have on my desk a petition from over a thousand news dealers and booksellers in the city of New York against the passage of this bill. They say:

> It is inimical to the interests of the news dealers and their thousands of employees. It repeals rights and privileges and usages guaranteed by previous legislation, and especially by the postal acts of 1879 and 1885. It will decrease the business of the trade. Its hypothesis that it will save money to the Post-Office Department is a fallacy, because by its restrictions on second-class matter it will inevitably and greatly decrease the revenue on first and third and fourth class matter. It is from all business and political standpoints reactionary, revolutionary, and repressive. For these reasons, which a due consideration of the nature and inevitable results of this proposed measure will establish, we enter our earnest protest against the act.

You injure and possibly destroy business founded upon the law as it is by passing this measure.

I have here a communication from the editor of American Gardening, an agricultural newspaper. He says:

> The Loud bill, if enforced, will work great hardship to the publishers of legitimate periodicals, especially in that provision which allows only paid-in-advance subscriptions to be mailed at 1 cent a pound, inasmuch as it excludes—
>
> Copies sent to advertisers for the purpose of proving insertion of advertisements.
>
> Marked copies—copies sent out drawing attention to certain passages.
>
> Exchanges—copies sent to other publications in exchange, for review, etc.
>
> Sample copies—copies sent out with a view to obtaining new subscriptions.
>
> Trusting you will not vote for the Loud bill in its present form, believe us,
>
> Yours, respectfully,
>
> A. T. DE LA MARE PTG. AND PUB. CO., LTD.,
> *Publishers American Gardening and The Florists' Exchange.*

Mr. LOUD. Will the gentleman permit me to interrupt him for a moment?

Mr. CUMMINGS. Yes, sir.

Mr. LOUD. That gentleman, in the communication you have just read, makes a point against this bill because it provides, he says, that subscribers must pay in advance. Does not the gentleman from New York know that this bill does not change the present law in that respect in the slightest particular?

Mr. CUMMINGS. Yes; but you avoid the point which he makes. You cut off all the country newspaper exchanges.

Mr. QUIGG. Yes; and the bill also provides that the Postmaster-General must be satisfied that the subscriptions are voluntary, so that if he does not like the color of a man's beard all he has to do is to say that his subscriptions are not voluntary, and therefore exclude him from the mails.

Mr. CUMMINGS. Now, Mr. Chairman, having heard from the agricultural press, let us hear from the religious press. The Independent was edited for a long time by Henry Ward Beecher. From its publisher I have this communication:

> The better class of newspapers, in my opinion, do not favor the provisions of the Loud bill prohibiting sending as second-class matter sample copies and back numbers of genuine periodicals.

Added to this I have a strong petition against the bill from the Rev. John J. Wynne, S. J.; Rev. Denis T. O'Sullivan, S. J.; Rev. James Conway, S. J.; Rev. Henry Van Renssalaer, S. J., publishers of Messenger of the Sacred Heart, Pilgrim of Our Lady of Martyrs, The Decade Leaflets, Calendar of Monthly Intentions, The Messenger Supplement, and The League Director.

I give an extract from the petition:

> It will throw out of employment hundreds of thousands of working men and women engaged in the printing, paper making, electrotyping, and allied trades, entailing distress and calamity the extent of which can hardly be estimated.
>
> The advocates of the bill maintain that its purpose is to reduce the deficiency in the postal revenues. They claim that there is a heavy loss to the Government in the carriage of second-class matter. This claim is untenable, because whatever loss there may be upon the carriage of second-class matter is fully offset by the gain upon the carriage of the two profitable classes, the first and fourth, which are a direct outgrowth of the mailing of second-class matter. Every publisher receives large numbers of letters and mails large quantities of "premiums" (fourth-class matter) to his subscribers and club raisers, and almost every advertisement is a bid for correspondence by mail and the consequent mailing of merchandise in filling orders. There are other causes than the carriage of second-class mail matter to account for the annual deficiency in the postal revenues, which would still be operative should the bill become a law. How, then, could the enactment of this measure reduce the deficiency?
>
> The real beneficiaries of the measure are the express companies. By cutting off competition with the postal service they would be enabled to increase their rates and thus reap a rich harvest.
>
> Lastly, it creates a virtual censorship of the press by giving to post-office officials the absolute right to determine what newspapers and periodicals shall have the advantage of the rates of second-class mail matter. It confers on the post-office the power to determine what is and what is not a periodical. And since there is not a single newspaper or magazine published in the United States which in some issue is not amenable to this authoritative discrimination against advertising, supplements, premiums, extra editions, and extra free matter, and which, therefore, may be relegated to mail matter of the third class, it literally places them at the mercy of any postmaster's mandate.

Next I have a communication from the manager of a newspaper with 100,000 paid subscriptions, the American Wheelman. It is a newspaper in which every man in America who rides the wheel is interested. What does this publisher say? I read:

> Inasmuch as we consider that the passage of the bill would be detrimental to our interests and to the interests of the bicycle sport and industry which we represent, we write to request you to vote against its passage. You will doubtless hear or take part in the debate over the bill when it is brought up, and will hear all of the arguments that can be made for or against it. We will therefore not undertake in this letter to say all that can be said against its passage, but will merely call attention to those features of it which are particularly injurious to our interests.
>
> The bill, by prohibiting the mailing of sample copies of publications at second-class rates, would have the effect of retarding, if not entirely preventing, the legitimate growth of our circulation, as it would practically prohibit us from bringing our paper before the constantly increasing number of those who use bicycles and who are not familiar with the publications issued in its interests. This would not only injure us, but would also, we believe, be an attack upon the best interests of the entire country, because the introduction of the bicycle into any section thereof and the dissemination of literature published in its interests have had in the past and must continue to have in the future a very beneficial effect, inasmuch as it advocates the improvement of the highways of the country, which is recognized in all truly enlightened communities as a most beneficial thing, and is a powerful factor in the facilities for intercommunication and by increasing and diversifying their common interests.
>
> The bicycle sport (if indeed it can be termed a sport; it has really come to be a good deal more than that) and industry, although it has already grown to large proportions and is supported by a large percentage of the population, is as yet in its infancy, and we think it would be unjust to place restrictions upon its further development which have not been placed upon any other class of citizens.
>
> The foregoing is a brief summary of our objection to the bill from our own particular standpoint. We think, moreover, that the bill should be opposed on other broad grounds of public policy which will doubtless appear in the

> debate and will appeal to you, if you have not already made a study of the matter.
>
> We feel warranted in making the request that you oppose the bill, as our company is a corporation organized under the laws of the State of New York, which you represent, and as the majority of the members of our staff are voters in the State.
>
> Yours, truly,
>
> THE AMERICAN WHEELMAN PUB. CO.,
> H. L. SALTONSTALL,
> *Manager, 23 Park Row, New York.*

Now, I am a member of the American Wheelmen's Association. I shall vote against this bill because I believe the writer of that communication knows what he is talking about. Parenthetically, I may say that I shall vote for good roads in every State in this Union, if the Federal Government has the power to give them.

Now, Mr. Chairman, having heard from the wheelmen and from the religious element and from the farmers, we come to the insurance interests. I have here a letter from the proprietor of the Insurance Critic, in which he says:

> I take occasion to request that you will interest yourself, if you have not already done so, sufficiently to enable you to oppose the passage of Mr. Loud's bill (H. R. 4566) which, to my mind, is a very unjust one, and if enacted will work a very great hardship upon a large and very useful industry affecting many people conducting similar business to that which I am conducting. I take occasion to inclose to you a copy of the bill and trust that your sense of duty may enable you to comply with my request.
>
> GEO. W. CORLISS, *Proprietor.*

Next I have a communication from the editor of a trade paper, a jewelers' paper. This editor says:

> I wrote you in reference to the Loud bill (H. R. 4566), asking you to use your vote and influence against same, and enlarged to some extent upon what I then believed would be the evil arising, should such a bill be passed, in the way of restricting various industries upon which thousands of our people depend, and in cutting off the supply of valuable literature and information which our people now receive at a nominal expense. My opinion on the subject has not changed, and as I understand the bill is to be before the House on the 5th and 6th of January, 1897, and that on the 6th of the said month be brought to a vote, I again take this opportunity to ask you to do all in your power to suppress it.

I have also a letter from the McCall Company, publishers of the Queen of Fashion. Through this communication the ladies speak. It says:

> While we believe the Loud bill has some good features, it has too many that are not good, and, on the contrary, positively bad. On the whole, it is not for the best interests of publishers.

Next comes the theatrical profession. The editor of the Dramatic Mirror writes me as follows:

> I am certain that the provisions of the bill which prohibit the return of unsold papers at the pound rate, and the exclusion from the same rate of sample copies of regular publications, are a serious blow to legitimate newspaper business, which, if the bill is enacted, will suffer incalculable injury therefrom.
>
> The publishers of this city are desirous that the disastrous import of the proposed legislation may be understood fully by our representatives.
>
> Sincerely, yours,
>
> HARRISON GREY FISKE.

Now, gentlemen, times are hard enough, despite the result of the recent election. But this bill proposes to make them harder. On behalf of the 100,000 printers in the United States, I protest against the passage of this bill. It contracts work and injures their interests. On behalf of the 100,000 men employed in the paper manufacturing industries, I protest against its passage. It will lessen their output. On behalf of the thousands of pressmen, bookbinders, stitchers, and others employed in similar branches of industry, I protest against the passage of this bill. It is really a tariff on literature. It is an exaction from the boy who is thirsting for knowledge. When a boy, I picked up old iron and brass to raise money to buy a copy of Bourrienne's Napoleon. I had to work for three weeks before I got 47 cents' worth of the metals. The price of the book was 50 cents, and the bookseller (who, by the way, was a Methodist preacher) threw off the 3 cents. [Laughter.] He had more sympathy and humanity than is shown by the men who are advocating the passage of this bill. You can pick up Bourrienne's Napoleon now for 10 cents. They would increase it to 50.

Mr. CROWTHER. I will ask the gentleman from New York whether this proposed legislation is not an incubus upon intelligence? [Laughter.]

Mr. CUMMINGS. Certainly it is. I am glad to have such a suggestion from a man who has stood at the case and set type. And I will allude to another printer to whom my friend and colleague Mr. QUIGG referred to-day, Col. Thomas L. James, former Postmaster-General. Those of you who listened to the remarks of that gentleman as read by my colleague will certainly benefit from them if your minds are in the right condition. [Laughter.]

This is the third time this bill has appeared in the House since I have been a Representative. It has been defeated twice by an overwhelming vote. It seems now that somebody is on a "still hunt" and is endeavoring to triumph through such methods. But the people are awake. I warn every man here who represents an agricultural district, with voters from 40 to 100 miles from a railroad, that his vote will be subjected to careful scrutiny. It is a bill drawn in the interests of de luxe publishers. It is drawn in the interests of the express companies; and "don't you forget it." [Laughter.] It is a bill not entitled to the support even of the economists of the House—and I am looking at one of the most celebrated of them as I talk [laughter]—a gentleman [Mr. CANNON] who was implicated in the passage of the law as it now stands, who stood up for it and advocated it. He saw no "abuses" in it then, and he knew what it meant. The "abuses" have been found since then. Under cover of one or two abuses you are trying to upset a law which has reduced the price of literature in this country, which has produced more books and created more circulating libraries than all other legislation since the foundation of the Government.

Mr. Chairman, let the Democratic side of the House remember that free literature ought to be inseparable from free trade. No Democrat at least ought to vote to put a tariff upon the literature of his own country.

Mr. Chairman, I yield back any time I may have remaining to the gentleman from New York.

Mr. OGDEN. I should like to ask the gentleman from California—I mean New York—a question before he takes his seat.

Mr. CUMMINGS. I once lived in California. I will answer the gentleman's question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CUMMINGS. Then I will talk with my friend in the cloakroom or elsewhere hereafter. [Laughter.]

Mr. LOUD. Mr. Chairman, I do not believe that anyone else is ready to go on with the discussion to-night. I move, therefore, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, and had come to no resolution thereon.

Mr. LOUD. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. PICKLER, for ten days, on account of important business.

To Mr. HUFF, for three days, on account of important business.

To Mr. MCRAE, indefinitely, on account of sickness in his family.

To Mr. GRAFF, indefinitely, on account of sickness in his family.

To Mr. DOCKERY, indefinitely, on account of sickness in his family.

To Mr. HANLY, indefinitely, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following bills were taken from the Speaker's table and referred as follows:

A bill (S. 2355) to correct the military record of Peter Buckley—to the Committee on Military Affairs.

A bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt—to the Committee on Claims.

A bill (S. 2184) granting a pension to William F. Johnson—to the Committee on Invalid Pensions.

A bill (S. 3115) granting a pension to Ella D. Cross—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims;

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana;

A bill (S. 2989) to increase the pension of Caroline S. Baker; and

A bill (H. R. 4281) granting an increase of pension to George Johnson, of Lenox, Iowa.

The motion of Mr. LOUD, that the House adjourn, was then agreed to; and accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting additional estimates for navy-yards and stations—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, inclosing a copy of a communication from the German ambassador relating to the claim of Christopher Schmidt for damages for injuries sustained through carelessness of United States soldiers at rifle practice—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting estimates for the construction of a covered steel lighter for use at the Brooklyn Navy-Yard—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Black River, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the Inspector-General of the Army, with accompanying reports of inspection of disbursements by officers of the Army during the fiscal year ending June 30, 1896—to the Committee on Expenditures in the War Department.

A letter from the Secretary of the Interior, submitting a copy of the report of the clerk in charge of the documents of the Interior Department—to the Committee on Printing.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Strawhorn against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of an appropriation for an industrial boarding school at White Earth Indian Reservation, Minn.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Charlevoix Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Alviso Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel in New Bedford Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River from St. Paul to the mouth of the Missouri River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Chester Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Postmaster-General, transmitting the annual report of the expenditures of the contingent fund, report of the finances, of contracts other than those for carrying mails, and of postal business and agencies in foreign countries—to the Committee on Expenditures in the Post-Office Department.

A letter from the Secretary of Agriculture, transmitting a report of the operations of the Bureau of Animal Industry, together with a statement of disbursements from appropriations for salaries and expenses for the fiscal year ending June 30, 1896—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of the Navy, complying with the provisions of the naval appropriation bill approved June 10, 1896, in regard to the cost of armor plate and the price for the same which should be equitably paid—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9644) to abolish the office of Commissioner of Indian Affairs and the office of Assistant Commissioner of Indian Affairs, and to create in lieu thereof a board of Indian commissioners, reported the same without amendment, accompanied by a report (No. 2383); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district, reported the same without amendment, accompanied by a report (No. 2384); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SHAFROTH, from the Committee on the Public Lands: The bill (S. 1597) entitled "An act for the relief of William H. Tibbits." (Report No. 2372.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 9013) granting an increase of pension to John F. Crawford. (Report No. 2373.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick. (Report No. 2374.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 7147) to grant an increase of pension to Adrian Combe. (Report No. 2375.)

The bill (H. R. 9060) granting a pension to Mary A. Kibele. (Report No. 2376.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 9070) granting a pension to Florence N. Waldron, helpless daughter of Capt. Samuel F. Waldron, Company I, Thirty-third Regiment New Jersey Infantry Volunteers. (Report No. 2377.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6756) granting a pension to Auguste Whitmer. (Report No. 2378.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 7893) granting a pension to Jane Innels. (Report No. 2379.)

The (bill H. R. 8704) granting a pension to John Keen. (Report No. 2380.)

The bill (S. 2126) entitled "An act granting an increase of pension to Mrs. Laura A. Nelson." (Report No. 2387.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 4099) granting a pension to Mary S. Higgins, widow of Col. Jacob Higgins, late of Johnstown, Pa. (Report No. 2381.)

The bill (H. R. 5669) to increase the pension of Salem Rice. (Report No. 2382.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 9723) granting an increase of pension to Hiram T. Abbott. (Report No. 2385.)

The bill (H. R. 9721) granting a pension to Eber Robbins. (Report No. 2388.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 8745) granting a pension to Benjamin L. Nolan. (Report No. 2386.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the memorial of the Board of Trade of the city of Brunswick, Ga., praying for the proper fortification of the harbor of Brunswick; and the same was referred to the Committee on Appropriations.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 9817) extending the jurisdiction of the United States circuit courts in cases involving patent rights—to the Committee on Patents.

By Mr. HOWELL: A bill (H. R. 9818) to remit the time penalties on the light-house tender *Rose*—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: A bill (H. R. 9819) for the retirement of Government employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. BABCOCK: A bill (H. R. 9820) for the regulation of insurance in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department—to the Committee on the District of Columbia.

By Mr. McCLELLAN: A bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 9823) to increase the circulation of national banks—to the Committee on Banking and Currency.

By Mr. MEREDITH: A bill (H. R. 9824) for retiring superintendents of national cemeteries—to the Committee on Military Affairs.

By Mr. MINOR of Wisconsin: A bill (H. R. 9825) to correct a clerical error found to exist in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed June 3, 1896—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A bill (H. R. 9826) to open a street through block 205, from Fourteenth street to Fifteenth street northwest, concurrent with the streets in the adjacent blocks called Wallach place and Caroline street, etc.—to the Committee on the District of Columbia.

By Mr. MAGUIRE: A bill (H. R. 9840) relating to the jurisdiction of the court of appeals of the District of Columbia—to the Committee on Pacific Railroads.

By Mr. SNOVER: A joint resolution (H. Res. 226) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A joint resolution (H. Res. 227) in regard to the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BABCOCK: A joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897—to the Committee on the District of Columbia.

By Mr. FAIRCHILD: A concurrent resolution (House Con. Res. No. 61) for the printing of 7,000 additional copies of the Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. BENNETT: A resolution (House Res. No. 466) relative to the consideration of House bill No. 9252 on Thursday, January 14, 1897—to the Committee on Rules.

By Mr. MEREDITH: A resolution (House Res. No. 467) to investigate and discover what sums of money have been contributed by national banks for campaign purposes—to the Committee on Banking and Currency.

By Mr. WHEELER: A memorial of the legislature of the State of Alabama, asking Congress to act favorably on the bill (H. R. 8625) donating land to the Alabama State Normal College, at Florence, Ala.—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 9827) to increase the pension of Alexander G. Willis—to the Committee on Invalid Pensions.

By Mr. APSLEY: A bill (H. R. 9828) granting a pension to Mary A. Caulfield—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 9829) for the relief of William R. Rogers, of James County, Tenn.—to the Committee on Military Affairs.

By Mr. COOK of Wisconsin: A bill (H. R. 9830) to grant an honorable discharge to Joseph Scharbonaugh—to the Committee on Military Affairs.

By Mr. TUCKER: A bill (H. R. 9831) for the relief of Charles B. Rouss, of the State and city of New York—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 9832) granting an increase of pension to Thomas Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9833) to increase the pension of Cyrus B. Boydston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9834) granting an increase of pension to Martha A. L. Chamberlain—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9835) for the relief of James Kelly—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 9836) granting an increase of pension to Harriet Hutter—to the Committee on Pensions.

Also, a bill (H. R. 9837) to remove the charge of desertion from John D. M. Perron—to the Committee on Military Affairs.

By Mr. SIMPKINS (by request): A bill (H. R. 9838) for the relief of Johanna C. Haft, widow of John Haft, private Company C, Forty-first Massachusetts Infantry—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 9839) granting a pension to Abram Cooper—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Protest of Charles Macdonald and 54 others, merchants and dealers of Chicago, Ill., against the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. BOATNER: Petition of G. B. Lutrick and others, of the State of Louisiana, for the recognition of the Deity in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BROWN: Petition of S. J. Gillespie, auditor of the city of Chattanooga, Tenn., for dredging the Tennessee River in front of the city wharf and Water street—to the Committee on Rivers and Harbors.

By Mr. BROMWELL: Memorial of certain citizens of Hamilton County, Ohio, concerning Armenian atrocities—to the Committee on Foreign Affairs.

Also, memorial of the Manufacturers' Club of Cincinnati, Ohio, in favor of Senate bill No. 2117, for a department of commerce and manufactures—to the Committee on Manufactures.

By Mr. COOK of Wisconsin: Petition of the Federated Trades Council of the city of Milwaukee, Wis., expressing their sympathy for and urging the recognition of the Cubans as belligerents in their struggle for independence—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., expressing sympathy for the Cubans; but, believing that the business interests of this country require peace and not war, they deprecate the action of the Senate Committee on Foreign Affairs in regard to Cuba—to the Committee on Foreign Affairs.

Also, petition of Joseph Scarbonaugh, in support of bill for the removal of charges of desertion, and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, petition of publishers of the Times, Brandon, Wis.; also petition of publisher of the Journal, Berlin, Wis.; also petition of publishers of the Argus, Wautoma, Wis., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Florida: Petition of United Confederate Veterans of Florida, in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. CURTIS of New York: Petition of 325 citizens of the State of New York, favoring the passage of the resolution offered by Senator CAMERON in relation to Cuban independence—to the Committee on Foreign Affairs.

Also, resolutions of the Scotch Presbyterian church of Waddington, N. Y., regarding the protection of American citizens and their property in Turkey, and the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Petitions of William Wooste and 64 others and Rev. B. D. Alden and 38 others, all residents of Colesburg, Iowa, favoring the passage of the Vilas bill, forbidding interstate transmission of obscene matter by express or otherwise—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. B. D. Alden and 41 other citizens of Colesburg, Iowa, praying that newspapers giving details of suicide be excluded from the mails, unless authorized by the police for identification—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rev. B. D. Alden and 43 other citizens of Colesburg, Iowa, praying that the sale of liquors be prohibited in buildings owned or controlled by the Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Ed. Madigan, of Clarksville, Iowa; also of Charles A. Joseph, of Farley, Iowa; also of H. B. White, of Waterloo, Iowa; also of L. & N. Gonner, of Dubuque, Iowa; also of C. D. Baldwin, of Cascade, Iowa; also of J. B. Swinburne, of Earlville, Iowa; also of the publisher of the Creamery Journal, of Waterloo, Iowa, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of R. R. Fisher, of Freeport, Ill.; also petition of W. L. Puterbaugh, of Mount Carroll, Ill., against the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of J. F. Edgerton and others, of Nassau, Iowa, favoring the passage of the Dingley bill—to the Committee on Ways and Means.

Also, petition of citizens of Fonda, Iowa, protesting against the atrocities upon the Armenians in Turkey—to the Committee on Foreign Affairs.

Also, petition and papers in behalf of Thomas Allison, to accompany House bill granting an increase of his pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Martha A. L. Chamberlain—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to C. B. Boydston—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of Robert Hamilton Post, No. 262, Grand Army of the Republic, of Bluffton, Ohio; also of Daniel Harpster and 10 other ex-Union soldiers, of West Cairo, Ohio; also of George W. Blackburn and 15 other ex-Union soldiers, of Cridersville, Ohio, urging the passage of service-pension bill (H. R. 9209)—to the Committee on Invalid Pensions.

Also, papers in support of House bill for the relief of James Kelly, of Company E, One hundred and eighteenth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. LEIGHTY: Memorial of Joseph Wingard, of Mount Hope, Ind., relating to homestead laws—to the Committee on Ways and Means.

By Mr. LEONARD: Petition of W. L. Shearer, of Wellsboro, Pa.; D. W. Butterworth, of Coudersport, Pa., and C. S. Whitman, of Loganton, Pa., against the passage of House bill No. 4566, relating to second-class mail matter; to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Petition of the Arkansas River Improvement Convention, held at Fort Smith, Ark., for the improvement of Sabine Pass—to the Committee on Rivers and Harbors.

Also, resolution of the Commercial League of Fort Smith, Ark., protesting against recognizing the independence of Cuba or action which will result in war with Spain—to the Committee on Foreign Affairs.

Also, petition of citizens of Little Rock, Ark., for the maintenance of the Hot Springs Hospital—to the Committee on Military Affairs.

Also, petition of citizens of Little Rock, Ark., asking that the Indian Territory be opened for settlement—to the Committee on Indian Affairs.

By Mr. McCLEARY of Minnesota: Resolutions of the Mapleton (Minn.) Literary Society, favoring the recognition of Cuban independence—to the Committee on Foreign Affairs.

By Mr. MERCER: Petition of citizens of Omaha, Nebr.; also petition of Dehncke Listy Publishing Company, of Omaha, Nebr., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Master Car Builders' Association, protesting against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MILLER of West Virginia: Petition of the publisher of the Mountaineer, of Jackson, W. Va.; also of publisher of the Monroe County Watchman, of Union, W. Va.; also of publisher of Odd Fellow's Advocate, of Huntington, W. Va., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ODELL: Resolutions adopted by the Central Labor Union of Newburg, N. Y., protesting against the proposed change of law affecting postage on newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. OTEY: Petition of C. B. Cannaday, of Roanoke, Va., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dingee, Weinman & Co., relating to barytes—to the Committee on Ways and Means.

By Mr. POOLE: Memorial of the board of supervisors of Onondaga County, State of New York, relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. PRINCE: Resolutions of the Trades and Labor Assembly of Galesburg, Ill., favoring the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. RAY: Petition of citizens of Delaware County, N. Y., for the passage of a tariff bill—to the Committee on Ways and Means.

Also, petition of citizens of Brooklyn, N. Y., favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of the publishers of the Independent and the Echo, of Lestershire, N. Y.; the Standard, of Windsor, N. Y.; the Telegraph and the Sun, of Norwich, N. Y.; the New Christianity, of Ithaca, N. Y.; the Gazette, of New Berlin, N. Y.; the News, of Downsville, N. Y.; the Advocate, of Sydney, N. Y., and the Times and Sun, of Owego, N. Y., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. REED: Petition of Samuel Harris and 99 others of the District of Columbia, Virginia, West Virginia, and Maryland; also petition of Fred Green and 115 others of Mississippi; also petition of George A. Reed and 72 others of South Carolina, in behalf of depositors who lost by the failure of the Freedman's Savings Bank and Trust Company—to the Committee on Claims.

By Mr. SAYERS: Resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STRODE of Nebraska (by request): Resolutions of Lincoln Federal Union, No. 6332, of Lincoln, Nebr., favoring the adoption of a constitutional amendment establishing a referendum—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of W. M. Bunting, of Florence, Ala., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Ohio: Petition of the board of education of Springfield, Ohio, favoring the independence of Cuba—to the Committee on Foreign Affairs.

Also, petition of Crowell & Kirkpatrick, publishers, of Springfield, Ohio; also petition of Ernest Beach, publisher, of Plain City, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of Samuel W. Rhode and 39 other ex-soldiers of Brownstown, Ill., praying for a special pension to William Raeter, of Company F, Seventh Illinois Cavalry—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *January 6, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

COST OF ARMOR PLATE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a provision in the naval appropriation act of June 10, 1896, a report of the actual cost of armor plate and the price for the same; which, with the accompanying report, was referred to the Committee on Naval Affairs, and ordered to be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 17th ultimo, the report of Dr. Sheldon Jackson upon the introduction of domestic reindeer into the District of Alaska for 1896; which, with the accompanying report, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Live Stock Exchange, of Chicago, Ill., praying for the enactment of legislation affording more adequate protection to mortgagees loaning money to mortgagors who are nonresidents of the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Dallas, Tex., praying for the enactment of legislation authorizing the President of the United States to take possession of the Island of Cuba with the military and naval forces of the United States, etc.; which was ordered to lie on the table.

He also presented a petition of the American Trade Press Association of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of H. W. Talmage, publisher of the Light House, of McKeesport, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a petition of the Manufacturers' Club, of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of St. Clairsville, Ohio, praying for the enactment of legislation prohibiting the sale of liquor in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by Eugene Reynolds Post, Grand Army of the Republic, of Bellefontaine, Ohio, expressing sympathy for the Cubans in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of the American Trade Press Association of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Keepers & Greenbank, publishers of the Monroe Gazette, of Woodsfield; of W. R. Allison, publisher of the Ohio Press, of Steubenville; of W. S. Richard, publisher of the Derrick, of Bloomdale, and of C. F. Alexander, publisher of the Bainbridge Observer, of Bainbridge, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented the petition of Charles Rhoads, of the American Literary Union of Philadelphia, Pa., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of W. H. Chew, publisher of the National Standard, of Salem; of R. J. Decker, of Hoboken; of the American Sabbath Tract Society, of Plainfield; of George D. Roe, publisher of Times and Journal, of Lakewood; of John D. Stanton, publisher of the Milk Reporter, of Deckertown; of Alexander Schlesinger, publisher of New Jersey Staats Zeitung, Jersey City; of the National Railway Publishing Company, publishers of the Official Railway Guide, of South Orange; of Hugh Collins, publisher of the Pleasantville Press, of Pleasantville; of Benjamin H. Crosby, publisher of Tuckerton Beacon, of Tuckerton; of J. J. O'Sullivan, publisher of the Pilot, of Butler; of C. E. Pearsall, manager of Union County Standard, of Westfield; of Thomas R. Hoagland, publisher of Young Men's Christian Association Points, of Paterson; of William Stout, publisher of Church and Home, of Rockaway; of M. A. Bugle, publisher of Ocean Grove Times and Record, of Ocean Grove, and of W. R. Camp, publisher of the Parlor and Lodge and the New Jersey Sentinel, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorials of J. E. M. Kroupa, manager of the Delnicke Listy Bohemian Weekly, of Omaha; of C. S. Eonns, publisher of Tribune, of Meadow Grove; of William Breed & Son, publishers of Nebraska Volksfreund; of C. C. McHugh, publisher of the O'Neill Sun, of O'Neill; of C. R. Schaffer, publisher of the Platte River Zeitung, of Fremont; of George F. Goodall, publisher of the Beemer Times, of Beemer; of Moses H. Sydenham, publisher of the Central Star of Empire, of Kearney; of A. J. Watrous, publisher of the Coleridge Blade, of Coleridge, of A. L. Riggs, publisher of the Iapi Oaye and of the Word Carrier, of Santee Agency; of Sinclair & Clements, publishers of the Bancroft Blade, of Bancroft; of F. H. Nagel, publisher of the Freie Presse, of Lincoln; of Sarah B. Harris, publisher of the Lincoln Courier, of Lincoln; of George W. Quimby, publisher of the Recorder, of Verdigre; of F. A. Gabur, publisher of the Brock Champion, of Brock; of the Western Cyclist Publishing Company, by E. B. Henderson, president, publisher of the Western Cyclist, of Omaha, and of sundry newsdealers and booksellers of Omaha, all of the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Master Car Builders' Association of the United States, remonstrating against the adoption of the metric system of weights and measurements; which was referred to the Committee on Finance.

He also presented a petition of the members of the People's Party of Kaufman, Tex., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of Lincoln Federal Labor Union, No. 6332, American Federation of Labor, of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution of the United States providing a system or method of legislation through the initiative or referendum; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of Hay Springs, Nebr., praying for the enactment of legislation prohibiting the sale of liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Nebraska National Guard, praying that an appropriation be made to properly equip the troops of the National Guard of that State; which was referred to the Committee on Appropriations.

He also presented sundry papers to accompany the bill (S. 2070) to remove the charge of desertion from the name of Miles F. Durkee; which were referred to the Committee on Military Affairs.

He also presented an affidavit to accompany the bill (S. 3189) to remove the charge of desertion from the name of Emanuel Schamp; which was referred to the Committee on Military Affairs.

Mr. PEFFER presented a petition of the Ministers' Union of Kansas City, Mo., and of Kansas City, Kans., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the American Trade Press Association of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of D. E. Sanders, publisher of the Normal Journal, of Fort Scott; of C. H. Mitchell, publisher of the Sun, of Summerfield; of C. G. Pierce, publisher of Severyts, of Severy; of O. O. Outcalf, publisher of the Courier, of Burlington, and of James M. Jones, publisher of the News, of Seneca, all in the State of Kansas, and the memorial of G. A. Griffe, publisher of the News, of Pond Creek, Oklahoma Territory, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented memorials of Rev. Josephus Anderson, D. D., editor of the Florida Christian Advocate; of John M. Jolly, editor of the Halifax Journal; of J. T. Bail, publisher of the Key West Advertiser; and of M. D. Cushing, publisher of the Southern Pythian, all in the State of Florida, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL presented a petition of the Society of Colonial Dames of America, praying that a charter be granted for the National Society of Colonial Dames of America, under Senate bill No. 3087; which was referred to the Committee on the Library.

Mr. GORDON presented a petition of Division 123, Order of Railroad Conductors, of Atlanta, Ga., and a petition of Division 314, Order of Railroad Telegraphers, of Atlanta, Ga., praying for the enactment of legislation to provide for arbitration between corporations and their employees, and also to more fully regulate contempt proceedings in Federal courts; which were referred to the Committee on the Judiciary.

He also presented the memorials of George W. Markens, publisher of the Jewish Tribune, of Atlanta; of W. R. Holmes & Mason, publishers of the Southern Dental Journal, of Macon; of W. F. Carter, publisher of the Guidon, of Meldrim; of E. Z. Byrd, publisher of the Blackshear Times, of Blackshear; of the J. A. Showalter Company, publishers of the Musical, of Dalton; of Kenlock Nelson, publisher of the Church in Georgia, of Atlanta; of Charles D. Barker, publisher of the Southern Agent and Southern Star, of Atlanta; of D. G. Bickers, editor of the Georgia Cracker, of Gainesville; of Frank J. Cohen, editor of the Jewish Sentiment, of Atlanta; and of Mayers & Allen, publishers of the Observer, of Moultrie, all in the State of Georgia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the memorials of Benjamin E. Darley, publisher of the People's Press, of Owatonna; of James M. Melady, publisher of the Northwestern Chronicle, of St. Paul; and of Theo. A. Lienau, of the Volkszeitung, of St. Paul, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented memorials of S. W. Young, publisher of the Herald, of Henderson; of James A. Throop, publisher of the Free Press, Mount Pleasant; of Snyder & Hard, publishers of Cedar Falls Gazette, Cedar Falls; of J. W. Kime, publisher of Iowa Medical Journal, Des Moines; of J. A. Digerness, publisher of the Chronicle, Ellsworth; of C. A. Warwick, manager of the Constitution-Democrat, Keokuk; of the Journal Printing Company, of Muscatine; of W. R. Mead, editor and publisher of Iowa Plain Dealer, Cresco; of Chas. L. Brown & Co., publishers of Chariton Herald, Chariton; of John J. Clark, publisher of Daily and Weekly Times-Republican, Bedford; of Messrs. Dyke & Olds, publishers of Charles City Intelligence, of Charles City; of B. F. Wright, publisher of the Floyd Commercial Advocate, of Charles City; of George E. Taylor, publisher of the Negro Solicitor, of Oskaloosa; of Ed. Madigan, publisher of the Star, of Clarksville; of Messrs. Dorcas Bros., publishers of the Mechanicsville Press, of Mechanicsville; of C. D. Baldwin, publisher of the Cascade Pioneer, of Cascade; of B. P. Holst, publisher of the Boone County Teacher, of Boonsboro; of Messrs. Thompson & Strong, publishers of the Semi-Weekly Madisonian, Winterset; of John T. Thornton, publisher of the Sentinel, of Farragut; of Dernecombe Bros., publishers of Fort Dodge Chronicle, Fort Dodge; of J. B. Swinburne, publisher of the Earlville Phoenix, of Earlville; of John R. Hart, publisher of Wayland News, of Wayland; of S. M. & F. E. Stouffer, publishers of the Sac Sun, of Sac City, and of E. M. Jenison, publisher of the Republican, of Ottumwa, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a petition from Kaw Valley Division, No. 55, Order of Railway Conductors, of Kansas City, Mo., praying for the passage of what is known as the Phillips arbitration bill. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL presented the memorial of S. H. Burt, publisher of the American Yeoman, of St. Louis, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alonzo Mather, of Chicago, Ill., praying for the enactment of a uniform and fixed law governing the arrangement of the stars in the field of the national flag; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 7240) granting a pension to John W. Bruner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3494) granting a pension to Frances M. Roberts, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (H. R. 3075) for the relief of John A. Lynch, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

INVESTIGATION OF SOLDIERS' HOME AT LEAVENWORTH, KANS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

SUSAN WALLER.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the following resolution, submitted by Mr. VOORHEES December 19, 1895, reported adversely thereon; and it was postponed indefinitely:

Resolved, That the Secretary of State be, and he is hereby, authorized and directed to pay to Susan Waller, wife of John L. Waller, late an American consul at Tamatave, the sum of $1,500 for her necessary support and the support of her children pending an investigation into the legality and justice of said Waller's imprisonment under sentence of court-martial by the French army in Madagascar.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 3485) relating to the adulteration of foods and drugs in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 3486) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL. I hope an order will be made to print the joint resolution immediately, so that it can get early to the Committee on the District of Columbia in time for action in the morning.

The VICE-PRESIDENT. It will be so ordered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WALTHALL submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PREVENTION OF CRUELTY TO ANIMALS IN THE DISTRICT.

Mr. COCKRELL. I ask for the adoption of the following order:

Ordered, That 2,000 copies of Senate Document No. 81, Fifty-fourth Congress, second session, be printed for the use of the Senate, and placed in the Senate document room.

The document is a memorial of the joint committee of the medical and other scientific societies and educational institutions of the District of Columbia, and the cost of the printing will be $56. I have had the cost estimated. The Senate has the right to order printing up to $500 without a reference to the Committee on Printing.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Is there objection to the adoption of the order? The Chair hears none, and the order is agreed to.

ACCOUNT OF PACIFIC RAILROADS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to send to the Senate a copy of the account of the amount due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to operating expenses, which account was transmitted to the Treasury Department by the Secretary of the Interior on the 5th day of March, 1886, together with a copy of the letter of the Secretary of the Interior transmitting said account.

RECOGNITION OF FOREIGN GOVERNMENTS, ETC.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, directed to send to the Senate a statement concerning the action of the President or the Secretary of State touching the recognition of any foreign people or power as an independent government, as shown by papers and correspondence on file in the Department, and the connection with the same by any action or course of proceedings of any other branch of the Government.

GOVERNMENT PRINTING OFFICE EMPLOYEES.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, directed to send to the Senate the information called for in the resolution of June 10, 1896.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

THE LAS ANIMAS GRANT.

Mr. WHITE. The bill (S. 2007) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant, was introduced by me some time ago and referred to the Committee on Public Lands. Since that time I have learned that it was improperly referred and should have gone to the Committee on Private Land Claims. I have spoken to the senior member of the Committee on Public Lands with reference to it, and I believe there is no objection to its recall from that committee. I ask that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Private Land Claims.

The VICE-PRESIDENT. In the absence of objection, the change of reference indicated by the the Senator from California will be made.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims;

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana.

A bill (S. 2989) to increase the pension of Caroline S. Baker; and

A bill (H. R. 4281) granting an increase of pension to George Johnson, of Lenox, Iowa.

IMPRISONMENT OF JULIO SANGUILLY.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL] coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. CALL, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to send to the Senate, either in open or secret session, as he may prefer, if, in his opinion, not incompatible with the public interest, all the correspondence and reports of the consul-general of the United States at Habana relating to the arrest, imprisonment, trial, and condemnation to perpetual imprisonment in chains of Julio Sanguilly, a citizen of the United States, by the authorities of Spain in Cuba.

Mr. CALL. Mr. President, there is another resolution upon the subject which was introduced yesterday. I desire them both to be considered by the Senate at the same time.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution introduced yesterday by Mr. CALL, as follows:

A joint resolution (S. R. 186) instructing the President to demand the release of Julio Sanguilly.

Whereas Julio Sanguilly, an American citizen, arrested in his home in Habana the day before the outbreak of the present insurrection, has been confined in his cell in the Cabanas prison for the past twenty-three months; and

Whereas the lawyer who defended him in his first trial has also been imprisoned in said prison; and

Whereas his principal witness, Lopez Coloma, was shot in said prison by order of the Spanish authorities immediately preceding the second trial of said Sanguilly; and

Whereas the attorney who conducted the proceedings in the appeal before the authorities at Madrid has since been deprived of his office and emoluments attached thereto by the authorities at Madrid in consequence thereof; and

Whereas the said Julio Sanguilly has been tried and condemned to perpetual imprisonment in chains, without evidence against him and without the opportunity of defense: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be instructed to demand the immediate release of the said Julio Sanguilly with permission to return to the United States.

Mr. CALL. Mr. President, there was laid before the Senate yesterday, under a resolution of the Senate, a message from the President transmitting a report from the Secretary of State accompanied by copies of correspondence of Consul-General Lee concerning the death of Charles Govin, a citizen of the United States, who, it is alleged, was captured without arms, without being engaged in the revolution, being there in the Island of Cuba merely as a reporter. It is stated that he was tied to a tree and chopped to pieces by the military forces of Spain. This report of the consul-general, communicated to the State Department, is from General Lee, which was made to the Senate yesterday, and was ordered to be printed. I had thought perhaps it was better that that report should be printed and in the hands of Senators before any consideration of these resolutions.

Mr. HARRIS. Govin was a citizen of the United States?

Mr. CALL. He was a citizen of the United States, the son of a former consul of the United States to Italy under one of the Republican Administrations, his father being a native of Cuba, but having left the Island of Cuba during the last revolution and becoming a citizen of the United States, resident in the State of Florida. This was his son, born in the United States, as I understand, and a citizen in the full sense of the term.

While I had intended to ask that the resolution lie over until the report was printed, I think I can state the contents of the report so clearly that when it is received here my statement will be verified by the report of the consul-general. The consul-general states in a demand upon the Governor-General of Cuba that it is charged, upon information which is satisfactory to him, that this citizen of the United States was captured without arms, without being engaged in the military service of the insurgents in Cuba, without participation of any kind in the military operations being carried on there, and that he was deliberately tied to two trees and cut to pieces by the Spanish soldiers, piece by piece. The Governor-General replies, in forwarding the communication of the officer immediately in command—whose name I do not now remember—that Govin was wounded while engaged in a battle and that he died from his wounds. The consul-general of the United States replies that the information which he has received justifies him in the belief that this statement is not true.

In the report of the consul-general as submitted to the Senate there are eliminated from it by stars showing omissions the statements referred to by the consul-general of the United States as being extra-official. To this it is replied by the Governor-General that he should not take the unofficial statements of persons who were prejudiced against Spain, nor should they be made the subject of a communication between friendly governments; that the United States can not make use of these unofficial statements contrary to the official statements of the officers of Spain in command. These statements referred to are not given in this report. It is possible that it may be considered by the Department of State and the President that it is inconsistent with the public interests in his judgment to communicate these statements. We can not tell in regard to that. The fact, however, appears from the stars contained in the report that there are omissions of papers referred to in the communication of the consul-general.

Mr. President, I propose to read a statement, and the Senate in the present state of this question must accept my statement that it comes from a person who is entirely reliable; from a person who has received high consideration from the American people in the shape of official promotions, who has been or will be a member of one of the branches of this Government—its legislative branch. The statement was dictated by this person. I will not give his name. I am not authorized to do so. I have no doubt it will appear in due time. But I will state to the Senate that this statement was dictated by a person of character; by a person who stands high in the consideration of all who know him.

STATEMENT IN RELATION TO CHARLES GOVIN.

On Wednesday morning, December 30, I visited the Cabanas, the political prison situated in the city of Habana, in company with Consul-General Fitzhugh Lee, and a clerk from his department, who acted as interpreter. By appointment made the previous day, General Lee was permitted to see the American prisoners confined in this prison. There were, I think, about eight or ten of these brought out. No Americans are permitted to enter this prison and no one to see these prisoners except on Wednesdays and Saturdays, and then only upon giving twenty-four hours' notice to the authorities. These prisoners were brought out and, during the interview, were surrounded by a company of soldiers, I presume about one hundred, bearing arms under the command of the officers of the prison. These men stood in a group in the center and we were permitted to pass in through this line of soldiers and speak with them.

Amongst the prisoners was a young man who, I learned subsequently from a satisfactory source, was with Charles Govin, an American citizen, who represented the New York Journal and other newspapers as a correspondent, who was captured by the Spanish soldiers about the 6th of December last. Govin, the witness, and another man were tied together on the evening of their capture, and he exhibited marks on his arms and hands made by the ropes. They remained together all night. He stated that Govin was entirely without wounds or injuries of any kind, and that he exhibited at the time of his capture to the officer in charge of the Spanish soldiers his citizenship papers, declaring him to be a citizen of the United States, and also his credentials as an authorized newspaper correspondent. He also stated that he was without arms and was not engaged in the war in any way. The officer struck these from his hand at the time, and the next morning he was separated from the witness. Govin was given over to the cavalry and the witness and the other Cuban were turned over to the infantry and finally placed in the Cabanas, where witness is now confined.

From other sources and the statement of the witness it was learned that Govin was tied to a tree, when the cavalry rode past, cutting him to pieces with their machetes—a small sword used by the cavalry and also by the infantry. After the witness was confined to the prison, he wrote to Consul-General Lee, stating that he was a citizen of the United States and asking the consul-general to intercede in his behalf, adding that he had feared to make this fact known at the time of his capture lest he should suffer the fate of Charles Govin. The consul-general informed me that there is other evidence bearing on the fact of the manner and cause of Govin's death on file in the State Department corroborative of the statements of the witness and especially from a doctor in the ranks of the Spanish army and other witnesses.

In answer to a request made by the consul-general upon the Spanish authorities in the palace as to the manner of the death of Govin, they replied that he died of wounds, which the consul-general stated was not the fact.

STATEMENT IN RELATION TO JULIO SANGUILLY.

I also had a talk with Julio Sanguilly, who stated that he had been confined in the Cabanas for a period of twenty-three months. It appears from his statement that the day before the rebellion broke out in Cuba, while taking a bath in his house, he was arrested and thrown into prison. He was tried and condemned to punishment by a military tribunal, the sentence being that he should be punished perpetually in chains, etc. The United States authorities protested on the ground that Sanguilly was a citizen of the United States, having been naturalized in New Orleans and having resided there for some time, and that he was taken without arms and should be tried by the civil authorities and not the military authorities. An appeal was taken to the authorities at Madrid, and this sentence was set aside. He was retried, and a few days ago a similar sentence imposed on him. The lawyer who conducted the first trial of Sanguilly was also thrown in prison and is now in the Cabanas along with Sanguilly. The lawyer who managed the appeal in Spain has been deprived of his office and all emoluments attached thereto by the authorities at Madrid. A witness who could have proven Sanguilly's entire innocence, namely, Lopez Coloma, was a few days before this last trial taken from his cell in the Cabanas, where he had been imprisoned for a considerable time, and shot without any trial, as Sanguilly said, for the purpose of preventing him from testifying.

An appeal must be taken within a few days or unless the United States interferes the witness will be transported to the penal colony in North Africa in accordance with the sentence passed a few days ago. Sanguilly stated that he did not believe that he could get any lawyer to take his case and conduct his appeal, as the fate of his other two lawyers who conducted the former proceedings would deter others from undertaking his case again.

Sanguilly seems to be a man of about 50 years of age, quite gray, and complained that the imprisonment during the past twenty-three months was breaking his health so that he could not longer endure it; and he desired that the United States Government take action in his case at once by inquiring into the cause of his detention and the unfair method by which he has been tried and convicted. He claimed that there is no possible testimony as to his being implicated in the rebellion, but that he was simply confined because he might perhaps have been guilty of some offense in the future, but that he was guilty of no offense whatever when arrested, and nothing was proven or could be proven against him.

STATEMENT IN RELATION TO DR. BATTINCOURT.

On last Sunday night Dr. Battincourt, a man of 65 years of age, an American citizen, who has been for a number of years engaged in the practice of dentistry in the city of Habana, was arrested and thrown into prison. On Monday I saw his son, also an American citizen, at the American consulate, who made the following statement in substance:

When his father failed to return home on Saturday night, as was his custom, the housekeeper notified his son, who is married, and who lives in a different part of the city. The son immediately set out to find what had become of his father, and about 2 o'clock Sunday afternoon, upon making inquiry at the Spanish prison in the city, he learned from the officer in charge that his father was in that prison incommunicado.

That is, solitary confinement, not allowed to see or to have intercourse by letter or otherwise with any person except the authorities immediately in charge of him—

that is, no one will be permitted to speak to him, nor will he be permitted to communicate to anyone—and had been there from some time the night before. He inquired if his father had had anything to eat, and the officer stated he had not. He then purchased a glass of milk and some cakes, and upon paying the officer half a dollar was permitted to send them by a subordinate of the prison in to his father. He asked if his father had a bed or chair to sit upon, and was told that he had nothing but a small bench. He returned at a later hour, and after waiting until about 7 o'clock in the evening and giving the officer $1.50 he was permitted to send his father a cot to lie upon. He inquired for the charge upon which his father was taken and held, and could learn nothing of what the charge was. He requested the United States consul to communicate with the authorities at the palace and ascertain why his father was detained and have him tried or set free. Up until the time of my departure at 1 o'clock on Wednesday no reply had been received from the palace in regard to this case.

Subsequently, in conversation with a young Cuban, also at the consulate, I learned that this young Cuban had been talking with Dr. Battincourt about 10 o'clock on Sunday evening, in front of the Hotel Inglaterra, in the park in front of which the military band was giving a concert, and the population generally had turned out, and that he had talked with the doctor for some time, in which the latter had stated that he was looking for a young man who he said was circulating a report about him that he was a Cuban sympathizer, and that he wished to see the young man and state to him that he was not in any way in sympathy with the Cuban cause and had neither spoken nor did anything of the kind. This was the last time the doctor was seen.

The son stated that his father was particularly careful about matters of this kind and had never said or done anything either in favor of the insurgents or the Spaniards. Whether he was taken on this charge or whether it was some other charge the American consulate was unable to learn up until the time of my departure on Wednesday.

The following resolution was given to me by a prominent citizen of the United States, who suggested that the attention of Congress should be called to it in this form:

"Whereas Julio Sanguilly, an American citizen, arrested in his home in Habana the day before the outbreak of the present insurrection, has been confined in his cell in the Cabanas prison for the past twenty-three months; and

"Whereas the lawyer who defended him in his first trial has also been imprisoned in said prison; and

"Whereas his principal witness, Lopez Coloma, was shot in said prison by order of the Spanish authorities immediately preceding the second trial of said Sanguilly; and

"Whereas the attorney who conducted the proceedings in the appeal before the authorities at Madrid has since been deprived of his office and emoluments attached thereto by the authorities at Madrid in consequence thereof; and

"Whereas the said Julio Sanguilly has been tried and condemned to perpetual imprisonment in chains, without evidence against him and without the opportunity of defense: Therefore,

"*Resolved by the Senate and House of Representatives of the United States in Congress assembled,* That the President of the United States be instructed to demand the immediate release of the said Julio Sanguilly, with permission to return to the United States."

The statements and the preamble of the above resolution were made by persons of character and veracity, and the evidence as submitted to me from such witnesses authorizes me to say that they are true. I am informed from reliable sources that evidence of the facts as above stated is to be found amongst the files of the State Department.

I am not at liberty to give the name. I state, however, that it is from a man who stands high in the country, a citizen of a Northern State, a Republican, a man who has been or will be connected at an early day with one of the departments of this Government of an important character. He has not authorized me to give his name, but I am satisfied it will be given in due time.

Mr. Sanguilly can not secure the services of any lawyer to prosecute his appeal, as the fate of his attorney who conducted his case in Habana—he being now in the prison in the Cabanas—and his attorney in Spain having been deprived of his office and emoluments, warns others not to assist him in his release from prison.

The American citizens in Habana are without protection, are subject to insults, and it is not safe for them to go about the city, and the need of imperative action on the part of our Government is manifest to all observers.

I have another letter from the wife of one of the prisoners who was captured on board the *Competitor*, a private sailor who was taken as a member of the crew of the *Competitor*, without any information or knowledge that he was bound for the coast of Cuba, and who has been repeatedly, during his long confinement for some months in the Cabanas, threatened with execution. This American citizen, a common sailor on board this ship, in no way responsible for the port to which she was bound, is held in confinement subject to execution and threatened with the penalty of death.

This is but one of a number of cases. Julio Sanguilly, a citizen of the United States, having the full privilege and character of citizenship, without any complicity whatever with the insurgents, without any evidence of any intention to join the military forces of Cuba, upon suspicion alone, was arrested at his home, his temporary place of residence, where he was residing under the pledge of the Governments of the United States and of Spain in their treaty that he should be permitted to enjoy the full protection of life and liberty and property. Twenty-three months ago he was incarcerated in a prison, and he was condemned to perpetual imprisonment in chains, violating the letter and the spirit of the treaty, which requires that to be tried by a military tribunal the person shall be captured with arms. In view of the former insurgent condition of the Island of Cuba, this treaty stipulation was made, and it was only upon the remonstrance of this Government that he was submitted to trial by what they call a civil tribunal, a tribunal under the civil law; and that tribunal, after appeal to Madrid to set aside the sentence, has condemned him to eight years of imprisonment in chains.

Govin, a citizen of the United States, having no intention, as he testified and as the circumstances indicate, of participating in the war in any capacity, a newspaper reporter, having a right under the treaty with Spain and under the pledge and guaranty of protection of this Government to go into the Island of Cuba, was arrested, tied to a tree, and brutally chopped to pieces by the soldiery, and the fact deliberately concealed and denied.

Mr. President, the case of Julio Sanguilly is but a type of what is occurring to hundreds of American citizens. What matters it that they were natives of Cuba? What matters it that they reside in the Island of Cuba? That is their right. They have acquired citizenship under our laws. They are protected under a treaty stipulation guaranteeing them safety of life, of liberty, and of property. The prisons of the Cabanas and Morro Castle are full of them. They are stained with the blood of American citizens, as is exhibited by the facts stated in this report of the consul-general and by statements from a reliable source. It only needs that this body shall investigate carefully the fact in order that the cover may be taken off from this scene of butchery.

Mr. President, the government that fails to protect its citizens in their lives, their liberty, and their property in foreign lands, to which they have a right to go under treaty stipulations, justly incurs the execration of mankind. A great Republic of 80,000,000 people, denying to its imprisoned citizens appealing to it to preserve the obligations of the treaty, and the pledge for their protection, sentenced to perpetual imprisonment in chains, hesitating as to the course it should pursue, presents a spectacle to the world discreditable not only to this great representative of freedom and individual rights, but to every government that claims to be sovereign and independent.

It is idle, Mr. President, to say that these things are not true. They are true. I am informed by this statement that the facts are upon the files of the Department of State, and if they were not that proof could easily be obtained.

The reply is made to this demand, to this appeal from innocent citizens in confinement under the authority of Spain, in resolutions of boards of trade and of meetings in the country sent here, that it will disturb trade, it will interrupt commerce, it will produce a decline of the great staples of agriculture—and that Sanguilly shall remain in chains, that American citizens imprisoned in these fortresses shall be allowed to stay there, because, perchance, in the assertion of right, in the enforcement of treaty obligations, war might occur.

Mr. President, trade is not preserved by the neglect to enforce treaty stipulations for the protection of the lives and the liberty and the property of American citizens. Commerce is not preserved and left undisturbed by the permission of slaughter and of arbitrary imprisonment of our citizens engaged in commerce in foreign lands. Trade and commerce at home can not be preserved in prosperity and successfully if we neglect the obligations of our Government to our citizens abroad. If there were no question of patriotism, if this god of business is to be allowed to suppress the sentiments of humanity, to suppress the demands of religion, to suppress the manhood and courage of our people, if we were to take this low ground and say that cowardice, the lack of public spirit, was to be preferred to the danger of war, it would be an unwise and ruinous policy. There can be no prosperity in a country where there is no sense of patriotism and national honor, where the name American citizen becomes a reproach and does not carry with it the sanction of protection to his life, his property, and his business. Upon every ground of patriotism, of self-respect, of the future character of this great people, of humanity, of civilization, and Christianity, this Government should demand the release of Julio Sanguilly and of all American citizens who have been captured without arms in their hands and without full and fair evidence of complicity with the insurgent movement in Cuba.

What answer can be made to that proposition? A denial of the facts. And that denial must rest upon the assumption that these statements are untrue, upon the assumption that the consul-general in the report which he has made here in the case of Govin—that the statements as to the manner of his death as given by the Spanish authorities are not true, but that the statements which are unofficially given are true. What a spectacle is presented when we become parties to this false assertion to cover up the murder, the brutal murder, of an American citizen.

Mr. President, the objection is made and published and circulated in the newspapers—I have one here from New York in the Advertiser—that the great powers of Europe will intervene to aid Spain in a war to be declared upon the United States if peradventure we should exercise the sovereign right which we have of recognizing the existence of a de facto government as an independent and sovereign government.

Mr. President, it is an unreasonable proposition. It can not be true. There is no ground of public law, there is no precedent in the customs of nations, for the declaration of war as a ground of right—though as a ground of policy there may have been—upon a nation recognizing the existence of an actual power, a power which alone can protect them in their intercourse with the portions of the country under their subjection. From whom will a citizen of the United States receive protection in so much of an insurgent country, wherever it may be, as in the permanent command of some actually existing power? Is it from that which has been displaced? Are we to suspend trade, intercourse, and the obligations of treaties because a government is unable to maintain by force the subjection of its people and its territory? Is there any reason in that proposition? As applied to the Island of Cuba, for years the interior of that island has been (except the soil actually occupied by the forces of Spain) in the control and subject to the jurisdiction of the Cuban forces, claiming to be a Republic and organized as a Republic.

But if it were so, if the great powers of Europe, if the monarchs of Europe should consolidate their power, should determine to make war upon the Republic of the United States because in the interest of suffering humanity, in the interest of civilization, in the interest of republican government, they have determined to exercise their power for these great ends, what effect would it have upon the masses of Europe? What effect would it have upon their own subjects? What statesman would be so unwise as to attempt to organize the power of monarchy, the power of imperialism, against this Republic standing in the interests of humanity and of right? No wise statesman, Mr. President, will do anything to inaugurate a struggle of this kind between the existing order of governments and the masses of the people, for it is easy to perceive that the sympathies of mankind, the sentiment of all Christian peoples, would be with this Republic in maintaining that which is right, that which they have a right to demand, and which they are bound to demand wherever a people assert their right to govern themselves successfully.

Have we not proclaimed to the world that governments exist by the just consent of the governed alone; that a people have inalienable rights of life, liberty, and property which every government must respect? Is that true or is it a falsehood? If it be true, have we no right to say that these rights must be respected, that they must not be destroyed, and that if a people asserting for themselves these rights upon which we have founded our Government assert them successfully for any considerable period of time, shall it be said that we are false to those pledges if we say to them, "We do not recognize that right for you which we have declared to be fundamental and the basis of government throughout the world?"

Mr. President, there is no danger, and these considerations evidence that there is no danger, of any combination of European powers against this Republic. There is no advocacy of war in these propositions; there is no disrespect to the Spanish Government. Its methods in Cuba have marked the long period of its decadence. They have been the same causes that have led to that subordination of the great power of Spain from being the head of the European powers to being the least powerful amongst them now. There is no disrespect to her to say that the people of Cuba, who for so many years have followed the example of Mexico and the South American Republics, have found that the form of government given them by Spain did not answer their purposes, that it was not in accordance with their sentiments under the example of this American Republic, and that they have adopted as true that which we have proclaimed to the people of the world and asserted for ourselves. Is it any disrespect to Spain to say that in this long period of decay which has marked her public career it is to be attributed to the attempt to maintain a colonial subjection of these distant empires, to point to the difference between England and her colonial system of free government, and to say that now, when you have so incensed the population that they will not tolerate the idea, when, catching the example of successful revolution from the vast empires upon this hemisphere, they are penetrated with this idea, and you can not subdue it, and you must not subdue it by these barbarous methods, is it any disrespect to that Government to say that we are compelled to recognize as a fact an organized power which has successfully maintained itself and to recognize as a fact that these methods which you have pursued toward these American citizens are methods which render it impossible for you to succeed?

The suggestion, Mr. President, is without foundation that in this age any combination of European powers can deliberately assert that they will make war upon a people for recognizing the independence of another people who have successfully maintained that independence for several years when that assertion of their right to independence rests upon causes that are manifestly right, to wit, the impossibility of good government over that island from a country so far distant and in the conditions which exist there. The wise friend of Spain, Mr. President, the wise statesman in Spain, the counselor whose judgment should be followed, would be he who would say: "Sever these relations; go on and reassert for yourself the qualities which have made you great amongst the nations of the earth; proceed to establish the policies which will restore the spirit that characterized this nation when she was foremost among the nations of Europe; again reestablish your industries, cultivate the love of letters and of learning which at one time filled the University of Salamanca with 4,000 students, and again enter upon a course of prosperity with lighter taxation. Look to Africa if you wish to extend your colonial domination, not here, to a people imbittered and estranged by methods of government which would produce revolution anywhere, by arbitrary power vested in single persons far removed from the control of the Government of Spain, subjecting the lives, the property, the everything of these people to the caprice of one man, of a soldier, perhaps a man indifferent to human suffering and thus subjecting them, without trial, without tribunals, without reasonable processes of law, but being taken upon suspicion and condemned to perpetual imprisonment in chains.

It seems to me that we are degenerating in the character of our people and in the character of our Government; that we are going back some centuries when we fail to have courage, to have patriotism, to have Christianity, to have civilization, to have a sense of justice and right sufficient to demand, and imperatively demand, the release of American citizens held in captivity and condemned to chains upon suspicion without evidence, and then talk about delay. Mr. President, this is no new thing. The blood of the soldiers and the men of the *Virginius* will remind us that it is not a matter of to-day, as will the slaughter of the students in Cuba for the attempted mutilation of a statue, the shooting of sixteen boys to suppress the spirit of revolt and discontent. It would seem as if the manhood of the American people was disappearing. Are 80,000,000 people, the most powerful in the world, with institutions framed upon the declaration that a people have a just cause to assert their right of self-government, to permit Julio Sanguilly to be held in chains for suspicion that he sympathized with the insurgents, and without evidence to permit Govin to be tied to a tree and cut to pieces deliberately and the fact concealed?

Mr. President, there can be no prosperity, there can be no respect among the nations of the earth for a government that fails to protect the lives and the liberty of its citizens under treaty obligations. The spectacle is one that belittles the people of the United States and their Government in the consideration of the nations of the world, and ought to belittle it.

The idea of disturbing trade! What trade will there be when the name of American citizen is a word of reproach, when Govin is permitted to be cut to pieces and Julio Sanguilly to be taken from his bed and condemned by a military tribunal, in violation of the very words of the treaty, and then sentenced to eight years' imprisonment in chains after the reversal of his sentence by the supreme tribunal?

The Island of Cuba lies immediately upon our shores, but that is no reason, as has been stated, why she should be independent unless that independence is accomplished by peaceable measures or by force of her own. That is no reason why we should interfere. That island is capable of being a place where a vast portion of our population, unemployed, may find profitable employment; it is capable of sustaining 10,000,000 people. These are considerations which would point to the peaceable negotiation of this Government for the establishment of a proper government there; but surely, Mr. President, when these people have asserted for themselves a government of their own, when they have maintained it for more than two years, aye, for three years, when they have, in every shape and form, asserted a power of governing themselves, surely that is a reason why we, having greater interests than other people, we, knowing that it is impossible to prevent the overflow of this great population into the adjacent countries; we, knowing that perpetual disturbance will continue and can not be suppressed because of the enterprise and adventure of American citizens crossing in a few hours a narrow channel; we, knowing that peaceable relations with the foreign Government of Spain itself demand that a free government should be established in Cuba, not asking nor seeking to assert power over it, knowing that there will be perpetual discord, and knowing that the people of the United States will not permit to pass unnoticed the murder of American citizens under the methods which have been pursued in Cuba in relation to Govin and in relation to Sanguilly; knowing that this people will not consent that women shall be put to death, children murdered and outraged; knowing that the sentiment of the American people is one of manhood and character, and that they will not be patient spectators of such things—are not these considerations which should address themselves to the minds of statesmen? How long will it be before these facts will so arouse the American people that no power can stay them from passing in such multitudes, even without the sanction of this Government, into any adjacent country that may be open to them. Mr. President, the Navy of the United States and all its armed force could not prevent, nor could the combined powers of the world, not only the American people, but the brave men of every country, if the war in Cuba progresses, from going to the support of any government which may be established there as a protest against despotism.

Instead of the Monroe doctrine of republicanism, have we gone back to the assertion of imperialism upon this continent, to the establishment of arbitrary government? Is that the progress of public opinion in this country?

The people of the State which I have the honor in part to represent are very closely connected with the people of Cuba. There is a constant intercourse going on. Many of the Cubans are educated; are a people of a high order of intelligence; many of them have been persons of large wealth. I am informed that there are very few native Cubans who are not engaged in the present

rebellion. Sanguilly happened to be one of those who was not so engaged. Ten years ago he was a general of the insurgent army in Cuba, but he laid down his arms under an arrangement made with the Governor-General of Cuba and accepted the amnesty and pardon. He was guaranteed complete absolution from his offense, and he became a citizen of the United States and resided in this country. Naturally his connections carried him back among his own people, not to become a Spanish subject, but to remain there quietly and contentedly. He had the right to do so. We extended naturalization to him without limit or restraint. He went back to Cuba, and what was the result? Within the Spanish lines in the city of Habana, in his own house, without a witness against him, without evidence of any complicity in the rebellion, in full loyalty to this Government and to its obligations to Spain that our citizens should not engage in armed insurrection, with the full right to his own opinions, he was arrested and is now in chains. He appeals to this Government and to 80,000,000 American people to release him and protect his life and the lives of other Americans who are confined in Cuba, and to let him return to the protection of the United States.

I hope, Mr. President, that this question will not be postponed, that it will not be buried, that we shall have no more of these idle declarations of the disturbance of trade and business or the depreciation of the great staples of agriculture in the face of the fact that they can only rise and maintain their value when our commerce is extended, when the relations of trade with other countries to this are properly adjusted, when we can exchange our products for the products of other countries—this idle declaration that we shall not protect American citizens and enforce treaty obligations because, perchance, there may be war with Spain, an impossible thing, or that there may be war with the great powers of monarchy in Europe, an impossible event; war to preserve monarchy against a Republic asserting its right to recognize another Republic and not interfering at all with Spain's power to conquer.

Mr. President, there is no law of civilized nations which permits the Spanish Government to hold as criminals men captured on board vessels carrying munitions of war to Cuba for insurgent purposes. There is no law of nations which permits the Spanish Government to murder even the Cuban insurgents who are captured in battle. By every custom of every civilized nation they have the right to be held as prisoners of war. That was our custom in the late civil war. We killed no prisoners because they were soldiers in the Confederate army. We outraged no women, we destroyed the lives of no children because they were found within the insurgent States. Why, then, should this body hesitate? Why should an organized movement be carried on throughout the United States, from some central point, in the interest of Spain, by resolutions of boards of trade, that Sanguilly shall remain in chains; that the Govin butchery shall be concealed; that the walls of the fortresses of Spain shall not be cleansed of the blood of innocent Americans slain without a pretext of conformity with the laws of war between civilized nations? Yet it is true that action is delayed in this body. It is true that for two years there have been repetitions of the massacre of the passengers on the *Virginius*, repetitions of the slaughter of students in Habana—innocent noncombatants—and the whole force of the United States is being directly used to protect and continue that condition of things.

Mr. President, the Government of Great Britain is justly esteemed throughout the world, because the Englishman can say, "The power of Great Britain surrounds me here." He can say what the captain of the little war ship said when he demanded that all British subjects taken upon board the *Virginius* should be returned on board his vessel before the sun sets. The answer was made that "the forces present are sufficient to destroy and blow your vessel into atoms." He made the proud reply, "But they are not sufficient to blow the Kingdom of Great Britain out of the water, nor to destroy the British Empire. I demand that before the sun sets every British subject shall be placed on the decks of this ship under the English flag." While our American citizens were slaughtered, the subjects of Great Britain were surrendered and placed under the English flag. What an example to us! How idle to talk about suppressing this sentiment of the American people or of any civilized country! How long would England stand it if one of her subjects, having produced his papers of citizenship, which are struck from his hand with contempt, were tied to a tree and cut to pieces, having committed no offense, upon suspicion that he was going to engage with the insurgent forces? How long would England stand it if one of her subjects were taken upon suspicion, and, without fair trial, without witnesses, were held in confinement for twenty-three months and sentenced by a military tribunal to perpetual imprisonment in Spain? If, later, that sentence were changed to eight years, as in the case of Sanguilly, how long would she stand it?

The relations of the people of Florida to the Island of Cuba are such as to bring to their notice these cases, and to bring to their notice the condition of feeling that exists among the people of Cuba, the intelligent portion of the people of Cuba, the men of character, and there are men of character, there are men of intelligence, there are men of education amongst them. The sentiment which pervades the people of the State of Florida is almost universal in favor, not of the annexation of the island, but of those people having a government based upon the principles of humanity, in favor of a government which shall protect the lives and liberty of the people, which shall advance the prosperity of the island, which shall furnish a place where the enterprising American can engage in business. That he will go, that they will be found there by the ten thousand in the near future, there can be no doubt.

While we do not advocate nor desire war, we are satisfied that there are worse things than war. If any part of the country be exposed to the possible chances of injury in a condition of war, it would be the peninsula of Florida, but her people are courageous, her people are a Christian people, her people sympathize with the progress of mankind, with liberal institutions, with republican governments, with patriotism, with the sentiment which would make the Stars and Stripes the symbol of power and protection to the citizen of the United States wherever the sun shines.

Mr. President, I ask that the resolution requesting information may now be adopted.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Florida.

The resolution was agreed to.

Mr. CALL. The joint resolution which I introduced was prepared by an eminent citizen in Habana who is cognizant of all the facts connected with the case, a man of high character. It reflects the opinions, the feeling, and the judgment of a man whose name, if I were permitted to disclose it, would carry conviction with it everywhere. I move that the joint resolution be referred to the Committee on Foreign Relations, and I hope for speedy action in the matter.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. In the absence of the chairman of the Committee on Foreign Relations, I move that the Senate go into executive session to consider two treaties which the committee desire to have considered.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

SIOUX RESERVATION IN SOUTH DAKOTA.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PETTIGREW. I will state in explanation of the bill that it simply relates to lands opened to settlement on the Great Sioux Reservation. It is to obviate double payment for the land. Those lands were opened to settlement, and the settlers were required, if they commuted or paid for the land at the end of fourteen months' residence, to pay the Indian price. The bill does not relieve them from that payment. But afterwards Congress passed an act inadvertently, not intended to apply to those lands, which now requires the settlers to make two payments. It compels them not only to pay the Indians, but to pay the Government $1.25 an acre.

I have in this connection a letter from the Interior Department which I desire to have read, as it explains the whole matter. The bill was unanimously reported from the Committee on Public Lands.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 9, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of December 5, 1896, requesting information as to the ruling requiring homestead settlers on lands formerly embraced in Indian reservations to pay the Government for the land in addition to the payment required for the benefit of the Indians, as you desire to have the law amended, if an amendment is required for the relief of the homestead settlers.

In reply I have to state that the only requirement of the nature indicated pertains to the lands formerly embraced in the Great Sioux Reservation in the States of North Dakota, South Dakota, and Nebraska.

These lands were opened to settlement and entry under the provisions of the act of March 2, 1889 (25 Stat., 888).

Said act provides that the lands "shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof) and under the laws relating to town sites: *Provided*, That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums."

It will be noticed that under said act no commutation of homestead entries was permissible.

Section 6 of the act of March 3, 1891 (26 Stat., 1095), which amended section 2301, United States Revised Statutes, relating to commutation of homestead entries, provided:

"And the provisions of this section shall apply to lands on the ceded portions of the Sioux Reservation by act approved March 2, 1889, in South Dakota, but shall not relieve said settlers from any payments now required by law."

Under date of May 13, 1891 (12 L. D., 530), the honorable Secretary, having under consideration the application of the State of South Dakota "for 5 per cent of the net proceeds of sales of lands within the boundaries of what is known as the opened portion of the Great Sioux Reservation," held that the provisions of section 6 of the act of March 3, 1891 (supra), "clearly recognizes the trust character of the payments originally required of entrymen of Sioux lands, and means that when such entrymen so elect, they may commute, after the time named, by paying the minimum price for the land, in addition to the payments required under the act of 1889."

In view of the honorable Secretary's decision, the district land officers having jurisdiction over the Sioux lands were instructed, by letter C of June 23, 1891, to collect from parties applying to commute homesteads for said lands $1.25 per acre, in addition to the payments required under the act of March 2, 1889 (supra), and similar action was taken on all cases pending in this office unpatented.

Homestead settlers who make ordinary five year proof are not affected by said ruling, which applies only to commuted homestead entries.

Very respectfully,

E. F. BEST,
Assistant Commissioner.

Hon. R. F. PETTIGREW,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPOINTMENTS BY BREVET.

Mr. SEWELL. I ask for the present consideration of the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 5, after the word "war," to strike out "shall" and insert "may, at the discretion of the President;" so as to make the bill read:

Be it enacted, etc., That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war may, at the discretion of the President, receive a brevet in the Regular Army equal to the highest rank held or the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided*, That they have not already received a brevet of equal or higher grade in the Regular Army.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator from New Jersey if the bill carries any increased compensation in any shape, manner, or form?

Mr. SEWELL. In no shape, manner, or fashion. It gives nothing. It is purely honorary, and at the discretion of the President.

Mr. COCKRELL. There is no possibility by which they can have increased pay by reason of this commission?

Mr. SEWELL. Oh, no; not at all. There are only about seventy any way who will be liable to appointment.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. FLORENCE E. MAYBRICK.

Mr. HOAR. There is on the Calendar a joint resolution (S. R. 129) requesting the Government of Great Britain to pardon Mrs. Florence E. Maybrick as an act of magnanimity. The joint resolution was referred to the Judiciary Committee and unanimously reported adversely, but put upon the Calendar because it was supposed there might be some desire on the part of the Senator who introduced it to address the Senate. However, I believe he has no such desire, and I move that the joint resolution lie upon the table.

Mr. COCKRELL. Let it be indefinitely postponed.

Mr. HOAR. Well, I do not care which course is taken. I do not want to have it kept upon the Calendar, where one will have to watch for it.

Mr. COCKRELL. Let it be indefinitely postponed.

Mr. HOAR. Very well.

The **VICE-PRESIDENT.** Without objection, that order will be made.

Mr. HOAR. Perhaps I ought to state that the reason why I did not move the indefinite postponement was because the Senator from Florida [Mr. CALL] was not in his seat. Upon his return to the Chamber, if he should desire a different disposition made of the joint resolution, I shall not wish to take advantage of his absence.

SANTEE SIOUX INDIANS, ETC.

The **VICE-PRESIDENT.** The Calendar under Rule VIII is in order. The first case will be called.

The bill (S. 2454) restoring the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes, was announced as the first bill on the Calendar.

Mr. COCKRELL. In the absence of the Senator who reported the bill——

Mr. PETTIGREW. I think the bill had better go over under Rule VIII, without prejudice. It is rather an important measure, and I think perhaps it should be taken up when it can receive more consideration than is possible at this time.

The **VICE-PRESIDENT.** Without objection, that order will be taken.

FLAGS FOR SCHOOLHOUSES.

The bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $1,000 for the purpose of purchasing United States flags to be floated over every public schoolhouse in the District of Columbia on school days and during school hours, the sum to be expended by and under the supervision of the school trustees of the District and to become available immediately on the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The **VICE-PRESIDENT.** The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3656.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. The bill has been read at length, and I should now like to have the amendments read.

Mr. COCKRELL. I want to hear the report of the minority of the committee. The report of the majority was read, but not the report of the minority. I think perhaps it would be better to have the amendments read first and then the report. I shall call for the reading of the first part of the report of the majority.

The **VICE-PRESIDENT.** The Secretary will read the amendments reported by the Committee on Public Lands.

The SECRETARY. In section 1, line 5, it is proposed to strike out the words "in the Territory of Oklahoma," and at the end of line 15 to add the following proviso:

Provided, however, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States;

So as to make the section read:

That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, at the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: *Provided, however*, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States: *Provided*, That the public land laws of the United States are hereby suspended until further legislation by Congress, in so far as they may affect the territory hitherto known as Greer County, Tex.

The **VICE-PRESIDENT.** The Chair understood the Senator from Missouri to ask for the reading of the minority report.

Mr. COCKRELL. Yes, sir. I understood the Senator in charge of the bill to ask for the reading of a part of the majority report.

Mr. PETTIGREW. I ask that the majority report be read to the annexed documents which accompany it.

The **VICE-PRESIDENT.** The report as indicated by the Senator from South Dakota will be read.

The Secretary read the report (which appears in Senate proceedings of December 21, 1896).

The **VICE-PRESIDENT.** The views of the minority of the committee will now be read.

The Secretary read as follows:

VIEWS OF THE MINORITY.

The undersigned, a member of the Committee on Indian Affairs, being unable to concur in the report of the majority of said committee upon the bill (H. R. 3656) providing for free homesteads on the public lands of Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, submits herewith briefly his reasons for suggesting that the bill ought not to pass:

Commencing with the year 1889, the Government of the United States has purchased, by agreement with the Indians, portions of their reservations, added them to the public domain, and opened the same to settlement, to the extent of 33,232,540 acres of land. For these lands it has paid or obligated itself to pay $25,261,967.95, not including payment for the Great Sioux Reservation, $9,053,835; the Colville Reservation, $1,500,000, and the Chippewa Reservation, $5,026,447; in all, $15,580,282, which, by the terms of the agreements, were mainly to be paid for from the amount realized upon the disposal of the lands.

As a condition of the cession of the Great Sioux Reservation, it was, however, provided that $3,000,000 should be set apart in the Treasury as a trust fund for the benefit of the Indians. This sum of $3,000,000 should, it is thought, be added to the amount of money expended for the purchase of such Indian lands as above stated, making in all $28,261,967.95.

Each of the different acts passed providing for the opening of said lands to settlement contains a provision that the agricultural lands shall be opened and settled under the provisions of the homestead act, with the further requirement that each settler shall, in addition to compliance with the requirements of the homestead act, pay a certain stipulated sum per acre for the land at the expiration of five years' residence in order to obtain a patent therefor, a different price per acre being fixed in the several statutes, sufficient to reimburse the Government when all the land shall be finally disposed of for the amount paid the Indians in order to obtain from them such cessions of the land. A large portion of the lands thus opened to settlement has been settled upon, but the undersigned have been unable to obtain information as to the precise number of acres which have been thus occupied by settlers. Various statutes have been passed extending the time for final payment upon representation of the settlers that on account of drought and from other causes it was hard for them to make the required payment at the end of their five years' residence. Some of these statutes apply only to single reservations, but the last two Indian appropriation bills have each contained a clause extending the time in all instances for one year. Thus the time of final payment for all of said lands has been extended until the full period of seven years after homestead entry shall have elapsed.

The bill under consideration as it passed the House applied only to ceded Indian lands in the Territory of Oklahoma, where the plea of inability to make payment resulting from successive years of drought was most strongly urged, but by the proposed committee amendments the provisions of the bill are extended to all ceded Indian lands, the amount being more than three times that contemplated in the bill as it passed the House. All the lands on the Indian reservations thus opened for settlement have been paid for by the Government before the opening of the same, except in the case of the Cherokee Outlet, where payment was to be made in installments, and the sum of $4,988,000 still remains unpaid, and in the case of the Great Sioux, Chippewa, and Colville reservations, where the Indians are to be paid as the Government shall receive money from the settlers upon disposal of the lands. Another amendment proposed to the bill in effect requires that the Government shall, upon releasing the settlers from payment of their obligations, pay the Indians for these lands the sum per acre which by law is now to be paid by the settlers. If this amendment should be adopted and the bill pass, the Government would be called upon to pay in the future, including the amount not yet due on the Cherokee Outlet purchase, a sum approximating $15,000,000.

It is proper to remark here that negotiations are now in progress for the purchase of other lands embraced in other reservations with a view to opening them for settlement upon the same terms with regard to the reimbursement of the Government which have been prescribed in the cases already alluded to. In the Indian appropriation bill of last year the Secretary of the Interior was authorized to appoint a commission to treat with Indians for the cession of portions of the Crow and Flathead Indian Reservation in the State of Montana, with the Fort Hall Reservation Indians in Idaho, with the Uintah Reservation Indians in the State of Utah, and the Yakima Indians in the State of Washington, which commission was appointed and is now negotiating with the Indians. In addition, there are pending in Congress bills to ratify and confirm agreements already made with Indians for the purchase and cession of lands as follows: Agreement with the Turtle Mountain Band of the Chippewa Indians in the State of North Dakota, with the Indians of the Shoshone or Wind River Reservation in Wyoming, of the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, with the Lower Pend d'Oreille or Calispel Indians in Washington, and with the Indians of Pyramid Lake and Walker River Reservation in Nevada. The number of acres of land affected by unratified agreements already made and by the negotiations of the commission heretofore alluded to can not be specified by the undersigned, nor the amount of purchase money involved, but may be generally stated as amounting to several millions.

All negotiations and agreements for such cessions have been made or are being conducted upon the understood policy of the Government that it shall be reimbursed for the amounts to be paid from the proceeds arising from the disposal of the lands when opened to settlement.

If all the land already opened to settlement upon Indian reservations heretofore ceded shall be taken up, the sum to be paid therefor by the settlers will be $35,353,006.86. This bill proposes to release the settlers from the payment of this sum. It is probable that a portion of the lands thus opened to settlement will not be settled upon under the homestead act, and therefore the amount to be realized will not reach the full sum stated. It is impossible for the undersigned to ascertain what portion of the lands are not adapted to homestead settlement. In the majority report it is estimated that not more than $17,500,000 will be relinquished by the Government. In the opinion of the undersigned this estimate falls far short of the probable loss to the Government by the passage of this bill.

A table printed by the Commissioner of the General Land Office is inserted herewith, showing in detail the facts and figures as to the number of acres, price to be paid by the settlers, etc., in the case of each reservation. Both the Commissioner of the General Land Office and the Secretary of the Interior, upon their opinion being asked respecting the wisdom and the propriety of the passage of such a bill, have responded unfavorably, as will appear by their letters published with the report of the majority of the committee.

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, the amount which will be received therefor under existing law, the amount already received from disposals, and the loss to the United States if homestead settlers are relieved from further payment.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for cession.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by settler.	Amount that will be received from settlers under existing law when all lands have been disposed of.	Amount received to June 30, 1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Great Sioux, N. Dak., S. Dak., Nebr.	9,053,835	(a)	Mar. 2, 1889 (25 St., 888).	8,550,938	$0.50 .75 1.00	$4,735,879	$111,337.63	$4,624,541.37	Proceeds to be deposited in United States Treasury for benefit of Indians.
Lake Traverse, N. Dak. and S. Dak.	606,712	$2,203,000.00	Sec. 27, act Mar. 3, 1891 (26 St., 1038).	573,882	2.50	1,434,705	29,272.55	1,405,432.45	
Yankton Sioux, S. Dak.	151,606	600,000.00	Aug. 15, 1894 (28 St., 319).	151,002	3.75	568,845	37,864.45	530,980.55	
Fort Berthold, N. Dak.	1,926,880	800,000.00	Mar. 3, 1891 (26 St., 1032).	1,838,720	1.50	2,758,080	None.	2,758,080.00	
Coeur d'Alene, Idaho	185,000	650,000.00	Mar. 3, 1891 (26 St., 1027).	174,690	1.50	262,035	None.	262,035.00	Subject to entry under other than homestead law, but greatest proportion will probably be entered under the homestead law.
Nez Perce, Idaho	550,000	1,668,622.00	Aug. 15, 1894 (28 St., 331).	500,556	3.75	1,877,085	None.	1,877,085.00	Do.
Colville, Wash.	1,500,000	(b)	July 1, 1892 (27 St., 62).	1,416,668	1.50	2,125,002	None.	2,125,002.00	Proceeds to be subject to future disposition by Congress. See section 2, act July 1, 1892 (27 Stat., 63).
Siletz, Oreg.	177,000	142,600.00	Aug. 15, 1894 (28 St., 323).	177,000	1.50	265,500	1,445.65	264,054.35	Subject to entry under other than homestead laws, but greatest proportion will probably be entered under homestead law.
Crow, Mont.	1,800,000	946,000.00	Mar. 3, 1891 (26 St., 1042).	1,700,000	1.50	2,550,000	840.00	2,549,160.00	
Chippewa, Minn.	5,026,447	(a)	Jan. 14, 1889 (25 St., 642).	3,322,936	1.25	4,153,670	None.	4,153,670.00	Proceeds to be deposited in United States Treasury, for benefit of Indians.
Cherokee Outlet (exclusive of Pawnee and Tonkawa lands), Okla.	6,574,486	9,324,125.00	June 16, 1880 (21 St., 248). Mar. 3, 1881 (21 St., 422). Mar. 3, 1883 (22 St., 624). Oct. 19, 1888 (25 St., 628). Mar. 2, 1889 (25 St., 994). Mar. 3, 1893 (27 St., 640).	5,360,870	1.00 1.50 2.50	7,370,410	c137,496.86	7,232,913.14	

a Proceeds from disposal.
b See remarks.
c No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, etc.—Continued.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for cession.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by settler.	Amount that will be received from settlers under existing law when all lands have been disposed of	Amount received to June 30, 1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Pawnee, Okla	200,770	$283,005.79	Mar. 3, 1893 (27 St., 644).	169,320	$2.50	$423,300	a $7,000.00	$416,300.00	The Cherokee Indians were also paid for ceding their rights in these lands. Amount included in item "Cherokee Outlet."
Tonkawa, Okla	79,095	30,600.00	Mar. 3, 1893 (27 St., 643).	68,960	2.50	172,375	a 1,000.00	171,375.00	Do. b
Sac and Fox, Okla	391,184	960,278.00	Feb. 13, 1891 (26 St., 758).	364,536	1.25	455,670	a 52,000.00	403,670.00	Cost of cession includes amount paid Creek Indians for these lands. b
Iowa, Okla	219,446	305,565.46	Feb. 13, 1891 (26 St., 753).	207,028	1.25	258,785	a 30,000.00	228,785.00	Do. b
Absentee Shawnee and Pottawatomie, Okla.	300,131	773,000.31	Mar. 3, 1891 (26 St., 1021).	256,896	1.50	885,344	a 35,000.00	850,344.00	Cost of cession includes amount paid Creek and Seminole Indians for these lands. b
Cheyenne and Arapahoe, Okla.	3,782,300	6,400,640.87	Mar. 3, 1891 (26 St., 1025).	3,500,562	1.50	5,250,843	a 3,000.00	5,247,843.00	Cost of cession includes amount paid to Creek, Seminole, and Choctaw and Chickasaw Indians for these lands. b
Kickapoo, Okla	184,388	264,922.42	Mar. 3, 1893 (27 St., 561).	85,000	1.50	127,500	None.	127,500.00	Cost of cession includes amount paid to Creek Indians for these lands. b
Wichita, Okla	574,010	929,512.50	Mar. 2, 1895 (28 St., 897).	491,368	1.25	614,235	None.	614,235.00	Cost of cession is amount paid Choctaw and Chickasaw Indians for these lands. The proceeds from disposal are to be deposited in United States Treasury for future determination by courts as to amount to be paid the Wichita Indians.
Total	33,252,541	25,261,867.56	....	c 28,911,632	....	35,789,263	440,256.14	d 35,348,006.86	

a No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

b 14 Stat., 785; 25 Stat., 757; 26 Stat., 1025; 23 Stat., 212; 25 Stat., 1016.

c The difference between area ceded and area opened to settlement and entry is due to reservations for schools, etc.

d This amount will be reduced by so much as may be received in payment for commutation of homestead entries if any of the settlers elect to commute instead of receiving patent without payment by a longer residence.

The bill under consideration has been given, in common phrase, an attractive name. An alleged "free-home" bill appeals to a certain sentiment that has heretofore found acceptance in the enactment of our homestead law, and the contention of the majority of the committee is that no discrimination should be made between the settlement of the lands to which the homestead act applied and the lands acquired as heretofore stated.

The committee says:

"The contention of your committee is that the application of the homestead law is that there should be no discrimination—that it should be applied to every portion of the public domain and to all the people who go out to subdue the wilderness. The argument that these lands were bought for a price from the Indians and that it was provided that the ultimate white owners of the land should compensate the General Government for its outlay has been given due consideration. The only possible conclusion, within lines of equity, is that the provision was an erroneous one and that its elimination from the statutes has been already too long delayed."

With this view the undersigned is entirely unable to agree. The public domain as it existed at the time of the passage of the homestead law, and upon which land was given to settlers in tracts of 160 acres after five years' residence and cultivation without payment to the Government, was not acquired primarily to supply settlers with land. Territorial and political considerations mainly dictated the policy of obtaining the lands by purchase from and treaty with other nations. At the time of acquiring the same very large portions of said lands were not supposed to be adapted to or capable of cultivation. The statesmen of those days could scarcely have contemplated the possibility that they would ever be occupied by settlers for agricultural purposes. The acquisition of the same and payment for the same had thus been made in the first instance almost entirely without reference to any need that might ever exist that they should furnish homes to the American people. But in our rapid growth and development they had been prior to the time of the passage of the laws for opening Indian reservations largely taken up by settlers, and the demand for new territory upon which to locate became pressing and clamorous.

The excitement which preceded the opening of lands in Oklahoma will be still remembered, as will the mad rush scarcely controlled by Government authorities to secure these lands upon the well-understood condition of payment for the same in addition to compliance with the provision of the homestead laws. In every appeal made to Congress for the opening of the lands of these reservations the argument that the Government ought not to be put to the large expenditure required in the payment of the Indians for the relinquishment of their title was answered by those who were advocating and insisting upon the passage of bills for that purpose by saying that it was understood that the Government should be reimbursed by the settlers. So far as Senators and Representatives and others urging the passage of such bills could be said to represent the settlers who were clamoring for an opportunity to establish themselves upon these lands, there was, then, in the passage of the bills a contract between those who should occupy the lands and the Government that they would pay for the same a sum equal to the amount which the Government should expend in obtaining the lands for their benefit. In each act providing for settlement upon such lands the price per acre to be paid was clearly stated and well understood by every settler who located upon the land, and thus not an implied but a specific contract was, in the opinion of the undersigned, entered into by the settler with the Government to pay the stipulated price for the land which he thus entered upon before receiving a patent therefor.

It is probably not too much to say that not one of the agreements made with the Indians ceding their lands would have been ratified, and not an act opening them for settlement would have been passed if it had not been thoroughly understood and agreed that the settlers upon these lands should reimburse the Government for the amount expended by it to obtain them. The obligation of the settler to pay the Government the price stipulated is as definite, well understood, and binding as the obligation of any Government debtor. While we do not question the policy of our homestead laws, we insist that in relation to these lands, purchased and opened upon the demand of the settlers, it was right that another policy should be adopted. The attractive idea of free homes for the people was all very well while the Government had lands acquired for political and territorial reasons which it could donate to them. The purchase of 160 acres and the donation of the same to a citizen is entirely another thing, and can be justified, in the opinion of the undersigned, upon no consideration of public policy or governmental duty. As well might the Government be called upon to buy lands from individual owners or syndicates and donate them as free homes to settlers, as to be called upon to buy lands from the Indians for such purpose. As well may the Government be called upon to relinquish its debt to any other debtor who finds it inconvenient to pay, as to relinquish to the persons who have taken up these lands under contract the amount which they stipulated to pay for the same.

The propriety and right of reimbursement of the Government for the sum paid in the extinguishment of Indian titles had been settled several years earlier than the passage of the first of these acts under consideration. In 1880 Congress found it necessary in dealing with the Ute Indians in Colorado, as the result of serious disturbances which there occurred, to remove them from contact with the citizens of Colorado. And accordingly an act was passed in 1880 providing for the acquirement of 11,500,000 acres of land from the Ute Indian Reservation, upon the payment therefor of a large sum of money, somewhat uncertain in amount, but estimated in the discussion of the bill all the way from $1,250,000 to $4,000,000. The act in question provides specifically:

"That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law, but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at $1.25 per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act."

The homestead act was passed in 1862. Up to 1880, therefore, a period of eighteen years, it applied to the lands embraced in the public domain, lands which, as has already been said, were not purchased for the purpose of furnishing homes to our people. In 1880 another policy was adopted with reference to the lands which the Government might purchase from the Indians, and that policy has been steadily adhered to for sixteen years. There is nothing inconsistent or discriminating in these two policies.

The passage of this bill will not only relinquish to the occupants of said Indian lands the amount which they have agreed to pay for the same, but will establish the principle that in all future extinguishment of Indian titles the Government shall pay for the same from the money raised by taxation of the whole people, and then donate the lands thus acquired to individuals. Aside from being indefensible upon principle, the amount involved, it will be seen, is very much larger than any estimate heretofore made.

O. H. PLATT.

Mr. PETTIGREW. Mr. President, the bill now under consideration, as amended by the Committee on Indian Affairs, provides that the lands embraced in Indian reservations where the Indian title has been extinguished since 1880 shall be subject to entry under the homestead law, and where the homesteader resides upon the land for five years, making it his continuous home and exclusive residence, he shall receive title to the same upon paying the land-office fee, no other payment being required. Under existing law these homesteaders are required to pay to the Treasury of the United States not only the fees, but also the price per acre which the Indians received for the land when their title was extinguished. This price ranges from 50 cents to $3.75 an acre. These lands are, however, subject to entry under the mineral laws of the United States where there is mineral.

This bill does not affect that provision, but requires that the land shall be purchased as other mineral land. It also provides that these lands may be entered under the town-site law, and that payment shall be made if so entered. It also provides that wherever any settler, having taken a homestead upon these lands, chooses to prove up and pay for the same after fourteen months' residence, he shall pay the Indian price, but where he resides upon the land the full five years, that residence and occupation and cultivation shall be equivalent to payment. The bill is therefore restoring these lands to entry under the homestead law and making its provisions apply to them the same as they have been applied to all the vast area which has been occupied by American citizens during the last thirty or forty years under the provisions of that act.

In fact, Mr. President, it has not been the custom of the Government to hold its public domain for the purpose of revenue, to strive to see how much money can be acquired on it, but, on the contrary, it has been the custom of the Government to extinguish the foreign and Indian title, to dispose of the land, and to encourage its occupation and settlement by the people of this country.

I think the first homestead law passed by this Government was in the closing days of the last century, in 1795. In the early days of the Republic the public lands were disposed of by direct act of Congress. A settlement of people existed on the Ohio River near the Big Sandy River. Congress passed an act setting out 24,000 acres of land and providing that it should be divided amongst those settlers and patents issued to them on condition that within five years after the survey and allotment of the land they should take up their residences upon the allotments and reside continuously thereon for five years, and that if they failed to do so the title should revert to the Government.

Before the passage of the original homestead law in 1862, the Government had disposed by grants to individuals of more than 15,000,000 acres of the public domain. Beginning with the very earliest days of our history that has been followed up by the grant of 63,000,000 acres for military services in the different wars in which we have been engaged.

We have donated 80,000,000 acres for educational purposes to the different States, and also made other large grants to aid in the construction of canals and public works of different kinds, the building of roads, etc.

So it has been the policy of the Government to use its lands to develop and build up a new country. The theory of the homestead law was that if a man would go forward into the wilderness beyond civilization, beyond schools, where there were no roads, take his family, cultivate the soil and make it his permanent home, that would be regarded as equivalent to payment, and he should be entitled to the land.

This policy has been pursued since 1862 up to 1889, and the great States of the West have been built up under it. Millions of acres of public land have been disposed of. During the dark days of the war, in 1862, this Government was not too poor to encourage the occupation of the public domain by the hardy pioneers, and Uncle Sam was willing to give to each man a home who would go forward and subdue the wilderness. It seems to me at this late day to change this policy is turning back. Perhaps, Mr. President, it is in accord with the economic interest of the age that we should turn back, for already our census shows that 52 per cent of our people are without homes; already our census shows that the property of this country is accumulated in the hands of less than 250,000 people. The objection to this measure seems to come from that locality in this country where the people live who own the wealth; but I doubt, Mr. President, if it is wise to check the effort of our people to become independent landowners; and I believe that that policy, inaugurated and approved in the past, is one that we should pursue in the future.

In the early days of this country President Jackson, in his annual message to Congress in 1832, said:

> The wealth and strength of a country are in its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty. * * * To put an end forever to all partial and interested legislation on the subject, and to afford every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

Now, Mr. President, we do not propose to change the policy which has heretofore existed as to the disposal of the public lands, but we do propose by this legislation to make that policy apply to those areas recently purchased.

I want to say, in this connection, that hope of revenue from this source, if this bill does not pass, will be a disappointment. These lands are in the semiarid area of this country, where the rainfall is inadequate to produce crops for more than half of the seasons. These people went out upon these lands believing that they were like the lands of Iowa, Minnesota, and Illinois, fit to be cut up into small farms; but they have found that it is impossible to raise the money to pay for them.

I will review very briefly, Mr. President, the reservations in my own State. Take the Great Sioux Reservation. Eight and one-half million acres were opened up to settlement under the provisions of the homestead law in 1889, but only 700,000 acres have been entered. The remainder of that land is high prairie, the ridges between the streams only fit for grazing, and will not be entered under any provisions of the homestead law. By the passage of this legislation we can relieve and retain in that country the people who have already entered 700,000 acres; but if you fail to pass it, you simply drive them from their homes to crowd the ranks of the idle and unoccupied people all over this country. They can not produce upon those lands money enough to pay for them. But those people who are there have begun to raise stock. While agriculture does not flourish, they have begun to store water from the storms and to raise gardens, and if they are relieved from the payment required from them under existing law they will remain there to develop and build up that country; but if the Government forecloses its claim upon these people, it will simply drive them from their homes. You can drive them from their homes on the land they now occupy, and the rest of these reservations will be simply occupied by the great cattle kings, whose cattle already roam over that land. No one will buy the land, as the Senator from Minnesota suggests. If the Government wishes to dispose of that land to obtain revenue for it, then you must make some other provision than the provisions of the homestead law; you must make provision for its appraisal and for its sale. If the Government is ready to adopt that policy in order to acquire revenue, you must lease the land for the only purpose for which it is fit to be used.

The report of the Commissioner of the General Land Office figures the revenue from these reservations as between four and five million dollars; while, on the contrary, the revenue will be practically nothing. The people who live there will leave and no others will come under the provisions of the homestead law. It is for these people that I plead.

Mr. President, the counties adjoining these reservations in my State lost 18,000 in population between the years 1890 and 1895. While the State itself gained slightly in population, the people left the lands in the vicinity of these reservations because they were mortgaged and unable to pay the interest.

I recollect an incident which occurred there. A citizen of the State of New Hampshire held a mortgage of $600 on a quarter section of these lands near the Great Sioux Reservation. He thought he would go out to the Dakotas, as the debtor had failed to pay the interest for two years, to see what was the trouble. This citizen of New Hampshire visited my State, drove 12 miles from the railroad station to see the farm upon which he held a mortgage and of which he was very liable to become the proprietor. He found a small house, one story in height, with two rooms, and a sod barn near by, three cows picketed out and grazing not far away, a young woman, and two young children. He drove up and asked the name of the residents, and found it was the place he was looking for. He asked the lady where her husband was. She said he was away working for one of the neighbors, but she would send one of the children for him, which she did. When the man came, the visitor told him that he was the person who held the mortgage on his land, and said, "I should like to know when you can pay me the interest." The settler said, "I think if we have two or three good crop years I can pay up the back interest." The gentleman from New Hampshire then asked if this was all the property the man had, who replied, "Yes; this is all I have. I have just this quarter section of land, these three cows, a few chickens, a pair of horses, and some farm machinery which I have not paid for yet." The New Hampshire man then asked the settler if he could stay there and work it out. "Yes," was the reply, "I think I will stay and try to do it."

The gentleman from New Hampshire then took the papers out of his pocket, turned them over to the settler, and said, "If you can stay here and support your family, you will have no occasion to pay the mortgage."

Mr. President, you can go into the State of South Dakota and into the western portion of Nebraska and into Kansas and buy these lands for less than the Indian price. Take the best lands in my State which are open to settlement—the Sisseton and Wahpeton Indian reservations. On these reservations we opened for settlement about 550,000 acres. About one-half has been taken by actual settlers, who have been trying to make homes and make a living. They began in 1891. Five years have expired. We have extended the time for them to make payment for the lands, but they are unable to pay. The price is $2.50 an acre. Each settler must produce $400. He can not borrow the money at any bank in the State and he can not borrow $400 a quarter section from anybody in New England. This bill must pass or those people will leave that reservation and give up the struggle, and I think they would be wise to do it, for they can go 50 or 100 miles and purchase lands for a dollar or a dollar and a quarter an acre from the people of the East who have been obliged to take up the lands by mortgage foreclosure from homesteaders who had previously made the effort to pay for them and had failed.

I have received a telegram to-day from people on this reservation, which reads:

> People on reservation all deeply in debt. Crop failure three years out of four. Banks will not loan enough to prove up. Not one in ten can save land. Statement mailed delayed by storm.

So I have not received it. The simple question now is, whether we shall drive those people from their lands or whether we shall give them an opportunity to remain there. There is no chance for a revenue to be derived from it.

Before I allude to the map, to which I desire to call the attention of the Senate, I wish to make some reference to the minority report.

Mr. ALLEN. I should like to ask the Senator to explain more fully who it is that says that four millions and a half of revenue can be derived from this land, and whether it can be derived annually, and in what manner?

Mr. PETTIGREW. I suppose the Senator refers to the Sioux Reservation, which is opened to settlement, and lies partly in North and South Dakota and Nebraska.

The diagram furnished in the minority report of the committee comes from the Commissioner of the General Land Office, and with it he says:

> Loss to the United States, if settlers are relieved from payment, $1,621,000.

Mr. ALLEN. How?

Mr. PETTIGREW. Of course that is based upon the idea that that land will all be taken up by homesteaders, that they will live there five years, and then pay the money for it, which, of course, is absolutely impossible and never can occur. After seven years but 700,000 acres of these lands have been taken, and those are lands along the streams where there is water, the best of all of them. The rest of the land can not be occupied by homestead settlers, for they will not produce crops which will support a family.

Mr. PLATT. May I ask the Senator a question?

Mr. PETTIGREW. Certainly.

Mr. PLATT. There were a little over 9,000,000 acres of the Great Sioux Reservation, said to be eight million and a half, opened to settlement or entry. I suppose it will be admitted that the Government will have to pay 50 cents an acre for those lands, somehow.

Mr. PETTIGREW. Anyhow; and it has to do it right away.

Mr. PLATT. That is $4,000,000, is it not?

Mr. PETTIGREW. There are 8,550,000 acres.

Mr. PLATT. Four million two hundred and fifty thousand dollars.

Mr. PETTIGREW. That is true. The Government made an agreement with these Indians by which it promised ten years after the treaty was ratified to pay 50 cents an acre for the land not taken by settlers, and as it is nearly all vacant and untaken, the Government will have to pay the Indians for it, as the ten years have nearly expired.

I wish to call attention to another fact. This land was bought from Indians who received it in compensation for the lands which they yielded in Minnesota, Iowa, and Nebraska, and it is part of the purchase price of the lands in those States which have been given to homesteaders.

Mr. PLATT. I merely referred to that point to answer the question of the Senator from Nebraska [Mr. ALLEN] as to how the Government could lose that amount of revenue. It will have to pay for it.

Mr. PETTIGREW. The Government has to pay for it any way. It makes no difference whether or not the settlers pay for it. I will read to the Senator, if he desires, the provision of the law in regard to that subject.

Mr. ALLEN. Will the Senator from South Dakota permit me?

Mr. PETTIGREW. Certainly.

Mr. ALLEN. I wish to ask the Senator from Connecticut a question. If the Government takes back the lands—and it will be compelled to take them back; that is all there is to it—from what source is it likely to derive any revenue after they are taken back? What are you going to do then?

Mr. PLATT. The Senator from South Dakota says the Government can not get any revenue; that it can not sell or dispose of the lands.

Mr. ALLEN. I, too, say you can not get any revenue. I say those lands are not only semiarid, but arid. Ordinarily they are not worth 25 cents a quarter section outside of their use for grazing purposes.

Mr. PLATT. Then it will not help anybody to pass the bill except a few settlers already on the land?

Mr. ALLEN. Except a few people who are on this land, trying to make a living, and who are making a precarious sort of living. If they are not relieved, you will throw them on the balance of the nation to be supported in some form.

Mr. PETTIGREW. That is it exactly.

Mr. ALLEN. And they would be self-supporting in their way if they were permitted to go on and make a pioneer struggle.

Mr. STEWART. Are those lands similar to those in western Kansas?

Mr. PETTIGREW. Yes.

Mr. STEWART. I had occasion in connection with a committee to make an investigation there some years ago with a view to irrigation. I ascertained that there had been three sets of settlers. When there was a good year, when there was rain, a large number of settlers would go out. Then there would be drought for five or six years, and the settlers would have to be taken away, and they were taken away by contributions of benevolent people, and large tracts of land were abandoned. Then, again, there would be a rainy season or two, and the railroads would represent that there was a chance for settlement there, and another set of settlers would go upon the land. They would have to leave in the same way. There were three attempts in the course of the preceding years to settle a vast region of land—and I presume people will continue to make such attempts—but they were not able to support their families and stay there. Some of them even starved to death. The distress was very great among those who attempted to make homes there.

Now, if these are similar lands, and anybody is trying to live upon them, it seems to me the United States had better let the settlers stay there, because there is no possibility of their paying anything to the Government. The Government will get nothing in any event if they are similar lands, and I understand they are, to the lands in western Kansas, where I spent several weeks investigating the irrigation question, for I am satisfied those lands will never be worth a cent.

Mr. CARTER. Mr. President——

Mr. PETTIGREW. I yield to the Senator from Montana.

Mr. CARTER. The chairman of the Committee on Indian Affairs yields to me. I will ask him to state whether it is not a fact that the Indians from whom these various lands have been from time to time purchased by the Government are under the control of and dependent on the Federal Government for support, and if these titles were extinguished by and through the purchase, would not the Government, without the intervention of any transaction, be compelled to appropriate money directly from the Treasury for the support of those people?

Mr. PETTIGREW. There is no question that that is a correct statement. Further than that, the Government has already paid for nearly all these reservations. In the case of the Sioux Reservation a payment is yet to be made. It is not a very large payment. Three million dollars has already been deposited in the Treasury, and at the end of ten years after the ratification of the treaty, which will occur in 1899, the Government will be obliged, whether or not it disposes of any of the lands, to pay the remainder of the money to those people; to put it in the Treasury, where it will bear interest for all time for their benefit.

I wish to state, in reference to the remarks of the Senator from Nevada [Mr. STEWART], that I have here a table of the western counties of Kansas—there are twelve or thirteen counties—showing the population in 1887 and the population in 1896. The population of those counties has fallen off 60,000 during that time. That number of people have moved away. The remainder can stay there and make homes in that country—inasmuch as they can graze cattle on the lands that the other people abandoned, because they were mortgaged, because they could not pay the interest, much less support their families.

Mr. FRYE. What percentage is that?

Mr. PETTIGREW. It is 60,000 out of 101,000.

Mr. PLATT. Sixty thousand people have gone?

Mr. PETTIGREW. They have gone. There were 101,000, leaving 41,000 people in that country. They can remain; but when we undertook to settle that country and put a man on each quarter section it was impossible for them to stay there. Those who are left in western Kansas irrigate small tracts of land, the same as people do in my State, and graze cattle on the surrounding unoccupied country.

If we wish to get revenue out of the sale of Indian reservations, we shall have to change our policy. We shall have to appraise the lands and sell them for what they will bring. The area of the public domain fit for homestead entry has already disappeared. We provide for the entry of lands under the desert-land act in the arid regions of the country where there is water, and we do not pretend to say that it is possible to occupy the land under the homestead law. So it is with nearly all the lands embraced within the provisions of the proposed law.

I wish to call attention to some portions of the minority report. The burden of the report is that the Government can not afford it; that it can not spare the money; that it must wring it out of these poor people if we can get it. Perhaps, Mr. President, that would be very well if we could get it, but Shylock was unable to collect his claim, and we shall be equally unable to collect this one. In the first place, the report goes on to say that there are other treaties with other tribes for ratification, and it rather intimates that if the pending bill passes, then the other bills will not be considered favorably; that these Indian reservations will continue as such, I suppose, forever. I propose to look into that branch of the case for a moment.

The Senator says we are negotiating, and so we are to-day, with several Indian tribes for the cession of their small reservations. The area of the reservations for which we are negotiating embraces so small a portion of the public domain that I will not enter into that question in particular, but I will state that, as far as I am concerned, when those treaties come in for ratification, I shall be decidedly in favor of changing the policy of the Government in regard to disposing of lands thus acquired. I think the water should be saved; I think the timber lands should be reserved from sale forever. I think the timber should be sold, only the ripe trees being cut; that agents of the Government should be put in charge to see that when the trees are cut down new trees are planted in their places and the forests protected and preserved from sale; that the sources of the water should be taken charge of, and the lands that can be reached by water disposed of under some provision by which it will be possible to inhabit that country.

The minority also say there are bills pending before the committee which will be affected by this legislation, and the first one named is an agreement with the Turtle Mountain band of the Chippewa Indians in the State of North Dakota. If that agreement is ratified, and it ought to be ratified by Congress, it will not be affected by this legislation, for that treaty does not provide that the lands shall be sold and the proceeds applied to the support of the Indians. It simply provides for extinguishing the Indian title to those lands in North Dakota, many of which have already been disposed of under the homestead law and other land laws of the United States. Those lands were opened up to settlement without making an agreement with those people. Now, the agreement which is made proposes to pay them about 10 cents an acre and extinguish their title, and it ought to be done. But there is no provision for selling the lands under the homestead law or otherwise, and very many of them have already passed out of the control of the United States.

The next agreement which the minority say is here for ratification is one for the Shoshone or Wind River Reservation in Wyoming. This, again, is the purchase of a very large spring, supposed to have medical properties. A small tract of land is to remain as a public park if the treaty is ratified, and the land is not to be opened to settlement or disposed of at all.

The next agreement is one with the Kiowas, Comanches, and Apaches of Oklahoma Territory. I understand it relates to a tract of land which has already been purchased from other Indians, and now these Indians come in and claim they have some right to it.

Mr. PLATT. Oh, no; it is a very large tract of land now in possession of the Indians and largely rented to cattlemen.

Mr. PETTIGREW. The Senator from Connecticut says I am mistaken about it. If that is the case, then the question as to how we shall dispose of those lands will come up when the treaty is ratified. It has no bearing upon this question whatever.

The Pend d'Oreille or Calispel Reservation in Washington contains about a township of land, and is hardly worth considering; and those are the only ones which are pending before the committee.

Now, Mr. President, we have pursued the policy of disposing of these lands under the homestead law from 1862 up to 1889. The minority say that policy was changed in 1880, when we purchased certain land of the Ute Indians in Colorado. That is not the fact. That provision did not change the policy, for under that treaty the lands were not to be opened for settlement under the homestead law or to be disposed of under the public-land laws of the United States, but a special provision was inserted for the sale of those lands and the appropriation of the proceeds for the benefit of the Indians. As those lands were largely arid lands, mineral lands, it was a wise provision, and ought to be considered in the future. The minority intimate that since 1880 we have changed the policy, practically repealed the homestead law, and that reservations since purchased have been opened only under a provision requiring the settler to pay for his homestead after he had already paid for it by conquering the wilderness.

Let us see. In 1888 the Government purchased from the Blackfeet Indians in Montana 17,570,000 acres of land, and paid $4,300,000 for it without any provision whatever for reimbursement; and the Government paid four times what it was worth at that. It is grazed over to-day and undisposed of, and it will continue to be grazed over and will never be disposed of under the homestead law. Although it is open to settlement under the homestead law, nobody will occupy it, and there is no provision requiring payment.

We purchased, March 20, 1889, 2,000,000 acres of land of the Seminole Indians in Oklahoma, and it cost $2,000,000. We opened that land to homestead settlement without any provision in regard to repayment when the settler lived for five years upon the land. In 1882 we purchased 1,553,000 acres of the Crow tribe in Montana, at a cost of about $1,000,000. These purchases between 1882 and 1889 aggregate 21,000,000 acres, costing the Government $7,300,000. Most of the land was purchased in 1888 and 1889, and we threw it open to settlement under the homestead law, without any provision as to payment.

Mr. President, aside from the lands in Montana, the lands in North Dakota and South Dakota, the lands in Minnesota, the remainder of the lands affected by the provisions of the proposed law are located in the western part of Oklahoma, and almost the same conditions apply to those lands, at least they apply to most of them, that apply to lands on the Great Sioux Reservation in South Dakota.

These lands were purchased from the Indians and opened to settlement, requiring the settler, after residing five years, to pay $2.50 an acre for those lands east of the ninety-seventh meridian, and $1.50 an acre for the lands west of that meridian. Two-thirds of those lands are grazing lands. It is true there was wild excitement; that thousands of people rushed into that country. They supposed that because it was an Indian reservation it must be more valuable. The very proceedings in both Houses of Congress tended to excite among the homeless people of this country the feeling that perhaps there was a region where they could thrive and prosper. Our own acts, providing that the Army should be used to prevent people from entering that country until a certain day, when a proclamation should be issued; the talk in the Senate; the talk in committees, in order to boom the price and get as much as they could on the part of the exceedingly shrewd Cherokee Indians; the statement often made that they could sell the land for $5 an acre and that a syndicate was ready to take it, in order to get a good bargain out of Congress, excited people in this country, and they did rush in.

How did they rush in? If you had required that they should pay for the land in advance—and the same remark will apply to the reservations in my State—these homeless people could not have made the payment, and therefore they would not have gone. But if the land were fertile, they hoped at the end of five years to produce enough to make the payment. So we trapped them, as it were, into the purchase, by giving them five years of time in which to raise the money. They have gone upon the land. They have taken their families. They have taken what they had. They have mortgaged their personal property, everything that is movable, in order to sustain life. They have just begun to learn how to make a living on those semiarid lands; to learn to store such of the water as they can store to irrigate their gardens; to learn to raise and graze stock, and eke out an existence. In the past two years they have come to Congress and asked for an extension of the time in which they should make this payment, and we have granted it; and yet conditions do not improve.

It will be absolutely impossible for the people upon those lands for years to come, until they have accumulated capital, to earn more than a living, or to make any payment whatever to the Government. I believe that for those people it is the better and wiser policy on the part of the Government of the United States to give them their homes than it is to drive them from them, and that is all that can be accomplished if the pending bill shall be defeated.

Mr. ALLEN. How many acres have been taken?

Mr. PETTIGREW. I do not know. The statement of the Land Department does not show just the number of acres which have been taken. In Oklahoma the area is large, covering quite a large portion of the reservations purchased, but in my State the area is not large. On one reservation it is about 250,000 acres; on another, 700,000 acres, and on another, the Yankton Reservation, which was opened recently, about 80,000 acres. The remainder in my State, which covers an area of between nine and nine and a half million acres, is still unoccupied.

Mr. TELLER. One million acres out of about 9,000,000 acres?

Mr. PETTIGREW. One million out of 10,000,000 acres, although those reservations have been open to settlement for the last six or seven years.

I have had prepared a map, which I hope Senators will observe. It shows the original area of the United States, the purchase from Spain, the purchase from France, the annexation of Texas, and the two purchases from Mexico. Any Senator can readily see that in those purchases from foreign governments most of the lands disposed of under the homestead law are included—the great States of the West, Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska, and the two Dakotas, and so on west to the Pacific Ocean. In addition to the purchases from foreign nations, we have purchased from Indian tribes in this country very much more than is shown on this map.

I have had drawn upon the map a line showing the average annual rainfall. The east line on the map shows that the average rainfall is 30 inches along that line. The next line shows that the average rainfall is 20 inches. The average rainfall then decreases from the first line to the second line. From the second line to the third line the rainfall decreases from 20 inches to 15 inches per annum.

Now, between those two lines lies nearly every acre of land affected by the proposed legislation, and everyone who has investigated the subject at all knows that an average rainfall of less than 25 to 30 inches is insufficient to mature crops.

Mr. DAVIS. What is the rainfall in the great space?

Mr. PETTIGREW. In the great space between the two lines, marked 15, is the arid region of the United States, and the rainfall there is from none at all to 15 inches. Vast areas of that country have from 5 to 10 inches of rainfall. There are some mountain peaks and groves of timber at high altitudes where the rainfall is greater. That country is almost entirely undisposed of. The only large reservation outside of this area where the rainfall is from 15 to 30 inches, and where it is insufficient to mature crops, is the Crow Reservation in Montana, which is in a region where the rainfall is less than 10 inches.

Mr. ALLEN. Will the Senator permit me to direct his attention to the fact that the rainfall, even where it amounts to 18 or 20 inches, does not come at the season of the year that would mature crops? It comes early in the spring, leaving the crops half grown, and they are withered up by the sun and the atmosphere afterwards.

Mr. PETTIGREW. That is undoubtedly true, and from that fact arises another, that it does mature a scanty growth of very excellent grass. These lands are excellent for grazing, although it takes several acres to maintain one animal. Therefore they are not adapted, except in very small areas, to homestead settlement.

The Fort Berthold Reservation in North Dakota was opened to settlement in 1890, and still the Government has not sold one acre of it yet. The report of the minority of the committee shows that not an acre of that land has been disposed of. The report also shows that although those reservations have been opened to settlement from 1889 up to the present time, the total receipts of the Government from all of them have been $445,000, and most of that sum has come from the sale of town sites in Oklahoma and from settlers who have commuted lands where there were, perhaps, valuable water rights. Wherever there is a valuable water right the homesteader would go in and prove up and sell it to cattlemen, who use it to water the cattle that graze upon the adjoining lands.

This is not the proper method to pursue if we wish to gain revenue from the disposal of those lands. If the pending bill is not passed, and we undertake to dispose of those lands under the provisions of existing law, the revenue from homesteaders, in my opinion, will not exceed two and a half million dollars, and even that sum will not be realized for several years. The revenue from other sources, from the disposal of the lands for town sites, from the disposal of mineral lands—for these smaller reservations in the western portion are mostly mineral, and therefore not subject to homestead entry—will not exceed five or six million dollars more. In other words, we must change the policy if it is the desire of the Government to obtain revenue. In the meantime, it seems to me the only wise thing we can do is to relieve these people who are struggling to maintain a foothold in this country. Let us give them the land they now occupy and allow them to go on and try to maintain homes. If it is thought desirable that another method of disposing of the remainder of the land shall be adopted, I shall be glad to assist in its adoption.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on agreeing to the first amendment reported by the Committee on Public Lands.

Mr. MILLS. I suggest the want of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Berry,
Bruce,
Brown,
Burrows,
Call,
Carter,
Chandler,
Chilton,
Cockrell,
Cullom,
Davis,
Frye,
Gear,
Gordon,
Gray,
Harris,
Hawley,
Hill,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Mills,
Mitchell, Wis.
Morrill,
Murphy,
Pasco,
Peffer,
Pettigrew,
Platt,
Pugh,
Roach,
Sewell,
Sherman,
Shoup,
Stewart,
Teller,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

Mr. PETTIGREW. Mr. President, I desire to add to my remarks extracts upon this subject from the platforms of the political parties of last year. The Republican platform adopted at St. Louis, under the head of "Homesteads," contains this paragraph:

> We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure, such as has already passed the House and is now pending in the Senate.

Mr. FRYE. What measure is that? This bill of yours?

Mr. PETTIGREW. Yes, sir; this bill of mine.

Mr. PLATT. About a third of it.

Mr. CHANDLER. Which platform does the Senator from South Dakota admire the most?

Mr. PETTIGREW. I admire the Democratic platform far the most.

Mr. CULLOM. Let us hear it.

Mr. PETTIGREW. But I should judge that my New England friends do not care to stand on any platform.

The Democratic platform, adopted at Chicago, reads as follows:

> The Democratic party believes in home rule and that all public lands of the United States should be appropriated to the establishment of free homes for American citizens

The People's Party platform says:

> We demand that bona fide settlers on all public lands be granted free homes, as provided in the national homestead law, and that no exception be made in the case of Indian reservations when opened for settlement, and that all lands not now patented come under this demand

Mr. CARTER. Mr. President, from the fact that a number of citizens of the State I have the honor in part to represent are seriously interested in this bill, I ask the indulgence of the Senate a moment, to the end that I may make an explanation of the bill as we understand it.

The bill does not propose to exempt from the payment of any legal dues persons entering lands under the laws of the United States relating to mineral lands, town sites, commutation of homestead entries, or, indeed, under any law under which prior to 1889 the payment of money was exacted.

Between the time the Government was established under the Constitution and the year 1889 the United States had paid out in the extinguishment of Indian title to lands west of the Alleghany Mountains about $400,000,000 in money. These disbursements were made in divers and sundry ways, in some instances because of direct negotiations with the Indians for the surrender of title; in other instances by and through the distribution of annuities for the support of the Indians found in indigent circumstances here and there on the various reservations.

Up to 1862 the policy prevailed of selling the land thus acquired from the Indians at public auction. This policy led to the most flagrant scandals ever perpetrated relative to the disposition of the public domain in this country. It led to the aggregation in the hands of speculators and individuals bent upon profit making rather than the development of the country of large areas of land purchased at public auction.

For the purpose of avoiding this abuse and giving a healthy growth to States and communities that were in embryo at that time, the homestead law was passed. One of the conditions of this law which could in no instance be waived was that the individual claiming its benefits should settle upon and continue to cultivate and improve the 160 acres of homestead land for at least five years. That statute constituted the basis of the upbuilding of the States of Iowa, Nebraska, Kansas, the Dakotas, California—indeed, the mighty empire that now exists west of the great Mississippi River, and much of the country east of that river as well.

In 1865, I remember, the State of Illinois was a very sparsely settled country. I happened to move there in that year, as a boy, and I remember that the people were then suffering from the land speculations that had obtained at the time cash entries were in force by the Government, and public sales occurred. Under the homestead law the great State of Illinois became an imperial Commonwealth in an incredibly short period of time. The same is true of Indiana and Missouri and the various States to which it applied.

During all this period of time land was sold under the preemption law, under the town-site law, under the mineral laws, for cash; but in no instance prior to 1889, regardless of the manner in which the Government acquired the title to the land, did the public policy of the United States as shown by our laws justify the collection of one dollar from the homestead settler who had resided upon his land for five years, except small office fees. This homestead settler blazed the trail, built the first schoolhouse, built the country church, helped to establish government, law, and order in the wilderness and on the broad and inhospitable plains. The Government gave to him his title to a quarter section of land, after the lapse of five years, as free as the summer air. He had earned it honestly, and it was wise policy to reward him with the well-earned title.

In the year 1889 numerous Indian reservations were opened to settlement in the western and southwestern portions of the United States. Those reservations were purchased from the Indian tribes, and for the first time in the history of the Government an amendment was interjected requiring that the prospective homestead settler should reimburse the United States for the money paid out for the title.

Let it be borne in mind that these titles were acquired from the wards of the Government, the Indian dependents on the reservations. The United States rests under a moral obligation to feed, clothe, and, to the extent of its ability, educate these wards. It can not in the face of the civilized world renounce this duty, nor can it avoid its performance. Instead of appropriating money direct without any semblance of consideration received in return, for over one hundred years the Government has adhered to the policy that the constant diminution of the Indian reservation is desirable, and that it is better for the Indian to feel that he is paying something to the Government for the food he receives rather than to feel at all times that he is a pauper, dependent upon the good will and generosity of the great father, the Government of the country.

These Indians must be fed and clothed whether we ever get another acre of land from them or not. If these lands had not been purchased in 1889 and prior years, and the consideration agreed upon, we would have regularly appropriated money from the public Treasury to feed, clothe, and maintain these wards of the nation independent of, and without regard to, the fiction of making a purchase of land from them.

The purchase merely made them feel they were not paupers.

Mr. PLATT. Why, Mr. President, we would not have had to feed the Five Tribes, from whom we bought all of the land which the bill as it passed the other House contemplated, I think.

Mr. CARTER. The Five Tribes, as I understand it, have been for an indefinite period of time, since their transportation from points east of the Mississippi River, dependent upon the Government of the United States in one form and another. It is true they have leased their lands from time to time to speculators. The speculators have grazed stock upon the lands, and out of the revenue thus derived they have lived; but primarily the Government made provision for their maintenance, and has always been obligated to protect and look after them as a dependent race of people.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. CARTER. Certainly.

Mr. PETTIGREW. I wish to call the attention of the Senator to the fact that the lands occupied by the Five Civilized Tribes were purchased from France; that the Five Civilized Tribes lived east of the Mississippi River, and that these lands were given to them as the purchase price of other lands which we acquired of them and opened to homestead settlement.

Mr. CARTER. Certainly.

Mr. PLATT. The reason why I interrupted (perhaps I ought not to have done so) was because the statement was made that if we had not purchased these lands of the Indians we would have had to support them. These Oklahoma lands were purchased of the Five Civilized Tribes, although they were not occupying them. The lands to which the bill as it passed the House refers are the lands which were purchased from the Five Civilized Tribes. We were not supporting them; we should not have supported them; we should not have paid them anything for subsistence, or anything of the sort if we had not bought the lands, so far as the Oklahoma lands are concerned.

Mr. CARTER. There is manifestly a misunderstanding on the part of the Senator. The Five Civilized Tribes, so called, occupy what is known as the Indian Territory. They have a government of their own, and the highest development of tribal relationship, I believe, existing outside of the State of New York among the Seneca Indians. The Indians from whom we purchased the Territory known as Oklahoma are, I insist, measurably dependent upon the proceeds of the lands sold for a livelihood.

Mr. PLATT. We purchased the Territory of Oklahoma from the Cherokees—the Cherokee Outlet was a large portion of it—and from the Creeks, Choctaws, Chickasaws, and Seminoles, principally. There was some purchased from the Sac and Fox, and some from minor tribes, but the great bulk of it was purchased from those I have named.

Mr. CARTER. A complication arose relative to the title of that country. The Cheyennes, Arapahoes, and other Indians claimed supremacy over the land opened. A portion of the Five Civilized Tribes, on the other hand, asserted some sort of title. A compromise was made and some payment made to each. The details of that matter need not be gone into. The fact is that the Indians, the Indians of the Northwest, all of the Indian tribes of this country outside of the State of New York and the Indian Territory proper, have been dependent upon the Government of the United States. The appropriation bills passed here from time to time will demonstrate that fact.

Mr. TELLER. They draw $8,000,000 a year.

Mr. CARTER. These Indians draw in one shape and another from the Treasury, either chargeable to their own funds or directly drawn from the public funds, about $8,000,000 per year for their general support in fuel, food, clothing, and farming implements.

Mr. TELLER. If the Senator from Montana will allow me, they draw between seven and eight million dollars, independent of their own funds, directly from the Government of the United States.

Mr. FRYE. The Maine tribes take care of themselves. There are two tribes in Maine.

Mr. TELLER. The trouble with the Maine tribes is that you killed most of them off so early that the Government did not have much of a burden.

Mr. CARTER. They were not educated up to the matter of getting into the Treasury just then.

Now, the question arises, Shall we at this time, when all of the land between the two oceans belonging to the public domain upon which the rainfall is adequate to raise a crop has been taken up and appropriated, when the only remaining land subject to homestead on the continent rests in the arid or semiarid region, insist upon a change of a policy which has obtained since 1862 with reference to the administration of the homestead law? We insist that since the Government extinguished the Indian title to Illinois, Iowa, Minnesota, the Dakotas, Kansas, Nebraska, and other States South and West, and let the homestead law operate freely there without price, it is hardly just to those who remain now on the fringes of the mountains in the arid belt to suffer under onerous burdens not heretofore imposed.

The insistence by the Government upon the extortion of this fee will result in what? In compelling the unfortunate who desires ultimately to acquire title to give a mortgage to the country banker or money lender. I will guarantee to-day there is not one in fifty of the homesteaders in Oklahoma who has a particle of personal property which is not subject to a chattel mortgage paying from 1 to 3 per cent a month interest. That is true of these homesteaders as a rule. They go into a new country without means, without financial connections, with the burden of a large family to start with, with a hard line of difficulties to meet and overcome, with no means of reaching the market except as the railroads are built in and new avenues of trade are opened up. It is a hard lot, indeed, on the whole. The Delegate from the Territory of Oklahoma tells me that there are quite 40,000 people living in frail cabins, clay dugouts, or sod houses in that Territory to-day. I will guarantee that of the 40,000 there are not a dozen without a chattel mortgage bearing ruinously and usuriously high rates of interest. For the Government to extort now in addition from those people from 50 cents to a dollar an acre for the land upon which they live is to drive them to the hands of the usurer and compel them to give a mortgage to the money lender in the local market and ultimately to transfer the title the homesteader may acquire to the individual who advances the money to pay the Government.

To insist on these payments from the overburdened frontiersman seems to me like extortion of money from the worthy and struggling poor.

Such a course will result in the aggregation in single ownership of large areas of land to be used for grazing purposes. It can have no other result. That is contrary to the policy of the Government as often expressed and as made manifest in all other existing laws.

But it is said that this measure is equivalent to buying a piece of land and giving it to the homesteader; that the individual who lives upon the land ought to pay for it. It happens to be true that this Government in its wisdom has determined that the building up of solid, virtuous, self-sustaining communities constitutes a prime purpose in our civilization and governmental policy. We have not heretofore sought to make profit out of the settlers upon the frontier. We have sought to make patriots out of them. We have sought to add to their wealth rather than to subtract from it. They, in turn, have come forward in times of need, baring their breasts to the steel of the enemy to protect the Union and the flag regardless of the point at which it was assailed.

They are ready to do it to-day. They cheerfully pay their share of the general burdens for the support of the Government in whatsoever quarter the expenditures may be made. You never have heard, and you will not hear, coming from the Dakotas, or Montana, or Oklahoma, or Colorado any complaint whatever about the $20,000,000 per year that is spent on the rivers and harbors of this country. Yet none of them have any rivers or harbors of consequence. You will not hear one solitary murmur from that region about the twenty or thirty million dollars per annum spent in naval vessels to float over and police the seas. No suggestion is made from quarters out there to the effect that the people living along the rivers and adjacent to the harbors should pay those bills for their improvement, but they feel that such work is in the interest of a common country.

All the homesteaders now living upon the ceded reservations desire is that an ancient policy should not be changed to their disadvantage in the presence of conditions the hardest the homesteaders have ever encountered since the homestead policy was inaugurated in this country.

The care for the Indians devolves upon the Government as a matter of course. The mere question here is, Shall the Government seek to shirk this responsibility, discourage further development upon the frontier, and fix the burden of maintaining the Indians upon the struggling homesteader, who can not, in the nature of things, discharge it?

Why, Mr. President, the manner in which this law has operated for the last eight years constitutes a sufficient condemnation of it. It is said that the Government is merely to recoup itself for expenditures made. We will take the case of the Crow Indians in the State of Montana. From the Crow Indians we acquired something like [illegible] acres of land. We paid the Indians for that land the sum of $946,000—that is, we agreed to pay it—and we are paying it out in the way of cattle; in the way of the construction of irrigating ditches on that reservation, in order to make those Indians self-sustaining; in the way of wagons distributed to them, and in various ways looking to their present well-being and self-support ultimately.

Mr. FRYE. Does the Senator mean that the Government reserves in the treaties the right to act to a certain extent as a trustee for those Indians?

Mr. CARTER. Unquestionably, to act as trustee for those Indians; and it provides that this money shall be expended under the direction of the Government itself. On the Crow Reservation an agent of the United States is in charge of the construction of irrigating ditches along the Little Big Horn River, near where the famous Custer battlefield is located. Those Indians are doing the work under the supervision of a Government agent, and to the Indians wages are being paid each and every day for the performance of the ditching or the canal digging.

The terms of the treaty most clearly elucidate the point presented by the Senator from Maine. It will be observed that not one dollar in money has been paid to the Indians under the treaty, the terms whereof merely provided for the maintenance and betterment of the condition of the tribe. The following are the terms relating to consideration and the manner of its payment:

> That in consideration of the cession of territory herein made by us as individual Indians and heads of families of the Crow tribe to the Government of the United States, the said Government of the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, hereby agrees to pay the sum of $946,000, lawful money of the United States, in the manner hereinafter described.
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> First. That of the above-named sum there is hereby appropriated and set apart $200,000 to be expended under the direction of the Secretary of the Interior in the building of dams, canals, ditches, and laterals for the purposes of irrigation in the valleys of the Big Horn and the Little Big Horn rivers and on Pryor Creek and such other streams as the Secretary of the Interior may deem proper: *Provided*, That not to exceed $50,000 shall be expended annually in performing this work: *And provided further*, That the superintendent in charge of said works shall in the employment of laborers be required to give preference to such Indians of the Crow tribe as are competent and willing to work at the average wages to common laborers for the same kind of work, and the labor so employed shall be paid in cash.
>
> That the sum of $7,000 is hereby appropriated and set apart as an irrigating fund, to be expended under the direction of the Secretary of the Interior for the maintenance and management of the system of irrigation provided for in this agreement.
>
> Third. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated and set apart, to be expended under the direction of the Secretary of the Interior, for the construction of three grist mills, to be located one on Pryor Creek, one on the Big Horn, and one on the Little Big Horn River, at such points as the Indian agent may deem convenient and practicable, and at such times as the needs of the Indians may require.
>
> Fourth. That the sum of $3,000 is hereby appropriated and set apart to be expended in the construction and maintenance of a sub-Indian depot, to be located on Pryor Creek, provided that the Secretary of the Interior shall deem it advisable to establish such depot on the reservation; otherwise the amount herein expended shall, at the expiration of two years from the date of this agreement, be placed in the fund provided for by section 9 of this agreement.
>
> Fifth. That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to be expended under the direction of the Secretary of the Interior in the building of schoolhouses at such points on the reservation and at such times as the Indians may require, and upon the recommendation of the Indian agent.
>
> Sixth. That the sum of $10,000 is hereby appropriated and set aside as a fund to be expended under the direction of the Secretary of the Interior in repairing and improving the houses of the Indians now erected on the reservation, and to make them, as far as possible, warm and comfortable dwellings.
>
> Seventh. That the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated for the construction and equipment of three blacksmith shops, to be located at such places upon the reservation and to be built at such times as the Indian agent may recommend, subject to the approval of the Secretary of the Interior.
>
> Eighth. That the sum of $552,000 is hereby appropriated and set aside as an annuity fund to be distributed as follows: Each Indian of the Crow tribe, male and female, shall receive an annual annuity of $12 in cash for the period of twenty years from the date of this agreement, said annuity to be paid semiannually, in accordance with such rules and regulations as the Secretary of the Interior may prescribe.
>
> Ninth. That the sum of $160,000 is hereby appropriated and set aside, to be expended by the Indian agent, under the direction of the Secretary of the Interior, in the purchase of cattle, from time to time, as may be deemed advisable; the cattle so purchased to form a herd to be held in common by the Crow tribe. All cattle sold from said herd shall be paid for in cash, and the net proceeds of such sale shall constitute a fund to be known as the Crow herd fund. When such fund shall exceed the sum of $15,000, it shall be the duty of the Indian agent, and he is hereby required, to apportion to each Indian entitled to the annual annuity provided for in section 8 the sum of [illegible] to be paid in cash under such rules and regulations as the Secretary of the Interior may prescribe.
>
> Tenth. That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed, then the balance remaining of such appropriation shall constitute a fund to be expended for the benefit of the Crow tribe in such manner as the Secretary of the Interior may determine.

When the treaty was executed and entered into with these Indians, they were absolutely a dependent tribe. Since then they have been enabled to largely support themselves. They are a thrifty and energetic tribe of Indians, who have recently engaged in farming operations, which are rendered possible by the irrigating ditches which have been constructed by virtue of this policy.

Mr. FRYE. Does the Senator mean that the statement just made by him applies to all of the lands now in question?

Mr. CARTER. I do not know that the exact conditions apply in every case, but the conditions apply substantially as I have suggested, except as to the Five Civilized Tribes, and as to them the land purchases constitute an indirect system of Government aid.

Mr. PLATT. Five hundred and fifty-two thousand dollars of that Crow money was set aside as an annuity fund, and interest is paid on it annually.

Mr. CARTER. A portion was set aside as an annuity fund and a certain sum was invested in stock cattle, and another portion of the fund was set aside to be expended, as the Senator will observe, in sums not exceeding $50,000 per year, in the construction of irrigating canals, and this course of construction has been in progress ever since. In order to analyze this matter, we were to pay out to our wards, people we were in conscience, equity, and good morals bound to support, the sum of $946,000, and Congress provided that the settlers should pay to the Government on account of the lands thus acquired the sum of $2,550,000. What is the result? Into that country, 200 miles from a market of any kind, poor people have drifted, have built rude huts and shack houses of one kind and another, are generally in debt, and are struggling heroically with hard conditions to build up homes. In the course of the seven or eight years that have passed since the treaty was made from that whole country we have only received $40. If the Government of the United States insists either on ejecting these settlers from their homes or exacting payment, they simply return that section of country back into sheep and cattle ranges and throw the settlers upon the surrounding communities as homeless wanderers. The Government can not collect money to keep the Indians from the people who have not got the money to pay, and what I say with reference to the ceded portion of the Crow Reservation will hold good in reference to a number if not all of the others.

As the Senator from South Dakota [Mr. PETTIGREW] suggested, considerable money has been received from town-site ventures of the Government in Oklahoma and at other points on the ceded portions of the reservations. This bill will not interfere with that proceeding in the future. Considerable money has been received from the sale of mineral lands in the mining regions. That will continue to flow into the Treasury as it has in the past.

I assert that little or no money has been collected from homestead settlers who have settled upon these ceded lands, and of all the thirty-five millions of prospective money to be collected from these settlers we have received from town sites and mineral entries and commuted homesteads, in the period of about eight years, in the neighborhood of $400,000; and this has been received because of the taking of the town sites, because of the payment for mineral claims, and the selection of commuted homesteads on the best and most eligible sites on the vast tracts of land involved.

Mr. President, the time to make a departure is inopportune, but the Senator from Connecticut [Mr. PLATT] suggests that these good people are estopped from now coming in any manner through any Senator, Representative, or other person, and seeking relief from the onerous burdens placed upon them by the original act. Let me suggest, in reply to that, that no settler sought the imposition of this extraordinary burden upon the homesteader; it was an unexpected innovation. In the case of Oklahoma, men went down to the border expecting that they were upon the very verge of the Promised Land, a land literally flowing with milk and honey, according to the ancient description; that if they could but get within, they would be fortunate enough to get a fertile farm or a corner lot in one of the new town sites, and their fortunes would then be made forevermore. Where there was one acre of good land in the Territory of Oklahoma, at least three men went in to settle upon it. The result was that in the wild scramble murder, perjury, and crime in every form was committed by excited men vainly seeking exemption from the hard conditions from which they had fled, hoping to better their condition in the last alluring portion of the public domain. They did not stop to analyze laws or conditions.

These people estopped, perchance, as suggested by the Senator from Connecticut, because they went there knowing that this money was to be paid! They went there because they did not have any other place to go, and they have remained there implicitly believing that the Congress of the country would take notice of their condition and do justice by them in the end. It remains with Congress to determine here and now whether the country, which has of late been opened up in various sections of the West and Southwest, shall be returned to the dominion of the cattle king and the great sheep grower, or shall be left under the control of these homesteaders who are unable to pay the Indian purchase price which the original law proposed to exact, making an aggregate sum nearly equal to the national debt at the close of the Revolutionary war.

Mr. PLATT obtained the floor.

Mr. CULLOM. As the Senator from Connecticut has the floor, and as there is not a full attendance at present, I think that the Senate might as well adjourn. I move, therefore, that the Senate adjourn.

Mr. FRYE. Will the Senator withdraw that motion for a moment?

Mr. CULLOM. Yes, if the Senator from Connecticut does not object.

CONSIDERATION OF BILLS RELATING TO NAVIGATION.

Mr. FRYE. The Committee on Commerce has on the Calendar four House bills of considerable importance—general legislation—all of which will undoubtedly go to conference, and I regard it as important that early action shall be had on them. I do not think they will lead to discussion, and I ask unanimous consent that at 4 o'clock to-morrow afternoon—which will be about the time the Senate seems inclined to adjourn—I may be allowed to have those bills considered.

Mr. HILL. What bills are they?

Mr. FRYE. They are all bills relating to navigation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. HILL. I should like to know the character of the bills.

Mr. PLATT. Of course the agreement is not to displace the pending bill.

Mr. FRYE. Of course not.

Mr. HILL. I should like to hear the titles of the bills read before the order is made.

Mr. FRYE. One relates to seamen, another to navigation, another to yachts—the provisions of which have all been agreed upon by the yacht owners and everybody else—and the other relates to the tonnage tax. It will take about an hour to read them.

Mr. COCKRELL. Do I understand that all of the bills have been approved by the committee unanimously?

Mr. FRYE. Not unanimously, but approved by a large majority of the committee.

Mr. PETTIGREW. I desire to know what is the request.

Mr. FRYE. My request is, on behalf of the Committee on Commerce, that at 4 o'clock to-morrow afternoon certain bills relating to navigation, etc., may be taken up for consideration, and that the pending bill, if then under consideration, may be informally laid aside, 4 o'clock being the hour at which the Senate would ordinarily adjourn.

Mr. VILAS. I should like to ask the Senator from Maine about the yacht bill. There has been a great deal of opposition to that bill, which the Senator has seen manifested in the form of letters and communications.

Mr. FRYE. It has all been settled.

Mr. VILAS. Have all the differences been adjusted?

Mr. FRYE. They have all been adjusted. There were very heavy and costly yachts that were contracted for about a year ago, and it was the desire of the yachtsmen that this bill should not take effect until those yachts had been completed. The yachts have now all arrived.

Mr. VILAS. I had understood that there was a great deal of opposition by the owners of very small yachts.

Mr. FRYE. None at all.

Mr. ALLEN. What is the general character of the bill?

Mr. FRYE. Simply that the yachts which rich men have built in England shall be subjected to the same taxes as ordinary schooners if made in the United States. That is all.

Mr. ALLEN. That is proper.

Mr. TELLER. Is that all there is to the bill?

Mr. FRYE. That is practically all there is to that bill.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maine? The Chair hears none, and the order is made.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 7, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1897.

CONSUL.

Leonard C. H. Schlemm, of New York, to be consul of the United States at Cape Haitien, Haiti, to fill a vacancy.

ASSISTANT PAYMASTER IN NAVY.

Joseph Fyffe, a citizen of Massachusetts, to be an assistant paymaster in the Navy from the 28th day of December, 1896, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

Thomas R. Jacoway, to be postmaster at Fort Payne, in the county of Dekalb and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Watson S. Menefee, to be postmaster at Union Springs, in the county of Bullock and State of Alabama, in the place of Watson S. Menefee, whose commission expired December 14, 1896.

John F. Crampton, to be postmaster at Globe, in the county of Gila and Territory of Arizona, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Bedford F. Hamilton, to be postmaster at Wynne, in the county of Cross and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Gilbert S. Benham, to be postmaster at Hamden, in the county of New Haven and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

R. O. Cresap, to be postmaster at Lakeland, in the county of Polk and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

John C. Jones, to be postmaster at Titusville, in the county of Brevard and State of Florida, in the place of William S. Norwood, removed.

Mary P. Dixon, to be postmaster at West Point, in the county of Troup and State of Georgia, in the place of Mary P. Dixon, whose commission expired December 14, 1896.

Meserve M. Getchell, to be postmaster at Silver City, in the county of Owyhee and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Charles Hammond, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Henry W. Booth, to be postmaster at Sheffield, in the county of Bureau and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Charles W. Merrilies, to be postmaster at Winnetka, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William R. Hamilton, to be postmaster at Warren, in the county of Huntington and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Winfield S. Mercer, to be postmaster at Albany, in the county of Delaware and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William C. Lee, to be postmaster at Wynne Wood, in the Chickasaw Nation and Indian Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

George F. Colcord, to be postmaster at Sutherland, in the county of O'Brien and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

George A. Crane, to be postmaster at Dexter, in the county of Dallas and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Alva Humeston, to be postmaster at Humeston, in the county of Wayne and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Winfred A. Torrey, to be postmaster at South Braintree, in the county of Norfolk and State of Massachusetts, in the place of Winfred A. Torrey, whose commission expired December 14, 1896.

Edward W. Wilcox, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina, in the place of Benjamin H. Bunn, resigned. Benjamin H. Bunn now holds the office under a recess commission.

A. L. Fairchild, to be postmaster at Gainesville, in the county of Cooke and State of Texas, in the place of Franklin L. Cleaves, whose commission expired December 14, 1896.

Henry L. Waite, to be postmaster at Omro, in the county of Winnebago and State of Wisconsin, in the place of James W. Samphier, whose commission expired December 14, 1896.

WITHDRAWAL.

Executive nomination withdrawn January 6, 1897.

Benjamin H. Bunn, to be postmaster at Rocky Mount, Edgecombe County, in the State of North Carolina. Mr. Bunn has resigned the office.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 6, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CONGRESSIONAL DEMANDS FOR DEPARTMENTAL INFORMATION.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. On the 29th day of May last, Mr. Speaker, I introduced in this House a series of resolutions which were requests for information from the several Departments of the Government in relation to the administration of the provisions of a certain law upon the statute books, to wit, the law called the civil-service law. These resolutions were referred to the Committee on Reform in the Civil Service, and were reported back on the 5th day of June following, when they were duly adopted by the House and were officially communicated to the several heads of the Departments of the Government.

The resolution in each instance was couched in respectful language, directing the head of the Department to furnish certain information to Congress.

From that day to this no response has been made or received from any one of the Departments of the Government on the subject referred to, and while I realize the fact that under the present system, called the civil-service administration, the Departments have been greatly curtailed or crippled by the detention in service of inefficient clerks, and by other necessary incidents of this Administration, I nevertheless believe that I am justified in raising the question as to whether the demand of Congress, clearly within the scope of the powers and duties of Congress, has been treated respectfully by the heads of the Departments.

Therefore I offer for immediate adoption the resolutions I send to the desk, aimed and directed to each of the Departments of the Government. I send the first one to the desk and ask to have it read. They are all alike, and I will follow this one with others in their proper sequence.

Mr. TERRY. Mr. Speaker, I raise the question that the gentleman has not submitted any question of privilege.

The SPEAKER. The Chair of course knows nothing of the contents of the resolution which has just been presented. It will be read, subject to the right of any member to raise the point that it is not a privileged resolution.

Mr. GROSVENOR. I am ready to meet the gentleman from Arkansas on the question of the privileged character of the resolution.

The SPEAKER. The resolution will be first read.

The Clerk read as follows:

> *Resolved*, That the Secretary of State be, and is hereby, requested to inform the House of Representatives why the State Department has failed to furnish the information requested of said Department by a resolution of the House of Representatives, No. [illegible], passed by this House on the 5th day of June, 1896.

Mr. GROSVENOR. That is all there is of it. It is merely a request for information, addressed to the head of the Department, for the purpose of ascertaining why the direction of the House, or, in other words, the demand of the House, has been ignored by that Department.

Mr. TERRY. I have always understood, Mr. Speaker, that the regular way to attain the object the gentleman has in view was to frame a resolution in the form which has heretofore been used, to wit, that the Secretary of State be requested to transmit such information to the House "if not incompatible with the public interests."

Mr. GROSVENOR. But, Mr. Speaker, we have gotten a long way past that point. Will the gentleman hear what has already transpired?

Mr. TERRY. Certainly.

Mr. GROSVENOR. The resolution was adopted by the House on the 5th day of last June, calling for this information, which has not been supplied.

Mr. TERRY. I understand that. But I would ask the gentleman, for information, if that resolution, so adopted, was not in the usual form, namely, that the Secretary of State be requested to transmit to the House the information, "if not incompatible with the public interests."

Mr. GROSVENOR. Well, in response to the gentleman, I will state, in the first place, that it is not so couched, nor is it proper that such resolution should be so drawn. The House has a right to demand this information.

Mr. TERRY (interrupting). My understanding has always been that the phraseology I have quoted was used.

Mr. GROSVENOR. No; if the gentleman will allow me. This is an inquiry for a state of facts. We have a right to have the facts before us, and we have the right to assume that the statement of facts can not be incompatible with the public interest. We have a right to determine the question as to the manner of the administration of a law in the various Departments of the Government.

The gentleman is confusing two sets of resolutions. The form in which the President is asked to communicate information to Congress is that which the gentleman suggests. But in no case does Congress allow a Department to determine for itself whether the information desired is incompatible with the public interest. The officers at the head of the Department are statutory officers, and they are required to answer the demands of Congress.

Mr. TERRY. Upon what point does the gentleman desire to receive information?

Mr. GROSVENOR. I have already stated——

Mr. TERRY. In the confusion I did not catch it.

Mr. GROSVENOR. The resolution was with reference to the administration of the civil-service law in each of the particular Departments to which it was addressed.

Mr. TERRY. There was so much confusion that I did not catch it.

Mr. GROSVENOR. And the present resolution is simply to ask why the demands of Congress, in the former resolution, have been ignored.

Mr. TERRY. I was unable to gather the exact purport of the gentleman's remarks. If there is anything that you can find out about the civil-service law, I shall be very glad myself to aid in getting the information.

Mr. GROSVENOR. That is the only question now. But I do not want, I will say to the gentleman—I do not want to allow a doubt to enter the mind of the Speaker that this is a question of privilege.

Mr. HENDERSON. It is too late to raise the question of the form of the resolution. That was passed on when the resolution was passed.

Mr. GROSVENOR. Very well. The Speaker suggested that the question whether this was a question of privilege may be still open, and I do not want to get in here by any silence or waiver. I read:

> Questions of privilege shall be, first, those affecting the rights of the House collectively

The House has the right to ask for information from these Departments, and when a Department refuses compliance for seven long months it means simply that the Departments of this Government, as well as the Executive, have begun to ignore the demands of Congress.

I ask for the adoption of the resolutions.

Mr. HENDERSON. All of them?

Mr. GROSVENOR. Yes.

The SPEAKER. The question is on agreeing to the first resolution.

The first resolution, heretofore read, was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to inform the House of Representatives why the Treasury Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 357, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Secretary of War be, and he is hereby, requested to inform the House of Representatives why the War Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 358, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Secretary of the Navy be, and he is hereby, requested to inform the House of Representatives why the Navy Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 359, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Attorney-General be, and he is hereby, requested to inform the House of Representatives why the Department of Justice has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 362, passed by this House on the 5th day of June, 1896

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Secretary of the Interior be, and he is hereby, requested to inform the House of Representatives why the Interior Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 361, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Postmaster General be, and he is hereby, requested to inform the House of Representatives why the Post-Office Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. [illegible], passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

> *Resolved*, That the Secretary of Agriculture be, and he is hereby, requested to inform the House of Representatives why the Department of Agriculture has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 355, passed by this House on the 5th day of June, 1896.

On motion of Mr. GROSVENOR, a motion to reconsider the votes by which the several resolutions were agreed to was laid on the table.

Mr. LOUD. Regular order, Mr. Speaker.

Mr. HENDERSON. There are some personal requests of members which should be granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARRETT, for one week, on account of serious illness in his family.

To Mr. GAMBLE, for three days, on account of being detained by storms.

To Mr. HUTCHESON (at the request of Mr. SAYERS), for the remainder of the week, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

> *Resolved by the House of Representatives (the Senate concurring)*, That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

The message also announced that the Senate had passed with amendment the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 7500) granting a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased;

A bill (H. R. 7127) granting a pension to Samuel D. Gilman;

A bill (H. R. 3398) for the relief of Augusta Tuller;

A bill (H. R. 5782) granting a pension to Mrs. Anna Wedel;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris;

A bill (H. R. 2320) for the relief of Samuel Burrell; and

A bill (H. R. 3890) granting a pension to George William Hodgdon.

SECOND-CLASS MAIL MATTER.

Mr. TRACEY. Mr. Speaker, I desire to call up the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster, Thirty-first Ohio Volunteers.

Mr. LOUD. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. LOUD] demands the regular order.

Accordingly, under the order already adopted, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, with Mr. PAYNE in the chair.

Mr. QUIGG. Mr. Chairman, if I understand the gentleman from California, he proposes to use all his time himself.

Mr. LOUD. Yes, sir. I would like to have an understanding with the gentleman from New York, so that there will be no misunderstanding hereafter. It was understood between the gentleman and myself that the time this morning, regardless of what time was consumed yesterday, should be equally divided between the two sides. Is that satisfactory?

Mr. QUIGG. Do I understand the gentleman to say that the time was to be divided this morning?

Mr. LOUD. To be equally divided this morning, regardless of the time used yesterday.

Mr. QUIGG. That is satisfactory.

The CHAIRMAN. Without objection, that will be the order.

There was no objection.

Mr. QUIGG. I should like to ask the gentleman from California if he is going to give out any more time on his side?

Mr. LOUD. I think not.

Mr. QUIGG. Because if the gentleman is, I would rather that such time as he proposes to give out to somebody should be occupied now.

Mr. LOUD. I will not have any trouble with the gentleman about that. If I desire to put a gentleman in for five minutes, and if that should not be satisfactory to him, I will not do so.

Mr. QUIGG. I yield ten minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I think ten minutes will be ample time for me to say all I wish to say upon this subject, for it was so exhaustively and fully treated by my friend from New York [Mr. QUIGG] yesterday, and the propositions made on the other side were so conclusively answered, that I do not think it will be necessary for me to go into a detailed argument upon the bill.

The avowed purpose of this bill, and the only purpose it seems to me that it can have, is to reduce expenditures in the Post-Office Department; and the gentleman from California has given us some figures, which seem to be very extravagant, showing that he intends to make a large saving in the Department by its passage. As has been said by others, if I believed he could do that I should be, perhaps, willing to vote for his bill, although I know that its passage will be detrimental to some very large and important industries in this country. But, as was said by the gentleman from New York, his bill will not save to the Government the expense of one postmaster; it will not save the expense of one postal clerk; it will not save the expense of one mail route; and it is well enough for us to recollect that it will not save one dollar upon all the star routes in this country.

Upon the star routes the mails are carried for a specific sum, and it makes no difference to the Government of the United States whether they carry 1 pound or 3 pounds or 300 pounds. They do not take weight into consideration when they make their bids for carrying the mails. They are practically all subcontractors, under some big contractor, who has taken many of these routes. They do not take into consideration the amount which they carry. They rarely are loaded down. The question is, How long is the route, how much will it cost them for teams, how much will it cost them for expenses, how much can they get on their route for carrying passengers, how much for doing errands, and all that? So that upon all the star routes of this country this bill will not save one dollar. On the contrary, I believe that the first-class mail matter, which pays the highest rate of postage, and the third-class and fourth-class mail matter will be so diminished by this bill that the Government will lose more in revenues than it will gain in the reduction of expenditures.

Now, I had occasion during the Forty-eighth Congress, because at that time I was trying to get a Government building in Augusta, Me., and succeeded in doing so, to look up the business of Mr. E. C. Allen, now dead, who was the pioneer in this great publishing business, and to learn what he was paying to the Government. I was astonished to find the fact that, incidentally to his business and the second-class mail matter which he was sending out, he paid to the Government $100,000 a year for stamps. Now, my friend may think that if he shall succeed in passing his bill and it shall become law, all these business houses will go on the same, and that he will simply increase the amount of the postage which they have to pay.

Mr. LOUD. Where is this business house?

Mr. MILLIKEN. It was in Augusta, Me. The house has gone out of existence since Mr. Allen died.

Mr. LOUD. Does not the gentleman know that the receipts of the Augusta (Me.) post-office never yet amounted to $90,000 a year? How, then, could one man have paid $100,000 a year for stamps?

Mr. MILLIKEN. Does not the gentleman know that Mr. Allen, who had a business house in Augusta, Me., also had a branch house in Portland, Me., and was also doing business in Boston? I did not say that he paid $100,000 a year for stamps to the Augusta office. I said that Mr. Allen, incidentally to the business that he did there in second-class postage, paid $100,000 in one year to the Government for stamps. That came out during an investigation I made, and came out by the testimony of Mr. Allen, who was to be believed as much as you or I or anybody else.

Now, I say my friend will not get the increased postage, because, if he passes this bill, he is going to ruin all these publishing houses, except the very richest and strongest of them. If there ever was a bill introduced into this House to enable the big fish to swallow the little ones, this is the bill. There is a large publishing house in Augusta, in my State, conducted by Vickery & Hill, one of the most respectable concerns in this country, and I do not think they care much whether this bill passes or not, because, while its passage will cause them to pay more postage on their second-class matter, they know that it will at the same time destroy smaller concerns which are their competitors, and will thus give them an advantage which will probably be at least as valuable as that which they now enjoy through a low rate of postage on second-class matter.

With reference to the revenue which the Government reaps incidental to this second-class mail matter, I have a letter from the Forbes Lithograph Company, of Boston, who say:

BOSTON, *January 5, 1897.*

We would respectfully submit the fact that we are in receipt of an order from the publishers of Comfort for a million form letters, a third of which we are to deliver this month. This is a repetition of orders of a similar nature that have gone before, which must necessarily swell the receipts of the post-office, as we understand from its publishers they are all mailed in envelopes as first-class matter and are the direct results of the existence of the publication Comfort. If the proposed change in the postal regulations goes into effect it will cut out a large part of this revenue which accrues to the United States Government for the mailing of the above form letters.

I have also a letter from Pulsifer, Cook & Co., of Boston. They say:

In regard to the so-called Loud bill, permit us as business men of Boston to file an earnest protest. The passage of the bill we believe would be a serious business misfortune at a time when the country has had enough in that line.

Clearly many members of Congress do not appreciate the immense interests involved. As an illustration, we have furnished for one paper alone—Comfort—several millions of envelopes in a single year, and are now doing work on a large order for its publisher. These envelopes are sent in the interest of that publication, and are used on letters which yield a revenue of from twenty thousand to thirty thousand dollars a year to the Government, and goes to the credit of first class matter.

I have also a letter from Mr. Gannett, of Augusta, in my State, which throws much light on this subject. It is as follows:

AUGUSTA, ME., *December 28, 1896.*

HON. S. L. MILLIKEN,
House of Representatives, Washington, D. C.

DEAR SIR: My interest as a publisher in the fate of the Loud bill and the fact that its author in a recent speech in Congress, using my publication, Comfort, as an illustration, most grossly misrepresented it, impels me to take the liberty to write you and correct some of Mr. LOUD's erroneous statements.

It is simply amazing that a man, not to say a Congressman, who is the author and advocate of so important a bill should exhibit such dense ignorance regarding a subject which he has, or is supposed to have, studied for a year or more.

Mr. LOUD's assertion that of Comfort's 1,250,000 circulation not 1,000 are sent to bona fide subscribers in this country, is more than three-quarters of a million out of the way. If we relied on a sample-copy circulation, as Mr. LOUD assumes, we should not print our paper in five different colors on a press made especially for Comfort at a cost of nearly $40,000, nor should we maintain an editorial department in the John Hancock Building in Boston, at an expense of $50,000 in a single year for editorial, original, copyrighted, literary, and art matter, nor should we go to the expense of sending an artist to Europe for special work for our paper. We take all this trouble and put out all this money to make Comfort valuable, instructive, and attractive to subscribers, and for the purpose of building up and maintaining our enormous subscription list. If we were satisfied with a mere sample-copy circulation, we might save all this expense by substituting paste pot and scissors for our large staff of editors, writers, artists, and specialists on various subjects.

Mr. LOUD, further referring to Comfort's enormous circulation, read a letter from an unnamed advertising agent at South Bend, Ind., calling Comfort the king of frauds simply because, as he claims, four copies were received by him in one day. It is often a trick of advertisers to establish with printed stationery an advertising agency, and to send an order to the publisher, to save the commission. As this runs anywhere from 10 to 25 per cent, the temptation is great. There is no known advertising agency at South Bend, although one or two young men doing business there and advertising under a dozen different women's names pretended to run an advertising agency in order to get a commission such as is given to agents on their business, being their own advertisements. Comfort refused to print their advertisements (in fact, we have refused as much as $20,000 worth of undesirable advertising in one year), and the Post-Office Department, after an investigation, refused these parties the use of the mails. About four or five times a year we send one copy only to each name on a list of about 6,000 advertisers to keep in touch with their interests, and it is possible that one party, doing business under so many different names, might receive several copies of our paper through ignorance on our part of the deception. To maintain that any publisher, merely to obtain larger circulation, would send a number of papers to one person, except as a news agent, is an absurdity, as such a circulation would never pay an advertiser and the paper would lose its advertising patronage. Self-preservation, if nothing else, would prevent such action on the part of the publisher.

Mr. LOUD also makes a statement to the effect that a man answers an advertisement, saying "send a postage stamp and you will learn something to your advantage," and that such advertisement being answered "you get a copy of this paper, you have become a subscriber until the resurrection morn, and that is the way they get their subscribers."

It would be interesting to know where Mr. LOUD obtained such information. There is not and never has been such an advertisement put in any paper, either by Comfort or any other paper. There has never in the whole history of this paper been a subscriber placed on the subscription list who had not actually paid the subscription price.

Further on it is alleged that such a paper seeks admission to the second-class privileges of the mail with a nominal subscription list of 25 and at once circulates from one and a half million to two million copies. If Mr. LOUD was at all familiar with the rules of the Department about which he talks, he would know that in making application for second-class privileges the publisher is obliged to make oath to certain facts which effectually would prevent such a thing, and that any infringement thereafter would throw the paper out of the mails. If he does not believe this, let him examine the application form, which he can obtain at any post-office. Furthermore, a paper once being admitted to the second-class rates, the postal laws state explicitly that sample copies shall not be sent in excess of the number of actual subscribers, and further, that they shall not continually be sent to the same persons.

Does not Mr. LOUD know that the Postal Department has hundreds of trained inspectors and detectives and that on suspicion that any paper is infringing the postal law one or more may be sent and make the most rigid and searching examination, and that in event an infringement is discovered the paper will be shut out of the mails?

What paper published in America ever attained a subscription list without sending sample copies or advertising? It is an age of intense competition, and subscribers do not come flocking to any paper without being urged. The same push and activity are necessary to keep up a subscription list as are necessary to conduct any business or to win a seat in Congress, and much the same means are used.

Mr. LOUD ignores the fact that the second-class matter, though handled at a loss to the Government, is directly productive of many times as much first, third, and fourth class business, on which he acknowledges the Government makes a profit. I will illustrate from my own experience:

While Comfort pays about $2,000 a month second-class postage, it often pays more than $3,000 for first-class or letter postage, and $2,000 more for third and fourth class postage, and has received 125,000 letters in a month, on which the postage amounted to $2,500. Here is $10,500 of first, third, and fourth class postage growing out of $2,000 a month of second-class business. This does not include the immense first, third, and fourth class business which is produced by the 250 different advertisements of parties all over the country, who would not pay $5 a line of nine words each issue unless they got enough replies by mail to make it pay. The thousands of dollars in postage that the Government gets as a direct result of a single issue of Comfort is beyond calculation. When I state that we have evidence proving that as many as 2,000 letters have been received from a single insertion of a two-line advertisement appearing in Comfort, and that from an advertisement costing $1.50, calling for a small sum of money, an advertiser in Comfort received over $1,000 in cash, you can form some idea of the revenue derived by the Government in letter postage and money-order business from two or three hundred such advertisements appearing in the paper, to say nothing of the postage paid on merchandise that was sent in return to the customers thus secured.

While these facts go to prove what Comfort has done and is doing, they apply in a general way to other mail-order periodicals in the country also.

It is a well-known fact that thousands of tons of campaign literature are sent free through the postal department and that other privileges are abused. Would not this fact account for some of the great deficiency, and what return or gain does the Government derive from it?

Then the place where the Government makes a loss is in maintaining the small country post-offices and star routes; but these must be maintained, however small their income. Now, if you cut off or cut down the second-class matter, you will so reduce the income of the Department that the deficit will be larger than ever. The second-class matter produces so much other business that the Government could almost afford to carry it free, the same as the express companies return empty crates and casks free of charge, getting their revenue from the charge on the original goods.

Mr. LOUD's desire to have this bill bearing his name become a law seems to be so great that he apparently is willing to prejudice the minds of members with arguments bearing no foundation in fact, and apparently framed without reference to truth or reason, merely to make out a case to assist a Department of the Government where a deficiency exists in the revenue.

I do not mean to insinuate that Mr. LOUD has intentionally misrepresented facts, but his dense ignorance upon the subject has enabled the express companies and others interested to impose on his ready credulity.

Now, as Mr. LOUD has proved himself entirely wrong in his premises so far as Comfort is concerned, can it not in some way be demonstrated that he is just as far out of the way in his arguments about the entire matter?

There is hardly a publisher or advertiser in the country but has lost money the past year, and to pass a bill of such revolutionary measures at this time will simply cripple the entire business and create a much greater deficit in the Postal Department than was ever before known, for, as I understand the matter, it was created to foster and sustain legitimate business enterprises. In my own case, while I have employed the privileges at hand to create an immense business in less than ten years' time, and the Government may have lost a few thousand dollars in carrying my second-class matter, yet I can produce facts showing that in direct gain and profit coming directly and indirectly from the publication of Comfort the Department has actually received a cash benefit amounting to hundreds of thousands of dollars.

I do not think that my friend from California [Mr. LOUD], who I of course know is sincere in believing that he is going to secure a great benefit to the Government by his bill, has taken fully into account the facts and considerations set forth in these letters.

[Here the hammer fell.]

Mr. LOUD yielded five minutes to Mr. MILLIKEN.

Mr. MILLIKEN. I thank the gentleman from California. I do not know, Mr. Chairman, why the Post-Office Department in particular should be required to be self-sustaining. Of course it would be gratifying to us all if every Department of the Government could be self-sustaining, but the Departments were not created for that purpose. The Post-Office Department was not created for the purpose of bringing revenue to the Government. If it were the

purpose to make money out of the business of that Department, then, carrying out the gentleman's ideas to their logical conclusion, we should have to abolish about three-fourths of the post-offices in this country, for I believe that more than three-fourths of them do not pay the expenses incident to their maintenance. The Post-Office Department was established for the purpose of accommodating the people of this country, giving them mail facilities—mail facilities not only for first-class matter, but for all kinds of mail matter they desire to receive. One of my friends on the other side, the gentleman from Mississippi, I believe [Mr. KYLE], who urges the passage of this bill, said that he was in favor of the masses against the classes, and therefore wanted to give them 1-cent postage. Possibly my friend may have been on the stump during the late campaign and may have been in the habit of drawing a distinction between "the masses" and "the classes," and has not yet forgotten his stump speech. [Laughter.] As to 1-cent postage, let me ask the gentleman who it is that is chiefly interested in 1-cent postage. Is it the masses? Is it the working people, the laboring people of this country, the people who do not write, on an average, more than three or four letters during the year? What difference does it make to them whether they have 1 or 2 cent letter postage?

Ah, Mr. Chairman, if there is anybody in this country who is specially interested in having 1-cent postage, it is the great corporations, the great publishing companies among them. My friend Mr. Allen, of Augusta, in my State, whom I have already quoted, and who paid $100,000 in one year for postage, would have saved $50,000 that year if we had had 1-cent postage; but how much would the fellow save who works every day, and, as I have said, does not write more than half a dozen letters a year? I am interested in 1-cent postage; my friend from California undoubtedly is; probably every member of this House is interested in having 1 cent postage; but the great masses of the people of this country have really very little interest in it, and if there ever was an absurd plea, it is the plea of the man who declaims for 1-cent postage and puts it on the ground that he wants it for the benefit of the masses. The masses of the people, Mr. Chairman, are interested in receiving, at as little cost as possible, this very literature which they do now receive under the existing law.

I wish I had time to describe that literature. My friend from California selected some of the worst books that go through the mails and derided them; but, sir, why does not he, and why do not those who agree with him, hold up to derision the newspapers of the country, which contain all kinds of matter, much of it such as ought not to go into any man's family? If my friend is going to plow up the wheat because there are a few tares in it, if he is going to exclude from the mails the whole of this fourth-class matter because, forsooth, there are some books circulated in that way that ought not to go through the mails, then I think he is going to work a very large restriction upon the liberty of the press in this country. There is nothing in this bill to prevent this objectionable matter being carried in the mails. The Loud bill places it on the same basis as the best literature in the country. It makes no discrimination. Let the committee of which Mr. LOUD is chairman—the Committee on the Post-Office and Post-Roads—report a bill to exclude all bad literature from the mails, and I will vote for it. But the committee does nothing of the kind. It allows all the vicious literature that is now carried in the mails still to be carried in them, and still holds up these objectionable books as constituting a reason why this bill should pass. At the same time we hear nothing of the thousands of tons of first-class literature which, under the present law, is brought cheaply within the reach of the people.

Mr. QUIGG. I yield to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Chairman, a time when there has been the great distress prevailing throughout the country which we have witnessed during the last three years seems to me the most inopportune of all times to enact a measure which, aiming to correct certain abuses, must nevertheless inevitably, according to the judgment of those best qualified to understand the subject, strike down a number of legitimate enterprises, among which are trade journals publishing information of the very highest value to the people of the country.

Now, the Postal Committee deserves the thanks of this body and the public for frankly acknowledging that it prefers private enterprise in the carrying of the mails to the public discharge of that duty. With private mail service we would have it simply in the thickly populated parts of the country, which are able to care for themselves. With private mail service there would not be an efficient and frequent service in the thinly populated and poorer sections. Yet it has been the conviction alike of the founders of this Government and of our statesmen ever since that there should be service all over the land irrespective of whether it is profitable or not, and that it is a legitimate function of the Government to serve every citizen with mail matter (alike letters and newspapers) without regard to what the cost of such carriage may be.

In referring to this matter the argument is based entirely upon the fact that there is a deficiency of revenues in the Post-Office Department. Well, if we count the vast quantity of Government matter which goes free, there is no deficiency at all; and when we come to consider the saving which it is alleged would be made by the passage of this bill we find that a computation based upon all second-class matter is necessary in order to reach anything like the proportions which are mentioned by the champions of the measure as its fair result.

Now, we all can know by experience and observation that the great bulk of second-class matter is made up of legitimate and honorable newspapers of the country. If the proposition is to put every enterprise, every industry, every class of mail matter upon its own foundation, to do its own paying, then the remedy is to be had by an increase of the rate of carrying second-class matter—a proposition which nobody favors.

Now, as the advocacy of private enterprise in the carrying of the mails is in favor of the rich sections of the country as against the poorer sections, so the proposition to entirely exclude sample copies from the privileges of second-class matter is against the poorer and newer publications, which are not yet fully established, and is entirely in favor of those journals which have large subscription lists and which do not want rivals encouraged by enjoying the opportunity for sending out sample copies.

Postmaster-General Wanamaker, in all his allusions to this subject in the reports which he made, never went so far as is proposed by this committee. He always suggested that sample copies should be limited to a certain proportion of the regular subscribed edition of the journal; and that would meet the objections made that the privilege is abused by journals which are intended solely for advertising purposes. Why strike down legitimate trade journals which propose to confer and do confer great benefits upon the country by giving information and by fostering competition in the direction of these publications simply because there are some unscrupulous persons who abuse the opportunity which is presented? There can be no good reason for it. This committee does not propose to make up the deficiency. This committee says nothing about the tons of matter which are daily sent out—which are sent out especially on the first day of the week—and which are largely made up of advertising matter, which could be limited in size to the advantage alike of the postal service and of the reading public.

If newspapers were required to condense and if they were not permitted to send out these enormous advertising sheets which make up pages of nearly every Sunday newspaper published throughout the land, there would be a much greater reduction in the bulk of the second-class matter than will result from the adoption of this bill.

So as this simply strikes at a very narrow line, as it simply can affect abuses of a small character compared with the great bulk of matter which causes the deficiency in revenue, therefore we are called upon to be particularly careful not to do injustice and inflict hardship upon laudable enterprises which employ many people, which encourage industry and enterprise, which disseminate valuable information, and which constantly tend to elevate and to develop the character of all the publications known as trade journals, and those devoted to any particular interest or industry, as well as any other class of publications.

Now, a considerable number of the newspapers whose names are paraded as members of the various press associations that have indorsed the bill have changed their minds with regard to this question. I am in receipt of a letter from a constituent, the publisher of an agricultural journal, which sends out thousands of copies to voluntary paid subscribers, saying, "We were at first disposed to favor it [this bill], but after a more careful study of its features we believe it would do more harm than good." I submit that that is the statement of the attitude of a very large proportion of the publishers of the journals whose names are given as members of the trade press associations favoring the measure now under consideration.

As the masses of the people generally are interested as well in the dissemination of the newspaper as in the circulation of the letter, let us not discriminate against journals which minister to the people in the remoter sections of the country and entirely in favor of those which are established in the large cities all over the land.

[Here the hammer fell.]

Mr. QUIGG. I yield ten minutes to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, the arguments to which I have thus far listened in support of the bill under consideration have all been based, as far as I have been able to understand them, upon calculations averaging the cost of carrying all sorts of mail matter. Taking the whole number of pieces carried and the entire cost of maintaining the Post-Office Department, the average cost of carrying mail matter is stated to be 8½ cents a pound. This is the calculation presented by the committee. The distinguished chairman of the Committee on the Post-Office and Post-Roads, in his speech recorded in the RECORD on page 190, presents a table in which it is alleged that for the years 1887 to 1896, both inclusive, the total number of pounds of second-class matter carried was 2,097,640,300; cost of handling, 8 cents per pound, $167,811,224; receipts for handling, 1 cent per pound, $20,976,403; deficiency, $146,834,821.

Here, then, it is plainly stated that the cost of handling second-class matter is 8 cents per pound, and by inference that no one of the classes of mail matter is handled at less than 8 cents per pound. Further on the following language is used:

> But some gentlemen say that this is a bill as it now stands in the interest of the express companies, and that we are driving this matter out of the hands of the Government to be carried by the express companies. I do not care. I do not care who does the business.

Mr. Chairman, it would be immaterial who does the business unless it should be done at an increased cost to the people. But I submit if the effect of this legislation is to transfer the business now done by the Post-Office Department to the express companies, which, in the absence of the only competition possible, increases the cost of transportation and handling to the people, the legislation is unwise and ought to be defeated. That the bill under consideration would have that effect appears to be recognized by the chairman of the committee, and he answers by saying he does not care.

Now, Mr. Chairman, it would seem to me that no argument should be necessary to convince anyone that the cost of carrying the different classes of mail matter varies materially. If the argument adduced from the position taken and the assumptions made finds itself based on a false assumption, then the argument itself necessarily falls to the ground. It must be apparent that the cost of handling and carrying first-class mail matter is much larger than the cost of carrying and handling second-class matter. The handling of the pieces of mail matter known as first-class matter involves a large number of separate handlings. In the first place, the stamps must be printed, distributed, and canceled. Every piece of first-class mail matter passes through from three to four postmarkings. Then, in addition to that, the various distributions which do not obtain in second-class mail matter must be taken into consideration.

In handling second-class mail matter, under the present laws and regulations a large amount of the handling, perhaps one-half of it fully, is done by the publishers themselves. The publications are assorted into mail sacks for States, cities, counties, etc., and are delivered in that condition to the Post-Office Department, and by it delivered to the various places along the various postal routes. It must be evident therefore that the cost of handling that class of matter is not at all equal to the cost of handling first-class matter.

But let us give an illustration of the methods of reckoning adopted by the committee with reference to this matter. Now, it is alleged—and the attack made upon the existing law is based upon the allegation—that it costs 8½ cents per pound to carry all of this matter which it is sought by the bill to cut out of the privilege it enjoys under the present rate.

During the year ending June 30, 1894, there was an increase of 43,000,000 pounds of second-class mail matter carried. The methods of computation adopted by the committee give the expense of carrying this increase in the amount of second-class matter to the Department, and according to their methods of computation it must have been the sum found by multiplying 43,000,000 pounds by 8½ cents per pound, which it is alleged to have cost, or in the aggregate $3,655,000.

Now, it is shown by the report of the Second Assistant Postmaster-General of the same year that the total increase of the expenses of the Department was but $1,777,362.22, and that increase covered not only the cost of carrying the mails, but it covered also the cost of securing 766 new routes, representing an increase of 913.37 miles, with an actual increase in the distance traveled of 15,310,780.61 miles, and included the salaries of railway and post-office clerks necessary, and special facilities and mail equipment. The average cost of carrying the mails, per mile, for that year, is stated to have been 11.43 cents. At that rate, the cost to the Department of the increased facilities must have been $1,750,022.21. Take away from the increased cost of running the Department in that year the cost of obtaining and conducting the increased mail facilities for that year and it leaves the total increase of cost of carrying the mails at $27,340.01. And yet we are told by the committee in the face of these facts, which are in the reports cited by the committee and approved by them, that the chief cost due to the carrying of this second-class matter to which they object at the pound rate was $3,655,000.

Now, if the committee can present any sort of demonstration to the House which will unravel that problem, it will do more than has been yet done by any member of the committee and more than I believe to be within the possibilities. If the increased expense for transportation and mail service generally costs $1,777,362.22 and the increased facilities thereby secured are valued at $1,750,022.21, how much did it actually cost the Department to carry the 43,000,000 additional pounds of second-class matter?

The cost of carrying the second-class matter is not at all what it is alleged to be. For the reason that I stated at the outset, a large proportion of the cost is paid by the publishers of these publications, who assort them, separate them, put them into sacks for delivery along the postal routes, at no expense to the Government other than the mere transportation and delivery by the Post-Office Department at the points of destination. It does not require a very wise carrier to understand that if he has a wagon and team capable of carrying 50 boxes of goods of any kind and he has but 40 to carry, the expense of his trip is not thereby reduced. On the contrary, the humblest drayman understands that the offer of 10 additional boxes would increase his receipts without increasing his expenses (wear and tear excepted). In fact, it would be just that much money found.

I have not time to say all that I should like to say upon this bill. It seems to me that, instead of having the title which is given to it, it ought to be entitled "A bill to tax the dissemination of intelligence among the people."

While there have been and are abuses which ought to be remedied in the administration of the postal system, it is unquestionably true that under the operation of existing laws and regulations the United States leads the world in the production of newspapers and periodicals of the highest grade and at the lowest prices. The publishing business of the country is not conducted as a charity; it is a business, and is engaged in and conducted for a profit. When the profit ceases the business fails or is abandoned. The postage is an item of expense that is taken into account as is any other item of expense. Had this bill been in operation during the past twenty years the magnificent daily newspapers now published at 1 cent per copy in all parts of the country, a mirror of the world's doings up to the hour of going to press, would have been an "iridescent dream." If there were no other objection to the bill, this ought to be sufficient to insure its defeat.

But it strikes a harder blow, if possible, at the country newspapers, which, at best, have a hard row to hoe. And the country newspapers are entitled to the highest consideration in any legislation which proposes to change existing postal laws and regulations. The right to send out sample copies, the right to send a copy free to a friend, the right to exchange with other papers, the right to continue a subscription after the time paid for has expired, the right to offer as an inducement for additional subscribers a premium in the shape of a supplement containing some work of fiction, the right to combine his own paper with some metropolitan weekly which is furnished at a very low price, are all regarded as valuable, and, speaking from personal experience, they are valuable. All of these rights are jeopardized by this bill, if they are not entirely swept away. It is not a hazardous prediction to say that if this bill becomes a law the country press, the mainstay of patriotism and devotion to free institutions among the masses of the people, will be weakened financially and weakened in its ability for good. The splendid country weeklies of to-day, carrying to the homes of the people each week a volume of excellent and varied information, will in all probability be reduced to the decrepit weeklies of a quarter of a century ago, in which were merely chronicled the sayings and doings of the neighborhoods in which they were published. This would be a calamity.

The bill proposes to drive out of the second class into the third class, or out of the mails entirely, all books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers; all sample copies of newspapers or periodicals; all exchange copies of newspapers or periodicals; all copies sent free by the publisher; all unsold copies returned to news companies or to the publishers. And in addition to all this, it invests the Post-Office Department with supreme power to adopt such rules and regulations for the determination of any question affecting the right of a newspaper or periodical to be carried in the mails as second-class matter as practically creates a press censorship; narrows the field now occupied by a large portion of the press of the country, and necessarily cripples its usefulness. All this is proposed in the interest of economy in the service, upon a theory which has been shown to be visionary and unsound.

Third-class matter costs the Government to handle more than double what it costs to handle second-class matter. It covers printed matter other than periodical publications. In addition to the handling and furnishing and canceling of stamps, the packages must be handled and sorted, both at the office of deposit and that of delivery. The mails are used as a rule only to send small packages, or to places remote from the railroads, and which are not reached by the express companies.

The express companies carry this class of matter to practically all of their delivery points, under a special "printed-matter" rate,

at 2 cents per package less than the mail rate. The rate is advertised as 10 cents for each 1½ pounds or less, and for single packages exceeding 1½ pounds, 1 cent for each additional 2 ounces. The third-class mail rate for 1½ pounds is 12 cents, and 1 cent for each additional 2 ounces or fraction. This "printed-matter" rate was evidently adopted by the express companies for the purpose of securing the handling of all such matter as can be handled profitably, leaving to the Government the handling of packages costing less than 10 cents per package, or destined to remote points not reached by the companies. This becomes very apparent when it is remembered that the "printed-matter" rate was not the result of competition among the companies, but was a "pool" agreement among them. For the year ending June 30, 1894, the pieces of third-class matter carried by the mails only amounted to about 12 per cent of the whole number of pieces of mail carried, and the percentage has not increased very much, if any, since. Under the operation of this bill, should it become a law, all of the matter transferred from the second class to the third class which can be profitably handled will be carried by the express companies.

When the declaration of the chairman of the committee that "he does not care" is remembered, along with the significant fact that the express companies are all for the bill, is it wholly unwarrantable to inquire if the bill is not framed rather in the interest of the express companies than of the people? If the express companies continue to handle the profitable third-class matter, which they will do as long as they have a cheaper rate, how will the increase of third-class matter through the transfer to that class of matter now in the second class decrease the deficit in the revenues of the Department? Since it costs about as much to operate a postal car carrying 10 tons of mail as it does when it carries 20 tons, inasmuch as the operating expenses of the Department are not seriously decreased by a decrease in the amount of mail handled, the question of how this bill enacted into law will enable the Post-Office Department to become self-sustaining becomes a problem which will probably wait for a solution until it is demonstrated how one 1 from 2 leaves 3.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRACEY. Mr. Chairman, I should like to have permission to extend my remarks slightly.

The CHAIRMAN. The gentleman asks permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. QUIGG. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty minutes remaining.

Mr. QUIGG. I yield five minutes to the gentleman from Massachusetts [Mr. MORSE].

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE] is recognized for five minutes.

Mr. MORSE. Mr. Chairman, before the holiday recess I was rather inclined to vote for this bill, but since the recess I have received some additional light, and I think now I shall vote against it. My desk is covered this morning with letters from constituents, and they are not machine letters either, protesting against the passage of this bill, and it seems very clear that if it corrects any wrongs it creates greater ones. The country papers, and particularly the religious papers, get subscribers by sending out sample copies of their publications. This bill denies to religious papers the privilege which they have heretofore had in this direction, except at a rate of postage which they can not afford, and the same to local papers out of the county in which they are printed.

I suspect, Mr. Chairman, that if this bill shall pass it will be followed by a bill in the interests of the express companies to increase the postage on merchandise. When you talk about patriotic measures, about measures to cement the Union together, I do not believe there is any single measure that goes so far to inspire patriotism and love of country and the flag as a low rate of postage upon printed matter and merchandise. I do not care a snap nor a pinch of snuff whether the Post-Office Department pays or not. Who gets the benefit of a low rate of postage, if it does not pay the Government, except the people, and the poorest of our people at that? The United States post-office is a great national blessing, and I would extend and not reduce this great national blessing.

As stated by the gentleman from California [Mr. LOUD], there may be some objectionable matter that has gone and is going through the mails under the provisions of existing law, but I want to tell you, Mr. Chairman, there is a great deal of matter going through the mails that is not objectionable. I want to say to you that log cabins on the prairie have standard works on little shelves which they would never have had; that they have reprints of the classics which the boys and young men and young women can read which they never would have had but for the provisions of existing law. I say if the bill corrects any wrongs, it creates greater ones.

I will use the balance of my time in reading two letters, among many covering my desk, protesting against the passage of this bill. The first is as follows:

BOSTON, *December 30, 1896.*

DEAR SIR: We fully believe all that is urged against the bill referred to in the inclosed. We know that it would practically ruin our business, and cause the suspension of thousands of useful publications throughout the country. We look to you confidently to do everything in your power to defeat the measure. With thanks for past favors,

We are, faithfully, yours,

KASSON & PALMER.

Hon. E. A. MORSE.

The other letter is from the publishers of a religious paper. It is as follows:

THE EVANGELIST PUBLISHING COMPANY,
New York, January 5, 1897.

MY DEAR SIR: The Loud postal bill (H. R. 4566), which is to be acted upon by your body on Wednesday, is a vicious attack upon publishers to prevent them from sending out sample copies in order to add new subscribers to their lists. It will break up and destroy the religious papers of this country. Under this bill, as is constantly the case, parties send for back numbers to complete files; it would be practically a prohibition, except at rates which would be ruinous to publishers. I hope you will see your way clear to oppose any such legislation.

With kindest regards, I am, very truly, yours,

O. F. PRESBREY,
Business Manager.

Hon. ELIJAH MORSE,
Washington, D. C.

Now, Mr. Chairman and gentlemen of the House of Representatives, I trust that this measure will be defeated, certainly defeated if it can not be amended in such a way as to remove these objections which I have raised.

If I have any time remaining I yield it back to the gentleman from New York [Mr. QUIGG].

Mr. QUIGG. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I think there are some features of what is called the Loud bill that deservedly appeal to the consideration and wise action of this House; but at the same time the radical features of the bill, books, or reprints of books, whether issued complete or in parts, bound or unbound, sold by subscription or otherwise, and so forth, as set forth in the first paragraph of the bill, are of a character, I think, that should not be included in the provisions of any bill, unless there is to be a general revision of the rates of postage, covering all mail matter. I believe that there should be a revision of postage rates, comprehensive, covering all, making but two classes of mail matter, and as the Government has entered upon the transportation of merchandise, the rates should be at cost. There should be but two, and at most but three, divisions of the mail matter, and therefore of postage rates. The drift and current of public opinion and expression during the past ten years has been to the reducing of postal rates or postages. It is within my recollection as a member of this House when the rate on letter matter was 96 cents a pound, the basis of weight being half an ounce. It is to-day but 32 cents a pound, and the basis of weight upon which that rate is fixed is 1 ounce. Seeds, bulbs, roots, scions, and plants are by the act of July 28, 1888, made mailable at the third-class rate, or 8 cents a pound—reduced from the old rate of merchandise at 16 cents a pound.

We have also by radical legislation during the last fifteen years changed from the old system of newspaper postage under the quarterly payment to pound rate. The act of June 23, 1874, established a pound rate, and fixed the postage on newspapers at 2 cents per pound and on periodicals at 3 cents per pound. In 1879 we changed the law, and by the act of March 3 of that year fixed a uniform rate of 2 cents per pound on newspapers and periodicals. In the act of March 3, 1885, Congress reduced the rate of postage on second-class matter to 1 cent per pound. The following table shows the amount of mail matter that has been carried at 1 cent per pound since July 1, 1885:

Number of pounds of second-class matter mailed annually at 1-cent rate, and annual increase of same.

Year ending June 30—	Number of pounds mailed.	Increase.	
		Pounds.	Per cent.
1886	109,962,569		
1887	126,234,881	16,272,294	14.79
1888	143,662,918	17,428,035	13.80
1889	161,635,127	17,972,209	12.51
1890	174,046,764	12,411,637	7.67
1891	196,942,092	22,895,328	13.15
1892	222,642,392	25,700,300	13.06
1893	255,634,213	32,991,821	14.32
1894	254,790,306	*843,907	*.33
1895	265,314,382	10,524,076	4.13
1896	296,640,351	31,325,969	11.81

* Decrease.

At the period of this legislation I was a member of the Committee on Post-Office and Post-Roads, and heartily concurred in the reduction: and why? Simply because we had recognized for many years past that the Post-Office Department is one of the great aiders or abettors of the Government in the education of the people. We have recognized that resultant in every change we have made with reference to newspaper, magazine, and periodical publications. It is not only in the postal laws, but in the whole trend of the Government administration and policies that we have appropriated liberally for the cause of humanity and education.

Congress has never assumed that the Post-Office Department should be a paying Department. Its legislation always looked to efficiency and conveniences for the people rather than revenue. It is under the Constitution a Government obligation for the people, and in addition to that, by legislation, it is wisely for the education of the people, whenever that result can be secured by an adjustment of postal rates.

What do we do as a Government for the cause of humanity and education? What do we do that brings back any specific revenue return for the gifts of the Government for education? I have the bills in my hand for the admission of Utah, Arizona, and New Mexico. In the bill admitting these Territories as States we give one-ninth of all the public lands in the Territory for the support of common schools; we give 64,000 acres of public lands for the public buildings at the capital; 48,080 acres of public lands for establishing the University of Utah; 110,000 acres of public lands for the use of the University of Utah; 200,000 acres of public lands for use of the agricultural college; 5 per cent of the net proceeds of sales of all public lands in Utah to be paid to the State for the support of common schools; and so in all these bills we have given millions upon millions of the acreage of the Government for the education of their people.

What have we done and are continually doing in other legislation and governmental policies? Here within sight of the Capitol is the greatest printing office in the world, none reaching it in annual output and work. We spend almost $4,000,000 annually in that bureau, and two-thirds of its output goes direct to the people under the franking privilege of members of Congress, and what for? For education. What have we done in the development of the great West and subsidies to our Pacific railroads? According to the report of the Commissioner of Railroads for 1896, page 221, we have given 196,569,372 acres. In bonds issued to railroads, according to the report of the Commissioner of Railroads for 1896, we have given $64,623,512; interest paid by the United States thereon to June 30, 1896, $109,178,231, giving a sum total in principal and interest of $173,801,743. Of the interest paid by the United States the railroads had not repaid June 30, 1896, $53,510,067. This has been given for the development of interstate commerce, for the interchange of labor results and intercourse of our people.

Now let us see what has been given in the way of aid or loans to expositions and expenses of Government exhibits thereat:

Centennial Exposition, 1876:	
Loan (repaid)	$1,500,000
Government exhibit	578,500
New Orleans Exposition, 1884:	
Loan (never repaid)	1,000,000
Final aid to	350,000
Government exhibit	300,000
Cincinnati Industrial Exposition, 1884:	
Government exhibit	10,000
Louisville Southern Exposition, 1884:	
Government exhibit	10,000
World's Columbian Exposition, 1893:	
Gift	2,550,000
Expenses of commission, building, exhibits, etc	2,132,106
Atlanta Exposition, 1895:	
Government exhibit and building	200,000
Nashville (Tenn.) Exposition, 1897:	
Government building and exhibit	130,000
Omaha (Nebr.) Exposition, 1898:	
Government exhibit and building	200,000
Total	8,960,606

What did we have the expositions for, so far as the Government exhibit was concerned, except for the education of the people in the use and sense of that work?

Take the Agricultural Department. The Agricultural appropriation act for the current fiscal year 1897, including $750,000 for agricultural experiment stations, $150,000 for seeds, and $883,772 for the Weather Bureau, and with other items, amounts to $3,225,532 for the year. For the support of Indian schools the Government appropriated $3,518,815, making a total appropriation for the Indians of $7,392,496. I submit the list of appropriations made in the legislative appropriation and sundry civil acts:

In legislative, etc., appropriation act:	
Library of Congress	$67,320
Bureau of Education	57,520
Department of Labor	172,170
In sundry civil act:	
Life-Saving Service	1,538,390
National Museum	195,725
National Zoological Park	67,000
Ethnological researches	45,000
Fish Commission	357,360
Deaf and Dumb Institution	57,500
Howard University for Colored Youth	32,600
Education in Alaska	30,000
Purchase of building in which Lincoln died	31,000
Washington Monument	11,520
Yellowstone Park	35,000
Chickamauga Military Park	75,000
Gettysburg Military Park	50,000
National cemeteries, maintenance, etc	222,938
Permanent appropriations:	
Colleges for agriculture and mechanic arts	1,056,000
Instruction of the blind	6,000
Total	11,754,271

I could go on almost without limit making an exhibit of what we have done as a Government in the way of developing our resources, advancing our civilization, and educating our people not by a temporary expedient, but by annual allowances and appropriations.

The gentleman from California claims his bill will result in an economy to the service and a less deficiency. He informs us all about how much is going to be saved. I submit to the gentleman that when he is making up his bill covering the appropriations for the Post-Office Department for the next fiscal year, it will not show any diminution in either estimate or appropriation. The passage of this bill will not change his allowance by appropriation one single cent. The Postmaster-General has made a statement, which has no doubt been referred to in this debate—I have not been present, having been detained elsewhere. The Postmaster-General says that if it was not for this projected legislation he would simply, by a movement of his pen, change the rulings of the Department so as to keep from the mails the matter that he believes should not be allowed to go in at these rates, and the gentleman comes in here and says this is the remedial legislation that the bill asks for.

It goes further. My time will not admit of my entering upon details. I call attention to the language of the Postmaster-General in his report just sent to Congress.

> That but for the hope that Congress would enact the bill now on the House Calendar, I should have taken the responsibility to modify and revise the successive rulings through which this misuse of the service has occurred, and to exclude from the benefit of second-class rates the serial libraries and other publications not in the policy of the law, even if within the letter of its rather loose phraseology. This would have imposed upon those who profit at the public expense by existing practices the necessity of seeking, through the courts or otherwise, the restoration of their special privileges.

The Postmaster-General, under the act of 1885, which put second-class matter at 1 cent a pound, could, by his own ruling, exclude from the mails the serial libraries and other publications not within the policy of the law. The responsibility rests with him.

What else do we do? The gentleman talks to us about millions and millions being saved by this proposed legislation. He forgets that his bill reaches only a most limited line of second-class mail matter, a line which, as the Postmaster-General tells you, he could exclude by his own order to-day, but in the second class we send through the mails absolutely free a vast quantity of mail matter. The gentleman from California tells us that the cost of mail transportation is 8 or 8½ cents a pound. When the gentleman makes that statement he knows that there is included in his figures the free matter which is sent through the mails for the Government, amounting to $10,000,000 annually, and upon that basis he makes his computation that the cost of carrying the mails is 8 or 8½ cents a pound. He includes, I say, the $10,000,000 that goes to the benefit of the Government in the transportation of all sorts of free matter. What do we do in the county districts? For almost half a century, or perhaps longer, county matter has gone free. What does that amount to? In the report of the Postmaster-General for 1896 he submits:

> Of the [illegible] pounds of second-class matter handled during the year 52,348,348 pounds were "county free" matter—that is, "newspapers (one copy to each subscriber) in the county where the same are printed in whole or in part and published"—which is carried free in the mails. This grant of free transmission is of long standing and rests on grounds of public policy which I have no disposition to question.

Fifty-two million three hundred and forty-eight thousand three hundred and forty-eight pounds "county free;" more than one-sixth of the whole amount of 1 cent a pound mail matter of the second class goes free. In money that amounts to upward of $4,000,000 a year. Why is that done? It is done on the ground of popular education. I do not take exception to it, but when the gentleman talks about saving millions, and when he submits to this Congress a report starting out with a declaration which he carries through in no particular, but which should be carried through if you are going to revise your rates of postage, I feel bound to call attention to these facts. What does the gentleman submit in his report? He says:

> Your committee desire to be pardoned for a seeming larceny of expression, but can not refrain from trespassing upon the quotation of our illustrious President, and will assume what is an apparent fact, that we are very seriously confronted with the practical results of a "theory" in the management of the Post-Office Department. We assume it to be the duty of the Government to not alone treat all of its citizens in theory alike, but to do so in fact by actual practice.

And then the gentleman goes on with the detail of his report upon the bill. There is nothing in his bill, and the gentleman dare not include in his bill anything affecting the 52,000,000 pounds of "county-free" matter, amounting to upward of $4,000,000 annually, as he ought to do, upon his principle that what is due to one is due to all.

Take the upward of 20,000 publications, daily, weekly, semiweekly, monthly, quarterly, and so on; the gentleman dare not deal with them on the basis of his declaration in his report that what is good for one is good for all, and that what is just for one is just for all, or, to use his exact language, "We assume it to be the duty of the Government to not alone treat all of its citizens in theory alike, but to do so in fact by actual practice." He dare not, and he does not impinge in his bill upon the rights or privileges of a single one of these periodical publications. And yet the gentleman comes in here and states that it costs 8½ cents a pound to transport all mail matter, and he makes that the ground for this proposed legislation, while at the same time his bill does not touch the great body of these daily, weekly, semiweekly, and other publications. The gentleman, therefore, predicates his report upon a statement which he does not carry out in any provision of his bill. If you are going to divest the Post-Office Department of its educational purposes, then let all who send matter through the mails pay alike, making that proper variance in your rates which is demanded by the requirements of the service wherein the necessity for larger and stricter care shall be more largely charged for, but let the business be equalized all around.

Now, what does this bill propose? The Loud bill contains two serious propositions. The gentleman proposes to exclude from the mails, as second-class matter carried at the 1 cent a pound rate, what are called serial publications. Now, a serial publication can be made up of any line of matter not forbidden by law to be carried through the mails. Shakespeare, the Bible, any of the standard works, any kind of matter not in violation of the law of Congress with reference to transportation through the mails, can be issued in serial form. Why should it not be so? Why should not I be permitted to subscribe to Harper's serial or to Lippincott's serial as well as to Harper's Magazine or Lippincott's Magazine? Lippincott's Magazine every month prints a novel covering from 80 to 100 pages. That novel can go through the mails in the magazine at 1 cent a pound, but the moment it is taken out of that publication and sent to subscribers it is to pay 8 cents a pound.

[Here the hammer fell.]

Mr. LOUD. I will yield the gentleman five minutes more if he desires.

Mr. BINGHAM. I thank the gentleman, but I will content myself with asking permission to elaborate my remarks in the RECORD.

There was no objection.

Mr. LOUD. Mr. Chairman, before proceeding with this debate I wish to make a statement regarding a journal known as the Youth's Companion. The proprietor, a gentleman of the old school, high-minded, noble in his instincts, and is above seeking to defraud any individual, much less the Government of his country, assumes that we made an invidious distinction regarding his journal in alluding to it in our report wherein we refer to the great weight of and loss to the Government in sending out a special edition of a Christmas number.

Now, in justice to him, let me say that nothing of that character was intended, but used simply as an illustration of the great weight of matter sent through the mails. The Youth's Companion simply did what most of the legitimate publishers of this country have done, are doing to-day, and will continue to do under this bill, and no special criticism was intended of this most estimable journal, which we commend to the youth of the land. In justice to ourselves, permit me to say, however, that we did not think at the time, nor do we now, that that sort of special edition should be allowed to pass through the mails at pound rates, for the special matter is purely advertising. It was refused admission, then admitted by the Postmaster-General, and I assume that it will continue, for we do not change the law; yet we readily acquit the Youth's Companion of any attempt to defraud the mail service. It is too reputable a journal and managed by a gentleman of too high character to even think of such practices.

Mr. Chairman, one thing regrettable to me more than anything else is that the gentleman from Pennsylvania [Mr. BINGHAM] and myself, after having stood side by side on this floor almost alone in many a hard-fought battle, are now compelled to part company upon this question. I have great admiration for his courage and great respect for his ability in relation to post-office matters. He has made an argument here which does not, of course, appeal to my mind, but in superficially covering the whole ground it will appeal strongly to the minds of many members of this House.

The gentleman, I think, however, unintentionally—I will give him credit for sincerity by using the word "unintentionally"—referred time and again, with all the emphasis that repetition could give, to the supposed inconsistency contained in my report or in the report of the committee. And he pointed his finger at me and said, "The gentleman dare not impose this penalty upon county-free matter and upon the great press of this country." I think the gentleman did not intend that remark for me. He knows well that that is my true inherent position. But when you are seeking to accomplish anything by legislation, he knows as well as any other gentleman on this floor that you must concede to conditions. You must in this country of ours have certain support with you. I might say that to accomplish good at times you must even compromise with the devil. I "dare not!" It is my position to-day—well defined, as the gentleman knows. If I had the power, I would impose upon every branch of mailable matter the amount that it costs the Government to handle and transport it. But the gentleman well knows that we must be practical in all propositions. The gentleman, perhaps, can satisfy his conscience in voting against this measure, because we will not extend it over all the publications of this country.

I will not quarrel with the gentleman, however, about his conscience or about what may be the sentiment of his own people. He is courageous and fearless; he must be the judge of his own course as well as accept the consequences. I shall do the same. Outside of the gentleman from Pennsylvania, with all due respect to the many gentlemen who have discussed this question, only the gentleman from New York has touched the question at issue before the House to-day. My friend from Pennsylvania on the other side [Mr. WANGER], following the lead of a gentleman from somewhere else, claims that this is an attempt on the part of the President of the United States—a conspiracy, if you please, on the part of the President of the United States, the Postmaster-General, and the Post-Office Committee of the House to take the management and distribution of our mail matter out of the hands of the people and place it in the hands of a few private individuals and corporations. Why, sir, nothing of the sort is attempted, and that phase of the case is as pertinent to the measure up for discussion before us as many other points that have been made.

One gentleman yesterday dwelt at great length upon this phase of the question. One gentleman, sir, from somewhere—I do not know where—alluded to the position taken by the chairman of the committee, intimating that he, the arch conspirator of this case, was seeking to take the management of the Post-Office Department out of the hands of the people. Oh, I felt so tired; that feeling of weariness and lassitude overcame me, and I said "bah!" but consoled myself with the thought that the self-styled champion and guardian of the common people was still following the course pursued for many years, was demagoging—playing to the gallery—to the end of his public career.

This is a greater question, Mr. Chairman, than a matter of personality. If the chairman of the committee on the floor of this House has objected to the private pension bill or the private claim of any person, if he can satisfy his conscience because of that fact to vote against this bill, why then he must take the consequences, not I. This is a measure, permit me to say, of greater importance than that. And it makes no difference who advocates it. If it be right, if it be based upon equity and sound business principles, then it should pass. If it be wrong, if the position assumed by the Post-Office Committee here does not appeal to your sense of justice and right, then, regardless of any local influence that may be exercised upon your minds, it is your duty to vote against the measure.

We are here as legislators of the great people of this country, not here to protect the interests of a small business college which happens to be located in our town. Neither are we here to protect the individual interests of any newspaper published in our district. Let me say to you again, if the propositions advanced here be right, then they should be sustained by this House; and if wrong, they should fail.

The gentleman from New York [Mr. QUIGG]—I took some notes of what he said yesterday—dwelt at great length upon the amount of saving which would result from the passage of this bill. He finally stopped, I think, at $2,000,000. He criticised at great length some possible slip of the tongue regarding figures made by the chairman of the committee in a former debate. Yet, let me say to the gentleman if he carefully scans his own remarks this morning in talking about a paper called Comfort, he will find this statement:

> This paper—
>
> Comfort, now published in the city of Augusta—
>
> This paper pays more than $8,000 a month for first-class or letter postage.

He pays $2,000 a month to the Government to take his paper and spread it broadcast.

More than $8,000 a month, according to this statement, is paid—where? At the place of publication of this paper, where it must be paid. Yet, permit me to say to the gentleman that the receipts of the post-office at Augusta never yet equaled $90,000 a year. This very paper that the gentleman held up for our inspection paid, it would seem, $96,000 of the $89,000 received at that office!

Mr. QUIGG. Will the gentleman allow an interruption?

Mr. LOUD. Certainly.

Mr. QUIGG. I told the gentleman yesterday that this newspaper maintained an editorial office in the city of Boston. I do not know, of course, whether it buys its postage stamps in Boston or Augusta. I should have supposed, however, that they were purchased at the place of publication of the paper; but it does not necessarily follow that they may not be purchased in Boston.

Mr. LOUD. The presumption is that they are purchased at the place of publication.

Mr. QUIGG (continuing). At all events either at Boston or Augusta; and the gentleman can verify the facts which I have stated as to the amount of postage paid by that publication.

Mr. HEPBURN. If the gentleman from California will permit me, I find on one of the letter heads or advertisements of Comfort this language:

> Send all letters and remittances to the home office, Augusta, Me.

Mr. LOUD. Certainly.

Why, the gentleman from New York well knows that the rules of the Post-Office Department require the mailing of newspapers at the office of publication.

Mr. QUIGG. Undoubtedly. They are mailed where published; but it does not follow that the $8,000 of first-class postage was not paid at Boston or Augusta, or at both. There is no occasion to dispute the statement of this man.

Mr. LOUD. Perhaps; but let me say to the gentleman from New York that there are other papers published in Augusta; and I have great sympathy for the gentleman from Maine [Mr. MILLIKEN], because I know his better judgment tells him that this bill, in its every letter, is proper and just to the great American people.

Mr. MILLIKEN. Will the gentleman allow an interruption?

Mr. LOUD. Certainly.

Mr. MILLIKEN. I will say that I do not need the gentleman's sympathy. If he will be just, it is all I ask.

Mr. LOUD. That is what I propose to be, in so far as I am able. I want to say a word further, however, in reference to this same point. Let us take as a starting point the fact that the city of Augusta, Me., with a population of 10,500, mails more than 2 per cent of all the second-class mail matter in this country.

Mr. MILLIKEN. That shows its enterprise.

Mr. LOUD. So that this paper Comfort is not the only paper published there. Why, Mr. Chairman, Vickery & Hill's list shows a guaranteed circulation outside of Comfort of 1,532,500. Brooks has a list, as you well know; and there are other publications there.

If you look at the Third Assistant Postmaster-General's report a startling fact confronts you. You find that as the ninth city on the list for mailing second-class publications appears that beautiful, rich, and wealthy city of Augusta, Me., with a population of but 10,500.

Mr. MILLIKEN. If the gentleman will allow me a single word. I do not wish to be impertinent in interrupting him, but I would like to know if the gentleman from California thinks that city ought to be condemned for its enterprise?

Mr. LOUD. Not at all.

Mr. MILLIKEN (continuing). Or that Augusta ought to be proscribed for patronizing the mails as it does?

Mr. LOUD. By no means. I wish to commend the city.

Mr. MILLIKEN. A word more. Augusta has not only patronized the mails of the country perhaps greater than any other city of its population, but it has sent to this House and to the other end of the Capitol, and into the Cabinet, more brains than were ever furnished by any other city, big or little, throughout the country. [Applause.]

Mr. LOUD. Oh, very well; I will let you put all that into the RECORD, and all the rest of it you want to, and will say amen. There is no doubt of the truth of the statement of the gentleman, and I do not desire to dispute it in any way.

I reiterate that I do not desire to make any invidious insinuations against the city of Augusta. It is to be commended for the fact that more than 2 per cent of the second-class mail matter is mailed in a city where the receipts of the postal service is less than $90,000 a year.

The city of Augusta comes next to my own city in the amount of second-class matter mailed, and yet the receipts of the post-office where I reside are more than $700,000 a year. Notwithstanding that fact, it mailed but a trifle more of second-class matter than the city of Augusta, where the receipts are but $94,000 annually.

Mr. MILLIKEN. They are behind the times out in the gentleman's city.

Mr. LOUD. Oh, yes; I know that. [Laughter.]

The gentleman from New York [Mr. QUIGG] said yesterday that this bill would not save the amount of money estimated by the committee. Well, I do not care whether it will save the amount estimated by the committee or not. We are only giving our judgment, and do not claim to be infallible. If we take the estimates of Postmaster-General Wanamaker, in 1892, in which he stated, in his report, that there was mailed that year 50,000 tons of serial novels, then we must come to the conclusion that in that year we lost more than $13,000,000 in the transmission of serial novels alone, and there has been an increase of 25 per cent in second-class matter since then. Or we may take the estimate made by the same gentleman, in which he figures the loss on one publication at $2,000, and then compare his statement with one made by Postmaster-General Bissell, in which he said that there were more than 24,000 second-class entries in four years, and that the most reliable newspaper directories in the country gave an increase of only 3,157. Taking that statement, we must necessarily come to the conclusion that more than 20,000 of those entries were illegitimate—that the publications had passed out of existence, or were not classed among the legitimate publications in this country.

Mr. BINGHAM. Will the gentleman allow a statement in that connection?

Mr. LOUD. Why, certainly.

Mr. BINGHAM. I have sent the memoranda to the Reporters' desk, but from the Post-Office Department I have the statement that at the present time there are only 25,000 publications of all classes entered as second-class matter, and this includes the daily, weekly, triweekly, monthly, and quarterly publications.

Mr. LOUD. Twenty-five thousand on the list to-day?

Mr. BINGHAM. On the list to-day. I gave the gentleman a detailed statement of 20,000, coming from the regular newspaper publications, which detailed statement will appear in my remarks.

Mr. LOUD. I do not doubt the gentleman's statement. That has nothing whatever to do with the statement made by myself that 24,000 entries were made in four years, and only 3,157 were legitimate. Entries are made every day. Business men in this country are compelled to issue publications in order to protect themselves against others who pursue this course. In the business world you are brought in close competition with men who take advantage of every condition. Your adjoining neighbor issues an advertising sheet to advertise his own business. He is compelled under the law to get a few advertisements outside. He fixes his publication in such shape that it is admitted as second-class matter. It is sent broadcast over the land at a cent a pound. It has fulfilled its mission. It goes out of existence, dies, perhaps to reappear again when the necessities of the case demand it.

Mr. QUIGG. Will the gentleman allow me a question there?

Mr. LOUD. Certainly, if the gentleman will confine it to a question.

Mr. QUIGG. I do not understand how that can be done under the law. Does not existing law declare that a publication designed primarily for advertising purposes shall not have admission as second-class matter?

Mr. LOUD. I can answer the gentleman's question without his propounding it any further. I do not want to be rude to him, but he mentioned that matter yesterday, and I understand his inquiry.

The CHAIRMAN. The gentleman declines to yield further.

Mr. QUIGG. I do not understand that he declines to yield.

Mr. LOUD. I understand the point, because the gentleman made the same point yesterday. I have said before, and I will take occasion to say again, that if you can show me the man who can draw the line between the legitimate and the illegitimate, if he be a disinterested party, so as to not include himself, then I say to you that verily Christ has come again upon this earth, and a perfect man is found.

The gentleman dwelt at length yesterday on the fact that it was unnecessary for us to enact a law when the law was already sufficient. Why, legislative bodies every day, in all parts of the country, are enacting and reenacting laws when they find that the courts are construing a law contrary to the intent, or contrary to the convictions of the legislative body.

Mr. QUIGG. But the gentleman does not change the law in this respect. He simply cuts out sample copies. They can go on and perpetrate that fraud just as easily as they do now.

Mr. LOUD. But permit me to say that the gentleman knows

as well as I do that I do not seek to change the law restricting the legitimate. Yet the gentleman intimated in very strong language yesterday that this bill would strangle the publishing interests of this country.

Mr. QUIGG. Why, so it will.

Mr. LOUD. This bill does not seek to change the law governing that. But much has been said about the power contained in this bill, vesting in the Postmaster-General greater censorship over the press. Why, it is the merest rot, and the gentleman knows it better than any member of this House, for there is to-day vested in the Postmaster General, by reason of necessity, absolute power over the admission and circulation of second-class matter. This bill seeks to contract the power vested in him. This bill seeks to limit the power vested in him by stating emphatically what matter shall not hereafter be mailable at the pound rate.

The gentleman dwelt yesterday at considerable length on the fact that the present chairman of the Post-Office Committee would not make the showing, in the bill brought into the House, of the saving claimed in his bill. That is not really pertinent to the question under consideration, Mr. Chairman, because the committee could not bring a bill into this House to meet the demands of this bill until the bill became a law. But I will be perfectly frank to the gentleman, as I hope I have been to every other member of this House. If I am wrong, I want to be convinced of that fact. The effects of the reform contemplated by this bill can not be felt immediately. If this bill were to become a law to-morrow, I should not, in my official capacity, recommend the dismissal of clerks in the post-offices, of letter carriers, of railway mail clerks, but, in my capacity as chairman of that committee, I should urge with all my ability that the increased amount asked for this year for railroad transportation, nearly $2,000,000; the increase of post-office clerks, over $600,000; the increase of railway mail clerks, over $400,000; the increase in the amount asked for letter carriers, nearly $500,000, be stricken from the bill that would be considered by this body. And let me say to you further, in full frankness, that if this bill should become a law, its full effect can not be felt for four years.

The full effect of this bill can not be felt until the quadrennial weighing shall have been fully completed, which will take three years; and its effect, permit me to say, will be felt so gradually along the line that no one will be an immediate sufferer. Of course it is easy to ascertain within a few million dollars what the Government is going to save in transportation. My friend from Missouri [Mr. TRACEY] occupied ten or fifteen minutes saying it costs us more to transmit one class of matter than it does to transmit another. Now, the gentleman has fallen into the same error as the so-called Publishers' Association did last year—that this committee had taken into consideration the items of transportation and handling, yet the committee has confined itself in its report exclusively to the cost of transportation, because it was one easy to be ascertained, and we did not enter the field of handling. Permit me to say, with great respect to the gentleman from Missouri, his remarks are not pertinent to this question. The cost of handling is one that I understand no man can arrive at accurately; but it costs as much to transmit a pound of newspapers as it does to transmit a pound of registered first-class matter. We pay so much per pound per mile for transportation, and it is one of the simplest problems in arithmetic for us to ascertain what it costs to transmit all our matter, and then how much it costs to transmit second-class matter per pound.

Now, then, when it comes to the field of handling, we have placed it at an estimate of 4 cents a pound, which is most conservative. Gentlemen might ask me why I put it at that. The report of Postmaster Bissell will show—mark me closely, because you should understand these things—that more than one-third of the total number of pieces of all mail matter handled in 1894 was second class. The gentleman from New York [Mr. QUIGG] must admit that it costs the Post-Office Department as much—he knows well that it costs more—to handle one piece of second-class matter as it costs to handle one piece of first-class matter. I have had experience in the post-office. I can route ten letters hour by hour for distribution quicker than you can a piece of second-class matter. It is the same with the letter carriers and the same with the railroad mail clerks. Now, then, when I put the estimate at 4 cents I am very conservative. One-third of the total cost of the Post-Office Department outside of transportation is legitimately chargeable to second-class matter.

Mr. QUIGG. You mean 4 cents a pound for the cost of transportation?

Mr. LOUD. No; 4 cents for handling.

Mr. QUIGG. Oh! for handling. I think that is very conservative.

Mr. LOUD. Is not that very conservative?

Mr. QUIGG. I think so.

Mr. LOUD. So then, one-third of the total expense of the Post-Office Department to-day, outside of the cost of transportation, is legitimately chargeable to second-class matter. It costs us, in round numbers, $51,000,000; and then I put it at $17,000,000. That is very conservative. It is probably over $20,000,000; and to put it at $17,000,000 is a conservative estimate of what is chargeable to second-class matter. I will be conservative in another estimate. One-third of the second-class matter going through the mails to-day—the gentleman well knows that the great New York dailies and the great metropolitan journals are distributed by express within the limit of 500 miles to a great extent, and the Government does not get any of it. Now, I will make this estimate, and the gentleman knows it is a conservative one. I believe that one-third of the second-class matter now going through the mails will be eliminated by this bill.

Mr. QUIGG. Why does not the gentleman prove that? The Post-Office Department must have the figures, and if the gentleman's statement is correct he certainly can prove it.

Mr. LOUD. Oh, yes; in the course of a few years.

Mr. QUIGG. But the gentleman's estimates are——

Mr. LOUD. I must decline to be interrupted further at this time. I will even take the statement of the gentlemen who are most interested in this matter—gentlemen who spent last winter here looking after this business, the assumed "Publishers' Association." They are more interested and ought to know about this better than anyone else, and they have charged that this bill will eliminate from the mails 100,000 tons of this matter. I believe that is all "rot," and they, in their revised statement, take it back; so I will be conservative and say that one-third of the second-class matter now going through the mails will either be eliminated or will pay us 8 cents a pound. Why not? The policy of this Government toward the legitimate press of the country has been to encourage it, and I am willing to accept that policy; but why, I ask, should the legitimate advertising of a business man—advertising, and nothing but advertising—be carried through the mails at the pound rate? Why, Mr. Chairman, it is debauching public sentiment. If I, as a merchant, seek to pursue an honest career, and if somebody else adopts methods by which the Government is made use of to aid his business in competition with mine, then it is evident that I must adopt the same course, or else must go out of business.

Gentlemen have placed their defense of the existing policy upon educational grounds. Now, I do not care to deal specially with the book part of this question. I will merely say in passing that there is involved in it a great moral question, which I do not care to discuss at this time. I hold in my left hand a book, probably a very estimable publication, by the Hon. M. W. HOWARD. I have never read it, but it must be an estimable work, because its author is commended to our consideration by the present Vice-President of the United States and by a gentleman signing himself DAVID B. HILL, Senator from New York.

Mr. MORSE. Mr. Chairman——

Mr. LOUD. I decline to yield, Mr. Chairman.

Mr. MORSE. The gentleman does injustice to the Vice-President.

Mr. LOUD. I am perfectly willing to admit, Mr. Chairman, that this is probably a work of high standing, but permit me to say that the name of HOWARD has not yet attained to such eminence in the literary world as the name of the author of this other book, Ivanhoe, by Sir Walter Scott, that great man whose works we all delight to read and reread. Gentlemen tell us that this system of cheap postage has given cheap books to the people. Well, If Christ Came to Congress costs 50 cents, I suppose there is some extra charge for this encircling of a serpent around faces which some of us might recognize. At all events, the book costs 50 cents. On the other hand, I have bought a copy of Sir Walter Scott's Ivanhoe, bound, for 25 cents, and could purchase ten copies for $2, yet Scott's work, Ivanhoe, going through the mails must pay 8 cents a pound, while If Christ Came to Congress is carried for 1 cent a pound.

Mr. MILLIKEN. Now, is that difference made because Ivanhoe is Scott's work, or is it because the work is bound?

Mr. LOUD. The gentleman knows why it is made.

Mr. MILLIKEN. Of course I do. I simply wanted to know whether my friend knew. [Laughter.]

Mr. LOUD. Well, the gentleman can take me out after a while and tell me. [Laughter.]

Mr. MILLIKEN. I fear that I should have to spend too much time in making the gentleman understand. [Laughter.]

Mr. LOUD. Now, Mr. Chairman, I have here a lot of these papers, Vickery & Hill's list: Good Stories, Happy Hours, Hearth and Home, and so on, guaranteed circulation 1,522,500; Yankee Blade, 100,000; American Nations, 100,000; Fireside Gem, 150,000 circulation. Here is one published right in Washington with a guaranteed circulation of 150,000.

Mr. BOWERS. I never saw one of those publications.

Mr. LOUD. No; and I venture to say that there is not a gentleman in this House who ever saw or even heard of any of them before.

Mr. BOWERS. I have never seen a copy of any one that you have mentioned.

Mr. LOUD. Read them and you will come to the conclusion that they are published primarily for advertising purposes, but when the question is presented to the average mind the line of distinction is so faint that you will feel bound to call upon him who is wholly without sin to cast the first stone. Mr. Chairman, the Post-Office Department to-day is holding up its hands calling for assistance. It is powerless to stem the growth of the tide of "fake" newspapers in this country by reason of the sample-copy privilege. Why, gentlemen, if you could read what I have read during the two years that I have been specially interested in this subject, if you could read the hundreds of thousands of letters that I have received from people all over the United States, it would appall you. Munro, the publisher of one library, has just entered at New York and is sending of one publication more than 2 tons a day through the mails. There is one of his publications, I do not know at this moment which one it is, a sample paper, which he guarantees to advertisers to have a circulation of 25,000,000. Think of it! A guaranteed circulation of 25,000,000. Yet it is a paper that circulates not to subscribers. It is what I regard as a legitimate advertising sheet; and I have no objection to the Government transmitting it as advertising matter.

Are papers published to-day for sentiment? What does Comfort get for advertising? Four thousand dollars a page, one insertion!

Mr. MILLIKEN. Why not? It is a good advertising medium.

Mr. LOUD. Yes; but why should it not pay for its transmission through the mail? Why should the Government be engaged with it in disseminating its legitimate advertising throughout the length and breadth of this land? What sustains these papers and magazines? Look at this list and see their rates of advertising—The Century, $250 a page; the Ladies' Home Journal, $1,000 a page; Munsey's, $500 a page, and so on. Are papers sustained by the proceeds of their circulation? No; those days have gone.

Now, a few words on this question from the educational standpoint. In connection with this view of the question, I asked this House before, would you be willing to-day, if you were to inaugurate this business, to devote $25,000,000 a year for the support and furtherance of this class of educational matter? Yet that is what you are doing. We are not seeking to eliminate totally this class of mail matter. Let me say to my friend from Pennsylvania that personally I am seeking to go as far as I can, recognizing the conditions that confront us.

Mr. MILLIKEN. Will the gentleman allow me one moment?

Mr. LOUD. I have only two minutes left.

Mr. MILLIKEN. Well, I will not take any part of the gentleman's two minutes; I presume he will need them.

Mr. LOUD. Mr. Chairman, this subject presents a great field of discussion. I should perhaps have had a little more time; but probably the House has heard as much as is necessary upon the question. Very few members have remained here to listen to the debate. I suppose they are perfectly satisfied regarding the merits of this case. Whatever may be the fate of this bill (and in a short time it will be determined), permit me to say, Mr. Chairman, in all sincerity, to this House, more than a million anxious hearts to-day are watching for the result. Whatever may be the result to-day, the great principles of justice and truth and equity contained in this measure, like all great truths, must continue to march forward until we have attained in the end a better, a nobler, a purer press—so admitted by most if not all the legitimate publishers of the country—a press that fulfills the original mission anticipated by the press—a press of high standard, devoted to the elevation of mankind, and not, as is its present tendency, the debauching of public sentiment. [Applause.]

The CHAIRMAN. The time for general debate on this bill has expired under the order of the House. The bill will now be read by sections for amendment.

The Clerk read as follows:

> *Be it enacted, etc.*, That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act: *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

Mr. QUIGG. I move to amend by striking out after the word "three," in line 6, the word "and," and inserting in lieu thereof the word "or."

The amendment was read, as follows:

> In line 6, after the word "three," strike out "and," and insert "or;" so as to read "and are within the conditions named in sections three or four of this act."

Mr. QUIGG. I call the attention of the gentleman from California [Mr. LOUD] to the fact that if this bill passes with the word "and" retained in the sixth line any periodical, in order to circulate at the second-class rate, must conform to the provisions of both section 3 and section 4; in other words, the publication must be a benevolent or fraternal organ, or the organ of a trades union, or of an order built up under the lodge system, and must also be a newspaper.

The gentleman will observe that my amendment does not interfere with his bill, because section 3 establishes the periodical character of the publication and enumerates all the statutory characteristics defined in section 4, in so far as they must relate to any fraternal paper; that is to say, it must be regularly issued and from a known office of publication, and as often as four times a year; and then, if it be a fraternal organ, it may circulate at the second-class rate. But if the word "and" be retained such a publication, for instance, as the New York Tribune must be the organ of a fraternal or benevolent association before it can go into the mails as second-class matter.

Mr. LOUD. I do not think so.

Mr. QUIGG. Certainly. Let me read the language:

> *Be it enacted, etc.*, That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act.

In other words, the New York Herald must make itself out to be a fraternal and benevolent organ before it can circulate as second-class matter. This bill, as I shall show as the reading for amendment proceeds, is full of just such crudities.

The question being taken on the amendment of Mr. QUIGG, it was adopted.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of saying a word about the pending bill.

As I understand it, and I hope the gentleman from California [Mr. LOUD] will correct me if I am wrong, second-class mail matter of all kinds has substantially the franking privilege now. That is to say, the charge for postage is nominal—1 cent a pound, including country newspapers delivered absolutely free in the county where published; newspapers otherwise a cent a pound, periodicals a cent a pound, and sample copies 1 cent a pound.

Now, the gentleman seeks, if I understand this bill, to affect two kinds of this matter substantially free now—one the sample copies, and the other a class of periodicals that are reprints of books merely, in whole or part. I think I am correct, if I understand the purpose of the bill—leaving all the balance of the matter substantially free.

Now, Mr. Chairman, I am not sure that the gentleman goes far enough in the proposed legislation, and I am not quite sure but that he goes a little too far. [Laughter.] I mean just what I say; so that I am rather inclined to think if he goes at all that he ought to go still further.

For instance, you take the question of sample copies of newspapers, and I read now from the gentleman's own report, which, referring to former legislation, says:

> An important innovation was made by this act, in allowing sample copies at the same rates as copies to subscribers, a sample copy being defined as one sent to a person not a subscriber for the purpose of inducing him to subscribe or advertise or to become agent therefor.

Now, that is the present law, and I can readily see that it would be wise to restrict the use of the sample copy for trade purposes; to induce somebody to advertise, or possibly to become the agent for the periodical, both being trade purposes. But to induce him to subscribe to a periodical that goes free through the mails, I see no objection to it, if the law is right to allow it to go free or substantially free, and for reasons which are apparent.

So it seems to me that there might be an amendment to allow sample copies to go through the mails for purposes of inducing subscriptions, bearing in mind that the paper itself would go at a nominal charge after it was subscribed for.

Now, I apprehend that we can not cut up this abuse—if abuse it is—by the roots, and as the business of the country has adjusted itself under former legislation, we ought to be pretty careful that we do not interfere with it arbitrarily. I will say frankly, with the information I have, and going no further than the gentleman himself proposes, I am afraid to vote for the legislation, because I do not know how far it would affect the revenues of the Department. The gentleman says that there will be less matter to be carried. How much less? I do not know. I do not believe the gentleman knows. How much the first-class postage would decrease, and the correspondence would fall off, when you cut off the privilege of sample copies from the class of periodicals that the gentleman strikes out I am sure I do not know, and I do not believe the gentleman himself knows.

Another thing that is worthy of consideration. This period is unlike any other period in the history of this country or the history of civilization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Well, I should like to be permitted to proceed for a few moments longer.

The CHAIRMAN. Without objection, the gentleman from Illinois will proceed for five minutes longer.

There was no objection.

Mr. CANNON. The introduction, Mr. Chairman, of labor-saving machinery in the business of the people, the harnessing of the forces of nature, the cheapening of products, the reorganization of labor itself, all of these things have come, and we can not stop them if we would.

Now, so far as the dissemination of information through the press is concerned, you can take the great metropolitan papers of from 12 pages to 40 pages, and you buy them for 1 cent. They contain information, or misinformation as some people would say, but upon the whole, I suppose, information for the million. Well, now, 1 cent does not, as I understand it, pay for the white paper. How do they get their pay? By advertisements. I am not a publisher and do not understand the matter, but in various ways they receive a return through advertisements, and you can not very well stop it. It would be a bold man who would stop it if he had the power, unless he was quite clear that when he had substituted something else for it he was bettering the condition of the people.

Now, I have said about all I want to about this matter. Many years ago I was heartily in favor of that policy which would cheapen good books, not bad books, to the million. Men of my age recollect when books were high and scarce. Under the operation of all these industrial and economic forces, and with the coöperation of the Post-Office Department and the publishers, great industries have been established and books have been made cheaper. You can buy bound books now for one-quarter, perhaps one-fifth, what they could have been bought for a generation ago, and they are better bound and better printed; and you can buy unbound books for a very small amount, whether printed in the shape of these periodicals or printed in connection with the daily press.

Now I want to ask the gentleman from California [Mr. LOUD] one practical question. He would throw out those publications which are merely books or reprints of books. Now, suppose a man publishes ten lines or a page or three pages of something else, and then, if you please, puts in Dickens's Dombey and Son, or something else. Is that excluded? If so, the law means nothing. I suppose in point of fact it would not be.

Mr. LOUD. I should like to have the gentleman who is asking me the question put it in a little plainer form.

Mr. CANNON. I ask it in good faith.

Mr. LOUD. I understand that.

Mr. CANNON. The bill says:

> *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts—

And so on. Now, if they are books or reprints of books, they can not, as I understand it, go into the mails under the second-class rates if this bill passes; but suppose you put in a page of something else——

Mr. LOUD. If the gentleman will read the whole section I think he will find——

Mr. QUIGG. Whether they purport to be premiums or supplements to newspapers?

Mr. LOUD. I tried to get time to discuss the question with the gentleman before this came up.

Mr. CANNON. I understand that; but suppose a man prints five chapters from Dombey and Son and one chapter from one of the Waverley novels, and then puts in a page of general news about half a dozen different things, would that publication be excluded?

Mr. LOUD. I assume that it would, and I think the gentleman will come to that conclusion after he reads the whole section.

Mr. CANNON. Then, suppose he puts in five pages of something else, would it be excluded?

Mr. LOUD. I think so.

Mr. CANNON. Suppose he puts in ten pages of something else, would it be excluded?

Mr. LOUD. I assume so. You can put in a thousand——

Mr. CANNON. Well, then, if he puts in anything from any of Dickens's publications or Thackeray's, in a periodical, he would vitiate the whole periodical or paper so it could not go as second-class matter; and I submit to my friend that he is going to cut out what is, to my mind, the most valuable matter that is published in these periodicals, and, for that matter, in many newspapers. I think it would be better for us to go a little slow about this matter. That is the way I feel about it. Therefore I am inclined to vote "no" upon this bill. [Applause.]

Mr. MORSE. Mr. Chairman, I desire five minutes.

The CHAIRMAN. The gentleman from Massachusetts——

Mr. MORSE. I offer an amendment to strike out the last word of this section. I do so for the purpose of calling attention to a remark made by the gentleman from California [Mr. LOUD] in his previous speech. I think he unwittingly and unmeaningly did a great injustice to a very high officer in this Government when he said that the Vice-President of the United States indorsed the miserable Howard book, If Christ Came to Congress. That book, as I understand it, is little else than a directory of the houses of prostitution in this city, and if he will kindly read what the Vice-President says, he will see that he never did indorse that book, and probably what he wrote was written before that book was printed. I am sure the gentleman from California [Mr. LOUD] does not desire to embody in the permanent RECORD of this House so serious a charge as he has made against the Vice-President of the United States.

Mr. TRACEY. Mr. Chairman, I desire to offer the following amendment to section 1. Strike out lines 13 and 14 and insert the following:

The Clerk read as follows:

> Strike out lines 13 and 14 and insert:
> "Unless they are premiums for, supplements to, or parts of a regular newspaper or periodical."

Mr. TRACEY. Mr. Chairman, I desire to say that under the operation of the present postal laws we have had, and now have, a class of newspapers and magazines that it would be absolutely impossible to obtain under the operation of the bill under consideration. We have in every section of the country newspapers sold at 1 cent a copy that ten years ago were not sold anywhere for less than 5 cents; and they are much better as sold to-day at 1 cent than they were then when sold at 5 cents. I undertake to say that the fact is due absolutely to the operation of the present liberal postal laws, and that a reform which begins with an attack upon the means of information, and the greatest means of information within the reach of the people, is a reform in the wrong direction.

These newspapers and magazines have been built up because of the privilege they have had under the present postal laws. They never could have been built up under the illiberal system proposed in this bill. It would be a matter of impossibility. The people as a whole have received the benefits. It has been argued here constantly that the present system is a system in the interest of the publishers. It is not in the interest of the publishers. It is a system in the interest of the common people, because it leads to the dissemination of more information upon every subject than has ever obtained either in this country or in any other country; and there is not to-day in any other nation on earth as good newspapers and periodicals furnished to the people of such country at the prices they are furnished to the people of the United States; and this is all due to the liberal postal regulations and postal laws which we have had and which we now have. I believe in reform, but I do not believe in anything that operates as a tax upon the dissemination of information and intelligence among the people. The people of this country are nearer abreast of the age in which they live than are the masses of the people in any other country in the world, and it is due to the fact that we have had this means of building up the 10-cent magazines, that circulate and that contain excellent information, are magnificently printed, and distributed by the hundred thousands among the people, and the daily newspapers containing the news of the world distributed each day to hundreds and thousands of people—millions of people—at 1 cent per copy. The great newspapers in this country, absolutely the greatest newspapers in the world, pay more for the collection and diffusion of intelligence among the people than the newspapers of any other country in the world, and are sold at from $4 to $6 a year. Why? Simply because of the fact that they have had these privileges given to them under the present postal system, which privileges this bill would absolutely destroy.

Mr. LOUD. Mr. Chairman, I call for the reading of the amendment, so that I can understand it.

The amendment was again reported.

Mr. LOUD. I will say, Mr. Chairman, that of course there is very little opportunity in five minutes to combat the various sentimental attacks that may be made on this bill. The merits of the question presented in this amendment should have been considered before we had gotten thus far with the measure. This amendment totally destroys the first section. The gentleman might just as well be honest, and move to strike out the first section entirely, because if you allow a paper—and that is what his amendment proposes to do—if you allow any second-class publication in the country to send as a supplement to its regular or special edition one of these books, why, then, the book dealers have accomplished all they desire in this bill, because they will simply change the particular form of sending direct to their agents, or combining with, which is done to a great extent, and sending by or through an assumed legitimate publication of this country.

Now, I simply call upon the House to vote this amendment down. I have not time—nor have you—in five minutes to present such considerations as to determine whether the merits of this bill be right or not. There are but two propositions in the whole measure of import. Do you desire to continue this privilege, now enjoyed by the publishers of this country, to send unbound books through the mails at a cent a pound? If you do, be honest and strike section 1 out of the bill. If you desire the iniquitous sample-copy privilege continued, which is flooding this country with miserable trash, why, then, you should content yourself and have them continued. Permit me to say that in all candor to you, whether you favor the bill or not. If you favor the bill, then you must favor these two provisions without any amendment whatever, or else you must vote against the bill.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. It seems to me, sir, that the remarks of the chairman of the Post-Office Committee are exceedingly pertinent. This amendment does, in my judgment, destroy entirely the efficiency of this bill, for, under the cover that is furnished by the amendment, great abuses will still continue, and the men who are engaged in flooding the country with objectionable mail matter will simply change the name or the form of their publications and go on. And right here, Mr. Chairman, I desire to say a word in regard to the manner in which the opponents of this bill always hide themselves and fight their battles behind the magazines. I would be glad if the gentleman from Missouri would inform the House how this bill interferes in any way with the dissemination of the literature of which he has spoken. In what way will the rights or privileges of any of these legitimate publications to which he has referred, the new magazines that have sprung into existence within the last three or four years, be affected? Every facility that they have now will be retained, and the demand for the kind of literature they supply will be increased by the destruction of that which is sought to be destroyed through the operation of this bill.

And yet, while this is true, gentlemen who oppose this measure always bring up the magazines and ask us, "Do you want to curtail the circulation of that class of literature?" "Do you want to take away the cheap magazines from the people?" Certainly not, and the provisions of this bill do not in any way harm that kind of publication. Will not some gentleman point out, if he can, the manner in which their circulation is to be affected by the passage of this bill? The provisions of the bill are designed to correct abuses, and they will in no way injure legitimate publications. But why should the publisher of a newspaper have the right to send as second-class matter an edition of his paper to points hundreds of miles away, and then, in order to protect himself from the dishonesty of his agents, have the right to have the unsold copies of that edition returned to him through the mail at 1 cent a pound? The only purpose of it must be to enable him to keep watch and guard upon his own agents to see that they do not take advantage of him. The papers thus returned, amounting in weight to millions of pounds, are of no value to anyone, and the only object there can be in requiring their return is that when it is reported to the publisher that but 10 out of 100 papers have been sold, he may have evidence of the fact by the inspection of the 90 copies returned through the mails, at a cost to the Government of 7 or 8 cents a pound. It is such abuses as this that this bill strikes at, and it does not in any way affect the magazines, behind which these gentlemen are at all times sheltering themselves while they hurl their lances at the bill.

Mr. TRACEY. Mr. Chairman, I only desire to say now that it would not be difficult to answer the remarks of my esteemed friend from Iowa, but inasmuch as I have no desire, and had none in offering the amendment, to continue the sending of books through the mails, if the effect of that amendment would be to continue such sending of books as second-class matter, I shall not insist upon its adoption. Of course I do not myself believe it would have that effect, or I would not have offered it. So far as the books are concerned, I think I would go with the committee in excluding them from the mails at second-class rates. My only object in offering the amendment was stated in my remarks, believing that the amendment would operate as I personally know it has operated, because I have had a great deal of experience along that line. Still, if it is considered by the chairman of the committee that the adoption of that amendment would destroy section 1 of his bill, I shall not insist upon it, and, if permitted, I will withdraw it.

The CHAIRMAN. In the absence of objection, the amendment will be considered as withdrawn.

Mr. SIMPKINS. Mr. Chairman, in common, probably, with most of the members of this House, I have received protests against this bill, many of them signed by editors of small newspapers. I have in my hand a letter which, it seems to me, shows the animus of a good many of these printed protests, and I will ask the Clerk to read it.

The letter was read, as follows:

OFFICE OF THE INDEPENDENT,
Sandwich, Mass., December 31, 1896.

DEAR SIR: I have received the inclosed petition from a committee of New York publishers, with a request that it be forwarded to my Representative in Congress.

I understand that the bill in question is aimed at a class of publications not entitled to second-class rates. But there are some provisions of the bill that will work injustice to legitimate newspapers.

It occurs to me that the committee from whom I have heard may be the very ones whom the bill is aimed at, and that they are trying to "work" other publishers to send in a flood of petitions to Congress. However that may be, I am sure that our Representatives will not suffer to pass a bill that will in any way cripple or injure a legitimate newspaper.

Very truly, yours,

H. L. CHIPMAN.

Mr. SIMPKINS.

Mr. SIMPKINS. Now, Mr. Chairman, that letter seems to be from an editor who did not get frightened before he was actually hurt. He did not sign the protest simply because some publishing firm in New York told him that he would be injured if this bill passed, but he seeks for legitimate information on the subject; and I wish now to ask the chairman of the Committee of Postal Affairs if this bill will work any injustice or injury to any legitimate newspapers?

Mr. LOUD. Mr. Chairman, in answer to that I will say that this bill does not amend or change the law in any particular so far as legitimate newspapers are concerned, either as to their quality or quantity or anything of that character. It does not affect the country newspapers, which I suppose the gentleman refers to particularly, because they are specially excepted. That reminds me that I saw a brilliant editorial in a Kansas newspaper a short time ago in which the writer said in substance: "Keep your eye on Congress. Those fellows down there are trying to raise the rate to 8 cents a pound on our county-free matter." Why do not gentlemen read the bill? The bill specially excepts county-free matter.

Mr. BRODERICK. Does the gentleman know the politics of that paper?

Mr. LOUD. The editor is in favor of the ownership and operation by the Government of all means of transmission and transportation. He believes in "downing" the "plutocrats" and the "aristocrats."

Mr. BRODERICK. That settles it.

Mr. LOUD. He publishes that at the head of his paper.

Mr. COX. He is a free silver man, I bet. [Laughter.]

Mr. LOUD. Let me say to this House in perfect good faith that 90 per cent of the legitimate press of this country have indorsed every provision of this bill; and I believe the other 10 per cent, if they had investigated it, would have done the same thing. The bill does not restrict the legitimate privilege enjoyed by any paper in the country to-day.

Mr. McCLEARY of Minnesota. I should like to ask the chairman of the committee whether this bill will permit the passage of college papers through the mails as second-class matter?

Mr. LOUD. I will say to the gentleman that this bill confers the same right upon college publications that is enjoyed by any other publication in America. It gives no special privileges. I assume, however, that what the gentleman wants to know is this—whether this bill will permit the business colleges, organized for profit as corporations, to send their legitimate advertising matter, seeking to get scholars for their particular institutions, through the mails broadcast to others than subscribers at 1 cent a pound. I will say no. Let me add that there is not a reputable college in this country, outside of those conducted for profit, that seeks or asks for this privilege.

Mr. TRACEY. The gentleman makes that statement rather too broad. I know of a reputable college, or rather a normal school, an institution of good character and standing——

Mr. LOUD. The gentleman is talking in his own time—not in mine.

Mr. TRACEY. I merely wanted to state that I knew of such an institution that did ask this privilege.

Mr. LOUD. I will not deny that there are reputable institutions asking it. I said there were none such except those conducted for profit.

Mr. KYLE. Mr. Chairman, the question has been raised in this discussion as to how the country press would be affected by the passage of this bill. My attention was directed to this question the other day when I read the editorial in the Kansas paper, to which the attention of the committee was called a short time ago by the chairman of the Committee on Post-Office and Post-Roads [Mr. LOUD]. It occurred to me that the editor of that paper had altogether missed the mark; that instead of this bill militating against the interest of the country newspaper it will be an advantage to it to have the bill passed. We all know that throughout the country the average country newspaper has a struggle for existence. Under existing conditions most of these papers are not prosperous. Their circulation possibly does not average over 500 to a paper. Now, take one of these papers that we have been talking about. Take this paper called Comfort. I received a circular letter here this morning from it, and I presume every other member received a similar letter——

Mr. RICHARDSON. Under special-delivery stamp.

Mr. KYLE. Yes; under special-delivery stamp. At the head of this circular letter, which I presume is sent out over the country in order to induce people to subscribe for this publication, it is stated that the circulation is 1,250,000. Each issue of this paper presumably reaches 1,250,000 people. Now, what is this paper? It is simply an advertising sheet. How does it affect the country newspapers? Here is a paper which, as has been stated, has no legitimate list of subscribers, but which sends out 1,250,000 copies and depends upon its advertisements for subsistence. And this paper goes through the mails practically free. It is in fact an advertising sheet; and its advertising equals what

might be contained in 2,500 of these local newspapers—I mean the weekly issues of 2,500 of these country presses. Now, I submit that if the Government is to go on in this way and encourage such newspapers as this—and I make no invidious distinction against this paper known as Comfort—I merely bring it before the House as an illustration of what I am trying to show—this paper called Comfort, by reason of the greater mail facilities afforded it, is enabled with its practically free circulation to reach 1,250,000 people weekly with its advertisements, thereby depriving the country newspaper of a considerable part of the legitimate advertising business that it ought to have. Instead of this bill being a strike at the country newspaper, I say that if carried out to its legitimate extent it would in my opinion operate in the interest of the country newspaper, not against it.

Now, when we get through with our side of this discussion, the gentlemen who are working might and main to prevent the passage of this bill continue to assert that the newspapers of the country are against the proposition, and they read isolated letters to sustain their position.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I ask unanimous consent that the gentleman's time be extended for five minutes.

There was no objection.

Mr. KYLE. I thank the House. I shall not consume the whole of the five minutes, if I can avoid it.

Now, Mr. Chairman, I want to call the attention of the committee to a sheet which I have received, and have not had the time to read carefully. It came to me through the mails to-day, and no doubt to all gentlemen present, and I notice this statement is embodied in it:

[The Loud bill has been approved in emphatic terms by every newspaper association which has taken action upon it, as witness the following: The Illinois State Press Association; the Agricultural Press League; the Associated Trade Press, composed of leading Western trade papers; the American Trade Press Association, composed of leading Eastern trade papers; the American Newspaper Publishers' Association, and others

Now, sir, I hold in my hand a resolution adopted on yesterday by one of these press meetings, the Agricultural Press League, which includes the fifty leading agricultural papers of the United States, representing more than 70 per cent of the circulation of the legitimate agricultural papers in America. This phrase, "legitimate agricultural papers," is meant to describe those whose business is based upon subscription lists as against fake and sample-copy publications.

At a meeting held in the city of Washington on the 5th day of January, 1897, the following resolution was adopted by representatives of the American Trade Press Association, the Agricultural Press League, and the Agricultural Newspaper Publishers' Association.

Resolved, That we earnestly urge the passage of House bill 4566, known as the Loud postal bill, which will correct the abuses that have grown up under the present law, and which are even more injurious to the newspapers than they are to the postal revenues.

Now, in the face of this, how is it possible for gentlemen to say that the newspapers of this country are opposed to the passage of this bill, and be candid? If they are opposed to its passage, they do not indicate that fact by their utterances. They do not indicate it, either, by the resolutions which they adopt. I wish to call your attention to another thing.

In reference to this paper Comfort, I never saw but one copy of it in my life; but I want to call your attention as to how they designate it as a "sample copy." A good many of these papers will write the words "sample copy," or stamp them on the wrapper or on the face of the paper. But Comfort, in the issuance of its 1,250,000 copies that go every issue to the American people, has printed right across the face of the paper as it runs through the press "sample copy." And yet this paper weights the mails down with tons upon tons of matter. It comes in competition with the interests of the country press; it comes in competition with the interests of the country newspapers, and deprives them of advertisements that they should be entitled to, and in this way the rural press is deprived of business which I think, some of it, at least, would go to them. So I repeat, that taking papers of the character of Comfort, the legitimate deduction from their publication is that the Government by this practically free postage to them is discriminating against the small country papers.

[Here the hammer fell.]

Mr. QUIGG. Mr. Chairman, I move to strike out the last word. Of course, sir, a complete answer to all that has been said by the gentleman from Mississippi [Mr. KYLE] is merely that it is in absolute defiance of existing law, and the Postmaster-General with the stroke of his pen can take the paper thus violating the law out of the mails, as he ought to do. If anything that the gentleman has said concerning Comfort is true, it is in violation of the law, and the Postmaster-General is implicated in that violation if he permits it to go on, and nothing that the pending bill proposes will stop such a violation of the law.

Now, I wish to answer the question propounded by the gentleman from Massachusetts [Mr. SIMPKINS], which I do not think was answered by the gentleman from California [Mr. LOUD], and I want gentlemen who have the bill to take it up while I point out to them exactly all the new legislation, not as to periodical books or sample copies, which the bill contains. I wish to be clearly understood in this statement. We have got here two great propositions embodied in this bill, to throw out books and to throw out sample copies. Now, setting them aside entirely, I want to point out the new legislation that is contained in the bill.

On page 2 of the bill, lines 13 and 14, you find the words:

Or whether they purport to be premiums or supplements, or parts of regular newspapers or periodicals.

That is to say, any book or reprint of a book, or part of a book or reprint of part of a book, which is issued by a newspaper—and your local county newspapers issue them all the time, every week—is cut out of the mails. Your local papers can no longer issue any book, whether it is a reprint or an original, in connection with their regular issues.

A MEMBER. Why should not that be?

Mr. QUIGG. Because it is one of the best things they print, worth more than all the rest.

Now, the next new legislation is contained in lines 9, 10, 11, and 12, on page 2, section 2:

Provided, nevertheless, That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of 1 cent for 4 ounces.

That is the third-class rate. Now, that is new legislation. Every newspaper and every monthly magazine—the gentleman wanted to know how this bill was going to hit the monthly magazines, and I am telling him—every monthly magazine always has some one specially attractive feature on which it expects to sell that issue. Before the day of publication it sends out to every news dealer over the United States—and there are hundreds of thousands of them—information about this article. They say to the news dealer: "Unless you give orders to the contrary, we will increase your regular order for this number," 5, 10, 15, or 20, or as many copies as they think the dealer can stand. Under the law he can return the unsold copies at the pound rate. Now, suppose he sells 2 out of his 5, 7 out of his 10, 12 out of his 20, and so on. That means to that magazine a circulation of from 10,000 to 25,000 copies that it would not otherwise have. The news dealer can now return the rest at the pound rate. So that, if you pass this law, you will hit every news dealer in the United States, and I have just filed a petition from about 10,000 of them. You will hit every Sunday news paper which makes this appeal to news dealers, and you will hit every magazine that is published.

Mr. MOODY. Will the gentleman permit a simple question for information?

Mr. QUIGG. I should rather not, because I have only five minutes, and I want to point out the new legislation in this bill.

The CHAIRMAN. The gentleman declines to yield. The gentleman's time has expired.

Mr. QUIGG. I should like to have five minutes more.

Mr. MOODY. Will the gentleman answer my question?

Mr. QUIGG. I will after I have pointed out the new legislation in the bill.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

Mr. MAHANY. I reserve the right to object. If he will answer the question of the gentleman from Massachusetts [Mr. MOODY] I shall not object.

The CHAIRMAN. Is there objection?

Mr. MAHANY. I object.

Mr. LOUD. I hope the gentleman will have the time he desires.

Mr. MOODY. I ask the gentleman not to object on my account.

Mr. MAHANY. I withdraw my objection.

The CHAIRMAN. The gentleman withdraws his objection. Is there further objection?

There was no objection.

Mr. QUIGG. Now, on page 3, section 7, there is an unimportant addition to the law, in the words:

Which shall be shown by the publication itself.

That relates to its home office of publication, and is an excellent amendment.

On page 3, lines 15 and 16, appears what is to my mind the most absurd thing contained in the bill. These words are new legislation:

Who voluntarily orders and pays for the same.

That is to say, added to the four statutory characteristics of a periodical publication in order that it may get into the mails—and this, you will understand, applies to county newspapers, city newspapers, daily, weekly, and monthly—it must establish to the satisfaction of the Postmaster-General that its subscription list is a voluntary one, that its subscribers have not been asked to subscribe, that they have done it of their own volition, and unless the Postmaster-General is satisfied that the publisher has not asked anyone to subscribe for his paper, but that the man has subscribed of his own volition, he can strike anything out of the mails that is printed. This is the kind of a bill you are asked to vote for.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. QUIGG. I want to go on and complete the statement of this new legislation.

The CHAIRMAN. The gentleman declines to yield.

Mr. QUIGG. Now, the next new legislation is in lines 18 and 19, which adds the words:

> or any particular issue of any publication.

I do not see any particular fault with that.

Now, lines 21, 22, 23, 24, and 25 make statute of a post-office regulation. Those lines are:

> *And provided*, That all extra numbers of second-class publications sent by the publishers thereof, acting as the agent of an advertiser or purchaser, to addresses furnished by the latter, shall be subject to pay postage at the rate of 1 cent for every 4 ounces or fraction thereof.

That is a post-office regulation now, and I think a very good one. This makes statute law of that section 5, which is an amendment to the bill, and the same thing is true as to the four lines on the last page, which is now a post-office regulation, which this bill makes statute law. Now, section 5 is new legislation, and provides in effect that every newspaper in the country that does a large business, although it does not say how large here, shall maintain within its own office a post-office, and shall separate all its matter, and shall do the work of post-office clerks before handing the mail into the office. Well, a great many of the great newspapers do that anyhow. All newspapers that have a very large circulation do that anyhow; but all the smaller newspapers of the country—the newspapers that circulate in the cities with a very small circulation—that is comparatively small—but send their publications out of the county, have to maintain a post-office in their office and separate all their matter. It means an addition of one or two clerks in every small newspaper office. Now, that is new legislation which this bill contains in addition to the sample-copy matter and the book matter. Now, if the gentleman from Massachusetts will ask me the question I will answer him.

Mr. MOODY. The question I desire to ask the gentleman from New York relates to the return privilege of unsold periodicals. I should like to ask the gentleman if the return privilege of unsold periodicals is not now confined to the news agents returning to their own agents?

Mr. QUIGG. Yes; it is.

Mr. MOODY. And the news agents can not return to the publisher?

Mr. QUIGG. Not directly.

Mr. MOODY. Now, is not the practical effect of the continuation of that law to encourage the already great monopoly of the American News Company——

Mr. QUIGG. No.

Mr. MOODY (continuing). By compelling the small news dealer to deal with the American News Company, and thereby gain the privilege of returning?

Mr. QUIGG. Oh, no; it is not a monopoly.

Mr. MOODY. I think it is.

Mr. QUIGG. If there is any part of the newspaper business I know, it is the part of the publisher. The American News Company is not a monopoly or anything of the kind.

Mr. MOODY. The gentleman knows. I supposed it was.

Mr. LOUD. Mr. Chairman, the gentleman from New York has laid great stress on this return-copy privilege, in that it will circumscribe the circulation of great magazines. I have a letter in my possession, which I have not time to read, from a gentleman, Cyrus Curtis, proprietor of the Ladies' Home Journal, a man who has been in the publishing business for many years, and he says at the end of this letter: "I believe there are more unbusinesslike business men in the publishing business than any other business in the country." Now, then, this return privilege is simply used by these gentlemen to protect themselves against their agents, and that is all. If they wanted to exercise good business judgment, instead of lumbering the mails and sending back a lot of useless paper, they would have a page in their magazines or a portion of their paper that their agent, who should be a reputable man, should return to them, and they should accept that as evidence that he has not sold that copy, and the continuance of the present provision is simply to permit the United States Government to protect an agent against his agent.

Now, there is one other provision that the gentleman has laid great stress upon. That is that portion of the bill on page 3 that the gentleman takes exception to. I want to call his attention to it.

Mr. QUIGG. Lines 15 and 16.

Mr. LOUD. The definition of a subscriber—

> And must have a legitimate list of subscribers who voluntarily order and pay for the same.

Now, then, let me read from the present law, and I will show you it is a mere juggling with words which has been attempted and consummated from the very beginning until the present time. The present law—it is a regulation, but the gentleman will say that is not a statute, but it is just as binding as a statute law, and gives the Postmaster-General now supreme control of the regulations, and he defines a subscriber. I hope the House will pay attention.

> SECTION 281. Postmasters must require satisfactory evidence that publications offered for mail at the pound rate have a legitimate list of subscribers, by each of whom, or for each of whom, with his consent, expressed or implied, payment of the subscription price has been made or agreed to be made.

Let the gentleman go to Webster and find out what "subscriber" is. It is a mere juggling with words——

Mr. QUIGG. You require him to pay in advance.

Mr. LOUD. I do not require him to pay in advance, and permit me to say emphatically it is a juggling with words. It is simply in this bill in a little better grammatical form than that. I am perfectly willing, Mr. Chairman, to accept the present law, as one means the same as the other.

Why, if the gentleman will go to Webster and find the definition of "subscriber," which he well knows, he would not attempt to delay the proceedings of this House by attempting to juggle with the word "subscriber." I ask any man in this House to read the present law and compare it with the bill, and he will find what a "subscriber" is—a man who agrees to a condition, agrees to pay 50 cents, $1, or $1.50, $2, or $2.50 a year, or so much a month, payable in advance, and the subscriber subscribes to that if he becomes one. Why, gentlemen, let me say to you again it is a juggling with words and has nothing whatever to do with the merits of this bill.

Mr. MILLIKEN. Mr. Chairman, if the words in lines 15 and 16 mean anything in the world, they mean that the subscribers to newspapers shall be voluntary subscribers, and that they shall pay for their papers. Now, I have this to suggest in addition to what has been said by the gentleman from New York: Not only does the Postmaster-General have the power under this proposed law to decide who are and who are not voluntary subscribers, but in making his decisions he will almost invariably rely upon the information which he shall receive from local postmasters. There is hardly any other channel through which he can get the information, and certainly that would be the most convenient and the one upon which he would be most likely to depend. The bill, therefore, puts it in the power of a local postmaster who may have a grudge or a grievance against you or some whim in regard to you to rule your paper out of the mails if he shall see fit to do so. I regard this as one of the most unfortunate provisions of the bill. I think it clothes the Postmaster-General, in the first place, and the local postmasters, in the second place, with a power which is dangerous to the people as well as contrary to the spirit of our institutions.

My friend from Iowa [Mr. HEPBURN], who is always forcible and eloquent, says that we who oppose this bill hide ourselves behind the periodicals. I wonder what the gentleman and his friends on the other side hide themselves behind? They select from all the books that are transmitted through the mails as second-class matter a few with picturesque titles and, I agree, with contents which none of us will approve, and they ask this House to strike out of the second-class mail matter all the books that now circulate in that way simply on account of these few exceptions. Why, sir, the books to which these gentlemen have called attention are but a very small proportion of the whole. They are not even characteristic of the main body of the literature that circulates through the post-office as second-class matter. If they are objectionable, and I agree that they are, why has not the Committee on the Post-Office and Post-Roads, as I have already once said, reported a bill to exclude them entirely from the mails? That committee has had the subject under consideration, and it has the power to report such a measure, but this Loud bill does not exclude one of these reprehensible publications from the mails any more than it excludes a copy of Shakespeare or of Dickens or of Scott or of the Holy Bible. If they will report a bill to select the tares from the wheat and burn the tares, I will vote for it; but because there are a few tares in the wheat, these gentlemen want to set fire to the field and burn down all the wheat.

Our friends on the other side have attempted to show also that there are certain publishers in this country who favor this bill. But who are they? The Harpers and some other large publishers. Ah, Mr. Chairman, those great publishers know that they are not to be injured by the passage of this bill. If they believed they were to be injured as others are to be, you would find them on the other side. They have a motive in taking the position which they do take with regard to this legislation. While they are not to be injured; they see that this bill, if it shall become law, will ruin certain others who are now their competitors.

I wonder whether the Harpers do not want to drive out of existence the Youth's Companion and McClure's and Munsey's magazines? In these matters publishers are as selfish as men are everywhere in the world. Who believes that the great publishers who favor this legislation are governed by patriotism when they come in here and ask to have certain publications other than their own excluded from the mails? I do not. No one does.

Mr. HEPBURN. I was about to ask my friend from Maine in what way would the passage of this bill enable rival publishers like the Harpers to get rid of McClure's or of the Youth's Companion. Neither one of those publications will, I undertake to say, be affected by the passage of this bill, and, so far as I know, neither one of those publications has sought the aid of the gentleman from Maine or of any other gentleman to oppose the passage of this measure.

Mr. MILLIKEN. Possibly they would have done so if I had been as distinguished as my friend from Iowa. [Laughter.]

Mr. HEPBURN. Now, Mr. Chairman, while I am talking to the gentleman from Maine, I want to refer to an enterprise in his own town, the publication known as Comfort.

Mr. MILLIKEN. That is not in my town.

Mr. HEPBURN. I understood the gentleman to say it was.

Mr. MILLIKEN. The gentleman misunderstood me.

Mr. HEPBURN. The gentleman said that the city of Augusta had sent more brains to this and to the other House of Congress than any other city of 10,000 inhabitants in this country. I know the gentleman's accuracy and truthfulness, but I knew also that that statement could not be true unless he was a resident of that city. [Laughter.]

Mr. MILLIKEN. The gentleman from Iowa is always complimentary, but I spoke of Augusta, and I do not live within 40 miles of that city, and therefore I did not refer to myself, but I have no doubt the gentleman would have done so for me if he had been making the speech. [Laughter.]

Mr. HEPBURN. I would. Now, Mr. Chairman, the gentleman from New York [Mr. QUIGG], it seems to me, made some serious blunders in the argument he sought to present yesterday, to the effect that by permitting these publications to go through the mails at the 1 cent a pound rate the Government received full compensation through the swelling of the other classes of mail matter incidental to such publications. To quote the gentleman accurately, he said, speaking of a publisher in Augusta, Me.:

> He pays $2,000 a month to the Government to take his newspaper and spread it broadcast. He pays $6,000 to the Government for the stamps with which he conducts his correspondence with his patrons. He pays $2,000 more a month for third and fourth class postage.

By the way, I am admonished by one of the circulars of this concern that this class of business is done, not in Boston, but in Augusta, for I read:

> Send bills and remittances to the home office, Augusta, Me.

Now, Mr. Chairman, that statement was intended to mean that $10,000 a month, or $120,000 a year, was paid by this concern to the postal revenues of the United States.

Mr. QUIGG. Yes; and I have no doubt of it.

Mr. HEPBURN. Yet there are other concerns in that city—two, at least, I am told—one larger and one nearly as large as this; and yet the total postal receipts of the city of Augusta for the last fiscal year were but $89,000.

Mr. QUIGG. The gentleman did not understand me. Will he let me interrupt him a moment?

Mr. MILLIKEN. Let me say——

Mr. HEPBURN. I will not yield to the gentlemen now.

Mr. QUIGG. The gentleman does not understand——

Mr. HEPBURN. I think I understand what the gentlemen said. I think I understood what the House understood from the declarations they made. I am satisfied that there was an error.

Mr. MILLIKEN. I can explain the matter to the gentleman, if he will allow me a word.

Mr. HEPBURN. But, Mr. Chairman, let us admit for the sake of argument that $2,000 monthly is paid. What does that mean? It means that 200,000 pounds of that class of mail matter is sent out of that city each month. That means 100 tons each month. That means, when postal cars are loaded, 10 cars each month.

These gentlemen say that their circulation extends all over the United States. From San Francisco to Augusta is 3,500 miles. Let us take the mean and assume that that is the average distance traversed by this matter—1,750 miles. On the basis of this estimate they have car service for 1,750 miles for $200. Is that right? If any one of you gentlemen seek a like car service—not in a postal car, but in the commonest freight car—you must pay largely in excess of this.

[Here the hammer fell.]

Mr. MOODY. Mr. Chairman, a few moments ago I asked a question of the gentleman from New York, and I received a reply to it. The question related to the publication of newspapers, and for the time being I yielded to the authority of the gentleman from New York. Since I took my seat, a letter has been handed me addressed to some other member of the House than myself, and signed by a gentleman whose authority I know the gentleman from New York will recognize as superior even to his own—the business manager of one of the largest Republican newspapers in the city of New York—a paper which on the whole, I believe, is opposed to this bill. This letter contains the following language, which I commend to the attention of the House, because I conceive that when the section referred to, relating to the return privilege, is reached, an attempt will be made to strike it out:

> How it ever came about that the postal laws gave news dealers the right to return unsold copies to their news companies, but not to the publishers of the papers, I never knew. But the effect of the regulation is to throw the sale and distribution of dailies into the hands of one powerful news company, which, with its branches, covers the whole United States. This is not right, and the law should be changed.

Now, I submit that the thought which was behind my question, and which was contradicted by the gentleman from New York, is true; that if we retain the return privilege in its present form, we are contributing to the overflowing coffers of the American News Company. I trust, therefore, that if the provision in section 2 relating to the return privilege is stricken out of this bill, it will be accompanied by an amendment which will extend the present privilege of return, so that returns may be made at the cheaper rate, not only to news agents, but to publishers of newspapers and magazines.

While I am on the floor, allow me to say one or two words more, and then I am done. I received, as my colleague [Mr. SIMPKINS] and many other members of the House have received, a printed protest from many of the papers in my own district—a protest which at first I felt bound to heed. But having followed this debate from the beginning, I now believe that the country newspapers are being made cats'-paws in this matter to take out of the fire the chestnuts of these great publication companies, extending from Augusta City to New York. I believe that the gentleman from Mississippi [Mr. KYLE] struck the true note in his argument a short time ago when he told us that the real interest of the country newspapers was to strike down such competition as reaches them from the city of Augusta—a competition which cuts down their advertising income and their circulation. I propose, in spite of the protest that I have received, believing that I am voting for the true interest of the country newspapers, to vote for this bill. [Applause.]

Mr. BROMWELL. Mr. Chairman, in my remarks yesterday upon this bill I referred to an affidavit that had been filed with the Post-Office Department. I could not at the time find that affidavit, and it was omitted from my remarks as published. I have since found it attached to the publication referred to and I propose to read it. This is a copy handed to me by the Third Assistant Postmaster-General, the original being on file in his office:

> NEW YORK, *December 30, 1896.*
>
> To the ASSISTANT POSTMASTER,
> *New York City.*
>
> DEAR SIR: Since my short interview with you on the 28th, I have decided to give you the facts in detail regarding Cheerful Moments.
>
> In the latter part of April of the present year I purchased Cheerful Moments from the Cheerful Moments Publishing Company, a corporation existing under the laws of the State of New York.
>
> Immediately thereafter, by an understanding had previous to my purchasing the paper, I transferred one-third interest to H. H. Hull, and one-third interest to —— Bailey. This latter one-third interest was in fact the property of Charles E. Bailey, but to deceive the Post-Office Department he had his interest made to his brother, whose initials I have forgotten, and who resides in New Mexico; but at all times Charles E. Bailey owned the third interest, which was in the name of his brother, a fact which can be substantiated by more than a dozen business firms, and also by placing H. H. Hull on his oath.
>
> Under our management the first issue of the paper was mailed in May, 1896. To us was turned over subscription books containing about 70,000 names, but by the advice of Mr. C. E. Bailey, and by his orders, only those who were paid in advance were continued as subscribers. There were about 7,000 names on the books who were paid in advance and to whom the paper was sent, all others being dropped but not erased from the books. A lady by the name of Miss Judge, yet in the employ of Cheerful Moments, copied the names from the subscription books for May. Afterwards Miss Judge and a Miss Cleaver copied names from subscription books, sending only to those who were paid in advance, but never erasing any names, but keeping the books as they were with 70,000 names to submit to post-office inspectors if called upon to do so.
>
> From 10,000 to 105,000 copies of the paper were mailed in single wrappers each month, as will be seen by the sworn statement of C. E. Bailey and H. H. Hull. Being in the letter business (buying and renting letters), the names to mail the paper were taken from these letters. Each month 68,000 were mailed apparently to subscribers and 32,000 copies were marked "sample copies."
>
> From the start under our management the paper was run in the interest of the Cooperative Advertising Company, a "fake" concern owned by C. E. Bailey. To this I protested, but Mr. Hull siding with Mr. Bailey, I could not force my objections, and every issue of the paper was largely devoted to Mr. Bailey's cooperative advertising scheme, as will be seen if the files of the paper are consulted from May, 1896, to December, 1896.
>
> From the fact that the paper was run in Bailey's interest, I sold my interest in July to H. H. Hull, but continued with the paper up to about December 8, 1896.
>
> About six weeks ago C. E. Bailey claimed to have sold his interest in the paper to a Mr. Willis, and the management was turned over to Mr. Willis. However, Mr. Bailey and Mr. Hull continued to receive all money and pay all bills, and the transfer of Bailey's interest is doubted by all conversant with the business.
>
> I think it was in July that a contract was made with the Erie Medical Company, of Buffalo, N. Y., by which the Erie Medical Company purchased a half page, and in consideration of said half page they were to have the exclusive right to advertisements of their class, "general debility." At once all advertising of that nature was taken out of the paper and the half page for the

Erie Medical Company inserted. In addition to this space, the Erie Medical Company was to have certain numbers of the paper sent to their customers or prospective customers, names to be furnished by the Erie Medical Company. For the August issue, 1896, the Erie Medical Company furnished addressed wrappers and the paper was mailed to 6,000 of their prospective patrons. For this half page advertisement and other privileges the Erie Medical Company pays $25 per month. The facts as stated above can be substantiated by Mr. Courtney, manager of the Erie Medical Company, of Buffalo, N. Y.

There are now only about 4,000 names on the subscription books who are subscribers and to whom the paper has been sent since under the present management.

Should this statement be denied in any particular, I trust you will give me the opportunity to meet these gentlemen, with the representative of the Department.

Very truly, yours,

R. E. HICKS.

Sworn to before me this 5th day of December, 1896.

E. S. POST.
Notary Public, New York County.

Mr. HALL. Mr. Chairman, as a member of the Committee on the Post-Office and Post-Roads when this question was before our committee I did not see how there could be any opposition on the floor to this bill; and some of us not so well informed as the Postmaster-General and the chairman of our committee thought it would be much better for us to take even more advanced steps in the direction in which this bill goes. When we had piled up before us periodicals like this which I hold in my hand, which I would not insult the ears of my colleagues on this committee by reading aloud, so indecent are they—when I found that matter such as this is registered as second-class mail matter and passes through the mails as a fraud—a shame to the circulating libraries of this country—I did not conceive how any man could get up on the floor of this House and oppose a measure of this kind.

But gentlemen come here opposing this measure indorsed, as they say, by the great newspapers of the country—the country newspapers, the agricultural papers, etc. Are not the newspapers themselves the best guardians of the newspapers and their interests? They have spoken with almost a unanimous voice—90 per cent of them at least—in favor of this measure.

Mr. CUMMINGS. I challenge the gentleman's statement. They have not; and I defy him to prove it.

Mr. HALL. I have taken the statement of the chairman of the Committee on the Post-Office and Post-Roads with regard to the 90 per cent. I believe it to be absolutely correct. I will take that statement and the investigations on which it is based as being accurate——

Mr. CUMMINGS (interrupting). You have 182 newspapers out of 1,865 daily newspapers printed in the United States. That is every paper you have.

Mr. HALL. I repeat, I have simply used the statement printed in the published report of the committee, and prepared by the distinguished chairman of the Committee on the Post-Office and Post-Roads. I am perfectly willing to rest the case on that statement without taking up further time.

Let us refer to the statement of the gentleman from Iowa, or rather the answer to it by the gentleman from New York [Mr. QUIGG], in which the gentleman from New York makes the statement that the paper Comfort pays, he believes, to the Post-Office Department as high as $125,000 a year toward the revenues of the Government. In response to that statement, I wish to present the official, authentic record of the facts, which goes to show that the Government pays out $350,624 more than it gets back for its work in circulating this paper. And that comes from the district of my friend from Maine who now seeks to interrupt me; but I can not yield to him.

The question is squarely before the committee and it seems a square and open case. There can be no doubt as to the point at issue. The Post-Office Department, through its Postmasters-General, has ruled so long in favor of letting this matter in that it has become a regulation as binding as law in the Department. Will you continue it? Will you continue to run the Government $8,000,000 behind every year in the transportation of this class of mail matter? Will you allow this class of mail matter to go through the mails at the same low rate it has heretofore enjoyed—matter that you would not allow to come into your house, and you would kick a man out of your house if he attempted to bring it in?

Now, sir, a number of suggestions have been made to the Post-Office Department in regard to extending the privileges—I mean extending them to the people of the United States in the rural districts. A movement has been made, and proved effective, for the purpose of providing rural free delivery throughout the whole country. It has been said that we could try it, but that the bar is forever closed against such privileges to the rural communities as long as there is a deficit of $8,000,000 a year in the revenues of the Department, caused by these nefarious and infamous publications being allowed to go through the mails at this low rate.

Now, how can we offset that deficit and give to our people the benefits of the service which they require? Will we abolish the deficit which exists in the Department, and at the same time place ourselves in a position for extending the privileges of the Post-Office Department to all classes of our people, by barring out from the mails the infamous specimens of literature—the second-class matter—to which I have referred?

Mr. Chairman, it seems to me that the question is plain, and one that has scarcely two sides. For that reason I must confess I was surprised this morning on returning to the House and examining the official RECORD to find that there was serious objection to the bill when it was proposed by the committee unanimously, after a thorough investigation of all of the reports of Postmasters-General for years past, and recommended by the entire seventeen members of the committee without dissent.

Mr. WILSON of Ohio. Mr. Chairman, I have no interest either for or against those who claim the benefits of this bill other than that which is common to the whole country.

I think one thing will turn the vote of the House on this question, and that is, How will it affect the country newspapers? I represent a district distinguished in many ways, but not for great newspapers. They would all be classed as "country newspapers" by the representatives of the great cities, and I therefore have scrutinized the bill to see how it would affect them. I can not see that there is a single provision in the bill that would deny the country newspaper every privilege it enjoys under existing law.

The bill provides that every newspaper claiming matter entitled to pass through the mails as second class shall have a legitimate subscription list of subscribers who voluntarily pay their subscriptions. But I submit there is no provision in the bill which provides that a newspaper which has a legitimate subscription list may not send a copy of the paper anywhere throughout the country. There is nothing to prevent a newspaper which has a bona fide subscription list from enjoying every privilege that it is now entitled to enjoy. The only question is whether there ought not to be a limit on a paper; that a paper should have a bona fide subscription list of at least nine-tenths of its circulation; and if it has such a list at all it can send out anywhere copies to newspapers under the exchange system just as they do now. There is nothing to prevent them from soliciting subscribers.

Mr. Chairman, if a boy 10 years old had told me that under this bill a newspaper could not solicit subscriptions, I should have thought him below the average in intelligence. But when a distinguished member of this House, representing a great city district, rises and says the bill would prevent the proprietor of a newspaper from soliciting subscriptions, I must say I am astonished that the claim can possibly be made. There is nothing to deprive the country newspaper of any right. The petitions forwarded here are petitions prepared by the offices which send out second-class mail matter by tons and hundreds of tons, and who get the country editors and newspapers to sign the petitions and send them here, not knowing what provisions are embodied in the bill.

I shall vote against the amendment, and will vote for the bill, believing that we should rise high enough to defend our country against the clamor of the people who are demanding that they shall be benefited especially by virtue of the postal laws.

Mr. LACEY. Mr. Chairman, I rise to ask a question for information, which I think the gentleman from Mississippi [Mr. KYLE], a member of the Committee on the Post-Office and Post-Roads, owing to his long service in the House, can answer.

I wish to ask what effect the bill will have, if any, upon exchanges between newspapers as now carried on under existing law?

Mr. KYLE. Mr. Chairman, it occurs to me that there is nothing in the bill that would militate against the exchanges between newspapers as the right now exists. This bill provides for such newspapers as are paid for by the subscribers, and when one newspaper publisher exchanges his paper for another paper, it is payment for that paper, is it not? Can it be anything else? Can any other reasonable construction be put upon the proposition?

If I buy a bushel of corn from one of you gentlemen and pay for it with a bushel of wheat, it is payment, is it not? If one newspaper publisher sends his paper to another, and that publisher, in payment for that paper, sends an exchange back to him, it is payment, is it not?

Consequently there can be nothing in the objection that is being raised against this bill here, that it would cut off the exchanges of the country. It seems absurd to claim that such a condition as that could possibly arise out of this bill, to say that it would cut off the exchanges between newspapers, simply because it requires that there shall be a legitimate subscription, and that these newspapers shall be paid for. I trust that I have replied to the question of the gentleman from Iowa.

Mr. MILLIKEN. Mr. Chairman, I think our friends on the other side are not very complimentary to the country newspapers.

In the first place, my friend from Massachusetts [Mr. MOODY] says that the country newspapers do not know what is for their own interests. They have not been found favoring this bill, and

the gentleman thinks that he understands better than they do that the country newspapers would be benefited by this bill, because the great publications which now go through the mails as second-class matter compete with them and injure them.

Now, it is not true that these publications compete with the country newspaper. They are a different class of publications entirely. The country newspaper, as a rule, gives the local news, and it is most valuable to the people in the locality and the people who have gone away from the locality. And the strongest country newspaper, and the one that is best sustained, is the one that does give the local news. The publication of these periodicals does not compete with them in any degree at all.

Mr. MOODY. Will the gentleman permit a question?

Mr. MILLIKEN. In a moment.

My friend from Ohio [Mr. WILSON] says that the publishers of these papers have signed petitions that have come here, having been solicited to do so by the friends of these great publications, and being like the Jews when they crucified their Saviour, not knowing what they do. I should like to know by what authority my friend, for whom I have great personal respect, declares to this House that the country newspaper editors do not know what they do when they sign petitions. My acquaintance with them assures me that they are as intelligent a class of people as any in this country. Perhaps they would compare favorably with the membership of this House, and I think it is an unwarranted assumption on the part of my friend from Missouri [Mr. HALL] that they sign petitions because they are oversolicited to do so, not knowing what they do.

One thing more. My friend from Iowa [Mr. HEPBURN] made a statement as to the amount of postal receipts at the Augusta post-office. Let me tell him that the postal receipts to which he refers are shown by the number of stamps purchased at the Augusta office. But these great publications in Augusta receive a considerable part of their pay in postage stamps, which they use on mail matter that requires stamps, and these stamps are not accounted to the Augusta office. And while the report may show that the office pays only perhaps $90,000 a year, yet I think the Department knows that the office really paid from $150,000 to $200,000. That is to say, stamps to that amount go through the office, though not bought at the office. The gentleman knows that if he receives a dollar's worth of postage stamps in payment for something he has sent out, when he puts those stamps on his letters they are not accounted to the office where he mails the letters.

Now, Mr. Chairman, I look upon this bill as one perhaps not framed for the purpose, but which will have the result certainly of smashing certain great industries in this country, at a time when we can little afford to have it done. It will not only injure the great publishing houses, but it will injure the paper manufacturers, the pulp mills, the lumber interests, and the railroads. It will relegate many workingmen to idleness when we already have too many forced out of employment.

I do not believe that the effect of the bill will be to save one penny to this Government. As I have said before to-day, I believe that the loss in the postal revenues if this bill shall become a law will be more than equal to any reduction in expenses on second-class mail matter.

Therefore, Mr. Chairman, I am opposed to the bill, and shall vote against it. I believe it will be a great injury to legitimate industries in this country and will do no good.

I see that my friend from Missouri [Mr. HALL] on the Post-Office Committee calls certain publications which have been mentioned here nefarious and infamous. I repeat again, what I said before: Why, in the name of Heaven, if they are nefarious and infamous, did not this Committee on Post-Office and Post-Roads report to this House a bill to exclude them from the mails? His committee has not done that. It gives no remedy in that direction. Let us defeat this bill, so drastic and sweeping as to do immense mischief. Then, if there be abuses, let the committee report a bill which shall cure them without bringing disaster to legitimate business and destroying great investments made under and encouraged by the present law.

Mr. CUMMINGS. Mr. Chairman——

Mr. TERRY. A parliamentary inquiry. I desire to be advised as to the present status of amendments. I understood this bill was being read by sections in order that amendments might be offered?

The CHAIRMAN. The Chair would state that the first section has been read and one amendment adopted. This debate has been proceeding on an amendment to strike out the last word.

Mr. TERRY. There is no amendment pending, then?

The CHAIRMAN. No amendment is pending.

Mr. TERRY. I hope we will have the remainder of the bill read.

Mr. MOODY. Mr. Chairman, a parliamentary inquiry. Would it not be possible for the debate in some way to be closed, so that amendments might be offered to the second clause?

The CHAIRMAN. A motion might be made to close debate.

Mr. CUMMINGS. Mr. Chairman, I believe I have been recognized.

The CHAIRMAN. The gentleman from New York.

Mr. CUMMINGS. Every word that I said yesterday, Mr. Chairman, concerning the effect of the passage of this bill upon the country newspaper is true. That paper will be injured in more ways than one; and if any gentleman desires to know how, he can read the remarks I made yesterday and ascertain. [Laughter.]

I wish now to address myself to another feature of the bill. I received this telegram ten minutes ago:

NEW YORK, *January 6.*

Resolved, That the members of the Stationery Board of Trade, at their annual meeting, protest against the passage of the bill now before the House of Representatives, known as the Loud bill, regulating the rates of postage on printed matter, as being injurious to the printing-paper manufacturers, bookmakers, and kindred trades.

This convention, Mr. Chairman, is now being held in New York City. Who are the members of this Stationers' Board of Trade? Let me read the names of some of the board of directors: Charles Watson Allen, of Little, Brown & Co.; Charles A. Appleton, of D. Appleton & Co.; James C. Aikin, of Aikin, Lambert & Co.; Charles F. Chichester, of the Century Company, and Charles T. Dillingham, of Charles T. Dillingham & Co.

Now let me read the names of some of the members. There are among them the best known publishers in the Union to-day. Here are some of the members: Henry Altemus, of Philadelphia; the American Book Company; American News Company; D. Appleton & Co., of New York; Bingham Bros. Company, of New York; Robert Bonner's Sons, of New York; Brentano's, New York; the Cassell Publishing Company, of New York; Caw's Pen and Ink Company, of New York; the Century Company, of New York; Henry T. Coates & Co., Philadelphia; Columbian Paper Company, of Buenavista, Va.; Thomas Y. Crowell & Co., of New York; Theo. L. DeVinne & Co., New York; Louis De Jonge & Co., New York; C. T. Dillingham & Co., New York; G. W. Dillingham and Dodd, Mead & Co., New York; E. P. Dutton & Co., New York; the Eagle Pencil Company, New York; Eberhard Faber, New York; Fishel, Adler & Schwartz, New York; Funk & Wagnalls Company, New York; Henry Holt & Co., New York; Houghton, Mifflin & Co., Cambridge, Mass.; George B. Hurd & Co., New York; Charles Eneu Johnson & Co., New York; Ketterline's Printing House, Philadelphia; Koch Sons & Co., New York; Lea Brothers & Co., Philadelphia; Lee & Shepard, Boston, Mass.; J. B. Lippincott Company, Philadelphia; Longmans, Green & Co., New York; the F. M. Lupton Publishing Company, New York; MacMillan & Co., New York; the Matthews-Northrup Company, Buffalo, N. Y.; David McKay, Philadelphia; the Merriam Company, New York; the Miller Brothers Cutlery Company, Meriden, Conn.; the Mount Holly Paper Company, Mount Holly Springs, Pa.; National Wall Paper Company, New York; Thomas Nelson & Sons, New York; Optimus Printing Company, New York; Perkins, Goodwin & Co., New York; Ed. A. Prior & Co., Baltimore, Md.; Publishers' Weekly, New York; G. P. Putnam's Sons, New York; A. D. F. Randolph & Co., New York; George Routledge & Sons, Limited, New York; B. H. Russell & Son, New York; Charles Scribner's Sons, New York; Daniel Slote & Co., New York; A. G. Spalding & Bros., New York; the Spencerian Pen Company, New York; E. Steiger & Co., New York; the Tower Manufacturing and Novelty Company, New York; Tuck, Raphael & Sons Company, Limited, New York; D. Van Nostrand Company, New York; Ward & Drummon, New York; Warne, Frederick & Co., New York; Thomas Whittaker, New York; John Wiley & Sons, New York; Wilmore-Andrews Publishing Company, New York; the C. B. Woodworth Sons Company, Rochester, N. Y.; E. & J. B. Young & Co., New York.

Now, Mr. Chairman, here are the names of other members of this board of trade, and I commend them to the especial attention of my friend from Massachusetts [Mr. MOODY], as they all are residents and manufacturers of his State: Agawam Paper Company, Mittineague Mass.; Albion Paper Company, Holyoke, Mass.; Allyn & Bacon, Boston, Mass.; Benton Bros, Lee, Mass.; Birnie Paper Company, Springfield, Mass.; L. L. Brown Paper Company, Adams, Mass.; Cambridgeport Diary Company, Cambridgeport, Mass.; the Carter's Ink Company, Boston, Mass.; Crane Bros, Westfield, Mass.; Z. & W. M. Crane, Dalton, Mass.; Crocker Manufacturing Company, Holyoke, Mass.; Estes & Lauriat, Boston, Mass.; Fairfield Paper Company, Fairfield, Mass.; D. C. Heath & Co., Boston, Mass.; Holyoke Paper Company, Holyoke, Mass.; Hurlbut Paper Manufacturing Company, South Lee, Mass.; Little, Brown & Co., Boston, Mass.; Logan, Swift & Brigham Envelope Company, Worcester, Mass.; the Lothrop Publishing Company, Boston, Mass.; Massasoit Paper Manufacturing Company, Holyoke, Mass.; G. & C. Merriam Company, Springfield, Mass.; National Blank Book Company, Holyoke, Mass.; Old Berkshire Mills Company, Dalton, Mass.; the Horace Partridge Company, Boston, Mass.; the Pierce & Bushnell Manufacturing Company, New Bedford, Mass.; the Prang Education Company, Boston, Mass.; L. Prang & Co., Roxbury, Mass.; Robert Bros, Boston, Mass.; Southworth Company, Mittineague, Mass.; the Taber Art Company, New Bedford, Mass.; Valley Paper Company, Holyoke, Mass.; Samuel Ward Company, Boston, Mass.; Weston Byron Company, Dalton, Mass.; Whiting Paper Company, Holyoke, Mass.; the George C. Whitney Company, Worcester, Mass., and Worthy Paper Company, Mittineague, Mass.

Mr. MOODY. None of them in my district. [Laughter.]

Mr. CUMMINGS. None of them in your district! Have you no State pride? Has the State pride of Massachusetts left your breast entirely? Most wonderful anomaly! The manufacturers of Massachusetts are compelled to telegraph to a Democratic Representative from New York City to represent their interests on this floor in antagonism to an attack from their own Representatives! [Great laughter and applause.]

No, sir; this thing not only strikes at the country newspapers of this Union, but it strikes at every book publishing company here as well. This House ought to look to it. While you are feeding country "killies" to great newspaper sharks, you ought at least to have some regard for the great publishing interests which are intimately allied to the interests of States which you represent. Mr. Chairman, as a New York Democrat, I am proud to be called upon by these gentlemen from Boston and from other cities in intellectual Massachusetts to protest against the work of one of their Representatives here in Congress. [Laughter.] I do so with great pleasure, indeed, and thank them for giving me the opportunity. [Renewed laughter and applause.]

[Here the hammer fell.]

Mr. MOODY. Mr. Chairman——

The CHAIRMAN. The gentleman from New York is recognized.

Mr. MAHANY. Mr. Chairman, the gentleman from New York who has just taken his seat laid great stress in his speech of yesterday upon the fact that his contention was supported by the influence of the New York Tribune and the New York Herald. Over against that argument I set the New York Commercial Advertiser, the New York Evening Post, the New York Journal, the New York Mail and Express, the New York Press, of which the leader on the other side of this debate [Mr. QUIGG] was late the editor, the New York Sun, and the New York Times. The gentleman from New York in his speech of yesterday also said that the agricultural papers were opposed to the Loud bill, but I find that the Agricultural Press League, composed of a vast number of the more important agricultural papers in the country, has heartily approved and indorsed it.

Mr. CUMMINGS. I beg your pardon. The gentleman does not wish to misrepresent me?

Mr. MAHANY. I certainly do not.

Mr. CUMMINGS. I quoted an agricultural paper that protested against the bill. I quoted no others.

Mr. MAHANY. Well, even so, this is the Agricultural Press League advocating the bill as against the only agricultural paper which you instanced in opposition.

Mr. CUMMINGS. They have not had time to put in their protests. They will inundate you with protests if you give them time.

Mr. MAHANY. Your "boiler-plate" literary bureau seems to have syndicated the "protest" business.

Mr. McCREARY of Kentucky. They had two weeks' time at Christmas.

Mr. MAHANY. Yes; as my friend suggests, they had two weeks at Christmas, with full knowledge that this bill was to come up after the recess.

I hold in my hand a letter addressed to another member of this House, the chairman of the Committee on the Post-Office and Post-Roads, from the head of the great publishing house which issues the Ladies' Home Journal, concededly a paper having one of the largest circulations enjoyed by any publication in the world. The writer, addressing the chairman of the committee, says:

> PHILADELPHIA, *March 14, 1896.*
>
> MY DEAR SIR: The inclosed circulars, i. e., in opposition to the Loud bill, came to me by mail to-day, and as they concern your bill, permit me to say that this committee of New York publishers whose names are appended to the circular I never before heard of, although I have been in the publishing business for many years. I am familiar with the New York publishing world, and as these names are strangers to me, I can not but feel that they are not important factors in the publishing business.
>
> I wish to write to you that I believe it to be the honest opinion of most reputable publishers that your bill will be a benefit to the trade. It will increase my expenses somewhat on returns from news agents, but will result in their being more careful in ordering supplies for actual needs instead of haphazard.
>
> I believe it will be a good thing to exclude sample copies from the mails at present pound rates, for the reason that the reception of sample copies is generally considered a nuisance. And, furthermore, I am of the opinion that there is a great deal of fraud in this sample-copy business toward advertisers. Large circulations are claimed on the basis of number of copies printed and sent out at this cheap rate, and, as a rule, a newspaper or periodical that has not been ordered or paid for carries little weight with the recipient, and therefore has but little influence and little value to reputable advertisers.
>
> Yours, truly,
>
> CYRUS CURTIS.

Mr. Chairman, I led the fight against the Loud bill in the Committee on the Post-Office and Post-Roads (of which I am a member), and I desire to say now that after a very careful investigation and consideration of all the various conflicting facts and arguments presented I came to the conclusion that on a last analysis there was absolutely no argument against this bill, and certainly none in favor of mulcting the United States Government from eighteen to twenty millions of dollars annually for the benefit of a few selfish and monopolistic corporations engaged in the publishing business.

Mr. MOODY. Mr. Chairman, I desire to occupy the attention of the committee for only a few minutes. My friend from New York [Mr. CUMMINGS] a moment ago gave me a prominence in this discussion which I do not deserve. Until this morning I had not made up my mind which way I should vote in the committee upon this bill. I had the pleasure (and it is always a pleasure and a profit) of reading the gentleman's speech in the RECORD this morning, because I was detained from the House when it was made yesterday, but I confess I did not get as much light as I did amusement. [Laughter.] The principal thing that I saw in the speech was that the gentleman from New York took occasion to say to the bicyclists of this country, and especially of his own district, that he would vote for good roads in every State of the Union if the Federal Government had the power to give them, and he knew it had not. [Laughter.]

Now, sir, because I saw fit to reply to the gentleman from New York somewhat facetiously, and perhaps a little out of taste, by saying that none of the persons whose names he read resided in my district, the gentleman opened the vials of his wrath and poured them down upon my devoted head and accused me of lacking proper State pride.

Mr. Chairman, I have some State pride. I have some desire to represent the State of Massachusetts as well as the district within which I live, and I believe that I can best represent my district and best represent my State and speak its truest voice, not by considering the selfish interests of any one industry, but by considering the interests of the whole people of Massachusetts [applause], and by considering further than that—and I hope it will always be in my mind—the interests of the whole people of the American Union. [Applause.] I believe this bill is in the interest of the people and against the interest of the few, which has been nourished under the present law. I say again, that for that reason, in spite of the interests that may be marshaled against it in Massachusetts, in spite of the interests that there may be against it even in my own district, believing it to be for the interest of the whole people, I propose to vote for the passage of this bill. [Applause.]

Mr. BLUE. Mr. Chairman, it is conceded on all hands that abuses exist that this bill is intended to correct. It is agreed, at least by a large portion of this body, that the provision in regard to second-class matter which is now existing law causes annually a deficit. The meritorious features of this measure are assailed by some on the ground that other abuses exist which the bill does not seek to correct. If that argument is to prevail, then no reform can ever be enacted. Every effort that is made at reform is but a partial effort. If that contention is to succeed, then every bill that is introduced to correct any abuse can be defeated upon the same ground. Great stress has been laid upon the assertion that this bill interferes with the country newspapers.

A careful examination of the measure will show that that is not true. It is an extremely suspicious circumstance, also, that the petitions which come here from the country press in opposition to this bill seem to be printed upon the same character of paper, tinted precisely alike in all cases, and bearing the impress of having been prepared by some central agency interested in defeating this measure. Who antagonizes it? Chiefly the manufacturers of paper. Are they not already sufficiently protected in the tariff laws of this country? If they are not, they will be, I apprehend, when the next tariff bill passes. Let us not seek to use the Treasury of the United States to protect these interests.

Let us look at this bill as it is presented here, and consider and dispose of it upon its merits. It is also urged that this bill should be defeated because it seeks to exclude from the mails copies of books which are of a high literary character, which are published in the supplements and sample copies of newspapers. Under the shelter and protection of a few chapters of such books, tomes of advertisements and vicious literature are distributed broadcast over the country, corrupting the morals and debasing the sentiments of the people at the expense of the Government.

The argument made here that the word "voluntarily," as used in the bill, would exclude a newspaper that seeks subscriptions is unworthy of the gentlemen who make it. If their position be correct, then every man who is asked to subscribe to a newspaper, and who in fact does subscribe, is coerced to that extent. Such an argument is mere sophistry; there is no merit in it.

This measure, Mr. Chairman, should become a law. In my judgment it will save the Treasury of the United States from ten to fifteen million dollars annually. To permit the law to continue as it now stands is to give to the paper manufacturers and the advertising agencies of this country a bounty to that extent to carry on their business at the expense of the Government. I am in favor of the bill. I shall vote for it as it stands, and I trust that it will become a law.

The CHAIRMAN. The hour of 4 o'clock having arrived, the Committee of the Whole will rise and report the bill to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; and he now, in pursuance of the order of the House, reported the bill back with an amendment adopted by the Committee of the Whole and with the amendments which were pending.

The amendments reported from the Committee of the Whole were read and agreed to, as follows:

> In line 6 of section 1 strike out after the word "three" the word "and," and insert "or;" so as to read: "Within the conditions named in sections 3 or 4 of this act."
>
> After the word "special," in line 14 of section 4, strike out "interest" and insert "industry."
>
> Insert the following as a new section:
>
> "SEC. 5. That publishers and others whose publications shall be admitted as mail matter of the second class under the provisions of this act shall be required, before depositing such mail matter in the post-office, to separate the same into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct."
>
> Change the numbering of sections 5 and 6 to 6 and 7.

The SPEAKER. The question is now on the engrossment and third reading of the bill as amended.

The question being put,

The SPEAKER. The Chair is in doubt.

Mr. QUIGG. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 104, not voting 108; as follows:

YEAS—144.

Abbott,
Acheson,
Adams,
Aldrich, T. H.
Atwood,
Babcock,
Bailey,
Barham,
Bartlett, Ga.
Beach,
Bell, Tex.
Bishop,
Black, Ga.
Blue,
Bowers,
Brewster,
Broderick,
Bromwell,
Burton, Mo.
Burton, Ohio
Calderhead,
Catchings,
Clardy,
Clark, Mo.
Clarke, Ala.
Cockrell,
Codding,
Connolly,
Cooper, Tex.
Cox,
Crisp,
Culberson,
Curtis, Kans.
Dalzell,
Danford,
Denny,
Dinsmore,
Dolliver,
Doolittle,
Draper,
Ellis,
Erdman,
Evans,
Faris,
Fenton,
Foote,
Foss,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Grout,
Hall,
Halterman,
Harrison,
Hart,
Hatch,
Henderson,
Henry, Ind.
Hepburn,
Hermann,
Hilborn,
Hill,
Hooker,
Hubbard,
Hull,
Johnson, Ind.
Johnson, N. Dak.
Kendall,
Kiefer,
Kirkpatrick,
Kleberg,
Kyle,
Lacey,
Lawson,
Layton,
Leighty,
Linney,
Linton,
Little,
Livingston,
Long,
Loud,
Maddox,
Mahany,
Marsh,
McClure,
McCormick,
McCreary, Ky.
McCulloch,
McDearmon,
McMillin,
Miles,
Milnes,
Mitchell,
Mondell,
Moody,
Neill,
Newlands,
Ogden,
Otjen,
Payne,
Pendleton,
Perkins,
Pitney,
Powers,
Price,
Prince,
Pugh,
Richardson,
Rinaker,
Royse,
Sayers,
Scranton,
Settle,
Shafroth,
Sherman,
Simpkins,
Sorg,
Southard,
Spalding,
Spencer,
Sperry,
Steele,
Stone, C. W.
Taft,
Tawney,
Tayler,
Terry,
Turner, Ga.
Turner, Va.
Van Horn,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ohio
Wellington,
White,
Williams,
Wilson, Ohio
Woodman,
Wright,
Yoakum.

NAYS—104.

Aitken,
Allen, Utah
Andrews,
Arnold, R. I.
Baker, Kans.
Baker, N. H.
Bartholdt,
Belknap,
Bell, Colo.
Bennett,
Berry,
Boutelle,
Brosius,
Cannon,
Chickering,
Coffin,
Cook, Wis.
Cooke, Ill.
Cooper, Wis.
Corliss,
Cousins,
Crowther,
Cummings,
Curtis, N. Y.
Dayton,
De Armond,
Dingley,
Eddy,
Fairchild,
Fischer,
Fitzgerald,
Fletcher,
Gibson,
Goodwyn,
Griffin,
Grosvenor,
Grow,
Hainer, Nebr.
Hardy,
Harmer,
Hartman,
Heatwole,
Hendrick,
Hicks,
Howard,
Howe,
Howell,
Huling,
Hurley,
Jenkins,
Johnson, Cal.
Kem,
Knox,
Leisenring,
Leonard,
Lester,
Loudenslager,
Low,
Mahon,
Martin,
McCleary, Minn.
McEwan,
McLaurin,
Mercer,
Miller, W. Va.
Minor, Wis.
Morse,
Mozley,
Murphy,
Northway,
Odell,
Owens,
Parker,
Phillips,
Poole,
Quigg,
Raney,
Ray,
Reeves,
Reyburn,
Russell, Conn.
Shannon,
Snover,
Sparkman,
Stahle,
Stephenson,
Stewart, Wis.
Stokes,
Strode, Nebr.
Stroud, N. C.
Sulzer,
Tate,
Thorp,
Towne,
Tracey,
Treloar,
Updegraff,
Van Voorhis,
Wanger,
Warner,
Wheeler,
Wilson, N. Y.
Wood,
Woomer.

NOT VOTING—108.

Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Anderson,
Apsley,
Arnold, Pa.
Avery,
Baker, Md.
Bankhead,
Barney,
Barrett,
Bartlett, N. Y.
Bingham,
Black, N. Y.
Boatner,
Brown,
Brumm,
Buck,
Bull,
Burrell,
Clark, Iowa
Cobb,
Colson,
Cooper, Fla.
Cowen,
Crowley,
Crump,
Curtis, Iowa
Daniels,
De Witt,
Dockery,
Dovener,
Ellett,
Gamble,
Graff,
Griswold,
Hadley,
Hager,
Hanly,
Harris,
Heiner, Pa.
Hemenway,
Henry, Conn.
Hitt,
Hopkins,
Huff,
Hulick,
Hunter,
Hutcheson,
Hyde,
Jones,
Joy,
Kerr,
Kulp,
Latimer,
Lefever,
Lewis,
Lorimer,
Maguire,
McCall, Mass.
McCall, Tenn.
McClellan,
McLachlan,
McRae,
Meiklejohn,
Meredith,
Meyer,
Miller, Kans.
Milliken,
Miner, N. Y.
Money,
Moses,
Murray,
Noonan,
Otey,
Overstreet,
Patterson,
Pearson,
Pickler,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southwick,
Stallings,
Stewart, N. J.
Stone, W. A.
Strait,
Strong,
Sulloway,
Swanson,
Talbert,
Thomas,
Tracewell,
Tucker,
Tyler,
Watson, Ind.
Wilber,
Willis,
Wilson, Idaho
Wilson, S. C.
Woodard.

So the bill was ordered to be engrossed and read a third time.

The following pairs were announced until further notice:

Mr. AVERY with Mr. STALLINGS.
Mr. BULL with Mr. MONEY.
Mr. JOY with Mr. ALLEN of Mississippi.
Mr. CRUMP with Mr. COWEN.
Mr. KULP with Mr. STRAIT.
Mr. HOPKINS with Mr. HUTCHESON.
Mr. OVERSTREET with Mr. JONES.
Mr. SMITH of Michigan with Mr. TUCKER.
Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.
Mr. HANLY with Mr. TALBERT.
Mr. BINGHAM with Mr. DOCKERY.
Mr. HITT with Mr. MAGUIRE.
Mr. STRONG with Mr. MINER of New York.
Mr. APSLEY with Mr. BOATNER.
Mr. BURRELL with Mr. MCRAE.
Mr. GAMBLE with Mr. MEYER.
Mr. LEFEVER with Mr. WILSON of South Carolina.
Mr. BROWN with Mr. LATIMER.
Mr. MEIKLEJOHN with Mr. BUCK.

The following pairs were announced for this day:

Mr. WILLIAM A. STONE with Mr. ELLETT.
Mr. ALDRICH of Illinois with Mr. SOUTHWICK.
Mr. PATTERSON with Mr. MEREDITH.
Mr. THOMAS with Mr. BANKHEAD.
Mr. TYLER with Mr. OTEY.
Mr. WATSON of Indiana with Mr. RUSSELL of Georgia.
Mr. TRACEWELL with Mr. RUSK.
Mr. HENRY of Connecticut with Mr. MCCLELLAN.
Mr. MCCALL of Massachusetts with Mr. BRUMM.
Mr. PICKLER with Mr. BARTLETT of New York.
Mr. ARNOLD of Pennsylvania with Mr. WOODARD.
Mr. CLARK of Iowa with Mr. SHAW.
Mr. CURTIS of Iowa with Mr. MOSES.
Mr. DE WITT with Mr. CROWLEY.
Mr. DOVENER with Mr. COBB.

Mr. HICKS. Mr. Speaker, I desire to make a statement with reference to my colleague, Mr. BRUMM. He is unavoidably absent, but wishes me to announce that if present he would vote against the bill.

Mr. BINGHAM. Mr. Speaker, I find in the list of pairs announced that I am paired with the gentleman from Missouri, Mr. DOCKERY. That is correct, but I was under the impression that he was present. I therefore withdraw my vote.

The result of the vote was then announced as above recorded.

The bill was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

Mr. LOUD. I move that the House do now adjourn.

The SPEAKER. If the gentleman will withhold that motion for a little while, the gentleman from Massachusetts has a matter concerning the convenience of the House.

Mr. LOUD. I will withdraw the motion temporarily.

TELEPHONE LINE, DISTRICT OF COLUMBIA.

Mr. MORSE. Mr. Speaker, I present the following joint resolution from the Committee on Public Buildings and Grounds. I ask that the committee be discharged from its consideration, and that the resolution be put upon its passage.

The SPEAKER. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

Be it resolved, etc., That authority is hereby granted to William J. Browning, Chief Clerk of the House of Representatives, to build a telephone line from the House folding room to the new annex folding room in the McDowell Building, corner of North Capitol street and Massachusetts avenue, using the Government poles now on North Capitol street.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORSE, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

The SPEAKER directed the following change of reference: The joint resolution, H. Res. 225, from the Committee on Appropriations to the Committee on the Library.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for one week, on account of important business.

To Mr. BUCK, for six days, on account of important business.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of expenditures in the United States Coast and Geodetic Survey for the year ending June 30, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wolf Lake and River, Illinois and Indiana—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting communications relating to the work of the offices of the Supervising Architect, the Auditor of the War Department, the Comptroller of the Treasury, the Treasurer of the United States, the Surgeon-General of the Marine-Hospital Service, and the Light-House Board; and communications from the Secretary of State, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster-General, the Attorney-General, the Secretary of Agriculture, and the Commissioner of Labor, showing the condition of the work in their respective Departments—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucy Cox, administratrix of Elizabeth Cox, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of expenses incurred for the support of the militia of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations on account of the revenue service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8394) to increase the pension of John Purkapile. (Report No. 2389.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 4658) granting to Charles F. Leimer the sum of $400. (Report No. 2390.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 1261) entitled "An act for the relief of John Kehl, and to restore him to his former rating," with certain amendments of the Senate thereto. (Report No. 2391.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 9062) granting a pension to Mary M. Walrath, widow of Ezra L. Walrath, late lieutenant-colonel One hundred and fifteenth Regiment New York Volunteer Infantry. (Report No. 2392.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 9306) granting a pension to Amanda Woodcock. (Report No. 2393.)

The bill (S. 2802) entitled "An act granting a pension to Margaret Rowsell." (Report No. 2394.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township—to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMICK: A bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COBB: A bill (H. R. 9843) to authorize compensation for postal service between St. Louis, Mo., and East St. Louis, Ill.—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: A bill (H. R. 9844) to amend section 5 of the act for the relief of certain enlisted men of the Navy and Marine Corps, approved August 14, 1888—to the Committee on Naval Affairs.

By Mr. REEVES: A bill (H. R. 9845) to provide for the purchase of a site and the erection of a public building thereon at Streator, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. HERMANN: A bill (H. R. 9846) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A bill (H. R. 9861) for the erection of a public building at Lockport, N. Y.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of Kansas: A bill (H. R. 9847) for the relief of Sylvester S. Van Sickel, a captain of the Twelfth Missouri Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BENNETT: A bill (H. R. 9848) for the relief of Peter Molyneaux—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 9849) for the relief of J. R. Eggleston, of Hinds County, Miss.—to the Committee on Claims.

By Mr. CRISP: A bill (H. R. 9850) granting a pension to Leander C. McCoy—to the Committee on Pensions.

By Mr. HURLEY: A bill (H. R. 9851) granting a pension to Ella Claassen, widow of Col. Peter J. Claassen—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9852) for the relief of Levi M. Wells—to the Committee on Military Affairs.

By Mr. MOZLEY: A bill (H. R. 9853) to correct the military record of Joseph H. Curle—to the Committee on Military Affairs.

By Mr. RINAKER: A bill (H. R. 9854) to grant a pension to Eli D. Walker—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9855) for the relief of Mary Ann Hendricks, Hinds County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 9856) granting an increase of pension to George Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9857) granting an increase of pension to John Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9858) granting a pension to Mrs. Lydia Lollar, widow of George F. Lollar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting a pension to Mrs. Mary F. Wright, widow of Stephen E. Wright—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 9860) granting a pension to Emma Handshaw—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade, opposing the passage of House bill No. 8536, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Club, of Philadelphia, favoring increased mail facilities in New York Harbor—to the Committee on Rivers and Harbors.

By Mr. APSLEY: Papers to accompany House bill No. 9828, granting a pension to Mary A. Caulfield—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of citizens of Wickford, R. I., for the further improvement of Wickford Harbor—to the Committee on Rivers and Harbors.

By Mr. BARRETT: Petition of Damrell & Upham and 500 other booksellers and news dealers of the State of Massachusetts, remonstrating against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of the Ohio State Medical Society, in favor of House bill No. 8777, to provide for the examination of immigrants at ports of debarkation—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petition of the Rhode Island Society, Sons of the Revolution, in favor of a law making June 14 flag day—to the Committee on the Judiciary.

Also, petition of the publishers of the Providence Journal of Commerce; also of publishers of the Triangle; also of Walter B. Frost, all of Providence, R. I.; also of T. S. Hammond, of Auburn, R. I.; also of news dealers and booksellers of Rhode Island, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Memorial of the Methodist Episcopal church of Catlin, Ill., urging that the Government immediately secure satisfaction for damages to American citizens and property in Turkey—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Petition of the Honey Creek Quarterly Meeting of Friends, representing a membership of 1,258, held at New Providence, Iowa, praying that the sale of liquors be prohibited in buildings owned or controlled by the Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Honey Creek Quarterly Meeting of Friends, asking that the age of consent be raised to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, resolutions adopted by the citizens of Fonda, Iowa, urging the United States to take such action as it can to prevent the massacre of the Armenians—to the Committee on Foreign Affairs.

By Mr. HENRY of Indiana: Affidavits of James Harrison, Thomas J. Dragoo, and letter of the Pension Commissioner, in support of House bill No. 7305, granting an increase of pension to James Harrison—to the Committee on Invalid Pensions.

By Mr. HERMANN: Memorial of the Chamber of Commerce of Astoria, Oreg., asking for the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Petition of news dealers of St. Paul, Minn.; also, petitions of A. L. Graves, Theo. A. Lienau, W. B. Brewster, and James A. Melady, all of St. Paul, Minn., against the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Petition and papers in support of the claim of Mrs. Rebecca Harrison, widow of a soldier in the Mexican war—to the Committee on Pensions.

By Mr. LAYTON: Papers in support of House bill for the relief of Levi M. Wells—to the Committee on Military Affairs.

By Mr. OTJEN: Protest of the Wisconsin News Company and others, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PITNEY: Petition of Victory Council, Junior Order United American Mechanics, of Frenchtown, N. J., concerning Cuba—to the Committee on Foreign Affairs.

By Mr. QUIGG: Sundry petitions of 88 news dealers and booksellers of New York City; the American Wheelman Publishing Company; publisher of the Independent; publishers of the Queen of Fashion; editor of the Rosary Magazine; Frank Leslie's Publishing House; publisher of the Treasury; Gunton's Magazine; the Insurance Critic; Leader & Bookstaver; William Wood & Co.; Typographical Union No. 6; the A. D. Porter Company; the Paulist Fathers; J. W. Plummer; Jenness Miller Monthly; Anthony's Photographic Bulletin; the New York Dispatch; F. M. Lupton; F. B. Warner; H. L. Saltonstall; Stationers' Board of Trade; W. C. Conant; E. B. Treat; the Trade News Publishing Company; the Metaphysical Magazine; Morris Phillips & Co.; Kirtland Bros. & Co.; Samuel S. Blood; Edward H. Fallows; H. B. Sutherland; Theo. H. Babcock, all of the city of New York; Forbes Lithograph Company and Pulsifer, Cook & Co., of Boston, Mass., and Mast, Crowell & Kirkpatrick, publishers, of Springfield, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Petition of Watts & Co., of South Berlin, Tenn.; also of the publisher of the Cumberland Presbyterian, of Fayette, Tenn., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Protest of news dealers of the State of Connecticut, against the passage of House bill No. 4566, changing postal rates on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Memorial of the Arkansas River Improvement Convention, held at Fort Smith, Ark., for the improvement of Sabine Pass—to the Committee on Rivers and Harbors.

Also, memorial of the Arkansas River Improvement Convention, held December 15, 1896, at Fort Smith, Ark., for the improvement of the channel of Arkansas River and the safety of the harbor at Van Buren, Ark.—to the Committee on Rivers and Harbors.

Also, resolution of the Fort Smith Commercial League, against the passage of a resolution recognizing the independence of Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. UPDEGRAFF: Petition of A. B. Stickney, of St. Paul, Minn., for extension of time in which to equip cars with certain patent couplers—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. R. Mead, of Cisco; also of Dyke & Olds, of Charles City; also of B. F. Wright; also of S. R. Yager, of Colmar; also of C. H. Talmage, of West Union, all of the State of Iowa, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Resolutions of Colonel Croasdale Post, No. 256, Grand Army of the Republic, Department of Pennsylvania, favoring the recognition of Cuba—to the Committee on Foreign Affairs.

Also, petition of H. L. Everett, of Philadelphia; also of U. S. Stauffer, of Quakertown; also of W. F. Goettler, of Sonderton; also of A. E. Dambly's estate, of Skippack, all of the State of Pennsylvania, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *January 7, 1897.*

Prayer by Rev. HENRY N. COUDEN, Chaplain of the House of Representatives.

The Journal of yesterday's proceedings was read and approved.

TREASURY SETTLEMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1896, a report of the Auditor for the War Department showing that the allowance of claims to certain insurance companies for the loss of the steamer *Osceola* were of the same character as those heretofore made upon the steamer *Peerless;* which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the executive of the State of Nebraska, transmitting a copy of the final ascertainment of electors for President and Vice-President for that State; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; and

A joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris;

A bill (H. R. 2320) for the relief of Samuel Burrell;

A bill (H. R. 3398) for the relief of Augusta Tuller;

A bill (H. R. 3890) granting a pension to George William Hodgdon;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 5782) granting a pension to Mrs. Anna Wedel;

A bill (H. R. 7127) granting a pension to Samuel D. Gilman; and

A bill (H. R. 7500) granting a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased.

PETITIONS AND MEMORIALS.

Mr. LODGE presented the memorials of J. W. Bowles, publisher of the Modern Art, of Boston; of E. W. Ellis, publisher of the City Press, of Malden; of F. A. D. Silva, publisher of Progresso, of New Bedford; of C. E. Twombly, publisher of the Pigeon News, of Boston, and of twelve firms of news dealers and booksellers of Springfield, all in the State of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the memorial of George T. Weeks, publisher of the Independent, of Edon, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by Post No. 646, Department of Ohio, Grand Army of the Republic, of New Paris, Ohio, favoring recognition of the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the Methodist Ministers' Association, of Cleveland, Ohio, praying for the enactment of legislation to abolish the sale of liquor in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. GEAR presented the memorials of Oscar A. Hoffman, publisher of the Sioux City Volks-freund, Sioux City; of D. Bel, publisher of the Allamakee Journal, of Lansing, and of Thockley Bros. & Cook, publishers of the Saturday Globe, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE (for Mr. VOORHEES) presented a petition of Samuel Reid Post, No. 87, Department of Indiana, Grand Army of the Republic, praying Congress to recognize the independence of Cuba, and expressing sympathy for the Cubans in their struggle for freedom; which was ordered to lie on the table.

Mr. BATE presented the memorials of Morrison Bros., publishers of the Dental Headlight, of Nashville; of Cayce & Turner, publishers of the Mail and the Primitive Baptist, of Martin; of William Carruthers, publisher of the Vidette, of Hartsville, and of W. D. Wheatley, publisher of the News, of Big Sandy, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Wisconsin presented the memorial of Frank B. Gesler, publisher of the Independent, of Bangor, Wis., and the memorial of Power & Hovel Bros., publishers of the Daily Republic, of Baraboo, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented petitions of the Crawford Lumber Company, of Raymond; of the Farmers' National Bank, of Knoxville; of G. L. Grant, of the American Florist, of Chicago; of James Peabody, of the Railway Review, of Illinois; of Dr. T. Y. Kayne, specialist, of Chicago; of J. M. Yeomans, of Chicago; of J. S. McDonald & Co., manufacturing stationers, of Chicago, all in the State of Illinois, and of C. H. E. Redding, secretary of the American Trade Press Association of New York City, and of the American Newspaper Publishers' Association of the United States, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of H. Webb Pemberton, publisher of the Galatia Journal, of Galatia; of T. O. Thompson, publisher of the Epicure, Confectioner, and Baker, of Chicago; of R. R. Fisher, publisher of the Poultry Tribune, of Freeport; of M. M. Rowley, publisher of the Clipper, of Biggsville; of J. E. Bangs, publisher of the Student, of Pontiac; of Nathan Collins, publisher o the Intelligencer, of Westfield; of Robert D. Sawyer, publisher of the American Pressman, of Chicago; of N. A. Reed, publisher of the Banner of Gold, of Chicago; of E. A. Shepler, manager of the Western News Company, of Chicago; of the Starchroom Publishing Company, publishers of the Starchroom, of Chicago; of Matheson & Allardyce, publishers of the Canadian American, of Chicago; of Edward E. Goff, of the Motocycle Publishing Company, of Chicago; of A. Paessler, publisher of Der Beobachter, of Chicago, of F. W. Rice, publisher of the Daily National Hotel Reporter, of Chicago; of E. C. Hewett and George Brown, publishers of the Public School Journal, of Bloomington; of S. Harrison White, publisher of North Shore Suburban, of Chicago; of Albert H. Snyder, publisher of Everybody's Journal, of Chicago; of Sarah Pollock, publisher of Mission Studies, of Chicago; of G. W. Gaver, publisher of the Franklin Reporter, of Franklin Grove; of E. S. Kingsbury, publisher of the Republican, of Lawrenceville; of the Goodman & Dickerson Company, publishers of the Standard, of Chicago; of the National Stenographer Company, publishers of the National Stenographer, of Chicago; of H. W. De Jamatt, publisher of the Crete Citizen, of Crete; of H. F. and A. E. Evans, publishers of the Highland Park News, of Highland Park; of T. O. Thompson, publisher of the Dairy World, of Chicago; of the Lanward Publishing Company, publishers of the General Manager, of Chicago; of C. E. Rouse, publisher of the Argus, of Chicago; of Frances L. Dusenberry, publisher of the Chicago Vegetarian, of Chicago; of O. L. Fox, publisher of the Indicator, of Chicago; of W. W. Burch, publisher of the American Sheep Breeder, of Chicago, and of Charles S. MacDonald and sundry other news-dealers and booksellers of Chicago, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by Council No. 11, American Protective Association, of St. Louis, Mo., expressing sympathy for the Cubans in their struggle for freedom; which were ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly of Galesburg, Ill., and a petition of the Gulf City Farmers' Alliance, of Galveston, Tex., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a resolution of the Commercial Club, of Chicago, Ill., favoring the policy of the Administration in regard to Cuban affairs; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Maine State Grange, praying for the passage of Senate bill No. 2015, to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895," approved July 16, 1894; which was referred to the Committee on Post-Offices Post-Roads.

He also presented the memorials of Daniel H. Holmes and Fred H. Haley, publishers of the Chronicle, of Westbrook; of W. E. Lewis, publisher of the Pemaquid Messenger, of Bristol; of Joseph Wood, publisher of the Maine Coast Cottager, of Portland, all in the State of Maine, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the memorial of C. E. Goldthwait and 13 other citizens of Springfield, Mass., and a memorial of sundry citizens of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the memorials of John B. Penfield, of the Commercial, of Vicksburg; of J. H. Kellogg, of the Modern Medicine, of Battlecreek; of Herber & T. Sawher, of the Evening News, of St. Clair; of Clement J. Strong, of the Sunfield Sentinel, of Sunfield; of Ihling Bros. & Everard, of Kalamazoo, and 3 other publishers of Michigan, and of the Detroit News Company and 12 other news dealers and booksellers of Detroit, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART presented the petition of Robert C. Blossom, publisher of the Central Nevadan, of Battle Mountain, Nev., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN. I present a petition and sundry letters from citizens of the State of Florida, relative to the Perrine land grant in that State. I move that the petition and accompanying papers be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CARTER presented a petition of sundry citizens of Madison County, Mont., and a petition of sundry citizens of Dawson County, Mont., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. CALL presented the memorial of Josephus Anderson, of the Florida Christian Advocate, of Leesburg, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented petitions of the Mount Pleasant Congregational Church; of the Union Methodist Episcopal Church; of the Central Union Mission; of the Concordia German Lutheran Church; of L. B. Wilson, presiding elder of the Washington district of the Baltimore Conference of the Methodist Episcopal Church; of Wesley Chapel Methodist Episcopal Church; of Emmanuel Protestant Episcopal Ladies' Society; of Dr. J. J. Muir, pastor of E Street Baptist Church; of the pastor and deacons of Calvary Baptist Church; of Mount Vernon Place Church, and of the Fifth Congregational Church, all in the city of Washington, D. C., praying for the passage of House bill No. 9515, to raise the age of protection for girls in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

He also presented memorials of C. J. Strong, of the Sentinel, of Sunfield; of John C. Van Duzer, of the Iron Port, of Escanaba; of the Wood Printing Company, of the Nonpareil, of Muskegon; of H. C. Kudner, of the Lapeer County Democrat, of Lapeer; of Woessner & Marson, of the Menominee County Journal, of Stephenson; of Herbert Thomas Sawher, of the Evening News, of St. Clair; of B. F. Browne, of the Huron Times, of Sand Beach; of John B. Penfield, of the Commercial, of Vicksburg; of Wesley Emery, of the Corner Stone (monthly), of Lansing; of J. H. Kellogg, of the Modern Medicine, of Battlecreek, and of J. H. Kellogg, of Good Health, of Battlecreek, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLS presented the memorials of S. A. Hayam, publisher of the Texas Baptist Herald, of Dallas; of Paulino Martinez, publisher of El Chinaco, of Laredo; of Justo Cardenas, publisher of El Correo de Laredo, Laredo; of the Stock Journal Publishing Company, publishers of the Texas Stock and Farm Journal, of Dallas; of L. A. Sanders, publisher of the Democrat, of Montague; of Clarence Ously, editor of the Tribune; of J. C. Cochran, publisher of the Texas Odd Fellow, of Austin; and of George H. Black, publisher of the Tioga North Texan, of Tioga, all in the State of Texas, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN presented the petition of Benjamin B. Cox and sundry other citizens of Mobile, Ala., praying for the passage of House bill No. 8320, for the improvement of the public service by optional and compulsory retirement of certain Government employees, and for the creation of a fund for the benefit of such employees, and for other purposes; which was referred to the Committee on Civil Service and Retrenchment.

Mr. COCKRELL presented the memorial of J. A. Mann, publisher of the Times, of Kingfisher, Okla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE presented a petition of the Methodist Ministers' Association of Cleveland, Ohio, praying for the passage of the so-called Morse bill, providing for the regulation of the sale of intoxicating liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Delhi, Home City, and Fernbank, all in the State of Ohio, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Cleveland Christian Endeavor Union, of Cleveland, Ohio, and the petition of Rev. A. E. Winter, of Cleveland, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Ohio State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for more restrictive immigration laws; which was referred to the Committee on Immigration.

He also presented a petition of the Ohio State Medical Society, praying for the passage of Senate bill No. 3127, providing for the examination of immigrants at ports of debarkation; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bellefontaine, Ohio, and a petition of sundry citizens of Columbus, Ohio, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a memorial of the Ohio State Medical Society, remonstrating against the passage of Senate bill No. 1552, providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the McMicken Mutual Aid Association of Cincinnati, Ohio, praying for the passage of the resolution now pending in the Senate recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the Manufacturers' Club of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented petitions of the Dayton Gas Light and Coke Company; of the Cooper Insurance Company; of the Gem Shirt Company; of Messrs. Thresher & Co.; of the Fourth National Bank; of the Stillwell-Bierce & Smith-Vaile Company; of the Rike Dry Goods Company; of the Craig-Reynolds Foundry Company; of Messrs. Canby, Ach & Canby; of Messrs. C. W. Raymond & Co.; of the Royal Remedy and Extract Company; of the Cast Steel Plow Company; of Messrs. Elder & Johnston; of the Crawford, McGregor & Canby Company of Dayton, and of the Case Manufacturing Company, all in the State of Ohio, praying for the enactment of legislation providing for the readjustment of the rates of postage; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of Keepers & Greenbaum, publishers of the Monroe Gazette, of Woodsfield; of 126 news dealers and booksellers of Cincinnati; of W. S. Richard, publisher of the Derrick, of Bloomdale; of the Cycling News, of Toledo; of the Advocate, of Plain City; of the publishers of the Church Life, of Cleveland, and of the publisher of the Beacon, of Akron; of the Ashtabula News, of Ashtabula; of the Toledo Daily News, of Toledo; of George T. Byland, of Hillsboro; of E. Wotwell, publisher of the Magnet, of New Waterford; of McClung & Hinkle, publishers of the Herald, of Jackson; of Jackson H. Cooke, publisher of the Market Review and Farm Journal, of Akron; of the Huron County News, of Norwalk; of A. E. Hough, editor of the Gazette, of Hillsboro; and of A. McLean, secretary of the Foreign Christian Missionary Society, of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of John Orr Sons, of Steubenville, Ohio; of the D. Q. Fox Company, of Springfield, and of Babcock, Hurd & Co., of Cleveland, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a memorial of the Master Car Builders' Association, praying for the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of the Young People's Society of Christian Endeavor, of Hay Springs, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the American Trade Press Association, of New York, and of sundry citizens of Fremont, Nebr., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of C. D. Henry, publisher of the Christian News, of Bethany; of Moses H. Sydenham, publisher of the Central Star of Empire, of Kearney; of the Omaha and South Omaha news dealers; of M. O. Gentzke, publisher of the Nebraska Volksblatt and Cuming County Advertiser; of the Brock Champion, of Brock; of the Delnicke Listy Publishing Company, of Omaha; of Sinclair & Clements, publishers of the Bancroft Blade; of George F. Goodell, publisher of the Beemer Times; of the Western Cyclist; of A. J. Watrous, publisher of the Coleridge Blade; of A. L. Riggs, of Santee Agency; of F. H. Nagel, publisher of the Freie Presse, of Lincoln; of William Breed & Son, publishers of the Nebraska Volksfreund; of A. S. Evans, publisher of the Tribune, of Meadow Grove; of C. C. McHugh, publisher of the O'Neill Sun; and of E. C. Elving, publisher of the Svenska Journalen, all in the State of Nebraska; and the petition of Clara B. Colby, publisher of the Woman's Tribune, of Washington, D. C., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

THE CENTRAL PACIFIC RAILROAD DEBT.

Mr. WHITE. I hold in my hand a remonstrance from prominent citizens of California, and organizations, with reference to the Pacific Railroad funding bill. I do not wish to read it, but I should like to have it printed in the RECORD, and I make that request.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

THE CENTRAL PACIFIC RAILROAD DEBT—CALIFORNIA'S REMONSTRANCE AGAINST REFUNDING IT.

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THE CENTRAL PACIFIC RAILROAD DEBT—CALIFORNIA'S REMONSTRANCE AGAINST REFUNDING IT.

To the Senate and House of Representatives of the United States.

GENTLEMEN: In again appearing in opposition to the passage by Congress of a measure for refunding or extending time on the debt of the Central Pacific Company, we beg to call to your recollection the many objections expressed in our memorial on behalf of the people of this State presented to the last session of Congress as well as to the following additional facts and considerations, some of which have been developed since that memorial was presented and others have been suggested by the course the discussion of the proposal has taken.

REVERSAL OF ESTABLISHED CONGRESSIONAL POLICY AS TO PACIFIC ROADS.

I. In granting aid to the Texas Pacific road, and to the Southern Pacific Railroad it was undoubtedly the intention of Congress to create a southern route across the continent which would constitute a rival to the central route on that side, as the Northern Pacific road was designed to do on the north. The purpose was to give to the people of the whole country the advantage of competition in overland transportation. Without accurate knowledge of the extent to which extortion in charges was practiced on the Central line since brought to light by the Pacific Railroad Commission, it was common knowledge that the charges were excessively high, and the creation and maintenance of competing roads were recognized as necessary. Therefore, to insure their construction and maintenance, aid was liberally granted by Congress. Independent of its enormous subvention in bonds, the Central Pacific Company received as a donation of land aggregating, after all deductions, [illegible] acres worth at minimum Government price $[illegible], but estimated at more by themselves, their sales, down to December 31, 1882, having produced an average price of $4.56 per acre. (Vid. report of December, 1882, pages [illegible].) The Southern Pacific land grant in California amounted to 10,445,227 acres worth at minimum Government price $26,113,175, but of which their own report of December 31, 1882, says: "A very large portion of them is choice agricultural and timber land, and will command a much higher price." In fact, the subsequent table in same report shows the average price so far to have been $4.58 per acre. (Annual report December 31, 1882, pages 44, 41, 51.)

This beneficent and well considered policy of Congress in pursuit of which it has so bountifully endowed these two companies has been deliberately and formally set at naught by the managers, who, to prevent the competition designed by Congress, have leased the Central Pacific road for ninety-nine years, from April 1, 1885, to the owners of the whole stock of the Southern Pacific Railroad, and both roads are thus put into common management. The proposed refunding act distinctly confirms this lease so far as Congress has the power to do so, and threatens penalties against the abused stockholders of the company should they seek to avoid it as a fraud on them. The chief objection to it on our part is its direct hostility to the deliberate and long-settled policy of Congress, which it distinctly reverses in the interest of private parties; a minor one, not, however, without weight, is that it aims to fasten on the stockholders of the company a lease by their trustees in fraud of their rights, which they are now preparing to vindicate by legal proceedings. This is unjust to them. The method by which the Central Pacific managers retained control of the company after parting with all their interest will be shown further on. What is important here is that the real parties in interest have at last awakened to the wrong done them, and are preparing to claim their rights and return to the policy of an independent existence and operation designed by Congress, and this is the moment at which it is proposed to enact, as in section 19 of the pending bill, Senate bill No. [illegible], Fifty-fourth Congress, first session, that if this fraudulent and infamous lease be annulled or canceled, even by decree of a court, that act shall entail the immediate maturity of the whole debt due the United States at the option of the President. The Government is thus made to cast the sword and belt of Brennus into the scale wherein the defrauded stockholders are weighing the cost of obtaining justice against their dishonest trustees. Surely Congress will shrink from enacting a law to forbid people who have been defrauded from seeking redress under such a heavy penalty.

FALSE PRETENSES TO CONGRESS—CONCEALMENT OF MATERIAL FACTS.

II. The indulgence and extension of time here involved are asked under false pretenses the discovery of which should forbid entertaining the proposal. The demand for time to pay is based on the suggestion of poverty on the part of the debtor, whose earning power, it is said, can not reach beyond the pittance proposed to be required by the pending bill, but the pretense of poverty is entirely false. The Central Pacific Railroad Company is paying dividends to its shareholders to-day, with promise to double them as soon as the bill passes, and it has very large means, money claims, which should be called in and applied to the payment of its debts. Some of these are as follows:

I. Claims against its former directors and managers, amounting to many millions, for misappropriation of its funds and property by means of fraudulent contracts and dealings with themselves through the disguise of construction companies—the Contract and Finance Company, the Western Development Company, etc.

II. Claims of great magnitude against the Southern Pacific Railroad Company, its successful rival in business, to be explained below.

III. Claims against its directors for fraudulent mismanagement, whereby its revenues have been impaired for their own benefit.

Of these claims in their order. The proof of the dividends paid, afterwards.

I. Claims against its directors for misappropriation of funds, etc. The report of the Pacific Railroad Commission shows that the assets and resources of the Central Pacific Railroad Company were diverted and appropriated to their own private gain and in fraud of the company by the original directors, Huntington, Stanford, Crocker, and Hopkins, through the instrumentality of construction companies, and gives approximately the amount stolen. These proceedings are now in their outline familiar to all well-informed persons, and altogether the frauds practiced in the construction of the Pacific railroads are generally regarded as the most disgraceful public scandal in the annals of the country. No public man has ever dared to defend them, though several were shown to have profited by them and were relegated by public opinion to merited obscurity; they have never received even tacit condonation from Congress, and to pardon them now, by extending the time for payment, as if the liability were an ordinary debt, would be to affirm by act of Congress that in the judgment of that body the acts in question came up to the standard of morals properly applicable to the disbursement of public funds intrusted, in a moment of great public peril, to the honor of private citizens. Better by far lose the whole amount of the debt than affirm such doctrine. But the debt need not be lost; every dollar of profit gained by these dishonest directors can be yet recovered by the company or by a receiver appointed in a foreclosure representing the interests of creditors and stockholders. The company has never brought such suit because its management has ever been controlled by the perpetrators of the frauds or those deriving from them. Individual stockholders have from time to time sued on behalf of the corporation, but, though vigorously defended, not one of them has been allowed to proceed to judgment. They have all been compromised for amounts and on terms which implicitly admit guilt. "The allegations," says the friendly majority of the Pacific Railroad Commission in their report (page 75), "contained in these complaints were such as would compel men of honor, if these allegations were false, to defend themselves at any cost. It appears from the evidence that all these suits were settled, and that the stocks owned by the plaintiffs were bought at rates varying from $400 a share to $1,000 a share." None of these settlements, however, condone the wrongs done the company, and no statute of limitation has barred its right. That right is an asset of great value, for the responsibility of Mr. Huntington individually and of the Crocker estate are undoubted. The latter has been, fortunately, kept undivided by transfer to a corporation composed of the heirs, and is distinctly recognizable in present hands.

II and III. Claims against the Southern Pacific Railroad Company, and claims against its own directors for fraudulent mismanagement of its business. These, for brevity, will be treated together, but to do so requires some preliminary explanations.

THE CALIFORNIA RAILROAD COMBINE—HOW COMPOSED—ITS CONTINUITY—THE SOUTHERN PACIFIC COMPANY.

It must then be premised that the management of the Central Pacific road has been substantially unchanged from its organization to the present day. When the personnel has varied, the transfer has been from brother to brother, from father to son, from uncle to nephew, or from deceased to surviving partners. There has been an absolute continuity of design, system, policy, methods, and practices from the beginning, so that we may speak of the management at all times as continuous. The form of the combine remained unchanged down to 1884, when it took a corporate shape, as to the "Southern Pacific Company."

The original Central Pacific combination consisted of Collis P. Huntington, Leland Stanford, Mark Hopkins, Charles Crocker, and E. B. Crocker. They undertook the building and financing of the Central Pacific road, and shared the profits equally. Whether they were technically partners is disputed and not here material. The last named associate died first, and, as was natural, the survivors bought up his interest. Mark Hopkins died next, intestate and childless; his widow retained his interest and took his place. The others were now growing old, and to husband their energies the survivors sought a younger associate to share their labors. They sold an interest of one-fifth to David D. Colton and took him in. By this time they had branched out into extensions of the Central Pacific road, northward up the Sacramento Valley, and southward through that of the San Joaquin, and building the Southern Pacific road. Colton was very active in the management. He died, however, quite suddenly, from an accident, and as he had not been long enough in the concern to become an essential part of it, and left no representative who could contribute the services that he had rendered, it became necessary to buy his interest. This was done quite promptly, but in a manner and under circumstances that led to a subsequent action by Mrs. Colton to set aside the sale and have an account taken of the affairs of the concern. In the course of this trial, which was contested with great obstinacy, was brought to light the correspondence between Huntington and his associates which has since become so famous (or infamous). It forms a part of the transcript on appeal.

The Colton incident drew the attention of the surviving partners to the danger that menaced them, as their numbers continued to grow less. If each successive death were to involve a purchase of the deceased's interest by the survivors, what would be the lot of the longest liver? Mr. Huntington is credited with the invention of the idea of obtaining a charter of incorporation for themselves; surrendering to such corporation the shares of stock held by the individuals in the various railroad companies they had formed, and taking in exchange for it stock in the new company. This plan was adopted, and a legislative charter was obtained from the State of Kentucky for the Southern Pacific Company. The original proposal was to have the stock of the new company held equally by the four remaining associates, i. e., one-quarter each by Stanford, Crocker, Huntington, and Mrs. Hopkins; but at the last moment Mr. Huntington recurred to the annoyance they had previously experienced from their inability to deny that the Southern Pacific and Central Pacific Companies were in fact composed of the same individuals (referred to in his letters to Colton), and suggested taking in an additional associate and selling him a small interest. This was acceded to and a fifth shareholder taken in, but he presently tired of his purchase and sold his shares to Huntington, or fell under his control, and thus it came about that Mr. Huntington united with any one of the other parties controls the action of the Southern Pacific Company. Mrs. Hopkins having remarried in her old age, on her death left a will in favor of her youthful husband, a Mr. Searles. This gentleman, having other tastes, has not taken personal part in the railroad management, and thus Mr. Huntington, by his acquiescent cooperation, has come to wield the whole power of the Southern Pacific Company, and his single will reverses the deliberate policy of Congress in pursuance of which it has granted away over a hundred million acres of the public domain, 10,445,227 thereof to the Southern Pacific Railroad Company, of which he then was and practically still remains the controlling owner. Being a Kentucky corporation, the Southern Pacific Company organization is not governed by the laws of this State wherein its business lies, and the proportional representation of stockholders in the direction allowed by California law has no place. The other parties in interest are therefore indebted to the consideration of Mr. Huntington for their positions in the board, and must dance to such music as he sees fit to play. He is the president of the company and is no "King Log!" He controls everything, and is to all intents and purposes the company.

WHAT PROPERTY THE SOUTHERN PACIFIC COMPANY OWNS.

It never had any cash capital. The stocks held by the organizers were transferred to it at some agreed prices bearing no relation to their actual value, and its stock issued in payment therefor. Thus it owns the stocks of all the other railroad and transportation companies which its managers have from time to time built or purchased, except the Central Pacific, and nothing more. A few shares of each are placed in the names of dummies in their employ, or under their control, to qualify them as directors of the various companies, and thus the doings of these corporations are dictated and controlled by the single will which controls the Southern Pacific Company. As every road whereof it owns the stock is mortgaged for far beyond its value or cost, the value of the stocks which constitute its whole capital is obviously

but nominal. Whenever additional property is acquired it is at once duly mortgaged for all it will possibly bear, and subject to such mortgage transferred to or held by the Southern Pacific Company.

The Southern Pacific Company chooses the directors and controls the management of all these roads of which it is the lessee, besides owning the stock. It finances them all, gets all their cash into a common purse, manages their sinking funds, lending the money of one to the other, and that of the other to a third, and so round the circle till it comes back to where it started, and the whole thing becomes a mere matter of bookkeeping, needing no unnecessary and inconvenient payments of cash. The lease of the various roads other than the Central Pacific is styled the "Omnibus lease." It has been lauded as a method of insuring unity and economy of management, etc. The principal feature, however, which a studious reader will be apt to recognize in it is a clause which, reversing the old rule of reserving a rent to be paid by the lessee to the lessor, provides that the lessees shall have 10 per cent of the proceeds of the business for managing and taking care of the property of the company whereof they own the whole stock. While the lessees continue to own all the stock this may be harmless; but whenever they shall put any of these stocks on the market and succeed in making sales of them, the purchasers may be expected to discover its radical dishonesty when they find a portion of the stockholders, in their capacity of lessees, absorbing 10 per cent of the proceeds of the business before leaving a cent for them.

Members of Congress should also be informed that the Pacific Improvement Company (commonly written P. I. Co.) is another of the protean corporate forms under which these railroad managers mask their operations, just as the Western Development Company was before it, and the Contract and Finance Company before it, in turn; continually changing in name, ever the same in fact.

Returning from this necessary introduction of the characters, we come to the gigantic fraud on the Central Pacific Company perpetrated by its managers in 1880. It consisted essentially in using the credit and means of that company to build, for their own benefit, the Southern Pacific road as a rival line, designed and calculated to destroy the value of the Central. The process of this was as follows:

THE SITUATION IN 1870—COMMENCEMENT OF THE SOUTHERN PACIFIC ROAD.

What is now called the Southern Pacific Railroad began with the construction of a road from San Francisco 80 miles south to Gilroy. It was completed in 1869. Mr. Huntington intimates—in fact asserts—that it was done by his Southern Pacific Railroad Company; but this is one of those curious lapses of memory to which some persons are subject, by which they not only forget what occurred, but remember exactly what did not. The fact is, neither he nor any company he was connected with built a single mile of it. It was built by Peter Donahue, Henry M. Newhall, and Charles B. Polhemus (the last named is still living), under the corporate name of the San Francisco and San Jose Railroad Company, and that of the Santa Clara and Pajaro Valley Railroad Company; to build and equip it cost about $1,500,000, and it was in use as a local road. In 1865 a company was organized in San Francisco by eight or ten gentlemen—William T. Coleman, Timothy Guy Phelps, Charles N. Fox, and others, under the name of "The Southern Pacific Railroad Company," but it had no actual capital and built no road; was in fact a mere paper organization. There was another company organized in 1870 called the California Southern Railroad Company, which was in similar plight. By this time some progress had been made in selling the shares of the Central Pacific Company, though Mr. Huntington and his associates continued to retain its management. They decided on building another road which by its more advantageous location, more favorable grades, and preferable approach to the city of San Francisco direct, would be able to successfully rival it in business. With this view they purchased from Messrs. Newhall, Donahue, and Polhemus the stock of the two roads first above mentioned (from San Francisco to Gilroy) and from the organizers of the second two companies named their good will and corporate names, and in October, 1870, consolidated the four companies into one, under the name of the "Southern Pacific Railroad Company." The route designated was from San Francisco southward through the Santa Clara and Salinas valleys, across the Coast Range of mountains into the San Joaquin, and up that valley and over the Tehachapi Pass to the Colorado River. Its nominal capital was $[illegible]; its actual capital, the road from San Francisco to Gilroy and its equipment, nothing more, and that mortgaged for $[illegible].

Meantime the Central Pacific Company had constructed a branch of its road extending southward from Stockton up the San Joaquin Valley, some 150 miles, to a place called Goshen, a mere hamlet, but the point at which the projected Southern Pacific road would intersect the Central. During the winter months succeeding the purchases above mentioned, the parties succeeded in procuring the insertion in the act of Congress of March, 1871, of a land grant in favor of the Southern Pacific Railroad Company, and soon thereafter began to build from Goshen onward toward the Colorado River and the State line.

There was no bona fide subscription to the stock of the Southern Pacific Railroad Company, nor any contribution of cash capital. The whole business was managed through the instrumentality of a construction company composed of the managers of the road itself, who were also the trustees and managers of the Central Pacific. This construction company contracted with the Southern Pacific Railroad Company to build and equip its road for all the stock of the company and all its bonds. The original intention was to issue $[illegible] of stock and an equal amount of bonds for every mile of road built, but this excessive capitalization seems to have been afterwards reconsidered and made somewhat less.

They began building the Southern Pacific road from Goshen, above named, southward, in 1872, and in that year constructed, say, 21 miles. In 1873 they built about 21 more, and in 1874 some 34 additional, making 75 in all in that valley. During the same period they added some 81 miles to the length of the road from San Francisco to Gilroy. This was the situation at the commencement of 1875.

THE FRAUD.

In July, 1875, the Southern Pacific Railroad Company executed a mortgage for $46,000,000 to trustees, dated April 1 of that year, covering the whole of their road existing and contemplated (being, as described, 1,150 miles in length, or at the rate of $40,000 per mile of road). A large amount of these bonds was issued to the construction company, and the problem before Mr. Huntington and his associates was to sell these bonds, and, until sales could be effected, to give them an apparent or prospective value, which might meantime render them available as collateral security.

People investing in railroad bonds naturally look at the earnings of the road as a guide to estimate values, and as the San Joaquin Valley south of Goshen was then quite unsettled, and could furnish neither freight nor passengers to the new road, they determined to make a show of business over it by using the credit of the Central Pacific Company. For this purpose they made a lease, dated September 1, 1876, to the latter company of the branch of the Southern Pacific Railroad extending from Goshen southward to the Colorado River, constructed and to be constructed, for $6,000 per annum for every mile thereof built and ready for operation. The rent would thus increase by six thousand per annum with every additional mile of road built. From this rent, however, the lessees were permitted to deduct $3,000 per mile per annum for operating expenses. And, probably to divert the attention of the Central Pacific stockholders from the importance as well as the dishonesty of this lease, it was made terminable by a notice of sixty days, as if it were a mere temporary arrangement. The very circuitous mode here resorted to of reaching a rent of $3,000 per mile per annum naturally suggests a sinister design, and there was one, quite in harmony with the whole knavish proceeding of which it formed a part. The object was to enable the Southern Pacific Railroad to appear in the financial publications of the day as earning from this branch of its road, while yet unfinished and without a terminus at either end, $6,000 per mile per annum, and being operated at 50 per cent of its gross earnings. Obviously a road through a new country which, while yet in an unfinished condition—running, in fact, from no place to no place—could make such a showing as that, had before it the brightest of prospects. The terms of this fraudulent lease, therefore, were arranged for the purpose of deceiving the public, by holding out false and delusive prospects of earning the capacity of the road, and thus rendering the disposal of the bonds more easy. The making of this lease, and the particular form of reservation of rent in it, were both parts of a dishonest contrivance to bolster up the credit of the Southern Pacific Railroad Company at the expense of the Central, and to enable Messrs. Huntington and associates, while acting as directors and trustees of the latter company, to hypothecate and afterwards sell the bonds of the former. It need scarcely be said that this constituted a gross fraud on the Central Pacific Company and its stockholders, and that under our law, as under that of all civilized countries, the last-named company is entitled to recover from its dishonest trustees all gains and profits of every kind derived from it, and this without any participation in or allowance for their labor or risk in the venture.

The disgraceful history of this issue of bonds of the Southern Pacific Railroad Company is not yet all told, nor the published evidence of the fraudulent design exhausted. They were inscribed on the stock list and offered on the New York exchange; bids, offers, washed sales, and all means (even down to a fictitious sale of a lot of them under an execution) were resorted to to give them currency, but without success; the gudgeons of Wall Street refused to bite; and down to March, 1880, the bonds remained in the hands of the construction company, unsold and practically unsalable.

About the period last mentioned Messrs. Speyer & Co., a firm of bankers in New York, pointed out the weak spot in Mr. Huntington's case to him; it consisted in the right to terminate the lease by sixty days' notice, and they offered if that defect were remedied to their satisfaction to take up the loan and float the first ten millions of the bonds at a price agreed on. They agreed to take two millions of them at 90, and got an option of eight more. As if to emphasize the fraud on the Central Pacific Company, and illustrate it, if possible, more clearly, the bankers insisted on, and Messrs. Huntington & Co. consented to, a modification of the lease to the Central Pacific Company, whereby it was made to continue in force absolutely for five years, and thereafter until the Southern Pacific should have extended its road so far as to connect directly by rail with the railroad system of the Atlantic side, not exceeding ten years in all. This modification of the lease was made and executed early in 1880, and the preliminaries having all been arranged and the comedy fully rehearsed, there appeared on the morning of March 9, 1880, and the three following days, in the New York Tribune, an advertisement announcing that subscriptions would be opened on the 11th of that month and closed on the 12th in New York, Boston, Frankfort-on-Main, London, Amsterdam, and Berlin, for $10,000,000 of 6 per cent first-mortgage bonds of the Southern Pacific Railroad Company (describing them), offers to be made to certain banking houses of those cities respectively. This advertisement was conspicuously displayed, and among the inducements offered were that the bonds "were secured by a first mortgage on the railroad and telegraph line, rolling stock, fixtures, land, and franchises of the Southern Pacific Railroad of California." That the total length of the projected road was 1,150 miles (specifying how made up), "of which 712 miles were completed and in operation," divided into the northern and southern divisions, the former extending from San Francisco to Soledad, and from Carnadero to Tres Pinos, in all 161 miles, and the latter from Huron to Yuma (with a branch of the road from Los Angeles to Wilmington), in all 551 miles, and intersected at Goshen by the San Joaquin branch of the Central Pacific road. That the net earnings of the southern division (through rental to Central Pacific Railroad Company) were—

In 1879	$1,656,390.00
In 1878	1,635,554.93

that the San Joaquin Valley Branch of the Central Pacific Railroad furnished the Southern Division with an outlet both to San Francisco and eastward over the main line of the Central Pacific Railroad, and that "in view of common interests the Central Pacific Railroad Company had taken a lease of the Southern Division of the Southern Pacific Railroad of California, for a period of not less than five years, from January, 1880, and by the terms of the lease if a railroad is not completed in five years from that date, so that there is a connection of the Southern Pacific Railroad of California with the eastern system of railroads on what is known as the thirty-second parallel line, the lease shall be extended until such connection is made; provided such extension does not exceed five years longer, or ten years in all from January, 1880. That by the terms of the lease the net rental agreed to be paid during the continuance of this lease and any extension thereof shall be $250 per month, or $3,000 per year per mile (being at present on about 551 miles, equals about $1,650,000 annual rental), 'and if for any cause, it' shall be reduced by mutual consent of the parties, that the annual amount of such rental reduced shall at least be sufficient to pay all the interest that has been or may be agreed to be paid in any one year on any bonds of the Southern Pacific Railroad Company of California, outstanding during the continuance of this lease."

The modifications in the terms of the lease indicated in this advertisement seem to have been all that was required by the bankers, and promptly after the time for closing the bids, without waiting to hear from London, Frankfort-on-Main, Amsterdam, or Berlin, it was announced that the whole block of bonds had been taken by Messrs. Speyer & Co., and thereafter they were gradually peddled out on the New York market and ultimately found buyers. The sales of these bonds thus introduced in the stock exchange by the credit of the Central Pacific Company aggregated over $32,000,000, and at an (estimated) average price of about 95 per cent. The sales from the land grant obtained by the building of the road have amounted to over $10,000,000, and much remains unsold. All these large sums should be accounted for to the Central Pacific Company as the fruits of the fraud. Thus the dishonest directors of the Central Pacific road procured the means for constructing the Southern Pacific, which by its shorter mileage between the oceans, its easier grades, and the preference given it in the routing of freight, has been almost the ruin of the Central Pacific. To insure the disastrous result, however, the managers determined to cut off its local freights also, and to this end constructed (in the names of companies ultimately consolidated with the Southern Pacific) a substantially parallel road through the San Joaquin Valley on each side of the Central, ready to intercept every pound of freight approaching it on either side!

OTHER FRAUDS IN CENTRAL PACIFIC MANAGEMENT.

1. We have already mentioned the ninety-nine-year lease of the Central Pacific road to the Southern Pacific Company (of Kentucky). Considering the relative positions of the several parties, the ownership by the lessees of the whole stock of the rival road and that of the Southern Pacific Company's

stock by those managing the Central Pacific direction, it can not be doubted that this lease would be pronounced by any court of equity a gross fraud on the Central Pacific Company. Its ruinous character is obvious.

We will not dwell on the diversion of traffic from the Central to the Southern route though the loss of revenue by the former from that cause must have been enormous. Owning all the stock of the one road and having no interest in the other, while they managed both, it was perhaps but natural for such parties to favor their own road at the expense of the other. The power to do so was obviously a principal motive for the ninety-nine year lease, the terms of which, it may be remarked, left them at liberty to change the rent from time to time practically at discretion. To assert that they exercised with impartiality great powers so dishonestly obtained would be to invite derision, not belief. The Kentucky corporation, as lessee of both roads, did the carrying, issued the bills of lading, etc., so that unless the shipper took special pains (for which there was rarely a motive) to expressly direct his freight sent over the Central route, it was at the discretion of the carriers, and naturally went by the Southern. The arrangement of time schedules, greater promptness in delivering freight, adjusting reclamations, and like considerations helped to determine the choice of shippers in the same direction. The revenues of the Central Pacific road rapidly fell off, and its dividends went down to 3 and 2 per cent, and finally to zero.

2. For many years after the completion of the Central Pacific road its managers were the largest borrowers of money in the San Francisco market, and large borrowers wherever they could obtain it. Any person having a sum of any magnitude to loan could have from them the note or the indorsement of the Central Pacific Railroad Company. None of this money was for the use of the Central Pacific Company, but for that of the managers; yet the credit of the Central Pacific Company was strained to the utmost to procure it. An ordinary broker's commission on these loans of credit would amount to a large fortune.

It would be difficult to put a limit to the recovery which the Central Pacific Company is entitled to from its dishonest managers and its rivals for these frauds, which are probably but specimens of which there are plenty more to be brought to light by a proper investigation. This seems to be the most appropriate place to recount the latest chapter of Central Pacific history, which has indeed something of the grotesque about it.

IV. The appeal to Congress to refund the debt at a low interest is made on the suggestion of inability to pay. Hon. GROVE L. JOHNSON, of the House of Representatives, published during the recess of Congress a long letter defending the pending measure substantially on that ground. He thought that at any higher rate of interest than 2 per cent the company could not pay the debt without rates of freight that would be ruinous to California shippers. He could not have been aware when he did this—in fact, few would listen with patience to such an argument if they were aware—that at the very time Mr. Huntington is posing the company before Congress in forma pauperis he has been paying the stockholders dividends on their shares and is under promise to double the same as soon as the refunding bill has been passed. The payment of this dividend has not had any publicity—has in fact been practically a secret—but it is the fact, and the history and proof of it are about as follows:

THE SECRET DIVIDENDS OF 1895, 1896, AND HOW BROUGHT ABOUT.

It is known that the great bulk of the Central Pacific stock is held in England. It was sold to English purchasers between 1873 and 1880 by the device of paying large dividends on it, while at the same time the sellers were building the Southern Pacific road to take away its business, as above related. The Englishmen were deterred from transferring their shares to their own names by the artful suggestion of individual liability for corporate debts, and more especially for the Government subsidy bonds under California law. Their holdings were therefore represented by certificates in the names of former holders, indorsed in blank. To facilitate concealment of ownership a form of certificates was invented, with dividend coupons attached, so that the holder need not have a receipt for his dividends or even present himself to get them. No one could know his identity except the banker with whom he deposited his coupons. These former holders were employees of the company, to whom the managers had transferred their shares in lots of 10, 20, 30, 50, 100, 200, 300, and 500 shares, which, being indorsed, passed from hand to hand by delivery only. Proxies for voting were taken in all cases from these employee shareholders, which, as the stock remained on the companies' books in their names, have enabled the sellers ever since to elect the directors and control the management of the company. Dividends paid under a former arrangement ceased some two years since, and after a period of waiting the Englishmen became dissatisfied with the management, and after meetings and consultations dispatched to this country Sir Rivers Wilson to investigate, threaten, and get what he could for them from the directors of the company. Sir Rivers came to California, interviewed the officers of the company, made his examinations, etc., and was reported in the papers after his return to the East as having arrived at a compromise with Mr. Huntington, the president of the Southern Pacific Company. After this settlement, he was reported in the press as proceeding to Washington and there contributing his effort in favor of the refunding bill of last session. On his return to England, the results of his mission was communicated to his constituents, with the recommendation that they transfer their shares to their own names and take the control of their own property. The substance of his negotiation soon became known on the London stock exchange, where the shares were dealt in, and the London Economist, a financial journal of high standing, noticed the matter as one of public interest, in its issue of March 23, 1895, in the following terms:

[From the Economist (London), March 23, 1895, page 385.]

THE POSITION OF THE CENTRAL PACIFIC.

Some slight compensation, it appears, Mr. C. P. Huntington is willing to make to the Central Pacific shareholders, since he has stated, through Sir Rivers Wilson, that he will undertake to pay 1 per cent per annum in the shape of dividends until "satisfactory legislation has been obtained for the adjustment of the company's debt to the Government," after which rather vague date 2 per cent per annum is to be paid for the period of two years, during which the shareholders will have time to review their position and to consider the advisability of endeavoring to effect an arrangement of a more permanent and more profitable character. Sir Rivers Wilson takes the same view of the position of the company as that of the Economist, and, indeed, that of most of those who have considered the facts. The Central Pacific is at present in the grasp of the Southern Pacific, which is virtually Mr. Huntington in what may be termed a corporate form. It would have remained a profitable undertaking if the present lessees had not worked its ruin. In the future probably it can be best worked in connection with the Southern Pacific, provided equitable terms can be arranged; and, finally, as there is nothing really to fear in the theoretical liability on the shareholders, [illegible] should at once without delay register so as to make their voting power efficient. If that be done, and if terms can be made with the Government, English investors may ultimately suffer less loss than once appeared probable. They will, however, have to be very careful in approaching Congress. They must remember that they have no claim to anything save that which is given by the strict letter of the law. If they have been swindled by the "lessees" in control of the company, which is often alleged, not only have many others suffered in the same way, but few have been guilty of so much contributory negligence. It has also to be remembered that if the shareholders have not fared well, the United States Government made a bad bargain over the subsidy which it granted to the Central and Union Pacific companies. And, of course, it is scarcely necessary to assert that the fact of the credit of the United States having so greatly improved is no reason whatever why one of its debtors, whose credit has not improved, to put it mildly, should get free from the obligation. As a matter of fact, the American Government does not, we think, want to foreclose, for simply as a question of expediency that would be unadvisable, and therefore if the company sues, as it is bound to do in forma pauperis, Congress will probably come to some fair arrangement, despite the apparently hostile position which it has recently assumed.

Four weeks after the publication of this article, Mr. Huntington replied to it under his own signature, as follows:

Mr. Huntington's reply.

[From the Economist of April 20, 1895, page 519.]

MR. HUNTINGTON AND THE CENTRAL PACIFIC RAILROAD.

To the Editor of the Economist.

SIR: Some one has sent me a clipping from your issue of March 23. The Economist has been sent to me occasionally for years, and I have heretofore considered it one of the best financial papers published in England. That being so, I do not think its editor would knowingly do any individual or corporation wrong.

I was the principal factor in building the Central Pacific road; that is, I organized the company, and sold all the securities, I believe. I intended to deal fairly with all people having dealings with the company, and I believe I have done so.

The Government, as you know, granted aid to two other lines—the Northern Pacific and Atlantic and Pacific (Atchison, Topeka and Santa Fe), which not only divided the tonnage, but cut down the rates; and later other roads were built, so that there are now substantially seven roads crossing the continent when one double-track railroad could do all the business that is being done, and much more, without any particular inconvenience.

If anybody has any charge to make of any particular thing that I have done that was unfair, I would like to have him tell me what it is. No one up to this time has told me, or intimated, that there was any particular charge, but in a general way some of the California newspapers and some of the discharged employees have been wildly throwing words into the air to the effect that something had been done somewhere or at some time, but they do not state where or how.

The Central Pacific should have cost twice as much to build as any other road did, as the physical obstructions to overcome were much greater, and all the cost of construction, for grading, timber work, such as the bridges, ties, etc.—in fact, everything that was furnished in the building of the road excepting rails, fastenings, and rolling stock—was paid for in gold in the sixties, when gold was at a high premium. The coal we had to use as fuel cost us for many years an average of over $8 a ton, which is immensely more than it cost the other aided roads, and still the Northern Pacific is in the hands of a receiver, I believe for the second time, the Atchison, Topeka and Santa Fe, Atlantic and Pacific is in the hands of receivers for the second time, and the Texas Pacific, I think, has been in the hands of the receiver three times; whilst the Central and Southern, I believe, have paid all their [illegible], and I have no doubt will be able to do so in the future, with the exception of the debt owing to the Government, upon which it is hoped Congress [illegible] grant an extension at a low rate of interest, such as the companies can meet and still pay something to the shareholders.

I am, very truly, yours,

C. P. HUNTINGTON.

NEW YORK, *April* [illegible], *1895*.

Mr. Huntington, it will be seen, does not deny the correctness of the Economist's statement of the agreement, but pleads in confession and avoidance, that he was the chief factor in building the road and sold all its securities, and that he has not put it in the hands of a receiver; he adds that he has not been informed of any specific charges of misconduct against himself. The defense, so far as it goes, is partly true. Mr. Huntington has not put the road into the hands of a receiver, probably because he preferred to [illegible] himself. But he does, by his eloquent silence, distinctly confess that to [illegible] the English stockholders, represented by Sir Rivers Wilson, he agreed with that gentleman that they should be paid, in the shape of dividends on their stock, 1 per cent per annum until satisfactory legislation has been obtained for the adjustment of the company's debt to the Government, after which 2 per cent per annum should be paid for two years more "to permit the shareholders to review their position and consider the advisability of endeavoring to effect an arrangement of a more permanent and profitable character." These statements can leave no doubt of the agreement with Sir Rivers Wilson, but they are at the moment of writing confirmed, if confirmation were needed, by an interview with Col. C. F. Crocker, vice-president of the Southern Pacific Company, published in the San Francisco Chronicle of December 2, 1896, wherein he says: "The Central Pacific is not on velvet, but it is not in the depths of despair into which the Northern Pacific has fallen, and the stockholders have been receiving a small dividend every year." The payment of this secret dividend is then established.

AMOUNT OF THIS LARGESS—BY WHOM PAID, AND WHY—FALSIFYING ANNUAL REPORTS TO CONCEAL IT.

To pay a dividend of 1 per cent on the stock of the Central Pacific Company requires $[illegible], an amount too large to be overlooked by a skilled bookkeeping, or to be easily concealed under some general head. And the question whence comes the money wherewith they are paid is not without importance, for these great railroad companies, whether we regard them as quasi public corporations, or as organized solely for private gain, are certainly exercising great public franchises and trusts which affect large multitudes of people. They publish annual reports of their dealings and business, on the faith of which millions of dollars are invested, frequently the funds of ignorant and helpless people, and even legislation is predicated. The publication of falsehood or the suppression of truth in such reports is therefore an offense against public morals of the gravest sort, which not even the most devoted partisan would venture to defend, or presume to condone. We have searched the annual reports of the Southern Pacific Company and of the Central, those made under oath and laid before the State Railroad Commissioners and those printed by themselves for public information, without being able to find one word on these dividends or any allusion to them; the inference is inevitable of an intent to conceal them from Congress and the public. Surely the Congress of the United States will exact from applicants for its favor at least the homage of respect for truth in the representations on which it is called to act. The payment or amount of these dividends is not of so much importance as the duplicity and falsehood of the managers which it reveals. And the question comes right home to Mr. Huntington, personally, for the bargain was made with, and the promises made by him, and the reports from which it is suppressed bear his signature, and are distributed by himself and with his sanction. Failing to disclose the truth in a matter so material, their statements and those of their authors must be justly discredited in everything.

Denied authoritative information as to the motives for or the source of this extraordinary dividend, which was paid to the stockholders without being earned by the company, declared by the board of directors, or shown on the books of account, we are driven to conjecture; and the suggestion arises that they may be paid by one or more of the guilty directors or other persons interested in placating the dissatisfied stockholders and passing the refunding bill. This conjecture is not without probability, and if accepted, public opinion will not be apt to hesitate long as to the name of the distributor of such lavish largess or in conjecturing its motive. A settlement made with the United States, embodied in an act of Congress, which at the same time condones so many and such monstrous frauds, insures his Southern Pacific road for eighty-eight years to come against the competition of the Central Pacific road, and gives to his dishonest ninety-nine-year lease the sanction of the law of the land, may well be worth double or treble the sum required to pay these dividends—say $4,362,000.

Another probable conjecture is that the arrangement is designed to permit the English stockholders to sell out their holdings and shift the loss on other victims, which perhaps two years' time with dividends meantime at 2 per cent per annum may enable them to do. Such a course may seem to them preferable to litigation with an adversary whom they have been led to believe the only man capable of handling the United States Congress, and who, if this measure passes, will readily be credited with like power to "handle" the President, and thus capable of calling down on them the thunders of Olympian Jove in the shape of an Executive option to call in the debt the instant they dare to attack the lease which has been their ruin.

In any case for Congress, in face of the revelations here made, to pass a refunding act based, as all such propositions are, on the supposed inability of the company to pay its debt—without a previous clear explanation and understanding of this transaction, whether it represents dividends or hush money, would be to put itself in the position of appearing as either the dupe of designing men or their instrument in deceiving others, neither position very desirable, or consistent with its own honor and dignity.

OTHER ASSETS OF THE CENTRAL PACIFIC COMPANY.

There are other assets of the Central Pacific Company which, though not of such magnitude as those mentioned, should not be lost sight of. Among these there is a mortgage made April, 1889, for $16,000,000, under which the latest report shows $12,283,000 bonds issued. This mortgage covers a variety of scattered properties, the most important being the land in Mission Bay, San Francisco, 30 acres, granted by the legislature in 1868 for terminal purposes, and since enlarged by the closing of streets to nearly 50. The variety of properties included in the mortgage suggests the intent to cover everything the company had left not specifically and safely covered before. These bonds have never made their appearance on the stock exchange nor been dealt in by the public. The fact that an action was commenced by the Attorney-General to vacate the patent for the Mission Bay lands, soon after its issue, which has been pending ever since, would be quite sufficient to prevent their sale to real investors, and hence it is perfectly safe to assume that these $12,283,000 bonds are in the hands of the old directors, under the name of some one of their numerous companies. There is no probability that they could pass an investigation as to their origin or consideration, issued in all probability to themselves under the name of a construction company, in their usual way; and investigation should be made, that the terminal grounds may be preserved to the company for the uses designed, not converted to private uses for warehouse property on which it will hereafter have to pay rent to its former directors and their heirs and assigns forever.

Another item, of much less amount than that last mentioned, which might be profitably investigated, rather perhaps as illustrative of the methods of these people and the character of these annual reports, on the presumption of the accuracy of which Congress is asked to act, relates to one of the sinking funds of the Central Pacific Company, and the story, as derived from the reports themselves, is about as follows:

When Messrs. Huntington and associates commenced the railroad business, being somewhat inexperienced, they appointed trustees to manage their sinking funds, and for the Central Pacific land-grant mortgage of 1870 two gentlemen were named of known responsibility and wealth. Probably requiring some little time to attend to their own affairs, and as the accounts of the land sales, bonds, redemptions, etc., were kept in the railroad company's office, and everything ran smoothly, they appear to have imitated the great Grecian poet and to have nodded—just for a moment. During this moment of somnolence some one, more vigilant than they, got away with no less than $2,500,000 of the money belonging to the sinking fund. The trustees of course awoke in time, and there was probably a disturbance or at least an embarrassment. Of these particulars we are not informed, but the published reports disclose that a settlement was reached in pursuance of which the Central Pacific Company gave to the trustees of the land grant mortgage its five notes for five hundred thousand each, payable in one, two, three, four, and five years, with interest at 4 per cent per annum, to supply the deficit. (Vol. Report of 1891, page 100.) These notes were secretly "pledged the redemption of the bonds," as the money they represent was pledged before it was abstracted, and as the bonds drew 6 per cent interest, and the notes but 4, the equitable consideration extended by the creditors to the gentlemen who had taken their money, and the profit made by the latter by the transaction, may be readily calculated. What is unexplained about the settlement is that the notes were executed by the Central Pacific Company, yet the [illegible] page informs us (and subsequent reports confirm the statement) that the interest on these notes is paid by the Southern Pacific Company. If the Central Pacific Company did not get the two and a half millions of principal taken, why did that company give its notes for the amount? And if it did get the principal, why does the Southern Pacific (which is not strictly a benevolent institution) pay the interest? These are queries which probably none but Mr. Huntington himself can answer. The facts indicate crookedness.

Other objections to the proposed extension of time, which time forbids us to dwell on, are:

V. The fact that such course necessarily involves a prolongation of the life of the Central Pacific Railroad Company, which is a California corporation, for many years beyond the legal term of its existence, without reasonable necessity for such action, and distinctly against the will and protest of the people of the State from which it derives its life and being. We are not disputing the power of Congress for Federal purposes to do such an act if in its judgment necessary, but without necessity it should not be done. Independent of the overriding of the authority of the State government over its own creature, such an act will create a body politic without any defined limitations on its corporate powers, or any law governing its methods of proceeding, its rights with regard to its shareholders or their liabilities, and the charter of which could not be forfeited by any court, State or Federal, no matter how gross its offenses. No State court could interfere, because the concern would be a Federal corporation; and no Federal court could act, because the United States have no statute on the subject.

VI. This Central Pacific Company under its past and present management has come to be the most odious and detested corporation that has probably ever been known, and this "for reasons, capital, confessed, and proved." It has invented and put in force more and more different modes of vexations in transportation than probably any other in the world, and we have always been the sufferers. At one time goods ordered from Eastern points for the interior of California or Nevada, on the line of the road, had to be hauled to San Francisco and back to destination, to swell the cost. By special favor and on payment of the whole freight both ways, the interior merchant might obtain permission to have his goods delivered as they passed his door. At another time they imposed a protective duty of a cent a pound on refined sugars coming here from the east, and, as believed, for a consideration of $100,000 paid by parties interested. The charge was publicly made* at the time by responsible parties and never denied. Silence under such circumstances amounted to an admission. At another they introduced here a system of special contracts to be enforced by boycotting,† which if long continued would infallibly have riven our community into two hostile factions. This infamous and doubtless illegal special-contract system was broken up by the construction of competing roads, but by their system of leases they undoubtedly aim to revive it. By their omnibus lease and the lease of the Central Pacific road, they have united practically all the roads in the State under the management of a foreign corporation, which in turn is under the control of a single individual, whose greed has no limits and who avows that he has no other or higher standard of right than his own opinion. He has never made public his general code of morals, if he has any, but in letters to his former associate he exhibits his ideas on procuring Congressional legislation to be in brief to bribe those who will accept and vilify those who will not.

By this combination they for years simultaneously withheld payment of railroad taxes, unhinging the machinery of the State government and throwing the public service out of gear. Public schools closed, supervisors, legislators, and executive officers bribed, injunctions defied, and all this under the pretense of ascertaining the constitutionality of an enactment procured by themselves and passed for their benefit. When, however, the opportunity of a decision presented itself, fleeing from the ordeal. A history of all these offenses would unduly expand this memorial, and they must be passed over with mere mention. But the tax litigation was so grievous an injustice to the State, and the dishonorable and collusive manner in which it was managed are so susceptible of record proof, that we give it briefly, as follows:

THIRTEEN YEARS' LITIGATION OVER A SCHEME OF TAXATION ENACTED AT THEIR OWN SUGGESTION AND FOR THEIR BENEFIT—COLLUSIVE SUIT—IMPOSITIONS PRACTICED ON UNITED STATES COURTS, ETC.

In 1879 a provision was incorporated in our State constitution excepting railroad mortgage bonds from the general rule for taxing moneys invested on mortgage. It was done at the instance of the railroad people themselves, to enable them to sell their Southern Pacific bonds, which, if subject to local taxation in California, would obviously have been impossible. The measure was introduced in the convention by Mr. Henry Edgerton, one of their standing counsel, stated by him to be satisfactory to his clients, and passed without amendment, nem. con. The taxes of 1880 having been levied under it, the companies refused to pay, and when suits were brought they removed them to the Federal court, claiming that the exception thus enacted at their own instance was in conflict with the fourteenth amendment of the United States Constitution. They affected a wish to waive all other controversy and try this constitutional question only. To secure control of the litigation they procured a collusive suit to be brought by the supervisors of San Mateo County (to whom they loaned the amount of the county taxes, on terms evidently corrupt on their face), in which the facts were admitted by demurrer, in a shape presenting apparently a case of hardship so great as to lead the circuit court of the United States to decide in their favor. The false coloring given to the facts was then exposed in the press, and attracted the notice of the judges of the Supreme Court, who, when the case came before them, declined to decide it in the shape presented, and desired the facts developed by a trial and proofs. Several other cases were then tried contradictorily and appealed, all of which were determined on other grounds, petty quibbles of a trifling character, and without touching the great constitutional question which had been made the pretext for their removal from the speedier adjudication of the State court.

Finally, years having gone by, and the Supreme Court, having in the course of this experience become acquainted with the whole matter, intimated its readiness to decide the San Mateo County case, if the parties would resubmit it. But, as may be seen from the opinions of the court below and the argument of Mr. Roscoe Conkling on the appeal, their main reliance in the support of the constitutional objection was the extreme hardship of the case, as presented on demurrer, and that mask having been torn off by the development of the actual facts, a decision by the Supreme Court became the last thing the railroad people wanted. The adversary which had been so obliging as to commence and prosecute the suit with the money in its own treasury, and lose it, was equally obliging and compliant in the matter of the appeal. The San Mateo supervisors promptly telegraphed to Washington a dismissal of the writ of error, which the Supreme Court allowed. Then the State itself brought a suit wherein this constitutional question was presented alone. It also went to the United States Supreme Court on appeal; but again they frustrated a decision by paying the tax and penalties in full, just in time to oust the court of jurisdiction by destroying the subject of controversy. There is no honesty or good faith in them. The controversy lasted in various forms from 1880 to 1893, when the legislature, after an appeal by joint resolution to the Supreme Court to advance the pending case, finally, from mere weariness and despairing of a decision on the merits, passed an act for reassessing the roads. The railroad combination was stronger than the State; they now ask Congress to strengthen them still further by a Congressional charter with undefined (and therefore unlimited) powers, and by reserving its whole policy on Pacific roads for a century to come. (See San Mateo County *vs.* Railroad Company, 8 Sawyer's C. C. Repts., 238; San Mateo County *vs.* Railroad Company, 116 U. S. Rep., 138; San Bernardino County *vs.* Railroad Company, 118 id., 417; Santa Clara County *vs.* Railroad Company, id. ib., 394; S. P. R. R. Company *vs.* California, id. ib., 109; Laws of California, 1893, pp. 29 and [illegible]; California *vs.* Railroad Company, 149 U. S. Rep., [illegible]; Railroad *vs.* California, 162 U. S. Rep., 91-167; California *vs.* Railroad, 105 Cal., 576.)

The detailed history of this episode is presented for the information of any interested in an appendix hereto.

Goaded by provocations such as those here adverted to—and they are but specimen cases to which similar ones are of constant occurrence—the people of California have long looked forward to the expiration of the charter of the Central Pacific road for delivery from this body of iniquity, at least for their children; and on their behalf we respectfully and earnestly entreat Congress not to pass any act which will continue down to the coming generation any part of the offense, outrage, and oppression which we have endured from this iniquitous combination now called the Southern Pacific Company. Deprived of the management and power to continue to plunder the Central Pacific road, it can hardly fail to go to pieces and relax its grasp on the vitals of our State.

It may almost be said that all the known operations of the Pacific railroad management in this State are saturated with fraud and dishonesty which recur at every turn of their proceedings.

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* See the Nation, New York, December 8, 1881, pages 452, 453.

† For details, see the Nation, New York, August 11, 1884, pages 113, 114. See this pamphlet, pages 25-29.

DEFRAUDING THE GOVERNMENT AND THE PUBLIC BY FAILURE TO BUILD THE ROAD CONTRACTED FOR—THE CONTRACTS ENTIRE.

Take for example the construction of the Southern Pacific road, of which we have spoken above. Its map, which preceded construction, showed a road from San Francisco southward through the Santa Clara Valley to a point where it was to commence the ascent of the pass over the Coast Range, after crossing which chain of mountains it was to extend through the upper San Joaquin Valley, and soon to the State line on the Colorado River. To aid in the building of this road they obtained a land grant of over 10,000,000 acres. The road was designed by Congress to be a competing line to the Mississippi River and to connect the two richest valleys of the Pacific Coast and its finest seaport, by an independent and continuous line of rail, with the waters of the Gulf of Mexico. No object less important could justify the extravagant bounty of Congress, and evidently, from the nature of the object and the means adopted, the contract was an entire one. The whole road mentioned was to be built for the whole subsidy. Of the road to be furnished about a hundred to a hundred and fifty miles were devoted to crossing the pass in the Coast Range and thus connecting the two valleys, and five hundred or so ran through them, over a soil as rich as possible and as level as the beds of the rivers that drained them. It was not for building through this valley country that Congress offered its bounty; that constituted no part of the inducement, for these very parties had already built a hundred and fifty miles of road up the San Joaquin for the profit derived from building it at [illegible] a mile and bonding it for $40,000, and they were going farther. The consideration for the land grant was the construction of the road over the mountain pass which was highly important from military as well as commercial considerations. For this the bounty was offered and the difficult character of the work was its justification. What did these honest gentlemen do? They built the valley parts of the road on both sides of the pass, and drew and alienated the rich land fronting on it, leaving the connecting road from Tres Pinos to Alcalde something less unbuilt, and it so remains to-day. And this omission was no accident or afterthought, but intended from the first. Charles Crocker writes to Colton his partner, under date of February 12, 1875 (Colton transcript, page 1620), and after referring to a suggestion of Colton to "build 30 or 40 miles on the east side of the San Benito Pass and then get a [illegible] for a change of line," says: "We intend to build from Tres Pinos to Lewis's, close up to and into the eastern base of the mountain to a coal mine there; and we have never intended anything else, and no portion of the old line will remain unbuilt except that through the mountains, about 50 miles," etc. "It is in fact but miles * * * I had supposed that you fully understood this; Huntington does understand it."

This being so on their own confession, made as early as 1875, what sort of faith were they practicing when they solicited and accepted from Congress a land grant of over 10,000,000 acres of rich valley land as the price of doing that work, which they confess they never intended to do? Is this the sort of good faith Mr. Huntington is using in treating with Congress to-day? Are his present representations and promises to be measured by it? It certainly appears to satisfy the standard of morals he proposes for his conduct in his sworn examination before the Senate committee, shown in Senator Morgan's report, page 176.

Out of one wickedness proverbially springs another, and "ill begun makes strong itself by ill." This truth is illustrated in the present instance by an imposition on the financial public as wicked as that practiced on the Government. In banking the Southern Pacific road mortgage preceded construction, as already shown, and the mortgage of 1875 covered, as we have said, the whole road in this State, existing and contemplated, from San Francisco to the Colorado River.

The route being afterwards opened for through traffic, the holders of Southern Pacific sixes of 1875 placidly repose in the belief that their bonds are a lien on the continuous traveled road, the "through line." This is a mere dream; their mortgage is on two distinct roads—the one from San Francisco to San Miguel, the other from Alcalde to Fort Yuma—and these are separated from one another by the mountain chain above mentioned, the pass over which rises to 1,344 feet above tide, to build over which will cost not less than six millions. Without such connection the two separate roads are of but trifling value compared to the amount of the mortgage bonds, and the latter are a fraud on the public. There are about thirty-two millions of them outstanding.

In nearly similar plight are the bonds of the same concern last issued, called "first consolidated fives of 1893." That mortgage is a first lien on fragmentary roads leading practically from no place to no place, and useless without other roads which are otherwise mortgaged. These are practical examples of Mr. Huntington's moral standard.

Again, take the matter of terminals, one of extreme importance to every railroad, and especially so to one of considerable length. The State twenty-eight years ago (1868) granted 60 acres in the city of San Francisco to the two Pacific roads for terminal purposes, and by the closing of streets this area has since been enlarged to a hundred acres. The only use to which in these twenty-eight years they have put these terminal grounds is to mortgage them for $10,000,000. The real terminus in San Francisco is and has been for twenty years past at the corner of Third and Townsend streets, on a block of ground 275 by 550 feet, belonging to the Southern Pacific Company of Kentucky. The same concern owns the adjoining blocks used for the receipt and delivery of freight. Not a square foot is owned by either of the railroad companies that use it. No rent is found charged for these premises in their reports, or anything to indicate that they do not own the land, a fact the knowledge of which might alarm bondholders. But whenever the mortgages foreclose and make title to the railroad entering San Francisco, the purchasers will succeed only to the right of way and track along the public streets as far as the corner of Fourth and Townsend streets, where a gate on the line of the Southern Pacific Company's property will shut them out of the terminal grounds and compel them to discharge their freight and passengers on the public street, and then back the train a mile or two to the nearest turn table to enable them to reverse the locomotive.

These are specimens of the way things are managed and financed by this concern, and the repeated occurrence of the like has caused those who know it best to doubt whether this Southern Pacific Company of Kentucky has ever been party to a single honest transaction.

THE CENTRAL PACIFIC CAN BE REORGANIZED ON SAFE AND SOLVENT BASES BY CALLING IN THE SUMS DUE IT FROM SOLVENT DEBTORS.

The exigencies of space forbid further enlargement on this branch of the subject. Enough has been said to show the need of a thorough investigation of the relations of the Central Pacific Company to the parties who have so long held it in their grasp, and the enforcement of its just claims against them. This done, it will be found that so far from being insolvent, the company can easily be reorganized as a great trunk line to the Pacific Coast, competing fairly with all others, and, on the basis of solvency and honest management, manifestly to the advantage of the Government as a creditor and of its own stockholders. In any event the property, if it has to be sold, can be then offered with knowledge of what it consists of and what its earning capacity is—things at present absolutely unknown to anyone but the Southern Pacific combination, who have for so many years past managed its affairs to its own destruction. It must not be forgotten to extend the payment or refund this debt as proposed is practically to sell the road to its present management on a credit of a hundred years, taking their promise to pay in small installments. Congress does not, nor does any of its members, or any executive officer of the United States, or indeed anybody, know what property you are selling. No inventory of it exists; and this ignorance shuts off all competitive bidding. It is now fairly established and undeniable that for numerous important purposes the Central route has decided advantages for through business over all others. All the products of this coast destined for Eastern points, valuable enough to pay for transportation by rail, give it the preference for climatic reasons. For passenger traffic, which is 40 per cent of the whole business,* it has the call over all the others—the Southern "Sunset" line is, in fact, discontinued during summer. It does not admit of doubt that each of the great trunk lines would be prompt to compete for the Central Pacific property, if offered at auction, with inventory. Without such it would not probably elicit any reasonable bids, for however large or [illegible] the property, no purchaser would be likely to count on receiving from the tenants delivery of anything beyond the road itself, with a wretched skeleton equipment incapable of doing the business.

The stockholders of the road, who appear to have at last awakened to the necessity of inquiry into the wrongs perpetrated by their agents the directors, are organizing in defense of their property, and if they have an opportunity will scarcely permit the trunk lines to be the only competitors at such sale. As indicated by their published proceedings, they are making intelligent efforts to help themselves and resume control of their property. They will probably effect a reorganization of the company. The people of California, so far from offering factious opposition to a reorganization which shall preserve the Central road as an independent and competing line of transportation, managed by its actual owners as designed by Congress, will heartily welcome it.

We believe that all these desired ends can be obtained by means of a foreclosure of the Government lien on the road. For this purpose, as the property lies in several different States, complete jurisdiction should be conferred on some one of the courts of the United States, and the ordinary powers of the court enlarged so as to enable it to ascertain and redress in the foreclosure suit all frauds practiced on the company or its shareholders by the management or by their tools or confederates, and the application of any moneys recovered from such parties to the sinking fund in the United States Treasury. We therefore respectfully pray Congress to instruct its appropriate committees to prepare and report a bill to that effect.

We here resume briefly the grounds of our opposition to the pending measure to refund the debt of the Central Pacific Railroad Company to the United States, Senate bill No. 2894, House bill No. 8189:

1. The recognition and confirmation of the ninety-nine-year lease to the Southern Pacific Company reverses the settled policy of the United States with respect to these Pacific railroads as established by [illegible] Congress and promoted by grants of the public domain of many millions. It substitutes consolidation and monopoly for competition and free trade; it gives over the Central road to the management of its great competitor in business, depriving the people of the West of the advantages of competition in transportation for which they have paid these people liberally, and Congress has subsidized them munificently.

The proposal is quite new; has never been publicly discussed, advocated, or even mentioned. It is furtively introduced in the ninth and [illegible] sections of the pending bill under the disguise of an advantage to the United States. In fact, it can serve no purpose but to confirm the grasp of the Southern Pacific Company on the Central road and enable it by [illegible] freight to starve the Union Pacific into obedience to its commands.

2. The proposed guaranty of the Southern Pacific Company is worthless, a mere illusion. That company owns no property worth speaking of which is not already mortgaged for vastly beyond its cost or value.

The Southern Pacific Company is a fraudulent and [illegible] concern set up to perpetuate the control of dishonest directors of the Central Pacific Railroad Company over the road after they had sold their interest, and of absorbing the profits of that and other companies by means of fraudulent leases. So plain was this at its origin that its original charter from the State of Kentucky forbid it to build or operate railroads within that Commonwealth.

3. The relief asked for the Central Pacific road is based on false suggestions and concealment of material facts. So far from being unable to provide for the payment of its debt to the Government, it is possessed of assets of enormous value—collectible claims against its former directors for moneys and credits misappropriated by them amounting to many millions. These should be called in and applied to the sinking fund. Asking indulgence on the ground of poverty, its stockholders are receiving dividends on their shares to-day, and have the promise of their lessee and advocate that they shall be doubled as soon as the bill passes. The secrecy of this dividend, the fact that it has not been earned by the road, declared by the directors, or [illegible] by the facts, and that it is not shown on the books of the company, so far from redeeming it from the imputation of fraud, renders it more conspicuously objectionable. If this be the case, it is evidently "hush money" paid by the guilty parties to secure Congressional confirmation of the ninety-nine-year lease; and the sum agreed to be paid for it (which is essentially a bribe to silence opposition) bespeaks the nefariousness of the transaction and the value attached to a condonation of it.

4. By passing this bill, Congress will prolong the life of this railroad company for some seventy years beyond the limit fixed for its existence by the law of the State that created it. To do this without the consent or against the unanimous protest of the State would be not only an act of gross discourtesy to the State of California, but a grave injury and outrage to her people, who have for the past twenty-eight years suffered at the hands of these managers outrage and wrong past all endurance, rendering it [illegible] rebellious and detested of all men.

5. The management of the road has been continuous from the beginning; they have shown themselves by their published correspondence among themselves to be corruptionists of the worst kind.

6. They have broken faith with Congress, by soliciting and accepting a land grant as the consideration for building the whole Southern Pacific road, a hundred or more miles of which was over a mountain pass. They have taken and appropriated the valuable part of the grant, and left the difficult mountain part of the road unbuilt. Their correspondence shows the breach of faith was intended from the beginning.

7. They have broken faith with the public in the same way as with the Government: borrowed $32,000,000 on the undertaking to build a continuous line of rail from San Francisco to the Colorado River, and left a mountain gap of a hundred miles of it unbuilt, and have even renounced the building of it.

8. Similar frauds in the matter of terminals. They are unreliable.

9. Refunding the Central Pacific debt is wholly unnecessary. The company can be reorganized on the basis of solvency if Congress will but authorize a receiver appointed in foreclosure to avoid all fraudulent conveyances; get in the assets of the company and apply such as are not needed for transportation purposes to the sinking fund in the United States Treasury.

10. As 75 per cent of the revenues of the Central Pacific road are derived from local traffic, and from 15 to 18 per cent more from California products seeking a market abroad, and goods brought from abroad for consumption or sale here, on all of which we pay the freight, the people of California feel that all of the plunder which its former directors are permitted by Congress to retain will be saddled on them. There is little doubt that as much as from twenty-five to thirty millions can be recovered from the sinking fund from Huntington and the Crocker estate. Why should they be abandoned without an effort and saddled on the people of this State?

SAN FRANCISCO, CAL., *December 28, 1895.*

On behalf of the people of California.

Chas. Ashton, Joseph Britton, W. M. Bunker, J. H. Barry, E. S. Barney, J. M. Bassett, T. V. Cator, N. P. Cole, Dr. Frank Cornwall, W. M. Coward, H. Y. Cowell, H. L. Dodge, J. T. Doyle, Hon. J. L. Davie, B. F. Dunham, L. R. Ellert, Geo. K. Fitch, J. Richard Freud, Geo. T. Gaden, Adam Grant, H. E. Highton, N. C. Hawks, W. W. Thompson, I. J. Truman, J. C. Jens, Wm. Johns, J. C. Jordan, J. Leggett, Oscar Lewis, Stewart Menzies, C. A. Murdock, M. McGlynn, P. R. Martin, A. Miller, Jas. Madison, W. L. Merry, G. W. Monteith, Max. Popper, E. A. Phelps, Taylor Rogers, G. M. Reynolds, C. A. Sumner, J. E. Scott, C. M. Shortridge, F. J. Sullivan, L. Strauss, I. Upham, Hon. Adolph Sutro, the committee of fifty appointed by the monster meeting at Metropolitan Temple, December 7, 1895.

ADOLPH SUTRO,
Mayor of San Francisco, Chairman.

TAYLOR ROGERS, *Secretary.*

SUBCOMMITTEE ON MEMORIAL.

JOHN A. STANLEY.
THOS. F. BARRY.
JAS. M. BASSETT.
JAS. D. PHELAN.
E. W. McKINSTRY.
TAYLOR ROGERS.
JOHN T. DOYLE, *Chairman.*

Extracts from the Nation referred to above.

[The Nation, August 11, 1881, pages 113, 114.]

OVERLAND RAILROAD RATES.

To the Editor of the Nation.

SIR: Two paragraphs in the Nation of July 14 (No. 837, pp. 22, 23) indicate that you are but imperfectly informed as to abuses on the overland railroads. As you appear willing to aid in remedying them, I give you some of the facts. The system of unlawful freight discriminations alluded to has not been recently revived; it has never for a moment been suspended since its formal introduction in the summer of 1878, but has been constantly enlarged and extended down to the present time, when it is more stringent and oppressive than ever before. The modus operandi is this: By arrangement between the Central and Union Pacific railroad companies the rates of west-bound freights are fixed by the Union and those of eastern-bound by the Central Company. This arrangement is supposed to be nominal only; a sort of legal fiction to enable each concern to refer complaining parties to a Mr. Jenkins 2,000 miles off; but that is the form of it. The Union Pacific Company has a printed classification of merchandise, and printed rates of freight for each class from New York and other Eastern points to San Francisco, ranging from $6 per 100 pounds for first-class to $1.50 per 100 pounds for class D. These are declared to be the regular rates. But the company enters into contracts with the merchants here to carry for them at special rates, much reduced from these regular ones, on condition that the merchant shall import all his goods by their line; not only such as are usually sent by rail or via the Isthmus, but also such as have heretofore, and naturally, come by sea around Cape Horn; and they make him bind himself to ship by their road, and by such connecting roads as their general freight agent shall from time to time designate, all goods purchased by or for him, or shipped by or consigned to him, by his procurement, directly or indirectly, or with his knowledge and assent. The contracts declare that their object is to give to the Union Pacific Company the transportation of all goods bought, sold, dealt in, or handled by the merchant; and any act of his tending to defeat this object constitutes a breach, so that he can not even buy in open market goods imported otherwise than by rail; and this rule is enforced. They also provide that these special rates are for his own exclusive benefit, and he must not allow the use of his name or shipping marks by anyone else. The freight must all be forwarded to Omaha by such carriers as are designated by the Union Pacific Railroad Company. They reserve the option (which is always exercised) of waybilling the goods and collecting freights according to the printed rates, agreeing to return the difference on presentation of vouchers to the Central Pacific freight agent at San Francisco, after the lapse of a reasonable time—say thirty days—for transmission, verification, etc.

All our leading merchants have been forced to enter into contracts of this description: the man who attempts to import his coarse goods by sea, relying on the rail for such as need more rapid transportation, has to pay such rates on the latter that he can not compete with his neighbors. He can not even buy his coarse goods in open market here if they shall have come round the Horn, for that would defeat the "bought, sold, dealt in, or handled by" clause. Such goods and their importers are tabooed and "boycotted," and the merchant who touches them without leave of the railroad company can have no freight transported overland except at ruinous rates; even at such he is liable to casual delays, difficulties, and obstructions which, being unable to account for, his unregenerate nature attributes to malicious design.

The result is that ships obtain little or no freights from Eastern ports here; they have to come here in ballast, or half full, to load wheat for Europe, and our people are compelled to pay on their produce sent abroad a freight to cover the expense of the round trip. The standing forced loan exacted from our merchants, without interest, by collecting and after thirty days repaying the difference between printed and contract rates, may amount to half a million dollars; it operates oppressively to individuals, but to the community is of minor importance. But the tax levied on our exports in the form of enhanced freights to Europe is a monstrous and shocking wrong. In the absence of full statistics it is impossible to compute its amount, but it is probably equivalent to about $4 per ton on the exportable crop of the State. San Francisco, under this nefarious system, has degenerated from the rank and position of a maritime city open to the commerce of the world to that of an interior town some 2,000 miles west of St. Louis, approachable only over deserts and mountains.

With these facts before you, which are known to every well-informed man in San Francisco (except, of course, the railroad commissioners), you can understand why the tide of prosperity which has spread over the rest of the Union during the last few years has never yet reached California, why all business has been depressed and real estate has been steadily falling in value ever since the overland railroad was completed. Perhaps, too, you will regard with more leniency the mistaken hostility to corporations (especially railroads) which has found expression in some of our recent legislation. Grant that it is unphilosophical, ill directed, stupid, and in some respects unjust—that was not its intention; but people who have been so long and sorely oppressed as ours have been by the present monopoly can not always reason coolly or justly as to the remedy, and in their anger seize any weapon at hand, careless whom else they may hurt provided they can inflict a blow on their chief enemy.

You suggest an appeal to the courts—at least, so I understand your words "proceed against with all vigor." But who can proceed against them, and how? I defy any lawyer to point out a remedy, under existing laws, of the slightest value to the individual aggrieved. Our railroad commissioners, if so disposed, could doubtless do much on behalf of the public, if not to break up, at least to expose the wrong. But the eyes of justice, you know, are bandaged, and they can only know what is officially communicated to them and duly proved by witnesses, and their governing majority has just completed a set of rules for proceedings before them well calculated to aid them in remaining ignorant of all public abuses of the kind. No individual merchant dare sue, complain, or even let it be known that he is dissatisfied, lest he should be straightway put at a ruinous disadvantage with his competitors in trade. His business would be broken up before he could get his first case set for trial, and his family might starve while he was awaiting the result of new trials and appeals. The way of a man who enters into litigation with a company that keeps all the leading law firms under standing retainers, most of the leading journals by some means quieted, and which finds in legislators, railroad commissioners, and auditors of railroad accounts its serviceable friends, is too hard to be voluntarily pursued by any man in business.

There is but one remedy for this monster grievance which oppresses the whole Pacific Coast. The power so to oppose must be absolutely taken from the companies. For this purpose it is not necessary to establish rates of freight by law; but the law should lay down a rule for their establishment by the companies, and, once established, they should be made public, and no deviation permitted. The organization of the roads in all their departments should be kept under constant and vigilant supervision by Government, and any violation of law by railroad officials should be punished as a public offense. Actions for damages and like private remedies are wholly inefficient. Congress has ample power to remedy all evils in the overland system of transportation, for it is all built on Congressional legislation; and its just control of that system, judiciously exercised, could not fail to be attended with most beneficial results in the whole system of connecting roads.

The first thing needed is a Congressional committee of investigation, with ample powers and means to examine thoroughly into all existing abuses in the management of the Union and Central Pacific roads and their leased and associated lines. The Nation can not do a better public service than by aiding and enforcing through its columns the demand for such an investigation.

JOHN T. DOYLE.

SAN FRANCISCO, *July 28, 1881.*

[The Nation, December 8, 1881.]

OVERLAND RAILROAD RATES.

To the Editor of the Nation.

SIR: Since the publication of my letter on overland railroad rates in the Nation of August 11, Mr. Charles F. Adams, jr., has called my attention to the origin of the system of special freight contracts and unlawful discrimination in freight charges, as set forth in the report of the Government directors of the Union Pacific Railroad for the year ending June 30, 1875. I quote from page 15 of the document:

"In the month of July last, a sudden announcement was made that the tariffs on through-freighting business over the Pacific roads had been altered, and that, while the classification of certain articles had been changed, the rates upon others had been advanced from 50 to 100 per cent. The reason of this movement, which naturally excited surprise as well as indignation among those affected by it, was not at first apparent. It was, however, soon learned. It was purely strategic. The company did not really propose to raise its tariff rates; on the contrary, it was ready to slightly reduce them; but it did propose to take full advantage of its position to secure as much as possible of the transcontinental business. As a first step toward this, it practically did away with its open tariff, by the very simple process referred to. Under the open tariff, at the old rates, the larger business firms dealing between the two coasts had a choice of routes—that by water and that by rail. They, in practice, availed themselves of this option by sending their coarser freights, or those in regard to which time in delivery was immaterial, by water, at the lower rates; while the more costly wares, or those requiring immediate delivery, were forwarded overland. The object of the Union Pacific was to put a stop to this practice. This they did by largely raising their freights, which put an effectual stop to shipments under the open tariff, while, at the same time, they offered to all the large firms which would contract to make their shipments wholly by land special rates at a reduction even from those in force before the change. It was thus a distinct step backward, for it amounted to the abandonment of a published and open tariff in favor of a system of private special contracts.

"This move was, therefore, not only one of great importance, but it was open to serious objections. It was made, not by a petty local road, nor by a competing trunk line, but by a great, subsidized, continental thoroughfare. As such it might naturally be inferred that it was made only after ample consideration, and with the authority of the full board of directors. It is, however, a fact singularly illustrative of the absence of that sense of public responsibility in which the policy of the Union Pacific is now shaped, that this measure, which practically put in irons the transcontinental business of the country, was devised by two freight agents, was never, before being publicly announced, submitted for consideration even to the executive committee of the board of directors, much less to the full board, and was finally put in force, to the utter surprise of the public, on the verbal authority, so far as can be ascertained, of the president and a single director.

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* The Central Pacific road used to furnish statements of details of the through and local business, and of the amounts derived from freight, express, passengers, and baggage, but since the year 1884 has withheld such information. From the printed report of December 31, 1884, we learn that—

The total earnings of the year were		$22,1[illegible]
Of which 74 per cent was from local business	$16,216,[illegible].00	
And 26 per cent from through business, or	5,910,2[illegible].00	
	22,1[illegible].00	
Of the through earnings—		
The receipts from passengers and baggage were	$2,383,[illegible] (or 40 per cent).	
And from freight and express	3,5[illegible] (or 60 per cent).	

The local business shows the same proportions between freight and passengers.

* One per cent for 1895 (paid)	[illegible]
Same for 1896 (paid)	[illegible]
Two per cent each for 1897 and 1898	2,6[illegible]
Total	4,[illegible]

"It is unnecessary to comment on such a method of corporate management. It speaks for itself. Meanwhile, so far as the measure is concerned, the objections to it are apparent. The through business over the Union Pacific is mainly done by large houses. This is natural enough, for such houses can, of course, do it most cheaply. The measure under discussion, however, made it impossible that this business should be done by any but the large houses. They have special contracts covering it at less than the published tariff rates. More than this, it locks up, in secrecy, transactions which more than all others should be public. The special contracts may be equal as between shippers, or they may not. The directors have every reason to believe that they are, but they none the less are lacking in that element of publicity which in such matters will always remain the one real safeguard against discrimination."

The contract here referred to, and so justly condemned, did not contain the "boycotting" clause quoted in my former letter; they merely bound the merchant to transport all his freight by rail, viz, "all goods purchased by or for and shipped or consigned to him by his procurement, directly or indirectly, or with his previous knowledge or consent;" he was still free to deal in goods which had reached here by sea, though he could not import them so himself. Next year, or the year following, the "bought, sold, dealt in, or handled by" clause was introduced, which "boycotted" all goods not imported by rail, so far as the railroad companies' customers were concerned. They were forbidden to buy, sell, deal in, or handle them. Last January the railroad companies gave another turn to the screw and introduced a clause which boycotts not only the goods but the importers. The merchant who holds a freight contract with this company is "firmly bound" not to sell or deliver goods to any one who is in the habit of importing otherwise than by rail. To show that there is no mistake about this humiliating exaction, I inclose on a separate slip the text of the covenant, as well as that of the corresponding clause in the contracts of the preceding year. They are clipped from the columns of the Grocer and Country Merchant, a local trade journal, which published them, with a vigorous protest, at the time they were forced upon our merchants. The space of the Nation is too valuable to insert them in extenso here, but let them go into your advertising columns with a note of reference. They divide the importing merchants of the whole Pacific Coast into two classes, viz, those who bind themselves to import exclusively by rail and those who refuse to do so. These two classes are forbidden by the railroad company to have any dealings with one another.

I make no comment on this proceeding, for I have no language equal to it, but I hope that the Nation will do so, for I have reason to believe that it will not be without effect. I pass to another item of railroad management.

Sugar refining was introduced here in 185[illegible], and soon grew to be a large and important industry. Even paying duty on raw stocks imported from Manila, it was found possible to manufacture here at a profit and compete with Eastern goods to the extent of the refined sugars and sirups consumed on this coast. The price was, of course, regulated by the cost of laying down New York sugars here. The Hawaiian treaty removed the duty from our raw stocks and gave our refiners a clear advantage of 2½ cents per pound over their Eastern rivals. Still, Eastern crushed sugar had a slight preference, and could always be found in our market and at substantially the same price as domestic. Last January all this suddenly changed and Eastern sugars disappeared from the market. The reason assigned was that the railroad companies had raised the freight on refined sugar from 1 cent per pound to 2, a rate which forbade importations. The reader may be surprised that they should thus impose a protective duty (for that is evidently what it is) so high as to cut off their own revenue from the trade; but, though strong protectionists, they are not such fools as that. It now comes out that they received a full consideration for the concession. The Chronicle of this city has brought out the fact, and it is uncontradicted, that the advance in freight is the result of a bargain with the principal refiner here, thinly disguised under the form of a transportation contract,* whereby, for a consideration of $[illegible],000, they consent to impose this prohibitory duty on Eastern sugars for the current year. The Chronicle publishes statistics of sugar imported from the islands, etc., to show that through the operation of the treaty the Government loses about $[illegible] per annum, while by the action of the railroad companies the people of this coast are mulcted about eight hundred thousand more in the enhanced cost of sugar. Its attack is mainly on the treaty and the refiner. Papers in the opposite interest defend the action of the railroad companies by the usual protectionist arguments, the encouragement of home industry, etc. The whole public is, however, as it seems to me, more interested in a question back of this, and which I venture to think goes to the bottom of the whole railroad problem, viz: What right has any railroad company to impose a protective duty on sugar or any other commodity imported from one State into another? And what is the system of classification adopted by all our railroad companies as the basis of freight charges but a system of protective duties under another name? The overland companies by their scandalous imposition of these duties on sugar have brought this question squarely to the front and incidentally suggested the true remedy for such abuses. The latter, if you will permit, I should like to discuss hereafter.

JOHN T. DOYLE.

SAN FRANCISCO, November [illegible].

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington, reported it without amendment.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (H. R. 6750) to authorize the mayor and city council of Monroe, and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city, reported it without amendment.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. SQUIRE December 21, 1896, intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 6760) to provide an American register for the bark *Vila*, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 3494) providing for an examination of the improvements at the Pass of Aransas, Texas; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 3089) to provide an American register for the steamship *Southery*, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2973) to amend section 4488 of the Revised Statutes, relating to life-saving appliances on shipboard, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3398) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., reported it without amendment, and submitted a report thereon.

Mr. PLATT. From the Committee on Indian Affairs, I report back favorably an amendment to be proposed to the deficiency bill. I ask that it may be referred to the Committee on Appropriations. I submit a written report with it, which I ask may also be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. PASCO in the chair). It will be so ordered, in the absence of objection.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 5638) for the relief of Pricilla R. Butts, reported it without amendment, and submitted a report thereon.

THE NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. The act constituting the National Academy of Sciences requires the association to make an annual report, and a permanent statute provides for the printing of that report. I do not know that anything more is necessary than merely to present it. It will follow the usual course and the matter will be printed.

The VICE-PRESIDENT. It will be so ordered.

CHANGE OF REFERENCE.

Mr. DAVIS. I desire to have the bill (S. 3385) to refer certain claims for Indian depredations to the Court of Claims, which was introduced by me on December 15, 1896, referred to the Committee on Indian Affairs instead of to the Committee on Indian Depredations. By the indorsement on the original bill it was to be referred to the Committee on Indian Affairs, but by mistake it went to the wrong committee.

The VICE-PRESIDENT. The change of reference will be made.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3487) relating to the jurisdiction of the court of appeals of the District of Columbia; which was read twice by its title, and referred to the Committee on Pacific Railroads.

He also introduced a bill (S. 3488) to create a board of trustees of the Union Pacific Railroad Company and the Central Pacific Railroad Company, and to fund the bond debts thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. ALLEN introduced a bill (S. 3489) to amend an act entitled "An act to authorize and encourage the holding of a Trans-Mississippi and International exposition at the city of Omaha, in the State of Nebraska, in the year 1898," approved June 10, 1896, to repeal certain portions thereof, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Select Committee on International Expositions.

Mr. GEAR introduced a bill (S. 3490) for the relief of [illegible] Gaston, late of Company M, First Regiment Iowa Cavalry Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 3491) granting an increase of pension to Capt. John W. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL (for Mr. SMITH) introduced a bill (S. 3495) to remit the time penalties on the light-house tender *Rose*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. THURSTON introduced a bill (S. 3496) to promote the safety of employees and shippers upon railroads by compelling common carriers to equip their freight cars with safety appliances to protect such persons from injury resulting from falling between freight cars; which was read twice by its title, and referred to the Committee on Interstate Commerce.

INDEPENDENCE OF CUBA.

Mr. MILLS. I introduce a joint resolution, which I ask may be read and laid on the table. I shall wish to-morrow morning to submit some remarks upon it.

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*The transaction is alleged to be in the shape of a contract to transport for the refiner [illegible] pounds of sugar at 2 cents per pound. Of course they could not charge any dealer a less rate than that voluntarily paid by so large a customer who pays his freight and is not at all particular as to the transportation of the goods.

The joint resolution (S. R. 188) in reference to the recognition of the independence of foreign governments was read the first time by its title, and the second time at length, and ordered to lie on the table, as follows:

> *Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled*, That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine, the Executive should act in harmony with the legislative department of the Government.
>
> SEC. 2. That the independence of the Republic of Cuba ought to be, and hereby is, recognized, and the sum of $10,000 is hereby appropriated for salary and expenses of a minister to that Government whenever such minister shall be appointed by the President.

Mr. MILLS subsequently said: I introduced a joint resolution and gave notice that I would submit some remarks on it in the morning. As the Senate has agreed to adjourn over until Monday, I give notice that I shall claim the attention of the Senate on Monday morning.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on International Expositions, and ordered to be printed.

CLASSIFICATION AND GRADING OF CEREALS.

Mr. SHERMAN. I have in my hand a bill which I think will command the attention of the Senate and its unanimous approval. A similar bill has already passed the Senate in the last Congress. It is now reported from the Committee on Agriculture and Forestry. It is a bill to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes. All the leading farming associations in the country have petitioned for the passage of the bill, and there can be no possible objection to it. The Committee on Agriculture and Forestry recommended it with some slight amendments. I hope it will pass. Let it be read.

The VICE-PRESIDENT. The Senator from Ohio asks for the present consideration of a bill, which will be read for information.

The SECRETARY. A bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes.

Mr. CULLOM. Mr. President——

Mr. TELLER. I should like to inquire what committee that bill comes from?

Mr. CULLOM. That is what I myself should like to know.

Mr. SHERMAN. The bill comes from the Committee on Agriculture and Forestry.

Mr. CULLOM. It is evidently a bill that affects the commerce of the country, and if there is any bill that properly belongs to the Committee on Interstate Commerce, I think this bill does. I never heard of the measure before.

Mr. SHERMAN. It was reported from the Committee on Agriculture and Forestry.

Mr. CULLOM. And not from our committee. I do not think the bill ought to be considered until some proper committee that has control of the subject has dealt with it.

Mr. CHANDLER. I suggest to the Senator that, in order to ascertain whether it is a classification for transportation by railroads, we have the text of the bill read.

Mr. TELLER. I wish to inquire whether the bill is now reported for the first time or whether it is on the Calendar.

Mr. SHERMAN. I have already stated that the bill was reported from the Committee on Agriculture and Forestry, and that a similar bill was passed in the last Congress, I think by unanimous consent; but it was not acted upon in the other House. It is still pending in the other House. I am told the measure is supported by every farmers' organization from the highest to the lowest. It simply provides for a uniform classification of the grains raised by them. I can see no objection to it. However, the Senator from Iowa [Mr. GEAR] can state definitely in regard to the bill.

Mr. CULLOM. I simply want to say that the question of the classification of freights is now under consideration by the Committee on Interstate Commerce.

Mr. SHERMAN. The bill does not concern freight at all, but the quality of wheat, the grades of wheat. That is all.

Mr. CULLOM. I have no objection to the bill being read, so that we can see what it provides.

Mr. SHERMAN. It does not deal with the question of freight.

Mr. GEAR. I will state that the bill simply relates to the classification of grain, and provides that, in the absence of a regular agreed classification by any board of trade or city, there shall be a classification of such grain, subject to the inspection of the Secretary of Agriculture. It has nothing to do with fixing the rate.

Mr. CULLOM. The bill ought to be read at any rate.

Mr. GEAR. It has nothing to do with any interstate-commerce matter. It does not infringe on the rights of that committee at all.

Mr. CHANDLER. If it is a proposed national law to classify grain—that is the point I am trying to get at—perhaps the bill will show for what purpose a law of Congress shall classify farm products.

Mr. GEAR. It simply authorizes a classification under the direction of the Secretary of Agriculture.

Mr. CHANDLER. For what purpose? Why is it to be done?

Mr. GEAR. Suppose the gentleman orders a carload of grain from Chicago, or a shipload of grain from abroad to this country by steamer. There is nothing said about the classification, whether it shall be the Chicago classification or the New York classification. In the absence of such a classification, the bill provides that the purchaser shall be bound by the classification made under the bill, under the direction of the Secretary of Agriculture.

Mr. CHANDLER. If our States-rights friends are willing to vote for that, I am.

Mr. HOAR. Let us hear the bill read.

Mr. SHERMAN. It is a short bill.

Mr. CULLOM. Let us hear it read.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to determine and fix, according to such standard as he may prescribe, such classification and grading of wheat, corn, rye, oats, and barley as in his judgment the usages of trade warrant and permit, having reference to the standard, classification, and grades now recognized by the several chambers of commerce and boards of trade of the United States: *Provided, however*, That reference to such various classifications and grades shall serve only as a guide and suggestion in the matter of determining and fixing by the Secretary the United States standard herein provided for; but he shall not be controlled thereby, but shall determine and fix such standard and such classifications and grades as will, in his judgment, best subserve the interest of the public in the conduct of interstate trade and commerce in grain.
>
> SEC. 2. That when such standard is fixed and the classification and grades determined upon, the same shall be made matter of permanent record in the Agricultural Department, and public notice thereof shall be given in such manner as the Secretary shall direct, and thereafter such classifications and grades shall be known as the United States standard. All persons interested shall have access to said record at such convenient times and under such reasonable regulations as the Secretary may prescribe; and on payment of such proper charge as the Secretary may fix a certified copy of the classification and grades shall be supplied to those who may apply for the same.
>
> SEC. 3. That from and after thirty days after such classifications and grades have been determined upon and fixed, and duly placed on record as herein provided, such classification and grading shall be taken and held to be the standard in all interstate trade and commerce in grain in all cases when no other standard is agreed upon: *Provided, however*, That in interstate trade or commerce in grain, if the consignor thereof, or his authorized agent, shall so direct, public inspection, classification, or grading shall not be required nor made when said grain is consigned to the owner thereof or to his authorized agent, or to a mill or private storehouse; or to a public warehouse for deposit in a special bin; or, the purchaser consenting, to a purchaser thereof; or, if consigned to a market where the usages of trade recognize sales of grain by sample, when the consignor shall direct its sale by sample.

Mr. HALE. That seems to me to be a very sweeping bill. It appears to be an assumption of great power on the part of the General Government. I did not discover in listening to the reading anything in the bill that reserves any classification that may have been made by a State or by any other authority. The only reservation is the sweeping enactment of the bill in favor of private contracts or agreements where a classification has been made. I do not suppose that would apply in hardly any case. It proposes to confer upon the Secretary of Agriculture the enormous power of fixing absolutely classifications touching these great subjects of trade.

I do not think that a bill of this kind ought to pass without Senators having an opportunity to examine it, and without debate, which, it seems to me, will certainly arise whenever it is put upon its passage.

Mr. SHERMAN. The bill was passed by the Senate at the last Congress.

Mr. HALE. The Senator from Ohio says it was passed at the last Congress. The truth is, we passed a great many bills where requests are made for unanimous consent without Senators considering the subjects-matter, and they never get the illumination that only comes by debate. I do not think this is one of a class of bills that ought to go through without discussion.

Mr. ALLEN. Did the bill pass the Senate in the last Congress?

Mr. HALE. I understand the Senator from Ohio to say it did. But was there a discussion of it? I did not know it.

Mr. ALLEN. This is the first I ever heard of the bill.

Mr. HALE. The Senator from Ohio says it was passed. Was it discussed?

Mr. CULLOM. The Senator from Nebraska says it is the first time he ever heard of it.

Mr. ALLEN. I understand the Senator from Maine to object to the consideration of the bill.

Mr. HALE. Yes; I think it had better go over.

Mr. ALLEN. I think it ought to go over by all means. It is certainly destructive of the interests of the producer of grain to put all his rights in the hands of the Agricultural Department.

Mr. BATE. Has the bill been printed and laid on our tables, I should like to inquire?

The VICE-PRESIDENT. The bill is on the Calendar.

Mr. SHERMAN. It was printed long ago.

The VICE-PRESIDENT. It is Order of Business 950 on the Calendar.

Mr. BATE. It is certainly a very important bill, and needs attention. I think it ought to be laid on our tables.

Mr. GEAR. Mr. President——

The VICE-PRESIDENT. The Chair will state that objection is interposed to the present consideration of the bill.

Mr. GEAR. I will just state that the passage of the bill is desired by many boards of trade and by the agricultural societies of this country. It is indorsed, I believe, in a certain degree by the Secretary of Agriculture, and is asked by our farmer friends.

I will only state in one moment that the classification referred to simply relates to a case where there is no other classification agreed upon. If you or I order a carload or shipload of grain sent at the classification of the Chicago Board of Trade, this measure does not interfere, but where no agreement has been made the parties shall have a right to demand a national classification.

Mr. ALLEN. I do not know anything about who has petitioned for the passage of this bill. I can not say anything respecting that matter. But we all know that the producers of grain in this country sell without any special contract. They have practically nothing to do whatever with classifying their grain. Here the power to classify their grain is taken entirely out of their hands by the bill, and the classification made by the Secretary of Agriculture, which will be usually the classification made by boards of trade, becomes a legal classification, binding upon the producer of grain in the courts of the country, which he can not dispute, notwithstanding the grain may grade higher than it has been classified by the Secretary of Agriculture or by his agent.

Mr. SHERMAN. I should like to say a word. I have been requested to favor the measure by the farming associations in my State and I have also received communications from other States. I introduced the bill at their request at this session, and in the last Congress I know it was passed by the Senate. I do not know whether there was any debate upon it or not. But I have read the bill very carefully and I do not find that it imposes any restriction whatever except such as will tend to protect not only the purchasers, but the consumers and producers, and by which a classification of the different kinds of grain may be fixed by some standard. It does not make so much difference what the standard is, so that we can have a standard, and wheat can be bought or sold according to a certain standard. This proposed law does not take away the right from anyone to make a contract for any standard he chooses, but it expressly reserves that right.

So far as the bill is concerned, I have done my duty. It was referred to the proper committee, the Committee on Agriculture and Forestry, and reported with some slight amendments. The bill was passed by the Senate, as I said, in the last Congress. I do not recall whether there was any debate upon it or not, but at any rate I think it is a bill that if Senators will read they will favor, especially those who represent agricultural States, like my friend from Nebraska [Mr. ALLEN]. With these remarks, I am perfectly willing to leave the matter to the Senate.

Mr. CULLOM. When I rose before in reference to this bill, from the reading of the title I supposed it was a bill affecting the question of transportation.

Mr. SHERMAN. Oh, no; not at all.

Mr. CULLOM. Therefore I made the remark that it ought to be referred to the Committee on Interstate Commerce, having charge generally of that subject. But I find that it does not affect the question of transportation, and so far as I am concerned, while I should like to have an opportunity to read the bill over before it is put upon its passage, I do not desire to move to refer it to any other committee, unless the Senate seems to think it ought to be done. I think, though, the bill ought to go over until morning, so that we may see what there is in it.

Mr. ALLEN. Has the bill been reported from a committee?

Mr. CULLOM. It was reported from the Committee on Agriculture and Forestry, I understand.

Mr. ALLEN. I want to make a suggestion in answer to the Senator from Ohio. The Senator seems to think that it is something in favor of the bill that it has preserved the right of contracts. I submit to the Senator from Ohio that Congress has not the power to trench upon the right of contracts; that they must be preserved regardless of your law. But the trouble with this bill is that an arbitrary grade established by the Secretary of Agriculture becomes binding, in case of litigation, upon the seller of wheat or cereals of any kind who may come under its provisions.

Mr. SHERMAN. It applies only in cases where there is no contract as to grain.

Mr. ALLEN. Exactly.

Mr. SHERMAN. The right of private contract is preserved.

Mr. ALLEN. But we must legislate in the light of the fact that 99 per cent of the producers of grain make no contracts for their product.

Mr. HALE. And never make any.

Mr. ALLEN. And never make any contracts. Now, in consequence of a failure to make a special contract, are they to suffer an arbitrary grading of their grain, which may, as a matter of fact, be far below its actual standard, but which is to be binding upon them in the courts of this country? The farmers of my State, for instance, do not follow their grain 600 miles to Chicago and have a contract for a specific grade.

Mr. CHANDLER. I am inclined to think from listening to the language of the bill that it is an entirely proper one to pass a State legislature. I was endeavoring to work in a suggestion in behalf of the Constitution of the United States. A bill classifying grain for the purposes of commerce may or may not be within the powers of Congress. I am not certain that it is not, because I myself attach great weight to the general-welfare clause of the Constitution. Possibly this bill may be based upon the right of Congress to regulate weights and measures, or it may be a legitimate exercise of the power to regulate commerce between the States.

What I should like to know is, upon which specific clause in the Constitution the bill is based, or whether, if not based upon any specific clause, it is based upon the general-welfare clause. Let us have an understanding on this subject. If bills of this kind, that could be passed under the exercise of the police power of the States, are to be brought into the National Legislature and passed under the paternal powers given to Congress under the general-welfare clause, let that be understood. I should like to ask the Senator from Ohio, who I see is rising, to tell me under what clause in the Constitution this bill emanates from the Committee on Agriculture and Forestry.

Mr. SHERMAN. I do not myself care to go into the constitutional question, although it is very easily answered. There is a full and able report accompanying the bill. I have read it partially, and I have it with me here. This report, made by the Committee on Agriculture and Forestry, covers these different points. I presume it was prepared by the Senator from Iowa [Mr. GEAR]. At all events, there is ample information upon the record to show exactly the tenor of the bill, the nature of it, and the ground upon which it can be defended.

Mr. CHANDLER. Does the report state under what clause in the Constitution of the United States the Congress has power to pass the bill?

Mr. SHERMAN. It may be done under the power to regulate commerce. Now, this is not a small matter.

Mr. CHANDLER. So I understand.

Mr. SHERMAN. It is a matter amounting to hundreds of millions of bushels of grain. We produce seventeen hundred to two thousand million bushels of corn; we produce, say, three or four hundred million bushels of wheat. There is now no fixed way of grading the wheat, and we all know there is a great difference in the value of wheat. Sometimes it is worth considerably more than at other times. Somebody should fix a grade for the wheat so as to describe it—so as to say grade No. 1 shall have such and such qualities, etc. It is sold in that way now by private contract, but those contracts differ. It may be one thing in Chicago, and it may be another in New York. The result is a complication of difficulties.

This bill emanates from the farmers. The farming organizations sent the bill to me for its introduction. That was at this session. It was introduced in the previous Congress by some other Senator.

Mr. ALLEN. I should like to submit to the Senator from Ohio a perplexing question, for the Senator is a great constitutional lawyer and is familiar with all its details and its history. Many of the States of the Union have laws by which their grains are graded.

Mr. CULLOM. That is true of Illinois.

Mr. ALLEN. By those State laws the grains are inspected and graded.

Mr. HALE. In almost all the States.

Mr. ALLEN. What will you do, for instance, under a law such as the bill before the Senate, with grain where it has been inspected and properly graded according to the law of the State before it was shipped from that State?

Mr. SHERMAN. I understand that the bill provides for that very thing. It only provides for the grading of wheat that is not otherwise provided for by contract or by law.

Mr. HALE. If the Senator will excuse me, that is not the provision of the bill. The bill provides that the Secretary of Agriculture shall consider what regulations already exist by boards of trade or by law, and in terms declares that he shall not be governed by those, but shall establish an absolute standard unless in case of private contract. So it sweeps away every regulation, either by States or by boards of trade, and substitutes the authority of the Secretary of Agriculture, unless the parties have made a private contract, which, as the Senator from Nebraska says, is seldom the case.

Mr. ALLEN. But the Secretary of Agriculture may be guided altogether, if he sees fit, by the wishes of the boards of trade.

Mr. HALE. The bill provides that he may consult, but he shall not be governed thereby.

Mr. ALLEN. That is, he may, however.

Mr. HALE. He may consult.

Mr. ALLEN. He may. Then, suppose he is controlled by the action of boards of trade. There is no remedy, is there, to the producer of grain?

Mr. HALE. Not the least.

Mr. ALLEN. So the producer of grain is then really at the mercy of the board of trade.

Mr. HALE. He is at the mercy of the Secretary of Agriculture.

Mr. DAVIS. Mr. President——

Mr. BATE. As the debate has been going on for some time, I rise to a point of order. I understand that an objection was made to the consideration of the bill. Its consideration requires unanimous consent, and I make that objection.

The VICE-PRESIDENT. The debate has been proceeding only by unanimous consent. Objection being interposed, the Chair recognizes the Senator from Minnesota.

Mr. DAVIS. I wished to submit a word on the bill. If objection is made, I will refrain.

HOUSE BILL REFERRED.

The bill (H. R. 1766) to amend the postal laws relating to second-class mail matter was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

DISTRICT TELEPHONE LINE.

The joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia was read the first time by its title.

Mr. McMILLAN. I ask unanimous consent that the joint resolution may be put upon its passage.

The VICE-PRESIDENT. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as follows:

> *Resolved, etc.*, That authority is hereby granted to William J. Browning, Chief Clerk of the House of Representatives, to build a telephone line from the House folding room to the new annex folding room in the McDowell Building, corner of North Capitol street and Massachusetts avenue, using the Government poles now on North Capitol street.

Mr. McMILLAN. The joint resolution has just passed the other House, and it is a matter of importance.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESTERN JUDICIAL DISTRICT OF SOUTH CAROLINA.

The VICE-PRESIDENT. The morning business is closed, and the Calendar under Rule VIII is in order. The first case on the Calendar will be stated.

The bill (S. 811) to provide a district attorney and a marshal for the western judicial district of the State of South Carolina was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CULLOM. I inquire if that bill comes from the Judiciary Committee?

The VICE-PRESIDENT. It has been reported from the Judiciary Committee, the Chair understands.

Mr. PLATT. I should like to inquire of the chairman of the Judiciary Committee about this bill, for, although a member of the committee, I do not remember about it. Does it involve the salaries of two sets of officers in South Carolina when there is now only one set? If so, as to the district attorney and marshal for the district of South Carolina, their salaries being fixed with reference to the performance of all the duties in the State, will their salaries go on at the same figure at which they now are, and then will there be other salaries for these new officers? I do not think I understand the matter.

Mr. HOAR. This bill was considered by the Judiciary Committee and reported at the last session. It had the support of the Senators from South Carolina and also support from the legal profession in the State. Of course the Senate is familiar with the condition of South Carolina. There have been two judicial districts there for a good while, but the marshal and the district attorney for one of the districts have performed the duties for the other. This bill provides for a separate marshal and a separate district attorney.

If this bill should pass, then, of course, it will be necessary to have in the proper appropriation bill a new regulation as to the matter of the salary, which was regulated in the last appropriation bill with reference to one district alone; but it is not customary to make a new regulation of salaries until the law providing the salary has been first dealt with.

If this bill shall pass both Houses of the present Congress and be signed by the President, then it will be necessary to insert in the proper appropriation bill such diminution of the salaries of the officials who now perform the duties of both districts as is proper; but it never has been the custom, in creating new districts or providing new duties of this kind, to put such a provision into the special bill passed for the purpose.

Mr. CULLOM. If the Senator will allow me, I think that in the adjustment of salaries for the marshals of that State, with all the others, there was a reference in the statute to the peculiar condition of affairs in that State; but whether additional legislation would not be required in order to specify the duties of the marshal and the district attorney, I am not sure. The Senator from South Carolina perhaps has before him the statute which was passed at the last session; and if so, I should like to hear what it is.

Mr. TILLMAN. I have not the statute before me, but I know the substance of it. It provided that the duties of marshal and district attorney of the eastern district should be performed and their salaries fixed under it, but it provided for a division of the salaries—I have forgotten the exact amount—I think it was $2,500 for the western district and $1,500 for the eastern district. They are already differentiated or separated by the last statute fixing the salaries of the district attorneys and marshals of the various districts.

Mr. CULLOM. I hope the Senator will allow the bill to go over for a minute, in order that we may see what the exact language of the statute is.

Mr. HOAR. If the Senator will allow me, this bill was reported from the Judiciary Committee on full consultation, as I have stated. That committee also reported as to the matter of salaries in a general salary bill for all the district attorneys in the country. That was referred to the Appropriations Committee and put on an appropriation bill and was settled after going into conference. I met that conference committee—indeed, I think I was one of the conferees—but the final action of the two Houses on the conference report took place after I left for Europe. So I am not prepared to answer precisely how that matter was arranged, but I am quite sure that is was arranged.

Mr. TILLMAN. If the Senator will allow me, it recognizes a difference in the districts, and fixes the salary for each district separately.

Mr. CULLOM. I will suggest, if the Senator will allow it, that the bill be passed over for the time being, so that we can examine it and see if the statute does not already provide for just such a situation as will exist if this bill shall become a law.

Mr. HOAR. No; the statute does not provide for new courts.

Mr. TILLMAN. I should like the Senator to let the bill go through to-day, and then if any change is found necessary it can be attended to in the other House. The time is very short, and unless we get the bill across we are not very likely to get it through at this session.

Mr. CULLOM. I have no objection to the consideration of the bill as soon as we can find the provision of the law which we are looking for at this moment.

The VICE-PRESIDENT. If there be no objection, the bill will lie over temporarily.

Mr. CULLOM. I believe I have the provision of the law here.

Mr. HOAR. I can give it to the Senator. It is just as I stated. The provision is:

> For the eastern and western districts of the district of South Carolina, $4,500, $2,500 of which shall be for the performance of the duties of district attorney for the western district.

Mr. CULLOM. That is all there is of it?

Mr. PLATT. The salary is also divided.

Mr. TILLMAN. The salaries are separated.

Mr. CULLOM. That is the point I wanted settled before the bill passed, so as to be able to determine whether any additional legislation was necessary. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN GREER COUNTY, OKLA.

Mr. BERRY. I ask unanimous consent, out of order, for the consideration at this time of the bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes. I will state it is important that legislation shall be had immediately. I therefore make this request.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIVATE ARMED BRIG GENERAL ARMSTRONG.

The VICE-PRESIDENT. The next case on the Calendar will be stated.

The bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns, was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HAWLEY. Has that bill been called up for consideration?

The VICE-PRESIDENT. It has been reached in regular order on the Calendar.

Mr. HAWLEY. From what committee is it reported?

The VICE-PRESIDENT. The Committee on the Judiciary.

Mr. HAWLEY. I have no doubt the bill is all right, and I suppose the Senator from Massachusetts [Mr. HOAR] is familiar with it. I know there was something due to a number of people in connection with this matter, and I suppose the bill is properly guarded as to any future claims for any unexpended portion of this appropriation.

Mr. HOAR. As the Senator appeals to me, I can not say that I have now in my memory all the details of the case. The Senator from Alabama [Mr. PUGH] who reported the bill undoubtedly will remember them.

Mr. CULLOM. I suggest that the report be read.

Mr. HOAR. I will, however, make the general statement about the bill that, on very full debate, both Houses of Congress passed a bill for the relief of this claimant, in which the Secretary of State was authorized to pay him out of a certain fund in the State Department. That was misdescribed in some way in the law. The consequence was that the Secretary of State said he did not think he was authorized to make payment unless Congress amended the law and made the description of the fund more accurate, which he thought they ought to do. This bill is practically covered by the old law, and the bill is made necessary by an error of description in that law.

Mr. HAWLEY. As I remember the case, I think a considerable portion of that appropriation has been paid out, and there has been some little controversy as to the persons to whom it should be paid; but I have forgotten exactly what the details are. I have great admiration for the gallant action in which the *General Armstrong* participated, as I believe everybody has who knows anything about that extraordinary affair. The Senator from Alabama will probably be able to give us the facts regarding the case.

Mr. CULLOM. I think the report should be read; it is not a long one, will not take much time, and will enable us to understand the history of the case.

Mr. PUGH. The report contains a letter from Solicitor-General Conrad which gives the history of this claim, with which he is perfectly familiar, and it is set forth in full in the report of the Judiciary Committee. I hope there will be no objection to the consideration of this claim. It is an old one, and Congress has made two attempts to take this unexpended balance of the appropriation and pay it over to the claimants, and it has passed two acts, which have failed of execution for reasons stated in the letter of the Solicitor-General and in the report of the Judiciary Committee.

Mr. HAWLEY. I think that all the claims have been satisfied, as the matter now stands, and the only question is as to the unexpended balance.

Mr. CULLOM. If they are all satisfied, why dispose of this balance by giving it to somebody? We had better have a little money in the Treasury.

Mr. PUGH. I think we had better have the report read.

Mr. HAWLEY. I mean the claims aside from those of Mr. Reid have been satisfied. That is what I meant. Is that not so?

Mr. CULLOM. I should like to have the report read, Mr. President, in order that we may know the history of the case.

The VICE-PRESIDENT. The Senator from Illinois calls for the reading of the report, which will be read.

The Secretary read the following report, submitted by Mr. PUGH March 23, 1896:

The Committee on the Judiciary have had under consideration the bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns, and make the following report thereon.

On May 1, 1882, Congress passed an act "authorizing and directing the Secretary of State to examine and adjust the claims of the captain, owners, officers, and crew of the late United States private brig *General Armstrong*, growing out of the destruction of said brig by a British force in the neutral port of Fayal in September, 1814, upon the evidence established before the Court of Claims, and to settle the same upon the principles of justice and equity."

On March 2, 1885, Congress passed another act entitled "An act making appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes," in which it is provided "that the unexpended balance made by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the United States brig of war *General Armstrong*, their heirs, administrators, agents, or assigns, now under the control of the Department of State, shall be applied for the liquidation and settlement of the claim of Samuel C. Reid according to the vouchers now on file in said Department."

On the 3d of April, 1886, the Secretary of State submitted to the Solicitor-General the foregoing acts of 1882 and 1885, together with eighteen inclosures, asking the Solicitor-General to advise him as to what amount, if any, he was authorized to pay to Mr. Samuel C. Reid from the unexpended balance of the appropriation made by the said acts of 1882 and 1885.

On April 9, 1886, the Solicitor-General answered the communication of the Secretary of State as follows:

"That under the authority of the act of 1882 the Secretary of State, Mr. Frelinghuysen, ascertained that the amount originally appropriated for the payment of these claims was $70,739.

"That by instrument of writing dated the 12th of September, 1835, the owners of the vessel, comprising fifteen persons and firms, assigned, transferred, and set over unto the said Samuel C. Reid, his heirs and assigns forever, all our right, title, and interest in the late private armed brig *General Armstrong*, subject to the payment of each of us of the one-half of any moneys that he may recover for or on account of said vessel.

"That $43,000 was the amount awarded by the Court of Claims as indemnity for the losses of the owners of the vessel.

"That the said Capt. Samuel C. Reid, by an instrument executed by him dated October 31, 1851, assigned to Samuel C. Reid, jr., 'all my right, title, and interest to and in the undivided half of sixteen shares of stock in the late private armed brig *General Armstrong*.'

"That by a further instrument in writing, dated the 12th of December, 18[illegible], the said Capt. Samuel C. Reid assigned to Samuel C. Reid, jr., 'all my right, title, and interest whatsoever to and in the late private armed brig *General Armstrong*, as assigned to me by the stockholders and owners of said brig, in addition to the shares of stock in said brig made over by me to the said Samuel C. Reid, jr., by deed dated October 31, 1851, and also all moneys in virtue thereof which shall or may be recovered from the Government of the United States, or the payment of which may be provided for by the Congress of the United States in virtue of the claim of the brig *General Armstrong* now pending before the Court of Claims of the United States.'

"That the award made by the Court of Claims for the losses of the captain, officers, and crew was $27,739, which, when added to the award made as indemnity for the losses of the owners of the vessel of $43,000, made the sum of the appropriation $70,739.

"Upon these facts the Secretary of State ascertained and determined that Samuel C. Reid, jr., was entitled to recover 50 per cent of the amount awarded the owners of the vessel and 40 per cent awarded to officers and crew, being $33,019.80, which Samuel C. Reid, jr., was entitled to receive from the appropriation of $70,739.

"It appears that Samuel C. Reid, jr., the present claimant, has made assignments to various persons, and that payments have been made to the assignees, and payment has also been made to Samuel C. Reid, jr., himself, aggregating the amount appearing in the tabulated statement in Senate Executive Document No. 164, first session Forty-ninth Congress, of $54,542.48, leaving the balance of the appropriation unexpended $16,196.52."

The Solicitor-General, in his communication to the Secretary of State, held that the act of Congress approved March 2, 1885, was the only authority under which the Secretary of State was authorized to disburse the unexpended balance; that this act expressly provided that it "shall be applied for the liquidation and settlement of the claim of Samuel C. Reid, according to the vouchers now on file in said Department."

The Solicitor-General further held that the claim of the officers and crew of the brig, as well as those of the owners, have been recognized by the Court of Claims and by Congress, and that if the Secretary of State now, without further authority than that conferred upon him by the act of March 2, 1885, apply the unexpended balance to the payment of the claim of Samuel C. Reid, jr., the Government would still remain liable to the officers and crew and the owners of the brig whose recognized claims have not yet been paid out of the amount appropriated, and the Solicitor-General expressed the opinion that any balance left remaining of the amount appropriated should be reserved for further disposition by Congress."

The committee present the history of the case, which shows the necessity for the passage of the bill which they have had under consideration.

The only cloud upon the claim of Samuel C. Reid, jr., to the unexpended balance of the appropriation is that suggested in the opinion of the Solicitor-General as appearing out of the claims of the officers and crew of the brig, as well as the owners, which have been recognized by the Court of Claims and by Congress.

The sole question, therefore, is, Shall Congress withhold the unexpended balance of $16,196.52 to await the claims of all the officers and crew of the brig, as well as those of the owners, which have been recognized as long outstanding?

The bill under consideration was submitted by the Judiciary Committee to Solicitor-General Conrad, who had fully considered the whole subject, and his opinion was asked in regard to the subject-matter of the bill, and in response to the request of the committee, in a letter dated February 3, 1896, the Solicitor-General stated that—

"The matter of the disposition of this fund by the Secretary of State was made the subject of an opinion given by me to the Secretary of State April 9, 1886, from which it will be seen that I was of opinion that the Secretary of State, without further authority than that conferred upon him by act of March 2, 1885, could not, for reasons stated, safely or properly pay over the unexpended balance in his hands to Mr. Samuel C. Reid, jr.

"It is true that under the assignment of the 12th of September, 1835, from the owners of the vessel to Capt. Samuel C. Reid, he was required to bear all the expenses and charges and perform all necessary services for the collection of the demand hereinafter mentioned. It is also true that the claims of all the officers and crew of the brig, as well as those of the owners, have been recognized by the Court of Claims and by Congress; but it is equally true that sixty years have passed since the assignment was made, and no claimant in that time appears to have come forward to make demands for his distributive share of this fund, and the papers on file do show that for nearly [illegible] years Mr. Samuel C. Reid, jr., has single-handed and alone prosecuted the claim. The amounts expended by him in the prosecution of it appear to have been legitimate expenditures for labor and services, and not for any improper agency or means of 'lobbying' or the like.

"I have thought it but just and equitable, in view of the great expense to which Mr. Reid has been subjected in the prosecution of this matter and the great improbability that any claim on the part of the officers or owners yet existent or after this great lapse of time would ever be called for, that the unexpended balance might safely be paid over to Mr. Reid."

The committee agree with the Solicitor-General that it is but just and equitable, in view of the great improbability that any claim on the part of the officers or owners will ever be presented against the Government after sixty years have elapsed without any presentation of the same, that the unexpended balance might safely be paid to Mr. Samuel C. Reid, jr.

The committee report back the bill with the recommendation that it do pass with an amendment striking out the preamble.

Mr. HAWLEY. The Senate will have seen by this time that I was not unreasonable in making an inquiry as to what was done with the unexpended balance. It appears that the proper officer of the Attorney-General's Office was at one time opposed to disposing of the remainder, but he now thinks it quite equitable and just that Congress should make Mr. Reid a sort of residuary legatee of all that remains. Probably nobody will ever come, after

this lapse of time, to claim a share of it. I find that the bill has had thorough consideration, and I make no further objection to it.

Mr. CULLOM. I have listened to the reading of the report, and I think it discloses the fact that the Government may hereafter be called upon to pay other claimants. But as they have not sought to acquire any portion of this sum for sixty years, I am not inclined to make any further opposition to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on the Judiciary reported an amendment, to strike out the preamble; which was agreed to.

JOHN N. QUACKENBUSH.

Mr. HOAR. I do not like to interfere with the regular order of the Calendar, but I ask the Senate to take up the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy. At the last session the bill passed both Houses, but it did not get to the President in time to receive his attention. It was called up the other day and was before the Senate, but went over temporarily on account of a suggestion of the Senator from New Hampshire [Mr. CHANDLER], who now withdraws his opposition to the bill. I suppose it will not be necessary to read the bill except by title, as it was read at length the other day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy, as of the date of June 1, 1895. But he shall receive no pay or emoluments except from the date of such reappointment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

OSCAR A. BULETTE.

Mr. HAWLEY. I ask unanimous consent to call up the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private Company E, Fifty-second Illinois Infantry Volunteers, during the late war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. ELLIS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 2259) for the relief of William B. Ellis. The bill has been reported favorably by the Committee on Military Affairs, and proposes to correct the record of the soldier.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, after the words "directed to," to strike out all of the bill down to and including the word "date," in line 9, and insert in lieu thereof the following:

Revoke Special Field Orders, No. 194, from the Headquarters Department of the Cumberland, dated July 16, 1863, accepting the resignation of William B. Ellis, late captain of Company I, Seventy-ninth Regiment Indiana Volunteer Infantry, and discharging him from the service "for worthlessness as an officer," and then to accept said resignation and to issue to him an honorable discharge as of date July 16, 1863, and to correct his record accordingly.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke Special Field Orders, No. 194, from the Headquarters Department of the Cumberland, dated July 16, 1863, accepting the resignation of William B. Ellis, late captain of Company I, Seventy-ninth Regiment Indiana Volunteer Infantry, and discharging him from the service "for worthlessness as an officer," and then to accept said resignation and to issue to him an honorable discharge as of date July 16, 1863, and to correct his record accordingly: *Provided*, That no pay, bounty, pension, or other allowances shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM E. BOND.

Mr. PASCO. I ask unanimous consent that the first bill in order on the Calendar may now be considered. It is the bill (S. 2383) for the relief of William E. Bond.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to William E. Bond, of Edenton, Chowan County, N. C., $307.43.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 3219) donating condemned cannon and cannon balls to the Wadsworth Post, Grand Army of the Republic, of Helena, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CARTER. I move to amend the bill by striking out the words "the Navy" in line 3 and inserting the word "War."

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The amendment will be stated.

The SECRETARY. In line 3 it is proposed to strike out the words "the Navy" and insert the word "War;" so as to read:

That the Secretary of War be, and he is, directed to deliver to Wadsworth Post, Grand Army of the Republic, Helena, Mont., two condemned cannon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA BISHOP.

Mr. COCKRELL. Let us now proceed with the Calendar.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (S. 2338) for the relief of Joshua Bishop was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It confers on the Court of Claims jurisdiction to try and determine the claim of Joshua Bishop against the United States for pay alleged to be due and unpaid to him as lieutenant-commander of the Navy from February 9, 1868, to February 28, 1871.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH HATCHERY IN THE STATE OF WASHINGTON.

The bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HILL. What is that fort? Is it a United States fort?

Mr. LINDSAY. It is a United States fort, a garrison, and regimental station.

Mr. HILL. The only point about it is that I was about to suggest to the Senator from Kentucky whether the case is not covered by the general bill which we have already passed, authorizing the Secretary of the Navy and the Secretary of War to give or loan to municipalities and various organizations condemned cannon. The reason why I ask him if it is not covered by that measure is because he speaks of it as Fort Thomas.

Mr. LINDSAY. I do not think it is covered by that measure. It is a United States fort, regimental station, and barracks.

Mr. HILL. I should suppose, then, that the Secretary of the Navy could do it at his discretion without any bill. I have no objection to the bill, however, unless it is covered by the general law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED INDUSTRIAL COMMISSION.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, was announced as next in order.

Mr. PLATT. Let the bill go over.

The PRESIDING OFFICER. The Senator from Connecticut asks that the bill shall be passed over.

Mr. PERKINS. This bill has been upon our Calendar since last June. We have been waiting anxiously to reach it, and it seems to me it should be disposed of at this time. It is a measure of great importance, I think, and it is entitled to the consideration of the Senate. It should either be passed or defeated. I hope the Senator from Connecticut will therefore permit the bill to be considered at this time, as we have reached it in its regular order.

Mr. PLATT. The bill can not be considered under the five-minute rule. It is a very important bill, and there are serious objections to it.

Mr. PERKINS. Then I move that it be made the special order for next Monday at 2 o'clock.

The PRESIDING OFFICER. The Senator from California moves that the bill shall be made the special order for 2 o'clock on Monday next.

Mr. PETTIGREW. I have no objection to its being made the unfinished business after we shall have disposed of the homestead bill.

Mr. PERKINS. I will be satisfied if that course can be pursued.

Mr. PLATT. The Senator from California does not propose that.

Mr. ALDRICH. It can not be done except by unanimous consent.

Mr. PEFFER. I suggest to the Senator from California that if he would move to make the bill to which he refers the regular order, to be taken up immediately after the conclusion of the bill which is now the regular order, perhaps he might attain his object.

Mr. ALDRICH. I suggest that it is not in order——

Mr. PERKINS. It is in order to make a motion for a special order.

Mr. ALDRICH. Oh, yes.

The PRESIDING OFFICER. In the judgment of the Chair, the motion of the Senator from California is clearly in order.

Mr. ALDRICH. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California, that the bill the title of which has been stated by the Secretary shall be made a special order for 2 o'clock on Monday next.

Mr. PETTIGREW. I do not desire that the bill shall be made a special order so as to interfere with the unfinished business.

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that the unfinished business takes precedence under the rule.

Mr. PETTIGREW. Very well.

Mr. PERKINS. To remove any possible objection, I will suggest Wednesday next at 2 o'clock.

The PRESIDING OFFICER. The Senator from California moves that the bill shall be made a special order for 2 o'clock on Wednesday next.

Mr. CALL. I suggest to the Senator from California that the resolution reported by the Committee on Foreign Relations in relation to the independence of Cuba ought to receive the consideration of this body, and no order ought to be made providing for the consideration of any measure upon a particular day which would exclude the consideration of that resolution.

Mr. PERKINS. I am in deep sympathy in the abstract with the cause which my friend the Senator from Florida is advocating. This measure, however, is for our own people. It is in the interest of the people of this country, and I think we ought to do a little talking and perhaps some legislating for our own people as well as for the oppressed of Cuba and Armenia. Therefore, I shall insist upon my motion.

Mr. ALDRICH. I suggest that the bill can not be made a special order until it is brought before the Senate. The first thing to be done is to get the bill before the Senate. A motion to make a special order is not in order except when the bill is before the Senate.

Mr. COCKRELL. The bill is before the Senate.

The PRESIDING OFFICER. The Chair suggests to the Senator from Rhode Island that the bill was regularly reached in its place upon the Calendar.

Mr. ALDRICH. Subject to objection.

The PRESIDING OFFICER. The objection applied only to the present consideration of the bill.

Mr. ALDRICH. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection has been made by the Senator from Connecticut [Mr. PLATT].

Mr. ALDRICH. Then the bill has passed from the consideration of the Senate.

The PRESIDING OFFICER. The Chair hardly agrees with the Senator from Rhode Island, the bill having been brought up, not subject to objection, but reached in its regular order upon the Calendar.

Mr. ALDRICH. Undoubtedly——

The PRESIDING OFFICER. Its present consideration was antagonized by the Senator from Connecticut. Then the Senator from California undertook to have it fixed as the special order for some future day.

Mr. ALDRICH. But in order to do that he must first move to take up the bill.

Mr. PLATT. Notwithstanding the objection.

Mr. ALDRICH. Notwithstanding the objection; and then the bill being up, he can move to make it a special order for a special day.

The PRESIDING OFFICER. The Chair hardly agrees with the Senator from Rhode Island. If the bill had been called up or its consideration called for by any Senator, subject to objection to the request for unanimous consent, it would not have been before the Senate had objection been made. But the bill was before the Senate, having been reached in its regular order on the Calendar.

Mr. ALDRICH. I should be glad if the Chair would call the attention of the Senate to any rule on the subject.

Mr. PLATT. I ask that Rule VIII be read.

Mr. ALDRICH. Let Rule VIII be read.

The PRESIDING OFFICER. The Senate is now proceeding under the rule to which the Senators refer. The Secretary will read the rule.

The Secretary read as follows:

RULE VIII.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The PRESIDING OFFICER. The Chair will ask the Secretary to read the first section of Rule X.

The Secretary read as follows:

RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. ALDRICH. I think the two rules which have just been read show clearly that my contention in regard to this matter must be right. We are acting under Rule VIII. Under the provisions of that rule, bills are in order subject to objection. If objected to, a bill goes over, retaining its place on the Calendar, unless a motion is made to take up the bill notwithstanding the objection. The moment the objection was made this bill passed from the consideration of the Senate, unless the Senator——

Mr. HILL. Will the Senator from Rhode Island allow me a moment?

Mr. ALDRICH. Certainly.

Mr. HILL. Does the Senator say that we have to take up the bill first before we can make a special order of it?

Mr. ALDRICH. Undoubtedly, in the morning hour, when we are proceeding under Rule VIII. If the motion was made after 2 o'clock or at some other time, a different rule might apply, but during the morning hour, up to 2 o'clock, when proceeding under Rule VIII, nothing is in order except unobjected cases or cases which have been taken up by a vote of the Senate notwithstanding the objection.

Mr. HILL. It strikes me that when the bill is reached it is duly reached to be disposed of in any proper way, except that its present consideration shall not be proceeded with; it is then before the Senate, and any other motion can be made that is pertinent to its disposition. Can not a motion then be made to refer it?

Mr. ALDRICH. Not at all, unless it was taken up.

Mr. HILL. To recommit it?

Mr. ALDRICH. Not unless the bill was before the Senate for consideration.

Mr. JONES of Arkansas. Will the Senator from Rhode Island allow me a moment in that connection?

Mr. ALDRICH. Certainly.

Mr. JONES of Arkansas. It seems to me the contention of the Senator from New York is absolutely indisputable from the language of Rule VIII. It says:

> And the objection may be interposed at any stage of the proceedings, but, upon motion, the Senate may continue such consideration.

Showing plainly that the language of the rule means that the bill has not gone from the consideration of the Senate by reason of the objection alone.

Mr. ALDRICH. Mr. President, when the objection is made, nothing is in order, it seems to me, except a motion to take up the bill notwithstanding the objection which was interposed to its consideration. A motion can not be made to postpone a bill which is not before the Senate. Otherwise any motion which is debatable might be made, and the time of the Senate might be taken up

with the consideration of a bill when no vote at all had been taken upon the subject, notwithstanding the objection.

The object of the eighth rule was that unobjected cases on the Calendar which had received favorable report should be considered in the morning hour, or when objection did take place and the will of the Senate was the other way, that then the bill should be taken up notwithstanding the objection. A motion to make a special order is practically a motion to postpone the consideration to a fixed day, it occurs to me, and certainly we can not postpone the consideration of a bill unless the bill itself is before the Senate.

Mr. PERKINS. Mr. President, the Senator from Rhode Island is the chairman of the Committee on Rules and the author of many of them. I am charitable enough to believe that all of these rules were made for the purpose of expediting the business of the Senate and at the same time giving us an opportunity to express our views upon the pending question. We reached this measure on the Calendar in its regular order. The Senator from Connecticut said that the limited time of five minutes would not be sufficient for him to discuss the measure. Therefore, out of consideration for him, while the bill was before the Senate and in its possession, I moved to make it a special order for 2 o'clock next Wednesday. It seems to me that this course is in perfect accord with the rule read by the Senator from Arkansas.

The PRESIDING OFFICER. The Chair entertains no doubt about the proper decision of the question pending.

Mr. ALDRICH. I should like to have the bill read on which the motion is made.

The PRESIDING OFFICER. The Chair will first rule upon the point the Senator from Rhode Island has raised.

Mr. ALDRICH. I understood the Chair to decide against it.

The PRESIDING OFFICER. The only question between the Senator from Rhode Island and the Chair is as to whether the bill was before the Senate. It was reached in its regular order upon the Calendar. The Chair does not understand that Rule VIII takes away from the Senate the power to dispose of a bill except by present consideration reached in the morning hour under the operation of that rule. Objection being made to the present consideration of the bill, it went over, and that objection may, under the rule, be made at any time; but it did not take the bill, in the judgment of the Chair, from before the Senate. The Chair has no doubt that it was perfectly competent and in order for the Senator from California to move to make the bill, regularly reached in its order and before the Senate, a special order for any given time.

Mr. ALDRICH. I have no disposition to appeal from the decision of the Chair; but I would suggest, if that is a good ruling, that a motion to amend or any other motion which is pertinent to a bill may be made after a bill had been objected to and after, under objection, it had passed from the consideration of the Senate.

The PRESIDING OFFICER. The Chair thinks not, because the submission of an amendment would involve the consideration of the bill, but a motion to fix a day for its hearing does not involve its consideration at this time.

Mr. ALDRICH. I have great regard for the opinion of my predecessor upon the Committee on Rules, and therefore I will not appeal from the decision of the Chair; but I ask that the bill which it is proposed to make a special order may be read.

The PRESIDING OFFICER. The bill will be read.

The SECRETARY. A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. PERKINS. I desire to appeal to the Senator from Rhode Island. I want him first to see that his plan is very transparent to anyone. The hour of 2 o'clock has about arrived, and the measure goes over. I want the Senate to vote upon the measure "aye" or "no," and, while he is opposed to it, let him beat it fairly. The bill I will read to him in private in his committee room after we adjourn, if he wishes to hear it; but I say it is unfair to take up the time of the Senate at this moment for the purpose of having it go over.

Mr. ALDRICH. I have a very shadowy idea about what the bill is. I know that, in a general way, it involves the expenditure of two or three hundred thousand dollars a year at least, perhaps a half million, in what, according to my notion, is the most chimerical idea that was ever presented to the American Senate. I think it is rather desirable, in view of that fact, that the Senate should know something about the character of the bill which it is proposed to make a special order. I have never known a case where, at the request of a Senator or anybody else, a bill of importance was made a special order without being read. So, it strikes me that the criticism of the Senator from California is a little wide of the mark. I shall ask that the bill may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Whereas many of those engaged in the various fields of labor and also many of those engaged in agricultural pursuits are organized and, together with those engaged in commerce, are presenting grievances to Congress and to the various State governments, seeking and demanding legislation in their behalf: Now, therefore, in order to give a hearing and to meet the requirements of this large number of citizens,

Be it enacted, etc., That the President of the United States is hereby authorized and directed to appoint a commission, to be called the "Industrial Commission," composed as follows: Three men representative of labor, three men representative of agriculture, three men representative of manufacturing, and three men representative of business. A majority of this commission shall not belong to any one of the political parties which took part in the last Presidential election. The President shall have the power to remove any member of said commission for inefficiency, neglect of duty, or malfeasance, or for any other reason duly set forth.

SEC. 2. That each division of three shall have the right to employ one legal adviser, whose compensation shall be the same as hereinafter provided for a member of the commission, and one secretary, at a salary of $250 per month. The commission shall convene in the city of Washington, D. C., within sixty days after its appointment, and shall organize by the selection of one of its members as president, who shall designate from time to time one of the secretaries provided for in this section to act as secretary of the commission. The president and officers shall be chosen by a majority vote of the commission, and may be removed from office at any time by a vote of two-thirds of the commission; the president shall serve for such term as the commission may determine; a majority of the commission shall determine the composition of its standing committees and their duties, and shall appoint any subcommissions that may be required as provided for in section 5, and committees and subcommissions shall report to the commission. The commission shall have power to make such rules as it may deem necessary for carrying out the purposes of this act.

SEC. 3. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to recommend to Congress such legislation as it may deem best upon these subjects.

SEC. 4. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

SEC. 5. That the commission shall receive petitions and other papers on subjects pertaining to its duties and give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or commissions of its members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths or affirmations. All necessary expenses, including reading clerk, shorthand reporters, messengers, rent for place of meeting, furniture and fixtures, and printing and stationery shall be allowed; however, not to exceed $5,000 per annum for expenditures under this section.

SEC. 6. That it may report from time to time to the President of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 7. That the term of the commission shall be two years. The salary of each member of this commission shall be $5,000 per annum and actual traveling expenses from the home of each commissioner to Washington and return once each year.

SEC. 8. That any vacancies occurring in the commission by reason of death, disability, or from any other cause shall be filled by appointment of the President of the United States.

SEC. 9. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. ALDRICH. I caused the bill to be read because I believe that when its extraordinary provisions become apparent to the Senate it will never vote to make it a special order. I have been in the Senate some sixteen years, and it is certainly the most extraordinary proposition that has ever been presented to this body by any standing committee. I should like to call attention, very briefly, to some of its provisions. It provides for the appointment of a commission of fifteen, as I remember it.

Mr. PERKINS. Twelve.

Mr. ALDRICH. A commission of twelve, at a salary of $5,000 a year. To do what? To do the very things that Congress is elected to do; that is, to suggest legislation for the benefit of the people of the United States. These gentlemen are to be divided into subdivisions, and each one of the subdivisions is to employ an attorney at a salary of $5,000 a year (if I am correct, and I think I am), making sixteen men in all to be appointed as a commission at a salary of $5,000 a year, to consider questions of legislation. In addition to these salaries the expenses of the commission are to be paid. They are authorized to employ clerks and employees of all kinds to aid them in their work.

I do not desire to say anything or to do anything that my friend from California will consider unkind, but I do say that there is not a member of the Senate, in my opinion, who will carefully consider the measure and agree to vote for the bill at all, to say nothing about making it a special order at any time.

Mr. PERKINS. There were but 2 votes against it in the House of Representatives.

Mr. ALDRICH. I am sorry for the House of Representatives, then.

Mr. PERKINS. The Senator's colleagues in the House supported it.

Mr. ALDRICH. I am very sorry for my colleagues.

Mr. PLATT. If the Senator is in order——

The PRESIDING OFFICER. Will the Senator from Rhode Island suspend?

Mr. HILL. The committee presented the bill in the presence of the Senate.

Mr. ALDRICH. I suppose so. I am not sure but that the Senator from New York is a member of that committee. I will not say anything to hurt his feelings.

Mr. HILL. The Senator will not say anything to hurt my feelings.

The PRESIDING OFFICER. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business coming over from its last session, which will be stated.

The SECRETARY. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

The PRESIDING OFFICER. The pending question is on the first committee amendment, which has been read. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. FRYE. Where does the Senator from California understand his bill to be now?

Mr. PERKINS. It will come up as unfinished business in the morning hour at the next legislative session.

Mr. PLATT. Oh, no.

Mr. FRYE. When objection was made, Mr. President, the bill went to the Calendar under Rule IX; and unless the Senator from California asks that it may preserve its place under Rule VIII he will find it under Rule IX, and not to come up in the morning hour at all.

The PRESIDING OFFICER. The Chair will state that there is no unfinished business in the morning hour.

Mr. PERKINS. Mr. President——

Mr. ALDRICH. I agree with the Chair finally.

Mr. FRYE. The Senator from California had better ask unanimous consent that the bill retain its place under Rule VIII. Otherwise it goes under Rule IX.

Mr. PERKINS. I thank the Senator from Maine for the suggestion. I ask unanimous consent that the bill may retain its place.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none.

Mr. ALDRICH. What was the suggestion?

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the bill may retain its place under Rule VIII on the Calendar. The Chair hears no objection.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, the pending question being on the first amendment reported by the Committee on Public Lands.

Mr. PLATT. Mr. President, I do not wish to detain the Senate long with reference to the bill now under consideration.

The objections which I have to the bill were embodied in the views which I submitted as a member of the committee and were read upon the consideration of the bill yesterday. Perhaps I might leave the whole subject there if it were not that some of the suggestions which were made by the Senators advocating the passage of the bill seem to require some explanation and some criticism on my part.

The question is a simple and at the same time an important one. It is a single issue, and is this: Congress has adopted the policy, when extinguishing the Indian title and the opening to settlement of lands in the reservations, that the Government shall be reimbursed for the amount which it may pay to extinguish the Indian title.

Congress has been acting on that policy certainly since 1889, and whenever it has made an agreement with the Indians by which it purchased from them a portion of their reservation or paid to them sums of money for the purpose of procuring from them the extinguishment of their title it has provided in the act by which they were opened to settlement that persons settling upon those lands should settle under the homestead laws and in addition should pay a sum per acre for the lands which would be equivalent to what the Government had been called upon to pay the Indians.

Under this policy about 35,000,000 acres of land have been bought from Indians, taken out from the Indian reservations, and opened to settlement. I say bought from the Indians, for that is practically what has been done. The Indians have been paid to relinquish their titles to the lands, and in every instance a sum per acre has been fixed in the act providing for the opening of the lands to settlement which the settler was to pay.

For seven or eight years Congress has recognized this policy, has acted upon it, and during the whole time there has not been a suggestion from any quarter in the United States that that was not what the Government ought to do. The people who are now asking that the Government shall release to the settlers the sum which they were to pay at the end of their five years' homestead occupation have seen all these acts pass in Congress, have known the principle upon which they were framed—I may say have urged the passage of these bills in Congress knowing the principle upon which the bills were framed—and have never suggested that it was not what the Government ought to do.

It is very strange, Mr. President, that now it should all at once be discovered that Congress has been acting upon an entirely wrong principle during these seven or eight years, that it has been perpetrating a great wrong upon the people who desired to settle upon the public lands, a wrong which ought to be remedied even at a great expense to the Government.

It seems to me that the statement which I have made, which will not be contradicted, which can not be contradicted, ought to be decisive of this question. I might go further.

Mr. ALLEN. Will the Senator from Connecticut permit me at that point?

Mr. PLATT. Certainly.

Mr. ALLEN. So far as the settlers upon Indian lands in my State are concerned, they have protested against the Government exacting $2.50 an acre out of them for the last five or six years, in fact, since the Great Sioux Reservation was opened to settlement. But in this connection, if the Senator will permit me, there is some pride in American citizenship. The people who occupy these lands have desired, if they could, by economy and industry, to pay for them, but the condition of the seasons and the climate has been such as to render it absolutely futile for them to attempt to do so. Knowing that fact, they now come here and ask the Government to resume the policy of free homesteads.

Mr. PLATT. Well, Mr. President, I think I will touch upon all those subjects. It has been my fortune to be a member either of the Territorial Committee or of the Indian Committee of the Senate during all the period covered by the passage of such acts. I was a member of both committees at the time the bill for the opening of the Great Sioux Reservation was passed. I can state of my own knowledge that the importunities of the people who desired the opening of that reservation were coupled with a promise that the settlers should pay a sum sufficient to reimburse the Government, or a sum which should be fixed by the Government, for the benefit of the Indians. There was no objection to it, but it was conceded that it was right that it should be so done.

Mr. PETTIGREW. What case was that?

Mr. PLATT. The Great Sioux Reservation. I remember all about the opening of that reservation. This question does not range around the Great Sioux Reservation particularly, Mr. President, as I shall show; but year after year the committees of the Senate were persistently urged to open that reservation in the interest of the people who wanted to settle upon it, and then it was represented to be the very garden of the earth. The policy of the Government in allowing such fertile, rich land to remain in the possession of the Indians when white settlers were anxious to take it and pay for it a fair price was denounced. Oh, no, Mr. President, I know all about the opening of these Indian reservations. I know all about the passage of these bills.

Right here, perhaps, I might as well allude to a suggestion which was made yesterday by the Senator from South Dakota [Mr. PETTIGREW] that the objection to the passage of the pending bill came from the East, although he did not use the word "East," but that section of the country where the wealth is. Now, Mr. President, that was hardly kind. I think that as an Eastern Senator I have, perhaps, been as liberal to Western sentiment as any Western Senator. There are six States in the West not very largely populated, and about the admission of which there has been pretty severe criticism, a good deal of which has been directed toward me, and I think perhaps it is safe to say I had as much to do with the bringing into the Union those States as any one Senator, an action which I do not feel called upon to defend, an action which I would take again, because I believe in the admission as a State of any Territory which comes to that condition where it has a self-supporting, a free, and a prosperous people. But I am not to be charged with prejudice against the West, and I think that my conduct here in the Senate may certainly be appealed to to exonerate me from any such charge.

I was going on to say that during all the time when these lands were being opened for settlement, during all the time when Congress was being importuned to give the white people an opportunity to go upon them, there has never been heard, so far as I know, an objection that there was anything wrong in the policy of requiring the settlers to pay a sufficient sum of money to reimburse the Government. I might go to the CONGRESSIONAL RECORD and show that over and over again, when these bills have been under consideration, Senators and Representatives advocating them have referred to the fact that the Government was to be reimbursed by payment from the settlers for its expenditure in extinguishing the Indian title.

So this thing has not been done in a corner, Mr. President. Now the objection is made—and it is a plausible claim and a plausible objection—that the principles of the homestead act should apply to the settlement of these lands. If that had been urged when the lands were being opened, when the people were clamoring for opportunity to settle upon these lands, it would have been a very different question from what it is now. Even then I do not think that the application of the principle which underlies the homestead act would have been proper; but now, when these bills have been passed, and passed without the suggestion that these lands ought to be opened under the homestead law without any payment on the part of the settlers, it seems to me that as to these lands the case ought to be considered closed. If in the future opening of Indian reservations and extinguishment of Indian titles Congress shall be asked to adopt a different policy and go back to the homestead law, under which it is desired that the lands shall be settled and that the Government shall pay these large sums of money which it has to pay for the extinguishment of the Indian title and then donate the land, the question would then fairly come up. It would be naturally and properly an issue as to whether such lands should be settled under the homestead act; but if there be a possibility of anybody being stopped by conduct in a case before Congress, the Senators and Representatives who desired these lands to be opened in this way, the settlers, "boomers," as they were called, who desired them to be opened, and desired to settle upon them under this understanding, ought to be considered as estopped, for their line of conduct, their action, has been such as to induce the Government to an expenditure of over $30,000,000 which it otherwise would not have made. At least I think I am fairly entitled to say that the Government would never have made this expenditure if it had not been with the understanding that the settlers were to reimburse the Government.

Take the opening of the Cherokee Outlet. Senators know how long that matter was pending before the Senate and how much objection there was to it. It was $8,000,000 the Government paid—or about that—to the Cherokee Nation for the extinguishment of their title in the Cherokee Outlet, and for the lands when settled there was to be paid at the end of five years' occupation, under the homestead act, for the eastern portion of the land, $2.50 an acre, for the middle portion $1.50, and for the western portion $1, according to the value of the land. Does anybody suppose that Congress would have expended that $8,000,000, have run in debt for it and made a future subsisting obligation, which must be paid, if it had not been understood that the Government was to be reimbursed? In the discussions here in Congress the fact was alluded to that the Government, paying down a portion only, and agreeing to pay interest on the rest, had to wait until the end of five years before it received anything in the way of reimbursement, and then was not to be reimbursed for the interest. It was made a ground of objection to the legislation in the Senate that the Government was not going to be reimbursed for the interest which it would have to pay on $8,000,000 for five years, quite a large sum. I think I may say the same with reference to every one of these reservations.

Take the very last reservation, or almost the last one, the Nez Perces Reservation, where the agricultural lands were settled upon, and the settlers promised to pay $3.75 per acre, and where the act was only passed and the President's proclamation opened the lands for settlement in 1895. Is it supposed that we would have negotiated with those Indians and paid them a price which was equivalent to $3.75 an acre for their lands—this desert, arid land that is talked about—if it had not been understood that the Government was to be reimbursed? There were settlers there who were quite ready to take those lands at $3.75 an acre, as there were in Oklahoma in relation to the Cherokee Outlet.

Mr. PETTIGREW. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Connecticut yield to the Senator from South Dakota.

Mr. PLATT. Yes, sir.

Mr. PETTIGREW. The Senator says there were settlers there ready to take those lands. Who were the settlers who were ready to take the lands? The people of those Territories and States all had land and could not go on the reservation.

Mr. PLATT. I do not know where they came from, but I think that within a year's time two-thirds of the agricultural lands of that Indian reservation had been entered for settlement.

Mr. ALLEN. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. PLATT. Yes, sir.

Mr. ALLEN. I only wanted to call the attention of the Senator from Connecticut to the Republican platform of 1896 on this subject.

Mr. PLATT. Do not undertake to break me up in that way. If it is anything about the Nez Perces, I shall yield.

Mr. ALLEN. Will the Senator permit me to read it in this connection?

Mr. PLATT. It was read yesterday, and it has been alluded to several times since this matter was before the Senate.

Mr. ALLEN. It is as follows:

> We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure.

Referring to this identical bill.

Mr. PLATT. If I am accused of violating any portion of the Republican platform, I prefer the accusation shall come from a member of my own party, rather than from members of other parties.

Mr. ALLEN. Mr. President, if the Senator will permit me, it is barely possible that a member of another party might be in a position to judge whether a Republican is living up to the faith of his party, or whether the platform was simply promulgated to deceive voters.

Mr. PLATT. I may as well say one word on that subject, and I hope I may be able to get back to the Nez Perces Reservation, which I shall keep carefully in one corner of my brain while I am talking about another matter.

We all understand how matters creep into national platforms; and I venture to say that when that resolution and that platform was adopted there were not fifty delegates in the St. Louis convention who paid any attention to it or knew what it was about, or had any idea of what it involved.

Mr. ALLEN. But are they not bound by it?

Mr. PLATT. I am not; and I think that before we get through the discussions of this Congress I shall be able to refer to some planks or resolutions in some of the Populist platforms, or the platforms of the party with which the Senator from Nebraska has acted since he broke into national politics, which he scarcely would feel like saying he was bound by.

Mr. ALLEN. Mr. President, I think, if the Senator will permit me, there is nothing in the Populist platform of 1892 that I do not fully agree with, except the subtreasury plan, which I have openly denounced from the time it was adopted, and which is not now a part of the Populist faith, but there is nothing in the platform of 1896 that I do not accept from the opening to the closing words, and I shall be glad to have the Senator from Connecticut point out any defect in it.

Mr. PLATT. Well, Mr. President, I shall try to talk about the pending bill, which has been given the name of a free-homestead bill.

Mr. TELLER. I should like to make one suggestion to the Senator from Connecticut, if he will allow me.

Mr. PLATT. Certainly.

Mr. TELLER. I understand the Senator seems to think that the convention did not understand what was in the platform. I should like to say to him that this provision in the platform was put in by a subcommittee, reported to the whole committee, and reported by the whole committee to the convention, and read with the other provisions of the platform.

Mr. PLATT. Oh, I have no doubt about that, Mr. President. I have no right to comment on what happened on the passage of this bill through the House of Representatives; but I venture to say that when it was made a special order in the Senate not half the Senators had an idea of what the bill involved, or what it was, or what the principle of it was. It is easy to get resolutions passed in convention, and it is easy to get the consideration of bills. That binds nobody.

Now, about the Nez Perces Reservation, the price was $3.75 per acre. I am asked where the settlers came from. I do not know. I simply know upon information that since we passed that law within a year's time people have been found to take up at least half of the agricultural lands in that reservation upon the understood agreement that they were to pay $3.75 an acre for these lands; and when it came to the opening of the Cherokee Outlet, men who had been all over that Outlet, and who had looked at the land and knew the section number of any particular tract, who had been familiar for months and years with those lands, encamped on the border weeks and months for the sake of rushing in and selecting the best lands in the Outlet. They had fleet horses on which to race to those lands. They stole into the Outlet by every possible means. We were told here in the Senate that there were lands there worth $50 an acre, and these people knew perfectly well that upon whatever quarter section of land they located there was to be a payment made to the Government.

I am one of the last men in the world, Mr. President, to be without sympathy for the "hardy pioneer." I think I have probably as much sympathy for the hardy pioneer as some of the people who live nearer to him. At least we are told in the argument here that if the sum which these settlers agreed to pay is not relinquished to these men, there will be men right on the ground who will be glad to get the lands. I have a good deal of sympathy and great respect for the men who have struggled with the wilderness; but they were not all homestead settlers who went into the Cherokee Outlet, and they are not all honest homestead settlers who are there to-day. I received a letter this morning from a gentleman who has been quite prominent in Oklahoma, who describes the opening. I shall not give his name, because he desires to have it withheld. He says:

> The "runs," when the land was opened, are matters of familiar history. There were four or five claimants for every three claims available. Men evidently wanted the land for something, for they fought over it like tigers, sacrificed many lives, and spent thousands of dollars in litigation, well knowing the terms under which alone the property could be acquired, and apparently

> satisfied therewith. But, as a whole, it was and still is a speculative movement. The number of real home seekers out there is comparatively small. A great majority of the occupants are adventurers and ne'er-do-weels, willing and anxious to sell their claims for a song and then move on. I spent a good deal of time in traveling over the country investigating the actual condition, antecedents, and real purposes of the so-called settlers. Very few were really attempting to make homes; those few seemed to think they had a hard bargain, but understood their obligations, offered no complaint, and were inclined to make the best of it. The condition of many was pitiable, and would naturally arouse one's sympathy. But they are not the kind of people to be benefited by homestead gifts. A remittal of the obligations under which they now hold Oklahoma lands would simply add to the unrest and speculative tendency of the whole Territory. And this at the expense of actual home makers, farm owners, and taxpayers all over the country, who have a right to vigorously protest.

Mr. TELLER. Will the Senator tell us who is his authority?

Mr. PLATT. I said I would not give the name because the gentleman asked me to withhold it. I wish I could give it.

Mr. PETTIGREW. Then it is anonymous.

Mr. TELLER. I was not here when the Senator from Connecticut made that statement.

Mr. ALLEN. Does the writer live in Oklahoma?

Mr. PLATT. He has been in Oklahoma, but he is not there now.

Mr. President, Oklahoma is not a desert. People will stay in Oklahoma even if those men who have said that they would pay the Government or assumed an obligation to pay the Government in order to get the land should be required to keep their contract, but I want here to defend Oklahoma a little against the aspersions which it seems to me are by implication put upon her.

We shall be called pretty soon to act upon the proposition to admit Oklahoma as a State. We shall be told that it has all the population and the wealth and the ability to support itself that a State should have when it comes into the Union. That argument has been made for the last three or four years, and a glowing picture has been drawn of the wealth, the resources, and the prospective future of Oklahoma, and it will be again. Scenes change according to what is wanted. When men wanted to get lands to which the Indians had the title, the lands were fertile; they were like the Garden of Eden; they were the best lands in the United States, it was said. Now, when they do not want to pay for the lands, nobody can live on them, and it is very doubtful whether anybody will continue to live on them even if the Government relinquishes to them what they agreed to pay. That is true with reference to the opening of all of these reservations. I do not mean to say that there has been any false pretense about it. The imagination of Senators and Representatives who urged the opening of these lands was probably excited, and the vision of land that happened for the time being to be in possession of the Indians dazzled them; anything that the Indian had the white man ought to have, and so undoubtedly the lands were esteemed to be somewhat more valuable, more fertile, more desirable, and more to be coveted than there was really any occasion for. But Oklahoma will not perish, Mr. President, even if its citizens should be required to cancel their obligations to the Government in order to retain their land.

After hearing about it yesterday and getting the idea that a very large proportion of the settlers in Oklahoma were living in dugouts and sod houses and that they would be obliged to abandon their lands, it occurred to me that I would get the report of the governor of Oklahoma to see what he said about it. He makes report to the Secretary of the Interior, and made one up to June, 1896. The astonishing thing about it is that never in his report is it suggested that the Government ought to relinquish what is to be paid to it by the settlers under the homestead act and the other acts which have been passed for the opening of this Territory. If there was the destitution, if there was the misery, the hardship, the chattel mortgage covering every piece of furniture and every pig in the Territory that we were told about yesterday, is it possible to conceive that the governor of the Territory would not have suggested that the people might properly and ought to be relieved from this burden which they were under, which they had voluntarily assumed?

Mr. President, if there were nothing else required to show that the passage of this bill is not a necessity, is not called for, it would be the fact that the governor of Oklahoma in his report to the Secretary of the Interior does not allude to any distress there. I had an idea that Oklahoma was quite a nice place, and so I got the report of the governor, and I am going to read something from it. He says:

> The development of the Territory in the year past has been equal to if not greater than that of other portions of the United States.

In this "arid" belt, inclosed with blue lines, with which the Senator from South Dakota [Mr. PETTIGREW] disfigured the map, where the rainfall is so scant—

> The development of the Territory in the year past has been equal to if not greater than that of other portions of the United States.
>
> Nowhere has the year past been one marked for material progress. Oklahoma has, however, held its own and made some progress.

It has done better than other places.

> The acreage of land in cultivation has steadily increased, and has very nearly reached the proper ratio of farm land to pasture.

Not quite yet.

> The prospect for crops is good.

To listen to the debate yesterday you would not suppose there had been any crops in Oklahoma in the last three years. Perhaps there were not. There is nothing said about that in this report of the governor, but he says the prospect is good.

> The prospect for crops is good, and the antebellum declaration, "Cotton is king," seems applicable to Oklahoma. Oklahoma will shortly rank among the cotton States of the Union. The quality of the cotton, as shown by the World's Fair awards, is the best. Unless the present indications fail, the present cotton crop of Oklahoma will be by far the greatest ever gathered, and I predict for the coming year one of genuine prosperity.

Even to those sadly misused people whom the Government expects to pay for the lands which they settled upon according to the terms upon which settlement was made.

> The climate is delightful, except for a short period in midsummer. The spring, fall, and winter weather can not be excelled anywhere. The atmosphere is dry, but never sultry. The Territory is gaining considerable repute as a health resort for all persons afflicted with throat and lung troubles or rheumatism, and all kindred diseases. Many wonderful cures [illegible] effected. The growth of the Territory is solid and substantial, because it arises from the development of natural resources, and is not due to borrowed capital to be paid back in future with interest added.

Mr. President, you would suppose, for we heard it said here, that there was not a homestead settler in Oklahoma who had not mortgaged his property, not to some Eastern shark, but to some other Oklahoma man.

About the people of the Territory the governor says:

> The people of the Territory are largely American by birth. In few States are they more distinctly so. They are thrifty, industrious, and [illegible]. There are many difficulties and discouragements [illegible] with settling in a new country and tilling the virgin soil, but the people of Oklahoma glory in the triumph they have achieved.

I began to think when I listened to the reasons which were given for the passage of this bill yesterday that the people must be fleeing from the Territory as it was said they had fled from western Kansas and Nebraska. But no; the population is increasing. The governor says:

> The population has steadily increased since the last census. In 1890 it was [illegible]. According to the returns made by the assessors for the present year the population is now [illegible].

There is an increasing population and an increasing development of wealth, the governor says. Here is the population by counties; here is the taxable property by counties. For 1894 they had taxable property of about $20,000,000. In 1896 it had increased to over $24,000,000—almost $25,000,000—which the governor says is a very low estimate. He says:

> This is very much under the true value of the property, but for the [illegible] stated the board permitted it to stand.

They had some crooked work, the governor says, about the taxation in the year 1895, when it jumped from about $20,000,000 to about $40,000,000, and then was reduced in 1896 to about $25,000,000. He states why it was done, but I want to go on with what the governor says about Oklahoma.

> There has been a steady and healthy increase in taxable property since the beginning, and the next few years will witness a very decided increase in the property of the Territory, both real and personal.

Even though the Government should be paid by these people who have taken up the lands upon an understanding that they were to pay for them.

> The work of proving up has begun, and when patents for all the homesteads have been issued there will be a vastly increased showing in taxable property.

He does not intimate that there ought to be anything donated to the people of Oklahoma. They have banks down in Oklahoma, too. They have these wicked bankers. I do not think they are all from the East either. You would not suppose from what has been stated here that there was any occasion for a bank in Oklahoma; not a homestead settler in all Oklahoma able to pay this sum of $1.50 or $1.25 or $1 to save his farm! One would scarcely suppose there would be any banks there, but the governor says there are fifty-two banks in the Territory of Oklahoma.

He asked them to report, and only eighteen of them did. He had not any power to compel them to report. But he has given here, in case of those reported, the loans and discounts and all the items which are usually given. He says:

> I observe that there is a very considerable decrease in deposits in the last year, and an actual increase in the amount of cash on hand. There is a decrease in the amount of securities held and also in loans and discounts.

The loans and discounts are $519,000—the stocks, bonds, warrants, etc. I will not give the items.

It seems, Mr. President, that, according to the ideas of Senators, there was great misapprehension in the minds of the people about Oklahoma, to which the settlers went, and we are told now that if the Government insists upon payment for these lands the men will simply abandon them, and they will be gobbled up for cattle grazing. If the Government will let the people have the lands for nothing, Senators think they will manage in some way or another to stay on them; and they probably will. But according to the idea of Senators who desire to have this debt given to

the people who owe it, if that is not done the people will relinquish their homes. Oklahoma, instead of struggling with agriculture, will relapse into a cattle-grazing country. I suppose it is Oklahoma—all these lands—for Senators class them all together.

The governor has something to say about agriculture:

> Agriculture comprises such a wide scope that as brief a report as this furnishes a meager synopsis of the great agricultural interests of the Territory. There is a great diversity in the crops of the Territory. Wheat, Indian corn, cotton, castor beans, kaffir corn, oats, barley, saccharine, sorghum, and the great forage plants, alfalfa, clover, and timothy, in the eastern and central portions of the Territory are the principal products. Horticulture, with its concomitants, within the short period of a little more than six years, rivals any of the States in the Union.

Famine-stricken, poverty-stricken Territory! The governor says horticulture rivals that of any State in the Union.

> One and one-half million fruit trees have been planted; several millions of smaller fruits have found a home to stay, and are thriving under our peculiar climatic influences. It is not claiming too much to say that the Oklahoma peach has found its way into nearly all of the markets of the western world. It is recognized by the rich red cheek and the excellent flavor it possesses. The Oklahoma watermelon and muskmelon are in demand in the principal markets. One small station alone shipped during the summer of 1896 about [illegible] carloads of this delicious fruit, which bids fair to be exceeded in 1896. Potato culture is of no mean importance and should not be lost sight of, as it, too, is of great commercial value. One hundred carloads of sweet potatoes is a low estimate of the surplus.

In this arid region which can not be farmed!

> It has been said that the best stock country that can be found is the best grain country.

I am quoting from the governor of Oklahoma. An Eastern man is not expected to know much of his own knowledge about Oklahoma. I have been there several times, and I confess that I never saw finer looking agricultural lands in any portion of this country over which I have traveled than I saw in Oklahoma. I confess that I am not to be expected to know much about agricultural lands, and being an Eastern man, I might, in the estimation of the people in Oklahoma who wish to be relieved from the payment of their obligations, be supposed to be prejudiced, and so I quote on them their own governor.

> It has been said that the best stock country that can be found is the best grain country. If this be true, Oklahoma carries the banner.

Think of that, Mr. President! This bill passed the House of Representatives for Oklahoma alone. It has been threefolded since it came here, and yet its governor says that Oklahoma carries the banner as a stock and grain country.

> A conservative estimate gives Oklahoma for the year 1896 50,000,000 bushels of Indian corn, and more than half that amount of kaffir corn, to say nothing of the great wheat, oat, and barley crops.

What are we to believe about the matter? We have extended the time of payment two years on account of drought, and the people of that country have had my earnest and sincere sympathy, because I have supposed that for two or three successive years they have suffered from serious drought. But here comes the governor and says that a conservative estimate gives Oklahoma for the year 1896, 50,000,000 bushels of Indian corn, and so on, with regard to the other great crops.

Mr. PETTIGREW. What is the date of the report?

Mr. PLATT. It is the report for the year ending June 30, 1896. It is not dated, so far as I know.

Mr. PETTIGREW. I should like to say to the Senator, then, that on June 30 the governor stated what the crop was going to be. It appears they had no crop for the two prior years.

Mr. PLATT. The governor does not say anything about that.

Mr. PETTIGREW. He estimates what the crop is going to be. The report is dated in June and the harvest is in September.

Mr. PLATT. I think I am equal in my knowledge to that of the Senator from South Dakota when I say that they harvest corn in the Indian Territory before September. I am quite sure of that.

There is a great deal more good reading here. Here is a paragraph about cotton:

> Cotton, castor beans, flax, and peanuts are the great money-makers. It is thought that the weather for the last few weeks has been too humid—

Not arid, humid—

> but with the sunny days that are to follow Oklahoma will market the greatest crop of cotton and castor beans ever produced.

Even if the Government does not relinquish.

> The cotton is of excellent quality, the best, in fact, as shown by the awards at the World's Fair at Chicago. There is no higher tribute to the excellence of Oklahoma agricultural products than that paid by the awards at that great fair, where were collected the products of all nations.

This terrible arid region, these desert lands, where, if the persons who have settled there are, after seven years of settlement, required to pay an average of $1.50 an acre, they are going to abandon their farms and go no one knows where.

> Never were the prospects for cotton better than at present, and there is every reason to believe that Oklahoma will make a creditable showing in the list of cotton-producing States or Territories.
>
> Guthrie, it is estimated, will market 12,000 bales, while Oklahoma City, Shawnee, and Norman will each market nearly that much.
>
> There is every reason to believe that the ruling prices will be from 7 to 8 cents per pound.

He is a little short in his guesswork on that point.

Mr. STEWART. A little long.

Mr. PLATT. Well, long. I am not familiar with the terms "long" and "short." I believe that cotton is worth about 7 cents a pound. So the governor got pretty near it.

> The average crop will be one-half bale per acre. This places the value of the crop at from $17.50 to $20 per acre.

If they are economical on one of these cotton-homestead farms and can get a cotton crop off it worth $17 to $20 an acre it would seem that in seven years they would be able to save enough money to pay $1.50 an acre for their lands.

> The principal cost in raising cotton is the picking, which, if the farmer can not do it all himself, he can have it done at about 50 cents per 100 pounds. At this busy season the farmer often calls the whole family to his assistance, the work being of such a character that any person can do it, though some work much faster than others. It is simply wonderful how much money this article brings into the country.

It would not be anything very hard, since money is flowing into that country in this wonderful way, according to the governor, if after a year or two more of extension we should ask the men who are getting cotton crops at the rate of $20 an acre to pay up a little something which they have agreed to pay.

> A conservative estimate, given me by a farmer from a township east of this point, places the acreage of cotton in that township at 8,000, with a probable average yield of one-half bale, which would mean $148,000 for that township alone.

Then he goes on to speak about native grasses, about fruit growing, the natural adaptation of Oklahoma to stock raising, etc. But here is something. I do not know that I ought to read it.

> Water is everywhere abundant.

[Laughter.]

Mr. BURROWS. In the arid region.

Mr. PLATT. The governor continues:

> Water is everywhere abundant, and even salt is distributed up and down such rivers as the Salt Fork, Cimarron, and Canadian.

Mr. STEWART. Did the Senator from Connecticut vote for the appropriation to examine that country with a view to ascertaining the possibility of irrigation by artesian wells?

Mr. PLATT. I think that I struggled as well as I could in my humble way to create a committee on irrigation and to have the Senator from Nevada appointed its chairman, but I never before heard that the arid belt which would require irrigation extended into Oklahoma.

Mr. STEWART. It certainly does.

Mr. PLATT. The governor says otherwise.

Mr. STEWART. I do not know what he says.

Mr. PLATT. The governor says further:

> There are fertile valleys where corn, kaffir corn, and other grain may be raised in abundance. While the western portion of the Territory seems specially adapted and endowed by nature for cattle raising, the eastern portion is equally well adapted to raising hogs, and the people of that section have not been slow to recognize that fact.

Mr. President, I do not think this is an overdrawn picture on the part of the governor of Oklahoma, but it is a wonderful commentary on the pictures of that Territory which were drawn here yesterday.

Now, the pending bill as it passed the other House applied only to Oklahoma Territory. I wish we had the reports of the governors of the States, for I should like to read them. I should like to read the report of the governor of the State of South Dakota or the governor of Montana or the governor of any of those States, and put it alongside the sad picture that was drawn here yesterday. I do not know how they would compare. I know how the report of the governor of Oklahoma compares with the picture painted here, even the picture which was exhibited, the map picture of the arid region where rainfall was scarce and crops could not be raised and the land was adapted only to stock raising.

As I say, when the bill came over here of course every Senator who saw that the other House had passed a bill donating to the settlers in Oklahoma the amount which they had expected to pay for their lands, and without paying which they could not get their lands, wanted to have the same principle applied to reservations in their States, and I do not blame them at all. If it is going to be done in Oklahoma it ought to be done in South Dakota, and it ought to be done everywhere.

Now, to allude for a moment to another side of this case, I will state that the amount of money involved is perhaps not the strongest objection which can be urged to the passage of the pending bill. The committee differs with the Secretary of the Interior and the Commissioner of Indian Affairs as to how much will be relinquished by the Government, and the committee differs with itself. When it made its report, it thought the Government might lose $17,500,000 by it. Yesterday when the chairman of the committee made his argument here, as I remember it—I have it before me, but I have not the opportunity to refer to it—he thought that the loss to the Government by giving to the settlers on the agricultural lands what they had expected to pay for the lands could not amount to more than two or three million dollars, and five or six million dollars, as I remember it, for the mineral lands. He reduced his estimates from his written report about one-half. He reduced them in the written report one-half from the report of the Secretary of the Interior, and then in his speech he reduced them one-half below what was put in the report. I say perhaps that is not the greatest thing to be looked at. The Senator from South Dakota thought that was really the principal trouble in my mind, that the Government could not afford it, and therefore it must go into the business of "wringing" millions from these poor people. I think it is of a good deal more importance for the people to learn to keep their bargains in this world and to abide by them. I think it is of a good deal more importance whether the people of the United States are going to be encouraged in the idea that when things do not go as they want them to go individually they have a right to ask the Government to make them satisfactory, for that is what is back of this bill.

The Senator from New Hampshire [Mr. CHANDLER] this morning, in discussing some question here, spoke, as I suppose, somewhat loosely about the paternalistic power in the Constitution of the United States. I do not believe it is there.

I am not going to quarrel with the homestead law; I think the country has derived great advantages and great benefits from it. But if it has fixed in the minds of the people of the country the idea that when things go a little hard with them, when they are not making as much money as they wish to make, when they think they ought to be better off than they are, they can come to the Government and have it righted, it will have damaged the country and the Government and the future of the Government more than enough to offset all its benefits and advantages. That is just what the pending bill does.

Mr. ALLEN. Will the Senator from Connecticut permit me?

Mr. PLATT. Certainly.

Mr. ALLEN. I desire to make a suggestion to the Senator from Connecticut. The people to whom he refers have no desire whatever to escape the consequences of any legal contract they have made or may make. It occurs to me that the Senator from Connecticut has entirely a misconception of their purposes. The simple question, and it reduces itself to that, is this: Are these people, or can they be, in a condition to pay their obligations to the Government? The Government must either relinquish these lands to those people under the general homestead act or it must resume control of the lands again and use them for purely pastoral purposes. That is all there is to that. The Government will not lose one cent by giving these lands to the people, because it can not make any money out of the lands in any form. If the settlers have the land, the potential power that they possess and the wealth they will be able to produce eventually will be a hundredfold more than what the Government relinquishes to them.

Mr. PLATT. Mr. President, this is very strange. Just look at it for a moment. I do not overstate this matter when I state that every representation made to Congress on the opening of these lands was that they were fertile. Now, they are not adapted to agriculture, they are not fitted for agriculture, and therefore the Government should relinquish them to the homestead settlers. If the Government does not relinquish, the lands are going to be given up. If the Government does relinquish, the settlers are going on to "produce wealth a hundredfold." I think I use the exact language of the Senator from Nebraska. Look on this picture, then on that.

Mr. ALLEN. If the Senator will permit me—I do not like unnecessarily to disturb him—I will state that the deductions made by him are absurd in the light of facts. These lands are fertile. Many of them are as fertile lands as can be found between the Atlantic and the Pacific oceans, but in consequence of a lack of sufficient rainfall they will not produce anything more than grasses in the spring that will support cattle. It is not the fault of the quality of the land. It is the fault of nature in not precipitating enough rainfall to produce moisture sufficient to mature crops. The Senators who said these lands were among the most fertile in the United States were correct in their statements, and it is unwarranted to draw the conclusion that there was any misrepresentation in a statement of that kind.

Mr. PLATT. It was not only represented that they were the most fertile lands in the United States, but that the people were very anxious to get upon them for agricultural purposes, not for grazing purposes. As I remarked some time ago, it makes a good deal of difference how the picture looks; whether somebody wishes to get something from the Government, or whether he wishes to avoid paying the Government something.

Mr. President, the Government has not paid for all these lands yet. I do not know exactly how much it has still to pay. It will approximate $15,000,000 which is still to be paid. There is still due on the Cherokee Outlet $1,960,000, which is drawing interest at the rate of 4 per cent per annum, I believe. How much will necessarily be paid on the Great Sioux Reservation, on the Chippewa Reservation, on the Colville Reservation, it is impossible exactly to say; but at the lowest price more money, and considerably more money, has to be paid to the Indians for the Great Sioux Reservation than has already been paid, and so, I apprehend, with regard to the Colville and the Chippewa reservations.

I do not think that what is contemplated is exactly fair to the Indians. We opened the lands in the Great Sioux Reservation upon the understanding that they were to be settled up at $1.50 an acre for those taken within a certain period of time; $1 an acre or $1.25 an acre, I believe, for those taken within another number of years, and 50 cents an acre for those not taken within ten years. Is it fair to the Indians to make them wait until the end of the ten years and then to pay them for the land at the rate of 50 cents an acre? As I understand the bill, for the 800,000 acres that have already been taken up in homestead settlement, the Government will be expected to pay the Indians $1.25 or $1.50 an acre, and the Indians——

Mr. PETTIGREW. I should like to correct the Senator from Connecticut in regard to that matter, if he will permit me. After the lands were opened to settlement the homestead settler was to pay $1 an acre for the lands entered during the first three years, for the next two years 75 cents an acre, and thereafter 50 cents an acre. Very little of the land was taken during the first three years; and a little more was taken during the next two years. Seven hundred thousand acres out of 9,500,000 acres are all that have yet been taken.

Mr. PLATT. The lands ought to be paid for at the price stipulated to be paid.

Mr. PETTIGREW. One hundred and eleven thousand dollars has been paid.

Mr. PLATT. However that may be and whatever the amount may be—and it is a considerable amount—it has to be paid by the Government in the future, whether or not it receives anything from those lands.

Now a single word about the difference between these lands and the lands to which the homestead act applied and to which it does yet apply. As I have said in my views as minority member of the committee, I conceive that there is an entirely different principle involved. At the time of the passage of the homestead law we had a large public domain. We had acquired the land for Territorial purposes. The treaty by which we acquired what is known as the Louisiana purchase was a political movement on the part of Mr. Jefferson—a political necessity. The lands were acquired for self-defense, and I venture to say it never entered the wildest imagination of Mr. Jefferson that the lands acquired by the Louisiana purchase were going to be needed for homes for American settlers. When the homestead law was passed we had been giving away land. We had not been giving them away to individuals, unless you make all the land grants to railroads gifts and donations to individuals, but we had been giving them away to States and to soldiers. Giving them to soldiers was giving them to individuals. That was not a donation, however. That was in a measure payment for their services in the Mexican war and the war of 1812. There was a good deal of feeling about the giving away of lands, donating them, to aid in the construction of railroads, and it was deemed much better for the interests of the country to dispose of the lands to actual settlers. And it was much better, Mr. President.

But we never bought any land in this country from individuals or Indians, or from anyone, to open the same to homestead settlement. I apprehend that even the father of the bill, now sitting within reach of my eye, would have hesitated to have proposed a principle the English of which should be that the Government, with the money of all the people, should buy lands and then donate them to people who proposed to settle on them. That is what this measure is. In that it is entirely taken out both of the reason and the purpose of the homestead act.

Mr. President, we might just as well buy lands from any other individuals as from the Indians to make "free homes" for settlers or speculators, as the case may be. I hear a great many tirades here in the Senate about abandoned farms up in Connecticut and other parts of New England. There are not so many of them as there are supposed to be, but there are some farms there that could be bought very cheap, and if the Government will buy them and give them away in quantities of 160 or 40 acres there will be people without means found there who will be glad to go upon them and who will cultivate them, and, by economy and industry and saving, will support themselves and add to the wealth of the State. You might just as well ask the Government to go into Connecticut and buy the cheap farms there, or into Kansas and other States and buy the mortgaged farms that are going to be foreclosed, as it is said, and then donate them to somebody to settle on, and to have them after five years' residence and occupation.

That is not the principle of the homestead act, Mr. President. But that is the principle of this proposed act, and it is a principle applicable not only to the particular lands that have been opened to settlement on ceded Indian reservations and actually settled upon, but it is a principle to be applied to all the new lands that are to be settled upon hereafter in the United States. These Indian reservations are not yet as much diminished as in the

nature of things they will be. These purchases have not been for the benefit of the Indians, as was suggested yesterday. The Indians have been almost dragooned into giving their consent to such purchases in order that white people might go upon them. Indian reservations have been Naboth's vineyards in the eye of certain people of this country. They were near at hand, they were coveted, and they were taken. But, Mr. President, we have not gotten through with this matter yet. So far as the speculative element enters into this desire for new lands, and it enters in largely, it is like the daughters of the horse-leech—it cries, "Give, give."

There are two classes of these homesteaders on ceded Indian reservations—I do not know but three. There are those who are looking for every fertile piece of land in every Indian reservation in the United States, and wanting to get it for nothing, or for far less than its value. That is one class that went into Oklahoma. There is another class of industrious, honest, intelligent people who were driven, perhaps by the spirit of adventure and the fascination which has always prevailed with regard to frontier life, to move on still nearer to the frontier, to get away, so to speak, from civilization, and they are industrious, they are intelligent, and they are thrifty. They deserve all that can be bestowed upon them properly and honestly. Then there is a third class, the restless, or, as described in this letter the other day, the ne'er-do-well, who would not stay long on the land even if they got it under the homestead laws. They are the shiftless class.

There are these three elements continually seeking for new land, and the Indian reservations have not yet been entirely despoiled for the benefit of these people. That will go on in the future. I wish I had the number of acres in Indian reservations still in the possession of Indians. As the work of allotment goes on and each Indian is given 160 acres there will be more lands available for white settlement. If this bill passes, the policy will prevail that the Government must buy these lands of the Indians and then donate them to the home seekers of the three classes of which I have spoken. And I have spoken plainly, and I think that even the Senator from Kansas who sits near me [Mr. PEFFER] will not say that I have been invidious in the description of this home-seeking class.

So it is not solely a question whether the Government is going to relinquish now a couple of million dollars, or $10,000,000, or $17,500,000, or $35,000,000, according to the report of the Secretary of the Interior. It is a question for the future. It is a question whether the Government is going to go into the business of buying something and giving it away. You can not disguise it; indeed, no attempt is made to disguise it. If the passage of the bill were urged alone on the ground of hardship for the settlers, that would be a good argument for a further extension of time only.

The country is full of hardship, Mr. President. There are more people in straits in this country than there are on these ceded Indian reservation lands. But the Government will not be called upon to donate anything to them. We have fires, and pestilence, and floods, and earthquakes, and men have hard luck who do not suffer calamity—they get out of employment. But they do not ask the Government to buy something and give it to them or to relinquish what they have assumed to pay the Government.

Mr. ALLEN. I should like to ask the Senator from Connecticut if the Government of the United States did not give the State of Connecticut several million acres of land?

Mr. PLATT. No, sir.

Mr. ALLEN. Did it not give the State of Connecticut a strip in Ohio——

Mr. PLATT. Connecticut got that under its charter from King Charles.

Mr. ALLEN. Which was sold by the State of Connecticut and from which it got much of its wealth originally?

Mr. PLATT. My colleague [Mr. HAWLEY] is a better historian than I am, but my recollection is that Connecticut gave up to the General Government a good deal of land to which it was entitled under its charter, and I think on an investigation of history it will be so discovered.

Mr. ALLEN. Connecticut, Virginia, and many of the original States got a great portion of the public domain and sold it. The State of Massachusetts got all of the territory now known as the State of Maine.

Mr. PLATT. Connecticut had a charter for lands which extended from the Atlantic to the Pacific, and if Nebraska is on the same line of latitude and Connecticut had insisted on its rights it would have the land which is now embraced within the territory of the State that the Senator from Nebraska represents. I do not know whether it is on exactly the same parallel of latitude.

Mr. ALLEN. What I want to call the attention of the Senator to is this: It seems to me that it is inconsistent to arraign the people of the section living on these arid lands for asking the Government to do something for them under the circumstances when the Senator's own State (and I say it without any feeling whatever) and every State in New England was the recipient at the hands of the Government of millions of acres of the finest lands we have, which were sold for a great many dollars. You were participants in these things in the best lands. Why do you now deny to these poor settlers a claim upon the arid lands?

Mr. PLATT. The Senator is referring to the land given to agricultural colleges, to agricultural college scrip?

Mr. ALLEN. No; I am referring to the early history of this Nation.

Mr. PLATT. I understand that Connecticut under its charter claimed as of right all these lands and a great many more than it finally retained, but the whole matter was adjusted by a compromise between the Government and Connecticut, in which Connecticut got the worst of the bargain. There is nothing to that point.

Mr. ALLEN. But you got a great many million acres of very fertile land in Ohio and sold it.

Mr. PLATT. Connecticut got it under a charter from King Charles.

Mr. ALLEN. It is questionable whether you had it or not; you got it at least.

Mr. PLATT. We had possession of a portion of Pennsylvania, the Susquehanna Valley and Wyoming. We had a settlement there, two organized counties, with representation in our legislature.

Mr. President, I have been somewhat diverted from the thread of my thought and argument. There are individuals suffering in Connecticut, people in hard luck, people who, with all their industry and thrift, can scarcely manage to support large families. The Senators who are advocating the passage of the pending bill would be loudest in opposing any bill that might be proposed donating something to them. No matter how the case may be presented, it amounts simply to a donation, and I object to it most strongly, because I do not want to see the spread and extension of the idea that the Government is to take care of the individual. That idea has been running very fast, Mr. President, in these later days. Possibly the homestead law has to some extent resulted in the encouragement of it; and there is another thing which I will not speak of now, and which I think more than anything else has fostered this spirit of going to the General Government to have individual affairs righted, and that is our system of Government paper money. I am not going to bring that into this debate, however; but owing to one or another of these causes men seem to have lost sight of the true principles of government. The man who should now say that governments were organized and administered for the protection of life and property, and stop there, would be supposed to be dwelling in the past, and not to have come——

Mr. ALLEN. Does the Senator apply his argument to a protective tariff law?

Mr. PLATT. Oh, I am not to be diverted from this argument into a tariff argument. I can show, and I will show at the proper time, that there is no class legislation in a tariff law; but I am not going to be drawn or diverted into that. However, I do want here and now to enter my protest against what I will not offensively call the Populistic idea in this country, that the people who want anything are going to go as individuals to the Government and get it.

Mr. ALLEN. Nobody believes that that I know of.

Mr. PLATT. That is the tendency of everything. We talk about its being a crime to buy and sell votes, and yet too often in voting the voter thinks only how he is to be materially benefited by his vote. There is not a very great deal of difference, Mr. President, between the idea of so voting and the idea of selling a vote. If a man votes simply to better himself financially, as he supposes, he does not differ a great deal in principle from the man who sells his vote. We are running wrong, Mr. President, and this bill and hundreds of other bills which are here illustrate it, and illustrate the dangerous tendency of the doctrines which are promulgated at the present time.

I said that if I were to announce what was acknowledged in the early history of the Government, that the object of the Government was to protect life and property and ended there, I would lay myself open to the charge of being an old fogy, behind the age.

I need not pursue the subject, Mr. President, but if we are going to do what this bill asks us to do, why should we stop there? If we are going to buy lands in order that we may give a man 160 acres of land to settle upon free, why should we stop there? Why not buy him his agricultural implements; why not buy him his horses? I will not refer again to the way the governor of Oklahoma describes this "arid" land, but if a person makes a homestead entry upon arid land, supposing that it is agricultural, why should he not call on the Government to irrigate it for him? Where is the Government to stop?

Mr. CARTER. Mr. President, will the Senator from Connecticut yield for a question?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Montana?

Mr. PLATT. For a question, yes.

Mr. CARTER. If it is proper according to the view of the Senator from Connecticut, and that is manifestly his view, to tax to the settler upon the public domain the cost to the Government of acquiring the title to the land upon which the settler locates, why should not the principle be applied to the extent of charging to each settler his proportionate share of the amount paid for the Louisiana purchase, likewise the amount of cost connected with the acquisition of territory from Mexico, which is to some extent included in the particular section of country involved in the bill?

Mr. PLATT. Oh, Mr. President, I have been unfortunate in the statement of my views as a member of the committee and of my statement this morning. The very thing I was talking about is this: We have never until now been asked to buy land for the purpose of donating it to individuals.

Mr. CARTER. For whom was the land purchased originally, then, in the case of the purchase of Louisiana?

Mr. PLATT. It was purchased for the public defense, and Jefferson never supposed, nobody supposed, that it was bought for the purpose of giving it to somebody to settle upon. There is the distinction in these cases. It is the manifest, obvious distinction which Senators seem unable to see. The land that was included in the Louisiana purchase was in my schoolboy days marked on the map, a greater portion of it, as "The Great American Desert." The idea——

Mr. ALLEN. I should like to call the attention of the Senator, if he will permit me, to the fact that our integrity as a nation was not menaced in the slightest degree when Mr. Jefferson purchased the southwestern lands of the French Government. Our Government had not been threatened by France, nor by Spain, nor by any other nation. While the purchase had in a certain sense a political significance, the great purpose of it, as announced by Mr. Jefferson at the time and subsequently, was to furnish homes for the citizens of the United States.

Mr. PLATT. We will look that up hereafter. I think I am right. I do not wish to be diverted, and I repeat that now, for the first time in our history, it is urged that the Government ought to buy land for the avowed purpose of giving it away to individuals who will settle upon it.

Now, Mr. President, I think I have said all I need to say in relation to the subject. I think the picture of suffering has been overdrawn, and I have cited a pretty intelligent witness (the governor of Oklahoma) to show that it has.

If it be a question of the inability of the settlers to pay for these lands because of successive droughts, I am perfectly willing to do what the Government has already done, extend the time. But if it is so that there are never to be any crops made on these lands, there will be but little benefit in relinquishing to settlers the money due for these lands. If the drought every year is to make it impossible for them to cultivate these lands, it is little benefit that they will derive from such relinquishment.

I have no doubt, Mr. President, that in some instances lands have been settled upon which are not adapted to agriculture, but of the [illegible] acres which have been opened, a third of it or a half of it is as beautiful land, is as fertile land, as rich land, as valuable land as ever lay under the sun.

It is not alone the man who is hard pushed who is to receive the benefit of this legislation. This donation is to fall upon all alike, upon the man who has got a fortune in his farm and the man who is living in the arid region in the sod dugout. Like the rain falling on the just and unjust, this benefit, this donation, is to be showered upon all without discrimination.

I do not know that I desire to say anything further on this subject. I only intended to speak for a few minutes, but I have been somewhat diverted during my line of argument and have exceeded the time which I thought I should take.

Mr. STEWART. Mr. President, I have listened with much surprise to the strange sentiments which have been expressed by the Senator from Connecticut [Mr. PLATT]. He says that he does not want people to get into the habit of coming to Congress for relief when their business does not pay. I have read with much interest the published reports of the various delegations which have visited the Committee of Ways and Means of the other House with regard to their business, and every one of them placed their demands for higher rates of duty on the ground that their business did not pay, and on no other ground. We have a committee of the other House and we shall have one here to listen to those engaged in particular kinds of business as to whether their business pays, and I supposed that the Senator from Connecticut was in favor of that kind of policy which would relieve men when their business did not pay. I think there have been several delegations already from Connecticut and there will be more.

As to the position that the homestead act ought not to be extended to these settlers because the land was bought by the Government, it seems to me that that is in violation of every principle of disposing of the public lands which has been approved by all parties for the last thirty years or more. The Government was some time coming to the conclusion that the country at large would be benefited by allowing settlers to occupy the public land and to acquire homes without charge. That was, however, adopted as a public policy. The greater portion of the great Mississippi Valley was disposed of under that policy, and a more beneficent policy never was adopted by any nation, as witness the progress of that section of our country.

It makes no difference how the Government got those lands. If it is the best policy to encourage settlement on them, why violate that principle? If you will take the rich lands a little farther east you will find that they were taken by homestead settlers. Now, why should people who are going on poorer lands be deprived of the privileges which have been extended to all under a policy which has enriched the Government? There is nothing in that argument. There should be no discrimination against these people, and particularly now, when there is not a crop produced in that region which will pay to-day the cost of production and of getting it to market. How that may be hereafter I do not know. I know, however, that there is but a small portion of Oklahoma which has sufficient rainfall to produce regular crops. I have been over that country, and there is about one-third, or nearly that, of Kansas, and of Nebraska, and as you go north you will find it in the Dakotas, and as you go south you will find it in Oklahoma and Texas, where it is very hard to make settlements at all. The picture of the distress there has not been overdrawn; and when the Senator from Connecticut speaks of the eagerness of those people to acquire homes and go upon the land, he uses that as an argument why they should be discriminated against. I think their enterprise in going upon a country situated as that is and trying to make a living should be commended and encouraged. If by their efforts they can make that country produce, if they can make it furnish a market to the other sections, if they can make it a tax-paying country, I say let them do it. By the same policy you have made great States, and it seems to me pitiable higgling to say that those people shall be discriminated against on account of what the Government has paid for those lands.

The Government has applied the homestead principle to all lands it has acquired, and it should be applied in this case. It should be applied particularly to all the lands that are left, because of the difficulty of settlement. It is doubtful whether they can be occupied, and it is to the interest of all that every acre of land which can be cultivated and occupied and made a home should be so used. We have the Indians to support anyway. We are making an arrangement with the Indians. There is one-third—I do not know but one-half—of all the land in the Mississippi Valley which has been bought from Indians. You make trades with them; you make donations to them. You have supported them at an expense of millions of dollars each year, and when you acquired those lands you opened them to homesteads, and it has been the invariable rule where an Indian reservation was purchased to provide that the homestead law should prevail. Why this exception was made I do not know. The exception was wrong. Now, you say the Government will lose by it. The Government will lose nothing. The millions spoken of never can be collected from the settlers. A man in his natural life upon one of these farms at the present price of production can not raise and sell enough to feed and clothe his children and then pay the amount the Government demands.

I know times are hard; but it is not the fault of the settlers on the frontier that they are hard. The Senator intimates that they complain of the monetary condition that starves them to death, and might want paper or something else if you let them live. If he is going to exterminate everybody who is opposed to contraction and hard times, if he is going to apply the iron rule, let him apply it to Connecticut; let him apply it to Massachusetts; let him apply it to the army of supplicants for special privileges which is visiting the committee of the other House to-day. If you want to discipline them and make them vote right, and starve them to do it, commence at home and starve your own people first.

But we are not asking for any Government aid, we are not asking for any special privileges to these people. We are asking for the application of a principle which has been commended by every wise statesman for the last thirty years; we are asking for the application of a principle which has built up States; we are asking for the application of a principle which has made independent homes; and there is no reason now to come forward and violate it on account of some niggardly, hard trade when the conditions are worse than they ever have been. The Government has to take care of the Indians in any event, and we are paying out to the Indians six or eight million dollars a year for that purpose. You have removed them from place to place and opened reservations for settlement, and now when you come to this arid region, where the people have to undergo the greatest privations and sufferings to live at all, to say that they must leave their homes or pay a price which is impossible to pay under present conditions, seems to me repugnant to common sense, justice, and fair play.

All the Indian reservations which are opened to settlement should be opened under the homestead law. They are not intended for speculation. A man who travels over that country and would attempt to speculate upon those people who are attempting to make homes, a man who would propose to do it, knowing the conditions which prevail there, has a heart which ought not to be in an American breast. It is an outrage to change the principle as against these people. They ask for no donations. We ask none for them. We ask for the principles of the land laws to be applied to them as they have been applied to settlers in the great Mississippi Valley; we ask that they shall have the poor privilege of building up homes in that arid region if they can.

Senators talk about it being a bad principle to make these people dependent upon the Government; to encourage them to come here and ask privileges from the Government by extending to them the laws under which all the great States have grown up and been populated. It would be a bad principle in the Government and unjust and detrimental to discriminate against them. Give them the same privileges that other American citizens have had who wanted to obtain public lands so far as they can get them. They can not get the same privileges. The best of the public lands are gone, and they are gone into the hands of settlers who have made the country great. To now attempt to reimburse ourselves out of the remainder of the desert lands, and to persecute the people who are trying to live there with the hardest struggle that any people ever had in the world, it seems to me is the essence of cruelty and a violation of every principle of justice and good government. I hope we shall not hear any more sentiments of that kind in the Senate.

I do not want to criticise those who are asking the Government to give them special privileges, because the protective principle, properly applied, is beneficial to protect all; but the protective principle can not reach the farmers of this country. They have to rely on their exports, and we have to rely on their exports to pay our foreign obligations and to buy what we buy from abroad. We have by legislation, the legislation of New England and New York, placed them in a position of competition where their products are below the cost of production. We have given the standard silver countries a hundred per cent advantage in the European markets. We do not propose any tariff for them. We do not propose any relief for the great agricultural interest. Nobody proposes that. Here the poorest of all the agriculturists of the United States are to be punished and dealt with on a different principle from that applied in the Mississippi Valley. It is unjust.

If New England wants a market for her products, it is for her interest and her benefit that that section of country should be settled. She has made millions and hundreds of millions, and perhaps thousands of millions, of dollars by the beneficent policy of the Government in giving away public lands, making homes, bringing their products into market, and furnishing a market for the products of New England. That was the theory, that the United States would prosper more by having these lands settled, so as to furnish a market for manufactures, so as to aid in paying taxes, than it would by extorting money from settlers by the sale of these lands. That is not the policy of the Government. If the old policy is to be reversed and the poor people who go upon the poor desert lands and attempt to reclaim them and make homes there are to be treated in this harsh manner, in violation of what has been done for all others, let us know it, and the people will keep out of those regions; but to talk about those people as unjust and dishonest, to talk about them as asking special privileges, is too repugnant to the facts and common sense to escape severe condemnation.

IMPRISONMENT OF JULIO SANGUILLY.

Mr. CALL. I ask unanimous consent to present a paper from a gentleman who has been elected as a Republican member of the next Congress, who has recently been in Habana, and I ask that the statement be read and printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and the statement will be read.

The Secretary read as follows:

STATEMENT IN RELATION TO JULIO SANGUILLY.

I also had a talk with Julio Sanguilly, who stated that he had been confined in the Cabanas for a period of twenty-three months. It appears from his statement that the day before the rebellion broke out in Cuba, while taking a bath in his house, he was arrested and thrown into prison. He was tried and condemned to punishment by a military tribunal, the sentence being that he should be punished perpetually in chains, etc. The United States authorities protested on the ground that Sanguilly was a citizen of the United States, he having been naturalized in New Orleans and having resided there for some time, and that he was taken without arms and should be tried by the civil authorities and not the military authorities. An appeal was taken to the authorities at Madrid, and this sentence was set aside. He was retried, and a few days ago a similar sentence imposed on him. The lawyer who conducted the first trial of Sanguilly was also thrown in prison and is now in the Cabanas along with Sanguilly. The lawyer who managed the appeal in Spain has been deprived of his office and all emoluments attached thereto by the authorities at Madrid. A witness who could have proven Sanguilly's entire innocence, namely, Lopez Coloma, was a few days before this last trial taken from his cell in the Cabanas, where he had been imprisoned for a considerable time, and shot without any trial, as Sanguilly said, for the purpose of preventing him from testifying.

An appeal must be taken within a few days, or, unless the United States interferes, the witness will be transported to the penal colony in North Africa in accordance with the sentence passed a few days ago. Sanguilly stated that he did not believe that he could get any lawyer to take his case and conduct his appeal, as the fate of his other two lawyers who conducted the former proceedings would deter others from undertaking his case again.

Sanguilly seems to be a man of about 60 years of age, quite gray, and complained that the imprisonment during the past twenty-three months was breaking his health so that he could not longer endure it; and he desired that the United States Government take action in his case at once by inquiring into the cause of his detention and the unfair method by which he has been tried and convicted. He claimed that there is no possible testimony as to his being implicated in the rebellion, but that he was simply confined because he might perhaps have been guilty of some offense in the future, yet that he was guilty of no offense whatever when arrested, and nothing was proven or could be proven against him.

EDWARD E. ROBBINS.

MRS. ELIZABETH GNASH.

Mr. GEAR. I ask unanimous consent for the consideration at this time of the bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash.

The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. Has that bill just been reported?

Mr. GEAR. It was reported on the 5th instant, I will say to the Senator from Missouri.

The PRESIDING OFFICER. The Chair is informed that the bill is on the Calendar with a favorable report. The Senator from Iowa now asks unanimous consent for its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash. It proposes to place on the pension roll, at $12 per month, the name of Elizabeth Gnash, widow of Thomas Gnash, late private Company G, Third Regiment Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENDERSON MARPLE.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 3877) granting a pension to Henderson Marple. It is a bill which has been reported favorably from the Committee on Pensions.

Mr. FRYE. It will take the next two hours to consider the bills which, by unanimous consent, were to be taken up at this hour. Is the bill to which the Senator refers a very short one?

Mr. COCKRELL. It is only a short bill, and will not take half a minute.

Mr. FRYE. Then I shall not interpose an objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3877) granting a pension to Henderson Marple. It proposes to place on the pension roll the name of Henderson Marple, late a private in Capt. A. J. Hart's company, Morgan County Provisional Enrolled Missouri Militia, at $12 per month; and provides that the pension shall be paid to him and that no part of it shall be retained by any official of the Government by reason of any pension heretofore paid to Henderson Marple.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACIFIC RAILROADS SINKING FUND.

Mr. MORGAN. I desire to offer a resolution, and after it has been read I shall ask for its present consideration, unless there be objection to it.

The PRESIDING OFFICER. The resolution submitted by the Senator from Alabama will be read, subject to objection.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Organization, Conduct, and Expenditures of the Executive Departments are hereby authorized and instructed to make examination into the means by which certain papers mentioned in the report of the Acting Secretary of the Treasury, which is hereto attached, have disappeared from the records of the Treasury Department.

And said committee will inquire and report whether any and what person has abstracted said papers from the files or records of said Department, and whether any officer or employee of said Department had knowledge of, or was in any way party or privy to, any unlawful act connected with the loss, destruction, or removal of such papers. And said committee in the execution of this order shall have power to require the appearance of witnesses, and to examine them under oath.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. HOAR. Mr. President, I merely heard the reading of the concluding part of the resolution. I do not know whether it is liable to the suggestion I am about to make or not. It is very convenient in all such cases to have the phrase used, "said committee or a subcommittee of their number."

Mr. MORGAN. It will not be necessary to provide for a subcommittee, because the transaction to be investigated is right here in the Treasury Department.

Mr. HOAR. I do not know how that may be, but it is very convenient sometimes to have the power of a committee to send for persons and papers and administer oaths, etc., exercised by a subcommittee, and it brings such subcommittee of the Senate for that purpose within the statutory provision.

Mr. MORGAN. I will modify the resolution by inserting the words "or a subcommittee thereof."

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

AMENDMENT OF NAVIGATION LAWS.

Mr. FRYE. Under the order adopted yesterday assigning this hour for the consideration of certain bills from the Committee on Commerce, I call for the consideration of the bill (H. R. 2663) to amend the laws relating to navigation.

I will state that there is no need of reading the bill as it came from the House of Representatives, as, when I reported from the Senate committee an amendment as a substitute, the substitute was adopted in place of the bill as it came from the other House. Therefore there is no need of reading the original bill, which is erased. It is simply necessary to read the amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2663) to amend the laws relating to navigation.

The amendment reported by the Committee on Commerce was to strike out all after the enacting clause and insert:

That section [illegible] of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. [illegible]. The Secretary of the Treasury shall [illegible] in public buildings [illegible] for the shipment and discharge of seamen, to be known as shipping commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices."

SEC. 2. That on and after June 30, 1897, every place appropriated to the crew of any vessel of the United States, except a fishing vessel, yacht, or pilot boat, [illegible] under 100 tons register, shall have a space of not less than [illegible] cubic feet and not less than 12 superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of cargo or bilge water.

Fishing vessels, yachts, and pilot boats are hereby exempted from the provisions of section [illegible] of chapter 121 of the laws of 1886, entitled "An act to amend section [illegible] of chapter 26 of the laws of 1884, entitled An act to provide for [illegible] of vessels of the United States," which section prescribes the amount of space which shall be appropriated to the crew and provides that said space shall be kept free from goods or stores not being the personal property of the crew in use during the voyage.

And on and after June 30, 1897, every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section so far as they shall be applicable thereto by providing sleeping room in the engine room of the steamboats properly protected from the cold, winds, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector-General of Steam Vessels, and shall be properly heated. Any failure to comply with this section shall subject the owner or owners to a penalty of $500.

SEC. 3. That section 4576 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of $400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall be then also exhibited to the collector."

SEC. 4. That section 4581 of the Revised Statutes be, and is hereby, amended by substituting the words "circuit court of the circuit" for the words "district judge for the district," and by striking out the words "district judge" before the word "requires" in the eleventh line, and inserting instead thereof the words "circuit judge."

SEC. 5. That rule 11 of section 4233 of the Revised Statutes, relating to pilot boats, be amended by adding thereto a paragraph, as follows:

"Steam pilot boats shall, in addition to the masthead light and green and red side lights required for other steam vessels, carry a red light hung vertically from 3 to 6 feet above the foremast head light, for the purpose of distinguishing such steam pilot boats from other steam vessels."

SEC. 6. That section [illegible] of the Revised Statutes be, and is hereby, amended by adding thereto the words "[illegible]."

SEC. 7. That section 4545 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4545. A circuit court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for and be appropriated to the relief of sick and disabled and destitute seamen belonging to the United States merchant-marine service."

SEC. 8. That chapter 97 of the laws of 1886, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890," is amended by striking therefrom the word "[illegible]enth," in the twelfth line, and inserting the words "and four thousand [illegible] hundred and two" in the twenty-eighth line after the words "four thousand five hundred and fifty-four."

SEC. 9. That fees for the entry direct from a foreign port and for clearance direct to a foreign port of a vessel navigating the waters of the [illegible] northern, northeastern, and northwestern frontiers of the United States [illegible] than by sea, prescribed by section [illegible] of the Revised Statutes, are [illegible]. Where such fees, under existing laws, constitute in whole or in part the compensation of a collector of customs, such officer shall hereafter receive a sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

SEC. 10. That section 4165 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4165. A vessel registered pursuant to law, which by sale [illegible] the property of a foreigner, shall be entitled to a new register on afterwards becoming American property, unless it has been enlarged or undergone change in build outside the United States."

SEC. 11. That section 11 of chapter 344 of the laws of 1874 be, and is hereby, amended to read as follows:

"SEC. 11. That the Secretary of the Treasury may, upon application therefor, remit or mitigate any penalty provided for in this act, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts in all such cases [illegible] under such regulations as he may think proper. All penalties herein provided may be sued for, prosecuted, recovered, and disposed of in the manner prescribed by section [illegible] of the Revised Statutes."

SEC. 12. That rule 11 and rule 15 [illegible] of section 4233 of the Revised Statutes be, and are hereby, amended to read as follows:

"Rule 11. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a revenue cutter of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it.

"Rule 15. All steam vessels under way shall sound a steam whistle placed before the funnel not less than 8 feet from the deck at intervals of not more than one minute. Steam vessels, when towing, shall sound three blasts in quick succession repeated at intervals of not more than one minute. Sail vessels under way shall sound a fog horn at intervals of not more than one minute. [illegible] Steam vessels and sail vessels, when not under way, shall sound a bell at intervals of not more than two minutes."

SEC. 13. That section 4233 of the Revised Statutes be, and is hereby, amended by adding thereto:

"Rule 25. A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light.

"Rule 26. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case."

SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized to direct the inspection of any foreign vessel admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron and steel pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

SEC. 15. That section 2811 of the Revised Statutes be, and is hereby, amended by repealing the following words therein:

"The master of any vessel bound to any district in Connecticut, [illegible] by the sea of Sandy Hook, shall, before he passes the port of New York, [illegible] immediately after his arrival, deposit with the collector for the district of New York a true manifest of the cargo on board such vessel. The master of any vessel bound to the district of Burlington shall, before he passes the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; and the collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the collector with whom the entries are to be made; and the"

SEC. 16. That sections 2770, 2771, 2772, 2773, 2774, 2775, 2781, 2785, 2821, [illegible], 4153, 4154, 4326, [illegible], and [illegible] of the Revised Statutes are repealed.

SEC. 17. That section 2797 of the Revised Statutes be, and is hereby, amended by adding thereto the following words:

"Sea stores and the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States which have [illegible] for any cause may be transferred in such port of the United States under the supervision of the customs officers, from one vessel to another vessel of the same owner without payment of duties, but duties must be paid on such stores or equipments landed for consumption except American products."

SEC. 18. That section 5347 be amended to read:

"SEC. 5347. Every master or other officer of an American vessel on the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States who, without just cause, beats, wounds, or imprisons any one of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or by both."

This section shall apply to the coastwise and foreign trade.

SEC. 19. That article 7 of section 4511 of the Revised Statutes be, and is hereby, amended to read:

"Seventh. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct which may be sanctioned by Congress or authorized by the Secretary of the Treasury not contrary to or not otherwise provided for by law, which the parties agree to adopt."

SEC. 20. That this act shall take effect one month after its approval, except sections 12 and 13, which shall not take effect until six months after [illegible].

The PRESIDING OFFICER (Mr. PASCO in the chair). The substitute which has been read has heretofore been adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. SEWELL. I should like to ask a question for information. On page 18, line 10, there is a provision that "steam vessels under way shall sound a steam whistle placed before the funnel"—

Mr. FRYE. That is the same requirement for what are called inland waters as is now required by the international rules of navigation. That is why that is adopted.

Mr. SEWELL. "At intervals of not more than one minute."

Mr. FRYE. Yes, sir; in a fog.

Mr. SEWELL. It does not say in a fog. That is the trouble. The section does not say that it shall be done in a fog.

Mr. FRYE. It does in the sections to which that relates.

Mr. SEWELL. It would not be required, except in a fog?

Mr. FRYE. Certainly not.

Mr. WHITE. I attract the attention of the Senator from Maine to a criticism that has been made of the bill which we have reported from the Committee on Commerce, so that he may explain it. On page 12 there is a provision to this effect:

> All vessels under 100 tons register shall have a space of not less than 72 cubic feet and not less than 12 superficial feet measured on the deck or floor of that place for each seaman or apprentice lodged therein.

That would be a room, say, 6 feet long and 6 feet in altitude and 2 feet wide, or, say, 4 feet in altitude, 4 feet in length, and 2 feet in width. The bill as it came from the other House provided for 100 feet. Am I not right?

Mr. FRYE. Yes.

Mr. WHITE. It is said by those who are more interested perhaps in the seamen than those who own the vessels that 72 feet are not enough. I have also been told, and I presume it to be a fact, that in England, Germany, and other countries but 72 feet are allowed. The seamen contend, however, that the arrangements of the vessels there are such that 72 feet are more valuable than 72 feet upon our ships as constructed in this country. I should like to hear from the Senator from Maine regarding this matter.

Mr. FRYE. I do not understand there is any maritime nation in the world which requires a larger space for the crew than that which is provided for in this bill, and I do not understand that there is any difference in the construction of ships which compels an American ship to have a larger space than a foreign ship. It will be observed that the space required here for the seaman is larger than the space which we get in Pullman cars. It is larger than the space which we get in the cabin of any of our steamboats. It is open to the free air, to ventilation, and so on; and I think it is larger than the midshipman gets upon ships of war to-day. I found on inquiry that in all probability more than one-half of the vessels that are to-day on the ocean could not comply with the requirements contained in the bill as it came to us from the other House.

Mr. WHITE. That is the important feature which I wish to get at. The Senator from Maine has investigated the subject, and he finds that it would be impossible for our vessels to comply with the House provision.

Mr. FRYE. Yes, sir; and still be freighters.

Mr. WHITE. Was there any evidence taken before the House committee on the matter of the 100-feet allowance which they made?

Mr. FRYE. I understand only from the sailor who represents the San Francisco union.

Mr. WHITE. He has complained to me that it is not sufficient, and I have similar complaints from other sources. Personally I have no technical knowledge about it, and I am unable to say of my own knowledge whether the space is sufficient or insufficient.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. NELSON, and Mr. WHITE were appointed.

LAWS RELATING TO AMERICAN SEAMEN.

Mr. FRYE. I ask the Senate to take up the bill (H. R. 6399) to amend the laws relating to American seamen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Chair understands that the Committee on Commerce reported an amendment in the nature of a substitute, which has heretofore been agreed to.

Mr. FRYE. That is correct.

Mr. PERKINS. I notice by the history of the bill that the amendment has already been agreed to. Yesterday when the bill was made the special order for consideration to-day at 4 o'clock I had not read the bill. There are a number of amendments which I should like to offer, and I think they will commend themselves to the Senator from Maine, who is an authority upon maritime law and affairs, and who has given the subject-matter a great deal of attention. I feel confident that they will appeal to his sense of justice and fairness, and that he will accept the amendments. Therefore, if it is agreeable to the committee, I should like to have them considered while the bill is as in Committee of the Whole. They relate, I will say to the Senator from Maine, particularly to the imprisonment clause.

Mr. FRYE. We are just entering upon the consideration of the bill.

Mr. PERKINS. So I understand, but it has been read.

Mr. FRYE. No; it has not been read.

The PRESIDING OFFICER. The Chair will state that the amendment reported by the Committee on Commerce in the nature of a substitute for the House provision has heretofore been adopted. It will be needless to read the bill as it came from the other House. The substitute will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That section 4516 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

SEC. 2. That section 4522 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of 50 tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit, for every hour which he shall so neglect to render himself, one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of the wages or emoluments which he has then earned; and, also, in the discretion of the court, he shall be liable to imprisonment for not more than one month."

Mr. PERKINS. I desire to move an amendment.

Mr. FRYE. The reading of the substitute has not yet been concluded.

Mr. PERKINS. I desire to offer an amendment to this section.

Mr. FRYE. To which section?

Mr. PERKINS. To the one which has just been read by the Secretary.

The PRESIDING OFFICER. The Chair will state that the text of the amendment can not be amended except in the Senate. The Chair presumes, however, that amendments can be received by unanimous consent.

Mr. PERKINS. I suggest to my friend the Senator from Maine that unanimous consent be given to consider these amendments at this time.

Mr. WHITE. Let me make an inquiry, if my colleague will permit me. Has the bill been reported to the Senate?

Mr. PERKINS. No; it has not been.

The PRESIDING OFFICER. It has not been reported to the Senate. It is now being considered by the Senate as in Committee of the Whole.

Mr. WHITE. I presume amendments can be offered when the bill shall have been reported to the Senate.

The PRESIDING OFFICER. That is what the Chair said—that amendments can be made when the bill is reported to the Senate.

Mr. FRYE. I do not think there is any objection to the Senator from California offering his amendments as the various sections are reached. I have no objection.

Mr. PERKINS. I ask the Secretary to read an amendment which I now propose.

The PRESIDING OFFICER. It is asked that there be unanimous consent to amend the bill in its present shape as in Committee of the Whole. Is there objection? The Chair hears none, and by unanimous consent amendments will be received. The amendment offered by the Senator from California will be stated.

The SECRETARY. In section 2, line 23, page 25, after the word "earned," it is proposed to strike out the remainder of the section in the following words:

> And, also, in the discretion of the court, he shall be liable to imprisonment for not more than one month.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from California.

Mr. FRYE. I should very decidedly object to the amendment.

Mr. PERKINS. I have had some experience in nautical affairs, as well as in civil business matters. There is no law of which I am aware on the statutes of the United States or upon the statute books of any State of the Union by which a person can be imprisoned for the violation of a civil contract. Many years ago England and many European countries passed such a law, but to their credit England and Norway have repealed those laws, and England and Norway have to-day a larger tonnage plying the ocean in the foreign trade and following the flags of their respective countries than have all the other nations of the world.

The United States have not heretofore taken a back seat in the treatment of their seamen and in recognizing the duty which they owe to their fellow-man of doing unto others as they would wish them to do unto them. It seems to me we can well afford in this case to punish the seaman by having him forfeit his wages and his effects, but I do not think we should go to the extent of imprisoning him because he has failed to perform a civil contract.

Mr. HILL. Will the Senator from California allow me for a moment? Did any such law ever exist in this country? Did imprisonment ever exist in this country for such a cause?

Mr. FRYE. Yes; and it was made a positive duty of the court to imprison the seaman.

Mr. HILL. It does not now exist; it has been repealed?

Mr. WHITE. It was repealed, and it is not exactly sought to reenact it. The imprisonment clause in modified form is put into this bill. We have no provision for imprisonment as the law now exists. Am I not right?

Mr. FRYE. In the coastwise trade.

Mr. WHITE. In the coastwise trade.

Mr. HILL. How long ago was it repealed?

Mr. WHITE. Two years ago, I think.

Mr. FRYE. About two years ago.

Mr. HILL. I should like to hear some reason why we propose to reenact it now.

Mr. FRYE. I can give the Senator from New York a reason, and I will give it with an illustration. Three or four months ago a ship was lying loaded in the city of Bath waiting for a crew. Our crews are nearly all shipped in Boston. An agent was sent to Boston to get the crew. He obtained a crew, and paid for obtaining the crew. They were duly shipped by the shipping commissioner. He then paid their traveling expenses from Boston to Bath. They stayed overnight on board the ship, and then, without any excuse at all, deserted and went back to Boston, leaving the ship at a large demurrage for at least a week.

Now, the penalty which exists to-day is the forfeiture of the wages earned. They had not earned any wages. It is no penalty at all; it does not amount to anything, and our shipmasters say it is impossible for them to undertake to do business unless there is a greater penalty than simply that of forfeiture of the wages. This is in the coastwise trade, let me say to the Senator from New York. It always happens in these cases that the desertion is when the first shipment is made. It is not when they are off on a voyage, or anything of that kind, but when the first shipment is made, and the forfeiture of the wages is a mere nothing, a bagatelle, and you can not hold a crew a moment by it.

Now, the law which has existed heretofore compelled the court to imprison for a given length of time. This provision simply says in the discretion of the court the seamen may be imprisoned for thirty days.

Mr. HOAR. Is there a law in existence now that compels the court to imprison?

Mr. FRYE. It was repealed two years ago. This provision is simply put in the bill as a deterrent on the sailors, so that they will not treat their contracts with utter levity and leave without any decent excuse at all. Of course if there were nothing in the case which called for the court to inflict a further penalty, the court would not do it, it being left in the discretion of the court.

Mr. HILL. Will the Senator allow me to make a further inquiry? The Senator stated, of course, an extreme case, where the seamen obtained their moneys in advance on a promise, which of course would not make it obtaining money under false pretenses; but is the imprisonment limited to those cases where they obtain moneys virtually on false pretenses?

Mr. FRYE. No, sir; it is not limited.

Mr. HILL. But it goes further, does it not, and inflicts imprisonment to follow the simple violation of the penalty?

Mr. FRYE. Wherever the sailors have made a contract to ship at a given time on a certain ship and desert, then, in the discretion of the court, they may be imprisoned for thirty days.

Mr. PERKINS. The illustration given by my friend from Maine is quite familiar to me, but I do not see that it differs materially from one I will cite that occurred a short time ago in my own State. A mining company, engaged in mining, having a property worth more than twice the value of an ordinary coasting vessel, met with an accident, and they sent to San Francisco for a large number of miners. They were paid their expenses of passage, board, brokerage, etc., and taken to the mine to operate it. When they reached there, the mine they believed to be unsafe, or for other reasons which were satisfactory to them, they declined to commence work in the mine, and those who had advanced the money lost it.

But what would my friend from Maine say if we had a law upon our statute books in California imprisoning those men in the discretion of the court, a country justice of the peace, and in some of our Western States the justices of the peace have not been students of Blackstone all of their lives? What would he say if the law had imposed the penalty for their violation of this civil contract of sending them to prison?

I think the same rule should apply to our coasting vessels. We have some bright, able, sober, conscientious men who are following the coasting trade upon the Atlantic, the Pacific, and the Gulf coasts. They are conscientious and honest. There are others, as is the case in all other trades, who are not so reliable. I believe that we can force them to their contract without having this penal clause attached to our laws. Our whole nature revolts at the idea that when a man has committed no wrong, not even petty larceny, a justice of the peace may, in his discretion, send him to prison for thirty days. I hope the amendment I have offered will prevail.

Mr. WHITE. I wish to say a word with relation to this matter. The section to be amended is 4522 of the Revised Statutes of the United States. That section I will read as it existed two years ago, and, as far as I can see, as it stands to-day. If Senators will follow the reading and take the proposed amendment of the law, they can observe the difference between the measure now before the Senate and the old statute. I will read the old statute. Section 4522 of the Revised Statutes is as follows:

> At the foot of every such contract to ship upon such a vessel of the burden of 50 tons or upward there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log-book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

That is the whole of the section. Hence the former penal clause to which the Senator from Maine referred, and which, my recollection is, was incorporated in the old statute, must be in some other section of the Revised Statutes, for there is no clause in section 4522 of the Revised Statutes providing for any imprisonment whatever. I mention that as perhaps from a remark I made a few moments ago the Senate might be led into error as to the former law.

At the time this matter was under consideration, not this particular amendment, but at the time we considered a similar bill, perhaps worded as this amendment is worded, I stated in the committee that I felt an aversion to providing for the infliction of a penalty by imprisonment in any civil action. Formerly, as we all know, debts were collected to a large extent in that way, and gradually, as we have progressed somewhat, we have abolished that method of enforcing obligations. When it seemed to be conceded that England, Germany, France, Norway, and Sweden were able to get along without such a penal provision, it struck me, and I am still of the impression, that this Government can not afford to enact more drastic regulations for seamen than those nations themselves have found essential.

I have an aversion, as I have already stated, to enforcing provisions of this kind. It is true that there is a discretion lodged in the judge.

> And, also, in the discretion of the court, he shall be liable to imprisonment for not more than one month

But if we are to enforce this law at all the man must be arrested practically to bring him within the jurisdiction of the court. He will be arrested, and when brought before the court it will be within the power of the man who sits upon the bench to send him to jail. It is against the conference of that power, not the fear of its extremely wrongful exercise, that I feel like protesting.

It is true that the judge may be lenient and that he may never punish anyone except in an extreme case. Loss often comes to men who have invested their capital by reason of the malconduct of men who are employed to act as sailors. Yet that is but an example of the many instances which we find every day in every walk of life. We may violate our civil contracts, and if unfortunately we have no pecuniary resources, it may be that the person whom we have wronged can never compensate himself.

But I am opposed to making a discrimination against this class of men. I am opposed to enacting a law which will give to the gentlemen who are engaged in the transaction of commerce on the

seas, the shipowners, ability to incarcerate their fellow-man, when we and the civilized world generally have abandoned imprisonment in civil cases, at least in the absence of fraud; and in some States we do not imprison them at all.

Mr. HOAR. I should like to ask the Senator to explain, if he pleases, his statement that this is an imprisonment in a civil action.

Mr. WHITE. It is not. The expression "in a civil case" was, of course, inaccurate. When I said "case" I did not refer to an action in court, but a matter which was purely one of dollars and cents between the individuals and not involving anything which in the ordinary sense could be called criminal.

Mr. HOAR. The Senator, I suppose, or the Senator reporting the bill, understands that this must be by a complaint according to due process of criminal law, as the Constitution requires; and all the rights preserved in criminal cases are preserved.

Mr. WHITE. I understand that, but I object to making that a crime. This, of course, is not a case of something that is bad in itself, I mean in a penal sense. It is merely violating an agreement to do some work. It is not a default which in the ordinary sense would be termed criminal, or against which, I conceive, Congress ought to denounce any penalty.

Of course, I understand that a complaint would have to be filed, but what would that complaint recite? It would merely recite the entering into a contract for the performance of certain work, and upon the plea of guilty being entered, the evidence showing that the contract was made and that the sailor in violation of the contract, under the terms of the section, deserted, then he would be guilty of the crime, and it would be discretionary with the judge to punish him by imprisonment.

Mr. HILL. I suggest to the Senator from California, if he will permit me, whether, if there is to be any imprisonment at all tolerated, which may be questionable, it should not be limited to those cases where the sailor has obtained moneys in advance, substantially under false pretenses.

Mr. WHITE. I think so, but——

Mr. HILL. Not technically false pretenses, but in substance.

Mr. PERKINS. If my colleague will permit me, I will state that this very same bill makes it illegal to advance a sailor any money. I should like to ask if that is not making a felony out of a civil contract?

Mr. HILL. That is a different question.

Mr. PERKINS. Or a crime.

Mr. WHITE. Is the Senator from New York through?

Mr. HILL. I merely made the suggestion for your consideration.

Mr. WHITE. In view of the statement made by the Senator from New York, I will merely remark that if the sailor obtained money in the way of an advance, at the same time having made up his mind that he would not perform the obligation which he entered upon and comply with the agreement, and upon the faith of his promise to do the work the money was given to him, it would have all the elements of that turpitude which is involved in the crime called obtaining money under false pretenses, and would be indictable in some States even as larceny. I do not know but that the law now would reach such a case; certainly it ought to do so, I think. But the criticism upon the section is that the mere violation of the contract to do the work is made an offense punishable in the discretion of a court with an imprisonment.

Mr. ALLEN. I should like to call the Senator's attention to another fact, which I regard as important.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. WHITE. Certainly.

Mr. ALLEN. I know but little about navigation or sailors; but suppose a sailor who had signed a contract such as is provided for in this section should be suddenly taken ill, or some member of his family was taken ill, or there was some other excuse that all reasonable men would recognize as being a reasonable excuse for not rendering himself on board the vessel. Should not some provision be made for cases of that kind?

Mr. FRYE. The bill provides for a twenty-four hours' notice.

Mr. ALLEN. I know, but suppose he is taken sick within that time.

Mr. FRYE. No court would imprison him, of course, if he were taken sick.

Mr. WHITE. If the Senator from Nebraska will permit me, the section is perhaps not amenable to that criticism, because it uses the word "neglect," and I take it if a person be detained by reason of illness or by any paramount cause which it would be impossible for him to overcome, he could not be considered even technically guilty of contempt. I should think not.

Mr. ALLEN. But I construe the word "neglect" to be synonymous with "fail." "That he shall fail to render himself on board the vessel." It does provide for twenty-four hours' notice, but suppose he is taken sick, or that some member of his family is taken sick, five or ten hours before he shall render himself on board the vessel, under such circumstances that he could not do so or ought not to desert his family.

Mr. WHITE. Of course there should be no ambiguity in this regard, if the Senator will permit me; but I hardly think that he could find any authority to the effect that "neglect" and "fail" are synonymous. Of course the neglect to come would involve the proposition that there had been a failure, but a failure to come would not mean that there had been any neglect, because in the case to which I refer I do not think that negligence could be predicated upon an absence over which the individual had no control. Still that could be reached by an amendment.

Mr. ALLEN. I do not know what American court is to pass upon this statute or what construction it will give to it, but I think the Senator can call to his mind many instances in which the words "neglect" and "fail" were evidently used by courts as synonymous.

Mr. WHITE. Very likely; but it is hardly accurate.

Mr. ALLEN. The purpose of the bill, of course, is to require the seaman to appear in fulfillment of his contract. He contracts absolutely and without condition to appear. Now, should it be merely left to the construction of a country justice, as my friend the junior Senator from California suggests, to determine whether he has neglected or not? Of course, a country justice is not supposed to know——

Mr. WHITE. Will the Senator from Nebraska allow me?

Mr. ALLEN. Will the Senator excuse me until I finish the sentence?

Mr. WHITE. Certainly; excuse me.

Mr. ALLEN. A country justice who lives out in the country, where there are but very few people, and where social and intellectual privileges are very limited, is not supposed to know much law. He is not supposed to have the enlarged opportunities and the intellectual field in which to roam at will that a justice or magistrate residing in a larger municipality has. Is this question to be left simply to his discretion, to his uneducated mind, to his untutored mind, I might say? We might put in some provision in the construction of which not even an ordinary country justice can err.

Mr. WHITE. I intended to inquire of the Senator from Nebraska when I last interrupted him as to whether an amendment interpolating the word "willfully" would not cover the matter?

Mr. ALLEN. That would probably cover the whole question, so that the element of inability of the seaman to appear upon the vessel may be submitted to the court or the jury, as the question might arise.

Mr. WHITE. I have no doubt the Senator from Maine who has charge of the bill would accept an amendment to that effect.

Mr. FRYE. I have no objection to accepting it.

Mr. ALLEN. So it may become an issue in the trial?

Mr. FRYE. Yes.

Mr. ALLEN. Very well. Then I move to insert the word "willfully" before the word "neglect" wherever it occurs in the section.

Mr. HILL. Does that cover it? Under the circumstances it strikes me that is not sufficient. Ordinarily, of course, the word "willfully" would help out a statute, but where the simple question is as to whether a man violates his contract and fails to serve or not, of course he does it willfully; he does it intentionally; he does it knowingly.

Mr. ALLEN. If the Senator from New York will excuse me——

Mr. HILL. Therefore I do not think it helps him out.

Mr. HOAR. I suggest to the Senator from New York the words "without reasonable cause." The whole matter is in the discretion of the court. The court would deal with that question.

Mr. HILL. That is a different thing. That might do.

Mr. ALLEN. I do not want the Senator from New York or the Senator from Massachusetts to understand that I acquiesce, so far as I am concerned, in the penal portion of this section. I shall at the proper time (and if this is the proper time, I do so now) move to strike out the lines which impose upon a seaman the penalty of imprisonment for failure to observe his contract.

Mr. WHITE. If the Senator from Nebraska will permit me, there is an amendment to that effect now before the Senate.

Mr. ALLEN. That is an amendment to strike out?

Mr. WHITE. Yes, sir.

Mr. ALLEN. I will vote for that amendment.

Mr. HILL. I wish to make a suggestion to the Senator from Massachusetts, who made the further suggestion of the words "without reasonable cause." At first I thought that possibly it would answer the purpose. But will it? Is reasonable cause the illness of his family? He still can complete his contract; he still can go. Is it not leaving it open? If he wants to get married, is that a reasonable cause for him to violate his contract?

Mr. ALLEN. The Senator from New York ought to know, Mr. President.

Mr. HILL. That is the reason why I am asking the question—I might want to volunteer and enlist myself. What is a reasonable cause; some reasonable, sufficient excuse for violating the contract? He might become intoxicated, be arrested, and put in jail, and could not go. That might be held, perhaps, in Massachusetts a reasonable cause. He might be detained for some reason. Sickness would be a reasonable cause, but there is a large number of instances, like sickness in the family—something of that kind—which could not be strictly held to be a reasonable cause. That is the question I suggested.

Mr. HOAR. I do not want to interfere with the pending bill, which my honorable friend from Maine is much better able to take care of than I am, and I merely made the suggestion thinking it might save debate. I suppose when you say that if a sailor neglects to return on board a ship at a given time he may be imprisoned, in the discretion of the court, not exceeding a month, if we have a decent magistracy, as we always have had and always I think shall have in this country, the man is pretty safe against being punished for one of those excuses which the common sense and common feeling of all mankind considers sufficient. So if it had said, "If the man shall neglect, he may be punished in the discretion of the court," and it turned out that his mother or his wife or his child were lying dead in his house or were sick with a dangerous illness, no judge would punish him for that neglect. Of course it would be willful neglect. The word "willful" would not help it, because it would be willful neglect, if neglect at all. But if in addition to that you put in the words "without sufficient excuse," then the judge is compelled to pass on the question whether the thousand cases that may be supposed are a sufficient excuse, in addition to his having this discretion on the whole thing. Any judge whom I suppose fit to be a judge would say that any of the cases which have been suggested on the floor of the Senate would afford an ample excuse for not complying with a civil contract, and would act accordingly. If a judge can not be trusted in that case he can not be trusted in any case in which the life or property or liberty of a citizen is imperiled.

I remember an incident that I am sometimes reminded of when we are making such legal provisions to govern a case. A very brilliant and witty friend of mine, who was clerk of the Massachusetts house of representatives for a great many years, saw in a paper a statement that he was going to publish a treatise on parliamentary law. He wrote a letter to the paper, in which he denied the statement; but he said if he did undertake such a work he would sum it up in a single sentence, "Never have an ass in the chair." I think that doctrine may be applied to these provisions regulating courts. If you have a donkey in the judicial seat nobody is safe, whatever law you pass, and if you have a sensible man in the judicial seat you are safe certainly with a law like this.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California [Mr. PERKINS].

Mr. FRYE. I desire to say a word before the amendment is acted upon.

Mr. ALLEN. Will the Senator from Maine allow me to put my amendment in a little different shape?

The PRESIDING OFFICER. The Senator from Nebraska proposes to change the language of the clause which the Senator from California has moved to strike out.

Mr. ALLEN. I want to change section 2, in line 9, on page 25, section 4522, by striking out the word "neglect" and inserting the words "without reasonable cause fail;" in line 13, by striking out the word "neglect" and inserting the word "failure;" in line 17 by striking out the word "neglect" and inserting the word "fail;" in line 29, on page 26, by striking out the word "neglect" and inserting the words "fail without reasonable cause."

Mr. FRYE. I have no objection to any of these amendments.

The PRESIDING OFFICER. The Chair understands that a part of the amendment now proposed relates to the text which the amendment offered by the Senator from California proposes to strike out. By unanimous consent all of the amendments suggested by the Senator from Nebraska can be considered as adopted.

Mr. WHITE. Is not the Chair in error as to that? The words which the Senator from California [Mr. PERKINS] moved to strike out I do not think were involved in the amendment of the Senator from Nebraska.

Mr. FRYE. Not at all.

Mr. PERKINS. Not at all. If the Secretary will refer to the amendment, he will see that I have simply proposed to strike out the imprisonment clause.

The PRESIDING OFFICER. If the amendments do not relate to that text, as the Chair supposed, then they will be postponed until after the amendment offered by the Senator from California shall have been disposed of; and the amendment offered by the Senator from California will now be stated.

The SECRETARY. In section 2 of the amendment reported by the committee, in line 28, on page 26, after the word "earned," it is proposed to strike out "and also, in the discretion of the court, he shall be liable to imprisonment for not more than one month."

The PRESIDING OFFICER. The Chair will entertain the amendments of the Senator from Nebraska when the amendment of the Senator from California shall have been disposed of.

Mr. FRYE. I understood they were all adopted by agreement. I desire to call the attention of the Senate to this matter. It is said that foreign countries have nothing of this kind. Great Britain has a law to-day that if a sailor signs the papers of a ship and then declines to serve on that ship the master may call on any policeman who is in view or who can be found to take the sailor and carry him on board the ship, put him in irons, and keep him there until the ship sails.

What are ships going to do without some such provision as this bill makes? You can not run a ship as you can a coach; you can not run a ship as you can a railroad. Here is a ship loaded for sea, the crew engaged, the papers signed. She is subject to a demurrage of hundreds of dollars a day for every day she is detained. A sailor having been brought and put on board of that ship, the next morning, without the slightest cause, leaves, and thus the ship is left without the requisite crew, and she is obliged to pay demurrage for every day she is detained. A storm may arise, and she may be delayed by head winds for a week, a fortnight, or three weeks. There is nothing of the kind about a coach; there is nothing of the kind about a railroad. I wish to say right here that I have had something to do with these sailors. There is a sailors' union in California which has had its attorney here for the last six years, and he is here now—a sailor. There is a sailors' union in Philadelphia; there is a sailors' union in New York. If Senators suppose that the sailors are not being taken care of, they are entirely mistaken. There is not a port where there is not a sailors' lawyer. The sailor has every advantage of the ship and every advantage of the shipmaster in any port into which a vessel may go. The ships are entitled to some consideration. They carry our commerce.

When the bill was pending two Congresses ago in the first place, I had conferences with these sailors and the sailors' unions. They lasted over three or four days; Governor DINGLEY was with me; and we finally drew up that which seemed to satisfy the sailor from California, and it was enacted into law. But there is no satisfying them without giving them the earth; you can not do it.

Mr. PERKINS. They do not want to be imprisoned.

Mr. FRYE. It is utterly impossible to satisfy them without giving them the earth. They still cry "Give!" after we have made them all these concessions. Taking this entire Congress, this bill has been under consideration for six months, and the sailors have had hearings over and over again in our committee, and the shipowners have had their hearings. Finally shipowners and sailors undertook to get together and see if there could not be some agreement by which the condition of the sailor might be ameliorated. There is not a line in that bill, except this particular one, that is not for the amelioration of the condition of the sailor—not one. Wherever there was imprisonment before, and it was compulsory on the court to imprison, it has been made in the discretion of the court, and wherever the imprisonment was for four months before it is two months now, and where it was six months before it is three months now in that bill. In that bill there is provided a menu for these sailors almost equal to that which any hotel in the city of Washington furnishes. In every single item in that bill, except this single one, there is what the sailors have demanded, what they have prayed for, and what has been granted by the shipowners and by our committee, except as to the single matter of what they call "crimping."

Now, what is crimping? That will come up. The Senator, undoubtedly following his constituent from the sailors' union of California, will offer an amendment to that clause, I have no doubt about that; and then to the clause allowing $10 advance wages. What is this matter of "crimping?" I might just as well spend time now on this subject as on another occasion. We have been trying for twenty years, and I have been trying my very best as chairman of the Committee on Commerce here and over in the House of Representatives, to do something for sailors who very seldom do anything for themselves; to watch them, at any rate. We have placed them under guardianship, and in every conceivable way tried to protect them against whom? To protect them against boarding-house keepers. Every attempt that we have made in that direction has been a dead failure. We have had humanitarians, we have had Bethel ministers from New York and Boston before our committee, we have adopted their recommendations and enacted them into law for the benefit of sailors to save them from the boarding-house keepers, and we have not saved a sailor from the boarding-house keeper. The boarding-house keeper has just the same power and control of every sailor to-day that he had before we passed the law.

What is "crimping?" It is a bad name. It means simply that any captain of a ship needing sailors may employ an agent to go

and hire them. That is "crimping." This bill provides that no man shall be permitted to go and hire a sailor until the Secretary of the Treasury has investigated his character and given him a certificate. Will the Secretary of the Treasury give a certificate to the boarding-house keeper into whose clutches the sailor falls? Not at all. That is for the benefit of the sailor; and yet the sailor demands, and the Senator from California will demand, that the "crimping" provided for in this bill shall be stricken out; yet you can not get sailors on the eastern coast without. It is utterly impossible. When one of these great liners comes in, where are the shipping masters to be found? In England they have them every few rods, with their shipping offices wide open, ready to receive the sailor, with notices posted all along the great corridors that a certain ship will sail on a certain day on a certain voyage, and any sailor who desires to join that ship may step into the shipping office and ship. You have nothing of that kind here, and you can not have on account of the distance from each other of the great ports of this country. Between us and them there is nothing like the same conditions.

Take a liner, and let her come to the city of New York with 400 hands on board. Perhaps she needs a hundred more hands, and is to sail within three days. How is she going to get them? The shipping master has no time to secure them, and up to the present time he has had not even an office. He has been a curbstone broker, and nothing more. This bill provides that they shall have offices furnished to them. The only way under the sun for the captain of that liner to get a crew is to hire a man to go out and hire a crew. If he can not employ any man except a man who has been recommended by the Secretary of the Treasury, as matter of course the sailor is protected so far as he can be against the boarding-house keepers, because they will not be appointed to do this business—not at all.

There is a portion of the sailors of the United States just as intelligent, just as good, as industrious, as saving, as careful, as any laboring men in the United States or any other men. Those sailors do not require protection from boarding-house keepers; they do not go into boarding houses; they do not get drunk the moment they get on shore, and stay drunk until their money is entirely gone and the boarding-house keeper has got it, and they are ready to ship again. The man who needs the protection is the man who can not protect himself; and I have come to the deliberate conclusion, forced upon me by experience in this matter, that it is an utter impossibility to assume guardianship by the Government over a bodily and mentally sound man. You can not do it. If the sailor will not protect himself you can not protect him by law, and it is no use to try it. If he will get drunk when he goes on shore, he will go to the boarding house, the boarding-house keeper will keep him drunk until his money is all exhausted, and then, if you have no authorized agent to hire that sailor and put him on board ship, he is in the hands of the boarding-house keeper, and the boarding-house keeper will ship him, take every dollar out of him, and even the clothes he has on his back, and then he goes on board the ship and gets clothes. It is no use for Congress to undertake to deal with that matter sentimentally. It has to face the existing condition of things.

As to the coastwise trade, in order to take care of the sailors, we repealed the law which permitted their imprisonment. What was the result? Every once in a while a ship is held up and compelled to pay heavy demurrage because the crew which she shipped, and which agreed to go on her, refused to go after the ship's papers were signed. There was no punishment and no penalty, except the forfeiture of wages, and there were no wages to be forfeited. What does the forfeiture of wages amount to in the case of a ship that carries 20 sailors and has 4,000 tons of freight on board, bound for Liverpool? It is a bagatelle, utterly useless, of no account.

In this bill we put that single provision for the benefit of the ships and the men who run the ships and for the benefit of commerce; and the Senator from California can not point to another item in that bill which is for the benefit of the ship and is not for the benefit of the sailor.

Mr. President, I hoped to have completed this bill to-night, but, judging from present conditions, I do not believe that it can be completed.

Mr. CALL. I should like to suggest to the Senator from Maine that it seems to me that the point to guard against in the matter of the protection of the sailor would be to see that he does not sign papers of the ship unless he is in a proper condition and under proper supervision.

Mr. FRYE. The Senator from Florida must understand that the ship captain and the owners of the ship never know whether the sailor is in a proper condition when he signs the papers or not. They must be signed before the shipping commissioner, who is an officer of the United States, under oath to do his duty, and undoubtedly does his duty. There is where the papers are signed.

Mr. CALL. Then I understand that no other signature is binding except that made before an officer of the Government?

Mr. FRYE. No, sir. The man called the "crimp" simply makes a trade with the sailor to join such a ship. Undoubtedly he gets a dollar or two dollars from the captain of the ship for doing the work.

Mr. CALL. But the agreement is not binding unless made under the supervision of the Government officer?

Mr. FRYE. No; it is not.

Mr. CALL. Is that officer required to see that the sailor is in a sober and proper condition at the time he signs the articles?

Mr. FRYE. I do not think the law says that.

Mr. CALL. There ought to be some provision of that kind.

Mr. WHITE. If the Senator from Maine will permit me, he stated the law of England with reference to shipping masters and the power of a shipmaster. I should like to ask the Senator whether he has investigated the laws of Norway, Sweden, Denmark, and also of Germany, in that regard, and what they are? I have heard statements that there was no penal provision whatever in those countries. I am not personally aware of the condition of the statutes of those nations.

Mr. FRYE. There is no penal provision in England. The law there simply provides that the captain of a ship may call on a police officer to take the sailor and put him in irons on board the ship, and there is no sailor in Christendom who would not rather have the discretion of the court as to thirty days' imprisonment than to be carried in irons and to be placed on board ship.

Mr. CHANDLER. I will ask the Senator if there is any doubt as to the duty of the shipping commissioner to refuse to allow a contract to be made with a man who is not in a condition to make it?

Mr. FRYE. Of course it is the duty of every intelligent officer to see that a man knows what he is about.

Mr. CHANDLER. The Senator seemed to be replying differently to the Senator from Florida when he said the owner of the ship could not know what took place before the shipping commissioners. I do not know whether or not there are specific provisions of law which require the shipping commissioner to see, before he certifies a sailor's contract, that the sailor is not drunk or unfit to make a contract, but I do know, as a matter of common sense, that it is his duty, and that the shipping commissioner is provided for the very purpose of requiring that the contract shall be deliberately entered into by the seaman.

Mr. HILL. Will the Senator from Maine or the Senator from California, whoever is entitled to the floor, yield for a brief executive session? It is evident that we can not conclude the bill to-night, and I will therefore move an executive session.

Mr. FRYE. One moment, if the Senator please.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maine?

Mr. HILL. Certainly.

Mr. FRYE. I do not think the Senator from California [Mr. PERKINS] had any purpose except a good one in offering his amendment, but I think that some of the discussion which has taken place has helped delay this bill so that another very important one can not come under consideration this afternoon. If it is true that any Senator has had that purpose, I hope the next time, if I shall ask unanimous consent, that no objection will be interposed to considering those bills. They are very important bills.

Mr. HILL. How many of them have we passed now?

Mr. FRYE. We have passed one, but there are four House bills that ought to be in conference, and all four of them are very important bills.

Mr. HILL. So far as I am concerned, I have no objection to the Senator making a request to have the bills made special orders.

Mr. HOAR. I think there is no objection to going on and passing the pending bill to-night.

Mr. FRYE. I should be compelled, if the vote was declared to be in favor of striking out that clause, to call for the yeas and nays, which would develop no quorum, and that would be the end of the bill.

Mr. WHITE. The yeas and nays will be called for in any event.

Mr. PERKINS. The Senator from Maine only does me justice when he says that he thinks I had no ulterior motive in offering the amendment. I am surprised myself at the tempest which has raged in a teapot on account of my moving to strike out——

Mr. HILL. I object to the Senator calling the Senate "a teapot." [Laughter.]

Mr. FRYE. I was going to object to the same thing. I do not want to be called that. [Laughter.]

Mr. PERKINS. I simply proposed to strike out a provision imprisoning a man for the violation of a civil agreement.

Mr. HILL. How did the Senator from California get the floor away from me?

Mr. PERKINS. I will yield, but I want to say a word, if the Senator from New York will allow.

Mr. HILL. Yes.

Mr. PERKINS. I am going to offer half a dozen more amendments to the bill. If I had any doubts before, I know I am right in my position now.

Mr. CHANDLER. If the Senator from New York will allow me, I suggest that the Senator from Maine ask that the pending bill shall be made the unfinished business after the present unfinished business is out of the way.

Mr. FRYE. No; because if I can have my way, the Pacific funding bill will be the next unfinished business. I think it has waited long enough for a hearing.

Mr. HILL. Then these sailors will have to wait for some time.

Mr. CHANDLER. I will ask the Senator how he hopes to get another day in court for this bill?

Mr. FRYE. If the bill is to be amended as the Senator from California proposes, the Senator from Maine has no desire to have it considered any further—not the slightest.

Mr. CHANDLER. That can not be decided until there is a full Senate. How does the Senator from Maine propose to again bring this bill before the Senate if we await his pleasure on that subject?

Mr. FRYE. The Senator from Maine is not prepared just now to say.

Mr. BATE. The Senator from Maine promised us the other evening when he secured an agreement for the consideration of bills from the Committee on Commerce that there would not be any debate about them; and here we have had debate on one of the bills which has occupied all the evening.

EXECUTIVE SESSION.

Mr. HILL. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned until Monday, January 11, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1897.

POSTMASTERS.

Oliver Z. Glenn, to be postmaster at Lebanon, in the county of Smith and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Nellie Lebane, to be postmaster at Fort Riley, in the county of Geary and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Alfred B. Gowdy, to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Miss Sebelle Knox, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William B. Taylor, to be postmaster at Mansfield, in the parish of De Soto and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Emma L. Lombard, to be postmaster at South Ashburnham, in the county of Worcester and Stato of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Gilmore Campbell, to be postmaster at Schoolcraft, in the county of Kalamazoo and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Nicholaus Koenigs, to be postmaster at Melrose, in the county of Stearns and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Dwight E. Lockwood, to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Hugh M. Quinn, to be postmaster at Mapleton, in the county of Blue Earth and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

James Reid, to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Martin Shea, to be postmaster at Perham, in the county of Ottertail and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Charles Ray, to be postmaster at Cassville, in the county of Barry and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Clara L. Lawyer, to be postmaster at Belt, in the county of Cascade and State of Montana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Benjamin L. Williams, to be postmaster at West Orange, in the county of Essex and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Mary A. S. Kavanagh, to be postmaster at Lawrence, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after Januarr 1, 1897.

Mary Green, to be postmaster at Warrenton, in the county of Warren and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Duncan D. McIntyre, to be postmaster at Laurinburg, in the county of Richmond and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

John S. Conyers, to be postmaster at Cando, in the county of Towner and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after Jaunary 1, 1897.

William Palmer, to be postmaster at Wyoming, in the county of Hamilton and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Edward A. Petty, to be postmaster at Glouster, in the county of Athens and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

David Stephens, to be postmaster at Bradner, in the county of Wood and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Andrew J. Bard, to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Ransom L. Clark, to be postmaster at Galeton, in the county of Potter and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Jacob P. Criss, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Margaret B. Doonan, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

George Huhn, to be postmaster at Etna, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Amasa A. Swingle, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

John W. Clark, to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Daniel D. Scott, to be postmaster at Jellico, in the county of Campbell and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Mira Johnson, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

James Hughes, to be postmaster at Mercur, in the county of Tooele and State of Utah, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado, in the place of George Mason, whose commission expired January 4, 1897.

William Gallagher, to be postmaster at Sandersville, in the county of Washington and State of Georgia, in the place of William Gallagher, whose commission expires January 17, 1897.

William G. Messler, to be postmaster at Chatsworth, in the county of Livingston and State of Illinois, in the place of Frank H. Bangs, whose commission expires January 14, 1897.

Peter Freyman, to be postmaster at Dyersville, in the county of Dubuque and State of Iowa, in the place of Evan Gibbons, whose commission expires January 14, 1897.

M. J. Kelly, to be postmaster at Parkersburg, in the county of Butler and State of Iowa, in the place of John Knapp, whose commission expires January 14, 1897.

David H. Kerby, to be postmaster at Seymour, in the county of Wayne and State of Iowa, in the place of James H. Morrison, whose commission expired January 5, 1897.

Stephen C. Maynard, to be postmaster at Grand Junction, in the county of Green and State of Iowa, in the place of Henry Kettell, whose commission expires January 14, 1897.

W. J. Semmons, to be postmaster at Primghar, in the county of O'Brien and State of Iowa, in the place of George P. Clark, whose commission expires January 14, 1897.

Charles E. Monell, to be postmaster at Kirwin, in the county of Phillips and State of Kansas, in the place of Mary L. White, whose commission expired January 5, 1897.

Frank F. Philbrick, to be postmaster at Merrimac, in the county of Essex and State of Massachusetts, in the place of Elizabeth W. Smart, whose commission expired December 20, 1896.

William H. Torrey, to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts, in the place of Florence M. Carpenter, whose commission expired January 4, 1897.

Grovenor D. McCubrey, to be postmaster at Barnesville, in the county of Clay and State of Minnesota, in the place of Grovenor D. McCubrey, whose commission expires January 23, 1897.

Lang C. Allen, to be postmaster at Clarksdale, in the county of Coahoma and State of Mississippi, in the place of Anna Durham, whose commission expired December 14, 1896.

William V. Leech, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri, in the place of Oscar Cramer, whose commission expired December 14, 1896.

Alexander Devine, to be postmaster at Anaconda, in the county of Deerlodge and State of Montana, in the place of Rogers Edwards, whose commission expires January 21, 1897.

Grace Lamont, to be postmaster at Dillon, in the county of Beaverhead and State of Montana, in the place of Grace Lamont, whose commission expired January 4, 1897.

John B. Taylor, to be postmaster at Boulder, in the county of Jefferson and state of Montana, in the place of George Pfaff, whose commission expired December 14, 1896.

Francis A. Simons, to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska, in the place of Dennis Tracy, whose commission expires January 7, 1897.

Herman J. Kohlhaas, to be postmaster at Paterson, in the county of Passaic and State of New Jersey, in the place of A. H. Demarest, deceased.

Charles W. Blackman, to be postmaster at Caledonia, in the county of Livingston and State of New York, in the place of R. W. Matteson, whose commission expires January 14, 1897.

Virginia Jones, to be postmaster at Cortland, in the county of Cortland and State of New York, in the place of Benton B. Jones, deceased.

H. M. Bennett, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania, in the place of Johnson D. Neely, whose commission expires January 14, 1897.

William Grier, to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania, in the place of Henry C. Shearer, whose commission expires January 7, 1897.

Milton F. Moyer, to be postmaster at Lykens, in the county of Dauphin and State of Pennsylvania, in the place of Jacob Alvord, whose commission expires January 25, 1897.

Isaac G. Pfautz, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania, in the place of J. B. Goble, whose commission expired December 14, 1896.

William M. Farrington, to be postmaster at Memphis, in the county of Shelby and State of Tennessee, in the place of Robert B. Armour, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1897.

CONSUL.

George Sawter, of Connecticut, formerly commercial agent at Glauchau, Germany, to be consul of the United States at that place.

POSTMASTERS.

Norman W. Kelso, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York.

William F. Sponenburg, to be postmaster at Manlius, in the county of Onondaga and State of New York.

Nettie J. Van Inwegen, to be postmaster at Ortonville, in the county of Bigstone and State of Minnesota.

R. Lindsay Kent, to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania.

B. Frank Palmer, to be postmaster at Larchmont, in the county of Westchester and State of New York.

James S. Boyd, to be postmaster at Cold Spring, in the county of Putnam and State of New York.

Charles W. Anderson, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 7, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Rev. W. H. MILBURN, D. D., Chaplain of the Senate.

The Journal of the proceedings of yesterday was read and approved.

CERTAIN OFFICERS, ALASKA TERRITORY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of two House bills, which are dependent upon each other. Action upon one necessitates the passage of the other.

The SPEAKER. The Clerk will read the first bill.

The Clerk read as follows:

A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884.

Be it enacted, etc., That section 8 of an act entitled "An act providing a civil government for Alaska" be, and the same is hereby, amended by striking out the words "the commissioner provided for by this act to reside in Sitka shall be ex officio register of said land office, and the clerk provided for by this act shall be ex officio receiver of public moneys, and the marshal provided for by this act shall be ex officio surveyor-general of said district."

Mr. LACEY. Mr. Speaker, the next bill (H. R. 7088) should be considered in connection with the one which has just been read. One of them is a repealing act, which would leave the law imperfect without the passage of the other.

Mr. McMILLIN. Mr. Speaker, reserving the right to object, I should like to have the report read.

Mr. LACEY. The report may be read, or I can make a brief explanation which I think will be satisfactory.

Mr. DINGLEY. Mr. Speaker, let the second bill be read.

The Clerk read as follows:

A bill (H. R. 7088) to create the office of surveyor-general in Alaska.

Be it enacted, etc., That there shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the District of Alaska, embracing one surveying district.

SEC. 2. That the surveyor-general of Alaska shall receive a salary at the rate of $2,500 per annum.

The Committee on the Public Lands recommended an amendment striking out of line 2, in section 2, the words "five hundred."

Mr. LACEY. Now, Mr. Speaker, the report on the bill H. R. 7087 will explain the whole matter, or perhaps I can make it clear to the House in a briefer way.

Mr. DINGLEY. Reserving the right to object, I should like to hear the report read.

Mr. LACEY. I will ask the Clerk to read the report on the bill H. R. 7087.

The report (by Mr. LACEY) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 7087) to amend section 8 of an act entitled "An act providing a civil government for Alaska," approved May 17, 1884, submit the following report:

Your committee recommend the passage of this bill for the reasons set forth in the annexed letters from the Commissioner of the General Land Office and the Secretary of the Interior.

The bill was prepared by the Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 25, 1896.

SIR: In my annual report for 1895, pages 62, 63, and 64, I set forth at some length the great importance and necessity for the enactment of a law creating the office of United States surveyor-general for Alaska.

This matter also formed the subject of a special remark in my reports for 1893 and 1894. The need for this office, in view of the development of the mining interests, is constantly increasing, and the duties devolving upon the ex officio surveyor-general, who is also the United States marshal, are such as to require his entire time in the former capacity.

I have therefore prepared a bill which is herewith inclosed, and urgently recommend that the same be introduced in both Houses of Congress under your sanction and approval.

I also transmit a draft of a bill repealing that portion of section 8 of the act of May 17, 1884 (23 Stat. L., p. 26), which provides that the commissioner, clerk, and marshal shall act as ex officio register, receiver, and surveyor-general, respectively.

Your attention is called to the fact that section 2234 of the Revised Statutes provides that a register and receiver shall be appointed for each land district established by law, and to the further fact that the first sentence in said section 8 (23 Stat. L., p. 26) provides "that said district of Alaska is hereby created a land district, and the United States land office for said district is hereby located at Sitka."

You will note that with that portion of said section 8 (23 Stat. L., p. 26), repealed, a register and receiver may be appointed for this district under said section 2234 of the Revised Statutes.

The necessity for this action is constantly brought to my notice, and, for the reason stated in my annual report for 1895, page 64, I am satisfied that the legislation asked will be in the interests of the public service.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 10, 1896.

SIR: I have the honor to hand you herewith copies of two bills prepared by the Commissioner of the General Land Office, one of which creates the office of surveyor-general in Alaska, and the other seeks to amend section 8 of an act entitled "An act providing a civil government for Alaska," approved May 17, 1884 (23 Stat. L., page 26). I also transmit herewith a copy of the Commissioner's letter, dated the 28th ultimo, submitting said bills for my consideration.

I know of no reason why the bills should not be enacted into law.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands,
House of Representatives.

Mr. DINGLEY. I should like to ask the gentleman if the effect of the passage of these two bills is to create three new offices, namely, surveyor, receiver, and register?

Mr. LACEY. The effect of the bill is to create one new office, namely, a surveyor-general, at a salary of $2,000 a year. At present the other parties perform the duties of register and receiver and receive the compensation. There will be no extra expense on account of that. The only expense added to the administration of affairs in Alaska will be the $2,000 for surveyor-general.

Mr. DINGLEY. Twenty-five hundred dollars.

Mr. LACEY. No; $2,000. There is an amendment proposed to strike out the $500; and the increased business in opening up that country for settlement will more than pay this expense. It will be an asset rather than a liability, in my judgment. The Department has asked this relief for several years.

Mr. DINGLEY. And the committee are satisfied that the creation of this officer, the surveyor-general, is absolutely necessary for the protection of the public interest?

Mr. LACEY. Unquestionably so. The marshal is now required to perform the duties of that office, without being qualified to do so, and without having the time.

Mr. DINGLEY. Does he receive the compensation?

Mr. LACEY. He receives the compensation.

Mr. McMILLIN. We are unable to hear the gentleman's statement.

Mr. LACEY. Did the gentleman hear the report read?

Mr. McMILLIN. I heard the report read.

Mr. LACEY. I was only explaining, Mr. Speaker, that the only additional expense would be the salary of the surveyor-general. The marshal now receives the fees of that office, which are about enough to pay the surveyor-general. Practically it will involve no expense, and it will facilitate the transaction of the land business there. There is quite a settlement opening up in Alaska, and large mining interests are being developed in that country.

Mr. McMILLIN. Have the duties of the office increased to that degree that they can not be properly performed by those upon whom they were devolved by the original act?

Mr. LACEY. The original act requires double duty on the part of the marshal. It is reported to us from the Secretary of the Interior and the Commissioner of the General Land Office that the marshal can not perform these duties satisfactorily.

Mr. RICHARDSON. I would like to ask the gentleman if this is the same bill that was considered last session?

Mr. LACEY. It has never been considered. It was reported, but never considered.

Mr. RICHARDSON. Does this provide for the representation of the Territory?

Mr. LACEY. It is nothing but a land bill.

Mr. RICHARDSON. The gentleman will remember that we had the other bill pending last session. It is not that, is it?

Mr. LACEY. It is not that bill.

Mr. BAKER of New Hampshire. I would like to ask the gentleman if this opens the lands of Alaska to settlement? Is there any change in the existing land laws of that Territory?

Mr. LACEY. There is no change whatever. This is simply to carry out the existing law.

The SPEAKER. Is there objection to the consideration of the two bills reported to the House? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill H. R. 7057.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The Clerk will now report the next bill.

The Clerk read as follows:

A bill (H. R. 7058) to create the office of surveyor-general in Alaska.

The SPEAKER. To this the committee reports an amendment, which the Clerk will report.

The Clerk read as follows:

In section 2, line 2, after the word "thousand," strike out the words "five hundred;" so as to read "at the rate of $2,000 per annum."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. POWERS. I call for the regular order.

The SPEAKER. The regular order is demanded.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair will submit the following communication from the secretary of state of New York.

The Clerk read as follows:

STATE OF NEW YORK, OFFICE OF SECRETARY OF STATE,
Albany, January 4, 1897.

DEAR SIR: Hon. FRANK S. BLACK has resigned the office of Representative in Congress for the Nineteenth district of the State of New York.

Very truly, yours,

JNO. PALMER, *Secretary of State.*

Hon. THOMAS B. REED,
Speaker House of Representatives, Washington, D. C.

PACIFIC RAILROAD FUNDING BILL.

The SPEAKER. The regular order is that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Pacific railroad funding bill (H. R. 8189), and the gentleman from New York, Mr. PAYNE, will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill H. R. 8189. The Clerk will first report the order.

The Clerk read as follows:

Resolved, That on Thursday, January 7, 1897, immediately after reading the Journal the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 8189, entitled "A bill to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned;" that said bill shall be considered under the rules governing general debate during the said day and the day following, until the hour of 5 o'clock p. m., at which time general debate shall close and then said bill shall be open to amendment and consideration under the five-minute rule until 5 p. m. the following day, at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and the bill to its final passage, and the final vote thereon shall be taken immediately after the reading of the Journal on Monday, January 11.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. POWERS. Mr. Chairman, this bill has been in print now for several months, and I suppose every gentleman of the House has examined it. I therefore ask unanimous consent to forego the reading in extenso of the bill at this time, and in connection with that——

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the reading of the bill be dispensed with. Is there objection?

Mr. RICHARDSON. Mr. Chairman, I want to ask a question before I give consent. I understand the views written by the gentleman from Texas [Mr. BELL] have been exhausted also. I think we ought to have a reprint.

Mr. POWERS. I would suggest to the gentleman from Tennessee that in consequence of the fact that this bill in its terms provides that it should take effect on the 1st of January, 1896, it will be necessary to reprint the bill; and I propose when the committee rises to ask a reprint of the bill, making the necessary changes to conform to the change of dates.

Mr. RICHARDSON. And will you include with that request that there be a reprint of the views written by the gentleman from Texas [Mr. BELL]?

Mr. POWERS. I will, with a great deal of pleasure.

Mr. HEPBURN. Mr. Chairman, there is one matter to which I would like to call the attention of the chairman of the Committee on Pacific Railroads.

The CHAIRMAN. The first question is, whether there is objection to dispensing with the reading of the bill? [After a pause.] The Chair hears no objection.

Mr. BELL of Texas. Mr. Chairman, I desire to ask the gentleman from Vermont a question. I have a substitute which I have prepared and which I desire to offer and have voted upon, and I would ask him if he would not be willing to have an order made to have it printed at the same time? Will you include that in your request?

Mr. POWERS. I will include that in my request when the committee rises this afternoon.

Now, Mr. Chairman, by an understanding had with the members of the Committee on Pacific Railroads, the time for debate is to be equally divided between the friends and the opponents of this bill; and the same understanding contemplates that I shall control the time on behalf of the majority, and that the gentleman from Missouri [Mr. HUBBARD] shall control the time on the part of the minority. I ask unanimous consent that that understanding be confirmed by an order of the committee.

The CHAIRMAN. Unanimous consent is asked that the time for general debate be divided equally between the two sides, the affirmative to be controlled by the gentleman from Vermont and the negative by the gentleman from Missouri [Mr. HUBBARD]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Vermont.

Mr. POWERS. Mr. Chairman, in opening the discussion upon this question, which I think the House will soon perceive is the most important question that will come before us for consideration at this session, I shall endeavor to address myself to the candor and sound judgment of the House. If there be any attempt during the progress of this debate to make appeals to the prejudices of men, the opponents of this bill will have a monopoly of that privilege. It is a straight, simple, business proposition that we intend to submit to the consideration of the House. It is a proposition in the consideration of which an appeal is to be made to the judgment of the members of this House as candid men. Very likely I can best serve the purpose that I am charged at this time with forwarding by calling attention for a few moments to the history of this Pacific railroad legislation, and, before going further, I would say that if any gentleman should desire to submit to me any inquiries he will receive a more elaborate and intelligent answer if he will be kind enough to withhold them until I shall have concluded the main part of my remarks, because interruption will break the continuity of the story, and I think a more useful purpose will be served, and it will be more satisfactory to those who seek information in good faith, if they will make a note of any questions they desire to put and submit them when I shall have concluded my remarks.

In 1862 begins the history of this great enterprise of constructing a railroad from the waters of the Missouri to the waters of the Sacramento in California. Many men, who had been called visionaries by the public, had, before 1862, advanced the theory that it was possible to build such a railroad, but none of those theories took form or shape until the war broke out in 1861, and the Administration then in power discovered that there was a sort of wavering loyalty to the American flag on the Pacific Coast, and, for patriotic reasons, desired the construction of a transcontinental railroad, an object which the people of California and of that section of country had long hoped for and that many men had had fond anticipations would some time be accomplished. The opportunity was a favorable one, but still you are to remember that the country was then in the very throes of the greatest war of modern times.

Notwithstanding all the obstacles that were presented by the condition of things then existing, the promoters of this enterprise, backed by an indulgent consideration on the part of Congress, set their faces toward the completion of this great work, and in a short time thereafter were enabled to see the full fruition of their hopes. In 1862 the promoters of this enterprise came and knocked at the doors of Congress for a charter and for such substantial aid as the magnitude of the work seemed to demand. It was plain to everybody that private capital could not accomplish the desired result and that Government aid must be obtained; and thereupon Congress, listening with a willing ear to this appeal, in view of the considerations to which I have already referred, passed the act of July 1, 1862, by which the Union Pacific Railroad Company was chartered and endowed with all the usual franchises of a railroad corporation, with power to construct a railroad from the Missouri River on the east to the Pacific Ocean on west. At the same time, and as part of the same act, Congress endowed the Central Pacific Railroad Company of California, a corporation created by the legislature of that State, with the same Federal franchises that were conferred upon the Union Pacific Company. That is to say, instead of incorporating a distinct company for the western end of the proposed line, they took an existing corporation, which they had a perfect right to do, and endowed it with the additional Federal functions which would enable it to build this railroad not only through California, but also through the intervening territory between California and the Missouri River.

The act of 1862 provided that the two companies, the Union Pacific Company and the Central Pacific Company of California, should have, as substantial aid for the building of their respective portions of the road, a magnificent land grant of each alternate section of land on either side of the line for a distance of 10 miles—5 sections for every 10 miles. These lands were granted to these two corporations for the purpose of enabling them to construct the railroad which the Government so much desired. In addition to that, Congress gave to these companies a subsidy, as it is termed and will be termed in this discussion. That subsidy consisted of this, that the Government should issue thirty-year 6 per cent bonds and deliver them to the companies as fast as they completed the several sections of the road.

The act of 1862 provided that on the completion of a section of 40 miles of road and upon proof of that fact being made to the Secretary of the Treasury he should issue to the company, per mile, the subsidy bonds in the ratio provided in the act. That ratio was that in the open country between the Missouri and the foothills of the Rocky Mountains the subsidy should be at the rate of $16,000 per mile. I call attention specifically to the fact that this subsidy was granted by the mile, and not as an entire amount. It was a subsidy by the mile upon completed sections of the railroad, and nothing else. The act further provided that in crossing over the Rocky Mountains, and also in crossing over the Sierras on the California end, the subsidy of $16,000 per mile should be tripled, making $48,000 per mile, and that between the Rockies and the Sierras, where the work of construction was more difficult than on the outside ends of the line, the subsidy should be twice the original amount, or $32,000 per mile. That was the magnificent grant, the splendid aid, which the Government of the United States rendered toward the completion of this great national highway.

Now, Mr. Chairman, it is important for us to remember that to-day the building of a transcontinental line of railroad from the Missouri River to the Pacific Ocean is not a difficult work. We look upon it in the light of the past history of railroad building, and we see that four or five of these great transcontinental lines have been built. But when you go back to 1862 you find that this was looked upon as an almost impossible venture. The debates which were had here in Congress demonstrate that not one man in three had at that time the slightest idea that a road across what was then supposed to be the Great American Desert could be built, or that engineering skill was adequate to the task of mastering the summits of the Rocky and the Sierra mountains. But it was done. Looking at it from the standpoint of the men who took this work in hand, it is not strange that in spite of the great patriotic purpose which the Administration had in view at that time—the demand for the construction of this road for the public good—there was still great hesitation at the almost impassable obstacles that presented themselves to the promoters of this enterprise.

But these companies went forward. Under the act of 1862 they endeavored to enlist private capital in the enterprise. But it looked so chimerical—it looked to business men so practically absurd—that very little money was raised, and the scheme seemed to be paralyzed from the start. So those men came back to Congress in 1864 and said to the members of both Houses: "We can not raise the necessary capital to construct these railroads; we are hampered by the fact that the Government itself, under the act of 1862, is to have a bottom mortgage on the railroad; we can not raise money ourselves to build the road. But we ask you to permit these companies to place upon the road a first mortgage underlying the claim of the Government; and with the sale of the bonds and the proceeds of that mortgage, plus the aid that is to be rendered by the Government, we can assure Congress that the road can be constructed."

In 1864 Congress had the same patriotic ardor for the construction of these roads that it had in 1862. It very readily, therefore, granted this request, and the distinctive characteristic of the legislation of 1864 is the fact that the Government stepped back one pace in the lien which it was to impose on these roads and the securities for the repayment of the subsidy which had been given them, and allowed the companies themselves to place beneath the mortgage of the Government a mortgage of prior obligation upon which they could realize money for the prosecution of this enterprise.

Now, those two acts—the act of 1862 and the act of 1864—contain the charters of the Union and Central Pacific railroads, so far as the provisions of these charters are important for us to consider to-day. The whole legislation is there found, and it is readily accessible to members. It is embraced in the report of the Commissioner of Railroads for 1895, and this is accompanied with the digest of the decisions of the Supreme Court on this subject. In passing, I may say that from the time this legislation was enacted down to this day various questions have arisen between the Government and these companies, and all necessary information on this subject is comprised in a nutshell in the report of the Commissioner of Railroads for 1895.

Now, the Supreme Court has decided that under this legislation the security of the Government rests upon that portion of the railroad line that was actually aided by the Government. As everybody knows, the Union Pacific Railroad is now or was until recently a great system of railroad lines embracing nearly 8,000 miles, whereas the original line as projected under the legislation of 1862 and 1864 embraced only about 1,800 miles. The Central Pacific Railroad of California, as it existed under the original legislation, embraced only the line from Ogden, in the State of Utah, to San Jose, in the State of California, a distance of about 860 miles; but to-day the Central Pacific system embraces a large number of additional lines that have been brought into it by purchase and by new construction.

But before I go any further, I desire to call the attention of the House for a moment to the geography of this situation. When the legislation of 1862 was first proposed, there arose an earnest contention between different towns on the Missouri River for the eastern terminus of the road. In fact, there were as many towns and cities contending for that terminus as contended for the honor of the birthplace of Homer. Sioux City (then a trading post up in the northern part of Iowa), Omaha (or Council Bluffs, on the opposite side of the river), Atchison, Leavenworth, Kansas City, and other towns were thus contending. By reason of this fact the friends of the measure itself were divided into factions, each body of the friends of the road clamoring for the locality in their own particular section. Such things, perhaps, are in accord with the judgment and observation of members here as to what human nature is in this world. The result was that Congress, in order to compose this difficulty and to quiet this contention, provided that the starting point upon the Union Pacific Railroad should be on the one hundredth meridian of longitude. Instead of starting on the Missouri River, they went away out 394 miles into Kansas and 250 miles or some such distance into Nebraska, to the one hundredth meridian, and provided that the line of road should start at that common point. They also provided that from that point—the one hundredth meridian—branch lines should be constructed to all these contending cities and towns. Thus everybody's desire was met, and the railroad became an accomplished fact.

When, however, they came to construct the road, it soon became apparent that all these branch lines were uncalled for. To make a long story short, and without going into a recital of the various legislation that was had on the subject, I may say that it all came down at last to this: The main line of the Union Pacific Railroad started from Omaha, in the State of Nebraska, and ran west to Ogden, in the State of Utah. Here is the line traced by this black line on the map. [Illustrating.] Another branch of the main line started from Kansas City and ran west to the one hundredth meridian, a distance of 394 miles. Practically, the distance is a few rods less than that, but that statement is near enough. So that the Union Pacific Railroad when constructed consisted of its main line from Omaha to Ogden and the lower line from Kansas City running 394 miles west. And, Mr. Chairman, in that connection, I would say to the committee that this lower line to which I have just called your attention is the old Kansas corporation known as the Leavenworth, Pawnee and Western Railroad. They had a charter from the Territorial legislature of Kansas authorizing them to build a Pacific railroad. Congress, in the act of 1862, provided that that road should be a part of the Union Pacific system; that it should participate in the subsidy and in the land grant as well as any other portion of the main line of road.

The black line on this map, to which I have called your attention, indicates that portion of the Union Pacific system that was subsidized by the Government of the United States—that portion of the road which received Government aid.

Now, I wish to call the attention of the committee to the fact that the Supreme Court of the United States decided that the bond-aided portion of the upper line began at a point about 3¼ miles west of the bridge across the Missouri River, that initial point having been fixed by the President of the United States, and that the aid only extends to a point 3¼ miles west of this Omaha Bridge. On the lower line, or the Kansas City line, this portion of the railroad entitled to the subsidy and covered by the mortgage begins at a point one-half mile distance from the union station at Kansas City, and, as I have already stated, runs out a distance of some 394 miles. That, in short, is the story of the legislation and the geographical routes of the roads as well as the part of the line that is covered by the subsidy.

In 1864 Congress relieved the Union Pacific Company of any obligations to build the road to Sioux City. Afterwards another company took it and built the road down the east side of the Missouri River to a point about 100 miles distant, and there crossed the river and joined the main line at Fremont, in Nebraska, I think, if I am correct in the name; and that was aided by the Government. So also was the Central Branch of the Union Pacific. The various towns, as I have shown, were contending for the road, and it was provided that what is known as the Central Pacific Branch, midway between the upper and lower branches of the Union Pacific, should be granted aid for a distance of 100 miles, but it terminated at that point. So much for the Union Pacific.

Now, the Central Pacific Railroad started originally as a California corporation. They were authorized by the act of Congress of 1862 and the act of 1864 to continue the construction of their road not only to the western line of Nevada—the limit of the State line—but also to enable them to build eastwardly until they met the Union Pacific, which was being constructed westward. That is the story in brief of the beginning of the construction of these two roads.

It is easy to see, Mr. Chairman, that with this magnificent land grant given to the Union Pacific and the Central Pacific system, as well as the subsidy granted to each, it became a question of rivalry between them as to which should get the largest share. It became a race of diligence between the Central road, building from the west, and the Union Pacific, from the east, to see which could get the most of this grant by the Government, because the land grant and the subsidy were paid to both of them by the mile, and the more miles that any road could get in, the more land and the more subsidy it would be entitled to. The result of it was that these roads built right by each other in the vicinity of Salt Lake for a distance of about 80 miles, which was graded by the Central Pacific east of Ogden, the present terminus of the road; and the Union Pacific had shot by where the work of the Central Pacific was going on; and then each of the roads came to Congress claiming the land grant and subsidy for the additional mileage thus constructed. Congress settled the matter by the act passed in 1869, which provided that the point of junction between the two roads should be at a certain point about 5 miles west of Ogden.

This diligence resulted in another strange fact. Under the legislation of 1864 the roads had up to July 1, 1876, to complete the line, a distance of more than 2,000 miles. They had to cross the Rocky Mountains, the Sierras, as well as to traverse the great intervening arid space between the two. But this race of diligence enabled these companies, under the most formidable obstacles, to build the complete roads to the satisfaction of the Government, and they were accepted by the Government on the 10th day of May, 1869, four years after they had struck the first blow in the work.

Now, why did the Government want these roads built? I will show you. They were paying for the transportation of the mails overland to California, as well as to other points on the Pacific coast, a sum total of between seven and eight million dollars a year. After the roads were built this was cut down from $8,000,000 a year to a little over $1,000,000. They were compelled, before the building of the roads, to incur very heavy expense in the transportation of their supplies for the Indian agencies, their munitions of war, their troops, and other matters of freight. By the building of this road they were enabled to cut down this expense in an equally large ratio.

Not only that. Prior to the building of these roads that great and almost boundless empire that lies between these two ranges of mountains, with millions of public lands for sale, was practically cut out from the world. No man wanted to go there and settle, and therefore no man would buy an acre of that land. But by pushing this line of railroad through it opened these lands to sale and to settlement, and thousands and millions of inhabitants are to-day living in that region that was opened up by the enterprise of these men that had this matter in charge. And I may say right here in passing, that if the Government of the United States should lose every dollar of its indebtedness against these companies, should make a free gift of it, it could still credit the companies and itself with more than ten times as much in dollars and cents as it has ever expended in the construction of these roads. Why, the building of this Union Pacific through Nebraska and Kansas has strung together towns and cities like beads, and has carried civilization out through that country and across the Rockies, through its open portals to that great plain beyond; and we to-day are enjoying the blessings of it, not least among which is the presence on this floor of the genial gentlemen from Colorado and Utah, and Nevada, and other States out there that we should never probably have heard of had it not been for the building of this road. It opened up the great silver-mining industries of the country. Colorado, Utah, and Nevada were opened up, and the mines of that country were worked. Why, we never should have heard of a free-silver party if it had not been for the opening up of that country. I do not know that that is any argument in support of the passage of this bill. [Laughter.]

Now, in short, this is the way in which the Government got into this fix. The Government away back, under the act of 1862, undertook to secure to itself the payment of these subsidy bonds, and the plan which they then adopted, in the light of the facts then existing, was undoubtedly a safe one to calculate upon. They provided that the issue of these subsidy bonds upon the completion of each 40 miles of railroad—the delivery of these bonds to the companies—should ipso facto create a statutory lien upon that section of road, and to secure payment they provided that this statutory lien should be a first lien, and that the roads, in addition to that security, should pay into the Treasury of the United States a sum of money equal to 5 per cent of its net earnings after the road was constructed. It was supposed that this 5 per cent of the net earnings would be sufficient to meet the current obligations of the Government as they matured.

At that time, as you will remember, this was the only line in contemplation. Nobody dreamed that the Atlantic and Pacific, the Texas Pacific, the Northern Pacific, the Canadian Pacific, or three or four other competing lines that have since been built, would ever be constructed. Everybody supposed that all the freight and all the passengers that were moved between the East and the West were to go over this line and that the business therefore would be immense. But in the progress of time, these promoters having demonstrated that a road could be built over the Rockies, other men interested themselves in competing lines, and in a very short time four or five of these lines have been constructed. Therefore the receipts of these two companies have been lessened by that active competition on the part of other lines.

We are not to say that the Congress of 1862 acted in a short-sighted manner, because as things then appeared to them it was doubtless a sound piece of reasoning to say that the 5 per cent of the net earnings of these companies paid into the sinking fund would pay off this indebtedness in the end.

Now, matters ran along in this way until 1878. Mind you, the road was finished in 1869 and accepted by the Government. The Government, indeed, during the whole progress of construction had its commissioners to inspect the work as it went along, week by week, month by month, and year by year, and if there was any criticism to be made, those commissioners had the right to point it out to these companies and have any wrong corrected. But the work was accepted.

It was soon seen, after the roads started in and these other competing lines were projected and completed, that the provision made under the legislation of 1862 and 1864 would be insufficient to meet the debt at its maturity.

The Supreme Court of the United States had meantime decided that the interest upon the subsidy bonds was not due from the companies until the maturity of the bonds. The provision in the statute is that the bonds shall be issued running thirty years, the interest thereon payable semiannually, and that these companies should meet and pay that interest. But the court says, and I think it is a unanimous opinion, that under the language used in that enactment the interest upon the subsidy bonds paid by the Government could not be taken from the company until the principal of the debt matured. And the result of that is the interest has been accumulating against these companies, and to-day we are confronted with a vast amount of unpaid interest, as well as the balance of principal.

In 1878 this matter was again taken in hand by Congress, and Judge Thurman, then a Senator from the State of Ohio, prepared and secured the passage of a bill known as the Thurman Act, the essential provisions of which, so far as this question is concerned, are these: That instead of paying into the Treasury 5 per cent of its net earnings, which upon an actual experience had proved to be insufficient, the Thurman Act provides that there shall be 25 per cent of the net earnings paid in. I ought to have said, in passing, what the two acts of 1862 and 1864 provides. The act of 1862 provided that the whole amount of the indebtedness from the Government to the railroads for the transportation of mails, for the transportation of its troops, and for other purposes, should be retained by the Government.

In 1864 Congress modified that by providing that of these transportation charges only one-half should be retained in the Treasury and the other half paid to the company. You observe that the Government thus was one of the very best customers of these roads. It had to pay these roads an enormous sum, and they took care to provide in the act itself that they should not be charged any higher rate than that charged private individuals for similar service. These transportation charges, which were enormous in amount, were to be retained, under the act of 1862, altogether in the Treasury; under the act of 1864 one-half only, and under the act of 1878, the Thurman Act, the whole was to be retained, but one-half of it should be applied to the current interest on the subsidy bonds, and the other half go to the sinking fund, the theory of the Thurman Act being that one-half of its transportation charge, plus some other reserve, would take care of the current interest on these bonds, and the sinking fund itself would at the maturity of the bonds be large enough, if well invested, to take care of the principle.

Now, I will restate these propositions, because it is a pretty important piece of arithmetic. Under the act of 1862 the security retained by the Government was a first mortgage on the road, plus 5 per cent of the net earnings and the whole transportation charges; under the act of 1864 the security of the Government was a second mortgage on the road, plus 5 per cent of the net earnings and one-half the transportation charges; under the Thurman Act of 1878 the security of the Government was 25 per cent of the net earnings, made up in this way: First, the transportation charges that the Government would be owing to the road as a debtor; second, 5 per cent of the net earnings; third, such a proportion of the aggregate sum of $1,200,000 in the case of the Central Pacific, and $800,000 in the case of the Union Pacific, should be paid into the Treasury of the United States, which with the other two reservations, transportation charges, and 5 per cent, would aggregate in the whole 25 per cent of their net earnings.

Now, if I have not made myself understood on that proposition, I desire that some gentleman advise me of the fact, because it is an important consideration.

Now, then, Judge Thurman, in one of the most elaborate discussions of this question that has ever been made in its entire history, practically demonstrated, as the reader will see, the facts that his provision amply secured the repayment of this money. Why did it fail? Why, it failed, Mr. Chairman, just as many times the best laid plans of men as well as mice fail. The reduction in the rates of transportation was a very important contributing factor to bring about this result. The freight rates from the east to the west have been going down, down, down, as time advanced, to such a point that they hardly pay the charge made necessary by that transportation. This, however, is not peculiar to the history of these roads. It is peculiar to the history of all railroads in this country. How many of these roads have gone into the hands of receivers from the same cause exactly? Not only that, but the Government itself has divided this patronage with the Pacific roads. Instead of sending all its freight, all its transportation business over this line, the child of its own creation, the child that it should nourish and encourage, especially if it expected a repayment of its debt, it has divided its patronage. Some of it has gone to the Central Pacific, much of it to the Santa Fe, and much of it has gone to the other roads, thereby reducing the receipts in the treasury of the company, and to a corresponding degree the receipts in the Treasury of the United States have necessarily been cut down.

But that is no fault of the railroads. It was a wise policy that promoted the building of these other lines. Other sections of this country needed opening and development as well as that central portion, and therefore the Government was wise in encouraging it, and no man has a right to criticise that policy; but the necessary result of it was to diminish the earning capacity of these roads which the Government itself had assisted in building, and therefore that policy contributed very largely to bringing the road into its present insolvent condition.

The Thurman Act was based upon the theory that Government money was worth 5 per cent interest, and if that theory had proved correct, no doubt the Thurman Act would have worked out the result anticipated by its author. But instead of the Government borrowing money at 5 per cent interest, it can borrow at a rate nearer to 2 per cent, and this appreciation in the credit of our Government, which ought to thrill with pleasure the heart of every patriotic American, has also contributed very largely to the disastrous result which has overtaken these roads.

Mr. BOATNER. Does the gentleman from Vermont advocate the passage of this bill on the ground that the management of the companies has been such that they have paid to the Government all that judicious and proper management would have enabled them to pay?

Mr. POWERS. I do; and I might as well come right to that point now as at any other time. My friend from Louisiana [Mr. BOATNER] was a member of the Committee on Pacific Railroads two years ago, and I know what his views are. His views are that the promoters of these railroads are a set of rascals, that they have got rich, and that they ought to disgorge and pay off this debt themselves. Now, if they have got rich out of the United States of America, I say amen to his proposition. But if, on the other hand, they have discharged every obligation they were under to the Government and have got rich from other sources, I say it is none of our business. I say that men who will build a railroad through snow banks 35 feet deep, and who will shed over miles of a railroad so that they can go on through the storms of winter and complete their road and operate it, men who undertook an enterprise that nobody had any faith in when they started upon it, ought to get rich if they succeed in accomplishing what people generally supposed to be an impossible task. I do not mean that they ought to get rich out of the Government, but if in the exercise of their wits they get rich I say that is their business.

Mr. BOATNER. The gentleman from Vermont——

Mr. POWERS. I decline to yield further, Mr. Chairman. I would yield to the gentleman, but I know he is going to have time in this debate, so that he will have full opportunity to advocate his side of the question.

Let me suppose a practical case by way of illustration. The Government has been engaged for several years past in building in this city the most magnificent Library building on the face of the earth. I think it was Mr. Batterson, of Connecticut, who took the contract for that work. My friend from Connecticut [Mr. HILL] nods his assent. Mr. James G. Batterson, of Connecticut, took the contract to construct that Library for $6,000,000, a large sum of money. The Government made its plans and specifications and said to Mr. Batterson: "If you will go ahead and construct that building we will pay you six millions."

Now, suppose that Mr. Batterson made a net profit of $2,000,000 upon the work, is that any reason why he should be called upon to "disgorge" those two millions? Is it any reason why we should mark him down as a "rascal" because he has succeeded by his wit, by his enterprise, by his intelligence, in making a handsome profit on the job? Certainly not. The Government said to these Pacific road companies: "Gentlemen, we want a line of railroad constructed from the Missouri River to the Pacific Coast; we want to open up our great possessions between the two great ranges of mountains; we want to lessen the cost of transporting supplies and munitions of war across the continent, and supplies for the Indians to the interior of our country; we want a cheaper mode of transportation. If you will take all the risk and peril of building the road and will construct it to our satisfaction, we will give you so much money, we will give you such and such a land grant, and we will lend you such $55,000,000 by way of subsidy, which you may repay according to the terms of contract. If these conditions are acceptable to you, go on and build the road."

Now, if those companies went on and built the road, what man is there outside of a lunatic asylum who will say that they have got rich out of the Government? They have gotten out of the Government just exactly what the Government contracted to give them; no more. Not only that, but under the provisions of the acts of 1862 and 1864, as well as the Thurman Act of 1878, they have paid into the Treasury of the United States, notwithstanding the fact that the Union Pacific Company during the last three years has been in the hands of a receiver, every dollar that the Government required of them. Not a cent has been defaulted. Where, then, is the ground for saying, as my friend from Louisiana [Mr. BOATNER] will say when he comes to discuss this question, that the men who built this railroad ought to "disgorge" and pay this debt themselves? They are nothing but stockholders in a railroad company. If any of you gentlemen are stockholders in an insolvent bank, do you pull out your own pocketbooks and pay its debt, or do you insist that the bank itself must pay?

Mr. BOATNER. Mr. Chairman——

Mr. POWERS. I decline to be interrupted, Mr. Chairman.

Mr. BOATNER. Well, if the gentleman declines to be interrupted, I beg him not to undertake to state what I am going to say. [Laughter.]

Mr. POWERS. Well, Mr. Chairman, I know what the gentleman is going to say. [Laughter.] We might just as well understand it now as at any other time. Now, I repeat, these railroad companies have discharged every obligation which they were under to the Government, and you are to note, gentlemen, that the obligations imposed upon these roads were imposed by you. Your predecessors, who occupied these seats, imposed the obligations. They fixed the requirements to which the companies should be held. They provided that the companies should pay so much into the Treasury every year, and if it was not enough you might just as well scold about your predecessors here as to scold about the companies, and you might do it more reasonably, because the company had no voice in fixing the obligation. The Congress of the United States, the supreme power, fixed that requirement at its own will, and usually the companies had no voice in the matter. If they fixed it at too low a sum, we must simply scold about the faulty judgment of our predecessors. We all know that there never was a Congress assembled on this continent that was so wise, so pure, and so handsome as the present Congress. [Laughter.]

They fulfilled all those obligations. What has been the result? Why, gentlemen, the result of those requirements exacted of those companies has been this, that the Union Pacific Railroad Company has actually paid into the Treasury $5,000,000 more than the total amount of the subsidy bonds originally granted to them. I reiterate that statement: The Union Pacific has returned to the Treasury of the United States the total principal of the subsidy bonds issued to it plus $5,000,000, and the Central Pacific has returned into the Treasury under those various requirements a sum that lacks only about $10,000,000 of the amount originally granted to that road.

Mr. McCREARY of Kentucky. Will the gentleman state the whole amount paid in?

Mr. POWERS. I will give those figures in a few moments. I will state, however, that they appear in the report of the majority of the committee.

So that these railroad companies have actually returned to the United States Treasury all the money that was originally granted to them, less about $5,000,000. That leaves, therefore, this difference of $5,000,000, plus the accrued interest; and that is the most important item of the whole; that is the subject-matter of this proposed legislation.

Now, without taking more time on this branch of the subject, I will go at once to the provisions of the bill which the majority of this committee have proposed for your consideration.

Mr. CORLISS. If the gentleman will allow a question, I would like him to state, before he proceeds further, what the indebtedness of these roads to the Government was at the time the roads were practically completed.

Mr. POWERS. The gentleman will find those figures in the majority report; but I may as well call attention to them now. I should say that the report to which I now refer was made up at the last session of Congress, and therefore it is six months short in the computations of interest that should be allowed. I make this explanation so that gentlemen may not be misled. I have, however, in my desk a statement, which I may as well now refer to, of the exact amount of this indebtedness as it will be on the 1st day of July next. As I have already said, the bill under consideration was prepared last winter. Its terms contemplate that it shall go into effect on the 1st day of January, 1897. That time having passed, it is necessary to revise the bill, substituting July for January at the appropriate places in the bill.

On the 18th of last December, after it was understood that this bill was to be brought up at this time for consideration, I wrote to the Treasury Department, asking for a computation of the amount of the debt of both these roads as well as the amount of the sinking fund applicable to them. I have here a letter of Mr. Curtis, the Assistant Secretary, transmitting this statement. The actual amount due, I will say to the gentleman from Michigan [Mr. CORLISS], on the 1st day of next July from the Central Pacific will be $57,904,177.35, as appears from the report of the Government actuary, which I hold in my hand. On the same date the actual amount due from the Union Pacific Railroad will be $53,289,593.15; that is the net balance.

Mr. SPALDING. That includes the accrued interest?

Mr. POWERS. It includes everything; it is the grand total of the whole debt.

Mr. CORLISS. Neither the statement which the gentleman has made nor the report to which he has referred us gives distinctly the information for which I asked.

Mr. POWERS. Did the gentleman want the original amount of the indebtedness?

Mr. CORLISS. Yes, sir; the indebtedness when the roads were completed.

Mr. POWERS. The gentleman will excuse me; I thought he wanted the present amount.

When the first subsidies were granted, the Union Pacific and the Kansas Pacific (that is this upper line displayed on the map and this lower line extending 394 miles, which is all one road) received from the Government $33,539,512; and the Central Pacific Railroad of California and also the Western Pacific, which is now a part of the Central Pacific, received $27,855,680.

Mr. FAIRCHILD. Is the difference between the amount of the original indebtedness and the figures at the present time made up solely by the interest that has not been paid?

Mr. POWERS. By that and by the application of the sinking fund. Now, then, this Congress is confronted with this condition: These subsidy bonds have some of them already matured, and the balance of them mature on the 1st day of January, 1898, and the 1st day of January, 1899. The time for action has come. The Government must do something to close out its relations with these roads. The President of the United States under the act of 1887 already has authority to foreclose the lien of the Government, and if necessary, pay off the underlying first mortgage. The first question, therefore, that presents itself to us is this: Is it wise business policy for the Government to foreclose its lien or to seize the property, as some gentlemen contend it may be seized under the act of 1862, and get out of it what it can by the foreclosure?

Supposing that these gentlemen are right—that the Government can seize this property; the act of 1862 provides that upon a default in the payment of this interest as it matures the Government shall be authorized to take possession of the property; but every lawyer knows that that does not mean at all that the Secretary of the Treasury can walk into the office of this company and demand possession of the road and its property, and by force of arms or otherwise actually take possession. It means that he can take possession only by judicial process. He must resort to the judicial process if his request is not granted peaceably. That implies litigation. That raises all the questions that the company might raise as to the right of the Government to do that. It means more. It would require that the Government pay off its underlying first mortgage in order to realize any benefit from the seizure. Suppose that the Government, instead of taking that course, should foreclose the mortgage by proceedings in the courts. Now, under the practice of the Federal courts, where this case would be, the Government does not have what is known in New England as a strict foreclosure; that is, when the mortgage upon the foreclosure takes the property itself.

Under the Federal Legislature the procedure must be to expose the property to public sale. The Government, therefore, if it forecloses the mortgage, must put the road and its property up at auction subject to the lien of the first mortgage, or it must pay off the

lien and sell the fee of the property. Is that wise? Now, let us consider that matter for a moment. What would it amount to? It will cost the Government, to pay off the underlying mortgages upon the road, between sixty and seventy millions of dollars. Does the condition of the Treasury at this time, and the condition of the business of the country, warrant us in imposing on the Treasury a burden of sixty or seventy millions of dollars for the purpose of trying an experiment—for the purpose of trying the experiment of foreclosing the mortgage, and trying to get something for the property or the land that is left behind? Is it a wise proceeding? Would we do that in our dealings with individuals?

Why, gentlemen, it seems to me that the absurdity of the proposition needs no illustration. Take a common case familiar in your own business experience and illustrated in everyday life. If you have a man who owes you a debt—and every man who hears me has undoubtedly some time in his business life had an insolvent debtor to deal with—if he had an insolvent debtor, and he held a second mortgage on the farm, a farm encumbered by an underlying mortgage big enough to sweep it all away, would he send for the debtor and say to him what you propose to say to these railroads? How would he conduct the business? Would he do it by pounding his debtor, swearing at him, calling him a thief, abusing him for the faults committed in the past; or would he deal with him on a business footing and proceed to get the very best settlement available? Would he say to him, "My dear sir, you are a gambler, or a thief; you are dabbling in politics, or worse, you have been dabbling with Polly, and to punish you for your sins I decline to deal with you on a sound business basis or on ordinary business principles. I will sacrifice your property as a punishment for your past sins, although probably by the same operation I lose the amount of my debt." Would any sensible man act in that way? That would be the act of a child. It would be simple.

The CHAIRMAN (Mr. HULL in the chair). The time of the gentleman from Vermont has expired.

Mr. POWERS. I believe, Mr. Chairman, that I have, by the consent of the House, entire control of the time.

The CHAIRMAN. That is correct; but under the rules of the House, even where unlimited time is within the control of a member, he is not allowed, except by unanimous consent, to occupy the floor for more than one hour.

Mr. POWERS. I ask unanimous consent to proceed. I shall not detain the committee very much longer.

Mr. WATSON of Ohio. I move that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. Without objection, the gentleman from Vermont will proceed.

There was no objection.

Mr. CURTIS of Kansas. I would like to ask the gentleman from Vermont a question in connection with the matter he has just been discussing.

Mr. POWERS. Very well.

Mr. CURTIS of Kansas. If this property is now unable to pay the debt, why have you increased by your bill the first lien on the Union Pacific road for $21,000,000 and the first lien on the Central Pacific over $21,000,000?

Mr. POWERS. Because we get two dollars for one of additional security. But I will meet that point further on, if the gentleman will permit me to proceed.

Mr. CURTIS of Kansas. I make the suggestion for this reason, that the Union Pacific, according to the appraised value of the increased securities, is only worth $36,000,000 to-day, and the land is put in at $16,000,000. No one acquainted with the facts will dispute the assertion that that land is not worth $16,000,000 now.

Mr. POWERS. I will come to that later on.

Now, Mr. Chairman, as I was saying, as individuals dealing with an insolvent debtor we would be very likely to say "My dear sir, what I want to find out is your debt-paying capacity; the ability of your farm to meet the obligations. I want to know the average income of your farm under ordinary conditions?" When we have ascertained that fact we will adjust the burden to his shoulders in such way as he can bear it. Now, if by reducing our rate of interest and extending the debt for four or five years, it will enable him to work out from under the load and permit him to pay in full, why, manifestly every man here would adopt that plan. We have adopted the same plan in all of our dealings heretofore. We say that a foreclosure would be unavailing; that the receipts of the property would be unavailing from the fact that the thing you seize or foreclose is nothing in the world but an interior or underlying property.

But suppose, for instance, the Secretary of the Treasury should go to Denver and take possession of the Union Pacific line, under the act of 1862, and begin to operate it. What would be the effect? Why, he would start his trains from Denver and get within 3 miles of the bridge across the Missouri River, and be stopped there. There would be a fence built across his line and he could not get a mile farther without the consent of the parties who control the remainder of the line.

Mr. OGDEN. But could he not expropriate to get into the terminal point?

Mr. POWERS. You mean that it could be condemned under the right of eminent domain?

Mr. OGDEN. Yes.

Mr. POWERS. I should say, no. If one road has the property condemned under that right already, there is no authority, as far as I know, that would allow another road to come in and condemn again and take away the possession.

Mr. OGDEN. Not if they are not using it.

Mr. POWERS. But they can use it. The city of Omaha is a great city, and the roads from the East want to get in there. There is not any trouble but what the bridge will be used, and these terminals down in Kansas City will be used. If he wanted to start out his train for Denver over that line he would have to jump over a half mile of track belonging to some one else before he could get onto his own road.

Mr. MAGUIRE. Will the gentleman permit a question?

Mr. POWERS. Yes.

Mr. MAGUIRE. Is not Omaha as great a city from the West as an eastern terminal as it would be from the East for the other roads?

Mr. POWERS. Well, I hope so. I do not know what the facts are.

Mr. MAGUIRE. Well, I should hope so.

Mr. POWERS. It is a pretty big city from the East.

Mr. SWANSON. I should like to ask the gentleman a question for information, because I could not find it in the report. I see you have, as the gentleman from Kansas [Mr. CURTIS] has said, an additional amount of $21,000,000——

Mr. POWERS. I will explain that.

Mr. SWANSON. What I want to know is how that item is made up?

Mr. POWERS. I should prefer not to be diverted from my line of thought, because I am coming right to that point.

Mr. BARHAM. Will it interrupt the gentleman——

Mr. POWERS. I can not be interrupted by the gentleman from California [Mr. BARHAM]. He is going to talk, and he must talk in his own time.

Mr. BARHAM. I wanted to ask about the Omaha Bridge.

Mr. POWERS. I will give you all the information I have about it presently.

Now, as I have already said, if we are going to seize the property, or if we are going to foreclose the mortgages, it is important for us to consider what we are going to get under that proceeding. And, as you see, instead of getting a road with terminals, and with these branch lines, a network of which, as you will observe, runs all along in connection with these roads; instead of getting a system that can be worked as a railroad, we get an empty trunk, without terminals anywhere, and we have got to take our chances in dealing with somebody else.

Now, it may be said that these owners of these terminals, perhaps, and the owners of these branch lines are in just as bad a predicament as we are, that they want the trunk lines as much as we want their help. That is true, but how does that help the argument at all? It makes no difference what they want. The question is, What shall we have as a matter of legal right? And we have got to depend upon the graciousness of these parties or upon some inducement that we can hold out to them in order to have a completed railroad. That is what we are going to get.

Not only that. This road would have to be put up at public sale under foreclosure proceedings. Who on earth would be likely to bid it off? Would you or I or any outside party take the risk of stepping in and bidding on that property that was nothing but an interior property, without terminals or anything else? Certainly not. We should not dare to. The ownership of these branch lines, the very ownership of these terminals, the very ownership of everything essential to make that railroad worth a copper is in the hands of other parties and probably hostile parties. Now, where will you find the man with capital, the man who has millions of money to invest, who will step into a hornets' nest of that kind and make a bid? What is the practical result? These very men whom you are now scolding about, the very men who own the terminals and own these connecting lines are the only ones who can safely bid on the property, and probably they will be the only bidders. They would get the property at their own figures.

Every man can see what that would necessarily lead to. So that the procedure of a foreclosure compels the Government to raise sixty or seventy millions more of money to put into this hopper, and also leaves the Government with an insecure property after they have got their decree.

Mr. NORTHWAY. Will the gentleman permit me?

Mr. POWERS. Certainly.

Mr. NORTHWAY. If we accept the bill of the committee, do we get security upon all of these terminals and branch lines clear through?

Mr. POWERS. We do. I am coming right to that.

Now, it struck the committee, and it has struck every committee that has ever considered this subject since the Pacific railroads have been built, it has struck all the railroad commissioners, everybody who has investigated the matter, and they have all reported with one voice, that the true way to solve this problem was to fund this debt by an extension at a lower rate of interest, get a security upon a line which, if we are obliged to take it, will be a railroad line and not a section of a railroad line.

This committee have therefore proposed this bill, the essential features of which are these: That the amount of the Government indebtedness shall be ascertained as of July 1 next. The present bill before you reads January 1; but, as I said before, this will have to be corrected, and I will ask for an amendment. On the 1st of July this indebtedness is to be ascertained by getting at the present worth of the subsidy bonds that have not yet matured, bringing them down to the 1st day of July, 1897, so that on that day we will know just exactly what is the debt from the railroad company to the Government; and that thereupon the companies themselves shall issue first-mortgage bonds, taking up the existing mortgage, not only on the aided portions of the lines, but on their entire system, issuing a first mortgage equal in amount to the principal of their existing first mortgage; and that the Government shall take a second mortgage, lapping over the same property, lapping over the terminals, the Omaha Bridge, worth $2,000,000, and lapping over the Denver and Pacific road that runs from Denver to Cheyenne, and lapping over the branches forming the Union Pacific. In other words, a blanket mortgage, resting upon all this property, from branch to branch, to the same extent as the first mortgage that we allow to be put on.

Now, will we gain anything by that? My friend from Kansas called my attention to this fact. I say we do. We get a mortgage on a system of roads. We get a mortgage on a railroad instead of a mortgage on a portion of a line. It covers the whole thing, the terminals at Council Bluffs, the Omaha Bridge, the Omaha terminals, and on the line clear through. Essentially it covers also this line from Kansas City out to the three hundred and ninety-fourth milepost, where it now ends, to Denver, together with all the branches and feeders that supply this line. So that if the worst comes to the worst in the end and the Government is obliged to foreclose its indebtedness, it can then take a property that can be operated as a railroad. There is one advantage.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. POWERS. Certainly.

Mr. FAIRCHILD. What would be the western terminus of that road that would be covered in the new mortgage to the Government?

Mr. POWERS. Ogden.

Mr. FAIRCHILD. How about the road still west of Ogden?

Mr. POWERS. That is the Central Pacific.

Mr. FAIRCHILD. That is operated by the Southern Pacific?

Mr. POWERS. That is now operated by the Southern Pacific.

Mr. FAIRCHILD. And this proposition would not include any of the property of the Southern Pacific?

Mr. POWERS. Certainly not. We can only deal with these two corporations as the Government has always dealt with them. The debt of the Government has not run against them jointly, but severally.

Mr. FAIRCHILD. One more question. Can the gentleman state how many alterations have been made as to the security given by these roads since the original subsidy was granted to them?

Mr. POWERS. Three.

Mr. FAIRCHILD. What better position would we be in fifty years from now, in view of the fact that we have no road farther west than Ogden, if they again should come in and ask for a fifth alteration?

Mr. POWERS. The original act provides that these two lines shall be operated as one continuous line, and they always have been.

Mr. NORTHWAY. But not a continuous mortgage.

Mr. FAIRCHILD. But not a continuous mortgage.

Mr. POWERS. Congress could not make a continuous mortgage over the two corporations. The Union Pacific is our several debtor, and the Central Pacific is our several debtor. They are not our joint debtor; therefore we can not impose a joint mortgage upon the two.

Mr. FAIRCHILD. But they are operated by the same men?

Mr. POWERS. Not at all; they are operated by distinct corporations.

Mr. FAIRCHILD. By distinct railroad corporations, but by the same interest.

Mr. POWERS. No, not in the same interest. The Union Pacific is separate in its interests from the Central Pacific, and the Central Pacific is separate in its interests from the Union Pacific.

Mr. FAIRCHILD. Are not the men of the same interest making the same proposition as to both railroads?

Mr. POWERS. Both railroads will take this bill, but they do not have a joint interest in this property, and this bill is not framed that way.

Mr. FAIRCHILD. My question is as to the individuals in interest in both companies, not as to the corporate identity. I understand that these companies are both here asking for this legislation and that the same people who are interested in them are also interested in the Southern Pacific.

Mr. POWERS. You say they are here asking for this legislation. I can not say that.

Mr. FAIRCHILD. Will the gentleman deny it?

Mr. POWERS. Yes; I will deny it.

Mr. HILBORN. Then who is asking for this bill?

Mr. POWERS. The Pacific Railroad Committee of the House of Representatives, representing the Government of the United States, are asking for it. This bill is objectionable to both companies.

Mr. MAGUIRE. Then they can simply refuse to accept it.

Mr. POWERS. They can refuse, and it is not certain but that they will do so. This legislation is objectionable to them, and we have had to force upon them an unwilling dose.

Mr. MAGUIRE. Let me ask the gentleman——

Mr. POWERS. Mr. Chairman, I can not be interrupted by a gentleman who is doubtless going to talk upon this subject three times as much as I shall.

Now, the bill proposes that this indebtedness shall be extended with interest at the rate of 2 per cent.

Mr. SWANSON. I wish to ask the gentleman a question for information, to see if I understand this matter. I understand that from the three hundred and ninety-fourth milepost on the Kansas Pacific up to Denver the Government has at present a first-mortgage lien?

Mr. POWERS. No, sir.

Mr. SWANSON. I do not mean the subsidized portion——

Mr. POWERS. No; the Government has no lien on that road from the three hundred and ninety-fourth milepost to Denver. The Denver and Pacific Railroad Company has an outstanding first mortgage, and we propose to allow the Union Pacific Company, under a reorganization, to place a first mortgage on its own property that shall be equal to the face value of the existing mortgages on the same property.

Mr. SWANSON. Now, from the three hundred and ninety-fourth milepost to Denver and to Cheyenne, Wyo., the first-mortgage bonds are included in the $21,000,000, are they not?

Mr. POWERS. Certainly.

Mr. SWANSON. What is the earning capacity of that road to pay off the existing mortgage bonds?

Mr. POWERS. I will come to that in a moment, if the gentleman will be a little patient. As I was saying, Mr. Chairman, the provisions of this bill are simply these, that this debt shall be extended at 2 per cent interest. That looks like a small rate of interest, and the committee did their best to make it 3 per cent, but they studied and took into consideration the debt-paying capacity of the debtor, and they found that if they levied 3 per cent interest they would simply leave the debtor worse off than he was before. He would not be able to meet the obligations of the first year, and the whole arrangement would fall to the ground.

Mr. SMITH of Michigan. Let me ask the gentleman upon what the committee's estimate was based?

Mr. POWERS. Upon the net earnings for a series of years, down to the present time.

Mr. SMITH of Michigan. Another question for information. You stated a while ago that the Government had diverted its traffic and had sent it over competing lines. I would like to know whether there has been any other diversion of traffic by the people owning the Union Pacific.

Mr. POWERS. Do you mean the Union or the Central Pacific?

Mr. SMITH of Michigan. The Union and the Central both. Has there been any other diversion of traffic to competing lines which are within the influence of the owners of the Central and the Union Pacific?

Mr. POWERS. You will be told by my friends from California as this debate progresses that the Southern Pacific road has absorbed the earnings of the Central Pacific. That is not true. I shall not stop at this time to demonstrate that it is not true, but I can do it. I propose to wait, however, until they make the statement, and then I will undertake to show the House that there is not a particle of truth in it. As to the Union Pacific, I know of no diversion of its earnings to any other road whatever. I never heard any intimation made that it had diverted its earnings.

Mr. SMITH of Michigan. Is the gentleman from Vermont prepared to say that the Union Pacific has had its proportion of the business; that there has been no diversion of traffic from it? I understand that there are competing lines, and it has been stated that the traffic has been diverted to those lines.

Mr. POWERS. It is quite true that there are competing lines running from Chicago to Denver. I think there are three of them; certainly two.

Mr. SMITH of Michigan. Are they not controlled by the same people who control the Pacific roads?

Mr. POWERS. No, sir; they are not controlled by the same people, and one of those roads, as we are informed, is here now, trying, in its own interest, to defeat this bill. There are competing roads, but no man has asserted, and I do not think any man will assert, that either the Burlington or the Missouri Pacific or the Rock Island is part and parcel of the Union Pacific.

Mr. SMITH of Michigan. I am not hostile to the gentleman's plan. I am asking for information.

Mr. POWERS. Well, these other roads are hostile to the Union Pacific. That is the fact.

Now, then, as to the Union Pacific and the Central Pacific, it may be generally said that, in order to get at what the companies have paid on this indebtedness, the committee made a careful study of their net earnings in the situation in which they are placed and with the circumstances surrounding them, for several years back, including not only years of prosperity, but years of adversity. All railroads, like all other business enterprises, are the beneficiaries of good times and the victims of bad times. In order, therefore, to get at a fair average we have studied that question very deeply; and we have come to the conclusion that $4,000,000 in each case will cover the last dollar that can be safely counted upon as certain net earnings of this company. We have started on that basis; and starting upon that basis we have prepared this bill, which figures out like this——

Mr. LACEY. I would like to ask the gentleman a question in connection with the dividends. Why does the bill provide for dividends at 4 per cent on the stock, when the Government can get only 2 per cent on the bonds that are held for the stock?

Mr. POWERS. Well, my dear sir, if you expect a railroad company to undertake to pay a debt, do you imagine you can ignore the stockholders? Can you say to the stockholders of a railroad corporation under these circumstances, "Gentlemen, you never shall hope to get a dollar out of this property; but we are going to compel you to pay this debt?"

Mr. LACEY. The point of my question was why the dividends should be larger than the interest on the bonds?

Mr. POWERS. We propose to allow a 4 per cent dividend in order to bring the stockholders into this arrangement. We want them to undertake this burden, and we can not get them to do so unless they can see a chance some time of getting something out of the property for themselves; and 4 per cent is a small dividend with which to tempt them into this arrangement.

Mr. MOODY. Will the gentleman tell us what is the present market value of the stock upon which it is now proposed to pay a 4 per cent dividend?

Mr. POWERS. The market value of the Central Pacific stock, so far as I have known anything about it during the last six months, is about 17. The market value of the Union Pacific is nil. You will see the Union Pacific stock quoted in the papers as selling at $9 and $10; but the explanation of that is this: The Union Pacific reorganization committee has corralled 95 per cent of this stock—has gathered in the certificates under an agreement with the holders that they will stand an assessment of $15 a share, and has issued to each stockholder a certificate that the stock is so held. Those certificates, coupled with that obligation, are put on the market and sold to-day for nine or ten dollars. The last market quotation which I saw was about $10; and those same certificates obliged the holder to stand an assessment of $15 a share.

Mr. HILBORN. Will the gentleman allow me to ask what dividend the Central Pacific is now paying on its stock?

Mr. POWERS. My friend from California [Mr. HILBORN] is going to make a very eloquent and plausible speech before this debate closes, and I suggest that he ask that question of himself and answer it.

I should go back, perhaps, a step in this debate and say that in addition to this mortgage which it is proposed to place upon the whole property of the system, it is provided in the bill that the companies shall secure the payment of the annual requirements made of them by giving the Government the right to withhold the money that will be due from the Government to the company for transportation services until these current annual requirements are met.

As I have already said, the Government is a patron of these roads. It hires them to transport its mails and to do all the freighting that it has occasion to do in that part of the country. Their patronage has amounted in the past to a large sum of money. In the case of the Central Pacific it has reached annually as much as $600,000; in the case of the Union Pacific, a much larger sum, I think about double that amount—about $1,200,000 a year. So that by giving the Government the right to retain their money in its Treasury until the companies have met and discharged their annual obligations, the entire interest charge, at least, due from the companies will be met by that money alone, leaving nothing to be provided for on the part of the companies except the annual cash payment, which, as I shall presently show, is a requirement that both of the companies must come under. We provide that they shall pay this rate of interest semiannually; we secure the payment of it and the payment of all the obligations we assume by this first mortgage, plus the right on the part of the Government to retain in its own hands money enough to meet the annual interest charge.

Now, in addition to that interest we require them to pay an annual installment upon the principal of the debt, amounting in the case of each road to $365,000, so that each road, as will be seen, will pay into the Treasury, if it complies with these requirements, $1,000 a day, or, for the two roads, $2,000 a day, for the first ten years that this contract will be in force. For the second decade they are to pay the sum of $550,000 each, plus the interest as it matures, or a little over $1,500 each per day. And thereafter, until the whole debt is paid, they are to pay annually the sum of $750,000.

Mr. McCREARY of Kentucky. I wish to ask the chairman of the Committee on Pacific Railroads, who is now on the floor, whether he believes that these companies can comply with these obligations if the relief contemplated in this bill be granted them?

Mr. POWERS. I am very glad the gentleman has put that question. It is a pertinent one. My friend from Kentucky has struck the very kernel of this whole question. That is the question—Can the companies comply? There is no use in harassing your debtor so that he can not comply. The question is a very pertinent one, and coming from the source it does, I am very grateful to my friend for asking it.

Now, we think the companies can comply with these requirements. As I have already said, their net earnings per year are safely enough counted at $4,000,000, and that under the most adverse conditions that we can reasonably expect the companies to rest under in the future.

Now, Mr. Chairman, I think I may say, without undertaking to prophesy, that the times could clearly be worse in the future than they have been in the past three years, and yet during that time these roads certainly had earnings enough to comply with the requirements of the Government.

In the case of the Central Pacific Railroad we require, inasmuch as they are leased to the Southern Pacific, that the Southern Pacific Company shall be required to enter into an obligation and guarantee to the Government, or rather to assume the payment of this annual requirement of the Government. The Southern Pacific Railway Company is a large corporation. It was chartered in the gentleman's own State. It has a vast amount of property. Some of our friends will no doubt tell you in the course of this discussion that it is not good for anything. But it is one of the heaviest corporations in the country. Certainly it does not hurt your security to have a second indorser, even though he may not be regarded as strictly good. We say in this case that the indorser is good.

Not only that, but there is a sum of money, amounting to $2,414,000, or thereabouts, now in the Treasury of the United States belonging to the Southern Pacific Company—not the Central Pacific, but belonging to the indorser, the guarantor, of the Central Pacific—which we demand shall be presently applied in reduction of the Central Pacific debts of the Government. We have no right to it as a matter of law. It is a question that has been in contention as to whether it belonged to the Central or the Southern Pacific road for a long time. The courts have decided that it belonged to the Southern Pacific, and we can not legally demand payment of the same; but the committee exacts, as a requirement for this bill and to bring this company to a strict compliance with the terms of the bill, that this payment shall be made, and they have filed an assurance that it may be done.

Now, to answer the question of my friend from Kentucky. The payment of both the Central Pacific Company and the other roads will be about as follows: The payments on behalf of the Central Pacific will be for the first year, interest on bonds of the United States, $1,153,630.28; installment of principal, $365,000; compensation for services on nonaided lines to be applied (with consent of Southern Pacific Company) to the extinguishment of bonds, $2,409,818.20, making a total of $3,928,448.48 which the Government will receive for the first year.

On account of the payment by the Union Pacific the Government will receive, interest on bonds to the United States, $1,074,308.07; installment of principal, $365,000, being a total of $1,439,308.08.

Now, of course, that does not count interest on the first-mortgage bonds, which must be provided for, and we have prepared, as will be seen on page 10 of the report, a table which shows, in the case of the Central Pacific Railroad, that the interest, at 4 per cent, on the first-mortgage bonds on the entire line will amount to $2,307,260.57; interest on the Government indebtedness,

$1,173,630.58; and installment of principal, $365,000; making a total of $3,825,890.85. You will see that this is some $100,000 less less than the $4,000,000 limit.

The question may be asked, Why do we leave it at that? The answer is, We can not make it 3 per cent interest, because that would add some $550,000 to the burden of the Union Pacific road and carry it beyond the limit. In the case of the Central Pacific it would carry it above the average by some $570,000 beyond the four million limit. And so you see we are necessarily tied down to 2 per cent.

Besides that, Mr. Chairman, these companies should have a little margin in their treasury. Who does not know that every railroad is compelled to meet unexpected demands, such as a valuable bridge burning down, a valuable depot property being destroyed by fire; accidents by which personal injuries are received and compensation necessarily demanded therefor. In other words, the debtor must have a little pocket money to meet the contingencies. Is that not the case in all business matters? What business man does not conduct his business on something of that same principle? Would he say to the debtor, "Give me the last cent you have left in your pocket; I will not leave you anything; your family may be sick, your house may burn up, a thousand and one things may happen to you; but I don't care, I will leave you nothing?" What sensible man would not leave him something to cover contingencies.

Mr. WATSON of Ohio. If the gentleman will allow me, in that connection, I wish to call his attention to a statement in the report. On page 10 of the report you say that the Government would receive from both roads annually, for the first decade, for principal and interest, some $4,000,000. Is that not a mistake? Should it not be $5,000,000 as the receipts from both?

Mr. POWERS. Possibly there may be an error there. I will be glad if the gentleman will make the computation.

Mr. WATSON of Ohio. I think it is a mistake in the print. It ought to be something over $5,000,000.

Mr. POWERS. Now, the Union Pacific will make the following payments:

Interest at 4 per cent on first mortgage	$2,149,200.00
Interest on Government debt	1,064,348.17
Installment of principal	365,000.00
Total	3,578,548.17

Now, if I have not answered the question of my friend from Kentucky [Mr. McCREARY], I shall be glad to do so.

Mr. McCREARY of Kentucky. I am very much obliged to the gentleman. I think he has answered the question very fully. I desire to ask another question in that connection. I think the gentleman touched upon it before. In your bill you provide for the extension of the Government lien on certain property.

Mr. POWERS. Yes.

Mr. McCREARY of Kentucky. If you have stated it, I did not hear it, and I ask you to state it again. What do you value the property at which is covered by this extended lien?

Mr. POWERS. In reference to the valuation of this additional property that the Government will have a mortgage upon, of course it is a question that every gentleman must judge of for himself.

Now, take the case of the terminals at Denver. I have a statement which shows the amount of property. This railroad owns 2,000 acres of land there. I am speaking now of what appeared in 1890, six years ago. They owned 2,000 acres of land and 60 miles of side tracks, together with their warehouses, their depots, and everything of that sort. At Kansas City they owned 233 acres of land and 30 miles of siding. At Omaha they owned 319 acres in the very heart of the city, and 45 miles of side track. At Council Bluffs they owned 1,000 acres of land, together with all their warehouses and everything of that sort.

Well, now, to say how much that property is worth in dollars and cents is a very difficult question to answer. Connected with this railroad and as a part of this railroad, it is invaluable. If you want to get at it by asking me how much it will take to duplicate it, I answer that Mr. Choate, the division superintendent of the Union Pacific, says you can not duplicate the terminals in Denver for less than $10,000,000. Not only that, they say that the coal lands that are owned by the Union Pacific Railroad are themselves worth the entire Government debt.

Why, the Union Pacific Company has coal beds along its line, so that it is supplied with coal at a nominal price per ton. It costs them hardly anything. These coal lands of the railroad are invaluable adjuncts.

And of course if they are so valuable to the railroad, they must necessarily be so to the Government, if the Government is compelled in the end to take the railroad.

Mr. McCREARY of Kentucky. Just one more question. Your report shows that the Government lien is extended over very valuable properties indeed, including about 20 per cent of the main line mileage of the Union Pacific Railroad. The point I desire to get at is this: The prior lien, which is now about $61,000,000, will be increased, as I understand it, by your bill, $21,000,000 on the Union Pacific and about $21,000,000 on the Central Pacific. I want to see if the property that the lien would be extended to, not now embraced, would cover about that?

Mr. POWERS. I will say in answer to my friend from Kentucky [Mr. McCREARY] that in 1890 the Senate appointed a committee, of which Mr. FRYE was chairman. They went out over this property and made an extended examination of it. They had experts with them. They looked into the question of the value of this property, and they reported unanimously that in their judgment these railroads were worth $17,000 per mile of main line, and that the terminals were worth the figures which I have been quoting from their report.

They reported a bill which was very similar to the one now under consideration. It provided for an extension of time, at 2 per cent interest. It provided for an annual payment, not so much as we provide, but they estimated at that time the value of that property, and made out that the excess of security over and above what we now have was not less than $92,000,000.

Now, that was six years ago. Whether the property is worth more in dollars and cents to-day I leave to every man here to consider. Of course, these railroad terminals have been expanded; new sidings have been put in; new buildings have been completed; so that I think it is fair to reason, although we have no expert testimony on the subject, that the terminals at all these places are worth more to-day than they were worth six years ago.

Now, then, I have taken more time than I intended to in the discussion of this measure.

Mr. PERKINS. Before the gentleman concludes: I have listened with much interest to the debate. I have heard nothing in regard to the Sioux City and Pacific road. The gentleman is aware that the people of the Northwest are somewhat interested with reference to connection along the line originally proposed by the Sioux City and Pacific. Now, I would like to inquire of the gentleman if there is any consideration involved for the Sioux City and Pacific road?

Mr. POWERS. I am very sorry to say, in reply to my friend from Iowa, that this committee has not felt itself permitted or justified in according any aid to the Sioux City enterprise. I suppose, and I have no doubt my friend knows that fact, that some amendment will be proposed covering that ground, and when it is it will be time enough to discuss that. I prefer not to exhaust my time and be diverted in that way. This bill does not do any good to the Sioux City road.

Mr. PERKINS. The Sioux City and Pacific road is a branch of the Union Pacific?

Mr. POWERS. Yes.

Mr. PERKINS (continuing). And that property is not considered in this bill?

Mr. POWERS. Nor is the property of the Central Branch considered another one of the parts of the Union Pacific Railroad Company. They have nothing to do with it.

Mr. PERKINS. I do not understand at this time anything in the way of aid is asked for the Sioux City and Pacific Branch, but it is proposed to ask for recognition in the way of connection, etc., if that line is built. An amendment to accomplish that purpose will be offered if an opportunity is afforded.

Mr. POWERS. Very good. I will assure my friend that no objection will be made to any proper amendment that he or any other gentleman may offer.

I have already taken more time than I intended in the discussion of this measure, my purpose mainly being to bring to your mind a little résumé of the history of this transaction, so that, knowing what the past of these roads has been, you would be better able to know what their future ought to be and what you should do in disposing of this question. This committee are in accord with every committee in either House that has considered this subject. They present a plan here similar to that which has received the sanction of other committees, and one that has received the sanction of every person that has ever investigated the matter. It may be imperfect. I wish it were better. I wish we could get a mortgage with ample security paying 6 per cent interest. But we have taken the best we could, and we have squeezed them, to use a homely expression, to the last cent. We have approached the very verge of their possible pecuniary ability in the requirements we have imposed upon them.

Now, the practical question remaining is, Will this Congress undertake to collect this debt from these companies, or will it ruthlessly throw it away? You will doubtless be regaled by some of the bitterest denunciations against the managers of these companies. I have tried to forefend against that by saying they have not taken a dollar from the Government. If they have taken it from somebody else, let somebody else do the fighting. We can not go into the fight between Mr. Huntington and Mayor Sutro, of San Francisco. We are engaged in making an effort to collect a debt from an insolvent debtor, and the question, gentlemen, with all its momentous issues, is submitted to your sound judgment in the hope that you will find, after you have investigated it, that this is the best possible way to get along with this uncomfortable question.

Mr. HENDERSON. Before the gentleman takes his seat, perhaps my attention was diverted, but the gentleman from Kansas [Mr. CURTIS] asked a question about the increased stock, and the increased amount in bonds and mortgage bonds upon the lines. Did the gentleman touch upon that?

Mr. POWERS. I intended to. The gentleman did not complain about the answer I made.

Mr. HENDERSON. I know the gentleman asked the question. Do I understand that it is a doubling up of its indebtedness?

Mr. POWERS. We take the exact first mortgages on every foot of this system and put them in a hotchpot at their face value and say that the company may issue a new first mortgage of the same amount as the first mortgages now existing on the property, and that we then put our debt on the top of that.

Mr. PATTERSON. I apprehend that the gentleman's inquiry goes to this point, whether the contemplated mortgage increases the first-mortgage lien on the subsidized line.

Mr. HENDERSON. That is exactly the point I wished to get at.

Mr. POWERS. It increases it in one sense, and in another it does not. Take this line [indicating]; in ascertaining the amount of the new mortgage we count the existing first mortgage on this line, plus the existing first mortgage on that line [indicating], and add them together, which gives the amount of the general first mortgage, and the debt to the Government goes on top of that.

Mr. SWANSON. I see in the report that you make this amount $21,000,000, but the report does not state the names of the securities of which that sum is made up. Now, I would like to know the names of the securities that make it up, so that we may ascertain their value in the market.

Mr. POWERS. I have stated once or twice that they are the terminal properties.

Mr. SWANSON. The Omaha Bridge, for instance, is named, and we can look and see what that is worth; but for the remaining part of this amount no names of securities are specified, and I think they ought to be stated, so that we might be enabled to see what is their value to-day.

Mr. POWERS. I can not give the names of the securities without consulting the reports, because they are quite numerous.

Mr. CURTIS of Kansas. The gentleman will find that information in Mr. BELL's report.

Mr. SWANSON. I have Mr. BELL's report. He simply gives the estimated value. What I want to know is what the securities are. As I understand, this estimate puts them at par. Now, if the securities are not worth that amount, it might perhaps be better for us to pay $10,000,000 for them rather than extend them over the entire line.

Mr. POWERS. There is no question, Mr. Chairman, as to the value of the property, and before the discussion ends I will submit a table which will satisfy the gentleman.

Mr. PARKER. Did I understand the gentleman correctly when I understood him to state that the new first mortgage would cover all of the system?

Mr. POWERS. The entire system of the Union Pacific Company.

Mr. PARKER. And all of the first-mortgage debt?

Mr. POWERS. The first mortgage on the entire system will be made up of existing first mortgages on the different parts of it. There are several corporations, each of which has a first mortgage.

Mr. PARKER. In the receiver's report I find: First-mortgage bonds, $40,000,000, with $2,500,000 interest; also, other bonded debt, $40,000,000, and $2,500,000 interest; making $85,000,000 on that system. Now——

Mr. POWERS. If the gentleman will pardon me, I have not seen that report, and I do not like to talk about it without having examined it, but I will try to answer the gentleman's inquiry before the debate ends.

Mr. PARKER. Another question. Why is the description of the property of the Union Pacific Railroad so different from the description of the Central Pacific Railroad's property? I notice that the description of the Central Pacific property includes every property of that railroad company, all bonds, stocks, etc., owned by it, and that those words are left out of the description of the property of the Union Pacific.

Mr. POWERS. The gentleman, I think, is laboring under a mistake. The description covers the same thing in both cases. A more careful examination will show the gentleman that the descriptions are alike and we require an inventory of the property to be filed in the Treasury.

Mr. PARKER. I think the gentleman himself is mistaken on that point.

Mr. POWERS. Mr. Chairman, I do not like to be discourteous, but I have taken so much time that I must decline to answer further questions at this time, and now I leave the matter in other hands, reserving the balance of my time.

Mr. HUBBARD. Mr. Chairman, that the House may be a little further informed as to the history of this property, more particularly in its financial aspects, that it may act more intelligently, I wish to state that, in pursuance of the laws of 1862 and 1864, while there were privileges granted these railroads, there were also some restrictions, to one of which only I wish to call attention at this time. A portion of the second section of the act of 1864 provides:

> That the said company shall make assessments upon its stockholders of not less than $5 per share, and at intervals of not exceeding six months from and after the passage of this act, until the par value of all shares subscribed shall be fully paid, and money only shall be received for such assessments, or as an equivalent for any portion of the capital stock hereinafter authorized.

The Union Pacific Railroad Company was incorporated with a capital stock of $60,800,000, of which there was paid in, under assessments, 16 per cent, instead of 100 per cent as required by this law. The Central Pacific was incorporated for $68,000,000 capital, upon which but a little over 10 per cent was paid in accordance with the provisions of the act. The Western Pacific organized with a capital stock of $7,000,000, upon which 2½ per cent was paid. The Kansas Pacific was organized with a capital stock of $9,600,000, and not one dollar was ever paid for any of that stock. It would be interesting to go over the history of the construction of these roads—the manner in which they were built; but I do not propose to do so. Suffice it to say that in the construction of the Central Pacific Railroad there accrued to those who built it a profit of $62,000,000.

In the construction of the Union Pacific there was a profit to those who built it of $44,000,000. That was prior, of course, to the time when the roads were completed and when they were earning money on the other lines. Upon this profit of $62,000,000 on the Central Pacific (which is now joined for all practical purposes with the Western Pacific) there was paid $43,000,000 in dividends. Upon the Union and the Kansas Pacific, which have been consolidated and now constitute one road, there has been paid in dividends $28,000,000.

Now, understand, Mr. Chairman, I do not speak in any hostile spirit of the gentlemen who have made this money. If they have violated any law, the proper executive officers of this Government are the ones to attend to that matter; if they have not violated any law in the accumulation of this money, neither myself nor anyone else has any right to complain. My object in stating these profits, first upon the construction of the roads and second upon the dividends that have been earned and paid upon the properties, is to show that the railroads themselves are strong financially, while the corporations that have control of them are bankrupt and unable to discharge to-day, as they claim, a single dollar of their indebtedness to the Government.

I agree with the gentleman from Vermont [Mr. POWERS] that this is a business proposition. I am glad that he wishes to have the matter submitted to the House on that theory. Now, the first principle for us to investigate is as to the earning powers of these roads. Surely the net earnings of these properties ought to be our guide in ascertaining what the companies could pay. The only statement that we had in regard to the earnings of the Central Pacific was given by Mr. Tweed, who appeared as attorney for the Central Pacific Railroad. Here is his statement:

> In 1890 the earnings were $898,000; in 1891, $2,141,000; in 1892 (the year after the abnormal year), $861,000; in 1893, $784,000; in 1894, $111,000; in 1895, estimated at $42,000.

I say that such a decline as this requires some explanation. Mr. Tweed went on to show that upon the company's net earnings that company could stand practically the requirements of this bill—that is, about $1,200,000 a year. The money would be secured by refunding its debt at 4 or 5 per cent interest, and also by the company being permitted to withhold from the sinking fund of the United States the payment of about $530,000 a year.

Now, in opposition to the statement of Mr. Tweed, I wish to call attention to Poor's Manual, page 815. The net earnings of that road for 1890, as given in Poor's Manual, were (I am giving merely round figures) $6,000,000. Mr. Tweed gives the amount as $898,000. In 1891, according to Poor's Manual, the earnings were $7,000,000; according to Mr. Tweed, $2,000,000. In 1892, according to Poor, the earnings of the road were $5,707,000; according to Mr. Tweed, $861,000. In 1893 the earnings, as given by Mr. Poor, were $5,739,000; by Mr. Tweed, $784,000. In 1894, according to Poor's Manual, the earnings were $4,854,000; according to Mr. Tweed, $141,000.

Mr. MAGUIRE. Will the gentleman permit a single suggestion?

Mr. HUBBARD. Yes, sir.

Mr. MAGUIRE. I think it is fair to state, in justice to Mr. Tweed and other gentlemen who appeared before the committee, that none of them were put under oath.

Mr. HUBBARD. Well, I assume that all men are honest; they ought to be, if they are not.

Mr. ARNOLD of Pennsylvania. Does Poor's Manual give the gross earnings or the net earnings?

Mr. HUBBARD. It gives the net earnings. Very likely it will be said in answer to this that if we deduct the interest on other bonded indebtedness of this road, the net earnings would be reduced to the amounts stated by Mr. Tweed. Prima facie, this can not be pertinently done to any great extent. The indebtedness underlying the lien of the Government, and which is the first mortgage, with the application of the sinking fund already accumulated and which is applicable to the discharge of that first mortgage, need not be over $19,000,000, which at 5 per cent would make less than $1,000,000 to be taken from the figures given in Poor's Manual. If we refer to the report of the Railroad Commissioner for 1895, page 29, we will find this view sustained. It gives the total net earnings at $13,622,000. That is the revenue received from all departments of the railroad, operating departments and all. The expenses are as follows:

Operating expenses	$8,621,534.99
Interest on first-mortgage bonds	1,671,180.00
Interest on other funded debt—	

Now, I wish gentlemen to bear this item in mind, because I am going to call attention to it again in a very few minutes—

Interest on other funded debt	$1,678,772.50
Interest on other debt, credit	86,021.41
New construction and equipment	111,288.60
Rentals, nonaided road	8,100.42
Expenses of land department, including taxes	102,325.55
Sinking fund requirements, company	647,451.67
Losses on stocks of other companies	895,466.41
United States sinking-fund requirement	599,700.90
Land receipts paid to trustees of land mortgage	161,292.43
Miscellaneous	323,616.33

It will thus be seen that the miscellaneous expenses amount to almost $1,000 a day. I submit that this matter of miscellaneous expenses ought to be very carefully dissected in order to ascertain where so much money has gone. The amount, I repeat, is almost $1,000 a day—the sum which it appears under the pending bill this company proposes to pay every day in liquidation of its debt to this Government, amounting now to practically $57,000,000, and which will require eighty-three years to extinguish.

This statement, as I have given it, shows a deficit of $975,871. The question we have to consider, therefore, is the amount of the income above operating expenses and taxes to carry fixed charges. Before going into that, however, let me premise:

On page 28 of the same report of the Commissioner of Railroads we are given a table showing the bonded debt of the Central Pacific Railroad Company as $87,879,000 in round numbers, made up roughly of four classes—about $28,000,000 of the first-mortgage bonds, about $28,000,000 of the subsidy bonds, about $15,000,000 of bonds on the land—land-mortgage bonds, they call them—and about $17,000,000 on the California and Oregon and the San Joaquin Valley Railroad. The interest on these bonds is 5 per cent, save the interest on the San Joaquin Valley Railroad, being $6,080,000, which is 6 per cent.

From these facts it will be seen that the item of interest, to which I called attention a moment ago and which I asked you to bear in mind—that that interest, while not being exactly right for the interest on the subsidy bonds of the Government or the combined interest on the land-mortgage bonds and the California and Oregon and San Joaquin Valley bonds, may mean either for the purpose of showing a deficit. The Railroad Commissioner could not tell me to what bonds that interest was to discharge.

But, Mr. Chairman, it does not make any difference whether it means the Government subsidy bonds, or the interest on the land mortgages, or the California and Oregon, or the San Joaquin Valley Railroad. If it meant interest on the subsidy bonds, since it was never paid there is no deficit, but a surplus of $702,901.41. The item of losses on the stock, amounting to $895,466, is not an ordinary railroad expense, and has no business there. Here is a company's sinking-fund requirement of $647,000; the United States requirement of $599,000, making a total available to show the net earning capacity of the road to sustain new bonds of $2,648,000. There are also other items of expense not necessarily or usually included in this connection. For instance, the interest on other debts, credits, $80,000; new construction and equipment, $111,000, making about $200,000 more. This brings up the surplus to almost $3,000,000. Then if you apply the sinking fund that is in the California sinking fund to the reduction of the first mortgage, it leaves that debt at about $19,000,000, which, refunded at 5 per cent, would be a further saving of some $700,000 a year to go into the fund available to carry new bonds. Then the Government's own mortgage of about $27,500,000, reduced by the sinking fund of about $6,000,000, will make a further increase in the earnings sufficient to run that fund above operating expenses and taxes to about $4,000,000.

If the hypothesis in respect to the third item of the expenditures be wrong, and that item refers to interest paid on the California and Oregon and San Joaquin Valley Railroad Company's bonds, the result is quite as inconsistent with the proposition in the bill reported, for if the company must assume those bonds to realize the above income, then the company is entitled to the security of the bonds, and in that event equal benefit would be derived from the application of the company's sinking fund to any of the bonds; but the Railroad Commissioner's report shows that the consolidated companies received Government land grants of 12,500,000 acres, enough of which have been sold at $4.50 per acre to realize over $9,000,000, and that the balance—something short of 10,000,000 acres—are held by the company at an average price of $3 per acre, which amounts to nearly enough to pay off both the $15,000,000 land mortgages and the San Joaquin Valley and California and Oregon Railroad Company's bonds, too.

The material inference as to earning capacity to be drawn from these figures is, of course, entirely inconsistent with the impression made by Tweed's statement. Very likely the inference is erroneous somewhere, but we have no information to correct it. Others who are accustomed to speak intelligently upon such matters seem to be as little advised. Thus the Railroad Commissioner has deemed it important to insert in his report a statement from Poor's last manual, as follows:

> It is reported that an arrangement has recently been made whereby the Southern Pacific guarantees a minimum of 1 per cent yearly on the stock of this company until satisfactory legislation has been obtained for the adjustment of the debt to the Government, when the dividend will be increased to 2 per cent for a guaranteed period of two years. Payments will be made half-yearly the 1st of July, 1896.

The par of the outstanding stock is $67,275,500, and the Manual shows a 2 per cent dividend paid upon it in 1893, amounting to $1,345,510.

For these reasons we do not know what Mr. Tweed was taking into account or to what purpose he was speaking when he said that the net earnings of the road last year—the same year of the Commissioner's report which we have quoted and analyzed—were $42,000, and the earnings in 1893, $784,000; that the average earnings were $812,000 per year for five years, and yet his statements and that of Mr. Huntington—that the company could not carry out Mr. Hubbard's plan, hereinafter mentioned, and that this bill is the best he could do—are all the foundation we know of for the terms fixed in the bill.

Recommendation of this bill by the committee, as qualified to advise, as a bill adapted to the assets or resources of either company, would therefore seem to be founded on mere assumption.

The only knowledge we have peculiar to this bill is that it is satisfactory to the companies. That does not mean that it would be carried out, for they are both insolvent, and their undertakings are, of course, idle. The bill, so far as the Union Pacific is concerned, is an option to its successors—it is substantially so stated—unlimited in time, and binding on the Government, while the Government's own lien may be extinguished by the foreclosure of the first mortgage.

In 1893, when Mr. Tweed says that the net earnings on that property were but $784,000, Poor's Railroad Manual says that there was a dividend paid on the stock of the Central Pacific Railroad of $1,345,510. Of course, if you can deduct dividends paid on the capital stock, you can cut the net earnings of any road down very seriously. You can make a deficit easily if that is to be the kind of calculating and the method of mathematics employed in demonstrating the net earning capacity of the road.

Mr. COOPER of Wisconsin. Will the gentleman allow a question?

Mr. HUBBARD. Certainly.

Mr. COOPER of Wisconsin. Is it not a fact that in 1893 there was $600,000 more paid by the Central Pacific Company in dividends—that is to say, $1,345,510 in all—than Mr. Tweed, their attorney, said to the committee was the amount of the net earnings of the road in 1893? He said the net earnings were $700,000.

Mr. HUBBARD. That is correct.

Mr. COOPER of Wisconsin. Yet that same year that road paid over thirteen hundred thousand dollars in dividends?

Mr. HUBBARD. That is what I tried to say. There came before that committee representatives of the various companies, and they submitted plans. Those plans at first were not alike. They were very different indeed. I will give you first the plan submitted by the reorganization committee of the Union Pacific Railroad Company, represented by their attorney, Mr. Pierce, and their secretary, Mr. Krech. They came before the committee and offered in settlement for the debt due the Government $35,000,000 of 4 per cent first-mortgage bonds, out of a total authorized issue of one hundred millions, limited to an actual issue of eighty-seven millions, and that for the unreimbursed interest, amounting in round numbers to $20,000,000, they would give the Government a 4 per cent preferred stock in the discharge of the debt of practically fifty-five millions. They showed that the company was sufficiently strong to carry this obligation of $100,000,000 4 per cent bonds, and also the authorized issue of $75,000,000 preferred stock limited to an actual issue of $68,000,000.

Those bonds were to be fifty-year bonds, but in order to compare with the bill that has been adopted by the committee and which is sought to be passed, I have proposed to carry the figures out to the full term that the bonds will run under the present bill, as for comparison this is fair.

In the case of the Union Pacific Railroad it will require eighty-three years to discharge their debt. Now, 4 per cent on $35,000,000 first-mortgage bonds for eighty-three years amounts to $111,000,000. Your principal will still be unimpaired. Adding that to the interest that you receive, you will have collected and due $146,000,000 in the eighty-three years.

This plan was not looked upon favorably by the committee, was not accepted, and they offered then, instead of giving the twenty millions of preferred stock, to issue a second mortgage for the twenty millions at 2 per cent, to go annually to the reduction of the principal, and the bond itself to bear no interest. That is, they would virtually pay the bond in fifty years; but in case they did that they wanted the interest reduced from 4 per cent to 3 per cent on the first-mortgage bonds. Now that is just about $5,000,000 better proposition for the company than the first proposition. Neither one found favor with the committee.

Then appeared the present bill, the Smith-Frye-Huntington bill—I scarcely know what to call it, but it is the bill introduced by Mr. SMITH of Illinois, and is practically the bill that the company say they can comply with. They seek to pass through this House this bill, giving an eighty-three-year bond, with 2 per cent interest on the decreasing capital, with a small payment every year to go to the reduction of the principal.

Now, the Hubbard plan was made first by the Central Pacific Railroad Company. General Hubbard, of New York, as attorney for the former Hopkins estate, thinking that the bill we have now could not pass, came before the committee and said that that company would undertake to do something which has never yet been ingrafted in a bill, and which has introduced a new element in the discharge of these debts. He said that the Central Pacific Company, after the application of the sinking fund that now is in the Treasury, and which can be applied to the reduction of the subsidy bonds—that if the Government will apply that to the extinguishment of the subsidy mortgage as far as it will go, the Central Pacific Company would raise money enough to discharge the balance of the subsidy bonds, and thereby stop the interest the Government has to pay in carrying these mortgages along.

The Government would stop by that plan the carrying of any Pacific railroad mortgages. For the unreimbursed interest he proposed to give what he called an income bond, which should bear interest at the rate of 2 per cent per annum with no sinking fund. The Government was to retain in the Treasury of the United States the earnings which those roads make every year by carrying the mails, munitions of war, and similar transportation as a further guaranty of the payment of this annual interest on the income bonds. That income bond would have amounted to about $38,000,000. The interest on that $38,000,000 at 2 per cent is $760,000 a year.

Now, it will be observed that that is an entirely new feature in this transaction. By the company coming forward and relieving the Government from paying a dollar on these subsidy bonds that are now rapidly maturing, and of which about twenty millions are now matured and due on two roads, the balance coming in two years, and which will have to be paid by the Government—they propose to furnish the money to extinguish those bonds, to stop the Government paying interest to carry them along.

Now, take the Hubbard plan for the eighty-three years, and you have $760,000 a year interest for eighty-three years, which amounts to $63,422,000. Adding that to your principal of $38,000,000 gives a total of $101,628,000.

It will be observed that under the Pierce plan the Government will receive $144,000,000. Let us see how the plan adopted by the committee will work out. Under this, we take a second mortgage for $55,000,000 on the Union Pacific Railroad. The interest on this $55,000,000 for eighty-three years is $50,000,000, making a total payment, in interest and in the extinguishment of the debt, of $105,000,000. But in order to do that, in order to carry the balance of the subsidy bonds which the Government must carry, practically $16,000,000—I put it down low; I give them every advantage—these bonds must be carried at an interest of 3½ per cent, if we take the average of the last bond sale, which is the only thing we have to go by, the interest on that $16,000,000 at 3½ per cent for eighty-three years is $46,000,000, and that added to the subsidy bonds that yet must be paid, requires the Government to pay $62,480,000 to carry our part of this debt alone. That is, the difference between what the Government has to pay and that which the railroad company is to pay must be the profits and the sum total of the payments that are to be made in the discharge of this debt.

In the Powers bill they pay $105,000,000. The Government pays $62,000,000, leaving the net sum of $43,000,000 at the end of eighty-three years to discharge a debt that is to-day $55,000,000. If they will pay into the Treasury of the United States $29,000,000 in cash, it is a better proposition than is contained in this bill. The present worth of that money is about $29,000,000. In the Pierce plan that same element exists. The Government must carry along that $16,000,000 of bonds. Under the Pierce bill the Government receives $144,000,000. It cost the Government $62,000,000, leaving a balance to the Government of $82,000,000. Now subtract the difference between what the Government receives under the Pierce plan and what it receives under the present plan, and there is a difference of $39,000,000 in cash to the Government in favor of the Pierce plan.

It is still worse under the Hubbard plan. Under that the Government only receives $101,000,000, without carrying the $16,000,000 of subsidy bonds along. That is eliminated, and you have to subtract nothing from the $101,000,000 that he pays in eighty-three years except the $43,000,000 that the Government gets under the present plan, and that leaves you $58,000,000 in favor of the Hubbard plan over the one adopted by the committee and sought to be passed through this House. The same argument applies to the Central Pacific, only more so. The same condition exists there, and they could comply with it. General Hubbard never gave up his position that the Central Pacific could not carry out this plan, and afterwards submitted a draft of a bill for the purpose of carrying this method out. The Union Pacific assented to the Hubbard plan and said they could and would carry it out, although it would be hard for the Union Pacific to match the peerless Central Pacific.

It is worthy of notice that the cost of transportation is more than ample to pay the interest of 2 per cent on these bonds. The companies were both asked to make a similar proposition. Just why I do not know. I do not see that it was necessary that they should both make the same proposition and the same terms. But if they must do that it is clear that those terms must be such only as the poorer could afford.

Since, however, this bill treats both alike, which if it be just to each is a marvelous coincidence, and as a basis for a judgment of the claim that it has been hard for the Union Pacific to match the Central, we submit the following brief comparison of the Union and Central Pacific.

The proposed reorganized Union and Kansas Pacific (they are now consolidated) will be between 1,800 and 1,900 miles long; the aided Central is about half as long. The former owes the Government a principal debt of $33,500,000, with a sinking fund of nearly $17,000,000 to apply in reduction. The Central owes the Government a principal debt of nearly $28,000,000, with a sinking fund of about $7,000,000 to apply. The former has paid the Government on bond and interest account, to go in reduction of unreimbursed interest paid by Government on subsidy bonds, about $20,000,000; the latter less than $8,000,000. The unreimbursed interest already paid by the Government on the subsidy bonds issued to the former company is about $35,000,000, and on those to the latter it is about $34,500,000.

The present balance of indebtedness from the former to the Government is about $52,000,000 (it will mature at about $55,000,000), and that of the latter about $58,000,000. The net earnings of the former while undergoing dismemberment in the hands of receivers, in the darkest railroad year in our history—year before last—were $4,315,000. Last year they were $4,800,000. And those of the Central for the same years, respectively, were apparently about half as much, but Mr. Tweed said that after taking out interest on first bonds and about $530,000 for present sinking fund the earnings of the Central in 1894 were $144,000, and in 1895 $12,000.

The former company (the Union) has millions of collateral resources; the Central is leased to the Southern Pacific, and has nothing but a rental of its earnings. The Union Pacific could refund its first-mortgage and whole Government debt in 4 percents, imposing a charge much within its average net income. It was put into the hands of receivers by its stockholding interest, and but for its guaranty of interest and dividends on the bonds and on stock of other but unsubsidized roads need never have failed at all.

A man simply does not know what he is talking about when he says that the Union Pacific is not stronger financially than the Central Pacific. As to which of the two companies showed the most strength there is no room for doubt, because the negotiation offering the same terms to each was carried to a point where the Central broke down, or said it must do so, and the Union still stood up.

The very last time I saw Mr. Pierce, the attorney for the Union Pacific, I told him that I could not agree to this bill which had been introduced here, and he asked me if I would not urge as a substitute his last proposition, to redeem the subsidy bonds and give the income mortgage for the $38,000,000 of unreimbursed interest.

Now, Mr. Chairman, it would be useless to follow these figures further, but I will present them in another way, for I know how members feel when they are tangled up without warning in a maze of figures like these. If the Central Pacific would pay these subsidy bonds and then pay $800,000 a year interest on their income bonds, it would be worth to the Government just the same as if they paid $1,500,000 a year under this bill. If the Union Pacific would discharge the subsidy bonds and pay $760,000 a year, that would be equal to the payment of $1,350,000 a year under this bill.

Again, putting it another way, take the Union Pacific debt at $55,000,000; under this bill the Government receives the first year 2 per cent interest on that, or $1,100,000. But in order to do that we must carry, say, $16,000,000 of subsidy bonds. That, at 3½ per cent, is $560,000. The Government receives for interest $1,100,000, and it pays out for interest, say, $600,000. That leaves $500,000 interest which the Government gets. Under the Hubbard plan the payment made for interest would be $760,000 a year; while under this plan we receive $500,000, making a difference of $260,000 a year in favor of the Hubbard plan. This is a simple matter; it is not like figuring out a tariff schedule; it is a simple matter of mathematical calculation.

Mr. NORTHWAY. Why was not the proposition accepted?

Mr. HUBBARD. The gentleman will have to ask that question of some other member of the committee.

Now, Mr. Chairman, another statement in regard to this bill in this connection. The bill is not so good, even, as the existing law. Under the requirements of laws now on the statute book, the Union Pacific Company has paid to the Government $1,500,000 a year on an average since 1879.

Mr. BARHAM. Under the Thurman Act?

Mr. HUBBARD. Yes; since the Thurman Act went into operation. Gentlemen will remember that our principal debt has not diminished. It has remained just what it was, less this Union Pacific sinking fund of $17,000,000. The annual average payment of the Union Pacific has been $1,500,000, while under the bill here proposed the annual payment would be only $1,250,000. Not only that; the $1,250,000 would pay not merely the interest, but would extinguish the debt as well, in eighty-three years. It is idle to dwell longer upon these figures. They are too plain.

Now, I want to call the attention of the House to the conditions that surround these railroads and the security that ought to be taken to preserve the interest of the Government in that property. You can not expect this money to be paid. There is nobody who can assemble a sufficient amount of money to discharge this debt, especially the first and second mortgages. Now look at the situation. The Union Pacific road, just before it reaches Ogden, and at Granger, joins the Oregon Short Line. That road practically parallels the Central Pacific to the coast. The Central Pacific, coming east, meets at Ogden the Rio Grande Western and the Denver and Rio Grande, which, in connection with the Missouri Pacific, the Burlington, or with the Rock Island and Pacific, parallels the Union Pacific to the Missouri River.

Whatever value may attach to any security that the Government takes from the Central Pacific will be measured by the indissolubility of the tie of the Central Pacific with the Union Pacific. Once put it into the power of each of these roads to carry on competition with each other, and either one of them can be "bottled up" until even the first mortgage will not be worth a continental. Suppose that in the future the Central Pacific—not the Union, not both roads, but just the Central—should fail, how much would the Government's $60,000,000 second-mortgage lien be worth? All that would be necessary would be for the Union Pacific to join with the Oregon Short Line (and that road was, until the Union Pacific went into the hands of a receiver, under the control of the Union Pacific)—all that would be necessary would be for the Union Pacific road to join with the Oregon Short Line and thus bottle up the Central so that the Government could not get a dollar.

The same is true of the Union Pacific. It also could be bottled up, because the Fremont, Elkhorn and Missouri Valley runs out to Caspar, Wyo., going through the northern part of Nebraska, and, by building about 150 miles of road, that line also could reach the Oregon Short Line, so that there would be not only two or three competing lines on the south, but also another one on the north. In that way the Union Pacific would absolutely be bottled up, so that the Government could not get anything out of it. But, fortunately for the Government, fortunately for the people, these roads have both failed, and now, if we avail ourselves of the opportunity, we can put them in a condition so that one mortgage shall extend over the entire line from the Missouri River to the Pacific Ocean.

I would not insist on a high rate of interest. Whatever these railroads pay to the Government in the future must be paid from charges levied on the people and the property along their lines, and if the Government can keep supervision over them, so as to compel them to give the people reasonable rates and prevent them from making exorbitant charges, then it will not be necessary to insist on a high rate of interest. It is better in the first place to have your debt secured than it is to have a big rate of interest, which the roads can not carry. Why these roads were ever permitted to be separate I am unable to explain. It would be as wise to now divide the Union Pacific at the North Platte.

Mr. NORTHWAY. A single question, if the gentleman will allow me. It has been said or intimated by the gentleman from Vermont [Mr. POWERS] that these are separate corporations and that it is not possible to get one consolidated mortgage. Will the gentleman kindly explain whether that is possible or not?

Mr. HUBBARD. That is one of the conditions under which the companies come to us. They say the companies have nothing whatever to do with each other.

The suggestion that the various companies owning these roads have no relation to each other as companies, and do not want to be mixed up with each other in their settlements with the Government, is wholly irrelevant. If we have a controlling mortgage on each of the two halves or four quarters of a railroad that is worth enough as a whole to pay all the debts of every part, we do not mix up the mortgagors by refusing to compromise with any of them for 50 cents on the dollar. This is not our side of the case.

Mr. WATSON of Ohio. What does the gentleman mean by the expression "a controlling mortgage?"

Mr. HUBBARD. The Government is the greatest creditor of these roads. It is assumed that the party who has the most money involved in a given piece of property, and who in that way holds the controlling mortgage, will not let it go, but will take advantage of his control before consenting to lose his money.

Mr. WATSON of Ohio. Do you mean that the party that holds the highest amount of indebtedness will control the property?

Mr. HUBBARD. Not necessarily in every case.

Mr. WATSON of Ohio. The gentleman's expression struck me as a rather odd one.

Mr. HUBBARD. By a controlling mortgage I mean that the Government holds the largest amount of the indebtedness.

Mr. WATSON of Ohio. I would like to have the gentleman's definition of a "controlling mortgage."

Mr. HUBBARD. It is this—that the Government does not propose to see this debt extinguished without payment when it has so large an interest in this proposition.

Mr. WATSON of Ohio. In other words, the Government, in order to save itself, as the matter now stands must assume all further indebtedness.

Mr. HUBBARD. I do not know that it is necessary to do that. The Government owns the controlling mortgage on these lines. Not only that, but there is the Sioux City and Pacific Railroad and the Central Branch of the Union Pacific. About $7,000,000 is due from both those roads. The subsidy was granted at the same time as it was to the main lines. But those lines were not even considered in the committee. We do not know what they propose to do with them—whether to give them away or just to let them "hang fire." All these roads ought to have been before the committee and treated the same way. They ought all to be put up and sold and the first mortgage cleared off.

The gentleman from Vermont says it will take $60,000,000 or $70,000,000 to clear off the incumbrances that precede the Government lien. With the application of the sinking fund that is available for the discharge of the debts of these companies, the United States can, with less than $30,000,000, have a clean title to that road, including the terminals and everything else from the Missouri River to the Pacific Ocean. That does not mean Government ownership of railroads, but the Government has the power to bring those roads to a foreclosure, so that men who have business qualifications, who have the capital and the brains to run these roads, may take hold of them. If such men come here and ask the Government what it has to sell and the Government replies that it has an equity in these roads, that offers no sufficient inducement to capitalists. People do not run into the purchase of equities very fast. But if you tell them that you have a clear railroad from the Missouri River to the Pacific Ocean, that there is not a dollar against it, and ask them what they will give for it, I guarantee you will have bidders for these properties offering much better terms to the Government than those embodied in this bill. The net earnings of the Union Pacific Railroad for the last ten years have averaged $7,500,000 a year, yet the committee proposes to make this settlement on the hypothesis that $4,000,000 is all the money that the company can have available for the purpose of liquidating the annual interest charges after paying operating expenses and taxes.

With these railroads united and with the Central Pacific cut loose from the lease that it has made with the Southern Pacific of Kentucky, what would be the situation? Now, I want to call attention to the statement of one of the Government directors, and a receiver of the Union Pacific Railroad Company, in regard to the freights hauled by the Central Pacific. He ought to know something about this matter. He is a man who has given his life almost to the attempt to save the interest of the Government in these roads. I refer to Mr. E. Ellery Anderson. He says that we

ought to foreclose. But let me read his exact statement as made before the Senate Committee on Pacific Railroads:

> Senator STEWART. You suggest that if the Central Pacific and the Union Pacific were sold together, the line would be more valuable than if they were sold separately?
>
> Mr. ANDERSON. Yes.
>
> Senator STEWART. Would that be because it would have a monopoly as against those other roads that are attempting to get to the Pacific Ocean?
>
> Mr. ANDERSON. There would be no monopoly; but the Union Pacific, controlling the Central Pacific, would be protected from the plans of construction which now exist in those several other roads, and would also be able to take for itself a larger portion of the California business than it now obtains. Our relations to the Central Pacific are friendly and pleasant in many ways; but they naturally take all they can by the Southern road, and only give us what is necessary to preserve friendly relations with us; whereas, if we owned the Central Pacific, we would take very much more business than the Central Pacific now gives us.

That is the testimony of a man who knows something. That is the evidence that comes to show that these roads ought to be united. So far as the line of the Central Pacific and the Southern Pacific of Kentucky is concerned—and understand that that is not a railroad company; it is not a railroad corporation—it does not own a mile of railroad; it was not a purchase of capital stock in the road, but it was trade of stock in the road for the purpose of securing a controlling interest, and it is an arrangement that could be dissolved at any time. Whatever benefit possible to accrue from the Southern Pacific Company to the Government under this bill could go up into the air at any moment.

Mr. ARNOLD of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. HUBBARD. Certainly.

Mr. ARNOLD of Pennsylvania. How is it possible, I would ask the gentleman, by any legislation of this Congress to unite the two roads?

Mr. HUBBARD. Am I urging any such legislation?

Mr. ARNOLD of Pennsylvania. I understand you to suggest that they should be united.

Mr. HUBBARD. Certainly. That is one of the features—one of the objections to your bill. It does not unite them.

Mr. ARNOLD of Pennsylvania. But that is just the question I ask you. How can they be united by any legislation?

Mr. HUBBARD. We are not suggesting legislation for that purpose; we are only combating your bill.

Mr. WATSON of Ohio. Let me ask the gentleman how he proposes to unite them?

Mr. HUBBARD. I am not making any such proposition.

Mr. WATSON of Ohio. But you say you are combating the bill because you claim that it does not propose to unite them. Now, if you propose to combat the bill on that ground, you are bound, in good faith, to show how the bill could accomplish that purpose, and how they could be united. I think myself that ought to be done. And if it could be done, I would vote for the proposition in a minute.

Mr. HUBBARD. I say let the Government proceed as the President is proceeding——

Mr. BARHAM. That is it.

Mr. HUBBARD (continuing). Let him proceed to clear off the first mortgages; and let me say to the gentleman that it would require less than $30,000,000 to do it. We have then the united road from Omaha to the Pacific Ocean.

Mr. WATSON of Ohio. But they are not any more united than they are now.

Mr. HUBBARD. Wait a moment: I am making the statement against the argument of the gentleman from Vermont. I say that you will have a united road from Council Bluffs, Iowa, to the Pacific Ocean, including the terminal at Council Bluffs, Iowa, and including the terminal at Kansas City, Mo. It will be taking all of the liens made by the Union Pacific, for what purpose I do not know, and the line can be extended from Kansas to Cheyenne, by way of Denver, without the expenditure of a dollar. And I deny the position of the gentleman, both as a matter of fact and of law, that the lien of the Government does not attach to the terminals.

Mr. WATSON of Ohio. Will the gentleman allow me a question?

Mr. HUBBARD. In a moment. It covers the terminals at Omaha; it covers the bridge; it is a continuous line from the point fixed by the President, in pursuance of the acts of 1862 and 1864, and the Government lien extends to all.

Now I yield to the gentleman.

Mr. WATSON of Ohio. Does not the gentleman from Missouri know that the Supreme Court has decided that the Government lien extends to any of the bond-aided portions of the road?

Mr. HUBBARD. On the contrary, I am aware of nothing of the kind.

Mr. WATSON of Ohio. Do you deny it?

Mr. HUBBARD. As a matter of fact and as a matter of law, as to the Supreme Court decisions you are wrong.

Mr. WATSON of Ohio. Do you deny that the court has so decided?

Mr. BARHAM. I do.

Mr. WATSON of Ohio. I am asking the gentleman from Missouri.

Mr. HUBBARD. I construct it differently. I say that the decision of the Supreme Court saying the lien did not extend farther than 394 miles was as clear a decision as was ever given. There can be no question about it. It does not extend west of the three hundredth milepost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS of Kansas. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. HEPBURN. A moment, before the consent is given. This is not to encroach upon the arrangement already made? It simply extends his remarks in the time he controls?

The CHAIRMAN. That is all.

Mr. HEPBURN. I have no objection to that.

The CHAIRMAN. The gentleman from Missouri will proceed.

Mr. HUBBARD. That decision was correct; it was right; it was law. The reason why the line of railroad west of the three hundred and ninety-fourth milepost to Cheyenne by way of Denver can be subjected to the Government mortgage without costing a dollar I will explain in a few minutes. The United States Supreme Court has never decided that the lien of the Government does not extend to the Omaha bridge and to the terminals at Kansas City and at Council Bluffs. It has never passed upon that question. You can not cite a decision of the United States Supreme Court in which it has decided that in any way, shape, or form. It never has been passed on; but I will tell you what was done. After that proceeding of 1887, they took advantage of that, and have been insisting all the time since that the Government had no lien except upon such specific miles as its money had gone into. In other words, if the money of the Government went into 20 miles of road here, and did not go into 20 miles at another place, the railroad companies have been insisting that the lien of the Government did not attach to the last property.

I say that that position is absurd. The officials of the Government, the men who have had the interests of the Government in their care, to guard them against these Pacific railroads, seem to have acquiesced in that opinion that the Government lien did not attach; but understand that acquiescence does not make nor construe law. Then the question came up on the earnings of the Omaha bridge. If the Omaha Bridge was not a part of the Union Pacific system, if the Government had no lien on that, as it had not on that line west of the three hundred and ninety-fourth milepost, then the earnings on that bridge should not have been attached under the 25 per cent net earnings fixed by the Thurman Act. Not a dollar of the Government's money went into that bridge. You all understand that. The railroad company brought a suit for the purpose of testing that, but they never pressed their suit. Why did they not?

The Supreme Court of the United States has declared strongly and specifically, in language that could not be improved upon, that the Union Pacific Railroad commences at Council Bluffs, in Iowa, includes the Omaha Bridge, and runs to a point 5 miles west of Ogden; and if the Government lien does not attach to that, the Supreme Court will have to reverse itself.

Mr. WATSON of Ohio. In what case was that decided?

Mr. BARHAM. In 91 U. S., 343.

Mr. HUBBARD. The case of Hall *vs.* Union Pacific Railroad. Now, in regard to the property west of the three hundred and ninety-fourth milepost, the Denver extension and the Denver Pacific Railroad, or the Cheyenne Division, as it is sometimes called: As appears from the statement of the gentleman who presented the report and the bill from the committee, the reason why the Government is to raise, as it were, its present lien a little bit higher and permit, in so far as the Union Pacific Railroad Company is concerned, the putting of an additional first-mortgage lien of $21,000,000 beneath us, was because the Government was securing property against which we had now no lien, and which was worth many million dollars.

Now I want to take one of the trusts, the tenth, as it is given in Poor's Manual.

This trust is a mortgage to Russell Sage and George J. Gould to secure mortgage bonds to the authorized amount of $30,000,000, of which amount about $11,000,000 has been issued and are outstanding. It is called the consolidated mortgage. It covers the Kansas Pacific from Kansas City to Denver. It is subject to the first mortgage and Government lien on the Eastern and Middle divisions, so called, of the Kansas Pacific—the Eastern Division extending from Kansas City west to the one hundred and fortieth milepost and the Middle Division from the one hundred and fortieth to the three hundred and ninety-fourth milepost. The consolidated mortgage is a third mortgage on the Eastern Division, a fourth mortgage on the Middle Division, a second mortgage on the Denver Extension, and a mortgage on the terminals at Kansas City, but we do not know the order of its lien on the terminals.

It is also a first mortgage on one and a second mortgage on another large body of land and land contracts, and is further secured by the pledge with the trustees of a good many millions in par of stocks and bonds, including a little less than $1,000,000 of the bonds on the Cheyenne Division.

The third mortgage on the Middle Division, which precedes it, is an income mortgage of about $5,000,000, but all of those income bonds except $20,000 appear to be up as collateral to the consolidated mortgage itself. The mortgage which precedes it on the Denver Extension secures bonds outstanding on that extension to the amount of $5,887,000, but the Denver Extension mortgage securing these bonds is also secured by a first mortgage on one of the bodies of land covered by the consolidated mortgage and by a sinking fund, which are sufficient to pay off the Denver Extension mortgage and yield a surplus to go to the security of the consolidated mortgage of nearly $5,000,000. This surplus, with the lands on which the consolidated mortgage is a first lien (and the land contracts), are, as stated by the company, of sufficient value to pay off the consolidated mortgage to within $2,115,670.22. This would free the $5,000,000 income bonds on the Middle Division and allow them to be canceled, and there would still be left, to make good the above deficit on the consolidated mortgage, other bonds pledged under it to the par value of $1,314,000 and stocks to the amount of $1,797,500 more. So that there would seem to be a premium in assuming the consolidated mortgage, besides freeing the Denver Extension wholly, and the Cheyenne Division for the most part, from any mortgage whatever; but if not, then we may turn to another of the trusts—the third or 8 per cent sinking-fund trust, in which there is a clear surplus of nearly $4,000,000.

Wherefore, in any event, if the Government can reach these assets or has any lien under the Thurman Act or otherwise, even on the equity or right to redeem, it is easy to give to the Government the property the company purports to contribute for the completion of the Kansas Pacific system, and seemingly free from all mortgages and without cost. But it may be said this is not all; that there is the Union Pacific Railway Company Kansas Division and collateral mortgage of $5,000,000 mentioned in the Drexel-Morgan securities. This, it is true, purports to rest upon the Kansas Pacific Division clear through to Cheyenne. It was made in May, 1891. In respect to this mortgage Mr. Pierce made a somewhat startling claim. He said:

> The $5,000,000 of Kansas Division and collateral trust 5 per cent bonds are secured by mortgage to the Mercantile Trust Company, and constitute a lien on the entire Kansas and Cheyenne divisions. It is also the claim of that mortgage that it constitutes a first lien on the equipment on that part of the property, inasmuch as all the equipment which had originally been bought by the constituent companies consolidated into the present Union Pacific Railway Company had been worn out, and the present equipment was purchased by the present consolidated company—the Union Pacific Railway Company.

If that is the effect of consolidation upon prior mortgages that included the rolling stock of the constituent companies, we think the information will astonish investors. It is timely for us, however, for the proposed mortgages in the bill do not cover after-acquired property; or if so, that would not seem to matter in the event of any consolidation. An amendment, put into this bill on motion of my friend from Iowa [Mr. HEPBURN], intended to secure equal privileges to all companies that should build lines to connect with these Pacific roads, impliedly gives to them the power to enter into any consolidation not in conflict with the terms of that amendment. We assume that the present equipment of these companies will be worn out long before our claim will be paid under this bill, and a good way to release new equipment from the Government lien will be to consolidate with somebody.

But glance at the history of this five-million-dollar mortgage. It contains the curious provision that it may be further secured at the election of the company by the pledge of all or any of the following mortgage bonds:

Colorado Central Railroad Company	$1,378,000
Oregon Short Line and Utah Northern consolidated first mortgage bonds	1,810,000
Oregon Short Line and Utah Northern collateral trust	4,745,000
Union Pacific, Denver and Gulf consolidated first-mortgage bonds	7,706,000
Utah and Northern	297,000
Utah Southern Railroad Extension Company	88,000
Total	16,024,000

These securities were worth much more than the $5,000,000 to which they were to be collateral, and were more salable, too. Indeed, the $5,000,000 were not sold, any of them; but, with the foregoing optional collaterals, were apparently, only four months later, all put up with the Drexel-Morgan loan, from which, the indications are, a large part of them has been sold; but, in any event, a taking up of the Drexel-Morgan loan would release any collateral to the five-million-dollar loan, for all of the bonds of that loan itself would be released.

This kind of financiering seems, on the slightest examination, to have been guided by no business foresight or prudence.

We are aware that such transactions lend some little color to the rumor that the Pacific roads have been fixed to meet the Government claim. We do not think they warrant such a charge. We do, however, submit that the making of bonds unsalable and never to be sold, even seemingly absurd bonds like the foregoing and the income bonds on the Middle Division of the Kansas Pacific, and other bonds to be pledged and themselves to be secured at the option of the company, by large amounts of salable bonds, challenge attention. They indicate that the right key to the right trust unlocks many millions of bonds in excess of the debt secured, which bonds in turn dissolve other trusts, whose securities, thus freed, release one mortgage after another, and so on.

In short, if there had been a design to embarrass the company by unnecessary incumbrances as foundation for extraordinary claims, and to create trusts to secure bonds never to be issued, and to stuff the trusts with securities which it was desirable to protect, assert, or cover for a time, and then get rid of or retain, those purposes could have been accomplished by mortgages and trusts such as are manifest here, which, nevertheless, in this instance, we have but little doubt will be found to have been availed of for fair purposes.

However, I do not know. It is impossible to get full information in regard to these roads. You have to get your information from half a dozen different books, from newspaper clippings, and from the wind and streets.

Just a few words at this time in regard to the pending bill. The gentleman from Vermont was asked the very pertinent question why the bill did not include the personal property, stocks, and bonds of the Union Pacific Company, as it included those of the Central Pacific, and he said that it did. I deny that statement. It does not do anything of the kind. It covers the personal property, stocks, and bonds of the Central Pacific, and that company has not a stock or bond to its name. It is leased to the Southern Pacific of Kentucky, and depends upon its rental for its income. The Union Pacific, on the other hand, is not required by this bill to mortgage any of its bonds or stocks, and it has millions of them. There are ninety-odd millions, par value, up behind that Drexel mortgage alone, although there are only about $8,500,000 of that loan outstanding to-day. There was an authorized issue of $24,000,000, an actual issue of $18,000,000 or $19,000,000, and the amount outstanding has been brought down to $8,500,000. My report says that the amount was $11,000,000 last year, but it has been reduced so that it is now only about $8,500,000, and proceedings have been already instituted to foreclose that trust in order to eliminate the claim of the Government. Lest the Government should have any right in equity to redeem that property, the foreclosure is going on, in order to put the property beyond our reach in this settlement.

This bill, I say, does not require the Union Pacific to mortgage its bonds and stocks. The bill further permits the Central Pacific Railroad Company to remain under lease to the Southern Pacific of Kentucky, which is certainly in violation of laws passed by several of the States, and in violation of a principle which has been recognized even by Congress, feeble as it has been in its effort to legislate to prohibit the consolidation of parallel or competing lines of road.

This bill, I say, permits that to be continued and carried on. The time that the bonds are to run under this mortgage is eighty-six years for the Central Pacific and eighty-three years for the Union Pacific, taking a second-mortgage 2 per cent bond, which is practically worthless, and giving away these properties, because if they should fail again it would require over a hundred million dollars to come in and clean off the underlying mortgage, whereas now it can be cleaned off for less than thirty millions and give the Government a clear road to sell. The bill is inadequate to guard the interests of the Government, delusive, and visionary, and the results of its practical application will be to destroy, not conserve, the rights it vainly assumes to protect.

I reserve the balance of my time. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAINER of Nebraska having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.; and

Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" and

A bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia.

The message also announced that the Senate had passed with amendment the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army in which the concurrence of the House was requested.

PACIFIC RAILROAD BILL.

The committee again resumed its session.

Mr. BELL of Texas rose.

Mr. POWERS was recognized.

The CHAIRMAN. To whom does the gentleman from Vermont yield?

Mr. POWERS. I do not yield to anyone, Mr. Chairman, but I understand that the gentleman from Missouri [Mr. HUBBARD] yields to the gentleman from Texas [Mr. BELL].

Mr. HUBBARD. That is right.

Mr. BELL of Texas. I suppose that I had a right to the floor as a member of the committee.

The CHAIRMAN. The time is controlled by the gentleman from Vermont on the one side and by the gentleman from Missouri [Mr. HUBBARD] on the other.

Mr. BELL of Texas. Mr. Chairman, I am aware that a great number of gentlemen whose constituents are much more directly interested in the proper settlement of the Pacific railroad debts than are those whom I represent desire to address the committee on the pending measure, and I should not occupy any of the limited time which has been allowed for debate but for the fact that I think the gentleman from Vermont has fallen into error as to many of the propositions which he has submitted. Most of what I have to say will be directed to attempting to correct some of the erroneous impressions which, I fear, his remarks might have created.

To begin with, as a member of the Committee on Pacific Railroads, I of course, in common with others, have become somewhat familiar with the details of the legislation proposed by this bill and with the previous legislation on the subject, as well as with the history of the construction of the subsidized railroads and their subsequent operations.

The gentleman who opened the discussion [Mr. POWERS] has very clearly and fairly stated the history of the legislation authorizing the building of the roads, but in order that my remarks may be reasonably complete I desire to repeat briefly some of the things which he has so well said:

The act of Congress approved July 1, 1862, authorized the Secretary of the Treasury to issue bonds to certain companies named therein, which bonds were to be a loan to them, and to secure the payment of which, together with the interest thereon, the Government was to have a first lien on the roadbed, the property of the companies, to aid in the construction of which the bonds were issued. No work was done under this law.

By the act approved July 2, 1864, the companies were authorized to issue first-lien mortgage bonds of even tenor, date, and amount of the Government bonds, and the lien of the Government was to be subordinate thereto.

The Government was to retain one-half of all the compensation for services rendered it by the several companies, which sum, together with an amount equal to 5 per cent of their net earnings, was to be applied to the payment of the said bonds and interest.

Five companies accepted the benefits of the act. They were—

The Sioux City and Pacific road, which extends from Sioux City, Iowa, 101.77 miles in a southwesterly direction, and to it subsidy bonds were issued to the amount of	$1,628,320
The Central Branch of the Union Pacific, which extends from Atchison, Kans., 100 miles westerly, and to which were issued subsidy bonds to the amount of	1,600,000
Total	3,228,320

As it is not proposed in this bill to legislate with reference to these properties, it is not necessary to go further into details with reference to them.

The Union Pacific, which extends from Omaha, Nebr., to Ogden, Utah, a distance of 1,038.68 miles, and to which were issued subsidy bonds to the amount of	$27,236,512
The Kansas Pacific, which extends from Kansas City, Kans., westward 393.94 miles, and to which were issued subsidy bonds to the amount of	6,303,000
Total	33,539,512

These two companies have been consolidated and are now parts of the Union Pacific Railway system, and in the subsequent discussion I shall refer to them collectively as the Union Pacific Railway Company.

The Western Pacific, which was absorbed at an early date by the Central Pacific, the two roads constituting a continuous line from San Jose, Cal., to Ogden, Utah, a distance of 860.66 miles, and to the two companies, which are designated as the Central Pacific, bonds were issued to the amount of	$27,855,680

It was thought when the bonds loaned the companies were issued that the one-half of the compensation due by the Government for services rendered it by the respective companies and the 5 per cent of the net earnings which was to be applied to the payment of the bonds and interest as stated would pay the interest and supply something to be devoted to the gradual extinction of the debt due the United States.

This proved to be a delusion, and the companies having failed to keep the interest paid, a suit was instituted to recover judgment for the amount they were in default. It was decided by tgh Supreme Court in 1875, in the case of the United States *vs.* The Union Pacific Railway Company (91 U. S., 72), that the interest paid by the Government was not due from the companies until the bonds matured.

As the companies made no effort to provide a fund with which to discharge their indebtedness secured by the prior lien on the property upon which the Government had a lien, or to satisfy the Government's debt when it should become due, and as it was rapidly increasing owing to the fact that the interest it was paying annually largely exceeded the amounts paid by the companies, it was apparent that the claims against the subsidized portions of the roads would, before the Government debt matured, amount to much more than the value of the property upon which the Government had a lien to secure its debt.

In 1878, by what is known as the Thurman Act, in order that a sinking fund might be accumulated with which to pay off the debts of the companies when they should become due, it was provided that the whole amount of compensation due to the Union Pacific and Central Pacific Railway companies, respectively, for the services rendered for the Government should be retained, one half to be applied to the liquidation of the interest paid by the United States upon the bonds loaned the said companies and the other half to be turned into a sinking fund. By the same act, in addition to the 5 per cent of their net earnings which was to be applied to the payment of the interest on the bonds, as I have explained, the said companies were required to pay into the sinking fund a certain portion of their net earnings. The amounts paid into the sinking fund were to be invested in bonds of the United States, and the semiannual income thereof was to be in like manner invested, and the fund thus accumulated was to be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of said companies, respectively, paramount to the rights of the United States. This law, having been tested in the courts and having been held to be a proper exercise of legislative authority, has been enforced, and consequently there has been accumulated in the sinking fund and is held in the United States Treasury securities and cash which is now available for the purpose of paying off the mortgage debts of the Central Pacific Railroad Company $6,493,126.94, and of the Union Pacific Railroad Company $15,825,985.63.

It is proposed by the bill reported by the committee to apply the amounts in the respective sinking funds to the extinguishment pro tanto of the Government's debt, and to this suggestion there can be no objection.

A careful computation of the amounts which would be due the Government on the 1st of January, 1897, after deducting the amount which the Government would realize from the securities in the sinking fund, shows that the Union Pacific Railroad Company will be indebted to the Government in the sum of $53,715,408.78 and the Central Pacific $57,681,514.29.

To secure the indebtedness of the Union Pacific Railroad Company, the Government has a lien on the 1,038.44 miles of road extending from Omaha, Nebr., to a point 5 miles west of Ogden, Utah, and on the 393.94 miles of road extending from the eastern line of the State of Kansas to a point 393.94 miles west therefrom, making in all 1,432.38 miles; but the Government lien on this property is subordinate to a prior lien to the amount of $33,532,000.

To secure the indebtedness of the Central Pacific the Government has a lien upon the 737.50 miles of railroad extending from a point 5 miles west of Ogden, Utah, to Sacramento City, Cal., and from Sacramento City to San Jose, a distance of 123.16 miles—in all, 860.66 miles—but the lien of the Government upon this property is subordinate to a prior lien of $27,855,680.

A part of the Government's debt against each road has matured, and the remainder will mature in a short time; consequently it is necessary that some steps be taken to protect the interest of the Government at an early date.

About the facts which I have repeated there can be no dispute, but I do not agree at all with the gentleman from Vermont that the owners of the stock of the Union Pacific and the Central Pacific railroad companies are in an attitude which entitles them to the least favorable consideration at the hands of this body. I did not suppose there would be anyone who would attempt to defend either the builders of these railroads or those who have subsequently operated them. The scandals that grew out of their construction, and particularly out of the construction of the Union Pacific, are a disgrace to the civilization of the age and ought to be a warning to all who might be inclined to loan the credit of our Government to the prosecution of private enterprises. I do not, however, intend to be diverted from a discussion of the real merits of the proposed settlement by questions of this kind, and would not refer to them except for the fact that it has been assumed that those who have been the beneficiaries of outrageous peculations and frauds had conferred some great favor upon our country, and especially upon that section of it which is traversed by the roads which they constructed and have subsequently wrecked.

It has been asserted that it should make no difference to us and was none of our concern, if the Government of the United States was not directly defrauded, whether the manipulators who constructed the roads acquired a fortune or not. From this proposition I utterly dissent. I entirely agree that if any man by his labor, or by his superior judgment, can accumulate a fortune honestly and honorably, he ought to do so, and that he ought to be commended for doing so; but I dissent entirely from the proposition that it is honest or honorable to accumulate a fortune in building railroads, or in other public enterprises, by watering stock or issuing bonds which do not represent an actual investment. I deny that those who accumulate fortunes in this way are public benefactors, and I particularly dissent from the suggestion that we, as representatives of the people, are not interested in preventing such transactions, or in preventing those who have been the beneficiaries of them from enjoying the fruits of their ill-gotten gains. If gentlemen see proper to build a railroad, and if they issue stock or bonds in excess of the actual cost of the enterprise, the excess represents so much indebtedness which the public, who from the very nature of the thing are compelled to patronize the road have to pay the interest upon. If I were not anxious to explain the details of the substitute which I propose to offer for the bill, and if I had sufficient time, I would like to elaborate upon this particular subject at length; for, while I am one of those who believe that we can not have the prosperity to which we are entitled in this country under the financial legislation which now prevails, and while I believe in the injurious effects which have followed the high-tariff systems of the past, still it is my deliberate judgment that far more injurious than all these has been the effect of the fictitious debts which have been created upon our great transportation systems, and which have occasioned (and I fear will continue to occasion) the transportation charges to be so oppressive upon our people; but I shall forego any discussion of this subject, and shall recur to the measure under consideration.

Enormous land grants were made to the railroad companies, but it is unnecessary to discuss the disposition which has been made of those lands, as they were a gift and not a loan, but so far as the subsidy bonds are concerned the case is entirely different. It was not intended, and never was suggested, that these bonds should be given to the companies, but only that they should be loaned, and it was always understood that the Government was to be repaid the entire principal and interest upon them; but it has been suggested by the gentleman from Vermont that inasmuch as there had been repaid to the United States an amount equal to the original amount of the bonds granted, that, therefore, the Government ought to deal more leniently with its debtors in collecting the remainder of its debt. It is a familiar principle of law that partial payments upon a debt must be applied first to the payment of the interest, and this was in contemplation at the time the bonds were loaned. It was expressly provided, as I have already stated, that the Government should be paid one-half of the amount that might be due the companies, respectively, for transporting mails, troops, etc., and 5 per cent of their net earnings, and these amounts were to be applied to the payment of the interest, and if there should be any surplus then it was to be applied to the payment of the principal of the indebtedness, and it was thought, as I have already stated, that these payments would not only extinguish the annual interest charges but would furnish something to discharge the principal of the Government's debt. If those who constructed the railroads had used the money which they realized from the sale of the bonds secured by the first mortgage, as well as from those which had been loaned by the Government, to the construction of the roads, and had issued no stock except for the money which was used in the construction of the roads, the annual charges against the companies would not have been so great but that the amounts which were to be applied under the law of 1864 to the Government's debt would have been sufficient to have paid the interest on the Government's debt, and inasmuch as that was not done, and as those who constructed the roads made use of these moneys to accumulate immense fortunes, and did do so, I think they at least are in no position to ask favors at the hands of this body.

When the Thurman Act became a law it was believed by those who passed it, as the discussion on the measure shows, that the sinking fund would be sufficiently large by the time the Government's debt matured to pay it off; and it is probable that if the roads had faithfully carried out the law such would have been the case; but as soon as the law was tested, and was sustained by the courts, efforts to divert the earnings of the companies from the sinking fund were made, and they have been very successful. So far as the Central Pacific Railroad is concerned, a lease was made to the Southern Pacific Railroad under which there could be no net earnings to amount to anything, and as to the Union Pacific, the construction of branch lines or feeders, as they are called, was undertaken, and the Union Pacific guaranteed the payment of the interest on the debts of these lines; and the result has been that very little has come into the sinking fund from either of the roads, except from the compensation due by the Government to them for services. We can well understand how this could be accomplished if we will imagine a more simple case. Let us suppose, for instance, that some one is the owner of a livery stable and that he is compelled to pay one-fourth of the net earnings of it to another person. Suppose, then, that the same man owns the horses and vehicles which are used in the stable, but does not have to divide any profits that may arise from their use. It can readily be seen that there would probably be a good profit on the stock and vehicles and none on the stable. And so it has been with these railroads. The same gentlemen who own the stock in the subsidized portions of the railroad systems own the stock in the feeders, as they are called, and the main line having guaranteed the payment of the charges against the auxiliary lines, they have received the benefits from the diverted traffic and an excessive proportion of the earnings of the system.

I concede that most of what I have been saying on this subject is foreign to the real question at issue. We must recognize the fact that, as a matter of law, we are confronted with conditions for which we are in nowise responsible, and must secure the best settlement we can of a debt which we did not create and the security for which was fixed by others. But I have made these statements for the purpose of showing that we are under no moral obligation to deal leniently with those who have made immense fortunes out of the bounty of the Government and who have shamefully abused the confidence and generosity of our predecessors. Nor do I agree at all with the statement that these companies have built up and turned into a garden the waste places which formerly existed where the roads now run. It is a great mistake to suppose that the railroads make the country. The hardy and honest people who have settled up our frontiers have made the railroads possible, and the railroads have shared but not occasioned the prosperity, so far as it has prevailed. Prosperous communities were planted on the banks of the Mississippi and Ohio, and the fertile lands of Illinois and other Western as well as Southern States were occupied before there was a railroad.

I maintain that from the time the first contract was made for the construction of either of the roads concerning which we are now legislating, every step has been taken with a view of rendering it more difficult, if not absolutely impossible, for the Government to collect its debt; but at the same time we are not in nearly as bad a condition as some of the gentlemen seem to imagine. For instance, it was stated by the gentleman from Vermont that inasmuch as our lien did not attach to that part of the Union Pacific road which was within 3 miles of its eastern terminus, therefore we could not use it in the event the Government should become the owner of the road, or that the purchaser of that part of the road upon which the Government has a lien could not do so. There is an express provision in section 15 of the original act chartering the road which covers this case, and no one need have the least fear of such a catastrophe as the gentleman anticipates.

Mr. POWERS. Will the gentleman allow me a question in that connection?

Mr. BELL of Texas. Yes, sir.

Mr. POWERS. Is it not true that there was no Government aid extended to that portion of the line?

Mr. BELL of Texas. I think the gentleman is right on that point. I do not concur with the gentleman from Missouri in his contention on that score.

Mr. POWERS. The Government has no mortgage on that part of the road.

Mr. BELL of Texas. So I think. I listened with interest to that part of the argument of the gentleman from Missouri and did not agree with him. That, however, is not the point to which I was referring. The contention of the gentleman from Vermont, as I understand it, was that the company could prevent the use by the Government or of any purchaser of that part of the road upon which the Government has a lien of the 3½ miles of road west of its eastern terminus. It is in opposition to this theory that I called

attention to the provision in the fifteenth section of the act of 1862, which covers that very case. I think, however, the general provision of law with reference to common carriers would have covered it anyway, but the provision to which I have referred is express.

Mr. POWERS. My position was that if we foreclose our mortgage or seize the property of the road we could only foreclose or seize a line which would end at the Omaha Bridge.

Mr. BELL of Texas. But the gentleman went further, as I understood, and stated that the company could fence off that part of the road and we could not get into Omaha.

Mr. POWERS. What I meant was that we could not own the line beyond the point I have named.

Mr. BELL of Texas. Then I see that I misunderstood the gentleman's position entirely.

Mr. BOATNER. Does the gentleman consider the ninth section of the Thurman Act as void?

Mr. BELL of Texas. No, I do not.

Mr. BOATNER. Well, that expressly declares that the United States shall have a lien on the entire line of the road, and was evidently intended to correct the interpretation of the law given to it by the Supreme Court in the Kansas Pacific case.

Mr. BELL of Texas. I do not think Congress could or that it has attempted to interfere with vested rights. A mortgage that existed at the time was a lien, and Congress could not, if it desired do so, interfere with it.

Mr. BOATNER. Certainly not; but could not the ninth section of the Thurman Act be enforced without interfering with any other rights? Of course Congress can not dispossess existing liens. It can not divest them of existing rights, but could it not declare that a lien could exist to secure the entire indebtedness of the Government?

Mr. BELL of Texas. There is no controversy on that point.

Mr. BOATNER. And the reason I make the suggestion was on account of the concession the gentleman has made to the position taken by the gentleman from Vermont, that the United States has no lien except on the portion of the line against which the subsidized bonds would show.

Mr. BELL of Texas. That was not the contention, as I understand, of the gentleman from Vermont. I did not understand the gentleman to claim, and I certainly do not intend to concede, that the Government has no lien on the property of the company other than that in aid of the construction of which bonds were issued. The only point that I intended to concede, and all that I understood the gentleman from Vermont to contend for, was that the Government's claim on the terminal properties was not only subject to the lien to secure the $35,000,000 debt, commonly called the first-mortgage debt, but was subject to other debts against the company. Of course, the Government could pay off all the debts of the Union Pacific Railroad Company and take all this property.

Mr. BOATNER. The gentleman from Texas was mistaken as to the contention of the gentleman from Vermont, who contended that the Government has no lien on that part of the line.

Mr. BELL of Texas. Well, I do not so understand the gentleman's contention, and state that I do not intend to concede that it is correct, if that was what he stated.

But all this, Mr. Chairman, is merely preliminary to what I wish to say. After all, the whole question is a plain business proposition, and we should decide it from purely a business standpoint. We should not allow ourselves to be swayed by any prejudice against those who may have abused the generosity of our Government; nor, on the other hand, should we allow ourselves to be influenced in their favor on account of imaginary benefits which they have conferred upon our country, for, as a matter of fact, if they have conferred any favors they have been remarkably well paid for them.

But now to come to the real merits of this controversy. It is a fact that these railroads owe an enormous debt of $112,000,000 to the Government, and to secure the payment of this debt the Government has a second mortgage on certain lines of railroad. Some people contend that the property upon which we have a second lien is not worth as much as the debt secured by the first lien.

If this was true, then there is no occasion for us to legislate on the subject. No railroad corporation cares to pay more for property than it is worth, and if the debts secured by the first mortgage is for a greater amount than the value of the roads, it is useless for the railroad companies to pretend that they are going to secure our debt by giving us a lien on other property. We would not do this in our ordinary business affairs, and certainly there has been nothing in the conduct of those who are in control of the Pacific railroads to justify us in supposing that they at this late day are going to do something as a favor that they can not be compelled to do as a matter of law. But I do not concede the correctness of the statement that our debt is in no wise secured. We had a number of gentlemen before the committee which reported this bill, and they were persons who were entirely familiar with the subject. We asked them time and again what they thought of the value of the property. I particularly remember that Mr. Anderson, who has been connected for many years with the management of the railroad as a representative of the Government, gave it as his opinion that, so far as the Union Pacific was concerned, that part of it upon which the Government had a second lien would sell for enough to pay off the debt secured by the first mortgage and at least one-half of the Government's debt. So the Government is not absolutely without security. We are not entirely driven to the wall. We are not so far embarrassed as to justify us in surrendering our debts or settling on the terms that may be proposed by those who owe them. But what is it that this bill proposes to do? So far as the Union Pacific Railroad is concerned, the proposition is that we allow the debt which is secured by a mortgage prior to that of the Government to be increased from $33,539,512 to $54,731,000. If it is not proposed to lose our entire debt, the question is whether we would be in a better position and more able to collect it if the settlement is allowed than before. It is true that our second mortgage will cover some other property, but the trouble is that this property is not worth $21,000,000, the amount by which the debt secured by a lien prior to that of the Government is to be secured. Of course, there is a difference of opinion among gentlemen as to the value of this property. Those who appeared before the committee and gave their estimates of the value of the property did not think that the Government's position would be materially improved by the additional security.

The bill proceeds upon the theory that we ought to accept the proposition made by the railroad companies themselves instead of making a proposition of our own for them to accept or decline. No business man would ever make a settlement upon that principle. When people are dealing with others, they get the best offer they can, instead of taking the most favorable offer from the other party to the proposed contract. We have accepted, or it is proposed that we shall accept, the offer of the railroad company, just as if they were entirely insolvent, and as if all we could do is to take what they are willing to give us. Now, I believe that by submitting a fair and reasonable offer to the companies, with the distinct understanding that they may accept or decline it, we can reach a satisfactory adjustment of our debt; that is, an adjustment that will be satisfactory to all those who are simply trying to collect the Government's debt, instead of trying to secure legislation by which their particular section would be benefited to the exclusion of other portions of the United States. It is true that these roads have not been making satisfactory earnings for several years past, but the reasons for this are very plain. It is not to the interest of those who have managed and operated these roads that they should make money.

There are two reasons for this: First, and one which by all means should be considered, is the fact that if the roads had been making a satisfactory showing this body would not be disposed to settle on so liberal terms as they otherwise would; and another reason is the one which I have explained—that is, that one-fourth of the net earnings of the roads would have to go into the sinking fund. But the settlement proposed by the committee proceeds upon the theory that we should take the present net earnings of the roads as a basis for settlement, and that we should fix only such charges as the present earnings of the road would meet. I think this is entirely an erroneous basis upon which to proceed. If those who own the stock in and the properties of the companies are not going to raise money in some way for the purpose of putting the corporations on a more solid basis than they are now, then we had better refuse to treat with them and let some other person get control of the property who will be disposed to do right by the Government. What is it that we propose to do for these companies? If they, or others who may be their successors, have to go into the market and borrow money, they would be compelled to pay probably 6 per cent per annum interest upon it.

I do not discuss the proposition to extend the debt at the rate of 2 per cent per annum, because I do not believe that proposition will meet with favorable consideration at the hands of any considerable number of the members of this body, but at the rate of 3 per cent per annum there is a saving in round numbers of $3,000,000 per annum to these companies in interest charges alone. This is a bonus greater than has ever been conferred by any government upon any corporation. It is one which we ought not to be compelled to consider the propriety of extending, but we must face the conditions as we find them. Without any fault of ours the conditions exist, and if we do not act cautiously and wisely our Government may lose its enormous debt. So, then, it is proposed that we confer upon these corporations a privilege which is equivalent to loaning them the credit of the Government, and thereby saving them $3,000,000 annually for an average period of forty-four years. What is it we ask in return? According to the bill recommended by the committee, absolutely nothing. We do not ask that they materially increase our security and make our debt more safe; in fact, that they do anything that will place the

Government in a better condition than it has heretofore been. But I assert that we are in a position which enables us by exercising some degree of firmness in dealing with these corporations to compel them to deal justly with the Government in settling its debt, and if they will not do so there are others who will. I think the theory upon which the committee has proceeded—that is, that we determine what the companies can pay and accept that—is entirely wrong. We must insist, if we are going to confer the great favor of loaning our credit, and thereby enabling these companies to obtain cheap money, money, in fact, so cheap that no other company has ever been able to get money at nearly so low a rate—we ought to exact something considerable of them in return. But if the theory of the committee that the earning capacity of the roads affords a correct basis for determining the amount of the debt which could be placed upon them is accepted, then I maintain that what the roads can earn is not properly shown by returns of recent years.

I have already explained some of the reasons for this, but I shall repeat part of what I have said. The black lines upon this map represent the main system of the Union Pacific Railway Company, while the red lines represent the feeders or auxiliary lines. The testimony of the witnesses before the committee was that these short lines were operated at a loss to the main system. They were built as feeders to the main system and the payment of the fixed charges upon them was guaranteed by the Union Pacific Railway Company, and from the time the process of extension began the whole system has been drifting into bankruptcy. But if we sever the branches from the trunk and let those who own the stock and bonds of the branch lines take their property, and if the main line should then be operated in its own interest, a very different return of net earnings would become apparent. Besides, owing to the universal depression which has prevailed in our country for the last five years, railroad earnings throughout the entire country have fallen off greatly, and perhaps in no section of the country has the depression been more acute and more protracted than in that traversed by the Pacific railroads.

For these reasons, as well as others which I have already mentioned, the Union Pacific Railroad's earning capacity is not properly reflected by the recent showings. Conditions have been even more unfavorable to the Central Pacific. I have already discussed at length the motives of those who have control of the Central Pacific, but there is another reason which is even more controlling than those I have mentioned. The Southern Pacific Railroad of Kentucky has leased the Central Pacific Railroad. It also controls the line of railroad commonly known as the Southern Pacific, which extends from California to New Orleans. Is it not plain that, not only for the purpose of having the net earnings of the Central Pacific Railway as small as possible, so as to avoid the necessity of paying a considerable amount into the sinking fund, and also so as to make as bad a showing as possible as to the earning capacity of the Central Pacific Railroad, for the purpose of influencing legislation, but also for other reasons, it would be to the interest of the Southern Pacific Company, which controls the Central Pacific, to divert as much traffic as possible from the Central Pacific road? Freight shipped over the Central Pacific from California to Ogden would at that point have to be transferred to the Union Pacific, and the Union Pacific would of course receive a part of the charges for transporting such freight. On the other hand, the Southern Pacific, having a through line, as I have stated, from the Pacific Ocean to New Orleans, would not have to divide with any other road.

Mr. HUBBARD. And from New Orleans they have a water haul to New York.

Mr. BELL of Texas. Yes; so I understand.

For these reasons, and others which I have stated, the several roads have not been operated for years past in the interest of the roads themselves, and the showings they have been making can not be assumed as correct showings of their real earning capacity. Therefore, in any event, what they have been earning does not afford a proper test as to the terms upon which we ought to settle with them. But we ought, as I have stated, to proceed upon the theory that if those who owned the properties of the roads will not do something in some way to place us in a very materially better condition than we are at present, then we will not treat with them; and when I speak of a materially better condition, I mean in a very much better condition.

Our debt is an enormous one, and if we are not to receive materially better security than we already have, we had better take what we can get as the result of a forced sale and make the best of a very bad bargain. At present if the Union Pacific Railroad Company should refuse to provide for its debts, the Government, to protect itself, will be compelled to pay in round numbers $33,000,000. If within, say, six months after the consummation of the settlement proposed in the committee's bill they should refuse to carry out the conditions of the new obligation which they have assumed, the Government, to protect itself, would have to pay off $55,000,000 indebtedness which would be secured by the lien prior to that of the Government.

Mr. POWERS. Fifty-five million dollars on the same amount of mileage.

Mr. BELL of Texas. No; $55,000,000 on the whole road.

Mr. POWERS. Then we would get the whole road.

Mr. BELL of Texas. Yes; we would get in addition to that which we would get now by paying $33,000,000 certain other property, which I do not believe would be worth near the $21,000,000 which we would have to pay for it. The portion of the road upon which we have a lien mostly runs through a very fine agricultural country. The eastern part of Kansas is perhaps as fine agricultural country as there is in the United States, whereas the western part of Kansas and Colorado, through which the other parts of the road run, is very broken and almost worthless from an agricultural standpoint. It is not susceptible of supporting a dense population, and, as all understand, the profit to a railroad company is principally derived from the local traffic, the rates on through traffic being so low that little is derived from that source. So again I say that if the additional property upon which the Government gets a lien is worth more than the $21,000,000 which we have to pay to secure it we would be benefited; if it is worth less we would be injured.

Now, as to the Central Pacific it is not assumed that we will receive any additional security except that which will be derived from having the Southern Pacific Company of Kentucky guarantee the payment of its obligations. We must not confuse the Southern Pacific Company of Kentucky with the Southern Pacific Company proper. The Southern Pacific Company of Kentucky is a corporation chartered by the legislature of the State of Kentucky. It was organized for the purpose of and is engaged in leasing and operating railroads. It does not, as I am informed, own any railroads. It simply has leased a great many railroads, and has leased and operates lines which extend from California to New Orleans. This corporation could wind up its affairs at probably an expense of a hundred thousand dollars. Suppose that this corporation should determine six months after it had guaranteed the payment of the obligations of the Southern Pacific Railway Company that it did not wish to longer comply with its contract, the holders of the mortgages against the Southern Pacific Company of Kentucky could institute suit and have the property of the Southern Pacific Railway Company of Kentucky sold; and, if the Government should obtain a judgment against it, there would be no property which would be subject to sue out of which the Government could collect its judgment.

Mr. MAGUIRE. Is it not a fact that the Southern Pacific Company of Kentucky, which is the company spoken of by the gentleman, has limited liability for its stockholders, and limited to a small proportion?

Mr. BELL of Texas. I must acknowledge that I did not know of that fact; but it is very easy for stockholders to transfer their stock and avoid liabilities anyway. I am not supposing an imaginary case. Practically all of the large railroad companies in the United States have at one time or other gone through the bankrupt courts, and in this way have wiped out all of their existing liabilities, except those which were secured by a lien of certain property. Those whose indebtedness was secured by a mortgage in rem generally secured payment of their debts, all others having to lose. This is the case with many of the railroad corporations in the State in which I live, and, I understand, has been the case everywhere else. Of course, if the debt is so small that it would not be profitable for the corporation to wind up its affairs and be converted into a new corporation, the debt would be paid. But it is proposed to have the Southern Pacific Company of Kentucky guarantee a debt of $21,000,000. It could avoid the liability, as I have shown, and I think it is perfectly safe to assume that it would do so. I remember when Mr. Huntington, who is president of this corporation, was asked the question as to the value of the stock of the Southern Pacific Company, he stated that it had only a nominal value, and that dividends were not paid upon it.

Mr. Chairman, I think the facts which I have stated show that we would not materially improve the condition of the Government and not increase to any considerable extent the prospect of the collection of the Government's debt by adopting the bill reported by the committee. For that reason I oppose the legislation. But I do not wish to appear in the attitude of antagonizing measures that others recommend without suggesting some other remedy.

There are three courses which naturally suggest themselves as those which ought to be pursued in attempting to settle the Pacific railroad debts.

First. That the Government should pay off the indebtedness which is secured by a prior lien, and should thus become the owner of the roads. I do not desire to enter into a discussion of the merits of this proposition. I do not at all favor the proposition that the Government should become the owner of railroads or engaged in the railroad business. I am aware that there are very few members of this body who favor that policy, and so it is useless to consume any time in attempting to antagonize it.

Second. A foreclosure of the Government lien and a sale of the property. Of course, if the property would bring the amount of the Government's debt, as well as that which is secured by the prior lien, this would be the most satisfactory way in which a settlement could be effected; but there has been no evidence before the committee, and, so far as I know, no one believes that if the property should be sold at forced sale it would bring anything like enough to satisfy the debt due us; that is, after satisfying the debt secured by the first lien. Hence, if it can be avoided, we ought not to adopt the second proposition.

Third. An extension of the debt due the Government by the respective railroads for a long period of time, at a low rate of interest. If it was likely that at a forced sale the property would bring very nearly enough to satisfy the Government's debt after paying off that which is secured by the prior lien, I should be in favor of having the Government take what it could realize and sever itself entirely from the railroad business; but the debt is so enormous that if there is any possibility of our being able to secure a reasonably satisfactory settlement, we ought to forego our individual preferences and attempt by every possible means to preserve the Government from loss.

The bill recommended by the committee provides for funding the Government's debt at 2 per cent per annum interest. Inasmuch as the Government can not obtain money at this rate, but must pay 3 per cent per annum, I do not think we ought to entertain any suggestion of a lower rate.

The other question then is, How can the company secure the Government in the collection of its debt? I have prepared a substitute for the committee's bill which I propose to offer at the proper time. This substitute provides that the moneys in the sinking fund shall be applied as a payment upon debt which is now due the Government, and that if the companies will pay off and discharge the debts which are secured by mortgage, which is prior to that of the Government, then the debt shall be extended for an average period of about forty years at 3 per cent per annum interest.

I presume everyone will agree that this settlement would be much more satisfactory and beneficial to the Government than that proposed by the committee's bill. But the question arises, Can the companies comply with the terms of the proposed substitute? I agree fully that if the present owners of the stock and properties of the companies do not propose to assess themselves or in some other way raise money for the purpose of discharging and paying off the debts secured by the prior lien, then it can not be done; but I insist that they can and will do so. It is true that the evidence which we have had on the subject shows that the properties if sold under forced sale would not bring the amount of the debts which are secured by the first mortgage upon it and what will be owing the United States; but I am confident that in order to secure the use of the $112,000,000 at the low rate of interest of 3 per cent per annum efforts will be made, and successfully, too, to raise the money and accept the terms of the proposed substitute. If the companies would settle upon the terms I suggest, the Government would probably be able in a short time to sell its bonds; and the substitute bill expressly confers authority upon the Secretary of the Treasury to do so.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. BELL of Texas. Certainly.

Mr. BOATNER. I have been very much impressed with the gentleman's proposition, but I should like to know what course he would suggest in the event the railroad companies refused to accept the proposition which his substitute contemplates.

Mr. BELL of Texas. The substitute bill provides fully for the contingency which the gentleman speaks of, and I will now discuss that particular branch of it.

The substitute provides that if within three months of the time it becomes a law the railroad companies, through their proper officers, do not signify their acceptance of the settlement proposed, and if within a given period thereafter they do not comply with the terms of the bill, then the Attorney-General shall institute proceedings for the foreclosure of the Government's lien and proceed as directed in the act of March 3, 1887, which authorizes the proper officers to fully protect in every way the interest of the United States. It is not suggested how the United States, if it has to acquire title to the respective roads, will dispose of them. I suppose that it would be better to leave that question for subsequent legislation.

Mr. MAGUIRE. The gentleman will let me suggest that the Attorney-General has asked for some legislation.

Mr. BELL of Texas. Yes; he asked that the venue of these suits shall be fixed in the District of Columbia. I have copied in full as a part of my substitute the bill prepared by the Attorney-General, and which has been introduced into both branches of Congress, and which confers jurisdiction upon the courts of this District to try these cases. I also embodied the suggestion of the Attorney-General that the foreclosure proceedings could run against each of the roads at the same time and that the two properties should be sold together.

Mr. HEPBURN. So that is included in the substitute?

Mr. BELL of Texas. Yes, sir.

Mr. TERRY. If the gentleman will permit me, instead of directing the suits for foreclosure to be brought under certain conditions, why not stand on the rights reserved under the act of 1862?

Mr. BELL of Texas. We could do that, of course, if it were thought best

Mr. TERRY. It is more effective.

Mr. BELL of Texas. I do not think so. I think it would be better to have the foreclosure proceedings and have the property sold and all questions of conflicting liens adjudicated in the suit; and, besides, I do not want Congress to do anything which might be regarded as committing it in the direction of Government ownership of the railroads of this country.

Mr. TERRY. In regard to that proposition, permit me to say to the gentleman that we would be committing ourselves to no new doctrine. We would be standing on the doctrine that this Congress stood on in 1862, when it was declared that in the event of a default in the payment of the debt due the Government the Secretary of the Treasury could take possession of the roads for the use and benefit of the United States. It is, therefore, no new departure.

Mr. BELL of Texas. If it be not a new departure, still I believe in repudiating that feature of the act of 1862. If it be the law, it is one which is more honored in the breach than in the observance.

Mr. Chairman, I hope I have made the propositions which are embraced in the substitute clear. I regret as much as anybody the necessity of our being compelled to even consider the proposition to refund the debts which are owing to the Government by the Pacific railroads, but we must face the conditions as we find them, and we must collect the enormous debts which are owing to the Government if we possibly can. This, I believe, we can do if we give those with whom we have to deal to understand that we propose to insist upon our rights and not allow them to dictate terms of settlement which certainly will not be beneficial to the Government and which may not be creditable to us.

Mr. PERKINS. Mr. Chairman, if the gentleman from Missouri will yield to me for a moment, I wish to ask permission to present an amendment which I propose to offer at the proper time to the bill, in order to have it now printed in the RECORD.

Mr. HUBBARD. I yield to the gentleman for that purpose.

Mr. PERKINS. I simply desire to present the amendment and have it printed in the RECORD, now waiving the reading of it.

The CHAIRMAN (Mr. SHERMAN in the chair). Without objection, the proposed amendment of the gentleman from Iowa will be printed in the RECORD for the information of the House.

There was no objection.

The proposed amendment of Mr. PERKINS is as follows:

An amendment to be inserted in House bill 8189:

"And for the purpose of enabling a connection between said Union Pacific Railroad and Sioux City, Iowa, and the benefit and advantages thereof as originally intended, Daniel L. Plumer, of Wausau, in the State of Wisconsin; Thomas A. Stoddart, of St. Louis, in the State of Missouri; Fred W. Estabrook, of Nashua, in the State of New Hampshire; William Reynolds, of Marblehead, Commonwealth of Massachusetts; William B. Weedon, of Providence, in the State of Rhode Island; Joseph C. Head, of Latrobe; Adolph Woll, of Philadelphia; E. O. Macfarlane, of Towanda, in the State of Pennsylvania; John Ellis, of Kewanee, and James S. Huey, of Chicago, in the State of Illinois; Isaac C. Elston, of Crawfordsville, in the State of Indiana; Robert McCurdy, of Youngstown, in the State of Ohio; W. C. McNeil, of Postville, and Fred L. Eaton, of Sioux City, in the State of Iowa; W. R. Kinyon, of Owatonna, in the State of Minnesota; B. S. Spofford, of Coldwater, in the State of Michigan, and S. T. Jones, of Oakland, in the State of Maryland, and their associates and successors, be, and hereby are, created a body corporate under the name of the Northwestern and Union Pacific Railroad Company, with the usual powers of railroad corporations and with all such powers as Congress may bestow in the premises, to construct, acquire, assemble, operate, and maintain a railroad from Sioux City, in the county of Woodbury and State of Iowa, in a general southwesterly direction to and connecting with the main line of the Union Pacific Railway Company at North Platte, or any point on said main line to the east thereof, and using the bridge recently constructed across the Missouri River at or near Sioux City, in pursuance of an act of Congress entitled 'An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa, approved March 2, 1889, and amendments thereof,' all, however, subject to such State recognition or further incorporation, and the obtaining of such State franchises, if any, as may be necessary or convenient for the exercise of any rights and franchises herein bestowed.

"And if and whenever, at any time within a period of six years from the date hereof, said company herein incorporated shall acquire, construct, or assemble a line of railroad between the points so located as aforesaid, then said Union Pacific Railway Company, its successors, lessees, or assigns, shall cooperate in making track connections with said railroad, and shall afford to such connecting road reasonable time, terms, rates, and facilities for the interchange of traffic, both passenger and freight, delivering to it on the same terms a fair distributive share as between it and other roads connecting with the road of said Union Pacific Railway Company of unconsigned freights destined for points reached by the line or road of the company herein incorporated, or the connections thereof, and such other roads connecting with the road of said Union Pacific Railway Company, and, upon like terms, so much of such unconsigned freights as may be destined for points more directly and by a shorter haul accessible over the road of the company herein incorporated and its connections.

"And the times, term, rates, facilities, and interchange of traffic to be afforded to the line of the company herein incorporated shall be as advantageous as are accorded to or enjoyed by any other, and in that respect the most favored of any of the roads or lines connecting with said Union Pacific road or any part thereof.

"And any contract, arrangement, or device, by sale, lease, consolidation, through-car service, or otherwise, entered into or observed by said Union

Pacific Railway Company, its successors, lessees, or assigns, intended for or resulting in any preference or advantage whatsoever over the line of the company herein incorporated and in behalf of any other railroad so connecting with the road of said Union Pacific Railway Company, or which shall subject the road of the company herein incorporated to any prejudice or disadvantage whatsoever, is hereby declared to be unlawful, and the Federal courts having territorial jurisdiction in the premises shall have jurisdiction to prevent the same and to secure the observance thereof."

Mr. POWERS. Mr. Chairman, the gentleman from Pennsylvania [Mr. ARNOLD], if present, will be entitled to the floor under an arrangement that I have made with him.

Mr. OWENS. I suggest to the gentleman that I have several amendments I desire to have printed. I ask that I may have permission to offer them now, simply to have them printed in the RECORD.

The CHAIRMAN. Does the gentleman from Vermont yield to the gentleman from Kentucky?

Mr. POWERS. If the gentleman from Kentucky will withhold the amendments for a few minutes, I shall have no objection to his request. I want to occupy the time, if possible, until the usual hour of adjournment, and had intended to yield to the gentleman from Pennsylvania [Mr. ARNOLD]. I do not see him at present on the floor, and I will yield to the gentleman from Pennsylvania [Mr. GROW].

The CHAIRMAN. How much time does the gentleman yield?

Mr. POWERS. All the time he desires.

Mr. GROW. Mr. Chairman, not expecting to discuss any of the features of this bill, I shall not trespass long upon the attention of the committee.

The gentleman from Texas [Mr. BELL] has just given us a statement of his plan for disposing of this important question. He informs us that under all the information the committee had received, if the road was sold under foreclosure proceedings the first mortgage would be paid off, and perhaps one-half the Government lien, and possibly not so much. This is all that could probably be received from the foreclosure proceedings. And yet he proposes and assures us with great confidence that moneyed men will be ready to take the road and pay off the first lien and allow the Government lien to be made first lien at 3 per cent interest. Who will invest money in the purchase of property that is not worth, by your own showing, the amount of money that would have to be invested?

Supposing, for instance, that the road should sell for $5,000, or $10,000, we will say; the Government lien is $2,000, the first lien is $8,000. Now, by the testimony, according to the gentleman's own statement, if sold, the $8,000 would be paid and $1,000 on the second lien. That is all the property is worth. It would bring $1,000 less than the amount of the investment. Who is going to invest money to make a first lien of our second one? Why should they make it a first lien? That is not a Yankee speculation, and if the gentleman had come from one of the New England States, where the boys serve apprenticeship in making wooden nutmegs, he would not have much confidence in such a proposition.

Now, Mr. Chairman, we represent the United States here as a board of directions, having a junior lien on property.

The reorganization of railroads has been a common thing in the country during the past few years. The first rule in reorganization is that the junior creditor must be the loser, if anybody. If the property is not worth the first lien, then the junior has no remedy. If the property is not worth both liens, the junior loses, not the first creditor. Now, we are here as junior creditors——

Mr. HUBBARD. May I ask the gentleman a question?

Mr. GROW. Yes.

Mr. HUBBARD. Suppose you have a second mortgage for $10,000 on a piece of property. You are preceded by a mortgage of $8,000 on that property. If that property shows by its net earnings that it would earn a sufficient amount of money to pay a fair rate of interest, say 4 per cent, on the entire debt, would you permit the first lien to be foreclosed without bidding for it and protecting yourself?

Mr. GROW. The gentleman can make all the suppositions he pleases.

Mr. HUBBARD. That is not a supposition; it is a fact.

Mr. GROW. Gentlemen can make all the suppositions they please. The gentleman himself claimed that the only basis of value on railroad property is its earnings, and there is no use in issuing a bond beyond what the earnings will pay interest on.

Now, the first thing in reorganizing a railroad is the question of issuing new mortgages. There may be a first, second, third, or any number of liens. The first mortgage, if the property is good for anything, is a perfectly good security. Hence first mortgagees are not required to make much if any sacrifices, unless in a fair business way they might be required to reduce their rate of interest. In reorganizations everywhere the first point is the securing of the principal of each of the liens if it can be done. By reducing the rate of interest the principal of all liens may be saved. But without a reduction of the rate of interest and extension of time for payment some lien must lose. It is expected that the greatest reduction should be on the junior mortgage. Our junior mortgage has been receiving 6 per cent interest on its principal, and, as was shown by the chairman of the committee [Mr. POWERS], the Government has received back an amount substantially equal to the principal invested, if there had been no interest to calculate. The interest is calculated at 6 per cent, which is above the rates of interest paid by solvent debtors for a few years back. Six per cent is the interest reckoned to make up the sum that these people owe the Government. The junior creditor has been receiving a greater amount of interest on its money than his money was worth. Its principal has been paid back. What is owing now is only an accumulation of interest.

The question is, what can this property pay in indebtedness? That depends upon its net earnings, and if its net earnings are not enough to pay the interest on $10,000,000, there is no use of issuing $15,000,000, because it will be sure to go into bankruptcy again after its reorganization. There is no railroad in the United States, managed by any directors who are business men or whose stockholders have any business capacity, that expects upon reorganization of the property to have greater liens upon it than its net earnings will pay interest on.

As I said before, I do not propose to enter into the details of this question; but under the showings which have been made by gentlemen on both sides of this question, if you let this property go to public sale the Government can not collect the amount of its claim. That is conceded by the gentleman from Texas [Mr. BELL] in his proposition; and it is conceded on all hands, under the information which the committee bring before the House, that on a foreclosure and sale the Government must lose about one-half of its debt or perhaps more.

Now, Mr. Chairman, if I had my say, I would say to these people, "Pay the Government the largest amount of money that you can raise" and let us pocket the loss of the difference.

Mr. MAGUIRE. Is not that the thing to be done by foreclosure and sale?

Mr. GROW. The evidence is that foreclosure and sale will not give you your debt.

Mr. MAGUIRE. It will give you more than you can ever get in any other way.

Mr. GROW. Oh, no; it will not. We had a rate once on the public lands of this country of $1.25 an acre, and a proclamation was issued by the President. Who ever heard of an acre of public land at these sales selling for more than $1.25? Put up these railroads at public sale on foreclosure, and in my judgment, unless this Government raises the money to pay the first lien, they will not pay a cent more than the first lien, for the reason that——

Mr. MAGUIRE. We have testimony that they will sell for $120,000,000, which would give the Government $60,000,000.

Mr. GROW. There are some more suppositions and beliefs. With the testimony before us that these roads are not worth the first and second liens, what is the use in talking about somebody giving more than that amount on a supposition or belief?

Mr. MAGUIRE. This committee had no testimony taken; not a word of testimony was taken.

Mr. GROW. The gentleman from Texas who last spoke stated that they had gentlemen before them, and spoke of the whole evidence they had collected, and that they went into a full examination of the subject. He says that the Government could not get more than one-half of its debt from the sale of the property.

Mr. MAGUIRE. That testimony was unsworn statements.

Mr. GROW. What is your statement but an unsworn statement? [Laughter.] Your statement is just as good as theirs.

Mr. MAGUIRE. Exactly; and theirs is worthless and should not be acted upon.

Mr. GROW. And yours is worthless if you have not the money.

Mr. MAGUIRE. Mine is negative.

Mr. GROW. You have not got the money and do not guarantee that any amount of money would be paid. Money is the most timid of all things; and there is nothing more timid than $1,000,000 except $2,000,000. [Renewed laughter.] Moneyed men do not invest their money in any kind of enterprise without knowing as to its value; and when they have the net earnings of a railroad they know how to invest. If the evidence as to the net earnings do not show that they are sufficient to pay the interest on the first mortgage and on our lien, which is second, at a rate of interest not greater than 2 per cent on the bonds, why expect moneyed men to put their money into this property and give us a first lien and they take a second? There is no money circle in the world charitable enough to do that for our Government.

Should these roads be put up for sale on foreclosure, the Government would have either to take out of the Treasury money enough to pay the first lien, or the owners of the first lien will make the same combination that was always made when we made a sale of public lands by the Government, fixing the price at $1.25 per acre. There would be no probability of the Government realizing anything unless the Government pays the first mortgage. Are we

ready to raise money and pay off the first lien? Right here let it be distinctly understood the Government has no more right in this case than any other junior creditor that has invested his money in an enterprise, I do not care what it is.

The Government passed a law in 1862, as was stated by the chairman of the committee [Mr. POWERS], when the bands of this Union were loosened, when the spirit of disintegration swept over the country, and when on the western limits of the country, over the Sierras, a spirit was growing up that if there was to be a dismemberment of the Union they would have a republic on the shores of the Pacific. The great motive for the passage of the act was to bind the country together, when the last spike was driven in the connecting rails of these roads that bound the Pacific to the Atlantic with iron and steel bands. At a time when the air vibrated with the boom of hostile cannon, and the continent shook under the tread of armed men, this enterprise was commenced, and it was an enterprise on the part of Congress of patriotism.

Congress did not care then whether the Government ever got back a cent or not if anybody would build the road; and a hundred million dollars would have been voted just as quickly if we could have had a certain guaranty that a road of this kind would be built within five years. If it had been proposed to make it a donation even, it would have passed that Congress, if necessary. It was not an investment of money for percentage of profit. It was an investment for a percentage in patriotism, an investment that would bind the Union together and hold it forever. While one-half, almost, of our territory was in arms against the other, that law passed. It was a year and a half before any capital made any move to build the Union Pacific. It stood for a year and a half without capital seeking it as an investment. We are told now that money is ready to take this road and pay off the first mortgage; and yet the evidence shows that it is not worth the amount of the first and second mortgage, and would not on foreclosure sale pay more than 50 or 75 cents on the dollar of our claim.

Mr. Chairman, to go back to my first point. We are a board of directors in council settling a plan for reorganizing a railroad, and to submit to the stockholders a proposition by which the road is to be reorganized and continued instead of being disintegrated and sold at foreclosure at whatever it will bring in the market. The Government has no more right, and in fairness and in business honesty, because we have a vote in our power to give as we please, we have no more right, as the junior creditor, to put an exaction upon the first mortgage than we would have as men sitting on the board of a private corporation and because of some power to do so we might have to compel the first-mortgage bondholders to release a part of their claim. We are bound in good business faith to do the same as we would as individuals (without any vote or power to coerce a particular course of action) of a board of directors in reorganizing a road in which we had individual interests as junior creditors.

Money seeks investment, and those who put money into great public enterprises are entitled to the benefits that come from them if they take the risk. In this case the capital of this country stood back a year and a half after we passed the law for giving the bonds and the public lands in aid of this enterprise. And right here permit me a diversion. I was always in favor, from the time the bill for the construction of a Pacific railroad came into the House, of passing it and building the road. I did not care what amount of bonds per mile were to be given, but I would not vote for the land grant, because in my whole life I never gave voice or vote for any disposition of the public lands except to actual settlers. Hence I was opposed to the land grant and would not vote for it, and as I could not vote for the bill without it, I am not on the record either one way or the other. If I stood in the same position to-day, I should favor the bill for bonds, caring nothing about what amount per mile should be given if necessary to secure the building of the road; but I would withhold the land grant, and if necessary I would make the amount of bonds large enough to take their place—if absolutely necessary. But that is among the bygones, and I refer to it now only as a historic incident of a personal character.

Mr. Chairman, the question is now, What shall we do in this case? We are legislators voting to give legal power for reorganization to those who invested their money in a great enterprise. It was an enterprise which has made the dream of Columbus a reality. The people of the land of his birth now go westward to find the Indies. It opened this great central line of communication around the globe. Our Government invested $64,000,000 of bonds in that great undertaking, and now legislation is necessary for reorganization, and we as legislators, in dealing with this question, have no more right to govern our action according to our view of the character of the men who engaged in the enterprise and carried it through than we would have in dealing with any merely individual enterprise. Neither this enterprise itself nor the men who carried it to success ever received from the Government one bond more than the law gave them. The law fixed the amount at so much per mile, and they never received one dollar in bonds or one acre in land more than the law gave. If they could make money out of the enterprise under those conditions, that was their good fortune. They took the risk of losing it.

The Central Pacific Company, under a law of California, first commenced work, and soon after Congress passed the law for the building of the roads was in full force in construction. When the idea of building a railroad to the Pacific was first taken up, three railroads were in contemplation. One was to be a southern road and there was a controversy between the city of Memphis and one or two other points in the South as to which should be the eastern terminus of the Southern Pacific. Another was to be a northern road, starting somewhere on Lake Superior, and, of course, there was to be this great central road. These projects of three lines across the continent were presented to Congress before the time when a part of the people's representatives here went forth to the battlefield to destroy the Union of our fathers.

Soon after that event this single line was started, and the effort was made to have it completed in as short a time as possible. That effort was successful. The enterprise has been accomplished. The country has received its benefits. We, sitting here to-day, are not required to determine whether the legislation of that day was wise or unwise, or whether the men who engaged in that great enterprise have made money or have lost money by it. Neither are we to inquire whether they have managed their railroads differently from the way the directors and stockholders in other enterprises have managed their roads. The question before us is not one that we can settle by the main strength of our votes if we propose to act fairly and justly with the men who invested their money in this great enterprise which originated in legislation for the unity and benefit of the country and of mankind. [Applause.]

Mr. POWERS. Mr. Chairman, I understand that there is no other gentleman who desires to speak upon the bill this evening. As I have already said in the hearing of the members of this committee, it was intended when the bill was presented that it should go into operation the 1st of January. That time having passed, it now becomes necessary to change the word "January" wherever it occurs in the bill to the word "July," and also in one or two instances to change "July" to "January." My desire is to offer this amendment and ask the committee to agree to it, in order that the bill may be printed in correct form to-morrow morning. I propose now to offer the amendment for the purpose I have stated.

The CHAIRMAN. That would require unanimous consent under the rules.

Mr. POWERS. I am aware of that, so I ask unanimous consent.

I did not quite finish my statement. My proposition embodies one or two other very slight amendments designed to make the language of the bill conform to the differences in the computation of interest. On sundry pages which are specified in the amendment the word "January" should be erased and "July" inserted. Everybody familiar with the bill will understand the reason for that change.

Further amendments which we propose are as follows:

Page 6, lines 7 and 8, strike out "beginning on the 1st day of July, 1897," and insert "beginning on the 1st day of January, 1898."

Page 17, line 24, and page 18, line 1, strike out "beginning on the 1st day of July, 1897," and insert "beginning on the 1st day of January, 1898."

Page 27, lines 6 and 7, for "$2,409,818.21" insert "$2,414,[illegible].21."

Page 27, line 12, before "upon the constituent parts," insert "to the 1st day of July, 1897."

That has reference, I will say, to the computation of interest on the amount of the sinking fund.

Page 27, line 15, after "officers of the Treasury," insert "except that on amounts ascertained to be due on account of services for the Post-Office Department, interest to be computed from the dates of the respective certificates of the Post-Office Department."

That relates to the section of the bill providing that the officers of the Treasury Department shall ascertain the amount which will be due the companies on the 1st day of July for transportation charges. I understand that as to postal transportation charges it is necessary to wait until a certificate can be obtained from the Post-Office Department as to the amount due. This amendment is designed to make that matter plain.

Mr. MAGUIRE. I understand the committee reporting this bill now asks leave to make those corrections in its own bill.

Mr. POWERS. That is all.

Mr. MAGUIRE. You do not want the Committee of the Whole to adopt any of these amendments now?

Mr. POWERS. Not at all.

Mr. MAGUIRE. Then I have no objection to the gentleman's proposition.

Mr. POWERS. There is one further amendment:

Page 2, line 23, add at the conclusion of clause 2 the following:

"And any amounts heretofore forming part of the sinking fund applicable to said companies which shall have been applied toward payment or satisfaction of such subsidy bonds."

I understand that the Treasury Department has sold, or is about to sell, certain bonds in the sinking fund. When this bill was drawn, there was no such sale contemplated. The object of the amendment is that if there should be such a sale before the bill goes into effect the amount of the bonds which may actually have been sold may be applied to the discharge of indebtedness due the Government. I ask unanimous consent that the bill be amended in these respects.

Mr. MAGUIRE. The gentleman proposes that the committee which reported the bill be allowed to correct it in this way?

Mr. POWERS. Exactly.

Mr. MAGUIRE. I am perfectly willing that all those corrections be made, but I do not want it understood that they are adopted by the Committee of the Whole as amendments to the bill.

Mr. POWERS. Well, I ask that the bill be amended so that it can embrace these points. When we get back into the House, I shall offer a resolution to print some extra copies.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent, as the Chair understands, that the amendments which the Clerk will read be reported to the House——

Mr. MAGUIRE. As I understand, the gentleman's request is that the Committee on the Pacific Railroads have leave to make these corrections and have them printed in the bill. That, of course, I am willing to consent to.

The CHAIRMAN. The reprinting of the bill can only be ordered by the House.

Mr. POWERS. With a view to having the bill reprinted, I ask that before the Committee of the Whole rises the Committee on the Pacific Railroads have leave to make these corrections in the bill.

The CHAIRMAN. The Committee of the Whole can not make the order which, as the Chair understands, the gentleman requests. The Committee of the Whole might agree to these amendments and report them to the House.

Mr. MAGUIRE. The gentleman had better make his request in the House. I shall object to it in the way in which the Chair states it. I will make no objection to the committee being allowed to make those corrections in the House.

Mr. POWERS. That is all I ask. I yield for a moment to the gentleman from Texas [Mr. BELL].

Mr. BELL of Texas. I desire to offer a substitute for the bill, that it may be printed.

The CHAIRMAN. That can only be done in the House.

Mr. POWERS. I move, then, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union, having had under consideration House bill No. 8189, had come to no resolution thereon.

Mr. POWERS. Mr. Speaker, I now ask unanimous consent that the Committee on Pacific Railroads be allowed to amend their bill in the particulars that I have already indicated in the Committee of the Whole, respecting a change of dates when the bill is to take effect, and also that 1,000 extra copies of the bill shall be printed for the use of the House.

Mr. McEWAN. I object, Mr. Speaker, for the purpose of asking a question.

Will not the amendments which have already been stated, that are to be made to the bill, be printed in the RECORD to-morrow morning? I refer to the amendments you have just now sent up.

Mr. POWERS. That is probably true. But I will say to the gentleman that several members who have been using the original bill to-day find it difficult to follow the changes that have been made, and at their request and for the convenience of the members of the House I have asked that the bill be printed in the amended form.

Mr. KYLE. I suggest to the gentleman that he also ask for a reprint of the report.

Mr. POWERS. I think there is a sufficient number of the reports, if the gentleman will permit me.

Mr. McEWAN. I withdraw the objection.

Mr. POWERS. There are several amendments indicated on a slip of paper that the Clerk has, and also on a copy of the bill as prepared by the committee. The request is for unanimous consent for the adoption of these amendments by the committee, and then that the bill be printed as so amended to the number that I have stated.

The SPEAKER. The gentleman from Vermont asks unanimous consent that the bill, amended in accordance with the suggestion submitted by him to the Committee of the Whole, be printed, 1,000 extra copies for the use of the House; and that that bill be considered as the pending bill before the Committee of the Whole. Is there objection?

Mr. MAGUIRE. I understand that these are mere corrections made in the bill by the Committee on Pacific Railroads, for which the gentleman asks consent. To that I have no objection.

Mr. POWERS. That is correct.

The SPEAKER. The Chair hears no objection, and that order will be made.

Mr. POWERS. Now, Mr. Speaker, to further complete the bill, I ought to say, in the hearing of the House, that an amendment proposed by the gentleman from Iowa [Mr. HEPBURN] was agreed to by the Committee on the Pacific Railroads, but in his absence it was inadvertently omitted in preparing the printed bill. We have assured him that he should lose no standing by reason of that fact. I therefore ask unanimous consent to incorporate that amendment in the bill which is to be acted upon by the Committee of the Whole.

On page 30 of the bill, after the word "service," in the fourth line, he proposes to strike out the remainder of that section and insert in lieu thereof what I send to the desk.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out, in line 4, on page 30, section 22, all after the word "service," down to and including the word "thereon," and insert:

"And that said companies hereinbefore mentioned, their successors, lessees, and assigns, shall cooperate in making track connections with all railroads of other companies now or hereafter built to points of junction with their roads; and at any point where two or more railroads shall connect with their roads or either of them they and their successors, lessees, and assigns shall afford to all such connecting roads equal times, terms, rates, and facilities for the interchange of traffic, both passenger and freight, between such connecting roads and their respective roads and every part thereof. And any contract, arrangement, or device by sale, lease, consolidation, through-car service, or otherwise, intended for or resulting in any preference or advantage whatsoever to any such railroad so connecting at such common point, or which shall subject any such railroad so connecting at any such common point to any prejudice or disadvantage whatsoever, is hereby declared to be unlawful."

The SPEAKER. Is there objection to the additional correction proposed by the gentleman from Vermont?

There was no objection.

The SPEAKER. The bill will therefore be printed, and submitted to the committee with the changes indicated.

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent that those members who have addressed the House on this subject may be permitted to extend their remarks in the RECORD.

There was no objection.

Mr. BELL of Texas. Mr. Speaker, I have a substitute for the bill which I propose to offer at the proper time, and I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. Without objection, that order will be made.

There was no objection.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amounts of the respective indebtedness of the Union Pacific Railroad Company and the Kansas Pacific Railway Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches as of the 1st day of January, 1898, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon and not theretofore repaid by credits on account thereof were to be paid to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

"First. To the whole of the principal of said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements had been made thereon by the companies.

"Second. From said amounts so ascertained shall be deducted any payments or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the 1st day of January, 1898, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States, or from the sinking fund thereof, or otherwise.

"'Third. Compute the present worths of the amounts so found as of the 1st day of January, 1898, on the basis that money is worth 3 per cent per annum during the period between the date of average maturity of the said bonds and the 1st day of January, 1898. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to said companies, respectively, computing the value of any bonds in the said sinking fund at their market value at the time of such computation, as estimated by the Secretary of the Treasury; and said sinking fund shall thereupon be applied as a payment upon the debt of each company to the United States. The aggregate amounts so arrived at shall be deemed the sums that would be required to be paid on the said 1st day of January, 1898, by said companies for the purpose of completely discharging their entire debts to the United States.'

"SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company and the Kansas Pacific Railway Company, be, and it is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of January, 1898, covering and embracing all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, lines of telegraph, and all the other property upon which the United States has a lien. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which, when approved by him, shall be filed in his office, and such mortgage on the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act.

"SEC. 3. That the said Union Pacific Railway Company is hereby authorized to make, execute, and issue, under its mortgage aforesaid, to the Secretary of the Treasury of the United States its bonds in an amount equal to the said aggregate amount arrived at as above provided, each of which bonds shall be for the principal sum of $1,000, and shall be payable as provided for in this act. Said bonds shall be dated on January 1, 1898, and shall bear interest at the rate of 3 per cent per annum, payable semiannually on the 1st days of July and January in each year, beginning on the 1st day of July, 1898, and continuing until said bonds shall be paid. The said bonds shall, at the time of the execution and delivery of the said mortgage, be delivered to the Secretary of the Treasury, and shall be received by and on behalf of the

United States as payment of said aggregate amounts of indebtedness arrived at, as provided in section 1 of this act, when the indebtedness secured by the lien, which is prior to the Government's lien, shall have been satisfied and discharged of record.

"SEC. 4. That the Union Pacific Railway Company shall execute and deliver its mortgage and bonds to the United States for the debts of the Union Pacific Railroad Company and of the Kansas Pacific Railway Company to the United States, and the said bonds shall be numbered consecutively from one to a number which will include the whole amount thereof, and shall be payable in lawful money of the United States. Said company shall, on the 1st day of January of each year, for a period of ten years, commencing on the 1st day of January, 1898, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its said bonds so to be issued and delivered to him, the sum of $365,000 of principal per annum; and for ten years, commencing on the 1st day of January, 1908, shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its said bonds, the sum of $550,000 of principal per annum; and thereafter, commencing on the 1st day of January, 1918, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its said bonds, the sum of $750,000 of principal per annum until the whole amount of said bonds shall have been fully paid. The payments of principal shall be applied in payment of the bonds of said company to an amount equal to such payment and in the order of the number of such bonds, beginning with the highest unpaid number. Each of said bonds, respectively, when paid, shall thereupon be canceled and surrendered to the company, and no other bonds under said mortgage shall be issued by said company in lieu thereof. When the said bonds and mortgage securing the same shall be delivered to the Secretary of the Treasury, then, in case the lien thereof is subject to no prior lien, the lien of the United States upon any of the railroad and property embraced in said mortgage and all charge or claim of the United States upon any part of the revenues of such property under or by virtue of any existing laws shall cease and determine. When the bonds issued under section 3 of this act shall have been paid in full, as herein provided, the indebtedness represented thereby shall be wholly discharged, and the Secretary of the Treasury shall cancel and discharge the mortgage given to secure the same under this act.

"SEC. 5. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds issued to the Union Pacific Railroad Company and the Kansas Pacific Railway Company, and the interest thereon, as set forth in said acts, and upon all the property subject to said statutory lien, shall be and remain in full force for security for the debts owing by each of said companies to the United States until the issue and delivery to the Secretary of the Treasury of the United States of the bonds and mortgage hereinbefore provided for.

"SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amount of the respective indebtedness of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches, as of the 1st day of January, 1898, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon and not theretofore repaid by credits on account thereof were due and payable to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

"'First. To the whole of the principal of the said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements had been made thereon by the companies.

"'Second. From said amounts so ascertained shall be deducted any payments or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the 1st day of January, 1898, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States, or from the sinking fund thereof, or otherwise.

"'Third. Compute the present worths of the amounts so found as of the 1st day of January, 1898, on the basis that money is worth 3 per cent per annum during the period between the date of average maturity of said bonds and the 1st day of January, 1898. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to the said companies, respectively, computing the value of any bonds in said sinking fund at their market value at the time of such computation, as estimated by the Secretary of the Treasury; and said sinking fund shall thereupon be applied as a payment upon the debt of such company to the United States. The aggregate amounts so arrived at shall be deemed the sums that would be required to be paid in cash on the said 1st day of January, 1898, by said companies for the purpose of completely discharging their entire debts to the United States.'

"SEC. 7. That the Central Pacific Railroad Company, successor to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, be, and is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of January, 1898, covering and embracing the entire property of such company upon which the United States has a lien. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the directions of the Secretary of the Treasury, which, when approved by him, shall be filed in his office.

"SEC. 8. That the said Central Pacific Railroad Company is hereby authorized to make, execute, and issue under its mortgage aforesaid its bonds in an amount equal to the said aggregate amount arrived at as above provided, each of which bonds shall be for the principal sum of $1,000, and shall be payable as provided in this act. Said bonds shall bear interest at the rate of 3 per cent per annum, payable semiannually on the 1st days of January and July in each year, beginning on the 1st day of July, 1898, and continuing until said bonds shall be paid. The said bonds shall, at the time of execution and delivery of the said mortgage, be delivered to the Secretary of the Treasury, and when the indebtedness secured by the lien which is prior to that of the Government shall have been satisfied and discharged of record, shall be received by and on behalf of the United States as payment of said aggregate amount arrived at as provided in section 6 of this act, and the corporate character of the Central Pacific Railroad Company and its franchises derived from the United States shall continue until the bonds authorized to be issued under this act shall have been fully paid.

"SEC. 9. That the Central Pacific Railroad Company shall execute and deliver its mortgage and bonds to the United States for the debts of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company to the United States, and the said bonds shall be numbered consecutively from 1 to a number which will include the whole amount thereof, and shall be payable in lawful money of the United States. Said company shall, on the 1st day of January of each year, for a period of ten years, commencing on the 1st day of January, 1898, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its indebtedness, the sum of $385,000 of principal per annum, and for ten years, commencing on the 1st day of January, 1908, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, the sum of $580,000 of principal per annum, and thereafter, commencing on the 1st day of January, 1918, said company shall pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, the sum of $780,000 of principal per annum, until the whole amount of said bonds shall have been fully paid. The said payments of principal shall be applied in payment of the bonds of said company to an amount equal to such payment and in the order of the number of such bonds, beginning with the highest unpaid number. Each of said bonds, respectively, when paid, shall thereupon be canceled and surrendered to the company, and no other bonds under said mortgage shall be issued by said company in lieu thereof. When such bonds shall have been paid in full, as herein provided, the indebtedness of the said company heretofore referred to shall be wholly discharged, and the Secretary of the Treasury shall cancel and discharge the mortgage given to secure the same under this act.

"SEC. 10. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds issued to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, and the interest thereon, as set forth in said acts, and upon all the property subject to said statutory lien, shall be and remain in full force for security for the debts owing by each of said companies to the United States until all the liens on the property affected by the said mortgage and existing at the time of its delivery, and which are secured by a lien prior to that of the Government, shall have been paid, satisfied, and discharged of record.

"SEC. 11. That each of the mortgages authorised by provisions of sections 2 and 7 of this act shall contain a covenant providing that, in the event of any default continuing for six months in the regular payment of interest on the bonds secured thereby or of the payments of principal required by sections 4 and 9 of this act, the entire debt due to the United States from the company making such default shall, at the option of the President of the United States, immediately mature, and the United States shall be thereupon entitled to enter upon and take possession of the mortgaged properties of such defaulting company without applying to the courts or to Congress for authority so to do, or may at its option institute and maintain appropriate proceedings at law or in equity in any court or courts of competent jurisdiction for the enforcement of its claims or liens under said bonds or mortgage; and such mortgages shall also contain such other terms and stipulations in conformity with the provisions of this act as may be deemed necessary efficiently to secure the said bonds and the application thereto of the moneys paid to the Secretary of the Treasury for retiring the principal thereof, and as may be approved by the Secretary of the Treasury of the United States. The said mortgages shall be delivered to the Secretary of the Treasury of the United States, and upon the delivery thereof shall respectively be valid and subsisting mortgages each of all the property of said mortgagor company, real, personal, and mixed, embraced, covered, or required by the terms of this act, and such delivery shall have all the effect of recording the same in any place. Said mortgages, or copies thereof certified by the Secretary of the Treasury, shall at all times be open to public inspection under such rules and regulations as the said Secretary may prescribe, and, for the greater publicity of the contents of said mortgages, copies thereof certified by the Secretary of the Treasury shall, as soon as may be after their respective delivery, be deposited with and recorded by each of the clerks of the circuit courts of the United States and the clerks of the supreme courts of the Territories of the United States in which the roadbed or any part thereof of said companies, respectively, is situated, which copies and records shall at all times be open to public inspection. All such copies and recording thereof shall be at the expense of the company.

"SEC. 12. That in case default should be made at any time in the payments on account of principal or interest prescribed herein to be made upon the bonds issued under sections 3 and 9 of this act, no money shall be paid from the United States Treasury for or on account of services rendered to the United States or any Department of the Government thereof over or upon the said railroads or telegraph lines heretofore aided by the advance of subsidy bonds, or upon any railroads or telegraph lines owned, leased, or operated by the said company that issued such bonds, until all amounts so in default upon such bonds shall have been fully paid; but the compensation for such services shall be credited upon the amounts so in default.

"SEC. 13. That hereafter, so long as any of the bonds authorized by the third and ninth sections of this act shall remain outstanding and unpaid, no dividends shall be paid by the company whose bonds are so outstanding, unless the same shall have been actually earned, nor unless said company shall have paid all matured installments of principal and interest then due and payable on its debt to the United States under this act, nor unless the said earnings, after deducting all interest accrued, but not payable at the time of the declaration of such dividends, shall be sufficient to warrant the payment thereof. In no event shall either of said companies whose bonds are so outstanding pay any dividend exceeding the rate of 4 per cent per annum unless the said company shall, at the time of declaring such dividend in excess of 4 per cent per annum, so long as any of the said bonds are held by the United States, pay an amount equal to the excess over 4 per cent per annum so declared to the Secretary of the Treasury, to be applied to payment of the principal of the highest numbered bonds of such company issued to the Government as herein provided, and unless the earnings of the said company shall suffice to warrant the payment of such excess and also the payment to the Government. Any director or officer who shall declare or pay or aid in declaring or paying a dividend prohibited by this act shall, upon conviction of any court of competent jurisdiction, be punished by imprisonment not exceeding two years or by a fine not exceeding $5,000, or by both such fine and imprisonment.

"SEC. 14. That this act shall take effect as to each of the said companies, respectively, as hereinbefore described, upon the acceptance of the terms by the board of directors of such company in writing over the corporate seal of such company, signed by its president and attested by its secretary, being filed or deposited with the Secretary of the Treasury within three months after the passage of this act, subject, however, as to each company, to the completion of the settlement and adjustment in this act proposed and provided; but any company which shall not so file its acceptance shall take no benefit from this act. Upon the filing of said acceptance and the execution and delivery of the mortgage and bonds referred to in the second, third, seventh, and eighth sections of this act, the Secretary of the Treasury is authorized and directed to sell any securities held in the sinking fund for said company so accepting, and pay the proceeds of said sale to the amount of their value, as estimated under the first and sixth sections of this act, into the Treasury of the United States. Any excess realized from such sale above the value of such securities as estimated under the first and sixth sections of this act shall be paid to the company; any deficiency below such value shall be paid by the said company upon demand made by the Secretary of the Treasury after such sale.

"SEC. 15. That either of said companies may, at any time after the execution and delivery of their said bonds, pay the whole or any portion of said bonds, by paying the amount thereof, together with the accrued interest thereon, to the Secretary of the Treasury, who shall thereupon cancel the bonds so paid and deliver the bonds so canceled to the said company. No bonds so canceled shall be reissued, but the Secretary of the Treasury may, by direction of the President of the United States, sell any of the said bonds which may be unpaid at any time, and the purchase price shall be paid in lawful money of the United States.

"SEC. 16. That as to such companies as shall accept the provisions of this act, and in the manner and within the time herein provided as to it, from and after the completion of the said adjustment and settlement, all provisions of law relating to the appointment of Government directors shall be, and the same are hereby repealed, and the said office is hereby abolished, and all provisions of law relating to the collection of any percentage of net earnings, and to the withholding or application of any moneys due or to become due from the United States for any services rendered by either of the said companies or any of its branches or auxiliaries or leased lines, other than as hereinbefore provided, are hereby repealed, and all such amounts shall (provided the said company shall not be in default in the payment of the interest of the bonds or in the payments required by this act) be paid to the said company as soon as amounts shall have been ascertained, and all provisions of law forbidding either of said companies from mortgaging or pledging its property shall be repealed, and either of said companies shall, after the acceptance of the terms of this act, as hereinbefore provided, have and possess all the usual powers of borrowing money on its credit or on security of any of its assets, and of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof, and of acquiring title to land by condemnation proceedings, and such other powers as are or may be granted to and exercised by railway corporations in the respective States and Territories in which the said railway is or may be situated.

"SEC. 17. That each of the companies accepting the provisions of this act shall keep its railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mail, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any Department thereof, and that the Government shall at all times have the preference and the use of the same for all the purposes aforesaid at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service; and said companies shall at all times afford to all other lines of railroad now built, or hereafter to be built, equal and reasonable facilities for making connections with them, or either of them, and equal and reasonable facilities for the transportation of freight and passengers thereon.

"SEC. 18. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end and shall make report to the President each year or oftener thereon, which report shall be laid before Congress, and until the execution and delivery of the bonds and mortgages in this act provided for shall be completed all existing provisions of law relating to said companies, respectively, shall remain in force.

"SEC. 19. That in the event either of the said companies shall fail within the time prescribed by this act to accept the benefits thereof, or to comply with all the conditions herein required of it, it is hereby made the duty of the Attorney-General of the United States to enforce by public proceedings against the said company or companies all the rights of the United States under existing laws and to institute proper proceedings for the foreclosure of the lien of the United States upon the property of such company or companies, respectively, subject to the said lien.

"SEC. 20. That the court of appeals of the District of Columbia is hereby given jurisdiction over any and all suits that may be brought by the United States to enforce or obtain other relief upon any lien or liens on any railway or railways or any property belonging to one or more railway corporations, wherever such property may be situated.

"SEC. 21. That separate liens upon different railways or railway properties may be enforced by the United States in the same suit when such railways constitute or were intended to constitute a through line, or are part of or connected with a through line or general system of railways. The court shall have power to make such orders concerning the sale of said property as may be just and proper for the protection of the interests of all parties concerned.

"SEC. 22. That said court shall have power to issue process, mesne and final, which shall run into any district and be served as other like process, by the marshal of such district, and to enter all proper orders, decrees, and mandates, including orders, decrees, and mandates for the payment to the United States of any deficiency arising upon a sale under such lien.

"SEC. 23. That holders of liens on any such railways or property may be made parties to such suit, or may intervene if not made parties, and said court may order any and all proceedings by any party or parties in other courts having jurisdiction of part only of the property involved to be discontinued or stayed until the termination of such suit by the United States.

"SEC. 24. That this act and each and every provision thereof shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862, and of said act of 1864, and of said act of 1878, respectively, and acts amendatory thereof or supplementary thereto, and of all of said acts so far as they are inconsistent with this act, nor shall anything in this act be construed or taken in anywise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned, and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress justice or the public welfare may require, and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States. This act shall be published and printed as a public act, and in all proceedings may be cited as such."

Mr. HARRISON. Mr. Speaker, I desire also to ask unanimous consent to have printed in the RECORD a substitute which I desire to offer at the proper time.

The SPEAKER. The gentleman asks that the substitute which he proposes to offer may be printed in the RECORD for the information of the House. Is there objection?

There was no objection.

The proposed substitute is as follows:

Strike out all after the enacting clause in the bill and insert the following, to wit:

"SECTION 1. That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office be, and they are hereby, appointed a commission with full power to settle the indebtedness of any and all the bond-aided Pacific railroads to the Government, upon such terms and in such manner as may be agreed upon by them and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

"SEC. 2. That said commission or any member of the same is hereby authorized and empowered to administer oaths, to summon and compel the attendance and take the testimony of witnesses, and cause to be produced all papers and documents needed in the course of their negotiations.

"SEC. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

"SEC. 4. That the sum of $5,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of said commission in carrying out the provisions of this act."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes"—to the Committee on the Public Lands.

A bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia—to the Committee on Appropriations.

LEO L. JOHNSON.

Mr. OWENS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5808) which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 5808) for relief of Leo L. Johnson.

Be it enacted, etc., That the Court of Claims is hereby empowered to hear and adjudicate the claim of Leo L. Johnson for the net proceeds of 401 hogsheads of sugar taken from his plantation, situate in the parish of Lafourche, La., under orders of General Butler, in November, 1862, and shipped to New Orleans and sold by the sequestration commission, and the net proceeds, amounting to $8,351.49, paid to Colonel Holabird under orders from General Banks, and by him credited to the United States and afterwards covered into the Treasury.

Mr. PAYNE. I object; and I move that the House do now adjourn.

The SPEAKER. The gentleman from New York objects to the present consideration of the bill, and moves that the House do now adjourn. Pending the motion, the Chair will submit a report from the Committee on Enrolled Bills.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LITTLE, for ten days, on account of important business.

To Mr. BROWN, indefinitely, on account of sickness in his family.

To Mr. ALLEN of Mississippi, for five days, on account of sickness.

And then, on motion of Mr. PAYNE (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, making a statement as to why the information called for by the resolution of the House, dated June 5, 1896, has not been furnished, was taken from the Speaker's table and referred to the Committee on Reform in the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PENDLETON, from the Committee on Indian Affairs, to which was referred House bill No. 9565, reported in lieu thereof a bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, accompanied by a report (No. 2400); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred sundry bills of the following titles, reported the same, accompanied by reports; which said bills and reports were severally referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 10) to provide for a public building at Cleveland, Ohio. (Report No. 2401.)

The bill (H. R. 341) to provide for the construction of a public building at Tacoma, Wash. (Report No. 2402.)

The bill (H. R. 2181) to provide for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois. (Report No. 2403.)

The bill (H. R. 1697) to provide for the erection of a public building at Kansas City, Kans. (Report No. 2404.)

The bill (H. R. 829) to erect a public building at Lawrence, Mass. (Report No. 2405.)

The bill (H. R. 296) for the erection of a custom-house and post-office building at Brunswick, Ga. (Report No. 2406.)

The bill (H. R. 7048) for the erection of a public building at Bowling Green, Ky. (Report No. 2407.)

The bill (S. 772) entitled "An act to provide for the purchase of sites for public buildings in the cities of Hastings and Norfolk, in the State of Nebraska, and for other purposes." (Report No. 2408.)

The bill (H. R. 826) to provide for the erection of a public building at Bradford, Pa. (Report No. 2410.)

The bill (H. R. 4460) to provide for the construction of a public building at York, Nebr. (Report No. 2411.)

The bill (H. R. 2630) to provide for the erection of a public building at San Diego, Cal. (Report No. 2412.)

The bill (H. R. 7380) for the erection of a public building at Talladega, Ala. (Report No. 2413.)

The bill (S. 131) entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire." (Report No. 2414.)

The bill (H. R. 841) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891. (Report No. 2415.)

The bill (H. R. 3831) providing for the erection of an addition to the United States public building at Canton, Ohio. (Report No. 2416.)

The bill (H. R. 4790) for the purchase of a site and the erection of a public building thereon in the city of New Brunswick, N. J. (Report No. 2417.)

The bill (H. R. 2790) providing for the erection of a public building at Shamokin, Pa. (Report No. 2418.)

The bill (H. R. 1207) to provide for the purchase of a site and the erection of a public building thereon at the city of Eau Claire, in the State of Wisconsin. (Report No. 2419.)

The bill (H. R. 7217) to increase the limit of cost for the erection of a public building at Stockton, Cal. (Report No. 2420.)

The bill (H. R. 3022) providing for the purchase of additional property for the use of the post-office and other Government offices in the city of Brooklyn, State of New York. (Report No. 2421.)

The bill (H. R. 861) for the erection of a public building at Malden, Mass. (Report No. 2422.)

The bill (H. R. 839) for the erection of a public building in the city of Hopkinsville, Ky. (Report No. 2423.)

The bill (H. R. 2711) for the construction of a public building at Clinton, Iowa. (Report No. 2424.)

The bill (H. R. 820) to provide for the purchase of sites and the erection of public buildings at Salt Lake City and Ogden City, Utah. (Report No. 2425.)

The bill (H. R. 892) for the erection of a public building at Waterbury, Conn. (Report No. 2426.)

The bill (H. R. 1865) to provide for a public building at Winston, N. C. (Report No. 2427.)

The bill (H. R. 233) for the erection of a public building in the city of Woonsocket, R. I. (Report No. 2428.)

The bill (H. R. 6263) to provide for the erection of a public building at Lebanon, Pa. (Report No. 2429.)

The bill (H. R. 2701) for the erection of a public building at Green Bay, Wis. (Report No. 2430.)

The bill (H. R. 1465) to provide for the purchase of a site and the erection of a public building thereon at Alameda, in the State of California. (Report No. 2431.)

The bill (H. R. 5919) to provide for the acquisition of additional land and the erection of an addition to the custom-house, post-office, etc., building at Bridgeport, Conn. (Report No. 2432.)

The bill (H. R. 831) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia. (Report No. 2433.)

The bill (H. R. 253) to provide for the erection of a public building at Freeport, Ill. (Report No. 2434.)

The bill (H. R. 783) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota. (Report No. 2435.)

The bill (H. R. 6252) to provide for the purchase of a site and the erection of a public building thereon at Rome, in the State of New York. (Report No. 2436.)

The bill (H. R. 2267) for the erection of a public building at Lebanon, Ky. (Report No. 2437.)

The bill (H. R. 850) for the construction of a public building at Owosso, Mich. (Report No. 2438.)

The bill (S. 260) entitled "An act to provide for the construction of a public building at Butte City, Mont." (Report No. 2439.)

The bill (H. R. 1979) to provide for the purchase of a site and the erection of a public building thereon at Santa Rosa, in the State of California. (Report No. 2440.)

The bill (S. 1717) entitled "An act to grant to the city of Charleston, S. C., the use of certain real estate in said city on which is situated the building known as 'The Exchange.'" (Report No. 2441.)

The bill (H. R. 3540) to provide for the erection of a public building in the city of St. Cloud, Minn. (Report No. 2442.)

The bill (H. R. 5163) for the erection of a public building in Reno, Nev. (Report No. 2443.)

The bill (S. 717) entitled "An act for the erection of a public building at Fergus Falls, Minn." (Report No. 2444.)

The bill (H. R. 4695) for the erection of a public building at Paris, Ky. (Report No. 2445.)

The bill (H. R. 1652) for the erection of a public building at Fulton, Mo. (Report No. 2446.)

The bill (H. R. 252) for the erection of a public building at Menominee, Mich. (Report No. 2447.)

The bill (H. R. 5165) to provide for the purchase of a site and the erection of a public building thereon at Woodland, in the State of California. (Report No. 2448.)

The bill (H. R. 2002) for the erection of a public building at Wausau, Wis. (Report No. 2449.)

The bill (H. R. 9897) to provide for the erection of a public building at Grand Haven, in the State of Michigan. Reported in lieu of House bill No. 3136. (Report No. 2450.)

The bill (H. R. 2627) to provide for the purchase of a site and the erection of a public building thereon at Fresno, in the State of California. (Report No. 2451.)

The bill (H. R. 3620) for the erection of a public building at Janesville, Wis. (Report No. 2452.)

The bill (H. R. 1689) to provide for the erection of a public building at Washington, Pa. (Report No. 2453.)

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 6197) to provide for the erection of a custom-house in the city of New York, reported the same with amendment, accompanied by a report (No. 2409); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By **Mr. LAYTON**, from the Committee on Invalid Pensions: The bill (H. R. 7242) granting pension to Mrs. Elizabeth Dennon, widow of the late John Dennon. (Report No. 2395.)

By **Mr. SULLOWAY**, from the Committee on Invalid Pensions: The bill (H. R. 9553) granting a pension to Verona Harriman. (Report No. 2396.)

By **Mr. ANDREWS**, from the Committee on Invalid Pensions: The bill (H. R. 3977) granting a pension to Frank J. Hood, of Georgetown, Colo., and late of Company D, Thirty-seventh New Jersey Volunteer Infantry, and Company A, Two hundred and fourteenth Regiment Pennsylvania Volunteers. (Report No. 2397.)

By **Mr. CROWTHER**, from the Committee on Invalid Pensions: The bill (H. R. 9617) granting a pension to John N. Smith. (Report No. 2398.)

By **Mr. BAKER** of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 8831) granting an increase of pension to Adam Crawshaw. (Report No. 2399.)

By **Mr. COFFIN**, from the Committee on Pensions: The bill (S. 1591) entitled "An act granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry." (Report No. 2454.)

By **Mr. MOZLEY**, from the Committee on Pensions: The bill (S. 396) entitled "An act granting a pension to Henry Farmer." (Report No. 2455.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9481) to increase the pension of Alice De K. Shattuck; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By **Mr. GOODWYN**: A bill (H. H. 9862) to amend the act of July 1, 1862, relating to the tax on fermented liquors (section 3339 of internal-revenue laws of August 28, 1894)—to the Committee on Ways and Means.

By Mr. VAN HORN: A bill (H. R. 9864) to enact a general railroad bridge law—to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMICK: A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A bill (H. R. 9866) to authorize the construction of bridges across the Ohio, Monongahela, Mississippi, Great Kanawha, Tennessee, Cumberland, and Illinois rivers, and to prescribe the dimensions of the same—to the Committee on Interstate and Foreign Commerce.

By Mr. BANKHEAD: A bill (H. R. 9895) to authorize the Attorney-General to appoint assistant district attorneys to aid the Solicitor of the Treasury in collecting judgments in favor of the United States upon which execution has been returned by the various United States marshals, "No property found"—to the Committee on the Judiciary.

By Mr. MINOR of Wisconsin: A bill (H. R. 9896) to correct a clerical error found to exist in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed June 3, 1896—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BANKHEAD: A bill (H. R. 9867) for the relief of W. H. Bickerstaff, of Walker County, Ala.—to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 9868) for relief of James A. Lance, of Warren County, Tenn.—to the Committee on Military Affairs.

By Mr. BRUMM: A bill (H. R. 9869) granting a pension to Mrs. Mary McVeigh—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 9870) for the relief of the estate of Samuel Stowers, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 9871) to correct the military record of Washington Kellogg—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9872) for the relief of Peter, alias Louis, Heck—to the Committee on Military Affairs.

By Mr. GILLET of New York: A bill (H. R. 9873) granting a pension to Rachel Aber, dependent mother of William Aber, jr., Company K, Ninetieth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 9874) granting an honorable discharge to William Miller—to the Committee on Military Affairs.

Also, a bill (H. R. 9875) granting a pension to Mrs. Winifred Rignig—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 9876) granting a pension to Paul Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9877) for the relief of Joseph Loudermilk, of Monroe County, W. Va.—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 9878) granting a pension to Sarah C. Ward—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 9879) for the benefit of Joseph Ronan—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 9880) granting an increase of pension to Charles W. Brown—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 9881) to increase the pension of Harriet J. Hutter—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 9882) to increase pension of Charles S. Ely—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9883) for the relief of the estate of Levi Elmore, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9884) for the relief of Mrs. Catherine P. Byrnes, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. VAN HORN: A bill (H. R. 9885) granting a pension to Clarence St. Clair—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 9886) for the relief of George Caperton, Jackson County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9887) for the relief of the estate of Presley W. Harlen, of Landerdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9888) for the relief of Willis Darby, of Conecuh County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9889) for the relief of Andrew J. Esslinger, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9890) for the relief of Lemuel Hannah, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9891) for the relief of Jessie Vann, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9892) for the relief of the estate of Hamilton G. Bradford, deceased, late of Huntsville, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9893) for relief of James K. Johnson, of Huntsville, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9894) for the relief of Anderson Hamer, of Madison County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Protest of news dealers and booksellers of Philadelphia, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Petition of M. B. Mooney and other citizens of Cincinnati, Ohio; also petition of Walter Hartpence, of Harrison, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Resolutions of citizens of Belleville, N. Y., relative to American citizens in Turkey subjected to peril and insult—to the Committee on Foreign Affairs.

By Mr. CURTIS of Kansas: Resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DALZELL: Resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. GROUT: Resolutions adopted by the Master Car Builders' Association, opposing the obligatory use or the introduction of the metric system into the United States at any time—to the Committee on Coinage, Weights, and Measures.

By Mr. HARMER: Memorial of the members of the Societies of the Colonial Dames of America, asking for the incorporation of the name "National Society of Colonial Dames of America," as provided for under Senate bill No. 3087—to the Committee on the Library.

By Mr. HENDERSON: Sundry petitions of Mount Vernon Place Church; Fifth Congregational Church; Mount Pleasant Church; Union Methodist Episcopal Church; Wesley Chapel Methodist Episcopal Church; Central Union Mission; Concordia German Lutheran Church; Emmanuel Protestant Episcopal Ladies' Society; pastor and deacons of Calvary Baptist Church; Rev. J. J. Muir, D. D., pastor of E Street Baptist Church; and Rev. L. B. Wilson, presiding elder Washington district, all of the city of Washington, D. C., urging the passage of House bill No. 9515, to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

Also, paper of James F. Brerton, recording secretary Branch No. 371, National Association of Letter Carriers, Keokuk, Iowa, favoring the passage of Senate bill No. 3058—to the Committee on Rules.

Also, paper from the Waterloo Order of Railway Conductors, favoring the passage of the arbitration bill, the contempt-of-court bill, and the Phillips commission bill—to the Committee on Rules.

By Mr. HOWARD: Resolutions of the People's Party of Kaufman, Tex., relating to the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. HURLEY: Petition of William Fawcett, of Brooklyn, N. Y., for increase of duties on harness and saddlery—to the Committee on Ways and Means.

Also, petition of Edward N. Loomis, John Nix & Co., and other produce merchants of New York City, in relation to the duties on potatoes and onions—to the Committee on Ways and Means.

By Mr. LACEY: Papers to accompany House bill for the relief of Sarah C. Wood—to the Committee on Invalid Pensions.

By Mr. LAYTON: Papers in support of House bill No. [illegible] for the relief of Mark Guyton—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Resolutions of surviving members of the Twenty-fourth Regiment New Jersey Volunteers; also resolutions of W. B. Hatch Post, No. 37, Grand Army of the Republic, of Camden, N. J.; also resolutions of Bethlehem Lodge, A. P. A., of New Jersey; also resolutions of the town council of Stockton, N. J.; also resolutions of Thomas Jefferson Council, No. 138, Junior Order United American Mechanics, of Camden, N. J., expressing sympathy for the Cubans in their struggle for freedom—to the Committee on Foreign Affairs.

Also, petition of Benjamin Patterson, of Woodstown, N. J.; also petition of the Methodist Publishing Company, of Camden, N. J.; also petition of William H. Clew, of Salem, N. J., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of the heirs of Coleman Reid, deceased, late of Fauquier County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. REYBURN: Resolutions of Fairmont Lodge, No. 333, Brotherhood of Locomotive Firemen, favoring the independence of Cuba—to the Committee on Foreign Affairs.

Also, petition of Henry Berkowitz and others, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and Senate bill No. 1675, to prohibit transportation of obscene matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of Post No. 646, Grand Army of the Republic, Department of Ohio, favoring the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. WADSWORTH: Petition of R. D. Ashford and other citizens of Lockport, N. Y., for a post-office building, to accompany House bill No. 9861—to the Committee on Public Buildings and Grounds.

By Mr. WANGER: Petition of George C. Ewart and 32 other members of the Baptist church of Doylestown, Pa., praying for favorable action on House bill No. 4566, amending the postal laws relating to second-class matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 8, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF TESTIMONY BEFORE CIVIL SERVICE COMMITTEE.

Mr. BROSIUS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

> *Resolved*, That the Committee on Reform in the Civil Service be authorized to have printed, for the use of the committee, the testimony taken before the committee on important bills pending before it.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution just reported to the House. Is there objection?

Mr. McMILLIN. I should like to ask the gentleman what printing this embraces?

Mr. BROSIUS. Oh, some testimony taken on two bills. It is a very small amount and will cost very little.

Mr. McMILLIN. What are the measures upon which the testimony was taken?

Mr. BROSIUS. What we call the retiring-fund bill and a bill for the extension of the civil-service law to the District of Columbia. The amount of testimony is very small, and it will cost very little money to print it.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROSVENOR. Mr. Speaker, I shall object unless I can know one thing. I want to ask the gentleman whether these hearings have all been ex parte, whether any notice of these hearings has been given, and whether anybody else has been heard except the affirmative side of this question.

Mr. BROSIUS. Every person has been heard who expressed a desire to be heard, and both sides have been heard. Testimony has been taken on both sides.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CORRESPONDENCE RELATIVE TO DISTURBANCES IN CHICAGO IN 1894.

Mr. TURNER of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies and their officers and agents, in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

PACIFIC RAILROAD FUNDING BILL.

Mr. POWERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider House bill 8189.

The SPEAKER. It is not necessary to make the motion. Under the rule adopted by the House, the House resolves itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8189, and the gentleman from New York, Mr. PAYNE, will please take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8189.

Mr. POWERS. Mr. Chairman, I yield thirty minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, as a member of the Committee on Pacific Railroads, and in view of the very great importance of this measure, I deem it to be a duty which I owe to the House to briefly recount the reasons which have influenced my judgment in coming to the conclusion that I ought to support this bill. As the time given is very limited, I hope that the House will permit me to assign these reasons without interruption.

There is a side to this question which may be termed the sentimental side. It finds expression in the declaration that the promoters of these railroads were great public benefactors; that they practically converted a wilderness into a land of promise, and that the Government has made vast sums of money by reason of the construction of these railroads.

I confess I do not subscribe to this idea. The truth about the matter is, while the construction of these railroads may have contributed to the more rapid development of the country, it is furthermore true that the same spirit which developed the great Mississippi Valley during the first fifty years of this century would have constructed the railroads to the Pacific Ocean and would have developed our Western domain.

And then, again, I thoroughly concur with my friend from Texas [Mr. BELL], that giving subsidies to these railroad schemes has had an evil tendency, fostered paternalism, and given birth to ideas which are dangerous to our institutions. I attach no importance to the sentimental view of this question.

On the other hand, there is another view of it which might be called the popular side. It goes to the effect that the men who constructed these railroads were in point of fact public robbers; that they misappropriated a very large amount of public moneys, and that they ought to be held accountable in the courts of justice for the wrongs they have committed. I confess I have no sympathy with this view of the case.

Mr. POWERS. Will the gentleman yield for a moment? Mr. Chairman, I ask that we have order in the House. It is difficult to hear.

The CHAIRMAN. All gentlemen will be seated and cease conversation.

Mr. PATTERSON. It is entirely useless to discuss wrongs before this House for which there is no remedy in the courts; and I am thoroughly of the opinion, and the majority of the committee concur in that opinion, that there are no wrongs, however greedy the promoters of these enterprises may have been, which can be corrected by the United States in any court of justice. The truth about the matter is the Government of the United States lent its bonds to these railroad companies and took a security from these companies for their payment, and there is no trust relation between the Government and the promoters of these enterprises. No right of action has accrued on the part of the Government. And when I lay down these legal propositions in this way I am thoroughly in accord with the decision of the Supreme Court of the United States in the case of the United States against The Union Pacific Railroad Company, reported in 98 United States Reports. I am in thorough accord with the opinion given this committee by the Attorney-General of the United States. We have no legal rights, so far as wrongs complained of are concerned, against the promoters of this enterprise. For whatever wrongs were committed, if they were accountable at all they were accountable to the companies and the stockholders of the companies, and not to the United States.

Now, for the purposes of what I am about to say, I shall treat the entire line extending from the Missouri River to San Jose, Cal., and from Kansas City to the three hundred and ninety-third milepost out west as one line, simply for the reason that the same laws and the same conditions are precisely applicable to both lines. Now, the facts are that these various lines of subsidized railroads amount to 2,293.4 miles. This embraces neither the terminal facilities at Omaha, Denver, Ogden, Kansas City, nor San Francisco.

Again, the first-mortgage bonds on these 2,293 miles of railroad amounted to $61,385,000. The Government bonds loaned to these railroad companies amounted to $61,395,680. Now, mark you, these subsidy bonds were not the bonds of the railroad companies. They were the bonds of the United States Government, loaned to them; and the only security which the Government of the United States took was a second mortgage on these 2,293 miles of railroad; and the Supreme Court of the United States, in the case referred to, so holds—that this was the security, and the only security, which the Government had for the payment of this loan.

Mr. BOATNER. What case does the gentleman refer to?

Mr. PATTERSON. It is the case of the Union Pacific Railroad Company against The United States, reported in 98 United States Reports. I called the case a moment ago.

Now I desire to call attention to the fact that the incumbrance on these lines amounted to $53,545 per mile, and it is no wonder that these two railroad companies in the rapid construction of their lines lapped as described by my friend from Vermont [Mr. POWERS]. It is no wonder, I say, that each of these companies should have been anxious to construct as many miles of railroad as possible under these conditions, and I have no doubt that the promoters of these enterprises, out of the opportunity given them by the Government, made very large sums of money.

The next fact to which I desire to call attention is this: By the acts of 1862 and 1864 the Congress provided that one-half the compensation paid by the Government to these railroad companies for transportation should go into the Treasury of the United States for the purpose of raising a fund sufficient to meet the interest annually accruing upon the bonds of the Government, and 5 per cent of the net earnings of the companies was to go into a sinking fund for the purpose of redeeming the bonds at maturity. This provision, deemed at the time ample to protect the Government, became wholly insufficient by reason of the rapid decline in freight rates, in passenger rates, and in the compensation for carrying the mails, army stores, and all other supplies transported by these railroads on account of the Government. The interest at 6 per cent remained, but all these charges were greatly diminished, and the high rate of interest and the constant diminution in the amounts paid by the Government to the companies brought about a condition of affairs which made this provision wholly inadequate for the purposes originally in view. Thereupon an effort was made on the part of the Government, by a suit against the railroad companies, to enforce the collection of the interest which it had paid upon its bonds, but the Supreme Court of the United States held, in 1875, that the Government having made such provision as it had deemed sufficient to meet the interest upon the bonds it had loaned to the companies, no interest matured until the maturity of the bonds themselves, and that therefore the companies were not liable in that suit. Thereupon, in 1878, Judge Thurman introduced his act, which became a law. Instead of requiring but half the compensation due from the Government to the railroad companies to be paid into the Treasury, that act required that the whole of it should be paid in, one-half to go to the interest account and the other half to go into the sinking fund for the purpose of retiring the bonds. It provided, furthermore, that the 5 per cent of net earnings which was to go into the sinking fund under the acts of 1862 and 1864 should still be paid, and then it provided that if the entire compensation and that 5 per cent should not equal 25 per cent of the net earnings of the road, then the companies should pay a sum not exceeding $850,000 in addition, so as to make the amount which would go into the Treasury annually equal to at least 25 per cent of the net earnings of the railroads.

Let us see how this account stands with the Government of the United States. The Government mortgages, as I have stated, amount to $61,395,680. The interest which had accumulated up to the 1st day of January, 1897, amounted to the enormous sum of $106,557,125, making the entire debt due to the Government of the United States from these companies $168,152,805. But in the meantime, under the acts of 1862 and 1864, and also under the Thurman Act, a fund was accumulating in the Treasury to the credit of these railroad companies and it amounted to $56,755,391; which, taken from the gross sum, leaves a net balance on the 1st day of January, 1897, of $111,396,411 due to the Government of the United States. Now, when you add to this the $61,385,000, the amount of the first-mortgage bonds which rest upon this property, you have an aggregate of $172,702,411 of incumbrance on these 2,293 miles of railroad. That amounts to $75,352 a mile, without embracing the terminal facilities at any of the points along the entire route.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. PATTERSON. I would rather not. I requested at the beginning that I should not be interrupted, and I prefer not to be.

Mr. BOATNER. Very well.

Mr. PATTERSON. Now, the question is, Mr. Chairman, What is the Government going to do with this enormous indebtedness which is due to it of $111,000,000? We ought to look at it as a business question. I submit, Mr. Chairman, that we must take one of two alternatives. It means the foreclosure of the mortgage upon these railroad companies and the Government ownership of this entire line or it means a settlement with the existing railroad companies. I desire to say that, so far as I am concerned, my face is set like flint against any proposition which looks to the Government ownership of a mile of railroad in this Republic. [Applause.] I would, so far as I am concerned, rather see the entire debt canceled than to see the Government engaged in the operation of a railroad. I have done what I could since I entered public life to take the Government out of the banking business, and I now enter my protest against the Government going into the railroad business.

If we go into a settlement with these companies, we must go into it intelligently and on terms which will enable them to liquidate ultimately this enormous debt due the Government. And the very first remark I wish to make in this connection is that time is an important and essential element of the transaction. There is not a railroad in the United States, so far as my observation extends, on which a mortgage does not rest. The whole system of building railroads in the United States consists in placing mortgages upon these properties for long terms of years and then paying the interest upon these mortgages semiannually out of the incomes of the roads.

The fact is that these bonds have matured or are about to mature, and this whole indebtedness, amounting to $172,000,000, is now practically due. The only way in which we can take care of that indebtedness is to do as is done in every other similar case—extend the time by placing bonds upon the property at such a rate of interest as will enable the companies, within the limitations prescribed, to pay the interest and to pay ultimately the principal of the indebtedness.

In this connection, I submit that it is very important to embrace in the security of the Government not only the 2,293 miles of railroad extending from the Missouri River to San Jose, but all the other properties of these companies, embracing about 1,000 additional miles of railroad, and also the terminal facilities at Omaha, Kansas City, Denver, Ogden, and San Francisco. These lines, having been constructed in conjunction with the roads of these companies, are important in the progress of their administration; and it is very material that the mortgage of the Government should extend so as to embrace the entire mileage of the companies and all their facilities for transportation.

As to the additional security, in respect to the Central Pacific Railroad, the mortgage extends over 442 miles of railroad not embraced in the aided line, and the railroad running into San Francisco and all the terminal facilities at San Francisco and Oakland. There is one important fact in this connection to which I desire to call attention, and it is that the fixed charges upon this additional mileage of railroads are being paid to-day by the Central Pacific Company. There is no default in the payment of interest. The Central Pacific Railroad Company has paid the interest at maturity upon these liens; and as, under the provisions of the bill, the first mortgage is to be reduced so that the bonds shall bear a rate of interest not exceeding 5 per cent, it is safe to say that the mortgage extending over these terminal facilities and this additional mileage of 442 miles will be an additional security and better for the Government. In addition to this, the Southern Pacific Railroad Company indorses this contract for the Central Pacific Railroad Company and guarantees the payment of all the obligations assumed by it under the proposed settlement.

In respect to the Union Pacific Railroad, I regret that my friend from Iowa [Mr. HENDERSON] is not in his seat, because since he put the question to the gentleman from Vermont [Mr. POWERS] yesterday I have looked a little more carefully into the matter he referred to. The Union Pacific Railroad proposes to embrace in the mortgage the line of road beginning 393 miles from Kansas City, which extends to Denver and from Denver to the junction on the main line at Cheyenne, a distance of 381 miles. It is proposed to put that property into this settlement at the rate of $17,500 a mile. In other words, while this part of the line is just as important as the 393 miles east and is to all intents and purposes a part of the main line and is just as valuable, it goes into the arrangement at the rate of $17,500 a mile, while the mortgage upon the main line amounts to more than $25,000 a mile.

Again, there are 194 miles of branch lines, and these go into the arrangement at a valuation of only $8,000 per mile. Then there are the bridge at Omaha, the terminal properties at Omaha, Kansas City, Denver, and Ogden, together with the lands, which, in my judgment, are not worth $16,000,000 or anything like that sum. On that proposition I agree with my friend from Texas [Mr. BELL]. Then there is the equipment, amounting to $1,[illegible]. All these are embraced in the settlement and are to be covered by the proposed mortgage to the Government.

Let us see how it will work. The interest charges on the unaided and aided line belonging to the Union Pacific system amounts to $3,323,300 annually. Under this bill the mortgage bonds provided

for in this settlement are to bear a rate of interest not exceeding 4 per cent. Now, when the first mortgage is placed upon all these properties, including all the terminal facilities, the interest charges annually will amount to $2,171,520; that is to say, there will be an annual reduction of $1,151,780.

The present annual interest charge upon the first-mortgage bonds on the aided portions of these roads is $2,011,920, whereas interest charges upon the subsidized lines of the Union Pacific Railroad under the proposed bill will amount only to $1,341,280, or a saving of $670,640 in favor of the Government. The present annual interest charge of $2,110,920 will be increased under the operation of the bill to $2,271,520. In other words, the entire interest charges upon all the property of the Union Pacific, including the aided and the unaided portions of the line and all the terminal facilities, will be only $160,000 more annually than it is to-day on the aided portion alone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATTERSON. I would like very much to be permitted to proceed for a few minutes longer.

Mr. POWERS. I yield to the gentleman ten minutes longer.

Mr. PATTERSON. As I was saying, on the aided portion of the roads the interest on the first-mortgage bonds accruing now is within $160,000 of the amount of the entire interest that will be paid on the first-mortgage bonds, embracing all of the aided and unaided portions of the lines, and all the terminal facilities at all points along the line.

Mr. HERMANN. Let me ask the gentleman a question.

Mr. PATTERSON. I would prefer not to yield at present.

Mr. HERMANN. I only wish to ask the gentleman what remedy the Government reserves in the bill in the event of default of payment of the semiannual interest by the railroad?

Mr. PATTERSON. I was just coming to that point, and my friend anticipates only for a moment what I have to say.

On the point I am just leaving, I submit that it is a substantial increase of the security of the Government, and the security of the Government is greatly strengthened by the proposed settlement.

But there is another view of the question to which I wish to call the attention of the committee. It is this: There are embraced in the bill 1,017 miles of additional railroad. On these lines the Government transports its troops, its mails, its supplies, its munitions of war, and everything that the Government needs to transport in the country through which the lines run. Therefore the compensation which the Government pays these two railroads is very largely increased by means of the inclusion of these unaided lines and terminal facilities in its mortgage.

And now to the point to which my friend from Oregon called my attention. In the event the railroad companies make default in the payment of the interest, under the provisions of the bill the President of the United States has the right to retain the entire compensation otherwise to be paid by it to the railroad companies, and it is to be instantly covered into the Treasury to protect the Government from loss.

Mr. HERMANN. Does the same remedy extend to the nonpayment of the principal at the rate of $1,000 a day as fixed in the bill?

Mr. PATTERSON. The same, precisely. In other words, the remedy that the Government has for the nonpayment of the principal and semiannual payment of the interest, as provided in the bill, is that the Government can stop payment of any compensation to the companies for transportation; and this includes not only the compensation accruing upon the aided lines, but also upon the unaided lines. And, Mr. Chairman, not only do we stop that by the provisions of the bill on account of the failure to make the required payments on the principal, but we stop it also on account of the default in the payment of the semiannual interest. So that in either event the Government is amply protected.

Mr. HERMANN. What lien does the Government retain for the charges which have accrued in the meantime?

Mr. PATTERSON. As long as the companies pay their semiannual interest into the Treasury of the United States and the sum required to be paid annually on the principal the Government will pay them for the transportation of its troops, supplies, mails, and munitions of war, just like it would pay any other corporation for such services.

One other point and I will conclude. We required the railroad companies to come before the committee and submit a statement of the gross and net earnings of the road for the preceding five years. It was perfectly apparent to the committee that these companies could not carry out this arrangement if as much as 3 per cent was imposed in the way of interest on the debt, and while the companies might make an annual payment on the principal, and semiannually pay 2 per cent interest on this enormous indebtedness, it was clear that they could not go beyond those figures.

Now, I have stated to the House the reasons which have influenced my judgment in coming to the conclusion that I ought to support this bill. I desire to say in conclusion that the committee gave the most careful and painstaking investigation to the subject. They have listened to arguments both for and against the proposition. The committee have gone to all of the sources of information that were available; and I shall vote for this measure believing that if it be enacted into a law these companies will accept and comply with the terms of settlement.

I will vote for it because under all the circumstances I believe it to be the best settlement we can make for the Government. We are not responsible for the conditions which confront this Congress. They have come down to us from the last generation. We can only deal with them as they are, and do that which we believe to be best for the country.

I yield the balance of my time, if I have any remaining, to the gentleman from Vermont [Mr. POWERS].

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. POWERS. I suggest that the gentleman from Missouri [Mr. HUBBARD] go ahead.

Mr. HUBBARD. I yield an hour and thirty minutes to the gentleman from Alabama [Mr. HARRISON], with the privilege of distributing that time as he pleases.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. GROW having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897.

PACIFIC RAILROAD BILL.

The committee again resumed its session.

Mr. HARRISON. Mr. Chairman——

Mr. NORTHWAY. Will the gentleman come over this way, so that he can be heard?

Mr. HARRISON. I should like very much to accommodate the gentleman, but I have some papers before me which I desire to use in my argument. If I am not heard, however, I will change my position.

Mr. Chairman, I agree with the distinguished chairman of the Committee on Pacific Railroads [Mr. POWERS] in believing that this is a great business proposition. I further agree with him that the time for action has come. But, Mr. Chairman, I do not and can not agree with him and the majority of the committee in believing that the bill now pending is the remedy or is such action as Congress should adopt as a settlement of this important business transaction, a transaction involving, as we have been told, $110,000,000 or $112,000,000.

I propose, Mr. Chairman, first briefly to submit my reasons why I believe the report of the majority should not be adopted. I must do so rapidly, for a number of my colleagues and associates desire to be heard, and I have consented to divide my time with three or four other gentlemen.

First, I say that the proposition embraced in the report of the majority is too liberal to the railroad companies. I agree with my friend and colleague the gentleman from Texas [Mr. BELL], who so eloquently showed this committee on yesterday that the owners of these railroads have not so acted in the past as to entitle them to any further privileges or favors at the hands of the American Government. Yet I have no harsh words for them. Mr. Chairman, I propose to treat with them as I will further show; but I propose to treat with them simply on the basis of a business proposition, and to treat with them because I believe they are in a condition to make a better trade with the Government, that is, to pay the Government more on their indebtedness than any other person or persons will or can do.

I have endeavored as a member of this committee to gain all the information that I could upon this subject. During the last session of this Congress I devoted all the time I could spare from other Congressional duties to the hearings before the committee and to reading all of the Government and other reports on the subject. I have reached the conclusion, as the result of my investigations, that this proposition is not only the proposition of the debtor railroad companies, but the proposition of the weaker of the two, and even a worse proposition than that which the Union Pacific Railroad Company had indicated, by the testimony of its attorney, Mr. Pierce, that it was willing and able to make when he first came before the committee. It is true that he afterwards withdrew it, and agreed that perhaps the Union Pacific could not do better than is proposed in this bill.

But, Mr. Chairman, it is an indisputable fact that in these two railroad companies there is a great difference in ability, so great that any reasonable man must admit that the Union Pacific is in better condition to pay, or in a condition to pay more on their indebtedness, than is the Central Pacific. If so, pray tell me why we should accord to it the same terms that we do to the Central Pacific, unless we are under some obligations to grant to this company some special privilege—some privilege not accorded even to its associate, the Central Pacific. That reason alone, Mr. Chairman, would influence me not to adopt the report of the majority of the committee.

Then, sir, upon what sort of testimony is the report based? Examine the report of the hearings before the committee during the past session and you will find that the testimony was in effect ex parte testimony, and that not under oath, but merely upon the statements of gentlemen who had come before the committee of their own accord. Your committee had no power, or at least exercised none, in sending for persons and papers. No witness was sworn. No one came before the committee except those who voluntarily appeared. The majority report is based upon a statement of the earnings and capacities of these companies, based upon the opinions of parties who are in the main friendly to this scheme. Is that the sort of evidence that the House of Representatives, treating this as a grave business proposition, are willing to act upon in disposing of a debt of $110,000,000 or $112,000,000? For one I can never consent, either as a member of the committee or as a member of this House, to make a settlement of a question of the magnitude of the one now before us upon such testimony.

Again, the distinguished chairman of the committee, the gentleman from Vermont [Mr. POWERS], on yesterday, in reply to the question whether or not the railroad companies could carry into effect the pending bill, answered that they could. I have no doubt that they can. I have some doubt, however, whether or not they will, some time in the far future, be willing to do so. That they not only can do it, but are anxious to accept it is one reason why I am opposed to the bill. It is in effect their proposition.

It is, as I understand it, the proposition of the Central Pacific Railroad Company, the weaker, financially, of the two. I believe this company can carry it out, and feel assured that the Union Pacific Company can do so much more easily.

The distinguished gentleman from Vermont [Mr. POWERS] said that his estimate was based on hard times. It looks to me as though it was not only based on hard times, but, if you believe what was so eloquently said by the gentleman from Texas [Mr. BELL] on yesterday, that it was based on some very hard practices. Mr. BELL showed you how they at least had the opportunity to reduce their net incomes so as to prevent the paying into the Government Treasury what might have been expected under the Thurman Act.

I ask the Committee of the Whole House, Are you willing to make a settlement based upon the figures of the distinguished gentleman from Vermont, based, as he says, upon hard prices, and, as the gentleman from Texas has shown you, upon hard practices? I call the attention of the committee to the fact that when the attention of the gentleman from Vermont was called to this, he used this language, "that everyone must determine for himself as to whether that would be a proper basis." Now, I ask the members of this committee, How many of you can determine for yourselves, by the facts and figures presented by the committee, what is the income of these railroad companies? Upon what basis can you make this settlement? Are you satisfied in your minds what are the earnings of these railroad companies? The distinguished chairman of the committee frankly tells you that you must determine this for yourselves.

Now, I insist and will further on attempt to show to you that we have no information before us upon which we can intelligently settle this question. I submit that the adoption of the report of the committee would be a losing business to the Government, even if it were carried out in good faith by the railroad companies and the 2 per cent interest, as well as the entire principal, paid as provided for in the bill. As has been well said, if we extend this favor, ought we not to receive something for it? Are we under any special obligations to these companies or either of them? Certainly not. I have not time to go into it, but I believe this House will concur with me in answering that we are not. Is this extension of so large a debt worth anything? If so, ought not these companies to give us some additional security for the favor? I say they should, and that they are able to do so. They have proposed to do better in the past. Should they not be required to do so now? I insist that they should be.

Under the proposed bill the Government will be no better protected than under the existing law. While an increase in the second mortgages are given over the subsidiary lines and the terminal facilities are included in the proposed bill, the increase in the first-mortgage debt, which this permits, will more than equal the security proposed to be given, and then, in my humble judgment, we will have no better security than we have at present. I respectfully submit, too, in this connection that according to the best evidence, according to the evidence that we have had before this committee, this debt is worth somewhere at least from $50,000,000 to $70,000,000; and it does occur to me that these railroad companies who owe it, having underlying securities, something which they wish to save, ought to and will do more, and give us a better proposition than this now presented by the majority report of the committee. I submit upon the evidence, upon the first proposition of the Union Pacific Railroad Company, and upon the fact that two years ago both of these railroad companies were willing to accept the Reilly bill, that there is more in this controversy for the Government than it will receive under the pending bill. At least we have not satisfactory evidence to induce us as Representatives to make a settlement without further inquiry and more information.

I am not content simply to oppose this bill, but propose, after spending six months of investigation on the Committee on Pacific Railroads, to submit such suggestions as have occurred to me. My colleague, the gentleman from Missouri [Mr. HUBBARD], who first spoke in opposition to this bill, as I understand him, proposes nothing. In fact, he said that he had no measure to propose, and was attempting to put no measure before Congress. While I agree in much that he said, I disagree with him in so far as his conclusions are concerned; yet he offers no remedy. Will it do to simply kill the bill? I think not, for as I said at the beginning, I think the time for action has arrived, and something ought to be done. Some of these bonds have already matured, and many of them will soon mature.

What is the remedy? Must we simply kill the bill as offered without bringing in some remedy? If I understand the temper of this House, it is likely to do it. We at least have the precedent of the Fifty-third and Fifty-second Congresses for killing bills of this sort. Are we to neglect our duty by doing nothing? For if the time of action has arrived we should at least legislate on this subject. If we do not settle it, we should authorize some one to do it. My friend and colleague from Texas [Mr. BELL] has prepared an admirable substitute, which I frankly say if I believed the railroad companies could work up to I would cheerfully support. There is nothing in it that I object to, except that I believe it to be so stringent that the railroad companies could not comply with it. I think the railroad companies would be unable to live up to it, and thus practically there will be no legislation. I think that his bill leans too far against the railroad companies, while I think the bill of the majority leans too much toward their interests and does not properly protect the Government. Entertaining these views, I have submitted a substitute, which the committee will find in the RECORD of yesterday, page 578, which at the proper time I propose to offer, and which I think under all the circumstances the best that Congress can now do. This substitute provides for the appointment of a commission, consisting of the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, with full power to settle the questions pending between the Government and these bond-aided railway companies. It also provides that any settlement they may agree upon shall be submitted in writing to the President of the United States, and that before it becomes binding it must have received his approval.

Now, why should Congress adopt such a plan? I say, first, because Congress has not and can not readily acquire the necessary information upon which to properly act; second, because both Houses of Congress will probably never agree upon a settlement; and in substantiation of that opinion I call attention to the fact that this question has already been before both the Fifty-second and the Fifty-third Congresses and failed. Many gentlemen here will at least remember the discussion in the Fifty-third Congress on the Reilly bill, which, it is conceded, was a much better measure for the Government than the bill which is now pending, but it was defeated, and as I understand, no bill for a settlement of this question has as yet passed either House of Congress. Such a bill has not merely to run the gantlet here, but also in the Senate, and has to secure the approval of the President. Now, judging the future by the past, are we likely to enact any such measure? If not, what is to become of this indebtedness? This is no new theory, Mr. Chairman. In investigating this matter and trying to find out what remedy ought to be pursued, I have noted the fact that President Harrison, in his third annual message, sent to the Fifty-second Congress, referred to this subject, and I desire to read a short recommendation which he then made:

> The report of the Commissioner of Railroads shows that the total debt of the subsidized railroads to the United States was on July 31, 1890, $112,512,613.06. A large part of this debt is now fast approaching maturity, and no adequate provision exists for its payment. Some policy for dealing with this debt with a view of its ultimate collection should be at once adopted. It is very difficult and well-nigh impossible for so large a body as the Congress to conduct the necessary negotiations and investigations. I therefore recommend that provision be made for the appointment of a commission to agree upon and report a plan for dealing with this debt.

How prophetic does that language of President Harrison appear to-day, four years later, when we find that, for the very reasons assigned by him, Congress has up to this time been unable to agree upon any legislation on this question.

Again, I find in the first report of the Commissioner of Railroads, General Hampton, a paragraph upon this subject embodying substantially the same recommendation, which also I will read:

> In view of the magnitude of the interests involved and of the fact that the funding bill (S. 751, Fifty-second Congress, first session), which was made the subject of a special report, and with sundry amendments recommended for adoption by my predecessor, does not meet with favor by certain officials of the Central Pacific Railroad Company, I would recommend the appointment by the President of a commission with full power to settle the indebtedness of the bond-aided Pacific railroads to the Government on terms which shall be honorable to the companies and just to the United States. The appointment of such a commission was urged by my predecessor and recommended by President Harrison, and in view of the many and complex questions involved in the final settlement of all differences between the Government and the subsidized roads, I regard it as of the utmost importance that such action should be taken. It would be difficult, if not impossible, for a satisfactory adjustment of all the grave questions which must necessarily be considered to be arrived at by so large a body as Congress, pressed as the members always are in the ordinary discharge of their public duties; nor is it probable that any agreement could be reached which would, while protecting the vast interests of the Government, be just and equitable to the railroad companies concerned. Some settlement must be made promptly, for a large portion of the indebtedness of the companies to the Government will mature in a short time, and as the companies are not in a condition to meet their liabilities, the only alternative which will be left to the Government will be to assume ownership of the roads, or to accept such terms as may be proposed by the officials of the companies.
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> As the Government holds only a second mortgage on these roads, in order to secure possession of them all prior liens would have to be paid, and this would involve not only the enormous outlay of, say, $150,000,000, but would entail the necessity of their operation by the Government, an experiment which has invariably resulted disastrously in this country whenever tried by any State. If this plan is deemed impracticable, the only other alternative looking to the adjustment of all matters pertaining to the subsidized roads is an amicable and equitable settlement with the authorities of these roads, and this, as I have said, can, in my judgment, be best effected by the appointment of a commission with full power to settle all questions involved. The railroad officials express a desire to have a prompt, just, and final adjustment of all differences, and they declare their willingness to pay the Government all dues as fully and as speedily as they possibly can. If the Government can be secured from ultimate loss, the question of time in the payment is of little consequence.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has occupied twenty-two minutes.

Mr. HARRISON. I will ask the Chair to stop me at the end of thirty minutes, as I have promised to divide my time with other gentlemen.

I have read to this committee the recommendation made by the Commissioner of Railroads in his first report. I find that in the last report of the same officer he renews the recommendation made by him in 1895. Mr. Chairman, have not these opinions of President Harrison and of the Railroad Commissioner, expressed three or four years ago, been fully justified by the inability of Congress to act upon this question up to this time? In my substitute I change the recommendation of the Commissioner of Railroads in this: He recommends the appointment of commissioners by the President, but, after consulting with other members and reflecting upon the subject, it is my opinion that we had better appoint certain officials of the Government to constitute this commission. My bill, therefore, names three heads of Departments as the members of the proposed commission. Are not the gentlemen now occupying those positions, and those who will likely succeed them, in every way qualified to render this service? Mark it, no action upon their part is to be binding until it is approved by the President of the United States.

My substitute relegates this matter to a commission composed of three Cabinet officers, and makes their action subject to the approval of the President. Are they not as well equipped to act as this body or the Senate? I submit to you, as rational men, if you were dealing simply in an individual matter and undertaking a settlement with an insolvent debtor, could you not arrive at a better conclusion and reach a more satisfactory settlement by talking to him face to face? Under the provisions of this substitute the officers designated to act as this commission can send for witnesses, can administer oaths, can secure documentary evidence; and they can talk with the representatives of these railroad companies face to face. They need not accept the first proposition which the companies may make; they themselves may submit counter propositions. They can treat this whole question as business men. Are they not capable of doing so? I insist that they are.

Mr. COX. I wish to ask the gentleman whether the settlement which may be made by this proposed board or commission is to be final, or will it come back to Congress for approval?

Mr. HARRISON. If a settlement is made by the commission, it will be final. The bill proposes to give them full power.

Mr. COX. Final when approved by the President?

Mr. HARRISON. Yes, sir. My substitute proposes to go on further and provide what shall be done in case there should be a failure to reach any agreement. Let me read the provision of the substitute in regard to that matter:

> SEC. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

The substitute, as I have said, proposes to give this commission full power to make, with the approval of the President, any settlement which they may deem right. Representing the Government and dealing with these railroad companies face to face, they will, as I have already suggested, have better facilities for reaching a settlement than we have. It seems to me the only question is, whether Congress is willing to intrust the settlement of such a question to a commission such as the substitute provides for, whose action, subject to the approval of the President, is to be final.

Mr. HERMANN. Is there any limitation whatever prescribed in this substitute as to the settlement which this commission shall be empowered to make? In other words, will it be within the power of the commission to remit entirely the indebtedness of these companies to the Government?

Mr. HARRISON. The substitute proposes to give them full power.

Mr. HERMANN. Absolute power?

Mr. HARRISON. Yes; absolute power. Whatever settlement they may reach, subject to the approval of the President, is to be final.

Mr. DOCKERY. Will the gentleman state what is the estimated value of these railroads—the entire line exclusive of terminal facilities?

Mr. HARRISON. I do not remember the exact figures, but my friend will find them set out in the report of the majority of the committee.

A MEMBER. Sixty or seventy million dollars.

Mr. HARRISON. I believe, Mr. Chairman, the thirty minutes to which I limited myself have expired.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. HARRISON. Then, in conclusion, let me ask you to consider this proposition fairly and carefully. I desire to urge upon the members of the House the necessity of some action. I ask you gentlemen if you have any reasonable belief that we shall pass this funding bill or any other funding bill? I ask you whether you will be discharging your duty to the great American people if you let this Congress expire without taking action on this question—a question involving $110,000,000 or $112,000,000? Ought not something to be done? If we will not pass this substitute, then let us pass the Attorney-General's bill or some other measure. Whatever may be our differences, we should enact some legislation on this subject. Let us perfect some bill and protect the interests of the Government.

I regret that the time allowed for the consideration and discussion of this matter is so short. I trust that members of the House will give it proper consideration and will recognize the fact, so ably urged by the chairman of the committee, that the time for action has arrived. For one, while wedded to no theory, I submit that so far as the House of Representatives is concerned, we should place ourselves upon record as having legislated in some way upon this important subject.

The CHAIRMAN. Thirty minutes of the gentleman's time have now expired.

Mr. HARRISON. I will now yield ten minutes to the gentleman from Massachusetts [Mr. McCALL].

A MEMBER. Mr. McCALL is not now in the House.

Mr. HARRISON. Then I yield twenty minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Chairman, it is a matter of profound regret to me that the consideration and discussion of probably the most important business matter with which this House will be called upon to deal should be participated in by so small a portion of the membership of the body, and were I not impelled by a sense of duty to do so, I should not trouble the House with any remarks.

Sir, the gentlemen who have spoken in behalf of the bill have not only confined their remarks to a single aspect of the question, but have resented all efforts to call attention to manifest objections to it by curtly declining to yield to any interruptions. Such a course can have no effect, because the freedom of debate in the Committee of the Whole renders it easy to bring out all objections, and I do not doubt but that the opponents of the measure will avail themselves of the opportunity.

This House, Mr. Chairman, is asked to accept the settlement proposed by the railroad companies, because this bill is substantially their offer of settlement, on the ground that the Government is powerless, and that we ought to take the best the companies will give us.

It is argued, sir, that our lien and mortgage affects only broken and disjointed portions of the lines, that the terminals and very valuable parts of the systems are free of the Government lien, and that with respect to the unsubsidized portions of the property the Government has no rights and can enforce no remedies.

We are told that if we reject the proposition submitted to us, the first mortgage will be immediately foreclosed, and we will be compelled either to advance money enough to pay all the companies' debts which have priority over those due the United States, which amount to many millions of dollars, or see the roads sell for the first mortgages, resulting in a total loss of the debt due the United States, amounting to over $100,000,000.

We are told, sir, that it is simply a question of business, whether we will accept what we can get for a second mortgage on property the prior lien on which is about equal to its value; in fine, we have heard all the disadvantages of our position so movingly depicted that one unacquainted with the subject would suppose that we would do well to get rid of the claim upon any terms at all that released us from liability to the railroads for damages for breach of contract.

Mr. Chairman, I agree most heartily with the gentleman from Vermont [Mr. POWERS] that the question at issue is one of business and of vital importance; but there is also involved a question of morals not second in importance to the money which it is claimed we are about to lose, which the gentlemen who have framed the bill and who support it appear to have entirely overlooked.

If, however, sir, we look at it from a purely business standpoint—if we ignore the moral question to which I will refer later—we ought at least to give the Government the benefit of all the means of recovery which are available. The majority of the Committee on Pacific Railroads have proceeded on the assumption, first, that the Government's lien and mortgage rest upon portions of the lines only, the Omaha bridge and valuable terminals being excluded; that these fragments upon which the lien rests are of little value comparatively, and can be paralleled at less cost than the mortgages which take priority over the Government; and, second, that the Government has no recourse against the officers and directors of these companies to make them account for the money and property unlawfully converted to their own use and against the stockholders for the payment of their subscriptions to the capital stock unlawfully issued to them without money and without price.

We, the representatives of the United States and guardians of the people's interests, are complacently asked to ignore a plain and unambiguous statute, which declares that the United States has a lien and mortgage upon the entire line and on the property of every kind, nature, and description of these roads to secure the payment of all sums due by them to the United States, because the Supreme Court decided before the passage of the law that our lien upon the income of these roads extended to only part of the lines, and are also asked to ignore the existence of a perfectly lawful and valid claim of these companies against their officers, directors, and some of their stockholders for an amount sufficient, or nearly so, to pay the debt due the United States, and which can be made available by the United States.

In the case of The United States *vs.* Kansas Pacific Railroad Company, reported in 99 United States, page 415, et seq., it was held that the mortgage and lien retained, or rather attempted to be retained, by the acts of 1862 and 1864, incorporating the Pacific Railroad companies, did not extend to certain portions of the roads, which in the view of the court were unsubsidized.

Under the provisions of those acts the companies availing themselves thereof were entitled to receive bonds of the United States, in sums of $1,000 each, at the rate of sixteen—and in some cases thirty-two—thousand dollars per mile, bearing 6 per cent per annum interest, and payable thirty years after date, the bonds to be issued to the companies on the completion and acceptance by the officers of the Government of the road in sections of 20 miles; and to secure the payment of principal and interest it was declared in the act that "the issue of said bonds and delivery to the company shall ipso facto constitute a first mortgage on the whole line of the railroad and telegraph, with the rolling stock, fixtures, and property of every kind and description, and in consideration of which said bonds may be issued." It is perfectly apparent to my mind that the obligation of the companies to pay the bonds at maturity in principal and interest and the mortgage of its whole line and all its property of every kind and description was the consideration of the issue of the bonds referred to in the law, and that the construction given this section by the Supreme Court would confine the mortgage of the United States to the particular miles of the roads against which bonds were issued. The construction placed upon it by the court seems to be at war with the plain and unambiguous language of the law, which reserved, or attempted to reserve, a mortgage on the whole line, but, "as the law awards it and the court doth give it," we must needs accept the decision of the court as final, and as the authoritative construction of this statute.

But, Mr. Chairman, Congress, in anticipation that such a decision might be rendered, the case cited being then pending and this contention being made by the railroad companies, sought to set the question at rest by the enactment of what is commonly known as the Thurman Act, which is so plain that misconstruction is impossible.

Section 9 of that act provides as follows:

> SEC. 9. That all sums due to the United States from any of said companies, respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies, respectively, from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration.

Now, Mr. Chairman, if that act is not void, it is conclusive of the question under discussion.

If void, for what reason?

It violates none of the limitations of Congressional power contained in the Constitution. It impairs the obligation of no contract. It divests no vested right. It takes no property without due process of law. It is not ex post facto nor retroactive in its effects.

How, then, is it void? And why does it not create a mortgage and lien in favor of the Government, to date from its enactment?

The act of which it is a part was framed by the late Senator Thurman, of Ohio, it was understood, with the assistance of Senator Edmunds, of Vermont; certainly very high legal authority to draw or propose a void and unconstitutional statute.

It was elaborately construed by the Supreme Court in the sinking fund case, reported in 99 United States, 700, and the clause under consideration by the court in that case found constitutional.

The provision of the law assailed by the Central Pacific Railroad Company was the section of the act which amended the act of 1864 by providing that all instead of one-half of the compensation for services rendered for the Government by said companies should be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads.

Sections 2 and 3 of the act of 1878 provided that the whole amount of compensation which may from time to time be due to said several railroad companies for services rendered for the Government shall be retained by the United States; one-half thereof to be applied at once to the liquidation of the interest which the United States had paid on the subsidy bonds issued in aid of the roads, and the other half turned into a sinking fund, and to be annually invested by the Secretary of the Treasury in bonds of the United States, and to be applied at the maturity of the debt due the United States to its payment and to the payment of the first-mortgage bonds upon the roads.

This amendment of the law, Mr. Chairman, was vigorously attacked as void, because it changed the terms of the contract between the United States and the railway companies without their consent; because it compelled them to pay a large part of their debt before it was due; because it increased the security of the Government for its debt, by impounding a part of the revenues of the roads upon which it had no lien, and that for all these reasons it deprived them of their property without due process of law

Mr. Justice Field, Mr. Justice Bradley, and Mr. Justice Strong maintained these views in opinions of great strength, but the majority of the court, through Chief Justice Waite, held otherwise.

> This corporation—

Says the court—

> is a creation of the United States. It is a private corporation created for public purposes, and its property is to a large extent devoted to public uses. It is therefore subject to legislative control so far as its business affects the public interests. * * * Giving full effect to the principles which have been thus authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs it retained the power to establish by amendment. In doing so it can not undo what has already been done, and can not unmake contracts that have already been made; but it may provide for what shall be done in the future, and may direct what preparation shall be made for the due performance of contracts already entered into.

In other words, Congress, having found that the provisions in the act of 1864 for the payment of the principal and interest of the subsidy bonds were wholly inadequate, was authorized to make adequate provision therefor by withholding payment of all that the Government might owe for transportation from time to time, and by requiring the companies to pay 25 instead of 5 per cent of their annual net earnings.

These changes in the contract were sustained on the ground that Congress might direct the preparations to be made for the due performance of the contract already entered into with the United States.

Section 9 of the act, Mr. Chairman, constituted no material change, and was manifestly designed for the same purpose. Congress, it is to be supposed, realized the necessity of securing the

entire amount of the Government indebtedness by a lien upon the entire line of the road. The omission in the act of 1862, or, rather, the construction which the court had placed upon that act, rendered it absolutely necessary that an amendment of the law should be had in order to secure a lien in behalf of the Government on the unsubsidized portion of the line and terminals which the companies had acquired. In my judgment, the objections to the provisions of the statute which took all instead of one-half of the compensation due by the Government to the roads, and 25 instead of 5 per cent of the net earnings, constituted more radical and important changes of the contract—one more subversive of the rights of the parties—than the creation of the lien, which interfered with no rights, impaired no obligations, did not even embarrass the companies in the use of their property, and was only a conservative measure taken for the security of the rights of the Government.

I do not agree, however, Mr. Chairman, that the existence or nonexistence of a Government lien on the unsubsidized portions of the line is a matter of the vital importance which the supporters of the bill seem to attach to it. It is, of course, if it exists, second to all other liens which existed upon these properties at the time of the enactment of the statute of 1878, and would be useful only in foreclosure proceedings. The absence of the lien, however, would not seriously interfere with foreclosure proceedings if the United States should see fit to institute them. Whether or not the debt due the Government is secured by a lien upon the unsubsidized portion of the roads, the debt, undeniably, is one due by the companies, and even as an ordinary and unsecured claim, could be used to force a sale of the company's property. In fact, it not infrequently occurs that the unsecured and floating debts of corporations are the basis of proceedings by which their affairs are placed in the hands of receivers, and liquidated under the order of the court.

It is argued that the decision of the court in United States *vs.* Central Pacific Railway Company (118 U.S.) is conclusive upon this question.

I do not find, Mr. Chairman, that the question of liens was at all involved. In that case the Treasury officials withheld the compensation for transportation rendered the United States by the Central Pacific Company over 2,175 miles of its railroad which had been constructed without the aid of the United States. The contention of the United States was that they were justified in withholding the compensation due by virtue of the provisions of section 2 of the act of May 7, 1878, commonly known as the Thurman Act, and the court said that the contention was not well founded. The court held that section 2 of the act of 1878 only authorized the retention of compensation due for transportation on the roads to which had been issued the bonds of the United States to aid in their construction, and did not apply to branch and leased roads which belonged to the Central Pacific Company or to those portions of the line in aid of which no bonds had been issued. In fact, the decision here is a mere reiteration of the opinion rendered in the case of the United States *vs.* The Kansas Pacific (99 U. S., page 455), and does not at all bear upon the question of liens. Contra to the position maintained by the supporters of the bill, the Supreme Court said in the case of the Union Pacific Railroad Company *vs.* The United States (99 U. S., page 424):

> It may perhaps be urged that the first-mortgage bondholders have no lien on the net earnings, but it has the same lien that the Government has. Both liens are coextensive with the whole property of the company, so far, at least, as relates to the railroad and telegraph lines and their equipment, and all property appurtenant thereto.

It may be, Mr. Chairman, that the Supreme Court will hold, as maintained by the supporters of the bill, that section 9 of the act of 1878 is void, but to do so they must reverse the principle announced by them in the Sinking Fund case, and must hold that Congress was without the power, after having made the contract embraced in the acts of 1862 and 1864, to change or alter the same without the consent of the railway companies.

Mr. Chairman, the friends of the bill display a great deal of impatience at the discussion of the frauds which were perpetrated in the construction of these roads. They seem to think that no good can be accomplished by their recital, and that it serves only to prevent a reasonable and businesslike settlement of the questions at issue between the United States and the Pacific Railway companies. If I agreed with their conclusions that both the Government and the railway companies are remediless to recover from their officers and stockholders the value of stock not paid for and profits unlawfully obtained by their officers in contracts with themselves, I would agree that no useful purpose could be subserved by exposing to public view the colossal frauds committed many years ago, and which amount to a national scandal.

But, sir, in my judgment, the obligation of the great capitalists and the great estates which are the outgrowth of these frauds to account to the Union Pacific, the Central Pacific—in fact, all the roads in which they occurred—is an asset of these companies of very great value, and, in my opinion, it is a duty of the House of Representatives not only to use all legal means to force the recovery of the sums from the money standpoint, but because it is contrary to good morals and public policy that we should appear to give our indorsement to such malversation of corporate funds and abuse of the confidence reposed by the Government and people of the United States.

By an act approved March 3, 1873 (17 Statutes at Large, page 509), the Attorney-General was directed "to institute a suit in equity in the name of the United States against the Union Pacific Railroad Company, and against all persons who may in their own names or through any agents have subscribed for or received capital stock in said railroad, but which stock had not been paid for in full in money, or who may have received as dividends or otherwise portions of the capital stock of said road, or the proceeds or values thereof, or other property of said road, unlawfully and contrary to equity, or who may have received as profits or proceeds for construction or equipment of said road, or other contracts therewith, moneys or other property which ought in equity to belong to said railroad corporations, or who may, under pretense of having complied with the acts to which this is an addition, have wrongfully and unlawfully received from the United States bonds, moneys, or lands which ought in equity to be accounted for and paid to said railroad company or to the United States, and to compel payment for said stock and the collection and payment of said moneys and the restoration of said property or its value either to the said railroad corporation or to the United States, whichever shall in equity be held entitled thereto."

The revelations and disclosures made by the Wilson committee of that year were the direct cause of the enactment of this statute, which was placed as an amendment on one of the appropriation bills, and, in my opinion, Mr. Chairman, is the reason why no Congress since that time has ever been willing to pass a funding bill. Nor do I believe, sir, that any Congress will be found consenting to a funding bill until the charges contained in the report of the Wilson committee and in the report of the commissioners appointed by the President in 1887 are disproved, or the liability of the colossal embezzlers of public money is determined by law.

The Attorney-General instituted the suit in accordance with the directions of Congress, and reiterated substantially the charges made in the Wilson report. He charged substantially that the stock of the company had been fraudulently issued without payment either in money or property; that the officers of the Union Pacific had made contracts with Hoxie, Ames, and Davis, each one of these parties being a mere trustee for the officers and directors, all of whom were interested in the contract; that they virtually paid to themselves excessive prices for construction and all services rendered to the company. In other words, that they prostituted their offices as officers and directors of the company to plunder it and to unlawfully appropriate to themselves everything of value which the company possessed. The suit was against the company, the officers who had betrayed their trusts, and the stockholders who had failed to pay for their stock. None denied the charges, but all united in demurring to the bill. The Supreme Court sustained the demurrers as to the Government, because it held that the Government had no interest to be subserved by the suit, nor could any decree be rendered in which the Government would have such an interest as to entitle it to stand in judgment. The court found that the railroad companies were complying with their contracts to the Government. There was no allegation in the bill to the contrary. Under the terms of the contract—to wit, the acts of 1862 and 1864—the companies were only bound to pay 5 per cent of their net earnings to go into a sinking fund, and to leave in the hands of the Treasury one-half the compensation which should be found due to them for transportation of mails, troops, etc. The court was of opinion that Congress, having made these provisions for the protection of its rights, had no interest in the management of the company until by a default of the company action for the protection of the Government's interest should become necessary; that the Government had retained no visitorial power over the companies; that it was not in any manner bound, nor did it have the right, to protect the rights and interests of stockholders of the corporations, these people being able to protect themselves. The bill was therefore dismissed. In dismissing the bill, the court says:

> The substance of the charge is that the board of directors of the railroad company made contracts for building the road, and for running the Pullman cars on it, and for mining its coal lands and purchasing the coal so mined, which were a fraud upon the company; that these contracts allowed exorbitant prices for work done and material furnished; that otherwise they were very advantageous to the other contracting parties and injurious to the company; that in all of them the directors, or a controlling majority of them, were interested adversely to the company; that, in fact, they were, in the name of the company, making contracts with themselves as the other party. In short, it may be taken for granted that if these allegations are true, as they must be held to be on demurrer, frauds more unmitigated than those set forth in this bill were never perpetrated on a helpless corporation by its managing directors.
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> That these frauds are such as a court of equity would relieve against in a proper case may be seen in the opinion of the circuit court for the Nebraska district, in a suit growing out of the Wyoming Coal Company's contract. (Wardell *vs.* The Union Pacific Railroad Company, 4 Dill., 330.)

The first inquiry arising on these facts is, What relief can be given, and who is entitled to it?

The obvious reply to the first branch of the question is, that the parties who made this contract and received the pecuniary benefit of it can at law be made responsible in damages or held in equity to compensation for the loss suffered. There would be no difficulty in adjudging in a proper suit that such contracts (i. e., the contracts made by the directors of the Union Pacific with the Crédit Mobilier, which was another name for themselves, and the directors of the Central Pacific with the Contract and Finance Company, another name for themselves) were void, and then ordering an accounting on the basis of a fair compensation for what had been done in the way of construction, building, opening mines, furnishing coal, etc., and what had been received for such work and materials. The difficulty is, to whom shall this money be paid when recovered, and can it be recovered in this suit? If the railroad company, falling into purer hands, had brought such a suit, the bill might be sustained.

But the company is not the complainant here. It seeks no relief for these wrongs, etc.

No reasonably well-informed lawyer will deny that an action lay in behalf of the Union Pacific Railway Company, in fact, in behalf of all of them, against any stockholder who had obtained stock without compensation to the company. The law positively forbade the issuance of stock except for money, and no one who obtained it in violation of the law could evade the demand of the company for payment for it if made by its proper officers.

Likewise, Mr. Chairman, I apprehend that no lawyer will dispute the proposition that the contracts made by the officers of those companies with themselves under another name were void, and that whatever construction and work was done by them nominally as contractors would be held to have been done by them in their capacity as officers of the company, and while they would be entitled to receive credit for the actual cost of the work, they would be held to account for all that they had received from the company in excess of such cost. This is plainly and explicitly decided in the case that I have referred to (98 U. S., page 610).

I find, sir, according to the report of the Pacific Railroad Commissioners, that out of an issue of $51,000,000 of the capital stock of the Central Pacific Railway Company, $760,000 only was paid for. Out of an issue of $36,821,000 by the Union Pacific, only $160,650 was paid for, leaving an amount due to these two companies on stock account only of $89,773,000.

It is useless to go into the details of the other frauds. They are gigantic; and if the Union and Pacific railroad companies could to-day recover from the managing directors and officers who had charge of their affairs when they were in process of construction, who received and sold the subsidy bonds of the United States, who issued and sold their first-mortgage bonds, who embezzled the proceeds of the magnificent land grant, these roads would be able to pay off their entire indebtedness to the United States, and would have a handsome surplus in their respective treasuries.

The gentlemen, however, who advocate the passage of this bill sneer at the idea that anything can be recovered, and claim that if no other obstacle stood in the way the statute of limitations would bar all the actions. I confess I know of no statute under which they would be barred. Fortunately for the United States, a suit was brought by the Attorney-General against Mrs. Stanford, the widow of Leland Stanford, to make the estate of her deceased husband liable for a certain proportion of the debt due to the United States by the Central Pacific Railway Company, under the provisions of a statute of the State of California, which renders the stockholders of corporations personally liable for their debts in proportion to their holdings of stock, and Leland Stanford having been a large holder of stock of the Central Pacific, the effort was made by the Government to hold his estate liable for his proportion of the debt due by the company to the United States. The Supreme Court of the United States maintained a demurrer to the bill, and held in substance that the rights of the United States and the obligations of the stockholders of the Central Pacific to the United States were to be decided entirely by the acts of Congress incorporating that company, authorizing the construction of the road, issuing of bonds, etc. This decision has been referred to in this debate as settling adversely the right of the United States to proceed against the officers, directors, and stockholders of these roads. In my opinion, it is just the contrary. It deprives these parties of the benefit of the statutes of limitations of the several States. It eliminates the questions of State law and hinges the whole case on the construction of the statutes of the United States to which I have referred.

The Supreme Court said in 1878 that the United States could not proceed against the stockholders and officers of the Union Pacific because at that time its right of action had not arisen. The bonds issued in aid of the road were not due either in principal or interest. The companies had not defaulted on any of their obligations, and non constat but that the Union Pacific would be prepared at the maturity of the obligations to meet them. Their maturity has now been reached, and the court which said in 1878 that the United States could not sue until 1897 can hardly say when suit is filed in 1897 that it is barred by the statute of limitations. It is an elementary principle of the civil law as old as the Pandects of Justinian that prescription (at common law of the statute of limitations) does not run against those who are unable to act, and the application of the maxim, which is founded in reason and justice, as well as law, to the facts in this case would certainly operate as a suspension of the statute of limitations during the period that the Supreme Court had tied the hands of the officers of the Government by declaring that their right of action had not arisen. The very contingency which was anticipated by Congress when it directed the suit to be brought against the actors in the Credit Mobilier scandal has arisen. The officers of that company looted its treasury and have rendered it unable to comply with its obligations to the Government. By thirty years of intentional mismanagement, peculation, and fraud; by thirty years of resistance to the acts of Congress intended to secure a compliance with the company's obligations to the United States, they have reduced its stock to a merely nominal value; they have mortgaged every available piece of property which it possesses; they have appropriated to themselves all the resources and means of the company which could be abstracted, and present it to-day, at the maturity of its obligations to the Government, a financial wreck, seeking an extension of eighty-five years on its debt to the United States as a result of the peculation and fraud to which its affairs have been subjected.

I confess, Mr. Chairman, that I see no legal difficulty in the way of exercising the remedies of the United States against the property of this road, and the others also, and of thus proceeding by a suit in the nature of a creditor's bill against the stockholders who have not paid for the stock that was issued to them, and against the officers who have violated their trusts, for the recovery of whatever amounts they may owe to their respective companies. But this course would be attended with the danger of the Government's being compelled either to buy in the roads and pay the prior mortgages and liens or to let them go for the first mortgages and trust to the proceedings against the stockholders and directors for the recovery of the amount due the United States. This course, I apprehend, will not be pursued, and as there is a better and more practical one, I am surprised that the committee, in the absence of a better proposition from these companies, has not introduced a bill which would enable the officers of the Government to assert our rights by this means.

Under section 11 of the act of 1878 it is provided that—

> If either of said railroad companies shall fail to perform all and singular the requirements of this act, and the acts hereinbefore mentioned, or of any other act relating to said act to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States, and it would be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

It would be easy to amend this provision of the act by providing for the appointment of receivers or liquidators, in whom should be vested the entire powers of the corporations for the purposes of liquidation and settlement, and to authorize and require those liquidators to institute all such suits as the company itself could have instituted against its stockholders for payment of the stock issued to them, and against the officers and directors for the frauds and peculations committed by them.

Pending these suits, and until the ascertainment of their result, the railroads might be operated as they have been operated for several years past—by receivers—under the control and direction of the court. If at the end of these proceedings it should be ascertained that the facts stated by the Wilson committee, and reiterated by the commissioners of the Pacific Railroads, are untrue in point of fact; or if it shall be found that the stockholders who fraudulently received millions of dollars of the stock of these companies, with which they have since controlled it, to the wrong and injury of the United States, are beyond the reach of legal processes; or if it be established that the Credit Mobilier was a lawful corporation and lawfully conducted its business with the Union Pacific; if it be found that the Contract and Finance Company of California was likewise a lawful corporation, and that the directors and officers of the Central Pacific did not use it as a disguise to plunder that company, and in doing so, its bona fide stockholders and creditors, then we will be in a position to decently accept the best settlement which the financial condition of the companies would admit of. But until we have instituted these remedies we will, if we accept the settlement proposed, or any other funding bill, condone and give our approval to the frauds to which I have referred.

But, sir, the gentlemen in charge of the bill maintain that the actions against the stockholders and officers of the companies can be maintained, notwithstanding the acceptance of the settlement proposed by the railway companies, and refer to a section of the bill under consideration which substantially reserves them.

I am astonished, Mr. Chairman, that any well-informed lawyer will maintain for a moment that such a reservation is possible. The moment the United States accepts the settlement that the companies propose its rights for the time being are discharged. It will occupy exactly the same position which it occupied in 1878, when the suit which I have cited was brought by the Attorney-General, and when the Supreme Court said it had no right of action because the obligations of the company to it were not due.

It would be an absolute discharge of all collateral obligations. Let no man deceive himself on that subject.

Mr. MAGUIRE. Is not that the very purpose for which the owners of the Southern Pacific Railway are trying to get this bill through? They are the responsible men.

Mr. BOATNER. It appears to me, Mr. Chairman, that that is true. It has always been the motive at the bottom of this legislation. The owners of the accumulated and colossal fortunes which grew out of these peculations are more interested in being relieved from their obligation to the Government of the United States than they are in settling the rights of the United States as against these companies. But two difficulties would present themselves in pursuing this course—one, the statute of limitations; the other, the difficulty at this length of time in procuring the evidence necessary to sustain the actions. Since the decision of the Supreme Court in the Stanford case, I apprehend that there will be no serious difficulty with the statute of limitations. If the stockholder sued for the value of the stock issued to him plead the statute of California or New York in bar of the action, the decision in the Stanford case would be a full reply. The stock was issued under the act of Congress. The act of Congress provided that he should pay for it. The act of Congress provides no statute of limitations for the action. Nor do the statutes of the United States establish any time as a bar to any action resting in the enforcement of its provisions.

If, however, Mr. Chairman, the House is determined to effect a settlement of this question upon purely a business basis, as my friend from Vermont puts it; if it is a matter of no consequence how the officers and directors of corporations created by the United States for a great and beneficent purpose have betrayed their trust, and we are to deal with them as honest debtors, reduced by misfortune to a condition of bankruptcy, then, sir, we should adopt the suggestion of the gentleman from Alabama [Mr. HARRISON] and commit the settlement into the hands of a commission who will deal with it to the best advantage of the United States. It is impossible for so large a body as the House of Representatives, or even the Committee on Pacific Railroads, to deal with this question with the accuracy and judgment with which it could be handled by a smaller commission. They could negotiate, not only with the companies, but with other companies who might desire to obtain control of the property. They might sell the Government lien, foreclose, or take such action as would seem for the best interests of the Government, after ascertaining by negotiation the very best arrangement that could be made, and while I am opposed to the bill under discussion or to any funding bill at present, if we are to make a settlement on the lines proposed by the committee I shall vote to place it in the hands of the commission proposed by the substitute offered by the gentleman from Alabama.

Mr. HARRISON. I yield fifteen minutes to the gentleman from Virginia [Mr. SWANSON].

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. HARRISON. I yield ten minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL of Massachusetts. Mr. Chairman, I am somewhat reluctant to say anything about this measure in the time of those who are opposing its passage, but there is one matter which I have discovered in my limited investigation of the subject which I think should be brought clearly to the attention of the House. I find that the report of the committee and the report of previous committees in Congress—the Reilly report and the report of the minority of that committee—have proceeded upon the assumption that the Government has no lien upon the bridge and Omaha terminals of the Union Pacific Railroad. The gentleman from Vermont [Mr. POWERS], the chairman of this committee, is not apt to overlook any proposition of law; but he seems to have been misled by the uniform tenor of the reports on this subject.

The Kansas Pacific case has been referred to repeatedly in this debate. That case covers some five pages in the report of the United States Supreme Court. Nearly four pages are taken up by a statement of the case and collateral matters which are not important, while one page of the report apparently disposes of this great question which involves many millions of the money of the Government of the United States.

It would appear to an ordinary lawyer, casually examining the question, that the court could not have had in view in its decision any such momentous consequences as the decision is regarded as involving. But I find upon investigating the matter that that decision was not the only one made by the court at that time. There were four other Pacific railroad cases which were argued substantially at the same time and were decided upon the same day, involving precisely the same question; and the opinion in every one of these cases was rendered by the same justice.

The Kansas Pacific case sustains apparently the proposition made by the gentleman from Vermont, that the Government has no lien upon such portions of the road as are not shown by affidavits to have been built with the aid of the subsidy bonds. The court says, in the Kansas Pacific case:

> From a careful examination of the statutes relating to this subject we are of opinion * * * that the subsidy bonds granted to the company, being granted only in respect of the original road, terminating at the one hundredth meridian, are a lien on that portion only, and that the 5 per cent of the net earnings is only demandable on the net earnings of said portion.

The question at issue in all these suits was upon what portions of these various lines the Government could claim 5 per cent of the net earnings. In, I think, three cases the Government was the plaintiff, attempting to recover its 5 per cent; in the other two cases it was the defendant, being sued for the cost of transporting the mails; but it put in as a set-off its claim of 5 per cent upon the net earnings, so that in all the cases the issue was precisely identical. The question was upon what portions of the road could the Government claim 5 per cent of the earnings; and the court held that it could only claim its 5 per cent of earnings upon those portions of the road on which it had a lien.

A MEMBER. To what column and page does the gentleman refer.

Mr. MCCALL of Massachusetts. Ninety-nine United States Reports, page 458, in which the court took the position that the Government's right to its net earnings was practically coextensive with its lien; that the one is as long and as broad as the other.

Now, in turning to the first case decided on that day, which is the principal case on this subject, I find that the court passes upon the claim of the Government against the very railroad here in question—the Union Pacific Railroad Company. It endeavors in the first place to ascertain what are the net earnings to which the Government is entitled. It says:

> In the first place they are the "net earnings of the road;" that is, the net earnings of the road as a railroad, including the telegraph. These earnings, however, must be regarded as embracing all the earnings and income derived by the company from the railroad proper, and all the appendages and appurtenances thereof, including its ferry and bridge at Omaha, its cars, and all its property and apparatus legitimately connected with its railroad.

So, Mr. Chairman, we have here a positive decision by the court upon the very matter at issue that the Government had a lien on the earnings, and consequently it follows from the doctrine in the Kansas Pacific case, to which I have referred, that the lien of the Government extended over the bridge and ferry as well.

The same question was considered and the same decision was reached by the court in a prior case—I think the case against Hall, which I do not happen to have at hand. President Lincoln fixed the eastern terminus of the road, and did not in the order mention the State of Iowa, although it was clearly described. When it was afterwards brought in question, he wrote a letter explaining the original order, in which he said that he had intended to fix the eastern terminus in the State of Iowa, opposite "a place called Omaha;" a city that has become very much more famous now than it was then, or the President would not have alluded to it in that indefinite manner. Now, of course, if the Government has no lien on the terminals at Omaha its security is not worth near as much as it otherwise would be.

Mr. POWERS. Will the gentleman allow me to interrupt him for a moment?

Mr. MCCALL of Massachusetts. Certainly.

Mr. POWERS. The gentleman refers to the case reported in 99 United States Reports?

Mr. MCCALL of Massachusetts. Yes.

Mr. POWERS (continuing). In which the court held that for the purpose of determining the net earnings of the whole Union Pacific system the principle there laid down would be followed. But they held, to all intents and purposes, that the lien of the Government only extended to the portion of the road that had received aid.

I refer the gentleman, however, to 118 United States Supreme Court Reports, where this question came up and where the decision was rendered, referring to the former case. If the gentleman will listen to me for a moment, I will read the exact text of the decision. I refer now to the case of United States *vs.* The Central Pacific Railway Company, in which the court say:

> In the case of United States *vs.* Denver Pacific Railway Company (99 U. S., 460), decided at the same term, and in which the judgment was delivered by the same justice, it was held that the United States had no right, under the sixth section of the act of 1862, to retain compensation for services rendered upon a road the construction of which it had not aided by its bonds. The ground upon which the court placed its decision was that the Government had no lien except upon a road which it had so aided, and could retain neither the 5 per cent of the earnings of a road to which it had issued no bonds, nor compensation for transportation services thereon.

Now, this case in 118 Reports rose under this very section of the Thurman Act which the gentleman from Louisiana [Mr. BOATNER] contended to-day changed the law on that subject. The court go on to say:

> This court having thus interpreted the act of July 1, 1862, we can not, consistently with the established rules of construction, give a different meaning to substantially the same words in the act of May 7, 1878. (Reiche *vs.* Smythe, 13 Wall., 162.) In the act of July 1, 1862, the provision is, that "all compensation for services rendered for the Government shall be applied to the payment of said bonds." In the act of May 7, 1878, the words are, that "the

> whole amount of compensation * * * for services rendered for the Government shall be retained by the United States," one half to pay interest and the other half to be turned into the sinking fund. If the two acts are to be construed together and as one act, we must give the same meaning to like expressions in both. We can not say in one case that the compensation mentioned means compensation only for services on aided roads, and in the other that it includes compensation for services on roads not aided

So I reiterate the statement which I made on yesterday that the Supreme Court has decided that the lien of the Government only extended to that portion of the road that received the subsidy bonds.

Mr. McCALL of Massachusetts. I am very grateful, Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. POWERS. Mr. Chairman, I yield the gentleman from Massachusetts five minutes on account of the time that I occupied which properly belonged to him.

Mr. McCALL of Massachusetts. I am very much obliged to the gentleman from Vermont for the interruption as well as for the time that he has extended to me. I am obliged to the gentleman for reading from such an authority as the Supreme Court of the United States, but I do not see that what he has read, with all due deference to him, affects the decision I have already cited. It is distinctly decided in the case to which I called the attention of the committee that the Government lien does extend to the earnings of the ferry and the bridge at Omaha.

Mr. POWERS. You agree that these terminals received no aid from the Government.

Mr. McCALL of Massachusetts. Well, I am not so sure that they did.

Mr. POWERS. They did not.

Mr. McCALL of Massachusetts. I think they are proper appendages to the railroads.

Now, Mr. Speaker, I am not in opposition to the gentleman's position, but I think it is a material matter for the House to consider what rights the Government has here before we pass any law on the subject. I do not agree with a great deal of the invective which is brought into this case. I think the interest of the Government requires that there shall be some final settlement of this matter and that this railroad shall be permitted to reorganize. But I think that the bill before the House is not sufficiently favorable to the Government. It rests upon a false fundamental assumption that the Government does not have a lien upon certain valuable property that the courts hold it does have a lien upon.

I want to say, sir, that my position upon this question is entirely in line with the almost uniform conduct of the officers of this Government, and in line with the position of the Commissioner of Railroads, and of the Secretary of the Interior. You will find this view amplified in a letter written by Mr. Secretary Lamar, when he was Secretary of the Interior, to Charles Francis Adams, who was then the president of this railroad.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. McCALL of Massachusetts. I have only a minute. Mr. Lamar was a great jurist. He had carefully considered this question, and took the ground explicitly, and it seems to me he demonstrated, that the Government had a lien on these properties at Omaha that the committee say it does not have a lien upon. I think the Government can not expect to have its second-mortgage bonds converted into first-mortgage bonds, and that it should look at this as a business matter, and that it should ask for the same security that it has now. But I believe that it should have a rate of interest upon its bonds which will at least be equal to its own credit, and the net earnings of this company for a period of four or five years, embracing two or three bad years, will show that the company can easily afford to pay the Government 3 percent interest upon these second-mortgage bonds. I trust that the committee, or the gentleman from Vermont [Mr. POWERS], before this matter shall come to a vote, will see fit to offer an amendment making the rate of interest in the bonds 3 per cent instead of 2, and if he shall do that, it seems to me that he will make a proper concession on account of the Omaha property, which I believe the Government has a lien upon.

Mr. HARRISON. I yield the remainder of my time, fifteen minutes, to my colleague [Mr. WHEELER].

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] is recognized for fifteen minutes.

[**Mr. WHEELER** addressed the committee. See Appendix.]

The CHAIRMAN. Will the gentleman from Missouri [Mr. HUBBARD] or the gentleman from Vermont now occupy time?

Mr. POWERS. Has the hour and a half been used?

The CHAIRMAN. There remain an hour and forty minutes to the gentleman from Vermont and an hour and two minutes to the opposite side, represented by the gentleman from Missouri.

Mr. POWERS. I yield twenty minutes to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, it is related that there were two men in the wilds of North Carolina who had grown up to manhood there, never had been away from home, knew nothing of the riches of other countries or of civilization. Impelled by a desire to increase their knowledge, it is stated that they took their blankets and started off to find new fields. They walked down the mountains and over the plains, and finally came to two parallel lines of iron, as they thought, nailed upon wood, of which they knew nothing and could imagine nothing. They walked along for a time, and it became evening, and they were sleepy. They walked to the bank adjacent, spread their blankets, and went to sleep. Shortly there came along an express train, somewhat behind time, and as it came rumbling and roaring and thundering down the grade it awakened one of these men, and as he looked up he saw the headlight of the locomotive making everything light and turning night into day, and as it passed him, with its clattering noise, seeming powerful enough to wake the dead, and when he saw the fireman, grimy and enlarged by the reflection, with the furnace door wide open, the sparks flying, the coals dropping, the fire roaring, and heard the whistle's shrill shriek, he grasped the man with whom he had walked and said, "Sam, the devil is moving hell, and here is the first load!" [Laughter.]

So, Mr. Chairman, there are men in this Congress who, whenever anything is presented here touching the Pacific railroads, awake from a sleep, grasp their neighbors, and exclaim, "Huntington is moving the United States Treasury, and this is the first load!" [Laughter.] They do not seem to realize that this matter should be discussed in a business way. They do not seem to realize that the question for consideration is how the United States of America shall get back the money it has invested in this Pacific Railroad enterprise. As to the construction of the roads, I have not time to speak now, nor of the motives of the men who built them, nor of the work that they did, nor of how the whole subject was considered by Congress at that time. I hope to be able, in extending my remarks, to say something on that subject. I will, however, say a word now about the land grants of which we have heard so much. More than twenty other railroads in the United States have received greater land grants than did the Pacific railroads. It must also be remembered that the land granted was absolutely valueless until the road was built. Hence the land grant so much discussed becomes of very small moment in deciding upon the bill before us.

Mr. Chairman, when we are called upon to settle the question as to what the United States shall get out of its second mortgage, which is the only matter before us, we are met by the gentleman from Louisiana [Mr. BOATNER] and other gentlemen with this old talk that the men who built these roads made money. All right; suppose they did make money. They did only what everybody else would do if they had had the chance. Just imagine! If these gentlemen who now denounce so fiercely the men who built the Pacific railroads had only been in their positions at the inception of that enterprise, how differently they would have acted. Suppose some of the gentlemen from the great State of California who are members of this Congress, and who—especially one of them—fight this railroad question at all times and without regard to sense or reason [laughter]—suppose that some of these gentlemen, in connection with the gentleman from Louisiana [Mr. BOATNER] and the gentleman from Wisconsin [Mr. COOPER], who out-Heroded Herod in the last Congress in denunciation of those who constructed these roads—suppose they had been engaged in that great work.

Suppose that they had built the road, and after they had completed it, seven years ahead of time, they had come together, and when the last spike had been driven at Promontory Point, and when all the nations of the earth were rejoicing that we had succeeded in binding together the East and the West, the waters of the Atlantic and the waters of the Pacific, I suppose that just the moment these gentlemen had finished the work they would have started for Washington, they would have invaded the East Room of the White House, they would have presented themselves before the then President of the United States (that silent man and silent general whose memory we all honor)—they would have presented themselves before him, and the gentleman from Louisiana, or perhaps the gentleman from the Fourth district of California, or the gentleman from Wisconsin, would have been the spokesman, and he would have said:

"Mr. President, we have built this road, and we have built it seven years ahead of time, but we find that by some strange miscalculation we have made some money out of it. [Laughter.] We have made some legitimately, and we have gobbled all we could get, and, on the whole, we have made a good deal of money. We have kept every agreement we have made with you; we have built the road as you wanted it built; your Government directors and your Government commission have inspected and accepted the road; we have kept every part of our contract, but, mirabile dictu, we have made money, and our consciences will not permit us to retain it; so we come now to pour it back into the Treasury of the United States." [Laughter.]

That, doubtless, is what these gentlemen would have said and done. The gentleman from Wisconsin [Mr. COOPER] might have said that he would like to have some of the money saved for the improvement of the harbor of Manitowoc. [Laughter.] The gentleman from the Fourth district of California [Mr. MAGUIRE] would probably have expressed a desire to have some of it appropriated for the propagation of the doctrine of the single tax. [Laughter.] And the gentleman from Louisiana [Mr. BOATNER] might have asked for some to pay the expenses of his contested elections. [Laughter.] Some of it might have gone in the interest of my colleagues to Petaluma Creek, and some to building a public building at Oakland, Cal. [Laughter.] But the balance would certainly have been covered into the Treasury of the United States. [Laughter.]

Now, Mr. Chairman, would those gentlemen really have done that? Why, if Adolph Sutro, who has been bombarding Congress with letters on this subject, or if that blackmailer, Hearst, who runs the Examiner in San Francisco, had been connected with this great enterprise, they would not only have made all the money that the other men made, but they would have brought the Government itself into contempt and ruin, and would have usurped the entire control. [Laughter.] But, Mr. Chairman, the real question for us to consider is, How shall we get back our money? It is purely a business question with us. Abuse of the men who built the roads, animadversion upon their motives, or denunciations of their acts will not avail us. We must deal with the matter as it is in 1897. Our ancestors made the mistakes, if any were made, that resulted in the present status of the case.

Now, there are three ways to deal with this question. The first is to sell these roads under foreclosure to the highest bidder; the second is for the Government to take the road and run it; the third is to extend the time for the payment of the indebtedness. I apprehend that everybody in this House is opposed to the Government ownership of railroads. Every speaker so far has denounced it. No sound argument can be presented in its favor. We can eliminate that factor from the problem. The next question, then, is, Shall we foreclose? If we foreclose, how much shall we get? Who will bid? I do not ask any of these gentlemen from California to answer that question, because they are all wealthy, and if they did not have the money themselves they could call upon the committee of fifty in San Francisco and get the money from them—from Sutro or from Hearst—and thus they could bid on this property. [Laughter.] But I ask gentlemen from other parts of the United States, who would bid in these properties if they were offered at auction? Name somebody. Name some corporation or some body of individuals that would or could make such a bid. There are just three parties that could bid. One would be the United States. The United States could, of course, bid, could pay off the first mortgage, and then carry on the railroads. But nobody wants that to be done. The Vanderbilts could bid, because they own a line of road leading into Omaha. But they say they do not want the property. The only other parties that could bid would be the same men who now control the Central Pacific and the Union Pacific roads. They might bid the property in at their own price, and thus get rid of paying the debt due to the Government.

If the men who control the Central Pacific—the men who have been roundly abused indirectly and directly upon the floor of this House (and who are abused by men who are here lobbying in this House to-day as ex-members of Congress against this bill)—if these men should, at foreclosure by the United States, bid in this property, what could hinder them from so doing? Who could outbid them? And then what would they do? If, when this property were put up at auction, they should undertake to bid it in, who could bid against them? Nobody on earth. You all know that no corporation could be formed to bid against them, for corporations of that magnitude are not easily formed, especially to fight other corporations, and no individual has sufficient means to undertake the job. They would bid only enough to pay the first mortgage. Any opposing bidder, if such could be found, would bid no more, for by an expenditure of that amount they could parallel the road with a new line with less bridges, lower grades, easier curves, and straighter line. No new corporation would buy an old road at a greater sum than they could build a new one. Hence there would practically be no competition at the sale. The testimony taken before the Railway Commission and the statements made before our committee were to the effect that these roads could be duplicated for less than the amount of the first mortgage upon them. Sixty-one million dollars in round numbers is the amount of the first mortgage upon both roads; and the roads could be duplicated for that amount. The Central Pacific road could be duplicated for less than the amount of the first mortgage upon it. Who, then, would bid? Who could, as a safe business proposition, bid against the railroad people who are in possession of the property, and who by purchase can rid themselves of a large debt. Every dollar less than the amount due the United States that these companies could secure the roads for at forced sale would be that much clear gain and the Government's loss.

Did any of you ever have a second mortgage on a man's property? If so, when the second mortgage became due and you found that the property would not sell for enough to pay the first mortgage, did you foreclose and sell simply for the purpose of enabling your lawyer to make some money? Such would be the inevitable result of foreclosure in this case. Whoever buys these roads at foreclosure sale must of course purchase subject to the first mortgages, and that amount is gigantic of itself. No persons could overbid the men who now control these companies except the United States. If the Government overbid, it must, like an individual, pay the first mortgage, and that means taking $61,000,000 from an already depleted National Treasury to engage in the unwise policy of Government ownership and management of railroads.

Therefore it seems to me that from a business point of view a sale under foreclosure proceedings would be of no advantage, but a positive loss to the Government. All agree that a sale under foreclosure would result in losing at the very least one-half of the debt due the United States unless the Government bid the property in. None of us wish to lose this amount of money.

The next question is—and this I understand to be the agreement of all who have spoken—whether or not this debt should be extended. Gentlemen do not oppose the proposition for extension as a matter of principle, but only as to its details. It is said that the Government ought to get a larger rate of interest. Let us examine that question. Every man knows that a railroad is valuable only for the money that it can make; it is of no value for any other purpose. Everyone knows that a railroad company can only pay its debts out of its earnings. Everyone knows that the United States Government itself could not pay its debts if they were all presented at once. A railroad company in debt is not in a different position from anybody else, nation, corporation, or individual, who is indebted. There is not a bank in the United States, except one, I believe, that could pay its debts if they were all presented at once. There is not a bank in California (and it is the greatest State in the Union, as you all know)—and it has some Congressmen who are bank directors—there is not a bank in California that could pay its debts if they were presented all at once. These railroad companies, then, are in no worse condition than the United States Government or the banks or the general people. The question being, How shall we extend their indebtedness? its solution depends solely upon the ability of the railroad companies to comply with our conditions and to pay us our debt from their only source of revenue, their earnings. If we agree to extend the indebtedness, clearly we can do nothing but impose such terms as they can comply with. What is the good of calling upon a man to pay $1,000,000 when he can not do it? What is the good of asking a man to pay 6 per cent, or 5 per cent, or 4 per cent interest upon his debt due us when he can not do it? Therefore, in making terms with these railroad companies, we should look, as I have before said, solely at their earning capacity? Is that not true?

Now, the question is, What is the earning capacity of these roads? What are the net earnings of the railroads? It will not do for us to assume that the gentleman from Missouri is correct when he says that the net earnings of the railroad companies are the amounts that they receive over and above their operating expenses. Those are not net earnings. The net earnings of a railroad company are the earnings that they have to apply to a reduction of their indebtedness or payment of dividends after they have paid all of their fixed charges, including interest upon their debts. The Central Pacific road—and I speak of that because I am more familiar with it—the Central Pacific road for the last five years has had an average of $291,967 as a surplus applicable to the payment of our indebtedness, and that is all. Is that too much to leave for emergencies that frequently arise? In the committee's estimate of the amount to be paid by these companies we have put an item for payment of interest at 4 per cent upon their first-mortgage indebtedness. Is this correct? Should we estimate that they can refund their old debt at 4 per cent? I do not think so. Money is not plentiful for railroad corporations at such a low rate of interest. I think they would have to pay at least 4½ per cent, and if so, that will use up all of the surplus and consume all the earnings of these roads. We are estimating the earnings upon the figures as given by the officers of the Central Pacific.

Now, it may be, as has been intimated, that they lied. But, Mr. Chairman, let us consider the facts for a moment. When the gentlemen insinuate that the officers of these roads, in their statements made under oath to the officers of the Government, are lying, they are simply having a reflex of their own minds, it seems to me. We must assume that they tell the truth to the stockholders and to themselves. Men may lie on the outside, especially when engaged in business which would make such a system profitable. But when they are dealing with themselves, it is to be assumed that they will at least tell the truth to themselves. These are reports that they make themselves to themselves about the condition of their business. It must be conceded that they are correct. They cover their affairs for five years last past. They are accepted by the officers of the United States charged with that duty in dealing with the companies, and must therefore be treated by us, as other officers of the United States, as being true.

In reference to the Central Pacific, these are the earnings. They say they can not pay more. The books of the company justify their statement. We must show error or accept these figures. No error has been charged or insinuated. The amount, then, of earnings the committee has named being correct, it naturally follows that the payments to be exacted from the company can not exceed the sums named by the committee, and that the rate of interest can not be increased. In the Central Pacific we receive additional security. That road, Mr. Chairman—that is, that portion covered by the Government mortgage—is like one of Gunter's novels, "Miss Nobody of Nowhere." It commences in the plains of Utah and ends 50 miles from San Francisco. It runs for 580 miles from Utah to Truckee in California, through a country that does not have business enough to pay for the oil that greases the locomotives that draw the trains through that region. [Laughter.] All the business that pays them is from California and the through travel. We can rely only on the California and through business for revenue to the company from which to pay us our debt; clearly, then, we should get the road into such condition that it can get that business.

What is the object of a railroad company? It is to get from somewhere to somewhere, from some city to another city. What makes the Baltimore and Ohio, and the Pennsylvania, and the New York Central valuable? It is because they begin at some great city and end at another. They have business between, it is true, in the thickly settled portions of the East, but the Central Pacific has no paying way business except in California. What is the object of reaching California by a railroad? To get to the city of San Francisco. If it did not get to San Francisco it would have no value. The aided portion of the Central Pacific does not reach San Francisco. Now, the proposition of the bill is to permit the United States to have a mortgage on property that will enable the Government, if it is obliged to take the road, to get into the city of San Francisco. They propose, in addition to what the Government now has, to have a mortgage on a road leading north, as you will see by reference to the map, up into Oregon, through a very fertile valley that will make money. There is another mortgage on a road leading directly south, as you will also see by reference to the lines on that map, into the San Joaquin Valley, and another from Niles to Oakland, and the ferry from Oakland to San Francisco, and the terminals at both cities, thus giving us a road commencing at some place and ending at the center of wealth and business and civilization on the Pacific Coast. Its arms thus extended, one to the north, the other to the south, and its head resting in San Francisco, will enable the road, in case the United States is obliged to take possession of it in the future, to obtain business from California's fertile valleys and enterprising cities, and thus secure revenue from other than mere overland traffic. If taken now, the United States will have absolutely no business save the through overland trade, and that is not enough, and it will be in possession of a road without beginning or end, barred from the Bay of San Francisco, and dependent upon connecting lines for paying business. If this bill passes and default is made, and the United States is obliged to take possession, it will have a road which will be able to do business without asking the permission of anyone. So if the United States is obliged to take it at all, it will be in a position where it can make money.

Now, what are the other propositions embodied in this bill? We provide that they shall make payment of principal and interest every six months. At the end of the first six months they must make such payment, at the end of another six months a further payment, and unless these payments are made the bill provides that the entire debt of the road shall become immediately due, at the option of the President. We have a guarantee, therefore, of the good faith of the company. In addition to that there is a guarantee of the Southern Pacific Company, a gigantic corporation, as my friends from California often say, a wealthy corporation, as I hear them say continually; a corporation that has dominated everything throughout that country, and wealthier than any other corporation in the country, as I have often heard them say—and that corporation guarantees the performance of the contract of the Central Pacific.

We are absolutely safe, then, in getting the money, and we ought to pass the bill and get the money due to the Government. Individually, as I have said, I would be in favor of wiping out the entire debt. That, of course, would help my people in California. If the roads did not have this debt upon their shoulders, they could reduce their rates of fare and transportation, and that would help my people; but as a citizen, and for the welfare of the whole country, I am in favor of making these railroads pay their debts, and on that theory I favor the bill because I believe that will be the result of it if it goes into operation. But they say that the State of California is against this bill. Well, now, the mere fact that the State of California is against a bill is entitled to considerable weight, perhaps, but it does not settle the question. But before this point can be considered it must be conclusively established that the people of California are against the bill. I know of one man from California that is not against this bill, and that is myself. I am not at all afraid to express my sentiments. I will show later that the voice of my State is not unanimous against this bill, but that a fair majority are for it, as evidenced by the newspapers of California.

I hope the chairman of the committee will give me ten minutes more.

Mr. POWERS. I yield to the gentleman ten minutes more.

Mr. JOHNSON of California. There is not a man from California in this House, if he dared to express his honest sentiments, but what would be in favor of this bill, always excepting the gentleman from the Seventh [Mr. BOWERS]. Every other man, if he dared to express his honest sentiments, would be in favor of this bill, but they are all afraid of a blackmailing newspaper in San Francisco. They are afraid of the attacks made upon them and upon others by this blackmailer.

The opposition in California is unreasonable and hollow. It makes up in noise what it lacks in solidity. It mistakes vituperation for argument, abuse for reason, caricatures for facts.

The traveler across the Western plains has frequently been deprived of needed rest and felt compelled to mount guard all night by hearing the most unearthly and hideous noises coming seemingly from every quarter of the horizon, and apparently from the lungs of a thousand wild animals anxious to rend his limbs and feast upon the bodies of his horses, his family, and himself. Often has he paced the weary rounds of his camp with heart quickly beating, rifle in hand, finger on trigger, nervously waiting an assault while praying for the morning to come that he might face and fight in daylight the fierce wild beasts that, as he thought, encircled him. When at last the glorious orb of day came rising above the eastern horizon, illumining the whole earth, driving darkness away and giving renewed vigor to man and beast and flower and shrub alike, he has carefully scanned the country round about him that he might see the hordes that he thought had all night watched and waited for his death, when lo he found that two measly, gaunt coyotes had furnished all the noise and given him all the terror of his wasted night. So with this California opposition to this funding bill. If you turn the sunlight of truth upon it, destroy its secrecy, and show its true relations to the subject, you will find that all this noise, this opposition, this denunciation of the funding bill and its friends, all this fearful wail against Huntington and the railroad and the friends of funding comes from two persons gifted, like the coyote, with leather lungs, innate wickedness, and an infernal desire to injure all that they can not control.

These two are Adolph Sutro, by some mischance mayor of San Francisco, and William R. Hearst, by the gift of his parents the proprietor of the San Francisco Examiner—arcades Ambo.

Of Sutro but little need be said. He admits his opposition to be founded upon personal spite against C. P. Huntington. Poor old man. I have naught but pity for him. He is undoubtedly crazy. The city and county attorney of San Francisco, Hon. H. T. Creswell, a Democrat, a lawyer of high standing, a citizen well known and respected, has on two occasions publicly stated that, in his opinion, based upon official and personal intimacy with him, Sutro is insane and should be examined by a commission of lunacy and sent to the insane asylum. Hon. William Broderick, county auditor of San Francisco, a Democrat, a man of sterling integrity and great ability, indorses and echoes the views of Mr. Creswell. Hence we can afford to let the lurid-covered envelopes and literature of Sutro pass unheeded as being the emanations of a brain diseased, the product of a mind gone mad.

Of the other of this precious pair of literary coyotes, William R. Hearst, much could be said.

He is a young man, rich not by his own exertions, but by inheritance from his honored father and gifts from his honored mother. He became possessed of the idea that he wanted to run a newspaper. Like the child in the song, "he wanted a bow wow," and his indulgent parents gave him the Examiner. By the reckless expenditure of large sums of money he has built up a great paper.

The Examiner has a very large circulation. It did have a great influence in California.

It has done great good in California. It has exposed corruption, denounced villainy, unearthed wickedness, pursued criminals, and rewarded virtue.

At first we Californians were suspicious of "Our Willie," as Hearst is called on the Pacific Coast. We did not know what he meant. But we came to believe in him and his oft-repeated boasts of independence and honesty. Daily editorials written by "Our Willie's" hired men praising his motives and proclaiming his honesty had their effect. Besides, "Our Willie" through his paper was doing some good.

We knew him to be a debauchee, a dude in dress, an Anglomaniac in language and manners, but we thought he was honest.

We knew him to be licentious in his tastes, regal in his dissipations, unfit to associate with pure women or decent men, but we thought "Our Willie" was honest.

We knew he was erotic in his tastes, erratic in his moods, of small understanding and smaller views of men and measures, but we thought "Our Willie," in his English plaids, his Cockney accent, and his middle-parted hair, was honest.

We knew he had sought on the banks of the Nile relief from loathsome disease contracted only by contagion in the haunts of vice, and had rivaled the Khedive in the gorgeousness of his harem in the joy of restored health, but we still believed him honest, though low and depraved.

We knew he was debarred from society in San Francisco because of his delight in flaunting his wickedness, but we believed him honest, though tattooed with sin.

We knew he was ungrateful to his friends, unkind to his employees, unfaithful to his business associates, but we believed he was trying to publish an honest paper.

We knew he had money, not earned by himself (for we knew he was unable to earn any money save as a statue for a cigar store), but given him by honored and indulgent parents; we knew he needed no bribes with which to pay his way, hence, while we knew all these things, we did believe "Our Willie" to be honest.

We thought that he was running an independent newspaper on a plane far above the ordinary altitude of newspapers, with a sincere desire to do good to the world, with an honest wish to expose shams, to speak the truth, and to establish a paper that, while it might be a personal organ, would still be an honest one. We came finally to admire "Our Willie" and to speak well of him and his paper.

When William R. Hearst commenced his abusive tirades against C. P. Huntington and the Southern Pacific Company and the Central Pacific Railroad Company and all who were friendly to them, and to denounce the funding bill and all who favored it as thieves and robbers, we thought his course was wrong, his methods bad, and his attacks brutal, but we believed "Our Willie" to be honest in it.

When C. P. Huntington told the truth about "Our Willie" and showed that he was simply fighting the railroad funding bill because he could get no more blackmail from the Southern Pacific Company, we were dazed with the charge, and as Californians we were humiliated.

We looked eagerly for "Our Willie's" denial, but it came not. On the contrary, he admitted that he had blackmailed the Southern Pacific Company into a contract whereby they were to pay him $30,000 to let them alone, and that he had received $22,000 of his blackmail, and that C. P. Huntington had cut it off as soon as he knew of it, and that he was getting even now on Huntington and the railroad company because he had not received the other $8,000 of his bribe. He admitted by silence that the Southern Pacific Company was financially responsible, but that he dared not sue it for the $8,000 he claimed to be due because of fear that his blackmail would be exposed in court.

With brazen effrontery only equaled by the lowest denizen of the haunts of vice "Our Willie" knows so well in every city of the globe, he unblushingly admitted he had blackmailed the railroad company, but pleaded in extenuation that he did not keep his contract, but swindled them out of their money.

He showed himself to be the correct exponent of a scoundrel, as defined by Bill Tweed, namely, "A man who wouldn't stay bought." I can not tell how sad I felt to learn of this phase of Hearst's life. I had been his attorney. I had regarded Hearst as honest. I had praised his Examiner for its course, because I believed it to be dictated by honest, although at times mistaken, ideas.

To learn "Our Willie" was nothing but a common, ordinary, everyday blackmailer—a low highwayman of the newspaper world—grieved the people of California, myself included.

I regret it. For the honor of California I wish this exposé had never been necessary; but it is true, sadly true.

We have lost on the Pacific Coast an idol. We mourn a leader. We grieve over a dead and wicked newspaper.

People read the paper because it gives the news in large type, but they say while reading it, "Isn't it too bad Hearst should have sold himself. We did not expect it. He must be wicked at heart, for he didn't need the money."

If it be given to spirits of the departed to know the actions of those left behind them on this earth, the honored and respected father of "Our Willie" is suffering now from the blackmailing conduct of his son. [Laughter.]

And that is the man who has created all this furor in California. He has intimidated men. He has intimidated people. You do not know the terrorism that he has exercised in California with his paper. It is a paper that has a large circulation. You know how it has abused and maligned and caricatured people in this House, the honored chairman of our committee [Mr. POWERS], and other members of our committee, and our honored Speaker. I will not speak of myself, because I do not know but what I can get reasonably even with this man before I get through with him. [Laughter.] But he has carried it on for years. While we knew all these things about him, we believed he was honest because he said he was, because he had his newspaper; but he has debauched the public mind in California by terrorism, he has terrorized over everyone, he has issued his edicts that any man who dares to favor this funding bill shall be driven from public life, shall be ruined in private life, and shall be disgraced before the people and before the gods. But for one, knowing that I am right, knowing that this is a business settlement of the question, I am willing to stand for what I believe to be right, even if this blackmailing paper does continue to assault me.

These two persons have caused great opposition to the funding bill in San Francisco, but even there, where they have been aided by another paper owned by a business rival of the Southern Pacific company, they are alone practically.

A number of papers in San Francisco of equal prominence with Hearst's organ, not smarting under loss of blackmail, favor the funding bill. Nearly if not quite nine-tenths of the newspapers in California outside of San Francisco favor a funding bill.

In the Congressional district that I have the honor to represent I do not know of but four newspapers that oppose the funding bill. In the cities of Stockton, Marysville, Nevada, Grass Valley, and Sacramento, the papers, I believe, are unanimous for the bill. The city of Auburn has two papers favoring it. The thriving town of Jackson has two papers favoring it. The city of Oroville, one paper favoring it. So I could go on all over the district giving names and location of the papers that favor the funding bill. All of them are representative papers. They represent all shades of political belief.

The Chamber of Commerce of Sacramento, the capital of the State, composed of 176 representative business men of all classes of a city of 30,000 inhabitants, adopted unanimously the following resolution in favor of the bill:

SACRAMENTO, *February 12, 1896.*

At the regular annual meeting of the Sacramento Chamber of Commerce the following resolution was offered and passed unanimously:

Whereas it is important for the welfare of our community and our State that an early solution be had of the question of the indebtedness of the Central Pacific and Union Pacific railroads to the Government; and

Whereas we believe that any measure which will require the payment of said indebtedness upon reasonable terms would best subserve the interests of the people; and

Whereas the application of business principles to this indebtedness would indicate that an extension of the time for the payment of this indebtedness would be the best solution of the question to the end that the future finances of said railroads may be clear, and said properties be used, improved, and extended to their utmost capacity, with the object of insuring corresponding benefits to producers and shippers: Therefore,

Be it resolved, That our representatives in Congress be requested to favor any measure which will provide for the settlement of such indebtedness upon reasonable terms within a period of fifty years.

JOSEPH STEFFENS, *President.*

So it is all over the State. A majority, as I am informed, of the newspapers in the district represented by Mr. MCLACHLAN, and that represented by Mr. BOWERS, and that represented by Mr. BARHAM support the bill.

Why, then, all this talk about California being opposed to the proper settlement of this question?

I may remark right here that there is a man from California, who is a member of this House, who has undertaken at certain times to defend this man Hearst, and no doubt he will now. If he does, I hope he will fool no man in reference to the matter. It is a question of defending a blackmailer, and not of defending a newspaper.

Now, in conclusion, in reference to this matter, shall we pay any attention to the wailings of this blackmailer; shall we pay attention to the shrieks of this man Sutro; or shall we pay attention to the settlement of a business matter, and settle it once and forever upon business principles? It is purely and solely a business question. It does not rise to the dignity of anything else. All talk of the past should be forgotten. Let us look at the present. Let us not think whether or not we would have done better than those men who built the road. I hate to think of what some men would have done if they had had the chance of these men who built the road. [Laughter.] Of course I do not allude to any man in this House, but I hate to think of what would have been the result if others I could name had been given the opportunity to construct these railroads.

Now, is not this a business question? In regard to the Union Pacific, I frankly confess I am not familiar with that road. I have read their statement and the proposed settlement, and it seems fair and full. So far as the Central Pacific is concerned, I am familiar; and I want to say that as a Californian I am proud of its action. Under the act of 1862 the Central Pacific built 31 miles of its road where the Union Pacific did not build a single mile, and could not until the act of 1864 was passed. As a Californian I am proud of the Central Pacific, because of all of the railroads aided by the Government that is the only road that never has defaulted on its interest and never has failed to keep every contract it made with the Government and with everybody else. It is the only aided road that has never gone into the hands of a receiver. When gentlemen speak here about that railroad being unable to keep its contract, they do not speak with reference to the fact. They are simply speaking of their own feeling; for I repeat, that road so far has kept every contract it made with the Government. It has never defaulted. It has paid every dollar of its indebtedness as it became due.

It stands ready to-day to take up this contract and to carry it on. But gentlemen say the rate of interest is too small. They say 2 per cent is too small a rate. Why is it too small? It is all they can pay. You say they could pay more. Why? The mere fact that a man says so does not prove anything. The earnings are shown for five years by the report, and they show that this road can not pay any larger sum than it is proposed to pay. This debt the railroad will commence paying immediately. In the first year $1,500,000 of principal and interest, in addition to $2,400,000 of old debt. The charges upon this road are fixed by law, and they can be ascertained by everyone. The charges fixed for 1896 are $1,326,000. I ask every member of this House to drop everything except the common-sense, business view, and to accept the settlement of this question on a business line. Remove it from politics; remove it from Congress; remove it so that the blackmailer no longer can hold it in terrorem against men, but will be obliged to allow everybody to carry out their ideas as to them seems proper. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.;

A bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash;

A bill (S. 2393) for the relief of William E. Bond;

A bill (S. 2338) for the relief of Joshua Bishop;

A bill (S. 811) to provide a district attorney and marshal for the western judicial district of the State of South Carolina;

A bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns; and

A bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery.

The message also announced that the Senate had passed without amendment the bill (H. R. 3877) granting a pension to Henderson Marple.

The message also announced that the Senate had passed with amendment the bill (H. R. 2663) to amend the laws relating to navigation, asked a conference with the House of Representatives on the bill and amendment, and had appointed Mr. FRYE, Mr. NELSON, and Mr. WHITE as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 2259) for the relief of William B. Ellis in which the concurrence of the House was requested.

PACIFIC RAILROAD BILL.

The committee again resumed its session.

Mr. POWERS. I yield ten minutes to the gentleman from Pennsylvania [Mr. ARNOLD].

Mr. ARNOLD of Pennsylvania. Mr. Chairman, I will detain the House but a very few moments, as my time is limited. I desire in the first place to repeat what has been frequently said upon the floor of this House, and that is that this is a business proposition. All these allegations of peculation and of fraud in connection with the building of these roads has, I believe, no place in the discussion before this House. It may be true, as alleged, that a large amount of money was made in the construction of these roads. It may be true that they have paid large dividends, some of which money should at least have been paid to the Government. It is true beyond question that when Congress many years ago postponed by an act of Congress the Government lien, a mistake was committed. But with all these things we have nothing to do. We are confronted, in the language of another gentleman, with "a condition and not a theory" about peculations and any allegations in reference to fraud. These all may have occurred. I know nothing about it, and many members here know nothing about it whatever. We do know to-day, however, there are due this Government something like $110,000,000 from the Union Pacific and Central Pacific railroads, and it becomes our duty as members of this House to ascertain, if we can, how we may best get our money back and how certainly we may get it back.

As the gentleman from California stated, and as I have said, there are practically two propositions before this House. One is to extend this indebtedness according to the terms of this bill, and the other is Government ownership of these railroads; indeed, it was asserted time and time again before the Committee on the Pacific Railroads, by gentlemen who will argue against this bill to-day, that the very purpose of preventing the funding of this debt was that the Government might become the owner of the roads. I desire to state further that the committee in considering and preparing this bill had two objects in view, the first being that the Government should get its money, and the second that it should get that money as rapidly as the earning power of these roads would permit.

The gentleman from Missouri [Mr. HUBBARD], my genial friend the Doctor, who has spent a large portion of his time in prescribing for dead patients [laughter], stated that the net earnings of these roads were largely in excess of the amounts stated by Mr. Tweed before the committee. As the gentleman from California stated, we obtained the very best information possible, and the gentleman from Missouri misleads this body when he states that the net earnings of these roads ran in 1890 to over $6,000,000, in 1891 to $7,400,000, in 1892 to over $5,000,000, in 1893 to over $5,000,000, and in 1894 to nearly $5,000,000. The gentleman, I say, is not fair, because he omitted to state that he had not deducted from these alleged net earnings the moneys paid into the sinking fund, or the interest on the mortgage indebtedness, which, with other sums, would reduce the net earnings to about the amount claimed by Mr. Tweed.

The net earnings in 1890 were $898,000; in 1891, a little over $2,000,000; in 1892, $861,000; in 1893, $784,000; in 1894, $141,000, and in 1895, $120,000; an average of $812,000. During that time there was $530,000 taken out of the net earnings and paid annually into the Treasury. The committee examined this question very carefully, and they deemed it especially important to ascertain how far and to what extent we could tax these companies to pay the debt due the Government. In that connection the question of interest was all important—whether we could afford to fix such a high rate of interest as would make it absolutely impossible for them to pay it, and whether we should require such a large sum during each year as to defeat the whole purpose of the bill.

We examined these questions with great care, and our calculation is that after paying under this plan on the principal at the rate of $365,000 the first year—$1,000 for every day in the year—$550,000 the second year, and $750,000 annually thereafter until the debt is paid, with interest at the rate of 2 per cent per annum on the extended indebtedness, and with the payment of these sums on the principal of the debt, the earning power of these roads would be taxed to its utmost limit. In other words, as was suggested by the gentleman from California [Mr. JOHNSON], an addition of even one-half per cent to the rate of interest which they propose on the first-mortgage lien would more than eat up the small balance that would be left in the Treasury, and, as the gentleman from Vermont [Mr. POWERS] has stated, it is very important that some small amount shall remain in the Treasury. So, in framing this bill, we have simply done the very best we could in view of the earning capacity of the roads. I have no doubt in my mind of the ability of these roads to pay, for two reasons: First, because we do not tax them beyond their ability, and second, because the next generation, after all of us have gone, will see such magnificent development in the West as will increase the value of these properties immensely. As the gentleman from California has stated, they are valuable only because of their earning power, and as the great West settles up the earning power of these roads will largely increase.

Again, to show the safeguards which the committee have endeavored to throw about this bill, let me suggest this point. The companies, under the terms of this bill, can not pay any dividends upon their stock until they shall have first made these annual payments on the principal and shall have paid all the interest under the terms of the bill, and then they can not pay over 4 per cent dividends. Any amount in excess of that is to go to the liquidation of the principal debt.

Again, it was alleged that this was simply an extension sought by the Central Pacific road for the purpose of getting rid of payment altogether; that they had no intention to pay. It was alleged by gentlemen from California that the Southern Pacific was a great and rich corporation; that it had absolutely ruined the Central Pacific property, and that the Central Pacific, therefore, could not earn its share of the money to pay this debt; in fact, that the property was not worth even the first lien.

Now, in order to protect the Government against those allegations, whether they be true or false, we have provided in this bill that the Southern Pacific Company shall guarantee the payment of the principal and interest as it becomes due. We have gone further and have investigated the charter of the Southern Pacific road to ascertain whether under the charter it has the power to make the guaranty—whether it would be bound in law by such a guaranty. All these questions have been carefully examined. Now, I want to say, without boasting and without attempting to flatter any of the members of the committee, that I know this committee has labored earnestly and most assiduously in the preparation of this bill. The subject has been before Congress for years. The time has come for the settlement of the question. The President of the United States in his last message has stated that some action would necessarily be taken by the Executive unless Congress would move in this matter. I believe this is a just and honest bill. The principal opposition to it comes from the Pacific Coast. Now, I have nothing to say as to the allegations against Mr. Huntington, either for or against them. I do not know anything about them, so far as I am concerned. But I do know this, that in all departments of life—in political life, in business life, in professional life—success, wherever you find it, succeeds only a short time before there follows a lot of mud slinging in the rear. You have all experienced that. Furthermore, the principal opposition to this bill comes from the State of California.

[Here the hammer fell.]

Mr. POWERS. I yield to the gentleman two minutes more.

Mr. ARNOLD of Pennsylvania. I simply wish to say to the House that we are not to legislate for the State of California. Much as I admire that State, much as I want to see that prosperous State still more prosperous, much as I want to see the prosperity of the people of that State advanced, I wish to say that we are legislating for the entire Union. Let the fight as between Mr. Sutro and Mr. Hearst on the one side and Mr. Huntington on the other go on to the hearts' content of the combatants. But let us address ourselves to the question before us, which is not their fight, but the question how the Government can save its money.

The proposition to defeat this bill is simply in the interests of Populism pure and simple—the Government ownership of railroads. I might say, as I have stated before, that there are just two questions before this House—either pass this bill or have the Government ownership of railroads. I am opposed, as I believe the vast majority of this House is, to any Government ownership of railroads. We are trying to get out of the railroad business instead of getting into it. [Applause.]

Mr. POWERS. Mr. Chairman, I believe that under the rules we on our side have the closing of this debate.

The CHAIRMAN. The gentleman from Vermont has fifty-seven minutes remaining, and the gentleman from Missouri [Mr. HUBBARD] has an hour and one minute.

Mr. HEPBURN. I call the attention of my colleague on the committee [Mr. POWERS] to the fact that there will not be to-day that full amount of time, because under the rules there must be a recess taken promptly at 5 o'clock.

Mr. POWERS. I am aware that four or five minutes will be lost by somebody; and I am willing to divide the loss with the gentleman from Missouri, one-half the time to be taken for his side and one-half for ours. Is that fair?

Mr. HUBBARD. Yes, sir.

I now yield fifteen minutes to the gentleman from Wisconsin [Mr. COOPER].

[Mr. COOPER of Wisconsin addressed the committee. See Appendix.]

Mr. HUBBARD. I yield thirteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. HUBBARD. I yield one-half minute to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Chairman, there is only a word that I want to say at this time. I desire to call attention to a fact which I think some members are not familiar with, and it is this: The Government directors of the Pacific railroads are unanimously in favor of a foreclosure by the Government. Their report for 1895 so recommends, and they indorse that recommendation in their report of this year, and among them are such men as——

[Here the hammer fell.]

Mr. HUBBARD. Mr. Chairman, I now yield seven minutes and a half to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I have given weeks of study to this matter ever since I heard it was coming before this body at this session of Congress.

How I can tell my conclusions in seven minutes and a half I do not know, but I have studied this question from the ground of what a prudent man would do in a case of this kind.

None of these reports puts before Congress the net average earnings of these companies for the last ten years. This is information which must be obtained from various books. None of these reports shows the average fixed charges. I have that information from the Railroad Commissioner. I find that in the last eight years the Central Pacific paid all its first-mortgage interest on all classes of securities; that it paid $7,400,000 of dividends; that it put five and three-quarters millions into its sinking funds and put four and a half millions into the United States sinking fund; and that its net earnings over the first-mortgage interest, instead of being nothing, were $2,400,000 a year, and were sufficient to pay over 4 per cent on the claim of the United States against it, a claim, instead of being, as originally, $27,000,000 of principal, has been increased until the net claim now is somewhere near $60,000,000.

The Union Pacific is in the hands of receivers. Their reports show the same result. Their net earnings over the first mortgage, if you take out sinking funds, were, per year, $2,778,000—enough to pay 5 per cent on the claim of the United States. And these are the figures for the last ten years—bad years for railroads.

Under these circumstances the United States Government is going to borrow money to pay off $60,000,000 worth of bonds. Is it then to receive in return 2 per cent, not only on that, but on what it has already paid for interest, on which payments for interest it has already lost a sum of money which, I believe, amounts to about $20,000,000?

These roads are not insolvent; nor need the Government take possession; nor need they be foreclosed; nor need it foreclose. Receivers are now operating the Union Pacific for the benefit of those concerned. The Government lien applied by the original statute of 1864 to all property of the whole line of road and all property of both these railways. The Supreme Court has not said that the lien does not extend to all that property, but that it does not affect any road which has not been helped by subsidies. If the lien be defective, we as the holders of a mortgage on part of a plant have a right to insist that the first mortgage on the whole plant shall be so administered and marshaled as to give us the benefit of the lien on the whole. That is law and equity. We have this right in any foreclosure which may be made.

What is more, the Government can not be foreclosed. The first mortgagees can take possession; they can hold the property and apply the rents and profits through a receiver and prevent the Government in all fairness from taking any more for sinking funds and can pay off their mortgage with the income, rents, and profits, which would pay it off, even at 6 per cent. But they can not say that the Government has been guilty of laches in not exercising an equity of redemption; and they can not foreclose, and it is not fair that they should foreclose, the people of the United States.

Now, when, after thirty years of waiting, the right has accrued to the Government of the United States to insist upon the payment of its debt out of whatever assets the company has, is this Congress to accept the very first proposition that is made to it—a proposition that the one hundred and thirteen and a half million dollars which these companies owe shall be paid on an average in fifty years, with interest at 2 per cent, and that we shall lose from 1 to 1½ per cent every year in the interest we pay on the money that we have borrowed to pay interest, or shall borrow to pay the principal, now coming due?

One and a half per cent for fifty years on $113,000,000 is somewhere about $80,000,000, which this bill would give away, although the property that is left, without counting any right of recourse to anyone to restore the lien of the Government on property that has been taken away, is amply sufficient to pay the whole debt included in both the first mortgage and the Government lien at any fair rate of interest.

[Here the hammer fell.]

Mr. HUBBARD. I yield the balance of my time to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Chairman, as strange as these proceedings may seem, we are now trying to pass a bill for the Pacific railroad companies and in derogation of the sacred rights of the people of the United States. The act creating these roads gives possession, control, and management of them to the Government without legal process or hindrance upon default of the payments required by the act; hence the Government is now amply protected. No doubt but the country, as well as this House, was greatly surprised at the special plea and specious defense made of these companies by the distinguished chairman of the Railroad Committee. For the first time, probably, since the organization of these companies, we have found a distinguished United States official not financially interested who commends, extols, and upholds what every historian as well as the public press and traditions of the people consider the most disgraceful piece of legerdemain and unpardonable corruption and scandal that has ever blotted the bright escutcheon of the American Government.

The chairman declared that after the United States granted the charter the contrivers of these roads failed to build, that they returned to Congress and reported that by reason of the Government's first mortgage they could not secure money, and that Congress patriotically withdrew its first lien and took a second mortgage. Mr. Larrabee, an old railroad manager, an ex-Republican governor of the State of Iowa, and the author of that splendid book on the evolution of railroads, as a historian, has given a different version of this transaction. He says it is true that the manipulators of these roads assumed the garb of patriotism and appealed to the Government for help, warning them that if they did not connect the West with the East they would lose the great country west of the Mississippi River. That Congress, without hesitation, much consideration, or debate, granted the charter of 1862. That these manipulators of men, seeing their efforts so fruitful and the obstacles so trifling, reached the conclusion that they might, with a small effort, obtain most anything from Congress they might demand. Therefore, they doubled their demands and secured all they asked. He, and every committee and every man that has ever written upon the subject, pronounces the building and operation of these roads the most scandalous and fraudulent transaction with which the American people have ever been connected. Mr. Larrabee further says:

> The charter of the Union Pacific Railroad Company was granted by Congress on the 1st day of July, 1862. Shortly after the beginning of the war of the rebellion it was made to appear to the country that a transcontinental road was a national necessity; that without it we could not hope to retain long the Pacific Coast. It was also very plausibly argued that the political benefits to be derived by the country from the construction of such a road, as well as its great length and extraordinary cost, made it the duty of the nation to aid liberally its enterprising and patriotic promoters in the prosecution of their gigantic task. In those stirring times few people were inclined to question the motives of those who advocated what appeared to be patriotic measures, or to be penurious in the expenditure of public funds when the public weal seemed to demand such expenditure.
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> The Union Pacific Railroad charter, which in substance was passed by Congress as it had been drafted by the promoters of the enterprise, gave to the new company the right of way through the public lands, and authorized it to take, from the lands adjacent to the line of its road, earth, stone, timber and other materials for its construction. It further granted to the company every alternate section of land to the amount of five alternate sections per mile on each side of its line excepting only those lands to which preemption or homestead claims attached at the time when the line of the road should be definitely fixed. In addition to these donations the United States issued to the company subsidy bonds in an amount equal to $16,000 per mile for the distance from the Missouri River to the eastern line of the Rocky Mountains, $48,000 per mile for a distance of 150 miles through the Rocky Mountains, and $32,000 per mile from the western base of the Rocky Mountains to the terminus of the road. Similar franchises were at the same time given to the Central Pacific Railroad Company, a corporation which had previously been chartered by the State of California. Besides its grant of right of way, land, timber, etc., this company received subsidy bonds at the rate of $16,000 a mile for a distance of 7 18 miles east of Sacramento, of $48,000 a mile for 150 miles through the Sierra Nevadas, and of $32,000 a mile for the distance from the eastern base of that mountain range to its junction with the Union Pacific. The charters of the two companies provided that, to secure the repayment to the United States of the amount of these bonds, they should ipso facto constitute a first mortgage on the entire lines of the road, together with their rolling stock, fixtures, and other property. The franchises and donations thus granted by Congress were most valuable; in fact, the latter were alone sufficient to build and equip the roads. In spite, however, of the liberal grants and in spite of the urgent necessity of the roads in these years of national trial, both of these enterprises made very slow progress. Their promoters were men of small means, and the capitalists to whom they appealed for help failed to realize the value of the franchises. No doubt when these men first engaged in their cause they expected to encounter serious obstacles in Congress, supposing that that august body would consider the proposed measure with much deliberation and to act upon it with still more circumspection. Their success greatly surprised them. They made the discovery that members of Congress could be imposed upon as easily as private citizens, and when they fully realized how readily their demands had been granted, they were greatly provoked at themselves because they had not asked for more. * * *
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> They again appeared before that body in 1864 and asked that their charter be so amended as to grant to them ten alternate sections instead of five on each side of the road, and also all the iron and coal found within 10 miles of their track, which had previously been reserved by Congress. And in addition to this they asked that they be authorized to issue their own mortgage bonds on their respective roads to an amount equal to the bonds of the United States, and that the lien of the United States bonds be made subordinate to the lien created by the companies' bonds. By the act of Congress, July 2, 1864, all these demands were granted and the two companies were thus virtually presented with their roads and were at the same time given the permission to mortgage this gift of the people and divide the proceeds among their shareholders, many of whom had received their stock chiefly in consideration of their influence in and out of Congress. The contribution of the United States to these companies on account of their main lines has not been far from $80,000,000, of which over $52,000,000 was paid in bonds, and the remainder in lands, which aggregated about 20,000,000 acres. The whole line from Council Bluffs to Sacramento is 1,780 miles long. It will thus be seen that the national contribution was about $45,000 per mile, besides the right of way and all timber, iron, and coal found within 10 miles of the road. There is no doubt that this contribution was equal to, if it did not exceed, the actual cost of the road. There has been an erroneous impression abroad which has likened the Pacific road to those wonderful and very expensive lines which cross the Andes and the Alps. Those who have not crossed the continent can hardly believe that the construction of this line was neither more difficult nor more expensive than that of any of the numerous railroads crossing the mountain ranges of the East, but such is the fact.

This company now comes to Congress and not only asks Congress to give it the whole of the debt that it owes the people, but to also loan it the credit of the Government for fifty more years. I understand it has been figured out that the difference between 2 per cent and the value of money, even at the lowest rate for which it can be had, for the time the Government credit is to be extended will equal the debt that the roads owe the Government. Therefore it would be much better for the people of the United States to give this debt to these roads without quibble than to loan them their credit for another half century with all of the annoying expense and attending scandals.

There is more in this controversy than the mere securing of the Government debt. The Southern Pacific Railroad has leased the Central Pacific, a competing line; has complete control of it; has one traffic manager for the two roads. The Southern Pacific, owned by the lessee, and extending from California to New Orleans, has a connecting line of steamships from there to New York, and thence across the Atlantic and to all the world, and by extending this charter, and giving them a monopoly of these two great transcontinental lines, they will continue their plunder, to the ruin and injury of the people of the great Pacific Slope.

I was surprised at the chairman of the committee and the gentleman from Pennsylvania [Mr. GROW] lauding the builders of these roads as patriots and as entitled to great consideration at the hands of Congress and at the hands of the people of the United States. The evidence of Mr. Huntington, the chief moving spirit in the Southern Pacific and Central Pacific, frankly admits that these roads were built by the Contract and Finance Company, consisting of himself, Leland Stanford, Mark Hopkins, and Mr. Crocker, and maybe some other small interests, the same men that owned and were building the Central Pacific Railroad. He frankly admits in his testimony that the directors of the Central Pacific contracted with the directors of the Contract and Finance Company, being the same men in each board, for the building of the Central Pacific road. The Central Pacific directors took the stock and bonds, turned them over to the Finance Company, and the Finance Company built the road. When the committee of Congress investigated the subject, the railroad companies were alarmed to think the people of the United States should question their right to trade with themselves and cheat or defraud themselves, as they claimed the right to make such contracts with themselves as they saw fit. They said to the committees of Congress that when they contracted as directors of the Central Pacific road with the directors of the Contract and Finance Company, the same individuals, "the rule of equity, as it is written in the injunction, 'no man can serve two masters,' certainly did not apply to them, because they were acting in their own interest and were not charged with the duty of caring for others' rights, there being no other persons interested in the subject-matter."

Mr. Huntington very boldly admits that the companies spent two millions of dollars in employing lobbyists, or agents as he calls them, to appear before Congress, legislatures, and other organizations and explain their interests to the lawmakers, and admits that he is spending money now in Washington in explaining his interests to the members of Congress. In his examination before the Senate committee this colloquy took place between Senator MORGAN and Mr. Huntington, viz:

> Senator MORGAN. I do not want to try to prove that you paid money to members of legislatures or to members of the House or Senate. I do not think that has any particular bearing on this particular case at this particular time.
>
> Mr. HUNTINGTON. Still, I would like to say as a witness, when that question comes up, that I never did pay any money to anybody directly to influence his vote. Of course I might hire somebody to go and explain a bill to a member of the legislature or to a member of Congress, and get him to vote for it by giving him all the facts in the case. I understand the trouble to be that legislators have so much to do that they can not examine every subject; and while I can not get to talk with them almost every member has somebody in his district who knows him and who can sit down beside him and talk the matter over with him. I can not do so if I would, and I have to get it done by others. I see that the great London and Northwestern Railway spent $250,000 to get their charter through Parliament, and nobody supposed that they bought a vote with it.
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> Senator MORGAN. If they did not buy votes, they violated the English custom. We have not yet got to that as a regular business.
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> Mr. HUNTINGTON. I supposed that it was paid to attorneys.
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> Senator MORGAN. This report of the commission states that you had paid out a very large sum of money in this way.
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> Mr. HUNTINGTON. They state it at over $200,000. I told them that it must be more than that.
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> Senator MORGAN. You told them so in your deposition.
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> Mr. HUNTINGTON. I think I did. One railroad man told me not long ago that in Albany he always calculated to spend $25,000 a year for attorneys to go there and explain matters.
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> Senator MORGAN. Did that $200,000 which you spent come out of your private pocket?
>
> Mr. HUNTINGTON. No.
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> Senator MORGAN. Where did it come from?
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> Mr. HUNTINGTON. From the Contract and Finance Company, I suppose.

Leland Stanford stated upon oath that they had declared dividends or divided up stocks amounting to fifty-two millions of dollars at the completion of the roads. I do not mean to say or for one moment to intimate or infer that a single member of this or the other House has or could be influenced by the use of Mr. Huntington's or any other man's money. I believe such things are beneath any member of either House, and I would not have it go to the country as coming from me that any member of this body or the other was subject to influence by the direct use of money, and neither have I ever seen anything during my service to justify the slightest suspicion that any member of Congress has been corruptly influenced. But these managers and manipulators of men and lobbyists undoubtedly wield a great power in shaping legislation in this and all other countries by intrenching their sympathizers and legal departments in office and by supporting men who are friendly to their interests, from knowledge obtained before election. Every man has his weak point. My friend General WHEELER, from Alabama, than whom there is no better

or more commendable Representative, weakens upon the fear that the Government might own and control a railroad. This is his weak point.

The gentleman from Texas [Mr. BELL] has the groundless fear that intimidates him—that is, should these roads be taken by the Government to be operated in the interests of the people, that the patrons of the road would have a lower rate of tariff than the other people of the United States. If that would be the result of the Government ownership of railroads, the suffering people of this country would welcome it in every part of the land. But we ask no such advantage. Let the Government charge a reasonable rate on its investment. It is not the high railroad rates that destroy prosperity so much as the discrimination between different interests and combinations to make different articles pay every cent that the traffic will stand and induce the shipment, instead of placing the traffic on the actual cost of transportation with a reasonable income on the actual investment. Our demand is not that the Government build a road, or that the Government buy a road, but simply that the Government shall use the right it has already bought and paid for. It has paid for the building of this road, and the promoters thereof have made a vast fortune out of it. There is no law in morals or elsewhere that requires the people to pay toll to outsiders on their own donations. It is not necessary that there should be any great machinery for operating these roads. They may be operated under a receiver; they may be operated by the Government directors, or they may be operated under a lease.

And, in further answer to our friends, Judge Dillon, of the United States court, in an order appointing Hon. J. B. Grinnell receiver for the Central Railroad of Iowa in 1876, said:

> The railroads in the hands of the court, and in the circuit there are eight or ten, have all been run with less expense and have made more money than when they were operated by the companies, and I hope and believe under your supervision that this road will prove no exception, and that the property will be worth more at the end of the litigation.

Upon Mr. Grinnell's resignation, after nearly three years of service, Judge Grant, in asking for the discharge of his bondsmen, said:

> I concur entirely in the opinion of the state commissioners that he has very much improved the condition of the road, and he left it in far superior condition to that in which he received it.

Mr. Larrabee says, in his excellent work on railroads:

> A number of European States, notably Prussia, France, and Belgium, as well as Australia, British India, and the British colonies in southern Africa, have adopted government ownership of railroads. The motives which led to this step in the various countries differ greatly. * * * The experiment of state ownership and management of railroads has been longest tried in Belgium, and with the best results. With an excellent service, the rates of the Belgium state roads are the lowest in Europe. Their first-class passenger tariffs are, next to the zone tariff recently adopted in the State of Hungary, the lowest in the world, and are, for the same distance, lower than those of American roads. In Prussia the state service, upon the whole, is also superior to that of private companies, and is probably equal to the public demand. In France the Government only owns and operates less important lines, but furnishes upon these a more efficient and cheaper service than private companies would either be able or disposed to furnish. The oft-repeated statement of those opposed to government regulation to the contrary notwithstanding, government ownership and management of railroads is a decided success in Europe.

Mr. Jeans (an English author on railroads) says of state railroads:

> Notwithstanding the superior financial result, the lines worked by the state are those kept in the best order, and the working of which gives the greatest satisfaction to the commercial world and the public in general as regards regularity of conveyance, cheapness of transit, and the comfort of travelers.

"It is difficult to see how any unbiased person can travel on any of the state roads of Europe without coming to the same conclusion. State management offers certainly some advantages to the public. Above all, the business of the roads is not conducted for the pecuniary advantage of a few, but for the common good. Commerce is not arbitrarily disturbed to aid unscrupulous managers in their stock speculations. New lines are not built for speculative purposes, but for the development of the country. Rates are based more upon the cost of service than upon what the traffic will bear, and the ultimate object of the state's policy is not high profits, but a healthy growth of the country's commerce, while the sole aim of a private company is to get the largest revenue possible."

The weak points of Mr. POWERS, of Vermont, and Mr. GROW, of Pennsylvania, are influenced through their extreme patriotism. Notwithstanding the conclusive evidence that the Government subsidy bonds and lands granted have paid for the entire building of the roads, and the proof showing that Stanford, Huntington, Crocker, and Hopkins, who at the time they built these roads, at a cost of forty or fifty million dollars, were assessed for not to exceed a quarter of a million dollars, came out multimillionaires, among the richest men of the country, our friend from Pennsylvania, Mr. GROW, seems to regret that, in addition to the land grant large enough to make an empire and a subsidy of over $50,000,000 in bonds, they did not give them a bonus of $100,000,000 more in cash, and says that Congress would have readily done it had it been asked. Congress did give them in bonds and land more than sufficient to build the roads.

> It will be remembered that the proof taken by the Wilson committee established substantially the following propositions:
>
> First. That the Union Pacific Railroad, from Omaha to Ogden, was constructed under three contracts, known as the "Hoxie contract," the "Ames contract," and the "Davis contract."
>
> Second. That through the intervention of assignments made by the holders of these contracts to trustees, and through the intervention of a construction company known as the "Credit Mobilier of America," the profits derived from these contracts were secured to the officers and promoters of the Union Pacific Railroad itself. The persons who received these profits determined the amount thereof by their own votes.
>
> Third. The result of these three contracts was as follows:

Cost to railroad company:		
Hoxie contract		$12,974,416.24
Ames contract		57,140,102.94
Davis contract		23,431,768.10
Total		93,546,287.28
Cost to contractors:		
Hoxie contract	$7,806,183.33	
Ames contract	27,285,141.99	
Davis contract	15,629,633.62	
		50,720,958.94
		42,825,328.34
To this should be added the amount paid Credit Mobilier on account of 58 miles		1,104,000.00
Total profit on construction		43,929,328.34

> Fourth. The actual cost of construction under these three contracts was substantially equivalent to the proceeds of the first-mortgage bonds of the company and of the Government bonds, as shown by the following table:

First-mortgage bonds issued	$27,213,000.00
Sold at a discount of	3,494,991.23
Net proceeds	23,718,008.77
Government bonds issued	27,236,512.00
Sold at a discount of	91,348.72
Net proceeds	27,145,163.28
Aggregate net proceeds of both classes	50,863,172.05
Cost of whole road to the contractors	50,720,958.94
Difference between proceeds of bonds and costs	142,213.11

> Fifth. That the actual profits realized from the three contracts, after reducing the bonds issued to their cash value and charging the stock issued at 80 cents on the dollar, were $23,366,319.81. These profits are stated as follows:

Ames and Davis contracts.

Bonds (cash value)	$11,310,900.00
Twenty-four million stock, at 30	7,200,000.00
Cash	2,346,000.00
Total	20,856,900.00

CENTRAL PACIFIC.

> (2) In 1873 the disclosures made by the examinations conducted by the Wilson committee excited much public attention and indignation with reference to similar practices affecting the Union Pacific Railroad Company through the intervention of the Credit Mobilier. Comparatively little attention was given by that committee to the affairs of the Central Pacific Railroad Company. Mr. Huntington, however, was examined as a witness. He was examined as to the profits resulting from the construction of the Central Pacific road. He described them as being confined to the stock of the company, and that the share received by him amounted to $1,000,000 of this stock. (See report of the Wilson committee, evidence of Huntington, page 701.) This evidence was given more than two years after the completion of the Central Pacific Railroad, and Mr. Stanford has testified that each of the parties in interest received $13,000,000 of the stock of the company as his share of the profits. (See evidence of Stanford, volume 5, pages 2855 and 2856.)

The report of the Wilson and Pattison Pacific Railroad Committees unite in these conclusions as the reasons for passing these railroad acts:

> This act was not passed to further the personal interests of the corporators, nor for the advancement of commercial interests, nor for the convenience of the general public alone; but in addition to these, the interests, present and future, of the Government, as such, were to be subserved. A great highway was to be created, the use of which for postal, military, and other purposes was to be secured to the Government "at all times," but particularly in time of war. Your committee deem it important to call especial attention to this declared object of this act, to accomplish which object the munificent grant of lands and loan of the Government credit was made. To make such a highway and to have it ready at "all times," and "particularly in time of war," to meet the demands that might be made upon it; to be able to withstand the loss of business and other casualties incident to war and still to perform for the Government such reasonable service as might under such circumstances be demanded, required a strong solvent corporation, and when Congress expressed the object and granted the corporate powers to carry that object into execution, and aided the enterprise with subsidies of lands and bonds, the corporators in whom these powers were vested and under whose control these subsidies were placed were, in the opinion of your committee, under the highest moral, to say nothing of legal or equitable, obligations to use the utmost degree of good faith toward the Government in the exercise of the powers and disposition of the subsidies.

Our friends say the Government does not want to go into the transportation business. Why has the Government gone into the transportation business by keeping up the great Mississippi River and the Missouri River, and other great rivers of the country? It is that the commerce of the country may circulate cheaply from the interior of the country to the coast lines. Why not take the Pacific railroad, a road built by the Government of the United

States, a road that was never built by the Huntingtons, never built by the Hopkinses, except as agents of the Government of the United States, for the construction?

Now, if these roads are taken possession of by the Government, let them never pay off anything except the original bonds, and let every railroad in the United States that desires make reasonable traffic arrangements to run their trains over the track, just as they run their boats up and down the great Mississippi River. When that is done, Mr. Chairman, let the Government charge what is necessary to pay the running expenses only, with a small precautionary sinking fund, and we will get a cheaper rate of transportation than we get now and a rate alike to all of the people.

Now, there has never been any competition over this line, and I want to say that in this hearing before the Senate another combination has been shown. Mr. Huntington owns these great railroads and steamship line, and his company and others contracted with the Pacific Mail Steamship Line and bought every particle of room in those vessels, that there might be no competition between land and water transportation. I here append their agreement:

> This agreement, between the Transcontinental Association, an association consisting of the following railroad companies, namely, the Southern Pacific Company; the Atchison, Topeka and Santa Fe Railroad Company; the Atlantic and Pacific Railroad Company; the California Central Railway Company, the California Southern Railroad Company; the Burlington and Missouri River Railroad Company; the Denver and Rio Grande Railway Company; the Denver and Rio Grande Western Railway Company; the Northern Pacific Railroad Company; the Oregon Railway and Navigation Company; the Missouri Pacific Railway Company; the Texas and Pacific Railway Company; the Oregon Short Line Railway Company; the Union Pacific Railway Company; the St. Louis and San Francisco Railroad Company; the Chicago, Kansas and Nebraska Railway; Denver, Texas and Fort Worth Railroad, and the St. Paul, Minneapolis and Manitoba Railway Company, which association is now represented by James Smith, its chairman, party of the first part, and the Pacific Mail Steamship Company, a corporation created by and existing under the laws of the State of New York, party of the second part, made and entered into this 1st day of October, 1889, witnesseth:
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> First. That the said party of the first part, in consideration of the undertakings and agreements of the said steamship company hereinafter contained, undertakes, promises, and agrees to and with said steamship company to guarantee, and does hereby guarantee, that the gross earnings upon through freight and passengers between New York and San Francisco to be provided to said steamship company by said party of the first part shall be $75,000 per month. All the gross earnings of said steamers from through business between New York and San Francisco each way shall go to and belong and be payable to said party of the first part or credited upon its said guaranty to said steamship company.
>
> Second. In consideration of said guaranty of said party of the first part, the said Pacific Mail Steamship Company covenants, promises, and agrees to and with the said party of the first part that it, the said steamship company, will, at its own cost and expense, dispatch and run from the port of New York for Aspinwall not more than three nor less than two through steamers per month, and not more than three nor less than two steamers connecting therewith from Panama to San Francisco, and from the port of San Francisco for Panama not more than three nor less than two through steamers per month, and not more than three nor less than two steamers connecting therewith from Aspinwall to New York, and that said steamship company will permit said party of the first part to fix the rates at which all through freight between New York and San Francisco and all passengers shall be transported by the vessels of the steamship company from the port of New York to the port of San Francisco and from the port of San Francisco to the port of New York, and will furnish room on each of said steamers from New York and San Francisco, respectively, and their connecting steamers, for the transportation of, and will transport from New York to San Francisco and from San Francisco to New York all and only such passengers and such freight as may be obtained under rates fixed by said party of the first part, to an amount as to freight not exceeding 600 tons of 2,000 pounds each, in case it runs two steamers per month, and 400 tons, in case it runs three steamers per month, upon any one steamer, it being understood that the deficiency of excess of said 600 tons or said 400 tons, respectively, of cargo upon any one steamer may be added to or taken from, as the case may be, the cargo of any other vessel sailing in same direction within the same calendar month, the intent being that the steamship company shall carry monthly an average of 600 tons per vessel in case two steamers per month are run, or a monthly average of 400 tons per vessel in case three steamers per month are run.
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> All above steamers to be first class and equal to those now maintained, and in case of the loss of a steamer or its withdrawal for any cause, the Pacific Mail Steamship Company shall as soon as possible furnish a steamer of equal capacity and rating. In the event of failure on the part of said steamship company to furnish proper and adequate facilities for the transportation of at least 1,200 tons of freight each way per month, at the rate of at least 400 tons per vessel, then the guaranty herein provided for shall be reduced pro rata.
>
> The steamship company is to bear and pay all the expenses and charges of every kind of transporting such goods, passengers, and freight from New York to San Francisco and from San Francisco to New York, including all charges and expenses of every kind in the ports of New York and San Francisco, and all supplies of passengers with food and sleeping accommodation, giving them proper accommodation according to class, and to continue to use all efforts to obtain first-class and other passengers as heretofore.
>
> Third. The understanding and intention of this agreement is that the party of the first part shall, through agents appointed by itself, have entire and exclusive control of all the through business of the said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed by the party of the first part and by its consent, it being understood that said control shall be exercised through the established agencies of said steamship company. If the said steamship company shall have room or capacity for more than 600 tons, in the event of its running two steamers per month each way, or for more than 400 tons, in the event of its running three steamers per month each way, of through freight on any steamer, and the party of the first part shall desire to fill it, the said party of the first part shall be at liberty to do so at rates fixed jointly by duly authorized representatives of the parties hereto, the party of the first part to have one half of the freights on such excess and the steamship company the other half.
>
> Fourth. The Pacific Mail Steamship Company shall render to the party of the first part an account or statement of the transactions for through business of each month on or before the 10th day of the succeeding month, showing the amount claimed to be due from the party of the first part under this agreement, and on or before the 20th day of the succeeding month the chairman of the party of the first part shall draw his draft in favor of the Pacific Mail Steamship Company upon each of the railroad companies constituting the party of the first part for the portion payable by it to said steamship company on account of the aggregate amount payable by the party of the first part to the said steamship company according to the foregoing provisions hereof. The portions of such aggregate amount payable from time to time by the respective companies forming the party of the first part shall be such as has been or may be fixed or prescribed among themselves; and each of the said companies forming the party of the first part shall be liable for its own portion of such aggregate amount, but none of such companies shall be liable for the portion payable by the others or any other of such companies.
>
> Provided, nevertheless, that in the event of default in payment by any one or more of the companies constituting the party of the first part of its proportion herein provided for, it shall be optional with the party of the second part to terminate this agreement on giving ten days' notice to the party of the first part through its chairman.
>
> The party of the first part, or any other companies constituting the same, may, at any time, on demand, examine the books and accounts of the said steamship company for the purpose of obtaining full details as to freight and passengers transported by said steamship company under this agreement, and verifying the accounts and statements of the steamship company.
>
> Fifth. It is mutually understood and agreed that this contract shall be deemed to have commenced on the 1st day of October, 1889, and to include the earnings from through business on steamers sailing on and after that date, and as to each and all of the foregoing provisions shall continue in force thereafter until ninety days after written notice of the intention to terminate the same shall have been given by either party to the other, with this exception, that if the exclusive contract between the said steamship company and the Panama Railroad Company, so far as it refers to the business of the steamship company between San Francisco and New York, is broken or changed in any respect, or if any other competing line by rail or vessel shall be established between the waters of the Atlantic and Pacific oceans, either overland or via the Isthmus of Panama, that shall affect the through business concerning which this agreement is made, then the said party of the first part may abrogate and terminate this agreement at any time or not, as it may elect.
>
> Sixth. In regard to the freight and passengers received by the steamship company at San Francisco, for transportation to Europe via Panama, it is understood that the class of business to be taken and the rates to be charged thereon shall be the subject of conference and mutual agreement between the San Francisco agency of the Pacific Mail Steamship Company and the San Francisco general agent of the party of the first part, to the end that the interests of both parties may be fully protected.
>
> In witness whereof the party of the first part has subscribed its name hereto by its chairman, and the said steamship company has caused its corporate seal to be hereto annexed, attested by its secretary, and its name to be signed hereto by its president, the day and year first above written.
>
> [SEAL.]
>
> JAMES SMITH,
> *Chairman Transcontinental Association.*
> GEORGE J. GOULD,
> *President Pacific Mail Steamship Company.*
>
> Attest:
> JOS. HELLEN, *Secretary pro tem.*

When these companies bought all the ship capacity of the Pacific Mail Steamship line, they had a monopoly and put the tariff at just what they desired, by land and by water. I want to say to our Eastern friends they have but little idea of what the people of the struggling West have stood and what they have to stand from the great Eastern corporations that come up and appeal to you for protection. You have but little idea of the combinations and the destruction that has stripped that country through the monopoly of railroads. I have seen in my own State, through the combinations of railroads, between two days, coal oil go from 55 cents to a few cents per gallon, and not an oil well at Florence, Colo., could operate a pump until the owners agreed to pump just so many barrels and sell it at such prices and within such range of territory as the Standard Oil trust determined; and it has stood that way for twenty years. We have seen manufacturing enterprises strangled one after another through railroad combinations, discrimination, and rebates.

I want to say to you my friends here that when you talk of putting another mortgage on the road you simply put another burden upon the shoulders of the people of the West. When you say you will assume a mortgage that is on the branch lines of the road, amounting to millions of dollars, and add it to the present debts of the company, to be paid before our debt, you simply say to the people of the Pacific Coast you must pay that additional sum in freight rates. We should not be burdened with any further debt.

Great changes are taking place in railroad sentiment in this country because of their fostering the great trusts. It is conclusively shown by Mr. Larrabee, by Mr. Lloyd, by Mr. Brooks Adams, Mr. Stickney, and other noted economic writers that there must be a radical change in railroads, else the interior of the country where there is no competition will be stripped and impoverished and there will be a plethory of people in the cities at competitive points. They have reached the irresistible conclusion that there can be no competition between railroads where combination is possible.

Mr. Stickney declares, as a lifelong railroad man, that while a railroad can deal with one great concern by giving it a drawback, and thereby secure the business, it is not going to deal with the smaller concerns.

Mr. Lloyd says the trusts, syndicates, and combinations are always made with the railroads behind them. "They hold back the riches of earth, sea, and sky from their fellows, who famish and freeze in the dark. They declare that there is too much light and warmth and food. They assert the right for their private profit

to regulate the consumption by the people of the necessaries of life and to control production, not by the needs of humanity, but by the desires of a few for dividends. The coal syndicates think there is too much coal. There is too much iron, too much lumber, too much flour for this or that syndicate. The majority have never been able to buy enough of anything, but the minority have too much of everything to sell. Liberty produces wealth, and wealth destroys liberty."

Mr. Stickney, manager of the Great Western Railroad Company, said a short time ago, before the Interstate Commerce Committee:

> You charge the Kansas and Nebraska farmer 13 cents to haul his grain 200 miles. You charge the grain dealer 6 cents to haul that same grain 400 miles to Chicago. I tell you, gentlemen, it is that kind of business that is making anarchists out of the farmers west of the Missouri River.

A newspaper adds:

> Now, one never hears any complaint about the post-office monopoly selling postage stamps to the rich corporations for less than the farmer is asked, or of the New York World getting a lower rate of postage on its edition of many tons a day over the small country weekly with an issue of 25 pounds.

A few days ago there was a hearing in this city before the Interstate Commerce Commission. The railroad people pleaded for a suspension of the long and short haul clause in the interstate-commerce law between Denver and the Pacific Coast. Two Colorado gentlemen took part in opposition of the suspension. I notice in one of my home papers, upon their return, that one of them received this notice from a shipper:

> That Dave Day is not the only person in southern Colorado who kicks against being robbed by railroad corporations is attested by a few simple figures and just twenty-five words sent this office on Tuesday last from Rohde & Konig, butchers, of Rico. The memoranda on one of their monthly statements are in figures and words as follows:

77 sheep pelts, 18 cents each	$13.86
Freight to Montrose	10.00
Net received for 77 sheep pelts	3.86

> These pelts were shipped to Henry Cadwell, Montrose, Colo. What do you think of it?
>
> Well, gentlemen, we think a d—n thief had considerable to do with the making out of the freight schedule, and that the thief, thus far, has the eternal cinch on the suckers.

The distance these pelts were shipped was 77 miles only.

These things are the products of private ownership. These are the things our friends so much admire; but the final verdict of the people will be that rather than be owned by the railroad companies they will prefer to own and manage their own transportation.

Mr. POWERS. I yield now the balance of the hour to the gentleman from Iowa [Mr. HEPBURN].

The CHAIRMAN. The gentleman from Iowa is recognized for fifty-seven minutes.

Mr. HEPBURN. Mr. Chairman, it seems to me that it would be well if we could strip this discussion of a good deal of the extraneous matter and a great many of the improper considerations that have occupied the attention of gentlemen. We are not discussing a question of benefit to this man or that man or the other. It is a plain, open, business proposition of how the Government of the United States, finding itself a creditor, dealing in a large amount, with a bankrupt debtor—what course shall be pursued to secure some portion of that which is due to the Government. I confess at the outstart, Mr. Chairman, that I am not satisfied with the bill now pending before the committee. It is not such a one as I would prefer to have presented; but I believe it is the best proposition that is attainable. I would be glad if these debtors of ours could be compelled to pay every cent they owe to the United States, and do it quickly. I am not, like some gentlemen who are opposing this bill, in that condition of mind that I would suffer great disappointment in case the debtors were able to pay all that they owe.

Mr. Chairman, in order to show to some extent the animus of some of the gentlemen who have argued against this bill, who are opposing this method of settlement, who have opposed every method of settlement, and will oppose all propositions looking to an adjustment that will leave these roads in the hands of the corporation owners, I want to call attention to a frank and candid statement made by a great newspaper that has been already mentioned in the course of this debate. One of the characteristics of that great paper is its frankness. It states without hesitation, without disguise, the actual proposition that it advocates. Let me read briefly:

Mr. POWERS. What paper is it?

Mr. HEPBURN. I read from the Examiner, of San Francisco, of Friday morning, January 3, 1896, the leading article on the editorial page. Commenting upon an article on this subject in another paper, this editor says:

> Our contemporary has put the cart before the horse. The people of this Coast are interested in the collection of the debt chiefly as a means of forcing the roads into the hands of the Government. If the hope of Government ownership were eliminated, they would take very little interest in the arrangements that might be made for the recovery of the money lent. Their interest in that point is precisely the same as that of every other section of the Union. As taxpayers, the people of California are no more directly concerned in the settlement of the debt than the people of Maine. The thing that roused a flame of hostility to all funding schemes in California, while Maine remained cool, was the hope that the debt might be made a lever to pry open the fetters that bound this Coast under the rule of an arrogant and greedy corporation.
>
> If Mr. Huntington should pay his debts in full and keep his road we could not legally object, but the people of this Coast would be bitterly disappointed. If there should be a foreclosure sale and he should bid in the property for half the amount of his obligations the disappointment would be greater yet. We should have neither emancipation nor money. The only satisfactory outcome would be foreclosure, followed by purchase on Government account and operation for the public benefit. That is what the 200,000 signers of the Examiner's petition demanded. The whole scheme hangs together and can not be segregated. To prevent foreclosure from being an even greater sacrifice of the public interests than funding would be, it must be coupled with a provision for Government purchase. Without that provision, foreclosure would be simply another name for the gift of the roads to Huntington, free of incumbrance.

Mr. Chairman, that discloses the animus of much of the opposition that this bill has encountered, and especially from members from California. Perhaps it is not necessary that I should remind gentlemen who were in the last Congress of the bitter assault that was made upon the proposition then presented from the Committee on Pacific Railroads. Yet that proposition was, in all of its substance, precisely like that which was made here yesterday by the gentleman from Texas [Mr. BELL], and which received the plaudits of these gentlemen from California; but I undertake to say that if that proposition was the one pending, if that was the measure before us here looking to securing the debt of the United States, every one of those acclaiming gentlemen of yesterday would be heard in the same bitter hostility to it that they manifested two years ago, and that they manifest to-day against the bill of the committee. They do not want any settlement that does not look to the ownership of this road by the Government, and its operation as a great highway upon which the owners of trains can compete with each other. They propose that we shall inaugurate the new but not untried experiment of Government ownership and operation of railroads. We have had experiences in that line. No less than seven of the States of this Union have, at different times, tried the burdensome and costly experiment, and in every instance the result has been loss to the public, dissatisfaction on the part of the shippers, and emancipation from the business at great loss to the State.

The gentleman from Colorado [Mr. BELL] tells us of the admirable manner in which this experiment is resulting in some of the European countries. I say that it has never been a success in any country as compared with proper management, or with the average management, of railways in the United States. In every instance it has been more expensive and less satisfactory. I have studied that phase of this question. I have read of the experiments that have been made, and, save in the two countries the gentleman names, it has been the effort of every nation in Europe to divorce itself from railroad business, and wherever the governments have been able to do that, they have done it. The experiment generally has been a failure. In Belgium, with a dense population, with short roads having an immense traffic, the Government has been enabled to run its roads without loss, and there are two roads in Hungary of which the same may be said; but, with those exceptions, neither the gentleman from Colorado nor any other gentleman in this House can point to a single instance where satisfactory results have been secured.

Mr. BELL of Colorado. How about France?

Mr. HEPBURN. France has abandoned the experiment in a great majority of instances, though there are still two or three roads in which the Government participates in ownership and in operation.

Mr. BELL of Colorado. They tried it only in sparsely settled portions of the country.

Mr. HEPBURN. At one time the Government either owned or operated nearly all of the roads in France, but they have abandoned it, or are abandoning it as rapidly as they can.

Mr. Chairman, there has been much of misstatement with regard to alleged propositions which have been laid before the Committee on the Pacific Railroads. I do not mean to say that any of these misstatements are willful, but I do say that they misrepresent the actual facts. The gentleman from Missouri [Mr. HUBBARD] declared that very much better propositions had been made to the committee than the one it has reported to the House, and there was something of a sneer in what he said to the effect that the committee, abandoning those that were better, had selected the worst of all that had been brought to its attention. I deny it. The gentleman spoke of the "better" proposition made by Mr. Pierce. That proposition was that the Union Pacific road should be authorized to place a mortgage of $100,000,000 upon the property, with which they would remove the now prior lien.

Of that one hundred millions of bonds the Government was to accept thirty-five millions. Its lien, mind you, not superior, but only equal to that of the other bondholders—in amount, $65,000,000. Then, for the balance of its debt, it was to accept stock or a 2 per cent bond, secured by a second mortgage. That was the so-called Pierce proposition. The gentleman from Missouri made his figures upon that as though each year there would certainly be a payment, as though the interest on the whole would be met, and as though the Government would be taking no risk in participating in this mortgage where there would be $65,000,000 of liens, at least equal to its own, which it might be compelled to advance in order to protect its own; and he assumes that is a better proposition than that of the bill. Again, the gentleman referred to what he called the Hubbard proposition. What was that? It was that the principal of the debt of the Government should be paid at once; the balance of the debt to be extended and paid with a 2 per cent income bond. That is, the bond would be paid if the company had the income. But, sir, the possibility of the company making good this proposition depended upon its ability to extend its first mortgage so as to enable them to borrow the money which would be paid to the Government.

How could we do that? Where is the authority? This Hubbard proposition was not made authoritatively. It was not made by the Central Pacific Company. It was the idea of a single man who represented an estate that held some of the securities of one of the Central Pacific roads. No authoritative proposition of that kind has been made, and no man has the authority to say that it is within the limit of possibility. Yet the gentleman from Missouri, without that ingenuousness that ought to have characterized him, discussed this as a feasible business proposition, and censured the committee for accepting the proposition they had advocated rather than the other. I thought this course was scarcely fair, and I would have been greatly astonished if it had not been for some other astonishing statements that the gentleman made. He told us that the Central Pacific Railroad had made a clear net profit in the building of its road of $52,000,000, and the Union Pacific a profit of $44,000,000 out of construction.

Mr. Chairman, the entire resources of the Central Pacific road were $27,000,000 in subsidy bonds and $27,000,000 in first-mortgage bonds. Remember, gentlemen, that those bonds were currency bonds. Gentlemen talk of the bountiful largess of the United States in passing the act of 1862 and the act of 1864. The act of 1862 provided for the subsidies and largely the land grant that subsequently came to the road; yet for more than two years those companies were absolutely powerless to move. We were in the midst of a great war. Within sixty days after the passage of the second act the notes of the United States were sold in the market for 38 cents on the dollar. The Government did not give to these corporations dollars; it gave to them all it had; it gave them bonds—depreciated bonds.

Under the first act the provisional companies fruitlessly attempted to raise money. Congress at that time recognized the gigantic character of this enterprise; and in addition to the land grants, in addition to the subsidies, it authorized a stock subscription of $100,000,000. It was believed that the land grants and the subsidies and the stock would all be needed to build these roads.

Gentlemen will remember the differing conditions now and then—the difference in the cost of construction now and then. Now the construction of those roads would be a simple matter, with our knowledge of the geography and topography of that country. All men know now that the road is feasible; then the fact was known only to the explorers and the few people who had crossed the thousands of miles of wilderness between the settlements upon the Mississippi River and the Pacific coast. Men could not be induced to engage in the enterprise. The law required that the stock books of the company be opened in all the principal cities of the United States for stock subscriptions. It limited the amount of stock that each single individual might take to inconsiderable sums. Yet with all the efforts that were made—the president of that provisional company was an honored citizen of my own State—we knew what was going on—we in Iowa were as much interested in this enterprise as any one of you people—we observed with solicitude and constant watchfulness what was being done—we were compelled to note that the money of this country would not flow into this questionable enterprise.

Then came the act of 1864. During those two years, be it remembered, no progress of any kind had been made; not a pound of iron had been secured—not a spike, not a spade had yet gone into the earth. Then Congress extended the land grant and authorized the issuance of bonds in amounts equal to the subsidies, which were to have the preference over the Government's mortgage. Yet, with that wonderful stimulus, it was a year and a half before any operations were begun on this side; and they were very meager ones in the valley of the Sacramento River, upon the other coast. Less than 20 miles had been built there—none at all here—up to the fall of 1865. After the close of the war the bonds had somewhat appreciated and were sold, the first ones at a loss of 30 cents on every dollar to the corporation.

Now, I want to call the attention of the gentleman to the serious error he made. The total amount of the receipts of the Central Pacific road from the sale of bonds at 70 cents—a few of them were sold at a higher price—was $29,200,000. Remember that in construction the land-grant mortgage was not available. Remember that there was scarcely a dollar of stock available, gentlemen tell us, that could have been sold; the enterprise was so questionable that the stock had no market value. Still the gentleman from Missouri, in his haste to bring some obloquy upon this proposition of the committee, makes the astounding statement that out of a possible $39,200,000 the Central Pacific Company, this ravenous and rapacious corporation, managed to gobble $52,000,000. In the case of the Union Pacific road the sum available for its construction from sale of bonds at 70 cents was $46,200,000, and it realized $44,000,000 of profit. It is by such statements as these that this question has been beclouded.

I do not know whether money was made out of this enterprise. I presume it was. I am not here to defend or to arraign those men who were engaged early in the enterprise. I know this, that if they made money out of this enterprise, it was because of the rise in the securities that they received. When they received the stock of those roads, it was valueless; no dividends had been paid, nor were any dividends made for years afterwards. Whatever there was of value in the stock came from the successful building of the road and the successful management afterwards. I only refer to this because I think gentlemen, whether their propositions are true or not, ought not to bring them here as makeweights against the proposition of the committee.

I am advised of this fact, that among all of the men connected with the Union Pacific road during its inceptive and constructive period there is not, so far as my knowledge goes, any one man to-day living who owns one of the securities of the road—that is to say, one of the security holders—who is trying to effect this arrangement. These men who are the present holders, at least of the Union Pacific securities, are not the men at whom these gentlemen have been leveling their lances. Those men have passed off the stage of life long, long ago. These men are, in large numbers, the foreign bondholders of the road, and are trying to save something for themselves; not the first-mortgage bondholders alone, but also some of the third-mortgage bondholders, and to some extent the stockholders, who recognize the fact that under a foreclosure all is lost to them.

Mr. Chairman, I desire this committee to look the facts that confront us squarely in the face. These two companies owe the United States, after appropriating every available dollar in their respective sinking funds, something more than $100,000,000. This debt is secured by a second mortgage on about 2,200 miles of trunk railroad, but the mortgage does not cover any of the terminals in Omaha, Kansas City, Denver, or San Francisco. Prior to the mortgage of the United States on these same miles of railroad there is a first mortgage, given to secure bonds amounting, with interest, to about $64,000,000. It is the opinion of the most competent experts that the mortgaged 2,200 miles of railroad is worth but little more than $64,000,000. At all events, before the Government can expect to realize anything on its debt by a foreclosure of its second mortgage, it must pay off the $61,000,000 secured by the first mortgage.

Now, Mr. Chairman, there are three propositions, three courses that may be pursued by the Government in dealing with this question. I want to discuss them briefly.

First, that of allowing events to take their own course, and to be met under the legislation which we now have.

In order to protect itself, the Government finds that it must care for its own bonds and care for those bonds that have an overlying lien on the property. There are $61,000,000 and a little over of the first-mortgage bonds, about $64,000,000, with interest. Suppose that the Secretary of the Treasury appropriates all of the available funds now in the sinking fund of the two roads to meet the obligations to the Government. That will reduce the indebtedness to the Government of these roads several millions of dollars, perhaps as much as twenty millions. We will still have a debt, however, of $41,000,000 of principal and nearly $70,000,000 of accrued interest. We will have to pay off the first-mortgage bonds. There are $61,000,000—with interest $64,000,000—therefore, that the Government must advance before it can have any title to the road. After the Government has title to the road, the great bulk of its indebtedness is still unpaid, because the roads are not worth one-half of its debt and the first-mortgage bonds.

Now, this is the actual situation: If the Government were to bid the amount of the first-mortgage bonds and the subsidy bonds, over $100,000,000 for the two roads, there would still be that great mass of interest that has been accumulating on $61,000,000 since 1868—more than $70,000,000. Do we want to do that? We are bound to be the loser. The property we will take will not be worth these two sums. It has been suggested by every man who has spoken with anything like authority on this subject, save one—and he at one time agreed with all the balance—that these roads would not sell to-day for the amount of the first-mortgage bonds. I believe that they could be duplicated to-day for a sum equal to that amount. I have no doubt, in fact, about it. I have talked with many experts in railway construction, and I think it is the opinion of all men that these roads—that is, that portion of the roads on which the Government has a lien—could now be built

for $25,000 a mile. I know there are many enterprising men in the United States who would be glad to take the contract at that sum.

Now, Mr. Chairman, if we would bid this colossal sum of which I have spoken, we should have a railroad on our hands worth at the most fifty or sixty millions of dollars.

Mr. LACEY. Does that include the rolling stock and other equipment?

Mr. HEPBURN. I think so, sir.

If true, we are losing the whole of the debt. It is all wiped out, because I assume that the Government would want to dispose of its railroad in some way. I do not believe that we would be ready to enter upon an experiment in railroad operation. Why, Mr. Chairman, just think what that would mean. Suppose this—the purchase of these roads at the foreclosure sale—to be that entering wedge that will find full lodgment in the policies of the United States Government. It must mean that beyond the officers and employees now serving the Government the list must be extended to the enormous number of 900,000 men beyond the number that find their names upon the Blue Book—and 150,000 names are found upon the Blue Book at the present time—for all of the employees and servants of railroad companies in the United States will become officers of the Government when it takes upon itself the ownership and operation of all the railroads, and there are 900,000 persons now employed by the railroads in the United States. There are prophets of the future who have told us that the great peril to our institutions lies in the fact of the great number of officers we have—150,000—giving added interest to the quadrennial elections; that this is a constant menace and a constant peril. As an adjunct to this control of railroads we must have the telegraph. There are 100,000 more officers to be added. In other words, we are to extend the Blue Book to six and one-half times its present limit. Are we ready for that? Do gentlemen want to do that? And yet that is what is involved in this proposition of Government ownership and Government control of railroads.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Wisconsin?

Mr. HEPBURN. For what purpose?

Mr. COOPER of Wisconsin. For the purpose of asking a question. I understand you to say that——

Mr. HEPBURN. Well, will the gentleman come to his question?

Mr. COOPER of Wisconsin. Do you assert that this question of Government ownership of these railroads in the United States is involved in the foreclosure of the Government lien on these roads?

Mr. HEPBURN. I do not. I did not say so. If the gentleman had paid me the compliment to listen at the proper time, he would have known that I did not say that.

Mr. COOPER of Wisconsin. I heard you discussing that.

Mr. HEPBURN. I said this was the entering wedge, and that the advocates of it were so persistent now because they recognized the fact that it was an entering wedge—that it is the begin- of what they desire.

Mr. COOPER of Wisconsin. Will you answer one more question?

Mr. HEPBURN. Oh, I should prefer not to be interrupted.

The CHAIRMAN. The gentleman declines to yield.

Mr. HEPBURN. Ask the gentleman from Colorado [Mr. BELL], does he believe that this is the entering wedge? Does he not believe that it will be followed on and on and on, no matter at what expense, until every mile of railway in the United States is under the control and operation of the United States Government? Look at every platform, repeated over and over again as the years go by. If there is any one thing above all others that that somewhat whimsical Populist party is addicted to, it is to this proposition of railway ownership by the Government. Each year it changes, in part, "the fundamental and eternal" principles that underlie its organization, but never this. It is always consistent in insisting that railway ownership and operation by the Government are essential to the happiness and prosperity of the American people. Ownership and operation by the Government of the Pacific roads is what the gentlemen from California desire. It is because of that desire they fight the pending bill. It is for such ownership that the Examiner article that I read contends.

I do not believe that we are ready to go into that experiment. And yet, whatever the Populist party may mean, we know that the gentlemen from California mean that; for here, without disguise, they tell us that the payment of the debt, the doing of all that the Government is interested in, the complete wiping out of the relation of creditor and debtor between these corporations and the United States—that if that could be accomplished by laying down the money in the Treasury, the people of California "would suffer the bitterest disappointment."

Now, Mr. Chairman, I believe that this proposition of foreclosure under the law as it now exists simply means the total loss of all of the indebtedness due now from these corporations. Not only that, but it means the expenditure of $61,000,000, which, with delinquent interest, amounts to about $64,000,000, or nearly that, that we shall have to pay before we shall have the title. Then comes the question, If we do not desire to continue the ownership——

Mr. CANNON. Will the gentleman allow me to ask him a question of fact right there? Do I understand him to say that if there is no legislation under existing law, with foreclosure, the Government would have to pay off, without any further legislation, say $64,000,000 of the first lien?

Mr. HEPBURN. I am not positive that the Secretary of the Treasury could pay that off without legislation. I am not prepared to say whether these payments could be made to that extent. The sinking fund, however, could certainly be used for that purpose.

Mr. POWERS. The act of 1887 expressly provides that the Secretary of the Treasury shall pay it off.

Mr. GROSVENOR. Then it would have to be paid.

Mr. HEPBURN. Then it would have to be paid. I thank the gentleman from Vermont [Mr. POWERS].

Mr. CANNON. Then I understand the money goes out of the Treasury to redeem from the first mortgage. Now, another question. The road is to be sold under that act of 1887. Am I correct about that?

Mr. POWERS. Under the act of 1887.

Mr. CANNON. For what it will bring?

Mr. POWERS. The process of foreclosure in the Federal courts always results in a sale. That is the proper Federal procedure.

Mr. CANNON. To sell for what it will bring.

Mr. POWERS. To sell for what it will bring, to the highest bidder.

Mr. CANNON. Now, has the gentleman any information that if that decree were entered to-day, and this sale advertised, the road would bring any more than the $64,000,000 that the Government would have to advance, or less?

Mr. HEPBURN. All the information that we have is to the effect that the roads could not sell for more than the subsidy bonds. Only one gentleman has ever said, so far as my knowledge goes, anything to the contrary, and he said the same in a formal report that he made to the President. Afterwards he changed his opinion, and thought perhaps it would sell for 50 per cent of the principal, in addition to the amount of the first-mortgage bonds. But that was simply a conjecture. He did not assume to have any information upon the subject.

Now, gentlemen, that is the situation. We would then, instead of having a loss of our debt, have a new expenditure by the Government of the United States amounting to nearly $64,000,000, and we would have no compensation for that and no justification of our act to our constituents. Now the Government has invested in the roads more than $100,000,000. Then it would have invested in the roads more than $164,000,000. We would have a railroad without terminals on our hands, that we could build or replace for less than the money—this $64,000,000—that we would have to advance.

Now, that is a business proposition, and that is the one that stares the members of this House in the face now. Gentlemen say that they think that the railroad companies, the corporations, ought to do something better than this; that we ought to have a better proposition than this. The Committee on the Pacific Roads in the last Congress brought in a proposition. The companies said they could not comply with its terms, but some of the Committee on Pacific Roads then believed they could. It provided that the subsidy bonds should be paid off, and that we would extend the interest for a series of years at 3 per cent.

Mr. POWERS. If the gentleman will pardon me to interrupt him, it provided that the first-mortgage debt should be paid off, not the subsidy bonds.

Mr. HEPBURN. Now, you will notice how these gentlemen assailed that proposition. They insisted then that that was not a security. Mind you, it removed everything that lay above the lien of the United States; everything superior to it; and we would have a first lien upon every mile of the aided roads. They told us that that was not sufficient security. And these gentlemen that are now opposing this measure attacked that with the same vehemence that they do the present proposition. Then they were disposed to deny the ulterior or underlying purposes that animate them, namely, the especial benefits that would inure to the State of California. Those gentlemen complained of the burdens that they were under. They groaned under the exactions that Mr. Huntington and other persons controlling the Central Pacific road imposed upon them; and yet here is a great city, the wealthiest city of its population, possibly, within the limits of the United States. Do you believe that if the exactions were so burdensome, if the burdens were so great, those men of enterprise and intelligence, of colossal wealth, would lay under them from year to year and submit to the lash, be prodded with the goad, and simply content themselves with whimpering to Congress? Not a bit of it. They would parallel the Central Pacific road and have competition in their traffic.

Mr. POWERS. Will the gentleman yield to me? I desire to ask the gentleman from Iowa if it did not appear before the committee that the freight rates and the passenger rates of the State of California were to-day, under the load of this octopus, lower than they are in New England?

Mr. MORSE. I know that is so from personal knowledge of shipment of freight to San Francisco.

Mr. HEPBURN. I believe that is so.

Mr. POWERS. Did it not appear that the regulation of the freight rates in the State of California is under a board of railroad commissioners elected by the people of that State?

Mr. HEPBURN. That appeared. There is no question about that.

Mr. LACEY. Will my colleague yield for a correction of a statement made by the gentleman from Vermont as to the compulsory payment of the debt? I find on an examination of the statute it is optional with the President to order the payment.

Mr. HEPBURN. Very well. Undoubtedly the President of the United States would do that. He certainly would not seize upon this property and hold it, relying upon the fact that the owners of the first-mortgage bonds could not sue the United States, had no compulsory process against the United States, and no power to compel them to do right and justice. I take it that he would make that payment just as certainly as though the statutes said he should do that.

Mr. Chairman, we have one other proposition, and that is to do nothing. We could sit here quietly; we could instruct the Secretary to do nothing in this behalf, and allow the first-mortgage bondholders to proceed. Who would probably be the bidders? Certainly it would be those persons who have an interest other than that of the mere shippers. Who are those? Those persons who hold the securities of the railroad—the first-mortgage bondholders. They would be the active ones who would move in this enterprise, and if the present company were content to stand out of the way and let them have the roads they would probably take them by securing that lien, which would give them title. We are confident, however, that no bidder would appear who would offer the amount of the principal of the Government debt and the first-mortgage bonds. Remember that those aggregate now $126,000,000, less the sum that is in the sinking fund, something like $20,000,000. They aggregate at least $106,000,000, but the Government would probably apply the sinking fund to the payment of the interest, in which case the two debts—without interest—would be more than $126,000,000.

Now, is it probable that any bidder can be found within the length and breadth of the United States or elsewhere who would pay $126,000,000 for these roads, more than $50,000 a mile, when there are men standing ready to-day to duplicate the roads for half that sum per mile? Gentlemen seem to think that there is nothing in the fact that we do not own or have a lien upon the terminals. I presume that some kind of an arrangement could be made. I recognize the fact that in some instances the terminals are not of great advantage without connection with the Union or the Central Pacific road, but there are certain other cases where participation in the business of the terminals would not be a matter of trifling importance. At all events, the right to use them could only result from purchase, and the fact of the necessity of paying for that right would, to that extent, diminish the value of the roads to the purchaser under foreclosure proceedings. So that it is a matter of importance from any point of view.

Now, Mr. Chairman, as I have said, for my part this proposition is not just what I would desire. I undertake to say that no member of the committee is entirely satisfied with it. We would have been better pleased if we could have secured larger annual payments and shorter time, but we present it to you as the best and most feasible settlement that we believe to be attainable. We have no hope of anything better, and from the estimate I have been able to make of the probable earnings of these roads, that is all that can be got from them, and that a demand for larger sums would simply mean continued and renewed periods of bankruptcy, when "the roads would be operated, to their great advantage," according to my friend from Colorado [Mr. SHAFROTH], by a receiver. According to my friend's theory, a corporation is always better off the nearer it approaches to absolute poverty and bankruptcy. When it becomes utterly unable to meet its obligations and falls into the hands of a receiver, an officer of the United States, presto, it is at once rejuvenated, its condition is immediately bettered, and the results—he did not say the results to the stockholders and bondholders, however—are immensely improved. [Laughter.] What a boon the gentleman's advice will be to all struggling corporations in this country, the officers of some of which are lying awake nights in fear of the losses and the ignominies that will result from the strong hand of the United States being placed upon their properties and those properties being operated without their experience, their aid, their consent.

I admit, Mr. Chairman, that we do not get by this bill that perfect security which I wish we could get; but this proposition gives us better security than we have now. I have no hesitation in affirming that we increase the security, even in the case of the Union Pacific Company, and we largely increase the security in the case of the Central Pacific, notwithstanding the fact that in both instances we authorize an increase in the first mortgage. Gentlemen belittle the security that is to be given to the Government in the cooperation of the Southern Pacific Railroad Company in the payment of the debt of the Central. In the first place, Mr. Chairman, there is the donation of $2,500,000 belonging to the Southern Pacific road, which comes in as a first payment. That certainly seems to indicate good faith. That is the first step to be taken. Then we have the guaranty of the Southern Pacific Company. I do not know just what it is worth, but I know that Poor says, in his last Railroad Manual, that the assets of the company are worth $189,000,000, and it seems to me that the indorsement of that kind of a guarantor is worth something. I do not know what value the Southern Pacific Company sets upon its lease of the Central, but I suppose they regard it as valuable. I assume that they desire its continuation. I assume that they know or believe that it will be lost if they should fail in their guaranty, and I believe that no other condition than that of impossibility will prevent the meeting of all the obligations of that guaranty.

Now, gentlemen, this House can of course refuse to accept this measure. We can turn the question over to another Congress. We can have another hearing. We can gather more literature on this subject. The gentleman from Missouri [Mr. HUBBARD] complains that there were not facts enough brought out for him. Why, Mr. Chairman, there are volumes of facts bearing upon this subject that would have answered every question that seems to agitate the gentleman's mind had he seen fit to examine and investigate them. The gentleman seems to think, however, that testimony which is not adduced before himself fails to convince, and he has refused to look to the testimony heretofore given, setting forth facts no more pertinent when they were narrated than they are now. The gentleman claims that there are no proofs such as would operate on his mind. [Applause.]

[Here the hammer fell.]

The CHAIRMAN. The hour of 5 o'clock having arrived, the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration House bill No. 8189 and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3035) granting a pension to Mrs. Elizabeth Guash—to the Committee on Invalid Pensions.

A bill (S. 2389) for the relief of Joshua Bishop—to the Committee on Claims.

A bill (S. 811) to provide a district attorney and a marshal for the western judicial district of the State of South Carolina—to the Committee on the Judiciary.

A bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery—to the Committee on the Public Lands.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to ask permission of the House that the session be extended until he can present one or two messages from the President of the United States. Is there objection? The Chair hears none.

SLAUGHTER OF CATTLE.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Agriculture, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of May 8, 1896, requesting information as to what had been done by the Department of State to carry out the provision in the act of March 2, 1895, making appropriations for the Department of Agriculture for the year 1896, as to negotiations with Great Britain to secure the abrogation or modification of the regulations requiring the slaughter of cattle from the United States at the port of entry, a report from the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 8, 1897.

OFFICIAL FORCE OF STATE DEPARTMENT.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the House of Representatives:

I transmit herewith the report of the Secretary of State in response to the resolution of the House of Representatives of June 5, 1896, calling for information concerning the changes made in the force of his Department since the 4th day of March, 1893.

This report has been in my hands since the 9th day of December, 1896, and its transmission to the House of Representatives has been delayed by my inadvertence.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 8, 1897.

The SPEAKER (at 5 o'clock and 4 minutes p. m.). In accordance with the rule of the House, the House now stands in recess until 8 o'clock this evening for the pension session, when the gentleman from New York, Mr. PAYNE, will please act as Speaker.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session and was called to order by Mr. PAYNE as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar under Rule XXVI.

Mr. ERDMAN. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ERDMAN. The point of order is that the special order under which the House is now acting provides for the discussion at this time of the Pacific Railroad bill under the five-minute rule, and does not permit our going into Committee of the Whole for pension business, as indicated in the motion of the gentleman from Michigan [Mr. THOMAS]. I will read the special rule:

That the said bill—the Pacific Railroad funding bill—shall be considered under the rules governing general debate during the said day and the day following until the hour of 5 o'clock p. m., at which time general debate shall close, and then said bill shall be open to amendment and consideration—

Mr. ARNOLD of Pennsylvania. Will the gentleman read a little further?

Mr. ERDMAN (continuing the reading)—

under the five-minute rule until 5 p. m. the following day, at which time the committee shall rise, etc.

Now, that was the special order which abrogated the standing order of business making Friday private bill day. I have an amendment which I propose to offer to the Pacific Railroad bill. That business is in order now, not the consideration of pension business. There was no reservation anywhere in the special order saying that this evening should be devoted to pensions. The special rule abrogates the general rule; and therefore the motion of the gentleman from Michigan is not in order.

Mr. LACEY. I suggest that the point of the gentleman from Pennsylvania [Mr. ERDMAN], even if it were well taken, comes too late. At 5 o'clock this afternoon the question arose as to the recess under the general rules of the House until 8 o'clock for the consideration of private pension business. The House took that recess. If the objection that the gentleman now urges was good, it should have been made at that time. It is too late to make the point after the House has taken the recess and has reconvened under the rule, because the House has already conclusively acted upon the matter.

Mr. ERDMAN. I will ask the gentleman how the point of order could have been raised at that time?

Mr. LACEY. Just as you raise it now.

Mr. ERDMAN. No, sir; this is raised on a motion.

Mr. LACEY. When the Speaker made his announcement, the gentleman could have suggested that the recess could not be taken under the general rule, because that rule had been suspended by the special rule under which the House was acting. That was the time to make the point, if at all. It is too late now.

Mr. THOMAS. If anything could be assumed from the special order with respect to the Pacific Railroad bill, the fact that the time for the closing of general debate was fixed at 5 o'clock to-day, with a provision that amendments should then be offered until 5 o'clock to-morrow, would justify the assumption that the special order was not intended to override the session of this evening under Rule XXVI, which has been read by the Clerk. With that suggestion, I am willing to leave the question for the decision of the Chair.

The SPEAKER pro tempore. Whether the special order adopted by the House is in conflict with clause 2 of Rule XXVI may be a question; but in the opinion of the Chair the point of order, if good, should have been raised at 5 o'clock. The House could not be declared in recess by the Speaker from 5 o'clock until 8 except under clause 2 of Rule XXVI. When that announcement was made by the Speaker, it was in the power of any member to raise the point of order; and it should have been raised then, if ever; because, had not the House been declared in recess until this time by the Speaker under the rule, it would have continued in session until a motion to adjourn or to take a recess had been made. The Speaker having determined at that time that clause 2 of Rule XXVI was in operation with respect to this evening's business, a point of order now comes too late. The Chair therefore overrules the point of order made by the gentleman from Pennsylvania.

Mr. ERDMAN. Mr. Speaker, I respectfully appeal from the ruling of the Chair.

The SPEAKER pro tempore. The gentleman from Pennsylvania appeals; and the question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and on a division (demanded by Mr. ERDMAN) there were—ayes 56, noes 1.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore. Evidently no quorum is present.

Mr. THOMAS. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Chickering,
Clark, Iowa,
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Colson,
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Crowley,
Crump,
Culberson,
Cummings,
Curtis, Kans.
Dalzell,
Danford,
Dayton,
De Armond,
Dingley,
Dinsmore,
Dockery,
Dolliver,
Draper,
Ellett,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hadley,
Hall,
Halterman,
Hanly,
Harmer,
Harris,
Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hitt,
Hopkins,
Howe,
Hubbard,
Huff,
Hulick,
Huling,
Hunter,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Little,
Livingston,
Long,
Lorimer,
Loud,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Milnes,
Miner, N. Y.
Minor, Wis.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Murray,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shannon,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Snover,
Sorg,
Southwick,
Spalding,
Spencer,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stokes,
Stone, C. W.
Stone, W. A.
Strait,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio,
Wellington,
Wheeler,
White,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright.

The following members subsequently reported "present" under the rule:

Mr. CHICKERING, Mr. DINSMORE, Mr. DE ARMOND, Mr. GILLET of New York, Mr. PUGH, Mr. SNOVER, Mr. SPARKMAN, Mr. SORG, Mr. TATE, and Mr. WILSON of New York.

During the call the following proceedings took place:

Mr. EVANS. Mr. Speaker, I think it is evident that we will not be able to get a quorum to-night within the time that this session can continue under the rule. I therefore move that the House do now adjourn.

The question was taken; and on a division there were—ayes 19, noes 39.

So the House refused to adjourn.

Mr. CRISP. Mr. Speaker, I ask that my colleague, Mr. LESTER, be excused from attendance to-night on account of sickness.

There was no objection, and it was so ordered.

Mr. BRODERICK. Mr. Speaker, the gentleman from Pennsylvania, Mr. BROSIUS, is absent on account of illness, and I ask that he be excused.

There was no objection.

The SPEAKER pro tempore. One hundred and twelve members are present, as shown by the roll call.

Mr. THOMAS. Mr. Speaker, I offer the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The question was taken on the adoption of the resolution; and on a division there were—ayes 55, noes 32.

So the motion was agreed to.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 33, noes 50.

So the motion was rejected.

Mr. HENDRICK. Mr. Speaker, I desire to ask unanimous consent to put upon its passage at this time a bill to pension a blind woman, the widow of a soldier.

The SPEAKER pro tempore. No quorum being present, the Chair can not entertain the gentleman's request.

Mr. HENDRICK. I thought the Chair had announced the presence of a quorum. [Laughter.]

Mr. SHERMAN. If in order, I will move to take a recess until 12 o'clock to-morrow.

The SPEAKER pro tempore. That motion would not be in order without a quorum.

Mr. BOWERS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and on a division there were—ayes 45, noes 48.

So the motion was rejected.

Mr. HOOKER and **Mr. BOWERS** moved that the House adjourn.

The question was taken; and on a division there were—ayes 39, noes 52.

So the motion was rejected.

Mr. HARDY. Mr. Speaker, I rise to a parliamentary inquiry. I want to know if it would be in order to submit a few remarks on the general perversity and cussedness of human nature in general and of the gentleman from Pennsylvania [Mr. ERDMAN] in particular? [Laughter.]

The SPEAKER pro tempore. The Chair thinks that in the judgment of the gentleman from Indiana [Mr. HARDY] that is not in order, and the Chair is of the same opinion. [Laughter.]

Mr. THOMAS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

On a division (demanded by Mr. COOKE of Illinois and Mr. THOMAS), there were—ayes 40, noes 52.

Mr. THOMAS. I ask for tellers.

Tellers were refused, 34 members, not a sufficient number, voting in favor thereof.

Mr. HULL. Mr. Speaker, I understood a parliamentary inquiry was submitted to the Chair a few moments ago, and we have not yet heard the decision of the Chair.

The SPEAKER pro tempore. The Chair announced that the proposition of the gentleman from Indiana was not in order, and had been so decided.

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and there were—ayes 46, noes 47.

Mr. THOMAS. Tellers, Mr. Speaker.

Tellers were ordered; and the Speaker pro tempore appointed Mr. THOMAS and Mr. ERDMAN.

The House divided; and the tellers reported—ayes 52, noes 47.

Mr. FAIRCHILD and **Mr. MAHANY** demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 47, nays 72, not voting 236; as follows:

YEAS—47.

Arnold, Pa.
Baker, Kans.
Bartlett, Ga.
Bishop,
Bowers,
Calderhead,
Clark, Mo.
Cooke, Ill.
Crisp,
Curtis, Iowa
Curtis, N. Y.
Daniels,
Denny,
Doolittle,
Ellis,
Erdman,
Evans,
Gardner,
Hager,
Hainer, Nebr.
Hart,
Henry, Ind.
Hooker,
Howell,
Hull,
Hurley,
Jenkins,
Knox,
Kyle,
Lacey,
Linney,
Linton,
Marsh,
McCleary, Minn.
McClellan,
McCulloch,
McDearmon,
Payne,
Sherman,
Stephenson,
Stewart, Wis.
Strong,
Tate,
Thomas,
Treloar,
Tyler,
Yoakum.

NAYS—72.

Aldrich, T. H.
Allen, Utah
Andrews,
Baker, N. H.
Barthold,
Bell, Colo.
Blue,
Broderick,
Burrell,
Burton, Mo.
Burton, Ohio
Chickering,
Clardy,
Codding,
Connolly,
Cook, Wis.
Cox,
Crowther,
De Armond,
De Witt,
Dinsmore,
Dovener,
Eddy,
Fairchild,
Faris,
Fenton,
Gibson,
Gillet, N. Y.
Hardy,
Hatch,
Hendrick,
Hermann,
Hill,
Howard,
Kendall,
Kiefer,
Kirkpatrick,
Latimer,
Layton,
Leighty,
Leonard,
Low,
Mahany,
Martin,
McLachlan,
Miller, W. Va.
Mozley,
Neill,
Otjen,
Poole,
Prince,
Pugh,
Raney,
Reeves,
Rinaker,
Royse,
Shannon,
Smith, Ill.
Snover,
Sorg,
Southard,
Sparkman,
Sperry,
Strode, Nebr.
Taft,
Tracey,
Updegraff,
Wanger,
Warner,
Wilson, N. Y.
Wilson, Ohio
Wood.

NOT VOTING—236.

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, Ill.
Aldrich, W. F.
Allen, Miss.
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, N.Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Clark, Iowa
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Colson,
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Crowley,
Crump,
Culberson,
Cummings,
Curtis, Kans.
Dalzell,
Danford,
Dayton,
Dingley,
Dockery,
Dolliver,
Draper,
Ellett,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hadley,
Hall,
Halterman,
Hanly,
Harmer,
Harris,
Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hitt,
Hopkins,
Howe,
Hubbard,
Huff,
Hulick,
Huling,
Hunter,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Little,
Livingston,
Long,
Lorimer,
Loud,
Loudenslager,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Milnes,
Miner, N. Y.
Minor, Wis.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Murray,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Southwick,
Spalding,
Spencer,
Stahle,
Stallings,
Steele,
Stewart, N.J.
Stokes,
Stone, C. W.
Stone, W. A.
Strait,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright.

So the House refused to adjourn.

The result of the vote was announced as above recorded.

Mr. THOMAS. If it is not out of order, I wish to inquire if the warrants for the arrest of absent members are in the hands of the Sergeant-at-Arms?

The SPEAKER pro tempore. The Chair is informed that they are.

Mr. FAIRCHILD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FAIRCHILD. I should like to know what proceedings have been taken by the Sergeant-at-Arms in pursuance of the resolution that was passed by this House.

The SPEAKER pro tempore. The Sergeant-at-Arms has not yet reported.

Mr. FAIRCHILD. Well, then, I rise to another parliamentary inquiry, and that is, What proceedings can we take to ascertain what proceedings have been taken by the Sergeant-at-Arms under the resolution?

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry. The Chair will state, for the information of the gentleman from New York [Mr. FAIRCHILD], that it took some time for the Clerk to copy the names, to make out the warrants, and they have not been in the hands of the Sergeant-at-Arms for a great length of time, and that is probably the reason why no report has been made.

Mr. FAIRCHILD. One more question. Have the warrants been signed by the Speaker yet?

The SPEAKER pro tempore. The warrants have been signed by the Speaker.

Mr. BOWERS. If I may be permitted at this time——

The SPEAKER pro tempore. There is no question before the House, and the gentleman would not be in order.

Mr. BOWERS. I ask unanimous consent to make a little statement. [Cries of "I object!" and "Regular order!"]

Mr. HARDY. I move that the House resolve itself into Committee of the Whole for the consideration of private pension bills on the Calendar.

The SPEAKER pro tempore. That motion is not in order.

Mr. THOMAS. That motion is pending.

Mr. SHERMAN. I move to suspend all further proceedings under the call.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. JENKINS. Division!

The House divided; and there were—ayes 36, noes 50.

So the motion was rejected.

Mr. BOWERS. I move, Mr. Speaker, that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. BOWERS. Division, Mr. Speaker.

The House divided; and there were—ayes 46, noes 52.

Mr. JENKINS. I ask for a vote by tellers.

The question was taken on ordering tellers.

The SPEAKER pro tempore. Twenty-nine gentlemen have arisen—not a sufficient number; tellers are refused. The noes have it, and the motion is rejected.

Mr. JENKINS. Mr. Speaker, I ask for leave of absence on account of sickness.

The SPEAKER pro tempore. The gentleman from Wisconsin asks that he be excused from further attendance on account of sickness. Is there objection?

Several MEMBERS. I object.

Mr. THOMAS. Mr. Speaker, many members have been coming in since the order for the call of the House. Has a record been kept so as to know the number now present?

The SPEAKER pro tempore. The Chair is informed from the Clerk's desk that 118 members are present.

Mr. THOMAS. Mr. Speaker, it would seem to me the number present is greater than that. There may possibly be an error, and I am inclined to insist that there is a quorum.

Mr. JENKINS. Mr. Speaker, I move that all further proceedings under the call be dispensed with.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. JENKINS. Division!

The House divided; and there were—ayes 46, noes 50.

Mr. McCULLOCH. The yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER pro tempore. Twelve gentlemen have risen—not a sufficient number; the yeas and nays are refused. The noes have it, and the motion is rejected.

Mr. LACEY. I move that we take a recess until twenty-nine minutes after 10 o'clock.

The SPEAKER pro tempore. That motion is not in order.

Mr. LACEY. Then I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. LACEY. Division!

The House divided; and there were—ayes 49, noes 48.

Mr. BAKER of New Hampshire. The yeas and nays!

The yeas and nays were ordered.

The question was taken; and there were—yeas 52, nays 61, not voting 242; as follows:

YEAS—52.

Andrews,
Arnold, Pa.
Baker, Kans.
Barthold,
Bartlett, Ga.
Bishop,
Bowers,
Broderick,
Calderhead,
Clark, Mo.
Cooke, Ill.
Crisp,
Crowther,
Curtis, Iowa
Denny,
Doolittle,
Eddy,
Ellis,
Erdman,
Gardner,
Hager,
Hainer, Nebr.
Hart,
Henry, Ind.
Hermann,
Hooker,
Hull,
Hurley,
Jenkins,
Kiefer,
Knox,
Kyle,
Lacey,
Latimer,
Linney,
Linton,
Marsh,
McCleary, Minn.
McClellan,
McCulloch,
McDearmon,
McLachlan,
Otjen,
Parker,
Payne,
Shannon,
Sherman,
Strong,
Tate,
Treloar,
Updegraff,
Wilson, Ohio.

NAYS—61.

Aldrich, T. H.
Allen, Utah
Baker, N. H.
Bell, Colo.
Blue,
Burrell,
Burton, Mo.
Burton, Ohio
Chickering,
Clardy,
Codding,
Connolly,
Daniels,
De Armond,
De Witt,
Dinsmore,
Dovener,
Fairchild,
Faris,
Fenton,
Gibson,
Gillet, N. Y.
Hardy,
Hatch,
Hendrick,
Hicks,
Hill,
Howard,
Howell,
Kendall,
Kirkpatrick,
Layton,
Leighty,
Leonard,
Low,
Mahany,
Martin,
Miller, W. Va.
Mozley,
Neill,
Poole,
Prince,
Pugh,
Raney,
Reeves,
Rinaker,
Royse,
Smith, Ill.
Snover,
Sorg,
Southard,
Sparkman,
Sperry,
Strode, Nebr.
Taft,
Thomas,
Tracey,
Wanger,
Warner,
Wilson, N.Y.
Wood.

NOT VOTING—242.

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, Ill.
Aldrich, W. F.
Allen, Miss.
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, N.Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Clark, Iowa
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Colson,
Cook, Wis.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Cox,
Crowley,
Crump,
Culberson,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Dayton,
Dingley,
Dockery,
Dolliver,
Draper,
Ellett,
Evans,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hadley,
Hall,
Halterman,
Hanly,
Harmer,
Harris,
Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hilborn,
Hitt,
Hopkins,
Howe,
Hubbard,
Huff,
Hulick,
Huling,
Hunter,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever,
Leisenring
Lester,
Lewis,
Little,
Livingston,
Long,
Lorimer,
Loud,
Loudenslager,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Milnes,
Miner, N. Y.
Minor, Wis.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Murray,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Southwick,
Spalding,
Spencer,
Stahle,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stokes,
Stone, C. W.
Stone, W. A.
Strait,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright,
Yoakum.

Mr. THOMAS (at the end of the call). Mr. Speaker, I ask unanimous consent to interrupt the roll call for the purpose of offering a resolution.

The SPEAKER pro tempore. The roll call has been completed, but the vote has not yet been announced.

Mr. THOMAS. I wish to offer the resolution before the vote is announced.

The SPEAKER pro tempore. It is not in order until after the announcement of the vote.

Mr. THOMAS. Not by unanimous consent?

The SPEAKER pro tempore. Not by unanimous consent. There is not a quorum present. On this question the yeas are 52 and the nays are 61. The nays have it, and the motion to adjourn is lost.

Mr. THOMAS. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Speaker be requested to ascertain and report to the House what progress, if any, has been made by the Sergeant-at-Arms, or his deputies, in arresting absent members.

The SPEAKER pro tempore. The Chair thinks the motion is in order, but would suggest that the inquiry be made directly of the Sergeant-at-Arms.

Mr. THOMAS. I have offered the resolution in good faith, for the purpose of ascertaining how efficient the officers of the House are, as nearly two hours have elapsed since this call began.

Mr. WANGER. Mr. Speaker, I move to amend the resolution by striking out "Speaker" and inserting "Sergeant-at-Arms."

Mr. THOMAS. I do not accept that amendment, Mr. Speaker, for the reason that I suppose the Sergeant-at-Arms is now engaged in the active discharge of his duty under the order of the House.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Pennsylvania.

The amendment was read, as follows:

Strike out the word "Speaker;" so that the resolution will read: "*Resolved*, That the Sergeant-at-Arms be requested," etc.

Mr. TRACEY. I move to amend the amendment by inserting, after the word "report," the word "immediately."

The amendment was adopted.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend by striking out the word "requested" and inserting "directed."

The question being taken on the amendment of Mr. Baker of New Hampshire, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. CHICKERING. I ask for a division.

On a division the amendment was adopted—ayes 45, noes 4.

The resolution as amended was adopted in this form:

Resolved, That the Sergeant-at-Arms be directed to report immediately to the House what progress, if any, has been made by him or his deputies in arresting absent members.

The Sergeant-at-Arms, accompanied by three members, appeared at the bar of the House and reported as follows:

Mr. Speaker, the Sergeant-at-Arms begs leave to report that, in compliance with the order of the House, sundry warrants have been issued for the arrest of absent members. Some of them are now in process of execution, and in the meantime the Sergeant-at-Arms has the honor to report the presence of Mr. Stallings, Mr. Woodard, and Mr. Kleberg, who have been arrested by order of the House.

The **SPEAKER** pro tempore. Mr. Stallings, you have been absent from the sitting of the House without leave. What excuse have you to offer?

Mr. STALLINGS. I have not been well for some time, Mr. Speaker, and therefore I did not come out to-night.

Mr. HICKS. Mr. Speaker, I move that the gentleman be excused.

The motion was agreed to—ayes 75, noes 0; and Mr. Stallings was excused.

The **SPEAKER** pro tempore. Mr. Woodard, you have been absent from the House during its session without leave. What excuse have you to offer?

Mr. WOODARD. I regret to say, Mr. Speaker, that I have not so good an excuse as that of the gentleman from Alabama. Indeed, I have none. I did not suppose that my presence would be needed this evening, but I came as soon as I learned that there was no quorum.

Mr. HULL. Mr. Speaker, I move that the gentleman be excused.

The motion was agreed to.

Mr. BAKER of Kansas. Mr. Speaker, I rise to a parliamentary inquiry. Can the House excuse a member when it finds itself without a quorum?

The **SPEAKER** pro tempore. The House has a right to do anything in the matter of procuring the attendance of a quorum, and this is a step in that direction. The gentleman is excused.

Mr. Kleberg, you have been absent from the House during its session. What excuse have you to offer?

Mr. KLEBERG. I was behind with my correspondence on account of sickness, and I did not think my presence would be required this evening. I have been present on every other occasion, and I hope the House will excuse me.

Mr. SMITH of Illinois. Mr. Speaker, is debate in order? [Laughter.]

The **SPEAKER** pro tempore. The Chair thinks it is.

Mr. SMITH of Illinois. Mr. Speaker, I do not rise to say anything in the way of levity, but to say that since, under the rules of the House, we have Friday night sessions for special business, it does seem to me that every member who has the interest of his constituents at heart ought to be present to aid in the transaction of the business of these sessions the same as at any other time during the sitting of Congress. Now, I know, Mr. Speaker——

Mr. HICKS. I rise to a point of order, Mr. Speaker. What is the question pending before the House?

The **SPEAKER** pro tempore. The question is on the motion to excuse the gentleman from Texas for his absence.

Mr. SMITH of Illinois. I know, Mr. Speaker, that there are many members who, during the eight years I have served in Congress, have never absented themselves during Friday night sessions and who never absent themselves during the day sessions of Congress. I consider attendance on the one just as important as the other. And sometimes I think that such a great body of Representatives of this country of ours ought to take into consideration the seriousness of all our legislative deliberations and of all the sessions of this House. I know that during the time I have served here there have been scores of members who have never been seen on this floor at Friday night sessions. Yet we have a Committee on Pensions, a Committee on Invalid Pensions, and a Committee on Military Affairs, the reports of which are all to be considered at our Friday night sessions. And I believe that every member ought to attend and assist in disposing of the business which those committees have presented to this House.

No man on this floor, however, is more willing than myself to excuse any brother member for nonattendance, if he has a reasonable excuse. There is none of us who has not plenty of work; none of us who has not more work than any single member can do; none of us who does not need a clerk, and most of us need at least two, besides doing all the work we can ourselves.

I do not consider that matters of this character ought to be treated as schoolboys' pranks in school. We ought to sit here as business men and attend to the business we are elected to attend to, and seriously consider the interests of our constituents in every matter pertaining to their welfare.

I am more than willing that our colleague shall be excused to-night. I simply wanted to enter my protest against absenteeism from Friday night sessions by those who ought to be here assisting in performing the duties of this House. There are no questions coming up for consideration of more vital importance to individuals than the bills that are brought up for consideration at Friday night sessions. They are bills to relieve those who are supposed to be worthy individuals whose cases are not covered by the general law, and who have not received and can not receive under the general law the relief which they seek. We are not supposed to be here at our Friday night sessions as a body doling out charity. We are supposed to consider carefully cases not covered by the general law, and as men of intelligence, as men of patriotism, and as American citizens, to deal out justice to those who are entitled to it under such circumstances. [Applause.]

I am willing on any occasion to spend the time from 8 o'clock on Friday night of each week until half past 10 in helping the old soldier who has sustained this country, made it what it is, carried his flag, "the Stars and Stripes," through the valleys, over the mountains and the hills, and who under the general law can not obtain the relief which he deserves. I am willing also to sit during the same time to aid his widow whose case is not covered by the general law, and his orphans who are in the same situation. [Applause.]

But during the eight years I have been here there have been many members who carried their muskets and marched under the flag, and who, session after session, have taken pride in making long speeches for home consumption in favor of the old soldier—too many of such men I have known have never been present on Friday nights to help an old soldier, his widow, or his orphan needing assistance. [Applause.]

As I have said, I am willing to vote and shall vote to excuse our colleague to-night; but I do hope that during the remainder of this session Representatives on this floor, whether on the one side or the other of this House, will rise equal to the occasion and exhibit their patriotism, their love of country, their love for the old soldier—especially if they themselves have marched under the same flag—by being here to aid him when the services of a member of Congress are necessary. [Applause.]

Mr. THOMAS. Mr. Speaker, in support of the motion that I have made to excuse the gentleman from Texas, I wish to say that the excuse offered by him presents a case very natural to any of us; and I hope the motion will prevail.

The question being taken on the motion of Mr. Thomas, it was agreed to.

The **SPEAKER** pro tempore. The gentleman from Texas is excused.

Mr. THOMAS. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable to-morrow (Saturday) morning after the reading of the Journal.

Mr. HICKS. Mr. Speaker, I rise to a parliamentary inquiry. Does not the pending special order concerning the consideration of the Pacific Railroad funding bill preclude any matter of this kind?

The **SPEAKER** pro tempore. The Chair is of opinion that it would, and that the resolution of the gentleman from Michigan [Mr. Thomas] is out of order.

Mr. THOMAS. I should like to be heard on that question.

The **SPEAKER** pro tempore. The Chair will hear the gentleman.

Mr. THOMAS. I will modify my resolution by fixing Monday or Tuesday instead of to-morrow, if that will obviate the objection of the Speaker.

Several Members. Do not modify the resolution.

Mr. THOMAS. I read from the Manual, page 300:

The House may, however, by resolution continue in force beyond an adjournment the order that the Sergeant-at-Arms take into custody and bring to the bar absent members, and may make such order returnable on a day subsequent to the day of adjournment

I ask the Chair whether the resolution which I present is not a matter of the highest privilege—above all other orders, even the special order under which the House has been acting?

Mr. WANGER. I move that the House do now adjourn.

Mr. THOMAS. I insist on the pending resolution.

The **SPEAKER** pro tempore. The gentleman from Pennsylvania [Mr. Wanger] moves that the House do now adjourn, which motion takes precedence.

The question was taken; and on a division there were—ayes 12, noes 66.

So the motion was rejected.

The **SPEAKER** pro tempore. The Clerk will report the resolution as modified by the gentleman from Michigan.

The Clerk read as follows:

Resolved, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable on Tuesday morning next, after the reading of the Journal.

Mr. GARDNER. I wish to submit for the consideration of the Chair that the Friday night session is held under a special order of the House, which prescribes that it shall consider certain business on the Private Calendar only; that because of that it has jurisdiction of no other matter, and has not the jurisdiction to prescribe or make a special order for the House at any other time.

Mr. THOMAS. The gentleman is wrong in that, because we are not now in Committee of the Whole. The House is in session, and we are acting under an order for a call of the House. No business is in order under that call except that which pertains to it, and no motion except with reference to the call or a motion to adjourn could be considered as in order now. The motion that I have made has direct reference to the call of the House now progressing.

The **SPEAKER** pro tempore. The Clerk will read clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock p. m., at which evening session private pension bills, bills for the removal of political disabilities, and bills for removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes

Mr. LACEY. I would like to suggest that the right of the House to have a quorum on Friday night is just as sacred as it is on Monday, or at any other time in the week; and the same power to secure and preserve a quorum on Friday night necessarily inheres in the House as well as at any other session which they hold.

Mr. GARDNER. That is a fact that nobody disputes. The Friday night session has the same power to take the same means to get a quorum as any other session of the House; but the prescribing of the return of the warrant as the special order of the House for some other time than the Friday night session is not necessarily a part of the power for getting a quorum, and does not pertain to the power of the House at all under the rule for the Friday night sessions. On the contrary, the resolution providing for the return of the warrants on Tuesday next is in direct conflict with the attempt to get a quorum to-night.

Mr. THOMAS. But the rule provides that the return can be put off to some other date, and this is the session of the House this evening just as well as it was this afternoon when the House was considering the other matter.

Mr. GARDNER. But limited to a special order only.

Mr. THOMAS. Not limited for this purpose.

Mr. WANGER. I suggest to the gentleman from Michigan that he address his remarks to the Chair, and not to the gentleman from New Jersey. [Laughter.]

The **SPEAKER** pro tempore. There is a point of order already pending.

Mr. THOMAS. Let us have a ruling.

The **SPEAKER** pro tempore. The Chair thinks the motion of the gentleman from Michigan is in order. This is a proceeding to compel the attendance of members at this session of the House. It is the prerogative of the House, when the members are brought in, either to excuse or to punish them as the House may see fit, and this resolution provides that the return of the warrants for the arrest of absent members shall be made at some future day to the House, namely, next Tuesday.

The Chair thinks under the rule that the House has the power to compel a quorum at these Friday night sessions, and has the power also to provide for the return of the warrant at such time as it shall determine at this session.

The question, therefore, is on the motion presented by the gentleman from Michigan.

Mr. WILSON of Ohio. Mr. Speaker, I desire to submit a parliamentary inquiry. What will be the effect if the Sergeant-at-Arms should bring in other members to-night? Will the adoption of this resolution discharge the Sergeant-at-Arms from bringing in any person who might be arrested before we adjourn.

Mr. GARDNER. Certainly.

Mr. THOMAS. Certainly not.

Mr. WILSON of Ohio. It seems to me that would be the result if the resolution were adopted.

The **SPEAKER** pro tempore. The Chair will decide that question when it comes up, if it ever arises.

The question was taken; and on a division there were—ayes 68, noes 11.

Mr. CHICKERING. Yeas and nays, Mr. Speaker.

The yeas and nays were refused, 10 members, not a sufficient number, voting in favor thereof.

Accordingly, the motion of Mr. Thomas was agreed to.

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

Mr. BRODERICK. I ask the gentleman to withdraw the motion for a moment.

Mr. THOMAS. I withdraw it temporarily.

Mr. BRODERICK. I have just received a telephone message from my colleague [Mr. Curtis]. He is absent on account of sickness in his family. I ask to have him excused.

The **SPEAKER** pro tempore. The gentleman from Kansas [Mr. Broderick] asks that his colleague [Mr. Curtis] be excused on account of sickness in his family. Is there objection?

There was no objection.

Mr. BURTON of Ohio. Mr. Speaker, I am informed that my colleague [Mr. Northway] is detained at home by serious illness in his family, and I ask that he be excused.

The **SPEAKER** pro tempore. The gentleman from Ohio [Mr. Burton] asks that his colleague [Mr. Northway] be excused, on account of illness in his family. Is there objection?

There was no objection.

Mr. LINNEY. Mr. Speaker, I am informed that my colleague [Mr. Strowd] is absent by reason of sickness. I move that he be excused.

The **SPEAKER** pro tempore. The gentleman from North Carolina asks that his colleague [Mr. Strowd] be excused. Is there objection?

There was no objection.

Mr. DOOLITTLE. I ask that my colleague [Mr. Hyde] be excused on account of sickness.

The **SPEAKER** pro tempore. The gentleman from Washington [Mr. Doolittle] asks that his colleague [Mr. Hyde] be excused on account of sickness. Is there objection?

Mr. RANEY. I object.

Several Members. Oh, no.

Mr. RANEY. I withdraw the objection.

The **SPEAKER** pro tempore. The gentleman from Missouri [Mr. Raney] withdraws his objection. Is there further objection?

There was no objection.

Mr. POOLE. Mr. Speaker, my colleague [Mr. Howe] is unavoidably detained to-night on account of sickness in his family. I ask that he be excused.

Mr. RANEY. I object.

Mr. POOLE. I move that he be excused.

The motion was agreed to.

Mr. BLUE. Mr. Speaker, I should like to know what effect this order will have on the Speaker of the House. I ask that he be excused.

The **SPEAKER** pro tempore. The gentleman from Kansas [Mr. Blue] asks that the Speaker of the House be excused. Is there objection?

There was no objection.

Mr. PRINCE. I ask that my colleague [Mr. Hadley] be excused, because he is at home sick, and has not been present at this session of Congress for that reason.

The **SPEAKER** pro tempore. The gentleman from Illinois [Mr. Prince] asks that his colleague [Mr. Hadley] be excused on account of sickness, he having been absent on that account during this session of Congress. Is there objection?

There was no objection.

Mr. BARTHOLDT. I move that the Sergeant-at-Arms be directed to make an additional report.

Mr. THOMAS. Mr. Speaker, I call attention to the fact that the hour of half past 10 has arrived.

Mr. CHICKERING. A parliamentary inquiry, Mr. Speaker.

The **SPEAKER** pro tempore. The gentleman will state it.

Mr. CHICKERING. How does this leave the members of the House who will be arrested before to-morrow morning's session and who will be brought here under arrest? They can not vote. The same will be true on Monday, because this warrant is not returnable until Tuesday, and in the meantime the members will be under arrest.

The **SPEAKER** pro tempore. The Chair will say to the gentleman from New York [Mr. Chickering] that these questions will be decided by the Chair when they shall come up.

Mr. CHICKERING. Well, they will come up.

Mr. BARTHOLDT. Has my motion been recognized?

The **SPEAKER** pro tempore. The gentleman from Missouri [Mr. Bartholdt] moves that the Sergeant-at-Arms be instructed to report at once. The hour of 10 o'clock and 30 minutes having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River from St. Paul to the mouth of the Missouri River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report as to the suitableness of a public reservation at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, in the city of Washington, D. C., as a site for the proposed hall of records—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Peter R. Andrews, administrator of Peter Andrews, deceased; T. E. Hendricks, administrator of Catherine E. Sumner, deceased, and James Watterson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of all contracts made for carrying the mails within the year; a report on land and water mails established; of allowances made to contractors, of curtailments of expenses, fines imposed, etc.—to the Committee on the Post-Office and Post-Roads.

A letter from the Secretary of the Navy, transmitting statements in reply to the resolution of the House of Representatives of June 5, 1896, concerning employees of the Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Attorney-General, transmitting a reply to the resolution of the House of Representatives of June 5, 1896, concerning employees and explaining the delay of the reply—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. RAY, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2984) entitled "An act in relation to contempts of court," reported the same with an amendment in the form of a substitute, accompanied by a report (No. 2471); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 5756) to correct the military record of Samuel Steinman, of Scottdale, Pa. (Report No. 2456.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 9382) granting an increase of pension to John L. Sanders. (Report No. 2457.)

The bill (S. 2605) entitled "An act granting an increase of pension to James M. Simeral." (Report No. 2458.)

The bill (S. 2439) entitled "An act granting a pension to Jackson Lucas." (Report No. 2459.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 9413) granting a pension to William Hoffner, of Junction City, Kans., late of Company B, Fifty-fifth Pennsylvania Infantry. (Report No. 2460.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 2181) entitled "An act granting an increase of pension to Charles Edson." (Report No. 2461.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 1690) entitled "An act granting a pension to Richard Brookins." (Report No. 2462.)

The bill (H. R. 9318) granting an increase of pension to Catharine Clifford. (Report No. 2464.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 3152) entitled "An act granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry." (Report No. 2463.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3785) granting a pension to Lowell H. Hopkiason. (Report No. 2465.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3415) entitled "An act granting a pension to Ella D. Cross." (Report No. 2466.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 1841) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers. (Report No. 2467.)

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 981) for the relief of William C. Dodge. (Report No. 2468.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 9475) for the relief of Calvin T. Hazelwood. (Report No. 2469.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 8706) to correct the military record of Patrick Hanley. (Report No. 2470.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 9798) for the relief of F. W. Thomas, postmaster at Dyersburg, Tenn.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

The bill (H. R. 9885) granting a pension to Clarence St. Clair—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HURLEY: A bill (H. R. 9898) for the erection of an equestrian statue of Maj. Gen. Henry W. Slocum in the city of Washington, D. C.—to the Committee on the Library.

By Mr. KEM: A bill (H. R. 9899) to restore medical freedom to the people of the District of Columbia—to the Committee on the District of Columbia.

By Mr. FISCHER: A bill (H. R. 9900) donating two condemned cannon and cannon balls to Grand Army of the Republic, G. K. Warren Post, Department of New York, No. 286, of Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. TRELOAR: A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 9902) to regulate the sale of poisons in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MAHON: A bill (H. R. 9903) to authorize the readjustment of the accounts of certain army officers—to the Committee on War Claims.

By Mr. MAHANY: A joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BENNETT: A bill (H. R. 9904) removing charge of desertion from record of James Carolan—to the Committee on Military Affairs.

Also, a bill (H. R. 9905) removing the charge of desertion from the record of Conrad Schindler—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 9906) for relief of Charlotte H. Fenton—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 9907) for the relief of Elenor W. Smith—to the Committee on Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 9908) for the relief of Alanson D. Gaston—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 9909) for relief of John C. Buckner, of Union County, Tenn.—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 9910) for the relief of Lewis King, of Selma, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9911) for the relief of Richard Smith, of Dallas County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9912) for the relief of Mary Ann Jackson, of Selma, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9913) for the relief of A. S. Keener, of Blaine, Ala.—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 9914) for the relief of Jasper N. Elder, of Saline County, Ill.—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 9915) granting a pension to Sarah F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9916) granting a pension to Catherine E. Babcock—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 9917) to grant an increase of pension to Nathaniel Haughton, late colonel Twenty-fifth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9919) for the relief of Mrs. Parmella B. Finney, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 9920) to correct the military record of H. G. Dow—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FENTON: Petition of Frank Ehrman and 150 other citizens of Beaver, Ohio, praying for relief for Charles L. Buehler—to the Committee on Claims.

By Mr. FLETCHER: Resolution of the Minnesota Historical Society of Colonial Wars, in favor of a bill against the desecration of the American flag—to the Committee on the Judiciary.

Also, resolutions of the Minneapolis Trades and Labor Council, in favor of Government postal savings banks—to the Committee on Banking and Currency.

By Mr. GIBSON: Petition of Mrs. Isabella R. Boyd, of Knoxville, Tenn., asking reference of her claim to the Court of Claims under the provisions of the act of March 3, 1883—to the Committee on War Claims.

By Mr. HENDERSON: Petition of the First Baptist Church of Vineland, N. J., asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, paper from Governor Claude Matthews, of Indianapolis, Ind., favoring the passage of House bill No. 3273—to the Committee on Rules.

By Mr. HILL: Resolution of the Bridgeport (Conn.) Board of Trade, favoring a permanent tariff commission—to the Committee on Ways and Means.

Also, resolution of the Board of Trade of Bridgeport, Conn., favoring a department of commerce and manufactures—to the Committee on Manufactures.

By Mr. KENDALL: Papers relating to the claim of James E. Hall—to the Committee on War Claims.

By Mr. KIEFER: Resolution of the St. Paul Chamber of Commerce, favoring a gold standard—to the Committee on Banking and Currency.

By Mr. LEISENRING: Petition of the Christian Endeavor Society and members of the Presbyterian church of Hazleton, Pa., praying for the protection of life and property in Armenia—to the Committee on Foreign Affairs.

By Mr. MAGUIRE: Protest of the board of supervisors of the city and county of San Francisco, Cal.; also protest of citizens of California, against refunding the Pacific railroad debts—to the Committee on Pacific Railroads.

By Mr. McCORMICK: Resolutions adopted by the Riverhead Chautauqua Literary Society, favoring the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. McEWAN: Resolutions of the Greenville Republican Club, favorable to the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. MOODY: Petition of John G. Whittier Association, No. 24, American Protective Association, favoring the recognition of Cuba—to the Committee on Foreign Affairs.

By Mr. REYBURN: Sundry petitions of William G. Nebig and others, Chris. Halberstack and others, Simon Friedman and others, also of the Philadelphia Conference of Baptist Ministers, praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Illinois: Resolutions of the Board of Trade of Cairo, Ill., appealing to Congress to close the crevasse in Pass a Loutre and to improve the Southwest Pass—to the Committee on Rivers and Harbors.

By Mr. STRODE of Nebraska (by request): Resolutions adopted at a mass meeting of the citizens of Omaha, Nebr., favoring the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER: Petition of O. E. Comstock, sr., of Sheffield, Ala., protesting against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Ohio: Petition of J. T. Van Vickle, of New Holland, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Evidence in support of House bill No. 755, to remove the charge of desertion against Edward Wesner—to the Committee on Military Affairs.

Also, evidence in support of House bill No. 4771, to correct the military record of John H. Neidigh—to the Committee on Military Affairs.

Also, evidence to accompany House bill No. 4952, for the relief of Jubal Grant—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 9, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE RED RIVER BETWEEN THE STATES OF ARKANSAS AND TEXAS.

Mr. TERRY. Mr. Speaker, in behalf of my colleague [Mr. MCRAE], I ask consideration of the following bill. It is a very short one.

The Clerk read as follows:

> A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now operated and owned by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

The bill was read at length.

The amendments recommended by the committee were read, as follows:

> Add the following new section 7, to be inserted between sections 6 and 7, and change number of present section 7 to 8:
>
> "SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof."

Mr. TERRY. Mr. Speaker, I move the adoption of the amendment recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to ask the gentleman from Arkansas a question. This seems to be a bill to validate the construction of a bridge already built, and not the construction of a new bridge. It is not in the usual form, and I should like to have some explanation before unanimous consent is given.

Mr. TERRY. The report of the Chief Engineer explains the whole matter. This is a bill that I have called up at the request of my absent colleague [Mr. MCRAE], who is detained at home by the sickness of his daughter. I do not know very much about the bill; but I know this, that it has been approved by the Chief of Engineers, General Craighill, has the unanimous indorsement of the committee, and is in the usual form of bridge bills.

Mr. PAYNE. Well, I have no objection.

Mr. TERRY. I move the adoption of the amendment recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question now is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. POWERS. I call for the regular order.

Mr. HENDERSON. Pending that, I make a motion to reconsider. On page 607 of the RECORD I find the following resolution was adopted by the House last night:

> *Resolved*, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable on Tuesday morning next, after the reading of the Journal.

I move to reconsider the vote by which that resolution was adopted.

Mr. BENNETT. Mr. Speaker, it was impossible to hear what the gentleman said.

The SPEAKER. The gentleman from Iowa moves to reconsider the vote by which the following resolution was passed last evening.

The Clerk read as follows:

> *Resolved*, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable on Tuesday morning next, after the reading of the Journal.

Mr. THOMAS. Is that in order, after the regular order has been demanded?

The SPEAKER. It is.

Mr. THOMAS. I desire to be heard on the motion of the gentleman from Iowa.

The SPEAKER. The gentleman from Michigan desires to be heard.

Mr. DOCKERY and Mr. HENDERSON. The motion is not debatable.

The SPEAKER. It is.

Mr. HENDERSON. I will hear what the gentleman from Michigan has to say.

Mr. POWERS. I call for the regular order.

The SPEAKER. The Chair thinks this is the regular order.

Mr. THOMAS. Mr. Speaker, first I desire to state that the gentleman was not present.

Mr. WATSON of Ohio. Mr. Speaker, I hope we shall have order. We can not hear one single word.

The SPEAKER. Gentlemen will please take their seats and cease conversation.

Mr. THOMAS. Mr. Speaker——

Mr. DOCKERY. I desire to submit a parliamentary inquiry—to know whether it is too late to submit a question of order against the resolution?

The SPEAKER. The Chair thinks it is too late to submit a point of order against the resolution.

Mr. RICHARDSON. I would like to inquire if the Chair has decided on the regularity of the motion now pending; that is to say, whether it displaces the special order of to-day? Now, I understand a motion to reconsider is a privileged motion, and that it might be entered as a privileged motion; but how does that bring up the resolution?

The SPEAKER. The resolution involves the arrest of members of the House, which would seem to be a question of privilege.

Mr. HENDERSON. Mr. Speaker, in order to avoid interfering with the regular order, I am willing that the motion may be entered and disposed of after the regular order is disposed of.

Mr. RICHARDSON. The special order is a matter of privilege.

Mr. THOMAS. I am willing that it should go over until Tuesday.

Mr. HENDERSON. Let it go over until Monday, after the regular order is exhausted. I do not want to interfere with the regular order.

Mr. BAKER of New Hampshire. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BAKER of New Hampshire. I wish to know if it is competent for the gentleman from Iowa to enter a motion to reconsider, he not having been here and voted for the resolution itself?

Mr. HENDERSON. You do not know.

Mr. BAKER of New Hampshire. Yes, I do.

Mr. HENDERSON. You just tell what you do.

The SPEAKER. There not having been a yea-and-nay vote, the Chair can not take cognizance of that. The gentleman from Iowa asks unanimous consent that this matter may be postponed until after the vote is taken upon the Pacific funding bill.

Mr. THOMAS. I will agree to that if the gentleman will consent to have it go over until Tuesday.

Mr. HULL. Mr. Speaker, I rise to a parliamentary inquiry. I understand that the House last evening ordered the Sergeant-at-Arms to place under arrest a large majority of the House of Representatives. [Laughter.] Now, if this question goes over until Tuesday, will not those members be at least constructively under arrest, and can they participate in the business of the House?

The SPEAKER. Some such difficulty might arise if the question should go over until Tuesday.

Mr. HULL. For that reason, Mr. Speaker, I think the matter ought to be decided now, because those members will undoubtedly desire to vote on the pending bill.

Mr. HENDERSON. Mr. Speaker, I think I have a right to enter my motion and let it go over.

The SPEAKER. The matter is now before the House, and the gentleman from Michigan [Mr. THOMAS] has been recognized.

Mr. BAKER of New Hampshire. Mr. Speaker, I make the point that the gentleman from Iowa [Mr. HENDERSON] did not vote for the resolution which was passed last evening, and that therefore it is not competent for him to move to reconsider it.

Mr. HENDERSON. That makes no difference. I did not vote, and therefore I am competent to move to reconsider.

The SPEAKER. The gentleman from Michigan has the floor to discuss the motion, unless some arrangement is made for postponement.

Mr. THOMAS. Mr. Speaker, this resolution was adopted in good faith and in the interest of securing a quorum of this House at the Friday evening sessions. It devolves upon me, as ranking member of the Committee on Invalid Pensions, to defend, to the best of my ability, the action taken by the House last night with that end in view. Therefore, in the first place, I think the objection is well taken that the gentleman from Iowa [Mr. HENDERSON] has no right to enter this motion, because the records of the House show that he was not present at the session at which the resolution was adopted, and I propose to object to the vote of every member who attempts to record his vote upon this proposition who was not present last evening, and who appears as being under arrest. The record of the House shows that certain members were absent and that the House directed the Sergeant-at-Arms to take them into custody and to report on Tuesday next. That was entirely in order, as will be seen by reference to page 300 of the Manual and Digest:

> The House may, however, by resolution continue in force beyond an adjournment the order that the Sergeant-at-Arms take into custody and bring to the bar absent members, and may make such order returnable on a day subsequent to the day of adjournment.

Now, that the members put under arrest in pursuance of the order of the House would not have a right to vote on this question is clearly shown from clause 2 of Rule XV, which provides that "the House shall determine upon what conditions the members shall be discharged," and from clause 1 of Rule VIII, which provides that "every member present shall vote unless he has a direct personal interest."

That the gentleman from Iowa [Mr. HENDERSON] has no right to make the motion to reconsider or to vote is shown from clause 1 of Rule VIII, which provides that "every member present shall vote unless he has a direct personal or pecuniary interest in the event of such question." Now, every member who was absent has a personal interest, and clearly, under the rule, is not entitled to vote.

Mr. Speaker, if it is permissible for members of this House to absent themselves from the Friday evening sessions and then to come in here on Saturday morning and vote to do away with the action of the House for the purpose of securing a quorum at those sessions, it is obvious that that can go on indefinitely, and that no legislation can be accomplished on Friday evenings. A few gentlemen, I know, say that a part of the legislation enacted at these Friday evening sessions is unjust; but, however that may be, it is the duty of every member to be in his seat, so as to give the House a quorum, in order that justice at least can be done to the defenders of this country. I desire to be placed on record, first, as having objected to the gentleman from Iowa [Mr. HENDERSON] making the motion to reconsider, and second, as objecting to the vote of every member whom the RECORD shows to be under arrest, and I ask the Clerk to read, as a part of my remarks, the names of the absentees—first those who were absent without leave, and then the report of the Sergeant-at-Arms of the names of the members whom he has already arrested and those that are yet to be arrested.

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry. If this question is to stand over until next Tuesday, I desire to know whether the Sergeant-at-Arms will furnish transportation, lodging, and food for the prisoners during that time? [Laughter.]

The SPEAKER. The Chair does not think that a parliamentary inquiry in precisely that form. [Laughter.]

Several members addressed the Chair.

The SPEAKER. The gentleman from Michigan [Mr. THOMAS] has not yet finished his remarks.

Mr. HENDERSON. Has the gentleman a right to have the names read as part of his remarks?

Mr. THOMAS. I desire to have the names of the absentees read.

The SPEAKER. The Chair would suggest to the gentleman that they are already a part of the record.

Mr. THOMAS. I understand that, but for the information of the House and of the country, I desire to have them read as a part of my remarks.

Mr. HENDERSON. The gentleman might put in the whole RECORD.

Mr. STEELE. I ask consent that the gentleman be allowed to print. He is, of course, more zealous in the discharge of his duties than any other member of the House. We all concede that. [Laughter.]

[Confusion in the Hall.]

The SPEAKER. The House must be in order. The gentleman from Michigan is entitled to have the names read as a part of his remarks.

Mr. STEELE. Would not the gentleman be satisfied to have us write to his constituents admitting his superior attention to his duties?

The SPEAKER. The Chair does not know.

Mr. THOMAS. The gentleman from Indiana will find, before he is through with this matter, that he will not desire to have all his remarks in the RECORD.

Mr. STEELE. All of whose remarks?

Mr. THOMAS. Your own remarks.

Mr. STEELE. My remarks will remain in the RECORD, I presume.

The SPEAKER. The gentleman from Michigan will please furnish to the Clerk what he desires to have read.

Mr. HEPBURN. I should like to make a parliamentary inquiry.

Mr. THOMAS. I ask that the Clerk read the list of those members absent and not excused.

The SPEAKER. The gentleman from Michigan has the floor and is now engaged——

Mr. HEPBURN. I rose to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. Has it reference to the question before the House?

Mr. HEPBURN. Yes, sir; to this subject.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I desire to know whether it is competent for less than a quorum of this House to make a continuing or continuous order?

Mr. THOMAS. It is a matter of the highest privilege——

Mr. HEPBURN. Less than a quorum, as I understand, may remain continuously in session, but——

The SPEAKER. The Chair does not understand the statement of the gentleman from Iowa [Mr. HEPBURN] to be a parliamentary inquiry proper to be presented in the time of the gentleman from Michigan, and would not like to pass upon that question in this incidental way. The Clerk will read.

Mr. OWENS. Mr. Speaker, I make the point of order that a minority of the House can not make a continuing order. Where a quorum is lacking, less than a quorum may make an order for the arrest of absent members, but——

The SPEAKER. The Chair does not regard that as a point of order at this stage, but an expression of opinion.

The Clerk read as follows:

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brown,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Chickering,
Clark, Iowa
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Colson,
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Crowley,
Crump,
Culberson,
Cummings,
Curtis, Kans.
Dalzell,
Danford,
Dayton,
De Armond,
Dingley,
Dinsmore,
Dockery,
Dolliver,
Draper,
Ellett,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hadley,
Hall,
Halterman,
Hanly,
Harmer,
Harris,
Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hitt,
Hopkins,
Howe,
Hubbard,
Huff,
Hulick,
Huling,
Hunter,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Little,
Livingston,
Long,
Lorimer,
Loud,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Milnes,
Miner, N. Y.
Minor, Wis.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Murray,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shannon,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Snover,
Sorg,
Southwick,
Spalding,
Spencer,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stokes,
Stone, C. W.
Stone, W. A.
Strait,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright.

Mr. THOMAS. I now desire to have read by the Clerk, in justice to members, the names of those who were absent with leave.

Mr. CHICKERING. And those who came in under the rule and were recorded as present.

Mr. THOMAS. Those absent with leave or who were excused.

The Clerk read the names of members who were absent on leave, as follows:

> Mr. LITTLE, Mr. BROWN, Mr. ALLEN of Mississippi, Mr. JOY, Mr. BUCK, Mr. BARRETT, Mr. GAMBLE, Mr. HUTCHESON, Mr. PICKLER, Mr. HUFF, Mr. McRAE, Mr. GRAFF, Mr. DOCKERY, Mr. HANLY, Mr. KULP, Mr. RUSSELL of Georgia, Mr. LEWIS, and Mr. CRUMP.

Members excused:

> Mr. CURTIS of Kansas, Mr. NORTHWAY, Mr. STROWD of North Carolina, Mr. HYDE, Mr. HOWE, the Speaker, Mr. REED, and Mr. HADLEY.

The following members subsequently reported "present" under the rule:

> Mr. CHICKERING, Mr. DINSMORE, Mr. DE ARMOND, Mr. GILLET of New York, Mr. PUGH, Mr. SNOVER, Mr. SPARKMAN, Mr. SORG, Mr. TATE, and Mr. WILSON of New York.

Mr. THOMAS. I now desire to submit as part of my remarks the names of members for whom warrants have been issued and are now in the hands of the Sergeant-at-Arms. I ask the Clerk to read the names marked on the list which I send to the desk.

Mr. HENDERSON. That is not a proper matter to be presented—a statement of what the Sergeant-at-Arms has in his hands. That is no part of the record. The gentleman has no right to introduce that.

Mr. THOMAS. It is a part of my remarks.

The SPEAKER. The gentleman introduces it as part of his remarks.

Mr. HENDERSON. But how can he make that statement——

Mr. THOMAS. I will state to the House that I get this information directly from the Sergeant-at-Arms.

Mr. HENDERSON. That is just why I object to it. The Sergeant-at-Arms is the proper officer to make that showing, and it should be made at a proper time.

The SPEAKER. The gentleman from Michigan is having this list read as a part of his remarks. It has no official standing.

Mr. RICHARDSON. I ask that order be restored. We can not understand what is being done or said.

The SPEAKER called the House to order, and, after order had been restored, said: The Chair hopes that members, having resumed order, will keep order. The Chair will try to insist upon that; and he hopes to have the cooperation of all the members of the House. Gentlemen will cease conversation and remain in their seats unless they desire to retire to the cloakroom. The gentleman from Michigan will proceed.

Mr. THOMAS. If there be no objection, I will ask that this list be published as part of my remarks without being read by the Clerk.

The SPEAKER. Is there objection?

Mr. WELLINGTON. I object.

Mr. THOMAS. Then let the names be read.

Mr. McCALL of Massachusetts. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McCALL of Massachusetts. I make the point that it is not in order for any member in the course of his remarks to call other members by name. I understand that the gentleman from Michigan proposes to make this list a part of his remarks, and in doing so he is naming members of the House.

The SPEAKER. The Chair does not think the point well taken in this instance.

The Clerk read as follows:

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brumm,
Bull,
Cannon,
Catchings,
Clark, Iowa,
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Colson,
Cooper, Fla.
Cooper, Tex.
Corliss,
Cousins,
Cowen,
Crowley,
Culberson,
Cummings,
Dalzell,
Danford,
Dayton,
Dingley,
Dolliver,
Draper,
Ellett,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gillett, Mass.
Goodwyn,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hall,
Halterman,
Harmer,
Harris,
Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hilborn,
Hitt,
Hopkins,
Hubbard,
Hulick,
Huling,
Hunter,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Kem,
Kerr,
Lawson,
Lefever,
Leisenring,
Livingston,
Long,
Lorimer,
Loud,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Milnes,
Miner, N. Y.
Minor, Wis.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,

Murray,
Newlands,
Noonan,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pitney,
Powers,
Price,
Prince,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Southwick,
Spalding,
Spencer,
Stahle,
Steele,
Stewart, N. J.
Stokes,
Stone, C. W.
Stone, W. A.
Strait,
Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Williams,
Willis,
Wilson, Idaho
Wilson, S. C.
Woodman,
Woomer,
Wright.

Mr. PRINCE. I want to correct that roll. I claim the right to do so as a question of privilege.

The SPEAKER. This is not a roll which is in any way official or subject to correction. It is a statement made by the gentleman from Michigan. It may or may not be true. It is not a question of privilege to correct the statement of a member on the ground that it is untrue. The gentleman from Michigan will proceed.

Mr. THOMAS. It must be presumed until the contrary is shown——

Mr. PRINCE. Will not the gentleman yield for a correction?

Mr. THOMAS. No; I decline to yield.

Mr. PRINCE. I was here; and that list is incorrect.

Mr. THOMAS. All right, if the gentleman wants to make that correction. Members should bear in mind that this action on my part is not directed toward individuals. Many of those whose names are on this list have been constant attendants at the Friday night meetings, and are leading members of the House. If the order is carried out, everyone will have an opportunity to present his reasons for being absent, and there will be no injustice done. On the other hand, I have been informed that an attempt would be made to prevent business on Friday evenings, so I deem it a duty to emphasize the necessity of a quorum.

Mr. PRINCE. If the gentleman will turn to page 608 of the RECORD he will see that I was here and asked that one of my colleagues be excused. If those members who were here are to be punished as well as those who were away, all might as well remain away.

Mr. THOMAS. The inclusion of the gentleman's name in that list is undoubtedly an error, and I beg his pardon. The list was copied from that of the Sergeant-at-Arms.

Mr. PRINCE. I hope the gentleman will have my name stricken from that list.

Mr. MEREDITH. I suggest that the gentleman from Michigan have printed as a part of his remarks his petition for appointment as Commissioner of Pensions.

Mr. THOMAS. I know of no such petition, and therefore am unable to present it for publication.

Mr. MEREDITH. I so heard, sir.

Mr. THOMAS. I presume, Mr. Speaker, that the Sergeant-at-Arms has been engaged in the active discharge of his duty since the order of the House was issued; and therefore it may be assumed that every gentleman whose name was read on that list, and for whom the warrant was issued, is under arrest.

Clause 4 of Rule XV provides that after being discharged from arrest they shall be given an opportunity to vote. So it is plainly to be inferred from this rule, and the other clause to which I called the attention of the Chair a few moments ago, that these gentlemen who are under arrest should not be allowed to vote until they are discharged from custody by the House; and further that the gentleman from Iowa [Mr. HENDERSON] who made the motion to reconsider this resolution was out of order for the same reason.

And with this statement I am ready for the decision of the Chair.

Mr. HENDERSON. Mr. Speaker, on the point that I had no right to submit the motion it is unnecessary to consume any of the time of the House, because that point should have been made at the time the motion was submitted. It was too late afterwards.

Mr. THOMAS. I did submit it at the time.

Mr. HENDERSON (continuing). And I now demand the previous question on the motion to reconsider.

The previous question was ordered.

The question was taken on reconsidering the vote adopting the resolution; and on a division (demanded by Mr. THOMAS) there were—ayes 180, noes 19.

Mr. THOMAS. On this I demand the yeas and nays. I desire to have it appear of record that the House refused the yeas and nays on this question.

The yeas and nays were refused, 16 members only voting in favor thereof.

So the motion to reconsider was agreed to.

The SPEAKER. The question now is on the adoption of the original resolution.

The question was taken; and on a division (demanded by Mr. THOMAS) there were—ayes 16, noes 165.

Mr. THOMAS (before the announcement of the vote). I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I desire to ask the Speaker if he has counted on this vote any of those members who are under arrest?

The SPEAKER. The Chair is not aware that any of the members are under arrest. The Chair has no such information.

Mr. THOMAS. I would like to ask——

Mr. STEELE. Regular order.

The SPEAKER. The gentleman from Michigan has risen for a parliamentary inquiry, and will state it.

Mr. THOMAS. I would like to ask if it is not a part of the record of this body that certain members are under arrest?

The SPEAKER. There is no record of which the Chair has any knowledge to that effect. Can the gentleman from Michigan point out such a record?

Mr. THOMAS. I do not desire to have any controversy with the Speaker; I only asked for information.

The SPEAKER. The Chair will be very glad to answer the gentleman's inquiry, and if he can point to any such record, the Chair will consider the question that he has raised.

Mr. HENDERSON. I was informed, Mr. Speaker, that no arrests were made under that resolution.

Mr. THOMAS. The gentleman is mistaken in that.

Mr. HENDERSON. Not one.

The SPEAKER. If there is a record showing that there have been such arrests, the Chair would be very glad to have the gentleman furnish it.

Mr. THOMAS. Certain arrests were made last night; certain members were brought before the bar of the House and excused, and I am informed by the Sergeant-at-Arms that he has made some arrests this morning.

The SPEAKER. Neither the Chair nor the House has such information.

Mr. THOMAS. Of course the writ was not returnable until Tuesday next, and so the information is not officially before the House; but as a matter of fact certain members are under arrest.

The SPEAKER. The Chair can not take cognizance of the question except on official information.

On this question the yeas are 16, nays 165. The noes have it, and the resolution is rejected.

Mr. HENDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it

Mr. HENDERSON. I take it for granted that the adjournment last night suspended all further proceedings under the call; so that a motion would not be necessary.

The SPEAKER. The Chair has not had the matter brought officially to his notice, but such has been the precedent heretofore.

Mr. THOMAS. If that is done, I understand that it would set aside the ruling in former Congresses, notably in the Thirtieth Congress, and in the Fifty-second Congress, in which it was decided that the House had a right to continue the proceedings beyond adjournment.

The SPEAKER. The Chair will decide that question whenever it comes up.

Mr. HENDERSON. I move, in order that there may be no confusion with reference to the matter, that all further proceedings under the call be dispensed with. There are important matters to be considered to-day, important votes to be taken, and we had better settle the matter now.

The SPEAKER. If there be no objection, all further proceedings under the call will be dispensed with.

There was no objection, and it was so ordered.

PACIFIC RAILROAD FUNDING BILL.

Mr. POWERS. I call for the regular order.

Under the special order, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PAYNE in the chair, for the further consideration of the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

The CHAIRMAN. By order of the House, general debate is closed, and the Clerk will report the first section of the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amounts of the respective indebtedness of the Union Pacific Railroad Company and the Kansas Pacific Railway Company to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches as of the 1st day of January, 1897, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofore repaid by credits on account thereof, were to be paid to the United States in cash on said day; and the said sum shall be computed and ascertained as follows.

Mr. BOWERS. I move to strike out the last line of the paragraph.

The CHAIRMAN. The gentleman from California [Mr. BOWERS] is recognized.

Mr. HUBBARD. Will the gentleman yield to me for one minute?

Mr. BOWERS. If the gentleman will give me a minute by and by. I have only five minutes. I yield one minute to the gentleman from Missouri [Mr. HUBBARD].

Mr. HUBBARD. I desire to say, Mr. Chairman, in reply to what the gentleman from Iowa [Mr. HEPBURN] stated yesterday in reference to the four propositions that were submitted to our committee, wherein he attempted to prove that fifty-five million 2 per cent bonds are better than thirty-five million 4 per cent bonds, I have made a careful computation, and have the four different propositions worked out in parallel columns, and have had them printed for distribution to the members of the House for their information. They are so simple that any 10-year-old boy can understand them, and I shall be glad to have members of the House look at the printed statement, copies of which I have here.

The CHAIRMAN. The proceedings of the committee can not be interrupted by the distribution of printed matter now.

Mr. HEPBURN. I simply desire to say that "the gentleman from Iowa" made no such statement as the gentleman from Missouri [Mr. HUBBARD] has asserted.

Mr. HUBBARD. You did make such statement.

I yield back the balance of my time to the gentleman from California [Mr. BOWERS].

The CHAIRMAN. The gentleman from California [Mr. BOWERS] is entitled to the floor.

Mr. BOWERS. Mr. Chairman, it would be better by far for the Government to cancel all claims it now has for money and bonds advanced to the Union and Pacific roads than to pass this vicious bill. Better to say to these corporations that have misused the bounty, diverted it from the intended public benefit to private gain, "Here, take your ill-gotten gains; we make you a present of the $113,000,000 you owe the peope, and now go away; you have had enough of the people's money. It is shameful for you to ask for millions more, and don't ask the Government to sustain and indorse your rascality and uphold your damnable monopoly longer. Go!"

Let it be remembered that no legislation is necessary at this time to protect the interests of the United States—of the people—in connection with these roads. Remember that this bill is brought in by the managers and manipulators who have made great fortunes out of these roads, whose private fortunes increased in an almost exact ratio with the fraudulent indebtedness of the roads, and who also now have this Capitol swarming with lobbyists and paid attorneys, urging the passage of this bill. Remember that this bill is wholly in the interests of these corporations; that it surrenders all the security the Government now has for its loans; that the aggregate liabilities of the Union Pacific are $186,868,161 on 1,038.68 miles of road, being at the rate of $158,461 per mile, $100,000 per mile of such liabilities being dishonest and fraudulent in every respect, for the honest cost of that road was less than $58,000 per mile.

The Central Pacific liabilities are $185,033,682 for 860.66 miles of road, being at the rate of $215,153 per mile, of which not less than $140,000 per mile of liabilities are dishonest and fraudulent in every particular, for the honest and true cost of the Central Pacific did not exceed $75,000 per mile. The total fraudulent indebtedness of these roads is not less than $224,200,000, and this bill provides for the payment of 4 per cent interest on this fraud. That is one of the business propositions in this bill.

The supporters of this bill assert that these two roads, with a mileage of 1,899.34 miles, and capitalized, or having, as they claim, a bona fide indebtedness of $171,891,843, are not worth the amount of the first-mortgage bonds, about $62,000,000—not worth one-sixth of the indebtedness, and that they would not sell for over $40,000,000, not one-ninth of their indebtedness. And in the same breath they tell us that under the operations of this bill these corporations can and will, from the earnings of these almost worthless properties, pay the Government the $113,000,000 owing it, and at the same time pay 4 per cent interest on $258,891,843 of indebtedness outside of the Government's lien and 2 per cent on the Government claim. This is another of the preposterous business propositions contained in this bill.

Remember that this bill provides that the Government shall pay $62,000,000 more of the debts of these corporations, and as the Government is in debt about $1,000,000,000, upon which it is paying from 3½ to 6 per cent interest, it therefore must borrow money to make the payments called for in this bill at not less than 3½ per cent. And this further loan these corporations promise to repay within about eighty years, with 2 per cent interest. This is another of the business propositions of this bill.

How long will the credit of a nation or of an individual last that does business on such lines, borrowing money by the millions at 3½ per cent and loaning it at 2 per cent?

Remember that this bill, if it becomes a law, extends indefinitely the life and power of the most tyrannous and oppressive railroad monopoly that ever existed in the United States. That it indorses and legalizes that infamous ninety-nine-year lease of the Central Pacific to the Southern Pacific of Kentucky, and which lease the Government directors say is the "main cause of the present deplorable conditions of the Union Pacific, being absolutely at the mercy of the Southern Pacific, compulsion being brought to bear upon shippers who wish to ship by the central route to the east to compel them to ship by the Southern route."

Remember, when you pass this bill you give official notice to the people that there is one law for the great corporations and another for the plain people; that corporations are to be favored in court and Congress at the expense of the people. We had better lose many millions than do that. That is what makes Populists. Let it be remembered that this anaconda of the Pacific Coast, the Southern Pacific Company of Kentucky, proposes to swallow bodily the Central Pacific Railroad, through the infamous ninety-nine-year lease—it has it halfway down its ravenous maw already, and this bill is to enable it to finish the job. It proposes to steal a railroad, and comes here to ask the Government to become an accomplice in the crime. The owners of the Southern Pacific Company of Kentucky sold millions of the stock of the Central road and now propose to freeze the purchasers out. Will the United States Government become a party to such a crime? I think not.

Realizing the poverty of their arguments in support of this bill, and to some extent the enormities contemplated in this attempted raid upon the Treasury, its supporters turn to romance and appeal to prejudice, and declare that this is the entering wedge of Populism. They know better, but they are hard pushed to make this scheme possible and plausible.

The Secretary of the Interior, regarding these roads, says:

> In determining what course should be pursued, two objects should receive consideration: First, the collection of the debt due the Government; second, the creation of a great through line from the Missouri to the Pacific. This was the original purpose of the Government leading to the issue of these bonds.

Mr. Chairman, this bill will absolutely defeat both these objects. The Secretary goes on to say:

> I will not undertake to review the conduct of those who have managed this property, and who have misused the Government's aid. A most interesting presentation of the facts will be found in the report of the commission appointed under authority of an act of Congress approved March 3, 1887, consisting of Messrs. Anderson, Littler, and Pattison. If a suggestion of leniency on the part of the Government should be made in the interest of those who received the Government's bounty, a study of the facts which this commission developed will show that the time has come to regard only the interests of the Government.
>
> The following table states the amount due on the subsidy bonds and the first-mortgage bonds, and also gives the credits on account of the sinking fund. It shows what would be the investment of the Government in these properties if it is compelled to pay off the first mortgage bonds, which alone are superior to the Government lien. It would be an increased investment of $64,613,000 to save an investment already made of $117,436,000. As the properties are worth very much more than the first-mortgage bonds, and as the Government has the second-mortgage bonds, the Government occupies the position of being forced to make good the first-mortgage bonds in order to secure its own claim. If the first mortgage bonds, on any plan of extension, are simply those of the railroad company, they could not be disposed of at the low rate of interest at which the Government bonds would sell. As the interest which they would draw comes out of the property to which the Government must look for payment of the second-mortgage bonds, it would seem clearly better that the Government should assume the first-mortgage bonds, guarantee them, and put the rate of interest at the figure for which the Government bonds sell if the bonds are to be renewed or extended.

He says further, referring to the tables in his report:

> It will be seen that the average annual net earnings of the Union Pacific and Central Pacific main lines during the past ten years have been $8,181,220, while the total amount of the first-mortgage bonds and the Government bonds issued upon the main lines, less the sinking fund for the main lines, is $152,245,351.06. This annual net profit shows the properties to have earned nearly 6 per cent on the entire amount which the Government has paid and would pay if it were compelled to pay off the first-mortgage bonds. This being the case, it would seem to be a clear business proposition that the Government ought not to lose any large amount if it should be compelled through foreclosure to collect its debt.
>
> As the original Government bonds and the first-mortgage bonds are about due, they can be paid off at their face value, and as a Government 3 per cent bond is worth more than par at the present time, there would be no difficulty in utilizing a new 3 per cent bond to pay off or call in both of the other issues.
>
> It will be seen that if such a course were pursued by the Government, and this property averaged in the future the same net profit that it has during the past ten years, it would earn sufficient to pay the 3 per cent on the bonds which the Government would be compelled to issue and yet have a yearly net margin of $3,089,963.

The Government should therefore be able easily to provide for the sale of the bond-aided roads to a new corporation which could meet the annual interest on a guaranteed 3 per cent bond equal to the first-mortgage and the subsidy bonds, and also pay a reasonable sum annually into the Treasury toward the liquidation of the entire bonded indebtedness.

Mr. Chairman, these properties are valuable, and these men who, through the provisions of this bill, are attempting to get rid of the Government lien, know it. Let the Government remove that infamous incubus, the ninety-nine-year lease, from these properties, enforce the law, commence foreclosure proceedings, place a receiver in charge of the properties, and the revenues of both roads will be immediately doubled when they can be operated as one independent line. The Government is better entitled to its revenues in settlement of its debts than $200,000,000 of fraudulent liabilities. The Government is the sovereign. It should control these roads until it gets its just dues, which these roads can pay.

This bill seeks to make corporations the sovereign and Government the vassal.

Mr. JOHNSON of North Dakota. Mr Chairman, let no man deceive himself with the idea that these roads were built by the private fortunes of citizens. Where did they get the money to build these roads? In the first place, they got $61,000,000 from these subsidy bonds, on which the Government has been paying interest at 6 per cent for thirty years. In the second place, by the law of 1864 they got permission to subordinate the claim of the Government to another mortgage, which was not to exceed in amount the Government mortgage. They ran right up to the limit. They got $61,000,000 out of that. That makes $122,000,000. Then they got a land grant of 26,000,000 acres. They have already sold enough of the lands to take in $50,000,000 from that source. They have a lot of land left. I say nothing about the value of that. Add the fifty millions that they have already taken in for the sale of land to the one hundred and twenty-two millions that they got for the sale of bonds, that makes $172,000,000. That we have furnished them, without any call upon their own private fortunes. The law creating these corporations forbade them to sell one dollar of the stock for less than par, or for anything except money or money value. There may be a question as to how much they got for the stock. That is the only thing I am in doubt about, and that is the thing on which I have the oath of the officers of these companies.

Mr. LACEY. The affidavits.

Mr. JOHNSON of North Dakota. Yes; the affidavits. On the 27th of September, 1870, Mr. Oliver Ames swore that the Union Pacific received $36,000,000 and some more from this source. On the 28th of September, 1872, Mr. R. E. Carr filed an affidavit in the Interior Department, where all these affidavits are now on file, that the Kansas Pacific received $3,000,000 and some over from that source. On the 12th of September, 1871, Mr. Leland Stanford swore that the Central Pacific received $54,000,000 from that source, and the 21st of September, 1868, Mr. Pomeroy swore that the Central Branch got some $600,000.

In support of this I refer to page 140 of the Report of the United States Pacific Railway Commission of 1887-88.

Taking the amount received for stock as sworn to by these men, they got $97,000,000 for stock.

Add this item to the foregoing and we have the following cash resources furnished them by the Government with which to build the road:

First-mortgage bonds	$61,000,000
United States 6-30 Government subsidy bonds	61,000,000
Land already sold	50,000,000
Stock	97,000,000
	259,000,000
Actual cost of roads	95,000,000
Profit on building the roads	164,000,000

(For actual cost of constructing the roads, see page 24 of Senator MORGAN's report of April, 1896.)

There was a clear profit of $164,000,000. How was that profit divided? On the Union Pacific the Credit Mobilier was organized, a ring inside of a ring, a wheel within a wheel, and these officers were making bargains with themselves as officers of their own companies. They had all the assets of the company. As directors of the Credit Mobilier they built the road for themselves as directors of the Union Pacific, and voted to pay themselves therefor the entire assets of the Union Pacific Company. On the other end, the Credit and Finance Company, composed of the officers of the Central Pacific, made the same kind of bargain with the Central Pacific, and the entire assets of the Central Pacific were in like manner swallowed up. In that way they made $164,000,000 in the construction of those roads. That is something that we can not recall, and of which we should not complain if they would only pay their debts. The gift was princely, but there was some consideration. We got the opening of the country, binding together East and West, surmounting the obstacle to navigation discovered by Columbus, and all that; but what excuse are you and I, gentlemen, going to have, and what new and valuable consideration do we get for our country, if we now vote to give them a present of $228,000,000 more? That is what we would give them if this bill passes. Take, for instance, the Central Pacific. They are now owing us $57,000,000. We propose to lend them the money for eighty-five years at 2 per cent interest. We will have to borrow the money elsewhere to loan it to them. We must pay 3½ per cent or $171,000,000 of interest on that sum during those eighty-five years.

Statement of the practical operation of the Powers funding bill as applied to the Central Pacific Railroad Company alone.

The amount due the United States (1897)		$57,681,514.29
Interest paid by the United States (eighty-five years)		171,602,505.00
		229,284,019.29
Principal paid by railroad (first ten years)	$1,070,000.00	
Interest paid by railroad (first ten years)	11,267,857.00	
Principal paid by railroad (second ten years)	7,500,000.00	
Interest paid by railroad (second ten years)	10,311,282.00	
Principal paid by railroad (sixty-five years)	48,797,514.29	
Interest paid by railroad (sixty-five years)	31,840,935.00	
		111,101,588.29
Loss to the United States		118,182,431.00
Interest paid by the United States (eighty-five years)		171,602,505.00
Interest paid by the railroad		53,420,074.00
		118,182,431.00
Average annual payment of principal by railroad		678,606.05
Average annual payment of interest by railroad		628,547.29

The same analysis applied to the Union Pacific shows that combining the two we shall lose in the transaction $228,000,000. It amounts to abandoning the debt and giving them a present of $116,000,000 besides. Now, those who went ahead of us thirty years ago could make some excuse to their constituents; but we can not. They got something; we get nothing. Do you expect, or do the railroads promise, to put on one more train a day or to run one train one hour faster if we vote them this princely bounty? No. So far as the service to the public is concerned, it is secured and paid for. The trains will run just the same, and never miss a day or slow up one mile by any vote here giving a new subsidy, collecting an old debt, or changing ownership.

What we would now like to know more than anything else is, what is this property worth on which we have a second lien? On that point we are hungering and thirsting after knowledge. On that point we turn from a reading of the report of the Committee on Pacific Railroads of this Congress in disappointment.

It is well enough to say that "the committee has given much study to the question," and that "from a conservative estimate of the earnings of the roads the committee finds that $4,000,000 is a fair average of their annual earnings that can be used as a basis of calculations," etc. But why not state the facts? What are the net earnings? If we have the facts we can make "estimates" and draw conclusions as well as the chairman of that committee.

Right there is where the failure to command the confidence of the House has come. Finding nothing on this point in the report, we must look for information elsewhere in scattered authorities as to the net earnings. All are agreed that that is the fairest basis for estimating the value of the property.

From the report of the United States Railway Commission of 1887-88 and other sources, I have collected the following:

Net earnings of Union Pacific:	
1870-79	$58,757,143
1880-83	46,831,286
1884-87	31,798,267
1888-94	80,334,711
Net earnings of Central Pacific:	
January, 1870, to December, 1873 (4 years)	23,643,246
January, 1874, to January, 1884 (11 years)	85,401,971
1885-1894 (11 years)	59,916,882
Total net earnings, both companies (25 years)	378,767,780
Average per year, 1870-1894	15,150,000

On that basis of net earnings the property should be worth $280,000,000 (5 per cent net).

If honestly managed, the net earnings would long ago have paid all the debt.

From Senator MORGAN's report to the present Congress I have taken the following:

I will here insert a table of these figures for each company, taken from the best and only sources of information to which I have had access. They may not be exactly accurate, but they closely approximate accuracy:

UNION PACIFIC SYSTEM.

To June 30—	Gross earnings.	Operating expenses.	Net income.
1874	$10,559,881	$4,851,703	$5,708,178
1875	11,260,832	4,962,047	7,011,784
1876	12,886,858	5,268,211	7,618,647
1877	12,473,203	5,273,423	7,199,780
1878	12,873,658	5,376,586	7,497,072
1879	$13,201,078	$5,475,503	$7,725,575
1880	25,706,896	12,121,663	12,944,954
1881	28,971,250	15,840,080	13,131,170
1882	29,430,318	15,241,931	14,188,387
1883	28,629,222	16,144,350	12,484,882
1884	25,657,260	14,868,115	10,789,145
1885	25,674,674	15,987,233	9,687,441
1886	26,063,796	17,098,618	8,965,178
1887	28,587,766	17,697,733	10,890,033
1888	30,195,523	19,734,888	10,460,635
1889	39,669,600	26,013,553	13,656,047
1890	43,049,248	30,811,164	12,238,084
1891	42,690,588	29,160,278	13,530,310
1892	43,135,098	28,764,979	14,370,119
1893	36,053,402	26,657,159	9,396,243
1894	22,319,144	16,008,870	6,310,273

CENTRAL PACIFIC RAILROAD.

To June 30—	Gross earnings.	Operating expenses.	Earnings over operating expenses.
1872	$11,963,640	$5,011,278	$6,952,361
1873	12,894,052	4,999,271	7,894,081
1874	13,611,030	5,268,131	8,342,898
1875	15,665,081	6,487,199	9,177,882
1876	16,993,216	7,857,211	9,136,004
1877	16,471,144	7,774,417	8,696,727
1878	17,530,858	8,786,118	8,744,739
1879	17,153,103	11,296,728	6,325,542
1880	20,508,112	12,875,999	8,492,115
1881	13,084,825	5,998,361	7,086,462
1882	13,736,182	6,146,275	7,589,906
1883	13,175,727	5,952,180	7,223,548
1884	11,856,822	5,950,386	5,906,436
1885	10,546,808	4,671,167	5,875,641
1886	11,599,485	5,644,874	5,954,611
1887	13,604,082	7,251,323	6,352,758
1888	15,898,832	9,632,067	6,266,764
1889	15,730,215	9,961,271	5,768,943
1890	15,937,004	9,875,018	6,061,986
1891	16,629,104	9,211,749	7,417,354
1892	14,612,960	8,906,411	5,705,578
1893	14,291,224	8,521,889	5,769,335
1894	13,022,969	8,168,857	4,854,112

These tables foot up for both companies gross earnings amounting to $886,992,030.

Operating expenses	$512,229,872
Net income	374,762,158

What has been done with this money is a matter of the deepest concern to the Government, to whom it was, in large part, justly owing, and to the people, whose resources of industry and labor have been taxed to earn every dollar.

These figures indicate net earnings of $15,000,000 a year from 1870. We have other guides as to the value of this property. We have the second lien. Our claim is certainly senior to that of the stockholders. Central Pacific stock has never failed any year to pay dividends. In proof of this I quote from an interview of Col. C. F. Crocker, vice-president of the Southern Pacific, published in the San Francisco Chronicle December 2, 1896, wherein he says:

> The Central Pacific is not on velvet, but it is not in the depths of despair into which the Northern Pacific has fallen and the stockholders have been receiving a small dividend every year.

In the Weekly Financial Review of Henry Clews & Co. of January 2, 1897, we find that Central Pacific stock pays dividends of 1 per cent January and July. We also find in same authority the stock itself quoted at from $12 to $16.25, and the stock of the Union Pacific quoted at $8.50.

That would indicate that in the judgment of the men whose business it is to buy and sell these stocks every day in the open market the property is worth at least $15,000,000 over and above all the bonded debt.

And yet this bill is brought in on the astounding assumption that this great property will not sell for more than $61,000,000. The committee says: "The roads would, of course, go for what they would fetch, subject to the first-mortgage bonds, which it is believed would yield little or nothing for the Government on its debt."

These railroads now owe the Government $112,000,000; prior liens (less $33,000,000 sinking fund), $61,000,000. If the property sells for $173,000,000 at foreclosure sale, it will pay the Government debt, principal and interest, dollar for dollar. Five per cent is considered good profit on property of this kind.

The question now is, Will a railway system which earned a net profit of 5 per cent on $280,000,000 from 1870 to 1894 now sell for $173,000,000?

There is a margin of over $100,000,000, besides the value of the stock, now selling daily in the markets for about $15,000,000.

For fear that the property may not bring enough to pay all our claim in the regular, orderly proceeding contemplated by existing law, the bill proposes to give these people the whole debt of $112,000,000 and a bonus of $116,000,000 straight from the Federal Treasury besides.

Instead of collecting this debt now due the Government, the bill proposes to loan these people $112,000,000 for eighty-five years at 2 per cent interest. We are paying 3½ per cent.

The difference between 3½ per cent (what the money costs us) and 2 per cent (what it is proposed to charge them) is a clear donation in money and would amount to $228,000,000 in eighty-five years.

Therefore I say that this bill, when stripped of all disguises, means not only an abandonment of the debt now due the Government, but a gratuitous donation of over $100,000,000 besides.

By skillfully dividing the proposed annual payments and parading some of them as principal and some as interest, it is made to appear as if the debt would all be paid, interest and principal, in eighty-five years. But the fact remains that if all the payments were counted as interest they would never amount to 3 per cent in any one year. Heretofore the prior lien has only been $61,000,000, less the sinking fund. Now it is proposed to increase the first mortgage to $107,000,000 and make it cover the terminals and branches, which are already mortgaged for more than they are worth. This would have the effect of not only increasing the prior lien by $47,000,000, but it would also place the Government in the position of guarantor of the first mortgage thus increased. Few, if any, of the branch lines pay operating expenses, while the business they furnish the main line is about 60 per cent clear profit to the main line.

Instead of applying the earnings to the extinguishment of the debt, they have been divided among the stockholders as dividends on watered stock or squandered on fraudulent contracts in the construction of other railroads, sometimes competing lines. The Southern Pacific was built out of the earnings of the Central Pacific. Thus were the earnings not only diverted from the Federal Treasury, but used to destroy the road on which the Government had a lien by creating a rival and by so running both roads as to give the Southern Pacific the profitable business.

The branches will never be abandoned. The capital invested in their construction can never be reclaimed. Somebody will operate them, even if they must be run at a loss, and as long as they run they are bound to furnish more or less business—of a very profitable character—to the main line. As it is, the owners of the main line get all, or nearly all, the benefit of the branches without incurring the loss and risk of operating them.

In this view of the case the owners of the main line would clearly be better off to have somebody else own and operate the branches.

If I owned the main line, I would not take the branches as a gift, although I would be very glad to have other people operate the branches, even if I had to pay them 50 per cent of the gross receipts from whatever business they might furnish to or from the main line.

So with regard to terminals. If they can not be bought or leased, they can be duplicated. It is nearer from Fremont to Blair, where the Government practically owns a bridge, than it is from Fremont to Omaha. Any city on the Missouri would gladly donate a bridge, as any city on San Francisco Bay would gladly give the ground and buildings to be made a terminus.

Advocates of the bill seem appalled, and are trying to stagger the House on account of the magnitude of the first mortgage. Sixty-one million dollars seems a large amount of money, but it must be borne in mind that we have $33,000,000 actual accumulated cash in the sinking fund now at our command, available to apply on the first mortgage, and that the roads are actually earning about $15,000,000 a year over and above operating expenses.

The gentleman from Missouri has shown us that it will only be necessary to raise about $30,000,000 to pay off the first mortgage and buy all necessary terminals.

If we are afraid of the first mortgage now, how can we expect our successors to be any braver if we now add to it $47,000,000 more and leave the way open to run it up to $500,000,000 when the accumulated interest of nearly a century shall have done its work?

> They tell us, sir, we are weak, but when shall we be stronger?

Never.

The Government directors in their report in 1895 advised foreclosure. In 1896 they renewed the same recommendation. They have never advised funding or extending in any such way as proposed in this bill. They have from long years of training in the service of the Government become experts and specialists. Their advice should count for something. What are we to do, then? My answer is simply, Do nothing. There is nothing for us to do, unless we want to give away the rights and the money of the United States. The laws creating these railroads provided all the machinery for enforcing the rights of the Government when the fullness of time should come and the default occur. The time has come, and the default. The clock has at last struck the hour. We can now either foreclose or the Secretary of the Treasury can simply take possession of the property without foreclosure, as provided in the original act.

In neither event is Government operation necessary. We have of late years been too well accustomed to seeing the Government operate railroads through receivers to be scared at that.

The enforcement of our rights is now an executive function and not a legislative one, and I for one am willing to rely with confidence on any administration in the belief that the President of the United States will protect the rights and the property of the United States. He is sworn to faithfully execute the laws. I believe he will do it. There are laws enough now on this subject. All they need is enforcement, and if given a chance the President will do it. The Reilly bill of last Congress proposed to give as first mortgage and 3 per cent interest. This bill offers a second mortgage and only 2 per cent. We who spurned that bill and rejected it by an overwhelming vote certainly can never vote for this.

Mr. DANIELS. I move to strike out the last word.

In my judgment we can not adequately determine what is the obligation and the duty of the United States at the present time without looking at the circumstances which existed prior to and contemporaneous with the construction of these railroads. At that time the States were disintegrating themselves, and threatened the destruction of the Union. There was no means of communication between the East and the West except by sea and by crossing the Isthmus of Darien. This communication was liable to be interrupted and broken up at any time by the interposition of the war vessels of the Southern Confederacy. It was regarded as an imperative necessity, therefore, that a means of communication should be created through the country that could not be subjected to these risks. Every loyal person from one end of the country to the other felt the necessity of establishing communications between the East and the West and connecting these extremities substantially together.

The people at that time were earnest in their desire that these railroads should be built for the purpose of so uniting the country and operating this means of communication. There was no private company, no private interest, that could raise the funds necessary to construct the railways, and accordingly the Government, actuated by the highest patriotism, concluded it to be necessary to aid and assist, by its subsidies in land and otherwise, the construction of the railroads. The circumstances were all looked upon carefully and weighed deliberately, and it was concluded that it was the only manner in which the construction of these roads could be assured. The people were all desirous that the object should be attained and secured, too, by the interposition of the Government of the United States; and they were all satisfied at the time that these measures were enacted that what the Government had done for the purpose of securing this great enterprise assured the success of its operation.

There was no feeling at that time, and none until long after these roads had been constructed, against the action of the Government, that the people had not received what they regarded as a full equivalent for all the Government had given by its subsidies and assistance; and the railways have hitherto connected and united the East and the West together, and secured a means of transit which at the time when it was first projected was beyond the attainment of all possible private enterprise. The country has received what it deemed to be just and proper, and a fair return for what was given to assure the success of this great enterprise in that time. These are the circumstances under which we are required to look at the situation. We must look at the circumstances and facts which were contemporaneous with this action of the Government to judge of its wisdom. The Government deemed it to be proper, deemed it to be wise, to make these concessions and to expend these resources upon these companies; and if the companies and their promoters did, as they undoubtedly did, make a large profit out of this assistance, the Government considered that itself received an equivalent for it from the success of this great enterprise, and the profit has resulted to the companies by reason of the circumstance that it was not then adequately understood, and could not be understood, what would be the benefits resulting to the companies and their promoters from the great concessions that were made to promote the construction of these railways. These benefits are beyond the power of the present to recall.

It was also believed, as the fact turned out to be, that this enterprise, in its success, would tend to promote the settlement of new States in that part of our country, as well as to unite the East and the West internally together. These railroads have rendered great services to the people of the United States, and to a very great extent certainly have furnished an equivalent for that which they received from the Government for the purpose of aiding in their construction. We can not recall or rectify the past; neither can we say that the concessions that were made, either in the form of subsidies or by grants of land, in view of all the circumstances, were improperly made. They have become a fixed fact in the legislation of the country, and now the question before us is simply what we shall do to settle this long-standing controversy.

[Here the hammer fell.]

Mr. POWERS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York be extended for three minutes.

Mr. MAGUIRE. Mr. Chairman, I have no objection to any extension of time on the other side, but every man from the Pacific Coast has been shut out from the general debate, and I will consent to this extension only on condition that some of us on this side may have additional time.

Mr. HEPBURN. There will be no consent of that kind given, Mr. Chairman. If the gentleman was shut out yesterday, it was by his own election, and not as a basis for this kind of proposition.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from New York be extended three minutes?

There was no objection.

Mr. DANIELS. Without detaining the House unnecessarily, I will simply add that the settlement of this indebtedness between the Government and these companies has become an urgent matter—one of the most urgent before the Congress of the United States. Heretofore several propositions have been advanced with the view of securing a settlement, propositions much more advantageous to the companies than the one now before the House. One of the latest of those propositions was rejected by the House of Representatives, in part because it proposed to surrender the sinking fund to the companies, and also proposed to give them great advantages beyond that surrender. The bill before us has been drawn carefully and plainly. It is a measure which is believed to be the best that can be obtained at this time for ending this dispute which has come so frequently before the United States Congress, and in my judgment no better service can be rendered to the people of this country than the prompt passage of this bill and the adjustment of this controversy in the manner proposed by it, instead of leaving it as a legacy to the new Administration, to annoy, embarrass, and torment that Administration when it shall come into existence.

The message of the President of the United States shows that the present Administration is in favor of an adjustment of this question, and, as I have already said, this bill seems to be the best that the circumstances will permit us to expect. Therefore, for the purpose of closing up the controversy and securing to the Government the best results that it can probably get under all the circumstances of the case, I think the House should pass this bill, and let the past be buried without further animadversions, criticisms, or condemnation. The passage of this bill will promote the interests and the quiet of the country, and will give the Government all that there is any reasonable ground to expect it can possibly secure from these companies. The controversy has been too long open. The people expect it to be closed, and no proposition for the purpose of closing it has been brought before the House that seems to be so well adapted to that object as the one now under consideration, which the House will soon be called upon to either adopt or reject. In conclusion, I can do no better than to add the following letter, received this morning from a distinguished merchant and trader of the city of New York:

NEW YORK, *January* [illegible]

DEAR SIR: The National Board of Trade, at its last annual convention, appointed a committee, of which I am chairman, to present to Congress its views on certain measures connected with transportation interests, among which is the Pacific railroads funding bill, which is before the House at the present time. The business interests of the country believe that a settlement of this question would be an important factor in reestablishing confidence in commercial and financial circles, and that the Powers bill should pass.

Whatever differences of opinion exist, the facts remain that the original roads were a necessity; that the Government gave land grants to encourage competing roads, which reduced the earning power of the original roads and made it impossible for them to meet their obligations at the time stipulated, and that the realized advantages of their construction have been so great that the benefit of any doubt should be given on the side of refunding the obligations. Outside of a small socialistic minority, who would be glad to see all the agencies of production and distribution "nationalized," the great majority of the American people believe in individual effort. If one section can have its products transported below cost at the expense of the other sections, we would have commercial chaos, the consequences of which no one can foresee. I therefore hope that when the question comes to a vote you will be present and vote according to your own good judgment as to what is for the greatest good of the greatest number.

Faithfully, yours,

F. B. THURBER.

P. S. We also need an amendment to the interstate commerce law, giving railroads the same right of contract enjoyed by all other persons and corporations. In no other way can unjust discriminations be prevented. Pooling by railroads is necessary to secure reasonable, uniform, and stable rates, and under the supervision of the Interstate Commerce Commission there is no danger of an abuse of this power. The National Board of Trade, representing the views of the average shipper, as distinguished from that of the favored few, is in favor of this amendment as well as a uniform classification of freight.

HON. CHARLES DANIELS.

[Mr. GROSVENOR addressed the committee. See Appendix.]

Mr. DOCKERY. Mr. Chairman, I had not the pleasure of hearing those gentlemen who participated in the first day's general debate on this question, but I was an attentive listener to the debate of yesterday and to the debate so far as it has progressed to-day. In the light of the statements, estimates, and arguments, I shall cast my vote against this bill. It seems to me that the House is entitled to a complete financial exhibit of the affairs of this corporation in its relation to the Government. We ought to have an ample and complete fiscal exhibit. We are dealing with an alleged insolvent debtor. The information thus far furnished to the House—at least so far as the debate of yesterday and to-day is concerned—relates mainly to the indebtedness of the Government and the amount of the first-mortgage bonds. It appears by the statements of gentlemen who have examined this question that the Government has loaned its bonds upon which it has paid interest, and that these companies are thus liable to the Government to the amount of, perhaps, $112,000,000. It also appears that there are first-mortgage bonds ahead of the second-mortgage bonds of the Government amounting to about $61,000,000. In other words, the aggregate of the first and second mortgage liabilities is about $175,000,000—something near that, in round numbers.

Now, it becomes material to us as business men to know the value of the railroad property upon which these two mortgages rest. What is the value of the 2,200 or more miles of road upon which the Government has a second lien? What is the value of the terminal facilities that are proposed to be included in the mortgage contemplated by this bill? What is the value of the unaided lines proposed to be included in the bill? What is the amount of the mortgages already existing upon these unaided lines? What is the amount of the liability, if any, upon these terminal facilities? The House is entitled to this information. The gentleman from Vermont—the chairman of the committee—is an able and well-informed gentleman, and can no doubt give us this information. If it has been already given I have not heard it——

Mr. POWERS. I wish to say——

Mr. DOCKERY. We are entitled to a complete exhibit, so that when we make a statement of assets and liabilities this House and the country will know the resources of these companies available for the payment of this debt.

Mr. POWERS rose.

Mr. DOCKERY. I yield to the gentleman.

Mr. POWERS. The gentleman has said that he was not present during the first day's debate on this subject——

Mr. DOCKERY. That is true.

Mr. POWERS. At that time this matter was fully stated. If the gentleman will examine the RECORD and the reports on this case, he will find all this information.

Mr. DOCKERY. I should be glad to have the gentleman state to the House the total estimated value of the terminal facilities proposed to be included in this mortgage.

Mr. POWERS. The total value, at the very lowest possible estimate, is certainly not less than $15,000,000. Some well-informed persons say that the terminals at Denver alone are worth $10,000,000.

Mr. DOCKERY. What are the liabilities existing to-day against those terminal facilities?

Mr. POWERS. Those liabilities consist simply of a first mortgage which goes into and forms a part of the fifty-four-million-dollar mortgage that covers the whole thing.

Mr. DOCKERY. Then, as I understand from the gentleman, the net value of the terminal facilities, according to his estimate, is $15,000,000 over and above existing liabilities.

Mr. POWERS. Yes; at the very lowest estimate.

Mr. BOATNER. The gentleman does not mean over and above existing liabilities?

Mr. POWERS. No; not over and above existing liabilities. There is a small first mortgage on all these properties; but that first mortgage, by the way, is included in the new first mortgage that the bill contemplates shall be executed.

Mr. DOCKERY. Now, there are certain unaided lines to be included.

Mr. POWERS. All are covered by the first mortgage, I think.

Mr. DOCKERY. What is the amount of the first mortgage now existing on the unaided lines?

Mr. POWERS. I can state it in a word.

Mr. DOCKERY. I shall be glad to hear the gentleman's statement.

Mr. POWERS. The first mortgage on the entire system, including terminals, including branch lines, including aided and unaided portions, aggregates $54,000,000. The first mortgage prior to that of the Government on the aided lines is included in that estimate.

Mr. DOCKERY. But what I want to get at are the existing conditions. First, we want to know what is the fiscal situation, and then we desire to understand what you propose.

Mr. POWERS. On the aided portion of the lines the mortgage in round numbers is $33,000,000 in the case of the Union Pacific and twenty-seven or twenty-eight million dollars——

Mr. DOCKERY. I hope the gentleman will give us the totals.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. DOCKERY] has expired.

Mr. POWERS. I ask that the gentleman may have three minutes longer.

Mr. DOCKERY. I should be glad to have that much additional time.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Missouri [Mr. DOCKERY]? The Chair hears none.

Mr. DOCKERY. The gentleman states that the complete exhibit for which I have been asking was given in his remarks on the first day of this debate. I stated at the outset of my remarks that I had not heard the gentleman speak and had not had time to read his speech in the RECORD. But what I want to know and what the House is entitled to know is the amount of the first mortgage upon the total line, then the amount of the Government lien as it exists to-day. Now, it is proposed, as I understand, to include certain unaided lines.

Mr. POWERS. Yes, sir.

Mr. DOCKERY. And certain terminal facilities. I assume that mortgages exist upon these unaided lines and these terminal facilities.

Mr. POWERS. They do.

Mr. DOCKERY. If we can get at the estimated value of the new lines, the unaided lines, and the terminal facilities, over and above the amount of the existing mortgages, and a practical estimate of the value of the 2,200 miles of road, we may then be able to determine something as to the solvency of the debtor.

Mr. POWERS. I would state to the gentleman from Missouri that on the aided portion of the line the underlying existing first mortgage on the Union Pacific is $33,000,000 in round numbers. The new obligation of the road will amount to $54,000,000, which shows about $21,000,000 more than the first mortgage, which covers the unaided lines, plus the terminals and plus the branch lines. Now, the branch line of what is known as the Kansas Pacific system extends from Kansas City westward for a distance of some 394 miles. As I have just stated, the addition of these lines carries the amount to $54,000,000. The Government mortgage at present rests only on the aided portions of the line, and carries a maximum of, say, $33,000,000 in round numbers. So, under this proposed arrangement, we will own all of these lines; that is, that we will have a mortgage upon them all for the amount of $54,000,000, and thus get possession of property estimated within the last six years by the commission appointed for that purpose to be worth $92,000,000; and this has been enhanced by recent increases in the way of depots, side tracks, facilities, and so on.

Mr. DOCKERY. Now, then, if the gentleman will permit me—and I desire to deal in round numbers, for it is impossible to fix in the memory with the necessary accuracy these detailed figures—but I would like to know, in round numbers, his estimate of the value of all the properties included in the bill that he has presented, covering the 2,200 miles of road, the terminal facilities, and the unaided lines? Let us have in round numbers the value of all of them.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. POWERS. I would like to ask another minute's time.

The CHAIRMAN. In the absence of objection, the gentleman will proceed for a minute longer.

There was no objection.

Mr. POWERS. There is no question, I would say to the gentleman from Missouri, from the most conservative estimates made with reference to the value of this property, including the depots, side tracks, equipment, and so on, that the property is worth from forty-five to fifty thousand dollars a mile.

Mr. DOCKERY. Well, what is the total? We have been dealing with totals in regard to the indebtedness of the Government. What is the gentleman's estimate of the value of this property?

Mr. POWERS. Well, it is forty-five times two thousand, or about ninety-odd million of dollars, I should say, in round numbers, without stopping to calculate exactly.

Mr. DOCKERY. Is that the total?

Mr. POWERS. But, if the gentleman will permit me, I have only included one road.

Mr. DOCKERY. Well, what is the total, including all of them?

Mr. POWERS. Taking the whole of them, it is in the neighborhood of $170,000,000 in value.

Mr. DOCKERY. That I understand to be the estimated value of all of the property included in your bill, against which stands the indebtedness of the roads, including the first and second mortgages.

Mr. POWERS. If the gentleman will pardon me an interruption, I can give him the exact figures quoted by the commission. We have, in this report of the commission, a total value, estimated, in the Union Pacific system, of about $230,900,000.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, the gentleman from Ohio [Mr. Grosvenor] a few minutes ago cited the case of the United States against Stanford in support of the proposition that the Government had no right of action against the directors and officers of these railway companies for the restitution of the property and assets of the companies of which they had unlawfully possessed themselves. But the Stanford case has no reference whatever to this question, and it does not bear upon it directly or indirectly.

In that case the United States undertook to avail itself of a statute of the State of California which makes the stockholders of all corporations liable for the debts of the corporation in proportion to the stock they hold in such corporation. The Supreme Court merely held in that case that the rights of the United States in the premises depended upon the statutes of the United States creating the corporation itself, and authorizing the issue of stock, and that the United States could not avail itself of the statutes of California for the purpose of maintaining a personal action not authorized and permitted by the statutes of the United States in the act creating the corporation. So that proposition, as quoted by the gentleman, has no reference to the question now pending before the House and to which the gentleman from Ohio addressed himself.

So far as this question is concerned, it appears to me that if the gentlemen who are so industriously investigating its legal aspects would look at it from the standpoint of the interests of the United States there would not be very much difficulty in reaching a satisfactory mode of obtaining a business settlement of it. If a private individual owned the debt of the United States against these railroads, the first step he would take would be to get in the hands of the officers of law all of the assets of the corporation which could be subjected to the payment of his debt. That can easily be accomplished. It can be accomplished readily if this body will enact the simple business legislation necessary to reach it. These railroads have defaulted on their obligation to the United States Government, or they will do so unless they pay what they owe the Government. If they do this, that renders any action on our part unnecessary. If they do not, then the United States must take the necessary steps to protect its rights.

Under the plain terms of the decision of the Supreme Court of the United States, rendered in 1878, the time for action by the Government has arisen. It is now perfectly competent for Congress to forfeit the charters of these companies, to direct that their affairs be put in the hands of receivers or of liquidators, and to direct those liquidators to bring the actions which these companies should have brought long ago, and which they would have brought had they not always been dominated by the very individuals whose interests would be affected by the suit to recover what was due these companies. We could easily put these companies into the hands of liquidators or receivers, who might be authorized to bring suit against the directors and officers for the funds of which they have unlawfully deprived the companies, and against the stockholders for the stock which they have received and for which those stockholders have never paid.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. BOATNER. Just one moment. If these suits shall be decided adversely; if it shall be decided by the courts of the United States that these actions do not lie; if the Supreme Court reverses its decision of 1878 in the case of The United States *vs.* The Union Pacific Railway Company, it will be time for us to take into consideration what we ought to do in the way of funding and extending these debts. But certainly, sir, in advance of a legal decision, in advance of any accurate and reliable knowledge of what the decision of the court will be, or what the result of this litigation will be, we ought not to give the indorsement of this Government to the most flagitious frauds which have ever been committed in the administration of a public trust. I now yield to the gentleman from Ohio.

Mr. WATSON of Ohio. Is there anything in this bill which prevents these suits from being brought, if this bill is passed?

Mr. BOATNER. Why, most unquestionably.

Mr. WATSON of Ohio. Have you read the bill?

Mr. BOATNER. Yes, I have read the bill.

Mr. WATSON of Ohio. Do you not know that the last lines of the bill provide that very thing?

Mr. BOATNER. Mr. Chairman, I will meet that question. The gentleman certainly must know, as a lawyer, that the very moment he makes a settlement with his principal debtor, anything in the line of a creditor's bill, anything in the shape of a collateral action against anyone else for that debt, immediately perishes, and can not be preserved.

Mr. WATSON of Ohio. Have you read the last lines of this bill?

Mr. BOATNER. Congress can not do it. This is one of the things beyond the power of Congress to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOATNER. I should like to have another minute.

The CHAIRMAN. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. BOATNER. Why, the gentleman knows that the United States can not receive in payment from the Union Pacific and from the Central Pacific bonds in settlement of its debt, and then turn around and sue anybody else with respect to that debt. These people would plead this settlement as a discharge, and that the United States had no interest to prosecute the claim to which I have referred.

Mr. WATSON of Ohio. When the act under which the settlement is made expressly provides that we may do so?

Mr. BOATNER. That is a necessary consequence of the passage of any funding bill, that it would give a complete discharge. These parties who are indebted to the Union Pacific and to the Central Pacific can only be reached by actions brought through those corporations.

Mr. ARNOLD of Pennsylvania. Mr. Chairman, I desire to add a few remarks to what I said yesterday. In the first place, I want to refer to some alleged facts and figures submitted by the gentleman from Missouri [Mr. Hubbard]. It is said that figures will not lie, but it depends largely on who makes the figures.

In the first place, in his calculation as to the proposition by the reorganization committee, the gentleman only counts some $30,000,000 of principal in that calculation, when he should have counted approximately $55,000,000. In the second place, that proposition, which I now hold in my hand, provided, among other things, that the Government should be coequal with the first lien as it now exists to the extent of $55,000,000, and that a blanket mortgage of $100,000,000, a first mortgage, should be placed on this property, thirty-five millions of which should go to the Government. For the balance of our indebtedness we were to take stock. Now, it made the Government practically a partner with that first mortgage to the extent of $55,000,000, and practically, as you will see, obligated the Government to look after the interest. The other parties to the mortgage would say, "We can not pay the interest, the earnings of the roads will not permit us to do it, and therefore let the Government come down and pay our 3 per cent interest."

That was one of their propositions. In other words, the syndicate comes in, represented by Mr. Marvin Hewitt, of the Chicago and Northwestern, and Mr. Depew, of the New York Central, and they ask the small sum of $6,000,000 of this preferred stock for services in getting this proposition through. Our committee abandoned that and took up the calculations. We have submitted it here to the gentleman from Missouri [Mr. Hubbard] and every member of the committee, except, perhaps, the gentleman from Louisiana, who is very rarely present in the committee, as he has been continuously engaged in a contest. We have made calculations ad infinitum, and we have brought before this House a bill which we submit in good faith, and I believe it is the best possible solution of this difficulty. What more does this involve? It was suggested here in the argument yesterday that a bill should have been presented covering the entire road and making this one line. Any gentleman who is a member of the legal profession will see that it is absolutely impossible by any act of Congress or by any court in existence to say that we can legislate so that we can make one line of these two. That can only be accomplished by a foreclosure and a purchase of both lines, and operating them under a new charter as one road.

There is another proposition that I desire particularly to call the attention of the committee to in this matter, and that is this: That if this bill does not pass it means Government foreclosure. It means Government ownership of the road. Now, what does foreclosure mean? It simply means the United States must pay off this first-mortgage lien of $60,000,000 against the two companies, and that $60,000,000 more of Government bonds shall be issued. Within the last two years we have had $262,000,000 of Government bonds issued; and I want to say to the people of this House now, that the people of the United States are tired of issuing Government bonds. The defeat of this bill simply throws upon the United States and the next Administration the necessity of the issuance of at least $60,000,000 to protect itself against the first lien against this property. Neither admitting nor denying any alleged frauds of a generation ago, it must be admitted that the building of the Pacific railroads was great in conception, marvelous and masterful in execution, and most beneficent in results. It is such genius and force as that possessed by men like Mr. Huntington which have made this a great nation and us a great people.

[Here the hammer fell.]

[Mr. HILBORN addressed the committee. See Appendix.]

Mr. HARRISON. I desire to offer a substitute for the pending bill.

The proposed substitute of Mr. Harrison was read, as follows:

Strike out all after the enacting clause in the bill and insert the following, to wit:

"SECTION 1. That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office be, and they are hereby, appointed a commission with full power to settle the indebtedness of any and all the bond-aided Pacific railroads to the Government, upon such terms and in such manner as may be agreed upon by them and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

"SEC. 2. That said commission or any member of the same is hereby authorized and empowered to administer oaths, to summon and compel the attendance and take the testimony of witnesses, and cause to be produced all papers and documents needed in the course of their negotiations.

"SEC. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

"SEC. 4. That the sum of $5,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of said commission in carrying out the provisions of this act."

The CHAIRMAN. Without objection, this substitute will be considered as pending. The Chair hears no objection.

Mr. BELL of Texas. Mr. Chairman, the other day I had printed in the Record a substitute which I now ask unanimous consent to offer as a substitute for the substitute of the gentleman from Alabama and for the pending bill.

The CHAIRMAN. The gentleman from Texas [Mr. Bell] asks permission to offer a substitute, which has already been printed in the Record, and which he now sends to the Clerk's desk—a substitute for the substitute offered by the gentleman from Alabama. Is there objection to the substitute of the gentleman from Texas being considered as pending? The Chair hears none, and it is so ordered.

Mr. BELL of Texas. This substitute is very lengthy, and I think perhaps it will not be necessary to take up time in reading it just now. I ask that the reading be dispensed with.

The CHAIRMAN. The gentleman from Texas asks that the reading of his substitute, which has already been printed in the Record, be dispensed with. Is there objection? The Chair hears none.

Mr. MAGUIRE. Mr. Chairman, the bill under consideration is decidedly the worst measure for the settlement of the Pacific railroad debts ever offered to Congress, the worst proposition that has ever come from those companies. Two years ago, in the Fifty-third Congress, the Reilly bill, an infinitely better bill than this, was voted down because of its viciousness, yet it was far more favorable to the Government than this bill. Here are the differences between the two. The Reilly bill extended the period for the payment of these debts for fifty years at 3 per cent per annum interest, while this bill extends the debts for eighty-six years at 2 per cent per annum interest. The Reilly bill provided for a first mortgage on each of the roads to secure the Government; this bill provides for a second mortgage to secure the Government.

The Reilly bill put no mortgages ahead of the lien of the Government except those now superior to it; this bill puts other mortgages on terminals and feeders, amounting in the case of the Central Pacific road to at least $14,000,000 more than the value of the so-called additional security now offered, ahead of the Government's claim. The majority of the committee has not stated what those additional securities are, has not stated what title the companies have to any of them, has not stated what are the incumbrances now upon them, and has not stated whether any of those incumbrances overlap the aided portions of the road and are now subordinate to the Government liens. The only excuse for this is that the committee has not knowledge of the subject sufficient to give the information. The fact is, that there is a sixteen-million-dollar blanket mortgage resting on the Central Pacific system, which is a first mortgage on the Oakland Mole, the western terminus, so far as the proposition before the House is concerned, of the Central Pacific Railroad. It is a third mortgage on the remainder of the system, and is now subordinate to the present Government lien. Under the Powers bill it will all be included in the first mortgage and become prior to the Government lien.

Now, the Oakland Mole is not worth more than two to three million dollars, and at least $13,000,000 of the mortgage now subordinate to the Government lien is to be made prior to it. In that item alone the Government is made $13,000,000 worse off, with respect to its security, than it is to-day. Every other piece of so-called additional security is mortgaged beyond its value. The California and Oregon Railroad has a first mortgage resting upon it which amounts to $4,000,000 more than the road is worth.

The other feeders of the Central Pacific are mortgaged, every one of them to the amount of not less than $40,000 a mile; how much more, none of us know. The committee does not know enough about those properties or the titles or the incumbrances or the relation of the liens to each other to advise this House what it should do with respect to them. Not a word of testimony was taken before the committee. Not a witness before it made his statement under oath. The committee invited gentlemen to come before it and make voluntary unsworn statements—the statements of interested parties and their agents, who for thirty years have been lying to Congress and to all others who have had to deal with the interests of the Government in these matters.

The surviving partner of Leland Stanford made an unsworn statement which is accepted as gospel truth by the committee about matters concerning which Mr. Stanford refused to testify before the Pacific Railway Commission, and was released from the obligation to testify by the United States circuit court on habeas corpus proceedings.

This failure of evidence to establish any of the facts essential to this settlement should of itself cause the House to reject this bill. I have repeatedly called the attention of the House and of the chairman of the committee to this glaring and fatal defect in their showing. They do not deny it. They can not deny it. Yet, with amazing pertinacity, they still ask the House to be satisfied and pass the bill. I say to you that this House will never be in a position to legislate intelligently for a settlement of these claims until a court of competent jurisdiction shall have tried and determined all questions relating to the validity of all alleged liens and the relation of all valid liens to each other. Such a decree is absolutely necessary as a basis for legislative action, if any legislative action shall then seem wise or necessary, but to legislate now in the dark—in utter ignorance—on a question of such importance, would be monstrous.

The interests of the Government are not in any danger. The Government will have no payments to make on the first mortgages until foreclosure, nor after foreclosure, unless it becomes the purchaser at the sale. The Government must pay its subsidy bonds, no matter whether the debts are funded or not, and nothing more, except the expenses of the litigation, need be paid at any time, unless the Government buys the roads.

The Attorney-General has suggested certain amendments to the Thurman Act in mere matters of procedure, which should be made, and let foreclosure proceed.

Why, sir, for twenty-five years the validity of a large proportion of the so-called first-mortgage bonds of the Central Pacific Railroad has been in issue. To the extent of several millions of dollars they were issued contrary to law, and not for the purpose of constructing the road. The Thurman Act expressly reserved the question of their validity.

This question was submitted to the Committee on Pacific Railroads on an able brief prepared by Mr. John T. Doyle, of San Francisco. The committee has made no report on that question, but by its bill waives the rights of the United States in this behalf reserved by the Thurman Act.

I raised this question on the discussion of the Reilly bill two years ago, and then insisted that the reservation in the Thurman Act must have been made advisedly and for substantial reasons.

Members of the committee then assured the House that the reservation was due merely to Senator Thurman's cautious method of drafting bills and had no definite purpose.

I have since examined the record of that debate and find that in answer to a question asked of him by Senator Sargent, while the bill was under consideration, Senator Thurman stated that the reservation was made and must be retained, because of the certain invalidity of some of the first-mortgage bonds and the alleged invalidity of a great number of them. This reservation means several million dollars to the Government and should not be waived.

Four million dollars and upward have been unlawfully paid by these two companies to the Pacific Mail Steamship Company as a subsidy to keep up freight rates, and were fraudulently charged to operating expenses of the roads.

These expenditures can be recovered for the Government in the courts, but this bill will waive its right to compel the return of the money so diverted.

The directors of both roads have been found to have diverted to themselves through fraudulent contracts made with close corporations controlled by them—the Credit Mobilier in the case of the Union Pacific and the Contract and Finance Company in the case of the Central Pacific Railroad. The Pacific Railway Commission shows in its report that they have diverted enough of assets to pay the present debts due the Government. Most of these diverted assets can be recovered by proper suits in equity, yet this bill waives the right of the Government to pursue them.

The stockholders' subscriptions have never been paid. They may be compelled to pay those subscriptions if the Government should fail to realize enough by a sale of the roads. This present right of the Government the committee asks Congress to waive by this bill.

All of these questions should lie judicially before Congress undertakes to make a compromise with the debtor companies.

Again, the Central Pacific Railroad Company will cease to exist on the 1st of June, 1911, by operation of the constitution and laws of the State of California, under which it was incorporated.

Its lease of life can not be constitutionally extended unless it is expected to make an act of Congress override the constitution of the State in a matter of purely domestic concern, such as the life of an artificial person created under the laws of the State.

It is therefore absurd to contract with that company for payments to be made after 1911.

I am opposed to the whole refunding scheme. Foreclosure is the only sensible business method of dealing with these properties and claims as they now stand.

I can not close these remarks without noticing some of the extraordinary statements made by the gentleman from California [Mr. JOHNSON] in his speech of yesterday. That speech is the most remarkable instance that has ever come to my knowledge of the resident of a glass house throwing stones, but I am concerned only about answering the attacks made and shall confine myself to that purpose.

The gentleman said that I, among other Representatives from California, would support and vote for the Powers refunding bill if left free to follow my own convictions and judgment in the matter, and that I am opposing it against my conscientious convictions solely on account of my fear of the San Francisco Examiner and its proprietor, Mr. Hearst. By that statement he sought to brand me before this House as an unfaithful Representative.

He further sought in the same speech to smirch my reputation by stating that I was the personal friend and official defender of Mr. William R. Hearst, whom he attacked in terms of foulest reproach.

With respect to the first statement of the gentleman to which I have called attention, I say that it is absolutely false and without the slightest shadow of foundation in fact. I am opposing the Powers bill, as I have opposed all similar bills, solely on my own judgment and because I am conscientiously convinced that it is a vicious measure.

As to the second statement of the gentleman to which I have called attention, I say that I am the personal and political friend of Mr. William R. Hearst. I have known him personally since his childhood and know him to be a man of honorable character and strong human sympathy. In his journalistic career he has shown himself a man of the highest genius and of sterling worth. He sympathizes with the afflicted and gives largely of his means to relieve distress. He loves justice and contends for it. He hates injustice and opposes it practically. He hates oppression and fraud and scourges them in high as well as in low places. He has done more than any other hundred men to purify the politics of California, and he is doing more to-day to purify the politics and the political institutions of the United States than any other man within its borders. But he has one grievous fault. He is not merciful to the tyrants or the corruptionists whom he assails. This fault causes bitter and sometimes powerful enemies (I do not refer to the gentleman from California) to rise up against him. Every human reptile that formerly reveled in the corruption with which his efforts have interfered hates him as it hates sunlight and spouts venom at him whenever it gets into a place of comparative safety. In their rage for revenge the vicious ones whom he has assailed are not restrained by any consideration of conscience or veracity. The worst falsehoods that polluted minds are capable of breeding are by them preferred to truth. I am speaking now of the sources of the gentleman's information against Mr. Hearst.

Now, sir, I sat here on Friday last and heard with mingled feelings of horror and disgust the scurrilous attack made by the gentleman from California [Mr. JOHNSON] upon Mr. Hearst. That attack was false in every sentence—false in every charge. I brand it now as false in whole and false in every detail.

Mr. Hearst needs no defense at my hands in this or in any other matter. When the historian shall come to estimate his character, the venom of all the enemies that he has made in the service of his country and of civilization will not weigh against it. But I would not feel that I had done my duty if I should permit so virulent an attack to be printed in the permanent record of Congress without placing in the same record the brand of its falsity.

I will not further notice any of the contemptible falsehoods concerning Mr. Hearst's private life, but the charge that he levied blackmail on the Southern Pacific Company is tangible and requires some attention. The facts upon which this charge is based, as nearly as I can remember them, are these: About five or six years ago the Southern Pacific Company made a contract with the San Francisco Examiner for advertising, during the World's Fair period, for thirty months, at the rate of $1,000 per month.

The advertising matter was published and the agreed price paid by the company for twenty-two months. Then a controversy arose. The Examiner had occasion to editorially denounce some schemes in which the company was interested. The company insisted that because of its advertising patronage the Examiner should refrain from attacking its interests editorially.

Mr. Hearst, through his business manager, immediately replied, repudiating that principle of business, and stating that under no circumstances could the advertising patrons either affirmatively or negatively control the editorial or news columns of the paper. There the matter ended, until Mr. Huntington, a few months ago, in a moment of impotent anger, stated that he, or the company, had paid the $22,000 to the Examiner as blackmail. Mr. Hearst immediately published the contract and the correspondence concerning it. The gentleman from California [Mr. JOHNSON] said that Mr. Hearst had admitted receiving $22,000 from Mr. Huntington as blackmail. That statement is simply false.

The gravamen of the charge of the gentleman from California in that transaction is that Mr. Hearst was not honest because he would not stay bought.

I deny that Mr. Hearst was ever bought in that or in any other transaction; but far be it from me to deny that his accuser believes in the Tweedian definition of honesty, which he quotes with such hearty approval.

I have said that the charges made by the gentleman from California against Mr. Hearst were false in whole and in detail. Need I say that they were maliciously made? I leave their characterization in that respect to the members who heard the speech and saw its author during the delivery of that portion of it. Enough of Mr. JOHNSON. "Too much JOHNSON."

Mr. HENDERSON. Mr. Chairman, when I had the honor of reporting the rule for the consideration of this bill to the House I made quite a careful examination, not of the merits of the question, sir, for I had not the time to do that, but to ascertain what had been the position of the executive officers of the Government on the point as to whether we ought to take up the question and do something about it or not. I found almost an unbroken line of recommendations, from the President down, favoring some action by Congress upon the subject. I stated at the time we brought in the rule that however members might vote on the rule reported, it would not interfere with their voting, of course, as they pleased after the consideration of the bill had been completed in the House.

But I was struck with one fact. If those having the power to foreclose the Government's mortgage did not proceed to do so, and turned toward the legislative branch of the Government for help, by the substitution of some other mode of action, it was to my mind prima facie evidence of the fact that there was not in their opinion a satisfactory remedy by foreclosure. And this discussion, Mr. Chairman, has confirmed in my mind the impression made by that investigation.

I have endeavored to avoid, in listening to this discussion, any influence whatever upon my mind by the local motives of any member of the committee. I am not here to criticise local motives or local interests. I assume that every member of this body is, like myself, trying to represent his people; and my own judgment is that little is to be gained by crimination, recrimination, or personal abuse, or by assaults made on the motives of the advocates of either side of the question.

We have all of us discovered, no matter how long in years our term of service has been, the impossibility of obtaining a detailed knowledge of the various matters pending before the various committees of which we are not members. To a large degree we are compelled to accept the information given to us by our colleagues on the several committees who have made careful and detailed examination and determination of the matters referred to them. I find that out of 14 members on the Committee on the Pacific Railroads, 12 of them are unanimous in recommending to this House that foreclosure proceedings is not the best thing for the Government in this matter. Eleven of them unitedly urge the proposition under discussion reported by the committee. One of them, the gentleman from Texas [Mr. BELL], has a proposition of his own; but he was forcible in his remarks in the expression of his opinion that foreclosure would not give the best results to the Government creditors.

Now, stripping this question of a thousand matters that stand out in the past, we are brought face to face with the question of what is best for us to do for ourselves as members of this body in respect to this indebtedness. I am not going to attempt to enter into the old, stale questions and allegations that have been thrown into this discussion in battalions, and which go back of and do not touch the vital question at issue. I try to look at this matter as if I owned this claim myself, or if a client had come to me and said, "Mr. HENDERSON, counsel me as to what is best to be done to get as much money as I can out of this claim, an inferior lien." In that light alone do I look at it.

There are two things clearly demonstrated in my mind by the discussion. First, we all agree that the claim of the Government is a second and inferior lien and that the claim of the first lien holder takes precedence over ours and is first to be settled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. I should like very much to be permitted to proceed for a few minutes longer.

The CHAIRMAN. The gentleman asks for an extension of his time for five minutes. Is there objection?

Mr. RICHARDSON. Preliminary to consenting, I would like to ask how it is that other gentleman can not have their time extended?

The CHAIRMAN. Does the gentleman object?

Mr. RICHARDSON. I shall not object. I only wanted to get that information.

The CHAIRMAN. The Chair hears no objection.

Mr. HENDERSON. I never have made an objection in my life to such an extension.

Mr. RICHARDSON. The gentleman must not understand me as having made an objection. I only wished to ask why others could not have the privilege extended to them. I made no objection whatever.

Mr. HENDERSON. I understand the position of my friend from Tennessee, and I believe in a full discussion of the matter. I shall not transgress beyond the five minutes kindly given to me by the committee.

This first lien, it is evident to my mind, substantially exhausts the assets of the debtor companies. I am satisfied with the statements made in this debate that if the Government mortgages are foreclosed on the properties of these companies, the Government claim will be left substantially unsettled. Of that I feel satisfied from all that I have learned in the course of the discussion.

Another thought occurs to my mind in considering this question. I believe that the plan proposed will substantially secure the Government's debt. There are conflicting views in regard to this matter, but one fact stands out clearly in my mind in the event that we make this effort. If it does fail, we will know it within a reasonable length of time, and we will certainly be no worse off then than we are now. Standing here, then, trying to save $111,000,000 hopelessly lost by foreclosure proceedings, are we not justified in endeavoring by this plan to save that sum for the Government, or at least to save the most of it? Are we not justified in taking what seems to be, and what the committee says is, the very best step in the premises? I have examined the bill carefully to see whether a default on the part of these companies authorizes prompt action by the Executive, and I find that point carefully and fully guarded in the bill. Default makes all come due; so that if we are being played with, and good faith does not underlie the propositions presented by this bill, we lose but little time, and if default comes it is within our power to move along the lines now open to us and still protect ourselves so far as that protection will go.

In brief, then, I feel this: All, or substantially all, will be lost by foreclosure. I hope that we may save all, or most of it, by compromise. If it were my own property, Mr. Chairman, I should endeavor by this proposition to save my claim, rather than rush into the vortex of the courts by foreclosure, when this investigating and recommending committee, substantiated by my own judgment, gives no encouragement for any satisfaction.

These are all the observations I care to make.

[Here the hammer fell.]

Mr. McLACHLAN. Mr. Chairman, in the brief space allowed me for the discussion of this bill there is not time to refer but briefly to the history of the railroads under consideration. Under the law of 1862 the right of way was granted these railroads, 12,800 acres of land given for every mile to be built, and subsidy bonds issued at the rate of $16,000, $32,000, and $48,000 per mile, according to the character of the country through which the roads were to be built. These bonds were to constitute a first-mortgage lien upon the property and were to be repaid in thirty years.

This was a princely donation, but the originators realized that they could do better, and took no active steps for two years, when the land grant was doubled, the lien of the Government subordinated to a second place, and a first mortgage allowed to be placed upon the property equal to the original grant of subsidy bonds, amounting to about $64,000,000.

Then the gentlemen comprising the original projectors of this scheme, whose combined capital was insignificant, built the Central Pacific for $58,000,000, capitalized it at $139,000,000, and divided the profits and Government subsidy among themselves. The Union Pacific was manipulated in a like manner through the Credit Mobilier, and as a result $324,000,000 was paid to stockholders of the Pacific companies. In addition to the $64,613,000 of bonds received, there were 31,900,000 acres of land granted. But notwithstanding these princely fortunes accumulated by reason of the fabulous liberality of the United States Government, from the very inception of the enterprise there seems to have been a steady design on the part of those who had grown rich by this liberality to prevent the Government from ever realizing anything upon the advances it had made or the obligations it had assumed. From being the lessors of the Southern Pacific Railroad lines in California, New Mexico, and Arizona, the Central Pacific was placed under control of the latter company and its earnings practically limited to a 2 per cent guaranty.

The roads were completed on May 10, 1869, and the Government delivered the last of the bonds. Five years later, when the railroad companies were asked to account for the 5 per cent of their earnings provided by law to be paid the United States, they denied that the roads were completed. This point was decided against them by the United States Supreme Court, and they then insisted that there were no earnings, because they had been expended in building branch lines upon which the Government had no legal claim. They denied the rights of the United States to a lien on the terminals and the Omaha Bridge, and these questions are now pending in court. Both companies brought exorbitant charges against the Government for carrying mail and troops, and these were disallowed by the Court of Claims. They denied the right of the Government directors to meet with the directors of the Union Pacific Railroad Company. The Union Pacific, with an original mileage of 1,821.86 miles, now has 7,672.09, the difference being built out of the profits of the original grant, but upon which the Government has now no legal lien.

These railroad companies went openly into politics and put out railroad tickets in the Western States. So notorious did this become that when the Credit Mobilier scandal was exposed but little surprise was manifested. Then came the Wilson investigation of 1873; and the reports of that committee present a most astounding state of affairs. Then the Thurman Act of 1878 was passed, requiring the roads to pay in all of their earnings from transportation of mail, troops, munitions of war, and 25 per cent of their net earnings, which constituted a sinking fund. The railroad companies at once tested the constitutionality of this law. It was sustained by the United States Supreme Court, and suddenly, in 1880, seventeen years before the debt became due, the railroad companies started an active effort to have their indebtedness to the Government funded. There had been no intimation of insolvency prior to that time by either company. Their stock ranked high in the market; dividends were paid with clock-like regularity, but suddenly it developed that they were "about to become insolvent," according to their own claims.

In 1887 another commission reported, and this report, as in case of the Wilson committee, charged gross frauds from the inception of these companies. Acting upon these reports, the Fiftieth Congress passed a law authorizing the Executive and Attorney-General to proceed to foreclosure in case the indebtedness was not paid. Every Congress since that time has been besieged by these companies. Is their past record such as to inspire confidence in the stability of any agreement they might make in the future?

The first thing that a prudent man does when entering upon a contract is to put in figures just what he obligates himself to pay and what the other party is obligated to pay or do.

It is a well-known fact that United States bonds can not be floated bearing a less rate of interest than 3½ per cent.

This bill provides that the Central and Union Pacific shall pay 2 per cent interest on the uncanceled portions of their debts to the Government. In addition they are to pay "installments of principal" aggregating $730,000 a year for the first ten years, $1,000,000 a year for the next ten, and $1,500,000 annually thereafter until the debt is "paid."

The principal of the debts amounted on the 1st of the present month to about $121,140,942.39.

The funding bill provides for certain offsets which reduce this figure slightly.

The first annual payment made by the Central and Union Pacific will be $2,422,818.84 for interest and $730,000 for "installment," or $3,152,818.84 in all. After that the railroads will pay less and less for ten years, when they will be paying for interest and installment combined $3,021,418.84, or 2.5 per cent.

During all this time the Government will be paying its own creditors on an equal amount of debt $4,239,932.98 a year in interest, none of which will be counted as an installment on the principal. In this period of ten years the railroads will have reduced the principal of their debt by $7,300,000, and yet they will lack $11,528,141.43 of having paid the Government as much for interest and principal combined as it will have paid its creditors for interest alone on the money it has been obliged to borrow by reason of the nonpayment of this railroad debt.

The next year the "installment" will increase to a million dollars, and that will bring up the total railroad payments for the year, including interest, to $3,276,818.84, or 2.7 per cent on the original debt.

From this point they will decline for ten years more, until in the tenth year they will amount to $3,096,818.84, or 2.56 per cent. In this period of ten years the total railroad payments for interest and principal combined will lack $10,531,141.43 of meeting the cost of similar loan to the Government for interest alone.

The railroads will then owe the Government $103,840,942.39, which they will pay off at the rate of $1,500,000 a year until it is all extinguished.

The first year this "installment," plus interest at 2 per cent, will amount to $3,576,818.84, which will be equivalent to 2.95 per cent on the original debt. That is the largest payment that will ever be made in any one year during the whole course of the liquidation, and it will fall short by $663,114.11 of the amount the Government will have to pay its creditors for interest alone during every one of the eighty-nine years the process will last, and every year thereafter until it chooses to pay the principal in full.

These installments will clear off the entire debt in about sixty-nine years more, making about eighty-nine years from the beginning.

The last full year's payment for interest and installments combined will amount to $1,540,000, or 1.27 per cent on the original debt, and about $2,700,000 less than the Government charges for interest alone on a similar debt.

The state of the account at the end of the process will be this: In the first ten years the Government will have paid its creditors in interest on the money it has been obliged to borrow by reason of the nonpayment of this railroad debt $11,528,141.43 more than it will have received from the roads for interest and principal combined. In the next ten years its excess of payments will reach $10,531,141.43.

In the remaining sixty-nine years it will pay $117,025,125.64 more than it will receive. By the time the railroads have "extinguished" their debt their aggregate payments to the Government for interest and principal combined will lack $139,084,408.50 of the Government's payments for interest alone, taking no account for interest on interest. And while the railroads will then be free of the debt, the Government will still owe the whole original principal, amounting to $121,140,912. Its total loss from the funding operation, therefore, will be $260,225,350. The total amount of the payments for principal and interest under the provisions of this bill will amount to about 2.3 per cent on the principal debt for eighty-nine years, and at this rate would leave the principal debt still unpaid and due the Government.

This is not a proposition for the railroads to pay the United States Government, but purely and solely for the United States to present it with millions of dollars more than they have already received.

There is not a railroad company in the United States that would not pay liberally to have its indebtedness funded for ninety years at 2 per cent. No such proposition was ever made before, and I venture to say that no such proposition would ever be entertained for a moment by any money lenders in the world under similar circumstances.

That it should have received the indorsement of the committee is astounding, and I can not think that they ever carried the figures out and learned what the proposition actually meant.

This bill in effect provides that the companies shall be given a clear receipt for all they have obligated themselves to pay, and, in addition to that, be presented with a further subsidy.

It has been well stated in one of the minority reports that it is not shown this is the best we can do, and on the face of the proposition it is evident that it is the worst we could do.

The bill provides that the companies shall double the amount of the present first-mortgage indebtedness, and, in return for this reducing the present value of the security to the Government, collateral lines are included, all of which are heavily mortgaged. Are they worth the amounts they are already mortgaged for? Are they not already mortgaged for more than they are worth? We have no information upon that subject. In fact, the bill shows that the committee possesses no information. It in terms makes a contract in ignorance of the facts upon which it rests, and makes it the duty of the Secretary of the Treasury to ascertain the facts after the contract is made. He is not empowered to change the contract, should the facts show it to be a bad one. It makes the contract absolutely without the facts, and calls upon the Secretary of the Treasury to ascertain them afterwards. Can such a dealing in the dark be justified?

But it is said, and emphasis given to the statement on the floor of this House, that something must be done, and the time is short in which to do it. The question must be settled. Why must something be done? The time is short in which to do what? Has not the question been settled?

The United States Government at enormous expense formed a commission composed of three of the ablest lawyers in America. They heard testimony which fills ten immense volumes. They rendered their decision. That decision was ratified nine years ago by the Congress of the United States with the evidence before it, and after long, exhaustive debates upon every phase of the question. Congress acted and passed a law.

Under the act of March 3, 1887, the President is authorized to direct the Secretary of the Treasury to "redeem or otherwise clear off such (any) paramount lien, mortgage, or other incumbrance" on these roads prior to that of the United States "by paying the sums lawfully due in respect thereof out of the Treasury." He is also authorized to direct the Attorney-General "to take all such steps and proceedings in the courts and otherwise that shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matter in this section mentioned, and to take steps to foreclose any mortgage or liens of the United States on any such railroad property."

Congress has declared that the matter should be settled in the only branch of Government where all of the law and equity can be adjusted—the judicial. Who has ever objected to this very proper mode of collecting this indebtedness, the only one which a private individual or a corporation would ever think of adopting through their attorneys? Have there been any protests, any demands upon Congress that it should independently of the courts and the duly constituted legal authorities of the United States take this matter out of their hands? Have the people expressed a lack of confidence in the Executive and the Attorney-General? With the plenary power to make such settlement as will best subserve the interests of the people given by this law, has anyone accused the Attorney-General of incompetency to fulfill the duty imposed upon him? It is a matter of personal knowledge to every member of this House that there have been no such protests from 70,000,000 people. They are not only satisfied to let the law take its course, but through the columns of the press, in political conventions, in mass meetings, and by petitions they have demanded that the law take its course. For whom is the time short? Not for the Government, for this is not a proposition to effect a settlement, but to extend the time for a century and to burden an already bankrupt Treasury with great additional obligations. Whose interests are in jeopardy? To say that those of the Government are is a reflection upon the Executive and the Attorney-General. Whence, then, comes this clamor? From the debtors only. Usually it is the creditors who insist that a debt shall be adjusted, but every session of Congress since that which placed the whole matter in the law department where it properly belongs, Congress has been besieged by emissaries of these railroad companies, claiming that the people's interests demanded that a settlement be made of a debt that was not due. Are they afraid the courts will do justice, and do they believe they can influence Congress to prevent justice being done? The proposition is an insult to every member of this body, but it is the only legitimate explanation of the constant presence of the Pacific railroad lobbies.

In this case the Government is the creditor, the railroad companies the debtors. Nine years ago the creditor placed this entire matter in the hands of its attorneys, with full power to protect the interest of the Government, and the debtors were notified of that fact. Ever since that time the debtors have been importuning the creditor to take the matter out of the hands of its attorney without even consulting him and settle it without the assistance of legal counsel. No course of that kind would ever be justified in case of an individual or a private corporation, and should not be in case of the Government. What will be the result if Congress fails to act? Why, there will be a full hearing in a court of competent jurisdiction and a decree rendered in accordance with the law and facts, protecting so far as possible the interests of all concerned. Is such a course a calamity calling for the hasty interposition of Congress?

I use the word "hasty" intentionally, for it would be hasty, to use the mildest term, for this Congress, without the assistance of a judicial commission and without exhaustive sworn testimony, to overrule the decision of the Fiftieth Congress, which had the benefit of those aids, and that, too, when no one except the railroad companies objects to the decision then reached. What will be the result if we do pass this bill? We must receive less than we pay out, relinquish even what control we have of these companies, and tax posterity for the next ninety years—a monument of folly! Is this result so desirable that we will be chargeable with neglect of duty if we allow the law to take its course and thus fail to provide this legacy of debt to our children and our children's children?

But this has been likened unto a composition with creditors by which time is extended. It shows no such phase as presented in this Congress. Robbed of all superfluous verbiage, it is simply a proposition that one creditor—the Government—pay the debts of the other creditors at 100 cents on the dollar, reduce the rate of interest more than one-third below actual cost of carrying, turn the property over to the debtors, allow them to retain all of the profits, and their remote descendants will pay the principal in case they feel so disposed. Any court in the United States would appoint a guardian over any man who would accept such a proposition, and treat him as non compos mentis upon the application of any relative. It has not even the advantage of being ingenious.

It is objected that only one-seventh of these systems are embraced in the main lines upon which the Government liens rest, and that with these branches in the hands of the companies the main line can not do business. While I am not inclined to dispute that the tail may wag the dog, yet if the tail is cut off I do not think the dog will die and the tail continue to wag. As these branches are feeders to the main lines, they can only be operated in connection with the main lines, not in competition with them. The branches may represent more mileage and be more profitable than the main lines, but the former can not be operated at all without the latter, and as the more they carry the more profitable they are, they will carry just as much to the main lines if they pass out of the hands of the owners as they do now. At any rate, the insolence of the argument is too great for it to be accorded much respect. The railroad companies say: "You advanced the money and we built the lines. Out of the profits we bought and built branch lines that belong to us and not to you. Our roads that we bought with the profits of your roads are more profitable than your roads; therefore, as you can not do anything with your roads without ours, you ought to give them to us."

The prospect that the Government may have to buy in the roads frightens some people. It is not necessary that the Government should buy them in if that course does not appear desirable. Nor will the court confirm a sale where the price bid is grossly inadequate. Take judgment as in any other foreclosure suit, and let the railroad be run by receivers until an adequate bid is received. The fact that his client did not want to buy a railroad would not deter a lawyer from proceeding to collect a debt against one.

The "bogy man" of the Government ownership of railroads has seemingly been conjured up by the railroad people to frighten timid legislators, and every time it is mentioned there are loud cries of "Paternalism!" It has not usually been supposed that the Governments of France, Germany, Belgium, and Bavaria were paternal. These are the prominent countries that have tried the Government ownership of railroads. In all of them it has been a success. There have been no failures to record against the system in Europe. Charles Francis Adams, jr., a former Government director of the Union Pacific Railroad, and subsequently president of that company, wrote a treatise against the Government ownership of railroads, taking the ground that an entirely different state of affairs existed in the United States from that found in Europe. But he was honest enough to make the following statements. I quote from his book:

> To satisfy everyone always is a result not likely to be attained under any system or in any country. Meanwhile it may, with tolerable safety, be asserted that the Belgium system is as satisfactory to the people of Belgium as the nature of things human permits that it should be. Certainly the public feeling points very distinctly toward the acquisition of the remaining lines of the system by the Government, while the sale of the Government lines to promote corporations has never been urged by any considerable party. Financially the undertaking has proved a decided success.

As to France he says:

> Though not especially enterprising, the companies are, as a rule, solvent, impartial, and reliable. Indeed, those managing them look with simple astonishment on the wild fluctuations in the railroad tariffs incident to the American method of operation, and they do not hesitate to say that if any similar outrages were perpetrated on the French people and business public by them the question of the state ownership of railroads would immediately assume a new shape. Such proceedings would not be tolerated.

I do not intend to discuss at length the pros and cons of the question of Government ownership or operation of railroads, or to take any ground upon that question as an independent proposition. But under the existing conditions of these Pacific railroads and their relations to this Government, rather than pass this bill I would prefer to see this Government try the experiment of the Federal ownership and control of these roads, charging the people only sufficient for freight and passengers to pay the running expenses, keeping the roadbed in repair, and paying the interest on whatever debts might exist against them, together with a reasonable sinking fund to pay off the existing debt, and giving the people the benefit of the lowest possible rates.

The whole nation is clamoring to-day for the building of the Nicaraguan Canal under the control and management of the Government. Upon the same theory and under the existing conditions of these roads, I would like to see the experiment tried of this Government owning and controlling one transcontinental railroad from the Pacific to the Atlantic Seaboard. Such a railroad would tend to regulate the rates of all transcontinental railroads, and might successfully solve one of the most difficult and complex questions that now confront the American people.

To the extent that the right of way is conferred upon railroad corporations it is a delegation of sovereignty, and such delegations are always dangerous. They are not amenable to all the laws concerning corporations. The courts make them a class unto themselves on the ground that they are quasi public corporations. It must be admitted that this quasi public character has operated in favor of the railroad companies and not of the public.

So universal has this idea become that railroads are operated against the interests of the people that it is notorious that in the courts American juries will mulct railroad companies in the heaviest damages possible. Every attorney who represents a railroad company has had frequent cause to complain of the prejudice existing against that class of corporations. The American people love justice. In no country do juries bring in as fair verdicts as a rule as in the United States. The love of Americans for fair play is proverbial. Bankers, manufacturers, merchants, are all accorded justice by juries, and the fact that railroad companies alone encounter as an obstacle to the obtaining of their legal rights a universal prejudice is proof conclusive that the people have suffered at their hands. And among such offenders the Pacific railroad companies have never been backward. They have oppressed the farmers by extortionate charges, by insufficient service, and by granting low rates to favored shippers until the fertile country through which their lines pass is almost ruined. The farms are mortgaged, corn is burned for fuel, and wheat and fruit rot because they will not bring a price that will pay for shipment to market. That I am telling the truth will be borne out by every man familiar with our Western States. This has caused, more than everything else combined, the spirit of unrest that is found throughout that section. Throughout the States where these railroad lines pass there has been for years a general demand that the Government control. Now Congress has an opportunity, without incurring a dollar of extra expense, to allow the experiment to be tried in the very section where the demand for it is strongest.

It would in the past have saved the $324,000,000 paid in dividends by these same roads, even though they had not been conducted more honestly than these companies operated the lines. That saving to the producers along these roads would have rendered them independent and prosperous. Their farms would not now be so heavily mortgaged and they be suffering for the necessities of life. If the experiment proved a failure, the railroads could be sold. It will cost nothing to try it, and it will settle one way or other this widespread popular demand. It will not do to predict a failure ex cathedra. It is successful in Europe and has never been tried in the United States. It is true that Illinois, Indiana, Massachusetts, Pennsylvania, and Georgia have tried it in a very limited way. It has not been altogether satisfactory nor altogether unsatisfactory, but there are difficulties in the way of a State operating a railroad that do not exist as against the United States, for the States can not regulate shipments from or into other States.

In this case the people furnished the money, and I believe they have a right to demand that they, through their Government, shall have control of the property, at least till this debt is paid.

I therefore oppose any funding scheme, believing that the Attorney-General should act in accordance with the terms of the act of 1887 and buy in the property for the people.

But if any funding bill is passed, certainly the arrangement should be the best one possible. It is admitted that the Union Pacific can afford to offer better terms than the Central, and here is what Creed Haymond, attorney of the latter company, stated his company could do:

> The company could without any difficulty, and without assuming a burden nearly as great as is now upon it for interest, pay into the United States Treasury four millions annually, which would pay off the last dollar of this indebtedness long before the expiration of forty years. This indebtedness could be made to constitute a mortgage upon the property, and it would be a first mortgage readily available to the Government or to any person who desired to use the security.

If Congress is to act at all, it should only do so after a thorough examination of all the facts and the law and equities of the case. We have nothing before us but the reports of the committee, of which there are three, all of them stating the facts differently, and the bill reported, leaving the facts for the Secretary of the Treasury to learn. If the members of the committee who heard the evidence can not agree upon a statement as to the facts substantiated, how can those members who did not hear the evidence base any conclusion upon these reports? We know that the Central and Union Pacific Railroad companies will owe the United States Government some money—as to how much, we have different statements. We know that no effort has been made by the law officers to collect it. We are informed by the debtors that they are insolvent, but we do not know that this is true, while we do know that they have not always been truthful in the past. We have no schedule of assets and liabilities that would be accepted by any court as such, or acted upon in any creditor's meeting.

We know from the reports of the Pacific railroads commission in 1887, the Wilson commission in 1873, the reports of the Government directors of the Pacific railroads each year for the past twenty years, and the messages of Presidents Harrison and Cleveland, that extensive frauds have been charged; that it is claimed there have been diversions of funds; that immense sums have been paid to stockholders, and that the companies are charged with gross violations of the provisions of their charters. We are told that there is not enough property to pay the first-mortgage bondholders and the United States, too, but there is no sworn statement or appraisal of the property. We have no evidence that there is not enough, except the statement of the debtors themselves. Taking for granted that this is true: going further, and taking it for granted that there is not more than enough property to pay the first-mortgage liens, as a matter of law, there are still some important questions to consider. What is the value of the equities? That is a matter a statute-making body can not inquire into properly or reach. It can be determined only by the judiciary.

It is a well-settled principle of law that the statute of limitations does not run against the Government; hence a judicial inquiry would probe the frauds, if any existed, and every commission ever appointed has charged that extensive frauds were perpetrated. These frauds must have been to the injury of the United States, and the courts would follow all funds diverted by fraud and give judgment for their recovery. Pass this bill and we condone these alleged frauds without a legal investigation, cut off the possibility of reaching them in the future, give the railroads a clean record up to the date of its passage, and hereafter we must be governed by the provisions of this bill alone. These companies had practically no money except that furnished by the United States. Does this create a resulting trust in favor of the United States in all property purchased with money belonging to the United States? It is a well-settled principle of equity that where property is bought with funds of another, the title being taken in the name of the purchaser, the owner of the funds has a resulting trust in the property so purchased. Is this a case within that rule? If so, every dollar of the Government money can be recovered. Has there ever been an attempt made to bring this case within this well-known rule of equity? Never.

An attempt was made to hold the stockholders of the Central Pacific liable under the California statute. This failed, the United States Supreme Court holding that they were not liable under that statute because it was a Federal and not a State corporation. That being true, the liability of the stockholders is under the Federal law. What is that law? The statutes being silent, would not the common law prevail, and the stockholders be liable under the common law? If the common-law liability could be enforced, every dollar of the indebtedness to the United States could be recovered. Has there been any attempt to enforce it? None whatever. Should the courts hold that either of these principles applied, the debt could be collected in full, even though there was not a dollar's worth of property available under direct legal proceedings.

In connection with foreclosure proceedings, a bill of discovery could be filed, setting forth the allegations of fraud that have been made. Congressional committees have tried in vain to get the books, or information as to what they contained. If a subpœna duces tecum is not powerful enough to bring them forth, a writ of sequestration, coupled with the authority of the courts to imprison for contempt, would secure the evidence. The hearing before Congressional committees has largely been ex parte. We have only the evidence of the defendants. We know nothing about the strength of our own side of the case. There is not a lawyer in this body who would risk his legal reputation by writing a legal opinion upon the intricate legal and equitable questions involved with the confused and conflicting statements of facts before us for consideration. According to the provisions of this bill, even the amount of liabilities to be assumed is left for the Secretary of the Treasury to ascertain after the bill has passed.

If the decision of the court was against the United States on all of these points, no fraud was proved, no funds had been diverted, and the stockholders were not liable, we would be in no worse position than we are now. We could still fund the debt if thought best. It may be feared that the present foreclosure suits would be pushed and not await the action of Congress. Making the parties to the present suits party defendants will hold them in court; and if the judgment be adverse to the United States, and the Government does not want to purchase the property, and the first-mortgage bondholders refuse to wait until Congress acts, a suit for the annulment of the charter, for which there is ample ground if reports are true, will bring the first-mortgage bondholders to terms at once. Let us have a judicial determination of the facts, a schedule of assets and liabilities, with proper appraisements, a determination of the questions of law and equity; then we will have information upon which we can act intelligently. Until then, theories and opinions are absolutely valueless, for we know nothing about the case.

Let us go into the courts, where the stockholders, the unsecured creditors, the bondholders, the Government, all, can be heard. Let us have a decision upon the merits of the case. Let us probe the charges of fraud to the bottom. Let us recover the funds that have been diverted, if any. Let us determine whether the stockholders, who have grown enormously wealthy, can not be made to account for a portion of their dividends. I believe we will collect all of our money. If not, we will be in no worse position than we are now.

It is evident from the clamor about insolvency these debtors have made, and their desperate efforts to effect a long-term compromise before their debt is due, that they are afraid of the courts; but the United States has nothing to fear from its judiciary. If, as they claim, they have nothing to pay with as corporations, and are not individually liable, why should they object to legal investigation? Is it purely and wholly a proposition for their advantage, and only a plan to induce the Government to pay their debts and allow them to continue in control of the property? If it is, Congress has no right to consider such a proposition for a moment. If not, it is inexplicable that they should keep up an expensive lobby in order to prevent the present law from being carried out.

While I am opposed to this funding bill, I can see how others might be earnestly in favor of funding this debt. But I can not see how any member of this House can favor funding at a rate of interest below the actual cost to the Government of carrying the debt. Nor can I see how any member can favor taking action until the courts have passed upon the important questions involved, with all parties in interest in court. When that is done, the conclusions can be entered upon the records as a decree of court, all creditors and parties in interest would be bound by it, and Congress would know just what the Government's rights are and what the companies could afford to do. I believe that the strongest friends of this bill will vote against it if they give careful consideration to the lack of definite facts and of judicial interpretation upon which we can act.

Are we justified in overruling these commissions and Congresses when every political convention and every mass meeting of citizens that has acted upon the subject has indorsed what they have done? Let me beg of the members of this House to remember that we are considering the question of collecting a debt. It has already been placed in the hands of the Attorney-General for collection, and he has not reported that it is uncollectible. We do not know whether or not the holders of the senior liens will bid enough to enable us to realize something upon our claims. We do not know whether or not other bidders can be secured. We only know that if we do not resort to legal proceedings our debtors, who, it is claimed, have persistently defrauded us in the past, agree to continue in control, provided we pay their preferred creditors. Two Congresses have favored compelling the collection of the debt; two commissions have reported against both the insolvency and good faith of our debtors; three Congresses have refused to entertain similar offers of compromise to that made now. The conduct of these debtors in the past has not been such as to command our confidence that they will carry out even the liberal provisions of this bill. They have strained every point in former enactments against the Government and have grown rich. While they have amassed fabulous fortunes by the liberality of the Government toward them in the past, they have studiously avoided making preparation against this day of settlement.

Let us now deal with them as with an ordinary individual under similar circumstances. Let the law take its course. Let exact justice be done to all, and we shall have done our duty.

[Mr. WATSON of Ohio addressed the committee. See Appendix.]

Mr. POWERS. Mr. Chairman, the gentleman from Ohio is a member of the Committee on the Pacific Railroads, and I ask that he have a few moments more.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the time of the gentleman from Ohio may be extended for five minutes. Is there objection?

Mr. MAGUIRE. I object. The extensions have always been made to those in favor of this bill.

Mr. BARTLETT of New York. Mr. Chairman, in behalf of the people of the United States, and in behalf of the Government, although not authorized so to do by any Government official, I protest against the passage of this indefensible bill. The gentleman from Ohio [Mr. WATSON] has said that this was a controversy between the State of California and the Government of the United States. I say, gentlemen, that this is rather a controversy between the people and their Government on the one hand and certain railroad men on the other. Show the report of any Government director of the Union Pacific Railway in favor of this new bill.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. BARTLETT of New York. I certainly can not yield, as I have only five minutes.

Mr. WATSON of Ohio. The Government commissioners get $18,000 a year, and this bill abolishes their office.

Mr. BARTLETT of New York. Show me the advocacy by any member of the Cabinet of the measure now before us for consideration. No gentleman can accuse me in this place of being an enemy of capital; no one can say that I have ever led a raid against a corporation, or have ever made an attack upon corporate investments; but because I believe in dealing just as fairly with a corporation as with a partnership or an individual, I do not propose

to consent to the lending of the money of the people of the United States to an insolvent corporation, to a corporation as to which it is admitted that it can not pay its debts to-day; and yet, forsooth, they ask us now to lend our money—not ours, but the money of the people—$112,000,000 for nearly a century to come.

I say advisedly, after careful examination of every provision of this bill, that it is the worst, most reckless, and most improvident measure, in so far as the people and the Government are concerned, that has ever been offered to the Congress of the United States. Look at the report. I would that I had time to criticise its singular language. Let me point out to you, gentlemen, that it is claimed by the chairman of the committee, the distinguished gentleman from Vermont, that it is a great merit on the part of these railroad companies that the aggregate sum of the repayments heretofore made amounts to nearly the sum originally lent. Is it so in Vermont that the aggregate sum of interest on any loan can not, within a given number of years, equal the principal? Yet this partial payment of interest by these companies is considered so meritorious that three times within three successive pages it is urged in behalf of the passage of this measure.

The gentleman tells us that we have additional security. He tells us that the Omaha Bridge is a new security. Was the distinguished chairman of the committee ignorant of the fact that the Supreme Court of the United States had decided in the case of the Union Pacific Railroad Company against Hall in 91 United States that that bridge formed an essential part of the Union Pacific Railroad, and that the railroad started from the Iowa side of the river?

Mr. POWERS. Mr. Chairman, I desire to ask the gentleman if the Omaha Bridge or the terminals received any aid?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POWERS. I ask that the gentleman be allowed five minutes more.

Mr. ARNOLD of Pennsylvania. I object.

Mr. CANNON. Mr. Chairman, I have read this report carefully. For ten years I have been familiar with this question, and have heard many debates on various bills introduced touching the settlement of this indebtedness. I almost have by rote the speeches of the gentleman from California, for I have heard them many times on several bills.

Now, sir, it seems to me that, from the practical standpoint, this matter is in a nutshell. People ahead of the Government have a lien on these roads for $64,000,000, which is due, so that they can foreclose. The Government has $112,000,000 (in round numbers) due it, subject to this prior claim of $64,000,000. The debt to the Government also is substantially due, so that we can foreclose. By a law now on the statute book, in the act of 1887, there goes from the Treasury, in the absence of new legislation, $64,000,000 to pay off that first mortgage, so that we shall have $64,000,000 more "blown in," and then, if there is no further legislation in the meantime, foreclosure comes.

Mr. TERRY. Is not the gentleman in error in saying that the first mortgage is due and can be foreclosed?

Mr. CANNON. I am not. Now, Mr. Chairman, I undertake to state that in my judgment if these roads were put up to-day and sold under the hammer, nobody would come forward with the $64,000,000, the amount of the first mortgage. Therefore I am for legislation; first, because I do not want $64,000,000 more to go out of the Treasury. The gentleman from California is against legislation because he does want the money to go out of the Treasury, hoping and believing that the Government will take the road and operate it. I would rather that the railroad should sink a thousand feet deep than that the Government should undertake to own and operate it. [Applause.] But gentlemen say we get only 2 per cent interest. We have an unsecured debt of $112,000,000, and the proposition is that the Central Pacific Railroad, the moment this act passes, shall advance $2,500,000 in money as an evidence of good faith. Gentlemen may say that is nothing. Well, it is $2,500,000 that we have not got now and that we will have then. [Laughter.] We shall be $2,500,000 better off then than we are before we pass this bill. The interest thereafter is to be 2 per cent. There is also a payment of $1,000 a day from each of these roads for ten years, and if there is a default in that payment there is power in the Government to declare the whole debt due at once. With two and a half millions paid down we shall have that much additional security that we shall have the whole debt paid. With the first year's interest paid and twice $365,000, our security will be so much better. During the second and the third and the fourth years, and all the while, our security grows better. The gentleman says the rate of interest is too small. My only fear about this bill has been as to whether or no these companies will or can comply with this legislation if we enact it. That is my only fear. The gentleman compounds the interest at 2 per cent to show what we shall lose if we pass this bill. Well, gentlemen understand what compounding interest means——

[Here the hammer fell.]

Mr. HARRISON. Mr. Chairman, in view of the controversy which arose a few moments ago between the chairman of the committee [Mr. POWERS] and the gentleman from California [Mr. HILBORN], relative to the property of the Central Pacific Company not being embraced in the pending bill, I feel it my duty as a member of the committee, notwithstanding the fact that I am opposing and shall continue to oppose the report of the majority of the committee, to say that in view of the evidence which came before the committee I must substantiate the statement of the chairman of the committee; and I would add that if the gentleman from California had the information which he states he now has when he appeared before the committee, which he did do, that he did not treat the committee properly in failing then to furnish the information which he now states he has.

Mr. KYLE. Mr. Chairman, more than thirty-two years ago this Government loaned to the Central Pacific and the Union Pacific Railroad companies a sum of money. From that day to this a portion of that money has been owing to the Government by these corporations. The business that we have in hand to-day is to devise some means by which the Government can get its money back. All of this talk about the rascality of these people, all of this talk about their unfair dealing with the Government, may or may not be true. In the condition with which we are confronted to-day the question that presents itself to us is, How can we get back for the people of the United States the money that these corporations have received from the Government? That is the practical question which concerns us, it is the practical question that concerns the Committee on the Pacific Railroads, and it is the question with which we have been dealing during these many years.

We have taken up these matters in committee and have heard people from all sections of the country for and against the propositions submitted. We have made earnest, faithful, and honest efforts to arrive at the very best possible solution of the problem. We come here now and present the bill which is the result of our examination and deliberation.

But the gentleman from California [Mr. MAGUIRE] says that we propose to extend to this corporation the privilege of owing this debt for eighty-six years. Now, I ask you gentlemen to deal fairly with us in considering this proposition. I think you ought to treat us fairly; I believe we have tried to be fair with you and with the country.

I ask you to take this bill which we have presented to you and read it for yourselves and see whether the gentleman from California [Mr. MAGUIRE] can legitimately draw such a conclusion as will justify him in making the statement he has made before this House, that this debt is extended for eighty-six years. Take the bill, gentlemen, and read it. It provides that on the 1st day of next July—what? That these companies shall begin to discharge the principal of this debt; that they shall pay at the rate of $1,000 a day for the first ten years that the debt runs and pay up the interest every six months. So that upon an average at the end of about forty-seven years this debt and interest will be extinguished. That is the provision of the bill. That is not my statement. It is the statement of the bill, the gentleman from California to the contrary notwithstanding.

Mr. MAGUIRE. Can the gentleman show any statement in the bill that this debt is to be extinguished at the end of forty-seven years?

Mr. KYLE. No. I say that is the average; which, if the gentleman will figure it out, he will find is the fact. If he makes the calculation he will reach the same conclusion I have reached.

Mr. MAGUIRE. I have figured the average at fifty-five years.

Mr. KYLE. Then not eighty-six years, as you stated a while ago?

Mr. MAGUIRE. Eighty-six years is the total——

Mr. KYLE. I do not want to be interrupted.

Mr. MAGUIRE. Eighty-six years is the total period; the average is fifty-five years.

Mr. KYLE. Now, gentlemen, you have that proposition. The Government begins to get its money at the end of six months. A portion of it is paid during the first ten years, at the rate of $365,000 a year; during the next decade payments are to be made at the rate of $750,000 a year; and so on until all the debt has been extinguished. And gentlemen should remember that these companies, under the provisions of the bill, are required to pay every cent of interest every six months; if they fail to do so—if they fail for six months to pay the principal or the interest of the debt—this bill provides that the whole of this indebtedness shall be considered as due; and in that case the Government officials are charged with the duty of proceeding to collect and enforce the lien provided for in this bill.

Now, why do we fix the interest at 2 per cent? Why, gentlemen, for the best reason in the world. I do not suppose there is any lawyer in this House who has not during some period of his life had to deal with an insolvent debtor. What do good business sense and good business principles suggest in that sort of a case?

Why, to do the very best you can. Suppose we exact more from these people than they are able to pay, and thus break them down? The result is, we simply destroy one of the great arteries of commerce in this country and put ourselves in such a position that we can not realize our debt.

The committee carefully took into consideration the income of these roads. We had men before us to testify as to their income; we had documentary evidence before the committee. As men who, I believe, were trying to deal honestly with the proposition, we took it up and, after considering the ability of those companies to pay, we concluded that 2 per cent was all that their earnings would permit them to pay. How else than from their earnings can the companies pay this money? What is the use of requiring more than they can pay? Is it sensible to exact of them an impossibility—something that they can not accomplish?

Besides the provisions for payment of the bonds that will be due the Government under this bill, I call attention to the fact that there are now in the Treasury of the United States, to the credit of the Union Pacific Railroad Company, known as the sinking fund provided under what is known as the Thurman Act, $15,825,985.63, and to the credit of the Central Pacific, under the provisions of the same act, $6,493,126.94. In addition to this, there is a sinking fund to the credit of the Southern Pacific of $2,105,818.20, over which the Government has no control so far as power to appropriate to the payment of its debt. All these sums are to be applied to the Government debt against these roads, and then the remainder is to be paid as I have before stated.

[Here the hammer fell.]

Mr. BELL of Texas. Mr. Chairman, I had not expected to detain the committee again, but I desire now to repeat and indorse particularly what has been so well said by the gentleman from Alabama [Mr. HARRISON]. The gentleman from California [Mr. HILBORN] is certainly mistaken in the position he has taken, and, I understand, has been misled by a telegram received from some person, who it is I do not know. I would have said something more on the same subject, but the very full and accurate statement of the gentleman from Alabama has covered the ground thoroughly.

But there are one or two other things to which I wish to call the attention of the committee. It has been assumed by the gentleman from Iowa, by the gentleman from Illinois, and various other gentlemen who have addressed the committee, that we have no security at all for our debt against the Pacific roads. That is an entire misapprehension of the facts. Why, sir, the debt which is secured by the mortgage which has precedence over the Government debt, leaving out of consideration the question as to whether we have a lien on any of the property excepting that part with reference to which there is no dispute—that debt only amounts to an average of about $22,000 a mile. There is hardly a railroad in the United States that is not mortgaged for more than that. We have in the State in which I live, and in that section of country, which is not so populous as that traversed by portions of the Union Pacific line, various railroads, some of which are mortgaged to the extent of $48,000 or $50,000 a mile. Nobody questions the fact that they can collect that much out of their security.

Our mortgage covers 1,142 miles of the road, and about that there is no dispute, and the amount of the mortgage which is ahead of ours is $25,000,000, or about $22,000 a mile. Another thing that is worthy of consideration is that that portion of the road on which we have unquestionably a lien runs through and traverses the most densely populated section of the entire country through which the line passes. If they had to get the right of way again through eastern Kansas and Nebraska, through such cities as Topeka and many other magnificent towns along the line of the road, it would cost them for the right of way alone, over a portion of the road at least, as much as $22,000 a mile, without taking into consideration the question of the cost of construction.

We may be treating with an insolvent creditor, but we are not treating with a creditor against whom we can not collect at least a portion, and a large portion, of what is due to us by a lawsuit. That is the fundamental mistake into which the advocates of the bill fall. If we insist on our right, and, if necessary, if we resort to foreclosure proceedings under the act of 1887, we can get possession of the road and sell to some other company for fifty or sixty thousand dollars a mile.

So, Mr. Chairman, I repeat, that we are going to confer a great favor by the plan proposed. I know that if the road is sold at forced sale, and no condition attached, it would not bring more than one-half of our debt in addition to the debt secured by the first mortgage. But in order to induce men to put into the enterprise their own private means, and thereby to increase our security, we propose to extend to them the use of money for a long time at an extremely low rate of interest, and if we will only stand firmly for our rights we will save our Government a large amount of money.

Another thing to which I wish to call the attention of the committee. I occupy pretty much the same attitude with reference to the funding bill as does the gentleman from Louisiana [Mr. BOATNER]. But there are some things in his remarks which I fear might lead some to vote against any kind of settlement. There is an impression which has gained currency that we have a legal remedy against the men who accumulated the fortunes, as we understand they have, out of these roads. If we had such a remedy, I would be in favor of losing half of our debt in order to recover what they owe rather than to allow them to enjoy their ill-gotten gains. But I assert, as a lawyer who is perfectly willing to risk what reputation he has, if he has any, upon the statement, that there is not the least chance under the sun to get one dime's benefit for the Government at the end of a lawsuit against such parties. The Government of the United States can not maintain such a suit. It is simply a creditor of the company, and the directors of the company, if they have diverted any of the funds of the company or have defrauded anybody, have defrauded the company itself, not the United States, and the company alone has the right of action. This cause of action was barred years ago. The committee has considered that point fully, and a subcommittee submitted the question to the Attorney-General, who gave an opinion in accordance with the statement I have made. The only effect of such questions as this is to obscure the real issue and perhaps prevent us from effecting a settlement which may save us millions of dollars. In fact——

[Here the hammer fell.]

Mr. GROUT. Mr. Chairman, I agree with those gentlemen who advocate the passage of this bill that the real question before us is how we can save to the public Treasury this one hundred and eleven or twelve millions of dollars due to the Government from these roads; but I do not agree with them when they say that it is a matter of no consequence that the men who received the money from the sale of the bonds which we loaned these companies and expended it, made themselves rich through the dishonest and fraudulent practices with which they are charged.

I can not, for instance, agree with my friend the gentleman from Iowa [Mr. HEPBURN] in his statement that if these men became rich it was from the rise of the securities which they received—honestly received, as he would have us understand—in the construction of the road.

Mr. Chairman, I can not agree to this when I find on page 143 of the report of the Pacific Railroad Commission, which I hold in my hand, that there were large sums paid for improper purposes, to wit, $258,812.08 on account of the Sioux City and Pacific Railway, which went improperly for the benefit of the directors of that road. On account also of constructing 1,171 miles of feeders to the Central Pacific, Stanford, Huntington, Hopkins, and Crocker issued to themselves $37,722,000 of bonds and $39,015,800 of stock, when the cost of these adjunct lines was but $27,216,381.01, thereby leaving a clean steal on this alone of $55,500,551. Then as directors of the Central Pacific they took a lease of these lines which they owned, at a rental of nearly 13 per cent.

How can I agree with my friend when I read further in said report as follows:

> Fifteen [illegible] ago three of these directors contracted with themselves to build an extension of the California and Oregon division of the Central Pacific from Delta to the boundary line of Oregon, a distance of 103 miles. In payment they issued stock to the amount of $[illegible] and bonds to the amount of $[illegible], the market value of the stocks and bonds at that time being $[illegible]. The actual cost of construction was $[illegible], so that they personally profited by their own votes by that single transaction to the extent of $[illegible]. Mark Hopkins is dead, but his interest is still maintained for his estate and heirs.

The summary of the stealings from the Central Pacific is presented by the commission in the following language:

> In following up the dealings of the Central Pacific Railway directors with the adjunct companies it is found that Messrs. Stanford, Huntington, Hopkins, and Crocker received over $142,000,000 in cash and securities. And in addition to this sum of $142,000,000 they have made large profits in the operation of fifteen or more companies which were directly or remotely sapping the revenues of the Central Pacific Company.

How can I agree with my friend from Iowa when I turn to page 107 of this report and find the provision contained in the charters of these companies that no stock was to be issued until fully paid up in cash, and then read the following findings of the commission; that more than $36,000,000 of the stock of the Union Pacific was issued, but only $9,000,000 paid in cash; of the Kansas Pacific stock $9,600,000 was issued, and not a cent paid; of the Western Pacific $7,900,000 in stock was issued and only $200,000 paid; of the Central Pacific $68,000,000 stock was issued and only $7,000,000 paid in upon it; and of the Sioux City Pacific there were $4,290,000 of stock and only $1,894,000 paid—a total of over $133,000,000 of stock issued, and but $18,094,000 paid into the treasuries of these different companies. Then when I turn to page 51 of this report, and find that the total profit of construction of the Union Pacific was $43,000,000, as this commission figured it, giving the items and spreading them before us, which sum included $1,104,000 on account of the Credit Mobilier, how can I agree with my esteemed friend that these gentlemen became rich from the rise in the securities which they legitimately received? They really stole themselves rich and stole

these roads poor. Nor can I agree with my friend and colleague, the gentleman in charge of this bill [Mr. POWERS], when he says it is none of our business how much these men cheated other people if they did not cheat the Government.

It seems to me, Mr. Chairman, that it is not impertinent on the part of the American Congress to have a care that a corporation created by it be kept clean and honest, not only in its transactions with the Government but with all men. Why, these railroads are the children of Congress; they are our children, if you please; and can it be said that because our children have not cheated us it is none of our business that they cheat everybody else?

But the trouble is, Mr. Chairman, these men have cheated us. You will recall how, after they went away with their charters for these roads granted in 1862, and started the construction of them, they came back in 1864 and said they were not provided with money enough to build the roads, that the stock and bonds were not sufficient in amount, when in fact they were more than sufficient only for the grand larceny of these men. They said, in short, that they must have another mortgage equal to the amount of the Government loan, and that it must be a first mortgage and the Government mortgage made second. And, Mr. Chairman, you will remember, astounding as the fact now seems, how, through the legerdemain of the Credit Mobilier, the stock of which was held by many a Member and Senator, whom it followed like a shadow to the grave, these men hoodwinked and wheedled the American Congress into making the Government mortgage a second mortgage and allowing them to sell, as a first mortgage, an amount of bonds equal to those loaned by the Government, and then they went to work and stole every dollar of that first mortgage and two or three times as much more. So I say, Mr. Chairman, they have cheated us.

They also cheated the Government at the same time by falsely representing that the Sioux City road could not be built on a straight line from Sioux City to the North Platte, according to the original charter, and obtained permission to build on a circuitous route at very much greater cost and to the inconvenience and great damage of the whole Northwest, but to the advantage of a connecting railway, which was in the conspiracy.

By this line, as fraudulently built, after one had gone 79 miles from Sioux City on his way to San Francisco he would actually be more than 25 miles farther east than when he started.

Not only this, but when they defaulted in payment of interest—that is, the Union Pacific—I believe the Central Pacific has not defaulted——

The CHAIRMAN. The gentleman's time has expired.

Mr. BARHAM. I ask that the gentleman have five minutes in addition.

The CHAIRMAN. Unanimous consent is asked that the gentleman have five minutes in addition. Is there objection?

There was no objection.

Mr. GROUT. Mr. Chairman, when they defaulted in the payment of interest any lawyer would suppose that possession of the road could be taken by foreclosure proceedings, and the Attorney-General so supposed, and instituted suit for that purpose. But, when the Government got to the Supreme Court, it was discovered that the gilded hand of the Credit Mobilier had so shaped the act of 1864 that the Government could not foreclose in default of interest alone, but must wait till the debt itself fell due. None of the principal fell due till January 1, 1896.

And here a word in reply to the gentleman from Iowa [Mr. HENDERSON], who said the Government had confessed its inability to deal with this subject by not having already taken action. The fact is the Government could not take action. There was not a dollar of the principal due till January 1, 1896, and under the decision already referred to nothing could be done till the debt itself matured.

Since then they have been awaiting the action of Congress, and very properly, only a year.

Now, Mr. Chairman, after having been held up for thirty-five years, the Government has at last got where it can put its hand on this corporation; where it can foreclose its mortgage. And now these gentlemen and their successors and representatives appear upon the scene again and ask Congress to forget the falsehoods and frauds and robberies that have been committed by them during the thirty-five years they have kept the Government out of this debt. They ask not only this, but also ask the Government to tie its hands as to this debt again, and this time for eighty-six years and at 2 per cent interest. In other words, they ask the Government to hire money at 4 per cent and let to them at 2 per cent. Why, the loss to the Government in interest alone on this transaction would amount to as much or more than the whole debt at the present time. My colleague said in his speech presenting this matter that the Government had its choice, to accept this bill or throw the debt away.

If the bill is accepted, the debt would be absolutely thrown away through the loss on the interest item alone. But, Mr. Chairman, the debt will not be lost should this bill fail. It could only be lost on the ground that the first mortgage could foreclose and shut out the Government mortgage. But this can not be done till Congress gives permission to be made a party to the suit.

Sovereignty does not allow itself to be sued, does not allow itself to be taken into court by a dapper constable or a deputy marshal with a writ of summons except by permission of Congress, and that permission has not yet been granted. If you will look at the Attorney-General's report for 1896, you will find the Department of Justice stands upon this ground. The Government can not, without further legislation, be foreclosed out of its rights in this property. Of course the first mortgage must be paid first, and whether in the hands of a receiver as now, or however it may be administered, that must be paid before anything can go to the Government. But the advocates of this bill say it will give us a mortgage on additional lines of railway. Mr. Chairman, in my opinion the Government is better off with the security it now has than it will be with that proposed by this bill; and if power could be vested in somebody to settle, as proposed by the substitute bill of the gentleman from Alabama [Mr. HARRISON], I believe it would result much more profitably for the Government than to pass this bill. The fact is, little if any additional security would be obtained by extending the mortgage over the unaided portions, while the first mortgage would be increased, if this bill passes, by the amount of $24,000,000. This is well illustrated by the Kansas Pacific, on which we have a mortgage now to the three hundred and ninety-fourth milepost. This is really a valuable piece of road, every rod of it running through a rich and productive country. Between that point and Denver the road goes through an alkali region practically worthless. That portion on which we now have our mortgage will always be a valuable property, made so by the fertility of the country. But the other part is worth nothing only for its connections. And so it is throughout the whole system. It is by no means clear that we shall not lessen, rather than increase, our security by passing this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAGUIRE. I make the point of order that debate is closed on this amendment, and demand a vote.

The CHAIRMAN. The point of order is sustained. The Clerk will report the amendment.

Mr. POWERS. Mr. Chairman, the only amendment offered was an amendment to strike out the last word.

The CHAIRMAN. The pending amendment is a motion to strike out the last word.

Mr. DOCKERY. I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn, and there is no pending amendment. The gentleman from Massachusetts [Mr. KNOX].

Mr. KNOX. Mr. Chairman, it seems to me that we are engaged in passing one of the most important bills of this session or we are engaged in a mere idle discussion which will amount to nothing but boys' play, and be utterly futile. Now, the question of whether we shall succeed in this important business and pass something useful, in my opinion depends more than anything else upon whether we shall pass a bill that some corporation or some body of men with sufficient money, capable and willing to take hold of this road and run it and provide the payments, principal and interest, required by the bill may accept. The estimate of the committee is that the net earnings of this road properly applicable to the fixed charges are only $4,000,000. We know that at the present time of railroad competition a road must be kept up—new rails must be laid, rolling stock repaired and kept in condition; and the real question is expressed in the thought put forward by the gentleman from Illinois [Mr. CANNON], is there a corporation, is there a body of men now that are willing to take this road for the first mortgage bonded indebtedness and the subsidy indebtedness to the Government and pay the annual payments? That is, then, the question.

There is a large opinion in this House that this rate of interest should be larger; that it should be 3 per cent. But, Mr. Chairman, I think we ought to concede that everyone on that committee was as anxious to obtain the highest rate possible for the Government as any one of us. They have looked into this matter, and have said that all that can be provided and paid is 2 per cent. I am willing to take their statement, and trust and believe that there will be some corporation or some body of men that will take this road and pay the Government indebtedness. But, Mr. Chairman, there are other parties interested in the road besides the bondholders. There are unsecured creditors. There are poor stockholders. Is the State of California the only State that has suffered by the Union Pacific Railroad? Have not the people of New England and New York and the East generally honestly invested their money in the securities of these roads, without guile and fairly, money honestly earned? Have not hundreds of millions of dollars of the people of New England gone into this road, and other like roads, where the money was honestly acquired, the fortunes of widows and of orphans? Would it be an objection to this bill that there is in it some hope, some remote hope, that in the years that are to come, the eighty years or the fifty-five years that are to pass while this indebtedness is being paid, and at the end of that time, there may be something left of the wreck: that there may be some little substance to be gathered in of the great fortunes and the great amount of money that have gone into this road that has helped to develop the country of the people that are now objecting to this bill?

Why, the gentleman from California said that the first scheme in respect to the Union Pacific was to have it end nowhere, and then have a company to get terminal facilities and rent to the Union Pacific. That was not the first time that game has been played. That has been played for New England people over and over again, and it has been played over and over again in the railroads of the West: and if the officers of the Western railroads that have intentionally cheated and defrauded the American people had their just deserts, the penitentiaries would have to be enlarged. There is no way to punish a crime that has been committed by laws passed after the offense. The money has been lost. We can not legislate for ourselves. We must legislate here for the Government; and this, it seems to me, is not only the best chance, but it is the last chance. What will be the prospects of another Congress? Will the President allow the time to elapse between this time and another Congress before a foreclosure?

The CHAIRMAN. The time of the gentleman has expired. The Chair desires to recognize somebody in the affirmative.

Mr. MITCHELL. Mr. Chairman, I have listened intently and with great interest to the debate in the House on this bill, and one fact seems to me not to have been stated as clearly and briefly as it might have been, namely, a comparison between the reduction the Government will suffer, the reduction the first-mortgage bondholders will suffer, and the tax put on the stockholders by the assessment on the stock of the Union Pacific Railroad.

Under the reorganization plan and the proposed bill the security of the Government is cut down 2 per cent, and therefore it is contended that the Government is the only party that is to suffer by this measure, but as I understand the case, the stockholders are to be assessed $15 or $16 a share on the stock of the Union Pacific Company, which stock is now selling for about $9 a share, and the first-mortgage bondholders in this road, whose interest now runs from 5 to 6, 7, and 8 per cent, are to have their interest cut down to 4 per cent, so that the interest of the first lienors in this property is reduced one-third, and the stockholders are taxed by assessment over 150 per cent of the present value of the stock.

I have made these few remarks simply to bring these facts to the attention of this committee, as they do not seem to have been brought out clearly during the course of the debate.

There is one other point which seems to me to have misled some gentlemen here. There seems to be an impression that the stockholders are to receive 4 per cent per annum. Now, as I understand the provisions of this bill, the stockholders are limited to 4 per cent; but the earnings of the roads, judging from the past, do not indicate that there is any chance for a long time and for many years to come for the stockholders to get 4 per cent, or, in fact, to get anything in the way of a dividend.

The following figures show the proposed reduction in the interest on the first-mortgage bonds:

$3,933,000 at 8 per cent	$314,640
$19,000 at 7 per cent	1,330
$48,553,000 at 6 per cent	2,913,180
$1,883,000 at 5 per cent	94,150
	3,323,300
Annual interest charges upon first-mortgage bonds under proposed bill	2,171,520
Lost in interest per annum to first-mortgage bondholders under proposed reorganization plan—proposed bill	1,151,780

That is, about one-third loss to first-mortgage bondholders.

Mr. PERKINS. Mr. Chairman, on the day of the opening of this debate I called the attention of the distinguished chairman of the Committee on the Pacific Railroads to the Sioux City and Pacific branch. I have been unable to ascertain that any consideration of that road was given by the committee in the formation of this bill. Now, I am not concerned here to-day with what may be alleged as to the wrongdoings of the men who constructed these Pacific roads originally, but I am here to assert that this Congress has to do with its own wrongdoings, and that it should correct them so far as possible at this time. The Sioux City and Pacific Railroad, a branch intended for the development of the northern part of the United States, was originally authorized to run from Sioux City southwesterly to a junction with the Union Pacific Railroad; but upon reports made, fraudulent reports, alleging that a road could not be constructed in that direction by reason of the proximity of the Black Hills, on the Missouri River, although the Black Hills were 500 miles away, the route was changed. In fact, it is as easy to construct a railroad southwesterly from Sioux City as it would be to construct one across these Capitol grounds eastward. Upon those false reports the road was diverted by act of Congress down the bottom of the Missouri to a point now called California Junction, and then west to Fremont, 2 or 3 miles west of the starting point.

Now, it has been proposed to this committee that so far as possible that robbery of the people of the Northwest should be corrected; but the committee has refused to consider that proposition. I submitted the other day, for the information of the House, an amendment, which was printed in the RECORD, and which was designed, so far as possible at this date, to correct the wrong done to that portion of the country; but I am informed by the chairman of the Pacific Roads Committee that the committee will fight that amendment, and therefore I have to announce that I shall not offer it. I was induced to propose that amendment very largely by the amendment offered by the gentleman from Iowa—the amendment known as the Hepburn amendment—which entirely destroys all right or opportunity to construct a road on that line and gain any advantage from the connection.

Now, this Sioux City and Pacific road, as originally projected, was intended to serve the great interests of that northwestern country—a line coming down from St. Paul, the Sioux City and St. Paul, and the St. Paul and Sioux City, the McGregor and Missouri River, the Dubuque and Sioux City—great lines coming in like the fingers of a hand to get connection with the Union Pacific. All that region has been robbed of its rights by an act of Congress, and we are to-day invited to confirm that wrong; and I am here to enter my protest against it in the name of the people of that great northwestern country. At the city in which I live steps have already been taken, with a view, trusting to the justice of Congress, to build that line on the original survey, or at least in that direction, without any expense to the Government of the United States, and my own city has contributed $220,000 to the enterprise. A bridge has been built there at a cost of a million dollars, and now Congress refuses to consider the application of those people. Whether California has been wronged or not, it is for California to say, but the Northwest has been denied the privileges which were granted to it under the original act, and this Committee on Pacific Railroads is deaf to any appeal for redress. [Applause.]

Mr. POWERS. Mr. Chairman, I ask that the time of my friend from Iowa be extended for two minutes, as I would like to ask——

Mr. BARTLETT of New York. I object, Mr. Chairman, because I did not receive any courtesy from that side.

The CHAIRMAN. Objection is made.

Mr. SPENCER. Mr. Chairman, there is a tiny plant springing up from out of the bosom of mother earth with peculiar characteristics. Toy with it and it will sting you; clasp it and it is harmless.

As a coordinate branch of the Government, we are confronted with a duty that requires no toying with, else it may sting us, to our vain regret. We are not responsible for the conditions antedating this matter. Criminations and recriminations are useless in this condition. Whatever peculation or frauds have existed we are not responsible for; but for the performance of our duty we are responsible; we must meet that duty as men.

It is necessary that something be done with this question. We have before us here the fruits of the labors of a committee. In formulating our views and opinions upon these matters of legislation we must defer to the action of committees established for our guidance. They receive the subject in the committee room, digest and analyze it, and give us the results of their investigation; and we must accept them. We must accord to the members of the committee patriotism and intelligence in all their actions and findings. In view of that fact, confronted as we are with such responsibility, I accept it as an individual, and I trust that those with whom I am associated will not let passion or prejudice or misconceived ideas of what has been done in the past thwart them in the performance of their duty now to go ahead, grasp the situation, accept the fruits of the committee's report (made after a painstaking investigation), and settle for this Government a vexed question which has been a thorn in our flesh for so long a time. Under these circumstances and in accordance with the findings of the committee, I shall support in toto the bill as reported from the Committee on the Pacific Railroads, conscientiously believing it to be the best solution that can be satisfactorily accomplished.

Mr. GROW. Mr. Chairman, I rise simply to correct the statement of the gentleman from Vermont [Mr. GROUT], who brought into this discussion the Credit Mobilier. The mortgage of the United States on these roads was changed from a first to a second mortgage by Congress two years before the Credit Mobilier ever came into existence. The Credit Mobilier, of which we have heard so much, had nothing in the world to do with the changing of that mortgage from first to second. It was done because the syndicate that was expected to raise the money to construct the road said that if the Government would make its mortgage a second lien, thus

taking the risk of the enterprise, they would put in the rest of the money for its construction. But they would not invest their money in second lien if their lien was to come after the Government's first mortgage. So much for that.

But, Mr. Chairman, we are dealing to-day with the living, not with the dead. It is a third of a century since this enterprise began. Most of those who took part in its inception have passed from the scene of action. New men and new interests have arisen; new investments have been made. The House of Representatives sit here to-day in a double capacity. In the first place, we represent a junior creditor of an insolvent corporation. That creditor is the people of the United States. There is no question, I take it, for us to settle outside of this one proposition: Representing a claim against an insolvent corporation—insolvent because it can not pay its fixed charges—how is that corporation to be reorganized?

In all reorganizations of railroads, the first question coming up between the senior and the junior creditors, if there are sacrifices to be made, is, Which have received the greater advantage from the enterprise? And if there are sacrifices to be made, the party that has received the greatest advantages is expected to make most of the sacrifices. Here the great question is as to reducing in rate of interest. The first-mortgage bondholders are to receive 4 per cent on their mortgage. That is fair and all that can be asked. The junior mortgage bore 6 per cent. The only question is as to reducing the interest to 2 per cent. But can this insolvent debtor of ours pay any more? The representatives of the junior creditor themselves have selected a committee to examine that question, and that committee reports that 2 per cent is as large a rate as the net earnings of this debtor will warrant it in paying. Now, sir, if a board of directors representing any railroad in the United States were considering the question of reorganization, and in a question between junior and senior creditors, the junior creditor should refuse to enter into an arrangement after receiving the greater advantage from the enterprise which his own committee recommended, is there a man here who would say that his conduct was honorable and fair? I would take care, if I were dealing with such a man individually, that I had the most ample security for any money that I might loan him.

The junior creditor in this case is the people of the United States. They have received greater advantage from this road than anybody else. They have received a far greater amount of money than the amount of their debt in money saved on the transportation of Indian supplies, munitions of war, troops, and expenses of Indian wars. Nothing ends Indian outbreaks and threatened warfare more quickly than a locomotive passing over the Indian country. Are we any worse off if we accept the report of the committee, a committee selected by ourselves, representing the junior creditor? If a junior creditor is not to take the report of the committee selected by himself, I would like to know what fairness there is in business or money transactions of this kind? It is our committee that has made the report; and we represent the junior creditor here. Is each man to undertake to settle this matter for himself after he has selected a committee to do this business, and then give as an excuse for rejecting their action that he has not had time to examine the question?

Mr. Chairman, what do we get under this arrangement? As the committee has reported, and as everybody agrees, we get a lien of the same amount as now on a large number of miles of unaided railroad to which the same considerations for Government business apply as on the aided lines. The amount of the Government's business would apply on our debt. If we should allow the mortgage to be foreclosed and the property sold, the Government would be obliged to pay cash for all its transportation over all these lines. If the companies succeed in paying their indebtedness under this arrangement, then the Government, of course, has lost nothing; on the other hand, if there should be a failure, the Government can not be any worse off under the new arrangement than it is now.

[Here the hammer fell.]

Mr. BRODERICK. I believe, Mr. Chairman, no amendment is pending to this section.

The CHAIRMAN. No amendment is pending to the first section.

Mr. BRODERICK. I ask for the reading of the second section.

The Clerk proceeded to read the second section, as follows:

SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company and the Kansas Pacific Railway Company, be, and it is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of July, 1897, covering and embracing all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, lines of telegraph, and all the then unsold land grant and other lands, and all the then outstanding land and town lot contracts, and all property appurtenant thereto embraced in and covered by existing mortgages of the Union Pacific Railway Company, including all its unsubsidized as well as subsidized lines of railway and the branches and spurs connected therewith now owned by the Union Pacific Railway Company, the main lines whereof extend from Council Bluffs, in the State of Iowa, to a point about 5 miles west of Ogden, in the State of Utah, and from Kansas City, in the State of Missouri, to Denver, in the State of Colorado, and from Denver to Cheyenne, in the State of Wyoming, and from Leavenworth to Lawrence, in the State of Kansas, together with all appurtenances thereto belonging, and all rights, franchises, and privileges owned by the Union Pacific Railway Company in connection therewith or with the operation thereof. Said mortgage shall constitute a lien upon said properties junior and subject only to the new first mortgage hereinafter provided for, and shall cover and embrace all the lines of railway, property, franchises, and rights embraced in and covered by the said first mortgage. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which, when approved by him, shall be filed in his office; and such mortgage on the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act; but this section or such mortgage shall not be construed to prevent the said company from using or disposing of any of its property or assets, in the ordinary, proper, and lawful course of its current business, in good faith and for valuable consideration, and said company may sell and convey for valuable consideration any lands included in its land grant and apply the proceeds thereof as required by the provisions of the new first mortgage hereinafter provided for: *Provided*, That every such disposition of any stocks, bonds, securities, or other property owned by said company, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury within thirty days after such disposition has been made, and that the bonds, stocks, obligations, or other property acquired, with the proceeds of the property so disposed of, shall, except as hereinbefore provided, in like manner and with the same power to dispose of the same, be subject to the lien of the said mortgage, and that true and proper descriptions and lists of the same shall be from time to time prepared and filed with the Secretary of the Treasury.

Mr. BRODERICK. Mr. Chairman, I desire to submit the amendment that I send to the desk.

The Clerk read as follows:

Amend on page 5, in line 21, after the word "Treasury," by inserting the following:

"*Provided further*, That the said Union Pacific Railway Company shall relinquish and abandon any and all claim, right, title, interest, and demand to or in a right of way exceeding 100 feet in width through the lands formerly known as the Delaware and Pottawatomie Indian reservations in the State of Kansas."

Mr. POWERS. Mr. Chairman, I desire to reserve the point of order on the amendment for the present. I have not looked into it.

The CHAIRMAN. The point of order will be considered as reserved.

Mr. BRODERICK. Mr. Chairman, under an early statute enacted in Kansas by the Kansas Territorial legislature organizing the Leavenworth, Pawnee and Western Railroad, which afterwards was merged into and became a part of the Union Pacific, 400 feet in width was allowed as a right of way through the two Indian reservations named, and by the statute incorporating the Union Pacific road that amount was allowed along the entire line or lines. But the act of Congress was amended by a subsequent statute. The Territorial statute has never been modified, and this has raised the question. The owners of land along the Union Pacific Railroad through the Delaware and Pottawatomie reservations, a distance of nearly a hundred miles, have fenced their lands up to within 50 feet of the roadbed on either side. There has been no claim on the part of the railroad company until recently for this 400 feet of right of way.

But a few years ago, some four or five years past, I believe, there was some claim asserted in a suit pending and prosecuted in the courts of Kansas. The court—a majority of the judges—held that the railroad company had abandoned its claim to the land and that the statute of limitations would run against the railroad claim. But it was intimated by one of the judges that the United States Government had an interest in the road, and because of this possibly the statute of limitations would not run. The road, however, never asserted any further claim, but allowed the owners on either side to inclose the lands, as I have said, to within 50 feet of the road.

The bill reported two years ago by Mr. Reilly contained the substance of the amendment I have submitted. It was omitted, however, in this bill. I simply ask that the provision of the Reilly bill regarding this right of way be inserted in this one. It does not take from the road any property. The road is not using this 400 feet and it does not need it; does not even claim it as a matter of fact, but if it ever does assert a right of possession it will be as a matter of speculation on their part and not because they need it. It is valuable land; and the owners have been in actual possession for twenty-five or thirty years. They are clearly entitled to this land and of right should have this cloud removed and the question settled for all time.

I trust, therefore, that the amendment will be adopted.

Mr. FARIS. Mr. Chairman, in the hearings before our committee, when these charges of misdoing and peculation in the early days of the Pacific roads were presented before us and discussed, I confess I felt that infinite injury had been done to and infinite advantage taken of the Government of the United States. I therefore do not wonder, when we have heard recited on this floor the alleged facts in connection with the history of the early days of these roads, that members who are not familiar with this great subject feel their blood warm and their judgment harden against any proposition of settlement.

Why, sir, if we were to listen to the gentlemen opposed to this bill, we would think we were dealing with and considering the first and only simon-pure case of railroad mismanagement in the entire history of the country. But what are the facts? What is the history of our railroad building?

Why, sir, as the mileposts along the routes and the telegraph poles along the rights of way are strewn the wrecks of men, women, and estates who have lost their fortunes in the blunders and crashes attending railroad enterprises promoted by private capital. I am here to admit that in the building of these great properties there were engaged quite human men, whether they had connection with private enterprises or with these quasi public enterprises. There is no question of that.

But what is our situation as it stands to-day? What are the conditions that confront us? It is that the Government of the United States has a claim of about $112,000,000 against the Union and Central Pacific companies, and we are to deal with it in a manner that will probably save it or certainly lose it, according to the judgment of good men.

The distinguished gentleman from California [Mr. MAGUIRE] a while ago said that there was a third mortgage on certain of this railroad property. I presume his meaning was that it would stand as a bar to the execution of the provisions of this bill in the Government getting a second mortgage. But I call the attention of the distinguished gentleman to the fact that there is a provision in the bill which says that all incumbrances, prior and junior, shall be relieved, and that the first incumbrance now resting upon the road shall rest upon all the property, and that the Government shall have the second lien on all the property, instead of upon a part of it as now.

Mr. MAGUIRE. If the gentleman will allow me to state——

Mr. FARIS. I decline to yield.

Mr. MAGUIRE. That is right. That is the way to deal with the question.

Mr. FARIS (continuing). I further note the fact that the distinguished gentleman from one of the Dakotas says that under the provisions of this bill the Government must borrow $61,000,000 at 3 per cent interest, or something like that, and says that that fact alone is a serious objection to the bill. That would be true if the fact existed.

Why, Mr. Chairman, I would not be offensive to the gentleman (and I regret he has left his seat), but from my point of view the proposition is nonsense and misleading. The Government pays no money to execute the provisions of this bill beyond which it is already liable for. The first-mortgage indebtedness already resting on these properties shall continue, and the Government gets a second mortgage on all the property, securing a debt already matured and maturing to the Government. Not a dollar of public money will be expended to carry out the provisions of this bill beyond the Government's present liability.

Other objections that have been mentioned might be disposed of, but, as you know, it is impossible to go into details in such matters in five minutes of time.

Mr. Chairman, where should we expect wholesome public sentiment on a proposition of this kind? Would it come from California—which has stood here solidly for years opposing every proposition of settlement—when it is known that every member from California who would dare come here and favor any plan of settlement would that instant, and by that act, meet his political destruction? I mention this not to reflect on those able gentlemen, but to suggest they are not safe leaders in this case. Why, sir, I have the San Francisco Examiner of December 10, 1896, commenting on the President's message.

It says:

> President Cleveland has declared that he will use the power granted him by the act of 1887 to secure the Government's interest in regard to the Union Pacific if the funding bill or other instruction does not come from Congress by that date. While no threat is made in regard to the Central Pacific a defeat of the funding bill will probably result in the same action toward that road.
>
> * * * * * * *
>
> The fight of California is cut out for her. The object of battle is to defeat action on the funding bill.
>
> * * * * * * *
>
> There is no need to divide the anti Huntington forces at this day with a discussion of the proper way of disposing of the roads. That question can be settled when the Government gets them. The thing to do now is to let the law take its course.

This indicates a purpose and hope that legal proceedings would result in the Government obtaining the properties, a purpose and hope indulged alone by some people of the Pacific Coast and by the Populist party of the country.

I have the New York Tribune of December 8, 1896, which editorially comments on this bill as follows:

> It is now pretty generally understood that the opposition to any and all plans for revising the relations of the Government with the roads so as to secure their safe continuance comes solely from a small number of Popocrats in both Houses, whose ultimate purpose it is to bring about Government control and management of the roads. That consummation seems to them so desirable that they are quite willing the Government should lose the entire debt, if necessary, in order to effect it. From recent utterances of the San Francisco Call, as well as from other evidences, it would appear that our fellow-citizens in California are somewhat stirred up over this matter. They are apparently anxious to have the Government own and operate railroads on its own account, and especially anxious that the experiment should begin in their own State with the confiscation of the Central Pacific. The reason for their solicitude is not difficult to discover, but the advantage of such an experiment to the rest of the country is by no means so clear. The sale of these roads under foreclosure would, it is true, settle the question of their indebtedness for good and all; but what would the Government have to show for it? The Government lien is forestalled by the first mortgages, which must be paid before any of the purchase money received from the sale can be applied to the payment of that lien. The roads were constructed in war times, when the prices of labor and materials were abnormally high, and it is stated on the authority of those who are best fitted to form an intelligent judgment that the properties would not sell for more than would satisfy the first mortgages. Assuming that this unbiased judgment, based upon careful consideration of the subject, after years of the most searching investigation into the financial affairs of these companies, is correct, the result of a sale under foreclosure would pay the first-mortgage bondholders and leave practically nothing for the Government.
>
> The people of California may view such a prospect with complacency, counting the loss of a hundred millions as the merest trifle so long as they lose nothing, but hope to reap some advantage by it. * * * They insist that the Government ought to take these roads and operate them largely for the benefit of California. This might be an excellent thing to do—for California—but the people who occupy the rest of the country will hardly see it in that light. The Pacific railroads are growing properties, and they can earn, beyond any doubt, sufficient to pay the Government in full if the Government will wait a reasonable time for its money. If Congress can make some hard and-fast contract with these roads by which the latter will have to pay currently and at stated intervals fixed amounts of money—payments not too large for the debtor to be certain of being able to meet and not too small to be just to the creditor—together with a fair interest on deferred payments, it seems to us that such an arrangement would be wise.

This is the opinion of one of the great newspapers of the Atlantic Coast, reflecting, I assume, a great public sentiment there.

I also quote the following from an editorial in the Indianapolis Journal of Saturday, December 26, 1896, which I submit reflects the unbiased judgment of the people of Indiana, who are equally interested with those of other States in this great public question:

> The question—and now it is an imperative one, as the bonds are falling due—is whether the Government will treat the important matter from a business point of view. The owners of the Pacific roads owe the Government a large sum of money, principal and interest. Business men, under such circumstances, would seek an adjustment upon a basis which would give the creditors the best security attainable and at the same time leave the debtor in a position to meet his obligations. The history of the construction and management of the roads is not a factor in the problem, because there is nothing in them that can be utilized. It can not help the settlement to denounce the managers, since if that could have promoted settlement it would have been accomplished years ago. * * * The plan proposed and approved by the best men in both branches of Congress is to accept a funding scheme which will substitute a low rate bond for the obligations of the roads to the Government, embracing a plan for the gradual extinction of the debt.

Here is the opinion of a leading newspaper of the great Central West, equally removed from railroad manipulators of the far East and from railroad haters of the far West. Mr. Chairman, let this question be divested of personal animosities, of studied malice, and be invested, as your committee has endeavored to do, with consideration for the public interest, and this bill affords a rational solution of this great question.

The CHAIRMAN. Debate on this amendment is exhausted. The question is on agreeing to the amendment of the gentleman from Kansas.

Mr. BARHAM. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. By an arrangement with the gentleman from Kansas he has consented to hold this amendment a little while, until we can consider its effect.

The CHAIRMAN. That can only be done by unanimous consent or by an amendment to the amendment.

Mr. POWERS. I move to strike out the last word.

Mr. BARHAM. Mr. Chairman, I moved to strike out the last word before the gentleman from Vermont [Mr. POWERS] made the motion.

Mr. POWERS. I want to give the gentleman [Mr. BARHAM] an opportunity to be heard.

The CHAIRMAN. The gentleman from California [Mr. BARHAM] is recognized.

Mr. BARHAM. Mr. Chairman, I desire to say that the Examiner used all of its efforts to defeat me for a seat in this Congress and the next.

Mr. FARIS. I am glad it did not succeed.

Mr. BARHAM. Well, I do not know about that. Now, I want to call the attention of the committee to a dispatch which I have received from the governor of California, notifying me of the action of the legislature of that State.

It is as follows:

> SACRAMENTO, CAL., *January 7, 1897.*
>
> Hon. JOHN A. BARHAM,
> *House of Representatives, Washington, D. C.:*
>
> The following joint resolution was this day adopted by the California legislature:
>
> Assembly joint resolution No. 6 (substitute for assembly joint resolutions Nos. 1 and 2).
>
> Whereas there is now pending in Congress a measure known as the Powers-Gear bill, which has for its object the refunding of the debts of certain Government-aided railroads; and
>
> Whereas any scheme for refunding the Pacific railroads' indebtedness to the United States Government, or any extension of the time for payment of the same, must result in maintaining an excessive capitalization of these roads, thus requiring high rates of fares and freights to get the interest payments thereon, to the great burden and disadvantage of the people of the State of California: Therefore,
>
> *Be it resolved by the assembly of the State of California (the senate concurring)*, That we are unalterably opposed to any and all extensions of the time for payment of said debts, and also the Powers-Gear bill or any other bill of like import, and we hereby instruct our Senators and request our Representatives in Congress to oppose, by all honorable means, the enactment of any such measure.
>
> *And be it further resolved*, That we favor the immediate collection of said debts, or in the event that the same can not be collected, then we urge the enforcement of existing laws of the United States concerning the question.
>
> *And be it further resolved*, That we petition in behalf of the State of California for a hearing before the respective committees of Congress having jurisdiction of the subject, and the Senate and House of Representatives of the United States are hereby further petitioned to recommit the measure now under consideration, and delay final action thereon until such hearing can be had.
>
> *Be it further resolved*, That the governor be requested to immediately transmit by telegraph a copy of these resolutions to our Congressional delegation at Washington.
>
> ASSEMBLY CHAMBER, *Sacramento, January 7, 1897.*
>
> I hereby certify that the foregoing is a true copy of assembly joint resolution No. 6, as adopted by the assembly on the 5th day of January, 1897.
>
> S. J. DUCKWORTH,
> *Chief Clerk.*
> JAMES H. BUDD,
> *Governor of California.*

The California delegation, as I understand, are not now, and never were, in favor of governmental ownership of these roads or any roads. So far as I am concerned, I disclaim any such purpose.

I want to call the attention of the committee to a remark made yesterday by the gentleman who is in charge of the bill.

Mr. HILBORN. I hope that the gentleman will deny the statement made yesterday that we were all intimidated.

Mr. BARHAM. Oh, everybody knows that a Californian is never intimidated by anything—the Examiner, or anything else.

Mr. Chairman, the distinguished gentleman who has charge of this bill said yesterday—and I deem it of most importance in this inquiry, as to whether we have a mortgage lien or a statutory lien upon the terminals—he said yesterday, in a statement to the gentleman from Massachusetts [Mr. MCCALL], that the section to which the gentleman from Louisiana [Mr. BOATNER] referred had been directly passed upon by the Supreme Court, and that the Supreme Court had held in that case that our statutory lien or mortgage did not extend to the terminals.

Now, I challenge that statement. If the gentleman ever read the opinion, he knows that that is not the effect of the decision. The court, in 118 United States, as the gentleman from Vermont [Mr. POWERS] knows, passed upon but one question, and that was section 2 of the Thurman Act. It was not upon section 9, as the gentleman undertook to make the committee believe yesterday. What is section 9? It is part of the Thurman Act, drawn by that great constitutional lawyer, who knew all the facts governing this case. Section 9 covers like a blanket all of the property which is referred to in this bill. It was written to cover it all. It covers the Omaha Bridge; it covers all of the terminals, and no man can read section 9 of the Thurman Act without confessing, if he is a lawyer, or if he can understand the English language, that it covers the terminals and all parts of this road. And yet we are told by these gentlemen that we are getting additional security.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. BARHAM. I can not be interrupted. If you will give me time I will answer any question you may ask.

Section 9 says:

> That all sums of money due the United States from any of these companies respectively, whether payable presently or not, and all sums required to be paid by the United States into the Treasury or into the sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien on all of the property, assets, rights, franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon all of the estate and property, real, personal, and mixed, assets, and incomes of said several corporations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARHAM. I ask five minutes more.

The CHAIRMAN. The gentleman from California asks that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARHAM. Mr. Chairman, it appears from section 9 that all the property owned by the Union Pacific or Central Pacific is covered by the Thurman Act; and there can not be the least question in the world about it. Now, the gentleman from Vermont cites 118 United States Reports. All you have got to do in the world, gentlemen, is to read 118 United States to see that that decision is confined solely to section 2. And what is section 2? It provides for compensation for transportation. That is a debt from the Government to the companies, and does not require security, as section 9 does.

Mr. WATSON of Ohio. Your time has been extended; will you answer a question?

Mr. BARHAM. Certainly.

Mr. WATSON of Ohio. How could the Government get a lien or a mortgage upon this portion of the road which the Government did not assist in building?

Mr. BARHAM. By declaring as was declared in the Thurman Act. We never had, and have not now, anything but a statutory lien, just as has been declared in this act, and as in the act of 1862. We never had anything but a statutory lien, nothing else; and the gentleman is a lawyer and knows what I say is true.

Mr. WATSON of Ohio. I do not know anything of the kind.

Mr. BARHAM. Then you do not know much law. [Laughter.]

Mr. WATSON of Ohio. I would rather have somebody pass on that who does know some law.

Mr. BARHAM. I am going to pass on it.

Mr. WATSON of Ohio. Do not you know that the Supreme Court has decided that the only lien the Government has is on the bond-aided portion of the line?

Mr. BARHAM. I am glad the gentleman asked that question. The Supreme Court of the United States has decided nothing of the kind, under the Thurman Act, on causes of action. If you have read the decisions, you will find that they are upon causes of action that arose before and not under the Thurman Act.

Mr. WATSON of Ohio. No, sir; not at all.

Mr. BARHAM. Yes, sir; at all; and if you have read them you know.

Mr. WATSON of Ohio. You seem to speak with a great deal of positiveness.

Mr. BARHAM. You seem to be attempting to mislead the House about the matter.

Mr. WATSON of Ohio. I am not endeavoring to mislead the House.

Mr. BARHAM. The great constitutional lawyer, Senator Thurman, drafted this act, and this act has been declared constitutional by the Supreme Court of the United States.

Mr. WATSON of Ohio. Will the gentleman allow me to ask him another question?

Mr. BARHAM. Certainly.

Mr. WATSON of Ohio. Do you not know 118 United States, the case to which you refer, decided that the act of 1878, the Thurman Act, and the act of 1864——

Mr. BARHAM. Are in pari materia.

Mr. WATSON of Ohio. In pari materia, to be construed together; and therefore that the lien of the Government only attached to the bond-aided portion of the road.

Mr. BARHAM. They did not decide anything of the kind.

Mr. WATSON of Ohio. Well, lawyers will disagree.

Mr. BARHAM. They decided just what I have said, that the compensation for transportation——

Mr. POWERS. Will the gentleman from California print in his remarks the opinion in the case of 118 United States? That will test your honesty in what you are saying.

Mr. BARHAM. I hardly think it necessary to print the report in my remarks.

Mr. WATSON of Ohio. Will you print any part of it in your remarks?

Mr. BARHAM. Will you?

Mr. POWERS. Here it is; will you read it?

Mr. BARHAM. I will if the House will give me time. Is there objection to the time to be taken in reading this report?

Mr. POWERS. Wait until somebody objects before you ask that.

Mr. BARHAM. Now, I say to this House that section 9, to which the gentleman from Vermont referred, is not construed in this opinion; only section 2, which refers to compensation for transportation—over 2,165 miles of leased road which these roads did not own. That was the question under investigation, and which the court determined.

Mr. Chairman, the Government has a plain legal remedy against the stockholders of the bond-aided roads for any deficiency which may exist after sale of the roads on foreclosure.

I call the attention of the House to the fact stated in the report of the United States Pacific Railway Commission at page 140 (Senate Executive Document No. 51, Fiftieth Congress), where it is shown that of the subscribed capital stock only $1,797,350 was paid up, when $97,098,590 should have been paid up. That is, of the subscription to the capital there remains unpaid by the stockholders over $95,000,000.

By section 2 of the act of 1864 the stockholders are required to pay in for the capital stock at the rate of $5 per share every six months, in money, until the same is fully paid in, and that there now remains of the subscribed capital stock $95,000,000 which has never been paid in.

> It is an elementary principle of equity that the capital stock of a corporation, whether paid into the treasury of the corporation or retained by the stockholders of the corporation, is a trust fund to which the creditor of the corporation has the first lien and the equitable right to look to and subject it to the payment of his debts.

Thompson on Liability of Stockholders, section 11, says:

> This fund (the capital stock) is the stock held out to the public upon the faith of which the company obtains credit.

The Government of the United States is a creditor of the Union Pacific, the Kansas Pacific, Central Branch, and the Central Pacific in the sum of about $112,000,000. Of these companies the stockholders have only paid $1,797,350, although the amount which should have been paid in by the stockholders is $97,098,590, leaving an unpaid balance of capital stock of over $95,000,000. Now, it is an admitted fact that these companies are notoriously insolvent.

The companies being insolvent, the United States being a creditor, there is no reason in the world why the stockholders should not pay this trust fund—this $95,000,000—to this Government.

In Adler *vs.* Milwaukee (13 Wis., 60) the supreme court of Wisconsin said:

> It would be contrary to the plainest principle of law and equity, as well as common sense, after having subscribed to the capital stock, to allow the stockholders, through their own or the willful neglect and dishonest practice of its officers, to refuse to pay in unpaid stock to discharge the fair and just debts due from the company.

There is no conflict in the authorities upon this question: all law writers and commentators and all decisions which treat of this question lay down the same rule.

It seems that some members have taken the view that the Government, though being a creditor, could not sue the stockholders directly, but must work out its rights through the corporation; that the Government must have the corporation sue its stockholders, or that the Government must sue the corporation, obtain judgment, issue execution, and have it returned nulla bona, and that because of the great lapse of time since the money should have been paid by the stockholders the Government is barred by the statute of limitations.

They are, I submit, in error on all these propositions. It is elementary law—a maxim—that the law never requires the doing of an idle act. The corporations being confessedly insolvent, it is not required that the creditor should be compelled to pursue the idle process of suing the corporation, obtaining judgment, issuing execution, and have it returned unsatisfied.

In 2 Cook on Corporations, section 11, page 251, lays down the universal rule thus:

> When a corporation is notoriously insolvent, the remedy against the corporation need not be pursued. The action may be brought by the creditors against the stockholders.

There is no conflict in the authorities upon this question. There is an unbroken chain of authorities laying down this rule, besides which it is an elementary principle of common sense. It is so announced in Camden *vs.* Doremus, 3 How., 515, 533; Terry *vs.* Tulmab, 92 U. S., 156; Stutz *vs.* Handy, 41 Fed. Rep., 531; Kimber *vs.* Bank of Fulton, 49 Ga., 419; 9 Oreg., 200, and in many other authorities. So that there remains no question about the right of the Government to maintain the action directly against the stockholders when the corporation is insolvent.

The next point urged by the advocates of the measure is that the Government is barred by the statute of limitations, and the chairman of the committee upon this question obtained the opinion of the Attorney-General of the United States. The Attorney-General gave the committee a written opinion in which he holds that the Government of the United States is barred by limitation from maintaining the action.

The question propounded by the chairman of the committee [Mr. POWERS] is whether, if such liability exists, the United States will be barred in any action which might be brought for the enforcement thereof by the statute of limitations which would bar the companies if the actions were brought in their name and behalf. In other words, whether the United States would be entitled to maintain action as creditors of said corporations against its directors and officers which the corporations themselves could not maintain.

The Attorney-General answered in this way:

> As the United States would be merely asserting the rights of the companies as assets to be applied to the payment of their creditors, any statute of limitations which would bar the companies would also bar the United States.

This is manifestly erroneous. There is a great mass of authority, without conflict, holding that the United States when asserting rights as a sovereign power is not barred.

In United States *vs.* Nashville and Chattanooga Railway Company (118 U. S., 125), the United States had taken certain Cherokee bonds, which if at the time the action was brought had been held by the Cherokee holders, it would have been barred by limitation.

It is not possible to get a more precise case, one on all fours with the one I am now discussing. The Supreme Court, Justice Gray delivering the opinion, said:

> It is settled beyond doubt or controversy, upon the foundation of the great principle of public policy, applicable to all governments alike, which forbids that the public interests should be prejudiced by the negligence of the officers or agents to whose care they are confided, that the United States, asserting rights vested in them as a sovereign Government, are not barred by any statute of limitations unless Congress has clearly manifested its intention that they should be so barred.

Congress has never manifested such intention. It is perfectly apparent that the Attorney-General has fallen into error in his opinion to the committee. It is to be regretted that an official high in office should upon such great questions of public and national importance fall into error against and to the great danger of the public interests.

Yet this only illustrates the necessity of the rule laid down by the Supreme Court of the United States which I have just read, that—

> The great principle of public policy forbids that the public interests should be prejudiced by the negligence of the officers or agents to whose care they are confided.

The committee have, however, recognized the error of the Attorney-General upon this subject in this bill, and have attempted to preserve the rights of the Government upon the question which I present.

It is provided at the end of the bill that—

> Nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

It is manifest that this provision has no purpose except to mislead. It is perfectly meaningless. What right or remedy is preserved in favor of the United States, and against whom?

Could any court construe that provision as retaining in the United States any right or remedy it now has against a stockholder who has not paid up his capital stock? Clearly not. It does not so provide. Besides which, the Government is extending the debt of the corporations for many years, taking other security, and providing that all liens upon the railroad, the property, and the revenue by virtue of any existing laws "shall cease and determine," and placing $45,000,000 more prior to the Government lien.

Does not anybody know that the doing of these things ipso facto releases the claim against the stockholder? The only result of this provision is to mislead, bewilder, and confuse.

Is it possible that it can be in good faith claimed that this pretended saving clause can be of any benefit to the United States? Already the question which I present is surrounded and beset with quite enough difficulty without encumbering it with the dead weight which this measure proposes.

But, in answer to all this, it is thought by some that in the case of United States *vs.* Stanford, recently handed down by the Supreme Court, the question has been settled against the Government. If gentlemen who have such views will simply read the opinion of the court in that case they will at once see that such is not the case. The point which I have just called the attention of the House to was not involved in that case. The only point decided or involved in that case was as to the liability of a stockholder of the Central Pacific under the constitution and laws of California—that is, the statutory liability in California; and the court held that, the California company having accepted the terms of the acts of Congress, the road became national, and that the liability of the stockholder was no longer governed by the constitution or laws of California.

The laws of California have imposed an additional liability.

The liability of the stockholder to pay the full amount of his subscription is fundamental for the benefit of creditors of the corporation. Our constitution has added a further liability which makes the stockholder liable not only to the extent of his subscription to the capital stock, but to whatever remains beyond for his proportion of the debt according to the amount of stock which he holds bears to the whole amount of capital stock. That is, although a stockholder may have paid in the full amount of the capital stock for which he subscribed, yet he is liable beyond this for his share of the debt of the corporation, measured by the amount of stock he holds. If he holds one-tenth of the stock, he must pay one-tenth of the debt.

But I say the liability of a stockholder for his subscription to the capital stock is not passed upon in United States *vs.* Stanford.

In that case (161 U. S., page 429) the Court holds that the acts of Congress do not impose upon the stockholders a personal responsibility to pay the debts of Central Pacific, but in this connection says:

> They (the stockholders) were bound, of course, to make good the amount of their subscriptions; but that being done, their personal responsibility to creditors of the corporate body ceased. (Pollard *vs.* Bailey, 20 Wall., 520; Terry *vs.* Little, 101 U. S., 216; 3 Thompson on Corp., sec. 225, citing other authorities.)

The court then proceeds to show that the stockholders of the Central Pacific are upon equal terms with the Union Pacific, and that their responsibilities are the same. The fact that the Central Pacific is a California corporation does not impose additional liability on its stockholders. And at page 431 the court expressly reserves the question I am presenting, and says:

> It should be remembered that the question here is not whether the stockholders of the California company can be made liable for its debts to the United States arising in some other way than under the Pacific railroad acts.

The court must of necessity refer to the liability of a stockholder to pay in his subscription to the capital stock. There is no other liability, except the statutory liability under the laws of California, against which the court held in the Stanford case.

I submit that with a cause of action in favor of the Government so apparent, and one which will bring to this Government $95,000,000, the people of this country will not justify Congress in releasing and in condoning what is claimed to be one of the greatest frauds of this or any other century.

This measure provides for the leasing of the roads which accept the terms of the act.

This is provided for in section 21. The law as now construed by our courts does not permit one competing road to lease or control another and competing line. This rule has its foundation in public policy, and is intended to prevent monopoly. I think this provision in the bill is the very Pandora's box of evil, and will overturn a principle which has been long established.

The company which accepts the terms of this bill may by express authority lease its railway and property, or any part of it, to a competing road. Our courts, after many long and wearisome contests, have held, and the Supreme Court of the United States has just recently handed down two opinions, one from Kentucky and one from Montana, holding that the leasing of competing lines is illegal and void, being contrary to public policy. This provision will confer upon the accepting roads rights and privileges which no other roads have.

It can not be that this House will change such a salutary rule of existing law in a bill of this nature when the attention of the members is not supposed to be directed to it, and in the nature of things it would not be found in such a bill.

I think a change of such importance should not be considered in a bill of this nature.

Let us inquire for a moment into the result of one competing road leasing another and competing.

Take, as an illustration, one of the involved roads, the Central Pacific, which is now leased to the Southern Pacific. This lease, of course, is void; but see how it has operated upon the income of the Central Pacific.

In 1894 a lease was made for ninety-nine years of the Central to the Southern.

In 1891 the net earnings of the Central were $2,144,000; in 1892, $861,000; in 1893, $784,000; in 1894, the year the lease was made, $144,000; and in 1895, $42,000.

It is inconceivable how the income of a road could be reduced from $2,000,000, and inside of four years, to $42,000—that is, the income of 1895 was only one fiftieth part of that of 1891—except by manipulation peculiar to Pacific railroading; and yet this is just what happened, according to the statement of Mr. Tweed, made before the committee who reported this bill.

And this leads to another thought in considering this measure, and that is, that under the Thurman Act, in 1891, the Central Pacific paid in, or should have paid, the percentage on $2,144,000, and in 1895 there was paid in a percentage on $42,000 only. The loss to the Government is apparent.

I submit to the House that if this is only a coincident, it is a coincident that I think the courts should inquire into, and that this, with a mass of similar coincidents, should not be released and condoned without even an inquiry of any nature, but rather to offer a reward for future acts or coincidents of the same nature, by expressly providing in this bill that any accepting road under this act may lease its railway and property to a competing line.

Considerable stress is laid upon the fact that the Government should, if it takes the roads, have the feeders and branches.

In the first place, it is apparent that the feeders and branches have been constructed by the earnings of the trunk lines, and at a continuous loss to them. The distribution of earnings between the feeders and the trunk has always been in favor of the feeders, and has taken from the net earnings of the main line and decreased the percentage to the Government under the Thurman Act. These feeders are now and always have been operated at a loss, and as applicable to the aided roads the loss has continually fallen upon them.

Many of the so-called feeders have been built as competing lines to roads already built. Some have been built to open up the properties of the stockholders of the trunk lines, and at a loss to it. These branch lines in 1886 had debts to the amount of $18,000,000, with an interest charge of over $3,000,000 a year.

In making returns of net earnings, these companies have never reported the amounts deducted by them for pools, rebates, and discriminations. They have deducted without right over $25,000,000 for pools, rebates, and discriminations—a loss to this Government of $8,000,000. (Ex. Doc. No. 51, pp. 142, 143.)

The Central and Union Pacific between them have paid over $4,000,000 to the Pacific Mail Steamship Company to maintain high rates.

The Union Pacific Railway Company has a proprietary interest in 41 corporations, and owns stocks and bonds in 36 railroad companies, and owns stock in 18 other corporations, including the Union Elevator at Council Bluffs and Union Elevator at Omaha.

In addition to all these stocks and bonds, the Union Pacific Company owns coal and other lands valued at over $198,000, and the Laramie Soda Works, worth $64,000.

An examination of the reports of the helping or feeding roads will show a system carried on inconsistent with honesty.

To inflate the capital of the Oregon Short Line, its cost was reported at $29,000,000, while in fact it cost less than $15,000,000. (Ex. Doc. No. 51, p. 173.)

The California and Oregon division of the Central Pacific is reported as costing $8,340,000, when in fact the actual cost of construction was only $3,505,609.

The CHAIRMAN. The time of the gentleman has expired, and the gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, House bill 8189, now under consideration, and commonly known as the "Pacific Railroad funding bill," sets forth in its title, among other things, that it is intended thereby "to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned."

I am opposed to the passage of this bill, because in my opinion the enactment of its provisions into law would not accomplish the very desirable objects thus set forth, namely:

First. The final settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads.

Second. The payment of all indebtedness to the United States of certain companies therein mentioned.

I think there is no gentleman on the floor of this House but will agree that it is highly desirable and exceedingly important that the questions involved in connection with the Government's relations with the Union Pacific and Central Pacific railways be settled finally and forever, and that it is equally desirable and important that the Government shall receive full returns for the debts owing by these roads to the Government. In common, therefore, with probably every member of this House, I would hail with satisfaction any proposition of settlement which would finally and fully dispose of the matter.

When the original acts of 1862 and 1864 were passed, providing for Government aid to certain lines of railway under certain conditions, provisions were then made for payments to the General Government by the companies, which undoubtedly, in the opinion of the framers of that legislation, would be amply sufficient to secure the payment of the interest upon the subsidy bonds and entirely liquidate in due time the principal of those bonds. No better illustration of the seeming impossibility of making provisions in legislation of this character which shall fulfill the expectations of the framers of such legislation could be had than a knowledge of the results of these enactments. For many reasons which I shall not stop to detail, but some of which have caused vast scandal and tended to fasten in the public mind the conviction that no honest effort was being made by those in control of the roads to provide for the payment of either interest or principal on the debt to the Government, the provisions in the original act for the protection of the Government proved utterly inadequate to provide for the payment of the interest on the Government subsidy bonds. The notorious scandals connected with the management of the road and the fact that the Government seemed each year to be placed in a position which gave less and less hope of the ultimate extinction of the debt owed by the roads called forth the Thurman Act of 1878, with its provisions for larger annual payments to the Government by the roads for the liquidation of the principal and interest of their governmental indebtedness and the extension of the Government lien to other properties than those included in the acts of 1862 and 1864. Owing again to numerous causes, among which figured prominently many acts of railway financial manipulation, which have subjected the management of the companies to a vast amount of merited criticism, the bill failed to realize the expectation of its framers, and now we find the Union Pacific and Central Pacific railways in the hands of receivers, confessed bankrupts, defaulters to the Government of the United States for many years' interest, and finally for a part of the principal of their debts, seeking some settlement with the Government and other creditors whereby they may resume operations as solvent railway corporations.

The ambition of the owners of these roads to settle their difficulties and resume operations in the normal manner are praiseworthy and laudable, but, Mr. Chairman, in my opinion, the passage of the bill now pending before this House would only continue for an almost interminable length of time the same unsatisfactory conditions, or even more unsatisfactory conditions than have existed between the roads and the Government in the years past.

In the limited time at my disposal in the discussion of the question I shall refer to that phase of it which particularly bears upon the relations of the Government to the Union Pacific Railroad, embracing the original Union Pacific and Kansas Pacific bond-aided lines. The State which I have the honor to represent on the floor of this House has within its borders over 500 miles of this road. It is the only line of railway which traverses the southern portion of the State and is the only line which extends entirely across it. On this line of railway are located nearly all of the towns of any considerable size within the State, and over two-thirds of our population are entirely dependent upon this road as a means of communication and transportation. The country on both sides of the road is wonderfully rich in mineral products—coal in inexhaustible quantities, the precious minerals, iron, copper, soda, and petroleum abound, and are awaiting development. We of Wyoming have been eagerly and anxiously looking forward to the time when the settlement, in some way, of the Government claim upon the road would once more place it in the hands of and under the management of the men who actually own it at a figure approximately measuring the actual value and earning capacity of the road under fair freight and passenger rates. We have felt that so long as this enormous Government debt is hanging over the road as a second mortgage we could not hope for the building and extension of feeders and branches tending to the development of any of our manifold resources, for the reason that the temptation to each successive management was not to develop the country through which the road passed with the view of increasing the value of the property thereby, but simply to get every dollar out of the road possible to obtain for the benefit of the management and the first-mortgage bondholders, without in any way enhancing the value of the property upon which the Government's lien existed or to pay more than was absolutely required of the Government obligation. "After us the deluge" seems to have been the motto of the gentlemen who have been connected with the road in the past. I do not know but that it is entirely natural that these gentlemen should endeavor to protect their own interests prior to the interests of the Government, but, as I have before stated, some of the means by which this has been accomplished have been, to say the very least, exceedingly questionable.

Now, Mr. Chairman, what we want—what the people at large want; what every succeeding American Congress will thank us for doing—is to forever eliminate this question from American politics and settle it once and for all time, and close up the unsatisfactory copartnership of the Government with these private corporations. Does this bill, in any particular, accomplish this? I believe not.

The bill provides that for the next ten years the Union Pacific Company shall pay annually to the Government the sum of $365,000 of the principal of its debt, and interest at the rate of 2 per cent; that for the ten years following the company shall pay on the principal of its debt the sum of $550,000 per annum, and thereafter $750,000 annually, on the principal of its indebtedness—a scheme that will delay the final extinction of the Union Pacific debt to a date eighty-three years from now; a settlement, forsooth, which is not consummated until three generations of men shall have passed away, and which provides for the final payment of the debts of the company in the third century of the Republic—a time so distant and remote that no man can say that there will be any property to levy upon, what shall be the conditions surrounding the property, or what will be the value of the road or its earning capacity—a settlement which seems to be founded on the assumption that this company will be in a condition twenty years hence to pay the Government annually, on the principal of its debt, double what it is now able to pay or will be for the next ten years: a settlement the real test of the success of which would not come for ten or twenty years hence, for the paltry sum proposed to be paid annually for the next ten years on principal and interest would more than be covered by the Government transportation and mail contracts; a settlement that does not settle, for the reason that we have no means of knowing that the companies now operating these roads, or that may be organized to operate them, will accept these conditions; and, further, for the more important reason that the bill provides that the roads may be thrown upon the Government whenever the company finds it for its interest so to do.

Section 13 of the bill provides that whenever, in the opinion of the President of the United States, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in the property, the President shall direct the Secretary of the Treasury to redeem or pay off any paramount lien by paying the sums lawfully due in respect thereof out of the Treasury of the United States, and no man knows at what time in the eighty years during which the settlement shall be pending the President may be called upon to pay off paramount incumbrances, or to what extent he may be forced to do so. It is not entirely clear to my mind what the intent of this section is, for I can not conceive that it gives the Government any further security or any advantage in the collection of its debt further than are conferred by the remainder of the act. I can readily understand, however, that under the provisions of the first part of this section the company might reap a considerable advantage.

Mr. Pierce, who appeared before the Senate and House committees in the interest of the reorganization committee, claimed that under the act of Congress subordinating the Government lien to the first-mortgage bonds the consent of the Government to be sued was involved. Taking this view of the case, it seems to me there would be no question but that these gentlemen would hold that under the provisions of this act the Government could be made a party to a suit in equity for the foreclosure of the first-mortgage bonds. If conditions should arise (and such conditions are by no means impossible) whereby the property of the Union Pacific Railway should be decreased in value to an extent that would jeopardize the interests of the first-mortgage bondholders, and there was any danger that the road under forced sale would not bring the amount of the first-mortgage bonds, by the simple act of failure to pay interest on these first-mortgage bonds a suit could be instituted for the foreclosure, and, under the provisions of this act, the people of the United States would be compelled for the "protection of the interests and the preservation of the security of the United States in respect of its lien" to redeem or otherwise clear off the first-mortgage lien by paying the "sums lawfully due in respect thereof out of the Treasury of the United States." Really, this is a very clever arrangement, whereby in no event can the first-mortgage bondholders receive less than par for their bonds.

The provisions of this bill will not settle the question of the Pacific railways, for the reason, further, that under those provisions there are created, prior and paramount to the Government lien and mortgage, a first mortgage on the Union Pacific lines, amounting to at least the sum of $51,388,000.

The present indebtedness of the Union Pacific associated lines on first-mortgage bonds is $33,532,000. Under foreclosure at the present time this sum would be prior to the mortgage to the Government. Under the provisions of this bill the Government allows the sum of $20,656,000 to be made prior to its lien in addition to the amount which now occupies that favored position. In view of allowing this further amount to be placed as a prior lien upon all of the property of the company, the supposition is, from reading the bill, that the Government secures a lien which it does not now have on the unaided portions of the road and certain other property of the company. As to this property, it is claimed, I presume, by those who are advocating the passage of this bill, that it would for the first time become subject to the Government lien under the provisions of this bill. On that point some very good lawyers, among them Senators of the United States, are of the opinion that the so-called Thurman Act of 1878, by the provisions of section 9, which are as follows—

> That all sums due to the United States from any of said companies, respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all estate and property, real, personal, and mixed, assets and income of the said several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon—

extends the lien of the Government over all of the property owned by the Union Pacific Railway Company. I know that it is contended that the decision of the Supreme Court in the case of the United States against the Central Pacific Railway, of May 10, 1886 (118 U. S. Rep.), is to the effect that the United States has no lien under the Thurman Act other than upon the bond-aided portions of the road and property referred to in the acts under which this road was organized. But it is also the opinion of many able attorneys that that decision does not take up or decide the question as to the extension of the Government's lien for the payment of the principal and interest of the debt owed by the road to the Government. So it appears to be a grave question whether the provisions of this bill, which adds twenty-odd millions of dollars to the debt of the road made prior to the lien of the Government, really adds a dollar's worth of property to the security the Government now has or would have under a foreclosure carried out under the provisions of existing law. On the other hand, it is the opinion of many who are competent to judge of the value of the properties which it is claimed by the advocates of this bill are for the first time made subject to the Government lien that the properties are highly valued at the sum of over $20,000,000, which is by this act made prior to the Government lien, in addition to the amount of the present first mortgage, and that, therefore, even when admitting that these properties are for the first time added to those on which the Government has a lien, the Government does not receive any additional security thereby. It is assuming altogether too much to say that, as a matter of fact, this proposed extension of the Government lien really embraces any property not embraced in the extensions of the Thurman Act, in view of the expressed opinion of eminent lawyers to the contrary, and I

therefore insist that that is not a settlement in any sense of the word which increases prior and paramount indebtedness without, with any considerable degree of certainty, furnishing any further security.

The provisions of this bill, in my opinion, will not settle the question of the Government's unsatisfactory condition in its connection with the Union Pacific Railway, for the very important reason that this bill provides for the payment of the companies' debts to its public and private creditors by starting out with an assumption of an amount of indebtedness largely in excess of the real value of the property, and payable under conditions which, in my opinion at least, the company can never meet. It is all very well to say that we insist that the Union Pacific Railway shall pay every dollar of the indebtedness owing to the Government, principal and interest, but it is not carrying out the idea embodied in that statement in good faith to propose or to agree to a so-called settlement the conditions of which, taking into consideration the condition of the property and the business the road is now doing and is likely to do in the future, impose burdens which the management of the road are quite sure to find it impossible or not to the interest of the first-mortgage bondholders to attempt to fulfill. If, as a private individual, you are making a settlement with a creditor who has other debtors having claims prior, antecedent, and paramount to yours, you will first endeavor to ascertain the earning capacity of the property upon which the total indebtedness is a lien, and then arrive at some settlement whereby, under the conditions which prevail, and which to your best understanding and knowledge of the conditions will prevail in the future, and that the property, to the best of your knowledge and belief, under all the circumstances, can, under ordinary conditions, meet accruing obligations. It would be the extreme height of folly to agree to a settlement simply to make a good showing on paper, the conditions of which would relieve your creditor to a very considerable extent over a period of years during which human foresight can form a reasonable estimate of the earning capacity of the property, and providing for heavy payments only at a period so distant in time that business foresight and sagacity could not possibly form an estimate of the earning capacity of the property at that time.

We now propose to lighten the burden of the Union Pacific Railway Company in payments to the Government for the next ten years to the amount of about $1,400,000 per annum on principal and interest accounts. Under the requirements of the Thurman Act the company has owed the Government, since the passage of that act, an average amount of $1,468,931 per annum, so that by the provisions of this bill, while claiming to extend the Government lien over a greater amount of property, and which should result in the ability of the company to pay a greater sum per annum, it accepts conditions which places the final payment of the Government indebtedness junior and subsequent to the payment of over twenty millions of the first-mortgage bonds, and at the same time actually reduces the amount of annual payment.

The Government will not receive within the next ten years from the company under the provisions of this bill as much as has been due it annually for the last seventeen years under the Thurman Act, without taking into account the interest which accrued and should have been received by the Government from the roads on the subsidy bonds during that period. During the next ten years thereafter the Government is to receive $185,000 more per annum than for the first ten years in payment on the principal, and at the expiration of ten years more, or beginning at the year 1917, $200,000 more in payment on the principal, or $750,000 per annum. Now, if the Union Pacific Railroad is ever going to be able to pay its indebtedness to the Government, it is my opinion it will be in better position to do so within the next twenty years than at any time in its history thereafter, and if, in the opinion of the framers of this bill, the Union Pacific Company shall not be able in the next ten or twenty years to pay more than the amounts provided under this bill, they confess to the world that in their opinion the company will never be able to meet its Government obligations, for, if they have any grounds on which to base the assumption that the roads will be in better financial condition in the dim and distant than in the near future, they have not made them known. I submit that there is nothing in the conditions surrounding these properties which gives promise of ability to pay greater amounts to the Government in the third and fourth and fifth decades hereafter than in the next ten or twenty years. In fact, the Union Pacific Railroad has handled more cars and tons of freight at certain periods during the last twelve months than it has ever handled in the same length of time in its history. The next twenty years will witness the development of the mineral and agricultural resources along the line of its road and in the country tributary to it, which will add to the earning capacity of the road, unvexed by reductions in its tonnage by further competing lines. But this same development will in course of time encourage the building of lines which will draw more and more from its territory, and no man can foresee or tell to what extent its business shall be reduced by the narrowing of its territory in that length of time, or to what extent invading lines shall keep down the natural increase in its local business or competing transcontinental lines shall share with it the natural increase of through passenger and freight business.

The past twenty years has seen an enormous decrease in the cost of railway construction. It is not probable that the coming twenty years will witness any further great decrease in the cost of construction, but it is a well-known fact that at this time competing lines can be constructed more direct, and therefore shorter, between competing points than the Union Pacific, with lighter grades and at a cost representing but a fraction of the indebtedness per mile with which you propose to burden this road by the plan of reorganization now before us.

Taking all these matters into consideration, can any business man believe that there is the slightest probability that the road will be able to earn more and pay more to the Government twenty years from now than at any time in the next two decades? In my opinion, the golden era of the Union Pacific Railroad is to be in the immediate future when the increased prosperity of the country in general, which we confidently hope for and expect, and the development of the territory along its line shall largely increase its present business before further competition shall tend to reduce its proportion of through and local traffic.

I do not know by what process of reasoning the framers of this bill have arrived at the conclusion that the amounts to be paid in the coming years provided therein are all that can be reasonably asked of the roads. I presume that they are judging the future by the ability of the roads to pay in the past; and, taking into consideration the fact that the Union Pacific has claimed to be unable to pay the interest on its first-mortgage bonds and pay the Government the amount required by the Thurman Act, how do they expect that the road shall in the immediate future pay an increased interest charge prior to the Government's lien, by reason of the addition of $20,000,000 to its first-mortgage indebtedness, and then, in a dim and uncertain future, which the keenest human foresight can not fathom or explore, pay a largely increased amount of indebtedness per annum?

It seems to me that this bill simply opens up an endless tangle and labyrinth of complications between the Government and the roads; continues a copartnership between the Government and private corporations repugnant to the spirit of our institutions, and, judging from past experience, one in which the Government always gets the worst of the deal.

Let us imagine, if you please, that this bill goes into effect, and that the Union Pacific Company accepts the provisions of this bill, and that for the next ten years the company continues to pay the Government its average yearly stipend of fourteen hundred thousand dollars. Now, it is provided in section 21 of the bill that the companies taking advantage of the bill shall have the power of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof. I leave to others the discussion of the legal questions involved in the proposition of consolidation and lease and content myself with the single statement that this section confers powers on these railroad companies to consolidate with or lease to competing lines which are contrary to decisions of the Supreme Court of the United States, the tenor of the statutes of the United States and of the States of this Union, and menacing the public good and welfare.

That part of the provision which empowers the leasing of the railway or its property or any part thereof, those who are at all familiar with railway management will understand. One of the most prolific sources of injury to railway properties is the power exercised by railway managements to lease portions of their property to other corporations at figures and under conditions which the public has come to recognize as being in the interests of those in immediate control of the railway properties but not in the interest of the general creditors of the road.

Under the provisions of this bill, no matter how much increased shall be the business of the Union Pacific in the next twenty years, no matter how enormous its earnings in the management of its properties might be, the Government will receive only the paltry sum provided for in the bill. You can rest assured that the opportunity to lease certain properties of the road, which might include coal properties which are immensely valuable, would be used in a way that would not leave the apparent earnings of the company large enough to entitle the Government to any further annual payments than are provided for on account of principal and interest in this bill. I do not make this statement because I believe that the Union Pacific Railway will be in the hands of men who will not conduct the affairs of the road within the lines of legitimate management, as it is understood in certain railway circles, but because they will exercise their sagacity in the management of affairs, as the interests of those in the control of the road shall dictate, after fulfilling their statutory obligations to the Government. Therefore it does not require any stretch of the imagination to presume that after ten or twenty years, or even sooner, if business judgment shall suggest it, the Union Pacific Railway, having been drained, as it has been in the past, of every possible dollar that can be gotten out of it by high rates and shrewd manipulation of its auxiliary property, shall, by a refusal to pay for six months the accrued interest to the United States, be thrown upon the people of the nation like a Dead Sea apple, with neither flavor nor substance. Then the Government would be called upon to pay not the amount which it would be compelled to pay to-day in order to meet the first mortgage, if it saw fit so to do, but an amount increased to the extent of $20,000,000, or, in other words, to protect its interest in the road by the payment of the first-mortgage bonds, approximating $55,000,000.

What better position will the Government be in then than it is to-day? It may be in an infinitely worse position, for we do not know when this will occur, and we do not know what the value of these properties will be when it does occur. It might be the case that the road would not be worth a dollar more and not be able to earn a dollar more than the interest on the fifty-five-million-dollar first-mortgage bonds, and then the Government would be in the business of railroading with a vengeance, having purchased a railroad at twice its value. If the Government does not see fit to operate the road at that time, it can sell the same for what the property is worth. If the property sells for more than the $55,000,000, the Government will save the amount of the excess, whatever that might be, and there is no reason to suppose that it would be more—and it might be vastly less—than the excess over the amount of the much smaller present first-mortgage indebtedness of the companies should the road be sold under foreclosure at this time.

I am opposed, Mr. Chairman, to the provisions of this bill, because they do not in any particular materially change the status of the Government in its very unsatisfactory relations with the Union Pacific railways. Some of the astute attorneys for these railroads endeavor to create the impression that the Government has but a very precarious tail hold on the property of the companies at this time. However that may be, we certainly have a grip upon the companies' property firm and solid, although it may be only upon the caudal appendage, and it is my opinion that we should not let go this firm hold upon the brush of the animal with the hope that as it goes fleeting past we may be able to grasp it again, with a probability that our grasp will be very much nearer the end of the brush than formerly.

I am opposed to the bill for the reason that it offers no ray of hope to the people living along the line of the Union Pacific Railway for relief from the very unsatisfactory conditions that have existed there for years past. With our people it is not a matter of so great importance how the Government connection with the Union Pacific Railway shall be settled as that it shall be settled now and for all time. We look upon the darkened vista of the future which this bill seems to open with fear and apprehension. We can not fail to realize that it means the capitalization of a railroad on which we are largely dependent to an extent which in our opinion renders it impossible for it to compete in freight and passenger rates with roads now completed, or building, or in contemplation, in our State or adjoining territory. The workingmen of my State—the employees of this road—look with apprehension on a bill which shall give the management the excuse for a reduction of wages, on the plea of a vast indebtedness to the Government which must be paid, and I protest most emphatically in the names of the employees of the Union Pacific Railroad, whose interests are jeopardized by the continued unnatural and unsatisfactory relations existing between the railroad and the Government, jeopardized by immense capitalization of the road upon which they are employed, which would almost compel the reduction of wages to bring the net earnings up to an amount sufficient to pay annual fixed charges.

I protest in the name of the business communities which I represent against the provisions of an act which will give an excuse, nay, even demand, the maintenance of high local rates in order to meet interest charges on a road bonded for nearly twice what it is worth, and possibly double the amount for which it could be duplicated.

I protest in the name of common business judgment against a settlement which does not settle, and against a proposition which brings up before us possibilities and probabilities of a long time of litigation, auxiliary legislation, and probable final liquidation, with the Government holding the empty sack.

I can not, in the brief time allotted to me for the discussion of this subject, even suggest legislation to meet the conditions now confronting us in the settlement with these roads. But I insist that no legislation that could possibly be conceived, or no conditions that under any contingency could arise under existing legislation, could bring about a condition so harmful to the people living along the lines of these roads, so fraught with future dangers and complications, so absolutely unfair to the Government, and, in the long run, so sure to prove unsatisfactory and damaging to the interests of the roads themselves and the owners thereof, as this bill.

If the Government has, by acts of legislation, been placed in a position where it is impossible to recover what it has advanced to these railroads, the sooner we know this the better it will be for the people of the nation, and especially for the people living along the line of the roads. No fear of the possible sealing of the debt owed to the Government should swerve those charged with the duty of legislation or administration from winding up and severing for evermore all connection of the Government and the people of the United States with the bond-aided corporations.

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from California withdraw his formal amendment?

Mr. BARHAM. Yes, sir.

Mr. PARKER. Mr. Chairman, I desire to offer an amendment to the section just read. I understand from the gentleman from Kansas, who offered an amendment just now, that he will reserve it for the present.

Mr. BRODERICK. The chairman of the committee, the gentleman from Vermont [Mr. POWERS], and I have agreed that, if there be no objection on the part of the House, my amendment shall be considered as pending for a short time until he can ascertain whether it will be acceptable or not.

There was no objection.

Mr. PARKER. Mr. Chairman, I ask that my amendment be read.

The amendment was read, as follows:

> Strike out, in line 5, page 4, to the word "thereof" in line 23, same page, and insert the following: "97, covering and embracing the entire property of said company, as at present consolidated, real, personal, and mixed, including all the rights, titles, and interests of such company in any stock, bonds, or securities, on lines or any branch lines or auxiliary companies in which such company has now any interest, and all railroads now owned or hereafter acquired or constructed by said Union Pacific Railroad Company and all their franchises, telegraph lines, rolling stock, fixtures, and property of every kind and description, as well as those which it, its successors, or assigns may hereafter acquire.

Mr. PARKER also offered the following:

> Strike out in, line 21, page 5, the words "within thirty days after such disposition has been made" and insert "approved by him before such disposition shall be made."

Mr. PARKER. Mr. Chairman, I am not opposed to a funding bill. I only ask that any funding bill which we shall pass may provide for paying to the Government as much interest as the Government has to pay out—3 per cent interest at least—and that the lien of the Government shall cover all the property of those companies. I told this committee yesterday that the business of these roads for eight or ten years past, according to information derived from the Railroad Commissioner, shows that they have earned above their other mortgage interest nearly 5 per cent on the whole Government debt. The interest on that other mortgage debt it is proposed to reduce from 6 per cent to 4 per cent. If that be done, there will be over 2 per cent more which could be applied to the Government debt. There is ample security for 4 per cent first mortgages—they should not be blanket mortgages—and for 3 per cent to the Government and for proper sinking funds. But that is only so if all the property reported by the Railroad Commissioner is included in the mortgage.

Now, I have no hesitation in saying that property of the Union Pacific Railroad Company, valued by the Railroad Commissioner at $53,000,000, including stocks, bonds, and control of feeders, is left out of the description embraced in the bill. My amendment proposes in the first place that the description used in the bill as to the property of the Central Pacific Company shall be used with reference to that of the Union Pacific, and include all property. In the second place, instead of the general provision that the railroad company may dispose of any of its stocks, lands, or other assets or securities in any way that it chooses, provided that such disposition be reported within thirty days to the Treasurer of the United States, my amendment proposes to provide that this shall not be done without the consent of the Treasurer of the United States. This corresponds with the provision always included in similar cases. When trust mortgages are executed, the trustees must always consent.

Now, let us see what property this bill proposes shall be made subject to the mortgage in the case of the Union Pacific. Not all its property, but a certain line of road, together with certain land grants. The terminals are stated; and then, describing the property to be covered by the mortgage, the language is:

> All property appurtenant thereto embraced in and covered by existing mortgages of the Union Pacific Railway Company.

That is all. What do those mortgages cover? Do they cover stocks and bonds? Those are not mentioned here. Was this difference intentional? I find similar phraseology at the top of page 5:

> Shall cover all the lines of railway property, franchises, and rights embraced in and covered by said first mortgages.

Again, in lines 9 and 10 of page 9, I find the same phrase:

> All other property embraced in said existing mortgages.

Again, on page 10, lines 11, 12, 13, 24, and 25—I need not read the particular clauses—the language is repeated over and over again, that the new mortgage which the Government is to obtain is not to cover all the property of the company—its stocks, and bonds, and interest, and feeders, and whatever makes up the plant of which we know the income. Instead of that, this mortgage of the Government is to cover only certain parts of that property, carefully described as being included in the existing mortgages of that company. Does that language cover all the property——

Mr. POWERS. Will the gentleman allow a suggestion?

Mr. PARKER. Yes, sir.

Mr. POWERS. I see that the gentleman in framing his amendment has followed the text of the original bill, so that the amendment is not applicable to the reprinted bill, in which the lines vary.

Mr. PARKER. But there is no change in the language that I have been reading. It is exactly the same in the bill last printed as in the original print.

Mr. POWERS. The object of my suggestion is to assist the gentleman. His references to lines are wrong when applied to the bill as it is now before us.

Mr. PARKER. I am very much obliged to the gentleman for his suggestion.

[Here the hammer fell.]

Mr. POWERS. I ask that the gentleman from New Jersey may have a fair opportunity to present his amendment.

Mr. PARKER. I should like to have a few minutes more.

Mr. POWERS. I hope I may be allowed to complete my suggestion to the gentleman. The bill has been reprinted, and in reprinting the numbering of the lines has been changed. The gentleman in drawing his amendment has inadvertently referred to the original bill with the lines as originally numbered. I suggest that he take his amendment and recast it so as to conform to the present reprint.

Mr. PARKER. I will do so.

Mr. POWERS. If the gentleman will recast the amendment, we shall be glad to examine it and take it into consideration.

Mr. PARKER. I should like a minute or two more if I can have it. I ask unanimous consent to occupy three minutes more.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent that his time be extended three minutes.

There was no objection.

Mr. PARKER. I do not know what may have been the intention of the committee in inserting the language that I have read. We have no valuations of particular parts of the property. We have no statements in the report of the Railroad Commissioner as to the earnings of the different parts of the property. But we do find in the statement of the assets of the Union Pacific Railroad, on page 20 of the report of 1896, a recital of "other stocks and bonds," amounting to forty-seven millions and some odd thousands; and also a reference to "stocks and bonds held in trust for the company," amounting to five millions and some odd thousands of dollars.

We likewise have a statement of the liabilities of the road. There is under the first mortgage forty millions or more of indebtedness; under the other funded debt forty millions more, and interest in arrears of two and a half millions on each, making $85,000,000 in all. And this bill proposes to place the funded debt at $51,000,000. Therefore, the question arises, What becomes of the other thirty or thirty-five millions? What has become of the other sixty millions (or ninety millions, as stated here by some one) of property on which the other thirty millions of debt is a lien? Why take a mortgage on part of the property instead of all of it? Give a lien on the whole of it, provide that it shall not be released without the consent of the Secretary of the Treasury, or any other persons you may name; fund the existing prior mortgages at 4 per cent instead of 6. Why make them a blanket mortgage? Give the Government 3 per cent interest instead of 2, include the interest in default that the Government has been out of for thirty years, and you will have a funding bill which is still backed by plenty of property, that is managed by Government directors, and through this extension of the Government indebtedness the whole amount can finally be paid.

And I protest against taking a part of the property and allowing millions and millions to be taken away from the Government lien. I protest against changing the debt to the Government due by these roads into one payable only after eighty years with interest at only 2 per cent. I am for an honest, straightforward funding bill, but I am sorry to say that I can not support the provisions of the pending bill without radical amendment in these regards.

[Here the hammer fell.]

Mr. SWANSON. Mr. Chairman, this proposition can be sustained only on the ground that the Government has an additional security or receives an additional security for the $21,000,000 in the Union Pacific and $24,000,000 in the case of the Central Pacific, which is made a prior lien to the Government lien on the main line of the road.

It seems to me that if the House understood the proposition they would readily concede that this is the very worst bill that was ever presented for the settlement of the obligations of these roads. The proposition is wholly untenable. In the Union Pacific there are 1,822 miles of road, and the Government has a second mortgage on most of the road, there being a prior lien of $33,000,000. This bill provides to put $21,000,000 ahead of the Government lien, that sum of $21,000,000, as conceded by these gentlemen, being no lien on 1,428 miles of the road.

Now, what is the excuse for putting $21,000,000 to-day, that is not a lien on 1,428 miles of the road, as a mortgage upon the road, and making the Government lien subsequent to it? They do it on the ground that the Government gets additional security for its claim. On what is this additional security based? On the 394 miles of the road westward, to the rights pertaining to the Omaha Bridge, and to the land on which they claim that the Government has no lien to-day.

But, Mr. Chairman, I say that these properties are already mortgaged to their full value. This is shown by the fact that the securities based on them are selling on the market now at less than par.

But further than that I want to say, and will show it by the decisions of the Supreme Court of the United States, that we have already as much of a mortgage on this property as we will get if this bill shall become a law. By the ninth section of the Thurman Act the lien of the United States and all of the debts due the United States by these roads are extended to all the assets, real and personal, of this road, as well as all of the assets of the Central Pacific and the Union Pacific railroads.

Now, we have a lien, subject to this $21,000,000 worth of bonds, on the 394 miles of the road, on the Omaha Bridge, and on the land. This bill simply provides for a second mortgage on all this property, subject to the existing claims; and we will give these people the right of putting $21,000,000 of mortgage, prior to ours, on the 1,428 miles of road that they have not a particle of lien on to-day.

But let us see what the decisions of the courts are. In 99 United States Reports, the Supreme Court, in the Sinking Fund Case, appropriating the funds of the Omaha Bridge and the assets of the Union Pacific road, decides this question. They hold that the Thurman Act was constitutional; that Congress retained the power to amend the charters of these incorporations; and that Congress had a right to sequestrate the earnings of the Omaha Bridge, and of the entire system of the road, in order to provide for the sinking-fund requirement of the act.

The gentleman from Vermont [Mr. POWERS] cited a case in 118 United States to overthrow the decision in 99 United States Reports. The 99th United States Reports, in the decision of the Supreme Court, sustains the Thurman Act. It said that Congress had the power to prevent the Union Pacific from making contracts subsequent to that time. The 118th United States sustains the Thurman Act also. It simply said, in passing under the second section of that act, that it applied to the subsidized portion and not to the unsubsidized portion in retaining on the part of the Government the compensation paid for certain services on the road.

In the very language of it, on page 238, it says:

> The case turns on the true interpretation of this section of the Thurman Act.

Now, the United States gets its lien by the ninth section of the Thurman Act, which says that the United States shall have a lien on all the assets, all the estate, real, personal, and otherwise, of the Union Pacific Company; and consequently these gentlemen do not give us a single additional lien on the terminals, the Omaha Bridge, or the unsubsidized portion of the railroad, but we waive our lien on 1,425 miles of road.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. PARKER].

The question being taken, Mr. PARKER demanded a division.

Mr. POWERS. I rise to a parliamentary inquiry. I arranged with the gentleman from New Jersey [Mr. PARKER] to defer this until his amendment could be corrected.

Mr. PARKER. My amendment is right.

Mr. POWERS. The gentleman acknowledged that it should be corrected.

Mr. PARKER. It does not need correction.

Mr. POWERS. I ask that this matter be laid aside temporarily. I am very confident the gentleman has made a clerical error in reference to the numbers of the lines in the bill to which the amendment applies. He thinks he has not. Now, for his own protection he ought to be sure that the amendment is in proper form, at all events. The mistake grows out of the reprint of the bill.

Mr. PARKER. I am right according to the reprint of the bill, and I had the reprint of the bill after all.

The CHAIRMAN. Debate is not in order.

Mr. POWERS. I ask unanimous consent that the consideration of this amendment be deferred for thirty minutes.

The CHAIRMAN. The Chair can hardly entertain that request.

Mr. PARKER. If the amendment can hold the floor for thirty minutes, I do not mind. I do not want any other to come in.

The CHAIRMAN. The committee is dividing. The Chair does not see how the request can be entertained.

Mr. POWERS. I ask unanimous consent that the consideration of the amendment may be deferred for thirty minutes.

The CHAIRMAN. The gentleman asks unanimous consent that the consideration of the amendment may be deferred. Is there objection?

Mr. OGDEN. I object.

The committee divided: and there were—ayes 52, noes 36.

Mr. POWERS. I demand tellers. The House does not know what this amendment is.

The CHAIRMAN. The gentleman from Vermont demands tellers.

Tellers were ordered; and the Chairman appointed Mr. POWERS and Mr. PARKER.

Mr. NORTHWAY. I ask to have the amendment read again for the information of the House.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the amendment be again reported. The Chair hears no objection. The Clerk will report the amendment.

The amendment of Mr. PARKER was again read.

The CHAIRMAN. As many as favor the amendment will pass between the tellers and be counted.

The committee divided: and the tellers reported—ayes, 92; noes, 1.

Accordingly the amendment was agreed to.

Mr. BRODERICK. Mr. Chairman, the next amendment was offered by myself, and there is an arrangement between the gentleman from Vermont [Mr. POWERS] and myself as to a modification of the amendment. I have handed the Clerk a note which will state the modification.

The CHAIRMAN. The Clerk will report the amendment.

Mr. PARKER. I rise to a point of order. I have another amendment to the same section, which is in the hands of the Clerk.

Mr. BRODERICK. Mine takes precedence.

The CHAIRMAN. The Chair is informed by the Clerk that both amendments of the gentleman from New Jersey [Mr. PARKER] were read together when first reported to the committee. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

On page 6, line 3, after the word "Treasury," insert the following:

"*Provided further*, That the said Union Pacific Railway Company shall relinquish and abandon any and all claims, right, title, interest, and demand to or in a right of way exceeding 100 feet in width, through the lands formerly known as the Delaware and Pottawatomie Indian Reservation, in the State of Kansas, except where said right of way is now in actual use for railway purposes."

Mr. POWERS. I have no objection to that amendment.

Mr. BRODERICK. The chairman of the committee says there is no objection. I ask that the amendment be agreed to.

The amendment was agreed to.

[Mr. WATSON of Ohio addressed the committee. See Appendix.]

Mr. COOKE of Illinois. Mr. Chairman, I desire to say that this subject seems to my mind so deeply important that it is overpowering. There is here involved a sum of money or property reaching to $112,000,000; and yet the members of this House have not before them any complete report or record upon which they are to judge of this matter. Its intricacy, its extent, and its volume are so great that I confess for my part, though I have gathered much material and have been quite diligent in my researches, I have not been able to obtain all nor nearly all the documents upon which to conduct the studies that I feel it is necessary for me to conduct before I vote upon a question of this magnitude. I call the attention of the members of this House and the people of the country to the fact that we are sitting here in deliberation upon this great question without having before us a report from any committee of this House, or of the Senate, that even purports to give a list or catalogue of the documents, papers, records, or public proceedings upon which we must necessarily form our judgment. We are necessarily in the dark to a very great extent.

The report made by the majority of the Committee on Pacific Roads in favor of this bill I hold in my hand. It is a mere leaflet, containing only 13 pages. The report of the Senate committee upon this same subject, favoring the adoption of the bill to settle this enormous indebtedness, I hold in my hand. It consists of another leaflet of but 10 pages. There is nowhere in either of these reports, or in any report which I have been able to examine or place my hands upon, a list, a catalogue, anything that would answer to a bibliography of this great and appalling subject. For that reason, Mr. Chairman, I insist that this House is in no condition, and will be in no condition to vote upon this question until it has before it something that it can in self-respect call a record upon which to act. Therefore, Mr. Chairman, I would favor the adoption of a resolution something like this, which I now read simply for the information of the House:

Resolved, That the pending bill be recommitted to the Committee on Pacific Railroads, and that that committee be, and it is hereby, directed to report to the House of Representatives at the earliest practicable moment a list or catalogue of all the public documents and official reports which were made use of or relied upon by said committee in the preparation of the majority report by said Committee on the Pacific Railroads, submitted to the House of Representatives on April 25, 1896 (being H. R. Report No. 1497, Fifty-fourth Congress, first session), with a statement as to each of such documents or reports showing where copies of the same may be obtained, to the end that the House of Representatives may order to be printed such portions as may be unobtainable, and have before it for convenient reference a full list or catalogue of the documents, information, reports, and data which are referred to by said committee in its said report of April 25, 1896, in the following words, to wit:

"Very exhaustive inquiries have been conducted by committees and commissions appointed by Congress into all the facts affecting the relations between the Pacific railroads and the Government, and into the conditions which affect the settlement of their indebtedness. This committee avoid, in the present report, any unnecessary repetition of detailed matters embraced in other familiar and easily accessible reports."

Mr. NORTHWAY. Mr. Chairman, I do not rise for the purpose of entering into a discussion of the main question. The time is insufficient for that. I barely wish to state some of the reasons which actuate me in the vote which I shall give against the passage of this bill. In voting against the bill, I wish it to be understood that I do not impugn the intelligence, the integrity, the patriotism, or the devotion to the public interest of the Committee on Pacific Railroads in the report that it has submitted to this House. I want to say, however, supplementing the remark of the gentleman who last addressed the committee [Mr. COOKE of Illinois], that while I have attempted to acquaint myself with this subject and have spent nearly all my vacation in the effort, I am compelled to admit that I stand here to-day pretty much a stranger to it, and I do not believe that I impugn the intelligence of any member of this House when I say that very few of us appreciate the complexity or the magnitude of the subject with which we are here called upon to deal.

I have been a lawyer and have practiced law for thirty years, and I have never seen the day, poor a lawyer as I might be, when I would permit a client of mine to be dictated to by the party on the other side until I fully understood all of my client's case. [Applause.] We stand here acting in behalf of the Government, not in opposition to the debtors of the Government, but for the best interests of the Government itself, and if there is a single gentleman here, outside of the members of the Committee on Pacific Railroads, who dares say that he fully understands all of the facts and all of the evidence so clearly as to entitle him to vote intelligently upon this subject, I would like to see the gentleman and to visit with him, for he can enlighten me. [Laughter.]

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. NORTHWAY. I have not time to answer questions. You have been on the floor a good deal; now let me talk a little. [Laughter.]

Now, Mr. Chairman, rather than vote for a bill that I know nothing about, which may compromise the Government's claim to $112,000,000, I will let the Government continue to occupy the position which it holds at present. [Applause.] I do not see any necessity for our running a foot race in the settlement of this business. We occupy a controlling position. No one can force us to act. I do not believe in permitting these debtors of the Government to dictate terms. [Applause.] They have done it for thirty years, but I think it ought to stop. The gentleman from Tennessee [Mr. PATTERSON], whom I regard highly for his intellect, as equal to any gentleman in this House, an able and patriotic man, stood here yesterday and proposed to put into the hands of the debtors of the Government a bludgeon with which they can dictate a settlement. He is opposed to foreclosing for fear that we shall have to buy the road. I do not believe that that gentleman, after thinking it over, would make the same speech to-day or would sanction the speech he made yesterday. I want to see this Government stand upon its rights and have all the rights of a creditor, even though that policy does force it to buy those roads. [Applause.]

There is no use in playing the coward and saying to these people, "We will not enforce our rights; now tell us what you will do?" The moment you take that position they will offer you the worst possible terms that they think you will accept. I believe in standing for the rights of the American people in this matter. I believe in saying to these parties, "We will stand upon our rights, even though we should be compelled to take the roads." And I do not see how we can suffer by taking that position any more than we should suffer under this bill, which provides that the President of the United States may, when he thinks proper, certify to the Secretary of the Treasury that, in his opinion, the

security of the Government has become insufficient, whereupon the Secretary shall be compelled to pay off the prior lien out of the Treasury of the United States. That is the provision of this bill. Now, what is to hinder the owners of this road, if they make this settlement with the Government, from putting the money, as they have done during the last few years, into improvements upon the road, while they default upon the interest on their first-mortgage bonds, thus practically compelling the Government to forego what is due it in order that the amount may be spent upon improving the road?

Another thing. I should like to know why the Government by this bill should permit the stockholders to receive a dividend of 4 per cent on the stock while we accept 2 per cent on the bonds. This road in the course of the next eighty years may become a profitable road, and may be able to earn more than would pay 4 per cent dividends on its stock. But under the provisions of section 17, if the companies earn more than 4 per cent—in other words, if they should earn 6 per cent dividends—they can, after paying 4 per cent, take the other 2 per cent and give us only one-half, thus enabling 5 per cent to be paid upon the stock. I submit that the stockholders ought not to have more than 4 per cent until the obligation of the Government has been paid off. They ought not to be permitted to derive in that way the excess over 4 per cent.

[Here the hammer fell.]

Mr. POWERS. I ask unanimous consent that the gentleman from Missouri [Mr. HUBBARD] be allowed ten minutes on behalf of the opponents of the bill, and that I, following him, may be allowed the same time to close the debate, which must close, as I understand, at 5 o'clock to-day. This proposition, I believe, is acceptable to both sides.

The CHAIRMAN. The gentleman from Vermont asks that the remaining time be divided equally between the gentleman from Missouri and himself.

Mr. BARTLETT of New York. I object. I want to occupy five minutes.

Mr. NORTHWAY. If this debate should proceed until 5 o'clock, will there be then opportunity to offer further amendments to the substitute or to the bill?

The CHAIRMAN. The Chair thinks not.

Mr. NORTHWAY. Then I should like to offer an amendment now.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont [Mr. POWERS] as to the division of the remaining time?

Mr. BARTLETT of New York. I object.

Mr. NORTHWAY. I desire to offer an amendment to the amendment of the gentleman from Alabama [Mr. HARRISON], and to have it pending, so that if his amendment should come up to be voted on, mine will be voted upon as an amendment to it.

The CHAIRMAN. The gentleman from Ohio [Mr. NORTHWAY] offers an amendment, which will be read, to the substitute of the gentleman from Alabama [Mr. HARRISON].

The Clerk read as follows:

Strike out all of section 1, after the words "Section 1," and insert the following:

"That a commission consisting of three persons, to be named, one each, by the Secretary of the Treasury, Secretary of the Interior, and Attorney-General, shall be constituted, with full power to settle, adjust, or compromise the indebtedness of any and all of the bond-aided Pacific railroads to the Government of the United States upon such terms and in such manner as may be agreed upon by such road or roads and such commission: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and when approved by him shall be binding as a valid agreement."

In lieu of section 4 insert the following:

"SEC. 4. That each of said commissioners shall receive pay at the rate of $30 per day for the time necessarily spent by them as such commissioners, and the sum of $15,000, or so much thereof as may be needed to pay such commissioners and to pay the expenses incident to such settlement and to carry out the provisions of this act, is hereby appropriated out of any funds in the Treasury not otherwise appropriated."

The CHAIRMAN. This will be considered pending as an amendment to the substitute of the gentleman from Alabama.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen, I did not wish to treat the leaders of the debate on either side with any discourtesy; but after having carefully studied this subject and having prepared a speech, I was very rudely cut off this morning.

The committee in their report say that additional security is given by the Government lien covering unsold lands. If you will examine the bill you will find it especially provided that the lands unsold shall be sold for the benefit of the holders of the first mortgage. So that the security is not additional. In fact, it is of but little value to-day, because, as I am informed, the lands are covered by millions upon millions of land-grant bonds.

The reason I am opposed to any extension of the payment of this debt is that the Government of the United States is in a stronger position to-day with reference to these railroads than it can ever be at any future time. The hour of deliverance, thank God, has at last come. For thirty years the Government of the United States has been powerless to enforce the payment of the interest on its debt. And now it is proposed that instead of a mortgage at 3 or 3½ per cent, the lowest just rate according to the market rate of interest generally when the security is undoubted, we shall scale down the interest, so that by a reduction of 1 or 1½ per cent on the interest the whole of the principal shall be canceled and the Government of the United States shall receive in reality nothing whatever on account of the principal of the debt.

The rights of the United States are conditioned upon the maturity of the bonds. That period has come at last. I believe that if these mortgages are foreclosed that, in so far as the Union Pacific road is concerned, the Government would receive some $46,000,000. That is the whole of its principal and 3½ per cent interest on that principal. But why do I so believe? I believe it, gentlemen, because the various propositions offered by the Union Pacific in the past show that enough bonds—that is to say, bonds of the value of forty-seven or forty-eight millions of dollars—would be set aside in their plan of organization with which to provide for the payment of the Government liens. Moreover, it must be borne in mind that neither in the act of 1862, nor in the act of 1864, nor at any time by any act of Congress, has the United States abandoned its privilege as a sovereign not to be sued by the subject, so that without the Government's consent, without a voluntary appearance in the suit by the Attorney-General on behalf of the United States, no foreclosure by the first-mortgage bondholders can give good title, no plan of reorganization can be efficacious or successful. In other words, before the railroad can be reorganized it must first settle with the United States by guaranteeing an upset price which shall be satisfactory to the Government, and shall protect sufficiently the lien of the United States.

Now, so far as the Central Pacific is concerned, if you pass this bill you do not benefit the innocent stockholders of that road. Do they come here and ask for legislation? No; it is another corporation. It is the Southern Pacific which desires to throttle the Central Pacific.

Were that road to be sold under foreclosure proceedings, there would of necessity be three or four great bidders for the property. We should have the stockholders of the Central Pacific, we should have the Southern Pacific, we should have the reorganized Union Pacific, and we should probably have the Denver and Rio Grande to bid. So, as a business proposition, the road can be now sold for the best advantage of the Government and the people of the United States.

Now, Mr. Chairman, a word further. While I do not believe, as an initial proposition, in the Government ownership of railroads, I do not believe any more in subvention, aid, or subsidy paid by the Government of the United States to the railroads. But this was a great national work, a national undertaking, born of a national necessity, and if to protect our rights—the rights of the people of the United States—we have to buy the lines, I say it will be far better than to fund this debt under the provisions of this bill. We are not to blame for the misfortunes of the past, for any loss thus far entailed upon the United States, but we are responsible for any unwise legislation in the present, and we shall be held accountable by the people as their trustees for any loss or damage which may come in the future by reason of the passage of this bill or the enactment of this proposed law.

Mr. HUBBARD. Mr. Chairman, nothing could be more apparent to this House than that those who have sought to pass this bill have ceased trying to do so on its merits. They have abandoned the merits of the bill, and three weapons only have been used in their discussion to induce members to lend it their support on this floor.

The gentleman from Iowa on yesterday asserted in his observations on the measure a proposition to which I wish to call attention for a moment. He wanted the House to understand that the failure to support this bill possibly meant Government ownership and Government operation of these roads; that is their first weapon. Far be it from me, Mr. Chairman, and other members of the Pacific Railroad Committee who opposed the passage of this measure, to lend our aid in any way, shape, or form to Government ownership or Government operation of railroads. We stand here as representatives of the Government—Representatives of the people of the United States—and ask that this Government be treated fairly when it comes to the question of settling its debt with these wealthy corporations. This bill does not deal fairly with us, and we ask its defeat on that ground alone. Nor does such defeat tend, either directly or indirectly, toward Government ownership of such roads.

The second weapon being used is that the Treasury of the United States will be invaded. The gentleman from Iowa [Mr. HEPBURN] also displayed this club, and the distinguished gentleman from Illinois [Mr. CANNON], always careful and always keeping his weather eye on the Treasury of the United States, to guard and protect our moneys, came to his rescue, and advocates this proposition on that theory: for otherwise, he contends, the Government will have to issue bonds or take from the Treasury money to protect its interests.

Let me call the attention of the committee for a few moments to Poor's Railway Manual of 1896, where, on page 894, you will find a statement that there is now in the sinking fund in the State of California $9,966,132.57, and in the sinking fund of the United States the sum of $6,259,127.15, belonging to the Central Pacific Railroad, and there is another sum further on of some $17,000,000 belonging to the United States sinking fund of the Union Pacific Railroad, not a dollar of which is in the United States Treasury, but is available to be applied in liquidation of the first-mortgage bonds.

Mr. LACEY. What is the total of the sinking fund?

Mr. HUBBARD. The total is somewhat in excess of $33,000,000, more than enough to meet all maturing first-mortgage bonds that will fall due for more than a year to come.

Mr. LACEY. What is the form of the sinking fund?

Mr. HUBBARD. Part cash and part bonds that are worth par in the market, and for which cash can be secured any moment. The gentleman from Illinois referred also to the $2,000,000 to be paid in, and he claims that the Government is that much richer for getting it. That money to-day, Mr. Chairman, is in the Treasury of the United States. Although it belongs to the railroad companies they can not get it unless Congress provides for paying it to them. It is on their earnings, and the passage of this bill will not add an additional dollar to the Treasury of the United States. The third weapon being used on members to pass the measure—I understand it is being urged with great energy by the lobby—is that the incoming Republican Administration does not want to be embarrassed by the settlement or readjustment of these debts. Shame on such a thought! Away with it! Is the incoming Administration afraid to meet any contingency under the sun?

Mr. Chairman, I want to say in behalf of the Republican party that I have the highest possible degree of confidence, and that unlimited, too, in the ability of that great party to successfully meet its obligations and promises as it has met all propositions in every way, manner, shape, form, and fashion heretofore. [Applause.] And there is not a line or page of her history that needs to be blotted from the record she has made. [Applause.] Within sixty days the next Administration will be in control of the Government, and I am very certain that this Congress will be convened, and long before anything would need to come from the Treasury to liquidate the debt, or any part thereof, we will have had an opportunity to examine further into this matter and determine more fully the best course to pursue. Let us have a little more information; we have not enough now to act intelligently or in the manner suggested here by the pending bill. [Applause.]

Mr. POWERS. I yield to the gentleman from Ohio [Mr. GROSVENOR].

[Mr. GROSVENOR addressed the committee. See Appendix.]

Mr. POWERS. Mr. Chairman, in the thirty seconds that I have remaining I desire to say some intimation has been made on the floor that this bill was the bill of these railroad companies. Now, I desire to disabuse the minds of the members of this House of that insinuation. There is not a particle of truth in it. This committee have labored earnestly and assiduously to study this subject and to prepare the best possible bill that they could for the interest of the Government. The railroad companies have come before us through their attorneys and agents and submitted their propositions, but we have in every single case refused to accept their suggestions and have adopted the conclusions that we arrived at ourselves, after studying the ability of these roads to respond, and we have given you the only bill that the companies can ever possibly comply with. [Applause.]

The CHAIRMAN. The hour of 5 o'clock having arrived, under the order of the House the committee will rise and report the bill, with the amendments pending.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, and had directed him to report the same back to the House with amendments, and also with amendments pending, under the order of the House.

Mr. POWERS. I move that the House do now adjourn.

Mr. PAYNE. Will the gentleman withhold that motion until the Chair can lay before the House a House bill with a Senate amendment?

Mr. POWERS. I withhold the motion for the present.

The SPEAKER. The Chair will lay before the House the following House bill with a Senate amendment.

LAWS RELATING TO NAVIGATION.

The Clerk read as follows:

A bill (H. R. 2930) to amend the laws relating to navigation.

The SPEAKER. The Clerk will have to read the bill.

The Clerk proceeded to read the bill.

Mr. PAYNE (during the reading). Mr. Speaker, this is a long bill, and the Senate has put in one amendment in the way of a substitute. I only ask the House to nonconcur in the Senate amendment so as to get the bill in conference. I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from New York asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. RICHARDSON. I only desire to ask the gentleman if it is the intention to put the bill in conference?

Mr. PAYNE. We want to get the bill in conference.

Mr. RICHARDSON. And not to act on the Senate bill?

Mr. PAYNE. My request is simply to nonconcur in the Senate amendment and to agree to the conference requested by the Senate.

Mr. RICHARDSON. That is all right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House nonconcur in the Senate amendment, and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER. The Chair will appoint the following conferees: Mr. PAYNE of New York, Mr. SIMPKINS of Massachusetts, and Mr. BERRY of Kentucky.

Mr. POWERS. I move that the House do now adjourn.

The question was taken.

The SPEAKER. Prior to announcing the result, the Chair will submit the following personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TRACEWELL, until the 14th instant, on account of important business.

To Mr. OVERSTREET, until the 14th instant, on account of important business.

To Mr. HEMENWAY, until the 14th instant, on account of important business.

To Mr. HADLEY, indefinitely, on account of illness.

To Mr. SULLOWAY, indefinitely, on account of sickness in family.

To Mr. FOWLER, for six days, on account of important business.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate of appropriation for a chemical laboratory for the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, inclosing an estimate of appropriation for the erection of additional buildings at Navajo Springs, Colo.—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank, reported the same without amendment, accompanied by a report (No. 2472); which said bill and report were referred to the House Calendar.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred House bill No. 3541, reported in lieu thereof a bill (H. R. 9921) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to make appropriation for carrying the same

into effect, accompanied by a report (No. 2473); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CATRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories, reported the same without amendment, accompanied by a report (No. 2474); which said bill and report were referred to the House Calendar.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 7) to provide for the purchase of a site and the erection of a public building thereon at Americus, in the State of Georgia, reported the same with amendment, accompanied by a report (No. 2475); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9665) extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887, reported the same with amendment, accompanied by a report (No. 2476); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported the same without amendment, accompanied by a report (No. 2477); which said bill and report were referred to the House Calendar.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 2287) for the erection of a public building at Fond du Lac, Wis., reported the same without amendment, accompanied by a report (No. 2478); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington, reported the same with amendment, accompanied by a report (No. 2480); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9120) granting a pension to Emma T. Martin, reported the same without amendment, accompanied by a report (No. 2479); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNE: A bill (H. R. 9922) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

Also, a bill (H. R. 9923) to confirm title to purchasers of certain lands under the timber and stone law—to the Committee on the Public Lands.

By Mr. DRAPER (by request): A bill (H. R. 9924) to incorporate the Abraham Lincoln, Ulysses S. Grant, and David G. Farragut Memorial Building Association, and for other purposes—to the Committee on the District of Columbia.

By Mr. JONES: A bill (H. R. 9925) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Supreme Court of the United States—to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 9931) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder—to the Committee on the Public Lands.

By Mr. BULL: A joint resolution (H. Res. 230) providing for a survey at Tiverton, R. I., to ascertain the proper location for a drawbridge over the Sakonnet River—to the Committee on Rivers and Harbors.

Also, a resolution (House Res. No. 480) providing for the employment of an additional clerk in the file room of the House—to the Committee on Accounts.

By Mr. FAIRCHILD: A resolution (House Res. No. 481) to amend the rules of the House of Representatives—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 9926) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant—to the Committee on Private Land Claims.

By Mr. BULL: A bill (H. R. 9927) granting an increase of pension to Sarah C. Taylor—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9928) granting a pension to Benjamin Sutton—to the Committee on Invalid Pensions.

By Mr. FISCHER: A bill (H. R. 9929) for the relief of Henry J. Turner—to the Committee on War Claims.

Also, a bill (H. R. 9930) granting an increase of pension to Eliza N. Roscher—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Petition of the Keystone Limited Glass Works; also petition of William Reith and others, and Alfred Godwin and others, glass manufacturers, all of the city of Philadelphia, Pa., relating to tariff duties on glass—to the Committee on Ways and Means.

Also, petition of the Philadelphia Board of Trade, favoring an appropriation for the purchase of a steam mail boat for the carriage of foreign mails from incoming steamers from New York—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Conference of Baptist Ministers, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., indorsing Senate bill 2447, for a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in favor of the establishment of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. FISCHER: Petition of Henry J. Turner, for adjustment of account, to accompany House bill for his relief—to the Committee on War Claims.

Also, petition of Eliza N. Roscher, for increase of pension, to accompany House bill for her relief—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolutions adopted by the Iowa Academy of Sciences, favoring the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, paper and memorial from Sarah Clay Bennett, of Richmond, Ky., on the subject of election of members of Congress and President of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, paper from the National Board of Trade, urging the passage of the Powers Pacific railroads funding bill and amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, paper of Albert J. Beveridge, of Indianapolis, Ind., favoring the passage of the post-office clerks' classification bill—to the Committee on Rules.

By Mr. HENRY of Indiana: Resolutions of the governing board of the Indianapolis Board of Trade, protesting against the passage of the Cameron resolutions for recognizing the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. KIEFER: Petition of J. Q. Adams, of St. Paul, Minn.; also petition of A. M. Lawton, of White Bear, Minn., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky (by request): Memorial of the National American Woman Suffrage Association (Mrs. James Bennett, chairman) relative to the fourteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. **TAFT**: Resolutions of the Manufacturers' Club of Cincinnati, Ohio, in favor of Senate bill No. 2447, establishing a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. **WATSON** of Ohio: Petition of Samuel M. Hyneman and other Government employees at Columbus, Ohio, opposing the passage of House bill No. 8320, for the creation of a civil service retirement fund—to the Committee on Reform in the Civil Service.

SENATE.

MONDAY, *January 11, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared in his seat to-day.

The Journal of the proceedings of Thursday last was read and approved.

CERTIFICATION OF ELECTORS.

The **VICE-PRESIDENT** laid before the Senate two communications from the Secretary of State, transmitting, in pursuance to the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Iowa and Virginia; which were ordered to lie on the table.

ACCOUNT OF PACIFIC RAILROADS.

The **VICE-PRESIDENT** laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 6th instant, a copy of the account of the amounts due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings and charged to operating expenses, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884; and

A bill (H. R. 7088) to create the office of surveyor-general in Alaska.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. SIMPKINS, and Mr. BERRY managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the printing of the correspondence relative to the disturbances in Chicago in 1891; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (S. R. 205) authorizing the building of a telephone line in the District of Columbia; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The **VICE-PRESIDENT** presented a memorial of the Iowa Academy of Sciences, remonstrating against the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. **HALE** presented a petition of the Saco Valley Local Union of Christian Endeavor, of Saco Valley, Maine, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented the memorials of the publishers of the Board of Trade Journal, of Portland; of the Rockland Daily Star, of Rockland; of the Aroostook Pioneer, of Houlton; of the Aroostook Times, of Houlton; of the School Days, of Farmington; of the School World, of Farmington; of the Sunnyside, of Augusta; of the Chronicle, of Westbrook; of the Maine Coast Cottager, of Portland; of Odd Moments, of Bangor; of the Pemaquid Messenger, of Bristol; and of seven different weekly papers edited by W. M. & A. C. Ladd, of Fairfield, all in the State of Maine, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Indianapolis, Ind., remonstrating against the passage of the resolutions favoring the recognition of Cuba, and praying that the United States extend its friendly offices toward bringing to a speedy termination the contest now going on between Spain and the people of Cuba; which was ordered to lie on the table.

Mr. **ALLEN** presented petitions of James A. Garfield Post, No. 80, Grand Army of the Republic, of Red Cloud, Nebr.; of sundry citizens of Lincoln, Nebr., and of sundry citizens of Omaha, Nebr., praying that Congress shall recognize the independence of Cuba; which were ordered to lie on the table.

He also presented the memorials of J. H. Stafford, of the Record, of Marshall, Okla.; of Murray & Gorman, of the Nashua Reporter, of Nashua, Iowa; of W. M. L. Knotts, of the Times, of Beatrice, Nebr.; of L. H. Weller, of the Farmers' Advocate, of Independence, Iowa; of M. O. Gentzke, of the Nebraska Volksblatt and Advertiser, of West Point, Nebr.; of the Southwest Publishing Company, of the Svenska Journalen, of Omaha, Nebr.; of J. M. Burnham, of the Wymorean, of Wymore, Nebr.; of L. H. Weller, of the Farmers' Advocate, of Independence, Iowa; of the American Publishing Company, of the American, of Omaha, Nebr.; of C. W. Henry, of the Christian News, of Bethany, Nebr.; of Clement Chase, of the Omaha Excelsior, of Omaha, Nebr.; of R. D. Kelley, of the Leader, of Fremont, Nebr., and of Adam Breed, of the Hastings Tribune, of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **McMILLAN**. I present a memorial of the North Capitol and Eckington Citizens' Association, of the District of Columbia, relative to the enactment of proposed legislation in the matter of street-railway facilities. I move that the memorial be printed as a document, and referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. **McMILLAN** presented a petition of the Presbyterian church of Vinita, Ind. T.; a petition of the Worcester Academy, of Vinita, Ind. T.; a petition of 12 citizens of Vinita, Ind. T., and a petition of the First Baptist Church, of Vineland, N. J., praying for the enactment of legislation raising the age of consent in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

Mr. **PERKINS**. I present a memorial of the legislature of California, which has been transmitted by wire to this body. It is short, and I ask that it be read for information.

The **VICE-PRESIDENT**. The Secretary will read as requested.

The Secretary read the memorial, as follows:

[Telegram.]

SACRAMENTO, CAL., *January 7, 1897.*

Hon. GEORGE C. PERKINS,
United States Senator, Washington, D. C.:

The following joint resolution was this day adopted by the California legislative assembly:

Joint resolution No. 6 (substitute for assembly joint resolutions Nos. 1 and 2).

Whereas there is now pending in Congress a measure known as the Powers-Gear bill, which has for its object the refunding of the debts of certain Government aided railroads; and

Whereas any scheme for refunding the Pacific railroads indebtedness to the United States Government, or any extension of the time for payment of the same, must result in maintaining an excessive capitalization of these roads, thus requiring high rates of fares and freights to meet the interest payments thereon, to the great burden and disadvantage of the people of the State of California: Therefore,

Be it resolved by the assembly of the State of California, the senate concurring, That we are unalterably opposed to any and all extensions of the time for payment of said debts, and also the Powers-Gear bill, or any other bill of like import; and we hereby instruct our Senators and request our Representatives in Congress to oppose by all honorable means the enactment of any such measure; and

Be it further resolved, That we favor the immediate collection on maturity of said debts, or, in the event that the same can not be collected, then we urge the enforcement of existing laws of the United States concerning this question; and

Be it further resolved, That we petition in behalf of the State of California for a hearing before the respective committees of Congress having jurisdiction of the subject; and the Senate and House of Representatives of the United States are hereby further petitioned to recommit the measure now under consideration and delay final action thereon until such hearing can be had;

Be it further resolved, That the governor be requested to immediately transmit by telegraph a copy of these resolutions to our Congressional delegation at Washington

ASSEMBLY CHAMBER, *Sacramento, January 7, 1897.*

I hereby certify that the foregoing is a true copy of assembly joint resolution No. 6, as adopted by the assembly on the 5th day of January, 1897. S. J. Duckworth, clerk.

Adopted January 5, 1897.

S. J. DUCKWORTH, *Chief Clerk.*
JAMES H. BUDD, *Governor of California.*

Mr. **WHITE**. The communication which has just been read is similar to one which was received by me, and being a memorial of the legislature of a State, I presume it will be spread upon the record.

The **VICE-PRESIDENT**. The memorial will lie on the table and be printed.

Mr. **SHERMAN** presented a memorial of the Ohio State Academy of Sciences, remonstrating against the enactment of legislation restricting vivisection in the District of Columbia; which was ordered to lie on the table.

He also presented memorials of the publisher of the Banner, of Bremen; of the Weekly Call, of Bremen; of the Argus, of North Amherst, and of the Leader, of New Holland, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **BATE** presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented memorials of the publishers of the Jackson Daily Sun, of Jackson; of the Tennessee Methodist, of Nashville; of the Coming Nation, of Ruskin; of the Vanderbilt College Magazine, of Nashville, and of the Southern Practitioner, of Nashville, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **WALTHALL** presented memorials of the publishers of the East Mississippi Tribune, of Macon; of the Blue Mountain Breeze, of Blue Mountain; of the Westville News, of Westville; of the Head-Block, of Lumberton, and of the Tunica Commercial, of Tunica, all in the State of Mississippi, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **VILAS** presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. **BLANCHARD** presented the memorials of H. L. Brian, publisher of the Louisiana Populist, of Natchitoches; of Robert Benefield, publisher of the Southland, of Maurepas; of R. M. Boone, publisher of the Baptist Chronicle, of Alexandria; of John H. Humble, publisher of People's Tribune, of Opelousas; of John Dymond, publisher of the Louisiana Planter and Sugar Manufacturer, of New Orleans, and of P. M. Kakanam, publisher of Jennings Times, of Jennings, all in the State of Louisiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **TURPIE** presented petitions of Samuel Reid Post, No. 87, Department of Indiana, Grand Army of the Republic, and of the Spencer County Silver League, of Rockport, Ind., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a memorial of the Board of Trade of Indianapolis, Ind., remonstrating against the passage of the resolutions favoring the recognition of Cuba by the Government, and praying that the United States extend its friendly offices toward bringing to a speedy termination the contest that is now going on between Spain and the people of Cuba; which was ordered to lie on the table.

He also presented the memorial of C. W. Dufendach, of the Independent, of Huntingburg, Ind., and the memorial of E. A. Von Donhoff, of the New Albany Medical Herald, of New Albany, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Joseph Lay, of Ridgeville, Ind., remonstrating against any change in the present duty on reed used in the manufacture of brooms and brushes; which was referred to the Committee on Finance.

Mr. **BURROWS** presented memorials of the publishers of the Daily Herald, of Menominee; of the Michigan Free Press (German weekly), of Bay City; of the Helios, of Grand Rapids, and of the News, of Sault Ste. Marie, all in the State of Michigan, and the memorial of A. S. White, secretary of the Michigan Artisan Company, of the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **PEFFER**. I present the petition of C. B. Bryan and a number of others, formerly of the State of Kansas, now residents and citizens of Oklahoma Territory, praying for the passage of the free-homestead bill. As the bill is now the unfinished business of the Senate, the petition had better lie on the table.

The **VICE-PRESIDENT**. It will be so ordered.

Mr. **PEFFER**. I also present the petition of Le Grand Byington, of Iowa City, Iowa, praying for the enactment of legislation embodying certain views:

First. To prohibit any further issuance of Government bonds for any purpose, or in any form.

Second. To reduce public expenditure all along the lines of appropriation by sums amounting to 40 per cent of the aggregate voted at last session.

Third. To repeal the national banking act and require speedy redemption of their circulating notes in the gold and silver coins of the United States.

Fourth. To compel by mandatory legislation the Executive Departments to disburse said coins, as shall be most convenient to the Government, in the payment of all public dues, and to punish willful discriminations in such payments.

Fifth. To open the mints to the equal and unlimited coinage of both gold and silver into standard legal-tender money of the Republic, and compel the immediate coinage of all the bullion in the Treasury, and disbursement of the same, and of all surplus in payment of existing debts.

Sixth. To make forcible seizure of the subsidy Pacific railroads and declare them public highways and mail routes, subject to use by all citizens on payment of tolls sufficient to keep them in good repair.

Seventh. To submit to the States for adoption amendments of the Constitution abolishing life offices and the so-called electoral college, prohibiting government by injunction and by "commission," and allowing election of Senators by popular suffrage.

I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. **PEFFER** presented the memorials of the publishers of the Star and Kansas Independence; of the Educational Echo, of Norton; of the Southwestern Banner, of Wichita; of the Times, of Oskaloosa; of the Enterprise, of Elsmore; of the New Era, of Spring Hill; of Cromwell's Kansas Mirror, of Kansas City, and of the Empire, of Alton, all in the State of Kansas; of the Echo, of Erie, Pa.; of the News, of Woodward, Okla.; of the Record, of Marshall, Okla., and of the Magnet, of Bartlesville, Ind. T., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **GEAR**. I present certain papers containing information concerning the ramie industry. I move that the papers be referred to the Committee on Agriculture and Forestry, to be considered in connection with a bill pertaining to the subject before the committee, and that they be printed.

The motion was agreed to.

Mr. **GEAR** presented a memorial of the Iowa Academy of Sciences, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the memorial of Boardman Cooley, publisher of the Mail-Press, of Strawberry Point, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Mrs. Sarah Clay Bennett, of Richmond, Ky., praying that the right of suffrage for white and black women be granted equal to that accorded white and black men; which was referred to the Select Committee on Woman Suffrage.

Mr. **LODGE** presented a petition of the New England Furniture Exchange, of Boston, Mass., praying for the establishment of a nonpartisan tariff commission, to whom all tariff matters now and hereafter shall be referred for careful and disinterested consideration before Congressional action is taken; which was referred to the Committee on Finance.

He also presented resolutions adopted by John G. Whittier Council, No. 25, American Protective Association, of Haverhill, Mass., expressing sympathy for the Cubans in their struggle for independence, and praying Congress to recognize the Cuban Republic; which were ordered to lie on the table.

He also presented a petition of the Baptist Social Union, of Boston, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating drink in the Capitol or on the Capitol Grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the publisher of the Cottager and Ready Record, of Athol, Mass., and a memorial of the publisher of the News, of Easthampton, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **COCKRELL** presented the memorial of the publisher of the Sabbath Advocate, of Stanberry, Mo., and the memorial of the publisher of Humanity, of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **HOAR** presented a petition of the Massachusetts State Board of Trade, praying for the enactment of restrictive legislation relative to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Union, of Taunton, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by the American Historical Association, expressing its strong approval of the action taken by the Massachusetts Historical Society in regard to the preservation of the United States frigate *Constitution;* which were referred to the Committee on Naval Affairs.

He also presented the petition of Amos Cross, late first lieutenant, United States Army, praying that relief be granted him on account of being illegally confined in an insane asylum; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented the petition of Ferguson & Goodnow, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the publishers of the Woodstock Sentinel, of Woodstock, Ill.; of the Universal Truth, of Chicago, Ill.; of Charles A. Tracy, of Chicago, Ill.; of the Werner Company, of Chicago, Ill.; of the David C. Cook Publishing Company, of Chicago, Ill.; of the news dealers and booksellers of Chicago, Ill.; of the News Company, of Joliet, Ill.; of the McCormick estate and Gray, of Chicago, Ill.; of publishers of the American Journal of Sociology, of Chicago, Ill.; of the American Journal of Education, of St. Louis, Mo.; of the Republican, of Ashmore, Ill.; of the Gibson Courier, of Gibson City, Ill.; of the National Harness Review, of Chicago, Ill.; of the Wool Markets and Sheep, of Chicago, Ill.; of James A. Hawley, of Dixon, Ill., and of the S. B. Frank Publishing Company, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the memorial of Harry P. Dill, publisher of the Rangeley Lakes, of Rangeley, Me., and the memorial of Waldo Pettengill, of Rumford, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made providing for the transfer of foreign mails with a view to expediting their delivery in Philadelphia; which was referred to the Committee on Appropriations.

He also presented a petition of the Atlantic Coast Seamen's Union of Philadelphia, Pa., praying for the enactment of legislation to better the condition of American seamen; which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to so amend the interstate-commerce law as to relieve violators of section 10 of that act from imprisonment; which was referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of Pennsylvania, praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the transportation of obscene matter through the mails; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the War Veterans' Association of Allegheny County, Pa., praying for the appointment of a Congressional committee to examine into and report upon the alleged abuses in the present pension system; which was referred to the Committee on Pensions.

He also presented petitions of Red Lion Council, No. 125, Order of United American Mechanics, of Pennsylvania; of Judson Kilpatrick Camp, No. 238, Division of Pennsylvania, Sons of Veterans, of Easton, Pa., and of Washington Camp No. 533, Patriotic Sons of America, of Pennsylvania, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. THURSTON presented the memorials of John Bradford, publisher of the Times, Fulton, Kans., and Prescott Standard; of the publisher of the Tribune, of Hastings; of Lewis T. Waltson, publisher of the Pulpit of the Cross, of Omaha; of Clement Chase, publisher of the Excelsior, of Omaha, and of J. M. Burnham, publisher of the Wymorean, of Wymore, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR. I report without amendment, from the Committee on the District of Columbia, the bill (H. R. 6718) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes. I ask that it take the place on the Calendar of the bill (S. 2332) to extend North Capitol street to the Soldiers' Home, being Order of Business 830, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, the House bill will take the place indicated, and the Senate bill will be indefinitely postponed.

Mr. BACON. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc., to report it favorably with amendments. I am further instructed by the committee to ask for the immediate consideration by the Senate of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution and the amendments.

Mr. PEFFER. I ask that the joint resolution as amended may be printed and lie over until I can have an opportunity to examine it.

The VICE-PRESIDENT. There is objection to the present consideration of the joint resolution, and it will go over under the rule.

RAILROAD TRACKS IN WASHINGTON.

Mr. BACON. I am instructed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies, to report it without amendment. I am further instructed by the committee to ask the unanimous consent of the Senate for the immediate consideration of the joint resolution.

Mr. ALLEN. I should like to have the joint resolution read in full.

The Secretary read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ALLEN. I do not know that I shall object if I can get an answer from the Senator from Georgia to my inquiry. What provision will be made respecting the cost of tearing up the streets and repairing them?

Mr. BACON. If the Senator will observe the terms of the joint resolution, he will see that everything is placed under the control of the Commissioners. All of the regulations with reference to where the tracks are to be laid, in what manner they shall be laid, how the expense shall be borne of repairing the streets, are within the discretion and control of the Commissioners of the District. The railroad companies, by the joint resolution, are not authorized to do anything except by the direct permission of the Commissioners.

Mr. ALLEN. I think as far as putting under the charge of the Commissioners the authority to determine where the tracks are to be laid is concerned, their control of that matter is all right, but to place in charge of the Commissioners the question of who shall pay for the damage done to the streets in laying the tracks and repairing the streets after they are taken up, that question ought to be determined by Congress. If the railroad companies are to get the benefit of the additional traffic and passenger carriage during the kingly ceremonies that are to take place in this city in March, then the railroad companies ought to pay for the damage done to the streets.

Mr. BACON. I quite agree with the Senator that the railroad companies should pay whatever cost may be incurred in repairing the streets, and I have not the slightest doubt but that will be required of them. In fact, that was a matter so patent and so obvious that I presume it never occurred to the committee that it would be necessary to express it in the joint resolution.

Mr. ALLEN. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, I will state that the Commissioners have no authority under the joint resolution to impose any of this expense either upon the Government or upon the treasury of the District. It is not to be presumed that such will be done. Every influence, of course, will be on the other side, so far as those considerations which control this question are concerned. I presume there will be no objection, while we think it unnecessary, for the Senator to offer an amendment to that effect, because that is the intention of the joint resolution.

I will state further, while I am on the floor, that it is the sole purpose of this measure to enable the railroad companies to do what they have done heretofore, I am informed, at every inauguration, which is to lay additional tracks along their present lines simply for the accommodation of the increased number of cars which a large crowd will necessarily require.

Mr. ALLEN. To that I enter no objection. I am perfectly willing that the company shall have the right to lay additional tracks, under the supervision of the Commissioners of the District; but I do not want, after a time, some Senator to come in here and offer an amendment to an appropriation bill to cover the expenses of repairing the streets and charge that expense to the Government.

Mr. BACON. I will ask the Senator if, in the past, any such claim has ever been made for similar service?

Mr. ALLEN. I can not say that there has ever been any such claim made, but I know that it has been the policy heretofore to saddle every conceivable expense upon the Government in connection with the improvement of streets, the laying of railroad tracks, and, in fact, everything that is done in this District.

Mr. FAULKNER. Will the Senator from Nebraska permit me a moment?

Mr. ALLEN. Certainly.

Mr. FAULKNER. I had charge of this matter four years ago, and I will state to the Senator that it is the same joint resolution which has been uniformly passed since I have been in the Senate. This measure will not apply to nor will permission be granted to lay tracks upon any asphalt streets at all, but they are the same streets on which the present tracks are running. The railroad companies have always been required by the Commissioners, under a similar joint resolution, to enter into an agreement with them to pay all the expenses of putting down the tracks and in putting the streets back in the same condition in which they were found at the time the additional expense was incurred. That has always been provided by an agreement between the railroad companies and the Commissioners.

Mr. ALLEN. With the understanding that the Commissioners will do so in this case, I shall not object to the consideration of the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3497) to define the duties of the secretary of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3498) to punish the impersonation of inspectors of the health and other departments of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. LODGE introduced a bill (S. 3499) granting a pension to Mrs. Lucy P. Bannon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR (by request) introduced a bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3501) granting a pension to Matilda F. Gagby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3502) granting an increase of pension to Jacob Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3503) for the relief of Samuel A. Lundborg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3504) granting arrears of pension to H. Morris Husband; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER (for Mr. PRITCHARD) introduced a bill (S. 3505) for the relief of Cyrus W. Thompson; which was read twice by its title, and referred to the Committee on Privileges and Elections.

THE TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE. I introduce a joint resolution and ask for its present consideration. It is rather a matter of urgency.

The joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to solicit proposals and to contract for the erection of the building for the Government exhibit at the Tennessee Centennial Exposition authorized by the act of Congress approved December 22, 1896, without public advertisement.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GIBSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Library.

Mr. NELSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER (for Mr. PRITCHARD) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESENTATION OF MORNING BUSINESS.

Mr. LODGE submitted the following amendment to the standing rules of the Senate; which was referred to the Committee on Rules:

AMENDMENT TO RULE VII.

In section 1, after the words "following order," strike out as follows: "The presentation of petitions and memorials" and "the introduction of bills and joint resolutions."

Strike out sections 3 and 4 and insert in lieu thereof the following:

"3. Members having petitions or memorials or bills of a private nature to present may deliver them to the Secretary, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials or bills of a private nature, except such as, in the judgment of the Vice-President, are of an obscene or insulting character, shall be entered on the Journal with the names of the members presenting them, and the Secretary shall furnish a transcript of such entry to the Official Reporters of Debates for publication in the RECORD.

"4. Any petition or memorial or private bill excluded under this rule shall be returned to the member from whom it was received, and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented, and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

"5. All other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of members introducing them, to the Vice-President, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the RECORD of the next day, and correction in case of error of reference may be made by the Senate on any day, immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

"6. When a bill, resolution, or memorial is introduced 'by request,' these words shall be entered upon the Journal and printed in the RECORD."

ALLEGED VIOLATION OF THE EIGHT-HOUR LAW.

Mr. ALLEN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed and required to inform the Senate—

First, whether Isaac Walker & Sons, of Philadelphia, Pa., who are engaged in constructing additions to and making repairs on the naval hospital at Brooklyn, in the State of New York, have violated, or are violating, or suffering violations of the act of Congress of August 1, 1892, commonly known as the "eight-hour labor law," by requiring those engaged in laboring for them on said work to work more than eight hours per day; and if so, what steps, if any, have been taken by the Navy Department to prevent such violations; and if like violations are being committed by P. J. Carlan, a contractor, of Brooklyn, N. Y., and what steps, if any, are being taken to prevent the same; and

Second, what measures, if any, have been taken by the Navy Department to prevent violations of the so-called eight-hour labor law on Government works under its supervision; and if no such measures have been taken, what further legislation, in the opinion of the Secretary of the Navy, is necessary to empower the Navy Department to supervise, control, and restrain the action of contractors and builders engaged in the construction and repairs of Government property.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I think the resolution had better go over until to-morrow.

The VICE-PRESIDENT. An objection being interposed, the resolution will go over under the rule.

Mr. ALLEN. Can I have the attention of the Senator just a moment?

Mr. CHANDLER. Certainly.

Mr. ALLEN. This resolution only covers one suggestion. It is alleged, and I presume there is no doubt about the truthfulness of the statement, that Isaac Walker & Sons, who are engaged in repairing the hospital and making additions to the hospital at Brooklyn, N. Y., are violating the eight-hour law in requiring their laborers to work nine hours, and that by such means they are interfering with the established price of eight hours' labor in that market.

The resolution simply calls for such information as the Secretary of the Navy may possess respecting this matter, and if he has no power to prevent a violation of the law it asks for his opinion as to the measures necessary to prevent a repetition of such a violation of it. I hope the Senator will withdraw his objection.

Mr. CHANDLER. If it is a mere call for information I shall not object, but I ask to have the resolution read again.

Mr. ALLEN. It is a mere call for information.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary again read the resolution.

Mr. CHANDLER. In the first place, the words "and required" should be stricken out. The language is "directed and required." One direction is enough.

Mr. COCKRELL. That is enough.

Mr. CHANDLER. The words "and required" should be stricken out.

Mr. ALLEN. Very well; let those words go out.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. CHANDLER. Now, I ask the Senator whether he understands that these employments are in violation of an existing law of Congress.

Mr. ALLEN. I do so understand, Mr. President. If the Senator will indulge me just a moment, I will state that I understand the established custom in Brooklyn and in that part of the country has approved the eight-hour system, and that all day labor is based upon eight hours of labor by the employee. I think there is no doubt about the fact that Isaac Walker & Sons, and possibly Carlan, have ignored the law, and required their men to work nine hours for the same wages that other men receive who perform like services for private parties, and who are accredited with eight hours of labor. Now, if that is being done, and there is information in the Navy Department of that fact, it occurs to me the Senate ought to know it and the country ought to know it, and if the Secretary of the Navy has no power to put a bit upon Isaac Walker & Sons and other contractors who are doing Government work, then it is high time for Congress to know that fact and to know what further legislation may be necessary to authorize restraint upon contractors on Government works.

Mr. CHANDLER. Mr. President, I may be very dull and not well informed, but I did not know that contractors for Government work could not employ men more than eight hours a day. The law prohibits employing men for more than eight hours a day in the navy-yards and other Government establishments, and that law I had the honor to strictly enforce when I was in the Navy Department. There had been an adjustment of the hours of labor that was not in exact accordance with that law. The error was corrected. The law is in force in the navy-yards and in the arsenals of the country, but I did not know that contractors with the Government were limited as to the hours of labor in which their men should be employed.

The objection to the Senator's resolution is that it assumes all the way through that we have a law upon the statute book limiting Government contractors in their hours of labor for their men. I am informed by Senators around me that they are ignorant of any such law, and I think the Senator must be mistaken about it.

Mr. ALLEN. I have no doubt the Senator from New Hampshire was a most excellent Secretary of the Navy and carried out the provisions of all laws.

Mr. CHANDLER. I do not doubt that myself [laughter], but what I do doubt is whether there is any law which prohibits contractors employing men for more than eight hours a day.

Mr. ALLEN. Oh, Mr. President, the Senator from New Hampshire is throwing a spear at a gnat. That is not the question at all.

Mr. CHANDLER. The Senator should not regard himself as a gnat. [Laughter.]

Mr. ALLEN. No.

Mr. CHANDLER. I have always disclaimed any idea of ever belittling the proportions of the Senator from Nebraska. [Laughter.]

Mr. ALLEN. I agree with the Senator from New Hampshire that he was a great Secretary of the Navy, and that I am physically a fair-sized statesman—I think we will agree upon that—but what I mean by saying the Senator is throwing a spear at a gnat is this: Congress passed an eight-hour law that controls all work under the supervision of the Government in all Departments. The Senator from New Hampshire and the Senators who are sitting around him are all good lawyers, and I believe intend to carry out the provisions of every law that is made and to enact such other laws as may be necessary to bring about the ends of justice. Now, here are men who are occupying a quasi-official position in this country. The law of respondeat superior applies to the relation existing between these contractors and this Government. There can not be any doubt about that. The Secretary of the Treasury or the Secretary of the Navy has power, when he makes a contract with contractors to do work upon public buildings or in the construction of naval vessels, to prescribe the hours that shall constitute a day for the performance of that work. I am satisfied my friend from New Hampshire, if he were in the Navy Department again, as he probably will be under the incoming Administration [laughter], would enforce a law of that kind. I feel confident that he would do that.

Mr. President, if it should so happen that the Secretary of the Navy technically does not possess this power, I appeal to my friend from New Hampshire, as the friend of down-trodden labor and of men who are compelled to earn their living by their daily toil, that it is eminently proper that the Secretary of the Navy should inform us upon this subject, and that we should enact such further legislation as may be essential to protect this class of people. That is all that the resolution calls for.

Mr. CHANDLER. Mr. President, the resolution is objectionable in that it assumes that there is a law prohibiting contractors with the Government from employing their men more than eight hours a day. There is no such law, and the Secretary of the Navy has no right whatever to interfere with the hours of labor of Government contractors. He has control over the laborers employed directly by the Government, and no others.

I think that the resolution is also objectionable at this time because it conveys an impression that there is a violation of law when there is no violation of law, as the Senator and every other Senator well knows. If the Senator will allow the resolution to go over, and it is in such a form that it does not create a false implication, then I shall have no objection to its passage.

Mr. ALLEN. I want to submit to my friend just this one proposition, and then he can make his objection if he will. I want to ask the Senator if he takes the position that the Secretary of the Navy has not the power to insert in the contract with Isaac Walker & Sons a provision that they shall observe the eight-hour law and to cancel their contract if they violate it?

Mr. CHANDLER. He may do it if he pleases, but he is not under the slightest obligation to do it. The Senator knows that the new Navy of the United States has been built mainly by contracts with outside parties; and the Secretary of the Navy never has undertaken to prescribe the hours of the day during which the workmen upon those ships should labor. It would have made an enormous difference in the contract price of the vessels if he had. The Government has strictly limited itself so far to prescribing the hours of labor for its own employees, and the Senator's implication ought not to go in a resolution. The Senator, the more he talks, convinces me the more that the resolution ought to be carefully examined before it is adopted.

Mr. ALLEN. If I had known that, I might have started out with the Senator's views, and possibly I could have reconciled them with my present views, but I submit, if the Senator insists upon his objection, that while our Navy has been gotten up largely in the manner suggested by the Senator from New Hampshire, it has been at the expense of the life and the health and the rights of the men who did the work; and if this great Government has not the power to protect these people, and its Secretary of the Navy has not the manhood to protect them when he can—because he has ample power to insert a provision in the contract for their protection—it is pretty near time the people of the United States should know that fact.

Mr. MILLS. Is this discussion by unanimous consent, Mr. President?

The VICE-PRESIDENT. The discussion is proceeding by unanimous consent.

Mr. MILLS. Then I object.

Mr. CHANDLER. Will the Senator from Texas allow me one word more?

Mr. MILLS. Very well.

Mr. CHANDLER. The Senator from Nebraska believes in an eight-hour day for all workmen, and possibly that proposition has some merit.

Mr. ALLEN. I work sixteen hours a day myself.

Mr. CHANDLER. But the law has not yet been put upon the

statute books that would authorize the Secretary of the Navy to do this thing.

Mr. ALLEN. I disagree with the Senator.

Mr. CHANDLER. Therefore the Senator ought not to make an implication in the resolution that there is such a law, when everyone knows there is no such law.

Mr. ALLEN. I think there is.

The VICE-PRESIDENT. Objection being interposed, the resolution will go over.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1894; and

A bill (H. R. 7088) to create the office of surveyor-general in Alaska.

CHICAGO RAILWAY STRIKE OF 1894.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

> *Resolved by the House of Representatives (the Senate concurring)*, That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies, and their officers and agents, in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I ask that House bill 8110, being the bankruptcy bill, be made the special order for January 25, a fortnight from to-day.

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. Let the title of the bill be read.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. What I desire is to have that bill made a special order not to come up before the 25th of January. That is by agreement with the Senator from Colorado [Mr. TELLER], who is absent at this moment, and also to accommodate the Senator from Mississippi [Mr. GEORGE] who is absent. The Senate will then have the matter completely in its power.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if the proposed arrangement is satisfactory to the Senator from Mississippi?

Mr. HOAR. I have no doubt it is, as it is satisfactory to the Senator from Colorado, who agrees with the Senator from Mississippi.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

TERMS OF PRESIDENT AND REPRESENTATIVES.

Mr. PROCTOR. I ask that Orders of Business 62 and 63 on the table Calendar be taken from the table, read by the Secretary, and laid before the Senate for a very brief consideration.

The VICE-PRESIDENT. The resolutions will be read by title.

The SECRETARY. A joint resolution (S. R. 180) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years, and shall not be eligible for reelection, and a joint resolution (S. R. 181) providing that the Constitution of the United States be so amended that the members of the House of Representatives shall be chosen every third year.

Mr. PROCTOR. Mr. President, I believe in the wisdom of the changes proposed because:

First. A longer Presidential term and ineligibility for reelection are more in accord with the ideas and purposes of the framers of the Constitution than is the present system as it has developed in practical results.

Second. The proposed change is not radical or revolutionary, but is in the line of true conservatism. It is a change of the letter to preserve the spirit of the Constitution.

Third. Reeligibility is wrong in theory and vicious in practice, for it results in the use of the patronage of his office by the President for the promotion of his chances of reelection, or else subjects him to the imputation of such use.

Fourth. The change will more thoroughly divorce the legislative and executive branches of the Government, an end most strongly desired by the Constitutional Convention.

Fifth. Even if the present system was wise in the beginning, the changed conditions, the growth of the country in population, especially in cities, the great increase in our territory, and the growing danger of sudden popular revulsions make the change now desirable.

Sixth. Thereby the business interests of the country will be saved from such frequent disturbances, and the time and expense incident to campaigns will be proportionately reduced.

Seventh. By lengthening the terms of Representatives to three years, laws will be better considered and will have a longer and fairer trial before their friends go out of power in Congress.

The American people rightly regard the Constitution with great reverence. It has proven itself wonderfully adapted to conserve to them equally the blessings of liberty and the protection of law. Our own judgment of its merits is perhaps influenced by our affection; but the verdict of affection is also the verdict of disinterested criticism. Mr. Bryce, whose commentaries upon our institutions are probably the most thoughtful foreign criticism since that of De Tocqueville, says:

> It ranks above every other written constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definiteness of principle with elasticity in detail.

We are naturally conservative with respect to any proposal to change it in any way. Surely such a proposal is not to be made lightly nor without good reason.

The amendment proposed by the resolution is one of detail. Its purpose is not to change but really to strengthen the most fundamental principle of the Constitution—the separation of the executive and legislative powers. Nor is the proposal a new one. A longer Presidential term, without reeligibility, was the original decision of the Constitutional Convention. It was not changed without much wavering and many misgivings. A prominent member who declared near the close of the discussion that he had never made up an opinion on the question entirely to his own satisfaction, apparently spoke the sense of the whole. Since then it has been repeatedly proposed to revert to the original plan.

The framers of the Constitution, with a wealth of learning and experience, made every system yield the best of its fruits. From the English constitution and common law, from their own colonial and State constitutions, from former experiments in republican government, and from the writings of political philosophers they took their precedents.

> The Constitution—

Says a distinguished writer—

> is no exception to the rule that everything which has power to win the obedience and respect of men must have its roots deep in the past.

But when they came to the discussion of a National Executive, precedents failed them. It was practically a field of original investigation. They wisely discarded, with practical unanimity, the idea of a plural Executive; but how to elect the Executive, the length of his term, and whether he should be eligible to a second term occasioned much discussion in the convention, and certainly more vacillation than any other problem before it.

> On the 1st day of June—

Says Mr. Bancroft in his History of the Constitution—

> the convention took into consideration the National Executive. The same spirit of conciliation prevailed, but with a chaos of ideas and a shyness in the members to declare their minds. Should the National Executive be one or many? a question, from a difference among themselves, the plan of the Virginia delegates had left undecided. Should it be chosen directly by the people, or by electors, or by the State legislatures, or by the executives of the States, or by one branch of the National Legislature, or by both branches? And if by both, by joint or concurrent ballot or by lot? How long should be its term of service? and how far should its reeligibility be limited? * * * Here the convention marched and countermarched for want of guides.

The old saying that intuitions are more reliable than afterthoughts would seem to apply here. The Virginia plan, presented to the convention May 29, 1787, by Mr. Randolph, provided for a National Executive "to be chosen by the National Legislature for ———— years, and to be ineligible a second time." This blank was filled June 1 in committee of the whole house by inserting the word "seven," by a vote of five and a half to four and a half States, and the following day the ineligibility of the President for a second election was affirmed by a vote of eight and a half to one and a half States. In that shape it was reported June 19 from the committee of the whole. July 17 the convention voted to strike out the words "to be ineligible a second time," by a vote of six States to four; but the same day they unanimously voted to reconsider their action. Two days later the convention voted to make the term six years, without the ineligibility clause. But on the 26th of the same month, by a vote of seven to three, they reverted to the original proposition of a seven-year term, the President to be ineligible a second time, and in that form it appeared in the original draft of the Constitution reported to the convention August 6 by the committee on detail. August 31 the convention referred such parts of the Constitution as had been postponed and such parts of reports as had not been acted upon to a committee of one from each State, and on September 4, or only thirteen days before the convention finally adjourned, that committee reported the provision in question of the Constitution substantially as finally adopted.

Since then the proposal has often been made, and from the highest sources, to reintroduce the principle of ineligibility for a second term. Jefferson was in favor of it. President Jackson urged Congress in several of his messages to propose to the States an amendment to the Constitution rendering the Executive ineligible after one term of service, and such a resolution was introduced in 1830.

Mr. President, I have noticed on a very recent anniversary occasion that associations of widely different political views have in their separate meetings paid their tributes of respect and affection to President Jackson. From another political standpoint I wish to indorse the views he gave on this subject.

In his annual message that year, after stating that he had before recommended that the President be made ineligible for reelection, President Jackson said:

> I renew the recommendation with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that this appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such amendment of the Constitution as will render him ineligible after one term of service.

In due time the Whigs took up the one-term principle, and they put it in their platform in 1844. Henry Clay advocated it with his accustomed vigor. The Southern Confederacy embodied it in its constitution. In 1866 and 1871 it was urged by Wade and Sumner, who introduced resolutions in its behalf. Writing in 1871, Horace Greeley said:

> All that is needed is an intelligent, earnest, widespread conviction that the practice of reelecting a Chief Magistrate while in office is fraught with evil and peril—that it distracts his attention from the proper cares and duties of his station, and compels him to consider not who are fittest and most worthy to fill the offices in his gift, but what choice will be most likely to improve his chances of renomination.

And again:

> Office seeking is our national vice, divesting our workshops of apprentices and our farms of half the intelligent energetic aspiring youth who ought to make our agriculture of the next thirty years exhibit a series of brilliant advances and improvements upon all that preceded it. But vainly shall we hope for such reform through the lopping off of branches while the root of the upas remains intact and vital. That root is the reelection while in office of Presidents, governors, and other dispensers of vast patronage, with their consequent temptation to use that patronage in aid of their own continuance in power.

In 1876 Mr. Tilden, in his letter accepting the nomination for the Presidency, expressed himself as follows:

> It might encourage delusive expectations if I withheld here the expression of my convictions that no reform of the civil service in this country will be complete and permanent until its Chief Magistrate is constitutionally disqualified for reelection, experience having frequently exposed the futility of self-imposed restrictions by candidate or incumbent. Through this solemnity only can he be effectively delivered from his greatest temptation to misuse the power and patronage with which the Executive is charged.

August 18, 1884, President Cleveland wrote in his letter of acceptance:

> When an election to office shall be the selection by the voters of one of their number to assume for a time a public trust instead of his dedication to the profession of politics, when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a government by the people will be at hand. And of the means to this end not one would, in my judgment, be more effective than an amendment to the Constitution disqualifying the President from reelection.
>
> When we consider the patronage of this great office, the allurements of power, the temptation to retain public places once gained, and, more than all, the availability a party finds in an incumbent when a horde of officeholders, with a zeal born of benefit received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for reelection a most serious danger to that calm, deliberate, and intelligent political action which must characterize a government by the people.

From the very foundation of the Government many of our ablest and most thoughtful public men have favored an amendment to the Constitution prohibiting the reelection of a President.

In the Constitutional Convention the decision of the question actually turned upon the settlement of that other vexed question of how to elect the Executive. Choice by the National Legislature was proposed by the Virginia plan, and it seems to have been in the beginning by far the most popular plan. The first vote for a seven-year term and ineligibility for a second term was taken when the greater part of the members regarded this as the most probable manner of election, and it was proposed by removing the possibility of a second term to make the Executive less dependent on the Legislature. As the plan to elect otherwise than by the National Legislature gained favor, it was urged that rotation in office was not necessary if the choice of the Executive was not to be lodged in the Legislature. All the various plans crystallized into two, election by the National Legislature with a long term and ineligibility, and choice by popular elections through the electoral college with a short term and reeligibility.

The chief arguments put forward in opposition to ineligibility were two. Roger Sherman urged that it kept out of the office men who were best qualified to execute its duties; but the experience of the last half century has proven that the influence of an able and faithful administration is not a match for the personal disappointments of the army of favor seekers whom the President must turn away unsatisfied. Gouverneur Morris and Hamilton urged that it tended to destroy the motive to good behavior. In practice, reeligibility has proved to be a temptation in the opposite direction, to use the power and patronage of the office to promote reelection. The relation of patronage to the National Executive seems to have been little regarded. Indeed, the prospective patronage was not then large.

It was also suggested that as a strong and popular Executive came to the close of his term and could not be reelected, there might be great danger that the people would be tempted beyond control to set aside the Constitution for their temporary gratification. Such fears were perhaps not groundless when the Constitution was but an experiment. But the stability of our institutions has long since banished such fears, and no man can rival the Constitution in the affection of the people.

The resolution proposes a modification of the Constitution, but it is a modification of a detail in order to strengthen its most fundamental principle. The very basis of the Constitution is the complete separation of the legislative and executive powers. So long as the Constitutional Convention contemplated the election of the Executive by Congress, it favored ineligibility for a second term, in order that the ambition of a President to succeed himself might not make him dependent upon Congress.

> By the scheme of the electoral college—

Says Mr. Bancroft—

> the convention hoped to escape from the danger of a corrupt traffic between the National Legislature and candidates for the Executive.

And again:

> From confidence in the purity of the electoral body thus established the reeligibility of the Executive was again affirmed.

They foresaw the difficulty, but they were in error in thinking they had corrected it. There is no other part of the Constitution which in practice has worked so differently from what was expected as the machinery of Presidential elections. It was contemplated that the people would simply delegate their elective powers to Presidential electors, and—

> No Senator or Representative, or person holding an office of trust or profit under the United States—

Says the Constitution—

> shall be appointed an elector.

Members of Congress and Federal officeholders were to be excluded from the electoral college. Thus they expected that the President would neither be dependent upon Congress nor upon his own appointees for a reelection.

How different is it all in practice! The position of Presidential elector, though still regarded as one of dignity, is purely clerical. In honor he is excluded from the exercise of any choice. National elections are simply contests of the candidates of the political parties before the people. A President ambitious to succeed himself must secure the nomination from his party, and the most potent elements in national conventions are the very persons whom the Constitution intended to exclude from taking any part in the election of the President. Senators and Representatives in Congress and Federal officeholders may not constitute the majority of representation by actual count in national conventions, but their influence is the most potent in their constitution. The very dependence, therefore, upon Congress and upon Federal officeholders for election to a second term which the Constitution intended to prevent in fact exists. It can not be doubted for one moment that if the framers of the Constitution could have foreseen how little they were correcting the dangers they so evidently feared, they would never have abandoned their original intention of requiring rotation in the Presidential office.

I will ask the Secretary to read what De Tocqueville said in 1835.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> When a simple candidate seeks to rise by intrigue, his maneuvers must necessarily be limited to a narrow sphere; but when the Chief Magistrate enters the lists he borrows the strength of the Government for his own purposes. * * * The private citizen who employs the most immoral practices to acquire power can only act in a manner indirectly prejudicial to the public prosperity. But if the representative of the Executive descends into the lists, the cares of Government dwindle into second-rate importance, and the success of his election is his first concern. All laws and negotiations are then to him nothing more than electioneering schemes; places become the reward of services rendered, not to the nation, but to its Chief; and the influence of the Government, if not injurious to the country, is at least no longer beneficial to the community for which it was created.
>
> It is impossible to consider the ordinary course of affairs in the United States without perceiving that the desire of being reelected is the chief aim of the President; that his whole Administration, and even his most indifferent measures, tend to this object; and that, as the crisis approaches, his personal interest takes the place of his interest in the public good. The principle of reeligibility renders the corrupt influence of elective governments still more extensive and pernicious. It tends to degrade the political morality of the people, and to substitute adroitness for patriotism.

Mr. PROCTOR. This De Tocqueville wrote in dispassionate and friendly criticism in 1835, when the patronage was relatively small. In the light of our subsequent experience and present conditions, can we say that he put the matter too strongly?

If a President aspires to a second term—and the best Presidents usually have so aspired—his acts and his appointments, if not his policy, are necessarily influenced and colored by that fact. And if perchance he does not aspire to reelection, he is still hampered by the fact of the constitutional possibility of such reelection. His most unselfish and patriotic acts will be charged by some to that ambition, whether he entertains it or not. It promotes captious criticism. It induces distrust of the President's disinterestedness and patriotism, and it belittles and detracts from the dignity of the office itself. And not only does it weaken the President and his Administration at home, but the possibility of reeligibility actually weakens the effectiveness of our foreign policy. In the beginning of our present Venezuelan crisis the most common comment abroad upon the patriotic position taken by the President was that it was an electioneering dodge. Thus does the world discount an official expression of the patriotic sentiment of our people, because, in view of the possibility of the reelection of the President, the outside world also has become accustomed to look to that fact for the deepest motives of a President's actions.

We sometimes speak of the practical limit established by precedent against a third term. The wise and patriotic declension of Washington to serve a third time was based upon the very idea that there ought to be a limit to eligibility. But the limit thus imperfectly established does not meet the case, because actual prohibition of a third election does not relieve the first term from the evils of reeligibility, and because such a limit is so imperfectly established that in fact it scarcely relieves it of evil during the second. Reeligibility is wrong in theory, vicious in practice, and there should be a definite prohibition against it.

The greatest objection of which I am aware to this proposed change is that it might deprive us, in time of some great national exigency, of the services of a leader who seems to be peculiarly equipped to be at the head of the Government. Such a thing is possible, yet I can hardly conceive of an emergency in which one man, and one man only, shall be fit to be at the head of the Government; and it is hard to believe that an emergency will arise that will last for more than six years, the term for which a President will be chosen under the proposed amendment. It is impossible to perfect any detail of a constitutional system so that it may not work unfavorably in some emergency. Constitutional systems, however, though intended to cover all exigencies so far as possible, are designed more to meet the everyday life and existence of the Government than some exceptional complication that may never occur. The question is, how to safeguard the public interests in the most cases and in the largest degree: how to obtain the most disinterested administration of the Government from day to day of our national existence. If a single term with prohibition of a second will do that, then we need not fear the other. In this very connection De Tocqueville says that "to reserve an expedient for extraordinary perils, the country has been exposed to daily dangers."

To the objection that reeligibility is an incentive to good administration and therefore should not be removed, we answer that such an argument is as strong for reeligibility to a third term, and as strong for reeligibility to a fourth. There must be some final administration in which such incentive loses its force, and it may as well be the first.

The principle of ineligibility for a second term has always been coupled with the proposal to lengthen the term. Though less important, it is perhaps not an unnatural correlative of the other. In the convention the question was between a longer term without reeligibility and a shorter one with it. The latter was regarded as the equivalent of the former, as it was expected that a President, if worthy, would ordinarily be reelected. And such was generally the rule during the first half century. Now it is the exception. Frequent Presidential elections disturb the business interests of the country, which in their present complicated conditions have become very sensitive to changes. At the foundation of the Government these interests were comparatively simple. Labor was largely its own employer, and its relations were not easily disturbed. Producer and consumer were more often than now combined in one. Telegraphs and railroads were unknown. The developing resources of the country had not yet brought with them the increased complexity of business relations between the different sections, and especially between this country and foreign lands—relations that now exist and are so quickly affected by the shifting fortunes of politics. Competition had not become the fierce war of recent years. Not so nicely adjusted, business relations were not so easily disturbed. The influence of a Presidential election upon the business interests of the country was not contemplated by the framers of the Constitution. They thought of the Executive and his election only in relation to the Government they were forming. They contemplated the Executive as a factor in that Government. They did not consider the effect upon the governed of the process of electing him. To-day, in a manner unforeseen by them, the Presidential elections raise the utmost havoc with all business interests. The unrest and lack of confidence in business circles truthfully reflect the uncertainty of the result of each election. In a recent paper, I find the following language attributed to Dr. Depew:

> Every four years business is virtually paralyzed for fully six months, partly on account of the utter absorption of the people in the canvass and partly because such issues are raised in the campaign that business conditions are bound to be affected by the result. We have hardly recovered from the effects of one Presidential campaign before we are plunged into the midst of another. With a six-year term and a constitutional prohibition of reelection, we would have a President free during his term of office from any temptation to use his power in any way to secure a renomination or reelection, and free also from the suspicion of such an attempt, which is almost as bad.

Furthermore, the time taken up by a campaign and the expense incident thereto are matters of no small moment aside from the disastrous effects upon business interests. I realize that campaign funds are enveloped in a haze of obscurity, and that in speaking of them I am treading upon delicate ground; but it is safe to say that the expense of a campaign has increased many fold in the last twenty years. Grant's first campaign fund is said to have been $150,000, but now it would require more figures to express the amount devoted to campaign purposes.

It has been suggested that the change might lengthen the term of a bad President, but there is not so much strength in the objection as there might seem. We have not often, if ever, had bad Presidents, and there would be much less danger of getting one with a six-year term than there is now with the four-year term, for there would be a longer time for the policy of the preceding Administration to have a fair trial and be approved or condemned by the deliberate judgment of the people, and there would be much less danger of hasty political revulsions. If we were so unfortunate as to have an undesirable President who did not command the confidence and respect of the people, his power would soon be checked by the Congressional and Senatorial elections; and if we were so unfortunate as to have a corrupt President, a calamity which has never yet occurred, he would always be subject to impeachment.

It seems to have been the experience of a good number of the States that long terms for their executive officers are desirable. Eleven of the States—California, Connecticut, Delaware, Indiana, Maryland, Mississippi, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia—have lengthened the terms of their governors from what they originally were, while of the eight States which formerly had gubernatorial terms of one year Massachusetts and Rhode Island only hold to the practice.

Even if wise in the beginning, the changed conditions, our growth in population, especially in the cities, the great increase in our territory, and the growing danger of sudden popular reaction make the change advisable as a matter of safety. It is not a radical or revolutionary change, but one in the line of true conservatism. It is a change in the letter of the Constitution to preserve its spirit. It is more in accord with the ideas and purposes of the framers of the Constitution than are the practical results that have developed from the present system.

In what I have said of the dangers of the present situation, I speak with great deference of the great men who have filled the high office of President and who have been candidates for reelection. I doubt not but that they have been as little influenced and controlled by the selfish considerations mentioned as one placed in so inconsistent a position could be. The difficulty, however, is that the position is inherently an inconsistent and antagonistic one. One person can not in the nature of things be at the same time a perfect President and a Presidential candidate. I believe that the people are becoming more and more dissatisfied with having the high office of President used, or having it possible to use it, to prolong the incumbent's tenure. They are becoming more and more dissatisfied with seeing Presidential campaigns run from the White House. It will be tried just as long as it is possible. It will only cease when the Congress and the States by constitutional amendment return to the spirit of the Constitution and the original plan of the framers. Then no personal ambition of a Chief Magistrate can ever compete with his ambition to serve his country well and leave an honorable record for his Administration.

The extension of the terms of Representatives in Congress should go with the extension of the Presidential term. The practical benefits sure to result from this change and the advantages of it to legislation are self-evident. Now the Representatives have hardly concluded their first session before they come up for reelection. This long session must necessarily become longer with the growth of the country. The legislation of the long session has had no trial, and often, I may say usually, in the case of important new legislation on lines of party policy, there is a popular reaction before it can have a fair trial. Then comes the short session, in which little is done except to pass appropriation bills. With a three years' term, instead of the present single inordinately long session, there would be two sessions unlimited by the end of a Congress, and of more moderate duration, which would practically nearly double the time for deliberation and considerate legislation. The laws of the first session would have been in operation for a year or more, which would give time for a fairer trial and consideration by the people, with much less danger of too hasty legislation and too hasty condemnation of laws when once made—a danger to which the country is more and more subjected as it grows older.

I believe that the amendments suggested, if adopted, will lead to more stable administration and to better legislation and to better and more conservative consideration of public questions by the people.

I move that the joint resolutions be referred to the Committee on Privileges and Elections.

Mr. MILLS. Mr. President——

Mr. STEWART. The question raised by the proposed amendment is very important——

Mr. MILLS. I gave notice that I would address the Senate during the morning hour to-day.

Mr. STEWART. I ask leave to make just a few remarks. I will occupy only a moment.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nevada?

Mr. MILLS. The Senator from Nevada has the floor.

Mr. STEWART. I will take but a moment. The recommendation that the President shall not be eligible for reelection I fully approve. There is no doubt that it would be a great gain. I concur with the recommendation of General Jackson in that respect. But to lengthening the term I see grave objections. There would be too much at stake. The country would be too much disturbed to have an election pending which would put the Chief Executive in office for the term of six years. That would be reform in the wrong direction. The Senator from Vermont suggests that it is very expensive to elect——

Mr. MILLS. I hope the Senator from Nevada will not take me off the floor. I gave notice that I would address the Senate this morning, and if he wishes to discuss this question, he can do so at some other time. I think I am entitled by the courtesies of the Senate and under the rule to proceed with my argument.

Mr. STEWART. I did not know that the Senator from Texas was entitled to the floor. Let the joint resolutions lie on the table, and I will complete my remarks to-morrow morning.

The VICE-PRESIDENT. It will be so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following act and joint resolution:

An act (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it; and

A joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894.

The message also announced that the President of the United States had on the 9th instant approved and signed the following acts:

An act (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims; and

An act (S. 1265) for the relief of Emmart, Dunbar & Co.

INDEPENDENCE OF CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution introduced by the Senator from Texas [Mr. MILLS], which will be read.

The joint resolution (S. R. 188) in reference to the recognition of the independence of foreign governments was read, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine, the Executive should act in harmony with the legislative department of the Government.
>
> SEC. 2. That the independence of the Republic of Cuba ought to be, and hereby is, recognized, and the sum of $10,000 is hereby appropriated for salary and expenses of a minister to that Government whenever such minister shall be appointed by the President.

Mr. MILLS. I ask the unanimous consent of the Senate that when 2 o'clock arrives I may be permitted to continue my remarks until I have closed.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. Before consent is given, I desire to inquire what will be the order of business after that?

The VICE-PRESIDENT. The homestead bill will come up as the unfinished business at the conclusion of the remarks of the Senator from Texas.

Mr. HALE. I do not think the Senator in charge of the unfinished business would object to the request of the Senator from Texas if he were here.

Mr. MILLS. If there is objection, I shall not take the floor.

Mr. HOAR. I do not rise to object, but to learn what is to be the order of business later in the day. Is it the purpose of the Senate after the Senator from Texas concludes to go on with the homestead bill?

The VICE-PRESIDENT. So far as the Chair is advised, that will be the order of business.

Mr. HOAR. I do not think that that bill should stand from day to day having precedence over all other business and at the same time not to be taken up. I do not object to the Senator from Texas proceeding, but I should like to have it understood that when he concludes the homestead bill is to be taken up and proceeded with.

The VICE-PRESIDENT. The Chair will lay that bill before the Senate as the unfinished business at the conclusion of the remarks of the Senator from Texas.

Mr. FRYE. Then let the request of the Senator from Texas be put in a little different form—that at 2 o'clock the unfinished business shall be temporarily laid aside in order that he may complete his remarks.

Mr. MILLS. It is all the same thing. There is no objection to putting the request in that form.

Mr. FRYE. It is hardly the same thing.

The VICE-PRESIDENT. Without objection, it will be so ordered. The Senator from Texas will proceed.

Mr. MILLS. Mr. President, on the 18th day of December last the Committee on Foreign Relations agreed to report to the Senate of the United States a joint resolution recognizing the independence of the Republic of Cuba. On the morning of the 19th of December a statement was given to the public press by authority of the Secretary of State, challenging the authority of the Congress of the United States to deal with that question. He stated that in order to allay misapprehension and injurious results that might follow at home and abroad he thought it his duty to announce to the world that the President had the "exclusive" right to deal with the question of the recognition of a foreign state, and that if both Houses of Congress should pass a joint resolution recognizing the independence of a foreign state, and it should be vetoed by the President and then be passed by a two-thirds majority over the President's veto, the law would be inoperative and of no effect.

I propose to meet that contention. It is an extraordinary contention, and this is the second time in the history of the Republic that it has been presented. When it was first presented, it met with a signal rebuke by the Congress of the United States, and I doubt not it will meet with the same rebuke now. Where the distinguished Secretary obtains his authority I know not. The Congress of the United States and the executive department are both the creations of the Constitution. Whatever authority the President and the Secretary of State have comes from the words of that great charter, either by an express provision or by a just and necessary implication from an express provision.

The Constitution of the United States gives the President the power to appoint an ambassador to a foreign government, but the foreign government must exist before the President can appoint an ambassador or a minister. The Constitution gives the President power to appoint to an office, but the office must be created before the President can appoint, and the power to create an office in this Government is vested in the legislative department of the Government, and so far as the relations of the people of the United States are concerned, the power to create a foreign government rests with the Congress of the United States, for the power to recognize its existence is the power to create our relations with it.

I will not stop, Mr. President, further to discuss the constitutional provisions, but I will deal with some of the precedents that have been made for us by the illustrious men who have gone before us. The Secretary says that it is an "exclusive right" and power of the President, and the President alone, and in order to allay disturbances abroad and in the United States he feels constrained to say to all the world that the Congress of the United States has no power to deal with this question. This is a most remarkable statement. The great respect I have for the Secretary personally, and for his high position, and the respect I have for his chief, and the high station he fills, forbid me to say more. He has his duty to perform and I have mine, and however high his station I will not refrain from criticising him when in my judgment he has gone beyond the boundaries assigned him by the Constitution and laws of the United States.

In 1822, after the provinces of Spain on this hemisphere had been in revolt about twelve years, the House of Representatives called upon President Monroe for information, if any existed in the Department of State, in reference to the condition of those provinces, whether they were ready to be admitted into the family of nations. President Monroe did not say to the Congress, "This is none of your business; this is my 'exclusive right' and power, and you are inquiring about something as to which you have no authority to speak or to judge." He did nothing of the sort. March 8, 1822, he sent his message in response to the inquiry of Congress, and he says to the Senate and House of Representatives:

> In transmitting to the House of Representatives the documents called for by the resolution of that House of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

He seemed to understand that Congress had something to say about the recognition of the independence of a nation. He seemed to understand that both the executive and the legislative branches had a duty imposed upon them by the Constitution. He seemed to understand that they had to act in cooperation in this work, and after giving his views about the situation, after recommending to Congress, according to his views, that those provinces were entitled to be received into the family of nations, he does not say "I have recognized their existence; I have sent ambassadors to them; I have received their ambassadors." No. He says, in concluding, after giving his views:

> Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

Mr. GRAY. From whom does the Senator read?

Mr. MILLS. I was reading from the message of President Monroe of the 8th of March, 1822.

When this communication of the Executive was sent to Congress it was referred to a committee, the Committee on Foreign Affairs of the House of Representatives. That committee reported on the resolution, and they say:

> Your committee having thus considered the subject referred to them in all its aspects, are unanimously of opinion that it is just and expedient to acknowledge the independence of the several nations of Spanish America without any reference to the diversity in the form of their governments; and in accordance with this opinion they respectfully submit the following resolutions:
>
> *Resolved,* That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence and are in the enjoyment of it ought to be recognized by the United States as independent nations.
>
> *Resolved,* That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding $100,000 to enable the President to give due effect to such recognition.

How, in the face of this precedent, can the President and the Secretary of State now stand before the American people and say that the lawmaking power of this Government has no right to speak as to the recognition of a foreign state with which the people of the United States have to enter into commercial and other relations?

If this, sir, were the only precedent, they would be estopped by it. The President of the United States in 1822 did not recognize the independence of these States until he was fully authorized by the Congress to do it. In the law which they passed on the 4th day of May, 1822, Congress made the appropriations required according to the recommendation of the Committee on Foreign Affairs. On the 18th day of May, only a short time after, the President recognized the independence of Granada, Venezuela, and Ecuador. On May 27, 1823, he recognized the independence of Buenos Ayres, Chile, and Mexico. On the 26th day of May, 1824, he recognized the independence of Brazil, and on the 2d day of May, 1826, John Quincy Adams, his successor in the Presidential chair, carrying into effect the same provision of the statute of May 4, 1822, recognized Peru as an independent nation.

In all these instances the President cooperated with Congress, believing that Congress could rightfully pass upon the expediency and policy of recognizing the independence of a foreign state, and when Congress had passed upon that as a fact then it was his duty to accept that fact as conclusive, and to carry it into execution by appointing and receiving the necessary ambassadors and by making treaties with those governments.

Now, sir, there is another instance in our history, and that is as to the great State one of whose public servants I am in this body. On the 2d day of March, 1836, the representatives of the people of Texas, then a State in the federal union of the United States of Mexico, met and declared their independence. On the 21st day of April her armies met in battle array the armies of the parent State and overwhelmed them with defeat and captured the President of the Mexican Republic. On the 18th day of June, 1836, Henry Clay offered a resolution in the House of Representatives providing for taking the initiatory steps toward the recognition of the independence of Texas. Andrew Jackson was then President of the United States. It was not a joint resolution. It did not propose to bind by force. It simply expressed the opinion of the people of the United States, speaking through their Representatives and Senators. Andrew Jackson did not say that he had the exclusive right to deal with the question; and he always maintained that the executive department had the right to construe the Constitution for itself. But Andrew Jackson maintained that it was the prerogative of Congress to determine the expediency of the recognition of a foreign State, and it was the duty of the Executive to cooperate.

On December 21, 1836, after both Houses of Congress had passed this separate resolution—the resolution offered by Mr. Clay—the President said to the Senate of the United States:

> During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration extracts from the report of the agent who had been appointed to collect it relative to the condition of that country. No steps have been taken by the Executive toward the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark on the information now given to Congress were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power."

Now, the difference between President Jackson and President Monroe was that President Monroe and Congress concurred that the condition had been reached when the foreign States ought to be acknowledged. Congress, in the instance of General Jackson, said that Texas had reached that condition, but General Jackson did not believe it. Here was a severe test to the old warrior. He did not believe the time had come when the United States ought to acknowledge the independence of Texas. He was a man of strong will power. His convictions were strong and deep. His reliance upon their correctness made him almost immovable. But he, like President Monroe, felt that the two branches of government ought to move harmoniously together. Hear what he says:

> The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility; but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly but to shield their decisions from every unworthy imputation.
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> * * * * * * *
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> Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new state—a power the exercise of which is equivalent, under some circumstances, to a declaration of war, a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.
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> * * * * * * *
>
> Having thus discharged my duty by presenting with simplicity and directness the views which, after much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measure as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

I call the attention of the Senate particularly to these words:

> In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur.

That is what I have stated in the resolution now under consideration. The question of the expediency of recognition of a foreign state is within the province of Congress and not with the Executive. That, General Jackson says, is his opinion; that, the House of Representatives said, was its opinion; that, the Senate of the United States said, was its opinion. And, going still further, General Jackson's message, in December, 1836——

Mr. GRAY. Will the Senator from Texas read the sentence just following the one last read, separated by a semicolon?

Mr. MILLS. Will the Senator just read it? I have closed the book.

Mr. GRAY. Shall I read it?

Mr. MILLS. Yes.

Mr. GRAY. I will read the whole sentence, repeating the part the Senator has read:

> In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject.

Mr. MILLS. The first sentence embraced the whole, that on the question of expediency he concurred.

Mr. CHILTON. If my colleague will read a little further, he will find a still further recognition of that doctrine in the same message.

Mr. MILLS. I think I will put the whole of it in my speech. It is well in these days to go back to General Jackson and read all he says.

Mr. GRAY. It is.

Mr. MILLS. In order to emphasize this still further, Robert J. Walker, then a Senator from the State of Mississippi, afterwards in the Cabinet of President Polk as Secretary of the Treasury, and one of the most distinguished men this country ever produced, introduced a resolution in the Senate of the United States January 12, 1837, which I shall read. General Jackson's message was in December, 1836.

The resolution is as follows:

> *Resolved*, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States.
>
> Submitted January 12, 1837.

That resolution was adopted by the Senate, and then, on the 3d day of March, 1837——

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. VILAS in the chair). Does the Senator from Texas yield to the Senator from Maine?

Mr. MILLS. Certainly.

Mr. HALE. Was the resolution cited by the Senator as having been submitted by the then Senator from Mississippi, Mr. Robert J. Walker, a joint resolution?

Mr. MILLS. No, sir; I said it was a Senate resolution.

Mr. GRAY. It was an expression of opinion.

Mr. MILLS. It was a Senate resolution.

Mr. HALE. Does it in terms, like the resolution reported from the Committee on Foreign Relations, declare an assertion of the Republic of Texas, or is it only an expression that it should be recognized by the Government? The resolutions reported by the Committee on Foreign Relations, of which the Senator is a member, in terms assume the whole thing. I have found nowhere any resolution of either branch——

Mr. MILLS. I hope the Senator from Maine will let me proceed and answer me hereafter.

Mr. HALE. I will not interrupt the Senator. I do not propose, I will say, to take part at the present time in the debate.

Mr. MILLS. The Senator is proposing to answer my argument.

Mr. HALE. I wanted to call attention to the fact. Then I wished the Senator also to state by what vote the Walker resolution—a mere expression of opinion in a Senate resolution—passed that great body.

Mr. MILLS. By a vote of 23 to 19.

Mr. HALE. Has the Senator looked——

Mr. MILLS. But, in a republican government, Mr. Jefferson said that a majority of 1 is as good as if the whole body were unanimous; it is the expression of the body of the people; and all our institutions stand upon a majority.

Mr. HALE. If the Senator will look a little further on, he will find that the last action which took place on the resolution is that on a motion to reconsider it was only saved by a tie vote—24 to 24—and that was the end of it.

Mr. MILLS. I hope the Senator will answer me fully when I get through, and not attempt to answer every position that I take as I go along.

Mr. HALE. I will not interrupt the Senator. But will the Senator allow me to ask him one more question? I do not wish to interfere improperly, but before he leaves this branch of the subject does he purpose to submit to the Senate the action the House of Representatives took?

Mr. MILLS. Upon what?

Mr. HALE. Upon this resolution?

Mr. MILLS. It never was sent to the House of Representatives. It was simply a resolution of the Senate of the United States.

Mr. HALE. I do not mean the Senate resolution, but upon this subject-matter and the message of President Jackson. I do not ask the Senator to do it; I shall do it myself at some future time.

Mr. MILLS. All right; that is satisfactory.

Mr. HALE. But I ask the Senator if he is going into the House action at the time he cites the Senate action?

Mr. MILLS. If the Senator will possess his soul in patience, I shall show him in the course of the next hour what I am going to do.

Mr. HALE. I should like, as the Senator is——

Mr. MILLS. I want to go back to the point where I started. I hope the Senator will not disturb me by questions of this sort. It is not fair in debate——

Mr. HALE. The Senate will judge whether it is a good practice or not.

Mr. MILLS. To ask me to state what I am going to say in the next hour.

Mr. HALE. I shall not interrupt the Senator further. There will be ample time to give to the Senate these precedents.

Mr. MILLS. Of course there will be, and no one can do it better than the Senator from Maine. He is thoroughly informed on all these questions and is a gentleman of acknowledged ability. I simply say that when a Senator rises to discuss a question it is not proper for others to rise and constantly take his mind from the subject by putting to him a catechism.

Mr. HALE. Certainly it is not, unless he is willing.

Mr. MILLS. It is permitted every day to ask a question of a Senator when he is speaking, but I never have done so in twenty-five years in either House unless on his side of the question, and I could suggest something to him that he would overlook as he went along.

To close this point on the history of Texas, Congress passed a law, signed by President Jackson on the 3d day of March, 1837, making provision for the appointment and pay of a representative or minister from the United States to Texas, and that finished the recognition of the independence of Texas by General Jackson, so the history says, in the very last act of his Administration.

Mr. HALE. On what condition was that act passed?

Mr. MILLS. The consular and diplomatic appropriation bill made an appropriation of so much money to pay the expenses of a minister or a diplomatic agent to Texas.

Mr. HALE. "Provided." What was the proviso?

Mr. MILLS. Of course, I say, provided the President sends him. I said that this is a coordinative function between the legislative and executive departments. I am answering the extraordinary position assumed by the Secretary of State, that this whole question devolves exclusively on the President. I do not deny the President's part in that performance, but I deny his exclusive assumption of all authority over the subject. I will not stop to discuss the question of taste as to the Secretary of State announcing to the world before an act was passed by the Congress that they had not authority to do what they were going to do, and that if they did do it it would produce disaster throughout Christendom.

Mr. MORGAN. May I ask the Senator from Texas whether on that subject——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Alabama?

Mr. MILLS. Oh, certainly.

Mr. MORGAN. Has the Senator examined the report made by Henry Winter Davis?

Mr. MILLS. I have it before me. I will come to it in due order.

This, Mr. President, concludes two memorable instances. The first is the case of President Monroe, one of the noblest men this country ever produced, a man over whose shoulders boards of trade and stock exchanges never threw their tentacles, a man who had led the fighting squadrons of Virginia on many of the fields of the Revolution, and himself had fallen leading his gallant troops on the field at Princeton. He stood for the liberties of his people, and he sympathized with all struggles for liberty all over the world, and especially in this hemisphere, where he maintained that there was a peculiar set of principles adapted to this hemisphere with which Europe should have nothing to do. He was supported by many great men in council, one of whom succeeded him in the Presidency. All the members of his Cabinet doubtless concurred with him in the position he took.

It is something strange at this late day, after so many illustrious statesmen in the United States have led the way and marked the jurisdiction of the legislative and executive departments of the Government on this question, that the President in the closing hours of the nineteenth century has just discovered the fact that he alone has control of this whole question, and that he will set Congress at defiance if they dare to pass a joint resolution, and pass it by a two-thirds vote over his veto. Should such an occasion ever present itself, this Government will not be wanting in ability to enforce the decisions which are made by the legislative branch of the Government within the jurisdiction given to it by the Constitution.

Mr. President, during the Hungarian revolution in 1848 Zachary Taylor was President of the United States and John M. Clayton, of Delaware, was his Secretary of State. He sent a special agent to Hungary to go among its people secretly and obtain information of the existing condition of the revolution, and ascertain and report to the President whether the revolution had attained a condition that Hungary ought to be recognized as a member of the family of nations. I will read what Mr. Clayton said to his special agent:

> Should the new government prove to be in your opinion firm and stable—

Quoting the very language, I believe, of James Monroe—

> the President will cheerfully—

Do what?

> recommend to Congress at their next session the recognition of Hungary, and you might intimate, if you should see fit, that the President would in that event—

What event? In the event that Congress authorized it—

> in that event be gratified to receive a diplomatic agent from Hungary in the United States by or before the next meeting of Congress, and that he entertains no doubt whatever that in case her new government should prove to be firm and stable her independence would be speedily recognized by that enlightened body.

He did not say, "Obtain information and I will recognize it;" he did not say, "I have the exclusive authority by the Constitution to recognize or not to recognize;" but he said, "Obtain information, bring it to the State Department," and the President would "make it the basis of a communication to Congress, under the authority given to him by the Constitution to make recommendations to Congress." It will be laid before Congress, its recognition will be recommended by the President, and he had no doubt that that enlightened body would follow his recommendation and authorize him to send and receive ambassadors.

Here are three Administrations proclaiming this doctrine without a challenge. Zachary Taylor died while this agent was abroad. He was succeeded by Millard Fillmore, President of the United States, and John M. Clayton was succeeded by a man whose name stands easily first among the constitutional lawyers of the United States, Daniel Webster. Chevalier Hulsemann arraigned the Government of the United States for unjustly interfering with the local affairs of Austria, and talked somewhat flippantly about the power of Austria. Webster was not of that character of diplomats who use words to conceal ideas. He spoke boldly, he spoke like an American citizen, and when Chevalier Hulsemann intimated that Mr. Mann might be executed as a spy, he did not call on the Government of Austria to know what they would do and pass communications back and forth for ten or fifteen years. He said, "Sir, had you dared to do that, the Government of the United States would have exhausted all its military and naval resources to avenge the deed." He said, "The Government of the United States has a perfect right, by the law of nations, to send a special agent of its own into an insurrectionary country to see and obtain information upon which to act, and you have no right, nor have the House of Austria, to object." When the Austrian minister spoke about the House of Austria and its importance, he said it is but a patch upon the face of the earth as compared to the dimensions of the Republic. And he said in that letter to Hulsemann substantially what Clayton had said. He tells him, "It was only in the event that the new government should appear, in the opinion of the agent, to be firm and stable that the President proposed"—what? To recognize its independence? No, sir: that the President proposed "to recommend its recognition." To whom? To the only body on the face of the globe that had the power to recognize it, the lawmaking power of the Union.

Going on further, here are three illustrious instances to which the Secretary of State and Chief Magistrates of the nation have closed their eyes. When it was proposed to recognize the Republics of Haiti and Liberia, Congress passed a law June 5, 1862, in which it is stated "that the President of the United States be, and hereby is, authorized, by and with the advice and consent of the Senate, to appoint diplomatic representatives of the United States to the Republics of Haiti and Liberia, respectively. Each of said representatives so appointed shall be accredited as commissioner," etc.

There was no ambassador sent to either one of those Governments until Congress authorized it by that act.

Subsequently to that time the Republic of Haiti was recognized by this Government in sending a commissioner and consul-general, Mr. Benjamin F. Whidden, July 12, 1862, he having been authorized by the act of June 6, 1862.

Here is evidence enough, conclusive and overwhelming; and up to this period in our history the thought never seemed to have entered the brain of any American statesman that the executive branch of this Government was alone authorized to dispose of this question.

Now, Mr. President, I reach the year 1864, during the Presidency of Mr. Lincoln, when Mr. Seward was Secretary of State, and this was the first instance in the history of the country when the Secretary claimed that the executive branch of the Government was exclusively empowered to recognize the independence of a foreign state. During the French invasion of Mexico in 1864, when a monarchy was established by military order, and the revolution was progressing by the republicans of Mexico to overthrow it, Mr. Seward wrote a letter to William L. Dayton, who was our minister to France, in which he took the position which Secretary Olney takes to-day. He says:

> I send you a copy of a resolution which passed the House of Representatives on the 4th instant by unanimous vote, and which declares the opposition of that body to a recognition of a monarchy in Mexico. M. Geofrey has lost no time in asking for an explanation of this proceeding.

Mr. MORGAN. What is the date of that letter?

Mr. MILLS. April 7, 1864. Here was the unanimous declaration of the House of Representatives that they were opposed to the establishment or recognition of a monarchy in this continent, keeping their feet strictly in the paths of their fathers, who said that this hemisphere was dedicated to liberty, secured by governments owing all their just powers to the consent of the governed. Mr. Seward then goes on to say, and Mr. Dayton said it, doubtless, to the prime minister of France in Paris:

> It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and the decision of its constitutionality belongs, not to the House of Representatives, nor even to Congress, but to the President of the United States. You will, of course, take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which, before it can acquire the character of a legislative act, must receive, first, the concurrence of the Senate, and secondly, the approval of the President of the United States; or, in case of his dissent, the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body.
>
> While the President receives the declaration of the House of Representatives with the profound respect to which it is entitled, as an exposition of its sentiments upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

Here is the authority upon which Secretary Olney and the President stand.

The President of the United States submitted the correspondence on a request from the House of Representatives. This correspondence was submitted to the Committee on Foreign Affairs of the House of Representatives. That committee reported, and I will read an extract from its report:

> The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled because of the gravity of its subject and the distinguished source from which it emanated.
>
> They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.
>
> No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity other than derogatory to their dignity.
>
> They learn with surprise that, in the opinion of the President, the form and term of expressing the judgment of the United States on recognizing a monarchical government imposed on a neighboring republic is a "purely executive question, and the decision of it constitutionally belongs, not to the House of Representatives, nor even to Congress, but to the President of the United States."
>
> This assumption is equally novel and inadmissible. No President has ever claimed such an exclusive authority. No Congress can ever permit its expression to pass without dissent.

Mr. MORGAN. Before the Senator proceeds to discuss that, I wish to ask if he has any objection to having that entire message and the entire report put into the RECORD as an appendix to his remarks?

Mr. MILLS. None in the world.

Mr. MORGAN. I will therefore make that request, and that it also be printed as a document.

The PRESIDING OFFICER. Unless there be objection, it will be ordered to be printed in the RECORD as part of the remarks of the Senator from Texas, and separately printed as a document.

Mr. MILLS. That message of President Lincoln and this correspondence was referred, as I have said, to the Committee on Foreign Affairs. The committee reported, and at the end of their report submitted a resolution, which was not adopted, but was laid upon the table because of an objection to the verbiage of the resolution. Everyone knows how close to the hearts of the people of the United States at that time President Lincoln was, and everyone knows how strong was the hold that Secretary Seward had. The Congress of the United States was almost exclusively Republican in both branches, with only a few Democrats in either body, and they did not feel like using any language that would reflect upon either one of those illustrious chiefs at a time when the country was involved in war—a great civil war, the greatest in the history of the world. But when the objection to the peculiar language of the resolution reported was removed, another resolution was offered affirming the doctrines maintained in this report. That resolution was capable of division, and the proposition being made, it was divided. The first subdivision of that resolution reads as follows:

> *Resolved*, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well in the recognition of new powers as in other matters; and it is the constitutional duty of the executive department to respect that policy not less in diplomatic negotiation than in the use of force when authorized by law.

What was the vote on that resolution? Out of 126 members in that body, 118 voted in favor of this resolution and only 8 against it. Does that show to the President or to the Secretary of State, or to anybody else in the country, that Congress was disposed to acquiesce in the decision—first made in 1861—that the executive department of this Government alone had the authority to deal with the question of the recognition of a foreign state?

The second branch of that proposition was a rebuke to the Secretary of State for having informed the French Government of the division between the Senate and the House of Representatives on one side and the Executive on the other, and it read as follows:

> And the propriety of any declaration of any foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

That was adopted by a vote of 68 to 58, and among those voting for it was a distinguished Republican who afterwards became President of the United States, Mr. Garfield; another I see before me, the venerable father of the body, the Senator from Vermont [Mr. MORRILL]; and the Senator from Iowa [Mr. ALLISON], who, if the public press is to be believed, is soon himself to be Secretary of State, and a more capable one can not be found within the Republican party in the United States.

Mr. President, I have shown by the long and illustrious line of precedents in the days of the giants of this Republic that no one ever intimated that the President of the United States had the exclusive right to recognize or not to recognize the existence of a foreign state, and that when the proposition was first presented, even during the Administration of so great a man and one so strong in the affections of the people of the country as was Mr. Lincoln, and in a time of war, the Congress of the United States, with almost absolute unanimity, denounced it; and I hope it will meet with no better fate now. Congress has the power, as General Jackson said and as the resolution said, to determine the question of expediency, and the Executive has the power when that is determined, and it is his duty, as President Jackson said, to act in harmony with the legislative department of the Government, and go forward and finish the joint act, the power to perform which is conferred by the Constitution upon the two branches of the Government.

But, Mr. President, it may be said there are instances, and numerous ones, where the President has acknowledged the independence of foreign states without the intervention of Congress. Yes, when there was no question, when it followed as a matter of course, when a dynasty was overthrown and a new government instituted within an hour, our ministers have been authorized by the President to acknowledge the new government. When Dom Pedro was overthrown in a revolution that began and was finished in five or six hours, he accepted the result of the revolution, took his family on board a ship, and announced to the people of Brazil that he was going to Portugal never to return. There could be no question whether the new government should be acknowledged or not; and its independence was acknowledged by the action of the executive department of the Government; but all that only shows that when the President, as the head of the executive department, assumes such a responsibility, he assumes it upon the supposition that the act is so confessedly just and right that the Congress will support him, just as it will in the case of a gallant naval officer off in a foreign country who sees a citizen of the United States seized by the armed ship of another government. He can not stop to report if he knows a citizen of the United States is going to be slaughtered; he can not legitimately make war, for that can only be done by a declaration of Congress; but he knows what his armed ship is scouring the seas for. He knows that it is for the protection of the citizens and the commerce of the United States.

It is that for which his flag is floating on the ocean. He is sent there for that purpose. When such a case occurred, what did the gallant old commodores, such as we had many long years ago, do? I believe they have not degenerated, for I believe we have as gallant a set of officers in our Navy now as ever stood on the quarter-deck of any vessel of any power on the earth. In Jefferson's Administration, when the pirates had been levying tribute on the commerce of all the maritime powers who navigated the Mediterranean Sea, one of our old tars said he wanted to pay his tribute from the mouths of his cannon; and this Republic, which barely had come into existence on the Western Hemisphere, was the first power which laid down the principle that tribute would not be paid to the pirates of the Mediterranean, and that where we had a right to go we would go by force.

I recall a memorable instance in our history. I have often spoken of it. It is one of the brightest and most illustrious pages that has ever been written in our history. During that same Hungarian insurrection of which I spoke a poor fellow who had taken a part in that insurrection, and who had seen the fall and ruin of his country, fled to the United States. He declared his intention to become a citizen of this Government; he had renounced allegiance to all foreign princes and potentates on the earth; he had sworn he would bear true faith and allegiance to the Government of the United States, and defend it against all enemies and opposers. The contract was made that invested him with the robe of citizenship of the United States. He went back to Smyrna, a neutral power belonging to Turkey, was seized by an Austrian officer, and taken on board of an Austrian man-of-war. His papers entitled him to the protection of that flag that we call "Old Glory." Commodore Ingraham happened to be there with one of our ships, the *St. Louis*. Around him were five armed war ships of Austria. Knowing that this man was a citizen entitled to our protection, though knowing that he was not authorized to make war, yet he battened down his hatches, sanded his decks, shotted his guns to the lips, laid his vessel broadside to the Austrian vessel in whose hold Martin Koszta lay bound, and said: "I will give you until 4 o'clock to-day to release him, and if you do not release him, I will force his release." He was released. Commodore Ingraham, in reporting to the Secretary of the Navy, who called on him because Austria had complained of his conduct, said:

> I know, sir, I have taken a fearful responsibility upon myself by this act; but after Mr. Brown had informed me Koszta had taken the oath of allegiance to the United States and forsworn all allegiance to Austria; that he was an American citizen, and had been under the protection of the legation at Constantinople, I could not hesitate to believe he was fully entitled to protection. It was a case of life and death, for if Koszta had been taken to Trieste, his fate was sealed; and could I have looked the American people in the face again if I had allowed a citizen to be executed, and not used the power in my hands to protect him, for fear of doing too much?

He was not authorized to levy war, but he knew what his ship was at Smyrna for, he knew what it was on the high seas for, and he knew what that flag symbolized when it floated at the masthead of an armed vessel of the United States. He knew that he must protect the citizens of the United States, and he did protect them, and reported his conduct to the Secretary of the Navy, who said, "You did right, and I approve of everything you did."

So it is, sir, about the recognition of a foreign government without the intervention of Congress. So Mr. Jefferson thought when he purchased Louisiana. He said he was not authorized to purchase any territory. Mr. Jefferson was a strict constructionist, and he did not believe that the Constitution of the United States authorized the acquisition of foreign territory. He believed that the power to admit new States meant the power to admit them out of territory then belonging to the United States. But here was territory that was vital to the very existence of republican government about to pass out of the power of a weak, decaying, and dying monarchy into the hands of the most powerful monarchy in the world. Mr. Jefferson stepped in and said to Napoleon Bonaparte that he would fight him on all the waters of the earth before he would permit him to take possession of Louisiana and the mouth of the Mississippi River. Mr. Jefferson then offered $15,000,000 for Louisiana, which Napoleon took, and Mr. Jefferson then reported his action to Congress.

No, Mr. President, if there is a question raised, if Congress assumes that it has a right to speak and claims it, the President can not act until Congress has passed upon the expediency of the action.

Here I leave this question and take up the question that follows. Congress having the power to recognize a foreign state, should it now recognize the existence of the Republic of Cuba? Why not? Cuba has a government; she has a president; she has a legislative assembly; she has courts; she has officers collecting the revenue; and I see by a statement just made by a gentleman who is soon to be a member of this body, already elected, who has been to Cuba, that the Cuban Republic even compels Spain to pay taxes to that Government, and that even General Weyler has to pay his share of such taxation. Nothing purchased in the island outside of Habana enters that city which does not pay taxes to the Republic before it enters the Spanish lines. All of the flour, beef, bananas, potatoes, every vegetable which appears on the table; every cigar that is smoked by General Weyler, if produced in Cuba, pays taxes to the Government of the Republic of Cuba, of which Mr. Cisneros is president. Here is a Government in full operation, levying taxes, administering the laws, raising and supporting armies, fighting battles, and still the President says it is not ready for recognition. He tells us that it occupies two-thirds of the territory of the island—if he had said nine-tenths he would have been more accurate—and the Secretary of State says it occupies two-thirds of the territory. The distinguished gentleman soon to be here as a colleague of my friend from Mississippi [Mr. WALTHALL] says, I believe, that the armed power of Spain can not get 25 miles from Habana without going out and making a raid and running back again for shelter; and yet the President thinks that because the Cubans do not come out and give pitched battle to the Spaniards they are not worthy of recognition! The Cubans fight in their own way. The Cubans do not fight without arms and without munitions of war to enable the Spaniards to take them all and shoot them to death. They

fight so as to break down the power of Spain; they fight in the only way they can fight; and they fight to the death. The same criticism, however, might have been made by the President if he had lived two thousand years ago. He might have said that Rome had no government because Fabius would not fight Hannibal in open battle when Hannibal was encamped around the walls of Rome for seventeen years. The historian says Fabius baffled Hannibal by refusing to fight until Rome got ready to give battle in her own way; and when she did it was in Africa, where she overturned the government of Carthage and destroyed Hannibal and his army.

Now, we are told that Cuba is not to be recognized because she does not go out without arms in her hands, when she has only ten or fifteen or twenty thousand to fight one hundred or two hundred thousand; and the President says—and I suppose he is a great military genius—if they will do that the whole thing can be settled right off, and we should have peace in our neighboring nation. Yes, they could; but how is Cuba to obtain arms? How is she to obtain munitions of war? She can not build a ship like the South American provinces. Their armies had a vast extent of territory to go over. They could drive Spain and her armies; they could beat them occasionally; they could obtain munitions of war, but Cuba is surrounded by a chain of fire, surrounded by Spanish gunboats, which are constantly going in and out of all her ports. She can only obtain munitions of war by occasionally passing by the gunboats and running in and slipping in the munitions, which are obtained by the friends of Cuba in the United States; but while the armed forces of Spain are found around that island, keeping the Cubans from getting anything with which to defend their lives, the President of the United States has so administered the neutrality laws of this Government as to make his Administration a devoted friend of Spain. The Spaniards compliment and praise him. I do not envy the President while he enjoys their encomiums. I do not envy him the tributes he receives from Castellar and Weyler, men who curse and denounce the Senate and House of Representatives of the United States and the people of the United States, while they laud the President with praises for his course.

The neutrality laws of the United States only bind the Administration to prevent the sailing of armed expeditions, and over and over and over again has it been ruled that the sailing of a vessel with arms and munitions of war is no violation of the neutrality laws of the United States, nor is it a violation of the neutrality laws of other countries. We have the neutrality laws passed in the Administration of President Monroe; and not only has it been held that arms and munitions could be shipped, but it has been held that an armed ship may be sent to insurgents lawfully by the laws of nations, only it has to run the peril of being captured by the enemy. Whenever the insurgents in Cuba come to the United States to buy arms and munitions with which to defend their liberties and to save themselves from destruction, they have to apply to the customs officer when their boat is loaded. The customs officer telegraphs to the Secretary of the Treasury, and the telegrams to the Secretary of the Treasury are made public. He telegraphs orders from the Treasury to the customs officer, "Let the ship go, on her stating that she is going from a certain port to a certain port." That information is given to Spain by the public press, and Spain's gunboats can go to that port or seize the vessel on the way.

Is that fair and just? Would it be fair and just with any people of the earth outside of this hemisphere? President Washington in his Farewell Address to the people of the United States cautioned them against favoritism to governments, cautioned them against partialities. Neutrality means impartiality; means that all shall be treated alike; and yet the whole course of the policy of the present Administration in this Cuban struggle has been to strengthen the power of Spain and hasten the hour of the destruction of the insurrection in Cuba. The President says in his message that the question of granting them belligerent rights is now no longer urged. Where did the distinguished Chief Magistrate of the nation get that remarkable information? He did not get it from Congress. Congress passed a law or a concurrent resolution, which is the expression of its opinion, and it is upon the statute book yet. If it were no longer urged, somebody would offer a resolution to repeal it on the ground that we had made a mistake; but instead of retracing our steps of last year, Congress is proposing to advance. I do not know where the President got that remarkable information. He did not get it from the people of the United States. The people of the United States are republicans and democrats in the broadest sense of both those terms. They believe in a government of the people founded on the consent of the governed. They are opposed to monarchy; they have no sympathy with Spain. Ninety-nine out of every hundred patriots in the United States deeply and profoundly sympathize with the insurrection in Cuba. It may be possible that the boards of trade, the stock exchanges, and the commercial clubs of the great exporting cities on the Atlantic Seaboard and in the North and West have had access to his ears and given him that information.

Mr. MORGAN. The Senator will allow me to say that the Committee on Foreign Relations, when they first passed on this question, had before them resolutions adopted by, I think, not less than fifty boards of trade in the United States, urging the recognition of the belligerency of the Cuban insurgents.

Mr. MILLS. They do not do it now; they have gone back; because I have received communications from some of them, and some very interesting letters from some of the distinguished commercial gentlemen in the United States, criticising me for the part I have taken. They say: "Business has just begun to revive, and now you are going on tearing it all to pieces again; you want to bring on war. What have we got to do with Cuba? We are exporting and importing to Cuba; we are making money. Let us alone." It is this mercantile spirit in this country that is fighting against its honor. The President says we ought to do the right thing; not to use might, but to use right; and he speaks in his message of what we owe to Spain. We owe to Spain a certain duty that we ought to observe. He says:

> Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain.

Do we owe no duty to the poor, struggling people whom Spain is butchering every hour? We have said for one hundred years, and we say it to-day, and the President repeats it in this very message, that we will let no other power interfere in Cuba. We will not let them go and assume a protectorate over that island. We have so said; we have shut them out from all houses of refuge; we have condemned them to slavery and to the despotism of the assassin who occupies the throne of Spain. We have done it; and we repeat it day by day, and yet shall we sit still in the Senate and in the House of Representatives and in the Executive chair of this nation and talk about our duty to Spain? We owe no duties to a despot, except the duties that we have covenanted in treaties that we have made with her, and which she has persistently refused to execute.

We owe a duty to the people of Cuba. We said in the very beginning of our history that Cuba should remain under the dominion of Spain. We said no other European Government should acquire it. We said France should not have Louisiana, and we compelled her to sell it to us. We took the same ground with reference to Florida in 1811. We were then in a condition of quasi war with England and France. It was apprehended by our people that Great Britain was trying to get possession of Florida. On the 3d of January, 1811, Mr. Madison sent a message to Congress in which he said the country east of the Perdido River was so intimately connected with the security and tranquillity of the United States that he asked Congress to say by a declaration "that the United States could not see, without serious inquietude, that country pass from the hands of Spain into that of any other foreign power." Congress passed the act, and authorized him to take forcible possession of the territory, which he did, and occupied it with the Army, notwithstanding Spain was the proprietor of the territory; and from that day on to the day when the gallant Colonel Monroe, as President of the United States, threw the gauntlet of the young Republic at the feet of the Holy Alliance and dared them to lift it have we said that this hemisphere was not to be dominated by European influence.

President Washington said in his Farewell Address that Europe had a set of primary interests that did not concern us; that we should not entangle ourselves with them. When he sent his minister to negotiate the treaty of 1795, France and Spain proposed to the United States to enter into a triple alliance or tripartite treaty to guarantee the possession of Spain to all those provinces on this hemisphere. The proposition was instantly spurned; and for a hundred years that proposition has been made by France and England and Spain to the United States, and on every occasion it has been refused. We have refused to consider it or to talk about it. We have said: "This hemisphere belongs to the people in this country. Your interests are different from our interests; you have a set of interests and we have a set of interests wholly different. You have monarchies; we have republics. You have a balance of power by which, with vast standing armies, you maintain each other's boundaries, and by which you ally these great powers together to prevent a strong power from obliterating those boundaries and extending its dominion; we have nothing of the sort. You have colonization schemes; we know nothing about colonization. Under the Constitution of our country all territory which is acquired is acquired for the purpose of forming an equal State in the Union, with its Senators and Representatives. Your system is not our system."

That thing has been repeated by Jefferson and Madison and

Monroe and John Quincy Adams. Daniel Webster, Clayton, Crittenden, Clay, all of our great statesmen have repeated it, and we stand on it to-day, and it is by virtue of that declaration that we say to all foreign governments, "You shall not take that island from Spain. Our safety demands it, not yours. These people must be sacrificed, but our safety demands that the island shall not pass out of the dominion of Spain. It lies close to our shores. It commands the mouth of the Gulf of Mexico, which washes the shores of five of our States. Into that great body of water are poured the tributary streams that ramify the whole country. We can not permit it to go into the dominion of any other power except the poor and dying power that holds it merely as a tenant at will. We are the residuary legatees of that estate. The time is coming when we will take it. We have a right to grow just as you have a right to grow."

We ought to read the magnificent letter of Edward Everett, wherein he asked the British and French ministers, when they proposed to enter into a tripartite agreement to maintain the sovereignty of Spain to Cuba: "How would you feel if there were an island at the mouth of the Thames or of the Seine that commanded the entrance to your capital, and if we, in the United States, who have no interest in Europe, should come and propose that that island, by a tripartite agreement, supported by the armed powers of those three powerful States, should remain in the hands of some one you can not control?"

Cuba is in chains! Cuba is under a sentence of life condemnation! We talk about slavery. We talk about what we have done. We have deluged our land to blot it from our own continent when our own souls are defiled by the slavery that now exists in Cuba, and a just God will call us to account for it. We can not stand and see these people butchered—men, women, and children—their arms and legs torn from them; raids made into the cities, and unoffending citizens of every age and condition taken out and shot to death, and we still say we can not interfere. "We put you there. We will keep you there. You shall not go to England, who is ready to take you at any moment. You shall not go to Germany, who is ready to take you, and powerful enough to do so. You shall not go to France. You shall stay in your dungeon until Spain shoots you to death." And then, in their death struggle, in a war in which the motto is "Independence or extermination," we are throwing the whole power of this Administration in the interest of the monarchy of Spain.

Mr. President, we owe something to our own people, as my distinguished friend the Senator from Alabama [Mr. MORGAN] said awhile ago, in conjunction with the debt we owe to the poor, oppressed people of Cuba. The President says that the people of the United States look with wonder and admiration—wonder and admiration!—upon the monstrous armaments that are leaving Spain; upon the monstrous resources which she is pouring into this terrible and unequal conflict; upon the gigantic number of soldiers which she is concentrating upon that island for its desolation and the extermination of its people; that we, a people whose liberty has been bought with the sacrifice of our fathers and their blood; that we who have erected, as a gift from a free people, a statue of Liberty upon our borders, naming it Liberty Enlightening the World, look with wonder and admiration upon the tremendous resources of Spain sent to that country to annihilate the poor, defenseless, unarmed people of Cuba. For my part, I repudiate the statement. I look with horror and indignation on it, and if I had the place which the President has, I would call upon the Congress of the United States to give me the power to take the armed fleets of this Government to Habana, and I would there protect the people of the United States or I would reduce those fortresses to a mass of mortar and ruin. [Applause in the galleries.]

Why are not our own people protected? There can not be any question about that point. Why is it that in this age when the press is running in every direction over the earth to get information to distribute to the brains of the American people, a newspaper correspondent without a penknife, with a certificate in his pocket showing that he is a newspaper correspondent, with a certificate showing that he takes no part in the armed insurrection on the island, is taken out, strung up between two trees, and a squadron of cavalry rides by—at a dash—a gallant dash—and hews his flesh from his bones with machetes? Then what do we do? What does this great Republic do? She writes a note, and that note calls upon another officer to write another note, and, as poor Sanguilly said, it is words, words, words. Lying in prison in violation of the provisions of the treaty of 1877 for a year, and now condemned to perpetual imprisonment! Words! Why can not we demand of Spain that the perpetrators of this vile deed under Spain shall be punished? Why call upon Spain for words?

By military order when Sanguilly was captured, he was condemned, I believe, to be shot or to be transported for life to the penal colony in Africa. The sentence was one or the other. Our Government called the attention of the Spanish Government to the fact that by treaty he must be tried by the civil courts. The civil courts in Cuba! They have had the laws of the machete since 1825. Cuba has no courts but the courts that are decreed from the mouth of the Captain-General. "Well," Spain said, "if that will relieve you, all right." The judgment of the court at Madrid is set aside. The prisoner is ordered back to trial in Cuba by the civil courts, and a civil court is the creature of Weyler, and when the time comes for the trial, he takes out the only witness who can prove that the man was a noncombatant, the only witness who can prove his innocence, and boldly shoots him to death, and imprisons the atttorney who defends him—and then brings the prisoner up for trial and, without any evidence, repeats the same condemnation. Then, what does our Government do? Some more words, words, words. They say, "He has been tried according to treaty. He has been tried by the civil courts. There is nothing to do now except to stand by and see an American shot to death for nothing." I say, Oh to God that we had one hour of Franklin Pierce, William L. Marcy, and Commander Ingraham! I say it is the duty of the Government of the United States to see that her citizen has a fair trial upon the merits of the accusation made against him, and to take some part in that controversy herself to see whether or not he is punished justly; and I care nothing about the verdicts of the courts of Spain or the courts of any other country on earth. If the citizen of the United States, in the judgment of his own Government, has violated no law, if he does not merit the punishment prescribed by a foreign government, I would make the atmosphere around Madrid smell of sulphur for a month. [Applause in the galleries.]

As I said about Govin a while ago, he was a newspaper correspondent for the Journal, I understand. He went there properly accredited, intending to go into the lines and among the people to get information. He had his papers showing that he was a newspaper man. He did not even have a penknife, and yet he was taken off and cut to pieces; and when called on for an explanation Weyler said he was wounded in battle one day and died of his wounds the next day, while other American citizens saw him strung between two trees and a charging squadron of cavalry come up and cut him to pieces with machetes. Is that satisfactory? It was not satisfactory to General Lee. He called for more information, and there were more words. He told the Captain-General that there must be some mistake; that he must have given him the case of some other person; that it was not the case of Govin. The Captain-General said no more except that his general said the man was taken in a battle that nobody ever heard of, and that he was severely wounded and died of his wounds the next day.

Then we fold our arms, and our representative at Habana asks, "What else can we do? I have pursued the inquiry until the Captain-General says the man is dead, and that he died from his wounds," when witnesses say he never was in battle and he never was wounded until he was wounded by the machete in the hands of the Spanish soldiers.

If it were not for the boards of trade and the stock exchanges and the commercial gamblers in the great cities who are interested in the exports and imports, it might be possible for the Government of the United States to show some virility all over the earth when the lives of its citizens and their persons are in danger. Now they are trying to scare the Congress of the United States with the tremendous power of Italy. Signor Crispi has declared, for the delectation of the American people, that Italy would regard it as a very serious complication of foreign affairs if we should recognize the independence of the people of Cuba. Who is Signor Crispi? There was a day when the Roman name was known throughout the whole earth. There was a time when it was feared by barbarians and loved by all those living within the protection of its flags. There was a day when the eagle rode in triumph before its conquering legions, from the Danube to the Indian Ocean. There was a day when the eagle was the symbol of her power. But that day has passed, and the symbol of the power of Italy to-day is a monkey and an organ grinder. [Laughter.]

Now, if Signor Crispi takes offense at the action of the Congress of the United States, and in conjunction with Spain he is desirous to make a holy alliance to attack the people of the United States, let them come with their monkeys and their organ grinders; let them come with their hot tomales and chile con carne. [Laughter].

Let them come
* * * like sacrifices in their trim,
And to the fire-ey'd maid of smoky war,
All hot, and bleeding, will we offer them.

This Government is too powerful to deliberate under the threat of the armed powers of the earth. [Applause.] It has power enough to defend its citizens under all skies and on all the waters of the globe, and in its past history it has done so.

Premier Castellar also has complimented the President. He talks about the crazy Senate and people of the United States. He talks about the greatness and the glory of the President of the United States. I do not envy the President that man's compliment. His hands are besmeared with the blood of fifty-seven innocent American citizens who were executed while he was chief executive of Spain, murdered without trial. God grant that the day may come sometime when this great nation with all its power may once more be relieved from the shackles of the mercantile spirit of this country, when it may stand out in the face of the earth and assert and maintain the rights of its people everywhere, granting the rights of all other people honestly and religiously, observing them everywhere, and compelling every Government on the earth to respect the rights of its citizens.

The President pays a high tribute to the national honor of Spain. I do not know at what period in her history his admiration begins. I do not know whether it begins when Torquemada was illuminating all the skies of southern Europe with the fires that burned to death those who opposed his views in religion and yet were loyal to the King of Spain. I do not know whether he refers to that period when the Duke of Alva was baptizing by immersion in blood the Netherlands and exterminating the whole population loyal to the King and loyal to his Government.

I do not know whether it was in that heroic age when Spain first put her foot on Cuba's soil; when she found 3,000,000 of her poor, simple-minded, kind, and inoffensive people, who received them with open arms, labored for them cheerfully, and with glad hearts ministered to all their wants. They erected the altars of Christianity and told them of the Nazarene who said they must love one another, visit the sick, clothe the naked, feed the hungry, and help the needy. They told them there was a time coming when the dead should rise again, and the good should ascend to heaven. The innocent and unsuspecting crowded around the altars of the Christians and joined them in mass. Before the Spaniard came they had an abiding faith that they would live again in another and a happier and fairer land than even beautiful Cuba. They rushed into the arms of the church and accepted that beautiful religion which the Spaniard preached. Soon the missionaries who had brought them the good tidings began to butcher them. They gathered them and hung them up and built fires under them and laughed when they writhed in contortions. They threw them over precipices, hundreds of feet high. They tore them limb from limb. They took women with their babes on their breasts, and the mothers falling over their little ones, vainly struggling to save them, the Spaniard pinioned each to the earth with the same lance; and as the mothers died they cried with tears streaming down their cheeks, "We do not want to go to the heaven where the Christian goes." Is this the period in her history that attracts the wonder and admiration of the President?

Mr. President, I feel that the people of the United States are in honor bound to interfere for the deliverance of those people; that they are in honor bound to protect our own people on that island and to see that when they are in possession of their rights not a hair on their heads shall fall to the ground. Whether the Congress of the United States or the President shall go forward to the discharge of their high duty, so long as I remain in this body as a representative of the people of Texas I will speak their views in favor of the discharge of every obligation of this Government and in favor of rescuing those poor people from the dungeon into which we have committed them. [Applause in the galleries.]

APPENDIX A.

PRESIDENT JACKSON'S MESSAGE IN RELATION TO TEXAS.

To the Senate of the United States:

During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive toward the acknowledgment of the independence of Texas, and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas and indication of the views of Congress make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility; but more especially so when such state has forcibly separated itself from another of which it had formed an integral part, and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the Crowns of Portugal and Spain, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government that we have, under the most critical circumstances, avoided all censure and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been by force of evidence compelled to decide.

It has thus made known to the world that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations and eventually to recognize the authority of the prevailing party without reference to our particular interests and views or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy that no serious disagreement has ever risen among ourselves in relation to it, although brought under view in a variety of forms and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new state—a power the exercise of which is equivalent under some circumstances to a declaration of war—a power nowhere expressly delegated and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

In making these suggestions it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every other trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new states to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not until then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish-American states who began or carried on the contest with the parent country united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Texas. The Mexican Republic, under another executive, is rallying its forces under a new leader and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large portion of its civilized inhabitants are emigrants from the United States; speak the same language with ourselves; cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and more than all, it is known that the people of that country have instituted the same form of government with our own, and have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers shall recognize the independence of the new government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government, a policy which has secured to us respect and influence abroad and inspired confidence at home.

Having thus discharged my duty by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the Government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

DECEMBER 21, 1836.

APPENDIX B.

[Thirty-eighth Congress, first session. House of Representatives. Executive Document No. 92.]

MEXICO.

Message from the President of the United States, in answer to a resolution of the House of 23d instant, in relation to Mexico.

MAY 25, 1864.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

JANUARY 11, 1897.—Ordered to be reprinted.

To the House of Representatives:

In answer to the resolution of the House of Representatives of yesterday on the subject of the joint resolution of the 4th of last month relative to Mexico, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

WASHINGTON, *May 24, 1864.*

DEPARTMENT OF STATE, *Washington, May 24, 1864.*

The Secretary of State, to whom has been referred the resolution of the House of Representatives of yesterday, requesting the President to communicate to that House, "if not inconsistent with the public interest, any explanations given by the Government of the United States to the Government of France respecting the sense and bearing of the joint resolution relative to Mexico, which passed the House of Representatives unanimously on the 4th of April, 1864," has the honor to lay before the President a copy of all the correspondence on file or on record in this Department on the subject of the joint resolution referred to.

Respectfully submitted.

WILLIAM H. SEWARD.

To the PRESIDENT.

List of papers accompanying the report of the Secretary of State to the President of May 24, 1864.

Mr. Seward to Mr. Dayton, 7th April, 1864.—Extract.
Mr. Dayton to Mr. Seward, 22d April, 1864.—Extract.
Mr. Dayton to Mr. Seward, 2d May, 1864.—Extract.
Mr. Seward to Mr. Dayton, 9th May, 1864.—Extract.
Mr. Seward to Mr. Dayton, 21st May, 1864.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 525.] DEPARTMENT OF STATE,
Washington, April 7, 1864.

SIR:

* * * * * * *

I send you a copy of a resolution which passed the House of Representatives on the 4th instant, by a unanimous vote, and which declares the opposition of that body to a recognition of a monarchy in Mexico. M. Geofrey has lost no time in asking for an explanation of this proceeding.

It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and the decision of its constitutionality belongs not to the House of Representatives, nor even to Congress, but to the President of the United States. You will, of course, take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which, before it can acquire the character of a legislative act, must receive, first, the concurrence of the Senate, and secondly, the approval of the President of the United States; or, in case of his dissent, the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body. While the President receives the declaration of the House of Representatives with the profound respect to which it is entitled, as an exposition of its sentiments upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department; and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., *etc., etc., etc.*

Mr. Dayton to Mr. Seward.

[Extract.]

No. 454.] PARIS, *April 22, 1864.*

SIR: I visited Mr. Drouyn de l'Huys yesterday at the department of foreign affairs. The first words he addressed to me on entering the room were: "Do you bring us peace, or bring us war?" I asked him to what he referred, and he said he referred more immediately to those resolutions recently passed by Congress in reference to the invasion of Mexico by the French, and the establishment of Maximilian upon the throne of that country. I said to him, in reply, that I did not think France had a right to infer that we were about to make war against her on account of anything contained in those resolutions; that they embodied nothing more than had been constantly held out to the French Government from the beginning; that I had always represented to the Government here that any action upon their part interfering with the form of government in Mexico would be looked upon with dissatisfaction in our country, and they could not expect us to be in haste to acknowledge a monarchial government, built upon the foundations of a republic which was our next neighbor; that I had reason to believe you had held the same language to the French minister in the United States. This allegation he did not seem to deny, but obviously viewed the resolutions in question as a serious step upon our part; and I am told that the leading secessionists here build largely upon these resolutions as a means of fomenting ill feeling between this country and some others and ourselves. Mr. Mason and his secretary have gone to Brussels to confer with Mr. Dudley Mann, who is their commissioner at that place. Mr. Slidell, it is said, was to have gone to Austria, although he has not yet got off.

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I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WM. H. SEWARD,
Secretary of State, etc., etc., etc.

Mr. Dayton to Mr. Seward.

[Extract.]

No. 461.] PARIS, *May 2, 1864.*

SIR: Immediately upon the receipt of your dispatch No. 525, I applied to Mr. Drouyn de l'Huys for a special interview, which was granted for Saturday last. I then said that I knew that the French Government had felt some anxiety in respect to the resolution which had recently been passed by the House of Representatives in reference to Mexico, and inasmuch as I had just received a copy of that resolution, together with the views of the President of the United States, I begged, if agreeable, to read to him your dispatch in reference to the latter. To this he assented, and as the shortest and most satisfactory mode, following out my instructions, I read to him that entire portion of your dispatch which applies to this subject, stating at the same time that I thought it was a remarkable illustration of the frankness and straightforwardness of the President. When the reading was closed, Mr. Drouyn de l'Huys expressed his gratification, and after asking some questions in regard to the effect of laying a resolution upon the table in the Senate, the conversation terminated.

The extreme sensitiveness which was manifested by this Government when the resolution of the House of Representatives was first brought to its knowledge has, to a considerable extent at least, subsided.

* * * * * * *

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, etc., etc., etc.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 542.] DEPARTMENT OF STATE,
Washington, May 9, 1864.

SIR: Your dispatch of April 22 (No. 454) has been received.

What you have said to Mr. Drouyn de l'Huys on the subject of the resolution of the House of Representatives concerning Mexico, as you have reported it, is entirely approved. The resolution yet remains unacted upon in the Senate.

Mr. Corwin was to leave Vera Cruz on the 3d instant under the leave of absence granted to him by this Department on the 8th of August last.

* * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., etc., etc., etc.

Mr. Seward to Mr. Dayton.

No. 561.] DEPARTMENT OF STATE,
Washington, May 21, 1864.

SIR: I have the honor to acknowledge the receipt of your dispatch of May 2 (No. 461), and to approve of your proceedings therein mentioned. We learn that Mr. Corwin, our minister plenipotentiary to Mexico, is at Habana, on his return to the United States, under leave of absence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WM. L. DAYTON, Esq., etc., etc., etc.

[Thirty-eighth Congress, first session. House of Representatives. Report No. 129.]

JOINT RESOLUTION ON MEXICAN AFFAIRS.

JUNE 27, 1864.—Laid on the table, and ordered to be printed.

JANUARY 11, 1897.—Ordered to be reprinted.

Mr. Henry Winter Davis, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled because of the gravity of its subject and the distinguished source from which it emanated.

They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.

No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity other than derogatory to their dignity.

They learn with surprise that, in the opinion of the President, the form and term of expressing the judgment of the United States on recognizing a monarchical government imposed on a neighboring republic is a "purely executive question, and the decision of it constitutionally belongs, not to the House of Representatives, nor even to Congress, but to the President of the United States."

This assumption is equally novel and inadmissible. No President has ever claimed such an exclusive authority. No Congress can ever permit its expression to pass without dissent.

It is certain that the Constitution nowhere confers such authority on the President.

The precedents of recognition, sufficiently numerous in this revolutionary era, do not countenance this view; and if there be one not inconsistent with it, the committee have not found it.

All questions of recognition have heretofore been debated and considered as grave questions of national policy, on which the will of the people should be expressed in Congress assembled; and the President, as the proper medium of foreign intercourse, has executed that will. If he has ever anticipated its expression, we have not found the case.

The declaration and establishment of the independence of the Spanish-American colonies first brought the question of recognition of new governments or nations before the Government of the United States; and the precedents then set have been followed ever since, even by the present Administration.

The correspondence now before us is the first attempt to depart from that usage and deny the nation a controlling deliberative voice in regulating its foreign policy.

The following are the chief precedents on recognition of new governments and the policy of the United States Government on that topic:

On the 9th of February, 1821, Henry Clay moved in the House of Representatives to amend the appropriation bill by the following clause:

"For an outfit and one year's salary to such minister as the President, by and with the consent of the Senate, may send to any government of South America which has established and is maintaining its independency on Spain a sum not exceeding $18,000." It failed.

On the 10th of February he moved that the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling for their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.

A motion to amend by the proviso "that this resolution shall not be construed to interfere with the independent exercise of the treaty-making power," and another "that the House approves of the course heretofore pursued by the President of the United States with regard to the said provinces," were negatived.

The resolution was adopted, and a committee appointed to lay it before President Monroe.

The committee, on the 17th February, reported—

"That the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated."

So the House of Representatives took the initiative toward recognizing the new republics. The amendment to the appropriation bill would have been a legislative recognition. The resolution was a formal statement of the opinion of the House to the President, which he did not think beyond their constitutional authority.

At the first session of the next Congress the House of Representatives, on motion of Mr. Nelson, of Virginia, resolved—

"That the President of the United States be requested to lay before this House such communications as may be in the possession of the Executive from the agents of the United States with the governments south of the United States which have declared their independence, and the communications from the agents of such governments in the United States with the Secretary of State as tend to show the political condition of those governments and the state of the war between them and Spain, as it may be consistent with the public interest to communicate."

President Monroe answered the application on the 8th of March in an elaborate message, of which the following extracts sufficiently show that he did not think recognition "a purely executive question," and that the decision of it constitutionally belongs, "not to the House of Representatives, nor even to Congress, but to the President of the United States:"

"In transmitting to the House of Representatives the documents called for by the resolution of that House on the 30th of January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it; that should Congress entertain similar sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

"This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration, whether their right to the rank of independent nations, with all the advantage incident to it in their intercourse with the United States, is not complete."

After narrating the events, he proceeds:

"When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted.

"When we regard, then, the great length of time which the war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized.

"In proposing this measure, it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties.

"The measure is proposed under a thorough conviction that it is in strict accord with the law of nations, and that the United States owe it to their position and character in the world, as well as to their essential interests, to adopt it.

"Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect."

It is quite apparent that President Monroe was far from countenancing the opinion that the form and time in which the United States would think it necessary to express themselves on the policy of the recognition is a purely executive question, and that he did not think the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States, to the exclusion of Congress. Had he so thought he would have refused the production of the papers, as President Washington did the diplomatic instructions relative to the English treaty.

He would have announced his purpose to recognize the republics, and left it to Congress to provide for diplomatic intercourse with them.

Far from that, he proposes for their consideration the policy of recognition, and, if they concur in that, asks them to make the necessary appropriations to carry it into effect.

He consulted the will of the nation at the mouth of Congress, and proposed to concur in its execution.

So Congress understood him, for the papers and message were referred to the Committee on Foreign Affairs. That committee considered, in an elaborate report, the question of independence of the republics, the policy and principles involved in their recognition, and on the 19th of March, 1822, they submitted it to the House. It concluded as follows:

"Your committee, having thus considered the subject referred to them in all its aspects, are unanimously of opinion that it is just and expedient to acknowledge the independence of the several nations of Spanish America without any reference to the diversity in the form of their governments; and in accordance with this opinion they respectfully submit the following resolutions:

"*Resolved*, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognized by the United States as independent nations.

"*Resolved*, That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding $100,000 to enable the President to give due effect to such recognition."

It is, therefore, equally apparent that the House of Representatives of the Seventeenth Congress was clearly of opinion with President Monroe that the question of recognition was not purely executive, but that it constitutionally belongs to Congress as well as to the President; that the legislature declares the will of the United States, which the Executive gives effect to, each concurring in the act of recognition according to their respective constitutional functions.

In obedience to that resolution, the following bill, recognizing the new nation, was reported and passed, and approved on the 4th of May, 1822:

"That for such missions to the independent nations on the American continent as the President may deem proper, there be, and hereby is, appropriated a sum not exceeding $100,000, to be paid out of any money in the Treasury not otherwise appropriated."

The approval of that law completed the recognition of the new nations. The sending ministers to some or all of them was matter of executive discretion, not at all essential to or connected with the fact of recognition. Ministers were appointed to Mexico, Colombia, Buenos Ayres, and Chile on the 27th of January, 1823. None was appointed to Peru till May, 1826; yet it is certain Peru was as much recognized by the United States as the other governments from the 4th of May, 1822.

This great precedent has governed all that follow it.

The acknowledgment of the independence of Texas stands next in our history. It is a most instructive precedent, strictly following the forms observed respecting the governments of Spanish America.

On the 18th of June, 1836, on the motion of Henry Clay, the Senate adopted the resolution—

"That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power."

The House of Representatives, on the 4th of July, 1836, adopted a resolution in the same words; and added a second:

"That the House of Representatives perceive with satisfaction that the President of the United States has adopted measures to ascertain the political, military, and civil condition of Texas."—*Congressional Globe*, first session Twenty-fourth Congress, pages 453, 486.

Those resolutions were not formal acknowledgments of a government of Texas; the report of the Senate committee showed the circumstances were not sufficiently known; and both Senate and House awaited further information at the hands of the President.

On the 2d of December, while communicating the information, President Jackson accepted the occasion to express to Congress his opinion on the subject. The following passages are very instructive, touching the authority to recognize new States:

"Nor has any deliberative inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of recognizing a new State; a power the exercise of which is equivalent, under some circumstances, to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties and to appoint ambassadors and other public ministers, and in that conferred on the President to receive ministers from foreign nations."

"In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, think it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guarantee to all other countries of the justice and prudence of the measures which ought to be adopted."

After forcibly stating why he thought "we should still stand aloof," he closed with the following declaration:

"Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress should differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that during the short time which I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country."

The concurrent resolutions of the Senate and House of Representatives and that message of President Jackson leave no doubt that the views which presided over the recognition of the South American governments still prevailed, and that the President was as far from asserting as Congress from admitting that the recognition of new nations and the foreign policy of the United States is a purely executive question.

The independence of Texas was finally recognized in pursuance of the following enactment in the appropriation bill of the second session of the Twenty-fourth Congress, which appropriated money—

"For the outfit and salary of a diplomatic agent to be sent to the Republic of Texas, whenever the President of the United States may receive satisfactory evidence that Texas is an independent power, and shall deem it expedient to appoint such minister." (5 Statutes, 170.)

That law was approved by President Jackson.

Not only is this exclusive assumption without countenance in the early history of the Republic, but it is irreconcilable with the most solemn acts of the present Administration. The independence of Haiti is nearly as old as that of the United States; it antedated that of the South American republics, and the Republic of Liberia has long been recognized by European nations. Both were first recognized by act of Congress, approved by President Lincoln on the 5th of July, 1862, which enacted—

"That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint diplomatic representatives of the United States to the Republics of Haiti and Liberia, respectively. Each of the representatives so appointed shall be accredited as commissioner and consul-general, and shall receive the compensation of commissioners," etc.

That was a formal recognition of these republics by law, whether the President sent diplomatic representatives or not.

Quite in the spirit of these precedents is the well-considered language of the Supreme Court:

"These questions which respect the rights of a part of a foreign empire which asserts and is contending for its independence, belong more properly to those who can declare what the law shall be, who can place the nation in such a position with respect to foreign powers as to their own judgment shall appear wise, to whom are intrusted its foreign relations, than to that tribunal whose power as well as duty is confined to the application of the rule which the legislature may prescribe for it."

But the joint resolution of the 4th of April does more than declare the refusal of the United States to recognize a monarchical usurpation in Mexico. It declares a general rule of policy, which can be authentically and authoritatively expressed only by the body charged with the legislative power of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress of the United States are unwilling, by silence, to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico; and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power."

The committee are of opinion that this authority to speak in the name of the United States has never, before the correspondence in question, been considered a purely Executive function.

The most remarkable declaration of this kind in our history, which events seem now likely to make of as grave practical interest as when it was uttered, is President Monroe's declaration in his message of December 2, 1823:

"With the governments which have declared their independence and maintained it, and whose independence we have, after great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

But though always the accurate expression of the feelings of the American people, it was not regarded as the settled policy of the nation, because not formally declared by Congress. By the Administration of President John Quincy Adams, which followed, it was treated as merely an executive expression on behalf of the people, which Congress alone could elevate to the dignity of a national policy by its formal adoption.

In 1826 Mr. Poinsett, the minister to Mexico, having used language supposed to commit the United States to that policy in behalf of Mexico, a resolution was promptly introduced into the House of Representatives and adopted on the 27th of March, 1826—

"That the Committee on Foreign Affairs inquire and report to this House upon what authority, if any, the minister of the United States to the Mexican Republic, in his official character, declared to the plenipotentiary of that Government that the United States have pledged themselves not to permit any other power than Spain to interfere either with their [the South American Republics] independence, or form of government," etc.—*Congressional Debates*, Nineteenth Congress, first session, page 1820.

Mr. Poinsett hastened to explain by his letter of the 6th of May, 1826, to Henry Clay, then Secretary of State:

"I can not rest satisfied without stating explicitly that, in the observations I made during my conference with the Mexican plenipotentiaries, I alluded only to the message of the President of the United States to Congress in 1823.

"That message, declared, in my opinion, by the soundest policy, has been regarded both in Europe and America as a solemn declaration of the views and intentions of the Executive of the United States, and I have always considered that declaration as a pledge, so far as the language of the President can pledge the nation, to defend the new American Republics from the attacks of any of the powers of Europe other than Spain. That the people of the United States are not bound by any declarations of the Executive is known and understood as well in Mexico, where the Government is modeled on our own political institutions, as in the United States themselves. But in order to correct any erroneous impressions these words might have made on the minds of the Mexican plenipotentiaries, I explained to them in the course of our conference this morning their precise meaning: That the declaration of Mr. Monroe in his message of 1823, to which I had alluded, indicated only the course of policy the Executive of the United States was disposed to pursue toward these countries, but was not binding on the nation unless sanctioned by the Congress of the United States; and when I spoke of the United States having pledged themselves not to permit any other power than Spain to interfere with the independence or form of government of the American Republics, I meant only to allude to the above-cited declaration of the President of the United States in his message of 1823, and to nothing more."

This explanation is the more significant from the fact that Mr. Clay's instructions to Mr. Poinsett directed him to bring to the notice of the Mexican Government the message of the late President of the United States to their Congress on the 2d of December, 1823, asserting certain important principles of intercontinental law in the relations of Europe and America; and, after stating and enlarging on them, Mr. Clay proceeds: "Both principles were laid down after much and anxious deliberation on the part of the late Administration. The President who then formed a part of it continues entirely to coincide in both, and you will urge upon the Government of Mexico the propriety and expediency of asserting the same principles on all proper occasions."

And in reply to the resolution of inquiry of the 27th of March, Mr. Clay accompanied his instructions with the declaration—entirely in the spirit of Mr Poinsett's letter—"that the United States have contracted no engagement nor made any pledge to the Governments of Mexico and South America, or either of them, that the United States would not permit the interference of any foreign power with the independence or form of government of those nations. * * *

"If, indeed, an attempt by force had been made by allied Europe to subvert the liberties of the southern nations on this continent, and to erect upon the ruins of their free institutions monarchical systems, the people of the United States would have stood pledged, in the opinion of the Executive, not to any foreign state, but to themselves and their posterity, by their dearest interests and highest duties, to resist to the utmost such attempt; and it is to a pledge of that character that Mr. Poinsett above refers."—*Congressional Debates*, Nineteenth Congress, first session, Appendix, 83, 84.

Such were the views of the Administration of President John Quincy Adams, whose Secretary of State was Henry Clay, and whose minister to Mexico was Mr. Poinsett, upon the supremacy of the Legislature in declaring the foreign policy of the United States, the diplomatic execution and conduct of which is confided to the President.

It is impossible to condense the elaborate message of President Adams of the 15th of March, 1826, dedicated to persuading Congress to concur in and sanction the Panama mission; but that message and the great debate which consumed the session in both Houses are unmeaning on the assumptions of this correspondence with the French Government; and the consideration and approval of its recommendations elevate President Monroe's declaration to the dignity and authority of the policy of the nation solemnly and legally proclaimed by Congress.

That message was in reply to a resolution requesting the President to inform the House of Representatives "in regard to what objects the agents of the United States are expected to take part in the deliberations of that congress"—of Panama.

Among other subjects of deliberation, the President enumerated the declaration of President Monroe above quoted, and on that topic said:

"Most of the new American republics have declared their entire assent to them; and they now propose, among the subjects of consideration at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American governments.

"In alluding to these means, it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation, or to pronounce upon those measures which have been or may be suggested. The purpose of this Government is to concur in none which would import hostility to Europe, or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory, and to permit no colonial lodgments or establishments of European jurisdiction upon its own soil; and with respect to the obtrusive interference from abroad, if the future character may be inferred from that which has been, and perhaps still is, exercised in more than one of the new States, a joint declaration of its character and exposure of it to the world would be probably all that the occasion would require.

"Whether the United States should or should not be parties to such a declaration may justly form a part of the deliberation. That there is an evil to be remedied needs little insight into the secret history of late years to know, and that this remedy may best be considered at the Panama meeting deserves at least the experiment of consideration."

Upon this message, after elaborate debates, Congress passed, in May, an appropriation "for carrying into effect the appointment of a mission to the congress of Panama;" and the President, by and with the advice and consent of the Senate, appointed ministers to that Congress, and furnished them with instructions in conformity with the message and in execution of the policy approved by Congress.

Accident and delays prevented the arrival of our mission before the dissolution of the congress; but President Adams thought the gravity of the precedent justified him in communicating to Congress, in 1829, Mr Clay's instructions to the ministers for our information; and the precedent remains, forever to vindicate the authority of Congress to declare and present the foreign policy of the United States.

The great name of Daniel Webster is justly considered authoritative on any question of constitutional power; and in that debate, when the enemies of the Administration strove to insert particular instructions to the diplomatic agents sent to that congress, he clearly defined the limits of Executive and Congressional authority in declaring the policy and conducting the negotiations to effectuate it.

On the 4th of April, 1826, he is reported to have said in the House of Representatives:

"He would ask two questions: First, Does not the Constitution vest the power of the executive in the President? Second, Is not the giving of instructions to ministers abroad an exercise of executive power? Why should we take this responsibility on ourselves? He denied that the President had devolved, or could devolve, his own constitutional responsibility, or any part of it, on this House. The President had sent this subject to the House for its concurrence by voting the necessary appropriation. Beyond this the House was not called on to act. We might refuse the appropriation if we saw fit, but we had not the power to make our vote conditional and to attach instructions to it.

"There was a way, indeed, in which this House might express its opinion in regard to foreign politics. That is by resolution. He agreed entirely with the gentleman that if the House were of opinion that a wrong course was given to our foreign relations it ought to say so, and say so by some measure that should affect the whole and not a part of our diplomatic intercourse. It ought to control all missions and not one only.

"There was no reason why the ministers to Panama should act under these restrictions that did not equally apply to other diplomatic agents—for example, to our ministers at Colombia, Mexico, or other new States. A resolution expressive of the sense of the House would, on the contrary, lead to instructions to be given to them all. A resolution was, therefore, the regular mode of proceeding. We saw, for instance, looking at these documents, that our Government had declared to some of the governments of Europe, perhaps it has declared to all the principal powers, that we could not consent to the transfer of Cuba to any European power. No doubt the Executive Government can maintain that ground only so long as it receives the approbation and support of Congress. If Congress be of opinion that this course of policy is wrong, then he agreed it was in the power, and, he thought, indeed, the duty, of Congress to interfere and to express dissent. If the amendment now offered prevailed, the declarations so distinctly made on this point could not be reported, under any circumstances, at Panama; but they might, nevertheless, be reported anywhere and everywhere else. Therefore, if we dissent from this opinion, that dissent should be declared by resolution, and that would change the whole course of our diplomatic correspondence on that subject in all places. If any gentleman thinks, therefore, that we ought to take no measure, under any circumstances, to prevent the transfer of Cuba into the hands of any government, European or American, let him bring forward his resolution to that effect. If it should pass, it will effectually prevent the repetition of such declarations as have been made."—*Congressional Debates*, Nineteenth Congress, first session, pages 2021 and 2022.

This view is, in the opinion of the committee, at once the just view and the traditional practice of the Government; the will of the people expressed in legislative form by the legislative power can declare authoritatively the foreign policy of the nation; to the President is committed the diplomatic measures for effecting it.

The constitutional authority of Congress over the foreign relations of the United States can hardly be considered an open question, after the concurrent resolutions of Mr. Senator Sumner, adopted in the last Congress, it is believed, at the suggestion, certainly with the approval, of the President, and by him officially notified to foreign governments, as the most authentic and authoritative expression of the national will respecting intervention, mediation, and every other form of foreign intrusion into the domestic struggle in the United States.

The committee are not inclined to discuss theoretical questions of relative power. The Constitution is a practical, and not a theoretical instrument. It has been administered and construed by men of practical sagacity, and in their hands the voice of the people has been heard authoritatively in the Executive Chamber on the conduct of foreign affairs.

But this correspondence requires us to say, that in view of the historic precedents, it is not a purely executive question whether the United States would think it necessary to express themselves in the form adopted by the House of Representatives at this time; it does belong to Congress to declare and decide on the foreign policy of the United States, and it is the duty of the President to give effect to that policy by means of diplomatic negotiations, or military power if it be authorized.

The President is not less bound to execute the national will expressed by law in its foreign than in its domestic concerns.

The President appoints all officers of the United States, but their duties are regulated, not by his will, but by law. He is the commander of the Army and Navy, but he has no power to use it except when the law points out the occasion and the object. He appoints foreign ministers, but neither in this case are they, by reason of their appointment, anything but the ministers of the law. If it be true that the appointment of an ambassador to a nation implies the recognition of the nation, it is just as sound logic to argue that none can be appointed to a nation that does not exist by the recognition of Congress as that the President can recognize alone because he can appoint.

But we prefer to waive the question. We are anxious not to depart from the approved precedents of our history. Our desire is to preserve, not to change. We will not inquire what would be the effect of a recognition of a new nation by the President against the will of Congress. We prefer to indulge the hope, so wisely expressed by President Jackson, that "it is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and legislature in the exercise of the power of recognition."

Hitherto new nations, new powers, have always been recognized upon consultation and concurrence of the executive and legislative departments, and on the most important occasions by and in pursuance of law in the particular cases.

Changes of the person or dynasty of rulers of recognized powers, which created no new power, have not been treated always with the same formality; but usually the general law providing for diplomatic intercourse with the power whose internal administration had changed remained on the statute book and conferred a plenary discretion on the President, under the sanction of which he has accredited ministers to the new possessors of power. It is not known that hitherto the President has ever undertaken to recognize a new nation or a new power not before known to the history of the world, and not before acknowledged by the United States, without the previous authority of Congress.

It is peculiarly unfortunate that the new view of the Executive authority should have been announced to a foreign government, the tendency of which was to diminish the force and effect of the legislative expression of what is admitted to be the unanimous sentiment of the people of the United States, by denying the authority of Congress to pronounce it.

Of the prudence of that expression at this time Congress is the best and only judge under the forms of the Constitution, and the President has no right to influence it otherwise than in the constitutional expression of his assent or his dissent when presented to him for his consideration.

It is vain to suppose that such a declaration increases the danger of war with France. The Emperor of the French will make war on the United States when it suits his convenience and it can be done without danger to his dynastic interests. Till then, in the absence of wrong or insult on our part, there will be no war. When that time arrives we shall have war, no matter how meek, inoffensive, or pusillanimous our conduct may be, for our sin is our freedom and our power, and the only safety of monarchical, imperial, aristocratic, or despotic rule lies in our failure or our overthrow.

It postpones the inevitable day to be ready and powerful at home, and to express our resolution not to recognize acts of violence to republican neighbors on our borders perpetrated to our injury. That declaration will encourage the republicans of America to resist and endure and not to submit. It is not perceived how an attack on the United States can promote the establishment of a monarch in Mexico. It might seriously injure us, but it would be an additional obstacle to the accomplishment of that enterprise. It is fortunate that events in Europe, in great measure, embarrass any further warlike enterprise on this continent, and the ruler who has not thought fit to mingle in the strife of Poland or Schleswig-Holstein will hardly venture to provoke a war with the United States.

The committee are content to bide their time, confident in the fortune and fortitude of the American people, but resolved not to encourage by a weak silence complications with foreign powers inimical to our greatness and safety, which, in the words of Mr. Webster, "a firm and timely assertion of what we hold to be our own rights and our own interests would strongly tend to avert."

The committee recommend the adoption of the following resolution:

Resolved, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy not less in diplomatic negotiations than in the use of the national force when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

Mr. HALE. Mr. President, I do not propose now to take up much of the time of the Senate in debating either the joint resolution or the subject-matter. It is simply to-day a moot court procedure. No vote can be taken upon the joint resolution, and under the rules it will go either to the Committee on Foreign Relations or to the Calendar for future action by the Senate, if it choose such action hereafter. The whole subject-matter is presented in the resolutions submitted by the Committee on Foreign Relations, which now rest on the Calendar of the Senate, and it is presumable that at some day near or distant the committee will seek to take them up, which will open the whole subject-matter. At that time this question will be debated in full. Every phase of this great, most important, critical question before the American people will then be discussed.

Eloquent as has been the Senator from Texas [Mr. MILLS], who is undoubtedly in favor of extremities to the point of war, I shall not seek to answer him now, but will leave that to the real debate when the real question is before the body.

I will not, however, let the opportunity go without amplifying somewhat upon the citation that he has given of the action of this Government in the case of Texas, upon the technical point as to where lies the power of recognition. The Senator has cited the action of President Jackson and the Congress of the United States as fortifying his contention. If there is any case in the history of this Government which clearly and plainly and overwhelmingly maintains the other side, that the power rests with the Executive, it is the Texas incident. I do not think the subject is bounded by that question. I do not think that is the chief part of the subject which is before us. I can understand that if I agreed with the Senator from Texas as to the question where the power of recognition lies I might then, unlike him, believe that the time had not come for recognition; and when this question shall be launched upon general debate it will not be confined to the issue whether the Executive or Congress has lodged in it the power of recognizing a government of a foreign people, but the greater question, whether in the domain of wisdom and patriotism and careful action the time has come for such recognition. All that will be fully presented when the real debate opens, but I shall not attempt it now.

I have the authorities on the Texas case, however, and as the Senator from Texas has cited the instance of his own State with so much confidence, I will in a very few moments give them to the Senate. The Senator cited the Walker resolution. I have here the original record of the Senate. January 12, 1837, Mr. Walker, of Mississippi, submitted the following resolution:

That the State of Texas having established and maintained an independent government—

And so forth, as the Senator read it—

that the independent political existence of said State be acknowledged by the Government of the United States.

I call attention in passing to this, which will be found true of every resolution, so far as I have searched the records, submitted upon the question of recognition by either House of Congress, that, unlike the resolution of the Senator from Texas or the resolutions of the Committee on Foreign Relations, it does not of itself recognize, and none of them recognize, the Government, but declare, as in this case, "that the independent political existence of said State should be acknowledged by the Government of the United States." This resolution on February 10, 1837, as appears on page 236 of the records of the Senate of that day—the Senate Journal—was laid on the table.

On February 13—Senators will bear in mind that the session was waning, that the Congress was expiring—Mr. Walker again attempted to bring up the resolution before the Senate. By a vote of 32 to 12, found on page 244 of the Senate Journal, he was defeated, and the Senate refused to consider the resolution.

On February 27, found on page 292, he again made the motion and was defeated, and the resolution was postponed, although at so late a day as February 27, five days before the death of the Congress had been reached.

On March 1 it was passed by a vote of 23 to 19, as found on page 310, and on March 2, the day after this vote, the final vote was taken on reconsideration, and the resolution barely escaped defeat by a vote of 24 to 24, page 318. I wish to call the attention of the Senate to some of the Senators who are found voting at that time.

On the motion to reconsider the vote adopting the Senate resolution the vote was 24 to 24, and the motion failed. Among those who voted in the affirmative to reconsider the vote by which the resolution was adopted are found Mr. Buchanan, afterwards President, who, two days before the expiration of Congress, was not willing to vote either that the time for recognition had come or that any power rested in the Senate to so recognize; Mr. Clayton, who afterwards became Secretary of State; Mr. Ewing, of Ohio; Mr. King, of Alabama, afterwards Vice-President; Mr. Page, Mr. Prentiss, Mr. Southard, Mr. Swift, Mr. Tallmadge, Mr. Wall, Mr. Webster, Mr. Wright—Silas Wright.

Mr. WHITE. Will the Senator from Maine kindly give the volume and page from which he is reading?

Mr. HALE. I am reading from the Journal of the Senate, second session of the Twenty-fourth Congress, the vote being found on page 318.

Mr. President, upon almost the expiring day of that Congress it was only upon a tie vote that a Senate resolution, not in itself claiming to recognize Texas as an independent government, but only advisory, was barely saved from defeat, and after that nothing further was done. If the Senator from Texas can gain any strength in this point of law from that record, he is certainly welcome to it.

But it is greatly surpassed by the House record. I have here the Journal of the House of Representatives of the second session of the Twenty-fourth Congress, and I find that on page 492 Mr. Howard submitted not a joint resolution, only an expression from the House:

Resolved by the House of Representatives of the United States, That the independence of the government of Texas ought to be recognized.

Resolved, That the Committee of Ways and Means be directed to provide, in the bill for the civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas.

Upon which Mr. Ingersoll moved to lay the resolution on the table. This was as late as February 21, twelve days before the closing of the Congress. On page 492, February 21, the vote is taken and recorded upon the resolution, and it was laid on the table by a vote of 98 to 86.

Mr. BACON. Will the Senator from Maine permit me to ask whether he considers that vote as an expression upon the constitutional power of Congress or upon the policy of the action proposed?

Mr. HALE. Upon both.

Mr. BACON. Why?

Mr. HALE. Upon both, as the Senator will see when I come to the final action.

On February 28, then within four days of the close of the session, an amendment to the diplomatic appropriation bill was offered by Mr. Thompson providing for a diplomatic representative to the Republic of Texas. It is found on pages 546 and 547 of the House Journal, which I commend for perusal and study to the Senator from Texas, as well as the report on page 268 of the House proceedings of March 2 or 3, 1837, to which I will immediately refer. The amendment of Mr. Thompson was amended by the addition of the following words:

> Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister.

I do not know how it will be possible for Congress in acting upon this subject-matter to more definitely recognize the power and admit it to be in the President than in the language of the final action of the House, the only way in which it could be passed. As the Senator from Massachusetts [Mr. HOAR] suggests to me, they did not prescribe facts or conditions, but declared in terms that it should only be when the President himself should have decided in his executive function that the time had come. That was why I asked the Senator from Texas when he was referring to this matter what condition was finally added by the House; and no answer was given until I read it here. It is most distinct and clear.

Mr. BACON. The Senator will recognize that even though the mover of the resolution, and even though Congress might maintain the ultimate power of Congress, he and it might still be willing to allow the executive department to determine when the particular state of facts would authorize the exercise of that power.

Mr. HALE. It is interesting, Mr. President, when we take this Texas incident and see upon which side it is an authority, to look at the debate in the House, which is found on page 268 of the Congressional Globe, of the second session of the Twenty-fourth Congress, in 1837, where Mr. Thompson's proposition for a diplomatic agent to Texas was so modified as to clearly recognize the whole power as to when recognition should be granted as lying with the President.

I quote from the Congressional Globe of the proceedings of March 3, 1837, page 268, as follows:

> CIVIL AND DIPLOMATIC APPROPRIATIONS.
>
> The House then took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837, the amendment providing outfits and salaries for ministers to Prussia and Austria being taken up separately.
>
> Mr. Mercer inquired of the chairman of the Committee of Ways and Means if the President had recommended a mission to Austria. That to Prussia he [Mr. Mercer] had no objection to.
>
> Mr. Howard (chairman of the Committee on Foreign Affairs) said that he could answer the question probably better than the chairman of the Committee of Ways and Means, and would do so. The proposition emanated from the Committee on Foreign Affairs, and was adopted by them to aid, as far as they could, the views of the select committee of the House, who had made a report as to the best mode of increasing the consumption of tobacco in foreign countries, and particularly Germany. He believed that the gentleman from Virginia represented in part a tobacco interest, or at least he must feel anxious for its prosperity. After the Committee on Foreign Affairs had decided on the propriety of the measure, he (Mr. H.) had inquired at the Department of State if there existed any reasons why the plan should not be carried out, and was informed that on the contrary our Government was at the present time engaged in the discussion of a delicate question with both Austria and Prussia, arising out of treaties which we had with those powers. What this question was it is not now necessary to state. Mr. H.'s only object was to say that although the proposed measure met with the concurrence of the Executive, he (Mr. H.) wished the responsibility of it to rest upon the Committee on Foreign Affairs.
>
> Mr. Thompson, of South Carolina, then moved to amend the amendment by providing for the outfit and salary of a diplomatic agent, to be sent to the independent Republic of Texas.
>
> Mr. Griffin called for the yeas and nays on this amendment, which were ordered.
>
> Mr. Cushing said this question lay within the compass of a nutshell as a diplomatic question. He admitted and asserted the right of recognition on our part in all cases, but he insisted that the time of recognition was a question of discretion, to be exercised according to our own convictions of our own interest. In the present case, in Mr. C.'s judgment, the time had not arrived, and therefore he should vote against the amendment.
>
> Mr. Adams objected to the proposition of the gentleman from South Carolina for the further reason—

I call the attention of the Senator from Georgia to this—

> **that the President had not recommended the recognition of the independance of Texas to Congress, and Mr. A. was not disposed to set the example of taking the responsibility from the hands of the Executive, where it properly belonged.**
>
> After some remarks by Messrs. Jenifer, Mercer, Pickens, Hamer, Chilton Allan, and William B. Shepard.
>
> The last gentleman suggested the following modification:
>
> "Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power, and shall deem it expedient to appoint such minister."
>
> Mr. Thompson accepted this as a modification.
>
> After some remarks by Mr. White of Kentucky,
>
> Mr. Cambreleng remarked that the phraseology of the amendment involved an incongruity as it was now modified, inasmuch as the first branch set forth that "Texas" was an "independent Republic," and the second left the "evidence" of that fact to the "satisfaction" of the President, and limiting his sending the agent to that fact.
>
> Mr. Mercer moved to strike out the words "the independent Republic."
>
> The Chair ruled the motion to be out of order.
>
> Mr. Thompson would compromise the difference between gentlemen and modify the amendment by striking out the word "independent."
>
> After some conversation between Messrs. Hoar, Thompson, and Cambreleng, the question was taken on the amendment of Mr. Thompson as modified, and decided in the affirmative—yeas 121, nays 76.
>
> So the amendment to the amendment of the Committee of the Whole was agreed to.
>
> The amendment of the Committee of the Whole as amended was concurred in; and the whole appropriation was increased to meet the change involved in the amendment.

There would have been no action of the House of Representatives, there would have been no action in the direction of recognition, except that the mover of the amendment upon the diplomatic appropriation bill accepted the amendment which declared in terms the powers of the President. The whole force of the Texas incident is in favor of the Executive prerogative. He who examines the record thoroughly will find this to be the history.

Mr. President, I am not going to amplify the point; but in no case can any precedent be found where Congress—as is attempted in this Congress at the present session—has undertaken to absorb and assume the power of recognition. There are cases where the President has conferred with Congress, has submitted questions to Congress for its advice; there are cases where Congress has passed what may be called advisory resolutions; but there are no cases where Congress has sought to clutch or has clutched the power of recognition and taken it away from the Executive.

Mr. ALLEN. I should like to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. ALLEN. Does he contend that the power to recognize either belligerency or independence is a power which resides exclusively in the executive department, and with which the legislative department has nothing to do?

Mr. HALE. I believe that it does, Mr. President. I believe that after trying in the Continental Congress the experiment of conducting diplomacy and negotiations by a body legislative in its nature, the fathers of the Constitution were so wearied with that experiment that they lodged the power with the Executive, and intended to maintain it there. The only question that was ever raised when the State Department was created by law was that it took too much from that power of the President which had been lodged with him by the Constitution.

Mr. ALLEN. Then I should like to ask the Senator a further question. If the power to recognize belligerency or independence is exclusive in the Executive, and the Executive is entirely independent of the legislative in that respect, the power to recognize carries with it then the implied power to terminate the recognition at the discretion or caprice of the Executive. Is not that true?

Mr. HALE. Oh, it does not follow. After a government has been recognized it has a status not only with the nations of the world, but with this country. Neither do I claim that in all the incidentals the Executive is independent of Congress. Most of this controversy has come up because the Executive is not independent of Congress in the incidentals. He can not carry out recognition, he can pay no accredited agent, he can not put the machinery afloat, he can not move an inch, unless Congress appropriates money. The underlying reason that will be found in almost all the cases which have been cited by the Senator from Texas or by others upon that side, where any action of Congress has been taken, is in the fact that in the incidentals the Executive is not independent, but goes to Congress for the money that is needed to carry out his policy. But that the initial act, the recognition of a state, was intended to be lodged with the Executive, I, from my examination and research, can have no doubt whatever.

Mr. ALLEN. I suppose the Senator from Maine does not doubt that the establishment of commercial relations by Congress with the Republic of Cuba would be of itself a recognition of Cuban independence, or at least of Cuban autonomy. That is, the establishment of commercial relations would be one of the means of recognizing independence.

Mr. HALE. Of course the Senator's contention is, as it is of those who reported the resolutions, that the action of Congress is final; that it is the lawmaking power that can do this.

Mr. ALLEN. What I want to say to the Senator is this: I understand the Supreme Court to have held (possibly I may be

mistaken) that the establishment of commercial relations with a nation or people is itself recognition of the political existence of those people.

Mr. HALE. I do not think the report has gone so far, but I do not take direct issue on the point as to whether a statute of that kind might be a practical recognition. But that is only incidental. No one can claim that any act of Congress approved by a President or passed over his veto regulating the commerce of a nation or touching the neutrality laws is of itself a primal act for the purpose of recognition. We do not deal with foreign nations in that way. We deal directly with them by something that is clear and explicit and either does or does not recognize.

Mr. ALLEN. Suppose Congress should pass a law declaring that commercial relations should be established with the Republic of Cuba; that the Executive in his wisdom would veto that act, but we would pass it by the constitutional majority essential to pass a measure over the President's veto, and that law were in force now, would not that of itself be a complete recognition of the independence and the political autonomy of the Cuban Republic?

Mr. HALE. I do not answer that question, because I am by no means certain; but I repeat that we do not go here to the question of recognition in that indirect way. It is not sought so here. It is sought by direct and explicit resolution, having the force of law, to declare that Congress is the Government and, as the Government, recognizes Cuba.

Mr. ALLEN. In that connection, if the Senator will permit me——

Mr. HALE. And, as the Senator from Massachusetts [Mr. HOAR] suggests to me, without exercising any Congressional power that may be incident to the subject.

Mr. ALLEN. I think the Senator will find that there is little doubt of the fact that that would be a recognition of the independence of Cuba. That being true, and Congress being invested with the power to regulate commerce with foreign nations, it carries with it the power to establish, for that is one of the means of regulating. Therefore, is not the power through that provision of the Constitution exclusive in Congress to recognize the independence of Cuba, or a people struggling for their liberty?

Mr. HALE. I do not agree with the Senator, but I do not wish to go into that discussion now, as I told the Senator from South Dakota [Mr. PETTIGREW] that I would not consume much time.

Mr. WHITE. If the Senator from Maine will excuse me, I wish simply to make one remark. It was suggested by the question of the Senator from Nebraska [Mr. ALLEN] regarding the power of the President to revoke recognition. It was settled, I think, by almost all the writers on international law, at all events, howsoever it may be regarding our municipal laws, that a recognition once given can not be revoked.

Mr. HALE. This whole subject-matter at my request has been gone over very carefully in an elaborate discussion of the subject, which I intend at some future time to use and quote from. It was prepared for me, and rather than quote from it now and read from it I ask that it may be printed in the RECORD as part of my remarks.

Mr. HOAR. I should like to ask the Senator from Maine one question.

Mr. WHITE. Will the Senator from Maine allow the paper presented by him to be printed as a document also?

Mr. HALE. Yes.

Mr. HOAR. I will wait until the Senator's request for printing be acted on.

The VICE-PRESIDENT. Is there objection to the printing in the RECORD of the paper referred to by the Senator from Maine? The Chair hears none.

Mr. HALE. Let it be printed as a document also.

The VICE-PRESIDENT. It will be so ordered.

MEMORANDUM UPON POWER TO RECOGNIZE INDEPENDENCE OF A NEW FOREIGN STATE.

STATEMENT OF QUESTION.

The present question arises mainly upon the two following proposed joint resolutions:

1. That the independence of the Republic of Cuba be, and the same is hereby, acknowledged by the United States of America.

2. That the United States will use its friendly offices with the Government of Spain to bring to a close the war between Spain and the Republic of Cuba.

First resolution: It will be noticed that this resolution is not an act of legislation. It does not purport to direct any course of action for the future. It is simply a finding of fact.

Regarded as the finding of a present fact, this obviously suggests two comments:

First, that the word "Cuba" is used in a novel and restrictive sense. The "Republic of Cuba" is not coextensive with the Island of Cuba. Assuming the Republic to be a settled and independent Government, republican in form, its territory is less than that of the Island of Cuba, and the part of that island which it does not possess is the most valuable and populous part of the island. This raises some doubt as to whether the intent of the resolution really is to acknowledge a present state of independence as distinguished from a hope of early future independence; for if the former be the true construction of the first resolution, the second resolution would imply a desire for an immediate settlement of the present conflict between Spain and the "Republic of Cuba" as now independent—or, in other words, a peace which would leave Habana, Matanzas, Cienfuegos, and the other most valuable portions of the island in the hands of Spain; If the resolution be intended to declare, not the existence of a present fact, but a hope for the immediate accomplishment of a desired result, then there can be no question of power between the legislative and the executive branches of the Government. The expression of a hope is neither a legislative nor an executive act. It is a privilege which the legislative, executive, and judicial branches of the Government all equally enjoy and occasionally make use of.

Second, that the adoption of such a resolution, whichever construction is put upon it, will be of no direct advantage to the insurgents in Cuba. It will cause no abatement in the enforcement of the neutrality laws. These laws were, indeed, originally drawn for application to wars between two powers whose independence had been recognized. Their application to insurrections like the present was the result of amendments made at the instance of President Monroe in 1818. Nor would the obligations of this Government to the Kingdom of Spain be any less urgent if the independence of the Cuban insurgents were recognized.

It will be shown, both by the terms of the Constitution itself and by the uniform practice thereunder, that the recognition of independence of a new foreign power is an act of the executive (President alone, or President and Senate) and not of the legislative branch of the Government, although the executive branch may properly first consult the legislative.

While the legislative branch of the Government can not directly exercise the power of recognizing a foreign government, because that is a power executive or judicial in nature (and one which the judiciary, by refusing independently to examine the question, cast entirely upon the executive), nevertheless, if a recognition of such independence is liable to become a casus belli with some other foreign power, it will be shown that it is most advisable, as well as proper, for the executive first to consult the legislative branch as to its wishes, and postpone its own action if not assured of legislative approval. If, on the other hand, the Executive did not consider that the time had arrived to act, expressions of opinion by the Legislature should be made with some caution, as an expression of its opinion in too positive a form might create such international complications as to make effective action on behalf of the nation seeking recognition more difficult.

It is also to be noticed that while the legislative branch of the Government is not charged with the duty of ascertaining whether or not an insurrection in a foreign country has reached the stage of independence in fact, nevertheless it has the power and may recognize a duty to assist the insurrectionists. In other words, the power of Congress, either with the President's approval or with the concurrence of two-thirds of both Houses in case of the President's veto, to help the present Cuban insurgents by legislative action is not disputed. It may be exercised by declaring war against Spain; by issuing letters of marque and reprisal against Spanish commerce; by suspending the operation of the neutrality laws; by enacting that the neutrality laws shall not apply to expeditions in aid of the insurgents, or by making any desired changes in our present legislation which may be desired by the "Republic of Cuba" or its supporters. These actions will be violations of international law, but no more so than a recognition of independence of the "Republic of Cuba" at the present juncture. Any one of them would be a casus belli, but none except the first two would necessarily result in a declaration of war by Spain.

Second resolution. The extension of "friendly offices" is a purely diplomatic act, and, as will be shown, one not only confided to the Executive, but almost impossible of practical effect if attempted by the legislative branch of the Government.

The following propositions can be clearly established:

I.

NEITHER THE LEGISLATIVE NOR THE EXECUTIVE BRANCH OF THE GOVERNMENT IS SUBORDINATE TO THE OTHER. THEY WERE INTENDED TO BE AND ARE COORDINATE.

This has been from the beginning so familiar and elementary a doctrine of our constitutional law that it would not have been mentioned here if it had not been recently by some disputed.

The distinction between the legislative, executive, and judicial departments of the Government is as old as Aristotle (quoted in 1 Foster on the Constitution, page 25), and he places them in the same order as that observed in the Constitution of the United States. Mr. Bancroft, quoted in Foster's work, supra, points out

that Montesquieu's Spirit of the Laws was in constant use in debates on the Constitution, as well as by the authors of the Federalist, and that an abstract made by Madison had been studied and copied with his own hand by Washington when preparing for the convention. Mr. Foster quotes Montesquieu's remarks as to this threefold division of the powers of government. He says:

> By the first, the prince or magistrate makes the laws. * * * and changes or repeals those which have been made. By the second, he makes peace or war, sends or receives ambassadors, establishes security, prevents invasions. By the third, he punishes crimes or judges the disputes of individuals. This latter is called the power of judging and the previous one simply the executive power of the state, etc.

Montesquieu proceeds to say that "when in the same person or the same body of magistrates the legislative power is joined with the executive power there is no liberty." No law book was more familiar in 1787 than Mr. Justice Blackstone's Commentaries, then recently issued. His adoption of Montesquieu's reasoning is pointed out in 1 Story on the Constitution, section 522.

The Constitution assumes, without expressly saying, that the three powers shall be independent and coordinate. Article I commences with the words "All legislative powers herein granted shall be vested in a Congress." Article II commences with the words "The executive power shall be vested in a President." Article III begins with the words "The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts," etc. The same fundamental division of powers is even more clearly recognized in many of the State constitutions of that time and since. Thus, in the constitution of Massachusetts it is declared that "in the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them, to the end that there may be a government of laws, and not of men." (Constitution of 1780, Bill of Rights, Article XXX, quoted in 1 Story on the Constitution, section 520.) Mr. Justice Story says (1 Story on the Constitution, section 524):

> And it is no small commendation of the Constitution of the United States that, instead of adopting a new theory, it has placed this practical truth as the basis of its organization. It has placed the legislative, executive, and judicial powers in different hands.

Mr. Justice Story then proceeds to point out the care with which the framers of the Constitution had provided for the exceptions to this general subdivision of powers in order the better to preserve the balance of the whole. He points out the natural tendency of the legislative power, through its control of the appropriations and otherwise, to become supreme, but treats this, not as a tendency which should result in absorbing the others, but as one which was to be checked as far as possible.

The first commentator on the Constitution was Mr. Justice Wilson, of the Supreme Court, who had in the constitutional convention of 1787, according to Curtis, ranked only next to Madison and Hamilton in influence. He says (1 Wilson's Works, pages 407, 409, 410):

> Though the foregoing great powers—legislative, executive, and judicial—are all necessary to a good government, yet it is of the last importance that each of them be preserved distinct and unmingled in the exercise of its separate powers with either or with both of the others. * * * Let us suppose the legislative and executive powers united in the same person. Can liberty or security be expected? No. * * * But further, each of the great powers of government should be independent as well as distinct. When we say this it is necessary—since the subject is of primary consequence in the science of government—that our meaning be fully understood and accurately defined, for this position, like every other, has its limitations, and it is important to ascertain them.
>
> The independency of each power consists in this, that its proceedings and the motives, views, and principles which produce those proceedings should be free from the remotest influence, direct or indirect, of either of the other two powers. But further than this the independency of each power ought not to extend. * * *
>
> We are now led to discover that between these three great powers of government there ought to be a mutual dependency as well as a mutual independency. We have described their independency; let us now describe their dependency. It consists in this, that the proceedings of each, when they come forth into action and are ready to affect the whole, are liable to be examined and controlled by one or both of the others.

The most familiar recent statement of this principle is by Mr. Justice Miller in Kilbourn *vs.* Thompson (103 U. S., 168, 190-191), quoted in 1 Foster on the Constitution, page 297. Mr. Foster also quotes the following words of Chief Justice Waite in the Sinking Fund Cases (99 U. S., 700, 718), repeated by Mr. Justice Harlan in Clough *vs.* Curtis (131 U. S., 361, 371):

> One branch of the Government can not encroach on the domain of another without danger.

In re Tyler (149 U. S., 164), Chief Justice Fuller said:

> **The maintenance of the system of checks and balances, characteristic of a republican constitution, requires the coordinate departments of Government, whether Federal or State, to refrain from any infringement of the independence of each other.**

An examination either of Congressional debates or of executive documents from the beginning of the Government will show the great care with which each of these departments has endeavored, with rare exceptions, not to infringe upon the province of the other; and in no instance is this more clearly shown than in the debates upon the power to recognize a new foreign government—Congress on the one hand (except one House in 1869) confining its action to proffers of advice or assistance, while the President, on the other hand, when any international complication from such recognition seemed probable, so that recognition would involve contingencies requiring legislation, would ascertain the wishes of the legislative branch of the Government.

II.

IF ANY GIVEN POWER BELONGS TO THE EXECUTIVE BRANCH OF THE GOVERNMENT, PRESUMPTIVELY IT DOES NOT BELONG TO THE LEGISLATIVE BRANCH.

It is clear all through the Constitution, and has never been disputed, that the intention was to distribute the powers of the Government between its three branches, subject to such checks as the veto of the President or advice and consent of the Senate, and not to place any given power in two or all three branches of the Government concurrently.

The existence of the same power for the same purposes in both the legislative and executive branches of the Government might lead to most unfortunate results. For instance, if the legislative and executive branches both possessed the power of recognizing the independence of a foreign nation, and one branch should declare it independent, while the other denied its independence, then, since they are coordinate, how could the problem be solved by the judicial branch?

The distinction must be borne in mind between the existence of a constitutional power and the existence of an ability to effect certain results.

For instance, Congress alone has the power to declare war. The Executive, however, can do many acts which would constitute a casus belli, and thus indirectly result in war; but this does not imply in the Executive a concurrent power to declare war, and the war which would result would be one declared by a foreign power. It is possible, even, that the judiciary, by declaring some act of Congress at an inopportune moment to be unconstitutional, or otherwise incapable of execution according to its intent, or by some decision in a prize cause or otherwise, could give rise to a war with a foreign power; yet no one would claim that the judiciary had the power to declare war.

Going yet further, even, a State of the Union, although having admittedly no power whatever in foreign relations, may take action, uncontrollable by the Federal Government, and which, if not properly a casus belli, might nevertheless as a practical matter afford to some foreign country the excuse for a declaration of war. We may instance the action which might have been taken by the State of Wyoming in relation to the Chinese massacres, or the State of Louisiana in relation to the Italian lynchings; or by the State of New York in its recent controversy with German insurance companies with relation to the treatment of its own insurance companies by Germany.

III.

WHEREVER AFFIRMATIVE ACTION OF EITHER THE EXECUTIVE OR THE LEGISLATIVE BRANCH OF THE GOVERNMENT MAY INVOLVE A CALL UPON THE ASSISTANCE OF THE OTHER, THE BRANCH ABOUT TO TAKE ACTION SHOULD, IF POSSIBLE, FIRST OBTAIN INDICATIONS OF THE OTHER'S DESIRES.

It is of the highest importance that these two independent and coordinate branches of the Government should be always in accord, and that neither should endeavor to force action of the other by indirect means. For this reason Monroe consulted Congress before recognizing the independence of the South American Republics in 1822, and Jackson similarly consulted Congress before recognizing the independence of Texas in 1837; while, on the other hand, when recognition of the independence of a new country is not a probable casus belli, the President always acts without a consultation even when Congress is in session, as has recently been done in the case of the great Republic of Central America.

IV.

EITHER BRANCH MAY PROPERLY EXPRESS ITS OPINION OR WISHES TO THE OTHER.

This was at first to some degree questioned, but has been a long-settled practice.

The Executive, indeed, is expressly directed by the Constitution to recommend legislation to Congress:

> He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. (Constitution, Article II, section 3.)

It has always been customary for the President to indicate to Congress his views of the constitutionality of proposed measures; **and with eminent propriety, since the time of Congress should not**

be taken up with the consideration of measures which the President is secretly intending to veto. The relations between them should be full and frank.

On the other hand, either House of Congress may, and sometimes does, by resolution express its wishes for certain Executive action or its willingness to effectuate such action by legislation; and occasionally both Houses have joined in such an expression by a concurrent resolution. Such resolutions are to be adopted with some caution when they affect the foreign relations of the Government, because they may unwittingly be passed at inopportune moments, and thus jeopardize negotiations of which Congress is necessarily ignorant, and tend to defer rather than to hasten the accomplishment of objects which both branches of the Government equally desire. Thus President Monroe and his Cabinet, who were anxious both for the independence of the South American republics and the aggrandizement of our own territory by the acquisition of Florida and confirmation of title to Oregon, believed that the accomplishment of their wishes was hampered by the declaration of a certain party in the legislative branch of the Government who desired to hasten the former end.

It is to be remembered that effective intervention in foreign affairs sometimes requires the cooperation of other nations, while, on the other hand, the expectancy of future intervention sometimes stirs up foreign governments to take preventive measures. Intervention, like other matters of diplomacy, sometimes calls for secret preparation, careful choice of the opportune moment, and swift action. It was because of these facts that the superintendence of foreign affairs was intrusted to the Executive and not to the legislative branch of the Government.

For these reasons care should be taken not to embarrass the President, who is intrusted with the initiative in all matters of diplomacy; while, on the other hand, the conditions will rarely be such as to require action by the President in matters affecting the peace and dignity of the United States without opportunity to satisfy himself that he has Congressional support.

V.

ACTS CONCERNING FOREIGN RELATIONS—EXECUTIVE IN THEIR NATURE AS SHOWN BY HISTORY.

[English practice.]

That in Great Britain, the principal constitutional Government of Europe when our Constitution was adopted, the making of treaties and all matters affecting her relations with foreign countries were prerogative—that is, executive—appears from Todd (Parl. Gov., volume 1, page 369). Until of late years treaties were not laid before Parliament until after ratification (page 367), and the initiation of a foreign policy, not taking the form of a treaty, belongs to the executive exclusively (page 369).

It is in the light of this conception of the executive character of foreign negotiations and acts concerning foreign relations that our Constitution gave the President power to send and receive ministers and agents to or from any country he sees fit and when he sees fit, and not to send or receive any, as he may think best; also, the power to make treaties—that is, to negotiate with or without agents, as he may prefer, when he may prefer, or not at all, if he prefer; to draw up such articles as may suit him, and to ratify the acts of his plenipotentiaries, instructed by him, the only qualification of his power being the advice and consent of the States in the Senate to the treaty he makes.

These grants confirm the executive character of the proceedings and indicate an intent to give all the power to the President which the Federal Government itself was to possess—the general control of foreign relations.

In Great Britain Parliament can refuse to pass laws to carry out treaties when ratified and binding between the nations; what Parliament can and habitually does do passes into a constitutional precedent. But powers wrested by Parliament from the Crown stand upon a different footing from powers granted in our written Constitution. They partake more of the character of mere might than of functions created to be exercised to given ends. Parliament can do what it has the ability to compel the Crown to submit to; but Congress and the President are not the result of struggles between hostile forces. While, therefore, Congress can refuse to appropriate to carry a treaty into effect, since no one can compel it to do so, and the President can refuse to carry on a war authorized by Congress, or to execute any law passed by Congress, yet such proceedings are not constitutional and could never become constitutional by habit, for our Constitution is written, and each part of the Government represents the will of the whole nation in exercising the functions assigned to it, and rebels against the will of the nation in preventing another part from exercising its functions to the fullest extent.

The President, in making a treaty, is the United States, and speaks the whole mind of the United States. For this very reason it was deemed advisable to safeguard what he does by the advice and consent of the special representatives of the sovereign States in the Senate, since treaties are the most important and binding **acts concerning Federal relations, except making war. The solemn power of authorizing war is for the same reason made an exception. But not even the Senate is concerned with the matter of negotiating or preparing treaties, and all that great body of international business which may lead up to treaties or even to a war, which the refusal to receive a minister might occasion, is given to the Executive by the express grants concerning treaties and ministers.**

That this is a great power is true; but it is a power which all great governments should have; and being executive in the conception of the founders, and even from its very nature incapable of practical exercise by deliberative assemblies, was given to the President.

The judicial branch of the Government has set a proper example of respect for the other branches in declining to inquire into foreign affairs even for the purpose of deciding cases. Congress should follow this example, which is but a recognition of the principle that each branch in its proper functions is the ultimate sovereignty of the United States, the sole and final spokesman of the will of the nation.

Otherwise, the principle of mere right will be introduced, and each branch proceed to do or omit whatever the other branches have not means to effectually prevent, which will be the end of government of and by the people and the beginning of an usurped government over the people. Written constitutions, being, like all human contrivances, imperfect, will then have been proven impracticable.

VIEWS OF EARLY STATESMEN.

During the first session of the Senate we find that the question of directing the President in regard to foreign affairs was a matter of consideration. In Maclay's Sketches of Debate in the First Senate, page 101, the bill under discussion being one to organize a department of foreign affairs, Senator Maclay says:

> The first clause was: "There shall be an executive department," etc. There are a number of such bills, and may be many more, tending to direct the most minute particle of the President's conduct. If he is to be directed how he shall do everything, it follows he must do nothing without direction. To what purpose then is the executive power lodged in the President, if he can do nothing without a law directing the mode, manner, and, of course, the thing to be done? May not the two Houses of Congress, on this principle, pass a law depriving him of all powers? You may see it will not get his approbation. But two-thirds of both Houses will make it a law without him, and the Constitution is undone at once.

It thus appears that even the establishment of an executive department of foreign affairs was regarded as trenching upon the free action of the Executive in its proper sphere.

Prior to the adoption of the Constitution, when all powers were in Congress, a resolution was adopted (1 Stat., 28) which shows the general conception of the business of foreign affairs. It was resolved that an officer have control of the department of foreign affairs, to reside where Congress or a committee of the States shall sit; that all books and papers relating to the department should be in his custody, no copy of any paper of a secret nature to be made without special leave of Congress; that the correspondence and communications with the ministers, consuls, and agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: *Provided always*, That letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted; that he may concert measures with the ministers or officers of foreign powers amicably to procure the redress of private injuries which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions; that he shall use means to obtain from the ministers and agents of the said United States in foreign countries an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States; that all letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe-conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress; and when passed, signed, and attested, sent to the office of foreign affairs to be countersigned and forwarded.

In passing the act to which Maclay objected (July 27, 1789) the title of this officer was merely abbreviated, and he was to "perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondence, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department: and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct."

This was, practically speaking, the whole law, except that "the secretary for the department of foreign affairs to be appointed in consequence of this act shall forthwith after his appointment be entitled to have the custody and charge of all records, books, and papers in the office of the secretary for the department of foreign affairs heretofore established by the United States in Congress assembled."

It is thus clear that all the power of Congress over foreign affairs was conceived to be transferred by the Constitution from Congress to the President. A secretary to assist him in performing his functions was provided by Congress; but the objection that he was in any way directed how to perform them could not be well taken, at least as the bill, after amendments in the Senate, was passed.

The President was expected to do all that Congress had been doing, and this law provides for no report to Congress about nor any interference by Congress in foreign affairs. Not one of the matters in the resolution above quoted was attempted to be reserved to Congress; but all were evidently believed to be transferred by the Constitution to the Executive, so far as Congress was concerned.

It is needless to say that the proceedings of the Government were conducted accordingly; that correspondence was carried on, ministers received, negotiated with, and sent, and that "such other matters relating to foreign affairs as the President of the United States" chose to assign to the said department were conducted without Congressional interference or comment for many years.*

Mr. Greuhm said that he had mentioned the matter when his letter was made out, but had been informed that but one letter from the King of Prussia to this Government was of record, and that was the one written when Mr. Adams himself took leave (as minister at Berlin, 1801). That was addressed to Congress, and they supposed it had been drawn up according to advice from Mr. Adams.

Mr. Adams rejoined that he remembered it very well; that it had not been drawn up by his advice, and that he had received it as drawn up and delivered to him without objection because he did not wish to make any difficulty at parting and never supposed it would operate as a precedent afterwards. (IV Memoirs of John Quincy Adams, 17, 18.)

Later the Secretary of State sent the following circular letter on the subject:

No. 18.] DEPARTMENT OF STATE,
Washington, March 28, 1833.

SIR: It is observed that special communications from foreign powers intended for the Executive of the United States have been usually addressed to the President and Congress of the United States.

This style was introduced under the old confederation, and was then perfectly proper, but since the Federal Constitution has been formed its inaccuracy is apparent, the whole executive power, particularly that of foreign intercourse, being vested in the President. You will therefore address a note to the minister for foreign affairs, apprising him that all communications made directly to the head of our executive Government should be addressed "To the President of the United States of America" without any other addition.

You will, of course, observe that this relates solely to those communications of ceremony which are made from one sovereign to another—for example, notices of births, deaths, changes in government, etc.—and does not relate to the ordinary diplomatic intercourse, which is to be carried on as usual through this Department.

I am, respectfully, your obedient servant,
EDWARD LIVINGSTON.

To HENRY WHEATON, Esq.,
Chargé d'Affaires of the United States to Denmark.

(The above letter is a circular and was sent, with the necessary variation in the address, to T. L. L. Brent, chargé d'affaires to Portugal, as No. 36; to C. P. Van Ness, minister to Spain, as No. 38; to C. Hughes, chargé d'affaires to Sweden, as No. 10, and to H. S. Legare, chargé d'affaires to Belgium, as No. 5.)

In 1793 the questions of recognizing the new French Republic, and recognizing or not the treaties with King Louis as still binding, were discussed in the President's Cabinet, and there decided. A minister from the new Republic was accordingly received, and a proclamation issued by the President, in which he says:

> I have therefore thought fit to declare the disposition of the United States to observe the conduct aforesaid (friendly and impartial) toward those powers, respectively, and to exhort and warn the citizens of the United States, etc.

Notwithstanding the bitterness occasioned by our failure to take part with France in the war, the right of the President to thus speak for the United States does not seem to have been questioned by Congress. On the contrary, when the excited French Committee of Public Safety sent a letter addressed to Congress, the House resolved, April 25, 1794, that it be transmitted to the President, "and he be requested to cause the same to be answered on behalf of this House in terms expressive of their sensibility," etc. This was a distinct recognition of the President as the authority to receive and act upon such communications, however addressed.

A bill to make additions to the act for punishing crimes against the United States (debated in the House on May 31 and June 2, 1794), known as the neutrality law, afforded an opportunity for questioning the right of the President, but the debate proceeded on other lines and the law passed was in strict accordance with and in aid of the policy of the President and was urged by him for that purpose.

It seems to have been left for the Jay treaty with England, though hardly more exasperating to the partisans of France, to furnish the first explosion of discontent with the power given to the President over foreign affairs.

That gave rise to a long and memorable debate, when it became necessary to pass laws to carry it into effect, and a call was made upon the President for the instructions he had given to the minister who negotiated it.

In the course of this debate powers of Congress in regard to foreign affairs were, it seems, first asserted, based on the right to impeach, the right to regulate foreign commerce, the right to withhold legislation required by treaties, etc.

Mr. Gallatin, favoring the resolutions calling for papers, said that Congress possesses the power of regulating trade. "The treaty-making power delegated to the Executive may be considered as clashing with that. The question may arise whether a treaty made by the President and Senate, containing regulations touching objects delegated to Congress, can be considered binding without Congress passing laws to carry it into effect. * * * He concluded by observing that the House were the grand inquest of the nation, and that they had a right to call for papers on which to ground an impeachment."

Mr. Nicholas said:

> It had been said that if the powers of the President and Senate as to treaties were complete, then the House had no right to claim participation; this would not be denied. * * * In the present case he contended the House had a voice.

He argued that the power of the House over the money matters stipulated in the treaty qualified the powers of the President and Senate. In England, "the country from which we had borrowed, and with many other matters, this part of our Constitution," their House of Parliament had exercised a control over the moneyed articles of treaties, and he contended that the House of Representatives has an equal authority here as chief guardians of the purse strings. "Shall it be said that we have borrowed only the form from Great Britain, and not touched the substance? Shall it be said that the House have a discretion as to appropriations, and yet they must make them as directed by a treaty? Unless the House chose and grant that money, it was so far no treaty."

Mr. Swanwick said (page 449) that Congress not only had power to regulate commerce but to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in any office or Department, and that there was no authority out of the purview of this general legislative control—not the treaty-making power more than others. He said great stress had been laid on the proposition that treaties are the supreme law of the land, but this means supreme over "anything in the constitution or laws of any State," and does not affect the powers of the House. The laws are equally supreme, and it is absurd that treaties should repeal laws. The House would dwindle into a mere board of assessors and all powers be with the President and Senate. It had been said that no nation would treat with us if the House refused to carry out a treaty by appropriations, but gentlemen would probably be surprised to be told that the British House of Commons possesses the same power now claimed. He quoted the Federalist (pages 101 and 103) to the effect that "although the House of Representatives is not immediately to participate in foreign negotiations and arrangements, yet from the necessary connection between the several branches of public affairs those particular branches will frequently deserve attention in the ordinary course of legislation and will sometimes demand particular legislative sanction and cooperation," etc.

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*Mr. Frederick Greuhm, minister resident and consul general from Prussia to the United States, was informally requested by Mr. J. Q. Adams, Secretary of State, on November 8, 1817, to make known to his Government that all credential letters from foreign sovereigns should be addressed to the President, who, by our Constitution, receives foreign ministers, and not to Congress (to which body Mr. Greuhm's letter was addressed).

Mr. Smith said (page 452), referring to the arguments from the British constitution:

> But why introduce this by way of precedent to guide us in construing our own Constitution? They have no such written Constitution as we have; their constitution is entirely made up of usages and laws. Whenever you prove, therefore, that they have an usage like the one that is mentioned, of judging on treaties, you have then proved that such is their constitution, and if our Constitution expressed in terms what theirs expressed by their usages, there could be no doubt but that the House should have the right. In construing a written constitution, to introduce the practice in a country who have no written constitution can have no effect but to mislead. If gentlemen could show us a written constitution in England wherein the treaty-making power is exclusively vested in the King, with the advice of the House of Lords, and under such constitution the House of Commons claiming a right to interfere in the subject, their precedent would then apply; unless, indeed, it were too absurd to be considered as a precedent. He said the two Governments were perfectly dissimilar. Why, then, introduce the practice of that Government as a guide for this? He was well suited with the Constitution of America and wished not to assimilate it to any foreign constitution, and he hoped it would not be usurped and twisted to become like them. Were they about to form a constitution it might be desirable to take whatever was found good in any other; but when the Constitution was already formed and marked out by direct boundaries, in a manner too plain to be mistaken, could it be of any use to inquire what was the constitution of other countries? He said the convention who formed our Constitution had avoided that part of the British constitution as absurd. In England, the King has the sole power of making treaties, but, after the treaty is made, Parliament claim a right, in certain cases, to judge their merits. In this country the convention, in framing their Constitution, had seen fit to add the Senate to the President in the business of making treaties, and still further to guard the matter, required that two-thirds of the Senate should concur, and then, as if to completely shut the door against all further investigation of their merits, or any caviling on the subject, declared that a treaty thus made should become the law of the land. The convention must be supposed to be thoroughly acquainted with the usages in England at the time of framing our Constitution, and appear to have studiously avoided that part of their constitution.

Mr. Gallatin (page 465) said that the House had a discretion to cooperate or refuse cooperation, and therefore, where their cooperation was necessary, the treaty could not have full effect and be, properly speaking, the law of the land, if they chose to use their discretion by refusing cooperation. A treaty may not be unconstitutional, but yet not the law of the land, if it embraces objects exclusively granted to a particular branch of the Government. The Constitution does not say what treaties the President may make. The general grant of power is limited by the other parts of the Constitution. The specific legislative powers granted were limitations upon the undefined power of making treaties. The Constitution says the treaty shall be a law. Some gentlemen had declared that the treaty-making power is executive; but a power of making laws can not be termed executive without an absurdity.

He did not claim for the House the power of making treaties, but a check upon the treating-making power—a mere negative power. We, he said, are for this stigmatized as rebellious, disorganizers, as traitors against the Constitution; but our opponents claim an unlimited power for the treaty-making authority capable of absorbing all other powers.

Mr. Hartley (page 481) recurred to the argument from the British constitution and denied that Great Britain has a similar constitution to ours. "If the Parliament of Great Britain was to pass a law vesting this power in the King and House of Lords, would the Commons then claim the right of ratifying treaties? But still gentlemen ask, Have not the House as much power as the British House of Commons? He would answer this question by saying that the House has as much and no more power than the Constitution had given it. And if gentlemen required a further answer he would say that the Legislature of the United States did not possess as extensive power as the Parliament of Britain. That body can change the constitution, alter the religion of the country, and, in short, its powers are really omnipotent. Such unbounded powers are not claimed here. But whether the British House of Commons have the power or not is a question of no consequence. The inquiry was not into the powers of British Parliaments or Houses of Commons, but into the powers of that House, and those powers were found only in the Constitution."

Mr. Madison (page 488) very elaborately discussed questions as to whether a treaty and law were or could be equal or the treaty power paramount, etc., but, it having been determined by the Supreme Court that the later law repeals a treaty, municipally considered, because they are equally the law of the land, it is deemed unnecessary to quote him further.

I have quoted principally from the advocates of the power of the House for two reasons, first, to show that the British constitution was relied upon by them, as it was by the others, the former showing thereby that treaty making, if not necessarily an executive act, philosophically speaking, was an act which the executive authority always performed, and the latter that, though this might be so, the executive's authority was qualified or controlled to some extent by Parliament; and secondly, to show that no active power to take the initiative in foreign affairs was claimed, but only a power to withhold cooperation in carrying out a treaty.

The doctrine that the active management of our foreign affairs was committed to Congress beyond the express grants of legislative power on particular subjects was distinctly repudiated on behalf of his side by Mr. Gallatin, as we have seen.

Mr. Smith referred to the practice of the Government in regard to treaties with Indian tribes as follows:

> Having stated the general opinion of the public, as manifested by the friends as well as the enemies of the Constitution, Mr. Smith said he would proceed to show the practice that Congress had, from the commencement of its existence, been conformable to that opinion. Several treaties had been concluded with Indian tribes under the present Constitution. These treaties embraced all the points which were now made a subject of contest—settlement of boundaries, grants of money, etc.; when ratified by the President and Senate, they had been proclaimed by the Executive as the law of the land; they had not even been communicated to the House; but the House, considering them as laws, had made the appropriations as matters of course, and as they did in respect to other laws. The treaties were never discussed, but the requisite sums, as reported in the annual estimates, were included, as matters of course, in the general mass of moneys voted for the war establishment in the item of Indian Department. It was not pretended that the Constitution made any distinction between treaties with foreign nations and Indian tribes; and the clause of the Constitution which gives to Congress the power of regulating commerce with foreign nations, and on which the modern doctrine is founded, includes as well Indian tribes as foreign nations.

He also referred to another practice:

> That this House considered a treaty, when ratified by the President and Senate, as the law of the land was further evident from a resolve of the House of the 4th of June, 1790, in these words:
>
> "*Resolved*, That all treaties made, or which shall be made and promulgated under the authority of the United States, shall from time to time be published and annexed to their code of laws by the Secretary of State."
>
> In consequence of this resolution, the several Secretaries of State had annexed the treaties which had been made to the code of laws as soon as they were ratified by the President and Senate and promulgated by the President.

The resolution calling for papers was adopted and the papers refused, the President saying (Messages and Papers of the Presidents, volume 1, page 194):

> The nature of foreign negotiations requires caution, and their success must often depend on secrecy, and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concession which may have been proposed or contemplated would be extremely impolitic, for this might have the pernicious influence on future negotiations or produce immediate inconveniences, perhaps danger and mischief in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate. The principle on which that body was formed, confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have, as a matter of course, all the papers respecting negotiations with a foreign power would be to establish a dangerous precedent. * * *
>
> Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President by and with the advice and consent of the Senate, provided two thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or a suspicion has appeared, in my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.
>
> There is also reason to believe that this construction agree with the opinions entertained by the State conventions when they were deliberating on the Constitution, especially by those who objected to it because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate instead of two-thirds of the Senators present, and because in treaties respecting territorial and certain other rights and claims the concurrence of three-fourths of the whole number of the members of both Houses, respectively, was not made necessary.
>
> It is a fact declared by the general convention and universally understood that the Constitution of the United States was the result of a spirit of amity and mutual concession: and it is well known that under this influence the smaller States were admitted to an equal representation in the Senate with the larger States, and that this branch of the Government was invested with great powers, for on the equal participation of those powers the sovereignty and political safety of the smaller States were deemed essentially to depend.
>
> If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

After this Congress passed an appropriation for carrying the treaty into effect.

In 1798 the question of abrogating the treaties with France arose, and Congress, the President cooperating, passed a law declaring the treaties abrogated by the act of France. But not only did the President cooperate, but this was done as a war measure. The Supreme Court regarded the series of acts, including this, as authorizing or declaring war. (Bar. *vs.* Tingy, 4 Dallas, 41.) No question was raised as to the power of Congress without the President. On the contrary, the law was reported by a committee to whom had been referred a part of a speech of the President to Congress advocating measures of defense against France, and after he had informed Congress of the violation of the treaties by France. (Special message, May 16, 1797.)

The law was only carrying out the general policy of the President, and with his cooperation, but the manner of passing it was the result of the President's vigorous denunciation of the conduct of the French authorities upon the dismissal of Monroe as minister, when they complimented Monroe and praised the American people, but attacked the American Government. (Special-session message, May 16, 1797.)

The House of Representatives especially was exhorted to beware of endeavors to foster and establish a division, which was insinuated as existing between the Government and people of the United States, and told that "to repel by decided and united counsel insinuations so derogatory to the honor and aggressions so dangerous to the Constitution, Union, and ever independence of the nation is an indispensable duty."

It was not a time, therefore, for nice discrimination between the branches of the Government, but to show France that as against her hostile proceedings all branches were united. That was the spirit in which this law was passed, while Congress was engaged in exercising its power to authorize or declare war against France. It should not, therefore, be regarded as evidence of what two-thirds of Congress could do against the will of the President.

In the same year, 1798, a question arose as to appropriations for foreign intercourse and the right of the President to appoint ministers, and Mr. Otis said (Annals of Congress, 1798, page 1157):

> After so much had been said respecting the constitutional right of the House to refuse an appropriation, Mr. O. observed that he should add but a few remarks. To prevent confusion on this subject, it might be well to state the points in which both sides of the House were agreed and those in which they dissented. It was not denied that the President had the right of nominating public ministers, nor had it been contended that the House possessed the right of fixing their salaries; the doctrine of his friends was merely that the appointment of a minister imposed a moral obligation to give a reasonable salary, and that being once determined it was unjust to reduce it without the best reasons. It was doubted by the gentleman from Pennsylvania whether the office of minister was created by the Constitution and whether it was not competent for this House to fix the destination of a minister, and it was asserted by him that in all cases the House had an authority to refuse every appropriation. On these last points they were at issue. To explain the reason of his doubt respecting the right of the President to designate the courts to which the ministers should be sent, that gentleman had replied that the same clause in the Constitution which gives the power of appointing ministers to the Executive also gives that of appointing judges of the Supreme Court, which he never pretended to exercise until the number of judges had been ascertained by law. In this argument he hardly appeared to be serious, but he would answer that the same Constitution provides that "a Supreme Court shall be established by law," and it has no existence until created by law. A court is a jurisdiction committed to one or more persons; the jurisdiction is constituted by a law which describes the number of persons to whom it shall be committed. The Executive then appoints those who are to exercise this legal jurisdiction. In case of foreign ministers, if their destination must be established by the Legislature, the objects of their mission must also be understood and ratified by the same authority, or it must be exercised without discretion, and the whole power of negotiation would thus be attracted as incident to the other.
>
> It was further urged by the same gentleman that in all cases the House might refuse to appropriate; otherwise the Executive might absorb all the powers of the Legislature; might form treaties of alliance, maintain an army and navy, and expend all the public treasure.
>
> Let us consider, on the other hand, the consequence of that gentleman's doctrine. Every appointment made by the Executive becomes a nullity unless ratified by that House, in the face of the Constitution, which excludes them and confines this duty to the President, with the advice and consent of the Senate.
>
> It was owing to the apparent contradictions arising from a theoretical view of constitutions like ours that they were pronounced to be impracticable by some of the best writers of antiquity. And these abstract questions and extreme cases were not calculated to reconcile the minds of our citizens to our excellent form of government. It is a plain and conclusive reply, by which all such objections are obviated, that the Constitution is not predicated upon a presumed abuse of power by any department, but on the more reasonable confidence that each will perform its duty within its own sphere with sincerity, that division of sentiment will yield to reason and explanation, and that extreme cases are not likely to happen.

But the law and practice as to appointing and receiving ministers and consuls has been elaborately set forth and discussed by Attorney-General Cushing (7 Op., page 242), who concludes:

> Further to show that this act can not be reasonably construed as intending to require the President to do what the Constitution, on considerations of public policy, has intrusted to the sole discretion of the Executive, may be mentioned the clause of the act which says, in words, that the President shall appoint a "consul" at Port au Prince. This, if done, would have the effect, according to international usage, of placing the Haitien Empire in diplomatic relation with the United States. It is not presumed that such was the purpose of the lawmakers; yet such is the necessary effect of the law, if the words "shall appoint" are mandatory in operation. If they are mandatory in any case, they are in all; if not mandatory in one case, they are so in none. * * *
>
> The President can, with concurrence of the Senate, appoint consuls at any place whatever, whether they be mentioned in the act or not.

The Attorney-General shows clearly that the appointment of ministers was committed by the Constitution to the discretion of the Executive, and so as to all diplomatic and even consular officers, all the instruments of international intercourse being thus placed in his discretion.

The ordinary method of recognizing a new government was always to receive a minister from it or send one to it; and all such acts are expressly assigned to the President's control, as part of the business of foreign affairs, both by the Constitution and the law organizing the Department of Foreign Affairs.

NATURE OF THE POWERS REQUIRES SECRECY.

In the Madison Papers we find that secrecy was a main object in giving the President and the Senate the treaty power.* On September 7, 1787, a motion was made to add the House of Representatives, because, if treaties were to have the operation of laws, they should have the sanction of laws. The only argument reported against this is "that the necessity for secrecy in the case of treaties forbade a reference to the whole legislature." The motion was defeated—10 States against 1.

The Senate in the uncompleted Constitution having been given the power to make treaties, appoint ambassadors, etc., Mr. Wilson (Madison Papers, page 245) said:

> Every nation may be regarded in two relations—first, to its own citizens; secondly, to foreign nations. It is, therefore, not only liable to anarchy and tyranny within, but has wars to avoid and treaties to obtain from abroad. The Senate will probably be a depository of the powers concerning the latter objects.

In this conception of the framers, to avoid wars and make treaties evidently stands for the whole management of foreign relations, and it was intended to give all to the Senate. On page 428 an argument is made against the Senate's having the power to make treaties, wherein it is objected that the treaty power belongs to the Executive, and the British constitution is referred to. On page 469 an attempt is made by Mr. Morris to require legislative ratification of treaties, and Mr. Madison suggested the inconvenience of requiring a legal ratification of treaties of alliance, for purposes of war, etc." Mr. Gorham said:

> Many other disadvantages must be experienced if treaties of peace and all negotiations are to be previously ratified; and if not previously the ministers would be at a loss how to proceed. What would be the case in Great Britain if the king were to proceed in this manner? American ministers must go abroad not instructed by the same authority (as will be the case with other ministers) which is to ratify their proceedings.

Mr. Wilson said:

> In the most important treaties, the King of Great Britain, being obliged to resort to Parliament for the execution of them, is under the same fetters as the amendment of Mr. Morris will impose on the Senate. It was refused yesterday to permit even the Legislature to lay duties on exports. Under the clause without the amendment, the Senate alone can make a treaty requiring all the rice of South Carolina to be sent to some one particular port.

Mr. Dickinson concurred in the amendment, as most safe and proper, though he was sensible it was unfavorable to the little States, which would otherwise have an equal share in making treaties.

Mr. Johnson thought there was something of solecism in saying that the acts of a minister with plenipotentiary powers from one body should depend for ratification on another body. The example of the King of Great Britain was not parallel. Full and complete power was vested in him. If the Parliament should fail to provide the necessary means of execution, the treaty would be violated.

Mr. Gorham, in answer to Mr. Gouverneur Morris, said that negotiations on the spot were not to be desired by us; especially if the whole Legislature is to have anything to do with the treaties. It will be generally influenced by two or three men, who will be corrupted by the ambassadors here. In such a Government as ours, it is necessary to guard against the Government itself being seduced.

An attempt was also made, but defeated, to except treaties of peace from the power of the President and Senate.

In the State conventions to discuss the Constitution arguments as to the treaty power continually repeated that it was executive, and the British constitution, with Blackstone on the King's prerogative right to make treaties, were constantly referred to. (Elliott's Debates, volume 3, pages 506, 508, and 512; volume 4, pages 116, 120, 267, 269, etc.)

CELERITY REQUIRED.

The necessity for executive control to seize with celerity "tides in the affairs of men" is fully discussed in the Federalist, No. 64.

EXPERT KNOWLEDGE REQUIRED.

One idea which finds expression in Todd on the British Constitution, ubi supra, in the resolution of Congress prior to the Constitution as above quoted, in the law forming the Department of Foreign Affairs, in the Federalist, and in the provision of the Constitution which says that the President shall, from time to time, give to Congress information of the state of the Union, should not be lost sight of in this discussion. And that is that exact information about the relations of the Government with foreign nations and of those nations with each other were regarded, when the Constitution was adopted, not as common property, but as derived from official correspondence with diplomatic agents. Journals were then published; but newspapers entitled to be so called, telegraphs, ocean cables, steamboats, railroads, the multiplicity of books, and the general education of the masses have produced a more or less exact knowledge among the people of matters formerly executive secrets, or, at least, buried in archives and costly tomes. In those days the President alone was supposed to know all that was needed to be known to manage foreign affairs and to get his knowledge from undisclosed correspondence with agents appointed by him. The Constitution is to be read in the light of this fact, and, so read, we can not doubt that foreign affairs were intended to be conducted as they had been in all European countries by the possessor of such knowledge, and that even the initiative in making war was expected to be taken upon a communication from the President of such information, and not upon idle rumors and the tales of travelers. Certain it is that the war with France was begun in that way, Congress following the lead of and seeking knowledge from the President at every step.

It were unreasonable to interpret the Constitution as the work of prophets of such an age as we now live in; but even now really exact knowledge of our relations with Spain and other countries remains an executive possession, and reasons for the wisdom or expediency of any course derived from rumor or newspapers may be wholly refuted by secret information of the Executive from some of our agents abroad. It still remains true, therefore, that the general management of foreign affairs should be left to the one having charge of the diplomatic agents and in continual correspondence with them.

Vattel (first published in 1773) thus speaks of treaties:

> But all rulers of states have not a power to make public treaties by their own authority alone; some are obliged to take the advice of a senate, or of the representatives of the nation.

It was undoubtedly either from the British constitution or from this general European conception of the kingly or other personal sovereign-making treaties, with or without the advice of a deliberative body, that the President's power was derived, he being, in a limited sense, the nearest representative we have of the kings of the prevailing monarchical systems.

Vattel speaks of the ordinary way of making treaties through instructed plenipotentiaries, their work to be ratified. To give the President authority to appoint such plenipotentiaries in his discretion was to place him on a par with sovereigns in the manner of making treaties, and confirms the conception of him as similar to personal heads of monarchies.

In No. 64 of the Federalist, which discusses the treaty-making power, every reason advanced for giving or confining the power to the President and Senate is based on a view, not so much of treaties alone, as of foreign affairs generally. Nothing is there said to intimate that any part of foreign affairs is withheld from the exclusive control of the President and Senate.

It has now been shown that under express grants the President is to make treaties as he may see fit, and appoint and receive ambassadors and other ministers. The only qualifications seriously contended for are by reason of express grants on particular subjects to Congress, which subjects do not embrace the subject-matter of the resolution in question. It has also been shown that foreign affairs generally were understood by the great formative first Congress to be transferred to the President and Senate.

Disregarding the particular grants to Congress, treaties on all other subjects at least are to be made by the President and Senate or not at all. The President and Senate are thus granted power to make a treaty with the Republic of Cuba and a fortiori to recognize its existence. So the President and Senate are granted power to send a minister to the Republic of Cuba and a fortiori to recognize its existence, and the President alone is granted power to receive a minister from the Republic of Cuba and a fortiori to recognize its existence. The President and Senate are general managers of foreign affairs, and part of such management is to recognize or deal with new governments, and so are empowered to deal with and recognize the Republic of Cuba.

VI.

All duties in connection with foreign relations not otherwise specified fall within the sphere of the Executive.

The Constitution, by its own internal evidence, shows that all duties in connection with foreign relations not otherwise specified, and this duty especially, are placed upon the Executive.

First. The general principle has been already noticed that if a power is confided to one branch of the Government, it can not be presumed to be granted also to one of the other branches of the Government, to be exercised in the same cases and for the same purposes. To make such an assumption would be to deny the wisdom of our forefathers and the homogeneity of their work.

Second. It is among the executive powers.

The following powers are expressly granted to the executive branch of the Government:

> By and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur—

And the President—

> Shall nominate and, with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls—

Congress having no power to alter the method of their appointment; and—

> He shall receive ambassadors and other public ministers.

The power to receive public ministers, which is confided in the President alone, implies the power to decide who should be received; and this implies the power to examine their credentials and ascertain whether the foreign potentates by whom the credentials are made out are in fact sovereigns.

The power to make treaties implies a complete power over diplomatic negotiations. A treaty is an express contract or agreement with a foreign government. All contracts or agreements with foreign governments may be put into the form of treaties, although many of temporary character and minor importance remain in the rank of informal understandings. Diplomatic negotiations are negotiations toward the formation of agreements or contracts, formal or informal. These negotiations are carried on through the Secretary of State, who is appointed by the President, with the advice and consent of the Senate, our public ministers, who are likewise appointed, and the public ministers of other governments, who are received and recognized by the President alone.

Treaties or formal agreements with other Governments are made, drafted, and informally agreed to by the President before they are submitted to the Senate, although, on very rare occasions, as in the Administrations of Washington and Polk, the President may request the advice of the Senate beforehand. The "advice and consent" of the Senate, however, is a phrase which has a technical meaning, signifying simply a vote, being adopted from the language of the British act of Parliament. In connection with treaties and appointments it has always been practically construed as referring to a vote taken after the preliminary signature of the treaty or after the nomination.

The President, therefore, is charged by the Constitution with the drafting of all public treaties, as well as with the conducting of all negotiations leading up to them. These treaties, when they receive the "advice and consent" of the Senate, become part of "the supreme law of the land" by Article VI of the Constitution; and thus come within the provision that the President "shall take care that the laws be faithfully executed."

Thus, by the ordinary rules of construction of a document of this kind, the President becomes charged with the diplomatic affairs of the United States. All diplomacy, apart from such trivial matters as the exchange of compliments or procuring of social introductions, consists in the making of international agreements, either temporary and informal or permanent and formal. The President's power is subject simply to two of the famous "checks" of the Constitution, namely, that he must obtain the ratification of the Senate to the appointment of his diplomatic agents, and to the promulgation of any diplomatic agreement which is intended to be sufficiently formal and permanent in its nature to have the force of law.

The "recognition" of independence or belligerency of a foreign power, technically speaking, is distinctly a diplomatic matter. It is properly evidenced either by sending a public minister to the government thus recognized, or by receiving a public minister therefrom. The latter is the usual and proper course. Diplomatic relations with a new power are properly and customarily inaugurated at the request of that power, expressed through an envoy sent for the purpose. The reception of this envoy, as pointed out, is the act of the President alone. The next step, that of sending a public minister to the nation thus recognized, is primarily the act of the President. The Senate can take no part in it at all until the President has sent in a nomination. Then it acts in its executive capacity, and, customarily, in "executive session." The legislative branch of the Government can exercise no influence over this step, except, very indirectly, by withholding appropriations.

There is another consideration also, which conclusively shows that the recognition of a foreign power belongs to the sphere of diplomacy, and, therefore, to the executive branch of the Government. Two points are first to be decided before the independence or belligerency of a foreign body is "recognized:"

First. Whether the independence or belligerency in fact exists; and

Second. Whether it is advisable for the United States to take official notice of its existence. A new nation may be in fact independent, yet its independence may not yet be recognized by the older nation from which it has separated itself. War may still be waging between them, and the recognition of the independence of the new nation may be regarded as a casus belli by the old one. National sympathy may be aroused in the United States to the extent of being willing to go to war with the old nation for the sake of encouraging the new one. Such was the feeling of France toward the United States in the Revolutionary war, and of the United States toward Texas in 1837. National sympathy, on the other hand, may not be aroused with sufficient unanimity to justify the nation's agents, whether executive or legislative, to take such a step. The question may, therefore, be left to be decided partly by questions of expediency, and these questions are mainly diplomatic in methods of solution. It is the executive branch of the Government which is best qualified to judge whether recognition would be a casus belli; whether other neutral nations would join in it; whether it would jeopardize negotiations pending with the nation which would be expected to resent the recognition. Questions of expediency may arise which affect the interests not of the United States alone, but of the new government which seeks recognition. Hasty action by the United States alone might be of no avail, and, at the same time, might tend to prevent other neutral nations from taking the same step. If, on the other hand, the United States, by diplomatic negotiations, would obtain cooperation from other neutral nations, their joint action might force the independence of the new country to be immediately recognized even by the country from which it was endeavoring to separate.

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*Mr. Middleton, chairman of the Amelia Island committee, was also with me, and I gave him all the additional information that I possessed concerning it. I showed him the secret laws, those singular anomalies of our system which have grown out of that error in our Constitution which confers upon the legislative assemblies the power of declaring war, which, in the theory of government, according to Montesquieu and Rousseau, is strictly an executive act. But as we have made it legislative, whenever secrecy is necessary for an operation of the Executive, involving the question of peace and war, Congress must pass a secret law to give the President the power. Now, secrecy is contrary to one of the first principles of legislation, but this absurdity flows unavoidably from that of having given to Congress, instead of the Executive, the power of declaring war. Of these secret laws there are four, and one resolution, and one of the laws, that of June 25, 1812, is so secret that this day it could not be found among the rolls at the Department. Another consequence has also followed from this clumsy political machinery. The injunction of secrecy was removed on the 6th of July, 1812, from the laws previously passed by a vote of the House of Representatives, and yet the laws have never been published. (Memoirs of John Quincy Adams, volume 4, page 32.)

The interaction of these various questions of expediency is familiar to anyone who has studied the history of our relations to the South American insurrectionists during Monroe's Administration. The United States was then recovering from the effects of the war, and required caution in championing the affairs of would-be sister republics. President Monroe was continually considering three different classes of problems:

First, whether South American independence was actually an accomplished fact;

Second, whether Great Britain or other European countries would join him in its recognition; and

Third, whether premature action on the part of the United States, while valueless for purposes of assistance to the insurrectionists, would jeopardize the making (and afterwards the ratification) of the treaty ceding Spain's possessions in Florida and abandoning its claims to Oregon.

We have said that the first act of recognition is, customarily, the receiving formally of an envoy from the country recognized.

We may add that simple recognition per se in its ultimate analysis is not an executive any more than it is a judicial act. The simple finding of the existence of a fact is not a complete executive act any more than it is a complete legislative or judicial act. In judicial procedure a finding of fact, in order to have the effect of an adjudication, must be followed by a judgment, which has the effect of requiring some person or persons to do or refrain from doing some thing or things. So a simple declaration of fact by the executive department is directly operative only so far as it is, in effect, information that certain action will be taken by the executive under its express constitutional powers; or that such and such municipal laws of the United States will be executed in a certain way; or that certain rules of international law will be admitted by the executive as in present operation. The municipal laws of the United States may be changed at will by Congress, although their enforcement must be intrusted to the executive. So far as municipal laws are concerned, Congress can, in effect, control the future operations of the executive by enacting, for instance, that under such and such circumstances the laws should apply to the case of a foreign people not yet independent as if they really were independent; or that they should apply to the specific case of some foreign people actually named as if they were independent. Congress can thus, by changing the municipal law to that extent, make the question of independence of any foreign nation an entirely immaterial circumstance. It has, however, no control over international law further than to enact that the rules of international law shall not be respected by the United States. Nor can it enact that something is a fact which is not a fact. It can not make a foreign people independent, although it can enact that, for any specified purpose or purposes, it shall be regarded as independent by our executive department or by our Congress. Neither can Congress control international law, which is based upon the consensus of different nations. International law regards independence as a question of fact, and does not recognize it until it is a fact, irrespective of sympathy. Nor can the legislative branch of the Government hold any communication with foreign nations. The executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties. Foreign nations communicate only through their respective executive departments. Resolutions of their legislative departments upon diplomatic matters have no status in international law. In the department of international law, therefore, properly speaking, a Congressional recognition of belligerency or independence would be a nullity.

All of these considerations were familiar to the statesmen who framed the Federal Constitution; and it is clear, from the terms of that instrument, that all findings of fact as to emergencies beyond the sea, for purposes of international law and diplomacy, were intended to be intrusted to the executive department; while as to such findings of fact for the purposes of the administration of our municipal law, the only doubt could be whether they belong to the executive or to the judiciary.

This disposes of the first of the two proposed joint resolutions now under consideration.

The second of these proposed joint resolutions contemplates negotiations for a future treaty to be carried on by the legislative branch of the Government. No such proposal could receive recognition by a foreign country; and if such a proposal had emanated from the House of Representatives in the early days of our constitutional history there can be little doubt that it would have been resented by the Senate as an infringement upon its own prerogatives, as well as upon the sphere of the Executive.

This view is confirmed by examination of the express powers granted to the legislative branch of the Government. That branch is intrusted with "all legislative powers," but with no powers that are not properly legislative. Legislation is the making of laws, and laws are rules of conduct. A simple declaration of the existence of a fact is not a legislative act; neither is an offer to another nation to open negotiations. If a mere finding of fact is not in general a legislative act, especially is it not a legislative act when the fact to be found is one occurring in a foreign country. It would not be a legislative act to declare that in a suit of Smith *vs.* Jones, pending in a Federal or State court, the truth of the controversy was with Smith and not with Jones. Is it any more a legislative act to declare that in the case of Smith *vs.* Jones, pending in a Spanish court and involving a question of possession of real property, Smith and not Jones has the truth on his side in swearing that he is in possession of the property? Is it, then, any more a legislative act to declare that in the controversy with Cuba Gomez and not Weyler has the facts on his side?

Undoubtedly not. For the purposes of the administration of our municipal law, it is an executive act when it relates to a question which the Executive must decide, and a judicial act when it arises in court (although, for reasons which will be stated, the judiciary in deciding the question follows the executive).

Congress can help the Cuban insurgents by legislation in many ways, but it can not help them legitimately by mere declarations, or by attempts to engage in diplomatic negotiations, if our interpretation of the Constitution is correct. That it is correct will be shown by the opinions of jurists and statesmen of the past.

NATURE OF LEGISLATIVE POWER.

Legislation is universally defined substantially as the power to enact laws.

The following definitions of law are familiar:

> A rule of civil conduct, prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong.—*Blackstone.*
>
> A command to a course of conduct; a command being the expression of a wish or desire conceived by a rational being that another rational being shall do or forbear, coupled with the expression of an intention in the former to inflict some evil upon the latter, in case he do not comply with the wish.—*Austin.*

The present claim that the mere assertion of the existence of a state of fact in a foreign country is legislation makes the following remarks of Judge Penrose in the matter of American Banking and Trust Company (17 Penn. Co. Ct. R., 271, 280) pertinent:

> There are some things, however, beyond the power of the legislature, even irrespective of constitutional restrictions. It can not change the laws of nature, the properties of numbers, or the meaning of words. It can not modify an axiom. Water will not boil at 19° nor freeze at 52°; 12 times 12 will always be 144; insufficient can not be made the equivalent of sufficient, bad the equivalent of good, and things which are not equal to the same thing will not, in spite of the most solemn enactment to the contrary, be equal to each other.

VII.

THESE VIEWS ARE SUSTAINED BY THE WEIGHT OF OPINION AMONG JURISTS.

While the question of boundary between the executive and legislative spheres in their foreign relations has been frequently a subject of discussion, there never has been, and probably never will be, an actual conflict between these two branches of our Government in this particular. There are, therefore, no judicial opinions of controlling authority. Such references as may be found in reported cases are obiter and valuable only as indicating the general understanding of the Constitution among the judges. The subject has been little considered by text writers. The importance of the citations under this heading is therefore much less than that of the citations from legislative and executive proceedings which will be made under our next and last heading.

1. *Judicial utterances relating to the power to recognize the independence or belligerency of a foreign government.*

For the reasons above stated some of the judicial utterances upon this point fail to indicate whether the power to recognize a foreign government resides in the executive or legislative department, the court saying simply that it resides in the "political department" or in the "Government." Strictly speaking, it resides for the purpose of a case in court in the judiciary; but the judiciary have no means of deciding the question by taking evidence, and must for this reason, as well as because the existence of a foreign government is a fact which must be decided in the same way for the purpose of all private litigations, take judicial notice of it. Upon questions of judicial notice the court consults the best attainable means of information—dictionaries, public documents, or whatever else it may be. The question thus arises: What authority shall the court consult in the ascertainment of a treaty by the processes of judicial notice? The courts have very wisely looked to the other departments of the Government, both as the best means of information and in order that there should be no conflict. There never has been any conflict between the legislative and the executive, and hence, when the Legislature has in any way indirectly recognized the existence of such a fact, the court may take notice of its action. Sometimes the recognition has been by the executive alone, in which case the court can look to executive action. When the executive has not yet recognized independence or belligerency, as the case may be, the court holds that the fact is not established for the purpose of judicial notice.

Where the Supreme Court has referred to the legislative as well as to the executive department, the question thus referred has always, with one exception, been one not strictly foreign. Thus in Foster *vs.* Neilson (2 Pet., 253, 307), United States *vs.* Arredondo (6 Pet., 691, 711), and Garcia *vs.* Lee (12 Pet., 511) the controversy related to the ownership of property within the United States which had formerly, indeed, belonged to Spain, and whose title depended upon the former boundary between the United States and Spain; but the treaties upon which the title in part depended were not self-executing, and the question before the court was really a question of boundary, and not of belligerency or independence. The not altogether consistent dicta in Jones *vs.* United States (137 U. S., 202) are in a case where the question at issue was whether certain territory belonged to the United States.

So far as the question before the court was one of foreign belligerency or independence at any given period, the court, if it specified at all to what department it referred for information (with the one exception aforesaid), has specified the executive department of the Government.

United States *vs.* Hutchings (2 Wheeler's Criminal Cases, 543), in 1817, was a prosecution for piracy. The question arose whether at a certain date the Republic of Buenos Ayres was independent. Counsel argued that our independence began with the Declaration of Independence in 1776, and therefore that the independence of Buenos Ayres "commenced with their declaration of independence," was a matter of notoriety throughout the world, and was proved by certain correspondence between President Monroe and the Spanish minister. Chief Justice Marshall was of opinion—

> That a nation became independent from its declaration of independence only as respects its own government and the various departments thereof. That before it could be considered independent by the judiciary of foreign nations it was necessary that its independence should be recognized by the executive authority of those nations. That as our Executive had never recognized the independence of Buenos Ayres, it was not competent to the court to pronounce its independence.

In United States *vs.* Palmer (3 Wheat., 610, 634), arising two months later, the Chief Justice used language applicable to the legislative as well as to the executive department, and this is the only exception to the general rule above stated in regard to such cases.

Williams *vs.* Suffolk Insurance Company (3 Sumn., 270, 273) involved the question whether the fisheries at the Falkland Islands belonged to Buenos Ayres. It was decided by Mr. Justice Story, whose remarks are of especial interest, because he had discussed this very question in his Commentaries on the Constitution, and had, according to the general plan of the Commentaries, left it there an open one. He now said:

> It is very clear that it belongs exclusively to the executive department of our Government to recognize from time to time any new governments which may arise in the political revolutions of the world; and until such new governments are so recognized they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty.

Mr. Justice Story further goes on to say that "this doctrine was fully recognized by the Supreme Court of the United States in Gelston *vs.* Hoyt (3 Wheat., 246, 324)." In that case the opinion had been written by himself and used simply the word "government." The learned justice's interpretation of the opinion would indicate that whenever the word "government" had been used in this connection the executive department has been intended; and it is also noticeable that the case thus referred to was decided at the same term of court with the Palmer case, above referred to, so that these remarks of Mr. Justice Story tend to confirm the inference which may be drawn from the Hutchings case that the reference to the legislative department of the Government in the Palmer case was an inadvertence.

Williams *vs.* Suffolk Insurance Company, above quoted, came up for review in the Supreme Court of the United States (13 Pet., 415). Mr. Justice McLean said (page 420):

> And there can be no doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country it is conclusive on the judicial department. And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and the Government of the Union.

In Kennett *vs.* Chambers (14 How., 30), the question arose whether Texas was an independent government in September, 1836. Chief Justice Taney said (page 46) that it "belonged to the Government" to decide when Texas became independent. He then refers to the President's message of December 22, 1836, as evidence that it had not yet become independent at that time, and says (pages 50 and 51):

> It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent state was a question for that department of Government exclusively which is charged with our foreign relations.

The department thus referred to is clearly indicated by its further characterization (page 51) as "the treaty-making power."

The Prize Cases (2 Bl., 635) are not strictly in point, because they refer to domestic, not to foreign, difficulties. Mr. Justice Grier (page 670) says:

> Whether the President, in fulfilling his duties as commander-in-chief, in suppressing an insurrection has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents is a question to be decided *by him*, and this court must be governed by the decisions and acts of the *political* department of the Government to *which this power was intrusted.*

The italics are the court's own.

In the recent case of United States *vs.* Trumbull (48 Fed. Rep., 99, 104), referring to the late civil war in Chile, Judge Ross says:

> It is beyond question that the status of the people composing the Congressional party at the time of the commission of the alleged offense is to be regarded by the court as it was then regarded by the political or executive department of the United States. This doctrine is firmly established.

In the *Itata* (56 Fed. Rep., 505, 510) the circuit court of appeals for the ninth circuit, speaking through Judge Hawley, said:

> The law is well settled that it is the duty of the courts to regard the status of the Congressional party in the same light as they were regarded by the executive department of the United States at the time the alleged offenses were committed.

2. *Utterances of text writers relating to the power to recognize the independence or belligerency of a foreign government.*

This is a subject not touched upon in some commentaries, for the reason that such commentaries often undertake to show only the judicial exposition of the Constitution, and say but little upon subjects which have not been of judicial cognizance. Of the few jurists who have treated this subject, probably the only one who has supposed any right of recognition to reside in Congress was Mr. Rawle. He states that the legislative branch has a higher right than the executive in this particular, but does not discuss the point, and cites no authority, apparently supposing it to be an undisputed one, and consequently giving it no careful consideration.' (Second edition, pages 195, 196.) He seems ignorant of the constitutional debates, which had practically settled the point to the contrary, and under the circumstances his opinion is not to be regarded as of much weight.

The first real discussion of this question by a text writer is to be found in the Commentaries of Mr. Justice Story. It was not the plan of these commentaries to decide open questions. He therefore simply states the arguments, although, in dictating his personal opinion, in favor of the executive power. Afterwards, as has already been pointed out, in the case of Williams *vs.* Suffolk Insurance Company, he has stated most positively that the power resided solely in the executive. He says of the power to receive ambassadors and ministers that it "is always an important, and sometimes a very delicate, function, since it constitutes the only accredited medium through which negotiations and friendly relations are ordinarily carried on with foreign powers."

He proceeds as follows (2 Story on the Constitution, sections 1566 and 1567):

> But a much more delicate occasion is when a civil war breaks out in a nation, and two nations are formed, or two parties in the same nation, each claiming the sovereignty of the whole, and the contest remains as yet undecided, flagrante bello. * * * The exercise of this prerogative of acknowledging new nations or ministers is therefore under such circumstances an executive function of great delicacy, which requires the utmost caution and deliberation. * * * If such recognition is made, it is conclusive upon the nation, unless, indeed, it can be reversed by an act of Congress repudiating it. If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of the nation or party (citing Rawle). These, however, are propositions which have hitherto remained as abstract statements under the Constitution, and therefore can be propounded not as absolutely true, but as still open to discussion if they should ever arise in the course of our foreign diplomacy. The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. * * *
>
> That a power so extensive in its reach over our foreign relations could not

properly be conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department without any participation of the Senate in the functions—that body being conjointly intrusted with the treaty-making power—is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confided to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form. It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And in our short experience the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.

Clearly only the general plan of not deciding open questions in these commentaries was the learned justice's only reason for not more positively expressing dissent from the propositions of Mr. Rawle; and, as has already been shown, his views upon this point were in accord with those of Chief Justice Marshall as expressed upon the Hutchings trial in 1817. He refers also to the chapter on M. Genet and the neutrality proclamation of 1793 in Marshall's Life of Washington; and all through that chapter it is clear that the Chief Justice agrees with Washington and his Cabinet in considering the recognition of a new government to be an executive function.

Mr. Pomeroy is much more positive in the statement of his opinion. He says (Pomeroy's Constitutional Law, 669, 670, and 672):

> All foreign relations are thus confided exclusively to the President or to him in connection with the Senate. * * *
>
> Of the unlimited extent and transcendent importance of this function thus confided to the Executive, either alone or in connection with the Senate, there can be no doubt * * *
>
> Congress may pass resolves in relation to questions of an international character; but these can only have a certain moral weight; they have no legal effect; they can not bind the Executive. The necessity for this is evident; negotiations generally require a certain degree of secrecy; one mind and will must always be more efficient in such matters than a large deliberative assembly. * * *
>
> The President can not declare war; Congress alone possesses this attribute. But the President may, without any possibility of hindrance from the legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments, as to force a war, as to compel another nation to take the initiative; and this step once taken, the challenge can not be refused

Mr. Wharton expresses his opinion in the following headnote: "Such recognition determinable by Executive." (Wharton's International Law Digest, second edition, page 551.)

3. Utterances of courts and text writers on extent of legislative power.

No attempt, so far as we are aware, has ever been made by the Federal Legislature to decide the merits of a pending controversy by a mere declaration. We have already argued that such a declaration would be merely the expression of an opinion, and that it would not have any further force, because it would not in its nature be a legislative, but rather a judicial, act, and that it therefore would not be included within the grant of legislative powers by the first article of the Constitution; that, in other words, while Congress may have power to help one party or the other to a controversy by legislation, it can not decide the controversy by a quasi judicial utterance.

It is a general principle that acts by a legislative body which are not an exercise of legislative power are utterly void, even though they may not be expressly forbidden (Cooley's Constitutional Limitations, sixth edition, page 207):

> But when only the legislative power is delegated to one department and the judicial to another it is not important that the one should be expressly forbidden to try causes or the other to make laws. The assumption of the judicial power by the legislature in such a case is unconstitutional, because, although not expressly forbidden, it is, nevertheless, inconsistent with the provisions which have conferred upon another department the power the legislature is seeking to exercise.

The following definition is given by Judge Cooley, page 108:

> And it is said that that which distinguishes a judicial from a legislative act is that the one is the determination of what the existing law is in relation to some existing thing already done or happened, while the other is a predetermination of what the law shall be for the regulation of all future cases falling under its provisions.

He quotes also the following definition from Ervine's Appeal (16 Pa. St., 256, 266):

> That is not legislation which adjudicates in a particular case, prescribes the rule contrary to the general law, and orders it to be enforced.

Legislative attempts to decide controversies between individuals are therefore held to be void, not merely because they contravene provisions of the constitutional bills of rights, but because they are not contained within the grant of legislative powers. The latter reasoning is applicable as well to controversies between foreign bodies as to those between individual citizens of our own country.

Legislation is always defined as the power to make laws—the treaty-making power under our Constitution being regarded as quasi legislative (2 Story on the Constitution, 1519). A law is not a statement of a fact, but the establishment of a rule of conduct; although, of course, rules of evidence may be established by enactments whose effect is to provide that certain things which are not true shall for certain purposes be taken as true.

VIII.

THAT THE POWER TO RECOGNIZE BELLIGERENCY OR INDEPENDENCE OF A FOREIGN GOVERNMENT IS EXECUTIVE IN ITS NATURE, HAS BEEN RECOGNIZED BY THE WEIGHT OF AUTHORITY IN CONGRESS, AND ALMOST WITHOUT EXCEPTION BY THE LEGISLATIVE BRANCH.

1. *Acquiescence by Congress.*—It is entirely erroneous to suppose that the present question is a novel one. The boundaries between the legislative and executive powers in relation to foreign affairs have been debated since the very foundations of the Government. The right to recognize the independence of a foreign state was discussed with great ability at the time of the South American revolutions, and received some attention again at the time of the revolution in Texas. The weight of authority, legislative as well as executive, was strongly against the right of Congress to interfere. In each case the President, when the time came for recognition, acted in concert with Congress for the obvious reason that affirmative action might involve the nation in war, and thus force Congress to make large appropriations and otherwise assist in the settlement of the controversy thus opened. The question has occasionally arisen since for discussion, as in 1861 and 1877. It has never been fully debated, however, since the time of Monroe.

The number of instances in which the Executive has recognized a new foreign power without consulting Congress (because not anticipating consequences which made such consultation necessary) has been very great. No objection has been made by Congress in any of these instances. The legislative power has thus for one hundred years impliedly confirmed the view that the right to recognize a new foreign government belonged to the Executive; and if it is correct doctrine that the same power can not be exercised for the same purposes by two different branches of the Government, this implied approval is conclusive of the whole present controversy.

Before quoting the discussions which have arisen directly from the point now involved, it may be well to refer to other interesting Congressional debates upon the general boundaries of the treaty-making power. A treaty is, by the express language of our Constitution, part of the supreme law of the land. In its self-executing provisions, therefore, it repeals all prior acts of Congress with which it conflicts, as has repeatedly been ruled. It may repeal not only acts of Congress, but acts of State legislatures, as by repealing laws prohibiting aliens from owning real estate. It may add territory to the Union, as in the cases of Louisiana and Florida, in which case concurrence of the legislative branch of the Government is necessary only in case an appropriation is required for the purchase money. It may surrender territory to which the United States has long confidently laid claim, as in the case of the surrender of Texas by the Spanish treaty of 1819, the surrender of a part of Maine by the Ashburton treaty of 1842, and the surrender of British Columbia by the Oregon treaty of 1846. In the celebrated resolution of 1796, with reference to Jay's treaty, the House of Representatives attempted to secure a share in our foreign relations, but its claim was denied by the President with the support of the Senate. In 1820 the attempt was renewed by Mr. Clay in proposing a resolution reciting that as Congress has the power to dispose of the territory of the United States, "no treaty purporting to alienate any portion thereof is valid without the concurrence of Congress." After opposition by Mr. Lowndes, the leader of the House, the resolution was dropped, and the treaty, with its abandonment of Texas, went through without further protest. In 1846 a large part of the session of Congress was taken up with debates over the Oregon boundary question, but when the President and the Senate abandoned the whole of our claim to the territory north of latitude 49°, the House of Representatives made no protest.

Many treaties imperatively demand Congressional legislation in order to carry out the good faith of the Government. The fact, therefore, that, whether by affording a casus belli or otherwise, the treaty-making power is one which enables the President and Senate to force the hand of the House of Representatives, as it enables them to repeal almost any previous legislation in which the House of Representatives has taken part, does not affect the existence of this power as an Executive function.

There are, as has already been stated, two ways in which the existence of a new foreign sovereignty would naturally be recognized: First, and most properly, by the President alone in receiving its envoy; and, second, by the President and Senate in sending an envoy (the latter method not needing previous legislation, as the envoy would be an officer whose position is established by the Constitution itself, and who could either give his services gratuitously or be reimbursed out of a contingent fund, as was done in the case of President Monroe's South American commissioners in 1818). Clearly a recognition by treaty would be proper, and a claim by the House of Representatives of a superior right would be resented by the Senate as an infringement of its prerogatives in its executive functions. But the right of the President to act in this way upon consultation with the Senate is no higher than his right to proceed in the other and more customary way entirely upon his own responsibility.

SOUTH AMERICAN REVOLUTIONS UNDER MONROE'S ADMINISTRATION.

Apparently the first discussion of the right to recognize a foreign power was in 1818 in reference to the new Republics of Buenos Ayres, Colombia, and Chile. Statesmen took part in those debates who were familiar with all of our history after 1789, and the statements that the question then raised was a novel one may be accepted as true.

These discussions were precipitated by Mr. Henry Clay, then Speaker of the House of Representatives. It will be remembered that the recognition of the South American republics was his pet measure and the one upon whose success he was mainly basing his aspirations for future leadership; and that he was assuming a position of opposition to President Monroe and his Cabinet, whose hands he was endeavoring to force, claiming that they were laggard in this matter. The fact, therefore, that he never in these debates claimed any power in Congress to recognize the independence of a foreign government by a declaratory act or joint resolution is one of very great weight. He clearly bore in mind during the whole controversy the distinction between legislative and nonlegislative measures, and endeavored in vain to find some method of accomplishing his desires by genuine legislation which should be within the constitutional powers of the House over which he presided and in whose debates he took, at the same time, a leading part.

On March 24, 1818 (Annals of Congress, page 1468), he began the contest in Committee of the Whole upon the appropriation bill, by a motion to amend the bill so as to appropriate the sum of $18,000 as the outfit and one year's salary of a minister to be deputed from the United States to the independent provinces of the River Plata in South America.

He accompanied this motion with some remarks upon the question involved in his motion of a formal recognition of the independence of the South American States mentioned.

Evidently his attention was called over night to the unconstitutional feature of his proposition in that it purported to recognize independence before the Executive had acted, for on the following day he redrafted his amendment and put it in the following form (page 1500):

> For one year's salary and an outfit to a minister to the united provinces of the Rio de la Plata, the salary to commence and the outfit to be paid whenever the President shall deem it expedient to send a minister to the said united provinces, a sum not exceeding $18,000.

In his speech upon this amendment he said, in answer to the objection that the Executive had not yet acted (page 1499):

> If we make the previous appropriation we act upon our constitutional responsibility, and the President afterwards will proceed upon his; and so if he make the previous appointment. * * * Each branch of Government, moving in its proper sphere, would act with as much freedom for the influence of the other as was practically attainable.
>
> There was great reason, Mr. C. contended, from the peculiar character of the American Government, in there being a perfect understanding between the legislative and the executive branches in relation to the acknowledgment of a new power. Everywhere else the power of declaring war resided with the executive. Here it was deposited with the legislature. If, contrary to his opinion, there were even a risk that the acknowledgment of a new state might lead to war, it was advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. He was disposed to give to the President all the confidence which he must derive from the unequivocal expression of our will. This expression he knew might be given in the form of an abstract resolution declaratory of that will; but he preferred at this time proposing an act of practical legislation.

He expressed his conviction (page 1500):

> That, without unconstitutional interference with the Executive power, with peculiar fitness we might express in an act of appropriation our sentiments, leaving him to the exercise of a just and responsible discretion.

Mr. Clay was answered by Mr. Forsyth, of Georgia, afterwards Secretary of State, and then the chairman of the Committee on Foreign Affairs. Mr. Forsyth said upon this point (page 1502):

> Another objection, not less obvious, was presented by the constitutional division of the powers of the Government. Heretofore the President and Senate were left to the exclusive management of the foreign intercourse of the United States. Ministers were received from other powers, and sent from this country to other governments with whom political or commercial interest required us to negotiate, and the House of Representatives contented itself with its constitutional check upon the exercise of this authority, satisfied that they could at all times prevent its improvident exertion by withholding appropriations from those missions the public interest did not require.

Mr. Forsyth proceeded with these significant remarks (page 1503):

> Were it really true that the Executive Magistrate had discovered a criminal indifference on this subject, Mr. F. said he would be among the most eager to express such an opinion in the only form in which an opinion could be expressed, by a resolution of the House boldly and openly declaring its dislike of the course which had been pursued and recommending the necessary change. * * * Let us not at least pretend to give the Executive a discretion already possessed, thus diminishing his responsibility without adding to our own.

The most important speech against Mr. Clay's resolution seems to have been made by Mr. Lowndes, of South Carolina, then chairman of the Ways and Means Committee, and universally acknowledged to be the leader of the House. Mr. Lowndes spoke for an hour and a half (page 1525), but unfortunately his speech has not been preserved, except so far as it may be gathered from references by the other speakers. He said (page 1526) "that it is the exclusive right of the Executive to manage our foreign relations;" that (page 1607) this was a wise provision; that "we should present a single front," since the President only can communicate, negotiate, and treat with foreign nations (page 1571).

Mr. Smith, of Maryland, one of the oldest and most prominent members of the House, opposed the proposition as "novel and wholly unprecedented," saying (page 1538):

> The Constitution has given to Congress legislative powers; to the President the direction of our intercourse with foreign nations. It is not wise for us to interfere with his powers; his plans may be digested with wisdom; our interference might destroy them, and perhaps at the moment when they would otherwise have succeeded. Each branch had better confine itself to the duties assigned to it by the Constitution.

Referring to the conduct of our first Administration during the French Revolution, he said (page 1539):

> Did Congress on that occasion direct the conduct of General Washington? Did that Congress tell him that he did not understand what he ought to do, and that they would instruct him? No, sir; they left him to exercise the powers vested in him by the Constitution—to the exercise of his own judgment; they sustained him by no act. Let us act in like manner by the present Chief Magistrate; he has not asked for our assistance; he has asked no outfit for a minister to La Plata. When he does, it will be time to consider the subject.

Mr. Smyth, of Virginia, made a long argument upon the constitutional question in favor of the position that "the measure proposed is an act of usurpation, an invasion of the executive authority" (page 1570). He said (pages 1570 and 1571):

> The Constitution grants to the President, by and with the consent of the Senate, power to appoint ambassadors and public ministers and to make treaties. According to the usage of the Government, it is the President who receives all foreign ministers and who determines what foreign ministers shall or shall not be received. It is by the exercise of some one of these powers, in neither of which has this House any participation, that a foreign power must be acknowledged. Thus the acknowledgment of the independence of a new power is an exercise of executive authority; consequently, for Congress to direct the Executive how he shall exercise this power is an act of usurpation. To give such direction must be an act of usurpation, if it shall have any effect. * * * You possess the power of impeachment, and consequently may discuss and by resolution express an opinion on any past act, either of the executive or of the judiciary, but you have no right to give a direction to either. The President is responsible for the proper execution of his constitutional powers; he may be punished for abusing them or for neglect of his duty. This House is the proper body to prosecute him if he shall fail to do his duty. * * *

Mr. Holmes, of Massachusetts (Maine), also one of the leaders, and speaking in support of the amendment, claimed that it was only in aid of the President, and not an interference with his discretion (page 1583). Mr. Henry St. George Tucker, of Virginia, took the same ground (pages 1589-1591, and 1596), saying:

> We command nothing—we leave everything to the control of the Executive discretion.

Mr. Clay, in summing up the debate, said (pages 1607 and 1608):

> That no part of the Constitution had said which should have precedence—the act making an appropriation for paying a minister, or the act of sending one. * * * [They] should be simultaneous, or if either had preference, the act of appropriating for his pay should precede the sending of the minister * * * [quoting certain acts], from which it appeared, he said, that Congress had constantly pursued the great principle of the theory of the Constitution for which he now contended, that each department of the Government must act within its own sphere, independently and on its own responsibility. * * * Mr. C. said his theory of the Constitution on this particular subject was that Congress had the right to appropriate money for foreign missions—the President the power to use it. * * * Both being before him—the power and the means of executing it—the President would judge on his own responsibility whether or not it was expedient to exercise it. In this course, Mr. C. said, each department of the Government would act independently without influence from or without interference with each other.

Mr. Clay, in the same speech, made the following further remarks (pages 1616 and 1618):

> There are three modes under our Constitution in which a nation may be recognized: By the executive receiving a minister; secondly, by its sending one thither; and, thirdly, this House unquestionably has the right to recognize in the exercise of the constitutional power of Congress to regulate foreign commerce. To receive a minister from a foreign power is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent. * * * This House, Mr. C. said, had the incontestable right to recognize a foreign nation in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we passed an act to regulate trade between the United States and Buenos Ayres; the existence of the nation would be thereby recognized, as we could not regulate trade with a nation which does not exist.

Mr. Clay always maintained that the clause that Congress had power to regulate commerce with foreign nations gave Congress the power to recognize the independence of a foreign country; but, although he was often very anxious to secure such a recognition by legislative action, he never found any practical means of carrying out his theory.

The practical construction of the Constitution from the beginning has shown that the theory is unsound for the following reason: That a regulation of commerce need not apply to the whole of the territory of any foreign nation. In other words, if a foreign nation is divided into various provinces, colonies, etc., Congress has the undoubted power to make regulations of commerce which shall apply to only one or more of such subdivisions. Such regulations might be casus belli, but do not constitute recognitions of the independence of the subdivision with which commerce is regulated.

One very ancient provision is that by which commercial regulations are made to depend upon the question whether importations are from this side of the Cape of Good Hope or beyond it—a line which represents no national boundary. This distinction dates from the First Congress, which was controlled by the men who established the Constitution, and which itself adopted the first ten amendments. (Act of July 31, 1789, chapter 5, section 2; act of August 4, 1790, chapter 35, sections 2 and 39.) Section 3095 of the Revised Statutes provides for importations into the collection districts "adjoining the Dominion of Canada." This is evidently intended to apply to importations from Canada, as it permits importations in a manner which would not be applicable to transatlantic commerce. This provision is taken from section 92 of the revenue-collection act of 1799, which also applied to "the districts on the rivers of Ohio and Mississippi." These districts adjoined the Spanish province of Louisiana; but no similar privileges were permitted to the Spanish province of Florida.

An act of 1866 (Revised Statutes, sections 2508 and 2509) makes a special regulation with regard to certain commerce with New Brunswick. Special regulations with respect to tonnage fees affect the Dominion of Canada alone (sections 1722 and 4223). These statutes speak of that Dominion as if it were an independent power, but never have been considered as importing a recognition of an unclaimed independence. The power of Congress would be very much cut down if it had in each regulation of commerce to treat a foreign nation as a whole.

Section 3006 recognizes "the proper authorities of the British Provinces." Section 3008 makes special regulations with regard to forfeitures of merchandise from "the British North American Provinces." Section 3002 makes special provision for exportations to Chihuahua, in Mexico. (See also sections 3003 and 3004.) Special privileges were given to "merchandise imported from the British North American Provinces adjoining the United States" by an act of 1846 (Revised Statutes, 3053). Further privileges are given by an act of 1850 (section 3054) and by an act of 1845 (section 3056). Another act of 1870 provides for reciprocity in certain matters with "the colonies hereinafter mentioned," namely, "Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edwards Island, or either of them."

The act of May 24, 1890, chapter 292, provides that certain privileges to Canadian vessels shall cease when a "reciprocal privilege has been annulled, revoked, or rendered inoperative by said Government of the Dominion of Canada." Does this recognize the independence of that "Government?"

To claim that the power to regulate commerce with foreign nations involved a recognition of the independence of the nations with whom commerce is regulated would imply that no nation which is not independent can regulate commerce. It is, on the contrary, a familiar fact that Canada and many other colonies of Great Britain regulate their own commerce with practical independence to that extent.

From 1789 to the present day the legislative branch of our Government to make a regulation of foreign commerce turn upon the independence of the country whose commerce is to be regulated, while to give the word "nations" in the Constitution so narrow a meaning would give to the grant of legislative powers an unsuspected and unreasonable interpretation.

Mr. Clay declared (page 1616) that all he desired by the present amendment was to convey to the President an expression of our willingness that the Government of Buenos Ayres should be recognized. His amendment, however, was defeated by a vote of 115 to 45 (page 1646) on March 28, 1818.

On the previous evening, as reported by John Quincy Adams, then Secretary of State, President Monroe had had an interview with a member of the Senate with reference to the power in question, and had informed the Senator that he was very willing to receive advice as to the feelings of Congress, complaining only of "the angry, acrimonious course pursued by Mr. Clay." He also said with reference to Cabinet meetings in the fall of 1817 (4 Memoirs of John Quincy Adams, page 71):

> That at the time the questions were proposed whether the Executive was competent to acknowledge the independence of Buenos Ayres and, if so, whether it was expedient; that it had been concluded the Executive was competent; but that it was not expedient to take the step without the certainty of being supported in it by the public opinion, which, if decidedly favorable to the measure, would be manifested by measures of Congress.

This remark possibly referred to a Cabinet meeting on December 6, 1817, with reference to Mr. Clay's then projected "motion to acknowledge the Government of Buenos Ayres and perhaps Chile" (id., page 28).

Doubtless the failure to offer this motion was due to Mr. Clay's conviction that it would be unconstitutional and therefore ineffective. The President had already during the recess of Congress consulted the Cabinet as to an immediate recognition of Buenos Ayres (id., page 13).

On January 2, 1819, (id., pages 204 and 206), Monroe's Cabinet considered the question of the power to recognize Buenos Ayres. Mr. Calhoun advised acting in concurrence with Great Britain (an act clearly practicable only by the Executive). Mr. Crawford advised acting by sending a minister there—

> Because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. And the President, laughing, said that, as those bodies had the power of impeachment over us, it would be quite convenient to have them thus pledged beforehand.

Mr. Adams thought that the first minister should come from the country seeking recognition, and said:

> As to impeachment, I was willing to take my share of risk of it for this measure whenever the Executive should deem it proper. And, instead of admitting the Senate or House of Representatives to any share in the act of recognition, I would expressly avoid that form of doing it which would require the concurrence of those bodies. It was, I had no doubt, by our Constitution, an act of the Executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genet. Mr. Madison had exercised it by declining several years to receive, and by finally receiving Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution, and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive act and duty to perform.

Mr. Crawford said:

> He did not, however, deny, but admitted, that the recognition was strictly within the powers of the Executive alone.

On March 30, 1818, Mr. Clay's amendment, which had been made in Committee of the Whole for the purpose of taking the yeas and nays, was renewed by Mr. Anderson, of Kentucky, when the bill was reported to the House. The only speech on the renewal of the motion was made by Mr. John C. Spencer, of New York, who said (page 1651):

> I believe most firmly that we have the constitutional power to legislate on this and every other subject connected with our foreign relations or with the regulation of commerce. I hold it to be a power concurrent with that of the executive branch, and believe it to be one of the most important which this House possesses. I would make a perpetual claim to the right on every proper occasion, and I would place it on the records of the nation as an eternal evidence of that claim. Since, then, no injury can flow from its adoption, because it will be left to the Executive discretion, * * * let us advance and share with the Executive that responsibility which now rests with him, and which must in any event chiefly continue with him.

The motion was again defeated by a vote of 115 to 45 (page 1655).

The position thus taken by Mr. Spencer is clearly correct from a constitutional point of view. A provision for a foreign mission "whenever the President shall deem it expedient" to send a minister is a strictly legislative act. The objection to the resolution is not in its words, but in its probable effect. It was premature, and thus likely to embarrass the executive in its diplomatic work, and thus postpone rather than hasten the end which all desired.

On May 10, 1820, the House of Representatives debated the following resolution, introduced by Mr. Clay (Annals of Congress, page 2223):

> *Resolved*, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the President, by and with the advice and consent of the Senate, may send to any of the governments of South America which have established and are maintaining their independence of Spain.

This resolution was opposed by John Sergeant and by Lowndes, but was carried, amid much surprise, by a vote of 80 to 75 (Id., page 2230; 5 Memoirs of John Quincy Adams, page 108).

Mr. Lowndes, at an earlier period of the same session, had endeavored to force the hand of the President by legislation, introducing a bill authorizing and directing him to occupy Florida and establish a temporary government there.

On February 9, 1821, Mr. Clay again moved his ten-thousand-dollar appropriation for a minister to any South American government "which has established and is maintaining its independency of Spain." The resolution was opposed by Lowndes and others, and defeated by a vote of 86 to 79. (Annals of Congress, pages 1074 and 1077.) On the following day he introduced the following resolution (page 1081):

> *Resolved*, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.

A debate ensued upon this resolution, in which some members opposed it as an encroachment upon the Executive, while others defended it as not attempting to interfere with his discretion, but merely assuring him of the support of Congress if he should decide to take affirmative action. Others still somewhat curiously insisted that the recognition of a new foreign government must be a conjoint action of the three branches—legislative, executive, and judicial.

John Sergeant, of Philadelphia, a well-known commentator of the Constitution, and one of the leaders of the American bar, as well as chairman of the Judiciary Committee, declared the interest of the House in the success of the South American revolutions and its willingness to support the President "whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces." Mr. Sergeant stated his objections

to the last clause of the resolution as follows (Annals of Congress, 1820 and 1821, page 1089):

> His objections were, in general terms, that it expresses an individual opinion, and professes to give a pledge which must be utterly inefficacious; that it is not a legislative act, and is not to lead to a legislative act; that it contains a declaration by which neither this House, the President, nor the Senate would be bound; that it would involve the House in difficulties on a constitutional ground; that if Congress wish a recognition, having the power equally with the executive, they should effectuate their wish by a legislative act. * * * That however independent of the executive as an individual this House might be, yet with respect to the executive as a branch of the Government, it was important that this House should not disturb the harmony of the different departments of the Government as adjusted by the Constitution itself, and that it should not rush from its sphere and jostle others in their course.

Apparently Mr. Sergeant, while conceding the constitutional question to be an open one (speaking as he was to a hostile House), was himself of the opinion that a concession of this right to Congress would "disturb the harmony of the different departments of the Government as adjusted by the Constitution itself." He was referred to by another member as an upholder of the executive power (page 1087).

Mr. Clay (page 1088) "concluded that both Congress and the Executive had this power, but that the most regular, ordinary, and usual course was by the Executive, and it was therefore proper to assure him of the support of this House." His conclusion as to Congressional power probably was based upon his argument above quoted concerning the commerce clause of the Constitution. The first clause of the resolution was carried by a vote of 134 to 2; the second clause by a vote of 87 to 68.

Mr. Adams says of this resolution that it "was ingeniously adapted to its only object, which was that of covering its defeat of the preceding day." (5 Memoirs of John Quincy Adams, page 268.)

A committee of two members was appointed to lay these resolutions before the President. Mr. Clay, on February 19 (pages 1179 and 1180), made the following report from the committee:

> That the committee had according to order, presented the resolution to the President; that the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration with the most perfect respect for the distinguished body from which it had emanated.

It will be noticed that this language would apply equally well to a resolution presented by any State legislature.

On January 31, 1822, Mr. Trimble of Kentucky, one of the most radical supporters of Mr. Clay, introduced a joint resolution, by which the President was "authorized and requested to acknowledge the independence of the Republics of Colombia," and to exchange ministers; and declaring that "Such of the Spanish provinces in South America as have established and are maintaining their independence of Spain ought, in like manner, to be acknowledged," etc. This resolution was a covert attempt to extend the function of the legislature, by claiming a power to "authorize" without assuming to direct. At Mr. Trimble's request it was referred to the Committee of the Whole House on the state of the Union (page 852), but was there dropped. Meanwhile, on January 30, the House, on motion of Mr. Nelson of Virginia, had requested the President to lay before it the documents bearing on the South American question "as it may be consistent with the public interest to communicate." (Pages 825, 828.)

In response thereto the President sent in his well-known message of March 8, 1822 (Annals of Congress, page 1238), in which, after stating that in his opinion the time had come to recognize these Republics, he said:

> Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

This message he prefaced with the statement that he considered it his duty—

> To invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that should Congress entertain other sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

This clearly refers to the right of the executive department (President) to receive ministers, the right of the executive department (President and Senate) to send ministers in return, and the right of the legislative department to decide whether or not these latter ministers should be paid salaries and provided with suitable outfits.

The House resolutions, very carefully drawn with reference to the distribution of constitutional power, were passed substantially as reported from the Foreign Affairs Committee by Mr. Russell, of Massachusetts (pages 1320 and 1403):

> *Resolved*, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the late American provinces of Spain which have declared their independence and are in the enjoyment of it ought to be recognized by the United States as independent nations.
>
> *Resolved*, That the Committee of Ways and Means be instructed to prepare a bill appropriating a sum not exceeding $100,000 to enable the President of the United States to give due effect to such recognition.

It has been claimed by some that President Monroe finally admitted power in the legislative branch to recognize a new government. This is not correct. What he did acknowledge was the importance of consulting the legislative branch when a step was about to be taken whose expediency might be doubted, and which would necessarily result in a request for appropriations.

A note by the President, supposed to date from 1820 or 1821, has been found among his papers. It seems to refer to the resolution of May 10, 1820, or February 10, 1821. Referring to the attitude which had been taken by the Administration, he said:

> It is believed that that attitude would have been perfectly safe, while it was undoubtedly very strong and imposing. The vote of the House of Representatives reenforced it, and being not obligatory as a measure, ought not to be considered in any other light. It is hoped that it will not. On that side, it must be admitted, is the danger.

TEXAS.

Early in 1836 resolutions of the legislature of Connecticut and various memorials were referred to the Committee on Foreign Relations of the Senate, praying for the recognition of the independence of Texas. Mr. Clay, on June 18, 1836, reported the following Senate resolution (Gales & Seaton, page 1848):

> *Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

Mr. Clay said (pages 1847 and 1848):

> The recognition of Texas as an independent power may be made by the United States in various ways: First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent to Texas, with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate in its executive character would be necessary; and in the second, in its legislative character. The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.
>
> The President of the United States, by the Constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But in this case he has not yet done it for reasons which he without doubt deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America.

These remarks show that Mr. Clay still maintained the theory of the right of recognition under the commerce clause; a theory which, as already pointed out, is based upon misapprehension, and which has never yet been expressed in any practical form.

It is clear that Mr. Clay did not consider that the Senate "in its legislative character" could take part in the recognition of a foreign government by a direct declaration.

The resolution is merely an expression of the sense of the Senate, and is of unquestionable constitutionality.

In the debate upon the resolution on July 1, Mr. Preston said "that he had with difficulty restrained himself from offering an amendment to recognize the independence of Texas immediately." Mr. Webster said (page 1915):

> He was willing to go so far as to vote funds to enable the President to send out a proper minister. But against a direct recognition he thought there existed strong objections. It was the proper function of the President to take the lead in this matter.

The resolution was adopted unanimously (page 1928).

In the House of Representatives, Mr. Bell moved on June 27 for an outfit and salary for a minister to Texas. His resolution was laid on the table by a vote of 135 to 56, on the ground that the Foreign Relations Committee had the matter under advisement (page 4499). On July 4 that committee reported through its chairman, Mr. John Y. Mason, of Virginia. This report sets up no claim that Congress has the right to recognize a foreign power. It says (Report No. 851, Twenty-fourth Congress, first session):

> By the Constitution of the United States the duty of conducting negotiations and of superintending our relations with foreign states is devolved on the President.

Two resolutions were reported by Mr. Mason, the first being similar to that which had been adopted by the Senate, and the second expressing pleasure that the President had taken steps to inquire into the matter. The House was about to adjourn sine die, and hence the resolutions were passed under the previous question, cutting off the desire of John Quincy Adams and others to debate them (page 4621).

At the following session, on December 21, 1836, President Jackson sent in his well-known message, stating in detail "the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas." It contains the following familiar passage (Gales & Seaton, pages 1138 and 1139):

> In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not therefore consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with

> the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other nations, of the justice and prudence of the measures which might be adopted.—*Congressional Debates*, Volume XIII, part 1, pages 1138 and 1139.

President Jackson plainly was of the opinion that in a doubtful case, when international complications might be involved, the President should not recognize a revolutionary government without the assent of Congress. His language is so carefully guarded that no inference can be made with entire confidence as to the proper course if the Executive were strongly of the opinion that facts justifying the recognition of independence did not exist.

On January 11, 1837, Mr. Walker, of Mississippi, offered in the Senate a resolution (not a joint resolution) which recited the practical independence of Texas, and resolved as follows:

> It is expedient and proper, and in perfect conformity with the laws of nations and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States.

The resolution was not adopted until March 1 (page 1013).

In the House the Committee on Foreign Affairs, to which the message had been referred, reported the following resolution from Mr. Howard on February 21 (page 1880):

> *Resolved*, That the Committee of Ways and Means be directed to —— in the bill for the civil and diplomatic expenses for the Government a salary and outfit for such public agent as the President may determine to send to Texas.

On February 27 a motion was made to amend the civil and diplomatic appropriation bill by inserting the following provision (page 2010):

> For an outfit and salary of a diplomatic agent to be sent to the independent Republic of Texas —— thousand dollars.

The proposed amendment was vigorously debated as to the existence of independence and the advisability of recognizing it. Little was said as to the representative functions of the Executive and the Legislature.

Mr. John Quincy Adams said (page 2060):

> He objected to this proposition on the ground that the act of recognition of a foreign power had heretofore always been an Executive act of this Government. It was the business and duty of the President of the United States, and he, Mr. A., was not willing to set the example of giving that recognition on the part of the legislative body without recommendation of the Executive.

Mr. Hamer, answering this argument on behalf of the Committee on Foreign Affairs, said (page 2061):

> The Executive had referred it to us for the expression of an opinion on our part. He did not choose to act without some such expression. Why, then, do we send it back to him without action on the part of Congress? Let us give an intimation of our wishes on the subject which will respond to the call of the President, and serve as a guide to his proceedings in the future.

Mr. Shepard moved the following amendment, which was accepted (page 2064):

> Whenever the President of the United States shall receive satisfactory evidence that Texas is an independent power, and that it is expedient to appoint such a minister.

Thereupon, on the suggestion of Mr. Cambreleng, the constitutional doubt as to the propriety of the provision was removed by striking out the word "independent" before the words "Republic of Texas."

It thus appears that great care was taken by both Houses not to assume for the legislative branch any power directly to recognize a new foreign government, but that the responsibility was left entirely with the Executive.

Not even in connection with the recognition of the South American Republics have the real facts been so misunderstood as here.

MISSION TO MEXICO, 1842.

On April 13, 1842, in the debate upon the appropriation act, Mr. Linn, of New York, moved to strike out the provision for a minister to Mexico. In the course of his remarks he said (Congressional Globe, Appendix, page 514):

> One of the most important functions bestowed on the Executive of this nation is his control of our foreign intercourse. * * * The power of this House as a coordinate branch of our Legislature over our foreign intercourse is rather incidental than direct or express, and yet may, as it should, be both potent and controlling. Accordingly, from the origin of this Government to the present time, this House has exercised this power, in the negative form, of either confining the appropriations within the limits of its own judgment and discretion or of withholding them from particular branches of the service.

Mr. Linn then proceeded to show how powerful a weapon this right to appropriate or withhold appropriations had become.

Mr. Pickens, in reply, made the following remarks (Congressional Globe, page 418):

> He did not intend to enter into this debate, but when he heard the remarks of the gentleman from New York he could not repress the feelings they excited. He believed that some alterations in our diplomatic arrangements were necessary, but he was willing to leave that matter to the direction of the Executive, who was constitutionally charged with it.

The debate upon Mr. Linn's amendment was protracted and exciting, but no further references were made to the constitutional question; and the amendment was finally withdrawn.

OREGON, 1846.

In the Presidential campaign of 1844 one of the issues was the maintenance of the claim of the United States that Oregon extended to latitude 54° 40', or the southern boundary of Russian America. President Polk was elected partly upon this issue. At that time, by the conventions of October 20, 1818, and October 6, 1827, the United States and Great Britain were in joint occupancy of the disputed territory, an occupancy which either contracting party could, "in case either should think fit at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, terminate." Early in 1846 it was understood that the Administration were contemplating the surrender of our claim to the whole of Oregon north of latitude 49°. This called forth a number of resolutions in both Houses of Congress with the aim of forcing the President's hand by compelling him to give notice of termination of the joint occupancy.

In the Senate Mr. Hannegan, of Indiana, introduced a resolution declaring that our title extended to latitude 54° 40', and that its abandonment would be dishonorable. Mr. Calhoun introduced a set of resolutions, including the following:

> *Resolved*, That the power of making treaties embraces that of settling and fixing boundaries between the territories and possessions of the United States and those of other powers in cases of conflicting claims between them in reference to the same.

Senator Haywood, of North Carolina, pronounced both sets of resolutions as premature, the President as yet having taken no action (Congressional Globe Appendix, page 46). Mr. Calhoun's resolutions also expressing views upon the question.

On January 8, 1846, the Committee on Foreign Affairs reported a joint resolution in mandatory form that the President give the desired notice. On February 10 this was taken up for consideration, together with Mr. Hannegan's and Mr. Calhoun's resolutions, and a resolution of Mr. Crittenden authorizing the President to give the notice in his discretion (pages 350 and 351).

Meanwhile the Committee on Foreign Relations of the House of Representatives, through Mr. C. J. Ingersoll, of Pennsylvania, had also reported a joint resolution directing the President to give this notice. The minority of the committee (Messrs. Garrett Davis, of Kentucky; Truman Smith, of Connecticut, and Caleb B. Smith, afterwards in Lincoln's Cabinet) reported that it "is not a matter for the decision of Congress, and upon it this House at present refrains from expression of any opinion" (pages 138 and 139.)

On February 9 the majority resolution was adopted by a vote of 163 to 54.

The Senate debated the various resolutions until April 16, when, on motion of Senator Allen, of Ohio, that of the House of Representatives was substituted for the one which had been reported to the Senate. Mr. Reverdy Johnson then moved a substitute similar to the Crittenden resolution, containing the words "at his discretion." Mr. Breese, of Illinois, moved to strike out the words "at his discretion." The motion was defeated, 30 to 22, and Mr. Johnson's adopted, 30 to 24. The resolution was then passed, 40 to 14 (pages 680–683).

On April 18 the House of Representatives, on motion of Mr. Robert Dale Owen, of Indiana, struck out the words "at his discretion" and inserted the words "as requested," by a vote of 100 to 87, and the resolution as thus amended passed, 144 to 40 (pages 691 and 692). A conference committee was appointed, consisting of Messrs. Berrien, Corwin, and Haywood from the Senate, and C. J. Ingersoll, Owen, and Hilliard from the House (pages 703 and 704). This committee reported a resolution substantially in the form proposed by Mr. Johnson, and it was carried in the Senate by a vote of 42 to 10, and in the House by a vote of 142 to 6 (pages 717, 720, and 721). The resolution, omitting the preamble, was as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Great Britain the notice required by the second article of the said convention of the 6th of August, 1827, for the abrogation of the same.

It was approved April 27, 1846. (9 Stat., 10.)

In June of the same year the President, with the advice and consent of the Senate, by treaty abandoned our claim to the territory north of latitude 49°. This treaty became part of the supreme law of the land, although not concurred in by the legislative branch of the Government (the Senate acting in its executive capacity). It was even an irrepealable law, for the territory in dispute having been once surrendered to Great Britain, it was no longer in the power of any branch of our Government to recover it, except by arms. The question was one of vastly greater importance than the mere recognition of a new foreign government, but the House of Representatives entered no protest.

RECIPROCITY TREATY OF 1854.

This treaty also contained a provision for its termination upon one year's notice. It provided for reciprocal free trade between the contracting parties in certain articles, and therefore entirely disarranged the revenue system at the time of the war. The notice to terminate it was given in pursuance of a joint resolution of January 18, 1865 (13 Stat., 566), which not only passed the Senate

without question on the ground of its interference with executive functions, but was approved by President Lincoln, who in the previous year had taken very high ground against the right of the legislative branch of the Government to recognize or refuse to recognize a foreign government. The desire for the termination of this treaty was almost unanimous. The only references to any constitutional question were raised by Mr. Collamer, of Vermont (Congressional Globe, pages 210 and 211), who took the ground that a treaty interfering with the revenue system of the Government was either unconstitutional or at least inconsistent with the theory of the Constitution except so far as it might be ratified by statute. Mr. Collamer stated that the Cabinet of which he had been a member was of this opinion, and for that reason disapproved of the proposed reciprocity treaty.

Either to this reason or because of a desire to avoid constitutional collisions over a measure which was certain to be adopted (for Mr. Lincoln and an overwhelming majority of the Senate were in favor of the measure) the failure to raise constitutional points is probably due. Mr. Lincoln had just been in sharp conflict with the House of Representatives upon a similar constitutional point, as will be shown, and doubtless in this matter he was as desirous of obtaining the advice of Congress as had been Mr. Monroe in 1822 and General Jackson in 1836.

EMPEROR MAXIMILIAN—1864.

On April 6, 1864, a joint resolution was introduced by Mr. Henry W. Davis, chairman of the Foreign Affairs Committee of the House of Representatives, as follows (page 1408):

> It declares that the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European power.

Speeches were made in support of this resolution by himself and by Mr. S. S. Cox, of Ohio, and it was passed unanimously, no constitutional question being suggested. Mr. Brooke, of New York, however, said: "I have no objection to the joint resolution if it be not a mere paper fulmination. I do object, however, to paper thunder. If it means anything, I am in favor of the resolution. If not, I am opposed to it." He voted for it.

In consequence of an article in the Moniteur, the official journal of the French Government, the House on May 23 requested the President to communicate "any explanations given by the Government of the United States to the Government of France" respecting this resolution. President Lincoln in turn, on May 25, communicated to the House certain correspondence between Mr Seward, the Secretary of State, and Mr. Dayton, the minister to France (page 2475).

Mr. Seward writes that the French minister having asked an explanation of the resolution, he inclosed it with the statement that it "truly interprets the uniform sentiment of the people of the United States in regard to Mexico." He says, however:

> It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and a decision of it constitutionally belongs, not to the House of Representatives, nor even Congress, but to the President of the United States.

He further points out that a joint resolution must pass the Senate, etc., "before it can acquire the character of a legislative act;" and transmits the following message from President Lincoln:

> He directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceedings of the House of Representatives were adopted by suggestions arising in itself and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

On December 15, 1864, Mr. Davis reported from the Committee on Foreign Affairs the following resolution:

> *Resolved*, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well in the recognition of new powers as in other matters, and it is the constitutional duty of the President to respect that policy not less in diplomatic negotiations than in the use of the national force when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power. (Page 48.)

This resolution was the first attempt in our history to establish the doctrine that Congress had a paramount authority in foreign affairs. It was at first laid on the table. Mr. Davis thereupon asked to be relieved from further service on the Committee on Foreign Affairs. A debate ensued, in which most of the members participating took the side of Mr. Davis upon the constitutional question. The only member who opposed him was Mr. Blaine, who cited the declarations of Jefferson to Minister Genet (2 Randolph's Life of Jefferson, pages 158 and 159) and said (page 49):

> To adopt this principle is to start out with a new theory in the administration of our foreign affairs, and I think the House has justified its sense of self-respect and its just appreciation of the spheres of the coordinate departments of Government by promptly laying the resolution on the table.

On December 19 the resolution was again offered, and amended by striking out the word "President" and inserting the words "executive departments." In this form it passed almost unanimously, Mr. Blaine not voting, the temper of the House evidently being much excited by some of the phraseology of Mr. Seward's dispatch. In view of the attitude of the Senate, Mr. Davis very wisely did not draw it in the form of a joint resolution.

PRETORIA RESOLUTION, 1876-77.

In 1876 the Republic of Pretoria (now the South African or Transvaal Republic) sent to Congress its congratulations upon the first centennial of our national independence. Mr. Swann, of Maryland, on December 15, 1876, reported from the Committee on Foreign Affairs (CONGRESSIONAL RECORD, page 228) the following resolution:

> *Resolved*, That the Secretary of State be requested to communicate to the Republic of Pretoria the high appreciation by the House of Representatives of the complimentary terms in which said Republic has referred to the first centennial of our national independence in their resolutions to this House in May last.

On motion of Mr. Kasson, of Iowa, the resolution was amended so as to make it a joint resolution. It was then passed unanimously, no constitutional objection being raised; and a similar resolution was at the same time passed in relation to congratulations from the Argentine Republic. On January 11, 1877, the two resolutions were reported by Senator Simon Cameron, of Pennsylvania, from the Committee on Foreign Relations in the Senate, and passed unanimously without debate (page 568), except that Mr. Edmunds inquired as to the situation of the Republic of Pretoria, which Mr. Cameron was unable to describe, as he had "never heard of it until recently."

On January 26, 1877, President Grant vetoed the resolutions on constitutional grounds (page 1112). His veto message was referred to the Committee on Foreign Affairs and never reported therefrom. The President said:

> Sympathizing as I do in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I can not escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive. * * * The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers, and to receive all official communications from them, * * * making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states." * * * If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise when that officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

RELATION OF THE UNITED STATES TO THE SOUTH AMERICAN STATES.

In 1808 Charles IV of Spain transferred to Napoleon, by the treaty of Bayonne, all his right and titles to the Throne of Spain and the Indies, which included the colonies of South America. Self-government was thus forced upon the colonies, as they were determined to resist the French. (2 Lyman's Diplomacy of the United States, second edition, 408–431.) France was resisted by the juntas of South America in the name of Ferdinand VII, son of the King, whom Bonaparte had compelled to abdicate.

The real impulse to independence came from the refusal of the Regency of Cadiz to recognize the South American juntas. The colonists saw that the Spaniards were resolved to keep them in absolute subjection, and the idea of independence gradually gained ground all over South America. When the European struggle was over and Spain had been freed from the French, the colonies were punished for having acted independently. (European Colonies, Payne, 234.)

PROGRESS TOWARD THE ACHIEVEMENT OF INDEPENDENCE PRIOR TO RECOGNITION IN 1822.

Venezuela.

Venezuela was the first to send agents to the United States.* These were John Vincente Bolivar and Talesfero Orca, who were furnished with credentials dated Caracas, April 25, 1810, and competent powers to transact business. (Lyman, 425: Papers relative to revolted Spanish colonies, manuscript, Department of State.) A copy of the declaration of independence made by the provinces of Venezuela was communicated to this Government by the congress composed of deputies from those provinces assembled at Caracas, and was transmitted to Congress December 9, 1811. (Annals of Congress, Twelfth Congress, Part I, page 335.)

The two agents mentioned had no official intercourse with the Government, and the restoration of the royal authority in their country shortly after their arrival put an end to their diplomatic character. (Lyman, 425; foot note.)†

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* The principal inhabitants of Caracas ever since the abdication meditated the formation of a provisional government on the model of the juntas of Spain. In 1810, when Napoleon's victory appeared complete, they, in the name of Ferdinand VII, deposed the Spanish colonial officers and elected a supreme junta. Other similar juntas were soon established in New Granada, Santa Fe, Quito, Carthagena, etc. They were opposed by the Regency of Cadiz. A congress of all the provinces of Venezuela met at Caracas and published a declaration of independence July 5, 1811. (European Colonies, Payne, 237 and 238.)

† In 1812 an earthquake destroyed the capital and 20,000 inhabitants. The colonial troops were smitten with despair. Miranda capitulated and Venezuela fell again into the hands of the Royalists. At this time (June, 1812) Congress, on Calhoun's motion, appropriated $50,000 for the sufferers at Caracas.

December 11, 1818, Mr. Clemente informed the Secretary of State that he had been appointed Venezuela's representative "near the United States," and requested an interview.

He was informed that on account of certain misconduct of his, no conference could be held with him and no communication received from him.[*] His correspondence was submitted to the House of Representatives with message of January 29, 1819. The report of Mr. J. Q. Adams, Secretary of State, which accompanies this message, gives the reasons in full for delaying recognition at this time. (IV American State Papers, Foreign Relations, 412-417.)

First Federal Republic of Colombia.

This was composed of the provinces of New Granada and Venezuela, together with the Presidency of Quito. The convention was held in Cucuta in 1821, and the union of the countries was decreed under the above title.

Bolivar became President, and he completed their liberation, the second decisive victory of Carabobo, in 1822, finally securing Colombian freedom. The Spanish commander capitulated December 23, 1823, at Puerto Cabello. (European Colonies, Payne, 241.)

Buenos Ayres.

The Province of Buenos Ayres made a formal declaration of independence July 9, 1816.[†] This declaration was made by the representatives of the United Provinces of Rio de la Plata in general congress assembled in the city of Tucuman, and was communicated to this Government by Don Manuel H. de Aguirre, who came hither as a public agent from La Plata and a private one from Chile.

He addressed several letters to the Secretary of State in 1817 and 1818, soliciting the acknowledgment of the Provinces of Buenos Ayres, formerly the vice royalty of La Plata.[‡]

No answers were given to these letters, though conferences were held with him. The President declined to enter into any arrangements with this individual, for he did not appear furnished with powers to negotiate, and the independence of the provinces was far from being established at that period, several portions of it being in possession of the Spaniards, Montevideo of the Portuguese, and the eastern shore under the government of General Artigas, who, though independent of the mother country, still maintained his independence of the Provinces of Buenos Ayres. (Lyman, 425.)

A short time after the declination of Aguirre's application, David C. De Forrest renewed the consideration of the same claim in May, 1818, by soliciting of this Government to be admitted as a consul-general.

The President did not grant the permission, because it was not clear that the province even claimed an entire independence, Buenos Ayres having the intention at that time to offer special commercial favors to Spain as a consideration for the relinquishment of her claims to sovereignty.

The reservation of "an indefinite right to grant hereafter special favors to Spain for the remuneration of her claims of sovereignty left it uncertain whether the independence of Buenos Ayres would be complete or imperfect. * * * While the supreme director (Puerreydon) was insisting upon this reservation, a mediation between Spain and her colonies had been solicited by Spain and agreed to by the five principal powers of Europe, the basis of which was understood to be a compromise between the Spanish claim to sovereignty and the colonial claim to independence. (Secretary Adams's report, IV American State Papers, 173; Lyman, 427.)

The following extracts from the diary of Mr. John Quincy Adams relate to the attitude of the Executive Government in 1818 and 1819 toward the Spanish American provinces and especially toward Buenos Ayres. (Memoirs of John Quincy Adams, Charles Francis Adams.)

"*January 13, 1818.*—Mr. Adams speaks of the President's message to the two Houses sent in that day, relating to Amelia Island, South America, and Spain. Speaking of Clay's system of opposition to the Administration, he mentions a conversation with Crawford, showing that Clay was anxious to avoid collision if possible and proposed to make merely an appropriation for a minister to Buenos Ayres. On the same day Mr. Adams had a long conversation with Mr. Aguirre, who urged answers to his demand for the acknowledgment of the Government of Buenos Ayres." (Volume IV, page 40.)

"*July 25, 1818.*—The President gave Mr. Adams two letters to read in confidence. One was from Judge Bland at Buenos Ayres to J. S. Skinner, the postmaster at Baltimore. It contains much information concerning the state of the country, a decided opinion that they will never again submit to the dominion of Spain, and an opinion equally strong that the Government of the United States ought not at present to recognize that of Buenos Ayres. Adams asked the President whether the other two commissioners entertained the same opinion as Judge Bland. He said he did not know. Adams said much would depend upon that, as Congress would doubtless look to their report particularly with a view to the question whether Buenos Ayres was to be acknowledged or not. The President said the commissioners would only state facts and give no opinion of their own. Adams said that would be very well if they would state all the facts, but many of those stated by Judge Bland, and precisely those upon which the President had made up his opinion, were of a nature not to be officially and publicly stated, and yet if they were suppressed it would be impossible to give a view of the state of things upon which any reliance could be based. The President showed some little impatience of manner at these remarks and passed to another subject." (Id., pages 117 and 118.)

"*July 28.*—Calhoun informs Adams that Rodney is of a different opinion from Bland, and so is Brackinridge, the secretary to the commissioners; and although no report has yet been made to the Government, Rodney and Brackinridge are filling the newspapers with publications to operate upon public opinion in favor of recognition." (Id., page 119).

"*November 2.*—Adams mentions the displeasure of the President in learning that the late commissioners to South America—Rodney, Bland, and Graham—are so far from agreeing in the report they are to make that probably no two of them will agree upon the same. They will make their reports separately. The President hinted that Rodney was under the influence of Brackinridge, who was a mere enthusiast, and that his report would be purposely adapted to the views of Clay and the opposition rather than to the views of the Administration." (Id., page 156.)

"*November 4.*—Adams speaks again of the lack of harmony among the commissioners." (Id., page 158.)

"*November 6.*—Cabinet discussed the propriety of laying before Congress an argument to prove the inexpediency, for the present, of a public acknowledgment of the Spanish American governments. Crawford thought the reports of the commissioners should be communicated to Congress and the reasons stated by the Executive for still postponing the acknowledgment of the revolutionary governments. Mr. Adams thought there was no objection in the President stating to Congress that he did not contemplate any departure from the impartial neutrality hitherto observed in the contest, and referring to the message at the commencement of the last session, he observed that the communication to Congress of the reports of the commissioners after their return naturally followed from the manner in which their mission was mentioned therein; and although Mr. Rodney's report was a perpetual argument in favor of the recognition of Buenos Ayres, yet the facts disclosed in it, as well as the opinions of the other commissioners, afford ample reason for postponing its acknowledgment. Another reason for postponement was the mediation undertaken by the European allies between Spain and South America then in operation, which must certainly fail. That it was our true policy to let this expedient have its full effect, and after its failure we would be at perfect liberty to recognize any of the South American governments without coming in collision with the allies. Another reason for not acknowledging them at present was that though the Government of Buenos Ayres pretended to the sovereignty of the whole viceroyalty of the La Plata, yet Portugal was in possession of Montevideo, Artigas of the Banda Oriental, Paraguay under separate government, and the Spanish Royalists in five other provinces." (Id., pages 167 to 168.)

"*December 12.*—Adams told Mr. De Forrest, who came the preceding May with an application to be recognized as consul-general from the Provinces of South America, and who had recently renewed the application, that the President considered it would be a formal recognition of the Government of Buenos Ayres to issue to him an exequatur; that the President thought the time had not yet arrived when that recognition ought to take place, having in view both their interests and our own; that the Government was using their influence to produce a simultaneous acknowledgment of Buenos Ayres by other powers as well as by the United States; and that when the proper time should come the acknowledgment would not be withheld." (Id., page 190.)

"*January 1, 1819.*—Read to the President draft of his dispatch to Richard Rush, announcing it as the President's intention at no remote period to recognize the Government of Buenos Ayres. Crawford and Wirt were startled; Adams added that he had always considered and declared the question of acknowledging the South American Governments as a question of time; that besides the return of our commissioners other great changes had occurred in that question since last year; the time itself that had elapsed had given additional proof of the stability of the Government of Buenos Ayres; the victory of Maipu had strongly confirmed their capacity to maintain their independence. Mr. Crawford thought if the acknowledgment was to take place it should be done, not by granting an exequatur to a consul, but by sending a minister there, because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. The President, laughing, said that as those bodies had the power of impeachment over us it would be quite convenient to have them thus pledged beforehand. Adams took a different view. He thought it not consistent with our national dignity to be the first in sending a minister to a new power. It had not been done by any European power to ourselves. If an exchange of ministers was to take place the first should come from them. Instead of admitting the Senate or House to any share in the act of recognition, Adams would expressly avoid that form of doing it which would require the concurrence of those bodies. 'It was, I had no doubt, by our Constitution, an act of the executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genet. Mr. Madison had exercised it by declining several years to receive and by finally receiving Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive right and duty to perform.' Mr. Crawford admitted that the recognition was strictly within the powers of the Executive alone." (Id., pages 205 and 206.)

In reference to our recognition of the independence of Buenos Ayres, Mr. John Quincy Adams, Secretary of State, wrote to President Monroe, under date of August 24, 1818:

> In the draft of a letter to Mr. Aguirre * * * I have stated to him the grounds upon which the Government of the United States have been deterred from an acknowledgment of that of Buenos Ayres as including the dominion of the whole viceroyalty of the La Plata. The result of the late campaign in Venezuela, by comparing the royal and the republican bulletins, has been so far disadvantageous to the latter that they have undoubtedly failed in obtaining possession of any part of the coast. They have, therefore, at least one more campaign to contest, to go through, for which they will need several months of preparation. Bolivar appears to have resigned the chief military command to Paez, and the army is to be reorganized. But the royalists do not appear to have gained any ground, and are evidently too much weakened by their losses to act upon the offensive. In this state the independence of Venezuela can scarcely be considered in a condition to claim the recognition of neutral powers. But there is a stage in such contests when the parties struggling for independence have, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when independence is established as a matter of fact, so as to leave the chances of the opposite party to recover their dominion utterly desperate. The neutral nation must, of course, judge for itself when this period has arrived, and as the belligerent nation has the same right to judge for itself it is very likely to judge differently from the neutral and to make it a cause or pretext for war, as Great Britain did expressly against France in our Revolution and substantially against Holland. If war thus results in point of fact from the measure of recognizing a contested independence, the moral right or wrong of the war depends upon the justice and sincerity and prudence with which the recognizing nation took the step. I am satisfied that the cause of the South Americans, so far as it consists in the assertion of independence against Spain, is just. But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty. The neutral may, indeed, infer the right from the fact, but not the fact from the right. If Buenos Ayres confined its demand of recognition to the provinces of which it is in actual possession, and if it would assert its entire independence by agreeing to place the United States upon the footing of the most favored nation. * * * I should think the time now arrived when its Government might be recognized without a breach of neutrality. * * * (Memoirs of John Quincy Adams.)

Peru.

No revolutionary movement took place in Peru before 1819-20, the landed proprietors, slaveholders, being fearful that a change of government would result in a loss of their property, and that the contest might end as that of St. Domingo ended. The Peruvians even sent an army into Chile in 1818 to reestablish the royalist government. General San Martin, a distinguished character, with an army from Buenos Ayres, drove out the Peruvians in 1821, took Lima and afterwards Callao, the only places remaining in the possession of the King's forces. Peru's independence was proclaimed July 5, 1821. (2 Lyman.)

Chile.

The first symptoms of revolution appeared in September, 1810. At a meeting of the junta in that year several parties were found to exist. One desired absolute independence, another favored compromise. Civil strife broke out, and the Royalists won a decisive battle in October, 1814, but in February, 1816, "the patriots" regained Chile by the help of General San Martin and 2,000 free negroes from Buenos Ayres. O'Higgins was made supreme director, who declared independence January 1, 1818.[*] (2 Lyman.)

Attitude of the United States prior to 1822.

Mr. Lyman says that these revolutionary struggles did not awaken any great general interest in our citizens. Our Government was "left free and unembarrassed to pursue its steady course of good faith and exact neutrality toward Spain and of justice and policy toward the colonies." He says: "Neither the vicinity of some portions of their respective territories, nor the circumstance of being members of the same continent, nor the benefit to be derived from commercial relations, nor the similarity of their struggles for independence, appear in the least to have influenced the definite arrangements of this Government. On the contrary, the business was conducted with the utmost caution and circumspection, and nothing done to give offense to Spain or awaken in other nations the slightest suspicion of the loyalty with which this country was determined to adhere to its system of neutrality." (423, 424.)

SPECIAL COMMISSIONERS OF THE UNITED STATES TO SOUTH AMERICA.

Between 1810 and 1820 the President sent commissioners on three different occasions to South America in order to obtain just and precise notions of the real situation of affairs there.

First commission.

The instruction of Mr. Monroe, Secretary of State, to Mr. Joel Poinsett, "agent to Buenos Ayres," is dated June 28, 1810, and is found in British and Foreign State Papers, volume 1, pages 1219 and 1220. His instruction to Mr. Alexander Scott, "agent to Venezuela," is dated May 14, 1812. (Ibid., 1220-1222; see also Report No. 72, House of Representatives, Twentieth Congress, second session, 1829.) Mr. Poinsett's report on the condition of South America, dated November 4, 1818, is contained in American State Papers, Foreign Relations, Volume IV, pages 323-348.

Second commission.

Some progress having been made by several of the Spanish American provinces toward independence, and the representations of the colonial agents not being satisfactory, the President, in 1817, sent Mr. Theodorick Bland, Mr. Cæsar A. Rodney, and Mr. John Graham to examine into the condition of Buenos Ayres and Chile.

Mr. Rodney's report, dated November 5, 1818, is in American State Papers, Foreign Relations, Volume IV, pages 217-224; Mr. Graham's, of the same date, follows on pages 224-227. Appended to these reports is an "Historical sketch of the revolution of the United Provinces of South America from the 25th of May, 1810, until the opening of the national congress on the 25th of March, 1816. Written by Dr. Gregorio Funes, and appended to his history of Buenos Ayres, Paraguay, and Tucuman." (228-245.) Notwithstanding the title, the account comes down to April, 1818. There are also other documents attached to these reports—a manifesto directed to all nations by the General Constituent Congress of the United Provinces of Rio de la Plata; notes prepared by the Secretary of State in the department of foreign relations for the information of the President of the United States and placed in the hands of our deputies, etc. (See pages 245-270.) Mr. Bland's separate report, dated November 2, 1818, appears on pages 270-312, and is followed by appendices.

These reports were communicated to Congress November 17 and December 15, 1818.

Third commission.

In 1820 Mr. T. B. Prevost and Mr. John M. Forbes were sent as agents for commerce for Chile and Buenos Ayres.

Their reports were communicated to Congress March 8 and April 26, 1822, and are contained in American State Papers, Foreign Relations, Volume IV, pages 818 and 854.

PRESIDENT MONROE'S MESSAGE OF MARCH 8, 1822, RECOGNIZING THE INDEPENDENCE OF THE SPANISH-AMERICAN COLONIES.

In replying to the resolution of the House of Representatives of January 30, 1822, asking for the reports of our agents to the Governments south of the United States which had declared their independence, the President mentioned the following facts as to their condition:

> Buenos Ayres assumed that rank (of an independent nation) by a formal declaration in 1816, and had enjoyed it since 1810 free from invasion by the parent country.
>
> The provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819.
>
> A strong Spanish force occupied at that time certain parts of the territory within their limits, and waged a destructive war; that force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. * * * Chile declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chile and Buenos Ayres, the revolution has extended to Peru. * * * It is distinctly understood that the new Government (of Mexico) has declared its independence, and that there is no opposition to it there nor a force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future.

His message was accompanied by reports from agents to those countries, as follows:

1. Ext. letter from Mr. Forbes, Buenos Ayres, September 2, 1821.
2. Ext. letter from Mr. Forbes, Buenos Ayres, September 11, 1821.
3. Ext. letter from Mr. Forbes, Buenos Ayres, October 8, 1821.
4. Ext. letter from Mr. Forbes, Buenos Ayres, October 26, 1821.
5. Letter from Mr. Forbes, Buenos Ayers, November 8, 1821.
6. Ext. letter from Mr. Forbes, Buenos Ayres, November 13, 1821.
7. Ext. letter from Mr. Prevost, agent to South America, June 30, 1821.

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[*] From 1812 to 1819 the Spanish under General Morillo held Venezuela, though Bolivar's successes in 1817 and 1818 in New Granada were brilliant, and wholly triumphant in August, 1819. (European Colonies, Payne.)

[†] Government hardly existed there at that time. The Buenos Ayres junta was powerless outside the town, and the country was fast lapsing into the utmost disorder and confusion. (European Colonies, Payne, 258.) In 1820 the federal system collapsed. Artigas led the revolt in the Banda Oriental, and the Riverine provinces soon followed the example. (Id.)

[‡] See these letters in 4 American State Papers, 173, 179, 180, 181, 182. They were communicated to the House of Representatives March 25, 1818, with a report from Secretary Adams of that date. (See page 173.)

[*] In this year was won the decisive victory of Maypo, April 5.

8. Ext. letter from Mr. Hogan, agent, Valparaiso, August 18, 1821.
9. Letter from Mr. Brent, chargé, Madrid, July 10, 1821.
10. Letter from Mr. Torres, chargé, of Colombia, February 20, 1821
11. Letter from Mr. Torres, of Colombia, November 30, 1821.
12. Letter from Mr. Torres, of Colombia, December 30, 1821.
13. Letter from Mr. Torres, of Colombia, January 2, 1822.
14. Letter to Mr. Torres, of Colombia, January 18, 1822.
15. Letter from Mr. Wilcocks (concerning Mexico), October 25, 1821.

Mr. Monroe also laid this same report before the Senate March 11 (Annals Seventeenth Congress, first session, Volume I, page 281), so that "should Congress entertain similar sentiments there may be such cooperation between the two departments of the Government as their respective rights and duties may require."

REPORT OF THE COMMITTEE ON FOREIGN AFFAIRS TO THE HOUSE OF REPRESENTATIVES MARCH 19, 1822.

They reported that the President's message of March 8, and the documents accompanying it, having been referred to them, they had examined them with "profound attention" and "unanimously" reported the following facts:

That the provinces of Buenos Ayres, after having, from the year 1810, proceeded in their revolutionary movements without any obstacle from the Government of Spain, formally declared their independence of that Government in 1816. After various intestine commotions and external collisions, those provinces now enjoy domestic tranquillity and a good understanding with all their neighbors, and actually exercise, without opposition from within or the fear of annoyance from without, all the attributes of sovereignty.

The provinces of Venezuela and New Granada, after having separately declared their independence, sustained for a period of more than ten years a desolating war against the armies of Spain, and having severally attained, by their triumph over these armies, the object for which they contended, united themselves on the 19th of December, 1819, in one nation, under the title of the "Republic of Colombia."

The Republic of Colombia has now a well-organized Government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies commissioned to preserve the supremacy of the parent State is now blockaded in two fortresses, where it is innoxious and where, deprived as it is of all hope of succor, it must soon surrender at discretion. When this event shall have occurred, there will not remain a vestige of foreign power in all that immense Republic, containing between three and four millions of inhabitants.

The province of Chile, since it declared its independence in the year 1818, has been in the constant and unmolested enjoyment of the sovereignty which it then assumed.

The province of Peru, situated, like Chile, beyond the Andes and bordering on the Pacific Ocean, was for a long time deterred from making any effectual effort for independence by the presence of an imposing military force which Spain had kept up in that country. It was not, therefore, until the 12th of June of the last year that its capital, the city of Lima, capitulated to an army chiefly composed of troops from Buenos Ayres and Chile, under the command of General San Martin. The greater part of the royal troops which escaped on that occasion retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress soon after to the Americans may be regarded as the termination of the war in that quarter.

When the people of Peru found themselves by this event free to express their will, they most unequivocally expressed it in favor of independence and with a unanimity and enthusiasm which have nowhere been excelled.

The revolution in Mexico has been somewhat different in its character and progress from the revolutions in the other Spanish-American provinces, and its result in respect to the organization of its internal government has also not been precisely the same. Independence, however, has been as emphatically declared and as practically established since the 24th of August last by the "Mexican Empire" as ever it has been by the republics of the South, and her geographical situation, her population, and her resources eminently qualify her to maintain the independence which she has thus declared and now actually enjoys.

The committee declared that the people of Spanish America did notoriously govern themselves by their own authority and laws, and that the right of the United States to recognize the governments which they had instituted was incontestible.

The committee concluded their report with an expression of their unanimous opinion "that it is just and expedient to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their governments," and they submitted two resolutions:

First. That the House "concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain, which have declared their independence and are in the enjoyment of it, ought to be recognized by the United States as independent nations." This was passed in the House March 28, 1822, unanimously with the exception of one vote. (Annals of Congress.)

Second. That the Committee on Ways and Means be instructed to report a bill appropriating not exceeding $100,000 "to enable the President of the United States to give due effect to such recognition." (See debate thereon, Annals of Congress, Seventeenth Congress, first session, Volume II, pages 1382 et seq.).*

PRESIDENT MONROE'S MESSAGE TO THE SENATE, APRIL 26, 1822.

On April 25 the Senate requested the President for information "from our minister at Madrid or from the Spanish minister resident in this country concerning the views of Spain relative to the recognition of the independence of the South American colonies." Replying on the next day, the President transmitted the Spanish minister's protest, dated March 9, 1822.

The minister, Don Joaquin de Anduaga, expressed surprise at the President's message of March 8, which he had seen in the National Intelligencer. He declared that Buenos Ayres was sunk in the most complete anarchy, a new despot appearing each day; that Peru, conquered by a rebel army, had near the gates of its capital another Spanish army, aided by part of the inhabitants; that in Chile an individual suppressed the sentiments of the inhabitants, and his violence presaged a sudden change; that on the coast of Fernia the Spanish banners waved, and the insurgent generals were occupied in quarreling with their compatriots; that in Mexico there was no government. He inquired: "Where, then, are those governments which ought to be recognized; where the pledges of their stability; where the proof that these provinces will not return to a union with Spain, when so many of their inhabitants desire it; and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of which is not even decided?" (IV American State Papers, Foreign Relations, 845, 846.)

The reply of Mr. J. Q. Adams, Secretary of State, dated April 6, 1822, was also transmitted.

Mr. Adams asserted that "the civil war in which Spain was for some years involved with the inhabitants of her colonies in America has, in substance, ceased to exist. Treaties equivalent to an acknowledgment of independence have been concluded by the commanders and viceroys of Spain herself with the Republic of Colombia, with Mexico, and with Peru; while in the provinces of La Plata and Chile no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared."

He refused to discuss the details of facts "upon which your information appears to be materially different from that which has been communicated to this Government." (IV American State Papers, Foreign Relations, 845, 846.)

The Senate does not appear to have discussed the message and reports, but passed the appropriation bill after a short debate on April 29, 1822.

Mr. Lyman says (Volume II, page 447) that the recognition by this country was the first, but it was delayed till not a shadow of hope for the restoration of Spanish dominion remained. The last strand had fairly parted, and it had fully ceased to be matter of doubt whether injury was done to Spain.

Under the leadership of Mr. Clay, the House of Representatives endeavored, on several occasions between 1818 and 1822, to recognize or procure the recognition of the independence of the South American provinces.

On March 25, 1818, Mr. Clay offered an amendment to the appropriation bill providing for one year's salary and an outfit for a minister to the United Provinces of Rio de la Plata, the salary to commence and the outfit to be paid whenever the President shall deem it expedient to send a minister to the said provinces.

Mr. Clay said, in support of this amendment, that from the peculiar character of the American Government there was great reason for there being a perfect understanding between the legislative and the executive branches in relation to the acknowledgment of a new power. Everywhere else the power of declaring war rested with the executive; here it was deposited with the legislative. If there was even a risk that the acknowledgment of the new State might lead to war, it was advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. He wished to give to the President all the confidence which he must derive from an unequivocal expression of the will of Congress. He was aware that this expression might be given in the form of an abstract resolution declaratory of that will, but he preferred proposing an act of practical legislation.

Mr. Forsyth, in opposition to Mr. Clay, not only mentioned the absurdity of this method of acknowledging the independence of those provinces, as following it would not be acknowledging their independence, but asking them to acknowledge ours, but presented also this objection:

> Heretofore the President and Senate were left to the exclusive management of the foreign intercourse of the United States. Ministers were received from other powers and sent from this country to other countries with whom political or commercial interest required us to negotiate, and the House of Representatives contented itself with its constitutional check upon the exercise of this authority, satisfied that they could at all times prevent its improvident exertion by withholding appropriations from those missions the public interest did not require. This, however, proposes a new system; this House, instead of checking, is made to stimulate the executive to a further extension of its patronage. * * * The suggestion that under the present extraordinary circumstances of the war the expression of the public opinion by the representatives of the people ought to precede the movements of the Executive was not entitled to the weight which was given to it. The President does not require to be told that the representatives of the people who selected him to preside over their Government are prepared at all times and at every hazard to do their duty * * *

Mr. Forsyth added:

> If our interference is necessary, let us act effectively, marking the steps necessary to be taken and taking the responsibility for the result—claiming all the honor and bearing all the disaster. Let us not at least pretend to give the Executive a discretion already possessed, thus diminishing his responsibility without adding to our own. (Benton's Abridgment of the Debates of Congress, Volume VI, pages 146 and 148.)

Mr. A. Smyth, of Virginia, said, on March 27, in opposing Mr. Clay's motion:

> The Constitution grants to the President, by and with the consent of the Senate, power to appoint ambassadors and public ministers and to make treaties. According to the usage of the Government, it is the President who receives all foreign ministers and determines what foreign minister shall or shall not be received. It is by the exercise of some one of these powers, in neither of which has this House any participation, that a foreign power must be acknowledged. Thus the acknowledgment of the independence of a new power is an exercise of executive authority; consequently, for Congress to direct the Executive how he shall exercise this power is an act of usurpation. * * * It is for the executive branch of the Government to decide to whom and when a public minister shall be sent. * * * You possess the power of impeachment, and consequently may discuss and by resolution express an opinion on any past act either of the executive or of the judiciary, but you have no right to give a direction to either. The President is responsible for the proper execution of his constitutional powers; he may be punished for abusing them or for neglect of his duty. This House is the proper body to prosecute him if he shall fail to do his duty. We are not in like manner responsible and punishable. If we direct the President to do an act, however injurious to the nation it may prove, we can not make him responsible. Is it proper thus to deprive the people of the security which they have reserved to themselves in the President's constitutional responsibility? (Id., 162.)

Mr. Robertson, of Louisiana, said it could not be otherwise than agreeable to the President to know the opinion of Congress on so momentous a subject. If that opinion, independently expressed, shall concur with his own, he will act conformably to it; on the other hand, if, from the position he occupies in the Government, from his better information, or from any other circumstances unknown to the public, he shall think it best to continue unchanged the state of our relations with South America, he will do so. (Annals of Congress, Fifteenth Congress, first session, Volume II, March 26, 1818, page 1526.)

Mr. Smith, of Maryland, considered the course of conduct on the part of Congress in this case novel and wholly unprecedented.

> The Constitution has given to Congress legislative powers; to the President the direction of our intercourse with foreign nations. It is not wise for us to interfere with his powers. His plans may be digested with wisdom; our interference might destroy them, and perhaps at the moment when they would otherwise have succeeded. * * * We are told by Mr. Robertson that we should pursue the course of conduct adopted by General Washington with the French Republic. Did Congress on that occasion direct the conduct of General Washington? Did that Congress tell him that he did not understand what he ought to do and that they would instruct him? No, sir; they left him to exercise the powers vested in him by the Constitution; to the exercise of his own judgment. They sustained him by no act. Let us act in like manner by the present Chief Magistrate. He has not asked for our assistance. He has asked no outfit for a minister to La Plata; when he does it will be time to consider the subject. (Id., pages 1538 and 1539).

Mr. Nelson of Virginia expressed views similar to Mr. Smith's. (Id., page 1596 et seq.)

Mr. Clay rejoined on the 28th. He contended that though the administration of the foreign concerns of the country was confided to the executive branch, the House also had a participation in such matters when called upon to defray the expenses of foreign missions or to regulate commerce; that the Constitution did not say which should have precedence, the act of making the appropriation for paying a minister or the sending of one. He contended that they should either be simultaneous, or if either had the preference the appropriation should precede the sending. He quoted several instances where this had been done. The act authorizing the establishment of certain consulates in the Mediterranean and affixing salaries thereto, in consequence of which the President had subsequently appointed consuls. He maintained that each department of the Government must act within its own sphere independently and on its own responsibility. He was willing to say to the President, "Here is the money which we alone have the right to appropriate which will enable you to carry your power into effect if it seems expedient to you." Congress had authorized appropriations without any official call from the Executive to do so in two recent acts, Volume III of the Laws, page 27, to defray the expense of such treaties as the President might deem proper to make with certain Indian tribes, and as he believed, in the case of the two millions appropriated for the purchase of the Floridas. (Id., page 1607.)

Mr. Poindexter, of Mississippi, made the point (page 1630) that the amendment proposed to vest the President alone with authority to send a minister. If the object was to place the money at his disposal it could be done by simply making that addition to the contingent fund, in which case it could be expended or not, according to the exigencies which might arise, but if it was intended to clothe the President alone with power to appoint a foreign minister, it was manifestly unconstitutional. The President needed no legislation to enlarge his powers whenever he deemed it expedient to send ambassadors to foreign countries. No such appointment can be made without the concurrence of the Senate, and if they approve it the salary and outfit are already provided for by a general law, and needs not the aid of a special appropriation. The proposition then was nugatory unless considered directory of the President on a point of duty devolved on him by the Constitution. It was an indirect censure. Foreign nations and perhaps our own citizens would imbibe that impression, and the Chief Magistrate would be considered as having incurred the frowns of the representatives of the people, whose interposition had become necessary to urge that high officer to a faithful discharge of the trust imposed in him by his countrymen.

Mr. Poindexter called attention to the communication at the beginning of the session of the views of the President contained in his message on the subject of internal improvements and stating that the power to construct roads and canals within the respective States was not possessed by Congress, and that he would feel bound to withhold his signature from any bill which might be passed establishing a general system of internal improvements. Mr. Clay at that time condemned this peremptory expression of executive opinion as an unwarrantable encroachment upon the freedom of legislation and the privileges of the House of Representatives, to whom the right of originating all laws was given by the Constitution. It was urged that though the President was an integral branch of the legislature, he should have reserved his objections until he was called on to act in the regular constitutional order of proceeding. Mr. Poindexter insisted that it equally belonged to the President to originate foreign missions and by and with the advice and consent of the Senate to appoint ambassadors and other public ministers, yet Mr. Clay claimed for the House the coordinate right to institute a mission to the Rio de la Plata, and considered it no encroachment upon the powers delegated by the Constitution to the President and Senate.

On March 28 Mr. Forsyth said that all who had addressed the committee on the subject desired to recognize the independence of the southern countries whenever it could be done consistently with our own interests and safety.

> The only difference between us is that we do not wish to precede the proper official organ of the nation in order to recognize the independence of these countries, and those in favor of the motion wish to do so. (Annals of Congress, March 28, 1818, page 1637.)

On the 30th of March, when Mr. Clay's amendment was under reconsideration, having been voted down, Mr. Anderson, of Kentucky, renewed it in the Committee of the Whole House in order to take the yeas and nays. Mr. Spencer, of New York, said:

> I believe most firmly that we have the constitutional power to legislate on this and every other subject connected with our foreign relations or with the regulation of commerce. I hold it to be a power concurrent with that of the executive branch, and believing it to be one of the most important which this House possesses, I would make a perpetual claim to the right on every proper occasion, and I would place it on the records of the nation as an eternal evidence of that claim. (Id., 1654.)

Mr. Clay declared that his amendment, if adopted, would impose no obligation on the President, but put in his power to apply the same to the purpose specified whenever he chose to do so, if the Senate consented. (Annals of Congress, Fifteenth Congress, first session, volume 2, page 1645.) It was defeated 115 to 45 (Id., 1646), and again defeated by the same vote on reconsideration (Id., 1655).

February 5, 1821.—Mr. Clay moved an amendment to the general appropriation bill in order to provide "for an outfit and one year's salary to such minister as the President by and with the advice of the Senate may send to any government of South America which has established and is maintaining its independency of Spain." (7 Benton's Debates of Congress, 93.) This is very similar to the amendment proposed by Mr. Clay March 25, 1818 (6 Benton's Debates of Congress, 145), which was voted down after long discussion. It in turn was rejected by a vote of 77 to 73. (Page 91.)

February 10 Mr. Clay submitted the following resolution:

> That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence; and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces (page 95).

Objected to by Mr. Wood:

1. It made needless professions, and not therefore consistent with self-respect.
2. If it had any object it was an encroachment on the power of

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* This resolution was unanimously adopted March 28, 1822.

the executive and might produce collision between the two departments of Government, which was much to be deprecated.

Favored by Mr. Floyd, who referred to an early message of Washington to Congress to show that at that time the previous consent of Congress was thought necessary to the institution of foreign missions.

Thence and from other considerations this resolution, so far from interfering with the executive prerogative, was a fair exercise of the undoubted rights of the House.

Also, it was expedient as tending to counteract the policy of the Holy Alliance.

Mr. Archer required a division of the question, so as to take the first vote on the first member of the resolution.

Mr. Robertson deprecated the passage of the whole resolution. It was intended to goad the executive into a departure from its hitherto wise policy on this subject. He was decidedly opposed to it.

Mr. Montgomery adopted the view of Mr. Robertson and was not convinced that the people took a deep interest in the matter.

Mr. Tyler and Mr. Walker favored both members of the resolution.

Mr. Mercer gave reasons for his support; doubted whether the President could recognize the independence of a foreign state by receiving a minister without the consent of the House.

Mr. Clagett, believing that the power of recognition was confided to another branch of the Government both competent and disposed to exercise it when proper, and for other reasons assigned, was opposed to the resolution.

Mr. Cobb considered sound policy against the second portion of the resolution, and there was no occasion for passing it.

Mr. Baldwin objected because it proposed to refer to the President an act which not he, but all three branches of the Government collectively, should perform.

Mr. Maclay opposed because the subject had been long before the executive and much deliberated upon, and the House, before passing such a resolution, ought to be possessed of full information on the subject—of all which the executive possessed and by which its course had been influenced—that they might judge whether that department had or had not performed its duty. Believing it had done so and would hereafter do so, he was against the resolution.

Mr. Stevens defended the constitutional right of the House to express its opinion on any topic of public interest. This would not interfere with the executive authority, but facilitate its exercise.

As to its being a goad to the Executive, there was no reason to believe that at this day he was to be driven from his course by any such measure.

Mr. Smith, of Maryland, opposed, because it attributed to the President the power of recognition, too important to be exercised by any authority less than the three branches of the Government; because it made the House, incompatibly with the Constitution, the adviser of the President; that it made a bad precedent, which might be used in future times, through the influence of the President, in the House; that it proposes that this House shall compromit its successors, which it could not do and which it was therefore improper to attempt to do.

Mr. Clay cited the precedent of the resolution of Congress to support the President in any consequences which might follow the dismission of Mr. Jackson, the British minister, some years before.

He ridiculed the argument that the resolution would encroach upon the authority of the Executive. On the contrary, it assumed only a fair responsibility, and added strength to the Executive.

With respect to the mode of recognition of foreign powers, he said that both Congress and the Executive had this power, but that the most regular, ordinary, and usual course was by the Executive, and it was therefore proper to assure him of the support of this House. (Page 98.)

Mr. Sergeant, of Pennsylvania, opposed, among other reasons, because—

1. That it is not a legislative act and is not to lead to one.
2. That it contains a declaration by which neither the House, the President, nor the Senate would be bound.
3. That it would involve the House in difficulties on constitutional grounds.
4. That if Congress wished a recognition, having the power equally with the Executive, they should effectuate their wish by a legislative act.
5. That if the House expressed its opinion, it should be done after due inquiry and examination of facts, none of which had been placed before it in anything like official shape.
6. That the House ought not to lose sight in acts of kindness and expressions of good will to other powers of the duty which it owed to this nation—to the interests of the people.
7. That general and vague oral information was not a sufficient ground for Congress to act upon, and that if official information was before it requiring it to act, its act should be something plainer than this and presenting on its face a direct proposition; that its not doing so caused it to be more lightly considered and voted upon than it ought to be.
8. That however independent of the Executive as an individual the House might be, yet with respect to the executive as a branch of the Government it was important for the House not to disturb the harmony of the different departments of Government as adjusted by the Constitution itself, and that it should not rush from its sphere and jostle the others in its course. (Pages 98 and 99.)

The first member of the resolution was carried, 124 to 12; second member, 87 to 68. (Page 99.)

February 19, 1821.—Mr. Clay, from the committee to present the resolution of the 10th instant to the President, reported that the President assured the committee that in common with the people of the United States and the House of Representatives he felt great interest in the success of the provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated. (Page 121.)

January 31, 1822.—Mr. Trimble offered the following joint resolution:

> That the President of the United States be, and is hereby, authorized and requested to acknowledge the independence of the Republic of Colombia, and by an interchange of accredited ministers to place the political relations of that Government with the United States on an equal footing with those of all other independent nations; that such of the Spanish provinces in South America as have established and are maintaining their independence of Spain ought in like manner to be acknowledged by the United States as free, sovereign, and independent governments.

This was read twice and laid on the table, and ordered to be printed. (Annals of Congress, January 31, 1822, page 851.)

February 11, 1822.—Mr. Trimble's resolution was committed to the Committee of the Whole House on the state of the Union. (Annals of Congress, page 982.)

The views of the Executive are found recorded in a memorandum of Mr. Monroe, made while the question was under discussion in Congress. It is as follows:

> The object of the Executive has been to throw the moral weight of the United States into the scale of the revolutionary movement without such a deep compromitment as to make them a party on that side.
>
> With that view the mission to Buenos Ayres was adopted, all the messages to Congress were drawn, and other measures have been since pursued, particularly the mission of Commodores Perry and Morris to Venezuela and Buenos Ayres. With that view was the proposition made to Great Britain directly by Mr. Rush, and to France and Russia through their ministers in the United States, to recognize the colonies in concert with those powers, a proposition which it was thought would have the best effect in that respect—that is, by throwing our weight into that scale, and in a way to do no harm, as it would be a manifestation of respect for them, as well as of moderation on our part. With the same view has the correspondence with the present Spanish minister been conducted, as well as the message to Congress announcing it.
>
> The object of the Executive has been to leave the affair where it was placed by the attitude assumed in that correspondence and message, to witness its effect on Spain and other powers before other measures should be taken.
>
> It is believed that that attitude would have been perfectly safe, while it was undoubtedly very strong and imposing. The vote of the House of Representatives reenforces it, and, being not obligatory as a measure, ought not to be considered in any other light. It is hoped that it will not. On that side, it must be admitted, is the danger. (Mr. Monroe's note, without date, supposed to be 1820 or 1821. Monroe's writings, manuscript, Volume VI, [illegible].)

Mr. HOAR. It is true that the time for a full debate of this matter, as the Senator from Maine has so well intimated, has not arrived. I do not understand that he has by any means said all that he will say before the debate is over upon this general question, but at the same time it is perhaps the first considerable discussion of the matter as it now stands with the pending resolution which will go out to the country, and what the two Senators to-day have said will attract attention in the press and from thoughtful students, and will make up public sentiment. Therefore, I wish to bring out very distinctly, if I can, by a question to the Senator from Maine, whether, in his researches into the history of this country for a hundred years, in which we must have recognized foreign governments more than a hundred times, taking all the numbers of the governments of the world and their political changes and revolutions which have established new governments——

Mr. HALE. Over a hundred.

Mr. HOAR. There must be over a hundred cases, as the Senator says. Is there a single instance where in fact our relations with the foreign country have not been determined by the act of recognition by the President of the United States and without Congress? Has there been a single one?

Mr. HALE. As the result of some considerable, and what I have tried to make faithful, examination of the subject and of what others have done for me, I answer the Senator from Massachusetts that I do not find one.

Mr. ALLEN. As this question is very important and going out to the country to be criticised, I ask the Senator from Maine whether he will not state to the Senate whether he finds any instance in the history of this country where the question of independency was determined to belong to the executive department exclusively?

Mr. HALE. In every one of the cases that have been referred to by the Senator from Massachusetts [Mr. HOAR] the recognition was made by the executive department, acted upon, submitted to, and not questioned.

Mr. ALLEN. I think the Senator from Maine does not understand my question. I do not contend that the Chief Executive is not the instrument through which we must act in recognizing the existence of another government; but I do contend that there is not a precedent to the contrary in the history of this country——

Mr. HALE. The precedents are all the other way.

Mr. ALLEN. Wait a moment. I contend that the power to recognize is a power that must be exercised by the Executive after action upon the part of the Legislature.

Mr. HALE. If the Senator will examine the precedents, he will give up that contention, because he is capable of careful examination; he is a lawyer who knows the force of precedent; and he will find that in nineteen cases out of twenty the act of recognition has been by the President; that Congress has never lifted its voice or made a protest; and history has been made by the act of the Executive alone, and exclusively, except in a few cases, as in Jackson's action in the Texas case where, in his wisdom—I think it was wise—when Congress was in session, reserving all the rights of the Executive, declaring that he would not assert them, putting it upon the question of expediency alone, he did confer with Congress. All the instances of Congressional intervention in any way on this great subject came about in that way and have never crystallized themselves into the form of attempting to recognize a government as is attempted by the resolutions of the Committee on Foreign Relations or the resolutions of the Senator from Texas.

Mr. ALLEN. If the Senator will permit me—and I shall retire from the discussion after making this statement—I desire to state, and have it go in connection with the statement of the Senator from Maine, that there is not a syllable in the Constitution, from its opening to the closing of the amendments, nor in the history of the time when it was formed and promulgated, nor is there a thing in the genius and spirit of our republican form of government which lends any color in the slightest degree to the careful student or thoughtful man to hold that the Chief Executive has the exclusive power of recognizing the independence of a country. On the other hand, the very atmosphere of the time when the Constitution was formed, the very spirit of liberty that was breathed by our people, the very genius of our institutions, and the language of the Constitution as well as its policy as the known policy of this Government is against the conclusion urged by the Senator from Maine.

Mr. HOAR. Mr. President, I do not wish to prolong this debate this afternoon, as I expect to take some part in the discussion of the question hereafter; but I think I should like to make one observation before the matter passes from the discussion of the Senate to-day in connection with what has been said by the Senator from Nebraska [Mr. ALLEN].

It seems to me that it is utterly incredible that the framers of our Constitution should not have expected that the mere act of recognition, not as an incident to some other power, should not have been lodged in the President of the United States. I hold that it is, as everybody will agree, an incidental power, if it exists anywhere, to some authority conferred on some department of the Government. I agree and believe that it is an incidental power to the power to regulate commerce, which is lodged in Congress; to the power to regulate by law the action and conduct of our citizens in our foreign relations, which, where lawful, we are bound to stand by to the extent of going to war for their protection, if need be; and I hold that Congress, the lawmaking power, without the assent of the President where it is not necessary, where there is a two-thirds vote, or where he keeps a bill without his signature, may rightfully regulate the action of citizens of the United States in regard to the Island or the inhabitants of the Island of Cuba in a matter which must necessarily involve the determining for all American citizens the question whether that is or is not an independent nation.

The existence of such a power in Congress is no more inconsistent with the existence of a like power in the President than the treaty-making power, lodged in the President with the assent of this body, which is a lawmaking power, is inconsistent with the ordinary legislative power. The last treaty abrogates all previous laws; the last law abrogates all previous treaties where they are inconsistent with each other. But with that reservation it seems to me utterly incredible that the mere power of recognition, of establishing the status of a foreign government in its relation to our citizens and as a government for their conduct, should be lodged anywhere else but in the President of the United States.

It is a very important question if an American ship be in the Caribbean Sea and a Cuban vessel approach her, claiming that she is the representative of an independent power at war with Spain and has the right of search, whether that action of invasion of our ship is piracy or whether the resistance to that action is a violation of the law of nations, which is in itself an act in the nature of piracy, and perhaps literal piracy. I am not prepared to say how that is, and it is not necessary to say how that is at this moment. But suppose that Congress to-day passes this naked resolution to recognize Cuba and adjourns to-morrow, and day after to-morrow the Spanish army captures every insurgent in Cuba, reduces the island to absolute subjection, occupies every inch of its territory, and the Spanish law extends over it peacefully and quietly and without further resistance, is the President of the United States obliged to treat Cuba as an independent nation for ten months, or until we meet again in December? The mere power of determining whether a foreign nation is independent or not is a power which, in the nature of things, must be exercised from week to week and day to day, and sometimes even from hour to hour. It seems to me, with great deference, utterly preposterous to pretend that that is, can be, or ever could be by any sensible makers of the Constitution lodged in a legislative body, which some years is in session but three months out of the twelve. That is the proposition of a naked resolution, which is to last not five minutes, but, if it has any power, is to last until the Congress that makes it repeals it.

Now, add to that suggestion of the reason and the necessity of the case the further suggestion that for the one hundred and eight years since the Constitution went into actual operation—it is one hundred and ten years since it was formed—there has not been a single instance in all our history, though this very question of authority has come up again and again, where our relations with a foreign country, relations which settle the question whether a citizen of the United States, in the defense of his own vessel and of his own deck, is acting lawfully or is a pirate, have not been determined solely by the President of the United States; and never in a single instance has Congress exercised the power to do it, and never in a single instance has Congress asserted the power to do it, although you will find one or two reports in one or the other of the Houses where some individual Senator or Representative has done so.

Mr. CHILTON. Mr. President, I have taken occasion to examine this question with some care and have listened with great interest to the suggestions concerning it made in this Chamber to-day. I want to say only a few words about it on this occasion.

It does not seem to me at all necessary that it shall be held that the power to recognize the independence of another nation is exclusive in its nature. The fact is that I have reached the conclusion that it is not exclusive in either the Congress or the Executive. It has been argued here by several Senators that the power of recognizing the independence of another country is incidental. That is true; clearly true. You do not find the question of the recognition of independence or belligerency treated in express terms in any part of the Federal Constitution. Therefore, when you come to find the authority you must locate it under some clause of the Constitution which does not refer to it directly. Make this search, and where do you find it? The power, it seems to me, is incidental to the power to make war and the power to regulate foreign commerce, both of which are vested in the President, the Senate, and the House of Representatives—that is, in the Congress. Again, it is clear to me that it is a power incidental to the making of treaties, which is vested in the President and the Senate. Nor do I feel any doubt that it is a power incidental to the reception of ambassadors, which is vested in the President.

Senators who have examined this subject can not have failed to read the report of John Quincy Adams while Secretary of State. What does he say about it? He suggests that the proper method of recognizing the independence of another government is by treaty, and he calls attention to the fact that the recognition of the independence of this very Government of ours was first achieved by a treaty made with France. He goes on to set out in the same report that he does not maintain that a treaty forms the only method of recognizing the independence of another government.

We all know what a great character in the history of our Republic Mr. Adams proved himself, and yet, occupying the position of Secretary of State in the Cabinet of Monroe, he never for one moment asserted the pretension that the power to recognize the independence of a foreign government was an executive function exclusively.

Mr. HALE. Did the Senator notice the reference I made to Mr. Adams's action, taking part in the debate, where the resolution was modified, giving the discretion absolutely to the President, in which Mr. Adams said that it was exclusively an executive matter?

Mr. CHILTON. You can find where the distinguished Senator from Alabama [Mr. MORGAN] made a similar statement on one occasion, and yet in his well-considered speech on the Brazilian question he maintained the true doctrine that it is a function belonging to the Congress as well as the President.

Mr. HALE. As the Senator from Connecticut [Mr. PLATT] just suggests, the treaty-making power is executive; the Senate is joined to the President in executive action. That is not legislative.

Mr. CHILTON. I do not say that it is legislative solely, but I say it belongs to different departments of the Government. It is not necessary that the President of the United States should come out with a formal proclamation acknowledging the independence of another country. If he were to receive an ambassador from the

Republic of Cuba, that would constitute a recognition of the independence of that nation.

Mr. MORGAN. Will the Senator from Texas allow me a moment?

Mr. CHILTON. Certainly.

Mr. MORGAN. My opinion has been quoted here, but the quotation does not do justice to my statement. Whenever I stated that the President of the United States had the exclusive right to recognize the independence of another country, it was in connection with the fact that that exclusive right was a right that belonged to him ex officio, and did not at all affect the people of the United States. I always put that qualification in. It is a mere piece of diplomatic authority which he derives under the laws of nations, which are recognized in the Constitution.

Mr. CHILTON. I hope the Senator will not understand me as twitting him about his position at all. On the contrary, I was merely using that suggestion to illustrate how distinguished men, sometimes improvidently, use expressions which do not maturely state their real opinions.

Mr. MORGAN. I would not have made the slightest statement in regard to it but for the fact that the Secretary of State is reported in the newspapers to have made that quotation upon me, as if I had stated it as a proposition of universal law that the President of the United States had the exclusive right to recognize the independence of a foreign country. As soon as the Senator from Texas has concluded, if I can get the floor for five minutes, I want to explain that a little further.

Mr. CHILTON. I will explain to the Senator from Alabama and to the Senate that he will find in the speech which he made on the question of the Brazilian recognition a very fair view of this subject. In that speech he states in very clear language the true doctrine which governs.

But I will get back to the report of John Quincy Adams. The Senator from Maine has read, and no doubt remembers, that while Mr. Adams claims that the recognition of the independence of another country can be most feasibly accomplished by treaty, yet there are still other methods of doing it. That is all which is necessary to be said now, in my judgment.

In the judicial authorities there is outlined the idea that the recognition of independence or belligerency (functions of the same general kith and kin) is not an exclusive power of either branch of the Government. In the well-known case of Kennett *vs.* Chambers the court alludes to the recognition of independence as a part of the treaty-making power. You can find in other judicial opinions—one I remember by Mr. Justice Field, when he was on the circuit—a reference to the power as one which belongs to the executive and legislative departments of the Government. It seems to me that is a sound doctrine. If the President of the United States should receive an ambassador from the Republic of Cuba, that would constitute a recognition of that Government. If the President and the Senate should make a treaty in which they recognized the Island of Cuba as an independent republic, that would also constitute a recognition of its independence. If the President, the Senate, and the House of Representatives, or Congress, as I should say, should pass a law which recognized the independence of Cuba, that, too, would constitute its effective recognition. It does not make any difference about the form it takes. The distinguished Senator from Massachusetts a moment ago seemed to intimate that Congress can do it under the lawmaking power, as under the power to regulate foreign commerce. I believe he intimates also that perhaps the President and the Senate could do it under the treaty-making power, but I gather that he thinks Congress can not do it by saying it in so many words. But, sir, the President's only authority to recognize the independence of another country is incidental. It is incidental just as the power of Congress to deal with the same subject is incidental, and just as the same authority is incidental to the power of the President and the Senate. All I maintain and want to say here——

Mr. HOAR. Will the Senator allow me to put a question there, because my mind and his seem to have traveled very much in the same channel, so far as I understand the Senator?

Mr. CHILTON. Thank you.

Mr. HOAR. I agree with the Senator that the power of recognizing a foreign country is incident to certain legislative powers; it is incident to certain purely executive powers, as the receiving and sending of ambassadors; it is incident to certain powers which are shared by the President and Senate, which are sometimes spoken of as executive powers, but are, in strictness, legislative powers, because the Constitution, if I remember the phraseology correctly, declares that treaties are the laws of the land, and therefore to make a treaty is to make a law of the land. Therefore the President and the Senate legislate when they make a treaty, in my judgment. But that is a question of name and not of substance.

But what I want to get the Senator's view upon, to see whether he differs or agrees with me, is, when you are not doing the principal thing at all to which this recognition of a foreign government is an incident, where there is any power lodged in Congress, then to say simply not, "We regulate by law the behavior of a citizen in Cuban waters in his dealing with Cuba and require him to observe the rules which apply to an independent government," but where we say purely and simply, "We recognize the independence of Cuba," and say nothing else, because you have an incidental power to do that when you are doing something else, and it is your business to do it, have you a right to declare the independence of Cuba by the legislative branch of the Government of the country and make that an act binding on citizens and binding on other departments of the Government? That is the question.

Mr. CHILTON. I think so clearly.

Mr. HOAR. In other words, suppose we pass a law declaring the independence of Cuba on the 3d day of March, 1897, over the veto of the President and adjourn and do not come together until the following December, has the President of the United States, for all his constitutional purposes, got to deal with Cuba as an independent power until the first Monday of next December, or if Spain occupied every foot on that island by the 1st of April, has the President any right to accommodate the action of this Government to that new condition? There is the practical question before us.

Mr. CHILTON. I want to say, in reply to the Senator from Massachusetts, that the President has not any express authority to do this as the principal thing either. Here is the mistake the Senator makes, in my humble judgment.

Mr. HOAR. I have not said anything about that, and whether I have made a mistake or not will appear when I have made a statement on that subject, which I have not yet done.

Mr. CHILTON. The Senator seems to think the President has some express power to do it, and that the other departments of the Government have only an incidental power to do it.

Mr. HOAR. I did not say any such thing.

Mr. CHILTON. Excuse me. Here is the true position: The President only has the authority to recognize the independence of another country as incidental to his power to receive ambassadors.

Mr. HOAR. I agree to that.

Mr. CHILTON. Therefore, if he concluded to issue a proclamation in formal terms and should say, "The independence of the Island of Cuba is hereby recognized," Congress can do the same thing as one of its incidental powers.

Mr. HOAR. I hate to interrupt the Senator, because I agree with so much that he has said, but I should like, with his leave, to put the proposition in my own way. I have sent for a resolution, which is now pending in the Senate, introduced by the honorable Senator from Georgia [Mr. BACON] and referred to the Judiciary Committee, of which I am a member, and it is this:

> *Resolved by the Senate (the House of Representatives concurring)*, That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power:
>
> *Resolved further*, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

I want to understand what the Senator thinks about that.

Mr. CHILTON. I do not concur in that statement at all.

Mr. BACON. If the Senator from Texas will permit me, if I understand him, he maintains that this is a concurrent power?

Mr. CHILTON. That is right; a concurrent power, just like the powers of the Federal and State courts.

Mr. BACON. If the Senator will permit me a moment further, I want to see to what that leads. Under that view, whichever power first takes jurisdiction its action will be legal and binding; in other words, whichever makes the recognition first makes a valid recognition.

Mr. CHILTON. That is right—whichever makes the recognition first.

Mr. BACON. One step further, if you please. Therefore, the Senator's contention must necessarily lead to the conclusion that where one department fails to act the other can act?

Mr. CHILTON. Not at all.

Mr. BACON. There is no possibility of an escape from that. Where there is a failure to act on the part of one department, necessarily when the other acts its action must be valid.

Mr. CHILTON. The trouble about the Senator's position is that it confuses two things which ought to be separated. I maintain that whenever one of these departments exercises this power as incidental to some other authority conferred by the Constitution, then the recognition is complete; but until one or the other does act, the other may act. That is the true position, in my judgment.

Mr. HOAR. To what power is the resolution before the Senate incident?

Mr. CHILTON. It is incident to the power to regulate foreign commerce; it is incident to the power to make war—to either of them.

Mr. HOAR. Are we making war or regulating foreign commerce now? If the Senator will pardon me, this is a form of recognition by Congress with nothing attached to it, not incident to anything, and with nothing incident to it.

Mr. ALLEN. Will the Senator from Texas allow me?

Mr. CHILTON. In one moment I will yield to the Senator, after I have replied to the Senator from Massachusetts. It seems to me the Senator from Massachusetts comes back to the same theory, that the Constitution gives the President some express authority concerning the subject. But I repeat that you do not find in that instrument any express authority conferred on the President to recognize independence, and you might as well say when he issues a proclamation recognizing the independence of the Republic of Cuba that he is not thereby receiving an ambassador. Yet we know he derives the authority to recognize independence from that clause of the Constitution which confers upon him the jurisdiction to receive ambassadors. So, now, if we were to recognize the independence of Cuba, we might not be, in so many words, dealing with commerce; we might not be, in so many words, making war, but our authority to recognize independence would depend upon those clauses of the Constitution which gave us the authority to regulate commerce and to make war. The power to recognize is expressed nowhere. That is the point. Wherever you find it, this power is incidental—that is the proposition which I make—but it is incidental to the functions which are conferred upon several different departments of the Government. Now I yield to the Senator from Nebraska.

Mr. ALLEN. The Senator has got right to the point where I desire to ask him a question. The Senator from Massachusetts and the Senator from Texas seem to agree to this proposition: That the power to recognize the independency of a people or a government is simply an incidental power, or a power incident to the exercise of some other power expressly conferred by the Constitution. Now, does the Senator deny the proposition that Congress and the President, acting concurrently, could, by a mere declaration, an act of Congress authorizing the declaration, and a declaration itself, or a proclamation by the President, recognize the independence of Cuba?

Mr. CHILTON. I have been talking here for five or ten minutes endeavoring to maintain that very proposition, that Congress does have the authority to do it.

Mr. ALLEN. I understood the Senator from Massachusetts and the Senator from Texas, who were interchanging courtesies, which was perfectly proper, to agree that the power to recognize the independency of a government was only incident to the exercise of some other power expressly conferred by the Constitution.

Mr. CHILTON. Yes, sir; but I do not think it is necessary to say in the resolution, "We are regulating commerce," or, "We are making war." You may do it, and then after it is done you have to refer it to some one of those powers of government. That is the proposition.

Mr. ALLEN. Suppose we should pass a resolution here declaring it to be the sense of Congress that there is a well-established Republic in Cuba, and that it should be recognized, and following that the President of the United States should issue a proclamation or in some other public form recognize the existence of that Republic; that would be a direct recognition and not an incident to the exercise of any other power. Do we not possess that power under our Constitution?

Mr. CHILTON. I think it is very clear that our resolution is valid, no matter what form it takes. In fact, I do not think it requires any proclamation of recognition at all. That form is not necessary. If the President of the United States to-morrow were to receive an ambassador from the Republic of Cuba and never say a word about recognizing its independence, that would nevertheless constitute a recognition of its independence. The very act of receiving an ambassador is an acknowledgment of the independence of the country from which the ambassador comes.

Therefore I say the power to recognize independence does not depend upon the form that it takes at all. It does not depend upon any particular language being used, but whenever independence is recognized either by the President, or by the Senate and the President, under the treaty-making power, or by the President, the Senate, and the House as a Congress, it is final. That is my proposition. It is a concurrent power to recognize, and whenever either authority actually makes the recognition the jurisdiction is exhausted.

Mr. MORGAN obtained the floor.

Mr. CHANDLER. Will the Senator from Alabama yield to me that I may move that the Senate proceed to the consideration of executive business?

Mr. MORGAN. I merely wish to say a very few words, and I would rather have them go into the RECORD now.

Mr. President, the particular point of constitutional power and of the regularity of governmental procedure which is involved in this debate is about to have, I suppose, a very practical illustration in our own history. We have here in Washington City, I am informed by the papers, a gentleman who has been accredited to the United States Government and received by the President on an exchange of felicitations between them, who comes from a new Government, that is, the Government called the Greater Republic of Central America. I can not call his name, because I am not informed of it and do not know it personally. The Congress of the United States has no official knowledge of his presence in this city that I am aware of. That gentleman professes to represent a new institution down there, called the Greater Republic of Central America, composed, if I remember it correctly, of the States of San Salvador, Nicaragua, and Honduras.

Now, we have laws which authorize a minister to be sent to each of those Governments, I believe. I know we have such laws as to two of those countries, and I believe we have laws that authorize a minister to be sent to each. Those three Governments have abolished their office of foreign affairs, and we now have ministers there from the United States to those Governments who have no chance to communicate with them because they have abolished the office of foreign affairs and have intrusted all of their diplomatic powers to this diet, as it is called, which sends the gentleman here as minister from the Greater Republic.

I desire, for the purpose of giving a forcible illustration of the real practical question involved in this debate, to ask a question. Does the recognition of that gentleman as a minister from the Greater Republic of Central America repeal the laws of the United States by which we send ambassadors to Honduras and San Salvador and Nicaragua? I think almost anybody would hold that those laws are not repealed; that the President of the United States, by recognizing the new Government there, which in its diplomatic function combines the powers of all three of those States, has not succeeded in repealing the laws of the United States which authorize and require that ministers shall be sent to those Governments.

Mr. HOAR. They do not require it.

Mr. MORGAN. Now, why so? Why is that? Do I deny the validity of the President's act in receiving that gentleman here? Not at all. But I deny its binding force upon the legislative power of this country. I deny that it has in any respect changed the laws of the United States, and that until Congress acts, either by a confirmation of some nomination which the President may send here to the Senate, or by some legislative act or some legislative recognition, those three Republics of Central America will stand there as sovereign States, entitled to receive ministers from us, and so far as we are concerned entitled to hold with us diplomatic correspondence. But so far as they are concerned that power has lapsed, and it has been merged into the centralized functions of the diet which sends the minister here.

Now, that presents the whole situation. What are we going to do in a case of that kind? I have been very much in hope that the President would honor Congress with some statement about the matter, but it seems that we have so far departed out of his recognition that he does not consider that we have anything to do even with a matter of that magnitude. Perhaps he will change his opinion if he ever sends here the nomination of an ambassador or a minister to be sent to that diet, or if he sends the recall of the ministers from these other Governments on the ground that he and the diet have abolished those offices. Suppose he shall come out and tell us that he and the diet of the Greater Republic have abolished the missions to Nicaragua, San Salvador, and Honduras. Then we would have a practical illustration of where the division line is between the powers of the President and the powers of Congress. That would present it, and when that question comes here it will be presented, and it will be decided.

I think that so far as I am personally concerned I am not without the guide of the Constitution in the statement I make here, that I believe that gentleman has the right which belongs to a minister of a foreign government at this seat of government; that is to say, he has the right to the preservation of his personal security, and that of his servants, his attachés, and members of his staff. Probably he would have a right, recognized by the Supreme Court of the United States, to go into that tribunal on an original suit for some wrong that might have been done him. The President's recognition of him is so far a valid and binding official act as that it confers upon him the functions and characteristics of a minister while he is within our jurisdiction.

Therefore it is not an idle act, but it is one that he may perform without the consent or the assistance of Congress. It is one that falls within the classification I have mentioned every time I have had occasion to present the subject at all, which, while it concludes the President, concludes the minister, concludes the foreign government, as to this gentleman being the authenticated minister from that country, with due credentials, affects the people of the United States not at all. Now, why? Because the President in the performance of that act has merely executed a law. He has performed an executive function, not a legislative function. He had the right to perform it, fully to perform it, but it is an executive act and no more. It is not in any sense a legislative act.

Where, then, does he get the power to perform this executive act? We look about through the Constitution. It is not a power derived from the right to do anything that the President has the right to do, to make treaties or to make nominations to office. Where does it come from? It comes from the laws of nations. What are the laws of nations to us? A recognized code named in the Constitution. Congress, by the Constitution, shall have power to pass laws to punish violations of the laws of nations. Therefore we recognize the laws of nations in the Constitution itself. That falls in line with a theory of mine, and I take great pride in being a devotee to it, which is that the Government of the United States, in all its external functions, powers, relations, and duties, is the equal of any other government in the world. It has all the power of an extraterritorial character of any other government in the world. How does it get those powers? By placing itself amongst the family of nations and accepting in its Constitution all the laws of nations.

The Constitution says that the executive power is devolved upon the President of the United States, and further it says he shall take care that the laws be faithfully executed. What laws? International as well as local—all laws that bind the people of the United States, and all laws that make for their advantage. The President shall see that they are faithfully executed. Now we come to what the laws of nations prescribe or permit in respect, for instance, of the reception of foreign ministers. They permit and they prescribe that one holding credentials to a foreign government, no matter where that government may be, from another government, shall present his credentials to the diplomatic head of the country, whether that may be a sovereign who has the right to send an ambassador abroad or a limited sovereign who has not that right perhaps as an individual or as a personal sovereign right. It makes no difference what the character may be, whoever represents the diplomatic powers of the government, as they are recognized under the laws of nations, is the proper person to whom those credentials shall be presented.

After we did that in our Constitution, we commenced to put restrictions upon the President of the United States. He shall exercise his function of executing the laws of nations, but Congress has the right to pass laws to inflict punishment for a violation of the laws of nations. Congress has the right to repeal the laws of nations so far as they affect our people. Congress did it when it passed all this series of acts under which we have had so much commotion lately in respect to the security of foreign countries because of the disposition of our own people to go out and raid and furnish others with military munitions and supplies. Congress has exercised that function beyond the function and power and scope of the laws of nations. We have gone further than the laws of nations in that particular.

I come back now to the simple proposition, What, then, is the office of the President of the United States in respect of the recognition of a foreign government? So far as it relates to any executive function of his, he has the right and must have the exclusive right, but when by such a recognition he wants to change the legal relation or status between us and any other country, there his power stops. He can bow a minister into the doors of the Government; he can pass upon his credentials; he can welcome him to our shores; he can throw around him the ægis of the protection of this Government, but he can not compel us to respond to that. He can not compel us in any legislative sense to recognize the combination of those three Governments constituting the Central American Greater Republic—not at all.

Mr. HOAR. I should like to put a question to the Senator from Alabama right here, which seems to be the proper point in his argument. I desire to put this illustration, if the Senator pleases: We recognize Cuba by joint resolution passed over the President's veto, or it becomes a law by his retaining it in his pocket ten days, or in any other way. In the meantime Spain makes war upon us. We declare war on her and adjourn on the 4th of March. Now, there is Cuba recognized as a free and independent nation, if the act of Congress can do it, without the President's action, and there is Spain at war with us.

Spain conquers Cuba; the rebels submit, and she takes possession of every part of the island by the 1st of May, Congress not being in session, and it becomes a base of supplies and of warlike operations against us. Is the President of the United States bound, until we get together in December and repeal our action, to treat Cuba under those circumstances as a friendly nation which we shall not attack or fight with?

Mr. MORGAN. I think I can answer the question by a very simple illustration, which I think the Senator will admit to be a correct one. If at any time during the period between the adjournment and the next meeting of Congress, and before we changed our attitude, after we had recognized the Republic of Cuba by a joint resolution of the two Houses of Congress in the most formal possible way, a ship bearing the flag of the Republic of Cuba should enter the port of Boston, the officers of the port would be compelled to recognize her not merely as belonging to a government, but as belonging to a friendly government, and to give her hospitality and all that. It would be a law passed by Congress which binds all officers of the United States until it is repealed.

Mr. HOAR. Including the President?

Mr. MORGAN. Now, suppose, as the Senator says, the next day after we adjourn Spain overwhelms Cuba; they make peace; the subjugation comes, and all that, so that the revolution no longer exists and peace prevails there by the consent of Cuba. That does not repeal the act of Congress, Mr. President.

Mr. HOAR. Can the President fit out an expedition during that time to capture Moro Castle?

Mr. MORGAN. That depends upon the war-making power.

Mr. HOAR. I understand that.

Mr. MORGAN. Oh, yes; if we are at war it changes the whole relation of the United States. When we are in a state of war with Spain about Cuba or anything else every man in the United States is by law an enemy of every Spaniard in the world.

Mr. HOAR. Exactly.

Mr. MORGAN. His status is fixed by law. But the state of war, as it is known to the law, is utterly different from the state of peace, and the rules of law applicable to war do not apply at all to a state of peace. I did not remember that that category was in the Senator's question. So the other one is perfectly plain.

I will suppose that we are not at war, but that we have recognized the independence of Cuba. Congress has adjourned. Spain and Cuba are at war. Spain overwhelms Cuba. Cuba makes peace, surrenders, and submits. Until Congress changes the law, if a ship comes into a port of the United States bearing the flag of the Republic of Cuba, we are bound to respect it, and so is every officer, because the laws of the United States are paramount, and they stay there until they are repealed.

Mr. HOAR. We are bound, the Senator would say, to give the necessary papers at the custom-house to this ship, which is bound for Cuba, although it is in the possession of the enemy and the stores would at once become supplies of war against us.

Mr. MORGAN. Exactly so, unless the Secretary of the Treasury has some latitude in the regulations he may form which would relieve him of the difficulty. I hope he has, and I expect he has, and I believe he has, although I am not quite sure of it. But in a case of that kind I suppose the Secretary of the Treasury would have some power of regulation that would relieve the country of the anomalous embarrassment and situation.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. Will the Senator from Ohio yield to me before his motion is acted upon, simply to ask that the pending joint resolution may lie upon the table?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. SHERMAN. Certainly, for one moment.

Mr. BACON. I merely wish to ask that the joint resolution introduced by the Senator from Texas may lie on the table, in order that on Wednesday morning next at the conclusion of the morning business I may submit some remarks thereon.

Mr. PETTIGREW. I believe the debate has been proceeding by unanimous consent, and I desire now to have the unfinished business laid before the Senate.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. I now ask unanimous consent that the unfinished business may be taken up to-morrow morning immediately after the routine morning business.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions, with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 8877) granting a pension to Henderson Marple;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.; and

A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. With the consent of the Senator from Ohio, I desire to ask unanimous consent to have printed in the RECORD a careful analysis of the vote at the recent election as bearing upon the result of the Presidental election in support of the resolution introduced by me a week or two ago.

Mr. HILL. What is the paper?

Mr. ALLEN. It is an analysis of the Presidential vote of the United States, and is very brief.

Mr. HILL. Who makes it?

Mr. ALLEN. It was prepared by Mr. Emerson, a very competent gentleman.

Mr. HILL. I object. Let it be printed as a document. I do not believe in encumbering the RECORD with everybody's effusions.

Mr. ALLEN. I am willing to take it as a document, by the grace of the Senator from New York.

Mr. HILL. I have no objection to that.

The VICE-PRESIDENT. The paper will be printed as a document, in the absence of objection.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 12, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 11, 1897.

PROMOTIONS IN THE NAVY.

Capt. William T. Sampson, United States Navy, to be Chief of the Bureau of Ordnance, in the Department of the Navy, from the 28th day of January, 1897.

Commander Joseph B. Coghlan, to be a captain in the Navy, from the 18th day of November, 1896, vice Capt. Alfred T. Mahan, retired.

Lieut. Commander William I. Moore, to be a commander in the Navy, from the 18th day of November, 1896, vice Commander Joseph B. Coghlan, promoted.

P. A. Engineer William N. Little, to be a chief engineer in the Navy, from the 14th day of December, 1896, vice Chief Engineer David Smith, retired.

Asst. Engineer Cleland N. Offley, to be a passed assistant engineer in the Navy, from the 14th day of December, 1896, vice P. A. Engineer William N. Little, promoted.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. George William Candee, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, January 7, 1897, vice Canby, retired from active service.

Maj. Alfred Elliott Bates, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, January 7, 1897, vice Candee, promoted.

POSTMASTER.

August Pein, to be postmaster at Eureka, in the county of McPherson and State of South Dakota, in the place of Frank H. Hooper, whose commission expired January 6, 1897.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 11, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

PACIFIC RAILROAD FUNDING BILL.

The SPEAKER. The first business under the special order is the vote upon the various propositions connected with the bill H. R. No. 8189. The Chair desires to state the condition of affairs to the House. As the Chair understands it, there are no amendments offered to the original bill. There are two substitutes, to one of which an amendment is offered. It will be necessary first to vote upon that amendment to the substitute in order to perfect it. And when that has been done the substitute offered by the gentleman from Texas [Mr. BELL] will first be voted upon, and if it is adopted it will take the place of the original bill, as being, in the judgment of the House, the position it ought to take; and there will be no vote upon the other substitute. If the substitute of the gentleman from Texas is not adopted, then the question will recur with regard to the first substitute. That will then be voted upon. The Chair has an idea that is the understanding of the House and that that will do justice to the condition of the bill.

Mr. POWERS. Mr. Speaker——

The SPEAKER. The Chair is mistaken in saying that there are no amendments to the original bill. There are committee amendments that have been adopted in the Committee of the Whole. There were no amendments pending in the Committee of the Whole. The question will be taken first on the committee amendments to the original bill.

Mr. POWERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. I apprehend the Chair is in error as to the status of the two substitutes. The substitute offered by the gentleman from Texas [Mr. BELL] is offered as a substitute for the substitute offered by the gentleman from Alabama [Mr. HARRISON].

Mr. BELL of Texas. And for the bill.

Mr. POWERS. And for the bill. It is first a substitute for the proposition of the gentleman from Alabama, not, as I understand, antagonizing the bill in the first instance, but first antagonizing the substitute of the gentleman from Alabama.

The SPEAKER. The Chair understands that the amendment offered to the other substitute is in the nature of a substitute itself.

Mr. POWERS. It is. The amendment offered by the gentleman from Ohio [Mr. NORTHWAY] practically substitutes one section for another, if my understanding is correct.

Mr. NORTHWAY. There are four sections in the amendment offered by the gentleman from Alabama [Mr. HARRISON], and I propose to amend only two of those sections. Mine is an amendment to the substitute.

Mr. TERRY. A parliamentary inquiry, Mr. Speaker. I understood the Chair to announce a while ago that there was only one amendment, an amendment to the substitute of the gentleman from Alabama. As I understand it, the Committee of the Whole adopted certain amendments.

The SPEAKER. The Chair corrected his original statement. The Chair had been told that there were no pending amendments, and technically there are no pending amendments in the sense of their being pending in the committee. The Chair subsequently announced that there were amendments made in Committee of the Whole on which the vote would first be taken. The gentleman from Vermont [Mr. POWERS] seems to think that the Chair is misinformed as to the order of the substitutes.

Mr. POWERS. I beg the Chair's pardon—not as to the order, but as to the form in which the substitute of the gentleman from Texas was ordered. The gentleman from Alabama [Mr. HARRISON] first offered his substitute. The gentleman from Texas, of course, would have no parliamentary status to offer an independent substitute to the bill, but he could offer his amendment as a substitute for the substitute proposed by the gentleman from Alabama, and he did so offer it in form.

The SPEAKER. Was that done by unanimous consent?

Mr. DOCKERY. It was.

The SPEAKER. Will the gentleman from Vermont read the form in which the substitute of the gentleman from Texas was offered? The Chair was informed that the way in which the consent of the House was given was as the Chair stated it.

Mr. BELL of Texas. Here is what took place. I read from page 619 of the RECORD:

> Mr. BELL of Texas. Mr. Chairman, the other day I had printed in the RECORD a substitute which I now ask unanimous consent to offer as a substitute for the substitute of the gentleman from Alabama and for the pending bill.

The SPEAKER. If by consent of the House the proposition was offered as a substitute for the substitute of the gentleman from Alabama, then it will have to be voted upon as such.

Mr. BELL of Texas. And also, by consent of the House, it was offered as a substitute for the pending bill.

The SPEAKER. It can not be both.

Mr. BELL of Texas. It can by unanimous consent, can it not?

The SPEAKER. It makes very little difference, inasmuch as it was all done by consent of the House.

Mr. BELL of Texas. When I offered my substitute, the Chair stated it in this way:

> The CHAIRMAN. The gentleman from Texas [Mr. BELL] asks permission to offer a substitute, which has already been printed in the RECORD, and which he now sends to the Clerk's desk—a substitute for the substitute offered by the gentleman from Alabama. Is there objection to the substitute of the gentleman from Texas being considered as pending? The Chair hears none, and it is so ordered.

Mr. POWERS. That is correct.

The SPEAKER. The first question is on agreeing to the amendments of the committee adopted in Committee of the Whole. If no separate vote is asked for, the Chair will put the question on the amendments as a whole.

Mr. POWERS. Those amendments are entirely satisfactory to the committee, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, as I understand it, those are amendments to the original bill.

The SPEAKER. They are amendments to the original bill.

The amendments were adopted.

The SPEAKER. The question is now upon the amendment of the gentleman from Ohio [Mr. NORTHWAY] to the substitute offered by the gentleman from Alabama [Mr. HARRISON]. The Clerk will report the amendment.

The amendment of Mr. NORTHWAY was read, as follows:

Strike out all of section 1, after the words "Section 1," and insert the following:

"That a commission consisting of three persons, to be named, one each, by the Secretary of the Treasury, Secretary of the Interior, and Attorney-General, shall be constituted, with full power to settle, adjust, or compromise the indebtedness of any and all of the bond-aided Pacific railroads to the Government of the United States upon such terms and in such manner as may be agreed upon by such road or roads and such commission: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and when approved by him shall be binding as a valid agreement."

In lieu of section 4 insert the following:

"SEC. 4. That each of said commissioners shall receive pay at the rate of $30 per day for the time necessarily spent by them as such commissioners, and the sum of $15,000, or so much thereof as may be needed to pay such commissioners and to pay the expenses incident to such settlement and to carry out the provisions of this act, is hereby appropriated out of any funds in the Treasury not otherwise appropriated."

The amendment was rejected.

The SPEAKER. The question now recurs on the substitute of the gentleman from Texas [Mr. BELL] for the substitute offered by the gentleman from Alabama [Mr. HARRISON].

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. BELL of Texas. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered, 71 members voting therefor.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry. Of course I shall vote against both substitutes, but should like to know, for my own guidance, whether, if the Bell substitute is adopted, that will not eliminate the Harrison substitute from further consideration?

The SPEAKER. It will. The question will then come upon the adoption of the substitute of the gentleman from Texas [Mr. BELL] for the original bill. The question now is on the adoption of a substitute of the gentleman from Texas for the substitute of the gentleman from Alabama.

The question was taken; and there were—yeas 110, nays 157, not voting 88; as follows:

YEAS—110.

Abbott,
Aldrich, T. H.
Bailey,
Baker, Kans.
Baker, N. H.
Barham,
Bartlett, Ga.
Belknap,
Bell, Colo.
Bell, Tex.
Bingham,
Blue,
Boatner,
Burton, Mo.
Clardy,
Cockrell,
Coffin,
Connolly,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cox,
Crisp,
Crowther,
Culberson,
Curtis, Kans.
Danford,
De Witt,
Dinsmore,
Dockery,
Doolittle,
Ellett,
Erdman,
Fairchild,
Fenton,
Fitzgerald,
Foss,
Grout,
Hager,
Hainer, Nebr.
Hall,
Hart,
Howard,
Howell,
Hubbard,
Hull,
Hutcheson,
Johnson, Ind.
Jones,
Kem,
Kendall,
Kirkpatrick,
Kleberg,
Lacey,
Latimer,
Leonard,
Lewis,
Linton,
Livingston,
Martin,
McCulloch,
McDearmon,
McEwan,
McMillin,
Meiklejohn,
Mercer,
Moody,
Neill,
Northway,
Ogden,
Otey,
Parker,
Pearson,
Pendleton,
Pitney,
Price,
Prince,
Pugh,
Richardson,
Rinaker,
Sayers,
Scranton,
Shafroth,
Snover,
Sparkman,
Stallings,
Steele,
Stephenson,
Stokes,
Strode, Nebr.
Strong,
Swanson,
Talbert,
Tayler,
Terry,
Thorp,
Towne,
Tracey,
Tyler,
Van Horn,
Walker, Va.
Wanger,
Warner,
Washington,
White,
Williams,
Wilson, Ohio
Wood,
Woodard.

NAYS—157.

Adams,
Aitken,
Allen, Utah
Anderson,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bankhead,
Barney,
Bartholdt,
Bartlett, N. Y.
Beach,
Bennett,
Berry,
Black,
Bowers,
Brewster,
Broderick,
Bromwell,
Brosius,
Buck,
Bull,
Burrell,
Burton, Ohio
Calderhead,
Cannon,
Catchings,
Chickering,
Clarke, Ala.
Cobb,
Codding,
Cook, Wis.
Cooper, Wis.
Cowen,
Crowley,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Daniels,
Dayton,
De Armond,
Denny,
Dolliver,
Dovener,
Draper,
Ellis,
Evans,
Faris,
Fischer,
Fletcher,
Foote,
Gamble,
Gardner,
Gilson,
Gillet, N. Y.
Gillett, Mass.
Grow,
Halterman,
Harmer,
Harrison,
Hartman,
Hatch,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill,
Hooker,
Hopkins,
Howe,
Huff,
Huling,
Hunter,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Joy,
Kiefer,
Knox,
Kyle,
Lawson,
Layton,
Leighty,
Lester,
Linney,
Long,
Loud,
Low,
Maguire,
Mahany,
Mahon,
Marsh,
McCleary, Minn.
McClellan,
McCreary, Ky.
McLachlan,
Meredith,
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Morse,
Murray,
Newlands,
Odell,
Otjen,
Overstreet,
Owens,
Patterson,
Payne,
Perkins,
Poole,
Powers,
Quigg,
Raney,
Reeves,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Shannon,
Sherman,
Smith, Ill.
Southard,
Southwick,
Spalding,
Spencer,
Sperry,
Stahle,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Sulzer,
Taft,
Tate,
Tawney,
Thomas,
Turner, Ga.
Turner, Va.
Updegraff,
Van Voorhis,
Watson, Ohio
Wellington,
Willis,
Wilson, Idaho
Wilson, N. Y.
Woodman,
Wright.

NOT VOTING—88.

Acheson,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Andrews,
Baker, Md.
Barrett,
Bishop,
Boutelle,
Brown,
Brumm,
Clark, Iowa
Clark, Mo.
Colson,
Cousins,
Crump,
Dingley,
Eddy,
Fowler,
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Hadley,
Hanly,
Hardy,
Harris,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hitt,
Hulick,
Hurley,
Kerr,
Kulp,
Lefever,
Leisenring,
Little,
Lorimer,
Loudenslager,
Maddox,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McLaurin,
McRae,
Meyer,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moses,
Mozley,
Murphy,
Noonan,
Phillips,
Pickler,
Ray,
Reyburn,
Russell, Ga.
Sauerhering,
Settle,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Sorg,
Stewart, N. J.
Strait,
Strowd, N. C.
Sulloway,
Tracewell,
Treloar,
Tucker,
Wadsworth,
Walker, Mass.
Watson, Ind.
Wheeler,
Wilber,
Wilson, S. C.
Woomer,
Yoakum.

So the substitute of Mr. BELL of Texas was rejected.

Mr. HAINER of Nebraska. My colleague, Mr. ANDREWS, was suddenly called to Chicago yesterday by a telegram announcing what is feared may be the fatal illness of a sister. I therefore ask that he be excused from this vote and that he have leave of absence for ten days.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The following pairs were announced:

Until further notice:

Mr. MILLIKEN with Mr. MONEY.
Mr. HANLY with Mr. MOSES.
Mr. HEMENWAY with Mr. MINER of New York.
Mr. WOOMER with Mr. SHAW.
Mr. WILBER with Mr. SORG.
Mr. WATSON of Indiana with Mr. MEYER.
Mr. CLARK of Missouri with Mr. ALLEN of Mississippi.
Mr. HITT with Mr. MCRAE.
Mr. COUSINS with Mr. MCLAURIN.
Mr. TRACEWELL with Mr. RUSSELL of Georgia.
Mr. HULICK with Mr. YOAKUM.
Mr. KULP with Mr. STRAIT.
Mr. HENRY of Indiana with Mr. STROWD of North Carolina.

For this day:

Mr. ALDRICH of Illinois with Mr. MILES.

On this question:

Mr. LEISENRING with Mr. BISHOP.
Mr. LOUDENSLAGER with Mr. TUCKER.
Mr. BROWN with Mr. LITTLE.
Mr. HURLEY with Mr. FOWLER.
Mr. LORIMER with Mr. SHUFORD.
Mr. CRUMP with Mr. MADDOX.
Mr. GROSVENOR with Mr. ACHESON.
Mr. MCCALL of Massachusetts with Mr. WILSON of South Carolina.
Mr. WOODARD with Mr. SKINNER.

On this vote:

Mr. BOUTELLE with Mr. SIMPKINS.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs on the substitute of the gentleman from Alabama [Mr. HARRISON].

Mr. HOPKINS. Can we have that substitute read?

The SPEAKER. Without objection, the Clerk will read the substitute.

The proposed substitute of Mr. HARRISON was read, as follows:

Strike out all after the enacting clause in the bill and insert the following, to wit:

"SECTION 1. That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebtedness of any and all the bond-aided Pacific railroads to the Government, upon such terms and in such manner as may be agreed upon by them and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

"SEC. 2. That said commission or any member of the same is hereby authorized and empowered to administer oaths, to summon and compel the attendance and take the testimony of witnesses, and cause to be produced all papers and documents needed in the course of their negotiations.

"SEC. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

"SEC. 4. That the sum of $5,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of said commission in carrying out the provisions of this act."

The question having been put,

The SPEAKER. The noes seem to have it.

Mr. HARRISON. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 47.

The SPEAKER. In the opinion of the Chair, not a sufficient number have voted to order the yeas and nays.

Mr. HARRISON and Mr. HOPKINS. Let us have the other side.

The negative vote having been taken on ordering the yeas and nays, there were—ayes 47, noes 127.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 55, nays 214, not voting 86; as follows:

YEAS—55.

Abbott,
Bankhead,
Barham,
Bartlett, Ga.
Bell, Tex.
Boatner,
Clarke, Ala.
Cooper, Fla.
Cox,
Dinsmore,
Doolittle,
Ellis,
Erdman,
Fitzgerald,
Fletcher,
Grout,
Hager,
Hainer, Nebr.
Hall,
Harrison,
Hermann,
Hopkins,
Howe,
Hubbard,
Hutcheson,
Johnson, Ind.
Kleberg,
Lacey,
Lewis,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McMillin,
Minor, Wis.
Neill,
Northway,
Otey,
Otjen,
Owens,
Pendleton,
Sparkman,
Steele,
Stone, C. W.
Strong,
Talbert,
Terry,
Thorp,
Turner, Va.
Updegraff,
Van Horn,
Walker, Va.
Wanger,
White,
Wood.

NAYS—214.

Adams,
Aitken,
Allen, Utah
Anderson,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Kans.
Baker, N. H.
Barney,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Colo.
Bennett,
Berry,
Bingham,
Black,
Blue,
Boutelle,
Bowers,
Brewster,
Broderick,
Bromwell,
Brosius,
Buck,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Catchings,
Chickering,
Clardy,
Cobb,
Cockrell,
Codding,
Coffin,
Connolly,
Cook, Wis.
Cooke, Ill.
Cooper, Tex.
Cooper, Wis.
Corliss,
Crisp,
Crowley,
Crowther,
Culberson,
Cummings,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Daniels,
Dayton,
De Armond,
Denny,
De Witt,
Dockery,
Dolliver,
Dovener,
Draper,
Eddy,
Ellett,
Evans,
Fairchild,
Faris,
Fenton,
Fischer,
Foote,
Foss,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Grow,
Halterman,
Harmer,
Hart,
Hartman,
Hatch,
Heatwole,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hill,
Hooker,
Howard,
Howell,
Huff,
Huling,
Hull,
Hunter,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kendall,
Kiefer,
Kirkpatrick,
Knox,
Kyle,
Latimer,
Lawson,
Layton,
Leighty,
Leonard,
Lester,
Linney,
Linton,
Livingston,
Long,
Loud,
Low,
Maguire,
Mahany,
Mahon,
Marsh,
Martin,
McCleary, Minn.
McClellan,
McClure,
McLachlan,
Meiklejohn,
Mercer,
Meredith,
Miller, W. Va.
Milnes,
Mitchell,
Moody,
Morse,
Mozley,
Murray,
Newlands,
Odell,
Ogden,
Overstreet,
Parker,
Patterson,
Payne,
Pearson,
Perkins,
Pitney,
Poole,
Powers,
Price,
Prince,
Pugh,
Quigg,
Raney,
Reeves,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Sayers,
Scranton,
Shafroth,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Southard,
Southwick,
Spalding,
Spencer,
Sperry,
Stahle,
Stallings,
Stephenson,
Stewart, Wis.
Stokes,
Stone, W. A.
Strode, Nebr.
Sulzer,
Swanson,
Taft,
Tate,
Tawney,
Tayler,
Thomas,
Towne,
Tracey,
Treloar,
Turner, Ga.
Tyler,
Van Voorhis,
Warner,
Washington,
Watson, Ohio
Wellington,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Woodman,
Wright.

NOT VOTING—86.

Acheson,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Andrews,
Baker, Md.
Barrett,
Belknap,
Bishop,
Brown,
Brumm,
Clark, Iowa
Clark, Mo.
Colson,
Cousins,
Cowen,
Crump,
Dingley,
Fowler,
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Hadley,
Hanly,
Hardy,
Harris,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hitt,
Hulick,
Hurley,
Kerr,
Kulp,
Lefever,
Leisenring,
Little,
Lorimer,
Loudenslager,
Maddox,
McCall, Mass.
McCall, Tenn.
McCormick,
McLaurin,
McRae,
Meyer,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moses,
Murphy,
Noonan,
Phillips,
Pickler,
Ray,
Reyburn,
Russell, Ga.
Sauerhering,
Settle,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Mich.
Sorg,
Stewart, N. J.
Strait,
Strowd, N. C.
Sulloway,
Tracewell,
Tucker,
Wadsworth,
Walker, Mass.
Watson, Ind.
Wheeler,
Wilber,
Wilson, S. C.
Woodard,
Woomer,
Yoakum.

So the proposed substitute of Mr. HARRISON was rejected.

Mr. HUBBARD. I rise to a parliamentary inquiry. I wish to be informed by the Chair whether this is the proper time to make a motion to recommit.

The SPEAKER. After the bill has been ordered to be engrossed and read a third time that motion will be in order. And the next question is upon ordering the bill to its engrossment and third reading.

Mr. POWERS. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 168, not voting 84; as follows:

YEAS—103.

Adams,
Aitken,
Aldrich, T. H.
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bankhead,
Barney,
Bennett,
Berry,
Boutelle,
Brewster,
Brosius,
Bull,
Calderhead,
Cannon,
Catchings,
Chickering,
Clarke, Ala.
Cobb,
Codding,
Connolly,
Cowen,
Crowley,
Culberson,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Daniels,
Dayton,
Denny,
Dovener,
Draper,
Evans,
Faris,
Fischer,
Foote,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Grow,
Halterman,
Hardy,
Harmer,
Hatch,
Henderson,
Henry, Conn.
Hepburn,
Hill,
Hooker,
Huling,
Hunter,
Jenkins,
Johnson, Cal.
Kirkpatrick,
Knox,
Kyle,
Layton,
Leighty,
Linton,
Long,
Low,
Mahon,
McClellan,
Meredith,
Miller, W. Va.
Mitchell,
Morse,
Mozley,
Murray,
Odell,
Overstreet,
Patterson,
Payne,
Poole,
Powers,
Quigg,
Raney,
Reeves,
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Sherman,
Smith, Ill.
Southwick,
Spencer,
Sperry,
Stahle,
Stone, C. W.
Sulzer,
Taft,
Thomas,
Van Voorhis,
Wadsworth,
Watson, Ohio
Wellington,
Wilson, N. Y.
Woodman,
Wright.

NAYS—168.

Abbott,
Allen, Utah
Anderson,
Bailey,
Baker, Kans.
Baker, N. H.
Barham,
Bartholdt,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Belknap,
Bell, Colo.
Bell, Tex.
Bingham,
Black,
Blue,
Boatner,
Bowers,
Broderick,
Buck,
Burrell,
Burton, Mo.
Burton, Ohio
Clardy,
Cockrell,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cox,
Crisp,
Crowther,
Cummings,
Curtis, Kans.
Danford,
De Armond,
De Witt,
Dinsmore,
Dockery,
Dolliver,
Doolittle,
Eddy,
Ellett,
Ellis,
Erdman,
Fairchild,
Fenton,
Fitzgerald,
Fletcher,
Foss,
Gamble,
Gibson,
Grout,
Hager,
Hainer, Nebr.
Hall,
Harrison,
Hart,
Hartman,
Heatwole,
Hendrick,
Hermann,
Hicks,
Hilborn,
Hopkins,
Howard,
Howe,
Howell,
Hubbard,
Huff,
Hull,
Hutcheson,
Hyde,
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kendall,
Kiefer,
Kleberg
Lacey,
Latimer,
Lawson,
Leonard,
Lester,
Lewis,
Linney,
Livingston,
Loud,
Maguire,
Mahany,
Marsh,
Martin,
McCleary, Minn.
McClure,
McCormick,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLachlan,
McMillin,
Meiklejohn,
Mercer,
Milnes,
Minor, Wis.
Moody,
Neill,
Newlands,
Northway,
Ogden,
Otey,
Otjen,
Owens,
Parker,
Pearson,
Pendleton,
Perkins,
Pitney,
Prince,
Pugh,
Richardson,
Rinaker,
Robertson, La.
Sayers,
Scranton,
Shafroth,
Shannon,
Simpkins,
Smith, Mich.
Snover,
Southard,
Spalding,
Sparkman,
Stallings,
Steele,
Stephenson,
Stewart, Wis.
Stokes,
Strode, Nebr.
Swanson,
Talbert,
Tate,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracey,
Treloar,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Walker, Va.
Wanger,
Warner,
Washington,
White,
Williams,
Willis,
Wilson, Idaho
Wood.

NOT VOTING—84.

Acheson,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Andrews,
Baker, Md.
Barrett,
Bishop,
Bromwell,
Brown,
Brumm,
Clark, Iowa
Clark, Mo.
Coffin,
Colson,
Cousins,
Crump,
Dingley,
Fowler,
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Hadley,
Hanly,
Harris,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hitt,
Hulick,
Hurley,
Kerr,
Kulp,
Lefever,
Leisenring,
Little,
Lorimer,
Loudenslager,
Maddox,
McCall, Mass.
McCall, Tenn.
McLaurin,
McRae,
Meyer,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moses,
Murphy,
Noonan,
Phillips,
Pickler,
Price,
Ray,
Reyburn,
Russell, Ga.
Sauerhering,
Settle,
Shaw,
Shuford,
Skinner,
Sorg,
Stewart, N. J.
Stone, W. A.
Strait,
Strong,
Strowd, N. C.
Sulloway,
Tracewell,
Tucker,
Walker, Mass.
Watson, Ind.
Wheeler,
Wilber,
Wilson, Ohio
Wilson, S. C.
Woodard,
Woomer,
Yoakum.

So the House refused to order the bill to be engrossed and read a third time.

[The announcement of the result was received with applause.]

Mr. HUBBARD. Mr. Speaker, I desire to ascertain now if a motion to reconsider and lay on the table would be in order.

The SPEAKER. It would.

On motion of Mr. HUBBARD, a motion to reconsider the last vote taken and to lay that motion on the table was adopted.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, this being the day set apart by the rules for the consideration of business reported from the Committee on the District of Columbia, and that committee having several important matters to present which are not yet perfected, I would ask unanimous consent that next Monday may be considered as District day instead of this.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PRINTING ON FUNDING BILL.

Mr. TALBERT. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBERT. I wish to ask if the permission to extend remarks in the RECORD upon the Pacific Railroad bill, which has just been rejected, applied only to those who have addressed the House upon the subject, or whether it embraced any members who desired to do so?

The SPEAKER. The recollection of the Chair is that it applied only to persons who have spoken upon the subject.

Mr. TALBERT. I ask unanimous consent that this consent be extended to all members for ten days.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies.

The message also announced that the Senate had passed the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.—to the Committee on Military Affairs.

A bill (S. 3313) for the relief of John N. Quackenbush, late commander in the United States Navy—to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7915) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes;

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war; and

A bill (H. R. 3877) granting a pension to Henderson Marple.

PACIFIC RAILROAD FUNDING BILL.

Mr. POWERS. Mr. Speaker, I move to recommit this bill to the Committee on the Pacific Railroads. It is apparent that the temper of the House is against the principle embodied in the bill, but it is equally apparent, to my mind at least, that every member wants something to be done to adjust this indebtedness.

Mr. HARRISON. Mr. Speaker, we can not hear the gentleman's suggestion.

Mr. POWERS. I will repeat. I say that it is manifest by the vote just taken that the House is opposed to the principle embodied in the bill. I believe, though, that every member here desires some action in the premises, and if this is recommitted to the committee we will attempt to formulate a bill that will meet the approval of the House.

I move, therefore, that it be recommitted to the Committee on Pacific Railroads.

The SPEAKER. The gentleman moves that this bill be recommitted to the Committee on the Pacific Railroads.

Mr. DOCKERY. Is that motion in order?

Mr. HUBBARD. Mr. Speaker, a point of order against that motion.

The SPEAKER. The gentleman from Missouri will state the point of order.

Mr. DOCKERY. I desire to raise the point of order against it.

The SPEAKER. On what ground?

Mr. DOCKERY. Because the motion is not in order at this time.

Mr. HUBBARD. The motion is not in order because the House has killed the bill by the action just taken.

Mr. DOCKERY. The motion to recommit, as I understand it, can be made after the previous question is ordered and after the bill has been ordered to its engrossment and third reading. I have not the rules before me. But the House, by an overwhelming vote, refused to order the engrossment and third reading of this bill. I desire to submit, further, that there has been intervening business. The chairman of the Committee on the District of Columbia claimed the floor, and under the rule secured the consent of the House to substitute next Monday for to-day. Other matters of business have also intervened.

The SPEAKER. By the order of the House it was provided that the "previous question be ordered on this bill to its final passage, and the final vote thereon should be taken immediately after the reading of the Journal" to-day (Monday). So the previous question was ordered.

Mr. DOCKERY. That is true; but in this case, as I understand the parliamentary situation, the vote has been taken on the proposition to engross the bill and order it to a third reading. The House refused to order the bill to be engrossed and read a third time, and thereupon a motion was made to reconsider and lay on the table the vote by which the House refused to order its engrossment. The gentleman from Vermont now seeks to interpose a motion to recommit.

The SPEAKER. But the House, although it might have refused the bill on its passage in the House, may desire to recommit it for further action on the part of the committee.

Mr. DOCKERY. I have been looking for the section of the rule that applies to this situation, but have so far been unable to find it. I am of the opinion, however, that the motion to recommit is not in order until after the bill has been ordered to be engrossed and read a third time.

The SPEAKER. The situation, the Chair will state, is rather an unusual one, and unless there is some authority on the subject to be submitted now perhaps the matter had better go over until to-morrow.

Mr. DOCKERY. I am quite content that it shall go over until to-morrow morning immediately after the reading of the Journal.

Mr. TERRY. Mr. Speaker, there is another suggestion I would like to make in this connection. By an overwhelming vote of the House, not only has this bill been killed by refusing to order it to engrossment and third reading, but it has been killed and put into its coffin, and by the "eternal-cinch" effect of the motion to reconsider and lay on the table the coffin has been nailed up. I do not see how the motion of the gentleman from Vermont can resurrect a body as dead as that is. [Laughter.]

The SPEAKER. The gentleman may possibly mislead the House by too much metaphor.

Mr. DOCKERY. I understand this will go over until after the reading of the Journal to-morrow?

The SPEAKER. The Chair would like to look into it. The Chair does not remember any such occurrence heretofore.

TITLES AND UNIFORMS OF EX-ARMY OFFICERS.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank.

The bill was read, as follows:

Be it enacted, etc., That all officers who have served during the rebellion as officers of the Regular Army of the United States, and have been honorably discharged or resigned from the service, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commission, as is now authorized for officers of volunteers by section 1226 Revised Statutes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Reserving the right to object, I should like to hear some explanation of the bill.

Mr. HULL. With the consent of the House, I want to make a very brief statement. Immediately after the war Congress passed a law authorizing the officers of the volunteer service to wear their uniforms on occasions of ceremony, but did not provide for officers who served during the war in the Regular Army and who resigned. This bill is simply to extend the provisions of that section of the statute, so that officers of the Regular Army who served during the war and who have resigned or been honorably discharged may have the same right that the volunteer officers have had ever since the war closed.

Mr. BAILEY. It involves no charge on the Treasury?

Mr. HULL. Absolutely none. It is simply a matter of sentiment.

Mr. CANNON. I suppose the officer will continue to wear his uniform of actual grade at all other times except on ceremonious occasions?

Mr. HULL. It does not affect the officers now in the Army at all. It only affects those who have resigned and who are no longer connected with the Army.

Mr. BOUTELLE. What grade of uniform do they wear?

Mr. HULL. The highest grade that they had during the war.

Mr. WADSWORTH. Why should they wear the uniform at all now, if they are not connected with the service?

Mr. HULL. Why should the volunteer officers?

Mr. WADSWORTH. For services rendered.

Mr. BOUTELLE. I should like to have the bill read again.

The SPEAKER. The Clerk will again report the bill.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

W. H. WADE.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. CURTIS of New York. Mr. Speaker, will the Chair entertain a motion to go into Committee of the Whole House on the state of the Union for the consideration of appropriation bills?

The SPEAKER. The gentleman has the right to make that motion.

Mr. CURTIS of New York. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills, with a view to calling up the Military Academy appropriation bill.

Mr. TRACEY. I trust the gentleman will withhold that motion just a minute, in order that the House may consider the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers. It will take only a minute.

Mr. CURTIS of New York. I consent to the consideration of that bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to credit the account of W. H. Wade on the books of the Department, as captain and acting regimental quartermaster of the Thirty-first Regiment of Ohio Volunteers, with the sum of $420.15, received by him as such captain and acting regimental quartermaster and disbursed by him to extra-duty men for extra duty as of date the 13th day of September, A. D. 1862, and transmit to said W. H. Wade a receipt in full of all demands against him on said account; and that he cause all proceedings in the circuit court of the United States for the western district of Missouri against said W. H. Wade to be dismissed and satisfaction entered on the records of said court of any judgment therein rendered against him as such captain and acting regimental quartermaster on account of said receipt and disbursement of funds, of principal, interest, and costs of suit.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to hear some explanation by the gentleman.

Mr. TRACEY. I will cheerfully make an explanation, Mr. Speaker. This bill has the unanimous report of the committee because of the merits which were apparent on the testimony offered, which testimony shows that in September, 1862, W. H. Wade was an officer in the Army of the United States, being captain of the Thirty-first Ohio Volunteers. At that time he was acting regimental quartermaster, and there was transmitted to him, through Col. A. J. Mackay, assistant quartermaster, $485.15, to be paid out by him on rolls to extra-duty men for extra duty performed. The money was paid out by him, as the proof shows, on the rolls and vouchers, to the amount of $420.15. The remainder of the money, being withheld from payment by reason of the absence of a part of the men, was subsequently turned over by Captain Wade to M. D. W. Harman, acting assistant quartermaster of the United States Army, so that all of the money was accounted for by him, having been paid out to the men who were entitled to it, with the exception of that balance. He made a settlement with the Second Auditor of the Treasury, with whom he filed all of his vouchers, including the pay roll, but was not aware at the time that he was required to make a settlement with the Third Auditor of the Treasury.

He was given credit for the payment on his account, and he supposed his accounts were entirely settled, and had no other information until a number of years after the war, when the Third Auditor of the Treasury informed him that this amount was still standing against him. In the first place, they said that Mr. Mackay was refused credit for the payment of this money to Wade; but subsequently he was allowed credit and his account settled. It would, therefore, be apparent that Mr. Wade ought to be allowed credit; and the officers of the Treasury think he ought to be allowed credit, but find themselves technically prevented from giving him credit. They themselves suggested this action of Congress in order that he may be credited with the amount asked, $420.15.

Mr. RICHARDSON. I would like to ask the gentleman if there has been any adverse report by any committees of the House or Senate on this bill.

Mr. TRACEY. There never has been.

Mr. RICHARDSON. I do not object. [Cries of "Vote!"]

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TRACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. CURTIS of New York. Mr. Chairman, I desire to call up the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; and I ask unanimous consent to omit the first reading of the bill, and to proceed at once to reading the bill by sections.

The CHAIRMAN. The gentleman from New York calls up the bill H. R. 9707 for present consideration, and asks unanimous consent that——

Mr. RICHARDSON. Let the title be reported.

The CHAIRMAN (continuing). The first reading of the bill be omitted. Is there objection?

Mr. RICHARDSON. I would like to hear the title of the bill reported, so that we may know what it is.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The Clerk will report the bill by sections.

Mr. DOCKERY. Before that is done——

Mr. RICHARDSON. I suppose general debate has not been closed on the bill. The bill is certainly open to discussion.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CURTIS of New York. Mr. Chairman, this is the bill for the support of the Military Academy, and carries an appropriation of $189,772.83, which is about $40,000 greater than the appropriation for the last year. That is occasioned by an increased attendance of cadets, which makes in the permanent establishment an increase of $4,000. For the extra pay of army officers at the Military Academy there is a reduction of $156 as compared with the last appropriation bill. For the pay of the military band there is a decrease of $2,220; for the civilian employees there is an increase of $1,050; for current and ordinary expenses an increase of $123; for miscellaneous and incidental expenses an increase of $1,826; for buildings and grounds an increase of $35,000.

There has been no material change in respect to any feature of the bill except in the division of buildings and grounds. The committee have recommended increased facilities for the purpose of providing pure water for the Academy. Until we reach that provision I can not think that there will be any question raised as to the action of the committee. All variation in the various items result from the fact that the officers detailed there are younger men and receive less compensation, or else in some of the miscellaneous items which are not usually carried at a uniform rate. The action of the committee has been taken with due regard to the condition of the Treasury, and they have avoided recommending such appropriation asked for which in the opinion of the committee the Treasury is not in a condition to meet.

I ask that the bill may be read under the five-minute rule.

Mr. DOCKERY. I desire to ask the gentleman in charge of this bill whether or not there are any increases of salary carried in the bill, and if so, to indicate to the House where they may be found.

Mr. CURTIS of New York. There is an increase of two clerks, one in the adjutant's and one in the quartermaster's department. The salaries of these clerks were reduced some four or five years ago, I believe, and the last Congress restored all the salaries, excepting in these two cases.

Mr. DOCKERY. What does it amount to?

Mr. CURTIS of New York. The amount of increase is $200 in each case.

Mr. DOCKERY. That is the only increase of salaries carried?

Mr. CURTIS of New York. Those are the only increases of salaries.

Mr. RICHARDSON. I desire to ask the gentleman in charge of the bill if it makes any changes in existing law?

Mr. CURTIS of New York. It makes no change in existing law.

Mr. DOCKERY. Mr. Chairman, when we reach the items involving increases in compensation, I trust the gentleman will indicate them. At this point I will only express my regret that the gentleman in charge of this bill, at a time when there is profound commercial stagnation throughout the land, should have thought it necessary to make an increase in this bill of $47,000 above the amount carried in the current law.

Mr. CURTIS of New York. Only $40,000, and that arising almost entirely out of the necessity of improving the water facilities at the Academy. Mr. Chairman, if there are no further questions, I ask that the Clerk read the bill by paragraphs.

The Clerk (reading the bill by paragraphs) read as follows:

> For extra pay of officers of the Army on detached service at the Military Academy:
>
> For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as major of engineers, $1,000;
>
> For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, not mounted, $1,200;
>
> For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, $500;
>
> For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain, mounted, $500;
>
> For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, $1,000;
>
> For pay of four senior instructors of cavalry, artillery, infantry tactics, and ordnance and gunnery (captains), in addition to pay as first lieutenants, not mounted, $2,000;
>
> For pay of four assistant instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, $2,400;
>
> For pay of one adjutant, in addition to pay as second lieutenant, not mounted, $500;
>
> For pay of one treasurer, quartermaster, and commissary of cadets, in addition to pay as captain, not mounted, $500;
>
> Additional pay of librarian, $120;
>
> For additional pay of professors and officers (and officers on increased rank) for length of service, $9,104.51;
>
> In all, for extra pay of officers of the Army on detached service at the Military Academy, $21,984.51.

Mr. BLUE. Mr. Chairman, I would like to get some information from the gentleman in charge of this bill about these extra allowances. For instance, "additional pay of librarian, $120." What is the necessity for that?

Mr. CURTIS of New York. Mr. Chairman, this appropriation for extra compensation for the librarian has been customary from a period beyond which the memory of no man in this House runs. An officer is appointed to the position of librarian, and we allow him this extra compensation for the discharge of those duties.

Mr. HULL. And I will say further to the gentleman from Kansas that this is for extra work, and it is only fair that an officer who does extra work should receive some additional pay.

Mr. BLUE. If that is the case, why is this carried from year to year as an extra allowance, instead of being embodied in the general law?

Mr. CURTIS of New York. Each grade of officer has his prescribed salary, but when an officer is detailed to this special duty he gets extra compensation. The librarian of the institution receives this extra allowance, and the instructors get a somewhat larger amount.

Mr. HULL. The librarian may be one man of a certain rank one year and another man of another grade the next year.

Mr. BLUE. Mr. Chairman, if it is not too late, I would like also to get some explanation of the increased aggregate appropriated in the first paragraph of the bill. The total in that paragraph of the pending bill is $202,000, while I see that the appropriation last year was only $198,000.

Mr. HULL. That is under the head of "Permanent establishment" of the Academy. The small increase there results very largely from the detail of officers and the increased number of cadets. Officers detailed for special duty at the Academy receive increased compensation according to their length of service, the older ones certain amounts and the younger ones smaller amounts, and the increase in this aggregate appropriation results from that and also from the increased number of cadets. I believe that we have at the Academy now about as large an attendance as we have ever had at any time. I will say to the gentleman from Kansas that this increase is due entirely, I believe, to the increase in the number of cadets.

Mr. BLUE. Then it does not result from any increases of salary?

Mr. CURTIS of New York. Not at all. We have simply recommended the appropriations required to carry out existing law.

Mr. BLUE. One other question. I notice that the provisions for additional pay occur in several places on page 3. Now, have those allowances been carried as permanent law all the time?

Mr. HULL. It is the law that when an officer is detailed for duty at the Academy he receives a certain amount of extra pay regardless of his rank. In some cases he may have the rank of major, in other cases he may have the rank of captain, but if he is a lieutenant or any grade below that, he gets corresponding extra compensation. To illustrate the principle, take the case of an officer in charge of public buildings and grounds here; his pay is always that of a colonel, whatever may be his rank, so that if a lieutenant were detailed to take charge of the public buildings and grounds, his pay would be that of a colonel.

Mr. BLUE. Has there been any attempt to increase salaries in this bill?

Mr. CURTIS of New York. I will say again to the gentleman from Kansas that there has been no attempt to increase salaries, but on looking at the details, which have just been handed to me by the clerk of the committee, I find that the increase for cadets is $5,000, while there is a decrease in extra compensation to officers of $1,000, so that there is only a net increase of $4,000, and that is entirely due to the increased number of cadets. There is not the slightest change or modification of the existing law.

The Clerk read as follows:

> For constructing a set of filter beds and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available, $40,000.

Mr. HULL. Mr. Chairman, I do not want to propose any amendment unless it meets the approval of the gentleman from New York in charge of the bill, but I want to call attention to the fact that the report of the Board of Visitors is very full and exhaustive on this question of the water supply, and among other things the writer of the report says that he believes that a well and thoroughly protected filter capable of containing 500,000 gallons could be constructed at West Point for about $25,000. The appropriation, therefore, makes an increase of $15,000 over the estimate in the report of the Board of Visitors, but I understand that the War Department's estimate is $40,000. Now, if it is possible to cut down this amount without injury to the Academy, it seems to me that the gentleman from New York in charge of the bill would do well to move to reduce this item from $40,000 to $25,000.

Mr. CURTIS of New York. The gentleman from Iowa [Mr. HULL] has correctly stated the matter, and perhaps as fully as it needs to be stated. This is a question which is attracting a great deal of attention among scientific men. The officers at the Academy and those at the War Department, after considering the subject, sent us an estimate of $40,000. One of the officers who acts in the capacity of an expert, being a physician, said that $25,000 would be sufficient for the purpose of making these changes. This is a question between the officer detailed to go there and the Secretary of War. If the amount appropriated now should not be enough, another Congress can make a further appropriation; and as there seems to be a desire on the part of my friend the chairman of the committee [Mr. HULL] to have this reduced, and as my friend from Missouri [Mr. DOCKERY] is looking anxiously for some modification of this bill which may counterbalance the $100 which has been given to old and experienced clerks, I will, to satisfy those gentlemen, ask that this appropriation be made $25,000 instead of $40,000. I move that amendment.

The amendment was read, as follows:

> In line 21, page 23, strike out "forty" and insert "twenty-five;" so as to make the amount $25,000.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill, the last paragraph being the following:

> In all, for public buildings and grounds, $97,244.

Mr. FENTON. I move the amendment which I send to the desk.

The Clerk read as follows:

> After "dollars," in line 13, page 24, insert:
>
> "*Provided*, That no sectarian church or chapel shall be erected upon the Government reservation at West Point."

Mr. CURTIS of New York. I hope that amendment will not be adopted——

Mr. McCLELLAN. I make the point of order that the amendment embraces new legislation and can not be entertained.

Mr. HULL. Before the Chair decides the point of order, I would like to ask a question—whether there is any legal authority under which any building not expressly provided for by law may be erected?

Mr. CURTIS of New York. There is no sectarian religion taught at the Academy——

A MEMBER. Is religion of any kind taught?

Mr. FENTON. I read in a New York paper which seems to be reputable an article remonstrating against a church being erected on the grounds of the Academy. I therefore assumed that something of the kind might be on foot. That is all the information I have.

Mr. CURTIS of New York. There is no appropriation in this bill for the erection of any church or for remodeling or changing or improving any church building. There is no edifice there now used for religious worship except the chapel, which has existed for

many years. And no sectarian religion is taught there under the direction of the Federal Government. I think the motion of my friend [Mr. FENTON] is entirely out of order. I submit that it should be rejected, either upon the point of order raised by my friend from New York [Mr. McCLELLAN] that it is new legislation, or upon its merits.

Mr. BLUE. Before the Chair passes upon this question, I should like an explanation in regard to the appropriation provided for in the bill for "public building and grounds, $97,244." If any part of that appropriation is for erecting a church I think the amendment may be in order, as it would have the effect of limiting the appropriation.

Mr. CURTIS of New York. My friend from Kansas [Mr. BLUE] has referred to the provision in the bill, "For public buildings and grounds, $97,244," and asks whether any portion of that is to be used for the erection of a church. If he will turn back in this bill to page 19 he will find under the heading "Buildings and grounds," line 18, a specification of every improvement or modification contemplated in the way of public buildings and grounds. No work not there specified can be ordered by the Academy Board.

Mr. BLUE. But the gentleman from New York [Mr. CURTIS] is familiar with this bill, being a member of the committee; and I ask him to answer the question I have put. I have not found anything in the bill to indicate the answer. And I would like him to say squarely whether there is anything in this bill that provides for the erection or repair of a church building.

Mr. CURTIS of New York. I have already said that there is no provision in this bill appropriating a single cent for the erection, improvement, or modification of a house for religious worship. There is no improvement of a chapel provided for, and there is none in contemplation. Is that a full answer to the gentleman's question?

Mr. BLUE. It is a full answer.

Mr. FENTON. I should like to know whether the Secretary of War has power to give permission for the erection of a building there to be used by any religious denomination.

Mr. CURTIS of New York. No, sir.

Mr. FENTON. He has no such power?

Mr. CURTIS of New York. I am not aware there is any such power. The Secretary of War simply administers the laws relating to the Army. This institution has been established by law, and certain provisions are made from time to time for the erection of buildings. Congress provides in each case for the erection of such buildings as may be desired. Outside of any such provision no one has authority to enter upon the grounds and erect any buildings whatever.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair thinks that this is new legislation as here proposed, that it is obnoxious to the rule, and therefore sustains the point of order.

Mr. BLUE. One more question, Mr. Chairman. I would like the gentleman from New York in charge of this bill to give us some light on the fifteen-thousand-dollar item in lines 1 and 2 on page 24.

Mr. CURTIS of New York. The gentleman refers to the lines beginning on page 23:

> For laying a water main and appurtenances to connect the new reservoir with the existing system of water distribution, so as to afford an adequate fire pressure, to be immediately available, $15,000.

I will state to the gentleman from Kansas that there has been a reservoir erected upon the side of the mountain at some distance from the lower reservoir, and money is needed to connect the one with the other—that is to say, to connect this reservoir with the present fire apparatus at the post.

Mr. BLUE. Will it require that much?

Mr. CURTIS of New York. That is the estimate of the Secretary of War, it is the opinion of the Military Committee, and it is the opinion, and so stated, of the faculty of the Academy.

The CHAIRMAN. The Chair would suggest to the gentleman from New York that a change in one provision of the bill makes necessary a change in the aggregate.

Mr. CURTIS of New York. I was going to suggest an amendment to correct that. It is a mere clerical matter.

There is an amendment that I will suggest, however, Mr. Chairman. It will be seen on pages 2, 3, 7, 9, 19, and elsewhere throughout the bill that a note is appended showing the amounts appropriated last year. This was only done for the convenience of the committee in considering the bill, and I move that those words be stricken out wherever they occur in the bill.

Mr. HULL. Mr. Chairman, a word or two about the amendment offered by the gentleman from Ohio [Mr. FENTON]. Of course, it is entirely out, but in reference to the bill I want to be heard for a few moments.

My understanding is that the Military Academy grounds, being public property, are not open to the erection of any buildings other than those existing, or which may hereafter be provided by law. I am aware of the fact that there is a rumor or a newspaper report to the effect that one denomination has had permission granted to it to erect a church on the Academy grounds, independently of the action of the Government in reference to the matter. I do not know anything as to the truth of the assertion. I think, however, that such a statement, which has received currency throughout the newspapers, is the motive which prompted the gentleman from Ohio in offering the amendment. But if this be a fact, if such authority has been granted, I believe it is a consent made yb the officers of the Government that is entirely unauthorized by law, and that the Congress of the United States, when it knows that such a thing has been done, should pass some sort of an independent bill, or a provision not on an appropriation bill, to make it impossible in the future. If one denomination can enter upon the grounds at the Military Academy and erect a church, other denominations in the United States can have and will have a perfect right to claim the same privilege, and you will have diverted from the public purposes for which it was contemplated this reservation.

I do not suppose it is contended that anybody who goes to the Academy must belong to the church maintained there by the Government, although, if I understand it, no sectarian doctrines whatever are taught. But certainly this ought to be true—that the religious instruction provided by the Government on public reservations should be of such character that it would not injure anyone, no matter what may be his religious beliefs, who is desirous of such instruction. And, for my part, I wish to take this time and occasion to say that if the Secretary of War, as a mere executive officer of the Government, has by order given authority to any denomination to erect a church edifice at West Point, in my judgment he has exceeded his authority, and the Congress of the United States should take prompt action when officially notified of the fact.

Mr. CURTIS of New York. Now, Mr. Chairman, if the committee will consider the motion I have made to strike out the lines to which I referred, I believe that will complete the consideration of this bill.

The motion of Mr. CURTIS of New York to strike out the lines indicated by him was agreed to.

Mr. CURTIS of New York. I move that the committee rise and report the bill as amended favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union having had under consideration the Military Academy appropriation bill, had directed him to report the same to the House with sundry amendments, and as so amended to recommend its passage.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

WILLIAM B. ELLIS.

The SPEAKER laid before the House the bill (H. R. 2259) for the relief of William B. Ellis, with a Senate amendment thereto.

The Senate amendment was read.

Mr. OVERSTREET. I move that the House concur in the Senate amendment.

The motion was agreed to.

APPOINTMENT OF ARMY OFFICERS.

The SPEAKER also laid before the House the bill (H. R. 3719) to provide for the appointment by brevet of active or retired officers of the United States Army, with a Senate amendment thereto.

Mr. BLUE. Mr. Speaker, I would inquire if that bill is intended to in any way give additional compensation to anybody by reason of that brevet rank? In the form in which it is read I can not tell. I shall be glad to have the gentleman who is in charge of the bill enlighten us upon that subject.

Mr. CURTIS of New York. Mr. Speaker, I have not this bill in charge, nor am I aware what member of the committee did have charge of it, but I can answer the question of the gentleman from Kansas [Mr. BLUE] by saying that it makes no provision for an increase of compensation, or an expenditure of money in connection with the carrying out of any of the provisions of the bill.

Mr. HULL. Mr. Speaker, I think I will move that that bill be referred to the Committee on Military Affairs, as the gentleman who has it in charge is not here.

Mr. BLUE. I think it ought to go there.

The motion of Mr. HULL to refer the bill to the Committee on Military Affairs was agreed to.

JOHN KEHL.

The SPEAKER also laid before the House the bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating, with Senate amendments thereto.

The Senate amendments were read.

Mr. BROMWELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THE DEATH PENALTY.

The SPEAKER also laid before the House the bill (H. R. 878) to reduce the cases in which the death penalty may be inflicted, with a Senate amendment thereto.

The Senate amendment was concurred in.

PATRICK RAINEY.

The SPEAKER also laid before the House the bill (H. R. 2328) for the relief of Patrick Rainey, with a Senate amendment thereto.

The Senate amendment was concurred in.

MARGARET A. KIDWELL.

The SPEAKER also laid before the House the bill (H. R. 3113) granting a pension to Margaret A. Kidwell, with a Senate amendment thereto.

The Senate amendment was concurred in.

GEORGE W. TAYLOR.

The SPEAKER also laid before the House the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor, with a Senate amendment thereto.

The Senate amendment was concurred in.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to lay before the House a request for a change of reference. The Committee on the District of Columbia ask to be discharged from the further consideration of the bill (S. 2237) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia, and that the bill be referred to the Committee on Pensions. Without objection, that change of reference will be made.

There was no objection.

CALL OF COMMITTEES.

The SPEAKER. This finishes the business on the Speaker's table. The next thing in order is the call of committees. The call rests with the Committee on the Alcoholic Liquor Traffic.

The Clerk proceeded to call the committees.

Mr. HULL. Mr. Speaker, as the members of the House have nearly all gone away on the theory that the appropriation bills would take up the afternoon, I move that the House do now adjourn.

Mr. LINNEY. Will the gentleman allow me to ask unanimous consent to have a pension bill passed?

Mr. HULL. Oh, certainly, if the gentleman desires to pass a particular bill, but I know the chairmen of committees have nearly all gone away.

Mr. LINNEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa withdraw his motion?

Mr. HULL. I withdraw my motion.

The SPEAKER. The Clerk will proceed with the call of committees. The Chair desired to call the committees because there were one or two matters, like bridge bills, etc., that the Chair thought could be passed.

Mr. HULL. I have no desire to interfere with the business of the House, and my only idea was that gentlemen who have left the Hall of the House would feel that they had been deceived by the fact that their committees were called during their absence, they supposing that the consideration of the appropriation bill would consume the remainder of the day. If the Speaker desires it, I will withdraw the motion, because I have no desire to interfere.

The SPEAKER. The Clerk will proceed with the call.

BANKING AND CURRENCY.

Mr. HILL (when the Committee on Banking and Currency was called). Mr. Speaker, would it be in order to ask that the committee be passed without prejudice, in order that it may be called up at some other time, without losing its place on the call? I know that the committee desires to call up two measures on the first call of the committee, but the gentlemen in charge of them are absent at this time.

The SPEAKER. That can be done by unanimous consent.

Mr. HILL. I ask unanimous consent that the Committee on Banking and Currency be passed without prejudice.

The SPEAKER. The gentleman asks unanimous consent that the Committee on Banking and Currency be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

INSPECTION OF SMALL CRAFTS PROPELLED BY GASOLINE, ETC.

Mr. BENNETT (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I desire to call up the bill S. 1646.

The Clerk read as follows:

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

Be it enacted, etc., That all vessels of above 15 tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4426 of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 4412 of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections 4233 and 4234 of the Revised Statutes, relating to lights, fog signals, steering, and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman from New York yield?

Mr. BENNETT. Yes, sir.

Mr. BARTLETT of New York. Is this bill agreeable to the builders of naphtha launches at Morris Dock, New York?

Mr. BENNETT. I understand so.

Mr. BARTLETT of New York. And is it agreeable to private owners?

Mr. BENNETT. It is generally agreeable to all that I have heard from.

Mr. BARTLETT of New York. Is there no objection to it?

Mr. BENNETT. None that I know of. Mr. Speaker, I ask that the report from the Committee on Interstate and Foreign Commerce on this bill be printed as a portion of my remarks.

The report (by Mr. BENNETT) is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4242) requiring small craft to comply with certain regulations of the Treasury Department, report that they have accepted Senate bill 1646 as a substitute for the House bill.

The Senate bill provides for the protection of navigation to an extent rendered necessary, in the opinion of your committee, by the large increase in the number of small craft on the waters of the United States. It provides that vessels run for hire above 15 tons burden shall be subject to inspection by the Treasury Department, and requires compliance with section 4426 of the Revised Statutes of the United States, and further, that all vessels propelled by machinery of whatever tonnage shall obey all the rules of the road as required by section 4412, relating to steam vessels in passing each other, and so much of sections 4233 and 4234 of the Revised Statutes, relating to lights, fog signals, steering, and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for safe navigation.

Your committee have authorized a favorable report on the bill, requesting enactment into law for the benefit and protection of navigation.

The Supervising Inspector of Steam Vessels in the letter attached presents the facts forcibly and fully:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING INSPECTOR GENERAL,
Washington, D. C., February 1, 1896.

SIR: I have the honor to acknowledge the receipt, by reference to this office for report, of a communication from the Committee on Interstate and Foreign Commerce, House of Representatives, inclosing bill H. R. 4242, Fifty-fourth Congress, first session, "To amend section 4426, Title LII, Revised Statutes, requiring ferryboats, canal boats, yachts, and other small craft of like character propelled by gasoline, gas fluid, naphtha, or motive power, to be inspected under the provision of this title," requesting the honorable the Secretary of the Treasury to furnish the committee with such suggestions as he may deem proper "touching the merits of the bill and the propriety of its passage."

I have the honor to report thereon that the bill referred to purposes to bring within the law vessels propelled by motor power other than steam, namely, "gasoline, gas fluid, naphtha, or motive power." If amended to include all vessels propelled by machinery, which would include electricity, evidently inadvertently omitted in the bill it would meet the entire approval of this office. At present the class of vessels referred to are, except on the Great Lakes, "free lances," entirely exempt from all laws governing steam or sail vessels, and because of the absence of any law governing them they frequently endanger themselves as well as the vessels that are navigated under lawful rules and regulations.

Respectfully, yours,
JAS. A. DUMONT,
Supervising Inspector-General.

The SECRETARY OF THE TREASURY.

Mr. PARKER. My colleague from New Jersey [Mr. GARDNER] takes an interest in this question. Does he know that it is to be called up?

Mr. BENNETT. The gentleman from New Jersey [Mr. GARDNER] understood that this bill was to be brought up at the first opportunity.

Mr. PARKER. Does he object to it now?

Mr. BENNETT. I will say for the information of the gentleman from New Jersey, that I have talked the matter over with the gentleman from New Jersey [Mr. GARDNER].

Mr. BAKER of New Hampshire. Does the gentleman from New Jersey [Mr. GARDNER] give his formal adherence to the bill now?

Mr. BENNETT. On the last occasion this bill was up the gentleman from New Hampshire asked me the same question, and I replied at that time that I had submitted it to the gentleman from New Jersey [Mr. GARDNER] and that he had given his consent to it.

Mr. BARTLETT of New York. Will the gentleman allow me one question? Was not this bill objected to by the gentleman from Pennsylvania [Mr. ADAMS]?

Mr. BENNETT. No, sir; not that I remember.

Mr. CUMMINGS. If the gentleman will allow me, I will state that when the bill was last up I made objection to it. On returning to New York I consulted with the men whose interests were affected by it, and they told me that they were perfectly satisfied. I withdraw my objection, and shall vote for the bill.

Mr. BENNETT. Mr. Speaker, I move the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BETWEEN NEW YORK CITY AND LONG ISLAND.

Mr. BENNETT. Mr. Speaker, I ask for the present consideration of the bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge of the New York and Long Island Bridge Company across the East River, between the city of New York and Long Island, authorized by the act of Congress entitled "An act authorizing the construction of a bridge across the East River, between the city of New York and Long Island," approved March 3, 1887, and the various acts amendatory thereof or supplementary thereto, is hereby extended to and including the 1st day of January, in the year 1902.

Mr. BENNETT. As a portion of my remarks, I ask for the reading of the report.

The report (by Mr. BENNETT) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9865) "extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887," submit the following favorable report:

The construction of this important bridge (commonly called the Blackwells Island bridge) was begun as required by the act of Congress, and has been continued to this date, excepting for the time during which the condemnation proceedings for the right of way were under consideration in the courts of the State of New York.

Two of the main piers in the East River have been built and completed and another is in course of construction. The company has condemned or purchased and paid for much of the land necessary for the right of way. The company has acted in good faith throughout, and promises prompt and diligent prosecution of the work, and has the means necessary to meet the costs of the same.

The committee suggest that the bill be amended by striking out the words "and two," in line 12 of the bill, thus curtailing by two years the extension, and as thus amended your committee feel justified in approving the bill and recommending its passage at the present session of Congress, as without such action the rights of the company, as granted by the Government, will expire on the 3d day of March ensuing, and great pecuniary loss will result to those who have furnished the capital for the construction of the bridge.

The following report of the Chief of Engineers of the War Department was submitted to the House of Representatives when the bill was originally considered, and is annexed to this report for its information:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 22, 1886.

SIR: I have the honor to return herewith H. R. 1004, a bill "authorizing the construction of a bridge across the East River, between the city of New York and Long Island," and to invite attention to the following copy of the report of the Board of Engineers for Fortifications and for River and Harbor Improvements, to whom it was referred.

The views of the Board are concurred in by this office.

"OFFICE BOARD OF ENGINEERS, ARMY BUILDING,
"New York, December 17, 1886.

"Respectfully referred to the Chief of Engineers.

* * * * * * *

"The Board of Engineers has carefully considered the Senate and House bills 'authorizing the construction of a bridge across the East River between the city of New York and Long Island,' and have the honor to report that a bridge joining the city of New York and Long Island City, crossing the channels at about right angles near the middle of Blackwells Island, having its piers or abutments on the land side of the harbor lines of the East River, and a clear elevation of its lower chord, 150 feet above mean high water, at the middle of each channel of the river, and no part of the lower chord of the channel span less 142 feet above mean high water, will not 'obstruct, impair, or injuriously modify the navigation of the river,' as provided by said bridge.

"On behalf of the Board.

"THOMAS LINCOLN CASEY,
"*Colonel of Engineers, President of Board.*"

Very respectfully, your obedient servant,
J. C. DUANE,
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

Mr. RICHARDSON. Do I understand from the gentleman that the bill authorizing the construction of the bridge was passed in 1887?

Mr. BENNETT. The act authorizing the construction of this bridge was approved March 3, 1887.

Mr. RICHARDSON. Now, that has been nine years, and do I understand that no steps have been taken toward completing the bridge?

Mr. BENNETT. Yes, sir; several hundred thousand dollars have been expended in construction. The piers on either side of the river are completed, but in consequence of the enormous undertaking it has been impossible to finish the structure. The president of the Long Island road, Mr. Austin Corbin, was suddenly killed last spring, and as he had conducted the affairs of the road for a number of years, after his death it was impossible to carry the work forward and complete the bridge within the time required by the act of Congress, and an extension is therefore asked.

Mr. RICHARDSON. This extension, as I gather it from the reading, was to 1902—five years later.

Mr. BENNETT. To 1900. There is an amendment offered to the bill by the committee. If the bill was read "1902," the amendment of the committee makes it 1900.

Mr. RICHARDSON. Is the bill unanimously reported by the committee?

Mr. BENNETT. The bill is unanimously reported by the committee. Mr. Speaker, I ask for the previous question.

The previous question was ordered on the bill and amendment, and under the operation thereof the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the call of the Committee on Interstate and Foreign Commerce be suspended temporarily.

There was no objection, and it was so ordered.

RECEIVERS OF NATIONAL BANKS.

Mr. VAN VOORHIS (when the Committee on Banking and Currency was called). Mr. Speaker, I am directed by the Committee on Banking and Currency to call up House bill No. 1708, to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892.

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892, be, and hereby is, amended so as to read as follows:

"SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of the Revised Statutes of the United States, and when, as provided in section 5236 thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims, and all expenses of the receivership and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto. At such meeting the shareholders shall determine whether the receiver shall be continued and shall wind up the affairs of such association, or whether an agent shall be elected for that purpose, and in so determining the said shareholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value and number of shares shall be necessary to determine whether the said receiver shall be continued, or whether an agent shall be elected. In case such majority shall determine that the said receiver shall be continued, the said receiver shall thereupon proceed with the execution of his trust, and shall sell, dispose of, or otherwise collect the assets of the said association, and shall possess all the powers and authority, and be subject to all the duties and liabilities originally conferred or imposed upon him by his appointment as such receiver, so far as the same remain applicable. In case the said meeting shall, by the vote of a majority of the stock in value and number of shares, determine that an agent shall be elected, the said meeting shall thereupon proceed to elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the person who shall receive votes representing at least a majority of stock in value and number shall be declared the agent for the purposes hereinafter provided; and whenever any of the shareholders of the association shall, after the election of such agent, have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of each and every claim that may thereafter be proved and allowed by and before a competent court, and for the faithful performance of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; and upon the execution and delivery of such instrument to the said agent the said Comptroller and the said receiver shall by virtue of this act be discharged from any and all liabilities to such association and to each and all the creditors and shareholders thereof. Upon receiving such deed, assignment, transfer, or other instrument the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof for the benefit of the shareholders of such association, and he may in his own name, or in the name of such association, sue and be sued and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was carried on, and shall at the conclusion of his trust render to such district or circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the sureties upon said bond. And in case any such agent so elected shall refuse to serve, or die, resign, or be removed, any shareholder may call a meeting of the shareholders of such association in the town, city, or village where the business of the said association was carried on, by giving notice thereof for thirty days in a newspaper published in said town, city, or village, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and shall have executed a bond to the shareholders conditioned for the faithful performance of his duties, in the penalty fixed by the shareholders at said meeting, with two sureties, to be approved by a judge of a court of record, and filed said bond in the office of the clerk of a court of record in the county where the business of said association was carried on, he shall have all the rights, powers, and duties of the agent first elected as hereinbefore provided. At any meeting held as hereinbefore provided administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians of minors and trustees of other persons may so act and sign for their ward or wards or cestui que trust. The proceeds of the assets or property of any such association which may be undistributed at the time of such meeting or may be subsequently received shall be distributed as follows:

"First. To pay the expenses of the execution of the trust to the date of such payment.

"Second. To repay any amount or amounts which have been paid in by any shareholder or shareholders of such association upon and by reason of any and all assessments made upon the stock of such association by the order of the Comptroller of the Currency in accordance with the provisions of the statutes of the United States; and

"Third. The balance ratably among such stockholders, in proportion to the number of shares held and owned by each. Such distribution shall be made from time to time as the proceeds shall be received, and as shall be deemed advisable by the said Comptroller or said agent."

Mr. VAN VOORHIS. I ask for the reading of the report.

The report (by Mr. VAN VOORHIS) was read, as follows:

The Committee on Banking and Currency, having had under consideration the bill (H. R. 1788) to amend an act entitled "An act to authorize the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, submit the following report:

By the law with reference to the winding up of the affairs of broken national banks, as amended in 1882, full provision was made for the distribution of assets among creditors in satisfaction of their claims, and the appointment of an agent by the shareholders to act for them in distributing whatever might be left after claims were satisfied. There is, however, no provision for the case of the failure to serve, death, etc., of the agent appointed, and instances have already occurred where, on account of the death of the agent first named, there has resulted great embarrassment and delay in distribution of the remnant left to which the shareholders are entitled. The same reasons which justify the appointment of an agent in the first place, instead of relegating the shareholders to the jurisdiction of the courts of equity, are equally strong for the appointment of a successor to an agent whose service ceases before the fulfillment of his duties.

The bill herewith reported reenacts section 3 of the act of June 30, 1876, as amended by the act of August 3, 1882, with an amendment providing for the selection of a successor to the agent first named, in case the latter shall refuse to serve, die, resign, or be removed.

Your committee recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. VAN VOORHIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL BANKS IN SMALL TOWNS.

Mr. VAN VOORHIS. Mr. Speaker, on behalf of the Committee on Banking and Currency, I call up the bill (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 3,000 inhabitants.

The bill was read, as follows:

Be it enacted, etc., That section 5138 of the Revised Statutes is hereby so amended as to read as follows:

"SEC. 5138. No association shall be organized with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants; and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 3,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000."

The report (by Mr. VAN VOORHIS) was read, as follows:

The Committee on Banking and Currency, to whom was referred the bill (H. R. 7210) to amend section 5138 of the Revised Statutes of the United States, to provide for the organization of national banks in towns not exceeding 3,000 inhabitants, submit the following report:

Under the existing law the minimum capital stock required for the organization of a national bank is $50,000. In some sections of the country there has been a growing need for bank issues as well as for other banking accommodations in small towns in which the amount of $50,000 can not readily be raised for banking purposes. The inequality in the distribution of national banks is one of the marked features of our national banking system. In the Eastern and Middle States banks are abundant, and this alteration in the law would not be availed of to any considerable extent. But in the Western and Southern States there is a dearth of banks in many sections, due no doubt to the lack of capital in those sections.

The following statement illustrates the situation:

Statement of banks, bank stock, and bank circulation in the States named.

State.	Number of banks.	Bank stock	Bank circulation.
Massachusetts	268	$96,017,500	$31,511,706
Pennsylvania	412	74,253,120	27,669,870
New York	334	87,136,020	35,621,522
Ohio	248	45,645,348	15,714,986
Illinois	220	38,626,000	7,322,015
Indiana	114	14,372,000	5,521,690
New Jersey	102	14,385,000	4,996,527
Iowa	168	13,510,000	3,865,329
North Carolina	27	2,716,000	890,067
South Carolina	16	1,918,000	540,473
Georgia	29	3,666,000	1,161,504
Florida	18	1,485,000	398,628
Alabama	26	3,585,000	1,216,823
Mississippi	10	755,000	249,522
Louisiana	21	3,735,000	1,349,892
Arkansas	9	1,220,000	279,916

It thus appears that a marked discrepancy exists in the bank circulation and accommodations in the different sections of the country. This inequality may be remedied, in part at least, and the existing need met to some extent in the sections where there is a dearth of bank issues and banks are so remote from each other as to afford grossly inadequate accommodations. Relief of this character has been recommended by those best qualified to judge, and meets the approval of the Comptroller of the Currency, who is most familiar with the banking needs of the country.

Your committee therefore recommend the passage of the bill, with the following amendments:

In line 11 strike out the word "five," making it read "$30,000;" and in line 14 strike out the word "three" and insert "four," making it read "4,000 inhabitants."

Amend the title of the bill by striking out the word "three" in the last line and inserting the word "four," so as to make it read "4,000 inhabitants."

Mr. BROSIUS. Mr. Speaker, this bill has been very carefully considered by the Committee on Banking and Currency and unanimously reported by that committee. I am not aware of any opposition to the bill from any section of the country. The South and West are desirous of having it passed for the purpose of increasing their banking facilities. I think it is within the observation of all who have carefully looked at the situation that the need of additional banking facilities in those sections is pressing with extreme urgency and ought to be met as far as it is in our power without jeopardizing the currency of other sections of the Union or impairing the general banking interests of the country, in which all our citizens have a stake. That we may have a view of the conditions with which we have to reckon in devising a means of relief for the suffering sections, I have prepared some tabulated statements illustrating the diverse conditions existing in different sections of our country and which I believe create a real difficulty in the way of making any uniform system of banking equally efficacious in all parts of the Union. These conditions relate to area, population, resources, capital, industries, production, currency, and banking as they are found in the different sections of our country.

The first table shows the area, population, personal property, real property, farm lands, farm products, mortgages, average rate of interest, manufactured products, wages of employees in manufacturing, silver product, and savings-bank depositors in the several States of the Union. The second table shows the number of national banks, capital stock, bonds to secure circulation, bank-note circulation, individual deposits, loans and discounts, money due by national banks, State banks, and reserve agents, and stocks and securities held by the national banks in each State.

For the purpose of the comparison, I have classified the States as McKinley States and Bryan States, embracing, of course, in the former class all that gave their vote in the recent election for McKinley, and in the latter all that voted for Mr. Bryan. This mode of classification is adopted for convenience only and not for the purpose of appealing to political feeling, for on the money question there can be no politics. There is, however, a coincidence worthy of notice, that the States which voted for Bryan are those in which the greatest need for additional banking facilities is supposed to exist. This fact suggested the mode of classification adopted.

TABLE I.*—*Showing area, population, school expenditures, personal and real property, farm lands and products, real-estate mortgages, rate of interest, manufactures, wages, silver product, and savings-bank deposits.*

States.	Area.	Population.	School expenditures.		Total value.			
			Total.	Per capita.	Personal property.	Real property.	Farm lands.	Farm products.
1	2	3	4	5	6	7	8	9
McKinley States.	*Sq. miles.*							
Maine	29,895	661,086	$1,114,902	$1.69	$235,064,569	$254,069,559	$98,567,780	$22,049,280
New Hampshire	9,005	376,530	814,394	2.18	148,997,740	176,131,000	68,162,600	13,761,050
Vermont	9,135	332,422	689,917	2.08	127,189,129	138,378,194	80,427,490	20,364,260
Massachusetts	8,040	2,238,943	8,286,062	3.70	905,007,653	1,898,637,794	127,538,284	28,072,500
Rhode Island	1,085	345,506	917,990	2.66	169,422,350	334,740,002	21,873,479	4,218,300
Connecticut	4,845	746,258	2,123,850	2.85	291,698,328	543,421,891	95,000,595	17,924,810
New York	47,620	5,997,853	17,392,274	2.90	2,758,997,324	5,817,704,667	968,127,286	161,593,009
New Jersey	7,455	1,444,933	3,457,525	2.39	484,271,142	961,013,972	159,262,840	28,997,349
Pennsylvania	44,985	5,258,014	12,828,645	2.44	2,409,569,265	3,781,177,285	922,240,233	121,328,348
Delaware	1,960	168,493	329,008	1.95	69,958,276	105,720,519	39,586,060	6,481,590
Maryland	9,860	1,042,390	1,910,663	1.83	340,165,131	745,307,917	175,068,550	28,442,364
West Virginia	24,645	762,794	1,284,991	1.68	190,227,404	248,727,477	151,880,300	20,439,000
Ohio	40,760	3,672,316	10,755,246	2.93	1,421,127,366	2,530,255,018	1,050,031,828	138,232,496
Indiana	35,910	2,192,404	5,900,231	2.69	807,012,869	1,298,163,737	754,789,110	94,759,293
Illinois	56,000	3,826,351	11,288,529	2.95	1,772,709,279	8,294,042,440	1,262,870,587	184,759,013
Michigan	57,430	2,093,889	5,446,416	2.60	945,725,818	1,149,290,454	556,190,670	83,651,390
Wisconsin	54,450	1,686,880	3,711,286	2.20	734,957,932	1,098,350,591	477,524,507	70,990,645
Minnesota	79,205	1,301,826	4,033,516	3.10	657,688,772	1,034,163,155	340,059,470	71,236,230
Iowa	55,475	1,911,896	6,477,256	3.39	1,025,647,323	1,261,701,010	857,581,022	159,347,844
North Dakota	70,195	182,719	626,946	3.45	161,089,407	175,917,099	75,310,305	21,264,986
Kentucky	40,000	1,858,635	2,096,552	1.12	460,438,928	711,793,385	346,839,300	65,948,495
Oregon	94,560	313,767	880,369	2.81	210,221,391	390,174,803	115,819,200	19,026,120
California	155,980	1,208,130	5,119,097	4.24	862,619,972	1,671,113,655	697,116,630	87,083,290
Total	938,495	39,624,035	107,415,656	2.71	17,189,807,388	29,599,995,624	9,439,358,156	1,462,924,735
Percentage	35.2	63.8	77.9	....	68.3	76.1	71.2	59.6
Bryan States.								
Virginia	40,125	1,665,980	1,577,347	.95	391,675,517	470,642,553	254,490,600	42,244,458
North Carolina	48,580	1,617,947	718,225	.44	306,173,773	278,975,236	183,977,010	50,070,530
South Carolina	30,170	1,151,149	460,200	.41	224,382,851	176,528,452	99,104,600	51,337,965
Georgia	58,980	1,837,353	967,590	.53	437,070,065	415,339,394	152,006,230	83,371,422
Florida	54,240	391,422	476,503	1.22	199,874,990	185,614,398	72,745,180	12,086,330
Missouri	68,735	2,679,184	5,128,290	1.91	959,171,744	1,438,731,201	625,858,361	109,751,024
South Dakota	76,850	328,808	1,173,757	3.57	218,218,098	208,923,201	107,466,335	22,047,279
Nebraska	76,840	1,058,910	3,301,119	3.12	567,272,416	708,413,098	402,358,913	66,837,617
Kansas	81,700	1,427,096	4,972,967	3.52	850,813,325	939,530,178	559,726,046	95,070,080
Tennessee	41,750	1,767,518	1,500,351	.85	404,194,633	483,761,510	242,700,540	55,194,181
Alabama	51,540	1,513,017	547,880	.37	351,409,560	271,363,944	111,051,390	66,240,190
Mississippi	46,340	1,289,600	1,097,916	.85	245,849,664	208,393,024	127,423,157	73,342,995
Louisiana	45,420	1,118,587	704,586	.63	223,339,751	271,961,846	85,381,270	54,343,958
Texas	262,290	2,235,523	3,173,104	1.42	885,158,995	1,220,417,771	399,971,239	111,699,430
Arkansas	53,045	1,128,179	1,019,060	.92	221,292,291	233,855,131	118,574,422	58,128,156
Montana	145,310	132,159	364,083	2.75	245,364,412	207,770,797	25,512,340	6,273,415
Wyoming	97,575	60,705	152,998	2.52	77,290,353	92,493,357	14,460,880	2,241,390
Colorado	103,645	412,198	1,681,379	4.08	542,396,102	603,326,155	85,035,180	13,136,810
Utah	82,190	207,905	394,677	1.90	166,293,961	183,117,253	28,402,780	4,891,460
Nevada	109,740	45,761	162,597	3.55	88,100,693	92,222,975	12,399,410	2,716,660
Idaho	84,290	84,385	168,318	1.99	112,289,784	95,606,807	17,431,580	3,848,930
Washington	69,880	349,390	944,190	2.70	244,333,577	516,365,149	83,461,660	13,674,930
Total	1,726,235	22,492,776	30,487,087	1.37	7,963,946,575	9,311,353,418	3,809,479,173	993,538,484
Percentage	64.8	36.2	22.1	....	31.7	23.9	28.8	40.4
Total of States	2,664,730	62,116,811	137,902,743	2.23	25,153,753,963	38,911,349,042	13,248,837,329	2,456,463,219

States.	Real estate mortgages.		Total value.		Production of silver mines.	Savings bank depositors, June, 1895.	
	Total amount.	Average interest rate.	Manufactured products.	Wages of employees in manufacturing.		Number.	Ratio to population.
1	10	11	12	13	14	15	16
McKinley States.		*Per cent.*			*Ounces.*		*Per cent.*
Maine	$32,627,208	6.15	$95,689,500	$26,526,217	....	155,704	23.4
New Hampshire	18,968,250	5.98	85,770,549	24,248,054	....	163,702	41.9
Vermont	27,007,687	5.97	38,340,096	10,096,549	....	94,994	28.5
Massachusetts	323,277,008	5.44	888,160,403	239,670,509	....	1,247,000	46.6
Rhode Island	36,778,243	5.72	142,500,625	37,927,921	....	131,623	34.5
Connecticut	79,921,071	5.64	248,336,364	75,990,006	....	337,254	41.1
New York	1,607,874,301	5.49	1,711,577,671	466,846,642	....	1,615,178	24.6
New Jersey	222,565,919	5.73	354,573,571	96,778,736	....	144,160	8.6
Pennsylvania	613,105,812	5.61	1,331,794,901	305,591,033	....	264,642	4.5
Delaware	16,122,086	5.71	37,571,848	9,692,387	....	16,648	10.4
Maryland	64,577,883	5.86	171,842,593	41,526,832	....	148,342	31.5
West Virginia	19,702,505	6.06	38,702,125	8,330,997	....	....	....
Ohio	259,842,188	6.56	641,688,064	158,768,883	....	86,183	2.2
Indiana	110,730,643	6.84	226,825,082	51,749,976	....	15,636	.7
Illinois	384,299,150	6.70	908,640,280	171,523,579	....	94,724	2.8
Michigan	150,472,700	7.13	277,896,706	66,347,798	14,607	....	....
Wisconsin	121,838,168	6.84	248,546,164	51,843,708	....	1,439	.1
Minnesota	197,745,989	7.66	192,033,478	38,189,239	....	42,777	2.6
Iowa	199,774,171	7.63	125,049,183	25,878,997	....	71,800	3.8
North Dakota	25,777,480	9.35	5,028,107	1,002,881	....	....	....
Kentucky	45,093,749	6.25	126,719,857	27,761,746	....	....	....
Oregon	22,928,437	9.45	41,432,174	11,535,229	17,851	1,803	.5
California	241,050,181	8.81	213,403,996	51,538,780	1,062,578	108,638	12.1
Total	4,833,582,016	6.20	8,152,123,307	1,999,567,269	1,095,036	4,610,346	11
Percentage	81.1	....	87.4	86.2	2.3	98.7	....

*Taken from Circular No. 3, issued by the Secretary of Agriculture.

TABLE I.*—*Showing area, population, school expenditures, personal and real property, farm lands and products, etc.*—Continued.

States.	Real-estate mortgages.		Total value.		Production of silver mines	Savings-bank depositors, June, 1895.	
	Total amount.	Average interest rate.	Manufactured products.	Wages of employees in manufacturing.		Number.	Ratio to population.
1	10	11	12	13	14	15	*16
Bryan States.		*Per cent.*			*Ounces.*		*Per cent.*
Virginia	$28,091,725	6.62	$88,363,824	$19,644,850	10	....	....
North Carolina	21,471,428	7.72	40,375,450	7,889,598	3,100	6,020	.4
South Carolina	13,780,382	8.37	31,926,681	6,580,983	179	17,415	1.5
Georgia	27,387,590	8.09	68,917,020	17,712,196	350	5,747	.3
Florida	15,746,119	9.78	18,222,890	6,513,098	....	1,148	.2
Missouri	214,629,772	7.68	324,561,993	76,417,394	....	....	....
South Dakota	36,115,773	9.46	5,682,708	1,028,418	104,672	....	....
Nebraska	132,902,322	8.30	93,037,794	12,984,571	....	....	....
Kansas	243,146,826	8.68	110,219,885	16,328,187	....	....	....
Tennessee	40,421,396	6	72,355,286	16,890,350	....	8,706	.5
Alabama	30,027,987	7.98	51,226,605	12,676,029	77	....	....
Mississippi	19,075,980	9.50	18,705,831	4,019,073	....	....	....
Louisiana	28,513,900	7.67	57,806,713	13,139,564	....	9,918	.8
Texas	86,861,178	9.60	70,433,551	18,588,238	323,138	....	....
Arkansas	14,296,595	9.16	22,659,179	5,719,884	....	....	....
Montana	8,729,967	10.61	5,507,573	1,918,217	13,511,455	2,841	1.3
Wyoming	4,967,165	10.22	2,367,601	875,640	....	....	....
Colorado	85,168,798	8.37	42,480,205	12,295,731	18,375,551	....	....
Utah	8,040,829	9.70	8,911,087	2,717,895	7,045,193	6,271	2.5
Nevada	2,191,195	9.48	1,106,073	447,593	4,086,095	....	....
Idaho	3,167,239	10.60	1,804,026	321,292	3,137,508	....	....
Washington	44,078,449	8.84	41,768,022	12,058,614	28,461	5,512	1
Total	1,125,118,186	8.36	1,178,030,980	297,982,221	47,186,511	65,690	.3
Percentage	18.9	....	12.6	11.8	97.7	1.3	....
Total of States	5,968,700,204	6.60	9,380,151,287	2,296,329,499	48,281,547	4,873,916	7.1

*Taken from Circular No. 3, issued by the Secretary of Agriculture.

A brief statement will bring into more distinct view the conditions which these tables reveal. It shows that the McKinley States have in round numbers 35 and the Bryan States 65 per cent of the total area, while in population the ratio is substantially reversed, the McKinley States having 64 and the Bryan States 36 per cent of the total.

In school expenditures the McKinley States rise to 78 and the Bryan States fall to 22 per cent of the total. In the former the per capita expenditure for education is $2.71, and in the latter $1.37.

Of personal property the McKinley States possess 68 and the Bryan States 32 per cent of the total. Of real property the former hold 76 and the latter 24 per cent of the total. Of farm lands the McKinley States have 71 and the Bryan States 29 per cent of the total in value.

Of farm products the McKinley States produce 60 and the Bryan States 40 per cent of the total product. Of real-estate mortgages the McKinley States are burdened with 81 and the Bryan States with 19 per cent of the total incumbrance. Of manufactured products the McKinley States produce 87 and the Bryan States 13 per cent of the total product. Of the wages paid labor in manufacturing the McKinley States pay 88 and the Bryan States 12 per cent of the total wage paid. In silver product the Bryan States are far in the lead, producing 98 and the McKinley States but 2 per cent of the total product. In number of savings-bank depositors the McKinley States show over 98 and the Bryan States less than 2 per cent of the whole number, reversing the ratio in the case of silver.

It must be admitted that these are most pregnant facts and are of the profoundest significance in the consideration of the banking and currency question and its bearing upon those sections of the Union which exhibit such marked inferiority in all the elements which constitute the basis of modern economy in the mechanism of commercial exchange.

It is not my purpose at this time to submit any reasoning from the conditions I have brought into view. Every member of this House will be sensible enough of the influence they must exert upon the problem of supplying currency and credit to communities so deficient in the very breath of life to fiscal institutions. It is not to be expected that communities comparatively weak in the material resources which must precede banking facilities can maintain a banking system suitable to stronger, more developed, wealthy, and populous sections any more than we can expect the feebleness of childhood or the decrepitude of age to admit of the regimen suitable to the vigor of mature manhood. Banks can not be maintained where there is no banking to do; credit money is unavailable where credit does not exist; but these will grow up in every community just as fast as material development, capital, wealth, and business require them.

TABLE II.—*Showing the banking conditions in the States named.*

States.	No. of banks	Capital stock.	Bonds to secure circulation.	Note circulation	Individual deposits.	Loans and discounts.	Due from national banks.	Due from State banks	Due from reserve agents.	Stocks and securities.
McKinley States.										
Maine	83	$11,156,000	$5,721,190	$5,082,555	$15,629,057	$22,619,065	$746,186	$98,699	$3,107,252	$2,225,856
New Hampshire	50	5,850,000	4,074,000	3,616,287	8,824,592	10,520,173	195,757	50,535	1,268,240	2,788,457
Vermont	49	6,985,000	3,901,500	3,456,655	8,542,290	12,199,165	214,977	57,462	1,042,872	1,670,122
Massachusetts	268	95,377,500	24,458,100	20,612,288	109,817,137	244,741,615	17,517,081	591,060	31,402,558	16,223,078
Rhode Island	57	19,737,050	8,182,500	7,281,740	19,047,540	45,022,720	241,539	65,925	3,254,333	3,062,342
Connecticut	82	22,791,070	9,028,500	8,069,401	32,475,951	46,497,818	1,870,911	310,921	6,130,295	7,130,708
New York	327	85,486,040	42,064,900	37,128,360	281,060,458	425,981,886	20,525,885	5,576,147	16,865,282	52,387,541
New Jersey	102	14,326,000	6,455,250	5,319,982	52,130,185	51,425,414	1,364,081	469,234	7,702,568	8,748,215
Pennsylvania	419	71,655,820	32,649,050	28,290,164	152,163,220	212,806,386	10,105,404	1,393,343	28,841,753	30,989,392
Delaware	18	2,173,985	795,000	703,667	4,748,570	7,290,704	173,111	40,659	1,011,183	568,291
Maryland	68	17,164,000	5,258,750	4,678,285	33,111,287	41,521,882	2,073,130	425,512	4,530,423	3,460,922
West Virginia	33	3,451,000	1,288,000	1,151,120	7,100,781	8,195,321	295,376	171,712	795,772	440,484
Ohio	251	45,530,100	18,606,000	16,577,348	92,020,431	116,110,103	5,291,509	1,030,962	12,077,284	9,106,788
Indiana	113	14,292,000	5,296,750	4,746,727	29,004,137	31,966,376	1,480,050	569,894	3,493,015	2,730,692
Illinois	221	30,221,000	7,550,500	6,649,120	103,544,296	129,476,844	15,252,462	1,082,001	6,637,685	10,118,502
Michigan	91	13,109,000	4,628,500	4,111,682	34,868,125	42,548,965	1,158,173	745,885	5,869,142	1,372,105
Wisconsin	81	10,445,000	3,150,250	2,828,500	33,534,351	33,498,675	778,945	332,342	5,834,968	1,896,167
Minnesota	88	14,850,000	2,622,500	2,291,665	31,181,739	35,067,155	1,416,168	943,898	5,320,379	1,743,680
Iowa	166	13,095,000	4,169,520	3,713,475	23,725,111	30,851,727	1,055,512	479,550	3,720,774	2,224,162
North Dakota	29	1,810,000	490,000	440,297	5,047,944	4,992,140	83,546	71,478	889,526	306,245
Kentucky	77	13,084,450	4,224,250	4,675,600	15,640,253	25,655,896	996,598	408,273	2,352,174	1,050,014
Oregon	33	3,170,000	1,107,550	993,047	7,367,081	6,572,215	431,511	280,813	666,877	1,117,278
California	31	9,525,000	1,775,750	1,478,780	16,181,205	16,974,351	409,525	822,692	1,372,458	1,174,258
Total	2,735	536,162,925	206,676,940	187,558,767	1,250,151,392	1,615,859,574	89,090,265	21,125,029	155,182,471	165,635,611
Percentage	75.1	82.9	88.6	88.4	85.1	91.4	84.0	72.6	85.3	86.8

TABLE II.—*Showing the banking conditions in the States named*—Continued.

States.	No. of banks.	Capital stock.	Bonds to secure circulation.	Note circulation.	Individual deposits.	Loans and discounts.	Due from national banks.	Due from State banks.	Due from reserve agents.	Stocks and securities.
Bryan States.										
Virginia	37	$4,796,300	$2,176,750	$1,891,145	$13,501,874	$15,261,317	$730,847	$490,473	$1,793,919	$1,157,518
North Carolina	28	2,793,000	903,000	705,385	4,869,968	6,432,705	402,308	246,398	577,965	316,603
South Carolina	15	1,848,000	499,750	446,785	3,744,481	5,856,344	169,817	181,460	440,120	931,496
Georgia	28	4,016,000	507,000	1,109,457	6,634,493	8,925,609	615,165	387,601	692,456	823,614
Florida	17	1,350,000	405,000	362,930	3,911,651	3,567,624	169,057	212,956	579,572	744,427
Missouri	65	16,615,000	2,882,050	2,568,321	32,290,542	45,174,149	3,978,314	1,961,085	4,992,884	7,040,068
South Dakota	30	1,885,000	535,750	476,572	3,900,700	3,148,994	253,050	86,566	859,727	621,154
Nebraska	113	10,975,000	2,512,400	2,235,640	17,037,122	19,901,617	509,364	594,049	3,725,437	1,305,023
Kansas	116	9,552,100	2,526,000	2,315,802	15,585,130	17,006,348	981,202	110,089	3,401,849	944,988
Tennessee	48	8,275,000	1,691,250	1,495,889	13,103,620	18,179,688	907,012	350,760	1,910,307	970,039
Alabama	27	3,405,000	1,215,500	1,063,660	5,727,797	6,417,525	361,067	256,646	729,706	1,152,953
Mississippi	10	855,000	242,650	216,790	2,032,424	2,034,329	177,598	35,122	210,055	414,522
Louisiana	18	2,860,000	1,115,000	987,282	14,081,010	12,882,970	387,355	284,649	1,321,190	2,229,525
Texas	207	20,320,000	5,064,700	4,515,390	30,552,776	38,948,048	2,746,738	895,121	4,242,004	1,792,977
Arkansas	9	1,220,000	248,500	298,190	1,661,422	2,355,437	67,498	36,017	243,154	117,671
Montana	25	3,350,000	730,250	650,740	11,418,179	9,619,487	670,130	196,413	1,069,257	1,231,133
Wyoming	11	860,000	240,000	214,065	1,865,321	1,721,965	42,354	6,348	302,180	217,961
Colorado	42	5,487,000	1,235,500	1,107,100	24,290,116	18,101,633	2,220,104	584,375	3,577,046	1,725,508
Utah	11	1,900,000	812,500	400,450	2,586,555	2,690,633	200,070	252,945	225,187	273,003
Nevada	1	82,000	20,500	18,450	151,442	118,517	....	524	5,557	9,565
Idaho	11	575,000	206,250	102,825	1,846,374	1,197,733	742,123	371,061	6,637,685	517,488
Washington	40	4,778,000	1,018,500	911,200	6,468,977	7,058,013	454,850	451,583	528,712	1,149,172
Total	909	108,470,400	26,747,900	21,192,908	218,123,292	246,482,715	16,988,918	7,981,883	38,666,548	25,157,276
Percentage	24.9	17.1	11.4	11.6	14.9	8.6	16.0	27.4	14.7	13.2
Total of States	3,644	644,633,325	233,424,840	208,751,675	1,468,274,684	1,862,342,089	106,079,183	29,106,912	193,849,019	190,792,887

This table presents the banking situation in all sections of the Union and reveals in some the weakness which comes from the lack of nourishment. With sparse population, limited capital, small resources in wealth and production, and a limited use of the instruments of economy in finance there will be in the nature of things inferior facilities for conducting commercial exchange. What we would expect from an a priori view is precisely what we find in the banking statement to which I have directed your attention. A brief recapitulation will help us to a realization of the meaning of the figures contained in Table II.

This exhibit shows that the McKinley States contain 75 and the Bryan States but 25 per cent of the total number of national banks. Of the capital stock the McKinley States have 83 and the Bryan States 17 per cent of the total. Of bonds deposited to secure circulation the McKinley States have 89 and the Bryan States 11 per cent of the total. Of bank-note circulation the McKinley States have 88 and the Bryan States 12 per cent of the total. Of individual deposits the McKinley States have 85 and the Bryan States 15 per cent of the total. Of loans and discounts the McKinley States have 91 and the Bryan States 9 per cent of the total. Of the money due from national and State banks and from reserve agents the McKinley States have between 80 and 85 and the Bryan States an average of about 20 per cent of the total. Of the stocks and securities held by the banks the McKinley States have 87 and the Bryan States 13 per cent of the total.

But a glance at these percentages will show how completely they conform to those in Table I, demonstrating that banks will exist were they are most needed and will multiply in proportion to the means of creating them and the need for their use.

Now, let me, in the way of an object lesson, submit an illustration of the disparity of banking benefits enjoyed in different sections on account of differences in the conditions under which banking operations are carried on.

Lancaster County, Pa., which constitutes the Tenth Congressional district of Pennsylvania, contains an area of less than 1,000 square miles and has a population of about 150,000. It is an agricultural county, containing 500,000 acres of cultivated land divided into 9,000 farms which are assessed at nearly $90,000,000. Its agricultural product in 1890 was $7,657,790, exceeding by at least 25 per cent that of any other county in the Union. Its people have $21,500,000 invested in judgments and mortgages. It has 26 national banks, with a capital stock of $3,650,000 and a note circulation of $1,087,430. No citizen in the county need travel from his residence more than 12 miles at most to a national bank, where he can obtain all the accommodations he needs if he possesses the necessary collaterals.

The following table exhibits the banking situation in that county on October 6, 1896:

Bank statement for Lancaster County, Pa.

Number of banks.	Capital stock.	Bonds to secure circulation.	Notes in circulation.	Individual deposits.	Loans and discounts.
26	$3,650,000	$1,314,500	$1,243,920	$5,568,909.60	$7,985,301.78

I now present, in order to bring the contrast fully into view, a corresponding statement of the banking situation in the seven Southern States named.

Banking statement for seven Southern States named.

State.	Number of banks.	Capital stock.	Bonds to secure circulation.	Note circulation.	Individual deposits.	Loans and discounts.
North Carolina	28	$2,793,000	$903,000	$705,385	$4,869,968	$6,432,705
South Carolina	15	1,848,000	499,750	446,785	3,744,481	5,856,344
Georgia	28	4,016,000	507,000	1,109,457	6,634,493	8,925,609
Florida	17	1,350,000	405,000	362,930	3,911,651	3,567,624
Alabama	27	3,405,000	1,215,500	1,063,660	5,727,797	6,417,525
Mississippi	10	855,000	242,650	216,790	2,032,424	2,034,329
Arkansas	9	1,220,000	248,500	298,190	1,661,422	2,355,437
Total	134	15,460,000	3,924,400	4,173,197	28,582,236	35,589,573
Average	19	2,208,571	560,628	596,171	4,083,176	5,084,224

In the foregoing comparison we see side by side two agricultural sections of our country—one a single county, with an area of 973 square miles, with a population of 150,000 and one Representative in Congress; the other, seven sovereign States, with an average area of 48,985 square miles, an average population of 1,225,534, and an average representation in Congress of seven members. The result of the comparison shows that the former area, limited in extent and population as it is, has 37 per cent more banks, 65 per per cent more capital stock, 140 per cent more bonds deposited for circulation, 100 per cent more circulating notes, 36 per cent more individual deposits, and 57 per cent more loans and discounts than the average number and amounts in the States embraced in the latter extended area.

The conditions which account for such disparity in banking facilities as are revealed in the foregoing comparison are conspicuous factors in the problem of national banking. They render impossible of attainment the proposal of some enthusiastic currency reformers, viz, a banking system which will furnish equal facilities to and make credit equally available in all portions of the country and distribute the loanable capital of the country so as to meet the needs of all sections. This might be possible in a country of more homogeneous conditions than ours, but here and now it is one of the "iridescent dreams" of financial Utopia, for dissimilar conditions will never yield similar or equal results in banking any more than in other realms. The best we can do will be an approximation to this ideal; to so amend our system as to secure the least of the worst and the most of the best results of a uniform national banking system. That such a scheme will be evolved in due time out of the chaos of suggestions submitted, I do not doubt. It will not be done, however, in mass meeting, but by the deliberate and painstaking action of the Committee on Banking and Currency of Congress, aided by the best light, the latest thought they can obtain on the subject. The bill before the House is an important step in that direction, and its passage will afford no inconsiderable relief in the sections of the country where the need is greatest.

In conclusion, I submit the following observations from the last report of the Comptroller of the Currency. They leave no doubt of the wisdom of this bill.

ORGANIZATION OF NATIONAL BANKS WITH A LESS CAPITAL STOCK THAN $50,000.

The national banking system was for many years protested against by those who looked upon its creation by national statute as an innovation of the rights reserved to the States under the provision of the Federal Constitution. Whether or not the prejudice against the system upon that ground has yielded through the decision of the Supreme Court upholding the constitutionality of the law, or for other reasons, the fact is that throughout the whole country whatever complaint is now urged against it is placed upon a different basis. It has drawn to itself support and inspired general confidence because of its central and uniform governmental supervision and examination, the frequent publication of sworn reports of condition, the double liability of shareholders, the percentage of reserve to be held against deposits required, and the necessity of having the bank's funds invested in quick assets rather than tied up in real-estate investments. These features have been the means of giving it a strength beyond any State system, and guarantee its future continuance. Its usefulness, however, can still be enlarged and its benefits to the people made more widespread.

The complaint to-day is mainly directed against it because the minimum capital stock required is so large that small towns and villages can not have the banking advantage which, if less capital were required, they might and would. The allegation laid is not without force, argument, and reason. In many sections of the country under existing requirements national banks, though needed, can not be supported from a want of surplus investable capital necessary to establish them. These places suffer more for want of banks of deposit and discount than from any need of banks of issue, but under amendments 6 and 7, to which attention is called, either banks of issue, deposit, and discount or banks of deposit and discount alone could be had.

The minimum capital stock required at present for the organization of a national bank is $50,000, with a deposit with the Treasurer of the United States of United States bonds of $12,500. The proposed reduction of capital stock to $25,000, with a proportionate reduction in the amount of bonds to be deposited with the Treasurer, in places of less than 2,000 inhabitants, would give independent banks of issue to communities in the South and West which, owing to the conditions surrounding them, can not take from their daily business needs a greater sum and invest in banking. The result is that they are deprived both of the use of foreign and local capital and the utilizing of their own credits. The safety of banking upon a reduced capital stock in such localities would be not less than that which attaches at present in larger cities and towns upon a greater capital stock. State banks are, under proper regulations and safeguards, conducted upon the basis of a small capital and, with the methods of examinations employed and the requirements exacted, there is no reason to believe that banks in the national system would be less safe. It would be far better for depositors in all towns and villages of limited population if officers and directors of national banks had dividends to pay upon but half of fifty thousand of capital instead of upon the whole amount. It would lessen the hazarding of loans upon uncertainties in order to make a profit which can not be legitimately earned, and therefore diminish the number of resultant failures.

The enabling of these communities to have national banks would bring them in touch with those portions of the country where there is a surplus of investable capital. For many years this capital has been invested in other States, largely in national-bank stocks; and it has thus come about that facilities for commercial exchange have been afforded many places where local capital could not be furnished for the purpose, and the loanable capital needed increased, with the effect of lowering rates of interest beyond those previously prevailing. In evidence of the extent of this investment it was shown by an investigation made in 1889 that nearly one-third of the capital stock of 520 national banks in Iowa, Minnesota, Missouri, Kansas, and Nebraska had been contributed by Northern and Eastern shareholders, while in Dakota, Idaho, Montana, New Mexico, Utah, Washington, Wyoming, and Arizona more than one-half of that of 144 national banks was held by nonresident shareholders. In the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee, of the shares of 410 national banks a little more than one-sixth of the total was held by nonresidents. The investments of this character made by nonresidents since the date given, and especially so during the years from 1890 to 1892, have been at least as large, if not larger, than in the years prior, but the figures are not at hand to state with accuracy the proportion. The facts alluded to, however, form of themselves such data upon the point made as to make them worthy of consideration.

Mr. McCLELLAN. May I ask the gentleman whether this bill has been submitted to the Comptroller of the Currency?

Mr. BROSIUS. Oh, yes, and he warmly recommends it.

Mr. COX. I ask the gentleman from Pennsylvania to yield to me a moment.

Mr. BROSIUS. Certainly.

Mr. COX. Mr. Speaker, the whole object of this bill lies in this—and this is the only important point in it—that it gives to the people of small towns an opportunity to organize national banks upon a capital of less than $50,000. I have never been able to see why national banks with twenty thousand or twenty-five thousand dollars capital could not well be organized to suit the convenience of small communities, just as well as banks with $50,000 capital or more. The whole object of this bill, I say, is to give small towns an opportunity, under the regulations that exist in relation to national banks, to organize banks with less than $50,000 capital, and I can not see any objection to it.

Mr. LACEY. With the existing law modified as this bill proposes, what capital is required in towns from eight to twelve thousand population?

Mr. BROSIUS. Fifty thousand dollars.

Mr. LACEY. The bill says that a capital of not less than $50,000 shall be required for any national bank organized in a place with a population not exceeding 6,000.

Mr. VAN VOORHIS. One hundred thousand dollars is required for a place of eight or ten thousand inhabitants.

Mr. LACEY. Then the existing law is not changed in that respect?

Mr. COX. Not at all.

Mr. BROSIUS. This bill does not change existing law as to towns of more than 6,000 inhabitants.

Mr. LACEY. Why would it not be right to extend that 6,000 limit to places of 10,000 or 15,000 population?

Mr. BROSIUS. Oh, do not change the existing law in that respect.

Mr. LACEY. It is all very well to say "Do not do it," but why not? A town of 6,000 inhabitants or less, provided the population is not less than 4,000, can have a fifty-thousand-dollar bank, and if it is less than 4,000 it can have a twenty-thousand-dollar bank, while a town of 6,500 must have a one-hundred-thousand-dollar bank. There is too much difference between the requirements of the law as to towns of very nearly the same size and importance.

Mr. GROUT. Mr. Speaker, I would like to inquire of the gentleman in charge of this bill if the committee considered the question whether it might be wise to limit the articles of association to ten years, or to a less period, where these banks are organized on a small capital?

Mr. VAN VOORHIS. I will say to the gentleman that that was not the intention.

Mr. GROUT. Well, now that the matter is brought to the gentleman's attention, does he not think that as a prudent step it might be well not to give a bank with small capital so long a life as twenty years, but to limit it to ten years? At the end of ten years it could reorganize and could probably then be able to take a larger capital. Twenty years is the longest life a bank can have under existing law.

Mr. VAN VOORHIS. I do not think it would be advisable to create in this way two classes of banks. I do not know any reason why there should be such a limitation to time as the gentleman suggests.

Mr. COX. Will the gentleman from Vermont [Mr. GROUT] yield for a question?

Mr. GROUT. Certainly.

Mr. COX. Why does the gentleman propose to put restrictions upon small banks different from those imposed upon larger banks?

Mr. GROUT. Twenty thousand dollars is a very small capital for a bank. A bank with no larger capital would be understood to be a very weak institution.

Mr. COX. I do not know as to that.

Mr. GROUT. Certainly it would be, so far as capitalization is concerned. Now, to say that a bank with $20,000 capital shall start on a career of twenty years is quite different from saying that a bank of $50,000 capital shall do so.

Mr. COX. If in any given town or locality a bank with so large a capital as $50,000 could not be organized, does the gentleman think it would be right to exclude such locality from the privileges proposed when they might organize with a capital of $20,000?

Mr. GROUT. I would not exclude them; I would admit them. But my individual opinion is that the life of a bank with so small a capital as $20,000 should be limited to ten years, at the end of which time it might reorganize, very probably with a larger capital.

Mr. COX. Do you want to squeeze out the small fellows because they can not get up to the amount of capital that some others can raise?

Mr. GROUT. I am making no proposition to "squeeze out the small fellows;" I propose to admit them and give them a fair start on their career. But it seems to me only right to provide that where a bank organizes with so small a capital it shall not run for so long a time as ten years without coming to a settlement. In an organization of banks with so small a capital as $20,000, I think such a proposition as I suggest—a limitation of ten years—would be prudent.

Mr. COX. I differ with the gentleman.

Mr. KIEFER. Can not any bank under the present law wind up its affairs at any time?

Mr. GROUT. But under such a provision as I propose—fixing a limitation of ten years—a bank with this small capital would be compelled to wind up at the end of the ten years; whereas, otherwise it might run on and at the end of twenty years might be found to be utterly unsound, and that might be because of the small amount of the capital. When a bank has a capital of, say, $100,000 to meet deposits the case is different. But without the limitation I suggest, a bank with only $20,000 capital might take as large a sum in deposits as an institution with larger capital, and would have nothing with which to meet those deposits except its small capital and the small reserve set aside for that purpose.

I do not wish to prolong this discussion; but it seems to me such a provision as I suggest should commend itself as a sound financial measure. With such an amendment it appears to me this bill would meet more hearty and general approval.

Mr. COX. Right there allow me to ask the gentleman why the little banks should be put under a ten-years limitation and the large banks under a longer limitation?

Mr. GROUT. I have stated fully the reason for it, but if the friends of the bill are opposed to it, as they seem to be, I shall not force the proposition in the form of an amendment, though I think it the part of prudence to bring the affairs of a twenty-thousand capitalization to a settlement at the end of ten years at least.

A MEMBER. What is the ordinary limit with the larger banks?

Mr. GROUT. Twenty years. But, Mr. Speaker, as I have said, I will not submit any amendment.

Mr. VAN VOORHIS. I now call for the previous question.

The previous question was ordered; and under the operation thereof the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title, as reported by the committee, will be considered as agreed to.

There was no objection.

On motion of Mr. VAN VOORHIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO PRINT.

Mr. BROSIUS. Mr. Speaker, I alluded some time ago to some figures which I would like to add to my remarks upon the bill just disposed of. I ask unanimous consent for that purpose.

The SPEAKER. Without objection, the gentleman will have unanimous consent to extend his remarks.

There was no objection.

ORDER OF BUSINESS.

Mr. VAN VOORHIS. There is another bill which I have been instructed by the committee to bring before the House; but by reason of the absence of the chairman of the committee, who desires to be heard on the bill, I will ask that the committee be passed temporarily without prejudice.

The SPEAKER. The gentleman asks that the committee be again passed without prejudice. Is there objection? The Chair hears none.

Mr. BENNETT (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I ask that this committee be passed without prejudice.

The SPEAKER. The gentleman from New York [Mr. BENNETT] asks unanimous consent that the Committee on Interstate and Foreign Commerce be passed without prejudice. Is there objection? The Chair hears none.

The Committee on the Merchant Marine and Fisheries was called.

AMERICAN REGISTER—BARK CERES.

Mr. SIMPKINS. Mr. Speaker, by instruction of the committee I call up for present consideration the bill (H. R. 8180) to provide an American register for the bark *Ceres*.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Commissioner of Navigation is hereby authorized and directed to cause the bark *Ceres*, built in Maine, recently owned by foreigners, but now owned by citizens of the United States, to be registered as a vessel of the United States, under the name of *Lichtenfels Brothers*.

Mr. SIMPKINS. I ask for the reading of the report.

The report (by Mr. SIMPKINS) was read, as follows:

> The Committee on the Merchant Marine and Fisheries, having carefully considered the bill (H. R. 8190) to provide an American register for the bark *Ceres*, beg leave to report, recommending that the bill do pass.
>
> The *Ceres* is an American-built vessel, having been built in Maine in 1859. She was for some years sailed as an American vessel, and subsequently sold to foreign owners. She is now owned by American citizens, who desire to convert her into a barge for the coastwise trade, at an expense of about $3,000. The laws which barred American-built vessels from an American register after once being sold to foreigners were enacted in 1797 and 1804. The reasons for such a law no longer exist.

Mr. SIMPKINS. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last vote was laid on the table.

AMERICAN REGISTER—BARGE BLACK DIAMOND.

Mr. SIMPKINS. I call up now the bill (H. R. 7781) to provide an American register for the barge *Black Diamond*.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barge *Thomas S. Falck*, owned by the Mobile Coal Company, of Mobile, Ala., a corporation under the laws of Alabama, to be registered as a vessel of the United States under the name of *Black Diamond*.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last vote was laid on the table.

AMERICAN REGISTER—STEAMER KAHULUI.

Mr. SIMPKINS. I also call up the bill (H. R. 1706) to provide an American register for the steamer *Kahului*.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Kahului*, purchased and owned by Charles Nelson, a citizen of the United States, and repaired in the United States, to be registered as a vessel of the United States.
>
> SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, steam boilers, steam pipes, and their appurtenances, and to cause to be granted the usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in an inspection of boilers constructed in the United States for marine purposes.

Mr. SIMPKINS. Mr. Speaker, I wish to move an amendment by substituting Senate bill No. 206 for the House bill. This bill has passed the Senate, and is identical with the bill just read by the Clerk; and I ask that the House bill lie on the table.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last vote was laid on the table.

The bill H. R. 1706 was laid on the table.

MARKING OF VESSELS' NAMES.

Mr. SIMPKINS. Mr. Speaker, I call up for present consideration the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891.

The bill was read, as follows:

> *Be it enacted, etc.*, That the act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, is hereby amended to read as follows:
>
> "That section 4178 of the Revised Statutes be, and the same is hereby, amended to read entire as follows:
>
> "'SEC. 4178. The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast roman letters in light color on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than 4 inches. If any such vessel shall be found without these names being so marked, the owner or owners shall be liable to a penalty of $10 for each name omitted: *Provided, however*, That the names on each bow may be marked within the year 1896.'
>
> "SEC. 2. That the draft of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either arabic or roman numerals. The bottom of each numeral shall indicate the draft to that line."

The SPEAKER. The Chair will call the attention of the gentleman from Massachusetts to the fact that the proposition in the bill is that the names shall be marked, as indicated, "within the year 1896."

Mr. SIMPKINS. I move to insert "1897" for "1896."

The amendment was adopted.

The bill as amended was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SIMPKINS. Mr. Speaker, the chairman of the Committee on Merchant Marine and Fisheries being absent, I move that the committee be passed over without prejudice for the present.

The SPEAKER. The gentleman asks unanimous consent that the call of the committee may be temporarily suspended without prejudice. Is there objection?

There was no objection.

The Committee on the Territories was called.

RIGHTS OF ALIENS TO REAL ESTATE IN THE TERRITORIES.

Mr. CATRON. Mr. Speaker, I call up the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, except so far as it affects real estate in the District of Columbia, be, and the same is hereby, amended so as to read as follows:

"That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law, shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer.

"SEC. 2. That this act shall not apply to land now owned in any of the Territories of the United States by aliens which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States: *Provided*, That if any such resident alien shall cease to be a bona fide resident of the United States, then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States.

"SEC. 3. That this act shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein, nor from enforcing any such lien, nor from acquiring and holding title to such real estate or any interest therein upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured: *Provided, however*, That all lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided.

"SEC. 4. That any alien who shall hereafter hold lands in any of the Territories of the United States in contravention of the provisions of this act may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided: *Provided, however*, That if any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of this act, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States.

"SEC. 5. That it shall be the duty of the Attorney-General of the United States, when he shall be informed or have reason to believe that land in any of the Territories of the United States are being held contrary to the provisions of this act, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States: *Provided*, That before any such suit is instituted the Attorney-General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county, then the said notice shall be published in some newspaper nearest said county.

"SEC. 6. That if it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of this act, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory: *Provided*, That the defendant in any such escheat proceedings may, at any time before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of this act, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court.

"SEC. 7. That this act shall not in any manner be construed to refer to the District of Columbia, nor to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States. And the act of which this act is an amendment shall remain in force and unchanged by this act so far as it refers to or affects real estate in the District of Columbia.

"SEC. 8. That all laws and parts of laws so far as they conflict with the provisions of this act are hereby repealed."

Mr. BLUE. Mr. Speaker, I would ask if that is not the same bill that was defeated in an attempt to pass it a few weeks ago? A bill referring to alien ownership of land in the Territories was considered and defeated in the House.

The SPEAKER. Does the gentleman make that point of order?

Mr. BLUE. I do, sir. I think that bill has been defeated once this session.

Mr. CATRON. This is not the same bill, I will state to the gentleman. While it contains many provisions of that bill, it contains others that were not embodied in it.

Mr. BLUE. Is this a House or a Senate bill?

Mr. CATRON. A House bill.

The SPEAKER. Was the bill ordered to be brought up by the committee?

Mr. CATRON. Yes, sir; and it was reported by the committee.

The SPEAKER. And this is brought up under the order of the committee?

Mr. CATRON. The committee directed me to report the bill and bring it up at the earliest moment. They did not order me to bring it up now, but to report the bill and call it up as soon as I could. The committee has been called, and this bill is in order under the call, and under the direction given to me I call it up for consideration.

Mr. BLUE. Mr. Speaker, I understand that some modifications have been made in this bill, and I am told that it is satisfactory now to the gentleman from Iowa [Mr. HEPBURN] who the other day opposed it in its then condition. I am informed that it has been changed so as to meet with his approval. If that is true, I do not care to press this point of order, but I should like to be certain that my information is correct.

Mr. CATRON. I will state that the gentleman from Iowa [Mr. HEPBURN] who made the objection told me he would make no objection to the bill. I spoke to him about it.

Mr. McEWAN. Mr. Speaker, I renew the point of order. I think that some time ought to be given to us, when we are asked to change the organic law of the land, a law that has been in existence in this country and in England for many years, and which is a proper principle. I raise the point of order, and ask that the bill go over sufficiently long to enable us——

The SPEAKER. Will the gentleman state his point of order?

Mr. McEWAN. It is that this bill, substantially, has been before the House at this session, and has been defeated.

The SPEAKER. Will the gentleman give the Chair some authority for his point of order?

Mr. McEWAN. I submit it to the Speaker.

The SPEAKER. The Chair does not see that the point of order would be good. If the bill is changed, it ceases to be the same bill.

Mr. McEWAN. I say it is substantially the same bill that was defeated.

The SPEAKER. The Chair does not think that point of order could be sustained.

Mr. McEWAN. Then, if you will pardon me for saying so, I submit it to the superior knowledge of the Speaker on parliamentary matters, recalling that less than two weeks ago the Chair voluntarily tried to take me off my feet three times inside of two minutes, without being asked by anybody in the House, and I thought perhaps the Speaker in this instance would have used the same knowledge that he had at that time.

The SPEAKER. Well, the Chair does use it, and overrules the point of order.

Mr. McEWAN. Very well.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. CANNON. Wherein does this bill change the existing law?

Mr. DOCKERY. It seems to me there ought to be some explanation of it.

The SPEAKER. The question is on the passage of the bill.

The question being taken, Mr. McEWAN demanded a division.

The House divided; and there were—ayes 45, noes 4.

Mr. McEWAN. No quorum.

The SPEAKER. The gentleman from New Jersey [Mr. McEWAN] makes the point of no quorum.

And then, on motion of Mr. LOUD (at 4 o'clock and 12 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ahnapee Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an increase in the estimate of appropriation for the continuation of the investigation and exploration of the coal and gold

resources of Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for the construction of a money vault in the subtreasury portion of the Boston post-office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, in compliance with the House resolution of June 5, 1896, lists of appointments and changes of employees in the Interior Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DE ARMOND, from the Committee on the Judiciary, submitted the views of the minority of said committee on the bill of the Senate (S. 2984) entitled "An act in relation to contempts of court;" which said views (Report No. 2471, part 2) were referred to the House Calendar.

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 172) to increase the limit of the appropriation for a public building at Newport, Ky., reported the same without amendment, accompanied by a report (No. 2481); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 2718) for the erection of a public building at Mayfield, Ky., reported the same with amendment, accompanied by a report (No. 2482); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 1215) providing for the erection of a public building at the city of Plattsmouth, Nebr., and for other purposes, reported the same with amendment, accompanied by a report (No. 2483); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HALTERMAN, from the Committee on Pensions:

The bill (H. R. 1541) granting a pension to Henry Schnetberg, of Indiana, Pa. (Report No. 2484.)

The bill (H. R. 8909) granting a pension to Esther Jackson. (Report No. 2485.)

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 3692) granting a pension to Mrs. Annie M. Clemens. (Report No. 2486.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 2338) entitled "An act for the relief of Joshua Bishop." (Report No. 2487.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Florida: A bill (H. R. 9932) to provide for removing obstructions to navigation from the St. Johns River, Florida, and its tributaries—to the Committee on Rivers and Harbors.

By Mr. FISCHER: A bill (H. R. 9933) to reduce taxation and to provide revenue for the Government, and for other purposes—to the Committee on Ways and Means.

By Mr. HOWARD (by request): A bill (H. R. 9934) to regulate the use of cars in the transportation of persons upon interstate railways, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. COCKRELL: A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River, at El Paso, in the State of Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: A bill (H. R. 9936) to amend the naval appropriation bill (House bill No. ——) for the fiscal year ending June 30, 1898—to the Committee on Appropriations.

By Mr. MILNES: A bill (H. R. 9944) to authorize the purchase of a site for the Government Printing Office—to the Committee on Public Buildings and Grounds.

By Mr. PEARSON: A bill (H. R. 9945) to amend an act to incorporate the Washington Market Company, approved May 20, 1870—to the Committee on the District of Columbia.

By Mr. WASHINGTON: A concurrent resolution (House Con. Res. No. 63) to print 15,000 additional copies of Messages and Papers of the Presidents—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 9937) granting an increase of pension to John Newton Breed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9938) granting a pension to James F. Burchstead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9939) to amend the military record of George W. Wilder—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 9940) for the relief of Daniel McKeever, of Fayetteville, Ark.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 9941) granting an increase of pension to James Parsloe—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 9942) granting a pension to George Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting a pension to Emma Francis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Grocers and Manufacturers' Exchange of Philadelphia, Pa., favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petitions of T. S. Johnson and others, and John H. Kramer and others, all of Philadelphia, Pa., favoring the passage of Senate bill No. 1675, forbidding the transportation of obscene matter by express or otherwise—to the Committee on Interstate and Foreign Commerce.

By Mr. APSLEY: Papers to accompany House bill No. 9449, for the relief of Egbert A. Stricksma—to the Committee on Claims.

By Mr. BARRETT: Paper to accompany House bill granting a pension to James F. Burchstead, of Company H, Thirty-first Regiment Maine Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. BULL: Resolutions of the Young Islanders' Association, Clan na Gael, of Pawtucket, R. I., in favor of the passage of Senate resolution No. 163, for the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BURTON of Ohio: Petition of the Bronze Club, of Cleveland, Ohio, in favor of Senate resolution No. 163, relating to the recognition of Cuba—to the Committee on Foreign Affairs.

By Mr. CHICKERING: Petition of board of supervisors of Oswego County, N. Y., in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. CURTIS of Iowa: Resolutions of the Iowa Academy of Science, against Senate bill No. 1552, "for the prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

Also (by request), petition of Le Grand Byington, of the State of Iowa, asking the repeal of the national-bank act and a reform in Treasury Department methods; also to bring public expenditures and income to parity—to the Committee on Banking and Currency.

By Mr. DALZELL: Resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FENTON: Petition of George W. Schachleiter, to accompany House bill No. 2826, for his relief—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolutions of the St. Paul (Minn.) Chamber of Commerce, in favor of maintaining the gold standard—to the Committee on Banking and Currency.

By Mr. HARMER: Memorial of Francis Remmlein, in connection with House bill for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, memorial relating to the military service of the late Charles G. Augeroth, jr.—to the Committee on Military Affairs.

By Mr. HOWELL: Petition of the New Jersey Society, Sons of the American Revolution, urging prompt action of Congress in the Cuban matter—to the Committee on Foreign Affairs.

By Mr. **MERCER**: Resolutions adopted at a mass meeting of citizens of Omaha, Nebr., in favor of Cuban independence—to the Committee on Foreign Affairs.

Also, petitions of Clement Chase and Lewis T. Watson, of Omaha, Nebr., publishers, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. **PARKER**: Resolution of the Newark (N. J.) Board of Trade, relative to the extension of the term of the President of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolutions of the Board of Trade of Newark, N. J., relative to the delay in the matter of postal facilities and building—to the Committee on Public Buildings and Grounds.

Also, petition of General Sedgwick Council, Order United American Mechanics, No. 22, of Newark, N. J., favoring the intervention of the United States in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. **STRODE** of Nebraska: Petition of citizens of Lincoln, Nebr., respecting Cuban independence—to the Committee on Foreign Affairs.

By Mr. **SULZER** (by request): Resolutions of voters of the Eleventh Congressional district of New York, favorable to the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. **TERRY**: Paper of the Arkansas River Improvement Commission, giving statistics of commerce to be benefited by the improvement of Arkansas River—to the Committee on Rivers and Harbors.

By Mr. **UPDEGRAFF**: Petitions of Dunlevy Bros., of Lansing, Iowa, and Boardman Cooley, of Strawberry Point, Iowa, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *January 12, 1897.*

Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. Nelson, and by unanimous consent, the further reading was dispensed with.

CERTIFICATION OF ELECTORS.

The **VICE-PRESIDENT** laid before the Senate four communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of New York, New Hampshire, Nevada, and Utah; which were ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. **NELSON**. I present resolutions of the Atlantic Coast Seamen's Union, and ask that they may be read and spread upon the Record. I make the request because the secretary and the president of the association have asked me to prefer such a request. The resolutions are short. I should like to have them read and spread upon the record.

The **VICE-PRESIDENT**. Is there objection to the request of the Senator from Minnesota?

Mr. **HILL**. What is the nature of the request?

The **VICE-PRESIDENT**. The Senator from New York makes an inquiry of the Senator from Minnesota.

Mr. **HILL**. I wish to learn what is the precise request.

Mr. **NELSON**. It is to have the resolution read and printed in the Record. The petition comes to me from a sailors' association with that request.

Mr. **HILL**. It strikes me that we must have some rule upon the subject. A year or two ago my distinguished friend from Tennessee [Mr. Harris], who is now absent from his seat, uniformly objected to having all petitions and resolutions of this character printed in the Record. Of late everything of the kind pretty much has been printed in the Record. While I sympathize with the resolutions, I think, and the object the petitioners have in view, I do not believe we ought to lumber up the Record with such matters. I objected yesterday to a matter presented by the Senator from Nebraska [Mr. Allen], and it strikes me that I shall be compelled to object to this request, suggesting to the Senator from Minnesota that it will answer every purpose if the petition is printed as a document.

Mr. **NELSON**. I ask to have it read to the Senate this morning. I presume I would have the right to read it in my own time, but in place of doing so I ask to have the Secretary read it.

Mr. **HILL**. There are ways, of course, to evade the rule. I realize that fact. The Senator, of course, can take any course he sees fit.

Mr. **NELSON**. I hope the gentleman will withdraw his objection. The resolutions are very short.

Mr. **HILL**. I will withdraw it by reason of the appeal, but hereafter I shall object to printing such matters in the Congressional Record.

The **VICE-PRESIDENT**. The Secretary will read the resolutions presented by the Senator from Minnesota.

Mr. **HALE**. I submit, if the Senator from New York has withdrawn his objection, that there is no need for the reading of the petition. Let it be printed in the Record, as requested by the Senator from Minnesota.

The **VICE-PRESIDENT**. Is that course satisfactory to the Senator from Minnesota?

Mr. **NELSON**. It is satisfactory.

The petition was referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

ATLANTIC COAST SEAMEN'S UNION.

[General office: 152 Commercial street, Boston, Mass.]

PORT OF NEW YORK, *January 4, 1897.*
(Columbia Hall, Brooklyn, N. Y.)

Whereas American seamen under the present laws enjoy that measure of personal liberty accorded to all men by the Constitution of the United States, being subject to imprisonment and forfeiture of their wages and clothing for violation of a civil contract to perform labor (Revised Statutes, sections 4596, 4598, 4599, and 4601); and

Whereas by section 10 of the act of Congress of 1884, as amended in 1886, seamen are permitted, and by the combinations of the crimps compelled, to sign away to an "original creditor," whether they owe it to him or not, more than 50 per cent of their wages before having earned the same, thus keeping them in a perpetual state of debt and poverty amounting virtually to slavery; and

Whereas seamen are subject on the high seas to corporal punishment for any trifling offense which may by the master be construed as "justifiable cause to beat, wound, or imprison" them (Revised Statutes, section 5347); and

Whereas those provisions allotted to American seamen by law are decidedly less in quantity, and generally inferior in quality, to the rations served out to convicts in our penitentiaries, thereby causing American ships, in proportion to their tonnage, to furnish five times as many cases of scurvy and beriberi as those of Great Britain, the leading maritime nation of the world: Therefore,

Resolved, That we, the seamen of the port of New York, in mass meeting assembled, hereby earnestly urge upon the Senate Committee on Commerce to report favorably on bills H. R. 2663 and 6399, as passed by the House of Representatives on the 8th of June, 1896, and we appeal to all United States Senators to interest themselves in the speedy enactment into law of the aforesaid bills before the adjournment of the Fifty-fourth Congress.

The above resolution was carried by acclamation, after which the meeting adjourned at 12.30 p. m.

F. H. BURYESON, *Secretary.*
TIMOTHY CARROLL, *Chairman.*

Mr. **CALL**. I present a petition of sundry citizens of Florida living in Brevard County, who are interested and concerned in the improvement of the waterway between Titusville and Canaveral Landing, on the Banana River. The petitioners show that if a small appropriation were made it would make a vast and desirable improvement on this waterway and open the whole of that region of country to cheaper navigation. I move that the petition be referred to the Committee on Commerce, and ask the committee to give it early and favorable consideration.

The motion was agreed to.

Mr. **SHERMAN**. I think it is a matter of some importance, and I move that the Senate proceed to the consideration of executive business for a few moments.

Mr. **VEST**. Will the Senator from Ohio permit me to present some petitions?

Mr. **SHERMAN**. The executive session will take but a few moments.

Mr. **VEST**. I desire first to present some petitions.

Mr. **SHERMAN**. Very well.

Mr. **VEST** presented a petition of the Ministers' Union, of Kansas City, Mo., and of Kansas City, Kans., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a memorial of sundry news dealers and booksellers of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. **GORDON**. Will the Senator from Ohio allow me to present some petitions?

Mr. **SHERMAN**. I have no objection to formal business being transacted.

Mr. **GORDON** presented a memorial of the Board of Trade of Savannah, Ga., and a memorial of the Peacock & Hunt Naval Stores Company, of Savannah, Ga., remonstrating against the removal of the duty from alcohol used in the arts; which were referred to the Committee on Finance.

He also presented the memorial of W. D. Tutt, publisher of the Elberton Star, of Elberton, Ga., and the memorial of J. H. Devereaux, publisher of the Tribune, of Savannah, Ga., remonstrating

against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **ALLEN** presented a petition of sundry citizens of Florida, relative to the Perrine land grant; which was referred to the Committee on Public Lands.

Mr. **SHERMAN** presented a petition of the Bronze Club, of Cleveland, Ohio, praying for the passage of the so-called Cameron resolution, favoring the recognition of Cuban independence; which was ordered to lie on the table.

He also presented the memorial of T. C. Raynolds, publisher of the Republican, of Wooster, Ohio; the memorial of Horace E. Dunlap, publisher of the Arizona Range News, of Willcox, Ariz., and the memorial of A. B. Flesler, publisher of Dress, of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **PLATT** presented a petition of the Board of Trade of Bridgeport, Conn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the petition of Mohegan Lodge, No. 33, Independent Order of Good Templars, of Abington, Conn., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the publishers of the New England Medical Monthly and the Prescription, of Danbury, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. **SEWELL** presented a petition of Jackson Circle, No. 4, Brotherhood of the Union, of Camden, N. J., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented the memorial of W. A. Summervill, publisher of the Penns Grove Record, of Penns Grove, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. J. Madison Hare and sundry other citizens of Burlington, N. J., and a petition of Louis F. Russi, of Bordentown, and sundry other citizens of New Jersey, praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the transportation of obscene matter through the mails; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Woman's Christian Temperance Union of Camden, N. J., praying for the enactment of legislation providing for the better observance of the Sabbath in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. **PEFFER** presented the memorial of W. P. Morrison, representing the Central Kansas Democrat, of Sterling, Kans., remonstrating against the passage of House bill No. 4566, known as the Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of T. J. Hudson and sundry other citizens of Wilson County, Kans., praying for the recognition of the rights of Cuba as a belligerent power and that all the rights of independence be accorded to that people; which was ordered to lie on the table.

Mr. **GEAR** presented the memorial of H. R. Gregory, publisher of the Montgomery County Independent, of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. **COCKRELL** presented the memorials of E. K. Lyles, publisher of the Herald, of Houston; of William Arsti, publisher of Waterways Journal, of St. Louis; of N. D. Thompson, publisher of the Journal of Agriculture, of St. Louis, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **BURROWS** presented the petition of Willard Williams and 36 other citizens of Branch County, Mich., praying for the passage of the so-called Cameron resolution, favoring the recognition of Cuban independence; which was ordered to lie on the table.

Mr. **McMILLAN**. I present a memorial of the Northeastern Suburban Citizens' Association of the District of Columbia, relative to improvements in certain parts of the District. I move that the memorial be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. **HOAR** presented a memorial of the Atlantic Coast Seamen's Union, remonstrating against the enactment of legislation providing for corporal punishment or imprisonment of seamen; which was referred to the Committee on Commerce.

He also presented the memorial of John H. Perkins, editor of the Grand Army Record, and the memorial of George L. Munn, of Easthampton, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **THURSTON** presented a memorial of the publishers of the Bugle, of Chambers, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. **TELLER** presented a memorial of the Chamber of Commerce of Denver, Colo., remonstrating against the passage of the Pacific Railroad funding bill; which was ordered to lie on the table.

He also presented a petition of the Society of the Sons of the Revolution of Colorado, praying for the publication of all the archives of the Government relating to the formative period of our Government from about the year 1720 to the close of the war of 1812; which was referred to the Committee on the Library.

He also presented a petition of the Society of the Colonial Dames of Colorado, praying that a charter be granted the National Society of Colonial Dames of America; which was referred to the Committee on the Library.

He also presented a memorial of the Rocky Mountain Stamp Publishing Company, of Denver, Colo., and a memorial of the publisher of the Alliance of the Rockies, of Denver, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. **MURPHY** presented the memorials of William Cowper Conrant, publisher of the Modern Medical Science, of New York; of W. N. Whittingham, publisher of the Looker-On, of New York; of Luke McHenry, publisher of the Madison County Times, of Chittenango; of the Putnam Company, publishers of the Peterson Magazine, of New York; of the London Needle Company, of New York; of Charles N. Stecker, editor of the Argus, of Mount Vernon; of Frank M. Cornell, publisher of the Patriot, of Fulton; of J. M. Williams, publisher of the Register, of Phœnix; of Rev. J. J. Wynne, publisher of the League Director, of New York; of Rev. J. L. O'Neil, publisher of the Rosary Magazine, of New York; of Wenorauch & Schaefer, publishers of the Brooklyn Blade, of Brooklyn; of Alvin P. Chapin, publisher of the Educational Gazette, of Rochester; of O'Connor Bros., publishers of the Fort Plain Standard, of Fort Plain; of George Gunton, publisher of Gunton's Magazine, of New York; of Samuel T. Carter, publisher of the Church Union, of New York; of Henry A. Reeves, publisher of the Republican Watchman, of Greenport; of George W. Corliss, publisher of the Insurance Critic, of New York; of Frank Dromgoole, publisher of the Recorder, of Mount Kisco; of A. F. Ballinger, publisher of the Religious Liberty Library, of New York; of Charles S. Wilber, publisher of the Register, of Pine Plains; of L. Derminguy, editor of the Courrier de France, of New York; of W. S. Grant Cure, publisher of the Pine Hills Sentinel, of Pine Hills; of the Modern Stories Publishing Company, of New York; of the publisher of the Nyack Evening Star, of Nyack; of M. T. Balkary, editor of Union and Advertiser, of Rochester; of Albert Turner, publisher of Home Culture, of New York; of E. J. Ryan, publisher of the Catholic Journal, of Rochester; of Charles A. Squires, publisher of the Port Jefferson Echo, of Echo; of John Wesley Hagan, manager of the New Education Publishing Company, of New York; of the Christian Literature Company, of New York; of C. H. Hufrich, M. D., publisher of the Homœopathic Eye, Ear, and Throat Journal, of New York; of Stumpf & Steurer, publishers of the American Banker, of New York; of C. Bissell, secretary of the Household Words and Grape Leaf Company, of New York; of Aaron M. Powell, publisher of the Philanthropist, of New York; of Augustus William Abbott, secretary of the City Vigilance League, of New York; of C. P. Conard, president of the Railway Equipment and Publication Company, of New York; of W. B. Templeton, president of the Trade News Publishing Company, of New York; of Morris Phillips & Co., publishers of the Home Journal, of New York; of Henry Livingston, Son & Co., publishers of the Signal, of Babylon; of the Metaphysical Publishing Company, of New York; of the American Druggist Publishing Company, of New York; of C. E. Irwin, manager of Munro Publishing Company, of New York; of William Paris Balton, publisher of the Advocate, of Sidney; of Elbert & Hubbard, publishers, of East Aurora; of L. P. & E. E. Carpenter, publishers of the Morris Chronicle, of Morris; of P. Mann, publisher of American Fabian, of New York; of A. E. Cowles, publisher of Allegany County Democrat, of Wellsville; of Louis S. Chapin, publisher of the Metropolitan and Rural Home, of Rochester; of W. John Hinchey, publisher of the Herald, of Middleport; of Frank N. Lattin, publisher of the Oologist, of Albion; of the Sun Publishing Association, publishers of the Sun, of Alfred; of Robert Hartcourt, publisher of Stillwater Journal, of Stillwater; of R. A. Anthony, publisher of Anthony's Photographic Bulletin, of New York; of C. E. Merritt, publisher of the Chenango Telegraph, of Norwich; of S. H. Spencer, publisher of New Christianity, of Ithaca; of Stillman & Spooner, publishers of the Courier, of Brookfield; of F. L. Northrup, editor of the Advocate and Family Guardian, of New York; of R. N. Plummer & Co., publishers of the American Medical Review, of New York; of O. N. Bane & Co., publishers of the Glovers Journal, of Gloversville; of B. Holmes, jr., publisher of the Poultry Monthly, of Albany; of A. C. Kessinger, publisher of the Rome Sentinel, of Rome; of S. N. Moore & Co., publishers of the Ladies' World, of New York; of the Art Amateur, of New York; of sundry booksellers and news dealers of Troy; of sundry booksellers and news dealers of Buffalo, and of sundry booksellers and news dealers of Albany, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of W. C. Stitt, of New York; of Clifford Thomson, publisher of the Spectator, of New York; of C. R. Clifford, of New York; of the American Trade Press Association, of New York; of Clifford & Lawton, of New York, and of W. N. Lawton, of New York, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

EXECUTIVE SESSION.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

RED RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

The amendment of the House of Representatives was, after section 6, to insert an additional section; and it was read, as follows:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Mr. BLANCHARD. I move that the Senate concur in the House amendment.

Mr. FRYE. It is the House amendment which has just been read?

Mr. BLANCHARD. It is. The Senate bill was passed by the House with an amendment suggested by the House committee and adopted by the House. It just adds another section to the bill to the effect that the bridge must be commenced within a certain time and finished within a certain time. That is all there is in it.

Mr. FRYE. I have no objection to the amendment.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 206) to provide an American register for the steamer *Kahului*; and

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The message also announced that the House had passed the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating;

A bill (H. R. 2259) for the relief of William B. Ellis;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell; and

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 4,000 inhabitants;

A bill (H. R. 7781) to provide an American register for the barge *Black Diamond;*

A bill (H. R. 8190) to provide an American register for the bark *Ceres;*

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898;

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and on occasions of ceremony wear the uniform of their highest rank; and

A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

SENATOR FROM DELAWARE.

Mr. CHANDLER. Mr. President, I rise to a question of privilege having reference to the vacant seat in this body belonging to the State of Delaware, and I will read the following memorial:

JANUARY 11, 1897.

To the honorable the Senate of the United States:

Your petitioner, Henry A. Du Pont, who is now a citizen of the State of Delaware, and has been such continuously during his whole life, begs leave to state and show that on the 9th day of May, 1895, he was duly and legally elected to the Senate of the United States by the legislature of the State of Delaware for the term of six years beginning on the 4th day of March, 1895, and in due time his credentials as such Senator-elect were presented and filed; but objection being made as to the legality of such election, the said credentials were referred to the Committee on Privileges and Elections with directions to investigate such election and report to the Senate; and this was done by such committee and a report submitted favorable to the validity of such election, with a resolution for adoption by the Senate that your petitioner was entitled to his seat under and by virtue of such election.

After debate upon the matter, the committee's resolution was not adopted, and your petitioner was denied a seat.

Your petitioner respectfully claims that his said election was legal and that he is entitled thereunder to a seat as a Senator from the State of Delaware, and further respectfully claims that injustice has been done the State of Delaware and your petitioner by the refusal of your honorable body to seat him as a Senator from the said State.

Your petitioner therefore submits that, under the circumstances, the question of the validity of his election should again be investigated and acted upon by the Senate as a fixed, continuing body which never loses and never can lose control and jurisdiction over its membership, and which can not forfeit or surrender its right at any time to inquire into the claim of any person as a member thereof.

Your petitioner further states that he hopes and expects to show on another consideration of the subject that he is entitled legally to such seat.

Wherefore he respectfully prays that all the papers and documents on file in such case be taken therefrom and again referred to the Committee on Privileges and Elections, with directions to such committee to reinvestigate such election and to reconsider the same in full and in all particulars, and report to the Senate, that it may reconsider the case and seat your petitioner, as he deems law and justice to the State of Delaware and to himself require to be done, and for such other relief as he may be entitled to.

Very respectfully,

H. A. DU PONT

The undersigned, who were members of the Delaware legislature on the 9th day of May, 1895, and who voted on that date for Henry A. Du Pont for the office of United States Senator from Delaware, most heartily join in the foregoing petition, and respectfully request that it be granted

WILLIAM WILSON, JR.
FREDERIC PYLE
HENRY H. McMULLEN,
Speaker of the House of Representatives.
FRANCIS M. WALKER.
SAMUEL ALRICHS
JOHN W. JOLLS.
WALTER S. MONEY.
JOHN M. C. MOORE.
GEO. F. PIERCE
G. H. TOWNSEND
GEORGE W. REYBOLD.

I ask that the memorial may be received, and, with all the other papers in the case relating to the vacant seat, may be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER (Mr. HILL in the chair). Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. PEFFER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 3319) to increase the pension of Alice de K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months, reported it with amendments, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (H. R. 2941) granting increase of pension to Alfred P. Buss, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3196) granting an increase of pension to George W. Walton, reported it without amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 3185) granting an increase of pension to John McGrath, reported it with an amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 3311) to increase the pension of Arabella V. Washburn, reported it with amendments, and submitted a report thereon.

Mr. ROACH (for Mr. GALLINGER), from the Committee on Pensions, to whom was referred the bill (S. 3361) granting a pension to Sarah R. Frary, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans., reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1640) granting a pension to Catherine L. Nixon, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, reported it without amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2672) granting a pension to John J. Shockey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3190) granting a pension to Amos L. Hood, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3191) granting a pension to Milton T. Bedford, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3103) granting a pension to Jesse O. Davy, reported it with an amendment, and submitted a report thereon.

Mr. MILLS. I ask unanimous consent to call up for consideration a little bill reported from the Committee on Commerce that will take only a minute. It is Senate bill 3490, to provide for the appointment of a board of engineers to examine a work and report upon it.

Mr. PLATT. Is the morning business through?

Mr. SEWELL. Will the Senator from Texas allow me to introduce a bill?

Mr. MILLS. I will withdraw the request for the present.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 3506) for the relief of Emma R. Rusling; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3507) to provide for lighthouses and other aids to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 3508) to authorize the purchase of a site for the Government Printing Office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. NELSON introduced a bill (S. 3509) to increase the pension of Gen. James W. McMillan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CANNON introduced a bill (S. 3510) for the relief of Verona E. Pollock; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3511) amending the military record of and granting an honorable discharge to Nelson A. Potter; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3512) increasing to $12 per month the pensions of widows of survivors of the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. THURSTON introduced a bill (S. 3515) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHOUP (for Mr. GALLINGER) introduced a bill (S. 3516) granting a pension to Louise Van Atter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK introduced a bill (S. 3517) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WILSON. I ask, out of the usual order, unanimous consent to call up Senate bill 3375, authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. PLATT. I desire to introduce a resolution before we proceed to business on the Calendar.

The VICE-PRESIDENT. Objection is interposed. The introduction of bills and joint resolutions is still in order.

TERMS OF POSTMASTERS.

Mr. HILL. I introduce a bill which I ask may be read, when I shall ask the unanimous consent of the Senate to make a brief explanation of the bill, and I will then ask that it be referred to the Committee on Post-Offices and Post-Roads.

The bill (S. 3514) to regulate the term of office of postmasters, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the term of office of all postmasters hereafter appointed shall be four years, subject to the power of removal or suspension according to law. That in case of a vacancy occurring in the office of a postmaster, occasioned by death, removal, resignation, or otherwise, the same shall be filled by appointment for the remaining unexpired term.

That the term of office of a postmaster shall be deemed to commence from the date of his assumption of the discharge of the duties of his office, a record of which shall be kept in the office of the Postmaster-General.

That the term of office of all postmasters now in office shall be four years (subject to the power of removal or suspension according to law), and such terms shall be deemed to have commenced from the date of the assumption of the duties of the office by the occupant: *Provided, however,* That where the present occupant shall have been appointed to fill a vacancy occasioned by the death, removal, resignation, or otherwise, of his immediate predecessor, he shall only hold his office for the remainder of the unexpired term of four years, provided he was appointed from the same political party to which such predecessor belonged, or is a member of the family of such predecessor.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect immediately.

Mr. HILL. Mr. President, the object of this bill is to remedy the present situation of post-office appointments. The matter is now in a sort of a hotch-potch condition, and I think it important at this particular time to commence political bookkeeping upon correct principles and fair and honorable policies.

The object of the bill is to determine definitely and certainly exactly what ought to be done in regard to post-office appointments. I call the attention of the Senate, in the first place, to the material alteration proposed in the existing law. The bill provides that all postmasters shall hold their terms for the definite period of four years. Fourth-class postmasters have always held their terms of office at the pleasure of the appointing power. This is a "reform," if I may use that expression, whereby a definite term shall be fixed for those offices.

Permit me to call the attention of the Senate to the fact that both political parties have used this power for the arbitrary and summary removal of fourth-class postmasters. It has been deemed that as they hold their offices at the pleasure of the appointing power the appointing power should remove them at will without any reason being given whatever. The policy was pursued, perhaps, to the satisfaction of all parties at that period, when the office of Assistant Postmaster-General was held by the distinguished Presiding Officer of this body. Subsequently, under the administration of a "reform" Postmaster-General, Mr. Wanamaker, of Pennsylvania—and I trust I do not offend the distinguished junior Senator from Pennsylvania [Mr. QUAY] by thus speaking of that Postmaster-General—that same policy was pursued, and he removed fourth-class postmasters at will.

Since the advent of the present Administration to power, a new policy has been pursued with regard to fourth-class post-offices; whether wisely or unwisely, whether to the demoralization of the party to which the President belongs or otherwise, I do not now propose to discuss. The present Administration has permitted all fourth-class postmasters to serve out a full four years' term, although there is no term fixed by law. Removals have been very rare, and made for good and sufficient cause.

Mr. President, I know not what the new Administration of Mr. McKinley may do. I do not know of anyone around this circle who is authorized to speak for him; but it may be that we must trust to the generosity of the incoming President to pursue the policy of the present Administration. I think the matter had better be regulated by law. I think if the policy pursued by the present Administration is to be continued at all, it should be settled, determined, and continued by law, and that the appointing power should be relieved of the importunities which will be made upon it to immediately remove these Democratic postmasters and appoint Republican partisans in their places. Therefore this bill is presented. In the end it will be the fairest for both parties. All post-offices of whatever grade should be placed upon a par. Therefore, the first point in favor of this bill is that it makes the term of fourth-class postmasters a definite and fixed term of four years, subject to the right of removal for good and sufficient cause. I think it will be productive of much good if Congress shall now pass this bill and establish the principle that these offices which, whether wisely or unwisely, foolishly or necessarily, have been made the football of party politics shall be placed upon some basis which is definite. Let it not be said that one Administration by reason of its wisdom or its caprice, or whatever you may please to term it, allowed all these officers to remain for four years, and another Administration arbitrarily and unwarrantedly turned them out of office.

What next does the bill provide? It provides a method by which political bookkeeping can be made accurate. The difficulty now is that a nomination may be made, and it may be held up by the Senate for a long period of time. It may be a recess appointment. The person takes possession of the office. I know of several cases where nominations have been held up for a year or so, the President persisting in making the appointment and the Senate not choosing to confirm. Subsequently the Senate relents and the postmaster is confirmed. It is held that under existing law he holds his office from the date of his confirmation. That gives the officer in all such cases a five or six years' term of office. When a new Administration comes into power, it must trump up charges to satisfy the conscience of the President—and sometimes it does not take very much to satisfy the consciences of our Presidents where they desire to make removals—in order to make an immediate change. I would relieve every Administration from the responsibility for this state of affairs. I would relieve all Administrations from the importunities of their party friends in asking that in such cases a removal shall be made.

Mr. President, there is another class of cases. A postmaster holds for three years and over—a Democratic postmaster, for instance. Few die and none resign. Once in a while a Democratic postmaster dies, and the President sees fit to send in the name of his widow for that office. The Democrat may have held the office for a period of three years and a half, and our Republican friends naturally object, under the existing political situation, to having the widow confirmed for four years.

Without endeavoring or intending now to divulge any of the secrets of the Post-Office Committee, I speak upon this subject with full knowledge of the situation, being one of the minority members of that committee. I have been importuned by Democrats in all parts of the Union to look after their rights. There is a large number of States where there are no Democratic representatives in this Chamber, and Democratic Senators are becoming gradually less, especially in the Northern States. There are postmasters writing to me from all parts of the North calling attention to the fact of their nomination and asking what can be done. There are to-day 250 Democratic nominations in the hands of the Post-Office Committee awaiting some action. There are postmasterships now about which there will be some friction, which will continue to become greater until the 4th day of March.

Mr. CHANDLER. Is it convenient for the Senator to have me ask him a question at this time?

Mr. HILL. I hope the Senator will wait until I get through. Then I shall be pleased to answer.

Mr. CHANDLER. It is right in this connection.

Mr. HILL. Very well.

Mr. CHANDLER. The Senator stated that the present Administration had not made removals of postmasters during the terms expressed in their commissions. I want to ask the Senator whether he is able to say removals have not been made since the 3d day of November last of postmasters on account of their political action in the election of that day?

Mr. HILL. Mr. President, what I was particularly saying was that fourth-class postmasters had been allowed to serve out a full term of four years, although there was no law fixing the term. That, as a general rule, is absolutely true. It is further absolutely true that every postmaster whose appointment is fixed by law has been allowed to serve out his term with possibly a half dozen exceptions, where they have been removed for alleged political or pernicious activity. Allow me to say right here, Mr. President, that I take but little stock in those removals. But that is now foreign to the real question involved.

Mr. CHANDLER. Will the Senator allow me to say he has not answered my question. The question is whether since the 3d of November last Presidential appointments, officers confirmed by the Senate, have not been removed during the term for which they were appointed on account of their political conduct at that election?

Mr. HILL. Yes; I think that is so as to a few of them, a half dozen of them.

Mr. CHANDLER. Is the Senator informed as to the number?

Mr. HILL. I think about half a dozen.

Mr. CHANDLER. Judging from the complaints that have come to me, there are a great many more than that.

Mr. HILL. By the clamor one would think there were a thousand.

Mr. CHANDLER. I should think there were many more than half a dozen. The complaint is specifically made to me as a member of the Committee on Post-Offices and Post-Roads that postmasters have been removed for no other reason than because they voted for Mr. Bryan for President; and I want to present that fact, if it is so, in opposition to the statement of the Senator from New York that while Mr. Wanamaker made removals of postmasters during his term this Administration has not removed any postmasters during the terms for which they were appointed.

Mr. HILL. Mr. President, the defense of the former Postmaster-General, Mr. Wanamaker, is entirely superfluous and uncalled for. The Senator will recollect what I said. I said Mr. Wanamaker had pursued the policy pursued by his predecessors in office of removing at pleasure all fourth-class postmasters. That is the proposition I made. I did not speak of Mr. Wanamaker's action in regard to Presidential offices. I know he made some removals in such cases. Let me give the Senator an instance.

Mr. PLATT rose.

Mr. HILL. I decline to be interrupted now. I ask the Senator from Connecticut to wait.

In the city of Elmira a Republican postmaster was appointed by Mr. Harrison very early in his Administration in the place of a Democrat, whose term of office had expired. He was confirmed and held office for three years and a half. Then, by reason of a factional squabble in the Republican party, an inspector was sent to Elmira, and he trumped up some charges against as good a postmaster as there ever was in that city. That Republican postmaster was removed under the "reform" administration of Mr. Wanamaker, and another Republican was put in his place. If the present Administration had not taken action about it, we should have had the spectacle presented of seven years and a half of a Republican postmaster and a half year of a Democratic postmaster.

Let me go further, and be entirely frank, because there is no politics involved in this question—I mean no political advantage to be gained by either party by this bill, but there is fair politics involved in an honorable disposition of this question. Mr. Cleveland kept that Republican postmaster in office until about a year or so ago, and then the Post-Office Department here, in the usual way, sent an inspector up there, who trumped up some charges against the postmaster, and the present Administration put him out, and a good Democrat occupies the office to-day. But it is against just that miserable way of doing business that I protest. It is just such a method that I desire to have avoided in the future. Let these men hold their offices for four years.

What was the remedy? After the Republican had held this office for three years and a half, and by reason of a factional squabble it was desired to remove him, another Republican should have been appointed for only the remaining six months. That is what this bill provides. Not that every commission shall be for four years—that is the existing law—but that every appointment shall be for four years, and where a vacancy occurs by removal, by resignation, or by death that the new appointee shall hold for the remainder of the unexpired term, provided he is of the same political faith.

I have also provided in the bill for a case where the appointee belongs to the same family, thus covering the case of the widows and daughters of a deceased postmaster. That is a fair proposition. This question has got to be settled. It will be as fair for one party as for another in the end.

When the new Administration comes in, what spectacle will confront it? Within the last ten days there have been several appointments sent to the Senate of widows of deceased postmasters. Of course, our Republican friends will dislike to object to their confirmation. Republican members of the other House will naturally not desire them to be confirmed. Why? Because the new appointees will hold over three years and a half of a new Administration, and no political party should get an advantage over another party by death, removal, or resignation. That is the point involved, and that is the effect of this bill. It is a simple measure. Our Democratic friends will want this measure in 1901. Both parties ought to have it now. It prevents a scramble from now until the 4th of March in regard to the appointment or confirmation of these various postmasters.

Mr. President, I have already said that there are 250 nominations now pending before the Post-Office Committee. What is to be done with them? Am I to appeal simply to the generosity of my opponents for action upon those nominations? Are we to have a squabble which will become more and more severe every three months during the closing days of every Administration? I think we should not. I think the best policy would be to define exactly the status of these postmasters, and let them thoroughly understand what is to be done.

That is the effect of this bill. It gives no political party any advantage over another. In other words, there is no injustice to us and no injustice to our Republican friends. Possibly my friend from New Hampshire [Mr. CHANDLER] will say that I need not worry about the Republicans, that they are competent to take care of themselves. They are usually, and they generally get the advantage of the Democratic people. We Democrats do not wish to be taken for chumps, if I may use such an expression. Let us have the rights of our respective parties defined by law, and let not the terms of office depend upon the importunity of members of Congress, upon the good nature of Senators, upon their ability to persuade and induce their colleagues to confirm certain nominations.

A fourth-class postmaster holds, as I said before, during the pleasure of the appointing power. There has been a large number of fourth-class postmasterships raised to the third class during the present Administration, and they have been raised to the third class after the Democratic appointee had held the office for over three years, and if we confirm the Democratic appointee many of these particular Democratic appointees will hold for seven-odd years. That is unjust to the Republican party, and undoubtedly there will be more or less contention before the 3d day of March on the question of nominations. I want to avoid that.

Mr. President, when you have made a third-class office out of a fourth-class office and appoint the man who has held the place for three years, that Democrat should be satisfied when his four years are out, and he should turn the office over to a Republican. That can not be done under the existing law. The only way a new Administration can make all things even for the party is to go to the miserable subterfuge of trumping up charges to satisfy the conscience of the President in order to put the incumbent out. What has been done under the present Administration has been done under all Administrations, except that the present Administration has allowed all fourth-class postmasters to fill out a full period of four years just as though the law provided for a four-year term.

Mr. ALLEN. May I ask a question of the honorable Senator from New York?

Mr. HILL. Certainly.

Mr. ALLEN. I ask the Senator from New York if he can recall any instance in the history of the country where the President of the United States has removed any postmaster or other officer for loyally and intelligently supporting the nominee of his party for President?

Mr. HILL. Mr. President, I am not going to stir up old bygones; but away back in the time when Mr. Douglas was the candidate for President of the regular Democratic party, and Mr. Breckinridge was the candidate of another wing of that party, postmasters were removed by President Buchanan for the simple offense of supporting Mr. Douglas for the Presidency; and the records are full of just such instances.

Mr. CHANDLER. Will the Senator allow me to interrupt him?

Mr. HILL. I am not to be diverted into a discussion of this last subject, because that question is not involved. This bill will not prevent any President from removing a man from office upon charges. You can not so provide. You have got, should this bill become a law, still to trust the appointing power, because he must have the inherent right to remove for cause; but I want to relieve every Administration from the necessity of trumping up charges in order to equalize political advantages. That is what this bill will do.

If any President shall see fit to remove an official because of "pernicious activity," as it is called—a phrase which I do not fully comprehend, understand, or appreciate—there is no way of preventing it, because he has the absolute power to remove under the Constitution of the United States and under our existing laws. Take the case of a Democrat whose post-office has just been made a third-class office. He has held office for three years and a half, and now under his commission he is going to hold for four years more. The Republican member of Congress from that district wants to oust that man. Naturally he does not want him, because his political friends at home will say: "This is not right. Simply because that office was made a third-class post-office is no reason why this man should be permitted to remain in his office." What is the effect of it? His party friends get around the Postmaster-General and trump up this charge and that charge against him in order to secure his removal, whereas if the term of the office should expire after a man had held for the full term of four years, he could honorably retire from the office. It is to prevent these removals, which more or less carry a stigma with them, that I have introduced this bill, and because my attention has been called to them on account of the fact that I am an humble member of the minority of the Committee on Post-Offices and Post-Roads, where, to a large extent, the burden of looking after the interests of the minority falls.

Therefore, Mr. President, I submit my proposition, which I hope will be taken up by the Committee on Post-Offices and Post-Roads in the spirit in which I have introduced it, and that they may be induced, in the interest of better government and in the interest of fair political dealing, to report favorably on this bill. What else I desire to say on this subject may better be said in executive session.

I ask that the bill be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER (Mr. BACON in the chair). That reference will be made.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILSON. I again ask unanimous consent for the consideration of the bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

Mr. PLATT. I wish the Senator would withhold his request until resolutions can be introduced.

Mr. ALLEN. I hope we may be permitted to get through with the morning business.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Washington.

NATIONAL BANKRUPTCY BILL.

On motion of Mr. HOAR, it was

Ordered, That 4,000 copies of Senate Document No. 287, first session Fifty-fourth Congress, be printed for the use of the Committee on the Judiciary.

REPRINT OF PACIFIC RAILROAD BILL.

Mr. MORGAN. I ask for a reprint of Senate bill 3488, which has been incorrectly printed, partly through my fault and partly through the fault of the Printing Office.

The order was agreed to, as follows:

Ordered, That the bill (S. 3488) to create a board of trustees of the Union Pacific Railroad Company and the Central Pacific Railroad Company, and to fund the bond debts thereof, and for other purposes, be reprinted.

ABBREVIATION OF CONGRESSIONAL REPORTS.

Mr. PLATT submitted the following resolution; which was read:

Resolved, That the Committee on Rules is instructed to consider the practicability of abbreviating the daily reports of the proceedings of Congress as published in the CONGRESSIONAL RECORD.

Mr. HOAR. Who will abbreviate the reports?

Mr. PLATT. I do not wish to make any remarks about the resolution, except to say that there is a growing necessity for lessening the volume of the CONGRESSIONAL RECORD. I desire that the resolution may be referred to the Committee on Rules. I have introduced it simply to call the attention of the Committee on Rules to the subject.

Mr. GORMAN. I suggest to the Senator from Connecticut that that resolution ought to go to the Committee on Printing, as that committee has special charge of the matter of the printing of the RECORD.

Mr. PLATT. I have no objection to that reference.

Mr. HALE. I think the Committee on Printing would be very glad to have the valuable suggestions of the Committee on Rules before acting upon the resolution, and I should prefer that the resolution in its travels should go first to the Committee on Rules, and then, after a proper delay, it will come to the Committee on Printing for proper delay there. [Laughter.]

Mr. PLATT. It is a resolution instructing the Committee on Rules to consider the question. I ask, therefore, that it may be referred to the Committee on Rules.

Mr. HALE. I think that is better.

The PRESIDING OFFICER. Without objection, the resolution will be referred to the Committee on Rules.

EMPLOYMENT OF STENOGRAPHER.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved*, That the stenographer reporting the hearings before the Committee on Interstate Commerce under the resolution of the Senate of December 9, 1896, and also the hearings pending before the Committee on the Census, be paid out of the contingent fund of the Senate.

ALLEGED VIOLATION OF THE EIGHT-HOUR LAW.

Mr. STEWART. Yesterday the Senator from Vermont [Mr. PROCTOR] spoke on a joint resolution to amend the Constitution with reference to the term of the President of the United States, and I was about to make a few suggestions on that joint resolution. Is it now before the Senate?

Mr. ALLEN. If the Senator will permit me, there is a Senate resolution now on the table coming over from yesterday morning which should be laid before the Senate.

Mr. CHANDLER. I hope the Senator from Nevada will allow the resolution of the Senator from Nebraska to be laid before the Senate.

Mr. STEWART. Very well.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. ALLEN], which will be read.

The Secretary read the resolution, as follows:

> *Resolved*, That the Secretary of the Navy be, and he is hereby, directed and required to inform the Senate—
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> First, whether Isaac Walker & Sons, of Philadelphia, Pa., who are engaged in constructing additions to and making repairs on the naval hospital at Brooklyn, in the State of New York, have violated, or are violating, or suffering violations of the act of Congress of August 1, 1892, commonly known as the "eight-hour labor law," by requiring those engaged in laboring for them on said work to work more than eight hours per day; and if so, what steps, if any, have been taken by the Navy Department to prevent such violations; and if like violations are being committed by P. J. Carlan, a contractor, of Brooklyn, N. Y., and what steps, if any, are being taken to prevent the same; and
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> Second, what measures, if any, have been taken by the Navy Department to prevent violations of the so-called eight-hour labor law on Government works under its supervision; and if no such measures have been taken, what further legislation, in the opinion of the Secretary of the Navy, is necessary to empower the Navy Department to supervise, control, and restrain the action of contractors and builders engaged in the construction and repairs of Government property.

Mr. CHANDLER. I desire to say that when this resolution was under consideration yesterday, the Senator from Nebraska was right and I was wrong. There is a law upon the statute book which prohibits the employment for more than eight hours a day of laborers and workmen by any contractor on the public works of the United States, and therefore a resolution which suggests violations of that law is a proper resolution to be adopted. I send the act to the desk and ask that it may be read.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

> CHAPTER 352, LAWS OF THE FIFTY-SECOND CONGRESS, FIRST SESSION.
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> An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia.
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> *Be it enacted, etc.*, That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.
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> SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia, who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.
>
> SEC. 3. The provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Mr. CHANDLER. I ask that the date of the act be read.

The SECRETARY. An act approved August 1, 1892.

Mr. ALLEN obtained the floor.

Mr. HALE. Before the Senator from Nebraska proceeds, let me ask him a question. At what place is the allegation that the law was violated fixed by the Senator? I did not notice that point in the reading of the resolution.

Mr. ALLEN. At what locality?

Mr. HALE. Yes.

Mr. ALLEN. Brooklyn, N. Y.

Mr. HALE. In the navy-yard?

Mr. ALLEN. Yes, in the hospital.

Mr. HALE. I call the attention of the Senator from Nebraska to what I understand is a fact, that the law which has just been read has been construed as applicable to men employed under contract upon public works, that is, upon buildings, and that it has been construed as not applicable to outside work upon materials before they enter into or are entering into the construction of the building. Whether that is true about navy-yards I do not know.

Mr. ALLEN. I do not think there can be any doubt about its application in this case.

Mr. CHANDLER. The first clause specified in the resolution is work upon the naval hospital in Brooklyn.

Mr. ALLEN. It refers to men engaged in work upon constructing an addition to and making repairs of the naval hospital itself.

Mr. HALE. Upon the building?

Mr. ALLEN. Yes, and not engaged in planing lumber or sawing lumber preparatory to its going into the building.

Mr. HALE. I think the law has been construed as applying clearly to such a case.

Mr. ALLEN. I quite agree with the Senator on that point.

Mr. CHANDLER. It is not stated what P. J. Carlin, the contractor at Brooklyn, is doing, and I should like to call attention to the distinction drawn by the Senator from Maine that the law does not apply to contracts for ships. It applies to nothing except repairs upon real estate, public works of the Government, such as buildings and river and harbor improvements.

Mr. ALLEN. This is purely a resolution calling for information, and I desire to submit simply a word in its support and not to argue it at length.

Under the first section of the act of August 1, 1892, volume 27, page 340, of the United States Statutes at Large, it occurs to me that no man can mistake the fact that Congress by that act prohibited the employment of men in its service or men engaged in contract work for more than eight hours per day. Now, I will read that section, although it has been read by the Secretary:

> That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government, or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

So that section prohibits the Government and the District of Columbia and contractors and subcontractors with the Government from working their men more than eight hours a day.

Now, the singular fact about this matter is that the attention of the Secretary of the Navy was called in a respectful manner by Mr. Charles Burns, secretary of the Board of Delegates of the Building Trades of Brooklyn and vicinity, 123 Smith street, Brooklyn, N. Y., to this violation of the law by Walker & Sons, and to the letter of Mr. Burns the Secretary of the Navy on the 8th of December, 1896, replied as follows:

> SIR: This Department is in receipt of your letter of the 7th instant, in which you state that you are instructed by the Building Trades of the city of Brooklyn to invite attention to an alleged violation of the eight-hour law on the part of the contractor for the naval hospital, and ask that this Department see that the law be not violated by the contractor in connection with the work upon said building.
>
> In reply you are advised that it has been and is the policy of this Department to insist upon an absolute observance, both in letter and spirit, of the requirements of the act of August 1, 1892, commonly called the eight-hour law, so far as all laborers or mechanics employed under its direction or control are concerned, and I am not aware of any instance in which the provisions in the law are being violated by any of the subordinate officers or employees of this Department. By reference to the law itself, however—

Here is the remarkable part of the letter of the Secretary of the Navy, in view of the language of the law which I have read—

> you will perceive at once that the Navy Department is not charged with the duty, and is not given the power, to enforce the law with respect to laborers and mechanics employed under the direction or control of contractors or subcontractors, the latter being themselves directly responsible for any disregard of its provisions of which they may be guilty.

The Secretary of the Navy takes the position that under the eight-hour law he has no power to enforce the provisions of that law upon contractors and subcontractors doing work upon Government buildings. I disagree with the Secretary of the Navy entirely upon this subject. I have no doubt in my own mind that he has ample power by the language and the spirit and the evident policy of the law, but if he does not possess power and Congress desires to vitalize the law of 1892 and make it effectual, then it is proper for us to know to what extent the law is being violated by contractors and subcontractors, and what provisions, in the judgment of the Secretary of the Navy, would be essential to preserve the rights of labor.

Now, respecting P. J. Carlin, of whom the Senator from New Hampshire has spoken, I read from a letter written by Mr. Burns to John W. Hayes, the general secretary and treasurer of the Knights of Labor, dated December 19, 1896:

> During the past week the contract for building the addition to the hospital, to cost, I believe, about $40,000, was awarded to P. J. Carlin, of this city—

Brooklyn—

> a firm that the board has been at odds with for some time. This may be very likely a subcontract from Walker & Sons, but am not sure, and if Carlin can work his men nine hours without interference, he will certainly do so. You can imagine what effect that will have on the firms who employ union men and pay the wages. It is the desire of the board that you should bring this matter before Congress.

So Carlin is either an independent contractor with the Government, the same as Walker & Sons, or he is a subcontractor from Walker & Sons, and in either event he is subject to the provisions of the act of August 1, 1892.

I do not desire to make any political capital at all; I am not inspired by any motive of that kind, but it seems idle that the Congress of the United States should pass laws from time to time respecting policies that are to be pursued by our Departments and yet a great Department officer, who has under his control thousands and possibly hundreds of thousands of men, certainly the disbursement of hundreds of thousands if not millions of dollars, should by inaction, in a negative way, if not in a positive manner, constantly, persistently, and without reason set at defiance those laws. Chief Justice Marshall said this was a Government of laws and not of men; and it was upon the supposition that law reigned supreme in the United States, or should reign supreme, that our Government was formed as a republic. And yet because these men who are compelled to labor for a dollar or a dollar and a half a day, struggling from early morning until late at night to support themselves and families, are made defenseless to a certain extent in consequence of their excessive physical labor, we find great officers of the Government neglecting the enforcement of the law and by that means impinging upon their rights. I do not know what conception a man can have of his obligation to discharge a great public duty conscientiously and to the interest of all involved who can sit down complacently and congratulate himself that he is a great statesman when he is not enforcing the laws made by the Congress of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Nebraska [Mr. ALLEN].

The resolution was agreed to.

TERMS OF PRESIDENT AND REPRESENTATIVES.

The PRESIDING OFFICER. Morning business is now concluded.

Mr. STEWART. I ask unanimous consent that the joint resolutions introduced by the Senator from Vermont [Mr. PROCTOR] in regard to certain amendments to the Constitution may be laid before the Senate. The joint resolutions were laid over yesterday by unanimous consent. I was then about to make a few remarks on the subject, but yielded.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the joint resolutions indicated by him may be laid before the Senate. Is there objection? The Chair hears none. The joint resolutions will be stated by title.

The SECRETARY. A joint resolution (S. R. 180) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years, and shall not be eligible for reelection, and a joint resolution (S. R. 181) providing that the Constitution of the United States be so amended that the members of the House of Representatives shall be chosen every third year.

Mr. STEWART. Mr. President, I desire to say a few words in reference to the joint resolution proposing an amendment to the Constitution to extend the term of the President of the United States from four to six years, and to limit the Executive to one term. So far as the limitation to one term is concerned, I am heartily in favor it. I believe that that has been the concensus of opinion among statesmen for many years, so much so that candidates for the Presidency have frequently pledged themselves that they would not be candidates for reelection. I think Mr. Cleveland, before he was elected the first time, made such a pledge in a very solemn manner and with the approval of the country.

The suggestion to extend the term to six years, however, is, to my mind, most objectionable. I would much prefer to have it limited to two years. The strain in electing a President for four years is about all the country can stand. The prize is too great, and the struggle we have just passed through shows what efforts are made to secure it. It is alleged that millions were expended, every engine of power was brought into requisition to secure the great prize of the Presidency. It must be remembered that the patronage is growing very rapidly. It has become an all-absorbing subject. The salaries were fixed when prices were much higher than now. The money now, in its purchasing power, is double as much as it was when those salaries were fixed. Times are hard; Government employment is a great boon, and it is sought after with a vigor that threatens the stability of the Government.

If the elections could occur every two years, at the same time that Representatives in Congress are elected, the President would go into office in harmony with the Congress, and the will of the people would be expressed frequently and easily. There would be no great excitement. The elections would pass off quietly. I believe in trusting the people. The disposition to get farther and farther away from the people, to make this a despotism instead of a Republic, is manifested in every great struggle where the Presidential office is at stake. We know very well that other republics have failed over a disputed succession to the presidency. That was recognized by the framers of the Constitution as the great danger to this Republic. Some of the delegates to the Convention were afraid to have a president at all. It was a matter of great discussion. The term was finally limited to four years. If they had put in the other limitation, that a man should be eligible to but one term, it would have been better. If we had an election for President every two years, there would be no great struggle, and the people would submit for two years without making a contest which would destroy the Government. But if a six-year term is involved, there is great danger that a time will come—and it seems, if human nature remains the same, that the time will come—when there will be such a struggle over the succession that it will destroy the Republic.

I hope there will be no effort to lengthen the term, making the danger greater at Presidential elections. Congressional elections pass off every two years without a ripple. Everybody submits; everybody acquiesces. If the Executive could be elected at the same time there would merely be a spirited election, and everybody would be satisfied to wait for two years. On the other hand, if you should make the term six years and a struggle should come on that would endanger the Republic, there would then be a clamor to continue to lengthen the term in order to avoid such danger. That is not the way to avoid political dangers in this country. The way to avoid political dangers is to trust the people, to go often to the people, and to let them know and feel that it is their Government and the Government which they control. Whenever you put this Government out of the control of the people, when you remove it from them, when you make it what you call conservative, you are moving toward despotism, and when you get it very conservative you will produce revolution.

I am a conservative in this respect. I am a conservative who trusts the people and believes in frequent elections. They disturb business less than elections at long periods, when great interests are involved. There is no danger if the people are consulted often that they will ruin their Government. They will preserve it. The oftener you take the public sentiment upon great questions the better for the Government, and the better for the preservation of free institutions.

I did not intend to elaborate upon this point at all, but I thought, inasmuch as the question was brought up, that this suggestion ought to be made.

Mr. PROCTOR. If there is no other Senator who wishes to be heard on the joint resolutions, I move that they be referred to the Committee on Privileges and Elections.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7781) to provide an American register for the bark *Black Diamond;*

A bill (H. R. 8190) to provide an American register for the barge *Ceres;* and

A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892; and

A bill (H. R. 7210) to amend section 5138 of the Revised Statutes to provide for the organization of national banks in towns of not exceeding 4,000 inhabitants.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 9598) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers; and

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title, and, on occasions of ceremony, wear the uniform of their highest rank.

The bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories was read twice by its title, and referred to the Committee on Public Lands.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. I now desire to call up the unfinished business.

The PRESIDING OFFICER. The Chair calls the attention of the Senate to the fact that yesterday, by unanimous consent, it was agreed that the bill to which the Senator from South Dakota refers should be taken up to-day immediately after the conclusion of the morning business. That bill is now in order.

Mr. McMILLAN. If there is no objection to House joint resolution 214, in regard to the inaugural ceremonies, reported yesterday by the present occupant of the chair [Mr. BACON], I should like to have it disposed of at this time.

Mr. PETTIGREW. I desire to have the unfinished business laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose.

Mr. McMILLAN. The Senator from South Dakota yields to me, I understand?

Mr. PETTIGREW. I will yield if the joint resolution leads to no debate.

Mr. McMILLAN. The joint resolution was read yesterday, and went over upon objection from the Senator from Kansas [Mr. PEFFER].

Mr. PEFFER. I do not object to the consideration of the joint resolution. I shall offer an amendment to it when it is taken up. I do not think it will lead to very much discussion.

Mr. PETTIGREW. If there is to be a controversy over the joint resolution I shall decline to yield.

Mr. PEFFER. I will state to the Senator from South Dakota that I do not think there will be a controversy. I wish to offer an amendment, and perhaps it will be accepted upon being mentioned. If not——

Mr. PETTIGREW. I think I must insist upon proceeding with the unfinished business.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield. The unfinished business is now before the Senate.

Mr. PETTIGREW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Brice,
Brown,
Burrows,
Call,
Cannon,
Carter,
Chilton,
Cockrell,
Daniel,
Davis,
Faulkner,
Frye,
Gear,
Gibson,
Gordon,
Gorman,
Hale,
Hawley,
Hoar,
Lodge,
McBride,
McMillan,
Martin,
Morgan,
Morrill,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Quay,
Sewell,
Sherman,
Shoup,
Stewart,
Teller,
Thurston,
Turpie,
Vilas,
Walthall,
Wilson.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum of the Senate is present.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose, the pending question being on the first amendment reported from the Committee on Indian Affairs.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. In section 1, line 5, after the word "tribes," strike out the words "in the Territory of Oklahoma."

Mr. COCKRELL. What is the effect of the amendment? Let it be read in connection with the text.

The Secretary read as follows:

> That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in section 1, line 15, after the word "entry," to insert the following proviso:

> *Provided, however,* That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the amendments of the committee. The bill is open to amendment as in Committee of the Whole. If there be no further amendments, the bill will be reported to the Senate.

Mr. VILAS. I understand the Senator from Minnesota [Mr. NELSON] wishes to take the floor to make some remarks.

The PRESIDING OFFICER. The Senator from Minnesota had not indicated his purpose so to do.

Mr. VILAS. I should like to hear the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota had not addressed the Chair.

Mr. PETTIGREW. I understand the Senator from Minnesota has some remarks that he wishes to submit upon the bill.

Mr. VILAS. I so understand. However, I do not wish to intrude upon the Senator from Minnesota.

Mr. NELSON. Mr. President, I am aware that considerable prejudice exists in the minds of some Senators in reference to the object and purport of the pending bill. I am satisfied if Senators could be induced to look at the subject-matter in its proper light, from the actual standpoint of the case and the actual facts of the case as they exist, the bill would have the unanimous support of this body.

In 1862 we adopted the free-homestead law. Under that law thousands of acres were conferred upon active, intelligent, and enterprising settlers, who built up great States. Those lands were among the best lands in the entire borders of the United States. They were lands that we had acquired from the Indians, in one form or another, by treaty and purchase. They had all from first to last cost the United States large sums of money. Still we gave those, the very best of our lands, freely—as free as water—to the settlers on the frontier. The result is that great States have grown up from the adoption of that land policy. You may take a large portion of the State of Wisconsin, my own State, the State of Minnesota, the two Dakotas, Kansas, Nebraska, and most of the States to the west of those I have named, and they have all grown up under this liberal land policy.

The lands which are still left, that are the subject-matter of the pending bill, are, so to speak, the mere remnants of our public domain. They are mere remnants in more senses than one. They are not only remnants as being the balances that are left of the large bodies of land that were once occupied and roamed over by the Indians, but they are remnants in the sense that they are the inferior and scrubbiest portion of our public domain.

Now, most of these lands, the lands in Oklahoma, the lands of the Big Sioux Reservation in Dakota, the lands in Montana, and the other reservations to the south and west, are within what is known as the arid belt of the country—lands that are of little value for agricultural purposes except with irrigation. They are lands which, if not occupied by homestead settlers, would be occupied by the cattle men and the sheep men.

Take the lands in my own State that once belonged to the Chippewa Indians. These are to a large extent of the poorest and most inferior grade of lands in the State of Minnesota. The settlers who have gone there are of the very poorest class, so far as pecuniary means are concerned. The lands are in the extreme northern part of the State, and it is a very important matter to get them settled up and developed as soon as possible; and without offering inducements of this kind—that of free homesteads—these lands will settle up slowly and at great sacrifice and suffering to the settlers, who are handicapped with poor lands, a northern zone, and the scantiest of means.

The facts as reported by the Land Department in reference to these reservations do not entirely do the question justice. Take, for instance, in the State of Minnesota, the Chippewa Indian reservations, which in that State are composed of two classes of land, divided by the act opening them for settlement into lands known as pine lands and agricultural lands. The lands that are known as pine lands are not subject to the provisions of this bill. On those lands the pine is examined, estimated, and appraised, and the lands are sold for cash at public sale, to the highest bidder, for not less than the appraised value, which can not in any case be less than $3 a thousand feet, board measure, for the pine on the land.

A large share of the reservations in Minnesota are of that class of lands which can not be affected by the provisions of the pending bill, because it is simply limited to homestead lands and homestead settlers. The part of the lands in Minnesota to which the bill applies does not exceed in all 2,000,000 acres. By the report made by the minority of the committee it is represented that there are between four and five million acres of those lands subject to homestead entry. That is a mistake. If you take out the lands that are still unceded, if you take out the lands that are subject to appraisal and sale under the pine-land provisions, there are scarcely more than 2,000,000 acres that would be subject to homestead entry, and a large portion of those lands are in the extreme northern part of the State on what is known as the Rainy Lake and Rainy River basin, the basin bordering on the Province of Manitoba upon the north. Much of the land is of a wet and swampy character.

Those lands were thrown open to settlers a year ago. There was a great rush of people up to that country. When they came there they found that a large extent of the lands were flooded and under water, and over 90 per cent of the settlers who had rushed to that country left and abandoned that region. The few people who finally concluded to stay there, and have settled there for the purpose of making homes, have the greatest trouble in the world to subsist and maintain themselves, and it is inflicting upon them a serious and heavy burden to compel them to pay for those, the poorest and most wretched lands that have been opened for settlement under the land laws in the State of Minnesota.

Now take the lands in the other States. Most of them are of the class known as arid lands, and if they are not taken under the homestead law by homestead settlers, they are left undeveloped and untaxed, to be used simply as a range for the cattlemen.

I take it that it is for the interest of the country that these lands, poor as they are—the arid lands and the swampy and wet lands of the Red Lake reservations—be settled, cultivated, and improved, and be made into farms and homes for those who have no other means than their strong hands and stout hearts.

The price that is to be paid to the Indians for these lands is but a small item. It will cut but a small figure in the aggregate of our disbursements. The Government will more than make up for what it will be compelled, under the pending bill, to pay the Indians for the lands, by their early settlement, by having the lands made productive, and by making them subject to taxation and the other burdens of government. It is better that the lands within the arid belt and the lands in the extreme northern part of our country bordering on the Rainy Lake region should be cultivated and occupied by settlers than that they should remain in the condition they are now in—that of an unsettled wilderness.

Mr. President, after we have given away oceans of our best and most valuable lands to settlers under the homestead law, without money and without price, surely it would be an act of injustice, when it comes to the disposal of the mere remnants of the poorer and more inferior portions of our public domain, to load the settlers with a burden, a charge that we did not impose upon the settlers who got the better class of our public lands.

Take the Red Lake Reservation, in the State of Minnesota. There are perhaps about 2,000,000 acres in all that would come under the homestead features of the law. But of those I apprehend that not to exceed a million acres can possibly be settled and improved within the next ten years. By and by, in course of time, if a system of drainage is inaugurated connecting the head waters of Red Lake with the Rainy Lake region, perhaps good portions of that land may be opened to settlement and occupied by actual settlers; but years will elapse before this can be accomplished.

We are discussing in the public prints, our public officials are considering, and the question has been agitated here in Congress, what to do with our arid lands, how to promote their settlement and development. Mr. President, there is one way to promote the settlement and development of the arid lands. It is to push forward an army of pioneer homestead settlers by giving them this bonus of free homesteads. That is one way of colonizing and settling a country that would otherwise for years remain a dreary waste. The same is also the case and true with the wet and overflowed lands in northern Minnesota to which I have called your attention. By and by it will be a question how to settle them. In the northern part of Minnesota, within recent years, the legislature of the State has expended thousands of dollars in draining wet lands in order that they can be opened to cultivation and tillage. The sooner we can develop and open such country, whether wet or arid, by public aid, State and national if need be, the sooner will our country reach that state of high development to which we all aspire.

The giving of free homesteads to the settlers who have gone on these lands is simply a little bonus, a little encouragement to speed them and to fortify them in their task and mission. We give protection by means of a tariff, Mr. President, to the manufacturers, the producers, and the farmers. A few years ago, until it was repealed by the so-called Wilson law, we gave encouragement to the cane-sugar producers of Louisiana and the maple-sugar producers of New England and the beet-sugar producers of the West in the shape of a bounty of 2 cents per pound. In view of these facts it is no more than just and right that we should give the pioneers who go into the outer verge of civilization, into our frontier country, into this dreary waste of arid and wet land, this pittance of protection and encouragement that is afforded by free homesteads. This is a protective tariff that can come nearer to them and be more effective than any other.

What is a paltry amount of thirty or thirty-five million dollars to the great Government of the United States? And yet, Mr. President, to these settlers it is everything in the world. It does not begin to equal the amount of sugar bounties we paid under the McKinley Act. What is involved in this bill does not begin to equal the amount we are appropriating year by year for the improvement of our rivers and harbors. This is a great country. We must look after all its interests. It is just as much our duty to aid and assist these poor people on the frontier as it is to aid the large cities by improving their harbors, as it is to aid the manufacturer, the laboring man, the miner, the lumbermen, and the farmer, by means of a protective tariff. It seems to me that it is but just and proper that we should aid these poor settlers; and I trust that you gentlemen who live here in the Eastern and Middle and older States, who enjoy the benefits of a protective tariff, and who hope to enjoy it in days to come in a more perfect degree, will accord this little tariff benefit to the poor settlers of the frontier. I think they are fairly entitled to it. I think it is a narrow policy to look upon this subject as a mere matter of dollars and cents.

Mr. President, there are some people who fancy that when you talk about public lands, when you talk about Indians, when you talk about pine lands and free homesteads, there must be of necessity some kind of a job in it, some kind of a land scheme. Why, in this little bill there is everything but a land scheme. Whatever there is in it is against the greatest of all land schemes that is possible in this country, and that is the scheme of the cattle kings, the scheme of occupying and using large areas of the public domain without taxes, without any color of title, without any attempt at improvement, simply utilizing them as a naked cattle range. They are the parties who would be benefited and interested by leaving these lands in the condition that they now are in—unimproved. The sooner we can get these lands occupied by bona fide homestead settlers, with their houses and barns, their little gardens, and their little fields, the sooner we can make them into cultivated farms, the better for the country. After we have given acres and acres of land to canal companies, to transportation companies, and to railroad companies, to companies that have become great monopolies, it comes with bad grace at this late day to attempt a picayunish spirit of economy at the expense of a few pioneers on the frontier.

Mr. President, there is congestion in the labor world, and has been for more than three years past. Our laboring men are to-day swarming our large cities, idle, and with nothing to do. They are there helpless, a burden to themselves and to their surroundings, many of them living in the most wretched state of poverty. What a blessing it would be if we could get all of those poor, idle men out on the frontier upon quarter sections of land, where they could in time make themselves happy homes, build railroads, churches, and schoolhouses, and develop the country!

Mr. President, we can surely afford to aid the laboring men; we can surely afford to relieve the congested labor situation of to-day by holding out this little petty bonus, by saying to them, "If you will only go out there on these reservations in Oklahoma, in the Dakotas, in Montana, in Minnesota, if you can pay your transportation to reach these places, Uncle Sam will give you 160 acres of land as a free home." Many of those people may be able to pay their transportation. They may be able to go there and build a little cabin; they may be able to buy an ox team, or a pair of ponies, and a cow or two, and get a breaking plow. They may in fact be able to buy a few of the necessaries that are required to start on the frontier. But when they have procured these things and paid their transportation, and landed on the quarter section where they intend to make their homes, they find themselves utterly empty in pocket, with no money to pay for the land. Now, when a poor man is able to leave the overcrowded city; is able to secure transportation; is able to make a start, but still lacks the requisite amount to pay for the land, would it not be a short-sighted policy, a poor policy, to say to him, "My poor fellow, you can not have what your more fortunate brethren had a generation ago; you can not have these lands unless you pay from a dollar and a quarter to a dollar and a half, or two dollars and a half an acre for them?"

Mr. President, the condition that is to-day confronting us did not confront us a generation ago as strongly and palpably as it does to-day, and why? Because we had the great West, the great undeveloped West, our great body of unsettled and undeveloped land, open to homestead settlers, and whenever the realm of labor became overcrowded, whenever there became want of employment and want of room for the laboring men in our large cities, they could wend their way to the great West, obtain Government homesteads, make themselves happy homes, and build up the country. And thus we were able to stave off the evil days that are now upon us.

Mr. President, if these lands were of the kind and the quality that we gave away as a free gift a generation ago, they would to-day be readily taken and paid for at this price; but the lands are the most inferior and poorest of all the lands of our public domain, and we shall, by and by, as I said a moment ago, have one problem to confront, and that is how best to get these arid and unsettled sections of the West, these waste lands, these poor lands, settled and occupied by homestead settlers.

There can be no monopoly in this measure, Mr. President. No one can get these lands except homestead settlers. They have to go there and make their homes, improve and settle and cultivate the land. The speculator, the land shark, can not do that. He does not want to get land in that way.

Even if we relieve those poor people from the burden of making this payment, they would still have to comply with the homestead laws in all other respects. Under our legislation the only practical way by which lands of this kind can now be obtained, I mean agricultural lands, is as homesteads under the homestead law.

These men still have to go there; still have to improve, settle, and cultivate the land, and live there five years, unless they are ready to pay for it. The settlers have still, if you relieve them from the burden of paying for those lands, to live on them five years, improve them, and cultivate them in order to obtain them free. No land shark, no speculator, no land schemer is going to do that. Under the provisions of the homestead law, requiring five years' settlement, improvement, and cultivation, none but bona fide settlers can get these lands.

I submit again, as I did a moment ago, that in view of the condition existing in this country at this time among laboring men, it ought to be the duty and it ought to be the inspiration of every statesmen to do all he can to encourage and aid the idle laboring men and mechanics to leave our large cities, go to the frontier, and make themselves homes. In no way can we aid them and encourage them to do this more practically, more effectively, more justly, than by giving them free homesteads without money and without price; and I appeal to you, my friends from the older States, who have had the benefits and advantages of a protective tariff; you who have had the benefits and advantages of a bounty upon your sugar; you who are not subject to the toils, tribulations, and annoyances of pioneer life; you who are our older and stronger brethren—I appeal to you under these circumstances and conditions to aid us in giving our people in the far West this little bonus, this little protection, and this little advantage contemplated by the amended bill. What will the paltry sum of thirty or forty million dollars in the course of time be to the great Government of the United States as compared with the advantages which will flow to these settlers?

I hope, Mr. President, without taking up further time of the Senate, that Senators will look at this question, not from the narrow standpoint of the "almighty dollar," but from a broad, humanitarian standpoint; that they will look at it in its good results, that they will look at the question from the standpoint of how much good it will do for our poor, suffering, needy humanity. If they look at it in that light, I feel assured that this bill will pass with but few dissenting votes.

Mr. ALLEN. Mr. President, I desire to offer but a word or two in support of the pending measure.

Mr. PETTIGREW. I suggest the absence of a quorum.

Mr. ALLEN. I hope the Senator will not do that.

Mr. CHANDLER. It is too late to object. The suggestion having once been made, it can not be withdrawn.

Mr. ALLEN. I thought possibly the Chair did not hear the suggestion.

The PRESIDING OFFICER (Mr. HILL in the chair). If the Senator from South Dakota withdraws it, the Chair did not hear it.

Mr. CHANDLER. I yield to the deafness of the Chair, though it has never been observed before in that position.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. ALLEN. Mr. President, I desire to offer but a very few words in support of the pending measure. I shall cast my vote for the passage of this bill, and I desire to detain the Senate long enough only to give some of the reasons that will actuate me in doing so.

It has been the policy of this nation to dispose of its public lands in aid of works of internal improvement on the supposition that actual settlement would result in greater good to the public than doling them out for a mere pittance. The reasoning applies with double force in the disposition of the public domain to homestead settlers.

Both of the old political parties possess a history on the subject of homesteads well worthy of consideration at this time.

In 1860 the Republican party declared in its national platform—

> That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free-homestead policy which regards the settlers as paupers or suppliants for public bounty—

I call the attention of the Senator from Connecticut [Mr. PLATT] to that language—

> and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

In 1872 it was said by that party that—

> We are opposed to further grants of the public lands to corporations and monopolies, and demand that the national domain be set apart for free homes for the people.

In 1876 the Republican party again said:

> We reaffirm our opposition to further grants of the public lands to corporations and monopolies, and demand that the national domain be devoted to free homes for the people.

In 1884 it said:

> The public lands are a heritage of the people of the United States, and should be reserved as far as possible for small holdings by settlers.

In 1888 the same party declared:

> We reaffirm the policy of appropriating the public lands of the United States to be homesteads for American citizens and settlers, not aliens, which the Republican party established in 1862.

In 1892 it was declared:

> We favor cession, subject to the homestead laws, of the arid public lands to the States and Territories in which they lie under such Congressional restrictions as to disposition, reclamation, and occupancy by settlers as will secure the maximum benefits to the people.

In 1896 it said:

> We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure such as has already passed the House and is now pending in the Senate.

At this point I think it advisable to call the attention of the Senate to the remarks of the Senator from Connecticut made in this body on the 7th of this month in discussing this question. On page 539 of the CONGRESSIONAL RECORD of that date this colloquial discussion took place:

> Mr. ALLEN. Will the Senator allow me to ask him a question?
>
> The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?
>
> Mr. PLATT. Yes, sir.
>
> Mr. ALLEN. I only wanted to call the attention of the Senator from Connecticut to the Republican platform of 1896 on this subject.
>
> Mr. PLATT. Do not undertake to break me up in that way. If it is anything about the Nez Perces, I shall yield.
>
> Mr. ALLEN. Will the Senator permit me to read it in this connection?
>
> Mr. PLATT. It was read yesterday, and it has been alluded to several times since this matter was before the Senate.
>
> Mr. ALLEN. It is as follows:
>
> "We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure."
>
> Referring to this identical bill.
>
> Mr. PLATT. If I am accused of violating any portion of the Republican platform, I prefer the accusation shall come from a member of my own party, rather than from members of other parties.
>
> Mr. ALLEN. Mr. President, if the Senator will permit me, it is barely possible that a member of another party might be in a position to judge whether a Republican is living up to the faith of his party, or whether the platform was simply promulgated to deceive voters.
>
> Mr. PLATT. I may as well say one word on that subject, and I hope I may be able to get back to the Nez Perces Reservation, which I shall keep carefully in one corner of my brain while I am talking about another matter.
>
> We all understand how matters creep into national platforms; and I venture to say that when that resolution and that platform was adopted there were not fifty delegates in the St. Louis convention who paid any attention to it or knew what it was about, or had any idea of what it involved.
>
> Mr. ALLEN. But are they not bound by it?

And here is the remarkable language of the Senator from Connecticut:

> Mr. PLATT. I am not; and I think that before we get through the discussions of this Congress I shall be able to refer to some planks or resolutions in some of the Populist platforms, or the platforms of the party with which the Senator from Nebraska has acted since he broke into national politics, which he scarcely would feel like saying he was bound by.

The particular language, or perhaps I should say idea, to which I desire to call attention is the open declaration of the Senator from Connecticut that he is not bound by the plain declarations of his party platform, and the implied admission that this declaration in favor of free homes, in favor of this precise measure—because it was pending before Congress at the time the platform was adopted—has no force whatever, and was simply designed to mislead honest voters and obtain their votes upon the supposition that that was an honest declaration upon the part of the party which it intended to execute.

I have no desire at this time, Mr. President, to comment upon what I believe to be a very grave vice of American politics, and that is to be found in good men coming together in a convention and promulgating a platform in which certain doctrines are announced, with the distinct understanding at the time that the declarations have no force; that they are simply to be used as a means to lift the party into power, and when the party comes into power it is not bound to execute the doctrines as therein announced.

Mr. HOAR. May I ask the Senator a question?

Mr. ALLEN. Certainly.

Mr. HOAR. I should like to ask him on what theory of morals he speaks of such people as "good men?"

Mr. ALLEN. I shall have to ask the Senator from Massachusetts to be a little more specific and definite in his question.

Mr. HOAR. Perhaps I misunderstood the Senator, but I understood him to say that he was about to speak of a practice which prevailed in American politics by which "good men" got together and announced a platform containing a declaration for political purposes, and then said afterwards that it was merely intended to carry the election and get people to support their candidate. Perhaps I have not quoted the Senator's exact language.

Mr. ALLEN. Perhaps I would better qualify the statement by saying "good men in all other respects."

Mr. HOAR. And scoundrels in that respect.

Mr. ALLEN. Not necessarily so.

Mr. HOAR. I should think so.

Mr. ALLEN. Politicians in that respect.

Mr. HOAR. I should say scoundrels.

Mr. ALLEN. Possibly the Senator would. He is plainer in his language than I am. I do not intend to make the charge which the honorable Senator from Massachusetts, I suppose, would have me make if he could have his way about it—that all such men are scoundrels. I would not be guilty of a charge of that kind, but I say that a spirit has grown up in this country, and it has been practiced in the Republican party, according to the admission of the honorable Senator from Connecticut, of making declarations of great doctrines to be applied in the administration of our affairs and crystallized in the form of statutes when there is not the slightest purpose on the part of the persons who engage in formulating these doctrines and platforms that they shall ever become laws or be acted upon. It is a thing, Mr. President, to be deprecated, not to be commended or excused under any circumstances, and I was forcibly struck with this language of the Senator from Connecticut, whom I regard as one of the ablest and fairest of American statesmen.

The Democratic party also has a history on this subject of "free homes." In 1868 it declared that the public lands should be distributed as widely as possible among the people, and should be disposed of either under the preemption or homestead laws or sold in reasonable quantities, and to none but actual occupants, at the minimum price established by the Government.

In 1872 it advanced a step further, declaring that:

> We are opposed to all further grants of lands to railroads or other corporations. The public domain should be held sacred to actual settlers.

In 1880 it said that—

> Public money and public credit for public purposes solely, and public land for actual settlers.

In 1884 the party said again:

> We believe that the public land ought, as far as possible, to be kept as homesteads for actual settlers. * * *

In 1892 it was declared by them—

> That every acre * * * shall be reclaimed and restored to the people.

In 1896 the party said:

> The Democratic party believes in home rule, and that all public lands of the United States should be appropriated to the establishment of free homes for American citizens.

While this last declaration does not pronounce in favor of the pending measure, as the Republican platform of 1896 does, yet it was drafted and put out with the knowledge of those who participated in the Democratic national convention that such a measure was pending before Congress. The same policy respecting public lands has been repeatedly asserted by other political parties.

In 1872 the Labor Reform party declared—

> That all public lands of the United States belong to the people and should not be sold to individuals nor granted to corporations, and should be held as a sacred trust for the benefit of the people, and should be granted the landless settlers only in amounts not to exceed 160 acres of land.

In 1876 the Prohibition party declared for—

> The appropriation of the public lands, in limited quantities, to actual settlers only.

In 1884 the Greenback party demanded the reclamation of public lands that had been granted to corporations where the terms of the grant had been unfulfilled, and said that they should be—

> Held as a sacred trust, to be granted only to actual settlers in limited quantities.

In 1892 the Populist party said:

> The land, including all the natural sources of wealth, is the heritage of the people, and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited. All land now held by railroads and other corporations in excess of their actual needs and all lands now owned by aliens should be reclaimed by the Government and held for actual settlers only.

I call attention, Mr. President, to this splendid declaration of a great truth, that "the land, including all the natural sources of wealth, is the heritage of the people, and should not be monopolized for speculative purposes," or in any other form.

In 1896 it was said by that party:

> We demand that bona fide settlers on all public lands be granted free homes, as provided in the national homestead law.

And upon that declaration, Mr. President, in fulfillment of the requirements of the great political party to which I owe allegiance, I take my stand.

There is no difference, however, in the principle announced by the political parties. They have all demanded, down through the years from 1860 to the present, that the public lands of our country which were not fit for agricultural purposes should be held as a sacred trust for actual settlers; and now we are told for the first time, after the Republican party has won a great victory on this with other declarations that it made, that this plank in the platform amounts to nothing; that the honorable Senator from Connecticut will not be bound by it; that it does not bind the party to which he belongs; and therefore, as a sequence of his position, it was made simply to mislead voters.

How do these declarations which I have just read from the Republican platform sound in comparison with this language of the Senator from Connecticut?

> For seven or eight years Congress has recognized this policy, has acted upon it, and during the whole time there has not been a suggestion from any quarter in the United States that that was not what the Government ought to do—

speaking of the policy of charging actual settlers so much per acre for those lands. In fact, there had never been a declaration from any authoritative source that there should be any other permanent policy pursued by this Government respecting the public lands than to open them to the poor and needy for homestead purposes. Every declaration of every political party had committed the party to that policy.

Now let me call attention to another thing, and I put my support of this bill above the mere question of the dollars and cents to this Government which there may be in the transaction at this time. What will become of these settlers whose interests are involved at this time if we are to pursue the grasping policy of requiring them to live up to the letter of the contract? I think it is quite evident to Congress, it is evident to the people of the United States, that those people can not live up to their contract.

But the Senator from Connecticut seems to assume that they are anxious to recede from their contracts and anxious to throw themselves upon the Government and receive aid from it, as he puts it. He tells us that there has grown up in this country a disposition upon the part of certain citizens whenever the affairs of the world do not go to suit them and they meet with some difficulty in financial matters to appeal to the Congress and the Government for aid. Mr. President, if there is a spirit of that kind in this country outside of those who are constantly appealing to Congress to give protection to their industries by the imposition of additional tariff taxes, I do not know it. I do not know of such persons.

The honorable Senator from Connecticut spoke of paternalism, and he connected that expression with the people who are occupying the public lands. It has become quite common of late, when seeking to defeat a measure, to point out that it is paternalistic in its character, and by that means to hold it up to ridicule. I challenge the honorable Senator to point out a government on the face of the habitable globe now or in the past which was not or is not in its first conception paternalistic. Our Government is a paternalistic government in a qualified sense. The very fact that human beings come together and form a government for mutual protection, giving authority to congresses, presidents, and judges, is of itself evidence of paternalism in a qualified form. But I do not myself believe in that species of paternalism which would have the Government assume responsibility for all the misfortunes and financial ills of the individual. However, we have pursued this policy of opening our public domain to actual settlers, to homestead settlers, and why now, with the few remaining acres of land that is not highly desirable, should we change and require the settlers to pay $2.50 an acre?

It will be impossible for the homestead settlers on these lands to pay their obligations to the United States; this fact is practically settled. They have not the means to do so, nor is it probable that they will be able to do so for many years to come, if ever; and the Government will be reduced to the necessity of expelling them from their homes, unless it shall see proper to pursue the policy that has been pursued in the past; and I know of no reason why it should not pursue that policy. Why should we, at this time in our national history, reverse the course that has been pursued by the Government respecting the opening and settlement of our public lands, and especially as the lands we are now offering to settlers are not equal in value or productiveness to those heretofore given away?

It is claimed in the minority report that the Government would lose several million dollars if these lands are not paid for by the settlers, but the settlers can not pay for them, and therefore the loss must take place, whether they are permitted to occupy them or are expelled from them. But what is the loss of four or five million dollars in comparison to the potential loss to be sustained by the Government by hundreds of thousands of people being driven from their homes and becoming charges on the balance of the nation, by being deprived of earning their own living on these lands, even if it be of a very meager character? Good citizens can only be produced from men and women who have homes of their own. A tenantry never make the most valuable citizenry of a country; being without homes and without the sacred memories that cluster around them, they are robbed of the inspiration that comes from owning a habitation, however humble and unpretentious it may be, while those who have homes, even though they may be of the most moderate kind, are usually citizens of resolute character and determined purpose, and their homes are as sacred to them as the most pretentious palaces of the land. To such a people, ultimately, the nation must look for its defense in times of war, for the payment of taxes, and for the manifold services that are required of, and are essential to be rendered by, a people in support of their nation.

And looking at the question in this broad and comprehensive light, I distinctly assert that the United States can not afford to drive these people from their homes, and all this, sir, apart from any sentiment that may attach to the question.

It should be remembered that these lands are distant from market, and what little they produce is made very cheap and almost unsalable as a consequence of that fact, but their products will sustain life; they will feed the few animals they are able to raise, and after long and weary years of privation on the part of husband, wife, and children, a home may eventually be established and some of the comforts of life acquired.

There are other hardships incident to pioneer life, of which many of us can speak from personal knowledge. There are diseases incident to new and undeveloped countries that must be subdued and overcome, as we subdue and overcome the physical difficulties. There are obstacles to be found in the absence of church, school, and social privileges that must be overcome after years of perseverance and energy. Cities, towns, and homes must be constructed, churches and schools erected, after these citizens have taxed their property and their energies to the utmost. These are blessings that must be made by thrift, by economy, and by energy, and they should be considered by the Senate in determining whether this bill shall become a law or not. I leave out of view the question of mere "cent per cent" in this matter, and assert that we can not afford to higgle, dicker, and deal, as hucksters would, respecting the disposition of public lands. These lands must either be settled by a courageous class of American men and women who are willing to undergo the hardships of pioneer life in the erection of homes and the founding of communities, or they must be turned back to the public domain to remain an unbroken wilderness, save as they may be used by cattle kings, who will pay nothing for their use.

Under such circumstances there is little doubt in my mind as to the course that reason and humanity dictate we should pursue. And what, in the event these people are turned from their homes, as they must be, if this bill is defeated, will become of the slight improvements they have made upon their lands? All the money they had when they began their settlement was invested in their homes, in breaking out a portion of the land, in building stables, sheds, yards, and pastures, and in the construction of other improvements that can not be taken with them if they shall be expelled. These improvements, in many instances, are of more actual value than the lands themselves. What will become of them? Are these poor and worthy people to lose the money and labor they have invested in the lands by our action, through no fault of their own? Is it not enough that they should be required to undergo the privations and dangers incident to life in a new country without being forced to lose the money they have invested in the farms and improvements and the time they have uncomplainingly devoted to the cultivation and building up of communities in an attempt to subdue a new country, grow crops, and establish commerce, and would not the benefit to be derived to the United States by the final conquering of this portion of our country, and the adoption of some means that will make it productive, be a thousandfold greater than the mere pittance that would be received from compelling these people to pay for their homesteads, if the amount can be squeezed out of them, or be expelled from them in consequence of lack of ability to pay?

Mr. President, there are no circumstances under which Congress can afford to deprive these people of their homes. We can not commit such injustice in the eyes of an intelligent and God-fearing people. The settlers should be given a complete title by occupying and cultivating the lands the requisite length of time under the provisions of the general homestead act. Open these lands to actual settlers, and through the honest toil and privation of a brave and generous race, pioneers' homes will be built that will bless their owners, their posterity, and the Government that magnanimously gives them.

The declarations of the different political parties so repeatedly made and reiterated respecting the opening of the public domain to homestead settlement render it impossible for any of them to deny that the granting of free homes has become an established policy of the United States. Is this policy now to be reversed in the disposition of the semiarid lands of our country? The reasoning underlying the granting of public lands in aid of works of internal improvement supports with more force the granting of our lands to private individuals and to actual settlers.

I place my support of this measure on higher ground than has yet been stated. The United States possesses the power to give its lands to actual settlers, and as the right to occupy the earth and draw sustenance from the soil is as complete and perfect in every individual as the right to enjoy the sunlight and the air, and is as indispensable and necessary, for that matter, to the maintenance of life, a wise and judicious policy, and the dictates of duty, mingling with the merciful and just, prompt the adoption of this course. The world has become altogether too sordid and grasping, and now that we have reached the reign of bankruptcy and suicide, logical sequences of the financial policy recently adopted by the country, I believe it is wise for us to pause and retrace our steps as speedily as possible and enter on an era of unqualified justice to all.

Mr. PLATT. I suggest that there is not a quorum present.

The PRESIDING OFFICER (Mr. CARTER in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Allison,
Bacon,
Berry,
Blanchard,
Brown,
Burrows,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Davis,
Faulkner,
Frye,
Gear,
Gibson,
Gordon,
Hawley,
Hill,
Jones, Ark.
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Murphy,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Quay,
Roach,
Sewell,
Shoup,
Stewart,
Teller,
Turpie,
Vilas,
Walthall,
Wetmore.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. VILAS. Mr. President, this bill hardly seems to attract much interest, and yet it is a bill which proposes to surrender some $35,000,000 of money, according to the report of the Secretary of the Interior, in part at least now due to the United States upon contracts which have already been made between the Government and various individuals. It is due from the several individuals in small amounts, varying from $160 or less, perhaps, to as much as $400 or even $480 in amount. It is therefore a bill to bestow upon individuals these several sums of money which in the aggregate is very large.

It would seem to require strong reasons, granting the rightful power of Congress to do it at all, to justify its passage, and it is interesting to note what are the reasons proposed for the measure. So far as I have been able to discern by listening to the arguments of its friends, they are of a twofold character. One relates to a question of public policy. It is proposed to reverse, to repeal the laws which have been enacted during the last eight years in respect to the disposition of certain parts of the public domain, and it is said that this ought to be done as a matter of sound public policy, that the people should recur again to the principles of the homestead law and bestow these lands without money and without price upon them who have entered on the land for the purposes of settlement and making homes. The other reason is one based simply on alleged fact. It is contended that the various persons who have made these contracts with the United States are too poor to enable them to perform their contracts.

Now, a different method of consideration is required of these different reasons. The two ought not to be confused. If it is desired to reverse the policy which has been adopted during the last eight years, and to relinquish entirely the contracts which have been made with the United States under that policy, then necessarily it follows that the proposal of the Committee on Indian Affairs is a correct one, and that the policy should be extended to all cases of public land. But it seems to me worth while to consider with a little more care whether this policy ought to be reversed.

The homestead law was a very different thing from the proposal which is now before the Senate, and the principles of the homestead law as it was originally enacted do not support the proposition now urged for adoption. At the time when the homestead law was first proposed the people of this country did not number one-half so many as at present compose its population. The public lands of the United States were wild, remote from civilization, unprovided with roads or other means of easy communication, and the settler who was invited to experiment in the forests or upon the remote plains was challenged to a life of privation and hardship very different from that which exists in connection with the lands to which the pending bill relates.

The homestead law was one of the measures which arose out of

the great contest between slavery and its opponents in this country, and if we recur to the arguments which were proposed in support of that law we do not by any means find in them the motives which really underlay the proposal of it at that time. The homestead law had its origin in that body of men who were known as Free Soilers, and the contest was a contest on the one hand for the establishment of free States and was resisted lest there should come to be an undue proportion in the arrangement of the Federal Union between the States which were free and the States which maintained the institution of slavery. The argument against the homestead law was at that time that it was unconstitutional, and the first homestead measure was vetoed by Mr. Buchanan on that ground among others, and his veto was sustained in the Senate. Yet that homestead bill proposed a payment of 25 cents per acre by the homestead settler after he should have completed the term of years required to entitle him to the land. That price, the President said, was merely a nominal price, and hence in reality the question was whether the Congress of the United States possessed the power under the Constitution to bestow upon individuals the public property of the Government.

The homestead law was passed as an outcome of the great slavery controversy. It was passed in the first Congress which met after war was developed between sections of the country. But the principle upon which that law went was, as I have already said, very different from that now proposed. Then it invited the settler to enter upon lands which had no value except a prospective one, and in order that he should obtain the lands the settler was required by his labor, as well as by that of others like him, in privation, in suffering, even in peril, to furnish a consideration moving from him to the Government quite equal to the value of the land he would obtain in the end, and, on the other hand, the Government derived, by the action of the settlers in building up communities where it possessed only a wilderness, a consideration moving to the Government much exceeding the value of the lands which it bestowed.

The conditions came to be very different by the year 1889. Indeed, some time before that period settlement had extended over the area of the United States. There were many reservations of Indians which were of excellent land. The value of that land in the market had already become established as a present, not a prospective, value. On all sides of such reservations settlement existed; railroads had been built; many of the reservations were traversed by trunk lines of railroads; there wanted nothing but the mere opportunity to take them to realize at once an immediate and present value, generally far exceeding the price which was proposed by the United States.

So Congress adopted a new policy, gradually coming to it, as such things are usually done. In the first place, Congress made such treaties as were made with the Osages in Kansas and with the Utes in Utah and Colorado. The Government undertook as trustee for the Indians to sell the lands to settlers at prices stipulated in the treaties and to receive into the Treasury of the United States the produce of such sales, and to hold it as a trust fund for the Indians. That was the case with the Osages; and by that action the Government of the United States, as the mediator between that tribe and settlers who wanted their lands, obtained for the Indians a vast sum of money, sufficient to make that people to-day the richest people on the face of the earth, every Indian of that tribe being entitled to receive in the interest annually paid by the Government upon the trust funds a sum of money almost if not quite sufficient to support him; a family of that tribe, father and mother with three children, receiving annually about $800 in money from the Government, besides being possessed of an abundant farm, with house, and equipment of horse, wagon, and utensils for agriculture.

If the policy of a free homestead is to prevail, why should not the settlers in Kansas who paid for those lands be reimbursed by the United States?

The next step in the mediation between tribes and settlers covetously seeking the lands of the Indians was for the United States to agree directly with the Indians to pay them a specific price; and, on the other hand, to sell the lands directly to the settler. That was the course pursued in Oklahoma in respect to Indian reservations, and in Minnesota, in Oregon, Montana, and some other States.

The third policy was that adopted with reference to the Great Sioux Reservation. There the Government paid first a partial sum of money, $3,000,000, as an advancement on the price which the Indians should receive, and agreed that they should have all the residue over and above that sum which would result from the sales to settlers at prices stipulated, guaranteeing at least 50 cents per acre in ten years.

Now, let us observe for a moment the operation of this new policy. Take the case, for example, of the Cherokee Outlet. Before the Indian title, such as it was, to the lands in that strip, embracing about 6,000,000 acres, was extinguished, there was settlement on the south of it, settlement on the north of it, on the west of it, and on the eastern end was the Cherokee Nation, one of the Five Civilized Tribes, maintaining a government superior to anything which any other Indians except the Five Civilized Tribes have ever succeeded in attaining. That strip was already crossed by several trunk lines of railroads. The lands were described as being among the best lands of the United States; their fertility was universally lauded; and for years men who knew all about the circumstances pressed in great bodies to enter upon that property and enjoy it. The United States was obliged, in order to maintain its treaty with the Indians, to use its troops to repress the avidity of the settlers to take possession of that delectable land.

After long negotiation, and after the application to those Indians of something very like governmental duress, they yielded their desire to retain their property and sold it to the United States, and the United States opened it to settlement upon condition that a new system of preemption should take the place of the former laws for preemption and sale. The old preemption law was repealed. That law provided that any person who wished to buy the lands of the United States might by first settling upon the lands, cultivating and improving them, and building a home, become entitled to buy at the fixed price. The new preemption law, which was passed in pursuance of the policy I have spoken of, was a wise one, calculated to be for the benefit of the honest settler. It gave, first, the right to buy those lands only to the genuine homesteader who should enter upon them, cultivate, and improve them, and reside there for five years. It thus gave that settler a chance as against the speculator. It gave that settler an opportunity to earn the money to pay for the land by a cultivation of it as his own for five years without the payment of local taxes.

Mr. President, that was a generous preemption law. At the time when it was devised for the Cherokee Outlet those lands were estimated to be worth, and I suppose they were worth, on an average, at least $5 per acre, perhaps $10, and in some instances more than $10 per acre; and yet it was proffered to the settler to choose his home of 160 acres, build his house, raise his crops, and at the end of five years of effort he had to accumulate on some of the lands only $160; on other lands, $240; on other tracts he would be required to accumulate as much as $400. That was all that was asked of the settler, to save in five years' time money to that amount, in order to purchase a farm of 160 acres.

Mr. President, it seems to me that from every point of view that policy, instead of being repealed, ought to be maintained. Of course there may be a difference with respect to different tracts ot land in different portions of the country. In some of the reservations, and I suppose that is true of the Great Sioux Reservation, there are lands of little value. Those the settlers for whose relief this bill is proposed did not select. They had the first pick of the land. The especial beneficiaries of this measure had the first choice in every case of the lands upon which they were to enter. They excluded by their choice others who were as eager as they to obtain the lands and pay the price. More than that, sir, to pass this bill now for their benefit would be a peculiar injustice to poor men who at that time would have been glad to take those lands if they had had the opportunity open to them then to take them without price.

Mr. PETTIGREW. Will the Senator from Wisconsin allow me a moment?

Mr. VILAS. Certainly.

Mr. PETTIGREW. There are 8,000,000 acres of these lands still untaken by anyone in the United States to which those people can go. There are several million acres in Oklahoma also. They still have an opportunity to take lands.

Mr. PLATT. May I ask a question right there?

Mr. VILAS. Let me remark with reference to the Great Sioux Reservation in the State of South Dakota (extending also, I believe, into Nebraska and North Dakota), there are doubtless many bad lands. They are known as such and so marked on the map. They, however, are paid for at the price of but 50 cents per acre because of that fact. I suppose there are very few lands in fertile Oklahoma which have not already been taken.

Mr. PLATT. I wish to inquire whether it is not true with reference to the Great Sioux Reservation that the lands which control the grazing of that entire reservation have been entered upon under the law?

Mr. VILAS. I suppose it is true; but I will ask the Senator from South Dakota if that is not the case?

Mr. PETTIGREW. I will answer the Senator by saying that there are still large areas of this reservation containing water. I suppose that is what the Senator refers to.

Mr. PLATT. That is what I mean; whether there is water.

Mr. PETTIGREW. There are still large areas of it open to settlement under the law, and any citizen of the United States who has not had a homestead right can go there and take it. There are hundreds yet of those claims.

Mr. VILAS. On the question of fact which is urged in support of this measure I shall address some observations before I am through. I am speaking now generally of the question of policy, whether the United States should now reverse for the benefit of the settlers the policy which was devised originally for the benefit of their class, wisely devised for their benefit, as well as with justice to the public, and by which they have succeeded in obtaining possession of the very best lands which the United States offered for sale out of this tract of 33,000,000 acres.

Now, let us not confuse the question of fact with this question of policy. There lie in other parts of the United States still other Indian reservations which have not yet become the property of the United States except in its sovereign capacity. The proprietary title of the Indian there still remains in Indian ownership. Some of those lands are among the very best. In the State of Washington there are lands within one of the Indian reservations which I suppose are worth on an average from $50 to $75 per acre. There are other lands within that Indian reservation (or were the last time my attention was attracted to it) which white men were striving to get, that were said to be worth very much more than that, even a thousand dollars per acre—lands within the reservation lying near the city of Tacoma.

In many parts of the United States there still remain Indian lands which undoubtedly will eventually come into the possession of white owners that are of a present value far exceeding any price that was ever proposed to be charged to the settler. Are we to deny to the general public who will buy these lands of the Indians the right to have the price which they shall be compelled to give repaid by the settlers upon whom the right of purchase shall be bestowed, the Government being in truth only a mediator? This new species of preemption by a homestead settler, I repeat, is a most fair, generous, and beneficent provision; fair to the whole people of the United States, and considerate and beneficial to those who will have the advantage of it.

Mr. ALLEN. I should like to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. VILAS. Certainly.

Mr. ALLEN. Does the Senator desire to reverse the policy of his party, declared no later than July last? The party at that time, if the Senator will permit me, expressed itself in favor of the pending bill.

Mr. VILAS. Mr. President, there was almost nothing in the platform to which the Senator alludes which I do not consider inimical to the welfare of the people of the United States.

Mr PETTIGREW. I should like to ask the Senator what platform he refers to?

Mr. VILAS. I refer to the platform to which the Senator alludes.

Mr. PETTIGREW. I presume he alluded to the Republican platform, which I suppose the Senator from Wisconsin supported.

Mr. VILAS. Oh, no, sir; the Senator from Wisconsin, if we are to be diverted for a moment into party politics, supported the platform promulgated at Indianapolis, and if there be any Senator on this floor who can say that there is one word or line in it which is not based upon the sound, ancient faith of the Democratic party, I should like to hear him point it out.

Mr. PETTIGREW. The Senator, then, is opposed to a homestead law at all, under any circumstances? He is opposed to the giving away of the public domain to anyone?

Mr. VILAS. Mr. President, I am not called upon to enter into moot questions. The homestead law is a thing of the past. The homestead law has been practically repealed. All of the lands which are of desirability to settlers to be taken under the homestead law have nearly or quite been taken. The lands which were offered under the special acts of Congress to which the pending bill relates, and which the bill proposes to repeal, were in one respect very different from those which were offered to settlers under the homestead law. They were lands which at the moment they were offered had a greater present value than was asked of the settler to be paid after he should occupy them for five years to earn the money.

Mr. ALLEN. Will the Senator from Wisconsin permit me to read a couple of lines from the Democratic platform?

Mr. VILAS. The Senator from Nebraska can read anything he chooses from a Democratic platform, but if he is reading from the platform adopted at Chicago last summer as the Democratic platform, and reading it to me, I should prefer to ask his attention to the Democratic platform adopted at Indianapolis; and if he finds anything there on this subject which requires me to abandon the principles of the Constitution and in favor of bestowing this land upon settlers, I will yield to it.

Mr. ALLEN. I read from the regular Democratic platform. I do not read from the rump affair at Indianapolis:

> The Democratic party——

Mr. VILAS. Mr. President, I yield with pleasure to the Senator to read anything he chooses on the subject, but I can neither adopt it nor pursue it as obligatory on me.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. ALLEN. Of course I have no desire unnecessarily to interfere or interrupt the Senator at all, but he is making some statements that do not bear analysis. If the Senator will let me pass from this point, upon which he seems to be a little tender, I wish to——

Mr. VILAS. Not the least; not the least tender.

Mr. ALLEN. I wish to call the Senator's attention to an important fact in this discussion, and possibly he may throw some light upon it. From 1867 to 1896 this country, through the instrumentality of the Republican party and the Democratic party, of which the Senator from Wisconsin was then a loyal member, donated to homestead settlers 157,878,796 acres of the finest land in the world. Now, the Senator says that we have established a new policy, which he does not want to see reversed. I want to know from the Senator from Wisconsin if by charging the settlers $2.50 an acre for these semiarid lands that have practically no value except for grazing purposes he is not inclined to abandon the tenets of the Democratic party and establish a new policy?

Mr. VILAS. Mr. President, I again wish to challenge the Senator's attention to the fact that he is confusing two things in his question. He is insisting upon the question of fact as being already settled in his favor that these are semiarid lands of no value. Thus he is throwing the question of value into consideration at this moment. I am not dealing with the question of the value of particular lands. I shall have something to say on that subject a little later on. I am dealing with the question of what should be the policy of the United States with reference to such Indian reservations as we have sold under the several acts to which this bill relates, and such other Indian reservations as the United States still owns, which are of great value, worth much more in their immediate present market price than the price asked of the settlers.

Mr. ALLEN. But does the Senator pretend to claim that the Government of the United States now owns as proprietor, or that the Indians own, any lands which are equivalent in fertility and value to the lands along the Missouri and Mississippi basins which were given away under the general homestead act?

Mr. VILAS. I think there are Indian tribes——

Mr. ALLEN. There may be exceptions.

Mr. VILAS. Which still own lands as good, perhaps, as any which have been relinquished; not a very great amount, perhaps, for we have been very rapidly extinguishing the Indian title.

Mr. ALLEN. But what I want to call the attention of the Senator to—and I hope he will not think I am unnecessarily captious in interrupting him——

Mr. VILAS. Not at all.

Mr. ALLEN. Is the fact that these lands, as a whole, 90 per cent of them in round numbers, in consequence of the climate where they are located, in consequence of the lack of precipitation in winter and in summer, are arid lands, as a rule, not fit for farming purposes; and are altogether inferior, I should say by 50 per cent, if not more, to the 157,000,000 acres that have been given away under the general homestead law.

Mr. VILAS. The Senator is again dealing with the second branch of this argument, which is a pure question of fact, and not with the question of policy as to how the Government shall dispose of valuable Indian reservations. I am going to deal with the question of fact presently.

The lands in the Cherokee Outlet were, at the time it was opened for settlement, held to be worth universally twice as much as was asked per acre of any settler. The Cherokee Outlet was lauded by Senators who wanted to obtain possession of it for settlers as among the very finest, most delectable, and fertile lands in this country.

Mr. ALLEN. Has not the Senator visited the Cherokee Strip?

Mr. VILAS. No, sir. I am taking all my information in respect to it from credible testimony, and I shall presently discuss the question of the value of the land.

Mr. ALLEN. Will the Senator permit me to interrupt him for just a moment to make a suggestion?

Mr. VILAS. Yes, sir.

Mr. ALLEN. The Senator has not, he says, been to the Cherokee Strip. Should he ever go there he would find this to be true, that the soil itself is a fertile soil; there is no doubt about that; but, aside from the little valleys along the creeks and rivers, which are not very numerous, the lands are high, arid plains, upon which the precipitation is not sufficient at any season of the year to do more than start the grasses in the spring. So far as their being productive, three seasons out of four the Senator might just as well locate a farm near the Pyramids of Egypt. Yet if you can get water enough upon them, they become as fertile lands as you would want to see.

Mr. PETTIGREW. I should like to say that there are twenty one counties in western Kansas, lying right alongside of the Cherokee Outlet, of which the Senator from Wisconsin is speaking, which had a population in 1887 of 101,000. Sixty thousand of them have moved away since that time and abandoned the lands to the people who held mortgages upon them, because of the fact that the rainfall was so light that they could not make a living upon the land, which, as I have said, adjoins this territory.

Mr. VILAS. I have heard that fact stated several times in the course of the debate, and I do not care particularly to challenge it; but I suspect there were a good many other reasons which have caused the population of that portion of Kansas to leave, if we were to inquire particularly into it. Political reasons have had their effect upon the prosperity of that State.

Mr. PETTIGREW. If the Senator will allow me, the population of the eastern part of the State of Kansas has increased 18,000 during the past year, while the western part, comprising these twenty-one counties, lost 21,000. So, instead of leaving the State when they could not make a living on this arid land, they preferred to make a living in another part of the State instead of moving to Wisconsin.

Mr. ALLEN. The Senator from Wisconsin does not pretend that those people went over to Illinois and Ohio and voted the Republican ticket last fall, does he?

Mr. VILAS. The Senator from Wisconsin makes no pretense on the subject. He is perfectly satisfied with the intelligence which was manifested by the vote of the people of his own State, and challenges no other State in the Union. I am not debating political matters. The Senator from South Dakota is not referring to the land to which this bill relates when he turns aside to discuss the question of the lands in Kansas.

Mr. ALLEN. Do I understand the Senator from Wisconsin to state that he fully approves of the State of Wisconsin going Republican last fall? He seems to think it was an intelligent act.

Mr. VILAS. I most cordially approve of the decision of the people of the State of Wisconsin, by which a majority of nearly 110,000 in a voting population of about 425,000 was cast against a policy which, if it had been adopted, would, in my opinion, have worked great trouble and woe to the people of the United States.

Mr. ALLEN. Then the Senator approves of McKinley carrying that State and its vote being cast for McKinley's election?

Mr. VILAS. I do not intend to pursue a mere political controversy and indulge in partisan quips. I am discussing a measure of great public consequence to the people of the United States.

Mr. ALLEN. I understand, then, the Senator approves of disloyalty to his own party?

Mr. VILAS. I do most assuredly approve what I did. There is nothing about it which was done under cover, no step taken without careful reflection, and no act of mine in reference to the political affairs of the last year with which my conscience reproaches me in any way.

Mr. ALLEN. That is the same plea which Wat Tyler made a number of years ago.

Mr. VILAS. Mr. President, there may have been the same plea made by other men, perhaps during this year, who were no better than the person to whom the Senator alludes; but we have no occasion for that sort of discussion here. In the political affairs of the country I did my duty as I understood it; and I again say that if, in the declaration of principles which was enunciated at Indianapolis, there be any Democrat who can find one line or word that is not bottomed and founded on the ancient principles of that party, I shall be glad to hear what it is.

Mr. President, let us return to the subject that we have under discussion. I have no desire to engage in the Senate in the badinage of politics. We have an important measure here proposed for adoption. I say that the policy which the Congress of the United States has adopted for the last eight years is a sound and right policy, just to the whole people, fair to the settlers, enabling them to obtain good lands, with a right of preemption so guarded in the circumstances which attend it as to secure its exercise by genuine and honest settlers, and to afford fair opportunity to earn upon the land the cost of it.

Now let us look to the other reason for a moment which is urged for this measure. It is said that these lands are semiarid, the "semi" being thrown in to apologize for classifying them as arid, I suppose. They have always been reckoned among the most fertile lands, and the Senator from Nebraska, who, I judge, has been there, could not hesitate in his acknowledgment that they are fertile lands. When these settlers went there they were supplied with railroads, while settlements and civilization embraced them on every hand. The lands were easy to develop. It was a simple thing to effect settlement there. Neither privation nor suffering nor remoteness from civilization was imposed upon those settlers. Sir, are they arid or are they semiarid? That is a question of fact. If we are to bestow these lands upon the homesteaders who have entered into contract with the Government to pay the $2.50 in some instances for the best land, and $1.50 for other land, and $1 only for still other land—if we are to repeal the laws under which they made their bargains because the lands are poor, worthless in value—ought we not to have proof of it furnished to us? If this bill is to be passed on a basis of fact, ought there not to be some inquiry into the truth of the assertions?

Is this Senate to assume that every acre of the 33,000,000 acres, some in Oklahoma, some in Minnesota, some in North Dakota, some in South Dakota, some in Montana, in Idaho, in Oregon, in Nebraska, that everywhere throughout the public domain all these lands that the United States offered for homestead preemption for a price, and which the settlers rushed on with such avidity to seize that they swept over the land like an army of occupation—is the Senate to assume that all these lands are worthless because somebody chooses to baptize them with the name of "semiarid"? Are we to yield perhaps $20,000,000 already contracted to be paid, $35,000,000 in the aggregate amount which Congress has justly expected to receive, and which the lands are worth upon the terms proposed—are we to yield that upon an assertion of fact, without a particle of evidence being produced to justify it, without discrimination between one body of those lands and another? I think the proposition a most extraordinary one.

What is the evidence on the subject? The Senator from Connecticut [Mr. PLATT] produced one piece of evidence to which we ought at least give some heed, the report of the governor of Oklahoma, made only during last summer, in which he does not intimate a particle of difficulty with the productiveness of those farming lands. On the contrary, in that report he sets forth the fact that they are especially productive of cotton and various other articles mentioned in the report, from which the farmers, he says, are deriving good returns in money. Who is it that gainsays this report of the governor of Oklahoma? Upon what testimony are we to surrender $15,000,000 due to us for purchases of land in Oklahoma? Not a word or scintilla of evidence is proffered to support assertions directly contrary to this report and to all that has heretofore been heard of these lands in Congress.

If that land is of the character which Senators would seem to carry the idea that it possesses, we had better, if we are to pass this bill, pass also another to repeal some of the measures which were taken at the last session of this body to secure possession of the remainder of the Indian Territory.

Think of it, sir! It is said here, or we are asked to believe here, that those lands are so poor that upon 160 acres the settler can not in five years save $160 to pay the price to the United States at which he was so eager to buy the land five years before; that he can not upon 160 acres of other lands, which were valued much higher and supposed to be worth $10 or even more per acre, in five years pay $400. If that is the character of the land in Oklahoma, let us proceed further with our work, and repeal the laws which we have been passing to break down the rights of the Five Civilized Tribes; let us recall the Dawes Commission, which is there now insisting upon some measures being taken by those governments to yield up the rights of the Indians solemnly guaranteed to them by the United States forever.

If the report of the governor of Oklahoma is not true, if these lands are indeed so poor and miserable that an honest settler on them can not in five years save $1 per acre with which to pay the United States the price he promised to pay, I think it would be better that he should leave, better that we should not try to maintain him there in pauperism and suffering; far better that the land should go back again to the Indian tribes who enjoyed a government of their own under which they had progressed to a very notable degree in civilization. If this be the true character of those lands, let us recall our Dawes Commission; let us repeal those laws by which we have put a tremendous duress upon those Indians in defiance of the treaty rights which were guaranteed to them; let us lower the legal bludgeon raised against them and maintain at least the good faith of the United States by leaving to them the occupancy and enjoyment of what this Government promised should be theirs forever.

Mr. PLATT. Will the Senator permit me to make a suggestion at that point?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. VILAS. Yes, sir.

Mr. PLATT. In the Indian appropriation bill that has been reported in the other branch of Congress is a provision to pay $2,000,000 to the Kiowa, Commanche, and Apache Indians to extinguish their title to the same character of land.

Mr. VILAS. If there had been produced a particle of testimony to support the accusation against the nature of the Territory of Oklahoma, we might spend some little time in debating it, but I again put the question, Is the Senate to yield this vast sum of money, destroy all those contracts, repeal its policy, because somebody urges simply a statement of fact upon us without evidence? If we are to proceed upon the conditions of soil, upon the conditions of the settlers in different parts of the various States where these 33,000,000 acres lie, let us send out a commission of inquiry, let us know what the truth is.

With what justice shall we release to some and keep the money which others have paid? Are we to assume that the same condition exists throughout the Territory of Oklahoma and thence to the State of Washington, throughout all these different bodies of land to which this bill relates? There may be special instances—I remember a statement made on the floor by the Senator from Montana who now occupies the chair [Mr. CARTER]—there may be particular instances, such as were spoken of with reference to the Crow Reservation, where some relief may be due by reason of facts applicable to such cases. Let us distinguish those cases by fair inquiry, and not pass a sweeping law of such injustice in its general nature as this.

I noted the reasons—a third class of reasons—given by the Senator from Minnesota [Mr. NELSON] this afternoon. He appeals to his political brethren who believe, as I do not, that it is lawful for the Congress of the United States to bestow bounties under the tariff law, either directly in money, as was done to the sugar planters, or indirectly in other sums still more enormous, as is done every day by the operation of the tariff laws, to manufacturers—to give the settlers a share, and on that basis it may be an appeal can be made to share this plunder of the public; upon that basis it may well perhaps be claimed by Senators who are willing to support the tariff iniquities perpetrated upon the people of this country that these Government debtors ought to participate in the division of the spoil which the "confederacy of rapine" secures from the United States. Why, then, do we not also provide for irrigating those lands at the expense of the Government? Why not supply these poor homestead settlers with the water at public cost, which shall make these fertile lands blossom with the riches of productiveness?

Mr. President, it may be quite useless to mention another consideration, for I am perhaps in the class the Senator from Connecticut rates himself as possibly belonging to, that of old fogies. I am still one of those who believe that the Constitution of the United States imposes upon legislators in this body an obligation to observe the principles upon which it is based. I still believe that the Constitution of the United States gives this body no right to enact a law unless you can find within its terms the distinct and direct authority to enact it, or a just and rightful implication from some power given.

I understand this Government to be one of delegated powers, and I know of no line of the Constitution which warrants this body in bestowing the public moneys gratuitously upon any class of persons whatever. If this bill is to be enacted, then in justice to those who have paid for their lands under similar legislation it would be incumbent on Congress to take from the Treasury the money they paid in there and restore it to them from whom it has been taken. What difference can you draw between surrendering a promise to pay by a debtor of the United States, made upon sufficient consideration, which he is able to keep and ought to keep by every reason which enters into the obligation of contracts, and taking the money directly from the Treasury? It can be done by no authority which the Constitution of the United States has vested in this body.

As I said, sir, in the beginning of the argument, the original homestead law was challenged for that reason. The Democratic party withstood the enactment of the homestead law upon that foundation; a President of the United States vetoed the bill because it was unconstitutional, and yet we are seeking here to find a power not to invite settlers upon a wild domain in order to build up States—we are seeking to find a power which shall authorize us to surrender moneys promised to be paid upon a fair contract for a fair and just consideration, and in respect of which no sort of complaint is or can be made, except a general assertion that they are poor and do not want to pay.

Mr. President, I leave the question there, having said more than I intended when I took the floor.

Mr. PEFFER. Mr. President, before the pending bill is disposed of I wish to offer a suggestion or two. In the first place, these people and their friends in Congress are not asking alms at the hands of the Government of the United States. They are not asking a donation of money. They are not asking an appropriation of money from the Treasury of the country. They are simply asking that they may be permitted to enjoy the benefits of the homestead law. The object of that law was to procure and to secure homes for the people. The battle cry of the young Republicans thirty-six years ago last fall was "Lands for the landless and homes for the homeless." The theory of American government, the philosophy of American society, is that where the people have homes of their own they are bound to the soil by ties of ownership, which breeds loyalty, perpetuates patriotism, and will continue the Republic down through the ages to come. The philosophy of our whole social system is based upon the homes of the people. The homes are the nurseries of the Republic. There is where the most sacred relations of life are formed. There is where republicanism is taught in its infancy and in its purity, and there is where the principles of republican and popular institutions are first taught to the young citizen.

Mr. President, the people who are asking that they may be relieved from the payment of debts which they find themselves unable to pay have not done so until they discovered their utter inability to complete those payments. When a debtor is unable to meet his pecuniary obligations, courts are called to the assistance of the creditor; the laws and the machinery of the courts are put into action; the property of the debtor is seized, and he may be destroyed, he and his family may be turned out of their home that the creditor may be saved. So it would be in this case. If these people, being unable to pay the obligations which have been imposed upon them by Congress, remain unable to pay, the Government would simply have to remove them. That would be all. The Government would save nothing; it would make nothing, but a number of the best people in the world would be turned out of their homes and no good accomplished in any direction.

Now, our attention has been called by the Senator from Connecticut [Mr. PLATT] and also by the Senator from Wisconsin [Mr. VILAS], who has just left the floor, to the message of the governor of Oklahoma, who speaks in very high terms of the Territory and its natural resources. Men who have been long resident in the Western country understand the force of messages of that character. The people of Oklahoma are now in the advertising stage, if I may use that expression. We have all passed through a fever of that kind, and if a governor can be found in a new State or even in an old State anywhere who would not defend his State and put its best possible condition forward and conceal the worst ones, he would not be elected to office a second time, certainly.

In the earlier stages of the Oklahoma excitement that Territory was pictured to the world as a sort of second-hand Eden. So it was in Nebraska, so it was in Kansas, so it was in Montana, so it was in Idaho, and in all the new States. I remember that in the earlier history of Kansas our State board of agriculture published a large volume every year in which maps of our counties were given; the county seats were located; the townships and principal towns and the railroads and streams were all given on beautifully colored maps. Those works were almost wholly, I might say wholly, for advertising purposes. The railway companies came to our assistance and spread broadcast advertising literature throughout all the nations of the world from which it would be likely that emigrants would come to us. In the last report, recently published, I discover, very much to the credit of the secretary and the board, that the policy has been changed, and the secretary takes occasion in the opening to call attention to the fact that he is now proceeding to look after the interests of agriculture and not so much to advertising. The plain truth is known concerning the Western country to all of us who are resident there. We are better able, because of our knowledge, to speak advisedly about these matters than are persons who are not familiar with them.

Now, it is charged that it is paternalism to relieve those people of their indebtedness, and yet we have time and time again donated lands by the thousands and hundreds of thousands and by the millions of acres to railway companies, ostensibly for the purpose of operating as pioneers to open settlement, to direct the course of population to these newer regions. We paid them for doing it. Six years ago we passed a law providing for the payment of bounties to such of our citizens as would engage in the manufacture of sugar. Our object in that instance was to establish the industry. We proposed to pay for it. So, in the laying out of railways into the new Territories, we were paying the companies to do the work. We gave nearly 28,000,000 acres of land—more than twice as much as there is in the whole State of Kansas—to the Union Pacific Railroad Company alone, for the purpose of paying the company to build a railway across the country.

We made appropriations. I have forgotten now the number, but a large number, in the earlier history of the Republic for the opening and the construction of national roads from the city of Washington. Roads were projected to Maine, one to Buffalo, and another one through Wheeling and Cincinnati and through various towns in Ohio to St. Louis and on west. There were two others to the southwest, diverging somewhere about Louisville or Nashville, one going farther south and the other one farther west. I have gone through the record, but I do not now recall the number of appropriations or the exact amount of money set apart, but there were a great many of them.

So it has been in our manufacturing industries. We have devoted large sums of money by way of protective tariffs to encourage our national industries. One of the first acts, indeed I believe it was the first general act approved by the first President of the United States, was a tariff act "to protect and encourage domestic manufactures."

The Senator from Wisconsin argued, and it was urged, I think, by the Senator from Connecticut, that if this policy is now to be pursued, if the pending bill is to become a law, therefore, in justice

to the citizens who have in the past paid for lands, the Government should refund the amount of money they have paid. Mr. President, a philosophy of that kind would overturn the structure of Government. When a court reverses its decision, is there any law, is there any custom, is there any rule, either of law or practice, by which persons who have in the past time lost property, character, or reputation by reason of the decisions of courts that are now reversed are reimbursed or by which their property is restored? The idea is utterly impracticable. In the march of progress there are constantly wrecks of fortune and of property left in the way. We can not account for those things. It would be a recoupment that would destroy every government under heaven. The way from the grain cradle to the combined mower and reaper has been one of loss. The way from the wheelbarrow to the railway car has been one of loss and destruction, but we can not stop to take account of those things and to make good the losses which have occurred as society is moving forward.

It is charged that this is paternalism, that we are establishing a system by which when men become troubled in their financial affairs they may appeal to the Government, which will take them in its gentle arms and care for them in the future as the shepherd does his lambs. That is not the theory of this bill, Mr. President. Government is paternalism. Government ought to be paternalism. It is made for the purpose of taking care of the interests of the people. Shall we abolish our splendid postal system because it is paternalistic in its character? Shall we give out the carrying of our mails by private contracts? If you go up and down our broad streets you will see daily and hourly a two-horse wagon, nicely arranged, with two or three men on the inside of the box, busy assorting mail as they go up and down the street. It stops at the boxes along the principal streets of the city, the men gather the mail, and then distribute it for the proper points of destination. That is the hand of the Government operating in the people's business for their interest. That is paternalism. Are we to abolish that?

You may go into any State of the Union, you may go to the statutes of any of our States, you may go to the ordinances of our cities, and you will find that the individual conduct of the citizens, the personal habits of the people as to their buildings, and in many instances as to their clothing, and as to their modes of living, are regulated. Those things are necessary in the structure of society, in the maintenance of order, in the enforcement of discipline, in the preservation of health. All those things are natural in their order, and yet when people come to the Government and ask for relief it is called paternalism.

Look at our own records here. Day by day pension bills in large numbers are passed, and I dare say that more than 25 per cent of the bills that are read from the Clerk's desk are pension cases. Is it paternalism that this good-hearted people should take care of the needy ones? Are you going to destroy the people? Are you going to slaughter the children as they come into the world, so that we shall not be expected to care for them in time of need?

I believe that men and women have a right to the soil. I believe they have a right to live where they were born. I believe that men and women have just as much right to the soil as they have to the sunlight and water and to the air they breathe. These are God's bounties given to men for our use and enjoyment. If this be paternalism, what will the Senator from Massachusetts [Mr. HOAR] think about it when he calls up the bankruptcy bill? During the last two or three days he has been urging the Senate to take up that bill for consideration. There are people by the thousands and hundreds of thousands all over the country who have become embarrassed and unfortunate in their business, unable to pay their debts, and now they appeal to the same Government that the people in Oklahoma are appealing to. They do not ask for a donation; they do not ask that the Government shall reach its hand into the Treasury and pour money into the laps of the unfortunate, but simply that they may be relieved from their debt burdens, that the great heart of a mighty people, feeling out through its arms of power, will take up these unfortunate ones and set them on their feet again. That is all that is asked for by the pending bill.

The Senator from Wisconsin says that the homestead law is practically repealed by our recent course of legislation and conduct. If that be true, it is time that we retrace our steps and get back again to the principle of the homestead law—lands for the landless and homes for the homeless.

Attention is called from different directions to Kansas settlers, and the Senator from Wisconsin in his eloquent address reminded the Senate that a great many citizens of Kansas are now living upon lands that were in the beginning Indian lands. That is true; and no one there is asking to be relieved. No one in Kansas has ever asked to be relieved in that respect. The only requests that have ever come to Congress from the people of Kansas for relief were of the same character as those that came from Nebraska, that came from Colorado, that came from the settlers on public lands everywhere in the great West and the Northwest—that when misfortunes and drought or other unavoidable misfortunes came in the pathway of the settler, the time for payment on lands might be extended; and it has been done time and time again. That is all they have ever asked.

But, Mr. President, there are two classes of lands in all that magnificent region in the midst of which Kansas happens to be located. The eastern portion of that country from the north to the south has more regular seasons and greater rainfall than the western section. A record has been kept by the officers of our State University in Kansas for a number of years, running back more than thirty years, if I remember it correctly, and the average rainfall in the eastern one-third of our State has been about 36 inches, or 3 feet, to the year, an abundance of rainfall; whereas in the southwestern portion of our State near the western border, at Fort Dodge, where the Government has been keeping records for many years, it appears that the average rainfall is about 10 inches to the year, and from that to 15 inches.

If that quantity of rain would fall upon the soil at just such times as the farmer most needs it, it would be enough to mature all the crops that grow well in that region of the country. But the rains do not come just at the times when the farmers most need them. It is for that reason that agriculture in the western portion of our State and the western portion of Nebraska and all that region north and south is more or less precarious, and we have found in our experience that farming and agriculture in general in the western portion of the State has not been in the main profitable. But where men with large means were able to procure water from under the surface by pumping it, or where they were able to draw water from the streams and carry it through irrigating ditches onto their farms, they have uniformly been prosperous. I have never seen better crops of any kind, and especially of fruit and vegetables, than are grown in the semiarid regions of western Kansas under irrigating ditches. I have seen gardens—the gardens of women who were keeping boarding houses in villages—that were as oases in the desert, while the prairies around were gray and brown and sere; and in the hot simmering sunshine those gardens were green with vegetation, made so by reason of an abundance of water brought from under the surface by pumping. So it is that large numbers of people in all that semiarid region have found it necessary, in order to save themselves and their families, to move away in times of trouble and to go to other places.

In the earlier history of Kansas settlement nearly all of the Indian lands that were purchased from the Indians were paid for at the time of purchase either by money belonging to the purchaser as his own or by money borrowed from others. It was common at that time, as it has been in every one of the newer States, for loan agencies to be established in all parts of the country. You might go into a town of 200 or 300 people, and among the business signs you would see quite as numerously as any others those of the loan agents—"money loaned," "bonds bought and sold," "mortgages negotiated," etc. There was a mortgage period throughout all that Western region, and during that time the lending of money was a regular business. Men came from the East and from the South and from the Northeast, and some of our own citizens became agents for Eastern money lenders and started up in business, urging people to borrow money. All of those lands, I say, or nearly all of them, were paid for in one way or another; but you have never yet found a citizen of Kansas coming to Congress asking for relief from any of that class of burdens, and, Mr. President, you never will.

These homestead settlers in Oklahoma did not go there in the condition in which our Kansas settlers came to us. Our Kansas settlers were nearly all well-to-do people. They either had money of their own or they were energetic, enterprising people and borrowed money. But the homestead settlers in Oklahoma went there poor. They were poor when they crossed the border. They were poor when they lay along the line for weeks and months waiting for the hand of the clock to point to the hour of 12 on a certain day when they might rush across the line and procure homes. After having settled upon the lands, and finding that by reason of climatic conditions they are unable to raise money enough to meet the payments to the Government when they are due, and at the same time to maintain their own families and to meet the demands that are made upon them by reason of the social surroundings, they come to Congress, and honestly, not in a spirit of suppliance, not as beggars, ask to be relieved, exactly the same as men who are unfortunate in other lines of business come and ask to be relieved through bankruptcy laws.

When I plead the cause of these people I do it not as a suppliant. I ask it as an act of justice due these people. Suppose the pending bill is not passed and the people are compelled to leave their homes. Who will be the gainer? The people who are now there are acclimated. They know what they can do, and by perseverance, energy, and a little act of justice upon the part of the Government they will yet improve their lands, save their homes, and become good citizens of the Republic.

When it was suggested by the Senator from South Dakota [Mr. PETTIGREW] that a large number of the present residents of Oklahoma and upon this particular portion of territory had gone there from the State of Kansas, the Senator from Wisconsin, in the goodness of his heart, expressed the thought that possibly political considerations had something to do with that fact. I regret very much that the Senator did not proceed to explain what he meant by political considerations; how he meant to apply his thought. Whether it was that men regarded the going into the Territory as a political movement for their political preferment, I do not know. I rather think, however, that the Senator's thought was running along the lines that were preached to us during the last year; that is, that the people of Kansas had become infatuated with a sort of political mania, with a view of revolutionizing the State government and the National Government and throwing themselves upon the country by repudiating their debts.

Now, in that connection and in answer to that charge, I wish to have something inserted in the RECORD. If the Senate will not object, I ask that the Secretary may read it. It is a printed letter by Mr. P. I. Bonebrake, one of the most conspicuous citizens of Kansas. He is president of the Central National Bank, of Topeka. He was for eight years clerk of Shawnee County, in which the capital is situated. He was afterwards four years or more auditor of the State, and he is to-day one of our most respected citizens. While this nonsense was going on about the repudiators of Kansas and what would take place when the new Populist administration came into power, Mr. Bonebrake wrote this letter, which I ask may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. PEFFER. Before the Secretary reads, I am asked by a Senator on my right whether Mr. Bonebrake is a Populist. No, Mr. President, he is a radical Republican of the old-fashioned abolition stamp.

The Secretary read as follows:

The following is a copy of the letter sent by P. I. Bonebrake, president of the Central National Bank, to Governor Woodbury, of Vermont, relating to Kansas affairs:

"At the request of your friend, Mr. E. B. Merriam, I submit to you a few thoughts on affairs in Kansas. I know that Eastern parties who have investments in Kansas are anxious about their outcome.

"This anxiety is induced much more by assaults on the State by Eastern papers than because of the actual result of the election. I beg to say that we are not all cranks nor repudiators, nor has Kansas 'gone to the dogs' yet. We still have the same climate and soil that in one year produced 70,000,000 bushels of wheat, 267,000,000 of corn, more beef and pork than any State in the Union, while all lesser cereals, vegetables, and fruit have kept pace therewith. We still have 9,025.6 miles of railroad in the State; $353,530,621.21 of property as taxed, with a real value of three times that amount, with a State debt of only $256,000; a permanent school fund of $6,087,631.13; an annual disbursement of $438,102.06 to the common schools; 9,180 schoolhouses, valued at $10,580,631, with a university, normal school, agricultural college, institutions for the blind, deaf and dumb, insane, penitentiary, reform school, Soldiers' Home, soldiers' orphans home, and State capital, all costing $8,826,925, without the equipments. From this it will be seen that the State can and will continue to do business.

"It is undoubtedly true that the result of the election will largely stop permanent investments of Eastern money. Had this been done ten or fifteen years ago it would have been a blessing to the State. At that period syndicates, loan companies, and capitalists, East and West, chased the people over the prairies to loan them money and buy their bonds. Every crossroad must have a railroad, and every railroad crossing must become a city, and every city must have waterworks, electric lights, and paved streets, and bonds were issued therefor. The people were led to believe that Kansas was an addition to the New Jerusalem. Then the "hard times" that prevailed all over the country prevailed in Kansas, and being a new State, it felt the reaction more than her older sisters.

"I repeat that Kansans as a body, are not repudiators. In fact, it could not be so. Her people were almost all born and received their education east of the Mississippi and north of Mason and Dixon's line. It is a slander on our fathers and mothers, most of whom yet live in the Middle and New England States, to say that their sons and daughters were educated to become rascals and frauds.

"If it is a disgrace to have voted the Democratic-Populist ticket, then Kansas can well afford to invite a comparison with her sister States of Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York, in all of which many more votes of that kind were cast than in Kansas.

"We have been charged with lawlessness. Again we invite comparison. Not long ago, in the city of Chicago, rioters were destroying life and property while the governor and 200,000 business men stood idly by and allowed the work of destruction to continue until a squad of United States troops came and dispersed the rioters. Kansas had the same experience some years ago, when the governor quietly placed the State troops on the ground, and without loss of life order reigned.

"A prominent New York paper charges Kansas with disloyalty. I need only recall the fact that in 1861-1865 Kansas sent more men into the field in proportion to population than any State in the Union, and if the flag was assailed to-day she would do the same thing again.

"It is true that the 'silver craze' became an epidemic here, but some toleration must be allowed to our people, who up to a few years ago were so intensely Republican that they accepted the teachings of SHERMAN, ALLISON, McKinley, Ingalls, and the Republican party generally, when they issued four hundred and sixty-six millions of fiat silver between 1873 and June 30, 1893. The people seemed to think that if a half a billion of silver was a good thing, a billion was better. They were mistaken, as were the eminent gentlemen named.

"I condemn the hue and cry of some of our people who are continually denouncing 'Wall street,' 'money loaners,' 'goldbugs,' etc., for it was Eastern money that gave us our marvelous development; but I also denounce the statement that our people are dishonest, thieves, repudiators, and anarchists.

"It is true that the State affairs are in the hands of the Democratic-Populist party, but we are willing to trust them until they prove false to the best interests of the State. If they do that, they will be quickly 'turned down.'

"I am a lifelong Republican, and have been connected with the management of every campaign in this State for twenty years, and have no sympathy with the 'isms' of any party, but when the integrity, intelligence, loyalty, and patriotism of the whole people of Kansas is assailed, I am always ready to 'stand up for Kansas.'

"As to your investments in Kansas, as stated to me by your friend, they are as secure as a bond of the State of Vermont.

"Yours, truly,

"P. I. BONEBRAKE."

Mr. HOAR. I should like to ask the Senator from Kansas, if he will allow me, whether that statement of the wealth and resources of the State is, in his judgment, substantially correct?

Mr. PEFFER. I think it is, sir. The writer is one of the most careful, painstaking citizens we have.

Mr. HOAR. Then it is true, is it not, that Kansas is one of the most remarkable examples of the rapid and great prosperity of an agricultural population that exists in human history?

Mr. PEFFER. The statement of the writer is to the same effect that any similar statement would be in a general way. He gives the figures of our population; he gives the figures of our production, as to our railways, and our agricultural production; he refers to one year when we produced upward of 70,000,000 bushels of wheat; to another year when we produced in the neighborhood of 250,000,000 bushels of corn; he speaks of our live stock. That is a statement embracing the whole State of Kansas.

Now, I was saying a moment ago, and it is——

Mr. HOAR. Will the Senator from Kansas allow me?

Mr. PEFFER. Pardon me a moment. If the Senator will read it carefully, when he sees the letter in the RECORD, he will discover that there was a time in our history when our State was overrun with loan agents. You will find a passage that is marked in my own hand, if you will examine the original slip, where reference is made to that fact; and Mr. Bonebrake goes so far as to say that it would have been better for us now if some years ago our wild progress had been checked.

Mr. HOAR. This is what I want to ask the Senator: Kansas was forty years ago—forty-two years ago, certainly—with the exception of a very few settlements, an uninhabited waste, roamed over by tribes of Indians. Now, does the Senator know another instance on the face of the earth, unless it be some neighboring American State, where a territory has grown up in forty-two years containing such a population, such wealth, such value of agricultural lands, such vast agricultural products, and the money-makers of the earth chasing them to get them to borrow their money? I should like to know if there is another instance of such prosperity.

Mr. PEFFER. I have frequently said on this floor, Mr. President, and I now repeat, that to take the people of Kansas as a whole, and the State of Kansas as a State, they have no parallel in human history.

Mr. HOAR. Now, would it not——

Mr. PEFFER. I hope the Senator will allow me to get through with my statement, so that it may be properly expressed.

Mr. HOAR. Certainly; I do not wish to disturb the Senator.

Mr. PEFFER. This chopping up of ideas never serves a good purpose upon either hand.

Our people have grown in about thirty-five years from a mere handful of squatters to in the neighborhood of a million and a half of people. When I went to Kansas in 1870, we had but a few miles of railway. I remember riding out from Topeka 18 miles on the Atchison, Topeka and Santa Fe road to the end of it. I went from there to Emporia, in the adjoining county, riding on a stagecoach drawn by four horses. From that place, the next day, I went down to the second adjoining county in a two-horse mail hack, and the third day, going to another adjoining county, I rode an Indian pony. The farther I got, the nearer I approached the Indian country, the less comfortable and the less capacious were the means of transportation.

Well, we have grown until now we have nearly 10,000 miles of railway. We have upward of 9,000 schoolhouses. Our churches afford a seating capacity for more than 25 per cent of the people. Ninety out of every hundred of the people are native-born citizens of the United States. And in what we call good crop years we produce enormous crops of wheat and corn. Our State is a splendid agricultural and grazing region. So we have an abundance of stock, and our people are living well. We have a great deal of property. That has nothing to do——

Mr. HOAR. May I ask the Senator from Kansas one other question?

Mr. PEFFER. Yes.

Mr. HOAR. Has not a large part of that prosperity, rather the largest part, come to Kansas since the year 1873?

Mr. PEFFER. I think so.

Mr. HOAR. Now, I should like to put one other question. Is it not on the whole the part of good statesmanship to keep on with the policy which has produced these results of prosperity and wealth and comfort, and schoolhouses and churches, and railroads by the ten thousand miles, rather than to depart from it and try a new one?

Mr. PEFFER. Some of the things connected with that progress have been most deleterious. I have stood by and seen men and women sign notes and mortgages agreeing to pay as high as 40 per cent interest on borrowed money. That is a destructive policy, I will say to the Senator from Massachusetts. During the decade from 1880 to 1890 Kansas people borrowed over $500,000,000, and the average rate of interest that it cost the borrowers was at least 10 per cent. If the Senator wishes me to include that policy in the system of progress to which he refers, I then say we do not want any more of it; for it is that which, with all of our thrift and all of our energy, has brought about the political revolution in Kansas. These mortgage hunters, these loan agents, no matter where they came from, no matter whose agents they were, have done Kansas and Nebraska and all that great region of country more harm than all of the visitations of Providence which have ever befallen us.

Mr. President, Kansas people have become more noted perhaps than some of our neighbors because of our energy, because of our peculiar characteristic of going ahead and taking care of ourselves, and of being good to our neighbors at the same time. You will remember that when the Atchison, Topeka and Sante Fe Railroad Company began their work (the Union Pacific as well, but more especially the Sante Fe) they sent their advertising matter like leaves of the forest, scattering it over the habitable globe, and sent their agents to every civilized nation, proclaiming the richness of our soil, the delightfulness of our climate, the salubrity of our atmosphere, the energy of our people, and the vastness of the empire that was round about us. So from the very beginning of our history Kansas people have always been in the front, advertising ourselves and building up our Commonwealth.

To-day we are still in debt; and it is largely because of the oppressive burden of these debts that a political revolution has come about in the State. Our people are as honest to-day as they ever were; our lands are as good as they ever were; our sunshine as shimmering and our climate as salubrious as it ever was, and our people are as enterprising as they ever were. From year to year, through this sad, hard experience, we are learning wisdom, and we will come out in the end master of the situation. We have not up to this hour asked the Government for a penny. Two years ago, when a bill was brought before the Senate asking for relief to settlers in some of the other States on account of losses occasioned by drought, while I voted for the bill and urged its passage, I took occasion to say at the time that the people of Kansas were suffering in like manner, but that we were able to help ourselves, and we did not propose to ask the Government for help.

The rights which Indians have in these reservations are possessory rights. That was determined long ago. The object in purchasing them from the Indians is to procure homes for our people. I need not recall to the attention of the Senate the scramble and the rushing, the tumbling and the racing, the anxiety of the people who were anxious to get across the line in order that they might secure homes on Indian lands just opened to white settlement. While it is true that the town builders were there, and the speculators, yet the great body of the people who engaged in that dreadful race was composed of men and women who were in search of homes for themselves and their families. It has come to a time in this country, Mr. President, when homes are in demand, and the object of the homestead law was to procure homes for the people.

There are two reasons, Mr. President, why the pending bill is proper. One of them is that in a large measure in the region of western Nebraska, western Kansas, western Indian Territory, and Texas the lands are not well adapted to the ordinary processes of agriculture common among the people from the Eastern States, who move upon those lands to cultivate them. It required a long time in Kansas for our farmers in the western portion of the State to adapt themselves to the climatic conditions, to the peculiarities of the soil. The traveler in passing over that region will observe as he goes from the eastern part of the State away beyond that the native prairie grass is from 2 to 6 feet high, and I have seen it as high as 11 feet in the low grounds, for horses and men riding would be lost in the prairie grass, because the tops were above the men's heads. Go to the western part of the State, and you will find the grass growing from 4 to 6 inches in height, a fine, peculiarly colored grass, known as buffalo in that region. Not only is the climate different, not only is the rainfall less, but the soil conditions themselves are different. Different crops necessarily are adapted to the different regions. All these things have to be learned.

Most of the settlers in Oklahoma have discovered that the climatic and soil conditions there are not favorable to the methods of cultivation to which they have been accustomed. Those people are not yet able to master the natural difficulties that are in the way, but doubtless they will be in time, if they are permitted to remain where they are.

In addition to that, modern methods of agriculture have operated to reduce the profits upon labor the same as modern methods of manufacture have reduced the profits of manufacturing, and this adds to the troubles of the Oklahoma people.

There is one further idea I wish to impress upon the Senate. Men and nations have certain rights within and of themselves, but their rights do not extend beyond those that naturally belong to their individuality, either as persons or as nations or communities. For example, the head of one family has no natural or moral right, no legal right, to interfere with the management, the home discipline, or any of the affairs of another family so long as they are not violating the orderly laws of society. So it is with nations. Nations have no right to govern people at arm's length. On that theory alone I favor the independence of Cuba. We see Spain, a monarchy 3,000 miles away, in the closing years of the nineteenth century, governing by the harsh rule of the sword another people. The thing in itself is preposterous. The civilization of the age has gone beyond that kind of government.

The power of Britain is felt in every part of the civilized world. The footprints of the Englishman are everywhere, but every dependency of Great Britain has local autonomy, and so much attached are the people there to the Government of their mother country and to the habits of the people in England that they are now talking about forming an empire which will be world-wide, advancing and establishing the imperialism of the English people. But here in Cuba we have an armed revolution against the foreign power recurring every few years.

So upon general principles, the principles of natural right, I would argue in favor of the independence of Cuba, and, if I were not a Senator of the United States, I would go so far as to say that I believed it to be the duty of the Government of the United States to say to the Government of Spain: "We want this war stopped; we want Cuba to be free, no matter what it costs here or elsewhere."

So it is, Mr. President, as to the rights of individuals. I said a moment ago that I believe men have rights. The boys who are sitting in front of me here have the same rights exactly that you and I have, Mr. President, and that these venerable Senators around me have. When a child is born into the world, he comes with the same rights that the mother who bore him had and that his father before him had. They have no right to banish him when he comes to what we in law call the age of majority, 21 years and past—the father has no right to banish him from the home where he was born. I believe the Government ought to establish as a permanent policy that whenever it purchases a foot of land from Indians or from any other person or corporation it should be purchased for the use of the people as homes. Mr. President, the people of this country have a right to live here, they and the children who are coming after them. I hope the bill will pass upon its merits.

I am pleased to see that the opposition which has been thus far manifested against the bill is farfetched and upon technical grounds. Two of the Senators who have argued in opposition to it say they may possibly be considered old fogies, as men behind the age. Those Senators need not be sensitive upon that point. There is such a thing, however, as progress. The world is moving. The old States-rights Democrat is one of the things of the past. He has come to understand, as all the rest of us do understand, that the sphere of the State government is purely local and for local purposes; that we have neither time nor inclination to take a surveyor with us when we travel across the country at the rate of 50 or 60 miles an hour to mark the location of State lines, that we may know under what different laws we are as we pass through the different jurisdictions. The people of the United States constitute a nation, and now we are big enough to take care of ourselves and to take care of those of our people who are unfortunate and who need relief at our hands.

Mr. PETTIGREW. I ask unanimous consent that to-morrow, immediately after the disposal of the routine morning business, the pending bill may be made the unfinished business and be then taken up.

Mr. FRYE. Does the Senator expect to get a final vote on the bill to-morrow?

Mr. PETTIGREW. I think we can.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from South Dakota asks unanimous consent that the pending bill be taken up as the unfinished business immediately after the morning business to-morrow.

Mr. PETTIGREW. Immediately after the disposal of the routine morning business.

Mr. HOAR. I will not object to that unanimous consent if the Senator will further ask unanimous consent that some time to-morrow be assigned for taking the vote. I think the Senate is ready to vote.

Mr. PETTIGREW. I am perfectly willing to embrace in my request the further request that the vote be taken at 4 o'clock to-morrow.

Mr. ALLEN. I suppose there are Senators who are not now here who ought to be advised when the vote is to be taken; and I suggest that the day after to-morrow be fixed as the time.

Mr. PETTIGREW. I think we had better leave that question until to-morrow.

Mr. HOAR. I shall object unless the proposition be included that the vote be taken to-morrow; but if the Senator from Nebraska [Mr. ALLEN] prefers the latter time, I will not object to that.

Mr. ALLEN. I was going to suggest that if we take the vote to-morrow, as there are but few Senators now present who would know of the order, it would be rather taking snap judgment on those who are absent.

Mr. HOAR. I will consent to an arrangement being made that the vote be taken the day after to-morrow.

Mr. ALLEN. Perhaps the Senator from South Dakota will be willing to-morrow to ask that a time be fixed when the vote shall be taken.

Mr. HOAR. I think the Senate is ready to fix an hour, but if the Senator from Nebraska thinks that the fixing of the hour to-morrow may disappoint some Senators who would like to be here, I shall not object if the next day be fixed as the time when the vote shall be taken, but I shall object to any unanimous consent unless it is accompanied with a proposal of some time for taking the final vote. Of course, if the Senate is ready to vote before then, it can be done.

Mr. PETTIGREW. I should like to make an inquiry. I am told the Senator from Georgia [Mr. BACON] gave notice that he desired to address the Senate to-morrow in regard to some resolution now pending before the body. Is that the case?

Mr. PLATT. Yes; on the resolution in relation to the recognition of Cuba.

Mr. PETTIGREW. If that is the case, I should prefer to make the request for a vote to-morrow, and to see what we accomplish to-morrow. I do not know that we can accomplish anything, for when a Cuban debate arises here it takes up all the time of the Senate; and therefore I renew my request.

Mr. HOAR. I shall object.

Mr. PETTIGREW. Very well, then, the bill can go over as the unfinished business for to-morrow.

Mr. HOAR. The Senator can get the bill up to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota requests that the pending bill be taken up as the unfinished business immediately after the routine business in the morning hour to-morrow. Is there objection?

Mr. FRYE. I understood that the Senator withdrew that request.

Mr. PETTIGREW. No; I did not withdraw that request. The Senator from Massachusetts has objected to it, as I understand.

Mr. FRYE. Then that ends the request.

Mr. HOAR. It is obvious, for the reason the Senator has stated, if he is correctly informed, as unquestionably he is, that a Senator proposes to take the floor to-morrow after the routine morning business to speak on Cuba, that unanimous consent will be of no value to the Senator from South Dakota, because his bill will be laid aside for that speech. So I object.

Mr. FRYE. The Senator from Georgia gave notice that he would ask leave of the Senate to address the Senate to-morrow morning.

Mr. PETTIGREW. I think that there can be no harm in granting the request, because if the Senator from Georgia should conclude his speech in the morning hour we can then take up the pending bill, and hasten with it.

Mr. HOAR. We can take it up as it is.

Mr. CALL. I propose to move, if there be no objection, that the Senate adjourn.

Mr. FRYE. There are some papers on the table of the President which I should like to have laid before the Senate before adjournment, if the Senator will withdraw his motion.

Mr. CALL. Very well.

MARKING OF VESSELS' NAMES.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, which was, on page 2, line 24, to strike out the word "six" and insert "seven."

Mr. FRYE. I move that the Senate concur in the House amendment, which is rendered necessary by the fact that this bill passed the Senate a year ago, and provided that the marking should be done during the year 1896, but the bill having just been passed by the other House, of course "1897" has to be substituted for "1896."

The PRESIDING OFFICER. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

EXECUTIVE SESSION.

Mr. CALL. The Senator from Maine [Mr. FRYE] desires to move an executive session, and I will yield to him for that purpose.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 13, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1897.

CONSUL.

Thomas S. Doyle, of Virginia, to be consul of the United States at Beirut, Syria.

UNITED STATES ATTORNEY.

William H. White, of Virginia, to be attorney of the United States for the eastern district of Virginia.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Frank H. Dimock, of Massachusetts, to be a first lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

William M. Farrington, to be postmaster at Memphis, in the county of Shelby and State of Tennessee.

Daniel D. Scott, to be postmaster at Jellico, in the county of Campbell and State of Tennessee.

James Devereux, to be postmaster at Shell Lake, in the county of Washburn and State of Wisconsin.

David Thompson, to be postmaster at Black River Falls, in the county of Jackson and State of Wisconsin.

Grace Lamont, to be postmaster at Dillon, in the county of Beaverhead and State of Montana.

Ole C. Vinzent, to be postmaster at Berkeley, in the county of Alameda and State of California.

Ralph W. Putnam, to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California.

Addison M. Gooding, to be postmaster at Hartington, in the county of Cedar and State of Nebraska.

David Macartney, to be postmaster at Antioch, in the county of Contra Costa and State of California.

George McCracken, to be postmaster at Dover, in the county of Morris and State of New Jersey.

Amelia H. Bates, to be postmaster at Sonoma, in the county of Sonoma and State of California.

Howard Melvin, to be postmaster at Denton, in the county of Caroline and State of Maryland.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida.

May J. Munson, to be postmaster at Millington, in the county of Morris and State of New Jersey.

William J. Whelan, to be postmaster at Elizabeth, in the county of Union and State of New Jersey.

Frank B. Dailey, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey.

Patrick H. O'Hara, to be postmaster at Graceville, in the county of Bigstone and State of Minnesota.

Thomas J. Butler, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania.

Michael J. Hickey, to be postmaster at Raritan, in the county of Somerset and State of New Jersey.

William Pintard, to be postmaster at Redbank, in the county of Monmouth and State of New Jersey.

William Gallagher, to be postmaster at Sandersville, in the county of Washington and State of Georgia.

Bedford F. Hamilton, to be postmaster at Wynne, in the county of Cross and State of Arkansas.

James F. Corbett, to be postmaster at Punta Gorda, in the county of De Soto and State of Florida.

Albert F. Derouen, to be postmaster at Jennings, in the parish of Calcasieu and State of Louisiana.

William B. Taylor, to be postmaster at Mansfield, in the parish of De Soto and State of Louisiana.

A. L. Fairchild, to be postmaster at Gainesville, in the county of Cooke and State of Texas.

John W. Clark, to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee.

Orrin L. Mickel, to be postmaster at Woodbine, in the county of Harrison and State of Iowa.

Michael F. Bowler, to be postmaster at Groton, in the county of Brown and State of South Dakota.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 12, 1897.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. HENDERSON. Mr. Speaker, I wish to make a change of reference. At the last session of Congress we passed what was known as the Quackenbush bill, for the relief of John N. Quackenbush. It passed both Houses, but failed to get the approval of the President. It has again passed the Senate and reached this House yesterday, being referred to the Committee on Naval Affairs. The Judiciary Committee has passed upon the bill again, and it is on the Calendar as reported from our committee. By some mistake it was referred yesterday to the Committee on Naval Affairs. I move that the Committee on Naval Affairs be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The SPEAKER. That is a question for the House to determine. As many as are in favor of the motion of the gentleman from Iowa [Mr. HENDERSON] will say "aye."

The motion was agreed to.

PACIFIC RAILROAD FUNDING BILL.

The SPEAKER. On the question of the Pacific Railroad funding bill, the Chair thinks that the motion made yesterday by the gentleman from Vermont [Mr. POWERS] to recommit the bill was not in order. The Chair thinks that such a motion could have been made if the House had passed the bill to a third reading, or if other business had not intervened.

OFFICERS AND CREW OF THE BRIG GENERAL ARMSTRONG.

The SPEAKER. The Chair desires to call the attention of the House to the bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns. On the face of it, it seems to relate to a war claim, and did remotely so relate; but the Chair is informed that the question involved is a legal question, as to the meaning of a resolution passed by a previous Congress. Therefore the Chair asks unanimous consent that the bill be referred to the Committee on the Judiciary. Is there objection?

There was no objection.

R. M. RIDGELY.

The SPEAKER. The Chair will submit the following communication from the office of the Postmaster-General.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 11, 1897.

SIR: I beg leave to call your attention to my letter of December 11, 1896, in which I requested the return to this Department of certain papers in the case of the claim of R. M. Ridgely, postmaster at Springfield, Ill., which were transmitted by me on the 3d of April, 1896, to the Speaker of the House, in compliance with the act of May 9, 1888. Congress, by act approved June 11, 1896, having extended the limit in such claims of the jurisdiction of the Postmaster-General, I desire to take up this case for decision under the authority of that act. Will you kindly direct that these papers be returned to the Department?

Very respectfully,
W. L. WILSON,
Postmaster-General.

Hon. THOMAS B. REED,
Speaker House of Representatives.

The SPEAKER. If there be no objection, the Chair will direct the papers to be returned. The Chair hears no objection.

CALL OF COMMITTEES.

The SPEAKER. There being no other business on the Speaker's table except one matter which the Chair will submit later, the Clerk will resume the call of committees.

ALIEN OWNERSHIP OF LANDS IN THE TERRITORIES.

Mr. CATRON. Mr. Speaker, there was a matter pending last night.

The SPEAKER. There was an unfinished matter before the House from the Committee on Territories, and the question was on the passage of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887.

The question was taken.

Mr. McEWAN. Mr. Speaker, I rise to a question, for information.

The SPEAKER. The gentleman will state it.

Mr. McEWAN. Is not that the same bill that was defeated in the House the 10th day of December?

The SPEAKER. The Chair does not know.

Mr. McEWAN (continuing). Except as to one section. Yes; it is.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. DE ARMOND. Division!

The House divided; and there were—ayes, 59; noes 26.

So the bill was passed.

On motion of Mr. RICHARDSON (at the request of Mr. CATRON), a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

PROCEDURE IN CONTESTS BETWEEN CLAIMANTS TO MINERAL LAND AND AGRICULTURAL LAND.

Mr. HARTMAN (when the Committee on Mines and Mining was called). Mr. Speaker, I call up for consideration the bill (H. R. 6780) to amend section 2835 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 2335 of the Revised Statutes be amended to read as follows:

"SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths in any State or Territory in the United States or in the District of Columbia having an official seal; and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, attested by his seal of office, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken under such notice and regulations as the Commissioner of the General Land Office may prescribe: *Provided*, That the presence of rock in place or of deposits bearing gold, silver, cinnabar, or other valuable mineral shall be regarded as prima facie evidence that the land containing the same is mineral in character: *Provided further*, That in investigating the character of land, with a view to ascertaining whether it is more valuable for mineral than agricultural purposes, evidence may be taken of the mineral discovered or developed adjacent to such land, proof of which shall be corroborative evidence that the land in question is mineral in character: *And provided further*, That wherever land is proven to be within a well-defined mineral belt it shall be deemed prima facie evidence of the mineral character of said land."

Mr. DOCKERY. Is that bill on the House Calendar?

The SPEAKER. The Chair understands that it is on the House Calendar.

Mr. DOCKERY. It aims indirectly to provide for the disposition of public lands.

Mr. RICHARDSON. It ought not to be on the House Calendar.

Mr. DOCKERY. It seems to be a very important bill.

Mr. RICHARDSON. I make the point of order that it ought not to be on the House Calendar.

Mr. HARTMAN. Now——

The SPEAKER. What is the purport of the bill?

Mr. HARTMAN. The purport of the bill is to permit applicants for mineral lands to make their evidence before other officers than registers and receivers of the United States land office, and thereby to prevent the long travel which is necessary in order to appear before those officers; and there is one other phase of the bill.

Mr. DOCKERY. But it does more than that.

Mr. HARTMAN. I was about to say there was one other phase, but I can not say it all in one sentence.

Mr. DINGLEY. Mr. Speaker, before this discussion proceeds, the chairman of the Committee on Public Lands desires to raise the question of jurisdiction.

Mr. LACEY. I do not know that I desire to raise the question of jurisdiction.

The SPEAKER. All points are reserved.

Mr. LACEY. I reserve the point of order until I can hear further what is the nature of the bill.

The SPEAKER. The point of order is already made.

Mr. HARTMAN. The second purpose of the legislation is to establish a rule of procedure in contests between claimants to mineral and agricultural lands. The bill was introduced by the gentleman from Utah [Mr. ALLEN], and is favorably and unanimously reported by the Committee on Mines and Mining. If further explanation of the bill is desired, I will yield to the gentleman from Utah, who is entirely familiar with it.

Mr. LACEY. What I desire to ascertain is, why this bill was not sent to the proper committee having charge of matters of this kind. I do not see what jurisdiction the Committee on Mines and Mining would have as to the disposition of lands that are mineral in their character. It would lead to endless confusion if there should be legislation proposed from two committees on the same subject.

Mr. HARTMAN. Unquestionably the Committee on Mines and Mining has jurisdiction of legislation in respect to the business of mines and mining.

Mr. LACEY. Certainly; but not as to the question of public lands.

The SPEAKER. The rules prescribe that if by any error or misunderstanding a bill has been sent to the wrong committee, it is the duty of the committee who desire jurisdiction to present the matter to the House for a change; and no question having been raised, and the committee having reported, the Chair thinks it is too late to raise the question of consideration. On the other point—of its being on the House Calendar—the Chair hardly knows where it could be but on that Calendar.

Mr. DOCKERY. The ruling of the Speaker of the last House was that you could raise the question of jurisdiction at this point. But perhaps the rule of that House is different in this respect.

The SPEAKER. The rules differ in some respects.

Mr. LACEY. At any rate, inasmuch as the Committee on Public Lands has been examining these questions and are responsible for this class of legislation, and inasmuch as that committee had no knowledge of the existence of this bill, I would at least like to hear a full statement of the merits of the bill.

Mr. HARTMAN. In that case I will yield to the gentleman from Utah [Mr. ALLEN], the author of the bill, who will explain it fully.

The SPEAKER. Of course the gentleman from Iowa [Mr. LACEY] can, if he desires, move at the proper time to refer the bill to the Committee on Public Lands, and if the House sees fit to do that, the mistake can be rectified, if a mistake has been made.

Mr. ALLEN of Utah. Mr. Speaker, this bill was introduced in the Fifty-third Congress, and was referred to the Committee on Mines and Mining. That committee reported it favorably to the House, and when it was reintroduced in the present Congress it went to the same committee that had passed upon it in the Fifty-third Congress, and it seems to me that the Committee on Mines and Mining clearly has jurisdiction of the questions involved. This is not, in the broad sense, a bill coming within the jurisdiction of the Committee on Public Lands, of which committee I also am a member. There are but two points in the bill which would change existing law. One is in relation to the making of affidavits, the law now requiring that they be made before the register and receiver of the land office of the district within which the claim is located.

Now, many of these land districts are very large. The State of Utah constitutes but one, and there are 84,000 square miles in that State; so that, under the present law, extensive travel is required, and in many instances great expense is incurred in order to make the necessary affidavits for the entry of claims, and the committee are quite satisfied that no harm can come to anybody from the change proposed in this bill, allowing those who have the right, under the State law, to administer oaths, to take these affidavits and attest them with their seals.

Mr. DOCKERY. Has this bill been submitted to the Commissioner of the General Land Office or to the Secretary of the Interior?

Mr. ALLEN of Utah. This same bill was submitted to the Department in the Fifty-third Congress and a favorable report upon it was made to the committee.

Mr. DOCKERY. Do I understand that the Commissioner reported favorably upon the bill, in writing?

Mr. ALLEN of Utah. Yes, sir. The committee's report shows that. The second point in the bill which would change existing law is intended to fix the burden of proof, in the case of an entry of mineral lands situated within or adjacent to a mineral-bearing zone, which is contested by an agricultural claimant, upon the agricultural claimant, where it should be. These are the only two points involved, and it seems to me that the bill ought to pass, because it will afford relief in many instances.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LACEY. Mr. Speaker, I move to commit this bill to the Committee on Public Lands, and upon that motion I desire to make just a few remarks. The gentleman who introduced this bill is a member of the Committee on Public Lands, so that no injury can come to the bill from its being referred to that committee, which is the proper committee. It is utterly impossible for the members of that committee to give the bill proper consideration at this time, owing to the hasty manner in which it is brought up in the House. Were the questions involved of minor importance I should not feel inclined to make this motion, but the bill is really a very important one, involving the whole subject of the disposition of mineral lands and a change of the methods of proof in such cases. Evidently it ought to be considered by the proper committee and ought to be referred to the Department for information. I believe that no delay will result from referring the bill to the Committee on Public Lands, and it certainly ought to go there.

Mr. HARTMAN. Does the gentleman really consider that this bill makes an entire change in the method of obtaining titles to mineral lands, when in fact all that it does is this: It says to the applicant for a mineral land patent, "You may appear before the clerk of the court in your own town, or before a notary public in your own town, and make your affidavit there, instead of getting on the train, traveling two or three or four hundred miles, and making the same affidavit before the register of the land office?"

Mr. LACEY. That is merely a change of procedure.

Mr. HARTMAN. And the gentleman really thinks that is so important a question that the Committee on Mines and Mining is not capable of dealing with it?

Mr. LACEY. No. If that was all there was in the bill I would not make the point; but there is more than that. There are questions involved as to the burden of proof, and as to the presumption arising from the location of rock as affecting the mineral character of the land, and other questions. This bill was introduced only on the 19th of December last. I do not see any occasion for such a hasty disposal of it, and I insist that it ought to be referred to the proper committee.

Mr. ALLEN of Utah. Mr. Speaker, the gentleman from Iowa is under an entire misapprehension as to this bill. In the first place, it was not introduced hastily.

Mr. LACEY. I did not say hastily. I said lately.

Mr. ALLEN of Utah. Nor lately.

Mr. LACEY. It was introduced on the 19th of December.

Mr. ALLEN of Utah. It was introduced at the first session of this Congress by me. It was introduced by the gentleman from California, Mr. Caminetti, in the Fifty-third Congress, and was then referred to the Committee on Mines and Mining. That committee took jurisdiction and returned it to the House with a favorable report, that report being practically the same as the one now presented. The bill was referred to the Interior Department during the Fifty-third Congress and was favorably reported upon by that Department. On the 19th of December, 1896, the committee reported the bill to the House, and the report contains what the officers of the Department had said concerning the two points in the bill that would change existing law, and I remind the gentleman that the Land Office has now the same head that it had when this bill was favorably recommended by the Department during the Fifty-third Congress. Therefore, I can not see that anything will be gained by referring the bill at this time to the Committee on Public Lands, even though it might have gone there in the first place; though I have my doubts as to the jurisdiction of that committee in this case.

The question being taken on the motion of Mr. LACEY to refer the bill to the Committee on the Public Lands, the Speaker declared that the noes seemed to have it.

Mr. LACEY. I ask for a division.

The House divided; and there were—ayes 26, noes 43.

So the motion was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HARTMAN. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Mr. LACEY. I object to laying the motion to reconsider on the table. I would be glad to have the motion lie over until further time has been given for the examination of the bill. I ask unanimous consent that the motion to reconsider lie over until to-morrow morning.

Mr. HARTMAN. I think we had better have the question settled at this time.

The SPEAKER. Objection is made.

The question being taken upon laying on the table the motion to reconsider, it was agreed to; there being—ayes 53, noes 7.

PREFERENCES IN THE CIVIL SERVICE.

Mr. BROSIUS (when the Committee on Reform in the Civil Service was called). I call up from the House Calendar the bill which I send to the desk.

The bill (H. R. 5685) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service, was read, as follows:

> *Be it enacted, etc.*, That section 1754 of the Revised Statutes of the United States, which reads as follows: "SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices," be amended so as to read as follows:
>
> "SEC. 1754. Preferences in appointments to the civil service of the United States shall be given to the persons and in the order herein designed, namely: First, to persons honorably discharged from the military or naval service of the United States by reason of disability resulting from wounds or sickness incurred in the line of duty; second, to all honorably discharged Union soldiers and sailors of the war of the rebellion and the widows of such honorably discharged persons: *Provided*, That they are found to possess the business capacity for the proper discharge of the duties of such offices."

Mr. BROSIUS. I ask that the report of the committee be read in my time.

The report (by Mr. VAN VOORHIS) was read, as follows:

> The Committee on Reform in the Civil Service, to whom was referred the bill (H. R. 5685) to amend section 1754 of Revised Statutes of the United States, report the same back to the House with a recommendation that it do pass, amended by inserting the word "necessary" after the word "capacity," in the last line of the bill.
>
> Under existing law the class to which preference is given in appointments is extremely limited, so much so that in the year 1894 there were but 14 of that class placed upon the eligible list for the entire classified service of the United States, and only 10 secured appointments. In the year 1893, 15 were placed on the eligible list and 13 received appointments. From June 30, 1894, to January 1, 1896, only 4 were appointed in the departmental service.
>
> After the lapse of thirty years from the close of the late war, and in view of the widely prevailing sense of gratitude and generosity toward the surviving defenders of the Union, it is believed that the extension of the preference, not to interfere with the surviving remnant who now enjoy the preference, but as a second preferred class, to all honorably discharged soldiers and sailors of the late war would be an act of justice which the people of the United States, in grateful recognition of the services and sacrifices of those who served in the Army and Navy in the war for the Union, will highly commend.
>
> It is believed that the average age of the surviving Union soldiers is about 60 years, while the average age of those passing examinations is about 27 years. It is therefore apparent that the number of this class who will pass the merit test under our civil-service rules will be very limited.
>
> The extension of a preference to the widows of soldiers and sailors who were honorably discharged from the service of the United States would be a recognition of a meritorious class to whom the patriotic women of America are quite willing to concede the slight advantage which will inure to them through the proposed preference.
>
> In the nature of the case, only a comparatively small number of this class will be able to enter the civil service. From June 30, 1894, to January 1, 1896, but one woman was appointed from the clerk and copyist list in the departmental service, so that to give precedence to those who successfully pass the examination is only putting the law in harmony with the generous sentiment and common feeling of the country without the slightest danger of any impairment of the public service.

Mr. BROSIUS. Mr. Speaker, if there are no inquiries to be made about this measure, I will ask the previous question.

Mr. RICHARDSON. I should like to have some explanation of the bill. It was almost impossible for us to gather the full tenor of it from the reading.

Mr. BROSIUS. I asked to have the report read because it states clearly the object of the bill.

Mr. RICHARDSON. It was impossible for us to understand it.

Mr. BROSIUS. Very well. Then I will endeavor to make the matter clear by an explanation.

Mr. WASHINGTON. Will the gentleman yield a moment? I should like to have the bill read again. I think that no member in this neighborhood understood the reading.

The SPEAKER. If there be no objection, the bill will be again read.

The bill was again read.

Mr. BROSIUS. Now, Mr. Chairman, if there are no inquiries, I will ask the previous question.

Mr. RICHARDSON. I hope the gentleman will first make the explanation which he offered to make.

Mr. BROSIUS. Certainly.

Mr. RICHARDSON. I wish to call the gentleman's attention particularly to the language of the proviso:

> *Provided*, That they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

That proviso seems to limit the qualifications to simple business capacity, saying nothing about intellectual or other qualifications.

A MEMBER. Or moral qualifications.

Mr. RICHARDSON. I should like to hear the gentleman's explanation of the bill.

Mr. BROSIUS. It is understood by all that a limited number of the soldiers of the late war enjoy a preference under the existing civil-service law and rules. The number is very limited, because it only refers to those who have been discharged from the service by reason of wounds or sickness contracted in the service. As the report states, the number of those who have enjoyed the privilege of that preference by admission to the civil service has been extremely limited. This bill does not propose to abolish the privilege of that class in any way; they will remain in the same position in reference to the service; but it proposes to extend the privilege to the remaining honorably discharged soldiers of the late war, giving these a second preference.

Mr. RICHARDSON. I do not wish to interrupt the gentleman unnecessarily, but I should like to call his attention to one matter.

Mr. BROSIUS. Certainly.

Mr. RICHARDSON. The language of the existing law, section 1754, which this bill is designed to amend, reads:

> Persons honorably discharged from the military or naval service by reason of disability, etc.

Now, I notice that the proposed amendment varies this language so that the provision of the section will apply—

> First, to persons honorably discharged from the military or naval service of the United States by reason of disability resulting from wounds or sickness incurred in the line of duty; second, to all honorably discharged Union soldiers and sailors, etc.

Now, I observe that in this second provision different language is used from that embraced in the first clause; and the question in my mind is whether the language "all honorably discharged Union soldiers and sailors" might not apply to others than regular soldiers.

Mr. BROSIUS. Oh, no; I do not think there is any possibility of that.

Mr. RICHARDSON. Might it not apply in some cases to persons who were in the militia? They might be designated "Union soldiers," but I imagine the gentleman would not want to extend the provision of the bill so far.

Mr. BROSIUS. I am not sure that I recall the reasons for the distinction embraced in the language used. But I want to direct my friend's attention to the language of the existing law:

> Persons honorably discharged from the military or naval service——

Mr. RICHARDSON. That language is not objectionable.

Mr. BROSIUS. I know it is not objectionable to my friend; of course, it is not.

Mr. RICHARDSON. Then why not retain it?

Mr. BROSIUS. Because, literally taken, it might include the Confederate service as well as the Union service. There is nothing in that language which makes any discrimination as to the side on which or the service in which the soldier served. I do not remember distinctly the reason for that change of language, but I see every reason, as far as I understand the objection of the gentleman from Tennessee, for retaining that language in the bill.

But, in order to make entirely clear the language as used in the bill, "discharged Union soldiers and sailors of the war of the rebellion," it seems to me that the express terms used should be retained, for it leaves it beyond all doubt and makes perfectly clear the intention of Congress in the matter. Certainly it can do no harm.

Mr. RICHARDSON. Undoubtedly; but if the gentleman will allow me a moment——

Mr. BROSIUS. Certainly.

Mr. RICHARDSON. In the first place, it says in the first provision:

> Persons honorably discharged from the military or naval service by reason of disability—

And so on.

Mr. BROSIUS. Because that is the language of the existing law.

Mr. RICHARDSON. No, sir; the gentleman is mistaken. It is not the language of the existing law; and if the gentleman will adopt that language it will remove all of the objections.

But, secondly, this bill applies to all "honorably discharged Union soldiers and sailors of the war of the rebellion." Now, in the first place, let me state to the gentleman that I do not object to the insertion of the words "United States" in the first provision, because, although that is not in the language of the original act, it was so understood and has always been so applied, although these words do not appear in the section the gentleman proposes to amend.

The gentleman in the first clause of this bill limits the provision of this act to soldiers and sailors of the United States; then in the second clause he says to "all honorably discharged Union soldiers and sailors." Why not use the same terms in the second clause that are used in the first, namely, that is all "honorably discharged soldiers and sailors of the United States?" Why make such a change?

Mr. BROSIUS. I do not know of any cogent reason why one should have been used more than the other, or why the words should have been changed in drawing the bill. But inasmuch as they are already in the bill, unless my friend can show that they are ambiguous, and are likely to result in harm, I do not see where the objection comes in.

Mr. RICHARDSON. Why, the objection is that this might include militia as well as the discharged officers and soldiers of the Regular Army of the United States.

Mr. BROSIUS. I have no objection whatever to the change that the gentleman suggests by inserting the words "United States."

But let me call the attention of the gentleman to another possible reason for using different language in the two sections. It is a part of the existing law in making any reduction of the force in any of the Executive Departments of the Government the head of such Department shall retain those persons who may be equally qualified and have been "honorably discharged from the military or naval service of the United States." My friend will mark the words: "And the widows and orphans of deceased soldiers and sailors."

Now, the preference that the bill contemplates over and above the existing preferences is just this: To give them, when they apply for admission to the service, the precise privilege which they already enjoy under the law after they are within the service; and that is the purpose of the bill, to make it uniform.

Now, in order to make it not only identical in sentiment, but in language as well, I am quite willing to amend by striking out the word "Union" and inserting the words "United States," in order to keep it not only in harmony with existing purposes, but in harmony with phraseology of the existing law. Is my friend content with that?

Mr. RICHARDSON. That is all I have sought.

Mr. DOCKERY. Then the section would read as amended:

> Second, to persons honorably discharged from the military or naval service of the United States, and the widows of such honorably discharged persons.

Mr. BROSIUS. That would be the modification.

Mr. DOCKERY. That, I understand, would meet the suggestion of the gentleman from Tennessee?

Mr. BROSIUS. Yes.

Mr. RICHARDSON. Does the gentleman offer that amendment, or does he wish me to offer it?

Mr. BROSIUS. The gentleman can offer it, and I will not object to it.

Mr. RICHARDSON. I move to amend, then, in section 1, so that the paragraph will read, "first, to persons honorably discharged from the military or naval service of the United States in the war of the rebellion."

The SPEAKER. The Clerk will read the amendment suggested by the gentleman from Tennessee.

The Clerk read as follows:

> Page 2, line 18, amend the paragraph so as to read:
> "Second, to all honorably discharged soldiers and sailors of the United States of the war of the rebellion, and the widows of such honorably discharged persons."

Mr. RICHARDSON. I would suggest that the language would be a little better if the gentleman would use the exact language embodied in the first clause—that is, "persons honorably discharged from the military or naval service of the United States," and the widows of such honorably discharged persons.

Mr. BROSIUS. I understand that would be the amendment.

Mr. RICHARDSON. I will offer that amendment.

Mr. BROSIUS. It occurred to me, and perhaps it occurred to the gentleman who drew the bill, that this would include not only soldiers of the late war, but all soldiers of the United States. That is a possible reason for drawing it in this manner. It would include soldiers of the Regular Army as well as those of the late war of the rebellion, which was not the purpose of the bill. If my friend will include in his amendment soldiers and sailors of the United States in the late war of the rebellion, that will be satisfactory.

The SPEAKER. The gentleman from Tennessee had perhaps better reduce his amendment to writing.

Mr. RICHARDSON. That is right.

Mr. HARDY. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. RICHARDSON. I think it would be better to get the amendment adopted.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Tennessee.

The Clerk read as follows:

> On page 2, line 17, strike out all after the word "second."
> Strike out all of lines 18 and 19, and insert "all persons honorably discharged from the military and naval service of the United States in the war of the rebellion, and the widows of such honorably discharged persons."

Mr. RICHARDSON. Now I ask for a vote on the amendment.

The amendment was agreed to.

Mr. RICHARDSON. Now, Mr. Speaker, I desire to call the attention of the gentleman to the proviso in line 20, and ask him if he does not think that the proper grammatical construction of that proviso would make it apply alone to the second law and not to the first? I think he meant that it should apply to both, and it seems to me that it ought to be made to apply to both classes. In other words, I think it should read:

> *Provided*, That they are found in each case to possess the business capacity necessary for the proper discharge of their duties.

That will make the proviso perfectly plain.

Mr. BROSIUS. I think that the language of the bill is not subject to the objection made. I think grammatically the proviso refers to both classes named. I think that was put in the bill in order to keep it in harmony with existing law. Section 1754 of the Revised Statutes contains the same proviso:

> *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Mr. RICHARDSON. I call the gentleman's attention to the fact, however, that there is but one class referred to in the law which he has just read.

Mr. BROSIUS. I know.

Mr. RICHARDSON. While in the law, as he now offers it, there are two classes. Therefore the proviso ought to apply to both.

Mr. BROSIUS. I understand my friend's point, but I do not think it is well taken, because the proviso refers, I think, grammatically to both classes, and it does not require a discriminating word to make it cover both classes. I think there is no possibility of misconstruing the language of the bill.

Mr. RICHARDSON. Still, then, the gentleman would not object to having it made so in so many words.

Mr. BROSIUS. I do not see any objection, except the objection that always lies to introducing needless and useless verbiage into a bill.

Mr. RICHARDSON. I move that the bill be amended by inserting after the word "that," in line 20, the words "as to both classes."

Mr. DOCKERY. As to both classes.

Mr. BROSIUS. I do not object to that.

The Clerk read the amendment, as follows:

> On page 2, line 20, after the word "that," insert the words "as to both classes."

Mr. BROSIUS. I have no objection whatever to that.

The amendment was agreed to.

Mr. JOHNSON of California. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. BROSIUS] yield to the gentleman from California [Mr. JOHNSON]?

Mr. BROSIUS. I have not yet yielded.

Mr. JOHNSON of California. Is it in order, Mr. Speaker, to rise to a question of personal privilege now?

The SPEAKER. Not unless it has connection with this case.

Mr. JOHNSON of California. Then I must wait until this bill is disposed of?

Mr. BROSIUS. It will be disposed of in a minute.

Mr. JOHNSON of California. Then I shall ask the floor at that time upon a question of personal privilege.

Mr. WASHINGTON. I wish to ask the gentleman from Pennsylvania [Mr. BROSIUS] a question.

Mr. BROSIUS. Certainly.

Mr. WASHINGTON. I believe you are an advocate of the merit system and the enforcement of the civil-service rules. Does not this set aside the merit system and the competitive examination theory on which it is based entirely?

Mr. WILLIAM A. STONE. Only partially.

Mr. BROSIUS. Well, in the matter of sentiment there is an order of precedence as well as in other matters, and the people of the United States have always been willing to relax the merit principle sufficiently to give a preference to those who saved the country. That is all I care to say in response to that question.

Mr. WASHINGTON. Mr. Speaker, I want to know from the gentleman if he can give us any information as to how far this sentiment is to be applied. Does this set aside the list of those who have passed the civil-service examinations from civil life, and give the preference, regardless of their merits, to those who have served in the military and naval service, and for which service they have always received compensation? If that is sufficient to get them on the eligible list, then I think it is a great and gross injustice to the young men and young women of the country who are trying to prepare themselves for the civil service of the Government. Will the gentleman answer that question?

Mr. BROSIUS. I will be glad to answer that question in the best way I can when the case arises; but I shall now ask the previous question.

Mr. HARDY. Will the gentleman yield to me for a question?

Mr. BROSIUS. Certainly.

Mr. HARDY. I should like to ask the gentleman whether, under this beautiful civil-service system as now developed, if he knows of any Union soldier who votes the Republican ticket who has ever been found of sufficient business capacity to enter the civil service under this Administration? Can you name one Republican soldier who has been given a preference during the past three years?

Mr. BROSIUS. Mr. Speaker, if I were to answer that question I would show that I had been making inquiry into the politics of those who have applied for admission to the civil service in the country—a thing that is forbidden by the law and the spirit of the merit system [laughter]—and therefore I am unable to say, in reply to my friend, whether any soldiers who have gone into the civil service have been Republicans or Democrats.

Mr. HARDY. As the gentleman is such a close student of civil-service reform, I supposed he had investigated the question in all its details and knew all about it. You evidently do not know anything about civil service as practiced by this Administration. [Laughter.]

Mr. WASHINGTON. Will the gentleman allow me to ask him a question?

Mr. BROSIUS. Of course anything relating to politics in the civil service, which is the essence of the spoils system, is something with which a real advocate of the merit system in the civil service of the country is not supposed to be conversant. I now ask for the previous question.

Mr. WASHINGTON. And now will you allow me to ask you one question?

Mr. BROSIUS. Why, with pleasure.

Mr. WASHINGTON. In that same line? You decline to inquire into the politics of any applicant for this civil-service examination, and say that the merit system eliminates all questions of politics; but the gentleman nevertheless insists on an additional sentiment other than politics, which shall be recognized in appointments to positions in the civil service, regardless of merit.

Mr. BROSIUS. Well, now, I will let my friend have the benefit of the last remark; and will demand the previous question on the bill.

Mr. WILSON of Ohio. I would like to inquire if there is any opportunity to offer an amendment to this bill?

The SPEAKER. Not unless the House votes down the demand for the previous question.

Mr. BROSIUS. I yield to the gentleman from Ohio for a question.

Mr. WILSON of Ohio. Mr. Speaker, in order that I may understand the operations of this bill, if it should become a law, I want to ask two or three questions, seriously.

Mr. DOCKERY. That is right; go ahead.

Mr. WILSON of Ohio. First, I desire the gentleman from Pennsylvania to state whether these soldiers are required to take the examinations necessary for entering the civil service?

Mr. BROSIUS. My friend will excuse me; my attention was diverted and I did not catch the beginning of his question.

Mr. WILSON of Ohio. My question is, whether these soldiers who are to have the preference are required to take the civil-service examination?

Mr. BROSIUS. Oh, yes.

Mr. WILSON of Ohio. Then how do they get a preference after the examination has taken place and they have passed the civil-service examination?

Mr. BROSIUS. They get the advantage they now have in the percentage. The soldier in the limited class under the existing law who gets an average percentage of 65 goes upon the eligible list; and the soldiers included in the present bill would have the same advantage. Seventy is the lowest average that will place an applicant upon the eligible list—that is, the ordinary applicant. But in the limited class, soldiers who enjoy the preference under the existing law will be placed upon the eligible list if they have a percentage of 65; so that they have an advantage of 5 points.

Mr. WILSON of Ohio. Then, after they have passed the examination, is there any preference in taking them on the list that is sent?

Mr. BROSIUS. They go to the head of the eligible list and are certified. That is the whole of that. I ask for the previous question.

Mr. DINGLEY. Suppose three are certified; does that give any preference?

Mr. BROSIUS. No; not at all.

The previous question was ordered.

The SPEAKER. There is a committee amendment which the Clerk will report.

The amendment was read, as follows:

> Page 2, line 21, after the word "capacity," insert the word "necessary."

The amendment was adopted.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BROSIUS moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BROSIUS. Mr. Speaker, a parliamentary inquiry. I have a small bill which really ought to be passed, but it is not on this Calendar, and my inquiry is, whether it is permissible in this hour to move that the House resolve itself into Committee of the Whole?

The SPEAKER. The Chair thinks not.

Mr. BROSIUS. Then I have nothing further at this time.

QUESTION OF PERSONAL PRIVILEGE.

Mr. JOHNSON of California. Mr. Speaker——

The SPEAKER. The gentleman from California rises to a question of personal privilege. The gentleman will state it.

Mr. JOHNSON of California. Mr. Speaker, last Friday I made some remarks upon the bill then pending before the House, known as the Pacific Railroad funding bill. In the course of my remarks, in order to illustrate the weakness of the opposition to the bill coming from California, I undertook to state the real, secret, underlying causes of that opposition, and I did it openly, boldly, knowing whereof I spoke, and being responsible for what I said. During the debate the gentleman from Wisconsin [Mr. COOPER] made some personal remarks in reference to myself. I was unable to get the floor on Friday to reply to him. On Saturday I was unable to reply to him because he was not in the Hall. The floor was tendered to me two or three times by the gentleman from New York [Mr. PAYNE] then in the chair, but I declined to accept it because the gentleman from Wisconsin was still absent from the Hall. Yesterday I was unable to get the floor. The gentleman from Wisconsin is absent now, and therefore I shall have nothing to say in reference to his attack. The House, on the 7th day of this month, upon the motion of the gentleman from Missouri [Mr. HUBBARD], passed a resolution authorizing members who had participated in the debate upon the funding bill to extend their remarks in the RECORD. I am not familiar with the rule or the practice of the House with reference to the extent of that privilege. Speaking as one man and as a humble member of the legal profession, I would understand such a resolution to mean that a member, having addressed the House upon a pending measure, would be permitted to amplify the remarks that he had made upon the bill, and not to go outside of that.

I was informed yesterday by two or three members of this House, among them my honorable friend from North Carolina [Mr. LINNEY], that the gentleman from California, from the Fourth Congressional district [Mr. MAGUIRE], intended to assail me personally upon the floor yesterday, and to call me to account for what I had said, not with reference to himself, but with reference to some one else. I waited here yesterday all day, though not well, in order to be prepared for the "roasting" that I was to receive, and to endeavor, with the permission of the Chair, in a feeble manner, to reply to anything that might be said. This morning my attention is called to the CONGRESSIONAL RECORD, where I find, upon pages 706 and 707, what purports to be a speech delivered by the gentleman from California [Mr. MAGUIRE], in which one whole column is devoted to a bitter personal assault upon myself. That speech was not delivered upon the floor of this House. That speech was not delivered anywhere, except by writing it upon paper, handing it to the Reporter, and having it printed in the RECORD.

I am not here, Mr. Speaker, to say anything in reference to whether or not that is a violation of the rules of the House. I leave that question for other, older, and more experienced members to determine. But I am here to endeavor to say a few words with reference to the matters contained therein, in order that the antidote may go with the poison, for whatever may be the view of the House with reference to that which I deem to be a violation of its rules, whatever may be the action of the House with reference to what I deem to be a wanton and malicious disregard of the rights of a member of this House, and a wanton breaking of a rule of this House in publishing a personal attack upon a brother member, in his absence, under the guise of extending remarks made upon the floor, whatever may be the action of this House, whether it shall permit this matter to stand in the RECORD, or shall expunge it, or shall take no action, the attack has already gone broadcast all over the United States under the sanction of having been delivered in this House, when it never was, and I therefore have a right to speak upon it. In addition, I am handed to-day by a brother member of this House, the gentleman from Missouri [Mr. MOZLEY], a copy of the St. Louis Globe-Democrat of Monday morning, in which the correspondent of that paper says Mr. MAGUIRE is going to roast me; is going to allude to what has happened in my life; is going, in his language, to "cause GROVE JOHNSON's alleged skeletons to be led forth," and he states what Mr. MAGUIRE says he is going to say in reference to the matter.

Therefore, Mr. Speaker, this was no sudden burst of wrath. It was intended by the gentleman from California to be given to the people, and to be given without allowing me an opportunity to be heard, and to be given in what it seems to me is a cowardly and unmanly manner. I would not, in order to secure the success of any measure in which I may be interested, assail a member of this House in his absence to secure a unanimous vote; and my action with reference to the gentleman from Wisconsin [Mr. COOPER], which is known to the gentleman from New York [Mr. PAYNE], shows that I would not.

Now, what is said in reference to me? And I have a right to speak of it now, because telegraphic advices that I have received from California state to me that Mr. William R. Hearst has already published in the columns of his paper, the San Francisco Examiner, the speech alleged to have been made by Mr. MAGUIRE upon this floor, and in addition, that he has published the echoes of a speech delivered against me in 1871, in which certain of my youthful actions were brought to light, and in which I was made to appear in every manner possible for a man to appear when he was not being put in a proper attitude. Inasmuch, therefore, as this has been published; inasmuch as every member of this House receives a copy of the Examiner free of charge; inasmuch as on Friday morning that paper will be placed upon the desk of every member, again reiterating the statements of the gentleman from California, I may just as well face this matter and answer this question now as to wait until then

In this speech alleged to have been made by the gentleman from California [Mr. MAGUIRE] he does not speak of matters directly. He dares not. In this House he made no remarks, and the gentleman from Iowa [Mr. HEPBURN] told him the reason why. In this speech he makes a cowardly insinuation against me, but has not the courage to state it openly and frankly. In that he is lacking the courage of the man that ordered him to assail me, William R. Hearst.

I accept the insinuation. I am not here to seek shelter behind anything. I am here to meet any charge that can be made against me and to explain every action in my life, if need be, that has been alluded to by this man in what I think a cowardly and unmanly attack upon me.

It is true, sir, that thirty-four years ago I was in trouble in the State of New York. It is true, sir, that thirty-four years ago I was indicted. It is true, sir, that thirty-four years ago I did go to the State of California to endeavor to rear a new home for myself. It is untrue that I went there under any name except that of Grove L. Johnson, as the gentleman from Syracuse [Mr. Poole], who has known me from boyhood, knows. I went to Sacramento. I settled there in 1865 as Grove L. Johnson, well knowing the charge against me, the people in Syracuse well knowing it and my residence in Sacramento. I worked in Sacramento day in and day out, and by the blessing of God and the help of my wife and through my own labor I was able to pay back every dollar of indebtedness that I owed in the city of Syracuse, in the State of New York. [Loud applause.] Every charge against me was dismissed. The very men that had suffered pecuniary loss at my hands were the first ones to congratulate me upon my success. And I visited Syracuse in 1870, and nearly every year since—always as Grove L. Johnson.

Now, while in Sacramento every man knew me. I am not of that sort, as you all know, that can sit idly by without taking part in any fight or discussion. Why, sir, it is natural to me to indulge in politics and to fight, and I always fight hard. I am perfectly willing to receive as well as to give blows. And California is not the most peaceable country in the world. I have always been indulging in political battles there. Every man in California, every man in Sacramento, knew of my past history. I never concealed it. Why, sir, with full knowledge of all these charges against me, I became a member of the Independent Order of Odd Fellows; and notwithstanding that every Odd Fellow in my city and in my State knew of these charges I was elevated to the highest position nearly in the order, and met in sovereign grand lodge with my learned friend from Connecticut [Mr. Hill] as a representative of the grand lodge of the State of California. They knew what I had done, but they knew that I had tried to live an honest life in California, and unlike this human hyena from the Fourth district [Mr. Maguire] they did not dig up the grave of the past in order to injure my wife, my children, and myself, but they met me as one man should meet another.

I became, Mr. Speaker, with a full knowledge of these matters, a member of the Improved Order of Red Men, and have filled the highest offices in the gift of that order in the State of California, and met with its great council of the United States, as the honorable gentleman from Massachusetts [Mr. Moody] can testify, and as the honorable gentleman from New Jersey [Mr. Loudenslager] knows. And every man in that order knew of these charges and this talk against me, and that I had been assailed in this manner. With reference to other orders, it was the same. I am a member and officer of the Druids, the Knights of Pythias, and other kindred fraternal societies just the same, and I became a member of and president of the Exempt Firemen's Association of Sacramento with all of this knowledge before those who elected me in all of these organizations. And in 1877 I was a candidate for a member of the assembly in Sacramento County. I went before that convention, and I said to the members of the convention, "Gentlemen, I will tell you my history." I told them the truth about these charges. I said I had been indicted, but that I had paid off every dollar of my indebtedness. I said to them, "I do not want any member of this body to vote for me and after he has cast his vote be permitted to say that had he known of these things he would have voted against me."

After that statement these men of Sacramento, with a knowledge of all of these charges, gave me the nomination by a three-fourths majority, and I was elected by an overwhelming majority in my own county. Afterwards I served my term as an assemblyman, and was nominated unanimously to the State senate and elected, receiving the highest vote of any candidate. That was the condition of affairs then, although every man in that county knew of my life and the circumstances connected with my going to California.

Afterwards I was renominated for the State senate, and afterwards I carried my county unanimously, as the nominee for member of Congress in 1892, in the face of these charges, although I was beaten in the nomination in the district. In 1894 I was unanimously nominated for Congress, and again had the support of the people of my district, and notwithstanding the fact that these charges were again scattered throughout the district, with a full knowledge of my history, I was unanimously nominated and triumphantly elected, being the first Republican elected from the district.

I speak of these things, Mr. Speaker, to show that I never concealed that sad blot on my life. I speak of it to show to you and to this House and to the country that I am not afraid of my life. Can every man in the United States, can every member of this House, say the same thing as boldly and courageously as I do? I know I did wrong. I have repented of it, and I have paid up all of the obligations that I contracted. I have made amends for it, and the people with whom I have lived and have been associated have known of the facts. Since then in Sacramento I have built up a name and fame and I have been honored with the nominations and elections to important offices, and the confidence of the men who know me in that community has been given unto me.

In 1896 I was renominated for Congress, and the bitterest fight against me was made that was ever made against any man on earth. You, Mr. Speaker, yourself have knowledge of that fact, because you were present in California and took part in that campaign; the honorable gentleman from Maine [Mr. Boutelle] knows of the fact, for he was present and participated in the campaign, as also did the honorable gentlemen from Massachusetts [Mr. McCall and Mr. Apsley]. They can all testify to the condition of affairs existing when they were present in my district. And yet, Mr. Speaker, in view of those facts, despite the bitter fight made against me personally, and although Sacramento County gave 800 majority for Bryan, I carried every election district in the city of Sacramento, my home, receiving nearly 1,200 majority in the county. [Applause.] The district is Democratic; it gave Bryan over 2,000 majority.

I refer to this, sir, to show that the people of Sacramento, who know me well, and who knew of the charges made against me, regarded them as they would the rattle in the tail of a toothless snake, which is heard without exciting alarm. But during that entire campaign, from the very beginning to the end of it, I was the recipient of the vilest abuse from the paper conducted by this man Hearst—the vilest abuse that was ever heaped on a man. That paper was filled with the bitterest slanders and the vilest caricatures of myself. Every man here has received a copy of it. You gentlemen who were present in our State during that canvass know the facts of which I speak. You know how our honored Speaker was caricatured by that paper during the campaign, because you were present and saw it. You know how bitter were the assaults that were made upon him. The gentleman from Maine [Mr. Boutelle] knows how he was assailed by that infamous paper; but the bitterness of the assaults upon our honored Speaker were but as drops of water compared to the roar of the cataract of Niagara to the assaults that were made on me. I am a man, with all the sentiments and feelings of a man, and can stand a reasonable amount of punishment, although I am not invulnerable to every shaft. But in addition, while my wife lay sick upon her bed during the campaign, from which sickness the doctors said she might not perhaps recover, this infamous wretch sent copies of his paper to my wife; and in order that she might be given the agony of reading the abuse of her husband, he cut out the editorials and the caricatures from his paper, put them in envelopes, sealed them, and sent them to her as correspondence, until the doctor directed my daughters never to give my wife a letter until they had first read it themselves to know what was in it.

Is it wonderful that, having been assailed in this manner, I struck back when the opportunity came? Is there a man here who would do less, except the gentleman from the Fourth district, James G. Maguire? Is there a man here who would not protect his wife? Is there any man here who would not protect himself? I have no newspaper. I did what I did boldly. I knew the attacks would be made upon me. I knew I would be assailed in the columns of this paper. I knew I would be assailed by others, but I did not expect to be attacked in this cowardly, this unmanly, this underhanded method of printing in the Record a speech that never was delivered in the House. There is a race of men in Ireland called "informers." There is a race of men in Italy called "bravos." There is a race of men in Russia called "paid police spies." Either one of those would have scorned to do what the gentleman from California [Mr. Maguire] did with reference to me.

Now, Mr. Speaker, I say to you, I say to the House, that in this matter I did what I thought was right. I had a right to oppose any measure or to favor it. I had the right to favor the funding bill. The gentleman running the San Francisco Examiner had a right to oppose it. He had no right to abuse and to vilify me because I favored it. He had a right to discuss it freely and logically, and yet he saw fit, without other cause—for I appeal confidently to the columns of that paper, to the fact that they never assailed anything in my Congressional life except my friendship for the funding bill—without other reason he abused and maligned me, as I have stated, and I struck back. I think I did right. It may be that other men are so tinctured with the teachings of the meek and lowly One who taught us from Calvary's Mount that they would sit quietly by and not attempt to defend themselves. It may be that other members of this House would do that, but I can not. I have never been taught to believe that it was good doctrine in public life, "if a man smite thee on one cheek, to turn the

other," and if he smote you on that cheek, then I always thought it was right, in the language of Brigham Young, to do the best you could to defend yourself and punish him. So in this I have attempted to explain Hearst's connection with the matter. I have attempted to speak of his conduct with reference to this matter in proper terms. I feel that I did what was right.

Every charge that I made against Hearst is capable of proof. I do not shelter myself behind my constitutional privilege. Whatever I say as a Congressman I am responsible for personally and pecuniarily as a man. I have nothing to hide. My life is open. I have told you here to-day of it because of the assault made upon me. I ask you now is it right, I ask you is it manly, I ask you is it decent, for one man to assail another in this underhanded and what I deem cowardly manner as the gentleman from California [Mr. Maguire] has so wickedly attacked me. I ask you gentlemen from the Sunny South, in whose veins is supposed to run blood that is hotter than in those from the other parts of the nation, I ask you if you indorse that kind of an attack, to assail a man without notice, to give notice to all the newspaper reporters that you propose to attack a man in the House, and then to print your remarks in the Record that you never made upon the floor of the House?

Go you to the mountains and plains of Tennessee, go you to the mountains and plains of South Carolina, go you to the mountains and plains of Mississippi, go you to the vast plains of Missouri, go you all over the South, go you to Virginia, that mother of States and statesmen; ask your people there if they indorse that kind of treatment of one man by another. And the answer you know, for you know it in your hearts, you know what the answer would be, that they would say to you as one man, Richardson, and Catchings, and Talbert, and Hall, and Otey, and Swanson, and McMillin, they would say, "Repudiate such attacks upon a brother member, or we will forever hurl you from power in these States." And I appeal to you men from the North, men whose blood does not course with the same fiery vigor, but men that knowing your rights, dare maintain them, men who in the cooler winds of the North think twice before you act once, I appeal to you; is it right, is it decent, is it manly thus to attack a man behind his back? I appeal to you, the patriarch of this House, that men are glad to honor, the man who was Speaker thirty-four years ago. Search your recollection and see if even the antebellum days brought out an incident like this.

So, if you can take your mind back to the time when Pryor and Potter and Burlingame had their discussions, see if any man attacked another in this cowardly and underhanded method. And you, from the great States of Pennsylvania and New York; and you from the State of Ohio; and you gentlemen from New England, that is always true to the right, I ask you is it right, is it decent, is it manly, that a man should be attacked in this underhanded—in my judgment cowardly, indecent, and unmanly—way in which I have been assailed by the person who represents the Fourth Congressional district of California? I ask you to answer to yourselves; I ask you to ask your wives as to whether it is right. I ask you to ask your God when you go before him in the solitude of your chamber is it right. I submit that it is wrong. [Applause.]

It may be said I assailed a man that was not present; and the gentleman from Wisconsin [Mr. Cooper], speaking of it, said I was cowardly in so doing. Cowardly in assailing a man who had assailed me for more than a year, that lives in New York, that is safely ensconced in the fortress of his house in New York, who sends his order 3,500 miles to California to have me attacked when I can not reply nor see him! Is that cowardly? If the gentleman from Wisconsin thinks that I am at all cowardly, or if the gentleman from California thinks I am at all cowardly, let either of them repeat to me outside this Chamber what they said in this Chamber, and their curiosity will be appeased. [Applause.]

Now, Mr. Speaker, I have no desire to trespass longer upon your time. I have to say to you that I have spoken out of the fullness of my heart. It is not an easy matter to be compelled to speak of these things. It is not an easy matter; but I submit to you that in every civilized nation on earth there is a statute of limitations running against every grade of crime. The physiologists tell us that man changes every seven years; and here for thirty-four years I have lived in California. For thirty-four years I have tried to make a living for myself, my children, and my grandchildren who have been born unto me (and I have taken good care of them); and now, in my old age, when I can only look backward and not forward in life; when but few more years are given to me; when I ought to be permitted to enjoy a few years of peace, is it right that a man should go back thirty-four years and unlock the doors of the secret recesses of the past to bring up the skeleton of my youthful conduct before you and exhibit it to the people of the United States, especially in this sneaking, cowardly manner? Is it right? Ought not there to be a statute of limitations to the past of a man? Is it right that a man should thus be cowardly assailed? If I should say what I was going to say, it would not be proper. I say, is it right, is it proper to go back thirty-four years in the life of a man and bring out the follies and crimes of his youth and forever throw them at him?

I beg of you to deal in this matter fairly; and I say, Mr. Speaker and gentlemen, in conclusion, that I have tried to do my duty as a member of Congress, that I have always done what I deemed to be proper. Sometimes I may have spoken perhaps harshly, but always I have been willing to do everything to help my brother members. I have tried to do my duty. I have never concealed my feelings or my thoughts in my life—I never have here in this House—and I submit this question to you now. I submit to you older men, upon whose heads has fallen that frost that knows no melting until the summons of Azrael, the King of Death, is heard by you. I submit it to you younger men, who rejoice in the future pleasures of life; I submit it to you all—is it right that a man should be assailed in this manner? Is it right that there should be no limit to the abuse of newspapers when they seek to terrorize a man from the performance of what he deems to be his duty? Is it right for a coward thus to strike a secret blow, as this man from California [Mr. Maguire] has done? May the day come in the history of this nation when men will be judged absolutely by their acts in the present, when no man, no newspaper, will be permitted to assail a man by delving into the mysterious recesses of the past, to bring sorrow to his wife, sorrow to his children, sorrow to his grandchildren, and sorrow to his gray hairs, when he is trying to make a living for his children and doing his duty to his God. [Applause.]

Mr. MAGUIRE. Mr. Speaker, in reply to the speech of the gentleman from California [Mr. Johnson], I desire to say that I never printed anything anywhere in my life or asked another to print it or to say it that I was not myself ready to say in the presence of any man on earth.

On Friday last, sir, one of the most remarkable, one of the most outrageous, one of the most malicious speeches that I ever heard, or that in my opinion was ever delivered in a respectable assembly of gentlemen, was delivered by the gentleman from California. It contained an assault upon an absent man, upon a man who had no right to defend himself or even to say nay in this presence; upon a man who had no legal right to put even his denial of the false charges made against him in the permanent Record of this House to which the gentleman from California committed his charges.

I was unable on Saturday to complete my speech, which was interrupted by the expiration of my time before I reached the part of which the gentleman complains. I could not get the floor again to complete it, although I had been assured by gentlemen who would, I thought, be able to control the matter that I should have fifteen or twenty minutes, as I had been excluded from the general debate. I was unable to finish my speech because of the persistent objection of the gentleman from Iowa [Mr. Hepburn]. On Monday I came here with the intention of delivering that part of my speech to which the gentleman from California refers upon a question of personal privilege, and discussed with the Speaker the question of my right to rise to a question of privilege concerning these particular matters. The Speaker, after consideration, took the view, and I think properly, that I had no right to deliver that part of my Saturday's speech upon a question of privilege. There was then no means left to me to defend the man whom the gentleman from California had so unjustly, so cowardly, so falsely assailed upon this floor but to print in the Record, under the permission given by the House, the remainder of my speech as it would have been delivered had it not been for the objections of the gentleman from Iowa. The only difference between that part of the speech as it appears in the Record and as it would have been delivered on the floor if I had had the opportunity to so deliver it is that the speech in the Record is mild by comparison.

That part of the speech to which the gentleman refers makes no direct assault upon the gentleman from California, except that it brands as false certain statements which he made. Any member of the House might read the speech from beginning to end without discovering any unparliamentary reference to the gentleman. [Expressions of dissent.] It was only because his knowledge enabled him to identify the man described in the picture I had drawn of the author of the most malicious, malignant charge relating to the early life, to the boyhood of an absent man whom he had so cowardly assailed, that he felt so outraged. He has spoken of a statement published in the St. Louis Globe-Democrat purporting to set forth what I was going to say. I have no recollection of having been interviewed by anybody representing the St. Louis Globe-Democrat, and I have not seen the article to which the gentleman refers, but it was an open secret that I intended to defend and vindicate my friend Mr. Hearst, whom the gentleman had foully assailed, and to whose noble and honored mother he sought to bring the grief and anguish which he whines about having brought to members of his own family by statements which he knew Mr. Hearst himself would allow to pass him as the idle wind which he respects not.

It was well known that I would reply. It was well known to the gentleman himself that if I had an opportunity I would not permit the character or reputation of a friend of mine to stand undefended or unvindicated any more than I would permit the same assault upon myself to pass unchallenged. The gentleman whines about what he calls the attack upon himself. He thinks only of himself—his own self-loving self. He thinks not of grief, thinks not of trouble, thinks not of anguish, until it strikes the only man on earth he cares about—himself. Why did he not think of these things before making an assault on Mr. Hearst. Why did he not think of what the people of the Southern States, and the people of the Northern States, and the people of the Western States, would think of such a cowardly assault? The man who has made this whining, weeping, tearful speech before you this morning, pleading with you to believe that I should not have replied to him as I did, used this language concerning an absent man, whose character or whose life, either in boyhood or in manhood, was not in question here. He said:

(Reading paragraphs 7, 8, 9, and 10 of the first column on page 710 of the daily RECORD.)

The gentleman from California said these things of an absent man. They are false, and it ill becomes him, after using that language, to whine about my answer to his charges. [Applause.] He need not concern himself about my courage or that of the gentleman from Wisconsin [Mr. COOPER]. In California I should pay little heed to what the gentleman says; but here, with his right to print in the RECORD, with his right to make a permanent record of whatever he may choose to say in the way of vilification of other men, it is quite different.

He states, by way of justification of his attack on Mr. Hearst on Friday last, that Mr. Hearst during the last campaign had sent editorials and caricatures denouncing him and holding him up to ridicule to his wife while she was sick. Mr. Hearst has not been in California for over a year, except perhaps for two or three days on business, when he had no time to think of the gentleman from California or his concerns. He has been living in New York for more than a year, conducting one of the greatest newspapers printed in the English language—[laughter and applause]—the greatest newspaper printed on this continent. [Renewed laughter and applause.]

Mr. WILLIAM A. STONE. Will you kindly tell us what that paper is?

The SPEAKER. The House will be in order.

Mr. MAGUIRE. I am not yielding to the supporters of Mr. JOHNSON in his assault upon Mr. Hearst.

Mr. Hearst did not send nor direct to be sent to the wife of the gentleman the editorials or caricatures of which he speaks; and the gentleman from California should know it, if he does not.

Now, sir, the speech of which the gentleman complains was put into the RECORD under the circumstances which I have detailed. It was a part of my speech of Saturday, only a portion of which I had an opportunity to deliver. It was in answer to an argument made in favor of the Pacific Railroad funding bill, and the part of which the gentleman complains is confined strictly to answering the charge. I have no apology to make for having pursued that course. I would have made the statements on the floor if I had had the opportunity. Not having that opportunity, I printed the whole of the speech that I was here to deliver, under the permission given by the House to members speaking, to complete their speeches in the RECORD when they had not time to deliver them in full on the floor.

Mr. POOLE. Mr. Speaker, I very much dislike being brought into this controversy, but I find my friend of nearly fifty years ago assailed in a bitter and a cowardly manner, and I can not sit in my seat and keep quiet under such a condition of things.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order. It is impossible for us to hear what the gentleman is saying. I ask for order.

The SPEAKER. The House is somewhat in confusion, but the Chair has no doubt it will be in order at once.

Order having been restored,

Mr. POOLE. The gentleman from California, GROVE L. JOHNSON, was my playmate in youth, and I feel honored by his acquaintance to-day.

Mr. McMILLIN. Mr. Speaker, I rise to a point of order. So far as the parties to this controversy are concerned, I take the same view that every other member of the House seems to have taken, in favor of giving the greatest latitude to their statements, but it strikes me there ought to be something before the House before the gentleman from New York [Mr. POOLE] proceeds with his remarks. If the gentleman will state any question of privilege to which he has the right to rise, I would be the last to controvert his right in that respect. But as the two principals in this controversy have been heard, it strikes me, unless what the gentleman from New York is about to submit pertains to a question of privilege, this debate should not be extended.

Mr. POOLE. Before I conclude my remarks, which will be very short——

The SPEAKER. The gentleman from New York can only address the House by unanimous consent, in view of the objection.

Mr. POOLE. Well, I ask unanimous consent.

The SPEAKER. The gentleman from New York asks unanimous consent to make a statement to the House. Is there objection?

Mr. McMILLIN. To what does the gentleman propose to direct his remarks? I think that is a pertinent inquiry, because if the gentleman obtains unanimous consent he will have the floor for an hour.

Mr. POOLE. I shall move, at the proper time, to expunge from the RECORD a portion of the remarks——

Mr. McMILLIN. Then I suggest, if the gentleman is going to move any proceeding of the House, that his remarks will more properly come on his motion. With all kindness, I suggest to him that that is the better way to proceed.

Mr. POOLE. Mr. Speaker, I move now to expunge from the RECORD the speech said to have been delivered by Mr. MAGUIRE and published in this morning's RECORD.

Mr. McMILLIN. I will inquire of the gentleman whether he proposes to do that without having read at the desk the remarks to be expunged? The proper course, it seems to me, would be to dispose of the matter upon a motion to refer it to the appropriate committee, as was done in the case of the controversy of the gentleman from Massachusetts [Mr. WALKER] with Mr. Williams and others in a former session. I shall not resist any motion the gentleman may make in that direction, but I hope that whatever may be done will be regularly done, and think reference to a committee of the House best.

Mr. POOLE. Mr. Speaker, I will send to the desk the RECORD and ask that the portions I have marked be expunged from the RECORD; and on that motion I wish to speak.

Mr. MITCHELL. Is it proper, Mr. Speaker, to offer an amendment at this time? If so, I should like to move an amendment that the remarks of a personal character which have been delivered by the gentleman from California [Mr. JOHNSON] against Mr. Hearst and reflecting on his past be also expunged.

The SPEAKER. The Chair does not think that would be in order. The Clerk will report the proposition of the gentleman from New York.

The Clerk read as follows:

> Strike out, on page 707 of the CONGRESSIONAL RECORD, the following words: "The foulest and falsest of the gentleman's charges——"

The SPEAKER. The Clerk will simply indicate the part of the RECORD the gentleman from New York proposes to strike out.

The Clerk read as follows:

> Strike out all after the word "detail," in the second paragraph.

The SPEAKER. The gentleman from New York must put his proposition in writing.

Mr. POOLE. Very well, Mr. Speaker.

I now move to strike out the language that I have marked in the RECORD.

The SPEAKER. The Clerk will indicate the language.

The Clerk read as follows;

> Strike out in the second column on page 707 of the RECORD the paragraph commencing with the words "The foulest and falsest," and ending with the words "unscrupulous revenge."

Mr. McMILLIN. I make the point, with the view to determining the matter, that this must be referred to the proper committee under the rules of the House.

The SPEAKER. The Chair thinks if it is a question of privilege the House must pass upon it.

Mr. McMILLIN. I had no doubt about what the ruling of the Chair would be. I therefore move, Mr. Speaker, its reference to the Committee on Rules.

The SPEAKER. The Chair thinks the gentleman from New York is first entitled to be heard.

Mr. McMILLIN. Certainly.

Mr. POOLE. Mr. Speaker, in making this motion I am actuated by only one motive. The attack of the gentleman from California [Mr. MAGUIRE] upon my friend from California, GROVE L. JOHNSON, erroneous in many important particulars, as I think I can explain to the House, and as such I do not think that the gentleman from California himself [Mr. MAGUIRE] can afford to have the language which he has inserted in the RECORD remain as a part of the official records of this body.

I have known GROVE L. JOHNSON, as I was saying a few moments ago, ever since boyhood. We were schoolmates almost fifty years ago, and I have known him all his life, and am proud to have been always his friend. He was as bright a scholar as any in the district school in the city of Syracuse, where he was born, and where he was raised. He comes of an excellent family, his father, whom I well remember, being a member of the bar. After graduating with honor at the high school of Syracuse he studied law and built up a good practice. He was elected time after time a member of the school board of the city, and was

popular and respected because of the same good qualities which he has exhibited upon this floor.

It is true, Mr. Speaker, that at one time in his life he had the misfortune to become very heavily involved in debt. He then did what other men in similar circumstances have done—left his home and went westward; but he went under his own name, and we all knew where he could be found. There was no concealment about it. We all knew where he was; we knew where he could be found, and that he could have been returned at any time if desired. But we did not care to send for him. We all had faith in GROVE L. JOHNSON; we knew that he was a man of honor, and that although he had made mistakes, if he was given time he would redeem himself, as he did. It was but a very few months before the charge that he was in hiding was proved to be false. It was scarcely two months after leaving his home before he sent money back to partially redeem the outstanding indebtedness, and to-day he does not owe a dollar. And not only that, Mr. Speaker, not only did he pay the principal of the debt, but he paid interest upon it. He comes back there year after year, and GROVE L. JOHNSON is respected and liked by all of our people.

Mr. Speaker, when a man in after life has, as GROVE L. JOHNSON has done, attempted to prove and sustain his honor, he should not be assailed by a gentleman on this floor who knows nothing of the circumstances except what he may have heard through the slanders in the San Francisco Examiner, and I think it would be unjust to the gentleman from California [Mr. MAGUIRE] to allow the words that he has uttered to remain in the permanent records of this Congress in the speech which was published in the RECORD this morning.

I hope, sir, the motion will prevail. I reserve the remainder of my time.

Mr. McMILLIN. Mr. Speaker, I do not desire to discuss the motion at the present time, and I address my remarks to the gentlemen on the other side. I think the proper course is to refer this to an appropriate committee. We had just such a precedent in a former Congress under the alleged abuse of the privilege of printing by a gentleman from Massachusetts against one of his colleagues from that State, Mr. Williams, and the House on that occasion, when its attention was called to it, took the course I have suggested and referred the matter to a committee of the House for consideration and report, and finally disposed of it upon the committee's report.

The committee can report what, if anything, ought to be stricken out. I make this suggestion the more readily because the committee can take cognizance of the whole speech; can say what ought to go out and what should not, if anything. I hope there will be no objection, therefore, to that suggestion, and they can report at any time. I would suggest that it be referred to the Committee on Printing. They have charge of matters of printing; or any other committee to which it is referred will be satisfactory to me.

Mr. PERKINS. Mr. Speaker, if it is proposed to refer this matter to the Committee on Printing, I may as well say now for myself that I would be unwilling to review matter that has gone into the RECORD by consent of the House in debate on the floor. If it was objectionable, any member at that time could have risen in his place and objected, and it would not have appeared. Now, the only question involved is as to this matter printed in the RECORD, under consent of the House, as to whether if it had been offered or spoken on the floor it would have been objected to at that time. Repeatedly, for myself, I have protested against this general consent to print. I do not believe in it. I believe that the RECORD should contain only the matter spoken here upon the floor, or some paper which the House directly gives its consent to be printed in the RECORD. The only question that would come before the committee upon this reference would be this language which is cited to the House now, upon page 707 of the RECORD. It occurs to me that if the House desires to act upon this matter, it has all the information that any committee could give, and is competent to act now as well as at any other time. The committee, I can say for myself, would not be willing to consider this matter which has preceded and which has been spoken on the floor in the presence of the members, when an opportunity was open for any member to object if he saw fit.

Mr. McMILLIN. I would suggest to the gentleman that the course I have indicated is the one always taken in cases of this kind. I have known no variation from it; and it strikes me that another day is a better time to settle a matter of this sort, and if for no other reason, I think the reference should be made.

Mr. PERKINS. For myself, I am as ready now to report as at any other time. I am in favor of striking that language out of the permanent RECORD. [Applause.]

Mr. MAGUIRE. Mr. Speaker——

Mr. TOWNE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. TOWNE. I desire to move an amendment.

The SPEAKER. The gentleman offers an amendment.

Mr. MITCHELL. I should like to ask whether the motion which I suggested before might not come in now as an amendment.

The SPEAKER. There is already one amendment offered, which the Clerk will report.

The Clerk read as follows:

> Amend by adding "to strike out also paragraphs 8, 9, and 10 on page 705 of the RECORD, beginning with the words, 'We knew he was erotic' and ending with the words 'though tattooed with sin.'"

Mr. NORTHWAY. I rise to a point of order—that that is not a germane amendment.

The SPEAKER. It is not at all germane.

Mr. MITCHELL. I should like to move an amendment to that——

Mr. TOWNE. Is the point of order made against the amendment?

The SPEAKER. The point of order is made by the gentleman from Ohio [Mr. NORTHWAY].

Mr. DOCKERY. Would it be in order to move to refer the whole matter to the Committee on Rules?

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] has moved to refer it to the Committee on Printing.

Mr. McMILLIN. As the chairman of the Committee on Printing says he has prejudged the case, I have no objection to referring the matter to the Committee on Rules, inasmuch as there is some indication of preference that it should go to the Committee on Rules.

Mr. DOCKERY. Let it go to the Committee on Rules.

Mr. McMILLIN. I have no objection and no preference as to what committee it is referred to. I think it ought to be referred.

The SPEAKER. The gentleman from Missouri moves that the matter be referred to the Committee on Rules.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. DOCKERY demanded a division.

The House divided; and there were—ayes 52, noes 87.

Mr. McMILLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 123, not voting 165; as follows:

YEAS—67.

Abbott,
Aldrich, T. H.
Allen, Utah
Anderson,
Bailey,
Bartlett, Ga.
Bell, Colo.
Black,
Broderick,
Buck,
Clardy,
Cobb,
Cockrell,
Cooper, Tex.
Crisp,
Culberson,
Cummings,
De Armond,
Dingley,
Dolliver,
Ellett,
Erdman,
Fairchild,
Fitzgerald,
Hager,
Hainer, Nebr.
Harrison,
Hartman,
Hendrick,
Hilborn,
Howard,
Hutcheson,
Jones,
Kleberg,
Latimer,
Lawson,
Layton,
Livingston,
Loud,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McMillin,
Neill,
Ogden,
Otey,
Owens,
Patterson,
Pendleton,
Richardson,
Sayers,
Simpkins,
Southard,
Spencer,
Stokes,
Sulzer,
Swanson,
Talbert,
Tate,
Terry,
Towne,
Tucker,
Washington,
Williams,
Wilson, Idaho
Woodard.

NAYS—123.

Adams,
Aitken,
Apsley,
Arnold, Pa.
Arnold, R. I.
Avery,
Baker, N. H.
Barney,
Barrett,
Bennett,
Bishop,
Boutelle,
Bromwell,
Brosius,
Bull,
Burton, Mo.
Burton, Ohio
Calderhead,
Chickering,
Clark, Mo.
Codding,
Connolly,
Cook, Wis.
Corliss,
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Daniels,
Dayton,
Doolittle,
Eddy,
Ellis,
Evans,
Fenton,
Fletcher,
Foote,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Grow,
Halterman,
Hardy,
Hatch,
Heatwole,
Hepburn,
Hermann,
Hicks,
Hill,
Hopkins,
Huff,
Hulick,
Hull,
Hunter,
Jenkins,
Joy,
Kiefer,
Kirkpatrick,
Knox,
Lacey,
Leighty,
Leisenring,
Leonard,
Lewis,
Linney,
Linton,
Loudenslager,
Low,
Mahon,
Marsh,
McCormick,
McEwan,
McLachlan,
Mercer,
Minor, Wis.
Mitchell,
Moody,
Morse,
Mozley,
Murphy,
Murray,
Northway,
Otjen,
Overstreet,
Parker,
Payne,
Pearson,
Perkins,
Pitney,
Poole,
Powers,
Pugh,
Raney,
Reeves,
Rinaker,
Royse,
Russell, Conn.
Scranton,
Smith, Ill.
Snover,
Spalding,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strong,
Taft,
Tayler,
Thomas,
Tracey,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Watson, Ohio
Willis,
Wood,
Wright.

NOT VOTING—165.

Acheson,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Andrews,
Atwood,
Babcock,
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Berry,
Bingham,
Blue,
Boatner,
Bowers,
Brewster,
Brown,
Brumm,
Burrell,
Cannon,
Catchings,
Clark, Iowa
Clarke, Ala.
Coffin,
Colson,
Cooke, Ill.

Cooper, Fla.
Cooper, Wis.
Cousins,
Cowen,
Cox,
Crowley,
Crump,
Curtis, N. Y.
Denny,
De Witt,
Dinsmore,
Dockery,
Dovener,
Draper,
Faris,
Fischer,
Foss,
Fowler,
Gamble,
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Hadley,
Hall,
Hanly,
Harmer,
Harris,
Hart,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Henry, Ind.
Hitt,
Hooker,
Howe,
Howell,
Hubbard,
Huling,
Hurley,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kem,
Kendall,
Kerr,
Kulp,
Kyle,
Lefever,
Lester,
Little,
Long,
Lorimer,
Maddox,
Maguire,
Mahany,
Martin,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClure,
McLaurin,
McRae,
Meiklejohn,
Meredith,
Meyer,
Miles,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Miner, N. Y.
Mondell,
Money,
Moses,
Newlands,
Noonan,
Odell,
Phillips,
Pickler,
Price,
Prince,
Quigg,
Ray,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Settle,
Shafroth,
Shannon,
Shaw,
Sherman,
Shuford,
Skinner,
Smith, Mich.
Sorg,
Southwick,
Sparkman,
Stallings,
Stewart, N. J.
Strait,
Strode, Nebr.
Strowd, N. C.
Sulloway,
Tawney,
Thorp,
Tracewell,
Treloar,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Walker, Mass.
Walker, Va.
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodman,
Woomer,
Yoakum.

So the motion was lost.

The following pairs were announced:

Mr. McCall of Massachusetts with Mr. Hart.

Mr. McCall of Tennessee with Mr. McLaurin.

Mr. Pickler with Mr. Wilson of South Carolina.

Mr. Stewart of New Jersey with Mr. Stallings.

Until further notice:

Mr. Cousins with Mr. Cowen.

Mr. Kulp with Mr. Strait.

Mr. Tracewell with Mr. Russell of Georgia.

Mr. Hitt with Mr. McRae.

Mr. Watson of Indiana with Mr. Meyer.

Mr. Wilber with Mr. Sorg.

Mr. Woomer with Mr. Shaw.

Mr. Hemenway with Mr. Miner of New York.

Mr. Hanly with Mr. Moses.

Mr. Milliken with Mr. Money.

Mr. Crump with Mr. Maddox.

For this day:

Mr. Cook of Wisconsin with Mr. Turner of Virginia.

Mr. Hubbard with Mr. Dinsmore.

Mr. Prince with Mr. Meredith.

Mr. Grosvenor with Mr. Cox.

Mr. Henry of Indiana with Mr. Cooper of Florida.

Mr. Harmer with Mr. Catchings.

Mr. Robinson of Pennsylvania with Mr. Berry.

Mr. Henderson with Mr. Bankhead.

Mr. Bingham with Mr. Dockery.

Mr. Huling with Mr. Allen of Mississippi.

Mr. Baker of Maryland with Mr. Yoakum.

Mr. Sulloway with Mr. Sparkman.

Mr. Walker of Virginia with Mr. Turner of Georgia.

Mr. McClure with Mr. Little.

The result of the vote was then announced as above recorded.

Mr. POOLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and the resolution was agreed to.

Mr. TOWNE. A privileged motion, Mr. Speaker.

The SPEAKER. The gentleman from Missouri has a privileged motion.

Mr. TRACEY. Mr. Speaker, I desire to present the following report from the Committee on Accounts.

Mr. McMILLIN (to Mr. Towne). Yours is a privileged motion.

Mr. TOWNE. I desire to present a motion of privilege. It pertains to the Congressional Record.

The SPEAKER. Is that the purpose for which the gentleman rose?

Mr. TOWNE. It is.

The SPEAKER. The gentleman is recognized.

Mr. TOWNE. I offer the motion which I send to the Clerk's desk.

The Clerk read as follows:

Strike from the Record the following language, being the seventh, eighth, ninth, and tenth paragraphs in the first column of page 705.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. TOWNE. Division!

The House divided; and there were—ayes 47, noes 77.

Mr. TOWNE and Mr. McMILLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. GROUT. Mr. Speaker, I ask to have the matter read that is to be stricken out. It has not been read.

The SPEAKER. The Chair thinks it is too late to ask that. The House has just ordered the yeas and nays.

Mr. GROUT. It can be read by unanimous consent. I desire to vote, and I do not know how to vote.

Mr. HICKS. What is the language?

The SPEAKER. The gentleman will find it in the Record.

Mr. HICKS. On what page?

The SPEAKER. If there be no objection, the Clerk will read the resolution.

Mr. McMILLIN. I believe the yeas and nays have been ordered, and we may just as well proceed.

The SPEAKER. Objection is made.

Mr. HICKS. I just wanted to know what the matter was.

Mr. McMILLIN. I withdraw my objection.

Mr. HICKS. I merely wanted attention called to where it is in the Record.

Mr. McMILLIN. I withdraw my objection to its being read, if the gentleman desires it.

Mr. SWANSON. It is a very small part to be stricken out, and I ask that all of it be read.

The SPEAKER. The difficulty about describing it in the resolution is, you put it in at the same time you order it to be stricken out.

Mr. McMILLIN. That was the cause of my objection.

Mr. PAYNE. I would like to inquire of the gentleman from Minnesota if his resolution refers to the same language that was read by the gentleman from California [Mr. Maguire] in his resolution this morning?

Mr. TOWNE. It does, substantially.

Mr. DOCKERY. It is off the same piece of cloth; the other goods just went out.

The question was taken; and there were—yeas 81, nays 95, not voting 179; as follows:

YEAS—81.

Abbott,
Adams,
Anderson,
Atwood,
Bailey,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Black,
Catchings,
Clardy,
Clarke, Ala.
Cockrell,
Cooke, Ill.
Cooper, Tex.
Crisp,
Crowley,
Culberson,
Cummings,
De Armond,
Dingley,
Dinsmore,
Ellett,
Erdman,
Fairchild,
Gillet, N. Y.
Hainer, Nebr.
Hall,
Hendrick,
Hilborn,
Johnson, N. Dak.
Jones,
Kem,
Kleberg,
Knox,
Latimer,
Layton,
Livingston,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McMillin,
Meredith,
Mitchell,
Neill,
Ogden,
Otey,
Owens,
Patterson,
Payne,
Pendleton,
Richardson,
Robertson, La.
Sayers,
Shannon,
Simpkins,
Southard,
Spalding,
Stallings,
Stokes,
Sulzer,
Swanson,
Taft,
Talbert,
Tate,
Terry,
Towne,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Washington,
Williams,
Woodard.

NAYS—95.

Acheson,
Arnold, Pa.
Arnold, R. I.
Avery,
Baker, N. H.
Barney,
Bennett,
Blue,
Bromwell,
Brosius,
Barton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Mo.
Codding,
Connolly,
Crowther,
Curtis, Kans.
Dalzell,
Danford,
Daniels,
Dayton,
Doolittle,
Eddy,
Gamble,
Gardner,
Gibson,
Grow,
Hager,
Halterman,
Hardy,
Hatch,
Henry, Conn.
Hepburn,
Hill,
Hopkins,
Huff,
Hunter,
Jenkins,
Kiefer,
Kirkpatrick,
Lacey,
Leighty,
Leisenring,
Lewis,
Linney,
Linton,
Loudenslager,
Low,
Mahon,
Marsh,
McCormick,
Milnes,
Minor, Wis.
Moody,
Morse,
Mozley,
Murphy,
Murray,
Northway,
Otjen,
Overstreet,
Parker,
Perkins,
Pitney,
Poole,
Powers,
Pugh,
Quigg,
Raney,
Reeves,
Rinaker,
Royse,
Scranton,
Smith, Mich.
Snover,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, Wis.
Stone, W. A.
Strong,
Thomas,
Tracey,
Treloar,
Van Voorhis,
Warner,
Watson, Ohio
Willis,
Wood,
Woodman,
Wright.

NOT VOTING—179.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Allen, Utah
Andrews,
Apsley,
Babcock,
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Berry,
Bingham,
Bishop,
Boatner,
Boutelle,
Bowers,
Brewster,
Broderick,
Brown,
Brumm,
Buck,
Bull,
Burrell,
Clark, Iowa
Cobb,
Coffin,
Colson,
Cook, Wis.
Cooper, Fla.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Cox,
Crump,
Curtis, Iowa
Curtis, N. Y.
Denny,
De Witt,
Dockery,
Dolliver,
Dovener,
Draper,
Ellis,
Evans,
Faris,
Fenton,
Fischer,

Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Hadley,
Hanly,
Harmer,
Harris,
Harrison,
Hart,
Hartman,
Healwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Ind.
Hermann,
Hicks,
Hitt,
Hooker,
Howard,
Howe,
Howell,
Hubbard,
Hulick,
Huling,
Hull,
Hurley,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Joy,
Kendall,
Kerr,
Kulp,
Kyle,
Lawson,
Lefever,
Leonard,
Lester,
Little,
Long,
Lorimer,
Loud,
Maddox,
Maguire,
Mahany,
Martin,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClure,
McLachlan,
McLaurin,
McRae,
Meiklejohn,
Mercer,
Meyer,
Miles,
Miller, Kans.
Miller, W. Va.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moses,
Newlands,
Noonan,
Odell,
Pearson,
Phillips,
Pickler,
Price,
Prince,
Ray,
Reyburn,
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Settle,
Shafroth,
Shaw,
Sherman,
Shuford,
Skinner,
Smith, Ill.
Sorg,
Southwick,
Sparkman,
Spencer,
Stewart, N. J.
Stone, C. W.
Strait,
Strode, Nebr.
Strowd, N. C.
Sulloway,
Tawney,
Tayler,
Thorp,
Tracewell,
Walker, Mass.
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woomer,
Yoakum.

Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. Bingham. If he were present, I should vote in the affirmative.

The following additional pairs were announced on this question:

Mr. Grout with Mr. Charles W. Stone.

Mr. Wellington with Mr. Hicks.

Mr. JOHNSON of California. Mr. Speaker, I voted on this question, but I am not certain that I had a right to do so. Therefore, in order to be certainly on the safe side, I withdraw my vote.

The SPEAKER. On this question the yeas are 82 and the nays are 94. Mr. Foote of New York, Mr. Barrett of Massachusetts, Mr. Hubbard of Missouri, Mr. Dockery of Missouri, Mr. Wheeler of Alabama, and Mr. Johnson of California are present and not voting. These members, together with those voting, constitute a quorum, and the resolution is rejected.

J. HERMAN BARNESLEY.

Mr. TRACEY. Mr. Speaker, I now call up the report from the Committee on Accounts which I have already sent to the desk.

The report was read, as follows:

"*Resolved*, That the compensation of J. Herman Barnesley, now on the folders' roll of the department of the Doorkeeper, be increased from $720 per annum to $1,200 per annum, he, the said J. Herman Barnesley, performing in an efficient and satisfactory manner the duties of an assistant doorkeeper and of messenger to the Committee on Interstate and Foreign Commerce, and said increased sum being the minimum customary rate for such services; and that said extra compensation be paid by the Clerk out of the contingent fund of the House."

The Committee on Accounts, to whom was referred the resolution providing that the compensation of J. Herman Barnesley, now on the folders' roll, be increased from $720 per annum to $1,200 per annum, he, the said Herman J. Barnesley performing in an efficient and satisfactory manner the duties of an assistant doorkeeper and of messenger to the Committee on Interstate and Foreign Commerce, said extra compensation to be paid out of the contingent fund of the House, beg to report that they respectfully recommend that the same do not pass, for the reason that the resolution is in violation of the law which prohibits any increase of salaries to be paid out of the contingent fund of the House.

Mr. TRACEY. I ask for a vote.

Mr. WANGER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise? To discuss the resolution?

Mr. WANGER. Yes, sir.

Mr. TRACEY. I move the previous question on the resolution.

The previous question was ordered.

On a vote, the report was adopted; and the resolution was rejected.

INVESTIGATION OF SOLDIERS' HOME, LEAVENWORTH, KANS.

Mr. TRACEY. Mr. Speaker, I have sent up also another report, which I desire to have read.

The report was read, as follows:

Resolved, That the chairman of the Special Committee to Investigate the Soldiers' Home at Leavenworth, Kans., be, and is hereby, authorized to expend the sum of $1,000, or such part thereof as may be necessary, to complete the investigation of said Home, to be accounted for in the manner prescribed by House resolution ordering said investigation, adopted June 9, 1896.

The Committee on Accounts, to whom was referred the accompanying resolution authorizing the chairman of the Special Committee to Investigate the Soldiers' Home at Leavenworth, Kans., to expend the sum of $1,000, or such part thereof as may be necessary, to complete the investigation of said Home, beg to report that they respectfully recommend the passage of the same.

Mr. TRACEY. Mr. Speaker, I desire to say with reference to this resolution that I have here the items of account——

Mr. RICHARDSON (interposing). Mr. Speaker, is this appropriation to be made out of the contingent fund of the House?

Mr. TRACEY. Yes, sir.

Mr. RICHARDSON. I did not understand the resolution as read to so provide. If it does not, I want to make a point of order against it.

Mr. TRACEY. Mr. Speaker, the original resolution authorising the appointment of the committee made appropriation for the payment of its expenses out of the contingent fund of the House.

Mr. RICHARDSON. But I do not think this resolution does so. I may have misunderstood it in the reading, but I do not think it contains that provision.

Mr. TRACEY. My understanding is that it does.

Mr. RICHARDSON. I will submit the question to the Speaker.

The SPEAKER (reading from the resolution). "And to be accounted for in the manner prescribed by the House resolution ordering said investigation adopted June 9, 1896."

Mr. TRACEY. Mr. Speaker, let me suggest that that continues the first resolution and practically appropriates this money out of the contingent fund of the House, because the original resolution makes the appropriation from the contingent fund.

The SPEAKER. The Chair does not think it is quite clear from the language of this resolution that the money is to come from the contingent fund of the House.

Mr. RICHARDSON. That is the point that I have made, Mr. Speaker. Unless that is the provision, the resolution is not privileged.

Mr. TRACEY. Mr. Speaker, I desire to say that it is well known to the House that the original resolution providing for the payment of the expenses of this special committee appropriates the money out of the contingent fund, and this is intended to follow the original resolution.

Mr. DINGLEY. I suggest to the gentleman that it would be well to amend the resolution so as to make its meaning certain. It might be amended by inserting the words "to be paid from the contingent fund of the House."

Mr. TRACEY. Mr. Speaker, I move that the resolution be so amended.

The SPEAKER. Does the gentleman from Tennessee withdraw his point of order?

Mr. RICHARDSON. I do not know anything about the merits of this proposition, Mr. Speaker, but I withdraw the point of order to let the gentleman make an explanation of the resolution.

The SPEAKER. The point of order is withdrawn. The question now is on the amendment proposed by the gentleman from Missouri, which is to insert after the words "said Home" the words "to be paid out of the contingent fund of the House."

Mr. BLUE. Mr. Speaker, if the gentleman from Missouri will permit me, I will suggest that there are two of these resolutions. The resolution originally introduced provided for an investigation. That resolution went to the Committee on Military Affairs. Subsequently a resolution of similar character went to the Committee on Accounts; and it was upon the latter resolution that the investigation was had. I think the gentleman from Missouri [Mr. Tracey] will remember—the chairman of the investigating committee would remember if he were here—that the resolution provided for the payment of this expense out of the contingent fund of the House. I apprehend that the Speaker has before him the resolution that went to the Committee on Military Affairs instead of the one that went to the Committee on Accounts.

The SPEAKER. The Chair read from the resolution now pending; but by the amendment of the gentleman from Missouri the objection will be obviated.

The question being taken on the amendment of Mr. Tracey, it was agreed to.

The resolution as amended was adopted.

FUNERAL EXPENSES OF HON. CHARLES F. CRISP.

Mr. TRACEY also reported from the Committee on Accounts the following:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to the widow of Charles F. Crisp, late a Representative in Congress from the State of Georgia, the expenses of the last illness and funeral of said Charles F. Crisp, such expenses amounting to $1,480.38.

The resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. BENNETT. The Committee on Interstate and Foreign Commerce was passed yesterday without prejudice. I wish to know whether it is in order for that committee to be called.

The SPEAKER. If the gentleman desires it, that committee will be called now.

BUTLER AND PITTSBURG RAILROAD COMPANY.

The Committee on Interstate and Foreign Commerce having been called,

Mr. BENNETT. I desire to call up House bill No. 9072, to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Allegheny River. A Senate bill similar in its provisions to this has passed both Houses, has been approved by the President, and has become a law. In order that this House bill may be removed from the Calendar, I move that it lie on the table.

The motion was agreed to.

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

Mr. BENNETT. I call up the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

The bill was read.

The amendments reported by the committee were read, as follows:

Add the following new section 5 between sections 4 and 5, and change number of present section 5 to 6.

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof."

Mr. BENNETT. I submit the report of the committee as a portion of my remarks.

The report (by Mr. BARTLETT of New York) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1722) entitled "A bill to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company," beg leave to submit the following report, and recommend that said bill do pass, with an amendment.

Add the following new section 5 between sections 4 and 5, and change number of present section 5 to 6.

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof."

The committee attach the following letter from Brigadier-General Craighill, Chief of Engineers, and make the same a part of this report:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., February 1?, 1896.

SIR: I have the honor to return herewith a letter, dated the 24th instant, from the Senate Committee on Commerce, inclosing, for the views of the War Department thereon, S. 1722, Fifty-fourth Congress, first session, "A bill to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company," and, in reply to its reference to this office, I beg to say that I know of no objection to the passage of the bill by Congress, so far as the interests of navigation are concerned.

Very respectfully, your obedient servant,

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

The amendments reported by the committee were agreed to.

Mr. OGDEN. I ask that this bill be ordered to a third reading and put on its passage.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the last vote was laid on the table.

BRIDGES ACROSS CUMBERLAND AND TENNESSEE RIVERS.

Mr. BENNETT. I call up the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky.

The bill was read.

The amendments reported by the committee were read, as follows:

At the end of line 11, section 2, add:

"*Provided*, That the length of the drawspans may be increased if, in the opinion of the Secretary of War, the interests of navigation demand it."

After the word "construction," in line 19, section 5, add "or after completion."

In line 3 of section 6 strike out "five" and insert "three," and in line 4 strike out "eight" and insert "five."

Strike out section 7 and insert in lieu thereof the following:

"That the right to alter, amend, or repeal this act is hereby expressly reserved."

Strike out section 8.

Mr. BENNETT. I submit the report of the committee as a portion of my remarks.

The report (by Mr. SHERMAN) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8551) to construct railroad bridges across the Cumberland and Tennessee rivers, in Kentucky, submit the following report:

The bill gives authority to the Cairo and Tennessee River Railroad Company to erect, construct, establish, and maintain railway bridges and approaches thereto across the Cumberland River, in the State of Kentucky, at points to be selected by said railroad, or its successors or assigns, between Rockcastle and Tobaccoport, in Trigg County, and also another bridge across said river between Burksville, on said river, in Kentucky, and the Tennessee State line, and also a bridge across the Tennessee River, between Pine Bluff, in Calloway County, Ky., and Birmingham, in Marshall County, Ky., to be selected by said railroad, or its successors or assigns, between said described points on said rivers, which said bridges shall not interfere with the free navigation of said rivers.

The bill has been submitted to the War Department, and under date of May 12 General Craighill suggests certain amendments to the bill; and if thus amended knows of no objection to its passage, so far as the interests of navigation are concerned.

The committee adopt the amendments, which are as follows:

At the end of line 11, section 2, add:

"*Provided*, That the length of the drawspans may be increased if, in the opinion of the Secretary of War, the interests of navigation demand it."

After the word "construction," in line 19, section 5, add "or after completion."

In line 3 of section 6 strike out "five" and insert "three," and in line 4 strike out "eight" and insert "five."

Strike out section 7 and insert in lieu thereof the following:

"That the right to alter, amend, or repeal this act is hereby expressly reserved."

Strike out section 8.

As thus amended, the committee recommend the passage of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS THE RED RIVER OF THE NORTH.

Mr. BENNETT. I call up the bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota.

The bill was read at length.

Mr. BENNETT. Mr. Speaker, I submit, as a part of my remarks, the report of the committee accompanying the bill.

The report (by Mr. SHERMAN) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota, submit the following report:

The bill provides "that the Duluth and North Dakota Railroad Company, a corporation duly created and existing under the law of the State of North Dakota, its successors or assigns, be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across the Red River of the North at two points on said river."

It has been submitted to the War Department, and, under date of May 19, General Craighill says:

"The bill makes ample provision for the protection of navigation interests, and I know of no objection to its passage by Congress, so far as those interests are concerned."

The bill is therefore reported with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. BENNETT. I also call up for present consideration the bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

The bill was read at length.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RED RIVER, ALEXANDRIA, LA.

Mr. PATTERSON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.

The bill was read at length.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. PATTERSON, a motion to reconsider the last vote was laid on the table.

AWARDS OF LIFE-SAVING MEDALS.

Mr. WANGER. Mr. Speaker, by instruction of the Committee on Interstate and Foreign Commerce, I call up for present consideration the bill (S. 2334) construing the acts of Congress in relation to the awards of life-saving medals.

The bill was read, as follows:

Whereas the Attorney-General, under date of January 30, 1895, has rendered an opinion that the statutes authorizing the award of life-saving medals apply to the rescue of those persons only who, in the vicinity of a life-saving station, lifeboat station, or house of refuge, are in danger of drowning in any of the waters over which the United States, by reason of their right to regulate foreign and interstate commerce, have jurisdiction, and that the purpose of such statutes is to cause such medals to be bestowed upon the members, whether regular or volunteer, and whether permanent or temporary, of the life-saving crews; and that the terms "succoring the shipwrecked" and "saving persons from drowning," employed in section 12, act approved June 18, 1878, authorizing the bestowal of life-saving medals of the second class, were intended to embrace only those persons who were suffering from the perils of the sea, either by actual shipwreck or from being upon or connected with any vessel in distress: Therefore,

Be it enacted, etc., That so much of the acts relating to life-saving stations and the Life-Saving Service approved June 20, 1874, June 18, 1878, and May 4, 1882, as provided for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in the waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of a life-saving crew, or whether or not such exertions were made in the vicinity of a life-saving station.

The report (by Mr. WANGER) is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals, report in favor of the passage of the same without amendment.

A letter from the Secretary of the Treasury respecting the subject-matter of the bill is printed in Senate Report No. 600. The Secretary suggested the insertion of the word "hereafter" after "persons," in line 9, but the Senate did not insert it, and your committee think it should not be inserted.

There have been many acts of great heroism in saving the lives of persons by others than members of the Life-Saving Service, and they merit recognition as well although performed since the opinion of the Attorney-General of January 30, 1895, as if performed before, or as if performed after the pending bill has become a law in case it is enacted.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Election of President, Vice-President, and Representatives in Congress was called.

Mr. CORLISS. I would ask unanimous consent that that committee be passed over without prejudice for the present.

There was no objection, and it was so ordered.

Mr. RICHARDSON. I ask that the other committees be called.

The Committee on Printing was called.

UNLAWFUL USE OF FRANKING PRIVILEGE.

Mr. RICHARDSON. Mr. Speaker, I am instructed by the committee to call up for present consideration the bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895.

The bill was read, as follows:

Be it enacted, etc., That section 85 of the act aforesaid be amended so the section may read as follows, to wit:

"SEC. 85. The Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail free all public documents printed by order of Congress; and the name of the Vice-President, Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office, except in the case of the Secretary of the Senate and Clerk of the House of Representatives, whose franking privilege shall expire upon the qualification of their successors in office. The Vice-President, Members, and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding 1 ounce in weight, upon official or departmental business: *Provided*, That if any person shall make use of any franked envelope to avoid the payment of postage on his private letter, package, or other mail matter, or shall insert in such envelope printed or written matter not entitled to be transmitted free of postage, or shall use the frank of another without special written authority therefor, to secure the free transmission of books or public documents, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction."

Mr. RICHARDSON. I ask to have the report accompanying the bill read.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on Printing, to whom was referred the bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding, and the distribution of public documents," approved January 12, 1895, have had the same under consideration and submit the following report:

This provision of the act above referred to was incorporated in the public printing bill by an amendment offered while the bill was pending before the House, and was agreed to without full discussion and not after due investigation of the subject. A penalty for the abuse of the franking privilege of members was probably inadvertently left out. The necessity for the adoption of some measure of this character is so apparent that it seems unnecessary for your committee to dwell at any length upon these sufficient reasons. That the frank of members is indiscriminately used now by a great many people no person will deny. The Post-Office Department is unable to prevent this.

The bill is recommended by the Post-Office Department, and your committee would respectfully recommend that it do pass.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. CANNON. Wherein does this bill change existing law, I would ask the gentleman from Tennessee?

Mr. RICHARDSON. This bill was introduced by the gentleman from California [Mr. LOUD], and I yield to him for the purpose of making an explanation.

Mr. LOUD. Mr. Speaker, I will say in answer to the question of the gentleman from Illinois that this bill simply provides a penalty, not now provided in the law, for the unlawful use of a frank of a member of Congress—without his permission.

I want to say to the members present that probably they have discovered before now that the frank of members is being indiscriminately used by a great many people. It was brought to my attention very forcibly in the late campaign by a gentleman writing to me a letter acknowledging the receipt of a bound copy of the statutes. He rather facetiously, in his letter, stated that he would like to get the statutes, but would much prefer to have them sent direct, rather than through a law publishing firm in San Francisco, because, of course, I would not charge him anything for them, while those that were sent to him came at a charge of $3.50.

Again, I have a return registered receipt—I have received many of them during the last year—but here is a return registered receipt, for instance, received from the town of Delano, in my own State. I am assumed to have sent a package to this gentleman, and this is the return receipt. I never sent any package of that kind to the gentleman, neither do I know him.

Mr. CANNON. That is a registered package, is it?

Mr. LOUD. A registered package.

Mr. CANNON. Well, postage was paid on that, was it not?

Mr. LOUD. No, it was not; and it is not necessary. You can register anything that is frankable.

Mr. CANNON. Do you mean you can register anything that is frankable without the payment of postage?

Mr. LOUD. Oh, certainly; you can register a sack. I have done it, and probably the gentleman has done it himself. You can register a sack of books by the payment of 8 cents.

Mr. CANNON. Let me ask the gentleman further—I am quite in harmony with a penalty for the improper use of the frank—does this interfere with the right of a Representative or Senator to authorize another to use his frank?

Mr. LOUD. It does not. This simply provides a penalty for the use of the frank except by consent of a member.

Mr. RICHARDSON. I only want to say a word. This bill is an amendment to the printing bill. It will be recalled by gentlemen who were here in the Fifty-third Congress, when the printing bill passed, that this provision, giving the franking privilege to members, was not in the bill. It is no part of the framework of that bill, but this provision, allowing the franking privilege to members in a modified form, was put into the bill on the floor as an amendment by a gentleman then on the floor of the House. It was not carefully prepared, as I have stated, and for that reason, possibly, this amendment is more necessary.

I think the amendment should be adopted.

Mr. LACEY. I wish to ask the gentleman from California [Mr. LOUD] two questions.

Mr. BOUTELLE. I wish to ask the gentleman if he has included a clause enlarging the penitentiary? [Laughter.]

Mr. LACEY. I wish to ask the gentleman from California whether this interferes with the transmission of seeds?

Mr. LOUD. It does not interfere. I will say to the gentleman in perfect good faith that this simply provides a penalty for the use of a member's frank without his authority.

Mr. LACEY. It seems to go a little further.

Mr. RICHARDSON. We simply repeat the law as it now exists; that is all.

Mr. LACEY. Then another question. You say the frank shall be written. Does that preclude the use of a stamp?

Mr. RICHARDSON. That is the present language, but it is construed to mean that it may be written by another, with the authority of the member.

Mr. LACEY. The question is, whether a stamp can be used.

Mr. FOOTE. If a member should inadvertently send some matter through the mails that he thought was frankable, if it should turn out that it was not frankable, he would be liable to a fine of $300.

Mr. LOUD. I assume that is so.

Mr. RICHARDSON. A member is authorized now to frank letters that do not exceed an ounce in weight, if they are on official business. Now, suppose the gentleman was to send a letter that exceeded an ounce in weight, or suppose he should make a mistake and put into the letter correspondence which did not relate to official business. He would be subject to a penalty now. Therefore the argument fails, it seems to me.

Mr. FOOTE. Is there a penalty to-day on the matter franked by a member?

Mr. RICHARDSON. There is a penalty for any violation of the postal laws.

Mr. FOOTE. For everybody but members, is it not?

Mr. LOUD. For everyone except members.

Mr. FOOTE. This extends it to members themselves, a most dangerous proceeding. [Laughter.]

Mr. BOUTELLE. I should like to ask the gentleman in charge of the bill whether it is a fact that the franked envelopes which members of Congress are now permitted to use in correspondence concerning the public business are used under a three-hundred-dollar penalty?

Mr. RICHARDSON. I think not.

Mr. BOUTELLE. I think not. Well, now, you are changing the law in that regard.

Mr. RICHARDSON. No. We do not change it in that respect, as I understand it.

Mr. BOUTELLE. It must be a change, if there is no such thing in the law and you propose to make such a thing.

Mr. LOUD. It provides a penalty on all frankable matter.

Mr. FOOTE. It says "any person."

Mr. RICHARDSON. If members willfully violate the law, why should they not be liable?

Mr. BOUTELLE. I am not discussing that question. I only want it understood that you are making a change. It has been supposed up to this time that a member of Congress was trustworthy in regard to the use of these envelopes.

A MEMBER. I am glad to hear that. [Laughter.]

Mr. BOUTELLE. That seems to be a matter of ridicule with some gentlemen. I allow every man to place his own estimate upon himself and his trustworthiness. [Laughter.] Down in my part of the country the people are inclined to trust me with the use of a 2-cent envelope. But this proposition makes a radical change. I do not know whether it is an undesirable change or not, but it has a three-hundred-dollar penalty for the use of an envelope which we are now authorized to employ in the transmission of replies to correspondence in regard to public business; and it may be just as well that members who are supplied by law, by Congress, with the assistance of clerks, to understand if one of their assistants should put an unmailable, unfrankable paper in one of these envelopes they would be subject to a fine of $300.

Mr. BRODERICK. The clerk, or member?

Mr. BOUTELLE. The clerk, or member, or any other person.

Mr. LOUD. There is no doubt but what the violation of the law would have to be willful in order to convict the gentleman from Maine.

Mr. BOUTELLE. I do not know.

Mr. DOCKERY. But does not the law say that the penalty is to be imposed where the use of the envelope is made to avoid the payment of postage on private matter?

Mr. BOUTELLE. There are a great many cases where the line is very difficult to draw, and my judgment would be that it would be a great deal better for an occasional slip of that kind to be made, with the trivial loss of 2 cents, than it would be to run a quorum of the members of the House of Representatives into jail some time when we might need them on the floor. [Laughter.]

Mr. WASHINGTON. Not if they were all trustworthy like the gentleman from Maine.

Mr. BARRETT. I desire to offer an amendment.

Mr. BOUTELLE. You might have to spend more in having the Sergeant-at-Arms bring the members into the House than the loss on postage.

Mr. LOUD. Mr. Chairman, I will not yield the floor at the present. I want the House to understand just what they are doing in this matter. There is no doubt but what there is being sent through the mails to-day tons of matter where the frank of a member is used without his knowledge or consent. Now, it seems plain to any person, I think, that that evil ought to be remedied. There is no other way to remedy it except by providing a penalty. I have been in consultation with the Post-Office Department for a long time about this matter. They say there is no law providing a penalty, that Congress has not seen fit to take any action in this matter, and if they were to begin to prosecute for the wrongful use of the frank of a member, they can not punish the guilty party. Hence the Post-Office Department has continued to take no cognizance of it whatever. I do not assume that this bill would trench on the individual privileges of any member of this House. I think the act, by the reading of this bill, must be willful. I do not think there is any doubt about that. And, so far as I am concerned, I would be willing to stand a penalty if I willfully committed a wrongful act; and I think the gentleman from Maine would, too. What amendment does the gentleman from Massachusetts desire to offer? I retain the floor.

Mr. EVANS. I want to offer an amendment which, it seems to me, will obviate the trouble suggested by the gentleman's remarks.

The SPEAKER. Does the gentleman from California yield to the gentleman from Kentucky to offer an amendment?

Mr. LOUD. I yield for the reading of it, Mr. Speaker.

Mr. EVANS. The amendment which I would suggest, Mr. Speaker, would be, in line 24, on page 2, to insert after the word "person" the words "other than one entitled to the franking privilege;" so that it will read in such a way as to exclude a member of Congress, for example, from the provisions of the section, and make it apply to a person using his frank entirely unauthorized by him; and then it seems to me it would meet the objection entirely.

Mr. LOUD. I can not hear the gentleman. [After a pause.] I am willing to accept that amendment.

Mr. DOCKERY. I hope the gentleman in charge of the bill will not accept that amendment. By implication that gives members of Congress clearly the right to violate the law.

Mr. LOUD. I think it would be so by implication.

Mr. DOCKERY. I do not think members want to be put in any such attitude as that.

Mr. LOUD. I do not think the House, on proper second thought, would want to put itself in the position of exemption from the law.

Mr. RICHARDSON. I would not like to vote on a provision that exempted me from the law.

Mr. DOCKERY. There has been no extension of the franking privilege by the bill?

Mr. LOUD. Not at all. This bill cuts off some of the franking privilege.

Mr. DOCKERY. I would say to the gentleman that I regret that the Postmaster of the House, the Clerk, and the Sergeant-at-Arms are not included in this provision, because the House appropriates a sum of money for that purpose every year.

Mr. CANNON. Mr. Speaker, I would like to hear.

The SPEAKER. The Chair would be very glad to know what is being said. If gentlemen would take their seats, most of them, and cease conversation, it might be possible to understand what is going on.

Mr. WILLIAM A. STONE. Will the gentleman from California let me ask him a question?

The SPEAKER. Does the gentleman from California yield to the amendment of the gentleman from Kentucky?

Mr. LOUD. I believe I will not, on second thought. I yield to the gentleman from Pennsylvania for a question.

Mr. WILLIAM A. STONE. I understand that the gentleman's complaint against the abuse of the present privilege is that people use the franks of Congressmen without authority. Is that it?

Mr. LOUD. That is it.

Mr. WILLIAM A. STONE. There is no complaint, then, that any Member of the House, or any Delegate, has ever abused the privilege granted to him by the legislation of last Congress?

Mr. LOUD. Not that I have heard of.

Mr. WILLIAM A. STONE. Then why is it necessary to include in this bill restrictions and penalties on ourselves? If clerks or others are abusing the privilege, it may be well enough to provide a penalty for their acts, but I can not see any reason why we should not uphold the dignity of our offices as members of Congress.

Mr. LOUD. Why should we exempt ourselves?

Mr. WILLIAM A. STONE. Why should we put ourselves in the penal class unless from some sense of wrongdoing?

Mr. WASHINGTON. Any member who violates the law will put himself in the penal class.

Mr. LOUD. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I would like to offer an amendment striking out from lines 22 and 23 the words "not exceeding 1 ounce in weight." I desire to take the sense of the House on that amendment.

Mr. LOUD. I will say to the gentleman that I would greatly prefer that he should bring that proposition before the House in some other manner. It is an extension of the franking privilege which perhaps ought to be considered by the House, but, consulting my own wishes, I do not think that under the conditions which surround this bill that amendment should be accepted.

Mr. CANNON. I hope the gentleman will allow the House to express its sense upon the amendment.

Mr. LOUD. I hope the gentleman from Illinois will not press the amendment at this time.

Mr. CANNON. I can offer it only in the event that the previous question is voted down, and I hope the gentleman from California will not require me to make that test with him.

Mr. LOUD. I earnestly hope, Mr. Speaker, that the gentleman from Illinois will not press that amendment upon this measure. If we want to extend the franking privilege, let us do it in another way.

Mr. BARRETT. Mr. Speaker, a parliamentary inquiry. I wish to ask the gentleman having this bill in charge if it is his intention, as evidenced by his statements to the gentleman from Illinois and the gentleman from Kentucky, to move the previous question upon this bill without allowing amendments to be offered.

The SPEAKER. The Chair thinks that is hardly a parliamentary inquiry, but rather an inquiry to be addressed to the gentleman from California. Does the gentleman from California ask for the previous question?

Mr. LOUD. I will say, Mr. Speaker, that that is my intention. I yield now to the gentleman from Iowa [Mr. PERKINS], unless the gentleman from Massachusetts desires to propound some question.

Mr. BARRETT. Mr. Speaker, I do desire to ask a question. I would like to ask the gentleman whether it is his intention to move the previous question on this bill without affording to the gentleman from Illinois and the gentleman from Kentucky an opportunity to offer the amendments which they have already indicated.

Mr. LOUD. I will say to the gentleman that that is my intention.

Mr. BARRETT. Then, Mr. Speaker, I trust that the House will vote down the demand for the previous question.

Mr. LOUD. They have that privilege, of course. I yield now to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, the provisions of this bill change existing law in only two particulars. In the first place, a limitation is placed upon the right of the Secretary of the Senate and of the Clerk of the House of Representatives to use the franking privilege; that is, the right is not extended to them after the expiration of their terms of office. The only other change is contained in the proviso in the end of the bill which provides that any person who shall use the franking privilege without authority, or in a manner violative of the law, shall be subject to the specified penalty. At the present time there is no penalty upon the statute books for the violation by anybody of this privilege which is extended by law to members of Congress. Anyone, anywhere, can use the frank of a member and there is no penalty for it. The provision of this bill is intended not to reflect upon members of Congress, but to prevent the fraudulent use of franks by those who are not entitled to use them. I can see no objection to the qualification of this proviso in line 26 by inserting before the word "shall" the word "willfully;" but certainly there ought to be some penalty for the fraudulent use of the franking privilege as extended to members of Congress by law. That can now be done promiscuously, and no penalty attaches. The provision of this bill is intended to stop that abuse, or subject those who perpetrate it to the same penalty which now applies in the case of departmental business.

Mr. LACEY. I notice in lines 26 and 27 the words "or shall insert in such envelope printed or written matter not entitled to be transmitted free of postage," etc. Now, suppose a member receives a letter in regard to a pension matter, and after looking it up answers the inquiry, and in doing so adds the compliments of the season, or, perhaps, sends a message of some private character to one of his friends. In such a case the member would be, as I understand, subject to a penalty of $300.

Mr. PERKINS. I do not so understand. I suppose any gentleman would be permitted, in such a case, without violating his privilege, to write a courteous letter.

Mr. BOUTELLE. Not under this bill.

Mr. LOUD. I will say to the gentleman from Iowa that, if the amendment will obviate objection on the part of any members, I will assent to inserting the word "willfully" after the word "shall" in line 26.

The SPEAKER. The gentleman from California, as the Chair understands, moves to amend by inserting after the word "shall," in line 26, the word "willfully."

Mr. TRACEY. If there is any merit in that amendment, the word "willfully" should also be inserted after the word "shall" in line 24. It is just as necessary in the one case as in the other.

Mr. LOUD. I assent to the amendment simply for the purpose of relieving the sensitive feelings of some members of Congress. Line 24 does not refer to members of Congress.

Mr. TRACEY. It says "any person." I assume it might include a member of Congress.

Mr. LOUD. I assume that the bill would be construed as implying the term "willfully." I do not think there is any necessity for the amendment.

Mr. TRACEY. If the amendment be inserted in line 26, it certainly ought to be inserted also in line 24.

Mr. LOUD. I do not think so.

Mr. TRACEY. The effect is precisely the same in each case.

Mr. WILLIAM A. STONE rose.

The SPEAKER. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. LOUD. Yes, sir.

Mr. WILLIAM A. STONE. Would not the gentleman consent to add, after the word "Congress," in the twentieth line of page 2, the words "Secretary of the Senate and Clerk of the House?" These officers have now no franking privilege at all, except in reference to books. It would seem proper to give them the same privilege that is intended to be conferred in the first section.

Mr. LOUD. I hope the gentleman will not press that amendment now, because this bill does not seek to extend the franking privilege. If the House wants to consider that question, I prefer it should be taken up in another manner.

Mr. WILLIAM A. STONE. But at the present time the Clerk of the House and the Secretary of the Senate have to pay their own postage on official correspondence. They have not been included in previous legislation on this subject at all. It would seem to be proper that they should be covered by this bill.

Mr. DOCKERY. Allow me to suggest that the law now makes an appropriation for postage of $100 each year to the Postmaster of the House, $300 to the Clerk of the House, and $200 to the Sergeant-at-Arms.

Mr. WILLIAM A. STONE. So do members receive an appropriation for postage.

Mr. DOCKERY. Certainly.

Mr. WILLIAM A. STONE. I had hoped that when this question came up these officers would be included among those entitled to the benefit of the franking privilege.

Mr. DOCKERY. Certainly, they ought to be.

Mr. WILLIAM A. STONE. I will not press the amendment now, however, if the gentleman from California objects to it.

Mr. LOUD. I see no objection to the proposition or its merits. But to be frank with the gentleman, there is this objection: If the door be opened in one direction he can readily see that there may be no end to amendments of this sort. I should prefer, therefore, that any measures for the extension of the franking privilege should be dealt with in another manner than on this bill.

Mr. DOCKERY. Allow me a suggestion in this connection. It is not my purpose to offer any amendment, because I can see that the offering of one amendment may lead to the offering of others, and thus perhaps embarrass this bill. But if there were submitted to the House a measure to which the amendment would be proper, I should offer an amendment to include among those entitled to the franking privilege the Clerk, the Sergeant-at-Arms, and the Postmaster of the House. I believe that money would be saved to the Government by such a provision. In the current legislative appropriation bill we have appropriated for postage on official letters $300 for the Clerk, $100 for the Postmaster, and $200 for the Sergeant-at-Arms.

A MEMBER. And those officers use the money, do they not?

Mr. DOCKERY. I have no doubt they do. Still, I think that by granting them the franking privilege the Government would save money.

Mr. WILLIAM A. STONE. I should prefer to offer the amendment I have indicated, if the gentleman from California will allow it to be offered.

Mr. LOUD. If the gentleman can get unanimous consent for his amendment, I will not object to its insertion.

Mr. WILLIAM A. STONE. The proposition is simply to permit the Clerk of the House, the Doorkeeper, the Sergeant-at-Arms, and the Postmaster to have the same privilege now accorded to members in reference to the franking of public documents.

Mr. HULL. Have they not already a fund provided for postage?

Mr. WILLIAM A. STONE. Precisely the same as we have, but that does not cover the expense. I ask unanimous consent to offer that amendment.

Mr. BARRETT. I will certainly object if it contemplates only a single amendment——

Mr. DOCKERY. I will object if it contemplates this privilege in addition to the postage already authorized. My understanding was that this was to be in lieu of that, and would in the end be a saving of expense. In other words, that while the franking privilege was extended, it would result in cutting off the allowance for postage hereafter.

Mr. LOUD. Your committee will have the control of that.

Mr. WILLIAM A. STONE. If we are going to do this at all, we must do it properly, and extend this privilege where it is so much needed, in the manner I have suggested, all at once.

Mr. PERKINS. What is the gentleman's amendment?

Mr. WILLIAM A. STONE. In general terms, to extend the franking privilege to the Clerk of the House, Doorkeeper, Sergeant-at-Arms, and the Postmaster.

Mr. BARRETT. I object to the request of the gentleman from Pennsylvania unless all others are permitted to offer amendments.

Mr. WILLIAM A. STONE. I have not stated all of my proposition yet, Mr. Speaker.

The SPEAKER. But the gentleman objects to a part of it. [Laughter.]

Mr. BARRETT. I object unless all other members are granted the right to offer amendments.

Mr. LOUD. Mr. Speaker, I think I shall have to call for the previous question.

Mr. WILLIAM A. STONE. Then I hope the demand will be voted down.

Mr. BARRETT. Pending that demand, Mr. Speaker, I offer the following motion.

The SPEAKER. What motion does the gentleman submit?

Mr. BARRETT. A motion to recommit the bill.

I move to recommit this bill to the Committee on the Post-Office and Post-Roads with instructions not to report the bill again except with the words "not exceeding 1 ounce in weight," in lines 22 and 23, stricken out, and the words "not entitled to the franking privilege under this act" be first inserted after the word "person," in line 24. This motion embraces the amendments offered by the gentleman from Kentucky and the gentleman from Illinois.

Mr. WILLIAM A. STONE. Will you include my amendment also among them?

Mr. BROMWELL. The gentleman makes his motion to recommit this to the Committee on the Post-Office and Post-Roads. It should be the Committee on Printing.

Mr. RICHARDSON. I am perfectly willing. I will say to the gentleman, that it shall go to the Committee on the Post-Office and Post-Roads. It ought to go to a committee having jurisdiction of the matter if it is to be recommitted at all.

Mr. BARRETT. I will change my motion and move that it be recommitted to the Committee on Printing.

Mr. LOUD. How can that motion be submitted now?

Mr. DOCKERY. It can be done after the previous question has been ordered, under the rule.

The SPEAKER. After the demand for the previous question on the passage. It could not be done until after the bill had been passed to its engrossment.

The first question is on the motion for the previous question. Does the gentleman from California make his demand up to the engrossment, or to the passage of the bill?

Mr. LOUD. On the bill to its passage.

The SPEAKER. The question is, Shall the previous question be ordered?

The question was taken; and on a division there were—ayes 37, noes 73.

Mr. RICHARDSON. I make the point of order that no quorum has voted; but pending that, I will withdraw the point and the bill from consideration.

Mr. BOUTELLE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. Can the gentleman from Tennessee withdraw the bill now, at this stage?

Mr. DOCKERY. There has been no vote upon it.

Mr. RICHARDSON. And no amendment adopted.

The SPEAKER. There has been no vote or amendment, as the Chair is informed. The question would arise whether, the committee having presented the bill, or directed it to be presented, it can be withdrawn in this way.

Mr. BOUTELLE. Is the bill not now in the possession of the House to determine whether it will order the previous question and cut off all debate, or go on debating it? We seem to have a sort of clutch on it, one way or the other. [Laughter.]

The SPEAKER. Under the rules of the House, a bill may be withdrawn.

But the Chair would like to understand exactly the motion and the condition of the bill. Was the amendment proposed by the gentleman from California agreed to?

Mr. LOUD. Amendments were accepted.

Mr. RICHARDSON. But there was no vote. They were not submitted to the House.

The SPEAKER. The Chair will hear the gentleman from Tennessee on the question of the right to withdraw a bill which has been presented by a committee.

Mr. BARRETT. Pending that decision, I desire to submit to the Chair that I have already, under the rule, a motion pending for a recommittal with instructions, and until that motion is disposed of it is not in order to withdraw the bill from the House.

Mr. RICHARDSON. That motion would not be in order until after the previous question.

The SPEAKER. That motion could not be voted upon until the bill had passed to engrossment.

Mr. BARRETT. The rule says that "pending the motion for the previous question upon the final passage it shall be in order for the Speaker to entertain and submit a motion to recommit." A motion has been made and was pending for the previous question.

The SPEAKER. But it is the previous question on the passage which is referred to.

Mr. BARRETT. The gentleman from California [Mr. LOUD] expressly stated that he moved the previous question up to and including the passage of the bill.

The SPEAKER. Precisely. A motion can be made for the previous question upon the engrossment and third reading of a bill, or it can be double and made on the engrossment and third reading of the bill and its passage; but the place where the motion to recommit comes in is after the bill has passed to its engrossment and third reading, and when the question of its passage is pending.

Mr. BARRETT. Mr. Speaker, the rule is very explicit——

The SPEAKER. The rule seems to the Chair to be explicit, and the practice of the House agrees with the understanding which the Chair is trying to present.

Mr. BARRETT. Then, Mr. Speaker, I wish to submit this proposition: That where a rule of the House states a case as clearly as it is possible for the English language to express it, members who may not be used to the practice of the House are entitled to have the rules enforced as they are printed. This rule is as clear as the English language can make it. It says that pending the motion for the previous question on the final passage it shall be in order for the Speaker to entertain a motion to recommit.

The SPEAKER. The Chair has endeavored to explain to the gentleman—probably it is the fault of the Chair in not being able to explain it clearly—but the proposition is that it is the motion for the previous question upon the final passage that is spoken of as pending, and during the pendency or after the passage of which a motion to commit may be submitted. Now, the rule of the House permits a double motion, which is to move the previous question on the engrossment to the passage, so that when under the operation of that double motion, or a motion double in its effect, a motion to recommit is presented, it must wait until the bill has passed to be engrossed before it can become pending. Such has always been the ruling in the House, and such, as it seems to the Chair, is the plain meaning of the rule.

Mr. BARRETT. Mr. Speaker, will the Chair allow me for a moment——

Mr. BOUTELLE. One moment. Does that involve a condition of things in which a gentleman, by asking for the previous question, including the engrossment and up to the passage, would deprive members of the privilege of moving to recommit?

The SPEAKER. Not at all.

Mr. BOUTELLE. Then the Chair understands that the motion must still be acted upon——

The SPEAKER. It is simply a question as to when the motion to recommit becomes effective in the proceedings.

Mr. BOUTELLE. But the point is that the previous question, as the question is now, does not include the passage of the bill.

The SPEAKER. The bill could be passed in this way: First, by a motion for the previous question upon the engrossment of the bill, and then the previous question would exhaust itself, and the question might become a subject of discussion if the previous question were not renewed on the passage; and it is at that time that the motion to recommit is admissible under our rules, upon the theory that the House, having amended the bill, and having ordered it to be engrossed, and having presumably examined the engrossed copy, is not satisfied with the amendments which have been made in the bill, and therefore wants to recommit it, and then the House has a last chance to send it to a committee. According to our system, the bill is up. The House has the right to send it to a committee or a right to amend it. It chooses to amend it. Having amended it, and having had it engrossed, and having examined it, the House comes to the conclusion that it is not satisfied with the bill, and therefore, by its rules, gives itself the right to send it again to a committee, to enable them to make such changes as may make it more acceptable to the House.

Now, where the gentleman from Massachusetts [Mr. BARRETT] is misled is in the joining together, by the rule of the House, of the two motions for the previous question—the one on the motion that the bill be engrossed, and the other on the motion for the passage. Now, that seems to the Chair to be clear.

Mr. BARRETT. Mr. Speaker, will the Chair allow me to weary him for one moment?

The SPEAKER. Certainly.

Mr. BARRETT. The point I make is in a different line. Now, the question is whether or not a motion for the previous question is pending after it has already been adopted. I contend that a question is pending in this House before it is voted upon, and that after it has been voted upon it is no longer pending. I think any gentleman in this House or in the chair will agree to that proposition. Then the only time to make the motion to recommit, under the rule which says it may be made "pending" the motion for the previous question, is to make it before the motion for the previous question is voted on. It is only voted on once, and the time I suggest is the only time the motion can be made "pending" the motion for the previous question.

Now, the rule says that while a motion for the previous question is pending on the final passage of the bill, then a motion to recommit may be made. The Chair says that only after the previous question is ordered—and therefore the motion for it is no longer pending—a motion to recommit may be made on the final passage, after the bill has been engrossed.

I claim that the rule clearly states that either before or after the previous question is ordered—and in this proceeding it is only voted on once—the motion to recommit may be made and must be submitted.

I contend that if this rule means anything it means that a motion to recommit may be made when the previous question is pending—the previous question that is voted on—and it certainly is not pending after it has been adopted. When I offered my motion to recommit the bill, it was pending. The Chair says that after the motion for the previous question has been adopted—it certainly is not then pending—then it is in order to move to recommit. I concede that. But the rule says that it shall be in order both while the previous question is pending and after it is adopted. This practice deprives the House of its right to vote on recommittal pending the previous question.

The SPEAKER. That refers to the principal motion, for the previous question on the final passage of the bill.

Mr. BARRETT. It was for the passage of the bill that the gentleman from California asked the previous question.

The SPEAKER. The motion to recommit can not come in until after the bill has been engrossed.

Mr. BARRETT. I ask the Chair, in order that I may understand this matter, and I know many members desire to understand it, whether or not when the gentleman from California moves the previous question on the final passage of this bill that that motion is pending after it has been adopted?

The SPEAKER. It is pending but as to two places. The motion for the engrossment and the motion for the final passage; and under the practice of the House, for the reasons which the Chair has given, the motion to recommit comes in before the motion for passage and after engrossment.

Mr. BARRETT. I appreciate the point made by the Chair, and can see where the practice may have arisen; but I respectfully contend that a motion that may be made pending any certain motion must be made before that motion is adopted, for after it is adopted it is no longer pending. I do not deny the practice. I affirm that the practice is in violation of the plain reading of the rule.

The SPEAKER. The gentleman will see that the original rule did not allow two motions for the previous question to be made at the same time, and when the change was made it was made pending the custom already established, and that attached itself to the practice of the House, as the Chair has described; and such has been the practice of the House.

Mr. DOCKERY. That is the history of it.

The SPEAKER. That has been the history of it.

Mr. BARRETT. Mr. Speaker, I do not contend but that it may have been the practice of the House, but I do most certainly say that, so far as my knowledge of interpretation of the English language is concerned, there can only be one interpretation put upon this rule, and that is that the motion to recommit can be made while the previous question is pending. The language of the rule, if explicit, is final, and when adopted abrogated all previous customs inconsistent with it. That is the point.

The SPEAKER. The Chair does not know whether the interpretation can be properly placed there or not; but the House has placed it there for a great many years.

Mr. LOUD. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating;

A bill (H. R. 2328) for the relief of Patrick Raney;

Joint resolution (H. Res. 213) to permit the railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies;

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;

A bill (H. R. 2259) for the relief of William B. Ellis; and

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KULP, indefinitely, on account of sickness.

To Mr. HULING, for four days, on account of important business.

To Mr. MAHON, for three days, on account of important business.

To Mr. DOVENER, for five days, on account of important business.

To Mr. WILLIAM F. ALDRICH, indefinitely, on account of important business.

To Mr. McLAURIN, for five days, on account of important business.

To Mr. SORG, for ten days, on account of important business.

To Mr. HENRY of Indiana, for four days, on account of important business.

To Mr. NOONAN, for ten days, on account of sickness.

To Mr. FARIS, for one week, on account of important business.

COMMITTEE APPOINTMENTS.

The SPEAKER. The Chair desires to announce the following committee appointments:

Mr. STOKES of South Carolina, to the Committees on Agriculture and Expenditures on Public Buildings.

Mr. CRISP, to the Committees on the Post-Office and Post-Roads and Mileage.

Mr. BOATNER, to the Committee on Ways and Means.

Mr. BAILEY, to the Committee on Rules.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting in detail information concerning changes in the force of the office from March 4, 1893, to June 5, 1896—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a reply to the resolution of the House of June 9, 1896, relating to the material of minor coins—to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior relating to the reimbursement of David F. Day, United States Indian agent at the Southern Ute Agency, Colo.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate for an appropriation for compiling a digest of certain decisions and opinions relating to Indian affairs—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries, submitting certain changes in estimates—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of leases granted during the calendar year 1896—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Postmaster-General, transmitting, in response to the resolution of the House of June 5, 1896, a statement relating to changes in the force of employees in the Post-Office Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, in response to the resolution of the House of June 5, 1896, a statement showing certain conditions relating to the employees in the Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, reported the same without amendment, accompanied by a report (No. 2488); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3050) entitled "An act to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 2489); which said bill and report were referred to the House Calendar.

Mr. TATE, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1211) entitled "An act authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite the Gosport Navy-Yard," reported the same without amendment, accompanied by a report (No. 2499); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9901) to detach the county of Andrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri, reported the same without amendment, accompanied by a report (No. 2500); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. NEILL, from the Committee on War Claims: A resolution (No. 485) to refer the bills (H. R. 9441) for the relief of estate of Alice Hardaway, deceased, late of Benton County, Miss., and (H. R. 6051) for the relief of the estate of Samuel N. White, deceased, late of West Feliciana Parish, La., to the Court of Claims. (Report No. 2490.)

By Mr. MAHON, from the Committee on War Claims: A resolution (No. 486) to refer the bill of the House (H. R. 8097) for the relief of the heirs of the late J. H. McVeigh, of Alexandria, to the Court of Claims. (Report No. 2491.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5327) to grant a pension to James J. Gibbs, of Knox County, Tenn. (Report No. 2494.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 3045) entitled "An act granting a pension to Mrs. Elizabeth Gnash." (Report No. 2495.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 9481) to increase the pension of Alice De K. Shattuck. (Report No. 2496.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 7122) granting a pension to Maria E. Hess, widow of Florian Hess. (Report No. 2497.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 9357) granting an increase of pension to Mazie V. Sullivan. (Report No. 2498.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 9719) granting arrears of pension to H. Morris Husband—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

Petition of Catherine C. Smith, praying for an appropriation of $1,200 on account of service of her brother in the late war—Committee on Claims discharged, and referred to the Committee on War Claims.

Petition of John C. Richey, praying for a pension—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. QUIGG: A bill (H. R. 9946) to prevent the importation of impure and unwholesome tea—to the Committee on Ways and Means.

By Mr. HARRISON: A bill (H. R. 9947) appointing a commission to settle the indebtedness of the bond-aided Pacific railroads to the Government—to the Committee on Pacific Railroads.

By Mr. LACEY: A bill (H. R. 9948) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States—to the Committee on the Public Lands.

By Mr. BARHAM: A bill (H. R. 9949) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: A bill (H. R. 9960) to continue the improvement of the Tennessee River between Chattanooga and Riverton—to the Committee on Rivers and Harbors.

By Mr. HENDERSON: A resolution (House Res. No. 482) relative to the consideration of such bills as are in order at Friday evening sessions on Tuesday, the 19th instant—to the Committee on Rules.

By Mr. COBB: A resolution (House Res. No. 483) to pay $100 to Kendall Lee for caring for room of Committee on Accounts—to the Committee on Accounts.

By Mr. TRACEY: A resolution (House Res. No. 484) to pay to widow of John Ryan a sum equal to six months' salary and $250 for funeral expenses—to the Committee on Accounts.

By Mr. BULL: A resolution (House Res. No. 487) to compensate William Tyler Page for services rendered in the Clerk's office during the Fifty-fourth Congress—to the Committee on Accounts.

By Mr. LEWIS: A concurrent resolution (House Con. Res. No. 64) to print 15,000 additional copies of Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. OTJEN: A concurrent resolution (House Con. Res. No. 65) to print 15,000 additional copies of Messages and Papers of the Presidents—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 9950) granting a pension to Egbert A. Stricksma—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 9951) for the relief of John J. Stodghill—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 9952) granting increase of pension to Jonathan Welch—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 9953) for the relief of Gabriel R. Bartley, of Portsmouth, Ohio—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 9954) for the relief of the National Guards of East Tennessee—to the Committee on Military Affairs.

By Mr. HENDERSON: A bill (H. R. 9955) for the relief of the city of Dubuque, in the State of Iowa—to the Committee on Claims.

By Mr. TUCKER: A bill (H. R. 9956) for the relief of George D. Wise, of Richmond, Va.—to the Committee on Appropriations.

Also, a bill (H. R. 9957) for the relief of the legal representatives of Paul McNeel, deceased, of Pocahontas County, W. Va.—to the Committee on War Claims.

By Mr. WILLIAMS: A bill (H. R. 9958) for the relief of William F. Haralson, of Scott County, Miss.—to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 9959) to grant an honorable discharge to Thomas J. Goodman, private Company I, Third Indiana Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Joseph C. Marshall, of Braddock, Pa., for the passage of an act pensioning Union soldiers who were confined in rebel prisons—to the Committee on Invalid Pensions.

Also, remonstrance of L. H. Turner, of McKees Rocks, Pa., and the Master Car Builders' Association, opposing the obligatory use or the introduction of the metric system into the United States at any time—to the Committee on Coinage, Weights, and Measures.

Also, petition of Dr. Byron Clark, of Washington, Pa., for a duty on hides—to the Committee on Ways and Means.

Also, resolution of the National Board of Trade, favoring an amendment of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Grocers and Manufacturers' Exchange of Philadelphia, Pa., favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. W. Talmage, publisher of the Lighthouse, McKeesport, Pa.; also petition of Oscar E. Lindborn, publisher of the Swedish Weekly, of McKeesport, Pa., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Missouri: Petition of Jonathan Welch, of Macon, Mo., to accompany House bill for increase of pension—to the Committee on Invalid Pensions.

By Mr. HICKS: Petition and resolutions of citizens of Everett, Pa., praying that Congress shall take proper steps to protect the interests of Americans in Turkey—to the Committee on Foreign Affairs.

By Mr. LACEY: Resolutions of the Iowa Academy of Science, against Senate bill No. 1552, "for the prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: Petition of Jackson Circle, No. 1, Brotherhood of the Union, of Camden, N. J., favoring the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. MEIKLEJOHN: Petition of the Congregational church of Neligh, Nebr., urging that the Government immediately secure satisfaction for damages to American citizens and property in Turkey—to the Committee on Foreign Affairs.

By Mr. MERCER: Protest of the American Publishing Company; also of publisher of the Western Cyclist; also of the Svenska Journalen, all of Omaha, Nebr.; also of the Times, Beatrice, Nebr., and of the Gazette, of Waterloo, Nebr., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Sundry petitions of members of the Tea Trade residing in San Francisco, Cal., Chicago, Ill., Philadelphia, Pa., Baltimore, Md., and Portland, Me., for the passage of an act to prevent the increasing importations into the United States of impure and unwholesome teas—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of J. L. Thomas and others, of the State of Michigan, asking for the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. WHEELER: Protests of Edgar James, of Florence, Ala.; R. W. Massey, of Montgomery, Ala.; Forbes Lithographic Manufacturing Company, of Boston, Mass., and others, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Evidence in support of House bill No. 9525, to correct the military record of Andrew J. NcNamur—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *January 13, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

GOVERNMENT PRINTING OFFICE EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of June 10, 1896, a report of Mr. James E. Teale, cashier of the Government Printing Office, relative to employees of that office who have accrued and unpaid leaves of absence; which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (H. R. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.;

A bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes;

A bill (S. 2331) construing the acts of Congress in relation to the award of life-saving medals;

A joint resolution (S. R. 133) authorizing Surg. P. M. Rixey to accept from the King of Spain the grand cross of naval merit with the white distinction mark in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship; and

A joint resolution (S. R. 189) for the erection of a Government building at the Tennessee Centennial Exposition.

The message also announced that the House had passed the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5935) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service;

A bill (H. R. 6780) to amend section 2335 of the Revised Statutes;

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota; and

A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating;

A bill (H. R. 2259) for the relief of William B. Ellis;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 6604) to remove the charge of desertion from the military record of George W. Taylor; and

A joint resolution (H. Res. 213) to permit the railroads in the District of Columbia to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies.

EXECUTIVE SESSION.

Mr. SHERMAN. I wish to move an executive session for a few minutes. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the memorials of H. O. Fifield, publisher of the Daily Herald, of Menominee; of Benno Muehlen, publisher of the Freie Presse, of Bay City; of A. S. White, secretary of the Michigan Artisan Company; of Charles A. Osborn, publisher of the News, of Sault Ste. Marie, and of W. H. Egabroad, of Dundee, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Paul Griffith, pastor of St. Augustine's Church; of the Woman's Home Missionary Society; of St. Paul's English Lutheran Church; of Plymouth Congregational Church; of the First Congregational Church; of the united faculties of Howard University, and of the Universalist Church Society (Church of Our Father), all in the city of Washington, D. C., praying for the passage of the so-called Shannon bill, raising the age of protection for girls in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

Mr. ALLEN presented resolutions adopted at a mass meeting of citizens of every race and color, held at New York City December 18, 1896, favoring action by the Senate to do all in its power to give immediate relief to the victims of oppression and despotic rule in Cuba; which were ordered to lie on the table.

Mr. GEAR. I present a communication from C. P. Huntington, together with a copy of the lease of the Central Pacific Railroad Company to the Southern Pacific Company and amendments thereto to date. I move that the communication and accompanying papers be printed and referred to the Committee on Pacific Railroads.

The motion was agreed to.

Mr. GEAR. I also present a communication from E. Ellery Anderson, on the part of the receivers, containing a detailed statement of the stocks and bonds of the Union Pacific Railway Company, referred to in the resolution submitted by the Senator from South Dakota [Mr. PETTIGREW]. I move that the communication and accompanying documents be printed and referred to the Committee on Pacific Railroads.

The motion was agreed to.

Mr. BRICE presented a petition of the Bronze Club of Cleveland, Ohio, praying for the passage of the so-called Cameron resolution in regard to the Cuban situation; which was ordered to lie on the table.

He also presented a memorial of the New Holland Leader, of New Holland, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Judson B. Bryant and 73 other citizens of Wayne, Me., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL presented a petition of Post A, Virginia Division Travelers' Protective Association of America, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the memorials of W. H. W. Moran, publisher of the Manassas Journal; of James Cannor, jr., publisher of the Methodist Recorder; of B. J. Hillegi, publisher of the Normal News; of M. L. Harmon, publisher of the Normal News; of Nathan T. Stout, publisher of the Messenger; of Greek D. Brown, publisher of the Grayson Gazette; of C. B. Cannady, publisher of the Roanoke Collegian; of J. F. Winn, M. D., publisher of the Richmond Journal of Practice; of John Mitchell, jr., publisher of the Planet; of Frank St. Clair, publisher of the Southern Virginia Enterprise; of Gilbert N. Knight, publisher of the Big Stone Gap Post; of W. H. Stroud, publisher of the Southwestern Democrat, and of C. A. Brice, publisher of the Southern Clinic, all in the State of Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

INSURANCE CLAIMS.

Mr. BRICE. I present a communication from the Secretary of the Treasury, together with one from the Auditor for the War Department, transmitting a list of claims allowed by the Second Comptroller and Acting Second Comptroller, in favor of sundry insurance companies, for amounts paid for the loss of steamboats, which was settled for under the act of March 3, 1849. I move that the communications be printed and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 2588) for the relief of George S. Simon, reported it with an amendment.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by himself on December 21, 1896, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, with the accompanying report, and ordered to be printed; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 3423) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2752) granting a pension to Wilson S. Hulse, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2995) granting a pension to James M. Dennison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3516) granting a pension to Louise Van Atter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1190) for the relief of Lizzie M. Sibley, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3451) granting a pension to Rebecca P. Quint, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3445) to increase the pension of Capt. John H. Mullen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3504) granting arrears of pension to H. Morris Husband, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Education and Labor, to whom was referred sundry petitions from the Congregational Church of Danville, Iowa, and 300 citizens of New London, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any building owned by the United States Government, asked that it be discharged from the further consideration of the petitions, and that they be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the amendment submitted by Mr. Walthall on the 6th instant, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

JOHN KEEFE.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4538) for the relief of John Keefe, to report it favorably, and submit a written report thereon. I will say that this bill involves a little matter of but $220 to pay a laborer in Syracuse, N. Y., and that it has the approval of the Treasury Department. I therefore ask that it may be considered at this time and put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Keefe, of Syracuse, N. Y., the sum of $220, in full compensation for his services as engineer in the United States court-house and post-office building in Syracuse, N. Y., for the months of July and August, 1888, and from June 1 to August 17, 1889.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF THE LIBRARY BUILDING.

Mr. MORRILL. I am directed by the Committee on Additional Accommodations for the Library of Congress to report back the resolution which I send to the desk.

The PRESIDING OFFICER (Mr. Hill in the chair). The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress.

Mr. MORRILL. I am directed by the committee to ask immediate consideration of the resolution, to which I think there will be no objection.

Mr. TELLER. Let it be read.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ALLEN. Let it be again read.

The PRESIDING OFFICER. The resolution will be again read.

The Secretary read the resolution.

Mr. HALE. I wish the Senator who has reported the resolution would state to the Senate just what is meant to be covered by it. If it is simply intended to prohibit any inauguration ball or ceremonies of that kind in the new Library building, that is one thing, and perhaps nobody would object to it; but if there are spaces in the building which need not be devoted to the Library for years to come, I do not know of any reason why they may not be utilized in some way. I have seen reports in some of the newspapers that some of the rooms were intended to be occupied for what perhaps would not be strictly Library purposes, some scientific or semi-scientific purposes, and, for one, I do not see, considering that there is a great deal of waste space in the building, any objection to that. I should like the Senator to explain, before I give consent that the resolution be considered to-day, just what he intends by the resolution.

Mr. MORRILL. Mr. President, the resolution was very carefully considered by the full committee, and has been before the committee for some time, and there has been no opinion expressed in opposition to it. I will say that it is intended to exclude everything which is not pertinent to the Library itself. The Library perhaps is larger than will be needed for the present for the amount of books which we now have, but it is not any larger than will be necessary in years to come for the Library alone. If we are to begin by letting in one Department and then another, and they are apt to make applications from all sources for accommodation in the new Library, I think we shall find ourselves in some trouble.

I understand that the Geographical Society desire that room shall be assigned them. It has also been proposed that the Committee on Education and Labor shall have a place in the Library building, and still further that a part of the National Museum shall be placed there, as that might obviate the building of additional accommodations for that institution.

I hope, therefore, that the resolution will be allowed to pass, and yet if the Senator from Maine desires to have it lie upon the table, I shall not object.

Mr. HALE. Mr. President, I think the resolution had better go over. The Library building is a most magnificent one. It is a credit to the designers, to the officers who had its construction in hand, to the Congress which has furnished the money which has built it, and to the country; but it has immense space divided and partitioned into different rooms that for a few years to come may be occupied for some useful purpose, and not in the slightest degree interfere with the Library; occupied for purposes where a removal may be made at any time; occupied where it will be no reproach to the Librarian or to the Library for it to be so occupied. I should like that the resolution stand over for the present until Senators can look into and examine it.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 3518) for the relief of Edward Byrne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHILTON introduced a bill (S. 3519) to authorize the construction or acquisition of a bridge across the Rio Grande River, at El Paso, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MURPHY introduced a bill (S. 3520) to provide for the erection of a custom-house in the city of New York; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McBRIDE introduced a bill (S. 3521) removing the charge of desertion from the name of James K. Parker, who served as a private in Company B, Third East Tennessee Infantry, and also as a private in Company H, Ninth Tennessee Cavalry Volunteers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GEAR introduced a bill (S. 3522) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. HOAR introduced a bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 3524) to remove doubts concerning the jurisdiction of district judges; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

STATISTICS OF THE PRODUCT OF MINES.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Mines and Mining be instructed to examine and report as to the best method of gathering statistics of the product of the mines of the United States.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky; and

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota.

The bill (H. R. 5635) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service, was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

The bill (H. R. 6780) to amend section 2335 of the Revised Statutes was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River was read twice by its title.

Mr. QUAY. I ask that that bill may lie on the table for the present, as a similar bill has been passed upon by the Committee on Commerce, which I wish to substitute for the House bill.

The PRESIDING OFFICER. The bill referred to by the Senator from Pennsylvania will lie on the table, if there be no objection.

WATER SYSTEM BONDS IN FLAGSTAFF, ARIZ.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia [Mr. Bacon] is entitled to the floor.

Mr. DAVIS. I ask the Senator from Georgia to yield to me for a moment.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. Yes, sir.

Mr. DAVIS. I should feel greatly obliged for unanimous consent of the Senate to enable me to call up House bill 8676. It is an exigent and meritorious bill for the relief of a town in Arizona.

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Minnesota will be read for information, subject to objection.

The Secretary read the bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system.

Mr. ALLEN. I supposed the bill was simply being read for information. I did not know that consent had been given to take it up.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DAVIS. I hope the Senator from Nebraska will not object.

Mr. ALLEN. I want to ask the Senator from Minnesota what is the necessity for Congress passing such a bill? Can not that authority be given by the Territorial legislature?

Mr. DAVIS. Not under the Territorial charter.

Mr. ALLEN. Does not the enabling act authorize the Territory to do so?

Mr. DAVIS. It does not. They could not negotiate a bond without the passage of this bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. Mr. President, on the 11th of January I obtained permission to have printed as Miscellaneous Document No. 55 a statement of the vote at the recent Presidential election. My attention has been called to two subheadings which I think ought to be corrected. Where the subheading "Successes of Mark Hanna" is printed, I wish that stricken out and the subhead "Contested States" inserted in lieu thereof. The next subheading, "Failures of Mark Hanna," I ask to have stricken out and instead that the words "States not carried by the Republican party" be inserted.

The PRESIDING OFFICER. The changes asked for by the Senator from Nebraska will be made, in the absence of objection. The Chair hears none, and it is so ordered.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

Mr. GORMAN. I ask that the joint resolution on which the Senator from Georgia [Mr. Bacon] desired to submit some remarks may now be laid before the Senate.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of a joint resolution, the title of which will be stated, in order that the Senator from Georgia may submit some remarks thereon. Is there objection? The Chair hears none.

Mr. PETTIGREW. I ask if the unfinished business has been laid before the Senate?

The PRESIDING OFFICER. It has not yet been laid before the Senate. The Chair lays before the Senate the unfinished business coming over from yesterday, the title of which will be stated.

The Secretary. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. I wish to ask unanimous consent that the unfinished business shall be taken up to-morrow immediately after the routine morning business, and that the vote be had to-morrow afternoon at 4 o'clock.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be taken up to-morrow immediately after the routine morning business, and that a vote be had upon the bill at 4 o'clock to-morrow. Is there objection? The Chair hears none; and it is so ordered.

The bill will now be laid aside temporarily, in the absence of objection.

INDEPENDENCE OF CUBA.

Mr. HALE. I hope the joint resolution on which the Senator from Georgia desires to address the Senate may now be laid before the body.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution (S. R. 188) in relation to the recognition of the independence of foreign governments.

Mr. MORGAN. I have an amendment in the way of a substitute for that joint resolution, which I ask may be printed.

The PRESIDING OFFICER. The amendment will be ordered to be printed, in the absence of objection.

The Senator from Georgia is entitled to the floor.

Mr. BACON. Mr. President, I regret exceedingly the lateness of the hour and the circumstances under which I am now called upon to address the Senate on this very important question. I should ask the further indulgence of the Senate for a postponement until some other time but that I fear the pressing business of the Senate might not, in that case, give me the opportunity to present certain views which I am anxious that I may have the opportunity to present to this body.

In December I introduced a concurrent resolution, which has been referred to the Committee on the Judiciary. I will read it:

Resolved by the Senate (the House of Representatives concurring), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power:

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

The resolution being before the Committee on the Judiciary, it is not competent for me to call it up, and I therefore avail myself of the opportunity presented by the pendency of the joint resolution introduced by the Senator from Texas [Mr. Mills] to address myself to the general subject, which is also embraced in the first section of his joint resolution, which I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine, the Executive should act in harmony with the legislative department of the Government.

Mr. BACON. Mr. President, the general subject of the powers of the Executive and of Congress as the lawmaking power is raised as well by the first section of the joint resolution of the Senator from Texas as by the resolution offered by myself, and in the discussion I shall treat the subject generally, having more particular reference to the phraseology and direct provisions of the resolution offered by myself, which is now before the Committee on the Judiciary.

This, Mr. President, may be said to be a question which has not come before us incidentally. It is true that the question arises out of the pendency of the question of the recognition of Cuban independence, but it has been brought before us in a much more direct way than could possibly be accomplished by the simple pendency of that matter. The Committee on Foreign Relations, composed of Senators of experience and ability, men not only eminent in this body, but eminent as the foremost men of the nation, have reported to the Senate a resolution in which they affirm indirectly the power of Congress to deal with this subject. They have recommended the adoption of a resolution by which the independence of Cuba would be acknowledged by this Government, and thereby have affirmed that in their opinion it is competent for the lawmaking power by the adoption of a joint resolution to acknowledge such independence.

Immediately thereafter an officer of another department of the Government, the Secretary of State, publishes what we may accept as an authorized interview, in which he denies the power of Congress to take such action, denies its authority to pass upon the question whether or not a government shall be acknowledged as a free and independent government, and claims that under the Constitution the exclusive power so to do rests with the Executive. In pursuance of the expression of that opinion, and in the same interview, he announces that if Congress should take such action it would be treated by the Executive as of no authority, and he particularly invites the attention of foreign nations to the fact that the executive department of this Government, as regards this question, acknowledges no such authority in the lawmaking department of the Government.

We have here, Mr. President, a direct, most undisguised issue; one which has been presented in such a manner that this department of the Government must either meet and assert its prerogative or by its silence must consent to the assertion that it has no such prerogative. Therefore I say that this question has not been incidentally raised. It has been presented to us as the sharpest, the most distinct of issues. We must either meet it, or we must assent to the proposition that we are not entitled to exercise this prerogative; and when I say "we" I mean the lawmaking power of the Government.

This question is to be decided by a consideration of what are the powers of these two great departments of this Government as conferred upon the several departments by the provisions of the Constitution of the United States. There has never before been a time in the history of this Government, during a period of more than one hundred years, since its foundation, when this question has been distinctly raised. There have been claims and assertions on the one side and on the other as to what were the rights of either of the departments, but there has never been an instance, so far as I know or have been able to ascertain—and if I am in error I shall be glad if some Senator who has had more experience will correct me—where the question has been distinctly raised between the legislative department, the lawmaking department of the Government, and the executive department as to which department has the right to exercise this great power. In the consideration of the question it is necessary that we should appeal to the grants of power found in the Constitution to each of these departments, and that we should endeavor to judge both by the letter and the spirit of the Constitution which of these departments has a right to exercise this great power.

Mr. President, I submit that this is a very grave question; that it is a question of the highest importance; that it is a question the importance of which is not measured by the influence which it may have upon the further question of the independence of any foreign government, but that it is a question the importance of which is measured by the fact that it must have in its decision a large influence in determining the lines which divide the authority and the power of one great department of this Government from the power and authority of another department of the Government. Furthermore, it is a question the importance of which is measured not simply by the decision so far as it may affect the particular question of the right to recognize the independence of a government, but it goes further, for the reason that the principles which are involved and which will control this particular question will also control very many more questions that closely concern the interests of the people of this country.

In considering the question as to where this power lies it is necessary to see what the Constitution has granted to the executive department. It is necessary that we should endeavor to see what was the design of the Constitution as to where the great sovereign powers should be vested, and that we should endeavor then to classify this particular power to see where it should lie.

Anyone who reads the Constitution must be impressed by the fact that the great central object in the formation of that instrument was to make this a representative government, not simply a government representative in form, but a government which should be representative in fact, and a government which the people, through those whom they might elect as their lawmakers, should determine what should be the measures, what should be the policies, and what should be the laws of this country. In accordance with that design, all lawmaking power is committed to Congress, and the very first section of the first article in the Constitution, the very first line in the Constitution after the preamble, is one which asserts that all legislative powers conferred by that instrument are conferred upon a Congress of the United States to consist of a Senate and House of Representatives.

This is not only a broad and a general grant, but it is an exclusive grant, and when we come to examine the powers conferred upon the Executive, we find no vestige, no scintilla of an intention to confer upon the President any legislative power whatever except in so far as the veto power may make him a part of the lawmaking power of the Government. Thus it is that when a power is claimed for the executive department, and the question arises whether it is a power which belongs to the executive department or is a power which belongs to the legislative department, one infallible test is this: Will the effect of the exercise of that power by the executive department be to enable it to accomplish that which is equivalent to the creation of law? Will it be to make that law which was not law before? If it does, then it is in the nature of a lawmaking power, and the test will decide that it is not one to be exercised by the Executive, but that it must be exercised by the legislative department.

Mr. President, if we apply this test to the particular question (I shall endeavor to hurry through this part of what I have to say, because it is only necessary to speak of it in general terms) whether the executive department has the right and the power under the Constitution, the exclusive power, to acknowledge the independence of a country, and endeavor to ascertain whether or not the acknowledgment of the independence of a country has the effect to accomplish that which would be in the nature of the creation of law, what do we find? What is the effect of the acknowledgment of the independence of a nation? One necessary effect of it is to make that law in this country which was not law before. One necessary effect of it is to make all the obligations which apply under international law to any independent nation the law of this country as to that nation.

If under this test such a recognition is in its nature and effect a legislative act, even though not in the usual form of a statute, the power rests exclusively with Congress in its lawmaking capacity, and in the absence of express grant in the Constitution it can not possibly belong to the Executive.

Is, then, such a recognition an act legislative in its nature and effect? An act, whatever be its form or guise, is legislative in effect whenever it imposes binding obligations and imperative duties upon the community which did not theretofore exist. Whatever is commanded by competent authority becomes law, and any such command, operating upon a whole people and also upon the departments and officials of the government, is a public law.

The recognition of the independence of a people does impose upon the people and officials of this Government new obligations and new duties. It lays upon them commands to observe such new duties and obligations to the new nation, its people, and its officials, and forbids them to infringe on rights which did not theretofore exist, rights which are created by such recognition.

International law, although never enacted in statutory form by any congress or parliament, is a recognized code of law of binding authority, and is so recognized and administered by our courts. It guarantees certain rights and imposes reciprocal obligations between independent nations. So soon as the independence of a nation is recognized by this Government, the duty is imposed upon our people and upon our officials that they shall regard those rights and observe those obligations in and to the people and government of the new nation. As respects a people not an independent nation no such obligation of law rests upon us. But when, by legal authority, the independence of a people is recognized, the act of recognition instantly, without more, lays upon our people and upon our officials the command to observe these obligations. As regards the relations between the people and officials of this Government and those of the newly independent people, that is made law for us which was not theretofore law. If to lay these commands upon the people and officials of the Government is in the nature of a legislative act, then the official act which necessarily operates to create such commands is not within the province of the Executive except in so far as it may be performed with the assent of Congress.

Mr. President, in addition to the view which I have thus far suggested, in a still broader sense has such recognition the nature and effect of a legislative act.

The act of recognition, when legally done, makes the independence of the new nation the law of this country. The object of the recognition is to change the legal status in this country of the people whose independence as a nation is thus declared. If not so, what is the purpose and what is the effect of such recognition by this Government? The purpose and effect can not be to change the legal status of such people in the contemplation and laws of other governments. That would be an impossibility. It can not be only to extend the expression of sympathy to the people of the recognized government. It is not simply intermeddling bravado. Nor is it merely a defiance to the one and a message of encouragement to the other of two contending parties. On the contrary, by such recognition is intended, and in fact found, something more material, something more practical.

It is a declaration of law in this country, with all of its attendant consequences, that a new nation has come into existence and that in its relations with this Government and this people it has all of the attributes and all of the rights of sovereignty; that it has the right to enforce every duty of citizenship upon those owing it allegiance; that it may declare war and make peace; that it may raise and maintain armies and build and commission ships of war; that it may lay and collect duties on imports, and that it may make treaties with foreign nations recognizing its independence..

I repeat, Mr. President, that the recognition makes the independence of the new nation a part of the law of this land. It becomes law binding upon the citizen, the official, and the Government; law recognized and administered by our courts; law under which in our own courts title to property is vested and divested; law which can be made the test of alleged crime; law which no judge of our courts could wantonly and capriciously ignore and refuse to administer without subjecting himself to impeachment and removal from office.

The declaration of a simple fact as a fact can not accomplish such result. The mere declaration of a fact as such can not coerce the action of a whole people and command the judgments and determine the decrees of courts as to property and personal liberty and life. Only law can do this, and only Congress can by the exercise of this power of recognition of the independence of a nation declare this law. When the act of recognition is by the Executive, it derives its validity from the assent of Congress, actual or implied. Such recognition by the Executive, in an undisputed case, is entirely consistent with the implied assent of Congress, and entirely consistent with the recognized existence of the final or supreme constitutional power being in Congress.

Mr. GRAY. Would the Senator from Georgia object to an interruption?

Mr. BACON. Not in the least.

Mr. GRAY. I am very much interested in the argument the Senator is making, and it is new, so far as I know. I understand him to say that there can be a law which exists and is binding as a law directing conduct and controlling the action of officials and citizens that exists by the implied consent of Congress.

Mr. BACON. The proposition is this: International law is a part of the law of this land and will be administered by the courts of this country, both Federal and State, without any distinct legal enactment either by Congress or by any State government. When through legal action by proper authority a nation is recognized as an independent nation, all the rights which that nation has under international law are rights which under the law of the Federal Government, rights which under the law of State governments, can be enforced either in the courts of the Federal Government or of the States by reason of the fact that such independence has been acknowledged. That is the proposition, and, Mr. President, I did not suppose it would be questioned. If the learned Senator from Delaware does question it, while I have not the books here I can undertake to furnish him with authorities, both Federal and State, to the effect that international law is a law which, while it has never been enacted by the authorities of this country, is binding upon the courts, both Federal and State, and will be enforced in either of those jurisdictions.

Mr. GRAY. I do not question at all the proposition the Senator has just advanced. I only asked him a question in order that I might understand his proposition. I perhaps misunderstand it, and I wish to be corrected if I am wrong. I understand that the Senator's opposition to the proposition that the Executive can recognize the independency of a new government not heretofore existing in the family of nations is based on the ground that such an act is essentially a legislative act, because it creates a rule of conduct for officials and citizens that hitherto has not been created.

Mr. BACON. Yes.

Mr. GRAY. I understand that part of his argument correctly. Then I understand the last proposition, as to which I took the liberty of asking the question preceding this, to be that heretofore wherever the Executive has recognized the independence of a government the only validity that it had as a lawmaking act was from the implied or tacit acquiescence of Congress.

Mr. BACON. Exactly.

Mr. GRAY. My question is, whether any law can be created by the implied sanction of the Congress of the United States?

Mr. BACON. The distinguished Senator, I presume, would like to lead me off into a very hair-splitting discussion. The general proposition is this: There are a great many acts performed by the Executive which depend for their ultimate authority upon the fact that the Executive, as the executive arm of the Government, is doing that which, while not specifically and directly in terms authorized by the lawmaking power, is with its implied assent: and if the distinguished Senator will do me the honor to hear me to my conclusion I hope to satisfy him that the act of the Executive in the recognition of the independence of a nation does not depend upon the ultimate power and exclusive authority of the executive department to make such recognition, but depends upon the fact that Congress, which alone has this ultimate power, is consenting to what the Executive does.

Now, Mr. President, if the ultimate power is with Congress, and if Congress assents to it, it is a legal act, and whether it is an express or implied act, all legal consequences must flow from it as if it were directly authorized by Congress.

Mr. GRAY. I understand the Senator's proposition, and I shall not interrupt him further.

Mr. BACON. I have no objection to interruption.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. Certainly.

Mr. PLATT. How does the Senator claim that Congress assents? Because it does not dissent?

Mr. BACON. Where it has knowledge of the facts, where the Executive is proceeding and Congress has full opportunity to know and does know everything which is done, of course Congress assents. If the Senator from Connecticut will pardon me for a moment, and will allow me to get further into my argument, he will see what I mean. But in order that he may not misunderstand me now, I say the proposition which I shall endeavor to maintain is, that the ultimate power to determine whether a nation shall or shall not be recognized by this Government is a power in the lawmaking department of the Government, and that where the lawmaking department sits by in full knowledge of what is going on and permits the Executive to act as the agency, the medium through which this is always done, appropriates money to pay ministers, as is suggested to me by the Senator from Montana [Mr. CARTER], or in any other way acquiesces in it, it is a confirmation of the act.

Mr. GRAY. The appropriation of money is an affirmative act. I agree with the Senator.

Mr. BACON. It is an affirmative act, but it is an indirect affirmation. I will say to the Senator from Delaware and the Senator from Connecticut that if they will permit me to develop the argument a little further, they will see what I mean without causing me to explain each step as I go along. I do not, however, object to interruptions, and I shall be more than happy to answer any question, so far as my ability will enable me to do so, that may be asked by either of the distinguished Senators or by others.

Mr. GRAY. I recognize the Senator's courtesy in the matter.

Mr. BACON. I had said that the simple declaration of a fact could not accomplish in the way of making a law which is to be enforced by courts what is accomplished whenever the legal declaration is made by competent authority of the independence of a nation, that that could only be accomplished by law, and that only Congress can, by the exercise of this power of recognition of the independence of a nation, declare such law.

Mr. President, there is yet another view, still more controlling, in my judgment, in support of the proposition (and I ask the attention of the Senator from Delaware and the attention of other Senators to this point, because it largely answers, I think, or rather bears upon the solution of the question which they propounded to me) that this power rests, under the Constitution, with Congress, and not with the Executive.

The recognition of the independence of a people, with all of the consequences which may flow from such recognition, is necessarily an act of the highest sovereignty. Mr. Seward, when Secretary of State, used this language in a letter addressed to Mr. Adams, then minister to England:

> To recognize the independence of a new state, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign power, because it affects in every case the welfare of two nations, and often the peace of the world.

The prerogative to determine upon the exercise of this highest possible sovereign power belongs properly and necessarily to that authority in the state which in its constitutional functions most fully represents its sovereignty. That authority in this Government is the lawmaking power.

The Government in its entirety is the sovereignty. But the Constitution has invested Congress with almost all of the prerogatives of that sovereignty. The broad, unlimited, and exclusive grant of all legislative powers under the Constitution, without more, carries with it the larger and most important part of the powers of sovereignty. But the enumeration in the Constitution of the powers of Congress goes further, conferring upon it, among others, the powers—

To lay and collect taxes.

To provide for the common defense and general welfare of the United States.

To regulate commerce with foreign nations.

To coin money and regulate the value thereof.

To define and punish offenses against the law of nations.

To declare war.

To raise and support armies.

To provide and maintain a navy.

To suppress insurrections and repel invasions.

Each of these, besides others of which I have omitted to make mention, is a distinct power of sovereignty—the powers which kings with unlimited power personally wield; and in addition thereto, after enumerating these most sovereign powers, there is the following comprehensive grant of power to Congress:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

By this, not only is Congress clothed generally with all power of legislation necessary to carry into effect all the powers granted to Congress, but Congress is further and exclusively vested with the power to make any and all laws necessary and proper for the execution of any of the powers of the Government of the United States and of any department of the Government. Mr. President, when to these great powers is joined the power to impeach and remove from office any officer of the Government, from the President to the lowest civil officer, little could be added to completely invest Congress with every attribute of the sovereignty of the Government.

Compared to this great array of sovereign powers granted to Congress, those conferred on the President present a most striking contrast. He is clothed with the great power and responsibility of the execution of the laws, but beyond this the only prerogative of sovereignty with which he is exclusively invested is the pardoning power, and even that is denied to him in cases of impeachment by the House and conviction by the Senate. Least of all is there to him the slightest grant of the greatest of all powers—the power to make law.

Mr. President, the fact can not be too distinctly announced, it can not be too highly appreciated, that the only distinct prerogative of sovereignty which is granted to the President of the United States is the pardoning power, and in that he is limited in cases of impeachment, where he is denied the exercise of it. Least of all, Mr. President, is there the least grant of the slightest legislative function to the Executive of the Government.

We have passed by more than two hundred years the period in the history of our race when one man could assume and exercise the power to determine, independently of the legislative department, what should be, even in part, the laws of the government. The framers of the Constitution stood nearer by a hundred years than we do to the time when a king sought to rule without parliament and in defiance of parliament, when he sought to take to himself all the powers of government and set at naught the laws and wishes of the country's constitutional legislators. The great and wise men who framed our fundamental law stood in the century next removed from that which had witnessed the culmination of that great struggle from the events of which they gathered the lesson that the material interests and the liberties of a people are safest when the great powers of government are lodged not in the control of one man, of whatever title or office, but in the hands of their elected representatives. They had learned from it that one man invested with such powers was quick to consider his own fortunes and the fortunes of his favorites of more consequence than the prosperity of a whole people. They were taught by that history to fear that one so girt with power would grow great in his own conceit, that he would attempt to draw to himself all the authority of government, and that, puffed up with the estimate of his own greatness, not only one born to the kingly office, but also one who held but temporarily the elective office of President, might come to think himself compassed with "the divinty that doth hedge a king."

These framers of the Constitution at that time, when they were defining the powers of the Executive doubtless then had in anticipation that the first President under the new Government would be Washington. They would not have feared to invest him with all power; but they looked beyond. While they hoped that only good and wise men would be chosen to that high office, they forgot not the frailties of the weak nor the grasping ambitions of the strong. They guarded against the worst. They designed that in the hands of a weak Executive the Government should not fail, and that in the hands of one strong, self-willed, and ambitious there should not be imperiled the free institutions which they sought to establish. Therefore while they created a great and noble office, one within its legitimate sphere the greatest and the noblest of all the earth, they designed that its greatness and nobility should not consist in the arbitrary powers of the kingly office. The greatness of the Presidential office does not consist in his will being the law to 70,000,000 people, but in the fact that the President in himself personifies the will of a great and free people as that will is expressed by them through another department of the Government. No man can shut his eyes to the fact that, to that end, while they invested the President with all the dignity and power of the Executive office, they carefully withheld from him the grant of the powers of sovereignty. Every power given to him was most carefully restricted and guarded.

While they gave him the power of the veto, they gave to Congress the power to override his veto by a two-thirds vote of each House.

While they gave him power to negotiate treaties with foreign nations, they made such treaties of no effect until agreed to by the Senate.

They gave him power to pardon those convicted of crime, but denied to him the power to pardon in cases of impeachment.

They gave him the power to appoint all civil officers, but except temporarily, when Congress is not in session, such appointments are of no validity until confirmed by the Senate.

They made him Commander-in-Chief of the Army and Navy, but they left it to Congress to determine what should be the size and constitution of the Army and Navy, and whether there should be any Army and Navy. They denied him the power to appoint a single officer of either the Army or the Navy, from the commanding officers to the lowest subalterns, unless each of such appointments should receive the confirmation of the Senate. They gave him no power to equip and maintain either Army or Navy for a day. They gave him no power to make war, nor can he of himself conclude peace. The power to make rules for the government and regulation of the Army and Navy is denied to him and is expressly conferred upon Congress. It is evident that as Commander-in-Chief of the Army and Navy he is but the executive arm, and that in that capacity he is himself in every detail and particular subject to the commands of the lawmaking power.

Finally they made the Chief Executive, as well as every other civil officer, from the head of the Cabinet to the most obscure civil official, subject to trial and removal from office, without appeal, upon impeachment by the House and conviction by the Senate—a power in much conservatism and wisdom but seldom exercised, but nevertheless a power, resting as it does, without defined limits as to what shall be deemed a high crime or misdemeanor, almost exclusively in the discretion of the House and Senate, which is the great safeguard against encroachment and official misconduct.

Mr. President, in this analysis I am attempting, by an examination of the various and relative powers conferred upon the legislative department on the one hand and those conferred upon the executive department on the other, to ascertain where properly rests the function of sovereign power in the exercise of which a people is recognized by this Government as a free and independent nation.

Upon this general analysis it would seem to be established that almost all of the functions of the sovereignty of the Government are vested in their ultimate power in the legislative department. It is further true that all the functions of the sovereignty of the Government, in so far as they necessitate affirmative determination and command, the directing of what shall be done and what shall not be done, are vested exclusively in the lawmaking power.

If the recognition of the independence of a people as a free and sovereign nation is in itself an act of high sovereignty—and who will gainsay it?—it would seem to be a necessary conclusion that in the absence of express grant to any particular department such act can only be legally performed under the determination, express or implied, of that department of the Government which has been invested with those functions of sovereignty involving the determination of all affirmative action by the Government.

Mr. President, if I am wrong in this view, if there is a single function of the executive department outside of the treaty-making power in which he is clothed with the power of a determination of any affirmative action other than that which he gets in the execution of the laws, I should like for some Senator to point out where, under the Constitution of the United States, is the President authorized to perform one single affirmative act imposing new duties, outside of the treaty-making power, for which he does not get the authority by express statutory provision.

Mr. GRAY and Mr. PLATT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. BACON. Certainly.

Mr. GRAY. I call the attention of the Senator to what he has already no doubt considered, the power expressly given to the President to appoint ambassadors, ministers, consuls, etc., and to receive ministers from foreign governments.

Mr. BACON. I am speaking of an individual act of the President that he is authorized to perform, which shall have the effect to create a duty which theretofore did not exist. I am not speaking of an act that he is authorized to perform which has to be confirmed by this body. I shall have something to say upon the subject of the reception of ministers.

Mr. GRAY. But the fact that no ambassador or other public minister can be appointed except by the advice and consent of the Senate does not support the contention that Congress has any participation in that act.

Mr. BACON. I am not on that point now, Mr. President.

Mr. GRAY. The Senate is merely the advisory council of the executive branch, created by the Constitution.

Mr. BACON. I shall come to that question later. I am now upon a distinct question, and I am ready to answer any question the Senator will ask me upon that particular point. The question is whether there is under the Constitution of the United States authority to the President of the United States, not in conjunction with any other department, but of himself alone, to perform a single act the performance of which shall have the effect to create an obligation which did not theretofore exist.

Mr. GRAY. Suppose he receives a minister from a foreign nation.

Mr. BACON. I am coming to that as a separate matter.

Mr. GRAY. Very well; then I will not anticipate the Senator.

Mr. BACON. I am ready to answer the Senator any question he may desire to ask me, so far as I may be able, which relates to the receiving of ambassadors.

Mr. GRAY. I pointed out one; but I do not want to anticipate the Senator's argument, of course.

Mr. BACON. I am speaking of an act which the President is to perform, which is binding upon our people, not an act performed in the reception of a minister.

Mr. GRAY. Is not that act binding upon our people?

Mr. BACON. I shall discuss that as a separate matter.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. Certainly.

Mr. PLATT. How does the Senator from Georgia suppose the President gets the authority to make a demand upon a foreign power for an indemnity to be paid to this Government for losses which have been sustained by a citizen of the Government?

Mr. BACON. Certainly upon the ground that he is the executive officer, and he makes a demand as such, but a demand which Congress may at any time come in and stop and say he should not make. Therefore, he makes it by the implied assent of Congress. Does the Senator dispute that if a demand were made upon a foreign government by the President, Congress by joint resolution or by an act could say that that demand should not be proposed. I am speaking of ultimate power when I am talking about power. I say the ultimate power would be in Congress by act or by joint resolution to stop the President and say he shall not do it. Therefore, if that is the case it must be done by the implied assent of Congress.

Mr. PLATT. Then I understand the Senator's position to be that the President as the executive officer is clothed with certain powers, but that Congress may overrule them. Is that it?

Mr. BACON. I mean to say that so far as the execution of the laws is concerned the President derives his authority from the Constitution, and so far as he exercises any other function where there is an express grant to him in the Constitution he exercises it by virtue of that express grant; but that in the general administration of the executive office he is in the main executing the laws passed by Congress, laws over which Congress has the ultimate power either in their enactment or their repeal, and laws, therefore, in the execution of which Congress can at any time arrest him.

Mr. PLATT. Suppose the President makes a demand upon a foreign power to surrender a citizen unlawfully detained by that foreign power, where does he get that authority under the Constitution?

Mr. BACON. He gets it from the fact that he does it with the assent of the lawmaking power, for the reason that the lawmaking power could at any time step in and stop him.

Mr. HALE. May I ask the Senator from Georgia a question?

Mr. BACON. Certainly.

Mr. HALE. I see how extremely exhaustive and trenchant is the effect of the Senator's position, and I ask him whether on his proposition and under his reasoning he believes that the Constitution has left to the President any independent power?

Mr. BACON. The distinguished Senator from Maine was not in his seat at the time when I began my remarks. I do not think he was here at the time when I spoke of the Presidential office as one of the highest and noblest of all on earth, and gave the reasons upon which I based that opinion. I will say, in answer to the honorable Senator, that the President is undoubtedly clothed with every function which is expressly conferred upon him as the Executive for the purpose of carrying into effect the laws of the land. The great injunction imposed upon him by the Constitution is that he shall take care that the laws be faithfully executed; and within the exercise of that power he is certainly supreme, except that it is within the power of Congress at any time to change any one of the laws that he is called upon to execute. Therefore, the ultimate power is in Congress.

Mr. HALE. Precisely. Is it not the logical result of the Senator's reasoning that the whole power of the Government is in the legislative branch; that the President is in operation only carrying out the laws of the Government enacted by the legislative branch; that he may at any time be arrested by the legislative branch in carrying out a law; and that therefore the sum and substance of all the Constitution is that the fathers ordained and established a legislative Government as the primal power? Is not that the contention of the Senator?

Mr. BACON. It is the lawmaking power, which consists not simply of this House and the other House, but consists of the majority of the Senate and of the House of Representatives in connection with the President, or two-thirds of the Senate and of the House without the President, and in despite of his disapproval. That is the lawmaking power.

Mr. HALE. When the Senator says that the only duty of the President is to execute the law, that in the field of administration there is nothing but that, and that the legislative branch may at any time arrest him in executing the law, certainly if there is any logical force in that, it follows that as a component part of the Government, as a branch by itself independent, there is no such thing left, and the Executive is annihilated.

Mr. BACON. Will the distinguished Senator permit me to ask him if he doubts the proposition that it is within the power of Congress to repeal any law which is upon the statute book; and if when so repealed is not the power of the Executive to further execute that law gone; and if that applies to one law, does not it apply to all?

Mr. HALE. This is about the way I understand that. Another Senator has said, referring to the pardoning power which we believe to be lodged with the President, that Congress may open the doors of every prison——

Mr. BACON. Not at all.

Mr. HALE. But another Senator said that. Can it not do so? Undoubtedly, but it would be revolutionary; undoubtedly it can do so, but it would not be within the scope, as I understand it, of the intention of the framers of the Constitution, who did make these distinct departments, and gave certain powers, some incidental, some direct.

My fault with the contention of the Senator is—and I see how closely he is pursuing it and how logical his march is in his reasoning—that it practically annihilates the Executive.

Mr. BACON. I think not, Mr. President. The Executive has a distinct office. The distinct office of the President is to execute the will of the lawmaking power so far as the general executive powers go. He has, in addition to that, other distinct and express grants of power, the treaty-making power; that is, the origination of treaties, the reception of ambassadors and ministers, the appointment of civil officers, and other things which do not depend upon the legislative department. But the contention of the distinguished Senator that because, pursued to its legitimate end, the exercise of these powers would be revolutionary, certainly is no argument against the fact of their existence. That would be a very good argument against the revolutionary exercise of these powers, but we are not discussing the question as to whether or not the power should be abused. We are discussing the question as to where the power rests, and the fact that if abused it would be revolutionary does not controvert the proposition as to whether that power does exist.

My proposition, in brief, Mr. President, is that the ultimate, final, supreme power is with the lawmaking power. I shall have something more to say hereafter which I hope may lead my distinguished friend from Maine to agree with me upon that subject.

Mr. HALE rose.

Mr. BACON. I desire to say, if my friend will pardon me a moment, that in the consideration of this question I am, so far as I know myself, controlled by a desire to arrive at the truth, independent of what influence it may have upon any pending question now exciting the public mind or engaging the attention of Congress. This question, in my opinion, Mr. President, of what are the legitimate bounds of the Executive authority and how far the legislative authority goes, is a question much higher, much more important to us than any question connected with the recognition or the nonrecognition of any particular people who may claim to be independent.

Mr. HALE. I understand the Senator not to be arguing the general subject of the Cuban revolution.

Mr. BACON. No, sir: not at all.

Mr. HALE. But only the law of the matter.

Mr. BACON. Yes, sir.

Mr. HALE. I ask the Senator what would happen if, in the contingency of a people claiming recognition and sending an accredited agent to Washington, the President should receive that minister, that ambassador, that agent, by whatever name his credentials entitle him, and Congress in session being of a contrary opinion, that the nation was not entitled to recognition, and being entirely opposed to the President, and it being the lawmaking power, how then would the Senator have Congress assert itself?

Mr. BACON. Mr. President, in the subsequent part of my argument I am intending to deal with the particular question of the reception of ambassadors. If the distinguished Senator from Maine will pretermit his question for the present, and propound it again when I reach that branch of the argument, I shall be very happy to do what I can to answer it.

Mr. HALE. I shall be very glad to have an answer to it.

Mr. BACON. But at the present time it would not be exactly in the order of my argument.

Mr. HALE. I do not ask the Senator to do it now if it will interfere with his argument.

Mr. BACON. I shall be very happy to do so later, and the postponement of the answer will give me the assurance that I shall have the continued attention of the Senator until I come to that point.

Mr. GRAY. I do not intend to interrupt the Senator any longer nor to trespass upon his extreme courtesy in the matter of yielding to interruption, but he was speaking a moment ago in answer to the question as to where the Constitution had given the President any ultimate power over Congress——

Mr. BACON. Oh, no: that was not the question.

Mr. GRAY. Then I am mistaken in the Senator's proposition.

Mr. BACON. It was the question, though I did not state it in that way.

Mr. GRAY. The Senator alluded to the power to receive foreign ministers by and with the advice and consent of the Senate, to send ambassadors to foreign countries, and omitted to mention the power absolutely ultimate, free from any participation on the part of Congress or control by Congress—I mean the pardoning power.

Mr. BACON. I am extremely unfortunate if I can not so express myself as to be understood on that particular point. There is no question about the fact that wherever there is an express power granted in the Constitution to the President it does not depend in any manner upon the control of Congress, and I expressly said when enumerating the powers of the Executive that the only power of sovereignty which had been vested in the President was the pardoning power, and that all other important powers of sovereignty—those which are usually personally exercised by unlimited sovereigns—were in the lawmaking power, but that the pardoning power was the exception, although that was limited not to apply to cases of impeachment.

Mr. HOAR. I do not wish to ask the Senator a question for the purpose of antagonizing or testing his argument, but I should like to understand, if I can, exactly the length to which he goes. I was obliged to be absent from the Chamber a few minutes during the first part of his argument. I want to ask the Senator's view of this proposition to see what he understands is exactly the constitutional position. Suppose that the lawmaking power enact—the President not assenting, but keeping the enactment ten days without any objection, or by a two-thirds vote, in either way in which we can pass laws—in these terms: "The Island of Cuba is hereby, and shall be, recognized as an independent power by the United States"——

Mr. BACON. If the Senator will pardon me, I presume he intends to propound the same question he did the other day in reference to the happening of a case during the recess of Congress?

Mr. HOAR. Perhaps the Senator will allow me to state my question in a single sentence.

Mr. BACON. I was only going to suggest to the Senator that I shall come to that matter in a later part of my argument.

Mr. HOAR. Then I do not wish to interrupt the Senator.

Mr. BACON. I will hear the Senator.

Mr. HOAR. Suppose Congress should say, "The Island of Cuba is hereby, and shall be, recognized as a free and independent State until the 1st day of December next," then adjourn to the 1st of December next, and in the meantime the President of the United States desires to receive an ambassador from Spain; or suppose we say, "Cuba shall not be recognized," and Cuba meantime establishes her independence, and the President says, "I should like to receive an ambassador from Cuba, and in order to make arrangements for the exchange of ambassadors I will first recognize Cuba." Does that enactment of the lawmaking power bind the President during the recess of Congress, it having enacted in terms that he shall be so bound? That is what I want to know.

Mr. BACON. Do I understand the Senator to state the case where Congress has passed a law that a foreign country shall not be recognized?

Mr. HOAR. Either: put it that way if the Senator prefers.

Mr. BACON. I say when Congress passes a law that a foreign country shall not be recognized there is no power in this country, the Executive or any other, which has power to make such recognition. But I will say to the Senator from Massachusetts that in a later part of my argument I shall come to a discussion of that precise question, as to what is the effect of an enactment by Congress that it will or will not maintain diplomatic relations with another government. If the Senator will pardon me until that time, and will put his question later, I shall endeavor to answer him.

Mr. HOAR. I did not put the question for the purpose of antagonizing the Senator's argument, but simply to get at an understanding of the Senator's position.

Mr. BACON. Perhaps fortunately for the Senator from Massachusetts, but unfortunately for me, he has not been in the Senate during the hour I have been trying to state what my position is.

Mr. President, the legislative department, which is invested with the exercise of these great powers of sovereignty, has been most conservatively organized by the Constitution. The lawmaking power does not consist in the majorities of the two Houses, but in such majorities with the approval of the President, or two-thirds of each House despite the disapproval of the President. It is safer that the exercise of this high act of sovereignty should be committed to the House of Representatives, the Senate, and the President than to the President alone. The exercise of this power by the President alone is, in my judgment, diametrically opposed to the fundamental principles upon which our representative Government is founded.

Sir, it is a sound proposition of law that the President has only such powers as are directly conferred on him by the Constitution, and such other powers as are inherent in the office of President—those which are necessary to the proper exercise of those directly granted. It is conceded by all that there is no such express grant in the Constitution. Unless, therefore, the right to the exercise of such power by the President is inherent in the office—unless, in other words, the exercise of this power by the President is necessary to the full and proper exercise of some power directly granted to him by the Constitution, the power does not exist at all as one of the functions of the executive office. I presume that nobody will gainsay the proposition that there is no such express grant in the Constitution; and unless such a grant can be deduced as an inherent power from an express grant, it does not exist.

Mr. GRAY. In either branch of the Government?

Mr. BACON. Yes, that is true.

The important and controlling question, therefore, is, Is there such an inherent power; and if so, where is it to be found? To what power directly granted does it attach as an inherent power?

It can not be contended that it is a power generally inherent in the executive office. It is a power which may in other governments, and under other systems, be frequently attached to the power of the executive office. It may be that the executive head under those governments and systems most usually exercises this power. But that fact does not establish the proposition that the power is inherent in the executive office. The general function of the Executive under our Government is to execute the laws, and no other power belongs to it except where specifically granted to it by the Constitution. I am speaking now of the general functions of the Executive, not of special grants. The recognition of the independence of a people has no relation to the exercise of such general executive function. The exercise of the power of recognition can not by any strained construction be shown to be essential to the proper and full exercise of the power to execute existing laws. It can not be made to appear that any single law would fail of execution at the hands of the President because of his inability to exercise the power of recognizing the independence of a foreign people. If it can, I should be very glad for some Senator, if not now, at a time when this question may be further discussed, to point out the single law which the President could not properly execute if he did not have the power to recognize the independence of a foreign government—one single law, the execution of which would fail if he did not have that power. I am not now speaking of a special grant, but of a single law which he would not have the power to execute in the exercise of his general functions as the Executive.

The recognition of the independence of a people is in no sense the execution of a law, unless a law has been enacted that there shall be such recognition.

Where such recognition is the independent act of the President, so far from it being in any sense an execution of law, so far from its having any relation to the execution of law, it is, as I have endeavored to show, an act in the nature of making law.

So that I think it may be safely assumed that the power to recognize the independence of a people is not an inherent power essential to the proper and full discharge of the general powers of the Executive office.

We must therefore examine to see whether it is an inherent power essential to the proper execution of any particular function specifically devolved by the Constitution upon the President. There are but three powers conferred by the Constitution upon the President which relate to foreign peoples or governments.

The first of these powers, which is found in the second section of the second article, is that—

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur.

The very most that could possibly be contended under this provision is that the recognition of the independence of a nation is in the nature of a treaty: but if so, it disposes of the contention that the power rests exclusively in the President, for if the power of recognition lay here it would require the consent of the Senate. So that nothing can be taken by those who claim the recognition of independence as an exclusive executive power, from that provision of the Constitution.

I will not stop now to discuss whether the power of recognition is a part of the treaty-making power, as I am now discussing the proposition that the power is not exclusively in the President. That it is his exclusive power is the contention of the Secretary of State, and that, as I understand, is the contention of the Senators who oppose the view which I take of this matter.

The second of these powers is found in the same section of the Constitution, and provides—

> And he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers, and consuls.

It is true of this provision, as it is of the preceding, that all power granted by it is shared by both the Senate and the Executive, and any inherent power arising under either provision must necessarily belong to both the Executive and the Senate, and does not belong to either exclusively.

I do not understand that the exclusive power of recognition is claimed for the Executive under either of these provisions, and I only cite them in order that every line in the Constitution relating to any connection of the President with foreign affairs may be brought within the scope of this examination.

The third and only remaining power relating to foreign governments or peoples which the Constitution confers upon the President is in the third section of the second article, which is as follows:

> He shall receive ambassadors and other public ministers.

Upon this slender grant, this single line, imposing the duty of a ceremonial, is attempted to be rested this vast power with its far-reaching consequences, the exercise of which must be conceded by all to be one of the highest attributes of sovereignty. There is no legitimate construction of this clause which will sustain this conclusion.

There can be no question that the design of the Constitution is that the Executive shall be the medium of official intercourse between this Government and those of foreign nations. The conferring of the power to initiate the making of treaties evidences sufficiently that design. The imposition of the duty to receive ambassadors and ministers is further evidence of it. It is necessary that a foreign minister accredited by his government should be officially received, and the President is designated to formally and officially receive him. That is the plain language of the grant. The inherent power under this grant is to hear officially whatever message or communication such ambassadors or ministers may bear from their governments to this Government.

As the President is the medium through which this Government receives communications from foreign governments, as he is the medium through which this Government communicates with foreign governments, as he is the officer designated to negotiate the treaties which are to be submitted to the Senate, the design of the Constitution in designating him as the officer of the Government to receive ambassadors and ministers is very plain: and it is not necessary to look beyond the functions the exercise of which is required to carry out these purposes in order to determine what inherent powers go along with this grant to the President.

By no legitimate construction can the imposition by the Constitution of the duty to receive ambassadors and ministers carry with it such inherent power as makes the President the arbitrary and absolute controller of the relations between this Government and all foreign governments, the making of treaties alone excepted.

Mr. HALE. Will the Senator allow me to ask him a question?

Mr. BACON. Certainly.

Mr. HALE. I see clearly the Senator's reasoning strips the President, under the constitutional provision which gives him the power to receive ambassadors, of everything except a ceremonial power. Let me ask the Senator——

Mr. BACON. I beg the Senator's pardon. If he had observed what I said——

Mr. HALE. I have listened to every word the Senator has said.

Mr. BACON. I went further than a ceremonial. I spoke of the fact that the President is the medium through which this Government makes its negotiations, which is more than a ceremonial.

Mr. HALE. Let me ask the Senator whether that provision of the Constitution does not clothe the President not only with the power of receiving—a ceremonial—but with the critical, underlying power of selecting the time that he shall receive that ambassador?

Mr. BACON. When the President shall receive him?

Mr. HALE. Is not the one essential question as to recognition, When has the time come that this Government shall receive? and is there not in that power given to the President something clearly beyond ceremonial?

Mr. BACON. Does the Senator ask me whether or not that power does not carry with it the inherent power to determine whether that ambassador represents such an independent government as will justify the President in receiving him? Is that the question?

Mr. HALE. The question amounts to that. When I ask if it does not give the President power to select the time when he shall receive, does not that carry with it the power of deciding the time when a foreign government shall be recognized?

Mr. BACON. When the Senator speaks of the time, does he mean the time in the history of the country or the time in the period of the year?

Mr. HALE. The date, the hour, at which the President will receive the representative of a people claiming to be an independent government.

Mr. BACON. Does the Senator mean as to what time in his business can the President spare the particular minute when he will receive such a representative? I am asking for information, for I really do not understand the Senator's question.

Mr. HALE. I will put it as the Senator says. Does not the constitutional provision which gives the President power to receive ministers, ambassadors, and agents, give him necessarily the authority to settle the critical time when that nation shall be recognized?

Mr. BACON. I am asking the Senator, in order that I may answer his question, whether he refers to the time in the history of the government, or the proposed or alleged government, or whether he means a particular time as to the President's own personal engagements?

Mr. HALE. It is the same thing. If the President decides that he will not receive the minister, then there is no recognition; but if the President decides that he will, on next Friday, receive the accredited agent of a people claiming to be an actual government, does not that power that he has of fixing the time clearly lodge in him the whole question of recognition?

Mr. BACON. I will say, in answer to the Senator, that I am going to discuss at this immediate time the particular question as to how far the right to receive ambassadors clothes the President with the power of deciding the question whether or not an alleged nation is entitled to be recognized as an independent nation, if that is the question.

Mr. HALE. I hope the Senator, then, if he thinks it is worth his while, will——

Mr. BACON. I think anything is worth my while if the Senator desires me to answer it.

Mr. HALE. I hope the Senator will, if he thinks it is worth while, tell us what his view is upon the very subject of the right of the President to receive—which must be done at some particular time in the history of the country asking to be received—whether that does not leave with the President the power of recognition?

Mr. BACON. If the Senator means by his question to ask me whether there is anything in the grant of power to the President to receive an ambassador or a minister which carries with it the inherent power, either directly or indirectly, to determine finally, absolutely, and without appeal, whether a government is an independent nation or not an independent nation, I answer him no, I do not think there is any such. If that is not comprehensive, I will say that I do not think under any circumstances that that inherent, final, unlimited power exists: and it can not be accomplished by the President through his supreme, unlimited power, either by direction or by indirection.

Mr. HALE. What would be the result for the time being, if Congress were not in session, if the President——

Mr. BACON. Mr. President, it is now past 4 o'clock. I should be more than willing to follow the Senator from Maine through a general discussion as to any questions which he might desire to propound, but I wish to present a connected argument, and many of the questions which the Senator is now asking me I shall endeavor to answer in the progress of this argument.

Mr. HALE. Of course I could not understand what the Senator's line was, and I waited——

Mr. BACON. But the best way, I submit to the Senator, is to give me the opportunity to develop it, and I can not have the opportunity if the Senator, before I have developed the argument, anticipates and asks questions which will be answered later.

Mr. HALE. I see the force of what the Senator says, but the Senator will remember that when some questions were asked by other Senators at a former time during his very able and entertaining speech, he suggested that they wait until he came to this part of his speech.

Mr. BACON. I have just simply touched it.

Mr. HALE. As the Senator had reached that part, I ventured to put two or three questions. But I will not trouble the Senator again.

Mr. BACON. I have reached it, but I have not got into it. The Senator stops me at the threshold.

Mr. HALE. I will not trouble the Senator again.

Mr. BACON. I have remarked that by no legitimate construction, in my opinion, can the exercise of this simple duty to receive ambassadors and ministers be so extended as to make the President of the United States, as is claimed by those who say that he has this exclusive power, the absolute, unqualified, uncontrolled, and uncontrollable power to decide as to all matters relating to our foreign relations, so far at least as they include any question of the recognition of the independence of a people claiming to be free and independent; and yet that is the result to which the contention must lead. If it had been intended—and I ask the Senator's consideration of this proposition—by the grant of power to receive ambassadors and ministers to confer with it the power to recognize the independence of a foreign nation, the exercise of that power by the President would doubtless also have been guarded as was the treaty-making power, by requiring the advice and consent of the Senate to act.

Mr. HALE. Now the Senator asks me a question.

Mr. BACON. I was not conscious of the fact. If the Senator so construes it, it is all right.

Mr. HALE. The Senator put it in that form. I will not take advantage of that lapse of the Senator. The Senator did ask me a question.

Mr. BACON. I certainly have not indicated any indisposition to have the Senator interrupt me. I am always more than happy to agree with the Senator, and always very much distressed when I differ with him. It gives me very great distrust when I do.

The contention is that the duty imposed upon the President to receive ambassadors and ministers necessarily involves the duty of determining what governments are such free and sovereign governments as are entitled to send ambassadors or ministers to this Government; and further, that as he can not determine whom to receive and whom to refuse to receive as ambassadors or ministers unless he also exercises the power to determine what states are sovereign and independent, therefore the power to determine and recognize the independence of a nation is a power inherent in the power to receive ambassabors and ministers. That is the whole argument in a nutshell, as I understand it, and there is no other single line or letter in the Constitution upon which this power is claimed than the single line that the President shall have the power and it shall be his duty to receive ambassadors and ministers and consuls.

If it be true (and I ask the attention of Senators who are lawyers to this proposition) that there is no reasonably practical way in which the President can be informed what government is entitled to send ambassadors or ministers to this Government, unless the Executive has the original, absolute, and exclusive power to determine what nation is a free and independent nation, and what nation is not a free and independent nation, then the argument is sound. I concede it, if that be true. In that case the power claimed for him is one of his inherent powers, because without it he could not perform the duty of receiving ambassadors and ministers.

But if, on the contrary, it be true that it is entirely practical for the Executive to receive from the lawmaking power of the Government the necessary direction through joint resolution, in cases of doubtful or disputed independence, then the argument is not sound. In that case the power claimed for him is not one of his inherent powers, because without its exercise by him he can perform the duty of receiving ambassadors and ministers.

Mr. President, let me suggest an illustration, and I ask the attention and consideration of the distinguished Senators who have so kindly given me their attention during the progress of this argument to this illustration upon the point whether or not the duty to receive ministers carries with it the inherent power to determine, as a supreme constitutional power, whether or not a government is an independent nation. By some, in times past, Senators in this Chamber have been spoken of as ambassadors from their several States. The Senate, a continuing body, receives a Senator upon his credentials from his State. The Senate has no right to receive a Senator except from a State which is one of these United States—a member of the Federal Union. When a Senator presents himself to be received here, how does the Senate determine that the State whose credentials he holds is one of this class? Is it determined arbitrarily, under its own judgment, and in obedience to its own will? No. It turns to the records and ascertains that the State in question is one of the original thirteen, or it turns to the statute book and finds that this same sovereign lawmaking power has enacted that it has become one of the United States entitled to send Senators here. It matters not whether the designation of Senators as ambassadors is apt, the purpose of the illustration is served. It would be just as logical to claim it as one of the inherent rights of this Senate to determine, by its own judgment and will, independently of any statute and in defiance of the lawmaking power, whether a community offering to send a Senator to this body was or was not a State in the Union as to claim that the President must necessarily exercise the exclusive power to determine upon and recognize the independence of a people in order that he might properly perform the duty of receiving ambassadors and ministers.

Mr. WHITE. Will the Senator from Georgia permit me to ask him a question?

Mr. BACON. Certainly.

Mr. WHITE. Suppose the case of a country which by means of a revolution has actually severed itself from another country; that Congress had not recognized its independence, but that a party claiming to be and actually being the accredited party representing the government presents himself to the President and claims to be the ambassador or minister of that government. Would the reception of such minister or representative by the President be a recognition of the independence of that government?

Mr. BACON. As a final recognition, I should certainly say no. It would be a recognition upon which courts could act.

Mr. WHITE. Allow me to present another question. Could such recognition be revoked at all by anybody?

Mr. BACON. I recognize the principle of law—there is no question about this—that whenever there has been an authoritative recognition of a government it can not be revoked; but I say that whenever there has been simply a tentative reception of an ambassador from a government not theretofore independent, done during a recess of Congress by the Executive, while it would give him a certain quasi position which the courts would recognize so long as he occupied it, it would be competent for the lawmaking power, when Congress assembled, to determine whether or not that government which claimed to be independent and which represented a people who had sundered a certain portion of territory from another country with which this Government was in amicable relations, should so stand as an independent country, or whether this Government should refuse to recognize it and say it still constituted an integral part of the mother country. I will come in a moment to a line of argument which sustains that proposition.

Mr. HALE. Then the Senator would say that after recognition, in the manner which has been indicated by him, had been granted by the Executive and the minister had been received and had assumed the functions of a minister, Congress could order him sent home?

Mr. BACON. Most undoubtedly. I do not hesitate on that proposition, sir—not a particle.

But, Mr. President, right in that connection I wish to say that while of course the argument of inconvenience is a proper argument for consideration, it is never an argument which can settle finally the question of legal power. The illustrations as to the argument of inconvenience which the distinguished Senator from California and the distinguished Senator from Maine suggest to me are both of them illustrations which would be met easily by the lawmaking power if it would take up this subject and legislate on it as it ought to do. If the power rests with Congress to determine when a nation is an independent nation, if that is the highest act of sovereignty, as Mr. Seward said it was, if it belongs properly to the department of government which exercises almost without exception all of the powers of the sovereignty of this Government, the fact that it can not be conveniently exercised by Congress by act or joint resolution during a recess, does not prevent this Congress or any future Congress from passing a general law which shall prescribe what shall be done in such cases as the Senators have indicated.

The position that Congress is the ultimate power to determine whether in a disputed case a nation is or is not an independent nation is fortified by the consideration that the necessary meaning of this provision of the Constitution is that the President shall receive ambassadors or ministers from such governments as the lawmaking power of this Government shall consent to diplomatic relations with. I am sorry that the Senator from California who propounded a question to me a few moments ago is not here, because what I shall now say will have some bearing on the question

which he asked me, although not direct. The legitimate construction of that is that he shall receive ambassadors and ministers from such governments as Congress shall consent to have diplomatic relations with.

This consent is assumed to be given in the cases of all civilized independent nations with which this Government is at peace. But will anyone contend for a moment that it is beyond the power of Congress to say by statute or joint resolution that this Government will not hold diplomatic relations with any particular government it may designate?

Mr. President, it is understood to be true that during the past twelve months or so there have been thirty or forty thousand or more of Armenians—defenseless men, women, and children—mercilessly butchered in Turkey, and that this has been done, if not by the command, with the wish and approval of the Turkish Government. Suppose that Congress by a joint resolution or statute regularly enacted should declare the Turks to be without the pale of civilization, that they are savages and fiends, and order that this Government thereafter shall hold no diplomatic relations with the Turkish Government. Will it be contended for a moment that when diplomatic relations with that Government were thus sundered by Congress the President could refuse to obey the law and still receive a minister from Turkey? If Congress has the power to sunder diplomatic relations with Turkey and send away her minister and prohibit the reception of any diplomatic representative from that Government, it has the power to do the like, in its discretion and judgment, in the case of any other government.

It is difficult to see any ground upon which an argument can be based denying the power of Congress in such case. The power to declare war, which is by the Constitution vested in Congress exclusively, must of necessity include the inferior power to sunder diplomatic relations, not only when war is declared, but at any time, and for any cause by it deemed to be sufficient. The power to declare war must involve the ultimate supreme control of all those relations out of which war may grow. It must therefore follow logically that if Congress has the power in its discretion thus to sunder diplomatic relations and to forbid the reception of an ambassador or minister from that government, then Congress is the final power to determine from what countries ambassadors or ministers shall be received. If so, the President is but the agency designated for the reception of ambassadors or ministers from governments with which Congress directly or tacitly consents to hold diplomatic relations.

It is idle to say that power to the contrary rests with the Executive unless we are prepared to go further and admit that the President would still have the right to officially receive in the Executive Mansion and negotiate with a foreign minister after Congress had by law duly enacted declared there should be no diplomatic relations between this Government and the government of that minister. I must believe, Mr. President, that the most ardent advocate of extreme executive prerogatives will hesitate before he will undertake to maintain that the President has any such autocratic power.

To what conclusion then, Mr. President, does this proposition, if successfully maintained, inevitably lead? The inherent power to recognize and determine, so far as this Government is concerned, the question of the independence of a nation is claimed for the Executive upon the ground that it is for him to determine what government is entitled to send an ambassador or minister to this Government. But if this premise is not true, if on the contrary the controlling power rests with Congress to determine whether any ambassador or minister shall be received by this Government from any designated people or government, then the inherent power does not belong to the Executive. The inherent power must follow the original power, and it also must vest with such original power in Congress. It is impossible as a proposition of law that the inherent power shall rest exclusively in the President, while the original power, which alone gives existence to the inherent power, rests ultimately and absolutely with Congress.

Sir, I must utterly dissent from the proposition that the duty of receiving ambassadors and ministers in the contemplation of the Constitution devolves upon the President the power, in his single will, to determine without regard to the sanction of the lawmaking power, whether a minister is accredited to this Government by a government of a free and independent nation where that question is in dispute. The ambassadors and ministers which the Constitution has in contemplation—directs the President to receive—are those from recognized independent governments—governments the existence and independence of which are so universally recognized and undisputed that courts would take judicial knowledge of their status, and of which the President would take like knowledge, without proof. The whole theory of our Government, as well as the genius and purpose of our free representative institutions, are utterly at war with the construction that out of the simple duty imposed to receive ambassadors and ministers should be evolved the sovereign power in the Executive, in his unrestrained discretion and in pursuance of his unbridled will, to say authoritatively and finally that a people theretofore a part of a recognized foreign sovereignty either had or had not won the right to be a new, independent nation, and thus say and authoritatively decree, even though his judgment were opposed by the opinions and wishes of the entire Congress and of the entire people.

Mr. ALLEN. I should like to make a suggestion to the Senator from Georgia at this point. I do not want to interrupt him, however.

Mr. BACON. It is no interruption.

Mr. ALLEN. It is a point in connection with the thought he is now developing. If the position of the Senator from Maine be true, that the power to recognize is an original and exclusive power of the Chief Executive, then, if he shall see fit to do so, he might recognize a straggling community of a few hundred people, which would be binding upon us.

Mr. BACON. I will come to a case of that kind in a moment.

Mr. ALLEN. Or he might deny recognition to a perfectly established nation of a million or more people.

Mr. BACON. That is right. I will come to that point later.

If this power is vested by the Constitution in the Executive it is an unlimited power. There is no escape from that proposition. There are in such case no bounds set within which he is authorized to act and beyond which he can not go. There is in such case no other power in the Government which can either command or stay his action. The scope of his discretion is without limit, and his single will is absolute law. What he refuses to do no other power in the Government can do or compel him to do. What he does no other power in the Government can oppose or prevent. His uncontrolled and uncontrollable action in the exercise of an act of the highest sovereignty of the Government—one which, so far as the action of this powerful Government can affect it, alters the map of the world, and changes the relation of this Government to other governments—one which may in strong probability involve it in war—such an action, within his sole power, is final, without appeal and without power of reversal!

Those who claim that this power rests exclusively in the Executive must follow their argument to its final results, and they can not escape the conclusion that if this contention is correct no monarch in the day of arbitrary and unlimited rule ever wielded more absolute and unquestioned power than does the President of the United States in this regard. I will add that there is not on earth to-day a constitutional monarch who personally wields such power; not one.

If there should be an insurrection in Manitoba and its leaders should set up a government for the whole of Canada, and the President should recognize the independence of Canada against the opinion and wish of Congress and of the whole country, it would, if their contention be true, be a final act beyond the power of question or control by Congress. On the other hand, if at the time of the beginning of an Administration the Cubans should drive every Spaniard off the island and set up and maintain a government complete in all its functions and recognized by every other nation on the earth and the President should refuse throughout his term of office to recognize Cuban independence, such refusal would prevent recognition for four years even though every member of Congress and every other man in the United States favored such recognition. It will be said that these are extreme and improbable cases, and I reply that the correctness of propositions is tested by extreme cases.

Mr. President, it is the evident purpose of the Constitution, in case the President and Congress should unfortunately come in conflict, that the latter should control the former. It limits the President's exercise of almost every important function by requiring thereto the approval and cooperation either of the two Houses of Congress or of the Senate. But more than this, it puts absolutely within the power of Congress, two-thirds of each House concurring, without his approval, and despite his disapproval, to dictate to him every law that he shall administer. And as a final evidence of this intent, the Constitution places within the power of a majority of the House and of two-thirds of the Senate to impeach and remove the President from office for any alleged misconduct which they may deem to be a high crime and misdemeanor. How is it possible to recognize such intent to place controlling power in the hands of Congress, with the contention that the Constitution has clothed the President with exclusive, absolute, unlimited power, regardless of the will of Congress, in dealing with all the foreign relations of this Government, the making of treaties alone excepted.

The utter unreasonableness, the monstrosity of such a contention, is found in the fact that the management and control of the foreign relations is one of the chief functions of the Federal Government. Of the two principal objects which led to the formation of the Federal Government, one was to regulate and control the reciprocal relations between the several States, and the other was to regulate and control the relations between foreign governments and the States in the aggregate. The position is unreasonable and untenable that in the formation of a government where such care was taken to deny the Executive every attribute of sovereignty, the pardoning power alone excepted, there should be found, not by express grant, but by inference only, an intention to confer upon the President royal power, unrestrained and unlimited, in the wide-reaching and important matter of foreign relations, excepting only in the matter of treaties.

The contention that it was the intention of the Constitution to confer the unlimited and exclusive power upon the President in dealing with any branch of foreign affairs is utterly irreconcilable with the fact that the Constitution does not permit him to declare war, that it only permits him to make a treaty with a foreign nation when two-thirds of the Senate consents to it, and that it requires him to procure the consent of the Senate to every foreign appointment he makes, from the ranking ambassador to England down to the humblest consul in the Island of Haiti.

Mr. President, it is not only opposed to the spirit of our representative institutions and to the letter of the Constitution that such unlimited power should be placed in the hands of one man, but it would be unsafe to do so. The President is but one man taken from the ranks of the public men of the country, in most instances not superior either in ability or experience to the average of those standing in the front rank.

In this day of the powerful influences exerted by powerful interests it is safer that the determination of such great questions should not be within the will and discretion of any one man, but that these questions should be under the control of the great lawmaking power, which has been invested by the Constitution with almost every function of sovereignty in the Government.

Mr. President, there are strong and ingenious arguments urged in favor of the possession of this exclusive and sovereign power by the Executive, but I submit that no argument is conclusive on this question which does not rest upon a grant of power in the Constitution, either express or implied. These arguments are in the main rested upon the facts that the executive department has in a number of instances assumed to exercise the power; that the officers of the executive department have, in their diplomatic correspondence, claimed the right in that department to exercise the power, and that there are cases in which the dicta of the courts speak of it as an executive power.

These facts, while entitled to weight and consideration, are none of them conclusive in the settlement of this question.

In the many instances which have been cited in which the Executive has recognized a change of government or the independence of a nation there is not one in which it may not be shown that the act was with the actual or implied assent of Congress. There is not a single instance in which there is the least evidence of opposition by Congress and action by the Executive contrary to the will and wishes of Congress. The Executive is the agency through which the lawmaking power of the Government deals with foreign governments. Much is left to the judgment and discretion of the executive department, and so long as the acts of the department are not objected to by Congress they are tacitly acquiesced in by the lawmaking power.

Furthermore, it is true that a very large number of these recognitions, as shown by the memorandum submitted by the Senator from Maine, were made by accrediting diplomatic agents or consuls to the new governments, all of whom were necessarily confirmed by the Senate. In such cases there was not only the implied assent of Congress to the act of recognition, but the direct action of the Senate.

So that the instances cited of the exercise of this power by the Executive do not constitute precedents establishing the rule in favor of this exclusive right or power in the Executive and in denial of the final right of control in the lawmaking power.

The Senator from Maine, who does me the honor to be interested in this argument, was engaged at the time I stated the proposition—in which, if I am incorrect, I hope the Senator at some future time will set me right—that there is no instance in the history of this Government where the Executive has exercised this power in conflict with the express will of Congress to the contrary.

Nor do the writings and diplomatic correspondence of officers of the executive department furnish a sufficient basis for the contention in favor of this exclusive Executive power, except in so far as they are shown to be rested upon constitutional grant of power. That these officers of the executive department should endeavor to magnify their office is not to be wondered at. That their claims thus expressed have provoked the utterance of no dissent from Congress is due to the fact that in no instance prior to the utterances of Secretary Olney have they, in asserting them, directly antagonized the legislative department and made an issue as to the right and power of Congress to deal authoritatively with the question. That antagonism has now been directly made and that issue has now been distinctly raised by the present Secretary of State. In anticipation of the action of Congress he has in the most public manner denied its power, defied its authority, and proclaimed through the press to foreign nations that even if such proposed action should be formulated and put upon the statute books in due form of law, the President would not obey it. He has practically threatened Congress with the veto of the President, and added that if passed over his veto it would be flung back in the face of Congress as so much waste paper. Never was challenge of power more sharply made; never was defiance of authority more boldly given. If Congress is acquiescent, if the challenge is unheeded, if the defiance is permitted to pass without the assertion by Congress of its prerogative, it must be confessed that there will be in such case at least one precedent of claim of exclusive power by the executive department which will in the future count against the right of Congress to claim this power as one of its prerogatives.

Neither do the advocates of this exclusive power find support in any judicial decision on this question. All the utterances of the courts, in so far as they appear to class this as an exclusive Executive power, are mere obiter dicta, which these courts themselves would refuse to regard as decisions if the question were now directly presented for their adjudication. There is no single case in which the issue therein presented was whether this power belonged exclusively to the Executive or to the lawmaking power. The issue in each of these cases was simply whether there had been recognition by the Government, and while deciding that issue the ascription of the power to any one department was, as every lawyer must recognize, mere obiter.

And, sir, in the consideration of these utterances by the courts, the fact is not to be overlooked that wherever the power rests to determine upon the act of recognition, the performance of the act of recognition undoubtedly rests with the Executive. It is through the Executive that the fact of recognition by the supreme power is made known to the people thus recognized. In dealing with the question whether there had or had not been recognition in a particular case the courts, in speaking of such recognition by the Executive, can only be legitimately construed to have reference to the particular function of the act of recognition by the Executive, without reference to the particular department of the Government having the final power to determine upon and direct such act.

I will not attempt now to discuss the question of the power of the courts to decide upon the exercise by Congress of its political powers. It is sufficient to say that the question has so far never been decided by the courts. And the case has never been made which would have justified them in attempting so to decide: not one can be found in the books.

Mr. GRAY. May I ask the Senator whether in making that assertion he has in view the case in 3 Sumner, in which Judge Story——

Mr. BACON. Possibly the Senator did not understand the statement which I made. The statement I made was that there never had been a case made where the distinct issue, where the question to be decided, that upon which and under which rights were to be determined, was whether a recognition by the executive department in contradistinction to the right of the legislative was a valid recognition.

Mr. GRAY. But there is a case reported in 3 Sumner——

Mr. BACON. There are plenty of cases where they speak——

Mr. GRAY. In which the only recognition had been the executive recognition, and the court decided distinctly there that it was a recognition which the judicial department would recognize as valid.

Mr. BACON. Most undoubtedly, and in accord with what I have said. All this recognition was through the executive department. There is no other medium by which recognitions are made. My contention is that the ultimate power to decide whether it shall be done or not is in the legislative department, and that where there is no disavowal by the legislative department, especially where they go forward and do acts which show that they confirm it, it is an affirmation of it—a ratification.

Mr. HOAR. Will the Senator from Georgia permit me to ask him there what he says as to the case which——

Mr. BACON. Which the Senator suggested?

Mr. HOAR. Not exactly that, but upon this particular point: Suppose on the 5th day of March of a year when Congress adjourned the 3d, the President recognizes a new government. Now, there is no meeting of Congress until December, and of course there is no implied acquiescence of Congress. Does that have any lawful effect whatever, or any lawful relation to conduct of American citizens during the summer? Is the ambassador who is received entitled to sue in the Supreme Court of the United States for that summer?

Mr. BACON. I will state to the distinguished Senator from Massachusetts that the same question has already been asked me, at a time when the Senator was not in the Chamber, by the Senator from California [Mr. WHITE], and that I have already answered it. But I will answer it again in brief. I say that of course the reception by the President is good so far as an official recognition that the courts will enforce, that it is in the nature of a tentative recognition. All intervening rights, of course, would be preserved under that recognition, just like the de facto acts of any government or officer; but it is within the power of Congress when it convenes to say as to that particular piece of territory which the President had determined should thereafter be an independent government and should not thereafter be a part of the mother country, that the action is reversed and we do not approve of it, and it is still a part of Great Britain, for instance, or Spain, or any other country.

Mr. HOAR. Then, until Congress has negatived the President's act, it is valid?

Mr. BACON. Until Congress negatives the President's act it is in the nature of a tentative recognition, and in that case it entitles them to legal rights.

Mr. HOAR. And the recognition is binding on our courts and on our citizens?

Mr. BACON. I will say to the distinguished Senator from Massachusetts that that particular illustration and that particular answer was suggested to me by one of the strongest constitutional lawyers known to this country, and one who has held (I will not say whether he does not now hold) a very high judicial position.

Mr. HOAR. I simply wanted to understand the Senator. Then, taking the ground, as the Senator does, that the Executive may make a recognition which shall be binding on the courts and on American citizens and every portion of the country until Congress has negatived it, does the Senator say we should pass a resolution declaring that the power is exclusively one in Congress?

Mr. BACON. I think so most undoubtedly, because the ultimate power is there and the validity of it depends upon the implied assent of Congress.

Mr. HALE. Does the Senator——

Mr. BACON. But, if the Senator will pardon me just a moment and then I will hear him. I want to finish this point. I wish to say that the distinguished and honorable Senator from Massachusetts has not done me the honor to hear my argument, and he comes in momentarily and propounds a question which, if he had heard the whole of it, he would not have put. I desire also to repeat that the argument of inconvenience does not overthrow a legal proposition; that the argument of inconvenience is one to be met by appropriate legislation. I would suggest that the proper legislation in this case is in the recognition by Congress of its supreme and ultimate power, and in a provision which will meet all of the cases that the distinguished Senator suggests might produce inconvenience. It is perfectly competent, if the ultimate power is in Congress, for Congress to pass a law which shall regulate the manner in which the President shall proceed under such circumstances, and to preserve the rights of all parties. Now I shall be glad to hear the distinguished Senator from Maine.

Mr. HALE. I was only going to suggest that the Senator's argument, ingenious as it is, enforces more strongly than ever upon me the strength of the proposition in the Constitution that the President may receive ambassadors. Otherwise the contention of the Senator must amount to this, that the receiving of ambassadors does not fix the status of the state received; that it is only a temporary act to be overridden by Congress, and that the provision should have been, in order that the language might measure the effect, "temporarily receive."

Mr. BACON. No, sir; not by any means.

Mr. HALE. Clearly that is the result that the Senator reaches.

Mr. BACON. Not at all.

Mr. HALE. Because he says that, although on the 5th of March, after the adjournment of Congress, the President receives an ambassador, it does not fix the status of the country received; it does not fix its recognition except temporarily, and that when Congress assembles it may at once, without stretch of power but by powers clearly granted to it, overthrow the whole thing. If that be true, it is certainly only a temporary reception.

Mr. BACON. Let me give an illustration to the distinguished Senator from Maine the force of which I think he will appreciate. I suppose we all understand that the Senator from Maine regards it as an unheard of proposition that in the present condition of affairs the independence of the Island of Cuba should be recognized. That is the emphatic statement in substance which he has frequently made in private and in this Chamber.

Mr. HALE. Hardly "unheard of," because we have heard a great deal of it.

Mr. BACON. Possibly I am in error in that, but that it would be an extremely improper thing to do.

Mr. HALE. Not a wise thing to do.

Mr. BACON. Not a wise thing to do. The illustration I want to submit to the Senator is this: We are at amity with Spain. We hold all the relations with her that we hold with other civilized nations with which we are at peace. There is no doubt about the fact that Spain has a title to the Island of Cuba; that as it now stands it is an integral part of her territory; that it is subject to her sovereignty.

There are distinguished gentlemen who are members of this Congress who are eminently fit to be President, who, by experience and capacity, are recognized by the country as fit for that office, who think that the Island of Cuba ought to be recognized as an independent country. Suppose that one of these gentlemen was in the Presidential office. The condition of affairs exists as it does now, and on the 4th of March Congress adjourns. That President, thinking directly opposite from the manner in which the distinguished Senator from Maine thinks in the present condition of affairs, immediately upon the adjournment of Congress recognizes the Island of Cuba as an independent republic under these circumstances, where there is so little to justify it, as there is in the opinion of the Senator from Maine.

Now, here is this Government having amicable relations with the Government of Spain. Here is this great lawmaking power invested with all the attributes of sovereignty except and saving the single attribute of exercising the pardoning power. Congress comes back here in December and the condition of affairs has not changed. There is still the great want of evidence as to whether independence in the Island of Cuba would be proper that there is now. Under those circumstances, if every Senator in this Chamber and every member of the House of Representatives thought that the President had done wrong, if they thought that it had been an outrage on Spain, that Spain was still legitimately entitled to rule over that island, will the Senator from Maine say that the action of that President would be final and that the lips of every Senator and every Representative would be closed and dumb, and that the matter could never be reversed?

Mr. HALE. In a case like the one the Senator has given, applied to Cuba, or as it has been applied to other people seeking recognition, if the President formally receives a minister, as has been done in the history of this Government, and he comes to Washington, and the President in return sends an agent duly accredited by him to that power, I should say that any case against the recognition of that people would be practically hopeless, and that no instance would ever be found where under such circumstances that recognition will be reversed. The history of every precedent shows exactly what the presumption is, that the Executive will be conservative in his action; and when he does what the Senator himself has put as a President doing, and all the accompanying acts go with it, I should say that when in December Congress assembles there never will a case arise where that recognition will be taken back.

Mr. BACON. I do not agree with the Senator in that proposition. I am inclined to think that if the position were reversed, and the Senator had the same view as he has now of the right of Cuba to be recognized as an independent government, and if a President should assume to exercise that great sovereign power in the name of this Government, the distinguished Senator from Maine, while I doubt not the honesty and sincerity of the present expression of what he would anticipate, would be one of the first to assert the power of the department of the Government in which all these great powers of sovereignty have been lodged, and to say to the President, "You shall not do this great wrong to a country with which this Government is at peace, and it shall be reversed;" and that it would be a legal action I have not the shadow of a doubt so far as my limited ability as a lawyer permits me to judge of it.

Mr. HALE. Go still further in my theory of acquiescence in recognition. If it followed that by the action of the Executive in recognizing a province of a country with which we were at peace war ensued between that country and this country because of such recognition, no instance would be found where there would not be (while it would be called and believed to be a calamity) a disposition to sustain the Government in the war that followed. I should regret it——

Mr. BACON. We would all stand by the Government, of course, in case of war.

Mr. HALE. Everybody would regret it; but the acquiescence would be such that if war came we would pursue the war and maintain the honor of the country; and if war did not come I should look upon the case as hopeless after the recognition.

Mr. BACON. Mr. President, I beg the indulgence of the Senate only a few minutes. I have occupied very much longer time than I anticipated, but of course it has not all been consumed by me.

I think I may say that if neither in the prior exercise of this power by the executive department, nor in the writings and diplomatic correspondence of the officers of that department, nor in the decisions of the courts there has been a settlement of this question, it then stands now for determination by the test of argument upon the constitutional grant of power. It is not a question for determination by precedents, because there are no controlling precedents, and it must be decided on original constitutional principles.

Mr. President, the fact is not to be disguised that the actual exercise of power by the executive branch of the Government in this day far exceeds the bounds set for it by the Constitution. The correspondence in relative position of a president in a republic and of a king in a monarchy; the glamour of a great office in which one man among 70,000,000 is chosen as the sole head of a great department of the Government, while in the other departments the honors are divided among many: the gigantic measure of patronage and removal where he seems to have unlimited power to bestow, or to withhold, or to take away—these and other influences combine to elevate in the popular mind the prerogatives of the President far above the point fixed for them in the Constitution.

It is a remarkable fact that in England, a monarchy, the constant progress has been toward restraint of executive power and the enlargement of the power of the legislative branch of the Government, until now practically all political power is in the control of the elected representatives of the people. It is a fact still more remarkable that in the United States, designed distinctively as a representative republic, there has been a no less steady progress in the direction of the absorption of power by the Executive and its practical surrender by Congress.

Mr. President, this is a most vital question. Its great importance is not due to the fact that it has arisen out of the progress of the Cuban question, or that its determination may affect the future of Cuba. Its chief importance is because it concerns the proper exercise of the great functions of our Government, and because its decision is to affect the future of the American people. With this arrogant avowal and assumption of power, with this outspoken defiance of law when duly enacted, silence on the floor of Congress invites further encroachment by the executive department. Acquiescence by Congress in such encroachment is to encourage and increase the growth and exercise of the great one-man power, which the framers of the Constitution studiously sought to deny to the executive head. They set bounds to the great powers with which they invested him, and there is no more binding obligation on Congress than to see to it that he does not pass them.

The history of the struggles of centuries to free the peoples of the earth from the domination of one-man power is the world's history of the struggle of all mankind for liberty.

The great struggle of centuries has been to free the people from the domination of one-man power. The culmination and triumph in that struggle was typified in the formation of this Government. So long as the executive head is confined in the exercise of power to these bounds set for him by the organic law, there can be no one-man domination.

To guard and fortify against the growth of power centered in one man, which all experience had shown to be aggressive and dangerous, the legislative is, under the Constitution, made the highest branch of this Government. While it is in no manner answerable to either of the other branches of Government, on the contrary all officers of all other branches of the Government are answerable to Congress as to a tribunal of final power. The great governmental functions, the exercise of the great powers of the sovereignty of the Government, have been committed to it by the Constitution with the particular design and intent that they shall not be exercised by the Executive; that, at great cost of blood and treasure, wrested as they had been from the grasp of kings, these great powers should never be again within the control of any one man.

The fundamental purpose was to elevate the people rather than to exalt any man who of necessity should be set up to rule. The supreme design was that their commands should be executed by him, rather than that they should be subjected to his will, "to the end, that this may be a government of laws and not of men."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital, and confer the same on the circuit courts of appeals;

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes; and

A bill (S. 3210) granting a pension to Anna P. Johnson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S.1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors; and

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

SULPHUR RIVER BRIDGE, IN ARKANSAS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, which was, on page 3, after section 4, to insert:

> SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Mr. FRYE. I move that the Senate disagree to that amendment and ask for a conference with the House of Representatives.

Mr. BATE. What is the bill?

Mr. FRYE. It is a bridge bill, and the House of Representatives put on an amendment providing that the building of the bridge must be commenced within one year and completed within three years, when the bridge is already in existence.

Mr. BATE. Do I understand that the bridge is located in Arkansas?

Mr. FRYE. Yes, sir.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine, that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. NELSON, and Mr. BERRY were appointed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 14, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1897.

POSTMASTERS.

Alexander A. McPhee, to be postmaster at Wagoner, in the Creek Nation and Indian Territory, in the place of Frank W. Barnes, removed.

John H. Whelan, to be postmaster at Weymouth Center, in the county of Norfolk and State of Massachusetts, in the place of Robert F. Shaw, whose commission expired January 7, 1897.

John J. Winn, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts, in the place of Henry H. Johnson, whose commission expired December 14, 1896.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, in the place of Peter A. Peterson, whose commission expires January 23, 1897.

James F. Maher, to be postmaster at Litchfield, in the county of Meeker and State of Minnesota, in the place of John W. Wright, whose commission expired December 22, 1896.

John Schmelz, to be postmaster at Springfield, in the county of Brown and State of Minnesota, in the place of Michael Huiras, whose commission expires January 23, 1897.

William Gill, to be postmaster at Rockaway, in the county of Morris and State of New Jersey, in the place of Edward H. Todd, whose commission expired January 7, 1897.

Edwin L. Drake, to be postmaster at Winchester, in the county of Franklin and State of Tennessee, in the place of Jesse M. Littleton, whose commission expired December 14, 1896.

John A. Isaacson, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin, in the place of Frank C. Cerveny, whose commission expired January 5, 1897.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 13, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. PAYNE. Mr. Speaker, House bill No. 2668 was erroneously referred to the Committee on Merchant Marine and Fisheries, as it is a bill for the amendment of the existing tariff law, and by direction of the committee I ask that it be referred to the Committee on Ways and Means.

There was no objection, and the change of reference was made.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, reported the bill (H. R. 9961) making appropriations for the Department of Agriculture for the year ending June 30, 1898, and moved that it be referred to the Committee of the Whole House on the state of the Union.

Mr. DOCKERY and Mr. RICHARDSON asked to have all points of order reserved.

The bill was referred to the Committee of the Whole House on the state of the Union, with all points of order reserved.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent for the consideration at this time of the Senate joint resolution (S. R. 189) which is now on the Clerk's desk.

The joint resolution was read, as follows:

> *Resolved, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to solicit proposals and to contract for the erection of the building for the Government exhibit at the Tennessee Centennial Exposition authorized by the act of Congress approved December 22, 1896, without public advertisement.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BAILEY. I reserve the right to object, Mr. Speaker. I take it that this joint resolution is intended merely to expedite the construction of the building, and does not increase the appropriation or authorize the Secretary to contract beyond the amount of the appropriation already made.

Mr. WASHINGTON. Mr. Speaker, in answer to the inquiry of the gentleman, I will state that this joint resolution does not change the bill as it passed here some days ago in any particular whatever. It does not increase the appropriation nor authorize the Secretary to contract beyond the $30,000 appropriated in the bill. It simply allows him to advertise for a shorter time than is now required by law. The resolution was introduced at the request of the Secretary for the reason that the exposition will open on the 1st day of May next, and if he is compelled to advertise for thirty days for tenders for the construction of this building, it can not be completed and ready for the opening. The Secretary will advertise all the same, but for a shorter time, and will communicate with all the persons who are accustomed to take contracts for the erection of Government buildings.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WASHINGTON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PHILLIP KIRSHNER.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 3851, to reimburse Col. Philip Kirschner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be authorized and directed to reimburse and pay to Col. Phillip Kirschner the sum of $388.52, with interest thereon from August 6, 1866, for money paid by him as a commissioned officer in the Army for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers during the war, on proper proof of the payment of the said sum by said Kirschner duly submitted to and approved by the auditing or accounting officer of the Treasury, which sum is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Reserving the right to object, I would like to have the report read, or else a statement of the merits of the bill.

Mr. CORLISS. The report explains the matter in detail, and I ask that it be read.

The report (by Mr. SNOVER) was read, as follows:

> The Committee on Claims, to whom was referred the bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers, respectfully report that a careful examination of this claim shows the following facts:
>
> That Col. Phillip Kirshner responded to the President's proclamation of April 15, 1861, and enlisted and became captain of Company E, Sixteenth Ohio (three months) Infantry, on April 23, 1861, and served until August 18, 1861, on which latter date his company was mustered out of service. The army records further show that he reenlisted in the service October 13, 1861, as major of the Sixteenth Ohio Infantry Volunteers, and served in the Army until October 31, 1864, receiving the rank of colonel for distinguished service.
>
> It also appears from the army records that the band of Company E, Sixteenth Ohio Infantry, was enlisted April 23, 1861, at Springfield, Ohio, and continued in service until August 18, 1861.
>
> This claim is for money paid by Col. Phillip Kirshner upon a judgment obtained against him for services of the band rendered to the Sixteenth Ohio Infantry in the services of the Government, which he, in connection with other commissioned officers, engaged and became responsible for their services, at a price exceeding that which was afterwards allowed by the Government.
>
> It appears that on July 22, 1861, an act was passed by Congress authorizing the engagement of bands and fixing the compensation for such services.
>
> By an act approved July 31, 1861, the Secretary of War was authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the volunteers called out by the President's proclamation of the 15th of April, 1861, such amounts of money as may have been expended by said volunteers in the employment of regimental or company bands during the period of their service under said proclamation.
>
> It would seem from the acts above referred to that commissioned officers were authorized to engage bands, and the funds advanced by them refunded by the act above mentioned.
>
> Colonel Kirshner has submitted in support of his claim certified copies of the court proceedings, showing the judgment against him of the amount stated in the bill, together with an affidavit of the leader of the band setting forth the terms of the contract and the reasons for the nonpayment of the full amount thereof by the Government.
>
> It also appears, to the satisfaction of the committee, that the reason for the long delay in the presentation of this claim arose from the fact that Colonel Kirshner, until within a few years, has had ample private means, and did not intend to call upon the Government until forced by adverse circumstances and blindness to ask for this relief. The claimant is at the present time blind and in financial distress, and your committee recommend that the bill for his relief do pass, with the following amendments:
>
> Amend by striking out lines 5 and 6 and the words "and sixty-six," in line 7, and substitute therefor "$337.52."
>
> The letter "c" in Kirshner's name appears to be a clerical error, and should also be stricken out.

Mr. McMILLIN. I notice that there are several amendments provided for. Am I correct in understanding that the item for interest is stricken out?

Mr. CORLISS. Yes, sir; on the recommendation of the committee.

Mr. McMILLIN. It appears from the report that this man was authorized to make the employment.

Mr. CORLISS. A large number of similar claims were paid, but Colonel Kirshner never expected to have to call for the payment of this claim.

Mr. McMILLIN. But it was a liability of the Government under the law existing at that time.

Mr. CORLISS. It so appeared to the committee.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. Mr. Speaker, there is quite a number of these claims, and although I have no objection to their merit, I do not think they ought to be passed by unanimous consent; so I object.

The SPEAKER. Objection is made.

Subsequently

Mr. COX withdrew his objection.

The SPEAKER. The Chair desires to say that he will be disposed hereafter to regard objections as final.

There being no further objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the title will be amended as proposed.

There was no objection.

On motion of Mr. CORLISS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BARZILLA C. HUDSON.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2253) for the relief of Barzilla C. Hudson.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized to remove the charge of desertion from the military record of Barzilla C. Hudson, late of Battery D, Fourth United States Artillery, and grant him an honorable discharge.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. Mr. Speaker, reserving the right to object, I will ask that the report be read.

The report (by Mr. PARKER) was read, as follows:

> The Committee on Military Affairs, to whom was referred the bill (H. R. 2253) for the relief of Barzilla C. Hudson, having considered the same, recommend that the bill do pass with amendment.
>
> This is a bill to remove the charge of desertion and grant an honorable discharge.
>
> Amend by adding "to date May 26, 1865: *Provided*, That no pay, bounty, or other allowance shall become due or payable by virtue of this act."
>
> This is a similar case to that of John H. Willis (H. R. 4379), already reported favorably. These soldiers served from April 22, 1861, to May 26, 1865, having been meanwhile transferred to the regular artillery and reenlisted. They insisted that they understood they were not to stay after the war. Hudson swears his captain told him he could not discharge him, but he could go home.
>
> The report of a like bill at the last Congress (Fifty-third, third session, Report 1663) is as follows:
>
> "Barzilla C. Hudson enlisted in Company K, Thirteenth Indiana Volunteers, on April 22, 1861, to serve three years.
>
> "On the 9th day of November, 1862, he was honorably discharged from this service for the purpose of enlisting in Battery D, Fourth United States Artillery, in accordance with General Order, No. 154, of the War Department. The object of the order was to recruit the artillery service from the ranks of the Volunteer Army.
>
> "His service in the Thirteenth Indiana Volunteers was honorable and faithful.
>
> "He immediately enlisted in Battery D, Fourth United States Artillery, for the unexpired term of Company K, Thirteenth Indiana Volunteers, and served to the end of that term, and was discharged therefrom January 31, 1864. He again enlisted the following day in Battery D, Fourth United States Artillery, and served until May 26, 1865, when he is reported as having deserted.
>
> "His entire term of service covers a period from April 22, 1861, until May 26, 1865, during all of which time he was faithful and prompt in the discharge of his duties.
>
> "It will be remembered that at the date of his alleged desertion the war was practically closed. The volunteer armies were disintegrating, and thousands of the volunteer soldiers returned to their homes without the formality of a discharge. He would be entitled to his discharge upon these facts had he served entirely in the Volunteer Army, but having been transferred to the United States troops, the general law does not cover his case.

"It is a fact well known that the ranks of the Regular Army were greatly depleted, and that the service in the artillery was extrahazardous, and that his enlistment in that service was of no advantage to him, but rather a favor to the Government. The fact that he enlisted in the volunteer service during the war would justify the impression which he seems to have had that his term of service was limited to that war. He says that he so understood it, and that he only followed the example of others in that respect.

"He is a man of good reputation and returned immediately to his home and gave no evidence of any intention to avoid detection, but has remained continuously at his home up to this date.

"Under all these facts, your committee think the charge of desertion should be removed."

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

COGSWELL & CO.

Mr. COBB. I ask unanimous consent for the present consideration of the bill (H. R. [illegible]) for the relief of Cogswell & Co.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and is hereby, authorized and directed to reopen the refunding claim of Cogswell & Co., of St. Louis, Mo., for $1,336, which claim is now on file in his office to examine it, and allow so much thereof as he may find to have been paid in excess of the amount required by law; and the Secretary of the Treasury is hereby authorized and required to pay such amount as is allowed by the Commissioner of Internal Revenue, out of any money in the Treasury not otherwise appropriated.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

HARRIET F. HERRICK.

Mr. MOODY. I ask unanimous consent for the present consideration of the bill (H. R. 2859) granting a pension to Harriet F. Herrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $12 per month, subject to the provisions and limitations of the pension laws, the name of Harriet F. Herrick, of Beverly, State of Massachusetts, widow of Moses S. Herrick, deceased, late a member of Company E, Eighth Regiment Massachusetts Volunteer Infantry.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CROWTHER. Reserving the right to object, I should like to hear an explanation.

Mr. MOODY. Let the report be read, and I think that will satisfy every gentleman of the justice of the bill.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2859) granting a pension to Harriet F. Herrick, report as follows:

Moses S. Herrick, husband of the beneficiary of this bill, enlisted April 30, 1861, and was mustered in as fourth lieutenant Company E, Eighth Massachusetts Volunteer Militia Infantry. He was honorably discharged May 20, 1861, on surgeon's certificate of disability on account of amputation of right leg near the ankle, for gunshot wound of foot received while quartered in the Rotunda of the Capitol at Washington, in consequence of the fall of a stack of loaded muskets. The evidence does not show that soldier's death was due to service. The claim under act of June 27, 1890, was rejected because soldier did not serve ninety days. He could not, because he lost his foot in line of duty. This case comes clearly within the class where it is the province of this committee to recommend and of the Congress to render relief, and the passage of the bill is recommended. The widow is 60 years old, and was married to the soldier in 1852. She owns a small house and lot which she occupies, has no other property, and depends upon her daily labor for support.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY MACKRILL.

Mr. HATCH. I ask unanimous consent for the present consideration of the bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Mackey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place or reinstate on the pension roll the name of Henry Mackvill, alias Henry Mackey, a late landsman in the United States naval service during the war of the rebellion, and cause him to be paid a pension of $15 per month on account of catarrh, disease of rectum, disease of kidneys, and disease of eyes, and necessary results thereof, subject to the provisions and limitations of the pension laws.

The amendments reported by the committee were read, as follows:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month," in line 8.

Also amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I suggest that the report be read; or, if it is very lengthy, that the gentleman make a statement.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3690) granting a pension to Henry Mackrill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

"Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the *Princeton* January 23, 1864, and served to March 3, 1864; on the *Ticonderoga* to May 4, 1865, as landsman; on the *Princeton* as ordinary seaman to May 11, 1865, and was discharged from the *Sabine* as ordinary seaman August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army."

The War Department records show:

"Henry Mackrill, private, Company D, Ninth Mississippi Infantry, Confederate States army, enlisted April 11, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, 'present.' October 31, 1863, 'absent, sick since October 20, 1863, by order Surgeon Williams.' December 31, 1863, 'absent, missing in action since day after Missionary Ridge, November 25, 1863. Reported as deserter.' Name not found on rolls of later date. Nature of disability not stated. Prisoner-of-war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 25, 1863. Confined at Rock Island, Ill., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, Ill., January 25, 1864."

Claimant alleges that at breaking out of the war he was a British subject, and engaged in cutting wood on the Lower Mississippi; that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackey; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at $12 per month from July 25, 1890, for "catarrh, disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 23, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delphi, Ind., July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post nasal catarrh, two-eighteenths for disease of eyes, four-eighteenths for kidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that ninety days' service and an honorable discharge without regard to previous loyalty were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having faithfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month" in line 8.

Also amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

Mr. DOCKERY. I wish to ask the gentleman in charge of this bill how long this applicant was in the Confederate service.

Mr. HATCH. About a year or a little over. He was in the Union service a year and a half. The fact is that he was in a starving condition when he joined the Confederate army; and at the first opportunity he joined the Union Army. After the war he received a pension, which was granted notwithstanding his own statement that he had been in the Confederate army. After receiving that pension for some years he was last year stricken off the rolls on account of it having been found that he had served in the Confederate army.

Mr. DOCKERY. Has this bill been unanimously recommended by the Committee on Invalid Pensions?

Mr. HATCH. Yes, sir.

Mr. DOCKERY. I shall not interpose any objection if it is the policy of the other side to pension ex-Confederates with a record such as is shown by the report in this case.

Mr. LOUD. This case may have some merits; but I do not think it has such extraordinary merit that it should be passed by unanimous consent. Let it take its turn on the Calendar. There are other bills there which have equal merit.

The SPEAKER. Objection being made, the bill is not before the House.

UNITED STATES COURTS IN ALABAMA.

Mr. BANKHEAD. I ask unanimous consent for the consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district.

Be it enacted, etc., That the county of Marion, in the State of Alabama, be, and the same is hereby, detached from the northern division of the northern judicial district of the State of Alabama and attached to the southern division of said northern judicial district.

SEC. 2. That all process, civil and criminal, hereafter issued against persons residing in said county of Marion shall be made returnable to the courts held at Birmingham, in the State of Alabama; and all suits and prosecutions now pending in the circuit or district courts of the United States against persons residing in the said county of Marion, at the city of Huntsville, in said State, shall be determined in said courts.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. PAYNE. Let us have some explanation of it.

Mr. BANKHEAD. The report is very short, and I will ask that the Clerk read it.

The report (by Mr. CONNOLLY) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district, report:

The sole purpose of the bill is to transfer the county of Marion from the northern to the southern division of the northern district of the State of Alabama. It affects no public interest, except in so far as it concerns the single county of Marion, and it appears to the committee that by reason of proximity to the place of holding the court and directness of routes of travel litigants of the county of Marion will be better accommodated in the southern than in the northern division of said northern district, and as we have had no objections to said bill presented, we therefore recommend that the bill do pass.

Mr. HENDERSON. I will state to the gentleman from New York [Mr. PAYNE] that this matter has been carefully examined by a subcommittee——

Mr. PAYNE. The bill seems to be all right. I am not disposed to object to it.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BANKHEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAVID SAMPLE.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3926) to correct the war record of David Sample.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to so amend the records of the War Department as to remove the charge of mutiny, conduct unbecoming an officer and a gentleman, and disobedience and defiance of orders from his superior officers from the record of Second Lieut. David Sample, late of Company E, Fifteenth Michigan Infantry Volunteers, and that an honorable discharge be granted to the said David Sample, with all the pay and other emoluments due him at the time of discharge for all services.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I ask that the report accompanying the bill be first read.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3926) entitled "A bill to correct the war record of David Sample," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that the records of the War Department be so amended as to remove the charge of "mutiny, conduct unbecoming an officer and a gentleman, and disobedience and defiance of orders from his superior officers" from the record of Second Lieut. David Sample, late of Company E, Fifteenth Michigan Infantry Volunteers, and that an honorable discharge be granted to the said David Sample, with all the pay and other emoluments due him at the time of discharge from the service.

The beneficiary of this bill, David Sample, who was a second lieutenant in Company E, Fifteenth Michigan Infantry Volunteers, was, on or about the 3d day of July, 1865, stationed with his regiment at or near Devalls Bluff, Ark.

On this same day, July 3, Sample and Lieutenant McBride, of the same regiment, were walking about the town of Devalls Bluff, and coming to a bowling alley they went in and played a game of tenpins. After this they went upstairs to a saloon to get a drink. It seems there were quite a number of other soldiers in the saloon at the time, and the provost guard came in to arrest one, Lieutenant Autenreith, who was in the saloon. There was a good deal of ill feeling between the soldiers who were in the saloon and the provost guards, who were new troops, and the question was raised, according to the testimony, as to whether the guard could arrest an officer without written authority. It further appears that Lieutenant Autenreith resisted arrest, and after the party had gone out of doors he (Autenreith) was knocked down by a blow from the guard before he would submit to an arrest. Sample asked the guard to take Lieutenant Autenreith to the provost-marshal's office and the guard refused, which resulted in an angry altercation, in which Sample took part, and the result was that he (Sample) was arrested and taken to the guardhouse.

Charges were subsequently preferred against Sample for "mutiny, conduct unbecoming an officer and gentleman, burglary, and disobedience and defiance of orders from his superior officers." He was tried by a court-martial, found guilty of the charges, except the charge of burglary, and was sentenced to be dishonorably dismissed from the service, with forfeiture of all pay and allowances, and the sentence was approved and carried out. Sample's record as a soldier is an enviable and most honorable one. He was enrolled as a private early in 1861, and gave four years of honest and faithful service to this country. He participated in the battles of Shiloh, Vicksburg, Missionary Ridge, Atlanta, and was with Sherman on his historic march to the sea. He was also through the campaigns in North and South Carolina which culminated in Johnston's surrender, and everywhere his gallantry and efficiency were highly recommended. His colonel, Fred S. Hutchinson, pays him the highest compliments for bravery and efficiency, and says that the bill for his relief is only a matter of the simplest justice, and ought to pass.

In view of the fact that the war was over at the time the offense was committed, and that Sample's previous record was especially meritorious, your committee are of opinion that the bill ought to pass.

Mr. LOUD. Mr. Speaker, I would like to make a suggestion to the gentleman from Michigan which may obviate objection to the consideration of the bill at this time. If this person had been a private soldier, he would have been punished by imprisonment. The bill proposes to return to him all the pay and allowances due, and which were withheld. Now, if the gentleman would strike out those words by an amendment, and provide that no pay or allowances shall become due by reason of the act, I am perfectly willing, so far as I am concerned, that it shall be considered now.

Mr. SPALDING. Very well, Mr. Speaker; I am willing that that should be done. The purpose of the bill is simply to give this man an honorable discharge.

The SPEAKER. Is there objection to the consideration of the bill as proposed to be amended?

Mr. STEELE. Let us hear how it will read as amended.

The bill was read as proposed to be amended.

Mr. DOCKERY. That does not cover exactly the ground. The amendment should be appended to the bill that no pay, emoluments, or allowances shall become due or payable by reason of the passage of this act. I mean, to insert the usual proviso in such cases.

Mr. SPALDING. I have no objection to that.

The SPEAKER. Then the proposition is to amend the bill?

Mr. SPALDING. Yes, sir; by inserting the usual provision that it will not entitle the beneficiary to the receipt of emoluments or allowances.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DOCKERY. Now, let the Clerk report the amendment.

The Clerk read as follows:

In line 10, after the words "David Sample," strike out the following words, "with all the pay and other emoluments due him at the time of discharge for all services," and insert "*Provided*, That no pay, emoluments, or allowances be made to the said David Sample."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that the House proceed now to the consideration of Senate bill 1741, to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, and that the House bill on the same subject be ordered to lie upon the table.

The SPEAKER. The Clerk will report the bill.

Mr. DINSMORE. Mr. Speaker, this bill, I will state, is in the usual form of all bills of a similar character granting rights of way, and unless the reading be insisted upon I ask to dispense with it.

Mr. PAYNE. Is this a bridge bill?

Mr. DINSMORE. No, a right of way for a railroad company.

Mr. PAYNE. Through the Indian Territory?

Mr. DINSMORE. Yes, sir.

Mr. PAYNE. Is there still room there for another railroad? [Laughter.]

Mr. DINSMORE. I think so.

Mr. PAYNE. If the gentleman is satisfied with that fact, I shall not interpose objection. But it seems to me that we have been granting a very great number of rights of way there.

Mr. DINSMORE. I can assure the gentleman from personal knowledge that there is enough room for this one.

Mr. STEELE. What is the width of the proposed right of way?

Mr. DINSMORE. One hundred feet.

I will state that I introduced the same bill in the House, which was favorably considered by the House Committee on Indian Affairs and placed upon the Calendar. The Senate has passed a similar bill, identical in terms, and I now ask unanimous consent to lay the House bill on the table and take up for consideration the Senate bill.

The SPEAKER. Is there objection?

There was no objection; and the House bill (H. R. 5486) of the same title was ordered to lie on the table.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk proceeded to read the bill.

Mr. DINSMORE. Mr. Speaker, I think my request or statement a few moments ago was misapprehended. I asked to dispense with the reading of the bill. I made the statement that it is in the usual form of all such bills heretofore passed by the House.

The SPEAKER. Is there objection to omitting the reading of the bill, which the gentleman states is in the usual form?

There was no objection.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. DINSMORE, a motion to reconsider the last vote was laid on the table.

SURG. P. M. RIXEY.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 133, authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship.

The bill was read, as follows:

Resolved, etc., That Surg. P. M. Rixey, of the United States Navy, be, and is hereby, authorized to accept the grand cross of naval merit with the white distinction mark, conferred upon him by the King of Spain in recognition of the services rendered by that officer to an officer and sailors of the *Santa Maria* injured by an explosion on that ship in New York Harbor.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE, a motion to reconsider the last vote was laid on the table.

ANNA P. JOHNSON.

Mr. UPDEGRAFF. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3210) granting a pension to Anna P. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Anna P. Johnson, widow of Paul Johnson, late a private in Company I, Sixteenth Iowa Volunteers, at the rate of $12 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, pending the reading of the report, I reserve the right to object.

The SPEAKER. The gentleman asks for the reading of the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7128) granting a pension to Anna P. Johnson, widow of Paul Johnson, late private Company I, Sixteenth Iowa Volunteer Infantry, at $12 per month, having carefully examined and considered the same, respectfully report:

The War Department records show:

"Paul Johnson was drafted into service and received at draft rendezvous, Davenport, Iowa, November 5, 1864; forwarded to regiment December 5, 1864; assigned as private Company I, Sixteenth Iowa Volunteer Infantry, and delivered at headquarters Provisional Division of the Cumberland, Nashville, Tenn., December 9, 1864; admitted to No. 19, General Hospital, Nashville, Tenn., December 28, 1864, with acute rheumatism, and was transferred January 2, 1865; admitted to Sedgewick General Hospital, Louisville, Ky., January 2, 1865, with pneumonia, and was transferred February 27, 1865; admitted to Crittenden General Hospital, Louisville, Ky., February 27, 1865, with chronic rheumatism, and was sent to Brown Hospital March 11, 1865; entered Brown Hospital, Louisville, Ky., March 14, 1865, convalescent from fever.

"Medical records also show that a man described as Paul Johnson, Company —, Ninth Iowa Cavalry, or Infantry, was admitted to Clay General Hospital, Louisville, Ky., April 17, 1865, with insanity, and transferred May 18, 1865. He is reported deserted from Brown General Hospital, Louisville, Ky., July 6, 1865. The charge of desertion of July 6, 1865, against this man is removed, and he is discharged to date July 6, 1865, to complete his military record under the provisions of section 1 of the act of Congress approved March 2, 1889, by order of the Secretary of War."

Soldier never applied for back pay or pension and has never been heard of since July 6, 1865.

Widow was married to soldier May 26, 1845, and by him raised a family of five children, the youngest being born January 9, 1860.

The widow employed John J. Neshin to go to Louisville in the latter part of June, 1865, and endeavor to bring her husband home on furlough. He went and arrived there the next day after he wandered away from the hospital insane, and the ferryman informed him he had conveyed an insane man across the Ohio River to New Albany, Ind. He offered a reward of $50 for his apprehension, published it in the newspapers, and spent a week in search of the soldier, but without result.

William Russell, who was drafted at the same time, swears he saw him about July, 1865, being led about at Louisville, Ky., by two men, who said he was crazy. He also testifies to the search made at Louisville and New Albany by John J. Neshin and himself for Paul Johnson.

Rev. Amund Olson testifies that Paul Johnson escaped from hospital about the last of June or first of July, 1865, and that he with others started in search of him July 4, 1865. That they learned that a conductor put a crazy soldier off his train at some point in Indiana, and sent telegrams to different points, but were never able to get any definite trace of him.

Widow filed claim for pension December 23, 1892, and filed proof of foregoing facts. Her claim was rejected April 6, 1892, on the ground that "the date and fact of soldier's death is not shown; and, if dead, there is no evidence that his death was due to his military service, and claimant avers her inability to furnish any further evidence."

This man being drafted and no claim of unsoundness being made, and it being clearly shown by the record that he was in hospital for "fever," "rheumatism," "pneumonia," and "insanity," from December 28, 1864, to July 6, 1865, the probability of his death from causes originating in service may reasonably be presumed, and the fact that he has not been heard from in nearly thirty-one years makes it almost absolutely certain that he died long ago, most probably within a short period from the time of wandering away from the hospital.

Your committee therefore urgently recommend that tardy justice be done this old woman, who has so patiently awaited the return of her husband, who was bereft of reason in service, as well as for that act of justice which common law and common sense should have brought her in presuming the death of him she was no more to see on earth, and the passage of the bill is therefore recommended without amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. UPDEGRAFF, the corresponding House bill (H. R. 7128) was ordered to lie on the table.

EDWARD H. MURRELL.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1580) for the relief of Edward H. Murrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Edward H. Murrell the sum of $1,468.34, said amount having been collected by the Treasury agents of the United States from property in New Orleans, La., belonging to him, and by them turned over to the Treasury Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Let the report be read.

Mr. OTEY. Mr. Speaker, I should like just to say a word or two on this bill. This is to pay a gentleman by the name of E. H. Murrell, who is a resident of the city of Lynchburg, Va., and has never changed his domicile, but who had property in New Orleans at the surrender of the city to General Butler. In the cartel of surrender private property was to be respected. He had some property there which he had leased. A Treasury agent took charge of that property, collected the rent, and covered it into the Treasury. He asks that this money be paid him. He had the papers from New Orleans and came here for the purpose of collecting the money. His overcoat, in which the papers were, was stolen, and he was thereby prevented from getting the money at that time. The Supreme Court has decided the case of the Planters' Bank, exactly similar to this, and I hope that there will be no objection to the bill. It has passed the Senate twice. It has been reported by two committees of this House unanimously, and comes here now unanimously reported by the committee. Here is the report.

Mr. PAYNE. Mr. Speaker, I think this case ought to take the regular course. I shall have to object.

Mr. OTEY. I ask the gentleman from New York [Mr. PAYNE] to hear the report read.

Mr. PAYNE. I will read the report. It is useless to take up the time of the House with the reading of the report now.

The SPEAKER. Objection is made.

JOSEPH A. BLANCHARD.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles, and to grant him an honorable discharge, to date from July 26, 1864.

The Committee on Military Affairs recommended the following amendment:

Add to the bill the following:

"*Provided*, That no pay, bounty, or other allowances shall become due and payable by reason of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Let the report be read.

Mr. LOUD. It would be better to have the report read, Mr. Speaker.

Mr. DOCKERY. I understand the report is of some length, and a brief statement will probably be satisfactory.

Mr. PITNEY. I can make a statement that I think will satisfy gentlemen who are interested in this matter.

This bill is to remove not a charge of desertion, but a dishonorable dismissal of the soldier, which was ordered without notice, trial, hearing, or opportunity to be heard, and without reasonable cause. The soldier enlisted on the 24th of July, 1861, as a private in Company A, First New York Mounted Rifles, to serve three years. He served for that period without a blemish on his record, and was promoted, on his own merits, through the several grades of corporal, sergeant, and first sergeant, to second lieutenant and first lieutenant. He was first lieutenant when the expiration of his three years' term arrived. He then tendered his resignation on the ground that the term of his enlistment had expired. He was informed, in response, that his commission as a first lieutenant bound him in the service for an additional term of three years. To that he replied, in writing, stating that when he accepted the commission as first lieutenant he did not understand that he was bound for an additional term of three years; but, on the contrary, was assured that it made no difference; that he would not be bound beyond the original term. He thereupon again replied by tendering his resignation in writing, explaining his understanding at the time of his commission. Upon receipt of that communication his superior officer recommended that he be dishonorably discharged "for tendering his resignation in the face of the enemy;" and without notice or opportunity of explanation, without trial by court-martial or otherwise——

Mr. STEELE. I object.

Mr. PITNEY. I have not finished my statement.

Mr. STEELE. But you have made enough statement for me to object.

Mr. PITNEY. I hope the gentleman will be courteous enough to allow me to finish my statement before he objects.

Mr. STEELE. I have no objection to that, but I will object to the bill.

Mr. PITNEY. If the gentleman will permit me, I should like to complete my statement. On the day the news of this officer's dismissal reached the command in which he had served a written testimonial was prepared, which I have on my desk, and a copy of which is appended to the committee's report. It was signed by all the other officers, except the one who had recommended his dismissal, and expressed their desire to testify to "his uniform gentlemanly conduct, to his gallantry and bravery, and the undaunted courage which has characterized his career as a soldier for the past three years." Some of the signers of that testimonial I know personally, and they have told me that the dismissal of this man was an outrage, and I think that justice requires that he be given an honorable discharge at this time. If any punishment was required, he has been sufficiently punished by the odium which has rested upon him during all these years. He procured a receipt showing that he was not chargeable with any public property whatever. I hope the gentleman from Indiana will not object.

Mr. STEELE. I object to the bill.

The SPEAKER. Objection is made.

CAPT. BRADBURY W. HIGHT.

Mr. HAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bradbury W. Hight, late of Company C, Second Regiment Vermont Volunteer Infantry, at the rate of $72 per month, in lieu of his present pension of $17 per month.

Mr. LOUD. Let us have the report read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1949) granting an increase of pension to $72 per month to Bradbury W. Hight, late captain Company C, Second Vermont Volunteer Infantry, having carefully examined and considered the facts presented, respectfully adopt the report of the Senate Committee on Pensions as embodying the salient features, and recommend the passage of the bill. The Senate committee's report is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight, have examined the same, and report:

Claimant enlisted June 20, 1861, and was discharged for disability said to have been disease of the eyes June 29, 1864. He was pensioned June 28, 1866, at $7.50 per month for disease of eyes. Pension was increased November 17, 1884, to $15 per month for amaurosis, and it was further increased September 17, 1890, to $17. On January 15, 1895, soldier filed declaration for further increase, alleging total blindness, but the application was rejected by the Pension Bureau.

To properly understand this case, it is essential to keep in mind the fact that soldier was pensioned for amaurosis, which, according to Dunglison's Medical Dictionary, is—

"Diminution or complete loss of sight without any perceptible alteration in the organization of the eyes; generally owing to loss of power of the optic nerve or retina—from primary or degenerative atrophy of that nerve."

It will thus be seen that as long ago as November, 1884, soldier had a disease of the eyes, for which he was pensioned, that must inevitably result in total blindness sooner or later. It appears, further, that in about ten years thereafter it did so result in total blindness; and there seems to be no valid reason assigned why the pension was not then increased to the rate for total blindness, which is the amount asked for in this bill.

On the question of total blindness, it is only necessary to refer to the findings on the part of the medical officers of the Government. The medical examining board at Council Bluffs, Iowa, under date of January 25, 1895, closed its report in these words:

"He is totally and hopelessly blind, and can not distinguish light from darkness."

Another examination was made by the same board twelve days later, the closing paragraph of the report being as follows:

"Claimant is totally blind, and so incapacitated as to require the constant attendance of another person."

Apparently not content with this, an examination of the soldier was ordered to be made by Dr. H. Gifford, a distinguished oculist of Omaha, Nebr., on March 20, 1895, who reported:

"Patient is totally blind from glaucoma. Disability is total—of first degree."

Your committee are unable to discover any reason for the rejection of this claim. It certainly must have been made upon a technical medical point too fine to be grasped by ordinary minds. They therefore recommend the passage of the bill, after being amended by striking out all after the word "month," in line 8, being a provision for the payment of arrears, which are never allowed by special act, and they also recommend that the bill be amended by striking out the preamble.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, I object.

A. B. PEDIGO.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 1280) for the relief of A. B. Pedigo.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to A. B. Pedigo, out of any money in the Treasury not otherwise appropriated, the sum of $331.06 cents, the same being balance due for carrying United States mails in the State of Texas from October 1, 1860, to May 31, 1861.

The SPEAKER. Is there objection?

Mr. PAYNE. I hope the report will be read.

Mr. LOUD. Let us have the report read.

Mr. COOPER of Texas. I ask that the report be read, and the accompanying papers. They are a letter from the Auditor for the Post-Office and two affidavits.

The SPEAKER. Without objection, the report will be read.

The report (by Mr. HUTCHESON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1280) for the relief of A. B. Pedigo, submit the following report:

It has been shown to the satisfaction of your committee that A. B. Pedigo (the party seeking relief by this bill) was the mail contractor on Route No. 8619, Woodville to Beaumont, in the State of Texas, under a contract commencing July 1, 1858, and that he was paid in full to September 30, 1860, and that a balance is due him for service from October 1, 1860, to May 31, 1861, amounting to $331.06. Said sum of money has never been paid to him by the United States Government or the late Confederate States government, and during the late civil war the said A. B. Pedigo was a loyal citizen of the United States; wherefore your committee unanimously recommend that the bill do pass.

The communications were read, as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 27, 1896.

SIR: In reply to a verbal inquiry relative to the claim of Mr. A. B. Pedigo for carrying the mail in Texas in 1860, I have the honor to inform you that the records of this office show that A. B. Pedigo was the mail contractor on Route No. 8619, Woodville to Beaumont, in the State of Texas, under a contract commencing July 1, 1858; that he was paid in full to September 30, 1860, and that a balance stands to his credit for service from October 1, 1860, to May 31, 1861, the date to which service has been certified, amounting to $331.06. The record of payments made by the Confederate States government of claims of contractors for service performed prior to June 1, 1861, is found in a register which is incomplete, there being a number of leaves and parts of leaves missing; but so far as the record goes there is no evidence of any payment having been made to Mr. Pedigo by the Confederate States government for service under his contract with the United States.

Very respectfully,

GEO. A. HOWARD, *Auditor.*

Hon. S. B. COOPER,
House of Representatives, Washington, D. C.

STATE OF TEXAS, *County of Tyler:*

I, A. B. Pedigo, a citizen of the State of Texas and county of Tyler, do solemnly swear that I have never received payment from the United States of America for carrying United States mails in the State of Texas from October 1, 1860, to May 31, 1861, and that the Confederate States government never paid me for said mail service, and that the $331.06 is a just debt and has never been paid.

A. B. PEDIGO.

Sworn to and subscribed before me by A. B. Pedigo, well known to me, on this the 6th day of February, A. D. 1896.

W. E. ADAMS,
A Notary Public Duly Qualified and Acting in and for Tyler County, Tex.

THE STATE OF TEXAS, *County of Tyler:*

I, William S. Durham, a citizen of the State of Texas and county of Tyler, do solemnly swear that I am well acquainted with Mr. A. B. Pedigo, who is also a citizen of said State and county, and have been acquainted with him from the year 1860 up to the present date, and have always known him to be a loyal citizen of the United States of America.

W. S. DURHAM.

Sworn to and subscribed before me, the undersigned notary public duly qualified and acting in and for Tyler County, Tex., on this the 6th day of February, A. D. 1896.

W. E. ADAMS,
A Notary Public in and for Tyler County, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I think there is no finding of the Court of Claims that this man was loyal but the evidence of one man in general terms. I object.

Mr. COOPER of Texas. It is not the character of claim that can go to the Court of Claims, for that court has no jurisdiction of such cases.

The SPEAKER. Objection is made.

BRIDGE OVER THE ST. LOUIS RIVER BETWEEN THE STATES OF WISCONSIN AND MINNESOTA.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and

Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

The bill was read, as follows:

Be it enacted, etc., That sections 8 and 9 of the above-entitled original act and section 4 of the same as amended by the said act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," be amended so as to read, respectively, as follows:

"SEC. 8. That the accessory works referred to in the preceding section shall be such booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of steamboats, rafts, and other watercraft safely through the draw and rafting spans as shall be required by the Secretary of War; and in addition thereto, and before the construction of the bridge to be built under this act, the company or persons owning or holding such bridge shall be required, under the direction of the Secretary of War or such officer as he shall designate, to dredge above and below said bridge to such depth and for such distance as in the judgment of the Secretary of War or of such other officer as he shall designate shall have been rendered necessary by the erection of the piers to said bridge.

"SEC. 9. That this act shall be null and void if actual construction of the bridge therein authorized be not commenced within one year and completed on or before August 1, A. D. 1896."

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. PAYNE. I would like to inquire if this bill is reported by the committee?

Mr. FLETCHER. It is reported unanimously.

Mr. JENKINS. The bill has been reported by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL C. TOWNE.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Towne, late of Company G, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 146, having carefully considered the same, respectfully report:

Claimant was a member of Company G, Eighth Regiment New Hampshire Volunteer Infantry, serving from July 26, 1862, to June 10, 1865. He was pensioned for chronic diarrhea, piles, and injury to back, first receiving $4 per month, which was subsequently increased to $10. His necessities were such that he took advantage of the act of June 27, 1890, and was granted a pension under that act at the rate of $12 per month, which amount he is now drawing.

The pensionable disabilities have continued, and in addition soldier is practically blind, requiring some one to care for him. He is also in destitute circumstances.

There is medical testimony on file to the effect that the blindness resulted from the injury to the back. That is possible, but the proof is not conclusive on that point.

Being now pensioned at the maximum rate under the act of June 27, 1890, no increase can be secured through the regular channel, and hence an appeal is made to Congress.

The bill passed the Senate February 19, 1896. After a careful examination of the evidence your committee are unanimously of the opinion that the bill should pass, and so recommend.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. I object.

MARY A. WIDDORES.

Mr. HENDRICK. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 8788, granting a pension to Mary E. Widdores.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Widdores, of Murray, Ky., widow of Joseph F. Widdores, who served in Company K, Fifth Regiment Ohio Volunteers, and pay her a pension of $20 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Let us have the report read, Mr. Speaker.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8788) granting a pension to Mary A. Widdores, widow of Joseph F. Widdores, late private, Company K, Fifth Ohio Volunteer Cavalry, having carefully examined and considered the facts presented, respectfully report as follows:

Joseph F. Widdores enlisted as private, Company K, Fifth Ohio Volunteer Cavalry, October 23, 1861, and served until honorably discharged June 9, 1865, under the name of Joseph F. Widdores. He had no hospital record, never applied for pension, and died near Murray, Ky., November 2, 1889, of "chronic entero colitis."

Applicant was married to Joseph F. Widdores on November 29, 1888. She applied for pension September 1, 1890, under act of June 27, 1890, and was pensioned from that date at $8 per month on December 21, 1891.

Applicant filed the testimony of nine neighbors with the committee, who testify that Mary A. Widdores is hopelessly blind and helpless, and that she has no property or income of any kind except her pension of $8 per month, and a little home which she purchased for $440, and on which she has given a mortgage of $250 to a building and loan association, and which property she is liable and likely to lose unless relief is granted her by increase of her pension, and that she has no relatives or others who are able to assist her. Her aged mother (72 years old) is living with her, but can bring but little to her aid.

In view of the helpless and necessitous condition of the applicant your committee urgently recommend the passage of the bill, after being amended by striking out "of Murray, Kentucky," in line 6, by striking out "who served," in line 7, and inserting in place thereof "late private," and by inserting the word "Cavalry" between the words "Ohio" and "Volunteers," in lines 7 and 8.

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman how much this applicant would be entitled to provided she could prove that her husband had died as a result of his service in the Army?

Mr. HENDRICK. I suppose she is receiving the maximum amount now, $8 a month. I do not know whether it would make any difference if she could show that her husband had died as the result of his service.

Mr. LOUD. Then she is receiving the maximum amount to which she is entitled under the law?

Mr. HENDRICK. So I understand. I desire to say to the gentleman, however, that the statements in the report are literally true. This woman is totally blind, her home is about to be taken from her, and she has an aged mother who is more or less dependent upon her.

Mr. LOUD. Still, under the theory of our pension laws, we do not pension widows on account of their own disabilities. I recognize that this is a very pitiful case, but there are a hundred thousand, aye, 200,000, just as bad.

Mr. HENDRICK. I do not believe there are a dozen others in the country as helpless as I know this woman to be.

Mr. LOUD. Oh, yes; I know of several. I shall have to object, Mr. Speaker.

NANCY HOLLENBANK.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4581) granting a pension to Nancy Hollenbank, formerly Nancy Boaz, formerly Nancy Yeley, a hospital nurse during the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll at the rate of $12 per month the name of Nancy Hollenbank, who was formerly named Nancy Boaz and Nancy Yeley, a hospital nurse in the war of the rebellion, and cause the same to be paid to her quarterly in the same manner as other persons.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. Mr. Speaker, I think the report ought to be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4581) granting a pension to Nancy Hollenbank, submit the following report:

Under the army regulations in force at the beginning of the war of the rebellion, enlisted men only could be used as army nurses. After the first battle of Bull Run it was discovered that enlisted men were more useful as soldiers in the field than as nurses in hospitals, so in August, 1861, Congress passed an act which provided "that in general or permanent hospitals female nurses may be substituted for soldiers when, in the opinion of the Surgeon-General or medical officer in charge, it is deemed expedient to do so."

The evidence in this case abundantly shows that Mrs. Hollenbank, who is now over 60 years of age, began serving as an army nurse in the hospital at Paducah, Ky., in September or October, 1861. This hospital was established by Dr. Hamilton, who was then surgeon of the post at Paducah, his regiment then being in charge of said post. When the army moved to the attack of Fort Donelson she was left as a nurse at the Paducah hospital. The wounded from Fort Donelson were removed to that hospital, and she continued giving all her time to her duty as such nurse there under the direction of Surgeon Hamilton.

In June, 1862, the Paducah hospital was, by order of the Surgeon-General, converted into a general marine hospital, and Mrs. Hollenbank went to the camp hospital at Fort Henry under the direction of Dr. Hamilton, and from there, in September, 1862, she went, still under the direction of Surgeon Hamilton, as a nurse at the army hospital on the Ohio River at Mound City, Ill., where she remained on duty as nurse until November, 1862, when this hospital was also made a general hospital, and a new set of surgeons and nurses were installed, and Mrs. Hollenbank, with other nurses, were transferred on Government steamers to Helena, Ark., hospitals, where she remained on duty as a nurse under the direction of the surgeons in charge until some time in 1864, when, her health being broken down by her exposure and labors as such nurse, she was compelled to abandon further service and return North.

Her health has never been fully restored, and she is now old, feeble, and so poor that she is compelled to depend upon her own labor, supplemented by the charitable assistance of friends and neighbors.

She applied for pension under the general law, but her claim was rejected on the sole ground that none of the hospitals were recorded in the War Department as general hospitals until after her service was rendered. This is strictly true. They had not been technically designated as general hospitals, but she rendered the services in the same hospitals that were afterwards so designated, and up to the very date of such designation, and left them when so designated because new surgeons came in and supplanted her by nurses of their own selection to do the same duty she had been doing.

But the act of August 5, 1892, granting pensions to army nurses was manifestly intended to apply to other nurses besides those employed in hospitals technically known as "general hospitals," for it provides that they must have been employed in general hospitals or employed by an authority recognised by the War Department as competent, and have rendered six months' service in any regimental, post, or camp hospital, and being now unable to earn support. Mrs. Hollenbank rendered over two years' service in all these classes of hospitals, under the direction of the army surgeons in charge of them at the time of her service, and it seems very unjust now to deprive her of a pension for the very technical reason now given, that the War Department has no record of the surgeons actually in charge of those hospitals, or is not willing to recognize the regimental, post, camp, or hospital surgeons under whom she served as nurse.

Your committee therefore recommend the passage of the bill, with an amendment to the title by striking out the words "formerly Nancy Boaz, formerly Nancy Yeley, a hospital," and inserting in lieu thereof the words "an army;" also, amending bill by striking out between the words "Hollenbank," in line 5, and "nurse," in line 7, the words "who was formerly Nancy Boaz and Nancy Yeley, a hospital," and inserting in lieu thereof "an army;" and also by striking out all of the printed bill after the word "rebellion" in line 7.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. I object.

DEWITT EASTMAN.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the consideration at this time of the bill (H. R. 1628) for the relief of Dewitt Eastman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Dewitt Eastman, late of Company B, Second Minnesota Volunteers, and of the Fourth United States Artillery.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MICHAEL KRIES.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 997) for the relief of Michael Kries.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Michael Kries the sum of $16,872 for property and supplies taken by the United States Army in the year 1864 and used by said Army.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. The report ought to be read, Mr. Speaker.

The report (by Mr. LESTER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 997) for the relief of Michael Kries, submit the following report:

The claim is for tobacco furnished General Sherman's army in 1864, and for property destroyed by United States troops. Claim stated at $16,872.

Claimant resided in Atlanta, Ga., and furnished General Sherman's army with 4,936 pounds of tobacco, of the value of $4,936.

Claimant filed his claim before the Southern Claims Commission, and that commission disallowed the claim for the reason that they were not convinced of Mr. Kries's loyalty.

The following is from a report of the commissioners of claims on the subject of tobacco furnished the Army:

"*Tobacco.*—Until the act of March 3, 1865, tobacco was not furnished to the Army. Under that act it has been issued to those who use it, and charged to them on the pay rolls.

"In the claims that have come before us, tobacco has not usually been regarded as a supply, and therefore has been disallowed.

"Claims for tobacco alleged to have been taken and issued to the troops at Atlanta, Ga., under the order of General Sherman of September 8, 1864, are pending before us. The examination of them is still going on, and they will be reported upon hereafter.

"After the capture of Atlanta, in September, 1864, General Sherman found that he was short of rations for his army, and that the soldiers were subject to many privations. To make his army contented, and, as far as possible, to make up to them for their usual rations, of which they were for the time deprived, he issued an order on the 8th of September, 1864, authorizing the chief commissary of subsistence to take possession of and issue to the troops all the tobacco in Atlanta, and give certificates thereof to the owners, to be accounted for in accordance with existing orders.

"Pursuant to this order, tobacco belonging to George J. Stubblefield was taken, and upon his making claim for payment the commissary department recommended, 'As this tobacco was taken by order of General Sherman and issued to the troops in lieu of other rations, and as the loyalty of the claimant is clearly established,' that payment should be made. This was approved by the Secretary of War, Mr. Stanton, and the claim was paid.

"The payment stands upon the ground that when an army is deprived of its usual rations the commanding general can, in his judgment, authorize an article not a supply to be taken and used for the time being as a supply, and in lieu of other rations; and in such case the Government is bound to pay for it.

"The commissioners of claims followed this precedent and allowed for tobacco when taken under General Sherman's order.

"The commissioner of claims, under twelfth article of treaty of 8th May, 1871, between the United States and Great Britain, adopted the same principle. Hale's report to the Secretary of State, November 30, 1873, page 45, showing an award only when it was 'allowed as an army ration.'"

Your committee are of opinion that the claimant should be paid for the tobacco he furnished to the Army during the late war for the suppression of the rebellion, which, at the time and place of taking, was reasonably worth the sum of $4,936. No allowance is made for buildings and property destroyed, as such destruction, if it occurred, was by way of depredation.

Your committee recommend the passage of the bill with the following amendments:

In line 6 strike out "16,872" and insert in lieu thereof "4,936."

Strike out the whole of lines 7, 8, and 9 and insert in lieu thereof "4,936 pounds of tobacco furnished the Army of the United States at Atlanta, Ga., during the late war for the suppression of the rebellion, which shall be in full discharge of all claims against the United States."

The SPEAKER. Is there objection?

Mr. PAYNE. I object.

WINSLOW WARREN.

Mr. DRAPER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7281) for the relief of Winslow Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Winslow Warren the sum of $500, in full for the claim due him as aforesaid.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. Mr. Speaker, I desire to ask the gentleman from Massachusetts what was the extent of this service?

Mr. DRAPER. It was the examination of the files of the court at the time of the change of clerks. The judge appointed Mr. Warren commissioner to examine the files and report to him, and he testifies that the report was worth many thousands of dollars.

Mr. PAYNE. And there is no other way, I understand, of providing for the compensation except by special act?

Mr. DRAPER. No other way except by special act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. I object.

JAMES A. CROUCH.

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 710) to remove the charge of desertion against James A. Crouch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against James A. Crouch, late of Company I, Thirty-third Regiment Indiana Volunteers, and grant him an honorable discharge as of date January 1, 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. LUCY ALEXANDER PAYNE.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll at $30 per month, in lieu of the pension she is now receiving.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARRETT objected, but immediately withdrew the objection.

The SPEAKER. The objection is withdrawn. Is there further objection?

Mr. COX. I object, Mr. Speaker, and demand the regular order.

The SPEAKER. Objection is made and the regular order is demanded. The Chair will first submit a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors; and

A bill (S. 1725) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

UNLAWFUL USE OF FRANKING PRIVILEGE.

The SPEAKER. The regular order being demanded, the call of committees will proceed.

Mr. RICHARDSON. Mr. Speaker, under that call there is a bill pending and undisposed of, the bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895.

The SPEAKER. The gentleman from Tennessee, as the Chair understood, proposed to withdraw that bill. Has he the authority of the committee to do so?

Mr. RICHARDSON. Yes, sir; I have such authority. I wish to say, if I may be indulged a moment by unanimous consent, that it occurred to the committee that it was necessary to make some kind of an amendment to the existing law in order to prohibit the indiscriminate use of the frank of members. That was the object which the committee had in view. But inasmuch as gentlemen on the floor seemed to think that this bill went further than that and would interfere with some of their prerogatives, I thought if any amendment could be agreed on which would obviate that objection without destroying the essential features of the bill, I would cheerfully accept the amendment, so that a proper correction might be made of the existing law. I do not want to withdraw the bill unless gentlemen desire to make radical changes in the franking privilege. If they do, I think it would be best that the bill be withdrawn.

Mr. PAYNE. It has already been withdrawn.

Mr. RICHARDSON. I asked to do so; but objection was made.

The SPEAKER. This matter is proceeding by unanimous consent.

Mr. RICHARDSON. Entirely. If we can not agree by unanimous consent——

Mr. BOUTELLE. I wish to inquire of the gentleman whether the present franking law under which members of Congress are allowed, for departmental and other official business, the use of franking envelopes, was intended to invest members with the same privilege theretofore enjoyed by the heads of Departments and bureaus in the use of the penalty envelope? I will say to the gentleman that, somewhat to my surprise, I have found in the present law a limitation to the weight of 1 ounce as applied to the correspondence of members.

Mr. RICHARDSON. Yes, sir; that is the law.

Mr. BOUTELLE. I have been trying to look this matter up; and if I am mistaken I want some gentleman familiar with this subject to enlighten me. I understand, contrary to my previous impression, that under the law as it stands—the law of January 12, 1895—the use of these franking envelopes for official or public business of members is limited to 1 ounce.

Mr. RICHARDSON. That is right.

Mr. BOUTELLE. But I further understand that the penalty envelopes provided for the use of heads of Departments or bureaus may be used on all public documents, reports, etc., as well as all correspondence which relates entirely to public business, without limitation as to weight.

Mr. RICHARDSON. Will the gentleman allow me a moment? The law is not the same in respect to public documents franked by members as it is in respect to correspondence.

Mr. BOUTELLE. When I used the terms "public documents," I meant correspondence.

Mr. RICHARDSON. In this case the limitation of weight in the case of members is 1 ounce.

Mr. BOUTELLE. But the law as it stands to-day, and as it was enacted years prior to the present law in regard to the privilege of members, permits the use of penalty envelopes by heads of Departments and bureaus for all matters of public or official correspondence without limitation as to weight.

Mr. RICHARDSON. That is correct, as I understand.

Mr. BOUTELLE. Now, in the debate (which I remember very well) at the time this provision was extended to members of Congress it was understood, I think, by a majority of members that the change in the law was to extend to members of the House and the Senate and the other officials mentioned the privilege theretofore exercised by the heads of Departments for franking to people who had correspondence with them upon matters of purely Government business any response or document that might be involved in the correspondence. I do not think it was generally understood by the House or the Senate that the use of such envelopes by Representatives or Senators was limited to documents not exceeding 1 ounce. I am very sure that I have inadvertently used those envelopes for the transmission of documents that would weigh more than an ounce. Perhaps I ought to have studied the law more carefully.

Mr. RICHARDSON. The law does not prevent the sending of documents exceeding in weight 1 ounce.

Mr. BOUTELLE. I spoke of correspondence.

Mr. RICHARDSON. The gentleman said "documents."

Mr. BOUTELLE. Well, in speaking of documents, I did not mean printed books; I used the word "documents" as applied, for instance, to a report of the Secretary of State, in manuscript. When I have made an inquiry of the Secretary of State, for instance, in regard to some business pending between our State Department and some foreign government in relation to a ship, or the right of an American citizen, and in reply to my inquiry the Secretary of State has forwarded to me (as he did in relation to the Armenian difficulty some time ago) an official reply inclosing other official communications on very heavy paper, weighing undoubtedly considerably more than an ounce, I have not hesitated to place that in one of these franked envelopes and to send it to the party with whom I was corresponding. I did so because I was laboring under the impression that the envelopes provided for the use of members of the House and the Senate carried with them exactly the same privilege that had been extended to the Departments and bureaus under the old system.

Now, in order to make this matter clear, let me suppose this case: I send a communication from some constituent of mine, if you please, to the Secretary of the Treasury making a certain inquiry in regard to public business. The Secretary of the Treasury replies to me; and his reply would weigh 4 ounces. Now, it seems under the present construction that I can be permitted to make some kind of a reply to my constituent in which I may inclose an ounce of that correspondence, but for the other 3 ounces I have got to secure stamps, put it in another envelope, and pay the legitimate postage on it. I do not believe that that was the understanding of the members; nor do I think it was their intention in passing that act.

It covers all correspondence in which members of the House or of the Senate are called upon to take action in dealing with their constituents; and frequently, in reference to requests made in the various Departments of the Government for information, covering matters in which individuals are interested, the correspondence is more or less voluminous and could not come under this ounce rule. That, of course, has to be transmitted through the mails, under this construction, at the cost of the member himself. My understanding has been that the purpose of the law was to enable the members of Congress to transact their business with their constituents, without personal expense as far as practicable to themselves, and therefore to transmit, under the franking privilege, any legitimate correspondence, with any of the Departments of the Government, and with a constituent, concerning public business of the United States, that all such matters shall hereafter be protected by the frank of the departmental officers, under the penalty-envelope system; and I certainly think if there is any reason for the maintenance of the law at all, it ought not to be limited to the weight of an ounce. It would be very difficult for a member to adjust his correspondence on that basis.

For instance, it is common in our correspondence with the Departments—more common formerly than it is now—to have a reply returned to the member asking for the information, stating that it was "inclosed herewith," and there would be also inclosed a letter to the person making the inquiry, and an envelope directed to that person, supplied with the frank of the Department to carry it through the mails. It was regarded, as I remember, at the time this matter was under discussion in the House, a somewhat of an indignity upon members of Congress that we should invest the heads of divisions, or the chief clerks of the Departments of the Government, with a power to grant, in their discretion, to us the privilege of using a franked envelope to transmit business correspondence between the Department and our constituents with which we were legitimately connected. And you can readily see how that will operate now. If we receive from the Departments a reply to an inquiry, and the departmental officer should see fit, in his discretion and liberality, to send an addressed envelope with the frank of the Department upon it, we could send the correspondence under that frank. But if he did not, we would be obliged to write a letter within the ounce limit to our constituent, and then pay postage on the response of the Department on the remainder and send it in another envelope.

Mr. LOUD. Will the gentleman allow a suggestion just there?

Mr. BOUTELLE. In a moment. I only wish to make a brief statement, and do not wish to trespass upon the patience of the House.

It seems to me to be a matter that seriously concerns us all, and I make the suggestion that I personally, as a member of the House, should not be willing to assist in the reenactment of that condition, if that is the construction. We certainly would not have voted for it if we had been aware of the fact that such a limitation was placed upon this right at the time.

I think I would prefer, for my own part, not to have the franking privilege at all, unless the members of the House and Senate can be invested with this privilege for the transmission of the same character of public correspondence which we have by law accorded to all of the Departments of the Government, to be used at their discretion.

Mr. LOUD. Will the gentleman allow me?

Mr. BOUTELLE. Certainly; I have concluded what I desired to say.

Mr. LOUD. I hope the gentleman will retain the floor for a moment.

It seems to me that this penalty which is proposed to be invoked here should be enacted into a law.

Whether the franking privilege should be extended or not is an entirely different question, which we think should come before the House on its merits, and not in connection with a bill of this character. There is to-day an indiscriminate and unwarranted use of the franks of the members of this body. I say an indiscriminate use, and I apply the term with a perfect knowledge of the facts.

Mr. BOUTELLE. I do not think that is so. I believe the gentleman is mistaken. I have no knowledge of it.

Mr. LOUD. I will state to the gentleman from Maine that it is absolutely true. It is a fact to my own knowledge. A large number of documents have come back to me with my frank on them; and I do not know who has used that frank. I have in my pocket to-day, that I presented to the House on yesterday, a return register receipt on which they sent a document privileged by Congress and, I suppose, necessarily, bearing my frank. I do not know the man who sent it. Certainly he had no authority.

Mr. BOUTELLE. But you can easily call him to account.

Mr. LOUD. That I am trying to find out, permit me to say; but there is no law or penalty for such unlawful use of it at present.

Now, the gentleman well knows that the abuse of the franking privilege a number of years ago was what caused its repeal. The indiscriminate use of the frank of members brought it into discredit before the country. Now, if this House wants, when the question is up for discussion, to extend the weight of such frankable matter, let us do it on that proposition. But personally I do not think it wise, because the ease with which the frank of a member is used permitted, as in days gone by, as has been strongly intimated, the sending of washing 500 miles and its return through the mails. There is a legitimate privilege extended to members in this matter of public correspondence. Let us see that it is used with care and discretion, and circumscribe it as nearly and as closely as possible by law. But if we open the doors, then the abuse becomes so great that we must deny ourselves a privilege that we should legitimately enjoy.

Mr. EVANS. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from California yield?

Mr. BOUTELLE. I hold the floor by unanimous consent and yielded to the gentleman from California [Mr. LOUD] at his request.

Mr. BOWERS. The gentleman had taken his seat.

Mr. BOUTELLE. Oh, no. I was requested by the gentleman from California [Mr. LOUD] to retain the floor.

Mr. EVANS. Will the gentleman yield for a question?

Mr. BOUTELLE. I wish to say just a word, and then anybody can have the floor. The gentleman from California [Mr. LOUD] is addressing himself to something to which I made no reference whatever. I see that in applying this penalty we reenact the present law, and however I might act or vote in regard to applying a penalty for the misuse of franks, I will not vote to reenact that law as it stands, because I understand it to-day as I did not understand it before, and I will not vote for this proposition because I can see no possible reason, if you should change this law, why you can not put it in such shape as we want it to remain in——

Mr. LOUD. We do not change the law.

Mr. BOUTELLE (continuing). Why we should not recommit the bill and then bring in a law in the form in which we want it——

Mr. HOPKINS. Why can we not amend it here?

Mr. BOUTELLE. Let the committee amend it and put it into reasonable shape, or let us do it now. I want an opportunity to move to strike out that limitation. I want the people of this country to trust me to use a frank for the transmission of correspondence upon the public business, just as this House and the Senate have, over and over again, trusted to the honesty, the integrity, and the discretion of the departmental clerks of this Government.

Mr. BARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. The RECORD shows that the gentleman from Tennessee yesterday withdrew the bill. I should like a decision of the Chair as to whether the bill is now pending before the House.

The SPEAKER. The gentleman announced that it was by authority of the committee, and the Chair thinks that in accordance with previous rulings he would have the right to withdraw the bill.

Mr. BARRETT. The point is that the RECORD shows that the gentleman did, last night, in terms withdraw the bill. I ask if the bill is now pending.

The SPEAKER. The bill is not now pending. The Chair has already stated that it was by unanimous consent that all this discussion took place, and the gentleman from Tennessee [Mr. RICHARDSON] stated the same.

Mr. BARRETT. I desire to ask for the regular order.

The SPEAKER. If there is any objection to the continuance of the discussion, the Chair will bring it to an end.

Mr. BOWERS. Mr. Speaker, am I recognized?

The SPEAKER. The Chair will hear the gentleman, unless there is objection.

Mr. BARRETT. I shall object, unless the gentleman from Tennessee [Mr. RICHARDSON] will afford me an opportunity to offer an amendment.

The SPEAKER. Objection is made. The Clerk will proceed with the call.

The Committee on the Judiciary was called.

APPEALS IN CRIMINAL CASES.

Mr. HENDERSON. Mr. Speaker, I desire to call up Senate bill 1448.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON], chairman of the Judiciary Committee, presents a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That so much of section 5 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as reads "in cases of conviction of a capital or otherwise infamous crime," be amended by striking out the words "or otherwise infamous," so that the same will read "in cases of conviction of a capital crime;" and that appeals or writs of error may be taken from the district courts or circuit courts to the proper circuit court of appeals in cases of conviction of an infamous crime not capital: *Provided*, That no case now pending in the Supreme Court or in which an appeal or writ of error shall have been taken or sued out before the passage of this act shall be hereby affected; but in all such cases the jurisdiction of the Supreme Court shall remain, and said Supreme Court shall proceed therein as if this act had not been passed.

Mr. HENDERSON. Mr. Speaker, I desire to say to the House that this bill was called up at the last session of Congress, under a suspension of the rules, and failed to receive the necessary two-thirds vote. It was then antagonized by the gentleman from Texas [Mr. CULBERSON], who has since examined the authorities and the law, and is now favorable to the passage of the bill.

The purpose of it is simply to cut off appeals from the circuit courts of appeals to the Supreme Court in criminal cases other than capital. Capital cases may yet be appealed, and I desire to say that until the act of 1891 this power was never given to the Supreme Court. We have now pending in the Supreme Court over forty cases, many of them of a petty character, taking up the time of the Supreme Court and blocking the other legitimate and proper business of that court. I believe this bill to be needed and to be in line with the spirit of legislation which gave us the court of appeals, which was for the purpose of relieving the Supreme Court of the more inferior class of cases.

Mr. NORTHWAY. Will the gentleman allow me?

Mr. HENDERSON. I will now yield to the gentleman from New Hampshire [Mr. BAKER] who reported the bill.

Mr. NORTHWAY. I should like to ask the gentleman a question.

Mr. HENDERSON. Certainly.

Mr. NORTHWAY. How does it affect the right of appeal from the district courts of the United States to the court of appeals?

Mr. HENDERSON. It does not interfere with that. That is not interfered with.

Mr. NORTHWAY. It does not interfere with that; it only interferes with the right of appeal to the Supreme Court?

Mr. HENDERSON. That is all.

Mr. McMILLIN. Do I understand the gentleman to say that this jurisdiction was only conferred on the Supreme Court in 1891?

Mr. HENDERSON. Yes, sir.

Mr. McMILLIN. That the jurisdiction over the class of offenses now to be taken from the Supreme Court had only been cognizable by the Supreme Court in 1891?

Mr. HENDERSON. That is right, sir.

Mr. BAKER of New Hampshire. Mr. Speaker, at present I ask to have the report of the Attorney-General, where I have marked it, upon this subject read. This is his report for 1896, and his report for 1895 is in equally strong terms; but I will not ask that that be read at present.

The Clerk read as follows:

CRIMINAL APPEALS.

The unfortunate results of the present law governing writs of error to the Supreme Court in criminal cases are still apparent. Defendants in criminal cases are generally poor. It is hard for them to obtain counsel to defend them at home, but it is generally beyond their power to obtain counsel to argue their cases before the Supreme Court. While the criminal jurisdiction of that court is now so extensive as to take up a considerable part of the time spent by the justices in the study of records and briefs, yet the oral arguments of these cases are, largely for the reason above stated, comparatively few. They are mainly confined to cases against the wealthier classes of defendants, such as smugglers and bank officers.

The questions raised in these criminal cases are for the most part comparatively trivial and not of general importance. I think that a transfer of the criminal appeals to the circuit courts of appeals, with the present system of permitting important questions to be presented to the Supreme Court by certification, is highly desirable for various reasons. It would enable more defendants to have their cases orally argued instead of being submitted upon briefs. It would save the very large amount of time which is now spent by the Supreme Court in studying large records of cases involving comparatively unimportant questions, and would thus probably very soon result in the clearing of the dockets, so that cases could be argued and decided without the present long delays. It would not cut off the right of review by the Supreme Court of important questions, for the courts are very regardful of the interests of defendants in criminal cases, and if the circuit courts of appeals should fail to certify such questions when asked to do so, the Supreme Court could readily bring them before it by the writ of certiorari, and, I am advised, would adopt the practice of doing so. Questions would then be sharply and clearly presented, disencumbered from the voluminous records in which they are now often hidden, the cost of printing which is alone very great and generally falls on the Government.

Mr. BAKER of New Hampshire. Mr. Speaker, unless some question is to be asked, as this is a united report of the Committee on the Judiciary, I shall ask for a vote.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO PREVENT THE PURCHASE OF CLAIMS AGAINST THE GOVERNMENT.

Mr. HENDERSON. Mr. Speaker, I now call up the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, and I yield to the gentleman from Massachusetts [Mr. GILLETT] who reported the bill.

The bill was read, as follows:

Be it enacted, etc., That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, either directly or indirectly, any witness fee or claim, or the fee or claim of any juror, or the fee or claim of any deputy marshal, or the fee or claim of any other person whatsoever against the United States Government.

SEC. 2. That any person who shall be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States and, upon conviction, shall be fined in any sum of not less than fifty nor more than five thousand dollars, and final judgment against the defendant shall ipso facto operate as a removal of the person convicted and render his office or position vacant.

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask for the reading of the report. It is very short.

The report (by Mr. GILLETT of Massachusetts) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, recommend its passage.

The main abuse against which this bill is aimed is the purchase by officers of the courts of witness fees at much less than their face value, and thereby not only are the witnesses taken advantage of and deprived of their proper compensation, but inducement is created for the officers to promote unnecessary litigation. There are many other cases where the present practice is pernicious which this bill would remedy, and the few possible cases where it might work hardship are deemed by the committee insignificant compared with those where its operation would be beneficial.

Mr. GILLETT of Massachusetts. Mr. Speaker, unless some opposition is manifested or questions asked, I will ask for the previous question. This is a unanimous report of the committee.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL UNITED STATES JUDGES FOR THE INDIAN TERRITORY.

Mr. HENDERSON. Mr. Speaker, I now call up the bill (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," and yield to the gentleman from Illinois [Mr. CONNOLLY] who reported the bill.

The bill was read at length.

Mr. FLYNN. Mr. Speaker, let us have an explanation of the bill, please.

Mr. HENDERSON. Let the report be read.

The Clerk proceeded to read the report.

Mr. HENDERSON (during the reading of the report). Mr. Speaker, I desire to lay that bill aside temporarily, and pass it for the time being.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill be laid aside temporarily. Is there objection?

Mr. HENDERSON. I will call up in place of that the bill H. R. 6883.

Mr. FLYNN. May I ask the gentleman from Iowa a question? Do you contemplate taking this bill up this afternoon, during this hour?

Mr. HENDERSON. No, sir; we will not take it up this afternoon. Some gentlemen desire an opportunity to examine it, and I desire to give them that opportunity.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF.

Mr. HENDERSON. I now call up the bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf.

The bill was read, as follows:

Be it enacted, etc., That Edward M. Gallaudet, of Washington, in the District of Columbia; Francis D. Clarke, of Flint, in the State of Michigan; S. Tefft Walker, of Jacksonville, in the State of Illinois; James L. Smith, of Faribault, in the State of Minnesota; Sarah Fuller, of Boston, in the State of Massachusetts; David C. Dudley, of Colorado Springs, in the State of Colorado, and John R. Dobyns, of Jackson, in the State of Mississippi, officers and members of the Convention of American Instructors of the Deaf, and their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate in the District of Columbia by the name of the "Convention of American Instructors of the Deaf," for the promotion of the education of the deaf on the broadest, most advanced, and practical lines; and by that name it may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal and change the same at pleasure.

SEC. 2. That the said corporation shall have the power to take and hold personal estate and such real estate as shall be necessary and proper for the promotion of the educational and benevolent purposes of said corporation, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the objects aforesaid.

SEC. 3. That said corporation shall have a constitution and regulations or by-laws, and shall have power to amend the same at pleasure: *Provided*, That such constitution and regulations or by-laws do not conflict with the laws of the United States or of any State.

SEC. 4. That said association may hold its meetings in such places as said incorporators shall determine, and shall report to Congress, through the president of the Columbia Institution for the Deaf and Dumb at Washington, D. C., such portions of its proceedings and transactions as its officers shall deem to be of general public interest and value concerning the education of the deaf.

Mr. COX. I desire to have an explanation of that bill.

Mr. HENDERSON. An explanation would be best given by what is said in the report:

The incorporators are actively interested in promoting the education of the deaf and dumb and desire a corporate organization that they may more effectively and systematically carry on their efforts, and that gifts and legacies for the purpose may be encouraged and preserved. It is purely a charitable and educational organization.

This is done at the instance of Professor Gallaudet, who is really the father of this great work of educating the deaf and dumb. The bill was introduced by the gentleman from Maine [Mr. DINGLEY], and has been pressed upon us by all who take an interest in this matter. It is simply to incorporate them, in order that they may more effectively carry on their efforts.

Mr. BAILEY. I think I understand the bill makes this a District corporation.

Mr. HENDERSON. Well, it is an organization in the District of Columbia, as I understand it.

Mr. BAILEY. I think it makes it a body corporate of the District of Columbia.

Mr. HENDERSON. It is to incorporate them in the District of Columbia.

Mr. BAILEY. Then that is all right.

Mr. HENDERSON. It is expressly so stated in the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and

A bill (H. R. 4588) for the relief of John Keefe.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. [illegible]) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891.

POLICE COURT JURISDICTION, DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I call up the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," and I yield to the gentleman from New Hampshire [Mr. BAKER] who reported the bill.

The bill was read, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891, be, and the same hereby is, so amended as to read as follows:

"SEC. 4. That in all cases tried before said court the judgment of the court shall be final, except as hereinafter provided. If, upon the trial of any such cause, an exception be taken by or on behalf of any defendant to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the court of appeals of the District of Columbia for the transaction of business to be brought before it under this act, and for the time and method of the court of appeals, and for giving notice of writs of error thereto from the police court of the District of Columbia; and if, upon presentation to any justice of the court of appeals of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error to the cause, which shall issue out of the said court of appeals, addressed to the judge of the police court, who shall forthwith send up the information had in the cause and a transcript of the record therein, certified under the seal of said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals, as hereinbefore provided. Any defendant desiring the benefit of the provisions of this section shall give

notice in open court of his intention to apply for a writ of error upon such exceptions, and thereupon proceedings therein shall be stayed for ten days: *Provided*, That the defendant shall then and there enter into recognizance with sufficient surety, to be approved by the judge of the police court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days, appear in said police court and abide by and perform its judgment, and that in the event of the granting of such writ of error he will appear in said court of appeals of the District of Columbia and prosecute the writ of error and abide by and perform its judgment in the premises. Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the police court shall stand and be executed pending proceedings upon his application for a writ of error and until the final disposition thereof by the said court of appeals.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask that the report be read. It is quite brief.

The report (by Mr. BAKER of New Hampshire) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 3623) entitled "A bill to amend section 4 of an act entitled 'An act to define the jurisdiction of the police court of the District of Columbia,'" having had the same under consideration, beg to submit the following report:

By section 4 of the act of Congress approved March 3, 1891 (26 Stat. L., 849), writs of error in matters of law were authorized from the police court of the District of Columbia to the supreme court of the said District upon the approval of a judge of that court.

This provision of the statute was satisfactory to both the bench and the bar, but was repealed by the act creating the court of appeals of the District, approved February 9, 1893 (27 Stat. L., 436). This repeal was incidental, and so far as appeals from the police court were concerned, was probably inadvertent. The act referred to destroyed the general appellate jurisdiction of the supreme court of the District, and did not authorize writs of error from the police court to the court of appeals.

The purpose of the present bill is to restore writs of error on law points from the police court, by permitting such writs to the court of appeals of the District upon the approval of any justice of that court.

Section 4 of the said act is unchanged in other particulars, and your committee report the bill and recommend its passage.

The bill was ordered to be engrossed and read a third time: and it was accordingly read the third time, and passed.

AUDRAIN COUNTY, MO.

Mr. HENDERSON. Mr. Speaker, I call up the bill (H. R. 9001) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri.

The bill was read, as follows:

Be it enacted, etc., That the county of Audrain, in the State of Missouri, be, and the same is hereby, detached from the western judicial district of the State of Missouri and attached to the eastern judicial district of said State of Missouri.

SEC. 2. That all process, civil and criminal, hereafter issued against persons residing in said county of Audrain shall be made returnable to the courts held at St. Louis, in the State of Missouri, and all suits and prosecutions now pending in the circuit or district courts of the United States against persons residing in the said county of Audrain, at Jefferson City, in said State of Missouri, shall be determined in said courts.

Mr. HENDERSON. I yield to the gentleman from Missouri [Mr. BURTON] who reported the bill.

Mr. BURTON of Missouri. Mr. Speaker, this is simply a change of this county from one district to the other as a matter of convenience. This legislation is prayed for generally by the bar of that county who practice in the Federal courts, and I believe the bill ought to pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the vote by which the bill passed was laid on the table.

DEPUTY MARSHALS, INDIAN TERRITORY.

Mr. HENDERSON. Mr. Speaker, I call up Senate bill No. 3050, to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the appointments of deputy United States marshals in the Indian Territory made by the marshal in either district of said Territory since the 1st day of March 1895, and prior to April 15, 1896, and all oaths taken by such deputy United States marshals in good faith, and all acts and services rendered by such deputy United States marshals in pursuance of law and in good faith, are hereby ratified and validated. All accounts for the payment of such deputy United States marshals shall be subject to the approval of the Attorney-General.

SEC. 2. That hereafter United States marshals in said Territory shall give bond, with two or more sureties to be approved by the judge of said district, in the sum of $20,000, conditioned as by law required in regard to the bond of other United States marshals: *Provided*, That whenever the business of the courts in said Territory shall make it necessary, in the opinion of the Attorney-General, for the United States marshal of any district therein to furnish greater security than the official bond herein required, a bond in the sum not exceeding $[illegible] shall be given by said marshal when required by the Attorney-General, who shall fix the amount thereof.

Mr. HENDERSON. I yield to the gentleman from Kansas [Mr. BRODERICK].

Mr. BRODERICK. Mr. Speaker, the act organizing the courts in the Indian Territory provided for the appointment of a marshal in each district, and also provided for the appointment of deputy marshals by the marshals. Under the law the deputies were required to take the oath of office before the judges of the several districts, but in fact many of them who were appointed took the oath before the clerks, the judges not being present. There was no provision in the statute authorizing the taking of the oath of office before the clerk in the absence of the judge, but these deputies did it and then went on and rendered service. An appropriation has been made for payment for their services, but the accounts have not been audited or paid. This bill is intended simply to legalize what has been done irregularly, but in good faith: and the services of these men have been actually rendered. This is a Senate bill, and the Committee on the Judiciary has reported the bill just as it passed the Senate.

Mr. HULICK. This is to confirm what has been done without authority of law: but does it also authorize the clerks to administer the oath of office to deputies?

Mr. BRODERICK. No; the statute provides that the judge shall administer the oath.

Mr. HULICK. That is the provision in the existing statute; but does your bill provide for clerks swearing in these officials, the very thing that you are now proposing to ratify?

Mr. BRODERICK. No; it simply legalizes what has been done in this respect.

Mr. HULICK. Then why not authorize the clerks of these courts to administer the oaths?

Mr. BRODERICK. We propose to do that in another bill which is now pending before the committee.

The bill was ordered to a third reading: and it was accordingly read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HENDERSON. Mr. Speaker, the committee has no further business to call up at this time.

OLEOMARGARINE, ETC.

Mr. WADSWORTH. Mr. Speaker, I call up the bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported.

The bill was read, as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Mr. WADSWORTH. Mr. Speaker, the member of the committee having this matter in charge being unavoidably absent at this time, I yield to the gentleman from Vermont [Mr. GROUT] who introduced the bill.

Mr. GROUT. Mr. Speaker, I think this subject can not be better presented to the House than by the reading of the report of the committee, which quite fully explains the necessity for this legislation.

The report (by Mr. WILBER) was read, as follows:

The Committee on Agriculture, to whom was referred House bill 1221, makes the following report:

The object sought to be obtained by the legislation proposed by this bill is to place oleomargarine and all other imitation dairy products under the regulation of the laws in the States and Territories into which such articles shall have been transported from other States for sale.

The doctrine was announced by our Supreme Court in the case of Leisy *vs.* Hardin, known as the "original package" decision, that where any article of commerce is manufactured in one State and transported into another State and placed on the market, that the sale of such article of commerce should be protected to the extent of one transfer while the goods remained in the original package, and until they became part of the commercial products of the State into which they were shipped.

The Agricultural Committee, to whom was referred this bill, has given the subject careful consideration, and recommend the passage of this bill with the following amendment:

In line 9, after the word "arrival," erase the word "in," and substitute the words "within the limits of."

Most of the States of the Union, it seems, have passed laws regulating the sale of oleomargarine, etc. These laws, so far as the committee has been able to ascertain, do not prohibit either the manufacture or sale, at wholesale or retail, of these articles; but all such legislation of the States seems to be for the purpose of preventing the sale of oleomargarine, etc., for butter, etc. In other words, no exception has been taken to the sale of oleomargarine, etc., as such, but complaints continually come against the sale of imitation articles as the genuine, and it seems that most of the States have upon their statute books laws of this character; but as soon as the "original package" decision was rendered, the dealers in oleomargarine and other imitation dairy products saw an opportunity by which they could evade these laws and effect at least one sale without fear of prosecution. The representatives of the farmers and dairymen of the United States claim that a large amount of imitation dairy products have thus been placed upon the market, and the sale of said imitation dairy products as genuine immensely increased.

The opponents of this bill place their opposition on the grounds that the farmer will receive decreased prices for the ingredients used in the manufacture of these imitation products; and that it is an oppression to the poor man, preventing him from buying a cheap substitute for the genuine dairy product, palatable and wholesome in its character.

The first objection is too trivial to be seriously considered. No honest farmer expects a permanent demand for any of his products except for honest

> and legitimate purposes. As to the second ground of opposition, it is a well-known fact that no one ever purchases oleomargarine or any other imitation dairy product, knowing it to be such, except the dealers and persons who may conduct restaurants, boarding houses, and hotels. No man ever buys it for family use, knowing it to be imitation; and when the laboring man does buy it for family use, he pays about the same price to the retail dealer that he would pay for the genuine article, for the simple reason that if the retail dealer made any great difference in the price between the genuine and the imitation article it would expose the fraud, and the consumer would purchase the genuine and not the imitation article. But the enormous profits to the retail dealer induces him to palm off the imitation article whenever an opportunity offers.
>
> The manufacturers of pure dairy products have never asked for prohibitory laws as to the manufacture or sale of the imitation dairy products, but they have, with much force and unquestioned justice, insisted that these said imitation dairy products shall be sold upon their merits, and not disposed of to unsuspecting consumers as the genuine article; and it seems to the committee that an interest so large and important as the dairy interests of the United States—an interest the yearly products of which amount to $1,000,000,000—should be recognized in any reasonable legislative demands.

Mr. GROUT. Mr. Speaker, it would seem to me that there ought not to be any necessity for discussing this bill, but I have just been informed by the gentleman from Mississippi [Mr. WILLIAMS] that he would like to be heard upon it. Of course there is no objection to that, and I now yield to the gentleman such time as he may desire to present his views.

Mr. WILLIAMS. Mr. Chairman, this is one of those measures which look very innocent upon their face, but mean a great deal, and it is proper that Congress should know, before it enacts it into law, just exactly what the bill does mean. This is a bill to annihilate the interstate-commerce feature of the Constitution of the United States in so far as it protects dealing in oleomargarine. The bill reads that—

> All articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the product of the dairy and not made exclusively of pure and unadulterated milk or cream, when transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory.

That means not only all such laws as now exist in the said States or Territories, but all laws that may, after the passage of this bill, be enacted by such States or Territories. It puts oleomargarine, a wholesome product, upon the same footing with whisky, and takes the same measures with regard to it that Congress took after the "original-package" decision of the Supreme Court in the case of whisky to stamp out dealing in it in interstate commerce, to prevent its being protected in the States by the interstate-commerce clause of the Constitution of the United States. Now, understand me distinctly, Mr. Speaker, I have no objection to any bill which the gentleman will introduce here which forbids any transaction in commerce between the States in oleomargarine, or in butterine, or in anything else, when shipped or sold under any name except its own name, or under any guise or semblance except its own.

Mr. GROUT. That is all that this bill provides.

Mr. WILLIAMS. That is not all that this bill provides. This bill does exactly as to oleomargarine what the whisky legislation which followed the "original-package" decision did as to whisky. It absolutely prohibits, for instance, within the State of Vermont, dealings in oleomargarine or any similar products, whether sold as oleomargarine or as butter if the State chooses to enact such a prohibition. This bill will absolutely enable Pennsylvania or any other State of the Union having dairy products which come into competition more or less with these other products to stamp these competing food products altogether out of existence within the State, just as they may stamp out whisky or any other poisonous or deleterious substance—to prohibit its sale or manufacture in or importation into the State.

Now, sir, oleomargarine and similar products are not whisky, are not upon the same footing, are not injurious to the human race. All the testimony that was brought before the committee shows that these articles are made of wholesome substances and are as healthful and as fit for use as food by the human race as butter made from the milk of the cow.

I concede that the dairy farmers have a right to complain if these products are sold, as they too frequently are, for butter. People should not be deceived into buying oleomargarine thinking that they are buying butter. If the gentleman will introduce a bill seeking to prevent such deception, and closing, if you choose, the channels of interstate commerce altogether to the access of any product, I care not what, which passes under a name not its own—which assumes a deceptive semblance or guise—that will be all right. But when the gentleman attempts to take a product made of the oil of cotton seed, from lard, from various other things, vegetable oils, etc., products perfectly pure and wholesome, much purer and more wholesome as a rule than butter—and when he proposes to enable the State of Vermont, for instance, to stamp out of existence commerce in these products, because their sale conflicts with the sale at higher prices of certain products of the people of the State of Vermont, then, Mr. Chairman, he is undertaking to make the Constitution, which was intended to protect us all, a shield of defense for a part of the country and a sword of attack against another part.

This sort of legislation may be justifiable in the case of whisky, upon the broad and general ground of the conviction of humanity that whisky is injurious to the human race and that its sale ought to be prohibited or regulated, or at any rate upon the ground that the community ought to have the right to prohibit or regulate it because of its injurious character, or because they think it injurious, whether it is so or not—in short, because whisky, like lotteries and gambling, falls within the "police powers" of the State. But no man can assert that these products are of that character.

I ask gentlemen of the House to pause before taking a step which will be a precedent for the Iliad of all our woes in the way of a certain class of new legislation, new legislation in the direction of making the Constitution of the United States, or at least a particular clause of it, a thing which shall protect some products of some sections everywhere, while it shall not protect others anywhere in the rights guaranteed to them by the Federal Constitution in matters of legitimate interstate commerce.

Now, let me read this bill and ask whether I can possibly be mistaken in my construction of it. Leaving out repetitions, it provides—

> That all articles known as oleomargarine—

Etc.—

> not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers—

"Of its police powers!" It will be seen that the bill puts the suppression or extinction of these products upon exactly the same footing as the suppression of gambling or whisky or a hundred other things of that sort, the "police powers" of the State being so broad that it has been held by the courts that the Constitution of the United States does not contemplate any interference of any description by the General Government with them.

I say my statement that after this bill is passed any State of this Union may pass a law to prohibit the sale of oleomargarine in its natural color, under its own name, is undeniable—is a correct statement of the effect of this measure.

The clause which I have already read continues—

> to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Thus it will be seen that these products, if any State chooses to prohibit them, may be within that State entirely stamped out. And, of course, a great dairy State—any dairy State—would choose to make the prohibition, because these products, even in their own semblance and under their own name, furnish a food product which enables humanity to eat something besides butter, and hence make butter somewhat cheaper. At any rate, that is the ground upon which the legislation would be based.

Now, I ask members of Congress, to reflect before they take again in this case a step which was a doubtful precedent in the case of whisky, and only justified in that case by the character of the product itself. In that instance Congress went out of its way to pass a law which it would not have passed in relation to any other substance, in relation to any food product. In this case you are asked to take a perfectly wholesome product—pure vegetable oil, much purer than the average butter, much more wholesome as food than ordinary butter—and treat it to a dose of the "police powers" of any section of the country with whose products it may happen to come into competition—coming into competition, mark you, not as butter, but as what it really is. Whenever you propose to prevent articles of this description from competing as butter—under the name and semblance of butter—with genuine butter, I am ready to go with you; but we must not give to any State of the Union the right, under the broad police powers of a sovereign State, to prohibit absolutely the manufacture and sale of the wholesome product of other States under their own name and in their own color. I thank the gentleman for the time he has yielded me.

Mr. COX. If I understand the gentleman correctly, his opposition to this bill is based on the ground that it prohibits any of these products, such as oleomargarine, from being sold in a State.

Mr. WILLIAMS. No, sir; but the bill will enable any State, after the measure takes effect, to prohibit the manufacture or sale of such product if it chooses.

Mr. COX. Suppose that the State does make such a prohibition—and that is the object of the bill, as I understand the gentleman——

Mr. WILLIAMS. It is one of the possible and natural and necessary effects, whether it is or is not one of its objects. I think myself that it is one of its objects; but I do not like to make that statement, because other gentlemen here are of course the fairest judges of their own motives. But that is one of the possible effects of the measure.

Mr. GROUT. Mr. Speaker, I am very sorry to find my friend from Mississippi so exercised about the effect of this bill. He says that on its face it is harmless, but that concealed within it is all manner of mischief and wickedness.

He says he is in favor of having oleomargarine go upon the market for just what it is, and then declares that this bill will accomplish some other terrible purpose, but does not make it clear what calamity will follow, and to prove his words reads a clause from the bill.

Now, allow me to read the whole bill, which is very short.

It is as follows:

> That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

As you see, all that this bill provides is that when oleomargarine, imitation cheese, or "any substance in the semblance of butter or cheese" is transported into one State from another it shall be subject to the laws of the State into which it is taken. Now, is there anything so very terrible about that? The bill contains no other provision, only that all these false and imitation dairy products shall be subject to the laws of the State into which they are transported. The language is unequivocal.

Mr. WILLIAMS. If the gentleman will permit an interruption.

Mr. GROUT. Certainly. I yield to the gentleman.

Mr. WILLIAMS. I think you will find that you are mistaken. I think the gentleman has not gotten the real gravity of the language:

> That all articles known as oleomargarine.

Now, if this bill stopped right there, without any disjunctive or conjuntive word following, until you came to the verb, there could be no question as to its meaning. But you have added other articles—butterine, imitation butter, "or any substance in the semblance of butter or cheese"—which changes the entire construction and meaning of the sentence.

Mr. GROUT. But the gentleman is entirely in error as to his contention. Let us read the language of the bill to which he refers. Here it is again:

> That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, shall be subject to the operation and effect, etc.

Now, there can be no possible question about that language. It is as clear as language can be. It simply places these imitation products under control of the law of the States into which they are taken for consumption or sale, and that is all there is to it.

Nevertheless, Mr. Speaker, if the bill is not sufficiently explicit on this point, I am entirely willing that any amendment shall be adopted to make it so.

The only object of the bill is to prevent these false and fraudulent imitations of butter and cheese from being transported from the State in which they are manufactured into a State where they are not manufactured, and there put on sale in such a way as to deceive the purchaser as to the real character of the article, as could have been done under the decision known as the original-package decision, which allowed one sale while in the original package in spite of the laws of the State where the sale was made, no matter how great the fraud that may have been practiced upon those who consumed it. This, I repeat, is the only object of the bill, to make certain that when this imitation, this fraudulent substance, is taken from the State where it is manufactured into another State the police law of the State may become operative to the same extent and in the same manner as though the article had been produced in said State or Territory. That is all that the bill seeks to do.

Mr. COX. But, let me ask the gentleman, if you go that far why do you not put it within the power of the State to prohibit its coming into the State altogether?

Mr. GROUT. The bill leaves to each State the right to regulate the sale in its own way. There is nothing in it to justify the conclusion that its sale may be prohibited.

Mr. LIVINGSTON. May I ask the gentleman a question?

Mr. GROUT. Certainly.

Mr. LIVINGSTON. If I understand the purpose of the bill, it places that article—oleomargarine—when carried into a State, within the local jurisdiction of that State?

Mr. MORSE. That is exactly where it ought to be.

Mr. GROUT. And that is precisely what the bill does, and all it does.

Mr. LIVINGSTON. Then the bill is a good one, and it ought to pass.

Mr. COX. It ought not to be passed.

Mr. GROUT. Well, I am very sorry that gentlemen so distinguished on this floor differ so radically.

Now, Mr. Speaker, just a word as to the history of the imitation-butter business in connection with the legislation and the decisions of the courts respecting it. It will be remembered that in 1886 the oleomargarine act was passed, and under that law the production and sale of it were checked to some extent, as you will see by the following statistics: In 1887, the year after the passage of the law, the number of manufacturers was 37, wholesale dealers 288, and retail dealers 6,977, or a total of 7,302 persons engaged in the business as manufacturers and dealers, wholesale and retail, in oleomargarine. Under that law the manufacturers and dealers went down from this total of 7,302 in 1887 to 6,035 in 1889, a reduction of over 1,000 in two years. In 1889 came the original-package decision, under which, as I have said, oleomargarine could be taken from one State into another, and one sale made in spite of local laws, which put it into the hands of the retail dealer and started it on its way of cheating the purchaser, who invariably buys it for butter. Nobody buys oleomargarine for consumption except the boarding-house keeper and the restaurant and hotel keeper. The purchaser always buys butter, but often gets oleomargarine, because this stuff so closely counterfeits butter that few except experts can tell the difference between the two.

And now again, in 1887, the first year after the oleomargarine law was passed which put restrictions upon it, the total revenue from oleomargarine was but $723,904.04. But when the original-package decision came, protecting it in its transfer to the retailer, who could work it off to the unsuspecting purchaser as butter, the total receipts jumped in the following year from that figure to over a million and a half of dollars. The receipts from the tax upon it a good deal more than doubled in a single year. Now, as badly as the Government wants revenue just now, it does not want it from such fraudulent sources as this. And this was the boom which the original-package decision gave to oleomargarine throughout the country, by putting it everywhere into the hands of the retail dealer, who really practices the fraud upon the people.

But in 1893 there came another decision of the Supreme Court, which lays down the doctrine contained in this bill. That was rendered, however, by a divided court, the opinion being given by Mr. Justice Harlan. The Chief Justice and Justices Field and Brewer dissented. Now, I want to read from that opinion, in answer to my friend the gentleman from Mississippi [Mr. WILLIAMS] and in answer to my other friend the gentleman from Tennessee [Mr. COX]. I will say, however, before doing so, that the reason for this legislation is that this decision was by a divided court, and the dairy interests of the country fear that possibly—

The court, some fine day,
May hold the other way.

Mr. Speaker, the dairy interests of the country are of immense proportions in the aggregate, though made up from a vast number of small interests, many of them weak and comparatively insignificant when standing by themselves, but in their united strength they are a power in the land, and they demand this legislation. They ask that this decision of the Supreme Court be written in the statutes of the country, and not left to the possibly fluctuating opinion of the court. And now let me read from that decision of the court. By it, all the constitutional arguments and fictions of the gentleman from Mississippi [Mr. WILLIAMS] and others opposing this bill are at once wiped away. It is in the case of Plumley *vs.* Massachusetts (155 United States Reports), in which the plaintiff in error had been prosecuted and fined under a Massachusetts statute prohibiting the sale of oleomargarine in the guise of butter. He pleaded his constitutional right to handle this product from another State, in the absence of Federal prohibition, the Massachusetts statute to the contrary notwithstanding. But, as I say, he was convicted and fined under that statute, and, being held in jail for nonpayment of the fine, brought a writ of habeas corpus before the supreme court of Massachusetts, which decided against him and in favor of the constitutionality of the State statute. The case came to the United States Supreme Court on appeal, and the following is the closing part of the opinion by Mr. Justice Harlan:

> We are of opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society; and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character. And this protection may be given without violating any right secured by the National Constitution, and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor, in any

> just sense, interfere with the freedom of commerce among the several States. It is legislation which "can be most advantageously exercised by the States themselves."

Mr. MORSE. Massachusetts does not allow soap grease to be sold for butter.

Mr. GROUT (continuing)—

> We are not unmindful of the fact—indeed, this court has often had occasion to observe—that the acknowledged power of the States to protect the morals, the health, and safety of their people by appropriate legislation sometimes touches in its exercise the lines separating the respective domains of national and State authority. But in view of the complex system of government which exists in this country, "presenting," as this court, speaking by Chief Justice Marshall, has said, "the rare and difficult scheme of one General Government whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments, which retain and exercise all powers not delegated to the Union," the judiciary of the United States should not strike down a legislative enactment of a State—especially if it has direct connection with the social order, the health, and the morals of its people—unless such legislation plainly and palpably violates some right granted or secured by the national Constitution or encroaches upon the authority delegated to the United States for the attainment of objects of national concern.
>
> We can not so adjudge in reference to the statute of Massachusetts, and as the court below correctly held that the plaintiff in error was not restrained of his liberty in violation of the Constitution of the United States, the judgment must be affirmed.

Now, from this opinion you will see that this bill only proposes to put this decision into statute law, and for the sole purpose of giving it greater permanency. It does not enlarge or take from the law of this decision a single iota in any particular.

Mr. MORSE. Will the gentleman from Vermont allow me to ask him a question?

Mr. GROUT. I yield to the gentleman from Massachusetts for a question.

Mr. MORSE. I want to ask the gentleman from Vermont [Mr. GROUT] if there is anything in this bill which prevents the sale of oleomargarine or any imitation of butter in States where it is allowed by law?

Mr. GROUT. Why, of course there is nothing. It simply leaves that matter to the States.

Mr. MORSE. Gentlemen here say so. Gentlemen are deluded who think that.

Mr. COOKE of Illinois. Mr. Speaker, I desire to be heard in my own time.

Mr. GROUT. What time does the gentleman desire?

Mr. COOKE of Illinois. Ten minutes.

Mr. GROUT. I will yield ten minutes to the gentleman as soon as I have concluded my remarks. I had merely concluded the reading of this opinion.

Mr. FITZGERALD. Under the operation of this law, if it should be enacted, is it not possible for the States to enact a law forbidding the sale of oleomargarine in those States?

Mr. GROUT. Not by authority of this law. The bill is drawn within the provisions of the law laid down by the court; it is drawn strictly in accordance with it: and if it admits of that view, he must argue with the court and not with myself.

Mr. Speaker, now a word as to another view of the matter. Gentlemen talk about interfering with the sale of a product designed for the subsistence of the poor. Ah, Mr. Speaker, this is a mere pretense, as false as the product itself. Oleomargarine now goes in the garb of butter—"semblance of butter" in the words of the bill—to the poor and is sold as butter, not at the price for oleomargarine, but at the price butter bears; and so neither the poor nor the rich get oleomargarine except at an enormous profit. Most of the States now have laws, if they are allowed to take charge of this stuff as this bill proposes, which will secure its sale for just what it is. Then the poor will get oleomargarine at somewhere near its cost, instead of paying the price of butter for it as now. And then, too, butter will be sought by those who are able and want to pay a good price for a good article. The producer of butter will thus be benefited at the same time that the poor man is furnished with oleomargarine at one-half or one-third what he pays now. No one will be hurt but the manufacturer and dealer in this false and fraudulent article, who, between them, now realize enormous profits in palming it off for butter. And even they will not be hurt, but will only be confined to reasonable profits: and, as we have seen, all for the benefit of those who feel themselves unable to buy butter.

Besides the fraud on the public in imposing upon them a counterfeit product of doubtful wholesomeness, the damage to the honest dairy interests of the country is immense in dragging down the price of butter by the sale of vast quantities of the cheap greases that go into oleomargarine, but which are colored for butter and so flavored by the use of buttermilk as to give the product every appearance of butter and even the taste of butter. It is one of the boasted merits of this product, but really its chief infamy, that an ordinary person can not detect the difference between the genuine and the false: and I agree that it is so disguised that it is difficult to tell.

Now, nobody objects to its going on the market in its own color. The court says so expressly in the opinion which I read. It is only when it assumes the semblance of butter, and so is calculated to practice deceit and fraud, that it is proposed to make it subject to the police laws of the State where it is sold. The bill says the same thing. It is only where it goes on the market in the "semblance of butter or cheese" that this bill authorizes the police laws of the State into which it goes to take hold of it. If it goes on the market as oleomargarine, with the color of oleomargarine, and undertakes no cheat or falsehood as it goes, there is no objection to it. There is nothing in this bill that will allow any State to touch it by way of prohibition if it goes on the market for what it is.

Mr. LIVINGSTON. Will the gentleman accept an amendment?

Mr. GROUT. In a minute. We only insist that this uncertain stuff shall not sail under false colors, so that the poor man shall have the product at a cheap price with a reasonable profit only upon it. We shall thus be helping the poor man and protecting an honest industry at the same time. Besides, it allows this product to be brought out of its disguise in every State that sees fit to do it. If a State chooses to let it be sold for butter, it can do so; but there is no State in the Union that is willing to do that; and there is no honest man in this country who is willing it should be done.

Mr. TERRY. Will the gentleman allow me to ask him a question on that point?

Mr. GROUT. Certainly.

Mr. TERRY. Does not the United States legislation already provide that the product "oleomargarine" shall be sold as oleomargarine?

Mr. GROUT. Yes; it provides that it shall be stamped and put on the market in the original package.

Mr. TERRY. How is it possible, then, to deceive anybody?

Mr. GROUT. I did not yield to the gentleman for remarks. You asked me a question. Now let me answer. It is an easy matter for the retailer to slip the tub off the stuff and set it on the counter alongside of butter and sell it as butter in small lots as called for. Remember, it is so like butter that only an expert can tell the difference in appearance or taste. Frequently nothing short of the microscope can make the difference certain.

Now I yield to the gentleman from Georgia.

Mr. LIVINGSTON. Will the gentleman accept this amendment?—

> Shall not be interfered with by the State or by State regulations in a State when sold as oleomargarine.

If you will put that amendment in, I think it will be agreed to.

Mr. GROUT. But that would defeat the express purpose of the bill, which is to give to the States the right to regulate the sale of oleomargarine. We do not ask for the power in the States to prohibit the sale of it. The Supreme Court says the States have the right to regulate its sale, and I am surprised that my friend the gentleman from Mississippi [Mr. WILLIAMS], from a State-rights State, and my friend from Tennessee [Mr. COX], from a State-rights State, and now also my friend from Louisiana [Mr. BOATNER], who, I see, is ready with a question, also from a State-rights State, are willing to stand in the way of the rights of the States under the Constitution, as determined by the Supreme Court in the opinion which I have just read.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BOATNER. Does not the gentleman from Vermont think that this bill and all bills of a similar character rest on the authority of the Federal Government to regulate commerce between the States?

Mr. GROUT. The Supreme Court says not in case of articles like false butter and cheese, calculated to deceive, or at least the Supreme Court says that the States may regulate and suppress falsehoods and frauds of this character. Mr. Speaker, I do not believe the dairymen, who are intelligent men, throughout this country, having knowledge of this decision of the court, would have asked more, but they felt that it being by a divided court, it rested upon too uncertain a basis. They realize that the specious arguments which the gentlemen are suggesting in opposition to this bill now may be at some evil but more favorable time thrust upon the court, and the decision perhaps overturned. They want to see this law on the statute book also——

Mr. BOATNER. But does not the gentleman from Vermont concede that this bill if enacted into law is a concession of a part of the authority and power of the Federal Government to regulate commerce between the States?

Mr. GROUT. No, it is rather an indorsement of or acquiescence on the part of Congress in the decision of the court, which is to the effect that the States may exercise this power without leave of Congress.

Mr. BOATNER. Otherwise, what necessity is there for the bill, if it takes nothing away from the power of the Federal Government and adds nothing to the different States?

Mr. GROUT. It does not contravene the powers of the General Government to control interstate commerce, as stated by the court in their opinion. This question lies close to the line

between the authority of the General Government and of the States, but to prevent a fraud the court holds that the States may act through their police power, and I believe it is sound doctrine, and this bill simply puts into statute law the decision of the court; that is all.

Mr. COOKE of Illinois. Mr. Speaker, I desire to be recognized in my own time for ten minutes.

Mr. GROUT. Very well; I have not yielded the floor. If the gentleman desires time, I will give it to him; but I do not propose to yield the floor. If I yield the floor I lose control of the bill.

Mr. COOKE of Illinois. Mr. Speaker, I desire ten minutes, and I understand that the gentleman from Vermont has yielded me that time.

Mr. WILLIAMS. Mr. Speaker, I submit that the time in this discussion ought not to be controlled entirely by one side, and that some agreement on that subject ought to be arrived at. The gentleman in favor of the bill assumes to control all the time.

Mr. GROUT. Oh, gentlemen need not raise that question at all; they will have as much time as they want. There is not the least disposition to suppress discussion.

Mr. COOPER of Florida. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COOPER of Florida. As I understand it, there has been no previous question ordered, nor any limitation placed upon the debate upon this bill?

The SPEAKER pro tempore. That is correct.

Mr. COOPER of Florida. Then the gentleman from Vermont has no more control of the time than any other gentleman upon this floor.

The SPEAKER pro tempore. During his hour he has control of the time.

Mr. COOPER of Florida. But when he sits down his hour ends.

Mr. GROUT. Oh, no. I am willing to yield to the gentleman from Illinois ten minutes. Mr. Speaker, I hope there will be no feeling about this matter, because there is not the slightest disposition on our side to prevent the discussion of this bill. We are perfectly willing to give the gentlemen all the time they want.

Mr. COOKE of Illinois. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Vermont yield to the gentleman from Illinois?

Mr. GROUT. I will first ask the gentleman from Illinois whether he intends to support or to oppose the bill.

Mr. COOKE of Illinois. I intend to oppose it.

Mr. GROUT. Well, Mr. Speaker, since gentlemen want some division of the time and are desirous of controlling the time in opposition to the bill, let us try to reach an agreement about it.

Mr. WILLIAMS. That is what I proposed a while ago, but the gentleman seemed not to understand me.

Mr. GROUT (to Mr. WILLIAMS). There was so much confusion I did not understand you. How much time do you want?

Mr. WILLIAMS. I suppose an hour on each side.

Mr. GROUT. Taking out of your hour the time that you have used, and out of mine the time I used?

Mr. WILLIAMS. Taking the time that I have used out of the time on our side, and taking the time that you have used out of the time in favor of the bill.

Mr. GROUT. Does the Chair understand the proposition of the gentleman from Mississippi?

The SPEAKER pro tempore. The Chair does not understand that there has yet been any proposition made.

Mr. GROUT. The gentleman's proposition is that there shall be an hour allowed in favor of the bill, which I am to control, and an hour in opposition to the bill, to be controlled by the gentleman from Mississippi.

The SPEAKER pro tempore. Two hours in addition to the time that has already been consumed?

Mr. GROUT. No; two hours in all, the time the gentleman from Mississippi has occupied to be deducted from his hour, and the time I have occupied to be taken out of my hour.

Mr. BOATNER. May I ask how much time the gentleman from Mississippi occupied?

The SPEAKER pro tempore. The Chair is informed that the gentleman from Mississippi occupied fifteen minutes.

Mr. GROUT. How much time did I occupy, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Vermont occupied twenty minutes.

Mr. WILLIAMS. Now, Mr. Speaker, I yield twenty minutes to the gentleman from Illinois [Mr. COOKE].

Mr. GROUT. Wait until we get an arrangement. Will the Chair take the sense of the House on the proposition?

The SPEAKER pro tempore. Unanimous consent is asked that debate on this bill be limited to two hours, to be equally divided between those who favor and those who oppose the bill, the time already occupied being deducted from the two hours. Those in favor of the bill have occupied twenty minutes and those opposed fifteen minutes.

Mr. STEELE. And at the end of the time the previous question is to be considered as ordered?

The SPEAKER pro tempore. That is understood.

Mr. McEWAN. Mr. Speaker, a parliamentary inquiry. Is it in order at this time to present an amendment?

The SPEAKER pro tempore. During general debate any gentleman who has the floor will have an opportunity to present any amendment he may desire.

Mr. McEWAN. Perhaps this amendment will be accepted by the gentleman in charge of the bill.

Mr. GROUT. It is further suggested to me, Mr. Speaker, and I suggest to the gentleman on the other side, that as the attendance in the House may not be very full toward the hour of adjournment to-day, we take the vote on the bill and such amendments as may be adopted to-morrow morning, after the reading of the Journal.

Several MEMBERS. That is right.

Mr. WILLIAMS. I do not know about that. As far as I am personally concerned, I have no objection, but I have no authority to make any agreement of that kind.

Mr. GROUT. No; but I ask the gentleman to help get an agreement.

The SPEAKER pro tempore. The Chair desires now to have an understanding with regard to amendments. Inquiry has been made as to whether amendments will be in order. There is one committee amendment now pending, and if, as the Chair understands, the previous question is to be considered as ordered at the close of the debate, there will be no opportunity after that to offer other amendments.

Mr. WILLIAMS. I do not understand that to be the agreement.

The SPEAKER pro tempore. Then the Chair will say to gentlemen that there must be some definite agreement upon that point.

Mr. GROUT. Mr. Speaker, I propose that we have all the amendments submitted to-day, and that the bill and amendments be voted upon to-morrow morning, after the reading of the Journal.

Mr. TAWNEY. The gentleman means that the vote shall be taken on the amendments then pending.

Mr. GROUT. Certainly.

Mr. WILLIAMS. And amendments may be introduced any time to-day.

The SPEAKER pro tempore. The Chair will state to the gentleman from Mississippi that only one amendment to the bill can be pending at a time unless by general consent.

Mr. WILLIAMS. Two can be pending; one amendment and one substitute.

The SPEAKER pro tempore. Now, will the gentleman from Vermont state the proposition that he desires to have submitted to the House?

Mr. GROUT. The proposition as to amendments is, that the bill be open to amendment under the rule during the discussion this afternoon, that all amendments shall be offered this afternoon, and that to-morrow, after the reading of the Journal, the House shall proceed to vote upon the bill and amendments.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent that debate on this bill be limited to two hours, including the time already occupied by those who favor and oppose the bill; that at the close of the debate the previous question shall be considered as ordered; that a vote be taken on the bill and such amendments as may be pending immediately after the reading of the Journal to-morrow; that pending the general debate any member shall have the privilege of offering an amendment, and that the same shall be considered after the close of the debate when the bill is taken up to be voted on to-morrow. Is there objection?

Mr. McEWAN. For the purpose of understanding the matter thoroughly, I object. If this arrangement be made, would I be at liberty at any time during the debate to offer an amendment?

A MEMBER. That is a part of the agreement.

Mr. GROUT. If the gentleman had listened to the statement of the Chair I think he could not have misunderstood it. The object of the proposition is to offer an opportunity for amendments to the bill this afternoon, all proper amendments under the rules.

Mr. DOCKERY. The amendments to be offered under the rule, as I understand.

Mr. GROUT. Certainly.

Mr. DOCKERY. That is, there may be pending at one time an amendment, an amendment to the amendment, a substitute, and an amendment to the substitute.

The SPEAKER pro tempore. Is there objection to the arrangement proposed by the gentleman from Vermont?

Mr. COOPER of Florida. I object.

The SPEAKER pro tempore. Objection is made.

Mr. GROUT. Objection is made, as I understand, to taking the vote to-morrow morning. I ask the Chair to submit the request for unanimous consent to close the debate at the time indicated.

Mr. COOPER of Florida. My objection is to the whole proposition. Let the bill take its regular course.

The SPEAKER pro tempore. Does the gentleman from Vermont yield the floor?

Mr. GROUT. I do not. Unless there can be some understanding with reference to this matter, we will proceed until the hour is up, and then vote on the bill. We are perfectly willing to make any fair arrangement; but unless some agreement can be reached, we will try and get along without it.

Mr. TERRY. Go ahead, and see what you can do.

Mr. GROUT. All right. Let it be understood we are ready now to make any fair agreement.

Mr. WILLIAMS. I do not understand that the gentleman from Vermont has the control of the time of the House or can do anything except to move the previous question whenever he has the floor to do so.

Mr. GROUT. And that I shall do at the end of the hour unless an agreement is made. I so notify gentlemen.

A MEMBER. You can not do so if you give up the floor.

Mr. GROUT. Of course not. I shall do so within my hour.

Mr. BOATNER. Will not the gentleman yield a portion of his time to some of us who would like to discuss the option feature of this bill? I should like to have ten or fifteen minutes.

Mr. GROUT. Certainly. I will yield first to the gentleman from Illinois [Mr. COOKE], because I have agreed to do so.

Mr. COOKE of Illinois. Mr. Speaker, I agree with the gentleman from Mississippi [Mr. WILLIAMS], that if we pass this bill we shall be entering upon such changes in legislation as will be very sweeping and far-reaching in their character. It is true, as stated in the report of the committee, that the Supreme Court of the United States has laid down a rule applying to articles of the character here in question where they enter into interstate commerce. The Supreme Court, as stated in the report of this committee, decided, in the case of Leisy *vs.* Hardin, known as the "original-package" decision, that where any article of commerce is manufactured in one State and transported into another State and placed on the market the sale of such article of commerce should be protected to the extent of one transfer while the goods remained in the original package, and until they became part of the commercial products of the State into which they were shipped.

Now, the object of this bill, as I understand it, is to do away with the effect of that decision by the Supreme Court of the United States, so as to place oleomargarine in the category of articles which may be prohibited from manufacture by the laws of the several States, and so that they can not be shipped from one State into another and there sold in original packages, which was recognized to be the right of shippers under the Constitution of the United States by the decision from which I have quoted and which is referred to in the report.

Mr. Speaker, I do not think it necessary to amplify the remarks made by the gentleman from Mississippi [Mr. WILLIAMS] to show that this bill in its effect and tenor proposes to leave to the States the entire power to regulate the manufacture and sale of oleomargarine, butterine, and these other articles which are made in imitation of butter. In other words, it seems to be clear that this bill contemplates putting it in the power of the States, for the first time, to so regulate or prohibit the manufacture or sale, or the receipt into the States, of oleomargarine, etc., as to make a very great change in the law.

Now, I submit that I am willing to go as far as any other member on this floor in the strict regulation of the manufacture and sale of oleomargarine and butterine and other imitations of dairy products. I am willing to go as far as any other member here in the regulation of the sale, so that a purchaser shall be able to determine what he is buying, and that none shall be deceived by purchasing articles for real butter which are only imitations. But such legislation as that ought to be by a general law of the United States. I submit to the House that we ought not to permit the matter to be regulated by the several States according to the shifting and varying views that may there obtain.

Now, the United States statutes on the subject regulate the manner of the manufacture, exposure, and sale of these various articles. That law is now in force, and if we pass this bill we will entirely change that regulation, and thereby set aside the general statutes of the United States, which are of universal operation and effect throughout the entire Union. I refer, sir, to the act known as the "Act defining butter, and also imposing a tax upon and regulating the manufacture, sale, importation, exportation, etc., of oleomargarine," which became a law on August 2, 1886, and is printed on page 209 of the Revised Statutes. That is a very long act, and it contains minute provisions regulating the manufacture, as well as the exposure and sale, in the various States of the Union of all the articles to which the present bill refers. Among other sections is the sixth section, which provides:

> SEC. 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than two years.

The act so in force thus complies with the decision of the Supreme Court of the United States on the particular point referred to by the gentleman from Vermont [Mr. GROUT], as to original packages, and I will not take the time of the House to read the law in full. But I will say that that section 6, together with the preceding sections and other sections following, covering in all about four pages of the Revised Statutes, forms a complete regulation of the manufacture and sale of oleomargarine and butterine in all of the States of the Union. If we pass this bill reported from the committee by the gentleman from Vermont, we will, in effect, abrogate and nullify, set aside, and change in toto the entire law of 1886, to which I have referred, and will be authorizing the substitution for it of new laws, different in all of the States of the Union. In other words, I hold that it should be by a law of the United States and not by the acts of the particular States that we should regulate a subject of this kind, involving, as it necessarily does, articles of interstate commerce. This is upon the principle, sir, that there is nothing inherent in the character of these products which places them in the category of distilled spirits or intoxicating liquors of any kind, or articles properly within the police power of the States; that there is nothing wrong in their manufacture or sale, nothing deleterious or pernicious in their use by the people, and that all we need to do is to regulate the manufacture and sale so that the purchaser may not be deceived.

Now, an attempt has been made, by the Revised Statutes to which I have referred, to so regulate and so determine the manufacture and sale of oleomargarine, imitation butter, and so on, as to prevent deception; and if the law is not sufficiently stringent, if it does not go far enough, if it is not operative in the direction contemplated, I should favor amending it, but not in this questionable method. I refer to its being questionable in the sense of its being an unwise system of legislation, whereby we would permit the entire interstate commerce of the country, in articles of this sort, to be regulated by separate State enactments. We shall enter upon new and untried legislation when we open that door.

Mr. TUCKER. Will the gentleman yield to me for an inquiry?

Mr. COOKE of Illinois. Certainly.

Mr. TUCKER. If I understand the gentleman's argument, and I listened somewhat carefully to it, it is an objection to this specific bill rather than to a general bill in reference to this class of business. I desire to ask the gentleman whether he would agree to an amendment to the bill striking out in line 3 the words "that all articles known as oleomargarine, butterine, imitation butter, or imitation cheese," and so on, down to and including the word "cream," in line 6, so that it will read: "That all articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, and so on, shall be subject to the operation and effect of the laws of such State or Territory"?

Mr. COOKE of Illinois. I ask unanimous consent to reply to the gentleman for a moment.

Mr. GROUT. I yield the gentleman a minute for that purpose.

Mr. COOKE of Illinois. I would not consent to the proposition made by the gentleman from Virginia, for the reason that it would still leave the subject open to all these objections which I have mentioned, and because we ought to have the subject regulated by general law and not by the particular laws of the several States, which this act will allow.

Mr. BAKER of New Hampshire. Will the gentleman answer a question?

Mr. COOKE of Illinois. I will gladly do so, if I may be allowed the time.

Mr. GROUT. I will yield to the gentleman another minute.

Mr. BAKER of New Hampshire. Will the gentleman point out the provision of the statute of 1886 which would be nullified or in any way repealed by the enactment of the proposed bill?

Mr. COOKE of Illinois. Yes; I will do so, Mr. Speaker. Every section of that act, from the beginning to the end, would be changed in every State of the Union, according to the views pertaining in those States.

Mr. BAKER of New Hampshire. Only as they relate to oleomargarine or butterine within that specified State.

Mr. COOKE of Illinois. I think so; yes.

Mr. BOATNER. It would recognize the doctrine of nullification so far as this particular subject was concerned.

Mr. BAKER of New Hampshire. It simply permits the people of a State to regulate their own affairs in their own way.

Mr. COOKE of Illinois. Yes; permitting them to do so on this subject, instead of having Congress make the regulations, as is done by the act of 1886.

Mr. TUCKER. I wish to ask whether such an amendment as I have suggested to the gentleman will be satisfactory to him, so that all articles transported into any State shall be subject to the same regulations?

Mr. GROUT. I have not had time to look into this proposition, and I need not, for it is entirely aside from the purpose of this bill. It is too much of a load, anyway. I think if we take care of imitation butter—if we deal with that in this bill—we shall do well.

Mr. TUCKER. My friend will find that it will relieve the load that he is now carrying to do so.

Mr. GROUT. The principle the gentleman suggests may be a good one, but it will be out of place in this bill.

Mr. BOATNER. I ask the gentleman to yield to me ten minutes.

Mr. GROUT. I can not yield the gentleman ten minutes. I have not sufficient time.

Mr. BOATNER. Then yield to me five minutes.

Mr. GROUT. I yield five minutes to the gentleman from Louisiana.

Mr. BOATNER. Mr. Speaker, I have never obtained my own forgiveness for having been seduced into voting for a bill of a similar character, introduced here a few years ago under the pretense that it was in execution of the doctrine that every State should be permitted to manage its own affairs in its own way. It seems to me, Mr. Speaker, that the limits of jurisdiction defined in the Constitution should be preserved and perpetuated, and that the Federal Government should not by legislation delegate any of its authority to the States, any more than it should trench upon the jurisdiction of the States. Now, sir, it is perfectly manifest that unless the subject-matter of this bill fall under the jurisdiction of the Federal Government under that clause of the Constitution which declares that Congress shall regulate commerce between the States, the passage of the bill would be entirely unnecessary. Unless Congress properly has jurisdiction of the question, why, the State has. If the State has jurisdiction, it requires no enabling act from us to permit it to exercise it. If the State has no jurisdiction, we can not give it jurisdiction without taking away a part of the jurisdiction which properly belongs to the Federal Government.

Now, Mr. Speaker, as the years roll by the wisdom of that provision of the Constitution which directs that Congress shall regulate commerce between the States becomes more manifest. The framers of that instrument put that provision there to provide against the jealousies and rivalries and the local influences and the tyrannies of local majorities over minorities, which were going to arise in the development of this great Government. Hence, sir, I say that this Congress ought not to abrogate any part of the jurisdiction given to it by the Constitution, and it ought not to throw upon any State the power to exercise the jurisdiction which it itself should exercise. Why, sir, this bill might be entitled "A bill to authorize the several States of the Union to nullify the law of Congress upon the question of oleomargarine and counterfeit butter."

Mr. BARHAM. Is not that just what it does?

Mr. BOATNER. We have a statute here which was intended to meet the very difficulties and grievances of which the gentleman from Vermont complains. It was argued that the makers of oleomargarine were palming it off on the public as genuine butter, carrying on practically a fraudulent trade. After careful consideration a statute was enacted, putting the manufacture of this commodity under the direction of an officer of the Government, providing that it should be put upon the market in certain ways, and after certain stamps had been put upon it, and that it should be sold everywhere upon its merits. Now, here comes a bill declaring that any State may prohibit or authorize the sale of this commodity, not in accordance with the provisions of the act of Congress, but in accordance with such statute as the people of that State may see fit to enact; and the very moment any State in the Union sees fit to enact a law upon this question, that moment the act of Congress which we have passed becomes superseded and suspended in its effect, and the State law comes into operation.

Now, Mr. Speaker, I think we violate one of the fundamental principles of constitutional law whenever we take away from Congress any power or jurisdiction vested in it by the Federal Constitution, as much, sir, as when we undertake to trench upon the authority of the State.

No one questions the right of the State governments, in the exercise of the police power conferred on them by the Constitution, to regulate the sale of anything which may be deleterious to the public health, which may be injurious or which may constitute a fraudulent business, and such a statute does not trench upon the authority of Congress to regulate commerce between the States; but whenever, under the pretense of exercising police power, the legislature of a State crosses the line and does interfere with the regulations of commerce between the States, that moment a Federal question arises, which can be determined by the Federal courts, and the statute of the States is set aside and annulled in so far as it trenches upon Federal authority.

For the reasons which I have given, I earnestly oppose not only this bill, but any bill of this character which interferes with the even operation of the laws under the Constitution of the United States.

Mr. GROUT. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. GROUT. I yield to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. I move to amend this bill by striking out, in line 3, after the word "article," all down to line 6, including the word "cream;" so that it will read:

> *Be it enacted, etc.*, That all articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State, etc.

Mr. GROUT. Mr. Speaker, I raise a point of order against the gentleman's amendment. I did not yield for an amendment. I supposed the gentleman was going to submit some remarks. I said to him some time ago in open House that I did not feel like admitting that amendment; that we had enough to do to take care of the bill as it is.

The SPEAKER pro tempore. The Chair sustains the objection. The Chair thinks that the yielding of five minutes to the gentleman for discussion would not authorize him to offer an amendment in that time.

Mr. TUCKER. Of course, I do not desire to take advantage of my friend's courtesy. If I have a right under the rules of the House, and with proper regard for that courtesy which is due from one member of the House to another, I desire to offer the amendment. If I have not the right, well and good. I am sure, however, that the proposition which I lay down by the amendment must commend itself to my friend from Vermont as substantial and correct. Why single out the article of oleomargarine, when the principle applies to all articles? My friend from Louisiana [Mr. BOATNER] has well said Congress has undoubtedly, under the Constitution, the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes, but that provision comes in conflict with another article of the Constitution, which my friend from Vermont invokes in this bill, namely, Article IV, section 2, which provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. No more, no less; all. That is, that the citizen of each State has the right to do business in a foreign State, and to do that business under the same conditions that the citizen of the State does the business under. A man comes down from the city of Baltimore to the State of Virginia to do business as a merchant. Under the decisions of the Supreme Court quoted by my friend that man has the right, under the interstate-commerce clause, to go there and do business as a merchant without paying the State tax; whereas the citizen of Virginia is compelled to pay the State tax under the State law. I say that the true policy is that no man should be permitted to enter a State to do business in that State except in accordance with the laws of the State.

Mr. COOKE of Illinois. Will the gentleman permit a question?

Mr. TUCKER. Yes, sir.

Mr. COOKE of Illinois. Suppose that the law of that State comes in conflict with some provision of the Constitution of the United States, as construed by the Supreme Court of the United States?

Mr. TUCKER. Then it must give way, and, for the very reason that it must yield to the decision of the Supreme Court, Congress is here, in the person of my friend from Vermont, trying to get rid of that difficulty.

Mr. COOPER of Florida (to Mr. TUCKER). That is, you propose to do in whole what my friend from Vermont [Mr. GROUT] proposes to do in part—repeal the Constitution of the United States by giving each State the power to interfere with interstate commerce.

Mr. COOKE of Illinois. That is precisely what he is proposing, is it not?

Mr. TUCKER. Yes, sir.

I propose to do exactly what my amendment states. As I have said, it seems to me that there ought to be no principle better fixed and settled than that the people of each State know better than anybody else what is best for them, and when a stranger comes by courtesy to do business in a particular State, surely he ought not to claim that he is entitled to greater advantages from the State than its own citizens enjoy.

Mr. BOATNER. Does the gentleman mean to say that a man coming into a State to do business ought to be put on a par with the citizens of the State in which he proposes to do business, or does he mean that each State ought to have the right to regulate its own affairs, allowing or refusing importations of goods from other States according as its laws may prescribe?

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. TUCKER. A parliamentary inquiry, Mr. Speaker. I desire to know if it is in order to offer the amendment which I have suggested?

The SPEAKER pro tempore. The Chair rules that it is not.

Mr. TUCKER. Then I desire to know whether, under the ruling of the Chair and the understanding which was arrived at, I believe, when I was not present, it will be in order to offer the amendment at any time between now and the taking of the vote on the bill?

The SPEAKER pro tempore. The Chair will state to the gentleman from Virginia that objection was made to the proposed arrangement, and that the gentleman from Vermont [Mr. Grout] has the floor, with the understanding that before the expiration of his hour he will demand the previous question. That is the parliamentary situation of the bill.

Mr. GROUT. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. CANNON. Mr. Speaker——

Mr. GROUT. I do not yield to the gentleman.

Mr. CANNON. I want to get accommodation for a little time, by unanimous consent, to represent my constituents, if I can.

Mr. GROUT. Very well; I am willing to have an arrangement made after I have asked the previous question.

Mr. CANNON. That cuts off discussion.

Mr. GROUT. Mr. Speaker, I call for the previous question, without further remarks. Let me say, while I call for the previous question now, I am still willing to make any arrangement as to time that is fair and reasonable. The other side have occupied all but twenty minutes of the hour.

Mr. WILLIAMS. A point of order.

Mr. GROUT. You can have all the time you want to discuss the bill.

Mr. CANNON. I ask unanimous consent for an extension of the time for thirty minutes, to be divided half and half, for discussion; and that will leave the gentleman in full possession of the bill, and he will still be able to call for the previous question at the expiration of that time.

Mr. GROUT. I will agree to that after I call the previous question.

Mr. TUCKER. I hope the gentleman, in that connection, will accept my amendment.

Mr. GROUT. Mr. Speaker, I demand the previous question.

Mr. CANNON. I ask unanimous consent that the time may be extended thirty minutes before the previous question is ordered.

Mr. GROUT. A parliamentary inquiry. If my time expires before the Chair states my call for the previous question, will I still be recognized to make that call?

The SPEAKER pro tempore. The gentleman from Vermont has already demanded the previous question within his hour. The Chair holds that if, by unanimous consent, the time for debate is extended, pending this, for thirty minutes, the rights of the gentleman from Vermont will be the same as they are in force now.

Mr. GROUT. How, if refused?

The SPEAKER pro tempore. If refused, then the vote will be on ordering the previous question.

Mr. WILLIAMS. But, Mr. Speaker, he can not yield to the gentleman thirty minutes——

Mr. CANNON. I ask unanimous consent to extend the time thirty minutes.

Mr. WILLIAMS. How is the time to be controlled in the thirty minutes?

Mr. CANNON. I suppose half and half.

The SPEAKER pro tempore. Pending the motion of the gentleman from Vermont, that the previous question be ordered on the amendment, and to the engrossment, third reading, and passage of the bill, the gentleman from Illinois asks unanimous consent that the time for debate be extended thirty minutes, to be equally divided between the friends and the opponents of the bill, and that at the expiration of that time the vote be taken on the motion of the gentleman from Vermont.

Mr. WILLIAMS. Before that is submitted to the House, Mr. Speaker, under whose control is the time to be?

The SPEAKER pro tempore. The Chair would recognize the gentleman from Illinois to occupy the time in opposition to the bill and the gentleman from Vermont to control the time in favor of the bill.

Mr. TRACEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri.

Mr. WILLIAMS. I want to ask a question.

Mr. TRACEY. I want to make this parliamentary inquiry: Will there be any opportunity to offer an amendment to the bill during that time?

The SPEAKER pro tempore. Not under existing conditions.

Mr. CANNON. If the previous question is voted down, there will be.

Mr. TRACEY. Then let us vote it down.

Mr. CANNON. Let us have a discussion for thirty minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WILLIAMS. I want to submit a parliamentary inquiry, and I will be excused for making it, because I am not as old and experienced as many other gentlemen around me. The gentleman from New York [Mr. Wadsworth], chairman of the Committee on Agriculture, in control of this bill, yielded to the gentleman from Vermont. Does he yield for an hour, or does he yield the control of the bill to him?

Mr. WADSWORTH. I yielded the control of the bill to the gentleman from Vermont.

Mr. WILLIAMS. There are other members of the Committee on Agriculture, one of whom I am, who desire to debate this bill.

Mr. STEELE. I call for the regular order.

Mr. CANNON. I hope that my friend from Indiana will not do that.

Mr. STEELE. I will yield for the purpose of discussion, but not for these side speeches.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois for an extension of the time of debate as stated by the Chair?

Mr. WILLIAMS. Provided that the previous question is not coupled with it, I will not object.

Mr. CANNON. It leaves the previous question just where it is now.

Mr. WILLIAMS. If it is the understanding that the demand for the previous question is not coupled with the request, then I will not object. If it is, I object.

The SPEAKER pro tempore. The Chair has stated the request.

Mr. DOCKERY. A parliamentary inquiry——

Mr. WILLIAMS. If it has coupled with it, according to the statement of the gentleman from Vermont——

Mr. DOCKERY (continuing). In the event the time is extended, one-half to be controlled by the gentleman from Illinois, will he have the right in his fifteen minutes to offer any amendments?

The SPEAKER pro tempore. The Chair thinks not.

Mr. WILLIAMS. Understanding, Mr. Speaker, that the demand for the previous question goes with the request for the extension, I object. Now, if the gentleman from Illinois will put his request in his own way I will not object.

Mr. CANNON. My request is that the time for discussion be extended thirty minutes.

Mr. WILLIAMS. To that I do not object.

Mr. CANNON. Then at the end of the thirty minutes the previous question will be voted upon.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. I wish you would not do that.

The SPEAKER pro tempore. The gentleman from Vermont has demanded the previous question——

Mr. CANNON. I hope the previous question will be voted down.

The SPEAKER pro tempore. The gentleman from Vermont has asked for the previous question on the amendment, and to the engrossment, third reading, and final passage of the bill.

The question was taken on ordering the previous question, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. GROUT. I call for a division.

The question being taken, there were—ayes 62, noes 66.

Mr. GROUT. I call for tellers.

Tellers were ordered; and Mr. Grout and Mr. Cannon were appointed.

Mr. CANNON. I hope the Chair will appoint some one in my stead.

The SPEAKER pro tempore. The Chair appoints the gentleman from Illinois [Mr. Cooke] to act as teller in place of the gentleman from Illinois [Mr. Cannon].

The House again divided: and the tellers reported—ayes 72, noes 70.

Mr. WILLIAMS. No quorum.

The SPEAKER pro tempore. The point is made that no quorum has voted.

Mr. WILLIAMS. I withdraw that point, and I call for the yeas and nays.

Mr. GROUT. I hope the yeas and nays will be ordered. Let us all rise.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 100, not voting 165; as follows:

YEAS—90.

Acheson,
Aldrich, T. H.
Babcock,
Baker, Md.
Baker, N. H.
Barney,
Bennett,
Bishop,
Blue,
Broderick,
Bromwell,
Burrell,
Burton, Ohio
Chickering,
Clark, Iowa
Codding,
Cooper, Wis.
Crowther,
Curtis, Iowa
Curtis, Kans.
Danford,
Daniels,
Dolliver,
Evans,
Fairchild,
Fletcher,
Foote,
Gamble,
Gardner,
Gillet, N. Y.
Hager,
Halterman,
Harris,
Heatwole,
Henry, Conn.
Hicks,
Hill,
Howe,
Hulick,
Hull,
Hunter,
Jenkins,
Johnson, N. Dak.
Kiefer,
Lacey,
Leighty,
Leonard,
Linton,
McCleary, Minn.
McLachlan,
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Morse,
Murray,
Northway,
Otjen,
Overstreet,
Payne,
Perkins,
Phillips,
Pitney,
Poole,
Pugh,
Scranton,
Smith, Mich.
Southwick,
Spalding,
Sperry,
Stahle,
Stephenson,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Taft,
Tawney,
Tayler,
Thomas,
Updegraff,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Wellington,
Willis,
Woomer,
Wright.

NAYS—100.

Abbott,
Allen, Utah
Anderson,
Arnold, R. I.
Atwood,
Avery,
Bailey,
Baker, Kans.
Bankhead,
Barrett,
Bartlett, Ga.
Belknap,
Bell, Colo.
Berry,
Black,
Boatner,
Bull,
Burton, Mo.
Cannon,
Catchings,
Clardy,
Clarke, Ala.
Connolly,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cox,
Crisp,
Crowley,
Culberson,
Cummings,
De Armond,
Dinsmore,
Dockery,
Ellis,
Erdman,
Fitzgerald,
Foss,
Gibson,
Grout,
Harrison,
Hartman,
Hendrick,
Hopkins,
Howard,
Jones,
Kem,
Kirkpatrick,
Kleberg,
Knox,
Kyle,
Latimer,
Layton,
Linney,
Little,
Livingston,
Maguire,
Marsh,
Martin,
McClellan,
McDearmon,
McEwan,
Mercer,
Money,
Mozley,
Murphy,
Neill,
Ogden,
Otey,
Pendleton,
Price,
Quigg,
Raney,
Reeves,
Richardson,
Robertson, La.
Sayers,
Shafroth,
Smith, Ill.
Southard,
Stallings,
Stokes,
Stone, W. A.
Tate,
Terry,
Towne,
Tracey,
Treloar,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Van Horn,
Walker, Va.
Washington,
White,
Williams,
Wood,
Yoakum.

NOT VOTING—165.

Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Andrews,
Apsley,
Arnold, Pa.
Barham,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Tex.
Bingham,
Boutelle,
Bowers,
Brewster,
Brosius,
Brown,
Brumm,
Buck,
Calderhead,
Clark, Mo.
Cobb,
Cockrell,
Coffin,
Colson,
Cook, Wis.
Cousins,
Cowen,
Crump,
Curtis, N. Y.
Dalzell,
Dayton,
Denny,
De Witt,
Dingley,
Doolittle,
Dovener,
Draper,
Eddy,
Ellett,
Faris,
Fenton,
Fischer,
Fowler,
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grow,
Hadley,
Hainer, Nebr.
Hall,
Hanly,
Hardy,
Harmer,
Hart,
Hatch,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Ind.
Hepburn,
Hermann,
Hilborn,
Hitt,
Hooker,
Howell,
Hubbard,
Huff,
Huling,
Hurley,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Joy,
Kendall,
Kerr,
Kulp,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Long,
Lorimer,
Loud,
Loudenslager,
Low,
Maddox,
Mahany,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McCulloch,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Moody,
Moses,
Newlands,
Noonan,
Odell,
Owens,
Parker,
Patterson,
Pearson,
Pickler,
Powers,
Prince,
Ray,
Reyburn,
Rinaker,
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Settle,
Shannon,
Shaw,
Sherman,
Shuford,
Simpkins,
Skinner,
Snover,
Sorg,
Sparkman,
Spencer,
Steele,
Stewart, N. J.
Strait,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Thorp,
Tracewell,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Wheeler,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodard,
Woodman.

So the House refused to order the previous question.

Mr. GROUT (before the result was announced) changed his vote from "aye" to "no."

The following pairs were announced:

Until further notice:

Mr. Kulp with Mr. Hutcheson.
Mr. Cousins with Mr. Cowen.
Mr. Crump with Mr. Maddox.
Mr. Hanly with Mr. Moses.
Mr. Hemenway with Mr. Miner of New York.
Mr. Woomer with Mr. Shaw.
Mr. Wilber with Mr. Sorg.
Mr. Watson of Indiana with Mr. Meyer.
Mr. Hitt with Mr. McRae.
Mr. Tracewell with Mr. Russell of Georgia.

For this day:

Mr. Brosius with Mr. Cockrell.
Mr. Bowers with Mr. Kendall.
Mr. Woodard with Mr. Skinner.
Mr. Leisenring with Mr. Strait.
Mr. Loudenslager with Mr. Talbert.
Mr. Huling with Mr. Allen of Mississippi.
Mr. Henry of Indiana with Mr. Strowd of North Carolina.
Mr. Grosvenor with Mr. McCreary of Kentucky.
Mr. McCall of Massachusetts with Mr. Hart.
Mr. Stewart of New Jersey with Mr. Ellett.
Mr. Pickler with Mr. Wilson of South Carolina.
Mr. McCall of Tennessee with Mr. McLaurin.
Mr. Bingham with Mr. Swanson.
Mr. Snover with Mr. Spencer.
Mr. Reyburn with Mr. McMillin.
Mr. McClure with Mr. Meredith.
Mr. Aitken with Mr. Cobb.
Mr. Hainer of Nebraska with Mr. Lester.
Mr. Harmer with Mr. Lawson.
Mr. Cook of Wisconsin with Mr. Hall.
Mr. Milliken with Mr. Bell of Texas.
Mr. Sulloway with Mr. Sparkman.
Mr. Simpkins with Mr. Owens.
Mr. Lefever with Mr. Sulzer.

The result of the vote was announced as above stated.

Mr. GROUT. I move to reconsider the vote just taken, and pending that——

The SPEAKER. The gentleman from Vermont [Mr. Grout] moves to reconsider the vote by which the House refused to order the previous question.

Mr. WILLIAMS. I move that the motion to reconsider be laid on the table.

Mr. GROUT. I move that the House adjourn.

The SPEAKER. The gentleman from Vermont moves that the House adjourn. The Chair will state that if the House should now adjourn, the right to lay on the table the motion to reconsider will still remain.

The question being taken on the motion to adjourn, there were on a division (called for by Mr. Williams)—ayes 116, noes 17.

So the motion to adjourn was agreed to.

ENROLLED BILLS SIGNED.

Before the result of the vote on the motion to adjourn was announced,

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;

A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the City of Alexandria, La.; and

A bill (S. 206) to provide an American register for the steamer *Kahului*.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Draper, for two days, on account of important business.

To Mr. Howell, for five days, on account of sickness.

REPRINTING OF A REPORT.

On motion of Mr. MILLIKEN, by unanimous consent, a reprint was ordered of House Report No. 1021.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 2503); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. Res. 223) relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862, reported the same without amendment, accompanied by a report (No. 2504) in writing thereon: which said bill, amendment, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9948) to amend subdivision 10 of section 2238, and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 2506); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2037) entitled "An act to provide times and places for holding terms of United States courts in Utah," reported the same with amendment, accompanied by a report (No. 2513); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 9619) granting a pension to Mirum C. Peck. (Report No. 2505.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 9689) for the relief of Daniel E. De Clute. (Report No. 2507.)

The bill (H. R. 4929) granting a pension to Mary J. Secor. (Report No. 2508.)

The bill (H. R. 8204) granting a pension to Ellen Charlton. (Report No. 2509.)

The bill (H. R. 9943) granting a pension to Emma Francis. (Report No. 2510.)

The bill (H. R. 9942) granting a pension to George Francis. (Report No. 2511.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 9666) to correct and amend the military record of John Long, late private, Company H, Thirty-first Regiment Missouri Volunteers. (Report No. 2512.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 9962) for the erection of a public building at Carrollton, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. BARRETT: A bill (H. R. 9963) granting thirty days' leave of absence with pay to the employees of the Government Printing Office and the Bureau of Engraving and Printing—to the Committee on Printing.

By Mr. COCKRELL: A bill (H. R. 9964) to provide for the purchase of a site and the erection of a public building thereon at Abilene, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. BARRETT: A bill (H. R. 9965) for the improvement of the United States Naval Hospital at Chelsea, Mass.—to the Committee on Naval Affairs.

By Mr. BURTON of Missouri: A bill (H. R. 9966) to further define certain duties of the Sergeant-at-Arms of the House of Representatives, the same being supplementary to an act under the same caption approved October 1, 1890—to the Committee on the Judiciary.

By Mr. HILBORN: A bill (H. R. 9973) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 9974) to define the duties of the secretary of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 9975) to amend an act approved March 2, 1895, entitled "An act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown," etc.—to the Committee on the District of Columbia.

Also, a bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CLARKE of Alabama: A joint resolution (H. Res. 231) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River—to the Committee on Rivers and Harbors.

By Mr. OTEY: A resolution (House Res. No. 488) directing the Secretaries of War and Navy to furnish Senators and Representatives with copy of Rebellion Records, Army and Navy—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 9967) for the relief of Daley & Zollner—to the Committee on Patents.

By Mr. CLARK of Missouri: A bill (H. R. 9968) granting a pension to Isabella Sacket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9969) to correct the military record of James Dutton—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 9970) to remove charge of desertion against James J. Fluke—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 9971) for the relief of Miss M. O. Chapman, postmaster of Paulding, Jasper County, Miss.—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9972) granting a pension to Charles M. Layman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Col. William P. Tyler, of Washington, Pa., for the preservation of the old frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. BARRETT: Petition of C. S. Goddard & Sons, of Worcester, Mass.; also of A. F. Cox & Son, of Portland, Me.; also of Isaac Prouty & Co., of Spencer, Mass., protesting against imposing a duty on hides—to the Committee on Ways and Means.

Also, memorial to accompany a bill granting thirty days' leave of absence with pay to the employees of the Government Printing Office and the Bureau of Engraving and Printing—to the Committee on Printing.

By Mr. BREWSTER: Resolutions of E. G. Marshall Post, No. 397, Department of New York, Grand Army of the Republic, in favor of granting belligerent rights to the Cubans—to the Committee on Foreign Affairs.

By Mr. BROWN: Petition of John Powell, of Franklin County, Tenn., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. COOKE of Illinois: Resolutions of the John A. Logan Club, of Chicago, Ill., relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. CURTIS of New York: Petition of Fred. W. Smith and 27 other citizens of Blue Mountain Lake, N. Y., favoring the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. DOLLIVER: Petition of the Woman's Christian Temperance Union of Algona, Iowa, urging the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Algona, Iowa, praying for the passage of House bill No. 7411 and Senate bill No. 2846, for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Algona, Iowa, favoring the passage of House bill No. 3203, known as the Broderick bill, and Senate bill No. 1498—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of Thomas Gibson and 248 other citizens and ex-Union soldiers of the city of Minneapolis, Minn., in favor of House bill No. 9209, granting a service pension to honorably discharged officers and soldiers of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MOODY: Petition of councils of Junior Order of American Mechanics of the State of Massachusetts, urging the recognition of the Cubans as belligerents in their struggle for liberty—to the Committee on Foreign Affairs.

By Mr. LEISENRING: Protest of J. E. Lentz, of Packerton, Pa., representing the Lehigh Valley Railroad Company's Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STRONG: Sundry resolutions and petitions of professors and students of the Ohio Normal University, of Ada, Ohio; Eugene Reynolds Post, Grand Army of the Republic, of Bellefontaine, Ohio; Bigelow Council, No. 342, Junior Order United American Mechanics, of Richwood, Ohio, and 140 citizens of New Richland, Ohio, urging the passage of a resolution recognizing the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. WOOD: Evidence in support of House bill No. 9959, to grant an honorable discharge to Thomas J. Goohnan, of Company I, Third Indiana Cavalry—to the Committee on Military Affairs.

Also, petition of Charles M. Layman, of Company D, Forty-seventh Ohio National Guard, for pension—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *January 14, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of California and Kansas: which were ordered to lie on the table.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills: which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, and electric motors; and

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

THOMAS POLLOCK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2176) granting a pension to Thomas Pollock.

The amendment of the House of Representatives was, in line 7, after the word "at," to strike out the words "the rate of $20 per month" and insert "such rate as the degree of his alleged disability may entitle him to."

Mr. SHOUP. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Philadelphia, Pa., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. BURROWS presented a petition of the Michigan State board of health, praying for the passage of the so-called Wright bill, providing for a permanent census service; which was referred to the Committee on the Census.

He also presented a memorial of the State board of health of Michigan, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. JONES of Arkansas. I present a petition of certain Catawba Indians, praying that the Secretary of the Interior be directed to inform them as to the status of the tribal lands of the Catawba Indians formerly occupied by that tribe in the Carolinas, and to secure anything that may be due them as accruing from these lands. The petition is accompanied by a resolution. I move that the petition and accompanying resolution be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FRYE presented a memorial of the Boston Paper Trade Association, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of the Woman's Christian Temperance Union of Algona, Iowa, praying for the passage of the so-called Broderick bill, to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Algona, Iowa, praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union, No. 4, International Brotherhood of Bookbinders, of Washington, D. C., remonstrating against the enactment of legislation reducing the salaries of Government employees; which was referred to the Committee on Appropriations.

He also presented the memorials of Thompson & Strong, publishers of the Semi-Weekly Madisonian, of Winterset, Iowa; of S. M. & F. E. Stauffer, publishers of the Sac Sun, of Sac City, Iowa; of A. H. Rudd, publisher of the Enterprise, of Dow City, Iowa; of F. A. Gates, publisher of the Boone Valley Gazette, of Eagle Grove, Iowa; of James M. Haskins, publisher of the Republican, of Sioux Rapids, Iowa; of J. B. Swinburne, publisher of the Earlville Phœnix, of Earlville, Iowa; of Charles A. Joseph, publisher of the Farley Advertiser, of Farley, Iowa; of L. Gonner, publisher of the Kathalischer Wester and Luxemburger Gazette, of Dubuque, Iowa; of Will M. Narvis, of the Six Journals Printing Company, of Muscatine, Iowa; of S. R. Yager, publisher of the Courier, of Calmar, Iowa; of W. R. Mead, publisher of the Iowa Plain Dealer, of Cresco, Iowa; of Charles D. Brown & Co., publishers of the Chariton Herald, of Chariton, Iowa; of John J. Clark, publisher of the Daily and Weekly Times-Republican, of Bedford, Iowa; of George E. Taylor, publisher of the Negro Solicitor, of Oskaloosa, Iowa; of Ed. Madigan, publisher of the Star, of Clarksville, Iowa; of Dorcas Bros., publishers of the Mechanicsville Press, of Mechanicsville, Iowa; of Oscar A. Hoffmann, publisher of the Sioux City Volksfreund, of Sioux City, Iowa; of Boardman Cooley and Clarence Marsh, publishers of the Mail-Press, of Strawberry Point, Iowa; of C. O. Stout, publisher of the Jackson Journal, of Maquoketa, Iowa; of Dyke & Odds, publishers of the Intelligencer, of Charles City, Iowa; of E. M. Jenison, publisher of the Republican, of Ottumwa, Iowa; of John Westley Geiger, publisher of the Freemason and the Fez, of Cedar Rapids, Iowa; of George B. Boatman, publisher of the Appeal, of Ruthven, Iowa; of J. W Kinie, publisher of the Iowa Medical Journal, of Des Moines, Iowa; of E. E. Nichols, publisher of the Register, of Manilla, Iowa; of J. A. Digerness, publisher of the Chronicle, of Ellsworth, Iowa; of Snyder & Hurd, publishers of the Gazette, of Cedar Falls, Iowa; of E. A. Bryan, publisher of the Bulletin, of Perry, Iowa; of S. W. Young, publisher of the Herald, of Henderson, Iowa; of John T. Thornton, publisher of the Sentinel, of Farragut, Iowa; of C. D. Baldwin, publisher of the Pioneer, of Cascade, Iowa; of Duncombe Bros., publishers of the Chronicle, of Fort Dodge, Iowa; of B. T. Holst, publisher of the Boone County Teacher, of Boonesboro, Iowa; of C. A. Warwick, publisher of the Constitutional Democrat, of Keokuk, Iowa; of A. J. Kynett, publisher of the Christianity in Earnest, of Philadelphia, Pa.; of H. R. Gregory, publisher of the Montgomery County Independent, of Iowa; of Dunlevy Bros., publishers of the Allamakee Journal, of Iowa, and of Schockley Bros. & Cook, publishers of the Saturday Globe, the Iowa Helper, the Penn Chronicle, and the Western Work, of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Lake Seamen's Union, of Chicago, Ill., praying for the enactment of legislation giving better protection to American seamen; which was referred to the Committee on Commerce.

He also presented a petition of the Hersman Church and the Christian Endeavor Society of Hersman, Ill., praying for the enactment of legislation abolishing the saloon in the National Capitol; which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of William C. Hollister, publisher of the Eight-Hour Herald, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted at a meeting of the Methodist ministers of Cincinnati, Ohio, favoring the passage of interstate antigambling laws; which were referred to the Committee on Interstate Commerce.

Mr. HILL presented a petition of E. G. Marshall Post, No. 397, Department of New York, Grand Army of the Republic, of Rochester, N. Y., and a petition of sundry citizens of Blue Mountain Lake, N. Y., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. BATE presented the memorials of Waters & Co., publishers of Good Reading, of South Berlin, Tenn.; of Bald Vance, publisher of Messenger-Review, of Humboldt, Tenn.; of P. J. Hanlin & Co., publishers of Cooperative Detective and Police Journal, of Nashville, Tenn., and of the Review Publishing Company, publishers of the Review, of Knoxville, Tenn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the Trades and Labor Council of Minneapolis, Minn., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the Chamber of Commerce of St. Paul, Minn., in favor of upholding the gold standard of money; which were referred to the Committee on Finance.

He also presented a petition of Duluth Division, No. 336, Order of Railway Conductors, of Two Harbors, Minn., praying for the passage of the so-called Phillips commission bill, the arbitration bill, and the contempt bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of 30 firms of news dealers and booksellers of St. Paul, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER. I present the memorial of William Hale, editor of the Hickory Press, of Hickory, N. C., earnestly protesting against the passage of the so-called Loud bill, regulating the transmission of second-class matter through the mails. As the bill has come to the Senate from the House and is now before the Committee on Post-Offices and Post-Roads, I move that the memorial be referred to that committee.

The motion was agreed to.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Vineland, N. J., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also prohibiting the transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Joseph A. Dear, treasurer of the Evening Journal Company, of Jersey City, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of the Baptist church of West Union, Iowa, and a petition of the Methodist church of West Union, Iowa, praying for the enactment of legislation raising the age of protection to girls to 13 in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Baptist church of West Union, Iowa, and a petition of the Methodist church of West Union, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE presented a petition of the Young Irelanders' Association, Clan na Gael, of Pawtucket, R. I., praying for the passage of the so-called Cameron resolution recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented the memorial of John W. Tillinghast and sundry other citizens of Rhode Island, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a memorial of the Business Men's Association of Burlington, Vt., remonstrating against any interference by the United States in the Cuban-Spanish war; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Addison County, Vt., praying for the passage of the so-called Broderick bill, to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Addison County, Vt., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce.

Mr. McMILLAN presented petitions of the Woman's Christian Temperance Union of Vineyard, N. J.; of the Methodist church of Okum, Okla.; of 600 citizens of Chester County, Pa.; of the Trinity Episcopal Church of Vineland, N. J., and of 14 citizens of Okum, Okla., praying for the enactment of legislation raising the age of protection of girls to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a memorial of sundry citizens of Youngstown, Ohio, remonstrating against the privation of rights of people and lawlessness in the South; which was referred to the Committee on Education and Labor.

He also presented the memorial of the Moore Printing Company, publishers of the McComb Record, of McComb, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a petition of sundry citizens of Omaha, Nebr., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the memorial of George A. Bryant, publisher of the Waterloo Weekly Gazette, of Waterloo, Nebr., and the memorial of Homer E. Moore, publisher of the Primitive Christian, of Panama, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of sundry citizens of Oregon, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CALL. I present a petition of the citizens of St. Augustine, Fla., accompanied by a letter from Henry Marcotte, praying that an appropriation be made for the preservation of the old fort at Matanzas Inlet, now in danger of complete destruction through the washing away of the foundation. I will state that this is an old fortification of the Middle Ages. I move that the petition be referred to the Committee on Military Affairs, and I request the committee to give it special consideration.

The motion was agreed to.

Mr. HOAR presented a memorial of the Boston Paper Trade Association, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the banking institutions of St. Louis, Mo., and a petition of the Live Stock Exchange of St. Louis, Mo., praying for the passage of the bill (H. R. 8298) relating to mortgages in the Indian Territory; which were referred to the Committee on the Judiciary.

Mr. GORDON presented the memorial of Bickert & Blumenthal, of Atlanta, Ga., remonstrating against the enactment of legislation allowing distillers to bottle whisky in bond; which was referred to the Committee on Finance.

Mr. PLATT presented a memorial of the Young People's Society of Christian Endeavor of Norwich, Conn., remonstrating against the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Boston Paper Trade Association, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of the Young Men's Club of the First Congregational Church of Newark, N. J., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the memorials of David Spencer, editor of the Morris Journal, of Dover; of H. J. Decker, of Hoboken; of William H. Chew, publisher of the National Standard, of Salem; of C. E. Pearsell, publisher of the Union Standard, of Westfield; of Augustus Koehler, publisher of the Orange Sonntage Blatt, of Orange; of E. Coreia, publisher of La Montagwa, of Newark; of B. H. Crosby, publisher of the Tuckerton Beacon, of Tuckerton; of Eltweid Pomeroy, publisher of the District Legislative Record, of Newark; of Hugh Collins, publisher of the Pleasantville Press, of Pleasantville; of J. J. O'Sullivan, publisher of the Pilot, of Butler; of W. W. Bugle, publisher of the Ocean Grove Times-Record, of Ocean Grove; of F. B. Hoagland, publisher of the Points, of Paterson; of E. P. Roberts, publisher of the Unionist Gazette, of Somerville; of Stanton & Wilson, publishers of the Sussex Independent, of Deckertown; of Alexander Schlesinger, publisher of the New Jersey Staats Zeitung, of Jersey City; of George D. Roe, publisher of the Times and Journal, of Lakewood; of Benjamin Patterson, publisher of the Monitor-Register, of Woodstown; of the American Sabbath Tract Society, of Plainfield; of Schultze Pilgrim, publisher of the Daily News, of Phillipsburg; of the Rising Sun Publishing Company, of Nutley; of William Stout, publisher of the Church and Home, of Rockaway, all in the State of New Jersey; and a memorial of the American Trade Press Association of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a petition from leading St. Louis banking institutions, and one from leading members of the St. Louis Live Stock Exchange, in regard to the laws governing chattel mortgages in the Indian Territory, favoring the passage of House bill 8298, which was passed on the 18th of May last by the House of Representatives, sent to the Senate, and is now pending before the Committee on the Judiciary, and urging its passage as an absolute necessity. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 13th instant, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank, reported it without amendment, and submitted a report thereon.

Mr. QUAY. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, to report it with amendments, and submit a written report theron.

I desire to give notice that after the expiration of the morning business at the next session of the Senate I shall ask the Senate to put the bill upon its passage.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 1499) to purchase a portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis in 1812, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4853) for the relief of John Duncan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6143) for the relief of Peter Young, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3486) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. Mills December 17, 1896, intended to be proposed to the sundry civil appropriation bill, reported a bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties, at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor; which was read twice by its title.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1836) granting an honorable discharge to Wilson Kale, reported it without amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2912) increasing the pension of William C. Forsythe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3145) to increase the pension of William Hulsizer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2991) granting a pension to George G. Eakins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2813) granting an increase of pension to Joseph Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2097) granting a pension to Joel M. Gibson, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred an amendment submitted by Mr. Clark on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ARBITRATION TREATY WITH GREAT BRITAIN.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the usual number of the recent treaty between the United States and Great Britain in relation to arbitration be printed as a legislative document, and that in addition thereto there be printed 3,000 copies, 2,500 of which shall be for the use of the Senate and 500 for the use of the State Department.

RECOGNITION OF FOREIGN GOVERNMENTS.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 additional copies of Senate Document No. 40, Fifty-fourth Congress, second session, being "Memorandum on the method of recognition of foreign governments and foreign states by the Government of the United States, 1789 to 1897," 2,000 of which shall be for the use of the Senate, and sent to the Senate document room, and 500 for the use of the Department of State.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3526) to provide for the naturalization of certain Indians residing upon the Annette Islands, Alaska; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 3527) granting a pension to Joseph Koehler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3528) for the classification of clerks in first and second class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY introduced a bill (S. 3529) to correct the military record of William Gilfoyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SHOUP (for Mr. Gallinger) introduced a bill (S. 3530) granting a pension to Emma Francis; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. Gallinger) introduced a bill (S. 3531) granting a pension to George Francis; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. Gallinger) introduced a bill (S. 3532) granting a pension to Jane B. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3533) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. THURSTON introduced a bill (S. 3534) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3535) granting an increase of pension of Aurelius Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3536) to remove the charge of desertion from the military record of John Percella; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANTLE introduced a bill (S. 3537) for the relief of Mary L. Le Fevre, Mrs. Jennie G. Bell, Thomas Jefferson Green, and Hal W. Green, heirs of Hal W. Green, deceased, late of Warren County, Miss.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 3539) providing for the adjudication of certain claims by the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3540) granting a pension to Mirum C. Peck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3541) granting a pension to Jane B. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3542) granting a pension to

Mrs. Susan T. Pratt, wife of Maj. Gen. Calvin E. Pratt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a joint resolution (S. R. 190) for the relief of Robert L. Lindsay; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Finance.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 4566) to amend the postal laws relating to second-class matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Appropriations.

Mr. PERKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

THE CIVIL SERVICE COMMISSION.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the United States Civil Service Commission is hereby directed to report to Congress whether, in obedience to the requirements of the civil-service law of January 16, 1883, the said Commission has made to the President, for transmission to Congress, an annual report for the fiscal year 1895, and also for the fiscal year 1896. And if so, give the dates thereof, and if not, give the reasons for such failure or neglect.

INTERSTATE COMMERCE INVESTIGATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Interstate Commerce be directed, in connection with its investigations under the resolution of the Senate of December 9, 1896, to inquire into the agreement recently made by the managers of the lines of steamers on the Great Lakes to maintain such rates of freight transportation as may be fixed by the managers of the railroads constituting the Joint Traffic Association.

PACIFIC RAILROADS.

Mr. MORGAN. I submit a resolution and ask that it may be read and lie over until a later day, when I propose to make some remarks upon it.

The resolution was read, and ordered to lie over, as follows:

Whereas it is alleged that certain bonds issued by the United States in aid of the Central Pacific Railroad Company and also of the Union Pacific Railroad Company have fallen due and remain unpaid, and that by reason of the default in the payment thereof the property held and owned by each of said companies at that time became the property of the United States, and that said property of every description so held and owned by said companies at the time of such default now rightfully belongs to the United States:

Resolved, That the Committee on the Judiciary is directed to examine into and report whether such allegation is true in fact and in law, and that they report the nature and character of the right and title of the United States in and to said property, and the descriptions of or classes of property that have so inured to the United States under the law, and whether either of said railroad companies has any lawful right or equity of redemption of said property.

MRS. DAISEY JOHNSON.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate to Mrs. Daisey Johnson, widow of the late Thomas R. Johnson, deceased, a laborer and acting watchman under the Architect of the Capitol, the sum of $360, being an amount equal to six months' salary as such laborer and acting watchman, and including all funeral and other allowances.

ORDER OF BUSINESS.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MILLS. I hope the Senator from Maine will hold that motion and let me call up a little local bill for Texas.

Mr. HALE. This is only the usual motion.

Mr. MILLS. I understand; but there may be some opposition to it, and I should like to get the bill up now.

Mr. HALE. Very well.

ARANSAS PASS IMPROVEMENTS.

Mr. MILLS. I ask unanimous consent for the present consideration of the bill (S. 3494) providing for an examination of the improvements at the Pass of Aransas, Texas. The bill has been unanimously recommended by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President, as follows: One a civil engineer and the other two from the Engineer Corps of the Army; and such board shall personally make examination of the work done by the company for the purpose of deepening the channel and removing the bar at or near the Pass of Aransas.

It proposes to appropriate $5,000 to pay the expenses of the board and for the services of the engineers, the amount of compensation for the services to be fixed by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

COLUMBIA RIVER BRIDGE.

Mr. WILSON. I ask unanimous consent to call up the bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INAUGURAL CEREMONIES.

Mr. BACON. Three days since, by direction of the Committee on the District of Columbia, I reported from that committee a joint resolution looking to regulations with reference to the inaugural ceremonies. Upon the request of the Senator from Kansas [Mr. PEFFER], the consideration was at that time postponed until the amendments of the committee could be printed. The amendments have been printed and laid on the desks of Senators for two days. I now ask the Senate to consent to the present consideration of the joint resolution, as it is important that the parties who are to be in charge of this work should know what they can be allowed to do.

The VICE-PRESIDENT. The Senator from Georgia asks for the present consideration of a joint resolution, which will be read for information.

The Secretary read the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc., as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1897, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

The Committee on the District of Columbia reported to amend the joint resolution by adding the following additional sections, which were read:

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable conductors, with sufficient supports, wherever necessary, for the purpose of effecting the said illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after March 5, 1897, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1897: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. That $8,200, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 9th of March, 1897, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and fixing fares by public conveyances during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

SEC. 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc. (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service; such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Department, or either of them, for any loss or damage to such flags not necessarily incident to such use.

SEC. 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1897.

Mr. HALE. So far as I could gather in the confusion, that is a bill somewhat regulating matters in the District connected with the inauguration ceremonies.

The VICE-PRESIDENT. It is a joint resolution.

Mr. HALE. I should like to examine it before it is acted upon.

Mr. HOAR. What is the joint resolution?

Mr. HALE. I do not think any Senator exactly knows. I could not hear it very well.

Mr. BACON. I can not hear what the Senator says.

Mr. HALE. I could not get at the scope of the joint resolution from the reading: there was so much confusion in the Chamber.

Mr. BACON. I will state to the Senator that the joint resolution embraces about the ordinary provision of the joint resolutions which have been agreed to by Congress on previous occasions when a President was to be inaugurated, looking to the use of streets and squares in such manner as the Secretary of War shall direct and consent to. I have been furnished by the clerk of the committee with a number of the joint resolutions agreed to upon previous occasions, and I have compared them with the present measure. While they are not identical in all particulars, they are substantially so.

I will further state to the Senator from Maine that this joint resolution was reported from the Committee on the District of Columbia by me, by the direction of that committee, several days ago, with a request for immediate consideration, as it is important that the inaugural committee charged with this work shall know what permission is to be granted in order that they may make corresponding arrangements. Upon the request of a Senator the joint resolution, for which present consideration was then asked, was allowed to lie over to be printed for the convenience of Senators. Of course if the Senator has not seen the joint resolution in print, and desires time to examine it, there will be no objection to a further delay.

Mr. HALE. I should like to do that. Some of these things that have been permitted heretofore I do not think should be permitted now. I would not be willing that everything should be done as it has been done heretofore. I should look with great scrutiny and some jealousy upon giving the Commissioners of the District of Columbia very much power in relation to this matter. I will promise the Senator that I will examine it carefully, as other Senators desire to do, so that at the next meeting of the Senate he can call it up.

Mr. HOAR. I should like to be permitted to say one word at this time.

Everybody well knows that in some years we have had a very inclement day for the inauguration of the President. People come from all parts of the country and stand out in the area east of the Capitol and catch their deaths by the exposure. I suppose in the year of the second inauguration of President Grant and in the year of the inauguration of President Harrison there were hundreds of persons who got serious diseases—perhaps hundreds got fatal diseases—by exposure.

It does seem to me that it must be practical and feasible to have some shelter, which shall be erected of plain boards, which will protect the gathering from rain or high wind or severe cold, without limiting the number who can be present to see the inaugural ceremonies, the shelter to be put up before the inauguration, the material to be sold afterwards or kept for another occasion, and taken away immediately after. It appears to me that the capacity of the architects of this country ought to be sufficient to furnish a design for such a building. Mr. Clark, the Architect of the Capitol, seemed disinclined to take up the subject four years ago when it was suggested: he was unwilling to enter upon new and doubtful experiments in the matter: but I hope the executive committee will get the aid of some skilled architect and will see whether that thing can not be accomplished.

Mr. HALE. If the joint resolution goes over, it will be printed?

The VICE-PRESIDENT. The joint resolution goes over, objection being interposed.

Mr. HALE. I hope it will be printed. I want Senators to examine into it very thoroughly.

The VICE-PRESIDENT. It has been printed, and is on the Calendar, the Chair will state.

Mr. HALE. The District Commissioners, in defiance of law and in, I think, an impudent manner, have permitted the streets of Washington to be torn up, so that everywhere we are confronted with work upon streets that Congress has prohibited. I do not want to give any more power or discretion to the Board of Commissioners until I look into the proposition thoroughly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Seeckel; and

A bill (S. 1075) for the relief of the heirs of D. Fulford.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 710) to remove the charge of desertion against James A. Crouch;

A bill (H. R. 939) for the relief of Cogswell & Co.;

A bill (H. R. 1628) for the relief of Dewitt Eastman;

A bill (H. R. 2253) for the relief of Barzilla C. Hudson;

A bill (H. R. 2859) granting a pension to Harriet F. Herrick;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 6334) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers;

A bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf;

A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district;

A bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin: and

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 206) to provide an American register for the steamer *Kahului*;

A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway to construct and maintain a bridge across Red River, at the city of Alexandria, La.;

A bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes;

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;

A bill (H. R. 4538) for the relief of John Keefe;

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and

A joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the unfinished business coming over by unanimous consent from yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose.

Mr. JONES of Arkansas. Mr. President, I hope that this bill will pass. Some of the speeches made here would seem to indicate that some Senators think that the homestead laws were designed simply to fill up the Western country and to provide freight for railroads. I am one of those who believe that the purpose of the homestead law was to permit the building of American homes; and I think it would be a desirable thing if every quarter section of land in this country had a home on it.

The public domain has been set apart absolutely for the use of homes and homesteaders. I can see no difference whether the public domain has been derived from the French or from Indians. Lands that were bought years ago from France and paid for are open to homestead settlement, and no price is required to be paid by the homesteader except the expenses of the land office. When lands are acquired from Indians for the public domain, they become a part of the public domain just as other lands are, and I can see no reason why the settlers on lands acquired from Indians should be required to pay for their homes when settlers on other lands are not. There is no just distinction between the two. It is true that when we acquired these lands a few years ago it was done with the understanding that the Government would be reimbursed for the amounts of money paid to the Indians for the extinguishment of their title. If farming had been reasonably prosperous, this could easily have been done, but under the conditions which exist now it is a practical impossibility for a man to do more than make a living on his homestead.

These people have gone on wild land: they have built houses and fences, and have cultivated the land. They have brought it under tillage; they have spent what little money they had in erecting houses and fences, and have been unable to save money enough, in addition to making a living, to pay the small debt they owe the Government. Now, Mr. President, I ask what is to be done. If the lands are not remitted to these homesteaders, what will the Government do? Will it proceed to evict these people from their homes? Will it drive them out, and confiscate the houses and the fences they have built and the labor of their hands in bringing the land under tillage? This Government, strong and mighty and powerful as it is, is not strong enough for that. There is a power behind the Government which will check and restrain any such act of vandalism and ruthless robbery as that would be. Public opinion will not permit the Government of the United States to deprive these people of the pittance they have paid upon their homes in an honest effort to provide a place for their wives and children simply because of the hard conditions by which they are surrounded, which make it impossible for them to pay the Government the 50 or 75 cents or the $1.25 an acre which they promised to pay for the land.

Under these circumstances, it seems to me there is but one thing for the Senate to do. That is to concur in the action of the House of Representatives and remit this small amount of money in favor of these homesteaders, that they may be allowed to live in peace and not be harried by this great Government as if it was a soulless corporation or a usurer.

The exact similarity between the lands acquired from Indians and the lands acquired from the French, it seems to me, is a sufficient reason why these homesteaders should have exactly the same right on this land that they would have on other public land.

There is another feature connected with this bill that commends it very warmly to me. I have been here for some years and I have seen bills introduced to protect manufactures, bills introduced to extend the powers and rights and privileges of national banks, of railroads, and other corporations; but this, I believe, is about the first time that I have ever seen a bill introduced in this body which was intended to be of some benefit to a handful of farmers scattered through the homes of the West. I should like to see that sort of legislation encouraged to the extent of passing this bill. We have been in the habit of just legislating in favor of those people who are able to take care of themselves, who appear represented by lobbyists and attorneys around the Halls of Congress; but these people, who are unable to send anybody to represent them, simply make a plain statement that they are unable to pay this money for their homesteads, and they think it unfair that they should be required to do so, when homesteads have been freely given to other people.

If I had no other reasons, these would seem to me to be sufficient that this bill should pass.

Mr. GRAY. How much money will the bill take out of the Treasury?

Mr. JONES of Arkansas. It does not take out any. It will put some in.

Mr. TELLER. Mr. President, the objection that has been invariably urged to the passage of this bill is the claim that it is taking from the Government of the United States a certain amount of money. The Senator from Connecticut [Mr. PLATT] who addressed the Senate on the subject some days ago, I believe placed the possible loss to the Government at $35,000,000. That was the theory that all the land embraced in all of these several grants shall be sold for the price provided for in the statute.

It is well known to those who are familiar with the country where these reservations are located that a very small percentage of the land can ever be sold at the prices named. Take the reservation in the State of Colorado called the Ute Reservation. I think to-day that practically all the available agricultural lands in that reservation may be said to be taken up. There remains a large quantity of mountain lands, mineral lands, which are not capable of being converted into farms, undisposed of, and which never will be disposed of except in a few cases where mineral claims may be made, which are not disturbed or interfered with by this proposed legislation. If every acre of the land should be taken, the Senator from Connecticut stated that there would be received for it by the Government $35,000,000, as I recollect. I have not myself attempted to figure it. We were told by the Senator from South Dakota [Mr. PETTIGREW] that while the lands had been opened in that State for some time, yet comparatively a small number of acres had been taken; and that of those that had been taken for farms a number were in danger of being abandoned.

I have some personal knowledge of a goodly portion of these reservations. I have been twice across the Territory of Oklahoma from north to south on different lines; I have been on its borders, and I know something of the climatic conditions as well as of the geography of the country. It is true that when this purchase was being made it was stated here and elsewhere that these lands were fertile and valuable lands. They are fertile lands, as stated by the Senator from Nebraska [Mr. ALLEN] the other day, and there are no more fertile lands anywhere than may be found in the Territory of Oklahoma and in other sections of that Western country; but it does not follow that they are so valuable for farming purposes, unless there shall be a sufficient quantity of water provided for irrigating purposes, for those lands lie in what we call the "arid belt."

The Senator from Connecticut seemed to think that he had made a great point against the bill when he read the report of the governor of the Territory of Oklahoma. The Senator ought to recollect—and I suppose it could not have escaped his notice, because he is on the committee which has been dealing with this question—that there is a considerable portion of the Territory of Oklahoma which does not fall within the provisions of the pending bill. I do not remember how many, but there are several counties at least that were purchased of the Indians by the Government years ago, long before there was any settlement in the Oklahoma country, where we have not exacted from the settlers in that section any compensation whatever for the land. In seven counties, I am told by the Delegate from that Territory, lying in the eastern part, the most valuable of all that section of country, the settlers have been allowed to make settlement under the old homestead act.

Again, much of the valuable land on the line of the streams was selected by the Indians in the first instance. A large number of Indian locations were made on the Canadian and other streams. On the best land, on that which was most easily cultivated, that which was lying near the streams where it might be irrigated with less expense, the Indian has already made his allotment. I can not say that he has settled on those allotments, because I think in most cases he has not. But we gave to the Indians the choice, the preference. He could take from this fertile country the best of it before the white man could go upon it. Upon the residue a large number of white people have gone; I do not know how many; but as Oklahoma cast somewhere between fifty-three and fifty-four thousand votes at the last election, there must be a very large population in that section of the country. Most of this country taken under the provision of the paid homestead lies west of what we call the arid line. It lies west of that section of country where you can not depend on timely rains for the cultivation of the crops. If that country ever becomes a successful farming country, it must depend on irrigation, and it is a country where, unfortunately, during the period when irrigation is required there is a great scarcity of water. Some day, when capital can be induced to construct reservoirs, that country will be very valuable; but it will take a long time before that can be done. It may be done to some extent by farmers combining; it may be done by capital; but it must be done by the expenditure of a large amount of money whenever it is done.

Settlers have gone there. They went there under the impression that they could pay for those lands. Their experience has demonstrated, as I understand, that it is almost, if not quite, impossible, under present conditions, to pay for those lands. I believe we have extended the time of payment. We shall be required to extend it again if we do not pass the pending bill; we shall be required to extend it again after awhile, and ultimately at some time in the future we shall come to the point when we shall give to these people this land which we ought to have given them in the first instance.

The Senator from Connecticut said that in 1880 we made a departure in our land system. Mr. President, nobody connected

with this Senate, nobody connected with this Government, supposed in 1880 that we had made any departure from the established policy of the Government of the United States, and that was a policy of free homesteads. The Senator from Montana [Mr. CARTER] the other day told us, and rightly, too, that the title we had extinguished to the Indian lands had cost the Government of the United States more than $400,000,000. Millions of acres of land held by the Indians were taken up in the Northwest and in the West under the homestead law, and were paid for by the Government of the United States; and yet up to 1880 it was never supposed that the settlers should pay for the land. In 1880 the Government concluded a contract with the confederated bands of Ute Indians in the State of Colorado, and acquired from them about eleven or twelve million acres of land. The agricultural land of that reservation is the best on this continent. Some of the valleys are equal in richness and natural wealth to the valley of the Nile. In all those valleys there was an abundance of water. There was no question of the paucity of water, although there was great paucity of rain. Those valleys have been taken up. They lie contiguous to a mining community, where higher prices are paid for all the products of the soil than in any other place on this continent, New York City not excepted. The agriculturist raised grain and sent it into the mountains and sold it to the mining population; the fruit grower and the vegetable grower sent their products into the mountains and sold them to the mining population. There has been no complaint from that section, and there would be none from this if the people were situated as they were situated on the Ute Reservation. This bill will not materially relieve anybody in the State of Colorado, and I am not making this plea in behalf of anybody on the Ute Reservation, but in the interest of the people who have gone upon less favored reservations and are there trying to make a living.

If the Senator from Connecticut and the Senators who agree with him think that a loss of $35,000,000 is a loss too great to justify the Government of the United States in inducing settlement upon these arid lands, they would not think so if they could have seen what I have seen, if they could have seen what other Senators who represent Western States have seen, the settlement of a new country. If the entire $35,000,000 were to be lost, which it never will be, because it could never be got out of these lands—if the whole $35,000,000 were in issue here, it would be a mere nothing compared with the advantage of spreading over those great plains civilization and settlement. Ultimately those plains must be settled, ultimately they will be settled. I know what it has cost those people to settle there. We are told that in the western part of Kansas, where there were 100,000 people, there are now but 40,000. What does that mean, Mr. President, to the 60,000 people who moved out of that country? How much hardship, how much deprivation, how much distress did that mean to those people who had attempted to brave a climate which was inhospitable to them, without water, and, having been unable to continue there, have moved themselves to more favored sections?

I have seen the West settled. I have traversed the State of Kansas when there was no settlement except upon the Missouri River; I have traversed the State of Nebraska when there was no settlement except on the river. Now there are two and a half or three millions of as good people in those two States as live upon the American continent. They have made them great States, not with the ease that they made the State of Iowa, not as they settled the State of Illinois and some of the more easterly of the great Western States. They went there with a climate which was not so favorable, and yet by diligent and systematic cultivation they have made those States blossom, and they are as productive and as valuable States as any in the Union. You can build ultimately in the Dakotas just such States as have been built in Kansas and Nebraska, but it will take time. It must be done by the settler by the hardest kind of methods. You can build up a State in Oklahoma which will support a large population; but there is no reason why you should say that the people who go there now and who have gone there within the last five years shall be subjected to hardships and demands which were never made upon people in any other portion of the country.

These people are far from markets. Even if their lands were well watered, if they could irrigate them without great expense by the natural streams which run through them, still they are under difficulties which should appeal to the charity of the great American people.

Mr. President, the farmers of this country for a few years have had hard times; they have suffered great hardships, and in no place have they suffered more than in the extreme West. Take the States which I have mentioned, or take the Territory of Oklahoma. There, with all the disadvantages of a new country and with a somewhat difficult climate on account of its aridity, those people are away from a market, they are distant from the market centers, and the corn, the wheat, and the vegetables of that section of country must be marketed at a very low price. To say that the people who go upon the arid lands of Oklahoma or those of South or North Dakota shall, in addition to all they have to encounter in settling a new country, be subjected in some instances to a payment of $400 in the first instance, with the interest which is to be attached and the interest which is to accumulate, when they are unable to pay, is practically to say to them that they must get out and leave those lands.

I submit to the Senate, if the time ever comes when it shall be demonstrated that those people can not pay for those lands, do we expect to have the spectacle of the American people evicting the settlers from those lands? Are they to be put out? If they are, where are they to go? Mr. President, there is not anybody here who would be willing to vote to put those men off those lands if they fail to pay, if they say they are unable to pay and can not pay, and that they will pay if they are able. Every man who settles down upon a quarter section of land desires to have his title. The very thing that is nearest and dearest to his heart is that he may have a title to his land. He will pay for it if he can; but if he can not, will the Senator from Connecticut say that this great Government of ours shall turn itself into an evictor and put those people off those lands? It is a difficult question to meet. If those people can not pay, you will be obliged ultimately to give them the lands. American sentiment will never submit to the eviction of a great community the members of which have made every effort to pay for the lands according to the statute. It should be our policy to increase the number of farms and to draw as many people as possible from the congested centers of population out upon those agricultural lands, if agricultural they may be called.

In almost every instance, if the farmer is not compelled to pay for his land, if he can use the $400 that he would otherwise have to pay the Government, he can get a few head of cattle and a few appliances about him by which he may make a living. I remember not long since receiving a letter from a citizen of my State, who said he had been in controversy with the Government of the United States concerning the title to his land. One of those officious, intermeddling Government agents had conceived the idea that that settler had not complied with all the technical requisites of the law, and so he instituted a contest against him in the land office and compelled the settler to go to the land office, a long distance from his home, to prove affirmatively that he had complied with every technicality of the law. When he had established his title, he sat down and wrote to me that upon this title, which the Government was supposed to have given him, and under which he had then been living for a number of years, he had expended, in defense of what he had supposed to be an actual and perfect title, $400. He said, "I am without stock; I am without the needed appliances for cultivating my land; but if the Government had let me alone I should have had $400 with which I could have bought some cattle and with which I could have bought some implements of agriculture." If you give to these people the $400 that they pay for a quarter section of land, they will use it in making themselves homes upon the land, and you will secure their adherence to the land; you will keep them there; and, Mr. President, the great threatened danger to this American Republic to-day is the congestion of people in the great commercial centers. Every effort ought to be made to spread out the people, to encourage them to go upon the public lands to make homes, to make rural settlements, rural communities, where, as we all know, virtue and patriotism reside even when it may be lost in the large gathering of men in the great commercial centers.

Thirty-five million dollars! Mr. President, we put that much in a river and harbor bill. We put twice that much in the last river and harbor law for the promotion of commerce and trade, in which the great mass of the American people have but little interest, and in which the great West does not participate at all except as it furnishes and as it has furnished the great body of exports which go to make this country rich and great. We have no local interest in the measure, and yet you put into the last river and harbor law, either in direct appropriations or in authority to make contracts, a sum amounting, as I recollect it, to more than twice the sum involved in this bill, if it should happen to be $35,000,000, which it never will be and never can be. I am asked what I think it will be. I think at the most it will not be more than one-third of that amount. These lands can not be sold at such an extravagant price. You can find now in many sections of the country better lands than these are, better situated lands, for less money, even where the title is uncontested and unquestioned.

Mr. President, I disclaim having for my people any special interest in this matter, but I know that there is a demand which every American Senator ought to respect. There is a demand by the people who have taken upon themselves burdens which they find they can not carry, and which we ought to have known, when we exacted the terms of them, that they could not. They were poor people who went upon these lands. They went upon the lands practically with nothing, in many cases, except their hands;

built themselves sod houses, built themselves caves in the hillside, and lived there, as many settlers have lived there, hoping and having reason to hope that they could better their condition ultimately. Shall the Government put a weight upon them that they can not support and can not endure? Shall it turn them out and evict from a quarter section a man and his family in order that the Government may claim from some other man three or four hundred dollars to fill up its depleted revenue?

Mr. President, we may be without revenue, but the American people is not a people that needs to oppress any class of its citizens in the interest of its revenue. We are not without untouched means of taxation. We have, as I once heard the Senator from Iowa [Mr. ALLISON] say, more untouched taxable means than any other nation in the world, and if we are out of revenue we can get it in legitimate ways that will correspond with the dignity of a great people, and not take it out of the hardy pioneers of the West.

Mr. ALLISON. I desire to make an inquiry or two respecting the scope and extent of the pending bill. I have not had time to give it examination as to its details. I should like to have the Senator from South Dakota state whether the bill now applies to all Indian reservations. Is there any exception as to Indian reservations?

Mr. PETTIGREW. I will state, in answer to the Senator from Iowa, that there are many Indian reservations to which the bill does not apply, but they are reservations which have not yet been ceded, no negotiations having been had with the Indians. The bill simply applies to the homesteader who has taken a home upon the reservations which have been ceded by the Indians since 1889, and allows the settler to secure title after five years' residence. It does not relieve the person who chooses to commute after fourteen months' residence. It does not relieve any other person than the man who has 160 acres and has resided upon it for five years and made it his exclusive home and residence.

Mr. ALLISON. Now, will the Senator——

Mr. PLATT. If the Senator from Iowa will permit me, I will state that it does apply, as I understand it, to all lands where the Government has by negotiation with the Indians acquired portions of their reservations. It applies to all the lands that have been so acquired, as I understand it.

Mr. PETTIGREW. Not at all. It does not apply to those reservations which embrace mineral lands.

Mr. PLATT. Oh, of course not.

Mr. PETTIGREW. The same reservations embrace, according to the statement made by the minority, large areas of mineral lands not subject to homestead entry. The Government will still sell those lands and get revenue therefrom. The bill does not relieve anyone except the settler who has taken 160 acres and has resided upon it for five years. It relieves no one else whatever. Very large areas of these reservations are timber land, and there is special provision made for its sale. It is not subject to homestead entry. I estimate that three-fourths of the area of the reservations embraced in these treaties will never be taken under the provisions of the homestead law at all. Therefore the area that is embraced is comparatively small.

Mr. ALLISON. I desire to ask the Senator whether or not the bill embraces timber lands, so known, in the State of Minnesota and other States where large reservations have been ceded?

Mr. PETTIGREW. I will state, so far as Minnesota is concerned, that the bill does not provide for the disposal of timber lands. There is a special provision in the treaty by which the timber land is to be appraised and sold at not less than $3 a thousand stumpage and the money deposited in the Treasury for the benefit of the Indians. Where there is no timber upon the land, where it is purely agricultural land within the Minnesota reservations, the bill does apply. But those lands are not of the best quality, and the area that is not timber is mostly swamp, and therefore the number of people affected in Minnesota is not large.

Mr. ALLISON. I see by the statement of the minority report made by the Senator from Connecticut that the Chippewa Minnesota Reservation, embracing 5,000,000 acres, is included. That must certainly include a very large area of timber land.

Mr. PLATT. If the Senator from Iowa will examine the table a little more closely he will find against that statement that the proceeds are to be devoted to the Indians. The Government did not pay for the land.

Mr. PETTIGREW. The reply to that statement is that the timber land is not subject to entry under the homestead law, and therefore is not affected by this legislation.

Mr. ALLISON. I was led to this inquiry largely by the difference between the statements made by the Senator from Colorado [Mr. TELLER] and the Senator from Connecticut [Mr. PLATT] in reference to the actual loss to be sustained by the United States in case the bill shall pass. Of course, if the bill embraces practically all Indian reservations heretofore ceded, or which may hereafter be ceded, which, I take it, when ceded, will come within the provisions of the pending bill, unless some special arrangement is made, then the moment the remainder of the lands in the Indian Territory are ceded to the United States under some treaty already made or to be made very soon, those lands will be embraced within the provisions of the pending bill. Am I right about that?

Mr. PETTIGREW. I did not hear the Senator's question.

Mr. ALLISON. Does the bill apply to any future acquisitions?

Mr. PETTIGREW. No.

Mr. ALLISON. To none whatever?

Mr. PETTIGREW. No, sir. It leaves Congress free to make such disposition of lands hereafter acquired as it may choose. If we are to get revenue from this source, we must change our policy. We can not get it under our present policy.

Mr. COCKRELL. Suppose we dispose of other lands as we did dispose of these; then a bill similar to this one will come in to give the land away.

Mr. PETTIGREW. I think so. It ought to.

Mr. TELLER. Will the Senator from Iowa allow me to say a word in reference to that point?

Mr. ALLISON. I am only making an inquiry, because I wish to ascertain the scope of the bill.

Mr. TELLER. The Senator from Iowa asked about the Indian Territory. I suppose he means the lands occupied by the Five Civilized Tribes, as they are called?

Mr. ALLISON. I refer to reservations not already acquired.

Mr. TELLER. We have acquired all the land we can acquire from those Indians. We shall never acquire another acre, in my judgment. What kind of an arrangement the Dawes Commission may secure for the division, etc., of their property I am not now able to say. But it is to go to the Indians. There is no purpose and no plan, and it would be utterly impossible for the Government to buy that land; and if we did, what would be the result? On that land there are at least five white men where there is an Indian. In the Indian Territory there are at least three or four hundred thousand people, white farmers, in addition to sixty or seventy thousand Indians. That need not be a matter for future concern, because we shall expend no money to buy that land, and we shall not be called upon to donate any of it to settlers.

The difference between the Senator from Connecticut and myself in the estimate grows out of the fact that the Senator from Connecticut assumes that all of this land, every particle of it, is to be occupied at the prices——

Mr. PLATT. I did not.

Mr. TELLER. If the Senator did not, he could not make it $35,000,000.

Mr. PLATT. I never said, either in the report which I made or in my speech, that the loss would be $35,000,000. I said what had been stated by the Land Office. I stated in my report that I thought it was more than the majority report allowed it to be. According to the majority report it was thought that it would not be more than $17,500,000, but I stated that I think that is too low. When I came to speak about it, I did not put the objection upon the ground of the amount particularly that was going to be relinquished by the Government.

While I am on my feet, if the Senator from Iowa will permit me, I wish to make a single remark.

Mr. ALLISON. Certainly. I merely rose to make an inquiry.

Mr. PLATT. I did say in my report, and in the remarks which I made, that we are now proposing to establish a policy for the future; that these Indian reservations would undoubtedly be largely diminished in the future, and that if the policy was to be that the Government should pay the Indians for the lands and then donate them to settlers, it would undoubtedly be a larger amount than has been mentioned, either by the Commissioner of the Land Office or any other person in this discussion. That, I think, is true.

We are establishing a policy now. This very year in the Indian appropriation bill as reported to the House of Representatives there is a proposition to pay $2,000,000 to the Indians to relinquish their title to the Kiowa, Comanche, and Apache Reservation, which is west still of these semiarid lands, as they are called. That is at the rate of $1.25 per acre. So the policy of the Government is undoubtedly to be to go on and extinguish the title to more and more of the Indian reservations, and of course if we say that the land is to be given to anybody who will homestead upon it, all of that will have to be added not to the immediate expenses, but to the future expenses of the Government.

Take the Osage Reservation. The time is coming—it may not be immediately—when those 1,500 people will undoubtedly part with a considerable portion of their reservation. I undertake to say that it is as fertile land as lies under the sun in any country. Is it to be the policy for the Government to pay the Indians for the land and then to give the land to settlers?

Now, if that is to be the policy, we may as well understand it now for the present as for the future. That is the claim which is made here—that whenever anybody desires a home, desires land to settle upon, the Government must look around and see where there is any land, buy it, pay for it, and then give it to the people who will settle upon it for five years. That is the point I have been making all along, and in the replies which have been made nobody seems to apprehend the point. Perhaps it has not been made so that it could be apprehended, and possibly it is not a good point anyway. But I think it is.

Mr. TELLER. I did apprehend it, but it seemed to me absurd that anybody should have made any such claim. I did not suppose that because we relieve these people who have already demonstrated that they can not pay for their lands we would buy lands that were fertile, valuable, in the State of Kansas or somewhere else and give them to other people. I supposed that Congress had sense enough to determine each case as it arose, and I do not understand how we create any legislative precedent which you can not avoid. In fact, I never before heard of a legislative precedent.

The Senator may think that this would be dangerous—it may be that it would be somewhat persuasive—and that if you gave one piece of dry land to one man you shall give another piece of dry land to another. But by no logic with which I am familiar can it be said that if you give a piece of worthless land to one man you must give to some other man a good piece, a valuable piece like the Osage land, which, if it is ever sold, will be sold by the Indians and not by the Government.

Mr. PLATT. We opened last year the Nez Perces Reservation. We paid for it to the Indians at the rate of $3.75 an acre, and we put that price upon the lands. Now, does not the Senator from Colorado know that a large portion of those lands have been eagerly sought for at $3.75, and that they are worth it anywhere?

Mr. TELLER. I know they have been eagerly sought. In the first place, they are not worth that price and were never worth it.

Mr. PLATT. The Nez Perces lands?

Mr. TELLER. Yes. It may be that a settler thinks he can pay that price for them, and he may be willing to pay it for them, but he can not pay it for them. There is not one settler out of twenty who can pay $3 an acre. The average man who moves upon public lands in the West in these days is too poverty stricken to do that. He goes upon Government land because he can there have a place where for a time at least he can make a home; but he goes there hoping that in some way he can better his condition. When he finds he can not, and the Government gets after him, as the Senator from Connecticut hopes it will, with a writ of eviction, he will be hunting another place. If somebody offers him a place at twice that amount, he will take it and go upon it, and if he can not pay for it, and he finds after a while that he can not, he will move again, and he becomes an agricultural tramp. That is what the policy of the Senator from Connecticut would make of the people who have gone upon this land in Oklahoma.

The people who are in the far West have enough burdens upon them if they get the land for nothing. They are carrying the flag of civilization and decency and morality in the West. They are people for whom every decent man ought to feel sympathy, and the fact that some persons may ask you later to give them other land is no answer when we say these men can not pay for their lands, when we say that those lands are not worth what the Government is exacting for them, nor is it an answer when the Senator says we have paid $3 an acre for land. What right had you to pay $3 an acre for it? It was land that belonged to the people. The lands of the United States never belonged to the Indians. They belonged to the United States in trust for the people who chose to occupy them, and if, in defiance of good legislation, we have given to the Indians, as we have, millions of acres for which they had no use and to which they had no title, it is no reason why anyone should say, "We have made a bad bargain with the Indians, and we will take it out of the people of the United States."

You gave to the Indians two-thirds of the State of Colorado in the first treaty that was made by you, and not an Indian inside of the borders of the State of Colorado had the slightest title to the land or ever did have under the Government from which we derived the land. No Spanish Government or Mexican Government had recognized title in Indians to the lands, and we took the State of Colorado absolutely without any embarrassment of Indian title. Yet the Government of the United States, after we had been organized into a Territory, by a treaty gave two-thirds of that great State to less than 5,000 Indians, and now shall the Senator say here that against the people of the United States those Indians have title? You can not give a title of that kind which in morals or in law shall estop us from saying that the great mass of people who are seeking homes shall have an opportunity to make them upon this land.

You have no right to take it away, and because you made a bad bargain or a wicked trade with the Indians in an early day, say, "You shall pay now the value of this land," to which, I repeat, the Indians have no claim. The Indian title in this country has never been a title in fee except as we gave it to them. It has never been a title which has been recognized as more than an occupation. We are the only people in the world who have ever recognized the aborigines as entitled to full compensation for the land over which they roamed. It is against civilization to insist that the Indians now have such title that the Government shall pay them the full value for it, or, if they have, to say then that this land shall be held to those who are fortunate to have the most money and can buy it.

Mr. President, the policy of the Republican party in its early day, when it was the party of the people, was for free homes and free soil, and the very ticket for which the Senator voted at the last election was nominated upon a platform that declared for this identical bill. The American people declared in both of their great conventions that they intended that the people should have free homes, and if the policy to which the Senator refers was adopted, as he says it was, in 1880, the two great conventions repudiated it. The Senator said the other day that he knew that these things got through conventions. That provision of the Republican platform came into the subcommittee prepared, and it went into the whole committee. With the consent of every member of the subcommittee and every member of the whole committee, it went into the national convention and met the approval of every man there. But now the Senator says he is not obligated and that none of us is obligated to support it. The Democratic convention at Chicago declared for the same thing, the Populist convention declared for the same thing, and if it can be said that there is any one matter on which the American people have been heard, it is that they intend as long as there is any land to be occupied that it shall be free to the American citizen who is willing to go upon it and make a home.

Mr. President, $35,000,000 is a bagatelle. You waste more than that every year on your Army. You waste more than that upon your ships that will rot in your harbors, and you do it that you may protect the great Eastern Coast. You do it at the demand of the great corporations who want to make armor and build ships, but when an American settler wants, not $400 out of the public Treasury, but to be relieved from the payment of that which he asserts, and which we who know his condition assert, he can not pay and ought not to be required to pay, then the Senator from Connecticut and the men who stand with him, who have made these great demands of us for twenty years here, to which we have responded, ask us to turn out the settler, put him afloat, and make him a tramp.

Mr. President, so far as I am concerned, I will give every acre of unoccupied land to the men who will occupy it, and I shall be doing my duty to my country when I do it. The great danger to the Republic, I repeat, is that you have not farmers enough. You have too many men in your factories and in your mines and in your mills, and not enough on farms. The fathers of the Republic saw the danger, and they said, "We do not want to have a great manufacturing people, because the manufacturers and the people who work in shops are not the men to carry liberty and law; they are not the men to be patriotic in every hour of the country's distress." Every time we have called upon the American people we have found the agricultural body responding, and there is where our hope lies.

Thirty-five million dollars, Mr. President! Any Senator on this floor ought to be ashamed to talk about it, if we are correct in our statements of facts, which the Senator does not deny.

Mr. PLATT. Mr. President, I have not quarreled with the statement of facts made here, but I wish to call attention to the fact that there have been no petitions to Congress from settlers asking for this relinquishment. I wish to call attention to the fact that there has not been a memorial from any State or from the people settled upon any Indian reservation asking for this legislation. I wish to call attention to the fact that the governor of Oklahoma—and there seems to be some attempt to cast discredit upon his representation of the condition in his Territory—in his annual report does not mention that it is required.

Mr. PETTIGREW. I should like to interrupt the Senator from Connecticut for one moment. I am informed by the Delegate from Oklahoma that petitions signed by 200,000 people are on file in the House committee, requesting the passage of the pending bill.

Mr. PLATT. Possibly. Right here, while on this subject, I wish to say a word about the people of Oklahoma. The Delegate from Oklahoma is undoubtedly responsible for the passage of the pending bill through the other House. It was by his solicitation and his earnest effort that it was passed through the other House. I think perhaps I should say here——

Mr. PETTIGREW. Fourteen million voters voted for this proposition.

Mr. PLATT. Oh, well, 14,000,000 voters voted that we should have a Delegate in Congress from Alaska. Whom does that bind? It is to be determined on principle and by what may be supposed to be public policy when the question comes here.

But I was speaking of Oklahoma. The Delegate from Oklahoma was earnest and active in securing the passage of this legislation through the other House. He did not think of the necessities of the great Northwest, which has added three times as much to the bill as was affected by it when it came from the other House. But he became a candidate for reelection. He made this an issue before the people of Oklahoma. He asked to be reelected on that issue, and they voted him down. Neither the governor of Oklahoma asked for it, nor have the people of Oklahoma, in a direct issue made in the campaign, seconded this demand from Oklahoma.

Several days ago the question was asked by the Senator from Massachusetts [Mr. Hoar] of the Senator from Kansas [Mr. Peffer] whether he thought that in any period of the world there had been any such progress made as had been made during the last forty-two years in the State of Kansas; and I believe it was agreed here practically that in the development of wealth and population and resources and all that goes to make a State great and prosperous there really had been no such development during the period of forty-two years as had taken place in Kansas. But I want to say that, from my knowledge of Oklahoma, from what the governor says about it, from some little personal observation of it, comparing the time of seven years since the establishment of the Territory of Oklahoma with the forty-two years since Kansas was first made a State, the progress, the development in wealth, in population, in resources, in ability to take care of themselves far surpass that of Kansas or any other instance in American or in the world's history.

That may be stating it pretty strongly, Mr. President, but I believe it. I believe that never in the history of civilization has there been a development within seven years' time of any portion of the globe that has resulted in the same progress, the same development, the same advancement toward wealth, which have occurred in Oklahoma, where it is asked that this law shall be applied.

I presume there have been petitions in the House. There have been none here.

Now, Mr. President, a single other word. It is an ungracious thing to oppose a farmer, an agriculturist, a settler, in any demand that he may make. I may repeat what I said when I was on my feet the other day, that I think I have respect for the pioneer and sympathy with the pioneer fully equal to that of some of the people who live nearer to him. I think I may go further and say that I am as proud of the development of this country which has been wrought by the people who since its settlement have taken up the march of civilization toward the West as any man living in that part of the country.

And I may say another thing, that while the West, or some portions of the West, or some people in the West, as frequently illustrated on this floor, think that something is to be gained for that section of the country by sneering at the East, by throwing accusations in the face of Senators and Representatives who come from the East, I have never heard any Eastern Senator making any such accusations with regard to the West. I have never known an Eastern Senator or an Eastern Representative who had any prejudice for the population of the West. We regard them as our own kith and kin. We know that the influences which built up the magnificent territory of the West, that new empire of the earth, had its home and its development in the East; and we regard the Western settlers, the pioneers, the men who have developed the resources and the enterprise and the wealth and the strength of the West, as members of our own family, and we are sorry to see them at any time so far forget their origin as to feel that they gain anything by taunting the people in the section from which they came. It is no use to the West to have an army or a navy; it is no object to the West to spend any money on rivers or harbors; it is all for the East.

Mr. President, I had not supposed that this was a sectional country. I have never since I have been a Senator cast a vote with reference to what I supposed was a sectional measure or a measure involving sectional interest pending before the Senate. I dislike to hear this talk about sectionalism, about the West and its interests being opposed to those of the East, and the East and its interests being opposed to those of the West. I believe that I have a mind and a heart broad enough to recognize and take in every section of this country in my admiration and in my love.

It is quite time, Mr. President, that we cease taunting one another about the section of the country from which we come and in which we live. This is one country, thank God, from the Atlantic to the Pacific, and what helps the West helps the East and what helps the East helps the West. It is a common country, and a Western man can no more divorce his interest from the East than the Eastern man can divorce his interest from the West. The Northern man can no more divorce his interest from the South than the Southern man can divorce his interest from the North. There is no measure which is calculated to help any section of this country but helps the entire country.

Let us get rid of this sectionalism, Mr. President. Let us get rid of this sectional prejudice. For one, if I should be permitted to remain in the Senate, it will be a great provocation, to say the least, which makes me so far forget that I am a citizen of the United States and that all the citizens of the United States are my brethren as to retort in kind whenever an attack is made upon the East.

I did not intend to make any remarks beyond what I made the other day upon the pending bill. I have no doubt there are many people who have taken up land under the homestead law with the obligation to pay at the end of five years who find it difficult and who, perhaps, will find it impossible to make the payment, but there are others, Mr. President, who will achieve under their settlement what to some men seem a fortune, even if they pay for the lands the price which was stipulated. There has been no investigation; there is no discrimination. A man who has been successful is to receive this donation as much as the man who has been unfortunate.

The point I make about it is that the homestead law has nothing to do with it. These lands have been acquired upon a condition precedent, so far as the settlement is concerned. They have been acquired with the understanding that they were wanted for settlement, and that the settlers would reimburse the Government.

Mr. ALLEN. I should like to ask the Senator a question.

Mr. PLATT. I beg pardon for a moment.

The PRESIDING OFFICER (Mr. Chilton in the chair). The Senator from Connecticut declines to yield to the Senator from Nebraska.

Mr. ALLEN. All right.

Mr. PLATT. The Senators upon this floor who have seen the Government paying out its money for these lands, who have been familiar with these lands, or who ought to have been familiar with them, never intimated that the Government was paying too much money for them. They come in now and say that the Government has squandered its money in the purchase of them because the lands were good for nothing. But during all the time these payments and purchases have been urged upon Congress there has not been an indication that the Government was paying for these lands beyond their real value. It was only in 1895 that the opening of the Nez Perces Reservation was made. We were told here that those lands were richly worth $3.75 an acre, and now they are classed with the arid lands on which nobody can get a living.

The homestead question does not touch this. Free homes; land for the landless. Yes, as long as the Government has it to give to them, but not when the Government has got to buy it to give it to them. There is the distinction. It seems that in the desire to benefit these people that distinction is wholly lost sight of.

It was the proposition when these lands were purchased that we must buy them so as to afford an opportunity for settlement under these conditions. If the homestead act means that we must buy lands for people to settle upon as fast as the desirable lands are taken up, then the matter must go on as I suggested in reply to some inquiries of the Senator from Iowa. If it be the bounden duty of the Government to provide homes for the homeless and lands for the landless at whatever cost, then we can not stop with the Indian lands; we must buy other lands. That is the position which is taken here when you analyze it, that the Government must find lands for the landless and homes for the homeless.

Mr. TELLER. Nobody has taken it except the Senator himself.

Mr. PLATT. That is the logic of the position here. We bought these lands not to give away. Nobody supposed that we bought them to give them away. We bought them upon the understanding that the Government was to be reimbursed.

Now, it is said that was a bad policy; that it was the Government's business to supply lands to the landless and homes to the homeless, and therefore it was perfectly proper that we should buy them and give them away. If that is the policy, if there are no limitations, no qualifications to it, it must go on to the full extent of the wildest doctrine of paternalism. The Government must support those who can not support themselves. The Government must furnish land to anyone who has not got it and who wants it and who is willing to live five years on it, and if the Government has not got the land it must get it.

Mr. ALLEN. Who makes that claim?

Mr. PLATT. That is the logic of the claim which is made here. Senators talk about its being a part of the principle of the homestead law. Not at all.

I take the new case that is coming up for our consideration before we get through with the present session. Here is the Kiowa, Comanche, and Wichita Reservation. It lies west of the Chickasaw Reservation, and between that and Greer County, in Oklahoma, still farther west than where it is said these arid lands are which nobody can get a living on. Now, the proposition is that we shall put out $2,000,000 more of the Government's money to get lands for the landless and homes for the homeless. Pretty soon some other Indian reservation lands will be wanted for settlers. Then the Government must buy them of the Indians and give them to people who desire to settle upon them, in order that there may be lands for the landless and homes for the homeless. There must be some limitation, Mr. President, upon that

principle; otherwise we have to go into the business of buying lands from private owners and donating them to individuals.

The Senator from Colorado thinks we ought not to have paid the Indians anything; that the land belongs——

Mr. TELLER. I have never made any such statement at all.

Mr. PLATT. Well, Mr. President, the Senator from Colorado, like myself, gets excited sometimes in talking.

Mr. TELLER. I never get enough excited to make that statement.

Mr. PLATT. If I did not misapprehend the Senator from Colorado, I understood him to say in effect that the Indians had no title to these lands, that the Government ought not to have paid for them, that the Government could not have given them any title which they claimed, and did not give them any title to the lands which they claimed. I heard him, I think, refer to his own State of Colorado, in which he said that although the Government paid the Indians for the title the Indians had no title; that the Government could not give them any title.

Mr. TELLER. If the Senator from Connecticut will allow me, I said that in Colorado the case was different from that in the other section. We took that country from Mexico, which did not recognize any burden of Indian occupation. Now, what I said was that the title was in the United States, subject, of course, to the embarrassment of the Indian occupation. I never have intimated that the Government of the United States should not have paid them something. But when the Senator puts this upon the ground that we bought the land as we would buy it of him, that is not correct. The Government all the time had a title, as he knows.

Mr. PLATT. If the Senator will look at the remarks which he made when the manuscript is handed him this evening, he will find that in his zeal——

Mr. TELLER. I will leave it just as it is.

Mr. PLATT. He will find that in his zeal he went even to the extent of saying that the public land of the United States belonged to the white people.

Mr. TELLER. No, I did not. I said "the people."

Mr. PLATT. Well, meaning the white people. He said that it belonged to the people who wanted to settle upon it; that they had a right to settle upon it; and he will find that the unmistakable inference of his language was that the white people were entitled to the lands which were occupied by the Indians if the white people wanted them for settlement; that it did the Indians no good, and that the Indians had no right to claim large tracts and bodies of land when the white people wanted them for settlement. I thought as I was listening to that statement that the Senator from Colorado would hardly, in his cooler moments, abide by it.

Mr. TELLER. If the Senator will allow me, I should like to state what my theory is upon that point, and then he may dilate on it as he sees fit.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. PLATT. Certainly.

Mr. TELLER. My theory as to the public land is that the public land belonging to the United States nominally belongs to the people of the United States; that the Government holds it in trust; and that any man, without reference to his color or anything else, if he is a citizen of the United States, has a right to occupy a certain limited amount of the public domain under proper regulations. I do not think the Government of the United States has the legal power to set aside a great tract of country and say it shall never be occupied. I do not say that the Government should not have paid the Indians something for this shadowy title. I say they should have extinguished any title that they had recognized. If they paid too much for it, that is another question.

In my twenty years of public service I have never been for despoiling the Indian, and the Senator knows that as well as anybody on this floor; he knows I have always insisted that the Government should keep its contracts with the Indians; that if it was an unfortunate contract it still should keep it; but if it made a contract that was bad, it had no right to shoulder the unfortunate contract on the agriculturists of the country, who, in my judgment, were entitled to this land if they would occupy it.

Mr. PLATT. Well, Mr. President, I do not know whether we made bad bargains or not. I have no right to speak of the representations made by members of the other House, but I know that Senators residing in the vicinity—perhaps in the States—where we have opened these reservations, when the proposition came here that the Government should make the appropriations to pay for the lands, have never lifted their voices to say that it was not a fair price paid for the lands. I think even the Senator from Colorado at last acceded to the purchase of the Cherokee Outlet. I do not think that any Senator here, knowing the property, knowing what the Government was paying for it, has ever intimated that the Government was paying to the Indians any more than it ought to pay to them.

That is what I object to, Mr. President. I believe in lands for the landless and homes for the homeless, furnished under the homestead law, so far as it can be done. But I do not believe in buying lands from Indians, from individuals or syndicates, to give them away because of the homestead act.

That is all the objection I have made here. I have said that this has been perfectly understood from the first; that it was understood when these payments were made and these lands were opened that the Government was to be reimbursed; that we have had no evidence here that as to any considerable portion of the people who have taken up homesteads they can not comply with the terms upon which they were taken up; that both in the opening of the lands, so far as getting them from the Indians and opening them to settlement was concerned, and in the very settlement of the lands themselves, there was a contract with the Government which ought to be observed if the parties are able to observe it, and which, if it is to be relinquished, ought to be not by wholesale, not by sweeping in all ceded reservations, whatever their character and whatever the character of their lands, but relinquished upon some wise understanding, upon evidence, upon facts as to those cases in which it is proper to relinquish it. I do not know why a man who under these acts acquired 160 acres of land in the eastern portion of the Cherokee Outlet, which he can sell the moment he gets his patent for from $15 to $20 an acre, should have the price that he agreed to pay relinquished to him.

Mr. TELLER. They can not do it.

Mr. PLATT. I do not say that all of them can; but I believe we were told there were sections there that were worth $50 an acre; and I believe there are many holdings in the eastern portion of the Cherokee Outlet that could easily be sold for from $10 to $15 and $20 an acre.

That is not right, Mr. President. If it be right to extend relief to some person who has gone out to the semiarid regions, who has gone out too far and got lands that he can not pay for and that he can never get a living upon, there should be some discrimination. You can not determine whether this ought to be done by the four words "land on ceded reservations." That is not a test by which to determine it ought in justice and fairness and equity to be done.

Referring again to the Nez Perces Reservation, I understand, and I think I am not mistaken about it, that that land is very valuable agricultural land, opened only a year ago to settlement. The proposition is that because valuable land happened to come from a ceded Indian reservation the persons who have taken up that land in this way, with the understanding that they were to pay for it, shall be relieved from the payment just as much as if they were living in a sod house on the very western portion of the Great Sioux Reservation, where the rains never fall and where no human being, as it is said, can get a living by agriculture.

There is nothing in the principle of the homestead act, in the idea of land for the landless and homes for the homeless, of sympathy with the struggling pioneer, of admiration for the character of the men who are building up the great West, or in the fact that these lands come from ceded Indian reservations purchased with the money of the Government for the sake of opening them, which justifies the enactment of this wholesale policy.

Mr. ALLISON. Mr. President, this bill, it strikes me, is too general in its character. When it came to us from the House of Representatives it related only to the lands in the Territory of Oklahoma. Now it seems to be extended to all lands that have been hitherto ceded to the United States by the Indians, and when ceded hereafter without special provision, of course it will apply to them.

I do not agree with the Senator from Connecticut in what is implied at least by his remarks, that when we buy lands from an Indian tribe the United States is bound to recoup the cost of the purchase price of the lands from the actual settlers.

The Senator from Connecticut says that there is no claim that we have paid too much for extinguishing the Indian titles. Mr. President, I believe we have paid too much for many of them, and I think the Senator from Connecticut knows of at least one or two recent purchases, including these in the Territory of Oklahoma, where we paid far beyond the amount which should have been paid to the Indian tribes which claimed the lands. But, as I understand this question of the acquisition of the Indian title, it is that we pay for them so much or so little as will enable us to acquire the territory we seek to obtain. Therefore, I think that the question of price should be segregated from the question of what we should do with those lands after they have been purchased from the Indians.

As I understand the situation as to many of these tribes, we have paid too much for the land. I undertake to say that we have paid far too much for the 9,000,000 acres which were purchased from the Sioux tribe in South Dakota. Those 9,000,000 acres of land which were acquired from the Sioux tribe are worth nothing for agricultural purposes without irrigation, and it will be difficult to irrigate them. That land may be of some value, and is of some value, for pasturage purposes; and yet it is treated in this bill as though it was agricultural land.

I made this inquiry because the Senator from Colorado seems to dwell upon the idea that it makes no difference if we are giving $35,000,000 which belongs to the Treasury by the passage of this bill. Mr. President, I do not know the character, and I regret that we have not information showing us the character, of each one of the reservations which are embraced within the policy of this bill. I do not find the information in the majority report.

The Senator from Connecticut says that the land in the Nez Perces Reservation is worth $3.75 an acre. That is what we paid for it. I have no doubt, without any special knowledge of the subject, that that sum is less than it is worth. Many of the Indian reservations have been scaled down from time to time by the encroachments of settlements upon them from the east and from the west, and all around them. For one, I do not believe we are obliged to pay the Indians a high price for the lands, whether it be $3.75 an acre or any other sum, and then leave it open to the scramble of the men who may live near the reservations who can first get upon them and take them as homesteads. I am perfectly willing, so far as the settlers are concerned who have gone upon those lands under the authority of law, who have promised to pay for them but can not pay for them, and who wish to retain their settlement and occupation of them, to relieve them so far as we can without regard to the promise that they have made, but I do not like to go into this wholesale business of releasing all lands, whether they be in close proximity to cities or towns in Oklahoma or in other Territories or States of this Union, thereby having acquired a value of forty or fifty dollars, or it may be $500 an acre.

I shall, however, vote for this bill. Before we have finished the discussion the Senator from Colorado will, perhaps, think I will not. But I think, as it stands, it is too general in its character, and that it ought to be so limited as that it will apply exclusively to settlers on agricultural lands who have gone there and attempted to make homes, but who have been unable to pay for their homes, and not to those who have speculated in homes within a mile or two of what may have hitherto been prosperous cities in Oklahoma or elsewhere.

The Senator from Connecticut says that there is a policy about this bill. I am glad to hear both the Senator from South Dakota, who is in charge of the bill, and the Senator from Colorado say there is no policy in it. I want, as one Senator, if I remain in this body, and while I do remain here, to deal with each Indian reservation, the price paid for it, and what we shall do with it at the time the question properly arises, and not now bind myself by law to a policy respecting it.

As to the original policy of the homestead law, I see the venerable father of that law listening to this debate in the Senate. What was its original scope and object, as explained in the House of Representatives? It was that the lands, which were far distant from the settled portions of our country, should be opened to those who might seek them, whether living upon our shores or coming to us from abroad, to build up homes and communities. When the homestead law passed, in my State there was not a farmer who lived within 100 miles of the Mississippi River who could secure for his crops a sufficient price to pay for their transportation from his home to the river, which was his only way to market. Therefore our people thought the object of the homestead law and its policy at that time was that the new prairie States should be opened to settlement, thereby inducing the occupation of that vast section, and also inducing railways and other transportation companies to reach their homes to take away their products. That has been the policy of the homestead law from that time to this.

I do not think, however, that in its proper scope that law embraces the idea that all lands of the United States which have been taken in close proximity to cities and towns, and are used and held by speculators for speculative purposes, shall be relinquished to them because of their purchase. Therefore, while I am willing for one to relinquish, so far as the United States can relinquish, to these homestead settlers the price they have agreed to pay, I dislike exceedingly to vote for a sweeping bill which is to apply to all lands acquired from Indian tribes, whether worth 50 cents or whether worth $50 an acre.

As to the provision which we are told has been inserted in the Indian appropriation bill for the purchase of certain Indian lands, I have no special knowledge; but I venture the statement that they are not worth one-half of the price named in that bill. Every man who enters upon those lands hereafter and tries to secure a homestead, unless he can secure it by means of irrigation, will only find himself, as the people of western Kansas in many instances found themselves some years ago, starving because of the impossibility of raising grain or farm products upon those lands.

What I object to in this bill is its sweeping nature. By the striking out of one or two words in the bill which came to us it is made to apply not only to Oklahoma, but to sweep over the entire territory of the United States, without accurate knowledge certainly upon the part of the Senate—the committee may possess it, but they have not furnished it to us—of what is the actual value of those lands which were recently or remotely ceded to the United States.

I have said what I know of the Sioux Reservation. The lands already taken up as homesteads on the Sioux Reservation are not only unfit for homesteads, but absolutely unfit for anything except grazing purposes. Therefore it is holding out a hope to those people that we are giving them homesteads, whereas we are not giving them homesteads; and for one, I want to protest against it. I shall vote for this bill against the idea that I am voting out of the Treasury $35,000,000, or one-half of it, or more than one-third of it for those lands, but I do not like to vote, I will state frankly, for a bill so sweeping in its character. I shall therefore move to amend the bill, in line 5 of section 1, in lieu of the words stricken out, "in the Territory of Oklahoma," to insert "prior to the passage of this act." So that we at least shall know that this proposed law will not include lands hereafter acquired.

Mr. TELLER. The Senator from Iowa [Mr. ALLISON] will see, if he will think for a moment, that it is impossible to deal with these cases individually. You can not go to work and select from the people who are on the ground those who can and those who can not afford to pay. That would be an impracticable and an impossible thing. If you grant relief at all, you must grant it in a general way. It is very possible and very probable that some of this land could be made profitable at the price fixed and that some of the people who have gone upon it can pay for it. When you speak in general terms, you do not mean that there may not be exceptions; and I want to disabuse the mind of the Senator from Connecticut [Mr. PLATT] who has gone out of the Chamber, or that of any other Senator, from any impression they may get from anything I have said that there can not be farms made upon this arid land. There can be farms made upon that land, and most of the men who have gone on the land and are there now will eventually, if they are allowed to remain, make homes, and good American homes.

There is not time now to go into a discussion of what may be done upon arid land, but I may say in a moment that I live in a section of country the most arid of any in the United States; at least in my State there is a point where there is less rainfall than in any other place in the United States. I can show the Senator from Iowa one of the finest orchards he ever saw which has been made with water falling only the first year that the trees were put out; but I should have to tell the Senator that it is land that every week in the season, from early in the spring—and our springs are early and our falls late—from early in the spring until late in the fall every acre of that land has to be plowed and harrowed once a week. In that way crops can be raised upon these arid lands. But think of the labor of a man who raises 15 or 20 bushels of corn, who must cultivate his corn day in and day out systematically. In that way even in the arid region a man may raise a crop.

This is not an arid region of which we are speaking; it is a semiarid region, capable of being converted into agricultural land by the industry, the diligence, the skill, and the intelligence of the settler; but it is of that character which requires the utmost labor, the utmost skill, the utmost intelligence, and the utmost diligence, and I have felt that when you attempt to build up a community in a country like that, it is unfair for the Government to exact from the settlers day in and day out the little earnings that they could get by such diligence and such zeal. If any man will go over that country and see what it costs to settle it, he will think that the people have got the land very dearly, that they have taken it only because the better regions of the country have been settled, and because the best land is now gone they are taking the inferior.

Mr. President, we did not buy these lands; we extinguished the Indian occupation and the Indian title, but the land all the time remained in the United States. I will admit with the Senator from Connecticut and the Senator from Iowa that in some instances we paid the Indians more than we should have paid; but it was better that we should have paid them than that we should stand before the public in the position of taking from them, without their consent, that which we had nominally accorded to them and recognized as belonging to them.

Take the purchase of the millions of acres of the Cherokees. We had given to the Cherokees a title which they claimed to be an absolute title. We had made a deed, a patent, to them unlike that granted in any other section of the country. There was a title which we were bound to respect, and they were the owners in fee of that land, subject only to this limitation, that when they abandoned it, it became the property of the United States and not the property of the State in which it would have been located. They demanded of us an extortionate sum; there is no doubt about that; but I was in favor of paying it. I have said that two or three or four million dollars is as nothing compared with keeping the public faith. You said to the Indians, "This is your land; we will give it to you for all time; we give you a patent for it; we make you a deed." In addition to that we said to this tribe of

Indians, "No settlement shall go west of your reservation; for all time we will keep that country open to you."

Mr. President, the State which I in part represent was included in that semigrant. We took that land away from the Indians, we filled it up with people, we destroyed the game, we destroyed the Indians' opportunity of living in the manner they had been living, and in the manner they desire to live. When they came here and said, "We want a dollar and a quarter an acre," I knew that price was extortionate. We did not want it for homesteaders, but I said, "It is better to pay that sum," and I would myself rather have the Government of the United States pay $20,000,000 than to have the people of the world say, "You have repudiated an honest obligation that you made with these semidependent nations." How did we pay it? We made a treaty with the Indian tribes. We have extinguished their title and paid more than the land was worth, and we will continue in all such cases to pay more because of the improvident manner in which we proceeded to legislate in the early days. It is one of the taxes and burdens put upon us because of our lack of proper care and proper attention when we recognized their title to the 2,000,000 acres that they say we are to pay for. It is better to pay the Kiowa and Comanche Indians than to have the Indians and other people say we are despoiling and robbing them. There is in the Indian appropriation bill $2,000,000 to be paid to the Turtle Mountain Band of Indians, now amounting to some 2,500 or 3,000, when originally there were but 220 or 230 Indians, the number having been increased by the accretion from other tribes or sections. Those people have no title whatever to that land. Every particle of title the Chippewas ever had to that land has been extinguished, and yet all through the United States there is a great mass of our people who believe that these Indians have been despoiled. So long as that sentiment prevails it will be better for us to pay a large sum to the Indians than to have the people believe we are despoiling our wards and robbing them.

We have the Indians outside of the Five Civilized Tribes practically on our hands. We made a treaty with the Ute Indians in Colorado—a most important treaty—in 1880, by which we said, "We we will support you until you become self-supporting." Mr. President, they will never be self-supporting. They are no nearer self-support now than they were sixteen years ago, and yet they are occupying the very cream of the land of that State, the very heart of it, the very best of it. I would not despoil them; I would not take it away from them; but I would pay them for it if they would cede it to us, so that the citizens of our country might go upon it and make homes.

I have noticed what the Senator from Connecticut has said about an attack upon the East. His words were evidently leveled at me. Because I had said that the East received benefits from the Government that we of the West did not; because I had said that we in the West have stood for everything that the East demanded, the Senator charges that I am making an attack upon the East. Mr. President, during twenty years of public life I have never failed to respond to any demand from any section of my country that I believed to be just and right. I have had no feeling of sectionalism, and there is none whatever in my portion of the country. As the Senator said, we are the children of the East. We have not forgotten our origin. We have left behind us more relatives and friends in the neighborhoods from which we went than we have in the land to which we have gone; we are as dearly connected with the East—and the extreme East—many of us, as the people who live there. All their associations of the past are ours, all their reputation and their glory are ours, but we do feel sometimes that you in the East have not realized that we are encountering obstacles which you upon the coast do not encounter, that we are away from the great avenues of trade, and that when you ask us to appropriate money for rivers in Maine, in Massachusetts, and in other sections on the Atlantic Coast, it is not for our benefit, except, as I agree with the Senator, that whatever is for the benefit of the East is likewise for the benefit of the West.

I wish, Mr. President, that I could feel in my heart that at all times in the East that feeling was responded to as I believe we have responded to it in the West. I wish that the East would always feel that what is the interest of the West is the interest of the East. But we have had reasons sometimes to think that the East did not appreciate that fact, and sometimes when we knew that we had responded to every patriotic demand, and when we have seen benefits withheld from us, we have felt that it was not through prejudice, but ignorance of our condition and ignorance of our wants. That is all I meant to say. When you have asked us for coast-defense appropriations, you have found the entire West at your back; when you have asked us for ships, when you have asked us for river and harbor improvements, you have always found us voting for them.

This bill is of vast interest to the West; it is of vast interest to a class of people who ought to be entitled, I repeat, to the sympathy of the American people; it is in the interest of a class of people who lie very near at least to my heart if they do not to the hearts of other Senators; it is in the interests of the men who have carried the flag of civilization and morality and religion in the West, and who have built up those great Commonwealths. These are the men who have built up Kansas and Nebraska, and, having been unfortunate, left those States where land had become too high for them and emigrated to the newer regions. They are the pioneers; they are the men who have made farms in other States and failed. They may be failures, but they are American citizens, and they are good American citizens; and if the Government relinquishes to them a few dollars an acre it is a paltry sum, and the Government will get back thousands and thousands of dollars where it has expended one.

Mr. HOAR. I desire to ask the Senator from Colorado if he has in mind any specific instance where the Commonwealth of Massachusetts has failed to support any desire of the Western people for their advantage?

Mr. TELLER. Well, Mr. President, I should not care to go into any specific charge, for I am not making any. I only said that sometimes we felt that they did not appreciate our condition. I have no complaint to make of any Senator or of any section of the country beyond what I have said.

Mr. HOAR. I understood the Senator to say that when the West had done everything that the East desired in the way of rivers and harbors, and ships and coast defenses, the East had failed to understand the conditions in the West—through ignorance, he was kind enough to say, but not through malice or prejudice—and I want to know if there is any specific instance in his mind in reference to my own State?

Mr. TELLER. I do not recall any reference to Massachusetts, and if I did, I should not care to detail it. I want to say, in explanation of that statement, which may seem peculiar, that the Senators who represent the West are, with rare exceptions, not Western born. I have served now in the Senate and in another capacity in public life for twenty years; I have known the men who represented the West, and very largely they have been men born east of the Alleghany Mountains. They are familiar with the East; they go and they come. There is not a Senator in the West who does not every year go to the East. Your coasts of Maine and Massachusetts are as familiar to us as is the interior. Not so with the Senators from the East. They rarely come to our section of the country. I have sat in this Chamber with men for years who had never been west of Chicago, who absolutely knew nothing about the great West; who have no comprehension of its great population and its great wealth; and that may be the reason—I do not pretend to say that it is owing to sectionalism or prejudice—but they are unacquainted with our wants; and as we men from the West are pretty aggressive, active, and pushing in matters that we believe to be in the interests of our section of the country, it may be they have come to think that perhaps we are sometimes unduly making demands upon them. It is not worth while for us to bandy words. I agree with the Senator from Massachusetts that the great West and the great East are so closely linked together with the center, that what is the interest of one is the interest of all; and upon that I think I can stand upon my record in the Senate. No man can accuse me of ever having voted against any Eastern interest because it was an Eastern interest, if he can find that I ever voted against an Eastern interest at all, which I think he would have a great deal of difficulty in doing.

Mr. President, I have said a great deal more about this question than I intended to say, but I have said it because, as I said before, the interests of these people lie very close to me. They are not in my State, but they are the class of men with whom I have been in contact now for more than a generation. For nearly forty years I have been coming in contact with the men who broke the prairie sod and made the settlement of the West. When all the history shall be written, when the truth shall be told, it will be seen that there was never a better class of men than the men who have done this great work and built up those great States. They may be called by hard names in political campaigns; but there is as much patriotism, as much love of country, as much love of God and law in the West as there is in any part of this country of ours. It is for that class of men, unfortunate and now in distress, that I have appealed to the Senate in the way I have.

Mr. President, if my zeal has led me to say what I ought not to have said, I shall regret it, and yet I believe that I have not told one-half of the truth, nor have I presented this case as it ought to be presented to the American people. If it could be presented we would have got the full verdict of the people, as I claim we did when the two conventions declared for this principle and for this law. I believe that if this question were submitted to the American people there would not be any question as to what they would do. They would say, "These hardy sons of toil are entitled to the mere pittance of $2.50 an acre; take it, and make your home a fit place upon which to rear American citizens, a fit place for an American citizen, an American freeman, to live."

Mr. COCKRELL. Mr. President, this is a proposition to give free homes to certain classes of persons now occupying the land

and to those who may hereafter occupy similar lands—necessarily so. What were the circumstances under which those lands were occupied? Before discussing that, let us see what the homestead law was intended for.

The senior Senator from Iowa [Mr. ALLISON] touched upon the truthful point in regard to homesteads. The homestead measure was introduced at a time when there were millions and hundreds of millions of acres of unoccupied lands in the West. Practically the whole Western country was unoccupied. Born and reared in the county in Missouri where I now reside, I have some knowledge of the Western country. I have traversed Kansas when there was scarcely a white man within its borders. Here was an invitation given to the people of the United States, to immigrants from every nation and clime, to come here and occupy those lands. They were invited to make homes on the lands, and they were told that when they had complied with those laws they should have title.

Now, was that law enacted or was it ever intended to apply to lands which were surrounded by walls of homes and firesides, as these lands are—the wall in Kansas, people living right down to the border; the wall in Missouri, people living right to the border? Was it ever intended to apply to lands which we bought, lands for which we obligated ourselves to pay, and lands for which we shall have to pay? The homestead law was never intended for any such tracts of land as those embraced in the pending bill. It is a perversion of the object and purpose of that law to undertake to make it applicable to such lands.

These lands were not made subject to entry and disposition under the general land laws. They were not public lands in the true sense of the word. They were not opened to settlement under the general law. They were opened to settlement under a specific law. That law was advertised. The result of it was that ten times as many people as could secure land stood there in a great wall, ready to rush over and make the grab. What was the result? I will read a letter which I have received from one of the men who made the struggle for a home and hear what he says. He is there, and knows the situation:

> We trust that you and Senator VEST will not vote for the unjust free-home bill. This is a good county and is settled by many Missourians. It is a fact that not more than one in five of the citizens from Missouri got a homestead. The other four either settled in towns on the "Strip" or else returned to Missouri. Any of them would have been glad to have had the chance to get a good farm for $2.50 per acre. It is this way: Some 2,500 voters from Missouri made the run for homesteads in one county in Oklahoma, but of these only 500 men got claims. The other 2,000 either settled in little towns here or returned to Missouri. Will you make a present of $400 apiece to only such of the men in this county from Missouri who obtained homes—for you do this when you pass the free-home bill—and not give one cent to the other 2,000 men who failed to get farms? They all were at great expense, and they got nothing who failed to get farms. Even the citizens here do not expect to get free homes. It is a movement of local politicians who expect to get office by this agitation. There have never been 100 voters at a free-home meeting here on the "Strip." They expect to pay for their homes. If you give aid give it to all in towns and on farms.

Mr. TELLER. Will the Senator from Missouri give the name of his correspondent?

Mr. COCKRELL. No, sir; I will not give his name. I will not subject him to the harsh criticism of the few men who are pressing this measure. It would not be just to do it. I know the gentleman personally, and he is an honorable and truthful man. The Senator from Iowa knows him, too.

Mr. President, where has the demand come from? These people settled upon those lands. They made the race for them. It was a struggle, a fearful struggle, and a contest. They wanted to take the lands at the terms upon which they were offered. They were lucky; they were fortunate. Some of them have splendid homes, as good as there are in any State of this Union, for there are agricultural lands in that section of the country just as good as you will find in Iowa or Illinois. Yet those settlers got them for $2.50 an acre, and we now propose to release them from the payment of it and turn around and make the men in Missouri and elsewhere, who failed to get homes, pay $2.50 an acre for these lands for which we are bound to reimburse the Indians. Where is the justice, where is the equality, where is the honesty in any such measure?

I have as much sympathy for those people as has any Senator upon this floor, for an immense number of them were formerly citizens of my State; but shall I vote to tax the 2,000 Missourians who tried to get homes in Oklahoma and failed, and who came back after having incurred expense and delay, and after having expended their labor, in order to give free homes to the 500 who were successful in securing them? I can not see the justice of it. I wish I could help these people. I have as much sympathy for those who are unable to pay for their homes as has anyone on this floor, and I have equal sympathy for the hundreds, at least, if not thousands, of men in Missouri who have gone to the land office and paid $1.25 an acre in cash for their homes, have settled upon them, have borrowed money for the purpose of making homes, and have been unsuccessful by reasons of failure of crops and other contingencies against which they were not able to provide, and whose homes have been sold from under them, and they have had to vacate. They have been unfortunate. Shall they be taxed to pay for homes for the comparatively few who went into Oklahoma? I can not see the justice of it. I can not see why I should let my sympathy go out to the few farmers in Oklahoma who have been unfortunate to the extent of imposing burdens for their benefit upon the equally meritorious and honest citizens of Missouri and other States who have been unfortunate and who have lost their homes.

You make no distinction. Where is the justice of that? There is a man who got 160 acres of land which to-day he can sell for twenty-five or thirty dollars an acre, and here is another man who got too far west, got into the semiarid region—this is not all semiarid land—got where it was probably too sandy or too rocky. He undertook to make a home, and he failed. Now, shall the man with the 160 acres of rich land, as fertile as any in the Mississippi Valley, be given the 160 acres of land and all the people of the United States be taxed to pay for it, simply because you want to benefit an unfortunate one? Discriminations can be made. If sympathy is the cause, let sympathy run only where it is deserved. You can make distinctions, I beg to say, by a proper commission. The matter can be adjusted and there can be relief where it properly belongs, and not for the enrichment of the rich. There is an easy way. The Government has power, by a commission or otherwise, to distinguish between the meritorious, the just, and the deserving, and those who are not.

There are plenty of men occupying these lands to-day who are as rich as one-third of the Senators upon this floor. Shall they be given free homes? Shall they be given this privilege and the whole people be taxed to reimburse the Indians? For reimbursement comes; it is inevitable. In addition you set a precedent which in the future will make many honest men, who have paid for their homes in cash and lost them by reason of the failure of crops and other causes of that kind, believe that they ought to have their purchase money back; that they are just as much entitled to have it refunded as these men are entitled to have the Government pay this money to the Indians and release them from their payments to the Government.

Mr. President, as I said, I wish this were a case where I could honestly and conscientiously extend to the worthy and deserving my aid, but I can not vote for the pending bill.

Mr. STEWART. Mr. President, the letter which the Senator from Missouri [Mr. COCKRELL] read does not appear to be entirely impartial. It leaves the impression that the writer is one of those who did not get any land, and he might look with some jealousy upon those who did. At all events, he does not take a broad view of the question.

It is very probable that there are a few lucky ones who went to Oklahoma and got lands on which they can live. Those who were most fortunate in that Territory, however, were the first who went there, and who went there as homestead settlers. There are seven counties so settled in the best part of the Territory. Such persons were the fortunate ones. There may be some, a very few, who went there under the late purchase——

Mr. PETTIGREW. Will the Senator allow me for one moment? The first settlers who went to Oklahoma were not required to pay for the lands. We opened up 2,000,000 acres of the best of it to homestead entry.

Mr. STEWART. That is the way I understand it.

Mr. PETTIGREW. And those persons are not included within the provisions of this bill.

Mr. STEWART. They are not included in this bill. They have their lands as homestead settlers. It is making a very harsh distinction between them and their neighbors who went farther west upon land the general character of which I know to be semiarid and requiring irrigation to get regular crops. There is an occasional year when they can get a crop, but as a rule the dry seasons far exceed the seasons of sufficient rain. Those people are in a very sad condition, as I witnessed when I was on the committee investigating the question of irrigation along the line between that country and Kansas. I have been in and across that country. It is precisely the same quality of land that is found on the Kansas side. People have great difficulty in living there.

But that is not the point about which I rose to speak. I wish again to call the attention of the Senate to the provisions of the homestead law, which have worked so beneficially, and to protest against adopting a different rule now when the best lands are all gone. There is a vast region of country within the boundaries of the United States that is unoccupied. It is called the arid region. The arid and the semiarid region comprises about two-fifths of the entire area of the United States. It would support millions of people if it could be reclaimed, but it generally requires a combination of men and capital to bring in the water. It requires a different kind of cultivation—it requires a knowledge of irrigation, which our people are learning very rapidly. The process of settlement must be slow. It is quite as important that that part of the country should be occupied as that any other part of our

land should be. It is a very fertile country, and when once reclaimed it will be a great addition to the wealth of this country. It is all we have, and we ought to apply to it the most liberal rules.

I have been urged by people in that region to apply to Congress for appropriations to carry out irrigation. I have declined to undertake it, because it is not the kind of appropriation that Congress has been accustomed to make. The people in that region feel that they have not had an equal chance with those who settled in the Mississippi Valley, where they could have a home. To make a discrimination now against the people who are willing to undertake the reclamation of the far West seems to me very discouraging. If anything can be done that will encourage those people, if anything can be done to lead them to open this country, which will be vastly valuable when reclaimed, Congress out to do it. By this harsh discrimination against those who are trying to subsist upon the semiarid lands you will discourage others. It will prevent others from making the effort. If they believe that $1.50 or $1.25 per acre, or any other amount, is going to be demanded, they will not contemplate undertaking enterprises which they might otherwise establish. But with a liberal policy on the part of the Government there would be great progress farther west.

I think the principle of commencing now to make those who attempt to settle upon Western lands pay for their lands, when we did not make people pay for lands in the Mississippi Valley, is bad policy, and it will do great harm to the country. I think we will lose much more by discouraging them by this kind of parsimony than we would by continuing the policy that has done so much good. There can be no doubt that the best policy the Government can pursue is to encourage people to occupy this vast area of land, which, when reclaimed, will be equal to any on earth. The undertaking is great. It is very discouraging. Men go there and return because they are unable to construct the works necessary to make it possible to live. Do not throw any discouragements in their way. Suppose a few of the men who went on the Oklahoma lands should get good lands. They would only get what their neighbors got in greater quantities and immense abundance in the Middle States, where they were nearer the market.

In these times it is very difficult for those who have lands to cultivate to raise enough money to pay for the land and support their families. It is almost an impossibility if the land is ever so good. They do not have the advantage of those living near the great cities, where they have a market. Transportation is high, the prices of agricultural products are extremely low, and there is no legislation pending to increase the value of agricultural products. There is no daylight in the future. These men are suffering from year to year. I say do not let us attempt to extort money where money can not be paid. It seems to me cruel and unjust, and I hope the Senate will pass the bill as it came from the committee and show that there is a feeling of generosity, at least, toward those who are attempting almost an impossibility for poor men to accomplish. But in time, as population increases, if the policy of the Government is liberal, there will be continual reclamations of these lands, and finally we will add vastly to the power and wealth of this country. Let us continue the policy that has made great States and see if it can be applied so as to build up other great States in the far West.

Mr. ALLEN. Mr. President, I wish to say just a word in reply to the Senator from Connecticut [Mr. PLATT] and the Senator from Missouri [Mr. COCKRELL]. I shall not undertake to discuss this measure at any length, because I have done that to my satisfaction.

The Senator from Connecticut, when he refused to recognize my right to interrupt him, which was proper enough, was making an assertion which I desired at that time to correct. He said that we obtained these particular lands under some condition precedent which did not apply to the contract under which the previous lands were acquired and given to homestead settlers. I do not think the Senator from Connecticut meant to assert anything of the kind. There may have been some slight difference in the terms of the contract, but we have acquired the title to every acre of land in this country which we have given to homestead settlers by extinguishing the Indian title and by purchasing the land and opening it to homestead settlement.

Now, what difference, so far as concerns the legal phase of the two transactions, is there between the method by which we acquired title to the millions of acres that were given away under the general homestead law and the manner in which we acquired title to these lands? There is no difference whatever. The truth is that this Government thirty-five years ago entered upon the policy of extinguishing the Indian title to our lands, making them a part of the public domain, and opening the land to settlers, upon the theory that the development and settlement of the country, in adding to the aggregate wealth of the nation, would amply compensate for any expense the nation was put to in the acquisition of the lands. The same reasoning that applied to the enactment and the enforcement of the general homestead law of 1862 applies now to these lands, and there is not the slightest distinction in principle between the manner in which those different lands were acquired by the Government.

I agree with the Senator from Nevada [Mr. STEWART] who has just taken his seat that the letter read by my honorable friend the Senator from Missouri [Mr. COCKRELL] condemns the very witness he offers. The letter goes on to recite that twenty-five hundred Missourians undertook to rush into Oklahoma Territory and acquire homesteads, as they had a right to do. This man was one of the twenty-five hundred. His horse was not fast enough, possibly, or some misfortune may have overtaken him, and he did not succeed in getting a homestead. He was compelled to return to Missouri, or to go into one of the villages of Oklahoma, and he did not obtain the benefits of the act.

He is, therefore, slightly envious of the 500 Missourians who did succeed, and because he was unfortunate in not obtaining a homestead such as he desired he wishes that the screws shall be put upon every man who did obtain a homestead and who has been a victim of the drought which has afflicted that country for many years. I have no doubt in my own mind that if the honorable Senator's correspondent had been successful in acquiring a homestead, and drought had overtaken him and destroyed his crops, he would have been among the most clamorous of the inhabitants of the Territory for relief from the conditions which have been imposed upon the settlers.

Of course, Mr. President, you can go into some of the little towns and cities in Oklahoma and find men who have a pecuniary interest in defeating the homestead bill. It is a money-making transaction with them. They are shrewd, sharp men. They know how to write letters, and they beseech Senators and Members to defeat this measure, putting it upon high moral grounds in their letters, but designing, in fact, to profit financially themselves by its defeat. There are not many of them, but there are some. I have received letters from Oklahoma and elsewhere, from hundreds of men whom I have known for years, some of whom I have known for thirty years or more, who are just as reliable as the correspondent of the Senator from Missouri or any other man, and they tell of conditions existing there that make it imperative upon the part of the Government to turn these lands over free to these settlers, or else it will be necessary for the Government to resume possession of the lands that the cattle kings may run their cattle over them and herd on them free of charge for generations to come.

The Senator from Missouri was much concerned about his constituents being compelled to help pay for these lands. Mr. President, we appropriate money by the millions and almost, I was going to say, by the hundreds of millions every year to subsidize steamship and railroad companies, and to throw into the rivers and harbors and creeks and obscure estuaries of this country, 75 per cent of which is lost to the American people, upon the supposition that we are promoting the general welfare of the nation and the interest of all the people. We have given over $120,000,000 for the construction of railways, to bring the extreme East and West together, to hold the Union together at one time, and to develop the interior of the country, upon the supposition that the settlement of the country following the railways would bring to the national wealth infinitely more than the Government would expend in aiding in the construction of the railways. I am not prepared to say that the reasoning was altogether faulty, although I think it was faulty in some respects. We give bounties and subsidies with liberal hand upon that supposition. And yet, Mr. President, when it comes to making the American home secure, which is the starting point of all prosperity and all permanency in this country, we hesitate and dawdle and dicker over a dollar or two an acre for arid land.

What can make our institutions more secure, what can make American society more permanent and more enduring, than giving every man and every woman and child an opportunity to own and occupy a portion of the soil that they can conscientiously and truthfully say is their home? You can not make good citizens of tramps. You can not make good and permanent citizens of men who have no home. The hardships that these men and their wives and families will undergo incident to the settlement and development of this semiarid region will be a thousandfold worse and more onerous than the loss of the money the Government would sustain by giving them the opportunity. What is to become of them? Senators say they must pay. The Senator from Connecticut, like Shylock, is demanding the pound of flesh from these settlers.

Mr. President, they have not the money to give. That is all there is to it. They went into this semiarid country with a few hundred dollars, constructed sod shanties and little cabins, broke a few acres of land, and made some other structural improvements, investing in most instances all they had and more than the land itself was worth. What is to become of the money they have invested in these lands, in homes, in stables, in fencing, and in breaking, if they are driven from them by the action of the Government? All this will be lost, and the thousands and tens of thousands of persons who are inhabiting these semiarid homes will be driven from them, and will be cast as a burden upon the balance of the nation. They must live; they must have an opportunity to work. If they are willing, sir, to undergo the hardships incident to pioneer life in laying the foundation of great communities that are to be, is it not wise policy for us to encourage them to the extent of giving them the land as a foundation with which to begin?

No, Mr. President; if the policy of this nation in subsidizing railways and steamship companies and giving public money to improve rivers and harbors is a wise policy, it is infinitely more wise, as it is more just, to give to those who are struggling to establish a home an opportunity to do so without exacting any money from them.

Mr. CARTER. Mr. President, I should at this late hour refrain from offering further remarks on the pending mesure were it not for the fact that certain questions have arisen in the course of the discussion relative to a lack of information on the part of the Senate.

The eminent Senator from Wisconsin [Mr. VILAS] suggested that this body was not in possession of sufficient evidence upon which to base action concerning the lands included in the ceded portions of the reservations. The Senator from Iowa [Mr. ALLISON] to-day supplements that suggestion in a somewhat complaining manner by suggesting that it was the duty of the committee to furnish detailed information concerning each and every reservation included within the bill or to which its terms might apply.

This Government for many years has maintained and now has in operation at great expense a scientific department known as the Geological Survey, and as a subdivision of that Bureau certain learned men have been for years giving special attention to climatic conditions all over the territory of the United States. By and through investigation conducted by these capable men, we have as a net result before us in the Senate Chamber a map showing the limits of what is known and designated as the arid region of the United States. With the exception of a small portion of the ceded land in the State of Minnesota to which the bill will apply, every acre of land subject to its provisions, with an exception in Oklahoma, will be found within the limits of the arid region.

This arid region may be cultivated; its soil is fertile and its climate very frequently conducive to the rapid growth of vegetation; but it always involves, in order to import the element of certainty into the transaction of farming, a necessity for artificial irrigation. This necessity places upon the settler the burden of reclaiming the land, at a cost of from $10 to $12 per acre upon the general average. This is a burden never before encountered by a settler on the continent prior to the approach of settlement to the borders of the arid region.

The suggestion has been further made that the reason for the passage of the homestead law has long since ceased to exist; that the original purpose of that law was to induce citizens to go out into the wilds of the far, far West, there to build up homes, subdue savages, reclaim arid plains, and level the forests. The untenable character of the position thus taken will be made quite obvious upon very slight reflection.

In 1862 the Illinois Central Railroad extended through the State of Illinois from north to south, and no part of the State of Illinois was more than 90 miles distant from the Illinois Central road. Numerous railroads traverse that State from east to west, and the land of Illinois, which to-day is worth from $20 to $150 and $200 an acre for farming purposes, was taken up by the homestead settler, and title given by the General Government as free as the summer air, save only for the burden of land-office fees attached. The same was practically true of the State of Iowa; the same was true of the State of Minnesota, and the State so ably represented by the eminent Senator from Wisconsin [Mr. VILAS].

The passage of that law in 1862 was an eminently wise act, as the sequel well shows. Never in the history of the world in any country on the habitable globe has such symmetrical, healthy, and vigorous settlement occurred as has occurred under the homestead law passed by a wise Congress in 1862.

Mr. President, we gave nothing away in giving this land. From a country from which the Government received comparatively no revenue at all in 1862, we have developed human necessities, contributing their share to the Government expense, until the internal revenue from that once uninhabited section amounts in the aggregate now, as collected between 1863 and the present date, to nearly one-half the total internal revenue collected in that period by the General Government, or $1,571,000,000 collected between 1863 and 1895 from the people of these public-land States to assist in discharging the various obligations of the General Government.

Let this be suggested as worthy of reflection that no country under the sun has ever successfully undertaken to make a profit of the pioneers or settlers. The difference between the Spanish system, the system of the Cavalier and the Pilgrim in this country, clearly demonstrates this. The Spanish pioneers or first adventurers sought merely to extort the loose money, coin or bullion, found in the hands of the aborigines, and the whole policy proceeded thenceforward upon the theory of extortion from the settler. The policy of our forefathers, on the contrary, in this North American country was the direct opposite; it was the encouragement of settlement, the development of individual citizenship, and a home life around the settler. While the dominion of Spain, with its history of rapacity and greed, is gradually ceasing to be potential or important on this hemisphere, the theory of Anglo-Saxon government has resulted in the development of a mighty empire destined to wield a potent influence on civilization through all the years to come.

It is suggested, however, that the settlers in Oklahoma made contracts with the Government of the United States, and it is not within our power to waive the obligations thus assumed. The settlers did not voluntarily assume the obligations in the full knowledge of the consequences and conditions. To begin with, in all the country in Oklahoma save what is known as the Cherokee Outlet and the seven counties constituting the original Oklahoma country, by virtue of the treaty with the Indians, the members of the tribes were permitted to make selections of land prior to the opening up of the country to settlement. With what result? The Indians being permitted to go at will prior to the approach of the settler and select their allotment in 160-acre tracts, selected in each and every case the very cream of the entire country. In the one county of Blaine, in the Territory of Oklahoma, the Delegate from that Territory informs me, and I have no doubt correctly, that 1,200 Indian allotments were taken in that one county prior to the opening of the country to settlement. The 1,200 allotments embraced an area of 192,000 acres, taking up all the desirable land along the streams, taking up every available place which could be made the subject of barter and sale and profit on short notice, leaving to the settler who came in the high, rolling plains, the places without water supply or timber, and upon the high, rolling plains some of the settlers have been struggling ever since. It has been a close question, not as to their ability to pay the Government the purchase price of the land, but to live without becoming a public charge on the charity and kindly disposition of benevolent people throughout the country.

This bill is of incidental concern only to the respective communities surrounding these reservations. To the citizen of Wisconsin seeking a home it is of very great importance that the homestead law should be permitted to operate over these reservations. It is of interest and importance to the citizen of every State, of every Territory, that the homestead law should continue.

The Senator from Connecticut [Mr. PLATT] suggests that we propose a new policy here. We do not propose anything in the nature of a new policy. We propose the reestablishment and continuance of an ancient policy under which the most beneficent results have been obtained for all the people of all the country.

The passage of this bill is not urged in any sectional spirit. We think it is a matter of national concern. Frequent reference to sections and States can be of no special use or benefit to any part or portion of our common country. A generous rivalry between States and sections may conduce to the general good; invidious references can only result in general injury.

We ask for the passage of this bill because of the fact that the application of the homestead principle to these undesirable lands is an object of common justice to the settlers who reside upon them, and in view of the fact that in all the years prior to 1880 during which the homestead law was in existence, the great Commonwealths of the Mississippi Valley were filled up—broad acres of fertile land taken—we insist that the extension of the policy to the less desirable lands is an act of ordinary, plain, simple justice.

To insist upon these payments from the settlers will not result in placing $17,000,000 or $35,000,000 in the public Treasury. The people can not get the money to make the payments. To insist upon the payment if collections can be made would be to place upon the pioneer homesteader on the frontier the burden of supporting the North American Indian, which is a common burden attached to the entire people represented in their Government. From every point of view, in common justice and as wise public policy, this measure should be passed.

Mr. PETTIGREW. Mr. President, I wish to make but a few remarks at this time in connection with the bill. I want to say in the beginning that the hope of securing revenue by the defeat of the pending bill will be a disappointment. We propose by this legislation to give title to 160 acres of this land to any person who will go upon it, reside for five years, make it his exclusive home and residence, and place at least 5 acres of it under cultivation.

These reservations were purchased from four to eight years ago, none of them less than four years, and some of them—those of the largest area—eight years ago; and yet the revenue of the Government from the sale of the lands has amounted to less than $500,000. Year by year Congress has been called upon to extend and has extended the time of payment on these homestead entries because

the settlers could not pay for the lands. Last year we extended the time for one year; the year before we made an extension, and the year before that; so that three times we have extended the time for these people to make payment, and now we find that it is impossible for them to pay at all. The simple question is whether we shall drive these people from the land and leave it to be occupied by the grazers of cattle or give the settlers a title to the lands and let them use that as a basis of credit to secure a small herd of cattle and continue their residence in that country.

I have here a letter from Mr. Small, who resides upon one of these quarter sections in my State. He located upon the Sisseton and Wahpeton Reservation the season when it was first opened. He went there with considerable money. He makes an excellent statement. He makes a statement which answers every objection which has been made against the passage of the pending bill. I ask the Secretary to read the letter so that it may appear in the RECORD.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

At the time of the settling of the Sisseton Reservation the settlers apprehended no hardship in making the payment for the land, but the conditions have been such as to make it impossible. The reservation was settled on the 15th of April, 1892. The first summer was necessarily spent in breaking up the land and providing shelter for stock, etc., consequently no crop could be harvested that year. The majority of settlers broke up from 25 to 75 acres of land, which was put in crop in 1893. That year the hot winds in June so blighted the crop that the yield was but 5 to 10 bushels per acre. Wheat sold that fall, 1893, here, at from 44 to 46 cents per bushel, so this crop did not yield more than $4.50 per acre, and most of the settlers having but a small acreage, they did not receive enough to support them through the year. The next year, 1894, the crop was almost a total failure, wheat going from 3 to 5 bushels per acre and selling at 45 to 48 cents per bushel, hence the settlers ran further in debt. The next year, 1895, the crop was from 5 to 15 bushels per acre and brought 40 to 45 cents per bushel. The crop of this year averaged about 15 bushels per acre, and the bulk was sold at about 50 cents per bushel. Settlers being confined to 160 acres, were only able to put in a comparatively small crop, so that their returns have been short of enough to more than support them, and hardly that.

Now, the people who settled on this land were mostly Scandinavians from Iowa and Minnesota, and were people who had saved up from $100 to $500. Inquiry among many settlers leads me to place the average at $250. These people came out here to found a home, and are an honest, economical, and industrious people. They spent the little they brought with them to buy lumber for homes and pay part payments on horses and stock, and depended on the crop to live on. The crops have not been sufficient to pay up these debts for horses, machinery, etc., so these debts are still due. The townships have been compelled to furnish seed several years because the people had to sell the grain they should have kept to live on. Seventy-eight out of 160 people in Blooming Valley Township had to be so provided for in 1894. At present, from extended inquiry, I know of no one in this whole section who is not in debt more than one crop ahead, and allowing that to be a good one. Now, if the Government forces a payment on this land, where is the money coming from? I have inquired of all the banks in this section, and none of them will lend $400, or $2.50 per acre, on any of the land, unless the improvements are worth that amount. The principal bank in Milbank informed me there were but four claims in this township (Blooming Valley) that they would lend $400 on. And where is the company that will lend enough money to prove up the whole reservation? I mean to say, the banks will not lend this on the land to prove up, taking a mortgage on the patented claims. So, what are the people to do? Lose the homes they have created? The land that adjoins this reservation was opened under the old laws and is in every way just as good as this, and many settlers have acquired 480 acres at a total cost of $350 by taking a homestead, a tree claim, and preempting 160 acres. Many claims are still vacant, just as good as this land, that can be taken under the general law. It may be urged that the people knew what they had to pay when they took the land. The facts are that the railroads and people around the reservation advertised it and puffed up the land until we all supposed there would be no trouble in making the payment. There are many relinquishments that can be bought to-day at less than the cost of improvements on the claim. To sum up, the people are in this condition: They have invested their savings in putting improvements on this land and gone into debt to get machinery and horses. They have barely made a living, and are in hopes gradually to get out of debt and establish homes, and are naturally anxious not to be put off the land that they have spent four years' hard work trying to gain a bare living on. If this payment is forced, what is the Government to gain? The people will be driven off; they can not borrow money to prove up; others will file on the claims, and over 2,000 people will be deprived of five years' hard labor and the savings of several years more.

If this bill passes, they will gradually get out of debt, make good citizens, and become good customers of those people in the East who may have a few cents to pay if the present bill should fail. If it is supposed we could not borrow the money to prove up, we could never pay the interest and principal and live, so many would eventually lose their homes after a long struggle. Congress may bother itself about Cuba or Armenia, but to eject the people of this land would be as heartless a piece of work as anything that has been done in either country. Personally, I have worked hard for four years, have sunk $1,500 in cash in improvements, have lived as economically as possible, and had as good crops as the average, and to-day I am in debt for my machinery, etc., and if the Government is going to make me pay $400 for my claim, they can have it, for I am not going to put in any more money or go in debt any more.

Hoping this may give you an idea of the condition of our people,

I am, respectfully,

JOHN D. SMALL.

Mr. PETTIGREW. Mr. President, I spent some time this summer among the people who have settled upon these lands, and the statement made by this gentleman is a statement of the facts. The people of the Dakotas did not occupy these reservations. The inducement held out to bring settlement were made by transportation companies and by immigration agents, and the settlers came from the other great Western States. Of course the people of the Dakotas wanted the reservations opened to settlement, because, until their areas were occupied by people, they did not help to support by taxation the burdens of government; but the people of the Dakotas themselves have their homesteads; they have their lands. When a new reservation is opened, it is not our people who go upon it. The people of other States who are landless are the people who have been in advance and taken homesteads. So the settlers who came, as this gentleman says, from the other States of the Union, came induced by the rosy representations of transportation companies, immigration agents, claim agents, surveyors, etc., supposing that because it was an Indian reservation it must be exceedingly fertile, and therefore it would be easy to make payment. After struggling for from four to eight years, they find the crops are not more than sufficient to sustain life, to say nothing about gaining a profit with which to pay the Government for the land.

Further than that, these lands are open to settlement and settlers are required to pay $400 for a quarter section, while they can go into the Cane River Valley, adjoining this reservation, and buy land from the Eastern mortgage companies for $1.25 an acre, or $200 for a quarter section. The counties adjoining this reservation on the east from 1885 to 1890 lost 18,000 of their population. Their lands were foreclosed upon, and the parties holding the mortgages obtained the titles. Now they are willing to dispose of those lands at one-half of what the Government charges for these lands.

I contend, Mr. President, that where men with their families have resided upon land for five years, have gone forward into a new country, built up roads and schools, and established homes, they have made payment—full payment—for the value of the property, and ought to have their title deeds.

It is said we have not purchased lands for settlement. In 1872, after the Northern Pacific Railroad was built across northern Dakota, we purchased nearly half of the entire area of that State, gave every odd section, a strip 40 miles wide, to that railroad company and the remainder to homesteaders. What did we buy that land for? The road was there. Why did we extinguish the Indian title? So that the land might be open to settlement under the homestead law. So it is across the continent. Wherever there have been Indian lands we have extinguished the Indian title for no other purpose than to open the country to settlement under the homestead law. We never changed that policy until 1889, and the policy was changed at the instigation of a member of the House of Representatives from Indiana.

I well remember when these reservations were opened to settlement—the Great Sioux Reservation, for instance. We came here urging that the Sioux Reservation should be opened to settlement because it embraced one-third of the State of South Dakota. In 1882 I was a Delegate from the Territory of Dakota in the House of Representatives. I secured the passage of a measure to open that territory to settlement. Mr. Holman insisted that it should be opened only under the homestead law, although the preemption law, the timber-culture law, and the town-site law were still in force as to all the other public lands in the United States. He urged that this area should alone be opened to settlement under the homestead law. I accepted the condition. Why? Because we had opened the western part of Dakota—the mineral region—for the people of the Black Hills, and we had settled the eastern portion. This reservation divided the settlements. The railroads had built to the eastern border and we wanted them to cross, so as to unite our State. Although I secured the passage of legislation through the House of Representatives, it was defeated in the Senate at the instigation of the Indian Rights Association. So the railroads were obliged to build around Dakota to reach the settlement in the western portion of my State; and to this day the eastern and western portions of Dakota are not united by railroad, and for no other reason.

We were anxious that this reservation should be opened to settlement, that roads should be allowed to build through it, and we were willing to accept almost any condition. I came here winter after winter trying to secure the opening of the Sioux Reservation, only to be defeated by the representatives of the Indian Rights Association, who imagined, I suppose, they were doing some service to the Indians. Finally we accepted the condition which opened those lands to settlement under the homestead law, and provided that settlers should live five years on the land before they could secure title, and then pay the Indians for the land. I said before the committee of this body that that condition was unfair and unjust, that we would accept it, but we should exert every effort to remove the injustice in the future.

What has been the result, Mr. President? We opened up nearly 10,000,000 acres of land, imposing this condition, and less than 1,000,000 acres have been taken. The remainder of it to-day is open to settlement. If anyone has been cheated, if some one has had an advantage, it is the man who did not go rather than the one who went and spent his money trying to make a home upon those lands. There are 9,000,000 acres yet. If the citizens of other States feel they have been unfairly dealt with, the opportunity is open to them; they can go out upon those prairies and secure lands equally good with those secured by the people who have struggled for the last eight years to build homes in that country.

It seems to me, Mr. President, that there has been no argument made in opposition to the passage of this bill that is not founded upon an objection to the homestead principle, that is not founded upon opposition to the policy of retaining the public domain for free homes to our people. These reservations are no better than and are the same in character as 600,000,000 acres of other lands now owned by the United States within the arid and the semiarid region, and all the lands but those embraced within this reservation are subject to entry under the homestead law.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and still open to amendment.

Mr. PETTIGREW. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Allen,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Brice,
Brown,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Davis,
Faulkner,
Frye,
Gear,
Gordon,
Gray,
Hawley,
Hill,
Hoar,
McBride,
McMillan,
Mantle,
Morgan,
Morrill,
Murphy,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Quay,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Turpie,
Vest,
Vilas,
Walthall,
White,
Wilson.

The VICE-PRESIDENT. Fifty-one Senators having answered to their names, a quorum is present. The pending question is on the amendment submitted by the Senator from Iowa [Mr. ALLISON], which will be stated.

The SECRETARY. After the word "tribes," in line 5 of section 1, it is proposed to insert "prior to the passage of this act."

Mr. ALLISON. I would suggest that those words be inserted after the word "acquired," in line 4, instead of after the word "tribes," in line 5, so as to read:

> That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, etc.

I think it will read better in that way.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. PLATT. Have the committee amendments been agreed to, Mr. President?

The VICE-PRESIDENT. The amendments reported by the committee have been agreed to as in Committee of the Whole.

Mr. PETTIGREW. I move to strike out in section 1, beginning with and including the word "*Provided*," in line 18, down to and including the word "Texas," in line 22. The language which I wish to strike out is this:

> *Provided*, That the public-land laws of the United States are hereby suspended until further legislation by Congress in so far as they may affect the territory hitherto known as Green County, Tex.

I will say that Congress at this session has passed an act providing for disposing of the lands embraced within this area, and that it is now in the hands of the President, if it has not been already signed. Therefore the necessity for this legislation has been obviated.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. PLATT. Let us have the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired on this vote with the Senator from North Carolina [Mr. BUTLER]. If he were here, he would vote for the bill and I against it.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Wyoming [Mr. WARREN]. If he were present, he would vote "yea," and I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea," but I do not know how he would vote.

Mr. CHILTON (when his name was called). On this vote I am paired with the Senator from Washington [Mr. SQUIRE]. If he were present, he would vote "yea," and I should vote "nay."

Mr. FAULKNER (when his name was called). I desire to state that I am paired on this question with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote, if present, but I should vote "nay."

While on my feet I desire also to announce the pair of the Senator from Louisiana [Mr. BLANCHARD] with the Senator from North Carolina [Mr. PRITCHARD], and also the pair of the junior Senator from Florida [Mr. PASCO] with the Senator from Washington [Mr. WILSON]. If the Senator from Florida were present, he would vote "nay."

Mr. HAWLEY (when his name was called). On this question I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, he would vote "yea," and I should vote "nay."

Mr. HILL (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. LODGE]. I supposed the Senator from Massachusetts was present until a short time since, when I learned he was absent. At the request of the Senator from Nebraska [Mr. ALLEN], I agreed to pair on this special vote with the Senator from South Dakota [Mr. KYLE]. I inquire if any Senator knows how the Senator from Massachusetts would vote upon this question, if present? I am placed in an embarrassing position, for I supposed he was present when I made the arrangement to which I have referred. Does the Senator from Massachusetts [Mr. HOAR] know how his colleague would vote?

Mr. HOAR. I do not, Mr. President.

Mr. HILL. I will pass it over for the present.

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. McBRIDE (when the name of Mr. MITCHELL of Oregon was called). My colleague [Mr. MITCHELL of Oregon] has a general pair with the Senator from Wisconsin [Mr. VILAS]. My colleague, if present, would vote "yea."

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS]. I do not know how he would vote, if present, so I withhold my vote. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. ROACH], who is detained from the Senate Chamber by sickness, but I am informed that if present he would vote in the affirmative, and I therefore vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL], who is unavoidably absent.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair, as stated by the junior Senator from Oregon [Mr. McBRIDE], with his colleague [Mr. MITCHELL of Oregon], who, I understand, if present, would vote "yea." I transfer that pair to the Senator from Kentucky [Mr. LINDSAY], who requested me to provide him with a pair, and will vote "nay."

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO]. I think the announcement has already been made by the Senator from West Virginia [Mr. FAULKNER] as to how the Senator from Florida would vote on this question.

Mr. CHANDLER (when Mr. WOLCOTT'S name was called). I announce my pair with the junior Senator from Colorado [Mr. WOLCOTT]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. THURSTON. I have announced my pair with the Senator from South Carolina [Mr. TILLMAN], but I understand an announcement has been made upon the floor that the Senator from North Dakota [Mr. ROACH] is absent and for the bill, and that his pair has voted. On that statement, I therefore transfer my pair to the Senator from North Dakota [Mr. ROACH], and ask to vote upon the bill. I vote "yea."

Mr. CALL. I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Maryland [Mr. GIBSON], and vote "yea."

Mr. McMILLAN. I announce that my colleague [Mr. BURROWS] is paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. McBRIDE. I have announced my pair with the Senator from Mississippi [Mr. GEORGE]; but I transfer that pair to the Senator from South Dakota [Mr. KYLE], and vote "yea."

Mr. WILSON. I inquire of the Senator from West Virginia [Mr. FAULKNER] if he knows how the Senator from Florida [Mr. PASCO] would vote? I think he made an announcement as to how the Senator from Florida would vote.

Mr. FAULKNER. The Senator from Florida [Mr. PASCO] requested me to state that on this question he would vote "nay."

Mr. WILSON. Then I transfer my pair, if agreeable to the

Senator from West Virginia [Mr. FAULKNER] who has charge of the matter, to his colleague [Mr. ELKINS].

Mr. FAULKNER. Very well. That will enable the Senator from Washington and me to vote.

Mr. WILSON. I vote "yea."

Mr. FAULKNER. I vote "nay."

Mr. CALL. I understand that some mistake has been made as to the position of the Senator from Maryland [Mr. GIBSON] on this bill. So I transfer my pair to the Senator from Indiana [Mr. VOORHEES], and will let my vote in the affirmative stand.

Mr. WALTHALL. If necessary to make a quorum, I feel at liberty to vote. I vote "nay."

Mr. BERRY. As I stated, I am paired with the Senator from Wyoming [Mr. WARREN], but I am requested by the friends of the bill and by the colleague of the Senator from Wyoming to cast my vote in order to make a quorum. I therefore vote "nay."

Mr. HILL. I do not know how the Senator from Massachusetts [Mr. LODGE] would vote if present. Of course I reserve the right to vote to make a quorum, and at the request of the friends of the bill I now vote. I vote "nay."

Mr. BATE. I am similarly situated, and agreed not to vote on account of the absence of the Senator from North Carolina [Mr. BUTLER]. At the request of the friends of the bill, however, I am willing to record my vote in order to make a quorum. I vote "nay."

The result was announced—yeas 35, nays 11; as follows:

YEAS—35.

Allen,
Allison,
Bacon,
Baker,
Blackburn,
Brown,
Call,
Cannon,
Carter,
Clark,
Cullom,
Davis,
Frye,
Gear,
Gordon,
McBride,
McMillan,
Mantle,
Morgan,
Murphy,
Nelson,
Peffer,
Perkins,
Pettigrew,
Pugh,
Quay,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Wetmore,
White,
Wilson.

NAYS—11.

Bate,
Berry,
Brice,
Cockrell,
Faulkner,
Gray,
Hill,
Platt,
Vest,
Vilas,
Walthall.

NOT VOTING—43.

Aldrich,
Blanchard,
Burrows,
Butler,
Caffery,
Cameron,
Chandler,
Chilton,
Daniel,
Dubois,
Elkins,
Gallinger,
George,
Gibson,
Gorman,
Hale,
Hansbrough,
Harris,
Hawley,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
Lodge,
Martin,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Palmer,
Pasco,
Pritchard,
Proctor,
Roach,
Sewell,
Squire,
Tillman,
Turpie,
Voorhees,
Warren,
Wolcott.

So the bill was passed.

Mr. PETTIGREW. I move that the title be amended so as to read: "A bill providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose."

The amendment was agreed to.

Mr. PETTIGREW. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. JONES of Arkansas, and Mr. ALLEN were appointed.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Alabama.

Mr. TURPIE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR] who is not now in his seat.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN].

Mr. VEST. I am paired with the Senator from Oregon [Mr. MITCHELL]. If he were present, he would vote "yea" and I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO]. I am not advised as to how he would vote upon this question. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CALL. I am paired with the junior Senator from Vermont [Mr. PROCTOR], as I have announced. I am informed by the Senator from Rhode Island [Mr. ALDRICH] that the junior Senator from Vermont would vote "yea" if he were present. I will therefore take the liberty of voting. I vote "yea."

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I transfer my pair to the Senator from South Dakota [Mr. KYLE], and will vote. I vote "yea."

Mr. BATE. My colleague [Mr. HARRIS], who is necessarily absent, is paired with the senior Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 33, nays 6; as follows:

YEAS—33.

Aldrich,
Allison,
Bacon,
Baker,
Bate,
Brice,
Brown,
Call,
Cannon,
Carter,
Chandler,
Cullom,
Davis,
Faulkner,
Frye,
Gear,
Hawley,
Hoar,
McBride,
McMillan,
Mantle,
Morgan,
Murphy,
Nelson,
Peffer,
Perkins,
Platt,
Pugh,
Quay,
Sewell,
Shoup,
Stewart,
White.

NAYS—6.

Berry,
Blackburn,
Chilton,
Cockrell,
Gray,
Teller.

NOT VOTING—50.

Allen,
Blanchard,
Burrows,
Butler,
Caffery,
Cameron,
Clark,
Daniel,
Dubois,
Elkins,
Gallinger,
George,
Gibson,
Gordon,
Gorman,
Hale,
Hansbrough,
Harris,
Hill,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
Lodge,
Martin,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Palmer,
Pasco,
Pettigrew,
Pritchard,
Proctor,
Roach,
Sherman,
Smith,
Squire,
Thurston,
Tillman,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Warren,
Wetmore,
Wilson,
Wolcott.

Mr. MORGAN. I ask for a call of the Senate.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

Mr. HILL. I move that the Senate adjourn. We can not accomplish anything at this late hour.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 18, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 14, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

AMANDA WOODCOCK.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask for the present consideration of House bill No. 9306, granting a pension to Amanda Woodcock.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, deceased, late a private in the Fourth Kentucky Volunteer Infantry, in the Mexican war.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

GEORGE W. GOODMAN.

Mr. HARDY. Mr. Speaker, I desire to call up the bill (H. R. 8860) for the relief of George W. Goodman, and ask unanimous consent for its present consideration.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the records of the War Department as to George W. Goodman, late a member of Company I of the Ninety-seventh Regiment of Indiana Volunteers, and to grant him an honorable discharge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCLELLAN and Mr. STEELE asked for the reading of the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3991) for the relief of George W. Goodman, report as follows:

The report of the War Department shows that George W. Goodman was enrolled August 22, 1862, to serve three years, and that he deserted October 7, 1862, from Camp Morton, Indianapolis, Ind.; that he reported voluntarily March 18, 1864, to the provost-marshal of the sixth district of Indiana, was forwarded to his regiment, and rejoined it in Alabama on March 24, 1864. He was wounded June 27, 1864, in action at Kenesaw Mountain, Georgia, was admitted to the regimental hospital the same day, and the muster-out roll of his company, dated June 4, 1865, reports him "deserted from wounded furlough March 25, 1865."

The soldier testifies that he enlisted August 22, 1862, at Linton, Greene County, Ind., and went to Indianapolis, Ind., and was there mustered into the service and was there taken sick, and by consent verbally given he returned home, but before he recovered his health sufficiently to return to his regiment he was reported as a deserter, and that from the information he received he was afraid to return to his regiment, but finally determined to report to his regiment, and did so report in March, 1864, and was put on duty and not punished in any manner and received the same treatment as his comrades received and continued to serve until he was wounded at the battle of Kenesaw Mountain, having received six buckshot in left thigh and hip, and was furloughed home, and after he recovered sufficiently he reported to Col. R. W. Thompson for duty and remained under his command until he was taken sick, and at the time the regiment was mustered out he was still unable to travel, and was not present to receive his discharge with the rest of his comrades.

Col. R. W. Thompson, late provost-marshal at Terre Haute, Ind., and later Secretary of the Navy, files his personally written letter, which is as follows:

TERRE HAUTE, *June 15, 1896.*

During my service as provost-marshal in this city while the war of the rebellion was in progress, George W. Goodman, who belonged to Company I, Ninety-seventh Regiment of Indiana Volunteers, reported to my office upon the sick list and was permitted by me to go to his home and recruit his health. He continued to report from time to time and was permitted by me to return until he became sufficiently well to go to the front and join his regiment. If on account of this he became marked as a deserter, it was unjust to him, and the mark should be erased. He was a good soldier and severely wounded.

R. W. THOMPSON
Late Provost-Marshal.

Josiah Stanley, late captain of Company I, Ninety-seventh Indiana Volunteers, files his affidavit, in which he says:

"I have known said George W. Goodman since he was 12 years old; that he enlisted in Company I, Ninety-seventh Indiana Volunteers, August 22, 1862, at Linton, Ind.; that said Goodman went from there with the company to Indianapolis, Ind."

Captain Stanley testifies he did not see him any more until he arrived at Scottsboro, Ala., in March, 1864. He was placed on duty then, having reported to his command, by Col. F. Catterson, commanding Ninety-seventh Indiana; that said Captain Stanley was with said Goodman in four or five hard-fought battles. Captain Stanley further says in his affidavit:

"I verily believe a braver or better soldier did not exist in the field.

"The monthly report shows him sick, wounded, in hospital from June 27 to February 28, 1865. The roll of February, 1865, shows him a deserter from furlough, which I am satisfied is an error. My reasons are these: Col. Dick Thompson, provost-marshal of Terre Haute, sent him home from Terre Haute on account of his health and wound. He reported from time to time at this man's office. The mark of desertion is unjust and should be erased."

David W. Corbin, of Linton, Greene County, Ind., also testifies "that during the spring of 1865, in March or April, George W. Goodman, of Company I, Ninety-seventh Indiana Volunteers, while acting as notifying officer for Jefferson Township, Sullivan County, Ind., gave me notice that I was drafted into the United States service."

In consideration of the fact that this soldier voluntarily returned to duty after the first charge of desertion was made against him and participated in several battles, in one of which he was severely wounded, and in view of the further fact that the evidence raises a doubt as to his actually having deserted after being wounded at the battle of Kenesaw Mountain, the committee are of the opinion that the bill should pass.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HARDY, a motion to reconsider the last vote was laid on the table.

RICHARD BROOKINS.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1690) granting a pension to Richard Brookins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, the name of Richard Brookins, who served under that name in Troops M and H of the Ninth Regiment of the United States Cavalry from February 5, 1867, to February 5, 1872, and from January 2, 1882, to January 3, 1887, and under the name of Dick Spencer in Company K, One hundred and twenty-third United States Colored Troops, from October 12, 1864, to October 16, 1865.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Let us have the report read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1690) granting a pension to Richard Brookins, having considered the same, respectfully adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill after being amended as follows:

In line 5, after the word "month," insert the words "subject to the provisions and limitations of the pension laws."

Strike out after the word "Cavalry," in line 7, "from February 5, 1867, to February 5, 1872, and from January 2, 1882, to January 3, 1887."

Also, strike out all the printed bill after the word "Colored," in line 13, and insert in lieu thereof the word "Infantry."

[Senate Report No. 1056, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1690) granting a pension to Richard Brookins, have considered the same, and submit the following report:

Richard Brookins was enlisted on the 5th day of February, 1867, and was assigned to Company M, Ninth United States Cavalry. He was discharged on the 5th day of February, 1872, by expiration of term of service.

He enlisted again on the 12th day of January, 1882, and assigned to Company H, Ninth United States Cavalry. He was discharged on the 3d day of January 1887, at Fort McKinney, Wyo., on surgeon's certificate of disability, being unfit for duty because of chronic rheumatism.

E. D. Dimmick, captain of Company H, Ninth United States Cavalry Volunteers, who recommended the discharge of said soldier, stated that he was disabled by "chronic rheumatism contracted in the line of duty. Said soldier has been more or less unfit for duty for the past year. Has been unfit for duty for the last sixty days."

D. Weisel, acting assistant surgeon United States Army, at Fort McKinney, Wyo., states in the certificate of disability that said soldier was unfit for duty because of "chronic rheumatism of unknown duration, certainly two months, affecting more particularly the lower extremities, believed to have originated in the line of duty. Degree of disability, total."

On the 17th day of April, 1880, Mr. Brookins filed an application for pension, in which he alleged that while scouting about the 10th of May, 1871, his leg was injured by his horse falling with him, jamming his carbine against his leg. He was rejected because of his inability to prove his case.

On the 2d day of May, 1887, he filed another application for pension, in which he alleged that in June, 1884, by exposure he contracted rheumatism, and that the disease was aggravated by subsequent exposure until he became totally disabled. On the 21st day of August, 1888, he filed an affidavit, in which he claimed pension on account of disability from asthma and disease of breast. The claims were rejected by the honorable Commissioner on the ground that the claimant had sustained no ratable disability.

On the 28th day of July, 1890, Mr. Brookins filed an application for pension under the act of June 27, 1890. He based this application upon service rendered under the name of Dick Spencer, in Company K, One hundred and twenty-third Regiment of United States Colored Troops, from October 12, 1864, to October 16, 1865. In this application he alleged that he was permanently disabled by reason of rheumatism and general debility.

This claim was also rejected on the ground that there was no ratable disability.

The various examining boards who have examined the soldier have found that he was afflicted with rheumatism to a ratable degree, and there is considerable medical and lay testimony on file to show that the claimant had been severely disabled for many years past, and that he has rheumatism and sciatica so badly in his hips and legs as to wholly incapacitate him for the performance of manual labor.

The statement of the captain of his company as officially made and the report of the acting assistant surgeon as to the soldier's physical condition are conclusive that he did suffer from chronic rheumatism, and that the disability was contracted while in the service.

There can be no doubt of the fact that the soldier did contract chronic rheumatism while in the service, and it only remains to determine whether he is disabled to a pensionable degree or not. The evidence of his comrades, the evidence of physicians who have examined him, and the statements officially made by the various examining boards are conclusive that the soldier is disabled from performing manual labor by reason of the severe attacks of rheumatism.

The evidence shows without question that the disability has increased until now he is unable to earn a support by manual labor. This colored man is absolutely without means of support except what he could earn by his daily toil, but being incapacitated by reason of his disability he is dependent upon the charity of friends and neighbors. The object of this bill is to pension him at the rate of $12 per month because of his disability. In consideration of the evidence submitted, both medical and lay, and because of the eleven years' faithful service rendered by this man, your committee are of the opinion that he is entitled to a pension, and that the rate stipulated in the bill is proper and just. We therefore recommend the passage of the bill without amendment.

There being no objection, the bill was considered, the amendments recommended by the committee were agreed to, and the bill as amended was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. CURTIS of Kansas, a motion to reconsider the last vote was laid on the table.

JOSHUA BISHOP.

Mr. BURTON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2338) for the relief of Joshua Bishop.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims to try and determine the claim of Joshua Bishop against the United States, for pay alleged to be due and unpaid to him as lieutenant-commander of the Navy from February 9, 1868, to February 28, 1871, as shore pay, amounting to the sum of $7,767.66; and the statute of limitations shall not apply to said claim, and the judgment of said court shall be final as to the same, subject to the right of appeal by either party.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Before consent is given, I would like to hear the report read, or have some statement made in reference to this matter.

Mr. BURTON of Missouri. Mr. Speaker, I will state that a similar bill was introduced in the House, referred to the Committee on Claims, and reported favorably by that committee, a copy of which report I hold in my hand. In the meantime this bill passed the Senate, came to the House, and was referred to the said committee, who made a favorable report upon it.

I now ask, for the information of the gentleman from New York, the reading of the report of the Committee on the House bill.

The report (by Mr. DENNY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6437) to confer on the Court of Claims jurisdiction to hear and determine the law and the facts in the matter of the claim of Joshua Bishop, commander, United States Navy, against the United States, as set forth in his petition, have had the same under consideration, and find, from the examination of the facts, that there is involved in the same a legal question which should be passed upon by a court of competent jurisdiction for the following reasons, to wit:

The record in the case discloses serious doubts as to the correctness of the proceedings, findings, and approval of the court-martial before whom Commander Bishop was tried and sentenced.

The record does not disclose the fact that the officer (Rear-Admiral Bell) who ordered the court-martial at any time ever approved of the proceedings, findings, and sentence of said court, which said action by and on the part of said rear-admiral, it is claimed by petition, was necessary to confer jurisdiction on the Executive authority.

The record and evidence in the case does not show that the President of the United States passed upon the whole record of the proceedings, findings, and sentence of said court, but upon a memorandum or brief furnished by a clerk at that time in the service of the Navy Department, and it is contended by petitioner that the approval of the President in this behalf was not judicial (twentieth article, act July 17, 1862) and was therefore inoperative.

The record discloses the fact that Commander Bishop was suspended on May 31, 1867, from 4 to 8 o'clock a. m., by Commander Carpenter, and from 4 to 8 p. m. At 8.40 p. m. May 31, 1867, Commander Bishop was restored to duty by order of Rear-Admiral Bell, and it is contended by Commander Bishop that at the time of the convening of the court-martial that he had already been punished for the offenses charged, and had been restored to duty.

The record shows that the dismissal of Commander Bishop from the naval service of the United States was not in the customary form in use by the Secretary of the Navy at the time of said dismissal.

The record is not full and complete in many respects, and discloses many phases of fact and law which, in our judgment, should be passed upon by the Court of Claims.

Your committee therefore recommend that the bill pass.

Senate report of March 25, 1896, is hereto attached and made a part of this report.

Mr. PAYNE. I understand the purpose of this bill is to refer the claim to the Court of Claims, but with authority to enter a judgment against the United States for the amount involved in the bill—some $7,000; and from what I gather from the reading of the report the reason for sending the bill to the Court of Claims and setting aside the findings of the court-martial was because of some technical informality in the proceeding.

Now, if the gentleman will amend the bill, directing the court to report upon the facts and their opinion of the law to Congress, I shall not object. Otherwise, in its present form, I do not think the bill ought to be passed.

Mr. BURTON of Missouri. If the gentleman will permit me, the bill has this purpose: The Senate has passed the bill twice and it has been favorably reported at a preceding session of this House. There were a great many irregularities involved in the record of the court-martial. In the first place, it was never approved by the presiding officer. In the second place, the proceedings were never submitted to President Johnson, the only paper submitted to him being a brief supplied by one of the clerks.

I hold in my hand in this record a letter of Mr. Robeson, Secretary of the Navy—who was Secretary at the time the court-martial proceedings were held—stating that he believes this officer had been done an injustice. Upon the presentation of the facts to Congress Mr. Bishop was restored to the Navy and has rendered gallant and meritorious services. He is now about to be retired by reason of age. It seems to me as an attorney—and I think every member of the committee has been impressed with that idea—that an injustice has been done to this man. If so, he is entitled to his pay. If not, then he is not entitled to it. This bill merely provides that this claim may be submitted to a court competent and qualified to hear and determine these matters, and it seems to me that Congress ought to be willing to intrust the consideration and determination of a matter of this kind to a court of our own creation, which, under all circumstances and at all times, is expected to well and truly guard the interests of the Government. I hope my friend will not object.

Mr. LOUD. I should like to ask the gentleman if he thinks it is safe to re-review a case that has been determined by the highest naval court that could have been convened at that time? I ask him if he thinks it is safe to re-review the decision of that naval court eighteen years afterwards by a court not familiar with that class of cases?

Mr. BURTON of Missouri. I think it would be perfectly safe. The record is all there. Everything that was done is in writing and on the files of the Department, and the officers of the Navy Department themselves have recommended this proceeding, in order that this man may receive justice at the hands of the Government.

The SPEAKER. Is there objection?

Mr. LOUD. I will yield the right to object.

Mr. PAYNE. Mr. Speaker, I shall have to object to the bill in its present form.

The SPEAKER. Objection is made.

FREDERICK LIERMAN.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8683) granting a pension to Frederick Lierman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Lierman, late private Company B, Johnson County Home Guards, Enrolled Missouri Militia, at the rate of $12 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Let the report be read. I understand the gentleman from Pennsylvania [Mr. ERDMAN] desires the reading of the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8683) granting a pension to Frederick Lierman, late private, Company B, Johnson County Home Guards, Enrolled Missouri Militia, having carefully examined and considered the same, respectfully report:

The claimant enlisted at Warrensburg, Mo., and was mustered into service as private, Company B, Johnson County (Mo.) Home Guards, on July 4, 1861, and served with such organization until December, 1861, or January, 1862, when the regiment was disbanded at St. Louis, Mo., and mustered out. The regiment was also known as the Twenty-seventh Missouri Enrolled Militia. On account of sickness, he was not mustered out with his company when the regiment was disbanded. He returned to Sedalia, Mo., and was engaged as scout and guide by Lieutenant-Colonel Eads, of Georgetown, Mo., for some time, and then by Col. Dan Houston, at Lexington, Mo., and with Maj. Emory S. Foster, so that he was continuously in service, with the exception of a few days, up to and including the battle of Lonejack, Mo., August 16, 1862.

He served with his command during the siege of Lexington, Mo., as several of his comrades and Major Foster testify, and also at Lonejack, where he was seriously wounded in the left side and also in left hand during the battle.

He was confined to his bed for three or four months from the gunshot wound in left side received in battle at Lonejack.

The testimony shows that he has been disabled from the wounds ever since he received them; that he is now 76 years of age, and on account of the wounds and old age and general debility is totally unfitted for manual labor.

His application for pension was rejected on the ground that the War Department records fail to show him to have been in the United States service.

Major Foster and several others testify to his service, and the receipt of wounds is thoroughly established, and he, like Major Foster and several others of same regiment, was never mustered out or paid. Claimant lost a horse and a mule while in service, and has never received anything for his services, except $10 that Colonel Houston paid him, and in his declining years and poverty asks relief.

The War Department declines to discharge him because it does not appear from the records that he was in the United States service.

The committee, in view of the facts and numerous precedents that a wound in action is regarded as equivalent to muster in, recommend that the bill do pass without amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

MALINDA KELLY.

Mr. SMITH of Illinois. I ask unanimous consent, Mr. Speaker, for the present consideration of the bill (H. R. 5718) granting a pension to Malinda Kelly, of Jackson County, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Malinda Kelly, mother of Drura Baggott, deceased, late a soldier in Company M, Sixth Illinois Cavalry Volunteers, in the war of the rebellion.

The Committee on Invalid Pensions recommended the following amendments:

In line 7 strike out the word "soldier" and insert in lieu thereof the word "recruit."

And at the end of the bill add the words "and pay her a pension of $12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, pending that, let us have the report read.

The SPEAKER. The gentleman desires to have the report read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5718) granting a pension to Malinda Kelly, of Jackson County, Ill., submit the following report:

Malinda Kelly is the dependent mother of Drura (Drury) Baggott, who was a recruit in Company M, Sixth Illinois Cavalry. He was enrolled as a private November 26, 1863, and was honorably discharged February 25, 1864, having served, according to the records of the War Department and the evidence, ninety-one days. He died about May 1, 1864, of catarrhal pneumonia. This disease was the immediate result of measles contracted and from which he suffered while in the service. His mother was allowed and received his pay up to and including February 25, 1864. August 2, 1890, the claimant applied for pension under act of June 27, 1890. On July 6, 1892, it was submitted for rejection by an examiner in the Pension Office on the ground that soldier did not serve in the Army ninety days. In order to justify this recommendation he seems to have changed one of the "important dates" by erasing the figures 25 and inserting in lieu thereof, in red ink, "22," so as to make the date of discharge "February 22, 1864," thus making his period of service only eighty-eight days. We have carefully examined the evidence to discover the ground upon which the date shown in the records of the War Department was thus overturned. We absolutely find nothing except a manifest desire to reject the claim. It is true that Dr. Frank M. Agnew, on February 13, 1893, swears "that he was called professionally to attend Drury Baggott at his home near Western Saratoga, Union County, Ill., while at home on leave of absence on account of measles, February 22, 1864; that the measles settled on his lungs, producing catarrhal pneumonia."

He also says, in another affidavit, that soldier "never left his bed from the time of his discharge until his death."

The committee can not accept this statement as cutting down the period of soldier's service below ninety days. It is to the credit of the Pension Bureau that it did not accept this changing of "important dates" either. But it did adopt quite as inconsistent a finding. On May 5, 1893, it rejected the claim on the ground "that soldier died of disability contracted prior to enlistment."

Measles was the cause of soldier's death. This is clear from the evidence. The records show he was admitted to hospital January 31, 1864, with measles, and was furloughed home February 19, 1864. It is simply absurd to say that this disease existed on enlistment—November 28, 1863. It is equally absurd to accept the conclusions of the surgeons who examined him for discharge—that he was "unfit for service by reason of tubercular diathesis, which existed prior to enlistment." The "diathesis" of a soldier, or his family history, was never considered in accepting him as a volunteer or drafted man.

The committee recommend the passage of the bill with an amendment striking out the word "soldier," in seventh line, and inserting in lieu thereof the word "recruit;" also add at end of bill the words "and pay her a pension of $12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, I object.

HELMUTH F. SŒCKEL.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sœckel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of Helmuth F. Sœckel, late private Company C, Sixteenth Regiment Connecticut Volunteers, and grant an honorable discharge.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HENRY of Connecticut. Mr. Speaker, the fact about this case is that this man died in Andersonville Prison. He was connected with a Connecticut regiment for two years. There is no record of his death, and consequently he is recorded as a deserter. His friends wish to have the cloud removed from that record because of his undoubted death in Andersonville Prison.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HENRY of Connecticut, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 13, 1897:

An act (H. R. 1891) granting a pension to Celestia R. Barry;

An act (H. R. 1890) granting a pension to Mary Martin;

An act (H. R. 1820) granting a pension to Neil McNeil;

An act (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;

An act (H. R. 3755) to increase the pension of Mary C. Thompson;

An act (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;

An act (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

An act (H. R. 950) granting increase of pension to John Coombs;

An act (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

An act (H. R. 1871) to place the name of Robert Smalls on the pension rolls; and

An act (H. R. 2320) for the relief of Samuel Burrell.

On January 8, 1897:

An act (H. R. 6533) for the relief of A. A. Hosmer.

On January 9, 1897:

An act (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

On January 11, 1897:

Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1741) to authorize the Muscogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes;

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system;

A bill (H. R. 4538) for the relief of John Keefe; and

Joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

THE FRIGATE CONSTITUTION.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be requested to furnish the House an estimate of the amount of money that will be required to put the frigate *Constitution*, now lying at the Portsmouth Navy-Yard, in proper seaworthy condition to make the journey, without danger, from Portsmouth to Washington, to be here used as a naval museum.

Mr. FITZGERALD. I ask unanimous consent that that resolution may be acted upon at this time.

The SPEAKER. The gentleman asks unanimous consent for action on the resolution.

Mr. FITZGERALD. Mr. Speaker, in connection with the resolution I present a petition of the Massachusetts Historical Society that Congress may take some action with regard to the preservation of the frigate *Constitution*, which now lies at the Portsmouth Navy-Yard and is in such a condition as to be in danger of sinking at any time.

As every member of this House knows, there is no vessel in the American Navy that possesses the history and the record that the *Constitution* possesses.

It is my proud privilege to represent in Congress the district in which is located the wharf where this famous old frigate was built and launched. In grateful memory of her untarnished record it has been called "Constitution Wharf."

As a boy I have the pleasantest recollections of the happy days spent at the wharf where the *Constitution* was built over a century ago, and when I stand here pleading for the preservation of "Old Ironsides" my deepest sympathies are moved. The achievements of the heroic sons of Massachusetts with her have produced within my breast, as they must within the breast of every American citizen, feelings of the deepest reverence for the historic ship.

Why should it be necessary to call the attention of the Government to its duty with regard to the preservation of the *Constitution*, whose great victory in the naval engagement with the *Guerrière* in the dark days of the war of 1812 brought hope and encouragement to our people and placed the United States among the first-class powers of the world?

Why this shame of neglect toward an historic relic that typifies the heroism of our fathers and is an inspiration to succeeding generations?

Nelson's flagship *Victory* is carefully perpetuated by Great Britain, and in such great reverence is she held that Englishmen respectfully remove their hats whenever they pass.

Who shall say that the dear old *Constitution*, with her unbroken line of victories, unparalleled in the history of the world, is not worthy of like respect from a grateful Republic?

In 1829, when the destruction of the *Constitution* was ordered, the stirring lyric poem of Oliver Wendell Holmes saved her from what would have been a disgrace to our country, and I think it proper that those inspiring words should be recalled at this time, when, through neglect, a like fate seems to be in store for her:

OLD IRONSIDES.

Ay, tear her tattered ensign down!
  Long has it waved on high,
And many an eye has danced to see
  That banner in the sky;
Beneath it rung the battle shout,
  And burst the cannon's roar;
The meteor of the ocean air
  Shall sweep the clouds no more!

Her deck, once red with heroes' blood,
  Where knelt the vanquished foe,
When winds were hurrying o'er the flood,
  And waves were white below,
No more shall feel the victor's tread,
  Or know the conquered knee;
The harpies of the shore shall pluck
  The eagle of the sea!

Oh, better that her shattered hulk
  Should sink beneath the wave;
Her thunders shook the mighty deep,
  And there should be her grave.
Nail to the mast her holy flag,
  Set every threadbare sail,
And give her to the god of storms,
  The lightning and the gale!

Massachusetts asks that this grand old ship be perpetuated, and she relinquishes her claim to have her placed in the waters of the State, near where she was built and manned, that she may be placed in Washington, here to serve as a national monument of the triumphs of the American seamen during the war of 1812. Such has ever been the true, chivalrous spirit of Massachusetts.

Through the care and labor of her own Historical Society she preserves the revered relics of the Revolutionary times and of her illustrious sons; and she feels that she has the right to insist that the National Government shall no longer be unmindful of its duty to the flower of the American Navy, the *Constitution*.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

W. H. L. PEPPERELL.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 250) for the relief of W. H. L. Pepperell.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the accounts of W. H. L. Pepperell, late postmaster at Concordia, State of Kansas, to be credited with the sum of $1,545, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of $1,345 in postage stamps and $200 in postal funds stolen from said post-office on August 27, 1887, it appearing that said loss was without fault or negligence on the part of said late postmaster, and the said sum of $1,545 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay said claim.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I want to suggest to the gentleman who presents the bill that if this measure has any merit the Department has already power to settle the claim. I do not think this House ought to settle cases of that character, when the Department has power to settle them to the amount of $10,000; and therefore I shall have to object.

Mr. CALDERHEAD. The loss occurred in 1887, and was presented to the Department at that time, or some time before it had power to make the settlement.

Mr. LOUD. They have the power now, I would state, Mr. Speaker.

Mr. CALDERHEAD. The Department has been refusing to reverse a ruling that has been made upon the case, for the reason that the Department held that the postmaster was liable for the negligence of his clerk. Since that time a different ruling prevailed in the Department, and where it is shown that the postmaster has not been guilty of negligence, he is not chargeable with the negligence of his clerks; but still the Department is unwilling to reverse the former ruling in this case.

Mr. LOUD. I am still of the opinion, Mr. Speaker, that the House should not settle cases where the Department has power to settle them. If the Department does not hold that this case is such as should be settled, I do not think that Congress should review the action of the Post-Office Department in that direction.

Mr. CALDERHEAD. I think I have a letter from the Attorney-General of the Post-Office Department in connection with this case that I will ask to have read.

The Clerk read as follows:

OFFICE OF ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., June 11, 1896.

SIR: Referring to your verbal inquiry concerning the claim of W. H. L. Pepperill, late postmaster at Concordia, Kans., for credit on account of postage stamps and postal funds stolen from his office October 22, 1887, I have the honor to inform you that for several years it has been the practice of this office to recommend allowance of credit for losses resulting from larceny, as well as from burglary, fire, etc., when it appeared that such losses were not caused or contributed to by fault or negligence on the part of postmasters; and for some time previous to my entering upon the duties of this office it was held that postmasters were not liable for losses resulting from fault or negligence on the part of their assistants. In this ruling I have fully concurred.

Very respectfully, JOHN L. THOMAS,
Assistant Attorney-General for the Post-Office Department.

P. S. If this claim was now before this Department for the first time I would recommend its allowance.

J. L. T., *A. A. G.*

Hon. W. A. CALDERHEAD, M. C.,
House of Representatives.

Mr. LOUD. What is the date of that letter?

Mr. CALDERHEAD. I want to say in addition to that——

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I hope the gentleman will hold it over until to-morrow and I will look into it. I think that the Department still has power to settle that case.

Mr. CALDERHEAD. I want to say that $1,300 of this was in stamps and $200 of it was in money. The Department may possibly settle for the money, but are not willing that they should settle for the stamps.

Mr. LOUD. I have no doubt that the gentleman will be recognized by the Speaker to-morrow.

The SPEAKER. Objection is made.

W. J. TAPP & CO.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 461) for the relief of W. J. Tapp & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. J. Tapp & Co., the sum of $240.10, as a refund of duties erroneously exacted on certain machinery for the manufacture of jute, at Louisville, Ky., in the year 1876.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I hope the report will be read, Mr. Speaker.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 464) for the relief of W. J. Tapp & Co., report:

A bill identical in terms with this was passed by the House of Representatives of the Fifty-third Congress, but no action was taken upon it in the Senate. Similar bills were favorably reported to the House by the Committee on Claims in the Fiftieth, Fifty-first, and Fifty-second Congresses.

The committee recommend that the bill do pass.

The report of the committee in the Fiftieth Congress, readopted in the succeeding Congresses, including the last, sets out the following facts:

In May, 1876, W. J. Tapp & Co., of Louisville, in the State of Kentucky, manufacturers of goods from jute fiber, imported certain machinery for their business, such machinery not being then made in the United States, to be used by them exclusively in the manufacture of that fiber, and which was adapted to and could be used for no other purpose. By the provisions of section 7 of the act of February 8, 1875, such machinery was entitled for two years thereafter to enter free from duty.

On the 12th of November, 1875, the Secretary of the Treasury decided that no machinery was exclusively adapted to such manufacture.

When the machinery of Tapp & Co. arrived at the port of entry, they claimed it was entitled to be admitted free under the law, but the claim was denied, and the duties and charges, amounting to $240.10, gold, were paid by them under protest. Other importers of similar machinery pursued the same course.

The Secretary of the Treasury subsequently, on the 23d of March, 1877, reversed his former decision and admitted duty free similar machinery imported in October, November, and December, 1875, by Buchanan & Lyall, of New York.

Thereafter Tapp & Co. applied to the Department for a rebate of the duties they had paid, and were refused on the ground that they did not appeal from the original decision of the appraiser of customs declaring their machinery dutiable. The law provided for such appeal, but having paid the duties under protest they deemed it unnecessary, and no doubt supposed it would be unavailing to appeal to a tribunal which had then recently, as to other parties, decided the same question adversely to their claim.

In view of the fact that the Supreme Court has decided that "a payment made to a public officer in discharge of a fee or tax illegally exacted is not such a voluntary payment as will preclude the party from recovering it back" (111 U. S., 22), your committee are of the opinion that the parties are entitled to the relief asked for, and recommend the passage of the accompanying bill.

Mr. PAYNE. Mr. Speaker, I understand that these parties had full remedy by way of appeal at the time, under the law, when the duty undoubtedly would have been refunded. There were a number of other parties exactly in the same condition of affairs, and it seems to me that we ought not to commence now to open up claims for duties that have been claimed to be illegally paid a number of years ago. It would open the door to a large class of claims.

Mr. EVANS. I want to say to the gentleman from New York the door was opened yesterday morning to a claim at least six times as large as this, and passed without objection.

Mr. PAYNE. I did not so understand it yesterday. If I had I would have objected; but if the door is opened now, the sooner it is closed the better. I shall have to object to the bill.

The SPEAKER. Objection is made.

JAMES M. WILLBUR.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 758.

The Clerk read as follows:

A bill (S. 758) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in, on, and around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States, according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished by the direction of the Secretary of the Treasury and Senate committee, by the experts, Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee, and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts, the Secretary of the Treasury shall, within thirty days from the passage of this act, appoint three competent persons, who shall be duly sworn to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in and around the New York City post-office and court-house building, beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract, so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling or in the quantity thereof from that which was specified in said contract.

SEC. 2. That the Secretary of the Treasury shall, within sixty days after the making of said report, pay to said Willbur such amount as he shall find from such report to be due to him, which sum shall be taken and received by said Willbur in full and final settlement of all and every claim against the United States on said account; and such sum as may be necessary to pay the amount so found due is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. I should like to hear the report read, reserving the right to object.

Mr. CUMMINGS. Mr. Speaker, the report is quite long, and I think I can explain the bill to the satisfaction of the House. This claim has been pending ever since the erection of the New York post-office. The contract was taken under certain specifications.

When they came to carry out the contract, it was the opinion of the Government officers that the tiling and the framing provided for in the specifications were too light, that it would be dangerous to put them into the building, and that heavier tiling and heavier framing should be used. It was, of course, supposed by the contractor that he would be paid extra for the extra material, but he has never received his pay. He has come to Congress repeatedly for relief, specifying a certain sum of money which he claims is due him. A bill for his relief passed the Houses of Congress separately several times, and finally passed through both Houses in one Congress, and was sent to President Cleveland, who vetoed it. In his veto message the President says:

> In any view of the matter I regard the claimant as seeking equitable relief. He is not entitled, however, to dictate the rule by which his claim is to be adjusted, and he should be quite satisfied if the officers of the Government, charged with the settlement of such matters, are permitted by the Congress to afford equitable relief according to such rules and methods as are best calculated to reach fair results.

The present bill was drawn up in the presence of the President, for the purpose of removing his objection, and I am satisfied that if it passes it will receive his signature.

I yield now to the gentleman from Tennessee [Mr. COX] such time as he desires.

Mr. COX. Mr. Speaker, I think I am familiar with this bill, as the claim has been before our committee time after time. The case presents this state of facts: In building the post-office at New York a question arose as to the tiling that should be used. The law under which the building was constructed provided that a certain amount of money, and only that amount, should be appropriated for the erection of that post-office. The question of the kind of tiling to be used was raised with a subordinate, and they put in this extra tiling and then brought this claim against the Government. Now, I am not going to object to the consideration of the bill, but I am going to vote against it, because this man got a patent upon the tiling that was put into that building, and putting it in there was one of his modes of advertising. I concede that, probably, the tiling of this claimant was somewhat better than that which was first contemplated, but I make the point that the appropriation for the building was strictly limited by the law; that the contractor made his contract with his eyes open, and therefore is not entitled to extra compensation.

Mr. CUMMINGS. Allow me right there to ask the gentleman whether it is not his opinion that the use of this tiling and this framing made the post-office far more safe than it would have been if the tiling and framing originally intended had been used?

Mr. COX. That may be true, but it was also very important to this claimant to put his tiling into that great building as a matter of advertising.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, I desire to corroborate what the gentleman from Tennessee has just said. He and I have gone over this claim several times and have come to the conclusion that even if there was benefit to the Government from the use of this tiling, the claimant was amply compensated by the advantage to him of having his special tiling put into that building—that, in fact, he was benefited more than the Government was. I therefore object.

The SPEAKER. Objection is made.

MARTHA C. CARTER.

Mr. SIMPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Custis Carter, widow of the late Rear-Admiral S. P. Carter, and pay her a pension at the rate of $100 per month from and after the passage of this act, the same to be in lieu of the pension now drawn by her.

An amendment, recommended by the committee, striking out "one hundred" and substituting "fifty" before the word "dollars," was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

D. FULFORD.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1075) for the relief of the heirs of D. Fulford.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of the heirs at law of D. Fulford, two bonds of the United States, consols of 1867, of the denomination of $500, $100, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to the heirs at law of said D. Fulford the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.
>
> SEC. 2. That the said heirs of D. Fulford shall also execute and file with the Secretary of the Treasury a bond with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of $2,000, conditioned to save harmless the United States from loss or liability on account of said bonds or the interest accrued thereon: *Provided*, That as it appears from the record of the Treasury Department that there are now outstanding and unpaid a one-hundred-dollar coupon bond, numbered 8482, and two five-hundred-dollar coupon bonds, numbered 1292 and 3411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. What proof is there that the bonds were destroyed?

Mr. GAMBLE. If there is any question in regard to that, I will call for the reading of the report. It is quite long, though.

Mr. DOCKERY. Let it be printed in the RECORD.

Mr. GAMBLE. Then, Mr. Speaker, I will ask to have the report printed in the RECORD as a part of my remarks, and in addition I will say that a bill to give this relief was passed by the last Congress and vetoed by the President upon the ground that no indemnification was provided for the Government on account of the bonds. The bill in its present form remedies that objection, as appears by the recommendation of the Treasury Department.

The report (by Mr. GRAFF) is as follows:

> The Committee on Claims, to whom was referred the bill (S. 1075) for the relief of the heirs of D. Fulford, having considered the same, respectfully recommend that the bill do pass; and submit the following report, adopting, in the main, the report of the Senate Committee on Claims accompanying said bill:
>
> Your committee further report that the bill under consideration was passed by the Senate and House of Representatives during the second session of the Fifty-third Congress, and was vetoed by the President. The objection of the President to the measure was his belief that the Government could not be indemnified against loss in case the bonds should hereafter be presented for payment. But this objection is overcome by the amendment proposed, which was submitted in the form herein given by the Secretary of the Treasury.
>
> It has been ascertained by your committee that D. Fulford, deceased, who is represented in this claim by his heirs, was a minister of the Methodist Church and a resident of Dekalb, N. Y., and was the owner of four Government bonds, one for $500 and one for $100 and two for $50 each. On the 9th of July, 1872, these bonds were destroyed in a fire which consumed his residence. He was unable to describe them or give their numbers, as he had failed to procure a record thereof. He had received payment of the coupons due July 1, 1872. His understanding was that all the bonds destroyed by fire were of the class known as consols of 1867. The accompanying letter of the Secretary of the Treasury confirms this understanding as to the $500 and $100 bonds, but indicates an error regarding the character of the two $50 bonds.
>
> Your committee has concluded, upon the evidence, that Mr. Fulford was the owner of the bonds described and that the bonds were destroyed by fire as claimed. The Secretary of the Treasury answers, in his communication herewith submitted, that the outstanding $100 bond may be one of Mr. Fulford's burned bonds; but says he has no way of determining which, if either, of the two outstanding $500 bonds belonged to him. No process of investigation can bring the missing bonds any closer to identification than this. It is reasonable to presume that one of them was his property and that the $100 unredeemed bond of the same class was also his.
>
> Your committee is satisfied that the entire claim of the heirs of D. Fulford is a just one, that the Government was the recipient from him of the face of these bonds, and that he should be compensated, though unable, through misfortune, to present the evidence of governmental indebtedness.
>
> The accompanying papers hereto attached are submitted as part of this report:
>
> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> *Washington, D. C., January 25, 1894.*
>
> SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing Senate bill for the relief of the heirs of D. Fulford, and requesting the opinion of the Department as to whether a bond of indemnity can be so framed as to protect the United States from loss should the bill become a law, and also desiring to know how many bonds are now outstanding and unpaid known as consols of 1867, denominations of $100 and $500, of which the last coupon paid is dated July 1, 1872.
>
> In reply, I have to inform you that Mr. Fulford made application to this Department for the payment of $700 United States 5-20 per cent coupon bonds, known as consols of 1867, alleged to have been destroyed by fire July 9, 1872, viz: Two bonds of the denomination of $50 each, one bond of $100, and one bond of $500. He was unable to give the numbers of the bonds and his only means of identifying them was by the date of the last matured coupons detached and sold, which he said were dated July 1, 1872, he having collected the interest on the bonds to that date. An examination of the records of this Department shows that there are no $50 coupon bonds outstanding of the consols of 1867, of which the last coupon paid was dated July 1, 1872; and of the denominations of $100 and $500 of said loan there are found to be outstanding one bond of $100, No. 8482, and two of $500, Nos. 1292 and 3411, of which the last coupon paid was dated July 1, 1872. It is evident, therefore, that the $50 bonds alleged to have been destroyed do not belong to the loan of consols of 1867; and assuming that the $100 bond referred to is one of the lost bonds, there is apparently no way of determining which, if either, of the two $500 bonds was the property of Mr. Fulford.
>
> In view of these facts, and to further protect the Government against a second payment by reason of the passage of said bill, it is respectfully suggested that Senate bill be amended so as to cover the redemption of $600 only of the amount claimed, and that a proviso be inserted therein to the following effect, viz: "*Provided*, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a $100 coupon bond, No. 8482, and two $500 coupon bonds, Nos. 1292 and 3411, of the loan known as consols of 1867, of which the last coupon paid bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed."
>
> Very respectfully,
>
> S. WIKE,
> *Acting Secretary.*
>
> Hon. R. F. PETTIGREW,
> *United States Senate.*

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. LOUD. Mr. Speaker, I would like to submit a remark or two on this bill. I want to say to the House that my attention was distracted by certain gentlemen a few moments ago who were endeavoring to convince me that I knew nothing whatever about the bill to which I had objected, while the bill just preceding this was passed, giving the widow of some rear-admiral a pension of $50 a month. Of course, $50 a month is not a great amount, but the bill would no doubt go into conference, and we should ultimately have a bill to pay a pension of $75 or $100 a month. My position is well known on the floor of this House—that I never would allow any pension bill to pass here giving these extraordinary amounts to the widows of officers of the Army or Navy. I trust that hereafter gentlemen will not distract my attention from these cases when they are coming up.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN LONG.

Mr. RANEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers, was read, as follows:

> *Be it enacted, etc.*, That the records of the War Department be, and the same are hereby, amended and corrected so as to show that John Long, late private in Company H, Thirty-first Regiment Missouri Volunteers, United States Army, was duly recruited, enlisted, and enrolled as a private soldier in said company and regiment on or about the 23d day of August, 1862, and that he was honorably discharged from said service in said company and regiment in November, 1862, on account of disabilities incurred while in line of duty in said company and regiment.

The amendment reported by the committee was read, as follows:

> At the end of the bill strike out the words:
> "On account of disabilities incurred while in line of duty in said company and regiment."

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RANEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPROVEMENT OF GOVERNMENT RESERVATION, FORT SMITH, ARK.

Mr. LITTLE. I ask unanimous consent for the present consideration of the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. I object.

MARY S. HIGGINS.

Mr. HICKS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

> A bill (H. R. 4069) granting a pension to Mary S. Higgins, widow of Col. Jacob Higgins, late of Johnstown, Pa.
>
> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mary S. Higgins, the widow of Jacob Higgins, who was a Mexican veteran of Pennsylvania and colonel of the One hundred and twenty-fifth Pennsylvania Volunteer Infantry and the Twenty-second Pennsylvania Volunteer Cavalry in the war of the rebellion.

The amendments reported by the committee were read, as follows:

> After the word "rebellion," in line 10, add: "and pay her a pension of $30 per month, in lieu of that which she is now receiving."
>
> Amend the title so as to read: "A bill to increase the pension of Mary S. Higgins."

There being no objection, the House proceeded to the consideration of the bill.

The amendment to the bill was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the title of this bill will be amended as proposed by the committee.

There was no objection.

CHARLES DEAL.

Mr. FOOTE. I ask unanimous consent for the present consideration of the bill (H. R. 5597) for the relief of Charles Deal.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to Charles Deal, late a deputy collector of customs at Champlain, N. Y., the sum of $240.04, for expenses incurred by him in the case of Hugh O'Hara against said Deal, out of any money in the Treasury not otherwise appropriated.

Mr. PAYNE. I should like to hear the report.

The report (by Mr. SNOVER) was read, as follows:

> The Committee on Claims, to whom was referred the bill (H. R. 5597) for the relief of Charles Deal, having had the same under consideration, report it back to the House with the recommendation that it do pass.
>
> As a part of this report we print House Ex. Doc. No. 185, second session Fifty-third Congress, which fully explains this bill and contains the reasons given for our action:
>
> [House Ex. Doc. No. 185, Fifty-third Congress, second session.]
>
> TREASURY DEPARTMENT, *April 7, 1894.*
>
> SIR: I have the honor to transmit herewith copy of a communication from the Commissioner of Customs of the 4th instant, submitting the account of Charles Deal, late deputy collector of customs at Champlain, N. Y., for reimbursement of expenses incurred by him in the case of Hugh O'Hara *vs.* said Deal, $240.04.
>
> This account grows out of a suit brought by Hugh O'Hara to recover the value of certain goods seized and sold by said Charles Deal, deputy collector, in which suit the jury, in January, 1892, returned a verdict of no cause of action, and the fees of witnesses and other expenses to the suit, amounting to $240.04, as per sworn account submitted to the Department, were paid by the said Charles Deal.
>
> The provision of law for the payment by the United States of costs in suits against officers of the revenue is that made by section 989 of the Revised Statutes. That provision is restricted to cases in which a recovery is had against such officer of the revenue upon conditions prescribed by statute. There having been no recovery against the deputy collector in the case against Mr. Deal, there is no authority of law for paying the costs therein.
>
> The amount accruing to the United States by the sale of the goods referred to was $330.06.
>
> As these facts constitute equitable ground for relief, I have to recommend that the appropriation of $240.04 asked for be granted.
>
> Respectfully, yours,
>
> S. WIKE,
> *Acting Secretary.*
>
> The SPEAKER OF THE HOUSE OF REPRESENTATIVES.
>
> TREASURY DEPARTMENT,
> OFFICE OF THE COMMISSIONER OF CUSTOMS,
> *Washington, D. C., April 4, 1894.*
>
> SIR: Referring to the claim of Charles Deal, late deputy collector of customs at Champlain, N. Y., for reimbursement of expenses incurred by him in the case of Hugh O'Hara *vs.* Charles Deal, etc., which was reported to you by me on the 18th of January last, I have now to further report that he has furnished vouchers in support of said claim amounting to $240.04, being the whole amount of said claim, with the exception of the item charged by him for interest, which, in my judgment, should not be allowed. Each voucher contains a statement that the amount thereof has been paid to the person receipting therefor by Charles Deal, and is attested under oath.
>
> This proof removes my previous objection to the recommendation of this claim to Congress for an appropriation.
>
> The vouchers referred to are herewith transmitted.
>
> Respectfully, yours,
>
> WM. H. PUGH,
> *Commissioner of Customs.*
>
> The SECRETARY OF THE TREASURY.
>
> COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
> HOUSE OF REPRESENTATIVES, UNITED STATES,
> *Washington, D. C., March 29, 1894.*
>
> SIR: I have the honor to inclose herewith papers in the matter of claim of Charles Deal, late a deputy collector, against the United States, to which papers I ask your kind attention.
>
> Yours, respectfully,
>
> JOHN M. WEVER, *M. C.*
>
> Hon. J. G. CARLISLE,
> *Secretary of the Treasury, Washington, D. C.*
>
> CHAMPLAIN, N. Y., *March 20, 1894.*
>
> SIR: Herewith find statement, with vouchers, for full amount of claim, as requested.
>
> In reference to the item of interest, will say, as the Government has had $550.06 net receipts from seizure since October, 1890, and it was in the execution of my duty, sustained by the court, that this money was paid, is it not but just that I should be allowed the interest thereon?
>
> Respectfully, yours,
>
> CHARLES DEAL.
>
> Hon. WM. H. PUGH,
> *Commissioner of Customs, Washington, D. C.*

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FOOTE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN L. JEFFERIES.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

> A bill (H. R. 2306) for the relief of John L. Jefferies, late a captain in the One hundred and tenth Regiment Pennsylvania Volunteer Infantry.
>
> *Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized and directed to revoke the order dishonorably discharging John L. Jefferies, late a captain of Company K, One hundred and tenth Regiment of Pennsylvania Volunteers, and to issue to him an honorable discharge, to date from the 18th day of October, 1864, the date of said order.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. Let us have the report read.

Mr. BROMWELL. The report is quite long. I trust I may be allowed to make an explanation.

Mr. STEELE. Well, I object.

THOMAS WILLIAMS.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of the bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties, in the year 1892.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. From what committee does this bill come?

Mr. SHAFROTH. From the Committee on Claims.

Mr. COX. Then I demand the regular order.

The SPEAKER. The regular order being demanded, the Chair will lay before the House a communication from the Clerk of the House.

CONTESTED-ELECTION CASE—BENOIT VS. BOATNER.

The SPEAKER laid before the House the following: which was read:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 9, 1897.

DEAR SIR: The contested-election case of Alexis Benoit *vs.* Charles J. Boatner, of the Fifth Congressional district of Louisiana, if permitted to take its usual course, and full time is used in the preparation of briefs (sixty days), can not reach the House for its action before its final adjournment.

I call your attention to the status of this case, in order that the House may take such action as it may deem best.

Yours, truly,
A. McDOWELL,
Clerk House of Representatives.

Hon. THOMAS B. REED,
Speaker House of Representatives.

The SPEAKER. If there be no objection, the Chair will refer this case to the Committee on Elections No. 2, which has had under consideration the other Louisiana case. The Chair will state that this is done with the consent and agreement of the gentleman from Louisiana [Mr. BOATNER], the sitting member. Without objection, the papers in the case will be printed.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. VEST, Mr. NELSON, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2176) granting a pension to Thomas Pollock.

OLEOMARGARINE, ETC.

The SPEAKER. The regular order is the call of committees for reports. The pending question is on the motion to reconsider the vote by which the House refused to order the previous question upon the bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported. At the time when this motion was made it was followed by a motion to adjourn; and some gentleman proposed to lay on the table the motion to reconsider, for which the Chair stated there would be opportunity given when the matter came up again, if any gentleman desired to make that motion.

Mr. COOKE of Illinois. I make the motion.

Mr. COOPER of Florida. I will move to lay the motion to reconsider on the table.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to submit a proposition, and I think time will be saved by agreeing to it.

If this motion is laid on the table it, of course, leaves the bill open to discussion and amendment. If it should not be laid on the table and the motion is reconsidered, I should even then ask, as I did repeatedly on yesterday, for an agreement as to time for discussion and amendment.

Mr. DOCKERY. Submit your proposition.

Mr. GROUT. Now, I ask unanimous consent that an hour—so far as I am concerned, I think that will be sufficient—that an hour be given to the discussion of the bill, and for the offering of amendments under the rule, and that a vote be taken thereafter upon the third reading of the bill.

Mr. CANNON. Why not put it in this way, if the gentleman from Vermont will allow a suggestion: That by unanimous consent the proceedings may be vacated which refused the previous question, and that after an hour has been consumed in general debate, the bill be open in the House as in Committee of the Whole for amendments under the five-minute rule. In that way, of course, the gentleman will keep control of the previous question.

Mr. GROUT. That will be entirely satisfactory to me, sir.

Mr. BAILEY. I would suggest that if the motion to lay on the table were withdrawn, and the motion to reconsider the vote by which the House refused to order the previous question were withdrawn, it would still leave it open for debate. But by unanimous consent, if the request is granted, and I see no objection to it, that same result would be reached.

The SPEAKER. The Chair will submit the proposition of the gentleman from Vermont to the House.

The gentleman asks unanimous consent that the proceedings under the motion for the previous question be withdrawn. Is there objection?

Mr. CANNON. I think that it should be coupled with a further request for unanimous consent that time be allowed for general debate and for the consideration of the bill and the offering of amendments in the House as in Committee of the Whole under the five-minute rule.

The SPEAKER. The Chair will submit the request of the gentleman from Vermont. The gentleman asks unanimous consent that he may be allowed to withdraw the demand for the previous question——

Mr. WILLIAMS. Mr. Speaker, if the gentleman will permit me before that request is submitted. I know of four or five gentlemen on this side of the House who have expressed a desire for time, and I hardly think that thirty minutes would be sufficient. I think it would require a little more time, probably forty minutes.

Mr. GROUT. What time would the gentleman from Mississippi suggest?

Mr. WILLIAMS. I would suggest that the gentleman ask unanimous consent for one hour and a half.

Mr. GROUT. That is entirely satisfactory to me. I ask unanimous consent to withdraw the motion for the previous question, and that the House have general debate for one hour and a half on the bill, and amendments afterwards under the five-minute rule in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WILLIAMS. I ask unanimous consent that the time granted be equally divided between the two sides, one side to be controlled by the gentleman from Vermont and the other to be controlled by any gentleman on this side of the House whom the Speaker may name.

Mr. GROUT. I will not object to that, although I may be permitted to say that on yesterday forty minutes of the hour were consumed by the opponents of the bill.

The SPEAKER. Is there objection to the division of the time equally between the two sides?

There was no objection.

The SPEAKER. If there be no objection, the Chair will recognize the gentleman from Vermont to control the time of the affirmative and the gentleman from Mississippi in opposition to the bill.

There was no objection.

OLEOMARGARINE, ETC.

The SPEAKER. The gentleman from Vermont is recognized as in control of the floor.

Mr. GROUT. Will the gentleman from Mississippi proceed first?

Mr. WILLIAMS. Mr. Speaker, I yield ten minutes to the gentleman from Florida [Mr. COOPER].

Mr. COOPER of Florida. Mr. Speaker, I will not detain the House possibly for the ten minutes allowed me, but I do wish to call to the attention of the House and to emphasize the importance of the legislation upon which we now propose to enter. It is a matter of elementary knowledge to every man who has studied at all the formation of the Constitution of this country that one of the chief motives that induced the formation of the Union and the adoption of that Constitution was the vesting in Congress of the control and regulation of interstate commerce. Now, this question is no party one; it is no sectional one; it is much broader than the mere question of whether or not dairy farmers in Vermont shall be authorized to discriminate against a commercial product manufactured in the State of Illinois. We stand to-day upon ground where we have boundaries and limits. We passed an act giving to the States the power to legislate, under their police powers, in matters affecting the sale of intoxicating liquors, even in the original package.

Now, we can stand on that. We can say "whisky is a thing by itself, and has always been under the police power and is known to require police regulation;" but the moment we pass there and say that we will relegate to the several States the power to regulate the sale of the products of other States—admittedly not such as are necessarily injurious either to health or to morals—the moment we do that we invite constant assaults on Congress by various interests from the different States. Whenever there shall come here any article that can command votes enough, or whenever there shall come any combination of articles that can command votes enough, you will have demands that the power of Congress be relegated to the States to permit them to legislate nominally under the police power, but really to permit legislation by some States to prevent competition in trade between articles which they produce and articles produced by other States.

Now, many States would like that power as to various articles. If I could get a provision as to Chicago beef attached as an amendment to this bill, along with Chicago oleomargarine, I should like to have it, for we find in Florida the pressure of those great Chicago companies, not only actually driving out of the market, but prohibiting our people from fattening or selling their own beef in their own State, saying to butchers, "If you buy Florida-fed beef, we will crush you out." But yet we have not come to Congress and asked for the power to legislate on the sale of beef from other States. If you give such power under the guise of an inspection law, you put it wholly in the power of a State to regulate and to control the traffic.

Now, Mr. Speaker, here, where necessarily we exercise powers that affect material interests, we have frequent contests. We have them on the tariff, we are going to have them more and more on internal-revenue taxes, under certain precedents which we have set; but, sir, we can stop to-day in abandoning control of inter-state commerce at the statute concerning intoxicating liquors. The moment we pass that threshold and declare that Congress will relegate to the States, under so-called police powers, the authority to regulate the sale of any commercial article not generally recognized and admitted to be injurious and within the interstate-commerce clause of the Constitution, that moment we have no line where we can say "thus far we will go and no farther." It is not an idle apprehension that Congress will be constantly importuned to go into this discriminating legislation. We shall have it here as certainly as we pass this bill. Why should we pass a bill of this character? The gentleman from Vermont [Mr. GROUT] says that the Supreme Court of the United States has held that the States already have sufficient police power to prevent the fraudulent sale of any article in imitation of another. If this is true, and his bill proposes nothing more, then we need no further legislation. If his bill does propose something more, then we ought not to enter upon such legislation.

Mr. BOATNER. If the gentleman will allow me a suggestion right there——

Mr. COOPER of Florida. With pleasure.

Mr. BOATNER. The real object of the bill is to add to the police powers of the States by enabling them to absolutely prohibit the sale of an article within their territory which is being manufactured and sold under a license issued by the United States.

Mr. COOPER of Florida. Undoubtedly. I understand that.

Now, Mr. Speaker, it has been said to me, "You are a Democrat and a State-rights man. How do you oppose such legislation?" There is no party consideration in this question; but, sir, the doctrine of the Democratic party, as I understand it, is and always has been that we stand on the Constitution of our fathers, not extending it by latitudinous construction, and not undertaking to sap or to weaken any of the legitimate powers vested in the Federal Government. And this is not only a legitimate power, it is an absolutely essential power. The moment we begin to delegate to the States the power to control interstate commerce we bring about the very evils that this Union was framed to terminate. We throw all interstate commerce into confusion. One State will desire to discriminate against one thing, and another against another, and, as I have said, whoever can get votes enough here, either because one article is produced in a majority of States, and another in a minority, or because certain interests can combine and get votes to relegate to the States the power to discriminate and to prevent the sale of those articles within the States, they will do it, and Congress will be plagued with this precedent in a thousand forms. It is a new precedent which goes beyond anything we have ever done before. We are making a new precedent in constitutional legislation here. We are beginning to pull down one of the greatest bulwarks of the Constitution and to destroy one of its most beneficial features, and, sir, I for one do protest against entering on a path which I foresee will be so disastrous to the commercial interests of this whole country in the end, and will lead to infinite confusion, to continuous strife and conflict, and which will answer no good purpose in the long run, even to those who are now favoring it.

I yield back the balance of my time.

Mr. GROUT. Mr. Speaker, I yield to the gentleman from Ohio [Mr. NORTHWAY] ten minutes.

Mr. NORTHWAY. Mr. Speaker, it is urged against the passage of this bill that Congress would be surrendering to the various States a power which it ought not to surrender. It is claimed that we ought not to surrender to the States any power to control anything of interstate commerce. I disagree with the idea. I shall not have time to-day, in the short time allotted to me, to go over this subject fully. I desire to call special attention to two or three matters only. One is this: That the people of this country in the various States have entered upon a justifiable warfare against adulterated and poisonous food products. If there is one thing that the people are determined upon, it is that the food products which are sold to the people shall be pure if it is possible to make them so; especially that they shall be free from deleterious drugs, etc. So far as the States are concerned, if there be any adulterated food product produced in the State offered for sale they have full power to regulate or prohibit it. Most of the States have passed very stringent legislation in this line, and the legislation upon this subject goes further than upon most any other criminal subject known. It is provided that an act, to wit, the sale of an adulterated product, shall constitute a crime. It has been held by all the State courts passing upon the question, and is held by the Supreme Court of the United States, that "knowledge" was not a part of the ingredient of the crime, and the "fact" alone constituted the crime. They place it upon the high ground of police regulations, and the right of the people to declare that to be a crime, without knowledge, which will interfere with the health and life of the people.

Now, I would be glad to know why it is that the people of Illinois or of Kentucky, if they ship to the State of Ohio or Iowa a food product, shall not be subject to the same regulations precisely that the manufacturers of that kind of a product shall be in the State of Iowa or the State of Ohio. I see no objection.

Mr. BOATNER. Will the gentleman yield to me?

Mr. NORTHWAY. For a question.

Mr. BOATNER. Is it a fact that there can be sold in any State any product from any other State which falls within the purview of the health and inspection laws of the State where it is offered to be sold?

Mr. NORTHWAY. So far as the original-package decision of Leasey against somebody—the gentleman will remember—goes, it has been held that one sale made in the original package can not be interfered with. How far the subsequent opinion of the Supreme Court goes to modify that I am not prepared to say.

Mr. BOATNER. If the gentleman will allow me to call his attention to the fact, the decision to which he refers does not go to the extent of saying that an article can be sold in an original package one time when that article will be injurious to health and is inhibited by the inspection laws of that State and it has a bad effect upon public health and public morals.

Mr. NORTHWAY. If the people of the State have full control of this matter, then this bill will confer no power upon the State and will take none from the General Government.

Mr. WILLIAMS. If the gentleman will pardon me——

Mr. NORTHWAY. I can not yield to the gentleman. I have not time to carry on a dialogue.

If the people had full control over the matter, under the given opinion of the Supreme Court or any law then existing in any State, then it will not harm us to grant the power asked for in this bill. I submit this, that so far as food products are concerned—and I am not prepared to go into all interstate commerce—but so far as food product is concerned, it should be under the control of the people of the State, because they can control it better than we can.

Now, take any law that we may pass upon the subject. How will we enforce it? Take a food-product law. If we should enforce it, it will take an army of officers, or it will not be worth anything at all. Take the article of French pease, as insignificant as they look to be. They are adulterated. They are nothing but common pease colored by a coloring matter that is highly poisonous. Every can of French pease is colored by a mineral coloring matter, and sold in the various States. It costs about $5 for each analysis, and the General Government can not control the business at all, and you can not protect the people against it. We have no power unless we create a great army of officers by law. If we confer power upon the States to enforce these regulations, we intrust the people of the States to enforce them. If the State of Ohio enters upon a warfare and determines to give the people a pure food product, I say let the people of no other State have any more power on that subject than anybody in the State of Ohio.

Take an instance that has just come to my knowledge. To-day, at the great Soldiers' Home in the city of Dayton, Ohio—and I make this assertion upon positive proof—to-day, at the great Soldiers' Home at Dayton, they are advertising for 48,000 pounds of oleomargarine, to be bought of Armour & Co., and they have bought it at 7 cents a pound, while the legislature of the State of Ohio denies to the convicts in the Ohio penitentiary the use of any such article. Why is it that the directors of that institution are to be allowed to supply our old soldiers with 7-cent truck, which is miscalled "butter," while the convicts in the Ohio penitentiary are supplied with pure butter? Why should not both institutions be under the same regulation in that respect? I have here the charge that has been made, and the admission on the part of the management of the Soldiers' Home that they are buying this oleomargarine, and they propose to buy another supply at the end of the quarter, at 7 cents a pound, to feed to the old soldiers of our country, while the convicts in the State penitentiary are supplied with pure butter.

Mr. Speaker, I submit that the people of Ohio are capable of dealing with this subject, and if there is any power that we hold that we can confer upon them in relation to it, I insist that that power should be conferred, and that it is our duty, as it should be our pleasure, to give them the full right to obtain pure food products, so that all these articles may be dealt with alike, and that the people may guard against impure and deleterious food. We should give the power to the people of the State, because we can not enforce it ourselves. As I have already said, if the Federal Government should undertake to enforce this power it would take an army of officers to do it, and then it would not be done effectually. I insist that this bill is absolutely right as a business proposition. There is no sentiment in it. There is no reason in saying that it is surrendering a power on the part of the General Government that it ought not to surrender. I submit that it is simply surrendering to the people of each State what they ought to have, the power to control in all matters relative to food products, whether to regulate them or to prohibit whatever is impure and deleterious.

Mr. BOATNER. If it will not interrupt the gentleman, I would like to ask him a direct question.

Mr. NORTHWAY. I will hear it.

Mr. BOATNER. The gentleman thinks that the legislature of Ohio should be given the absolute right to prohibit the sale of oleomargarine within the limits of that State. Now, if the legislature of Illinois were to declare that all cattle raised in the State of Ohio were unhealthy and were to pass a sweeping statute prohibiting the sale of any Ohio carcasses in Illinois, would the gentleman think that statute was constitutional and ought to be sustained?

Mr. NORTHWAY. The gentleman asks half a dozen questions in one. He asks if I think the people of Ohio, or the legislature of Ohio, ought to have the right to prohibit the use of oleomargarine. I reply that I think the people of Ohio ought to have full power to determine whether the article is a pure food product or not, to determine whether it is adulterated or poisoned, and to prohibit the sale of an adulterated and poisonous article of oleomargarine, just as they ought to have, and do have, the right to prohibit the sale of an adulterated or poisonous article of butter. The State of Ohio will not permit the butter maker to color his butter with anything that is deleterious. Why, then, should it permit oleomargarine to be colored with deleterious matter and sold in Ohio as a food product? And yet to-day, under the decision of the Supreme Court, oleomargarine can be sold in original packages, and it is sold to hotels and boarding houses, and it is breaking down the farming industry of our country, it is bringing into use a deleterious food product, and, just as the people of Ohio have the right to prohibit the manufacture or sale of adulterated butter or adulterated cheese, so, I claim, they ought to have the same right to determine whether the manufacturer of oleomargarine is selling in original packages a pure article of oleomargarine or whether he is selling an adulterated article. I say there ought not to be any discrimination between food products, and I hold that the States should have full control in all these matters.

[Here the hammer fell.]

Mr. TUCKER. Mr. Speaker, I desire to offer an amendment to this bill.

The SPEAKER pro tempore (Mr. BLUE). The Chair will say to the gentleman from Virginia that the amendment is not in order at this time unless he desires to have it read as a part of his remarks.

Mr. TUCKER. Then, Mr. Speaker, I will merely offer it to be pending, and will state to the House, as I stated yesterday, that this amendment provides for striking out all after the word "article," in line 3, down to and including the word "cream," in line 6.

Mr. GROUT. Mr. Speaker, I raise a point of order on that.

Mr. TUCKER. Mr. Speaker, I think this amendment is clearly right if the bill is right. This bill, as I read it, is practically drawn from the law which was passed by Congress on the 8th of August, 1890, in response to the "original-package" decision. As the House will remember, that law had reference to liquor, and to liquor alone. Here is a bill proposed in the exact form of that law, but covering another article of commerce. My friend from Florida [Mr. COOPER] has intimated that if we pass this bill now we shall probably have a similar bill covering Chicago beef, and then we may look for another applying to the lard which is made in Chicago. If the principle of this bill is right, why should we be cutting off a few articles every year instead of declaring our will by one general statute covering the whole?

Why, Mr. Speaker, just look at this. My friend says that it is a dangerous thing, that the commerce clause of the Constitution is being invaded, and that the passage of this bill will create great trouble in the country. I can not sympathize with that feeling. Why? The bill is carefully drawn, it seems to me. It declares that this article, when it arrives within the limits of such State or Territory—

> Shall be subject to the operation and effect of the laws of such State or Territory—

Laws how enacted?—

> enacted in the exercise of its police power.

The commerce clause can not interfere with or override the police power of the State. We admit the power and the necessity that commerce and trade between the States shall be free. There is no confusion in the accepted construction of the commerce provision of the Constitution and that which is recognized as the police power of the States. I recognize that this bill is nothing in the world but a declaration of what the Constitution is. It does not propose to confer greater rights than now exist. It simply contemplates that the commerce clause shall have its full, free, active operation in every direction, except when it comes in conflict with that power which has been recognized by all decisions from time immemorial. As to any subject of commerce, either a food product or impure literature—in other words, whatever may be hurtful to the morals or the health of a people—as to those things the commerce clause yields to the police power of the State; and the power is left in the State to say, under the police power, "This thing is deleterious and hurtful to the people, and therefore the commerce clause must yield to the police power to protect the community."

Now, I appeal to my honorable friend from Vermont to join with me in stopping this chopping-up process which we have had for six years in this House. Whenever a man begins to feel the effect of the evils of this system he comes in with an individual bill to help his individual matter. I say let us stop this whole thing by one bill, which can be done by accepting the amendment I have offered.

Mr. GROUT. I now yield five minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I propose to vote for this bill. I believe it is a proper and just bill. And in voting for it I represent Massachusetts. Our State has passed stringent laws against these frauds called oleomargarine, imitation butter, or imitation cheese. In the Commonwealth which I have the honor in part to represent, a boarding house that uses this vile stuff on its table must hang up in its dining room a sign: "Imitation butter used here." The manufacturers of this product in my State are not allowed to color it in imitation of the color of butter; they are obliged to sell it white, or its natural color, so that the man who butters his bread with it can see what article he is using.

This bill proposes to protect the Commonwealth of Massachusetts from having brought into her borders from other States this imitation product and sold contrary to the laws of the State. Ever since I have been a member of the House I have consistently and persistently voted for every measure that looked to the suppression of oleomargarine, imitation butter, or imitation cheese. Every one of us has a personal interest in this matter. I, for one, do not want to butter my bread with soap grease, even if it has been chemically treated.

The board of health of Massachusetts was called upon, while I was a member of the State legislature, to pass upon the healthfulness of this product; and that board, composed of some of the most eminent men in our Commonwealth, said, among other things, that the door for the propagation of that awful disease known as "trichinosis" was thrown open to some extent at least by the manufacture of this product. And why? They explained why. They said that the oil of the hog, in order to be made into oleomargarine or butterine or any of these other products named here, could not be brought up to such a temperature that the diseased germs would be destroyed, because this extreme heat would break the globules and the butter could not be churned. On the strength of that report by the board of health of Massachusetts, the legislature, of which I was at the time a member, passed this very stringent measure to which I have called attention.

I have said that in my judgment this is a just and good bill. I do not understand that it adds anything to the existing law. As explained by the gentleman from Vermont [Mr. GROUT] yesterday, it simply reaffirms the decision of the Supreme Court, which was delivered by a divided court, and is liable therefore to be reversed and overthrown. The manufacture of imitation butter and cheese is a fraud upon the great farming interests of this country. I have, since I have been a member of this House, voted uniformly, consistently, and persistently for every measure in the interests of the great farming class of our country. There are a great many tribunes of the farmers who are demagogues, who stand up and demand in the interest of the farmers things which would be against their interest—cheap money, for instance. But I do believe it to be in the interest of the farmer—I believe it to be wise,

just, and proper—to legislate in behalf of the great dairy interests of this country.

I have listened to some of the constitutional arguments of the learned gentleman from Louisiana and the learned gentleman from Virginia. And when I hear some of these learned lawyers, judges, and jurists discourse upon the Constitution, I sometimes think of a minister that I heard of, of whom it was said that his principal qualification was that he could split a theological hair, and it was not so good after he had split it as it was before.

Now, Mr. Speaker, I am loyal to the Constitution of my country. I find in it a provision about interstate commerce. If there is anything in that provision that will enable us to suppress, control, or restrain the sale of this vile, dirty compound, unfit for human food, I will vote for such a measure every time, and I wish my friend from Vermont would bring in some more bills like this for me to vote for.

Mr. GROUT. I now yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the opposition to the pending bill seems to be under the control mainly of the gentleman from Mississippi [Mr. WILLIAMS]. I have on my table the statutes of the State of Mississippi, which provide that a person who sells, manufactures, or exposes for sale, as an article of food consumption, oleomargarine, and so on, without being properly branded, shall be punished. I will quote the exact language of the statute:

> SEC. 1242. A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than $10 nor more than $100, or be imprisoned in the county jail not exceeding on month, or both.

That is the language of the statute of the State of Mississippi, and shows the views of the people of Mississippi as to the character of this product.

Up to 1890 it was understood that any State had the power to make such law with reference to intoxicating liquors, with reference to cigarettes, or anything which in the judgment of the State would seem deleterious to human health, or which in the judgment of the State might be used as a cheat or a fraud, to deceive consumers under the guise of the genuine article; that the power to regulate or prohibit the sale of such articles within the limits of the State was unquestioned. In 1890, however, this great constitutional right, of which my friend from Florida [Mr. COOPER] has spoken, and which he clings to so tenaciously, was for the first time discovered. He did not know it before; none of us knew of the existence of that constitutional right until the Leisy case, decided in 1890, as to intoxicating liquors. So we are not limiting the ancient powers of the General Government, as stated by the gentleman. This bill proposes to prevent the use of interstate commerce so as to allow cheats and frauds upon the people.

The sale of an imitation of butter as butter is a crime at common law.

But, Mr. Speaker, it has been suggested that if we stop the sale of this imitation butter or "bull butter" and these other fraudulent articles which are sold in imitation of wholesome products which have been in use among mankind for thousands of years, the next step will be to interfere with the sale of Chicago beef. Chicago puts up canned beef, and so does Kansas City. Suppose the packers should put into the cans the flesh of the horse. Horseflesh is not universally considered unwholesome; it is esteemed a good article of food by some people, and some nations prefer it even to beef. The opponents of this bill might say, "Shall you interfere with wholesome horse beef? It is true it is sold as beef; it is true that it is branded 'beef' and so sold, and the public do not know the difference; but if a man don't know what he is eating, if he can not tell the difference, what harm does it do, and why should you interfere with the right of the packers in Kansas City and Chicago to put up and sell horse meat as beef?" That is the logic of their argument, and yet, Mr. Speaker, the mere statement of such a proposition would turn the stomachs of the constituents of the gentleman from Mississippi [Mr. WILLIAMS]. They would feel outraged if it was attempted to sell horse meat to them instead of beef under the protection of interstate-commerce laws.

Mr. WILLIAMS. Will the gentleman permit me——

Mr. LACEY. No; I have but a few moments and I can not yield.

An honest cow is the noblest work of God, and the best of her products is a good article of butter, and nothing will destroy the dairy business of this country, one of the very largest interests in the nation, any quicker than to tolerate by law, under the guise of the protection of commerce, the sale of counterfeit and imitation butter made of hog's lard, cotton-seed oil, or any other spurious article, under the guise of butter.

This bill simply proposes to do with the outside products that are brought into a State for sale exactly what the State does now or may do with its own food products. When the product arrives in Mississippi or Iowa we can regulate how it shall be sold, and are enabled thereby to protect the purchaser from being imposed upon; but we have no power, except under the local laws of the State, to enable our people to know just what they are buying. If a man wants to buy 7-cent oleomargarine, he ought to be allowed to purchase it, of course. That is his right. But at the same time he ought to know what he is buying. He ought not to be imposed upon and made to buy oleomargarine under the name of butter. The national law forbids the counterfeiting of national-bank notes or coin, and yet it would not be held that the States could not protect themselves by local enactments on the same subject simply because the Constitution gives Congress the exclusive control of the subject under its general powers.

This oleomargarine act was passed as a revenue measure. It provides for taxation upon the product; it provides not only for the collection of revenue, but it provides the mode by which people engaged in commerce throughout the country, when dealing in this subject, shall be required to protect their customers. But when this article arrives within the limits of the State the Congressional enactment is no longer regarded. Fraudulent dealers strip off the brand or marks required under the Congressional act to protect the innocent purchaser, and then they begin to perpetrate frauds upon the local consumers. Why, then, should not the State have power to step in and provide a remedy under its own police regulation? Why should not Mississippi, when this product is brought there, employ such methods as will enable the constituents of my friend to tell exactly what they are buying? Why should they be subjected to this fraud?

Mr. WILLIAMS. The State of Mississippi has that power, and exercises it every day.

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. LACEY. I can not; my time is about exhausted. The gentleman says that the State of Mississippi exercises that power; but if the article is sold as an original package, the power of the State may be undermined and destroyed.

[Here the hammer fell.]

Mr. WILLIAMS. I yield to the gentleman from Illinois [Mr. CANNON] such time as he desires.

Mr. CANNON. Mr. Speaker, I think we had better see "where we are at" in this proposed legislation. In 1886 I voted to levy a tax of 2 cents a pound on oleomargarine. The gentleman from Iowa [Mr. LACEY] says it is a revenue measure. Yes; because only under the guise of a revenue measure could we enact it. But we enacted it because gentlemen, like the gentleman from Massachusetts [Mr. MORSE] and others, took the ground that here was a food product that was masquerading in false colors. They said it was an unwholesome product, and all that kind of thing, and that people should be compelled to sell it for what it is. Now, I hold this act in my hand. What does it do? It levies a tax of $600 a year upon every manufacturer of oleomargarine. It levies a tax of $480 a year upon every wholesale dealer and a tax of $48 a year upon every retail dealer. This is United States law. There are heavy penalties provided for nonpayment.

It also levies a tax of 2 cents upon every pound sold. What else does it do? I call the attention of my friend from Iowa [Mr. LACEY] to this because, from his remarks, it appears clearly that he does not understand the facts. It makes the manufacturer pack this product in packages so marked, and, as a part of the revenue measure, it must remain in the package. Aye, more. When it goes to the retailer in the State where it is manufactured, or out of the State where it is manufactured, no particle of it can be sold by the retailer except he puts it in a new package that is tattooed all over with the information that it is oleomargarine. This Federal law provides severe penalties for any violation of the act from the time this article is manufactured down to the time it goes into the hands of the consumer. Is there any complaint that that law is not enforced? The gentleman from Iowa [Mr. LACEY] says that when it goes to another State thus marked it is removed from the packages, and that it is sold as butter. Now, I say to my friend from Iowa [Mr. LACEY] that he evidently does not speak with knowledge——

Mr. GROUT. It is done every day, and convictions are had for it.

Mr. CANNON. It can not be done without fine and imprisonment.

Mr. LACEY. When they are caught they are punished, but they are not caught.

Mr. CANNON. When they are caught they are punished, the gentleman says. When a man commits murder and is convicted he is hanged. The United States in enforcing its revenue laws has enforced them with more vigor and efficiency than any other laws have been enforced, and so with this.

Mr. LACEY. But the United States officers are after the revenue simply.

Mr. CANNON. Oh, certainly, the United States officers are after the revenue, and the protection comes in, as I understand it, in that way. They are after the revenue, just as they are after the revenue on tobacco under the law which provides that a stamp must be canceled when the cigars are sold from a box.

Now, what do we have? Here is a product which, I will say to my friend from Iowa [Mr. LACEY], his constituents and mine are more interested in than they are in the product of butter.

Mr. LACEY. Oh, no.

Mr. CANNON. It is a product made of what? Leaf lard and tallow, churned through milk. A wholesome product. I speak from knowledge. It is a far more wholesome product than three-quarters of the butter that is made in the United States.

Mr. COOKE of Illinois. Far more cleanly.

Mr. CANNON. Far more cleanly and more wholesome, and where my friend from Iowa [Mr. LACEY] has one constituent interested in the butter trade, he has four constituents interested in this trade.

Mr. MORSE. Will my friend allow me to ask him a question?

Mr. CANNON. If I can get any time.

Mr. MORSE. We will give you all the time you want.

Mr. CANNON. The gentleman says I can have all the time I want.

Mr. MORSE. I want to ask you whether you butter your bread with oleomargarine, if you use this——

Mr. CANNON. Oh, certainly I use it; and let me say to my friend, it is immensely better than three-quarters of the butter that is used as a food product. Now, here we have a product that, for the purposes of revenue, is singled out and marked from the time it is made until it reaches the consumer in pound or half-pound packages. That tells the story from beginning to end. Still this product has the merit that it is manufactured and consumed, and men who want to get rid of the competition in this product, in which my constituents are interested—and I represent an agricultural district—come and seek to do what? To shut it out of the markets entirely.

Mr. NORTHWAY. Now, will the gentleman permit a question?

Mr. CANNON. Well, I would sooner go on and make my speech.

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. CANNON. I will yield later on.

Now, what is the law? In the case of Plumley *vs.* Massachusetts (155 United States) this statute was sustained:

> No person, by himself or agent or servant, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream from the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in separate and distinct form, and in such manner as advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter.

That is the Massachusetts statute. That statute has been sustained by the Supreme Court of the United States. Now, with that statute sustained, why does the gentleman want this legislation? Because he wants the State invested with power by Congress, if it can be, to go further than the Massachusetts statute has gone. Let me say to the gentleman I have been informed, and I state it here as true, and I ask now to be challenged if it is not, that the State of New Hampshire, by legislation, declares that oleomargarine shall not be sold unless it is colored pink. Now, the gentleman's bill would validate that law upon the sale of this product—or green or blue—and the gentleman's legislation would go further than the Massachusetts statute. It would validate the law of any State that would say that this product should not be sold at all. Now, in addition——

Mr. GROUT. Will the gentleman yield to me for a moment?

Mr. CANNON. Certainly. (To Mr. WILLIAMS:) Am I taking too much time?

Mr. WILLIAMS. Just go ahead.

Mr. GROUT. The gentleman entirely misunderstands the provisions of this bill. A State law may operate under the police power by authority of the bill, upon this article when it is in "imitation of butter," and only then. The bill confers only that authority. Now, if the gentleman will read the bill carefully, he will see that his remarks on this subject are all to one side of what the bill provides.

Mr. CANNON. Oh, well, I think not. The Massachusetts statute has been sustained. Now, then, does it not go far enough?

Mr. GROUT. That is just as far as this bill goes.

Mr. CANNON. Now, what is the necessity of this legislation if that is all that the gentleman wants. The State——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NORTHWAY. I would be glad if they would give the gentleman time to answer a question that I should like to ask him.

Mr. WILLIAMS. How much time have I left, Mr. Speaker?

Mr. LACEY. I ask unanimous consent that the gentleman have five minutes in his own right.

Mr. GROUT. Outside of the time agreed to?

Mr. CANNON. Oh, well, if I talk about this, I ought to have ten minutes.

Mr. GROUT. Make it ten minutes.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent that the gentleman from Illinois be allowed ten minutes further time. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I want to ask you this question.

Mr. CANNON. Very well.

Mr. TAWNEY. I would like to know what specific right the manufacturers of oleomargarine will lose by the passage of this law?

Mr. CANNON. I will say to my friend that it places it in the power of the State of New Hampshire to enforce that law now upon the statute books, that oleomargarine shall be colored pink before it shall be sold, under the police powers of the State of New Hampshire.

Mr. TUCKER. They have that right now.

Mr. TAWNEY. Is it not a fact under the present law, as declared by the Supreme Court of the United States, that the State has the same right that it would have under this proposed law?

Mr. CANNON. No.

Mr. TAWNEY. If they have not, then what difference is there?

Mr. CANNON. Oh, well, if the gentleman is right, what is the necessity for the legislation?

Mr. GROUT. If the gentleman will allow me——

Mr. CANNON. Now, who is going to have this ten minutes?

Mr. TAWNEY. You have asked me a question, and I would like to answer it.

Mr. GROUT. I was going to give the reason, as I have no time of my own.

Mr. CANNON. We are under the five-minute rule, and if we can have further extension I will yield; but gentlemen just coming in from lunch, without listening to what I said in the beginning, and some of them being full of questions and objections, they proceed to make them. [Laughter.] Well, now, if gentlemen will just allow me to proceed for five or six minutes——

Mr. COOKE of Illinois and Mr. GROUT. You have ten minutes.

Mr. CANNON. Well, then, I will ask for order.

Mr. NORTHWAY. I should like to ask the gentleman a question.

Mr. CANNON. I have just half a dozen asked me now.

Mr. NORTHWAY. I wish to ask you one question.

Mr. CANNON. What is the question?

Mr. NORTHWAY. The question is this: If there is an imitation of butter, made by a fraudulent or bogus concern, where is there any law or where is there any power in the State to regulate that matter if it is sold in the original package?

Mr. WILLIAMS. In the sanitary and police power.

Mr. CANNON. If the gentleman will read this statute here, the Massachusetts statute, that has been sustained—and it is a sweeping statute—by the Supreme Court, he will find it.

Now, then, if the State of Vermont merely wants to exercise a power that it now has under the law, under its police powers, then this legislation is not needed; but if the State of Vermont wants to absolutely prohibit the sale of oleomargarine, under any and all conditions that it sees proper in the exercise of its police powers, as it does and may prohibit the sale of spirituous liquors, then this legislation is apt.

Now, in my judgment, it is not desirable to do it. Let me show gentlemen where they are going. I say here, after investigation, that oleomargarine is more healthful and more desirable for food than three-fourths of the butter that is made in the United States.

Mr. TAWNEY. If it is made out of pure fat, it may not be unhealthful.

Mr. NORTHWAY (in his seat). But suppose it is bogus oleomargarine?

Mr. CANNON. I trust that gentlemen who desire to interrupt me will do me the courtesy of rising to their feet. [Laughter.] Oleomargarine is largely a product of my own State. The material of which it is made comes from the hogs and cattle that are produced throughout the country.

Now, if we enter upon the policy of saying, in the interest of the producer of good butter or of poor butter, "We will get rid of a competitor," let us see where that will take us. The gentleman [Mr. MORSE] comes from the great old Commonwealth of Massachusetts, of which he is proud and I am proud. She accommodates herself to circumstances. Falling off in agriculture, she went to dairying and to the cultivation of small products; she diversified her industries in various ways, and she stands to-day as a great Commonwealth in this country and a great force in civilization. I am proud of her. We are all proud of her.

Amongst other things, she manufactures more shoes than any other State. She splits the kip and "improves" the leather to make a "calf" shoe when it is not calf [laughter], and it takes an expert to tell the difference. That product comes to my State, and——

Mr. WILLIS. You do not have to eat the shoes, though. [Laughter.]

Mr. CANNON. Oh, I do not have to eat the shoes; but I commend to the gentleman an improvement of his mind, whereby it can recognize the operation of a general principle without indulging in a little bit of demagogy. [Laughter.]

Take another illustration from Massachusetts: In her great woolen mills she mixes shoddy with the wool, and she sells for dress goods and as "all wool" a product that is perhaps one-fourth or one-half cotton, with shoddy interwoven. In Mississippi they have less manufactures than in Massachusetts. Now, if the principle of this bill were carried to a legitimate conclusion it would authorize Mississippi or Illinois, in the exercise of the police powers, to protect her people from being imposed upon by the sale of a "calf" shoe that is not calf, and of an "all wool" textile product of the State of Massachusetts which is not all wool; and there would be God and morality for it a great deal more than there is in this case, because the shoe that is sold for a calf shoe when it is counterfeit is not a good thing, and the dress goods that are sold as all wool when they are counterfeit are not a good thing, whereas pure oleomargarine is a good thing.

Now, I will leave it to lawyers to wrestle about the Constitution and to split hairs. I put the case as a citizen of the great State of Illinois, representing a great agricultural district, and I say that it is better for us to recognize the spirit of the Constitution, the spirit underlying production and civilization, the spirit of commerce, and to realize that, amongst ourselves at least, with forty-five Commonwealths, making one great country, the United States of America, we can not afford, in the supposed interest of a little knot of men here or a little knot of men there, to adopt precedents which if carried to their legitimate conclusion will substantially destroy the Federal compact and make us forty-five independent governments, full of bickering, full of strife, full of jealousy, full of selfishness. [Applause.] I do not believe that this bill should be enacted into law. Furthermore, the bill itself sails under false colors and professes to accomplish that which every honest man is content to have accomplished under the law as it now is and as it has been declared by our Supreme Court. While this bill sails under false colors it seeks to go further than the law now goes, and to authorize the absolute prohibition of the importation into the several States of the products of other States.

Mr. GROUT. Mr. Speaker, I now yield five minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Speaker, I am heartily in favor of this bill. I believe the principle upon which it is based is a sound one and fully justifiable. We are brought face to face with conditions which members, I believe, generally understand. The dairy interest of this country, its largest single interest, having an output of about $900,000,000 annually, finds that its legitimate domain is invaded by the basest of counterfeits, having its home, as the gentleman from Illinois [Mr. CANNON] has just told us, principally in the State of Illinois. The legitimate dairy products are being crowded out of the markets by the base semblance of low cost and still lower quality. Gentlemen who contend that oleomargarine is a wholesome food product, that it is even better than butter, are reminded that oleomargarine always masquerades in the garb of butter, while butter never imitates oleomargarine. Oleomargarine in its nomenclature, in its packages, in everything connected with its sale, imitates butter.

Mr. Speaker, the superior never imitates the inferior. It is only the inferior and false that masquerades in the garb of the true and imitates the superior and the genuine. There are produced in this country annually about 70,000,000 pounds of oleomargarine, 99 per cent of which is sold as and for butter, at butter prices, and there is no man on the floor of this House who can by inspection distinguish oleomargarine from butter. Oleomargarine—"bull butter," as we call it out West where we know it—costing 7 cents per pound or less, is sold for genuine butter, supplanting real butter, which averages 18 cents a pound. That means a fraud upon consumers of at least 11 cents per pound at the wholesale price. At retail the fraud aggregates at least double that sum.

This bill proposes to place under the police regulation of the States this confessed imitator and fraud. The law of the United States is not sufficient to stamp out the fraud. The decision of the Supreme Court in the Plumly case does, it is true, lay down a principle which allows the States to deal with the fraud. But, Mr. Speaker, that decision was pronounced by a divided court. It overrules the decision in the case of Leisy *vs.* Hardin. If we knew that the later decision would stand, we would be quite content with it. But frauds are active, their arguments are specious, and the personnel as well as the opinions of judges change. We therefore desire to give legislative approval to that decision rendered in the Plumly case and thus protect the people of the United States from this fraud which is bearing down the prices of butter, and has been militating against the health and best interests of this country for years. It is idle to say that oleo is a wholesome product. It is essentially an uncooked fat. Not one person in a hundred voluntarily purchases and uses it. Even if wholesome, its use depends upon imposition, and that alone. But no uncooked fat is a wholesome food.

Gentlemen can not—I care not how specious may be their argument—make the people of this country understand that it is right by constitutional construction to give a status to a fraud. What the people of this country want is clean and fair dealing. We need in this land of ours three hundred and sixty-five days in the year to preach the doctrine "Thou shalt not steal." And we all understand that the worst kind of a thief is the man who holds out a food product to be genuine which as a matter of fact is a counterfeit and a fraud.

It is wrong for the people of Massachusetts or elsewhere, as charged by the gentleman from Illinois [Mr. CANNON], to sell their split leather for calf. That fraud, if practiced, ought to be denounced. But the gentleman from Illinois will hardly justify the sale of imitation butter as genuine by showing that somebody in Massachusetts undertakes to palm off split leather for full calf or kip.

These people, if they believe at all in the notion that oleomargarine is a wholesome product, should have no objection to a measure of this kind, for its only effect is to authorize the States by proper police regulations to compel the sale of this product for what it really is, attending every transaction connected with it from the time it comes into the State until it reaches the consumer with the proper safeguards, so that everyone may know what he is purchasing and what he is consuming. Every honest product is helped by such a law; only the dishonest suffer.

[Here the hammer fell.]

Mr. WILLIAMS. I yield five minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Speaker, gentlemen who advocate the passage of this bill all proceed on the supposition that the sale of oleomargarine is a fraudulent business, that the product itself is a cheat and a fraud, and that therefore the States under their police powers ought to be allowed to suppress it. Now, sir, if the assertions of these gentlemen were well founded, they would not come to Congress for permission to the States to exercise a power which has been granted to them by the Constitution and the exercise of which has been sustained by the Supreme Court since the foundation of the Government. If oleomargarine is a fraud, if it is injurious to the public health, if it is not clean, the States do not need our authority to prohibit absolutely its manufacture and sale. But the trouble with gentlemen is that their assumption is not true and can not be proved. The trouble is in fact that oleomargarine is not a fraud; it is not unwholesome; it is not injurious; and the courts of the United States, while they will sustain any State in the exercise of its police power, will not permit it to shelter itself behind the police power in the perpetration of a fraud on the Constitution of the United States, by falsely stigmatizing a business or a product as fraudulent and injurious to the public health or public morals when, as a matter of fact, it is not.

Mr. MORSE. I should like to ask the gentleman whether he practices his own preaching—whether he buys oleomargarine for his own table.

Mr. BOATNER. I do not know whether I do or not. I do not know whether I eat oleomargarine or butter when in Washington. When at home, I eat butter.

Mr. BAKER of New Hampshire. Will the gentleman yield a moment for a question?

Mr. BOATNER. If it is not too long.

Mr. BAKER of New Hampshire. If the statement which the gentleman has made is literally true, what objection can he have to the statute of New Hampshire requiring oleomargarine, before it can be sold within the State, to be colored pink?

Mr. BOATNER. My objection is the objection which the Supreme Court has found and sustained to innumerable statutes of the different States, violating the provisions of the interstate-commerce clause of the Constitution—seeking to draw discriminations between citizens of different States and the products of different States. What right has the State of New Hampshire to affix a brand of that kind? What right has the legislature of the State of New Hampshire to interfere with the business of one of its citizens for the benefit of another of its citizens?

Mr. BAKER of New Hampshire. It does not discriminate between citizens. It provides that the law shall equally affect all citizens.

Mr. BOATNER. The gentleman will pardon me for declining to yield further. I have only five minutes.

Mr. Speaker, this clause of the Constitution was adopted not only for the purpose of establishing absolute free trade among all the

States of the American Union, but for the purpose of securing for the citizens of each State and the products of each State all the rights and privileges in the several States accorded to citizens and the products of any other State. That was the reason for the adoption of this interstate-commerce clause of the Constitution. And we can not abandon to the States the authority thus reserved to the General Government without abandoning one of the most important functions and prerogatives of the Federal Government.

As the gentleman from Illinois has so ably and eloquently shown, but for the existence and maintenance of this clause of the Constitution we would be split up into forty-five independent States, each one seeking to obtain an advantage for its citizens and its products over the citizens and products of every other State. The State of Mississippi, for instance, which until recently was not very much in love with the State of Massachusetts, might pass an act declaring that Massachusetts shoes were a fraud and a cheat and that none of them should be sold within the limits of that State unless they were painted green. [Laughter.] Another State might declare that whereas the shoes made in the State of Massachusetts frequently had paper soles, they could not be sold within the borders of that State.

[Here the hammer fell.]

Mr. MORSE. Massachusetts makes the best shoes in the world.

Mr. BOATNER. That is what Chicago says of oleomargarine.

Mr. GROUT. Mr. Speaker, I now yield ten minutes to the gentleman from Delaware [Mr. WILLIS], a member of the committee.

Mr. WILLIS. Mr. Speaker, I have been in favor of most of the laws passed with reference to oleomargarine, both by the National Legislature and in the legislatures of the States, because I think they move in the direction of justice and of right. I think this law moves in the direction of justice and right, and in so far as I can see it does not infract the rights of the States or the nation.

The history of oleomargarine, and of those who have made earnest and urgent attempts to manufacture and put it upon the American market, reminds me of a passage I have read in the prophet Amos:

> When will the new moon be gone, that we may sell corn? and the Sabbath, that we may set forth wheat, making the ephah small, and the shekel great, and falsifying the balances by deceit?

That strikes one of the root propositions, not only of the great ancient theocracy, but it strikes at the very animus of the oleomargarine interest. If you are going to have legislation that will stand, legislation that the people in subsequent generations will approve, legislation that will be for the benefit of the great masses of the people, it must proceed and can only proceed on honest principles.

Now, nobody has undertaken or is undertaking to prevent, as I understand it, the manufacture or sale of oleomargarine, but is simply setting up a claim that oleomargarine, if it speak at all in the American markets, shall call a spade a spade; that it shall not speak with a lying tongue; that it shall not come, as the gentleman from Nebraska [Mr. HAINER] so well said, "masquerading under false colors," reminding us, so aptly as he did, that the superior never masquerades in the garb of the inferior, but the inferior in that of the superior.

Now, Mr. Speaker, a word in regard to the eloquent and glowing remarks of the gentleman from Illinois [Mr. CANNON], which have been referred to by the gentleman from Louisiana [Mr. BOATNER]. I will not say that the article called oleomargarine is a deleterious compound and an unhealthy food product for some stomachs. Why, I know that a cobblestone has gone through the gizzard of an ostrich. [Laughter and applause.]

Mr. TOWNE. How do you know that?

Mr. WILLIS. Because I have seen it. [Renewed laughter and applause.] But I will undertake to say that oleomargarine is not a wholesome food product for some people. Now, ask me how I know that. [Laughter.] But I will tell you the way I know. It is because, as the colored man says, "I have proved it by 'sperience." [Laughter.] Anything that has got hog's lard in it will keep up an unpleasant memory in my stomach for half a day. [Laughter.] But anything that comes to me in the sweet and uncontaminated globules of pure cream is not only harmless, but nutritious and health inspiring.

Mr. HENDERSON. Makes you feel like dancing a hornpipe. [Laughter.]

Mr. WILLIS. Yes——

A MEMBER. They would turn you out of church, then.

Mr. WILLIS (continuing). And the illustrations introduced in some parts of the speech of the gentleman from Illinois were somewhat amusing. In trying to illustrate, I believe, the point he was making with reference to charges against oleomargarine not being a healthful food product, he brought in the question of leather. He said that some of the leather sold in the market as calfskin was made of horse hide, but he forgot the idea that one went on the outside of the man and the other on the inside [laughter], and there is a tremendous difference, Mr. Speaker, between that which is on the outside and that which is on the inside of a man. [Renewed laughter and applause.]

Now, if a man has a good digestion, if he has a good strong stomach, he can probably eat and digest anything in the whole category of food products, from a tough Texas mule to a quail. If he has such a stomach as that, I will not join issue with him on his natural-born right to eat oleomargarine. [Laughter.] But I will say to you that I do not want it and will never have it, simply because it is unwholesome for me.

But I am only one of a great multitude. Now, what is the harm in having a law or many laws, in order to make the thing sure, that will give a man the opportunity to judge what he is eating and to make a safe selection? Life at best is none too long. The comforts of this world are not overmultiplied, and the question of dietetic products, dietetic arrangements, dietetic articles is one of the most important of all we have. All these laws proceed upon sanitary and health-giving and justice-establishing principles that this country ought always to give its hand to. I am in favor of this bill, because I believe it is a reassertion of the principle of the decision of the Supreme Court; and from the very fact that there seems to be a spirit of uprising sometimes in this country against the authority of the Supreme Court; from the very fact that some of our friends from the South and very many of them from the North, once under the ægis of the old-time Democratic party which used to clamor for State rights, have forgotten that guiding star that led them and their forefathers, and under the influence and magnetism of some of these strange gods of modern times, have gone off and framed a great political platform that seems to denounce, or at least to discount, the authority of the decisions of the Supreme Court. Let Congress assert itself in this bill, and let us pass it.

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. CLARDY].

Mr. CLARDY. Mr. Speaker, the legal aspects of this question have all been ably discussed by the able lawyers on each side of this question, and, as is usual, of course, they are about half on one side and half on the other. Upon nearly all the legal questions that we have ever discussed in this House, this, I believe, has been the state of the case. We laymen, those of us who are not lawyers, are unable to form an opinion from what they have said. So we shall have to discard that and take just a common-sense view of this question.

Now, what is the real object of this bill? What is its ultimate purpose? If this bill is intended only to require the producers of a particular article to sell that article exactly for what it is, we have already a general law which provides for that. Now, if the States do not seek to go any further than simply to carry out that law, and if the gentlemen who have this bill in charge will amend it so that it will simply apply to the stamping of this particular product and to require everybody who sells oleomargarine to sell it as oleomargarine or butterine, then I will go with them. I will agree with them on that question. But the scope of this bill far exceeds that. As I understand it, it will give the authority to the State to absolutely exclude from sale in that State any particular product that they do not raise or manufacture and do not wish sold. That is where the wrong comes in.

Now, the amendment of the gentleman from Virginia [Mr. TUCKER] is simply worse than the original bill, in the sense that it gives a still wider scope to this proposition. Under that bill, any particular thing, no matter what, could be excluded from any State where it was not manufactured, and where the people desired to prevent its sale. Now, for instance, take a product of the State of the gentleman from Vermont [Mr. GROUT], maple sirup. Any State in this Union that does not make that product and does not desire it to be sold, could exclude it. Why? No doubt when it leaves the gentleman's State it is a pure and a very desirable and palatable food, but, my friends, when the sojourners at our hotels and boarding houses meet with it they can not tell whether it is sweetened water or watered sweetening.

Now, these are facts. Take another article largely produced in some States and not produced in others, which is considered a luxury, but which is denounced by many people all over the country, who say that it is a sin and almost a crime to use it. I refer to tobacco, which is produced largely in some States and not produced in others. How long will it be before some of these States, governed and ruled by fanatics on this subject, will pass a law that tobacco in any of its fabrications can not be sold in that State? This amendment of the gentleman from Virginia [Mr. TUCKER] would make such a thing possible.

Now, another point. The gentleman from Ohio [Mr. NORTHWAY] stated that the law as it at present exists in his State allows oleomargarine to be sold, and that it interferes with and cripples the dairy industry of that State. This shows the purpose of this bill and what it is really intended to accomplish. It is really intended to protect this one industry, the dairy industry, and to make it more profitable, at the expense of another industry.

It never has been established as a fact that oleomargarine

is not as wholesome a food as butter. Nobody has been able to prove that. My friend from Delaware [Mr. WILLIS] says that his stomach would repudiate anything with lard in it. Now, my friends, he is evidently a dyspeptic, and you can not rely on his stomach, because the healthiest people in the world use lard quite largely, all over the country.

[Here the hammer fell.]

Mr. WILLIAMS. Will the gentleman from Vermont now consume some of his time?

Mr. GROUT. There are but ten or eleven minutes remaining on this side, and I shall yield it to one gentleman. I think we should be allowed to close.

Mr. WILLIAMS. How much time have I remaining?

The SPEAKER pro tempore. Eight minutes.

Mr. WILLIAMS. Does the gentleman from Vermont prefer that I go ahead?

Mr. GROUT. Yes; I prefer to have you occupy your time.

Mr. WILLIAMS. Mr. Speaker, a desire is expressed by the gentleman from Vermont that this side consume the balance of its time, and then he will consume his.

Mr. Speaker and gentlemen of the House, when the gentleman from Ohio [Mr. NORTHWAY] was speaking, he said that the States and the people were engaged in "a warfare against an injurious and deleterious food product." With that warfare I sympathize heartily; but the trouble with the gentleman's position is that oleomargarine, butterine, cottolene, and these various substances are *not* unwholesome, deleterious, or injurious food substances. If they were, they would fall now under the sanitary and police powers reserved to the States in the Constitution of the United States, as was announced by the Supreme Court of the United States on the very article of oleomargarine when it delivered lately on the oleomargarine statute of Massachusetts. What were the facts in that case? The facts are set forth by the court, and they were agreed facts. I quote:

> It is admitted that the article sold was sent by the manufacturers thereof in the State of Illinois to the petitioner, their agent in Massachusetts, and was sold by him in the original package—

I call the attention of the gentleman from Iowa [Mr. LACEY] to that fact. He said when he was on his feet that when the oleomargarine was in the original package it was not within the scope of regulation under the police powers of the State. The admitted fact in this case was that it was in the original package—

> and that in respect to the article sold, the importers and the petitioners had complied with all the requirements of the act of Congress regulating the sale of oleomargarine, and it was marked and distinguished by all the marks, words, and stamps required of oleomargarine by the laws of this Commonwealth

That is, the State of Massachusetts.

Now, the Supreme Court of the United States held upon that state of facts that the law of the State of Massachusetts, which does everything which my friend from Delaware [Mr. WILLIS] says he wants to do, everything that my friend from Vermont [Mr. GROUT] says that the bill is intended to do, namely, forbid absolutely the sale of oleomargarine whenever sold under the guise or semblance of butter, whenever it was sold it all, unless it came within the following proviso:

> That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from colorations or ingredients that cause it to look like butter

Now, the statute of Massachusetts forbade the sale of this product with that proviso. The Supreme Court of the United States under this state of facts and with this proviso held that act to be constitutional. Therefore it follows that if all the gentlemen wanted to get was what they say they want to get (and gentlemen will understand by that that I mean that if their intent in passing the law was all the effect of the proposed law), then there is no need for the law. But the trouble about the whole thing is that the law goes further than they say they want to go, and gives the State the power not only to do what Massachusetts did, and all they say they want to do, and what the Supreme Court says they can now do, but it subjects oleomargarine to any law of the States, whatever the law may be, whether on the statute books now or to be hereafter passed, and puts it within the broad scope of the police powers, which are held to be so much a part and parcel of the reserved rights of a sovereign State that the Supreme Court of the United States has held that no clause of the Constitution can invade them. Where the trouble of the gentleman from Ohio comes in is this: That if he can prove what he asserts, viz, that this is an unwholesome and injurious product, he would have no need to pass the law; but as it is in fact, despite his assertion, a wholesome and healthful product, but as he wants to shut it out under the pretext that it is an unwholesome food product, he is in favor of the passage of this law.

Now, Mr. Speaker, the gentleman from Iowa [Mr. LACEY] said something facetious about horse beef, and said it will be absurd to compare the two things, because if people want horse beef they ought to have horse beef, and the gentleman thinks they ought to have it if it was sold as horse beef; and then he wants this product sold also, provided it shall be sold as oleomargarine, and says they are making no opposition to any law provided that it is sold that way.

Mr. GARDNER. Will the gentleman yield to me for a question?

Mr. WILLIAMS. Yes, sir; I have only eight minutes, and I desire you to make it brief.

Mr. GARDNER. Have you ever seen or have you ever heard any reputable person say that he has seen oleomargarine for sale in a retail store under its own name?

Mr. WILLIAMS. I am tolerable "reputable," and I have seen it scores of times, and so has everybody upon this floor who has ever entered a retail store. I have seen it branded "cottolene," I have seen it branded "butterine," and branded "oleomargarine," and everybody can see it if they will go down to the stores in Washington.

Mr. CANNON. I have bought it scores of times in preference to three-fourths of the article sold as butter.

Mr. WILLIAMS. Now, there is a gentleman I know my friend will admit to be "reputable," because he is from the right latitude.

Now let us go on. The gentleman from Iowa says that men ought to be allowed to buy oleomargarine if they want to, but that they should know what they are doing. I agree with him; but the trouble with this bill is that if it becomes a law a man can not buy oleomargarine, whether he knows what he is doing or not, provided the State in which he wants to buy it forbids its sale. The gentleman says that he does not want "the legitimate domain of butter invaded." What is "the legitimate domain of butter"? To be butter, is it not? So that oleomargarine can not invade the legitimate domain of butter unless it goes there pretending to be butter. But the trouble with this bill is that it goes beyond the prevention of that fraud, and provides in effect that oleomargarine, not only in the guise of butter, but in any other guise, can not be sold or bought if the State of New Hampshire, or the State of Vermont, or the State of Mississippi, or any State forbids the sale or purchase of it within the State limits.

If this bill passes, and if the Supreme Court holds that the law is constitutional, that will be its effect. I have my doubts of its constitutionality, but I am not going to indulge in such a remark as was made by the gentleman from Nebraska [Mr. HAINER], who said that the Supreme Court having made a certain decision, the matter would be all right if the people were not afraid that the decision might be changed. In the last campaign people who referred to possible changes of Supreme Court decisions were denounced as "anarchists" [laughter], but I will not so denounce the gentleman from Nebraska.

Mr. GROUT. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, if there is one feature of this proposed legislation more conspicuous and important than all others, it is that which provides for the exercise of what we call the police power in the States, and it is that power which this bill seeks to establish and strengthen within the jurisdiction of the States of the Union. That is, the power that is exercised in regulating the sale of intoxicating liquors. There is not a State in this Union that does not authorize its legislative body to prescribe the terms upon which all kinds of intoxicating liquors may be sold within its borders. Indeed, I believe that in a number of States the power to absolutely prohibit such sale has been upheld, and it has been upheld upon the ground of the peculiarly dangerous nature of the commodity, involving the loss of the property and the character, and sometimes the life of the citizen. That power, I say, is universally recognized, and yet I hear a gentleman on the other side of this Chamber, whom I have always recognized as a lawyer of ability and distinction [Mr. BOATNER], saying that the recognition of this police power implies a power in the State to prohibit the sale of cloth and of boots and shoes!

Why, Mr. Speaker, the very underlying principle of all legislation of this kind is the recognition of the same power in the State which regulates the presence and the movements of the victim of a contagious disease, or the sale of decayed or decaying vegetables, or of impure milk. The State of Massachusetts went to the very verge and upheld a statute, to which my friend from Ohio [Mr. NORTHWAY] must have referred, which made the sale of adulterated milk a crime without proving the scienter, and the supreme court of Ohio has very recently made a like ruling, although the language of the statute neither involved in terms the guilty knowledge nor attempted to say that the crime could be committed without the guilty knowledge. I think that was going a little beyond what I should have believed to be an absolute consonance with the liberty of the citizen in this respect.

But now let us come to the sale of this commodity. A gentleman who has just made an argument on the other side says that this is a question of practical common sense, and that is true. There is no occult question of law involved here. The State has the right to regulate the sale of a deleterious or an impure commodity and to provide against fraud. Now, I am not going to discuss, from the standpoint of some of our friends present, this question of the character of oleomargarine. It does not make any difference in this case whether what they say about it is true or not, or whether, if I were to express an opinion, I should be compelled to modify their statements in obedience to my own knowledge and judgment. It is enough to say that the legislation of the country, legislation which, I believe, has been thoroughly approved by the people, has regulated, or attempted to regulate, the manufacture, branding, and sale of oleomargarine.

That legislation has been upheld by the courts of the country. It is a very simple proposition, and I never had any doubt myself about the constitutionality of that law. There was never, in my mind, during the long discussion of the subject here, any question, except the question whether it was good policy to use the taxing power of the Government to thus far break down an existing industry. That industry was assailed all along the line by evidence as to the impure and deleterious and fraudulent character of the commodity produced. We have passed away from that situation, and now, in any supplemental legislation that we may enact, it seems to me that we ought not to discuss here the original question of the power of Congress to interfere to regulate the manufacture and sale of this commodity, or the propriety of its exercise of that power. Having, therefore, passed forward from that, the next question that arises is whether this legislation is needed and whether it is proper legislation.

The gentleman from Louisiana [Mr. BOATNER] says, in effect, that if it is lawful to sell a commodity in the original package in a State, made lawful by act of Congress and the law upheld by the Supreme Court, we can not undertake to interfere with the article after it gets there. Does the gentleman understand where the logic of his argument would take him? The State of Kentucky may manufacture whisky and put it into barrels and ship it to the State of Kansas. No man can prevent that traffic under the law. But can not the State of Kansas regulate what shall be done with a commodity after it comes within the borders of the State? That is this question: that is all there is of this profound question that we have here now. The law of Congress says that this commodity shall be marked and branded. The decision of the court is that the State of Kansas or the State of Kentucky, or any other State, may not exclude the interstate commerce that carries the package into that State. Now comes the supplemental act of Congress which says, "While that is true, we recognize the police power of the State." We have not attempted by this legislation, and the court has not undertaken by its decision, to destroy the police power of the State. Therefore, while asking legislation of Congress that remits to the State the power to regulate the sale——

Mr. COOKE of Illinois. Would it not be wise, in view of the complex character of this question, to have this regulation made by Congress so that it shall be applicable alike to all the States?

Mr. GROSVENOR. I would not permit Congress to so far invade the independence of a State as to adopt legislation which would debar a State from exercising its police power.

Now, it is very interesting to me to hear some of the arguments which we hear made on the other side. It is a good long time to live—we have traveled a long way in the evolution of political questions in this country—when gentlemen of the old Democratic school of politics, who all their lives have been proclaiming the doctrine of the rights of the States, and who in days past have carried that question to the arbitrament of war and blood, now stand up here in favor of an act of Congress that shall strike down the power of the State to regulate the sale of food products within its borders.

[Here the hammer fell at the end of five minutes.]

The SPEAKER pro tempore. The gentleman from Vermont [Mr. GROUT] has one minute remaining.

Mr. GROUT. I shall not occupy that minute. I ask that the bill be now read for amendment.

The SPEAKER pro tempore. The bill will now be read for amendment under the five-minute rule.

The bill was read, as follows:

Be it enacted, etc., That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Mr. TUCKER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "articles," in line 3, strike out "known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream."

Mr. GROUT. The gentleman proposes to strike out. What does he propose to insert?

Mr. TUCKER. Nothing.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. TUCKER] has the floor.

Mr. TUCKER. I merely offer the amendment. I have nothing to say about it.

Mr. GROUT. Why, Mr. Speaker, that amendment would absolutely disembowel the bill.

A MEMBER. Of course; that is what it is intended for.

Mr. GROUT. I say the amendment would absolutely eviscerate the bill. If that is the gentleman's object, the same end could be reached, if he has sufficient numerical strength on his side, by voting down the bill on its third reading. It does not seem to me that we need spend any time in discussing the amendment.

Mr. TUCKER. I should like to have a vote.

Mr. MORSE. Mr. Speaker, I move to amend by striking out the last word. I make this motion for the purpose of saying a word by way of answering the attack made upon my State in some of the illustrations which have been used in the argument of gentlemen on the other side. It has been said in the course of the debate on this floor, by the way of justifying this oleomargarine fraud upon the great farming interests and the consumers of this country, that the manufacturers of Massachusetts are not honorable merchants and business men and are guilty of fraud in the manufacture of leather, shoes, woolens, etc. Lest by silence I should appear to give consent to that charge, I wish to say a word here in my place.

I call the attention of the House to the fact that a distinguished Representative of Massachusetts on one occasion in antebellum times, when the dark crisis was impending and the mutterings of war and secession were heard, stood on this floor and said, in answer to an attack on our Commonwealth, that "he threw down her glove to the whole band of her assailants." That man was Anson Burlingame. Now I stand in my place and in behalf of the manufacturers of Massachusetts, and, measuring my words, I say that for business honor, for enterprise, for integrity, I throw down the glove of her manufacturers, bankers, and business men to the world. [Applause.]

Mr. Speaker, the manufacturers of Massachusetts sell woolen goods and shoes for what they are. There is no attempt, as in the case of oleomargarine, to palm it off for something it is not. If there is any split leather in their shoes they are sold for split leather, and for half the price of whole leather. If their clothes are made in part of cotton (as charged), it is to cheapen them and bring them in the reach of the poor, and they are sold for what they are.

I say now, in this presence, that the manufacturers of Massachusetts, by their genius, enterprise, and inventive skill, have done more than any other section of the country, or perhaps of the world, to produce articles of necessity and luxury, ten thousand articles which go to adorn and embellish modern civilized life, and made cheap by the inventive genius of her sons, so as to place them in the reach of the humblest of our citizens, and so that humble people to-day enjoy comforts and luxuries that were unknown to the wealthy a few decades ago. I have in my district, at Brockton, one of the great shoe markets of the world, and they make as good shoes as are made on the face of the earth. Contrast the price of shoes to-day with the price a decade or two decades ago; contrast the price of cloth and clothing and a thousand things with the price a decade or two ago.

Mr. Speaker, I might go through the whole category of articles made by the manufacturers of Massachusetts and used in civilized life, and prove by statistics that our manufacturers, for honor, for enterprise, for integrity, and for success, can safely challenge the world. More than that, Mr. Speaker, when the yellow wings of a pestilence flap themselves in a Southern sky, when fire or famine or flood or pestilence overtake any section of our country or overtake humanity anywhere in the wide, wide world, in starving Ireland, in famine-stricken Russia, or the far-away victims of the Sultan in Armenia—I say, who pours out its treasure like water to relieve affliction and distress? Why, these same manufacturers who have been abused and misrepresented on this floor to-day, these men who are accused of making clothing out of "shoddy" and shoes out of "pasteboard."

Mr. Speaker, Massachusetts needs no eulogium or defense from me in these closing hours of my service here. In the language of one of her great sons, we say, "There she stands." Mr. Speaker, if this is the last word I shall speak in this House, I stand in my place and throw back to the gentlemen who made these charges against the manufacturers of the Commonwealth I have in part the honor to represent—I say I deny that her manufacturers are guilty of fraud and deception in their products. [Applause.]

Mr. TERRY. I move to strike out the last word.

Mr. BARRETT. Mr. Speaker, being desirous of having a vote on the pending amendment, I make the point of order that no other amendment is in order that does not apply to that amendment until the amendment of the gentleman from Virginia is disposed of.

Mr. TERRY. Mr. Speaker, I believe I have the floor.

Mr. TUCKER. I demand a vote on my amendment, if in order.

The SPEAKER pro tempore. The Chair overrules the point of order of the gentleman from Massachusetts. The Chair understood the gentleman from Arkansas, [Mr. TERRY] to move a pro forma amendment, and under the practice of the House he is recognized for debate.

Mr. BARRETT. Do I understand the Chair to rule that when an amendment is pending, another amendment which has no reference to it may be offered.

The SPEAKER pro tempore. An amendment to the amendment is in order.

Mr. TERRY. I hope the Chair will not count this time against me.

Mr. BARRETT. I submit that an amendment to the amendment, unless it pertains to the subject-matter of the pending amendment, is not in order. The amendment to strike out the last word has no reference to the amendment of the gentleman from Virginia.

My point, if the Chair please, is that the gentleman from Arkansas makes a formal amendment, and that that amendment has no reference to the pending motion. The gentleman from Virginia has moved to strike out a certain portion of this section of the bill, but not a part of the section affected by the gentleman from Arkansas.

Mr. TERRY. I understood the gentleman from Massachusetts [Mr. MORSE] had moved a formal amendment and withdrew it. He was recognized, and made some remarks on his amendment. I made a pro forma amendment and was recognized by the Speaker, and am entitled to the floor. If the gentleman from Massachusetts did not withdraw his formal amendment of one word, I will make my amendment to strike out about three words. [Laughter.]

Mr. BARRETT. The fact that no opposition was made to the suggestion of my colleague and to his occupation of the floor on his amendment does not prevent the point of order being made against another amendment of a similar character.

The SPEAKER pro tempore. The Chair overrules the point of order, and holds that the gentleman from Arkansas is entitled to the floor.

Mr. TERRY. Mr. Speaker, I desire to call the attention of the members on both sides of the Chamber to the true question involved in the pending bill. It is a question of the interests of a few dairymen, as against the interests of the farmers of the country, North, East, South, and West. Every man whose product enters into the composition of oleomargarine, tallow or lard—every farmer who raises hogs, or sells cotton seed, every man that deals in lard or its products, or cotton seed or its products, has his interests directly assailed by the bill now pending in the interest of a few dairy associations throughout the country. It is a bill to strike down rival products and increase the price of butter.

Now, sir, when we recollect what was the original purpose—the moving purpose—for which the present Constitution of the United States was formed and accepted by the States, we are enabled to form a proper understanding of the real issue involved in this bill. One of the main purposes of the Constitution was to have free trade among the States as to all products whose importation or sale was not injurious to health or public morals, and for the purpose of preventing any State from regulating, tampering with, or prohibiting the introduction of, or discriminating against, the products of any other State.

In order to secure the formation of a constitution that would accomplish these objects and grant these powers to the General Government, the people of the great North made concessions to the people of the South in the matter of representation partly based on the holding of slaves. All of these things they sacrificed, and a great many other convictions as well, in order to have a constitution that would permit this unrestricted commerce among the States.

But now, sir, we behold the representatives of States that stood out most strenuously for this power to regulate interstate commerce among the very first that now come up here to strike down or cripple that great power in the Federal Constitution. We upon this side of the Chamber are asked, "Have you not been State-rights men in the past?" Certainly we have been. But we have also stood by the Constitution that our fathers framed, as we understood it, and we propose to stand by it now as the palladium of our liberty and the ægis of our protection.

Now, this bill is a direct assault upon the very purpose of the interstate-commerce clause in the Constitution of the United States. I hold for one that any product the introduction or sale of which is injurious to the health or the morals of the people of any State is not within the commerce clause of the Constitution of the United States. But, unfortunately, the Supreme Court of the United States has ruled otherwise in what is known as the "original-package case," and it then became necessary for Congress, in order that the States might prohibit the sale of intoxicating liquors if they so desired—it became necessary to pass the Wilson bill. And I say, Mr. Speaker, if it becomes necessary in any case to authorize the States to prohibit the introduction of anything injurious to the health or morals of the people, Congress ought to grant it, but should not go further.

Here is a product that is not injurious to the health or the morals of the people. Whisky was, according to the contention of a great many people of the United States, and according to the almost universal consent of the world. It became, therefore, proper to take that out from under the operation of the interstate-commerce clause. But we should not go beyond that principle. Let us keep that principle in view, and whenever we are asked to make a concession to the States let us simply make concessions to prohibit those things that are injurious to public health or morals, and stop there, and then we will be standing by the Constitution as our fathers framed it.

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, just a word in regard to this amendment, which is really very objectionable. It provides that—

All articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State, etc.

This would be a complete surrender by Congress of the constitutional power with which it is now vested to regulate commerce between the States. It goes far beyond any decision yet made by the Supreme Court, and far beyond the purpose contemplated in this bill. The court, in Plumley *vs.* Massachusetts, simply say that where a fraud is sought to be perpetrated in the sale of an article of food taken from one State into another the police power of the State into which it is transported may lay its hands upon the article and strip it of its false garb and compel its sale for exactly what it is. But this amendment of the gentleman leaves all articles, whether fraudulent or otherwise, to be controlled by State legislation, which simply abrogates the constitutional power of Congress to regulate interstate commerce.

Mr. TUCKER. I think my friend is entirely mistaken about that, and I think he will see it on reflection. All articles are to be subject, under the proposed bill as amended, to the police power in the State. That police power in the State refers to anything which is deleterious to health or morals; so that if oleomargarine, if beef, if lard, or all articles are amenable to that objection, the police power of the State would have the authority to act upon them.

Mr. GROUT. But still it should be remembered that the court in the Plumley case bases its decision simply upon the fraud. Where fraud is attempted to be practiced, the court says the State has the power to prevent it, and that is all this bill asks. The police power of the State seizes on this article when it goes into the State in "semblance of butter or cheese," and under no other circumstances. To make the thing entirely plain, after this amendment is disposed of, and perhaps one or two others offered, I intend offering an amendment, which has been agreed upon between myself and the gentleman from Mississippi [Mr. WILLIAMS], and which will make this point clear to all. He is not willing to offer it, because, even when adopted, he says he would not be willing to vote for the bill. So I propose to offer it. I hope the amendment of the gentleman from Virginia will be voted down.

Mr. TUCKER. I hope the amendment will be voted up. [Laughter.]

The question was taken on the amendment of Mr. TUCKER; and on a division (demanded by Mr. TUCKER) there were—ayes 23, noes 88.

Accordingly, the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 9, after the word "arrival," strike out the word "in" and insert the words "within the limits of."

The amendment was agreed to.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out "or," in line 7, page 1, after the word "Territory," and insert the word "and."

Mr. GROUT. I ask the Clerk to read the bill as it will be if that amendment is adopted.

The Clerk read as follows:

Transported into any State or Territory, and remaining therein for use, etc.

Mr. GIBSON. The object of that amendment is to avoid this possible construction, that under the bill as it is now framed it is probable that oleomargarine in transitu might be subject to the State police laws. The object of this is to confine it to oleomargarine transported into a State and remaining there for use, sale, etc.

Mr. GROSVENOR. The amendment is perfectly unnecessary, because this says in plain words that the law only applies to that which is transported into a State and retained there for use.

Mr. GIBSON. I wish to make it read—

and remaining therein—

Instead of—

or remaining therein.

Mr. GROUT. There is no objection to that amendment. I do not think it changes the bill.

The amendment was agreed to.

Mr. GROUT. Now, Mr. Speaker, I offer the following as a proviso to the bill, not because I think it necessary, for the bill itself, in express terms, goes upon the ground that in order to touch this product by the police power of any State it must be in "the semblance of butter or cheese." But to make it plain, so that there shall be no question as to the power of the State to prohibit it when it comes as oleomargarine, this amendment is offered, as I have stated, after a conference with the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the customer of its real character and free from coloration or ingredient that causes it to look like butter.

Mr. HAINER of Nebraska. Mr. Speaker, I move to strike out the word "customer" and insert the word "consumer."

Mr. GROUT. I have quoted the exact language in the Massachusetts statute, which has already been adjudicated by the Supreme Court, unless I have made a mistake in transcribing. My intention is to follow the exact language of the Massachusetts statute.

Mr. TAWNEY. That particular phrase was not construed by the Supreme Court of the United States.

Mr. GROUT. It was recited in the opinion, and of course may be understood as having in a sense been construed.

Mr. TAWNEY. I am speaking of the word "customer."

Mr. GROUT. I find the word "consumer" is used in the law. I thank the gentleman from Nebraska [Mr. HAINER] for calling attention to it. The error occurred in a second transcription.

Mr. HAINER of Nebraska. That is all right.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Nebraska to the amendment offered by the gentleman from Vermont.

The amendment to the amendment was agreed to.

The SPEAKER. The question recurs on the amendment offered by the gentleman from Vermont as amended.

Mr. CONNOLLY. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from Vermont.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, The sale in original packages of such articles, produced in any State or Territory, and marked as provided by the laws of the United States, shall not be prohibited by the laws of any other State or Territory."

Mr. CONNOLLY. Mr. Speaker, I understand from the advocates of this bill that the purpose of it is to prevent the sale of oleomargarine and kindred products under fraudulent names. If that be true, this amendment or proviso that I offer to attach to the bill will permit the bill to be operative to that extent; but if the purpose of the friends of this bill is to absolutely prevent the sale of oleomargarine produced in one State in any other State, then gentlemen will not support this proviso. This proviso is that where oleomargarine or kindred articles are produced in any State or Territory, and are marked as provided by the laws of the United States, then their sale shall not be prohibited by the laws of any State. The States retain in their hands the right to make just as stringent regulations as they choose to prevent fraud in the offering and sale of this kind of article; and when the United States shall have acted and made all the requirements they choose to make, then it provides that those States shall not by their laws override these requirements of Congress and prohibit the sale of that article. It seems to me that if the friends of this bill are in earnest in their declaration that its purpose is simply to prevent the sale of fraudulent food products, they ought to be willing to accept this proviso and retain the power in Congress to make all the limitations it may choose to make from time to time in the future and not give to the individual States the right to override this limitation made by Congress.

Mr. GROUT. Mr. Speaker, this amendment or substitute really says that the bill shall have no effect. In other words, it enacts into statute law the original-package decision and more, too, and repeals or does away with the decision of the Supreme Court in Plumley against the State of Massachusetts, on which this bill is based.

Mr. CONNOLLY. Will you permit me to ask you a question?

Mr. GROUT. Certainly.

Mr. CONNOLLY. You desire to do something more than merely prevent the sale of a fraudulent food product?

Mr. GROUT. Nothing more, as is expressly written in the first lines of the bill, and then as added by the proviso at its close; and this for the purpose of making it so plain that "the wayfaring man, though a fool, may not err therein."

Mr. CONNOLLY. You say when oleomargarine is marked as oleomargarine and is sold in the semblance of butter, your bill prevents that sale.

Mr. GROUT. Precisely so; because they can take the tub off, as I stated yesterday, and set it alongside of butter and sell it anywhere they please as butter, and nobody can tell the difference, and this very thing is done in this city every day.

Mr. CONNOLLY. When the thing is sold in the original package itself? That amendment relates to the original package.

Mr. GROUT. Mr. Speaker, this amendment is all that the oleomargarine factories in Illinois or anywhere else can ask for. Let us vote it down.

Mr. CANNON. If I may be permitted, I move to strike out the last word. I want to ask my friend if he has taken into consideration the propriety of amending the law of 1886, which reads as follows:

That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream or both, with or without common salt, and with or without additional coloring matter.

Does the gentleman propose anywhere in this legislation, before he gets through with it, to get rid of that which is to him a pernicious practice of coloring butter as a food product?

Mr. GROUT. The gentleman has asked me a question, and I will try to answer it. Butter has a color of its own—the color of gold—and has had it from time immemorial, even from the time when Jael, the wife of Heber, the Kenite, "brought forth butter in a lordly dish."

Frequently during the winter months, while the cow is on dry feed, a little coloring is added, to suit the fancy of the consumer, but the article still has its own proper color. Surely there can be no offense in artificially intensifying the color of butter. Nor, in itself, is there anything intrinsically wrong in coloring oleomargarine. The wrong consists in selling the nasty fats of which it is composed, not as oleomargarine, but as butter, which could not be done if the filthy stuff had not the color of butter. Right here is the wrong, right here is the fraud, which can only be committed by this piratical product when it sails under false colors. This is my answer to the gentleman.

Mr. CANNON. Rich, creamy butter, where the animal is fed upon good clover, has a yellow color; but in the absence of such feed the butter is white.

Mr. GROUT. No; it is never white.

Mr. CANNON. Oh, yes; substantially white. Now, does my friend propose to continue the practice of taking the white butter, or that which is substantially white, made from the milk of poor, lean cows, and coloring it with anatto or other coloring matter? Is that kind of fraud to still go on, and is that counterfeit butter to continue to demoralize the stomach of the eloquent gentleman from Delaware without rebuke by my friend from Vermont? [Laughter.]

Mr. GROUT. Mr. Speaker, I compliment the gentleman on his ingenuity in undertaking to bring into this discussion in the closing moments a subject entirely foreign to the matter in issue. If the gentleman thinks there is something wrong in the coloring of butter which he talks about, I shall be glad to sit down with him and philosophize upon that subject early and late; but that has nothing whatever to do with the question now before the House. We are now called upon to say whether it is a proper thing for one State to overhaul an article of food coming from another State "in the semblance" of that which it is not, and tear off its mask and compel it to go upon the market for what it really is; in other words, we are simply to determine the question whether the States have the power to stop a cheat and a fraud in an important article of food, even though it come from another State. This is the whole story. I hope we shall vote down this proposed substitute.

The question being taken on the substitute proposed by Mr. CONNOLLY, the Speaker declared that the noes seemed to have it.

The House divided; and there were—ayes 78, noes 98.

So the substitute was rejected.

Mr. TRACEY. Mr. Speaker, I send to the desk a substitute for the amendment.

The proposed substitute was read, as follows:

Provided, That nothing herein shall be so construed as to authorize any State or Territory to prohibit the transportation and sale of such articles in original packages when transported or sold in their true character.

Mr. TRACEY. I only desire to say, in support of this amendment, that I am and have always been decidedly in favor of such regulation governing the sale of these imitations of butter as will prohibit their sale except in their true character, but I am equally opposed to legislation which will put it within the power of any State or Territory to prohibit the transportation and sale of these articles which, notwithstanding what has been said here, are not unhealthy or uncleanly. They are largely manufactured in the State in which I live, and their sale is prohibited as butter, and they are sold as oleomargarine or butterine.

Mr. TAWNEY. Is it not a fact that a State now has the power to prohibit the manufacture and sale of any commodity or food product which, in the judgment of the State legislature, is deemed to be deleterious to health?

Mr. TRACEY. I presume that any State legislature in this country could by law prohibit the transportation and sale within the borders of the State of any article which the legislature should allege to be poisonous or in any manner deleterious to health; but I assume, also, that there is no legislature in this country that would allege for one moment that oleomargarine and butterine, as they are now made, are poisonous or in any sense deleterious to health. I know, personally, that both of those articles are used very largely in the State in which I live, and that they have not been and are not now regarded there as in any manner deleterious to health, but, on the contrary, they are generally regarded as healthful. They constitute an important food product, and are used by a large number of people throughout the country voluntarily and knowingly. I think it is safe to say that there can not be found a place within the State of Missouri in which these articles are sold otherwise than in their true character. They are sold as "oleomargarine" and as "butterine," branded as such on every package of a pound or more, and hence nobody is being defrauded by the sale of those articles, but the people are given an opportunity to buy a substitute for butter at a less price than they would be compelled to pay for butter, and these imitations are regarded as better for consumption than a great deal of the butter offered for sale. What I have said, Mr. Speaker, is in no sense a plea for oleomargarine or butterine, but is a protest against the enactment of a law which, in my humble judgment, violates a sacred right of every citizen of this country—the right to make and sell without unreasonable restrictions any legitimate article of consumption.

Mr. HENDERSON. Mr. Speaker, I rise to oppose the substitute. The oleomargarine battle which was fought on the floor of the House some years ago was one of the hardest contests I ever saw. It lasted for many weeks—one long, continuous, tireless filibuster against the bill. The gentleman from Illinois spoke this morning of "opposition here and there." The opposition did come from "here and there;" it was located chiefly in Kansas City and in Chicago, where vast wealth is massed to make money at the expense of the agricultural interests of this country. [Applause.] The attempt has been made to have it appear that the lard and tallow interests are against the bill pending before us. I represent a district where lard, tallow, and all the dairy products form the leading articles of production; and I do not believe that there is a farmer in my district who is not against this fraud and in favor of this bill—not one. [Applause.]

I hold in my hand a telegram from the dairy commissioner of Iowa, urging the Iowa delegation to stand by and support this bill. No member of the Iowa delegation needed that telegram. A quick ear for the heart beat of the agricultural interests of Iowa was enough to instruct us as to the wishes of our constituents. We have been through this battle before; and I want to say to my distinguished friend from Illinois [Mr. CANNON], who pointed at the frauds in the manufacture of other articles, that the time is fast coming when legislative attention, State and national, must be directed to all of these frauds. And he only "points the moral and adorns the tale" when he gives those illustrations. I say wherever you find a fraud imposing upon the people—running masked batteries into the commerce and trade of this country—do not stand back and howl at the efforts that are being made to strike at the first fraud, but help us now and bring on your batteries and let us attack the others. For one I am for this bill and every bill that will unmask deception and let us have fair play among the people of this country. [Applause.]

Mr. CANNON. Mr. Speaker, I move to strike out the last word. I have lived long enough to learn that in matters of legislation when I act on any question in the light of the facts I can very well afford to rely for justification upon the facts. It is not necessary for me, nor as I believe for any other gentleman, to ignore the facts in order to justify ourselves upon this question.

What is proposed to be done here? What is the evil proposed to be remedied? There is a product manufactured called oleomargarine. From the place where it is manufactured till it reaches the consumer it is marked carefully, effectively. It is a wholesome product. The men who make it, whether they live in the district of the gentleman from Iowa, or in mine, or elsewhere, and those who furnish the material from which it is made, are American citizens and have the right to follow a lawful calling. And when these men do make that product, then in fairness under the Constitution they have, in my judgment, a right to find a market for it. That they have found, and not under a false pretense, not with a lie in their mouths or in the mouth or the product they sell.

Now, because they do find that market and great masses of people in the United States knowingly buy that product for a food product, and because, forsooth, it interferes with the makers of other food products, gentlemen are swiftfooted to clothe themselves with a defense of the farmer and seek to legislate in his behalf. I think that this matter when it comes to be tried upon its merits, if it ever does, in the light of the approval or condemnation of the people, will not be judged by declamation. I am thankful to believe that such is the case.

I can not go with the gentleman who proposes this legislation, notwithstanding its eloquent approval by the gentleman from Iowa [Mr. HENDERSON], because the legislation (not speaking offensively) is a fraud on its face. Professing to do one thing, with a misrepresentation in its stomach, it seeks to do another thing, and is blessed by the men who deal in declamation and denunciation. For that reason I shall vote against this bill, and without apology.

I have no fears but that when I am called on to meet my agricultural constituency (and it is peculiarly an agricultural constituency) they will have intelligence enough to understand that their products of tallow and leaf lard are combined and churned through milk and made a cheaper product than butter, going to the homes of multiplied thousands who earn their living in the sweat of their faces, who can not buy fine dairy butter at 30, 40, and 50 cents a pound, but who buy this in preference to bad butter—when they understand that, I will risk my justification. Anyhow, whether I am justified or not, my judgment is that this legislation is vicious, is fraudulent—pretending to do one thing when it in fact does another. And to retain my self-respect, and from my conviction of what is right, I shall vote "no." [Applause.]

Mr. HENDERSON. I move to amend by striking out the last word of the substitute. Mr. Chairman, if there is anything I feel badly about it is to see my colleague from Illinois [Mr. CANNON] resorting to declamation. He is the only gentleman who has done so this afternoon. When I came upon the floor he had all the appearance of a man in a high ecstacy on this subject, and was assailing other frauds. I am not here for declamation. I am not here with any prepared speech. A man does not need much preparation when he is attacking a curse of the kind that is being attacked by this bill. The gentleman by his remarks would make it appear that I have attempted to question his motives. He knows me better than that. I attacked some of his references, but I had no intention of attacking his motives, or those of any other member of the House.

Every man here has a right to fight for his own constituents and their interests. But one thing I do know, Mr. Speaker. I know where the head and front of this defense is located. It is located in the great capitalized institutions of Chicago and Kansas City, with Mr. Armour and Mr. Swift and those men who have destroyed the cattle interest of the great West, including my own State, keeping down the price of every slaughtered animal and raising the price of every pound of beefsteak sold in the limits of the United States. It does not need declamation to tell God's simple truths to this House and to the people. I simply mean this, and I allude to my friend from Louisiana, who asked a short time ago why legislation in the interest of one class against another should be enacted, and who said that a State had not a right to do it. In response to him I say that a State has a right to put stripes on its convicts in the penitentiary, and I am in favor of everything in that line that will brand infamy and brand falsehood, so that it may be recognized by the people. Let the violators of law and those who are transgressing the great rights of the people in the commerce of the United States be designated so as to give fair protection to all classes in the country and equal punishment to all criminal impositions.

But, Mr. Speaker, because I am denouncing the manufacturers and sellers in a fraudulent way, I am not denouncing any gentleman who thinks proper to defend what he believes to be the interest of the tallow and lard raisers in his district. The tallow and lard raisers in my district are milk producers and butter producers as well. But they find a market for their tallow and their lard as such. All we want is fair play, so that these articles can not be reduced in price or value by forgery and fraud.

I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Speaker, from the remarks of gentlemen who have just addressed the House on this subject it seems that this question has resolved itself into one of the interests of the constituents of the gentlemen who have spoken. Now, as a Representative of a constituency who have no direct interest in the manufacture of oleomargarine and who do not produce any considerable amount of dairy products, I feel that my testimony may possibly have some weight in the matter.

In my State we produce no considerable amount of dairy products. When we want to milk a cow in my part of the country, we generally have to rope her and hog-tie her [laughter], and we have no oleomargarine factories; therefore I am not influenced in this matter by considerations of local interest.

But, sir, I object to this legislation for the reason that it seems to me it tends, as the gentleman from Illinois [Mr. CANNON] has just so forcibly stated, to prohibit or restrict, to a considerable extent at least, the sale of a food product which is not considered deleterious to health—a healthful food product—under the pretense of preventing fraud.

Mr. GROSVENOR. Will the gentleman allow an interruption?

Mr. MONDELL. Certainly.

Mr. GROSVENOR. Under the oleomargarine act the manufacture has been largely increased, and the producers are enabled to furnish a very much better quality than in the past. That is the report before the Committee on Ways and Means, sustained by abundant evidence.

Mr. MONDELL. I judge, therefore, that the oleomargarine law was a good law.

Mr. GROSVENOR. Yes

Mr. MONDELL. And I am entirely in favor of any legislation that will prevent fraud of any character or legislation that will prevent the sale of any deleterious or adulterated food product. As I understand it, the State now has the right to provide by legislation that no article shall be sold under misrepresentation as to its true character; that food products shall be sold precisely for what they are, and that these provisions may include oleomargarine as well as other food products. But I deny the right of any State to say that I shall not use or purchase or manufacture or sell any healthy food product; and it has never been established either here or elsewhere that oleomargarine is not a healthy food product.

We are simply by this legislation opening up a vista, the limit of which no man may see, of legislation of this character in covering other articles where the seeming interest of the people on the one side may be contrary to the interest of those on the other.

Mr. NORTHWAY. Will the gentleman allow an interruption?

Mr. MONDELL. Certainly.

Mr. NORTHWAY. Had you rather trust the people of your own State to legislate on this matter than the people of the United States? Do you think that we are better prepared for the enactment of such a provision than the people of the State?

Mr. MONDELL. I am in favor of allowing local legislation in all matters that do not conflict with the general good of the people of the United States, and do not conflict with the commerce of the United States; but I am opposed to any legislation that in any way prevents the manufacture and free distribution and sale, from one end of this nation to the other, under its true name and properly branded, and sold for what it really is, of any product whatever that is wholesome and not injurious. Therefore I am opposed to all legislation of this character. [Applause and cries of "Vote!" "Vote!"]

Mr. GROUT. Mr. Speaker, I believe the House is ready to vote upon this question. I shall submit no remarks, but desire to have read from the Clerk's desk a telegram which I have just received, which shows that this is not only a question in which the rural districts and agricultural States are interested, but that it is a matter in which business interests everywhere are concerned.

The Clerk read as follows:

BALTIMORE, MD., *January 14, 1897.*

Hon. WILLIAM W. GROUT,
House of Representatives, Washington, D. C.

Congratulations upon getting your bill up for discussion. Explain that it is a facsimile of the provisions of the Wilson law with respect to liquor, and no novelty in the way of national legislation. We wish you speedy success.

BALTIMORE CITY PRODUCE EXCHANGE.

Mr. GROUT. Now, Mr. Speaker, I ask for the previous question on the bill and amendments, unless some gentleman wishes to be heard.

The previous question was ordered.

The SPEAKER. The previous question is ordered on the bill, the amendments, and the substitute for the amendments. The question is first on the substitute of the gentleman from Missouri [Mr. TRACEY] for the amendment. The Clerk will report the substitute.

The Clerk read as follows:

Provided, That nothing herein shall be so construed as to authorize any State or Territory to prohibit the transportation and sale of such articles in original packages when transported or sold in their true character.

The question being taken on the substitute, on a division (demanded by Mr. TRACEY) there were—ayes 88, noes 109.

Accordingly, the substitute was rejected.

The SPEAKER. The question now is on the amendment of the gentleman from Vermont [Mr. GROUT], which the Clerk will report.

The Clerk read as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

The amendment was agreed to.

The question being taken on the engrossment and third reading of the bill as amended, on a division (demanded by Mr. WILLIAMS) there were—ayes 122, noes 88.

Mr. WILLIAMS. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 96, not voting 133; as follows:

YEAS—126.

Acheson,
Aitken,
Apsley,
Babcock,
Baker, Md.
Baker, N. H.
Barham,
Barney,
Bartholdt,
Bishop,
Blue,
Boutelle,
Bowers,
Broderick,
Bromwell,
Bull,
Burton, Ohio
Chickering,
Codding,
Cook, Wis.
Crowther,
Curtis, Iowa
Curtis, N. Y.
Danford,
Daniels,
De Armond,
Dolliver,
Doolittle,
Ellis,
Fairchild,
Fischer,
Fletcher,
Foote,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Grosvenor,
Grout,
Grow,
Hager,
Hainer, Nebr.
Hall,
Harmer,
Harris,
Hatch,
Heatwole,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill,
Howe,
Hubbard,
Huff,
Hulick,
Hull,
Hunter,
Hurley,
Jenkins,
Johnson, N. Dak.
Jones,
Kiefer,
Knox,
Lacey,
Lefever,
Leighty,
Leisenring,
Leonard,
Lewis,
Linton,
Loudenslager,
Low,
McCleary, Minn.
McClure,
McCormick,
McEwan,
McLachlan,
Meiklejohn,
Milnes,
Minor, Wis.
Mitchell,
Moody,
Morse,
Northway,
Payne,
Pearson,
Perkins,
Phillips,
Pitney,
Poole,
Pugh,
Royse,
Russell, Conn.
Shafroth,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Southard,
Southwick,
Spalding,
Stahle,
Steele,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Tawney,
Tayler,
Thomas,
Treloar,
Updegraff,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Wellington,
Willis,
Wilson, Idaho
Wilson, N. Y.
Woomer,
Wright.

NAYS—96.

Aldrich, T. H.
Allen, Miss.
Arnold, R. I.
Bailey,
Baker, Kans.
Bankhead,
Bartlett, Ga.
Belknap,
Bell, Colo.
Bell, Tex.
Berry,
Black,
Boatner,
Buck,
Burrell,
Burton, Mo.
Calderhead,
Cannon,
Clardy,
Clarke, Ala.
Cobb,
Cockrell,
Connolly,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cox,
Crisp,
Crowley,
Cummings,
Dayton,
Dinsmore,
Erdman,
Goodwyn,
Halterman,
Harrison,
Hendrick,
Hopkins,
Kem,
Kendall,
Kirkpatrick,
Kleberg,
Latimer,
Layton,
Linney,
Little,
Livingston,
Loud,
Maddox,
Marsh,
McClellan,
McCreary, Ky.
McCulloch,
McDearmond,
McMillin,
Miller, W. Va.
Mondell,
Money,
Mozley,
Murphy,
Neill,
Ogden,
Otey,
Patterson,
Pendleton,
Prince,
Quigg,
Raney,
Reeves,
Richardson,
Rinaker,
Sayers,
Sparkman,
Spencer,
Stallings,
Stephenson,
Stokes,
Strait,
Talbert,
Tate,
Terry,
Tracey,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Van Horn,
Walker, Va.
Washington,
Wheeler,
White,
Williams,
Wilson, S. C.
Wood,
Woodard,
Woodman.

NOT VOTING—133.

Abbott,
Adams,
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Anderson,
Andrews,
Arnold, Pa.
Atwood,
Avery,
Barrett,
Bartlett, N. Y.
Beach,
Bennett,
Bingham,
Brewster,
Brosius,
Brown,
Brumm,
Catchings,
Clark, Iowa
Clark, Mo.
Coffin,
Colson,
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Crump,
Culberson,
Curtis, Kans.
Dalzell,
Denny,
De Witt,
Dingley,
Dockery,
Dovener,
Draper,
Eddy,
Ellett,
Evans,
Faris,
Fenton,
Fitzgerald,
Foss,
Fowler,
Gillett, Mass.
Graff,
Griffin,
Griswold,
Hadley,
Hanly,
Hardy,
Hart,
Hartman,
Heiner, Pa.
Hemenway,
Hitt,
Hooker,
Howard,
Howell,
Huling,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Joy,
Kerr,
Kulp,
Kyle,
Lawson,
Lester,
Long,
Lorimer,
Maguire,
Mahany,
Mahon,
Martin,
McCall, Mass.
McCall, Tenn.
McLaurin,
McRae,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Moses,
Murray,
Newlands,
Noonan,
Odell,
Otjen,
Overstreet,
Owens,
Parker,
Pickler,
Powers,
Price,
Ray,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Scranton,
Settle,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Mich.
Sorg,
Sperry,
Stewart, N. J.
Stone, W. A.
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Taft,
Thorp,
Towne,
Tracewell,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Wilber,
Wilson, Ohio
Yoakum.

So the bill was ordered to be engrossed and read a third time.

The following pairs were announced:

Until further notice:

Mr. COUSINS with Mr. COWEN.
Mr. HITT with Mr. McRAE.
Mr. WATSON of Indiana with Mr. MEYER.
Mr. WILBER with Mr. SORG.
Mr. McCALL of Tennessee with Mr. McLAURIN.
Mr. TRACEWELL with Mr. RUSSELL of Georgia.
Mr. HEMENWAY with Mr. MINER of New York.
Mr. HANLY with Mr. MOSES.
Mr. TAFT with Mr. ROBERTSON of Louisiana.
Mr. CRUMP with Mr. CULBERSON.
Mr. KULP with Mr. ABBOTT.

For this day:

Mr. CURTIS of Kansas with Mr. OWENS.
Mr. CORLISS with Mr. DENNY.
Mr. BINGHAM with Mr. DOCKERY.
Mr. FOSS with Mr. YOAKUM.
Mr. MILLIKEN with Mr. LESTER.
Mr. PICKLER with Mr. SWANSON.
Mr. SULLOWAY with Mr. TYLER.
Mr. SCRANTON with Mr. RUSK.
Mr. AVERY with Mr. FITZGERALD.
Mr. MERCER with Mr. HART.
Mr FARIS with Mr. KYLE.
Mr. WILLIAM A. STONE with Mr. ELLETT.
Mr. HULING with Mr. PRICE.
Mr. REYBURN with Mr. MAGUIRE.
Mr. JOHNSON of Indiana with Mr. MEREDITH.

On this question:

Mr. CLARK of Iowa with Mr. SULZER.
Mr. SMITH of Michigan with Mr. TOWNE.
Mr. LONG with Mr. CATCHINGS.
Mr. BROSIUS with Mr. JOY.
Mr. WATSON of Ohio with Mr. GILLETT of Massachusetts.

Mr. CURTIS of Kansas. Mr. Speaker, I desire to withdraw my vote. I find I am paired with the gentleman from Kentucky, Mr. OWENS. Were he present, I should vote "yea."

Mr. BOATNER. Mr. Speaker, my colleague, Mr. ROBERTSON, is detained from the House by illness. I do not know how he would vote.

Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. BINGHAM. If he were present, the Grout amendment having been adopted, I should vote for the bill.

Mr. SMITH of Michigan. Mr. Speaker, I am paired with the gentleman from Minnesota, Mr. TOWNE. If he were present, I would vote "yea" and he would vote "nay."

Mr. FOOTE. Mr. Speaker, my colleague, Mr. BENNETT, was called out a few moments ago. If present, he would vote "yea."

Mr. BROMWELL. Mr. Speaker, my colleague, Mr. TAFT, has been called home by important business. He would have voted for the bill if present.

The result of the vote was then announced as above recorded.

The bill was accordingly engrossed and read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House proceeded to divide.

Mr. WILLIAMS. Mr. Speaker, I withdraw the call for a division.

The SPEAKER. The call for a division has been withdrawn. The ayes have it, and the bill is passed.

On motion of Mr. GROUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

VETO MESSAGE—EASTERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER laid before the House the following veto message of the President of the United States; which was read:

To the House of Representatives:

I return herewith without my approval House bill No. 9489, entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court."

It appears that terms of court are now held at four different places within the eastern judicial district of Texas, and that parties having business in the courts are not seriously inconvenienced under present arrangements.

Both the Federal judge and district attorney in this district express themselves in opposition to the bill as unnecessary and an interruption to the transaction of the large volume of business now pending and constantly coming before the court.

I have before me certificates of the clerks of the present divisions of the courts showing that during the last five years the counties which it is proposed shall constitute the new division have contributed but forty-two cases to the calendars of the court.

Conclusive proof is also before me that the additional terms of court provided for in this bill would so interfere with the terms already appointed in the existing divisions that the proper administration of the civil as well as the criminal law would be impracticable.

The criminal docket of the terms held at Paris is so large that under present arrangements and with the utmost industry trials can not now be as promptly disposed of as the ends of justice require. This condition would be further aggravated if terms of the court should be held at Beaumont on the dates proposed in this bill, since they are fixed at such times as to necessarily curtail the period now devoted to the Paris terms.

On the grounds stated, and because I am unable to discover how the public interests can possibly be promoted by the proposed legislation, I am constrained to withhold my approval of the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 14, 1897.*

Mr. COOPER of Texas. Mr. Speaker, I ask that the veto message, together with the bill, be referred to the Committee on the Judiciary.

The SPEAKER. The gentleman from Texas asks that the veto message, together with the bill, be referred to the Committee on the Judiciary. Without objection, it will be so ordered.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ARNOLD of Pennsylvania, for five days, on account of sickness in his family.

To Mr. COOPER of Wisconsin, indefinitely, on account of sickness.

To Mr. MOSES, indefinitely, on account of sickness.

Mr. GROUT. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes;

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals;

A bill (S. 3210) granting a pension to Anna P. Johnson; and

Joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1898, and for other purposes.

Mr. DOCKERY. I desire to reserve all points of order.

The SPEAKER. All points of order are reserved. The bill will be ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE. I move that the House adjourn.

The SPEAKER. The gentleman from Vermont has already moved that the House adjourn.

The motion to adjourn was then agreed to; and accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the Springfield Arsenal, Springfield, Mass.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for rent of quarters for the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an estimate of an appropriation for establishing a site for a penitentiary at Fort Leavenworth, Kans.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 9681) granting a pension to Rachel Waddell, of Newport, Tenn. (Report No. 2514.)

By Mr. BLACK, from the Committee on Pensions: The bill (H. R. 1388) for the relief of Mrs. Isabella V. Jett. (Report No. 2515.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 8898) to increase the pension of Elizabeth Wellons. (Report No. 2516.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALKER of Virginia (by request): A bill (H. R. 9977) for the incorporation of an association for the mutual protection and benefit of Government employees—to the Committee on the District of Columbia.

By Mr. WATSON of Ohio: A bill (H. R. 9978) to promote the safety of railroad employees by the blocking of frogs, etc.—to the Committee on Railways and Canals.

By Mr. SAYERS: A bill (H. R. 9979) to provide for a permanent census—to the Committee on Appropriations.

By Mr. WELLINGTON: A bill (H. R. 9980) to amend an act to regulate the practice of pharmacy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GAMBLE (by request): A bill (H. R. 9981) granting lands to the State of South Dakota to aid the construction of the Dakota Pacific Railroad Company from Sioux Falls, S. Dak., to Granger, Wyo.—to the Committee on the Public Lands.

By Mr. HENDERSON: A bill (H. R. 9982) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others," and "The United States against Alice Weil and others"—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 9983) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States—to the Committee on the Public Lands.

By Mr. FLYNN: A bill (H. R. 10000) for the payment of arrears of interest on Chickasaw trust funds—to the Committee on Indian Affairs.

By Mr. CURTIS of New York: A concurrent resolution (House Con. Res. No. 66) to print 8,000 copies of the chronological list of battles in which troops of the permanent establishment have participated from the organization of the Army in 1789—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 9984) for the relief of Thomas H. Breen—to the Committee on Indian Affairs.

By Mr. BINGHAM: A bill (H. R. 9985) for the relief of Oliver C. Bosbyshell, late superintendent of the United States mint at Philadelphia, Pa.—to the Committee on Claims.

By Mr. BURRELL: A bill (H. R. 9986) for the relief of Alfred U. Whiffen—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9987) granting a pension to Edward Hownsom—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 9988) for the relief of estate of Jesse Hollingshead, deceased, late of Benton County, Ark.—to the Committee on War Claims.

By Mr. HURLEY: A bill (H. R. 9989) for the relief of Ella S. Claussen, widow of Peter J. Claussen, deceased—to the Committee on War Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 9990) to pension Absolom Maynard—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9991) for the relief of Mrs. Sarah Martin, of Holly Springs, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9992) for the relief of Burwell V. McGuffee, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9993) for the relief of L. D. McNair, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9994) for the relief of Olivia F. Montgomery, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9995) for the relief of the estate of William O. Moseley, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WALKER of Virginia (by request): A bill (H. R. 9996) to correct the military record of Capt. S. C. Means—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9997) for the relief of the heirs of A. C. Barton—to the Committee on War Claims.

Also, a bill (H. R. 9998) to reimburse Dew M. Wisdom—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9999) to grant an honorable discharge to Charles W. Hammond—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 10001) for the relief of Stewart & Co.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the manufacturers of plumbers' ironware, for the passage of a law protecting free labor from the injurious effects of convict-labor competition—to the Committee on Labor.

By Mr. ADAMS: Petition of Rev. T. A. Fernley and other citizens of Philadelphia, for the passage of Senate bill No. 1675, to prohibit the interstate transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. AVERY: Memorial of I. Winslow Ayer, relating to his claim pending before Congress—to the Committee on Claims.

By Mr. BABCOCK: Memorial of the Civic Center, of Washington, D. C., praying for a commission to investigate the contamination of Potomac River water—to the Committee on the District of Columbia.

By Mr. BELL of Colorado: Petition of the Society of the Sons of the Revolution in the State of Colorado, for the publication of the records of the Revolutionary war—to the Committee on Printing.

By Mr. BARRETT: Resolution of the New England Furniture Exchange, favoring a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of Lucien Beebe & Son and 14 other leather dealers in the State of Massachusetts, protesting against an increase of duty on East India tanned skins—to the Committee on Ways and Means.

By Mr. COOK of Wisconsin: Resolutions of the Board of Trade of Baltimore, Md., protesting against the action of the Senate Committee on Foreign Relations in agreeing to report favorably a joint resolution to recognize the independence of the Republic of Cuba—to the Committee on Foreign Affairs.

Also, resolution of the National Guard of Wisconsin, unanimously adopted at their meeting in Milwaukee, Wis., January 8, 1897, in support of Senate bill No. 2849, to promote the efficiency of the militia—to the Committee on Military Affairs.

Also, petition of the publishers of the Leader, of Waupun, Wis., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Resolutions adopted by the Iowa Academy of Science, December 29, 1896, in opposition to Senate bill No. 1552, "for the prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. DINSMORE: Papers relating to the claim of William H. Engles—to the Committee on War Claims.

Also, memorial of the Arkansas River Deep Water Convention of Fort Smith, Ark., for the improvement of Sabine Pass, via Port Arthur—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD: Resolution of the Boston Merchants' Association, of Boston, Mass., disapproving of the attitude of the Senate Committee on Foreign Relations in regard to the affairs of Cuba, and protesting against interference in the contest now going on upon the island—to the Committee on Foreign Affairs.

Also, resolutions of the Massachusetts State Pharmaceutical Association, relating to the tax on alcohol—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of Matna Lodge, No. 160, Brotherhood of Railroad Trainmen, of Philadelphia, Pa., protesting against the passage of House bill No. 9120—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Paper from the warden of the Fort Madison (Iowa) Penitentiary, opposing House bill No. 6116, to protect free labor from competition with convict labor—to the Committee on Labor.

By Mr. HUNTER: Petition of various citizens of Bowling Green, Ky., asking for the passage of Senate bill No. 2962, for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on Claims.

By Mr. HURLEY: Petition of the Young Men's League of the Lafayette Avenue Presbyterian Church, Brooklyn, N. Y., against the mode of warfare prosecuted by the Spanish troops in Cuba—to the Committee on Foreign Affairs.

Also, petition of the Union Pearl Works, of Brooklyn, N. Y., relating to the duties on pearl goods—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Salem, N. J., representing 100 members, urging the passage of Senate bill No. 2485, to recognize Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MEIKLEJOHN: Report of a committee appointed at a meeting of the citizens of Omaha, Nebr., held December 30, 1896, protesting against Spanish rule in Cuba and urging speedy action on the part of the United States in behalf of Cuban independence—to the Committee on Foreign Affairs.

By Mr. STEWART of Wisconsin: Petition of homesteaders in Ashland and Bayfield counties, Wis., Ashland land-office district, requesting immediate action on measures now pending, and such further measures as may be necessary to relieve their condition and to do them justice—to the Committee on the Public Lands.

Also, resolutions of the Wisconsin Valley Lumbermen's Association, favoring a duty of $2 per thousand feet upon lumber—to the Committee on Ways and Means.

Also, resolution of the Wisconsin National Guard Association, favoring the reorganization of the National Guard and the militia of the United States—to the Committee on Military Affairs.

Also, resolutions of the Federated Trades Council of Wisconsin; also of the Woman's Christian Temperance Union of Ashland, Wis., in behalf of Cuban liberty and independence—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., deprecating the action of the Senate Committee on Foreign Relations in regard to Cuba—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 15, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

UNION PACIFIC RAILWAY LANDS IN UTAH.

Mr. ALLEN of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

> Whereas there are many tracts of land situate in the State of Utah which were a part of the grant made by the United States to the Union Pacific Railway Company, patents for which are withheld by the Department of the Interior; and
>
> Whereas most of these lands were sold by said railway company to bona fide purchasers who are in possession of them and who have made valuable improvements on said lands: Therefore,
>
> *Resolved*, That the Secretary of the Interior be, and he is hereby, directed to report to this House the cause of the omission to issue patents to the lands so granted to and sold by said railway company.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HALL. I should like to hear some explanation of the resolution.

Mr. ALLEN of Utah. It simply asks the Secretary of the Interior to inform the House why patents are held up in the cases of lands which were granted to the Union Pacific Railway in the State of Utah and which have been sold to bona fide purchasers.

Mr. HALL. Does the resolution come from the Committee on Public Lands?

Mr. ALLEN of Utah. It has not been referred to the committee. It simply asks for information.

Mr. HALL. Mr. Speaker, a similar resolution has already been passed by the House, and the Secretary has made his return.

Mr. ALLEN of Utah. Yes; but that resolution applied only to lands in Kansas.

Mr. HALL. I do not object to the consideration of the resolution.

Mr. PAYNE. I understand the gentleman from Utah says that this resolution simply asks for information.

Mr. ALLEN of Utah. Yes, sir.

The resolution was adopted.

ELIHU JONES.

Mr. BLUE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5981) was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elihu Jones, of Potwin, Butler County, Kans., late captain Company G, Eighth Illinois Infantry, on the pension roll, and pay him a pension of $50 per month from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. Mr. Speaker, reserving the right to object, I would like to hear the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5981) granting a pension to Elihu Jones, late captain Company G, Eighth Illinois Infantry Volunteers, having fully examined and considered the facts presented, respectfully report:
>
> Elihu Jones served as a member of Battery G, Fourth Regiment United States Artillery, from December, 1853, until March, 1860, when he was discharged under general orders. He spent some months in recruiting, and entered the volunteer service in April, 1861, as a member of Company G, Eighth Illinois Volunteers, becoming captain of the company in February, 1863, and serving in that capacity until October 7, 1864. He was wounded in the right arm by a shell, and is now drawing a pension of $10 per month for that disability. His application for additional pension on account of disease of the eyes was rejected by the Pension Office because he failed to prove treatment therefor in the service, on the ground that said disease existed prior to enlistment. There is no question raised as to the claimant's having lost the sight of one eye years ago, and having almost entirely lost the use of the other. There is an abundance of testimony showing that he was a brave and faithful soldier, and a sober and temperate man, who took unusual care of his health.
>
> His title to an increase of pension turns upon the point whether disease of eyes existed prior to enlistment. The Pension Office held that it did, basing this action upon a special investigation, which the examiner says was hurriedly made. An examination of the evidence on this point satisfies your committee that this action was erroneous, and that the disease of eyes originated in the service, as claimed. This belief is corroborated by the fact that claimant was able to perform efficient service for more than three years, and was not troubled seriously with his eyes until near the close of his service, as well as by the further fact that claimant served over seven years in the Regular Army prior to enlisting in the volunteer service, and was a sound man during that period.
>
> Your committee believe Captain Jones equitably entitled to a higher pension, on account of his disability from his wound and his blindness, and we respectfully recommend the passage of the bill, after being amended by striking out the word "of," in line 4, by striking out "Potwin, Butler County, Kans.," in line 5, and by striking out all after the word "month," in line 7, and by striking out all after the word "Jones," in the title of the bill.

Mr. ERDMAN. Mr. Speaker——

Mr. BLUE. Mr. Speaker, if the gentleman from Pennsylvania will permit me, I desire to say, in further explanation of the bill, that this man is represented to me to be now entirely blind and in indigent circumstances. He is so disabled as to require the constant aid of an attendant. He served several years in the Regular Army, and, in view of his condition, he would be entitled to $72 a month, but this bill grants only $50 a month.

Mr. ERDMAN. Has this bill been considered in Committee of the Whole?

Mr. BLUE. No, sir.

Mr. ERDMAN. Then I object. I intend to object to all pension bills that have not been considered in Committee of the Whole.

GEORGE H. PLANT.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1083) which I send to the desk.

The bill was read, as follows:

> For the relief of George H. Plant, of the District of Columbia.
>
> *Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to George H. Plant, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $5,216.85, the same being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of said collision.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. Let the report be read, Mr. Speaker, subject to the right to object.

The report (by Mr. DENNY) was read, as follows:

> The Committee on Claims, to whom was referred the bill (S. 1083) for the relief of George H. Plant, submit the following report:
>
> This bill is the same as H. R. 1845, now pending in the House and previously reported by this committee with a favorable recommendation.
>
> Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

The report upon House bill 1845 by Mr. DENNY was also read, as follows:

> The Committee on Claims, to whom was referred the bill (H. R. 1845) for the relief of George H. Plant, have had the same under consideration, and report it back to the House with the recommendation that it do pass.
>
> The facts in this case are fully set out in House Report No. 1808, made at the third session of the Fifty-third Congress by Mr. LOUD, and said report is hereby adopted as the report of your committee, with the explanation and statement that the present bill conforms to recommendations made in said report by Mr. LOUD, and should be passed as introduced. The aforesaid report is as follows:
>
> [House Report No. 1808, Fifty-third Congress, third session.]
>
> The Committee on Claims, to whom was referred the bill (S. 429) for the relief of George H. Plant, have had the same under consideration, and report it back to the House with the recommendation that it do pass.
>
> The facts in this case are all fully set out in Senate Report No. 210, made at the second session of the Fifty-third Congress by Mr. PASCO, which is as follows:
>
> [Senate Report No. 210, Fifty-third Congress, second session.]
>
> This claim was considered by the committee in the Fifty-second Congress, was favorably reported with amendments, and passed the Senate, but no final action was taken in the House of Representatives.
>
> The present bill is the same introduced into the Fifty-second Congress, and the committee adopt the report made to the Senate in that Congress.
>
> The present bill is subject to the same objections that the committee made to the former bill, and the same amendments are necessary in order to make it conform to the views heretofore expressed by the committee.
>
> When thus amended, the committee recommend that the bill do pass.
>
> [Senate Report No. 904, Fifth-second Congress, first session.]
>
> The committee on Claims, to whom was referred the bill (S. 707) for the relief of George H. Plant, of the District of Columbia, have carefully considered the same, and submit the following report thereon:
>
> The claimant in 1874 was the owner of a steamboat named the *Lady of the Lake*, then plying upon the waters of the Potomac River. On the 30th day of May of that year the boat was injured in a collision with the U. S. S. *Gettysburg*. On the 9th day of June the Secretary of the Navy appointed a court of inquiry to investigate all the circumstances relating to the collision and report its causes and upon whom the blame, if any, should rest. The findings of the court will be given in full further on in this report. Though some blame was cast upon the officers of the *Lady of the Lake*, the court found the officers of the *Gettysburg* responsible for the collision. Subsequently the Treasury Department ordered an investigation to be made by

the supervising inspectors of steam vessels. They reported, on the 17th day of July, 1874, that the pilot in charge of the *Lady of the Lake* complied with all the rules and regulations for the government of pilots applicable to the case, and that he was exonerated from all blame in the premises.

But no relief followed the findings of the two Departments, and the claimant found that he could only receive compensation for his damage and loss by legislative action. Accordingly a bill was introduced into the Senate in his behalf in the Forty-sixth Congress, and a similar bill in each successive Congress till the Forty-eighth, when, on the 27th day of February, 1884, the claim was referred to the Court of Claims under the act of March 3, 1883.

On June 2, 1890, the court filed its findings of fact, and they were transmitted to the Senate June 6, 1890, and appear in Miscellaneous Document, Fifty-first Congress, first session, No. 150. The report of the case is here given in full:

[Court of Claims. Congressional case No. 32. George H. Plant *vs.* The United States.]

At a Court of Claims held in the city of Washington on the 2d day of June, A. D. 1890, the court filed the following findings of fact, to wit:

FINDINGS OF FACT.

The claim or matter in the above-entitled case was transmitted to the court by the Senate Committee on Claims on the 27th day of February, 1884.

Messrs. Goode & Goode, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 19th of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

About sundown on May 30, 1874, a collision occurred on the Potomac River, nearly opposite Fort Washington, between the U. S. S. *Gettysburg* and the *Lady of the Lake*, under the following circumstances:

The *Lady of the Lake* had been down the river with an excursion party from Washington, consisting of about 600 persons, and was on her return trip.

The *Gettysburg*, commanded by Lieutenant McRitchie, was going down.

When first sighted the steamers were about three-fourths of a mile apart. At that time the *Lady of the Lake* was on the Virginia side of the river and the *Gettysburg* on the Maryland side.

By the law of the road each steamer was required to keep to the right in passing, but the law also permitted them, by signal agreement, to keep to the left.

The officers of the *Lady of the Lake* preferred to hold their course on the Virginia side, because by so doing they avoided to some extent the rapid current of the ebbing tide. They also supposed the *Gettysburg* would prefer the Maryland side, because the channel there was deepest and the assisting current strongest.

Therefore, when the steamers were about half a mile apart, the pilot of the *Lady of the Lake* gave two blasts of her steam whistle, which was the proper signal to request that the steamers might pass by, each keeping to the left. The pilot of the *Gettysburg* immediately responded by two blasts of the whistle, which was the proper signal of assent to the proposal. Each steamer then held her course for about a quarter of a mile. Then the *Gettysburg*, by order of Lieutenant McRitchie, gave one blast of her whistle, which is the proper signal for each vessel to keep to the right, and immediately ported her helm, thus directing her course to the Virginia side of the river. The *Lady of the Lake* immediately responded with two blasts of the whistle, thus indicating her wish to pass on the left, as already agreed, and held her course. A collision was imminent, and both steamers reversed their engines, but collision could not then be avoided.

The bow of the *Gettysburg* struck the *Lady of the Lake* on her starboard bow, crushing in the upper and lower decks. No persons were injured.

Both Lieutenant McRitchie and the claimant agree in their testimony that the signals were given and heard by the officers of each steamer, as above detailed.

The *Gettysburg*, by porting her helm and directing her course to the Virginia side of the river without timely warning, caused the collision.

II.

The rule established by the Board of Supervising Inspectors, under section 29 of the act of February 28, 1871 (16 Stat. L., 450), to be observed by steam vessels in passing each other on rivers is as follows:

"RULE I. When steamers are approaching each other 'head and head,' or nearly so, it shall be the duty of each steamer to pass to the right, or on the port side of the other; and the pilot of either steamer may be first in determining to pursue this course, and thereupon shall give, as a signal of his intention, one short and distinct blast of his steam whistle, which the pilot of the other steamer shall answer promptly by a similar blast of his steam whistle, and thereupon such steamers shall pass to the right, or on port side, of each other. But if the course of such steamers is so far on the starboard of each other as not to be considered by the pilots as meeting 'head and head,' or nearly so, or if the vessels are approaching each other in such a manner that passing to the right (as above directed) is deemed unsafe by the pilot of either vessel, the pilot so first deciding shall immediately give two short and distinct blasts of his steam whistle, which the pilot of the other steamer shall answer promptly by two similar blasts of his steam whistle, and they shall pass to the left, or on the starboard side, of each other.

["NOTE.—In the night steamers will be considered meeting 'head and head' so long as both the colored lights of each are in view of the other. In the day a similar position will also be considered 'head and head.'"]

III.

June 9, 1874, the Secretary of the Navy constituted, by the following order, a naval court of inquiry:

To Commander JOHN H. RUSSELL,
United States Navy, Rockville, Md.:

By virtue of the authority conferred by the "act for the better government of the Navy of the United States," approved July 11, 1862, I hereby appoint Commander John H. Russell president, Commander Montgomery Sicard and Lieut. Commander Frederick Rodgers members, and First Lieut. George C. Reid, of the Marine Corps, judge-advocate of a court of inquiry, which is ordered to convene at the navy-yard, Washington, D. C., on Thursday, the 11th day of June, 1874, for the purpose of investigating all the circumstances relating to the collision which took place on the Potomac River, near Fort Washington, on or about the 30th day of May, 1874, between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*. In performing this duty the court will study closely the "Rules of the road" and act of Congress relating thereto, and state the cause or causes that brought about the collision, with its opinion as to where the blame, if any, should rest.

Given under my hand at the Navy Department of the United States this 9th day of June, in the year 1874.

GEORGE M. ROBESON,
Secretary of the Navy.

June 19, 1874, the court found as follows:

That both the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake* were subject to the act of Congress, approved April 29, 1864 (page 159, Naval Laws), for preventing collisions on the water, and in addition to the above the court find that the *Lady of the Lake* was subject to certain rules laid down by the Board of Supervising Inspectors in pursuance of the act of Congress of February 28, 1871.

There is no conflict between these two sets of "rules," but the rules of the Board of Supervisors supplement the naval "Rules of the road" by certain whistle blasts or signals to be used between vessels, subject to the directions of the Board of Supervising Inspectors.

As regards the facts connected with the collision, the weight of evidence, in the opinion of the court, establishes the point that the vessels, at the time of the exchange of their first whistle signals, must be considered as coming under article 13 of the "rules" for preventing collisions on the water (Naval Laws, page 161), and also under rule 1 of the "Rules issued by the Board of Supervising Inspectors for the government of pilots;" that is, they were meeting end on, or nearly so. In this position the law requires that the helms of both vessels be put to port, and inasmuch as this course was not pursued by the *Lady of the Lake*, the court deem that vessel to have acted in violation of law, and find that her pilot committed an error of judgment in putting his helm to starboard.

At the same time, as the wording of the law (article 13), "end on, or nearly end on," implies a certain margin for judgment on the part of pilots, the court are of the opinion that the pilot of the *Lady of the Lake*, though technically in the wrong, can not in the circumstances be considered as being very censurable.

As the vessels are considered as coming within the scope of article 13 of the law for preventing collisions on the water, the court find that the *Gettysburg* acted in violation of law in answering the *Lady of the Lake*'s two whistles and in putting his helm to starboard, and that the fact of her pilot having done these acts renders her responsible for the collision.

The pilots of the two vessels are therefore considered by the court as having been principally to blame for the collision. Lieutenant McRitchie was following the "Rules of the road" in putting his helm aport, as the weight of evidence shows that if both vessels had done so from the first signal the collision would in all probability have been avoided.

But when it becomes evident that the *Lady of the Lake* did not pursue the same course and that a collision was very probable, he would, in the opinion of the court, have been justified in shifting his helm, in accordance with article 19, page 162, Rules of the Road, Naval Laws.

The evidence shows that after a collision became probable both vessels stopped and reversed their engines, in conformity with article 16, Rules of the Road, page 161, Naval Laws.

JOHN H. RUSSELL,
Commander, United States Navy, President Naval Court of Inquiry.
GEORGE C. REID,
First Lieutenant, United States Marine Corps, Judge-Advocate.

The Treasury Department also authorized an investigation by the supervising inspectors of steam vessels, who made the following report:

OFFICE OF U. S. LOCAL INSPECTORS OF STEAM VESSELS,
Baltimore, July 17, 1874.

SIR: In compliance with your instructions we proceeded to Washington, D. C., to take the testimony of witnesses in the collision between the U. S. S. *Gettysburg* and steamer *Lady of the Lake*, which occurred on the Potomac River, off Fort Washington, on the evening of 30th of May, 1874, and, after having received said testimony, both on the part of the officers of the *Lady of the Lake* together with a number of disinterested passengers of said steamer, we find that the pilot in charge of the *Lady of the Lake* complied with all the rules and regulations for the government of pilots applicable to said case, and is therefore exonerated from all blame in the premises.

(They report also their inability to get the officers of the *Gettysburg* to testify.)

JAMES D. LOWRY,
WILLIAM O. SAVILLE,
United States Local Inspectors of Steamers, Baltimore District.

JOHN HENSHAW, Esq.,
Supervising Inspector of Steam Vessels, Third District.

IV.

May 30, 1874, the claimant was the owner of the *Lady of the Lake*, except a small interest, valued at $2,500, which he had agreed to transfer to —— Partridge, the captain of the boat. This interest had not been paid for, and claimant arranged with Captain Partridge for it and took it back.

V.

At the time of the collision the *Lady of the Lake* was engaged in the business of carrying freight and passengers between Washington and Norfolk and taking excursion parties up and down the river. It was the busy season of the year and her business was large and profitable.

The cost of repairing the boat amounted to $2,216.85. The loss in earnings while undergoing repairs amounted to $3,000.

After resuming her regular trips her earnings, in consequence of the interruption and loss of confidence in her safety, were much diminished. This loss can not be accurately calculated, but may be safely estimated at $1,500.

BY THE COURT.

Filed June 2, 1890.
A true copy.
Test, this 5th day of June, A. D. 1890.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

No action was taken upon the findings and opinion of the court during the Fifty-first Congress, except to refer the case to this committee with a bill to carry them out. During the time that the matter has been pending in the Senate and this committee and the Court of Claims various bills have been introduced into the House of Representatives for the claimant's relief, but no final action has ever been there taken.

The Court of Claims came to the same conclusion as to the responsibility for the collision that was reached in the former investigations, and it only remains to be determined whether an appropriation shall be made in favor of the claimant; and if so, in what amount.

It is true that the Government does not hold itself generally responsible for acts of wrong or negligence on the part of its subordinate officers or agents, but this rule has not always been considered as applicable to cases of maritime collisions. It has been decided by the Supreme Court in the case of *The Siren* (7 Wall., 152) that a claim for damages exists against a vessel of the United States guilty of a maritime tort as much as if the offending vessel belonged to a private citizen. In ordinary cases, however, such a claim can not be enforced, because, for reasons of public policy, jurisdiction is withheld from the courts.

There has been a growing disposition of late years to give a general recognition to cases of damage from collisions and to treat them as essentially different from ordinary cases of negligence and wrongdoing on the part of Government agents, servants, and officials. This arises in part from the

great power and authority which is necessarily given to an officer commanding a vessel, and it is argued, too, that when the Government mingles on terms of equality with others on the high seas and navigable inland waters, the security of the citizen requires that the rules laid down for others should be observed by its own officers, commanding its own vessels, and that these rules should be enforced against all alike, and that private persons should receive reparation for any injury done by their violation by officers of the United States.

In England the present practice is to file a libel in rem, upon which the court directs a letter to be written to the lords of the admiralty requesting an appearance on behalf of the Crown. This is generally given, and the case proceeds to judgment. It is insisted that the final decrees are little more than awards, so far as the Government is concerned, but the suits are instituted and conducted on the hypothesis that claims are created against the offending vessels by the collision, and it is presumed that the Government will satisfy a decree rendered by its own tribunals in a case in which it has voluntarily appeared.

Many in our own country have favored a general law for the trial of such cases in our courts when the United States is alleged to be the offending party. Although no such law has ever been passed, the Government has in many cases, by special laws and in appropriation acts, made provision for paying damages to those who have suffered loss from collisions when the vessel causing the injury belonged to the United States.

It is true that in the present case the findings of the Court of Claims do not have the same force as a judgment, but the claimant presented his case there with the permission of the Senate and in accordance with law. The United States was represented by an assistant of the Attorney-General, and the case was duly defended, and a careful review of the findings shows that they are in accordance with the facts of the case so far as the party in fault is concerned.

After the matter has proceeded thus far with the consent of those who represented the Government, and who had authority under the law to act, the committee think that the claimant in this particular case should receive reimbursement for the damage which has resulted directly from the collision, without waiting for the enactment of a general law. The court finds that the cost of repairing the boat was $2,216.85, and that the actual loss in earnings while she was undergoing repairs was $3,000. These sums amount in the aggregate to $5,216.85, and the committee recommend the appropriation of this sum in full satisfaction of the claim.

The court estimates a further loss of $1,500 in the earnings of the boat in consequence of the loss of public confidence in her safety after she resumed her regular trips; but the committee think that this estimated resulting damage is too remote to be considered favorably. Besides, the claimant in his petition only asks "that he be paid the amount for his time and expenses incurred in placing his steamboat in good condition for navigation." He speaks of "divers gains, profits, and advantages which would have accrued to him" from his contracts and business, but expressly states that he makes no claim except for his time and expenses as stated.

To carry out the views of the committee the following amendments are necessary:

In line 6 strike out "six" before "thousand," and "seven" before "hundred" and insert in the first place "five" and in the second place "two."

Add at the end of the bill as printed "and to be received by him in full satisfaction of all claims and demands in consequence of said collision."

Mr. PAYNE (before the conclusion of the reading). I wish to ask the gentleman whether there is anything in the latter part of the report which changes the facts as so far shown? It appears from the report so far that while the officers of the *Gettysburg* were guilty of wrong, and while there is no doubt that their negligence contributed to the accident, still the officers of the *Lady of the Lake* were also guilty of contributory negligence. I wish the gentleman would state if there is anything further in the report which shows that the officers of the *Lady of the Lake* were free from negligence.

Mr. SWANSON. The gentleman from California [Mr. LOUD] made the report, and I will ask him to answer the gentleman's question.

Mr. LOUD. Mr. Speaker, I wish to say in relation to this case that I have given it very careful consideration in the Committee on Claims during two Congresses, and if there ever was a just claim presented to Congress I believe this to be the one. If the gentleman from New York be at all nautical—and I know that he is at the head of a committee which has something to do with nautical matters—he will understand from the facts presented that the *Lady of the Lake* was coming up against the stream and was entitled, under the rules governing navigation, by giving notice of that fact, to take advantage of the eddy along the shore. The captain of the *Lady of the Lake* signaled that he desired to take that course, and the *Gettysburg* answered the signal and accepted it. Subsequently the *Gettysburg* desired, for some reason which does not appear, to take a course which she was not entitled to take, and she signaled back to the *Lady of the Lake* reversing her former acceptance of the signal. The *Lady of the Lake* was then unable, as the whole evidence goes to show, by reason of the speed of the current, to change her first signal, so the accident became inevitable. No action on the part of the officers of the *Lady of the Lake*, when the later signals of the *Gettysburg* were made, could possibly, according to the report of the inspectors, have prevented the collision. If the case were that of a private individual against another private individual, or that of one corporation against another corporation, I do not believe there is a court in this country but would hold that the *Lady of the Lake* could recover damages.

Mr. PAYNE. Mr. Speaker, it is true that at the outset the *Lady of the Lake* and the *Gettysburg* were each on the wrong side of the river according to the law. It is also true that, according to the regulations, the *Lady of the Lake* had the privilege of offering to continue on that side by blowing two whistles, which she did. It is further true that the *Gettysburg* responded with two whistles, accepting the offer of the *Lady of the Lake*. Afterwards the *Gettysburg* gave another signal, which the *Lady of the Lake* did not accept, but responded with two whistles, signifying that she would continue her first course.

Now, if the *Lady of the Lake* had obeyed the second signal or warning of the *Gettysburg* and instead of trying to keep on her course had changed her course, which it would have been natural for her to do under the rules and regulations, it does not appear from the findings either of the Court of Claims or of the court of inquiry of the Navy Department that the collision would not have been avoided. On the contrary, it does appear from the findings of the court of inquiry of the Navy Department that that court censured the officer of the *Lady of the Lake*, blaming him for his share of the collision. The court does not find him free from negligence, but, on the other hand, there is some language in the findings showing that he was at least guilty of contributory negligence; and, of course, if such was the fact, there could be no right of recovery.

I think, therefore, that this bill should not come up under this order, but should take its place upon the Calendar and have ample time for further consideration by the House. I therefore object.

Mr. LOUD. I will say that the rule which the gentleman from New York undertakes to lay down might be applied to every case.

The SPEAKER. Objection is made.

CONTESTED-ELECTION CASE—BENOIT VS. BOATNER.

Mr. JOHNSON of Indiana submitted the following resolution; which was read, considered, and adopted:

Resolved, That Committee on Elections No. 2, to which the contested-election case of Alexis Benoit against Charles J. Boatner, from the Fifth Congressional district of Louisiana, has been referred, be, and is hereby, instructed and authorized to proceed to the consideration of said case, and, having first afforded to said parties a fair opportunity to be heard as to the merits of the same, to report to the House their conclusions with respect to such case in time to afford to the House an opportunity to determine the same during the present session of Congress.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

WILLIAM MORGAN AND HARRISON MOORE.

Mr. HALL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor, was read, as follows:

Be it enacted, etc., That the entry on March 24, 1882, by William Morgan, of lot No. 21 of the southwest quarter of section No. 18, in township No. 16, of range No. 8 east, in the State of Kansas, under the act of March 16, 1880, for which full payment has been made and final certificate issued, be, and hereby is, confirmed, and the patent therefor shall be duly issued.

SEC. 2. That the entries by Harrison Moore on December 31, 1880, under said act of March 16, 1880, of lot No. 15 of the northwest quarter of section No. 19, and lot No. 22 of the southwest quarter of section No. 18, both in said township No. 16, of range No. 8 east, in said State, and on January 5, 1881, under the act of July 5, 1876, of lots Nos. 13 and 14 of section No. 19, in said township and range, for each of which tracts full payment has been made and final certificates issued, be, and hereby are, confirmed, and the patents therefor shall be issued.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE and Mr. LACEY. Let us hear the report.

The report (by Mr. UNDERWOOD) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore and to require the issue of patents therefor, have duly considered the same and report it back and recommend its passage.

The facts in this case, as shown by the records, are as follows:

Harrison Moore, on December 31, 1880, entered, at Topeka (Kans.) land office, lots No. 15 of the northwest quarter of section 19 and No. 22 of southwest quarter of section 18, both in township 16, range 8 east, under the act of Congress of March 16, 1880, and on January 5, 1881, entered, at the same land office, lots Nos. 13 and 14 of the northwest quarter of said section 19, in same township and range; under act of July 5, 1876, made payment in full for each tract, and on July 16, 1881, received final certificates. The said Moore and his wife, after the issuance of such final receipts, conveyed said lands to Charles A. Scott, who, with his wife, on March 13, 1882, conveyed said lands to William Morgan. The said William Morgan thereafter, on March 24, 1882, entered at said land office, under the act of March 16, 1880, lot No. 21 of said southwest quarter of said section 18, in same township and range, and received final certificate on January 14, 1884; and the said William Morgan and his wife, on 11th day of September, 1883, conveyed all of said tracts to Harrison Wilcoxsen.

The total area entered by Moore was 190.54 acres, and as the parties in entering these lands are restricted to 160 acres, said last entry was held for cancellation.

It clearly appears that these tracts of land were entered in good faith, full payment made to the proper land officers without objection, the proof made as required by law, and final certificates issued on each entry. It is equally clear that no harm or injury can result to anyone by confirming these entries and requiring patent to be issued.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. HALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATRICK DOUGHERTY.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Patrick Dougherty, late a private in Company A, Thirteenth Regiment New York Volunteer Infantry, and to issue to him an honorable discharge as of date of 27th day of April, 1863.

Mr. LOUD. Let us hear the report.

Mr. WADSWORTH. I ask that the Clerk read the portions of the report which I have marked; they are the essential parts.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry, having had the same under consideration, would report thereon as follows:

It is shown by the records of the War Department that this soldier was enrolled and mustered into service January 23, 1862, as a member of the Thirteenth New York Infantry Volunteers, to serve two years; that he deserted April 27, 1863, and never returned thereafter, although he owed service until January 23, 1864; that on December 15, 1863, he enlisted, in violation of the twenty-second (now fiftieth) article of war, in Company E, Eighth New York Heavy Artillery Volunteers, to serve three years; that he appears to have served faithfully under this enlistment until June 30, 1865, when he was mustered out of service as a member of Company I, Tenth New York Infantry Volunteers, to which he had been transferred; that the charge of desertion standing against this soldier upon the records of the Thirteenth New York Infantry Volunteers can not be removed under existing law (act of Congress approved March 2, 1889) for the reason that the period of his absence from the service exceeded four months.

It appears from affidavits presented to your committee that the Thirteenth New York Infantry Volunteers was organized in April, 1861; that the beneficiary, Patrick Dougherty, enlisted in such regiment as a recruit, and was mustered into service January 23, 1862, to serve two years; that the desertion with which he is charged occurred April 27, 1863.

* * * * * * *

In an official copy of a letter, dated Adjutant-General's Office, Washington, September 28, 1861, addressed to A. R. Cooper, Springwater, N. Y., which is described in a letter from Lieutenant Hess, one of the affiants, it is stated as follows:

"In reply to your communication of the 23d instant, I am directed to say that men who are being recruited to fill up the old regiments of volunteers are received for the unexpired term of service of the regiment."

This copy purports to have been signed by George D. Ruggles, Assistant Adjutant-General, and the correspondence on the part of Lieutenant Hess indicates that it has a bearing upon the enlistment of this beneficiary.

The testimony contained in the affidavits of the two comrades who served in the same regiment with the beneficiary are deemed by your committee sufficient to justify the conclusion that Dougherty returned to his command and was with it on its way to Rochester to be mustered out. The affidavits of those engaged in the recruiting service at the time Dougherty was enrolled sustains his contention that he intended only to enlist for the unexpired term of service of the regiment, and hence he should have been mustered out with the regiment.

The regiment having been mustered out in May, 1863, and the alleged desertion being charged as occurring on April 27, 1863, and said Dougherty having reenlisted December 15, 1863, in Company E, Eighth New York Heavy Artillery Volunteers, and having been transferred to Company I, Tenth New York Infantry Volunteers, from which he was mustered out June 30, 1865, your committee is of the opinion that the facts do not justify a charge of intentional desertion. It clearly appears that he should have been mustered out with the Thirteenth New York Infantry Volunteers in May, 1863, and the furlough which he claims to have had, and concerning which his comrades testify was actually granted, did probably cover the time from April 27 until the muster-out of the regiment on May 13, 1863.

Your committee therefore recommend that the bill do pass.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BASIL MORELAND.

Mr. BOWERS. I ask unanimous consent for the present consideration of the bill (H. R. 1475) for the relief of Basil Moreland.

The bill was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, to Basil Moreland the sum of $2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minn., taken by the United States for the Winnebago Indians.

Mr. PAYNE. I should like to hear some explanation of this bill.

Mr. BOWERS. The report will give a full explanation.

The report (by Mr. FISCHER) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1475) for the relief of Basil Moreland, have had the same under consideration, and find that a bill identical with the bill under consideration was favorably reported from this committee in the last Congress on December 21, 1894, and passed the House February 13, 1895, and passed the Senate March 2, 1895. (See page 3136, CONGRESSIONAL RECORD of said date.)

This bill, with many others, passed the Senate too late to receive the President's signature.

Your committee report back the bill and recommend that it do pass.

The report of this committee, made to the House December 21, 1894, on this bill is herewith made a part of this report, and sets forth fully the merits of the case.

[House Report No. 1533, Fifty-third Congress, third session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4704) for the relief of Basil Moreland, having considered the same and accompanying papers, respectfully submit the following report:

That the committee find the facts to be as stated in Senate Report 575, Forty-sixth Congress, second session, which said report is hereto annexed and made a part of this report, and is as follows:

"In March, 1854, Basil Moreland settled upon the unsurveyed public lands in the Territory of Minnesota, on Blue Earth River. He built a good house and fenced and cultivated a considerable portion of said land. At the time of this settlement no right of preemption as to the unsurveyed public lands existed, but in that same year—August 4, 1854—Congress passed an act authorizing such preemption. On the 17th of March, 1856, Moreland, having continued to reside on and cultivate said land, went to the land office with his witnesses to prove his settlement and right of preemption, and offered to pay the money, which was refused by the register of the land office upon the ground that this land was embraced in the boundary recently set apart as a home reservation for the Winnebago Indians in accordance with a treaty of February 27, 1855. He continued to reside upon and cultivate said land until the fall of 1856, when he was evicted by the agent of said Indian tribe. In the fall of 1861, the Indians having been removed to another reservation, he returned to said farm, and continued to reside on and cultivate the same until it was sold for the benefit of the Winnebagoes for $1,212 in 1865.

"The treaty with the Winnebagoes did not locate the reservation, but provided it should be on Blue Earth River, and it was surveyed and located so as to include Moreland's land after Moreland's settlement, and after the passage of the act of August 4, 1854, by which he acquired a clear vested right to preempt said land, and of which his expulsion could not divest him; and when he returned to it in 1861 his rights were as complete as when he was forcibly expelled from it.

"He made another effort to perfect his title by an appeal to the Secretary of the Interior, Hon. Caleb Smith, and offered to locate the land with a military land warrant. The Secretary, after a full examination of the case, in April, 1862, decided that Moreland was entitled to preempt said land, and directed the Commissioner of the Land Office to allow him to perfect his title by locating the same with a military land warrant, which was done, and the patent actually issued, dated April 10, 1863, but was arrested in its transmission by order of Secretary of the Interior J. P. Usher, who had succeeded Caleb Smith in the Department of the Interior.

"The entry was canceled and the land warrant returned on the ground that the treaty with the Indians was the supreme law of the land. The reasoning of the Secretary is not satisfactory, but admitting its force as a matter of law, it does not affect Moreland's equitable claim for damages. There can be no doubt of his right to preempt said land, and that he did all the law required of him to perfect his title, but lost his land and improvements and has never been paid for either.

"An act of Congress of July 14, 1862, directed the Secretary of the Interior to examine and audit the claims of persons damaged by the treaty with the Winnebagoes. Then preemptors to the number of 20 presented the claims which were allowed by the Secretary, and have all been paid except Moreland. (See letter of Secretary Usher to Commissioner of Indian Affairs of date April 22, 1865.)

"The land sold for $1,224, the improvements were valued at $1,200, and the committee believe that Moreland is justly entitled to this sum, less the value of the land warrant, which was returned to him, say $200; and they therefore recommend that the bill be amended by striking out the words 'five thousand five hundred dollars' and inserting 'two thousand two hundred and twelve dollars, in full satisfaction of all claim of said Moreland in this behalf.'"

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BOWERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3375) authorizing the construction of a bridge across the Columbia River in the State of Washington; and

A bill (S. 3494) providing for an examination of the improvements at the Pass of Aransas, Texas.

The message also announced that the Senate had passed with amendments the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma, and reserving the public lands for the purpose, asked a conference with the House on the bill and amendments; and had appointed Mr. PETTIGREW, Mr. JONES of Arkansas, and Mr. ALLEN as the conferees on the part of the Senate.

HUGH M'LAUGHLIN.

Mr. HUFF. I ask unanimous consent for the present consideration of the bill (H. R. 1515) for the relief of Hugh McLaughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to Hugh McLaughlin, late sergeant Company B, Fourth Regiment New Jersey Veteran Volunteer Infantry.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMPLOYMENT OF ADDITIONAL FOLDERS.

Mr. THOMAS. Mr. Speaker, I demand the regular order.

Mr. TRACEY. Mr. Speaker, I desire to submit a report from the Committee on Accounts. I am directed by the committee to report back the resolution which I send to the desk, accompanied by a report in writing, and recommend its passage.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he hereby is, authorized to appoint fifteen additional folders, to serve during the session and fifteen days thereafter, and pay them a salary at the rate of $75 per month out of the contingent fund of the House.

The report was read, as follows:

The Committee on Accounts, to whom was referred the accompanying resolution, authorizing the Doorkeeper of the House to appoint fifteen additional folders to serve during the session and fifteen days thereafter, and pay them a salary at the rate of $75 per month out of the contingent fund of the House, beg to report that they respectfully recommend the passage of the same.

The committee find upon investigation that the public necessity for the appointment of this additional force grew out of the demolition of the building used heretofore, in which a large number of volumes of public documents was stored, by the storm, which made it necessary to remove all public documents to another building and rewrap about 50,000 documents, the original wrappers having been partially or wholly destroyed.

Mr. DOCKERY. Does that include the Lacey amendment that the House acted upon a short time ago?

Mr. TRACEY. Mr. Speaker, this is not new legislation; and inasmuch as this matter was thoroughly discussed on a previous occasion, I ask the previous question on the adoption of the report.

Mr. PAYNE. Before that, Mr. Speaker, I would like to ask the gentleman a question. Is this substantially the same resolution that the House rejected a week or two ago?

Mr. BAKER of New Hampshire. It is substantially the same.

Mr. TRACEY. In response to the gentleman from New York, I will say that it is the same with this exception, that that amendment provided for the employment of this additional force for three or three and a half months, about, and this only allows the employment for sixty days. The committee find it to be absolutely necessary that this resolution shall be adopted.

Mr. PAYNE. How many employees are provided for?

Mr. TRACEY. Fifteen.

Mr. PAYNE. And for sixty days?

Mr. TRACEY. Yes, sir. The amount of the expenditure, I would say, is $2,250; and the committee regard the employment of these men as absolutely necessary.

Mr. PAYNE. It seems to me that the gentleman ought not to press the matter now, and that the House ought not to reverse its former action on this proposition, unless there is something new presented or some additional reason given to justify such action. It will be remembered that the House rejected a similar proposition very recently.

Mr. MILES. What is the amount involved?

A MEMBER. Something over $2,000.

Mr. TRACEY. Mr. Speaker, I demand the previous question.

The question was taken; and on a division there were—ayes 9, noes 46.

So the demand for the previous question was rejected.

Mr. LACEY. Mr. Speaker, I now offer the same amendment that was adopted by the House before, with some slight modification.

The SPEAKER. The amendment proposed by the gentleman from Iowa will be read.

The Clerk read as follows:

Add to the resolution:

"*Provided,* That the Doorkeeper shall select such employees from States and Territories not now represented on the Doorkeeper's roll."

Mr. LACEY. That is the same provision that was adopted before by the House, and then suddenly, for some reason, my friend lost his interest in the proceedings the moment after the amendment was adopted. Gentlemen concluded that they did not want the folders at all if this limitation was imposed on their employment. But the House adopted the amendment, and it seems to me that the House should recognize at least the justice of the appointment of these employees from those States that are not now represented.

Mr. WILLIAM A. STONE. Mr. Speaker, if the gentleman will allow me a moment, I will ask if he does not know it to be a fact that if that amendment is adopted it will require the selection of all of these employees—every one of them—from the south of Mason and Dixon's line?

Mr. LACEY. I am not aware of that fact; but if it is true that these States are absolutely unrepresented in the employment of the House, I think it only presents a greater reason for the adoption of the amendment.

Mr. HEPBURN. Why cut out your own State?

Mr. LACEY. This does not cut out any State; it simply proposes to do justice to all of them.

Mr. TRACEY. Mr. Speaker, I desire to say a word in this connection.

I confess I am somewhat surprised at the course taken by my esteemed friend from Iowa [Mr. LACEY] with reference to this resolution. When the resolution was presented the first time by the Committee on Accounts a few days ago, it met with the same reception that it now meets with. I think I can safely say from the record that has been made by the committee during this Congress that I am warranted in claiming that the committee would not authorize or indorse any unnecessary expenditure of the public money. We have been criticised frequently for refusing to authorize such expenditures in cases where members have deemed it necessary. But we have never authorized or turned down a resolution submitted to us without first making an investigation of the facts connected with it and basing our action on that investigation.

I can say to the House truthfully that the committee has endeavored to discharge the duty imposed upon it by the House faithfully and solely with a view to serving the public interests, and not with a view to serving any private interests of any kind or character.

Now, Mr. Speaker, when this resolution was first presented, your committee took the trouble to investigate the facts upon which the additional force was asked, and in making that investigation your committee discovered that a public exigency had been created by an occurrence over which Congress had no control, that is, by a storm which destroyed the building that had been occupied for several years as a storage house for the folding department. That building was destroyed by the storm, and it necessitated the removal of about 400,000 public documents to another room. That necessarily took time and employed the force at the disposal of the superintendent of the folding room in a business outside of the ordinary public duties devolving on that force. It imposed upon them the performance of work that took a number of days of their time away from the duties to which they ordinarily devote themselves.

In addition to that, the wrappings on 50,000 or more of these documents were either wholly or partially destroyed, so that the documents must be rewrapped, and yet no additional force has been provided in order to meet that new demand, a demand not created by Congress, but by the elements. Now, inasmuch as the regular force that has been employed were thrown behind in their regular work by the imposition on them of this absolutely necessary demand created by the elements, and inasmuch as the documents the wrappers of which have been destroyed must be rewrapped, the superintendent of the folding room, after careful investigation, assured the committee, in a letter which was read to this House when this proposition was before it a few weeks ago, that it would require the full and constant employment of these fifteen additional men for a period of at least sixty days to enable them to get even with the condition the department was in when the storm occurred.

Mr. BAKER of New Hampshire. What is the objection to the amendment?

Mr. TRACEY. Now, as to the amendment offered by the gentleman from Iowa [Mr. LACEY], I desire to say that the amendment is intended to destroy the virtue of the resolution, if there is any virtue in it. That is the object and purpose of it. There is not now a single State north of Mason and Dixon's line unrepresented on the Doorkeeper's roll.

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. TRACEY. Certainly.

Mr. BAKER of New Hampshire. Will the gentleman name one from the States of New Hampshire, Iowa, or Oregon?

Mr. TRACEY. Yes; there is at least one from each of those States.

Mr. BAKER of New Hampshire. Not a solitary one.

Mr. JOHNSON of North Dakota. Will the gentleman name one from North Dakota?

Mr. TRACEY. There is one from every State north of Mason and Dixon's line.

Mr. BAKER of New Hampshire. If they are there, they are charged to those States without authority. It is not true in any proper sense of the word.

Mr. TRACEY. Mr. Speaker, I desire to say that a large majority of the States, whether Democratic or Republican, are represented now on this roll. There may be a few of the States unrepresented. I may have made my statement too broad when I said that every one of the States north of Mason and Dixon's line was represented on that roll; but I do know, from an investigation of my own, that there can not be more than two or three of those States unrepresented north of that line. I do know that the State of Iowa is represented on that roll.

Now, Mr. Speaker, I desire to yield five minutes to my friend from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. DOCKERY. I should like to be heard when the proper time arrives.

Mr. TRACEY. Very well.

Mr. WILLIAM A. STONE. Mr. Speaker, in reference to the merits of this resolution, it is simply a question as to whether these publications shall be properly cared for, whether this work, made necessary by a storm, shall be done or not. So far as I am personally concerned, it does not make any difference to me. The work of the Government ought to be done, but I do not like to see the members on this side of the House take this means of disposing of this resolution. When an amendment is made that all of the fifteen appointments shall be made from States now not represented on the Doorkeeper's roll, naturally our friends on the other side of the House will support that resolution and that amendment because they will get nearly all of those fifteen appointments. Therefore I can see how our friends on the other side of the House will help my friend from Iowa [Mr. LACEY] to amend this resolution. Now, if the employees are not necessary, let us vote the resolution down without any help from our friends on the other side.

Let us not amend it in such a manner as that we shall need their assistance to dispose of a matter that we are entirely competent to dispose of without their help.

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. BAKER of New Hampshire. Is it not true that when this resolution was up for consideration some time ago that you called upon your followers to vote the resolution down?

Mr. TAWNEY. After the amendment was adopted.

Mr. WILLIAM A. STONE. I did: and will do so again if it is so amended as to give all of the appointments to States represented by our friends on the other side of the House.

Mr. BAKER of New Hampshire. But that is not a necessary consequence.

Mr. WILLIAM A. STONE. I do not believe that our majority is so small that we ought to make these appointments from Democratic States.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. WILLIAM A. STONE. Yes.

Mr. MILES. Do you propose to exclude "the gentlemen on the other side" practically from an opportunity to participate in legislation the purpose of which is to benefit the public service?

Mr. WILLIAM A. STONE. Not at all. I do not think it ought to be done in an amendment to a resolution that emanates from the Committee on Accounts.

Mr. TRACEY. I yield five minutes to the gentleman from Missouri [Mr. Dockery].

Mr. DOCKERY. Mr. Speaker, I am obliged to the gentleman from Missouri for his courtesy in yielding me five minutes, but I do not think I will occupy that time. I regret very much that my friend from Pennsylvania [Mr. William A. Stone] seems to be disposed to exclude this side of the House from any part in the settlement of the issue raised by the amendment of the gentleman from Iowa [Mr. Lacey]. I want to call attention, Mr. Speaker, to one fact that seems to be conceded. If the evidence of the Doorkeeper and superintendent of the folding room is at all reliable, and I suppose it is, a public necessity exists for the employment of this force. The interest of the public service, according to the testimony of these officials, will be subserved by the passage of this or a similar resolution. So that the contest here resolves itself into an unseemly scramble—I trust my friends will pardon the criticism—an unseemly wrangle on the other side as to who shall distribute the fifteen places carried by this resolution.

Mr. MILES. And further, that we shall not be permitted to participate in this issue when it is for the benefit of the public service.

Mr. DOCKERY. That is one feature. My friend from Maryland says that the Democratic side will be excluded by the suggestion of the gentleman from Pennsylvania from any part in the settlement and disposition of this question.

Mr. WILLIAM A. STONE. I do not make any such suggestion as that. We do not need to be taken care of by an amendment such as that proposed by the gentleman from Iowa.

Mr. DOCKERY. I suggest to the gentleman that if it be true, as he suggested, that these employees will be appointed by this side of the House, then we ought to have something to say in the matter. But I assume that the gentleman was not serious in making the suggestion, and that no Democrat will be appointed.

Mr. WILLIAM A. STONE. I did not mean that; but if the amendment should prevail, then no State, with the exception of one or two States, can participate in the distribution except Democratic States, as nearly all the Republican States are now represented.

Mr. BAKER of New Hampshire. I do not know that it will be necessary to take any from those States.

Mr. WILLIAM A. STONE. Or else take the whole fifteen from the State of New Hampshire.

Mr. BAKER of New Hampshire. There is Oregon and half a dozen other States that have not a man on these rolls unless he was put there without authority.

Mr. MEREDITH. You need not give them to New Hampshire. I can dispose of them in the Eighth Virginia district.

Mr. McMILLIN. Mr. Speaker——

Mr. TRACEY. I yield five minutes to the gentleman from New York [Mr. Payne].

Mr. McMILLIN. It strikes me——

The SPEAKER. One moment. The gentleman from Missouri retains the floor and yields to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I do not believe we ought to hamper the officers of this House in their appointments by directing that they shall select these new employees from any particular locality. I do not believe it is best to inaugurate that precedent in the House of Representatives. I think that we ought to have confidence enough in our officers to allow them to select their subordinates without regard to locality. It may happen that there is not a man from the State of California on this roll. Does the gentleman propose to have the Doorkeeper send to California and get some one or two men to help refold these documents? If the exigency exists which the committee have reported, they ought to go to work at once; and the Doorkeeper ought to be allowed to select men who can perform this intricate work, even if he gets some of them from the District of Columbia; and he ought to be allowed full discretion in the matter. With all due respect to the gentleman from Iowa, I think that an amendment of this kind is ridiculous upon a motion such as has been presented by the gentleman from Missouri. I hope the amendment will be voted down. Then it will be for the House to determine whether the necessity exists for these fifteen additional employees.

If the facts are as stated by this committee, it would seem that there is a necessity for more employees to take care of these public documents, and I suppose that, although the Treasury is running behind, we can still afford to pay whatever is required to preserve the documents already printed. But let us give the officers of the House full discretion to select their own subordinates, without confining them to any particular locality in the United States, whether that locality be great or small.

Mr. TRACEY. Mr. Speaker, if there is no other gentleman who desires to make any remarks, I will call for the previous question.

Mr. McMILLIN. I ask the gentleman to yield me five minutes.

Mr. TRACEY. Very well.

Mr. McMILLIN. Mr. Speaker, it will be remembered by the House that a resolution similar to this was introduced and brought up for consideration two weeks ago or more. The amendment that is suggested now, providing the method by which the men should be selected for this work, and limiting the appointments to those States that had no patronage on the roll, was adopted, and immediately it turned out that a number of gentlemen who had been zealous supporters of the resolution turned the other way and helped to kill it. Now, it struck me at the time that that action on their part threw some light upon the probable importance of the resolution. It struck me that if there was any necessity for an increase of the force, as was represented, an objection to the mere method of the appointment of the additional employees ought not to be sufficient to influence those gentlemen to turn their backs on the resolution after that amendment had been adopted. It is not a very important matter who shall receive these appointments. The question in which the Government is specially interested is whether they are really needed; and for one I think I am within the bounds of reason when I say that there has not been furnished, during the present session of Congress, a quantity of speeches or documents to be folded as large as is usually supplied at an ordinary session. It strikes me, therefore, that we can probably get along without this increase of force, and if we can we ought to do it. The gentlemen did not think we needed them before, after the method of appointment was changed. If, however, the increase is necessary, and these additional men must be employed, I see no objection to those States that have not been recognized in the distribution of loaves and fishes being permitted to approach the basket.

Mr. TRACEY. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. Fairchild], who desires to offer an amendment.

Mr. FAIRCHILD. Mr. Speaker, I offer an amendment to the amendment.

The amendment to the amendment was read, as follows:

Strike out "States and Territories," at the end of the amendment, and insert "Congressional districts."

[Laughter.]

The question being taken on the amendment to the amendment, the Speaker declared that the ayes seemed to have it.

Mr. CHICKERING and Mr. TRACEY asked for a division.

The House divided; and there were—ayes 19, noes 75.

So the amendment to the amendment was rejected.

Mr. TRACEY. Now, Mr. Speaker, I ask for the previous question on the resolution and the amendment.

Mr. LACEY. Mr. Speaker, I make the point of order that the gentleman from Missouri can not demand the previous question. I have the right to close the debate.

The SPEAKER. The gentleman from Iowa was entitled to the control of the discussion after the refusal of the House to order the previous question, but the gentleman did not assume control.

Mr. LACEY. I did not care to claim it.

The SPEAKER. On the contrary, the gentleman seems to have left it in the hands of the gentleman from Missouri, who the Chair supposes has the right to move the previous question, under the circumstances.

Mr. TRACEY. Mr. Speaker, if the gentleman from Iowa desires to make any remarks I have no objection to his taking five or ten minutes.

Mr. LACEY. I shall probably not occupy more than three minutes. I trust that the House will not regard this as an unseemly scramble for office. We all understand the complaint that has been made heretofore in regard to the distribution, locally, of the patronage of the present House. If it were under the civil-service law, geography would have to be taken into consideration, and the offices would be apportioned in a general way over the country. It is well known that certain States have been ignored altogether. I am not complaining of the method by which it was done, but the House has already acted on the idea of this amendment and directed that the omitted States should be recognized when additional force was required. Take the great State of

Maryland. It lies south of Mason and Dixon's line, but it is a rejuvenated State, and, in a political sense, is now on the right side of the line, or, rather, there is no longer any Mason and Dixon's line, yet that State has no representation on the Doorkeeper's roll. Now, an omission like that ought not to exist.

Mr. WILLIAM A. STONE. Does not the gentleman know the fact that Maryland has two men on the roll now?

Mr. LACEY. I am informed by gentlemen from Maryland who understand the situation that she has none.

Mr. WILLIAM A. STONE. She has two.

Mr. LACEY. The House, understanding the situation in this respect, adopted this same amendment a short time ago, and I want it now to have an opportunity to do so again, because everybody will admit that a man from a State that is now unrepresented on the Doorkeeper's roll can perform these services just as well as a man from one of the previously favored States.

Mr. TRACEY. Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The question being taken on the amendment of Mr. Lacey, the Speaker declared that the noes seemed to have it.

Mr. MILES. I ask for a division.

The House divided; and there were—ayes 58, noes 84.

Mr. LINNEY. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, 110 members voting in favor thereof.

The question was taken; and there were—yeas 67, nays 132, not voting 156; as follows:

YEAS—67.

Allen, Miss.
Anderson,
Bailey,
Baker, N. H.
Bell, Colo.
Boatner,
Buck,
Burrell,
Clardy,
Clark, Iowa
Cockrell,
Connolly,
Cooke, Ill.
Cooper, Tex.
Crowley,
Culberson,
Dockery,
Ellis,
Erdman,
Goodwyn,
Harrison,
Hendrick,
Hermann,
Howard,
Hubbard,
Hunter,
Johnson, N. Dak.
Kleberg,
Lacey,
Latimer,
Lawson,
Lester,
Lewis,
Linney,
Little,
Livingston,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McLaurin,
McMillin,
Miles,
Murray,
Neill,
Ogden,
Owens,
Pendleton,
Prince,
Rinaker,
Sayers,
Smith, Ill.
Stokes,
Strait,
Sulzer,
Swanson,
Talbert,
Tate,
Terry,
Thorp,
Turner, Ga.
Wellington,
Williams,
Willis,
Wilson, S. C.
Wood,
Yoakum.

NAYS—132.

Acheson,
Aitken,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Barney,
Bartholdt,
Bartlett, Ga.
Beach,
Bennett,
Berry,
Bingham,
Bishop,
Blue,
Bromwell,
Bull,
Burton, Mo.
Calderhead,
Chickering,
Clark, Mo.
Cobb,
Codding,
Corliss,
Crisp,
Crowther,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Daniels,
Dayton,
De Witt,
Doolittle,
Dovener,
Ellett,
Evans,
Fairchild,
Faris,
Fenton,
Fischer,
Fletcher,
Foote,
Foss,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Griffin,
Griswold,
Grosvenor,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Henry, Conn.
Henry, Ind.
Hepburn,
Hicks,
Hill,
Huff,
Hulick,
Hull,
Hurley,
Jenkins,
Johnson, Cal.
Joy,
Kiefer,
Kirkpatrick,
Knox,
Lefever,
Leighty,
Leisenring,
Leonard,
Linton,
Loudenslager,
Maddox,
Mahon,
Marsh,
McCall, Mass.
McCleary, Minn.
McLachlan,
Meiklejohn,
Mercer,
Milnes,
Minor, Wis.
Mitchell,
Morse,
Northway,
Overstreet,
Parker,
Payne,
Perkins,
Poole,
Powers,
Pugh,
Raney,
Reeves,
Richardson,
Robinson, Pa.
Royse,
Russell, Conn.
Sherman,
Simpkins,
Smith, Mich.
Snover,
Spalding,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strode, Nebr.
Tawney,
Tayler,
Thomas,
Tracewell,
Tracey,
Treloar,
Van Horn,
Van Voorhis,
Warner,
Watson, Ind.
Watson, Ohio
Wilson, Ohio
Woodman,
Woomer,
Wright.

NOT VOTING—156.

Abbott,
Adams,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Andrews,
Arnold, Pa.
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartlett, N. Y.
Belknap,
Bell, Tex.
Black,
Boutelle,
Bowers,
Brewster,
Broderick,
Brosius,
Brown,
Brumm,
Burton, Ohio
Cannon,
Catchings,
Clarke, Ala.
Coffin,
Colson,
Cook, Wis.
Cooper, Fla.
Cooper, Wis.
Cousins,
Cowen,
Cox,
Crump,
Curtis, Iowa
De Armond,
Denny,
Dingley,
Dinsmore,
Dolliver,
Draper,
Eddy,
Fitzgerald,
Fowler,
Graff,
Grout,
Grow,
Hadley,
Hanly,
Hardy,
Harmer,
Harris,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hilborn,
Hitt,
Hooker,
Hopkins,
Howe,
Howell,
Huling,
Hutcheson,
Hyde,
Johnson, Ind.
Jones,
Kem,
Kendall,
Kerr,
Kulp,
Kyle,
Layton,
Long,
Lorimer,
Loud,
Low,
Maguire,
Mahany,
Martin,
McCall, Tenn.
McClure,
McCormick,
McEwan,
McRae,
Meredith,
Meyer,
Miller, Kans.
Miller, W. Va.
Milliken,
Miner, N. Y.
Mondell,
Money,
Moody,
Moses,
Mozley,
Murphy,
Newlands,
Noonan,
Odell,
Otey,
Otjen,
Patterson,
Pearson,
Phillips,
Pickler,
Pitney,
Price,
Quigg,
Ray,
Reyburn,
Robertson, La.
Rusk,
Russell, Ga.
Sauerhering,
Scranton,
Settle,
Shafroth,
Shannon,
Shaw,
Shuford,
Skinner,
Sorg,
Southard,
Southwick,
Sparkman,
Spencer,
Sperry,
Stephenson,
Stone, C. W.
Strong,
Strowd, N. C.
Sulloway,
Taft,
Towne,
Tucker,
Turner, Va.
Tyler,
Updegraff,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Washington,
Wheeler,
White,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Woodard.

So the amendment was rejected.

The following pairs were announced:

Until further notice:

Mr. Cousins with Mr. Cowen.
Mr. Hitt with Mr. McRae.
Mr. Watson of Indiana with Mr. Meyer.
Mr. Wilber with Mr. Sorg.
Mr. Tracewell with Mr. Russell of Georgia.
Mr. Hemenway with Mr. Miner of New York.
Mr. Hanly with Mr. Moses.
Mr. Taft with Mr. Robertson of Louisiana.
Mr. Kulp with Mr. Abbott.

For this day:

Mr. Corliss with Mr. Denny.
Mr. Scranton with Mr. Rusk.
Mr. Reyburn with Mr. Maguire.
Mr. Pickler with Mr. De Armond.
Mr. Pitney with Mr. Otey.
Mr. Cook of Wisconsin with Mr. Patterson.
Mr. Henderson with Mr. Bankhead.
Mr. McCall of Tennessee with Mr. Bell of Texas.
Mr. Hill with Mr. Catchings.
Mr. Southwick with Mr. Clarke of Alabama.
Mr. Charles W. Stone with Mr. Cooper of Florida.
Mr. Sulloway with Mr. Cox.
Mr. Walker of Virginia with Mr. Dinsmore.
Mr. Aldrich of Illinois with Mr. Fitzgerald.
Mr. Arnold of Pennsylvania with Mr. Hutcheson.
Mr. Brumm with Mr. Kendall.
Mr. Hardy with Mr. Kyle.
Mr. Harmer with Mr. Layton.
Mr. Heatwole with Mr. Meredith.
Mr. Hooker with Mr. Price.
Mr. Huling with Mr. Rusk.
Mr. Johnson of Indiana with Mr. Sparkman.
Mr. Low with Mr. Turner of Virginia.
Mr. Milliken with Mr. Washington.
Mr. Mozley with Mr. Wheeler.
Mr. Pitney with Mr. Woodard.
Mr. Quigg with Mr. Hart.

Mr. SAYERS. Mr. Speaker, I ask that my colleagues, Judge Abbott and Mr. Hutcheson, be excused, on account of sickness.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The result of the vote was announced as above stated.

The question then recurring on the adoption of the resolution, it was adopted.

On motion of Mr. TRACEY, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

POST-OFFICE BURGLARIES.

The SPEAKER laid before the House the following; which was read:

Office of the Postmaster-General,
Washington, D. C., January 14, 1897.

SIR: In compliance with the act of May 9, 1888 (Supplement Revised Statutes, 91, 585, 586), I transmitted to the Speaker of the House of Representatives various claims for credit on postal accounts of postmasters on account of burglaries from post-offices, with recommendations for the action of Congress. Congress, by an act approved June 11, 1896, amended the former act by conferring power and authority upon the Postmaster-General to adjudicate claims in such cases up to the amount of $10,000, the limit having previously been $2,000. I therefore have the honor to request that the papers transmitted by me to the Speaker of the House may be returned to this Department, in order that I may take up and dispose of these claims, under the authority thus given the Postmaster-General. The following comprises a list of the cases the papers of which have been transmitted:

Postmaster.	Post-office.	Date.	Cause.	Transmitted.
C. P. Convery	Perth Amboy, N. J.	Nov. 2, 1894	Burglary	Jan. 3, 1895
Geo. H. Tice	do	Aug. 31, 1892	do	Jan. 28, 1895
J. M. Johnson	Hudson, N. Y.	Dec. 15, 1893	do	Feb. 8, 1894
Bridget Lane	Summit, N. J.	Nov. 20, 1895	do	Jan. 10, 1896
Jas. A. Sexton	Chicago, Ill.	Dec. 12, 1893	do	Apr. 25, 1894
Jas. C. Soape	Shreveport, La.	Apr. 9, 1890	do	Dec. 4, 1895
Irwin Tucker	Newport News, Va.	Feb. 8, 1894	do	Mar. 24, 1894
F. M. Vandling	Scranton, Pa.	Aug. 3, 1894	do	Jan. 17, 1895

I have the honor to be, very respectfully, yours,

WM. L. WILSON, *Postmaster-General.*

Hon. Thomas B. Reed,
Speaker of the House of Representatives, Washington, D. C.

The SPEAKER. Without objection, the House will order the return of the papers, as requested in the document just read. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. THOMAS. I should like to inquire, Mr. Speaker, whether the regular order now is not the unfinished business on the Calendar?

The SPEAKER. The regular order is the unfinished business of last Friday, now on the House Calendar.

WILLIAM P. BUCKMASTER.

The first bill on the Calendar of unfinished private business was the bill (S. 90) for the relief of William P. Buckmaster.

The bill was read.

The SPEAKER. This bill was reported by the Committee of the Whole House with the recommendation that it be indefinitely postponed.

Mr. JOY. In the absence of the gentleman from Wisconsin [Mr. OTJEN], who reported this bill, I ask unanimous consent that it be passed over until next private bill day, retaining its place on the Calendar.

The SPEAKER. The gentleman from Missouri [Mr. JOY] asks unanimous consent that the consideration of this bill be postponed until the next private-bill day. Is there objection? The Chair hears none. The Chair understands that under this permission the bill remains in the same situation, with the recommendation of the Committee of the Whole still standing.

LAURETTA S. PRINCE.

The next unfinished business on the Private Calendar was the bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension rolls.

The bill was read at length.

Mr. RICHARDSON. Mr. Speaker, is this a favorable report from the Committee of the Whole on the Private Calendar?

The SPEAKER. The Chair understands the question is on the passage of this bill. There was a demand made for the reading of the engrossed bill, which has just now been read.

The bill was passed.

OFFICERS AND CREW OF GUNBOATS KINEO AND CHOCURA.

The next unfinished business on the Private Calendar was the bill (H. R. 3294) for the relief of officers and crew of the United States gunboats *Kineo* and *Chocura*, reported from the Committee of the Whole with favorable recommendation.

The bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAM B. ISAACS & CO.

The next unfinished business on the Private Calendar was the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co., reported from the Committee of the Whole with favorable recommendation.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGE M'ALPIN.

The next unfinished business on the Private Calendar was the bill (H. R. 1358) for the relief of George McAlpin, to repay moneys unlawfully collected from him by the United States, reported from the Committee of the Whole with amendments.

The amendments were considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the recommendation of the Committee of the Whole.

MATHIAS PEDERSEN.

The next unfinished business on the Private Calendar was the bill (H. R. 4310) for the relief of Mathias Pedersen, reported from the Committee of the Whole with an amendment.

The bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FANNY MOALE GIBBON.

The next unfinished business on the Private Calendar was the bill (S. 2008) granting a pension to Fanny Moale Gibbon, reported from the Committee of the Whole with favorable recommendation.

Mr. CROWTHER. Mr. Speaker, I offer the amendment I send to the desk.

The Clerk read as follows:

> Strike out, in line 8, the words "one hundred" and insert in lieu thereof the word "fifty," so that the bill will read "$50 per month."

Mr. CROWTHER. I understand that this is one of the bills that inevitably causes a great deal of friction and trouble in the Committee of the Whole, as well as in the Committee on Invalid Pensions, and also much unnecessary discussion on the floor of the House. This is a bill proposing to fix the rating of the pension of the widow of a general officer at $100 a month.

Many members on the floor have desired to get at some uniform and equitable rate for these pensions, so that they could be passed without unnecessary discussion and consumption of time. But it seems that this bill was passed without discussion in the Committee of the Whole, and I desire to make that amendment, so that the matter can be regulated as we have attempted to regulate the pensions of the widows of general officers.

I reserve the remainder of my time.

Mr. CURTIS of New York. Mr. Speaker, I rise to oppose the amendment suggested by the gentleman from Missouri.

My friend is in error in saying that this bill passed the Committee of the Whole without debate. There was a motion made to reduce the sum fixed in the original bill to $75 a month, and a discussion was had upon that, and the committee voted on the motion and sustained the report of the Committee on Pensions.

I desire to call the attention of the House to pension legislation, and also bring to its attention some considerations why there should be a difference in the pensions allowed to the widows of general officers as compared to those allowed to the widows of private soldiers. We increase the pension of the widow of a general officer above the pension given to an enlisted man, and it has been the practice of the Government from its very organization. It has also been the habit of Congress to increase the pensions in proportion to the value of the services rendered by the officer. We have had pensions given to the widows of general officers, for instance, at a rate of $5,000 per annum, and we have never heard any objection because of that discrimination from the people of the country, especially when it is considered that the officers themselves rendered such magnificent and valuable services as to have commanded the respect not only of our own country, but of the whole world. Our friend would put this lady, the widow of Maj. Gen. John Gibbon, on the same plane on which he has offered to put other widows whose husbands were lieutenant-colonels and colonels.

This is a different case. It appeals to the judgment and the magnanimity of the people, and I am sure that there are few in this House who would withhold from the widow of John Gibbon this sum which has been voted to her by the Senate, by the Committee on Pensions, and by the Committee of the Whole of this House.

General Gibbon was a graduate of West Point, entering a cadet from the State of North Carolina. Although with Southern personal associations, he was one of the three most distinguished men of Southern origin and Southern associations who in the dark days of 1861 stood by the flag. George H. Thomas, John Gibbon, and John Newton were the names of those three distinguished men. Since the death of the other two, Congress has given consideration to their families in equal proportion to the sum asked in this bill. General Gibbon served with the volunteers and rose to the grade of major-general. In that hot contest at Gettysburg, when a corps commander was disabled, John Gibbon was selected on the spur of the moment by those who knew his capacity to take command of the corps and to continue in command throughout that battle.

But there was a greater service rendered the country by John Gibbon. In the closing days of that great struggle there was a contest between the artillery, the cavalry, and the infantry to push forward to overtake the army under the command of Lee. On the morning of the 9th of April General Lee had not come to think that an immediate surrender was necessary, and when the Confederate forces were ordered forward they supposed the cavalry was all they had to meet; but the cavalry wheeled out and uncovered the infantry of the Twenty-fourth Corps, which had arrived under command of Maj. Gen. John Gibbon. That corps had marched, on the 8th of April and the night of the 8th and the morning of the 9th, 37 miles to support the cavalry. Our associate from the First district of West Virginia [Mr. DOVENER] was in that corps. And in the State of the gentleman who makes this motion there is now living one of the most distinguished men in that State, Gen. John W. Turner, who commanded one of the divisions under John Gibbon. It was the skill of John Gibbon and the magnificent work of his men which marched that corps to the place where they were enabled to cooperate with the cavalry and made forever memorable the 9th day of April. If that had not been done the 9th of April would not have been one of the memorable days in American history. The presence of the Twenty-fourth Corps saved slaughter and great losses, which would have continued for several days had it not been for the skillful and masterly evolution of the men under Major-General Gibbon.

Is it in the heart, the judgment, or the conviction of any member that this widow, aged 70 years, without property, blind, with a daughter in feeble health, and two grandchildren without father or mother, the children of a deceased daughter, shall be left upon this pittance proposed by the gentleman from Missouri? Will it meet the wish of any true lover of the country that these persons, especially this widow, should be left in want, as they would substantially be with the small sum proposed? This widow is without means, and I do think the House should vote down this motion and stand by the action of the House in Committee of the Whole and the Senate.

Mr. CROWTHER. Mr. Speaker, I desire to grant a portion of my time to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, it has been to some extent a mooted question for a great many years as to who put down the rebellion. We have found out now that it was General Gibbon. Perhaps to that extent the gentleman's measure is meritorious. He has settled that question. But I apprehend that there were others who participated in that conflict, others, somewhat less pretentious oftentimes, who did their part equally well, although that part might have been the part of the humblest private of the command. It was the great common soldiery of this people who fought that conflict. While the men who led them deserve credit, they deserve it in no higher degree than the common soldiery of the Republic. The chief merit of that contest was the patriotism and heroism of the common men, and when the history of that stupendous and wonderful struggle comes to be written it will be replete with the acts of heroism of the men who carried the musket, as well as of the men of rank who bore the sword, and who chanced to be in such positions that they became famous by reason of the valor of the men who sustained them.

There can always be found in this body eloquent gentlemen who sustain the claims of the widow of the officer; but who pleads for the lowly widow of the common soldier here? If an offer is made to increase her pension beyond $12 a month there are always advocates ready to object to any increase beyond that humble pittance, on the ground that the general rule should be adhered to and no greater amount should be allowed. Let us have a law of equity and justice in the application of the rule to officers of this army. I regret to say, for myself, that the vote that I cast here giving $75 a month to pension the widow of the only major-general that Kansas furnished to the service has been more criticised than any other official act of mine in this body. I here at this moment upon the floor of the House apologize to the gentlemen who have criticised that vote in the past and say that if I had an opportunity to make it $50 I should avail myself of the privilege and vote to make it $50. I think that the amendment of the gentleman from Missouri [Mr. CROWTHER] should prevail. I think that the rule ought to be $50 in these cases, and it ought not to go beyond that. Seventy-five dollars would be the limit in very extreme cases, but there is no special extremity in this claim that demands any such pension as $100 a month.

One of the most beautiful temples upon the face of the globe is St. Paul's Cathedral. It is a temple of the living God. It was born of the intellect of a great architect, and in and about that splendid structure, among the magnificent sarcophagi that rest there, is the tomb of Sir Christopher Wrenn, the architect of the structure, and upon the marble slab that covers his tomb is a Latin inscription which contains this sentiment: "If you seek for his monument, look about you." When there shall be builded a stupendous and glorious monument to the heroism of the common soldiery that saved the life of the Union and perpetuated our institutions, let there be written on that monument: "If you seek for their achievements, look about you." [Applause.] We can already see in the splendor of this the noblest and greatest of civilized nations the works that have followed the services of those heroes and realize what the patriotic common soldiery of the nation can accomplish. In deference to their heroism, in deference to the good names of their wives and children, let us apply a little of the general rule to these pensions for generals' widows and sustain this amendment. [Applause.]

Mr. CROWTHER. I yield five minutes to the gentleman from Massachusetts.

Mr. MORSE. Mr. Speaker, I want to stand up in my place and indorse the eloquent remarks of the gentleman from Kansas [Mr. BLUE]. I remember that once a little boy had heard his father expatiate on his exploits in the Army at great length and very many times, who finally said, "Papa, did anybody help you to put down the rebellion?" Now, when I listen to some of the eulogies pronounced upon the officers of the Army, I am constrained to give utterance to a similar sentiment. I am not here to detract anything from the glory or patriotism of the services rendered by these men who commanded the Army whether in a minor or greater capacity; but I am here to say "Amen" to what the gentleman from Kansas has so eloquently said when he says that the real honor belongs to the men who fought in the ranks, without which the officers would have been powerless.

Now, Mr. Speaker, I am here to say further, that some votes I have cast in this House since I have been here, giving large pensions to the widows of officers, have been criticised at my home, in my district, and in my Commonwealth more than any other vote I have cast in this House. I want to ask what rhyme, wit, wisdom, or justice is there in giving a pension of $75 a month to the widow of an officer, while the widow of a private soldier, who lives in the next house, who lost her husband in the service, and who endured as much for his country as the officer—that that widow should have only $8 or $12 a month?

Mr. Speaker, that is a conundrum that I am unable to solve. I am unable to make any satisfactory explanation of such a difference. I think it might be proper for an officer's widow to have a difference in her favor, but no such difference as this. I think that all of this kind of legislation should be covered by some general pension bill. It is manifestly very unjust for persons who have a friend in court and among members of Congress to come in here and bring in a pension bill to give a large pension to the widow of one soldier, while the widow, as I say, of an equally meritorious soldier, living next door, only gets $8 or $12 a month. Only a few are reached in this way, and it serves to make the thousands of pensioners dissatisfied with the bounty of the Government. I have since I have been a member of this House introduced very few pension bills, not over two or three. I do not know that I have passed a single one, because I have not believed in the justice of this special legislation. It produces great dissatisfaction among the pensioners of the country. They can not see the justice of it, and there is no justice in it. And while I have to confess to my inconsistency, while I have to confess to the fact that I have done what I ought not to have done in that I have voted several times for large pensions for the widows of officers, I am here to say that in the little time remaining to me, on the principle that "While the lamp holds out to burn," etc., I do not propose to vote for any bill giving a large pension to an officer's widow; but I shall cast my vote for this amendment or for a smaller sum.

Mr. CURTIS of New York. Mr. Speaker, I do not know whether I reserved the balance of my time, but I hope, at least, I shall be allowed to say a word in reply to the argument of my friend from Massachusetts [Mr. MORSE], as well as my friend from Kansas [Mr. BLUE], who have entered into a discussion of the policy of the Government in discriminating in pensions between enlisted men and officers, and the widows of enlisted men and the widows of officers. That is a discrimination which has always existed. That is a discrimination which has existed in respect to their pay, their responsibility, and everything pertaining to the service.

Mr. CROWTHER. Will the gentleman permit me to ask him a question?

Mr. CURTIS of New York. Certainly.

Mr. CROWTHER. What amount of pension would the widow of a general officer, a brigadier-general, obtain under the general law?

Mr. CURTIS of New York. Thirty dollars a month, and a private soldier $12 a month.

Mr. CROWTHER. Now, we propose to give this widow, not the general, $50 a month. Certainly that is sufficient.

Mr. CURTIS of New York. No. Mr. Speaker, this Congress and other Congresses, from the close of the war, have seen fit and many times to increase the pension over the statute provision for the widows of distinguished officers. They have also increased the pensions for widows of soldiers, but I do not think that question properly comes up for consideration at this time. There has been no case since the close of the war when the merits of the man, the character of his services, or the needs of his family more strongly appeal to the sense of justice, generosity, and good feeling of the American people than the case now before the House. My friend speaks of the private soldiers and compliments them as they deserve, but what is the value of a single musket? The important thing in war is organization, skill in maneuvering, which brings the greatest number of muskets, the greatest force of artillery, the greatest number of cavalry sabers to strike at the decisive time. We are not now passing upon the respective merits of the private soldier or the officer in his individual capacity; we are considering the value of the services rendered by General Gibbon, and among all the officers who performed gallant and distinguished service in the last war there can not be found one more meritorious, one who showed greater capacity in the field when he had an opportunity to exhibit it, than Gen. John Gibbon.

His widow is poor. She is 70 years of age. The pension here proposed to be granted is a small sum, not greater than has been given in this very Fifty-fourth Congress to the widows of officers whose services were no more to be compared with the services of General Gibbon than a nickel is to be compared with a dollar.

Mr. CROWTHER. Mr. Speaker, I yield ten minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, this question has been gone over frequently in committee before bills have been reported to the House. We have reviewed the arguments here pro and con at almost every Friday night session when we have been able to transact any business at those sessions. On Friday afternoons, and at other times, this House has been entertained with a review of the arguments relative to the ratings of pensions for the widows of private soldiers and the widows of officers. In order to place before the House at this time the action which the Committee on Invalid Pensions has taken upon this question, and to present also in full the report which that committee has recommended to the House for passage. I send to the Clerk's desk and ask to have read as part of my remarks the action of the committee, which will be found on page 410 of the RECORD of the first session of this Congress. This report was acted upon by the Committee on Invalid Pensions, and I was instructed to report it back to the House with the recommendation that the resolutions there presented be passed.

The Clerk read as follows:

Whereas marked confusion and delay have resulted from the want of some uniform rule in the consideration of private pension bills: Therefore,

Be it resolved, That it is the sense of the House that all private pension bills should be drawn according to the rates of pension indicated by the general pension laws unless the evidence should clearly show that a higher rate is justly required to relieve actual distress, the question of the soldier's rank being considered wholly immaterial in determining an exceptional rating.

Resolved, That all recommendations from committees should be in harmony with the sentiment of the foregoing resolution.

Mr. ANDREWS, from the Committee on Invalid Pensions, submitted the following report:

Your Committee on Invalid Pensions, to whom was referred the resolution (H. Res. 34) relating to private pension bills, have considered the same, and report as follows:

Said resolutions seek to economize the time and labor of the House in the consideration of private pension bills. Such bills are usually drawn at rates much higher than those indicated by general pension laws, and consequently much time is consumed by committees and by the House in making amendments as to rates. If such bills were drawn according to rates fixed by general pension laws, and each bill were accompanied by a brief of the necessary evidence when it reaches the proper committee, many meritorious bills could be passed in the time frequently consumed by repetitions of opinions relative to exceptional ratings. It is assumed that the members of the House will readily recognize the benefits that could thus be conferred upon many deserving soldiers whose bills ought to be passed immediately.

If the rates fixed by the general pension laws are not fair and just, a bill removing unjust discriminations should be put upon its passage immediately and enacted into law.

Thus one discussion would settle the question of rates, and Congress would be relieved of a large volume of business which would be and ought to be transacted through the Pension Bureau. The adoption of the resolutions would give a rule of action to members, committees, and the House in the transaction of business relative to private pension bills; and your committee therefore recommend that said resolutions be agreed to.

Mr. ANDREWS. Mr. Speaker, it is not my desire, neither was it the desire of the Committee on Invalid Pensions in the preparation and adoption of this report, to cast any reflection whatever upon the brilliant services of any officer in the late war of the rebellion. We simply seek to suggest here a rule of business procedure whereby this miscellaneous discussion can be disposed of once for all by the passage of a general statute that will remove the question from debate. Then each successive committee from Congress to Congress will have a definite policy marked out relative to their recommendations of pension bills to the House.

In the early part of the first session of this Congress the Committee on Invalid Pensions was very severely criticised for the presentation of bills that were supposed to be out of harmony with the fixed provisions of general laws. Whether those criticisms were just or not we need not now debate. It is not the intention of the committee, as I understand it, by this recommendation to question what should be done or what should not be done in a general statute, but so long as there are general laws giving higher rates of pension to the widows of officers than are allowed to the widows of privates those general provisions of law should be observed; and if present ratings are unjust, a bill removing unjust discriminations should be put upon its passage and enacted into law immediately.

Now, with a provision of that character the House would have some rule of action. But here, with cases coming up from time to time ranking up to the grade of captain, it has been practically impossible to secure a recommendation of the Committee of the Whole for anything beyond $20 a month; but when you pass to an officer of higher rank than that of captain, or beyond the rank of major, it is a comparatively easy matter, on the ground of rank alone, to leap from $25 to $100 a month without stopping to ask why. I submit that a practice of this kind is wholly inconsistent, and that on this question we ought to maintain our action within proper bounds. We should come to the business side of the question, and say that in the ratings of pensions to the widows of officers we should hold as closely to the provisions of the general law as we do in fixing the rate of pensions for the widows of privates. Upon these grounds I stand in supporting the amendment which is proposed for the reduction of the rate indicated in this bill.

Mr. CROWTHER. I yield five minutes to the gentleman from Delaware [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, it has always been averse to my feelings either to offer or vote for any proposition lessening the amount of pension which is to go to an old soldier or to the widow or the orphan of an old soldier. It is therefore with exceeding reluctance that I have to deny the claim which the eloquence of the gentleman from New York, General CURTIS, so aptly makes to my sensibilities. But in this case I am compelled to do so on this principle: You know that when a great business concern goes down, an account is taken of the assets and liabilities; and when the concern is found to be bankrupt, those who settle up the business do not make one or two or five or ten or twenty or even a hundred creditors preferred creditors; but on a principle of justice they divide up what is left and pay so much on the dollar. Now, so far as concerns the debt that this country owes to the soldiery that sustained it in the hour of its peril, it can never pay that debt. It is bankrupt in money; and it is bankrupt in gratitude. The best it can do is to pay so much on the dollar; and the only way it can do that is to deny unusually large amounts to a certain class and to endeavor as much as possible to reach an equalization in the distribution of the whole amount.

Upon that principle I have to refuse to vote for $100 a month to the widow of an officer who may not be any more needy than the widow of a private. I know that there are to-day thousands and thousands of soldiers' widows who can not get even $12 per month; there are thousands that would be glad to get even $8 a month who are now getting nothing. On this principle of a somewhat just distribution of the assets in hand, I can not vote for $100 for the widow of an officer when I have to vote for $12 for the widow of a private. I shall therefore sustain the amendment.

Mr. CROWTHER. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I am very much obliged to the gentleman from Missouri [Mr. CROWTHER] for yielding time to me; but he understands that I am not going to support his amendment.

I have heard a great deal on the floor of this House for ten or twelve years in the line of the argument now used in opposition to this bill. But I have this to say. Never yet, in my contact with the private soldiers of the country, have I ever heard any ratification of the agency assumed by these gentlemen. I have been a member of the State encampment of Ohio almost ever since the war. I have been six times a delegate to the National Encampment of the Grand Army of the Republic; and I am elected a delegate to the State encampment of Ohio now. And never yet in any one of those meetings, nor in any of the Grand Army reunions, nor in any reunion of the great assemblages of the Army, have I ever heard a private soldier or anybody else attempt to draw the line that is here attempted to be drawn between the private soldier and the officer.

Now, let me add this: The distinctions that have been made since the war in favor of the great officers of the war have been made by the private soldiers themselves. The very spirit that gave to the Army of the Potomac their pride in such men as John Gibbon has run through the third of a century that has followed the close of the war; and to-day the men who stand by this distinction with the greatest enthusiasm are the enlisted men of the Army. Point out to me, if you can, one place where there has been an authoritative declaration against the recognition of such men as Sherman and Grant and Sheridan, and their relatives after their death. Show me the place where there was a private soldier who did not indorse the conferring of the pension upon Mrs. Sheridan.

So, Mr. Speaker, my proposition is this: While if I had the framing of the pension laws all over again, so far as the volunteer service is concerned I would make no distinction of rank—I have said so many a time—the same considerations do not apply in the case of an officer of the Regular Army; and our system of volunteer pensions we derive from the Regular Army system.

In the present case, General Gibbon, an officer of the Regular Army, having reached his sixty-fourth year, was retired upon a reduction of pay. He devoted his life to the service of the Government, and at his death he had accumulated nothing. He leaves behind him a widow. Now, although I never served in the Army of the Potomac, I venture to say that if every survivor of the Army of the Potomac—enlisted man or officer—could register his vote upon this proposition, ninety-nine out of every one hundred of those votes would be in the affirmative. [Applause.] That is the sentiment which those men testified upon the battlefield, and which they take pride in testifying upon every possible and proper occasion.

So, Mr. Speaker, while I will not assail this proposition made by the Committee on Invalid Pensions—while I wish it could be carried out, and that we could have something which would take these questions out of Congress—I am not willing that a man who did the service for his country that John Gibbon did in the hour of peril—greater than I ever saw in any command to which I had the honor to belong—shall be made an example of in favor of an assumed demand of a sentiment which, I say, does not exist anywhere in the United States. [Applause.]

Mr. CROWTHER. Will the gentleman from Ohio permit a question?

Mr. GROSVENOR. Certainly.

Mr. CROWTHER. Do I understand you to say that we are attempting to make an object lesson of this bill?

Mr. GROSVENOR. Not at all. I said that this debate had been taken advantage of for that purpose.

Mr. CROWTHER. This morning the House passed a bill granting a pension to the widow of a distinguished officer who had reached the highest rank in the Navy, and then stepped out, joined the Army, and obtained the very highest position that could be obtained there. We passed that bill at only $50 per month. And I hold in my hand the conference report, agreed to by the Senate Committee on Invalid Pensions, regarding the same question, wherein they stand by the uniformity of their action with reference to the amount I have proposed.

Mr. WATSON of Ohio. Let me ask the gentleman from Missouri if his objection in this case is special or general?

Mr. CROWTHER. A general objection. I have been fighting these bills all the way through.

Now, I desire to yield a portion of the time to the gentleman from Illinois [Mr. WOOD].

Mr. WOOD. Mr. Speaker, I do not wish to make any discrimination against the widow of Gen. John Gibbon; but something has been said here in regard to the policy of making a distinction between the pensions of officers and privates who have served in our Army. I recognize no such distinction and no policy of the Government except that which comes through general law. The law in a private or individual case is not a precedent, and the policy of the Government can not be founded upon or determined in the future by the passage of any private act. That is an entirely different question.

The private law is an anomaly in legislation. It is sometimes resorted to to confer privileges upon those who ought not to have them or who do not have them under the general law. In a Republic like ours it ought to be in the nature of equitable legislation, and should be based on a general principle, each case of private legislation that comes up for consideration in this body being determined by the circumstances surrounding it.

The policy of the law in regard to pensions is that where the soldier died from the effect of wounds or injuries received or disease contracted in its service, that the Government will confer upon the widow of such soldier $12 per month, and upon the widow of a general officer who performs services under similar circumstances the sum of $30 per month. The policy of this Government in reference to pensions, as shown in the public laws of the United States—and that policy has been uniform—is to give to the widow of the officer and the soldier alike a similar pension where the death did not result from wounds received in the service or from disease contracted in the line of duty. We are departing from this policy of the law, and without any good reason. The pension that comes through a private law is a gratuity pure and simple. It is not supported on any legal principle. The pensions that come through a general law, especially an act that was passed before the soldier enlisted, perhaps, or while in the service, is in the nature of a debt and an obligation on the part of the Government. We have made this distinction, although in the amount of pay and in the rank of the party the pension comes under the provisions of the general law.

Now, it is proposed by this amendment to make the pension of the widow of General Gibbon $50 per month. I recognize, as we all recognize, the distinguished services of Gen. John Gibbon. I recognize the fact that he got the infantry, in that relentless pursuit, along on the same time of the cavalry. But it was the energy, it was the endurance, it was the bravery and determination of the private soldier that enabled him to do that. I do contend that there ought not to be made this distinction between the officer and the privates, both, perhaps, serving in the same corps, and both undergoing the same hardships and the same privations.

Besides that, Mr. Speaker, this officer was there for life, a place that is sought after eagerly by all the young men of the country, so many of whom wish to enter the military service. When the proper age comes, he may be retired on three-quarters of his full pay. The pension allowed to his widow is two and one-half times that allowed to the private soldier. And if the amount should be cut down to $50 per month, under the amendment pending, based on the facts set out in the report, it will still be doing full justice to the widow of this distinguished officer, and it will be very much more than has ever been granted to the widow of any private soldier under our pension laws.

The SPEAKER pro tempore. The question is on the adoption of the amendment proposed by the gentleman from Missouri.

The question was taken; and upon a division (demanded by Mr. CURTIS of New York) there were—ayes 60, noes 59.

Mr. CURTIS of New York. I call for tellers.

Tellers were ordered.

The SPEAKER pro tempore appointed Mr. CURTIS of New York and Mr. CROWTHER as tellers.

The House divided; and the tellers reported—ayes 54, noes 82.

Mr. CROWTHER, Mr. MILNES, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 128, not voting 159; as follows:

YEAS—68.

Aitken,
Allen, Miss.
Anderson,
Andrews,
Baker, N. H.
Barham,
Bell, Colo.
Bishop,
Blue,
Burrell,
Burton, Mo.
Clardy,
Clark, Iowa
Clark, Mo.
Codding,
Connolly,
Crowther,
Danford,
Ellis,
Fenton,
Gibson,
Hager,
Halterman,
Hatch,
Hemenway,
Henry, Ind.
Hicks,
Howard,
Hubbard,
Hulick,
Hull,
Hunter,
Johnson, N. Dak.
Kem,
Kirkpatrick,
Lacey,
Latimer,
Lewis,
Loudenslager,
Marsh,
McLaurin,
Milnes,
Minor, Wis.
Morse,
Mozley,
Northway,
Ogden,
Overstreet,
Pendleton,
Perkins,
Raney,
Royse,
Shafroth,
Smith, Ill.
Snover,
Spalding,
Strait,
Strong,
Talbert,
Tate,
Tracewell,
Treloar,
Updegraff,
Willis,
Wilson, Ohio,
Wilson, S. C.
Wood,
Yoakum.

NAYS—128.

Acheson,
Arnold, R. I.
Atwood,
Avery,
Bankhead,
Barney,
Bartlett, Ga.
Bell, Tex.
Bennett,
Bingham,
Boatner,
Boutelle,
Bromwell,
Bull,
Burton, Ohio
Catchings,
Chickering,
Clarke, Ala.
Cobb,
Cockrell,
Cooke, Ill.
Cooper, Fla.
Corliss,
Crisp,
Crowley,
Culberson,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
De Armond,
Dinsmore,
Dockery,
Doolittle,
Dovener,
Ellett,
Erdman,
Evans,
Fairchild,
Fischer,
Fletcher,
Foote,
Gamble,
Gardner,
Griffin,
Griswold,
Grosvenor,
Grout,
Hainer, Nebr.
Hardy,
Harmer,
Harris,
Henry, Conn.
Hill,
Huff,
Hurley,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Joy,
Kiefer,
Kleberg,
Knox,
Kyle,
Layton,
Leisenring,
Leonard,
Livingston,
Long,
Low,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCleary, Minn.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McLachlan,
Mercer,
Miles,
Miller, W. Va.
Mitchell,
Money,
Murray,
Neill,
Newlands,
Owens,
Poole,
Powers,
Prince,
Pugh,
Richardson,
Shannon,
Sherman,
Smith, Mich.
Sparkman,
Spencer,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stokes
Stone, W. A.
Strode, Nebr.
Sulzer,
Tawney,
Terry,
Thomas,
Towne,
Turner, Ga.
Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Watson, Ohio
Wellington,
Wheeler,
Williams,
Wilson, N. Y.
Woodard,
Woodman,
Wright.

NOT VOTING—159.

Abbott,
Adams,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Apsley,
Arnold, Pa.
Babcock,
Bailey,
Baker, Kans.
Baker, Md.
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Berry,
Black,
Bowers,
Brewster,
Broderick,
Brosius,
Brown,
Brumm,
Buck,
Calderhead,
Cannon,
Coffin,
Colson,
Cook, Wis.
Cooper, Tex.
Cooper, Wis.
Cousins,
Cowen,
Cox,
Crump,
Curtis, Iowa
Dayton,
Denny,
De Witt,
Dingley,
Dolliver,
Draper,
Eddy,
Faris,
Fitzgerald,
Foss,
Fowler,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Grow,
Hadley,
Hall,
Hanly,
Harrison,
Hart,
Hartman,
Heatwole,
Heiner, Pa.
Henderson,
Hendrick,
Hepburn,
Hermann,
Hilborn,
Hitt,
Hooker,
Hopkins,
Howe,
Howell,
Huling,
Hutcheson,
Hyde,
Jones,
Kendall,
Kerr,
Kulp,
Lawson,
Lefever,
Leighty,
Lester,
Linney,
Linton,
Little,
Lorimer,
Loud,
Mahany,
Martin,
McCall, Tenn.
McClure,
McCormick,
McEwan,
McMillin,
McRae,
Meiklejohn,
Meredith,
Meyer,
Miller, Kans.
Milliken,
Miner, N. Y.
Mondell,
Moody,
Moses,
Murphy,
Noonan,
Odell,
Otey,
Otjen,
Parker,
Patterson,
Payne,
Pearson,
Phillips,
Pickler,
Pitney,
Price,
Quigg,
Ray,
Reeves,
Reyburn,
Rinaker,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shaw,
Shuford,
Simpkins,
Skinner,
Sorg,
Southard,
Southwick,
Sperry,
Stahle,
Stone, C. W.
Strowd, N. C.
Sulloway,
Swanson,
Taft,
Tayler,
Thorp,
Tracey,
Tucker,
Tyler,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
White,
Wilber,
Wilson, Idaho.
Woomer.

So the amendment of Mr. CROWTHER was rejected.

The Clerk announced the following additional pairs:

For this day:

Mr. BARRETT with Mr. TUCKER.

On this question:

Mr. LEIGHTY with Mr. WILSON of Idaho.

Mr. HENDERSON with Mr. COOPER of Texas.

Mr. GILLETT of Massachusetts with Mr. DENNY.

Mr. SIMPKINS with Mr. MINER of New York.

Mr. MEIKLEJOHN with Mr. LITTLE.

On this vote:

Mr. ALLEN of Utah with Mr. HARRISON.

The result of the vote was then announced as above recorded.

Mr. BLUE. Mr. Speaker——

Mr. WOOD. Mr. Speaker, I move to amend by striking out of line 8 the words "one hundred" and inserting in lieu thereof "seventy-five."

Mr. CURTIS of New York. I hope that will not be adopted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "seventy-five."

Mr. CURTIS of New York. Mr. Speaker, is it in order to offer this amendment now in the House?

The SPEAKER pro tempore (Mr. HULL). The Chair thinks it is. The previous question has not been ordered, and the bill is open to amendment.

Mr. CURTIS of New York. I hope that amendment will be voted down.

The question being taken, the Speaker pro tempore announced that the noes seemed to have it.

On a division (demanded by Mr. BLUE) there were—ayes 57, noes 86.

Accordingly the amendment was rejected.

Mr. CURTIS of New York. Mr. Speaker, I now ask for the previous question.

The previous question was ordered.

The question being taken on ordering the bill to be engrossed and read a third time, Mr. BLUE demanded a division.

The House divided; and there were—ayes 102, noes 13.

Mr. BLUE and Mr. CROWTHER demanded the yeas and nays.

The yeas and nays were refused, not a sufficient number rising in support of the demand for the same.

Accordingly, the bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

The next unfinished business on the Private Calendar was the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill.

Mr. BLUE. Mr. Speaker, I hope that will not be ordered now.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BLUE. I demand a division. Let us see whether this is a private bill or a public bill.

The House divided; and there were—ayes 55, noes 40.

Accordingly, the previous question was ordered.

Mr. BLUE. Mr. Speaker, a parliamentary inquiry. Can a motion be made at this time to refer this bill to the Committee of the Whole?

The SPEAKER. The Chair thinks that such a motion is in order.

Mr. NEILL. This bill has been carefully considered in Committee of the Whole and reported to the House.

Mr. BLUE. I move that this bill be referred to the Committee of the Whole House.

The SPEAKER. The Chair thinks this is in the nature of a motion to recommit, and would be in order after the bill has been ordered to engrossment and third reading.

Mr. BLUE. Then I desire to make the motion at that time.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. CROWTHER. Has this bill been engrossed?

The SPEAKER. It has not been engrossed.

Mr. CROWTHER. I rise to a point of order, that the bill not having been engrossed, it is not properly before the House.

The SPEAKER. It has not yet been ordered to be engrossed.

Mr. CROWTHER. Then I call for the reading of the engrossed bill.

The SPEAKER. The gentleman can do that after it has been ordered to be engrossed. The question is on the motion ordering the bill to be engrossed.

The bill was ordered to be engrossed and read a third time.

Mr. CROWTHER. Now, Mr. Speaker, I call for the reading of the engrossed bill.

Mr. BLUE. Mr. Speaker——

The SPEAKER. The gentleman asks for the reading of the engrossed bill, which is not present.

Mr. BLUE. Now, Mr. Speaker, I offer the motion to recommit, and before I do that, in the attitude which the bill has now assumed by reason of the action of the gentleman from Missouri [Mr. CROWTHER], is it in order now——

The SPEAKER. The Chair thinks that when the bill comes up to be read as an engrossed bill, then it will be in order.

Mr. CROWTHER. To facilitate matters, with the consent of the House, I withdraw my motion for the reading of the engrossed bill.

Mr. POOLE. I object.

The SPEAKER. Objection is made to the withdrawal, which is equivalent to a renewal of it. The Clerk will report the next bill.

WILLIAM M. DALZELL.

The next unfinished business on the Private Calendar was the bill (H. R. 1498) to grant an honorable discharge to William M. Dalzell.

The bill was read.

Mr. STEELE. Let us have the report read.

The SPEAKER. The gentleman asks for the reading of the report. If he desires to have it read as a part of his remarks, the report can be read.

Mr. STEELE. Yes.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1498) granting an honorable discharge to William M. Dalzell, having examined and considered the same, report the bill back to the House with a recommendation that it do pass.

From a report made by the War Department in this case it appears that William M. Dalzell was enrolled May 27, 1861, for three years, as corporal of Company B, Second Iowa Infantry, and is reported on the muster roll of the company for September and October, 1861, as having been transferred to the recruiting service for the State of Iowa October 1, 1861. With the exception of the roll for July and August, 1862, on which he is similarly reported, his name is not borne on any muster roll from October, 1861, to the date of muster-out of the company on July 12, 1865.

The application for honorable discharge previously submitted was denied on December 10, 1886, on the ground that there was no evidence of the alleged transfer to the United States Navy, and that the applicant's unsupported statement did not warrant a change in the record.

An investigation, brought about by a similar application in September, 1888, elicited the following facts:

The Navy Department reported that there was no record of claimant's service in the United States Navy.

The Second Auditor reported that there were no papers on file in his office relative to the case.

On September 29, 1888, the claimant was informed that no record had been found of him from October, 1861, to June 15, 1862, when he accepted civil employment in the Quartermaster's Department, and that no favorable action could be taken in his case except upon satisfactory evidence of his discharge from the military service prior to his employment as a civilian.

An inquiry of the adjutant-general of Iowa elicited the following reply:

"William M. Dalzell was reported transferred October 1, 1861, and also August 1, 1861. Report of transfer does not state to what organization transferred, but in remarks says to Iowa State recruiting service. He is supposed to have been transferred to Marine Brigade. There are no records in this office going to show in what organization, other than the Second Iowa Infantry, he served."

The claimant makes the following statement under oath as to his whereabouts after the transfer above referred to:

"About October 1, 1861, Capt. R. M. Littler, of Company B, Second Iowa Infantry, transferred me to the Navy Department, under command of Captain Pennock, who was then in charge of the naval station at Cairo. Having for many years previous to enlistment been a steamboat captain, I was ordered by Captain Pennock to take charge of the steamer *Eugene*, which I did. I ran said boat until October 1, 1862, on which date I was ordered to go with the boat to Memphis, stopping at Randolph, Tenn., to find out about the killing of a lieutenant a few days before. While ashore at Randolph I was taken prisoner, but saved the boat by calling to the pilot to back her off. Later I was paroled and released. Returning to Cairo, I was informed by Captain Pennock to go home until he got an exchange of prisoners. I afterwards learned that there had never been an exchange of naval prisoners; that I could not go back to my company, as Captain Pennock claimed me, and that I was a paroled prisoner."

Quincy McNeil, of Quincy, Ill., swears that he was in command of Island No. 10 from May, 1862, to October, 1862; that he is well acquainted with William M. Dalzell, of Davenport, and has so known him for about forty years; that said William M. Dalzell was a steamboat captain, and as such was in command of the steamer *Eugene* in the service of the United States in the war of the rebellion; that he frequently saw said steamer with said Dalzell in command; that some time in October, 1862, said steamer landed at Island No. 10, at which place affiant was then in command, and reported that at a place about 12 miles above, Captain Dalzell, while ashore, had been taken prisoner. Affiant placed Company L, Second Illinois Cavalry, on the boat to proceed to New Madrid, Mo., and, in conjunction with Company D of said regiment, to pursue the captors, which was done. Captain Dalzell was not rescued, although the expedition returned with about twenty prisoners of the marauding party.

Abram H. Clark, of Peoria, Ill., swears that he was a member of Company B, Second Iowa Volunteers, in which company and regiment said Dalzell served until October 1, 1861, when he was transferred to the naval transport service, in which he served for one year; that he was taken prisoner while in command of the naval transport steamer *Eugene*, and afterwards paroled and sent home.

It also appears from the report made by the War Department that there were other affidavits in support of the statements made by said Dalzell, including the affidavit of Captain Littler, who was in command of Dalzell's company at the time the transfer is said to have been made.

So far as any record appears bearing upon the question of transfer to the marine or naval transport service, such record sustains the claim and statements of the beneficiary, and on this evidence the transfer, although perhaps not made strictly as it should have been, must be conceded to have taken place. That William M. Dalzell was in the naval transport service and was taken prisoner and paroled is sustained by the affidavits of Col. Quincy McNeil, who from May to October, 1862, was in command of Island No. 10, and Abram H. Clark, of Peoria, Ill., who was a member of the same company with said Dalzell. The soldier's affidavit shows that there never had been any exchange of naval prisoners, and that he was informed by Captain Pennock, under whom he served on the naval transport *Eugene*, that he could not go back to his company while a paroled prisoner.

Your committee have arrived at the conclusion that no intention to desert appears in this case, and that the charge of desertion has grown out of the peculiar circumstances surrounding the soldier, and for which, in the opinion of your committee, he should not be held accountable.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. WILSON of Ohio. I want to ask if debate is not in order.

The SPEAKER pro tempore. Debate is not in order, the previous question having been ordered.

Mr. WILSON of Ohio. I want to know whether it will be in order to offer an amendment to the bill.

The SPEAKER pro tempore. It would not, the previous question having been ordered.

Mr. WILSON of Ohio. I did not understand what stage the bill had reached.

The SPEAKER pro tempore. The bill has been read a third time, and the question is now upon its passage, the previous question having been ordered by the House.

The question was taken, and the bill was passed.

GEORGE M. BROOKS.

The next unfinished business on the Private Calendar was the bill (S. 637) granting a pension to George M. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George M. Brooks, late private in D Company of the Sixty-ninth Regiment of Indiana Infantry Volunteers, and pay to him a pension of $15 per month.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

Mr. RICHARDSON. I hope the gentleman will not do that until the report is read or we have some explanation of the bill.

The SPEAKER pro tempore. Does the gentleman withdraw the demand for the previous question?

Mr. RICHARDSON. I would like to have the report read, so that we may know what we are acting on.

Mr. THOMAS. The report has been read and discussed in the Committee of the Whole, but if the gentleman is not familiar with it I shall not insist on the demand.

Mr. RICHARDSON. I would like to have the report read.

Mr. THOMAS. I withdraw the demand, so as to have the report read.

The SPEAKER pro tempore. The report will be read in the time of the gentleman from Michigan.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, having carefully considered the same, adopt as their own the annexed Senate report (No. 351), and recommend that the bill do pass.

[Senate Report No. 351, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, have examined the same, and report:

The record shows that said Brooks was enrolled on the 9th day of August, 1862, as a private in Company D, Sixty-ninth Regiment Indiana Volunteers.

Said Brooks testifies that he contracted the measles while in camp at Indianapolis, Ind., about the middle of November, 1862, which entirely destroyed his voice and induced pain in his breast, from which he is still suffering; and that during the fall of 1862 and the following winter, while he was in the service of the United States, he incurred a throat and lung trouble from which he has never been entirely clear since; that it has at times been better, and at other times worse, and sometimes very bad; that some of his physicians told him that he had bronchitis, others that it was a throat and lung trouble, and others asthma; that for years he has been troubled with dizziness and swimming in the head, glimmering in the eyes, shortness of the breath under moderate exercise or excitement, and has general disability.

Surgeon Jameson testifies that said Brooks had some acute bronchitis following the measles; he also had the jaundice, which was contracted while in the United States service and line of duty at Indianapolis on or about November 15, 1862.

In certificate of disability for discharge the surgeon certifies to aphonia and general debility, consequent upon measles contracted in camp.

The examining surgeon, on October 21, 1863, finds aphonia and debility, consequent upon measles; that he is still unable to labor; disability at three-fourths.

P. H. Jameson, acting surgeon United States Army, states that when soldier was discharged "he was unfit for duty by reason of acute bronchitis following measles; he had also jaundice, which was contracted while in the service of the United States and the line of his duty at Indianapolis, Ind., on or about the 15th day of November, 1862."

Said Brooks was honorably discharged on the 29th day of April, 1863, and on his certificate of discharge it is stated that he was discharged "by reason of general disability and aphonia, consequent upon measles contracted in camp at Indianapolis."

The evidence shows that said Brooks made application for an invalid pension in 1863, which was granted to him on pension certificate No. 18631. The pension certificate stated that said Brooks should have an annual examination in order to draw his yearly pension, but on account of his having failed to appear for his medical examination in 1864 he was dropped from the rolls as a pensioner, and has never received any pension since.

On February 27, 1891, said Brooks made application to the Pension Office for "restoration to the pension rolls on account of permanent disability from bronchial troubles, weak eyes, piles, disease of liver, and general debility." But on account of his not being able to furnish all the evidence required of him by the Pension Office he has failed to get restored to the pension rolls.

Said Brooks further testifies that he is unable to furnish evidence required showing physical condition from 1864 to 1868 for the following reason, to wit: Soon after being discharged he left home on account of his health, and passed from under the care and cognizance of a family physician, going from place to place and not remaining long in any one place, and having no permanent home until the winter of 1867-68, and the time having so long since passed that he is unable to find those by whom to furnish the required evidence; also, believing that drugs would not cure him, he sought no medical treatment.

George W. Mears, examining surgeon, on May 1, 1863, rated said Brooks as three-fourths incapacitated for obtaining his subsistence by manual labor from aphonia and debility.

L. D. Personett, M. D., testifies February 21, 1863, that said Brooks had been under his treatment for bronchitis and aphonia, the result of an attack of measles while in camp at Indianapolis in November, 1862.

W. P. Morrison, M. D., under date of August 21, 1881, testifies as follows:

"I have known the above George M. Brooks for the last thirteen years; that I am his family physician, and that the said George M. Brooks has suffered from aphonia and chronic liver disease; further, that he is a strictly temperate man and of good habits; that I consider him incapacitated for heavy manual labor or farm work, and has been the entire time of my acquaintance with him, by reason of the above disability."

Following is the professional statement of a reputable physician concerning the present condition of the soldier's health:

SALINA, KANS., *February 18, 1896.*

I have this day examined George M. Brooks, about 53 years of age, late a private in Company D of the Sixty-ninth Regiment Indiana Volunteers. Having been his family physician for the last two years, I am of the opinion that his disability resulted from an attack of measles which led to a chronic bronchitis, with exacerbations and remissions and attended with considerable bronchorrhea, always worse in the winter months. He also has a weak heart.

He is entirely unfit to perform manual labor, but does perform about one-fourth that of an able-bodied man.

W. S. HARVEY, M. D.

Personally appeared before me, clerk of the district court in and for Saline County, Kans., W. S. Harvey, personally known to me to be a practicing physician, and made the foregoing affidavit.

Sworn to and subscribed before me this 20th day of February, A. D. 1896.

[SEAL.] AUG. SWEDENBURY,
Clerk of the District Court of Saline County, Kans.

STATE OF KANSAS, *County of Saline, ss:*

I, A. L. Brown, clerk of said county and State aforesaid, do hereby certify that W. S. Harvey is a practicing physician of twenty-five years' standing, as shown by the records on file in my office.

[SEAL.] A. L. BROWN, *County Clerk.*

The soldier himself makes oath and testifies as follows:

SALINA, KANS., *February 19, 1896.*

George M. Brooks, late a private in Company D, Sixty-ninth Regiment Indiana Volunteers, being duly sworn, says that he is the identical George M. Brooks above referred to; that he is now in the fifty-fourth year of his age. He further says that he is disabled from doing physical labor, and that this disability is the result of measles contracted in the fall of the year 1862 while he was in the military service of the United States, so he verily believes; that he has never been able to do regular physical labor since he was discharged from the service of the United States.

GEO. M. BROOKS.

Sworn and subscribed to before me this 19th day of February, 1896.

[SEAL.] A. L. BROWN, *County Clerk.*

All of which being considered, your committee recommend the passage of the bill.

Mr. THOMAS. I renew the motion for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN J. BOATWRIGHT.

The next unfinished business on the Private Calendar was the bill (H. R. 6233) granting an increase of pension to John J. Boatwright.

The bill was read at length.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. SENTMAN.

The next unfinished business on the Private Calendar was the bill (H. R. 1311) granting an increase of pension to Charles W. Sentman.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARA L. NICHOLS.

The next unfinished business on the Private Calendar was the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols, of the United States Army, be, and it is hereby, increased from $30 per month to $100 per month, and the Secretary of the Interior is hereby authorized and directed to place the name of the said Clara L. Nichols upon the pension roll at the rate of $100 per month, subject to the provisions of existing pension laws.

Mr. DALZELL. Mr. Speaker, this bill as it was originally introduced called for a pension of $100 per month. The Committee on Invalid Pensions reported the bill at $75 a month, and the Committee of the Whole, on consideration of the bill, amended it by inserting $50 a month. Now, I trust that this amendment will not pass; and if I may judge the temper of the House by the action taken within the last hour in the case of the widow of General Gibbon it will not pass; and measuring the sense of the House by its action in that case, it ought not to pass. There is no reason in the world why this distinction should be made between the widow of General Gibbon and the widow of this gallant officer of the Regular Army, for there was no more gallant officer in the Regular Army than General Nichols. He served a period reaching from 1838 to 1866. He was a soldier, a distinguished soldier, of the Mexican war. His services in the Mexican war were many times recognized in a public way and by promotion, and upon the strength of his services alone his widow ought to have the amount that was named in the original bill. But, Mr. Speaker, outside of that altogether, this bill makes the appeal to this House upon another and a different ground. This widow, 60 years of age, has the right to come here and for her own services ask recognition at the hands of the Government.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. RICHARDSON. What was the actual rank of General Nichols? He was a brevet major-general, I know, but what was his actual rank?

Mr. DALZELL. I will read the gentleman his record; it is very brief:

> Cadet at the United States Military Academy, July 1, 1834, to July 1, 1838, when he was graduated and promoted; brevet second lieutenant Second Artillery, July 1, 1838; second lieutenant, July 7, 1838; first lieutenant, June 1, 1844; regimental adjutant, August 18, 1846, to December 8, 1847, and September 1, 1848, to September 2, 1852; brevet captain, assistant adjutant-general, July 29, 1852; brevet major, assistant adjutant-general, March 7, 1861; lieutenant colonel, assistant adjutant-general, August 3, 1861; colonel, assistant adjutant-general, June 1, 1866.
>
> Brevetted captain September 23, 1846, for gallant conduct in the several conflicts at Monterey, Mexico; major, September 8, 1847, for gallant and meritorious conduct in the battle of Molino del Rey, Mexico; brigadier-general, September 24, 1864, and major general, March 13, 1865, for meritorious and faithful services during the war.

Mr. RICHARDSON. But the gentleman does not state what General Nichols's actual rank was at the end.

Mr. DALZELL. I understand that his actual rank was major-general.

Mr. RICHARDSON. Brevet major-general, was it not?

Mr. DALZELL. I read at the end of this record the words:

> And major general, March 13, 1865, for meritorious and faithful services during the war.

Mr. RICHARDSON. I understand the report to say that he was a brevet major-general.

Mr. DALZELL. Well, I am unable to further inform the gentleman what his real rank was.

Mr. STEELE. The reading of the report shows that he was a major.

Mr. DALZELL. I am informed that he was actually a brigadier-general.

Mr. BLUE. Mr. Speaker, has the report in this case been read?

The **SPEAKER** pro tempore. It has not.

Mr. BLUE. The report will disclose what was the actual rank of this soldier, and I ask to have it read.

Mr. DALZELL. Oh, it is not worth while to take up time reading the report.

Mr. BLUE. It is very short, I believe.

Mr. THOMAS. It is two closely printed pages.

Mr. BLUE. Well, my recollection is that the report does not say that he was a major-general or that he ever claimed to be a major-general. The highest rank he reached, according to my recollection, was major-general by brevet.

Mr. THOMAS. But he was an actual brigadier-general.

Mr. BLUE. I am not certain about that.

Mr. THOMAS. That is my recollection, and the presumption is that he would not be brevetted a major-general unless he was previously a brigadier.

Mr. BLUE. Oh, he might be.

Mr. DALZELL. He is called at the beginning of this report "Bvt. Maj. Gen. W. A. Nichols."

Mr. BLUE. And that is what he really was.

Mr. DALZELL. Well, Mr. Speaker, I do not care whether he was a major-general or only a major, there is no reason in the world why there should be any distinction made between this case and the one that was passed upon less than an hour ago, and I appeal to this House to say that there shall be no such distinction.

When I was interrupted I was going on to say that, apart from the services of her husband, this lady herself has a right to appeal to this House upon her own merits, and in support of that statement I read from a document that was presented to the Committee on Invalid Pensions and is embodied in this report:

> Unfortunately, the war of the rebellion found General Nichols serving in Texas, the adjutant-general of the arch traitor Gen. David Twiggs, and with many others he was forced to submit to the humiliation of being given over to the enemy as a "prisoner of war" without even the opportunity to draw sword in his own defense or the service of his Government, but even here General Nichols rendered good and efficient aid by thwarting the plans of Twiggs and his confederates, as will be shown by the accompanying pamphlet: Texas and Its Late Military Occupation, by Captain Phillips, U. S. A., pages 13 and 16; Extracts from General Townsend's Anecdotes of the Civil War, and the Records of the Rebellion.
>
> In this matter I was able to assist my husband by sewing in my clothing valuable papers from the headquarters of General Twiggs, and more effectually by writing in the smallest hand upon the silk paper taken from the books on my parlor table orders dictated and signed by General, then Major, Nichols, which I concealed in the center of new spools of cotton, replacing the little round label. These spools I managed to convey successfully to Major French, of the artillery, Colonel Waite, and others, thus saving to the Government the valuable "Light Battery," and preventing Colonel Waite's entire command from being intercepted by the Texan Rangers and deprived of their arms and munitions.

Upon that ground, I say, if upon no other, this worthy widow is entitled to recognition. She is now 66 years of age. Not until she found it impossible to rely upon her own resources did she make any appeal to the Government for aid. Upon the death of her husband in 1866, General Sheridan procured for her the position of postmistress at Fort Leavenworth, Kans., and for twenty-three years she has been supporting herself by her own labor. She is now old, needy, and helpless, and I greatly mistake the temper of this House if it shall turn out that she makes this appeal to it in vain. I hope the amendment will not prevail.

Mr. DOCKERY. I wish to ask the gentleman whether it is not true that the greater part of the services of General Nichols in the late war were rendered in the Adjutant-General's Office?

Mr. DALZELL. I have already stated that he was taken prisoner at the beginning of the war, and was thereby crippled in the service that he could otherwise have rendered.

Mr. THOMAS. Now, Mr. Speaker, I move the previous question on the bill and amendment to its passage.

The previous question was ordered.

The question being taken on the amendment reducing the amount to $50 per month, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. DALZELL. I ask for a division.

The House divided; and there were—ayes 43, noes 60.

So the amendment was rejected.

The committee amendment striking out "one hundred" before the word "dollars" and inserting "seventy-five" was then adopted.

The bill as amended was ordered to be engrossed and read a third time.

Mr. CROWTHER called for the reading of a copy of the engrossed bill, but withdrew the demand.

The bill was accordingly read the third time, and passed.

On motion of **Mr. DALZELL**, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEROY M. BETHEA.

The next unfinished business on the Private Calendar was the bill (H. R. 7317) to increase the pension of Leroy M. Bethea.

The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN J. COPLEY.

The next unfinished business on the Private Calendar was the bill (H. R. 1474) granting a pension to John J. Copley.

The bill was read.

The amendment reported from the Committee of the Whole House, to strike out, in line 9, the word "twelve" and insert "eight," so as to make the rate of pension $8 per month, was read.

Mr. THOMAS. I move the previous question on the amendment and on the bill to its final passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SARAH E. COMLY.

The next unfinished business on the Private Calendar was the bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly.

The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

The next business was the bill (H. R. 1810) directing the Secretary of the Interior to place Sarah E. Comly on the pension roll, etc.

Mr. THOMAS. As this House bill is equivalent in its provisions to the Senate bill just passed, I move that this bill lie on the table.

The motion was agreed to.

BERNHARD STUEBER.

The next unfinished business on the Private Calendar was the bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber.

The bill was read.

The amendment was read, as follows:

> Strike out the two paragraphs beginning with the word "Whereas."

Mr. THOMAS. I call for the previous question on the amendment and on the bill to its passage.

Mr. WILSON of Ohio. I hope the gentleman will allow me one moment.

Mr. THOMAS. I withdraw the call for the previous question temporarily.

Mr. WILSON of Ohio. I desire to submit a parliamentary inquiry.

The **SPEAKER** pro tempore (Mr. PAYNE). The gentleman will state it.

Mr. WILSON of Ohio. Mr. Speaker, I secured the passage through this House of a bill relieving a man from the charge of desertion, but the Department refused to grant him a discharge. I want to add his name to this bill, requiring the Department to grant a discharge.

The **SPEAKER** pro tempore. Such an amendment as that would not be germane to this bill.

Mr. WILSON of Ohio. Well, I ask that it be done by common consent. My statement is this: In the Fifty-third Congress a bill introduced by myself was passed relieving the man to whom I have referred from the charge of desertion. I failed to put in the bill a requirement that he should have an honorable discharge. The Department has refused to grant him the discharge. By adding to this bill such a provision as I have indicated, he will get his discharge, to which he is clearly entitled, because the charge of desertion has been removed. I ask unanimous consent that the amendment I have indicated be added to this bill.

The **SPEAKER** pro tempore. Such an amendment would not be germane to the bill and would not be in order. The Chair does not think he ought to entertain such a proposition.

Mr. WILSON of Ohio. Not by unanimous consent?

The **SPEAKER** pro tempore. I suppose the Chair has the prerogative of objecting. [Laughter.] The gentleman from Michigan [Mr. THOMAS] moves the previous question.

Mr. WILSON of Ohio. Do I understand that the Speaker, by virtue of his membership, makes the objection?

The **SPEAKER** pro tempore. The Chair declines to submit the proposition to the House because it is directly in conflict with the rule, which in this case the Chair thinks ought to be enforced, because if the precedent should be set of allowing a private bill relating to one individual to be amended by inserting the name of another, it might lead to endless confusion. For this reason the Chair declines to submit the proposition. The gentleman from Michigan moves the previous question.

Mr. LOUD. I should like to have the bill read.

The **SPEAKER** pro tempore. Does the gentleman from Michigan withdraw the demand for the previous question?

Mr. THOMAS. No; because the bill has been read.

Mr. LOUD. Let me suggest to the gentleman that he has not votes enough here to order the previous question if opposition should be made. I only want the bill read as it now appears. That is the only request I make.

Mr. THOMAS. Very well.

Mr. LOUD. The request is perfectly reasonable.

The **SPEAKER** pro tempore. The Clerk will report the bill as it will read with the amendment.

The bill was again read as amended.

Mr. LOUD. I only wanted to see the shape in which the bill was placed by the amendment. There were a number of "whereases" in the original bill. It was a perfectly reasonable request, as I understand it, to ask for the reading of the amended bill.

Mr. THOMAS. Certainly. The whereases were stricken out. I now demand the previous question, Mr. Speaker.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH H. JOHNSON.

The next unfinished business on the Private Calendar was the bill (H. R. 2364) for the relief of Joseph H. Johnson, reported from the Committee of the Whole with a favorable recommendation.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of War is hereby directed to remove the charge of desertion from the military record of Joseph H. Johnson, late a private of Company I, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge as of date August 5, 1865, and that said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances which may have been due him on said date of discharge, excluding therefrom the time of his absence without leave.

Mr. DOCKERY. Is there not an amendment to that bill?

Mr. THOMAS. I move the previous question.

Mr. DOCKERY. Mr. Speaker, I desire to ask if an amendment is recommended by the committee to that bill?

The **SPEAKER** pro tempore. There seems to be no amendment.

Mr. DOCKERY. If I caught the reading of the bill aright, it is an entire departure from the custom heretofore prevailing in respect to bills for the removal of charges of desertion, in that it gives to this soldier back pay and allowances to which he may have been entitled.

Mr. THOMAS. I do not understand that to be the effect of the bill. It was prepared by the Committee on Military Affairs, and as I understand the bill, it excepts the payment of all allowances to him during the time he was absent.

Mr. DOCKERY. I will read the bill. The bill reads:

> And that said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances which may have been due him on said date of discharge, excluding therefrom the time of his absence without leave.

Now, so far as I am able to recall, this is the first bill that we have undertaken to pass in this form. No such bill has passed the House heretofore. A special provision to these bills granting an honorable discharge has heretofore always excluded pay, bounty, or other allowances.

Mr. LOUD. Had not we better have the report read?

Mr. DOCKERY. I ask, as I have the floor, that the report be read in my time.

The report (by Mr. TRACEY) was read, as follows:

> The Committee on Military Affairs, to whom was referred the bill (H. R. 2364) for the relief of Joseph H. Johnson, have had the same under consideration, and report thereon as follows:
>
> Joseph H. Johnson was enrolled and mustered into service as a private in Company I of the One hundred and fifteenth Indiana Volunteers on the 25th day of February, 1865, to serve one year. He is charged with having deserted on the 14th day of July, 1865. He left the command at that date and did not return in time to be mustered out with his regiment on the 5th of August, 1865.
>
> It will be noted that the war was over when he left the command. His reason for leaving, which is fully corroborated by the testimony, was that he had been informed that his wife was very sick. He applied for a furlough and was refused. He went home and remained eight or ten days, until his wife was out of danger, and then started to return to his command. When he arrived at Lafayette, Ind., he met a number of his comrades returning home, and they informed him that the regiment had been mustered out. He then returned home with his comrades.
>
> When he left the command in Virginia, he told his comrades that his wife was not expected to live, and that he was going home to see her and would return soon if he could leave her. He left his gun and accouterments with the ordnance sergeant.
>
> The testimony shows that he was a man of good character and habits, and a faithful soldier. Relief was denied by the War Department for the reason that the case does not come within the provisions of the act of Congress approved March 2, 1889.
>
> It is apparent, however, to your committee that the soldier did not intend to desert his command. He testified himself that the captain of his company gave him leave to go. His veracity appears to be unquestioned, and the fact that he started to return to his command as soon as he could safely leave his wife is conclusive proof that his conduct was not that of a deserter.
>
> Your committee therefore report the bill favorably, and recommend that it do pass.

Mr. DOCKERY. I would suggest to the gentleman in charge of this bill that even if it were proper to grant the beneficiary of the bill back pay and allowances, the language of the bill does not accomplish that purpose. It provides that—

> Said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances, etc.

The accounting officers of the Treasury have no money for such purposes, and the bill is therefore faulty, in that it makes no appropriation.

Mr. Speaker, I will offer an amendment, to strike out all after the words "sixty-five," in line 8, down to and including the word "leave," in line 12.

Mr. THOMAS. Mr. Speaker, I ask the previous question.

Mr. DOCKERY. I think there has been some inadvertence in framing the bill.

The **SPEAKER** pro tempore. The Clerk will read the amendment proposed by the gentleman from Missouri.

The Clerk read as follows:

> In line 8, after the words "sixty-five," strike out all the remainder of the bill.

Mr. THOMAS. I desire to say that the gentleman who reported this bill is now present. It comes from the Committee on Military Affairs. I know nothing personally of the facts. Mr. TRACEY, the gentleman who made the report, will explain the bill.

Mr. TRACEY. Mr. Speaker, I wish to move to amend the amendment of the gentleman from Missouri by striking out the words "shall be entitled to receive from the accounting officers of the Treasury."

As I understand it, it is entirely proper that the bill shall state, in granting the discharge, and the testimony warrants the statement, that the soldier shall be entitled to receive the pay and allowances which may be found due to him and which were withheld because of the charge of desertion made against him and now on the records of the Department.

Mr. LOUD. Was he a deserter?

Mr. TRACEY. He was not. The testimony shows conclusively that he was not a deserter.

Mr. LOUD. What is the definition of a "deserter"?

Mr. TRACEY. The gentleman will find it very carefully and accurately stated in a note appended to the Supplement to the Revised Statutes of the United States, in which it is stated that desertion must be determined by the intent of the soldier at the time he left the command.

Mr. LOUD. Can you now determine what was the intent of the soldier, what was in his mind, at this distance of time?

Mr. TRACEY. I determine the intent, as the court always determines the intent, by the actions of the party, by his conduct. That is the way a court determines what the intent of a man is. I took the actions of this man, and the committee, in its investigations, took the actions of this soldier, into consideration for the purpose of determining what his intent was; and his actions show from the beginning to the end that there was no intent whatever to desert his command, but that, on the contrary, he went home because his wife was reported to him to be sick without hope of recovery.

Mr. LOUD. How many of these wives were sick? I think this is about the ten-thousandth one that I have heard of.

Mr. TRACEY. That may be true; but I know something about this from personal experience, and perhaps the gentleman does.

Mr. LOUD. Does the gentleman think that the soldier's long and meritorious services entitle him to this consideration?

Mr. TRACEY. No; he did not have long and meritorious service.

Mr. LOUD. He went in after the war was over—did not enlist until the latter part of February, 1865.

Mr. TRACEY. No; he went in during the latter portion of the war, and he was not an old man, either. He was a young man at the time, and while it is true that his enlistment was during the last months of the war, yet his services while he remained with the Army were those of a faithful soldier, and the proof before the committee warranted the committee in saying that he returned to his home with the full intention of coming back to his command as soon as his wife recovered so that he could come; and as soon as his wife was out of danger he did start back to join his command, and on the way back to join the regiment was informed by comrades of his own regiment returning home that the regiment had been mustered out of the service. Now, it seems to me that with these facts before the committee there ought to be no question about the right of this soldier to an honorable discharge from the Army, and with the honorable discharge from the Army the right to receive whatever pay and allowances may have been due him at that time.

Mr. LOUD. I think the gentleman should accept the very liberal amendment of his colleague from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I hope my friend will not insist on retaining this proviso in the bill.

Mr. TRACEY. I have no particular objection, Mr. Speaker, to letting the amendment go; but, at the same time, it is an act of injustice. I shall not make any further opposition to the amendment.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. TRACEY] propose an amendment?

Mr. TRACEY. I propose an amendment to the amendment.

Mr. LOUD. I think you had better withdraw that.

Mr. TRACEY. I desire to say, Mr. Speaker, that if there seems to be any real desire on the part of the House to affix the amendment of the gentleman from Missouri [Mr. DOCKERY] to the bill I shall not make any further objection, although it will be an act of injustice.

Mr. DOCKERY. I only want to say, Mr. Speaker, that I remember that all the bills that have passed the House in recent years have carried a provision that no pay, emoluments, or bounty shall become due by reason of the passage of the act. That provision does not appear in this bill, but, on the contrary, you allow him pay, emoluments, and bounty.

Mr. TRACEY. If I may be permitted, I will withdraw my amendment to the amendment.

The SPEAKER pro tempore. The gentleman withdraws his amendment. The question is on the amendment offered by the gentleman from Missouri [Mr. DOCKERY].

The amendment of Mr. DOCKERY was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IRA POWERS.

The next unfinished business on the Private Calendar was the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.

The bill was read.

Mr. THOMAS. I move the previous question on the bill and amendments to the passage of the bill.

The previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HESTER A. BOSTWICK.

The next unfinished business on the Private Calendar was the bill (H. R. 4941) to pension Hester A. Bostwick.

The bill was read.

Mr. THOMAS. I move the previous question.

The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSIAH P. HILL.

The next unfinished business on the Private Calendar was the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion.

The bill was read.

Mr. THOMAS. I move the previous question on the bill and amendments to its passage.

The previous question was ordered, and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN E. CUNNINGHAM.

The next unfinished business on the Private Calendar was the bill (S. 3182) granting a pension to Susan E. Cunningham.

The bill was read.

Mr. THOMAS. I demand the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE L. BENNER.

The next unfinished business on the Private Calendar was the bill (H. R. 6841) granting a pension to George L. Benner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department; said pension to be rated according to the degree of disability existing as the result of said injury.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

Mr. LOUD. Mr. Speaker, I think the gentleman had better have the report read.

Mr. THOMAS. Mr. Speaker, I will withdraw the demand for that purpose.

Mr. LOUD. Mr. Speaker, I want the report read, as this is a radical departure from the law and established custom.

The SPEAKER. The Clerk will read the report as a part of the remarks of the gentleman from California.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Interior be authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of the right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department, to be rated according to the degree of disability existing as the result of said injury.

George L. Benner was a teamster during the war of the rebellion, employed by the United States under Captain Dana, United States Army, an assistant quartermaster; also under a wagon master named Lyles, and was accidentally injured, while performing his duties, by being caught between the front wheel of an army wagon and a tree, about November 7, 1861, incurring a fracture of the right thigh.

Dr. N. S. Lincoln, surgeon of quartermaster's hospital, testified February 28, 1896, that George L. Benner was admitted to the quartermaster's hospital, under his (Dr. Lincoln's) charge, on the 7th of November, 1861, on account of a bad fracture of the thigh; that he suffered severely many weeks, and has never completely recovered from the effects of the injury.

Dr. James T. Young, medical assistant, quartermaster's hospital, testifies (February 29, 1896) that George L. Benner was admitted to the quartermaster's hospital November 7, 1861, with a fracture of the thigh, and that he was discharged therefrom in March, 1862. He has never recovered from the effects of the injury. The fracture was treated by Dr. N. S. Lincoln with Dr. Young's assistance.

Your committee believe the bill is meritorious, and precedents having been set by previous action of Congress in pensioning the employees in Quartermaster's Department for injuries received in line of duty, earnestly recommend the passage of the bill without amendment.

Mr. LOUD. Mr. Speaker, I can not understand why this gentleman is any more entitled, either by law or equity, to a pension than any man who was injured in the performance of any service to an individual, a corporation, or to the Government. This gentleman voluntarily sought employment in the Quartermaster's Department—it is true while there was a war pending, but he was in a very safe position, as everybody knows, out of range of any possibility of being killed, without some accident should happen to which he might himself contribute. I have known of teamsters that used to get too much liquor and fall off their teams. I want to suggest, in perfect fairness to the gentleman from Michigan, that he ought to withdraw this bill to-night.

Mr. THOMAS. Mr. Speaker, the gentleman from Maryland [Mr. MILES], who made the report, being present, I could not do that without his consent.

Mr. MILES. It is not my bill, but I did make the report.

Mr. THOMAS. The gentleman from Maryland [Mr. COFFIN] introduced this bill, and if he is present I would like him to defend the bill.

Mr. MILES. I did not introduce the bill, but I did make the report.

Mr. LOUD. I hope the gentleman will assume the responsibility in this case that he has in previous cases and withdraw the bill.

Mr. THOMAS. I am willing that it should go over, remaining on the Calendar.

Mr. LOUD. Of course, if it is withdrawn it would occupy the same position it does now. I think we ought to have a little fuller House to pass this bill.

The SPEAKER. Without objection, the bill will be considered as remaining on the Calendar without prejudice.

There was no objection, and it was so ordered.

ANNIE E. NOLAN.

The next unfinished business on the Private Calendar was the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Nolan, widow of Nicholas Nolan, late major Third United States Cavalry, at the rate of $50 per month, in lieu of the pension she is now receiving.

Mr. THOMAS. Mr. Speaker, I ask that the report be read in this case.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, adopt the following Senate report (No. 345):

"The Committee on Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, have examined the same, and report:

"Nicholas Nolan served his country as a soldier continuously from December 9, 1852, to October 25, 1883, at which time he died from wounds and disease contracted in the service. He entered the Army as a private and was successively promoted through the several grades to that of major of the Third United States Cavalry. He was an especially brave and faithful soldier, his service during the war of the rebellion in the Shenandoah Valley, and also in Arizona, the Indian Territory, and other far western points being of the highest military order. For a considerable time before his death he was a sick man, but he remained with his command and literally died at his post of duty, after a military career of over thirty-one years.

"The following is Major Nolan's military record, as furnished by the War Department:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, February 20, 1896.*

"*Statement of the military service of Nicholas Nolan, late of the United States Army, compiled from the records of this office.*

"He served as private and corporal of Battery M, Fourth Artillery, from December 9, 1852, to September 1, 1858; as private, corporal, sergeant, and first sergeant of Troop K, Second Dragoons, from September 1, 1858, to September 5, 1861, and as sergeant and first sergeant of Troop B, Sixth Cavalry, from September 5, 1861, to September 22, 1862, when he was discharged, having accepted appointment as second lieutenant, Sixth Cavalry. Second lieutenant, Sixth Cavalry, July 17, 1862; first lieutenant, July 5, 1864; captain, Tenth Cavalry, July 28, 1866; major, Third Cavalry, December 19, 1882. He was brevetted first lieutenant August 1, 1863, 'for gallant and meritorious services in the battle of Brandy Station, Va.,' and captain March 31, 1865, 'for gallant and meritorious services in the battle of Dinwiddie Court-House, Va.'

"SERVICE.

"He served as an officer with his regiment in the Army of the Potomac to July 11, 1863; acting assistant inspector-general, Regular Cavalry Brigade, to September, 1863, and aid-de-camp to General Pleasonton to October 14, 1863, when he was wounded in action at Auburn, Va., and was absent sick on account of his wounds to January, 1864; with his regiment in the Army of the Potomac and in the Shenandoah Valley to March 30, 1865, when taken prisoner and paroled at the battle of Dinwiddie Court-House, Va.; on parole and on leave to May, 1865; with regiment in Maryland to October, 1865, and in Texas and the Indian Territory to November 13, 1870; before a board at Washington, D. C., to January, 1871; with his regiment in the Indian Territory and in Texas to February 8, 1883; commanding the post of Fort Huachuca, Ariz., to August 14, 1883, and the post of Fort Apache, Ariz., to October 16, 1883, when he left on leave of absence for Holbrook, Ariz., where he died October 25, 1883.

"W. P. HALL, *Assistant Adjutant-General.*

"Major Nolan left a wife and one child without property of any kind. The widow is not strong, having undergone unusual hardships and privations with her husband in his campaigns. She is now receiving a pension of $25 per month and is exerting herself to earn sufficient to support herself and child, a daughter 14 years of age. The present bill asks for an increase of pension to $50 per month.

"Your committee, after a very careful examination of the case, and in view of the long and distinguished services of Major Nolan, recommend favorable action on the bill."

In addition to the facts set forth in the Senate report, it is shown that this widow cares for an invalid stepson, the son of the soldier, for whose care and support she is in no way legally bound. This seems to your committee to raise this above the general run of cases, and to make it exceptional, inasmuch as the only way in which the Congress can provide for this invalid son of a brave soldier who died at the post of duty is by increasing the pension of the widow who cares for him.

Your committee therefore recommend the passage of the bill.

The amendment recommended by the committee was read, as follows:

Strike out "fifty" and insert "twenty-five."

Mr. THOMAS. Mr. Speaker, I move the previous question.

Mr. RICHARDSON. Before the gentleman moves the previous question, I want to ask him if there is not an amendment proposed there which reduces the pension from $50 to $25? I understood the Clerk to read such an amendment. She is getting $25.

Mr. THOMAS. I understand she receives only $20 a month, on the rank of captain.

Mr. RICHARDSON. The report stated that she was getting $25 a month.

Mr. TRACEY. She is only getting $20.

Mr. RICHARDSON. As I understood the Clerk, he read it $25, and I could not understand why the amendment should propose $25 when she was drawing $25 a month. I think you had better look to see if I am not correct.

Mr. THOMAS. The gentleman from New York [Mr. POOLE] made the report. He can make a statement.

Mr. POOLE. Mr. Speaker, in this case the widow is now drawing $20 per month. That matter was fully looked into by the committee. I made the report, and the committee unanimously reported the bill at $25, which is an increase of $5 per month.

Mr. RICHARDSON. I was not opposing it, but I was under the impression that the report stated that she was now getting $25.

Mr. THOMAS. I think that is an error if it is so stated.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. THOMAS. Mr. Speaker, I move to reconsider the votes by which the several bills have been passed under the special rule, and I also move that that motion be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2176) granting a pension to Thomas Pollock;

A bill (S. 1075) for the relief of the heirs of D. Fulford; and

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Soeckel.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PITNEY, on account of sickness.

To Mr. HEATWOLE, for this day, on account of sickness.

To Mr. JOHNSON of California, on account of important business.

To Mr. DAYTON, for two days, on account of important business.

To Mr. VAN VOORHIS, for five days, on account of important business.

To Mr. WOODARD, for six days, on account of important business.

To Mr. ACHESON, for two days, on account of important business.

To Mr. VAN HORN, for four days, on account of important business.

To Mr. STAHLE, for two days, on account of important business.

To Mr. HILL, for five days, on account of important business.

To Mr. HART, for one day, on account of important business.

To Mr. WILLIAMS (on motion of Mr. BOATNER), for this evening, on account of illness.

Mr. LACEY. Mr. Speaker, I rise to make a parliamentary inquiry as to the status of House bill No. 3656, the free-homes bill. It passed the House, went to the Senate, and now comes back with amendments enlarging the scope of the bill, and the question I wish to ask is whether it would be proper to move to nonconcur and ask for a conference, or what course the bill would take under the ruling of the Chair.

The SPEAKER. The bill, under the ruling of the Chair, would take the course of reference to the Committee on Public Lands.

Mr. LACEY. Let me suggest, however, that the Senate asks for a conference and names the conferees.

The SPEAKER. The Chair is aware of that, and perhaps he had better state to the House now the conclusion he has arrived at as to cases of that kind, having acted at least once recently upon a bill in a similar situation. The question has been passed upon once before in the history of the House, and in very much the same way. Mr. Carlisle, then Speaker, was at first inclined to think that the request of the Senate for a conference was sufficient to take the bill out of the operation of the rule of the House, and so ruled: but after reflecting upon the results of that ruling he came to a different conclusion, which he announced in a decision which will be found in the RECORD. The present occupant of the chair in the Fifty-first Congress had originally the same idea that Mr. Carlisle had first entertained, and was disposed to give progress to such bills: but not having time to examine the question, he accompanied his decision with a statement that it was subject to further consideration. Upon further consideration it seemed very apparent that any other course than referring the bill to the House committee having charge of the matter would have the effect to give a preference to the Senate's request over the rights of members of the House, which could not be tolerated. Under our rule House bills with Senate amendments are to be considered without reference when the Senate amendments, if they had originated in the House, would not have to be considered in Committee of the Whole on the state of the Union: but when they would have been subject to such consideration, then it is the duty of the Chair to refer the bill with the amendments to the appropriate committee. That is the rule of the House.

Now, this bill comes before us with amendments made by the Senate which change its nature to such an extent as, in the opinion of the Chair, to bring the bill within the operation of the rule of the House which requires that Senate amendments making appropriations which have not been considered by the House shall be referred to the Committee of the Whole House on the state of the Union. That being the case, this bill would be referred to the committee unless there is something in the request of the Senate for a conference to dispense with the reference. But the request of the Senate for a conference, or the request of either House for a conference, in order to be binding upon the other House, in courtesy, should indicate, or should come after, an absolute disagreement between the two Houses. Then is the time when either House can obtain a conference, but either can ask for it before. I suppose that the House might pass a bill and ask for a conference upon it without the bill having gone to the Senate at all, and so the Senate might pass a bill and ask a conference upon it without the House having received the bill; and if, in that event, the measure was not subject to the rule of the House, then the Senate would have a method by which they could be more prevalent in the House than the members of the House themselves, and dispense with a rule of the House, and that conclusion is, of course, one that would not be proper or suitable and could not be tolerated. The Senate may ask for a conference, but when the bill reaches the stage of disagreement, then that request takes effect upon the House, and the House will accede to the conference in pursuance of that courtesy which exists between the two houses of a legislative body.

Before it reaches the stage of disagreement the House has its own methods of examining questions and should not abandon them, and by its Rule No. XX has indicated its wish not to abandon them. Whatever under Rule XX goes to the Committee of the Whole must be referred to the committee having charge of the subject-matter.

The Chair has thought it worth while to state this view, although he has acted upon it at least once before without making any statement.

Mr. LACEY. Mr. Speaker, I made this inquiry because there is no record of any such decision, although I knew that such seemed to be the view of the Chair.

Mr. PAYNE. I now renew my motion.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks that the House now take its recess until 8 o'clock this evening. The Chair hears no objection. The House is accordingly in recess until 8 o'clock, at which time the gentleman from New York, Mr. PAYNE, will please take the chair as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session, Mr. PAYNE in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XXVI.

The Clerk read as follows:

> The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole on the Private Calendar under the special rule.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. CHARLES W. STONE in the chair.

LENA D. SMITH.

Mr. EVANS. Mr. Chairman, before the committee proceeds with the regular order I desire to make a request—I might say an appeal—upon the facts which, with the permission of the committee, I will state.

Gen. Green Clay Smith was a soldier of the Mexican war. He enlisted also in the war of the rebellion, and reached the rank of a brigadier-general. He was twice a member of this House. After the close of the war he entered the ministry of the Baptist Church, and continued in it in my city and State for a number of years. Finally he came to this city, where, a year or two ago, he died, leaving a widow without means. Her son, I believe, her only son, has died since this House reconvened in December. At the last session of this Congress both Houses passed a bill giving her a pension. It so happened that the bill reached the President during the last days of the session and failed to receive his consideration. Since we reassembled the Senate has again passed the bill; and under these circumstances it seems to me that in making the present request, I am only asking that the bill be restored to the place of advantage it had before the adjournment deprived the President of the opportunity to consider the bill after it had passed both Houses of Congress. Under these circumstances, I ask the unanimous consent of the committee for the consideration of the bill at this time.

Mr. MILNES. What is the amount of pension proposed?

Mr. EVANS. Fifty dollars a month. The husband of the lady whom it is proposed to pension was a brigadier-general; and I believe that is about the figure at which such widows are usually pensioned by Congress.

The CHAIRMAN. Is the bill on the Calendar?

Mr. EVANS. Yes.

Mr. BLUE. Has there been a report in this case?

Mr. EVANS. Yes; the bill is on the Calendar. It has been passed by the Senate and considered by the committee of the House.

Mr. BLUE. Do I understand the gentleman from Kentucky to say that this man was a brigadier-general?

Mr. EVANS. He was; and he was also twice a member of this House, if that adds any weight to the case.

Mr. CROWTHER. Reserving the right to object, I ask that the bill be read.

The bill (S. 3381) granting a pension to Lena D. Smith, was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of $50 per month from and after the date of the passage of this act.

Mr. MILNES. Let us hear the report.

The report (by Mr. ANDERSON) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (S. 3381) granting a pension to Lena D. Smith, having fully considered the facts and circumstances presented, submit the following:
>
> Senate bill 1342, granting a pension of $50 per month to this beneficiary, passed the Senate February 19, 1896; was favorably reported from this committee at $50 per month March 17, 1896, and passed the House with an amendment fixing the rate of pension at $30 per month on May 29, 1896. The House amendment was agreed to in the Senate and the bill passed June 2, 1896, granting her a pension at $30 per month. The President failed to approve the bill, and ten days not having elapsed between the date when he received same and the adjournment of Congress, June 11, 1896, the bill failed to become a law.
>
> In view of these facts the present bill was introduced and passed in the Senate December 14, 1896, on a verbal report of same by Senator VILAS from the Committee on Pensions.
>
> Your committee attach hereto their former report on Senate bill 1342, and in consonance therewith recommend the passage of this bill.
>
> [House Report No. 841, Fifty-fourth Congress, first session.]
>
> The Committee on Invalid Pensions, having carefully considered the bill (S. 1342) to pension Lena D. Smith, report as follows:
>
> Green Clay Smith, the husband of this claimant, was mustered into service June 9, 1846, as second lieutenant Company H, First Kentucky Cavalry, Mexican War Volunteers, to serve for twelve months, and was mustered out June 8, 1847. He was mustered in as colonel Fourth Kentucky Cavalry April 4, 1862; was seriously wounded in the leg in action at Lebanon, Tenn., May 5, 1862. He was promoted to the rank of brigadier-general of volunteers June 12, 1862. In September, 1862, he was commanding the Second Division United States forces near Covington and Newport, Ky. He continued in active service, commanding a part of the time a brigade and some of the time a division, until December 1, 1863, when his resignation was accepted. He has a record of treatment for chronic diarrhea of two months' standing in 1863. He was brevetted major-general of volunteers to date March 13, 1865, for meritorious services during the war.
>
> As is well known, General Smith died in this city a short time ago, and the evidence presented to this committee shows that he left his widow without means of support.
>
> In view of his well-known services, he having rendered gallant and meritorious services in two wars, and of the need of the widow, your committee recommend the passage of the bill.

The CHAIRMAN. Is there objection to the present consideration of this bill?

There was no objection.

The CHAIRMAN. The question is now on laying the bill aside to be reported favorably to the House.

Mr. MILNES. Does this bill provide for a pension of $50 a month?

Mr. EVANS. Yes, sir.

Mr. MILNES. Did it not pass before at $30 a month?

Mr. EVANS. I will say to the gentleman that that was an accident——

Mr. MILNES. Well, Mr. Chairman, I move to amend the bill so as to make the pension $30 a month.

Mr. EVANS. I hope that amendment will be voted down. The uniform rule, I believe, has been to give at least $50 a month to the widow of a brigadier-general, and I am very sure there is no reason in this case why the House should act differently. To-day we gave two widows of this class more than that amount.

Mr. CLARDY. Mr. Chairman, if the gentleman from Michigan [Mr. MILNES] had known Green Clay Smith as I knew him, he would not make this objection. To-day we passed a bill giving a pension of $100 a month to the widow of an officer of similar rank. Here is a case in which we ask for the widow of a brigadier-general a pension of only $50 a month. It does seem to me the most reasonable thing in the world that the House should accede to this proposition.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

Mr. CURTIS of New York. Mr. Chairman, I really believe that if my friend from Michigan could recall the services of Green Clay Smith, who was a Kentuckian in that part of the State that contributed so many men to the Southern cause, and who did so much to retain the State in the Union so far as the official action of the State was concerned—although many men went each way—my friend would hardly wish to reduce this pension to the widow of a man who was so gallant a soldier and who did so much for the Union. He rendered valuable services in the Congress of the United States aside from his services in the Army. Mr. Chairman, as to the widow of that officer—his services being of a character that rendered the name of Green Clay Smith illustrious—I would hardly think any man on this floor, even my friend from Michigan, would interpose an objection, although he is desirous of equalizing the pensions of officers and soldiers.

This pension is a small one, very small in comparison with the services rendered by General Smith, and it ought to be granted.

Mr. MILNES. Mr. Chairman, I deny that I am opposed to granting anything more to the widow of a general than to a private. I believe there is a distinction, but the trouble is that we undertake to make it too great in this House. There are thousands and tens of thousands of the widows of soldiers in this country who are just as dependent, and more dependent, perhaps, than the widow of this officer, widows of as gallant soldiers as ever carried a musket in any army on earth, and who are unable to get a pension of over $8 a month. I think it wrong to grant a pension that makes such a discrimination as this, and I hope, therefore, the amendment will prevail.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was rejected.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIHU JONES.

Mr. BLUE. Mr. Chairman, this morning, under a request for unanimous consent, my friend from Pennsylvania interposed an objection to the consideration of a bill for a blind soldier because it had not gone through the Committee of the Whole. This is an instance of a soldier who has become, as I understand it, entirely blind. He served through a large portion of the war, served seven years in the Regular Army, and performed gallant and proficient services. This is an exceptional case. He is in very feeble health and poor circumstances; and I ask unanimous consent for the present consideration of the bill (H. R. 5981) granting a pension to Elihu Jones, of Potwin, Butler County, Kans.

Mr. MILES. Did the gentleman say that he served in the late war?

Mr. BLUE. Yes, sir.

Mr. MILES. How long a time?

Mr. BLUE. Well, I am not positive as to the exact time, but I think he probably served three years. He was seven years in the Regular Army.

Mr. RINAKER. Was he a general?

Mr. BLUE. No, sir; he was not. He was a captain.

The CHAIRMAN. The Clerk will report the bill, after which the Chair will ask if there be objection to its present consideration.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elihu Jones, of Potwin, Butler County, Kans., late captain Company G, Eighth Illinois Infantry, on the pension roll and pay him a pension of $50 per month from and after the passage of this act.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ERDMAN. Let us have the report read in this connection.

The report (by Mr. KIRKPATRICK) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5981) granting a pension to Elihu Jones, late captain Company G, Eighth Illinois Infantry Volunteers, having fully examined and considered the facts presented, respectfully report:
>
> Elihu Jones served as a member of Battery G, Fourth Regiment United States Artillery, from December, 1853, until March, 1860, when he was discharged under general orders. He spent some months in recruiting, and entered the volunteer service in April, 1861, as a member of Company G, Eighth Illinois Volunteers, becoming captain of the company in February, 1863, and serving in that capacity until October 7, 1864. He was wounded in the right arm by a shell, and is now drawing a pension of $10 per month for that disability. His application for additional pension on account of disease of the eyes was rejected by the Pension Office because he failed to prove treatment therefor in the service, on the ground that said disease existed prior to enlistment. There is no question raised as to the claimant's having lost the sight of one eye years ago, and having almost entirely lost the use of the other. There is an abundance of testimony showing that he was a brave and faithful soldier, and a sober and temperate man, who took unusual care of his health.
>
> His title to an increase of pension turns upon the point whether disease of eyes existed prior to enlistment. The Pension Office held that it did, basing this action upon a special investigation, which the examiner says was hurriedly made. An examination of the evidence on this point satisfies your committee that this action was erroneous, and that the disease of eyes originated in the service as claimed. This belief is corroborated by the fact that claimant was able to perform efficient service for more than three years, and was not troubled seriously with his eyes until near the close of his service, as well as by the further fact that claimant served over seven years in the Regular Army prior to enlisting in the volunteer service, and was a sound man during that period.
>
> Your committee believe Captain Jones equitably entitled to a higher pension on account of his disability from his wound and his blindness, and we respectfully recommend the passage of the bill, after being amended by striking out the word "of," in line 4; by striking out "Potwin, Butler County, Kans.," in line 5; and by striking out all after the word "month," in line 7; and by striking out all after the word "Jones," in the title of the bill.

The amendments recommended by the committee were agreed to, and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

AMBROSE D. MANION.

Mr. MILES. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. LEWIS. Mr. Chairman, I ask the indulgence of the House for a moment. My term in this body is drawing to a close, and I have never yet asked the consideration of the House for a bill. I rise now to ask unanimous consent for the present consideration of a soldier's case, who is old and bedridden, helpless; lying, perhaps, upon his death bed; an old man who has two gunshot wounds, is too feeble to help himself, who is partly paralyzed, and is afflicted with a disease which requires the attention of a nurse all the time. He is perfectly helpless, in other words; and unless he gets justice now and promptly he will never get it in this world. I hope gentlemen will allow me the privilege of asking the consideration of that bill at this time.

I ask unanimous consent for the present consideration of the bill (H. R. 6215) to increase the pension of Ambrose Manion.

Mr. MILES. Mr. Chairman, I have asked for the regular order.

Mr. LEWIS. I hope the gentleman will not insist upon that. I am satisfied if he understood the facts of this case he would not do so.

As I stated, this old man is bedridden, paralyzed, with two gunshot wounds, and suffers from a disease which requires the attention of a nurse all the time. I hope the gentleman will allow the bill to be considered at this time.

The CHAIRMAN. The bill will be read, subject to the right of objection.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Ambrose D. Manion, of Munfordville, Ky., late of Company K, Fifth Kentucky Infantry, from $30 per month to $50 per month, and to issue him a certificate granting and increasing his pension to said amount, in lieu of pension certificate No. 10246 now held by said pensioner.

The Committee on Invalid Pensions recommend the adoption of the following amendment:

> In line 5 strike out the words "of Munfordville, Ky.," and in line 7, after the word "month," strike out the remainder of the bill.

There being no objection, the bill was considered, and the amendments recommended by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. DOCKERY. Mr. Chairman, I have a bill——

Mr. THOMAS. Let us have the regular order.

The CHAIRMAN. The gentleman from Michigan [Mr. THOMAS] demands the regular order. The Clerk will report the first bill on the Calendar.

RUFUS H. PAYNE.

The first business on the Private Calendar was the bill (S. 1505) granting an increase of pension to Rufus H. Paine.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus H. Paine, late of Company A, First Regiment New Hampshire Heavy Artillery, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1505) granting an increase of pension to Rufus H. Paine, having carefully considered the facts in the case, respectfully report:

The soldier enlisted July 17, 1863, as private in Company A, First New Hampshire Heavy Artillery, and was honorably discharged September 11, 1865.

On July 28, 1890, he filed a declaration under the act of June 27, 1890, alleging varicose veins, loss of sight, catarrh, and injury of left hand; and on June 23, 1891, he was allowed a pension of $8 on account of rheumatism, varicose veins, and injury to left hand.

On February 2, 1895, he filed a declaration for increase, alleging aggravated disability from pensioned causes, defective sight, and hernia. April 29, 1895, the examining board reports, among other things: "Eyes are closed; nutrition poor; physical condition bad; right oblique inguinal hernia; left oblique inguinal hernia, same description as right; vision of left eye nil; right eye sees C. C. Snellen's type at 3 feet; left eye had been removed, and claimant was wearing an artificial eye."

The claim, however, was rejected on the ground of "No increase; rate covers all disabilities formerly alleged."

Under the general law the loss of an eye is rated at seventeen-eighteenths; but in addition to this infirmity the soldier has, according to the report of the examining board, a right and a left inguinal hernia, rheumatism, varicose veins, permanently injured hand, almost total loss of sight of right eye, bad physical condition; and the evidence further shows, in express terms, that he is totally incapacitated for the performance of manual labor. The man is 60 years of age. The bill passed the Senate February 19, 1896.

Your committee are of opinion that the claimant was and is entitled to the maximum rate under the act of 1890, and therefore respectfully recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, here is an application for an increase of pension to Rufus H. Payne. On June 23, 1891, according to the report, he was allowed a pension of $8 a month on account of rheumatism, varicose veins, and injury to left hand. On February 2, 1895, he filed a declaration for increase, alleging aggravated disability from pensioned causes, defective sight, and hernia. April 29, 1895, the examining board reports, among other things—

Eyes are closed; nutrition poor; physical condition bad; right oblique inguinal hernia; left oblique inguinal hernia, same description as right.

About the same thing that the other board reported. The Pension Bureau, after having examined the claim, rejected it on the ground of no increase that the rate covers all the disabilities formerly alleged. Now, the question is whether or not this House will overrule the decision of the Pension Bureau, whose duty it is to examine carefully into all of these claims and to report properly upon them. I think, sir, that we should stop and reflect before we go at a rapid pace and overturn the rulings of the Pension Bureau. I think this man is drawing a sufficient pension, according to all the showing, and I think this bill should not pass. I just want to call the attention of the House to this fact, that it seems to be evidently an attempt to overrule the decision of the Pension Bureau, without bringing forward any reasons whatever, according to the report of the committee.

I should be glad to hear from some member of the committee. Possibly the committee have something more to state in regard to this matter. This is a very short report.

Mr. THOMAS. Mr. Chairman, I desire to call the attention of the gentleman from South Carolina [Mr. TALBERT] to a portion of the report farther down:

And the evidence further shows, in express terms, that he is totally incapacitated for the performance of manual labor.

Therefore he would be entitled to more than $12 a month, and the bill only provides for $12. The gentleman's statement is correct, so far as the first part of the report is concerned, as to the action of the Pension Office.

Mr. TALBERT. If the gentleman will allow me, the point I make is that the Pension Bureau were in possession of all the facts stated here in the report when they filed their decision against the man.

Mr. THOMAS. I do not understand that to be so. If they were, then they overlooked some of the facts, because the evidence is certainly sufficient to give this man $12 per month.

Mr. TALBERT. I do not propose to make any fight against the granting of a pension. I only wanted to call the attention of the House to this disposition to overrule the decisions of the Pension Bureau, which I think is wrong and setting a dangerous precedent.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JARED S. CHAMBERLAIN.

The next business on the Private Calendar was the bill (S. 878) granting a pension to Jared S. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared S. Chamberlain, late a private in Company E, Twenty-third Ohio Volunteers.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 878) granting a pension to Jared S. Chamberlain, having carefully considered the same, adopt the accompanying Senate report (No. 96) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 96, Fifty-fourth Congress, first session.]

The claimant, Jared S. Chamberlain, was enrolled as a private soldier on the 25th day of March, 1864, and served in Company E of the Twenty-third Regiment of Ohio Volunteer Infantry until honorably discharged at Cumberland, Md., on the 26th day of July, 1865. At the time of enlistment he was 31 years of age, and is consequently now 63 years old. The record shows that at the time of enlistment he was able-bodied and possessed of good eyesight. The record further shows that he received a gunshot wound in the left side of the head, causing partial blindness, at the battle of Cedar Creek, Virginia, October 19, 1864. The treatment shown was by the regimental surgeon in the hospital at Winchester, Va., October, 1864.

It appears by the proof that he returned to the service and continued with his company and regiment until the close of the war. It also appears that from the date said gunshot wound was received the sight of his right eye began to weaken, and at present it is almost gone, and that the sight of his left eye has become very greatly impaired; that before this gunshot wound was received it was not necessary for him to wear glasses, but since that time glasses have been indispensable to enable him to observe objects in his pathway. It appears by undisputed testimony that immediately after said gunshot wound the eyes of the soldier became affected and looked weak and inflamed, and that he complained of severe pains in his eyes to his comrades in arms. The soldier can not recall the name of the surgeon who treated his eyes immediately after the gunshot wound, and can not, therefore, furnish his testimony. The affidavit of his bunkmate, Horace A. Little, shows that Chamberlain constantly complained of his eyes during the remainder of his service in the army after the battle of Cedar Creek, and while he remained with said Little at his home in Ohio for a long time after the war.

By Chamberlain's affidavit, supported by his neighbors, it appears that his eyesight has been constantly becoming more and more impaired from the date of the receipt of the wound referred to. He is now 61 years of age and dependent upon manual labor for his support, his ability to perform labor being impaired not only by advanced age, but likewise by the great physical infirmity incident to the serious impairment of his eyesight. His claim has been rejected by the Pension Department without any attempt at a review of the testimony, which is very voluminous and uncontradicted. The only statement made in connection with the rejection seems to be as follows, to wit: "Slight scalp wound; claim for impaired vision; rejected because it is not due to the wound." This conclusion seems to be unjustified by the showing made, it appearing by the uncontradicted testimony of numerous witnesses who appear on the record that Chamberlain's eyesight was good before; that it became impaired immediately upon the receiving of the wound, and has remained in an impaired condition ever since.

In view of the facts presented by the record in this case, the committee recommends that the bill do pass.

Mr. THOMAS. Mr. Chairman, for the purpose of perfecting this bill, I offer an amendment.

The amendment was read, as follows:

In line 7 strike out the letter "s" in the word "volunteers," and add "infantry, and pay him a pension of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARET O'DONNELL.

The next business on the Private Calendar was the bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse, United States Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Margaret O'Donnell, and pay her at the rate of pension as provided for army nurses by the act of Congress approved August 5, 1892.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Let us have the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4823) for the relief of Margaret O'Donnell, respectfully report:

The claim of this woman under the act of August 5, 1892, was rejected in the Pension Bureau February 4, 1893, on the ground that there is no record of claimant's service as nurse during the period alleged, but from a certificate filed by her it appears that she acted as a laundress. No title under said act.

The Secretary of the Interior, on appeal, decided that the action of the Pension Office in rejecting the claim on the ground stated was wrong, and he directed that the claim be reopened, and suggested a special examination for the purpose of ascertaining definitely by what authority claimant rendered the services as nurse, which are admitted by the Secretary to be prima facie shown to have been rendered, or that claimant be called upon to furnish additional evidence upon that branch of her case. The only point on which the Secretary seems to have any doubt is as to whether the services shown to have been rendered were rendered by proper authority. The evidence shows that her husband was a member of the Twenty-second Battery, New York Volunteer Light Artillery, and that she was with the battery from 1862 to 1865, acting a part of the time as laundress, and when any of the members of the battery were sick nursing them.

Twenty-five surviving members of the company join in a petition that she be pensioned, saying that she was constantly with them from 1862 to 1865, never absented herself one day from her post of duty, but was ever ready to give aid and comfort to the members of the company; that she is an invalid from rheumatism contracted in the service of her country.

The testimony of the members of the company shows that she did actually nurse them when sick, and that her services were greatly needed in view of the fact that there was no surgeon or assistant surgeon with them.

In view of these facts, the committee are willing to waive the technical requirement of the law as to employment by authority recognized by the War Department, and they therefore recommend the passage of the bill.

Mr. MILNES. I am quite positive in my own mind, Mr. Chairman, that the beneficiary of this bill is dead. If that be true, there is no use in taking up any more time. I think it is a bill

that I had something to do with last winter, and the husband of this lady has told me since this session began that his wife is dead. I am positive that that is the case.

Mr. THOMAS. This was introduced by my colleague from Michigan [Mr. BISHOP].

Mr. MILNES. I ask that the bill be passed without prejudice. If it is laid over, we can get the necessary information.

Mr. BISHOP. Mr. Chairman, I introduced this bill by request, and know nothing in regard to its merits.

Mr. DOCKERY. The question of fact is raised as to whether the beneficiary is dead.

Mr. THOMAS. I ask that the bill be laid aside without prejudice.

Mr. MILNES. I make that motion.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the bill be laid aside without prejudice, retaining its place on the Calendar. Is there objection? [After a pause.] The Chair hears none.

ISABELLA MORROW.

The next business on the Private Calendar was the bill (S. 1128) granting a pension to Isabella Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension rolls the name of Isabella Morrow, widow of the late Henry A. Morrow, colonel of the Twenty-first Regiment United States Infantry, colonel and brevet major-general of the United States Army, and pay her a pension of $75 per month.

Mr. ERDMAN. Let the report be read.

Mr. THOMAS. I desire to offer an amendment.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1128) granting a pension to Isabella Morrow, adopted as their own the Senate Report No. 240, and in view of the facts therein set forth, and the further fact that evidence before this committee shows that the beneficiary of this bill was married to General Morrow before the war, that she has been ever since his death largely dependent upon others for the care and support of herself and her younger children; that she is now about 60 years of age, is not in good health, and is without property, your committee recommend the passage of the bill.

[Senate Report No. 240, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1128) granting a pension to Isabella Morrow, after consideration, make a favorable report thereon, when amended, at the rate of $75 per month, which is done in committee.

Col. Henry A. Morrow, whose widow the bill proposes to pension, was born in Virginia July 10, 1829. At the age of 17 he volunteered for service in the Mexican war, serving in the campaign of General Taylor from Camargo to Monterey, taking part in the battle of Monterey. In 1854 he began the practice of law at Detroit, and three years later he was elected to the honorable position of judge of the recorder's court of the city of Detroit for a term of six years.

The outbreak of the war of the rebellion found Judge Morrow on the bench. By July, 1862, the State of Michigan had sent to the front 72,000 men, or 6,000 more than the State's quota. The delays and reverses of McClellan had created doubt and discouragement, and in the North recruiting had practically stopped. A public meeting held at Detroit on July 15, 1862, was dispersed by an armed mob from Canada, where Southern refugees had found asylum.

The indignation that resulted from this action found expression in a great gathering, at which the venerable Gen. Lewis Cass presided. The practical outcome was the Twenty-fourth Michigan Infantry, of 1,030 men, and to command this regiment the Judge left the bench.

Assigned to the Iron Brigade of the Army of the Potomac, the Michigan recruits were but coldly received by the veterans of Wisconsin and Indiana, who made up that famous command; but at Fredericksburg the men of the Twenty-fourth were transformed into as hard metal as their comrades, and at Gettysburg they won high praise from General Doubleday.

Colonel Morrow's military history is as follows:

Volunteered May, 1846, for Mexican war, in Maryland and District of Columbia Battalion. Served in campaign under General Taylor from Camargo to Monterey. In battle of Monterey, September, 1846. Marched from Monterey to Victoria, and from Victoria to Tampico, January, 1847. Participated in several skirmishes and minor combats. Recruited and was colonel of Twenty-fourth Michigan Volunteers, July, 1862. Joined Army of Potomac in Antietam in fall of same year. In campaign under Burnside against Fredericksburg, and in battle of Fredericksburg, December, 1862. In spring, 1863, participated in battles of Fitzhugh Crossing and Chancellorsville. Thanked in general order from First Division, First Army Corps, for gallantry in the former battle, and recommended for promotion for gallantry and good conduct. April, 1863, commanded two regiments in expedition against Port Royal, below Fredericksburg, on Rappahannock River. Complimented in order from First Army Corps for "endurance shown in march of nearly 38 miles in twenty-four hours," and for prompt manner in which the expedition was accomplished. May, 1863, commanded five regiments in expedition down "Northern Neck" of Virginia.

In campaign through Maryland and Pennsylvania, and in battle of Gettysburg, July 1, 1863, and wounded while carrying flag of regiment, after four color bearers had been killed and three wounded. Was a prisoner from July 1 to July 4, when escaped and rejoined command. Absent on account of wound. With Army of Potomac winter 1863-64, in command of brigade at Culpeper, Va. Severely wounded May 5, 1864, in battle of Wilderness. While absent on account of wound, detailed by War Department as member of court of inquiry at Columbus, Ohio, to investigate treatment of Confederate prisoners. Rejoined Army of Potomac October, 1864. In expedition of Fifth Army Corps, under General Warren, to Meherren River, and commanded rear guard on retreat. Winter 1864-65 in command of brigade in front of Petersburg. In command of Third Brigade, Third Division, Fifth Army Corps, in battle of Hatchers Run, February, 1865. Severely wounded while bearing colors of One hundred and forty-seventh New York Volunteers, in rallying troops. Brevet brigadier-general, August, 1864. Assigned by President to command according to brevet rank. Commanded Iron Brigade from Petersburg to Washington City and participated in grand review of Army of Potomac. By order of War Department assigned to command of veteran regiments of Michigan, Minnesota, Iowa, Wisconsin, Indiana, and Ohio, and conducted same to Louisville, Ky., where they were organized by General Logan into a division of Army of Tennessee. Assigned to command of this division. Mustered out of volunteer service July, 1865.

REGULAR ARMY.

Appointed lieutenant-colonel, Thirty-sixth Infantry, July 28, 1866; accepted January 17, 1867. Joined regiment, September, 1867, at Fort Sanders, Dak. T., now Laramie City, Wyo. Command of Fort Bridger, Utah, from December, 1867, to April, 1869. In command of regiment, winter 1868. Transferred to Thirteenth Infantry, March 15, 1869. Command of Fort Buford, Dak. T., May, 1869, to June, 1870. Command of Fort Fred Steele, Wyo., June, 1870, to October. Command of Camp Douglas (now Fort Douglas), Salt Lake City, from October, 1870, to July, 1871. In command of regiment, October, 1870, to July, 1871. Command of Fort Fred Steele, Wyo., July, 1871, to October, 1871. By order of President United States, in command of Camp Douglas, United States, October, 1871, to September, 1874. Commanded expedition of cavalry and infantry against Ute Indians in southern Utah, September and October, 1872. In command of military district of Utah, 1872-73.

At request of Commissioner of Indian Affairs was ordered by Secretary of War to take control of the wandering Indians of Utah and Nevada. Command of Fort Sidney, Nebr., from September to October, 1874, when ordered with regiment to New Orleans, La. In command of regiment November, 1873, to November, 1874. In command of regiment in New Orleans winter 1874-75. On special inspection in Louisiana, November and December, 1874. Command of Baton Rouge Barracks, La., May, 1875, to June, 1876. Command of Little Rock Barracks, Ark., June, 1876, to April, 1879. During riots of 1877, in command of Indianapolis, Ind., in July, and of Scranton, Pa., August, September, October, and November. Specially commended by Major-General Hancock to Secretary of War for good conduct at Scranton. On War Department Board, Washington, D. C., for equipment of Army, November, 1878, to April, 1879. Promoted colonel Twenty-first Infantry, April 27, 1879. Command of Vancouver Barracks, Wash., September, 1879, to January, 1881. Member of court-martial convened by War Department, in New York City, for trial of colored cadet Whittaker, January, 1881, to June. On sick leave June, 1881, to October. Command of Vancouver Barracks, October, 1881, to June, 1884. Command of Fort Sidney, Nebr., July, 1884. At Crisfield, Kans., July and August, 1885, in command of fifteen companies of infantry and fourteen troops of cavalry.

BREVETS.

Colonel in Regular Army, for gallant and meritorious services in battle of Hatchers Run, Virginia, February 6, 1865.

Brigadier-general of volunteers, for gallant and distinguished services during campaign before Richmond, Va. Major-general of volunteers, for distinguished and conspicuous gallantry, and for good conduct before Petersburg, Va.

Was nominated by President and confirmed by Senate, in winter of 1869, as brevet brigadier-general in Regular Army, for gallantry at Gettysburg. Commission not issued because an act of Congress forbade conferring brevets except in time of actual war.

Honorably mentioned in reports of battles of Fredericksburg, Fitzhugh Crossing, or second battle of Fredericksburg, Chancellorsville, Gettysburg, Wilderness, and Hatchers Run; also, in Michigan in the War; Red Book of Michigan; History of Twenty-fourth Michigan Infantry; A City's Danger and Defense, Scranton, Pa., 1887; De Hubner's Promenade au Tour du monde, 1871, and Chancellorsville and Gettysburg, by Doubleday, 1882.

The passage of the bill as amended is recommended.

Mr. DANIELS. Mr. Chairman, I trust——

Mr. THOMAS. I desire to offer an amendment.

Mr. DANIELS. Mr. Chairman, I trust the amendment proposed by the gentleman from Michigan will not prevail.

The CHAIRMAN. The amendment has not yet been read.

Mr. THOMAS. I offer the following amendment. I desire to say that this bill passed the Senate at $75 a month, and the Committee on Invalid Pensions reported it at $50 per month. There was an error on the part of the clerk in making it $75.

The amendment was read, as follows:

In line 8, strike out the words "seventy-five" and insert the word "fifty;" so as to read, "a pension of $50 per month."

Mr. DANIELS. Mr. Chairman, I trust the bill will pass as it passed the Senate, at $75 a month. The career of the distinguished soldier has been a most remarkable one, perhaps as much so as any other person who was engaged in the military service of the country. He commenced as a mere boy, at the age of 17, and enlisted in the United States Army for service in the Mexican war, and was in the Mexican war under General Taylor until the war closed. Then he retired from the Army and studied law. He was elected to the office of recorder of the city of Detroit, and while he was holding that office and soon after its commencement the civil war broke out, and he then enlisted at once in the service of the United States in the civil war. He served through the civil war, and while in a large portion of the battles, he remained there until the close of the war, and was then mustered out of the service, advancing from the position of private to that of an officer. He then enlisted in the Regular Army, and was brevetted major-general for distinguished services in the civil war, and also brevetted brigadier-general for services in the Regular Army. His career has been a most remarkable one, perhaps more so than that of any other officer whose case has been submitted to the consideration of this House in an application for a pension. He is now dead, and his widow, 60 years of age, has a young child to care for, and has no resources for her support or that of the child beyond that obtained by her own exertions. The case is one that is entirely and thoroughly meritorious, and I trust that the amendment will not prevail and that the bill will pass as it passed the Senate.

Mr. MILNES. Mr. Chairman, the House very well knows I have been opposed to all pensions of this dimension; but if there ever was a worthy case, this is one of them. I am well acquainted with the services of Colonel Morrow, and no more gallant man ever went into the Union Army. He was three times wounded, and every time with the colors in his hand, having taken the colors from the color bearer after being shot down. Four of them were shot down at Gettysburg. He was wounded at Gettysburg on the first day of the battle, and he was again wounded in the Wilderness and was again carrying the colors; and again at Hatchers Run, where he was carrying the United States colors in the front of his regiment. If there ever was a worthy case, this is one.

Mr. MERCER. Mr. Chairman, I desire to second the remarks made by the two preceding gentlemen. Colonel Morrow was not only in the Mexican war, but he was in the civil war, and then later engaged in a great many Indian wars. His widow lives in my district, is over 60 years of age, has a son dependent on her for support, and she is almost entirely without means. She has another son, who entered the Regular Army and is there to-day, working his way up by studious application to the duties of his position, and, I believe, is now second lieutenant by meritorious service. It shows that Colonel Morrow and his descendants are of a patriotic order. They belong to that class of citizenship which believes in protecting the American Union and the American flag at all times and under all circumstances.

I sincerely trust, Mr. Chairman and gentlemen of this House, that you will grant this lady $75 at least, because this is a Senate bill, and if you amend it now and reduce the amount to $50, the bill would be returned to the Senate and go through another legislative ordeal. The gentleman from New York [Mr. WADSWORTH] calls my attention to the fact that one widow has received $75 and another $100 a month at the hands of this House to-day. But aside from that, the record of General Morrow would entitle his widow to at least $75 a month pension, and I trust this House will vote down the amendment of my friend [Mr. THOMAS], who is simply doing his duty as instructed by his committee, and give to this widow a pension of $75 a month, to which she is justly entitled. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BELL of Colorado. Division!

The committee divided; and there were—ayes 22, noes 68.

So the amendment was rejected.

The bill was then ordered to be laid aside with a favorable recommendation.

JOSEPH E. VANTINE.

Mr. WILLIS. Mr. Chairman, I ask the consent of this committee to hear a report read. I will not venture to ask unanimous consent for the consideration of the bill until after the committee shall have heard the report and I shall have made one or two statements.

The CHAIRMAN. Is there objection to the reading of the report?

Mr. DOCKERY. I have no objection, Mr. Chairman, but I would like a recognition myself. [Laughter.]

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, having carefully examined and fully considered the facts presented, respectfully report:

Joseph E. Vantine enlisted in the United States Navy May 19, 1857, as second-class fireman on the U. S. S. *Minnesota*; promoted to first-class fireman May 26, 1857, and served as such to June 10, 1859, when discharged.

He reenlisted as first-class fireman July 13, 1861, and served on the *North Carolina* to July 27, 1861; on the *Richmond* from July 28, 1861, to August 29, 1864; on the *Princeton* from August 30, 1864, to September 9, 1864, when honorably discharged.

Joseph E. Vantine was the first man to suggest the use of chain cables hung over the sides of vessels for protection from the enemy's missiles, and the efficiency of the device was demonstrated by Commodore Farragut's squadron on the Lower Mississippi in April, 1862, in the passage of Forts Jackson and St. Philip, and the encounter with the Confederate ram, and it resulted in the capture of New Orleans, La. This chain armor was used afterwards on board the *Kearsarge* in her capture of the *Alabama*.

In the attack on Fort Hudson, La., March 14, 1863, a shot from the enemy's guns struck the boilers of the *Richmond*, and the fire room and other parts of the vessel were filled with steam, when he, under great difficulties, drew the fires from under the boilers and prevented them from exploding, thus saving the ship and perhaps many lives. While this was being done, he became exhausted from the heat and cooking steam and had to be relieved every few moments, until by his persistent intrepidity and assiduous efforts the grand work was accomplished. For this heroic act he received special complimentary mention in the Admiral's report, and was afterwards presented with a bronze "medal of honor" by act of Congress.

Joseph L. Vantine is now pensioned at $12 per month, under the act of June 27, 1890, for injury to back and disease of rectum.

The proof submitted to your committee shows that claimant received an injury to his back about July, 1861, while removing a part of an iron ventilator from the port coal bunker of his vessel, and that this injury was enhanced and the disability aggravated by the arduous work at Port Hudson, La., in March, 1863, and the disability has increased with his advancing years; and that he had a stroke of apoplexy August 4, 1895, and is now suffering with complete paralysis of the right side and entire loss of the power of speech; and that he is now totally and permanently helpless, and, his physician says, "will probably never be any better." He has three minor children and his wife, entirely dependent, and with no income except his small pension; and he is now in such condition as to require the care and attention of another person.

In view of the testimony, from which it is reasonable to conclude that his paralysis is a result of his naval service, and in view of his gallant and meritorious service, your committee earnestly recommend the passage of the bill without amendment.

Mr. WILLIS. Mr. Chairman——

Mr. LOUDENSLAGER. I call for the regular order.

Mr. WILLIS. I hope the gentleman will not call for the regular order until I shall have made a remark or two.

Mr. LOUDENSLAGER. I call for the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is called for, and the Clerk will report the next bill.

MRS. SARAH B. LEET.

The next business on the Private Calendar was the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah B. Leet, widow of the late Bvt. Lieut. Col. George K. Leet, United States Army, at the rate of $25 per month, which rate of $25 per month shall be in lieu of the pension she is now receiving.

Mr. McCLELLAN. Let us have the report read.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1682) entitled "A bill granting an increase of pension to Mrs. Sarah B. Leet," beg leave to submit the following report, and recommend that said bill do pass:

George K. Leet enlisted as a private in the Chicago Mercantile Battery August 29, 1862, and served therewith to July 29, 1863. Served in the office of assistant adjutant-general, Headquarters Department of Tennessee, until discharged October 29, 1863, having been appointed captain and assistant adjutant-general United States Volunteers, October 3, 1863; major and assistant adjutant-general United States Volunteers, February 25, 1865; captain and assistant quartermaster United States Army, March 23, 1866; major and assistant adjutant-general United States Army, March 23, 1866 (brevetted lieutenant-colonel United States Army, March 2, 1867, for faithful and meritorious services during the war); on staff duty at General Grant's headquarters from October 29, 1863, to March 4, 1869; on duty at the War Department March 1, 1870; honorably discharged August 1, 1870.

The evidence shows that in 1862-63, while in camp near Vicksburg, Miss., George K. Leet contracted camp diarrhea and erysipelas, and was sent to hospital, but the regimental hospital records are not on file.

The soldier's mother testifies to sending him medicine for diarrhea (which had become chronic) while he was in the Army.

It appears that he continued to suffer from chronic diarrhea, and was disabled to a greater or less degree all the time from 1865 to 1869 while serving on General Grant's staff at headquarters, during which time he held the rank of major and assistant adjutant-general.

Surg. Basil Norris, United States Army, made the following statement January 21, 1884:

"I certify that to the best of my knowledge and belief Maj. George K. Leet, assistant adjutant-general, United States Army, suffered from diarrhea, recurring from time to time, during his service in Washington on the staff of the General of the Army, from the autumn of 1865 to the winter of 1868; that I occasionally prescribed for him for this disease."

The claimant testifies that after leaving the Army her husband continued to suffer from diarrhea, taking what remedies were prescribed, but that she is unable to furnish testimony from any physician until the spring of 1880, when it brought on other troubles from which he suffered until his death, in March, 1881.

Dr. George B. Cornell testifies to treating this soldier for piles, bilious attacks, and catarrhal bronchitis in 1879 and 1880.

Dr. J. B. Griswold testifies that the soldier died March 26, 1881, the immediate cause of death being phthisis pulmonalis. Just what the precise nature of the disease was he is unable to state, but there were large cavities in both lungs, a constant cough, with profuse expectoration, and moist râles throughout the chest. There was diarrhea, abdomen tense, and tender fistula in ano, with prolapsus of the rectum, and the usual accompaniments of wasting lung disease.

The soldier only lived three or four weeks after coming under his charge.

The soldier gave him a history of chronic diarrhea contracted in the Army and which had continued with greater or less severity ever since.

Mrs. Sarah B. Leet is the widow of George K. Leet. She was married to him February 18, 1864, and is now 59 years old. She has never remarried, and has no means of support except by her children.

She has one minor child dependent upon her.

She was granted a pension by special act of Congress approved July 4, 1884.

The rate fixed by the Pension Bureau was $8 per month and $2 per month additional for each of three minor children who were not then 16 years of age.

By general law (act of March 19, 1886) the pension was increased to $12 per month, commencing from the date of the act, at which rate the claimant is now pensioned. But one child is now under 16 years of age, consequently the amount of pension actually received by claimant is $14 per month.

Your committee therefore earnestly recommend the passage of the Senate bill, appending the report of the Senate Committee on Pensions, as follows:

[Senate Report No. 295, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet, have considered the same and report:

In this case the claimant was granted a pension by special act of Congress approved July 4, 1884. The rate fixed by the Pension Bureau was $8 per month and $2 a month additional for each of three minor children who were not then 16 years of age.

By general law (act of March 19, 1886) the pension was increased to $12 per month, commencing from the date of the act, at which rate the claimant is now pensioned. But one child is now under 16 years of age, consequently the amount of pension actually received by claimant is $14 a month.

The military services of George K. Leet, husband of this claimant, as shown by the records of the Adjutant-General's Office, were continuous from August 29, 1862, to March 4, 1869, most of the time in the responsible position of assistant adjutant-general. On August 1, 1870, on his own request, he was honorably discharged. He died March 26, 1881, from chronic diarrheal troubles and diseases emanating therefrom, contracted in the line of duty.

Claimant is without means of support and is dependent wholly upon her own earnings. Under the circumstances your committee believe this to be a meritorious case for increase, and they accordingly recommend that the bill be passed with an amendment so as to provide a pension for this claimant at the rate of $25 a month.

Amend by striking out the word "thirty" wherever it occurs in line 8 of said bill, and insert in lieu thereof the word "twenty-five."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE SCHIFIRLI.

The next business on the Private Calendar was a bill (H. R. 7821) granting a pension to Annie Schifirli.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie Schifirli, widow of John E. Schifirli, late private, Company M, First Regiment United States Reserve Corps Missouri Volunteer Infantry, and to pay her a pension at the rate of $20 a month, subject to the provisions and limitations of the general pension laws.

Mr. ERDMAN. Let us hear the report, Mr. Chairman.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4496) granting a pension to Annie Schifirli, beg leave to submit the following report:

John E. Schifirli served in Company M, First United States Reserve Corps Missouri Volunteer Infantry, from May 22, 1861, to August 20, 1861, when he was honorably discharged.

The widow is now pensioned at $8, under act of June 27, 1890. She was married in 1842 to the soldier, who died in the county infirmary February 22, 1885. The widow is shown to be totally blind, and so helpless as to require the regular aid and attendance of another person; that she is totally destitute, and is supported by a son-in-law. In view of her helplessness and destitution, it is recommended that the bill do pass after being amended by striking out all after the title and substituting the following:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie Schifirli, widow of John E. Schifirli, late private Company M, First Regiment United States Reserve Corps Missouri Volunteer Infantry, and to pay her a pension at the rate of $20 a month, subject to the provisions and limitations of the general pension laws."

Mr. ERDMAN. Mr. Chairman, the House ought to understand that this is pension legislation of a kind that they may not desire to approve. It is an attempt to pension the widows of soldiers according to their disabilities. If you are going to do that, do it by general legislation. There are thousands upon thousands of widows of disabled soldiers suffering from different degrees of disability, and if you are going to do justice to them all, you will either pass 10,000, or perhaps 100,000, private bills for their benefit, or you will enact some general law fixing the rate of pension for disabled widows as you do in the case of old soldiers. The question presented in this case is whether or not you are going to pension widows according to their disability.

Mr. MILES. Mr. Chairman, I ask unanimous consent that this bill be laid aside without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ALLEN of Utah. I object.

The CHAIRMAN. Objection is made, and the question recurs on laying the bill aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I desire to offer an amendment striking out "twenty" and inserting "eight" before "dollars," so as to place this widow upon an equality with other soldiers' widows.

Mr. THOMAS. Mr. Chairman, I desire to call attention to the fact that this lady is now receiving $8 per month. I understand that she is totally blind. That is all that I think it necessary to say. As the gentleman from Pennsylvania says, this bill is based on the physical condition of this widow and her necessity, and it ought to pass.

Mr. WOOD. Mr. Chairman, to-day we passed a pension bill that was based solely upon the infirmities, the age, and the need of a widow. That pension bill carried with it $100 per month. It was the widow of a good soldier in that case: it is the widow of a good soldier in the present case. The difference is that in the former case it was the widow of an officer who, when he was in the service, was allowed from four to six horses, with forage for them, and a servant to take care of them, while in this case it is the widow of a private soldier who trudged along on foot. We have been passing bills here based upon the condition, the circumstances, the infirmities, and the necessities of widows, so far as the widows of officers are concerned. Why should we not do it so far as private soldiers are concerned?

Mr. CURTIS of New York. Do I understand that my friend from Kansas [Mr. BLUE] is in favor of this bill, or has he changed his position in respect to the interest of private soldiers when their cases come before the House? On behalf of the private soldiers of the Union Army, with whom I had the most intimate connection for more than four years, I ask that this bill may receive the generous consideration of this committee, in accord with what I trust is the wish and desire of my friend from Kansas. [Laughter.]

Mr. BLUE. Mr. Chairman, in perfect consonance with what I said this afternoon, as I understand that this widow was the wife of a soldier during the war, having married him in 1842, and as we pensioned the case of my friend from New York this afternoon at $100 a month, I am going to vote for this bill. [Laughter and applause.]

Mr. CURTIS of New York. Thank God for that! [Laughter.]

Mr. BLUE. If I understand this case correctly, if it was proper, in the case of my friend from New York, to pension the infirmities of the widow of a general at the rate of $100 a month, certainly it will not bankrupt the Treasury to pension this poor woman at $20 a month. Therefore I shall cast my vote for this bill, in line with what I said this afternoon.

Mr. TALBERT. Mr. Chairman, I voted against the proposition to give the widow of General Gibbon $100 a month, but it was carried here almost unanimously. I voted also against the pension bill for the widow of General Nichols, at I believe, the same amount.

A MEMBER. That was $75 a month.

Mr. TALBERT. I voted against those bills because I did not believe they were right, but they passed here all the same. [Laughter.] We gave a pension this evening to the widow of General Smith at the rate of $50 a month. We gave the widow of Colonel Morrow, who was only a brevet major-general, $75 a month, and I am astonished that any gentleman here, especially on the Democratic side, should get up now and move to reduce the allowance for this poor and totally blind woman from $20 to $8 a month. [Applause.]

I stand here ready to give this blind widow of a private soldier as much as you gave the widow of General Gibbon or General Nichols or Colonel Morrow, or any other officer. I think she is just as much entitled to a liberal pension as the widows of those officers. I can understand why Republicans in this House do some things sometimes [laughter], but I can not understand why Democrats should walk through here like greyhounds to vote one-hundred-dollar pensions to the widows of brigadier-generals, and yet should sit quietly by when an effort is made to reduce the pension of the poor blind widow of a private soldier from $20 a month to $8. I shall support this bill with all my heart at $20 a month; and I would be willing to give this widow more in justice to the claims of the private soldier on account of her being totally blind, but I shall always oppose any extravagant or unjust pension claim, as I have done in the past.

Mr. MILES. Mr. Chairman, I shall support this bill very cordially; and I want to be understood as withdrawing my motion to lay it aside. I thought there would be some debate over the bill and that the measure might be endangered in the absence of my friend from Kansas [Mr. BAKER]; but I find that he is now present; and I do not believe, since the eloquent speech of my friend from South Carolina [Mr. TALBERT], that the bill is in any danger at all. I shall support the bill; but I want it understood that in doing so I am following the lead of the gentleman from South Carolina, who is consistent, and not the lead of the gentleman from Kansas [Mr. BLUE], who is inconsistent.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. THOMAS. Was not the amendment withdrawn?

The CHAIRMAN. The Chair did not so understand.

The question being taken, the amendment was rejected.

The bill was then laid aside to be reported to the House with a favorable recommendation.

CHARLES H. TWOMEY.

The next business on the Private Calendar was the bill (H. R. 2257) to increase the pension of Charles H. Twomey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Charles H. Twomey, late a private of Company H, One hundred and thirty-ninth Regiment Indiana Infantry Volunteers, upon the pension roll, subject to the provisions and limitations of the pension laws, and pay to him the sum of $72 per month, in lieu of any pension that may now be paid him.

The amendment was read, as follows:

In line 8, strike out "seventy-two" and insert "thirty;" so as to make the rate of pension $30 per month.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2257) entitled "A bill to increase the pension of Charles H. Twomey," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Charles H. Twomey enlisted May 10, 1864, and was mustered out with his company as corporal Company H, One hundred and thirty-ninth Indiana Infantry Volunteers, September 29, 1864, and honorably discharged.

He filed claim for pension May 16, 1885, alleging that he incurred deafness of right ear at Mumfordsville, Ky., July 7, 1864, from firing a gun containing three charges, causing ulceration of the ears.

He was pensioned September 16, 1886, at $2 per month from May 16, 1885 (date of filing claim), for total deafness right ear. His pension was increased to $4 from November 15, 1887, and to $10 from August 27, 1888.

He filed a claim August 3, 1892, under act of June 27, 1890, alleging deafness and blindness, and was pensioned under that act from August 3, 1892, at $12 per month for total blindness of both eyes.

The board of examining surgeons at Martinsville, Ind., who examined him June 17, 1885, certified to his total deafness of right ear and that "the tympanum of left ear was perforated, resulting in slight deafness of left ear," and each of the six boards which examined him after that date described the condition of left ear approaching more closely each year to loss of hearing in that ear. Under these examinations he should have received $20 or more per month since August 27, 1886.

He lost his eyesight in 1890 from an accident, occurring since the war, and not due to his military service, the first mention of it being made by the board of examining surgeons at Martinsville, Ind., August 6, 1890, who rated him at $25 per month for "almost total deafness of right ear and severe deafness of left ear," but the Pension Bureau then refused to give him more than $10 per month.

The applicant is now totally deaf, as your committee believe, from causes arising in his military service, and is also totally blind from an accident occurring since the war, and your committee are of opinion that he should have at least $30, the pension for total deafness of both ears, and recommend that the bill be amended by striking out the word "seventy-two," in line 8, and in place thereof insert the word "thirty," and, as amended, earnestly urge the passage of the bill.

Mr. THOMAS. Mr. Chairman, I offer an amendment to perfect the bill.

The amendment was read, as follows:

In line 8 strike out the words "the sum" and insert "a pension."

The CHAIRMAN. The first question is on the amendment reported by the committee.

The amendment was agreed to.

The question being taken on the amendment of Mr. THOMAS, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

HENRY SLAUGHTER.

The next business on the Private Calendar was the bill (H. R. 2725) granting increase of pension to Henry Slaughter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Henry Slaughter, late private in Company A, Fourteenth Regiment of Indiana Volunteers, and pay him a pension at the rate of $24 per month, in lieu of the pension he now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 2725) entitled "A bill granting increase of pension to Henry Slaughter," beg leave to submit the following report, and recommend that said bill do pass without amendment:

Henry Slaughter enlisted June 7, 1861, as private, Company A, Fourteenth Indiana Infantry Volunteers, and was honorably discharged therefrom June 16, 1864. He reenlisted as private, Company A, Fourth United States Artillery, October 7, 1864, and was honorably discharged as sergeant October 6, 1867, having faithfully served six years and ten days.

His left arm was fractured below elbow by a gunshot wound received in battle at Antietam, Md., September 17, 1862, and received another gunshot wound on same day in same battle, the ball passing through left testicle, injuring prostate gland, and passing out under the gluteal folds of left thigh. At the battle of the Wilderness, Virginia, May 5, 1864, he received a gunshot wound of left hand, ball passing through base of second finger, and necessitating amputation at metacarpal phalangeal joint; and on same day received another gunshot wound of left arm, ball entering anterior surface at lower third, passing backward and upward, injuring both bones of forearm, and making exit at posterior surface, 2 inches above the entrance.

He filed claim for pension July 26, 1864, and his claim was allowed February 16, 1872, at $6 per month from June 17, 1864, deducting period of subsequent service. His pension was increased to $10 from April 24, 1876, and to $12 from February 24, 1886, for gunshot wounds of left arm, hand, and testicle, at which rate he is now pensioned.

He was rated $14 per month by the board of examining surgeons at Effingham, Ill., March 17, 1875, for these wounds, and nine boards which examined him at intervals since, all rate him not less than $14, while the board at Vandalia, Ill., March 20, 1889, rated him at $15. The board at Greenville rated him at $18, June 22, 1892, and the board at Brazil, Ind., said, May 2, 1894:

"Claimant is badly crippled because of these wounds, and unable to do any kind of manual labor requiring the use of both hands."

The Pension Bureau gives no reason for rejecting nine increase claims during this period, wherein he is shown to have been clearly entitled to same, except the arbitrary dictum of the medical referee of "no increase."

Your committee believe the bill is meritorious and the claimant clearly entitled, and therefore earnestly recommend the passage of the bill.

Mr. THOMAS. For the purpose of perfecting the bill, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6 strike out the letter "s" at the end of "volunteers" and insert the word "infantry."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JANE CUNNINGHAM.

The next business on the Private Calendar was the bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, instructed to place upon the pension roll the name of Jane Cunningham, widow of James Cunningham, late of Company B, Seventh Wisconsin Infantry, and to pay her a pension of $12 per month from and after the passage of this act.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5068) granting a pension to Jane Cunningham, report as follows:

James Cunningham, husband of the claimant, enlisted January 25, 1864, and was discharged July 3, 1865, after serving over a year and a half. He was wounded in the thigh at the battle of the Wilderness. He was pensioned for that wound, but for disease of eyes contracted in service he had difficulty in furnishing evidence to satisfy the Pension Office. He became almost totally blind, was unable to do anything for the support of his family, felt himself a burden, his claim for disease of eyes was not acted upon, he became despondent, brooded upon his poverty and helplessness, and finally, as is believed, in an attack of at least temporary insanity, caused by his poverty and distress, resulting from the disease of eyes contracted in service and in line of duty, he committed suicide.

The widow's claim under the general law was rejected by the Pension Office, and the rejection affirmed by the Secretary of the Interior, on the ground that the evidence did not satisfactorily show that the soldier's death was due to causes arising in the service. The certificate of examination made in June, 1886, shows that at that time he was totally blind in one eye and could not distinguish any of "Mellen's test types" with the other. When the claim was finally allowed, a short time after the soldier's death, his rate was fixed at $30 per month.

Your committee are of opinion that the soldier was so despondent on account of his condition and so discouraged because his claim was not allowed that he became mentally unbalanced, temporarily at least, and that while so mentally unbalanced, and in consequence thereof, took his own life, and the passage of the bill is therefore recommended with an amendment, striking out the word "instructed," in lines 3 and 4, and inserting in lieu thereof the words, "authorized and directed."

The amendment reported by the committee was read, as follows:

In lines 3 and 4, strike out the word "instructed" and insert the words "authorized and directed."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ERDMAN. Mr. Chairman, the House ought to know what this bill is about. We have in this case an attempt to prove that suicide is of service origin. [Laughter.] We have done many strange things in pensioning soldiers and their widows, and I do not know that we ought to be astonished at this proposition; but here is a deliberate attempt to pension the widow of a soldier who committed suicide long after the war, at the rate she would have received if the soldier had died of some disease of service origin. So that, as I say, the bill practically undertakes to determine that suicide may be of service origin. I move to amend so as to make this pension $8 a month, instead of $12.

Mr. THOMAS. Mr. Chairman, I hope the amendment of the gentleman from Pennsylvania will not prevail, for several reasons. One is that this man was receiving a pension at the rate of $30 per month for injuries received in the service and in the line of duty. Had he not committed suicide the widow would have been undoubtedly pensionable under the general law at $12 a month; and that is all the bill asks. I think it is merely an act of justice and that it should prevail.

I might add that the fact he committed suicide saves the Government the difference between $12 a month and $30 a month, if you allow that sum to the widow.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 7 by striking out "twelve" and inserting "eight;" so as to read $8 per month.

The CHAIRMAN. The question is first on agreeing to the committee amendment.

The committee amendment was agreed to.

The question was taken on the amendment proposed by Mr. ERDMAN, and it was rejected.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LEWELLYN D. KING.

The next business on the Private Calendar was the bill (H. R. 7349) to pension Lewellyn D. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Lewellyn D. King, of Oriskany Falls, N. Y., late a private in Company E, Eighty-first New York Volunteers, at the rate of $30 per month.

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7349) to pension Lewellyn D. King, beg leave to submit the following report:

This soldier enlisted October 17, 1861, was treated in hospital while in service for liver complaint and general debility, and was honorably discharged June 8, 1863, on "surgeon's certificate of disability" for general debility, the result of incipient phthisis and typhoid fever.

Claim under the general law, filed September 1, 1886, was rejected April 8, 1887, on the ground that the evidence elicited on special examination, which appears to be the best obtainable, fails to show any disability from discharge to 1879, when the claimant was suddenly stricken with paralysis, and tends to show that his present condition is due to venereal disease.

Claim under act of June 27, 1890, filed October 10, 1890, was rejected October 29, 1892, on the ground of no disability except that due to venereal disease.

The soldier swears positively that he never had any venereal disease of any kind, and there is no evidence of any person who knows that he ever did have such disease. On the contrary, Drs. Frank D. Beebe and D. D. Chase, members of the board of surgeons at Oneida, N. Y., where claimant was ordered before them in 1882, reported that they had examined him and found him a helpless invalid, totally blind and bedridden, as they believed, from diseases contracted while in the United States military service.

The board of surgeons at Rome, N. Y., by whom he was examined on September 22, 1892, stated that they found claimant in bed, to which he had been confined for ten years. He was unable to sit or stand, and without perception of light. Could not button his clothes or feed himself. They carefully examined all the parts usually affected by venereal disease, and found them free from any evidence of having ever been affected thereby. In their opinion venereal disease is not a factor in his disabilities.

Dr. Foster P. Utley, of Danville, N. Y., testifies that claimant's disability could not be of venereal origin, as he never heard of such a case resulting from venereal disease.

The claim was evidently rejected principally on the testimony of Dr. James H. Glass and Dr. Judson J. Kilbourn, surgeons at St. Luke's Hospital, Oneida, N. Y., where claimant went for treatment in 1885, both of whom were young men who knew nothing of him aside from what they learned during his three months' stay in hospital, neither of whom has any knowledge that he ever

had venereal disease, one of whom says he examined claimant's body for that purpose but failed to find any indications thereof, while the other claims to have found an intangible, indescribable something in his eyes which he thought indicated venereal origin, but both seem to have been largely influenced by the fact that they could not find anything else to attribute it to, and they had to account for it in some way, so they charged it to an assumed venereal disease which claimant never had.

As before stated, there is no evidence of any value that this soldier ever had venereal disease, and there is very strong evidence that he did not have such disease—in his sworn statement that he did not, and in the reports of the medical examining boards, and the descriptions of all the physicians, none of whom has ever found any such disease, or any evidence that soldier ever had it. In order for venereal disease to have caused the condition now found, it must have become constitutional, and it could not have produced the present condition without leaving evidences of its presence on some of the parts usually affected. In the absence of any other discernible cause, it seems fair to presume that the paralysis resulted from the general debility and nervous prostration for which he was discharged from the service.

In view of these facts your committee believe that the Pension Office was in error in rejecting the claim on the ground that the disability was due to vicious habits, and they therefore recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In lines 5 and 6 strike out the words "of Oriskany Falls, N. Y.," and in line 7 strike out "at the rate" and insert the words "and pay him a pension."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

FRANCIS BROWN.

The next business on the Private Calendar was the bill (S. 646) for the relief of Francis Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Francis Brown, late of Company B, Fifth Massachusetts Cavalry, subject to the limitations of the general pension laws.

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 646) for the relief of Francis Brown, have carefully examined the same and report as follows:

Francis Brown served in Company B, Fifth Massachusetts Volunteer Cavalry, from May 12, 1864, to October 31, 1865, when he was honorably discharged. He filed a claim for pension under the act of June 27, 1890, on August 28, 1890, which claim was rejected July 13, 1891. He filed another claim under said act, which was rejected March 3, 1894, both rejections being on the ground, as alleged, of no ratable disability under said act.

This bill has been passed by the Senate to place him on the pension rolls under the general pension laws. This is evidently an error, because he never claimed pension under the general law, and never alleged that his disabilities were of service origin. He does, however, meet the requirements of the act of June 27, 1890. He served nearly a year and a half and was honorably discharged.

With regard to his disability, he was examined in this city December 19, 1893, by a board composed of physicians of high professional standing and great skill and experience, who state in their report as follows:

"*Rheumatism.*—Lumbar region and both knees slightly sensitive to pressure, and painful upon passive motion.

"*Heart.*—Apex beat normal, action rapid and strong, organ very irritable, sounds normal, pulse rate 80-98, no organic disease.

"On external aspect of left knee is a movable tumor, apparently of benign nature, 9 by 10 inches and measuring at base 17 inches in circumference. Is freely movable. Causes claimant to limp slightly. No evidence of vicious habits. Claimant is disabled, by reason of rheumatism, irritable heart, and tumor above described, for manual labor except of a light character."

The maker of this report has seen this man and examined to some extent the above-described tumor, and knows by personal observation that claimant is greatly disabled, and your committee are constrained to be governed by the evidence of their own senses and the opinion of the three skillful and experienced surgeons who examined him carefully, taking measurements, etc., rather than by the opinion of the medical examiners, who never saw him.

Your committee therefore recommend that the Senate bill be amended by striking out all after the word "cavalry," in line 5, and adding "at $12 per month," and that as amended it do pass.

The amendment recommended by the committee was agreed to.

Mr. TALBERT. Mr. Chairman, it does seem to me that this is a very questionable bill. According to the report of the committee itself, it is a bill that ought not to pass.

It seems that this man filed a claim for pension under the act of June 27, 1890, on August 28, 1890, and the claim was rejected on the 13th of July, 1891. He filed another claim under the same act, which was rejected on the 3d of March, 1894, and, according to the language of the report:

Both rejections being on the ground, as alleged, of no ratable disability under said act.

Now, there are three distinct times that this applicant was rejected by the Pension Bureau after a thorough investigation of the facts. However, the report says here:

He does, however, meet the requirements of the act of June 27, 1890.

This statement is made, when as a matter of fact he was rejected on March 3, 1894, by the Bureau, and if he comes or came under the provisions of the general law, as a matter of course the Pension Bureau would not have rejected the claim in 1891 and again in 1894. It seems to me to be a plain case of contradictory statements. There is some mistake evidently, and this bill ought not to be passed.

I therefore move to lay it aside with an unfavorable recommendation.

Mr. POOLE. Mr. Chairman, the fact is that the report was made in 1896, while this man was examined in 1891 and again in 1893, as is shown. Now, if he could be examined again at the present time, there is no doubt in my mind that he would get a pension of $12 a month. He is in a very bad condition to-day. I have seen him quite recently, and have personally examined his injuries and know that he is disabled. If the gentleman from South Carolina could see him to-night I know he would not hesitate to grant the pension which is asked here.

This bill has been passed by the Senate, but under some misapprehension it was provided that the pension should be paid "subject to the limitations of the general pension law." That, as I show in the report, is a mistake, because if he was entitled under the general law he would be entitled to about $30 a month. He is disabled now and is clearly entitled to $12 a month, and I hope he will be pensioned.

Mr. TALBERT. It seems from the report that he was in the service but a few months.

Mr. POOLE. A year and a half.

Mr. TALBERT. He had no organic disease. He had a little lump on his knee, and his pulse beat a little fast. From the report of the board there seems to be nothing serious the matter with him. I do think that it is an unjust claim and ought not to pass.

Mr. THOMAS. Will the gentleman from South Carolina [Mr. TALBERT] allow me to perfect the bill, no matter what may be done with it hereafter?

Mr. ERDMAN. Mr. Chairman, I desire to say a word or two.

The CHAIRMAN. The gentleman from Michigan [Mr. THOMAS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 3, after the word "hereby," insert "authorized and."
In line 6 strike out "at" and insert "and pay him a pension of."
Amend the title so as to read "A bill granting a pension to Francis Brown."

Mr. ERDMAN. Mr. Chairman, I am a member of the committee that reported this bill. From the report the House might infer that this committee had made an examination of this applicant, and had seen fit to differ from the pension board that examined him. If I were to sit here without making any objection, I might possibly be held also to have made an examination. The report says:

Your committee are constrained to be governed by the evidence of their own senses.

Well, now, I beg, as a member of the committee, to say that my own sense certainly has never been consulted in this case.

I know the members of the House are under the impression that we in the committee pass upon these bills carefully and considerately; that we present reports here which have received the deliberate action and consideration of this committee. Now, I say to you that that is not so. I refer, for instance, to the committee meeting on May 28, 1896, in which we passed the following bills in the space of about an hour and a quarter. I desire the Clerk to read the statement as a part of my remarks.

The Clerk read as follows:

Number.	Name.	Date.	Amount.	Rank.
H. R. 4621	Arnett, A. J	May 28, 1896	$30.00	Private.
H. R. 3003	Brown, Olive	Pension	Law.	Do.
H. R. 9157	Barlow, Blanche E	May 28, 1896	25.00	Surgeon.
H. R. 7375	Barrows, Susan I	do	Law.	Private.
H. R. 7290	Benedirt, C. W	do	17.00	Do.
H. R. 5061	Botsford, Anna E	do	25.00	Do.
H. R. 6235	Bacon, Ira	do	31.00	Do.
H. R. 6971	Bocklew, Mary E	do	12.00	Do.
S. 3152	Cunningham, Susan E	do	12.00	Do.
H. R. 7336	Crawford, J. B	do	50.00	Do.
H. R. 6735	Chapman, J. S	do	30.00	Do.
H. R. 8463	Dixon, Milo	do	8.00	Do
H. R. 6419	Dill, S. P	do	50.00	Major.
H. R. 3861	Dunn, Bernard	do	72.00	Private.
H. R. 3482	Donavan, Maggie	do	12.00	Do
H. R. 4388	Eastman, F. J	do	50.00	Do
H. R. 2235	Foster, J. F	do	Law.	Do
H. R. 3509	Failes, J. H	do	12.00	Do
H. R. 7976	Gibbons, Ann	do	20.00	Captain.
S. 2879	Hutchins, C. A	do	8.00	Private.
H. R. 3865	Harrington, C. W	do	50.00	Do
H. R. 9093	Hayes, A. R.	do	12.00	Do
H. R. 6884	Ingram, Sarah E	do	12.00	Nurse.
H. R. 9060	Kibele, Mary A	do	12.00	Assistant surgeon.
H. R. 6604	Kidder, C. S	do	30.00	Private.
H. R. 6215	Marrion, A. D	do	50.00	Do.
H. R. 3510	Purdy, Alex	do	12.00	Do.
S. 3133	Olin, Betsey B	do	25.00	Do.
H. R. 8524	Rice, William	do	30.00	Do.
H. R. 6962	Sanford, D. H	do	12.00	Do.
H. R. 5307	Sweet, Anna M	do	12.00	Do.
H. R. 4431	Sample, Minerva	do	25.00	Surgeon.
H. R. 7420	Sale, Elizabeth M	do	12.00	Private.
H. R. 7687	Stafer, Eliza	do	12.00	Do.
H. R. 8511	Tate, Anna M	do	12.00	Do.
H. R. 5363	Willis, Henry	do	12.00	Do.
H. R. 1949	Walker, Charlotte L	do	27.00	Major.

Mr. ERDMAN. Mr. Chairman, thirty-seven bills were considered and passed by the committee in the space of about an hour and a quarter. The reports were directed to be written. These bills carry an annual payment of about $10,000, and if you were to go into the market and purchase annuities for these people it would probably cost $150,000. The work was done by this committee in one brief hour and a quarter, and you are to vote on them without any further knowledge or consideration. If the House think that is the right thing to do, it rests with them. But they do not pass on it without having been told what the actual facts are.

Mr. POOLE. Mr. Chairman, in regard to the pending bill, I want to say to the gentleman from Pennsylvania [Mr. ERDMAN] that I will acquit him of favoring that bill, and almost every other bill that we have ever considered in the committee. In making the report, which was read a few moments ago, there was a statement read which the gentleman, in referring to the report, has omitted. I had the honor to make this report, and it contains the following vital statement. I say distinctly:

> The maker of this report has seen this man, and examined, to some extent, the above-described tumor—

He has a tumor which is simply horrible—

> and knows by personal observation that claimant is greatly disabled, and your committee—

using the usual wording in a committee report—

> and your committee are constrained, etc.

The gentleman omitted to read the first part, in which I expressly stated that I had personally examined the man. He is a colored man, who served a year and a half, instead of about five months, as stated by the gentleman from South Carolina [Mr. TALBERT]. He is a very poor man, and the case is one of very great distress. I hope the bill will pass.

Mr. TALBERT. Mr. Chairman, I want to correct what I said in regard to the service of Francis Brown. I do not want to do anybody an injustice. I said he had only served five months. I find he served a year and five months. I therefore make that correction.

However, I do not think he is entitled to a pension, and, as I said, this report seems to contradict itself, from the fact that he filed a claim for a pension under the act of June 27, 1890, on August 28, 1890, which claim was rejected July 13, 1891. He filed another claim under said act, which was rejected March 3, 1894, both rejections being on the ground, as alleged, of no ratable disability under said act.

Yet a little further down the report says:

> This bill has been passed by the Senate to place him on the pension rolls under the general pension laws. This is evidently an error, because he never claimed pension under the general law, and never alleged that his disabilities were of service origin. He does, however, meet the requirements of the act of June 27, 1890.

Now, he in fact made two applications under that very act, but was denied a pension; so that it seems to me that there is a discrepancy there which I can not explain.

Mr. MILES. I want to call your attention to a fact that you have overlooked, and in the line of your argument, that the rejection was made——

Mr. TALBERT. Possibly so. I do not want to do the man an injustice.

Mr. MILES. It is in the line of your argument, and consistent with it.

Mr. TALBERT. What is the matter with it if it is all right?

Mr. MILES. It was rejected in March, 1894.

Mr. TALBERT. Then let it alone.

Mr. MILES. I am not favoring the bill, my friend.

Mr. TALBERT. I move, Mr. Chairman, in view of these inconsistencies, in which my friend agrees, that the bill be recommitted to the Committee on Invalid Pensions, so that they can bring it in correct, and possibly the man will then get a pension.

Mr. MILES. Mr. Chairman, the gentleman from California refuses very properly to permit me to interject my speech into his remarks, but perhaps that does not matter, since he agrees with me; I hope, however, he will remember not to ask me to do the same thing for him. But I wanted to call his attention, and that of the House to the fact that the rejection was made several months after the time when this local medical board made its examination, which has been made a part of this report. The pension claim was rejected by the Pension Office in March, 1894, and the report of this local examining board was made in December, 1893. So that the man's condition as it was seen by this local medical board was surely passed upon by the Pension Office in the following year. I would like to call the attention of my friend from New York [Mr. POOLE] to the fact that, after all, this medical report does not carry with it that significance which he attaches to it. I know my friend is always fair and just, and I do not wish in this instance to unduly criticise him or his report; but I want him to notice the fact that this report from this medical board, on which he lays so much stress, states expressly that this "is a movable tumor, apparently of a benign nature." Now, if I understand anything of medical terms, that means that this is a tumor which could have been easily removed and when removed, would have gotten rid of the only disability this soldier had.

That is all I desire to say. I am not given to making captious opposition to these private pension claims. I do not recollect whether I was present in the committee on the 28th of May, when so many bills were passed in so short a time; if not, perhaps I was not doing my duty in that respect: but I have since examined this case very carefully, and have also read the report very carefully; and as a member of this committee I do desire to protest against the passage of this bill. I think it is entirely devoid of merit and ought not to pass.

Mr. TALBERT. I move to recommit this bill.

The CHAIRMAN. The House is in Committee of the Whole, and the question is first on the amendment of the committee.

The amendment of the committee was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The question was taken on ordering the bill as amended to be laid aside with a favorable recommendation: and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 63, noes 5.

Mr. TALBERT. No quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will ascertain. [After counting.] One hundred and nineteen gentlemen are present; a quorum appears to be present; the ayes have it, and the bill is laid aside with a favorable recommendation.

Mr. FENTON. Mr. Speaker, I desire to call up the Senate bill 2500. [Cries of "Regular order!"] I hope there will be no objection to this, if gentlemen will hear the report. It is very short. [Cries of "Regular order!"]

IRA H. SWEATT.

The next business on the Private Calendar was the bill (H. R. 1323) for the relief of Ira H. Sweatt.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Ira H. Sweatt, late of Company I, Thirteenth New Hampshire Volunteers, a dependent pensioner, the amount for which he is borne upon the rolls, and in addition he receive the amount which has already accrued to him while his name was borne upon said rolls.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. POOLE) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1323) providing for the payment of a pension already granted to Ira H. Sweatt, of Company I, Thirteenth New Hampshire Volunteers, submit the following report:
>
> Ira H. Sweatt enlisted January 1, 1864, and was discharged December 19, 1865. On September 10, 1870, he applied for a pension, alleging that while in front of Petersburg, Va., in July, 1864, he contracted dumb ague and malarial fever, and that as the result he had lost the use of both legs and his right arm, and that he could not walk with crutches. The pension was allowed; and he was granted a pension at the rate of $8 a month from the date of his discharge, in 1865, to May 10, 1871, and $20 a month from that date to June 3, 1872, and $24 a month thereafter.
>
> On the 30th of June, 1882, he was dropped from the rolls on the ground that the disability for which pension was granted was not contracted in line of duty, but while absent without leave.
>
> On July 25, 1890, Ira H. Sweatt made application for a pension under the act of June 27, 1890, alleging paralysis, which pension was allowed October 19, 1892, at $12 per month from date of the application, with a proviso that all payments under that certificate should be withheld until the Government could be reimbursed for all payments made under the first certificate.
>
> The evidence examined by your committee shows that Ira H. Sweatt twice appealed to the Secretary of the Interior against the order dropping him from the roll, but without success. The present disability of the claimant is beyond dispute, and is acknowledged by the Pension Bureau in granting him the largest amount of pension provided for under the act of 1890; but the trouble is that while the pension certificate says that he shall receive $12 per month, all payments will be withheld until in all probability this man will be in his grave.
>
> The committee are satisfied that the claimant has no resources; is absolutely helpless: that all moneys heretofore received by him as a pension (and which he claims he was honestly entitled to) have been expended in his support. In view of the facts set forth, the complete paralysis of the claimant, his poverty, and present age, your committee believe that justice will be done by passing this bill that provides that the pension granted Ira H. Sweatt by certificate dated October, 1892, be continued, and they recommend the passage of the bill, with an amendment striking out all of the printed bill after the word "Volunteers," in line 5, and in place thereof inserting "a pension of $12 per month from the passage of this act, under certificate No. 121,883, issued October 27, 1892, and no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

Mr. KIRKPATRICK. Mr. Chairman, I am heartily in favor of the amendment, and believe that the bill as amended should pass. I desire, however, before the vote is taken, to make a brief statement. I have been a member of the Committee on Invalid Pensions ever since the convening of this Congress, and I believe that during that time I have been absent on only one occasion. The rapid manner in which we have transacted the pension business of this House has been made manifest by the gentleman from Pennsylvania. I have attended every Friday night session with the exception of one, and when this bill is passed I shall ask as a personal favor that I be permitted to call up a bill. I have never had a unanimous consent in this Congress, and I shall now ask the favor of calling up a short bill in which I am much interested.

Mr. MILES. Mr. Chairman, I desire to say to my friend that I think he will find there will be no opposition to his very reasonable request upon this side of the House after this bill shall have been disposed of. I do not, however, agree with him that the pending bill is a meritorious one. I think it is entirely lacking in merit. I desire to call the attention of the House to a few facts which I think they will find bear me out in that statement. The report in this case states the facts in this case, and I hope gentlemen will bear the facts in mind when they come to vote, and if they vote in favor of the bill they will, in my judgment, vote in disregard of certain facts which ought to damn this claim for a pension. This man applied for a pension away back in 1875 and was pensioned at the rate of $8 a month from the time of his discharge in 1865 and drew that pension down to May 10, 1871. He drew a pension of $20 a month from that date to June 3, 1872, and a pension of $24 a month thereafter.

Now, I never was much of a mathematician, and I have not taken the pains to calculate how much money this man drew, but gentlemen can see for themselves that it was quite a large sum. These facts being borne in mind, let us see what was ascertained ultimately after he had drawn this large sum of money. On the 30th of June, 1882—which I ask gentlemen on the other side to note was long before the Democratic administration of the Pension Office began—on the 30th day of June, 1882, he was dropped from the rolls on the ground that the disability for which the pension had been granted had not been contracted in line of duty, but had been contracted while the claimant was absent from duty without leave, while he was, in other words, practically a deserter. He had drawn these different pensions, as I have stated, from 1865 to 1882, and then the Pension Office discovered that during all that time he had been drawing the money fraudulently, because the disability for which the pension had been allowed had been contracted while he was in the attitude of a deserter. These are the facts, gentlemen, as you will find them set forth in this very report. I read further from the report:

> On July 25, 1890, Ira H. Sweatt made application for a pension under the act of June 27, 1890, alleging paralysis, which pension was allowed October 19, 1892, at $12 per month from date of the application, with a proviso that all payments under that certificate should be withheld until the Government could be reimbursed for all payments made under the first certificate.

That was obviously a just and proper disposition of the case. The man was granted a pension at the latter date, with a proviso that before he should draw it he should return to the Government the money which he had unjustly and unlawfully drawn from the public Treasury.

Now, I have never stood here and made factious opposition to meritorious pension claims, and I ask my friends on the Pension Committee—for I, too, shall pass out of history as an American Congressman after the 4th of March next—I ask my friends on that committee to bear witness to the fact that I have not done so. I have tried to be just. I have tried to treat Union soldiers fairly, although I am a Southern man and a Democrat, and although, as I stated here on a former occasion, the people from whom I sprang were a class of people whose hopes, aspirations, and sympathies went out after the flag that was followed by Lee and Jackson rather than for the flag that was borne aloft by Grant and Sherman. But, notwithstanding all these considerations, I am here to say now that, like my friend from South Carolina [Mr. TALBERT], I have always tried to be just and to do my duty on the Pensions Committee impartially and conscientiously. I hope, therefore, that the appeal which I now make will be heard in the spirit in which it is made. Do not, gentlemen, do not, I beg you, burden your pension roll, which should be a roll of honor, with cases such as this, which tend to stamp it as a roll where deserters are rewarded.

Mr. THOMAS. Mr. Chairman, there is no attempt in this bill or in the report to disguise the facts, and they are nearly as stated by the gentleman from Maryland [Mr. MILES]. This man made application and did receive a pension of $24 a month—first $10, then $20, then $24. There is no charge on the part of the Department that it was fraudulent evidence which secured him this pension. But it was the opinion of the Department, after a review of this case, that his disabilities were not due to service in the line of duty.

Mr. MILES. Will the gentleman allow me a question?

Mr. THOMAS. Certainly.

Mr. MILES. I do not know whether the gentleman is a lawyer or not——

Mr. THOMAS. I have had some experience with lawyers.

Mr. MILES. I think the gentleman must overlook what is certainly a legal implication from this action of the Pension Department. If it was not a moral fraud, it was at least a legal fraud, by which this man drew this money from the Treasury. He must have laid before the office some testimony upon the question whether or not his disability was contracted in the line of duty. Somebody got up that testimony. He knew whether that testimony was true or false. It must have been false testimony or his pension of $24 a month would have been continued. He allowed that false testimony to go to the Pension Office; and he drew first $8, then $10, then $20, and then $24 a month as pension. And still the gentleman stands here and would have this House believe that this man knew nothing about the fraudulent testimony on which he drew this pension. Why, sir, it is a preposterous claim. And I always grow especially vehement when I see efforts made to dishonor the pension roll. As a Southern man I protest against it. This pension roll hereafter is to be known as an American roll, not a roll of the Northern soldiery alone. As was shown in the case of a pension claim passed this afternoon, Southern men are found on that roll. It is an American roll, Mr. Chairman, and I would have it pure and clean.

Mr. THOMAS. I believe I am entitled to the floor.

Mr. KNOX rose.

Mr. THOMAS. I yield to the gentleman from Massachusetts [Mr. KNOX].

Mr. KNOX. Mr. Chairman, I have no disposition to contradict the professions of fairness made by the gentleman who has just addressed the committee. I have no disposition to contradict his statements of the fidelity with which he has attended the meetings of the Committee on Invalid Pensions. The only thing that I have seen to militate against an opinion of his fairness is the earnestness of the declarations he has made in his opposition to this bill.

It is unimportant to me or to this applicant whether the gentleman is a Southern Democrat or a Northern Republican or a Populist. That has nothing to do with the question that the Committee on Invalid Pensions was called upon to decide, and the question which is now before this Committee of the Whole, a question to be decided upon the law and the evidence before us and the merits of the case. All I ask in the consideration of this case is that the House recognize the facts as they appear and the law which is applicable to them. If it is unjust that this man should receive the pension asked, I do not wish him to receive it.

But what are the facts? This man, Ira H. Sweatt, is a resident of Lowell, in my district. I know him. He is totally disabled. Both his legs are paralyzed, one arm is paralyzed, the other he can not bend at the elbow, and when he sits at the cobbler's bench trying to eke out a living he strikes the blow with his hammer from his shoulder. He is a totally disabled man.

He served in the Army of the United States for almost one year—from January to December. It is the uncontradicted evidence, from the papers in the Pension Office, that while he was in the service he contracted dumb ague and malaria, which were followed by paralysis. He went home in December, 1864.

Mr. MILES. Will the gentleman allow me a single suggestion?

Mr. KNOX. Certainly, if it is upon a question of fact.

Mr. MILES. The gentleman started out with a very fair statement that he proposed to discuss the law and the facts as they appeared somewhere or other; I do not know where. Now, I should like to know whence he has derived the information that the Pension Office has records to show that this man's wound was of service origin.

Mr. KNOX. He was not wounded at all. Certainly the gentleman is not familiar with the facts of the case.

Mr. MILES. I understood the gentleman to maintain that this man's injury was of service origin.

Mr. KNOX. I say that while in camp before Petersburg, in the service of his country, he was taken with dumb ague and malaria.

Mr. MILES. Why, then, did the Pension Office discontinue his pension in 1882 on the ground that his disability was not of service origin?

Mr. KNOX. I was coming to that point in a moment. He contracted this disease in the service; and when he was convalescing he was allowed to go home on leave. He had resided at Holbrook, N. H., close to the Canadian line. He had left his wife living with his brother, and in his absence his brother had exchanged his farm for a farm across the line. When he went home, this disease which he had contracted at Petersburg was renewed, and he was again prostrated, so that he was unable to return to the service. Thus it did appear upon the records of the Army that he was absent without leave, because it did not appear then (as the gentleman can easily see) that after returning to his home he had had this relapse, so that he was unable to go back to the Army.

Now, from that fact of his being absent without leave, the gentleman from Maryland has seen fit to tell this committee that this man was a deserter. He was prostrated by a relapse of this very disease, contracted in the service: and the authorities of the United States, on an investigation of the circumstances, granted him an honorable discharge, as appears from the records and the report that is before you. And I ask the gentleman from Maryland if it is customary for the United States Government to give an honorable discharge to deserters from its Army?

He is not, then, a deserter, but an honorably discharged man, who is totally disabled from a disease contracted, in my judgment, in the line of duty while in the service of the country.

But leaving that question for a moment, on account of being entirely helpless he received a pension running finally up to $24 a month for a period extending from 1871 or 1872 up to 1882, when it was taken from him by an investigation set on foot by the Pension Office; an investigation, and I do not care who did it, or who set it on foot, that in my judgment was a contemptible, hiding, skulking investigation, behind a man's back, without giving him an opportunity to be confronted with witnesses or be permitted to understand what character of evidence was given against him; and he was a poor man, utterly unable to make such defense as he could have made when the action of the Department was set before him. In my judgment, that pension was wrongfully taken away from a totally disabled man and he ought to have had it restored promptly.

But I make no contest for that now. We give it up; he has lost it, and it has gone, perhaps never to be recovered. But under the law of 1890—the act of June 27 of that year—he applied for a pension as a disabled soldier. Is there any question on the evidence that appears of record that he is not disabled? Is there anybody who will deny, upon the evidence, that he is totally disabled? Is there anybody who will deny that he was a soldier, that he was disabled in the service, and that he had an honorable discharge? Why, then, was he not entitled to the pension accorded him?—because he was granted a pension, and had an honorable discharge to found the grant of a pension upon. What was the reason? The Pension Office said that from 1870 to 1880 he had been in receipt of a pension for total disability which was too large, and that he had received some three or four thousand dollars in all, to which they claimed he was not entitled.

When the soldier went to Boston to get his small pension he was to receive in lieu of the larger one that had been withdrawn from him, they said, "Call around some time after you have paid the Government $3,000 or $4,000 that you have drawn improperly, and you can talk to us about the matter. Call around some time in 1915 or 1920"—years after the man will have been in his grave—"take some fifteen or twenty years to pay back the money that you received;" and in the meantime the helpless soldier is without subsistence.

Mr. MILES. Will the gentleman allow a question?

Mr. KNOX. Certainly.

Mr. MILES. Where is the evidence that the conversation you have just detailed to the House ever took place?

Mr. KNOX. I do not claim that it is the exact conversation that took place. I say it was the substance of what was done; and neither you nor anyone else can deny that this man's pension was withdrawn from him.

Mr. MILES. I do not find any such conversation in the record.

Mr. KNOX. I do not pretend to say that that was what was said to this man. I was not trying to repeat a conversation; I was only relating the facts which took place and are not questioned.

Mr. MILES. I understood you were to discuss the law and the facts. Now, the gentleman has detailed a conversation as a part of the facts. I want to know what the facts are, so that the House can take cognizance of the matter.

Mr. KNOX. The gentleman knows that I was not undertaking to detail exactly a conversation that occurred. I was only speaking generally of the circumstances attending the taking away of this man's pension, and I say it is a fair inference from the facts that did occur. I was not present, of course, but it is a fair description of what occurred.

Mr. MILES. The House can not take cognizance of such a fact as that.

Mr. KNOX. I repeat, that it is a fair construction based on the facts as they are known.

They say to this man, "You shall receive a small payment of $12 a month after you pay back the three or four thousand that have been overpaid you." There is no law, Mr. Chairman, there is no act of Congress, which warrants any such practice as has grown up in the office of requiring these repayments. But I give that up. I do not insist upon that position. I will concede, if necessary, that there is such a law, and that the practice can be upheld by law; but the Pension Office itself, by a late decision of Assistant Secretary Reynolds—a decision rendered within three months past—has held that a pensioner could not be called on to repay a pension granted to him by the office—wrongfully, inadvertently, or erroneously granted—unless there is positive proof that it was done by fraud.

Mr. ERDMAN. If that be the case, why does he not make application to have it determined by the Bureau of Pensions?

Mr. KNOX. I will answer that. When the decision of the Assistant Secretary was brought to the attention of the office, it was after the bill was pending here; and I will say to the gentleman, in the case of this man I thought his bill could be sooner got through Congress and give him relief much quicker than to commence anew and go through the Pension Office.

Mr. MILES. Will the gentleman allow me one other question?

Mr. KNOX. Certainly.

Mr. MILES. I suppose the gentleman understands that if the claimant is in the condition in which he represents, he could have had his case made special in the Pension Office.

Mr. KNOX. Well, we could do a good many things, if they would let us. You and I have had some experience as to what we are permitted to do in the Pension Office. The man is on the rolls already. Now, I would say that there is not one scintilla of evidence in the Pension Office that there was any fraud upon the part of this man, or that, if this disease was not caused by his army service, there is no evidence to show that he did not honestly believe that it was so caused, and he had the right so to believe, as is shown by the testimony.

The amendment recommended by the committee was agreed to.

The question being taken upon laying aside the bill with a favorable recommendation, on a division (demanded by Mr. MILES) there were—ayes 81, noes 5.

Mr. MILES. No quorum, Mr. Chairman.

The CHAIRMAN (after counting the committee). One hundred and nine members are present. The ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

Mr. KIRKPATRICK. Mr. Chairman, I desire now to ask unanimous consent to take up the bill H. R. 9795——

Mr. LOUDENSLAGER. I call for the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is called for, which is equivalent to an objection. The Clerk will report the next bill on the Calendar.

WILLIAM R. HARLESS.

The next business on the Private Calendar was the bill (H. R. 4629) granting a pension to William R. Harless.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William R. Harless, of Red Bank, Douglas County, Mo., late a soldier in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia, in the war for the suppression of the rebellion, and pay him a pension at the rate of $12 per month.

The Committee on Invalid Pensions recommended the following amendment:

Strike out all between the word "Harless," in line 5, and the word "and," in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia."

The CHAIRMAN. The question is on the amendment offered by the committee.

Mr. MILES. Let us have the report, Mr. Chairman.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4629) entitled "A bill granting a pension to William R. Harless," beg leave to submit the folllowing report, and recommend that said bill do pass with amendments:

William R. Harless served as a private in Company B, Sixtieth Regiment Missouri Enrolled Militia, from July, 1862, to January, 1863, when the company was disbanded; also, he enlisted again as corporal Company E, Sixtieth Missouri Enrolled Militia, under Captain Morton, in the spring of 1863, and served with it until the company was disbanded in January, 1864; he also served a short period in Capt. B. F. Cook's company of the St. Clair County Missouri Militia.

The records of the War Department do not show that either of these organizations were ever mustered into the United States service.

Claimant applied for pension June 13, 1881, for results of typhoid pneumonia contracted at Quincy, Hickory County, Mo., which settled in back and hips.

The claim was rejected on the grounds of no ratable disability from alleged causes since date of filing claim.

He filed a claim July 22, 1890, under act of June 27, 1890, for "affection of back and hip," which was rejected on ground of his not having been in the military service of the United States.

Proofs have been presented to your committee showing clearly that the claimant served, as alleged by him, in the Enrolled Missouri Militia about one and one-half years.

On the question of disability claimant filed, September 10, 1885, the affidavit of Dr. M. H. Osborn that he examined him and found a general debilitated condition. He was then suffering from varix of thigh and leg, chronic inflammation of bladder, and diseased condition had appearance of long standing and permanency. Disability three-fourths.

Dr. W. J. Gilbreath testified that claimant was afflicted with congestion of arteries and kidney disease, and the spinal column affected, lower end being curved inward; found a great amount of albumen in urine, and urine bloody; troubled with cramps, and arteries ruptured, and also hydrocele—a case of general disability to extent of three-fourths at least.

Dr. J. H. Hill testified to finding considerable tenderness over kidneys, excessive flow of urine, and applicant complains of continuous pain in region of kidneys and bladder, and varicosed veins of both legs and feet.

Dr. L. K. Burdett filed March 28, 1891, that claimant suffered with varicose veins of both legs, rupture in left inguinal region, injury to hips and back, and rheumatism. Has had eight ribs broken, three on right and five on left side, and has heart disease, his disabilities amounting to three-fourths or more.

Dr. J. T. Stewart testified March 28, 1891, that he has varicose veins in both legs and abdomen, hernia left side, injury to back and hips, and rheumatism and valvular disease of the heart, and from having eight ribs broken. All of his ailments are of long standing and of a permanent character and not aggravated from vicious habits. He had a severe cut with an ax, severing lower third of fibula of left leg.

He was examined by a board of examining surgeons April 4, 1883, who gave him no rating. He has not been examined since by a regular board.

Claimant filed with the committee a numerously signed petition, certifying to his service and the merits of his claim, and asking for him a pension of $12 per month; also the testimony of comrades, setting forth that while a member of Company B, Sixtieth Missouri Enrolled Militia, he had a bad spell of

typhoid pneumonia that left him crippled in back and hips, and that in an engagement with the enemy his horse forced him astride of a small tree, which caused rupture in left side, and that from vaccination his blood was contaminated by poison, which has affected him ever since.

Your committee believe him entitled to a pension, and recommend that the bill do pass with the following amendment:

Strike out all between the word "Harless," in line 5, and the word "and," in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia."

Mr. ERDMAN. Mr. Chairman, it appears that the organizations to which this applicant belonged were not in the service of the United States. The records of the War Department show that they were not in the service of the United States. I should like to know whether these organizations ever rendered any service at all, and if they did, why we should not pension them all together? Why single out this one? Why not pension them all?

Mr. CROWTHER. Mr. Chairman, for the information of the gentleman, permit me to say that if he had been a constant attendant at the meetings of the Invalid Pensions Committee, he would have learned something about the Missouri Enrolled Militia.

Mr. ERDMAN. I have heard a good deal about it.

Mr. CROWTHER. There is no doubt whatever about the service of this regiment. There has been no doubt in the minds of the officials of the War Department about the service of the Missouri Enrolled Militia. The only reason why these men who performed service in these organizations have not been placed upon the pension rolls is on account of the technicality in swearing them into the service. They were not sworn in by the regular mustering officers, but by officers detailed from the general headquarters at St. Louis. They served under the command of United States officers. They served with the United States troops, and many of these militia performed four years' service in the Army of the United States.

Mr. TALBERT. Mr. Chairman, this is a very singular thing, it seems to me. By the report here I see that this gentleman served as a private in Company B, Sixtieth Regiment Missouri Enrolled Militia, from July, 1862, to January, 1863, when the company was disbanded, five or six months. It does not say what particular kind of duty they were engaged in, or exactly where they were, except that they were in Missouri. The report further says that this man enlisted again as a corporal in Company E, Sixtieth Enrolled Militia, under Captain Morton, in the spring of 1863, and served with it until the company was disbanded, in January, 1864.

Mr. THOMAS. I ask the gentleman if he will yield to allow me to move that the committee rise?

Mr. TALBERT. I will yield to the gentleman, certainly.

On motion of Mr. THOMAS, the committee rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. CHARLES W. STONE, chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry bills, and that they had directed him to report to the House, without amendment, and with the recommendation that they do pass, the bills S. 3381, 1505, 1128, 1682; H. R. 7821; with amendments, and with the recommendation, that as amended, they do pass, the bills H. R. 5981, 6215; S. 878; H. R. 2257, 2725, 5068, 7349; S. 646; H. R. 1323; and that they had had under consideration a bill (H. R. 1469) and had come to no resolution thereon.

Mr. THOMAS. I ask unanimous consent that the previous question may be considered as ordered on these bills, with a limit of ten minutes' debate on each bill.

Mr. ERDMAN. Mr. Speaker, I do not think we shall have any trouble about it. There are one or two bills on which we might want a longer debate. As the gentleman saw to-day, there was no factious opposition to any of the bills on the Calendar of unfinished business.

Mr. THOMAS. The greatest trouble about it was that gentlemen who were not in attendance at the Friday night sessions called for the reading of the reports.

Mr. ERDMAN. I suggest that you may cut that off by asking for the previous question. You will be recognized first. There are several bills that need considerable discussion. I therefore suggest that we do not agree upon that. There are one or two bills that I should like to see discussed at greater length.

Mr. THOMAS. I will withdraw the request, then.

The SPEAKER pro tempore. The gentleman withdraws the request. The hour of 10 o'clock and 30 minutes having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 3 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Washington and Great Falls Electric Railway Company, transmitting the report of the operations of the company for the year ending December 31, 1896, together with a list of the shareholders and the number of shares held by each—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a reply to the House resolution of the 5th instant, relating to the homestead entries on certain Union Pacific land grants in Kansas—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa., reported the same without amendment, accompanied by a report (No. 2518); which said bill and report were referred to the House Calendar.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 105) entitled "An act for the erection of a public building at Aberdeen, S. Dak., reported the same without amendment, accompanied by a report (No. 2519); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred House bill No. 9361, reported in lieu thereof a bill (H. R. 10009) to increase the efficiency of the Regular Army of the United States and to localize the recruiting of regiments in time of war, accompanied by a report (No. 2520); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNE, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 9756) to amend the river and harbor act of August 18, 1894, reported the same without amendment, accompanied by a report (No. 2522); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9935) to authorize the construction of a bridge across the Rio Grande River at El Paso, in the State of Texas, reported the same with amendment, accompanied by a report (No. 2523); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2524); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2525); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9142) to regulate privies in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2526); which said bill and report were referred to the House Calendar.

Mr. WELLINGTON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet, reported the same without amendment, accompanied by a report (No. 2527); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8499) in relation to taxes and tax sales in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2529); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township, reported the same without amendment, accompanied by a report (No. 2530); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9600) to provide for aids to navigation, reported the same with amendment, accompanied by a report (No. 2531); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 9366) to provide for light-houses and other aids to navigation, reported the same with amendment, accompanied by a report (No. 2532); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. HURLEY, from the Committee on War Claims, to which was referred the bill (H. R. 9989) for the relief of Ella S. Claussen, widow of Peter J. Claussen, deceased, reported the same (Report No. 2528); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WELLINGTON (by request): A bill (H. R. 10003) conferring the rank and pay of warrant officers in the Navy upon the three clerks on duty in the office of the Superintendent of the Naval Academy, at Annapolis, Md.—to the Committee on Naval Affairs.

Also, a bill (H. R. 10004) to authorize the Chesapeake Beach Railway Company, of Maryland, to exted its line into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10005) fixing the age for retirement from the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. LINTON: A bill (H. R. 10006) to prevent the desecration of the national flag—to the Committee on the Judiciary.

By Mr. WOODMAN: A bill (H. R. 10007) to amend an act entitled "An act to incorporate the Brightwood Railway Company"—to the Committee on the District of Columbia.

By Mr. CORLISS: A bill (H. R. 10008) to improve and remodel the old post-office building and erect a bonded warehouse upon the grounds of the United States located at the corner of Larner and Griswold streets, in the city of Detroit, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. LIVINGSTON: A bill (H. R. 10010) to provide a site and erect a public building in Covington, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. SPENCER: A bill (H. R. 10011) to authorize the Secretary of State to purchase the Island of Cuba—to the Committee on Foreign Affairs.

By Mr. FAIRCHILD: A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York—to the Committee on Rivers and Harbors.

By Mr. HILBORN: Memorial of the senate of the State of California, relative to the tariff—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 10013) for the relief of John Noble, of Bolivar County, Miss.—to the Committee on War Claims.

By Mr. ELLETT: A bill (H. R. 10014) to compensate Gen. Dabney H. Maury for his cavalry tactics—to the Committee on Claims.

By Mr. HILBORN: A bill (H. R. 10015) referring the claim of Hannah S. Crane et al. to the Court of Claims—to the Committee on Claims.

By Mr. KIEFER: A bill (H. R. 10016) granting a pension to Jane B. Johnston—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 10017) for the relief of Ellis Bigfeather—to the Committee on Military Affairs.

By Mr. OGDEN: A bill (H. R. 10018) for the relief of the estate of Phillip Poete, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 10019) for the relief of William H. Webster—to the Committee on Invalid Pensions.

By Mr. SULLOWAY (by request): A bill (H. R. 10020) granting a pension to Louise Van Atter—to the Committee on Invalid Pensions.

By Mr. WILSON of Ohio: A bill (H. R. 10021) granting a pension to John Shisler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Memorial of the State board of health of Michigan, in favor of the passage of the bill to provide for a permanent census service—to the Committee on Appropriations.

Also, memorial of the Michigan State board of health, against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELKNAP: Petition of L. Coatsworth, J. W. Farster, and W. C. Hawkins, all of Chicago, Ill., favoring the passage of a law requiring eight hours to constitute a legal day's work—to the Committee on Labor.

By Mr. HILBORN: Resolution of the Merchants' Association of San Francisco, Cal., urging the completion of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Paper to accompany House bill No. 10017, to correct the military record of Ellis Bigfeather, deceased, late of Company K, Third Regiment Indian Home Guards, Indian Territory—to the Committee on Military Affairs.

By Mr. PARKER: Resolutions of the New Jersey State Horticultural Society, against the free distribution of seeds—to the Committee on Agriculture.

By Mr. ROBINSON of Pennsylvania: Petition of 600 citizens of Chester County, Pa., in favor of a bill to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WARNER: Resolution of Homer Post, No. 263, Department of Illinois, Grand Army of the Republic, in sympathy with the Cubans—to the Committee on Foreign Affairs.

By Mr. WELLINGTON: Petition of Anna Anderson, widow of Jacob Anderson, late of Company B, First Regiment Maryland Cavalry, for her relief—to the Committee on Invalid Pensions.

Also, petition of Levi Montgomery, late of Companies E and B, First Regiment Maryland Volunteer Cavalry, for his relief—to the Committee on Invalid Pensions.

Also, petition of Wilford C. McCardell, late of Company I, First Regiment Maryland Cavalry, for his relief—to the Committee on Invalid Pensions.

Also, petition of the administrator of Emanuel McCoy, a Mexican soldier, asking relief in the matter of funeral expenses, etc.—to the Committee on Pensions.

By Mr. WILSON of Ohio: Petition of Julius L. Lust and 17 others, of Pickaway County, Ohio, favoring a pension to John Shisler, of Circleville, Ohio—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 16, 1897.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN:

We come to Thee, Almighty God, our heavenly Father, with renewed faith and confidence to-day, giving Thee hearty thanks for all the blessings which Thou hast bestowed upon us. Especially do we thank Thee for those warm, life-giving currents which are ever emanating from Thy great heart, and which come sweeping through the souls of men, inspiring them to larger conceptions of Thee, of life, and its profound duties. Make us more and more susceptible to these things, that our lives may be so ordered that when we pass from this existence men shall rise up and call us blessed; and when we reach those heavenly portals we shall find our names written on the Book of Life, and hear the words, "Well done, good and faithful servant, enter thou into the joy of thy Lord." This we ask in the name of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE COLUMBIA RIVER, STATE OF WASHINGTON.

Mr. DOOLITTLE. Mr. Speaker, I ask that the bill S. 3375 be taken from the Speaker's table and put upon its passage. It is identical with the bill H. R. 9922.

The SPEAKER. Is the House bill on the Calendar?

Mr. DOOLITTLE. The House bill is on the Calendar, and has been reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Then it would come up as a part of the regular order, if it is a Senate bill carrying no appropriation.

Mr. DOOLITTLE. It carries no appropriation.

The SPEAKER (continuing). If it is substantially the same as a House bill already reported, and if the committee wants it to come up.

Mr. DOOLITTLE. Yes, sir. It is identically the same as the House bill.

The Senate bill was reported at length.

The SPEAKER. The question is on the third reading of this bill.

Mr. TERRY. I should like to understand exactly how this bill comes up here under the rule.

The SPEAKER. This is a Senate bill, which does not require reference to the Committee of the Whole House on the state of the Union, a bill substantially like which, not necessarily identically the same, is on file and has been reported by a House committee.

Mr. DOOLITTLE. It is identical.

Mr. TERRY. I understand that bills in that condition can be called up without a request for unanimous consent.

The SPEAKER. They can be called up without unanimous consent by the committee. The three requisites are: First, that the bill shall not require reference to the Committee of the Whole House on the state of the Union; second, that it shall be similar, substantially the same, as one that has already received the approval of the committee having it in charge; and third, that it shall be called up at the request of the committee. There are two kinds of business which can be disposed of at once from the Speaker's table. First, House bills with Senate amendments not involving consideration by the Committee of the Whole House on the state of the Union, where the amendments do not require that; and second, this class of Senate bills.

Mr. TERRY. I would like to ask the gentleman in charge of this bill if it does not create a corporation as well as authorize the construction of a bridge?

Mr. DOOLITTLE. Not at all. The corporation is organized. And I wish to say here that this bridge is required in order to enable the mines to ship their ores out.

Mr. TERRY. Is this a unanimous report of the committee?

Mr. DOOLITTLE. Oh, yes, sir; it is the unanimous report; and it is also recommended by the Secretary of War.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DOOLITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJUSTMENT OF ACCOUNTS OF ARMY OFFICERS, GRADUATES OF WEST POINT.

The SPEAKER. The Committee on Claims ask that the bill (S. 2570) to authorize the readjustment of the accounts of Army officers who were graduates of West Point Military Academy be transferred to the Committee on War Claims. Without objection, the change of reference will be made.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and House bill with Senate amendments were taken from the Speaker's table and referred as follows:

A bill (S. 3491) providing for an examination of the improvements at the Pass of Aransas, Texas—to the Committee on Rivers and Harbors.

A bill (S. 2393) for the relief of William E. Bond—to the Committee on Claims.

A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose—to the Committee on the Public Lands.

NATIONAL SANITARIUM FOR PULMONARY DISEASES.

Mr. CATRON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 2593) granting to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Marcy Military Reservation in New Mexico for the purpose of a national sanitarium for the treatment of pulmonary diseases.

The bill was read, as follows:

Be it enacted, etc., That the abandoned Fort Marcy Military Reservation, and all the improvements thereon, situated in the Territory of New Mexico, be, and the same is hereby, granted to the American Invalid Aid Society, of Boston, Mass., upon the conditions that said society shall establish and maintain perpetually thereon a national sanitarium for the treatment of pulmonary diseases: *Provided*, That said society shall within two years from and after the passage of this act accept this grant and shall establish on said reservation a sanitarium for the purposes herein named; and whenever the said lands and buildings shall cease to be used by said society for the purposes herein provided the same shall revert to the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEELE. Let us hear something about that.

Mr. RICHARDSON. This is subject to an objection, and I should like to have some explanation about the measure.

Mr. CATRON. The report will explain; or I can explain it easier than the report of the committee.

Mr. STEELE. Let us have the report. I would rather have the report.

The report (by Mr. LACEY) was read, as follows:

The Committee on the Public Lands have had under consideration Senate bill 2593, and report the same back with amendments, and as amended recommend its passage.

A charitable corporation has been organized in New England to assist pulmonary invalids to go to the mountain region of the West for treatment. In the city of Santa Fe, in New Mexico, is located the military reservation of Fort Marcy. It contains about 17½ acres of land. The reservation has been abandoned, and the city of Santa Fe desires that it may be used for a sanitarium for lung and throat diseases. The climate of New Mexico is unsurpassed for its beneficial influences in such diseases, and this reservation would be especially advantageous for the proposed purpose.

The reservation is divided into two tracts—one of about 4 acres and the other of about 13½ acres. There are several buildings on the reservation formerly used by troops that may be utilized for sanitarium purposes, but it will be necessary to erect some new and permanent buildings.

Your committee think that a portion of the grant should be permanent so long as the land is used for the purposes proposed, in order that the corporation or association may erect its permanent improvements thereon, but the remainder of the land we think should only be leased, at least until the experiment shall have been fully tried.

The purpose is a charitable one, and the amendments proposed by the committee require that the medical treatment shall be gratuitous.

It is not necessary for your committee to discuss at any length the admirable location of the proposed sanitarium. It is recognized by all medical men who have given the subject any study.

Your committee incorporate the following telegrams in its report to show the view of the matter taken by the people of Santa Fe:

SANTA FE, N. MEX., *May 2, 1896.*

Hon. T. B. CATRON,
Fredonia Hotel, Washington, D. C.:

Woman's board of trade agrees with city council and board of trade about disposition Fort Marcy. Petition to TELLER to withdraw amendment mailed to-day.

Mrs. IDA REVENBERG, *President.*

SANTA FE, N. MEX., *May 1, 1896.*

Hon. T. B. CATRON,
Fredonia Hotel, Washington, D. C.:

Every member city council Santa Fe strongly favors sanitarium, but is very antagonistic to Indian school proposition.

PEDRO DELGADO,
Mayor of Santa Fe.

SANTA FE, N. MEX., *May 1, 1896.*

Hon. T. B. CATRON,
Delegate to Congress from New Mexico,
Fredonia Hotel, Washington, D. C.:

Board trade unanimous in favor of sanitarium, but against Indian school proposition. Mr. Staab will be in Washington Wednesday evening as representative Santa Fe Board Trade.

Attest:
E. T. WEBBER, *President.*
GEO. W. KNAEBEL, *Secretary.*

The following report of the Commissioner of the General Land Office and Secretary of the Interior we incorporate in this report:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 4, 1896.

SIR: I am in receipt by your reference, for early report in duplicate and return of papers, of Senate bill No. 2593, to grant to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Marcy Military Reservation, N. Mex., for the purpose of a national sanitarium for the treatment of pulmonary diseases, together with a letter from Hon. T. B CATRON, and Senate Report No. 771 on Senate bill No. 2593, all of which were submitted to you by Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands of the House of Representatives, with the request that you make any suggestions thereon that you may deem proper, and that you give the present value of the land referred to in the bill.

The bill provides that the reservation, and all improvements thereon, be granted to the society mentioned, upon condition that it shall establish and maintain perpetually thereafter a national sanitarium for the treatment of pulmonary diseases, provided that said society shall, within two years after the passage of said act, accept the grant and shall establish the proposed sanitarium; and whenever the said lands and buildings shall cease to be used by said society for the purposes intended, the same shall revert to the United States.

In reply, I have the honor to report that the Fort Marcy Reservation was established by Executive order of August 28, 1868, and was turned over to the Interior Department October 7, 1891, for disposal under the act of July 5, 1884 (23 Stat. L., 103), or as may be otherwise provided by law. This order was revoked November 12, 1891, and the reservation thereof for military purposes again declared.

Executive order of June 5, 1895, again placed the reservation under control of this Department for disposal.

Said reservation is situated in the city of Santa Fe, N. Mex., and contains an estimated area of 17 acres, 3,425 yards, and 2,656 square feet.

A list furnished by the War Department shows that there are twenty-three buildings thereon.

As no appraisal of the lands and buildings has been made, this office is unable to state what is the value thereof.

There is on file in this office a letter from Governor Thornton, of New Mexico, dated July 17, 1895, in which he says, among other things, that the claim of the city for the site of Santa Fe has been confirmed by the Court of Private Land Claims. No mandate of such court has been received, and this office has no knowledge as to whether or not the title to its site has been confirmed, nor does that question affect the disposition of this reservation, since the governor mentions in said letter that said land was excepted from the confirmation.

The records of this office also disclose that on April 13, 1874, James F. Proudfit, then United States surveyor-general for New Mexico, recommended for confirmation, under section 8 of the act of July 22, 1854 (10 Stat. L., 318), that the site of said city be confirmed, making certain exceptions of land within its boundaries, one of which was the land within the military reservation.

On July 9, 1895, Governor Thornton made application to the Interior Department to have the reservation turned over to the city of Santa Fe by proclamation of the President.

On December 30, 1895, this office submitted to you a form of a proclamation for the signature of the President, with a view to turning the said reservation over to the city of Santa Fe as requested. I have not been advised that said proclamation has been signed.

The proposed legislation is for a worthy object, and I see no objections to the passage of the bill.

Said bill and inclosures are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office, dated the 4th instant, on Senate bill No. 2593, "granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases," etc.

For reasons stated in the Commissioner's report, in which he is of the opinion that there are no objections to the passage of the bill, I have the honor to say that I believe the bill should become law, and recommend its passage.

Very respectfully,

WM. H. SIMS, *Acting Secretary.*

Hon. JOHN. F. LACEY,
Chairman Committee on the Public Lands,
House of Representatives.

The amendments proposed by your committee are as follows:

Strike out on page 1, after the word "assembled," in line 2, all contained in lines 3, 4, 5, 6, 7, and 8, down to and including the word "diseases," in line 9, and insert in lieu thereof the following, to wit:

"All that part of the abandoned Fort Marcy Military Reservation, with all the improvements thereon, in the city of Santa Fe, Territory of New Mexico, lying between Washington avenue and Lincoln avenue, in said city, be, and the same is hereby, granted to the American Invalid Aid Society, of Boston, Mass.; and the remainder of said reservation, with all the improvements thereon, be, and the same is hereby, granted for the term of twenty-five years to said society, the said grants hereby made being upon the conditions that said society shall establish and maintain thereon a national sanitarium for the treatment of pulmonary diseases."

Amend by inserting in line 12, after the word "named," the following words, "and shall make no charge for medical treatment therein."

Mr. TERRY. Mr. Speaker, it occurs to me that this proposed measure is a violation of all the precedents of this House in regard to these reservations. If I have caught correctly the reading of the report of the Interior Department, the governor of New Mexico wanted this reservation turned over to the city of Santa Fe; and now, instead of that being done, here is a proposition to turn it over to a private corporation organized in the State of Massachusetts. If this sanitarium is to be such a good thing, the people of Santa Fe ought to know it. If they are willing that this reservation in the city of Santa Fe should be appropriated for the erection of a sanitarium, then all well and proper; but we should give them a chance to say so.

Mr. CATRON. That is their statement; they have recommended this very thing.

Mr. TERRY. No; you have not submitted any expression from the citizens in that report. You have a statement that some officials——

Mr. CATRON. No; the mayor of the city states that the board of common council of the city recommends this disposition of the reservation. That is stated in the report.

Mr. TERRY. It has been held time and again that agreements or concessions made by city officials, when they are not assembled according to law, amount to nothing. It is very easy to go to a mayor or an alderman of a city and get a letter or statement from him; but to submit a question directly to the representatives of the people and get their vote upon it after full discussion is a very different matter.

This bill does not undertake to turn this reservation over to the city of Santa Fe. If it did that, I think it would be perfectly proper, because that has always been the course pursued in regard to these abandoned military reservations. But you do not propose to do that in this case. You turn over this property, this very valuable piece of land in the city of Santa Fe, to a private corporation.

Now, I want to say to the gentleman that if he can obtain unanimous consent without my voice, I am not going to object to the consideration of the bill. But I submit to the judgment of the House whether or not we ought to pass such a bill as this. I for one will not vote to give one of these reservations to a private corporation entirely outside of the State, without the people concerned having had a chance to express themselves upon it either by their direct vote or through their immediate representatives. Where a person simply goes around and gets the statement of an alderman or a mayor that he thinks a particular proposition is a very worthy one, and everything of that sort, that, it strikes me, is not the way to do business. It is not the legal and proper way to obtain an expression from persons charged with official responsibility. I shall vote against this measure.

Mr. STEELE. Is it not a fact that when it was proposed to abandon this reservation and build a new post near Santa Fe one of the reasons urged in favor of that proposition was that the land on which the old fort was located in the city of Santa Fe would sell for enough to nearly pay the expense of the new post?

Mr. CATRON. Is that question asked of me?

Mr. STEELE. Of you or any other gentleman.

Mr. CATRON. I know of no such statement ever having been made.

Mr. STEELE. I do not think there is any question that it was made.

Mr. CATRON. I know that if this ground were sold it would not sell for one hundredth part of enough to build a new fort.

Mr. STEELE. What I meant to say was that according to the statement made this property would sell for enough to buy new ground for another post, not enough to build the fort.

Mr. CATRON. The people of Santa Fe have offered to the Government a title free for the land on which to build the new fort. Hence there is no necessity for the purchase of new ground, and there is no pretense that such purchase will ever be required.

The improvements on this land are made of adobe or sun-dried brick, which goes to ruin very rapidly. The old fort is now unoccupied, and in a very short time will absolutely go to ruin.

Mr. STEELE. What is the value of the ground—the 17 acres?

Mr. CATRON. If you should go out and undertake to sell the land to-day in parcels, you might get $17,000 for it, $1,000 per acre. If you should put it up at public, forced sale, you could not get $5,000 for the whole of it, with the improvements.

Mr. TERRY. What is the population of Santa Fe?

Mr. CATRON. Seven thousand.

Mr. BOATNER. Is it true that the proposition is to donate this property to a private corporation?

Mr. CATRON. The proposition is to donate 4 acres to a corporation organized under the laws of Massachusetts, known as the Invalid Aid Society, who propose to establish a national sanitarium, and who will be required by this bill to furnish medical treatment absolutely free; and if they fail to comply with the terms of the gift the property will revert to the Government.

Mr. WASHINGTON. They do not propose to furnish free board to the patients?

Mr. CATRON. No.

Mr. WASHINGTON. How many persons will the buildings accommodate?

Mr. CATRON. The expectation is to put up new buildings. These old buildings would accommodate very few—probably 40 or 50. But the intention of the company is to erect new buildings worth several hundred thousand dollars.

Mr. STEELE. There is a statement somewhere in the papers that the judge of some court has decided that this ground has reverted to the State.

Mr. CATRON. There has been no decision in New Mexico to that effect.

Mr. STEELE. But that statement is made somewhere in the report. The Commissioner of the Land Office or the Secretary of the Interior says it has been claimed that such a decision has been made; but the decision is not given.

Mr. CATRON. I state most positively that there has been no decision of that kind anywhere, either in New Mexico or out of it.

Mr. STEELE. Suppose there should be a decision of that kind?

A MEMBER. Then the land would not pass by this grant.

Mr. WASHINGTON. Mr. Speaker, this seems to be an important bill. It involves the donation of a military reservation. The facts do not seem to be fully understood. We do not know whether this reservation has been fully abandoned by the Government or not. I suggest that the bill might go over till Monday, so as to give members a chance to investigate the case. I do not hear of any report from the Secretary of War advising this transfer.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DE ARMOND. I object.

JOHN RYAN.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House of Representatives, who died August 10, 1896, a sum equal to his salary for six months, and the expenses of his last illness and funeral, said expenses not to exceed the sum of $250.

There being no objection, the resolution was considered and agreed to.

MIRUM C. PECK.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9619) granting a pension to Mirum C. Peck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mirum C. Peck, widow of Hartwell B. Peck, late private Company D, Santa Fe Battalion Missouri Volunteers, in the war with Mexico, subject to the provisions and limitations of the pension laws.

The Committee on Pensions recommend the adoption of the following amendment:

Add to the bill, "and pay him a pension rated at $8 per month."

Mr. DOCKERY. I desire to correct the committee amendment. The word "him," in line 8, should be stricken out and "her" inserted; so as to read, "and pay her a pension rated at $8 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILNES. Let us have the report read.

The report (by Mr. MOZLEY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9619) granting a pension to Mirum C. Peck, have considered the same and report:

The claimant is the widow of Hartwell B. Peck, who enlisted May 8, 1848, for the war with Mexico in Company D, Santa Fe Battalion of Missouri Volunteers, and was honorably discharged October 17, 1848. The service is a matter of record at the War Department, and the records also show that a detachment of which Peck was a member while acting as escort to Major Bryant, paymaster, between Leavenworth and Fort Mann, on the Arkansas River, had a severe engagement June 18, 1848, with hostile Comanche and Osage Indians.

The claimant filed an application at the Pension Bureau under the Mexican war pension act of January 29, 1887, but the same was disallowed upon the ground that the Mexican war having ended May 30, 1848, the period of the soldier's service during that war did not cover the sixty days' time necessary to give title under that act.

It will be observed, however, that the soldier's actual service covered a period of five months and nine days. He enlisted in good faith for the war with Mexico, and participated in an engagement with hostile Indians while protecting the property of the United States. The value of his services to the country was equally as great as a sixty-day march to Mexico would have been, and the latter would have given his widow title to pension under the general law.

The soldier died January 16, 1865, and his widow, the beneficiary, is now about 66 years old, very poor, and so much affected by lung disease as to be unable to do anything toward earning a support.

The facts are fully shown by the testimony on file at the Pension Bureau.

The passage of the bill is respectfully recommended with an amendment adding after the last word the words "and pay her a pension rated at $8 per month."

Mr. TALBERT. I would like to ask the gentleman from Missouri if that claim has been considered at a regular Friday night session?

Mr. DOCKERY. It has been considered by the Committee on Pensions, and reported unanimously.

Mr. TALBERT. It has not been before the Friday night session?

Mr. DOCKERY. And is in every way a meritorious case. I hope my friend will not object.

Mr. TALBERT. I do not object.

There being no objection, the bill was considered.

The amendment to the amendment recommended by the committee was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

JOHN H. WILLIS.

Mr. DANFORD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4379) for the relief of John H. Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, directed to remove the charge of desertion now standing on the rolls against the name of John H. Willis, of Battery D, Fourth United States Artillery.

The Committee on Military Affairs recommend the adoption of the following amendment:

Add to the bill, "to date May 26, 1865: *Provided*, That no bounty, pay, or emoluments shall become due such soldier by virtue of this act."

Mr. DANFORD. This bill passed during the last Congress both the Senate and the House, but so late that it did not reach the President in time for his signature. This soldier served throughout the entire war—from the 26th day of April, 1861, to the 26th day of April, 1865—and then, with the feeling that the war was over, he returned home. He did not desert whilst there was an enemy in the field.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

Mr. TALBERT. I would like to have the report in that case read.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4379) entitled "A bill for the relief of John H. Willis," beg leave to submit the following report, and recommend that said bill do pass, with an amendment as follows:

At the end of the bill add the words "to date May 26, 1865. No bounty, pay, or other emoluments shall become due such soldier by virtue of this act."

This soldier enlisted April 25, 1861, and served faithfully until May 26, 1865, through the entire period of the war. He claims that it was his understanding at the date of his last enlistment that the close of the war should terminate his service. At all events your committee think said soldier has earned an honorable discharge by reason of his fidelity through the entire dangers of the whole period of the war.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, January 18, 1894.

DEAR SIR: In compliance with your personal request of this morning, to be furnished with the military record of John H. Willis, late a private of Company E, Thirteenth Indiana Infantry, and Battery D, Fourth United States Artillery, I have the honor to advise you as follows:

It appears from the records of this office that John H. Willis, Company E, Thirteenth Indiana Volunteer Infantry, was enrolled April 25, 1861, to serve three years. He appears to have served faithfully with his command from the date of his enlistment until October 20, 1862, when he was discharged from the volunteer service by reason of his transfer to the Regular Army.

The records of the permanent military establishment are not in this office, but a report received from the Adjutant-General of the Army, who is the custodian of those records, shows that this soldier enlisted October 21, 1862, in Battery B, Fourth United States Artillery, at Suffolk, Va.; that he was discharged January 31, 1864, at Portsmouth, Va., by reason of reenlistment; that he reenlisted in the same battery February 1, 1864, and deserted May 26, 1865, at Camp Lincoln, Va., and that on November 24, 1890, he was furnished with a deserter's release under the act of Congress approved April 11, 1890.

No information with regard to this soldier has been found upon the hospital records from 1861 to 1865, inclusive.

Very respectfully,

F. C. AINSWORTH.
Colonel, United States Army, Chief Record and Pension Office.

Hon. A. J. PEARSON,
House of Representatives.

ARMSTRONGS MILLS, BELMONT COUNTY, OHIO,
November 23, 1891.

To the Honorable Members of Congress, U. S. A.

DEAR SIRS: John H. Willis, who was a private in Company D, Fourth Regiment United States Artillery, and who will at this session of Congress have a petition presented to your honorable body for the removal of charge of desertion, is a soldier that volunteered in 1861 and followed the flag through all the exciting and stirring scenes of the war till the end, in 1865; and he was always ready for duty when called on, and his health has been greatly impaired by the excessive duty and terrible hardships which he was compelled to undergo. He being a credible citizen, and having served his country so long in the hour of her need, give his case a careful examination and I feel confident that you will do him justice.

Very respectfully,
HENRY KINNEY, JR.

ARMSTRONGS MILLS, OHIO, *November 30, 1891.*

Honorable Members of Congress, U. S. A.:

I have known John H. Willis, who was a soldier in Company D, Fourth United States Artillery, for the past forty years. He is a respected citizen, and having served his country from 1861 to 1865, and who is at present disabled and old and has no sustenance other than what is given him and the little that he may earn with his own hands at labor as a hand on a farm, and at no time since he came back to this neighborhood from the Army in 1865 would I consider him able to provide for his wife and family. Consider his claim carefully. I take this opportunity of thanking the members of Congress for the uniform courtesy and kindness extended to the applicants.

With best wishes for your welfare, I remain, very truly, yours,
JOSIAH McGUIRE.

THE STATE OF OHIO, *County of Belmont, ss:*

Before me, A. H. Caldwell, a notary public in and for said county and State, personally came Margaret A. Beckett, and makes oath in due form of law, and says that she knew John H. Willis, a private in Company D, Fourth United States Artillery, when he came home from the war, some time in the month of June, 1865, and that he was in very poor health, and was suffering with chronic diarrhea, and that he did not perform any manual labor for two months or more, and that his wife was sick, under treatment of the doctor, and that his family was in very needy circumstances, and that she had good cause to know all about them, as she lived a near neighbor to them.

MARGARET BECKETT.

Sworn to and subscribed before me this the 12th day of October, A. D. 1892.
[SEAL.] A. H. CALDWELL, *Notary Public.*

THE STATE OF OHIO, *County of Belmont, ss:*

Personally came Morgan Powell before me, A. H. Caldwell, a notary public in and for said county and State, and makes oath in due form of law, and says that he knew John H. Willis, a private in Company D, Fourth United States Artillery, when he came home from the war, some time in the month of June, 1865, and that he was in very poor health, suffering with chronic diarrhea, and that he did not perform any manual labor for two months or more.

MORGAN POWELL.

Witness:
H. C. CALDWELL.

Sworn to and subscribed by said Morgan Powell before me this 15th day of October, A. D. 1892.
[SEAL.] A. H. CALDWELL, *Notary Public.*

Mr. TALBERT. I would like to ask if this bill has been considered at a Friday night session?

Mr. DANFORD. It has been considered by the Fifty-third Congress, and passed both House and Senate. The gentleman from South Carolina himself and the gentleman from North Carolina [Mr. PEARSON] had a colloquy on the floor in regard to the bill.

Mr. TALBERT. I make no objection.

There being no objection, the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DANFORD, a motion to reconsider the last vote was laid on the table.

HENRY F. THORNTON.

Mr. OWENS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1064) for the relief of Henry F. Thornton.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, directed to issue to Henry F. Thornton, late of First Virginia Volunteers in Mexican war, a certificate of pension at the rate of $25 per month in lieu of certificate No. 9623, now held by said Thornton as a survivor of said war.

SEC. 2. That this act shall take effect from December 25, 1895.

The committee recommend the adoption of the following amendments:

Strike out, in line 6, the words "twenty-five" and insert "fifteen," and strike out all of section 2.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPALDING. I ask for the reading of the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1064) entitled "A bill for the relief of Henry F. Thornton," beg leave to submit the following report, and recommend that said bill do pass with amendments.

The claimant was a member of the First Virginia Volunteers, and served from December 2, 1847, to February 29, 1848, in the war with Mexico. He was granted the pension of $8 per month provided by the act of January 29, 1887, and this was subsequently increased to $12 per month under the act of January 5, 1893, upon his proving dependence and total disability.

The papers on file at the Pension Bureau show that Mr. Thornton is 71 years old, a sufferer from rheumatism and paralysis agitans, and generally in such a condition physically as to be wholly incapacitated for earning a support by manual labor. It is further shown that he has absolutely no property or source of income aside from his pension.

There are several precedents for the allowance of an increased rating to the wholly disabled and dependent pensioners of the Mexican war, and your committee believe that such precedents may be followed with propriety and justice in this case.

The following amendments are recommended: Strike out the word "twenty-five," in line 6, and substitute therefor the word "fifteen." Strike out the second section of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. OWENS. Mr. Speaker, according to that report, this veteran is now on the pension roll at the rate of $12 per month. The bill asks $25 a month.

This man is some 70 years of age, bedridden, helpless, and without means of support, and his wife is nearly as old as he is and as helpless to earn a living as he. The committee having conceded the necessity of some increase in his pension, I can not believe that they would insist on the amendment of $15 a month, an increase of but $3, which of course amounts to nothing. I hope the committee will not insist on the amendment, but that the House will pass the bill as originally proposed, at $25 a month.

Mr. STEELE. Mr. Speaker, I notice that it directs the "Commissioner of Pensions."

Mr. OWENS. Yes, I noticed that. I want to move to amend that by striking out the words "Commissioner of Pensions" and inserting the words "Secretary of the Interior."

Mr. STEELE. How long did this man serve?

Mr. OWENS. I do not remember; not very long. It was during the Mexican war.

Mr. STEELE. I understood from the reading of the report that he must have served as much as sixty days.

Mr. OWENS. More than that.

Mr. STEELE. Sixty-two days. I believe the committee considered the bill very carefully, and it seems to me the gentleman should be satisfied with the recommendation of the committee.

Mr. OWENS. It is in just this shape, that the man and his family are helpless and without any means of support whatever. He is confined to his bed and unable to do anything, and his wife is in nearly as helpless a condition. The question presents itself to the House whether the granting of an increase of $3 a month amounts to anything as a substantial increase. The beneficiary is an old man, not likely to live very long, and has been entirely unable to leave his bed for some time.

The SPEAKER. The question is on agreeing to the first committee amendment.

The question being taken, on a division (demanded by Mr. OWENS) there were—ayes 22, noes 57.

Accordingly the amendment was rejected.

The SPEAKER. The question now is on the second committee amendment, which the Clerk will report.

Mr. STEELE. Mr. Speaker, before that amendment is acted upon, I move to strike out "twenty-five" and to insert "twenty."

The SPEAKER. The question is on the amendment to strike out "twenty-five" and insert "twenty."

The question being taken, on a division (demanded by Mr. STEELE) there were—ayes 28, noes 52.

Accordingly the amendment was rejected.

Mr. STEELE. I move to make it $16 a month.

THE LATE REPRESENTATIVE CHARLES F. CRISP.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, January 16, 1897, beginning at 1 o'clock p. m., be set apart for paying a tribute to the memory of the Hon. CHARLES F. CRISP, late a member of the House of Representatives from the State of Georgia.

Mr. TURNER of Georgia. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] offers the following resolutions, which will be reported by the Clerk of the House.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. TURNER of Georgia. Mr. Speaker, Mr. CRISP was born on the 29th of January, 1845. In the month of May, 1861, while he was still but a lad, he enlisted in the army of the Confederate States, and his service was thenceforth rendered in the State of Virginia. At the end of the war he studied law, and was admitted to the bar in 1866. Soon thereafter he became solicitor-general of his judicial circuit, was reappointed to that honorable station, and then became judge of the superior court, in which high station he served for five years, and was then nominated for Congress.

Appearing on this floor during the Forty-eighth Congress, he was reelected consecutively six times. He became Speaker of the House of Representatives during two terms, and during the present Congress, by the nomination of his party associates, he became leader of his party.

During a prior Congress, and while he was Speaker, the governor of Georgia tendered to him an ad interim appointment to the Senate of the United States, to fill the vacancy caused by the death of the late General Colquitt. That honorable position he declined. During the present Congress he became a candidate for a regular term in the Senate, to begin on the 4th day of March next, and in the early part of October last a general assembly was chosen in Georgia, which would in a few weeks, with practical unanimity, have elected him to the Senate. He died on the 23d day of October last, a few weeks after his last great success.

The remarkable eminence which he attained seems greater when contrasted with his humble beginning. His training in the schools was limited. While yet a youth he joined the Confederate Army and had not reached his majority when the war ceased. From a military prison he went forth to the struggle of life, without education and without resources, amid a people prostrated by a great defeat in war and impoverished by its desolating consequences. He was the foster child of adversity. In the camp, on the march, and in battle he learned lessons more difficult than those taught in the schools. There is not in all the varied round of human experience a more pathetic trial than that of a tender youth suddenly subjected to the horrors of war. But the lad who can bear strain, and endure privation, and face danger and death, may in peace climb the dizzy heights to an elevation next to the highest in the world! His great career ended in his prime. His bright day closed at its noontide. He left this last field of honor without the sting of defeat, and amid the cheers of victory. But, sir, between my late colleague and myself there was a wide difference of opinion. I leave to others the pleasant task of delineating the traits of character which endeared him to his friends, and of recounting the steps by which he rose to the highest places of power and responsibility.

Mr. HENDERSON. Mr. Speaker, a sad duty engages our attention to-day. We are here to review the life, services, and character of our distinguished colleague and ex-Speaker of this House, Hon. CHARLES F. CRISP, of Georgia.

To his own delegation will be assigned the sacred duty of pointing out historically the leading actions of his life. I will briefly consider Judge CRISP from the standpoint of my personal acquaintance and relationship with him as a member of this body.

This House presents in a marked degree evidence of the great law of change affecting all the relations of life. Judge CRISP commenced his service as a member of this body in the Forty-eighth Congress. When he died, October 23, 1896, there were only twelve members in the Fifty-fourth Congress who had served continuously with Judge CRISP from the time that he entered Congress, and twenty in the same Congress who served with him in the Forty-eighth.

He was one of seven elected to the Fifty-fourth Congress who were removed by death.

These facts suggest the uncertainty of all life's positions and of life itself.

My relations with Judge CRISP have been somewhat singular. He was the first member of Congress with whom I held heated debate, and I believe I was the last with whom he had debate developing some of the feeling so often incident to our legislative life, but leaving no scar. Our relations always, saving our first experience, were of the most friendly character, and our first sharp encounter taught us, I believe, to respect each other.

Though never intimate with Judge CRISP in that sense which means comradeship, so necessary to my life, we were always good friends, enjoying thoroughly cordial relations and mutual respect. I soon learned that his word once given to me was sacredly kept.

He was a man of high honor, and self-respect was a dominating element in his character.

He was truly a strong, deep, and earnest character.

He was never a trifler.

He was kind and gentle in his manner, so much so in ordinary relations that one often wondered at the high and intense feeling which at times he was capable of swiftly reaching.

Some are constituted so as to move through life on a dead, cold level: others sound all the notes of life, reveling in its sunlight, suffering in its shadows. The greatest lives know both storm and rest. The Pacific Ocean can woo to its waters, but can drive in terror to its shores.

These thoughts come from a study of Judge CRISP in my fourteen years' relationship with him on this floor. He had in his nature the sunlight and the shadow, the tempest and the calm.

Entering the Confederate army as a mere boy of about 16, he soon learned how very serious a matter life was. It tempered the good metal until it was capable of great work, and the boy without a boyhood was soon a powerful and aggressive man. His strength and ability invited the confidence of the people, who soon elevated him, step after step, until, in this body, he reached a position of power second only to that of the Chief Executive.

When death took him he had not yet attained the fullest stature of his mind.

The great Georgian sleeps—after a hard, active, tireless summer's work and before the autumn's harvest had come.

Mr. CATCHINGS. Mr. Speaker, it has long been a custom with the House of Representatives, upon the death of one of its members, to set apart a day upon which addresses may be delivered for the purpose of placing upon its records in suitable form evidence of the esteem in which he was held. It is exceedingly difficult to prepare remarks for such purpose which shall be in all particulars appropriate. We are prone to indulge in fulsome eulogy, or, in the effort to avoid that, to fall short of paying just tribute. On this occasion, to me the task is peculiarly trying. The relations between Hon. CHARLES F. CRISP and myself were so intimate, my affection for him was so great, and my estimate of his character and abilities so high, that I shrink from speaking of him as they would naturally prompt me to do. The strong qualities which enabled him to grasp and retain the unchallenged leadership of his party in the House of Representatives, and which twice gave him its Speakership, manifested themselves in his boyhood, and steadily grew in potency and brilliancy up to the very hour of his death. He entered the Confederate army when a slender lad but 16 years of age. Notwithstanding his extreme youth, he was soon elected to a lieutenancy of his company. Had he not been made a prisoner of war in May, 1864, and confined as such until hostilities had ended, there can be little doubt that he would have earned and achieved still higher and more responsible rank. Within five years from his admission to the bar he was appointed solicitor-general for one of the judicial circuits of his State, and in 1873 was reappointed for a term of four years.

His advancement in his profession was so rapid that in 1877 he was appointed judge of the superior court of the same circuit, and he was afterwards twice elected to that office. In 1882 he was elected a Representative in Congress, and was six times successively reelected. Almost from the day of his entrance into the House of Representatives he was recognized as one of its foremost members. In the Forty-ninth Congress, as a member of the Committee on Commerce, in the absence of its distinguished chairman, he had in charge the bill to create the Interstate Commerce Commission and define its jurisdiction and powers. That measure elicited prolonged, earnest, and serious debate, and the great skill and ability displayed by him in defending it and securing its passage gave him rank among the strongest and most useful Representatives. He had already, in the Forty-eighth Congress, given evidence of that remarkable grasp and perception of parliamentary law which was speedily to develop until he became one of its acknowledged masters. It will be remembered that the seat of Hon. John G. Carlisle, the Speaker of the Fiftieth Congress, was contested. This made it improper that the members of the Committee on Elections, which would be charged with the duty of examining into and reporting upon this contest, should be appointed by him. It was therefore provided that the committee should be chosen directly by the House of Representatives.

Hon. HENRY G. TURNER, of Georgia, then, as now, an honored Representative, had been chairman of that committee in the Forty-ninth Congress, and in that capacity had rendered most useful and distinguished service. He declined to serve longer on that committee. Judge CRISP's power in debate, professional acquirements, and aptitude for parliamentary management had been so notable that, as by one impulse, his Democratic colleagues, though against his will, selected him for the chairmanship of the committee. His work in connection with it was of such high order that when the Fiftieth Congress ended he had greatly advanced himself in public estimation as well as in the regard of his colleagues. In the Fifty-first Congress, which had passed under Republican control, he was the senior member of the Democratic minority of the Committee on Elections. Though not holding a committee assignment of such character as according to the precedents invested him with the highest rank, yet, immediately upon Mr. Carlisle's retirement from this body to occupy the seat in the Senate to which he had been elected, by sheer force of his remarkable fitness he immediately forged to the front and seized the actual, substantial leadership of his party, which was never wrested from him until he had closed his eyes in his last and eternal sleep. No good purpose can be subserved by recalling the fierce and frequent struggles which marked the stormy career of that Congress.

It is sufficient to say that this gallant and courageous leader was ever in the thick of the fight, battling bravely for the right as he saw it, and that amidst all the heat and fury of the turbulent scenes then enacted his mind was ever clear, his aims definite, his purpose unfaltering, and his poise of character so magnificent and superb as to challenge the respect and admiration of the whole country. When it became known that the Fifty-second Congress would have a Democratic majority, he was at once a candidate for the Speakership. His candidacy was not of his own making. It came about upon the insistence of a large number of his party colleagues, who, witnessing his steady growth, the wonderful versatility he had displayed in the discharge of every duty to which he had been assigned, and, above all, the masterful qualities which had distinguished his conduct amidst the trying events of the Fifty-first Congress, desired that he should be elevated to the Speakership and charged with the grave responsibilities pertaining to that exalted office. The contest over the Speakership of the Fifty-second Congress was one of the most memorable in the annals of the House of Representatives. With no external influences to aid him, victory came to him through the sheer force of his strong and attractive personality and the profound admiration excited by the eminent services he had rendered his party under circumstances which displayed to advantage his great and forceful qualities. During this contest bitter attacks were made upon him from many sources, but his character was so lofty and his qualifications so conspicuous that the shafts of misrepresentation and calumny fell harmless at his feet. He did not regard his election as in any sense a personal triumph, and I know that he entered upon the duties of the office of Speaker with as pure and patriotic emotions as ever animated the human breast.

The difficulties and responsibilities attendant upon that office are known to few outside of this Chamber, and in all their details they are not fully appreciated by many of us here. The Speaker appoints all the committees of the House. This power of appointment, conferred upon him by our rules, enables him in a large measure to give color to all important legislation which may be proposed by the several committees. The pressure upon him by members of the House for such assignments as their ambition or tastes may lead them to desire is persistent and tremendous. While he can not and should not turn an indifferent ear to the claims of his friends and supporters, yet he must not forget that the responsibility for legislation rests largely upon him, and that beyond certain limitations, if he would have the best work done, he can not afford to be influenced by personal considerations or the inclinations of friendship. And in any event, even where all considerations are equal, his appointments can not be shaped so as to satisfy the expectations or desires of all.

Under the rules of the House, very few of the committees have the privilege of calling up for consideration at any time bills reported by them. Committees not possessing this privilege, and members interested in bills reported by them, are constantly importuning the Speaker to allow such measures to be acted upon. This imposes upon him the burden of examining these bills, passing judgment upon them, and determining whether or not he will intervene to secure their consideration by the House. In the very nature of things he feels the necessity in the large majority of instances of this sort to refuse his intervention. While the Speaker is not so separated from the membership of the House as that, as in the case of the speaker of the British House of Commons, he must cease to be a partisan when he assumes the duties of his office, yet as to all questions not involved in party policy it is incumbent upon him to deal fairly and impartially with all of the members of the House. A man so constituted that he can not as to such nonpartisan questions be absolutely just and equitable is not qualified for the office of Speaker. No man can satisfactorily discharge the functions of the Speakership who is not a good judge of human nature. He must understand that there are "many men of many minds;" that peculiarities of temperament exist among the members of this House as elsewhere; that some of them are insistent and persistent, while others are diffident and shrinking; that some are extremely sensitive and easily wounded, while others are phlegmatic and not of so fine a mold; that self-assertiveness and loquacity are not always, or even usually, accompanied by the best ability, and finally, that, generally stated, each member is fairly striving to serve his constituency according to the lights before him.

How well Judge CRISP met the requirements of the Speaker's office there are many here and elsewhere who can attest. His kindly and patient consideration of all requests made of him was notorious. He was always accessible, and neither by word nor manner gave offense to those whose official duties compelled them to approach him. Amidst all the pressure upon him, even after his health was broken and the burdens of the office seemed more than he could bear, as Clarendon said of the great Hampden, "He preserved his own natural cheerfulness and vivacity, and, above all, a flowing courtesy to all men." Indeed, his nature was so kindly and his desire to possess the esteem and friendship of his colleagues so intense that even when it must have cost him great effort he would assume that cordial manner and cheery smile so familiar to all of us in this Chamber. In dispensing the privileges at his disposal regarding the proceedings of the House he was absolutely impartial, and neither friend nor foe ever suspected that he had not received from him fair and equitable treatment.

As a presiding officer he has had few equals. His presence in the Speaker's chair was so fine and manly, his voice so full and resonant, and his alertness and power in dealing with parliamentary problems so manifest, that it was always a pleasure to on-lookers to witness the superb manner in which he presided over our deliberations. Misunderstandings and collisions between members sometimes occur to mar the proceedings here, and of these he had his share, as was to be expected in view of his strong character and prominent position. But he never sought to provoke these troubles, and I have many times heard him express the keenest regret that he had been drawn into them. He was a very ambitious man, but his ambition was to render honorable service to his country, and not to exalt himself. He believed in the teachings, principles, and traditions of the Democratic party, and therefore was an earnest partisan. But his partisanship was not of that cheap quality which eternally proclaims itself lest it be overlooked, nor was it ever displayed in such manner as to be personally offensive to others. While his opinion was firm upon all subjects that he had investigated, he was more than scrupulous in yielding respect to the judgment of those who differed from him. He recognized the right of all men to think for themselves, and imputed no improper motives or lack of ability to those who had reached conclusions and expressed opinions different from his own.

This fairness upon his part was ever displayed in his official capacity as Speaker, as well as in private intercourse. During the extra session of 1893, when the House of Representatives was called upon to deal with the important financial question then presented for its consideration, although he was an earnest advocate of the free coinage of silver, his official conduct was so fair and exempt from all personal bias or prejudice that no man, whatever his views may have been, could have pointed to any word or act of his upon which to base complaint or criticism. And as in this instance, so it ever was with him in dealing with great public questions. I do not hesitate to affirm that throughout his Congressional career, from its beginning to the end, he displayed the highest qualities of leadership, and that he was ever guided by aspirations and sentiments altogether ennobling. The distinguished Speaker of this House, in a telegram of condolence sent upon his death to his bereaved widow, truly said that his loss is the country's. He had rendered his country great and valuable service, and being yet in the prime of life, he had abundant resources upon which, if his life had been spared, he would freely and proudly have drawn in its interest and behalf.

His services as Speaker of the Fifty-second Congress were so notable and satisfactory to his party that he was reelected to the Speakership of the Fifty-third Congress without opposition, and in the Fifty-fourth Congress, which had passed under Republican control, he was complimented by the unanimous vote of his party associates for that office. During the Fifty-third Congress he was tendered by the governor of Georgia the appointment as Senator to fill the vacancy created by the death of Senator Colquitt. It was no small part of his ambition to represent his State in that august body. Accompanying this tender came telegrams from distinguished citizens of Georgia who aspired to the vacant seat in the Senate, pledging him that if he would accept the appointment he should have no opposition for election before the legislature. He did not feel that under the existing circumstances he would be justified in vacating the Speakership, and therefore promptly put aside the tempting object of his ambition. In talking with him on the subject, I suggested that the opportunity to attain a seat in the Senate might never come to him again, and insisted that he was not called upon to perform such an act of self-abnegation. Other friends tendered him similar advice. He could not view the situation in that light, and so, placing country and party above self, he declined the great honor, and so far as outward appearances indicated, without the slightest pain or even regret. And yet I knew, as many of his friends did, that he desired almost above all things to be a Senator from the State of Georgia. No finer act was ever performed by a public man, and it is in itself ample proof of the nobility of his soul and the loftiness of his character. The people of his State, remembering his unselfish sacrifice, upon the announcement by Senator GORDON in the spring of last year that he would not seek reelection, promptly determined that Judge CRISP should be his successor, and although considerable effort was made to organize opposition, yet the admiration and respect of the people for him was so unbounded that it was swept away like chaff before the wind; and at general primaries held throughout the State in the summer and fall of 1896 he was chosen as the Democratic nominee by a substantially unanimous vote. But the legislature of Georgia was not permitted to ratify this verdict of the people by investing him with formal title to a seat in the United States Senate.

The disorder from which he had long been suffering suddenly struck him down on the 23d day of October, 1896, and, as with Moses of old, when in sight of the goal of his ambition, his noble spirit took its flight from all earthly scenes. The deep and widespread regret which at once, through telegrams, letters, resolutions, and otherwise, manifested itself in all sections of the country gave evidence of the profound impression created throughout the United States by his eminent public services and of the high and affectionate esteem in which he was almost universally held. In the State of Georgia, upon which his splendid career had reflected such honor, the grief of the people knew no bounds, and was manifested by many and impressive public ceremonials. For a time his body lay in state in the capitol at Atlanta, where multitudes of both sexes and of all ages and colors thronged to view it. It was then carried to his home in Americus upon a special train, escorted by the whole body of State officials and a delegation of judges in behalf of the judiciary of the State. At all the stations along the route vast crowds gathered, in many instances accompanied by military organizations, and often insisting upon having the casket opened that they might once more behold the features of their honored dead. In Americus, his home, where he was revered by his neighbors for his great achievements and loved for his affectionate and generous nature, upon every building, whether private or public, emblems of mourning were profusely displayed. Large delegations from every community in his Congressional district gathered there to participate in the funeral rites. On the 25th day of October, amidst the tears and lamentations of that vast assemblage, our honored friend and distinguished colleague was tenderly laid away in his last resting place.

I have not yet spoken of his domestic relations; indeed, I scarce know how to speak of them. They may be summed up in the statement that he was a devoted husband and a loving father. I doubt if in his family circle a harsh word or rude sentiment ever escaped his lips. When with his wife and children his sweetness of temper, gentle care, and kindly consideration were beyond all power of description.

The character of our distinguished friend easily accounts for the true and real leadership acquired and so long retained by him in the House of Representatives and elsewhere. I say elsewhere, for, as I have already pointed out, he was under all conditions and circumstances a true and real leader. He was wholly exempt from every species of charlatanry. He had no trick of voice or deportment to distinguish him from others. He never strutted or posed, or affected an air of wisdom, or assumed a patronizing manner. In social life he never discoursed, but contented himself with conversation, and that was always frank and polite, and especially marked by kindly consideration for others. He did not need to be bolstered up by such cheap and tawdry devices. For affectations of all sorts indeed he had great contempt, often saying that they are the sure concomitants of weakness and vulgarity. His official conduct was ever courteous and dignified. Though possessing great faculty for retort in debate and making use of it whenever it seemed to be the most effective weapon, yet it was of the kind that, though smarting at the time, left no permanent sting behind it. His sagacity was such that he rarely took a false step in the management of the cause he had in hand. His success is largely attributable to the fact that he lost sight of himself entirely while discharging his official duties. I doubt if he was ever suspected of performing for the sake of self-aggrandizement. His integrity of purpose so far as I know was never questioned, and I am sure that it could never have been successfully impeached. The traits I have described, coupled with industry, unceasing vigilance, exceptional power in debate, and a mental poise which nothing could disturb, commanded the admiration, respect, and confidence of his party colleagues and caused them instinctively to turn to him for advice and counsel. They knew that he faithfully endeavored to serve his country and party; that no desire for personal preferment ever marred his purpose or directed his conduct; that he was alert and sagacious, studious and thoughtful, careful and prudent. Such a man could not fail to be a leader, no matter what might be his environments. My personal devotion to him was great, and I had abundant cause to know that it was fully and cordially reciprocated. It gives me infinite pleasure to reflect that the friendship between us was never impaired, and that to the very last I was the recipient of his love and confidence. With me no other can take his place.

Mr. DALZELL. Mr. Speaker, it seems difficult of belief that, while we are engaged from day to day in the routine of Congressional life and strife, one who but lately was in the forefront of every battle on this floor is sleeping his last sleep in the soil of his Georgian home. It requires our positive knowledge of a melancholy fact to persuade us that a glance across the aisle will not disclose his presence in his accustomed seat. His cheery voice, his kindly look, the warm grasp of his hand, I can hardly realize that they may not be with me on the morrow. But they will not. He who was the leader of his party here and a potential factor when the first session of this Congress ended, ere its second session began, at the call of Providence, joined the great majority who have "passed over the river and are resting under the shade of the trees."

The thoughts suggested by an occasion like this, while they are of the most solemn, interesting, and suggestive character, are, nevertheless, trite and commonplace in their expression. True, they bring us face to face with the unsolved and insoluble problem of immortality. But death is the common destiny of all. Men have been dying since the world began; and with each death the same queries have been made, and have failed of answer. There is no oracle outside of Revelation to make reply. What that country is, or whether any, to which we all are bound no man shall know save the emigrant thereto. From him no answer comes; and philosophy and speculation are vain. There is no retreat save to the faith so aptly defined by the great apostle as "the substance of things hoped for, the evidence of things not seen."

In bringing my humble but sincere tribute to the memory of CHARLES F. CRISP, I shall not undertake to recite at any length the history of his life. Others more familiar with its details will do that, and they will do it lovingly. The merest outline of it is sufficient to prove him to have been a man of mark. Born to an inheritance of struggle, without the advantages of wealth or influence or great name, his native virtues, and these only, were the factors in the problem of his successful fortune. His education was only that of the common schools—the common schools that so many times have been the grand universities productive of the highest type of American citizenship. The greatest of modern English poets has idealized such character in his conception of—

> Some divinely gifted man,
> Whose life in low estate began
> And on a simple village green;
>   Who breaks his birth's invidious bar,
> And grasps the skirts of happy chance,
> And breasts the blows of circumstance,
>   And grapples with it his evil star;
> Who makes by force his merit known,
>   And lives to clutch the golden keys,
>   To mold a mighty state's decrees,
> And shape the whispers of the throne;
> And moving up from high to higher,
>   Becomes on Fortune's crowning slope
>   The pillar of a people's hope.

The language of eulogy, Mr. Speaker, is too apt to be the language of extravagance, and the extravagant eulogist overleaps his purpose. I would avoid that danger, and putting aside so much of the poet's language as would be extravagant here, will simply say that the boy of nameless birth who by his own inherent strength became the Speaker of the House of Representatives of the American people has a right to be ranked as one who made by force his merit known, and lived to mold a mighty State's decrees.

Into the panorama of our friend's life there are woven many pictures. From a schoolboy he became a soldier; left home and kindred to follow the flag that stood to him for the right. That was not our flag. From our standpoint, he was mistaken; from his, he was a patriot. The time has long since gone by when dispute over that question may be had. And when he was borne, mid the lamentations of his people, to his last resting place, he could not have had (and I doubt not he himself would have said so) a more welcome shroud than the Stars and Stripes—the symbol of an indissoluble Union cemented in blood.

In civil life, with great distinction, he illustrated the versatility of American genius and the grand possibilities of American citizenship. It is characteristic of the American that he is a man of many sides. A possible ruler as well as one ruled—a factor in the creation and maintenance of enterprises which, under our system of government, depend upon individual effort instead of governmental, his education is that of experience, and is practical and varied. The life of our deceased friend proves the truth of this observation.

He was a lawyer of mark—first, solicitor-general of his circuit; then clothed with the spotless ermine of a judge. It is said of him that in both of these capacities he measured up to the full stature of a perfect manhood. Retiring from his judgeship, he became the representative of his State on the floor of this House. Here there is no need to sound his praises. They are part and parcel of the plain records of the American Congress.

During his period of service many questions of national importance enlisted legislative attention. His attitude with respect thereto was the attitude of his party; and he was ever at the fore in the assertion and maintenance of that party's principles. All honor to him for that! All honor, say I always, to the man of strong and honest convictions who has the courage to stand by them!

In the assertion and maintenance of his chosen beliefs he was ever a leader. He possessed the elements of leadership. He was bold, aggressive, logical, convincing. He was inspiring; men loved to follow him. He was as brave in defeat as in victory. His leadership asserted itself; and by the choice of his party during two Congresses he presided with dignity in the great office of Speaker of this House.

I do not say that he was always right. I do not say that he had no faults. Far from it. He was a strong man and gentle; and his faults, such as they were, were overborne immensely by his virtues; and we have now no memory save for the latter.

And so now, with this simple tribute to his memory—so far short of its deserving—I leave him to his conspicuous place upon the roll of the nation's illustrious dead—among those whom the world delights and will continue to honor.

Mr. RICHARDSON. Mr. Speaker, on the first Monday of December, 1883, as a member of the Forty-eighth Congress, CHARLES FREDERICK CRISP took his seat in this House. I did not know him until the beginning of the Forty-ninth Congress, the first to which I was elected. Very early after the organization of the Forty-ninth Congress I was assigned to membership on the Committee on Pacific Railroads, of which he was also a member. In the arrangement of seats at the table of that committee I was placed by his side, and in this way first made his acquaintance. I was a new member, and although he had had then but one term, I found he was entirely familiar with all questions before the committee and that its able and efficient chairman, the Hon. J. W. Throckmorton, of Texas, and the entire committee trusted implicitly his opinions and his judgment.

The acquaintance thus formed between us grew into perfect friendship. There was never an incident of any kind or character from the date of our first meeting, through all the long years we served together in this House, that marred that friendship. It remained unbroken to his death. The reflection that throughout all his services here I had his esteem, his respect, and his friendship is a source of supreme satisfaction to me.

As a younger member of the House in service he always gave me his encouragement; as a coworker in committee he gave me his assistance; and finally when he came to the highest position in the gift of this body, I rejoice to know I enjoyed his confidence and support. Each time when he sought the Speakership it was my pleasure to cast my vote for him; and on the occasion of his last nomination to that elevated station I had the honor (which I regarded a high one) by his request to formally present his name. On that occasion, among other things, I said:

> The very pleasant task has been given me of placing in nomination for Speaker of the House in the Fifty-fourth Congress a gentleman who is my warm personal and political friend. It goes without saying that this gentleman has already been named for the position in the hearts of all of us here assembled, and it only remains for the formal words to be spoken. When the Fifty-second Congress was about to assemble, just four years ago now, there appeared in this Chamber 240 of the chosen Representatives of a hopeful and triumphant Democracy. Then it was, after a sharp and brilliant contest, the gentleman I am to name was placed in the Speaker's chair. Two years later, when about 215 members of our party met here for a similar purpose, with the experience of a past Congress to guide us, with full knowledge of his honesty, capacity, and ability, he was by unanimous action and with hearty acclamation again chosen our leader. We come now a small band of patriots, so far as numbers are concerned, to say again he is our choice for this responsible office, but we recognize the fact that this time our declaration is impotent.

The roll was called, and he was unanimously chosen as our nominee.

It will not be expected of me on this occasion to enter into an account in detail of his long and useful career as a member of this House and a citizen of Georgia. This has been done to-day by others of this body by whom these things are said more appropriately than by myself. I shall content myself with speaking of him in a more general way.

The effort on my part to fully describe the loss the country, and more particularly the Democratic party, sustains by his untimely death would be a failure. There is no man in public life to-day who could not better be spared than CHARLES F. CRISP. His place may be taken, but it can not be filled by any other Representative.

He enjoyed to the fullest capacity the confidence of his party, not only on this floor, but throughout the Union. Those who differed with him here and elsewhere entertained for him marked respect. His powers in debate were of the very highest order, as all can testify who ever thus met him. He was always cool and clear-headed, and often quite aggressive. His courage was unsurpassed, as his supporters and opponents all will bear witness. His honesty was never questioned. His conduct was always above reproach. Called to the responsible and exacting duties of Speaker of the House, he met these responsibilities and duties in such manner as to reflect not only honor and credit upon himself and his party, but upon the entire country. In the chair he was always amiable, yet always positive. He was gentle, yet stern when duty demanded sternness in the Speaker. He loved to do deeds of kindness as a presiding officer, but never did them when it was improper to do them or when they were to be done at the expense of his office. He was gifted in the statement of all questions and was a talented parliamentarian. He was at all times composed, and while others grew excited, his self-possession was never for a moment disturbed. He was firm in his administration of the affairs of the House, and at times was quite emphatic, but he was always impartial, considerate, and just.

There are times, we all know, in this body when amidst the excitement incident to debate on exciting political questions, when party feeling is running high and bitterness of expression is freely indulged, to preserve order and fair decorum the occupant of that chair is called upon to exercise and must, in his discretion, exercise great powers. Yet during all his experience through many trying and exciting scenes he never exercised those powers rudely or too arbitrarily. He never on such occasions abused the prerogatives and powers of the Speaker or brought his high office into contempt.

I would not be understood as saying or insinuating that he was not a partisan, or, more strictly speaking, a party man. He was a strong believer in the principles and tenets of his party, and this with a man of his pronounced convictions and courage necessarily made him more or less a partisan; but his partisanship was never exerted at the expense of his patriotism. Though a partisan he was not a fanatic.

His experience as a lawyer and judge made him conservative and fair-minded. He never for one moment permitted his partisanship to provoke in him bitterness of feeling or expression or to render him uncharitable toward his political opponents or those with whom he differed. He never impugned motives when engaged in controversies nor assailed character in partisan warfare.

His public record covers a period when courage, high ability, and absolute integrity were required to meet grave and important exigencies. It is a proud satisfaction to know that his connection with the history and his appearance in all these exigencies and emergencies were wholly honorable to himself and conspicuously serviceable to his State and country.

In unofficial life he was given best opportunity to display those splendid traits of character which in him were so pronounced and distinguished. I have said he was honorable and just as a public man and presiding officer; so he was sincere and true as a private citizen. His was a changeless sincerity. He was never in disguise. He was the soul of honor. He had a contempt for everything low, mean, or sordid. Highly endowed as he was by nature and his own training, with so many estimable traits, his influence over men was almost without limit.

He had no compromise to make with that which was wrong, and held with much tenacity to that which he believed to be right.

He was warm-hearted, genial, and social in his nature. He enjoyed the companionship of friends, and made it both pleasant and agreeable for them to be with him. High toned, manly, and dignified in manner and conduct, he treated everyone, both high and low, in fashion becoming a gentleman, and expected like treatment in return.

He was in every respect a most lovable man.

All who came in close acquaintance or contact with him became his friends and admirers. He was a genuine type of the best element of the South. He was called before his work was finished. He did not die of old age or lingering delay.

> His eye was not dim, nor his natural force abated.

He was an active worker until his life closed. The full measure of his capabilities had not been reached, and his career was incomplete. He was full of ambition, but was never sordid and venal. His ambitions were all noble.

One of his highest ambitions, as I have heard him say, was to represent Georgia in the United States Senate. Yet he was so self-sacrificing to his conception of the true sense of duty that when the coveted seat was graciously tendered him by the governor of his State, he declined it, saying his first duty was not to himself, but to the House of Representatives, which had honored and trusted him.

He held the high office of judge before being elected to Congress, and also filled other positions of responsibility and dignity in his State. In the late war between the States he was a courageous soldier. From his early manhood until death ended his bright and enviable career his pathway had been strewn all along with honors, his hands filled with trusts confided to him by his fellow-citizens, his brain continuously occupied in anxious and arduous thought, his body often taxed to the utmost of physical endurance, but his course had been steadily and unfalteringly upward.

When the end came there was no stain upon his name and fame. He died in the maturity of his strength and in the fullness of his powers. The position he attained in his country's pantheon is an elevated one. His name will survive long in the history of his State and the country.

A familiar writer has said, "There is no antidote against the opium of time," and that "Gravestones scarce tell the truth forty years." It is vain for any man to hope for immortality, or for a patent from oblivion, for there is nothing really immortal but immortality.

It is a fact that only twenty-seven names of the multitude who lived make up the world's history before the Flood. The greater part of humanity by far must be content to be as though they had not been, and be found in the register of God and not in the record of man.

I will not disparage the names of those who have gone before him in the high office of Speaker of this House. Many of them have been men of great renown and adorned that exalted station, but none of them surpassed him in zeal and devotion to duty, none surpassed him in patriotism, honesty, and courage, and none exceeded him in energy and integrity. The best that can be said of any of them can be truthfully said of him.

His splendid and successful career was cut off when he was in his highest usefulness, and all must realize the irreparable loss his State and the Republic sustained when his incompleted life was terminated.

The story of his life illustrates what energy, honesty, integrity, and devotion to duty will achieve. That story will illumine the brightest page not only in Georgia's history, but that of our whole country; and his name, which passes as an invaluable heritage to his grief-stricken widow and children, will be preserved and perpetuated in spotless purity through a long hereafter.

[Mr. BARTLETT of Georgia addressed the House. See Appendix.]

Mr. McMILLIN. Mr. Speaker, it is sad to have those at any time of life go from us who are capable of serving their country. But to have the gifted and patriotic taken in the prime of life, when ability is at the zenith, when the enthusiasm of youth is happily blended with the discretion of age, is the greatest loss the State can sustain in the death of the citizen.

Such was the case in the death of Judge CHARLES F. CRISP. He had by hard work and superior intellectuality fought the battles of early life and won. He had attained an eminence in his State and country of which any man might be justly proud. He had the respect and confidence of his party and people in a very high degree. His State stood ready to bestow upon him still greater honors. His country was ready to applaud and ratify anything his State did in his honor. A future full of brightness and distinction lay before him when the relentless reaper came and claimed the harvest.

Judge CRISP was one of the young men of the South who came on the stage just in time to see his country rent asunder and distracted by a fierce fratricidal strife. Brave and enthusiastic, he united his fortunes with those of his State and section and risked his life in behalf of what he thought was right. The close of the war found him still a youth in a land devastated by the ravages of war, with its agriculture prostrate, its educational institutions closed, many of its young men buried on the battlefield, and sorrow and waste hanging like a pall over the whole land. Such had been the ruin around him that of the 11,000,000 people in the South the combined wealth of 7,000,000 would probably not have aggregated half a million dollars. Ruin stalked abroad where prosperity had only a few years before smiled on the whole land.

There was everything to discourage, there was everything to dismay. Such were the scenes which surrounded this young man on his return from the greatest war of modern times, and the greatest civil war of history. Like many other noble and strong young men of that day and land, Judge CRISP saw these discouraging surroundings without dismay. Instead of giving up because his educational advantages had been restricted by these patriotic duties, he cast about him for the best means of restoring his country to its former prosperity and its prestige. He did not give up the struggle of life because the struggle at arms had been unsuccessful. He had confidence in the strength of his people, the resources of his land, and the power and permanency of free institutions. Others who have preceded me have given so minute an account of his action at that period, the exertion he made, the success he attained, the trust reposed in him by an appreciating people, that it would be out of place for me to reiterate these, but it may be truly said that he was one of the hard-working and potent agencies in reviving the drooping spirits of the people around him, and in building up the waste places of his loved land. Notwithstanding he died so young, he lived to see the agriculture of his country rise again to its feet. He lived to see the sails of commerce whiten the ocean and Gulf around him. He lived to see his own State one of the leaders in the manufacture of the cotton it produced. He lived to see the iron smelted in the valleys through which he had recently fought force its way by its superiority or cheapness to the markets, not only of this country, but many of the markets of the Old World. He lived to see educational institutions spring up anew where they had been paralyzed or destroyed by war. He lived to help return the ballot to his comrades in arms from whom it had been taken, and he lived to be a potent agent in resisting Federal interference with State elections, and in taking from the statute books the laws which tended to give undue influence to Federal power in the elections of the people.

Although Judge CRISP died so young, if we judge his life by its activities, its accomplishments, its successes, we may truly say he had a long and eventful public career. I knew him well, having served with him during his whole term in Congress, and being connected with him in committee service at the time of his death. He had a quick perception, a strong understanding, and a genial disposition. Having lived in the same hotel with him for a considerable period, I knew his domestic life as well as his public. The same gentleness in demeanor which characterized him when associating with his fellow-men he carried to the family circle intensified. At the hearthstone, in the midst of his family, he was all that could be expected of the husband and father. As a member of this House he was watchful and painstaking. As its Speaker, when presiding over the House, he was courteous, ready, and firm.

Mr. Speaker, in the death of Judge CRISP his State has lost an able and patriotic public servant, and our institutions a zealous advocate and a strong defender. To his family every member who served with him and knew him will join in most heartfelt expressions of sympathy.

Mr. Speaker, the State of Kentucky, soon after the close of the Mexican war, erected in the cemetery at her capital a beautiful monument to her sons who fell in that war. The gifted Theodore O'Hara recited at its dedication a poem he composed for the purpose. He was afterwards a comrade in arms of Judge CRISP, and I know not how better I can express the feelings of his associates here from whom he has been taken than by quoting the words of his comrade spoken at that monument:

> Nor wreck, nor change, nor winter's blight,
> Nor time's remorseless doom,
> Shall dim one ray of holy light
> That gilds your glorious tomb.

Mr. CUMMINGS. Mr. Speaker, Tarquin, tyrant of Rome, once signified a desire to cut off the heads of his tallest nobles. If nobility of nature had been the standard, and CHARLES FREDERICK CRISP had lived under his dominion, he would certainly have been in danger. Nature had fashioned him with the greatest care. In the class for which she had designed him she had left a space very near the head of the list wherein he was to write his name. To fit him for it, however, his training was to be severe and varied. Man, soldier, jurist, he acted his part well; but it was as orator and statesman that he was to round up his career. The vicissitudes that intervened taught him endurance, faith, hope, and constancy; so that when he arrived at his destined service he was fitted for the tremendous encounters he was to endure.

He entered the lists with extreme modesty. His voice was low and soft, his demeanor graceful, his manner unobtrusive. He knelt at the shrine of the people, and rose knighted, the defender of their rights—a new champion in the lists. Among the throng he was hardly noticed, but he placed himself in front of his charge. When the poachers of power threatened his preserves, he started up—

> Not like a stag that spies the snare,
> But lion of the hunt aware.

In the grapples that ensued he first leveled the approaches, that the contest might be fair. Then he stormed the citadel his adversary had set up. With herculean power and unyielding constancy he made every crevice feel his incisive assaults, and every salient the unabated force of his well-trained battery. When demolition ensued and all was over, he made the ruin effulgent with instructive lessons.

I might here close this sketch, satisfied that I had given an outline of the characteristics of this noble man; but he was my friend, at times my leader, always my instructor, and I feel it a duty on this occasion to fill it up with such observations on his career as my knowledge affords.

I shall speak of him with something of the suppressed emotion with which Antony struggled over the dead body of Cæsar, though in their lives there was little analogous, and in their death nothing whatever. Neither have I any motive, as the Roman had, for playing the cunning orator. To those who were here with him I need not say that his conduct was most noble under all circumstances; to those who were not here I will say they have missed an exemplar whom they could have studied with advantage. Questions of tremendous import, of vast national importance, shook this Hall during his membership. Call to mind the great struggle over the force bill; the lesser one over the McKinley bill. The first he opposed because he believed it a blow at the attributes of citizenship, sapping the foundations of our polity; the second because he deemed it the vicious outgrowth of a false political economy. All that party zeal, great research, and eminent ability could command clashed in these combats. At times the House swayed and tossed like a forest heaving to a tempest. When the storm had swept by and decorum had returned, such is the tenacity of party ties that alignments were found to be hardly affected.

How often, amid the wildest commotion, have I seen CRISP rise calm, dignified, and graceful, confident in the justice of his cause, spurred on by duty, and by his almost faultless diction, his earnest manner, and his all-sweeping logic soothe the struggling elements. Members might not agree with him, but they would listen. There was no malignity in him, nor even asperity. From his well-filled quiver he drew no poisoned arrow, for he knew that passion and judgment could have little fellowship, and he was earnest to convince.

His oratory was not overvehement. It flowed with regimental precision, close-ranked, animated, and confident. His bearing was always superb. I never knew him halt for a word, or at fault for an illustration. When the situation warranted, he would light up the House with the liveliest display of humor. In attributes, in political tenets, and in his manner of illustration, he might not inaptly be called the John Bright of the American Commons.

His bouts with our distinguished Speaker, eminent for his talents and his audacity, were of thrilling interest.

Flashes of lightning and mutterings of thunder betokened the storm. It was like those intense situations we have so often seen upon the stage, where the future is threatening and the outcome dubious. It was not in the nature of either to give an inch of ground. When they had thus met in full career, and the strength and mettle of each had fully proved themselves on the other, they generally unlocked, if I may so express it, with something like defiant courtesy. Each had triumphed over the other for the Speakership; each could generously and truthfully say of the other: "Great let us call him, for he conquered me."

Many of us remember CRISP's contest for the Speakership. It was his ambition to preside over the House, of which he was so devoted a member. His party dominated by an immense majority and were privileged to caucus for the prize. The contest was intense enough to unsettle nerves not proof against disturbance. From first to last he was threatened with defeat. Yet no ripple was observable in his even and well-sustained deportment. When proclaimed victor he received the honor with thanks, emphasizing that he was conscious of the responsibility it imposed and modestly showing he was confident he could meet its claims. His address on taking the gavel was a model of brevity and almost touching in simplicity. Here it is:

> GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: For the great honor you have conferred upon me I return you heartfelt thanks.
>
> I shall endeavor to discharge the duties of the office of Speaker with courtesy, with firmness, and with absolute impartiality. Let us unite in the hope that our labors here may result in the advancement of the prosperity, the honor, and the glory of our beloved country.

The words "our beloved country" flowed into the speech with as sweet a cadence as ever sprang from human heart and fell from human lips. By unanimous vote the House afterwards signified that he had fulfilled his highest promise.

It was during his Speakership that his constancy was severely tried. His highest ambition was to be a Senator of the United States; but he desired to win the honor by services faithfully rendered to his State and people. A vacancy in the Senatorship occurred. The governor of Georgia tendered it to him. He had but to accept it and walk into the other House. He put it instantly aside to serve out the term for which he had been chosen. Duty chained him to the House, and that was a chain at which he never strained. In such estimation was he held by the people of his State that on the first occasion that offered itself they overwhelmingly designated him for the high position he had declined.

Such, Mr. Speaker, was your predecessor as I saw him and knew him in this House for many years. But there was a softer and far more tender shade to his character. It was his love for his home and family. I saw him and knew him in his typical Georgia home. I have conversed with him for hours while the mocking birds flooded the air with music and the sweet perfume of the cape jessamine was wafted to the porch. I have marked his devotion to an invalid wife, his tender affection for his children, and his generous care of old and tried servants emancipated in the war. I have sat at his table. Morning, noon, and night have I seen him bow his head and heard him ask God's blessing upon the food spread before him and his. It was a family united in love and affection—one in which the good old Southern term of endearment, "honey," was not forgotten. The children honored the father and the mother, and the parents honored the children. When the funeral procession passed the house, the words "His old home" were affixed in flowers above the gate. They had been placed there by his neighbors. It was thus he passed to a new home in the hereafter.

But his brilliant attributes will remain a resplendent memory, and when bereft of all human vanity, as I hope we may be, many of us, I am sure, as years go by, will declare with wholesome pride, "I was a member when CRISP was Speaker."

Mr. HERMANN. Mr. Speaker, it is related of a great historic character whose portrait was being painted that when the artist suggested he would eliminate from the picture a mole upon the face, the great man answered, "No; paint me as I am." Could the wish of our departed friend be known it would be that his life, like the face in the portrait, should be represented just as it was. And well he could afford this wish. Sir, for nearly twelve years it was my privilege to be associated with Judge CRISP as a member of this Congress, and though differing with him on political lines, I esteem it a high privilege to unite with other associates in expressing this my tribute of respect, of love, and admiration for the life and character of this distinguished statesman. I speak of him as I always found him.

It seems but yesterday that we beheld in yonder chair the genial face and well-remembered form of him whose eulogy we now speak. Whether as the presiding officer of this House or as the unassuming and always courteous member on the floor, his presence was such as to invite the most kindly attention from his associates as well as from the on-lookers in the gallery. Though one of the most devoted to any task undertaken by him, yet in the performance of that duty there was always shown a ready willingness to suffer interruption and with patience to answer either friend or opponent, and with equanimity to continue. A remarkable trait possessed by ex-Speaker CRISP was in his complete self-government. In all the debates in which he participated—and it was his lot while a member to participate in some of the most exciting controversies known to our annals—he maintained a manly self-possession, a placid, undisturbed, and unruffled temper, and a hold on his subject which eminently fitted him to occupy the trying position of leader of his party. It must have been a pleasure and a pride among his partisans to follow such a leader. There was an absence of egotism, of arrogance, of captiousness, of hauteur in his character. To the young members, more than all, will his memory in this respect be cherished.

The leader of a party in this House can, if his self-will so ordains, discourage and permanently impair the future of many a young member, while he can also encourage, aid, and incite him to the best efforts. Nothing so delighted Judge CRISP as to rescue, by kindly suggestion or active aid, the embarrassed young member floundering in some trying debate or entangled in the parliamentary procedure of the House. Never was there a member of this body more approachable, more seemingly unconscious of high honors, and yet more dignified and more in place than he. The best test of his splendid character, however, was that which he soon developed in the Speaker's chair. In this exalted place the occupant too often abandons his previous cordial mannerism and at once assumes an air of austerity and lofty elevation above his fellows not justified by the dignity and authority of any office in this our republican form of government. With Speaker CRISP there was still retained the genial, lovable qualities which ever distinguished him before. He had grown no greater. His associates had grown no less. And yet he was the able, dignified, respected Speaker of the House of Representatives.

To the innumerable demands upon him for recognition he was courteous and patient—willing to hear the merits of the measure submitted, and then either granting, considering, or regretfully declining. Whatever was the answer, the member was made to feel that consideration was accorded him. His appeal had been kindly, respectfully heard. He could not complain. So sensitive was he to the feelings of his fellows, that never did he refuse a request that he did not suffer more pain than did the one denied. He never lost his control when Speaker. We all recall his superb bearing when presiding over the House when often wrought up to intense excitement over some political debate. It would seem as if the angry passions, the personal taunts, the criminations and recriminations on the floor, even to the extent of harsh reflection, fiery invective, and individual criticism hurled at the Speaker himself, would so unnerve and disturb him as to prompt retaliation upon his tormentors. Speaker CRISP rose grandly above this temptation. With a cool head and a firm gavel he ruled the storm and mastered it. When order was restored and the membership was again tranquil, and the hot heads were cooling, not the slightest indication could be discerned in the face of the Speaker of the siege he had just passed through. He exemplified in the most practical manner and under the most trying circumstances the scriptural injunction: "Let every man be swift to hear, slow to speak, slow to wrath."

And when at last in the revolution of parties another succeeded him in the chair, again he returned to the membership on the floor and resumed his duties as a Representative; he was still the same generous-hearted, considerate, self-sacrificing friend, associate, and member as he ever was.

With all the angry contentions which history will note as a part of his administration of this House, and which are still in vivid recollection, it is a refreshing boast, and confers imperishable luster upon his good name, that he exercised his powers as a Speaker in a fair and impartial manner as between the great parties on the floor, and that no stamp or stain suggestive of disrepute rests upon any public or private act during his long service as the trusted and distinguished representative of the people of his State.

Like the spire on some lofty cathedral seen at close view, when neither its true height nor its majestic proportions can be accurately measured, so is ex-Speaker CRISP, in according to him his just place in history in so brief a period after his death. His splendid life work will shine forth in even greater luster as time goes on, for then the mists which more or less obscure every active, ambitious genius, surrounded by enmities and personal antagonisms, will have faded away and exposed to view the intrinsic worth and the perfect symmetry, the strength and beauty of this well-balanced life.

The light of our friend was extinguished while it was yet day—yea, at high noon. He was still in the midst of his usefulness, and no premonition pointed out the untimely end. The summons came, and the work was done. It is difficult to realize that this is true. Do we comprehend the uncertainty of life? Is it so frail? We hear the answer in the expiring breath and see it in the open grave. It leaves an admonition to us all: "Do thy work to-day; for thee there may be no to-morrow." May we not hope that if not here there may be that to-morrow in the celestial realms, "in that temple not made with hands, eternal in the heavens?"

Mr. Speaker, with these poor words in testimony of my high esteem for our departed associate, and in grateful remembrance of his noble, generous nature, I tenderly lay my sprig of acacia upon his honored grave.

Mr. DINGLEY. Mr. Speaker, I made the acquaintance of Judge CRISP soon after he entered the Forty-eighth Congress as a Representative from Georgia. That acquaintance ripened into an intimate friendship, which continued till death removed him from the House of Representatives during the interval between the close of the first and the opening of the second session of the present Congress.

Notwithstanding our divergent political views often brought us into antagonism in debate, yet on all occasions he bore himself with such courtesy and kindliness of spirit, as well as ability and elevation of tone, that my respect for him personally and my admiration of his ability were increased. During my long service with Judge CRISP, in which we were frequently on opposite sides of important and exciting political questions, nothing ever occurred to mar in the slightest degree our warm friendship and mutual regard.

For some time after entering Congress Judge CRISP modestly refrained from active participation in the business and debates of the House, realizing as he did the importance of familiarizing himself first with the rules and methods of the House, so dissimilar in many respects from the practice of all of our State legislative bodies. Unlike many other parliamentary bodies, the House, partly from the necessity which exists in an assembly of so large a membership and partly because of its rapidly changing elements, pays little regard to courtesy in the conduct of its business, and grants very little to any member beyond what he is entitled to under its rules and practice.

I well remember the first time that Judge CRISP forged to the front and demonstrated not only his ability as a legislator, but also his skill as a parliamentarian. It was on the occasion of the consideration and passage of the interstate-commerce bill, when the enforced absence of Judge Reagan, the chairman of the committee having that subject in charge, threw upon Mr. CRISP the responsibility of defending and guiding that important measure through the House, in the face of a well-organized and determined opposition. This duty he performed with an ability, skill, and success which at once placed him among the leading members of the House—a rank which he subsequently maintained without difficulty.

When the Democratic party came into control of the House at the opening of the Fifty-second Congress it was natural that Judge CRISP's name should have been prominently mentioned for the Speakership, especially in view of the fact that while temporarily occupying the chair he had shown himself to be an expert parliamentarian and a successful presiding officer. But his nomination over older associates of larger experience and greater prestige was a recognition of his fitness for the high office of Speaker, which was shown to be well deserved. The ability and fairness with which he discharged the duties of this important and difficult position entitles Mr. CRISP to a high place among those great statesmen who have graced this high office, second only to the Presidency itself.

Judge CRISP's mind was eminently logical and judicial. The possession of such a mind is absolutely essential to real success and usefulness in public service. In high public position men ruled by sentiment, who possess little logical power, little capacity to accurately weigh all sides of important questions, and especially to distinguish effects from causes, are always dangerous leaders, however sincere. Indeed, their power for mischief is only augmented by the earnestness which is sometimes born of inability to judicially weigh consequences. Mr. CRISP's mind was so logical and judicial that he could see all around a question, and avoid the errors and dangers of surface thinking.

Judge CRISP's position in the House was reached as much through his industry as through his ability. Indeed, no one achieves eminence either in public or private life except by persistent and well-directed work. There is no royal road to real and permanent success here or elsewhere. One who has carefully and

thoroughly prepared himself to meet responsibilities is sooner or later needed. On the other hand, one who excuses himself from the labor required to make himself a master of his chosen line of study will never be able to keep to the front.

Judge CRISP's rapid rise from an humble condition to so high a position in the nation affords another illustration of the fact that in this land of the free merit is accorded recognition regardless of station or wealth. In spite of the effort of narrow minds to create the impression that there are classes in this country who secure privileges denied to the masses, the fact is that no class distinctions exist among our people, and that there is no distinction, no honor, no privilege which is not equally open to every citizen, however humble.

It is here in this Chamber, where Representatives from each of the forty-five States of the Union meet to consult with reference to the interests of this great Republic, that we feel as nowhere else the strength of the tie which binds together our seventy millions of people. Differ in opinion as we may, there rises above those differences the mutual regard engendered by the friendships here formed, and the feeling that we are fellow-citizens of a common country whose interest we desire to promote, and the heirs of a common heritage whose priceless blessings we desire to defend.

When, therefore, one of our number is removed by death, especially one who has been so long with us as has Judge CRISP, we feel the separation not only as a national loss, but as a personal bereavement.

What we call death—the dissolution of the mysterious union of soul and body which characterizes life as discerned by our imperfect natural vision—is always an unwelcome, although inevitable, visitor. But when it comes to one who, like Mr. CRISP, was still young and in the height of his usefulness, the shock is intensified and the grief deepened. Happy is he who, when called to close his eyes on the scenes of earth and enter upon the life beyond, can meet this summons with a serene faith in Him who is over all and above all, as we doubt not was the case with our departed associate and friend.

Mr. DE ARMOND. Mr. Speaker, this hour is appropriately devoted to services in memory of a distinguished member of this body, lately with us, now gone to

> The undiscovered country, from whose bourn
> No traveler returns.

His life has been gracefully sketched by others far more familiar with it than I am, though I knew him quite well from service with him in the House of Representatives. I knew him somewhat also in the relations of friendship, outside of the House. Of him it has been well said, because it has been truthfully said, that on the domestic side, as husband, father, friend, citizen, his life was not only without reproach, but admirable.

The career of CHARLES FREDERICK CRISP as a public man has been ably and fittingly outlined to-day before this audience and before the country. He himself painted the picture, and the lines have been but pointed out by those who have just engaged the attention of the House. A poor boy, he entered the Southern army from his Georgia home, and performed well the duties of a soldier "in times that tried men's souls." Emerging from the prison where he had been cast by the fortunes of war, with but little preparation except that which had been made in the rude school of the camp, he began the study of his chosen profession. How he rose in that profession, from the stripling attorney at the bar to be solicitor-general, and soon became the chief presiding officer of the court; how by the suffrages of those who knew him well he was sent to this House, and how his legislative career, begun here and ended here, is honorable and illustrious—all this is known to his associates and to the country too well to need recital from me.

It may be worth while to inquire in what lay principally the elements of the eminent Georgian's success. What was there about him that elevated him above his fellows in a body always distinguished for having within it many men of great and commanding ability? How did he attain and how did he retain leadership unquestioned within and over a party difficult to lead and ever ready to throw aside leaders and to choose new ones in their stead? That he was a man of ability all know. But he led able men, who willingly followed him. That he was a man of courage goes without saying. But he had cheerful followers in men independent as well as courageous, because they felt that he would lead them aright. I believe that the one quality which contributed mightily in giving him this ascendency in the House—conceding to him great intellectual endowments—lay in his amiable and lovable disposition. He won power through his kindliness and retained it through kindness, supplemented, of course, by tact, ability, and firmness.

His leadership was not self-imposed. To it he was called voluntarily by his party associates, because they believed he would lead in the course which it was right for them to take—because it was not irksome to follow him—because his leadership was so pleasant that it seemed but superior fellowship.

Some men achieve greatness and command success in ruling over other men by virtue of intellectual endowment alone or by vast will power. While Judge CRISP possessed these great gifts of nature, he also possessed that sweet and kindly disposition which attracted people to him, which made people love to be associated with him, and which preserved his sway over the minority, as it is now—over the majority as it was for a time—as perhaps the sway of no other man of his party will be established or maintained in this House in many a day to come. He has gone; gone to return to these Halls no more. I can not add to his fame, nor could I detract from it. His life work is known; it is approved by those who knew it best. His career was indeed a remarkable one; and if he had not died in his prime, there is no guessing how many new triumphs of statesmanship might be placed to his credit.

What a proud thing it is, Mr. Speaker, for a man starting poor and working his way without extraneous aid to rise by the power of his own personality, by his intellect and lovable qualities, to the high position which CRISP reached, and which you, too, twice gained: an official position second only to one other in the world; a place which well filled—filled by intellect, courage, courtesy, kindness, impartiality—is often in a lifetime even higher than any official station not occupied by a man possessing the same estimable qualities of the head and of the heart. Then, true indeed it is that CRISP's was a life upon whose bright, clean, glorious story we may dwell with profit to ourselves and to those who are to come after us.

Leadership is not necessarily sought or coveted. It is generally born in the man. Sometimes it is acquired by a man's own zeal, and sometimes it is thrust upon a man. However, men of superior ability naturally aspire to leadership; not a few attain it without real merit. But those who, because of qualities inherent in themselves, retain leadership over followers possessed of the power to depose them—these few are men born to lead, as others are born to follow.

Perhaps the proudest tribute to the memory of the departed statesman whose death we mourn is that he retained his ascendency over men not so much by virtue of special effort as through the warm feeling, akin to affection, which his sunny disposition and native kindliness awakened in his associates, so that they felt themselves honored in honoring him.

The loss to Speaker CRISP's party and to his country is almost irreparable. While we of the minority have many able and strong men among us, yet attention does not turn to any one in particular as being peculiarly fitted, as he was, for the post of leader. At least, no one stands out, to the exclusion of the others, like CRISP did, as the proper leader here of the forces of the Democracy.

I esteem it a privilege, Mr. Speaker, that, as a member of this body, I have beheld two great parliamentary leaders, one upon either side of the Chamber, each superb in his own way, marshal their respective forces, now for attack, now for defense. I do not expect again in life, though my years be prolonged to great length, to find their equals in ability to lead and govern their fellow-partisans in parliamentary warfare. But could either have led so successfully the forces which followed the other?

Often we think and say that those who die in their prime are taken prematurely. Of course, to family and friends, to love and hope and pride, the shock comes most rudely when the blast of death has blown where, it would seem, the blush of life ought to continue. But after all, when you consider the fame in years to come of a man whose life is full of good deeds and grand achievements, as was Judge CRISP's—looked at in the light of history—is it an unmixed misfortune in the annals of the world that such a one goes down when the sun is at high noon, instead of lingering on the stage of action, often superfluous, until the long and ever-lengthening shadows from the West are falling upon him?

Yet there is no doubt that if CHARLES F. CRISP were spared he would long be one of the greatest members of the Senate, whose doors were open for him to enter; no doubt that, living, he would go from honor to honor; no doubt that his fame and usefulness would grow and expand, no matter how rich the honors and deeds to his credit when the dread destroyer overtook him.

His career is hardly matched in the legislative history of the country. At least there are few to lay side by side with it: and with his honors full upon him, in the full possession of his magnificent abilities, surrounded by his beloved family and cherished friends, his warm heart ceased to beat and his great intellect was transferred to another scene of action. Long will his memory live in the hearts and in the minds of all who knew him. Long will his services to his country be remembered gratefully by those who justly appreciate them, kindly even by those who believe he was wrong politically, because, above all things, he was an amiable man in high station, who as nearly avoided the giving of offense to any, and as uniformly treated all with consideration, kindness, and generosity, as any one of whom we have a record, or any one whom we may expect ever to meet.

Mr. Speaker, in contemplation of these sad events, which are occurring daily—for death is almost as old in the world as life;

with the centuries full of life and death, and death, like birth, marking every hour and every minute of every day—we are brought, over and over, time and time again, to the strange, always old, and ever fresh reflections which will spring up when we gaze into the open grave, when we view the cold and lifeless clay which so recently was the mortal shelter of the departed spirit. Filled with that awe which the ages have not been able to banish, which pervades generation after generation, we solemnly ask whither has the spirit gone that lately tenanted this clay? What is there of existence beyond this world? Or is this all? Is this the end? We can not see through the veil just a little way before us, but thick enough to cloud the sight. Faith and Hope alone light up the gulf; alone give promise for the future.

Our friend has gone. His memory is with us, enshrined in our hearts. By his example we hope to profit. But again the query presses for answer, "If a man die, shall he live again?" The abandoned clay is in the churchyard at Americus, under sweet flowers, with the soft Southern sky bending over all, but the spirit! What of it? Is that which was so much nothing now—vanished, dissolved, annihilated, as though it never was? Did its existence terminate with the life of the body? Whatever vainglorious philosophers may say, man rebels at the suggestion that there is nothing beyond the grave. The hope, sometimes clung to in desperation, sometimes cherished in brightest anticipation, that there is a hereafter, and that men, though they die, yet live in that hereafter—we will not give that up. No philosophy, even if ripened in ages of calm reasoning, can banish it. It springs as an inheritance of humanity, as an instinct in the soul of every human being that breathes. We believe—our hopes, our affections, all that we hold near and dear in life, admonish us to believe, constrain us to believe—that our friend has not perished, but that in a higher and nobler sphere this great intellect, this tender, loving spirit shall flourish and expand and achieve new triumphs and perform new deeds of glory and of grace, while countless ages roll on into eternity.

Mr. DINSMORE. Mr. Speaker, in the presence of gentlemen here who were so much nearer to him, who were so fortunate as to have a more extended acquaintance with him, a closer relation, a longer term of service, I approach with diffidence and hesitation the honorable privilege which has been extended to me to speak in commemoration of a great man who made his life a part of the illustrious history of this House. It is not for me to criticise his great character. I leave that to those more capable of the task. I only desire, Mr. Speaker, to place upon record the humble tribute of one who had an acquaintance and friendship with him through a few years, but who, during that whole time, learned to honor, admire, and love him more and more.

It is at all times a delicate and a responsible undertaking to speak here for the permanent record upon the life and character of one who has been a member of this House. Men are too prone to run into extravagant expression, to magnify the virtues of the dead as well as disparage the merits of the living. What is said upon these occasions should be not only just to the dead, but faithful to truthful history. I fain would, in the few sentences which I shall speak to-day, do so as if in presence of the conscious spirit of our departed friend, knowing that he would have me give utterance to no sentiment that is not justified by his own life. Nor have I sought for information upon the detailed incidents of his history, preferring to put into words the impressions that association with the man have made upon me, and to stop at that.

Duty does not demand of us to enlarge upon or even to refer to foibles of character; but, on the other hand, it is required of us that in the things we say we shall deal fairly and honestly with ourselves and with the dead. Therefore I shall endeavor to restrain my expressions within the bounds of temperate speech, within the limits which I believe would be indorsed by our great leader if he could be present and hear what is said of him.

Mr. Speaker, every man's life, in a narrower or wider sense, is an ideal for other men. Whether it be lowly or exalted, whether it be humble or great, there is among every man's associates some person who will look to him as an exemplar of his own conduct, who will find in him something worthy of imitation; and it is pleasant to think there are few men who do not thus exercise an influence for good upon mankind. The greatest good of a great life is its influence upon society. In the aspirations of early youth the boy selects some great character of history and tries to fashion himself upon that model, to build himself up to that level. What a grand figure have we here to inspire the ambition, the fortitude, the patriotism, and the integrity of American youth, aye, and of American manhood!

Mr. Speaker, I have had the honor, in the short time I have served in the House, to be associated with Mr. CRISP as Speaker of the House in one Congress and as the acknowledged leader of the minority in another. In every relation, in every emergency, in every situation it has appeared to me that he arose to the full stature of great manhood and capability of dealing with the difficult tasks that confronted him. As Speaker of the House, as leader upon the floor, as a citizen in private life, he was always thoughtful and dignified, firm and unyielding in adherence to principle, and bold and fearless in defense of it, yet withal kind, gentle, courteous, and considerate. As Speaker, he was easy of access to every member of the House, even though the humblest, newest, most obscure member that had come into it—easy of approach, and always having words of encouragement for those who sought to make themselves useful in the great House over which he had the honor to preside.

I have no doubt that each one having come into the House while he was Speaker has pleasant memories of his own experience and of the words of counsel he has given to him, and we cherish in our minds tender memories never to be effaced. He was gentle as a woman, simple in his demeanor, yet always calm, dignified, self-possessed, strong, and great. As leader of his party on the floor, he controlled his forces more by inspiring them with love and confidence than with fear of discipline. He was tolerant of the impulsive ardor of the inexperienced, of the "vaulting ambition" of youth that in this forum so often "doth o'erleap itself," and gave full value to the usefulness of every member.

But, Mr. Speaker, it was in the fury of polemic tempest that the man rose superior to his fellows. The louder shrieked the winds of passion, the higher mounted the surging waves of partisan animosity, the greater appeared the man, the more capable of battling for his cause and of representing the issues for which he stood. This was one of the characteristics of the man—that he shone best under the greatest difficulties—and it seemed to require great and critical situations to bring out his intellectual qualities and his great power of leadership. And he has challenged the admiration not only of this side, but of that, and the whole country, for his great ability in performing the stern duties of presiding officer of this unruly House.

It perhaps accords with common observation that simplicity, gentleness, kindness, and unostentation are almost universally characteristics of the truly great man. Consciousness of acknowledged superiority, of security in a position of leadership, and of general approbation and respect generates charity toward rivals and consideration for opposition, and causes a great mind to contemn pompous parade and vulgar display, the artifice and the trick of the demagogue. Our departed friend despised all things of this character. He always drove straight for the mark, and by the ponderous power of logic and reason and appeal to honor and patriotism he hewed his way to the accomplishment of his great purpose, always unyielding, brave, and courageous, yet generous to opposition, and never forgetting to be courteous to all and considerate of all.

The privilege was accorded me of a slight glimpse into his domestic life; and it was there, Mr. Speaker, that the beautiful attributes of his character were brought most prominently into view. A devoted husband, a kind, gentle, and confiding father, his faithful wife adored him and his children hung upon him as the tendrils of the vine entwine themselves about the body of the great oak. Coming out of the war almost a youth, with no inheritance save an honorable soldier's name won in a cause that was lost; with no posession other than a tattered uniform and the blood, brain, and brawn that God had given him, he started out to make for himself a place in society and in his country's history. At the threshold there was linked with his life a young, confiding, loving woman, who in the flush of youthful affection defied the will of parental authority and joined herself to him to march by his side through the highways and byways and the uncertain incidents of this world.

When the time came, Mr. Speaker, when the blush of beauty had faded from her cheek and the form he loved in its youthful beauty had been wrenched in the cruel tortures of rheumatism, there was no lessening of the love which he gave to her in the beginning, but with stronger and greater attachment he stood by her side, and when she held out her crippled hand the love light mounted to his eyes and he was wont to say: "But I will be your hand. You shall walk upon my feet." Those hands and those feet, Mr. Speaker, never failed her, but were ever present to perform their affectionate offices. A beautiful intimacy existed between him and his children. Often have I looked up with admiration from my table at the hotel where we all lived when father and son—that son whom a loving people have sent here to fill the vacant chair caused by the relentless hand of death, honoring both father and son in the deed and themselves as well—would walk in side by side, sometimes hand in hand, often arm in arm, before the assembled guests, utterly unconscious that any were looking with admiration upon the beautiful comradeship which existed between these two. And there are not many things more beautiful than confidence and fellowship between father and son nor anything better calculated to impress the son or lead him upward and onward in an honorable life and to an enviable old age.

But, Mr. Speaker, in the midst of his honors, in the very zenith of his usefulness and his splendid life, the scythe of the reaper has

mown him down. He has left his footprints upon the highways of our nationality; he has engraved his name upon the tablets of his country's history; he has left behind him a name to be emulated and honored, and he has carried with him the respect of his enemies, the admiration and affection of his friends, the devotion of his family, the confidence and esteem of all; and what more, Mr. Speaker, can any man claim for himself upon going out from this world?

Mr. BUCK. Mr. Speaker, I had hoped to be able to add in my best voice to the tributes that are paid to-day to the honored dead. But the elements seem against me; and I do not know whether I shall be able even to make myself heard.

The propriety, Mr. Speaker, that some one young in membership in this House should say something of that great public servant whose memory and whose deeds are here commemorated must be the apology for my presuming to add my humble voice to these tributes. When Hamlet is challenged to the duel with Laertes, Osrick says to him: "You are not ignorant of what excellence Laertes is." Hamlet replies: "I dare not confess that, lest I should compare with him in excellence; but to know a man well were to know himself."

There is therefore in these things a semblance, if not a substance, of self-praise which under any circumstances would make me modest in speaking of the great dead whom we honor here to-day.

I anticipated, however, the situation. I knew that members of this House who knew him better than I and were better able to speak his praises and display the beauties of his character would precede me and I would be relieved of anything more than the expression of that impression which I gladly and truthfully convey and which it was my good fortune to imbibe from him during the short period that it has been my happiness to know him. It has, perhaps, been my good luck that in this very short period I have learned to know more of him than happens in the average intercourse between members of this House. And, without repeating what has been said, I can only say that, perhaps by operation of that inexplicable intuition by which soul communicates with soul, I received the impressions of that greatness of character, that firmness of mind, that consistency of purpose, that devotion to duty which distinguished Mr. CRISP and which language can not exaggerate. I will ask the privilege, in view of the fact that the memory of the dead and his deeds are on record, to pronounce a few reflections incident to this service which, perhaps, also convey their lesson.

I have heard criticised—I may say ridiculed and condemned—the practice not only of the Houses of Congress, but of courts and other public bodies, to spend hours like these in eulogies upon the dead. Well, it is in the nature of things. There is evil as there is good. The scoffer is at hand to tread upon the heels of the reverent. The jester and the clown are by in the motley mystery of human life to mix their colors in the garments of wisdom and of dignity. But these things come not from men who see "books in the running brooks, sermons in stones, and good in everything."

> I am the spirit that denies—

Says the arch scoffer—

> Part of the part am I: once all, in primal night—
> Part of the darkness which brought forth the light.

Why, sir, that is the struggle, the epic of man's redemption, to overcome the spirit of denial and survive godlike in the prevalence of truth. And truth prevails and is evidenced to-day when this House of Representatives turns aside from its usual business and from its public service to lay the flowers of tribute upon the tomb of the departed dead. As we look down the ages and let pass before the view the toils and the struggles, the failures and the successes, the lights and the shades of human character and effort; and above all, when we look into our own souls and try to square ambition with achievement, desire with consummation, hope with possibility—aye, all the contradictions and paradoxes of conduct and aspiration, we do rise from the contemplation with the conviction that through all there is a higher destiny: And even in the blankness of despair and the tragedy of hopelessness, and we exclaim with Hamlet in the ecstacy and exultation of our souls—

> What a piece of work is a man! How noble in reason! how infinite in faculties! in form, and moving, how express and admirable! in action, how like an angel! in apprehension, how like a god!

Are not these thoughts justified when we recall that majestic, that self-controlled, that courageous, that manly figure that drew by his magnetic look the attention of his followers and the admiration, if not the approbation, of his opponents?

Public service should, as a principle in our country, be always commended. Few men enter politics from purely selfish motives. They do not find, if they enter from selfish motives, what they seek. They soon find that it is a service and a sacrifice, not a gathering of fruits; and whatever the original motive may be with which public men begin to develop themselves, there is always at the bottom the sentiment of patriotism, a desire and an ambition to serve our fellow-men, to be workers in the field of progress and of good toward our country. The wholly selfish man rarely troubles himself about public life. He nurses his personal comfort, and concerns himself no further about the law and the liberty of the land than is necessary to protect his own rights and the pursuit of happiness as he understands it. Happily for the human race and happily for this great country and the people of the United States, mankind stands vindicated in the high shrines of the temples of duty and devotion. It awes the scoffer into ineffectual retreat. It shoves by the selfish. The history of man and human progress is an eternal story of sacrifice, devotion, and of self-denial.

We know where in this struggle the departed dead stood; and let us reflect, as has been said, that if he does not take his place among those meteoric successes which come from genius, yet he ranks among those men whose names live in history, not by the noise which they have made for themselves only, as the Cæsars and the Napoleons, but in the rhythm of those gentle streams and strains that flow from their hearts' sympathy for the welfare of mankind. We admire genius, but genius is the gift of God rather than the virtue of attainment. We look up to a Homer, a Dante, a Shakespeare, and a Goethe as to the inspired of God; but when, in solemn judgment, we pass on the merits of men in the light of their practical service and usefulness, the civilized acclaim goes up to the jurist and the soldier, the philosopher and the legislator, the inventor and the reformer, as the pillars on which the temple of development is erected. Behold Solon and Leonidas, Guttenberg and Luther, Franklin and Washington! And, Mr. Speaker, if not among these men as leaders, still among them as a class we place the name of Hon. CHARLES F. CRISP.

Not to repeat a threadbare quotation (if Shakespeare ever can be threadbare), he was of that robust directness which is always honest and honorable; firm as a rock and candid as the light. Aggressive, perhaps, at times to the point of severity, he was ever consistent and conscientious. Self-reliant without ostentation, fixed to his purpose like the northern star; his ambition cast in the high mold of patriotism and general welfare, he will hold his place, all in all, in that rank of men of giant and heroic mold, of all the elements of manhood well compact, of which the majestic Brutus will ever be the literary and historic type.

Mr. Speaker, it is grateful to render these testimonials of affection and approval to the departed dead. It is grateful to live with them—to remember them, as it were, in the pure atmosphere of spiritual conception, gathering the good they have done into tangible shape as examples for emulation and pledges for the growth and happiness of the future of mankind. So with our honored dead. However inadequate our tributes may be—while what he leaves behind him in the memory of his perfect character and patriotic service is already secure for all time—they give vital movement to the good which he accomplished; and its present influence will go out at once to the American people, that they may know and feel how glorious a thing is the perfect American citizen.

In this great republic of humanity, where, in every village churchyard, the willow shades the graves of sovereign masters; where every—even the humblest—heart may swell with the passions of a destiny grander and nobler than the majesty of kings, public virtue is a public need and public recognition a duty and a consecration.

The republics of antiquity made their great men and their heroes gods, not only to honor the dead, but to incite the living to emulate their illustrious careers. The great people of these United States, for once and ever, should turn back the slander that republics are ungrateful. Let them ever recognize greatness and reward service, honor character, and glorify achievement. With that will come regard for constituted authority and reverence for law, which means peace and order. So shall we develop the perfect citizenship and consummate the highest aims of self-government. So shall we adorn our liberties and make sacred our sense of justice. And so, Mr. Speaker, and so best, will be served and honored the glorious dead, whose strong arms were their country's, and whose heart throbs were the aspirations of humanity. Amongst these, transfigured in the light of immortality, will stand CHARLES F. CRISP. He will live long in the affections of his people, and the virtues of his patriotism and the record of his services will shine out amongst the brightest in the uplifting spheres of human liberty and the unmatched heavens of American citizenship. Thus the living render their devotions, that the dead may be at rest.

> Such honors Ilium to her hero paid,
> And peaceful sleeps the mighty Hector's shade.

Mr. COOPER of Florida. Mr. Speaker, I well remember the first day that I ever saw CHARLES F. CRISP. It was during the preparations for the opening of the Fifty-third Congress. He stood apparently in all the vigor of manhood's prime, surrounded by the leaders of his party in this House, full of life and hope, of vitality and courage, yet receiving all with that cordiality, that easiness of access, that charm of manner that was characteristic of the man, and was but the outward reflection of an inward kindliness of heart.

It seems but yesterday. It is but a few short years as days are counted, and yet, within that space of time, we have made much history. We have seen many hopes fade, we have witnessed many misfortunes; but nothing sadder than the event that draped that desk in mourning, and cut short in mid course the high career of CHARLES F. CRISP.

Truly, Mr. Speaker, these things are beyond human understanding. He was surrounded by a loving family, by troops of friends. He had the esteem and good wishes of thousands of his fellow-countrymen. He stood just upon the threshold of yet further official preferment and honor from that great State that has so often honored him and that he has so honored, when, at the very noon time of his life, when his sun seemed to be at the very zenith, suddenly it declined and went out.

Sir, it is not merely an individual loss that we lament here to-day. It is the loss to a great party, and the loss to his country. When the leader of one of the great parties of this country, full of experience, yet in the prime of life, full of capability and patriotism, of vigor and of force, and yet conservative as Mr. CRISP was, is taken away, his loss is at any time a calamity in such a country as ours. But at such a day as this, when dissensions and discords distract us; when, look where we will, we see but threatening clouds; when all circumstances call upon us to realize the need of those high attributes which the great State of Georgia—which he represented, and where I had the honor to be born—has engraved upon her coat of arms as the chief supporters of the governmental fabric, justice, wisdom, and moderation, how great is our loss in such a man! I had hoped much from the wisdom and the moderation of Mr. CRISP. He was never a theorist or an extremist. He hoped for the perpetuity of his party, which he regarded as one of the instruments of good government, and he loved his country. With his wide knowledge of public men, with a high career before him, with the open field of opportunity, I looked for years of usefulness and honor, in which he would have not only advanced his own reputation, but in which he would have been of most material assistance to his people, to the preservation of his party, and to securing the prosperity and welfare of his country. But, sir, that, too, has passed.

When I rose here, it was not with the idea that anything I could say would be of any consequence to his fame, or add aught to him. He has written his own memorial in the records of this House and on the pages of his country's history. When I was asked to assist in these services, I felt it to be a high honor. Others who have been much longer here have dwelt upon his qualities and upon his course in this House. I can add nothing to that; but to one characteristic it is peculiarly appropriate that I should render my testimony. I came to the Fifty-third Congress, a new member, comparatively a young man, and I know that everyone who participated in that Congress and who so came here, will join me in the tribute which I pay to Mr. CRISP when I say that his generous hand, guided by that kindly heart, held wide open always, when it was possible, the gates of opportunity to the inexperienced, and to those who could do naught for him, but for whom he could do so much. It is a pleasure to me indeed to-day to be able to testify in some small degree my gratitude for that constant kindness. He has gone beyond the reach of our words, but he is not dead. "As the tall ship, whose lofty prow shall never stem the billows more," he has merely sought a haven of rest. No man is dead while he is borne in affectionate or grateful remembrance, and, Mr. Speaker, CHARLES F. CRISP will live long in the hearts of many.

Mr. SWANSON. Mr. Speaker, a great public career has ended. One of the foremost public men of our country has been stricken down. One of the greatest parliamentary leaders of this age is no more. One of the shining lights of this House, whose splendid achievements have and will ever shed luster upon it, is no longer with us. The recognized leader of this side of the House, who counseled and directed us, has departed and left us to mourn a loss which is irreparable. A great heart, warm, generous, kind, and magnetic, no longer pulsates. A mind, clear, strong, and masculine, of great depth and grasp, no longer gives us its scintillations of thought. A tongue of great eloquence and power, which so often has stirred and swayed this House, is now silent in death. A life in which can be traced much of shadow and shine, much of privation and much of triumphs, inspiring in its successes over difficulties, admirable in development and attained proportions, has terminated, and we to-day pause in our deliberations to pay merited tribute to and to do reverence to one who has left behind him such a life. I rise to deliver no elaborate eulogium, others have done that, but simply on behalf of my State and myself to place a modest chaplet of love and admiration upon the grave of CHARLES F. CRISP. Virginia has ever felt toward CRISP an affection akin to that entertained for one of her own distinguished sons. When the storms of the late civil war burst over this country, CRISP, then a youth in Virginia, enlisted in one of her regiments and became a gallant and brave soldier in defense of her soil. These years of his, consisting of triumphs and privations, of glory and disappointments, are interwoven with the history of Virginia and her sons. No section rejoiced more than she at his increasing success and fame; now in mourning his loss she is second to none.

Mr. Speaker, Emerson, one of the greatest of American thinkers and writers, has said:

> A man's fortunes are the fruits of his character. A man's friends are his magnetisms.

How fully is this truth illustrated in the life of Judge CRISP. His life was one crowned with great fortune, blessed with friends innumerable. Thus we find in him a sterling, honest character, a strong masculine mind, blended with a warm, generous, magnetic heart. To be great and to be loved as much as admired; to wield great power and influential leadership, with each day bringing an increasing devotion, indicates the possession of the highest order of intellect, the very best qualities of heart. Judge CRISP possessed all this. No leader ever enjoyed in a greater degree the combined confidence and affection of his followers than Judge CRISP did that of his party associates in this House. We all felt he was our individual friend and our matchless party leader. We shall ever hold his personal traits in loving remembrance, his public career in proud recollection. Who can ever forget that straight, strong form, that handsome face, that unfailing courtesy, that warm grasp of the hand, that genial, pleasant smile, that carried sunshine and happiness wherever he went?

Mr. Speaker, Judge CRISP will ever be remembered for his participation in exciting scenes and debates in this House which have become historical. Our memory and the imagination of our successors, aided by tradition and history, will ever recall his wonderful powers as a parliamentary debater. With a voice at times slightly tinged with hesitancy, but clear, strong, and resonant, with a presence pleasing and attractive, with thoughts pertinent and incisive, a repartee quick and pointed; cool, calm, and collected amid the greatest excitement and passion, he was well equipped for the rough-and-tumble debates of this House, and it was in these that he showed himself preeminently great. This House has had few if any Speakers superior to him. He will be classed among its greatest and most noted. As Speaker he presided with dignity and grace, transacted business promptly, decided points of order quickly, was firm and decisive. He was courteous, deferential, and fair to his political opponents. His whole public life is without spot or blemish. For four years, as Speaker, an office in responsibility and power second only to that of the Presidency, he practically controlled the legislation of this country. He exercised the vast powers thus placed in his hands with prudent care, patriotically and conscientiously, for what he conceived the best interest of his country. No corrupt job, no vicious, no unjust legislation ever received countenance from him.

Mr. Speaker, the life of Judge CRISP is instructive. It comes like an inspiration to the poor boy, situated as he was, possessed of high yearning, yet confronted with poverty and difficulties, and tells him not to despair, but to build high the pedestal of his ambition. It teaches the ambitious that great success and permanent fame can only come to those who have clean hands, pure hearts, and patriotic motives. It proclaims how a legislator can and should close his ears to the seductions of the rich few, but can and should listen to the heart beat of toiling and struggling humanity.

Mr. LACEY. Mr. Speaker, it is fitting that in the hurry and bustle of public affairs we should pause for a time and remember that all men are but mortal. The painful truth is thrust upon us from time to time as one of our associates falls out of the ranks.

Our friend, whose death brings us again face to face with the great problem that we all in time must solve, had risen high among his fellow-men. There is but one official place among his countrymen higher than that to which he climbed.

The Speakership, it has been often said, is the second place in this country in rank, if its power and influence be considered. The General Commanding the Army holds a more desirable place, because his office tenure is for life. The Chief Justice and Vice-President both take a higher rank theoretically, but the actual second place in the nation is that of the Speakership of the House of Representatives.

All revenue bills must originate in the House, and that body in the most direct degree represents the people. Their term of office is so short that its members are kept in constant touch with the people. A member of Congress is elected in November and does not, except in case of an extra session, take his seat until thirteen

months after his election. He has hardly entered upon his duties until the selection of his successor begins to be agitated. In every official act he is face to face with his constituents.

The supreme position in a body of this kind is a leadership of the people themselves.

The House contains 357 members, and so large a body would be hopelessly inefficient and unwieldy if great power were not lodged in the Speaker's hands. He selects the committees and designates the seniority of their members and even appoints their chairmen. The committee is the workshop of the House, and no member can accomplish any results in his legislative work unless he is assigned to committees in which he is able to perform his chosen work. He is like an actor in a play who has been given a walking part if he is placed upon committees where he has no opportunities for action, or in a line of work for which he is unprepared or to which he is unadapted.

The Speaker may, in the very beginning of a session of Congress, place a member where he may have opportunities, or so shelve him that he can accomplish nothing. This power extends to the minority membership as well as to those of the dominant party, and its influence is felt in every Congressional district in the Union.

But the power of the Speaker does not end here. He has the right to recognize members upon the floor and he may refuse to do so, and there is no redress. He can shape the course of legislation by giving opportunities to present the measures which he may approve. He is the chairman of the Committee on Rules, and this committee is composed of only five members, three of whom are of his own party. In selecting this committee he is practically enabled to bring forward any measure he may wish at almost any time, and the House can only prevent action by voting against the present consideration of the proposed measure.

Usually less than 10 per cent of all the proposed legislation in Congress is ever considered at all, owing to the enormous amount of business brought before that body.

This being the case, of necessity there must be a power and discretion resting somewhere by which the necessary business may be selected and considered out of the great mass of the measures introduced. In the last Congress presided over by Mr. CRISP, 11,797 Senate and House bills were presented, and of these 563 public and 593 private bills were enacted into laws. Congress is generally entitled to more credit for the bills that it permits to die than for any other part of its work, so that the failure to consider bills is not usually an evil. The power of the Speaker to prevent legislation is therefore a most important function. The Speaker has the power to delegate his authority temporarily as presiding officer by selecting some other member for that purpose, and he also names the chairmen of the Committee of the Whole from time to time.

New members are apt to chafe at first because of the extraordinary powers of the presiding officer, but upon further service they realize that in so large an organization, having such a multiplicity of important business, the system of which they complained at first is essential to the transaction of the business of the country.

A Congress which must consider the appropriation and expenditure of from eight hundred to a thousand millions of dollars in two years must be under a complete system of rules, or they could not have sufficient time for their duties. But, with all his power, the Speaker is still the servant of the House, and constantly recognizes that fact. Strong and able men are almost invariably selected for this place, and they are almost always strong partisans.

The responsibility of Congress to the people, and the fact that the Speaker himself must also stand for reelection in the near future, places him in a position where he must not abuse his power. He not only is in a place where his own future and that of most of the members is in his hands, but the future of his party is also largely dependent upon the wisdom and skill with which he exercises his important prerogatives. He can shape the course of his party with almost as much certainty as the President himself.

The speakership of the English House of Commons, on the other hand, is not political, but is rather judicial in its character. The ministry upon the floor of that chamber are responsible to the House and to the country, and the speaker's duties are more like those of a mere presiding officer in a court of justice.

All who have seen service in this House will readily concede to our presiding officer a place second only to that of the President of the United States.

Mr. CRISP's first term of office followed immediately after the Fifty-first Congress, where the powers of the office had been so fully demonstrated by Speaker REED. The attention of the country had been called in an unusual degree to the Speaker's chair, and Mr. CRISP took the place at a time when the people looked upon the office with a full appreciation of its importance. Having personally assailed the prerogatives of the position when in the minority, he was embarrassed in his first term by his own utterances in debate. But in his second term, when his party was distracted by questions which almost threatened its existence, he was compelled to exercise to the uttermost the very powers that he had so severely criticised, even adopting, in a modified form, the same rules that had given a nickname to his Republican predecessor.

Speaker CRISP was too great a man to allow the reins to slip from the hands of his party in the mere effort to be consistent. He recognized the necessity of adopting methods which would enable the dominant party to enact the measures for which that party must answer to this country. Those who served with him knew how ably he conducted himself in the most trying and difficult positions in which he had been placed.

While the Speaker's chair is the seat of influence, yet in a stirring popular assembly it is the object of constant partisan assault, and he whose memory we commemorate to-day in turn was the attacking and the assaulted party. But it is one of the pleasant features of parliamentary life that partisan foes are so often personal friends. Judge CRISP loved a good fighter, and was a hard hitter himself.

His career is a striking example of the possibilities of life in our Republic.

In the Fifty-third Congress GALUSHA A. GROW was sworn in by Speaker CRISP as a member at large from the State of Pennsylvania. This was an impressive act and brought into comparison two great periods in the history of our people. In 1861 Mr. GROW was chosen as the war-time Speaker of this House. Mr. CRISP was then a young lieutenant in a company of Confederate infantry, and the civil war was raging with all its fury.

In 1864 Mr. CRISP was a prisoner of war, and was not released until after hostilities had ceased, in June, 1865. Now, after thirty years, the veteran statesman from Pennsylvania returned again to the halls of Congress, and the young lieutenant of 1861 had become the Speaker of the House of Representatives of our reunited country and administered the oath of office to his predecessor, the ex-Speaker of that Congress which had enacted the measures to prosecute the war.

Who could say in the face of such an event as this that we have not laid aside the prejudice and bitterness of the struggle of 1861?

And as a citizen of Iowa I wish to lay a tribute upon the tomb of the gallant Georgian, remembering only that we were both in a higher sense fellow-citizens of the United States of America.

My first service in this House was in the Elections Committee with our deceased friend in the heated and stormy sessions of the Fifty-first Congress. Election contests are proverbial for the partisan feeling that they engender.

Mr. CRISP on these occasions showed himself a sturdy partisan, and it was in these controversies that he won the influence with his party associates that brought him to the Speaker's chair in the succeeding Congress. He was a good parliamentarian, subtle, quick-witted, and always ready for any occasion that might arise, and his party friends rallied around him with that instinct which teaches men to involuntarily recognize a leader.

In his private relations he was an agreeable and pleasing gentleman, and made friends on both sides of this Chamber at a time when the political forces were nearly equally divided, and when party feeling ran high. But all his conflicts of the past, in the tented field, at the bar, on the hustings, and in the halls of Congress, are ended. Already pointed out by common consent for a certain election to a seat in the Senate, he was struck down in the very zenith of his career, mourned by those who knew him, of all parties.

It was a graceful and gracious act on the part of the generous people of his old district to elect his son and namesake to fill the seat which his death had rendered vacant, and this pleasing circumstance showed how strong a hold he had upon the constituency which he had so long represented, and how fully they appreciated the beauty and purity of his private life and domestic relations.

And the applause with which members of all parties greeted the son upon taking the oath of office showed with what kindly remembrance they held the sire.

Mr. BELL of Colorado. Mr. Speaker, during the latter part of October last, while crossing the plains of Nebraska, I glanced at a morning paper. My eyes immediately fastened upon a familiar picture with an inscription below, "Ex-Speaker CRISP is dead!" That sad announcement was followed by the crowding upon me of the many reasons he had for coveting a long life. I was forcibly reminded that nature had generously given him a comely and commanding presence; that his nature had been formed into such a happy blending of sunshine, good fellowship, and frank hospitality that his society was greatly sought, and life should have been to him an unbroken pleasure; that through his many commendable attributes he had become preeminently the favored son of his own great State, and was in sight of the goal of his political ambition—the United States Senate—when death overtook him and sent him thither. But sad as these misfortunes are for him and his immediate friends, the sad calamity is infinitely more deplorable as a great public loss.

The death of an individual rarely disturbs the general current of the orderly course of human action, but occasionally one does fall by the wayside that leaves such a void as is difficult to fill. Such a one we lament to-day. His mental alignment approximated the perfect equilibrium. No one faculty had been dwarfed to give a surplus to some other. Therefore, he never startled the world with any phenomenal outbursts of genius, nor did he ever disappoint his friends by descending to mediocrity. He was of the solid, even-tempered, well-balanced line of men to whom only can the safety and perpetuity of a great country be confidently intrusted.

It is true he was imbued with a laudable ambition to serve his countrymen in public places, not for pecuniary compensation, as mercenary aspirations were beneath his high standard. He was not ambitious that he might revel in the glare of official society, as such were too empty and sterile for his strong, common-sense view of the real pleasures and amenities of human life. He sought to serve his fellows because they evinced a desire for his services and because he believed that he could serve them well, and he believed that his policies enacted into law would inure to the greatest good to the greatest and most deserving number.

The Populist party in Congress, for whom I speak as well as for myself, has every reason to pay high tribute to his memory. While Speaker, we were few in number, misunderstood, and grossly misrepresented by politicians and the partisan press, often intentionally, and more often through ignorance of our intentions and aspirations; but he was too large to be tainted with bigotry or intolerance, the worst enemies of mankind. He never wavered a hair's breadth in doing us complete justice at all times. We never visited him at his private apartments that his easy geniality and open hospitality did not convince us that he fully recognized that he was Speaker of the whole House. We never approached him in the Speaker's chair that the hand of good fellowship and some friendly verbal greeting was not extended. He never denied our petitions without giving such cogent reasons therefor and in so becoming a manner that we acquiesced in the conclusion that he could not be expected to do less. He granted our supplications in such an unostentations manner that we were sent away feeling that a right and not a favor had been granted.

He possessed none of the elements of the bigot—never fastened any doors between him and the public. He preferred to be with and of the people. None knew better than he the danger of tyrannical majorities visiting oppression and injustice on struggling minorities. He was never a representative of any special class or section of the country. He was a statesman of the highest and purest type, and a representative of the whole people of the whole country. In this matchless contest for the supremacy of the people the loss of such a representative, so pure a type of the founders of this Government, is indeed a great public calamity. When I returned to Washington and met the colored boy who used to care for his room, with moistened eyes, he said, "We have sustained a great loss since you went away in the death of Speaker Crisp." He added, "Everything that knew that man loved him."

That is a greater eulogy than I am capable of pronouncing. After all is said and done, the real character of a man is most truly photographed and known in his home life and by those who serve him.

Mr. WHEELER. Mr. Speaker, when the angel of death received the spirit of Charles Frederick Crisp, a man was taken from this world who had won the love of his State, the confidence and admiration of the entire South, and the respect of our whole country.

As a native Georgian, I take special pride in the great distinction achieved by him whose death we mourn.

Mr. Crisp always performed every duty in a most creditable manner. When little more than a boy, he was a brave soldier and officer in the Army of Northern Virginia, following the sword of Robert Lee in the many battles fought by that illustrious commander. With the return of peace he retired to his home and became a lawyer, respected for his ability, learning, and fidelity. As solicitor-general of his district and as judge of one of the superior courts of Georgia, he earned the highest commendations.

He was twice elected to preside over the popular branch of the Congress of the United States, and during a service of fourteen years in this body he certainly reached a most exalted place among the statesmen of America.

His reputation as a parliamentarian and a just presiding officer had extended throughout the civilized world.

While in the midst of the performance of these high duties, he was appointed and urged by the governor of Georgia to accept a seat in the Senate of the United States, but his high conception of the duty he owed to those who had elected him to preside over this body constrained him to decline the proffered honor; but the people of Georgia, appreciating his noble character and superb qualities, seized the first opportunity after the expiration of his term as Speaker to do him honor, and with almost unprecedented unanimity elected him to the office which but a short time before he had felt it his duty to decline—the highest office in their gift—one which he was qualified in an eminent degree to adorn; but just as the decree of the people was to be recorded it was met by the dread messenger, Death.

Well may it be said of him, right worthily he fought life's battle and won his way to fame; and the people who loved to honor him in life will revere and cherish his memory in death, and his name will be arrayed among those illustrious statesmen of Georgia who did their full part in perfecting the system of government which has built up this great and prosperous Republic.

In the midst of his strength and usefulness, before age had made slow his footstep, or chilled the warmth of his heart, or dimmed the brightness of his eye, or withered the brilliancy of the intellect which had served his country and his State so long and so well, surrounded by the shadows and hills and sunshine of his own beloved Georgia, in the midst of his countrymen and the beloved family who knew his greatness best of all, he fought his last battle with sickness and pain, and answered to the roll call of the Great Captain and passed from the mystery of this life upon earth into that greater life "whose portals we call death," though there can be no death to those who leave their names enshrined in the hearts of their countrymen.

In our journey of life, in the halls of Congress, in his old accustomed place, in the sunny vales of his home in the far Southland, we shall greet Charles Frederick Crisp no more. He has met his "Pilot face to face," and has crossed over the river and is at "rest under the shades of the trees."

I can but echo the words of one who knew him well: "Over his dreaming face, in the shadow of the Georgia hills, we say good night to him, but good morning to his enduring fame."

Mr. WOODARD. Mr. Speaker, it is a loving service to those who knew, loved, and honored him to speak in memory of the life and character of Judge Crisp.

As a private soldier he was brave and faithful; as judge of the superior court he shed luster upon the judiciary of his State; as a member of Congress he was long the trusted leader of his party; as Speaker he was a master of parliamentary procedure, a model presiding officer, firm and resolute, but always courteous; with an attractive personality, indomitable courage, great prudence, an earnest partisan because he believed the policies of his party, if enacted into laws, would redound to the honor and welfare of his country; a statesman in its best and broadest sense, his party and his country have sustained a great loss in his untimely death.

I do not propose, Mr. Speaker, to review in detail the early history or services of Judge Crisp. That has been done by others who have known him longer, and who have, in appropriate and eloquent words, portrayed his exalted worth as a citizen, his valuable services to his party and country.

I first met him at the beginning of the Fifty-third Congress, when I entered upon my service as a member of this House, and my admiration for his character as a man and as a statesman increased with the passing years.

When but a boy, only 16 years of age, animated by that patriotic spirit which followed him through life, we find him a volunteer soldier in the Confederate army, where he served until the end of the war. Immediately after its close he commenced the study of law, and in a few years attained a high rank in his chosen profession. He was elected solicitor-general and judge of the superior court, and while on the bench was elected to Congress. He had served in the House but a short time when his conspicuous ability pointed him out, as if by intuition, as the leader of his party on the floor. Having been assigned by common consent to that honorable and responsible position, it was manifest that he was a born leader, equal to every emergency, always ready, always wise, always able, and ever true to his convictions of duty. While possessed of that firmness and true courage so necessary to constitute a successful leader, Judge Crisp was withal a modest gentleman, and never forgot the amenities and courtesies due his opponents. On all occasions he exhibited those manly and gentle virtues which never fail to win our warmest admiration and tenderest regard.

In the Fifty-second and Fifty-third Congresses he was elected Speaker of this House, and in that delicate and responsible position he more than sustained his justly earned reputation for ability, firmness, fairness, and courtesy. His record as presiding officer will compare favorably with that of the most distinguished parliamentarians who preceded him. In every position he was called upon to fill, Judge Crisp measured up to the fullest expectations of his friends, and his whole life affords a bright example for the young men of our country to emulate.

As a soldier, as a citizen, as a judge, as a member of Congress, as Speaker, as the great leader of a great party, he was ever faithful to himself, to his people, to his party, to his country, and to his Maker. Those high, noble, and sincere virtues which made Judge Crisp a conspicuous leader in American politics and constituted him a pure and unsullied statesman were a part of his nature, and they appear with equal beauty and brightness in his private character. In all the private and social relations of life the same purity of character, honesty of purpose, and noble aspirations which distinguished his public life made him a model citizen, a true and constant friend, a loving and tender husband, an affectionate father, and a Christian gentleman.

It was my fortune, Mr. Speaker, to be constantly associated with him during the last four years, as we boarded at the same hotel in this city. The more I saw of him the more I appreciated his high qualities and the beauties and virtues of his private life. During the latter part of the first session of this Congress the health of Judge Crisp became impaired, but his friends hoped his suffering would be only temporary. After adjournment he sought relief in the pure and invigorating climate of western North Carolina; but the disease which had attacked him was a fatal malady, and his indomitable will and brave heart struggled in vain against the inevitable result. Death came to him in the very zenith of his career. It came to him when his party and country seemed to be in special need of his wise counsel and safe leadership. It came when he was so soon to receive at the hands of a grateful people the high office which had been the ambition of his life. Why should he have been taken at this time? We would not question God's providences, so mysterious in so many ways. Beautifully has it been said by another:

> There is an existence beyond the present life where all shall be made clear. We shall see as we are seen; we shall know even as we are known. Mr. Dickens made the poor, idiotic Barnaby and the coarse, strong Hugh, of the Maypole Inn, hold conversation about the visible wonders of the heavens, and they inquire of each other whence comes the light of the innumerable stars that dot the skies. When they were both under sentence of death, and just before the dawn of day were led across the prison yard toward the place of execution, Barnaby, looking upward toward the myriad lights of the night, exclaims:
>
> "Hugh, we shall know what makes the stars shine now."

Our faith here to-day ought to exceed that of the poor simpleton created by the imagination of the novelist. Not only shall we know what makes the stars shine, but all the wonders of the vast universe shall be open to our search. Our homes shall be among the heavens; the problems that our burdened souls have studied so despairingly shall be happily solved, and we may even become participators in the knowledge and power of Him—

> Whose power o'er moving worlds presides,
> Whose voice created and whose wisdom guides.

To this felicity the friend we now with tenderness remember has already fully advanced. We would not, if we could, bring him back to earth, slowly and painfully to die again. We wait, reverently and hopefully, for the summons to us to join him in some star that is shining, from eternity to eternity, with unfading luster in God's illimitable wilderness of worlds.

Mr. LAYTON. Mr. Speaker, what is an ideal man? Who is a perfect man? Who can fully describe him? Where can he be found? These questions present a fruitful and varied field for the writer and speaker, so broad and varied, in fact, that I do not deem it wise or appropriate to enter thereon or therein save for the purpose only of making a few observations this afternoon more or less pertinent to the occasion.

Hence I would inquire, What is your ideal of an American statesman? Where say you he can be found? How would you describe him to your hearers? Have you ever seen his counterpart? Is he now living or dead? Should these inquiries be addressed to myself, I would be constrained to answer in substance: I have never yet seen in its entirety my ideal of an American statesman. Neither do I know where he can be found, nor can I fully or satisfactorily describe him to you. Yet I well remember one who came so near to my ideal that I do not now hesitate to accept him as such. But with a sadness I can but illy express, I would say he is no longer living.

Perhaps my ideal is too exalted. Perhaps, in fact, he never existed, can not, nor ever will. If so, I much regret it, for as I now view it in the light of more or less intercourse and association with many of our American statesmen, during the last six years especially, I do not regard my ideal as unreasonable or impossible of attainment. And as an American citizen who loves and admires her men and her institutions, and believes in her continuing progress and advancement, it affords me great pleasure to say that while none of her statesmen of my acquaintance come up to the exact mark or line, yet so many come so near it that I shall ever refer to the fact with pride and satisfaction. So near have so many come to this exacting ideal that I can have no fear for the future growth and welfare of our now great Republic under their continuing care and guidance.

In my humble judgment an ideal, a real American statesman, in these times especially, when aristocracy and plutocracy are so freely referred to and censured, should at all times be purely democratic in his ways, manner, and conduct with all his fellow-men, and yet always dignified. He should, of course, be educated, able, and intellectual. He should never be a demagogue. He should be affable and pleasant and still dignified. He should be firm and decisive, yet considerate and forbearing, especially with his inferiors in intellect and experience. He should not be sarcastic to individuals, no matter how caustic he may be in his references to criticisms of classes or parties, and above and beyond all, unselfishness and patriotism should guide and control his every public utterance and action. We doubtless have had in the past and now have many American statesmen who fulfill many of these requirements if not quite all. I can pay no higher or more just tribute to the memory of Hon. Charles F. Crisp than to say that, taking him all in all, he came nearer doing so than any other with whom I have ever had the honor of an acquaintanceship. None who knew him well will resent this statement or take offense thereat. He was always manly and dignified in his manner and conduct, yet ever affable and pleasant, whether on the floor of this House, in the committee room, in the Speaker's chair, on the street, in public gatherings, or in his own household. He was always positive and firm in his convictions and opinions, and yet ever kind and considerate with those who might differ with him. In all matters he was totally unselfish, and true patriotism—the general welfare of his country—seemed to guide him in all his official conduct. He was not a great orator, but was a great, concisive debater. As a husband and father he was ever loving, kind, and gentle. Those who knew him best appreciated him the most.

Term after term the people of his Congressional district returned him to Congress with almost a unanimous voice. In the Fifty-second Congress, when his party came in power, he was elected to the high and important office of Speaker of this House—the most important position in the Union next to that of President. The Fifty-third Congress again so honored him without any opposition from his own party. He administered the office with great ability and impartiality. At the beginning of the present Congress he was honored by his party associates as their choice for the same position. While serving in this exalted position the governor of his beloved State, in willing obedience to the wishes of the people, tendered him the Senatorship by appointment to fill a vacancy in the United States Senate. And yet, while desiring the position thus so kindly offered him, he promptly declined the appointment on the sole and patriotic ground that he could serve his country and party the better by retaining the Speakership. Soon afterwards he was duly recommended as a candidate for the United States Senate by his party in Georgia with substantial unanimity. But, alas, before he could take his seat therein ruthless Death cut him down. But recently his young but worthy son, Charles R. Crisp, was elected a member of this House without opposition to succeed his illustrious father and fill out his unexpired term in this Congress. On the first day of this session his untimely death was acknowledged by an appropriate resolution, followed by immediate adjournment for the day in honor of his memory. All, regardless of section or party, conceded that his premature death in the prime of his manhood was a great loss to his State and the nation. No man, no newspaper, said an unkind word of him, but all, as we are now doing, sincerely regret and mourn his loss. Indeed may we say:

> None knew him but to love him,
> Nor named him but to praise.

Ohio mourns with Georgia over the loss of her distinguished son.

To every American citizen who desires or intends to follow public official life I most sincerely commend the life, character, and history of Charles F. Crisp. May we, our children, and our children's children ever emulate his noble example.

Mr. BANKHEAD. Mr. Speaker, to-day we stop for a brief season the onward current of our everyday duties to pay tribute to one who in life was most himself when engaged, as we are daily engaged, in the business and affairs of this House. In the death of Charles Frederick Crisp, representative life in America lost one of its most brilliant ornaments and our nation one of its purest and most exalted statesmen.

Standing now in this presence, about to speak my words of tribute to our dead friend and associate, I feel crowding on me emotions of peculiar sadness. All the keen pain and anguish that touched my heart at the immediate occasion of his death are renewed, and what I would say is almost stayed. In our greetings and farewells we have no set and studied phrases. When we grasp the hand of one we may not have not seen for years, or come to part with one we may never see again, then it is that speech is hollow and but sound, and the beaming eyes, the quivering lips, the whole face give expression to an emotion beyond the reach of words.

Sir, when Mr. CRISP died he had barely passed the half-century mark. Born in the year 1845, educated in the common schools of his State, a mere lad of 16 he entered the Confederate army. From his enlistment in May, 1861, to his capture in May, 1864, he was a brave soldier, winning the confidence and love of his superiors. He knew the true import of the word duty, and all his subsequent career shows the influence on his life of the rigorous discipline of active warfare. Of the part he took in this mighty conflict I know how he felt, and that feeling I find embodied in the tribute paid by the distinguished Senator from Ohio [Mr. SHERMAN] on the late Senator Randall Lee Gibson, of Louisiana:

> We have come to regard this fierce and sanguinary struggle as an inheritance from our fathers, growing out of an honest difference of opinion as to the framework of our Government. Poor human nature could provide no arbitrator to settle this contention, but now that it has been settled by a sacrifice of life and treasure almost unexampled in human history, it can be truly said that the result is heartily acquiesced in, and that no slumbering fires can rise from the ashes of the civil war to disturb the unity, integrity, and power of this great Republic.

One year after the close of hostilities found him admitted to the bar and located at Ellaville, Ga., in the practice of the law, called by Burke "one of the first and noblest of human sciences." For six years he toiled at his profession, struggling as its younger members do, with an effort to build up a paying practice. However, in 1872 his success had won him the first of the series of offices which was to end by his being the choice of the Empire State of the South for Senator in the United States Congress. In this year he was appointed solicitor-general of the southwestern judicial circuit, and after a twelvemonth he was reappointed for four years. In 1873 he removed to Americus, where he spent the remainder of his life. From 1877 to 1882 he was one of the superior court judges. The latter year closed his professional work as an active practitioner. These sixteen years of his life represent a career full of interest. He was a successful lawyer. His ability commanded his first office and enabled him to hold it. As an advocate he was earnest and fearless. Transferred to the bench, his facilities easily adjusted themselves to the severe exactions of the position, and he was all that is looked for in the terms an upright and a just judge.

Taking his seat in the Forty-eighth Congress, he early assumed that prominent place and developed those splendid qualities of leadership which won for him the Speaker's chair of the Fifty-second and Fifty-third Congresses. His life and work here are known and read of all men. I know that I am in the limits of exact statement when I say that there are no acts of his while in this body that will not stand the test of the most searching criticism. In his relations with his fellow-members he was always genial and pleasant. He seemed always happy; and while he might be leading a galloping charge on this floor, his natural manner never became offensive, and at its conclusion his perennial humor and serene temper returned. In his work as a Representative he was always busy, and no duty did he leave unperformed if possible of attention. His constituents had unbounded confidence and trust in him and in his power to serve them.

Perhaps it was in his course as Speaker in this body that he displayed qualities of a higher order than in any other field. His ability as a parliamentarian was remarkable. In his incumbency of this exalted seat and in his administration of its duties he won the admiration of his political opponents and was the idol of his friends. He was essentially fair and just. It was his desire to do right, and this he did at all times, as he conceived it. Quick, decisive, impartial, unfailing in resource, he must be ranked with his greatest predecessors.

While he was a good soldier, a successful lawyer, a learned judge, and a leader in the greatest representative assembly in the world, it is as a Christian gentleman he must be accorded the greatest honor. In his home life, which I can not here invade, he was the devoted, tender, and loving husband, and the ever fond, indulgent parent. I was first attracted to him because of his orderly habits of life and his loyal love of his home. Day by day I saw him come and go, in the halls of Congress, in his intercourse with the world, in the bosom of his family, and I saw in his life the well-nigh perfect man.

But he is gone from us now. In a little while we should have seen him take his seat in the other end of the Capitol, but instead he has gone up higher, "to where, beyond these voices, there is peace." The journey done, he is resting now; he is sleeping the sleep that knows no waking, careless alike of the day dawn or the twilight. For him the dark night of death was the sunburst of an eternal hereafter.

I will not say, "God's ordinance
  Of death is blown in every wind,"
For that is not a common chance
  That takes away a noble mind.

His memory long will live alone
  In all our hearts, as mournful light
That broods above the fallen sun
  And dwells in heaven half the night.

Mr. McLAURIN. Mr. Speaker, no man can foretell the mysterious issues of life and death. Few who saw Judge CRISP at the close of last session thought that death would so soon cast its pale shadow upon that apparently robust body and vigorous mind.

How uncertain is the future! To-day life is bright, the sea is calm, the tide swells high and strong. To-morrow the tide turns; business trouble, sickness, or death robs us of hope and pleasure. From the calm and beautiful harbor where we floated so confidently, we are rudely tossed out upon the wide ocean. The horizon stretches far beyond our vision, and the heave of its restless waves comes from depths that are unfathomable. Vainly struggling, we either sink to the tranquil depths, where all is peace, or, tempest-torn and faint, are cast upon the shore. Well may the poet exclaim:

What is life! A brief delight;
A sun, scarce brightening ere it sink in night;
A flower, at morning fresh, at noon decayed;
A still, swift river, gliding into shade.

The man who would know its true secret must learn to live "in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial"—to count time in heart throbs. He most lives who thinks most, feels noblest, acts best.

I think Judge CRISP grasped the true meaning of life and lived "in deeds, not years; thoughts, not breaths."

The first time that I saw him, the thing that struck me most forcibly was the strong, cheerful, and kindly expression of his face. He had a hearty, genial manner, with a pleasant smile and kind word for everyone. I can well believe that in the home circle he was gentle, tender, and considerate; his sunny nature must have gladdened the hearts and lives of those who were traveling the journey with him. It is, however, for those more intimate to speak of him in private life. As a colleague from a sister State, it is simply my wish to pay a brief but sincere tribute to him as a public man. Those who differed with him politically will testify that while firm in his convictions, he was generous and tolerant of the opinion of others, while those of us who accepted his leadership will say that, like Joseph of Arimathea, "He was a just man and good counselor."

For the great, patient, toiling masses he had an active and sincere sympathy. He never lost sight of the fact that he was a public servant, sent here to represent the will of the majority. He was an ideal Representative, never imagining himself wiser than the collective thought of the people who sent him here. He was in close touch with his people, with a thorough knowledge of their sentiments upon all public questions; and, after all, true statesmanship in a representative government simply means the needs and wishes of the people translated into law. The people love and appreciate a faithful representative. What a graceful and touching compliment they paid Judge CRISP! When death came, they sent his son to occupy his vacant chair in this House. Indeed, there was no more beautiful sight than the almost brotherly confidence and intimacy that seemed to exist between this father and son, and the people of Georgia honored themselves in paying such a tribute to the memory of their dead. I am sure that the mantle fell upon worthy shoulders, and that the trust will be regarded sacred by his successor and namesake.

It was while engaged in a canvass of his State for the Senatorship that the premonitory symptoms were felt of that disease which ended his life. Although apparently sound and vigorous, he probably had full knowledge of this vital weakness, but he did not allow it to deter him from his work. I met him day after day in the committee room, cheerful and confident, while he was always at his post on the floor of the House, prompt and vigilant. It may literally be said that "he died in the harness." We are told that when that knight of old, without fear or reproach, Chevalier Bayard, was wounded unto death, he commanded his attendants to prop him up against a tree with his face to the enemy; then, after taking the sacrament, died with this beautiful sentiment on his lips: "The justice of Almighty God will be tempered by the blood of our Lord Jesus Christ." With a character as pure and spotless, with as chivalrous courage, and a like trust in the justice and mercy of the same God died, without fear or reproach, this gallant knight of modern day.

The State of Georgia, Mr. Speaker, has been prolific in great men. At the mention of her name the mind reverts to Alexander Stephens, the conservative and sagacious statesman; to Ben Hill, the eloquent and gifted orator; to the lion-like and majestic Toombs, with his fiery and irresistible logic; but, sir, great as are these, CHARLES F. CRISP is well worthy a place in their ranks. The times did not afford him the same opportunity to display the most striking qualities of statesmanship that they did Stephens and history may not accord him as high rank; in the realms of oratory he was not, perhaps, the equal of Toombs or Hill, but as an all-round man, statesman, orator, and debater, he was the peer of Georgia's greatest.

Of great practical common sense, modest, imperturbable, evenly poised and cool, it was impossible to throw him off his balance.

As the representative of a powerful majority, wielding the Speaker's gavel, he was impartial, courteous, and kind; as the leader of the minority, he was cautious, tactful, and full of resource, and it seemed to me that his masterly qualities were never better displayed than in the latter rôle. He had a clear, clean-cut, incisive style, with an entire absence of attempt at display. In a calm, sensible, business-like manner, he went right to the marrow of a question.

He inspired confidence, and men trusted Judge CRISP and accepted his leadership because they knew that he would never say or do a foolish thing nor be caught in an untenable position. Preeminently a safe man, it could be confidently counted upon that he would say the right thing at the right time and do the right thing in the right place. Fully developed mentally, physically, and morally, he was ready for and equal to every emergency. No one in this House ever saw him on any occasion, however difficult, when he did not meet the requirements in every respect.

He saw in an instant a weakness in the position of an adversary, and his thorough knowledge of parliamentary usage enabled him to seize every advantage. Under the most trying circumstances he fully met and often exceeded the expectation of his friends.

Mr. Speaker, it is in such an hour as this, when the great and powerful are cut short in the midst of their career, that we are most forcibly reminded of our weakness and dependence upon God. Death is the great leveler; he makes no distinction between prince and pauper. It is the same everywhere; in the humble cot or the bright palace, in the wild forest or the brilliant city, in the swamps or upon the mountain top, to the humble laborer or the great statesman, the same dread summons chills the blood and freezes the heart. Christ, and Christ alone, can dispel the pall of gloomy terror that hovers about the bed of death. The genius of man and the wisdom of the ages offer no other solution. The "Go in peace," and "Thy sins are forgiven thee" must be spoken to each, and is our safe retreat.

It is not given to many to rise to the elevated position occupied by Judge CRISP. All can not be eagles, but each of us has his work, great or small; and we are taught that the manner in which it is performed is of more account than the magnitude of the task accomplished. If the trend of our life is for good, if its course is ever upward and onward, if its thought and inspiration are in harmony with the purpose of Providence in creating us, however insignificant our work may appear to others, surely we shall find in the great final day of account that we have not lived and toiled in vain.

As members of this House we lead here busy, active lives, and when we are at home the turmoil, strife, and jealousies of political rivalry leave little to prepare for the "great beyond." It is well, therefore, on occasions of this character to pause a moment and draw home the solemn lesson each for himself.

Let us not be unmindful of the fact that a great leader, one of the busiest in our number, yet found time to seek that peace which will sustain the faltering soul in that last dark hour and make it radiant with the never-dying hope of eternal life. Judge CRISP was a consistent and faithful member of the Methodist Church. After all the triumphs which crowned a brilliant and successful career, I doubt not that if to-day his well-known voice could be heard in this Chamber he would reecho the dying words of the founder of his church, John Wesley, "Best of all, the Lord is with us."

Mr. McCREARY of Kentucky. Mr. Speaker, there is no arena which death does not invade. There is no place too sacred for its touch. There is nothing living on earth, no matter how great or small, how pure or vile, how rich or poor, but must finally succumb to the dread Destroyer. There is always somewhere—

Some heart that is bleeding,
Some eye that is weeping,
Some home that is draped,
Some loved person dead.

When our comrade dies, when our coworker is stricken down full of hope and high purposes and great achievements, when he who has helped to make history and participated with us in the important legislation of our country is taken away in the prime and vigor of a splendid manhood, when his ability, integrity, and devotion to the public weal are most appreciated and most needed, we realize fully that death is very near to us, and that our affliction is severe and our country's loss is great.

Others have given detailed accounts of the life and career of Hon. CHARLES F. CRISP. I shall speak mainly of his character and his service in the legislative forum, where I knew him best and where I respected and admired him as a leader and loved him as a friend.

I first met him when I commenced my service as a Representative in Congress in 1885. My admiration for him grew as I became better acquainted with him, and I was deeply impressed with his genial, pleasant nature, and with the promptness and readiness with which he met every emergency.

I regarded him as a noble type of American manhood, able, logical, self-made, and self-reliant, and always courteous, courageous, and true.

He was firm and sincere in his convictions, faithful to his friends, liberal to his opponents, fair, just, and conscientious, and unceasing in the discharge of his duties as a Representative.

He was the faithful friend and champion of the people. He loved liberty, civil, political, and religious, and he was devoted to popular government.

He was both a patriot and a philanthropist. No man gave greater and more continued evidence of his love of country, and no man was more prompt to aid a friend or give freely to the needy and deserving.

He worked for what he regarded as the rights of the people, and did all in his power to protect the interests and promote the welfare and prosperity of the Republic, and the radiance of his integrity and the brightness of his honor were never assailed or questioned.

He was devoted to his wife, his children, and his home, and no husband or father was ever the recipient of more love and respect. His family circle was full of affection and sweet communion, and here he illustrated how happy a man could be who was trying to do his duty to his God, his family, and his country.

His life and achievements illustrated not only the splendid opportunities of our great Republic, but showed also the honorable success and great renown that will crown earnest efforts, strict integrity, and steadfast devotion to duty.

The first and last conspicuous events in his life showed not only his courage, ability, and self-reliance, but also the confidence, admiration, and love lavished upon him by those who knew him best. At 16 years of age he proved his courage and self-reliance by enlisting as a soldier in the Confederate army and bravely fighting until the close of the war for what he believed to be right. When he was 51 years of age, the people of Georgia, who had for more than a quarter of a century studied his public service and his fidelity to his State and nation, sought to confer upon him the highest honor in their gift by making him a United States Senator, and practically all of the State senators and representatives elected were instructed by the people to honor him with this great office; but his death prevented this great trust and well-merited distinction from being conferred upon him.

His views on finance, taxation, education, commerce, agriculture, an economical administration of the Government, the sovereignty of the people, and the independence of the coordinate departments of the Government, and on all other important questions presented, were often announced in strong and eloquent speeches, which are found in nearly every volume of the CONGRESSIONAL RECORD issued since his service as Representative commenced.

As an earnest, fearless champion of Democracy, he was always ready to defend his party and his principles, and he loved to uphold and support the teachings and doctrines of Jefferson and Jackson.

It was as Speaker of the House of Representatives he gained his highest honors and made himself most conspicuous before the country. His knowledge of parliamentary law and procedure, his equipoise, and the ease, dignity, firmness, and fairness with which he presided made him popular with the members of all political parties and enabled him to conduct the business with order and dispatch. I believe the dispassionate judgment of those over whom he presided for four years is that he is entitled to be remembered as one of the ablest and most accomplished of the Speakers of the House of Representatives.

The history of Georgia is luminous with the names of brilliant, earnest, and faithful statesmen. Among the ablest and strongest of that great galaxy the name of CHARLES F. CRISP has taken its permanent place. His fame does not belong to Georgia alone, nor to the South, but to the whole Republic, and in Kentucky we will cherish his memory, and his fame will survive along with that of the other dead statesmen, jurists, and heroes—Hill, Toombs, Colquitt, and Brown—who did so much to make Georgia conspicuous and illustrious.

It is written in one of the tender and beautiful legends which the Talmud has preserved that at the moment of the death of a good man memories of his love and charity and good deeds float through his mind to cheer and console him as his spirit soars away from the cares and conflicts, the joys and sorrows, of life. If this be true, our friend in his last moments, when the darkness of death was settling upon him and the first glimpse of immortality was beginning to be seen, had much to soothe and comfort him. Reviewing his life, his early manhood, his mature years, he could see glittering and glistening along his way good deeds which benefited his fellow-men in the State and in the nation. He could see fidelity and devotion to loved ones at home; he could see charity and love, fragrant as flowers in springtime, beautifying and chastening a life well spent in the service of his God and his country, and at the end of it all, I believe, he could hear the welcome plaudit, "Well done, thou good and faithful servant; enter thou into the joy of thy Lord."

Mr. WELLINGTON. Mr. Speaker, amid the lengthening shadows of this midwinter afternoon the Representatives of our nation have met to mourn the untimely ending of a great career. The strong voice of active legislation is at rest, the fierce contention of partisan debate is hushed, and in their stead solemn decorum and order reign. To-day we are concerned not with the living, in the present, or the future, but the dead and the past. We call a halt in the march of life; we turn from the busy scenes and activities of living men to the grave that nestles with many others in distant Georgia, in that place set apart for the habitations of the dead; and as we stand before it with sad and sorrowful men, I would lay a simple flower there while others may place a wreath of amaranth upon it as a tribute to the memory of CHARLES FREDERICK CRISP.

From the quiet portals of the grave there come none but "fond regrets and tender recollections." Resentments are forgotten, faults forgiven, and remembrance portrays to us in vivid pictures the virtues and noble actions of the departed.

As we unroll the canvas of the last half century, whereon time hath painted in ineffaceable colors the life history of the distinguished man whom we mourn, there are few foibles to condone and much that was noble to commend.

The annals of a nation are written in the biography of its great men. The mass of the people have no history. The record of their lives is short and simple, and remains ever the same. They are born, they live, they die, and are forgotten; generation after generation meets the same fate. We blunder through youth, struggle in manhood; and if perchance we are fortunate enough to reach old age, it is a scene of vain and unavailing regrets. But there are men who, by the force and power of talent or genius, indomitable will, or never-ceasing perseverance, lift themselves above their fellows, and in the record of their lives write history for their people. Such a man was CHARLES FREDERICK CRISP. Not a brilliant man, perhaps; not one whose name will flash with lustrous light, for he did not live in a time when splendid effulgence reigned. Yet when the records of this commonplace period of American national life are made up, his figure will stand out in bold relief as one who stood by his section, who partook of the bitterness of sectional strife, and yet was broad enough to rise above rancor, and developed into a national character, which, though tinged with sectionalism, grew gradually until he reached the loftier elements of patriotism, humanity, and a gentleness rarely observed among men.

Born in the stormy times when the unavoidable conflict was rapidly approaching, he had reached the days of youth when sectional strife began. The bitter struggles of that eventful period have become a story of the past, and a generation of men have been born and grown into manhood since the great civil war. To me it is a memory of childhood. Yet I can well remember when the two opinions of government, which had existed antagonistic to each other since the formation of the Republic, divided our land and arrayed one part against the other.

In the North there had grown the idea of a strong Federal Government, such as had been portrayed by the Declaration of Independence. In the South there was the sentiment of a confederation of States, such as had been contemplated in the Articles of Federation which bound the colonies in the Revolutionary war. These two rival principles met upon the border; there sentiment was divided, and therefore upon the borderland can be found that judgment which perhaps will give in more impartial manner credit to each and both for the valor, heroism, and self-sacrifice with which each section maintained what it believed to be right.

When the great struggle came, Mr. CRISP, who was then a youth, cast his fortunes with his native State. Georgia had broken the bonds that bound her to the Federal Union. She had joined herself to that other government which had been named by the Southern States. CRISP had been reared in the school of State rights, of sovereignty for the Commonwealth, and therefore it was but natural to him to give allegiance to the Commonwealth which, though not the place of his birth, had given him sustenance through childhood and youth, and from which he had received all she had to give.

Amid all the changeful fortunes and vicissitudes of internecine strife the days of his youth passed into manhood, and in the fortunes of war he became a prisoner in the hands of the Federal troops. There he remained until the conflict was ended and the great question upon which the perpetuity of this Government depended was forever put at rest. The first period of his life was closed. The sentiment of State sovereignty, which had colored his youth and led him to take up arms at the behest of his State against the General Government, was dead—aye, more; buried beneath four years of weary marching, attacks and repulses, victories and defeats, a million lives, and billions of treasure. It was a lesson in national life which every nation must learn, and which, thanks be to God, the American nation has successfully committed to memory. It made a deep impression upon Mr. CRISP'S life; it fashioned all the years that were to come, and converted much of the partisan into a judicial temperament. He began life on his own account, studied law, and entered into its practice. Success attended his efforts, judicial honors were given him, and then there came into his life another ambition, which led him into the path where he was most needed. The bitter passions and intense prejudices of sectional strife do not pass away in the fading of a moon nor yet in the circling of the seasons of one short year. They die gradually, and the people who would throw them off need the calm judgment, the sober second thought of men who can lead them conservatively, who will appeal to nobler sentiments and broader views, and no man in the past two decades has rendered greater service to his common country in this direction than CHARLES FREDERICK CRISP. His whole course in the House of Representatives, while it manifested the fact that he was true to the atmosphere in which he lived and faithful to the people whom he served, demonstated that he could look beyond the narrow confines of his State, view the broad expanse of our country, and, step by step, guide the Southern States to the common vantage ground where hands should be clasped and common cause made for the whole American people.

When I met him first, but little over a year ago, I knew him only by the reputation he had made as the leader of the political organization to which he belonged; knew him by the record he had made as Speaker of the House of Representatives. I esteemed him, admired him, honored him, and personal contact but intensified that sentiment and feeling.

As a leader of men of his own opinion, he was neither rude nor masterful. To the opposition he was very fair, just, and frequently charitable. To tyros and beginners he was not only gentle, but generous, and he had about him the subtle quality of standing firm upon his own ground, yet winning the confidence, trust, and good graces of his adversaries.

I saw him last upon the floor of this House, when insidious disease had begun its work, but he bore it bravely and by strength of will and nerve attempted to win the terrible battle of life against death. Even then the silent angel poised the dread shaft which ere long was to speed and strike him down. The flowers of spring had bloomed and faded when he departed for his home, there to engage in the contest which was to bring him further honors from the people of his State. Summer passed, the harvests of autumn were gathered, and the winds of approaching winter were beginning to sigh and moan among the trees when the final summons came, and the wires flashed to friend and foe the news that saddened one and all, giving the tidings of his death.

The record of his life is made up. It is fair and beautiful; and the characteristic which shall make him loved most among our people is that he was just and generous toward all, and mingled with justice and generosity that love which is the best part of all men, for, in the language of the Ancient Mariner—

He prayeth well who loveth well
Both man and bird and beast;
He prayeth best who loveth best
All things both great and small;
For the dear God who loveth us,
He made and loveth all

Thus we may leave him, life's fateful mission accomplished and the enigma of the hereafter solved. His memory may be safely intrusted to the people with whom he lived and who now dwell where his ashes rest.

Mr. TATE. Mr. Speaker, we pause amidst the stormy strife of life's fierce battles and the busy bustling scenes of party contention and international disturbance to pay tribute to the memory, recall the services, tell of the exalted character, and recount the many virtues of one who has left his impress upon the age in which he lived. A great leader has fallen. When the future historian comes to record the names of the illustrious statesmen who have been the pride and glory of our common country, that of CHARLES F. CRISP will shine forth among the first and the foremost and shed luster upon the greatest and the best.

When Attorney-General Cushing, on December 9, 1853, announced to the Supreme Court the death of that great and good man, William R. King, Vice-President of the United States, he said, among other beautiful things, concerning the dead statesman, these grand words, which are so appropriate to this occasion that I take the liberty of transcribing them:

> He stands to the memory in sharp outline, as it were, against the sky like some chiseled column of antique art, or some consular statue of the imperial republic, wrapped in its marble robes, grandly beautiful in the simple dignity and unity of a faultless proportion.

Mr. Speaker, death extinguished a great light when Judge CRISP died. He was not an orator like Clay, nor a logician like Webster, nor a metaphysician like Calhoun, yet he possessed in harmonious combination, in a great degree, all of these distinguishing attributes, and was, sir, the best-rounded character I ever knew. He was a pleasing, a charming speaker; graceful in manner, clear in statement, fair in his representation of his opponent's position and argument, candid in his search for the truth.

He knew how to be, at the same time, a partisan and a patriot: He was a partisan because he believed that the principles and policy of his party involved the highest interest of his country and his race. He was a patriot because he recognized in the beneficent Constitution and institutions of his country the world's last and best hope for constitutional liberty and free representative government. He was no specialist, but he stood among the first in all things which go to make greatness. He was a wise counselor, an able statesman, an eloquent advocate, an accomplished parliamentarian, a courtly gentleman, and a true friend. His life is an inspiration to the young men who are to come after him—a beacon light to guide them to a higher sense of public duty, and give them a more exalted idea of unselfish patriotism. I do not care to dwell at length upon the public career of the illustrious dead, because it is a part of the public history of the country and familiar to all. His name is indissolubly associated with all the public events of importance which have occurred in the last decade.

From the time when, a mere youth, he first entered public life down to the moment when death called him from us, his career was a series of brilliant successes. As solicitor-general, judge, president of conventions, member of Congress, Speaker, everywhere and at all times he met every obligation and discharged the duties of every trust committed to him with honesty, fidelity, and ability. Right here, upon the floor of this House, was the scene of his greatest triumphs—his most brilliant achievements. Cool, self-poised, and well balanced, he could always husband his resources at the right time and direct his energies with the best possible effect. Never did he develop his matchless powers or show his wonderful resources so well as when leading the forlorn hope of the minority; amidst the fire and clash of party contention he would always parry the blows of the opposition, and by well-directed aims send his own darts with fatal precision into the heart of the enemy. He never voluntarily gave offense, and frequently disarmed opposition by his kindness and urbanity. Those, however, who met him in debate found that "there were blows to take as well as blows to give."

Some men may have surpassed Judge CRISP in the subtle forces of thought; others may have excelled him in the divine gift of eloquence; still others may have been his equal in soundness of judgment and the judicial fairness with which he exercised power, and perhaps he had his peers in the high social qualities for which he was so eminently distinguished, but men possessing all these high attributes in combination are rarely found. Judge CRISP possessed them all. His was a clear, active, incisive intellect. He was a fluent and eloquent speaker, an upright and impartial judge, an able and faithful Representative, a ready and skillful parliamentarian, and as a Speaker of this House for ability and fairness he goes to history the peer of Blaine and Randall. He was a polished and courtly gentleman, genial in manner and spirit as an "incense-breathing morn" in May, a bold and fearless antagonist, a faithful and confiding friend, and more than this, than these, than all, he was that "noblest work of God, an honest man." His was—

One of the few, the immortal names,
That were not born to die.

Judge CRISP sent the sunshine of joy and gladness into the hearts of those who came in contact with his magnetic presence. It has been said that he never lost a friend nor made an enemy. Those of us who enjoyed the pleasure of comradeship with this golden-hearted man, who luxuriated, as it were, in the bright light of his genial companionship, can attest how great is our loss, how sad our bereavement. A gentler, kindlier heart never beat within a human breast. Would that I could speak of him in fitting language as a friend. He was my friend in all that term can suggest, and my personal loss is greater than I can tell. I loved him and I loved to follow where he led. But above all I loved to sit and hold sweet converse with him.

He has departed from among us, and we will never see his like again. Silently and sorrowfully he was laid away in the bosom of the Commonwealth he loved so well and served so faithfully. The grief of thousands of stricken hearts followed his funeral train. We have embalmed him in our hearts forever, and Georgia continues to weep upon the new-made grave of her best beloved son. Friend of my life—

Farewell; my lips may wear a careless smile,
  My words may breathe the very soul of lightness,
But the touched heart must deeply feel the while
  That life has lost a portion of its brightness.

Judge CRISP was ambitious, "that glorious fault of angels and gods." He had ambition for official position not for its empty honors and perishing emoluments, but for the privilege and opportunity it gave him to serve his country. His ambition was neither selfish nor inordinate. He was ambitious to do the most good within the compass of a life's duration, and to that end he consecrated the best energies of his great mind and his honest heart. He wanted to go to the Senate, the sine qua non of every statesman's ambition, but his desire to attain this exalted station did not overcome his fixed purpose to serve his country where he could do his country most good. While we can not say of him what Antony said of Julius Cæsar, "I thrice presented him a kingly crown—he did thrice refuse," yet we all do know that he was once presented with a seat in the American Senate and that he did once refuse it, because his friends and his party thought he could render the country greater service by remaining Speaker of this House, and with him their wish was law. He was assured by the present able and patriotic junior Senator from Georgia [Mr. BACON], who was at the time an aspirant for the position, that if he would accept the appointment to the office of Senator tendered him by Governor Northen, made vacant by the death of the beloved and lamented Colquitt, he would have no opposition for the succession before the legislature; therefore his acceptance at that time meant the fulfillment of the cherished ambition of his life. Yet he made the personal sacrifice for the public good. Some men are stimulated to great achievements by the love of glory, others by the thirst for power, but the sentiment that absorbed the thought and thrilled the heart of Judge CRISP was love of country.

Breathes there the man with soul so dead
Who never to himself hath said,
  This is my own, my native land!

The greatest heroes of the world's history are those who fought the battles against self and conquered. CRISP did this. He fought this fight, he kept the faith, he gained the victory, and wears the crown.

Pure and unselfish patriotism was his distinguishing characteristic.

Mr. Speaker, Georgia, ever proud of the achievements of her sons, looked upon this, her favorite, with peculiar pride and fondness, and her people, unforgetful of the sacrifices he had made for them, with a unanimity unsurpassed, had named him for the highest position within her gift, when his great heart ceased to beat. And thus this light was extinguished in the very blaze of his greatest political triumph; he reached forth his hand to take the Senatorial toga and grasped a shroud.

Mr. Speaker, as the stars go down to rise on some fairer shore, so our friend passes through the gloom of the grave to another and immortal condition of life. To those annealed in the blood of the crucified Gallilean, there is no death.

There is no death! What seems so is transition;
  This life of mortal breath
Is but a suburb of the life elysian,
  Whose portal we call Death.

Divine revelation flashes from the sheen of the cross upon the darkness of the grave, the light of life, and anchors the broken heart of humanity, by the cable of faith, to the cherished truths of the resurrection and immortality. The religion of Christianity offers the only rational solution of the problems of life and death. We shall meet our friend and associate again, with all those who have preceded us.

We may not sunder the veil apart,
  That hides from our vision the gates of day,
We only know, that their barks no more
  May sail with us o'er life's stormy sea;
Yet somewhere, I know, on the unseen shore,
  They watch and beckon and wait for me.

Our distinguished colleague and beloved friend was as felicitious in death as he was successful in life. He had lived long and well in a few brief years. He had served his country well and faithfully, in positions of high trust and great honor. He was in the high tide of matured intellectual manhood, and in the noonday splendors of national fame. Age had not palsied his great powers, disappointment had not paled the star of his hope, nor frozen the current of his love. His work well done, his fame assured as part of his country's history, "He wraps the drapery of his couch about him and lies down to pleasant dreams," with every flower on his tomb wet with a nation's tears.

Mr. LIVINGSTON. Mr. Speaker, when I first knew CHARLES F. CRISP he was a very, very young man. He had been appointed solicitor-general of one of the circuits in the State of Georgia, and so well and so faithfully did he perform his duties as solicitor, that when he asked an appointment to the judgeship of the same circuit, he received it at the hands of the governor. So well did he perform the duties of judge—no stain, no criticism, no slander was cast upon him or his administration—that at the end of his first term he was elected by the Georgia legislature for a second term.

In all his life he performed his duties well. Beginning without much of this world's goods, with but few friends, and with a limited education, he learned to trust implicitly in that old adage that—

> Honor and shame from no condition rise;
> Act well your part: there all the honor lies.

From his early manhood until the day of his death he was a practical, upright, honest official in every capacity, whether State or national.

In 1883 we had a very noted political contest, such as had not taken place for many years in Georgia. There was opposition to the nomination and election of the then acting governor, and there was a combination to beat him. There were, I believe, four or five candidates who were prominent. Two of them were very nearly equal, and controlling almost the entire vote of the convention. Judge CRISP was a delegate at that time in behalf of a man who had but 13 votes in the convention. I was a delegate, and when we met, the great question to solve was who should act as the permanent president of that convention. Neither of the dominant candidates could afford to allow his rival to name the presiding officer. There was a committee of thirteen appointed to suggest a presiding officer, and I am glad that I had the pleasure, as a member of that committee, of suggesting CHARLES F. CRISP and of stating in the committee room that of all the men who were accredited as delegates to that convention on that day, CHARLES F. CRISP was, in my humble opinion, one of the fairest-minded and most impartial and honest men in the convention. The suggestion was accepted; he was elected, and well and satisfactory did his selection prove to all interested parties. That was the beginning of his political life.

Mr. Speaker, so much has been said of CHARLES F. CRISP to-day, both as to his life and as to his character, and the day has worn so far away, and there are so many others who are anxious to say something in his behalf, that I shall only consume a moment or two more of time. I was with him much during the last year. I have been intimate with him for many years. I have seen him in sunshine and under the clouds. I have seen him in prosperity and in adversity, but never in all my life did I see CHARLES F. CRISP so sorely tried as during the last year. When he thought of entering the race for United States Senator before the people of Georgia, the proposition was that this question should be remanded to the people, by primaries that should select the name of the Senator, believing that the Georgia legislature would indorse their action. It is well remembered by everybody on the floor of the House that a very strong man—a young man, strong in mind and in body—met him on the hustings in Georgia, contesting his claim to the Senatorship on account of his financial views.

It was intimated, when Mr. CRISP left the field and failed to fill the engagements on hand, that it was for other reasons than his physical condition. He was criticised by the papers at home in some instances and by newspapers abroad. No one knew but Mr. CRISP his real condition. No physician who had attended him or prescribed for him knew his sufferings and the peculiar condition, physically, under which he labored. He withdrew. He submitted to those adverse criticisms and talked to me about it more than once. I was with him, Mr. Speaker, when he made his last speech on earth. Called by the people of Rome, Ga., and the surrounding country last fall to deliver a political speech, he had a magnificent audience, and never in my life did I see a speaker who nerved himself so thoroughly to do his full duty and measure up to his full capacity as did CHARLES F. CRISP on that occasion. It was painful to see the effort he made to meet the expectations of the vast crowd that was hanging upon his lips. Yet he partially failed; it was his last effort. He only talked for a few minutes, and had to sit down. There were but few, perhaps, including Mr. CRISP himself, who were aware of how fatal the malady was or would be, and how soon it would take him from his sphere of action.

Permit me to say in conclusion, Mr. Speaker, that his death was a national loss; but a much greater loss to Georgia, and to his home circle and to his personal friends an irreparable loss. He was an honest man, a good man, a discreet man, a wise man, a kind man, a liberal man, a manly man.

Mr. LAWSON. Mr. Speaker, on the 23d day of October last the soul of CHARLES F. CRISP, a great Georgian and an honored member of this body, passed through the gates of death into the presence of God. On that day his eyes rested for the last time on the autumnal splendors of his Southern skies. At such a season life is precious. For no artist, however deep his inspiration or exalted his imagination, has ever conceived a picture that rivaled in beauty and grandeur the surpassing loveliness of forest and landscape when "every leaf is an opal, and every tree a bower of varied beauty." From such a scene the soul of Judge CRISP, conscious of its impending voyage, and with no loved one absent, fearlessly launched upon the serene and placid sea of eternity. The places that knew him once will know him no more forever. But in a potent sense he still lives—lives in the virtues which he illustrated and in the successes which he achieved. These are invulnerable to the leaden scepter.

For the emulation of youth a nobler examble than our deceased friend can scarcely be presented. Ardent, courageous, patriotic, and loyal to his adopted State, he, at the age of 16 years, grasped the sword in defense of her sovereign rights. Through four years of fatigue, hardships, and untold privations he followed the immortal Lee, the incomparable soldier and peerless citizen, amid the vicissitudes of fortune, to his final defeat. Then, at the age of 20 years, located in a small south Georgia town, he began a new life. A stranger, without either fortune or ancestral distinction, he began that long civic combat which, protracted through many years, ended only with his life. There was nothing in the physical aspect of the country, nor in its social and political condition, to animate the buoyancy of his youthful spirits or to guide him to an elevated plain of manhood and usefulness. Physical desolation all around and a thorough social upheaval, united with a galling oppression from without, tended to make the prospect cheerless and hopeless. But that manly courage and hardihood acquired in his soldier life qualified him for the conquest of adverse conditions and for his final triumph over all discouragements. His education was meager, such only as he had acquired in the common schools; yet he was inducted into the learned profession of the law, a profession which in his Southern home had always held aloft the highest standards of learning, integrity, and honor. But by dint of native ability, strenuous effort, and unfailing industry, he soon won a firm foothold in the profession, and was promoted to the office of solicitor-general, and charged with the prosecutions of all infractions of the criminal laws in his circuit. His able and faithful discharge of the duties of his office is evidenced by the fact that on the first opportunity thereafter he was elected one of the judges of the superior courts of the State, courts which are vested with the highest original civil and criminal jurisdiction in the State. Responsibilities of the most grave and onerous nature now devolved on him—none could be more so. To hold the scales of justice evenly between the contending animosities and passions of personal strifes, and to determine the issues of life and death impartially according to law, is a responsibility and a duty more exacting of the intelligence, the patience, the integrity, and the humanity of the judge than can otherwise be imposed. Yet Judge CRISP bore this burden with fortitude, with a sound understanding, and with conscientious loyalty to justice and fidelity to the State, eminently displaying in all emergencies the immovable and calm equipoise of an impartial magistrate. His countrymen, to attest their approval of his able judicial administration, transferred him to a sphere of less serious responsibilities, but of higher honor and wider usefulness. They elected him to the Congress of the United States. I will not undertake to portray his labors and successes here. That will be much better done by his colaborers and cotemporaries.

I did not witness any part of his Congressional career until he was chosen Speaker of the House of Representatives. As his colleague, and representing in part the same people, I witnessed, with a pardonable exhilaration of feeling, the industry, aptitude, ability, and fairness with which he deported himself in that great office. Quick to perceive, prompt to act, resolute of purpose, calm, composed, and suave in manner, he was a model officer. The stormy ebullition of partisan fury did not appall him, nor did sudden parliamentary entanglements disconcert him. Deliberate, just, self-poised, courteously according equal consideration to political friend and foe, he pursued the even tenor of his way. His personal bearing, and the unique blending of his moral and intellectual qualities, fitting him well and equally for action or for the council board, plainly marked him for the leadership of his party in the House. His sagacity, if not unerring, was of the keenest description. For these reasons, when his party suffered defeat, and when he descended from the chair to the floor of the House, party leadership was accorded him spontaneously, without rivalries, and without criticisms or comparisons. And though he knew that disease was corrupting the fountains of life, and though, haggard and wasted in strength, he sometimes seemed to bend beneath the burden, he resolutely maintained his station at the head of the column. Thus, as lawyer, jurist, legislator, Speaker, and statesman, he was a conspicuous figure and filled a large space in the public eye.

> His was the applause of listening senates to command,
> And to read his history in a nation's eyes.

And cut down in the midst of his years, in the prime and maturity of manhood, in the zenith of his fame and usefulness, his death is an irreparable loss to his State and country.

It may be remarked that his history was complete as it progressed. He advanced step by step from one degree of honor and usefulness to a higher, but every inch traversed was thoroughly conquered ground, and he did not need the brilliancy of a later achievement to reflect back and supplement or amend the deficiencies, the errors, or the failures of an earlier period.

One event in his political career stands out as a conspicuous illustration of his self-sacrificing patriotism. It was well known to his friends, and a fact which he did not hesitate to admit, that he coveted a seat in the United States Senate. That seemed to be the goal of his ambition, the capstone to an unbroken series of political conquests. But when, on the death of Senator Colquitt, the governor of Georgia offered to fill the vacancy in the Senate by the appointment of Judge CRISP, he patriotically put aside the coveted prize, esteeming the services he was performing as Speaker of the House of Representatives to be of far greater value to the country than his services as a Senator could be. His countrymen warmly appreciated and applauded his self-denial, and in the fullness of time, when he could accept the office without a sacrifice of duty, they, with practical unanimity in a primary election, indicated him as their choice for the Senatorship. All that remained to consummate the people's choice and his own ambition was the vote of the general assembly, which would have been cast before the passing of those beautiful October days. Had death spared him a few days longer an admiring people would have crowned him with the laurels he so long coveted. But he is gone; and the glittering prize which, like ripened fruit, was just dropping into his hands, has fallen to the lot of another.

I can not close this brief sketch without some reference to the private and unofficial life of the honored dead. I will not profane the sanctuary of his domestic life by any allusion to it except to say that he was a loving, dutiful, and indulgent husband and father. No man's life is faultless. No man's life is as good as he wishes it to be and strives to make it. Life is a drama of alternate defeat and victory. The private life of Judge CRISP, leaving out the foibles and follies that human nature in the best of men is heir to, was untarnished and spotless. No one ever questioned his integrity, and no suspicion or slander ever cast a film upon the clear surface of his character. It was above reproach. His affable manners and singularly democratic habits drew men to him and "grappled them with hooks of steel." No aspersion of his political foes ever escaped his lips; they even shared the beneficence of his Christian charity. His bonhommie was perennial; his cheerfulness a never-failing stream. It was a delight to share in the pleasantries of his sunny disposition. As greatness grew upon him he did not forget his early and less-favored friends. The great poet tells us that—

> 'Tis a common proof,
> That lowliness is young ambition's ladder,
> Whereto the climber-upward turns his face;
> But when he once attains the upmost round,
> He then unto the ladder turns his back,
> Looks in the clouds, scorning the base degrees
> By which he did ascend.

Not so with Judge CRISP. A friend once gained was a friend forever. The friends of his early days were the stancher friends of his last days. The period of his suffering and decline was wreathed in their admiration and love. And if any sacrifice which they could have offered could have beaten back the stealthy and relentless approach of the grim monster, he to-day, strong and militant, would be an active leader amongst us.

I conclude with one other remark. Death came to him as it comes to but few. It did not with a sudden and resistless stroke mercifully cut him down. It did not, through wasting disease, always nearing the inevitable end, assure him that recovery was impossible. But it tantalized him with alternate hope and dread. Now it approached; again it receded; but the dread Reaper was ever dimly present. In the noisy altercations of these halls, in the privacy of his home, in the council chamber, on the highway, in the hall of assemblies, in solitude, in society, at funerals and at marriage feasts, everywhere and always, Death, toying with his heartstrings, mocked him. Whether his end was near or far off, he knew not; but he did know that his sleepless enemy was inexorable and relentless. For months he stood near and listened to the lashing of the waves upon the eternal shore and feared not. Surely the valiant never taste of death but once.

Mr. MORSE. Mr. Speaker, at this late hour I promise that my words will be very few. The great dramatist has said:

> All the world's a stage,
> And all the men and women merely players.

Of this Washington, with its ever-changing life, seems to me to be a fit illustration. I often think, as I ascend the steps of this Capitol building, of all the men who have served here and walked these streets, ascended these steps, and had their little day of honor, fame, and pleasure, and have joined the silent majority.

Judge CRISP, in whose honor we have met here this afternoon, like all the rest, is but an illustration of Gray's immortal Elegy in a Country Churchyard, that—

> The paths of glory lead but to the grave.

These considerations should lead us to look away to that undiscovered country, should lead us to seek for honor and treasure laid up "where neither moth nor rust doth corrupt, and where thieves do not break through nor steal." How it should lead us to strive for that incorruptible crown of glory that fadeth not away, for those enduring honors that will stand when the marble crumbles, when the bronze turns to dust, and when the canvas fades—will stand when the elements have melted with fervent heat and the works thereof are burned up.

Mr. Speaker, to know CHARLES F. CRISP was to love the man. I disagreed with this distinguished statesman upon nearly every political question, upon economic and financial questions, but I am here to bear testimony to the fact that I believe he was a thoroughly honest and sincere man. I am here to say that he was a refined and courteous gentleman; and I am here to say that he bore the duties of that great office which you enjoy, Mr. Speaker, and whose responsibilities you know so well—I am here to say that he bore those great honors with a quiet modesty and dignity. CHARLES F. CRISP was a gentleman in the widest, broadest sense of those words. Shakespeare says:

> The evil that men do lives after them;
> The good is oft interred with their bones.

I have often thought when reading that that he spoke ironically. I think exactly the opposite is true. I think we love to recount the virtues of our deceased friends rather than their failings and faults. The distinguished gentleman from Pennsylvania [Mr. DALZELL] has said that Speaker CRISP had faults; but he has truly and justly said that his virtues far outshone them; his gentleness, his culture, his urbanity of manner, even to his political opponents as well as his friends, was a marked characteristic of this great man, who now sleeps in the soil of his own loved State, the great empire State of Georgia.

Mr. Speaker, Mr. CHARLES F. CRISP died in the zenith of his fame. He died at the post of duty, as one should wish to die. You remember, Mr. Speaker, when the surgeons gathered around Mr. Garfield in the depot when he was stricken down by the vilest assassin that ever cursed the earth, he asked Dr. Bliss: "Doctor, is the wound mortal?" And you remember the answer that the doctor made. Said he: "Mr. Garfield, we fear the worst." And that great man said: "Doctor, I am not afraid to die." Why not? Because he was at the post of duty. One of my illustrious and distinguished predecessors, who for sixteen years represented in yonder Hall the district which I have the honor to represent—John Quincy Adams, the old man eloquent—died in yonder Hall in 1848. He died as he lived—at the post of duty, like this man. He died on his shield, and his last words were: "This is the last of earth. I am content." Surely the place where a statesman would wish to die!

Some of the oldest people who live in my country will tell you that their grandparents told them about a dark day. It occurred on the 19th day of May, 1780. It began to grow dark at 10 o'clock in the morning, and at noon it was so dark in New England that people could not see to read outdoors. Our fathers had very few books besides the Bible, and in that book they read that God had appointed a day in which He would judge the world. Very many of the good people of New England thought the day of judgment was at hand. Indeed, Mr. Speaker, as you know, the strange phenomenon has never been explained. The only explanation ever offered was that the smoke from dense forest fires in the West met a dense fog from the East. At any rate, on the 19th day of May, 1780, at noonday in New England a man could not see to read out of doors. This dark day overtook the Connecticut house of assembly in session; and amidst profound silence and gloom, one of the members arose in his place and said:

> Mr. Speaker, it is evident that some strange and wonderful providence of Almighty God is upon us, by which we can not see to read at noontime. It may be, sir, that the day of judgment is at hand. In view of this strange and wonderful providence of God, I move you, sir, that the Connecticut house of assembly do now adjourn.

There was another member of the house of assembly, whose name was Abraham Davenport, and he was a Quaker; and he stood up in his place and opposed the motion. He said:

> Mr. President, I am opposed to the motion to adjourn. I am utterly unable to explain the darkness. It may be that some strange and wonderful providence of God is upon us. It may be, as my brother has said, that the day of judgment is at hand. But, sir, as I know of no better place to be overtaken by death and the judgment than at the post of duty, I move you, sir, that the candles be brought in and the act be read again.

It was done: and the business of the house went on.

Now, Mr. Speaker, I have faith to believe that if you and I, like CHARLES F. CRISP, and John Quincy Adams, and James Abram Garfield, and Abraham Davenport, are found at the post of duty, in the largest meaning of those words, having our peace made with God, we need not fear death or the judgment. Surely this man died at the post of duty: he died bravely and he sleeps well: his name and his memory and his record will be revered by his countrymen to the remotest time. Fare you well, CHARLES F. CRISP! We shall see you no more on the shores of time. We say to you a last and sad farewell.

Mr. TURNER of Georgia. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on the pending resolutions may have leave to extend their remarks, and that others may have the privilege of furnishing remarks for publication within the next ten days.

There was no objection: and it was ordered accordingly.

The question being then taken, the resolutions were agreed to; and in accordance therewith (at 5 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting reports from the accounting officers of the Treasury Department, with lists of delinquent officers during the year 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Anacostia and Potomac Railway Company, transmitting a statement of receipts and expenditures for the year ending December 31, 1896, together with a list of stockholders—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting list of amounts due the Union and Kansas Pacific Railroad companies; also settlements in favor of the Central Branch, Union Pacific Railroad Company—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897, reported the same without amendment, accompanied by a report (No. 2533); which said bill and report were referred to the House Calendar.

Mr. MORSE, from the Committee on Public Buildings and Grounds, to which was referred House bill No. 9491, reported in lieu thereof a bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, accompanied by a report (No. 2534); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3071) entitled "An act to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa., reported the same without amendment, accompanied by a report (No. 2538); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SHANNON, from the Committee on the District of Columbia: The bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia. (Report No. 2535.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 8275) to remove the charge of desertion standing against Philip Beidle. (Report No. 2536.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 9878) granting a pension to Sarah C. Ward. (Report No. 2539.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, submitted an adverse report (No. 2537) on the bill (H. R. 6910) to remove the charge of desertion standing against James F. O'Sullivan: which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 10022) to amend the act entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: A joint resolution (H. Res. 232) for the relief of Robert L. Lindsay—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A resolution (House Res. No. 392) requesting the Secretary of State to inform the House concerning the status of an agreement between the United States and Great Britain regarding the building of war vessels on the Great Lakes—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: A concurrent resolution (House Con. Res. No. 67) to print 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled the Cotton Plant: its History, Botany, Chemistry, Culture, Enemies, and Uses—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FITZGERALD: A bill (H. R. 10024) for the amendment of the military record of Herman Wenige—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 10025) granting a pension to James Whitten, Company K, Fifteenth Regiment New Jersey Volunteers—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 10026) for the relief of John Morrison, of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. REED: A bill (H. R. 10027) to correct the naval record of John Richard Dimock—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A bill (H. R. 10028) for the relief of William Johnson, administrator of Thomas J. Johnson, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. SPENCER: A bill (H. R. 10029) for the relief of Anna Hunt, administratrix of the estate of George F. Hunt, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. WALKER of Virginia (by request): A bill (H. R. 10030) to correct the military record of Thompson Tooley, alias James Heney—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 10031) for the relief of Anthony Burleson—to the Committee on Military Affairs.

Also, a bill (H. R. 10032) for the relief of John T. Lehman, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10033) for the relief of John McMurtry, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FITZGERALD: Memorial of the Massachusetts Historical Society, Charles Francis Adams, president, for the preservation of the old frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. MOSES: Petition of the heirs of Josiah Chambers, deceased, late of Carroll County, Ga., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WALKER of Virginia: Papers to accompany House bill to correct the military record of Thompson Tooley, alias James Heney—to the Committee on Military Affairs.

By Mr. SHAFROTH: Petition of the Society of the Sons of the Revolution in the State of Colorado, John F. Spalding, president, for the publication of the archives of the Government relating to the formative period, extending at least from about 1720 to the close of the war of 1812—to the Committee on Printing.

Also, petition of Thomas Butler and 35 other ex-soldiers residing in Longmont, Colo., urging the passage of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 18, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

J. L. M. IRBY, a Senator from the State of South Carolina, appeared in his seat to-day.

The Journal of the proceedings of Thursday last was read and approved.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Kentucky and Tennessee; which were ordered to lie on the table.

CHIEF OF CENSUS DIVISION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for the consideration of Congress a communication from the Secretary of the Interior of the 14th instant, submitting an estimate of appropriation in lieu of an estimate transmitted to the Senate on the 4th instant, for a chief of census division; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ORIGINAL DISTRICT OF COLUMBIA TERRITORY.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of December 17, 1896, a statement of what proportion the present holdings of the United States in the State of Virginia and within the former limits of the District of Columbia bear to the whole territory originally ceded by that State to the United States, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

THE CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission in response to a resolution of the 14th instant, stating that in obedience to the requirement of the law of January 16, 1883, the Commission on April 29, 1896, made to the President, for transmission to Congress, its annual report for the fiscal year 1895; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

REPORT OF ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF THE CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company, of the District of Columbia, for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

DISTRICT CHARITIES AND REFORMATORY INSTITUTIONS.

The VICE-PRESIDENT appointed Mr. MARTIN a member on the part of the Senate of the Joint Select Committee to Make Investigations of the Charities and Reformatory Institutions of the District of Columbia, in place of Mr. HARRIS, excused.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 710) to remove the charge of desertion against James A. Crouch;

A bill (H. R. 1628) for the relief of Dewitt Eastman;

A bill (H. R. 2253) for the relief of Barzilla C. Hudson;

A bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers; and

A bill (H. R. 3926) to correct the war record of David Sample.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers;

A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district; and

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri.

The bill (H. R. 939) for the relief of Cogswell & Co. was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 2859) granting a pension to Harriet F. Herrick was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf was read twice by its title.

Mr. McMILLAN. I ask that the bill may lie on the table. It is the same as a Senate bill now on the Calendar.

The VICE-PRESIDENT. It will be so ordered.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 206) to provide an American register for the steamer *Kahului*;

A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway to construct and maintain a bridge across Red River, at the city of Alexandria, La.;

A bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes;

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;

A bill (H. R. 4538) for the relief of John Keefe;

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and

A joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Illinois State Grange, praying for the establishment of a free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 5, Junior Steam Fitters' Association, of Chicago, Ill., praying for the enactment of legislation providing for the protection of seamen on the Great Lakes; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Alton, Ill., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the general assembly of the State of Indiana, praying for the passage of House bill No. 3273, relating to the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of M. J. O'Shea, of Chicago, Ill., remonstrating against the ratification of the arbitration treaty with England; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Delaney & Murphy, wholesale liquor dealers, of Chicago, Ill., remonstrating against the passage of House bill No. 8582, allowing the bottling of distilled spirits in bond; which was referred to the Committee on Finance.

He also presented a petition of the Christian Ministers' Association, of Cincinnati, Ohio, praying for the enactment of legislation to prevent the nullification of interstate antigambling laws; which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Illinois State Grange, favoring the establishment of the equality of the sexes at the ballot box; which were referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Illinois State Grange, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Cincinnati Baptist Ministers' Conference, of Cincinnati, Ohio, praying for the enactment of legislation relating to gambling by telegraph and express; which was referred to the Committee on Interstate Commerce.

He also presented the memorials of Rev. J. B. McCrary, publisher of the Baptist Truth, of Metropolis; of Bailey & Son, publishers of the Bureau County Republican, of Princeton; of P. B. Nelson, publisher of the Winchester Times, of Winchester; of E. J. Doering, president of the Medical Recorder Publishing Company, and of W. H. Mansfield, publisher of the Roseland Review, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. R. Hammond, editor of the Arkansas Commonwealth, of Little Rock, Ark., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of John R. Marshall, publisher of the Record, of Yorkville; of H. W. Austin, president of the Oak Park State Bank, of Oak Park, and of Cad Allards, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I have just received a dispatch in the nature of a petition from the Bankers' Club of Chicago, which I will read:

> *Resolved*, That the Bankers' Club of Chicago hereby indorses the accredited representatives of the United States and Great Britain, and calls upon the Senate, in the interest of peace, the welfare of the business of the country, and the advancement of civilization, to ratify it without unnecessary delay.
>
> JOHN J. MITCHELL, *President.*
> W. D. C. STREET, *Secretary.*

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. COCKRELL. I present resolutions of the Kansas City Live Stock Exchange, in regard to the necessity of amending the law touching chattel mortgages in the Indian Territory. I believe a House bill for this purpose has been introduced, and I think there is a similar measure pending before the Judiciary Committee of the Senate. I ask that the petition be referred to that committee with the accompanying letter from the president of the Kansas City Live Stock Exchange, J. R. Stoller, and also a similar letter from Tootle, Wheeler & Motter, of St. Joseph, and one from Murray Carleton, of the Wear & Boogher Dry Goods Company, of St. Louis. I think the Committee on the Judiciary is the committee which has that bill, and I hope it will act very promptly upon the matter. I move that the petition and accompanying papers be referred to that committee.

The motion was agreed to.

Mr. COCKRELL presented the memorials of William Davis Foster, editor of Medical Arena, of Kansas City, Mo.; of W. R. Adams, publisher of Taney County Sentinel, of Taneyville, Mo., and of Anton E. Neumeister, M. D., publisher of the Medical Arena, of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER. I present the petition of Rev. J. C. Post, of Mulvane, Kans., in which he asks Congress "to submit to the legislatures of the several States an amendment to the Constitution of the United States requiring the Supreme Court of the United States, when ruling any act of Congress as in violation of the Constitution, to immediately submit their decision to Congress in the same way that a Presidential veto is submitted, with their reasons for such adverse action. Whereupon Congress shall consider the reasons upon which such adverse decision is made, and, if, after such consideration, Congress shall by a majority vote reaffirm their action, notwithstanding said action of the Supreme Court, then said law shall become a part of said Constitution." I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. PEFFER presented the memorials of L. S. Roby, publisher of the Kansas Endeavorer, of Topeka, Kans.; of the publishers of the Farmers' Vindicator, of Valley Falls, Kans., and of P. F. Yearout, publisher of Emporia Times, Emporia, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the memorial of Foster Bros., publishers of the Gladwin County Record, of Gladwin, Mich., and the memorial of Eugene Glass, publisher of the Dog Fancier, of Battlecreek, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the West Chester State Normal School and sundry citizens of West Chester, Pa., praying Congress to restore the former law of the District of Columbia against Sunday traffic; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of the Fifth Conference of the Foreign Missions Boards and Societies in the United States and Canada, praying for a speedy ratification of the arbitration treaty; which was referred to the Committee on Foreign Relations.

He also presented the memorial of John Calderwood, publisher of the Courier, of Greenville, Ohio, and the memorial of C. W. Charles, publisher of the Ohio Chronicle, of Columbus, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the petition of Charles W. Bogart, president of the Twenty-third Ward Bank and 100 other citizens of New York City, praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal; which was referred to the Committee on Commerce.

Mr. GALLINGER presented a memorial of the Boston Paper Trade Association, of Boston, Mass., remonstrating against the passage of the so-called Loud bill in its present form, and praying that the matter of second-class mail be referred to a commission to investigate and report a bill to remedy whatever abuses may now exist; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Josiah B. Dyer, for Sargent, Dyer & Co., publishers of the Stone Trade News, of Concord; of Lewis W. Brewster & Son, publishers of the Portsmouth Journal, of Portsmouth; of A. F. Rowell, publisher of the Lancaster Gazette, of Lancaster; of F. W. Bittinger, publisher of the Weekly News, of Woodsville; of E. W. Townsend, publisher of the Independent, of Salmon Falls; of W. A. Whiting, manager of the Emerson Paper Company, of Sunapee, all in the State of New Hampshire, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present the petition adopted at a mass meeting of citizens of Pensacola, Fla., of which J. J. Sullivan was president, and other named officers, including Mr. S. R. Mallory, former member of Congress. The paper states that the Spanish Government in the conduct of the war against the people of Cuba have disregarded the laws of humanity and of civilized warfare in massacring the wounded and dying, and butchering noncombatants, and have devastated and laid waste the island. It further states that the principles of liberty, humanity, and justice are sacred to the American people, and they view with displeasure the conduct of the Government of Spain in denying to the Cubans the rights which are the inherent birthright of all free men. The petition prays the Congress of the United States to recognize the rights of the people of Cuba, who desire now to form a government, and extend the hand of fellowship to them. I move that the petition lie on the table.

The motion was agreed to.

Mr. LODGE presented a memorial of the Boston Paper Trade Association, of Boston, Mass., remonstrating against the passage of the so-called Loud bill in its present form, and praying that the matter of second-class mail be referred to a commission to investigate and report a bill to remedy whatever abuses may now exist; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Atlantic Coast Seamen's Union, praying that so much of Senate bill No. 2623 and House bill No. 6399 as relates to corporal punishment be stricken out; which was referred to the Committee on Commerce.

He also presented a petition of 143 depositors of the failed Freedman's Savings Bank, praying Congress to appropriate sufficient money to reimburse them for their losses resulting from the failure of that bank; which was referred to the Committee on Finance.

He also presented petitions of the Batchelder & Lincoln Company, of Boston, Mass.; of W. Frederick Kimball, of Boston, Mass., and of Charles H. Ingalls & Co., of Lynn, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. TURPIE presented a memorial of the Municipal Engineering Company of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post Roads.

He also presented the memorial of H. T. Benninghof & Sons, H. Gumberts & Son, and Otto Durre & Co., of Evansville, Ind.; the memorial of sundry wholesale liquor dealers of Indianapolis, Ind., and the memorial of W. E. Broderick, second vice-president National Wholesale Liquor Dealers' Association of America, of Baltimore, Md., remonstrating against the passage of House bill No. 8782, allowing the bottling of distilled spirits in bond; which were referred to the Committee on Finance.

He also presented a petition of the Pastoral Association of Evansville, Ind., praying for the enactment of legislation to prevent the nullification of State antigambling laws by extending to interstate gambling by telegraph the penalties provided for interstate gambling by mail and express; to enact a law raising the age of consent to 18 years in the District of Columbia and the Territories; to enact a Sabbath law for the national capital, and to substitute voluntary industrial arbitration for railroad strikes, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of a reciprocity law extending the trade not only in flour and products of grain, but also in other commodities; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of sundry clerks and other employees in different branches of the public service in the State of Minnesota, praying for the passage of House bill No. 8320, providing for the creation of a civil service retirement fund, etc.; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MITCHELL of Wisconsin presented a petition of the Board of Trade of La Crosse, Wis., praying for the appointment of a banking and currency commission; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of La Crosse, Wis., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Wisconsin National Guard Officers' Association, praying for the enactment of legislation relating to the reorganization of the National Guard and militia of the United States; which was referred to the Committee on Military Affairs.

He also presented the memorials of Oliver Bros., publishers of the Waupun Leader, of Waupun; of Charles A. Brood, publisher of the Monroe Sentinel, of Monroe; of Chantors & Hanford, publishers of the Brodhead Independent and Wisconsin Citizen, of Brodhead; of A. F. Churchill, publisher of the Times, of River Falls; and of Sommers & Reynolds, publishers of the Weekly Madisonian, of Madison, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented resolutions adopted at a meeting of the General Assembly Home Missions of the Presbyterian Church of the United States (Southern), held at Atlanta, Ga., relative to property holdings in the Choctaw and Chickasaw Nations; which were referred to the Committee on Public Lands.

Mr. BATE presented the memorials of Rosenblett & Dolby, publishers of the Musical Idea, of Greenville, Tenn.; of Henry H. Dukes, publisher of the Newport Times, of Newport, Tenn.; and of S. A. Cunningham, of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against the adoption of the resolutions relative to the independence of the Republic of Cuba; which was ordered to lie on the table.

He also presented a resolution adopted at a representative meeting of the Religious Society of Friends (Orthodox), held at Baltimore, Md., urging members of Congress to use their influence and votes in the interest of the maintenance of peaceable relations between the United States and other nations; which was referred to the Committee on Foreign Relations.

He also presented memorials of W. M. Abbott & Son, publishers of the Evening Capital, of Annapolis, Md.; of Plummer & Plummer, publishers of the Free Press, of Greensboro, Md.; of Charles W. Ely, publisher of the Maryland Bulletin, of Frederick, Md.; of J. M. Litzinger, publisher of the Mountain Democrat, of Oakland, Md.; of J. M. Street & Son, publishers of the Harford Democrat, of Maryland; of C. Scott Duvall, publisher of the Temperance Sentiment, of Gaithersburg, Md.; of S. E. Whitman, publisher of the State Democrat, of Easton, Md.; of Edward Reisler, publisher of the Carroll News, of Union Bridge, Md.; of the Health Magazine Company, of Maryland; of Enoch B. Abell, publisher of the St. Marys Enterprise, of Leonardtown, Md.; of H. W. Lewis, publisher of the Banner of Liberty, of Libertytown, Md.; of J. B. Morrow, editor of the Ellicott City (Md.) Times; of the National Underwriter Company, of Baltimore, Md., and of Albert Weil, general manager of the Baltimore (Md.) Life Publishing Company, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. PLATT. From the Committee on the Judiciary I ask that that committee be discharged from the further consideration of the bill (H. R. 5907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, and that the bill be referred, with the accompanying papers, to the Committee on Indian Affairs.

Mr. COCKRELL. Was a similar bill pending before the Committee on Indian Affairs?

Mr. PLATT. It is the Curtis bill that was referred, after passing the other House, to the Judiciary Committee. The same bill was pending before the Committee on Indian Affairs, having been introduced in the Senate; and when we reach the order of bills I am going to introduce another bill this morning covering the same ground.

Mr. COCKRELL. The Committee on the Judiciary is to be discharged and the bill referred to the Committee on Indian Affairs?

Mr. PLATT. Yes.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. CULLOM. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, to report it with sundry amendments and submit a brief statement of facts as a report. I give notice that to-morrow morning, or as soon thereafter as I can get the opportunity to call it up, I shall ask for the consideration of the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia, reported it without amendment.

Mr. CHANDLER. I should like to ask the Senator from Michigan, the chairman of the Committee on the District of Columbia, whether he proposes to bring up the joint resolution for action either to-day or some near day.

Mr. McMILLAN. I will answer the Senator from New Hampshire that the measure will go on the Calendar and can be called up by any Senator. I am not particularly anxious that the joint resolution shall come up this morning.

Mr. CHANDLER. I ask whether the joint resolution will arrest the present work on the streets of Washington.

Mr. McMILLAN. It would, if passed.

Mr. CHANDLER. It seems to me that either to-day or to-morrow some time ought to be fixed for the consideration of the joint resolution, if it is to have any effect whatever. The fact that it is reported by the committee indicates that they think the construction of the present ditches and the tearing up of pavements ought to be stopped by act of Congress. If the work is to be stopped, the joint resolution ought to be acted upon immediately.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. PETTIGREW, from the Committee on Appropriations, to whom was referred the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, reported it with amendments.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3520) to provide for the erection of a custom-house in the city of New York, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor; which was read twice by its title.

Mr. WETMORE, from the Committee on the Library, to whom was referred the amendment submitted by Mr. GIBSON on the 11th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 3514) to regulate the term of office of postmasters, reported it with amendments.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 11th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and that it be referred to the Committee on Appropriations with the accompanying report; which was agreed to.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 3339) granting a pension to Louise E. Perkins, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3491) granting an increase of pension to Capt. John W. Dodd, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2375) granting an increase of pension to John G. Powers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1811) to extend the uses of the mail service, reported it with amendments, and submitted a report thereon.

He also (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 2883) granting a pension to Rebecca Gilbert, reported it without amendment, and submitted a report thereon.

He also (for Mr. BRICE), from the same committee, to whom was referred the bill (S. 3511) granting a pension to Jane B. Johnston, reported it with an amendment, and submitted a report thereon.

He also (for Mr. BRICE) from the same committee, to whom was referred the bill (S. 2891) granting a pension to William G. Alspach, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri, reported it without amendment.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota, reported it without amendment.

MONONGAHELA RIVER BRIDGE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3426) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, reported it without amendment.

Mr. QUAY. A similar bill passed the other House last week and upon reaching the Senate at my suggestion was laid upon the table to await this report. I should be glad if the Senate will indulge me to put the House bill upon its passage, as I am to leave the city within a few days to be absent until the 1st of March. I ask unanimous consent that the Senate proceed to the consideration of the House bill.

The **VICE-PRESIDENT.** The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. QUAY. The House bill was laid on the table several days ago.

The bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. QUAY. I move that the bill (S. 3426) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3544) to secure to the citizen Indians in the Indian Territory the equal use of their tribal lands, and to extend the jurisdiction of the United States courts therein, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 3545) amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. VILAS introduced a bill (S. 3546) granting a pension to Ellie Kee, widow of Thomas Kee, late private Company F of the Seventh Regiment Wisconsin Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3548) to provide for a permanent census; which was read twice by its title, and referred to the Committee on the Census.

Mr. GORMAN introduced a bill (S. 3549) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLARK introduced a bill (S. 3550) granting an increase of pension to J. F. Crawford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I introduce a bill in behalf of the junior Senator from Colorado [Mr. WOLCOTT], which I ask may be read at length.

The bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called was read the first time by its title, and the second time at length, as follows:

> *Be it enacted, etc.*, That whenever, after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country, with a view to securing by international agreement a fixity of relative value between gold and silver as money, by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

The **VICE-PRESIDENT.** To what committee does the Senator suggest that the bill be referred?

Mr. CHANDLER. The bill is in the exact language of the three previous acts of Congress providing for the representation of the United States at international conferences. It is also in accordance with the act of March 2, 1895, in using the words "with free mintage at such ratio." Those words were first added in the act of 1895. The bill presents but a single point, and is well understood by Senators, so that I ask unanimous consent that, without being referred to any committee, it may go over until to-morrow, when I shall endeavor to bring it up for consideration.

The **VICE-PRESIDENT.** Is there objection? The Chair hears none, and the bill will be placed on the Calendar.

Mr. HILL. The bill will be printed and laid on our desks?

Mr. CHANDLER. It will be printed, of course; and I ask to have printed as a part of my remarks this morning copies of the four previous acts of Congress.

The **VICE-PRESIDENT.** Without objection, it will be so ordered.

The acts referred to are as follows:

[Bland-Allison Act, February 28, 1878, Statutes at Large, volume 20, page 25.]

> SEC. 2. That immediately after the passage of this act the President shall invite the governments of the countries composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money, and securing fixity of relative value between those metals; such conference to be held at such place in Europe or in the United States at such time within six months as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.
>
> The President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall attend such conference on behalf of the United States, and shall report the doings thereof to the President, who shall transmit the same to Congress.
>
> Said commissioners shall each receive the sum of $2,500 and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

[Sundry civil act, March 3, 1881, Statutes at Large, volume 21, page 455.]

> For commissioners, not exceeding three in number, to be appointed by the President, by and with the advice and consent of the Senate of the United States, to represent the United States at a conference to be called to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, the sum of $5,000 each, and for a secretary to said commissioners the sum of $3,000, and their reasonable expenses, to be approved by the Secretary of State; the amount necessary to pay such compensation and expenses to be immediately available out of any money in the Treasury not otherwise appropriated.

[Sundry civil act, August 7, 1882, Statutes at Large, volume 22, page 303.]

> For commission to represent the United States at the reassembling of a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, and in negotiations with reference thereto, $25,000 and their reasonable expenses, to be approved by the Secretary of State.

[Sundry civil act March 2, 1895, Statutes at Large, volume 28, page 962.]

> That whenever the President of the United States shall determine that the United States should be represented at any international conference called with a view to secure internationally a fixity of relative value between gold and silver, as money, by means of a common ratio between those metals, with free mintage at such ratio, the United States shall be represented at such conference by nine delegates, to be selected as follows: The President of the United States shall select three of said delegates, the Senate shall select three members of the Senate as delegates, and the Speaker of the present House of Representatives shall select three members of the House of Representatives of the Fifty-fourth Congress as delegates. If at any time there shall be any vacancy, such vacancy shall be filled by the President of the United States. And for the compensation of said delegates, together with all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THE COTTON PLANT BULLETIN.

Mr. TILLMAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

GRAIN RATES AT MISSOURI RIVER POINTS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Interstate Commerce Commission is hereby directed to send to the Senate a copy of the evidence taken by them in the investigation of grain rates at Missouri River points.

DIVISIONAL LINE BETWEEN VENEZUELA AND BRITISH GUIANA.

Mr. PETTIGREW. I offer a resolution and ask unanimous consent that it may be considered at this time.

The resolution was read, as follows:

> *Resolved*, That the Secretary of State be, and is hereby, directed to send to the Senate a statement of the proceedings of the Commission appointed to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana, together with a copy of the treaty or agreement between the United States and Great Britain upon the subject of the boundary, which agreement has been submitted to the Government of Venezuela for consideration.

The **VICE-PRESIDENT.** Is there objection to the present consideration of the resolution?

Mr. GRAY. I move that that resolution be referred to the Committee on Foreign Relations.

Mr. PETTIGREW. I ask to have the resolution printed and lie upon the table until to-morrow.

The **VICE-PRESIDENT.** It will be so ordered, in the absence of objection?

MISSOURI AGRICULTURAL COLLEGE GRANT.

Mr. COCKRELL. I ask that the Committee on Public Lands be discharged from the further consideration of the bill (S. 68) for the final adjustment of the agricultural college grant to the State of Missouri, and the bill (S. 3382) for the adjustment and correction of a selection of land by the State of Missouri under the act of Congress of July 2, 1862, donating to the States lands for the benefit of colleges of agriculture and mechanic arts, and that they be indefinitely postponed, as the grant has already been satisfactorily adjusted by the Secretary of the Interior.

The **VICE-PRESIDENT.** The bills referred to by the Senator from Missouri will be indefinitely postponed, in the absence of objection.

BRIDGES ACROSS THE CUMBERLAND AND TENNESSEE RIVERS.

Mr. BLACKBURN. I ask unanimous consent that the Senate consider at this time the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky. It is a bill which has just been reported favorably by the Senate Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, line 14, after the word "Kentucky," to insert "the location of said bridges;" so as to read "the location of said bridges to be selected by said railroad, or its successors or assigns, between said described points on said rivers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE TWELFTH CENSUS.

Mr. CHANDLER. There has been an informal hearing on the subject of the Twelfth Census before the Senate Committee on the Census and various members of the Senate and House Committees on Appropriations. I submit the minutes of that hearing, and ask that the usual number of copies may be printed as a document for the use of Congress.

The **VICE-PRESIDENT.** In the absence of objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 637) granting a pension to George M. Brooks;

A bill (S. 937) granting an increase of pension to Sarah W. Comly, widow of Maj. Clifton Comly;

A bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor;

A bill (S. 2008) granting a pension to Fanny Moale Gibbon;

A bill (S. 3182) granting a pension to Susan E. Cunningham; and

A bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 1690) granting a pension to Richard Brookins; and

A bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stenber;

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers in the war of the rebellion;

A bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 1475) for the relief of Basil Moreland;

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 1515) for the relief of Hugh McLaughlin;

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 2364) for the relief of Joseph H. Johnson;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 3294) for the relief of officers and crews of the United States gunboats *Kineo* and *Chocura:*

A bill (H. R. 3866) for the relief of George W. Goodman;

A bill (H. R. 4000) to increase the pension of Mary S. Higgins;

A bill (H. R. 4316) for the relief of Mathias Pedersen;

A bill (H. R. 4941) to pension Hester A. Bostwick;

A bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dongherty, Company A, Thirteenth New York Volunteer Infantry:

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 5597) for the relief of Charles Deal;

A bill (H. R. 6233) granting increase of pension to John J. Boatwright;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

A bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 9306) granting a pension to Amanda Woodcock; and

A bill (H. R. 9966) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Seckel;

A bill (S. 1075) for the relief of the heirs of D. J. Fulford;

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals;

A bill (S. 2176) granting a pension to Thomas Pollock;

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes;

A bill (S. 3210) granting a pension to Anna P. Johnson; and

A joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship.

USE OF THE LIBRARY BUILDING.

Mr. MORRILL. I ask that the resolution reported by me from the Committee on Additional Accommodations for the Library on the 13th instant may be now taken up for consideration.

Mr. QUAY. On Thursday last I gave notice that at the conclusion of the routine morning business to-day I should call up the Army appropriation bill; but if the proposition for which the Senator from Vermont asks consideration is not going to occupy time, I will give way.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to take up the resolution referred to by him.

The motion was agreed to; and the Senate resumed the consideration of the concurrent resolution reported from the Committee on Additional Accommodations for the Library of Congress January 13, 1897, as follows:

> *Resolved by the Senate (the House of Representatives concurring),* That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress.

Mr. MORRILL. Mr. President, I have a statement from the Librarian of Congress showing how much of the space in the Library building will be required for present use. I have submitted the statement to my friend from Maine [Mr. HALE], who has examined it, and I believe he has no further objection to the passage of the resolution.

Mr. HALE. I objected the other day to the consideration of the resolution reported by the Senator from Vermont, believing then that there was available space in the new Library building which might properly be utilized by other branches of the public service. I have since then read a carefully prepared memorandum made by the Librarian, in which the whole subject of the uses of the different rooms in the building is gone into, and I can see from that memorandum (having a great deal of confidence in the Librarian about such matters) that the mere uses of the Library itself will pretty much or quite engross all the space in the building. For this reason I withdraw my objection, and shall not further oppose the passage of the resolution.

Mr. MORRILL. I ask that the statement of the Librarian, which I have presented, may be printed as a special document.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered. The amendment reported by the Committee on Additional Accommodations for the Library to the resolution will be stated.

The SECRETARY. At the end of the resolution it is proposed to add "as authorized by law."

The amendment was agreed to.

Mr. HILL. What is the form of the resolution?

The VICE-PRESIDENT. It is a concurrent resolution. Does the Senator desire the resolution to be again read?

Mr. COCKRELL. Has the resolution ever been read?

The VICE-PRESIDENT. The resolution has been read.

Mr. HILL. Is it expected that the resolution shall go to the President?

The VICE-PRESIDENT. The Chair thinks not, as it is a concurrent resolution.

Mr. HILL (to Mr. COCKRELL). Is this a matter under the exclusive jurisdiction of Congress?

Mr. COCKRELL. Yes, as it relates to the Congressional Library.

Mr. HILL. Then I have no objection to the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 261) providing for the location and purchase of public lands for reservoir sites;

An act (S. 1276) granting an increase of pension to John L. Britton;

An act (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

An act (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana; and

An act (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

The message also announced that the President of the United States had on the 14th instant approved and signed the act (S. 3245) granting a pension to Elvira Bachelder.

The message further announced that the President of the United States had on the 16th instant approved and signed the following acts:

An act (S. 2711) granting a pension to Ira Harris;

An act (S. 1631) granting a pension to Emeline Filgate; and

An act (S. 1881) granting a pension to Lydia Chapman.

BILL BECOME A LAW.

The message also announced that the bill (S. 724) granting an increase of pension to Helen M. Mallery having been presented to the President on the 5th instant and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval.

INAUGURAL CEREMONIES.

Mr. BACON. I ask unanimous consent for the present consideration of House joint resolution 214, which was reported by me from the Committee on the District of Columbia, authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897. This is a matter which has been twice brought before the Senate by me by direction of the Committee on the District of Columbia. I was instructed to ask for its immediate consideration, and each time it has been laid over at the request of some Senator, so that he might have further time to look into it. It was first laid over in order that it might be printed, and the second time the Senator from Maine [Mr. HALE] said he was not then ready for consideration and asked for a postponement. It is perfectly apparent that it is a matter which ought to be disposed of at a very early date, in order that the committee may, after due permission from the Secretary of War, know to what extent they may be allowed to proceed in making the necessary preparation for the inaugural ceremonies.

Mr. HALE. The joint resolution will give rise to some discussion when it comes up, and I know the Senator from Pennsylvania [Mr. QUAY] is desirous of getting the Army appropriation bill through the Senate to-day. Therefore I hope the Senator from Georgia will let the matter lie over for a day or two, and after the appropriation bills are out of the way I shall not further object to its consideration.

Mr. BACON. I am perfectly content, Mr. President, that the joint resolution shall go over for a limited time, but I think it important, in view of the public interests, that some definite time should be fixed for the consideration and determination of this matter.

Mr. HALE. I think the Senator is right about that. It ought to be settled within a few days whether the joint resolution is or is not to pass. After a while, after a few appropriation bills have been passed, there will be an opportunity of bringing up the joint resolution. I shall not then further oppose the consideration of the joint resolution. I do not say that I am for the measure, but I shall not object to its coming up.

Mr. BACON. I understand.

PACIFIC RAILROADS.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions——

Mr. QUAY. I move, in accordance with the notice heretofore given, that the Senate proceed to the consideration of the Army appropriation bill.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania after the morning business shall have been concluded.

The Chair lays before the Senate a resolution submitted by the Senator from Alabama [Mr. MORGAN], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. MORGAN on the 14th instant, as follows:

> Whereas it is alleged that certain bonds issued by the United States in aid of the Central Pacific Railroad Company and also of the Union Pacific Railroad Company have fallen due and remain unpaid, and that by reason of the default in the payment thereof the property held and owned by each of said companies at that time became the property of the United States, and that said property of every description so held and owned by said companies at the time of such default now rightfully belongs to the United States:
>
> *Resolved,* That the Committee on the Judiciary is directed to examine into and report whether such allegation is true in fact and in law, and that they report the nature and character of the right and title of the United States in and to said property, and the descriptions of or classes of property that have so inured to the United States under the law, and whether either of said railroad companies has any lawful right or equity of redemption of said property.

Mr. HILL. The Senator from Alabama who offered the resolution is out of the Chamber at present, and I suggest that it remain over for a few moments until he returns. I inquire whether the resolution should not properly go to the Committee on Pacific Railroads?

Mr. STEWART. I suggest that the resolution lie over until to-morrow morning and keep its place.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

ARMY APPROPRIATION BILL.

Mr. QUAY. I move that the Senate proceed to the consideration of the army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

Mr. QUAY. I move that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued. The bill will be read.

The Secretary proceeded to read the bill, and read to the end of the clause on page 6, ending in line 9, as follows:

> For additional pay to such officers for length of service, to be paid with their current monthly pay, $9,380.

Mr. HAWLEY. I desire to offer an amendment to that clause, recommended to me by the War Department, to correct an injustice resulting from the general terms of the act of October 1, 1890.

The PRESIDING OFFICER (Mr. BACON in the chair). The Chair will suggest to the Senator that his amendment will come in after the committee amendments have been acted upon.

Mr. QUAY. That order may be dispensed with so far as the committee is concerned and the amendment received.

The PRESIDING OFFICER. The Chair will entertain the amendment of the Senator from Connecticut.

Mr. HAWLEY. I send the amendment to the desk, to come in after line 9, on page 6.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 9, on page 6, after the word "dollars," it is proposed to insert:

> And the promotions authorized by law when a vacancy occurs in the office of the Chief Signal Officer may be made in grades below that of colonel, upon the approval of this act.

Mr. QUAY. I will accept that amendment, Mr. President.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The first amendment of the Committee on Appropriations was, on page 18, line 7, after the word "same," to insert "and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark.;" so as to make the clause read:

> Construction and repair of hospitals: For construction and repairs of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, $75,000.

The amendment was agreed to.

The next amendment was, on page 19, line 16, after the word "diseases," to strike out "except at" and insert "and the supply of;" so as to read:

> MEDICAL DEPARTMENT.
>
> Medical and hospital department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, and the supply of the Army and Navy Hospital at Hot Springs, Ark.; advertising and other miscellaneous expenses of the Medical Department, the amount to be expended for pay of civilian employees not to exceed $40,000, $135,000.

The amendment was agreed to.

The next amendment was, on page 23, line 15, to increase the appropriation for the expenses of the Signal Service of the Army from $15,000 to $18,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 19, on page 23.

Mr. COCKRELL. I ask the Senator from Pennsylvania to permit me to offer an amendment at this point. In line 16, page 23, after the word "may," I move to insert "in the discretion of the Secretary of War," so that the Secretary will have control of the matter.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "may," in line 16, page 23, it is proposed to insert "in the discretion of the Secretary of War;" so as to make the proviso read:

> *Provided,* That department commanders may, in the discretion of the Secretary of War, detail two enlisted men from each army post in their respective departments, under such arrangements as they may deem best, to report to the chief signal officer of the Department for instruction and duty.

Mr. QUAY. The amendment is unobjectionable. Let it be adopted.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. QUAY. If the Secretary will return to page 8, there should be an amendment in lines 21 and 22, by striking out the words "when traveling on duty without troops," which occurs in a quotation from lines 9 and 10 of the same page, where that language is omitted. I move to strike out the words I have indicated.

The SECRETARY. In line 21, page 8, it is proposed to strike out the words "when traveling on duty without troops;" so as to make the clause read:

> All the money hereinbefore appropriated, except the appropriation "for mileage to officers when authorized by law," shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

Mr. QUAY. That leaves the language as it is in line 9.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;

A bill (H. R. 4941) to pension Hester A. Bostwick;

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 6233) granting increase of pension to John J. Boatwright;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

A bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 8683) granting a pension to Frederick Lierman; and

A bill (H. R. 9306) granting a pension to Amanda Woodcock.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber;

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 1515) for the relief of Hugh McLaughlin;

A bill (H. R. 2364) for the relief of Joseph H. Johnson;

A bill (H. R. 3866) for the relief of George W. Goodman;

A bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry; and

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased;

A bill (H. R. 1175) for the relief of Basil Moreland;

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 3294) for the relief of the officers and crews of the United States gunboats *Kinco* and *Chocura*;

A bill (H. R. 4310) for the relief of Mathias Pedersen; and

A bill (H. R. 5597) for the relief of Charles Deal.

REGULATIONS CONCERNING OLEOMARGARINE, ETC.

The bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported was read twice by its title.

Mr. GEAR. I move that the bill be referred to the Committee on Interstate Commerce.

Mr. COCKRELL. My impression is that similar bills have always gone to the Committee on Agriculture and Forestry.

Mr. GEAR. I do not know whether or not they have gone to that committee, but certainly the Committee on Interstate Commerce is the proper committee to consider a bill of the magnitude and character of the one now before the Senate.

Mr. COCKRELL. Which committee considered the bill in the other House?

The PRESIDING OFFICER. The Committee on Agriculture.

Mr. GEAR. It was considered in the other House by the Committee on Agriculture.

Mr. HILL. Let it go to the Committee on Agriculture and Forestry here.

Mr. BATE. Similar bills have heretofore gone to the Committee on Agriculture of this body. I will say to the Senator from Iowa. They generally go to that committee.

Mr. HILL. Is it not proper to refer the bill to the Committee on Agriculture? I think it is. I am inclined to believe that its reference to that committee will facilitate the passage of the bill, and if the Senator from Iowa is a friend of the bill, and I assume that he is, in making that motion——

Mr. GEAR. I will state, in reply to the Senator from New York, that I am on both committees. It makes no great difference to which committee the bill goes. I favor the bill, but I think the Committee on Interstate Commerce is the proper committee to which to refer it.

Mr. HILL. I suggest a modification, that the bill be referred to the Committee on Agriculture and Forestry. Does the Senator from Iowa accept the suggestion?

Mr. GEAR. No. I think it should be referred to the Committee on Interstate Commerce, where, personally, I would prefer that it should go.

Mr. BATE. Such bills, permit me to say, have heretofore gone to the Committee on Agriculture, and we had a similar measure before us last session by the action of the Senate.

Mr. GEAR. Let the Senate decide the matter. I am not particular about the reference of the bill.

Mr. BATE. The Senator and I are both members of the Committee on Agriculture and Forestry.

Mr. HILL. I move to amend the motion of the Senator from Iowa by inserting "the Committee on Agriculture and Forestry."

The PRESIDING OFFICER. The Chair will state to the Senator from New York that it is not an amendable motion, except by way of instruction.

Mr. HILL. Then I withdraw the amendment. I trust the motion of the Senator from Iowa will be voted down, and that the bill will be referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I hope that the bill may be laid over until the matter comes up regularly in the morning, when the Senate will be full.

Mr. GEAR. I agree to that suggestion.

The PRESIDING OFFICER. The bill will go over.

SOLDIERS' HOME AT HOT SPRINGS, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota asks the unanimous consent of the Senate for the present consideration of the bill which he has indicated. Is there objection?

Mr. BATE. Has the bill been before a committee; and if so, what committee?

Mr. PETTIGREW. It was reported from the Committee on Military Affairs. There is a written report accompanying the bill.

Mr. BATE. In favor of the bill?

Mr. PETTIGREW. Yes, sir; a unanimous report, I understand.

Mr. BATE. I know that we had the bill up in that committee, but I did not know what the final action was.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. BROWN. I object to the consideration of the bill. I do not think a bill of its importance ought to be passed without the most careful consideration.

Mr. PETTIGREW. I call for the reading of the report, and I should be glad to have the Senator from Utah listen to its reading.

The PRESIDING OFFICER. The report will be read, if there be no objection.

The Secretary read the report, submitted by Mr. SEWELL May 29, 1896, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2791) for the establishment, control, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, having had the same under consideration, report it back with a recommendation that it do pass.

As is expressed in its title the measure provides for the erection of a branch of the National Home for Disabled Volunteer Soldiers at the city of Hot Springs, State of South Dakota. It is a location possessing advantages that can not elsewhere be acquired—advantages provided by nature and so rare in their combination that they are duplicated in only a few instances the world over. From the surrounding hills come forth unfailing streams of water, medicated and tempered in the great laboratory of subterranean earth, endowed with health-giving properties in relative proportions so exact that man, with all the skill that scientific knowledge imparts, may strive in vain to improve them, and at last can only imitate. It is the product of centuries of processes—a part of the grand scheme of nature which, in preparing the earth for man's habitation, made provision also to combat the ills to which man has fallen heir.

As a site for the proposed Home the citizens of Hot Springs agree to donate ground sufficient for all the needs of the Home, and to give a deed of perpetual lease of one or more of the medicinal hot springs which there abound. Under the provisions of the bill both the Home site and the spring or springs are to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, the donors of the property agreeing to abide by the choice of that organization. It is also provided that the Board of Managers are to have exclusive jurisdiction over the property.

In presenting a favorable report upon the measure your committee bases its conclusions upon these propositions:

1. That another branch Home is needed in fulfillment of the intentions of the Government toward its veterans, existing Homes being crowded, while the demand for admissions thereto is increasing.

2. That the location of a branch Home at Hot Springs, S. Dak., will accommodate the veterans of a region for which existing accessible Branch Homes possess inadequate facilities.

3. That the medicinal water at Hot Springs, S. Dak., is a curative agent for ailments most common among ex-soldiers, experience having demonstrated this to the satisfaction of the officials who have watched the effect in a stated number of cases there subjected to experimental treatment.

The bill which is made the subject of this report was referred by your committee to the War Department and by the War Department to Gen. W. B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers. In response to the War Department reference, General Franklin reports as follows:

HARTFORD, CONN., *April 27, 1896.*

SIR: I return herewith Senate bill No. 2791, for the erection and maintenance of the Northern Branch of the Home for Disabled Volunteer Soldiers, at Hot Springs, S. Dak.

There is no question in my mind that another branch of the National Home for Disabled Volunteer Soldiers should be established in the territory between the Mississippi and the summit of the Rocky Mountains, that one now in existence being constantly overcrowded and unable to meet the requirements.

The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once and form the nucleus of a larger branch, should one be required.

Senate bill No. 2791 is herewith respectfully returned.

Respectfully, yours,

W. B. FRANKLIN,
President Board of Managers National Home
for Disabled Volunteer Soldiers.

Hon. DANIEL S. LAMONT,
Secretary of War, Washington, D. C.

On the 4th of April last the chairman of the Senate Committee on Indian Affairs (Mr. PETTIGREW) addressed a letter to General Franklin on the subject of the bill under consideration, and to that letter General Franklin replied in the following terms:

HARTFORD, CONN., *April 7, 1896.*

MY DEAR SIR: I have received your letter of the 4th instant, on the branch of the National Home contemplated at Hot Springs, S. Dak.

A similar bill, H. R. 784, Fifty-fourth Congress, had been referred to me some time ago by the Secretary of War, from one of the Congressional military committees. The following is a copy of my indorsement on the bill, and I ought to say that my opinion was given as a member of the Board of Managers merely, and is not necessarily the opinion of the Board:

"HARTFORD, CONN., *February 12, 1896.*

"SIR: I respectfully acknowledge receipt of H. R. bill 784, Fifty-fourth Congress, first session, for the establishment, etc., of a hospital as a sanitarium branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, referred to me for remark.

"I am of opinion that it is desirable that another branch of the National Home be established in one of the States west of the Mississippi River to supplement that at Leavenworth, established in 1884, but now overcrowded, and I know of no objection to the site proposed. It may be that the use of the hot springs would be an advantage, but I am unable to speak technically of that advantage.

"I think the bill would be improved by not specifying the name 'hospital,' but by making it simply a branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, as the name of the institution.

"The appropriation is not large enough. One hundred and fifty thousand dollars is the smallest that has been appropriated, in my experience, for the construction of a branch home.

"The condition as to donation of land and springs to the institution seems correct. The second section of the bill does not, I think, need change. The bill is herewith returned.

"Respectfully, yours,

"W. B. FRANKLIN,
"*President Board of Managers National Home*
"*for Disabled Volunteer Soldiers.*

"Hon. DANIEL S. LAMONT,
"*Secretary of War, Washington, D. C.*"

I think it will be well to have the name left blank, or to simply call it the Northern Branch, National Home for Disabled Volunteer Soldiers, and I also think the amount to be appropriated should be $150,000 for the construction of the branch in the first instance.

Respectfully, yours,

W. B. FRANKLIN,
President Board of Managers National Home
for Disabled Volunteer Soldiers.

Hon. R. F. PETTIGREW,
Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.

We have in these two communications a full indorsement of the bill for the erection of a branch home at Hot Springs by the president of the Board of Managers of the National Home. He approves of the location of the proposed branch home and testifies to the necessity for another institution of that character for the relief of overcrowded Homes. General Franklin refers particularly to the opportunity here presented for the erection of a branch home with a view to future enlargement, should the exigencies of the service demand increased facilities. It appears, from the information obtained by your committee, that existing Homes are not susceptible of enlargement upon the basis of plans adopted and put in force.

Gen. W. W. Averell, assistant inspector-general of the National Home for Disabled Volunteer Soldiers, in a letter to Senator PETTIGREW, of South Dakota, under date of February 13 last, says:

"It may be well to mention that all the Branches of the Home this side of the Rocky Mountains are crowded, and they can not be enlarged for a greater population without a troublesome and expensive extension of their plants for cooking, heating, laundry, etc., which are now strained to their full capacity."

General Franklin doubtless had these conditions in view when he said, in his report to the Secretary of War, April 27, 1896:

"The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once, and form the nucleus of a larger branch, should one be required."

The demand upon the facilities of these homes of refuge is a growing one, and will increase rapidly for a number of years. The defenders of the nation have reached an age when many of them must succumb to physical disability and disease, and those whose declining years are attended by too frequent poverty must place themselves under the bounty of the nation. The importance, therefore, of a branch home that can be readily expanded to adapt itself to augmented numbers is apparent.

Regarding the curative properties of the medicinal waters of the Hot Springs your committee desires to speak at length. These springs were the resort of the Indians long before the white man found his way into the jealously guarded realm of the Black Hills country, and were considered by the aborigine as a panacea for all diseases. Their fame had penetrated the confines of civilization long before the advancing wave of white settlement had swept back the line of opposition and driven the Indians from their last rallying point. As soon as the Anglo-Saxon had possessed himself of this long-contested ground, business methods began to be applied to the medicinal springs. They were made available to the public, their properties ascertained, and their curative qualities proclaimed. An extensive hotel was erected, baths constructed, and conveniences for the sick provided. In 1878 the State of South Dakota located and erected a Soldiers' Home at Hot Springs, and it is now a large institution, filled with veterans of the late war who reside in South Dakota. The waters of the springs have been thoroughly tested, and in every instance have been found efficacious.

Official evidence of important facts in connection with the springs comes to your committee in the form of a report from Assistant Inspector-General Averell, who says:

BATH, N. Y., *February 7, 1894.*

DEAR SIR: I have been requested to present to you my views regarding the advisability of and necessity for the establishment of a sanitarium at Hot Springs, S. Dak. Your committee, I presume, has my reports of three visits to the State Home for Disabled Volunteer Soldiers at that place made in 1891, 1892, and 1893, which contain my knowledge of the climate and of the healing qualities of the waters of the Minnekatah or Hot Springs.

The unusual number of members discharged from the State Home during the year by reason of their recovery from the disabilities which had entitled them to its care and benefits first attracted my attention, and subsequently the results of the remarkable test made last year, 1893, upon thirty disabled men selected and sent from the Western Branch of the National Home, have induced my belief in the efficacy of the waters of the Hot Springs for rheumatism, sciatica, spinal irritation, and nervous prostration.

The test, which is fully described in my report, was severe, but too brief. It was upon about 30 men, 18 of whom were treated for rheumatism. In the sixty days' test, 8 of them, or 44 per cent of those who were treated for rheumatism, were practically cured, the remainder all benefited, excepting 1; and those suffering from sciatica, spinal irritation, and nervous prostration were improved. I believe the percentage cured would have been doubled with four to six months' treatment. During the year ending June 30, 1893, there were in the Central, Marion, Northwestern, and Western Branches of the National Home an average number sick of 1,500, of which 831, or 55 per cent, were treated for rheumatism in its various forms, acute, subacute, and chronic (articular and muscular). These branches are the nearest and most accessible to the South Dakota Hot Springs, and if provision were made for the treatment of those 831 members afflicted with rheumatism at the Hot Springs, and 44 per cent of them were cured, there would ensue a saving to the Government of the cost of their maintenance in the Homes, viz, $52,875, computed upon the per capita cost of $140.75, per annum, and there would be something added to the producing power of the country.

In the ten State Homes nearest the Hot Springs—Illinois, Ohio, Pennsylvania, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Colorado—there were on the 30th of June, 1893, 488 members sick, of whom a much larger proportion, over 400, were treated for rheumatism. Assuming the same percentage of cures, 44, would result from a treatment at Hot Springs, there would be 176 restored to health, and there would follow a saving of $100 per capita to the Government per annum, or $17,600. Thus there might be a total saving effected per annum of $70,000.

If a sanitarium were established at Hot Springs at a cost of $100,000, and one-half the cases of rheumatism should be cured that might be sent to it for treatment from the most convenient Soldiers' Homes, I have no doubt it would pay for itself within five years after it was ready for occupation, in saving from cost of maintenance in Soldiers' Homes without cure. Without a cent of savings in money, the rescue from pain and misery and the restoration to health of those men for whose welfare the Government is responsible would, I believe, fully justify the establishment of the sanitarium.

In this view it would be an economical undertaking for the public good, which the public would appreciate and approve.

I am, General, very truly, yours,

WM. W. AVERELL, U. S. A.,
Asst. Inspector-General, National Home for Disabled Volunteer Soldiers.

Gen. JOHN C. BLACK,
Chairman Subcommittee on Soldiers' Homes, etc.

The report in detail upon the test cases at Hot Springs, S. Dak., referred to by General Averell runs as follows:

CASE I.—Andrew J. Arnett, B, Sixth Kansas Infantry. Forwarded to South Dakota July 6, 1893. Locomotor ataxia. Returned to Western Branch July 26. No improvement under treatment.

CASE II.—Nathan J. Axtel, H, Fourteenth Illinois Infantry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism, lumbago, nervous prostration, cystitis. Returned to Western Branch November 9. Rheumatism improved after treatment. Lumbago cured. Cystitis not benefited. Commenced Keeley treatment April 8, 1894, for tobacco; no influence on general health. No treatment in Western Branch Hospital.

CASE III.—Adam P. Baum, E, One hundred and sixteenth Indiana Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism; spinal irritation. Returned to Western Branch November 9. Rheumatism cured. Spinal irritation not materially benefited. Commenced Keeley treatment February 21, 1894. Health now completely restored. Is one of the most competent nurses in hospital at this time.

CASE IV.—Ira D. Chamberlain, D, Seventh Indiana Infantry. Forwarded to South Dakota July 6, 1893. Sciatica. Returned to Western Branch November 9. Since return from South Dakota (under treatment of Home surgeon) showed marked improvement. Used two crutches and suffered continual pain when he commenced treatment; now very much improved; uses only one cane. Now absent with leave at Washington, D. C.

CASE V.—Thomas Concannon, G, Sixty-ninth Illinois Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism and lumbago. Returned to Western Branch November 9. Greatly improved on return. Swellings all gone from hands and feet. Gained in weight and strength. Commenced Keeley treatment February 22, 1894. Physical condition greatly improved.

CASE VI.—Martin W. Cozine, D, Twelfth Missouri Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Very much improved by treatment. Is now absent with leave from hospital.

CASE VII.—Clark Eldridge, A, Third Rhode Island Cavalry. Forwarded to South Dakota July 6, 1893. Nervous prostration. Returned to Western Branch November 9. Claims to be not improved by treatment. Examination shows less tenderness of spine. Is hypochondriacal. Now in barracks.

CASE VIII.—Charles A. Gifford, H, Fourth Illinois Cavalry. Forwarded to South Dakota July 6, 1893. Diabetes mellitus. Returned to Western Branch November 9. Improved under treatment. Now in convalescent Company K.

CASE IX.—Patrick W. Gilligan, D, Thirteenth Indiana Infantry. Forwarded to South Dakota July 6, 1893. Lumbago; spinal irritation. Returned to Western Branch November 9. Improved under treatment; gained 14 pounds. Now in barracks.

CASE X.—Gillman D. Grove, United States Navy. Forwarded to South Dakota July 6, 1893. Nervous prostration and lumbago. Returned to Western Branch November 9. Improved under treatment. Now in barracks.

CASE XI.—James Hanson, alias John Kerwin, H, Eleventh United States Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. General improvement in condition. Now in barracks.

CASE XII.—Philander Hudson, D, One hundred and seventh New York Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Greatly improved by treatment. Swellings entirely disappeared from joints. Is now in barracks.

CASE XIII.—William H. Hughes, A, Ninth Ohio Cavalry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism, with spinal irritation. Returned to Western Branch November 9. Rheumatism practically cured. Spinal irritation improved. Commenced Keeley treatment April 23, 1893. Left the Home at his own request July 20, 1893.

CASE XIV.—Thomas W. Jones, I, First California Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Was considerably improved under treatment. Now in barracks.

CASE XV.—Edward F. Kingsland, H, Second Colorado Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Greatly improved by treatment. Gained in strength, weight, and appearance. Now in barracks.

CASE XVI.—Alphonzo Longacre, G, One hundred and eighteenth Pennsylvania Infantry. Forwarded to South Dakota July 6, 1893. Locomotor ataxia. Died at Hot Springs, S. Dak., September 1, 1893.

CASE XVII.—John Mahoney, C, Forty-third Ohio Infantry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism and lumbago. Returned to Western Branch November 9. Greatly benefited. Pain entirely disappeared from back and shoulders. Gained in weight. Commenced Keeley treatment October 21, 1893. Is now orderly for Home treasurer, and in good health.

CASE XVIII.—Albert Mueller, E, Second Illinois Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Great improvement, but still swelling and pain in left ankle and left wrist. Gained in weight.

CASE XIX.—Edward McGloin, E, Third New Jersey Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Worse than before treatment. Is now in hospital (Western Branch) under treatment.

CASE XX.—Evi T. Nichols, E, First Ohio Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism and lumbago. Returned to Western Branch November 9. Practically a well man; gain of 11 pounds in weight. Now in barracks.

CASE XXI.—Rozell Randall, K, Forty-ninth Wisconsin Infantry. Forwarded to South Dakota July 6, 1893. Nervous prostration. Returned to Western Branch November 9. Marked improvement. Spinal irritation less marked. Now in barracks.

CASE XXII.—Michael Shea, H, Twenty-seventh New Jersey Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Improved in matter of less pain, which was principal reason for sending him to the springs. Is now in hospital (Western Branch) under treatment.

CASE XXIII.—Patrick A. Somers, F, Two hundred and thirteenth Pennsylvania Infantry. Forwarded to South Dakota July 6, 1896. Chronic articular rheumatism. Returned to Western Branch November 9. No better for the treatment. Now in barracks.

CASE XXIV.—Abram Steadman, A, Thirty-first Ohio Infantry. Forwarded to South Dakota July 6, 1896. Chronic rheumatism. Returned to Western Branch November 9. Rheumatism entirely gone. Cystitis no better. Now in hospital (Western Branch) for latter.

CASE XXV.—John Walsh, United States Marine Corps. Forwarded to South Dakota July 6, 1896. Chronic muscular rheumatism. Returned to Western Branch November 9. Some improvement. Legs still painful. Commenced Keeley treatment February 2, 1896. Now in barracks as well as a man of his age could expect to be.

CASE XXVI.—Richard Youmans, hospital steward, United States Army. Forwarded to South Dakota July 6, 1896. Nephritis, lumbago, and rheumatism. Returned to Western Branch November 9. Rheumatism and lumbago both disappeared. Nephritis worse. Now in barracks.

CASE XXVII.—Frederick Zeigler, B, First Missouri Light Artillery. Forwarded to South Dakota July 6, 1896. Chronic articular rheumatism. Returned to Western Branch November 9. Rheumatism all gone.

I herewith respectfully submit my final report of the experimental test upon the details sent here (the Hot Springs of South Dakota) July 7, 1896, from the Western Branch National Military Home, Kansas, of the curative properties of the waters and climate of Hot Springs, S. Dak., for certain chronic diseases, the nature and history of which are fully given in detailed report above.

The number of men sent was 30, and time given for the test sixty days; age of youngest patient, 46 years; oldest, 71 years; average age, 52 years.

As will be observed, the cases of locomotor ataxia, arthritis deformans, and aberration of the mind, conceded to be incurables, and sent only with the hope that some alleviation of suffering might be obtained, as well as others on account of age, poor constitutions, and complication of diseases, makes this an exceedingly severe test; and, contrary to expectations, cures have been effected and permanent benefits secured.

It is to be regretted that incurable cases, such as locomotor ataxia and senile decline, were sent here for two reasons: First, others could have been sent in their places who would have been cured; second, a better average and fuller credit given for cures and the treatment by the waters and the climate of this place.

As will be seen, almost every man was afflicted with rheumatic or nervous troubles, the same being cured in almost every instance. I am satisfied that a careful inspection by the medical board on the return of the men will bear me out in saying that all things considered, age of patients, shattered constitutions of some of them, variety and complication of diseases, and the chronic nature of all, that the result of this test, as shown by detailed report, is in every substantial sense highly satisfactory. A realization of all the claims put forth by the promoters of this experiment as to the virtues of the waters and climate of Hot Springs, S. Dak., and the desirability of this place for the location of a United States sanitarium for the treatment of such chronic diseases as most usually affect the old soldier is fulfilled.

I can not speak too highly of the courtesy and assistance given me by Gen. Joseph Knipe, and the excellent conduct of all men while under my care. Col. E. F. Clough, and the board of managers of the South Dakota Soldiers' Home, Commandant McGrew and wife, and all the officers of the Home have done all in their power to aid in securing the comfort of the men, and many thanks are due them for their untiring efforts to do so much good.

Very respectfully,

R. D. JENNINGS,
Surgeon in Charge.

WESTERN BRANCH NATIONAL HOME
FOR DISABLED VOLUNTEER SOLDIERS,
September 9, 1896.

SIR: I have the honor to transmit herewith my report on the condition before and after treatment of the patients sent to Hot Springs, S. Dak., to test the efficiency of the waters for various diseases.

Very respectfully, etc.,

O. C. McNARY,
Assistant and Acting Surgeon.

Gen. W. W. AVERELL, U. S. A.,
Assistant Inspector-General
National Home for Disabled Volunteer Soldiers.

To sum up:

Of the patients suffering from rheumatism and lumbago, eight are practically cured of that disease; the balance, except one, McGilvin, are improved. McGilvin is worse. Cases of sciatica improved, cases of cystitis were not benefited, cases of spinal irritation improved, cases of nervous prostration improved, cases of diabetes mellitus improved, case of nephritis worse.

Of the cases of locomotor ataxia, one, Arnett, was sent home after two weeks on account of an aggravated renewal of the pains, no improvement; and one, Longacre, died at the Springs September 1, 1896.

The treatment by baths and drinking of the waters was supplemented by internal and external medication (in all or most cases, I believe), and in some cases by electricity.

The experiment would have been a better and truer test of the efficacy of the waters had this medication and electricity not been employed. As it is, we can not judge of the true virtues of the water. We can only judge of the results of the treatment employed as they present themselves.

The patients themselves, with two or three exceptions, believe their improvement would have been more perfect and lasting had they remained longer under the treatment. This I believe myself.

However, the benefits received by the patients sent are, in most cases, quite satisfactory.

Very respectfully submitted.

O. C. McNARY,
Assistant and Acting Surgeon.

Your committee have been furnished with a copy of the analysis obtained by the superintendent of the South Dakota Soldiers' Home of the water of three of the springs in the Hot Springs group, and deem it of sufficient importance to incorporate within this report.

An analysis by Prof. G. A. Maringer, chemist, Chicago, resulted as follows:

MINNEKAHTA SPRINGS.

[Constituents, in grains.]

Silica	2.464
Peroxide of iron	Trace.
Calcium sulphate	16.372
Magnesium sulphate	4.320
Sodium sulphate	25.620
Potassium sulphate	
Sodium chloride and potassa	13.790
	62.546

Analysis of two of the prominent springs by Prof. Charles B. Gibson of Chicago, Ill.

MAMMOTH MINERAL WATERS.

[Constituents, in grains, per gallon of 58,329.]

Total residue	84.160
Inorganic and nonvolatile	71.[illegible]
Organic and volatile	12.110
Sulphate of sodium	21.[illegible]
Sulphate of potassium	5.[illegible]
Sulphate of calcium	36.112
Chloride of calcium	5.[illegible]
Chloride of ammonium	.029
Chloride of magnesium	4.114
Nitrate of magnesium	[illegible]
Phosphate of magnesium	[illegible]
Carbonate of magnesium	8.[illegible]
Iron sesqui-oxide	.110
Alumina	.216
Silica	1.548

LAKOTAH OR INDIAN SPRING MINERAL WATER.

[Constituents, in grains, per gallon of 58,329.]

Total residue	57.210
Inorganic and nonvolatile	49.160
Organic and volatile	8.[illegible]
Sulphate of sodium	8.211
Sulphate of potassium	3.342
Sulphate of calcium	16.[illegible]
Chloride of calcium	8.[illegible]
Chloride of ammonium	.001
Chloride of magnesium	3.106
Phosphate of calcium	.310
Nitrate of magnesium	[illegible]
Carbonate of magnesium	3.044
Iron sesqui-oxide	.290
Alumina	.020
Silica	1.[illegible]

Commandant Lucas, of the South Dakota Soldiers' Home, located at Hot Springs, in a report to Assistant Inspector-General Averell, says:

"After a careful observation of the results in the treatment of our sixty-odd veterans for severe and desperate cases of rheumatism, I am constrained to say that I have no longer doubts about the curative properties of the waters. Every case that has been treated in the Home (not an exception) has resulted in a perfect cure, or the patient is approaching it. These results I regard as little less than miraculous, when the enfeebled and broken-down condition of these men is taken into account. The waters are equally good and effective in treating cases of indigestion, scrofula, and all skin or cutaneous diseases."

The Hot Springs of South Dakota are located in the mountainous western end of the State—a region abounding in delightful scenery and all the health-giving influences of nature in the rough. No more charming surroundings can be found at any of the health resorts of the world. These springs lie within the boundaries of Fall River County, and about them has accumulated a community of a couple of thousand people, incorporated as a city of the second class. Its buildings are constructed with a generous display of architectural skill and taste. The city can be reached over two lines of railway. Its altitude is 3,400 feet above sea level. The atmosphere of that region is dry and bracing. Lying in a sheltered valley, it is protected from winter's rigors, and it is altogether a most satisfactory abiding place for invalids or for those in search of recreation.

In closing this report your committee append a preamble and resolution adopted by the managers of the Soldiers' Homes of Colorado, Minnesota, and Kansas, in which the Congressional Representatives of these States are asked to give their support to the bill which is the subject of the favorable action of your committee.

Whereas it is the policy of the National Board of Managers for Disabled Volunteer Soldiers' Homes to provide a sanitarium for the treatment of ex-soldiers who are afflicted with rheumatism and kindred diseases; and

Whereas from the published reports by General Averell and other indisputable evidence it has been demonstrated by thorough and fair tests that the hot water at Hot Springs, S. Dak., cures more than 60 per cent of such cases; and

Whereas an effort is being made to secure the location of such a sanitarium at Hot Springs, S. Dak.; and

Whereas we are satisfied from information furnished us that no better place has been yet discovered: Therefore

Be it resolved, That we favor the location of a sanitarium at Hot Springs, S. Dak., and urge our Representatives in Congress to support and aid in the passage of such bills as may be presented for that purpose.

OFFICE BOARD OF COMMISSIONERS
SOLDIERS AND SAILORS' HOME OF COLORADO,
Room 2, Capitol Building, Denver, December 7, 1895.

The above preamble and resolution were brought before the board and, after due consideration, the secretary was authorized to state on behalf of the board that both were unanimously indorsed and that this action shall form part of the permanent records of the commission.

Attest:

W. P. HARBATTLE, *Secretary.*

The above preamble and resolutions were adopted at a meeting of the board of trustees, Minnesota Soldiers' Home, February 11, 1896.

HENRY A. CARTH, *President.*
J. R. B. BERBERG, *Secretary.*

This is to certify that the board of managers of the Kansas State Soldiers' Home indorsed the foregoing resolution on this 5th day of December, 1895.

By order of the board.

J. H. STEWART, *Secretary.*
Col. C. M. CUNNINGHAM, *Commandant.*

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, and there being no unfinished business, the Chair lays before the Senate the first bill upon the Calendar.

The SECRETARY. A bill (S. 1012) to prevent the desecration of the national flag.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MILLS. I ask my friend to yield to me a moment that I may have a bill passed.

Mr. MORGAN. As soon as the canal bill is taken up, I will yield for that purpose.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama, to proceed to the consideration of the bill indicated by him.

Mr. CAFFERY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the junior Senator from Oregon [Mr. McBRIDE]. If my colleague were present, he would vote "nay."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR] who is not in his seat, and I withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MANTLE], who is not in his seat, and I withhold my vote. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. ROACH (when his name was called). I have a general pair with the Senator from California [Mr. PERKINS], but by an arrangement the pair has been transferred from the Senator from California to the Senator from Idaho [Mr. SHOUP]. If the Senator from Idaho were present, he would vote "yea" and I should vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. As he is absent, I withhold my vote.

Mr. VILAS (when his name was called). I am paired generally with the Senator from Oregon [Mr. MITCHELL]. If he were present, I suppose he would vote "yea;" I should vote "nay."

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. ALLISON. I desire to state that my colleague [Mr. GEAR] is paired with the senior Senator from Georgia [Mr. GORDON]. If my colleague were present, he would vote "yea."

Mr. GORDON. Then I will vote. I vote "yea."

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE] and my colleague [Mr. MITCHELL of Oregon] has a general pair with the Senator from Wisconsin [Mr. VILAS]. With the consent of the Senator from Wisconsin, I will transfer my pair to my colleague, so that the Senator from Wisconsin and myself may vote. I vote "yea."

Mr. VILAS. I vote "nay."

Mr. MORRILL (after having voted in the affirmative). I am paired with the Senator from Tennessee [Mr. HARRIS], who appears to be absent, and therefore I withdraw my vote.

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Aldrich,
Allison,
Bacon,
Brown,
Burrows,
Call,
Cameron,
Cannon,
Chandler,
Clark,
Cullom,
Davis,
Faulkner,
Frye,
Gallinger,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Hawley,
Hoar,
Lodge,
McBride,
McMillan,
Morgan,
Peffer,
Perkins,
Platt,
Proctor,
Pugh,
Quay,
Sherman,
Stewart,
Wetmore,
White.

NAYS—14.

Bate,
Berry,
Blackburn,
Caffery,
Chilton,
Cockrell,
Hill,
Mills,
Nelson,
Pettigrew,
Turpie,
Vest,
Vilas,
Walthall.

NOT VOTING—39.

Allen,
Baker,
Blanchard,
Brice,
Butler,
Carter,
Daniel,
Dubois,
Elkins,
Gear,
George,
Hansbrough,
Harris,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
Mantle,
Martin,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Palmer,
Pasco,
Pritchard,
Roach,
Sewell,
Shoup,
Smith,
Squire,
Teller,
Thurston,
Tillman,
Voorhees,
Warren,
Wilson,
Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, which had been reported from the Select Committee on the Construction of the Nicaragua Canal with amendments.

Mr. MILLS. By consent of the Senator from Alabama, I wish to call up Senate bill 3525, a bill reported unanimously from the Committee on Commerce, in reference to the improvement of a waterway on the coast of Texas.

Mr. MORGAN. Several gentleman have applied to me to give way temporarily for the purpose of having bills passed which they regard as somewhat pressing. After the pending bill has been read, I will yield as far as I can do so without displacing it or losing my right of way.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. MORGAN. The Senator from Texas [Mr. MILLS] desires that the pending bill may be temporarily laid aside until he can call the attention of the Senate to a measure pending here. I have no objection on my part to that course, and I ask that the bill before the Senate may be temporarily laid aside.

The PRESIDING OFFICER (Mr. PLATT in the chair). It will be so ordered, in the absence of objection.

WATER ROUTE BETWEEN GALVESTON AND HOUSTON, TEX.

Mr. MILLS. I ask unanimous consent for the consideration at this time of Senate bill 3525.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor.

Mr. MILLS. I will state that the bill has been unanimously reported by the Committee on Commerce.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I desire to inquire of the Senator from Alabama, he having consented to temporarily laying aside the Nicaraguan bill, if he expects to go on with it this afternoon?

Mr. MORGAN. There are two Senators who have applied to me for leave to ask for the consideration of bills, and one of them, as I know, is a matter of great merit.

Mr. HOAR. I did not wish to interfere. I merely wanted to know for my own information if the Nicaraguan bill was to go on to-day.

Mr. MORGAN. I propose to go right on with it after the bills to which I have referred have been disposed of.

Mr. HOAR. The reason of my inquiry is this: I propose, at some time when the Senate is not desirous of proceeding with any other important business, to ask to have the bankruptcy bill taken up and read. I do not propose to have any action taken upon it until the return of one or two Senators, who are especially interested in it, especially the Senator from Colorado. If the Senate were transacting routine business, I would simply ask for the reading of that long bill. But as I understand the Senator from Alabama desires to go on to-day with the Nicaraguan bill, I do not now make the request.

The PRESIDING OFFICER. The bill taken up on the request of the Senator from Texas [Mr. MILLS] is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. LINTON.

Mr. HAWLEY. The Senator from Alabama [Mr. MORGAN] has kindly consented to let me ask unanimous consent for the consideration of the bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton. I now make that request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE CRISP.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, communicated to the Senate the intelligence of the death of Charles F. Crisp, late a member of the House from the State of Georgia, and transmitted the resolutions of the House thereon.

Mr. GORDON. Mr. President, I desire to give notice that on Thursday next, at 3 o'clock p. m., I shall ask the Senate to suspend business to receive resolutions upon the subject to which the message from the House of Representatives relates, and to hear some remarks in connection therewith.

CANALS BETWEEN THE GREAT LAKES AND ATLANTIC OCEAN.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith the report of Messrs. James B. Angell, of Michigan, John E. Russell, of Massachusetts, and Lyman E. Cooley, of Illinois, who were appointed commissioners under the authority of a law passed March 2, 1895, to make inquiry and report, after conference with such similar commissioners as might be appointed on behalf of Great Britain or the Dominion of

Canada, concerning the feasibility of the construction of such canals as will enable vessels engaged in ocean commerce to pass between the Great Lakes and the Atlantic Ocean, and the most convenient location and probable cost of such canals, together with other facts and information in said act specified relating to their construction and use.

The commissioners have prosecuted the work assigned them with great zeal and intelligence, resulting in the collection of a mass of information, embodied in their report and its accompanying exhibits, which is of great importance and interest as related to the project subjected to their examination.

The advantages of direct and unbroken water transportation of the products of our Western States and Territories from convenient points of shipment to our seaboard ports are plainly palpable. The report of the commissioners contains, in my opinion, demonstration of the feasibility of securing such transportation, and gives ground for the anticipation that better and more uninterrupted commerce through the plan suggested, between the great West and foreign ports, with the increase of national prosperity which must follow in its train, will not long escape American enterprise and activity.

It will be observed that the report of the commissioners, though as comprehensive as the time and facilities at their disposal permitted, does not definitely deal with the cost of the work they were called upon to consider, and omits some of the other details related to it. Thus far they have labored without compensation, and a part of the small sum appropriated for the payment of their expenses still remains unexpended.

I suggest to the Congress the propriety of making economical provision for such further prosecution of their work as will more fully develop the information necessary to an exact and complete understanding of this interesting and important subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1897.*

[NOTE.—Report and accompanying documents transmitted to House of Representatives.]

The PRESIDING OFFICER. The message will be printed and referred to the Committee on Commerce, in the absence of objection.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, the subject of the Nicaraguan Canal has been so long under consideration by the Senate, by the people of the United States, and by the people of the world, and involves such a wide field for examination, that it is impossible for anyone to undertake to enter upon a full description of the merits of this great enterprise within the limits of a single address. On this occasion I shall make no effort of the kind. I find it difficult always to trust myself with an undertaking of this sort in connection with this enterprise, because it has got such a hold upon my convictions that perhaps I may see it in a magnified light, though I could not, if I were possessed of all the powers of oratory and eloquence that any human being ever possessed, describe with sufficient fullness and force the merits of this question as it concerns the people of the United States alone, to say nothing of the people of the whole world.

In presenting this bill to the Senate I have the honor to state that the Committee on the Construction of the Nicaraguan Canal is unanimous in the approval of every feature of it. The bill which we have reported here in fact originated in the House of Representatives, was reported to that body, and, after the most scrutinizing care we could bestow upon it, we have not found it necessary to change it in any of its features.

This measure, however, changes considerably previously proposed legislation on this subject, particularly the bill which passed through the Senate in the last Congress, and changes it in favor of amendments which were then suggested, propositions which were then advanced with sufficient reason to justify the committee of this body and of the other House in believing that it was better to incorporate those features or those amendments into the bill rather than to jeopardize the measure in any sense at all or to invite opposition by excluding them on matters of detail that are not essential to this measure.

On a full survey of this bill and a full examination of it in connection with the great subject to which it relates, I am satisfied it is the best bill we have presented—the most conservative bill. It leaves all power in the hands of the Executive to arrest the progress of this enterprise in the event that he finds it is going wrong, and to inform the Government of the actual conditions in Nicaragua, as to all suggestions and questions which have been raised heretofore or can be raised in regard to it, in full time to prevent any possible disaster.

Mr. President, there is but one parallel case in history by which we can come to any judgment in reference to the advantages and profits which may be derived from this as a financial enterprise, and also as to the advantages which come to the nations who may control this gateway between the Atlantic and Pacific oceans politically and commercially and in every other respect. That standard of comparison is the Suez Canal. We have in the United States, however, two other standards of comparison with this canal in reference to the cost of its construction and the facility with which it may be built, and also with reference to its effect upon the increase of the interior commerce of the country. Those are the great locks at Sault Ste. Marie and the drainage canal at Chicago.

This last enterprise is one which originated among the citizens of that great city, and has for its primary purpose the drainage of the town and the adjoining country. The progress that has been made in the construction of that canal, I undertake to say—and I think I can do it without incurring any contradiction—has proven to be a new development in the art of canal construction, and it really is the most astonishing piece of work in the economy and rapidity of construction which has ever yet been accomplished by the genius of the American people, or of any other people on the earth. So I accept those two canals, the Sault Ste. Marie and the drainage canal at Chicago, as furnishing standards to which we can refer in estimating the cost of the construction of the Nicaraguan Canal, the difficulties to be overcome, and the facility or the rapidity with which it may be done.

In the case of the Suez Canal, we have the advantage of a full comparison in all essential features: First, in the manner of its being dredged, opened, the water let into it, sea locks for the purpose of preventing the intrusion of high seas into the canal to wash it away, the difficulties of approach on the Mediterranean side and on the side of the Red Sea, and the necessity of building ports or harbors for the accommodation of the shipping about to enter the canal.

Then, proceeding from that point, we have the analogy of the difficulties of maintenance, which, in the case of the Suez Canal, are really much greater than they will be in the case of the Nicaraguan Canal. In the case of the Suez Canal the difficulty arises from the drift of the sand into the channel, caused by the winds which prevail there at certain times, and sometimes unexpectedly, and drift vast amounts of sand into the channel, so that the process of dredging is required to be continually kept up. A corresponding difficulty, but of quite a different nature, is to be met and overcome at Nicaragua. In Nicaragua the trouble arises from the excessive rainfalls on the eastern coast of that State, and that difficulty can be met, and is met, in the line projected here, by placing the canal level, from its start on the Atlantic side to its terminal on the Pacific side, above the reach of any flood or high water. I consider that the difficulty in meeting the rainfall in Nicaragua is met and finally disposed of in the plan of construction, or rather in the axial location of the canal, whereas in the case of the Suez canal the trouble is ever recurring, and will remain there so long as the winds blow and the sands can be shifted by them. So I find in the history of the Suez Canal, both in the cost of its construction and maintenance, and more particularly in the receipts—the income from its tolls—what I conceive to be a very excellent, perhaps a conclusive, standard of comparison with the Nicaraguan Canal.

Before I enter upon a description of the project which we have brought forward in this bill for the purposes that it is expected to accomplish and the reasons for bringing it forward, I desire to call the attention of the Senate to some statistics in regard to the Suez Canal. That canal is 97+ miles long, pretty nearly a straight line, though there are some curves in it. There are about 68 or 70 miles of canalization, actual lift of the earth and throwing it out upon embankments. That canal was constructed at a time when the art of canal building with dredges and pumps was very imperfect as compared with the present time. We might say the advantages now are as 100 to 50. We have more than double the advantage in building a canal, going through any material which you please to select, whether it is stone, or mud, or clay, or sand, or gravel. We have now more than 50 per cent advantage in the method of construction, in cheapness and rapidity of construction, over what existed at the time the Suez Canal was built, and this great advantage has come from the invention of American mechanics. American constructors, who have been forced by exigencies which they could not escape to tax their genius so as to get machinery of different kinds for the construction of the great drainage canal at Chicago, which actually overcomes——

Mr. DAVIS. I should like to ask the Senator from Alabama whether any estimate has been made as to how far the estimates of cost which were before the committee in respect to the Nicaragua Canal, can be diminished in view of the actual result at Chicago?

Mr. MORGAN. We have that estimate here, and we have also the statement of the gentleman who constructed the canal.

Mr. DAVIS. Will the Senator state the percentage or anything of that kind?

Mr. MORGAN. I can not give the percentage, except to say that at Chicago in rock channeling, rock lifting, the removal of clay and gravel out of the line of the canal and transferring it an average distance of probably two or three hundred yards the saving is at least 50 per cent. It is, I believe, the most marvelous progress ever made by mechanics in the history of such works.

Mr. DAVIS. I know there are great claims made about it, and I should be glad to see a specific statement.

Mr. MORGAN. Before I get through I will call the attention of the Senate to the statements on that subject.

Now, Mr. President, when Disraeli was about to go out of office, at least within a year or two before he went out of office, he had the courage to overcome a British prejudice against the Suez Canal, which was very intense and very foolish. The British Government had large and very valuable settlements at the Cape of Good Hope, and all the ships that passed around from the Atlantic to China and India and into the Pacific Ocean went by the Cape of Good Hope, touched there naturally, necessarily indeed, and were a source of enormous revenue and great profit to those people. Besides that, the British Government did not want to have a canal opened between the Red Sea and the Mediterranean, for the reason that adjacent to that canal lay the territory of some of her most powerful rivals. Along the line of the Mediterranean there were France, Italy, Turkey, and on the north African coasts there were several of the smaller states, including Egypt, under the suzerainty of the Sultan of Turkey. We find after we pass around to the Red Sea that her possessions were flanked on one side by Arabia and on the other by Africa, with very enterprising colonies, established by the French, the Italians, and the Germans in those sections of the world. So she did not wish her passage from London or Liverpool to Bombay or any other port in India to be through states or in the vicinity of states that might hold a flank position or a short line upon her, and could come out and attack her ships or her commerce or anything she might have to send through there and impede her way to her colonies. So Great Britain was opposed to it.

When the Suez Canal was originated it was a private enterprise. An endeavor was made to get the French Government into it, but the French Government declined to make the guaranties; it declined to take it up, and De Lesseps went through the south of Europe and got together a sufficient subscription for the purpose of building the great canal, or at least to start it. He then went to the Khedive of Egypt. The Khedive, with remarkable foresight and with great courage, committed his Government to the assistance of the canal, and together the people of the south of Europe, most largely in France, and the Khedive of Egypt constructed the canal. The British Government interposed a protest to the Sultan of Turkey against this thing being done. The Sultan interposed a protest to the Khedive against it, but not earnestly enough to prevent the construction of that great waterway. After the canal was built, and after, as we remember, the celebration of it, which was a fête that occupied the attention and excited the admiration of the world, the French Empress being there for the purpose of inaugurating the work, Disraeli, with that sagacity which perhaps distinguished him as much as any other British statesman, concluded that it was to the best interest of the British Government to buy a controlling interest in that stock; and he set about to do it. He could not buy a controlling interest. The other Governments objected. He could not buy an interest that cost him more than $20,000,000, at a little above par. The whole capitalization of the canal at that time was $100,000,000. So he could get only about one fifth of it, instead of a majority of the stock; but he bought the stock, and he bought it at a slight premium in the market.

He believed, and the world since that time has realized the fact, that that investment by Great Britain was of all others that that great Government has ever made the most profitable financially and the most important politically, and the occupation of Egypt to-day is due to the fact of the building of the Suez Canal and the necessity that Great Britain is under of having both the terminal points of that canal under her military control. She occupies Egypt, and she will occupy Egypt so long as the Pyramids do, unless the Government in London breaks down. That was the moving cause; that was the consideration which forced her to take this ground, and she holds it with British tenacity.

Now, without going any further into the general history of this matter, which I have given very imperfectly, I desire to call attention to what the British investment was. The canal was opened in 1870. It was completely built in 1869. Great Britain invested about $20,000,000 in the stock of the canal, just a few dollars under that sum, and put the stock in her treasury as an asset of the treasury, which made it equal to the consol or any other obligation of the Government of Great Britain. At the close of 1895, as was stated by the treasury bench in the House of Commons—I have the authority to show it, a London paper—the cost of the investment had been returned by the dividends on the stock. The full cost had been returned in 1895. At the present rate of dividends, the present value of the shares is $120,000,000.

Mr. President, that looks improbable; it looks as if it were mere romance, mere fiction, mere fancy; and yet it is the solid fact. On the investment of $20,000,000, by Disraeli, the precise date of which I can give you if it is required, the stock to-day is worth $120,000,000. I have a table which shows the rate of earnings of the Suez Canal since 1869. At the rate of tolls now charged, about $1.87 per ton on vessels passing through the canal, taking no account, however, of the passenger trade, the Suez Canal, after nearly doubling its size, for it has been enlarged out of the reserve fund, and after a heavy fund is set apart for betterments, is earning 18 per cent dividends on a cost of $100,000,000. Of the cost of $100,000,000, $58,000,000 only was expended in actual canalization—actual work. Forty-two million dollars of the $100,000,000 was for interest, discount, fees for promotion, and losses in administration. Only a part of it was a necessary charge on the resources of the company. The Suez Canal was built in a very extravagant way, so far as fees and cost of promotion are concerned. Immense amounts of money were spent that ought not to have been spent. Nevertheless, the whole canal was capitalized at $100,000,000 after all these expenses were covered.

The canal is now a permanent property, earning 6 per cent on $300,000,000, and it has grown to these proportions in twenty-seven years. The latest quotations of the shares on the Paris Bourse were on last Saturday, January 16, 1897, and the 500-franc shares ($100) were quoted at 3,250 francs—common stock of the canal company—or in dollars a share of the par value of $100 is worth $650.

The Suez Canal, as I have stated, was opened to traffic in 1869. Its first year's realization was really in 1870. The growth and present magnitude of its business are shown in a table I have here and will insert in my remarks.

Suez Canal.

Year.	Number of vessels.	Net Suez tonnage.	Receipts.	Dividends.
				Per cent.
1870	486	436,609	$869,150	....
1875	1,494	2,009,984	5,281,150	....
1880	2,026	3,057,421	7,258,521	....
1885	3,624	6,335,752	12,011,451	....
1890	3,389	6,890,094	13,485,055	17½
1891	4,207	8,698,777	16,789,160	20½
1892	3,559	7,712,029	14,977,712	18½
1893	3,341	7,659,060	14,222,496	18
1894	3,352	8,039,175	14,825,411	18
1895	....	....	16,000,000	18½
1896	....	....	15,800,000	....

It has gone on with a steady, gradual increase. I could not get the number of vessels for 1895 and 1896, but perhaps I will get it before I close my remarks to-day. But I will take 1894. The number of vessels which passed through the canal in 1894 was 3,352, against 486 in 1870; the tonnage was 8,039,175, against 436,609 in 1870, and the receipts were $14,825,411, against $869,150 in 1870. The percentage of receipts upon the capital invested was 18.50 per cent in 1895. In 1895 the receipts went up to $16,000,000. In 1896 they were $15,800,000.

Now, if not another ship in the world passed through the Nicaragua Canal except such as we would get by a division of tonnage with the Suez Canal, and if we got 4,000,000 tons a year whilst she got 4,000,000 tons a year, and if we charged $1.50 a ton while the Suez Canal charges $1.87, we at once see that the profit on the investment proposed by this bill in the construction of the Nicaragua Canal would be quite satisfactory. That is the view which the American people ought to take of this matter if they have only a money-making interest in the canal. It is a very encouraging and profitable view to take of it, and it suits the temper of the present age, that in making investments of money or of the credit of the United States it should be clearly demonstrated that there is to be a profitable outcome, in dollars, from the investment.

I do not indulge in the romantic sentiment which many have even boasted, that it would be better for us to build the canal and throw away the money than not to have the canal. At the same time that is a proposition which would be very hard to answer when you come to consider it in a national sense, for if we can spend $260,000,000 in two or three years for the purpose of maintaining the equilibrium of our credit commercially with Great Britain, a matter about which I am not complaining, we certainly can afford to spend one-half of that sum or something equivalent to one-half in building a canal which, if it did not yield to us a dollar of profit, would at the same time furnish to the agriculturists and all the industrial people of the United States in every quarter such enormous advantages as would arise from this method of cheap water transportation between our Pacific and our Atlantic coasts. Or if we were to build the canal alone for the use of the Navy as a strategic movement, so that we might double the power of our Navy without building two great fleets—one for the Pacific and one for the Atlantic—it might be said, in the American sense, properly, that we could throw away the whole amount of money we put into the canal and still make a very large earning in the advantage, of a maritime and strategic nature, which we would get out of the enterprise. Or if we built the canal alone for the convenience, advantage, and profit of our coast trade, we would still find that the people themselves would be stimulated by the opportunity furnished by the canal in all of their industries and all of their trades to that degree that we might very well afford to accept any opportunity that might be presented to put the money in that course of expenditure, without ever expecting to receive a dollar in return.

Or if we look at the great national duty of connecting together our coasts—the Atlantic and Pacific—and to form of this nationality that sort of union of interest, as well as of feeling and sympathy, which would bind us together as a nation and a people beyond all possibility of severing or of dissatisfaction in the future, then, if we were to throw away all the money that we propose to put into the canal—in an enterprise so advantageous and so inviting—we should not consider that we had lost anything. Or if by building the canal we could open to the merchants and the sailors of the Atlantic Coast, to say nothing of the Pacific Coast, the advantage of free and cheap water introduction to the traffic of the Pacific Ocean, with all of its vast undeveloped and absolutely incomprehensible wealth, we would say that if we were to throw the money away it would be still well invested if it resulted in the production of this great waterway.

We might find light also in the example of Russia, which builds a railway, called the Siberian road, from her eastern shores to Vladivostok, just above Korea. She can not expect to realize a very large profit upon the freight to be carried by that railroad. With the same feeling of enterprise that Russia must have in respect of enlarging her eastern possessions and opening the advantages of the Pacific Ocean to her people, we might well say that we could as well afford to throw this money away, if it is to be thrown away, as Russia can to throw away the money she has put into the Siberian railroad without ever reclaiming a cent of it. But when we come to look into the actual facts and take the standard of comparison furnished to us by the Suez Canal, to which it is impossible to close our eyes, we are admonished that not only have we these great powers, privileges, and duties resting upon us, but we have actually in sight an enormous earning on a very small expenditure.

With these general observations, Mr. President, in an outline view of this great question, merely touching upon the surface of things, and not undertaking to penetrate into the actual argument about it, I desire now to present to the Senate the terms and provisions of the pending bill, to show that it is a thoroughly practicable and, as I believe, a thoroughly wise measure. I would not feel authorized to indulge in that expression about it if I were the author of the bill, but perhaps 150 of the most intelligent men in the United States have had a part in the authorship of the bill, and many of those men have been in the Houses of Congress. The honorable Senator from Ohio [Mr. SHERMAN] presented two bills here, the terms of which were somewhat modified and changed as argument proceeded and experience was obtained, indicating that changes ought to be made. After long and laborious consideration on the part of the Committee on Foreign Relations, I presented a third bill, which changed the features of the former bills considerably.

Then the subject went into the House of Representatives, and I must do the committee of the other House the justice to say that they have very much improved the whole plan. They have accepted propositions which originally I thought were antagonistic to the measure in rather a vital sense. I am now persuaded that they are wise amendments, and I believe that no more carefully considered measure than this one has ever been brought to the attention of the Congress of the United States. It is obliged to be so because the different committees which have acted upon it and the great number of gentlemen who have considered it have thought the matter over in the most careful and considerate way. No person who has ever been connected with the proposed canal improvement of whom I am aware has attempted to inject into it any personal wish or desire or thought or feeling or advantage either for himself or the section of country which he happened to represent.

It is a fair, a just, a genuine bill through and through, and from the very outset the measure has had the support of all the different parts of the American Union. The honorable Senator from Vermont, Mr. Edmunds, who was here, a wise and able man, was a great friend of the measure. He bestowed the closest attention upon it. The fact is, Mr. Edmunds is the man who originated the thought of our legislation and brought the matter into the Senate of the United States. Then there was Mr. Dolph, over on the other coast, Mr. MITCHELL of Oregon, over there, and other gentlemen who are present with us to-day. Then there was the honorable Senator from Ohio [Mr. SHERMAN], in the center of the United States, and his former colleague, Mr. Payne. There was Mr. Eustis of Louisiana, who united in the first report, and it was a unanimous report from the Committee on Foreign Relations, and after he went out of the Senate he became one of the directors in the scheme. Mr. Saulsbury was its active supporter. There was the Hon. Joseph Brown, who now sleeps in an honored grave, whom we all know was a man of extreme carefulness in respect of all public expenditures and public enterprises. He had, perhaps, as little of the idea of speculation upon Government credit as any other man who has ever held a seat in this body. He was an enthusiastic friend of this measure, and he wrote or telegraphed me from his sick bed in Atlanta, Ga., to pair him in favor of the bill; that it had his whole, hearty support. So from all over the United States, the East and the West, the North and the South, and the center have been represented by different gentlemen in the Senate of the United States and also in the House of Representatives who have concurred most heartily in bringing this subject forward as a matter of indispensable national necessity and of captivating national glory and honor.

How did it happen that the Senate of the United States thought it was prudent and necessary to take up this subject? It was in this way: The Government of the United States, under the Frelinghuysen-Zavala treaty with Nicaragua, had an opportunity to secure a certain control over the canal projected in that treaty, for which we proposed to pay $1,000,000 to the Government of Nicaragua, and we had an opportunity to acquire almost absolute sovereignty in Nicaragua, at least over an area of country 12 miles wide. The provisions for the construction, maintenance, and protection of the canal under the Frelinghuysen-Zavala treaty were very full and complete. I was one of its earnest supporters, and but for the fact that the succeeding Administration differed in opinion with the one that preceded it on that question and withdrew the treaty I think there is no doubt that it would have received the necessary two-thirds vote in this body. It received a majority vote upon every occasion when it was presented. But the defeat of that treaty was upon two grounds, one of which was that of an entangling alliance with foreign powers. There was supposed to be involved in it an entangling alliance with the Government of Nicaragua. Another reason was that there was some apprehension on the part of distinguished gentlemen that a controversy with Great Britain would arise out of this treaty in respect of the Clayton-Bulwer treaty of 1850.

There was a controversy also that was thought possible to arise out of the application of the Monroe doctrine, which at that time was not quite so clearly defined in the policy of the United States Government as it is to-day. At that time there seemed to be no objection to the project as to its cost or feasibility. No point was raised about its feasibility, no apprehensions were expressed about its being a valuable investment, and no dangers were anticipated in respect of an intervention in a hostile way by foreign governments to claim an interest in the canal. The Senate of the United States and the executive department went forward with perfect freedom in the negotiation of that treaty. It was met at the time only by the argument to which I have adverted and by another which was a matter that has been prominent and very important in its effect upon the subsequent movements for the building of the canal. We had secured the right by treaty with Nicaragua, and Great Britain in the very same terms had secured the right, she securing her right ten years before we secured ours, to our citizens to accept concessions from the Nicaraguan Government for the building of the canal, and some of our citizens at the time our treaty was formed with Nicaragua had a valuable concession which they were unable to carry through. The policy seemed to be then that it was better to have the canal in the ownership of private men than to have it in the ownership and control of the Government of the United States and in that way to avoid entangling alliances.

So, after the Zavala treaty was completed, a positive and active encouragement was given by the Government of the United States to private citizens to go into Nicaragua and to obtain concessions. That encouragement was in the direction of detailing men to make surveys, from the Navy Department and other Departments of the Government, engineering departments, and in relieving officers from duty in the Departments here to send them out for the purpose of negotiating such concessions.

The man who was chosen to go there to make these negotiations had been twice before detailed for duty in the exploration of canal lines through Nicaragua and Costa Rica, and had made a great deal of very valuable and laborious research in the location of the canals and in the determination of those preliminary questions, which, of course, involved the other question, of the feasibility of building the canal. That man was A. G. Menocal, a Cuban by birth, educated in Cuba and in the United States, admitted as a civil engineer into the Navy Department of the Government of the United States, and who has been the projector and builder of some of the greatest works that have been accomplished by the Navy Department from that time to this. At all events, Mr. Menocal was selected, and it was a very wise selection, because he showed that he had as much diplomatic ability perhaps as he had of engineering ability.

The people of Nicaragua and Costa Rica, because of the rejection of the Zavala treaty, had turned their eyes anxiously toward Europe for friends to build this canal, and they received Mr. Menocal with indifference, you may say, if not with antagonism. He was, however, a man of Spanish birth; he spoke the language perfectly; and he was before that time in Nicaragua as an officer detailed by the Government of the United States to go down and survey the San Juan River and the harbor of Greytown at the request of Nicaragua. The Nicaraguan Government was very friendly to Mr. Menocal, because they had asked the Government

of the United States to detail him, as a favor to the Nicaraguan Government, to go to Nicaragua and survey the San Juan River and also the harbor of Greytown—work that he went there and performed for the Nicaraguan Government at their request while he was still an officer of the United States Government.

It would not do to say that he did not find any difficulties in the way; but he overcame them. He made a most admirable negotiation, and the result of it was the concession from Nicaragua which is before us to-day, and is the basis of our action. He obtained a concession, not to the Government of the United States, for the Government of the United States did not want it; they had just rejected a concession which was still more valuable in the Frelinghuysen and Zavala treaty; therefore it had to be a matter of private enterprise. A few gentlemen in New York and elsewhere in the United States, perhaps as many as twenty-five or thirty (I have all their names in the record here), concluded that they would organize a provisional association—a private company—for the purpose of getting this concession. They furnished Mr. Menocal with money. The terms of the concession required the payment of $100,000 in gold to fix the bargain, and required a payment also of $50,000 for the purpose of enabling the Government of Nicaragua to obtain the right of way from her citizens, who had claimed private rights of property on the western side of Nicaragua Lake. That money was subscribed and paid. Nicaragua received the $150,000, and has it still in her treasury.

They came to the United States and they took a charter in Colorado for this company—I believe the name of it was the Nicaragua Canal Company—for the purpose of receiving the concession from the gentleman to whom it was made in terms, for the concession reads that it was made to Mr. Menocal for the benefit of these other persons or this corporation. So the concession passed into the hands of that incorporation, consisting of the gentlemen who owned the property and who had paid their money for it.

Thereupon they concluded, and wisely concluded, that they would obtain a charter for this company to work the concession, which was the company of execution, from the Congress of the United States. They did that in order to have the power of this Government engaged in the regulation of the affairs of the corporation in connection with foreign Governments, and also for the name and the prestige of it, which was all entirely rightful and very proper.

That matter underwent considerable debate in the Senate and in the House, and after quite a while a charter was voted. That charter has a very important political effect upon the whole plan, the whole scheme. I will not now go into it, inasmuch as I am not undertaking to give all the history of the progress of this work, but it regulated the amount of stock, the amount of bonds which the company might issue; it required the officers of the corporation under oath to report directly to the Secretary of the Interior in respect of all matters connected with the operations of the canal, and to answer to any other demands that he might make from time to time, in order that the Government of the United States might be informed as to the condition of this property, its progress, and all that related to it, and might take further legislative or other action that might be requisite.

In that particular, and in many others which will be found in the charter, the Government of the United States united itself with this incorporation and with this concession to the extent of giving to it its protection, the power of organization as a corporation, and all the other things that abound in the case of an incorporation, connecting the Government very closely with it. It is not possible to deny that we have united the political powers of the United States in a responsible way with this enterprise and with the concession upon which it is based.

Now, this private enterprise, as we call it, was encouraged by the Government of the United States, and particularly by the then Secretary of the Navy, Mr. Whitney, who made the detail of Mr. Menocal to go out there and perfect the arrangement and to conduct the survey. He had a detail there for nearly three years afterwards in conducting the surveys about which so much has been said. The Government of the United States in all of this matter has stood behind these gentlemen, has encouraged them, and given them to believe that at least their rights, whatever they might be under the concession, would always be preserved and protected by the power of the Government of the United States. In all this the Government acted wisely and within its rights, but not without incurring obligations of duty and honor that Congress should respect.

There is nothing plainer than that. No set of men ever entered into an enterprise with a better guaranty from a government than was given by the Government of the United States to these men when they went out there and spent their money, and came back and got their organization completed, and went to work to build this canal, on which they have spent four and a half million dollars of their own private money, and were then incorporated by Congress as the Company of Execution to work out the grants in this concession.

Now, in that view of the situation, Mr. President, the question, of course, arose in the minds of these men where they could finance the bonds. It was their business to raise the money to do what the Government had invited and urged them to do. There are very few men in the United States who by combination could build that canal. Perhaps there are one or two who might build it out of their own private fortune, but when you come to men of average ability in a financial way it would take perhaps a great many thousand of them to unite the strength of their credit successfully for the purpose of building a canal of the magnitude of this work. They necessarily were thrown upon the financial markets of the world for the money with which to build their canal. That is not an unusual thing. There is not a railroad in the United States of any great extent that has not been built in the same way. The projectors of the railroads have been compelled to go to the financial centers of the world and to get the money by borrowing it, and they have to put up very heavy security, usually a dollar of stock for a dollar of bonds, and sometimes a great deal more than that, besides blanket mortgages.

These gentlemen went to work to finance this scheme, and they raised in the United States almost exclusively—I believe exclusively—the four and a half million dollars which they have expended, by the selling of the stock and by placing bonds upon the market and in the hands of our own people. The list of bondholders and stockholders, not in the Maritime Company, but in the Construction Company, amounted to some three or four hundred, and all those names appear in the records of Congress here. I have heretofore put them upon the record. They were making progress. The Construction Company had an arrangement, I think I might call it a contract, with Baring Bros. to finance the bonds. It will come out more fully in the statements made by Senator Miller and others here. The Baring Bros. were overtaken with misfortune and failed, and that cut them off. But before that happened, as I remember the dates, Mr. Miller, who had been a member of this body and was well known, was met by Mr. Edmunds in the office of our Secretary of the Senate. Mr. Edmunds asked him what was being done about the building of this canal, in which he felt a very great interest.

Mr. Miller told him they were at work at it; that the requirements of the concession were pretty severe; that at least $2,000,000 had to be spent within about eighteen months from the date of the completion of the survey; that they had got the money together and they had complied with their contract; that they had secured the concession absolutely; the terms were rather severe, but they had complied with them, and besides that, they were then in the course of the expenditure of the balance of the four and a half million dollars which they had already raised upon their bonds. Mr. Edmunds suggested, "Well, where are you getting the money?" "Why, of course we are getting it from England. Everybody gets money from England." Mr. Edmunds did not like the thought. "What are you giving for it?" "Well, a very large amount of our securities. We are building a canal that will cost, according to the estimates of the engineers, about $85,000,000 at the outside. We have promised that we will issue $150,000,000 of our bonds, and we will back it up with $100,000,000 of our stock, and with a mortgage upon the franchise and upon all the corporate rights of every kind. That is what we have had to do." Mr. Edmunds remarked to Mr. Miller, "Why, this is going to be an enormous tax upon the commerce of the United States. That canal ought to be built for the estimated price, and then your rates of toll can be lowered so that you will not tax the commerce of the United States to the extent that you would otherwise have to do." Mr. Miller said that was very true, and he would be very happy if any arrangement could be made to bring about that result, but that the company did not have the power to do it; that their financial credit was not strong enough to enable them to get the money to build the canal upon any better terms. They had done the very best they could.

It was their property, and they had the right to do with it the best they could, and no one at that time seemed to have any objection to the idea that the stock of the canal was to be owned entirely abroad, any more than we have any seeming objection at this moment of time that the stock of the Union Pacific Railroad and the Central Pacific Railroad are owned abroad. Quite a majority of the stock of both of these great corporations is owned abroad.

But at that time the question was not one that had been publicly agitated, and these gentlemen doubtless did not feel the embarrassment that they feel now about a suggestion of that kind. Mr. Edmunds came into this body when it was in executive session, in order that no bad impression might get out over the world in respect of what we were going to do or thought we had a right to do. He had a resolution passed requiring the Committee on Foreign Relations to make inquiry into this subject, and to ascertain upon what terms the United States could be permitted to take hold of this charter and build the road. That was the purport of the resolution; I do not know the terms of it, but that was the purpose of it. And of course the committee, following the lead of the Senate, had executive sessions in regard to it. The president of the Construction Company and the president of the Maritime Canal Company were summoned before the Committee on Foreign Relations, and several of the directors and their clerks, and we examined carefully into the whole matter. Then the question arose, on the suggestion of the Senate committee, upon what terms will this corporation place its contract in the power of the United States? Negotiations, you may call them, were held between the committee and the owners of the franchise, and the result was that certain terms were considered to be acceptable on both sides. It was probable that the terms agreed upon would be acceptable on both sides, and the Senate committee embodied those terms in a bill and reported it to this body. It never had a hearing here for the want of time, but an able report was made, which was signed by every member of the committee, favoring the plan and favoring the acquisition of the contract, as far as was permissible, for the benefit of the United States.

Now, I have brought this matter up, Mr. President, to the point where it rests at the present moment, and the question is, Will the United States buy this property from these men at the price and on the terms presented in the pending bill? That is the question. It is their property; it is not ours. They did not really come here to sell it, although they may now be anxious to do so. I am not prepared to say that they are or that they are not. But it is their property. They have paid for it. They acquired it under guaranties from the Government of the United States of the most solemn character; at least, that the Government had not any right to put terms upon them that would so embarrass them as that they would be compelled to surrender their property to this Government.

The first bill that was presented here was not upon the idea that the Government should become a stockholder, but that the stocks should remain in the Treasury of the United States, to be disposed of along with the bonds for the purpose of raising money. The company said, "We are unable to negotiate that scheme if you put it forward. There will be a very large additional cost and a loss to the Government and a loss to us if the proposition goes into that shape," and they objected to it. Nevertheless, the committee were in favor of it. They never intimated that they would agree to it, but we thought we had compulsory power enough over them to compel them to do it. That is the way we thought about it. We thought it was just, at least that it was nearly so, and that it was wise, and we would compel them to do it.

The proposition that the Government of the United States should become a stockholder in this company came from the Maritime Canal Company through their authorized agents. They said, "Take the stock; take seventy million of the stock; let it be paid-up stock; and take it as a consideration for the guaranty of these bonds. Then that will leave us a sum of money to be distributed in bonds or stocks to Nicaragua and Costa Rica and the present owners of the concession, out of which we can get pay for what we have put in there, and that is all we are claiming."

The proposition for the Government to become a stockholder originated in the mind of some of the gentlemen who owned this concession, and in the mind of the Senators who were there representing the Government in that committee.

Now, I should like to know whether, if we defeat the pending bill, any man in the world can justly say to the owners of this concession, "You have not got the right now to dispose of it for your own benefit in any market where you can find a purchaser." How can we ever place ourselves in an attitude so disagreeable and so unjust toward our own people? After we have rejected overtures, if you please, though they are not overtures, for the sale of this property, after we have refused to buy it, after we have refused to have anything to do with it, how can we then turn to these men and say, "You shall not dispose of this property to some foreign power or some foreign people?"

And yet, Mr. President, we ought to say one thing or the other. They complain, and they have complained bitterly all the time, that the overture made by the Committee on Foreign Relations by the order of the Senate to the owners of these concessions so far crippled them in the markets of this country and abroad as that they could do nothing whatever with their bonds or their stocks after that date. They would go to a banker and say, "Here, we want to place these bonds; here is ample security," and all that. The banker would respond to them, as has been done on many occasions, "Your security is good; your property is valuable; the guaranties are all right; but we know that when we start this project and get this canal on foot the United States will be compelled to come and take it away from you, and then we shall have to give up our property and the prospect of the profit that we expect to realize in entering into the negotiation with you, and we do not choose to do it; it is too risky. If you were free, as a railroad company, to make your negotiations without the intervention of the Government, that would be all well; but we understand perfectly well that no canal can be built through Nicaragua unless it is under the patronage and under the protection of some particular government that has to be strong enough to take care of it, and that Government is the United States, and therefore we are unwilling to put up any money."

Now, Mr. President, I contemplate the idea of these men seeking another market with their concessions with a great deal of dissatisfaction and very serious apprehension. A doctrine has gone forth. I do not know who was the author of it, but he was a great man, whoever he was, and he lived somewhere between the days of Monroe and the days of Mr. Hayes. The doctrine is generally attributed to General Grant. Probably he might have been the author of it. It was couched in very terse words. I remember to have seen it used in the dispatches of Mr. Evarts. "The canal through the Isthmus of Darien must be an American canal under American control."

I believe that Mr. Evarts, whom we all honor, was the author of this true, patriotic, and noble sentence. It will never be changed while America is worthy of its glorious name. That doctrine has fast hold upon the conscience and heart of every true American under the flag of the country. There is not one man who is a true American who is willing to yield or abandon it. I number myself amongst the class who adhere to it with absolute pertinacity; and without undertaking to make any rash expression or anything that appears to be pertinent to an existing or prospective state of affairs, I do not hesitate to announce that I would not consent that any European power should go into Nicaragua and drive this company out of their concession and take the place of the United States, as we now have it, and build this canal. I should never consent to that; and I would resort to any kind of force which might be necessary to prevent a result so damaging and so disgraceful as that would be to this country.

Now, I will suppose that we have defeated this bill and, after we have defeated it, that no man can turn to the Maritime Canal Company or to any other company and say, "We have got some lien, moral, legal, or equitable, upon your franchise;" no man can turn around and say they are under any obligation whatever in the disposition of this great property for which they paid and which we encouraged them to buy; we must in honor then say to them, "Go where you will and sell it to whom you will, you have as much right to do it as an Alabama planter has a right to sell his bale of cotton in London or in Paris, and to choose his market." I will suppose, then, that this bill is defeated, and I will suppose that these men go to England and tender to the British Government precisely the situation we are in here to-day, and they should say to the British Parliament, "Give us a charter in the very words of the American charter, mutatis mutandis, give us this identical charter, pass the bill which was reported by the Committee on the Nicaraguan Canal to the Senate of the United States, claim for yourselves the $70,000,000 of stock there, advance the $100,000,000 of guaranty which was necessary to build the canal, pay us the little pittance we have expended here of four and a half millions in this canal, pay it back to us, and give us seven millions of paid-up stock in the concern; pass your bill through Parliament in the very words of this bill, and give us the charter in the very language of the American charter, and you shall have the rights we have acquired under these concessions."

Mr. President, who can estimate the excitement which would occur in the United States upon the passage of a bill like that through the Parliament of Great Britain? How are we to prevent it? We may say that this is to be an American canal under American control, but before we can say that to Great Britain under the circumstances which I have just been announcing today, which are absolutely the fact, you have got to break down a treaty between Great Britain and Nicaragua, and also you have got to discard and ignore a treaty between the United States and Nicaragua, both of which are in the same terms. By a treaty made between Great Britain and Nicaragua ten years before our treaty was in existence, in 1858, eight years after the date of the Clayton-Bulwer treaty, Great Britain has precisely the powers and rights in Nicaragua which we have under our treaty made ten years later. There is a little story connected with that—not a story, but a piece of history which has not been very much commented upon, although it is in our diplomatic correspondence—which will illustrate rather forcibly, perhaps, the statecraft and statesmanship and diplomatic skill of the British Government as compared with ours.

When Mr. Cass was Secretary of State, he negotiated a treaty with Ayon—I think he was the man who negotiated it, though perhaps it may have been some other. That treaty was drawn up with great care. It is the same treaty which ten years or twelve years later we negotiated and concluded a second time with Nicaragua. That treaty was made and already drawn up and agreed upon when the British Government sent out a special commissioner to Nicaragua to arrange certain matters between that Government and Great Britain, including the rights Great Britain claimed to exercise and were also conceded to the United States under the Clayton-Bulwer treaty. When this British commissioner got there, he found that the Nicaraguan secretary of state had already agreed to a treaty with the United States, and he succeeded in persuading him that the United States were the bitter enemies of Nicaragua; that it would not do to confer upon them any such power and authority, and that they had better make that treaty with Great Britain, because Great Britain was a very much stronger power than the United States, especially as a naval power. He succeeded in taking that treaty out of the hands of the Nicaraguan Government and copying it—for he copied it literally—and got it signed as a treaty between Great Britain and Nicaragua; and it took this Government ten years to get a treaty in identical terms with Nicaragua granting us the right to build a canal or a railroad through her territory. Now, this concession, this law, the act of incorporation, and all that we have done in regard to it, is predicated upon that treaty between the United States and Nicaragua; and yet when we come to look over the field we find that Nicaragua had granted to Great Britain the same powers and privileges precisely, word for word, ten years sooner.

How did we happen to manage to get ahead of Great Britain on that? Merely by the fact that our enterprising citizens, the very men whom we are now pulling up by the ears and questioning so severely about everything, went there and got this concession. That was all. We were first in time, and being first in time, were first in right. Now, discard it, throw it away, have nothing to do with it, spurn it, put your foot upon it, drive those men out of this Senate Chamber, and I should like to know whether your doctrine that this is an American canal under American control is going to prevail against the British right to have exactly the same concession from the very same people whom we are now casting away? Whether they would do it, or whether they would not, I do not know, but I do not care, after we have taxed these men to the extent we have, about making them lose the $4,500,000 that they have expended, besides $7,000,000 of stock which they claim in the enterprise. I do not care about compelling them to throw that all away, or to burn it up as a sacrifice on the altar of their patriotism. I do not feel well to do a mean thing like that. No American can fail to blush clear behind his ears when the question comes up whether we shall contemptuously kick these men out of doors simply because they come here and offer to us as a bargain this canal, which would make us worth $100,000,000 more than the canal will cost in fifteen years from the date of its construction.

How, then, are we to prevent these men from going to Great Britain, or, after we have destroyed their hope and power of realizing this matter in money and of building this canal, how are we to prevent Nicaragua from saying, "The Congress of the United States has abandoned the project and the Government of Great Britain has got a right to come in?"

Mr. President, I insist upon this bill being passed, or I insist upon its being defeated right now. We have matters lying just in front of us. They relate to the arbitration of "matters of difference between the Government of the United States and the Government of Great Britain." I want to know what those matters of difference are. I want to know what we are signing our names to when we put them to that paper, and whether it includes differences about our rights to go to Nicaragua and Costa Rica and establish an American canal under American control. I want to pass this bill so that Great Britain shall have her fair opportunity to say to us: "This matter will be in difference between us." Well, if a matter gets in difference between us relating to the Monroe doctrine, relating to the Clayton-Bulwer treaty, relating to the treaty between Nicaragua and the United States, or a treaty between Nicaragua and Great Britain, I want to know it; and if it is to be a difference of the sort which involves the disclaimer of that great utterance, "This is to be an American canal under American control," I want to know that. I want to know whether I am willing or prepared, or anybody else here is, to settle a difference of that kind or a difference in respect to the Monroe doctrine by a court to be established through the umpirage of King Oscar, or whether it is to be settled by the strength of the power of the right arm of the United States, duly exerted in defense and protection of our rights. That is why I want this bill acted upon now. I want to know what the Congress of the United States intends to do about it.

Then I want to know after that what the Government of Great Britain intends to do about it. Then I shall be prepared to understand what are the matters of difference between the United States and Great Britain. I conceive that there are no such matters of difference; that there will be none, because if it is possible to work an estoppel at all upon the conscience of a government that estoppel has become absolute by the fact that Great Britain obtained from Nicaragua a treaty, in the identical terms, ten years sooner than our treaty was signed—the very treaty upon which we are predicating this action, the very treaty which justifies us in every step we have taken or propose to take. Great Britain obtained the same concessions, or the same treaty rights from Nicaragua, but we, having been first in point of fact in obtaining the concessions under that treaty and in acting upon them by legislation in Congress, she is estopped from saying that we have not as much right as she has, because we have got the same rights under the Clayton-Bulwer treaty that she has, and we have the same rights under the Nicaragua treaty that she has. So I regard the question as being absolutely settled, and the report of the committee fully sets forth the ground upon which we have rested that branch of this case.

This bill, Mr. President, deals with two Republics, two sovereign Republics. How did we ever get a right to legislate in respect to the governmental powers of Nicaragua and Costa Rica? We got it under the treaty of which I am speaking; we got it under the concession on which this legislation is based; we got it under a provision in that concession that New York should be the office of the company, and that this body of gentlemen who received this concession might apply to any Government they chose for the purpose of getting corporate authority under the protection of sovereign power to build this canal, naming New York as the place where the central office was to be. All of those men were Americans. The transaction was entirely with the people of the United States, and had in prospect the granting of authority by Congress for the execution of that concession by the company of execution named in the bill, called the Maritime Canal Company of Nicaragua, the name which we adopted. That company of execution was to be created by some other Government than that of Nicaragua. Why? Because Nicaragua felt that she did not have the power to maintain and enforce its rights and powers if they were assailed by some great power. Where did she go? To this great Republic, her sister, in whom she has had the most perfect confidence, almost blind confidence, from the time she first adopted our form of government.

We are dealing with two Republics. Those Republics are stockholders in the Maritime Canal Company, and this bill proposes that the Republic of the United States shall be also a stockholder. They are represented by directors. They have reserved to themselves in the concessions a certain part of the stock that we are providing for. We have reserved the right here to alter, amend, or repeal that charter. Can we deal with Republics like Nicaragua and Costa Rica in this ordinary legislative way as we deal with private citizens, otherwise than through the stipulations of treaties and through their consent to our legislation?

The original charter which we granted to this company, of which Nicaragua and Costa Rica were members, provided for stock that might amount to $200,000,000. In this bill we have changed it and provided that—

> The capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares, of $100 each.

Making $100,000,000. Then we come to some definitions of what the terms mean.

> That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

There we were and are legislating for these two Republics and putting our laws and the power of our laws into the very bosom of their sovereignty, but with their consent. We are not sovereigns over them, but we exercise, with their consent, certain sovereign powers within their limits and with their cooperation.

Then this company in the process of its organization and operation created some debts and sold some of their stock and some of their bonds. The bill provides with the extremest care that all of these engagements must be absolutely taken up, liquidated, and canceled before the act shall go into effect; and that must be done to the satisfaction of the Secretary of the Treasury of the United States.

The United States are then authorized in section 3 to subscribe for $70,000,000 of this $100,000,000 of stock, the stock to be issued and placed in the Treasury of the United States precisely as Great Britain placed the stock of the Suez Canal in her treasury as an asset of the treasury, and that is to be done now, and the consideration for doing that is as follows:

> Which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 30,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required.

It will take more than that amount of stock to liquidate the outstanding obligations of this company. They will have to go down into their pockets to get the money to do it.

The next provision in the bill vacates the office of the present directors and appoints 11 directors, 8 of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate. One shall be appointed as a director by the Republic of Nicaragua, and 1 shall be appointed as a director by the Republic of Costa Rica, and 1—making 3—shall be a director for the other stockholders of the company. Beyond the amount of $7,000,000 of shares it is impossible that private individuals can get into this corporation at all. It is exclusively governmental—seventy millions of it belonging to the Government of the United States, six and a half millions belonging to the Government of Nicaragua, reserved in the charter—that is a reservation of the charter—and a million to the Government of Costa Rica, also reserved in the charter. So it is a governmental establishment, with the mere provision that less than one-seventh of the stock of the company may be in the hands of private holders.

Now observe what a total reversal that is of the doctrine with which we originally set out in this matter and which the Government set out with when it reversed the Zavala treaty. That treaty was rejected because it was a governmental affair and led to entangling alliances. The Government then preferred that the canal should all be in the ownership of private people with governmental protection. Now we have reversed the thing until the clamor in the United States is that "we are in favor of this canal if the Government can only own it, but we do not want to have any private man to have anything to do with it." That is now the complaint. It seems to me that that objection is raised merely for the sake of defeating any action at all. But, however that may be, I impute no motives to anybody. We have now got it just as close to absolute governmental ownership as it is possible to get it without usurping the sovereignty of Nicaragua and Costa Rica. They make a concession, in which they say expressly, "This concession shall not be sold to any foreign government, but they may get the stock; they may organize the company." An interest in it may not only be sold, but the concession itself provides for the open bidding on the part of the governments, so that all may come in and take stock. That has been observed; that has been gone through with. The opportunity was offered to foreign governments to take stock, but they did not take it. Now the opportunity is offered to the United States Government to take it, and the question is whether they will.

These eight directors are to be men who have no interest in this canal company. I had better read that provision. It as follows:

> The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

I regard that as enough. It meets all the objections which have been made here. Then the bill provides for the succession in office of the directors:

> The treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors.

The directors are to receive a compensation of $5,000 a year, and, in addition to that, their actual traveling expenses, and each director appointed by the President "shall visit the canal and make a personal examination of the works at least once each year." Then they are required to send their report to the President of the United States, who is required to lay it before Congress with his next annual message.

In order to arrive at the sum of money which has been expended in the construction of the canal by the Maritime Canal Company, or the Construction Company, an account is to be stated:

> SEC. 7. That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by its agents since the 3d day of June, 1889—

That is the time they commenced work—

> in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States and the other by the stockholders of the Maritime Canal Company of Nicaragua, whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners should fail to agree upon the amount of said expenditures they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua whose stock has been surrendered and canceled as provided for in section 3 of this act, bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed $4,500,000 and the interest thereon.

They are fastened down within that limit.

> Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

Then the United States has reserved the right to purchase any of this $7,000,000 of stock, or the stock of Nicaragua, or the stock of Costa Rica, paying for it not exceeding the rate of interest at 8 per cent per annum; but that is to be done by an act of Congress, if ever done at all.

Section 9 provides for an issue of bonds not to exceed $100,000,000 at 3 per cent—3 per cent bonds payable quarterly "in denominations of not less than $50, nor more than $1,000." They are to be coupon or registered bonds, according to the election of the persons who take them—

> to be dated on the 1st day of July, 1896, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly.

* * * * * * *

> And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. Said mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lien in favor of the United States upon the Nicaragua Canal.

They have 1,000,000 acres of land conceded to them in absolute fee simple title by the Government of Nicaragua, and by the time the canal is built that 1,000,000 acres of land can not be worth less than $5 an acre. It is worth more than $2.50 an acre to-day. It is in one of the finest regions of Nicaragua. True, it is a wilderness region, but the hard wood upon it will pay for the land three times over. There is coffee land, sugar land, fruit land of every description, and corn land. I can not describe the different vegetables that grow there, because I am not acquainted with all of them; but it is a country of most rich abundance of production. A million acres they have absolutely in fee simple. They bring that to us as a dowry, worth more than the stock we give them, they having yielded $6,500,000 of stock granted to them in the concessions. They transfer that into the hands of the company, which means seventy parts of a hundred to the United States. Then besides that, they have the unlimited right to take timber, stone, and material of every kind from any of the public lands in Nicaragua and east of Lake Nicaragua; and from that point down to Grey Town it is the rarest thing to find any settlements. There are a few settlers along the San Juan River, but the population of eastern Nicaragua is light—they commenced their settlements on the western coast. They have cleaned that up beautifully, and there is not a more agreeable and attractive country in the world than the western part of Nicaragua. It is well watered, with fine climate. It is healthful, and abounds in all manner of rich production. It has a very fine population.

The Indians inhabited that country originally, but they are now citizens of Nicaragua. There are no longer any tribal Indians there. They, of course, have built their wigwams about through the forests for the purpose of living upon the fruit where summer always prevails and where they have very little to do to obtain a living. That land when it is brought into convenient access by the canal will be one of the most beautiful and fertile regions on this earth. There is 1,000,000 acres. In addition, on the public land, they have a right to overflow as far as the canal can possibly reach or there is any necessity for an overflow.

Now, these bonds are to be signed and deposited in the Treasury of the United States. They are to be issued to the company, the whole $100,000,000 are to be signed and deposited in the Treasury of the United States. They—

> shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. And all payments of principal of said bonds or the interest thereon shall be made through the Treasury of the United States.

In the event of a failure on the part of the company to pay interest on the bonds, instead of paying interest at 3 per cent on these sums, interest is to be paid at 4 per cent, and the account is

to be stated whenever the interest is due and payable, so that the amount of accumulated interest bears interest at the rate of 4 per cent.

> Out of its net earnings each year the said corporation shall pay, first, the interest upon the bonded debt guaranteed by the United States; second, they may declare, out of the balance of the net earnings, a dividend upon the stock, in no year to exceed 5 per cent, and the balance of the net earnings, if any there be, shall be paid into the Treasury of the United States and constitute a sinking fund for the payment of the principal and interest of the mortgage. All dividends paid upon stock owned by the United States shall also be paid into said sinking fund, and the Secretary of the Treasury shall, as rapidly as possible, apply the same to the extinguishment of said mortgage debt.

There we set apart 70 per cent of the net earnings of this canal for a sinking fund in the hands of the Government.

I now come to a point about which there has been heretofore great difficulty, as to which concession has been made by the House committee—and I make it, too, and the committee over which I have the honor to preside makes it cheerfully:

> That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

What more can any reasonable man demand as to the location, plans, or specifications than is here conceded?

Nothing is actually located by this bill, except that it is to pass, of course, under the concession, through Nicaragua. They may put it entirely in the bed of the San Juan River if they want to; they may take the old Child survey, or the old Lull survey, and adopt it if they wish; they may take the Menocal survey and adopt it if they prefer; but whatever they adopt, the plans and specifications shall be prepared by the Engineer Department of the United States Army. Now, that is putting it sufficiently, I suppose, into the hands of the Government of the United States to gratify the reasonable demands of any person in regard to it.

Here is another important power in the hands of the President under this bill:

> The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.
>
> That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.
>
> That said canal company shall pay annually into the Treasury of the United States the official salaries of said engineer officers while in the employ of said company, and, in addition thereto, shall pay to said officers for their use 25 per cent of such salaries.
>
> That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers, the members of which shall be selected from civil life—

That cuts out Menocal. They are anxious to put him out, and out he goes—

> to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of $20,000 is hereby appropriated for the purposes of said examinations and investigations by said board of civil engineers.
>
> SEC. 14. That the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him.

So that not one bond can be issued except upon work done and actually approved and a statement thereof laid before the Secretary of the Treasury.

Here are other careful restrictions on the powers of the corporation:

> SEC. 15. That the said Maritime Canal Company shall not issue any bonds or mortgages except as herein provided, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this act.
>
> SEC. 16. That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment, by the President of the United States, of the eight directors herein provided for.
>
> SEC. 17. That Congress shall at all times have the power to alter, amend, or repeal this act, and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua shall fail to comply with the requirements of section 3 of this act and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within nine months from the passage thereof.

If there can be anything more conservative or safer than is found in this bill, I do not see how human ingenuity is going to devise it, provided the company has power to do any work in complying with the terms of the concessions. Some gentlemen may be loath to enter into an engagement of this kind on behalf of the Government because it contemplates the issue of bonds and the guaranty of the United States for their payment. You must remember that this bill so provides that the President of the United States can stop the issue of bonds at any moment. If he finds that we are going in a wrong direction, that a false step has been taken, that the canal is not feasible, or that it is going to cost too much, or that there is some question between ourselves and some other Government that interferes, the President of the United States can stop it at once. He has the power to withhold the issue of bonds, and of course that stops everything. We could not defer the building of this canal until every contingent question that might possibly arise out of it could be brought up and settled. We can not afford to wait for it. I have stated one reason why we can not afford to wait for it, but there are a great many others which I can not undertake now to enumerate. It is perfectly obvious, however, it seems to me, that the least reflective man can see that there must be a point where this legislation takes effect. Otherwise Nicaragua and Costa Rice can say to us, "You have done nothing. We have waited upon you a long time. We want to be excused from it. We intend to be excused. We intend to have this canal constructed. We do not intend that you shall play dog in the manger any longer about it. We want you to act and to act decisively, or else say that you will not."

I am informed—I do not know, but I believe it is true, because I have been informed by a very eminent diplomatist—that the principal point in the movement recently taken in Central America, which caused the union of Honduras, San Salvador, and Nicaragua under what they called a diet, a form of government having reference to outside administration and outside affairs, which they call the Greater Republic of Central America, was to facilitate the building of this canal, to bring the powers of all three of those Republics in such a manner to the attention of the people of the United States and of the executive government that they would see the importance of going to work, having some definite line of action.

Mr. President, if the voice of the Senate is against the building of the canal as an impracticable scheme, or one that is likely to involve us in expenses we can not afford to bear, or to involve us in conflicts with foreign governments of which we are afraid, express it and let these men go—let them have their rights and profits—and let us no longer hang as a shadow over them or an obstruction between them and other parties who will be only too glad to take up the construction of the canal.

Let me ask every Senator on this floor if he does not believe that the Nicaraguan Canal has as good a chance for traffic as the Suez Canal? The possibilities, the probabilities, the inducements, the field of operation for the passage of ships from the Atlantic to the Pacific Ocean seeking marts of trade through this opening are so great that the wisest navigators and the greatest merchants in the world do not hesitate to put the annual income, at $1.50 a ton, up to $16,000,000 per annum. They do not hesitate to do it. Of course there is a variety of opinions on this subject; but take the most intelligent men, beginning with Commodore Maury and coming down to date, and you will find that the consensus of opinion is overwhelming in favor of the proposition that we will at least get 8,000,000 tons, at $1 a ton, and at $1 a ton that would be $8,000,000. Set apart $1,000,000 for maintenance of way, which is a very large allowance, and $3,000,000 for the payment of interest on $100,000,000, if you please, and you have $4,000,000. What else have you got? At $1 a ton you have $4,000,000 for dividends, in which the Government has seven-tenths interest, per annum. That is clear profit.

There is not a government in the world which has the opportunity to put its money into this enterprise that will not do it the very moment we let go, and when we let go of this proposition we must expect it to go into the hands of Great Britain, unless we are prepared to load our guns and stand by them in defense of the doctrine, the inspiring thought, that this must be an American canal, under American control. We have come to a point in this matter where we have to act. If you throw away this contract, after that we can say nothing more about it. Let us not play fast and loose. Let us not play like children with a question of this kind. Let us either accept it or discard it and take our ground where we feel that duty and honor call us.

I shall not complain at all of any man who takes ground opposite my views upon this question. I should not think of such a thing; but I say to him, "My friend, act now. Come along. I am for it, and you are against it. If you have more votes on your side than I have, vote it down and let it go. Let us quit it." When you wipe out this concession, you wipe out all chance that the United States is ever to get control of the canal unless you do it by overpowering Nicaragua and Costa Rica. That is the reason why I have been so very anxious that we should bring this matter to a conclusion. We are standing in the way of gentlemen who have done us no harm, to say the least of it. Neither are they mendicants. They are not beggars for favor from us; but if I would speak of them as I feel, I would class them as we know them, from their character, to be amongst the noblest and most patriotic of our American people. There is not a man connected with the Nicaragua Canal, either with the Construction Company or with the Maritime Canal Company, who is not a gentleman of great excellence, and many of them have reputations that are appreciated and loved by the whole people of the United States.

Let me read from the report of the committee, because it is more succinct than I could otherwise state it, what we claim. There is great doubt about what the canal will cost. If I would state that my own judgment is that the canal will not cost exceeding $70,000,000 when it is finished, you might say I was mad; that I had been misled; that my judgment had become unbalanced. Yet I believe it. But there are others who believe that it will cost $150,000,000. Some of them are men of ability and character whose opinions are worthy of much consideration. The Commission we sent out there, after adding very largely to the estimates which had been made before and for causes that I will not now stop to inquire about, reported that it would cost $135,000,000. It is entirely feasible, they report. There is no doubt about any part of it. The harbor, the water, the control of the flood, the drought—every contingency and every circumstance are taken into consideration. One hundred and thirty-five million dollars is what they say it will cost, and the estimates are from that down until we come to $70,000,000. Some men who have built great works and who have the money to build others are willing to take the canal to-day, as their letters show, and to build it upon Menocal's estimate. They are now ready to do it. Now the committee have come to the following conclusion about it:

> Estimating that the canal can be completed in five years, and placing the cost at $150,000,000—

As an argument—

> the highest estimate—and the operating expenses at $1,000,000 per annum, we have an accumulation of interest, at 3 per cent, at the end of five years of $11,250,000 to be added to the cost of the canal, two and a half years being the average period of expenditure in its construction.

Of course, we do not put the bonds out until the work is done.

> The cost of the canal on this estimate would be $161,250,000, and the interest thus compounded on this sum for the next ten years after the canal is completed would amount to $48,375,000. Add to this $1,000,000 each of the ten years for maintenance and operating expenses and the sum is $58,375,000. The earnings of the canal for the same period, computed on the lowest basis of tonnage that has been suggested by anyone—5,000,000 tons, including passenger fares—at $1.50 per ton (which is less than the toll rates of the Suez Canal) will amount to $75,000,000, thus giving a net profit of $16,625,000, or $1,662,500 per annum.

One million six hundred and sixty-two thousand five hundred dollars per annum net profit. There is the lowest computation of tonnage, 5,000,000 tons; the highest cost, $150,000,000; interest, expense of maintenance, all that put in, and that is the result.

> If every calculation of the owners of these concessions is disappointed, and the most unfavorable conjectures of those who deny that it can be a paying property are true, as they have stated them in their calculations, a lower rate of tonnage on this canal than is collected on the Suez Canal makes the Nicaraguan Canal a paying property, and its stock a dividend-paying stock.
>
> The owners of this property estimate the cost of the canal at $80,000,000, in round numbers, and its income at 9,000,000 tons, on the average, during the first ten years it is in operation. The interest account on that basis would stand thus at the date of the opening of the canal. Interest accumulated while the work is in progress, $5,000,000, making the cost of the canal $85,000,000. The interest on this sum for ten years, at 3 per cent, is $25,500,000. Add for operating expenses $10,000,000, and the entire expenditure is $35,500,000 for that period.
>
> The income at $1.50 per ton, including passenger fares, would be $14,500,000 per annum, or $145,000,000 for the first ten years that the canal is in operation.
>
> This is not an extravagant estimate when it is compared with the cost of the Suez Canal, which is 100 miles long and cost $58,000,000 for construction and $100,000,000 in all, and is now being enlarged to accommodate its trade, and with its net earnings in 1895 of $7,000,000 at the rate of $2 per ton on 7,710,000 tons that passed through that canal.
>
> But the committee feel entirely warranted in the estimate that the cost of the canal and its income will be very near the average between these opposing calculations. On that basis the cost of the canal will be $115,000,000, and its net earnings for the first ten years of its operation will aggregate $75,800,000, or about 7½ per cent on the capital stock. The Suez Canal pays in dividends 8¾ per cent.

The Suez Canal now pays 18½ per cent, as I have shown by the tables which I laid before the Senate to-day. We take the medium between that, 7½ per cent. Certainly we are on safe ground.

> The Suez Canal pays in dividends 8¾ per cent on a sum that makes the value of the stock in the market at least four times its par value.

When I wrote this report it was only a little over four times. Now it is nearly six, so rapid is the growth of the value of the property.

> Congress intervened in the effort to control the construction and future direction of this canal for the purpose of regulating the cost of it in order to prevent it from being too great a burden upon our commerce, especially in our coastwise trade.
>
> The other advantages of such control, while they are very great, are not so directly within the reach of Congressional action. The neutrality of the canal and its innocent use, guaranteed by our treaties, apply equally to all nations and are properly subject in some respects to the laws of nations.

In this opening address—perhaps I may not speak any more about it; I do not know—I will not go into particulars to delay and weary Senators, who have trouble enough in listening to me at all; but the subject is one of extreme interest and extreme importance.

Mr. President and gentlemen of the Senate, the committee have placed themselves on the solid rock of mathematics as to this bill. If there is truth in reach of human endeavor to discover it, either by calculation based on facts which are known and events which are conjectural, or upon the evidence furnished to us by the Suez Canal and by the Sault Ste. Marie Canal, these reports cover and present that truth, and what we have to do and all we have to do in respect of the financial question concerned here is to ascertain what the investment must be, how long it will take to build the canal, what the custom of it will be in the way of tolls, and what the receipts from that custom ought to be, say, at $1 or $1.50 a ton.

If Europe and the world can afford to pay the Suez Canal $1.87 a ton for sending its commerce through that canal, they certainly can afford to pay us $1.50 or $1 a ton, and we do not propose to do anything else than to lower our rates so as to bring a large part of the traffic of the world through this canal, although it is not necessary for its maintenance or its profit that we should divert a single ship from the Suez Canal.

Mr. President, if I should undertake to discuss this question as far as I should like, or as far as the suggestions that arise in my mind seem to require me to do, I should detain the Senate very much too long, both for its own patience and for my personal welfare. I will therefore leave the subject now in the hands of the Senate, and will undertake, if any objections are raised to it, to do my best to answer those objections without passion or prejudice or anything of the kind, in a deliberate way, and to present the facts, for they are all before us, in answer to any objections that may be made to the bill as it is presented.

I dislike to see the bill amended, because the House has agreed upon it after such a patient and full examination and after the House has conceded everything that has been demanded against the bill heretofore. I dislike to see it amended, but at the same time I would not say that I am adverse to such amendments if any Senator here can show good reason why the bill ought to be amended, for I want the best bill that can be had.

Now, there is not one unclean speck upon this whole business. There is nothing connected with it in the nature of a job, or of pressure, or even imputation in what is being done here. While we all know that it would gratify the gentlemen who belong to these companies, what is being done here is done on the motion of the Senate of the United States. We originated it. We did it in executive session. We have interfered with these people. We tried to get this contract out of their possession on terms that were agreeable to us. They never asked us to do it, and they never would have asked us. They had no occasion to ask us. But they would have felt mortified, as we all would, to have found that the power of money in Great Britain was so great and abundant and so supreme that those people over there could take anything we were concerned in and finance it and work it because of our supposed poverty.

Mr. President and gentlemen of the Senate, our poverty here is all supposition. Seventy millions of people, or eighty millions of people, in a country like we have here, are able to do what any other people in this world would have ever ventured to do, or will ever venture to do. I can show this to the Senate by the experience of gentlemen here, old and young, all of whom have looked in the face the facts to which I am about to refer. I can show to them that within the last thirty or forty years of our national experience the people of the United States under this form of government, under this flag, and upon this continent, are able to survive and outlive and grow rich upon any misfortunes that can possibly befall them.

About thirty years ago I saw the fairest part of this land almost covered in ashes. The smoking ruins sent their columns of grief to the skies. It is the most beautiful land there is upon this continent. There were left there, as an inheritance of those people, conflicts with other races that seemed to challenge not merely the powers of manhood but the powers of divinity itself to overcome, and I have seen opposed to those same people the power of a great government that they had to overcome. Yet I have seen the wealth, the enterprise, the honesty, the firmness, the courage of men rise above these low conditions, and they have rebuilt a country in thirty years than which there is not to-day a more beautiful or a more lovely country in this world. No man need ever attempt to convince me that the American people have not got it in their power to accomplish anything that they think they ought to do that is right in the eyes of God and man and honorable in the history of nations.

Here is a duty lying before us that we ought to thank God for the opportunity of performing. From the time of the visit of Columbus to these shores down through every age of that long period almost every enlightened government in the world has been excited on the subject of finding a communication right through the waist of this hemisphere so that the union might be completed between the Pacific and the Atlantic in zones where there were peace and harmony and sunlight and breezes to create and increase the happiness of nations and of men. Many of the greatest men have been thinking of it and projecting it for years and years, and all intelligent men have longed for its consummation. Millions of dollars of money, thousands of lives, have been expended in these

explorations, and the world has no more idea of giving up the completion of this canal than the Christian world has of giving up the millennium. It is fixed in their minds that it is to be completed.

When was there a grander opportunity? When was man ever called upon in performing the high functions that he holds in virtue of his dominion over this world to do a nobler and a more worthy thing than that of assisting in building this canal through the waist of this hemisphere? Who can shrink from it and go to his grave feeling that he has honored the opportunities that God has given him to make for his country wealth, glory, power, and splendor? Give us that canal; plant us there in a position of powerful influence, for it can not be less than that, in the midst of these great continents, with our form of government, our traditions, our purposes, our prospects, and the influence that we have already gathered and will gather around the majestic character of the American nation, which has already ascended above the nations like the monument to Washington stands above the plains of the Potomac; give us that attitude in the midst of this hemisphere, and then we can expect, then we can know that our grand development of the right and power of man in self-government will spread its influence not over this hemisphere alone, but will hold its position there against the united world. Then we shall not be out of harmony with the age in which we live; then we can live in the happiness of great duties well performed; then we shall not be in an apologetic position with respect to foreign countries. Neither shall we be domineering in this country; but, standing in the light of God's own truth as He has given it to us, and, as I believe, it has been materialized, concentrated, and crystallized in the Constitution of the United States, we will be the most powerful people on this earth. I thank God that He has given me as an individual man, as I am, in the Senate of the United States, the opportunity of raising my voice in favor of this bill.

EXECUTIVE SESSION.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 19, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1897.

COLLECTOR OF CUSTOMS.

Thomas D. Byrum, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina, to succeed Kenneth R. Pendleton, whose term of office has expired by limitation.

POSTMASTERS.

John R. Lucas, to be postmaster at Rockwell City, in the county of Calhoun and State of Iowa, in the place of Joseph C. Thorne, deceased.

Alpha R. Young, to be postmaster at Caldwell, in the county of Sumner and State of Kansas, in the place of William A. Sturm, removed.

Francis M. Mumford, to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana, the name of the office having been changed from Bayou Sara to St. Francisville. Mr. Mumford was originally appointed July 15, 1886, and has been continued since the office became Presidential. His present commission will expire March 29, 1897.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Col. Thomas C. Sullivan, assistant commissary-general of subsistence, to be Commissary-General of Subsistence with the rank of brigadier-general, from January 18, 1897, vice Morgan, retired from active service.

Cavalry arm.

Capt. Louis Henry Rucker, Ninth Cavalry, to be major, January 13, 1897, vice Kennedy, Fourth Cavalry, retired from active service.

Capt. Eli Lundy Huggins, Second Cavalry, to be major, January 13, 1897, vice Kramer, Sixth Cavalry, retired from active service.

First Lieut. Philip Pendleton Powell, adjutant Ninth Cavalry, to be captain, January 13, 1897, vice Rucker, Ninth Cavalry, promoted.

First Lieut. Lloyd Milton Brett, adjutant Second Cavalry, to be captain, January 13, 1897, vice Huggins, Second Cavalry, promoted.

Second Lieut. George Tayloe Langhorne, Third Cavalry, to be first lieutenant, December 11, 1896, vice Brown, First Cavalry, promoted.

Second Lieut. Ulysses Grant Kemp, Eighth Cavalry, to be first lieutenant, December 15, 1896, vice Bullock, Seventh Cavalry, deceased.

Second Lieut. Charles Young, Ninth Cavalry, to be first lieutenant, December 22, 1896, vice Baldwin, Seventh Cavalry, appointed commissary of subsistence, who resigns his line commission.

Second Lieut. Alfred Charles Merillat, Eighth Cavalry, to be first lieutenant, December 22, 1896, vice Knight, Third Cavalry, appointed assistant quartermaster, who resigns his line commission.

Second Lieut. Robert Bruce Wallace, Second Cavalry, to be first lieutenant, January 4, 1897, vice Brainard, Second Cavalry, appointed commissary of subsistence, who resigns his line commission.

Second Lieut. Francis Cutler Marshall, Eighth Cavalry, to be first lieutenant, January 5, 1897, vice Cruse, Sixth Cavalry, appointed assistant quartermaster, who resigns his line commission.

Infantry arm.

First Lieut. James Berryman Jackson, Seventh Infantry, to be captain, December 22, 1896, vice A. H. Jackson, Seventh Infantry, appointed paymaster, who resigns his line commission.

Second Lieut. Joseph Dugald Leitch, Twenty-fourth Infantry, to be first lieutenant, December 22, 1896, vice Jackson, Seventh Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1897.

SECRETARY OF THE INTERIOR.

David R. Francis, of Missouri, to be Secretary of the Interior.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. George William Candee, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel.

Maj. Alfred Elliott Bates, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel.

INDIAN AGENT.

Frederick Treon, of Crowcreek, S. Dak., to be agent for the Indians of the Crow Creek Agency, in South Dakota, in lieu of his position as agent for the Indians of the Crow Creek and Lower Brulé Agency, the latter agency having been divided and its name changed to Crow Creek by the act approved June 10, 1896.

APPOINTMENT IN THE NAVY.

Joseph Fyffe, a citizen of Massachusetts, to be an assistant paymaster in the Navy.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Littleton W. T. Waller, United States Marine Corps, to be a captain.

Second Lieut. Albert S. McLemore, United States Marine Corps, to be a first lieutenant.

Melville J. Shaw, a graduate of the Naval Academy and a citizen of Minnesota, to be a second lieutenant in the United States Marine Corps, from the 1st day of July, 1896, to fill a vacancy existing in that grade.

PROMOTIONS IN THE NAVY.

Asst. Naval Constructors Lloyd Bankson and John G. Tawresey, to be naval constructors in the Navy.

Holden A. Evans, a citizen of Florida, William P. Robert, a citizen of Mississippi, Daniel H. Cox, a citizen of New York, Thomas G. Roberts, a citizen of Alabama, and Lawrence S. Adams, a citizen of Pennsylvania, to be assistant naval constructors in the Navy, from the 1st day of July, 1896.

Lieut. Commander John P. Merrell, to be a commander.
Lieut. Commander Joseph G. Eaton, to be a commander.
Lieut. Charles P. Perkins, to be a lieutenant-commander.
Lieut. (Junior Grade) Daniel P. Menefee, to be a lieutenant.
Ensign Volney O. Chase, to be a lieutenant (junior grade).
Lieut. Benjamin H. Buckingham, to be a lieutenant-commander.
Lieut. (Junior Grade) John H. Gibbons, to be a lieutenant.
Ensign George R. Slocum, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Thomas Snowden, to be a lieutenant.
Ensign William G. Miller, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Edwin H. Tillman, to be a lieutenant.
Ensign George W. Kline, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Robert F. Lopez, to be a lieutenant.
Ensign John P. McGuinness, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Frank W. Kellogg, to be a lieutenant.
Ensign Joseph Strauss, to be a lieutenant (junior grade).
Lieut. (Junior Grade) John L. Purcell, to be a lieutenant.
Ensign Charles S. Stanworth, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Reuben O. Bitler, to be a lieutenant.
Ensign Robert L. Russell, to be a lieutenant (junior grade).
Lieut. Commander Seth M. Ackley, to be a commander.
Lieut. Charles G. Bowman, to be a lieutenant-commander.
Lieut. (Junior Grade) Herman G. Dresel, to be a lieutenant.
Ensign Harrison A. Bispham, to be a lieutenant (junior grade).

Lieut. (Junior Grade) Harry Phelps, to be a lieutenant.
Ensign Armistead Rust, to be a lieutenant (junior grade).
Ensign George R. Evans, to be a lieutenant (junior grade).
Commander Colby M. Chester, to be a captain.
Lieut. Commander William W. Gillpatrick, to be a commander.
Lieut. William P. Potter, to be a lieutenant-commander.
Lieut. (Junior Grade) Patrick W. Hourigan, to be a lieutenant.
Ensign Edward W. Eberle, to be a lieutenant (junior grade).
Commander Charles E. Clark, to be a captain.
Lieut. Commander Benjamin S. Richards, to be a commander.
Lieut. William H. Beehler, to be a lieutenant-commander.
Lieut. (Junior Grade) John B. Bernadou, to be a lieutenant.
Ensign Charles M. McCormick, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Homer C. Poundstone, to be a lieutenant.
Ensign Glennie Tarbox, to be a lieutenant (junior grade).
Lieut. Commander Benjamin F. Tilley, to be a commander.
Lieut. Giles B. Harber, to be a lieutenant-commander.
Lieut. (Junior Grade) Albert A. Ackerman, to be a lieutenant.
Ensign William W. Gilmer, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Albert P. Niblack, to be a lieutenant.
Ensign Robert E. Coontz, to be a lieutenant (junior grade).
Lieut. (Junior Grade) William Truxtun, to be a lieutenant.
Ensign William H. G. Bullard, to be a lieutenant (junior grade).
Commander Charles J. Barclay, to be a captain.
Lieut. Commander Harry Knox, to be a commander.
Lieut. Sumner C. Paine, to be a lieutenant-commander.
Lieut. (Junior Grade) Stokely Morgan, to be a lieutenant.
Ensign Webster A. Edgar, to be a lieutenant (junior grade).
Lieut. Commander Clifford H. West, to be a commander.
P. A. Engineer James P. S. Lawrance, to be a chief engineer.
Asst. Engineer Walter S. Burke, to be a passed assistant engineer.
P. A. Engineer Isaac S. K. Reeves, to be a chief engineer.
Asst. Engineer Oscar W. Koester, to be a passed assistant engineer.
P. A. Engineer Wythe M. Parks, to be a chief engineer.
Asst. Engineer Edward L. Beach, to be a passed assistant engineer.
P. A. Engineer Frank H. Bailey, to be a chief engineer.
Asst. Engineer Herman O. Stickney, to be a passed assistant engineer.
P. A. Engineer George S. Willits, to be a chief engineer.
Asst. Engineer Louis M. Nulton, to be a passed assistant engineer.
P. A. Engineer Walter F. Worthington, to be a chief engineer.
Asst. Engineer John B. Patton, to be a passed assistant engineer.
Asst. Engineer George W. Danforth, to be a passed assistant engineer.
P. A. Paymaster John S. Carpenter, to be a paymaster.
Asst. Paymaster Philip V. Mohun, to be a passed assistant paymaster.
Paymaster Daniel A. Smith, to be a pay inspector.
P. A. Paymaster Livingston Hunt, to be a paymaster.
Asst. Paymaster Martin McMahon Ramsay, to be a passed assistant paymaster.
P. A. Paymaster John A. Mudd, to be a paymaster.
Asst. Paymaster Guy G. Rodgers, to be a passed assistant paymaster.
George G. Seibels, a citizen of Alabama, to be an assistant paymaster.
Edmund W. Bonnaffon, a citizen of Pennsylvania, to be an assistant paymaster.
Medical Inspector Daniel McMurtrie, to be a medical director.
Surg. John L. Neilson, to be a medical inspector.
P. A. Surg. John M. Edgar, to be a surgeon.
P. A. Surg. Thomas C. Craig, to be a surgeon.
P. A. Surg. Philip Leach, to be a surgeon.
George D. Costigan, a citizen of California, to be an assistant surgeon.
Middleton S. Elliott, a citizen of South Carolina, to be an assistant surgeon.
Frank L. Pleadwell, a citizen of Massachusetts, to be an assistant surgeon.
Dudley N. Carpenter, a citizen of New Hampshire, to be an assistant surgeon.
Daniel H. Morgan, a citizen of West Virginia, to be an assistant surgeon.

POSTMASTERS.

Winfield S. Mercer, to be postmaster at Albany, in the county of Delaware and State of Indiana.

Lang C. Allen, to be postmaster at Clarksdale, in the county of Coahoma and State of Mississippi.

Edwin L. Drake, to be postmaster at Winchester, in the county of Franklin and State of Tennessee.

David A. Minnich, to be postmaster at York, in the county of York and State of Pennsylvania.

David B. Howerton, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas.

Mira Johnson, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas.

Emma L. Lombard, to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts.

Lyman D. Thurston, to be postmaster at Leicester, in the county of Worcester and State of Massachusetts.

Miss Georgie L. B. Tobin, to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina.

William V. Leech, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri.

Alva H. O'Dowd, to be postmaster at Weston, in the county of Platte and State of Missouri.

John W. Duncan, to be postmaster at Adrian, in the county of Bates and State of Missouri.

Kate E. Sullivan, to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri.

Rella C. Harber, to be postmaster at Trenton, in the county of Grundy and State of Missouri.

Charles Ray, to be postmaster at Cassville, in the county of Barry and State of Missouri.

Charles Q. Hardman, to be postmaster at Edina, in the county of Knox and State of Missouri.

Gideon B. Hart, to be postmaster at Breckenridge, in the county of Caldwell and State of Missouri.

Edward C. Meehan, to be postmaster at Norborne, in the county of Carroll and State of Missouri.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 18, 1897*.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of Saturday's proceedings was read and approved.

HENRY F. THORNTON.

The SPEAKER. The first question before the House is the unfinished business coming over from Saturday. The Clerk will report the pending bill.

The bill (H. R. 1064) for the relief of Henry F. Thornton was read.

The SPEAKER. The pending question is on an amendment offered by the gentleman from Indiana [Mr. STEELE] to insert $16 instead of $25 as the amount of the pension.

Mr. BLUE. Has consent been given for the consideration of the bill?

The SPEAKER. Consent has been given.

Mr. BLUE. I suggest that the arrearage clause, the second section of the bill, which provides that this pension shall take effect from December 25, 1895, is not customary. If I was correct in understanding that as the provision of the bill, it should be amended by striking out that clause.

Mr. PAYNE. Mr. Speaker, I do not think that the House gave consent for the consideration of this bill except upon the understanding that the amendments reported by the committee should be agreed to.

The SPEAKER. Unanimous consent was given for the consideration of the bill, and there was no attempt to qualify that consent.

Mr. PAYNE. The first amendment of the committee, I believe, was voted down. But the previous question was not ordered.

The SPEAKER. It was not.

Mr. MILES. When was unanimous consent given?

The SPEAKER. On Saturday. The question is on agreeing to the amendment of the gentleman from Indiana [Mr. STEELE] striking out $25 and inserting $16.

The amendment was agreed to; there being—ayes 48, noes 28.

Mr. BLUE. If this bill provides, as I understand it does, that this pension shall begin December 25, 1895, I desire to move an amendment so that the act shall take effect on its passage. I do not care anything about the amendment as to the amount, but I do not think we should assent to this principle of paying arrearages.

The SPEAKER. The matter is covered by the second amendment of the committee, which has not yet been put to the House. The Clerk will read the amendment next in order.

The Clerk read as follows:

> In line 3, strike out the words "Commissioner of Pensions" and insert "Secretary of the Interior."

The amendment was agreed to.

The SPEAKER. The Clerk will now read the second amendment of the committee.

The Clerk read as follows:

> Strike out the following:
> "SEC. 2. That this act shall take effect from December 25, 1895."

Mr. OWENS. I suggest that the House ought to be very careful in acting on this amendment, because we have already agreed to an amendment giving to this poor pensioner the princely increase of $4 a month. Hence, I repeat, the House can not be too careful as to the time when this increase shall take effect.

Mr. PAYNE. It would not be a very good time now, upon this bill, to commence granting arrearages of pensions.

Mr. OWENS. Yes; I say the House ought to be very careful.

Mr. PAYNE. It has been the practice of the House to strike out these provisions for arrearages.

Mr. OWENS. That is why I wanted to invite the attention of the gentleman from New York and others to this question, so that they might make no mistake in this case.

Mr. PAYNE. I call attention to another fact—that unanimous consent for the consideration of this bill was obtained after the committee's amendment had been reported at $15 a month. If the House had not thought that that amendment was to be adopted it would not have consented to the arrangement. I know of at least one member who would not have consented to the consideration of the bill.

Mr. OWENS. That is the trouble with the gentleman from New York, he too often mistakes himself for the House.

Mr. PAYNE. "The gentleman from New York" was very careful to make his objection to the House and not to the gentleman from Kentucky.

Mr. OWENS. I was conscious of that.

The SPEAKER. As the debate seems to have been closed on the bill [laughter], the question is on agreeing to the amendment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of committees, there being no unfinished business on the table.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker, there is one bill, No. 43 on the House Calendar, the bill H. R. 4804, which is the only bill the committee has on the Calendar, and I desire to call it up for consideration.

The SPEAKER. The bill does not seem to be in the hands of the Clerk.

Mr. LACEY. With the understanding that this can be returned to, I do not wish to detain the House. It is only one bill and will take, I think, but a very few minutes. I ask consent that the next committee be called.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Indian Affairs was called.

SALE OF INTOXICATING DRINKS TO INDIANS.

Mr. SHERMAN. Mr. Speaker, there is a bill that the gentleman from Nebraska [Mr. MEIKLEJOHN] will present to the House from the Committee on Indian Affairs.

Mr. MEIKLEJOHN. Mr. Speaker, on behalf of the Committee on Indian Affairs, I call up the bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, and for other purposes.

The bill was read, as follows:

> *Be it enacted, etc.*, That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days, and by a fine of not less than $100 for the first offense and not less than $200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department.
>
> SEC. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Nebraska to explain this bill.

Mr. MEIKLEJOHN. Mr. Speaker, I would say in reply to the gentleman from Georgia that this bill passed the House at the last session of the Fifty-third Congress, but reached the Senate too late for consideration.

The present law prohibits the sale of intoxicating liquors to Indians under a penalty of a fine of not more than $300 for each offense or imprisonment not exceeding two years. The only change the pending bill contemplates in the present law is that the punishment for the sale of intoxicating liquors to Indians shall be for the first offense not less than $100, and for each offense thereafter not less than $200 and imprisonment for a period of time not less than sixty days.

The United States courts in Oregon, Washington, Montana, and certain other States have held that under the Dawes law the allottee of Indian lands, while the title is held in trust by the Government, is not a ward of the Government, and that the sale of liquors to an Indian to whom an allotment of land has been made is not a crime under our present statutes.

This proposed legislation amends the existing statutes in three particulars:

First, it makes it unlawful to sell, give away, dispose of, exchange, or barter "any essence, extract, bitters, preparation, compound, composition, or any article whatsoever under any name, label, or brand which produces intoxication."

Second, the punishment "by imprisonment for not more than two years or by a fine of not more than $300 for each offense" is changed to "imprisonment for not less than sixty days and by a fine of not less than $100 for the first offense, and not less than $200 for each offense thereafter."

Third, the term Indian is defined to embrace an Indian "to whom allotment of land has been made, while the title to the same shall be held in trust by the Government;" an Indian "a ward of the Government under charge of any Indian superintendent or agent;" or an Indian, "including mixed bloods, over whom the Government, through its departments, exercises guardianship."

The bill is recommended by the Commissioner of Indian Affairs, the Secretary of the Interior, the board of Indian commissioners, the Indian Rights Association, and judges and marshals of the United States courts.

It is petitioned for by the Indians themselves and the civilized tribes.

In the interest of the Indian, in the interest of society, and in the interest of good government it should become a law.

Mr. MADDOX. The question is whether the House is authorized to pass such a law as you are asking for. That is the point on which I wish to hear the gentleman from Nebraska.

Mr. MEIKLEJOHN. In the case of United States against Holliday, reported in 3 Wallace, page 407, that question is very fully considered; and the courts have always held until the recent decisions in Washington, Oregon, and Montana that the decision of a political department of the Government as to whether the tribal relations of the Indians had ceased would be followed by the courts. That opinion has been the law until the recent decisions of the United States courts in the States mentioned.

I therefore believe that we have full authority to pass such a bill, and if there is any question as to the constitutionality of the measure, in my judgment it ought to be left to the courts.

Mr. LITTLE. I would like to ask the gentleman—not being familiar with the decision to which he has referred—if it was not based on the fact that the allottees became citizens of the United States?

Mr. MEIKLEJOHN. You refer to the decisions in the courts of Oregon, Washington, and Montana?

Mr. LITTLE. Yea.

Mr. MEIKLEJOHN. It was upon that ground.

Mr. LITTLE. On the ground of citizenship?

Mr. MEIKLEJOHN. Yes.

Mr. LITTLE. When the Indian takes his allotment, he becomes a citizen of the United States, and ceases to be a ward of the Government. I am inclined to think that to give the Federal courts jurisdiction of offenses committed by citizens against citizens trenches upon the authority of the States, an authority that ought to be retained in the State governments. If they are citizens of your State, I see no reason why the legislature can not pass ample and sufficient laws to protect its own citizens, and I am inclined to think it ought to do so.

Mr. MEIKLEJOHN. I will say to the gentleman from Arkansas that it is my judgment that under the Dawes bill, so long as the title is held in trust by the Government, for twenty-five years from the date of the allotment, the Indian allottee does not gain all the rights of full citizenship to an extent that precludes the Government from exercising control and guardianship over him through its political departments.

Justice McKenna, of the United States circuit court of appeals, ninth circuit, in the case of Eels et al. *vs.* Ross, delivered the opinion of the court October 10, 1894, as follows:

> We do not consider it necessary to consider or decide all the propositions argued. If the land was an Indian reservation, the agents had a right to remove all persons found therein contrary to the law. (Revised Statutes, section 2147. See also Revised Statutes, sections 2118, 2149.) It is not disputed that the lands are a part of those set apart as the Puyallup Reservation, and that the reservation has not been directly revoked; but it is contended that the allotment of the lands in severalty, and afterwards making the Indians citizens, necessarily had the effect to revoke the reservation. There is plausibility in the argument, and it needs to be carefully considered. It is clear

that the allotment alone could not have this effect (The Kansas Indians, 5 Wall., 737) and citizenship can only have it if citizenship is inconsistent with the existence of a reservation. It is not necessarily so. Some of the restraints of a reservation may be inconsistent with the rights of citizens. The advantages of a reservation are not; and if, to secure the latter to the Indians, others not Indians are excluded, it is not clear what right they have to complain. The act of 1887, which confers citizenship, clearly does not emancipate the Indians from all control or abolish the reservations.

Section 3 provides for leasing lands under certain contingencies, under the regulations of the Secretary of the Interior, and the proviso of the section contemplates agents in charge of the reservations. Besides, the practice of the Department has been and is to maintain them, and this practice is respectable evidence of a correct interpretation of the statute by officers who may have suggested the policy and written the provisions of the statute. (Railroad Company vs. Whitney, 132 U. S., 357, 366, 10 Sup. Ct., 112; Sturr vs. Beck, 133 U. S., 541, 10 Sup. Ct., 350.) That the abolition of reservations and the guardianship of the Indians is the ultimate hope of the policy there can be no doubt, but it will not be soonest realized by attributing fanciful qualities to the Indians, or by supposing that their natures can be changed by legislative enactment. But the appellees claim contract with the Indians, and a right to occupy the land, and the circuit court held that the Government, by making the Indian proprietors citizens, lost the power "to coerce such Indians into making or annulling contracts, or of molesting persons upon their premises by their license, when not interfering with the operations of the Government or violating any national law." And the court further held that by the issuance of the patent "the Government lost entirely the right to control the use of the land." The patent has clear words of prohibition against alienation, and, even if it had omitted them, the treaties and law imposed them. (Taylor vs. Brown (Dak.), 40 N. W., 527.)

The power of the Government to impose the restraints is not questioned, and its purpose is certainly not ambiguous. The treaties with the Indians, the allotment of the land in severalty, all had their purpose of fixing them in permanent homes. By article 6 of the treaty the privilege of allotment can only be availed of by those who will "locate on the same as a permanent home," and the purpose is so careful, insistent, and dominant that the President is given power to "prescribe such rules and regulations as will insure to the family in the case of the death of the head thereof the possession and enjoyment of such permanent home; and he may issue a patent only to such person or family who has made a location for a permanent home, and if issued, may cancel it if such person or family 'rove from place to place;' and the tract may be declared abandoned and thereafter assigned to some other person or family."

From its relations to the title and from the terms of the treaty, we think the Government had the power to make such conditions, and that they were not destroyed by making the Indians citizens. Such effect can not be deduced from the act of 1887, for, if Congress could do so, Congress did explicitly clog the title with a condition of nonalienation for twenty-five years, and absolutely nullified all contracts made touching the same before the expiration of such time. In Smythe vs. Henry (41 Fed., 705) a statute which granted land to the Cherokee chief, Junaluska, with restraint upon its alienation, and also made him a citizen of the United States, was considered, and it was held that a restraint against alienation was not inconsistent with the grant of citizenship. The court said:

"It is insisted that the restriction imposed upon the rights of alienation by the second section of the act is inconsistent with the spirit and purpose of the first section, which conferred upon Junaluska all the rights, privileges, and immunities of citizenship. When a State conveys land as a bounty, it can impose any restriction deemed proper upon the grantee. When we consider the condition of that new citizen, we may well conclude that the restriction was not unreasonable, but was, rather, just, wise, and beneficent."

And it was held in re Coombs (127 Mass., 278) that it was competent for the legislature to continue the guardianship of Indians by the State after they had been made citizens.

It follows, therefore, that the contracts of complainant with the Indians were void, and that he was properly removed from the reservation. We have not distinguished between the lease and the contract to convey, as we deemed them parts of one transaction. If it is for the interest of the Indians, or of commerce, to remove the restraints on alienation, Congress will no doubt do so, if applied to, and in the latter case it will be enabled to provide for the interests of the Indians better than they have seemed to have provided for themselves in the contract with appellee. Judgment reversed and cause remanded, with directions to dismiss the bill. (Fed. Rep., volume 47.)

Mr. LITTLE. As I understand, you base your opinion on the fact that the Government still retains the supervision over his allotment, his lands; but does he not become a citizen to all intents and purposes, with the right to vote, and so forth?

Mr. MEIKLEJOHN. It is my judgment that he does not gain his full rights as a citizen so far as the control of the Government is concerned, and whether Indians are to be considered as a tribe or have ceased tribal relations is primarily a question for the political department of the Government.

Mr. LITTLE. I fully concur with my friend as to the importance of legislation of this sort, if it can be properly enacted. I think the highest restrictions should be placed for the protection of these Indians.

Mr. MEIKLEJOHN. In reply to the gentleman's question, if he will pardon me, I will read what Commissioner Browning says:

It will be observed that the tendency of the courts below is to declare Indians who become citizens by taking allotments in severalty not to be under the Indian agent within the meaning of the law prohibiting the sale of liquors to Indians, and to be free to purchase intoxicating liquors, notwithstanding the fact that agents are maintained over them by the Government, and as the cases in which these decisions are made are of a criminal character and can not be appealed by the Government, it will be absolutely necessary for the full protection of the Indian allottees that some such legislation as is proposed in this bill shall be enacted. The making of allotments to Indians changes their status as to citizenship, but it does not change the Indian character or his tastes. As much harm, therefore, can come to an Indian allottee by the free use of intoxicating liquors as he could receive by such use as a member of a tribe, and the presence in the midst of any community of Indian allottees who would be free to purchase intoxicating liquors would be a menace to the lives and property of the law-abiding members of such community.

William H. Brinker, United States attorney for the district of Washington, in a communication to the Commissioner of Indian Affairs, says:

Unless this traffic is prohibited by legislation, the policy of the Government to civilize the Indian will be defeated, and he will be converted from a wandering nomad into a drunken loafer.

Mr. LITTLE. Now, I fully agree with what is said there; but while the character of the Indian has not been changed, or his tastes or habits changed, has not the power to which he must look for protection been changed, by the action of this Government, as well as by his consent? In other words, ought he not to look to the State government for his protection when he becomes a citizen and exercises the rights of a citizen?

Mr. MEIKLEJOHN. May I inquire of the gentleman from Arkansas, if the United States courts in different jurisdictions are not agreed as to the construction of the Dawes bill on citizenship of the Indian, would it not be wise to pass the measure and leave the constitutionality of the act to the Supreme Court?

Mr. LITTLE. We can afford to look into it somewhat ourselves. I confess I have not examined the authorities, but it does occur to me, without any careful examination, that it is going a step too far, and that the Federal courts ought not to be empowered to interfere with the jurisdiction which, in my judgment, properly belongs to the State.

I will ask the gentleman this further question: Why is it that your State government can not protect these Indians as amply as the Federal Government can? Your legislature can pass laws making the penalties as high as it wants to. The State has the arm of all its officers and all the local courts, which, it seems to me, would be more efficient in this regard than the Federal machinery.

Mr. MEIKLEJOHN. Does the gentleman understand that the change in the present law provided by the bill, so far as the Indians who are subjected to it are concerned, is its application to allottees of Indian lands during the time that the title is held in trust by the Government?

Mr. LITTLE. Well, yes; I understood that there was some limitation in that line, and I am glad to hear the gentleman state that; but I do not think the character of the land holdings is the turning point in the case. I think it is a question of the status of the individual, his citizenship.

Mr. MADDOX. In other words, the question is this: If this House has not the jurisdiction or authority to pass this law that you ask for, the law will have no legal effect, and you will fail in the purpose for which you propose it.

Mr. MEIKLEJOHN. May I inquire of the gentleman, so long as the Supreme Court has held that Indians under the control of an agent are wards of the Government, as it held in United States *vs.* Holliday, would it not be well, notwithstanding decisions to the contrary by United States district courts, to pass the bill and leave the question of legality of the act to the courts?

Mr. MADDOX. But when the land is allotted, as in this case, and the Indians become citizens of the State, this Congress has no longer the power to legislate on the subject, so far as they are concerned, and your legislation will be void. I agree with the gentleman as to the necessity for this legislation, but I think it ought to be State legislation instead of Federal. Now, the difficulty that I have, if the gentleman will pardon me, is that I do not want to stand here as a member of the Committee on Indian Affairs and allow this sort of a law to be passed without entering our protest against it, because I do not believe we have any right to pass any such law, or any authority.

Mr. MEIKLEJOHN. Is it not your opinion that we best take chances on the constitutionality of this act than to continue this nefarious business of debauching our Indians and bringing them to degradation instead of civilization?

Mr. MADDOX. I can not say about that; but you and I have both taken an oath here to support the Constitution.

Mr. MEIKLEJOHN. I am of the opinion that the bill is constitutional and should be passed, and I believe the courts will hold that citizenship under the Dawes law does not remove the Indian from governmental control.

Mr. MADDOX. The trouble is that we differ as to the constitutionality of it.

Mr. MEIKLEJOHN. In Beck *vs.* Flournoy, etc., Company, decided by the circuit court of appeals, eighth circuit, December 10, 1894, Judge Thayer, in delivering the opinion of the court, said:

It is suggested, as we understand, that because Congress conferred the right of citizenship upon all Indians to whom allotments of land might be made and upon every Indian who should take up a residence separate and apart from his tribe and adopt the habits of civilized life, the power to sell, lease, and otherwise dispose of allotted lands was also conferred as a necessary incident of citizenship. It is urged, as we understand, that Congress should not make these Indians citizens of the United States without at the same time giving to them the unrestricted power to sell, use, and control all property whatsoever in which they chance to have an interest. This argument appears to us to be untenable. We know of no reason, nor has any been suggested, why it was not competent for Congress to declare that these Indians should be deemed citizens of the United States and entitled to the rights, privileges, and immunities of citizens while it retained for the time being the title to certain lands in trust for their benefit and withheld from them for a certain period the power to sell, lease, or otherwise dispose of their interests in such lands. * * * And we can conceive of no sufficient reason why the United States in the exercise of its sovereign power should be denied the right to impose similar limitations, especially when it is dealing with the dependant race like the Indians, who have always been regarded as the wards of the nation. * * * It does not follow, therefore, that the power of these Indians to deal with land which was held by the Government in trust for their benefit was sensibly enlarged, or that the restriction against alienation found in the fifth section of the act of February 8, 1887, was removed because in the sixth section of the same act Congress saw fit to declare that when land had been allotted to an Indian or he had separated from his tribe and adopted the habits of civilized life he should be entitled to all the rights, privileges, and immunities of a citizen. The two sections of the act are by no means inconsistent with each other. The clause imposing a limitation upon the power of alienation is not in conflict with the subsequent clause conferring the boon of citizenship. Both provisions may well stand together. They were inserted for a well-defined purpose, which it is easy to comprehend; and the act should be so construed as to give effect to both provisions, and thereby accomplish the purpose of the lawmaker. (65 Fed. Rep., 30.)

I desire to submit as a part of my remarks the committee report on this bill. It is as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 280) entitled "A bill to prohibit the sale of intoxicating liquors to Indians, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Amend the title so as to read: "A bill to prohibit the sale of intoxicating liquors to Indians, providing penalties therefor, and for other purposes."

This bill enacts that it shall be unlawful for any person to sell, give away, dispose of, exchange, or barter any intoxicating liquors of any kind whatsoever to any Indian to whom allotment of land has been made while the title is held in trust by the Government, or to any Indian a ward of the Government, including mixed bloods, over whom the Government exercises supervision through its Departments. The present law relating to the sale of intoxicating liquors to Indians, Revised Statutes, 2139, is as follows:

"No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced under any pretense into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian in charge of any superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, beer, wine, or intoxicating liquor into the Indian country, shall be punished 'by imprisonment for not more than two years or by fine of not more than $300 for each offense.'"

This proposed legislation amends the existing statutes in three particulars: First, it makes it unlawful to sell, give away, dispose of, exchange, or barter "any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand which produces intoxication;" second, the punishment "by imprisonment for not more than two years or by a fine of not more than $300 for each offense" is changed to "imprisonment for not less than sixty days and by a fine of not less than $100 for the first offense, and not less than $200 for each offense thereafter;" third, the term Indian is defined to embrace an Indian "to whom allotment of land has been made, while the title to the same shall be held in trust by the Government;" an Indian "a ward of the Government under charge of any Indian superintendent or agent;" or an Indian, "including mixed bloods, over whom the Government, through its Departments, exercises guardianship."

The vendors of intoxicating liquors on Indian reservations have used every possible device and scheme to evade the Indian Bureau, the authorities, and law, until they have gone to the extreme of having intoxicating liquors, under labels or brands of essences, extracts, bitters, preparations, compounds, or compositions containing pickles, fruits, and other articles of diet, specially prepared for this traffic with the Indians.

The violators under the present law, which provides they "shall be punished by imprisonment for not more than two years or by a fine of not more than $300 for each offense," are pleased to pay the small fine imposed by the courts, gain their liberty, and return to the reservation to continue the occupation of their nefarious traffic. The minimum punishment in this bill is sixty days' imprisonment and a fine of $100 for the first offense, and a fine of $200 for each offense thereafter.

The district courts of the United States have held that a sale of intoxicating liquors to an Indian to whom an allotment of land has been made does not, under the existing statutes, constitute an offense.

The Commissioner of Indian Affairs in his report for 1895 says:

"In my last annual report the attention of the Department was invited to a decision by Judge Bellinger, of the United States district court of Oregon, in which it was held that the sale of liquor to Indians who have taken allotments in severalty is not a violation of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stat. L., 260). I also set forth my reasons for believing that the court erred in its decision.

"Since that time the United States circuit court of appeals at San Francisco has rendered a decision in the case of Eells et al. *vs.* Ross (64 Fed. Rep., 417), which sustains my view as to the authority of the Government over Indian allottees and shows how the court would hold if it were possible to get before it a case of liquor selling to such allottees; but, as these cases are of a criminal character, no appeal can be taken by the Government. For this reason the office made strenuous efforts to secure the passage of the bill (H. R. 6657) which was introduced in the last Congress by Mr. MEIKLEJOHN, and which was as follows:

*   *   *   *   *   *   *

"The bill was passed by the House of Representatives in the last hours of the last session, but too late to receive the consideration of the Senate, and consequently did not become a law. It is my purpose, however, on the assembling of the next Congress, to submit the matter to the Department in a special report, with a view to having the bill again introduced and, if possible, passed into law."

The bill has the approval and indorsement of the Secretary of the Interior, the Commissioner of Indian Affairs, United States district attorneys, and the Indian Rights Association.

The necessity for this legislation is clearly set out in the accompanying letters, which are made a part of this report.

OFFICE UNITED STATES ATTORNEY, DISTRICT OF OREGON,
Portland, October 12, 1895.

DEAR SIR: Permit me to acknowledge receipt of your communication under date of 5th instant. Replying thereto, I have to say that Judge Bellinger's decision was never reported, but was in substance as follows: "That under section 6 of the act of Congress approved February 8, 1887 (24 Stat. L., page 390), all Indians who have lands allotted to them in severalty, as per the provisions of said act of Congress, are deemed to be citizens of the United States and subject to the laws, both civil and criminal, of the State wherein they reside, and that it was the intention of Congress by adopting section 6 to repeal the provisions of section 2139, Revised Statutes, so far as said allotted Indians are concerned."

Respectfully, yours,

DANIEL R. MURPHY,
United States Attorney.

G. D. MEIKLEJOHN,
The Millard, Omaha, Nebr.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 15, 1895.

SIR: Referring to office report of October 12, 1894, in response to a letter from Hon. Thomas Lynch, inclosing copy of House bill No. 6657, "to prohibit the sale of intoxicants to Indians," and asking for the opinion of this Department thereon, I have the honor to transmit herewith, in duplicate, copy of a letter of January 4, 1895, from the United States district attorney for the district of Washington, inviting attention to the fact that the courts of Washington and Oregon have decided that as section 6 of the act of February 8, 1887 (24 Stat. L., 388), provided for the admission to citizenship in the United States of Indians who have taken allotments under said act, such Indians are emancipated from the control of the Indian agents, and that it is not a violation of the law (section 2139) of the Revised Statutes, as amended by the act of July 23, 1892 (27 Stat. L., 260), to furnish such citizen Indians with liquor.

Said bill No. 6657 provides a penalty for the sale of intoxicating liquors to Indians who had taken allotments under the said act of 1887, and in that report it was suggested that as the tendency of the courts was to declare an Indian who had become a citizen by taking an allotment in severalty to be free to purchase intoxicating liquors, notwithstanding the fact that agents have been, under the direction of Congress, maintained over such Indians by the Government, it would be absolutely necessary, if the Indian allottees are to be fully protected, that some such legislation as proposed in this bill should be enacted. Mr. Brinker, the district attorney for Washington, whose communication is referred to above, states that it has been frequently demonstrated (and it is not seen how demonstration is necessary) that the allotment of lands will not alone destroy the appetite for liquor nor render the Indian any less dangerous to himself and neighbors than he was before. As was stated in the report from this office, above referred to, the making of allotments to Indians changes their status as to citizenship in the United States, but it does not change their character nor tastes, and that as much harm can come to an Indian allottee by the free use of intoxicating liquors as he could receive by such use as a member of the tribe.

In view of the fact that the courts have apparently unanimously decided that Indian allottees do not come under the provisions of existing law prohibiting the sale of liquors to Indians, I have the honor to recommend that Mr. Lynch be furnished with a copy of Mr. Brinker's letter and be advised by letter from the Department that it is thought that it would be very much to the benefit of the Indians of the United States if the said bill No. 6657 should be passed by Congress and should become a law.

I would also recommend that a copy of this report and of Mr. Brinker's letter be transmitted to the chairman of the Senate Committee on Indian Affairs, Hon. J. K. JONES, with the suggestion that it is desirable that said House bill No. 6657 should become a law.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

OFFICE UNITED STATES ATTORNEY,
DISTRICT OF WASHINGTON,
Seattle, Wash., January 4, 1895.

SIR: I desire to call your attention to a matter which seems to me should be brought to the attention of Congress and some remedial legislation passed covering it.

I refer to the sale of liquor to Indians. By section 2139, Revised Statutes of the United States, it is made a crime for anyone to sell, give, etc., liquor to any Indian under the charge of an Indian agent or superintendent.

On February 8, 1887 (24 Stat. L., 388), Congress passed what is known as the "Dawes bill," providing for the allotment in severalty of the lands of certain reservations to the Indians. The sixth section of this act declares that every Indian to whom allotments have been made is a "citizen of the United States and is entitled to all the rights, privileges, and immunities of such citizens."

The United States courts in this district and in Oregon have decided that the effect of section 6 is to emancipate the Indians from the control of the Indian agents and to make them "citizens" in the fullest sense, and that it is not a violation of section 2139, Revised Statutes, to furnish such citizens with liquor.

My contention has been, in all the cases which I have tried, that so long as the Indian remains upon the reservation over which an agent is appointed he is protected by section 2139, Revised Statutes, but this is denied by the court.

It seems to me that the policy of Congress has been to civilize these Indians, and that the allotment of land is but one step in that direction, giving them land so that by the reflection of proprietorship they may cease their wandering and become attached to one place, which they can call their "home," and that they are just as susceptible to evil influences while occupying their home as they were before, and in as great danger from the liquor traffic as they were before the allotments were made, and that the same reasons exist now for prohibiting this traffic, under severe penalties, as ever existed. It has been frequently demonstrated that the allotment of land will not alone destroy the appetite for liquor, nor render the Indian any the less dangerous to himself and neighbor than he was before.

Unless this traffic is prohibited by legislation, the policy of the Government to civilize the Indian will be defeated, and he will be converted from a wandering nomad into a drunken loafer.

I tried a case to-day in the United States district court here in which a man was indicted for selling liquor to two Indians on November 29, 1894. The evidence was conclusive that the defendant sold the Indians a quart of whisky, which they drank and became so intoxicated that one of them laid down across a railroad track, where he was found by an officer, and upon being arrested his drunken companion attempted forcibly to rescue him from the officer.

These Indians testified that they lived upon lands which had been allotted to them in severalty, and the court instructed the jury to return a verdict acquitting the defendant.

I call these matters to your attention in the hope that some legislation may be had which will make the offenders liable to punishment.

Very respectfully,

WM. H. BRINKER,
United States Attorney.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 26, 1895.

SIR: I am in receipt of your letters of January 2, 1895, transmitting a copy of House bill 6657, "to prohibit the sale of intoxicants to Indians," as follows, on which you request the opinion of this Department:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent; and any person who shall introduce, or attempt to introduce, any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall be punished by imprisonment for not more than two years, or by a fine of not less than $100 for the first offense, and not less than $200 for each offense thereafter, or by both fine and imprisonment, in the discretion of the court: *Provided, however*, That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid, the informers to have and receive one-half of all fines paid and collected. But it shall be a sufficient defense to any charge of introducing, or attempting to introduce, ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department, or any officer duly authorized thereunto by the War Department.

"SEC. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed."

In line 11, section 1, you suggest an amendment to the bill by inserting after the word "Government," and before the word "under," the words "or any Indian over whom the Government exercises wardship." The object of this amendment is, as you say, in order to avoid any misunderstanding as to the meaning and intent of the word "ward" as used in the bill.

In reply, I have to say that the Office has experienced some considerable difficulty in dealing with Indians to whom allotments have been made under the various provisions of law touching the same on account of the duty of the Government with respect to the sale of liquor to Indians who have received allotments, the act of 1887 (24 Stat L., 388), known as the general allotment act, making such Indians citizens of the United States.

It has been held by this Office that Indians to whom allotments have been made, where the allotments are held in trust by the United States, and the Congress and this Department have found it necessary to maintain an agency over them for any purpose whatever, would be under the charge of the United States Indian agent within the meaning of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stat. L., 260), and that anyone selling or otherwise furnishing them with intoxicating liquors would be liable to punishment in like manner as they would be if the Indians had not been given their allotments.

This opinion was based on the decision of the Supreme Court in United States *vs.* Holliday (3 Wall., 407), wherein it was held that the question whether "any particular class of Indians are still to be regarded as a tribe or have ceased to hold tribal relations is primarily a question for the political departments of the Government, and if they have decided it, this court will follow their lead."

The district courts of the United States, it seems, have not, however, held this view of the case, the office having received numerous reports from its agents citing cases where the district courts have held that the making of allotments to Indians of a reservation makes them citizens of the United States and takes them out from under the charge of the agents of the United States, notwithstanding the fact that the Government maintains agencies over them. The court of the United States for the district of Washington held, in a case which was tried in the spring of 1890, that as the Puyallup Indians were citizens of the United States, the sale of liquors to them was not punishable under the statutes, basing this opinion on the ground that the Congress and the Executive were not authorized to maintain an agency over the Indians after they had become citizens. This appears to this office to be in direct violation of the ruling of the Supreme Court in the case of Holliday above cited.

The district court of the United States for Oregon, Judge Bellinger, held in the case of The United States *vs.* Thomas Kawkes and Edwin Kline (none of these cases have been published, so far as I know) to the same effect, viz, that Indians who have received allotments in severalty have become citizens of the United States and are not in charge of the United States agent, and therefore the sale of liquors to them is not prohibited by the law, which is applicable only to the Indian wards of the Government.

It will be observed that the tendency of the courts below is to declare Indians who become citizens by taking allotments in severalty not to be under the Indian agent within the meaning of the law prohibiting the sale of liquors to Indians, and to be free to purchase intoxicating liquors, notwithstanding the fact that agents are maintained over them by the Government; and as the cases in which these decisions are made are of a criminal character and can not be appealed by the Government, it will be absolutely necessary, for the full protection of the Indian allottees, that some such legislation as is proposed in this bill shall be enacted. The making of allotments to Indians changes their status as to citizenship, but it does not change the Indian character or his tastes. As much harm, therefore, can come to an Indian allottee by the free use of intoxicating liquors as he could receive by such use as a member of a tribe, and the presence in the midst of any community of Indian allottees who would be free to purchase intoxicating liquors would be a menace to the lives and property of the law-abiding members of such community.

In a report of August 14, 1894, Capt. P. H. Ray, U. S. A., until recently the acting Indian agent of the Shoshone Agency, Wyo., says, with respect to the attitude of the courts toward this question, that if this is to be the interpretation of the law by the courts he does not think any advantage to be derived from allotments will compensate for the evil that will follow the opening of the reservation to whisky sellers, and that in their present condition it will practically destroy these people to remove them from the protection of agents and turn them over to the most lawless element on the frontier. Mr. John F. T. B. Brentano, the Indian agent for the Grande Ronde Agency, in Oregon, reported on the subject also, and expressed somewhat similar fears as to the results to the Indian allottees the decisions of the courts respecting this matter would have.

I have just recently received a letter dated Seattle, Wash., January 4, 1895, from William H. Brinker, United States district attorney for the district of Washington, inviting my attention to the decisions of the courts respecting the sale of liquors to Indian allottees, and expressing the belief that the attention of Congress should be called to the same, and some remedial legislation passed covering it. He says that "unless this traffic is prohibited by legislation the policy of the Government to civilize the Indian will be defeated and he will be converted from a wandering nomad into a drunken loafer."

Under date of October 12, 1894, the office submitted a report to the Secretary of the Interior on this bill, at the request of Hon. Thomas Lynch, of Wisconsin, and on January 18, 1895, two copies of Mr. Brinker's letter, above referred to, were transmitted to the Secretary, with the request that Mr. Lynch's attention be invited to the desirability of the passage of this law, and that a copy be furnished the Committee on Indian Affairs of the Senate, with the statement that the passage of this bill, or some such legislation, is not only deemed desirable but apparently absolutely necessary for the full protection of the Indian allottees.

With respect to the amendment which you suggest to the bill, I have to say that it would seem to be desirable that the bill should be amended in some similar manner, but I would suggest that the words offered by you be proposed after the word "agent," and before the word "and," in line 12, section 1. The reason for this is that if the amendment were inserted at the place where you suggest, the law would not be applicable to allottees who have received allotments under the fourth section of the act of 1887, their allotments being on the public domain and outside of the jurisdiction of any United States Indian agent; but these Indians are also quasi wards of the Government and need none the less the protecting arm of the United States.

I would also suggest an amendment to your amendment by the insertion of the words "including mixed bloods" after the word "Indian" and before the word "over." This amendment seems to be desirable, in view of the fact that there appears to be a great difference of opinion as to what an Indian is within the meaning of the laws; and also by the insertion of the words "through its political departments" after the word "Government," and the substitution of the word "guardianship" for "wardship."

I inclose a copy of the bill showing how I would recommend that it be amended, and have to say, as I have once or twice before said in this letter, that I think it very desirable that Congress should, at this session, enact the same into law or pass some legislation similar to this bill.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. GEORGE D. MEIKLEJOHN,
House of Representatives.

(Through the Secretary of the Interior.)

DEPARTMENT OF THE INTERIOR,
Washington, December 30, 1895.

SIR: I have the honor to transmit herewith draft of a bill prepared by the Commissioner of Indian Affairs "to prohibit the sale of intoxicating drinks to Indians, and for other purposes."

The accompanying report of the Commissioner, dated 23d ultimo, sets out the reasons for the desired legislation, and the matter is presented for the favorable action of Congress.

Very respectfully,

HOKE SMITH, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 23, 1895.

SIR: In my annual report for 1895, on pages 56 and 57, I referred to the embarrassments experienced by this office on account of a decision by Judge Bellinger, of the United States district court for Oregon, which in effect permits the sale of liquor to Indian allottees without limitation (to which reference was made in my annual report for 1894, page 62 et seq.), and quoted the provisions of a bill which was introduced in the last Congress by Hon. GEORGE D. MEIKLEJOHN, with a view to remedying the evil.

In concluding my discussion of this subject I stated that it was my purpose on the assembling of the next Congress to submit the matter to the Department in a special report with a view to having the bill again introduced, and if possible passed into law. In pursuance of this purpose I have the honor to submit herewith in duplicate the draft of a bill "to prohibit the sale of intoxicating drinks to Indians, and for other purposes."

This proposed bill is similar in its provisions to the one passed by the House of Representatives in the last hours of the last Congress, the modifications suggested being:

(1) The insertion, after the words "Indian country," on page 2, of the words "which term shall include any Indian allotment while the title to the same shall be held in trust by the Government or while the same shall remain inalienable by the allottee without the consent of the United States."

(2) The change of the penalty provided by fixing the minimum time of imprisonment instead of the maximum, and by imposing both imprisonment and fine instead of leaving that to the discretion of the court.

(3) The striking out of that part of the former bill which provided for the payment to the informer of one-half the fines imposed.

The reasons for the first modification proposed are based on the apparent disposition of the United States district courts, especially in Montana, Oregon, and Washington, to regard the allotment of lands as the extinguishment of the Indian title and the destruction of its character as Indian country. It is true the decision of the circuit court of appeals in Eells *vs.* Ross (64 Fed. Rep., 417) lays down a rule which, if followed to its logical conclusion, would prevent the introduction of liquors on allotted lands; but that decision would also prevent the sale of liquors to the allottees if the lower courts would apply it to liquor cases. This they have not done, or there would be no necessity for the proposed new legislation.

It is therefore necessary, if the Indian allottees are to have the fullest benefits from the suggested legislation, that the allotted lands held in trust by the Government, and those that are inalienable by the allottees without the consent of the United States, shall be specifically included in the description "Indian country."

The modifications as to penalties proposed are, on account of the disposition of the courts, generally to impose only small fines on offenders who may have been convicted, and in case of imprisonment to impose such short terms as to practically destroy the effect of a conviction to deter the parties or others from engaging in the traffic. Fines of a few dollars and one day imprisonment are frequently the only result of the efforts of this Department and of the Department of Justice to enforce the law.

Fines alone will not prevent the traffic, for the enormous profits made by the illicit dealers would warrant them in paying very large fines and continuing in the business.

It is therefore necessary that the law shall be specific as to the punishment, and shall make the minimum sufficiently severe as to be effective.

The other modification proposed (the striking out of the clause to pay the informer half the fines) is suggested on account of the opposition developed against the bill in the last Congress by reason of that clause. Indeed, the only reason why the bill was not passed by the Senate was, I have been told, because of the objection Senator PLATT made to it on that account. Said clause is therefore stricken out.

In connection with this matter, and as showing the urgent necessity for some such legislation as is proposed in the accompanying draft of a bill, I inclose duplicate copies of correspondence from the Indian agents of the Siletz and Grande Ronde agencies, from which it will be seen that since the allotment of lands in severalty at those agencies and the decision of Judge Bellinger above referred to, holding that there is no violation of law in selling liquor to Indian allottees, the moral and financial condition of the Indians has been materially affected by the use of intoxicants.

Other agents where allotments have been made report a similar state of affairs and urge some action to stop the evil.

I inclose two copies of this report and two copies of the proposed bill, together with two copies of the other papers referred to herein, and I have the honor to recommend that one copy of each be forwarded to the Vice-President, with request that it be laid before the Senate at the assembling of Congress on December 2, 1895, and that one copy of each be forwarded to the Speaker of the House of Representatives, to be laid before that body on its organization.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

A bill to prohibit the sale of intoxicating drinks to Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its Departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days and by a fine of not less than $100 for the first offense and not less than $200 for each offense thereafter: *Provided, however*, That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid; but it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority in writing from the War Department or any officer duly authorized thereunto by the War Department.

SEC. 2. That so much of the act of 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed.

UNITED STATES INDIAN SERVICE,
Grande Ronde Agency, Oreg., June 10, 1895.

SIR: Inclosed you will find a copy of the Sheridan Sun of last Thursday June 6, 1895.

You will observe that I have marked an article entitled "A Donnybrook picnic." It will show you what the sale of liquor to Indians is doing for some of them. I have some Indians that are just as moderate as any white man; but it is ruining a great many.

Since the last day of April (when the Indian court was disbanded) there has been an immense increase of crime resulting from intoxication. May 18, Thom. Lawney and Oleman Isaac tried to kill Robert Metcalf on this reservation, and were only prevented by the timely arrival of the Government farmer.

On May 28, Dan Wacheno beat his wife. They were both drunk. Next day she left him, and they are now separated.

On May 30, Bill Warren tried to murder James Silque and John Pratt. The latter had a very close call.

Twice I have myself been personally assaulted by an Indian, without, however, suffering anything.

There is no law making drunkenness a crime in this State, and if there was it would not be enforced.

Do you think that Congress could be induced to enact a new law making it a crime to sell liquor to an Indian, and would not Judge Bellinger hold such a law unconstitutional?

Very truly, yours,

JOHN F. T. B. BRENTANO,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

[The Sheridan Weekly Sun, Sheridan, Thursday, June 6, 1895.]

A "DONNYBROOK" PICNIC—THE INDIANS FROM THE AGENCY GET BOILING DRUNK AND FIGHT—THE WILLAMINA POSTMASTER ASSAULTED—HE IS DEFENDED BY CITIZENS ARMED WITH AX HANDLES—OBSCENE AND PROFANE LANGUAGE USED—SWAGGERING BUCKS CAUSE LADIES AND CHILDREN TO GIVE THE SIDEWALKS—OUR NEW CITIZENS ENJOY THEIR FREEDOM.

The school picnic at Willamina last Friday was well attended. The exercises, literary, musical, and otherwise, including an address from Superintendent Stilwell, were interesting. The ball game between the Sheridan boys and Grande Ronde boys was uninteresting. Only three innings were played. The Indians were too drunk to distinguish a baseball from a barn door, and failed to make a run. Later in the day when king alcohol got the Indians thoroughly under his malign influence they began a Donnybrook fair exhibit which surpassed anything ever seen in this section of the country. It was knock down and drag out for several hours, the Indians fighting among themselves like veritable demons. Lame Jim had his left arm broken in two places, and lay bruised, drunken, and bleeding by the roadside between Willamina and Grande Ronde from Friday evening until nearly noon Saturday.

Another fellow named Tipton attacked Postmaster Dundas, who was going out to the ball ground with two of his little children. Dundas knocked the Indian down several times with his fist, but the bloodthirsty brute followed him uptown to his store, being joined by four or five other intoxicated Indians. Mr. Dundas secured an ax handle, and being reenforced by Mr. Shaller, Jo. Stewart, and others, the onslaught of the savages was checked. Stewart then persuaded the Indians to take Tipton away. This they agreed to do, so they bound him hand and foot and threw him in a wagon like a fat porker destined for market. One of the squaws present went through her drunken lord's pockets and took his money, and procuring some alcohol, a number of the dark sex got gloriously hilarious. One of these bibulous dames started to drive the wagon containing her stupefied husband and a lot of children home, but running off the grade, overturned the wagon, spilling out the whole family. Fortunately no one was injured. Bill Cook, a white man, alleges that he was stabbed on the back of the hand by a drunken Indian, but others report that Bill got into a fight with a barbed-wire fence with the above result.

The language used by the Indians was disgustingly obscene, interlarded with copious oaths. The ladies who came to witness the games were forced to retire, and even upon the streets had to step aside to make way for staggering, cursing Indians. The good citizens of Willamina are thoroughly sick of drunken Indians. As the Indians are now citizens, they can not be controlled by the agent, and as there is now bad blood between the whites and Indian citizens, the people of Willamina fear trouble in the future. * * * Indian Bill Warren, who got drunk at the Willamina picnic and mauled Jim Pratt and Lame Jim almost over to the evergreen shore with an oak grub last Friday, was arrested and put under $800 bonds on Wednesday last by Justice Connor at Ballston to appear before the next Polk County grand jury.

UNITED STATES INDIAN SERVICE,
Grande Ronde (Oreg.) Agency, September 10, 1895.

SIR: I regret to have to report of a murder on this reservation. On August 31, 1895, Peter Lafferty, an Indian, crushed the skull of Jonas Short, Indian, both of this reservation.

This crime, like so many others, can be laid directly to bad whisky. I trust that something may be done in the near future to punish those that sell whisky to Indians under the charge of an agent.

Very truly, yours,

JOHN F. T. B. BRENTANO,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—The above Jonas Short died on September 7, 1895.

J. F. T. B. B.

UNITED STATES INDIAN SERVICE,
Grande Ronde (Oreg.) Agency, September 17, 1895.

SIR: Inclosed you will find the Daily Oregonian of this morning. In the first column, on the third page, you will find a dispatch which will explain itself. I have marked it.

I wrote to you about the whisky troubles on the 10th of June, when an Indian (William Warren) tried to kill two old Indians belonging to this reservation.

I have also reported this bad state of affairs here in my annual report on this agency (August 23, 1895).

On September 10 I reported to you the death of Jonas Short (an Indian belonging here) at the hands of Peter Lafferty, another Grande Ronde Indian.

Now comes this case mentioned in to-day's Oregonian.

Can not something be done to stop this whisky business with these Indians? If not, most of them will be lost.

Very truly, yours,

JOHN F. T. B. BRENTANO,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—I have not heard anything about this matter contained in to-day's Oregonian, and know nothing more than what was contained in this dispatch.

J. F. T. B. B.

[Extracts from Morning Oregonian, Portland, Oreg., Tuesday, September 17, 1895.]

AN INDIAN STABBED.

INDEPENDENCE, OREG., *September 16.*

Yesterday was not the usual quiet Sunday in Independence. The town was crowded with people, and the stores all did a good business. The saloons also had plenty of customers. Sunday night eleven drunks were run in. Since the marshal gets fees, he keeps the drunk and disorderly off the streets.

A fight took place over the river opposite here Sunday night among the Indian hop pickers. Two of them were badly using a third. Frank Isaacs, a Grande Ronde Indian, stepped in to separate them, when Billy Tom, a Siletz Indian, turned and stabbed him with a knife, one wound being very near the heart. Billy Tom has been arrested and taken to Salem. The Indians were more or less drunk.

UNITED STATES INDIAN SERVICE,
Grande Ronde (Oreg.) Agency, September 24, 1895.

SIR: Inclosed find Yamhill County Reporter of September 20, 1895. You will find two marked items on the first page. Both cases have been reported to you by me, by my letters of September 10 and September 17, 1895.

My dear sir, can not something be done to stop this whisky business?

Since May 1, 1895, when the court of Indian offenses was abolished here, they have grown wild. With the old court we checked them to a good extent, but since there is no court, we have no way of controlling them.

Very truly, yours,

JOHN F. T. B. BRENTANO,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—See also my letter of June 10, 1895.

[Extracts from the Yamhill County Reporter, McMinnville, Oreg., Friday, September 20, 1895.]

FROM THE COUNTY PRESS.

* * * * * * *

[Sheridan Sun.]

* * * * * * *

Another row took place on the reservation one day last week. An Indian by the name of Peter Lafferty crushed the skull of another by the name of Jonas Short, using a piece of 2 by 4 scantling by way of emphasis. Short, it is feared, will not live long. Should he live short, Lafferty may not live long. Both are Indian citizens, which leads us to remark that the Government made a mistake when it invested the Indians with citizenship and gave them a full swing at fighting fire water.

[Oregon News and Notes.]

* * * * * * *

Independence must be getting tough. A dispatch sent out from there Monday said: "Yesterday was not the usual quiet Sunday in Independence. The town was crowded with people, and the stores all did a good business; the saloons also had plenty of customers. Sunday night 11 drunks were run in; since the marshal gets fees he keeps the drunk and disorderly off the streets. A fight took place over the river opposite here Sunday night among the Indian hop pickers. Two of them were badly using a third. Frank Isaacs, a Grande Ronde Indian, stepped in to separate them, when Billy Tom, a Siletz Indian, turned and stabbed him with a knife, one wound being very near the heart. Billy Tom has been arrested and taken to Salem. The Indians were more or less drunk."

UNITED STATES INDIAN SERVICE,
Siletz Indian Agency, Oreg., October 24, 1895.

SIR: I have the honor to submit my report on the condition of affairs at this agency for the month of September, 1895:

* * * * * * *

Indians.—The larger portion of the Indians have been in the hop fields during this month and have earned quite an amount of money, though a great many have saved but little of it, being able to buy whisky without any restraint. They have spent this money in this way, and there are several in the hands of the law. One of the Siletz Indians will likely go to the penitentiary for stabbing one of the Grande Ronde Indians. It is very unfortunate that the courts have ruled that it is not a violation of law to sell them whisky. I have consulted the United States district attorney in the matter: he advises me we are powerless—can do nothing to prevent the cause. This is the worst feature connected with their citizenship, and has already resulted, and will, I fear, continue to result, in much injury to these Indians. As stated above, the larger portion have been engaged picking hops for white people during the past month; for the present month a portion of them will be engaged plowing and sowing fall grain, while others will be engaged fishing. * * *

Very respectfully,

BEAL GAITHER,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, December 31, 1895.

SIR: Referring to Department letter of 19th instant, addressed to the Senate and House of Representatives and transmitting draft of a bill prepared by the Commissioner of Indian Affairs, "to prohibit the sale of intoxicating drinks to Indians, and for other purposes," I have the honor to transmit herewith copy of a communication of the 30th instant from the Commissioner of Indian Affairs and accompanying copy of a petition signed by the Indians of the Santee Agency, Nebr., in favor of the passage of the bill.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DECEMBER 30, 1895.

SIR: Referring to my report of November 23, 1895, transmitting a draft of a bill to prohibit the sale of liquors to Indian allottees, in duplicate, with the recommendation that one copy thereof be transmitted to the Vice-President, to be laid before the Senate, and the other be transmitted to the Speaker, to be laid before the House of Representatives, I have the honor to inclose herewith, in duplicate, a copy of the report of December 20, 1895, from Joseph Clements, United States Indian agent of the Santee Agency in Nebraska, with which he forwards a petition, numerously signed by the Indians of his agency, in favor of the passage of said bill.

The legislation proposed in the draft submitted by him as above stated is contained in two bills introduced into the Senate, one by Mr. JONES of Arkansas (S. 850) and the other by Mr. GALLINGER, of New Hampshire (S. [illegible]); and it is also contained in a bill introduced in the House by Mr. MEIKLEJOHN (H. R. 290), and many features thereof are contained in the bill H. R. 68, which was introduced by Mr. MEIKLEJOHN in the House. All of the bills herein referred to have been referred by the House and Senate to the Committee on Indian Affairs of each House, respectively, and I have the honor to recommend in order that the committees may be advised with respect to the sentiments of these Indians as regards this matter, that one copy of the inclosed papers be forwarded to the House Committee on Indian Affairs and the other copy be forwarded to the Senate Committee on Indian Affairs, for their information.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
Santee Agency, December 20, 1895.

DEAR SIR: I have the honor to herewith forward you a petition signed by the men and women of Santee, to show you the desire of these Indians to suppress the liquor traffic among them.

These people are fully aware of their weakness and the injurious and degrading effect liquor has among them.

They would nearly all sign if we had the opportunity to present the petition to them; but many of them have not been at the agency for some time.

I respectfully suggest that there be added to the bill the following amendment, namely, to make it punishable for one Indian to sell or give liquor to another.

Very respectfully,

JOS. CLEMENTS,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

We, the undersigned women of the Santee Sioux tribe, feeling that the liquor traffic is demoralizing and degrading our people, destructive to habits of industry and ruinous to our homes, respectfully express our approval of the bill introduced by Representative MEIKLEJOHN to stop the sale of all intoxicants to Indians, and we urgently and earnestly pray the United States Senators and Representatives in Congress to earnestly work to secure its passage.

Anna Brown, Jane Walker, Louisa Redwing, Amanda Brown, Elizabeth M. Frazier, Nancy Barker, Clara Cash, Victoria Robinson, Susan Wambdisin, Martha Redwing (x), witness A. L. Riggs; Wacanga (x), witness A. L. Riggs; Anna Garvie, Maggie Brass, Mrs. Hakewaxte (x), Nancy Jones, Mary Jones, Mrs. Ellen Iron Elk, Mary Kitto, Anna Redwing, Fannie Moore, Rebecca Holmes, Emma Whipple, Mary Henry, Fannie Henry, Sarah Young, Julia Wakeman, Ellen Hopkins, Lucinda Robinson, Maggie Chapman, Lucy Kitto, Mrs. Jane Hawk, Wospin, Alice Stone, Mary H. Campbell, Josephine Holsey, Jane Frazier, Yuhe Wina, Nina Good Teacher, Anna Wakana, Angie Johnston, Emma Redowl, Mary Goodthunder, Julia Goodthunder, Lizzie Barker, Mary Lightning, Ahewin, Jane Hopkins, Mary Jones, Elizabeth Wicinyan, Ellen Harlan, Lucy Feather, Maggie Wicanapidutawin, Sarah Redowl, Rasele Jenck, Rebecca Smith, Nancy Aupaindewin, Anna Thomas, Julia Hawk, Rejina Elen Pappay, Anna Fruit, Angela Wilson, Ellen Kitto, Jane Stone, Elizabeth Blacksmith, Lucy Redowl, Emily Trudell, Henry Trudell, Elizabeth Wabashaw, Elizabeth Chapman, Lizzie Redwing, Emma Smith, Harriet Robinette, Hattie Robinette, Nancy Pay Pay, Coray Stone.

We, the undersigned Indians of the Santee Sioux tribe, respectfully express our approval of the bill presented by Representative MEIKLEJOHN, of Nebraska, "to stop the sale of all intoxicants to Indians," and urgently and anxiously pray the United States Senators and Representatives in Congress to earnestly work to secure its passage.

James Garvie, Joseph Goodteacher, George D. Redowl, Alfred H. Barker, Baptist Whipple, Daniel Frazier, Joe Robertson, John Ross, Levi Trudell, Chas. Rockwood, William Holmes, Esaia Frazier, Joe Godfary, jr., John Jones, Albert Frazier (councilman), Henry Westman, Lame Rawillard, Louis Robineet, Joe Godfary, sr., Stephen B. Smith, T. J. Gemack, Joseph Wabashaw, Artemus Ehnawnani, William Wabashaw, James Heart, Oliver Laewix, William Abraham, John T. Chapman, Pat Henry, Red Cloud, Joseph Cash, James Brown, Richard Kitto, John B. Chapman (councilman), Joseph A. Kitto (councilman), James Chapman, R. W. Brown, Chas. Frazier, Simon Kitto, Edward Hedges, Samuel Wolfe, Solomon Jones, Charles Jones, Eli Jones, Solomon W. Barker, James C. Lightning, Joshua Crow, Robert (his x mark) Hakewaste, Daniel Wakama, Henry Robinson, Samuel Jones, Eugene Hoffman, Solomon Ross, James Redwing, Stephen John, Thomas Robinson, A. L. Campbell (councilman), Antoine Trudell, Charles Moose, Samuel Campbell, William C. Campbell, Edward Eastman, George Thomas, Joseph A. Walker, Peter Trudell, J. M. Campbell, Capt. H. J. Young, George Laurence, William Henry, Daniel Stone, Charles St. Clair, Thomas C. Whipple, Sam Red Cloud, Joseph Samuel, Daniel C. Westman, John Kitto, Joseph Redwing, Charles Wolfe, Herbert Whipple, George Henry, Isaac Redowl, Willie Brass, James Sharp, Adam Bluestone, Henry M. Jones, Johnson Redowl, John C. Rannillard, John K. Home, Joshua Harlan, Henry Wambdisin, Andrew Hantka, Oliver Rannillard, Alex Redwing, John Largester, Jo C. Day, Charles Hedges, Daniel Graham, David Khune, Frank Trudell, Charles Standing Soldier, Wakanhditanka, John Henry, John M. Green, Joseph Robinett, Daniel Coon, Jacob Barker, Job Goodteacher, John C. Tuttle, John B. Walker, George Good Teacher, Thomas Whipple.

DEPARTMENT OF THE INTERIOR,
Washington, February 12, 1896.

SIR: Referring to previous correspondence relative to a draft of a bill prepared by the Commissioner of Indian Affairs, "To prohibit the sale of intoxicating drinks to Indians, and for other purposes," I have the honor to transmit herewith a copy of a communication of 11th instant and accompanying petition from the Omaha Indians of Nebraska, asking for the passage of the bill introduced by Mr. MEIKLEJOHN, having in view the prohibition of sales of liquors to Indian allottees.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1896.

SIR: Referring to my reports of November 23 and December 30, 1895, relative to certain proposed legislation to prohibit the sale of liquors to Indian allottees, I have the honor to inclose herewith (in duplicate) copy of a letter of January 31, 1896, from Capt. W. H. Beck, U. S. A., acting Indian agent of the Omaha and Winnebago Agency, transmitting a petition by the Omaha Indians asking for the passage of the bill introduced by Mr. MEIKLEJOHN, having in view the prohibition of sales of liquors to Indian allottees.

I recommend that one copy of this petition be forwarded to the chairman of the Senate Committee on Indian Affairs and the other copy be forwarded to the chairman of the House Committee on Indian Affairs, for the information of these committees.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Omaha and Winnebago Agency, Nebr., February 3, 1896.

SIR: I have the honor to transmit a petition signed by the Omahas, relative to the liquor bill introduced by the Hon. GEORGE D. MEIKLEJOHN, member of Congress.

Very respectfully, your obedient servant,

WM. H. BECK,
Captain, Tenth Cavalry, Acting Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Omaha and Winnebago Agency, Nebr., January 31, 1896.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned Omaha Indians, are painfully aware of the evil effects of the use of intoxicating liquors among our people, and of the impossibility of restraining many of the Indians from its use, and also that white men can not be prevented from selling it to Indians or giving it to them whenever a bargain is being made between Indians and white men, therefore in view of our past experience and of the failure of the efforts of the officials and Indians to prevent this traffic, we heartily indorse the bill introduced by the Hon. GEORGE D. MEIKLEJOHN, prohibiting the sale of all intoxicating liquors to Indians, and beg the friends of the Indians to use all their power to secure its passage through Congress.

[Signed by 235 Indians, of whom 183 are males and 52 are females.]

INDIAN RIGHTS ASSOCIATION, 1305 ARCH STREET,
Philadelphia, December 6, 1895.

MY DEAR SIR: I acknowledge with thanks the receipt of your favor of the 5th instant, with inclosures. Absence from the city has prevented an earlier response.

Our association highly approves the efforts you are making in the direction to protect the Indians from the curse of intoxicants, both on the reservations and to those who have received their allotments. We will be glad to cooperate with you to the extent of our power in securing the passage of your bill.

I will also be glad to embody the substance of your letter in our annual report, which is almost completed.

Very truly, yours,

HERBERT WELSH,
Secretary Indian Rights Association.

Hon. G. D. MEIKLEJOHN,
House of Representatives, Washington, D. C.

Mr. GAMBLE. Mr. Speaker, I only care to say a word in regard to this. Although under the Dawes Act of 1887, which gives the Indians citizenship——

Mr. MORSE. Mr. Speaker, I should like to hear this dialogue. There is so much confusion that we can not hear what gentlemen are saying.

The SPEAKER. Will the House please be in order, and will gentlemen have the kindness to take their seats?

Mr. GAMBLE. Mr. Speaker, I do not know that I could enlarge on the suggestion made by the gentleman from Nebraska [Mr. MEIKLEJOHN]; but under the law of 1887, which confers citizenship upon Indians who are allottees, yet at the same time under the general supervision by the Indian Department of the Indians their relations to the Government do not change, and it is essentially necessary for the good government of the Indians and for their betterment that the sale of intoxicating liquors under any pretense should be excluded.

Mr. MADDOX. We do not disagree upon that point at all.

Mr. GAMBLE. Now, then, if these Indians are still under the charge of an Indian agent, which they are, although they may have taken allotments, and although they receive annuities and maintain the same relation to the Federal Government practically that they did before, I believe that this law is in harmony with the Constitution in the general supervision over the Indians of the country; and I apprehend that the courts of the country have taken different views on this question. I understand that one of the courts in California has held that even under the existing statute they have the right to exclude the sale of liquors to Indians, and that arrangement was carried out there. I believe that this is in line with the best judgment of the Commissioner of Indian Affairs and the Interior Department; and I think that the Government can better protect the Indians from the sale of intoxicating liquors than by referring it to the States in which they may be located. I earnestly hope that the bill may pass, because I believe it is thoroughly essential for the government and control of the Indians.

Mr. LITTLE. May I ask my friend a question?

Mr. GAMBLE. Certainly.

Mr. LITTLE. I suppose there is no doubt but what the State governments have jurisdiction of those Indian citizens. If the State courts have jurisdiction over the Indians who have become citizens of the United States, what is the necessity of Congress taking this advanced and doubtful ground for their protection? Are not the States amply able to do that?

Mr. GAMBLE. There appears to be a conflict of opinion as to the right of the State or the jurisdiction of the Federal Government in these matters. These matters heretofore have been controlled by the Federal Government entirely, and such has been the expectation of those having the control of the Indians that it should remain in the Government and not in the State authorities. They think it can be better and more efficiently controlled by the Federal Government than by the State.

Mr. LITTLE. But suppose anyone under the law of the State should be indicted by the State court, and likewise be indicted by the Federal court. It seems to me that that would get up endless confusion. What have your States held heretofore on the subject?

Mr. GAMBLE. I do not think the question has ever come before the courts that my attention has been definitely called to. The State courts have never taken jurisdiction. It occurs to me, as suggested by my friend from Nebraska [Mr. MEIKLEJOHN], that the Indians are still wards of the Government. They simply hold a title under the jurisdiction of the Government, which may be extended even during twenty-five years.

Mr. BAILEY. Will the gentleman permit an inquiry?

Mr. GAMBLE. Certainly.

Mr. BAILEY. Does not the act provide that when they take this land in allotment they become citizens?

Mr. GAMBLE. They become citizens.

Mr. BAILEY. Then it is utterly impossible for them to be citizens and pupils of the United States at the same time. It is very clear that the Government has the right to continue them in the state of tutelage and dependence, but when it terminates that condition and makes them citizens of the United States, then it has no more power to legislate specifically for them than for any other citizen.

Mr. GAMBLE. This is entirely a question of jurisdiction. It is a matter that ought to be passed upon and determined by the courts. The Interior Department, I know, does exercise jurisdiction and control of the Indians who have taken allotments, that is, those who still retain tribal relations, and I believe we can better maintain this tutelage than by referring it to State jurisdiction. [Cries of "Vote!" "Vote!"]

Mr. MEIKLEJOHN. Mr. Speaker, if there be no others who desire to speak on the measure, I would ask for the previous question.

Mr. MADDOX. Just a word, Mr. Speaker, and then I am through.

Mr. MEIKLEJOHN. I yield to the gentleman.

Mr. MADDOX. This is a question which involves the constitutionality of the law which the gentleman proposes to pass. I am fully aware of the necessity of this legislation, and the wisdom of this legislation. It is only a question as to whether Congress has the right to pass this law on the subject. The gentleman from Arkansas [Mr. LITTLE] and myself are of the opinion that Congress has no authority to pass this law. We believe that when these Indians have their lands allotted to them and they become citizens of a State, the State only can legislate on this subject. Our friends take a different view from this. We want to put ourselves right upon the record. We have no objection to the legislation, except we believe it to be unconstitutional and will vote "no."

Mr. MEIKLEJOHN. Mr. Speaker, I desire to say in reply to the gentleman from Texas, in relation to the act of 1887, known as the Dawes Act, that it is a contested question what qualifications relating to citizenship that act carried with it. I ask for the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time.

The question being taken on the passage, the Speaker declared that the noes seemed to have it.

Mr. MEIKLEJOHN. I ask for a division.

The house divided; and there were—ayes 82, noes 22.

So the bill was passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended as proposed by the committee.

KANSAS, OKLAHOMA CENTRAL AND SOUTHWESTERN RAILWAY COMPANY.

Mr. SHERMAN. Mr. Speaker, on behalf of the Committee on Indian Affairs I call up the bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893.

The bill was read, as follows:

Be it enacted, etc., That the provisions of an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, be, and the same are hereby, extended for a period of two years from and after December 21, 1896, so that said Kansas, Oklahoma Central and Southwestern Railway Company shall have until December 21, 1898, to build the first 100 miles of its said railway line in said Territories, and two years thereafter to complete the same.

SEC. 2. That section 1 of said act approved December 21, 1893, be amended to read as follows: "That the Kansas, Oklahoma Central and Southwestern Railway Company, a corporation organized, created, and existing under and by virtue of the laws of the Territory of Oklahoma, and of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory and Oklahoma Territory, including lands that have been allotted to Indians in severalty or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, on the south line of section No. 13 or section No. 14, township No. 35, range No. 13 east of the sixth principal meridian, or on the south line of section No. 13 or section No. 14, township No. 35, range 16 east of the sixth principal meridian, and running thence by the most practicable route through the Indian Territory to the west line thereof; thence in a south or southwesterly direction by the most practicable route into and through Oklahoma Territory to a point on the Texas State line and on Red River between said State of Texas and the Comanche and Apache Indian reservations, in said Oklahoma Territory, by way of Bartlesville, Pawhuska, Pawnee, Stillwater, Guthrie, and Elreno, in Oklahoma Territory, and passing through the Osage, Pawnee, Wichita, Kiowa, Comanche, and Apache Indian reservations, and through the organized counties of Pawnee, Payne, Logan, Oklahoma, and Canadian, in said Oklahoma Territory, with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 3. That the said railway company shall have power to construct, equip, and operate a branch or extension from its main line, starting at or near Bartlesville, Indian Territory, and running thence in a south or southeasterly direction, a distance of not to exceed 30 miles, to coal and other mineral lands or mines which are operated or may hereafter be operated in the Cherokee Nation, Indian Territory; and for such purposes the said railway company is hereby empowered to acquire and occupy a right of way of the same dimensions, by the same methods, and for the same compensation as provided for in the original act approved December 21, 1893.

Mr. SHERMAN. Mr. Speaker, the purpose of this bill is simply to extend for two years the time for the construction of this railroad; but, while extending the time, we insert certain limitations that are now put in all bills of this character, though they were not usually inserted in them at the time when the original bill was passed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHERMAN. The Committee on Indian Affairs have no further business at this time, Mr. Speaker.

PATENT LAWS.

Mr. DRAPER (when the Committee on Patents was called). Mr. Speaker, I am directed by the Committee on Patents to call up for consideration the bill (H. R. 3014) revising and amending the statutes relating to patents.

The bill was read, as follows:

Be it enacted, etc., That section 4886 of the Revised Statutes be, and the same hereby is, amended by inserting on line 4, after the word "country," the words "before his invention or discovery thereof," and on line 5, after the word "thereof," the words "or more than two years prior to his application," so that the clause so amended will read as follows:

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceeding had, obtain a patent therefor."

SEC. 2. That section 4920 of the Revised Statutes be, and the same hereby is, amended by adding to the third clause of said section after "thereof" and before "or" the following words: "or more than two years prior to his application for a patent therefor;" so that the section so amended will read as follows:

"SEC. 4920. In any action for infringement the defendant may plead the general issue, and, having given notice in writing to the plaintiff or his attorney thirty days before, may prove on trial any one or more of the following special matters:

"First. That for the purpose of deceiving the public the description and specification filed by the patentee in the Patent Office was made to contain less than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect; or,

"Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same; or,

"Third. That it has been patented or described in some printed publication prior to his supposed invention or discovery thereof, or more than two years prior to his application for a patent therefor; or,

"Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented; or,

"Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

"And in notices as to proof of previous invention, knowledge, or use of the thing patented, the defendant shall state the names of the patentees and the dates of their patents, and when granted, and the names and residences of the persons alleged to have invented or to have had the prior knowledge of the thing patented, and where and by whom it had been used; and if any one or more of the special matters alleged shall be found for the defendant, judgment shall be rendered for him with costs. And the like defenses may be pleaded in any suit in equity for relief against an alleged infringement; and proofs of the same may be given upon like notice in the answer of the defendant, and with the like effect."

SEC. 3. That section 4887 of the Revised Statutes be, and the same hereby is, amended by inserting on line 1, after the words "no person," the words "otherwise entitled thereto," and on line 3, after the words "caused to be patented," the words "by the inventor or his legal representatives or assigns," and by erasing therein all that portion of the section which follows the words "in a foreign country," on lines 3 and 4, and substituting in lieu thereof the following: "unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted in this country. This section, as hereby amended, shall not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, nor to any patent granted for such a pending application," so that the section so amended will read as follows:

"SEC. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted in this country. This section, as hereby amended, shall not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, nor to any patent granted on such a pending application."

SEC. 4. That section 4894 of the Revised Statutes be, and the same hereby is, amended by striking out the words "two years" in every place where they occur and substituting in lieu thereof the words "six months," and by adding at the end of the paragraph the following sentence: "And upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon: and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six month final action shall be taken thereon. In cases where interference has been declared, three years' additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action," so that the section so amended will read as follows:

"SEC. 4894. All applications for patents shall be completed and prepared for examination within six months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable. And upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon: and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared three years additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action."

SEC. 5. That section 4898 of the Revised Statutes be, and the same hereby is, amended by adding thereto the following sentence:

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of the United States circuit court, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance;" so that the section so amended will read as follows:

"SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof.

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of the United States circuit court, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

SEC. 6. That section 4921 of the Revised Statutes be, and the same hereby is, amended by adding thereto the following sentence:

"But in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action;" so that the section so amended will read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby; and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case.

"But in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action."

Mr. DRAPER. Mr. Speaker, I ask for the reading of the report as a part of my remarks.

The report (by Mr. DRAPER) was read, as follows:

The Committee on Patents, to whom was referred House bill 3011, have had the same under consideration and report as follows:

This is a bill prepared by a special committee of the American Bar Association on amendment of the patent law, whose report was accepted and indorsed by the entire association.

Coming before the committee and the House as the result of the study of the ablest lawyers of the country who have had to deal with all the questions under the patent law that come before the courts, your committee have felt that their recommendation was entitled to great weight, and have been naturally inclined to report the bill without amendment. They have, however, further sought the advice of the Commissioner of Patents and of some of the most eminent judges on the bench, who concur in the opinion that the changes recommended are wise.

In one point only have the committee ventured to amend the changes proposed by the eminent gentlemen responsible for the bill. There is a strong feeling in the community that undue delays in the Patent Office, which have sometimes taken place, are against public policy, and your committee have endeavored to make the amendment proposed by the bar association to meet this state of things even more stringent.

To this end they recommend an amendment to this bill, as follows: That section 4, line 5, on page 5, be amended by the insertion after the word "months" of the following:

"And by adding at the end of the paragraph the following: 'And upon failure to complete the case for final action within eighteen months after the filing of the application, the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years' additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action.'"

And by adding, in line 14 of the same section, after the word "unavoidable," the same language, as follows:

"And upon failure to complete the case for final action within eighteen months after the filing of the application, the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years' additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action."

The amendments proposed in this bill are none of them of a radical character, and are needed, in the judgment of the committee, to harmonize the statutes, in view of court decisions, and to meet certain abuses that have grown up under the present law.

The first amendment to section 4886 provides that the patenting or publication of an invention in any foreign country, if more than two years prior to the application in this country, shall be a bar to a patent. As the law now stands, an invention may be published and patented abroad, and years after be patented to the foreign inventor in this country. The same reasons that compel the applicant for a patent under the present law to apply within two years after the invention has gone into public use in this country make it reasonable that he should apply for his patent within two years after it has been patented or published abroad.

The amendment to section 4920 is to make that section harmonize with section 4886 as amended.

The amendment to section 4887 is made desirable by recent decision of the Supreme Court, which limits the term of a United States patent to that of a foreign patent, if a foreign patent is taken out on the same invention and issues before the patent in the United States. It is proposed as an amendment that the granting of a foreign patent to the same inventor or his assigns shall

not affect the term of the United States patent unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted here. A similar provision exists in the laws or treaties of most European countries, and this provision, it is believed, will accomplish the object which the legislators had in view in framing the present law, and will obviate all of its present inconveniences. This section as amended will not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, or to any patent granted on such a pending application.

The amendment provided in section 4 to section 4894 is for the purpose of preventing delays in the Patent Office. The bill provides that the term of two years within which the applicant must complete and prepare for examination the filing of his application, and also the same term within which he must prosecute the same for action thereon, shall be reduced to six months. The committee believe that this shortening of time for delay is proper, and have gone further in the same direction in the amendment to the bill which they have recommended.

Section 5 of the bill is a matter of detail, and provides that a certificate of acknowledgment of assignment of patents before a proper officer shall be prima facie evidence of execution.

Section 6 provides a statute of limitation in patent cases. Under the decisions of the Supreme Court the State statutes of limitation apply to actions for infringement of patents brought upon the law side of the court. It seems to your committee desirable that there should be a uniform statute of limitations, and they therefore adopt the recommendation of the committee of the bar association.

It is believed, as before stated, that these amendments will simplify and improve the patent law, and they are unanimous in recommending the passage of the bill, with the exception of the last section in regard to the statute of limitations, in regard to which a minority of the committee reserve the right to dissent.

Mr. DRAPER. Mr. Speaker, this bill proposes half a dozen minor amendments to the patent law which have been recommended unanimously by the American Bar Association. A year ago or more a committee of that association was appointed to consider such amendments as might be found desirable in the patent law, and that committee, while unable to agree on matters which they considered of great moment, did agree to recommend the half dozen amendments which are embodied in this bill. I will not discuss the matter generally at length, but will take up these modifications one at a time and explain them to the House. I may say in the outset that the bill, in the reading, sounded somewhat formidable, because the entire statutes that are proposed to be amended were read.

The first amendment is to section 4886. It provides that the patenting or publication of an invention in any foreign country more than two years prior to the application in this country shall be a bar to obtaining a patent. That is to say, if a patent is granted in a foreign country, then after two years from the grant of that patent the applicant can not obtain a patent in the United States, as he now can. As the law now stands, a man may publish or patent an invention in a foreign country and years afterwards it may be patented in this country. In the United States if an inventor has his invention in public use more than two years before he applies for a patent he can not obtain a patent upon it. It seems to me, and it seems to your committee, that this amendment would be a very proper addition to the law, and an addition in the interest of the public.

Section 5 of the bill is a matter of detail. It provides that a certificate of acknowledgment of assignment of a patent, before a proper officer, shall be prima facie evidence of execution.

Section 6 provides a statute of limitation in patent causes. This is the only section upon which there was any difference of opinion in your committee. Some members of the committee thought that the statutes of limitation of the several States should control, whereas this bill proposes to make a universal statute of six years, covering the entire country. No minority report, however, has been filed, so that the bill stands as the recommendation of the committee.

It is also sought in the bill to remedy an evil which some have considered almost an abuse in the Patent Office, namely, that an applicant for a patent can make his application, receive a rejection, wait two years before making an answer to the rejection, and continue in that way, so that the application may remain in the Patent Office a long time, a term of five or ten or possibly fifteen years, and then may come out of the office and cover the invention for seventeen years from the date of issue. This bill proposes an amendment to that part of the law by substituting the words "six months" for the words "two years," so that after receiving a reply from the office to his application the applicant shall be required to make his answer within six months, thus reducing the length of time that an application can remain in the office. This, however, did not seem a sufficient limitation to your committee, and the amendments which they have proposed go still further in the direction of limiting not only the time that the applicant can delay answering the reply of the Patent Office to his application, but also limiting the time that his application can remain without final action in the office, except in cases of interference.

The amendments which are proposed by the committee apply to different sections of the bill, but mean exactly the same thing. The amendment to section 4 proposes to insert the following:

And upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years' additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action.

Another amendment of the committee proposes a change in the provision of section 4887 of the Revised Statutes. This amendment is made desirable by a recent decision of the Supreme Court, to the effect that under the present law, properly interpreted, the term of a United States patent is to be limited by that of a foreign patent if the foreign patent was for the same invention and was issued before the patent granted by the United States. The fact is, that when this bill was prepared it was intended to cover cases of foreigners taking patents in the United States. But there have arisen cases in which Americans, having made inventions, have applied simultaneously for an American patent and a foreign patent; and in such cases, owing to the fact that in most foreign countries there is no system of examination, while in our country there is such a system, which delays the issue of the patent for months, at least, and possibly for years, the foreign patent has frequently come out first. In such cases, according to the decision to which I refer, the American patent expires at the date of the expiration of the foreign patent. The amendment to section 4887 was intended to cover these cases. It is proposed as an amendment to the existing law that the granting of a foreign patent to the same inventor or his assigns shall not affect the term of the United States patent unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted here. A similar provision exists in the laws or treaties of most European countries, and this provision, it is believed, will accomplish the object which the legislators had in view in framing the present law, and will obviate all of its present inconveniences.

This section as amended would not apply to any American patent that has been granted prior to the passage of this act or to any applications now pending in this country for a patent, or to any patent granted on any pending applications. It will apply only to applications which may be made after the passage of this bill.

Now, Mr. Speaker, I believe I have explained the cases that this bill is intended to cover. It embraces, as will be seen, merely minor modifications of the patent laws. Its passage is recommended by the bar association, whose committee bestowed a great deal of time in the investigation of the subject. It is recommended by the Commissioner of Patents, and recommended also by your Committee on Patents.

Reserving the balance of my time, I shall be glad to answer any questions in regard to the bill that any gentleman may desire to ask. If no one desires to make any inquiry, I will ask for a vote.

Mr. HULICK. I wish to ask the gentleman, in the first place, whether there are any copies of this bill which can be had? I have been trying to secure a copy of the bill and report, but have thus far failed to do so.

Mr. DRAPER. Copies of the bill and report are, so far as I know, in the document room; but I shall be very glad to furnish to the gentleman my copies.

Mr. HULICK. There is one further question I should like to ask. I wish to know whether these amendments have reference to cases where patents have expired and where parties have desired to obtain renewals. There are cases where, upon the expiration of a patent, parties may desire, by reason of the death of the inventor, or for some other good reason which might be satisfactory to the Department, to obtain a renewal. Has the committee in any of these amendments provided any means outside of the existing laws by which patents may be renewed; and if so, for what length of time?

Mr. DRAPER. One of the amendments provides that the Commissioner of Patents may require the applicant to show cause why final action should not be taken, and if he shows reasonable cause, it is supposed that that will govern. The gentleman is speaking of the amendments of the committee, I presume.

Mr. HULICK. Yes, sir; and with reference to the particular matter I have just indicated.

Mr. DRAPER. If the gentleman desires, I will read the amendments again.

Mr. HULICK. I think the gentleman did not comprehend the scope of my question.

Mr. DRAPER. I desire to do so.

Mr. HULICK. So I understand. Now, I wish to know whether the existing laws or the regulations of the Department in reference to the renewal of a patent which has expired by limitation of time are affected by any of these amendments submitted by the committee? There are, of course, cases where it may be desired for some good reason that an extension of the patent be granted, in order that the patentee or his representatives may realize something from the invention.

Mr. DRAPER. There is nothing in the bill which affects that question one way or the other.

Mr. HULICK. Well, I have not had time or opportunity to examine the bill; hence I asked the question.

Mr. MITCHELL. Mr. Speaker, this bill (H. R. 3014) has been so carefully considered by the committee and so ably presented and explained by the chairman of the committee [Mr. DRAPER], both in his report and in his remarks, that those who have read the one and heard the other will be convinced of the importance of passing this bill.

The great ingenuity of the American people, their fertility of ideas, and their untiring energy in carrying them out have been among the great causes of development in this country and the reasons for its great advancement in industry and wealth. The protection of the inventions of our people by granting them the right (by patent) to sue others using their improvements without permission from the inventor has given the inventor the opportunity of getting the necessary assistance to perfect and fully develop his ideas and put their resultant on the market.

The effect has been that our machinery and mechanical devices have so cheapened in many matters the cost of production that we find our goods selling cheaper in foreign markets than they can be made for there, and yet the American laborer is paid in the manufacture of these articles double and treble the amount paid for similar labor in foreign countries.

Our statutes affecting patent rights have long needed the amendments made by this bill in order, among other things, to expedite the granting of patents and to give our patentees relief from the effect now given to foreign patents, and their lapsing affecting our patents under certain conditions. This bill properly regulates these matters and gives only such rights as should have been provided for long ago. In this respect it relieves patentees and those who are assisting them from a cumbersome system, which worked no good to any one and great harm to the American inventor in many instances.

The universal statute of limitation provided for by this bill will also meet, I am satisfied, with general approval by the courts, for it again simplifies the issues and gives six years—an abundant time to the industrious prosecutor of his rights—to push his claims, and prevents an inventor sleeping on his rights too long and allowing others to develop his invention, and when they have amassed a profit by their industry, to compel them to pay triple damages after a long lapse of years. The statutes giving patent rights being national, the limitation of recovery should also be limited by national laws and be uniform throughout the country.

Mr. DRAPER. I ask for a vote on the amendments of the committee.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the last vote was laid on the table.

PATENTS GRANTED TO NAVAL OFFICERS.

Mr. FAIRCHILD. Mr. Speaker, I desire to call up another bill from the Committee on Patents, the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent.

The bill was read, as follows:

Be it enacted, etc., That whenever, in the judgment of the Secretary of the Navy, the public interests will be promoted by the use in the naval service of devices covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, the United States may acquire the right to use said device upon such terms or at such rate of compensation as may to the Secretary of the Navy seem just and equitable, and in determining the compensation to be paid by the United States for the assignment or for the use of such devices regard will be had by the Secretary of the Navy to any facilities in originating the work or perfecting the invention which the inventor may have enjoyed by reason of his connection with the public service.

Mr. FAIRCHILD. I ask for the reading of the report in my time.

The report (by Mr. FAIRCHILD) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent which may be hereafter issued to any officer of the Navy, have examined the same, and report as follows:

The evils sought to be remedied by this bill, and the arguments in support thereof, are referred to by the Secretary of the Navy in his annual report to Congress as follows:

"Inventions useful to the naval service are frequently patented by officers of the Navy. Officers have peculiar opportunities in the line of their duty for discovering the defects of naval appliances and devising remedies for the same. When they have been especially assigned to the duty of making experiments for the purpose of suggesting improvements in some particular direction, if the facilities for conducting the experiments have been furnished by the Department, and the expenses, including the procuring of patents, have been borne by the Department, the improvements or devices are the property of the United States.

"When, however, an officer is not acting under authority of the Department, and the invention does not concern a matter the officer was especially assigned the duty of investigating, and when the expenses of making experiments and procuring the letters patent are borne by the officer, it has been held that the patent is the property of the officer, and is valid as against the Government itself. In order to use these devices the United States must obtain the consent of the patentee and pay him such price for the use of the same as he may demand, and it has frequently been found difficult to adjust the rights of officers as against the Government in these cases.

"The inventive genius of officers should not be suppressed, nor should they be unjustly deprived of the fruits of their labor, but, on the other hand, there ought to be no extraordinary pecuniary stimulus to turn to their own advantage knowledge acquired at the expense of the Government and tending to promote the interests of the service in which they are employed. Such a stimulus exists where the Government must do without improvements essential to its naval power or pay to persons whom it has educated and furnished the opportunities for developing such improvements such prices as they may insist upon for the same.

"The British Government has recently found it expedient to prescribe the terms under which its navy shall acquire the use of inventions patented by persons in its naval service, and the following provisions appear to me to be particularly equitable and just: 'The invention may be used by or for Her Majesty's service, and that the terms of payment, if any, shall be decided by the admiralty,' and 'in settling terms, either for assignment or use, regard will be had by the admiralty to any facilities in originating, working out, and perfecting the invention which the inventor may have enjoyed by reason of his official position.'

"As naval officers receive their education at the expense of the Government, and their opportunities to make improvements in naval appliances result largely from such education and the facilities afforded them by the duties they perform under the Government, I have the honor to recommend that Congress be asked to enact legislation providing that the United States may at any time acquire the right to use devices covered by letters patent issued to officers of the Navy, whether retained in their ownership or assigned to others, upon such terms and at such rate of compensation as may, by the Secretary of the Navy, be deemed just and equitable." (Annual Report of the Secretary of the Navy, 1895, pages 48 and 49.)

Similar references were made in the report of the Judge-Advocate-General to the Secretary of the Navy for the year 1895 (pages 16 and 17).

It is to carry out the recommendation made by the Secretary of the Navy to Congress, above quoted, that this bill was introduced.

In view of the evident existence of the evils referred to in the above quotation from the report of the Secretary of the Navy, your committee recommend the passage of the bill with the following amendments.

Insert after the words "covered by letters patent," in line 5, "which may be hereafter;" and after the words "compensation, as may," in line 9, insert the words "be determined to be just and equitable by a board of not less than three naval officers, appointed for the purpose by;" and after the words "with the public service," in line 15, insert the words "and the decision of said board shall be subject to approval by the Secretary of the Navy;" strike out after the words "compensation as may" in line 9, the word "to;" and after the word "Navy," in line 9, strike out, in lines 9 and 10, the words "seem just and equitable;" and after the words "will be had," in line 12, strike out the words, in lines 12 and 13, "by the Secretary of the Navy."

The amendments were agreed to. The question recurred on the engrossment and third reading of the bill.

Mr. BLUE. Mr. Speaker, I would like some explanation other than the report gives about this bill. Is it the purpose of its enactment to give to an officer in the employ of the Government the benefit of a patent gained while in the discharge of his duty, while in the pay of the Government, and when his services and time belonged to the Government? Does it give him an opportunity to receive the full benefit of a patent which he may acquire under such circumstances?

Mr. FAIRCHILD. I will answer the gentleman by stating that a naval officer now in the employ of the Government has the privilege to which he refers, and he has it to an extent that he can deprive the Government even of the right to use the patent in any way whatever except upon his own terms. It is to correct that very evil that the bill is drafted, in accordance with the recommendation of the Secretary of the Navy, who has had experience resulting from the present situation; and the bill is designed, while not taking away from the officer the privilege of receiving proper compensation for any invention that he may make, to provide a means of determining what that proper compensation shall be when the patent is used by the United States Government.

Mr. BLUE. Then the bill seems to be in the direction of correcting the evil I thought it was attempting to establish. I have no further questions to ask.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MITCHELL. Mr. Speaker, this bill (H. R. 4178) is also of great importance and should be passed. There is not a company engaged in manufacture in the United States and properly managed which does not seek to protect its interests by securing itself in the right to the exclusive use of the inventions of its employees in the line of the business which they are carrying on; and it is customary for companies developing new ideas to have an agreement with every employee providing for the purchase by the employer of the inventions of the employee on some fair basis.

The rights secured by patent emanate entirely from the Government, and it is a special privilege granted by statute to inventors, and from which the inventor derives exclusive advantages.

As the average business corporation, as I have before said, protects itself even from an employee who may be only a short time in its employ, certainly the Government should be placed in as good a position as the average company, and should not be excluded from using, under some fair arrangement, the inventions of men who are not only in the employ of the Government but whom the Government has specially educated for many years, at its own expense, in the line in which the inventions are made. It would seem that no argument would be necessary to convince even the naval inventor who would be affected by this particular bill that it was most eminently fitting for him to give to the Government, for a fair return, the exclusive right to the use of any improvements born of his inventive genius. Were the Government deprived of this right it might prove disastrous to the country.

Those inventions might be the very ones which would be required to perfect some mechanical device which would place the Government in a much safer position than it otherwise would be in. It would, therefore, be a mistake to put any curb on the inventive genius of the naval inventor. This bill does not put a curb upon it, but gives the Government the opportunity of acquiring the inventions on paying the employee of the Government such compensation as his inventive genius may be entitled to, and thus obtaining the exclusive right to the use of his inventions.

CONSIDERATION OF PRIVATE PENSION BILLS.

Mr. HENDERSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules, and ask its present consideration.

I am directed by the committee, to whom was referred House resolution No. 482, to report back the same and recommend its passage.

The SPEAKER. The resolution will be read.

The resolution was read, as follows:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings, and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however*, That nothing in this resolution shall be construed as interfering with conference reports on general appropriation bills.

Mr. HENDERSON. I ask the previous question.

Mr. GROSVENOR. Mr. Speaker——

The previous question was ordered.

Mr. GROSVENOR. Mr. Speaker, I was trying to get the attention of the Chair for the purpose of stating that as I understand it an assignment of an election case was made for to-morrow.

Mr. HENDERSON. That goes over by consent, or request of the Elections Committee, until Wednesday. Judge MCCALL desires me to state to the House in this connection that the Virginia contested-election case of Yost *vs.* Tucker will come up on Wednesday next.

The resolution reported from the Committee on Rules was agreed to.

The Clerk proceeded with the call of committees.

CHARGES OF DESERTION IN CERTAIN CASES.

Mr. CUMMINGS. Mr. Speaker, on behalf of the Committee on Naval Affairs, I present the bill which I send to the Clerk's desk.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9102) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888.

The SPEAKER. This call is for bills upon the House Calendar.

Mr. CUMMINGS. This bill does not come up under the rules now?

The SPEAKER. It would not be in order now.

LEASE OF CERTAIN ISLANDS IN ALASKA.

Mr. SCRANTON. Mr. Speaker, on behalf of the Committee on Territories, I present the bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes.

The bill was read.

Mr. DOCKERY. I hope we may have the report read, Mr. Speaker, so as to understand the bill.

The SPEAKER. This bill is not on the House Calendar. It has never been reported.

Mr. SCRANTON. The committee has authorized a favorable report.

The SPEAKER. It is not on the Calendar. It must be on the Calendar to be in order under this call.

Mr. SCRANTON. A Senate bill?

The SPEAKER. A Senate bill. The idea of this committee hour, so called, is to bring up bills which are on the Calendar of the House and which do not involve an appropriation. The bill is required to be on the Calendar, so that the House may have some notice of its existence as a bill.

Mr. SCRANTON. Then I will ask to withdraw the bill.

ORDER OF BUSINESS.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTHOLDT. I ask unanimous consent to have the Committee on Immigration called again. I have a resolution from that committee.

The SPEAKER. Is the resolution on the House Calendar?

Mr. BARTHOLDT. No, sir.

The SPEAKER. It is of no use to call the committee then.

Mr. BARTHOLDT. It is merely a formal matter.

The SPEAKER. This would not be the proper time.

The Clerk resumed and completed the call of committees.

Mr. BAILEY. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. I desire to know if to-day was designated as District of Columbia day?

The SPEAKER. It was; but the chairman of the Committee on the District of Columbia thought he would not call up matters from that committee until later.

Mr. BAILEY. Then I desire to know if, under that regular order, he has the right to desist so long as he pleases, and then take advantage of the order at any time he pleases. It seems to me, if this day has been set apart for that purpose, he owes it to the House to enter upon the business of that committee.

Mr. DOCKERY. He should either claim the day or disavow his intention to do so.

The SPEAKER. If anybody is to blame for that, the Chair thinks he is. The Chair thought that, as he was informed that the business of the District of Columbia would take but about two hours, perhaps we could finish up some business on the House Calendar in a more expeditious way in the early part of the day, rather than in the later part.

Mr. BAILEY. I frankly say to the Chair that I have been induced to make the inquiry by reason of the fact that a number of gentlemen have inquired of me what the District Committee intended to call up, and I was unable to answer.

The SPEAKER. Well, the Chair is unable to answer that. He was not aware of any special matter that was to be brought up, but understood that there were some matters that would be likely to take an hour and a half or two hours, and in endeavoring to dispose of the business of the House it seemed that this would perhaps be the better way to do it.

Mr. BAILEY. I should not have interrupted the call except for the fact that there seems to be no further committee business.

Mr. TERRY. Mr. Speaker, there seems to be a sort of interlude here, and I should like unanimous consent to get a bill in. [Laughter.]

Mr. SHERMAN. I ask unanimous consent that we return to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent to return to the Committee on Interstate and Foreign Commerce, for the consideration of a bill that will be appropriate under this call. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress as authorized by law.

The message also announced that the Senate had passed without amendment the bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress as authorized by law.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 14, 1897:

An act (H. R. 4604) granting a pension to Jane Fisher.

On January 15, 1897:

An act (H. R. 878) to reduce the cases in which the penalty of death may be inflicted.

On January 16, 1897:

An act (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;

An act (H. R. 2358) for the relief of Arminda White, widow of Israel White;

An act (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

An act (H. R. 979) granting a pension to Frances E. Helfenstein;

An act (H. R. 2405) granting a pension to Maria Gibbons;

An act (H. R. 4405) granting a pension to Augustus G. Cary;

An act (H. R. 5050) granting a pension to Ransom C. Hazelip

An act (H. R. 5311) granting a pension to Sarah Ann Wible; and

An act (H. R. 9139) granting a pension to Margaret J. Young.

On January 16, 1897:

Joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of the streets to accommodate the traveling public attending the inaugural ceremonies.

The following bills were presented to the President on the 5th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;

An act (H. R. 4361) to pension William H. Nesbitt;

An act (H. R. 986) for the relief of Hiram P. Panley;

An act (H. R. 5787) for the relief of Henry A. F. Worth;

An act (H. R. 1022) to increase the pension of Bryan Cotton;

An act (H. R. 6468) to increase the pension of Andrew R. Ladd;

An act (H. R. 6466) to increase the pension of George V. Barnard;

An act (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

An act (H. R. 1178) granting a pension to Sarah Weedon Jones;

An act (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

An act (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

An act (H. R. 1892) granting a pension to Catharine Darragh;

An act (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

An act (H. R. 3152) granting a pension to Charlotte A. Welton;

An act (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

An act (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;

An act (H. R. 3139) for the relief of M. R. William Grebe; and

An act (H. R. 3771) for the relief of Stratton H. Benscoter.

BRIDGE ACROSS THE RIO GRANDE AT EL PASO, TEX.

Mr. SHERMAN. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 9835) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

The bill was read.

Mr. SHERMAN. Mr. Speaker, this is a bill containing the usual limitations, qualifications, and restrictions, and it differs from ordinary bills of this kind only in that it gives the company a right to acquire the title to any bridge that now exists at El Paso, and to enlarge and strengthen it for the use of the company, provided that can be done. The War Department reports that it will not obstruct navigation, and approves of the measure.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER IN ALLEGHENY COUNTY, PA.

Mr. SHERMAN. Mr. Speaker, I also call up for consideration the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

WEST BRADDOCK BRIDGE COMPANY.

Mr. SHERMAN. Mr. Speaker, I also call up for consideration the bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township.

The bill was read at length.

Mr. SHERMAN. Mr. Speaker, this is simply an extension of the time for the construction of this bridge, which is now under way, for three months, or until the middle of July next.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DISTRICT BUSINESS.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the business of that committee.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Calendar reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on the District of Columbia. The Clerk will report the first bill.

BRIDGE ACROSS EASTERN BRANCH OF POTOMAC RIVER.

The Clerk read as follows:

A bill (H. R. 8090) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be made, as soon as practicable, a survey, plan, and estimate of the cost of constructing a substantial wooden, iron, steel, or masonry bridge across the Eastern Branch of the Potomac River, in the District of Columbia, and the necessary approaches thereto, such bridge to begin for its westward end at a suitable point on the Government reservation in line with Massachusetts avenue extended eastward, and extending thence across the said river to a suitable point in the line of Massachusetts avenue extended, for its eastern end, such bridge when constructed to be maintained as a free bridge for travel, and to be of such strength and dimensions as to accommodate the ordinary traffic which passes over an ordinary highway, and also the tracks and traffic of any street railway or railways employing horses or electric or mechanical motors (not steam-operated motors) for the propulsion of its cars which may hereafter be granted the right to cross such bridge by the authorities vested with such power, and to report thereon to the Congress of the United States on the first Monday of December, 1896; and that the sum of $3,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for such survey, plan, and estimate, and such contingencies as are necessarily incident thereto, such sum of money to be immediately available upon the passage of this act.

Mr. BABCOCK. Mr. Chairman, this bill is formulated upon a report made by the Secretary of War, and is a substitute for the bill offered before the committee for the purpose of constructing a bridge across the Eastern Branch at the end of Massachusetts avenue extended. The Secretary of War made this report—that it would be desirable first to make an appropriation for a survey, after which the bill can be properly considered and brought before this House. This matter has been on the Calendar for some time, and it would seem to me that the bridge would be a public necessity in the near future. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

Mr. DOCKERY. Mr. Chairman, I suggest that the gentleman should amend the bill. Here is a report provided for, to be made on the first Monday of December, 1896. That time has already passed. I suppose the gentleman would desire to have it amended for the report to be made on the first Monday of December, 1897.

Mr. BABCOCK. I move that amendment, Mr. Chairman—that in line 23 it be changed to the first Monday of December, 1897.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to. [After a pause.] The Chair hears no objection.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TAXES AND TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up for present consideration the bill H. R. 4149, which is on the Calendar. A substitute has been offered by the committee, but for some reason it is not on the Calendar. It is the bill H. R. 8499.

The title of the bill H. R. 4149 was read.

Mr. BABCOCK. I ask that the reading of the bill H. R. 4149 be dispensed with, and that the bill H. R. 8499 be substituted in its place.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to dispense with the reading of the bill H. R. 4149 and that House bill 8499 be substituted in its place. Without objection, it will be so ordered. [After a pause.] The Chair hears no objection.

The bill was read, as follows:

A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia.

Be it enacted, etc., That the assessor of the District of Columbia shall prepare a list of all taxes on real property in said District subject to taxation on which said taxes are levied and in arrears on the 1st day of July of each year hereafter; and the Commissioners of said District are hereby authorized and directed to appoint two clerks, at an annual salary of $1,200 each per annum, to prepare said list and perform such other duties as may be assigned to them by the assessor. And the Commissioners of said District shall publish the said list, with notice of sale, in a pamphlet, of which not less than 2,000 copies shall be printed for distribution to taxpayers applying therefor. Said Commissioners shall, on the third Tuesday in March of each year hereafter, give notice, which shall contain the name of each and every person in which each piece of property is assessed, together with the amount of tax against each, by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District that said pamphlet has been printed, and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District; and if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day fixed for sale, the property will be sold under the direction of the Commissioners of the District of Columbia at public auction at the office of the said collector of taxes, commencing at least three weeks after the first publication of said notice, and continuing on each following day, Sundays and legal holidays excepted, until all said delinquent property is sold. A description sufficient to identify the property shall be considered a proper description: *Provided, however*, That property which has once been advertised and sold for nonpayment of taxes shall not be again advertised for the same tax.

SEC. 2. That upon the day specified aforesaid the Commissioners shall proceed to sell or cause to be sold any and all property upon which such taxes remain unpaid, and continue to sell the same every secular day until all the real property as aforesaid shall have been brought to auction and sold. In case no other person bids the amount due on any lot, the said collector of taxes shall bid the amount due on the same, and purchase it for the District.

SEC. 3. That every purchaser other than the District, at any sale of property sold as aforesaid, shall pay the amount of his bid to the collector of taxes within five days after the last day of sale. If any such purchaser shall not have paid his bid, or the same shall not have been collected from him within the time above mentioned, the Commissioners may set aside the sale for which the bid was made, and all the rights of the purchaser under such bid shall thereby be extinguished. Immediately after the close of the sale, upon payment of the purchase money, the said collector of taxes shall issue to the purchaser a certificate of sale, and if the property shall not be redeemed by the owner or owners thereof within two years from the last day of sale by payment to the collector of taxes of said District, for the use of the legal holder of the certificate, the amount for which it was sold at such sale and 15 per cent per annum thereon, a deed shall be given by the Commissioners of the District, or their successors in office, to the purchaser at such tax sale, his heirs or devisees, or to the assignee of such certificates, which deed shall be admitted and held to be prima facie evidence of a good and perfect title, in fee simple, to any property bought at said sale herein authorized; and all proceedings prior to said deed shall be presumed to have been regular until the contrary is proved: *Provided*, That no deed shall be issued until all taxes and assessments appearing upon the tax books against the property are paid, with penalties, interests, and costs, including taxes for the years for which the District purchased the property at tax sale: *Provided*, That no property advertised as aforesaid shall be sold upon any bid not sufficient to meet the amount of tax, penalty, and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalties, and costs thereon, said property shall thereupon be bid off by the said collector of taxes, in the name of the District of Columbia; but the property so bid off shall not be exempted from assessment and taxation, but shall be assessed and taxed as other property; and if within two years thereafter such property is not redeemed by the owner or owners thereof, or their legal representatives, by the payment of the taxes, penalties, and costs due at the time of the sale, and that may have accrued after that date, and 10 per cent per annum thereon, or if any property, two years after having been so bid off at any sale in the name of said District, under this or any other law, whether heretofore or hereafter made, is not or has not been so redeemed as aforesaid, unless it shall be shown that the sale for taxes was irregular and void, then the Commissioners of the District, or their successors, shall, in the name of and on behalf of the District of Columbia, issue to any purchaser of such property a deed which shall have the effect to convey and vest in such purchaser all the right, title, and estate of all persons whomsoever claiming an interest in said property, except as hereinafter provided: *Provided, however*, That no such deed shall be issued until all assessments, taxes, costs, and charges due the District, of whatsoever nature, shall have been paid in full: *And provided also*, That minors or other persons under legal disability be allowed one year after attaining full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their assigns, or from the District of Columbia, on payment of the amount of purchase money so paid therefor, with 10 per cent per annum interest thereon, as aforesaid, together with all taxes and assessments that have been paid thereon by the purchaser or his assigns, between the day of sale and the period of redemption, with 10 per cent per annum interest on the amount of such taxes and assessments: *Provided, however*, That failure on the part of the District, from any cause whatsoever, to enforce the liens acquired aforesaid, shall not release the property from any tax whatsoever that may be due the District.

SEC. 4. That the owner or authorized agent of the owner of any property sold as aforesaid, or any other person having an interest therein at the time of sale, may redeem the same from such sale at any time within two years after the last day of sale by paying to the collector of taxes, for the use of the purchaser, his heirs and assigns, the sum mentioned in the certificate of sale therefor, with interest thereon at the rate of 15 per cent per annum after the date of such certificate of sale, together with any tax or assessment which the holder of said certificate shall have paid between the days of sale and redemption, with interest on the same at the rate of 10 per cent per annum.

SEC. 5. That the collector of taxes shall, within twenty days after the last day of the sale hereinbefore provided for as aforesaid, file with the recorder of deeds a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, of the lands as aforesaid sold to the District. Any surplus remaining after the collection of taxes, penalties, and costs on any real estate shall be collected as provided in sections 161 and 162, chapter 6, of the Revised Statutes of the United States relating to the District of Columbia, and shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District.

SEC. 6. That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was for any cause invalid and ineffectual to give title to the property sold; but they shall cancel the sale and cause the purchase money to be refunded to the purchaser, his representatives or assigns.

SEC. 7. That the expenses of advertising and the printing of said pamphlet shall be paid by a charge of $1 for each lot or piece of property advertised. A sum sufficient to pay the salaries of the clerks herein provided for, up to and including the year ending June 30, 1897, is hereby appropriated, payable in equal proportions out of the Treasury of the United States and the revenues of the District of Columbia, to be immediately available; and the Commissioners of said District shall hereafter, in their annual estimates, include all necessary provisions to carry out the purposes of this act.

SEC. 8. That this act shall take effect from and after its passage; and all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. HULICK. Mr. Chairman, the bill that is to be considered at this time by the committee is a substitute for the bill H. R. 4149, which has been placed upon the Calendar and a favorable report has been filed thereon; but it was, upon further consideration, thought, in view of the amendments that were suggested by the committee to the original bill, that it would be better to be substituted by another bill, which is the one now under consideration.

The report was made upon the original bill, with some amendments suggested. I ask that that report, which applies to the principle of this bill, be now read, with the exception of the amendments suggested. The amendments suggested are incorporated in the substitute.

Mr. COX. Before that report is read, I would be glad to hear a statement concerning this bill. It is a long bill, and I could not distinctly hear all the clauses read. Will some member of the committee give us an explanation of it?

Mr. HULICK. I think if the gentleman will have the report read it will give him an idea. It is not very long.

Mr. COX. All right. I do not know what I am voting on.

The report (by Mr. HULICK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4149) in relation to taxes and tax sales in the District of Columbia, have carefully considered the same, and, with certain amendments herein suggested, recommend the passage of the bill.

The laws in the District of Columbia relating to the listing of property and the assessment and collection of taxes are very unsatisfactory; in many instances great injustice is done to the taxpayer, and in other cases the District fails to collect the taxes. Millions of property in the District now escapes taxation that should be placed upon the tax duplicate. After assessments have been made upon real estate and the owners fail to pay the taxes, it is difficult for the District to collect the delinquent taxes.

One essential fault is the peremptory requirement that at the expiration of two years from the date of the sale of a piece of real estate for overdue taxes the Commissioners must, on demand of the owners of the tax-sale certificate, issue a deed for the property, without providing as a condition precedent to such deed that all overdue taxes and assessments other than those involved in such tax-sale certificate shall also have been paid.

Under a decision of the supreme court of the District of Columbia in the case of John H. Brewer *vs.* The District of Columbia et al., equity, No. 9513, decided November 1, 1886 (5 Mackey's Reports, page 274, et seq.), a deed of property made in pursuance of a sale for arrears of taxes for any certain year passes the property involved to the purchaser at such sale, discharged of the liens of all taxes and assessments remaining due and unpaid at the time of the sale, so far as the District is concerned. As a tax deed thus carries with it a clear title against any claim of the District for taxes due prior to its issue, it is a convenient agency of frequent resort for the evasion of the payment of overdue assessments and taxes. The bill proposes to amend the statute by providing that no tax deed shall be issued until all taxes and assessments appearing on the tax books against the property embraced in the deed, with the penalties, interest, and costs, including the taxes for any years for which the District shall have purchased the property at tax sale, shall have been paid.

The bill contains other modifications suggested by the experience of the tax officers of the District designed to enable the authorities to better enforce the collection of overdue taxes, and at the same time making increased provision for notice to delinquents, and providing for the protection of the interests of those laboring under legal disability. It was prepared after conference with the assessor, the collector, and the attorney for the District.

Mr. DOCKERY. I desire to call the attention of the gentleman from Ohio in charge of the bill to the fact that section 7 provides that the expenses of advertising and the printing of said pamphlet shall be paid for by a charge of a dollar on each lot or piece of property advertised. The law now provides a charge of $1.20; and therefore, when the time comes, I desire to move to add an amendment so as to bring this charge up to the amount now levied by the existing statute.

Mr. HULICK. This amount was thought proper by the committee, but if there is any reason why it should be increased, that can be done.

Mr. DOCKERY. It was placed at $1.20 on the testimony of the Commissioners of the District of Columbia, and has been carried at that sum for a number of years.

Mr. HULICK. Mr. Chairman, if there are no other questions, I will make a brief statement of the provisions of this bill.

Mr. DOCKERY. Very well.

Mr. HULICK (continuing). And would be very glad to answer any questions relative thereto.

Mr. Chairman, this bill is one of very great importance to the taxpayers of this District, and evidently of considerable importance to the taxpayers of the whole country. There is perhaps more dissatisfaction aroused and more injustice done by the assessment of personal and real property in the District of Columbia than in any other community in the United States. It is a fact, as the members of the committee have learned from coming in contact with the people of this city, that the chattel property of the District is not taxed, and that the real estate that is charged with taxation has been subject to the claims of parties who have neglected to pay their taxes, who have let their real estate become delinquent, and in that way have failed to bear their share of the public burdens. The law as it stands, as it was interpreted by a decision of the Supreme Court in the case of Brewer *vs.* The District of Columbia, decided in 1886, is to the effect that where property has been sold for taxes the deed to the purchaser gives him a title exempt from any other taxes for which the property was not sold. That is, if taxes had been delinquent for two or three or four years (which has been the fact in many cases), the purchaser of the property at a tax sale took it free from all those previous taxes, or liens for taxes, or assessments. The law as interpreted by the Supreme Court held that a deed made in pursuance of a sale for arrears of taxes passed the property involved to the purchaser discharged from all liens for taxes and assessments remaining due and unpaid at the time of the sale.

Now, the amendment that is provided in this bill will be found on page 5, as follows:

And that before the deed is issued, as hereinbefore mentioned, notice shall be published three times in two daily newspapers published in the District that a deed has been applied for, and that unless the owner comes forward within thirty days from date of said notice and pays all arrears of taxes, general and special, then due, the deed will be issued in accordance with the provisions of this act.

Mr. COX. Mr. Chairman, I think I catch the idea clearly. I understand the gentleman to say that under the existing law, as construed by the Supreme Court, the deed issued to the purchaser at a tax sale was held to give a good title as against all preexisting taxes, and this amendment provides that when the owner comes to redeem (as we would call it in Tennessee) he shall be required to pay all prior taxes and liens. Is that correct?

Mr. HULICK. Yes, sir. We propose to amend the law by providing that no tax deed shall be issued until all outstanding taxes shall have been paid in full.

Mr. COX. In other words, when the owner comes to redeem, he must clean up the property free from all taxes and liens for taxes or assessments. Does not your proposed law limit the redemption to thirty days?

Mr. HULICK. No. It gives two years after the sale. It provides that no deed shall be issued until two years after the sale. The owner of the property can come in within two years and pay the taxes, penalties, costs, and other assessments or liens that may have accrued against the property, and then the sale is canceled and the property is thereby cleared from all liens or taxes, etc.

Mr. COX. But the two-year provision applies to preexisting taxes as well as to the taxes under which the sale was made.

Mr. HULICK. It applies to all taxes and assessments accruing prior to the day of sale, and also to those which may accrue between the time of sale and the time of redemption.

This bill has been thoroughly considered by the officers having charge of the execution of liens upon real estate in this District, and has been approved by them. The first section provides that a list shall be prepared, and to that end it proposes the appointment of two extra clerks, who shall be charged with the duty of making out such list. Then the District Commissioners are required to publish the list for at least three weeks after the first publication of it, the time of the sale being fixed by them. I will add, Mr. Chairman, that I think there should be an amendment stating more specifically that fact that the Commissioners are to fix the time of sale. That suggestion has been made by the gentleman from New Hampshire [Mr. BAKER], and I will offer an amendment to that effect, if there be no objection. I propose to amend in line 11 on the first page, in the first section of the bill, where it says, "And the Commissioners of said District shall publish the said list, with notice of sale, in a pamphlet," etc. I think it should be expressly provided that the Commissioners shall fix the time of sale, and that the time shall be published, so that property owners may know when their property is to be offered for sale.

Mr. COX. Would it not be well to provide that, where the owners of the property are known, one of the pamphlets or lists provided for in the bill shall be sent to them, so as to bring home notice of the transaction to the owners?

Mr. HULICK. I think there is some force in the gentleman's suggestion, Mr. Chairman, that if the owner of the property is known he should be personally notified by sending him one of these pamphlets.

Mr. COX. The idea is this: You may publish the notice in two newspapers, or in these pamphlets, and the chances are that many owners will never hear of it, but if you adopt this plan of sending the owner, where he is known, a copy of the pamphlet containing the property advertised, you will bring home notice to him, and, as a matter of fact, in most cases the owner is known.

Mr. HULICK. The text of the bill provides for printing 2,000 copies of these pamphlets for distribution among taxpayers applying therefor. Now, the suggestion of the gentleman (which I think a good one) is that the Commissioners cause to be sent to the owner of the property, if he is known, one of these pamphlets.

Mr. COX. Yes, sir; that is substantially the amendment I suggest.

Mr. HULICK. I hope the gentleman will put it in shape; or, if he wishes, I will do so.

Mr. COX. If the gentleman will do so, all right.

The CHAIRMAN. The gentleman will send the amendment to the desk.

Mr. HULICK. I wish to suggest an amendment which is very brief and which I desire to have adopted now. I move to amend by inserting, after the word "shall," in the eleventh line of the first page, before the word "publish," the words "fix the date of sale and;" so as to read, "and the Commissioners of said district shall fix the date of sale and publish the said list," etc.

The amendment was agreed to.

Mr. DOCKERY. I have an amendment which I wish to suggest to the gentleman in charge of the bill. The first section authorizes and directs the appointment of two clerks at an annual salary of $1,200 each. This is an organic act, and the clerical force of the office may vary from year to year. I suggest, therefore, that this specific provision for two clerks at $1,200 be stricken out, and that the clause be amended so as to read as follows:

> And the Commissioners of said District are hereby authorized and directed to employ a sufficient clerical force to prepare said lists and perform such other duties as may be assigned to them by the assessor.

If this amendment be adopted, it would leave to the annual appropriation bill for the District provision for the clerical force as it may be needed from year to year. At times two clerks may be required; and at another, one; and another, four.

Mr. HULICK. Does the gentleman assure us that there is already authority for the Commissioners to employ additional clerks?

Mr. DOCKERY. No. I assume, however, that this bill will pass in sufficient time to enable the Committee on Appropriations to provide for the clerical force in the regular District appropriation bill, inasmuch as that bill has not yet been considered by the subcommittee of the House Committee on Appropriations. This bill if passed will go to the Senate, and by the time the regular appropriation bill is reached we shall have such knowledge of the fate of this bill as will enable us to make provision for the necessary clerical force.

I wish to call attention further to a provision in section 7 appropriating "a sum sufficient to pay the salaries of the clerks herein provided for up to and including the year ending June 30, 1897." I think that this provision might very well be allowed to remain in the bill, so that an amount sufficient to cover the time intervening between the approval of this bill and the 1st of July would be appropriated.

Mr. HULICK. If the Commissioners are allowed authority to make these appointments, even though no appropriation be now made, could they not under that authority employ additional service?

Mr. DOCKERY. They could; but after the 1st of July they would not have any money with which to pay the clerks so appointed. My suggestion is that provision for the number and payment of this clerical force for the year beginning July next be made in the regular District appropriation bill, which has not yet been reported, and which will not be reported probably until the fate of this bill at the other end of the Capitol is known.

Mr. HULICK. The committee have relied as to the necessary amount of clerical force upon the judgment of the Commissioners, who have recommended this bill.

Mr. DOCKERY. This bill does not, at any rate, make any appropriation; it simply provides for the appointment of two clerks at an annual salary of $1,200, and the appropriation for their compensation must be made in the regular appropriation bill unless this bill be amended.

Mr. HULICK. Provided authority is given to the Commissioners having in charge the execution of this law to appoint additional clerical force, we have no objection to such modification as the gentleman from Missouri suggests.

Mr. DOCKERY. I agree with the gentleman that such authority ought to be given. If the bill be amended in pursuance of my suggestion, the clause will read:

> And the Commissioners of said District are hereby authorized and directed to appoint a clerical force to prepare said list and perform such other duties as may be assigned to them by the assessor.

Mr. HULICK. Would the gentleman leave out the provision as to their payment?

Mr. DOCKERY. Yes; I would leave that for the regular appropriation bill.

Mr. HULICK. But appropriation bills are made in pursuance of law. As a rule, the law fixes the amount of the salary of any United States officer, and the appropriation bill provides for the payment of the amount fixed by law.

Mr. DOCKERY. My suggestion is that we omit now any provision for a fixed salary or for a fixed number of clerks. In an organic act like this such matters ought to be left to be determined by the needs of the office as they arise from year to year.

Mr. HULICK. Well, I think the suggestion good as to the number of additional clerks, but as to the amount, it occurs to me that the salaries ought to be fixed by law and not by an appropriation bill. It is not the object of an appropriation bill to fix salaries, and it would be subject to exception on the floor of the House when presented before this body.

Mr. DOCKERY. Not if the authority is given for the appointment of the clerical force. Still you have no appropriation in your bill as it now stands.

Mr. HULICK. That we expect the Committee on Appropriations to deal with at the proper time.

Mr. BABCOCK. If I understand the position of the gentleman from Missouri, this bill makes no appropriation, and it would be necessary for the Committee on Appropriations to take action to carry it into effect.

Mr. DOCKERY. That is correct.

Mr. BABCOCK. And your proposition is to give authority to the Commissioners of the District of Columbia to employ the necessary force, and when they can show the necessity for one, two, or three clerks——

Mr. DOCKERY (interrupting). Or four.

Mr. BABCOCK (continuing). They can employ that number.

Mr. DOCKERY. That is correct; and when the appropriation is made in the proper bill, it would not be subject to the point of order under our rule.

Mr. HULICK. Your suggestion is that the Appropriations Committee should make the appropriation of the amount of the salaries. Now, at one time they would make it $1,000, another committee might say $1,200, and another $1,400, and another a different sum. Unless you fix it by law, there is no way that you can have the salaries regulated. I think it ought to be fixed by law as all of the others are.

Mr. DOCKERY. I beg the gentleman's pardon. The salaries of all the clerks are not fixed by law.

But, Mr. Chairman, with the consent of the gentleman in charge of the bill, I will offer an amendment, which I send to the desk. I move, in lines 6, 7, 8, 9, 10, to strike out the words "clerks at an annual salary of $1,200 each per annum," and insert after the word "appoint," in line 8, the words "a clerical force to prepare said list and perform such other duties as may be assigned to them by the assessor."

Mr. HULICK. I think there could be no serious objection to the form of the amendment. I have no objection to it myself.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> In line 8, after the word "appoint," insert the words "a clerical force to prepare said list and perform such other duties as may be assigned to them by the assessor."

Mr. DOCKERY. That is not quite complete, Mr. Chairman. It should provide to strike out, in line 8, after the word "appoint," the words "two clerks, at an annual salary of $1,200 each per annum."

Mr. HULICK. I would suggest to the gentleman from Missouri that he include the word "sufficient" before the words "clerical force," so as to read "sufficient clerical force."

Mr. DOCKERY. I have no objection to that.

The amendment as modified was agreed to.

Mr. BAKER of New Hampshire. I would like to ask the gentleman in charge of the bill a question.

Mr. HULICK. Certainly.

Mr. BAKER of New Hampshire. I notice, in lines 5 and 6, on the first page of the bill, that the assessor is to prepare a list of taxes in arrears on the 1st day of July of each year hereafter, and at the bottom of the page it provides that said Commissioners shall, on the third Tuesday in March of each year hereafter, give notice, and so on. Does the gentleman intend that there shall be no tax sale this year, or is it his design to proceed under existing law?

Mr. HULICK. The tax sale will proceed under existing law, as amended by this statute.

Mr. BAKER of New Hampshire. But suppose that this bill becomes a law between this session and the next regular session. In other words, it may not be applicable at present, but in April, say. Suppose in April it becomes a law at a called session?

Mr. HULICK (interrupting). Oh, if the bill does not become a law at this Congress, then we have no further jurisdiction. It goes "where the woodbine twineth." "Sufficient unto the day is the evil thereof."

Mr. BAKER of New Hampshire. The suggestion was only for the purpose of illustrating the possibility that there may be no legislation and no tax sale at all this year.

Mr. HULICK. It is hard to tell what this Congress will fail to do.

Mr. RICHARDSON. I desire to offer an amendment to the second section of the bill.

I move, Mr. Chairman, after the word "Columbia," in line 2, on page 5, to insert the words "sell such property at public or private sale and;" so that it will read:

> The Commissioners of the District or their successors shall, in the name of and on behalf of the District of Columbia, sell said property at public or private sale and issue to any purchaser of said property a deed, etc.

This clearly emphasizes that there shall be a sale; but the words do not appear which empower the Commissioners to sell. It says that the deed shall issue, but it does not contemplate a sale; and these words simply provide that they may sell and that the deed shall follow.

[Here the hammer fell.]

Mr. HULICK. Mr. Chairman, I am not quite certain that that amendment ought to be adopted. I am not quite certain that it would be right to let the Commissioners of the District make a private sale of this property, after failure to have a purchaser at the public sale. It was not my understanding that the bill should have that import.

Mr. RICHARDSON. I get the idea of the gentleman, and if he will listen to me for a moment, I think he will see the propriety of these words. Now, what is the bill? Going back to page 4, commencing in line 15:

> And if within two years thereafter such property is not redeemed by the owner or owners thereof, or their legal representatives, by the payment of the taxes, penalties, and costs due at the time of the sale, and that may have accrued after that date, and 10 per cent per annum thereon, or if any property, two years after having been so bid off at any sale in the name of said District, under this or any other law, whether heretofore or hereafter made, is not or has not been so redeemed as aforesaid, unless it shall be shown that the sale for taxes was irregular and void, then the Commissioners of the District—

Having the property now in their hands, and nobody having redeemed it—

> or their successors, shall, in the name of and on behalf of the District of Columbia—

Do what?—

> issue to any purchaser—

Well, who is he? There is no purchaser.

Mr. HULICK. Then that ought to be stricken out.

Mr. RICHARDSON. I am amending the text of the bill so as to show that there may be a sale. To whom are they going to issue the deed? There must be a sale. The text of the bill contemplates that there shall be a purchaser, and there can not be a purchaser without a sale. I simply provide that there shall be a sale, and then that they shall—

> Issue to any purchaser of such property a deed, which shall have the effect to convey and vest in such purchaser all the right, title, and estate of all persons whomsoever claiming an interest in said property, except as hereinafter provided.

Then follows the proviso. Now, if you are going to issue to the purchaser a deed—and that is the language—how are you going to issue it unless there is a sale by the Commissioners to such purchaser?

Mr. HULICK. I see the suggestion of the gentleman——

Mr. RICHARDSON. The gentleman says he does not wish the sale to be private. Why should it not be private? They have complied with all the terms. They have advertised the property two years before. They have bid it in on behalf of the District of Columbia. Nobody has come to redeem it. Nobody has claimed it. No heirs, no legatees, no distributees, nobody claiming the property. What is the District going to do with it? If they advertise it and sell it; why, then, they have to bid it in again, and they would be exactly in the same attitude. After paying costs, and paying for the advertisement, and paying all the expenses incident to the sale, they would be sitting there with the property on their hands and have to wait two years more for redemption. Now, they ought to be authorized, it seems to me, to sell it, and not to sell it publicly, because there might not appear any purchaser; but if they can find anybody, publicly or privately, who will take it off their hands, pay all the back taxes, take their title to it, in accordance with the proviso which is there, it seems to me they ought to be allowed to sell it.

Mr. HULICK. I think I apprehend the gentleman's suggestion, but I do not think that the Committee on the District of Columbia, and I do not believe that the Committee of the Whole, would be willing to place the power in the hands of the Commissioners of the District after they had failed to make a public sale to sell it at private sale to anybody for the taxes, when the property might be worth $10,000 or $50,000.

Mr. RICHARDSON. I get the point. Now, I ask the gentleman, what would be the harm in their putting it up at private sale? If they put it up at public sale and somebody bids it in for that very amount—that is, the accumulated taxes and costs and expenses of the sale—he would be in favor of selling it to that bidder publicly. Now, if you would do that publicly, what is the harm in the Commissioners of the District selling it privately, without incurring any additional cost?

Mr. HULICK. There might be no harm. But I do not want to put it within the power of the Commissioners of this District to have the appearance of evil or the appearance of harm, and I would not be in favor of letting the Commissioners sell property worth perhaps $50,000 or $100,000 for the taxes, at private sale, and I do not think the committee would have reported in favor of that.

Mr. RICHARDSON. Well, now——

Mr. HULICK. One moment. Let me answer the questions already suggested by the gentleman. I think this bill did not intend anything of that kind, although I admit that the language is not as clear——

Mr. RICHARDSON. I was going to ask you what you propose to do with it?

Mr. HULICK. I think the gentleman is mistaken when he says that there will be no purchaser. Of course, if there is no purchaser at the public sale, the Commissioners would have no one to give the deed to. The property would then be returned, would still be delinquent on the tax duplicate, subject to the operation of this statute at the next public sale which would be held under the provisions of the statute.

Mr. RICHARDSON. Now, what I want to ask——

Mr. HULICK. Now, one moment, please. I think the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from New Hampshire [Mr. BAKER] called my attention to the same point. I think gentlemen do not properly comprehend this language. As I said before, it is not as clear, possibly, as it should be.

Now, let me see whether we have not got a purchaser in this:

> And if within two years thereafter—

That is, after the property has been bid off. I will read—

> But the property so bid off——

Mr. RICHARDSON. By the District Commissioners.

Mr. HULICK (continuing)—

> shall not be exempted from assessment and taxation.

Mr. RICHARDSON. That is, bid off by the Commissioners?

Mr. HULICK. Yes.

Mr. RICHARDSON. Go ahead.

Mr. HULICK (continuing):

> But shall be assessed or taxed as other property; and if within two years thereafter such property is not redeemed by the owner or owners thereof, or their legal representatives, by the payment of the taxes, penalties, and costs due at the time of the sale, and that may have accrued on said after that date, and 10 per cent per annum thereon, or if any property two years after having been so bid off at any sale in the name of the said District, under this or any other law, whether heretofore or hereafter made, is not or has not been so redeemed as aforesaid, unless it be shown that the sale for taxes was irregular and void, then the Commissioners of the District or their successors shall, in the name of and on behalf of the District of Columbia, issue to any purchaser——

Mr. RICHARDSON. Who is the purchaser under that? How are you going to get a purchaser?

Mr. WILLIAM A. STONE. Let me suggest that under the language they can sell it at private sale.

Mr. RICHARDSON. A little louder.

Mr. WILLIAM A. STONE. I say that under the law as it now stands the property bid off in the name of the District of Columbia can be sold at private sale.

Mr. RICHARDSON. Undoubtedly.

Mr. HULICK. The gentleman has not read quite far enough.

Mr. RICHARDSON. I think I have. Read on, and let us see.

Mr. HULICK (reading):

> Then the Commissioners of the District of Columbia, or their successors, shall, in the name of and on behalf of the District of Columbia, issue to any purchaser of such property a deed which shall have the effect to convey and vest in such purchaser all the right, title, and estate of all persons whomsoever claiming an interest in said property, except as hereinafter provided.

Mr. RICHARDSON. That is right. Then the proviso.

Mr. HULICK. Then there is the proviso. Now, it occurs to me that if that is the thought on the part of the gentleman—and it possibly may have that construction placed upon the language here—it was not the intention of the Commissioners to have it so provided.

Mr. RICHARDSON. Now, your language there—the original text—you will not question, contemplates a sale, because it says the District Commissioners, having bid off this property and having paid the cost and expense upon it, must issue to the purchaser of it from them a deed. Now, then, I say that contemplates a sale. We agree on that. Now, the only controversy between us is whether you want that sale to be a public or a private sale. My amendment simply makes it plain by saying it may be either public or private in the discretion of the Commissioners. You object to its being a private sale, and I say that if you offer it publicly and it is bid off by them again, it is likely in this way to be offered every two years and nobody may come to redeem it, or nobody is an applicant for it, and you advertise it again and again. You simply go over and over the same operation every two years, except that you have incurred the additional cost of the publication of the second sale, and when that is made, the District Commissioners simply bid it off again and accrue additional increased cost upon the same property, and they get exactly the same title that they had before. Now, I want them to have the right to sell it—and you contemplate that in the text of the bill—and the only question is whether that sale should be public or private, and if they sell it privately there will be no more cost. They should be allowed to sell it in private if they can get a bidder. They can sell it privately without any cost and sell it with the same condition as contained here before the deed is issued—

> And before the deed is issued as herein mentioned, notice shall be published three times in two daily newspapers published in the District that a deed has been applied for.

That gives everybody notice to come forward and redeem it and pay off these extra costs and expenses and take the property, or we will give a deed to this private purchaser. It is not a private sale after all, because there has been this advertisement before they can give the deed. If there is a private sale, they must go ahead and readvertise the property before they can give the deed.

Mr. DOCKERY and Mr. BLUE rose.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. BLUE. If the gentleman from Ohio will permit me, I would like to make a suggestion to the gentleman from Tennessee.

The practice of a good many States of this Union does what this bill purports to do in regard to lands that are not bid off at the public sale. In other words, it provides that such lands shall be knocked off to the District. A further practice is, and the law is, for the State to hold that until some one comes forward and offers to take the certificate for it. Then the certificate is issued, and upon that, after the expiration of a certain time, a deed will issue.

Mr. RICHARDSON. Certainly.

Mr. BLUE. I think the gentleman from Tennessee is simply seeking by this amendment, not purposely I apprehend, but in fact, to add additional cost when he provides that no sale shall be required unless it be a private sale.

Mr. RICHARDSON. If the gentleman will notice the first section of this item, it provides for the very contingency suggested by the gentleman from Kansas; that is, that the purchaser takes the certificate of sale and waits his time, and then a deed is issued to him in two years, and he becomes the purchaser. But here is a case where the District bids it off, there being nobody who comes forward to take the certificate, and the two years having expired, it is sold two, three, or four times and nobody comes forward to take the certificate. Under the condition that the gentleman speaks of, this will have to be gone over each two years. There will be the same farce of bidding off this property at the expiration of two years, giving no possession of it to anybody, as nobody has come forward to take the certificate, but if anybody does come forward this provides that he shall take the deed. Now, then, this is simply permitting him to do so.

Mr. BLUE. If the gentleman from Tennessee will permit me, this as it is now authorizes the sale. It uses the word "property" instead of sale certificate, but I think it authorizes the sale to anyone who may come forward to take the property without additional expense of an advertisement.

Mr. RICHARDSON. That is what I am providing against—the additional expense of an advertisement. We do not want any additional expense for advertising. Lower down there is a proviso which says that as a further saving to everybody, after you have found the purchaser, before his property shall be taken from him for these unpaid taxes, a publication shall be made to the owner that you are going to give title and finally take his property from him for arrears of taxes.

Mr. BABCOCK. I believe, Mr. Chairman, that I can make this matter clear; at least I can try. I think the gentleman from Kansas [Mr. BLUE], the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Ohio [Mr. HULICK] do not clearly understand each other. All that the gentleman from Tennessee [Mr. RICHARDSON] seeks to do by his amendment is to authorize the Commissioners to sell at private sale the certificates of property bid in by them. That is the common practice everywhere throughout the country in almost every State of the Union. The gentleman from Tennessee proposes that any tax certificate that has been bid off by the District can be sold to anybody who goes in and offers to take the certificate, paying what it cost at the time of sale with accrued interest from that date. As I understand the gentleman from Tennessee, his position is that the bill is not clear as to the authority of the Commissioners to sell such certificates after they have bid them in. Certainly it is perfectly proper that they should sell those certificates at private sale, because that is common practice.

Mr. HULICK. Not in Ohio.

Mr. BABCOCK. After the property has been bid in by the county, they do not have to offer the certificates at public sale.

Mr. BLUE. It becomes a mere assignment of a certificate, then?

Mr. BABCOCK. That is all.

Mr. COX. Let us see how this will work practically. The property is advertised for sale and it is offered for sale and the Commissioners buy it in. They do not buy it in for themselves. They buy it in for the District. Therefore, the District is the purchaser. Now, why should we make any discrimination between the rights of the District of Columbia as the purchaser and the rights of any individual who might have bid off the property?

Mr. BABCOCK. That is a good idea.

Mr. RICHARDSON. But we make this exception, that before the title shall pass the Commissioners, lest they should do injustice to some heirs or other persons, must advertise to this effect: We have sold this property, we have found a purchaser, and unless you come forward within thirty days and pay up these taxes and costs we are going to foreclose you finally.

Mr. COX. That provision is for the advantage of the owner of the property.

Mr. RICHARDSON. Certainly.

Mr. DOCKERY. Mr. Chairman, let us have the amendment reported at this point.

The amendment was read, as follows:

> Page 5, line 2, after the word "Columbia" insert "advertise the sale of said property at public or private sale and."

Mr. WILLIAM A. STONE. Mr. Chairman, I move to strike out the last word.

Mr. HULICK. I believe I have the floor, Mr. Chairman, and I do not propose to yield it until I get through answering questions. I yielded to the gentleman from Tennessee to offer an amendment.

Mr. WILLIAM A. STONE. I think I have the floor, Mr. Chairman, as we are under the five-minute rule. I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. HULICK] is entitled to the floor.

Mr. HULICK. I call the attention of the gentleman from Tennessee to the amendment just read. I think the Clerk read it otherwise than as the gentleman intended it. The Clerk read it "at public or private sale," but I understood the gentleman from Tennessee to say "at private sale."

Mr. RICHARDSON. No; I would leave it to the discretion of the Commissioners whether they shall sell at public or at private sale. If they choose to sell at public sale, they have a right to do that, but they should also have the right to sell at private sale. Suppose they offer a piece of property for sale for unpaid taxes and nobody bids. These tax sales occur every one or two years, as I understand. Suppose that nobody bids on this piece of property and the Commissioners bid it in; unless we give them the right to sell it at private sale, they will be required to sit down and wait for one or for two years, until the time comes for another public sale, although they might perhaps have found a purchaser for the property who would have taken it off their hands the very next day after they had bid it in.

Mr. HULICK. I thought the gentleman proposed that the sale should be private only. But, Mr. Chairman, if that amendment is to be adopted, I wish to suggest that there are other sections in this bill that will have to be considered in connection with it.

Mr. WILLIAM A. STONE. A great many of them.

Mr. RICHARDSON. Will the gentleman suggest one?

Mr. WILLIAM A. STONE. I will, if I get a chance.

Mr. RICHARDSON. I was addressing the gentleman from Ohio.

Mr. HULICK. I want to call attention to section 4. In that section it is provided—

> That the owner or authorized agent of the owner of any property sold as aforesaid, or any other person having an interest therein at the time of sale, may redeem the same from such sale at any time within two years after the last day of sale by paying to the collector of taxes, for the use of the purchaser, his heirs and assigns, the sum mentioned in the certificate of sale therefor, with interest thereon at the rate of 15 per cent per annum after the date of such certificate of sale, together with any tax or assessment which the holder of said certificate shall have paid between the days of sale and redemption, with interest on the same at the rate of 10 per cent per annum.

Now, let us see what will be the practical operation of this. The statute up to this time has provided that there shall be a sale made after delinquency is asserted. When the Commissioners bid in the property, two years have to pass before they can make this private or public sale provided by the amendment. Then, under section 4, there will be two additional years, so that the parties in interest would still have the right to redeem for four years. Is it the intention to give them four years? I understand that the interpretation of the statute would give them two years for redemption after the public or private sale provided for by the amendment of the gentleman from Tennessee.

Mr. RICHARDSON. My amendment does not affect that question at all.

Mr. WILLIAM A. STONE. Mr. Chairman, the discussion upon this amendment establishes quite clearly the fact that this bill has not been properly considered. It is a bill which proposes to change the whole system of taxation in this District. It modifies or practically repeals the present system and establishes a new one. Now, there is no matter that directly affects so many people as the question of taxing property. And I find here two members of the committee unable to agree as to the construction of the bill which they have reported. It seems to me that this in itself is evidence that this measure, affecting so many people and so much property, ought to be more carefully considered before we are asked to make it a law.

The amendment which the gentleman from Tennessee proposes to insert, in the second line on the fifth page, seems to be necessary to give the Commissioners power to sell property previously bid in by them in the name of the District. There appears to be at present no power on the part of the Commissioners to dispose of property thus bid in by them; hence the amendment of the gentleman from Tennessee becomes important and essential, if this bill is to become a law. I find that the bill gives the Commissioners no such power.

Mr. RICHARDSON. Oh, yes; it does.

Mr. WILLIAM A. STONE. In what part?

Mr. RICHARDSON. If the gentleman will turn to page 5, he will find a provision that "the Commissioners of the District, or their successors, shall, in the name of and on behalf of the District of Columbia, issue to any purchaser of such property a deed." They could not issue that deed unless somebody purchased the property.

Mr. WILLIAM A. STONE. That is an implied power.

Mr. RICHARDSON. Certainly.

Mr. WILLIAM A. STONE. But when you undertake to give power to officials to sell real estate, the power should be specific.

Mr. RICHARDSON. That is the reason I have offered the amendment.

Mr. WILLIAM A. STONE. I so understand; and I say that the gentleman's amendment is important and ought to be adopted if the bill is to pass. But the purpose of the gentleman's amendment is to give to the Commissioners a power which they have not now under the law as it stands except by implication.

Mr. RICHARDSON. Well, that may be.

Mr. WILLIAM A. STONE. But I find other objections to the bill. For instance, on page 5, beginning at line 16, I find this language:

> *And provided also,* That minors or other persons under legal disability be allowed one year after attaining full age, or after the removal of such legal disability, to redeem the property so sold.

It seems to me, on a hasty examination of this clause, that the Commissioners might have to wait until an insane person had recovered his reason before they could dispose of the property.

Mr. HULICK. Would not that be right?

Mr. WILLIAM A. STONE. There are various other difficulties in this bill. When we undertake to pass a tax law the question should be approached with the greatest deliberation and caution. All possible difficulties should be foreseen and provided for.

Now, I do not know of any crying necessity for a change in the system of taxation in this District. I have very little personal interest in this matter—only to the extent of a very small lot which I own. But I should hesitate, without very careful consideration, to vote for a bill like this, which proposes to change in most essential particulars the existing system of taxation, and to authorize the Commissioners to sell real estate.

Mr. HULICK. Will the gentleman allow me a question?

Mr. WILLIAM A. STONE. Later on I will. It may be that there is an absolute necessity for a modification of the tax laws of this District.

Mr. BABCOCK. There is.

Mr. WILLIAM A. STONE. I have not heard of any such necessity. I have no doubt that gentlemen of the committee will be able to give the reasons for such a necessity if it exists. But I should like to see this committee agree upon some one paragraph of its bill.

Mr. HULICK. We are agreed upon all of them.

Mr. WILLIAM A. STONE. Then why come in here and disagree?

Mr. RICHARDSON. The gentleman from Ohio [Mr. HULICK] said that he did not understand my amendment.

Mr. WILLIAM A. STONE. I fully understand the gentleman's amendment.

Mr. RICHARDSON. But the gentleman from Ohio did not understand it.

Mr. WILLIAM A. STONE. The gentleman in charge of the bill stated that he did not understand that your amendment was necessary.

Mr. RICHARDSON. He does now understand its necessity.

Mr. HULICK. I did not understand that the word "public" was included in the amendment.

Mr. WILLIAM A. STONE. The amendment was read something like half a dozen times.

Now, sir, I fail to see the necessity of any change in the tax laws of this District. This bill proposes a radical, a sweeping change. It proposes to repeal the existing system of law on this subject. It seems that the attorney of the District recommends the bill, but I think in a matter of so much importance we ought to have more time to consider it.

Mr. FAIRCHILD. And also the Commissioners of the District.

Mr. WILLIAM A. STONE. Yes, sir; the Commissioners of the District. And I think that this committee ought to be able to come in here and present a bill without practically and radically disagreeing among themselves on its provisions.

Mr. HULICK. There is no disagreement whatever.

Mr. WILLIAM A. STONE. Well, what is the great necessity of passing the bill?

Mr. HULICK. Allow me to answer the gentleman. He has asserted that this bill has not received full consideration. The first bill, House bill 4149, was considered by the committee and reported at the last session. But an amendment having been suggested, as stated in this report, the Commissioners reviewed the matter, took it under further consideration, and sent us the bill which is now offered as a substitute. It has been fully considered by the assessor, by the attorney for the District, and by the Commissioners of the District, and it has been carefully considered by the District Committee and comes unanimously reported by the committee after a full and fair investigation. And I want to say further, if the gentleman will permit me, that the District of Columbia at the close of the last fiscal year, 1896, lost over $20,000 in taxes because the tax law as it is now is inefficient to return into the Treasury the money that was due for taxes. It could not be collected.

Mr. WILLIAM A. STONE. Is the gentleman's question concluded? [Laughter.] Now, let me answer the gentleman's question by asking another: What is the necessity for the legislation? Is it possible that the Commissioners of the District of Columbia are unable to collect taxes from anybody?

Mr. BABCOCK. Yes, it is.

Mr. BAKER of New Hampshire. Very nearly that.

Mr. HULICK. I will state, Mr. Chairman, in response to the gentleman from Pennsylvania, that that is very nearly the condition of affairs. Under the old law the deed given to the purchaser at a tax sale carried with it only the taxes for that year. They were resisted in many cases, in the case of McKay against some parties, and other cases that could be cited, and the courts decided that it passed title, clear of all incumbrance for taxes, and so the District lost the tax for that sale which had accumulated, and, as I have already said, the loss in the fiscal year 1896 was over $20,000 from the same causes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, I wish to make an inquiry. Are we operating under the five-minute rule?

The CHAIRMAN. The Chair so understands.

Mr. WILLIAM A. STONE. Should the four-minute question of the gentleman from Ohio be taken out of my time? [Laughter.]

Mr. HEPBURN. I move to strike out the last word for the purpose of making a suggestion to the gentleman in charge of the bill.

I wish to call his attention to the peculiar condition that may arise under the provisions of the bill. The purpose of the proposed legislation is to compel the payment of delinquent taxes. Under the present law, as I understand it, these delinquent taxes bear 1 per cent interest a month as a penalty for nonpayment. Under the provisions of this bill the party in default is entitled to a reconveyance of the land on payment of the taxes and 10 per cent interest thereon per annum. So that it will be to the advantage of a person who refuses the payment of his taxes to allow the land to go to sale, and then within the two years, or in the case of a disability such as that spoken of a little while ago, after even the period of ten or fifteen years, to come in and pay the 10 per cent penalty, for he will save 2 per cent on the taxes by allowing the property to go to sale.

Has the gentleman from Ohio considered that feature?

Mr. HULICK. I suggest to the gentleman that instead of 10 per cent penalty it is 15 per cent penalty in the first instance, and 10 per cent afterwards annually on the amount paid in for taxes, and the additional taxes that may be paid by the purchaser after the deed is given.

Mr. COX. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to another section that has not been discussed up to this time. I refer to section 6, which provides—

> That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was for any cause invalid and ineffectual to give title to the property sold; but they shall cancel the sale and cause the purchase money to be refunded to the purchaser, his representatives or assigns.

Now, you have constituted the Commissioners of the District, under that section, a judicial tribunal to try any question of title that may arise. Suppose you put up the property for sale, I become a purchaser in good faith, and offer to pay the taxes on the property, and the Commissioners decline to give me the title. They say, "There is a defect in the proceedings." Have you not, in other words, provided a way that the Commissioners themselves can destroy the effect of the legislation you are enacting? But suppose I insist that the proceeding is valid, and I have complied with the law; you make it conclusive upon me that the Commissioners can settle the question, and I have no say whatever. Am I mistaken in that?

Mr. HULICK. The Commissioners are given authority that, if they say the sale is ineffectual to pass title, by inadvertence or otherwise, it would not stand——

Mr. COX. But that is a judicial proceeding on their part.

Mr. HULICK (continuing). And under those circumstances they have a right to regulate or to cancel the sale. But suppose the purchaser did not agree in the conclusion of the Commissioners and says, "No; I will take the title as it is." The Commissioners say, "No; it is irregular and ineffectual to pass title." The remedy of the gentleman would be to go into court and have a writ of mandamus issued to compel the Commissioners to pass the title by issuing the deed, and under the operation of the law the court must so determine.

Mr. COX. Will the gentleman allow me to say right there that he has created a tribunal, in the persons of the Commissioners, to settle the very question. I know the gentleman is aware, from his knowledge of the law, that when you put the right to decide what is the law in a certain body of men no other body has the right to revise their decision.

Mr. HULICK. It must be for a cause invalid or ineffectual. If the Commissioners are mistaken in their judgment, the court can review and correct the mistake.

Mr. COX. I wish I could agree with you, but I do not agree with you.

Mr. RICHARDSON. Mr. Chairman, we are drifting away from the amendment which I have offered. Everybody agrees that that amendment ought to be adopted. I ask that the vote be taken on the pending amendment, and then we can take up the other objections that the gentleman makes.

Mr. WILLIAM A. STONE. Let me ask the gentleman from Tennessee one question. I noticed similar language on page 4, lines 24 and 25——

Mr. RICHARDSON. You are raising another question.

Mr. COX. Yes; we had better get them all up.

Mr. WILLIAM A. STONE. Speaking of the right to sell—

> Unless it shall be shown that the sale for taxes was irregular and void.

Mr. COX. Yes.

Mr. WILLIAM A. STONE. It does not say who is to decide whether the sale is irregular and void. Evidently the Commissioners may reconsider the whole thing.

Mr. COX. To whom are you going to show it?

Mr. WILLIAM A. STONE. That is the point. It is almost as difficult of comprehension as some of the provisions of the civil-service law. [Laughter.]

Mr. COX. And then in the sixth section you create a special tribunal; and the difficulty in the gentleman's mind, with all due respect to him, I think is this: You fix a tribunal to decide whether the sale is valid or invalid. When you do that there is no court which can mandamus that tribunal and make them do differently from their own conclusion.

Mr. WILLIAM A. STONE. There is no tribunal to fix that. It rests in the Commissioners.

Mr. COX. That is it.

Mr. RICHARDSON. Now I ask for a vote on the amendment which nobody objected to.

Mr. WILLIAM A. STONE. Nobody outside of the committee.

Mr. HULICK. Nobody inside the committee.

The amendment of Mr. RICHARDSON was agreed to.

The CHAIRMAN. The Chair will submit the committee amendment. The question now is on agreeing to the amendment submitted by the committee.

The amendment was agreed to.

Mr. BABCOCK. I move that the committee rise and report the bill favorably.

Mr. DOCKERY. Oh, no; I have another amendment or two.

Mr. BABCOCK. I withdraw the motion.

Mr. DOCKERY. I desire to offer an amendment to section 7, on page 7.

Mr. HEPBURN. I want to get in an amendment before that.

Mr. DOCKERY. All right. You go ahead.

Mr. HEPBURN. Mr. Chairman, I move to amend lines 2 and 3, on page 4, by striking out the words "until the contrary is proved."

As the section now reads, it says:

> And all proceedings prior to said deed shall be presumed to have been regular until the contrary is proved.

I want to strike out the latter words.

Mr. RICHARDSON. I do not object to that.

The question being taken on the amendment offered by Mr. HEPBURN to strike out the words "until the contrary is proved,"

Mr. HULICK demanded a division.

The committee divided; and there were—ayes 13, noes 1.

Accordingly the amendment was agreed to.

Mr. HEPBURN. Now, Mr. Speaker, I move to strike out the word "presumed," in line 2 on page 4, and insert in lieu thereof the word "held."

The Clerk read as follows:

> In line 2, page 4, strike out the word "presumed" and insert the word "held."

The amendment was agreed to.

Mr. WILLIAM A. STONE. Now, Mr. Chairman, I ought to offer an amendment, but I can not imagine one that would fit the case. Perhaps the gentleman in charge of the bill will help me out of the difficulty. On page 5, line 16, is the following:

> *And provided also,* That minors or other persons under legal disability be allowed one year after attaining full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their assigns, or from the District of Columbia, on payment of the amount of purchase money so paid therefor, with 10 per cent per annum interest thereon, as aforesaid, together with all taxes and assessments that have been paid thereon by the purchaser or his assigns, between the day of sale and the period of redemption, with 10 per cent per annum interest on the amount of such taxes and assessments.

Now, suppose the owner of property is insane, are you going to wait until he gets well?

Mr. HULICK. Would you take his property before he was restored?

Mr. WILLIAM A. STONE. Then you propose to give him a year after he becomes sane?

Mr. HULICK. Well, if he should die——

Mr. WILLIAM A. STONE. I simply want an explanation of it.

Mr. HULICK. The explanation is this: The committee did not wish, as we found in the statutes in almost all the States, that the disabilities, while they exist, should be a bar to the title becoming perfected in the purchaser under a tax sale. There is no charity for purchasers who have paid a hundredth or a thousandth part of the value of the property; and they take it subject to this condition. If they are buying the property that belongs to an insane person, they get the high penalties, the per annum penalties upon the investment.

Mr. WILLIAM A. STONE. What does the District get?

Mr. HULICK. The District gets the taxes, and the purchaser has to pay as long as he owns the property, until the insane person becomes sound or dies. If that be twenty years, the District gets the taxes in the meantime.

Mr. WILLIAM A. STONE. Suppose a man is insane and his property is sold, and he lives ten or fifteen years after that. The property is nonproducing. The property has not produced any revenue for the support of the District government, and when it is sold the party has to wait until he dies or gets well.

Mr. HULICK. That is an extreme case the gentleman is supposing. Of course it is not expected it would probably arise in one case out of a thousand instances.

Mr. WILLIAM A. STONE. There are a great many insane persons in the District, and a good many members of Congress buy property here.

Mr. HULICK. That might infer that there are a great many members of Congress who are insane.

Mr. WILLIAM A. STONE. I would not say that; but I ask, where are you going to get the revenue out of the property?

Mr. HULICK. What remedy have you in an extreme case like that? What would you suggest?

Mr. WILLIAM A. STONE. I believed that the committee, who have very thoroughly considered the matter, especially the lawyers on the committee, would be able to present the proper legislation.

Mr. BABCOCK. If the gentleman will permit me, I will state it makes no difference where the party is, whether he is insane or not, the District gets its taxes.

Mr. WILLIAM A. STONE. But when this is a public sale it goes into the hands of the District.

Mr. BABCOCK. If they do not pay the taxes, it will be sold for the taxes regardless of whether the party is in the asylum or not.

Mr. WILLIAM A. STONE. But the property sold is in the hands of the Commissioners.

Mr. BABCOCK. So far as the execution of the law is concerned, the insane party has no power over it, and the taxes for the next year are assessed, and it can be sold every year for taxes.

Mr. WILLIAM A. STONE. Your policy is to let the property remain in the Commissioners' hands, and the tax remain in the hands of the minor.

Mr. BABCOCK. This is simply for redemption.

Mr. RICHARDSON. If the gentleman will allow me for a moment, I think I can make it clear. Let us assume that the party owning this property has been dealt with as we contemplate down to this provision. Now, it turns out that that party is a minor. This bill provides in favor of the minor; that is to say, that his property will still remain subject to redemption, notwithstanding all the preliminary steps have been taken, for one year after the disability is removed, and he has become of age. Now, there can be no objection to that, because that is definitely fixed. There is no court, I venture to say, that will give a deed to take the property of a minor for tax without allowing that minor an opportunity to redeem that property after the disability has been removed. Now, then, that does not seem to be the difficulty in the way of the gentleman. The difficulty is that somebody is insane. If there be such a person whose property has been sold under the conditions that we contemplate down to this stage of the bill, what is the effect? The District Commissioners sell the property at public or private sale, as we have provided, and execute a deed after giving thirty days' notice that they will do so. Let us assume that Mr. Smith is the purchaser of that insane person's property under this condition.

Mr. WILLIAM A. STONE. That is, where the Commissioners have sold the title which they have?

Mr. RICHARDSON (continuing). And he takes the title.

Mr. WILLIAM A. STONE. That is, where the Commissioners have sold the title which they have bought?

Mr. RICHARDSON. And after they have sold it, if it belonged to an insane person, the provision is that until that disability is removed the insane person can have the right to redeem the property; and, as suggested by the gentleman from Ohio [Mr. HULICK] on the committee, that is right and proper, because if Mr. Smith goes forward and purchases property for taxes worth fifty or a hundred times as much as he pays for it, he does so with full knowledge that he is buying the property of an insane person, and that that insane person when the disability is removed has the right to come forward and do what? Redeem his property by paying him what he has paid on this insane person's property and all the penalties and costs additional. That is the law as it is now in several of the States.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RICHARDSON. I thought I had the floor. Then I will take the floor in my own right, and having taken the time of the gentleman, after a statement I will yield to the gentleman from Pennsylvania.

Mr. WILLIAM A. STONE. I simply want to ask the gentleman a question. In the meantime, in the case which you have supposed, there is no tax or revenue from this property. Who will purchase property in that condition?

Mr. RICHARDSON. Now, then, I assume that Mr. Smith becomes the purchaser at this sale, and nobody having come forward, after the conditions have been complied with he takes the title to this property. That property is assessed, in either event, for next year's taxes, and he pays for the first year, the second year, the third, and the fourth, and he pays the taxes until after the insane man, having recovered, comes forward and redeems the property. Before he can redeem he must pay the back taxes and pay also the taxes that Mr. Smith, the purchaser, has paid each year.

Mr. WILLIAM A. STONE. The gentleman is imagining two insane persons, the one who owns the property and the man who is insane enough to buy it under such conditions. [Laughter.]

Mr. RICHARDSON. If nobody is insane enough to buy it, then the property will remain in the hands of the Commissioners.

Mr. WILLIAM A. STONE. And there will be no taxes collected upon it.

Mr. RICHARDSON. Well, what is the gentleman's remedy for collecting the taxes of an insane person?

Mr. WILLIAM A. STONE. I would not presume to suggest a remedy in the face of the statement that this bill has received more careful consideration than any other measure reported by this committee. [Laughter.]

Mr. RICHARDSON. Well, Mr. Chairman, to be serious about it, there is a necessity for this bill. The Commissioners say that it will relieve them greatly; the assessors say the same thing; the District attorney favors it; the District Committee thinks it is a good bill; and, while it may not be perfect, we venture the statement here that it is a very great improvement on the existing law. Therefore, having done the best we can, we ask that the bill be put upon its passage unless some other gentleman has an amendment that he desires to offer.

Mr. HEPBURN. Mr. Chairman, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

> After the word "regular," in line 2, page 4, insert the words "and no deed shall be set aside except on proof of fraud or that no tax was due at the date of the sale."

Mr. COX. If the gentleman will refer to section 6, he will find the principle settled there that the very foundation of the deed lies in the decision of the Commissioners. Now, when they pass upon the question and decide that it is a valid deed, how is the other party going to get into any court to have that action revised or reversed?

Mr. HEPBURN. Mr. Chairman, I think the gentleman has not read section 6 carefully. It provides—

> That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was, for any cause, invalid and ineffectual to give title to the property sold.

That is all.

Mr. COX. That is, if they discover that there is a defect in the sale, they shall so decide and refuse to convey the property? Now, will not that be a judicial decision?

Mr. HEPBURN. No; but there may be defects in it that they do not discover. They are prohibited by this section only when they do discover defects in the sale.

Mr. RICHARDSON. I think that provision is only directory, and that the action of the Commissioners would be subject to review.

Mr. COX. It is not directory.

Mr. HULICK. Mr. Chairman, I do not object to the amendment of the gentleman from Iowa.

The amendment of Mr. HEPBURN was agreed to.

Mr. DOCKERY. Mr. Chairman, I move to amend section 7, page 7, line 17, by adding after the word "dollar" the words "and twenty cents."

Mr. HULICK. Mr. Chairman, I do not know that I have any objection to that amendment, but I can not see any reason for it.

Mr. DOCKERY. That is the price that is now fixed by law, and it is necessary in order to reimburse the District treasury.

The amendment was agreed to.

Mr. DOCKERY. Mr. Chairman, I offer a further amendment.

The amendment was read, as follow:

Strike out all after the word "of," in line 19, section 7, to the word "up," in the same line, and insert "two clerks at the rate of $1,200 per annum each;" so that it will read "a sum sufficient to pay the salaries of two clerks at the rate of $1,200 per annum each."

Mr. HULICK. The gentleman will remember that in the first section of the bill, at his suggestion, a provision for two clerks at an annual salary of $1,200 each was stricken out, and the Commissioners were authorized to appoint sufficient clerical force.

Mr. DOCKERY. Yes.

Mr. HULICK. Then why do you now propose this amendment?

Mr. DOCKERY. For the reason that it is necessary to provide for carrying forward this work until the regular appropriation bill shall become available, on the 1st of July.

Mr. HULICK. Then why not use here the language you suggested before and say "sufficient clerical force"?

Mr. DOCKERY. In that case you would have to insert the amount, $700 or $800.

Mr. HULICK. You might put it in that way.

Mr. DOCKERY. We might make an appropriation of $700 to pay the salaries of clerks up to the beginning of the next fiscal year, but I think the amendment I have proposed will accomplish the object quite as well.

Mr. BABCOCK. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, from the Committee of the Whole, reported that they had had under consideration bills of the following titles and had directed him to report them severally to the House with recommendations, as follows:

A bill (H. R. 8010) to authorize a survey for the construction of a bridge across the Eastern Branch of the Potomac River, etc.—with the recommendation that it do pass.

A bill (H. R. 8499)—with the recommendation that as amended it do pass.

A bill (H. R. 4149)—with the recommendation that it lie on the table.

DISTRICT BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole with amendments, were taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward; and

A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the two bills last named were passed was laid on the table.

By unanimous consent, the bill (H. R. 4149) relating to tax sales was laid on the table.

GEORGE W. WATSON.

Mr. BABCOCK. I call up for consideration the bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia.

The bill was read, as follows:

Whereas George W. Watson, of Washington, in the District of Columbia, on or about October 2, 1871, purchased of one Samuel Cross lots 7 and 8, in square 906, in Washington, in the District of Columbia, paying for the same in full and receiving a deed in fee simple therefor from said Samuel Cross and wife; and said George W. Watson, ever since the purchase of said premises in 1871, has been in possession thereof and occupying the same with his family as his home; and

Whereas the said George W. Watson, and those under whom he claims title to said property, have had peaceable and uninterrupted possession of the same from time immemorial, and since before the laying out of the city of Washington, and have a continuous record chain of title to the same by deeds in fee simple from December 4, 1822; but prior to the year 1822 the title thereto is in the United States, and by some inadvertence the conveyance thereof to one William Prout, who conveyed the same in 1822 to one William Jones, through whom said Watson and his grantors claim title, was never placed on record and has become lost, and therefore, notwithstanding said long occupancy by said Watson and his grantors for a period of more than seventy-three years, a cloud rests upon said title; and

Whereas said Watson has become advanced in years and is infirm, having been confined for six months as a prisoner of war, wounded three times, and lost a leg near the hip in battles as a Union soldier during a service in the Federal armies from the spring of 1861 to November 14, 1864, when he was discharged on account of loss of leg near the hip; said property is his home and all that he has, and by reason of said ancient cloud upon said title he can not sell or borrow money on the same. He purchased the same in good faith, and did not learn of said cloud until long after he had bought and paid therefor: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby quitclaims and releases in favor of George W. Watson, his heirs and assigns, any and all claim or title which they, the said United States, have in or to lots Nos. 7 and 8, in square No. 906, situate in the city of Washington, District of Columbia.

The amendments reported by the committee were read, as follows:

Strike out all of the preamble that follows the title, down to line 1.

In line 3, substitute for the words "quitclaims and releases" the words "quitclaim and release."

Mr. SHANNON. Mr. Speaker, I ask the reading of the report accompanying this bill, which will, I think, give the House all the information necessary.

The report (by Mr. SHANNON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia, submit the following report:

In accordance with the provisions of the act of Congress of July 16, 1790, three commissioners were appointed by the President to lay out the city of Washington, and in 1791, in consideration of the great benefit they expected to derive from having the Federal city upon their lands, the original proprietors donated to the United States certain lots in each square.

The first mention found in the records of the square referred to in H. R. 4279 is under the date of December 3, 1794. It is there designated as bounded by certain streets and squares. The lots in this square were not then numbered, but by a verbal agreement made afterwards certain portions of the square were to be donated to the United States by the proprietors. In 1809 this agreement was carried into effect, and the square numbered 906 was then for the first time subdivided into lots, and among those donated and assigned to the United States were the two lots mentioned in this bill, numbered 7 and 8.

This is the first clear record we have of these lots, and here we find them assigned to the United States.

In October, 1871, George W. Watson purchased these lots, after having had the records carefully searched, and after being furnished with an abstract of title certifying that the same was good and sufficient. Three years later, in 1874, he learned for the first time that there was a possibility that his title to the lots was not good, since an entry had been found in some of the earlier records showing that the lots had been assigned to the United States in 1809.

Another more careful investigation of the records was then made, and the title was easily traced back to 1822, showing that the owner of the lots at that time was William Prout, one of the original proprietors. Continuing the search, nothing further was found till, under the date of August 4, 1809, it was discovered that the same William Prout had assigned these lots to the United States.

Thus it appears that William Prout first assigned these lots to the United States in 1809, and again assigned them to other parties in 1822; that the lots have remained ever since in the hands of private parties, having been sold and transferred again and again, the parties in possession continuing to pay taxes on them to the Government down to the present time, a period of seventy-five years, and that the United States have never asserted any title whatever to the property and do not to-day. The published reports of the Government officials in charge of the public grounds do not include square 906 among the properties enumerated as belonging to the United States.

The only reasonable explanation of the discrepancy in the earlier records regarding the title of these lots is that they were reassigned by the United States to William Prout some time after 1809, and before 1822, when, as stated, he assigned them a second time; and as it is a well-authenticated fact that many of the records of titles in the District of Columbia were destroyed by fire about the year 1814, it need not be surprising that positive proof of such reassignment is wanting. Such records as do exist, however, of that early period in the history of the city, show clearly that there were many reassignments of lots between the original proprietors and the Government before the final division of the squares and lots was arranged to the mutual satisfaction of both parties.

In view of the peculiar facts surrounding this case, the committee are unanimously of the opinion that the relief asked for in this bill should be granted. In their judgment the facts that the purchase of these lots was undoubtedly made in perfect good faith; that improvements have been made upon them; that taxes have been paid upon them to the United States for a continuous period of seventy-five years, and that this long possession and occupancy by the purchasers was never questioned or opposed, constitute considerations of sufficient merit to justify the passage of the measure.

The committee therefore recommend the passage of H. R. 4279 with the following amendments:

Strike out all of the preamble that follows after the title down to line 1.

In line 3 substitute in place of the words "quitclaims and releases" the words "quitclaim and release."

Mr. SHANNON. Mr. Speaker, as stated in the report which has just been read, George W. Watson and those under whom he claims title to these lots have had peaceable and uninterrupted possession of the same for the period of seventy-five years; that is, the records show a continuous, unbroken chain of title since the year 1822, when William Prout, one of the original proprietors of the lands on which the city of Washington was founded, conveyed this property to one William Jones. And if the earlier record of 1808, referred to in the report, only showed an assignment to a private individual instead of to the United States there would of course be no necessity for the relief which Mr. Watson seeks under this bill. As it is, however, the cloud resting upon his title makes it impossible for him either to sell or negotiate a loan upon the property—a very great hardship, indeed, considering that all he has in the world has been invested in these lots and the improvements made upon them.

There are numerous precedents which may be cited showing that Congress has frequently granted relief in cases exactly similar; but I will only refer to one, since the report which accompanied the bill in that case speaks of the destruction by fire in 1814 of the records of titles in the District. As it is very short, I ask for the reading in my time of Report No. 4016, accompanying H. R. 10991, which passed the Forty-ninth Congress.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred House bill 10991, submit the following report:

There is a defect in the record title of the lot mentioned in the bill because of the fact that the records of titles in the District were destroyed by fire about the year 1814.

The persons whose relief is contemplated by this bill have paid the taxes on the property for more than thirty years, and are clearly entitled to the same; and as the United States has no just claim, your committee report the bill back to the House, with the recommendation that it do pass.

Mr. SHANNON. I desire to say further, Mr. Speaker, that the bill now before the House was referred to the Commissioners of the District and by them referred to the District attorney for examination and report. That report finds the facts to be substantially the same as set forth in the report of the committee, and recommends the bill to the favorable consideration of Congress. I ask that the report be read in my time for the information of the House.

The Clerk read as follows:

OFFICE OF THE ATTORNEY DISTRICT OF COLUMBIA,
Washington, February 8, 1896.

GENTLEMEN: I have examined House bill 4279 (Fifty-fourth Congress, first session) to cure the title to certain real estate in the District of Columbia, which you referred to me for examination and report.

From an abstract of title to lots 7 and 8 in square 906 in Washington City, prepared by Mr. J. T. Cull, a member of the bar, and one of our leading examiners, it appears that in the division between the United States and the original proprietors, these lots were assigned to the United States; that in 1822 William Prout, one of the original proprietors, made a ninety-nine year lease of part of lot 8, which was afterwards assented to by the other original proprietors. This would seem to indicate that the lots were reassigned by the United States to the original proprietors. From 1822 down to the present these lots appear to have been dealt with as private property. They have been assessed for taxes in the name of private individuals, and the United States does not appear to have ever asserted any claim to them.

As no statute of limitations bars the United States, and so far as the record is concerned the legal title to these lots is in the United States, it is necessary, in order to perfect Mr. Watson's title, to have the United States either release its claim, or disclaim any interest in the property.

The history of the title as shown by the above abstract bears out the statement in the preamble to the bill.

I see no objection to the passage of the bill, and for that reason, I think it is entitled to your favorable consideration. The bill is herewith returned.

Very respectfully,

S. T. THOMAS,
Attorney District of Columbia.

Hon. COMMISSIONERS, ETC.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the last vote was laid on the table.

WASHINGTON AND GLEN ECHO RAILROAD.

Mr. BABCOCK. I call up the bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

The bill was read, as follows:

Be it enacted, etc., That the Washington and Glen Echo Railroad Company, a corporation organized under the laws of the State of Maryland and operating a street railway in said State, the eastern terminus being at or near the northern boundary of the District of Columbia in Chevy Chase, be, and said corporation is hereby, authorized and empowered to obtain a right of way and construct its road and lay double tracks thereon into the District of Columbia a distance of 600 feet, and no farther, from the point in the boundary line of the District where said railway extended crosses the boundary line of the District and from said point on a line across the Columbia boulevard, thence on private property to a point in Connecticut avenue extended, on a route to be approved by the Commissioners of the District of Columbia, said corporation to have full power and authority to operate cars upon said road for the purpose of its traffic; said corporation to use electric motive power in propelling its cars.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

TELEGRAPHIC AND ELECTRIC-LIGHT FACILITIES.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, District of Columbia, during the inaugural ceremonies on the 4th day of March, 1897.

The joint resolution was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the extension of overhead wires into the Pension building and to such other points as shall be deemed suitable and convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1897.

Mr. BABCOCK. I ask a vote on the resolution.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BUILDING FOR DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. BABCOCK. Mr. Speaker, I desire to say that I have in my hand House bill No. 10023, being a bill setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, which was reported by the Committee on Public Buildings and Grounds, but by an error was placed upon the Calendar as having been reported by the Committee on the District of Columbia. It is a bill that might properly have been considered by either committee, and I am requested by the gentleman in charge of that bill to call it up, as it is on the Calendar reported from this committee.

I ask for the consideration of the bill, and move that the House resolve itself into Committee of the Whole to consider it.

Mr. DOCKERY. I reserve the point of order.

The SPEAKER. The Chair will examine the rule and see whether under the circumstances it is broad enough to cover the motion of the gentleman from Wisconsin. What was the gentleman's statement?

Mr. BABCOCK. It is, Mr. Speaker, that the bill is on the Calendar as having been reported from the Committee on the District of Columbia, but, as a matter of fact, it was reported by the Committee on Public Buildings and Grounds.

Mr. DOCKERY. Mr. Speaker, I make the point of order that this bill was not reported by the Committee on the District of Columbia, and is not in order under the rule.

The SPEAKER. The Chair thinks it is not in order, but will examine the rule.

Mr. STEELE. Why, Mr. Speaker, if they can call up a bill reported from the Committee on Public Buildings and Grounds, they might call up one reported from the Military Committee or any other committee.

The SPEAKER. The Chair wants to see how broad the language of the rule is.

Mr. BABCOCK. This is a matter, as I have already said, that might come before either committee.

Mr. STEELE. But it did not.

The SPEAKER. The Chair thinks the rule applies exclusively to business reported by the Committee on the District of Columbia.

Mr. MORSE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORSE. Is it in order to ask unanimous consent to consider this bill?

Mr. STEELE. What is the purpose of the building?

Mr. MORSE. Mr. Speaker, I ask the House to indulge me a word of explanation of this bill. This measure is asked for by the National Society of the Daughters of the American Revolution. As I understand it, they propose to erect in this city a memorial building, to cost, if I remember rightly, something like $200,000. Part of this money has already been raised. All they ask of the Government is to donate to them a site for the building. The bill, as you see, is carefully drawn, and the land reverts to the Government in the event it should ever cease to be used for the patriotic purposes indicated in the bill. The building is to be a museum of antiquities connected with the American Revolution, and to contain a hall for the meeting of this patriotic society. The land asked for is unimproved land, near the Bureau of Engraving and Printing.

The building, Mr. Speaker, will be an architectural ornament to the city, as well as a memorial to the men and women of that far-off time who laid here broad and deep the foundations of civil and religious liberty; a building to tell to coming generations that the Daughters of the American Revolution are not ungrateful or unmindful of the valor and patriotism of the men and women who founded this Government. Mr. Speaker, I can not conceive that any gentleman could object to the use of public land in this capital city for such a patriotic purpose.

I hope the gentleman will withdraw his objection and give to the House an opportunity to consider this bill.

Mr. BLUE. Mr. Speaker, I am opposed to the use of our public parks for any other purpose than that for which they were originally set aside, and I therefore object.

Mr. MORSE. But this is not a park. It is only a piece of unoccupied and unimproved ground down near the Bureau of Engraving and Printing.

Mr. BLUE. It is a part of a public space intended for a very different purpose.

The SPEAKER. The Chair will submit the proposition formally to the House. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLUE. I object.

Mr. MORSE. These Daughters of the American Revolution will get after you for objecting to their bill.

Mr. BABCOCK. The Committee on the District of Columbia has no further business to present to-day.

CANALS BETWEEN THE GREAT LAKES AND THE OCEAN.

The SPEAKER laid before the House the following message from the President of the United States; which was read by the Clerk:

To the Senate and House of Representatives:

I transmit herewith the report of Messrs. James B. Angell, of Michigan; John E. Russell, of Massachusetts, and Lyman E. Cooley, of Illinois, who were appointed commissioners, under the authority of a law passed March 2, 1895, to make inquiry and report, after conference with such similar commissioners as might be appointed on behalf of Great Britain or the Dominion of Canada, concerning the feasibility of the construction of such canals as will enable vessels engaged in ocean commerce to pass between the Great Lakes and the Atlantic Ocean, and the most convenient location and probable cost of such canals, together with other facts and information in said act specified relating to their construction and use.

The Commissioners have prosecuted the work assigned them with great zeal and intelligence, resulting in the collection of a mass of information embodied in their report and its accompanying exhibits which is of great importance and interest as related to the project subjected to their examination.

The advantages of direct and unbroken water transportation of the products of our Western States and Territories from convenient points of shipment to our seaboard ports are plainly palpable. The report of the Commissioners contains, in my opinion, demonstration of the feasibility of securing such transportation, and gives ground for the anticipation that better and more uninterrupted commerce, through the plan suggested, between the great West and foreign ports, with the increase of national prosperity which must follow in its train, will not long escape American enterprise and activity.

It will be observed that the report of the Commissioners, though as comprehensive as the time and facilities at their disposal permitted, does not definitely deal with the cost of the work they were called upon to consider, and omits some of the other details related to it. Thus far they have labored without compensation, and a part of the small sum appropriated for the payment of their expenses still remains unexpended.

I suggest to the Congress the propriety of making economical provision for such further prosecution of their work as will more fully develop the information necessary to an exact and complete understanding of this interesting and important subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 18, 1897.*

The message, with the accompanying documents, was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

CONTESTED-ELECTION CASE—YOST VS. TUCKER, TENTH DISTRICT OF VIRGINIA.

Mr. McCALL of Massachusetts. Mr. Speaker, I desire to give notice that on Wednesday, after the reading of the Journal, I shall call up the contested-election case of Yost *vs.* Tucker, from the Tenth district of Virginia.

Mr. WILLIAM A. STONE. May I ask the gentleman when that case was reported?

Mr. McCALL of Massachusetts. The case was reported near the end of the session last summer.

Mr. WILLIAM A. STONE. What was the report in that case?

Mr. McCALL of Massachusetts. The report of the majority was in favor of the sitting member, Mr. TUCKER.

Mr. WILLIAM A. STONE. How many of these cases does the committee intend to call up that have not been disposed of?

Mr. McCALL of Massachusetts. That is the only case from the committee of which I am a member that has not been disposed of. There is, however, one other case from Virginia, which will be a short case.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWELL, for ten days, on account of sickness.

To Mr. TRUMAN H. ALDRICH, for six days, on account of important business.

To Mr. GOODWYN, indefinitely, on account of important business.

To Mr. McMILLIN, for one week.

To Mr. SPENCER, for ten days, on account of important business.

To Mr. LINNEY, for seven days, on account of important business.

And then, on motion of Mr. PAYNE (at 4 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of the Deep Water Ways Commission, transmitting a report of Deep Water Ways Commission at Detroit, Mich., December 18-22, 1896—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Abner T. Fuller and Samuel W. Carson, administrators, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting its report for the year ending December 31, 1896—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEIKLEJOHN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3328) entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes,'" reported the same with amendment, accompanied by a report (No. 2540); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported the same with amendment, accompanied by a report (No. 2541); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SCRANTON, from the Committee on the Territories, to which was referred the bill of the Senate (S. 2555) entitled "An act to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes, reported the same without amendment, accompanied by a report (No. 2544); which said bill and report were referred to the House Calendar.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9861) for the erection of a public building at Lockport, N. Y., reported the same with amendment, accompanied by a report (No. 2545); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge, reported the same without amendment, accompanied by a report (No. 2546); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 5388) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews, reported the same without amendment, accompanied by a report (No. 2547); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill (H. R. 2070) for the relief of George W. Spencer, reported the same (Report No. 2542); which said bill and report were referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 9874) granting an honorable discharge to William Miller—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

Petition of the Wisconsin National Guard Association, favoring the reorganization of the National Guard and Militia of the United States—Committee on Military Affairs discharged, and referred to the Committee on the Militia.

Petition of the National Guard of Wisconsin unanimously adopted in Milwaukee January 8, 1897, in support of Senate bill 2849, to promote the efficiency of the militia—Committee on Military Affairs discharged, and referred to the Committee on the Militia.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOW: A bill (H. R. 10034) to supplement and amend an act entitled "An act for the erection of a new custom-house in the city of New York, and for other purposes," approved March 3, 1891—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 10035) to amend the pension laws—to the Committee on Invalid Pensions.

By Mr. KIEFER: A bill (H. R. 10036) to incorporate the National Grand Lodge of the Order of the Sons of Hermann—to the Committee on the District of Columbia.

By Mr. BELL of Colorado: A bill (H. R. 10037) ceding the Sugar Loaf Reservoir site, in Lake County, Colo., to the State of Colorado—to the Committee on the Public Lands.

By Mr. McCORMICK: A bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 10039) granting the right to erect dams to Thurston H. Allen and others—to the Committee on Interstate and Foreign Commerce.

By Mr. HUTCHESON: A bill (H. R. 10057) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., and through the ship channel up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor—to the Committee on Rivers and Harbors.

By Mr. FISCHER: A joint resolution (H. Res. 233) directing the Secretary of War to submit estimates for work upon the channels in Jamaica and Canarsie bays—to the Committee on Rivers and Harbors.

By Mr. PERKINS: A joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey—to the Committee on Printing.

By Mr. WASHINGTON: A joint resolution (H. Res. 235) to provide for the expenses of the Tennessee centennial commissioners from the District of Columbia—to the Committee on Appropriations.

By Mr. McCORMICK: A resolution (House Res. No. 495) relative to the widening and deepening the channel of the East River on the eastern side, at Ravenswood, Long Island, N. Y., at or near Rainey's cofferdam—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 10040) granting an increase of pension to George W. Ferree—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 10041) granting a pension to Malinda Draper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10042) granting a pension to Florence E. Wilber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10043) removing charge of desertion from the record of Reuben Randall—to the Committee on Military Affairs.

Also, a bill (H. R. 10044) granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10045) granting a pension to John A. Reeds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10046) removing charge of desertion from record of Abraham W. Crawford—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: A bill (H. R. 10047) for the relief of the Globe Iron Works, of Cleveland, Ohio—to the Committee on Claims.

By Mr. COX: A bill (H. R. 10048) for the relief of the estate of J. E. Brennan, deceased, late of Nashville, Tenn.—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 10049) granting a pension to Nicholas C. Wilson, of Braxton County, W. Va.—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 10050) for the relief of Louis Hubitz—to the Committee on Military Affairs.

Also, a bill (H. R. 10051) for the relief of John Conway—to the Committee on Military Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 10052) for the relief of Alexander Sutherland—to the Committee on Military Affairs.

By Mr. MILES: A bill (H. R. 10053) granting a pension to Leah Jones, widow of John Jones—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 10054) granting an increase of pension to Laura Sprigg Foster—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10055) to correct the military record of Edwin T. Leach—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 10056) granting a pension to Martha A. Crooker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of soldiers of Dolores County, Colo., in support of House bill No. 9203, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. BLUE: Papers accompanying House bill granting a pension to Florence E. Wilber—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Malinda Draper—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John A. Reeds—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of desertion against Reuben Randall—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of Abraham W. Crawford—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: Resolution of the Lake Carriers' Association, in regard to gas buoys on the Great Lakes—to the Committee on Appropriations.

By Mr. DALZELL: Petition of J. P. Henderson and others, of Pittsburg, Pa., praying for favorable action on House bill No. 4566, relating to mail matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By. Mr. DOVENER: Petition of N. W. Lloyd and 19 other citizens of Braxton County, W. Va., asking the passage of a special act to pension Nicholas C. Wilson—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Rachel P. Leys, Joseph Foulke, M. D., and others, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, relating to second-class mail matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Resolution of the Pastoral Association of Evansville, Ind., praying for the passage of legislation of various kinds—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of H. Catley, captain, United States Army, retired, of Syracuse, N. Y., in relation to Senate bill for the readjustment of the accounts of certain army officers, and as relating to his military record—to the Committee on Military Affairs

By Mr. LACEY: Petition of Rev. Fred Arnfort and others, of Keokuk, Iowa; also petition of Mary L. Allen and others, of Richland, Iowa, praying for protection from intoxicating liquors in the Territory of Alaska—to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLE: Petition of John B. Bruno, Elizabeth Vraux, and Mary Moose, of the Citizens band of Pottowatomie Indians, of Pottowatomie County, Okla., relating to land patents under act of May 23, 1872—to the Committee on Indian Affairs.

By Mr. OTJEN: Resolution of officers of the Wisconsin National Guard, favoring the passage of Senate bill No. 1169, entitled "An act authorizing the Secretary of War to issue Springfield rifles to each State and Territory, for the National Guard thereof, in exchange for other rifles now held"—to the Committee on the Militia.

By Mr. REYBURN: Petition of Falls Methodist Episcopal Church, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, also Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of B. P. McDaniel, of the Sixty-third United States Colored Infantry, residing in Madison County, Ill., for relief—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: Papers to accompany House bill to correct the military record of Edwin T. Leach—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Norwich, Conn., favoring the passage of House bill No. 3203 and sundry other bills—to the Committee on the Judiciary.

By Mr. WOOD: Petition of Benjamin V. Carey, of Robinson, Ill., in behalf of Martha A. Crooker, for a pension—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: Papers of N. N. Jones, warden of Iowa State penitentiary, relating to House bill No. 6116 and its application to the transportation of goods manufactured by convict labor—to the Committee on Labor.

Also, petition of the Iowa Academy of Sciences, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Baptist church of West Union, Iowa, for the prohibition of the sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of the Wesleyan Methodist Church and of the Baptist Church of West Union, Iowa, to raise the age of protection for girls to 18 years in the District of Columbia and Territories—to the Committee on the Judiciary.

SENATE.

TUESDAY, *January 19, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President for the State of South Dakota; which was ordered to lie on the table.

ANNIE E. NOLAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2129) granting an increase of pension to Annie E. Nolan; which was, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-five."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. CANNON, and Mr. MITCHELL of Wisconsin were appointed.

EULOGIES UPON THE LATE REPRESENTATIVE CRISP.

Mr. GORDON. I wish to announce that in consequence of the absence of some Senators who are expected to participate, the eulogies upon the late Mr. Crisp, formerly Speaker of the House, will be postponed from Thursday until Monday next at 3 o'clock, by the permission of the Senate.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented a memorial of the Iowa Academy of Science, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. HALE presented the petitions of Henry B. Cleaves and sundry other citizens of Maine; of the Boston Marine Insurance Company, of Boston, Mass.; of V. C. Brown and sundry other citizens of New York, and of sundry citizens of Baltimore, Md., praying for the establishment of a light-house near the broken part of Pollock Rip Shoals, at the northeastern entrance of Nantucket Shoals; which were referred to the Committee on Commerce.

Mr. CALL presented the memorial of H. F. Smith, publisher of the Pensacola Daily Times, of Pensacola, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a memorial of 61 citizens of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the memorial of Herbert M. Locke and 500 other citizens of the District of Columbia, remonstrating against the passage of Senate joint resolution 187, relating to the laying of electric subways in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petitions of the Gorsuch Methodist Episcopal Church; of the St. Luke's Baptist Church, of Brightwood; of the Baptist Ministers' Colored Union, and of the Shiloh Colored Baptist Church, all in the city of Washington, D. C., praying for the enactment of legislation raising the age of protection for girls in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of Branch No. 1, American Workmen's Protective League, and 161 citizens of Brooklyn, N. Y., praying for the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

He also presented a petition of the West Lynn Shoe Company, of Massachusetts, and the petition of Thomas E. Emerson's Sons, of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. SEWELL presented a memorial of the New Jersey Horticultural Society, remonstrating against any appropriation being made providing for the free distribution of seed; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by General Sedgwick Council, No. 22, Order United American Mechanics, of Newark, N. J., expressing sympathy with the Cubans in their struggle for independence; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Salem, N. J., through N. A. Carpenter, president, and Mary E. Hire, corresponding secretary, and a petition of the Union Methodist Episcopal Church of Camden, N. J., through John S. Heisler, pastor, and John J. Rice, clerk, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Elizabeth, N. J., praying that immediate steps be taken by the Government to obtain reparation for injuries inflicted on Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Medical Society of New Jersey, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of A. M. Taylor, of Vineland, N. J., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also prohibiting interstate transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented memorials of the publishers of the Quakertown Free Press; the Souderton Independent; the Saxton Herald; the Conference Journal; the Palmyra Herald; Montgomery Transcript; the Young Folks' Catholic Weekly, of Philadelphia; the Hazleton Journal; the Daily Record, of Mahanoy City; the Daily Standard, of Hazleton; the Tocsin, of Black Lick Station; Food, Home, and Garden, of Philadelphia; Der Neutraliot, of Shippock; the Wayne Independent, of Honesdale; the Home Queen and New Ideas, of Philadelphia; the Lykens Register; the News Item, of Middleburg; the Whip and Spur, of Philadelphia; the Bradford Daily Record; the Republican Advocate, of Wellsboro; the Medical World, of Philadelphia; the Philipsburg Ledger, the Christian Standard, of Philadelphia; the Hazleton Sentinel; the Millers' Review, of Philadelphia; the Middletown Press; the Methodist Herald, of Newport; the American Journal of Photography, of Philadelphia; the Advocate, of Dallastown; the Church Advocate, of Harrisburg; the Medical Bulletin; the Universal Medical Journal; the York Daily; the York Weekly; the Commonwealth, of Philadelphia; the Forest Republican, of Tionesta; the Proco Latinus, of Philadelphia; the Tusculum, of Philadelphia; the Musician, of Philadelphia; the Sledge Hammer, of Meadville; the Church News; the Reynoldsville Volunteer; the Conoquenessing Valley News; the Sun, of West Newton; the Denver Press; the Chester County Post, of Westchester; the Public Democrat, of Westchester; the Democrat, of Newcastle; the County Journal, of Loganton; the Vienybe Lietuvniky, of Plymouth; the Sun, of Liverpool; of sundry citizens of Philadelphia; the American Slavonic Gazette, of Pittsburg; the News, of Newcastle; the Daily Local, of Ashland; the Watchman, of Newton; the Post, of Middleburg; the Weekly Record, of Brockwayville; the Daily Democrat, of Johnstown; the Times, of Hawley; the Franklin Repository, of Chambersburg; the Independent Messenger, of Indiana; the American Law Register and Review, of Philadelphia; the Record, of Waynesboro; the Echo, of Erie; the Daily Courier, of Blairsville; the North Philadelphia Tribune, of Bridesburg; the Bulletin, of Hyndman; the Tribune-Republican, of Meadville; the Review, of Marietta; the Pulpit and the Preacher's Helper; the Journal, of Huntingdon; the Times, of West Newton; the News, of Harrisburg; the Il Vesuvio, of Philadelphia; the Entomological News, of Philadelphia; of J. W. McMaster, of Thurlow; of Howard M. Jenkins, of Philadelphia, all in the State of Pennsylvania, and of the Journal of Kildare, Oklahoma, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the American Railway Literary Union of Philadelphia; of David J. Pearsall, of Mauch Chunk; of Rev. Robert A. McIlwain and sundry other citizens of Philadelphia; of John H. Cramer and sundry other citizens of Philadelphia; of William G. Liebig and sundry other citizens of Philadelphia; of Simon Friedman and sundry other citizens of Philadelphia; of E. J. Brown and sundry other citizens of Philadelphia; of Thomas Moore, jr., and sundry other citizens of Philadelphia; of Rev. George C. Ewart and sundry other members of the Doylestown Baptist Church; of Dr. Henry Berkowitz and sundry other citizens of Philadelphia; of Byron A. Woods, president of the Philadelphia Conference of the Baptist Ministers; of I. B. Jones, of Philadelphia; of Walter H. Bassett and sundry other citizens, of John M. Calver, of Dr. Joseph Foulke, and of Edward Smith Kelly, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Dr. H. C. Wood, of the faculty of the University of Pennsylvania, and the memorial of H. P. Armsby, a director of the Pennsylvania State College, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of Manheim, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the United States Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of W. E. Broderick, second vice-president of the National Wholesale Liquor Dealers' Association, of Baltimore, Md., and of the Hannis Distilling Company and sundry other distillers and wholesale liquor dealers of Philadelphia, Pa., remonstrating against the passage of House bill No. 8582, to allow the bottling of distilled spirits in bond; which was referred to the Committee on Finance.

He also presented petitions, in the form of resolutions adopted by the Young Irelanders' Association (Clan na Gael) of Pawtucket, R. I.; of Fairmont Lodge, No. 333, Brotherhood of Locomotive Engineers, of Philadelphia, Pa., and of the Bronze Club, of Cleveland, Ohio, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. ALDRICH presented a memorial of sundry publishers, news dealers, and booksellers of Rhode Island, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the memorial of H. C. Kudner, publisher of the Lapeer County Democrat, of Lapeer, Mich., and the memorial of Foster Bros., publishers of the Gladwin County Record, of Gladwin, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a memorial of the Master Car Builders' Association, of St. Albans, Vt., remonstrating against the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

He also presented two petitions of members of the societies of the Colonial Dames of America, praying that a charter be granted them under the name of the National Society of the Colonial Dames of America; which were referred to the Committee on the Library.

Mr. BRICE presented the memorial of the Weideman Company, Ullman Einstein & Co., Weideman, Holmes & Co., and William Edwards & Co., of Cleveland, Ohio, remonstrating against the passage of House bill No. 8582, to allow the bottling of distilled spirits in bond; which was referred to the Committee on Finance.

He also presented the petition of Rev. I. L. Kephart, editor of the Religious Telescope, of Dayton, Ohio, and the petition of Eugene E. Diehl, of Cleveland, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of C. W. Charles, publisher of the Ohio Chronicle, of Columbus, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchants' National Bank, of Toledo, Ohio, and a petition of the Ketcham National Bank, of Toledo, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1538) granting a pension to Joseph M. Waddell;

A bill (H. R. 1190) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 5712) granting increase of pension to John W. Hines;

A bill (H. R. 1646) for the relief of Dolly S. Brown; and

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4363) to increase the pension of Joseph J. Hudson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore, reported it with amendments, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1018) to increase the pension of Bennett S. Shaug, reported it without amendment, and submitted a report thereon.

He also (for Mr. BRICE) from the same committee, to whom was referred the bill (S. 2992) granting a pension to Ellen O'Hara, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2975) granting a pension to John Amrein, reported it with an amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2908) granting a pension to Franklin Andrews, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2909) granting a pension to Henry Shafer, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 596) for the relief of Ellis H. Roberts, reported it without amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3329) to increase the pension of George W. Smith, late a captain, Seventh Regiment New Jersey Volunteers, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2959) granting a pension to Sarah Townsend, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans., reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 2713) granting a pension to Miss Mary Hayne, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2177) granting an increase of pension to Henry B. Conway, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5855) granting a pension to Emily Elliott, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1500) granting a pension to George W. Bagley, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 13th instant, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 4267) granting an increase of pension to Gabriel Widmer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4298) granting an increase of pension to Annie Thompson, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 1256) for the relief of Henry A. Webb, reported it with an amendment.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy, reported it without amendment.

DISTRICT NAVAL MILITIA.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 3355) to provide for organizing a naval reserve battalion in the District of Columbia, to report it with amendments and submit a report thereon. I should like to have the bill put upon its passage at this time.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Naval Affairs were, in section 1, line 6, after the word "naval," to strike out "reserve;" in section 2, line 1, after the word "naval," to strike out "reserve;" to strike out sections 4, 5, and 6 of the bill; in section 7 [4], line 4, before the word "battalion," to strike out "reserve;" and in section 8 [5], line 2, before the word "battalion," to strike out "reserve."

The amendments were agreed to.

Mr. SHERMAN. I listened to the reading of the bill as well as I could with the noise around me. I should like to know who will pay for the service of these volunteers. Is it a voluntary organization?

Mr. HALE. It is entirely voluntary. It is something like the Naval Reserve Militia in the different States. The Government has nothing to do with the payment. In fact, they will receive no pay.

Mr. SHERMAN. There are quite a number of officers named in the bill. Will they receive any pay from the Government?

Mr. HALE. None at all.

Mr. SHERMAN. If it is a mere voluntary naval organization I have no objection to the bill, but if it were an addition to the Navy I should object to it.

Mr. HALE. I should certainly object if it were to be any addition to the Navy. It is like the organizations of the different States, which are run entirely by the members themselves, without any salary or pay from the Government.

Mr. SHERMAN. I have no objection to the bill.

Mr. CHANDLER. I should like to ask the Senator from Maine whether the organization is to be anything more than a part of the militia of the District of Columbia?

Mr. HALE. It is to be a part of the militia.

Mr. CHANDLER. It is to be a naval company in addition to the infantry and artillery companies of the District?

Mr. HALE. That is exactly what it is to be.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for organizing a naval battalion in the District of Columbia."

ELLIS H. ROBERTS.

Mr. MORRILL. I ask that the bill (H. R. 596) for the relief of Ellis H. Roberts, reported this morning from the Committee on Finance, be taken up for action at the present time. It proposes to pay Ellis H. Roberts $800.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay to Ellis H. Roberts, late assistant treasurer of the United States at New York City, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of $800, the said sum of money representing a loss incurred in the said office of said assistant treasurer, without default or negligence on his part, and made good to the Government by him.

Mr. MORRILL. We have a long report made in this case, but the bill is so obviously correct that the committee were unanimously in favor of reporting it, and I will not ask to have the report read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3552) for the relief of the legal representatives of John Roach, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 3553) for the relief of the trustees of the Presbyterian church of Dardanelle, Yell County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3554) for the relief of the estate of Parkes & Ward, of Yell County, Ark.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN introduced a bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 3556) granting a pension to Carlton W. Muzzy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3557) granting a pension to Emma M. Elliott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 3558) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3559) for the relief of the heirs of Jonas P. Levy, deceased; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. GALLINGER introduced a bill (S. 3560) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews; which was read twice by its title, and referred to the Committee on the Library.

Mr. MORGAN introduced a joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PEFFER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CANNON submitted an amendment intended to be proposed by him to the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called; which was ordered to lie on the table and to be printed.

PUBLIC BUILDING AT ALTOONA, PA.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3548) for a public building at the city of Altoona, Pa., and appropriating money therefor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase by private sale or secure by condemnation a site for, and cause to be erected thereon, a suitable building, with fireproof vaults therein, for the accommodation of the United States district and circuit courts, post-office, and other Government offices, at the city of Altoona, county of Blair, Pa. The plans, specifications, and full estimate for the building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, $125,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I move to recommit to the Committee on Commerce for further consideration the bill (S. 2898) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.

The motion was agreed to.

CONVENTION OF INSTRUCTORS OF THE DEAF.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf. The bill came over from the House yesterday, and lies on the table.

Mr. COCKRELL. What is the order of business?

Mr. McMILLAN. It is a House bill, and is exactly the same as a Senate bill on the Calendar.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. I move that the bill (S. 2572) to incorporate the Convention of American Instructors of the Deaf in the District of Columbia, which is on the Calendar, be indefinitely postponed.

The motion was agreed to.

CONFIRMATION OF LAND ENTRIES.

Mr. BERRY and others addressed the Chair.

Mr. CULLOM. What is the regular order?

Mr. BERRY. I ask unanimous consent to call up House bill 8413.

Mr. CULLOM. I have been waiting for the morning business to be concluded, so that I might call up an appropriation bill; but we seem to be on the Calendar.

Mr. BERRY. I hope the Senator from Illinois will not interpose. I ask leave to call up a bill which it will not take two minutes to pass.

The VICE-PRESIDENT. The Chair will state that the Senator from Illinois is entitled to recognition after the morning business is concluded, if he desires it.

Mr. CULLOM. I will not interpose an objection to the bill the Senator from Arkansas wishes to call up; but I wish to state while I am on the floor that the legislative, executive, and judicial appropriation bill has been reported and is now ready for consideration. However, I understand that the Senator from Indiana [Mr. TURPIE] desires to take the floor immediately after the routine business, and I am disposed to give him the right of way for the purpose of making his address. I would not like to have the routine business continue all the morning by calling up bills from the Calendar.

Mr. BERRY. I ask the unanimous consent of the Senate at this time to proceed to the consideration of the bill (H. R. 8413) to confirm certain cash entries of public lands.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

> *Be it enacted, etc.*, That all entries of the public lands made under the provisions of the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August 4, 1854, which are illegal and invalid because of the fact that the lands covered thereby had never been offered for sale, be, and the same are hereby, confirmed, if, upon examination by the Commissioner of the General Land Office, the same are found to be otherwise regular and in compliance with said act and the acts supplemental thereto.
>
> SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD H. MUNSON.

Mr. HAWLEY. I ask unanimous consent to call up for consideration the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment of Infantry. It will not take two minutes to pass the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. The joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia, introduced by me and reported favorably from the Committee on the District of Columbia by its chairman yesterday, should receive immediate action. It is an important measure, and it is important that it should be acted upon at once. I ask that it may be now taken up and disposed of.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the joint resolution indicated by him.

Mr. HILL. That measure will lead to considerable debate. I hope it will not be taken up now.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Missouri.

Mr. COCKRELL. I move that the Senate proceed to the consideration of Senate joint resolution No. 187.

The VICE-PRESIDENT. The Chair will recognize the Senator from Missouri at the conclusion of morning business.

Mr. COCKRELL. Very well.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Alabama [Mr. MORGAN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution directing the Committee on the Judiciary to inquire and report as to the default of the Central Pacific Railroad Company and the Union Pacific Railroad Company in the payment of bonds issued by the United States in aid of said roads.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. MORGAN. I ask unanimous consent that the resolution may go over without prejudice.

The VICE-PRESIDENT. Without objection, it will be so ordered.

DIVISIONAL LINE BETWEEN VENEZUELA AND BRITISH GUIANA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from South Dakota [Mr. PETTIGREW], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution directing the Secretary of State to send to the Senate a statement of the proceedings of the commission appointed to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana, etc.

Mr. PETTIGREW. As I do not find the resolution printed and on my desk, I ask to have it lie on the table until to-morrow morning, when I shall call it up for disposition.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered. The morning business is now concluded.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr COCKRELL. I move that the Senate proceed to the consideration of the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of the joint resolution indicated by him.

Mr. HILL. Let us have the joint resolution read first, before the motion is agreed to.

The VICE-PRESIDENT. The joint resolution will be read.

The SECRETARY. A joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.

Mr. GRAY. I should like to have the joint resolution read at length.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

> Whereas it is provided by the act of June 11, 1896 (29 Stats., page 401), that no underground electric-lighting wires or conduits therefor shall be laid in the District of Columbia east of Rock Creek, excepting in the extension of the existing electric-lighting service within certain specified territorial limits; and
>
> Whereas the Senate and House are both investigating, through their respective Committees of the District of Columbia, the subject of the laying of electric subways in the streets, roads, avenues, and alleys of the District of Columbia, as recommended by the Commissioners of the said District in their letter of February 8, 1896, and as provided by Senate bill 2631 and House bill 5829 accompanying said letter: Therefore,
>
> *Resolved, etc.*, That until definite action is taken by Congress regarding the construction of said general subway system it shall be unlawful to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying electrical wires, cables, or conduits therein, excepting in the extension of the existing electric-lighting service, within the territorial limits specified in said act: *Provided, however*, That in cases where the public interests shall, in the opinion of the Commissioners of the District of Columbia, require an immediate extension of existing service permits may be issued therefor, and also for all necessary house connections, to the United States Electric Lighting Company in the territory lying east of Rock Creek, and to the Potomac Light and Power Company in the territory lying west of Rock Creek.

Mr. HILL. Mr. President, I rise to a parliamentary inquiry. The joint resolution was reported yesterday from the Committee on the District of Columbia, I understand. Is there any report accompanying it?

The VICE-PRESIDENT. There is no report, the Chair is advised.

Mr. FAULKNER. There is no report.

Mr. HILL. Is there any amendment reported by the committee?

The VICE-PRESIDENT. There is no amendment reported to the joint resolution. The question is on agreeing to the motion of the Senator from Missouri to proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE-PRESIDENT. If no amendment be proposed as in Committee of the Whole, the joint resolution will be reported to the Senate.

Mr. HILL. Mr. President, I desire to hear some reason why this extraordinary joint resolution should pass this body.

Mr. COCKRELL. Well, Mr. President, there is nothing extraordinary about it. It gives upon its face a plain A B C statement of the reasons why the streets and alleys in the city of Washington shall not be torn up at the will and pleasure of this or that person until Congress has passed upon the question and has determined upon one subway in which all wires are to be placed. Congress is legislating upon that question. The two committees of the Senate and House on the District of Columbia have the matter before them, and at the last session we prohibited anything of this kind being done until those committees could act upon it. That is the object of the joint resolution.

Mr. HILL. Will the distinguished Senator from Missouri oblige me by pointing out the particular statute passed last year which prevented the very action which he is now seeking to prevent by this proposed legislation? If the act complained of is already prohibited, what is the necessity for this legislation? I pause for a reply, for a reply is appropriate at this particular time.

Why, the very point involved is that there is no legislation which prevents this new company from doing precisely what it is doing to-day, much to the gratification of the honest people of the District of Columbia. Therefore it is no answer to my inquiry to say that the action now proposed to be stopped has already been legally stopped by previous legislation.

Mr. President, I had hoped that we might have been presented something beyond the mere reading of the joint resolution to convince us that we ought to pass this measure. I had hoped, as there was no report from the Committee on the District of Columbia setting forth in detail the reasons for this extraordinary legislation, that some one might rise in his place and vouchsafe to honor us with a brief statement of the reasons for the passage of the joint resolution.

The mere fact that when conduits are laid in the streets the streets are necessarily torn up is no argument why there should be no more electric lighting in the city of Washington. According to the brief statement made here, we must stop this tearing up of our streets until somebody prepares a general system by which such improvement is to be done, and until Congress does so, there must be no more tearing up of the sacred soil of the District of Columbia.

Mr. STEWART. Except by a particular company.

Mr. HILL. Except by a particular monopoly—that is it—except by the monopoly which seems to have the ear of some of the committees of this Senate. I speak plainly. I thank the Senator from Nevada for that suggestion. Are we to proceed to pass this joint resolution upon a theory which will not stand, upon a false theory, upon the mere bare suggestion that we are tearing up these streets, and therefore such tearing up must not be done?

I assert as a proposition of law that this new company has a perfect legal right to do what it is now doing, the company which is called the Potomac Company, which dares to enter into competition with the United States Electric Lighting Company. If there is no authority for what the Potomac Company is doing, the courts of this District are open to enjoinment at the instance of a committee of the Senate or at the instance of any taxpayer in this city. Why has not some application been made to the courts to stop this improvement? I have in my humble residence in this city, opposite Lafayette Square, had to endure the miserable light which we have had in the park for the last two years, and this new company, which has now laid its conduits in front of that square, has inspired me with the hope that within a brief period we may be enjoying good light. But we are told that it shall not be done, and we are told that the mere fact that they are tearing up the streets is enough to make us hasten to stop it. We are told we have already prohibited it. Where is the law which declares that prohibition?

Mr. President, what are the facts? The facts are that this whole question has been litigated in the courts of the District of Columbia, and those who are pressing this measure know it. No one knows it better than the United States Electric Lighting Company, because they were parties to the litigation. Some time ago that company, having, of course, the interests of the people of this city at heart, and not their own, sought to prevent this young and vigorous company from coming into competition with them in this city, and rushed into the courts to procure a permanent injunction to stop the doing of this very work. I am not here to cast any improper reflections upon this old monopoly. Of course they are acting for their own selfish interests and for their own good. They assume to be acting in the interests of the public, but they are looking for their own revenues. I never knew a monopoly yet which proceeded in the courts which did not assume to act in the public interests. But whether this company was acting in the public interests or not makes no difference to the question involved. Whether they resorted to the courts for a proper or an improper purpose, the courts have decided the question in controversy. The courts decided that the new company had the right to proceed under existing law and lay down conduits. That litigation has been disposed of so far as the application for a temporary injunction is concerned. Appeal has been made to the only tribunal competent to decide it, and it decided the question adversely to the old monopoly. Then the new company proceeded to lay down the conduits, and immediately we are told that the District of Columbia is going to "rack and ruin," because somebody other than this old monopoly is going to make some public improvement in this District.

I have had some talk with citizens of this city, and I venture the statement that they want competition; I venture the statement that they hail with delight any opportunity which will give them additional lighting facilities; I venture the assertion that public opinion in this District is upon the side of this new company, which wants an opportunity to share in the electric-lighting business of this great city of 250,000 or 300,000 people.

Therefore, Mr. President, continuing my argument, it is an idle plea, it is a silly plea, it is a babyish plea to say that we must pass this joint resolution, in the first place, because the new company are tearing up the streets of the city, and in the second place, it is an illogical argument, and a false and untrue argument, to say that this new company is violating any existing law. That question has been determined adversely to the old monopoly and in favor of the new company.

What is there about this? There is nothing to conceal about it. Why not tell the Senate frankly just what there is of it? That this new company have met with great difficulties in obtaining a foothold in this city is true. It is composed of active, vigorous, energetic young men. They hail from the city of New York, from my own State. They put their money into this business, and are anxious to do something to aid themselves and to help the people of this District. If they are right, they should be sustained. They have met, of course, the persistent, the continuous opposition of the old company, and last session, having some controversy in regard to this matter, certain legislation was put upon an appropriation bill. The theory of this proposed legislation is that in some way outside assurances were given, some verbal assurances, to some members of the various committees, conference committees or otherwise, whereby it was agreed by the new company that nothing should hereafter be done until the Congress of the United States should provide a general system of subways in this city. When is that to be done? Echo answers, When? Who has recently introduced a bill for that purpose in this Senate, and where is there a bill for that purpose introduced in the other House? What bill upon this subject is any committee considering? I pause for a reply.

Mr. FAULKNER. As the Senator pauses for a reply, I will state to him that there is a bill before a subcommittee of the Committee on the District of Columbia, who expect to have a meeting on it to-day, I think.

Mr. HILL. When was it introduced?

Mr. FAULKNER. I think at the last session of Congress. It was a bill drawn by one of the Commissioners of the District of Columbia, Mr. Truesdell.

Mr. HILL. I am glad of that information, for it throws some light upon the question. When is the committee likely to report?

Mr. FAULKNER. I think it would be absolutely impossible for me to answer that question. I hope they will report during the present session, and I hope the bill will be passed into a law during this session.

Mr. HILL. Mr. President so far so good. The bill had attracted so little attention in the various discussions preliminary to this matter that I was not informed there had been such a bill introduced. Nothing could be of more importance than that bill if one is to be passed—I put it, if one is to be passed. If the committee had given as much attention to that general subway bill as they have given to the effort to stop the Potomac Company from going on with those conduits, we could have had a bill here and been discussing it at this very hour.

Mr. BACON. I will state that I am a member of the subcommittee to which that bill has been referred, and the criticism of the Senator from New York is not just. In order that what I say may have its full force, I desire to say to the Senator that I agree with him as to the propriety of permitting the present action by the Potomac Company, although I do not propose to antagonize the committee further than by my vote, as I am in the minority.

Mr. HILL. To what committee does the Senator refer?

Mr. BACON. The Committee on the District of Columbia.

The regulation of all the details and the determining of what powers shall be granted to a company which may be a general subway company are exceedingly difficult. The subcommittee has had repeated meetings, and will have others. I desire that the imputation shall at least not rest upon the subcommittee that there is any indisposition to make a prompt report in this matter. For myself, I heartily favor it. I am in favor of a general subway system. In the meantime, I repeat, I am in favor of permitting the present Potomac Light Company to go on with its work. I only state that fact in order that my disclaimer of undue delay on the part of the subcommittee may not be misconstrued or lack anything of its full weight.

Mr. TILLMAN. If the Senator will allow me, I should like to ask some member of that committee to tell us whether the present company, the one that has the monopoly, will continue laying its wires whether you report or not?

Mr. BACON. I do not understand the question.

Mr. TILLMAN. Is there not already in existence on this side of Rock Creek an electric-light company which has permission to lay subways without waiting for your committee to report or act?

Mr. BACON. That would lead me into a general discussion of this matter.

Mr. TILLMAN. Answer the question, yes or no.

Mr. BACON. I decline to answer yes or no.

Mr. TILLMAN. Of course you are at liberty to answer in your own way.

Mr. BACON. I will say that this matter is largely, if not altogether, proceeding under the control of the District Commissioners. I merely rose for the purpose of setting the subcommittee right as to the statement made by the Senator from New York.

Now, to put me upon the stand to be catechised as to what is the law of the District in regard to all these matters of subways is hardly proper, when the Senator from New York is on the floor discussing the matter, and the question of the Senator from South Carolina can not be answered yes or no. I decline to answer now.

Mr. TILLMAN. I only hope that somebody will answer yes or no the proposition contained in this joint resolution to the effect that somebody has the privilege of doing this very thing while you gentlemen are considering whether you will report on the general subway question or not.

Mr. HILL. I will inform the Senator from South Carolina that the object is to let this old company go on and prevent the new company from doing anything. That is apparently the scheme.

Mr. GALLINGER. Mr. President——

Mr. HILL. I can not enter into a joint debate now.

Mr. GALLINGER. Will the Senator yield to me a moment?

Mr. HILL. Not at present.

Mr. GALLINGER. I simply wanted to say there is neither trick nor device nor scheme in it.

Mr. HILL. Then somebody ought to be able to explain these things as they arise.

Mr. GALLINGER. The Senator has not permitted us. We will do it in our time.

Mr. HILL. Twice I stopped for an answer to pertinent inquiries, and I received no answer to respectful and proper questions, which were put to elicit information.

Mr. GALLINGER. If the Senator will permit me to say so, he will get all the answers he desires on this question before he gets through.

Mr. HILL. Very likely.

Mr. GALLINGER. The Senator will get all he desires.

Mr. HILL. But when Senators say this new company is proceeding illegally, I ask them to point out wherein it has been so proceeding, and Senators remain silent. I will stop right here and let the Senator from New Hampshire explain wherein this company is violating any existing law, if he can explain.

Mr. GALLINGER. Mr. President, I do not propose to explain just now. The Senator can proceed to make his speech in his own time and in his own way, but if he will be kind enough not to impute dishonorable motives to the members of the Committee on the District of Columbia and to other Senators, he will be keeping within the rules of the Senate.

Mr. HILL. I shall try to keep within the rules of the Senate, but it would not violate the rules of the Senate to have some one explain wherein this new company is violating the law. If it would, the rules of the Senate should be amended.

Mr. President, I do not know of any good reason why this new company should wait until a general system of subways for this entire District shall be perfected, if, under existing law, this company have the right to put in the new conduits that they are now putting in. They are limited in number, and it would not bankrupt the city and would not bankrupt the other company. Therefore I can not see any reason for the undue haste and zeal with which this matter is pushed.

There seems to be an idea that nobody has a right to enter the District of Columbia and compete with any old established institution. I hold in my hand an argument, an "oral argument" printed—how that can be I do not know, but it is probably an oral argument delivered before a committee and subsequently printed. It is headed, "Oral argument"—and it is printed in good style—"of Col. A. T. Britton," whom I know very well, a very able lawyer and a good citizen of this city—as counsel for the United States Electric Lighting Company. It is oral, although it is a printed argument, by "Colonel" A. T. Britton. Of course, the old saying is "once a colonel, always a colonel," and it seems to be necessary even for a lawyer to be a colonel. The "Colonel" seems to realize that there has been a litigation, but others here in this Senate do not seem to be aware of the fact that there has been a litigation, in which the old company has been worsted, and Colonel Britton takes thirty-two pages to explain how the old company came to be beaten—an explanation which does not explain. At the close of his argument there is this statement:

> We do not have many opportunities for managing affairs connected with ourselves in this District, and it really seems to our citizens that a company of our own ownership, built up through all the hard and trying times of experimental electric lighting, and being the first to pioneer the way under the direction of Congress in the matter of underground conduits, and which is in full position, with plant and equipment far in excess of the present demands upon it; able to do with its present plant at least double its present work—it really seems to us that it should be preferred in the matter of electric lighting of this District to a lot of outside people.

Here it is openly avowed that "outside people" must be kept out, and insiders be given the preference.

That is the milk in the cocoanut; that is the motive; that is the scheme; that is the device to which I allude. You must be one of the "oldest inhabitants" in order to be able to compete for electric lighting in this city. You must have lived here, and your fathers and your grandfathers must have lived here, before you can be put upon the same plane with the old and existing monopolies which have built themselves up in this city, with or without the favoritism of Congress.

I do not take much stock, Mr. President, in ancient things just because they are ancient. This city belongs to the whole United States. There is no citizenship per se here, if I may use that expression. Every citizen of the United States has a right to come here with equal privileges, to compete honestly and fairly in all the enterprises that pertain to this great capital city, and we are not to be met with the argument that "outside people" should not be allowed to come in, and that a preference shall be given to the "old hangers-on" who have grown rich out of the franchises obtained from this District and selfishly want to keep out the people whom they call "outsiders," the citizens of New York and elsewhere, who come here and who have the same right to help build up this great city as the sons and daughters of the old residents in this part of the country—"colonels" and otherwise.

I have not time to review all of the able argument of Colonel Britton, but the Colonel understands this question pretty well after all. This joint resolution looks as though it had been introduced in the interest of the public welfare. What is the head-note of this argument on the face of this elegantly bound book? It is as follows:

> Oral argument of Col. A. T. Britton upon behalf of the United States Electric Lighting Company, and stating its position in advocacy of the Cockrell Senate resolution.

Colonel Britton understands that this is a contest between the two companies, and he is counsel for one of them. He submits an argument, not in the public interest, but in the interest of his client, this particular corporation. I do not know who was heard before the Committee on the District of Columbia. I do not care to repeat some things which have been said to me about it. This debate as it has proceeded has thrown light upon the subject, but there was no mention yesterday that anybody dissented from this report; the fact was very carefully concealed or inadvertently omitted. The distinguished Senator from Georgia [Mr. BACON] just a moment ago said that he favored the Potomac Company being permitted to go on, but when that report was presented here yesterday there was not a word of dissent from any member of the committee.

Mr. President, I was here the other day and heard the few remarks upon this subject from his seat of that member of the District Committee, the Senator from Tennessee [Mr. HARRIS], now absent. He is as familiar with the affairs of the District of Columbia, I think, as any other Senator around this circle. Is there a single member of this committee authorized to state that the Senator from Tennessee favors this joint resolution? Not one. I do not desire this resolution finally disposed of in his absence. I prefer to hear his views upon this subject; and he has decided views. He has been called away on account of the sickness of his wife. He is a leading member of this committee who could throw some light upon this subject. Sir, I think I hazard nothing in stating that he is most earnestly opposed to this joint resolution. Yesterday it was made to appear—I say "made to appear," but perhaps that is not the proper expression; it did appear, apparently, from the report that it was unanimous. No one so stated, but where nothing is said when such a report is made it might be assumed that the report was unanimous. The distinguished Senator from Georgia virtually dissents, and I think at least one other member does not approve of the report.

I think that this resolution ought not to pass for another reason. I regret that by reason of the situation here in the District of Columbia Congress necessarily has to be a sort of common council for this District. I would have as little to do with the details of this matter as possible if I could have my way. I would leave as much discretion as is proper and feasible to the District Commissioners. I would not have grave Senators discussing every little detail of a dirty conduit, as to whether or not it shall go along a particular street. I do not think we should bother ourselves with the little details of municipal government. We have Commissioners appointed by the President and confirmed by the Senate, I think. A Senator on my right, who is pretty good authority, says they are confirmed by the Senate. They are presumed to be men of capacity, ability, honesty. They are old residents here of the District, probably having been brought up here. They know all about the city, its ins and outs. They should have as much discretion as possible in regard to the management of the local affairs of the District. Every time a little ditch is to be dug in this great city, are we to have a joint resolution introduced? Are we to debate it and discuss it, and to overrule the District Commissioners because we think it ought not to be done? We have the power to do it. I think it is an unwise procedure for us to attempt to review all the minor acts of the officials of the District of Columbia.

Now, are they, too, violating any law? No. Point it out if you can. I have already said that the Potomac Company is not violating any law, and I have challenged contradiction of that statement. I have already said that if the Potomac Company is violating any law, go to the courts. But you have been in the courts and you have been beaten. Now, if the Commissioners are violating any law, go to the courts and restrain them. But they are not violating any law. They approve of the action of the Potomac Company. They see no objection to it. They see no wrong in what is being done. They believe it is a proper and legitimate exercise of existing authority, an improvement proper to be made, with which Congress ought not at this time to interfere.

Mr. VEST. May I ask the Senator from New York a question?

Mr. HILL. Certainly.

Mr. VEST. I understood the Senator to make the statement—possibly I am wrong—that the Potomac Company, as he calls it, has now, under existing law, the right to tear up the streets whenever it thinks it proper to do so. Does that authority exist under its charter right?

Mr. HILL. The Senator will excuse me. I did not say that.

Mr. VEST. I beg pardon.

Mr. HILL. No, sir; I did not say it.

Mr. VEST. What is the existing law, then, in regard to the rights of that company?

Mr. HILL. It has a right under the authority of the District Commissioners to lay down these particular conduits.

Mr. VEST. But the Commissioners can prevent it from doing so if they see proper?

Mr. HILL. They can. But the Commissioners, in the exercise of their judgment, having carefully considered the matter, have seen fit to decide that it is in the public interest that the work shall go on; and we are asked to review the action of those Commissioners. We are asked to take up the time that should be devoted, as my friend the Senator from Florida [Mr. CALL] would probably say, to the discussion of the Cuban question, to the discussion of the question of tariff or of revenue, to the discussion of the arbitration question, or some of the important and vital subjects which ought to occupy the attention of this body. But we are here now to discuss the great question whether a few conduits shall be laid under a few streets in the District of Columbia.

Abolish your Commissioners, if you have no confidence in them. The newspapers stated the other day—they are not always reliable, but still we can get a good deal of information from them—that the Commissioners were going to be impeached. That was the first thing to do. When a public official does not do something that certain men think he ought to do, immediately they vent their indignation by saying: "Well, we will impeach him." It was said immediately that the Commissioners of the District were to be impeached for this high-handed outrage which the courts have sustained. A few days have elapsed, and we do not hear so much about the impeachment proceedings as we did. That has apparently blown over.

We come right back to the question, What is the precise ground upon which we are to act?

> Whereas the Senate and the House are both investigating—

I ask my friend the Senator from West Virginia [Mr. FAULKNER] what bill is before the House on the question of subways?

Mr. FAULKNER. I do not feel it necessary for me to pass upon that question. The records of the House are open to the Senator from New York, and if he desires, he can investigate the matter for himself. All we have to do is to attend to our business in the Senate.

Mr. HILL. If we attend to our strict, legitimate business, it will keep us busy. My friend the Senator from West Virginia is hardly fair to the Senate. Of course he has a right to decline to answer any question, but being familiar with this matter as a member of the committee that with eagerness or with reluctance, I do not know or care which, reported the joint resolution which declares upon its face that the other House is investigating the question, I think he might have informed us whether there is a bill on this subject pending before the other House.

Mr. FAULKNER. If the Senator from New York will permit me, I will state that when a joint resolution drawn up by so distinguished and careful a Senator as the Senator from Missouri [Mr. COCKRELL] asserts something as a fact in its preamble, he ought to give credit to it unless he can overthrow the statement by showing that the author of the joint resolution is mistaken.

Mr. HILL. It may be true that the other House is investigating the matter without any bill being before it. All that the joint resolution recites is—

> Whereas the Senate and House are both investigating * * * the subject, etc.

That does not show that there has been a bill introduced which is pending before the other House. Oh, no; the answer is begging the question; it is quibbling, with all due respect to the Senator from West Virginia. I do not know whether there is a bill pending in the other House, although I have been informed that there is no such bill. I can ascertain, of course, by inquiry. I can do that, and I think I will be informed as to the fact, because there is no monopoly yet as to the bills of the two Houses. Any member of either House has the right, at least yet, to apply for and get a copy of a bill.

When this report is to be made does not appear, but the joint resolution says:

> That until definite action is taken by Congress regarding the construction of said general subway system, it shall be unlawful to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying electrical wires, cables, or conduits therein, excepting in the extension of the existing electric-lighting service.

In whose interest is that provision? It is in the interest of the old company, in the main. It may extend its conduits indefinitely if the Commissioners see fit, but those of the new company can not be laid.

A little more electric lighting in this city would do no injury. I do not go out very much at night, but still I find that I do get a little confused in trying to cross some of the squares which are poorly lighted. I do not know who is to blame for it, but I always land on the wrong side of the square or the street, and I insist upon it, nearsighted as I am, that we ought to have more electric lights.

Mr. GALLINGER. Will the honorable Senator yield to me for a moment?

Mr. HILL. Certainly.

Mr. GALLINGER. I desire to ask the Senator from New York if he is aware of the fact that the number of lights is absolutely regulated by law passed by the Congress of the United States?

Mr. HILL. No; I am not aware of it. I would leave a little something to the District Commissioners. I would not monopolize everything for the Senate and the House.

Mr. GALLINGER. The Commissioners can not, of course, go beyond the amounts of money appropriated by Congress for this purpose.

Mr. HILL. That is all right, but I would not specify in an act of Congress just precisely every electric light. I would not regulate the place where such light should be put. You have the right to do it, of course. Congress can regulate the materials which shall be used; Congress may designate the precise corner where the light shall be placed. I should like to have one in front of where I live. Perhaps there are lights in front of the residences of other Senators. I, however, would leave something to the discretion of the District Commissioners, so far as we can. I think we should have better government. I object to so much special legislation for the District of Columbia. If we have in our system of government three Commissioners appointed by the President and confirmed by the Senate, the best men in the District of Columbia should be selected, and probably such men have been appointed. I would vest in them all the discretion that is reasonable and proper, and I think I would trust them to put in two or three extra lights without having the matter limited and specified by act of Congress framed by the most dignified legislative body upon earth.

Mr. GALLINGER. If the Senator will permit me again, I will state that I did not mean to say, and I do not think the Senator could have understood me as saying, that Congress determines precisely where an electric light shall be placed. What I meant to say was that Congress makes an appropriation of money for this purpose, and acting under the direction of Congress the Commissioners place the lights up to the limit of the appropriation. If the Senator can persuade them to put a light in front of his residence, that is all right.

Mr. HILL. Oh, Mr. President——

Mr. GALLINGER. But this new company will not place lights except under the appropriations of Congress paying them for that service.

Mr. HILL. Of course all the moneys for the control and management of the affairs of this city must come through Congress. They must come from appropriations, and of course the Commissioners can not exceed the appropriations. That is all right. Nobody disputes that proposition. But the point is that I would limit the Commissioners and restrict them as little as possible. I think it might be desirable to have electric lights from another company. I would give the privilege to the District Commissioners to allow the new company to enter this District. I would break up the existing monopoly, if I could, in the interest of free competition.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. VILAS in the chair). Does the Senator from New York yield to the Senator from South Carolina?

Mr. HILL. Certainly.

Mr. TILLMAN. I should like to have information from somebody who can give it as to whether these companies are going to supply electric light only for the city or are to go into private houses and let some of us who are now fooling with ill-smelling gas get electric lights where we live.

Mr. HILL. I understand that the new lights for which conduits are now being put down, and about which all this fuss is made, are for public lighting: that it is not proposed to interfere at present with the existing monopoly of the old company in regard to private lights, as I have been informed.

Mr. TILLMAN. In other words, they will not allow you to buy electricity from any other company than the one on this side of the creek?

Mr. HILL. My friend the Senator from South Carolina reaches his conclusions pretty accurately and pretty quickly.

The joint resolution provides—

> That until definite action is taken by Congress regarding the construction of said general subway system, it shall be unlawful to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying electrical wires, cables, or conduits therein, excepting in the extension of the existing electric-lighting service within the territorial limits specified in said act.

Then comes the proviso. That is a pretty broad prohibition. You have not confidence enough in your Commissioners to allow them to permit the new company to extend its conduits a single foot. That they may be permitted to extend the others is fairly discernible from the terms of the joint resolution.

Is there not an existing appropriation under which the new company have a right to receive some of this electric lighting? I wish to read the first clause of the preamble of the joint resolution:

> Whereas it is provided by the act of June 11, 1896 (29 Stats., page 401), that no underground electric-lighting wires or conduits therefor shall be laid in the District of Columbia east of Rock Creek, excepting in the extension of the existing electric-lighting service within certain specified territorial limits

What is the effect of that? Are we to vote for the joint resolution just upon reading it, with no explanation vouchsafed? I have as much confidence in the committees of this body as has any other Senator, but committees sometimes make mistakes. Committees are not always accurate, and when no Senator vouchsafes to give us a single word of explanation as to the joint resolution, seemingly expecting us to vote for it just because it has been reported, I have a right, sir, to comment upon some of the peculiar features of the joint resolution, and in so doing I cast no reflections upon the distinguished Senator who is its author. A more painstaking, capable, or honorable man does not sit in this body, but he is human; he is subject to the same prejudices that exist with other Senators. We therefore have a right to consider his joint resolution, and when he himself vouchsafes no explanation of it, I think we have a right to debate the question until somebody comes forward here and explains the reasons, legal or otherwise, why this thing should be done.

My friend the Senator from Missouri, with the earnestness and impetuosity which characterizes a young man like himself, rather resented the idea that I should call this an "extraordinary" joint resolution. There was no reflection upon anybody intended in that statement. Is it not extraordinary? I think when the debate shall have proceeded we shall be told that an extraordinary situation is presented which calls for extraordinary action. It is not an ordinary joint resolution. It is not ordinary legislation. It is unusual; it is extraordinary.

Mr. President, I have been reminded by my friend the Senator from West Virginia [Mr. FAULKNER] that we ought not to talk about House bills and House action. There are two sides to this question. No one knows it better than my friend the Senator from West Virginia. I have talked with the members of the House who were its conferees upon this subject; but I suppose I must not repeat what they said. This joint resolution is going to have hard sledding before it becomes a law. No one knows it better than these gentlemen. Without going into the details of what we have heard about conference committees, I will state that there is a misunderstanding—I think I state it accurately—between the House and the Senate in regard to this question. I am not to take my conception of duty from some understandings had between conference committees, not reduced to writing.

I hold in my hand a letter from the president of the new company, the Potomac Company, in which he goes on to give his version of certain things that took place when, last spring, we were preparing the appropriation bills here. I do not think it necessary to read the letter here now, because nobody has alleged any misunderstanding. The proposed legislation is put right upon the broad ground that, whereas some time or other there is going to be a general system of subways, therefore, until that millennium day shall come, we shall not have a single extension of a foot of electric lighting in this city by the new company. That is the proposition. How long is the old company to have a monopoly? Nobody knows. You propose to stop every work of this kind until the two Houses have agreed upon more general legislation upon this subject. Would it not be better to invest the Commissioners of the District with the power to give each of these companies the right to extend its conduits within reasonable limits? What is the objection to it? I do not know of any. I can not imagine any.

Senators say they expect the bill will be reported and passed at the present session. Has the Senator from West Virginia forgotten that we have already agreed to consider the Nicaraguan Canal bill? And he knows as well as I do what is implied by that fact. Extensive debate, elaborate argument; day after day consumed in the discussion of that question. How is the subway bill to be passed if there is formidable opposition to it? Yet the joint resolution proposes a perpetual stay of proceedings. It is a bar for all time against the laying of a single foot of electric-light wires by this new and enterprising company hailing from New York or hailing from Nebraska or hailing from Indiana or wherever it comes from. Yet I am reminded that I must not call the joint resolution an extraordinary one. It is a simple, ordinary resolution, introduced to stop all electric lighting in this city except by one company, and that company may go on and extend its lines. That is all.

Mr. President, I do not like the joint resolution. That is evident from what I have said. Before the joint resolution shall pass, I should like to have some statement from the District of Columbia Commissioners as to what they think about it. I have not the honor of an acquaintance with a single member of that commission. I will go a little further and say that not a single man in the employ of the District Commissioners was ever appointed upon my solicitation, strange as that may seem. I care little about the Commissioners; I am under no obligations to them; but if they are charged with the management of the affairs of the District of Columbia they ought to be treated respectfully; and I think before we enter upon this extraordinary legislation we should have some communication from the Commissioners giving the reasons for their action in allowing a few additional conduits to be laid. Such a report should be presented for the consideration of the Senate.

I know it has been said that the new company is proceeding with undue haste. I have not been very long in the District, but I have noticed some of the public works that have been carried on, and I venture to say that if this work is to be done at all nobody should object because it is done immediately. Almost like magic have these conduits been put down, with the least possible discomfort to the people. The trench is dug for a certain distance and the conduits laid in a day. They have done what few men in tearing up the streets of the city ever have done. They clear up everything behind them and leave the street in perfect shape. Never has any work been performed, if you say with greater rapidity, I say with better public satisfaction. Yesterday I rode up on one of the street cars here, and I heard citizens discussing the question among themselves and complimenting the Potomac officials for the rapid and thorough manner in which they had utilized the streets; that is, with the least public inconvenience possible, filling up the trenches which had been dug and leaving the streets absolutely in as good condition as before. Public work always should be performed promptly. The streets should not be encumbered by great piles of material. This company, above all others that I have noticed for five years, has performed its work faithfully and well, so that scarcely a day elapses after the digging of a trench before the whole street is capable of being occupied by vehicles.

So, Mr. President, upon any ground upon which you can consider this joint resolution it ought not to be passed. Let me summarize what I had the honor of saying: First, the statement that this company is violating law is not true; second, the statement that the Commissioners are violating law is not true; third, the question has been litigated in the courts and decided against the old company; and fourth, we should leave this question to the Commissioners, largely to be determined by their discretion. The passage of the pending joint resolution is a virtual reflection upon the discretion of the Commissioners vested with the control of this matter.

I am not willing, sir, to vote for a measure that condemns public officials unless some Senator can point out the precise line of the statute that they have violated. I think I have been one of those, since I have been in the Senate, who have not hastily entered upon investigations simply because there was a clamor. I do not believe in holding up the Commissioners of this District, or any other body of men or public officials, to scorn, to criticism, or in reversing their action, unless I can have pointed out to me what statute they are violating, what particular discretion they are abusing, what power they are manipulating for some wrongful purpose. It is not sufficient for me that it may be said a committee or two committees of this body want this measure passed, and therefore we should pass it. I am not willing to surrender my judgment as a Senator to the keeping of any committee and lend my support to the pending measure unless it can be shown by argument other than the mere presentation of the bill itself that we ought to vote for it. Otherwise, Mr. President, we all would surrender to committees the discretion properly vested in us here as Senators.

I have already referred to the fact that this was largely a fight between two electric-light companies; that one company has got the ear of the committees of this body and the other has not.

That of itself may be unfortunate for the company that is left out in the cold. I hold in my hand a statement of the Potomac Company which has just been sent to me. It is a statement, respectful in form, dated January 19, 1897. It is addressed to the Senate and House of Representatives.

> We respectfully submit the following statement, and beg that unfavorable action may be taken by you upon Senate resolution No. 157.

It is signed by Mr. O. P. Crosby, president of the Potomac Electric Power Company; and here is an elaborate statement giving all the reasons why the joint resolution ought not to pass. I do not propose at this time to detain the Senate by reading it, but no Senator ought to vote for the joint resolution until he has heard both sides. No Senator should be in haste to pass the joint resolution simply because some committee wants it passed. If men have come here from abroad and have had the effrontery to place their money in public improvements in this city, they have a right to be heard before it shall be confiscated. What is the joint resolution? It virtually is a confiscation of the property and money of this new company. The two companies are not placed upon an equality. One is given more privileges than the other. I stand here asking for fair play, for equal rights, no matter whether the men were born in the District of Columbia, or, unfortunately, born in the city of New York. If you once establish the principle that men of capital are not invited here, are not wanted here, they of course will refuse to come.

Mr. President, that would be a bad principle and a vicious policy and a narrow-minded course. I trust the time will never come when the Senate, by the passage of resolutions of this character, will indorse the statements contained in the brief of Colonel Britton, that those here in power who have the monopoly should be preferred against outsiders.

Why, sir, during the recent campaign the distinguished candidate for the Presidency on the Democratic side was criticised by some people because in a jocular or semihumorous way he had spoken of the "enemy's country." The criticism was farfetched in the light in which he spoke; in the connection with which he used those words there was nothing especially objectionable in them.

Mr. President, it is indeed true that no part of our common country is the "enemy's country." That is true. But no part of this country, especially no part of this little municipality (10 miles square) belongs exclusively to a few people, so that outsiders have no business here.

Mr. President, not only should there be competition, legitimate and proper, in electric lights, but there should be competition in everything in this capital city. There should be competition in all the things that concern the happiness of the people of this District. This Government can afford to pay for the best of everything. The people of this District who assemble here, especially those who live here during each winter season, who are residents here in the winter time, and are also Senators and Representatives, have a right to have the best lights, the best water, the best gas, the best streets, the best government that is to be found anywhere. I do not intend to discuss the question as to whether the people here should have the elective franchise, because I want to confine myself strictly to the pending joint resolution.

Mr. President, the system of our government for the District of Columbia will permit the best government, if it is properly administered. But you can not have good government if every time a street is torn up you are to have a bill introduced in Congress to stop it. I as a Senator do not want to be a sewer commissioner of this city. I do not want to be a road inspector. I do not want to have thrust upon me duties which are inconsistent with those that pertain to the dignified office of Senator of the United States; and therefore I would leave to the District Commissioners the fullest possible discretion.

Mr. President, I have said that I did not intend to put in evidence at this time the statement of the president of the Potomac Light Company, nor do I care about reading the letter of the president in regard to the understanding or the misunderstanding that was had last spring about proposed legislation, because until that branch of the subject has been touched it would not be germane. I am here to say, in conclusion, that the joint resolution is extraordinary; I am here to say that it violates the rights of the new company; I am here to say that it is in the interest, whether intended or not, of the old company. I mean to say that it is in the interest of a monopoly against which the people of this city have long contended. I say it is based upon a wrong spirit, a narrow spirit, such as has been exhibited in the brief that I have read here. It will do more to retard the progress of your District, it will do more to retard public improvements, it will do more to constitute a pernicious precedent, than any other piece of legislation that can be enacted.

Mr. President, having said this much, I will yield to anyone else who desires to discuss this question, simply saying that I think the joint resolution is a mistake. I cast no reflections upon the committee that reported it. I presume they gave both sides a hearing. I have not been advised in regard to that matter. I ask my friend from West Virginia whether that is true?

Mr. FAULKNER. It is true.

Mr. HILL. The Senator answers that it was done. I do not wish, of course, to interrogate him against his will, but I would simply ask whether it was not understood that there was to be a further hearing?

Mr. FAULKNER. If the Senator from New York has finished talking against time, I will then take the floor and answer, I think, all the questions he wants answered as to the facts. Of course I can not follow him in the line he has taken as to language, nor make any insinuations similar to those which he has indulged in; but in other respects I will try to present the facts to the Senate on which the committee acted.

Mr. HILL. What is there about this question, Mr. President, that is so ticklish? What is there about it that Senators are so sensitive upon, when I ask a respectful question as to whether there was not possibly an understanding that there was to be a further hearing upon the bill (a matter which occurs every few days in regard to a bill) that we should not have a frank answer? I do not understand it, Mr. President. It is beyond my comprehension that there should be so much sensitiveness displayed in regard to this matter. I assume that the committee intended to be fair; I am willing to assume that they have been fair from their standpoint; but I did understand that those connected with it were to have some further hearing in regard to this matter, if adverse action against the Potomac Company was to be taken. I may be informed properly or I may not be. I may be mistaken in regard to it. It is certain, Mr. President, that if there was not a full and complete hearing, if there was to be a further hearing which has not been had, we at least can have that hearing here, because before we are through with this question it ought to be discussed in all its bearings. While my friend from West Virginia unkindly suggests that I have been talking against time, I confess that I have been talking, Mr. President, against a joint resolution that is ill timed. Perhaps that is what he means. Sir, I would talk any length of time that I might deem necessary to defeat it, or at least to prevent its passage until every Senator around this circle should understand precisely what the joint resolution means.

The PRESIDING OFFICER. The Senator from New York will please suspend.

Mr. HILL. I will suspend, Mr. President, for to-day.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 3247.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. TURPIE. Mr. President, the opposition we make to the pending bill is not founded on any hostility to the project of the isthmian canal by the Nicaragua route. We are earnestly in favor of an American canal under American control, meaning thereby a canal built and owned by the people and Government of the United States and under the control of the Congress and President of the great Republic.

The isthmian canal, sir, is a great design, worthy of this age and of this Government—the crown of this age. It purposes to remove the Straits of Magellan thousands of miles to the north, to erase from the ocean sailing charts the tedious and prolonged voyage around the Horn, to sever and divide these grand divisions of the earth's surface, North and South America, and yet, sir, to make them more adjacent, to weld them in closer union and with a more binding tie than they have ever been before.

The consummation of this enterprise, so long desired, so long expected, meets the favor of every statesman, of every citizen of the world within the bounds of civilization. It is because we favor, because we earnestly favor, the construction and completion of the isthmian canal by the Nicaragua route that we are opposed to letting it go into the hands of a private corporation, the beneficiary of this bill, an insolvent corporation without means, without money, without credit, an association, sir, already clothed with the left-handed prestige of failure, whose further connection with this great enterprise must assuredly lead to its disastrous defeat.

The completion and successful navigation of an isthmian canal has been an ideal conception for two hundred and fifty years—ever since this hemisphere has been the site of settled and permanent European colonization. The project has been common to the countries and the people of both North and South America. It has been a conception heretofore like that which prevailed in the period of Columbus with respect to reaching India by sailing continually to the west. It has been an ideal conception like that which prevailed in a later period with respect to a northwest passage to Asia. It has been an ideal conception like that which prevails even now with respect to the exploration, the discovery, and the actual occupancy by human footfall of the North Pole of the planet.

It has, however, passed out of the sphere of mere ideal conception. It has made the attempt and passed beyond that line into the line of a project tentative and experimental and actual upon certain conditions and limitations. There is nothing new in the design itself. There is nothing new in the Nicaragua route. There is nothing new in the constructive purpose of this bill, of the original act, or of the amendment now pending to it.

This is in its historic order the twenty-first concession, inspection, survey, and attempt at the construction of the isthmian canal by the route of Nicaragua. Indeed the governments which have successively controlled the dominion and the eminent domain of this route have been in all their existence extremely liberal in the grant of concessions; they have been extremely liberal in their gift of concessions; they have been extremely liberal in their policy to all parties and persons who wished to avail themselves of preparatory or concessionary rights upon the land which the canal if successful must traverse. This is not only the twenty-first concession in historic order to parties, persons, and corporations for this purpose, but it is the fourth American concession for that purpose, using the word American in the sense of belonging to the United States.

The first concession and charter was made in favor of De Witt Clinton, whose distinguished successor I see now occupying a seat in this Chamber. It was made to a governor of New York and his associates. The second was made to a well-known citizen occupying no official position but controlling unlimited credit and unlimited funds, Cornelius Vanderbilt, and his asssociates, also of New York. The third was made to gentlemen of the same city and of the same abundant financial resources, Frederick Kelley and his associates; and the fourth one, the one now existing, was made to the Maritime Canal Company of Nicaragua. There was the same concession, upon the same terms, upon the same conditions, for the same price, a merely nominal one, paid in all these instances.

It is valuable to consider the history of former concessions, not only to our own countrymen but to countrymen of other nationalities, when it is claimed here that this concession has an extraordinary validity or contains some extraordinary rights which have not been heretofore granted or considered by the concessionary parties.

This is the fourth concession to citizens of the United States for the construction of this work. All of these concessions and projects have been expensive, prolonged, and heretofore abortive. This has not been for the reason that the project or design in itself is devoid of merit, but because capitalists in Europe and America have alike not been convinced of its commercial possibility or its pecuniary returns as an investment.

I listened with great pleasure, as I always listen, to the honorable chairman of the select committee upon this subject, who reported the pending amendment to the original act, with reference to the immense profit to be gathered in the prosecution and completion of this work. He refers to the enormous recent improvements which have been made in the instrumentalities of excavations and embankments, giving new facilities and promising new methods of success in its prosecution. All these and many more reasons have been urged for years upon the capitalists of both hemispheres; and yet not one has been convinced that this work ought to be undertaken as furnishing the means of a profitable investment. Indeed, sir, this project, tentative yet, experimental yet, passed by numerous failed efforts into the sphere of projects properly named—this project is yet tabooed. It would not be heard, it would not be considered, in any office of any capitalist either in the United States or Europe. For the last fifty years it has been blacklisted; it has been placed beyond consideration as a money investment. We have very recent proof of this, and the most authentic proof which could be offered for the existence of any contention or fact in human testimony. That proof is in the history of this Maritime Nicaraguan Canal Company. That company was required when it opened its books and sought subscriptions for stock and bonds to realize means for the construction and completion of their work to make publication for thirty successive days in the principal newspapers of London, Paris, and New York.

This publication, which was required by the terms of the original concession, as it had been required by the terms of former concessions, was made. This project, with all its advantages, with all its enormous profits, and with all its roseate predictions, was thrust into the face and under the eyes of every member of the Bourse in Paris, of every member of the stock exchanges of London, of every operator in Wall street, and was rejected—totally rejected. No one in any of these capitals took one penny of stock, one dollar of bonds, of the Maritime Nicaraguan Canal Company. So that this condition of taboo of which I have spoken, this condition of absolute isolation, is founded upon the most recent evidence, and justifies any careful man in saying that investment in this project, and the project itself, is an outcast, a fugitive from the financial world; it is a beggar, a pariah in any rational financial system.

Some money was raised—how much I do not know; some money was expended—how much I do not know; but none of it was raised by the Maritime Canal Company of Nicaragua. All the money that was subscribed was subscribed and paid by citizens of the United States, and most of that subscription was confined to the citizens of New York. Our fellow-citizens of the United States, conversant with this enterprise, expressly notified that financial aid was needed, learned very early to make a distinction between the solvency and responsibility of the Maritime Canal Company and the solvency and responsibility of the Nicaraguan Construction Company. It is true these companies were very closely connected; they were the Siamese twins of this scheme; but it was very early understood, most distinctly apprehended, although the Maritime Canal Company had undertaken a project financially unjustifiable and financially unprofitable, yet that the Nicaraguan Construction Company might make money out of the expenditure. The construction company only related to the expenditure of money. It had no relation at all to the completion of the canal or the profits which were to accrue. All the holders of stocks and bonds in the construction company looked to was an expenditure of money as the work proceeded and the profits which might be made, the profits which would accrue by jobs and subjobs, from contracts and subcontracts, details—very rich financial details in the prosecution of such a scheme, very fruitful financial details in the prosecution even of a similar scheme afterwards to be noticed.

Our people, therefore, very early came to the conclusion that the canal might never be completed. That did not interfere with the details of the construction or with the policy of the Construction Company. They came very early to the conclusion that the canal might never be completed, or, if completed, that its returns upon investment would be worthless. Therefore, their investment was made in the capital stock of the Nicaraguan Construction Company, a corporation of the State of Colorado, a corporation yet in existence, a corporation which has enjoyed new life and accession of fresh vitality from its recharter in the State of Vermont, awaiting this appropriation of $100,000,000 to be expended in construction, awaiting the movement of the larger fish as the pilot fish accompanies the whale, awaiting the movement like the kingfisher who pounces on the bird which has caught the prey and compels its redelivery to itself. That is the comparative situation of these companies. So even our own people, residing in New York and elsewhere, with full notice of the apprehended or expected profits from this magnificent financial investment, no less than the people of London and of Paris, have turned their backs upon it and given no credit to those arguments which proceeded upon the supposition that it would be a profitable financial investment.

The project, then, as such, stands discredited, totally, wholly discredited, in our own country and in all others. The stocks or bonds of the Construction Company, in case an appropriation is made, will have a market value; but the stocks and bonds of the Maritime Canal Company, depending on the completion and the consequent rentals from the canal, are considered as a dead loss—caput mortuum—on the minus side. That this should be the condition of the principal beneficiary of this bill, and that it should be financially discredited, totally discredited, is not strange.

The Nicaragua route is geographically only a few days' sail from a city and country which is called Panama, and this route—the Panama route—had been advertised in the same way, craving for investors, yet no capitalist took any stock in the Panama scheme, no government took any stock in the Panama scheme of the isthmian canal, no European government even gave it incorporation. It was undertaken by a private corporation, incorporated under the Government of Colombia, in South America, its charter providing its principal office should be in Paris, just as the charter of the Maritime Nicaraguan Canal Company provides that its principal office shall be in New York.

Millions were expended in the prosecution of the work of construction of the Panama Canal. It is only 41 miles long. This proposed Nicaraguan Canal is more than 100 miles long. Two hundred and forty million dollars were expended in the attempt to construct the Panama Canal; but, sir, it was not at the expense of any capitalist, of any Government, either directly or indirectly. It was made by a grand levy upon the plain people of France, it was made by a grand levy upon the small tradesmen, the peasants, and villagers of France. The first investment of the company was to subsidize the French press. There was not a newspaper throughout the country from which any information could be got except that the canal by the route of Panama was going to be a success and be as profitable as the canal of Suez. It was due to the credulity of the multitude; it was due to their willingness to believe and accept the promise of the Panama Canal Company, deluded with the glamor of the scheme and beguiled with the splendor of its projector. De Lesseps, fresh from his magnificent achievement at Suez, that they subscribed and paid this enormous sum, only to sink it beyond the reach of redemption or of resurrection.

Not only was the first subscription of $100,000,000, the sum asked in this bill, so sunk; but after that had been swept away by the storms and floods of the isthmus—as prevalent at Nicaragua as they are at Panama—after the last vestige of improvement had been wiped out, credulity, which seems like the wool on a sheep—you may shear it, and yet it will come out on the same animal a second time—after $100,000,000 had been sunk and was known to be sunk in the Panama scheme, $100,000,000 more the second crop of extortion—was contributed by the peasantry, artisans, and villagers of France.

Although this is the fourth American concession and the fourth organized effort for the construction and completion of this design, it is the first in one feature. De Witt Clinton, the late governor of New York—not a very late one—in the early twenties saw in imagination all the greatness of this design being effected and completed. He had as associates the most wealthy and responsible citizens in his own State, and made at that time an inspection and survey of this route. Cornelius Vanderbilt, whose name is synonymous with enterprise, with public spirit, with successful investment, and with great accumulation of cash, a man of abundant resources, made also the same attempt under the same auspices, with a similar organization. Frederick Kelley, of New York, and his associates and friends, the successors of the first before-mentioned American projectors and promoters, undertook the same enterprise upon the same route. All these failed. But neither De Witt Clinton nor Kelley nor Vanderbilt ever came to either House of Congress and asked them for $100,000,000, or any other sum, to assist in the prosecution of the work. They never even dreamed or conceived of asking what is called Government aid and assistance in that which they had undertaken. Neither of these gentlemen would have advised or asked this Government to undertake an enterprise in which they had themselves failed.

Mr. Vanderbilt spent a quarter of a million dollars in the work of preliminary survey—a very handsome investment. He received the profiles, maps, drafts, and all the details of a most elaborate report, and then abandoned the enterprise. What the estimate of cost was I do not know. I have frequently inquired for that report and for the papers, not only here but of gentlemen in New York, but I have never seen them. Kelley and De Witt Clinton—none of these promoters of the enterprise, who were once concessionaires, just as these gentlemen are, under treaties with the Republics of Costa Rica and Nicaragua, ever came even to the threshold of the Senate to ask an appropriation of a dollar in aid of their enterprise. This is the first project of that kind. But the Maritime Canal Company, a corporation without money or credit, utterly bankrupt and insolvent, ask that we pay out of our own Treasury into their treasury $100,000,009, to be used in a work which, according to their own designs, is shown to be not capable of financial completion, profitable completion, and wholly incapable of accomplishment at all, as the sequel will show. They have abandoned their design, and they have chosen no other, but on general principles they want $100,000,000.

Some of the engineering projects of this corporation are spoken of as bold and daring, but I think its financiering project far surpasses them. It is bold, bald, and brazen in effrontery, and yet so delicate in its tracery and form that it may be hard to determine whether it depends most for its success upon corruption or credulity. Their bill, which was discussed very fully here three years ago, asked for $70,000,000. Why do they now want $30,000,000 more?

I voted very reluctantly for the act of February 20, 1889, the original act of incorporation of this company. It was a matter here of a good deal of discussion sub silentio, from seat to seat, from desk to desk. The promoters were gentlemen—one of them was from my own State—very distinguished gentlemen, from different parts of the Union, named in the act as incorporators, but the concession, which controls the charter, and the act which had not yet become a charter both provided that the principal office of the company, all its securities, and all its archives should be kept and preserved in the city of New York. Therefore we suggested to them that it ought to be a New York corporation and that the United States ought not to meddle with the grant of corporate power: that even the grant of an ordinary incorporating act might entangle financially the Government with the enterprise itself, and that at home they would have a forum with which they were perfectly familiar, State courts with whom the enterprise, if not received with favor, would be at least treated with great impartiality and fairness. For weeks, day after day, we remitted, and sent them again and again to the New York forum for an act of incorporation.

Finally it was said to them in very express terms, "We are apprehensive that in granting this act of incorporation the Government may be in some way pecuniarily liable directly or indirectly for the expenditures of your undertaking." They said no, they did not want a dollar of this Government or of any government. They said the initial strength—that is the term: it takes the very highest class of operators to invent these terms—they said the initial strength and inceptive favor of the enterprise itself would attract and draw to them all the capital and more than would be needed for the prosecution of the design. They represented to us that an English syndicate was ready to take the contract for the completion of the route from the Atlantic to Lake Nicaragua, and that a French syndicate was waiting to take the contract for the completion of the canal from Deseado to Brito, the Pacific terminal. They represented to us that London and Paris were hungering and thirsting to take the stock, bonds, and contracts, and that they did not desire any pecuniary aid.

We gave them our most ample consideration and very diligent attention. The result was a conference between those hesitating about the support of the bill—I was one of them—and the friends of the bill, and they came to a very definite conclusion: they came to a well-ordered and acute point in this controversy. "You say you do not want any money. Are you willing to put that into the act? You say you do not want the United States to assume the slightest liability on account of this work. Are you willing to make that a part of the charter?" They said they were: and it was upon that condition that the original act of incorporation of the Maritime Canal Company was passed, and it was upon that condition that I, among others, voted for the bill. I believe that condition, which is a proviso, was drafted by the honorable and learned Senator from Mississippi [Mr. GEORGE], who, I regret, is detained by severe indisposition from his seat at this time. I wish to call attention to it. It is part of the fundamental law in this case. It is part of the fundamental policy of the incorporation. It is a condition precedent to the granting of the charter, accompanying the granting of the charter, running yet with the charter.

> The principal office of said corporation shall be in the city of New York—

I read from page 2 of the original act of incorporation—

> and all legal process may be served upon the person who may at the time be in charge of said office or upon the attorney of said company, whose name and address shall be certified by the president of the company; and such certificates shall be filed in the office of the Secretary of State of the United States: *Provided, however,* That nothing in this act contained shall be so construed as to commit the United States to any pecuniary liability whatever for or on account of said company, nor shall the United States be held in any wise liable or responsible in any form or by any implication for any debt or liability in any form which said company may incur, nor be held as guaranteeing any engagement or contract of said company, or as having assumed by virtue of this act any responsibility for the acts or proceedings of said company in any foreign country or contracts or engagements entered into in the United States.

In the operative language of the act is "guaranteeing"—the very word used in this bill.

If that is not a conclusive estoppel at law and in equity against this demand for an appropriation of $100,000,000, the English language can not frame one.

We were determined that the company should never be incorporated at all without this proviso. The proviso being in the charter is not only prima facie but conclusive against their rights, against even their equity to come here and make this enormous demand for subvention and subsidy.

The Government of the United States was not the only one interested in saying "Hands off!" with respect to this incorporation. Equal precaution, sir, was taken by both the Republics of South America who were parties to its original concession. I wish to call the attention of the Senate to the provisions of the original cession upon that subject.

Article 15 of the treaty, the concession between the Maritime Canal Company and Nicaragua, is identical with the same article in the treaty between this corporation and the Republic of Costa Rica, and reads in the following terms:

> All expenditures for surveys, construction, maintenance, and operation of the Interoceanic Maritime Canal shall be borne by the concessionary company, without any subvention in money nor guaranty—

They took the pains to report upon that very thing, and not only to report, but to agree upon that very thing which is asked for in the pending bill—

> without any subvention in money nor guaranty of interest on the part of the Republic, nor other concessions than those specified in the present agreement.

The Government of the United States was not the only one that distrusted the Maritime Canal Company. The Government of the United States was not the only one that discredited this corporation. Even in its beginning, even in its inception, all three of the Republics that were signatory parties to the treaty of cession declared that they would not be bound either directly or by guaranty for any pecuniary liability of the company in this enterprise. It is not to be taken as any disfavor to the prosecution of this enterprise. The corporation has always pretended and professed that it wanted none; that it had itself the money, or could command it, to construct and complete the canal. Whether it did or not, it voluntarily made the agreement with all three of the

Republics that it would ask no money and no guaranty of either of them: and the company has now deliberately violated such agreement with respect to the United States, and the pending bill proceeds upon the violation of that agreement. It proceeds upon the fact that we shall be bound not only for the expenses of construction and completion, but that we shall repay to this company not the value of its work, half a mile of canal, which it has been engaged for four years in making, but the money expended to make the work, expended for work done by the Nicaragua Canal Construction Company—not by the Maritime Company—under a contract by which the Maritime Company agreed to pay the Construction Company four times the estimated cost of the completion of the work. We are compelled—the United States are compelled—under the conditions of this bill, under that contract, to pay four times the estimated cost of the work actually done by the Construction Company as found under their own estimates.

If I were in favor of this bill at all, I should have no objection to paying the reasonable cash value at this time for what they have there, if they have anything, but I think it is a very inequitable, thoroughly unjust provision that we should be bound to pay what they expended when they expended, as the archives of the company show, four times more than the work was estimated at. This belongs, sir, to that field of operations, that close field similar to mare clausum in international law, which is foreclosed between the construction company and the principal company engaged in the work.

This is the third attempt which the corporation has made to procure money from the Government. Heretofore they have got nothing, and, according to the terms and conditions of their own charter, they ought neither to ask nor to receive one penny. This magnificent enterprise in their hands has been totally discredited. Why should we encumber ourselves with the wreck and fragment of a defunct body corporate when we can by tripartite treaty with the Republics interested build, own, and operate this canal, regarding its construction as a necessity, when, upon grave consideration and accurate estimate, we find it to be practical to do so. Whatever is possible, the Government of the United States may accomplish and will accomplish. What we do here pecuniarily ought to be done on the account of the Government, not on the account of a private corporation.

The gist of the bill is in sections 9 and 16, and I propose to examine those sections.

> SEC. 9. That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than $50 nor more than $1,000, to an amount not exceeding $100,000,000, to be dated on the 1st day of July, 1896—

That undoubtedly is a numerical error, because the day has already passed—

> to be payable on the 1st day of July, 1926—

They are thirty-year bonds or designed to be such—

> but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. Said mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States, and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lien in favor of the United States upon the Nicaragua Canal.

I come now to section 16:

> That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment by the President of the United States of the eight directors herein provided for.

Now, the first question in this case, which has always seemed to me, sir, a very serious question, is, Has Congress the lawful authority to guarantee the note of a citizen of the United States—of any citizen? The Maritime Canal Company, the beneficiary of this bill, is a corporation. That is very true. It is chartered by the Government of the United States. A corporation is decided to be a person, and not only a person but a resident, a resident of the State in which its principal office is situate; and if its principal office be situate in any State, it must therefore be a citizen and resident of the United States.

Where in the Constitution is the authority given Congress—in what section, in what clause, either by indirection, by any sort of implication, for there is no provision on the subject—to guarantee the bond or note of a citizen, for the person sought to be guaranteed here is a citizen. I should think it would be a thing to be avoided in the foundation of any government. I do not think a constitution could have been framed or adopted which, even by implication, gave the power to the National Government either to indorse or guarantee the note or bond of a citizen. I can conceive that they might guarantee the bond of a State or of several States; that is, I conceive that authority might have been given them to do that. Possibly such a proposition might have prevailed, but no one looking at the solvency of the Government, no one having the presence of the taxpayers before him, no constituent body depending upon votes for election would ever even have considered the proposition to allow the National Government to indorse or guarantee the note or bond of a citizen.

Yet that is the bone of this bill. Whatever its flesh may be, very loose and flabby, the bone of the bill proceeds upon the lawful authority of the Government to go security—I will put it in the most colloquial term—upon the note or bond of a citizen. The framers of this measure say there is nothing in the Constitution forbidding it. I do not think there is. Such a monstrous proposition needed no prohibition. What amount of taxation would be needed to supply the Treasury with funds if we should undertake to guarantee the payment of the notes or bonds of citizens?

The promoters of this measure were the only persons who could conceive of any such prohibition. I do not think it is an answer to a constitutional objection to say that the power questioned is not forbidden in the provisions of that instrument. The Constitution is an instrument of granted powers, and where powers are not granted they are not: they exist not. Here is a power not granted; not purposed to be granted; not implied as granted; not by any possible intendment granted. And it is not. There is no such power.

It is very fortunate for us that we have limitations in the Constitution. It is the only lawful prohibition upon zeal without knowledge: upon that energy without bounds—I am putting it upon high grounds—upon that enthusiasm which has no measure and no mood in its operation: that generous enthusiasm which has so often found utterance here on this theme. The only bound we can put to it with respect to the pecuniary subsidies of this kind asked of the Government is that we might be pleased to do it, but we have not the power: we have not the authority to tax the people in such manner.

The denial of this power has nothing to do with the denial of the construction of this work or its completion. The Government may borrow money. That is a necessary power implied by many of those granted. The Government may appropriate money from the Treasury: that is, set apart and designate and mark it as applicable to a certain purpose. I am rather of the opinion indorsed by Mr. Edmunds, formerly a Senator, that the power of appropriation is perhaps the most absolute power in the body. But then that operates upon funds, it operates upon money, it operates upon specie, it operates upon the cash in hand or thereafter to be such from tax collections.

This bill is not an appropriation of money. I would not trouble much about the power of the Government to construct the canal, to build and complete it, under ordinary political and legislative conditions. I would raise no question in regard to it making appropriations directly for that purpose or issuing and selling its bonds upon its own account for that purpose. That is not what the bill requires. It requires that we shall guarantee the bonds issued by a citizen of the United States, and gives as the overwhelming reason for it that the citizen is bankrupt and has no credit of his own.

There is no precedent for the exercise of such authority. I know we have very often purchased territory and issued bonds to raise the money for that purpose. We have often acquired intraterritorial property for the erection of public buildings in the same manner. But we have never guaranteed bonds as asked for in the pending bill, nor even taken any action resembling this except in one instance, and that was in 1864 in the case of the Pacific Railroad Company. It is a very disastrous precedent. But the question raised here was not raised at all in that enactment.

Sixty-four million dollars of bonds were issued by the United States in subsidy and aid of the Pacific Railroad Company twenty-two years ago. The provisions in that act were just as they are in the bill now pending, for the appointment of directors by the President, for the payment by the company of the interest upon and principal of the bonds, that in case of their nonpayment they should be a first lien upon the road, and for the execution of the mortgage, which was executed, making another first lien, if such is possible. Whether it is possible or not it is the exact language of this bill, and it was the language of the act for the Pacific Railroad Company. It seems to me a very difficult, if not an impossible proposition to make the expenditure a first lien on the road, and then to make the mortgage given a first lien on the road. But that Congress in its dealings with the Pacific Railroad Company evidently did not believe they had authority to guarantee the payment of the railroad bonds, and consequently issued the bonds directly to the company, relying upon the first lien and mortgage to secure the repayment of the money. I do not see how there can be two first liens. That was the language of the Pacific act. It is the language of the pending bill.

There was another provision, that the road should be finished in sections, and that a car should actually pass over the section and it should be approved before the bonds were delivered over to the company. Such a provision is not in this bill in reference to the canal. I will notice it further in the sequel. I was very glad, sir, to notice the action of the other House in the National Legislature a few days ago in respect to our securities upon the Pacific railroad. That company owe us yet upon this subsidy more than $100,000,000. They owe us, if we had the money, enough to pay for the subsidy which this company is asking. Would it not be well enough, I submit in all courtesy and kindness to the promoters of this work, to wait until we have collected the $100,000,000 due to us from the Pacific railroad company before we make another investment of the same character?

All the provisions for repayment in that instance have failed. We have nothing left but the land over which the right of way runs, a strip, I believe, of 200 feet of actual embankment, the incorporeal hereditament, the right of way, the ties, and the rails; we have only a chance to get them. If it had been possible to get the bonds without laying a single rail, they would have been taken by the company; but as they could not take them without completion of section by section, we have this remnant of security and this fragment of indemnity left. Whether we shall realize upon it I do not know, but, as I said before, I am very glad that the honorable House has seen fit not to surrender our chances for indemnity against this great loss. When so much has been said and is likely to be said concerning the personal ability and respectability, solvency, and high character of persons who are to be appointed by the President as directors of the Maritime Nicaragua Canal Company, that was all repeated twenty-two years ago with the same veracity and gravity as it is now repeated with respect to the directors of the canal. There is no amount of personal respectability or solvency or character which will give us this guaranty, the guaranty of honest, commonplace integrity, by incorporate action. Every Senator whom I address knows that to be true.

There is a provision in that act concerning the railroad, a subsidy, that the directors should visit the road once a year, just as this bill provides that they shall visit the canal once a year, and there was the ordinary provision that their expenses should be paid, just as this bill provides that they shall be paid, and the salary was $5,000, just the same salary mentioned in this bill for the directors of the canal. There is a remarkable similarity between both these acts, and I very much fear there will be the same similarity with respect to the fate and fortune which will befall the taxpayers of the United States in relation to results.

It is true it may be said that the Government directors were in the minority on the Pacific Railroad. They were. There was a majority there of interest not controlled by the United States, but we had a minority on the board. When the land grants were exhausted, were used, were sold, were disposed of, and had realized money enough to build and equip the road, we got no payments either of principal or interest. There never has been a single year in which we have had any net profits reported on the road, because net profits would have made a payment to the Government upon its debt peremptory. "Net profits" is the term used in the bill which is now before us. It may be said that these Government directors could not prevent that, but they could have at least advised the country of this enormous confiscation. They went and attended every year; they attended every board meeting. Was there ever any complaint made by any one of them? Did they advise the Government or the people or the Congress of the misuse of funds, the extravagant abuse of funds, the enormous profits, amounting to 400 per cent, in the building of this road? What do Government directors or any other kind of directors know about those intimate and delicate relations between the principal company and the construction company, for the Pacific Railroad had a construction company which absorbed the land, earnings, everything except the steel rails, which sucked the orange dry and left the principal company an empty shell? What could they do to prevent that? What do these canal directors know, and what will they know about the relations between the construction company mentioned in the bill and the Maritime Canal Company? What do they know about the contractors and subcontractors, material men, the overcharging, the salaries of subordinates rendering no service? What do they know about larceny and laches which infest the expenditure of vast sums of public money, which cost those who expend it nothing, and who constantly rely upon new supplies of funds from the same facile source which yielded to their demands in the first place?

There is no directorate that can give us any additional security, any indemnity for the expenditure of the money realized upon the bonds, or the slightest guaranty of the completion and construction of this canal. There is nothing in the machinery of government directorate in such a work for the honest and intelligent expenditure of the sums of money granted, least of all none for its repayment or return.

When this great enterprise is undertaken it ought to be under the direct action of Congress authorizing the Secretary of War to build this canal as he builds a fort or improves a harbor, without the aid of construction companies, cliques, or combinations, and beyond the risk or the reach of such conspiracies. We should then have the assurance that every dollar would be honestly employed, not only in construction, but in every hour of labor with reference to its final completion; whereas if we rashly and imprudently give to this corporation the handling of $100,000,000 the profits of construction in the way of labor to its numerous officers and agents will prolong that process, and completion will be the last thing which they either desire or design.

This work, if it should ever be completed, Mr. President, if you will allow me the expression, will be and must be armored. There will have to be a fleet or squadron at the Atlantic terminal and at the Pacific terminal; there will have to be batteries in defense on land at both of these terminals, and there are several places in the interior where the officers of the Government detailed to make inspection say that it will be necessary to keep a military force, not a large one, but a constant military force for the purpose of guarding it either from public enemies or from private malice.

In every way it will not only be a national but a military and strategic point for the United States. How will this jurisdiction and control of ours be reconcilable with the policy of the private corporation, and what part will they be willing to give or have they set apart for such military reconnoissance and naval observation as will undoubtedly be necessary the moment the work is constructed and completed? If the work is to be so essentially a Government establishment, and must necessarily be a charge in a military and naval sense upon the Government, why ought not, in its inception, the construction to be undertaken wholly as a Government enterprise?

Section 4 of the bill, which I will ask to have inserted in my remarks, provides for the creation of the directory of the new company on a new capitalization of the company, which is provided for in the bill:

> SEC. 4. That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

One of the directors must be a resident of the Republic of Costa Rica. That is one of the provisions of the first treaty. One of the directors must be a resident and in behalf of the Republic of Nicaragua under the same terms of the previous concession. One of the directors, in the bill it is provided, shall represent the Nicaragua Canal Company. The whole number is eleven. Eight of the directors would be, then, under the provisions of the bill, appointable by the President of the United States. This is a new feature in the bill. The original bill provided for fifteen directors; this reduces the number to eleven. Three are already provided in the bill; the eight are said to be dependent upon Executive appointment.

This section of the bill in regard to the directorate of the Maritime Canal Company deals with that function as if they had absolute power respecting it, as if there had been no primary and mandatory provisions in regard to it, as if it was nova res, a thing entirely new, created only in this enactment, and which might be entirely controlled by it. It proceeds upon the supposition that all they have to do is to consult Congress in regard to the making or unmaking of directors and in regard to the way the appointing power of the directorate shall be exercised. This would be true if Congress were as regardless of public treaties as the promoters of this measure.

This charter of the Maritime Canal Company was made subject to the treaty of concession executed between the representatives of the Nicaragua Canal Association and the Republics of Costa Rica and Nicaragua. It follows, then, that all our legislation, both the charter and any conceivable amendments to the charter, must be made subject to the conditions of the original treaty of concession. In other words, the treaty of concession is dominant upon the future policy of the company, upon the directorate, and upon every other incident of the incorporation government with which it deals. I wish, therefore, to call the attention of honorable Senators to Articles I, VIII, IX, and X of the treaty of concession. Article I, page 110:

> The Republic of Nicaragua—

And it is proper to say that the treaties between Nicaragua and Costa Rica and this company are identical except as to where names are changed—

> ARTICLE I.
>
> The Republic of Nicaragua grants the aforesaid Nicaragua Canal Association, and Mr. A. G. Menocal, representative of the said association, accepts on its behalf, for the purposes set forth in Article VII, the exclusive privilege to excavate and operate a maritime canal across its territory between the Atlantic and Pacific oceans.
>
> * * * * * * *
>
> ARTICLE VIII.
>
> The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers.
>
> * * * * * * *
>
> ARTICLE IX.
>
> The people of all nations shall be invited to contribute the necessary capital to the enterprise, and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty (30) consecutive days in one of the principal daily papers of each of the cities New York, London, and Paris.
>
> * * * * * * *
>
> ARTICLE X.
>
> The company shall be organized in the manner and under the conditions generally adopted for such companies. Its principal office shall be in New York, or where it may be deemed most convenient, and it may have branch offices in the different countries of Europe and America, where it may consider it expedient.
>
> Its name shall be the "Maritime Canal Company of Nicaragua," and its board of directors shall be composed of persons, one-half at least of them shall be chosen from the promoters who may yet preserve their quality as such.

The promoters are named in the original charter as well as the provision for the election of directors, and it is provided, as is usually done in such incorporations, that no person shall be a director who is not a stockholder, and that when he ceases to be a stockholder he shall cease to be a member of the directorate. Here is a plain provision that one-half of the directorate shall be chosen from among the promoters. The President of the United States may appoint, under the provisions of this charter, but he could only appoint one-half of these persons from the list of the promoters of the Maritime Canal Company. He could not do otherwise without violating the terms of the concession.

Now, there are eight directors after the three who have already been nominated in terms in the bill. One-half of that number would be four. There would be four directors from the promoters of the Nicaragua Canal. There would be one director chosen by that company, one director each for the two Republics, making in all seven directors in the interest of the canal, leaving four who might be disinterested appointees of the United States.

Mr. President, it will be seen, then, that under the terms of the concession which control all our enactments and must control all the action of the company, under the terms of that treaty, there will be seven persons chosen in the interest of the Maritime Canal Company and four who may not be in that interest. These four may be in the interest of the United States or they may be perfectly impartial and disinterested, as directors should be in such a work. But it is claimed that this provision in the bill giving the power to appoint these directors by the President of the United States gives some security to the United States for the expenditure of the moneys which are to be procured upon the guaranty of the Government, and gives some control to the United States of the policy and operation of the canal. That is not possible, sir, unless four men can control seven. It is not possible except that in this case in a board of directors composed of eleven members the majority shall be four. It is very plain that there is no sort of security for us in that provision. The language of the treaty is extremely peremptory; it is what is called mandatory; it is in such terms as may be enforced; it is in such terms as to admit of a writ of prohibition against a person not properly appointed, a peremptory writ of mandate to a person who is appointed properly. I will call attention to it:

> Its name shall be the "Maritime Canal Company of Nicaragua," and its board of directors shall be composed of persons one-half at least of whom shall be chosen from the promoters who may yet preserve their quality as such.

They lose no right by being chosen as directors; they still retain their rights as promoters. The operative words are "shall be chosen," and none I conceive could be made more peremptory; no legal right could rest upon a stronger foundation.

If we were disposed to treat with a friendly republic upon strictly legal grounds, which I do not suppose we ought, I suppose an assumption, even if there had not been this strong language, a recital, a recommendation, that half the directors should be chosen from among the promoters made by the signatory powers thereto, would be regarded as binding on the Government of the United States, or on every government disposed to honor treaty obligations, and I do not think that any Executive of the United States, any President of the United States, would be for a moment guilty of the discourtesy of questioning the peremptory power of this provision in the treaty. It was reserved for the friends of the pending bill to violate their own treaty, to infract their own agreement, and publicly to disparage the character of these two Republics in South America by coming here to Congress and asking us by law to make an enactment in contradiction to their own treaty.

On this subject, sir, I shall ask to read an extract from the speech of the honorable Senator from Florida [Mr. PASCO]—and it can not be read too often by persons who are desirous of being acquainted with the fundamental elements of knowledge in respect to the career and history of the Maritime Canal Company of Nicaragua. It will be found that this treaty concession was not drawn without caution; it will be found that the provision in relation to the name is as peremptory as the provision in relation to the directors: that one-half of the directors shall be promoters, and the name shall be the Maritime Canal Company. Could they submit an act here changing the name? Could they pass it? Would a majority disregard the terms of the treaty of cession? I read from the remarks of the honorable Senator from Florida in treating of this provision of the original cession:

> One of the provisions of the bill for the protection of the interests of the United States, upon which great stress is laid by the Committee on Foreign Relations in their reports and by some of the friends of the proposed scheme in the debate upon the pending bill, is that ten of the fifteen directors are to be appointed by the United States, and that with this majority control the interests of our people will be fully protected.

That is the claim made here now.

> Those who urge this in favor of the bill must have overlooked the tenth article of the concessions. The last clause of that article reads as follows:
>
> "Its name shall be the 'Maritime Canal Company of Nicaragua,' and its board of directors shall be composed of persons one-half at least of whom shall be chosen from the promoters who may yet preserve their quality as such."

The Senator from Florida remarks upon this provision:

> This means that eight at least of the fifteen directors are to be chosen from the promoters, and as Nicaragua and Costa Rica have one each, this leaves the United States with the privilege of choosing but five of the fifteen directors to represent her interests, and of course the control of the corporation passes to the private stockholders, who are to own, under the plan of reorganization of the company, not more than $7,000,000 of the capital stock.
>
> If the United States can choose ten of the directors while this article is in force, five of them must be from these promoters who own the stock and control the company as now organized. This sweeps away the foundation for the provisions of the bill to give the United States control of the Maritime Company through the board of directors.

Every word of that very able and elaborate analysis of the terms of the original concession is as applicable to the pending bill as to the original bill, except as to the number of directors. The pending bill reduces the number to eleven, and of that eleven seven must be chosen, under the provisions of the bill, from those who are promoters of the company, who represent the interests of the corporation and the two Republics. Four alone are to be appointed by the President of the United States as representatives of any interest the United States may have in such company.

It is very clear that under the terms of the treaty of cession it was not intended, and it will not be permitted to the Maritime Canal Company, to transfer the control of its own operations to the Government of the United States, or any other government, without a violation of the treaty of cession. They can not transfer this control, not even for money.

Here is the grinding perverseness of these original conditions in the treaty of cession, that they can not transfer the control of the company from their own corporation—not even for $100,000,000. They are very willing to make a transfer; they are anxious to commit suicide—suicide of the corporation. They are anxious to make a gift of the directory, willing to violate treaties, compacts, obligations. What possible ties can bind such action? What possible sense of duty can exist in men who are not only willing but anxious to infringe and to break down the provisions to which they agreed in the original treaty of cession? If there is anything in this treaty, that part of it which provides that one-half of the directors shall be promotors in the company, the part of the directory which belongs to the two Republics, that the concession shall never go to a foreign government or state—if there is anything in this treaty declared, written with every sort of emphasis and accent, it is the fact that this corporation must control itself under the terms of the cession, must retain control of the canal, can not transfer it to the United States or to any other government. That is the very thing which is not permitted, which is forbidden, which is prohibited by the treaty of cession, and it is the very thing that this bill provides for against the treaty and its covenanted terms.

Mr. BATE. Mr. President, if the Senator from Indiana does not desire to continue his remarks this evening, I move that the Senate proceed to the consideration of executive business.

Mr. TURPIE. I will retain the floor, and resume my remarks to-morrow.

Mr. CULLOM. Did I understand the Senator from Tennessee to move an executive session?

Mr. BATE. I did, but I will withdraw that motion if Senators desire.

Mr. CULLOM. I should be very glad if the Senator would allow me to call up the legislative, executive, and judicial appropriation bill, and proceed with it for an hour or so.

Mr. FRYE. I hope that will be done.

Mr. BATE. It is now 4 o'clock.

Mr. ALDRICH. That will not interfere at all with the bill which has been pending.

Mr. BATE. I have no objection.

Mr. CULLOM. Of course I do not care to interfere with the Senator from Indiana [Mr. TURPIE] in finishing his speech at whatever time he desires.

Mr. BATE. It was for the reason that the Senator from Indiana desired to suspend his remarks this evening that I made the motion for an executive session.

Mr. CULLOM. So I understood.

The PRESIDING OFFICER. Debate is out of order. The motion of the Senator from Tennessee for an executive session is not debatable.

Mr. BATE. It has been suggested by those who have charge of the appropriation bills that they would like to have them considered, and therefore I will withdraw my motion.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. MCCLELLAN managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;

A bill (H. R. 1061) for the relief of Henry F. Thornton;

A bill (H. R. 3014) revising and amending the statutes relating to patents;

A bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent;

A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;

A bill (H. R. 4379) for the relief of John H. Willis;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

A bill (H. R. 8493) in relation to taxes and tax sales in the District of Columbia;

A bill (H. R. 9619) granting a pension to Miriam C. Peck;

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet;

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893;

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas; and

A joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask unanimous consent for the present consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORGAN. And that the regular order be temporarily laid aside for that purpose?

Mr. CULLOM. Certainly.

Mr. HILL. For what length of time does the Senator from Illinois desire to proceed with the bill of which he is in charge?

Mr. CULLOM. I think we ought to run along for an hour or two.

Mr. HILL. I thought the Senator said he desired to take up the bill and consider it for an hour.

Mr. CULLOM. We must get in the habit of working a little longer each day; but we can determine later as to our course of procedure.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CULLOM. I now ask that the first formal reading of the bill may be dispensed with, and that the amendments reported by the Committee on Appropriations may be acted upon as they are reached in the reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that course will be pursued.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Senate, Office of the Secretary," on page 2, line 12, after the word "Senate," to strike out "$5,000" and, in line 14, after the word "Senate," to insert "$5,000;" so as to read:

> Office of Secretary: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, $5,000, etc.

The amendment was agreed to.

The next amendment was, under the head of "Office of Sergeant-at-Arms and Doorkeeper," on page 6, line 7, before the word "carpenters," to strike out "two" and insert "three;" in line 12, after the word "each," to strike out "telephone operator, $720" and insert "two telephone operators, at $720 each;" in line 15, after the word "dollars," to insert "press-gallery page, $600;" in line 17, before the word "laborers," to strike out "twenty-two" and insert "twenty-five;" and, in line 22, before the word "dollars," to strike out "twenty-four thousand two hundred and twenty-four" and insert "twenty-eight thousand six hundred and sixty-four;" so as to make the clause read:

> Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $4,500; horse and wagon for his use, $420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 3 messengers, acting as assistant doorkeepers, at $1,800 each; 46 messengers, at $1,440 each; assistant messenger on the floor of the Senate, $1,440; messenger to Official Reporters' room, $1,440; messenger in charge of storeroom, $1,200; upholsterer and locksmith, $1,440; 3 carpenters to assist him, at $900 each; skilled laborer, $1,000; 2 janitors, at $840 each; laborer in charge of private passage, $840; 2 female attendants in charge of ladies' retiring room, at $720 each; 2 telephone operators, at $720 each; telephone page, $720; press gallery page, $600; 3 laborers, at $840 each; 25 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $8,280; in all, $128,664.

The amendment was agreed to.

The reading of the bill was continued to the beginning of the clause on page 7, line 5, making appropriations for the salaries of the employees of the Senate document room.

Mr. MORGAN. Will it be agreeable to the committee to receive amendments from members of the Senate now, or do they prefer to have the committee amendments first acted upon?

Mr. CULLOM. I have no objection to receiving small amendments as we proceed with the reading of the bill.

Mr. MORGAN. There being no objection, there is one part of the bill to which I should like to offer an amendment as we go along, which I think will not be objected to. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 7, line 6, after the word "dollars," it is proposed to strike out "three assistants" and insert "first assistant, $1,600; two;" so as to read:

> For superintendent of the document room (Amzi Smith) $3,000; first assistant, $1,600; two assistants in document room, at $1,440 each, etc.

Mr. MORGAN. That makes a change only in the compensation of the real first assistant there, Mr. George H. Boyd. Mr. Boyd has been in that office now almost since his childhood, and has got to be almost as proficient in it as Mr. Smith, and that is saying a great deal for anybody. I think it is time we moved his salary up to the point suggested in my amendment, which is $1,600. The corresponding officer in the House of Representatives receives a salary of $2,000.

Mr. CULLOM. The Senator's proposed amendment is to make Mr. Boyd first assistant, and then to have two assistants in addition?

Mr. MORGAN. That is right.

Mr. ALLISON. Is that in the document room?

Mr. MORGAN. Yes.

Mr. CULLOM. I am inclined to think the amendment is right.

Mr. MORGAN. I think it is.

Mr. CULLOM. I have no objection to the amendment.

The amendment was agreed to.

Mr. CULLOM. The amendment just adopted will necessitate a change in the total sum appropriated at the end of the paragraph. I suggest that the clerks may be authorized to change the totals where such change is made necessary by the adoption of amendments in any particular clause of the bill. That will obviate the necessity of calling attention to each particular change that may be made necessary.

The PRESIDING OFFICER. In the absence of objection, that will be understood as agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, line 16, before the word "thirteen," to strike out "and;" in line 17, after the word "each," to insert "and page, six hundred dollars;" and in line 18, before the word "hundred," to strike out "twenty-five thousand six" and insert "twenty-six thousand two;" so as to make the clause read:

> Folding room: For superintendent of folding room, $2,160; assistant in folding room, $1,200; clerk in folding room, $1,200; foreman in folding room, $1,200; nine folders, at $1,000 each; thirteen folders, at $840 each; and page, $600; in all, $26,280.

The amendment was agreed to.

The next amendment was, under the head of "Under Architect of the Capitol," on page 7, line 22, before the words "assistant engineers," to strike out "three" and insert "four;" in line 25, before the word "firemen," to strike out "two" and insert "three;" on page 8, line 1, before the word "laborers," to strike out "four" and insert "six;" and in line 4, before the word "dollars," to strike out "sixteen thousand one hundred and fifty" and insert "twenty thousand one hundred and twenty-five;" so as to make the clause read:

> Under Architect of the Capitol: For chief engineer, $2,160; 4 assistant engineers, at $1,440 each; 3 conductors of elevators, at $1,200 each; machinist and assistant conductor of elevators, $1,000; 3 firemen, at $1,095 each; 6 laborers, at $720 each; in all, $20,125.

The amendment was agreed to.

The next amendment was, on page 9, line 2, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

> For materials for furniture and repairs of same, exclusive of labor, $2,000.

The amendment was agreed to.

The next amendment was, on page 9, line 4, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

> For services in cleaning, repairing, and varnishing furniture, $2,000.

The amendment was agreed to.

The next amendment was, in the provisions for the House of Representatives, on page 17, line 8, after the word "days," to strike out:

> And the appropriations made in the foregoing paragraphs under the Senate and House of Representatives for session employees shall be available on and after the first day of the meeting of the Fifty-fifth Congress, and continue available until the final adjournment of the first session of said Congress.

So as to make the clause read:

> That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean not exceeding seven months, or two hundred and seven days.

The amendment was agreed to.

The next amendment was, on page 17, after line 12, to insert:

> For clerk hire, Members and Delegates: To pay Members and Delegates the amount they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, during the session of Congress, and when Congress is not in session as provided in House resolution passed May 8, 1896, $400,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to strike out:

> To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, and House resolution, passed May 8, 1896, $400,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 20 on page 19.

Mr. CULLOM. As there are a good many Senators who are especially interested in the Library of Congress, and as the Senate is not very well attended this evening, I suggest that we pass over all of the provisions relating to the Library, which will be from the words "Library of Congress," in line 21, page 19, down to and including line 12 on page 26.

The PRESIDING OFFICER. Without reading so much of the bill?

Mr. CULLOM. Yes.

The PRESIDING OFFICER. If there be no objection, that course will be pursued. The Chair hears none.

The reading of the bill was resumed, beginning with line 13 on page 26. The next amendment of the Committee on Appropriations was, under the head of "Executive," on page 27, line 2, after the words "President of the United States," to strike out "Private Secretary" and insert "Secretary;" so as to read:

> For compensation to the following in the office of the President of the United States: Secretary, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 28, line 15, before the word "dollars," to insert "four hundred;" and in line 23, before the word "dollars," to strike out "nineteen thousand six hundred" and insert "twenty thousand;" so as to make the clause read:

> For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $3,500 each; chief clerk, $2,500; six chiefs of bureaus and one translator, at $2,100 each; private secretary to the Secretary, $2,400; eleven clerks of class 4; four clerks of class 3; seven clerks of class 2; one clerk of class 2, for indexing records, $1,400; sixteen clerks of class 1, one of whom is to be a telegraph operator; five clerks, at $1,000 each; ten clerks, at $900 each; one messenger; three assistant messengers; packer, $720; and ten laborers; in all, $120,000.

The amendment was agreed to.

The next amendment was, under the head of "Office of Comptroller of the Treasury," on page 36, line 8, before the word "hundred," to strike out "five" and insert "seven," and in the same line, after the word "dollars," to strike out:

> Five law clerks revising accounts and briefing opinions, at $2,100 each; three clerks of class four;

And insert:

> Chief law clerk, $2,700; four law clerks revising accounts and briefing opinions, one at $2,100, and three at $2,000 each; two confidential clerks of class 4, including one for the Assistant Comptroller.

In line 15, before the word "clerks," to strike out "four" and insert "five," and in line 17, before the word "hundred," to strike out "six" and insert "nine;" so as to make the clause read:

> Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,700; chief law clerk, $2,700; four law clerks revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; two confidential clerks of class 4, including one for the Assistant Comptroller; five clerks of class 3; two clerks of class 1; two messengers; and one assistant messenger; in all, $39,900.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Treasurer," on page 41, line 23, before the word "clerks," to strike out "eighteen" and insert "twenty;" on page 42, line 1, before the word "clerks," to strike out "eight" and insert "ten," and in line 3, before the word "hundred," to strike out "sixty-six thousand six" and insert "seventy thousand eight;" so as to make the clause read:

> For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, $3,500; teller, $2,500; bookkeeper, $2,400; assistant teller, $2,000; two clerks of class 4; three clerks of class 3; four clerks of class 2; twenty clerks of class 1; one skilled laborer, $1,000; ten clerks, at $1,000 each; ten clerks, at $900 each; three assistant messengers; and one charwoman; in all, $70,800.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Director of the Mint," on page 47, line 6, after the word "dollars," to insert "examiner, $2,500," and in line 15, before the word "hundred," to strike out "twenty-six thousand eight" and insert "twenty-nine thousand three;" so as to make the clause read:

> Office of the Director of the Mint: For Director, $4,500; examiner, $2,500; computer, $2,500; assayer, $2,200; adjuster of accounts, $2,000; two clerks of class 4; one clerk of class 2; four clerks of class 1; translator, $1,400; one clerk, $1,000; one copyist; one messenger; assistant in laboratory, $1,000; and one assistant messenger; in all, $29,300.

The amendment was agreed to.

The next amendment was, under the head of "Office of Supervising Surgeon-General Marine-Hospital Service," on page 48, line 19, to insert the following proviso:

> *Provided*, That the Secretary of the Treasury is hereby authorized, in his discretion, to grant to the medical officers of the Marine-Hospital Service commissioned by the President, without deduction of pay, leaves of absence for the same periods of time and in the same manner as is now authorized to be granted to officers of the Army by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the head "Office of assistant treasurer at Chicago," on page 54, line 11, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" in line 16, before the word "clerks," to strike out "ten" and insert "eleven," and in line 21, before the word "hundred," to strike out "thirty-four thousand two" and insert "thirty-five thousand nine;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $2,500; paying teller, $1,800; assorting teller and receiving teller, at $1,500 each; clerk, $1,600; bookkeeper, and two coin, coupon, and currency clerks, at $1,500 each; eleven clerks, at $1,200 each; messenger, $840; stenographer, $720; janitor, $600; and three watchmen, at $720 each; in all, $35,920.

The amendment was agreed to.

The next amendment was, under the head of "Office of assistant treasurer at New York," on page 57, line 3, after the word "dollars," to strike out "engineer, $1,050," and insert "two engineers, at $1,050 each;" and in line 9, before the word "dollars," to increase the total appropriation from $191,590 to $195,640.

The amendment was agreed to.

The next amendment was, under the head of "United States mints and assay offices," on page 59, line 15, after the subheading "Mint at Carson, Nev.," to strike out—

For assayer in charge, $2,500; melter, $2,000; assistant assayer, $1,500; and one clerk, $1,500; in all, $7,500—

And insert:

For superintendent, $3,000; assayer, and melter and refiner, at $2,500 each; chief clerk, $1,800; bookkeeper, cashier, assistant assayer, assistant melter and refiner, and weigh clerk, at $1,500 each; in all, $17,300.

So as to make the clause read:

Mint at Carson, Nev.: For superintendent, $3,000, etc.

The amendment was agreed to.

The next amendment was, on page 59, line 25, to increase the appropriation for wages of workmen at the mint at Carson, Nev., from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 60, line 1, under the head of "Mint at Carson, Nev.," to strike out—

For incidental and contingent expenses, $3,000—

And insert:

For incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, $7,500.

So as to make the clause read:

For incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, $7,500.

The amendment was agreed to.

The next amendment was, on page 64, after line 24, to insert:

Assay office at Deadwood, S. Dak.: The Secretary of the Treasury is hereby authorized and directed to provide sufficient room for an assay office in the city of Deadwood, as provided by the act approved June 11, 1896, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," and provide the same with the necessary fixtures and apparatus. For the payment of salaries and wages of workmen and contingent expenses and rent the sum of $10,000 is hereby appropriated in addition to the sum already appropriated, the said office to be conducted under the provisions of an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873.

The amendment was agreed to.

The next amendment was, under the head of "Nautical Almanac Office," on page 80, line 8, to increase the appropriation "for services of a competent mathematician to supervise the completion of the tables of the planets" from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 84, line 13, after the word "each," to insert "census clerk, $2,000;" and on page 85, line 12, before the word "thousand," to strike out "twenty-four" and insert "twenty-six;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000; First Assistant Secretary, $4,500; Assistant Secretary, $4,000; chief clerk, $2,500, and $250 additional as superintendent of the Patent Office building; nine members of a board of pension appeals, to be appointed by the Secretary of the Interior, at $2,000 each; special land inspector connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, $2,500; clerk in charge of documents, $2,000; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, $2,000; six clerks, chiefs of division, at $2,000 each, one of whom shall be disbursing clerk; four clerks, at $2,000 each; census clerk, $2,000; private secretary to the Secretary of the Interior, $2,000; eleven clerks of class 4; nine clerks of class 3; thirteen clerks of class 2; twenty-five clerks of class 1, two of whom shall be stenographers or typewriters; returns office clerk, $1,200; female clerk, to be designated by the President, to sign land patents, $1,200; two clerks, at $1,000 each; one clerk, $900; seven copyists; telephone operator, $600; three messengers; six assistant messengers; fourteen laborers; two skilled mechanics, one at $900 and one at $720; two carpenters, at $900 each; one laborer, $600; one packer, $660; conductor of elevator, $720; four charwomen; captain of the watch, $1,000; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; and seven firemen; to enable the Secretary of the Interior to employ laborers in the work of distributing the reports of the Eleventh Census, $3,900; in all, $228,080.

Mr. CULLOM. I ask the Senate to disagree to the amendments reported from the Committee on Appropriations which have just been stated.

The amendments were rejected.

Mr. CULLOM. Now, I offer an amendment to come in as a new paragraph after the word "dollars," in line 12, on page 85.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 85, after line 12, it is proposed to insert:

For a clerk of class 4, to act as census clerk, and for rent, salary, heat, and light incident to the proper care and preservation of the records of the Eleventh and previous censuses, $6,800, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Patent Office," on page 92, line 21, to increase the appropriation "for purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments," from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Education," on page 93, line 23, before the word "dollars," to insert "six hundred;" and on page 94, line 13, before the word "hundred," to strike out "two" and insert "eight;" so as to make the clause read:

Bureau of Education: For Commissioner of Education, $3,600; chief clerk, $1,800; statistician, $1,800; translator, $1,600; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in education as a preventive of pauperism and crime, $1,800; two clerks of class 4; two clerks of class 3; four clerks of class 2; seven clerks of class 1; two clerks, at $1,000 each; seven copyists; two copyists, at $840 each; copyist, $720; skilled laborer, $840; one assistant messenger; two laborers; two laborers, at $480 each; laborer, $400; and one laborer, $360; in all, $50,820.

The amendment was agreed to.

Mr. BATE. In the clause which has just been amended, on page 93, line 24, after the word "statistician," I move to strike out "$1,800" and insert "$2,000;" so as to read:

Statistician, $2,000

That is merely giving an increase of salary to the statistician of the Bureau of Education of $200 a year, which should be agreed to. He is the chief of a division.

Mr. CULLOM. I understand the statistician in the Bureau of Education is really a chief of division. The Senate adopted a similar amendment last year, which the other House disagreed to, or at least the conferees refused to agree to; but I am willing, so far as I am concerned, to let the amendment go into this bill, as there seems to be some merit in it.

Mr. BATE. That is right. A similar amendment was agreed to at the last session.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Surveyors-general and their clerks," on page 100, line 12, before the word "dollars," to strike out "eight thousand five hundred" and insert "ten thousand;" and in line 13, before the word "dollars," to strike out "ten thousand five hundred" and insert "twelve thousand;" so as to make the clause read:

For surveyor-general of the Territory of New Mexico, $2,000; and for clerks in his office, $10,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 111, line 17, before the word "laborers," to strike out "two" and insert "four;" and in line 22, before the word "dollars," to strike out "one thousand two hundred and twenty" and insert "two thousand five hundred and forty;" so as to make the clause read:

For compensation of the Commissioner of Labor, $5,000; chief clerk, $2,500; disbursing clerk, $2,000; four statistical experts, at $2,000 each; four clerks of class 4; five clerks of class 3; six clerks of class 2; twelve clerks of class 1; ten clerks, at $1,000 each; two copyists; one messenger; one assistant messenger; three watchmen; four laborers; two charwomen; six special agents, at $1,600 each; ten special agents, at $1,400 each; four special agents, at $1,200 each; in all, $102,540.

The amendment was agreed to.

The next amendment was, in the provision for Court of Private Land Claims, on page 114, line 9, after the words "on the," to strike out "31st day of December" and insert "4th day of March;" and in line 11, after the word "and," where it occurs the first time, to strike out "ninety-eight" and insert "ninety-nine;" so as to make the clause read:

SEC. 10. That the powers and functions of the court established by this act shall cease and determine on the 4th day of March, 1899, and all papers, files, and records in the possession of said court belonging to any other public

office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior.

The amendment was agreed to.

The reading of the bill was continued to the end of line 5 on page 115.

Mr. COCKRELL. I am not certain as to the effect of the provision on page 114, beginning with the proviso in line 23 and going down to the beginning of the additional proviso in line 5 on page 115. I am fearful that it may have some effect on the salaries of United States marshals and deputy marshals, and therefore I will ask that it may be stricken out so that we may consider it in conference.

Mr. CULLOM. Would it not be just as well to have the proviso referred to passed over for to-night?

Mr. ALLISON. We can not dispose of the bill this evening.

Mr. COCKRELL. That would be very much better.

Mr. CULLOM. It think it would be better, perhaps. We will look into the matter meanwhile.

Mr. ALLISON. Let it be passed over.

Mr. CULLOM. I ask that the proviso may be passed over for the evening.

The PRESIDING OFFICER. That course will be pursued, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "United States courts, Indian Territory," on page 115, line 12, after the words "per annum," to insert "and give bonds as other marshals;" so as to make the additional proviso read:

Provided further, That each of the district attorneys in the Indian Territory shall receive a salary of $4,000 per annum, and each of the marshals shall receive a salary of $4,000 per annum and give bonds as other marshals.

The amendment was agreed to.

The reading of the bill was continued to the end of line 23 on page 116.

Mr. CULLOM. I desire to offer an amendment to come in after the word "dollars," in line 23, page 116, which seems to be necessary in order to enable the Government to keep a commissioner in the Yellowstone Park.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 23, page 116, it is proposed to add:

And the provisions of section 21 of an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. CULLOM. On page 3 I overlooked a little amendment which the committee desire to have made. In the provision for the office of the Secretary of the Senate, line 11, after the word "each" where it occurs the first time, I move to insert:

One assistant messenger, $1,240.

The amendment was agreed to.

Mr. CULLOM. In line 12, page 3, I move to strike out the words:

Page, nine hundred and twelve dollars and fifty cents.

The amendment was agreed to.

Mr. CULLOM. Then the total should be changed so as to read "$36,704.40."

The PRESIDING OFFICER. That change will be made.

Mr. CULLOM. I hope that to-morrow the Senate will take up the pending bill as early as possible and conclude its consideration during the day. The reading of the bill having been completed, and all the amendments of the committee having been agreed to except with respect to the provisions relating to the Library and to public buildings and grounds, I move that the Senate adjourn.

Mr. LODGE. I hope the Senator from Illinois will withhold that motion for a moment. I should like to ask unanimous consent for the present consideration of a bill.

Mr. CULLOM. Very well.

The PRESIDING OFFICER. The Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia;

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; and

A joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township; and

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes; and

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1064) for the relief of Henry F. Thornton; and

A bill (H. R. 9619) granting a pension to Mirum C. Peck.

The bill (H. R. 4379) for the relief of John H. Willis was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3014) revising and amending the statutes relating to patents was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent, was read twice by its title, and referred to the Committee on Naval Affairs.

ARMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. In the absence of the Senator from Pennsylvania [Mr. QUAY], who has charge of the bill, I move that the Senate insist upon its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. QUAY, Mr. HALE, and Mr. BLACKBURN were appointed.

RICHARD BROOKINS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1690) granting a pension to Richard Brookins.

The amendments were, in line 5, after the word "month," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "Cavalry," to strike out down to and including the word "seven," in line 11; and, in line 13, after the word "Colored," to strike out down to and including the word "five," in line 15, and insert the word "Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, subject to the provisions and limitations of the pension laws, the name of Richard Brookins, who served under that name in Troops M and H of the Ninth Regiment of United States Cavalry, and under the name of Dick Spencer in Company K, One hundred and twenty-third United States Colored Infantry.

Mr. BAKER. I move that the Senate concur in the amendments made to the bill by the House of Representatives.

The motion was agreed to.

ALFRED P. BUSS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 2941) granting increase of pension to Alfred P. Buss. It is a small bill which has been reported by our committee without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Alfred P. Buss, late private Company D, Fourth Regiment Massachusetts Heavy Artillery, at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETTLEMENT OF CERTAIN CLAIMS AGAINST THE DISTRICT.

Mr. GORMAN. I ask the Senate to consider at this time the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates. It has been reported unanimously by the Committee on the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I renew the motion that the Senate adjourn.

The motion was agreed to: and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 20, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 19, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of pension bills, under the special order.

The SPEAKER. That would be the regular order, if the gentleman demands the regular order.

Mr. THOMAS. I demand the regular order.

The SPEAKER. The House will resolve itself into Committee of the Whole House to consider pension bills, under the special order of the House. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings, and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: *Provided, however*, That nothing in this resolution shall be construed as interfering with conference reports on general appropriation bills.

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBERT. I would like to ask if the ten minutes allowed is to comprise the reading of the report?

The SPEAKER. The Chair thinks that the report of the committee is only read as a part of the debate.

Mr. TALBERT. As part of the debate?

The SPEAKER. It is only read as a part of the debate.

The House accordingly resolved itself into Committee of the Whole House, Mr. HENDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole, under the special order adopted yesterday morning, to consider bills proper to be considered at the Friday night sessions.

Mr. ERDMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ERDMAN. Does not the special order require that the House shall resolve itself into Committee of the Whole?

The CHAIRMAN. It has resolved itself into Committee of the Whole now.

Mr. ERDMAN. By what action?

The CHAIRMAN. It was done in pursuance of the special order, and by order of the Speaker.

Mr. ERDMAN. Can the Speaker resolve the House into Committee of the Whole or must it resolve itself?

The CHAIRMAN. It is resolved in the usual way, and we are now in Committee of the Whole. The Clerk will report the first bill.

Mr. THOMAS. Mr. Chairman, I understand the first bill is Calendar No. 630, which was being considered when the committee rose at the last sitting. The gentleman from South Carolina [Mr. TALBERT] had the floor.

The CHAIRMAN. Calendar No. 608 was passed over without prejudice, the Chair is informed.

Mr. THOMAS. We had one bill under consideration, the gentleman from South Carolina [Mr. TALBERT] had the floor, and I asked him to yield for a motion that the committee rise.

The CHAIRMAN. The committee will first dispose of the bill that was under consideration.

Mr. THOMAS. I ask that that bill be disposed of.

The Clerk read as follows:

WILLIAM R. HARLESS.

A bill (H. R. 4629) granting a pension to William R. Harless.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William R. Harless, of Red Bank, Douglas County, Mo., late a soldier in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia, in the war for the suppression of the rebellion, and pay him a pension at the rate of $12 per month.

Mr. TALBERT. Mr. Chairman, I would like to have the report read.

The CHAIRMAN. The report will be read in the gentleman's time.

The Clerk proceeded to read the report, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4629) entitled "A bill granting a pension to William R. Harless," beg leave to submit the following report, and recommend that said bill do pass with amendments:

William R. Harless served as a private in Company B, Sixtieth Regiment Missouri Enrolled Militia, from July, 1862, to January, 1863, when the company was disbanded; also, he enlisted again as corporal, Company E, Sixtieth Missouri Enrolled Militia, under Captain Morton, in the spring of 1863 and served with it until the company was disbanded in January, 1864; he also served a short period in Capt. B. F. Cook's company of the St. Clair County Missouri Militia.

The records of the War Department do not show that either of these organizations were ever mustered into the United States service.

Claimant applied for pension June 13, 1881, for results of typhoid-pneumonia contracted at Quincy, Hickory County, Mo., which settled in back and hips.

The claim was rejected on the grounds of no ratable disability from alleged causes since date of filing claim.

He filed a claim July 22, 1890, under act of June 27, 1890, for "affection of back and hip," which was rejected on ground of his not having been in the military service of the United States.

Proofs have been presented to your committee showing clearly that the claimant served, as alleged by him, in the Enrolled Missouri Militia about one and one-half years.

On the question of disability claimant filed, September 10, 1885, the affidavit of Dr. M. H. Osborn that he examined him and found a general debilitated condition. He was then suffering from varix of thigh and leg, chronic inflammation of bladder, and diseased condition had appearance of long standing and permanency. Disability three-fourths.

Dr. W. J. Gilbreath testified that claimant was afflicted with congestion of arteries and kidney disease, and the spinal column affected, lower end being curved inward; found a great amount of albumen in urine, and urine bloody; troubled with cramps, and arteries ruptured, and also hydrocele—a case of general disability to extent of three-fourths at least.

Dr. J. H. Hill testified to finding considerable tenderness over kidneys, excessive flow of urine, and applicant complains of continuous pain in region of kidneys and bladder, and varicosed veins of both legs and feet.

Dr. L. K. Burdett filed March 28, 1891, that claimant suffered with varicose veins of both legs, rupture in left inguinal region, injury to hips and back, and rheumatism. Has had eight ribs broken, three on right and five on left side, and has heart disease—his disabilities amounting to three-fourths or more.

Dr. J. T. Stewart testified March 28, 1891, that he has varicose veins in both legs and abdomen, hernia left side, injury to back and hips, and rheumatism and valvular disease of the heart, and from having eight ribs broken. All of his ailments are of long standing and of a permanent character and not aggravated from vicious habits. He had a severe cut with an ax, serving lower third of fibula of left leg.

He was examined by a board of examining surgeons April 4, 1883, who gave him no rating. He has not been examined since by a regular board.

Claimant filed with the committee a numerously signed petition, certifying to his service and the merits of his claim, and asking for him a pension of $12 per month; also the testimony of comrades, setting forth that while a member of Company B, Sixtieth Missouri Enrolled Militia, he had a bad spell of typhoid pneumonia that left him crippled in back and hips, and that in an engagement with the enemy his horse forced him astride of a small tree which caused rupture in left side, and that from vaccination his blood was contaminated by poison, which has affected him ever since.

Your committee believe him entitled to a pension, and recommend that the bill do pass with the following amendment:

Strike out all between the word "Harless," in line 5, and the word "and," in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia."

Mr. TALBERT (during the reading of the report). Mr. Chairman, I ask that the further reading of the report be dispensed with. This is a claim for pension to a man where the reports from the War Department do not show that either organization was ever mustered in as United States troops. They give him no ratable disability. It seems to me that it is a very unjust claim, and it ought not to pass.

The amendment recomended by the committee was agreed to.

The question was taken on ordering the bill as amended to be laid aside with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. ERDMAN. Division, Mr. Chairman.

The committee divided; and there were—ayes 79; noes 21.

So the bill was ordered to be laid aside with a favorable recommendation.

MARGARET O'DONNELL.

The next business on the Private Calendar was the bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse of United States Volunteers.

The bill was read.

Mr. MILNES. Mr. Chairman, that is a bill that was passed over the other day. The beneficiary of that bill is dead. I therefore move that the bill be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

J. R. PACK.

The next business on the Private Calendar was the bill (H. R. 6234) to restore the name of J. R. Pack to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to restore to the pension roll of the United States the name of J. R. Pack, who was a private in Company D of the Webster County (Mo.) Home Guards, and acting assistant surgeon of the United States Army, and pay him a pension at the rate of $12 per month.

Mr. TALBERT. I ask that the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6234) entitled "A bill to restore the name of James R. Pack to the pension roll," beg leave to submit the following report, and recommend that said bill do pass with amendments:

James R. Pack served as a private in Company D, Webster County (Mo.) Home Guards, from June 12, 1861, to November 1, 1861, when honorably discharged; and also served as an acting assistant surgeon, United States Army, from September 9 to November 9, 1862. The following certificate of discharge proves his service in the Webster County, Mo., Home Guards:

To whom it may concern:

Know ye that, under the provisions of the act of Congress approved May 15, 1886, J. R. Pack, who was enrolled as a private in Company D, Webster County (Mo.) Home Guards, on the 12th of June, 1861, is hereby discharged the service of the United States, to date November 1, 1861.

Given at Washington City this 20th day of June, 1891.

By authority of the Secretary of War:

F. C. AINSWORTH,
Major and Surgeon, United States Army.

This applicant applied for pension July 18, 1891, under the act of June 27, 1890, and was pensioned from date of application at $12 per month for "disease of lungs."

His name was dropped from the rolls November 3, 1894, on the ground of insufficient service (two months), subsequent service as acting assistant surgeon not recognized.

The medical examination under which he was pensioned shows him rated at twelve-eighteenths for disease of lungs and six-eighteenths for general debility.

Your committee are of opinion that the soldier's discharge, copied above from the original issued by the War Department, is conclusive evidence of service of more than ninety days and an honorable discharge, and that therefore the applicant fulfilled all the requirements intended in the act of June 27, 1890, and therefore recommend the passage of the bill, with the following amendments:

Amend bill by substituting the word "James" instead of the initial "J" in the Christian name of the beneficiary, in line 5; also by adding after the last word in the printed bill the following proviso:

"*Provided*, That the pension herein granted shall be paid to James R. Pack, and that no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

Also amend title by inserting the Christian name "James" instead of the initial "J" in the name of the beneficiary.

Mr. TALBERT. Mr. Chairman, I just want to call the attention of the House to the fact that this is a claim for a pension for a man where there is no evidence that he ever served as long as ninety days. He was in the Home Guards, and it was never stated that he did any duty or anything of the sort. It seems to me that it is a very unjust claim, and has no merit at all in it. I move that the bill be reported to the House with the recommendation that it be laid on the table.

Mr. CROWTHER. Mr. Chairman, I am surprised that my distinguished friend from South Carolina, who professes to be so fair and friendly to all old soldiers, should raise any objection to this case, when if he had read the report or paid attention to the reading of the report, he would have discovered that this soldier was in the service from the 12th day of June, 1861, until November 1, 1861, when he was discharged by order of the War Department. Hence, there is no question about the service of this soldier.

Mr. TALBERT. The point I make is this——

The CHAIRMAN. Does the gentleman yield?

Mr. CROWTHER. For a question, yes.

Mr. TALBERT. There is no evidence that the man ever served ninety days.

Mr. CROWTHER. There is evidence from the War Department, and it is set forth in the report.

Mr. TALBERT. Did he ever serve at all?

Mr. CROWTHER. Certainly he served.

Mr. TALBERT. The fact of his being discharged is no evidence of service. The report states that he served in the Home Guards, but there is no evidence as to what those Home Guards did in the way of service. There were thousands of men who were in "Home Guards" for only a few days and never did any real service.

Mr. CROWTHER. If my distinguished friend will read Report No. 1000, he will discover that there was an agreement between the President of the United States and the State of Missouri whereby the Home Guards of that State and the Missouri Militia were recognized as a part of the United States Army, and were mustered into the service in pursuance of that agreement.

Mr. TALBERT. In the case which preceded this it was stated that there was no record in the War Department of this Missouri Militia ever having been mustered into the service.

Mr. CROWTHER. There is no record pertaining to some of these organizations in the War Department, but the record does exist in the adjutant-general's office of the State of Missouri, together with the original agreement entered into between the President of the United States and the governor of Missouri, all of which is fully detailed in Report No. 1000, to which I have called the gentleman's attention. Now, Mr. Chairman, no claim that has been presented during this Congress is more just or equitable than this one. The claimant was placed upon the roll by order of the Pension Bureau, but when the present administration came into power the roll was revised and he was stricken from it. There is no question about his service. There is no question about the justice of his claim, and I hope the committee will be sustained in its recommendation in this case.

Mr. TALBERT. Mr. Chairman, I call attention to this language in the report:

His name was dropped from the rolls November 3, 1894, on the ground of insufficient service (two months), subsequent service as acting assistant surgeon not recognized.

The medical examination under which he was pensioned shows him rated at twelve-eighteenths for disease of lungs and six-eighteenths for general debility.

It appears, therefore, from the report itself that it is all a matter of guesswork as to the length of this man's service. It so appears from the report of the committee.

Mr. TRACEY. Mr. Chairman, I know this claimant for pension personally, and have known him for some years. I personally know about the service in and of which he was a part. There is no question about that service having been rendered, nor is there any question but that since the time when he was stricken from the roll he has become completely disabled. He was not completely disabled at the time the examination was made by the board, but since that time and since his name was stricken from the roll he has become a physical wreck.

Mr. TALBERT. Do you maintain that his disabilities can be traced to service origin?

Mr. TRACEY. No. He was pensioned under the law of 1890; but it remains true that disabilities which can not be traced by competent testimony to service origin have a strong presumption in favor of their origin in the service.

Mr. TALBERT. You say that you know him personally. Do you state here that you know personally that his disabilities can be traced to service origin?

Mr. TRACEY. I do not know that personally, but I do personally know about the service.

Mr. TALBERT. Do you know that he ever did any service at all?

Mr. TRACEY. I do.

The question being taken on the motion of Mr. TALBERT that the bill be laid on the table, the Chairman declared that the noes seemed to have it.

Mr. TALBERT. I ask for a division.

The committee divided; and there were—ayes 14, noes 75.

So the motion was rejected.

The amendment recommended by the committee was then adopted: and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WARBROOK.

The next business on the Private Calendar was the bill (H. R. 7115) granting a pension to James Warbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of James Warbrook, late private in Company K, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, in the late war of the rebellion, at $12 per month.

Mr. TALBERT. Mr. Chairman, I ask that the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7115) granting a pension to Joseph Warbrook, submit the following report:

The claimant was a corporal in Company K, One hundred and twenty-seventh Pennsylvania Volunteers. He was enlisted August 5, 1862, and discharged, as shown by his certificate, on February 24, 1863, for valvular disease of the heart. The evidence discloses that he was sound on enlistment and was a good soldier and has an honorable discharge. His disease seems to have been incurred from exposure while in the service.

A claim under the general law was rejected June 13, 1893, on ground of "no pensionable disability from alleged disease of heart since date of filing claim."

A claim under act of June 27, 1890, was rejected June 28, 1893, on ground of "no ratable disability."

The claimant made application for reopening. The legal reviewer approved the same "for disease of heart, kidneys, stomach, and bowels, rheumatism, and general ill health."

The medical referee rejected same on the former ground of no "ratable disability."

Claimant has five times been examined by medical boards, beginning on May 14, 1890, and ending September 26, 1894. No ratings are given in the last two, the same being had in 1894, when, by rule of the Pension Office, no ratings were allowed. In the other three examinations one board gives "no disability," one four-eighteenths, and one six-eighteenths. A comparison of the condition of the claimant as shown in these five examinations indicates clearly to the minds of the committee that claimant is disabled at least six-eighteenths from rheumatism and heart disease, which last disease appears to be of service origin.

In this case of medical contradiction the committee have carefully examined the affidavits of two reputable physicians and six disinterested laymen who have known claimant from six to fifteen years. This testimony shows very clearly that claimant is totally incapacitated from manual labor. One of the physicians, Dr. J. H. Stein, a graduate of St. Louis Medical College and in practice nineteen years, examined claimant January 18, 1895, and found him suffering from rheumatism, kidney, stomach, and bowel troubles, and totally disabled from manual labor.

There is no doubt that claimant is now disabled, whatever may be the cause. His habits and character are shown to be unexceptionally good, and the committee recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I desire to offer an amendment to perfect the bill.

The amendment was read, as follows:

In line 8, after the word "Infantry," strike out the balance of the bill and insert "and pay him a pension of $12 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD C. ENRIGHT.

The next business on the Private Calendar was the bill (H. R. 6539) granting a pension to Richard C. Enright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Richard C. Enright, late colonel of the Sixty-third New York Volunteer Infantry, and pay him a pension of $30 per month, in lieu of the pension now being paid to him.

Mr. TALBERT. I ask that the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6539) granting a pension to Richard C. Enright, submit the following report:

Richard C. Enright was colonel Sixty-third New York Volunteer Infantry from his enlistment, October 30, 1861, to the date of his honourable discharge, February 5, 1862. The evidence of himself, which is corroborated to some extent by a captain of said regiment, satisfies the committee that on or about January 8, 1862, at night, while on picket duty at camp at Edsalls Hill, near Alexandria, Va., and in returning from the line, his horse stumbled by stepping into a hole, throwing him, by which there was evidently severe straining and spraining of the muscles, tendons, and tissues of the left shoulder, and from which there has resulted anchylosis of shoulder joint. From the date of this accident claimant has been disabled, and upon his examination by the medical board at Chicago, Ill., January 6, 1893, he was shown to be entitled to a third-grade rating on account of that injury, as also eight-eighteenths for rheumatism. His disability is increasing and is permanent. There is much testimony, medical and otherwise, in the Pension Office which has been examined by the committee, and there is very little doubt but that his disabilities entitle him to a pension of $30 per month.

Claimant is now drawing $12 per month under act of June 27, 1890, for injury to left arm and shoulder, rheumatism, and disease of heart.

The only difficulty is in the proof that the disability is of service origin.

At the time of the accident claimant was alone. He is shown to have been disabled immediateley thereafter and has so remained since. He does not appear to have been in any manner disabled prior to the alleged accident. He has furnished all the evidence that in the nature of the case is possible under the general laws; the Pension Bureau so recognize. There is this indorsement attached to the papers in the case by the First Deputy Commissioner:

"The general case I do not believe he will be able to prove."

Believing him to have been disabled in the line of duty, and to an extent that entitles him to $30 per month, and that he is unable to produce the necessary amount of evidence required at the Pension Office for the reasons above stated, your committee regard this as a proper case for relief by Congressional action, and recommend that the bill do pass, with an amendment to the title by inserting the words "to increase" in lieu of the word "granting."

Mr. TALBERT. Mr. Chairman, I simply want to call attention to the statement of the committee in their report. They say "the only difficulty is in the proof that the disability is of service origin," thus admitting that they have no proof whatever that the disability can be traced to service origin. Again they say: "Believing him to have been disabled in the line of duty;" so they recommend this case without a scintilla of real proof. I submit, sir, that that is a very flimsy basis upon which to bring in a bill granting a pension of $30 a month. I merely wish to bring this point to the attention of the committee.

Mr. WOOD. Mr. Chairman, there is plenty of evidence in this case entitling the claimant to a pension of $30 a month. There is his own testimony, which is corroborated by one of the captains of the company. To be sure, it is not so much proof as the Pension Office requires in these cases, but, from the nature of the accident, there could hardly be any other direct evidence but his own. He had established the picket line, and in returning his horse stumbled from stepping into a hole, and the claimant here thrown and injured.

Mr. MILES. Will the gentleman permit an interruption right there?

Mr. WOOD. Certainly.

Mr. MILES. I sympathize with the gentleman's claim that this case is exceptional, and that it would be difficult, under the circumstances, to furnish such proof as would be required by the Pension Office, and I would like to ask the gentleman, now that he has the floor, to tell the committee to what extent the individual testimony of the claimant himself is corroborated, as the report states it is, by some companion who was along with him at the time when the accident occurred.

Mr. WOOD. It is a fact that he went out on the picket line that night, mounted. It is also a fact that when he went out he was well—without any disability. On the return of the pickets he was found to be disabled, and disabled in the manner that he claims. So far as the accident itself is concerned, there is no evidence except his own testimony.

Mr. MILES. The fact that he was disabled on his return is shown, I understand, by the testimony of his captain, is it not?

Mr. WOOD. Yes, sir.

Mr. MILES. I think, Mr. Chairman, that ought to be satisfactory.

The bill was laid aside to be reported favorably to the House.

GEORGE E. REID.

The next business on the Private Calendar was the bill (H. R. 5620) to pension George E. Reid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of George E. Reid, late a private in Company E of the One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment reported by the committee, to strike out "twelve" and insert "six," so as to make the pension $6 per month, was read.

Mr. STRONG. Mr. Chairman, I trust that the amendment proposed by the Committee on Invalid Pensions will not prevail. George E. Reid was the youngest of three brothers who enlisted in the United States service at the same time, the oldest of whom was under 20 years of age. The two older brothers died from wounds received in the Army. George E. Reid survived, but is a wreck. I happen to know the witnesses whose affidavits have been in evidence before the committee. Dr. J. A. Sansell and Dr. W. A. Swimley are two as reputable and efficient physicians and surgeons as we have in our part of the country, and when either of them makes a statement it means something. Both of them know this man, George E. Reid; both of them have examined him; both of them testify to a state of facts showing that he is permanently disabled. He is crippled in the right hand so as to render it useless. He is crippled in the right shoulder so that his arm can not be freely or fully raised. He has rheumatism of the spine. He has other ailments that absolutely incapacitate him to perform work.

Now, George E. Reid did not put down the rebellion. He was too young to engage in the early part of the war. He must have been under 16 years of age when he enlisted. But he served for a period of ten months. He served until after the war, and as long as his services were required. I believe that this House, after the liberal action it has taken upon other cases, and especially the liberal course it has pursued in pensioning officers and officers' widows at even as high a rate as $100 a month, ought not now to stop and higgle about giving this poor man $12 a month, the amount called for by the bill, and which the committee propose to cut down to the pitiful sum of $6 per month. I hope the amendment proposed by the Committee on Invalid Pensions will be voted down.

Mr. ERDMAN. I ask that the report be read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5620) entitled "A bill to pension George E. Reid," beg leave to submit the following report, and recommend that said bill do pass, with an amendment:

George E. Reid served as a private in Company E, One hundred and eightieth Regiment Ohio Volunteer Infantry, from September 24, 1864, to July 12, 1865, when mustered out with company and honorably discharged.

He filed claim for pension under the act of June 27, 1890, on October 10, 1891, alleging disability from injury to right shoulder, right hand, left wrist, and back, disease of eyes and throat, catarrh, and piles. This claim was rejected June 24, 1894, on the ground of "no ratable disability shown under the act of June 27, 1890."

He filed another claim August 17, 1892, and again October 10, 1894, each of which was rejected on the same ground.

He was examined by a board of examining surgeons at Kenton, Ohio, June 14, 1893, who rated him at one-fourth (or $2) for injury to right shoulder, one-fourth (or $2) for lumbago, and one-fourth (or $2) for catarrh affecting larynx and pharynx and nasal passages.

He was again examined by the board at Kenton, Ohio, November 28, 1894, who found that the acromion process of scapula on right side had been fractured and prevents his raising the arm above level of the shoulder; that the fifth metacarpal bone of right hand has been broken and is lower than the balance of the hand, and leaves the action of flexors of the little finger weak. Find stomach drumming and tender, spleen and liver enlarged, tongue coated gray, skin dry and harsh, and body poorly nourished; nutrition fair. He has follicular inflammation of the pharynx. Lungs and heart normal; no evidence of piles. Can see to "20" of Snellen's chart at 15 feet with either eye. Opthalmascope shows nothing abnormal with eyes. No catarrh in head.

Dr. J. A. Stansell filed affidavit April 11, 1894, that he examined George E. Reid, and finds that the metacarpal bone of the ring finger of right hand having been forced into the palm of the hand caused a deformity which interferes with the closing of the hand, and greatly impairs the use of the hand in performing manual labor. That the coracoid process of right scapula has appearance of having been fractured and driven upward, and remains so; the muscles of shoulder are atrophied, and he believes injury of shoulder and hand disables the right arm one-half. He also finds a scar on the corner of each eye, and is convinced they interfere with the vision, but loss of vision is more especially due to disease of optic nerve. He finds chronic enlargement of right tonsil, it having a hardened, tendonous appearance, and extending up into the post-nasal cavities interferes with deglutition and respiration. Also that he has chronic dyspepsia, piles, and rectal ulcers, and that he has rheumatism of the spine, and believes that said George E. Reid is disabled at least one-half.

Dr. W. A. Swimley filed affidavit April 11, 1894, fully corroborating Dr. Stansell, both as to symptoms of disability and extent of same.

Your committee, having carefully considered all the facts presented in this claim, recommend that the bill be amended by striking out the word "twelve," in line 8, and in place thereof insert the word "six;" and, as amended, recommend the passage of the bill.

The question being taken on the amendment reported by the committee, it was rejected; there being, on a division (called for by Mr. MILES)—ayes 9, noes 54.

The bill was then laid aside to be reported favorably to the House.

GEORGE C. ABBEY.

The next business on the Private Calendar was the bill (S. 350) granting an increase of pension to George C. Abbey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George C. Abbey, late a private of Company M of the First Connecticut Volunteer Heavy Artillery, and to pay him $20 per month from and after the passage of this act.

Mr. TALBERT. Let us have the report read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 350) granting an increase of pension to George C. Abbey, submit the following report:

After careful examination we adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 350) granting a pension to George C. Abbey, have examined the same, and report:

"A similar bill was introduced in the Fifty-third Congress, first session, referred to the Committee on Pensions, examined, reported favorably, and passed the Senate.

"The facts are as follows:

"The claimant in this case enlisted in Company M, First Connecticut Heavy Artillery, January 30, 1862, and was honorably discharged September 25, 1865. While in the service he contracted malarial poisoning, chills and fever, and nervous prostration, which resulted in chronic epilepsy and general debility to such an extent that he has for years been unable to support himself and family.

"He has frequent attacks of epileptic spasms, falling and lying for hours in convulsions, and is entirely unfitted to attend to business of any kind. He is a man of good habits and is upright and honest. A former report set forth the fact that a reputable board of examining surgeons, who examined soldier for pension originally, recommended him for a rating of $30 per month, but the Commissioner of Pensions cut this down to $6 per month, and issued him a certificate at that rate dating from August 24, 1889, which he is now drawing. An application for increase has been rejected.

"Under these circumstances your committee believe that the applicant ought to have special relief at the hands of Congress, and accordingly recommend that the bill do pass with an amendment.

"Amend line 6 by striking out the word 'thirty' and insert in lieu thereof the word 'twenty.'"

The bill was laid aside to be reported favorably to the House.

WILLIAM T. WALKER.

The next business on the Private Calendar was the bill (S. 1888) granting an increase of pension to William T. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Walker, late of Company H, Thirteenth Regiment Indiana Cavalry, at the rate of $25 per month, in lieu of the pension he is now receiving.

Mr. OWENS. What is the pension that this man is now receiving?

Mr. THOMAS. Eight dollars a month.

Mr. OWENS. The House decided yesterday that an increase from $12 to $16 a month was the proper amount of increase where the man was perfectly helpless and had nothing to live upon. Would it not be well to confine ourselves to that precedent and make this pension $12 instead of $25 as the bill proposes?

Mr. THOMAS. I do not understand that the House set any such precedent as the gentleman from Kentucky suggests.

Mr. ERDMAN. I suggest that we have the report read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1888) granting an increase of pension to William T. Walker, submit the following report:

The committee, after carefully examining the bill, adopt the Senate report as the report of the committee, and recommend the passage of the bill.

The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1888) granting an increase of pension to William T. Walker, have examined the same and report:

"A similar bill was introduced in the Senate at the second session of the Fifty-third Congress and referred to the Committee on Pensions.

"It was examined, favorably reported, and passed the Senate. The facts are as follows:

"The claimant in this case enlisted February 12, 1864, and was honorably discharged November 18, 1865. Was pensioned from November 19, 1865, at $4 per month, for varicocele of left side. Pension was increased to $12 a month from July 10, 1890, under the act of June 27, 1890, for left varicocele, rheumatism, disease of heart, and injury of left hand. December 6, 1893, claimant was notified by Commissioner of Pensions that his pension would be reduced to $8 per month unless he should furnish evidence that he was suffering from the diseases and ailments for which his pension was granted under the act of June 27, 1890. January 13, 1894, claimant filed in Pension Office the affidavits of five reputable physicians of Urbana, Ohio, where he resides, all of whom state, substantially, that from their own personal knowledge they know that claimant is actually suffering from the ailments for which he was pensioned, and that he is incapable of performing manual labor to any extent, and that he is very nervous and sickly and at times weak mentally. It appears from the records that claimant has no means of support outside of his pension.

"Under the circumstances, and in view of the statements of the physicians mentioned, your committee recommend that the bill do pass."

Mr. OWENS. Mr. Speaker, the report in this case presents a case almost parallel with the one presented yesterday. Hence, in order to give the House an opportunity to be consistent, I move that the increase in this case be $4; in other words, that the rate of pension fixed by the bill be $12 instead of $25.

The question being taken, the amendment was rejected; there being—ayes 24, noes 54.

The bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. TALBERT. Mr. Chairman, I ask to be allowed to take up, out of its order, the bill (H. R. 6765)——

Mr. THOMAS. Mr. Chairman, I am compelled to ask for the regular order.

Mr. TALBERT. If the gentleman will allow the bill and the report to be read, I am sure he will not object.

Mr. THOMAS. I would like very much to accommodate the gentleman from South Carolina, but on conversation with gentlemen around me, I find many whose bills will be reached to-day, and I have promised, for the present at least, that we will proceed in the usual way with the Calendar. Later on in the day I shall be very glad, if possible, to accommodate the gentleman from South Carolina.

The CHAIRMAN. It is the prerogative of the committee to determine the order in which it will proceed with the business. We will pursue the Calendar unless the House decides otherwise, or by unanimous consent permission is given. For the present the gentleman from Michigan objects, and the Clerk will report the next bill on the Calendar.

JAMES L. M'KINNEY.

The next business on the Private Calendar was the bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the Government the name of James L. McKinney, of Capt. W. W. Chapman's Company I, Second Regiment Oregon Mounted Volunteers, for meritorious service, and for injuries received in the Indian wars in Oregon, then a Territory, and allow him a pension at the rate of $12 per month.

The committee recommend the adoption of the following amendment:

Strike out "twelve" and insert "eight;" so it will read "$8 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with favorable recommendation.

DANIEL GILES.

The next business on the Private Calendar was the bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the Government the name of Daniel Giles, of Capt. Samuel Gordon's Company, H, Oregon Volunteers, and thereafter also in Capt. Edward Sheffield's Company, A, of said volunteers, for meritorious service, and for injuries received while in said service against hostile Indians in Oregon, then a Territory, and allow him a pension at the rate of $12 per month.

Mr. ERDMAN. Mr. Chairman, it seems that the House is willing to let anything and everything go through without knowing what it is doing. I do not know but what the country might perhaps be a little better satisfied with our action if they had some reasons set forth for the pension which is proposed to be granted in these bills, and I therefore ask for the reading of the report.

The report (by Mr. STRODE of Nebraska) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars, beg leave to report:

The records of the Auditor for the War Department show that Daniel Giles served in Capt. Samuel Gordon's Company, H, and also in Capt. Edward Sheffield's Company, A, Oregon Volunteers, in the Rogue River Indian wars of 1855-56, in the then Territory of Oregon, and that his service continued from January 12, 1856, to May 10, 1856. The testimony shows that during said service he was exposed to such hardships as permanently to disable him for active duties in his later years. The colonel of his regiment, Col. William J. Martin, testifies that he required his services in a scouting party during the war, and selected him among fourteen others to perform a very hazardous undertaking; that the party were caught in a heavy storm in the winter in the mountains, and as they were not permitted to have fires, so as not to disclose their camp to the enemy, that during this exposure Daniel Giles contracted a heavy cold, which settled on his lungs and in his spine, and that after nursing him for some weeks in camp, the colonel testifies he sent him to the hospital. He, however, recovered sufficiently to continue in the service until the close of the war.

The colonel says he was a brave and efficient and honorable soldier; that he has known him ever since, and that his health is broken, and he has reason to believe it is so from his hardships in the Indian wars.

Two comrades of the same companies also testify substantially to the same facts, and as to his being an invalid ever since, although a strong, robust man when he enlisted. He is now over 60 years of age, and is in dependent circumstances.

The physician, a United States pension examining surgeon, who recently examined him, testifies that he is totally disabled for manual labor, chiefly from disease of lungs and spine, the result of exposure; that his disease is chronic, progressive, and incurable, and that he requires frequent medical aid and medicines.

Representative HERMANN, who has known the claimant for thirty-four years, states to the committee that he knows him to be an invalid and disabled for manual labor.

Wherefore your committee reports the bill back with a recommendation that it do pass with an amendment fixing the rate of pension at $8 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GEORGE B. MERCHANT.

The next business on the Private Calendar was the bill (H. R. 3166) granting a pension and arrearage of pension to George B. Merchant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $72 per month, George B. Merchant, late sergeant Company K, Fourth Regiment Ohio Volunteer Infantry, the same to be in lieu of the pension of $50 a month now drawn by soldier, and to be subject to all the conditions and limitations of the pension laws.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay said George B. Merchant, out of the moneys appropriated for the payment of pensions, the sum of $2,428, the same being the difference between the pension of $30 a month drawn by soldier from December 4, 1891, and April 17, 1895, and the amount drawn from April 17, 1895, and December 31, 1896, at the rate of $50 per month, and the full rate of $72 per month, for total disability, requiring the constant attention and help of another person, to which soldier was entitled during said time.

SEC. 3. That this act shall be in force after its passage.

Mr. MILES. Let us have the report in that case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3166) granting a pension to George B. Merchant, submit the following report:

The soldier enlisted April 22, 1861, in Company K, Fourth Ohio Volunteer Infantry, and was honorably discharged June 21, 1864, on account of wound received at Spottsylvania Court-House on the 10th of May, 1864. He was shot through the mouth and neck, resulting in injury to spine and nervous system.

This soldier had a remarkably good war record.

He was in battle at Middle Fork Bridge July 7, 1861; at Rich Mountain, July 11; at Beverly, July 12; at Petersburg, September 11 to 13; at Romney or Mill Creek Mills, October 26; at Blue Gap, January 7, 1862; at Winchester, March 22 and 23; at Cedar Creek, March 25; at Port Republic, at Antietam, at Fredericksburg, at Chancellorsville, at Auburn and Bristoe, at the Wilderness, and Spottsylvania Court-House, besides almost innumerable skirmishes during his service.

In November, 1864, he was granted a pension of $8 per month for service disabilities. In 1885 the rate was increased to $16 per month. On January 17, 1887, his pension was increased to $30 per month. On January 21, 1889, he was allowed $50 per month.

In March, 1890, the Pension Office, on its own motion and by virtue of an act of Congress passed March 4, 1890, increased his pension to $72 per month.

The evidence shows that for the last six or seven years the soldier has required the regular personal aid and attendance of another person. In 1894, probably from his wound (and so accepted by the Pension Office), he had a stroke of paralysis. This condition has been constantly increasing since, and now he is wholly helpless. His food must be carried to his mouth and his drink held to his lips by an attendant. He is and must be dressed and undressed; his clothes buttoned and unbuttoned when occasion requires it. When down he can not rise without assistance.

Four or five years ago a medical board reported that he required the constant personal attendance of another person, and rated him at $72 per month.

On December 4, 1891, he was dropped from the rolls. On the 8th of April, 1893, he was reinstated at the rate of $30 per month, to go back to his suspension December 4, 1891. On April 17, 1895, he was increased to $50, and he is now drawing that pension.

His pensionable disability, as stated in his certificate, is "gunshot wound in face and resulting neuralgia and partial general paralysis."

The evidence clearly shows the soldier entitled to $72 per month, and the committee recommend the passage of the bill with the following amendments: Strike out sections 2 and 3, and that the title be amended by striking out the words "and arrearage of pension," and that as amended the bill do pass.

The amendment recommended by the committee was agreed to.

Mr. THOMAS. Mr. Chairman, to further perfect the bill, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out in line 4 all after the word "roll," and add "the name of George B. Merchant, late sergeant Company K, Fourth Ohio Volunteer Infantry, and pay him a pension of $72 per month in lieu of the pension he is now receiving."

Mr. ERDMAN. I merely suggest to the gentleman that the report in this case is defective and incomplete. It appears that this soldier was dropped under a Republican administration, and that under a Democratic administration of the office he was reinstated. The report ought to have—pursuing the ordinary course—a tirade against the administration that did that work. When that is added it would perfect the report so as to accord with the usual reports from the committee. The House is now doing what the Republican administration failed to do for this soldier.

The amendment of Mr. THOMAS was then agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY L. TWEDDLE.

The next business on the Private Calendar was the bill (H. R. 5793) granting a pension to Mary L. Tweddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Mary L. Tweddle, widow of William Tweddle, late captain of Company K, Tenth Kentucky Volunteers, and to pay her a pension, subject to the provisions and limitations of the general pension laws.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5793) granting a pension to Mary L. Tweddle, submit the following report:

William Tweddle, the husband of this petitioner, served as captain of Company K, Tenth Kentucky Volunteer Infantry, from November 2, 1861, until August 7, 1862, when his resignation, tendered by reason of having contracted rheumatism affecting the back and lower extremities, was accepted.

He was pensioned by the Pension Office at the rate of $5 per month from discharge; $15 from May 13, 1882, and $30 from March 21, 1886, on account of lumbago and chronic diarrhea, and, as will be seen by the foregoing rates, his disability gradually increased until he was allowed the total of his rank as a captain.

He died August 22, 1892, of congestion of the brain.

The petitioner applied to the Pension Bureau for a pension under the general laws, furnishing medical testimony that Captain Tweddle's death was due to the lumbago or rheumatism for which he was pensioned, and also the certificate of the board of health, made upon the return of the attending physician, showing that the primary cause of death was congestion of the brain and the remote cause rheumatism and diarrhea, but the claim was rejected in the Pension Bureau upon the ground that it was not shown from a medical standpoint that the cause of death was due to the disabilities for which this officer was pensioned.

Both the officer and the petitioner had been previously married, and the fact of death of the former consorts was duly shown in evidence on file in the Pension Office.

The petitioner married the officer on January 5, 1891, and consequently can have no status for pension under the act of June 27, 1890, which act requires that a widow of a soldier shall have been married to such soldier prior to the passage of such act.

The medical testimony furnished by Drs. Mannakee and Muncaster, of this city, physicians of high standing, shows that the congestion of brain was no doubt a result of the heart trouble from which the officer had suffered as a result of the rheumatism, which for a period had only affected the lumbar muscles, but became general thereafter.

Medical authorities admit that congestion of the brain, the result of impeded return of the blood from the head, may be caused by impediments within the circulation, such as disease of heart.

While the connection of the death cause with the pensioned disabilities may not have been sufficiently shown by the testimony of the attending physicians, your committee believe that the case from all its surroundings is such a one as to present equitable features, and do recommend that the bill be passed.

The petitioner is old and dependent upon the assistance of friends and a daughter who is hardly able to assist her by reason of having a large family of her own to support.

Mr. TALBERT. Mr. Chairman, I desire briefly to call attention to this report.

This is a claim for pension to the widow of Captain Tweddle, who was a gallant soldier, who had been receiving a pension up to the time of his death, his disabilities being traced to service origin. He was a gallant captain. He had been married before, however, and his former wife was the woman who shared with him the troubles, the trials, and turmoils of the period of war. The widow, who is proposed to be the beneficiary of this bill, was married to him in 1891. The act of June 27, 1890, expressly says that the widow of a soldier who shall receive the benefits of that act shall have been married to the soldier prior to the passage of the act.

Now, will this House, in direct violation of the law which it has enacted, grant a pension to this widow who shared none of the troubles, privations, and trials of this gallant soldier during the period of the war? There is no doubt of the testimony; it is all right, as far as that is concerned; the board of examiners say that it is all right. Now, will you violate the law, will you repudiate your own action, will you stultify yourselves and turn round and abrogate the law which you have adopted? The only reason assigned for the action of the Committee on Pensions is that this petitioner "is old, and dependent upon the assistance of friends and a daughter who is hardly able to assist her by reason of having a large family of her own to support." That may be true, but there are other widows in the land just as needy and just as old as this one is. No doubt she is a good woman, and all that sort of thing; but I submit, sir, that this House should not violate the direct spirit of the law in granting a pension to this widow who married the soldier after the act of June 27, 1890, was passed.

Mr. THOMAS. Mr. Chairman, in the absence of the gentleman from Kentucky [Mr. EVANS] who introduced this bill, I will ask that it go over without prejudice.

The CHAIRMAN. The gentleman from Michigan [Mr. THOMAS] asks that the bill be laid aside without prejudice. If there be no objection, it will be so ordered.

There was no objection.

JOSEPHINE GLOVER.

The next business on the Private Calendar was the bill (H. R. 5532) to increase the pension of Josephine Glover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to increase the pension of Josephine Glover, widow of Capt. E. V. Glover, Company A, Thirty-fourth New Jersey Volunteers, and that she be paid a pension of $30 per month.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5532) to increase the pension of Josephine Glover, submit the following report:

The claimant was the widow of Bvt. Lieut. Col. Elisha V. Glover, jr., late of Thirty-fourth New Jersey Volunteers. She is now in indigent circumstances, supporting herself by keeping boarders, doing the work mostly herself. She appears to have no property. She is drawing a pension of $16 per month, being, according to the evidence, $12 per month for herself and $2 for each of two children. She resides at Warrington, Fla. Her husband died in 1886 of heart disease, evidently of service origin.

Elisha V. Glover, jr., was commissioned as first lieutenant Company A, Thirty-fourth New Jersey Volunteers, September 3, 1863; as captain same company April 15, 1864; major, by brevet, for gallant and meritorious services, November 11, 1865, and lieutenant-colonel, by brevet, for gallant and meritorious services, by the President of the United States, on July 28, 1866, to rank from November 11, 1865.

Claimant was married to soldier since the war.

In view of the destitution of claimant and the honorable record of this soldier, the committee recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EMILY M. TYLER.

The next business on the Private Calendar was the bill (H. R. 6560) to increase the pension of Emily M. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emily M. Tyler, widow of Erastus B. Tyler, late a brevet major-general of United States Volunteers, at the rate of $100 per month, in lieu of the pension she is now receiving.

The Committee on Invalid Pensions recommended the following amendment:

In lines 6 and 7 strike out the words "one hundred" and insert in lieu thereof the word "seventy-five."

The amendment was agreed to.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6560) to increase the pension of Emily M. Tyler, having carefully considered the same, respectfully report:

The bill proposes to increase the pension of Mrs. Emily M. Tyler, the widow of the late Brig. and Bvt. Maj. Gen. Erastus B. Tyler, who died January 9, 1891.

Erastus B. Tyler entered the service as colonel of the Seventh Regiment Ohio Volunteers, three-month organization, April 25, 1861, and mustered in as colonel of the same regiment for three years in June, 1861. He continued in command of his regiment until May 29, 1862, when he was promoted to brigadier-general for gallantry on the field.

The regiment of which he was colonel and the brigade which he commanded were in action at Cross Lanes, W. Va., August 26, 1861; Winchester, Va., March 23, 1862; Port Republic, June 9, 1862; Cedar Mountain, August 9, 1862; Antietam, September 17, 1862; Chancellorsville, May 1, 2, 3, and 4, 1863; Gettysburg, July 2 and 3, 1863; Lookout Mountain, November 24, 1863; Missionary Ridge, November 25, 1863; and many others. He was appointed major-general by brevet March 13, 1865, and finally mustered out on August 24, 1865.

General Tyler was conspicuous for hard fighting and successful results. He received severe injuries of left side of body and side of head by fragments of a shell, and suffered from intestinal troubles for some time, as shown by the record. Although clearly entitled to and often importuned by his friends to apply for a pension, he never applied. His widow is now in dependent circumstances. On March 3, 1891, a special act granting the claimant $30 per month was approved, and this sum she is now drawing.

The long and meritorious services of her late husband alone would entitle her to recognition at the hands of Congress even if the cause of his death were of doubtful origin. Mrs. Tyler should be pensioned at the rate now so generally conceded to the widows of general officers.

Your committee therefore respectfully recommend the passage of the bill with the following amendment:

In lines 6 and 7 strike out the words "one hundred" and insert in lieu thereof the word "seventy-five."

Mr. WOOD. Mr. Chairman, I move to further amend by striking out "seventy-five" and inserting "fifty." I desire to call the attention of the committee to the fact that the reason which is set forth for granting this pension of $75 a month is that on March 3, 1891, she received a pension, by special act, of $30 a month, and that she should be pensioned at the rate now so generally conceded to the widows of general officers. My recollection of the evidence that was submitted to the committee is that this widow is in pretty good circumstances, outside of the pension, and I think that if this bill should pass at $50 a month, especially in view of the fact that in 1891 $30 a month was supposed to be sufficient, we should be going as far as we ought to, under the circumstances.

Mr. MILES. Mr. Chairman, I made this report, but I did not introduce the bill. It will be seen from the report that General Tyler was an Ohio soldier. The bill to pension his widow was introduced in the Senate, and passed that body with an allowance of $100 a month. There is no member on this floor at present, so far as I know, who feels called upon to defend this bill. I desire simply to make a statement. General Tyler's widow is now a Maryland woman, who lives not in my district, but in the city of Baltimore. She is not "in pretty good circumstances," as my friend seems to suppose, but is in rather indigent circumstances. She is an old woman, and I think it is unfair for the gentleman from Illinois [Mr. WOOD] to take out of this report only one fact, to wit, the fact that she was granted a pension of $30 a month in 1891, and call the attention of the committee to that fact alone. There are other facts in the report to which he would do well to call the attention of the committee, among them the fact that General Tyler fought gallantly in nearly every one of the great battles of the late war; that although before he died he was a poor man, and although he was frequently appealed to because of his circumstances to apply for a pension, he persistently refused to do so, and died without ever having drawn a cent from the Treasury of the United States other than his salary.

Now, Mr. Chairman, I was not inclined myself as a subcommittee of the Committee on Invalid Pensions to go beyond $50 a month, and I believe I recollect to have so reported to the committee, but when the record of this soldier's gallant services was read to the committee, when the condition of his widow was brought to the attention of the committee, and when another little incident—which I will not violate good taste and propriety by reciting to this committee—was called to the attention of the Committee on Invalid Pensions, that committee with much feeling, overruled me, and reported that this widow should have $75 a month.

I trust, Mr. Chairman, that those members of the committee who may have a recollection of the circumstances attending the report which I made to the committee and the facts which were then disclosed will understand and appreciate a tendency on my part to indulge a statement with respect to this bill which, to say the least, would be natural to us all, if similarly situated, and that further opposition to the bill will not be made.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. WOOD].

Mr. THOMAS. Mr. Chairman, I desire to say that the statement made by the gentleman from Maryland [Mr. MILES] is my opinion of this case, and I hope that the bill will be passed as it came from the committee. The gentleman from Illinois [Mr. WOOD] said that the evidence was that the lady was in fair circumstances. I do not understand that to be so. It is a fact that she has some property, but her income or her available means of support are very slim, and I remember distinctly the discussion in the committee. I hope that the bill will pass as recommended by the committee.

Mr. TALBERT. Mr. Chairman, I hope this amendment will prevail reducing the pension from $75 to $50 a month. It seems to me that if this House will at once adopt that common medium it will save a great deal of discussion which has to be gone over and over again in this House. Several widows of general officers have been pensioned at the rate of $50 per month, and it seems that it would be just and proper to this House, and just and proper to the widows of soldiers themselves, and just and proper to the country, if this House would settle once forever that question of pensioning officers' widows, and that can be done by adopting the common medium of $50.

Mr. CURTIS of New York. Mr. Chairman, the chairman of the committee that brings these bills before the House has advised the adoption of the report of the committee. The gentleman from Maryland [Mr. MILES], who has learned much of this case, and who is a member of that committee, reports also and speaks very earnestly in favor of it, and the facts as disclosed fully justify the House in being consistent in these measures and giving to the widow of a distinguished officer like General Tyler the sum recommended. I trust that the amendment will not prevail, and that the bill will go through the House at $75 per month.

The question was taken on the adoption of the amendment; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 35.

Mr. TALBERT. I demand tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Illinois, Mr. WOOD, and the gentleman from Michigan, Mr. THOMAS, will please act as tellers.

The committee again divided; and the tellers reported—ayes 33, noes 45.

Mr. TALBERT. No quorum, Mr. Chairman.

The Chairman proceeded to count the House.

Mr. TALBERT. I withdraw the point of no quorum.

The CHAIRMAN. The point of no quorum is withdrawn; the noes have it, and the amendment is lost.

The bill was ordered to be laid aside with a favorable recommendation.

ISAAC HOLBROOK.

The next business on the Private Calendar was the bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2904) granting a pension to Isaac Holbrook, having carefully considered the same, report as follows:

Said soldier, Isaac Holbrook, enlisted and was duly enrolled as a private in Company G, One hundred and twenty-first Ohio Volunteer Infantry, on the 29th day of August, 1862. On the 11th day of September, 1862, all the members of the company, save and except said Holbrook, were regularly mustered into the United States service at Camp Delaware, Ohio. Said Holbrook was not mustered at the same time, because he was then lying sick in the hospital. Soon thereafter the regiment was ordered to the front, and, in compliance with the orders of his captain, said Holbrook fell in line and went with his regiment to Cincinnati, Ohio, where it was duly armed and equipped, and then proceeded to a point south of Louisville, Ky. While in camp at this place he again took sick, and was sent across the Ohio River to a Government hospital at New Albany. After remaining in this hospital for a short time, and after partial treatment for and recovery from his sickness, he was told by the officer in charge to go home, as he had never been mustered, and on account of his then physical disabilities, which were probably permanent, he never would be. That thereupon he went from thence to Columbus, Ohio, where, on or about the 20th day of January, 1863, he was paid for the five months he had actually served, and then went home. He never again entered the service.

He was a strong, healthy man when he first enlisted. He has been more or less disabled ever since he left the service. He was never actually mustered. He never received a certificate of discharge. He is now about 75 years of age, in feeble health, and totally incapacitated from performing manual labor. He has no property or income, but is dependent upon charity and friends for support.

He made application for pension (claim No. 773901), but it was rejected on the ground that he had never been duly mustered in the service and never received a certificate of discharge.

All the foregoing facts are clearly shown by the official records and the sworn testimony of comrades and neighbors.

In view of all the facts above stated, your committee are of the opinion that said soldier is entitled to the relief sought, notwithstanding the fact that he was never formally mustered into the service, and therefore earnestly recommend the passage of the bill with the following amendment: Add thereto the following words: "and pay him a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, the House ought to understand this soldier was never in the service. He never was a soldier. He formed the intent to become a soldier and started to become a soldier; but he never was in the service. He never rendered any service. I do not know but what this is as good an example of paternalism as we could point the country to—to pension everybody who intended to go into the service, and give him as high a pension as one who had rendered the very best service to the country. It is a very good example for the country to look at.

Mr. HULICK. Mr. Chairman, I introduced this bill and am familiar with the facts and circumstances of this case, and it is certainly a very meritorious one. Mr. Holbrook is now about 76 years of age. He enlisted in this regiment, as the report shows, September, 1862. He went to Camp Delaware, Ohio, and while there, and before the regiment was mustered, he was sent to the hospital and confined with intermittent fever. While at the hospital the regiment was ordered to the front. He left the hospital and went to his company, shouldered his musket and went to Cincinnati, and thence to Louisville, Ky. He was there ordered from his company by his captain and told to go into hospital, because he was not able to go farther. He passed over the river into Indiana to another hospital of the Government, and remained there until his captain ordered him not to report to the company, stating that the condition of his health was such that he could not be mustered and he could not go with the regiment. He remained there in that hospital until he was able to report under the orders of his captain at Columbus, Ohio. He was there in the hospital, and when he became sufficiently able to leave the hospital the captain told him that as he was not mustered he could go home. He was then paid off in full for five months' service.

It is true, as the gentleman says, he never rendered any service. He enlisted, and he remained in the service five months, and then was sent home, having been paid for five months' service as a soldier. He applied for a pension. He is pensionable under the law, under the rules and regulations of the Pension Bureau, and would receive a pension but for the fact that he was not mustered. This special bill is to muster that old soldier, who is to-day without a dollar of money, who has to rely upon his relatives, and the fact is most of the time he remains in the poorhouse. He was a man of good health when he entered the service. He is now a total wreck in health as well as in property. He has not one dollar, and he deserves the gratitude not only of this Congress, but of the country for the fact that he attempted to render service, but was prevented from doing so.

Mr. TALBERT. Will the gentleman yield to me for a question?

Mr. HULICK. Certainly.

Mr. TALBERT. Why is it that this soldier did not have himself mustered in during that whole period of five months?

Mr. HULICK. The report shows that fact, but I will answer the question. He was at Camp Delaware, in Ohio, and before the mustering officers appeared there to muster in the regiment it was ordered to the front without having been mustered in, and he took up his musket and went with the regiment. It went first to Cincinnati, and from there to Louisville, and he remained with it until the captain ordered him to the hospital. While he was in the hospital, lying on his back, unable to appear, the regiment was mustered, and when the company left for the front with the regiment the captain ordered him to remain until he should be able to join the regiment and then to report at Columbus.

Mr. TALBERT. But it seems to me that he might have had himself mustered in during those five months if he had been very anxious. So far from giving this man a pension, it seems to me that he might very reasonably be classed as a deserter. How many thousands of men are there in the country that might come here, if we should establish this precedent, and claim that they were in the service and never mustered in, and that some officer told them to go home and they went home?

Mr. HULICK. I can not answer the gentleman's question as to the number of men that might be so situated, but whether there are a thousand or one, the principle is the same. This soldier did everything in his power to serve his country——

[Here the hammer fell.]

The question being taken on the adoption of the report of the committee, the Chairman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 32, noes 4.

Mr. TALBERT. No quorum.

Upon a count, 105 members were found to be present.

The report of the committee was adopted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET KIRKPATRICK.

The next business on the Private Calendar was the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and required to place upon the pension roll of the United States the name of Margaret Kirkpatrick, army nurse, at the rate of $12 per month, subject to the limitations of the general pension laws.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick, beg leave to submit the following report:

The Pension Office records show that Margaret Vincent served and was paid as matron of the post hospital at Macon, Mo., from November 1, 1864, to April 6, 1865, five months and six days; and that service was of a character and under authority recognized by the War Department and recognized by the Pension Office as pensionable under the act of August 5, 1892, provided it were six months in duration. The service of which there is record commenced November 1, 1864, and lacks twenty-four days of the six months prescribed, but the evidence shows that her service as nurse really commenced in the summer of 1864 and was of sufficient length to bring her within the law if her earlier service had been rendered under authority recognized by the War Department.

An affidavit of Surg. A. B. Castle, of the post hospital at Macon, Mo., on file in the Pension Office, shows that Margaret Vincent was employed as nurse and matron in that hospital from some time in the summer of 1864 until the spring of 1865, but he can not give the precise dates. While this perhaps does not meet the technical requirements of the law, it does show that the claimant actually rendered more than six months' service as nurse and matron in a United States post hospital.

The evidence shows that the claimant is over 62 years of age, is unable to earn a support, by reason of age and physical infirmity, and has no means or income from any source.

The passage of the bill is recommended.

Mr. TALBERT. Mr. Speaker, this is a bill similar in its nature to one for the benefit of the widow Tweddle that was up a while ago. The act of August 5, 1892, provides that nurses of this class must have served over six months in order to be entitled to a pension, and, as I understand it, there is no evidence to show that this lady served even six months. Consequently, to give her a pension will be to go directly against the law of August, 1892. One reason assigned for the passage of this bill is that the pensioner is 62 years of age. Well, Mr. Chairman, there are a great many ladies in this country 62 years of age. Another reason is that she is unable to earn her support; but unfortunately there are a great many ladies in this country who are unable to earn a support. It is a pity and we may sympathize with them, but we have no right, as representatives of the people, to pension them when they are not entitled to pension under the laws of the country. This bill, I say, is very similar to the one for the benefit of Mary L. Tweddle, which was up a while ago, and I think it ought to be treated in the same way and passed over without prejudice.

Mr. LACEY. Mr. Chairman, this bill was introduced by me, and I call the attention of the gentleman from South Carolina to the fact that this applicant not only served in this hospital, but that she served in another hospital for over a year, as shown by the report.

Mr. MILES. The difficulty, as I understand it, is that that hospital was not authorized by the War Department.

Mr. LACEY. It was not authorized by the Department, but

she served within twenty or thirty days of the time required by the general law in a regularly organized hospital, and in the other one, which was a post hospital, she served over a year.

Mr. MILES. The service in both cases was of the same general character, I suppose?

Mr. LACEY. Yes, sir; of the same general character, and the committee thought that her case came clearly within the spirit of the law and that she ought to receive a pension.

Mr. MILES. I think so myself.

Mr. WOOD. Mr. Chairman, I desire to offer one or two amendments to perfect the bill.

The amendments were read, as follows:

In line 3, after the word "Interior," insert the words "be and he;" and in line 4 strike out the word "required" and insert "directed."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ANNIE M. ERMER.

The next business on the Private Calendar was the bill (H. R. 1695) granting a pension to Annie M. Ermer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie M. Ermer, widow of Henry Ermer, late of Company G, Tenth Regiment Maryland Infantry, subject to the conditions and regulations of the pension laws.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1695) entitled "A bill granting a pension to Annie M. Ermer," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that Annie M. Ermer, widow of Henry Ermer, late of Company G, Tenth Maryland Infantry Volunteers, be pensioned, subject to the conditions and regulations of the pension laws.

Henry Ermer enlisted June 23, 1863, as a private in Company G, Tenth Maryland Infantry Volunteers, and was honorably discharged January 29, 1864, being mustered out as corporal with his company. He died March 9, 1894, of pneumonia.

Annie M. Ermer filed claim for pension March 20, 1894. She furnished proof of legal marriage to soldier February 27, 1879, and complied with every requirement of the Pension Bureau except satisfying the office as to her dependence, and her claim was rejected November 30, 1894, on the ground of nondependence—"claimant has other means of support than her daily labor."

She appealed from the decision of rejection, but the Secretary of the Interior affirmed the decision, figuring out her income at $13.92½ per month.

The evidence filed in the Pension Bureau shows that the husband left property valued at $6,106, but in the settlement of the estate and payment of his debts it was all absorbed except one piece of real estate valued at $3,065, upon which there was a mortgage for $1,100, bearing 6 per cent interest, and about $100 worth of household effects. This property, when rented, brought in $40 per month, and the claimant has a life estate therein, but claimant swears that this $40 is her entire income, out of which she must pay interest, taxes, insurance, water rent, light, etc., leaving very little, if anything.

She filed testimony in support of her statement, showing that the building, which brought the only income, was vacant for several months, and that as she had been an invalid for many years she was then (June, 1894) dependent on friends and those not legally bound to contribute to her support for her maintenance.

Claimant filed with the committee the affidavit of Dr. George H. Hartman (dated March 6, 1895) that he has been attending physician of Annie M. Ermer for the past fifteen years; that she has been a constant sufferer from exophthalmic goiter and chronic uterine disease, and in addition is now affected with carcinoma of the breast. Her diseases have now caused her to be a chronic, incurable invalid, incapable of earning a livelihood by manual labor, and really requiring constant aid and attendance. She is now childless and helpless and has to be assisted by those not legally bound for her support.

This statement is supported by the affidavits of E. R. Cleaveland, Margaretta H. Cleaveland, Susan D. Evans, and George W. Boetlinger, and the latter says the house has been vacant two or three times since her husband's death and has not yielded any net revenue, nor will it when necessary repairs are made, and all say she is dependent on those not legally bound for her support.

In view of the facts presented, your committee believe the applicant is dependent within the meaning and intent of the law, and recommend the passage of the bill without amendment.

Mr. WOOD. Mr. Chairman, in order to perfect the bill, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 7 strike out the words "conditions and regulations" and insert "provisions and limitations."

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, a few moments ago we passed a bill allowing a pension to a lady on the ground that she was unable to earn her support. Here is the case of a woman who is fully capable of supporting herself, who has an income large enough to support her without any labor. Now, if you are going to pension one on the ground that she is unable to earn a support, and are going to pension another when she has a support, I do not see what is to prevent you from pensioning the whole crowd. [Laughter.] I merely want to draw attention to the inconsistency.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLA HATFIELD.

The next business on the Private Calendar was the bill (H. R. 1066) granting a pension to Ella Hatfield, invalid daughter of Maj. David Hatfield, First Regiment New Jersey Infantry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ella Hatfield, daughter of the late Maj. David Hatfield, First Regiment New Jersey Volunteer Infantry, at the rate of $25 per month.

Mr. TALBERT. I ask that the report be read.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1066) entitled "A bill granting a pension to Ella Hatfield, invalid daughter of Maj. David Hatfield," beg leave to submit the following report, and recommend that said bill do pass without amendment:

David Hatfield served in the Mexican war as a private in Company G, Tenth United States Infantry, and was commissioned as captain Company A, First New Jersey Infantry Volunteers, May 21, 1861; was promoted to major of said regiment May 28, 1861. In the battle at Gaines Farm, Va., June 27, 1862, Major Hatfield was shot through the head and died from the wound July 30, 1862.

Mary E. Hatfield, his widow, filed claim for pension February 27, 1863, which was granted at $25 per month, with $2 additional for each of five children, the youngest of which, Ella Hatfield, became 16 years old September 22, 1877. The widow remarried September 26, 1867.

One of the children, Thompson D. Hatfield, who was helpless from infancy, was pensioned at $25 per month by special act of Congress approved February 23, 1889. He died September 4, 1892, at the asylum at Morris Plains, N. J., of epileptic dementia.

Ella Hatfield, youngest daughter of soldier, has been frail and delicate from infancy and never able to care for herself. She is now 34 years old, and is in a sanitarium for treatment for consumption.

Dr. W. H. Martland testifies that he attended and treated her at various times between 1878 and 1888; that she was frail and delicate, and subject to attacks of malaria, disorders of digestion, nervous derangements, debility, and had neurasthenia, with all its complications. I considered her at that time to be physically unfit to perform any kind of labor continuously. She is now (November 20, 1895) at a sanitarium in the Adirondacks for treatment for disease of lungs.

Dr. J. C. Young testifies to treating her since 1889, and says:

"She is a typical case of neurasthenia, and very susceptible to disorder of digestion, nervous derangements of various kinds, such as pain, neuralgia, insomnia, and muscular twitchings, debility, faintness, dizziness, and general exhaustion, and prone to all the effects of malaria, which it is difficult for her to resist. Latterly, she has become more and more enfeebled, and for the past year can scarcely perform even the simple duties of the household."

In another affidavit of November 20, 1895, Dr. Young states that from date of former certificate (January 19, 1893) he continued to attend Ella Hatfield until June, 1895, and that she continued in the same condition as described in said certificate, with the addition that toward the end she had cough and pain in chest; that she developed a prolonged character to expiration, which indicated a latent pleurisy, and that, fearing a tendency toward tuberculosis, she was taken to the sanitarium at Saranac Lake, Adirondacks, New York, and passed from under my care June, 1895.

Dr. N. L. Wilson, Elizabeth, N. J., testifies, November 21, 1895, that she is affected with tuberculosis of the lungs and being treated for same.

The mother of Ella Hatfield and her husband (John G. Hutman) are without any means or property beyond that of their own present maintenance and support, and none of her near relatives have any means other than their daily labor.

In view of the facts presented and the meritorious services in two wars of Major Hatfield, your committee believe this invalid daughter should be cared for by the Government, and earnestly recommend the passage of the bill without amendment.

Mr. WOOD. For the purpose of perfecting the bill, I offer the amendments which I send to the desk.

The Clerk read as follows:

After the word "Infantry," in line 6, insert "and pay her a pension."

Also amend the title of the bill so as to read: "A bill granting a pension to Ella Hatfield."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

EDWARD C. SPOFFORD.

The next business on the Private Calendar was the bill (H. R. 6730) granting a pension to Edward C. Spofford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edward C. Spofford, late a sergeant of Company F, Thirty-fifth Massachusetts Volunteers, and pay him a pension of $50 per month from and after the passage of this act, in lieu of the pension now received by him.

Mr. ERDMAN. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6730) granting a pension to Edward C. Spofford, having carefully considered the same, respectfully report:

The claimant enlisted July 26, 1862, in Company F, Thirty-fifth Massachusetts Infantry, and was discharged May 19, 1863, to accept a commission as second lieutenant in Battery A, First Missouri Light Artillery, but there is no record of his being mustered in on the same.

At the battle of South Mountain, September 14, 1862, he was wounded in the head, and on April 23, 1891, he was granted a pension under the general law on this account.

Since the date last mentioned the claimant has become paralyzed in right arm, side, and leg, and on August 27, 1894, he filed a claim for increase, alleging the paralysis to be the result of the wound in head, the pensioned disability.

October 10, 1894, the examining board reports that the claimant can not dress himself, undress himself, or attend to the calls of nature without assistance; and on September 9, 1895, another board reports him "so disabled from above disabilities as to be unable totally to do any manual labor and requires at times the aid and attention of another person."

The latter board gives him the following rating:

"Affection of spine, four-eighteenths; disease of the heart, four-eighteenths; dyspepsia, six-eighteenths; paralysis of right arm, total disability, $36; right leg, ten-eighteenths."

This claim was rejected, however, because the paralysis was not accepted as a result of the wound in the head, although the medical referee says "it has resulted, in all probability, from cerebral embolism."

The injury to the head is thus described by the examining board:

"Three inches above left eye begins a linear scar, which runs backward and to the left ear, 4 inches; scar is elevated and adherent; there is a distinct groove in the external table the entire length of the scar; the groove is one-eighth of an inch deep; pain on pressure the entire length."

The evidence in the Bureau of Pensions shows that at South Mountain the soldier was wounded in the head by a musket ball, and that at about the same time a shell exploded just back of his head, he receiving the full effect of the concussion. He was taken from the battlefield to a temporary structure used as a hospital, and on this point the assistant surgeon of the regiment testifies:

"He was under my personal care after the wound, at the field hospital, said wound being on the top of the head and partially fracturing the skull. I left him at the hospital, said hospital being a deserted log house and yard surrounding it. He, with many others, was lying there, while I went on with my regiment to Antietam. He was subsequently sent to general hospital at Middleton, Md."

It is further shown by the same evidence that from hospital he was sent to his home in Massachusetts, where he was confined to his bed for almost three months, during four weeks of which he was delirious. At this time his spine appeared to be affected, and his right shoulder and arm were paralyzed. When he reported to his regiment about January 1, 1863, he could with difficulty handle a gun, and on this account he was procured a commission for staff duty. The paralysis gradually grew better, and did not trouble him very much for about thirty years, when he had the stroke from which he is now suffering, in precisely the same right arm and shoulder, the only difference being that it now exists in a greatly aggravated degree. He is now drawing $12 per month under the act of June 27, 1890.

To the mind of the medical referee the most potent reason for not finding the sequence was, in his own language, "the long interval without symptoms of paralysis." To the mind of your committee, however, after a careful analysis of the facts, the case is sufficiently made out. It is unquestioned that the paralysis of 1862 resulted from the wound, and no flight of the imagination is required to conceive that the causa causans once thus manifested slumbered for thirty years, being subdued by a robust constitution and the virility of young manhood, both of which ere herein found.

If there is any doubt at all in the matter it should be resolved in favor of the soldier, and your committee respectfully recommend the passage of the bill.

Mr. WOOD. For the purpose of perfecting the bill, I offer a formal amendment.

The Clerk read as follows:

In line 6 strike out the letter "s," at the end of the word "Volunteers," and insert "Infantry."

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, as I understand this report, this soldier rendered distinguished service. The statement of the report is that he enlisted July 26, 1862, and was discharged May 19, 1863, in order to accept a commission as second lieutenant, but it seems there is no record of his having been mustered in upon that commission. It is shown, however, that at the battle of South Mountain he was wounded, and was carried from the field. In that and other engagements he appears to have rendered distinguished services as a soldier; he showed himself to be a brave man. I think, therefore, he deserves the pension proposed in the bill, and I shall vote for it heartily. I hope the bill will pass.

The question being taken, the bill was laid aside to be reported favorably to the House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STEELE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2129) granting an increase of pension to Annie E. Nolan, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CANNON, and Mr. MITCHELL of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor: and

A bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky; and

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8413) to confirm certain cash entries of public lands;

A bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private of Company H, Twenty-second New York Regiment Infantry; and

A bill (H. R. 596) for the relief of Ellis H. Roberts.

Mr. HULL. Mr. Speaker, I ask that the Army appropriation bill, which has just been returned from the Senate with amendments, may be taken up now, so that we may disagree to the amendments and have a committee of conference appointed.

The SPEAKER pro tempore. Without objection, it will be so ordered.

Mr. HULL. I move that the House disagree——

Mr. RICHARDSON. I submit that the Committee of the Whole having risen informally, the Journal will not show this action. There was no motion that the committee rise, and it has always been held irregular for the House to transact any business when the Committee of the Whole had simply risen informally. I object to the action requested unless the committee rises regularly by motion.

Mr. HULL. Such action as I now ask has been taken repeatedly by unanimous consent.

Mr. RICHARDSON. The gentleman is mistaken.

The SPEAKER pro tempore. The special order under which the House is acting to-day provided, as the Chair understands, for conference reports.

Mr. RICHARDSON. Where the Committee of the Whole has risen without a motion, it has not been usual for the House to take action in the way now proposed. Such action could not be journalized.

Mr. HULL. I submit it has always been held that action could be taken in this way by unanimous consent.

The SPEAKER pro tempore. In the opinion of the Chair, it can be done by unanimous consent. Is there objection?

Mr. RICHARDSON. I object, unless the Committee of the Whole rises regularly.

The Committee of the Whole resumed its session.

HANNAH E. RODGERS.

The next business on the Private Calendar was the bill (H. R. 1832) granting a pension to Hannah E. Rodgers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension roll of the United States of America the name of Hannah E. Rodgers, the surviving daughter of Josiah Hunt, deceased, formerly of Chautauqua County, State of New York, a soldier of the Revolutionary war, at the rate of $30 per month, according to the rules and regulations governing pensions.

The amendment reported by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

Mr. ERDMAN. Let us hear the report.

Mr. LOUDENSLAGER. Will not the gentleman from Pennsylvania [Mr. ERDMAN] and other members of the House be satisfied with a statement of this case? This bill proposes to pension the daughter of a Revolutionary soldier——

Mr. ERDMAN. I am afraid the gentleman will not make his statement as full as that of the report. I should like to hear the report.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1832) entitled "A bill granting a pension to Hannah E. Rogers," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

This is a bill enacting that Hannah E. Rogers be placed upon the pension roll as the aged and dependent daughter of Josiah Hunt, who is shown by the records of the Pension Bureau to have served three terms of enlistment, covering the entire period from January, 1777, to June, 1783, in the New Jersey Line, war of the Revolution. During his service he participated in the battles of Short Hills, Brandywine, Germantown, Monmouth, Green Springs, and Yorktown.

The claimant declares under oath that she is 80 years old and dependent upon a son, a wounded veteran of the late war, for support. She resides at Dunkirk, N. Y.

The testimony accompanying the bill fully establishes her relationship to the soldier, and shows that the soldier and his wife have been dead for many years.

All the facts are fully substantiated by the testimony on file, and it is stated that the soldier also rendered service in the war of 1812, but of this no record has been secured.

The passage of the bill is respectfully recommended with an amendment striking out the word "thirty," in line 8, and substituting therefor the word "twelve," so as to fix the rating at $12 per month.

The question being taken, the amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JAMES CHARLES CRAMER.

The next business on the Private Calendar was the bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against James Charles Cramer, late a private in Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteers, and to issue to him an honorable discharge.

Mr. McCLELLAN. Let us have the report in that case.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer, having had the same under consideration, would respectfully report thereon as follows:

It is shown by the records of the War Department that James C. Cremer, whose name also appears on some records as James C. Cramer, was drafted from the Twenty-fourth subdistrict of Pennsylvania August 22, 1863, to serve three years; that he was received at Carlisle, Pa., rendezvous November 3, 1863; that he joined Company E, One hundred and forty-eighth Pennsylvania Volunteers, to which he was assigned, and was present therewith until May 10, 1864, when he received a slight gunshot wound of left side at the battle of Po River, Virginia; that he was admitted to Stanton General Hospital, Washington, D. C., May 13, 1864; that he was transferred May 17, 1864, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1864, and that he deserted therefrom June 6, 1864.

Applying for removal of charge of desertion, Cramer declared July 14, 1888, that he was wounded in the left side at the Po River, Virginia, May 10, 1864; was sent to Washington, and thence to Satterlee Hospital, West Philadelphia, for treatment for a wound; that he went home from said hospital and there remained till September, when he returned to his regiment, with which he remained until May, 1865, when he again went home "all broke up in health, hearing gone, and at times clear out of his mind from pain in his head and ears;" that he was then (at the date of his affidavit) able to do but little manual labor because of "wound in left side and deafness of both ears."

Edwin A. Scott, of Imlay City, Mich., late of Company E, Sixty-fourth New York Volunteers, under date of March 15, 1888, testified that he met applicant in the intrenchments in front of Petersburg, Va., in the latter part of November, 1864, applicant being then so deaf that it was difficult to converse with him. This affiant also declared that he remembered that applicant told him in the intrenchments in front of Petersburg in November, 1864, that he had lately returned to his command from hospital.

J. Wesley Allen, M. D., of Altoona, Pa., under date December 13, 1888, testified that he treated applicant after the battle of Mine Run, November 29 and 30, 1863, for deafness; that applicant was also wounded in battle at Po River, May 10, 1864.

John F. Sutton, late captain Company E, One hundred and forty-eighth Pennsylvania Volunteers, under date January 25, 1892, testified that applicant received a gunshot wound in battle at Po River, May 10, 1864; that he went to hospital, and returned to the regiment in October, 1864, remaining with it thereafter until the close of the war.

February 19, 1892, Captain Sutton also stated:

"Applicant was carried on the rolls as absent wounded till the notice was received of his desertion from Satterlee Hospital June 15, 1864; that his roll from October 31 to December 31, 1864, shows applicant present in company; that he can not say how the other rolls are, as his is so torn he can not make out; but be as they may, they are wrong, for the man was present, as he (the captain) said in his affidavit, which he made from the rolls and the best knowledge he could of the fact. What makes him, in particular, remember applicant's case is this, that after applicant's return he had occasion to reduce several noncommissioned officers and he was about to appoint applicant for his former good quality as a soldier, but the older recruits began to rebel and he reinstated the men. * * * My company was not under command of any commissioned officer only part of the time, as we had very few. He was, toward the last, in command of the regiment most all the time. This, he thinks, is the cause of the mistake in applicant's case for not being properly taken up on the rolls."

On March 14, 1892, applicant stated that he was in all engagements with his regiment from October, 1864, to the close of the war, and that Dr. Allen gave him "medical attendance" during the winter and spring of 1865.

On March 22, 1892, he testified that he got word in June, 1864, at Satterlee Hospital, Philadelphia, that his wife and children were lying at the point of death; that he tried to get a furlough, but could not; that he then went home, but returned to his company and regiment in October, 1864, and served thereafter with it, being present in all of the engagements in which it participated until May, 1865.

On August 22, 1894, John Tanner, of Roselawn, Ind., late of Company A, Fourteenth New Jersey Volunteers, testified that he became acquainted with applicant during the battle of Cedar Creek, Virginia, October 19, 1864, and that he (applicant) was so very deaf that affiant could "hardly talk to him."

On August 28, 1894, applicant repeated his former testimony as to his having rejoined his company.

The charges of desertion in this case are predicated upon the following circumstances:

First. The soldier left the hospital at West Philadelphia, Pa., June 6, 1864, and went home, but returned to his regiment in September of that year and remained until May, 1865. The soldier, in his affidavit, gives as the reason for his leaving the hospital at the time stated, that he received word that his wife and children were lying at the point of death; that he tried to get a furlough, but could not, and then went home. These facts, standing alone, might justify the charge of a technical desertion, but if we are to credit the statement in the affidavit of the beneficiary, it is apparent that in leaving the hospital desertion was not his purpose, but rather to visit his family, who were ill. The return of the soldier to his command in September of the same year, and his service until the close of the war, according to his captain's testimony, negatives the presence of any intention on the part of the soldier to desert, and his conduct as to this first charge of desertion does not vary much from that of many soldiers who, under like circumstances, visited their families on account of the illness of some member thereof, but returned to their commands, and against whom the charge of desertion was never entered; and, in the opinion of your committee, the soldier in this case should be excused under the circumstances from the first charge of desertion.

As to the second charge of desertion, occurring in May, 1865, after the close of the war, although the date of the month is not definitely fixed, and notwithstanding the fact that the affidavit of the beneficiary is the only evidence found showing that he served until May, 1865, if such were a fact, he would be excused from the second charge of desertion under the act of March 2, 1889.

In the absence of any proof to the contrary, your committee is inclined to give the soldier the benefit of the doubt, if any exists, and recommend that the bill do pass.

During the reading of the above the hammer fell.

The CHAIRMAN. The time under the rule allowed for debate on this bill has expired.

Mr. McCLELLAN. I ask consent that the rest of the report be printed as a part of my remarks.

There was no objection.

The entire report is printed above.

Mr. STEELE. Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie upon the table. According to the man's own admission he was a deserter.

The motion of Mr. STEELE was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do lie on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the committee rise informally for the purpose of nonconcurring in the Senate amendments to the Army appropriation bill, and ask a conference on the disagreeing votes of the two Houses on said bill. The gentleman from Tennessee [Mr. RICHARDSON], who objected to my request a few moments ago, tells me that he would not object to this proceeding, and it is necessary, in order to get the conference ordered by the Senate this afternoon, that the action of the House be messaged back to the Senate promptly.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The committee informally rose; and Mr. STEELE took the chair as Speaker pro tempore.

Mr. HULL. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate to the Army appropriation bill and ask a committee of conference thereon.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. HULL, Mr. PARKER, and Mr. McCLELLAN as conferees on the part of the House.

CHANGE OF REFERENCE.

The SPEAKER pro tempore. The Chair, if there be no objection, will correct the reference of a Senate bill. The bill S. 703 which was referred to the Committee on Invalid Pensions should be referred to the Committee on Pensions. Without objection, that order will be made.

There was no objection, and it was so ordered.

The Committee of the Whole resumed its session.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill (H. R. 3659) for the relief of John E. Wilbur.

The bill was read at length.

Mr. McCLELLAN. Mr. Chairman, I ask for the reading of the report in my time.

Mr. STEELE. Mr. Chairman, I do not believe this bill comes within the purview of the order of the House. It is not a desertion case or a bill for the removal of such a charge. The order involves only the consideration of pension bills and bills removing charges of desertion.

Mr. MITCHELL. Does the gentleman make objection? This gentleman was dismissed from the Army, but his dismissal was practically vacated by President Lincoln.

The CHAIRMAN. The Chair is clearly of the opinion that the bill does not come within the rule; and the Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 989) to amend the military record of Capt. Thomas M. Elliott.

The CHAIRMAN. This is a bill of the same character as the last one, and will be laid aside as not coming within the rule of to-day.

The next business on the Private Calendar was the bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles.

The bill was read at length.

Mr. McCLELLAN. I ask for the reading of the report in my time.

Mr. WOOD. Mr. Chairman, I raise the point of order that this bill is not in order under the rule.

Mr. McCLELLAN. The report will disclose that fact. I am not familiar with the report.

Mr. HULL. This is a court-martial case, and of course it would not be in order.

Mr. WOOD. It is not a bill for the removal of the charge of desertion, but to correct a military record.

Mr. McCLELLAN. But that correction might be for the removal of the charge of desertion.

Mr. HULL. It is not.

Mr. DOCKERY. Then the bill is not properly in order here.

The CHAIRMAN. The suggestion of the gentleman from New York might be true, but on the face of the bill it is not properly within the purview of the rule and, in the opinion of the Chair, is not in order.

The Clerk will report the next bill.

JULIA D. BEEBE.

The next business on the Private Calendar was the bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon of the One hundred and fifty-seventh Regiment New York Volunteer Infantry, at the rate of $20 per month, to commence from the date of the passage of this act.

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers, submit the following report:

Frank D. Beebe enlisted as assistant surgeon One hundred and fifty-seventh New York Volunteers on the 19th of September, 1862, and was discharged November 9, 1863, he having been obliged to resign on account of diarrhea, which had become chronic, the records of the hospital showing that he had been sick and unfit for duty for over three months. On the 26th of January, 1886, Beebe made application for pension, alleging bloody dysentery, result of diarrhea contracted in the Army. This claim was allowed, and a pension was granted him April 4, 1888, at the rate of $8.50 per month from the date of his discharge from the Army, November 10, 1863. On the 15th of July, 1891, Dr. Beebe made a claim for increase; also making another claim June 8, 1892, alleging great increase of disabilities. These applications were considered together and admitted August 17, 1895, granting $12.75 a month from May 17, 1892, to cease April 21, 1893, at which date Frank D. Beebe died. The amount due under this increase was paid after his death to the widow.

Julia D. Beebe made application for a pension as the widow of Frank D. Beebe, August 2, 1893, which claim was rejected August 7, 1895, on the ground "that death resulted from disease of lungs not due to cause which has been legally accepted."

The register of vital statistics makes affidavit that the cause of death was chronic diarrhea and pneumonia.

Dr. O. S. Langworthy, of Hamilton, N. Y., filed an affidavit with the Pension Bureau May 6, 1895, in which he says that he studied medicine with Dr. Beebe for three years, and for two years prior to his death was in partnership with him. During all of that time he testified that Dr. Beebe was a great sufferer with diarrhea, his bowels moving from three to ten times daily, causing him intense pain, followed by weakness; that he also suffered with shortness of breath and had a dilated heart. This shortness of breath was on slight exertion and worse when he was having most copious discharges from his bowels. These symptoms increased until he broke down completely, and two weeks before death he was confined to the house, two days later to his bed.

Dr. Langworthy was the attending physician at the time of the death of Dr. Beebe, and made the certificate of death at the time, from which the register of vital statistics made the report referred to.

Dr. D. D. Chase, of Madison County, made an affidavit May 6, 1895, in which he says that he knew Dr. Beebe in the Army and up to the time of his death; that for many years he was associated with him on the board of examining surgeons for pensions; that during all those years he suffered greatly from diarrhea; that several times during those years he made a personal examination of Dr. Beebe, and concludes his affidavit in these words:

"In my opinion, with all my knowledge of said Beebe, his death ensued from direct results of chronic diarrhea upon the circulatory organs and other tissues and conditions resulting from that chronic diarrhea."

Dr. William Taylor, late assistant surgeon of the Eightieth New York, corroborates by his affidavit the statement made by Dr. Chase.

There is not a particle of evidence in this case to throw any doubt about the fact of the death of Dr. Beebe or that he suffered from diarrhea all his life after his return from the Army, acknowledged by the Pension Bureau; and in view of all the testimony examined by your committee, there is no question but that Dr. Frank D. Beebe's death was the direct result of disease contracted in the service, and therefore we recommend the passage of the bill, with an amendment striking out the word "twenty," in line 8, and inserting in place thereof the word "seventeen."

Mr. THOMAS. Mr. Chairman, I offer the amendments I send to the desk to perfect this bill.

The Clerk read as follows:

In line 7, after the word "Infantry," insert "and pay her a pension;" in line 8 strike out all after the word "month;" and amend the title of the bill so as to read: "A bill granting a pension to Julia D. Beebe."

The amendments were agreed to.

The question being taken on the amendment recommended by the committee, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SHUBAEL GOULD.

The next business on the Private Calendar was the bill (S. 1310) granting an increase of pension to Shubael Gould.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Shubael Gould, late a private in Company G, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of that he is now receiving.

The CHAIRMAN. Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1310) granting an increase of pension to Shubael Gould, having carefully considered the same, adopt the accompanying Senate report (No. 127) as their own, and respectfully recommend the passage of the bill.

[Senate report No. 127, Fifty-fourth Congress, first session.]

The claimant under this bill enlisted December 24, 1863, and was discharged June 28, 1865. He was pensioned at $16 per month for disease of right leg, which was subsequently increased to $24 and $30, the pensionable causes being stated on these occasions as disease of right leg and resulting debility. He applied for further increase, which was rejected on the ground that the then existing condition was due in part to other causes.

Soldier is at present in a totally helpless condition, requiring the constant attendance of another person, one side being entirely paralyzed, and the heart's action disturbed. In his behalf it is contended that this condition is due to the progress of the disease for which he is pensioned, but the Pension Bureau took the ground that the paralysis was of cerebral origin, and hence not directly traceable to pensionable causes.

Claimant has had many medical examinations, all physicians agreeing that he is in a deplorable and hopeless condition. The last two examinations gave the pulse rate at 100 and 120, respectively, and respiration at 36. He suffers greatly, being constantly restless, and the probabilities are that he will not survive many months. The examining boards give him a first-grade rating.

Dr. O. B. Way, of Claremont, N. H., his attending physician, describes his condition as one of extreme and hopeless suffering. Dr. Sanborn, of Newport, N. H., who was sent by the Pension Bureau with special instructions to examine into the causes of soldier's present condition, reported as follows:

"Mr. Gould is very feeble and confined to his bed, with marked emaciation and tremor of whole body; almost complete loss of motion in left leg, and but slight sensation; can not stand alone or feed himself; action of heart very weak and rapid; integuments on legs discolored as per diagram, with ulceration of left leg; he requires regular aid and attendance of another person by reason of pensioned disabilities. I consider the apoplectic stroke which Mr. Gould is suffering from, causing hemiplegia of left side, the result of his general debility, caused by phlebitis and ulceration of leg."

A subsequent examination by the same physician disclosed a similar condition, and he recommended that he be pensioned accordingly. Had the testimony of these medical men, who personally saw and examined the soldier, been accepted, he would have been granted $72 per month, but the medical officers of the Pension Bureau, in their discretion and wisdom, refused to accept the view that the existing condition was wholly due to pensionable causes, and rejected the claim.

The bill under consideration increases the pension from $30 to $50, and your committee are of opinion that it should become a law.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN NICHOLS.

The next business on the Private Calendar was the bill (S. 638) granting an increase of pension to John Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Nichols, of Durham, Butte County, Cal., late sergeant Company I, One hundred and eleventh Illinois Infantry Volunteers, at the rate of $36 per month, in lieu of the pension he is now receiving under certificate 75245.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. The report will be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 638) granting an increase of pension to John Nichols, adopt as their own the accompanying Senate Report No. 130 and recommend the passage of the bill.

[Senate Report No. 130, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 638) granting an increase of pension to John Nichols, have examined the same and report:

The claimant served as sergeant of Company I, One hundred and eleventh Illinois Volunteer Infantry, from August 11, 1862, to May 22, 1865. While in the line of duty at Resaca, Ga., he received, on May 14, 1864, a gunshot wound through the left shoulder, the ball passing through his body, coming out near the shoulder blade, for which disability he is now receiving a pension of $24 per month. He has made several applications for increase, claiming that his disabilities are as serious as if his arm was amputated, as he is totally unable to perform manual labor of any kind, but his claim for increase was rejected, as, in the opinion of the medical referee, his disabilities were not considered sufficient to entitle him to this rating.

The claimant, as shown by affidavits of his physician and neighbors, is now wholly unable to perform any manual labor by reason of said gunshot wound of left shoulder, and is practically helpless, being unable, at times, to dress and undress himself by reason of his wound, which renders the left arm useless and equivalent to the loss of arm at the shoulder joint; that said wound also affects the left lung, and causes entire loss of voice at times.

In the opinion of your committee the disabilities enumerated from which the claimant is now suffering entitle him to the rating of the total disability of loss of use of arm, which is $36 per month, and the passage of the bill is therefore recommended.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE B. CUSTER.

The next business on the Private Calendar was the bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension of $20 per month, said pension to be for injuries to right hand, right foot, and right ankle, received in service and line of duty.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. Let the report be read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1806) granting a pension to George B. Custer, having carefully considered the facts in the case, respectfully report:

An application for pension in this case was filed by the claimant, George B. Custer, November 3, 1879, under the act of July 14, 1862, for injuries to the right hand, right foot, and right ankle. The claim was rejected by the Pension Bureau on the ground that the claimant had failed to establish origin of injuries in the service and line of duty.

The facts of the case, from the evidence filed by claimant and the reports of the various special examiners, are as follows:

The claimant, George B. Custer, is a Mexican war veteran and is now drawing a pension of $8 per month for services in that war.

He enlisted in the Seventy-third Indiana Volunteer Infantry for the war of the rebellion July 21, 1862, and served until mustered out, July 1, 1865.

The claimant alleged in his application for pension that he incurred serious injuries to his right hand, right foot, and ankle while in service and line of duty. That the said injuries were incurred in February, 1863, while he was on detail service in a pioneer corps; that he was the only person detailed from his company on such duty, and that all the other members of the pioneer corps were strangers to him. That in February, 1863, as above stated, he, with others of the pioneer corps, was engaged in building a railroad bridge across a creek called Squirrel Creek, near Stone River, Tennessee, and while helping to raise a "bent" in said bridge and helping to lift the timbers by means of a pry, the other men let go and the weight of the heavy timbers came on claimant and, his foot slipping, he was pressed to the ground under the handspike and his right hand and foot caught underneath and badly injured.

The records of the War Department show that in March and April, 1863, he was in hospital, but the nature of his disability is not stated.

The testimony shows that claimant was an able-bodied, healthy man at enlistment, and was without injury up to the time he was detached from his company for detail in the pioneer corps.

The lieutenant of claimant's company states that claimant was an excellent soldier, faithful in the discharge of his duties, and one of the most reliable men he ever knew. That he remembers that claimant was detached for duty in the pioneer corps, and that when he returned to the company he complained of some injury; that his hand was bandaged or in a sling. Does not remember just what the injuries were, but remembers distinctly that claimant was suffering from varicose veins in his leg, which claimant had shown him. That shortly after claimant's return to his company the regiment was ordered off on a raid and claimant was left behind for treatment for his injuries. He also remembers that claimant was returned to the company because he was unfit for duty in the pioneer corps. That on the raid referred to deponent was taken prisoner and detained for nineteen months and did not again see claimant.

The captain of Company H, Seventy-third Indiana Volunteer Infantry, testifies that he knew the claimant three years before the war, and that he was an able-bodied, healthy man. Does not remember of any disability during service, and does not remember condition at discharge. Has seen claimant once since discharge, when he complained of some injury, but does not remember the name or nature of the disability.

Lieut. Wilson Daily, of Company I, Seventy-third Indiana Volunteer Infantry, who had served in Company H as orderly sergeant, testifies that he commanded Company H for some eight months during absence of officers; that he knew claimant well, and that he was a good soldier, always ready for duty until he met with an accident while detailed with pioneer corps at Stone River, Tennessee; that deponent did not witness the accident, but when claimant returned to the company shortly afterwards he told deponent of the injury to his hand and foot. Distinctly remembers claimant complaining of his injuries. Has not seen claimant since his discharge in 1865.

Several comrades testify to injuries in a vague way.

The rest of the evidence in this case is composed of the testimony of neighbors of claimant before his enlistment and since his discharge, which, although not of the kind that is required by the Bureau to establish origin in service, still, in a general way, confirms the truth of claimant's statements as to the cause of injury and consequent disability.

Twelve special examiners have investigated this case, seven of whom report the case as meritorious, two report it as of doubtful merit, and three as devoid of merit.

The certificates of the different boards of examining surgeons before whom the claimant has at various times been ordered show the existence of the injuries as alleged by claimant and his consequent disability, and give him a rating of eighteen-eighteenths.

His right hand at this time is almost useless, and he walks with great difficulty by reason of injury to right foot. He is now in very feeble health, and is in his seventy-second year.

Your committee respectfully recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I offer the following amendments, to perfect the bill.

The Clerk read as follows:

In line 7 strike out all after the word "months" and add "in lieu of the pension he is now receiving."

Amend the title so as to read: "An act granting an increase of pension to George B. Custer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

HENRY MACKRILL.

The next business on the Private Calendar was the bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Mackey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place or reinstate on the pension roll the name of Henry Mackvill, alias Henry Mackey, a late landsman in the United States naval service during the war of the rebellion, and cause him to be paid a pension of $15 per month on account of catarrh, disease of rectum, disease of kidneys, and disease of eyes, and necessary results thereof, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month" in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

Mr. ERDMAN. Let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] demands the reading of the report.

The report by (Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3690) granting a pension to Henry Mackvill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

"Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the *Princeton*, January 23, 1864, and served to March 3, 1864; on the *Ticonderoga* to May 4, 1865, as landsman; on the *Princeton* as ordinary seaman to May 11, 1865, and was discharged from the *Sabine* as ordinary seaman, August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army."

The War Department records show:

"Henry Mackrill, private, Company D, Ninth Mississippi Infantry, C. S. A., enlisted April 11, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, 'present.' October 31, 1863, 'absent, sick since October 20, 1863, by order Surgeon Williams.' December 31, 1863, 'absent, missing in action since day after Missionary Ridge, November 25, 1863. Reported as deserter.' Name not found on rolls of later date. Nature of disability not stated. Prisoner of war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 26, 1863. Confined at Rock Island, Ill., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, Ill., January 25, 1864."

Claimant alleges that at breaking out of the war he was a British subject, and engaged in cutting wood on the Lower Mississippi; that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy, he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackay; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at $12 per month from July 25, 1890, for "catarrh, disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 23, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delhi, Ind., July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post-nasal catarrh, two-eighteenths for disease of eyes, four-eighteenths for kidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that ninety days' service and an honorable discharge, without regard to previous loyalty, were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having faithfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month," in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

The CHAIRMAN. The question is on the committee amendments.

Mr. THOMAS. For the purpose of identifying the man more accurately as to his service, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 6, after the word "service," insert "on U. S. S. *Ticonderoga*."

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, it seems to me this is a very singular kind of an individual. He is a British subject, then an American; first a Confederate and then a Federal, and finally he changed his name two or three times. It seems to me the matter ought to be further investigated. This is a matter for the Pension Bureau to look after.

Mr. HATCH. Mr. Chairman, I wish to say that he changed his name because he feared that if he was again captured by the Confederates it would be worse for him.

Mr. TALBERT. I submit, Mr. Chairman, that this matter ought to be laid over for further investigation.

Mr. HATCH. This man came from England to this country knowing nothing in regard to the great questions that were at issue before the people. He was cutting wood on the Lower Mississippi. The floods came and carried away his wood, and as there was no opportunity for obtaining employment he joined the Confederate army.

Mr. TALBERT. How do you know whether it was this fellow or the other fellow?

Mr. HATCH. It gives his name here.

Mr. TALBERT. Yes; but he changed his name so often that you can not catch up with him. I think the matter ought to be investigated further.

Mr. THOMAS. This man is thoroughly identified by having been once admitted as a pensioner at $12 a month. Under a different construction of the law his name was dropped from the rolls. His identification is certainly complete, and we need not lay the bill aside for the purpose of identifying the beneficiary.

Mr. DOCKERY. I think he is sufficiently identified.

Mr. THOMAS. His case is certainly before us on its merits.

The CHAIRMAN. The gentleman from Indiana [Mr. HATCH] has the floor.

Mr. HATCH. Mr. Chairman, this is merely a reinstatement. This man drew a pension for five years under the act of 1890. Last year, or the year before last, he was dropped from the pension rolls because he had been in the Confederate service. At the time he made application for the pension he made an affidavit that he had been in the Confederate service. I think he is sufficiently identified in the Pension Office.

Mr. DOCKERY. Mr. Chairman, I do not think that is the trouble in this case at all. I think this case is fully identified. I am satisfied he served in the Confederate army, because I remember when we had this case before the House some days since it was shown that he had been in the Confederate army for more than twelve months; also that he was a subject of Great Britain, and later on he changed his views and entered the Army of the Union.

Mr. LOUD. How do you know that he changed his views?

Mr. DOCKERY. I accept the suggestion of the gentleman from California. He changed his service. I suggest to my friends on the other side, if you are to inaugurate the policy of pensioning ex-Confederates, it seems that you should begin with worthy cases. The report shows this applicant to be unworthy.

The CHAIRMAN. Time for debate against the bill is exhausted.

Mr. LOUD. We were talking for it. [Cries of "Vote!"]

Mr. DOCKERY. I hope the House will not pass this bill.

The CHAIRMAN. The question is on the adoption of the amendments recommended by the committee.

The amendments recommended by the committee were agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 65; noes 26.

So the bill was ordered to be laid aside with a favorable recommendation.

Mr. DOCKERY. Mr. Chairman, I desire to give notice that I shall ask for a yea-and-nay vote in the House on the passage of this bill.

PETER J. CLAASSEN.

The next business on the Private Calendar was the bill (H. R. 2221) granting an increase of pension to Peter J. Claassen.

Mr. McCLELLAN. Mr. Chairman, this bill was introduced by my colleague [Mr. HURLEY] and was reported by myself. Since it has been reported the beneficiary has died. I therefore move that the bill be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

MARY FORWARD.

The next business on the Private Calendar was the bill (H. R. 4930) granting a pension to Mary Forward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Forward, of Allegan, Mich., widow of Charles Branch, late of Company C, Third Michigan Cavalry Volunteers, and pay her a pension of $12 per month.

Mr. TALBERT. I ask for the reading of the report, Mr. Chairman.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4930) granting a pension to Mary Forward, respectfully report:

This claimant was married December 24, 1855, to Charles Branch, who served in Company I, Tenth Veteran Reserve Corps, and who died March 24, 1865. She was pensioned as his widow until October 7, 1866, when she was again married, this time to Joseph Forward, who died December 22, 1891. The claimant is now old, disabled, and needy. She was the wife of the soldier during the war, and cared for their three children during his absence in the service.

In view of these facts, your committee are of opinion that this woman should not be left to suffer in her age and decrepitude. In consequence of her remarriage the Government was relieved from the payment of about $2,300, the amount she would have received as pension from date of her remarriage to the present time had she not remarried.

Your committee are of opinion that she should be again pensioned, and recommend the passage of the bill with an amendment, striking out the words "of Allegan, Mich.," and inserting in lieu thereof the words "formerly the."

Mr. TALBERT. Mr. Chairman, I submit that if this claim is passed it will be a direct violation of the law, which says that when a widow remarries she thereby forfeits all her claim to a pension. Here is a bill asking that a lady who has remarried shall receive a pension. In consequence of her remarriage she is not entitled to a pension. The reasons given for granting her this pension are that she is poor and needy. There are a great many others in our country who are in the same fix. I submit, sir, that this bill ought not to pass.

The question was taken on agreeing to the amendment recommended by the committee; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 41, noes 4.

So the amendment was agreed to.

The question was taken on ordering the bill as amended to be laid aside with a favorable report; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 16.

So the bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. MARTHON.

The next business on the Private Calendar was the bill (H. R. 5764) granting a pension to Elizabeth A. Marthon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to pay to Elizabeth A. Marthon, widow of Joseph Marthon, late a lieutenant-commander in the United States Navy, a pension of $75 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5764) entitled "A bill granting a pension to Elizabeth D. Marthon," beg leave to submit the following report, and recommend that said bill do pass, with amendments:

The claimant is the widow of Joseph Marthon, late a lieutenant-commander, United States Navy, whose service began as a seaman September 30, 1861. He was subsequently promoted through the several grades to the rank of acting master, which he held when honorably discharged December 31, 1865. He was reappointed acting master April 19, 1866, and was subsequently promoted for valuable and meritorious service, until he finally attained the rank of lieutenant-commander July 1, 1882. His death occurred while still on the active list and from causes originating in the service at Shanghai, China, November 19, 1891, and his widow is now receiving the pension of $30 per month allowed by the general laws to the widows of lieutenant-commanders who die from causes of service origin.

The following statement of Hon. S. L. MILLIKEN, member of Congress, shows the facts upon which your committee bases its favorable recommendation:

WASHINGTON, D. C., *March 9, 1896.*

Mrs. Marthon is a native of Belfast, Me., the city in which I reside. I have known her since she was a girl, and knew her family, which was one of the prominent old families of Belfast. I knew her husband, Lieut. Commander Joseph Marthon, when he was alive. Since his death the little property which he left has suffered such losses that she is dependent almost entirely upon her pension for the support of herself, and her husband's mother and maiden sister also.

S. L. MILLIKEN, *Member of Congress.*

The following amendments to the bill are recommended:

Change the title so as to read, "A bill granting an increase of pension to Elizabeth D. Marthon," and strike out the initial "A." where it appears in claimant's name in the body of the bill and substitute therefor the initial "D.;" also strike out the word "seventy-five," in line 6, and substitute therefor the word "fifty," so as to fix the rating at $50 per month.

The amendments recommended by the committee were agreed to.

Mr. MILNES. Mr. Chairman, this officer whose widow it is proposed to pension would rank as lieutenant-colonel in the Army. It is proposed to pay her a pension at the rate of $50 a month. Before voting for this bill, I should like to learn some good reason why we should pay $50 a month to the widow of a lieutenant-colonel?

Mr. BRODERICK. Mr. Chairman, the gentleman from Maine [Mr. MILLIKEN] and the gentleman from Pennsylvania [Mr. BROSIUS] understand this question, and had expected to be here to explain the bill. The gentleman from Pennsylvania is ill, and the other gentleman is not in his seat. I have some information about the matter, but not much aside from what appears in the report. The report says that this officer was in the service during the entire war, and from the promotions that were made he evidently was a good officer. He was in the service when he died. He resigned soon after the war closed, and within a year was reappointed and given the position he held when he resigned. I say I think it is clearly shown by the report that he was a good officer. His widow is a meritorious lady and is entitled to the pension. I was asked, if these gentlemen were not present, to say something of this claim; but I know little beyond what is given in the report.

Mr. MILNES. Now, Mr. Chairman, there is no question about the meritorious service of the husband of this lady; but it does seem to be a question of paying $50 a month to the widow of an officer of that rank. We have given $50 and $75 and in some cases $100 a month pension to widows of generals, those who have attained the rank of brigadier-general and major-general in the Regular Army. If this man had been in the Army, he would have had the rank of lieutenant-colonel. This lady is now receiving $30 a month, and that is all she ought to ask in all fairness, it seems to me. I move to amend by striking out "fifty" and inserting "thirty."

The CHAIRMAN. The motion comes too late, the amendments of the committee having been adopted.

Mr. HALTERMAN. Mr. Chairman, I wish to say in regard to this case that it is a most meritorious one. This lieutenant-commander enlisted in the Navy in 1861 as a common seaman, and advanced step by step until at the time of the taking of Mobile he became an acting master, and for meritorious conduct was made a passed master. He served a howitzer in the maintop while Admiral Farragut was in the shrouds. He was promoted for bravery on that occasion. He remained in the service until his death. In the Chinese waters he contracted the malarious disease from which he died. His widow now supports his aged mother, who is an invalid and a paralytic, and I think that this lady is entitled to an increase of her pension to $50 a month.

Mr. LOUDENSLAGER. Mr. Chairman, I hope the House will give this case fair consideration. The committee have endeavored to be conservative in their action on this bill granting to this widow a pension of $50 a month, which is from $25 to $50 less than would be justified by several precedents. Even in this Congress we have passed bills at the rate of $75 and $100 per month—$75 in a case where the rank of the officer was only equal to that of this lieutenant-commander. The service which he rendered to his Government entitles his widow to receive at least fair and equitable treatment, and I trust that the Committee of the Whole will report this bill to the House with a favorable recommendation.

Mr. CURTIS of New York. Mr. Chairman, I rise for the purpose of correcting a remark of my friend Mr. MILNES, which I think was made without due deliberation, that the rank of this naval officer would correspond to that of a lieutenant-colonel.

Mr. MILNES. Lieutenant-commander.

Mr. CURTIS of New York. As I understand the matter, his rank would be that of captain. The fact that this man rose from the forecastle to the position that he occupied at the time of his death is a consideration which must appeal strongly to this House when called on to recognize his merits as an officer, and, as the chairman of the Committee on Invalid Pensions has said, I believe the pension in this case should be retained at the figure named in the bill, especially as it will be, even at that figure, below many other pensions that have been granted in similar cases.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANS JOHNSON.

The next business on the Private Calendar was the bill (S. 1495) granting a pension to Hans Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hans Johnson, late corporal of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay said Johnson at the rate of $50 per month from and after the date of the passage of this act.

Mr. THOMAS. Mr. Chairman, let the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1495) granting a pension to Hans Johnson, have had the same under consideration and report:

Hans Johnson, late corporal of Company I, Twenty-seventh Regiment Iowa Infantry, enlisted August 15, 1862, and was honorably discharged by reason of surgeon's certificate of disability June 14, 1865, at Montgomery, Ala. The claimant has drawn a pension, in sums varying from $5.33⅓ a month to $8, from the date of his discharge to July 28, 1890, when his application under the dependent pension law of June 27, 1890, was approved by the Pension Bureau at $12 a month, for disease of the eyes and gunshot wound of the right thigh.

The testimony in the claim, too voluminous for detailed presentation, is clear and ample as to the following facts: That Johnson was a sound man when he entered the service, and continued so until attacked by dysentery, and the incurrence of the gunshot wound in his thigh, and the disease of the eyes which developed while in the service.

These facts are substantiated by the affidavits of the captain of his company who enlisted him, and of the comrades who served with him, as well as by the surgeon's certificate of disability on which he was discharged. Since the war the continuance and increase of his disabilities are testified to by twelve physicians of the best repute, residing in the claimant's city and county, and covering all the years between 1868 to 1896, such physicians having either attended him professionally or certified to his condition as members of pension examination boards. His disabilities since the war and their progressive character are also testified to by the claimant's neighbors and associates, among whom is the name of ex-Gov. Lucius F. Hubbard. The Hon. C. K. Davis, Senator, has also stated to the committee his personal tribute to the high character of the claimant, and of the progress of his disabilities within his observation. The sum of all this testimony is that the disease of the eyes now amounts practically to total blindness; or, in the language of N. Juell, M. D., of the claimant's city, Red Wing, Minn.:

"N. Juell, being duly sworn, on oath says that he is duly licensed and practicing physician in the said State and residing at the city of Red Wing, in said State; that he has examined the eyes of Hans Johnson (late of Company I, Twenty-seventh Iowa Regiment Volunteers), and that he finds a central atrophic chorodo-retinitis involving both eyes; the central field of vision is entirely obliterated, so that he can not see the sun. In the marginal field he can see objects when placed in a strong light, but not sufficiently clear to count his fingers; as a consequence he is almost totally blind, and has to guide himself with a stick when walking. The disease is gradually progressing."

This affidavit is dated January 7, 1896, and represents the claimant's present condition. It is a condition of utter helplessness, and entitles the claimant to a substantial increase beyond that which he is now receiving.

Your committee therefore approve the bill and recommend its passage, after being amended by striking out the word "seventy-two," in line 8, and substituting therefor the word "fifty."

Mr. THOMAS. Mr. Chairman, in order to perfect the bill, I move to amend by inserting after the word "Johnson," in line 8, the words "a pension."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT KIRACOFE.

The next business on the Private Calendar was the bill (S. 1017) granting a pension to Robert Kiracofe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Robert Kiracofe, late a private in Company G, Eighty-first Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month, in lieu of the amount he is now receiving.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1017) granting a pension to Robert Kiracofe, having carefully considered the facts in the case, respectfully report:

August 27, 1862, the claimant enlisted in Company G, Eighty-first Ohio Infantry, and was honorably discharged July 13, 1865.

November 24, 1883, he made application under the general law, alleging disease of eyes and disease of lungs, and was granted a pension of $2 per month for the first-named disability.

May 27, 1891, he applied for increase, alleging catarrh, deafness, rheumatism, and resulting disease of heart, contracted in line of duty, in addition to the disability for which he was then pensioned. The testimony of four comrades sustains the allegation as to origin. Continuance is substantially proved. The examining board gives him the following rating: Disease of eyes, four-eighteenths; catarrh, two-eighteenths; rheumatism, two-eighteenths; disease of heart, two-eighteenths. April 11, 1894, the claim was rejected on the ground of "no record in the War Department; no medical testimony showing treatment in the service or at discharge, and testimony furnished not sufficient to establish origin in the service and continuance since discharge."

Thereafter, on June 6, 1894, he filed under the act of June 27, 1890, alleging rheumatism, disease of heart, catarrh, partial deafness, and disease of eyes. August 15, 1894, the report of the examining board shows that the claimant is disabled "equivalent to the loss of a leg at the knee for manual labor." March 2, 1896, he was granted a pension of $6 under said act, for rheumatism and disease of heart, the other disabilities alleged not being considered, on the ground of "no ratable disability."

The medical and lay evidence in the case shows that the soldier is disabled for the performance of manual labor, and your committee are of opinion that he is entitled to the maximum rate under the act of June 27, 1890, as fixed by the bill which passed the Senate February 19, 1896.

Your committee therefore respectfully recommend its passage.

Mr. TALBERT. Mr. Chairman, the question in this case is whether we ought to be guided by the report of the regular examining board or by medical and lay evidence coming from outside. The report of the regular board says that—

> The claimant is disabled "equivalent to the loss of a leg at the knee for manual labor." March 2, 1896, he was granted a pension of $6 under said act, for rheumatism and disease of heart, the other disabilities alleged not being considered, on the ground of "no ratable disability."

The medical and lay evidence in this case is to the effect that the soldier is disabled for the performance of manual labor, and the committee on that ground recommend this pension. Now the question is, Which ought we to be guided by, the report of the official board, or outside testimony given gratuitously?

Mr. LAYTON. Mr. Chairman, in answer to the gentleman from South Carolina, I will state to him that if this committee were to be governed by the report of the examining surgeons this applicant would be entitled to considerable more pension than the amount provided in the bill. Further, I call his attention to the fact that the Committee on Invalid Pensions of the House would have recommended giving this applicant the full amount that he would be entitled to under the law, according to the report of the last board of examining surgeons, had it not been for the fact that the Senate bill had passed fixing the pension $12 a month, and the committee did not desire to imperil the bill by submitting another amendment which might result in defeating its passage. According to the report of the last examining board this man's disability is equivalent to the loss of a leg below the knee, which, under existing law, would give him a pension considerably more than $12 a month.

A MEMBER. It would entitle him to $36 a month.

Mr. LAYTON. Yes; he would be entitled according to the official report of the board of examiners to $36 a month, but as the Senate had passed this bill pensioning him at the rate of $12, the House committee thought it unwise to hazard the passage of the bill at this session by proposing to increase the amount, and therefore decided to adopt the Senate bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN DAY.

The next business on the Private Calendar was the bill (H. R. 6803) granting a pension to Ellen Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ellen Day, stepmother of Albert L. Day, late private in Company K, Fifth Regiment Ohio Infantry, at the rate of $12 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day, having carefully considered the same, reports as follows:

The soldier, Albert L. Day, enlisted and was duly enrolled as a private of Company I, First Regiment Ohio Volunteer Infantry, April 20, 1861, and was killed in battle at Cedar Mountain August 9, 1862. He was never married.

The claimant, Ellen Day, was duly married to Berry Day, the father of said soldier, on the 17th day of August, 1847, at which time the said soldier was but 18 months old. From this time until the day of his enlistment she always treated him with the utmost kindness, the same as if he was her own son, and he always exhibited the greatest fondness and affection for her.

Said Berry Day, the father of said soldier, filed an application for pension as the dependent father June 17, 1885, but his claim was rejected March 1, 1886, on the ground of nondependence. Subsequently, by special act of Congress approved June 4, 1888, he was granted a pension of $8 per month, which he continued to draw until his death, which occurred April 19, 1889.

The claimant never remarried. She is now aged and without any property whatever. She is in feeble health and has no income except what she is able to make by sewing for others. The foregoing facts are fully shown by the official records and the sworn testimony of persons having personal knowledge of the facts.

Your committee is therefore of the opinion that this stepmother should, in the spirit of the pension laws granting pensions to mothers of soldiers, be regarded and treated as the mother of said soldier, Albert L. Day, and does therefore recommend the passage of the bill, with the following amendment:

Insert after the name "Ellen Day," in the fifth line thereof, the word "dependent."

The amendment recommended in the last paragraph of the report was adopted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAJ. GEN. JULIUS H. STAHEL.

The next business on the Private Calendar was the bill (H. R. 4534) to increase the pension of Maj. Gen. Julius H. Stahel.

Mr. THOMAS. Mr. Chairman, I move to substitute Senate bill No. 1694, which is the same as the House bill.

The motion was agreed to.

The Senate bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Julius H. Stahel, late major-general of volunteers in the Union Army, and pay same at the rate of $100 per month, in lieu of what he now receives, from and after the passage of this act.

The report on the House bill (by Mr. MILES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4534) to increase the pension of Maj. Gen. Julius H. Stahel, having carefully considered the same, respectfully report:

Julius H. Stahel is a native of Hungary, who fought in the patriotic uprising of 1848 and 1849, and after the suppression of that movement he came to the United States, where he was engaged in the publication of a newspaper until the breaking out of the late war.

At the first call of President Lincoln for volunteers he gave up his business and enlisted, April 23, 1861, and continued in active service in the field, being promoted meanwhile for meritorious conduct, through various grades of rank to that of major-general, until after the battle of Piedmont, June 5, 1864, when, in consequence of a wound received while gallantly leading his division in that battle, he was ordered to Martinsburg and Harpers Ferry, for the purpose of collecting and organizing troops.

He was subsequently ordered to Baltimore on court-martial duty, and continued on such until February 8, 1865, when, owing to ill health, he resigned.

General Stahel was unquestionably one of the most gallant soldiers who fought under the Union flag, and the Official Records of the Rebellion, a few extracts from which are hereunto appended, bear ample testimony to the valuable services rendered to the Union cause by him.

At the very beginning of the war he greatly distinguished himself. It was in the first battle of Bull Run that, under his command, the Eighth New York Volunteer Regiment repulsed the last two attacks of the enemy, and thereby completely checked their advance and pursuit of the Army.

At the second battle of Bull Run he again distinguished himself, and was complimented by General Schenck for his coolness and bravery.

On August 30, 1862, General Burnside, then in command of the Army of the Potomac, sent by telegraph his thanks to General Stahel, his officers and men, for the brilliant success they had achieved.

In March, 1863, when the Confederates continually broke through the Federal lines in front of Washington, capturing mules, horses, wagons, provisions, and on one occasion captured one of the general officers with his staff, President Lincoln sent for General Stahel and asked him to take command of the cavalry in front of Washington.

From the time he assumed command the Federal lines were never broken through, and the Confederates had no more chances to commit depredations inside of the lines. On this occasion he proved himself not only a gallant soldier, but also a good organizer, as will be seen from General Heintzelman's letter, wherein he said:

"I have seen General Hooker and many officers of his command, and they expressed themselves in the most unqualified praise of the splendid condition of your cavalry. They declared it the best they had ever seen. Their good condition and efficiency are owing to the able manner in which you have commanded them," etc.

After the battle of Piedmont, where General Stahel was wounded, and after which battle he was awarded the Congressional medal for distinguished gallantry (a distinction conferred on very few), General Hunter makes the following reference to him in his letter to General Halleck of June 9, 1864:

"It is but justice to Major-General Stahel to state that in the recent engagement he displayed excellent qualities of coolness and gallantry, and that for the final happy result the country is much indebted to his services."

After the close of the war he was appointed to a position in the consular service, and remained in such service about thirteen years, when, in consequence of ill health engendered by disease contracted in the Army, he was obliged to resign.

How his services as consul were appreciated is shown by the following letter from Secretary Bayard:

DEPARTMENT OF STATE, *Washington, October 22, 1885.*

MY DEAR SIR: I have this moment received your letter of this date resigning the position of consul-general at Shanghai, and make unfeigned expression of my sincere regret that the Government is to lose the services of so efficient and faithful an officer. And permit me to say how much my regret is increased by the cause of your resignation.

The record of your public service is unimpeachable, and I sincerely trust that in your new pursuit you may fully recover the health you have lost, and with it enjoy an ample and prolonged prosperity.

Very respectfully, your obedient servant,

T. F. BAYARD.

Gen. JULIUS STAHEL.

After partially recovering his health he secured a business position in the city of New York, in which he continued until recurring disease, infirmities, and the burden of old age compelled his final retirement from active life.

General Stahel was entitled to a pension at the time of his resignation in 1865, but he was too conscientious to ask for Government aid so long as he was able to earn his living. After his retirement from active life he applied, in 1892, for the first time, for a pension, and since February, 1893, he has been in receipt of $30 per month, and from March, 1895, of $50 per month.

General Stahel received many letters of commendation and thanks from his superior officers, including Generals McClellan, Burnside, Schenck, Hunter, and others, set out in extenso in House Report No. 1009, Fifty-third Congress, second session, to which reference is hereby made.

He is now 70 years old, and in need of the increase asked for.

In consideration of the fact that the Government saved many thousands of dollars by reason of his refusal to accept a pension more than eighteen years ago, when he could have obtained the same, it seems but just that this gallant soldier should receive liberal treatment in his old age.

Your committee therefore respectfully recommend the passage of the bill.

The Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

The House bill was, by unanimous consent, laid on the table.

BETSEY J. WEBBER.

The next business on the Private Calendar was the bill (S. 178) granting a pension to Betsey J. Webber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the general pension laws and regulations, the name of Betsey J. Webber, mother of Otis Webber, deceased, late private of Company K, Twenty-ninth Maine Regiment Infantry Volunteers.

The amendment reported by the committee was read, as follows:

In line 6, before the word "mother," insert the word "dependent."

Mr. ERDMAN. Let us hear the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 178) granting a pension to Betsey Y. Webber, having carefully considered the same, adopt the accompanying Senate report (No. 131) as their own, and respectfully recommend the passage of the bill with the following amendment:

In line 6, before the word "mother," insert the word "dependent."

[Senate Report No. 131, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 178) granting a pension to Betsey V. Webber, have examined the same and report:

Claimant is the dependent mother of Otis Webber, late private of Company K, Twenty-ninth Maine Volunteer Infantry. Soldier served from September 12, 1863, to August 22, 1865. There is much evidence on file to show that he received a sunstroke while in the line of duty, and it is conclusively shown that he exhibited aberrations of mind continually from the date of his return home to the time of his death, which occurred May 9, 1894, from drowning (suicide). It is also made to appear, by numerous affidavits, that soldier, during his service and whenever able to work after his discharge, contributed his earnings toward the support of his father and mother, who were in destitute circumstances.

A numerously signed petition, addressed to Hon. WILLIAM P. FRYE, sets forth that the parents are aged, sick, and infirm, and that they are subjects of public charity.

The mother filed a claim for pension under the act of June 27, 1890, which was rejected on the ground that soldier's death by drowning was not due to his military service, and hence that claimant had no pensionable status.

It is true that the act of June 27, 1890, does require that dependent parents shall show that death came to the soldier as a result of army service, and hence the decision of the Pension Bureau was correct, under a strict interpretation of the law. But it should be borne in mind that the soldier's mental condition, which induced him to commit suicide, was probably the result of sunstroke in the service, although that can not be absolutely proved.

In considering the equities of the case your committee accept that as a probable fact, and, in connection with the further fact that the mother is sick and destitute, recommend favorable action on the bill.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

RICHARD WILCOXTON.

The next business on the Private Calendar was the bill (H. R. 4901) to pension Richard Wilcoxton for services in the late war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll of the Government the name of Richard Wilcoxton, late of Company G, First Ohio Heavy Artillery, for meritorious services, for severe disabilities received, and disease contracted by him while in the United States service during the late war, and to allow him a pension at the rate of $12 per month, commencing on the 12th day of August, 1890.

The amendments reported by the committee were read, as follows:

Strike out of title "for services in the late war."

Strike out of lines 6, 7, and 8 the following: "for meritorious services, for severe disabilities received, and disease contracted by him while in the United States service during the late war."

Strike out of lines 10 and 11 the following: "commencing on the 12th day of August, 1890."

The amendments were agreed to.

Mr. THOMAS. I ask the adoption of the amendment which I send to the desk.

The Clerk read as follows:

In line 9, strike out the word "allow" and insert "pay;" so as to read "pay him a pension."

The amendment was agreed to.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4901) to pension Richard Wilcoxton, submit the following report:

The committee, after careful examination of the bill, find the facts to be substantially as follows:

The soldier was a private in Company G, First Ohio Heavy Artillery, and was honorably discharged from the service.

He filed his claim for pension, under the act of 1890, on August 12, 1890, alleging partial disability to do manual labor from rheumatism, disease of the heart, spine, and kidneys. The claim was rejected on the ground "that no disability was found sufficient to give title to pension under said act."

From this decision an appeal was taken, with the contention that the medical board had not reported all his disabilities. This board reported "no rating." The rejection was affirmed.

He then applied for pension under the old law, which claim is still pending, and on the 20th of April, 1892, he was examined by a medical board, and it reported that he had the following disabilities and was entitled to the following rating, viz: For neuralgia, six-eighteenths; for rheumatism, four-eighteenths, and for disease of heart, six-eighteenths. Under former rulings of the Pension Bureau this would entitle soldier to $12 per month under the law of 1890.

The committee are of the opinion that the soldier should have $12 per month in analogy to rating under said law of 1890, and therefore recommend the passage of the bill with the following amendments, viz:

Strike out of title "for services in the late war."

Strike out of lines 6, 7, and 8 the following: "For meritorious services, for severe disabilities received, and disease contracted by him while in the United States service during the late war."

Strike out of lines 10 and 11 the following: "Commencing on the 12th day of August, 1890."

The bill was laid aside to be reported favorably to the House.

JAMES EGANSON.

The next business on the Private Calendar was the bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Eganson, late seaman, United States Navy, serving on ships *Pennsylvania* and *United States*, and pay him a pension of $12 per month.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7451) entitled "A bill for the relief of James Eganson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The claimant enlisted May 17, 1841, in the United States Navy and served as an ordinary seaman aboard the *Pennsylvania* and the *United States* until October 14, 1844, when honorably discharged. On July 31, 1893, he filed an application for pension, declaring that in February, 1842, he contracted rheumatism, but as the record failed to show treatment for the disease while in the service and the claimant could not meet all the requirements of the Pension Bureau as to proof, the claim was rejected. The examiner in charge of the claim seems to have been convinced of its merits, for the brief shows that he recommended its allowance, but the board of review declined to accept the evidence as sufficient.

Joseph J. Holland, a reputable and trustworthy citizen of Yates County, N. C., swears that he served aboard the *United States* with the claimant, and knows that after a cruise around Cape Horn as a part of the South Pacific squadron he (claimant) was afflicted with what his messmates called "gout." This was after a particularly stormy and difficult passage around the Horn, and the hardship and exposure had been great. The claimant limped around on deck and complained of rheumatism. Holland's name is borne on the rolls of the ship *United States*, along with that of the claimant, during the alleged period.

Several reputable witnesses, who have known the claimant for more than thirty years, testify that off and on during that entire period he has been a sufferer from rheumatism.

The Henderson, Ky., board of pension examining surgeons reported, under date of October 25, 1893, that claimant was 74 years old, and a sufferer from tender joints, with limitation of motion and atrophy of muscles.

Your committee believe that the evidence fairly proves the claim, and that the relief prayed for can very properly be allowed. A numerously signed petition shows him to be entirely worthy, and that he is poor, very old, and wholly disabled.

The bill was laid aside to be reported favorably to the House.

ELIZABETH T. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension roll the name of Mrs. Elizabeth T. Anderson, of Cartersville, Ga., and pay her a pension at the rate of $8 dollars per month as the widow of John Anderson, of Loyal's company, Second Georgia Volunteers, Creek war, beginning with the date from which she was last paid.

The amendments reported by the committee were read, as follows:

In line 8 strike out "with" and insert "on."

At the end of the bill strike out the words "from which she was last paid" and insert the words "of the approval of this act."

Mr. ERDMAN. Let us have the report.

The report (by Mr. BLACK) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7121) entitled "A bill to restore Mrs. Elizabeth T. Anderson to the pension roll," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant is the widow of John Anderson, who served as a musician in Captain Loyal's Company Georgia Volunteers, Creek war, 1836.

The following letter from the Commissioner of Pensions contains a full history of the claim at the Pension Bureau, and in the judgment of your committee the facts are such as to justify the proposed restoration of the claimant's name to the rolls, with an amendment fixing the date of the commencement of pension on the date of the passage of the act.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, February 27, 1896.

SIR: In response to your personal inquiry in respect to the claim for pension No. 2167, of Mrs. Elizabeth T. Anderson, widow of John Anderson, musician, Captain Loyal's Company Georgia Volunteers, Creek war, I have caused the papers therein to be carefully examined.

This lady was pensioned from April 5, 1893, at $8 per month, on account of the service of her husband in an Indian war, under the provisions of the act of July 27, 1892, and drew this pension until September 13, 1895, when her name was dropped from the rolls, as it was found that the allowance had been erroneous in that the soldier had not performed the requisite thirty days' service to give her title under the aforesaid law. Upon reference to the report of the Auditor for the War Department, I find that soldier was enrolled June 9, 1836, at Columbus, Ga., and discharged July 7, 1836, at the same place, and that he was paid from June 9, 1836, to July 19, 1836, one month and eleven days, including twelve days' travel.

In determining the period of service in cases of this kind the Bureau is governed by departmental decision No. 79, dated March 30, 1894, a copy of which is herewith inclosed, in which it is held that the actual service of a soldier can not be reckoned from the time during which he was paid, but by the period of actual service after reaching the place of rendezvous until his return to said rendezvous. It does not appear that any better explanation of the action in this case can be made than by reference to the decision itself, the terms of which exclude all other period for which paid than that covered by the period between arrival at rendezvous and return to rendezvous. Under these circumstances there was no other action for the Bureau than to drop pensioner's name from the rolls.

Very respectfully,

WM. LOCHREN, *Commissioner.*

Hon. JOHN W. MADDOX,
House of Representatives.

The bill as amended was laid aside to be reported favorably to the House.

FRANCIS M. ROSS.

The next business on the Private Calendar was the bill (H. R. 5966) granting pension relief to Francis M. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to reinstate upon the pension roll the name of Francis M. Ross, of Montrose, Iowa, late a soldier of Company B, Forty-second Indiana Infantry, and shall pay him the pension he was receiving under invalid's certificate No. 204667, and that said payment shall date and continue from May 31, 1895, at which time the name of said Ross was dropped from the pension roll; and the said Ross shall be entitled to receive any increase of pension he may be lawfully entitled to upon establishing his case before the Pension Bureau under the laws of the United States, anything in this act notwithstanding.

The amendments reported by the committee were read, as follows:

Amend the bill by striking out all after the enacting clause and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Francis M. Ross, late a private in Company B, Forty-second Indiana Infantry, and pay him a pension of $12 a month."

Amend the title by striking out the word "relief."

Mr. ERDMAN. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5966) restoring the pension of Francis M. Ross, respectfully report:

The facts in this case are these: Francis M. Ross, of Montrose, Lee County, Iowa, formerly a private in Company B, Forty-second Indiana Infantry, drew a pension of $12 a month under certificate No. 204667. His application for increase was before the Bureau of Pensions from 1892 until May 27, 1895, when he received this notice:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., May 27, 1895.

SIR: I have to advise you that your name has this day been dropped from the pension roll, certificate No. 204667, for the reasons set forth in my letter to you under date of December 11, 1894, viz, that the disability for which the pension was allowed has ceased to exist in a pensionable degree.

WM. LOCHREN, *Commissioner.*

In establishing his claim for an increase he filed with the Commissioner of Pensions the following affidavits of physicians of his county of established practice, distinguished personal character, and high repute in their profession:

KEOKUK, *June 10, 1892.*

STATE OF IOWA, *Lee County:*

This certifies that I am a resident of Keokuk, Iowa, Lee County; was formerly of Montrose, Iowa; was a practicing physician of Montrose for ten years; have known Francis M. Ross for several years; became his family physician in 1883, and have continued to be such ever since; was called to see him for heart trouble on the 13th day of September, 1886, and have examined him and treated him for said trouble on a number of occasions since. He has a chronic organic lesion of the heart, hypertrophy with valvular insufficiency, also regurgitation (mitral), such disability bringing about a very serious train of symptoms, such as difficulty in breathing, smothering spells when lying down, pain in the region of the heart, and upon the least exertion there occurs a severe attack of palpitation. He is unfit for manual labor, and especially labor that would require much walking or lifting. His degree of disability is more than it would be from the loss of leg or arm. I have no interest in the prosecution of this claim.

JOHN J. RIGG, M. D.

MONTROSE, LEE COUNTY, IOWA, *September 16, 1890.*

In the matter of the claim of F. M. Ross, late private in Company B, Forty-second Regiment of Indiana Volunteer Infantry, for increase of pension.

Personally appeared before me, a notary public in and for said county and State, J. M. Anderson, M. D., whose post-office address is Montrose, Lee County, Iowa, whom I certify to be reputable and entitled to credit, and declares in reference to the above case as follows:

I have been intimately acquainted with said soldier for twenty-five years, and a portion of that time was his family physician. I treated soldier about eighteen years ago for pleuro-pneumonia, and discovered at that time that he had chronic pleurisy with lesion. The exact date of my first treatment I can not give. I have prescribed for him at different times since, and have made a careful physical examination of his condition quite recently, and find cardiac enlargement and mitral insufficiency; also enlargement and induration of liver and spleen, and inability to lie down except upon his abdomen, his face down on his pillow. By reason of these complicated diseases he is incapacitated from manual labor, and the degree of his disability is, in my opinion, equal to the loss of an arm or leg.

I am 70 years old; have practiced medicine forty-eight years, and I have no interest in the prosecution of this claim.

J. M. ANDERSON, M. D.

KEOKUK, IOWA, *December 22, 1894.*

A. Weisman, M. D., a citizen of Keokuk, Iowa, whose post-office address is 1123 Main street, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: I am a practicing physician, and have been acquainted with said soldier for a short time. I never attended claimant professionally, but have made an examination of his physical condition at this date at his own request, and have found the following disabilities:

He has chronic pleurisy, affecting both lungs. Some emphysemia of left lung, slight over base of right lung. Pleuritic adhesions of left lung, causing dry, hacking cough, particularly at night. Can't lay on his back or on either side for any length of time, causing dyspnoea: bowels tympanitic, spleen enlarged, hypertrophy of heart, and anæmia. Disabilities increase in cold and damp weather, and are in such a degree as to disable him from doing any manual labor. The disability did exist, as claimant states, while in the service.

The above affidavit is in my own handwriting, and in making the same I did not use and was not aided or prompted by any written or printed statement verified, prepared, or dictated by any other person and not attached as on credit of my testimony.

A. WEISMAN, M. D., *Keokuk, Iowa.*

KEOKUK, IOWA, *January 15, 1895.*

In the pension claim, No. 204867, of Francis M. Ross, of Montrose, Iowa, I respectfully submit the following in regard to the case: I have known said soldier intimately over ten years and have been his family physician the greater part of this time. He has suffered from chronic pleuritis, with adhesion over the lower lobe of left lung; also hypertrophy of heart, with valvular insufficiency; also fermentative dyspepsia, resulting in a chronic gastritis; has dropsical effusions around the heart and in the abdominal cavity, also of the left leg and foot, and hyperthesia of entire left side. Is now totally disabled so far as earning a support by manual labor is concerned. His disabilities are permanent and progressive, and were not caused by vicious habits; and in view of the above facts, and knowing the condition of soldier, both physically and financially, I would regard his case deserving of more than his present rating, and respectfully recommend the increase asked for.

Respectfully submitted.

JOHN J. RIGG, M. D.,
Member Board United States Pension Examiners, Keokuk, Iowa.

MONTROSE, IOWA, *December 13, 1895.*

In regard to the case of F. M. Ross, would state that I have this day examined him and found the following conditions in regard to pleurisy, viz:

Adhesions of all the lower lobe of left lung; also emphysemia of lower lobe of left lung; would further state that I have been intimately acquainted with claimant for past six years, have prescribed for him frequently during that time for pleurisy, and, in fact, whenever he contracts a cold he is troubled more or less; it is chronic form, is progressive and permanent. His disability is real, without the least shadow of doubt. Would state that I have no interest whatever in the prosecution of this claim.

H. CARNES, M. D.

These medical opinions establish the right of Mr. Ross to the pension and amply justify the passage of this bill. We recommend that the bill do pass, with the following amendments:

Amend the title by striking out the word "relief."

Amend the bill by striking out all after the enacting clause and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Francis M. Ross, late a private in Company B, Forty-second Indiana Infantry, and pay him a pension of $12 a month."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JOHN BEAIRD.

The next business on the Private Calendar was the bill (H. R. 7457) granting an increase of pension to John Beaird.

The bill was read, as follows;

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to place upon the pension roll, at the rate of $50 per month, John Beaird, late sergeant, Company E, Eleventh Regiment Missouri Volunteer Infantry, the same to be in lieu of the pension now received.

The amendment reported by the committee was read, as follows:

In line 4 strike out "fifty" and insert "thirty;" so as to make the rate of pension $30 per month.

Mr. ERDMAN. I ask that the report be read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7457) granting an increase of pension to John Beaird, submit the following report:

This soldier was a sergeant in Company E, Eleventh Missouri Volunteers, enlisted on the 30th day of July, 1861, and was discharged on the 28th day of September, 1863, by reason of gunshot wound. He was wounded in the battle of Vicksburg, Miss., on the 23d day of September, 1863. A ball entered his hip, penetrated to the bone, and ranged downward to the knee. The whole course of the ball is 20 inches. A portion of the muscles of the thigh were destroyed, and along the whole course they are adherent to the bone. He is a very heavy man, and by reason of this wound he is wholly incapable of doing any manual labor. It is only with great difficulty that he can walk about.

He is at present drawing a pension of $17, and an application for an increase has been rejected.

An examining surgeon for the Pension Office, as far back as 1874, reported as follows:

"It (the wound) must necessarily render locomotion both irksome and painful during life."

In 1867 an examining surgeon reported him three-fourths disabled. A medical board in 1888 reported him as entitled to second grade, and one in 1892 reported him as entitled to third grade. This latter board reported as follows:

"For purposes of manual labor, it is our judgment, after a careful weighing of all the facts in the case, that the disability is equivalent to the loss of a hand or foot. We therefore recommend a rating of third grade. The present rating seems utterly inadequate to so severe a wound."

Dr. E. H. Pocock testifies that he has known Mr. Beaird for ten years, and that during that time, by reason of said wound, he has been wholly incapacitated from doing manual labor.

Dr. E. V. Kendig, a member of the medical board of Ashland, Ohio, testifies that he has known the soldier for ten years last past, and has been his family physician, and that he is not able to do any manual labor.

The whole case leaves no doubt in the minds of the committee but that the soldier is entitled and has most satisfactorily proven his right to a pension of $30 per month.

We therefore recommend the passage of the bill with an amendment striking out of line 4 the word "fifty" and inserting "thirty."

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ALPHONZO O. DRAKE.

The next business on the Private Calendar was the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Rhode Island Regiment Volunteer Infantry, submit the following report:

Alphonzo O. Drake enlisted in the Second Rhode Island Regiment August 15, 1864, and was discharged June 26, 1865. April 1, 1867, he again enlisted in Company I, Thirteenth United States Infantry, and was discharged May 16, 1868. On the 7th of December, 1869, he entered for the third time in Company A, Fifth United States Artillery, and was discharged April 1, 1870. While in the volunteer service he was treated in hospital for scurvy, erysipelas, chronic ulcers of right leg, and epilepsy, and the records show that he was discharged from the Regular Army twice on account of epilepsy. His claim for pension under the general law was rejected April 21, 1885, on the ground that the cause alleged—epilepsy—existed prior to his enlistment. In a decision by the Secretary of the Interior affirming the action of the Pension Bureau in this claim, the honorable Secretary says that the testimony strongly tends to show that claimant had epileptic fits before the first enlistment, and further says whether that be so or not the evidence is manifestly insufficient to prove that the disease originated in the service and line of duty.

The records of the Pension Bureau admit the fact that Drake served in the Second Rhode Island nine months before any evidence of epilepsy appeared, and these records show that there was no direct evidence that he ever had epilepsy before the war.

We have examined the affidavit made by William E. Randall, of Warwick, R. I., who swears that he has known Drake intimately since he was 5 years old, and that he never knew of his having any epileptic or other fits; that he was a strong boy and man; that he worked with him during the year 1862, seeing him every day.

Albert H. Randall, of Pawtucket, R. I., makes an affidavit that he has known Drake since he was 10 years old, and that in 1862 said Drake worked for him, and that during all the time he had known him before the war Drake never had a fit of any kind, but was a strong, able-bodied man.

Sara Lewis, of Providence, R. I., makes affidavit that she has known Alphonzo O. Drake since he was 8 years old, and that he lived in her house from 1856 until the war, and that during that entire time he never had a fit of any kind, but was strong and able-bodied.

Olive T. Drake, the claimant's mother, makes an affidavit in which she says that some years ago, when she was in a mental condition which unfitted her for testifying, she was approached by a special examiner of the Pension Bureau, who caused her to say that her son had epileptic fits before the war and from his boyhood. She now swears that such statements were utterly untrue; that her son never had a fit of any kind before he first enlisted, and that he was strong and well from his birth up.

We have also the affidavit of Dr. Lorenzo Travis, of Providence, R. I., as to Drake's condition for the past ten years. He says:

"He is totally disabled for manual labor by reason of the epileptic fits that he now has constantly, and that he is absolutely without means and unable to do any kind of work."

This evidence is also given by others.

In view of all the evidence examined by your committee, which is uncontradicted, we recommend the passage of the bill with an amendment adding after the word "Volunteers," in line 7, the words "and pay him a pension at the rate of $12 a month."

Mr. THOMAS. I offer an amendment for the purpose of perfecting the bill.

The Clerk read as follows:

In line 7 strike out "s" in the word "Volunteers" and insert the word "Infantry;" also amend the title so as to read: "A bill granting a pension to Alphonso O. Drake."

The amendments were agreed to.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY T. DUNCKLEE.

The next business on the Private Calendar was the bill (S. 1787) granting a pension to Nancy T. Duncklee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy T. Duncklee, dependent stepmother of Lucian A. Duncklee, late of Company C, Sixteenth Regiment New Hampshire Volunteer Infantry, at the rate of $12 per month.

Mr. ERDMAN. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1787) granting a pension to Nancy T. Duncklee, having carefully considered the same, adopt the accompanying Senate report (No. 165) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 165, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1787) granting a pension to Nancy T. Duncklee, have examined the same and report:

Lucien A. Duncklee enlisted October 10, 1862, and served until August 9, 1863,

being discharged for disability from chronic diarrhea. He died at Mattoon, Ill., August 21, 1863, on his way home from the Army, at the age of 19 years. Joel W. Duncklee, soldier's father, applied for and received pension as dependent father, which he continued to draw until the date of his death, on the 4th day of April, 1889.

Claimant under this bill is the dependent stepmother of said soldier. She married Joel W. Duncklee when the soldier and a twin sister were only a few months old, and testimony shows that she was a devoted and kind mother to them. She is now 76 years of age, and in very straitened circumstances. The following affidavit from Dr. D. S. Dearborn, of Milford, N. H., will speak for itself:

MILFORD, N. H., *January 20, 1896.*

This certifies that I, Darius S. Dearborn, have been family physician for the late J. W. Duncklee during the past fifteen years.

His widow, Nancy T. Duncklee, is a wreck, both physically and mentally; is unable to perform labor, and is wholly unfit to take care of herself; in all probability will never be able to do any more work. Her mental condition is growing constantly worse.

D. S. DEARBORN, M. D.

MILFORD, *January 20, 1896.*

STATE OF NEW HAMPSHIRE, *Hillsboro, ss:*

Personally appeared this day D. S. Dearborn, M. D., and made oath to the truth of the statement by him signed.

Before me,
[SEAL.] J. M. LAWS, *Notary Public.*

The fact that claimant is not the mother of the soldier bars her from pension under the general laws, but the further fact that she tenderly cared for soldier from early infancy gives her title to pension by special act, there being many precedents for such legislation.

Your committee report the bill back favorably, with a recommendation that it do pass.

The bill was laid aside with the recommendation that it do pass.

DUDLEY F. BROWN.

The next business on the Private Calendar was the bill (S. 1311) granting an increase of pension to Dudley F. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dudley F. Brown, late private of Company A, Sixth New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving, payable to his legally-constituted guardian.

Mr. ERDMAN. Let us have the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1311) granting an increase of pension to Dudley F. Brown, late private Company A, Sixth New Hampshire Volunteer Infantry, having examined and carefully considered the facts and circumstances presented in this case, respectfully adopt the report of the Senate Committee on Pensions, and recommend that the bill do pass.

[Senate Report No. 58, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1311) granting an increase of pension to Dudley F. Brown, have examined the same and report:

Claimant under this bill had an honorable military record, and was wounded while in the line of duty. He applied for pension under the general law, but pending the consideration of his claim became so necessitous that he sought relief under the act of June 27, 1890, and was pensioned at the rate of $12 per month, which amount he now draws. Shortly after being pensioned he showed signs of insanity, and is now confined in the New Hampshire Asylum for the Insane, at Concord, N. H., a hopeless lunatic. The affidavit of Dr. Charles P. Bancroft, superintendent of said asylum, is as follows:

NEW HAMPSHIRE ASYLUM,
Concord, N. H., January 7, 1896.

DEAR SIR: At the request of Weare N. Shaw, the guardian of Dudley F. Brown, I hereby depose and say that Dudley F. Brown is in a state of chronic delusional insanity. He has been here twice. The first time he was committed here on the 11th of August, 1882. He had a history then of having been insane about three years. His case apparently was one of organic disease of the brain.

He had hallucinations of hearing and the persistent delusions that are characteristic of long-continued insanity.

After his commitment at the asylum he continued very nicely for a while, and so far improved that his wife thought it was reasonably safe to try him out again. He was discharged from the asylum after his first commitment on the 5th of May, 1883.

Two months after he left the asylum he appeared quite rational, and then he began to make unusual remarks. He complained of the heat of the sun, and was unable to work out of doors except in the cool of the day. He endeavored to make shoes, his trade being that of a shoemaker, but he could not apply his mind continuously. He complained of his head quite constantly, and it was not long before he began to manifest delusions, that batteries were at work on his head, and that somebody was discharging electricity through his body.

He could not sleep nights because of these morbid ideas and sensations. He finally grew more confused and dazed, remaining out in the woods all night without any covering, and was recommitted at the asylum on the 9th of February, 1894.

His condition is evidently one of structural brain disease, and there is no probability that he will ever regain his natural state of mind, and it is also quite certain that he can never be self-supporting and must always depend upon the charity of others for his maintenance.

CHARLES P. BANCROFT, M. D.,
Superintendent New Hampshire Asylum for Insane.

Hon. JACOB H. GALLINGER.

Personally appeared before me the above-named Charles P. Bancroft and took oath that the above statements made by him concerning the mental condition of Dudley F. Brown are true.

J. H. CASE, *Justice of Peace.*

JANUARY 7, 1896.

This case is one that strongly and properly appeals to Congress for relief. Your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Chairman, several members have come to me and informed me that they had bills of special interest and importance which ought to be passed at this session, and I am inclined to waive the right of calling the regular order and allow the balance of the session of to-day to be devoted to unanimous consents, with the understanding that if on Friday evening we make some arrangement by which the roll shall be called or any other method is reached for allowing members to present bills, those persons who have been recognized to present bills to-day shall be skipped when the names are called until all of the other members have an opportunity, and with that understanding I will waive all objection to present unanimous consents for the balance of the session this afternoon.

Mr. ATWOOD. I object, and demand the regular order.

The CHAIRMAN. It is in the power of the committee, the Chair would suggest, to move to pursue such course as it pleases in reference to taking up bills under the rule.

Mr. THOMAS. I move that that course be taken during the present session for the remainder of the afternoon.

Mr. ERDMAN. I raise the point of order that that is not in order.

The CHAIRMAN. If the committee will give its attention, the Chair will read the clause of the rule:

In Committee of the Whole House, business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The Chair thinks the motion is in order.

Mr. HULICK. I desire to submit a parliamentary inquiry. We are acting under a special rule of the House, under which this class of pension bills is to be taken up. Now, can we, in Committee of the Whole, and in derogation of that rule, change the order?

The CHAIRMAN. The Chair has just read the rule authorizing the committee to determine the order in which bills will be taken up. The rule of the House under which we are acting, the special order, authorizes the consideration of bills that would come up under the ordinary rule at the Friday evening session. But the order of their consideration is a matter for the committee to determine.

Mr. McCREARY of Kentucky. The rule did not establish any order by which the bills should be taken up, and I think the motion of the gentleman from Michigan is clearly in order.

The CHAIRMAN. The Chair has so held.

The question being taken on the motion of Mr. THOMAS, on a division (demanded by Mr. ERDMAN) there were—ayes 58, noes 29.

So the motion was agreed to.

JOSEPH E. VANTINE.

Mr. WILLIS. Mr. Chairman, I call up for present consideration the bill (H. R. 7969) to increase the pension of Joseph E. Vantine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, on the pension roll at the rate of $72 per month, in lieu of his present pension.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, having carefully examined and fully considered the facts presented, respectfully report:

Joseph E. Vantine enlisted in the United States Navy May 19, 1857, as second-class fireman on the U. S. S. *Minnesota;* promoted to first-class fireman May 28, 1857, and served as such to June 10, 1859, when discharged.

He reenlisted as first-class fireman July 13, 1861, and served on the *North Carolina* to July 27, 1861; on the *Richmond* from July 28, 1861, to August 29, 1864; on the *Princeton* from August 30, 1864, to September 9, 1864, when honorably discharged.

Joseph E. Vantine was the first man to suggest the use of chain cables hung over the sides of vessels for protection from the enemy's missiles, and the efficiency of the device was demonstrated by Commodore Farragut's squadron on the Lower Mississippi in April, 1862, in the passage of Forts Jackson and St. Phillip and the encounter with the Confederate ram, and it resulted in the capture of New Orleans, La. This chain armor was used afterwards on board the *Kearsarge* in her capture of the *Alabama*.

In the attack on Fort Hudson, La., March 14, 1863, a shot from the enemy's guns struck the boilers of the *Richmond*, and the fire room and other parts of the vessel were filled with steam, when he, under great difficulties drew the fires from under the boilers and prevented them from exploding, thus saving the ship and perhaps many lives. While this was being done he became exhausted from the heat and cooking steam and had to be relieved every few moments, until by his persistent intrepidity and assiduous efforts the grand work was accomplished. For this heroic act he received special complimentary mention in the admiral's report, and was afterwards presented with a bronze "medal of honor" by act of Congress.

Joseph L. Vantine is now pensioned at $12 per month, under the act of June 27, 1890, for injury to back and disease of rectum.

The proof submitted to your committee shows that claimant received an injury to his back about July, 1861, while removing a part of an iron ventilator from the port coal bunker of his vessel, and that this injury was enhanced and the disability aggravated by the arduous work at Port Hudson, La., in March, 1863, and the disability has increased with his advancing years; and that he had a stroke of apoplexy August 6, 1895, and is now suffering with complete paralysis of the right side and entire loss of the power of speech; and that he is now totally and permanently helpless, and, his physician says, "will probably never be any better." He has three minor children and his wife, entirely dependent, and with no income except his small pension; and he is now in such condition as to require the care and attention of another person.

In view of the testimony, from which it is reasonable to conclude that his paralysis is a result of his naval service, and in view of his gallant and meritorious service, your committee earnestly recommend the passage of the bill without amendment.

Mr. BRUMM. Mr. Chairman, a parliamentary inquiry. I would like to ascertain if the Chairman has a list of members for recognition, prepared before this resolution was passed?

The CHAIRMAN. The Chair is preparing a list of applications as they come.

Mr. BRUMM. That is no answer to the question.

Mr. McCREARY of Kentucky. That is not a parliamentary inquiry.

Mr. JOHNSON of Indiana. That is not a fair question any way.

The CHAIRMAN. The question is on laying aside the bill.

The bill was laid aside with the recommendation that it do pass.

DAVID N. THOMPSON.

Mr. TALBERT. Mr. Chairman, I desire to call up the bill (H. R. 6765) to increase the pension of David N. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now paid to David N. Thompson, late a private of Company C, Thirty-fourth Regiment Illinois Infantry Volunteers, and pay him the sum of $72 per month, in lieu of the pension that he is now receiving.

The Committee on Invalid Pensions recommended an amendment as follows:

In line 7 strike out the word "seventy-two" and insert the word "thirty."

Mr. ERDMAN. Let us have the report read.

The CHAIRMAN. Let the report be read in the gentleman's time.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the bill (H. R. 6765) to increase the pension of David N. Thompson, respectfully report:

This soldier served from February 2, 1864, to July 27, 1865. He was treated in service for chronic diarrhea and remittent fever, as shown by the record. He is pensioned at $12 per month under act of June 27, 1890. The report of his last medical examination by a board of surgeons, made February 13, 1895, describes some disability due to chronic diarrhea and great disability, apparently from disease of nervous system, but no rate fixed for any disability, as, at the time the examination was made, the surgeons were not allowed to rate.

The testimony of Dr. L. C. Kern shows that by paralysis claimant is totally disabled and requires aid in dressing. Other evidence filed with this committee shows that claimant became overheated and suffered with brain fever as well as chronic diarrhea in service, that he was weak and emaciated when he came home and never fully recovered, and his present helpless condition is believed to be due to exposure in the service.

Claimant alleges poverty and that he has three persons to support.

Your committee consider the bill one of merit, and recommends its passage with an amendment striking out "seventy-two," in line 7, and inserting in lieu thereof "thirty," so as to give him a pension of $30 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAROLINE WILKINSON.

Mr. ELLETT. Mr. Speaker, I desire to call up the bill (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Wilkinson, of Chesterfield County, Va., the daughter of John Spears, a soldier in the Revolutionary war, who enlisted from Virginia, and pay her a pension of $12 per month.

Mr. ERDMAN. Let us have the report read.

The CHAIRMAN. Let the report be read in the gentleman's time.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1513) entitled "A bill granting a pension to Caroline Wilkinson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The claimant is the daughter of John Spears, who served as a private for fifteen months in the regiment commanded by Colonel Goode, Virginia Line, war of the Revolution. The service is a matter of record, and he was a pensioner on account of same until his death in 1842. His widow, Susanna Spears, was also a pensioner until her death.

Mrs. Wilkinson, the claimant, is a widow, 75 years old, in indigent circumstances, and dependent upon others for support.

The relationship of the claimant to the soldier is shown by the sworn statements of John S. Sims, William Phaup, and other aged citizens of Chesterfield County, Va.

The claimant resides at Pilkinton, Chesterfield County, Va.

There are several precedents for the proposed legislation, and in view of the claimant's great age and dependent circumstances, your committee believe that such precedents may very properly be followed in this case.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

BRADBURY W. HIGHT.

Mr. HAGER. Mr. Chairman, I call up the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bradbury W. Hight, late of Company C, Second Regiment Vermont Volunteer Infantry, at the rate of $72 per month, in lieu of his present pension of $17 per month.

Mr. ERDMAN. Mr. Chairman, I should be very glad to have the report in this case read, but it is so manifestly contrary to the actual facts that I will submit a memorandum presented to me by the gentleman who offers this bill [Mr. HAGER], and let that be read as the report.

The Clerk read as follows:

Disease causing total blindness different disease from that for which pension granted. Pensioner has high degree of hyperopia (a congenital defect in shape of the eyeball). This causes very little trouble in childhood and youth, but when maturity is attained, the defect becomes manifest and declares itself by headaches and superficial inflammatory attacks. In this case the defect was unequal, the right eye having double the defect of the left. The result of this unequal refraction of the two eyes is that the more perfect is used to the exclusion of its fellow. Glaucoma is an acute inflammatory affection occurring, as a rule, in people of 40 years of age and upward, and also occurring most frequently in cases of extreme hyperopia. It is impossible that glaucoma could have been induced by the service or that it could have subsequently arisen as a remote result of army service.

Mr. LOUD. I should like to ask if that is the report presented by the gentleman who offers this bill?

Mr. ERDMAN. This was given to me.

Mr. HAGER. No; this is not the report of the committee.

Mr. LOUD. I should like to have that matter settled.

The CHAIRMAN. What is the question of the gentleman from California?

Mr. LOUD. Is this the report of the gentleman who presents the bill to the House?

The CHAIRMAN. It was read as a part of the remarks of the gentleman from Pennsylvania [Mr. ERDMAN].

Mr. ERDMAN. The gentleman submitted that to me as a part of the case.

Mr. LOUD. That is, that this man's disability is not the result of service, and could not have been the result of service, and this is simply a proposition to present a gratuity to the man because he may have been in the service.

Mr. HAGER. No, and if the Clerk will read the report of the committee, that will explain the case. This is one of the most meritorious cases ever presented here. The memorandum which has been read is a paper from the minutes of a finding in the Pension Office.

The CHAIRMAN. Does the gentleman demand the reading of the report?

Mr. HAGER. No. The bill has passed the Senate, and I ask that the committee act upon it favorably.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

The question being taken, Mr. STEELE demanded a division.

The committee divided; and there were—ayes 56, noes 14.

Mr. STEELE. No quorum.

The CHAIRMAN (after counting the committee). One hundred and twenty members present.

Mr. STEELE. I withdraw the point.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZABETH WELLONS.

Mr. CRISP. Mr. Chairman, I call up the bill (H. R. 8898) to increase the pension of Elizabeth Wellons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth Wellons, widow of a soldier of the war of 1812, from $12 per month to $30 per month.

Mr. CRISP. Mr. Chairman, the beneficiary of that bill is an old lady, 81 years of age. She is very feeble and can not possibly live long. She is the widow of a soldier of the war of 1812, and I hope there will be no objection to the bill.

The CHAIRMAN. The question is, Shall the bill be laid aside with the recommendation that it do pass?

Mr. ERDMAN. Mr. Chairman, let the report be read.

The CHAIRMAN. Let the report be read in the gentleman's time.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8898) increasing the pension of Elizabeth Wellons, have considered the same, and report:

The claimant is the widow of William S. Wellons, who served as a private in the North Carolina Volunteers from September 21, 1814, to February 5, 1815, in the war of 1812.

Mrs. Wellons is now receiving the pension of $12 per month provided by the general laws for the widows of soldiers of the war of 1812. She is 80 years old and in exceedingly feeble health. Aside from her pension she has no property save a little farm, which does not produce an income to exceed $25 per annum.

The facts are shown by the papers on file at the Pension Bureau and by the affidavit of John H. Hodges and Z. Sims, citizens of Houston County, Ga.

There are several precedents for the proposed legislation, and in view of the claimant's great age and necessities the passage of the bill is respectfully recommended.

The question being taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation,

Mr. STEELE demanded a division.

The committee divided; and there were—ayes 82, noes 4.

Mr. STEELE. No quorum.

The Chairman proceeded to count the committee.

Mr. STEELE (during the count). I withdraw the point of no quorum.

The CHAIRMAN. One hundred and thirty members, a quorum, present.

Accordingly, the bill was laid aside to be reported to the House with a favorable recommendation.

MARY E. ELY.

Mr. AVERY. Mr. Chairman, I call up the bill (S. 2183) granting a pension to Mary E. Ely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ely, widow of Ralph Ely, late lieutenant-colonel Eighth Michigan Volunteers, and pay her a pension at the rate of $30 per month.

The CHAIRMAN. Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, having considered the evidence relating to the bill (S. 2133) granting a pension to Mary E. Ely, adopt the following from the Senate report, and recommend the passage of the bill as it passed the Senate:

The beneficiary named is 72 years old, and is the widow of Ralph Ely, who was mustered into the service of the United States September 23, 1861, as captain of Company C, Eighth Regiment Michigan Volunteers. He was promoted to be major September 10, 1862, and lieutenant-colonel February 1, 1863. He was honorably discharged May 19, 1866, as lieutenant-colonel, his services being no longer required. The soldier prosecuted a claim for pension on account of service disabilities, which was allowed by the Pension Bureau after his death and paid to the widow. It was shown that the soldier, while on the march from Fredericksburg to Warrenton Junction, August 14, 1862, was kicked by a horse, suffering a fracture of three of his ribs. A number of affidavits tend to show that this injury caused the soldier trouble and pain from the time of receiving it to the time of his death and prevented him from performing manual labor.

The question being taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation, on a division (demanded by Mr. STEELE) there were—ayes 52, noes 22.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

NETTIE A. CHEEKS.

Mr. McCREARY of Kentucky. I call up for consideration the bill (S. 2913) granting a pension to Nettie A. Cheeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Nettie A. Cheeks, widow of Peter O. Cheeks, late a private Company D, Thirteenth Regiment United States Infantry, and a private United States Marine Corps, and pay her a pension of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the initial "O" and insert the initial "C;" so that the name will read "Peter C. Cheeks."

The amendment recommended by the committee was agreed to.

Mr. ERDMAN. Let us have the report read.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2918) granting an increase of pension to Nettie A. Cheeks, widow of Peter C. Cheeks, late private Company D, Thirteenth United States Infantry, and private United States Marine Corps, having considered the same, hereby adopt the Senate committee's report as their own and recommend the passage of the bill with an amendment striking out the letter "O," between the words "Peter" and "Cheeks," in line 5, and inserting the letter "C" in lieu thereof; so that the name will read "Peter C. Cheeks."

The Senate committee's report is as follows:

"The records in the War and Navy Departments show that Peter C. Cheeks enlisted June 5, 1862, and served as private, Company D, First Battalion, Thirteenth United States Infantry, until honorably discharged, June 5, 1865; that he reenlisted in the United States Marine Corps for four years October 3, 1865, and was honorably discharged by reason of expiration of service October 3, 1869. He died from phthisis pulmonalis January 13, 1894.

"He applied for pension, which was allowed at $8 per month from October 4, 1869, for phthisis pulmonalis. His pension was increased to $14 from March 28, 1873; to $18 from August 12, 1878; to $24 from April 10, 1880; to $30 from March 3, 1883; to $50 from May 17, 1886, and then by act of Congress increased to $72 per month from July 1, 1888.

"The claimant was married to soldier February 6, 1879, and, as the pension record clearly shows, had an invalid husband to care for from the time of marriage. The care and assiduous attention necessary, as they were without means of support, gradually undermined her health, until now she finds herself in poor health and destitute circumstances.

"She applied for pension in March, 1894, and was pensioned at $12 per month, the soldier's death cause having been consumption, contracted in service in line of duty.

"The testimony presented to the committee clearly shows that the claimant is in frail and delicate health, and that she is suffering from rheumatism and weak lungs or incipient consumption, and is unable to perform any kind of manual labor, being greatly troubled with a harassing cough, and that she is totally destitute of any means whatever, has no income except her small pension, and that she is now and has been dependent upon those not legally bound to contribute to her support for her maintenance.

"In view of the facts presented, the committee earnestly recommend the passage of the bill."

Mr. McCREARY of Kentucky. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. WOOD] is recognized.

Mr. STEELE. I call for a division on that vote.

The CHAIRMAN. The demand comes too late.

Mr. STEELE. I called at the proper time. I beg pardon of the Chair.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. McCREARY of Kentucky. Other business had intervened.

Mr. STEELE. The Chair did not hear me, but I called for a vote.

The Clerk read as follows:

A bill (H. R. 3108)——

Mr. STEELE. The Chair may not have heard me, but I called for a vote.

The CHAIRMAN. The Chair has had no difficulty in hearing the gentleman state his request before. It comes too late.

JESSE DURNELL.

Mr. WOOD. I call up the bill H. R. 3108.

The Clerk read as follows:

A bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora.*

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Durnell, late second-class pilot on the gunboat *Lexington* and transferred to the gunboat *Marmora*, during the civil war, and pay him a pension of $24 per month from April 4, 1895.

Mr. ERDMAN. Let us have the report.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3108) granting a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora*, submit the following report:

Jesse Durnell, the claimant, was a loyal Virginian during the war, and is now 87 years of age. His wife is past 80 years of age. He has no means or income whatever, and he and his aged wife are dependent upon charity for a support.

He was commissioned as a second-class pilot by Rear-Admiral David D. Porter, February 4, 1864, in the Mississippi squadron, and honorably discharged June 17, 1865. He served on the U. S. steamers *Meteor*, *Elk*, *Lexington*, *Abrono*, and *Marmora*, also on prize steamer *Mottie Cook*, being under orders of Admirals Porter, Lee, Lieutenant-Commander Bache, and Fleet Capt. A. M. Pennock.

During the time of his service he acted as first-class pilot, and in various orders signed by Admirals Porter and Lee he is recognized as first-class pilot. An autograph letter has been submitted to the committee signed by Admiral Porter, in which, speaking of Durnell and his class, he says:

"The Mississippi pilots carried their lives in their hands, and were liable at any moment while steering their vessels to be picked off by sharpshooters, and should not be deprived of any portion of their pay. They were worth double the amount the Government paid for their services."

The claimant had a claim for pension pending for many years prior to June 27, 1890. He was unable to supply the proof required by the Department, because he was obliged, under the orders of the officers above named, to serve on so many different vessels, and the surgeons could not remember his precise condition of disability. He then obtained a pension under act of June 27, 1890, of $12 per month from June 23, 1891. He was dropped June 15, 1895, and no pension paid him since April 4, 1895. The grounds upon which he was dropped, as communicated to him June 15, 1896, by the Commissioner of Pensions, is, "that you were not regularly enlisted or mustered into the United States service."

There has been considered by the committee the claimant's commission, his certificate of honorable discharge, and one leave of absence. His suspension is sought to be justified under the decision in the case of Andrew J. Shannon (seventh volume, page 64), who was a provost-marshal. The committee believe that the decision of the Commissioner allowing his pension was correct, and that by which he was dropped not only erroneous, but harsh and uncalled for. He certainly was regularly commissioned, was regularly discharged, and he swears that he was sworn into service, Captain Pennock administering the oath.

Your committee, in view of the great age of this claimant and his destitution, recommend the passage of the bill with an amendment striking out all after the word "Lexington," in line 7, and inserting in lieu thereof the words "and pay him a pension of $24 per month."

Also amend title by striking out all after the word "Lexington."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH L. LARRABEE.

Mr. BARHAM. Mr. Chairman, I call up for consideration the bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, deceased, late colonel of the Twenty-fourth Regiment of Wisconsin Volunteers, subject to the limitations of the pension laws, and to pay her the sum of $30 per month in lieu of the pension of $8 per month which she now receives.

Mr. ERDMAN. Let us have the report read, Mr. Chairman.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment Wisconsin Volunteers, submit the following report:

The claimant is the widow of Col. C. H. Larrabee, late of Twenty-fourth Wisconsin Volunteers, is 41 years of age, and is drawing a pension of $8 per month under certificate 365150. She was married to the deceased soldier December 5, 1878. The medical evidence submitted to the committee shows conclusively that she is now disabled by diseases and injuries to such extent that she is unable to earn a living. Other evidence shows that she has at present no means or income except her pension.

Colonel Larrabee was killed in a railroad accident at Tehachapi, Cal., in 1883. He left a moderate competence to his widow; how much the evidence does not disclose; but whatever it was it has since been dissipated by her disabilities resulting from disease and injuries sustained in the accident in which her husband was killed, and by her lack of business training and ability, whereby unscrupulous persons have gotten from her what was left.

Colonel Larrabee, as shown by Senate report, had a brilliant civil and military record. He was city attorney of Chicago in 1844, also a member of the first constitutional convention of Wisconsin. He was circuit judge in Wisconsin from 1848 to 1858, and member of Congress from 1859 to 1861. He was second lieutenant and major of the Fifth Wisconsin Volunteers in 1861 and 1862, receiving the warm commendation of Gens. W. F. Smith and W. S. Hancock. On July 25, 1862, he was commissioned colonel of the Twenty-fourth Regiment Wisconsin Volunteers. On August 30, 1863, he was compelled to resign his commission on account of disabilities incurred by diseases contracted in the service.

In 1884 Colonel Larrabee removed to the Pacific Coast, and was a member of the convention which formed the constitution of the State of Washington.

Colonel Larrabee came from royal fighting stock. His father commanded a company under General Harrison at Tippecanoe, and also lost an arm at the battle of Brownstown in August, 1812. His grandfather, at the age of 16, with five brothers, were private soldiers in the battle of Bennington, in the Revolutionary war, under General Stark.

The committee recognize that Colonel Larrabee and his father and grandfather did only their duty in the civil and military positions they respectively filled. Neither was entitled, as of right, to any pension in excess of rates allowed by general law. The committee are constrained to report favorably this bill on the ground that the pension asked is not large and that the widow of so gallant a soldier ought not to suffer for the common necessaries of life nor be dependent upon private charity.

This claimant evidently must rely largely upon charity during the balance of her life, and the committee submit that it should be the charity of the great Government which her late husband so faithfully served rather than that of private persons or of the municipality where she lives.

The bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Quay, Mr. Hale, and Mr. Blackburn as the conferees on the part of the Senate.

The committee again resumed its session.

WILLIAM G. BUCK.

Mr. DE ARMOND. Mr. Chairman, I call up for consideration the bill (H. R. 8388) for the relief of William G. Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William G. Buck, late of Company E, Fifteenth Regiment Iowa Volunteers, to $30 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. The report will be read in the gentleman's time.

The report (by Mr. Crowther) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8388) to increase the pension of William G. Buck, late of Company E, Fifteenth Iowa Volunteer Infantry, to $30 per month, having considered the facts presented, respectfully report:

William G. Buck enlisted February 3, 1862, and was honorably discharged July 24, 1865, as a private.

He filed claim for pension December 6, 1884, alleging malarial poisoning and asthma, resulting in general debility. He was pensioned at $6 from December 6, 1884, for malarial poisoning; increased to $8 from February 3, 1886; to $12 from December 22, 1886, for malarial poisoning and results and for chronic diarrhea and ulceration of rectum.

The medical board rated him twelve-eighteenths for chronic diarrhea and results, December 22, 1886; at six-eighteenths for malarial poisoning and resulting disease of heart, and ten-eighteenths for chronic diarrhea and results, on April 2, 1890; and at twelve-eighteenths for diarrhea and results, and four-eighteenths for lung disease, February 11, 1891.

The Pension Bureau rejected his claim May 21, 1890, claiming heart disease not a result of malarial poisoning, and again September 29, 1891, claiming he was not entitled to increase.

Testimony filed with the committee, in connection with that filed in the Pension Bureau, convinces us that claimant is totally disabled for the performance of any kind of manual labor by reason of malarial poisoning, disease of heart and lungs, and chronic diarrhea and results, and we therefore recommend the passage of the bill without amendment.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Michigan [Mr. Milnes] is recognized.

Mr. BAILEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAILEY. I desire to know how it is that the Committee of the Whole can proceed in this irregular way?

The CHAIRMAN. In pursuance of an order adopted by the committee some time ago.

Mr. BAILEY. I desire to submit that the committee has no power to proceed in this irregular way.

The CHAIRMAN. That matter has been passed upon by the Chair when the point was raised, and we have been proceeding by unanimous consent for some time.

Mr. BAILEY. The fact that the committee resolved to do what it had no power to do does not prevent any member of the House from raising the question.

The CHAIRMAN. But we can not have the question raised every five minutes after it has been settled.

Mr. BAILEY. I know another way to raise it.

The CHAIRMAN. The question was raised by a gentleman, and it was disposed of; and we have been proceeding since 4 o'clock. Of course the gentleman can avail himself of his rights.

Mr. DAYTON. A parliamentary inquiry. Is it proper to move that we proceed in the consideration of these bills according to the Calendar in the regular manner?

The CHAIRMAN. Undoubtedly it is in the power of the committee at any time.

Mr. DAYTON. I make that motion.

The CHAIRMAN. But this bill must first be considered.

Mr. DAYTON. I make that motion right now.

The CHAIRMAN. After the bill has been disposed of that can be done.

DANIEL E. DE CLUTE.

Mr. MILNES. I call up for consideration the bill (H. R. 9689) for the relief of Daniel E. De Clute.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Daniel E. De Clute, late a private of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of the pension now received by him. The pension hereby granted to date from the passage of this act.

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The CHAIRMAN. Let the report be read in the gentleman's time.

The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9689) for the relief of Daniel E. De Clute, having considered the facts presented, respectfully report:

Daniel E. De Clute enlisted as a private in Company B, Forty-fourth Illinois Volunteer Infantry, August 15, 1861, and was honorably discharged September 25, 1865.

He applied for pension January 21, 1888, for gunshot wound of neck and resulting spinal affection or disease of spine, the wound being received in battle at Stone River, Tennessee, January, 1863, and again applied January 18, 1890, for chronic diarrhea, piles, and paralysis. He was pensioned at $2 from January 21, 1888, for gunshot wound of neck, and at $8 from January 18, 1890, for gunshot wound of neck and chronic diarrhea and resulting disease of rectum, which was increased to $17 for same disabilities from September 12, 1894; but his claim for resulting disease of heart, hemiparesis, and spinal irritation was rejected, as not being the result of pensioned disabilities.

The board of examining surgeons, November 18, 1891, rated him fourteen-eighteenths for gunshot wound and results, four-eighteenths for chronic diarrhea and results, and six-eighteenths for disease of heart. On February 14, 1894, the board found him wholly incapacitated for manual labor.

On September 12, 1894, the board said, "He needs the constant aid and attention of another person," and also say, "He had a stroke of paralysis seven years ago; also one on 6th of June, 1894."

On September 11, 1895, the board rated him fourteen seventy-seconds for chronic diarrhea and disease of rectum, eight seventy-seconds for gunshot wound, and fifty seventy-seconds for spinal irritation and paralysis, making $72 per month, and say, "He needs the constant aid and attention of another person on account of paralysis and dementia."

Soldier has been pronounced insane and his pension is drawn by Seraphina De Clute, his guardian. She appealed to the Secretary of the Interior on the decision of rejection of paralysis, and the Secretary affirmed the decision November 7, 1896, after securing the opinion of the medical referee, who gave an opinion that pensioner was now receiving a pension commensurate with his disabilities contracted in service.

Dr. Thomas J. Tamer, medical director of the United States Navy, testifies substantially that "affiant has had personal acquaintance with soldier nearly six years, and examined him April 29, 1895, and found him physically and mentally disqualified for any kind of labor. I am of opinion that the primary cause of this disability has been chronic diarrhea, which has so affected his assimilation that the well-known results are seen in the nutrition of his brain and spinal marrow."

Dr. David H. Wood testified that he examined soldier May 1, 1895, and after describing a condition of mental and physical helplessness, gives the opinion:

"The condition of claimant is due to imperfect nutrition, or starvation of the brain and spinal marrow, the result of a long and continued diarrhea."

Dr. Newton Baldwin testified October 30, 1895, substantially:

"Affiant has been intimately acquainted with claimant for last ten years, and all that time have known him to be a sufferer from the effects of chronic diarrhea, the greatest difficulty being the spinal difficulty, so common as a sequela of the diarrhea. The spinal disease was well established ten years ago, and, seemingly characteristic, it has gradually progressed until at the present time he is a perfectly helpless mass of flesh—one side entirely helpless and paralyzed—with the other hand, left, he can at times automatically feed himself. The mental condition is now that of an imbecile; the urine is ammoniacal and the bladder paralyzed, necessitating the constant use of a catheter. Is constantly fed by his wife, because he has too little use of his left hand to be relied upon, if he knew enough to feed himself, which he does not. He can not stand alone, and requires the constant aid and attention of another to exist."

Dr. William Wilson testified that he examined soldier October 25, 1895, and found him a physical and mental wreck, requiring as constant attention and care as an infant, and said:

"The cause of his helpless condition is paralysis. The entire motor system is affected, the limbs, tongue, throat, muscles of face, bladder, and rectum all involved. Mentally he is an imbecile. There are two scars in the lower cervical region of the spine, where it is claimed he received a gunshot wound in the Army. I have not the least doubt but that his paralysis is the result of that injury."

Dr. Bradley Crippen testified that he and his preceptor (Dr. Littlefield) treated claimant for spinal trouble, the result of the gunshot wound, soon after his return home from the Army, and at various times up to 1888, and in his opinion the paralysis is due to the gunshot wound.

Whether the present helpless condition of soldier be due to chronic diarrhea or to the gunshot wound, about which the medical men who have treated and examined him differ, there is no other cause shown or even suggested than that one or the other, both of which are recognized and admitted to be due to his military service, is directly responsible for the present deplorable helplessness of the soldier.

The committee therefore believe the claim meritorious and recommend the passage of the bill, after being amended by inserting the letter "B" in line 5, immediately after the word "Company," by striking out the word "fifty" and inserting "thirty" in lieu thereof in line 7, and by striking out all the printed bill after the word "him," in line 8.

Mr. TALBERT. Mr. Chairman, I thought that by unanimous consent all bills removing the charge of desertion were to be passed over. Several bills of that character were laid over. I ask the gentleman if there is any statement in that report except the statement of the soldier himself?

Mr. MILNES. What was the question?

The CHAIRMAN. This is a pension bill, and not a bill to remove the charge of desertion.

Mr. STEELE. Mr. Chairman, on this bill I desire to say that I have not been opposed to any bills that have been passed this afternoon any more than I am against this bill, which I shall support. I recognize, in the first place, that there are brought into this House from the Committee on Invalid Pensions bills favoring the allowance of pensions to a great many soldiers who really need special legislation; but, in my opinion, too many of the bills that are brought in here are for the relief of soldiers who are not as deserving, certainly not more deserving, than are thousands and thousands of others for whom no special legislation is asked. This procedure is very irregular and very unfair. For myself, I went to the Chairman among the very first to have my name put on the list. I went to him twice subsequently, and did not find my name on the list. This is why I have objected to this method of procedure. I do not believe it is equitable or fair.

Mr. WOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WOOD. To make a remark or two in reply to the gentleman from Indiana. I wish to say that so far as the Committee on Invalid Pensions are concerned, they have repeatedly brought in bills here for amounts which have been raised by the Committee of the Whole, and the bills have been passed here carrying very much larger rates of pension than those recommended by our committee, so that the reflections which the gentleman from Indiana makes upon the Committee on Invalid Pensions are quite uncalled for. That committee has enough to answer for without being made the subject of unjust reflections.

Mr. STEELE. Mr. Chairman, I do not wish to be understood as saying that the present Committee on Invalid Pensions is any more lax or liberal than other committees have been. Ever since I have had the privilege of a seat in Congress it has always been so with the pension committees, and it always will be so, but I object to this manner of legislating. There is no better friend to the soldier than I have tried to be, and very few who have a larger soldier constituency than I have, and for that reason I am opposed to unjust discriminations in pension legislation.

The CHAIRMAN. I will remind the gentleman from Indiana, who reflects upon the Chair, that we are proceeding under an order of this Committee of the Whole. The Chair has been endeavoring to follow out the suggestions of the Committee on Invalid Pensions, whose acting chairman stated that there were some grave cases which could not be reached to-day by following the regular order, and that the committee would therefore prefer to proceed to take up bills for unanimous consent. The Chair has been trying to carry out that suggestion of the committee, and at the same time to follow his own judgment as to giving due recognition to members on the Democratic side of the House.

Mr. STEELE. The bill that I wanted to call up is for the relief of the widow of a deceased soldier, who is utterly helpless physically, and is destitute.

The CHAIRMAN. The gentleman from Indiana put in his request at a time when there was a long list of names that had been submitted to the Chair under the suggestion of the Committee on Invalid Pensions.

Mr. STEELE. Until now I was not aware that members of the committee had prepared and submitted a list to the Chairman before the present rule was adopted.

The CHAIRMAN. The amendment recommended by the committee to the pending bill was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. STEELE. Mr. Chairman, I move that the committee rise.

The question being taken on the motion of Mr. Steele, the Chairman declared the noes seemed to have it.

Mr. LOUD. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 49, noes 54.

Mr. LOUD. I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. Loud and Mr. Wood.

The committee divided; and the tellers reported—ayes 50, noes 39.

Mr. LOUD. No quorum, Mr. Chairman.

Mr. PAYNE. Mr. Chairman, I move that the committee proceed to take up bills in the order in which they appear on the Calendar.

The question being taken on the motion of Mr. Payne, the Chairman declared that the ayes seemed to have it.

Mr. HEMENWAY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 67, noes 81.

The CHAIRMAN. The motion is agreed to, and the Clerk will report the next bill.

MARIA SOMERLAT.

The next business on the Private Calendar was the bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Somerlat, widow of Valentine Somerlat, late a private in Company A, Twenty-ninth Regiment Indiana Volunteers, and to pay her a pension at the rate of $8 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1323, having carefully examined the same, adopt the accompanying Senate report (No. 237) as their own, and respectfully recommend the passage of the bill, with the following amendment:

In line 8 strike out the word "eight" and insert in lieu thereof the word "twelve."

The soldier died in the prison pen of Andersonville May 5, 1864, and the bill as amended gives her the pension she would have been dawing from March 19, 1886, when the rate was increased from $8 to $12.

[Senate Report No. 237, Fifty-fourth Congress, first session.]

The beneficiary named in the bill was pensioned at $8 per month August 5, 1864, by certificate No. 75871. She subsequently remarried, and on the fact being reported to the Commissioner of Pensions, the pensioner was dropped from the rolls.

The evidence before the committee includes a certified copy of the findings in an action for divorce begun by Hiram J. Smith against Maria Smith (formerly Maria Somerlat), in which the judge of the circuit court for Steuben County, Ind., sustained the cross bill and rendered judgment for the defendant on the ground of cruel treatment, refusal and failure to support, and for driving her out of his house. It was shown that the plaintiff had never contributed for the defendant's support, and that she was obliged to work at service to obtain bread.

In view of these facts and following precedents heretofore established, the committee are of the opinion that the beneficiary should be restored to a pensionable status, the remarriage having brought her no support whatever, and that she has been entirely without a husband's support since the death of the soldier.

The amendment recommended in the second paragraph of the report was agreed to.

Mr. TALBERT. Mr. Chairman, as I understand it, this is a bill to pension a remarried widow who, by marrying again, relinquished all claim for a pension.

Mr. LOUD. Mr. Chairman, I submit that by passing bills of this kind we assume the position of paying a bounty to widows who are not entitled to pensions under the law.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. TALBERT. I move that the committee rise.

The motion was rejected—ayes 25, noes 59.

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The committee divided; and there were—ayes 50, noes 19.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES P. TRUMBULL.

The next business on the Private Calendar was the bill (H. R. 5435) for the relief of Frances P. Trumbull, widow of Matthew M. Trumbull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension roll of the United States the name of Frances P. Trumbull, wife of Matthew M. Trumbull, late lieutenant-colonel of the Third Iowa Infantry, in the war of the rebellion, at $100 per month in lieu of pension now being drawn by her.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5435) for relief of Frances P. Trumbull, widow of Matthew M. Trumbull, submitted the following report:

Petitioner is the widow of Matthew M. Trumbull, who died May 9, 1894. She was married to him June 24, 1866. She is now 56 years of age, and has no property, means, or income whatever, except a pension of $8 per month under act of June 27, 1890. Her deceased husband left no estate whatever.

Matthew M. Trumbull enlisted June 8, 1861, as captain Third Iowa Infantry. He was promoted to lieutenant-colonel of same regiment August 10, 1862, and honorably discharged November 20, 1862. He again reenlisted November 30, 1863, as colonel Ninth Iowa Cavalry, and was honorably discharged February 28, 1866. He was brevetted brigadier-general March 13, 1865, for faithful and meritorious services.

While captain Third Iowa Infantry he was wounded at the battle of Shiloh, which caused his discharge from the service November 20, 1862. The medical records of the Army show on April 16, 1862, he was "laboring under orchitis" (kidney trouble) "arising from injuries received at the battle of Pittsburg" (Shiloh).

The medical evidence examined by the committee, and which is on file at the Pension Office as well as before the committee, shows that for many years prior to his death General Trumbull suffered from disease of the bladder and kidneys. On the day following his death a post-mortem examination was made by Drs. Lemuel C. and Wallace F. Grosvenor, of Chicago, Ill. That examination disclosed "an indurated, nonelastic, thickened, and ulcerated condition of the bladder, with great enlargement of the prostate gland; that there was a malignant and destructive disease of the kidneys, with a stone of considerable size in the pelvis of one of them."

Dr. L. C. Grosvenor makes affidavit that these "pathological conditions were the cause of his death." He had been General Trumbull's family physician for eight years, and had had frequent consultations with him concerning his condition, and learned of the wound, from the fragment of a shell, in the region of the bladder. He gives his opinion, under oath, that he "feels sure that said condition and death of said Trumbull resulted from, and was caused by, said wound so received."

Dr. John B. Murphy had attended General Trumbull in latter part of 1889 and 1890, and treated him "for ulcuscystis, which was due to retention of urine in the bladder." Dr. Murphy, having read the affidavit of Dr. L. C. Grosvenor, says, on oath, that "the stone in the kidneys was caused by and due to the retention of urine in the bladder; that the wound to the bladder caused traumatic obstruction to the urethra, thereby causing the retention, and results that flowed therefrom."

Your committee have no doubt but the wound received by General Trumbull at the battle of Shiloh was the cause of his death.

There is no reason why petitioner should not have been allowed a pension as widow of a captain in July, 1895. The evidence was then complete. The physicians, Drs. Grosvenor and Murphy, were shown to be credible, and on personal interview with a special examiner were shown to have personal knowledge of the facts about which they made affidavits; petitioner's claim under the general law had been on file since July 9, 1894; all the evidence obtainable, from the nature of the case, had been considered.

The delay in passing upon the claim seems to your committee to be inexplicable.

A pension at $20 per month is all petitioner could get through the Pension Office, if, indeed, she can get any.

The committee, considering General Trumbull's services, and the age and destitution of petitioner, recommend the passage of the bill with the following amendments:

Strike out the words "one hundred," in lines 7 and 8, and insert in lieu thereof the word "fifty."

Strike out of title the words "the relief" and insert in lieu thereof the words "to increase the pension."

Line 7, after the word "infantry," insert "colonel of the Ninth Iowa Cavalry and brevet brigadier-general."

Mr. RICHARDSON. Mr. Chairman, I rise for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICHARDSON. How much time is allowed for debate on this bill?

The CHAIRMAN. Ten minutes; five minutes for and five minutes against the bill.

Mr. RICHARDSON. It is now ten minutes after 5 o'clock. I think it is time that the committee should rise. I make that motion.

Mr. THOMAS. I should like to offer a few amendments to perfect this bill and then have it acted on, after which I will myself make the motion which the gentleman from Tennessee suggests.

Mr. RICHARDSON. If the gentleman will make the motion when this bill is disposed of, all right. I do not object to this bill. I withdraw my motion.

Mr. THOMAS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 4 strike out the words "cause to be placed" and insert "place." In line 8 strike out "at" and insert "and pay her a pension of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

Mr. THOMAS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HENDERSON reported that the Committee of the Whole House had directed him to report without amendment House bills numbered respectively 5620, 5532, 7451, 7969, 1518, 8896, and 8388, and Senate bills numbered respectively 350, 1888, 1810, 638, 1017, 1694, 1787, 1311, 1949, 2133, and 1356; also that the committee had directed him to report with amendments House bills numbered respectively 4629, 6234, 7115, 6539, 3688, 3969, 3166, 6560, 2396, 6099, 1095, 1066, 6730, 1832, 6915, 3690, 4390, 5764, 6803, 4901, 7121, 5986, 7457, 7205, 6765, 3108, 9689, and 5435, and Senate bills numbered respectively 1806, 1495, 178, 2013, and 1323; also that the committee had directed him to report House bills numbered respectively 4823, 3714, 2221, and 4534, with the recommendation that they be laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROMWELL, for four days, on account of important business.

To Mr. EDDY, for ten days, on account of sickness in his family.

To Mr. DINSMORE, for one week, beginning yesterday.

To Mr. STEWART of New Jersey, indefinitely, on account of illness.

To Mr. ALLEN of Utah, for three days, on account of illness in his family.

To Mr. WELLINGTON, for one week, on account of illness.

CONTESTED ELECTION—YOST VS. TUCKER.

Mr. WALKER of Virginia, by unanimous consent, submitted the views of a minority of the Committee on Elections No. 3, upon the contested-election case of Yost *vs.* Tucker, from the Tenth district of Virginia; which were ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River;

A bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington;

A bill (S. 3182) granting a pension to Susan E. Cunningham;

A bill (S. 2008) granting a pension to Fanny Meale Gibbon;

A bill (S. 637) granting a pension to George M. Brooks;

A bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore and to require the issue of patents therefor; and

A bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor—to the Committee on Rivers and Harbors.

A bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton—to the Committee on Military Affairs.

And then, on motion of Mr. PAYNE (at 5 o'clock and 15 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a recommendation for an increase of the limit of cost of the public building at Newark, N. J.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a reply to the resolution of the House of January 15, 1897, relating to certain lands in Utah—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War recommending an appropriation for the construction of a sea wall at Sandy Hook, N. J.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5835) to reorganize the line of the Army, etc., reported the same with amendment, accompanied by a report (No. 2548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3719) entitled "An act to provide for appointment by brevet of active or retired officers of the United States Army, with certain Senate amendments thereto, reported the same accompanied by a report (No. 2564); which said bill and report were referred to the House Calendar.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House bill No. 9567, reported in lieu thereof a bill (H. R. 10066) to provide for organizing a naval reserve battalion in the District of Columbia, accompanied by a report (No. 2565); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LESTER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7618) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States," reported the same with amendment, accompanied by a report (No. 2568); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the joint resolution of the House (H. Res. 183) authorizing preliminary proceedings looking to the adoption of an international coin or coins, reported the same with amendment, accompanied by a report (No. 2569); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana, from the Committee on Elections No. 2, to which was referred the bill of the House (H. R. 9274) to amend an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes, and to repeal a certain provision therein, reported the same without amendment, accompanied by a report (No. 2576); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 9970) to remove charge of desertion against James J. Fluke. (Report No. 2549.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 5265) for the relief of Anson W. Gillett. (Report No. 2550.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 8716) to remove charge of "absent without leave" from military record of Abraham M. Runyon. (Report No. 2551.)

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 558) for the relief of Amelia A. H. Richards, of Fairfax County, Va. (Report No. 2552.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (H. R. 9789) for the relief of the Roman Catholic Church of St. Peter's, at Jackson, Miss. (Report No. 2553.)

By Mr. LESTER, from the Committee on War Claims:

The bill (S. 296) entitled "An act for the relief of William H. Atkins, formerly commissary sergeant, United States Army. (Report No. 2554.)

The bill (H. R. 525) for the relief of Christian Ubele, administrator of Christian Ubele, deceased. (Report No. 2555.)

The bill (H. R. 532) for the relief of Margaret Geibelhouse, administratrix of Philip Geibelhouse, deceased. (Report No. 2556.)

The bill (H. R. 3773) for the relief of Henry Fields, of Savannah, Ga. (Report No. 2557.)

The bill (H. R. 526) for the relief of William G. Ebbs. (Report No. 2558.)

A resolution (No. 496) to refer the bill (H. R. 9086) for the relief of the estate of Maria Gibson, deceased, late of Culpeper County, Va., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 9086. (Report No. 2559.)

By Mr. NEILL, from the Committee on War Claims:

The bill (H. R. 1136) for the relief of Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, Miss., as found due by the Court of Claims under the act of March 3, 1883. (Report No. 2560.)

The bill (H. R. 2455) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883. (Report No. 2561.)

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 1814) for the relief of Dr. John R. Hall, of Louisville, Ky. (Report No. 2562.)

A resolution (No. 497) to refer, together with all accompanying papers, to the Court of Claims the bills (H. R. 5058) for the relief of B. J. Young; (H. R. 2093) for the relief of E. C. Oakley, administrator of W. H. Neal, deceased, late of Shelby County, Tenn.; (H. R. 2115) for the relief of estate of B. B. Neville, deceased, of Shelby County, Tenn.; (H. R. 2090) for the relief of Jacob Glenn, of Memphis, Shelby County, Tenn.; (H. R. 1574) for relief of Mary F. Pollan, administratrix of William H. Pollan, deceased, late of Crittenden County, Ark.; (H. R. 2516) for the relief of Mary N. Westmoreland, of Obion County, Tenn., formerly of Lauderdale County, Ala.; (H. R. 1765) for the relief of the estate of W. S. Hyland, deceased, of Warren County, Miss.; (H. R. 1087) for the relief of S. L. Carpenter, of Fayette County, Tenn.; (H. R. 2496) for the relief of the estate of James L. Holland, deceased, of Lauderdale County, Ala.; (H. R. 2537) for the relief of the estate of Vincent Armistead, deceased, and (H. R. 8799) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn., reported in lieu of House bills Nos. 5058, 2093, 2115, 2090, 1574, 2516, 1765, 1087, 2496, 2537, and 8799. (Report No. 2563.)

By Mr. BELL of Colorado, from the Committee on the Public Lands: The bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes. (Report No. 2566.)

By Mr. WILSON of Idaho, from the Committee on the Public Lands: The bill (H. R. 9162) for the relief of the heirs of John W. Johnson. (Report No. 2567.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse. (Report No. 2570.)

The bill (H. R. 9717) granting an increase of pension to William Blades. (Report No. 2571.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 2184) entitled "An act granting a pension to William F. Johnson." (Report No. 2572.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 10020) granting a pension to Louise Von Atter. (Report No. 2573.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8568) granting a pension to Florence Tate. (Report No. 2574.)

By Mr. AVERY, from the Committee on War Claims: The bill (S. 2570) entitled "An act to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy." (Report No. 2575.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FISCHER: A bill (H. R. 10058) in relation to the collection of revenue—to the Committee on Ways and Means.

By Mr. MAHON: A bill (H. R. 10059) to authorize the readjustment of the accounts of certain army officers—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 10060) making an appropriation for the purchase of the scale known as Fairbanks's infallible American gold and silver coin scale and counterfeit-coin detector, for use in the post-offices throughout the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: A bill (H. R. 10061) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway—to the Committee on Indian Affairs.

By Mr. HYDE: A bill (H. R. 10062) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company—to the Committee on Military Affairs.

By Mr. SCRANTON: A bill (H. R. 10063) to provide for the naturalization of certain Indians residing upon the Annete Islands, Alaska—to the Committee on the Territories.

By Mr. SAYERS: A bill (H. R. 10064) to provide for the twelfth and subsequent censuses—to the Committee on Appropriations.

By Mr. RICHARDSON: A bill (H. R. 10065) to incorporate the District of Columbia Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. PAYNE: A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels"—to the Committee on the Merchant Marine and Fisheries.

By Mr. BEACH: A resolution (House Res. No. 498) relative to securing a uniform standard of value in trade and commerce with China, Japan, the several republics and colonies of the American Hemisphere, the Hawaiian Islands, and the Dominion of Canada—to the Committee on Foreign Affairs.

Also, a resolution (House Res. No. 499) directing the Committee on Interstate and Foreign Commerce to ascertain and inform the House of Representatives whether any good reason exists for the further continuance of the bonded privilege between the Great Lakes and the Pacific Ocean—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BOATNER: A bill (H. R. 10068) for the relief of Mrs. Ellen Yznaga—to the Committee on War Claims.

Also, a bill (H. R. 10069) for the relief of Mrs. E. R. Allen, of West Carroll Parish, La.—to the Committee on War Claims.

By Mr. BURRELL: A bill (H. R. 10070) for relief of Phillip M. Smith—to the Committee on War Claims.

Also, a bill (H. R. 10071) for the relief of Edward Chasteen—to the Committee on Military Affairs.

By Mr. CLARDY: A bill (H. R. 10072) for the relief of William A. Short—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 10073) for the relief of Barr & Sanner—to the Committee on the District of Columbia.

Also, a bill (H. R. 10074) granting a pension to John Clopine—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10075) granting a pension to Martin G. Sands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10076) granting a pension to John W. Elliott—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10077) granting a pension to Nancy D. Perkins—to the Committee on Pensions.

By Mr. BUCK: A bill (H. R. 10078) to correct naval record of Charles F. Brown—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Commercial Exchange of Philadelphia, favoring a mail boat in New York Harbor for expediting foreign mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles G. Frowert and 18 others, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, relating to second-class mail matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: Petition of 200 citizens of Ontario, Cal., favoring the passage of the Cameron resolution relating to Cuba—to the Committee on Foreign Affairs.

By Mr. ELLIS: Petition of Maj. Theodore John Eckerson, United States Army, retired, in favor of the readjustment of accounts of retired officers under act of July 5, 1838—to the Committee on Military Affairs.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of Addison County, Vt., Mrs. L. D. Dyer, president, for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of Jovite Pinard, late of Company C, Eighth Regiment Vermont Volunteers, in support of the petition granting a medal to those who participated in the siege of Port Hudson, June 15, 1863—to the Committee on Military Affairs.

By Mr. HURLEY: Petition of macaroni manufacturers of the State of New York, for a duty of 2 cents per pound on macaroni—to the Committee on Ways and Means.

By Mr. OVERSTREET: Paper to accompany House bill No. 3273, for the classification of clerks in the first and second class post-offices, and fixing the salaries of the same—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Petition of members of the Tea Trade of the United States, residing in New York City, relating to the importation of impure and unwholesome teas—to the Committee on Ways and Means.

By Mr. TRACEWELL (by request): Petition of Samuel Reid Post, No. 87, Grand Army of the Republic, of Salem, Ind.; also petition of 92 citizens of Harrison County, Ind., requesting the recognition of Cuba as a free and independent government—to the Committee on Foreign Affairs.

By Mr. WOOD: Evidence in support of House bill No. 9999, to correct the military record of Charles W. Hammond—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *January 20, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

HARBOR AT ASTORIA, OREG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 21, 1896, a report of the Chief of Engineers relative to the harbor at Astoria, Oreg.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

ST. LOUIS RIVER BRIDGE.

Mr. VILAS. I should like to have referred back to the Committee on Commerce the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin." The bill was reported by the Senator from Minnesota [Mr. NELSON], who is upon the floor, and with whom I have conversed in respect to it. The object of the recommittal is for a further hearing in respect to the provisions of the bill.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a petition authorized by the American Humane Association in annual convention at Cleveland, Ohio, September 26, 1896, praying for the passage of the bill for the prevention of cruelty to animals in the District of Columbia.

In connection with the petition I desire to present letters from the president and vice-president and four members of the board of trust of Western Reserve University, of Cleveland, Ohio; Charles F. Meserve, president of Shaw University, Raleigh, N. C.; James R. Day, chancellor of Syracuse University, of Syracuse, N. Y.; Jesse Johnson, president of Muskingum College, New Concord, Ohio; L. L. Hobbs, president of Guilford College, Guilford, N. C.; D. H. Cochran, president of the Polytechnic Institute, of Brooklyn, N. Y.; Albert Bushnell Hart, of Harvard University, Cambridge, Mass.; John Bascom, of the faculty of Williams College, Williamstown, Mass.; Harriet Prescott Spofford, of Washington, D. C.; Hiram Corson, of Cornell University, Ithaca, N. Y.; Herbert E. Ward and his distinguished wife, Elizabeth Stuart Phelps Ward, of Newton Highlands, Newton Center, Mass., and William Rounseville Alger, of Boston, Mass., all praying for the passage of the bill.

I ask that the petition of the Humane Society and the letters I have presented be printed as a document for the use of the Senate, and that the petition and accompanying papers lie on the table.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SHERMAN presented the memorial of Leo Wise, publisher of the American Israelite, of Cincinnati, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorial of Homer E. Moore, publisher of the Primitive Christian, of Panama, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petition of John B. Bass and sundry other citizens of Smith County, Tex., praying for the establishment in the rural precincts of mail boxes for the reception of mail; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL. I present a petition of citizens of this city who are owners of several parcels of land that occupy a position in front of the Senate wing, near that occupied now by the Library building, praying that Congress will take some action in relation to the purchase of those squares and of three triangular lots corresponding to those that were purchased by the Government for the Library building, so that they may know whether the Senate will act favorably or unfavorably upon the bill authorizing the purchase of a site for the accommodation of the Supreme Court of the United States. I move that the petition be printed as a document and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. THURSTON presented a petition of James A. Garfield Post, Grand Army of the Republic, of Red Cloud, Nebr., praying for the adoption of the so-called Cameron resolutions recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented the memorial of John C. Thompson, publisher of the American, of Omaha, Nebr., and the memorial of R. B. Enslow, publisher of the Argus, of Alexandria, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Camden, N. J., praying for the enactment of legislation to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Camden, N. J., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. BATE presented the memorial of Bishop & Smith, publishers of the Crossville Chronicle, of Crossville, Tenn., and the memorial of W. H. Weakley, assistant editor of the Messenger, of Nashville, Tenn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a memorial of the Master Car Builders' Association of Rutland, Vt., remonstrating against the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

CHANGE OF REFERENCE.

Mr. COCKRELL. I supposed that the bill (H. R. 8298) relating to mortgages in the Indian Territory had been referred to the Committee on the Judiciary, and, so supposing, I had referred to the Committee on the Judiciary sundry petitions, memorials, etc., to be considered in connection with that bill. I ask that the Committee on the Judiciary be discharged from the consideration of the papers, and that they be referred to the Committee on Indian Affairs for consideration with House bill 8298.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 567) for the relief of the Continental Fire Insurance Company and others, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty; and

A bill (S. 3540) granting a pension to Mirnin C. Peck.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (H. R. 939) for the relief of Cogswell & Co., reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. GORMAN on the 21st ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, with the accompanying report, and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3424) for the relief of Capt. George W. Goethals;

A bill (S. 514) for the relief of Warren Hall; and

A bill (S. 881) for the relief of the administrators of Isaac P. Tice, deceased, and others.

Mr. BURROWS, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3539) providing for the adjudication of certain claims by the Court of Claims;

A bill (H. R. 897) for the relief of James Stewart; and

A bill (S. 3443) for the relief of the Globe Works, of Boston, Mass.

Mr. PEFFER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6282) to increase the pension of Alexander McBride; and

A bill (H. R. 4264) granting a pension to Mary Pelham.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. HOAR on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township; and

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3519) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin; and

A bill (H. R. 6590) granting a pension to William Greer.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8053) granting a pension to Alice Gard;

A bill (H. R. 6900) increasing the pension of Mary T. Young; and

A bill (H. R. 4547) granting a pension to Silas S. White.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 1171) to pension Hannah Yazell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3945) granting a pension to Thomas J. Thorp, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers, reported it with an amendment, and submitted a report thereon.

CHICAGO RAILWAY STRIKE OF 1894.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies, and their officers and agents, in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

RECOGNITION OF THE INDEPENDENCE OF A FOREIGN STATE.

Mr. HALE, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 additional copies of Senate Document No. 56, Fifty-fourth Congress, second session, being "Memorandum upon the power to recognize the independence of a new foreign state," 2,000 of which shall be for the use of the Senate, and sent to the Senate document room, and 500 for the use of the State Department.

COST AND PRICE OF ARMOR.

Mr. HALE, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 additional copies of House Document No. 151, Fifty-fourth Congress, second session, being a report of the Secretary of the Navy on cost and price of armor, 2,000 of which shall be for the use of the Senate, and sent to the Senate document room, and 500 for the use of the Navy Department.

THE COTTON PLANT BULLETIN.

Mr. GORMAN, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. TILLMAN on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3562) for the relief of Thomas H. Burns; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3563) granting to the Western Washington Development Company a right of way through the Quinaielt Indian Reservation, in the State of Washington; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLEN introduced a bill (S. 3564) granting a pension to Joseph W. Skelton, of Nebraska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3565) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 3566) for the relief of William H. Webster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3567) granting an increase of pension to Hugh L. English; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 3568) granting thirty days of sick leave annually, with pay, to the employees of the Government Printing Office and the Bureau of Engraving and Printing; which was read twice by its title, and referred to the Committee on Printing.

Mr. BURROWS. I present, to accompany the bill, a petition of sundry employees of the Government, praying for its passage. I ask that the petition be printed as a document, and referred to the Committee on Printing.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. ALDRICH introduced a bill (S. 3569) to provide a life-saving station at or near Green Hill, on the coast of South Kingston, in the State of Rhode Island; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PERKINS. I introduce a joint resolution, which I ask to be read and referred to the Committee on Mines and Mining.

The joint resolution (S. R. 192) to provide means for securing information relating to mines and related industries was read the first time by its title and the second time at length, and referred to the Committee on Mines and Mining, as follows:

> Whereas the mining interests of the United States have not a clearly defined representation in the organization of the Government; and
>
> Whereas it is desirable that there shall be gathered and published statistics and other information that will be of value to mining and related industries; and
>
> Whereas the statistics now obtained are secured by the Geological Survey and the Director of the Mint; and
>
> Whereas it is desirable that all statistics relating to mines and mining be collected by one organization:
>
> *Resolved, etc.*, That a commission be, and is hereby, formed, consisting of the Commissioner of the General Land Office, the Commissioner of Labor, and the Director of the Geological Survey, whose duty shall be to determine the best method of ascertaining all the facts of general importance relating to mines and mining within the United States, whether by a mining bureau, a secretary of mines and mining, a commissioner of mines, or a commission, and to report to the Secretary of the Interior for his examination and approval a bill providing means for securing all necessary information concerning mining and related industries within the United States.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 319) for the relief of telegraph operators who served in the war of the rebellion.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 637) granting a pension to George M. Brooks;

A bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly;

A bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor;

A bill (S. 2008) granting a pension to Fanny Moale Gibbon;

A bill (S. 3182) granting a pension to Sarah E. Cunningham;

A bill (S. 3175) authorizing the construction of a bridge across the Columbia River, in the State of Washington; and

A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

NEW YORK CITY CUSTOM-HOUSE BUILDING.

Mr. HILL. In behalf of my colleague [Mr. MURPHY], who was called away and has not returned, I ask for the present consideration of the bill (S. 3520) to provide for the erection of a custom-house in the city of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 3, after the name "Post" to strike out "and," and in line 4, after the name "Kilbreth," to insert "Edward F. Brown and Hugh J. Grant," so as to make the section read:

> That Charles N. Taintor, George B. Post, James T. Kilbreth, Edward F. Brown, and Hugh J. Grant, citizens of New York, are hereby appointed and constituted a board of commissioners, to be known as the United States custom-house building commissioners, and they are charged with the erection and construction of a suitable, commodious, and sufficiently fireproof building for the purposes of a custom-house, upon the present custom-house site, in the city of New York, which site is bounded by Wall, William, and Hanover streets and Exchange place.

Mr. PETTIGREW. I should like to know if the bill has been reported from a committee, and if the report is unanimous?

Mr. HILL. The report is unanimous from two committees of this body.

Mr. PETTIGREW. I should like to have the Senator from New York inform me further whether it is customary to appoint a commission and name them, for the purpose of constructing these buildings, or is this a new departure?

Mr. HILL. It is customary. It has been done in a large number of instances, I will inform the Senator, and the Secretary of the Treasury approves of this form. There is no objection to it.

Mr. QUAY. I understand that the bill follows the precedent in relation to the New York public buildings, and it is a bill approved by the Treasury Department.

Mr. PETTIGREW. Do I understand the chairman of the Committee on Public Buildings and Grounds to say that it is customary to appoint these commissioners in the bill itself?

Mr. QUAY. Yes; that is my understanding.

Mr. PETTIGREW. And that this designation is approved by the Secretary of the Treasury?

Mr. QUAY. Yes; these bills come from the Treasury Department. The bill makes no appropriation. It merely diverts a sum of money previously appropriated to the purchase of a site for the erection of a new building upon the old site.

Mr. PETTIGREW. It seems to me it would be a better custom to have these officers appointed by the Treasury Department rather than have us undertake to pass upon the qualifications of these people and designate them ourselves. It appears to me it is a bad custom and that it ought not to be adopted. No such precedent ought to be established by the Senate. If it has been established——

Mr. QUAY. It has been established.

Mr. PETTIGREW. If that has been the custom, I do not know that I am prepared to undertake to change a custom already established, but it is certainly a very bad one and never ought to have been established.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Alabama [Mr. MORGAN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution directing the Committee on the Judiciary to inquire into and report as to the default of the Pacific railroads in the payment of certain bonds issued by the United States in aid of said roads.

Mr. MORGAN. I ask unanimous consent that the resolution may go over. Because of other engagements I have not been able to examine certain papers.

The VICE-PRESIDENT. In the absence of objection, the resolution will go over as indicated.

DIVISIONAL LINE BETWEEN VENEZUELA AND BRITISH GUIANA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from South Dakota [Mr. PETTIGREW], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 18th instant, as follows:

> *Resolved*, That the Secretary of State be, and is hereby, directed to send to the Senate a statement of the proceedings of the commission appointed to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana, together with a copy of the treaty or agreement between the United States and Great Britain upon the subject of the boundary, which agreement has been submitted to the Government of Venezuela for consideration.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PETTIGREW. Mr. President, this is a simple resolution of inquiry, and upon a subject, I think, that should be brought to the knowledge of the people of the United States.

The controversy over the boundary between Venezuela and British Guiana has continued for seventy-five years. England has constantly encroached upon the territory of Venezuela, occupying a country more than twice as great as the original region ceded to her.

This controversy continued until 1841, when England marked the Schomburgk line, building mounds and setting posts and designating the country that she claimed. To this Venezuela protested, and her protest continued until 1887, when she withdrew her minister and refused to have further diplomatic relations with Great Britain. The good offices of this country were solicited, correspondence ensued, and the present Executive, through the Secretary of State, asked Great Britain to submit the question of boundary to arbitration. This was refused. The British prime minister, in his letter to the British ambassador, makes the following statement:

> It will be seen from the preceding statement that the Government of Great Britain have from the first held the same view as to the extent of territory which they are entitled to claim as a matter of right. It comprised the coast line up to the River Amacura, and the whole basin of the Essequibo River and its tributaries. A portion of that claim, however, they have always been willing to waive altogether; in regard to another portion, they have been and continue to be perfectly ready to submit the question of their title to arbitration. As regards the rest, that which lies within the so-called Schomburgk line, they do not consider that the rights of Great Britain are open to question.

In response to this letter on the part of the British prime minister, the President of the United States transmitted to the Senate a message, a message which startled the world and aroused an enthusiastic response from the patriotic citizens of this country. It aroused also in response a cry of rage from the foreign element that has dominated this Administration, who have their headquarters in New York and are the gamblers of Wall street.

In response to this message, the Senate passed a bill providing for a commission to investigate and determine the true line between Venezuela and British Guiana. From this commission we have had no report, although at the time the question was discussed as to whether we should not limit the time in which they should report, as prompt action was deemed necessary. But no report has come. However, in the meantime the Administration itself has taken up the matter, has negotiated with Great Britain, and finally, as I understand, has agreed upon a treaty and submitted it to Venezuela for their ratification. The public prints inform us that this treaty provides that no territory shall be subject to arbitration which has been in the possession of Great Britain or British citizens for fifty years. In other words, this treaty provides that there shall be no arbitration of the territory inside the Schomburgk line. The treaty provides, then, that we shall surrender the whole contention, for the Schomburgk line was run in 1841, fifty-five years ago. The treaty provides that possession for fifty years shall be construed as conveying a title, and that territory occupied for fifty years shall not be arbitrated.

Under these circumstances, Mr. President, it seems to me the people of the United States, for they are supposed to govern this country rather than the present Executive, should be taken into the confidence of the Executive and the Government, and these facts laid before them.

I presume that Venezuela will submit, although she broke relations with Great Britain because she refused to accept arbitration which did not embrace the country within the Schomburgk line. She will accept it because, having asked our good offices, she has nothing else to do. Any other nation, any powerful nation, would have gone to war, would have attacked and driven out the encroaching settlers from British Guiana and occupied their own territory. Venezuela is weak. She hoped to find a friend and a defender in the United States. Instead of that, our Administration joined Great Britain and is now compelling them to accept that which they refused to accept and for which they dissolved relations with Great Britain.

Further than that, Mr. President, it is a matter of humiliation to the people of the United States, after having responded so ardently and so earnestly to the only thing Grover Cleveland ever did that entitled him to their respect, that they should now be betrayed into the hands of this modern pirate without a full knowledge of all the facts. I say that it is due to the Administration that the treaty should be laid before the country and before the Senate and that all the facts be known.

This remarkable message, in the light of the treaty which has now been made and submitted to Venezuela, reads as follows:

> The course to be pursued by this Government, in view of the present condition, does not appear to admit of serious doubt.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield?

Mr. PETTIGREW. Certainly.

Mr. SHERMAN. I have already suggested to the Senator that I think it is not in order to comment upon a treaty pending in the Senate except in executive session. I therefore make the point, and ask that the doors be closed if the Senator wishes to go on and discuss the matter. I consider it my duty to do it, in view of the position I occupy. I think that the better way, unless the Senator will defer his remarks until an executive session.

Mr. PETTIGREW. I will say to the Senator from Ohio that I am not commenting on a treaty which has been submitted to the Senate. I introduced a resolution asking the Secretary of State to transmit to the Senate a copy of the treaty which has been submitted to Venezuela for their ratification. Under the circumstances, I think it is entirely proper that all the facts should be known to the country. However, I wish simply to read a portion of the President's message.

The VICE-PRESIDENT. The Senator from South Dakota will suspend. The Chair did not understand whether the Senator from Ohio entered a motion.

Mr. SHERMAN. I have no objection at all to the Senator reading from a public document, but reference to treaties, etc., pending can only be made, according to our rules, in executive session. I do not wish in the least to disturb the Senator in his discussion of any matter already published, and it is in order, of course, to discuss what has appeared in a public document.

Mr. PETTIGREW. This is a public document sent to the Senate on the 7th of December, 1895. This message, which the President transmitted to the Senate, which was construed as a declaration of war, so far as he is able to declare war, contains the following paragraph:

> The course to be pursued by this Government in view of the present condition does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprised of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements, and deal with it accordingly. Great Britain's present proposition has never, thus far, been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will can not, of course, be objected to by the United States.

Mr. President, it appears from all the knowledge we have of the treaty submitted to Venezuela that we have surrendered this very contention, and have insisted that only that territory outside of the Schomburgk line shall be submitted to arbitration, exactly what Great Britain insisted upon doing previous to the sending of this message to the Senate. I say, therefore, that the people of the United States have a right to know what this agreement or treaty is that we have submitted to Venezuela, in order that they may pass judgment upon it before the people of Venezuela act. I ask unanimous consent for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Dakota.

Mr. HILL and Mr. SHERMAN. Let it be read.

The Secretary again read the resolution.

Mr. SHERMAN. I think the resolution had better lie on the table. I object to its consideration to-day.

The VICE-PRESIDENT. The Chair will state to the Senator from Ohio that the resolution comes over from yesterday, and that it has been reached in the regular order of business.

Mr. SHERMAN. I then suggest an executive session. I move——

Mr. PETTIGREW. Let it be referred.

Mr. SHERMAN. If the Senator from South Dakota will allow the resolution to be referred to the Committee on Foreign Relations, I think that would be the best disposition of it. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. PETTIGREW. I shall not object to its reference to the Committee on Foreign Relations if that is the desire of the chairman of the committee.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

PRIVILEGES OF THE FLOOR TO ELECTORAL MESSENGERS.

Mr. HOAR. I desire to ask unanimous consent that the gentlemen who come to the capital as messengers from the electoral colleges of their several States, bringing the electoral vote, may be admitted upon the floor of the Senate for twenty-four hours after their arrival in Washington, on being introduced by the Senators from their State.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it will be so ordered.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. FAULKNER. Mr. President, I regret that, by reason of the position which I have held as a member of the subcommittee which investigated this entire question and as a member of the Committee on the District of Columbia, it becomes my duty to lay before the Senate the facts upon which that committee acted and the reasons that influenced it in presenting a favorable recommendation to the Senate of the joint resolution. I regret also that the Senator from New York [Mr. HILL] in the discussion of this question has deemed it proper to use language which I am satisfied he did not intend—at least I hope he did not—and which, if I believed he did, I should feel justified in characterizing in a manner which would at least vindicate my sense of indignation at the application of such terms to either the subcommittee, the Committee on the District of Columbia, or the distinguished Senator from Missouri [Mr. COCKRELL] who introduced this joint resolution. When a Senator uses such language as that this is "a trick" and "a scheme," it is not only unparliamentary, but, sir, it implies that there are motives other than public motives which influence and control Senators who are responsible for the favorable report on such a resolution. It was such remarks which made me somewhat sensitive yesterday; it was that remark which should make any self-respecting Senator sensitive; but I feel that I am bound to give the Senator from New York the benefit of the disclaimer he made before he took his seat, when he said that he did not mean to imply improper action on the part of any member of the Senate or of the Committee on the District of Columbia in the reporting of the joint resolution.

There is another matter which I regret, which occurred in the discussion by the Senator from New York. He has assumed to place this question before the Senate upon the narrow basis that it involves only the interest of two electric-lighting companies operating within the District of Columbia. I can assure the Senate and the Senator from New York that if that were the question involved by this joint resolution, I should not occupy two minutes of the time of the Senate to vindicate the duty of the Senate in passing the joint resolution which has been reported favorably by the Committee on the District of Columbia. It is not a question between two electric-lighting companies. The question involved in this joint resolution is a question of public policy, inaugurated six years ago by the Congress of the United States, through its committees, and one approved at every session of Congress since by both Houses of Congress. It is a public policy applicable to this District, which has been expressed in stronger, more emphatic, and clearer language, by the distinguished Board of Commissioners now in office, than I feel competent to equal by any language which I could employ. No, sir; this is not a contest between two rival companies; this is not a controversy involving the digging a "little ditch" in the streets of Washington. The principles involved in this joint resolution embrace the control of every corporation in this city, and its purpose is to hold Congressional control over such corporations, which has been firmly held for a period of five years in carrying out this public policy.

I feel that I should give to the Senate a brief account of the conditions which have produced the state of affairs necessitating the passage of this joint resolution by Congress. The Potomac Lighting Company bought two plants in the District of Columbia, one at Eckington and one at Georgetown. In 1895 and 1896 they received permits from the District Commissioners to extend their lines, both overhead and underground. It proceeded to extend its lines for some considerable distance, when an injunction was filed against a further extension—whether by the United States Electric Lighting Company or by citizens of the District, I am now unable to say, and it is immaterial to this controversy by whom filed. When that injunction came on to be finally heard, Justice Bingham, of the District court, decided that under the law as it exists there was no law empowering the Commissioners of the District of Columbia to allow one foot of conduit or overhead wires for electric purposes to be laid, or that could authorize them to grant permits for connection with the wires already laid for house lighting. That decision of Justice Bingham applied solely to the Potomac Company, and rendered absolutely worthless the plants which they had in Eckington and Georgetown.

Mr. HILL. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from West Virginia yield to the Senator from New York?

Mr. FAULKNER. Yes, sir.

Mr. HILL. What was the date of that decision?

Mr. FAULKNER. I can not state to the Senator the exact date, but it was in the spring of 1896. As soon as that decision was rendered, the Potomac Company came to the Committee on the District of Columbia and laid their grievances before it. The committee held that this was unjust not only to the company, but it defeated the rights of a large number of citizens who had constructed buildings based upon the existence of this plant as constituted to connect their wires. They were not within the reach of any other electric-lighting company or gas company, and therefore were driven back to the use of oil or candle lights for illuminating purposes.

Mr. HILL. I do not mean to annoy the Senator——

Mr. FAULKNER. Not at all.

Mr. HILL. The Senator is entirely familiar with this matter, and I desire to get what information I can in regard to it. At the time of which the Senator speaks, of Justice Bingham's decision, were the wires of the other company in use into Washington?

Mr. FAULKNER. Of course.

Mr. HILL. It does not follow as of course.

Mr. FAULKNER. It does, because those wires had been put down under special laws passed year by year by Congress, and had authorized such constructions and extensions. There is nothing in the decision of Judge Bingham and nothing involved in the pleadings in that case which affected the company known as the United States Electric Lighting Company, but the decision did seriously affect the Potomac Company. When this company came to Congress and presented this condition of affairs, showing not only the injustice to it, but demonstrating the great injustice to the public in Georgetown, and as the relief sought did not conflict with any general policy that Congress had established, the committee at once reported a bill, which we understood at that time was satisfactory to the company, and which would meet their full approval and give the relief asked. That bill was reported by the distinguished Senator from Tennessee [Mr. HARRIS] in May, 1895. When, therefore, the Senator from New York said on yesterday that he could state to the Senate what the position of the Senator from Tennessee upon this joint resolution was, I would question that assertion, unless he bases his information of the position of that Senator upon information subsequent to the reporting of the bill to which I have referred.

What did that bill provide? It demonstrated the correctness of the position which I am now maintaining, shows that it was entirely satisfactory to the company, and that it was in the interests of the public. The bill provides:

> Ninth. The authority herein given for construction in public spaces shall extend territorially as follows:
>
> (a) To all streets and roads and connecting alleys, or parts of same, situated west of Rock Creek, north of Florida avenue, and east of the Anacostia or Eastern Branch of the Potomac River, along which no existing lines of any other electric-light company may now be established.
>
> (b) A line connecting by the shortest practicable route the power station of the Potomac Electric Power Company with the District pumping station on C street and the power house of the Rock Creek branch of the Capital Traction Company, to be used for power purposes only within the city of Washington.
>
> (c) The Potomac Electric Power Company is further authorized to make necessary house connections with its lines.

This bill was favorably reported by the Senator from Tennessee on the 8th day of May, 1896, with, I believe, a unanimous report from the District Committee. We found that it was then too late in the session to secure the relief demanded by the Potomac Company, and feeling, therefore, that a great injustice was being done to the company as well as to the public interests in that section of the city of Washington, we appealed to the Appropriations Committee—I think I was selected by the Committee on the District of Columbia and instructed to bring the subject to the attention of the Committee on Appropriations. That committee had in conference the District appropriation bill. I appeared before that committee and called their attention to the subject and to its importance and to our inability to pass the bill and secure the relief at so late a day in the session. The result was that the subcommittee of the Senate took up this question with a view of granting the relief asked by the Potomac Company in accordance with the provisions of the bill introduced and reported favorably by the Senator from Tennessee on behalf of the District Committee; and after hearing both sides, it being understood that it was satisfactory to all interests, and yet at the same time preserving the policy which has governed that committee and the Committee on the District of Columbia for five years, they then embodied what they considered to be the language used in this bill or its equivalent in the appropriation bill for the District of Columbia. They thought the question was satisfactorily settled, but it seems that it was not. After the adjournment of Congress the Commissioners advertised for bids for the electric lighting in all parts of the District.

Mr. GRAY. May I ask the Senator a question for information?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Delaware?

Mr. FAULKNER. Certainly.

Mr. GRAY. By what authority of law did the Commissioners ask for those bids?

Mr. FAULKNER. The authority upon which the right of extending the conduits is based is the authority contained by implication in the appropriation act for the District of Columbia and in the sundry civil appropriation act passed on the 11th day of June, 1896, which made an appropriation for lighting and extension of service, and, as the court held, impliedly authorized the Commissioners to extend the conduits of either of these companies in carrying out this authority.

Mr. GRAY. I am very much interested in what the Senator is saying, and I ask again for information. Was there another decision after the one to which the Senator first referred?

Mr. FAULKNER. I shall presently refer to two more.

Mr. GRAY. Then I understand there were decisions in which the Potomac Company was the plaintiff?

Mr. FAULKNER. It was the defendant.

Mr. GRAY. A case in which the Potomac Company was defendant, in which the court held that there was no power in the District Commissioners to grant licenses to anyone to lay conduits?

Mr. FAULKNER. To grant permits to the Potomac Company. The court did not go outside of the issues made in the case in rendering its decision.

Mr. GRAY. To the Potomac Company?

Mr. FAULKNER. Yes; and not only not to lay conduits or to extend overhead wires, but even that there was no authority to make connections with the conduits and wires already laid.

Mr. GRAY. And it was the hardship imposed upon them by that decision that was relieved by your committee in 1896?

Mr. FAULKNER. In 1896.

Mr. GRAY. Afterwards, the Senator says, there was a provision inserted in a general appropriation act, which, the court construed, gave the Commissioners by inference the right to do that?

Mr. FAULKNER. I will explain that.

Mr. GRAY. I only want to get at the facts.

Mr. FAULKNER. The District appropriation bill having been passed and the sundry civil bill providing for electric lighting in the streets and parks enacted, as the committee supposed, limiting these corporations geographically in the extension of their wires, the Commissioners advertised for bids, assuming that they had the right to let contracts to any company, whether existing at the time of the passage of the act or that might come into the District at any time before the bids were awarded. Before the Commissioners awarded any contract they referred the question of law to the district attorney, as to whether they had the power, under the law, to give the contract for lights east of Rock Creek to any other company than the United States Electric Lighting Company. The district attorney, in his written opinion, held that they had not such a right, but the Commissioners, believing that their construction of the law was the correct one, proceeded to award the contract for certain lighting east of Rock Creek to the Potomac Company.

On the 5th of August, the Potomac Company having bid for all the electric lighting authorized by law, although it had no conduit west of Rock Creek, 1 cent less per light per night than the other company would have received under the appropriation made by Congress, which, as usual, designated the maximum price to be paid, and as to park lighting having designated absolutely the price that should be paid per night, two of the Commissioners determined that, in their judgment, they had the right to grant the contract for certain lighting east of Rock Creek to the Potomac Company, but decided that in all streets where the United States Company were then lighting they would contract with the United States Company. I am trying to make an absolutely fair and impartial statement of the facts of this case.

When that was determined upon, the United States Electric Light Company obtained an injunction from Judge Cole, involving the question as to the legal exercise of the power claimed by the Commissioners to grant to the Potomac Company the right to extend the system east of Rock Creek. After full argument and a full review of the case, Judge Cole decided that under the terms of the two appropriation acts, by implication the Commissioners had the power, in the exercise of their discretion, to award the contract to the Potomac Company, and as a necessary result that if the Commissioners gave the contract to a company that had no conduit in streets or parks to be lighted they would have the right to grant a permit to such company to construct proper conduits. That, in substance, was the decision of Judge Cole. The United States Electric Company attempted to appeal from this decision to the court of appeals. That court held that the right of appeal did not exist as a matter of right, as in this case it was an attempt to appeal from an interlocutory order and not from a final decree; and that as it did not affect any possessory right, or the rights of these parties, even if they had an exclusive right of easement in the streets, it did not present such a case as would take it out of the general rule and would authorize the court to grant the appeal. The court remanded the cause back to the circuit court of the District of Columbia, to be further proceeded with to a final decree. The case is now before the court, proceeding in the ordinary and usual course of chancery causes, for the purpose, I suppose, as any lawyer would infer, of enabling the complainant to get a final decree from the circuit court, and, if he deems it proper, back to the court of appeals for its final determination as to its legal rights under existing law. This is the condition of the law to-day under the decision of Judge Cole.

What is the real question involved, admitting that, under the decision of Judge Cole, the Commissioners had a legal discretion to give to either of these companies the right to construct conduits to carry out the provisions of the act of June 11, 1896? The question presented for the decision of Congress, in the exercise of that discretion with which the Commissioners were clothed, is, Was it wisely, judiciously, and properly exercised in the interest of the public? If it was, then, of course, I admit that the Senate should defeat this joint resolution. If the discretion was wisely exercised in this case by the Commissioners, then the policy heretofore adopted by Congress during the last five years has been a mistaken policy, and we should at once change and reverse it. That is the question you must pass upon, and that is the only question involved in this joint resolution.

Let it be remembered by the Senators who so kindly give me their attention that the permits granted to the Potomac Company to tear up the streets of the city involve the tearing up of 7 miles of asphalt pavement. Remember, when you come to consider the facts in passing upon the exercise of a wise and judicious discretion by the Board of Commissioners, that at most of the points where these lights were required to be put there were wires or electrical conduits established by another company.

Mr. HILL. Does the Senator say that on the same streets where the Potomac Company is now putting down its conduits another company was already doing the lighting?

Mr. FAULKNER. Not in all cases. I said that where the lights were required under the decision of the Commissioners of the District to be put, in almost every instance the electric wires were already upon those streets, New York avenue, I believe, being the only exception.

Mr. HILL. Lafayette Square has none.

Mr. FAULKNER. Yes. To furnish lights for Lafayette Square the Potomac Company has been compelled to tear up the streets for two miles and a half in order to bring their wires to that point to furnish but seven lights to that square, when there were underground conduits already on three sides of that square.

Mr. HILL. Will the Senator give us the figures as to precisely what is the extent of this proposed 7 miles on which the United States Electric Lighting Company have already their conduits?

Mr. FAULKNER. The United States Electric Lighting Company have their conduits in the streets that come from Rock Creek, but to what extent the conduits are on the same street I am unable to answer accurately.

Mr. HILL. The Senator will allow me one moment. In case it is proposed to extend the lights to streets not occupied by the United States Electric Lighting Company, in case that company had been given the contract where there were no conduits, of course the United States Company would also have had to dig up the streets, would they not?

Mr. FAULKNER. That involves the question I am arguing as to the exercise of a wise discretion by the Commissioners. There are but very short spaces——

Mr. HILL. The point I am making is whether it makes any difference, if the streets have to be dug up, what particular company digs them up?

Mr. FAULKNER. No; and that is the very reason I am trying to get the Senator to understand the fact that it would not have been necessary to dig up the streets if the lighting contract had been given to the United States Electric Lighting Company, and for this reason the Commissioners have not exercised a wise discretion.

Mr. HILL. I ask what proportion of these 7 miles have been already occupied by the United States Electric Lighting Company? That is the point.

Mr. FAULKNER. I do not suppose there has been a mile.

Mr. HILL. Not a mile.

Mr. FAULKNER. Perhaps not half a mile; I do not know: it might have been half a mile. I am not thoroughly familiar with the facts, but it certainly is not over a mile.

Underground electric conduits sufficient to furnish every light required would have been constructed, if the contract had been given to the old company, within a limit of a half mile, and therefore it is a question for Congress to decide as to whether the Commissioners have exercised a wise discretion in tearing up six and a half more miles of asphalt pavement than was necessary to carry out the provisions of this act of June 11, 1896.

Let us take for illustration Mount Vernon Square. From Mount Vernon Square to Lincoln Park is about 3 miles, as these conduits are laid out. The contract provides for seven lights in Lincoln Square. To light these seven lights 3 miles of the asphalt pavements of the District must be torn up, which never can be repaired and put into the condition in which they were prior to the time the streets were broken—and 3 miles of underground conduits are to be put down for the purpose of furnishing these seven lights.

Mr. President, the committee felt that this was not an exercise of sound discretion upon the part of the Commissioners. I do not propose to criticise the personal character or the integrity of any of the gentlemen composing this Board. I have known some of them for years, and, so far as my observation has gone, I want to say that they are gentlemen of the highest character and of sterling integrity; but when they exercise a discretion which is unwise and which is against the public interests, as I understand it, it is my duty, as one of the common council of this city, to call a halt upon their action.

Mr. MILLS. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from West Virginia yield to the Senator from Texas?

Mr. FAULKNER. Yes, sir.

Mr. MILLS. Would the public interest suffer any injury by both of these companies putting up their lights on the same streets if they subsequently repair the streets and make them as good as they were before they tore them up? Would there then be any injury to the public?

Mr. FAULKNER. I will try to answer the question in a general way when I get to the general policy that Congress has adopted. I am glad that the Senator from Texas asked me the question, and I hope Senators will ask any question as to which they desire information, because it is my duty to know the facts and equally my duty to impart them. The chairman appointed me a member of the subcommittee, and with others I investigated this subject, which enables me to answer questions bearing upon it, which I am anxious and willing to do.

What has been the public policy which has governed Congress for five years? Congress realized that this city was to be made the most beautiful city in the United States; that it was to be supplied with all the appliances which the demand of an advanced civilization required—water; light, both gas and electric; telegraph, telephone service, etc.; that it should have the best system that could be devised by the skill of the scientists of this country; that all might be utilized without destroying or marring its beauty. In 1891 a commission was appointed to act upon the question of subways in the District of Columbia, that we might get rid of all of the unsightly overhead wires, and looking to the adoption of a municipal system by which every wire in the city of Washington should be put under ground. When once such a system has been adopted and put into operation, it would then be within the power of Congress to say to any company, "You may come here, but you must put your wires through the ducts provided for them."

The Senator from New York says this is a monopoly. I answer that it has been the policy of Congress in the District to establish a monopoly until this subway system is established. Not a monopoly, however, in the sense spoken of by the Senator from New York. What I mean by using the word "monopoly" is that it has been the policy of Congress to control absolutely the cost to the citizen of all these different agencies—telephone service, electric and gas light, railway rates, etc., by law and not by competition. The result has proven the wisdom of that policy. As an illustration, do we not refuse to permit competing or multiplication of railways? We have said, "No; if you want to come in from the outside of the city you shall have the right to come, but over the tracks of the company that reaches the point to which you desire to come." This city is not to be gridironed by rails under franchises granted to railroad corporations. If the public demand requires that citizens shall have facilities in reference to street railways which they have not, we say, "We will make the existing corporation which is nearest to the point of connection with the line that you want to establish extend its road so as to give the public the facilities which are necessary, whether it pays the company to do so or not, but we will not allow new companies to be chartered." Why? Experience has proven that when you allow so many small corporations to be chartered the business is so divided that they soon become bankrupt, and when we seek to enforce wise regulations in the public interest, when we demand lower fares, when we demand rapid transit, when we demand improved cars that are decent to ride in, they reply, "Oh, no, we can not do that; we are too poor; we pay no dividends."

We have therefore said we will limit the number of charters; compel these corporations to furnish the very best service, upon the principle that the traffic justifies the expenditures. That we may have full information of their condition, and be in a position to control them, we require that on the 1st day of January of every year each company shall report to Congress every dollar of receipts and every dollar of expenditures during the year.

This is a monopoly, but it is a monopoly which is absolutely guarded and controlled by the immediate domination and dictation of Congress in the exercise of all of its public functions under its franchise.

Mr. HILL. Will the Senator from West Virginia allow me for a moment?

Mr. FAULKNER. Certainly.

Mr. HILL. While I do not think the attitude of the committee or of Congress toward street railroads is exactly in point here, the Senator having alluded to it, I will ask him what bills have been passed, which occur to him now, compelling some of the railroad companies to lay rails upon streets where they did not want to go?

Mr. FAULKNER. There are numerous cases. The Metropolitan Company is one. I remember that as one without pausing to reflect.

Mr. HILL. I think I am somewhat familiar with the form of legislation adopted by some companies when they really want to occupy a street. The form of legislation adopted is to have a bill passed compelling them to use a certain street.

Mr. FAULKNER. There has never been any such practice to my knowledge in the nine years I have been in the Senate of the United States. Whether it is the practice in New York, I do not know.

Mr. HILL. What other bills are there beside the one for the Metropolitan Railroad Company?

Mr. FAULKNER. I can not remember each one. That is our policy, and let me give you a striking illustration now which occurred in carrying it out.

We said to the Washington and Georgetown Railway Company, operating the Pennsylvania avenue line, and to the Metropolitan Company, "You must give the people of this city rapid transit." They said, "We will not do it; we can not do it. The expense is too great. It will cost us millions of dollars. We can not afford it."

We said it must be done, and having been wise enough in granting these corporate rights in the District of Columbia to provide in every charter that Congress shall have the power to alter, repeal, or modify the charter, we compelled rapid transit.

Mr. HILL. There is nothing new about that. It is the usual clause inserted always in corporation legislation.

Mr. FAULKNER. I beg the Senator's pardon. If he will look back and study the history of this question in the District as I have, he will find many charters granted prior to that time which were passed without such a provision being in them.

Mr. HILL. Does the Senator mean to say that without that provision Congress would not have the right to repeal or modify the charter?

Mr. FAULKNER. I do.

Mr. HILL. Of course not. It has that right without such a provision.

Mr. FAULKNER. The question would then be whether a charter is not a contract to such an extent that Congress has not that right without a reservation to that effect by the insertion of a clause of that character.

Mr. HILL. It has, absolutely.

Mr. FAULKNER. I am not going to discuss that question. We were taking no chances, and inserted that provision. When we compelled the change as to the two main street railway lines coming to the Capitol, we provided that unless that change was made within a certain period, the charters would stand repealed. The companies resisted. Yet the District Committee and Congress maintained the proposition and made them obey the law.

We have within the last six years taken from the streets of this city every horse railroad except two, which are now petitioning Congress for an extension, because of the fact that they are trying a new power. They assert that because of the limited volume of their business, yielding such a small revenue, they can not afford to adopt either of the expensive systems, and that they are trying the air motor, are conducting experiments in order to carry out the views of Congress, but they have been unable yet to do it, and desire a further extension.

We have done the same in reference to the gas company. The gas company has pipes all over the city, and if I recollect aright, my friend the Senator from New York stood by us in that fight. We declared it unwise to charter another gas company, to tear up every street in the city of Washington for the purpose of laying pipes, when we have the absolute power to control the price of gas, the quality of gas, and every other detail in reference to the supply of gas. We therefore refused at the last session, carrying out the same policy, to charter a new company, but we fixed a higher candle-power, imposed more stringent regulations upon the old company, and provided for a gradual reduction of the price of gas down to $1 a thousand feet. That was done in accordance with the uniform policy adopted by the District Committee and the Committee on Appropriations, with the sanction of both Houses.

It applies also to all telephone companies. I regret to say it, but this city is in a most unfortunate condition in reference to its telephone system. Is it known to Senators that not one foot of conduit for telephone purposes can be laid, under the law as it exists to-day, and it was so decided by the Commissioners not two weeks ago? They are of the opinion that they have not the authority to permit a wire to be extended from an alley pole to any house not in the same square, and have not authority to grant permits to lay underground conduits. No extension of the system can be made.

Mr. HILL. Who framed the laws that create this injustice?

Mr. FAULKNER. With a view to carrying out the general policy, we have taken from the Commissioners the right to issue permits to dig up the streets to lay subways until we secure a law providing for a uniform system authorizing subways to be laid, when we propose to make every company use those subways and pay a royalty to the District of Columbia for their use.

These temporary inconveniences must be obviated to some extent by the committee this year. The people must have the advantages of the telephone system, if it can be done without any great detriment or injury to the general plan which we have in view for laying the ducts under municipal control. You can extend the right, to a limited extent, by allowing a wire to be carried from the top of the pole in an alley, over houses to the next square, or something of that kind. But the policy of Congress is to have no more digging up of the streets in the laying of these subways than is absolutely necessary to meet the immediate demands of the public, until a system can be devised and put in operation, and then we will bring the wires of every one of these corporations—the electric-light company, the telephone company, and all others—into those general conduits.

Is the committee acting wisely in restricting these private subways? Are they censurable for carrying out this policy, and is the Committee on Appropriations to be condemned for being so strict in enforcing it? Do you not know that when these conduits are laid they will be the property of the parties laying them? Many of these conduits will not be serviceable as municipal subways. They are simply laid, as this one is being laid now, for public lighting, not for industrial purposes, house lighting, or to accommodate other interests. There are but twelve ducts in the conduit that is being laid.

Mr. TILLMAN. Will the Senator from West Virginia allow me to ask him a question?

Mr. FAULKNER. Certainly.

Mr. TILLMAN. Did not the Senator say a moment ago that he proposed to have a general system of conduits, with one large subway, in which all the corporations were to be forced to lay their wires, and for which they were to pay a royalty? Then he turns right around and says the conduits are private property. That would imply that you can not make the companies come into your general conduit.

Mr. FAULKNER. That is what I am afraid of, and that is why we are trying to keep down the number. If the conduits are, as I believe, private property, and we condemn them as a part of the municipal subways, we will have to pay the company the cost of construction or the value of the conduits.

Mr. TILLMAN. If that is the Senator's opinion of the importance of this question, in the name of common sense and decency why does not his committee report a scheme and act, and let us get through with the matter?

Mr. FAULKNER. That implies that the committee has done unwisely and is negligent of the public interest. If the Senator will examine the history of this matter, he will find that after a good deal of study, work, and reflection, the District Commissioners, on the 11th day of February, 1896, submitted the draft of a bill which in their judgment would carry out the plan of which I am speaking, for municipal conduits for all purposes, and sent it to the other House. It was introduced into that body on the 11th and in the Senate on the 12th of February, 1896. The Senator from Georgia now occupying the chair [Mr. BACON] is a member of the subcommittee of the District of Columbia Committee of the Senate, of which the Senator from Vermont [Mr. PROCTOR] is chairman (who the third Senator is I do not know), which is considering this question, and I am satisfied that upon a statement of the Senators who are members of that subcommittee, anyone will recognize that they will do this work as rapidly as in their judgment the importance of the matter will permit.

Mr. TILLMAN. Would the Senator claim that any subcommittee, however honorable and intelligent and zealous, can devote or have devoted, or ever will devote, the necessary time to give us a better scheme than that formulated by these three gentlemen, who were appointed by the President and who have nothing else to do?

Mr. FAULKNER. All that the subcommittee is doing is to see whether those three gentlemen have wisely done their work. The Commissioners have prepared the bill; they have prepared a letter explanatory of every provision of the measure, and that is the bill and that is the letter which are now before the subcommittee. It is the Commissioners' bill.

Sir, need I do anything further, in order to show where the Commissioners ought to stand in this matter, than to read the report to Congress from the Board of Commissioners dated last February, in which they use the language I will quote as to the policy that Congress should maintain? Whether they have changed their opinion since that time I know not, but I do not believe they have. I think they unfortunately and unwisely granted this permit; but I believe that when the question is presented to them they will tell you that the statement I am going to read from them presents their true views of the policy which should control Congress in these matters.

Mr. McMILLAN. Before the Senator from West Virginia reads the letter, I should like to call his attention to one important fact. The expenditure of millions of dollars depends upon what kind of subway is laid. The cost of laying the subways would be between three and five million dollars, depending, of course, upon the manner in which they are constructed. Therefore it is important that the subcommittee should get all the information possible before they make any report.

Mr. HILL. If the system of subways is going to cost that amount of money, we had better let the corporations, or a couple of them, put it in at their own expense.

Mr. FAULKNER. "A couple." Why not a dozen?

Mr. STEWART. I should like to inquire of the Senator from West Virginia to what extent the Potomac Company are authorized under the present permit to lay their wires and their subways?

Mr. FAULKNER. To the extent of 7 miles.

Mr. STEWART. What proportion of the work has already been commenced?

Mr. FAULKNER. That is hard to tell. They are seeing if they can not beat Congress, and in my humble judgment, to be perfectly frank with the honorable Senator and with the Senate, I believe they will beat Congress.

Mr. HILL. I hope they will.

Mr. FAULKNER. But that should not affect the question. The resolution should be passed as expressive of the opinion of Congress on any future permits.

If the Potomac Company do finish their conduits before the joint resolution is passed, it will not apply to them. It directs the Commissioners to stop any work that is in process of construction at the time of the passage of the joint resolution, and not to give any other permit except when necessary for the public convenience. It declares a policy. If the Potomac Company completes their conduits before the joint resolution is passed, it will not affect them. If they do not, and any part of their work is unfinished, they will be affected. But it affects the question of the enunciation of a public policy and the control of the Commissioners as to any future permit; and that is the reason why the committee is urging it.

This is the unanimous report of the Commissioners submitted last February:

> The Commissioners, however, in reporting upon all similar bills proposing to grant the privilege of tearing up the streets—

This is as to a new gas company—

> for the purpose of laying gas pipes or conduits therein, whether for the use of a telephone company or an electric-light company—

Or an electric-light company—

> have taken the ground that it was against the public interest to grant privileges of this kind to new companies; that the business carried on by such companies was under such conditions as to make a monopoly desirable, if not necessary; that, aside from the great damage to the pavements and the inconvenience to the public occasioned by digging up miles of public streets, it is not necessary or wise to duplicate any gas pipes or conduits in the public streets, for Congress has full power to regulate the rates to be charged by such companies, as well as to correct any other evils. The same majority in Congress which determines that a new telephone company, a new gas company, or a new electric-light company must be chartered to give the public its rights can bring about the same result by controlling existing companies and with much less inconvenience to the public.

Mr. TILLMAN. Will the Senator allow me for a moment? That letter emanated from the Commissioners?

Mr. FAULKNER. Yes; in reply to a bill sent to the Commissioners, as the committee always send every bill to them.

Mr. TILLMAN. Yet the Senator quotes those gentlemen as sustaining his proposition, and they are the men who have given the permit to the new electric-light company. Is not the Senator quoting his witness against himself?

Mr. FAULKNER. I am quoting the Senator's witness against himself. That is it.

Mr. TILLMAN. The Senator is quoting the Commissioners as sustaining his proposition of a monopoly, when they themselves, in the fulfillment of their duty to the citizens and to the city, have granted this special privilege pending the magnificent subway plan which the subcommittee has under consideration.

Mr. FAULKNER. In February, 1896, they said the special privilege referred to should not be granted, and ought not to be granted, in the public interest.

Mr. TILLMAN. Then why did they grant it?

Mr. FAULKNER. Ah! Now, that is a matter for which I am not responsible. The Senator himself must ascertain why. Perhaps it was done in the hurry and confusion of the moment, for the court decided the question on the 17th day of December, and on the 17th day of December the Commissioners executed the contract. Congress was then in session.

Mr. HILL. The Senator from West Virginia wants to be fair in his statement. They started last August.

Mr. FAULKNER. Oh, yes.

Mr. HILL. But the other company procured an injunction which kept them in court until December, and they could not start any earlier.

Mr. FAULKNER. But Congress was here as the absolute controlling power, and the policy which had been established in accordance with the views of the Commissioners of February, 1896, was known to them to be the policy of Congress; yet, on the 17th day of December they entered into a contract which permitted this company to tear up 7 miles of the asphalt pavement of this city against the protest which they had made to Congress in February, 1896.

Mr. HILL. The Potomac Company did not need to apply to Congress when the courts had already decided in their favor.

Mr. FAULKNER. No one said they did. I said that on the 17th day of December the Commissioners executed this contract for the lighting of certain streets and parks in the city of Washington from the 1st day of July, 1896, to the 30th day of June, 1897, in violation, I will say to the Senator, of a well-established rule and regulation adopted by the Commissioners themselves, which they have enforced for years, that no company should be allowed to tear up the asphalt pavements of this city between the 1st day of December and the 28th day of February.

Mr. HILL. Was not the contract proposed to be executed and fulfilled last summer?

Mr. FAULKNER. Of course it was, on the 5th day of August.

Mr. HILL. Was not the delay the fault of the other company, which obtained an injunction that would not stand? That was the reason of the delay.

Mr. FAULKNER. Why speak about companies? I am not here arguing for a company. If the Senator represents a company here in the expression "this company or the other company," I do not. I am not arguing this question for one company or the other. I am arguing from the standpoint of an established public policy.

Mr. HILL. Oh, yes; we understand that.

Mr. FAULKNER. I hope the Senator will understand it.

Mr. HILL. But the Senator having alluded to the subject of whom he represents, which I regret, may I ask him a question which is a pertinent one? Where does the United States Electric Light Company hail from?

Mr. FAULKNER. I do not know, and neither do I care.

Mr. GALLINGER. If the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. FAULKNER. I have never conversed in private with any members of that company, and I know but one person connected with the United States Electric Company, and that is its president. I have never spoken to him on this subject except in the committee room. I have spoken with the president and his attorney, representing the Potomac Company, and have listened to all they had to say in favor of the position they have taken in this matter.

Mr. HILL. I did not know but that in view of the Senator's familiarity with the whole subject he might at least have heard something about where the company hails from.

Mr. FAULKNER. I have not heard, I frankly say to the Senator. I do not know where the company was incorporated.

Mr. HILL. I do not wish to charge the Senator with any negligence in the matter.

Mr. FAULKNER. It is not a matter of negligence. I repudiate any such assumption on the part of the Senator from New York. It is not a question whether I am sustaining one company or the other, as the Senator seems to think. This fight stands upon a broader basis. The question is whether we will vindicate a policy adopted by Congress and enforced at every session for six years.

Mr. HILL. Will not the Senator allow the courts to determine the question as to what our statutes mean?

Mr. FAULKNER. Yes, sir; and there is not a word in the joint resolution criticising the court in any way for its decision or taking issue with the court as to its construction.

Mr. HILL. No; but the court having decided that the new company has a right to lay its conduits, the Senator is now seeking, by special act of Congress, to prevent its being done. Is not that true?

Mr. FAULKNER. Yes, sir.

Mr. HILL. Of course. The Senator admits it.

Mr. FAULKNER. The court has never decided what the Senator asserts that it has.

Mr. HILL. It came pretty close to it.

Mr. FAULKNER. It decided that the Commissioners of the District of Columbia had a right to grant the permit, and that they could exercise that discretion by giving the contract to the Potomac Company; and, as I have said, the question involved in this resolution is whether they have exercised a wise and sound discretion.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. FAULKNER. Certainly.

Mr. TILLMAN. The terms under which the contract was awarded were that it should be given to the lowest bidder. That was the authority given to the Commissioners by the Appropriations Committee in the act passed last winter. The Potomac Company made their contract last summer; they had their permits to go to work, because they were the lowest bidders, and they were stopped by injunction until December. Now they are endeavoring to carry out their contract, and a special joint resolution is brought in here to stop them. Those are the facts.

Mr. HILL. That is the situation.

Mr. FAULKNER. The Senator from South Carolina is entirely mistaken. I dislike to differ with the Senator upon facts, but when the Senator is so absolutely certain of his facts would it not be well for him to read the law before he makes so positive a statement? You will learn, sir, if you read the law——

Mr. TILLMAN. Will you read it now? I have got it here.

Mr. FAULKNER. I am not in the habit of reading the briefs of my friends on the other side. But I will be frank with the Senator, and tell him that the provision in reference to advertising was stricken out in the House of Representatives on the report of the conference committee and was not enacted into law for the reason that it might create a doubt as to the true meaning of the provision.

Mr. HILL. Then will the Senator explain, if I do not annoy him——

Mr. FAULKNER. Not at all.

Mr. HILL. That clause of the act making appropriations for the electric lighting? There was an increase of moneys appropriated, was there not, for the purpose of placing some new electric lights in the District of Columbia—arc lights?

Mr. FAULKNER. I really can not state whether that is a fact or not. I do not remember the amount that was previously appropriated and what we appropriated last year.

Mr. HILL. I have ascertained that you gave them an increase of about five or six thousand dollars upon the application of the Commissioners. It was said that in certain portions of the city there ought to be these arc lights in carrying out the rapid-transit system, and for that purpose the appropriation was placed in the act. What company was expected under that appropriation, if not the lowest bidder, to put in those extra lights?

Mr. FAULKNER. The cost was fixed by law as a maximum, which is the uniform rule. It was not more than 30 cents in one case and 28 cents for parks. It was the understanding of Congress, or at least the committee, that it would be done by this old company east of Rock Creek.

Mr. HILL. Then does the Senator mean to contend that it was intended by the provision to which I have referred to give to the United States Company the entire monopoly?

Mr. FAULKNER. No; not all, because some of those lights were to be west of Rock Creek and some east.

Mr. HILL. That has nothing to do with it.

Mr. FAULKNER. I say it was certainly the understanding of the Appropriations Committee that in carrying out this policy they should give it to that company which would tear up less of the streets in making their conduits to the point of lighting; and in reference to the parks, it would have caused the tearing up of

only 150 feet, for the reason that the old company had the authority to run in the Metropolitan subways there from a point on East Capitol street, where their wires were, to Lincoln Park.

Mr. HILL. What price does the Senator understand was to be paid?

Mr. FAULKNER. Not to exceed 30 cents a light.

Mr. HILL. It says 24 and 30.

Mr. FAULKNER. Not to exceed 30 cents in one case, and for the lighting of public parks the price is fixed absolutely at 28 cents.

Mr. HILL. Then let us understand one another. The clause that I have mentioned is construed by the Senator and the committee to mean that this extension, if desired to be given, should be given exclusively to the United States Electric Light Company?

Mr. FAULKNER. On the east side of Rock Creek, and on the other side——

Mr. HILL. We are talking about this side, for here all the question arises.

Mr. FAULKNER. No; it does not all arise here on the point upon which the Senator asks me, as to the number of lights. Some of them being on the west side, the Potomac Company was to have the contract for lighting, and those on the east side of Rock Creek the other company was to have, for in the one case the Potomac Company had their power there, their conduits laid, and their wires up; and on this side the other company was in a similiar situation; and we proposed to hold them in statu quo until the general system to which I have referred had been adopted.

Mr. HILL. With all that elaborate explanation, still it comes right back to the question, What question was submitted to the court? I have the briefs here.

Mr. FAULKNER. I have told the Senator what question was submitted to the court.

Mr. HILL. Was not the very question submitted whether that clause gave to the United States Company the exclusive right?

Mr. FAULKNER. Why does the Senator from New York ask me that question?

Mr. HILL. Because I understand that is the question.

Mr. FAULKNER. Now, be frank and state why you ask that question.

Mr. HILL. Because I want the information.

Mr. FAULKNER. The Senator has listened to me attentively. I am very much obliged to him for the compliment.

Mr. HILL. The compliment is mutual.

Mr. FAULKNER. The Senator heard me discuss that question fully, and I have given the decision of the court that the Commissioners were empowered to give it to either one of these companies in the exercise of their discretion.

Mr. HILL. Why do you need additional legislation, then?

Mr. FAULKNER. I have also answered that question.

Mr. HILL. The Senator need not repeat it, but I certainly failed to comprehend his point.

Mr. FAULKNER. I said that the joint resolution criticises no one—neither courts nor Commissioners——

Mr. HILL. That is not an answer.

Mr. FAULKNER. But that it was to announce as the opinion of Congress a policy adopted six years ago and never departed from during that period.

Mr. HILL. How many times do you want to readopt that policy?

Mr. FAULKNER. We find that the policy agreed to by Congress during these six years and indorsed by the Commissioners in the most solemn form in their advice to Congress last year, has now been repudiated by the Commissioners when they were invested, as the court said, with a discretion either to exercise the policy that they had indorsed or to inaugurate a policy in conflict with the judgment of Congress and their own advice.

Mr. HILL. Still, I do not think the Senator has answered my question.

Mr. FAULKNER. Ah! He who will not understand, Mr. President, can not be enlightened.

Mr. HILL. And he who will not explain does not want to enlighten anybody else.

Mr. FAULKNER. Have I not explained? Tell me a single question you have asked that I have not explained as far as my limited abilities enabled me to do so.

Mr. HILL. It does not take that amount of language to answer my simple question.

Mr. FAULKNER. Mr. President, when the Senator asks me a question, having the floor, I will be my own judge of the character of its answer, but it shall be full and complete so far as I have the information to give.

Mr. HILL. Yes; that is all very well.

Mr. STEWART. Will the Senator from West Virginia allow me?

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. FAULKNER. To whom?

The PRESIDING OFFICER. That is for the Senator to decide.

Mr. HILL. I will yield with great pleasure to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. STEWART. There is one point on which I should like to hear the Senator from West Virginia. He has stated that the decision of the court was to the effect that the Commissioners had the discretion and the power to make this contract. If that be true, and the contract has been made and entered upon, would not that give some rights which Congress should not interfere with without due consideration?

Mr. FAULKNER. None whatever.

Mr. STEWART. None whatever?

Mr. FAULKNER. None whatever; and I will give the Senator the reasons. The Commissioners, doubtful, I suppose, of the attitude in which they stood with reference to this question, taking legal advice, as they should in a matter of this character, were wise enough when they granted this permit to put upon its face "subject to revocation at any time by the Congress of the United States." It is simply the permit that is affected by the pending joint resolution; and on the very face of the permit accepted by this company is a clause which protects the Government and this District from any liability whatever in withdrawing the power granted by it.

Mr. STEWART. Is not that same power reserved in all the acts we pass in regard to corporations, Congress reserving the right to repeal or modify, and does not Congress, in considering a matter of repeal or modification, take into consideration also what has been done under the law? Is not Congress bound to take into consideration what has been done under a valid contract? That brings me to the point, What has been done? I should like to ask——

Mr. FAULKNER. I suppose they have gotten two-thirds of the work through, and by to-morrow night or the night after, or some time soon, they will have the balance through, and it makes no difference. Do not let us narrow this question down to the question of mere dollars and cents between two corporations. The members of the District Committee or the Appropriations Committee are not contending for a policy that will decide whether we shall give one company or another a few dollars. We are maintaining a policy in the interest of this magnificent and beautiful city, to guard all its rights in such a way that when we come to put a general subway system in operation we can do it without going to these corporations and paying them enormous sums for subways that they laid and which can not be used for general municipal purposes.

Mr. STEWART. But my point is, Have they acquired any equities under the contract?

Mr. FAULKNER. They have acquired no equities whatever, in my judgment, but I do not want to go into the question of equity. They did it with their eyes open. They knew the policy of Congress in reference to this matter. The revocation clause expressly gave them notice of the fact that Congress might, now being in session, repeal it the next day or the day after.

Mr. President, I see the time is coming when I shall have to close. I have not discussed, by a good deal, all the questions which are involved in this case.

Mr. HILL. Before the Senator closes, he has omitted, of course inadvertently, to inform the Senate whether there was any saving between the amount that would have to be paid for the lights to the United States Company and to this new company. Perhaps the Senator can inform me upon that point.

Mr. FAULKNER. There was a saving of $3.05 on thirty-two lights, which amounted to about $100, and a cost to the Government resulting from the tearing up of 5 miles of asphalt pavement to save $100.

Mr. GALLINGER. Will the Senator permit me a moment?

Mr. HILL. Does the Senator mean to say that only thirty lights were to be put in?

Mr. FAULKNER. No, sir; and if the Senator would only pay attention to my remarks he would not have to interrupt me so often. I spoke of the lights for the parks.

Mr. HILL. I did not ask the Senator to limit it to the parks.

Mr. FAULKNER. I chose to limit it so.

Mr. HILL. I notice the Senator has done so. As Hamlet says: "Words, words, words!"

Mr. FAULKNER. There was a saving of $99 to the Government in park lighting, and a loss to the Government in keeping the streets which had been opened in proper repair.

Why, Mr. President, we do not even know now when this asphalt will be put down. If a cold spell comes at this time, the asphalt that has been torn up from one end of the city to the other can not be put down under the regulation and the inspection of the District until warm weather sets in. You can not lay asphalt when the frost is in the ground or when it is freezing, and you do not know when it can be done. For that reason the Commissioners order that there shall be no tearing up of asphalt streets by these corporations from the 1st of December to the 1st day of

March. In violation of that order, on the 17th day of December they authorized 7 miles to be torn up.

Mr. GALLINGER. Will the Senator from West Virginia permit me an observation on the point raised by the Senator from New York?

Mr. FAULKNER. Certainly.

Mr. GALLINGER. If this new company is not given lodgment in the District, has not Congress authority and power to regulate the price paid the old company and make it as low as, or lower than, the new company proposes to furnish lights? Has not that been our policy?

Mr. FAULKNER. I have stated that to the Senate. I desire to say, further, that one reason I am in favor of this general municipal system of subways is that when once constructed we can let any company or any number of companies operate in the District, renting the use of the same to the person or corporation paying the highest price for them; then we should under this system produce a fair annual income for the District of Columbia, sufficient to pay the interest on the investment.

Mr. COCKRELL. Every year the price is regulated.

Mr. FAULKNER. Every year the price of the light is regulated by the Committees on Appropriations of the two Houses of Congress, and if they have allowed too high a price during any year, they are alone responsible for it.

The PRESIDING OFFICER. The Senator from West Virginia will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247, upon which the Senator from Indiana [Mr. TURPIE] is entitled to the floor.

ARMY APPROPRIATION BILL.

Mr. QUAY. With the permission of the Senator from Indiana, I rise to a question of privilege and present the report of the committee of conference on the Army appropriation bill.

The report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9858) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment, and strike out, after the word "dollars," in line 15, page 23 of the bill, all down to and including the word "duty," in line 19, same page; and the Senate agree to the same.
>
> On amendments numbered 3 and 4 the committee of conference have been unable to agree.
>
> M. S. QUAY.
> EUGENE HALE.
> JO. C. S. BLACKBURN.
> *Managers on the part of the Senate.*
>
> J. A. T. HULL.
> R. WAYNE PARKER.
> GEO. B. McCLELLAN.
> *Managers on the part of the House.*

Mr. COCKRELL. I should like to ask the Senator in charge of the bill what are the items of disagreement? What has been done in regard to the Hot Springs Hospital?

Mr. QUAY. The only disagreement is in relation to the hospital on the Hot Springs Reservation. The Senate and House conferees reached an agreement as to all other amendments in the bill.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. COCKRELL. I move that the Senate insist upon its amendments still in disagreement.

Mr. QUAY. I suggest that the report should go to the House.

Mr. COCKRELL. We ought to insist on our amendments before we send the bill back.

Mr. QUAY. Very well. I move that the Senate still further insist upon its amendments numbered 3 and 4.

The motion was agreed to.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. TURPIE. Mr. President, I concluded my remarks yesterday by calling the attention of the Senate to those provisions in the original treaty of cession which had for their object retaining the control of the canal and the directorate to the promoters of the corporation and their colleagues chosen by the two Republics. I think it is a serious subject for consideration when we find the Maritime Nicaragua Canal Company so willing to violate the terms of their engagement and so reckless in regard to their obligations, whether a corporation governed by such a spirit is a proper depository for the very important trust and the very large amount of funds which are sought to be placed in its treasury and custody by the passage of the pending bill.

The provisions in the original treaty of cession are not designed to exhibit any unfriendliness on the part of the two Central American Republics either to the interoceanic canal or to its completion or construction. Neither does it manifest any hostility to the Government of the United States that its control of the directorate should be excluded by the terms of the cession; but it does give notice, not only to this corporation but to the Government of the United States, that when these two Republics conclude to treat with the Government about the construction of the canal they will do so directly and not through the medium of this corporation or any other. That is the manifest intendment and purpose of the policies so expressly declared in the articles of the treaty of cession.

Although it may be a matter of no consequence, and they have shown by their action that it is a matter of no consequence, to this corporation whether they observe these treaty provisions or not, it is a matter of great consideration to the two Republics who are parties to that treaty and to any corporation, person, or power engaged in the construction of that canal to preserve the amity of the two Republics and the friendship of the people who inhabit the land which the canal course will necessarily traverse.

I do not think it is possible, sir, to operate this canal upon any profitable terms or upon any terms whatever through the country of an unfriendly population. It must be recollected that the people of Costa Rica and Nicaragua are a very high spirited people, accurate in their definitions of right, precise in their sense of right and of justice, and very particular in regard to treaty limitations; and it would be wrong for us either directly or indirectly to offer injury, not to say insult, to the people of that country and their Governments by trespassing upon their rights, so clearly reserved in the cession to which I have alluded. So essential is the friendship of the neighborhood, of the vicinage, to the successful construction and completion of this canal that it has been noticed by every engineer and every commission which has reported upon this subject. The canal must be built with the assent and with the amity of the Governments and people of the country through which it runs, for it must be recollected that this canal, even under the most favorable conditions, will yet be a very tender subject of maintenance. It will be a work very sensitive to injury. It has been compared to the canals of Suez and Manchester, but the canal of Suez is a true maritime canal. It is filled with sea water. It has an almost imperceptible current from the Mediterranean to the Red Sea. It has no interior locks; it has no embankments, except those that have been made necessary by excavation. In order to destroy the Suez Canal an enemy would have to dig another of the same size and dimensions and divert the water from it.

The same thing may be said with respect to the Manchester Canal. The Suez and Manchester canals run through a comparatively level country. They have no semipipe lines. I do not know that there is any scientific technical term and appellation, but a great majority of the work on this projected canal by the Nicaragua route is where water is carried around and through the hills and valleys by embankments. The excavation represents the side and bottom of the pipe, and the embankment taken from the hill represents the other side of it. It is open at the top, but the work is pipe work and depends for miles simply upon the earth inclosure. According to the report made by the engineer of the company itself and according to the report made by the engineer of the Government, half an hour's work with a pick and shovel would be able to wreck the whole system of canal simply by destroying part of the embankment and allow the flood to rush through it. A very small beginning would accomplish the entire destruction of the whole scheme of improvement.

These are circumstances, sir, which I think ought to put us especially upon our guard against provoking the prejudice, possibly the hatred, of the people and the Governments whose territory is to be tranversed by this project of the Nicaragua Canal. It is a people facile in revolution, a people who easily resort to arms, who are accustomed to the conflict of war, and a people whose malice and whose ill will ought not to be provoked, especially if it be aggravated in the first instance by a violation of treaty obligations under the auspices or under the enactment of the United States, such as this company is now demanding.

But, Mr. President, it is said by the promoters of this project—I mean the project named in the pending bill, and especially the subsidy named in the bill—that although we may not, under the terms of the cession, control the directorate, or transfer the directorate to any government or state, we may secure the right or interests of the United States otherwise. So as this is a pecuniary or financial transaction, they propose to secure us against loss or damage by what they term a mortgage of property, a transfer of assets, collaterals which they deem ample to guarantee us against loss by reason of this guaranty of their bonds.

Having already discussed the question and shown the impracticability of the control of the directorate and of the transfer which the bill makes possible, I now purpose, sir, to discuss the feasibility of the transfer of property as a financial security for this guaranty. They speak of a statutory lien and of a statutory pledge and also of a mortgage in hæc verba of the whole property, real and personal, corporeal and incorporeal, of the corporation there. Now, sir, what property rights has this corporation in that country?

I ask the question, What property rights has this company there? I will ask the additional question, What property rights is it possible that this company could acquire there by the provisions of their original charter law? In order to determine that, I will ask the attention of the Senate to the original provisions of the treaty of cession with respect to their acquisition of proprietary rights. I refer to article 8.

Article 8 provides:

> The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers. Nor shall the company cede to any foreign government any part of the lands granted to it by this contract; but it may make transfers to private parties under the same restriction.
>
> The Republic of Nicaragua can not transfer its rights or shares by selling them to any government

There is the same provision in relation to the Republic of Costa Rica. Both Republics have bound themselves in this treaty of cession with the corporation not to transfer their rights or shares to any government or any power. This association is bound also in no case to transfer to governments or to foreign public powers any of the rights created by this cession. It will be seen also that the lands spoken of, the subsidy on the part of the two Republics to this corporation, can not be transferred to any government. They may be transferred to private parties, but these private parties can not transfer the lands to any government.

With respect to these lands, I wish to call the attention of the Senate to the article providing that the lands granted by the Republics to aid in the construction of the canal shall not be conveyed until the canal has made such progress as shall satisfy these signatory powers. At the present time no conveyance of any of these lands has been made by either of the two Republics. The title is wholly inchoate; it rests in equity, and the equity can not be enforced because the fact upon which it depends, the construction and progress of the canal, is not made thus far to appear satisfactorily to those Governments who have at present the title to these lands.

What title, then, has this corporation in this work? Sir, it does not own the land over which the canal is to run. That is provided for in another section. It only has an easement—that is, the right to the building of the canal over such lands. It does not own the land it may get as a subsidy from the two Republics to aid in the construction of the work. They have never parted with their title. It does not have a title to the easement over the lands, a completed title, because that depends upon construction and completion.

What real property, then, has this company? None whatever. What personal property? They have no personal property. The personal license to enter upon the lands traversed by their route and build the canal—of what value is that? When will it ripen even into an easement? Is it now the subject of mortgage? Is it now the subject of pledge or of lien? Certainly it is not. It is only a license, carefully guarded and restricted, to the person named—the Nicaragua Canal Company—and also carefully guarded and restricted against the United States and other governments—a personal, a peculiar, a restricted license to do this work—and, while doing it, not to be subject to private action, not to be treated as a public enemy. This is the only right which the canal company owns, and it is a right neither in law nor in equity transferable. It is not mortgagable to the United States nor to any other government. Their mortgage reads that all the right and title of this canal company and all the personal and real property, as well as the right to be a corporation, may be mortgaged to secure the guaranty of these bonds. I pass by the question with respect to whether they can mortgage their right to be a corporation. Take that for granted. What else have they got to mortgage? What else have they got to pledge? A mortgage is a transfer, a conveyance of real estate; a mortgage is a transfer and conveyance of an interest in real property. It is an inchoate conveyance. This treaty denies the right to transfer this concession, any of the lands, any of the incidents; and as a pledge or mortgage is a transfer, a transfer sought to be made by this act of Congress is in direct violation of the treaty, and the transfer of proprietary rights provided for in the pending bill is as direct a violation of the provisions of the treaty of cession as those in the bill with respect to the directorate.

I call also the attention of the Senate to Article LIV of the same treaty, to show what the ultimate title to the canal will be.

> On the expiration of the ninety-nine years stipulated in this concession, or in the event of the forfeiture contained in the preceding article, the Republic shall enter upon possession in perpetuity of the canal, of works of art, light-houses, storehouses, stations, deposits, stores, and all the establishments used in the administration of the canal, without being obliged to pay any indemnity to the company.
>
> * * * * * * *
>
> But the company shall have the right, at the expiration of the aforesaid term of ninety-nine years, to the full enjoyment of the free use and control of the canal in the capacity of lessee, with all the privileges and advantages granted by the said concession, and for another term of ninety-nine years, on the condition of paying 25 per cent of the annual net profits of the enterprise to the Government of the Republic, besides the dividends due to it for its shares in the capital stock.
>
> * * * * * * *
>
> At the expiration of this second term of ninety-nine years the Government shall enter into perpetual possession of the canal and other properties referred to in the first part of this article, including also in this possession all that which is excluded in the said first part, with the exception of the reserve and amortization funds. The failure to comply with any of the terms of the lease shall terminate it, and the State shall enter into possession of the canal and other works belonging to it, in accordance with the provisions of the preceding paragraph.

This canal corporation, if the canal were constructed and completed, has only an easement in it for ninety-nine years. After that they may become a lessee. Their easement terminates as such. They then obtain a lease upon the canal, but that lease is loaded with the provision that 25 per cent of the profits shall go to the Republic of Nicaragua and to the Republic of Costa Rica, respectively.

This treaty of concession is one in perpetuity, at least for the term of one hundred and ninety-eight years. It lasts a very long time. They wish us to step into their shoes. I ask any Senator whether he wishes to undertake to do this for our interest, to undertake the guaranty of this enormous subsidy under the condition that during the period for which it may be occupied—the latter period for which it may be occupied—we shall pay 25 per cent of the profits to these two Republics of Central America?

The promoters of this scheme have said a great deal about its profitableness, about the rich returns which are to come from it. Sir, nobody has estimated, or can estimate with any certainty, what its profits will be; but if there be any net profits, 25 per cent of them, one-quarter of the whole amount, is already foreclosed and mortgaged during the entire second term to these two Republics. That was the provision which this corporation easily acceded to. They seem to have been anxious to procure this concession. They took very little thought about to-morrow, and especially about the remote to-morrow. But when we of the Government of the United States are to be subrogated, as it is said, to their rights, we must also consider that we shall be subrogated to their burthens. And I do not believe that it is for the interest of any government in the world—I am certain it is not for the interests of this Government—to be subrogated to any rights which shall entail upon us the obligation to pay one-quarter of the profits of the canal to these two Republics of Central America.

As showing the very sensitive feeling with which these two Republics regard the eminent domain now held by them and never abandoned, and that they do not cede the land over which the canal is to be built, I wish to call the attention of the Senate to Article XXXVII in the treaty of cession, showing the continuation of sovereignty, showing the perpetuity of the dominion of the Republics upon this canal route. Article XXXVII reads:

> The Government shall establish all along the line of the canal included between the two terminal ports such police stations and revenue officers as in its judgment are necessary to preserve order in the region of the canal and for the observance of the fiscal laws of the Republic. All expenses incident to this service, including those of buildings, endowments, salaries, and allowances of employees, and transportation of the forces, shall be paid to the Government by the company on such terms and conditions as may be established, taking into consideration the requirements and necessities of such service. The company, however, shall have the power to establish guards and watchmen for the service of the canal and the enforcement of its regulations.

Here is a right reserved, and a continuous right reserved, on the part of the two Republics to police this canal, to police it by military force, to police it by the erection of stations and buildings, quasi fortifications, and to charge the expenditures occasioned by this exercise of their police power to the company, and make it a charge upon the receipts. It is not only in itself a very important and expensive charge, but it shows the design, the emphatic purpose of the two Republics not to abandon their sovereignty, not to abandon their dominion, not to abandon their eminent right as owners of this land, but to keep it, to preserve it, to reserve it, to save it, to secure it, at the expense and charge of the Maritime Canal Company of Nicaragua.

What, then, is this proposition for a mortgage? Mr. President, it is a proposition to mortgage a thing which the company do not own, and never can own; it is a proposition to mortgage real estate or personal property which the company, if they did own, could not mortgage to us or to any other government. Such a mortgage would not be worth the paper it is written on.

There is another item thought to be of very great importance in this discussion—in the former discussions at least of this question—and I had almost forgotten it. It is the railroad. The company had the right to build a railroad for the purposes of construction upon the same easement which the canal is to traverse.

I wish to call the attention of the Senate to the character and nature of that property, and especially to its present condition and value. I will also read in this connection a description of some other personal property down there, which the engineers seem to have regarded as the property of the company. I read from page 40 of the report made by Colonel Ludlow and his associates October 31, 1895:

> A large amount of property of various kinds lay out of doors and in an advanced condition of decay—numerous steel boats and launches, hulls and machinery rusted through; a pile of 8-inch spiral riveted pipe, intended to bring water from a reservoir to the barracks and quarters; spare shears for the dredges; two or three tugs and small steamboats, past all service; several scows and lighters rotten and sunk. The five dredges bought by the company from the Panama Canal dredging contractor lay in the harbor on the bottom uncared for, with rusted machinery and woodwork dropping. Three locomotives under cover are probably unserviceable. The machine shop, having been used to a certain extent by the river navigation company for occasional repairs to their vessels, was capable of service, but, with the exception of the large buildings, little else could be considered as representing any value.

This is a part, I suppose, of the personal property of the corporation. So the engineers regard it. Then the engineers go on to state:

> While giving a brief account of the plant and constructions at Grey Town Harbor, where all the work connected with the actual canal building was done, it will be convenient to include the railroad which extends inland for a distance of 11½ miles along the line of the canal to between the sites of Locks 1 and 2.
>
> The Board made a trip over the road on a hand car propelled with poles and the results were of interest and value.
>
> The single track is standard gauge, laid with 80-pound steel rails, from Pittsburg, and 2,464 ties to the mile, and was built between May, 1890, and February, 1892.
>
> The ground covered is flat and swampy for the greater part of the distance, and across the wetter portion the roadbed was formed by first cribbing roughly, then laying a temporary track and filling with sand, most of which was brought from the canal cut at Grey Town. Most of this work was done by men working up to their waists in water.
>
> Notwithstanding the exposure to the immense rainfall, the roadbed when examined was found in fairly good condition, and the rails gave little evidence of corrosion, but the ties were gone. Those first laid near Grey Town were of North Carolina pine, creosoted with 12 pounds of wood oil to the cubic foot, and were apparently about in the same condition as would be that of uncreosoted ties laid for three or four years in the States. Farther out pine ties from Bluefields, not creosoted, were much decayed. The remainder, of native timber, were entirely rotten. With a few exceptions all the ties must be replaced before the road can be used.
>
> Four and one-half miles out is a clay fill, standing well, with little indications of wash, and leading to the bridge crossing the connection between the Benard Lagoon and the San Juanillo River.
>
> The bridge is a pile structure of ordinary type, about 125 feet long, 4 piles to the bent, braced and capped. The noticeable peculiarity of the bridge was that it had been stayed both up and down stream with wire ropes secured to trees. Upon inquiry it was learned that the piles had been driven through 70 feet of soft mud. As the locality in question is within a few hundred yards of the lagoon through which the canal line passes, the subsurface conditions, if continued in the lagoon, are very unfavorable features for canal building.
>
> Beyond the bridge crossing is the first clay cut, and farther on both cuts and fills are numerous.
>
> The cuts have heights up to 20 feet, with slopes from vertical to 45 degrees, and in most cases stood with an extraordinary stability under the tropic downpour. At several the original tool marks were still visible, both pick and steam shovel. In several others there had been slides, but none of great extent. The ditches were generally clean, and in but few points had the wash reached the rail. The surface of the cuts was in some cases protected by vines, but in most was quite bare unless for a minute lichen.
>
> As these clay cuts had been exposed for over three years to the severest rainfall of record on this continent, and were found in better condition on the whole than an exposure in the United States for a single winter would have left them, it is evident that the absence of frost more than balances the tropic downpour, and for the materials in question constructions can quite as safely be designed as in the United States.
>
> A train of flat cars standing at siding was nearly covered with vines and creepers and the woodwork far advanced in decay. On the other hand, the natural growth in the roadbed was unexpectedly slight, although in two or three cases the canebrakes had invaded the track.
>
> On the whole, taking into account the condition of the sand dumps at Grey Town and of the clay cuts and fills on the line of the railroad, it is evident that the heavy rainfall is not necessarily as formidable an obstacle to outdoor constructions as might be supposed, although the slight works in question must not be too confidently accepted as safe precedents for much heavier constructions, and, with work in clay, an accumulation of water must always be guarded against.

It was part of the theory often announced here of the Maritime Nicaraguan Canal Company that the construction of this railroad would make a very valuable feeder to business, both to the commerce of Grey Town and to the interior, without reference to the construction of the canal at all: that a town would be built up at this terminus at the foothills, and that the way travel and the way freight would be very considerable; that the rich lands adjoining the right of way of the canal would in this way be settled and colonized, for it will be recollected, sir, that a million acres in this very neighborhood of public lands belonging to the Republics of Costa Rica and Nicaragua are to be conveyed upon the progress and completion of the canal to this company as a subsidy. It is said that these acres are very fertile lands, that they will be of the value of $5 an acre, or probably more, when the canal is completed. Mr. President, this railroad has been completed since 1892. It runs right through these lands which make the subsidy. These lands are fertile: they sustain vast virgin forests of mahogany, redwood, and other valuable timber indigenous to the forest; but there is no crop ever grown upon them; no part of them has ever been tilled; no part of them has ever been colonized or settled. They are under water; they remain under water, like the canal itself; they are submarine, and it is impossible that farms could be made there. Public lands, of course, they are. They have been public lands for one hundred and fifty years. They are open to entry at 50 cents an acre, and have been for a century and a half.

No corporation, no individual has ventured at any time to enter upon the problem of reducing to cultivation these public lands of the Republics situated between the Caribbean Sea and the foothills, the place of the terminal of this railroad. What is the condition of this railroad, which was to be accompanied with traffic, with commerce, with the incidents of progress and of business? Totally useless at present, the track being grown over in some parts by cane and in the other parts by vines, by undergrowth, the result of tropical vegetation. Sir, I have not seen any railroad in this country or in any other civilized country within the track of commerce on which a canebrake grew, or on which traffic has been impeded by vines or underbrush. The truth is, there is no settlement and can be none along the line of this road. There is no value in the land, there never can be any, and there is no value in the railroad which it is proposed to mortgage—less value, if possible, than in the part of this canal, a very small one, which the company claims has been completed. This railroad is situate, as I said before, upon the right of way, but the railroad is simply a parallel line of steel rails. It is not and never has been a road in actual use or profitable operation. That is one of the principal items named here and insisted upon as a guaranty for the subsidy of $100,000,000.

Is it possible that this company is not aware of the condition of that road? Is it possible that this company has not heard of this extraordinary trip, without parallel, a trip on a railroad on which the car was propelled with poles? Certainly the Maritime Canal Company must be well acquainted with this species of travel (it is here in the written report, made by the Government engineers), this method of transportation, and this method of communication, by poling a railroad car upon a sunken road over rotten ties. That is the franchise which is to constitute part of the security of the United States for making this stupendous subvention.

Mr. President, it has become a part of the regular profession of operators upon public and private confidence to deal in what are called bogus mortgages, spurious mortgages. One of these operators comes to a town, sometimes even to a large city. He is a man extremely prepossessing in appearance, with great plausibility of address. He has what he claims are notes, mortgage notes, given for purchase money of land which he was obliged to sell at a great sacrifice, and consequently his paper for purchase money is gilt-edged, and it does not exceed one-half the value of the lands mentioned in his mortgage. He exhibits this mortgage and these notes to a person very credulous. That person is not in the habit of using the caution which an attorney or other expert would in regard to such transactions, and although one can hardly conceive of a large sum of money being transferred upon such pretenses, yet every week the newspapers give an account of just such a transaction—the successful looting of some local curb broker by means of a spurious mortgage and mortgage notes.

But that transaction differs very essentially from the one which is set out with great care in this bill. In the transaction to which I have alluded the purchaser of the spurious notes and mortgages does not become aware that the holder of them and the person who is supposed to have executed them never, either of them, had any title or interest in the mortgaged real estate, that the whole thing is a fraud and an imposition. He learns that, all about it, all the particulars, but he does not learn them until he has parted with his money.

Now, this operation proposed in the pending bill differs from the one of which I have spoken in the fact that the company advises, not on the face of the bill, but on the face of their treaty charter, upon the face of the report submitted here, that they have no title to the land—no interest in it—that they have no sort of interest, and have none which they could transfer to us or to anyone else. They ask us, with our eyes open, knowing the security is straw, knowing that the security is worthless, knowing that the security they offer us is dross, utterly valueless, to give them $100,000,000 and say, "We will guarantee the payment by a mortgage, by a lien upon securities utterly without value." That is the difference between the operations.

Now, sir, the first operation, it seems to me, has always been extremely harsh. It might depend somewhat upon the want of caution in the person who parted with his money without investigation. But the operation proposed to us here has no such excuse or justification for its acceptance, for we are advised in the same breath that the security is Peter Funk, and that the parties are nearly related to that distinguished citizen. I hardly see how anyone can read the bill seriously. It provides in all particulars, just as if it were an honest transaction, that the mortgage shall be acknowledged: that the mortgage shall be recorded: that it shall be recorded in the Office of the Secretary of State of the United States; that it shall be recorded in the capitals of the two countries, Costa Rica and Nicaragua, when the whole investment would not even pay for the original draft of it. The whole investment would not sell to-day in any market for the expenses of preparing and acknowledging the papers. At such a proposition as this, it seems to me, impudence itself would stand aghast.

Since the last discussion of this question in the Senate we have had a report by three officers especially appointed to inspect the line of the Maritime Nicaragua Canal Company with reference to its practical execution and feasibility and the cost of construction and completion. It is the first disinterested inspection and report that we have had of this line. We had in 1874, under the Administration of General Grant, quite a full and disinterested inspection of the Nicaragua route, but not of this line, and I wish to call attention for a few minutes to sections of the report made in 1874. There is a perpetual claim, utterly groundless, a claim repeated by iteration and reiteration, that the Maritime Canal Company of Nicaragua were the first to demonstrate the practicability of this work, and that as a premium for such discovery, a reward for such exploration, they must have a large sum of money, for which they have now three times asked the Congress of the United States.

I wish to show, sir, that this claim is wholly unfounded; that twenty-two years ago what they claim as their discovery was well known and was reported as a fact ascertained under a commission appointed by the Government. This commission was known as the Admiral Ammen commission. He was a member and president of the commission. The commission was seven in number; three of them were from naval and military life, four of them from civil life, and they were accompanied by two engineers, Colonel McFarland, of the Army, and Captain Heuer, also of the United States Engineer Corps, who had charged upon them the particular details of the inspection and survey. They went by virtue of an act of Congress under the suggestion of the President—General Grant. They made their report in December, 1875. I wish to read a portion of their report, its conclusion, because it bears upon the question of exploration and discovery to which I have alluded.

> First. The general scheme is good, and the route is certainly practicable.

That is their conclusion. That is the fact which the Nicaragua Canal Company say they discovered first. That is what they claim as their patent. That is what they claim as preeminent merit, that they determined the practicability of this route. In December, 1875, twenty-one years ago, the Government commission reported as follows:

> First. The general scheme is good, and the route is certainly practicable.
>
> Second. Further examinations need to be made of the country in rear of the proposed dams in the San Juan River, this question affecting not the practicability of the proposed work, but the probable cost of it.
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> Third. Additional and extensive borings need to be made in order to determine the nature of the material to be excavated.
>
> Fourth. The proposed harbor at Brito should be enlarged.
>
> Fifth. The harbor at San Juan del Norte or Grey Town can not be restored, and the proposed remedy is inadequate. A harbor must be constructed here in deep water, and the canal be led out to it.

The Maritime Canal Company of Nicaragua was born in 1889. Nearly twenty years before they were born, twenty years before their eyes, or the eyes of any of their agents or engineers or subordinates, had looked upon this route, the United States Government, by a commission, reported that it was certainly practicable. But they reported also that it would cost, subject to contingencies, $140,000,000. The report was made to General Grant, and by him transmitted to the Congress of the United States.

When the final estimate was submitted to the President, the cost of the work being estimated at $140,000,000, President Grant received, heard, and considered their report, and took no further steps in the matter. Was General Grant unpatriotic? Would any person claim that he was indifferent to the interests of the United States in this great improvement, this vast amendment to interoceanic communication? No, sir: he was a man thoroughly patriotic, of intense devotion to the interests of the country, not only as a citizen and a soldier, but as Chief Magistrate; a man of great patience, great persistence, gifted with silence beyond the ordinary manner of men, of great caution.

I agree with what the honorable chairman of the select committee said the other day—General Grant was the author of that phrase, now so common, that we must have at this point "an American canal under American control." He had conceived and justly conceived that if this project was in any way practical, commercially feasible, he would enter into negotiations with the two Republics and directly undertake the construction and completion of the Nicaraguan Canal. But when he had received this report, examined it, especially the cost estimate, subject to contingencies, although he was the author of the phrase spoken of, yet that policy—an American canal under American control—was dominated by that other splendid policy of silence. He never made any allusion to the project afterwards. He never made any mention of it in any message; he never took a further step toward its prosecution.

The recent report to which I have alluded was made by Colonel Ludlow, of the Army, Captain Endicott, of the Navy, and Alfred Noble, a citizen of the United States and an engineer of long and large experience in work of this character. I wish to call attention to this report and some of its principal features, comparing it with the report made by the company, as the report is confined to an inspection and estimated cost of the execution of the work upon the line which they have adopted. For it must be recollected that under the treaty of cession the Maritime Canal Company were bound after the fashion of our statutory regulations in the States. When a railroad wishes to condemn property or run a line, either through public lands or private lands, it has as a condition precedent to file profiles and maps of the route. It is necessary in order to extinguish the right of eminent domain and subject to easement public lands, and it is still more necessary where the right of way traverses private property. For this reason the maps and profiles of the Nicaraguan Canal Company were made the basis of this examination and the estimated cost by the commission composed of the gentlemen of whom I have spoken.

I wish now, in the first place, to say that there are three very important and very expensive branches of the work which are not noticed in the report of the Government commission at all, simply for the reason that they are not found upon the profile or map of the Maritime Canal Company, not because the Maritime Canal Company were not obliged to finish and execute these portions, just as they are to make the main trunk of the canal, but because they have not submitted to the Government maps and profiles of the same.

They knew that the execution of this work, the omitted work, would largely increase the expense and the estimates, and they seem to have suppressed those three works of which I have spoken. That is the reason for the litigation which is pending and may be pending for a long time and may be pending now in the courts between the corporation and the Republic of Costa Rica and the Republic of Nicaragua. The first one of the omitted or lapsed works to which I call attention is the Managua Canal. Managua is the capital of the Republic of Costa Rica, situate upon the lake of Managua, and while the two Republics were bargaining about the construction of this Nicaragua Canal they inserted in the cessionary treaty for their own exclusive benefit—and we will be bound by that provision—an obligation to build a canal between Lake Managua and Lake Nicaragua, in order to place the capital of the Republic within reach of the ocean terminus of this canal; in other words, to make substantially a seaport of the town and city of Managua, which is now only a lake port. I wish to call attention to that provision of the cession:

> Within three years, to be counted from the commencement of the work upon the interoceanic canal, the company—

That is, the Maritime Canal Company—

> shall, at its own expense, construct a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length. When completed, this canal shall be taken possession of by the Government of Nicaragua, and will be, after that date, the property of the Republic, which, by virtue of its ownership, shall be bound to bear all expenses required in the future for the service, maintenance, repair, and operation of the canal. But the company shall have the right to make use of it for all purposes useful for the maritime-canal enterprise.

There is a canal which is to be built and handed over ready for traffic, ready for commerce, by the Maritime Canal Company as a part of the consideration for the grant of this concession. There is a provision which will be binding upon the United States. There is a provision as to which the pending bill is silent and the original act of incorporation is silent.

Mr. CAFFERY. Will the Senator from Indiana permit me to ask him whether or not any estimate has been made of the expense of digging the Managua Canal alone, to connect the city of Managua with Lake Nicaragua?

Mr. TURPIE. No, sir; there has never been any estimate.

Mr. CAFFERY. It is an obligation, however, upon the part of the Nicaragua Canal Company to construct this particular canal?

Mr. TURPIE. Yes, sir. It binds the assignees of the Maritime Canal Company also. It binds anyone who takes this contract. It will bind the United States if we could take it, if it were possible to accept it. If it were lawful for the corporation to assign it or transfer it, they could not transfer it without its being subject to this obligation to construct the Managuan Canal, 21 miles long, connecting the two lakes of Managua and Nicaragua.

There has not only been no estimate, but there never has been a scientific survey of the expense of the work. The evidence in these reports will show that the Managua River—that is the name of the river connecting the two lakes, Managua and Nicaragua—is sometimes a dry bed and sometimes a wide stream containing a considerable volume of water; that a great part of it is rock bottom, and that consequently this work is going to be quite expensive, and it is just as certain that it will be as obligatory as expensive. The Republics are not going to surrender the right to have this work finished, completed, handed over to Nicaragua ready for use and occupation.

The Senate will take notice that there is a limitation of time in respect to its construction: "Within three years, to be counted from the commencement of the work." Those three years have elapsed. The Senate will take notice that in the conditions of forfeiture one condition is a failure on the part of the company to perform the work mentioned in Article XIV, to complete and construct the Managua Canal as a part of the canal system. The consequence is that by law they have already forfeited everything. In equity they have already surrendered everything. In reason they have already, either voluntarily or negligently—not by main force—given up and abandoned their contract and its principal provisions. They have not pretended to construct the Managua Canal.

Another one of these vast works, that is, works which we would be bound to perform under this treaty of cession, is the harbor at San Carlos and the harbor at Lajas. There are four harbors necessary for the successful operation of the canal. Two of these are external, one at Grey Town, on the Atlantic coast, and the other at Brito, on the Pacific coast. Two of them are internal, one at San Carlos, on the eastern side of Lake Nicaragua, where the canal enters the lake on its way from the Atlantic, and the other at Lajas, on the western side of Nicaragua, where it leaves the lake to enter the Pacific. I wish to read the section of the treaty of cession upon that subject:

ARTICLE XVI.

The company shall construct, at its expense, and maintain in good condition two large ports, one in the Atlantic and one in the Pacific, to serve as termini of the canal, each of them to have a light-house of the first order. It shall also construct at the two points on the borders of the lake where the canal disembogues two ports of lesser size, with the respective light-houses.

The company is also obliged to maintain and improve said ports by means of dredges, dikes, piers, embankments, or any other works it may deem advisable, having always in view the good service of the traffic through the canal.

The report of the Government engineers shows no sort of estimate of the cost of the Managua Canal, the cost of the harbor at San Carlos, nor of the harbor at Lajas. I think that any estimate is purely a matter of conjecture. It is very certain, however, from the evidence given that the harbor at San Carlos will be very expensive. That is the place where the course of the proposed canal enters and leaves the River San Juan upon its way to the Pacific.

The evidence shows that from where the canal disembogues on the western side of the lake for 14 miles out into the offing the water shoals to 7 feet, and that a mud deposit, pure mud, is for that 14 miles of the varying depth of from 30 to 50 feet. So in the construction of a harbor at San Carlos, a lesser harbor than the one at the ocean ports, but certainly large enough to afford shelter and anchorage for the very largest-sized vessels, a vessel of war drawing 30 feet, with 45 or 50 feet beam, nearly 600 feet in length, the excavation of a harbor suited for the anchorage of such vessels at that port will be an extremely expensive work. It will cost the excavation of the acreage whatever it may be, 40 or 50 acres of the mud deposit of which I have spoken, and then some way of securing the mud taken out from returning into the excavation and harbor. There is not a more difficult problem of engineering on the entire route. Yet it is omitted entirely in the estimate of the Nicaraguan Canal Company, and although it is mentioned, it has not been estimated by the Government report made last December.

The same thing may be said with reference to the harbor at Lajas. The difficulty there is of quite a different character, but still it exists. At Lajas the water shoals with a rock bottom, the same as that of the Managua River, and under water 3 or 4 feet deep excavation will have to be made of the lake bottom large enough to make a harbor which, under the terms of this concession, will accommodate the traffic and commerce and the shipping of an interoceanic canal.

I will not attempt to estimate either of these items—the cost of the Managua canal and the cost of the Lajas harbor, or the cost of the harbor at San Carlos; but I do say that they are specially and expressly provided for in the treaty of cession, and that there is no act of Congress which can relieve us from the obligation to complete and construct them.

I say it is an irrational request, an unreasonable demand, a thoroughly wild proposition, that we should undertake to guarantee the performance of this work and enter upon its completion and construction without even an estimate of the cost of three of the principal items necessary in its prosecution.

I say further that a corporation that will come here with such a proposition, so thoroughly devoid of its essential elements, so thoroughly bare of the things necessary to determine its prudence, its expediency, ought not to be heard or considered with reference to the granting of a subvention of this amount.

I wish now to enter into some comparison of the two reports—the report made by the Maritime Canal Company and the report made by the Government engineers, the first report made to us of the practicability and estimated cost of the work by disinterested parties.

Grey Town Harbor is provided for in the cession not any more than the lake harbors to which I have alluded. For Grey Town Harbor the company found it impossible not to make an estimate. They seem to have been aware of the fact that before the canal would be of any use there must be a way of reaching it from the ocean. I wish to read something with reference to the description of Grey Town Harbor, from report of the Government engineers, on page 85:

1. *Grey Town Harbor.*—The entrance to the harbor as proposed by the company is too near the angle of the coast line, and, as is indicated on the accompanying map (Plate XVIII), should be moved eastward about a mile and a half, the present lagoon to be used as the inner harbor and connected with the entrance by a canal with a bottom width of 200 feet. The harbor throughout should be dredged to 30 feet below low water, and its depth increased to 6 fathoms at the entrance.

That is the general conclusion with respect to the dimensions and character of the harbor at Grey Town, a very important point, because it stands at the very entrance of the canal. The estimate of the board for the completion of that work, shown on page 96 of the report, is $4,480,000. The estimate of the Maritime Canal Company for the completion of the same work, the harbor at Grey Town, is $2,151,000. The item for dredging necessary in the Grey Town Harbor, under the Government estimate, is $3,000,000. The item for dredging alone, under the report by the Government engineers, exceeds the whole expense of the estimate by the Nicaragua Canal Company. The item for stone pitching is $300,000.

I should like to inquire the meaning of the term "stone pitching" or to call the attention of the Senate to it, because in the estimate of the Canal Company it was said that the dump taken out of the harbor would make embankments, docks, and sides itself sufficient to withstand the tides, the waves, the storms, and the necessary friction which follows in the wake of vessels moving in a harbor. This commission advises a large expenditure for stone pitching, and they advise us what that stone pitching is. It is a revetment of stone reaching from the top of the designed embankment down below the water, so that the embankment of earth is to be lined with stone, and they report that it is absolutely necessary not only on account of natural conditions, but to resist the action of the water disturbed by the wheels and propellers especially used in steam navigation.

I call attention to the animus—the very manifest animus—which lies concealed in the difference between these two estimates. The Nicaragua Maritime Canal Company, in estimating the amount of money necessary to make the harbor there, estimate it at $2,151,000; to be simply expended without the hope, without the chance of a harbor being constructed; to be wasted in an abortive attempt to construct a harbor.

I come now to the harbor at Brito.

Mr. VILAS. Before the Senator passes to that point, I should like to ask him if I am correct in understanding that there are five items which the Maritime Canal Company's engineer entirely omitted from consideration and which the Government engineers found absolutely necessary to include in respect to that harbor?

Mr. TURPIE. There are three. I come now to the harbor of Brito, page 102 of the Government report. That is a harbor at the Pacific terminal of the canal. It is called a harbor now by way of courtesy. There is not even a place for a harbor. It is a straight beach slightly indented in the general line of the coast. The harbor is to be made by building solid walls out into the water partly, and by excavating the land on the landward side That is the plan both of the Government engineers and of the canal company engineers. The company's estimate for this work was $1,920,000. The board's estimate is $4,398,000. The dredging provided for by the estimate of the Government engineers amounts to $1,687,000, lacking only about $300,000 of the whole sum estimated by the company. The stone estimated for in the breakwaters of this harbor, the means by which the harbor is to be made, by which the water is to be fenced, if you will allow me the expression, is estimated by the Government engineers at $2,535,000—about half a million more than the company engineers estimated for the whole work. Here is the same purpose of endless expenditure without the slightest prospect of completion or return.

I come now to another large division of the work, called Lake Nicaragua, page 99. The company's estimate of that work is $1,969,000. The board's estimate is $3,907,000. The estimate of the Government engineers is very nearly twice that of the board of the Nicaragua Canal Company. These are very important works. They relate to the extension of the canal into the lake at San Carlos and Lajas. The canal proper is estimated for. The harbors are not even mentioned.

I come now to the San Juan River, on page 99 of the Government report. There are about 60 miles of this canal which are proposed to be constructed by the use of the San Juan River as a channel of navigation. There are four principal rapids in the river, and the estimate to be made and the work to be done is to remove the rapids, the stone in them, so as to admit vessels drawing 30 feet, to make the channel wide enough and deep enough for ocean vessels of the largest size. That estimate, according to

the company, is $1,975,000. According to the Government board's estimate it is $14,866,000, a difference of $13,000,000. I think that is a showing which exhibits the enormity of suppression that was designed in the report and estimate of the Maritime Nicaragua Canal Company. They could not have had the slightest idea of giving to the Senate or the country any conception of the real amount of money necessary for the construction of this canal and the completion of the enterprise.

I will admit with great willingness that men may make a mistake in estimates, that men may make a serious mistake in the statement of accounts, that men, even the most skillful, may possibly make mistakes in the estimate of costs; but a mistake in such a particular of $100,000 would be a large one. It would be one, I think, that would attract everybody's attention. It would be one that would cause comment upon the carelessness of the engineer, and cast even suspicion on the character of his work. But this is not a mistake of $100,000. Here is no error even of one million, or two million, or three million dollars, but an error of $13,000,000 in such a plain job as taking stone from the bottom of a river, every inch and foot of which was capable of being measured with the foot, with the rule, with the level, and known. They knew what the depth of the canal would be; they knew how much water floated over the stone, and how much stone under the water must be excavated before the water could take the place where the stone was situated. There does not seem to be any demand here for engineering skill; there is no overwhelming necessity for engineering ability; but there is a demand for common honesty and conscience in making this estimate, and that demand is not supplied by anything in the history of the Nicaragua Maritime Canal Company. They have not the material to supply it. They talk about their abundant resources. It takes some conscience to make an estimate to do good work. That material is wholly lacking in this work.

I come to another principal division of the work—the Ochoa Dam, pages 98 and 99 of the Government report. The Ochoa Dam is a structure—perhaps I ought to use more guarded language—it is a proposed structure, an anticipated dream in stone of a dam across the San Juan River at Ochoa. It is wholly fanciful so far. The estimate by the company of the cost of this structure, this dam across the San Juan River at Ochoa, is $977,273. It embraces seven different items in the estimate; but that is the total. It is less than $1,000,000. The San Juan is a great river, delivers many thousand cubic feet of water every moment, has a tropical current, swift, treacherous, subject to enormous floods, having tributaries nearly as large as itself, every way difficult of control. It is one of the wildest streams—not tame, not docile. The proposition to dam it is a very bold one; the conception of retarding and delaying the delivery of its waters is a very bold one, but not impossible. Time and money will build the Ochoa Dam, but not for less than $1,000,000.

The estimate of the Government board of engineers upon the cost of the Ochoa Dam is $4,000,000—four times as much as the estimate of the Nicaraguan Canal Company. There is not an item which I have noticed so far, and there will be none in the future, in the sequel, which does not display the same animus of concealing the cost of the work and of hiding the responsibility of the United States in undertaking this guaranty for furnishing the subsidy for its construction. Every single estimate was made, as these two reports show, with that plain proposition, purpose, and intention, for no corporation could have made repeatedly these enormous errors without a motive, and that motive is expressed in the provision, the words, the syllables, and especially the figures, $100,000,000 of the pending bill.

I come next to what is called the La Flor Dam, and I wish to read some description of it. I read from page 74 of the report of the Government engineers. I will, in order to attract attention to this perusal—I do not know whether I shall be successful in doing that—state that there is no history of engineering, no history of estimates, no report made to any government upon the surface of the planet which has such an extraordinary character in it as the report submitted upon the subject of the La Flor Dam.

At a place called La Flor, 3.8 miles from the Pacific terminus and 13.9 miles from the lake, the valley of the Rio Grande is narrowed by two steep hills to a width, on the valley floor, of 1,500 feet, at an elevation of 40 feet above mean tide, and a width of 2,000 feet between the summit-level contours of elevation 110. The company proposes to build a dam at this point of sufficient height to raise the water to elevation 110, thus extending the summit level, as already stated, to within 3.8 miles of the Pacific, forming a capacious basin of some 4,000 acres in the valleys of the Rio Grande and Tola. This arrangement would facilitate navigation by substituting a basin for 4.6 miles of canal, and would solve the question of the disposal of the flood waters of the Tola by permitting their free discharge into the basin.

As originally designed, the La Flor or Tola Dam, as it is indifferently known, was, like the Ochoa Dam, to be a "rock fill," and to be constructed in the same way, with a weir on the crest for the discharge of the Rio Grande drainage.

This plan has been modified more recently by providing a solid concrete core for the dam, backed with a stone and earth embankment on both sides, and locating a weir in the saddle of an adjacent hill.

This weir is to discharge the drainage of the valley, and, as the board is lately informed, about 60 per cent of the surplus discharge of the lake watershed also.

The question as to what disposition to make of the drainage during the construction of the dam or its masonry core has not yet been fully considered by the company.

The La Flor Dam, per se, is a much more formidable construction than that proposed at Ochoa, in regard both to its volume and the head of water it has to sustain.

Upon these facts the board of Government engineers deems the project of a 90-foot dam impracticable, and omits altogether the consideration of its construction. They do not submit any estimate for the construction of the La Flor Dam. They say that the design is not worthy of consideration. They do, however, submit an estimate for the cost of the work upon what they call the lower level, omitting the La Flor Dam entirely from the scheme of the improvement. I read again from page 87 upon the same subject:

Thorough search should be made in the vicinity of the site now proposed for the Ochoa Dam for the most advantageous location of the structure, and the full nature of the foundations and the shore connections be exhaustively ascertained.

* * * * * * *

10. The Lajas-Rio Grande route, adopted by the company, to connect the lake with the Pacific, is preferable to any other that has been examined. The information with reference to the site of the proposed La Flor Dam indicates that its construction is impracticable, and an alternative low-level route, which offers no special difficulties in construction, avoids any necessity for it. This alternative line may follow either the right or left bank in the Rio Grande Valley from a point 9.2 miles distant from the lake, which would constitute the western limit of the summit level. The northern or right-bank route has been located by the company. The southern or left-bank route should be fully located and bored to determine its relative merit. It has the advantage of avoiding complication with the discharge from the Tola watershed and the cost of diverting the Upper Rio Grande, and the disadvantage of requiring more diversions of the Rio Grande in the main valley.

I have read extensively from these reports for the purpose of showing that in the opinion of the board of Government engineers the project of the La Flor Dam is thoroughly impracticable and not to be considered.

I now call attention to the estimate of the Nicaraguan Canal Company for the La Flor Dam upon their scheme, which is $1,306,670. They propose to throw that much money away; and the report goes on to show that after it had been demonstrated that the route by the La Flor Dam is thoroughly impracticable, the company yet prefers it, and declines to abandon it. It is the map and profile of the company which will control the line upon which the work is to be executed. It will not be the directors who will have any possible control of that matter. They will have nothing to say; they will not have anything to do about it. It will not be the United States engineers who will prepare the estimates. The main line will be that which has been heretofore reported on the map and profile of the canals to the Governments of the two Republics, and approved by them, as was required by the treaty of cession, to which I have alluded. The Nicaraguan Canal Company filed this map and profiles six years ago in the capitals of the two Republics, making the La Flor Dam project a part of that map and profile. It is an unchangeable thing under this bill by any act of Congress. The project of the La Flor Dam was declared by our engineers to be thoroughly impracticable, and the company is aware of that, and yet it persists in not abandoning the original line.

Four thousand acres of reservoir are to be made, by which the level limit is to be raised to 110 feet—a reservoir exceeding the largest made in the United States, protected by earthen embankments, except the stone core, which is a little wall like a stone fence covered up with earth—a reservoir exceeding in size, and immensely exceeding in the volume of water to be contained in it, Croton or any of the reservoirs in the United States, is to be protected only by this work in clay, and that is insisted upon by the company after it has been declared to be an impossibility by officers of the Government. This is another instance of the penetrating, permeating dishonesty of these estimates, the dishonesty of this enterprise as undertaken by the corporation.

One reason they do not go on the low-level line is, as they claim, that it will be more expensive than the La Flor Dam. Of course it will, if they build the La Flor Dam under their estimate. The Government engineers have submitted a very careful estimate of all the expense upon the low-level line, which will avoid the La Flor folly. The La Flor Dam is a perfect key to the company's map and profile of the work. The whole eastern portion of the work rests on the La Flor Dam, yet to hide the $1,306,670, to conceal, to keep out of notice, to deprive the taxpayers of the knowledge of it, they will estimate and undertake an impossible work, thrusting into ambush more than one-half of the money it would require to finish one which would be safe and feasible.

The total estimate of the board, subject to contingencies to which I shall subsequently call the attention of the Senate, I find repeated in their report—the indefiniteness of the basis upon which the estimate is made, and the uncertainty and defects in the borings and other local examinations—subject to these contingencies, the estimate of the board of Government engineers is $133,000,000 for the completion of the canal. The estimate by the Maritime Canal Company was $66,000,000.

This appears from the conclusion of a report of the Government engineers, which is as follows:

> 20. The official estimate by the company of $66,466,880 is insufficient for the work. In several important cases the quantities must be greatly increased, and in numerous cases the unit prices do not make proper allowance for the difference in cost of work between the United States and Nicaragua.
> 21. The provisional estimate by the Board is $133,472,893. It should be understood that the existing data are inadequate as a basis for estimating the cost of many of the structures; some portions of the work may cost more, others less, but in the judgment of the board the entire project can be executed for about the total amount of its estimate.
> 22. For obtaining the necessary data for the formation of a final project, eighteen months' time, covering two dry seasons and an expenditure of $350,000, will be required.
>
> WILLIAM LUDLOW,
> *Lieutenant-Colonel, Corps of Engineers, U. S. A.*
> MORDECAI T. ENDICOTT,
> *Civil Engineer, U. S. N.*
> ALFRED NOBLE,
> *Civil Engineer.*

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. One moment before that is done.

Mr. VILAS. I withdraw the motion.

Mr. COCKRELL. There are quite a number of unobjected pension cases on the Calendar, the consideration of which Senators are calling for now and then, and I suggest that the Senate proceed to consider those cases.

The PRESIDING OFFICER (Mr. DANIEL in the chair). Is there objection?

Mr. MORGAN. I do not want the Nicaraguan bill displaced.

Mr. COCKRELL. Oh, no; it will be laid aside without prejudice.

Mr. MORGAN. I do not know when the Senator from Indiana [Mr. TURPIE] will close his remarks. I should like to ask him when he will conclude. Will the Senator likely occupy a longer time in this discussion than to-morrow?

Mr. TURPIE. I do not know that I shall conclude to-morrow; but at this time I remind the honorable Senator that I can not definitely say.

Mr. MORGAN. My inquiry was only in reference to the fact that when the Senator gets through his speech I propose to ask the Senate to fix a time to vote on the bill. I shall not do that while the Senator from Indiana has the floor.

Mr. CULLOM. If the Senator from Indiana has concluded his speech, I ask leave to call up the legislative, executive, and judicial appropriation bill.

Mr. TURPIE. I have not concluded my speech, and said so. I retain the floor with the liberty of resuming, by the courtesy of the Senate, to-morrow. I have concluded for the present.

Mr. CULLOM. I understood the Senator had closed his remarks for the day.

Mr. TURPIE. Yes, sir; for to-day.

Mr. CULLOM. I therefore move, as I understand there is no Senator on the floor, that we proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business. We have some business of that kind to attend to, and we had better do it this evening.

Mr. VILAS. I withdrew the motion that the Senate proceed to the consideration of executive business only upon the understanding that the arrangement such as was asked by the Senator from Missouri [Mr. COCKRELL] would be made.

Mr. COCKRELL. That was, to consider unobjected pension cases on the Calendar.

Mr. VILAS. If those bills can not be proceeded with, I think I am entitled to the floor to renew my motion.

Mr. CULLOM. I hope the Senator will not insist upon that. The legislative, executive, and judicial appropriation bill was very nearly concluded yesterday evening, and I should like to get it through the Senate as early as possible. I think it will take but very little time. I should myself like to have an executive session before we adjourn, but I believe the appropriation bill will not occupy so much time as to prevent that.

Mr. VILAS. I presume the Senator from Illinois will recall the fact that yesterday when this bill was taken up and considered with great rapidity, until some 118 pages were disposed of, the Library matter was then laid over for the reason that Senators who were likely to be interested in its disposition were not present on account of the lateness of the hour. The same objection seems to obtain at this time.

Mr. CULLOM. I agree to what the Senator says, but we passed over certain amendments for the purpose of having a greater number of Senators present than were here at that time, and for the purpose also of allowing Senators to examine the amendments.

Mr. STEWART. Let the bill be taken up in the morning hour to-morrow.

Mr. CULLOM. If it may be understood that I may call up the bill in the morning hour to-morrow, I am willing to yield now.

Mr. COCKRELL. Oh, no.

Mr. CULLOM. I want to get the bill through the Senate.

Mr. COCKRELL. I can not agree to it coming up in the morning hour to-morrow.

The PRESIDING OFFICER (Mr. HILL in the chair). If there is no agreement reached by Senators, the Chair will entertain any motion that is proper.

Mr. CULLOM. The Senator from Wisconsin [Mr. VILAS] states that he made the motion for an executive session, but yielded to the suggestion of the Senator from Missouri.

Mr. COCKRELL. The Senator from Wisconsin yielded to me in order that we should take up the unobjected pension cases on the Calendar, so as to save the time of the Senate in being asked by different Senators to take up this and that particular pension bill.

Mr. CULLOM. We can take up the pension cases at almost any hour when an appropriation bill is not in the way. The appropriation bills have the right of way, and I should like to conclude the legislative appropriation bill as early as possible. I do not want to be too persistent about it, however.

Mr. VILAS. I do not wish for a moment to stand in the way of the consideration of the appropriation bill, but I think the Senator from Illinois will recognize that the very same reason which had caused him to request that the bill should be passed over last evening is just as operative at this time.

Mr. CULLOM. I think not. I think Senators are nearly all here.

Mr. VILAS. There are some Senators absent who are always particularly interested in the Library.

Mr. CULLOM. They ought to be here.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I desire to make a suggestion, and that is, that at an early day I shall ask the Senate to act upon the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called. I have delayed calling up that bill because of the pendency of the question in reference to the tearing up of the pavements in the District of Columbia, which has been argued at such great length by Senators, and because there are one or two other measures that I did not wish to interfere with. I would venture to ask the indulgence of the Senate, therefore, that that bill be taken up after the routine morning business on Monday next and the consideration of it proceeded with. I hope there will be no objection to unanimous consent to that request.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Hampshire to make a suggestion?

Mr. CHANDLER. I ask unanimous consent that the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called may be taken up for consideration on Monday next at the conclusion of the routine morning business.

Mr. ALDRICH. Why not take it up now?

Mr. CHANDLER. Because there are Senators who may desire to propose amendments to it, and I do not wish to take it up in the absence of those Senators.

Mr. STEWART. Does the Senator want to antagonize the unfinished business with that bill?

Mr. CHANDLER. Unless the Senator from Nevada speaks at great length, I shall expect to pass it on Monday next before the unfinished business shall be reached.

Mr. STEWART. That was not the question. I asked the Senator if he expected to antagonize the unfinished business?

Mr. CHANDLER. I should not until I had consulted the Senator from Nevada.

Mr. STEWART. Then you will not do it. [Laughter.]

Mr. CHANDLER. I would not do it without consulting him.

Mr. QUAY. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. The Senator from New Hampshire has made a request of the Senate.

Mr. CULLOM. If there is no motion pending, I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. CHANDLER. I hope that my request will be granted.

Mr. VILAS. I should like to ask the Senator from New Hampshire if we ought not to have present when that request is made some of the Senators who desire to be present and offer amendments?

Mr. CHANDLER. That is the very reason why I suggest next Monday at the close of the routine morning business.

Mr. VILAS. I do not interpose any objection to taking up the bill at any time, but I thought the request to fix a time for taking it up should be made when Senators interested in it are present.

Mr. CHANDLER. The Senator will bear in mind that I make no request that it shall be taken up and considered until it is finished, but I think it is of sufficient importance to be taken up at that time. If we can then finish it, well and good; if not, there

will be delay, and there certainly will be delay in order that any Senator who desires may be here.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire that the bill to which he refers shall be taken up on Monday next for consideration immediately after the close of the routine morning business?

Mr. MORGAN. I wish to suggest to the Senator from New Hampshire that he ask that the bill be taken up on Tuesday, because Monday afternoon has been assigned for eulogies on the late Speaker Crisp.

Mr. CHANDLER. Tuesday will suit me just as well.

The PRESIDING OFFICER. The request of the Senator from New Hampshire is modified to Tuesday, after the routine morning business.

Mr. CHILTON. I wish to make a parliamentary inquiry. If unanimous consent is granted to the Senator from New Hampshire, will it not interfere with the bill set for 2 o'clock on Monday next, the bankruptcy bill?

Mr. COCKRELL. Oh, no; it can not interfere with that.

The PRESIDING OFFICER. The request is that the bill be taken up in the morning hour before 2 o'clock. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill named by him, the Nicaraguan Canal bill, which is pending, to be temporarily laid aside for that purpose. Is there objection?

Mr. QUAY. I shall object, unless there be an understanding that we shall have an executive session before adjourning this afternoon.

The PRESIDING OFFICER. With the understanding that there shall be an executive session this afternoon. The Chair hears no objection, and it is so ordered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CULLOM. On page 19, and on three or four succeeding pages, there are some proposed amendments to the bill which, I believe, have not been read. I ask that the Secretary now read them.

The PRESIDING OFFICER. The amendments referred to will be stated in their order.

The SECRETARY. On page 19, line 22, the Committee on Appropriations reported an amendment to strike out:

> For Librarian, $5,000—

And to insert:

> For Librarian of Congress, to be appointed by the President, by and with the advice and consent of the Senate, $5,000; and the Librarian shall make rules and regulations for the government of the Library of Congress, to be approved by the Joint Committee on the Library.

Mr. CALL. The amendment which has just been stated will come up in the Senate, I take it. Am I right?

Mr. ALDRICH and Mr. MILLS. Yes.

Mr. CULLOM. It will.

The PRESIDING OFFICER. Any question in respect to the amendment can be raised when the bill reaches the Senate.

Mr. MILLS. We are now as in Committee of the Whole.

Mr. CALL. I give notice to that effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, line 5, after the word "work," to strike out "and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe;" so as to read:

> For the following, to be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including the copyright work, namely, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after the word "namely," to strike out "one assistant, $2,000" and insert.

> Register of copyrights, $3,000, who shall perform all the duties relating to copyrights, except the appointment of clerks, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall on and after July 1, 1897, give bond, payable to the United States in the sum of $20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties.

And on page 22, line 13, before the word "thousand," to strike out "thirty-five" and insert "thirty-six;" so as to make the clause read:

> Copyright department: For the following, under the direction of the Librarian of Congress, necessary for the execution of the copyright law, namely: Register of copyrights, $3,000, who shall perform all the duties relating to copyrights, except the appointment of clerks, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall on and after July 1, 1897, give bond, payable to the United States, in the sum of $20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties; two clerks, at $1,800 each; two clerks, at $1,600 each; three clerks, at $1,400 each; ten clerks, at $1,200 each; ten clerks, at $900 each; two clerks, at $720 each; in all, $36,440.

The amendment was agreed to.

The next amendment was, on page 22, after line 13, to strike out:

> Custody, care, and maintenance of new Library building: For custodian, $3,000; clerk, $1,600; messenger; captain of the watch, $1,200; twelve watchmen; chief engineer, $1,500; five assistant engineers, at $1,000 each; ten firemen; electrician, $1,200; three elevator conductors, at $720 each; three mechanics, at $840 each; ten laborers (skilled), at $720 each; thirty charwomen; in all, $49,440: *Provided*, That all persons employed in said Library of Congress shall be appointed solely with reference to their fitness for their peculiar duties, and without reference to their political or party affiliations, and shall be removed for cause only.

The amendment was agreed to.

The next amendment was, on page 23, after line 18, to strike out:

> For fuel, lights, repairs, and miscellaneous supplies, $35,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to insert:

> Custody, care, and maintenance of Library building and grounds: For superintendent of the Library building and grounds, to be appointed by the President, by and with the advice and consent of the Senate, $5,000; and said superintendent shall disburse all appropriations made for and on account of the Library and Library building and grounds, and shall on and after July 1, 1897, give bond, payable to the United States in the sum of $20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties; and for the employment by said superintendent of all necessary clerks, messengers, watchmen, engineers, firemen, electrician, elevator conductors, mechanics, laborers, charwomen, and others for the proper custody, care, and maintenance of said building and grounds, $46,440; in all, $51,440: *Provided*, That all persons employed in and about said Library of Congress under the Librarian or the superintendent of the Library building and grounds shall be appointed solely with reference to their fitness for their particular duties.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

> For fuel, lights, repairs, and miscellaneous supplies, $35,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 24, after line 17, to insert:

> The officer now in charge of the construction of the building for the Library of Congress is hereby authorized and directed to terminate his present duty and assume the custody, care, and maintenance of the said building and grounds on and after March 4, 1897, appoint the employees under his charge, procure necessary furniture for the said building, and remove into it the Library, including the copyright collections, furniture, etc., but excluding the Law Library, and superintend the completion of such contracts pertaining to the construction of said building as may remain unfinished on March 4, 1897, the total cost of such completion not to exceed the sums stated in said contracts. The said officer shall disburse the funds pertaining to the duties and operations hereby assigned to him, and shall receive compensation therefor in full at the rate per annum provided by the joint resolution approved April 2, 1896, to be paid out of the appropriations for said Library building.

The amendment was agreed to.

The next amendment was, on page 25, line 14, after the word "expended," to insert "by said officer;" and in line 21, after the word "building," to insert "and grounds;" so as to make the clause read:

> For furniture for Library reading rooms, halls, copyright offices, etc., a sum not exceeding $30,000, and for expenses of removal of Library and copyright collections to the Library building, a sum not exceeding $6,000, are hereby respectively authorized to be expended by said officer, on and after the passage of this act, out of any unexpended balance of the appropriations heretofore made for the completion of the building for the Library of Congress, and a sufficient amount of all further unexpended balance of said appropriations shall be available for the expenses, including personal services, of the custody and care of said Library building and grounds until July 1, 1897.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to insert:

> The rooms and all space now occupied by the Library of Congress in the Capitol building shall not, after the removal of said Library, be occupied, either permanently or temporarily, for any purpose whatever until so ordered by Congress.

The amendment was agreed to.

Mr. CULLOM. That concludes all the amendments which the committee have recommended.

Mr. HAWLEY. I wish to offer an amendment.

Mr. COCKRELL. We did not finish an amendment of which I gave notice last evening, on page 111. I move to strike out all after the word "dollars," in line 23, down to and including the word "marshals," in line 12, on page 115. Then we will have the matter in conference.

Mr. CULLOM. I am willing that the lines referred to shall be stricken out, with the understanding that we will look into the matter more carefully between now and the time when the bill goes into conference.

Mr. BATE. I ask that the matter proposed to be stricken out may be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "dollars," in line 23, page 114, down to and including the word "marshals," in line 12, page 115, as follows:

Provided, That section 24 of the act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government, for the fiscal year ending June 30, 1897, and for other purposes, be and is hereby amended by striking out the words "Indian Territory or," so that said act shall apply to the Indian Territory except as herein otherwise provided: *Provided further*, That the provisions of sections 19, 21, and 22 of said act shall not apply to the Indian Territory: *Provided further*, That each of the district attorneys in the Indian Territory shall receive a salary of $4,000 per annum, and each of the marshals shall receive a salary of $4,000 per annum and give bonds as other marshals.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. HAWLEY. I desire to move an amendment on page 23, line 3, where it reads:

Purchase of books for the Library, $4,000.

I have been amazed, as a good many other people have been, at the way we have gone on for a good many years appropriating $5,000 for the Library to purchase books of all kinds—the expensive books relating to the sciences, philosophy, history, and all that. Five thousand dollars a year never would purchase what we ought to buy of the products of the press in America and in Europe.

Now, in the pending bill it is only $4,000. For the purchase of law books for the Library $1,500 is to be appropriated; a similar sum is proposed to be appropriated for books of reference for the Supreme Court, and $1,500 is given for the exchange of public documents with foreign governments. You give to those comparatively limited fields more than you give to the whole of the great field of the Library. Here is the Library, I have forgotten the exact number, but with perhaps 775,000 volumes, and only $4,000 is appropriated annually to continue buying the books that absolutely ought to be bought. Of course we add a great many books to the Library every year through the process of the copyright, but a multitude of them are such as we would never buy if they did not come to us in that way, a great mass being very light trash.

I move to strike out "four" and insert "eight;" so as to read "$8,000."

Mr. CULLOM. I appreciate the fact that this is a very small sum to be provided for the purchase of books in a great library; yet it seems to me, and I think the committee takes that view of it, that we had better wait until we get the Library into a building where we can see what there is, get it classified, and then we will know wherein it is lacking. We can then begin to make liberal appropriations for the purchase of books. I think the Senator, perhaps, had better wait until the Library is moved. We have an immense number of books and pamphlets piled about; we hardly know what they are, and if we did we could not get at them. But after their removal and classification we shall begin to see wherein we are lacking, and then we can make appropriations with intelligence and supply whatever deficiencies may exist in the Library. I appreciate the importance of the matter, and merely suggest this consideration to the Senator from Connecticut.

Mr. HAWLEY. The brains of the Librarian are easily moved to the new building. He knows what the old Library is and what its wants will be when it gets into the new building. He will be able from time to time to attend to this without any serious interruption to his other business.

Mr. CULLOM (to Mr. HAWLEY). Suppose you make it $6,000.

Mr. HAWLEY. If $8,000 is too much, I will say $6,000. I will modify the amendment by moving to strike out "four" and inserting "six."

Mr. CULLOM. Personally I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Connecticut as modified.

The amendment was agreed to.

Mr. CULLOM. Let the Secretary make the change in the total.

The SECRETARY. In line 13, page 23, it is proposed to strike out "eleven" and insert "thirteen;" so as to read:

In all, $13,000.

The PRESIDING OFFICER. Without objection, that change will be made.

Mr. GALLINGER. I offer an amendment to which I call the attention of the Senator in charge of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, line 11, it is proposed to strike out the word "four," before "dollars," and insert "five;" and in line 11 to strike out the words "three dollars and twenty cents" and insert "four dollars;" so as to read:

Foreman of bindery, $5 per day; four binders, at $4 per day each.

Mr. GALLINGER. I will say—I feel sure that the Senator in charge of the bill will permit the amendment to be made—that a similar amendment was inserted in the last appropriation bill. It went into conference and, unfortunately, was lost there. I hope that this amendment will be allowed to go into the bill and that it will not be lost in the shuffle in conference this year.

I will state that the amendment concerns only three or four men whose salaries were reduced a few years ago, and their present pay is below that which is being paid to men occupying similar positions in other Departments of the Government who do similar work. I trust the Senator from Illinois will let the amendment go in, and he can investigate the matter in conference.

Mr. CULLOM. Such an amendment was made in the Senate last year, and it went out as the result of the work of the conference committee.

Mr. GALLINGER. That is what I said.

Mr. CULLOM. And the committee thought it hardly worth while to make it again. Personally I am willing to let the amendment go in.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. If the Senate will permit me, I should like to have printed in the RECORD, in connection with the simple statement I made, a letter from the men affected by the amendment.

The PRESIDING OFFICER. The letter will be printed in the RECORD, if there is no objection. The Chair hears none.

The letter is as follows:

WASHINGTON, D. C., *January 20, 1897.*

SIR: We, the undersigned bookbinders of the stationery division, Treasury Department, petition your honorable body, the Senate, to restore to us the compensation we received prior to the Dockery Act of January 12, 1895, and invoke your favorable consideration and influence in our behalf.

The duties imposed upon us as bookbinders are such in character as to require a thorough knowledge of all branches of the trade, much of the work being difficult of execution and requiring exceptional skill in the performance thereof. Employees at the Government Printing Office are compensated at the rate of $4 per day for this class of work, and we believe that we have been unjustly discriminated against in reducing our pay. The services we perform necessitate the handling of valuable documents, often of a confidential character, such as Secret Service reports, written records of the Department, and bonds.

The former salary of the foreman of this division should also be restored.

The foregoing facts are respectfully submitted and we pray that our petition will be favorably considered.

W. M. RICKETTS.
JOHN McCONNELL.
T. D. CORNWELL.
ED. T. ECKLOFF.
JOHN V. SHEA.

Hon. J. H. GALLINGER,
United States Senate.

Mr. GALLINGER. I move to amend the total as indicated on the paper I sent to the desk.

The SECRETARY. In line 11, page 34, it is proposed to strike out "$31,243.40" and insert "$32,558."

The amendment was agreed to.

Mr. McBRIDE. I am directed by the Committee on Public Lands to offer an amendment. In line 23, page 100, I move to strike out the words "six thousand five hundred" and insert "eight thousand;" so as to read:

For surveyor-general of Oregon, $2,000; and for the clerks in his office, $8,000.

Mr. CULLOM. That is exactly according to the estimate, and I am willing to let the amendment go into the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Oregon.

The amendment was agreed to.

Mr. McBRIDE. To complete the amendment, in line 24 I move to strike out "eight thousand five hundred" and insert "ten thousand."

Mr. CULLOM. That change will be made as a matter of course. It is a mere change in the total.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 24, page 100, it is proposed to strike out "eight thousand five hundred" and insert "ten thousand;" so as to read:

In all, $10,000.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HOAR. I wish to say for myself that I have not been disposed to interfere with what the Senate as in Committee of the Whole has concluded to be best in regard to dealing with the national Library, which is to be removed from the Capitol and to assume very much larger proportions as a public institution. But I am satisfied that very soon the national Library must be governed in some such way as the Smithsonian Institution is now governed, and that the present method of government will be found inadequate and unsatisfactory to the people and to Congress.

The great experience and ability of the present Librarian make it pretty sure that any method of dealing with that institution will be reasonably satisfactory so long as his services are spared; but I expect that very soon it will be found necessary for the two Houses of Congress to provide for a permanent rearrangement for the future which will involve the imitation and expansion of the scheme now in operation in regard to the Smithsonian Institution.

Mr. CULLOM. I only wish to say that the Committee on Appropriations had the question of providing for a board of regency under consideration, and after much discussion and argument pro and con the committee concluded, I think unanimously, that we had better adopt the policy or scheme set forth in the pending bill as a somewhat tentative arrangement, hoping that we might get the way clear for a better arrangement later on if it shall seem necessary to undertake to provide for one. That is all I desire to say in reference to the matter.

Mr. CALL. Mr. President, I do not desire to interpose any objection to the passage of the bill, seeing that there seems to be somewhat general indifference to the subject of the Library. I think after the expenditure of $6,000,000 by the Government of the United States for the construction of a library building and the conduct of a great public library, there ought to be some considerable dignity attached to its operation and management.

The pending bill provides nothing. There is no objection to the Librarian—if Mr. Spofford shall be appointed—having the authority conferred in the bill. I approve of that. There is no objection to the superintendent of the building having the management and control of it, but the Congress of the United States ought not to part with the authority to create these offices and to control the management of the building and the Library. The present architect who has built the great building ought, by concurrent resolution, to be named as the superintendent of the building, and the Librarian, Mr. Spofford, ought to be named by a concurrent resolution of Congress. Who can tell whom the President may select, whether these two most appropriate men or not; and the Senate will have only the right to object to that selection. Here are two men most prominently connected—one with the construction of this magnificent edifice, and the other with the operation of the Library, the control and care of the books—both of them left without any provision; left to the discretion of the President, without any power on the part of Congress to provide for their continuance in office.

The architect under General Casey, and now the architect and superintendent of the building, Mr. Green, has constructed the building from the foundation upward, and he has done it with an economy, with a degree of taste, with an architectural ability that is signal and will distinguish him through all time. The Librarian who has so long been in charge of the Library is another instance of eminent fitness for the position. They are both of them by this bill left to the contingency of the President's selection.

Now, more than that, Congress can not alter that condition except by the repeal of this bill, or by overcoming the action of the President by a two-thirds vote if they should attempt to repeal the act.

By this bill, when enacted into law, Congress forever puts it out of their power to control the Library. It now loses its name and function of a Congressional Library, and becomes a national or Presidential Library, beyond the control of Congress, except by the President's consent. It completely separates the Library from the control of Congress.

Then, again, how many distinguished men in every State of this Union would be glad to be associated in some shape with this great institution, the Library? Why not, according to the example of England in her great library associations, have the distinguished scholars, the great literary men of this country be named as regents in connection with this institution, and why should not the Joint Committee on the Library of the two Houses of Congress have control and be the active managers of the Library? You would then surround it with great dignity. You would attract to it the respect and the regard of the people of the country.

Now, we have no power over it. The mere fact that the rules and regulations shall be made with the approval of the Library Committee of the two Houses amounts to nothing, and the whole scheme is simply a divesting of all power on the part of Congress. It is done upon the idea that there is something in the Constitution of the United States which forbids the creation of an officer, even if he be an employee of Congress, except by the nomination of the President. Yet this plan is open to the objection that neither does the Constitution authorize the Librarian by statute to appoint officers or employees any more than you could do so by resolution of Congress.

The Constitution says Congress may vest the power in the head of a department. You do not make this a department, and yet you provide that these two officers shall create the offices and appoint all the officers who are necessary for the management of this building and the conduct of the Library. So, in every point of view, whether it be upon constitutional objection or in respect of the dignity which should attach to this great institution, or as a matter of policy by which we would attract to it the affections of the great masses of the people—the literary men, the scholars of the country—from every point of view it is objectionable to put this great institution under the entire control and management of two men whom I would select for those offices by joint resolution of Congress, but whom I would surround with the support of the scientific and literary men of the United States.

I think the scheme is an objectionable one. There should be a regent appointed from every State. Every man who attains national eminence should participate in the honor and distinction of being connected with this great national institution, which could easily be done after the manner in which associations—library associations—are conducted in England, and the committee of the two Houses should be the operating and managing trustees, to whom all matters should be referred.

I desire to express my dissent from the provisions of the bill in regard to that matter.

Mr. CULLOM. I hope we will now proceed with the bill.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXPOSITION OF GAS APPARATUS AND APPLIANCES.

Mr. BRICE. I had Senate joint resolution No. 184 referred to the Committee on the Library, but, owing to the absence from the city of members of that committee, I ask unanimous consent that the committee be discharged from its further consideration, and that it be put upon its passage.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to discharge the Committee on the Library from the consideration of a joint resolution the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio that the committee be discharged? The Chair hears none.

Mr. BRICE. I ask for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BRICE. I move to amend the joint resolution, in line 4, by striking out the words "and directed" after the word "authorized;" so as to read:

That the Secretary of the Smithsonian Institution is hereby authorized to participate in the Exposition of Gas Apparatus and Appliances, to be held, etc.

The amendment was agreed to.

Mr. BRICE. I move further to amend the joint resolution by striking out, in line 9, after the word "authorized," the words "and directed."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

YACHTS OF FOREIGN YACHT CLUBS, ETC.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. I ask the Senator from Pennsylvania to yield to me, that I may ask unanimous consent for the present consideration of a bill which will probably not take five minutes. It is House bill 8038, for the protection of yacht owners and shipbuilders of the United States—a very short bill.

Mr. QUAY. I will yield for that purpose, and for that only.

The PRESIDING OFFICER. The Senator from Maine asks the unanimous consent of the Senate to proceed to the consideration of a bill which will be read for information.

The Secretary read the bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. FRYE. It is the unanimous report of the Committee on

Commerce. The Senator from Missouri [Mr. VEST] filed an amendment which he said he proposed to offer, but I saw him a few moments ago and he told me that he did not desire a vote on it and had no objection to the passage of the bill. It has been delayed now nearly a year because three contracts had been made before the bill was presented for the building of yachts abroad which cost $1,500,000. The contracts having been made under existing law, I delayed the bill until those three yachts entered. So there is nobody I know of in the world who objects to the measure.

Mr. GRAY. I should like to ask the Senator from Maine whether the exemption which I heard stated in the reading of the bill applies to citizens of the United States who own foreign-built yachts?

Mr. FRYE. Citizens of the United States under the original law became members of foreign yacht clubs and then contracted for the building of very costly yachts abroad, and thus obtained the privileges of the old law. The old law was enacted simply that we might get the models of sailing yachts. We got, under the law, models of sailing yachts until we were ready to furnish them with models. But, under the law, they got into the habit of building expensive steam yachts and thus getting all the advantage of low tonnage tax and low entry and low clearance.

Mr. GRAY. Under the present state of the law, can a man go to England and have a yacht built and come to this country and escape the tariff taxes?

Mr. FRYE. All tariff taxes, all entrance fees, all clearance fees, all tonnage tax; and these big steam yachts have been escaping.

Mr. GRAY. And have an American registry?

Mr. FRYE. No, sir; the owner does not take an American registry at all.

Mr. GRAY. Why not?

Mr. FRYE. Because a foreign-built vessel can not get an American registry.

Mr. GRAY. He sails under the American flag?

Mr. FRYE. He puts up any flag he wants to put up.

Mr. GRAY. I ask for information, if the Senator will excuse me, because I think it is a matter of some interest. Was there not a question about one of these foreign-built yachts being liable in some way to tariff duties?

Mr. FRYE. Yes, and it was decided against the United States under this law.

Mr. GRAY. Does not the Senator think they ought to be liable?

Mr. FRYE. They can not come in any more if the bill passes.

Mr. GRAY. They can not come in at all?

Mr. FRYE. No.

Mr. GRAY. That is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. QUAY. I have agreed to yield to the Senator from Texas [Mr. CHILTON].

Mr. CHILTON. I will not insist. I will give my place to the Senator from Indiana [Mr. TURPIE]. I am much obliged to the Senator from Pennsylvania.

CAPT. JOHN W. DODD.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (S. 3491) granting an increase of pension to Capt. John W. Dodd.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. Dodd, of Indianapolis, Ind., late a member of Company A, Fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month, in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULLOM. I am almost inclined to ask the Senator from Pennsylvania to yield to me to have a little pension bill passed, regarding which a Representative from my State has urged me a good many times, and I have neglected to call it up.

Mr. COCKRELL. There are a great many pension bills on the Calendar. There is a way to proceed with justice and equality, and that is to take up all the pension bills and consider them.

Mr. CULLOM. I yield to the Senator from Pennsylvania to make his motion to go into executive session.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, January 21, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 20, 1897.

PROMOTIONS IN THE ARMY.

Subsistence department.

Col. Thomas C. Sullivan, assistant commissary-general of subsistence, to be Commissary-General of Subsistence, with the rank of brigadier-general.

Cavalry arm.

Capt. Louis Henry Rucker, Ninth Cavalry, to be major.

Capt. Eli Lundy Huggins, Second Cavalry, to be major.

First Lieut. Philip Pendleton Powell, adjutant, Ninth Cavalry, to be captain.

First Lieut. Lloyd Milton Brett, adjutant, Second Cavalry, to be captain.

Second Lieut. George Tayloe Langhorne, Third Cavalry, to be first lieutenant.

Second Lieut. Ulysses Grant Kemp, Eighth Cavalry, to be first lieutenant.

Second Lieut. Charles Young, Ninth Cavalry, to be first lieutenant.

Second Lieut. Alfred Charles Merillat, Eighth Cavalry, to be first lieutenant.

Second Lieut. Robert Bruce Wallace, Second Cavalry, to be first lieutenant.

Second Lieut. Francis Cutler Marshall, Eighth Cavalry, to be first lieutenant.

Infantry arm.

First Lieut. James Berryman Jackson, Seventh Infantry, to be captain.

Second Lieut. Joseph Dugald Leitch, Twenty-fourth Infantry, to be first lieutenant.

POSTMASTERS.

William H. Healy, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa.

Jacob S. Groff, to be postmaster at Newtown, in the county of Bucks and State of Pennsylvania.

John C. Jones, to be postmaster at Titusville, in the county of Brevard and State of Florida.

Joel D. Cruttenden, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin.

John Hornstein, to be postmaster at Boone, in the county of Boone and State of Iowa.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 20, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF A REPORT.

Mr. McCALL of Massachusetts. Mr. Speaker, I am informed that the report of the majority of the committee in the contested-election case of Yost *vs.* Tucker, from Virginia, has been exhausted, and I ask unanimous consent that a reprint be ordered for the use of the members.

There was no objection, and it was so ordered.

RAILROAD BRIDGES ACROSS THE CUMBERLAND AND TENNESSEE RIVERS.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky.

The Senate amendment was read and concurred in.

ORDER OF BUSINESS.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

Mr. BAILEY. Mr. Speaker, I am forced to object, for the reason that it is the desire of gentlemen on both sides of the Chamber to proceed at once with the regular order, so that we may reach the contested-election case.

Mr. WALKER of Massachusetts. This will only take a moment, I will say to the gentleman from Texas.

Mr. BAILEY. We have had a dozen requests from this side of the Chamber to allow matters to be taken up this morning, but have been compelled to make objection to all of them.

The SPEAKER. The Clerk will call the committees for reports.

The Clerk proceeded with the call of committees.

AMERICAN REGISTER—BARK E. C. MOWATT.

The Committee on the Merchant Marine and Fisheries was called.

Mr. PAYNE. Mr. Speaker, I desire to call up on behalf of the committee the bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built bark *E. C. Mowatt*, owned by citizens of the United States, to be registered as a vessel of the United States.

Mr. PAYNE. I ask for the reading of the report, which fully explains the bill.

The report (by Mr. PAYNE) was read, as follows:

The Committee on the Merchant Marine and Fisheries, having had under consideration the bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, report the same as follows:

This bark was dismasted and wrecked during a hurricane, abandoned at sea, and picked up by the British steamer *Aberly* March 9, 1896, in 32° north latitude, 61° west longitude, and towed by the *Aberly* into St. Thomas, West Indies. The bark left St. Thomas July 14, 1896, in tow of the tug *C. W. Morse*, and was towed into New York Harbor with her cargo still in, arriving July 24, 1896. The hull was sold by the underwriters to Gustavus A. Müller and John W. Mowatt, of Philadelphia, both citizens of the United States, for $3,750. The bark has been thoroughly repaired and put in a stanch and seaworthy condition in United States shipyards at a cost of $12,723.00, which amount is in excess of the requirements of the general law relative to the registry of wrecked foreign-built vessels (section 4136, Rev. Stat.).

As this case conforms to the general law referred to in all respects, except that the vessel was wrecked on the high seas instead of within the waters of the United States, your committee believe she should be registered as a vessel of the United States and accordingly report the bill favorably, with a recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

AMERICAN REGISTER—STEAMER MENEMSHA.

Mr. PAYNE. Mr. Speaker, I desire also to call up the bill (H. R. 8557) to provide an American register for the steamer *Menemsha*.

I will state that this bill is precisely similar to one that was passed last session which originated in the Senate. I move, therefore, that this be permitted to lie upon the table.

The motion was agreed to.

ORDER OF BUSINESS.

The Committee on Foreign Affairs was called.

Mr. DRAPER. Mr. Speaker, on behalf of the committee, I desire to call up Senate joint resolution No. 70, authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain.

The SPEAKER. The Chair will state to the gentleman that this bill does not seem to be on the House Calendar.

Mr. DRAPER. No; it is on the Private Calendar, No. 834.

The SPEAKER. Under this call only bills on the House Calendar are in order. This, the Chair will state, is practically a private bill, and does not come within the rule.

MUSTER AND PAY OF CERTAIN OFFICERS AND ENLISTED MEN.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I ask to take up the bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

The bill was read at length.

The SPEAKER. The Chair is informed that this bill is also on the Union Calendar, and would not be in order under the call.

Mr. HULL. Then, Mr. Speaker, I ask to take up the House bill that is on the Calendar, which is precisely the same as the Senate bill.

The SPEAKER. It ought to be on the same Calendar.

Mr. HULL. It carries no appropriation, let me say.

Mr. DOCKERY. But it ought to be on the same Calendar as the Senate bill, of course, and would not be in order under the call.

Mr. HULL. It makes no appropriation, although it may result in one finally.

Mr. LOUD. It is subject to the point of order.

The SPEAKER. The Chair has to interpose objection, because the bill does not come within the purview of the rule.

Mr. HULL. Very well; I will withdraw the bill.

RELIEF OF CERTAIN TELEGRAPH OPERATORS.

Mr. HULL. Mr. Speaker, I call up, on behalf of the committee, the bill (S. 319) for the relief of telegraph operators who served in the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late civil war, and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. TERRY. Mr. Speaker, I would like the gentleman to make some explanation of this bill.

Mr. HULL. Mr. Speaker, the only explanation for the bill is that the telegraph corps, during the war, performed very efficient and faithful services. They were civilian employees; and from General Sherman down to the present time they have been recommended for some Congressional recognition of their services. It has been the unanimous testimony of all officers that they performed services of great value to the Government; and although they were civil employees, they could not leave the field and the service, as other employees could do. They do not ask for compensation or pay of any kind, nor do they ask for pension, but ask the benefit of this legislation for their families, simply that they may have a certificate of the services rendered. It is purely an honorary matter that carries no expense. It has been recommended for fifteen years by the officers and by the Department.

Mr. TERRY. There is no considerable expense involved in the bill?

Mr. HULL. There is no expense whatever, or only a trifling expense for the printing of certificates to give to each man who served in the telegraph corps during the war.

Mr. TERRY. I understand that these members of the telegraphic corps were simply employees of the Government.

Mr. HULL. Virtually that.

Mr. TERRY. But they often went into dangerous places.

Mr. HULL. They had dangerous places, went upon the field, and set up their instruments and established their lines, a service that the Generals of the Army and the War Department have continuously recommended should be recognized in this way. The bill is guarded so that it can not be made the basis for any pay or emoluments, or even for any pensions whatever.

Mr. TERRY. I have no special objection to the bill; but I suggest to the gentleman another class of employees who were frequently in very great danger, and that was the teamsters who drove the supply wagons, especially when the fellows on the other side were quite hungry. [Laughter.]

Mr. HULL. I ask for a vote, Mr. Speaker.

The bill was passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

Mr. HULL. Mr. Speaker, I have nothing more that I am certain is on the proper Calendar for consideration in this hour.

The Committee on the Public Lands was called.

FEES OF REGISTERS AND RECEIVERS.

Mr. LACEY. Mr. Speaker, I am directed by the Committee on the Public Lands to call up the bill (H. R. 9948) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That subdivision 10 of section 2238 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Tenth. Registers and receivers are allowed, jointly, at a rate not exceeding 10 cents per hundred words for testimony reduced by them to writing for claimants in all cases."

SEC. 2. That subdivision 12 of section 2238 of the Revised Statutes of the United States is hereby repealed.

Mr. LACEY. Mr. Speaker, I think it is due to the House that there should be a brief explanation of this bill. It is intended to take the place of a bill that was vetoed by the President some time ago. The new bill has been so drawn as to omit that part that was held in the Presidential message to be objectionable. The bill provides for the taking of depositions and evidence in land cases at 10 cents a hundred words, and also provides for striking out that part of the law which gives 50 per cent excess in land offices west of the Rocky Mountains and in the Rocky Mountain region. The bill passed the House and the Senate, but there was a proviso in it that required registers and receivers to make contracts for the taking of testimony at less rates even than 10 cents per hundred words if persons could be found to take it at the reduced rates. This provision was objected to in the message of the President.

Mr. TERRY. What is the real object of the bill?

Mr. LACEY. The sole object of the bill is to put these fees in the land offices in the Rocky Mountain region and west thereof at the same rate as in Kansas, Nebraska, Oklahoma, and Territories and States farther east. Originally the expense of living in the far West was much greater, and the fees were made 50 per cent higher. That reason no longer exists, in the judgment of Members and Delegates living in that region, and they have asked to have the rates changed to the same figure paid in other parts of the Union.

Mr. TERRY. The President did not object to that at all, did he?

Mr. LACEY. Not at all. Only one point was objected to, and that is omitted from the present bill.

Mr. BRODERICK. Does it change the fees elsewhere?

Mr. LACEY. It does not, except as to the taking of testimony. It is now 15 cents a hundred words, and this bill makes it 10.

Mr. SHAFROTH. It reduces the fees from 15 cents a hundred words to 10.

Mr. TERRY. Is this a unanimous report?

Mr. LACEY. A unanimous report.

Mr. SHAFROTH. It is unanimously reported from the Committee on the Public Lands.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

Mr. LACEY. We have nothing further on the House Calendar.

The Committee on Invalid Pensions was called.

ORDER OF BUSINESS.

Mr. KIRKPATRICK. Mr. Speaker, I am authorized by the Committee on Invalid Pensions to call up the bill H. R. 9785, No. 1491 on the Private Calendar.

Mr. DOCKERY. That is not in order.

The SPEAKER. The Chair desires to say to the gentleman that that is not admissible. In order to be admissible under this call a bill must be on the House Calendar, not the Private Calendar.

Mr. KIRKPATRICK. This is on the Private Calendar.

The SPEAKER. It is not admissible.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2941) granting increase of pension to Alfred P. Buse; and

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3355) to provide for organizing a naval battalion in the District of Columbia; and

A bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies, and their officers and agents in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1690) granting a pension to Richard Brookins.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and resolution were taken from the Speaker's table and referred as follows:

A bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture—

To the Committee on Printing.

CONTESTED-ELECTION CASE, YOST VS. TUCKER, TENTH DISTRICT, VIRGINIA.

Mr. McCALL of Massachusetts. Mr. Speaker, if the call of committees is complete, I call up the contested-election case of Yost *vs.* Tucker, from the Tenth district of Virginia.

The SPEAKER. The gentleman from Massachusetts [Mr. McCall] calls up the contested-election case of Yost *vs.* Tucker. The resolution in connection with this case will be read by the Clerk.

The Clerk read as follows:

Resolved, That Jacob Yost was not elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is not entitled to a seat therein.

Resolved, That H. St. George Tucker was duly elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is entitled to a seat therein.

The SPEAKER. The gentleman from Massachusetts.

Mr. WALKER of Virginia. Mr. Speaker, I desire to rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER of Virginia. And that is, whether there should not now be offered the substitute prepared by the minority?

The SPEAKER. It is proper to offer the substitute now.

Mr. WALKER of Virginia. I offer the substitute.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Resolved, That H. St. George Tucker was not elected a Representative to the Fifty-fourth Congress from the Tenth district of Virginia, and is not entitled to the seat.

Resolved, That J. Yost was duly elected as a Representative from the Tenth Congressional district of Virginia to the Fifty-fourth Congress, and is entitled to the seat.

Mr. McCALL of Massachusetts. Mr. Speaker, I have consulted with the minority members of the committee in regard to the division of time, and I am inclined to think that we will get along better by making no agreement at the outset as to the time when the vote shall be taken. It is desired that the gentleman from Virginia [Mr. Walker] who makes the minority report should have control of the time for the minority and that I, who make the majority report, shall have control of the time for the majority, and I would ask that that agreement be consented to.

The SPEAKER. The gentleman from Massachusetts asks that he have control of the time of the majority in the debate and that the gentleman from Virginia [Mr. Walker] have control in opposition. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL of Massachusetts. I yield to my colleague on the committee, the gentleman from Pennsylvania [Mr. Codding].

Mr. WALKER of Virginia. Mr. Speaker, I just want to ask one more parliamentary question. The contestant in this case desires to be heard in his own behalf. I understand it requires unanimous consent; and I now make that request, that I may be permitted to yield him time, out of my time, of course, and that he be allowed to address the House in his own behalf. I understand that this has been very frequently done in this House. The gentleman is an ex-member of the House. He is more familiar with the facts and the law in the case than anyone else in this House, and I hope it will be the pleasure of the House to allow him in my time to address the House.

The SPEAKER. The gentleman from Virginia asks that the contestant may be allowed to address the House in the time allotted to his side of the question. Is there objection?

Mr. BAILEY. Mr. Speaker, I have no disposition to object, but I think it would be well enough to be understood how much time is to be yielded to him.

The SPEAKER. Under that agreement, he can not exceed one hour.

Mr. WALKER of Virginia. One hour.

The SPEAKER. With that understanding, is there objection? [After a pause.] The Chair hears none. The gentleman from Massachusetts yields to the gentleman from Pennsylvania.

Mr. CODDING. Mr. Speaker, it is, I think, well understood that this case comes from Elections Committee No. 8, and that it is a contest on the election of November, 1894, held in the Tenth district of Virginia, the contestant being the Hon. Jacob Yost, and the contestee the sitting member, Hon. Henry St. George Tucker.

His notice of contest embraces thirty-eight specifications, covering matters in all the twelve counties and two cities comprising the district. The evidence, exhibits, and papers cover almost 600 printed pages, and have had the careful attention and scrutiny of this committee.

Two members of the committee dissent from the conclusion reached, to wit, that the contestee is entitled to retain his seat, and their views will be presented to you with vigor and ability.

At the outset, I consider it my privilege to refer to the character of the parties. Mr. Yost has been, on previous occasions, a Representative from Virginia, and by virtue of the election of 1896 will soon again take his seat here. He is known to the committee as a gentleman of distinguished ability, personally worthy of the position in controversy, and far from the taint which clings to numerous cases which are brought here solely under the influence of laws far too greatly favoring such contests. That he believes in the justice of his claim will not be in question.

The contestee, Mr. Tucker, has served in three Congresses preceding the present, enjoying the esteem, regard, and confidence of his associates, and I say with assurance there are few, if any, within sound of my voice who will believe him a party to any fraud or to the promotion of any irregularities. I say further that I confidently believe he would not for one instant retain that seat if he considered it acquired by any wrongful act done or encouraged by him.

The official return of the election gave the contestee a plurality of 892. Five candidates were named upon the official ballots, three of whom received altogether less than 1,000 votes out of nearly 29,000 cast. All the rest were for the parties to this contest, or in doubt.

The election of 1894 was the first trial in Virginia of the so-called Walton law, which gave to electoral boards the preparation of ballots and concealing from all others except the printer the size, style, and contents of the ballots which alone should be used at public elections. These ballots were intended to comprehend some features of what we commonly call the Australian system, giving, especially to the educated voter, a secret vote.

The electoral boards in each county and city were selected by the legislature, and these boards appointed a registrar for each voting precinct, who attended to the registration and transfer of voters. The electoral board also appointed the judges of election, three in each precinct, who are to be competent, able to read and write, and, if possible, from persons known to belong to different political parties.

Each voter appearing at election must apply to one of the judges for an official ballot, which the voter must carry into a voting booth, where "he shall then draw a line with pen or pencil through the names of candidates he does not wish to vote for, leaving the name or names of the candidate or candidates he does wish to vote for unscratched."

Further important provisions I now read from the statute:

No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name; and no ballot save an official ballot above provided for shall be counted for any person. When, as to any office, more than one name remains unscratched, the ballot for that particular office shall be void, but the ballot as to any other office for which only one name remains unscratched shall be valid. He shall fold said ballot with the names of the candidates on the inside and hand the same to the judge of election, who shall place the same in the ballot box without any inspection further than to assure himself that the ballot is a genuine ballot, for which purpose he may, without looking at the printed inside of said ballot, inspect the official seal upon the back thereof: *Provided*, It shall be lawful for any voter to erase any or all names printed upon said official ballot and substitute therein in writing the name of any person or persons for any office for which he may desire to vote.

The Congressional office was the only one mentioned upon the ballot of 1894, and some inferences are drawn from this fact which will hereafter appear. The census population of the district was 155,138. The aggregate official vote was 24,674.

After the beginning of the present contest, pursuant to orders of courts, furthered by agreements between the parties, a general examination and recount was had of all the ballots returned to the clerks' offices. This recount disclosed 28,438 votes. It leaves 1,021 votes undescribed, because they were destroyed by various election boards and were not returned. The result of this recount, or rather scrutiny, is to bring into view about 2,000 ballots not counted or computable because the voter had left two or more names unscratched upon the ballot. It further enabled this committee to pass upon a number of ballots of a character which had caused them to be rejected by some boards and counted by others. They present three general features for classification.

First. Ballots from which the voter had scratched the title to the office voted for, which the law requires to be upon the ticket, erasing likewise everything else except the name of one candidate, which thereby stood alone upon the ballot voted. Such ballots are termed "caption marked." Section 3 of the Walton act prescribes that the ballot shall contain "the title of the office printed or written," and speaking for myself and in the belief that the rights of voters are the gift of law, and are not inherent, I regard the question as a close one. But our committee, considering the fact that but one office was voted for, and hence no error could arise as to the intention of the voter as to the office, have computed the ballots according to the names found upon them. This adds to Yost's vote, but does not elect him.

Second. "Blotted or blurred ballots." These are such ballots as were marked or scratched with ink, and folded before the ink was dry, left a blot or blur upon the name which the voter probably intended to leave untouched. Such ballots are not numerous, and as the parties themselves agree upon these ballots, they are counted according to the finding of the parties. This makes an addition to Yost's vote, but not sufficient to elect him.

Third. Ballots styled "imperfect" are brought into this case. The Walton act prescribes that "no name shall be considered scratched unless the pen or pencil mark extends through three-fourths of the length of said name."

Considerable space in the report of the minority is devoted to this question, pages 12, 13, 14, and 15 being notably presented for scrutiny.

The real question, however, Mr. Speaker, is not upon the wisdom of the law, but whether it is the law governing the count of such ballots, and in this the report of our chairman is concurred in as the opinion of a large majority of the committee. There must be somewhere the right to prescribe or decide what shall be a lawfully marked ballot, and any educational information or instruction for illiterate voters along this line could as well include the complete marking out of a name as the careless work presented here.

In consulting these alleged specimens, to which I have called your attention on the pages of the report mentioned, I wish no erroneous impression to arise from a careless examination. Mr. Speaker, these representations purport to be facsimile ballots cast at the election in question. They may be so, but if so, it is fortuitous and accidental.

Read, for instance, at the top of page 12 of the report:

From that description (referring to the description at the bottom of page 11) we reproduce facsimiles of the ballots and leave it to the common fairness of any man to say whether or not they should be credited to Yost.

It appears, therefore, that facsimiles are presented which are made up from description only, and not from the ballots themselves. It is very certain that no ballots and no photographs of ballots or even facsimiles of the ballots were presented to the committee, except these which were constructed by verbal description only, as shown in the evidence. Therefore I call attention to that fact for the sake of exhibiting them in their proper relation to the case. For instance, at the bottom of page 11 is a description of one of the ballots:

Two had caption and all names except Yost's marked. But the two bottom names on these ballots were not marked clear through (insufficiently marked).

One, Tucker, Cocke, and Cowden's names well marked, and a line drawn under Grove's name, just touching the first initial and the last letter of the surname.

One, Tucker marked nearly through, given name in Grove and Cocke marked, and a line drawn diagonally through Cowden's name, just touching the C.

From that brief description given by a witness, who possibly inspected the ballots in the evening of the day of the election or the next morning, and whose testimony was not given until perhaps months afterwards, we have constructed the facsimile which is presented on the top of page 13. It does to a certain extent correspond with the description.

I think, therefore, Mr. Speaker, that caution should be exercised in accepting that as the representation of the veritable ballots which is only manufactured to correspond with a description. As to the representation of the facsimile or the description only of the ballots, I am not aware of any judicial proceedings, certainly none in my narrow experience, where such could be presented as reliable evidence. From a credible description it is proper for anyone to draw his own conclusions, but in this regard the report of the minority far surpasses any claim brought before this committee.

Mr. HULICK. Right there, if the gentleman will pardon me, I should like to ask him a question in reference to these facsimiles—whether at the time of this investigation the original tickets as marked were accessible to the parties, either contestant or contestee, so that facsimiles of the tickets themselves as marked could have been made?

Mr. CODDING. The tickets are accessible, as I understand.

Mr. HULICK. Then are we to understand that these facsimiles were prepared only from oral evidence before the committee—not from the tickets themselves?

Mr. CODDING. You are to understand just that. That is precisely my motive in calling attention to the matter.

The next phase of the controversy, proceeding in the order of the contestant's brief, presents the alleged failure to comply with the law in the appointment of election officers and in the neglect of constables to instruct voters.

Mr. HENDERSON. Before the gentleman passes from this point, I should like to ask whether these tickets represented on pages 12 and 13 were counted for Mr. Yost or for Mr. Tucker, or not counted at all?

Mr. CODDING. As I understand, those tickets were not counted at all, but were considered imperfect.

Mr. McCALL of Massachusetts. The tickets that were testified to by the witnesses and of which these purport to be reproductions.

Mr. CODDING. I thank the gentleman; that is correct.

Mr. WOOD. Will the gentleman allow me a question?

Mr. CODDING. With very great pleasure.

Mr. WOOD. The tickets represented on pages 12 and 13, where the title of the office is erased by a cross, were not counted?

Mr. CODDING. They were not counted in the original return, but our committee has counted all caption-marked ballots where there was no other objection against them.

Mr. WOOD. But the tickets represented on pages 14 and 15, where the name is erased by marks, which are not drawn through the name, those tickets are not counted?

Mr. CODDING. Those are not counted.

Mr. WOOD. Why should not the tickets be rejected in the one case as well as in the other?

Mr. CODDING. I will answer the gentleman somewhat at random, without being sure that I catch his point. I do not know that the cross mark was considered an obliteration of the caption. That question did not arise before us. I gave but small attention to that matter, because in the decision of the committee the caption-marked votes were counted.

Mr. OVERSTREET. Will the gentleman pardon me a moment? According to my recollection of the law, there is a different rule governing the caption marks from the rule governing the marks on the ballots proper. For that reason the caption-marked tickets were counted by the committee.

Mr. CODDING. I thank the gentleman. That is correct.

Mr. WOOD. Then there was one rule for the caption and another for the obliteration of the name?

Mr. CODDING. That was substantially so. But allow me to add that there is nothing in the letter of the law making illegal a ballot which has the caption erased. The Walton law provides that the ballot shall have the title of the office placed upon it, but it does not say anywhere that the ballot shall be considered illegal if that title is erased.

Mr. McCALL of Massachusetts. Will the gentleman allow me to call his attention to one specific ballot on page 14 of the minority report, under the precinct of Stotswood. At this precinct 11 ballots were burned; and then there is this extract from the evidence:

> Three of them were scratched with vertical lines, all names being scratched, except Yost's name, on these 3 tickets.

Now, if you will look at that facsimile, you will see there is no vertical line in it; and furthermore, the testimony does not state how many vertical lines there were. There might have been simply one. So that it seems to have been a matter purely for the judgment of the person making that alleged reproduction, to put in whatever number of lines he desired.

Mr. WOOD. The evidence does state that they were marked with vertical lines. That would imply more than one, would it not?

Mr. McCALL of Massachusetts. But there is no evidence as to how many vertical lines there were, and there is no vertical line in the reproduction.

Mr. DALZELL. I should like to ask my colleague [Mr. CODDING] a question.

Mr. CODDING. Certainly.

Mr. DALZELL. Do I understand rightly when I understand that the conclusion arrived at by the committee was arrived at by throwing out certain marked or imperfectly marked ballots?

Mr. CODDING. No, sir; you are not to understand that. You are rather to understand that the committee has counted ballots in favor of the contestant which were thrown out by the election board or destroyed. But we have in no case, so far as I remember, diminished Mr. Yost's votes by throwing out any ballots.

Mr. DALZELL. I find in a brief, which has been laid upon our desks this morning, this statement:

> It is either agreed or proven that each of these imperfect ballots clearly indicates the intention of the voter. The committee concedes this, but rejects them because they do not comply with a strict technical construction of the Virginia statute, which requires that all names of candidates on the ballot, except the name of the candidate voted for, shall be erased by marking through three-fourths the length of such names.

Is that statement correct?

Mr. CODDING. It is not, as I understand. The statement to which the gentleman refers, which has been placed on the desks of members this morning, is a recent emanation. I know nothing of that statement, and I do not understand it to be correct.

I was speaking, Mr. Speaker, of the question raised by the exclusion of other parties than the Democratic party from the election machinery of that district.

There is nothing startling to the average mind in the fact that it is usual for a majority party to assume control, and it is always proper for a minority party to have representation. But even the absence of such representation does not vitiate a ballot without evidence showing resulting fraud.

On pages 24 and 25 of the minority report the report says:

> In Amherst County the electoral board, in utter disregard of the plain mandatory provisions of the statute, failed and refused to appoint judges who belonged to the different political parties at the following precincts: Temperance, Magruders, Pedlar Mills, Oronoco, Chestnut, Furnace, and Millners.

How such a statement could have been made in the face of the record it is difficult to understand. The record shows that at Temperance, Campbell, Populist judge, was appointed and served; at Magruders, Wingfield, Populist judge, appointed and served; at Chestnut, White, Republican judge, did not serve, though appointed; at Millners, Burks, Republican judge, was appointed but did not serve.

There were 16 precincts in Amherst, at 3 of which there was no judge appointed in opposition to the Democratic party; at one of these, Oronoco, the vote stood, Tucker 35, Yost 48. There is no evidence in the record impeaching the returns from either place. McGinnis, page 421, puts the number of white Republicans in the county at 80, and only 25 per cent of them as capable of being election officers. Harrison, the Democratic chairman, page 153 of the record, says:

> We (meaning Mr. Allen, the Republican chairman, and himself) went over the list of judges together, and I told him that wherever he desired a change to be made and a Republican judge to be appointed that the electoral board would appoint him or them. He suggested several, and they were all appointed. I asked him, as the list stood with the changes made, was he satisfied, and he told me that he was.

This evidence of Harrison is admitted by Allen on page 127, in answer to questions 10, 11, 12, and 13. Harrison is contestant's witness.

The evidence is insufficient to warrant a finding that judges were systematically chosen in defiance of law, or that any marked or unusual result is apparent from such choice as was made.

The special constables chosen to assist illiterate voters had before them peculiar duties. In some locations they professed, indeed, to be unwilling to go beyond the strict letter of the statutes. In others the assistance was freely given. But nearly everywhere they were met by the fact that the illiterate voter had been taught to distrust them, and the impression was widespread that anyone consulting such constable was a traitor to the contestant's cause, or at least opposed to him. Under such conditions, the law was imperfectly executed, and officers so placed were easily misunderstood.

These matters are of substantial importance, which has been recognized in the committee's report, and all that can be justly claimed to the contestant's advantage has been credited in computing his vote. And this question has been fully discussed relative to the vote in Staunton, found on pages 11 and 12 of the report.

Still further it is claimed that the votes of Amherst and Appomattox counties should be entirely rejected as fraudulent and vicious, because the ballots were not printed in plain roman type. In the former county it is stated that the ballot was in "German text," and in the latter in script. The counsel for contestant in his brief, on page 45, presents a photographic copy of the Amherst ballot, which may be considered authentic. If any of my hearers have the brief of the contestant, they will please refer to page 45, or, for the benefit of any who wish to examine it now, here is a copy. That, being a photograph, can not be well objected to. An attempt is made in the minority report, page 27, to reproduce this. This attempt is injected into an extract from the testimony and the inference conveyed that it is correct. A comparison of the two discloses the fact that the ballot printed in the minority report differs in thirteen particulars from the original, and always, I think, for the worse.

I entirely absolve the gentleman signing that report from any intention or even knowledge of this matter. It probably arises from the mixed fonts of an ignorant printer. But the type of the photograph is well known to me; was used by me as headline type, from choice, for years. It is not German, but Old English, an unimportant fact except for accuracy, and its effect is not materially different from that type at the head of our letters by which we inform our friends that we are members of this House.

Mr. CONNOLLY. Mr. Speaker, will the gentleman allow a question?

Mr. CODDING. Certainly, with great pleasure.

Mr. CONNOLLY. I find it stated in a paper on my desk that a member of the election board for Amherst County, who was chairman of the Democratic party, admits that he had ballots printed in seventy-five different styles. Is that correct?

Mr. CODDING. I think the gentleman will find that there is such testimony in the record. I was coming to that question of alternating very soon.

Mr. CONNOLLY. I supposed the gentleman was referring to that subject now. I can not hear him very distinctly.

Mr. CODDING. I am sorry that my voice is not stronger.

Mr. CONNOLLY. There was talking going on here.

Mr. BRUMM. Will it disturb the gentleman to ask him if he knows why these tickets were printed in German type? Is there any reason assigned for it?

Mr. CODDING. Yes, a reason is given in the testimony.

Of the script from Appomattox we have no copy; and with these charges is coupled another that the names of the candidates were "alternated," printed in varying order upon the ballots, with the intent to confuse and deceive the illiterate voter.

These are serious matters, reprehensible and meriting condemnation. The intent was unlawful, and had the result corresponded, we should undoubtedly concur with the minority opinion.

In Amherst, however, in a vote of 2,705, there were 349 defective ballots, a result differing little from the rest of the district. In Appomattox there were 153 defective in a total of 1,432. And I have here a statement of the vote of these counties for several years, indicating for 1894 no revolutionary or remarkable change.

The following is the vote of Amherst County, Va., for the past nine years:

Year.	Office.	Total vote.	Democratic majority
1884	Congress and President	3,319	565
1885	Governor	2,974	601
1886	Congress	2,539	181
1888	Congress and President	3,188	358
1889	Governor	2,986	718
1890	Congress	1,106	
1892	Congress and President	2,841	509
1893	Governor	1,778	88
1894	Congress	2,705	499

The average Democratic majority in Amherst County for eight years is 433.

The average vote polled in the county for eight years past is 2,680.

Appomattox County, Va.

Year.	Office.	Total vote.	Republican majority.	Democratic majority.
1884	Congress and President	1,729	46	
1885	Governor	1,798		25
1886	Congress	1,240	144	
1888	Congress and President	1,476	94	
1889	Governor	906		23
1890	Congress	588		
1892	Congress and President	1,461	123	
1893	Governor	1,494	105	
1894	Congress	1,432		49

You will see from the vote in 1896, as was stated, that it showed a large Democratic gain over Mr. Tucker's majority in 1894, the ballots being this last year printed in roman type.

Mr. Speaker, there are numerous side questions growing out of the contest, issues which will hereafter be discussed by those following. To me was assigned the duty of presenting the leading features of the case, which I have endeavored to do, and I have endeavored to state to the House the main propositions upon which the report of the majority of the committee is based. I concurred with some hesitancy, after considerable examination, in the report of the majority, because my sympathy was very warmly for the contestant in the presentation of his claim. But I believe, sir, that the committee have presented their report to this House adhering to the rules which are safe for the majority in its time of victory, and proper for a minority to protect them in the time of their defeat.

Mr. HENDERSON. Mr. Speaker, before the gentleman sits down, I would like to know who got the benefit, and is it in evidence who got the benefit, of these tickets being printed in a foreign type, so to speak?

Mr. CODDING. There is no evidence which seems conclusive to the committee of any material variation, while some say they were appalled at finding these tickets so printed. The evidence as I now recollect it, after nearly a year's lapse, and dimmer than I wish it to be, is that there was no material variation.

Mr. HENDERSON. They were cast for both candidates, were they?

Mr. CODDING. Yes, sir; that was the official ballot.

Mr. HENDERSON. The law, I see, does not say in what type it shall be printed.

Mr. CODDING. I believe an amendment has been passed through the legislature of Virginia requiring the printing to be done in regulation type.

Mr. HENDERSON. Referring to these ballots, on pages 12 and 13, do I understand the tickets, the actual ballots that were cast, were before the committee, or are still accessible?

Mr. CODDING. They are still accessible.

Mr. HENDERSON. But they were never brought by either the contestant or the contestee before the committee?

Mr. WALKER of Virginia. We do not agree to that.

Mr. CODDING. I would be glad to hear the statement of the gentleman from Virginia.

Mr. WALKER of Virginia. I will make it later.

Mr. HENDERSON. Let me ask this question—how these ballots were cast. I refer to those on pages 12 and 13.

Mr. CODDING. I would have to examine each one particularly.

Mr. HENDERSON. I refer to those on pages 12 and 13 of the minority report. Were they counted?

Mr. CODDING. Each one of those excluded from the count was in conflict with the law requiring the name to be erased over three-fourths of the entire length.

Mr. HENDERSON. But the law does not state which way the line is to be drawn, whether horizontally or vertically. It does not; I have read it.

Mr. CODDING. It is to extend three-fourths of the length of said name.

Mr. HENDERSON. But it may be extended vertically as well as horizontally?

Mr. CODDING. I should so construe it.

Mr. WILSON of Ohio. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. CODDING. Certainly.

Mr. WILSON of Ohio. On page 38 of the minority report, there is a summary of the count by the minority. It appears that after counting the votes to a certain point there are 12,490 for the contestant and 12,528 for the contestee. And then there are added votes proven—Cumberland 36, Jacksons River 15, Augusta and Staunton 11. By adding those votes, it gives the contestee a majority. I desire to know what is meant by "votes proven." What kind of votes were they?

Mr. CODDING. If the gentleman will refer to the previous pages of the minority report, he will ascertain what is meant by the term of "votes proven." It is a term frequently used by the contestant in his brief, and all through the argument, assuming his evidence in his own presentation of the case, and assuming that just as soon as he had finished his testimony or argument that part was proven.

Mr. WILSON of Ohio. Were all these votes actually cast, and do they appear on the tally sheets or whatever evidence you had, or are they votes supposed to have been cast, but which do not appear in the records, and were not presented and counted by the committee or considered in arriving at their conclusions?

Mr. CODDING. So far as I know, every vote considered in this case was a vote actually deposited in the ballot box. The questions arising in this case are whether the votes were in compliance with the law and sufficient to be computed for any purpose.

Mr. WILLIAM A. STONE. Do I understand that these sample ballots on pages 12 and 13 were excluded?

Mr. CODDING. Yes, sir.

Mr. WILLIAM A. STONE. For what reason?

Mr. CODDING. The ballot upon the bottom of page 12 has the name of Mr. Yost unmarked, and the name of C. H. Grove immediately before it is not erased in accordance with the law. The same is true of the one at the top of page 13.

Mr. WILLIAM A. STONE. Take the one on the top of page 13. You say that the objection to that ballot is that the name of Mr. Grove is not properly erased?

Mr. CODDING. Yes, sir.

Mr. WILLIAM A. STONE. Why not?

Mr. CODDING. The erasing mark does not pass through three-fourths of the length of the name. The H and the Gro are untouched. Only three letters of the name are touched by the erasing mark.

Mr. WILLIAM A. STONE. It hits both ends, though.

Mr. CODDING. That is true.

Mr. WILLIAM A. STONE. The law under which these ballots were cast requires, does it, that three-fourths of the name of the candidate for whom the voter does not wish to vote shall be erased?

Mr. CODDING. The law says that "no name shall be considered scratched unless the pen or pencil mark extends three-fourths of the length of said name."

Mr. WILLIAM A. STONE. Now, in reference to the ballot at the top of page 12, there are five candidates for Congress on that ballot. There is no objection to that erasure, is there?

Mr. CODDING. None whatever.

Mr. WILLIAM A. STONE. In other words, in erasing three-fourths of a name the voter may erase more than three-fourths and there will be no objection to it; is that correct?

Mr. CODDING. Yes.

Mr. WILLIAM A. STONE. Now, the two names at the bottom, Grove and Cocke, they are held not to be erased in accordance with the law, I understand?

Mr. CODDING. The gentleman will bear in mind that these alleged sample ballots are created from the description given by a witness and found at the bottom of page 11.

Mr. WILLIAM A. STONE. Another question. The difficulty in this case arises, as I understand, out of these ballots that were not counted because the names were not properly erased.

Mr. CODDING. I think the turning point of the case is there.

Mr. WILLIAM A. STONE. There is where the pinch of the case comes, and there is a good deal of testimony on that point. This volume is the report of the majority, is it not?

Mr. CODDING. No, sir; that is the record in the case.

Mr. WILLIAM A. STONE. Other ballots on which the name of Mr. Tucker was marked similarly to Mr. Yost's were found in the case.

Mr. CODDING. That is correct.

Mr. WILLIAM A. STONE. Take the ballots on page 13—there are two of them. Whatever the committee may say or think about the intention of the voters, let me suppose that the intention of the voters who polled or attempted to poll those ballots was to erase all the names except that of Mr. Yost. Now, do you find any ballots thrown out upon which the apparent intention of the voter was to erase all the names except Mr. Tucker's?

Mr. CODDING. Yes, sir.

Mr. WILLIAM A. STONE. And the committee have waded through all this testimony in reference to these 3,797 ballots, or through such testimony as was offered in the case, and have reached the conclusion which the majority of them have reported.

Mr. CODDING. That is correct.

Mr. TAYLER. I wish to ask the gentleman a question. Referring to the 4 ballots described at the bottom of page 11 of the minority report, were those ballots counted for Mr. Yost?

Mr. CODDING. They were not.

Mr. TAYLER. Then, disregarding for the moment any statutory requirement as to the form of marking, does the majority refuse to count for Mr. Yost certain ballots which on their face show that the voter apparently intended to cast them for Mr. Yost?

Mr. JENKINS. If the gentleman will permit me, I will answer that the committee refused to count those ballots for two reasons—first, because they could not count them under the law; and second, because they did not have a particle of evidence before the committee as to the intention of the voter (if they could have been controlled by that consideration), because the committee were simply furnished a statement of witnesses with reference to what was done with one particular ballot, which was reproduced, and then the committee were asked to infer from the description of that ballot that all that the committee call "imperfect" ballots were marked exactly like that one.

Mr. TAYLER. My question assumes that for the moment we disregard the legal effect as to intention of any statutory requirement. Disregarding that, my question is, Did the majority of the committee refuse to count for the contestant ballots that appeared to be intended to be voted for him?

Mr. JENKINS. If the gentleman will permit me, I will repeat that the committee did not have a particle of evidence before them with reference to those ballots other than the description from which the sample is made.

Mr. WILLIAM A. STONE. Did you not have the ballots?

Mr. JENKINS. No, sir.

Mr. WILLIAM A. STONE. Then how did you get these facsimiles in the report?

Mr. TAYLER. The report states that they are reproduced from the description of them given by witnesses.

Mr. WALKER of Virginia. As this seems to be a general colloquy, I will explain that those reproductions of ballots are made from a description in the testimony of witnesses of certain ballots which could not be produced because they were burned. They were destroyed and could not be produced, and therefore evidence was taken as to them.

Mr. TAYLER. As to one or two ballots?

Mr. WALKER of Virginia. Yes, sir; as to the ballots reproduced.

Mr. MILES. And, as I understand it, that testimony referred only to one or two ballots.

Mr. WILLIAM A. STONE. Now, let us get at the facts as to these 3,797 ballots. I understand that the committee had none of those ballots before them at all.

Mr. CODDING. That is correct.

Mr. WILLIAM A. STONE. And, so far as the committee reported touching those ballots, the report is based upon information obtained from the testimony of witnesses.

Mr. CODDING. Upon the testimony of witnesses relating to only one or two ballots.

Mr. WILLIAM A. STONE. And the evidence relates to ballots polled apparently on both sides?

Mr. JENKINS. That is correct.

Mr. WALKER of Virginia. The number is proved; it is shown how many there were for each.

Mr. DANIELS. I should like to ask this question: Whether it is contended that if the erasure goes so far as to indicate the intention of the voter, although it does not literally comply with the Virginia statutes relative to the effect of erasures, the House is concluded by the Virginia statute?

Mr. CODDING. The committee has based its opinion upon the Virginia statute as obligatory upon the voter.

Mr. DANIELS. In other words, my question is this: Suppose the erasure goes so far as to indicate the intention of the voter to erase a particular name, although the erasure does not go three-fourths of the way through the name; suppose the voter voted such a ticket, with the name of Yost entirely undisturbed; is not the House justified in such a case in assuming, such being the intention of the voter, that the vote was a legal vote for Yost, notwithstanding the erasure was defective? The Constitution of the United States, as gentlemen will recollect, provides that the action of the State shall be authoritative only as to the qualifications of the voter—not as to the effect of the ballot itself or the mode of voting the ballot or the making of erasures on the ballot. Under those circumstances is it not competent for the House to determine what was the real intention of the voter and to give effect to his vote according to that intention?

Mr. CODDING. No doubt it is competent for the House to give any construction to it that the majority may please. At the same time, however, I am strongly of the opinion that due effect ought to be given to the ballot laws of the State.

Mr. DANIELS. We want to know whether we are concluded by the law of the State of Virginia as to the form or manner in which the erasure is to be made, where the intention of the voter is sufficiently disclosed by his act?

Mr. CODDING. That is my opinion; yes, sir.

Mr. HALL. As I understood the statement of the gentleman from Virginia [Mr. WALKER] a few moments ago, these alleged facsimile ballots were made from a description of the burned ballots.

Mr. WALKER of Virginia. Yes, sir.

Mr. HALL. Now, referring to page 38 of the minority report, I count the number of burned ballots as 291.

Mr. WALKER of Virginia. One thousand and twenty-one.

Mr. HALL. I am referring to the figures as given in the minority report; and I suppose the minority has stated the number as fully and strongly as the facts would justify.

Mr. WALKER of Virginia. One thousand and twenty-one is the correct number.

Mr. HALL. Adding those burned ballots together, according to my arithmetic, there were 291.

Mr. WALKER of Virginia. To what page does the gentleman refer?

Mr. HALL. To page 38 of the minority report. Now, referring to this statement which has been placed on our desks, there were 3,797 ballots cast at the election which were not counted at all. So that, instead of this facsimile being a facsimile of 3,797 ballots, it is, even according to the minority report, a facsimile of only 291 ballots which were alleged to have been burned.

Mr. WALKER of Virginia. I do not understand that there is any dispute that 1,021 is the number of ballots burned in the whole district. I do not know where it is proved; but I have never heard any dispute on that point.

Mr. HALL. I am referring to page 38 of the minority report, and I make the number 291.

Mr. HERMANN. Allow me to ask this question: If these votes, cast for Mr. Yost and which were rejected, had been counted for him, would they have given him a majority?

Mr. CODDING. I think not, sir.

Mr. WILLIAM A. STONE. Does my colleague [Mr. CODDING] know how many of these 3,797 ballots which were not counted were cast for Yost and how many for Tucker?

Mr. CODDING. There ought to be some chance to emerge from this confusion which we are getting into as to figures. It is contended here—and the statement is put forth on every occasion—that there were 3,797 ballots which have not been counted. It should be borne in mind by the House at the very outset that a great majority of these ballots rejected by the election boards on the day of election were afterwards taken into account and computed for one party or the other by agreement between the contestant and the contestee, and the ballots in controversy which were not covered by that quasi amicable arrangement are comparatively few. They are enough to affect the result of the election, I grant; but nothing like 4,000 or any such number of votes are in controversy here. The number is far less than 1,000.

Mr. HAINER of Nebraska. Allow me a single question. I understand from the report of the majority that they find Mr. Tucker has a plurality of 221 votes, and in order to hold that he has this plurality, all these imperfectly marked ballots must be thrown out.

Mr. CODDING. Oh, no.

Mr. HAINER of Nebraska. As I understand, in order to concur with the majority of the committee in their conclusion, we must throw out these imperfectly marked ballots. In other words, enough imperfectly marked ballots were cast for Mr. Yost, or intended to be cast for him, to have changed the result if they were counted. Am I correct in that?

Mr. CODDING. I suggest that the tables in the respective reports ought to settle that question.

Mr. HAINER of Nebraska. In other words, I understand the committee hold that that provision of the Virginia law is mandatory, and relying on that construction they hold that the contestee is elected?

Mr. CODDING. We have held it mandatory as to the marking out of the names on the ballots; but there is no mandate respecting the so-called "caption-marked ballots," and almost thirteen hundred of them are dealt with, as it were, by a stroke of the pen.

Mr. HAINER of Nebraska. But, as I understand it, the improperly marked ballots are rejected by the committee, although the intention of the voter, as shown by them, is sufficient to have elected Yost if not estopped by the statute of Virginia.

Mr. WILLIAM A. STONE. I do not understand that.

Mr. McCALL of Massachusetts. It is not admitted, if the gentleman from Pennsylvania will permit me, that the intention of the voter is evident in the case of the imperfectly marked ballots. In most of the cases, as shown by the testimony, at least two of the names on the ballots were apparently untouched, and the most that can be said of the position the gentleman favors is that the stipulation between the parties was that the marking had not been done on certain ballots as required by the statute. The committee therefore passed on the agreement of the parties to the contest, and decided that all of the ballots not marked as required by the statutes of Virginia should not be counted. But it does

not appear how many ballots expressing the intention of the voter were presented, and in fact there is no way of getting at that intention.

Mr. HAINER of Nebraska. How many ballots of the entire number set out on pages 12 and 13 of the minority report were excluded by the committee in their count?

Mr. McCALL of Massachusetts. I will say, in my judgment, very few were. If the gentleman will read the testimony—and that is the difficulty of substituting here a picture for the evidence—but if the gentleman will read the evidence that the committee had before it, he will find that several witnesses testified that there was no ballot in the precinct concerning which they testified, and that there was no pretense of marking.

Mr. HAINER of Nebraska. What I wish to find out is, whether there were 221 of these ballots excluded.

Mr. McCALL of Massachusetts. The evidence does not show that there were 221 of these ballots excluded. There was testimony as to 4 ballots, I think, and these 4 ballots we find marked that way.

Mr. WILLIAM A. STONE. They were the sample ballots.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WALKER of Virginia. I want it distinctly stated and understood, Mr. Speaker, that I do not concur in the statement of the gentleman or in the position he assumes in arguing his side of the case. I do not want my silence during the discussion to be taken for consent.

Mr. McCALL of Massachusetts. I suppose now, Mr. Speaker, that the minority will consume some portion of their time, the gentleman from Pennsylvania having exhausted his time.

Mr. WALKER of Virginia. I yield one hour to the contestant [Mr. YOST].

Mr. YOST. Mr. Speaker, I thank the House for its courtesy, which I shall endeavor not to abuse.

The questions presented in this contest are few and clearly defined. I shall undertake to go at once to the very core of the case.

After throwing out 3,797 ballots cast by honest, duly qualified electors, the judges of election returned contestee by a plurality of 892. The committee concede that 731 of this plurality, including the 60 votes which they particularly count, were either erroneous or fraudulent. They give contestee a plurality of 161, and in order to do so throw out 183 net ballots cast for contestant, designated in the record as "imperfect," upon each of which the plain intention of the voter is clearly shown. Many of these identical ballots were counted and returned for contestant by Democratic judges of election. Nay, more; contestee's leading counsel, in conducting the recount, treated them as absolutely valid, and without a moment's hesitation or a word of explanation assigned them in the tabulation to the candidate entitled to them.

If these 183 net ballots are allowed, this case must be decided in favor of the contestant upon the report of the committee, without further investigation.

This net result of 183 ballots for contestant is shown by the committee's report. On page 4 the committee say: "It appears that there were 454 'imperfectly marked' ballots for Yost and 271 for Tucker." The difference between these two sums, 183, is the net result in favor of Yost. But, in addition to this, there are 89 net ballots of the same class proven out of the burned ballots, making a net total of 272 "imperfect" ballots for Yost.

Now, from what evidence are those "imperfect" ballots tabulated? The record shows that, acting under orders of the several courts, a recount of the ballots was had in each county. This recount was conducted by representatives of each party to the contest. The different classes of ballots were tabulated under separate headings. The "imperfect" ballots for Tucker were tabulated under this heading: "All marked except Tucker—marking imperfect;" and the "imperfect" ballots for Yost were tabulated under this heading: "All marked except Yost—marking imperfect." Each class was placed under its distinct heading by agreement of the parties who conducted the recount. This agreement is certified in each instance, or else the fact of the agreement is proven by witnesses who witnessed the count and whose testimony is not disputed. Here is a sample certificate (page 336 of record):

> We have examined the vote in the city of Buena Vista at the Congressional election of November 6, 1894.
>
> The above tabulation, to which this is attached, shows an accurate report of the ballots cast as above stated as carefully inspected by us.
>
> Of course, it is understood that either party to the contest may reexamine the said ballots, if either so desire. By "all marked including caption, except," etc., is meant that "for Congress" as the caption of the ballots is erased. By "imperfectly marked" is meant that all the names except that of the candidate to be voted for, while marked some in one way and some in another, were not marked in strict accordance with the statute—that is to say, "scratched by pen or pencil mark extending through three-fourths of the length of said name."
>
> This the 5th day of February, 1895.
>
> WINBORNE & BATCHELOR,
> *Attorneys for H. St. G. Tucker.*
> J. YOST.

Now, remember that upon each one of these ballots the plain, undisputed, confessed intention of the voter is shown. Upon this point there is no dispute, when you come down to the record, and there can be no disagreement.

The question, then, is narrowed down to this: Should a ballot which, upon investigation, clearly determines the intention of a voter to vote for a particular candidate be counted for that candidate? The courts say it shall be; and in this there is such unanimity of opinion that it is crystallized into a fixed principle of law. Numerous authorities on this question are cited in the views of the minority. I ask the attention of the House only to a few of them, and I further ask members to examine these references as given in that report. Judge Cooley, in his work on Constitutional Limitations, lays down the following as the law relating to the subject (page 609):

> Every ballot should be complete in itself and ought not to require extrinsic evidence to enable the election officer to determine the voter's intention. Perfect certainty is not, however, required in these cases. It is sufficient if an examination leaves no reasonable doubt upon the intention, and technical accuracy is never required in any case. The cardinal rule is to give effect to the intention of the voter whenever it is not left in uncertainty. * * *

Chief Justice Cooley, from the bench, said:

> All rules of law which are applied to the expression, in constitutional form, of the popular will should aim to give effect to the intention of the electors; and any arbitrary rule which is to have any other effect, without corresponding benefit, is a wrong, both to the parties who chance to be affected by it and to the public at large. The first are deprived of their offices and the second of their choice of public servants.

McCrary, Law of Elections, section 408, says:

> It may often happen that a printed ticket is changed by the voter, by erasing some part of it. * * * to make it conform to his wishes. A ballot is to be construed in the same way as any other written or printed document, and the construction must be such as to give effect to the voter's intent if that can be ascertained from the face of the ballot, or in some cases, as we have seen, from the ballot as explained by evidence aliunde.

It is not necessary to introduce evidence aliunde in this case. These "imperfect" ballots come here under the agreed statement of both parties that the intention of the voter is shown.

In passing upon this direct question within the past year, the supreme court of Illinois, in the case of Parker *vs.* Orr (41 N. E. Reporter), said:

> It has always been held in this State that if the intention of the voter can be fairly ascertained by the ballot, though not in strict conformity with the law, effect will be given to that intention. In other words, that the voter shall not be disfranchised or deprived of his right to vote through mere inadvertence, mistake, or ignorance, if an honest intention can be ascertained from his ballot. * * * Ballots appear in the record on which it is clear that the voters attempted to make a cross in the proper place to indicate the choice of candidate, but succeeded more or less imperfectly. It being clear in such cases that the intention was to conform to the statute and not to distinguish the ballot, they were properly counted.

American Encyclopedia of Law, page 343:

> While every ballot should be perfect and complete, it is found that there are many deviations from technical accuracy, and questions of importance arise as to how far such deviations may go without rendering the ballot void. The principle governing such cases is that the intention of the voter shall prevail, and when the ballot itself, upon examination, leaves no reasonable doubt of the intention, this intention should be carried out by counting it.

In Brown *vs.* McCullum (14 American State Reports, pages 232 and 233) the court says:

> If the ballot expresses the intention of the voter beyond a reasonable doubt, it is sufficient without regard to technical accuracy in the form of the ballot.

So far, then, as the courts can decide this question, this contestant must be seated.

The committee reaches its conclusion, giving the contestee a plurality of 161, by construing as absolutely mandatory that provision of the Virginia statute which requires a voter in marking his ballot to erase with pen or pencil marks extending three-fourths through their length the names of all candidates he does not wish to vote for, leaving only the name of the candidate he does wish to vote for. It holds that the slightest deviation from the strictest technical accuracy in the marking shall be fatal. As if conscious of the weakness of this position, the report hastens to add:

> It is not for the committee to decide whether the provision as to the marking of the ballot is a wise or reasonable one or not.

It gives the very strictest technical construction to a provision of the statute which it is unwilling to admit is either wise or reasonable, and fails to recognize the binding force of other provisions of the same law, mandatory in their character, the reason and wisdom of which are apparent to the plainest understanding.

There are some mandatory provisions in that Virginia law, and I want to ask the attention of the House to them for a moment.

The law provides that judges of election shall be chosen, whenever possible, from members of different political parties. This is a wise and reasonable provision of the law. This is a mandatory provision of the law. The committee disregard it. If you enforce that one single provision and grant all else claimed by the majority, this contestant must be seated. At the following precincts, casting the following vote, there was no Republican judge, although the testimony shows that competent Republicans could have been appointed at each precinct:

	Yost.	Tucker.
Amherst County:		
McGruder	18	34
Pedlar Mills	31	176
Chestnut	15	30
Furnace	22	28
Millners	30	140
Total	138	408
Appomattox County:		
Chap	32	39
Stonewall	55	89
Total	87	128
Fluvanna County:		
Scottsville	20	69
Center Hill	17	36
Gordon	15	40
Total	52	145
Nelson County:		
Arlington	60	179
Buffalo Ridge	20	26
Grasslawn	17	28
Fabers Mills	53	79
Lowesville	53	65
Total	203	377
Buckingham County:		
Wellwater	65	110
Total	65	110
Grand total	545	1,168

If this mandatory provision of the law is enforced and all else the committee claims is granted, this contestant must be seated by 400 plurality.

Again, the Virginia election law provides an officer whose duty it is to assist illiterate voters. This officer is called a special constable. The law was mandatory upon him to mark the ballots for the illiterate when the illiterate so requested. There can be no mistake about this, for that provision of the law relating to his duties has been construed by the supreme court of appeals of Virginia. In the case of Pearson *vs.* Supervisors of Brunswick County the court said:

> Nothing is better established than that where a power or duty is conferred upon an official by the use of the word "may," and the public are concerned in the due performance of that duty, the word "may" will be deemed to be mandatory and the officer can be compelled to perform it. * * * Such being the case, it is the duty of the special constable to render him who is blind, or unable by defective education to read, every assistance asked for and required by the elector to aid him in preparing his ballot.

It will be observed that the law makes no distinction between the man who is blind and the man who is unable by defective education to read. If either asks the constable to mark his ballot, the constable must mark it. This mandatory provision of the law was willfully and deliberately violated at a number of precincts. At Ward No. 1, Staunton, which returns contestee a plurality of 131, the constable, West, confesses that he would not mark, as will be seen by the following evidence (page 380, question 49):

> Mr. Yost did come to me, as I heretofore stated, and urged upon me to mark out the names on these ballots, and I positively declined to do it, as I considered that that was to be done by the elector.

At Arrington precinct the constable not only refused to mark for Republicans, and aided Democrats, but openly proclaimed at the polls that he did not propose to assist men who were voting against him. See testimony of A. J. Doswell, page 315, and that of eleven others of the same precinct.

The same violation of law is proven at a number of other precincts. If this mandatory provision of the law is enforced, and all else the committee claims is granted, the contestant must be seated by over 400 plurality.

Again, the Virginia law provides for an official ballot, and the greatest secrecy is thrown around the printing of the ballot. None but members of the Democratic party have any idea what that ballot contains or how it looks until they see it when they vote.

The electoral board, who have entire control of the election machinery for each county or city, is composed of three partisan Democrats, and generally includes the Democratic chairman. One member of this electoral board is designated to have the official ballot printed. The printer who executes the work takes an oath not to disclose "any information as to the size, style, or contents of the ballot." The member of the electoral board who supervises the printing takes a similar oath. By the use of the words "size" and "style," each in the singular number, the law clearly commands, not only by implication but by letter, that there shall be one size and one style, and that the ballots shall be printed uniformly. Harrison, member of the electoral board of Amherst and chairman of the Democratic party, confesses on the witness stand that he printed the ballot in seventy-five different styles; that they were printed in German text type, and that he instructed the constables not to mark for illiterates.

In four other counties this alternation of names on the ballot was resorted to.

If this mandatory provision of the law is enforced, contestant must be seated by over 200 plurality, on the report of the committee, even granting every other claim made by the committee.

Mr. DANIELS. Will you allow me to ask you one question?

Mr. YOST. Certainly.

Mr. DANIELS. Suppose that the ballots that are partially erased—the lines running through the name sufficiently so as to indicate the intention of the voter—are all allowed, then how will the majority or plurality stand?

Mr. YOST. If you allow the imperfect ballots, the ballots which you describe there, then the contestant must be seated by 22 majority. Now, let me explain this. The committee practically counts 60 votes, and then they return the contestee——

Mr. PRINCE. One question there. I understand you to say that if the imperfectly marked ballots are allowed to the contestant and like imperfect ballots are allowed to the contestee that the contestant is clearly elected by 22 plurality?

Mr. YOST. I do not want there to be any doubt about that. There seems to have been some confusion in the minds of the committee.

Mr. PRINCE. Please answer that question, yes or no.

Mr. YOST. Yes.

Now, let me explain again. Take the report of the committee itself. The committee says there are 454 of these imperfect ballots for Yost and 271 for Tucker. The difference between that is 183 in favor of Yost. Then, in addition to that, there were 89 net "imperfect" ballots proved out of the burned ballots. But disregarding the burned ballots, if you give the contestant the "imperfect" ballots assigned to him on the recount, and give to contestee the "imperfect" ballots assigned to him on the recount, the contestant is elected by 22 plurality upon the report of the committee.

Mr. TRACEY. I would like to ask the gentleman one question right there, if he will yield.

Mr. YOST. Certainly, sir.

Mr. TRACEY. I find here what purports to be copies of seven different kinds of alleged imperfectly marked ballots.

Mr. YOST. Yes, sir.

Mr. TRACEY. Do I understand the gentleman to say that ballots of each of these kinds were rejected as imperfect, corresponding to each of them?

Mr. YOST. Yes, sir. The gentleman can get at that just as well as anybody on earth. Remember that these were burned ballots, burned without any authority of law. We got proof as to some, and these were among them. Here are some blank ballots [holding them up]. I would like my friend over there [Mr. CODDING], and especially would I like the chairman of the committee who referred to this matter just now, to take these blank ballots and take that description and see what kind of a ballot he will make.

Mr. HERMANN. What authority existed for the burning of those ballots?

Mr. YOST. None on earth.

Mr. HERMANN. What was the purpose of the burning?

Mr. YOST. Well, sir, I believe as honestly as I believe I am standing here that it was done, in most instances, for the purpose of defrauding me of those votes which they knew were mine. Now, I hope there will not be any cloud on the mind of any member as to what the result will be if these imperfect ballots are counted. They will elect me.

To recapitulate to this point:

First. The committee undertakes to make mandatory a provision of the statute which is clearly directory. If the law as determined by the courts is permitted to prevail, the contestant must be seated, even granting every other claim made by the committee.

Second. If the mandatory provision of the law in respect to the appointment of judges who have entire charge of the conduct of elections is enforced, the contestant must be given a plurality of over 400, even granting everything else claimed by the committee.

Third. If the imperative mandate upon the constable of the supreme court of Virginia, construing that section of the statute relating to his duties, is obeyed, the contestant must be given a plurality of over 400, even admitting everything else the committee claims.

Fourth. If the mandatory provision of the law in respect to the printing of ballots is enforced, the contestant must be given a plurality of over 200, even conceding every other claim made by the committee.

If any single one of these mandatory provisions of the law is enforced, the contestant, upon the report of the majority, must be seated.

But the committee, it seems to me, ignores mandatory sections of the statute, and in disregard, it appears, of precedent, law, courts, and justice, construes as mandatory a section under which there could not possibly be a corrupt violation by the voter. It holds that the technical error of an honest voter, although complying substantially with the requirements of the law, shall be fatal, and that the deliberate fraud of sworn election officers, which induced that error, shall be given full effect. It holds that a ballot such as this [exhibiting imperfect ballot] is illegal, and that a ballot such as this [exhibiting photograph], which is a photograph of the Amherst ballot, is legal. Now, I ask every member of this House to refer to page 13 of the minority report and examine this "imperfect" ballot.

My friend on the other side [Mr. CODDING] did not read all the testimony in this case, or rather he overlooked a portion of it. He said that the man who testified as to these three or four ballots had seen them, probably, the next day after they were cast. No, sir. The testimony shows that he was right there on the day of election, and that he saw the ballots at that time and made a memorandum of them before they were burned. The next day they were ashes. On the night of election, at the time they were counted, after the close of the polls, he saw those ballots, made his description of them, and took a written memorandum of it, and although several witnesses from that precinct were examined, in no single solitary instance did the other side attempt to controvert any witness produced by us to show the character of the ballots that were burned. I ask every member to examine these ballots in the minority report and say whether or not, under the law, and under the decision of the high courts, and before the still higher court of conscience, those are legal, valid ballots.

Here is one of them:

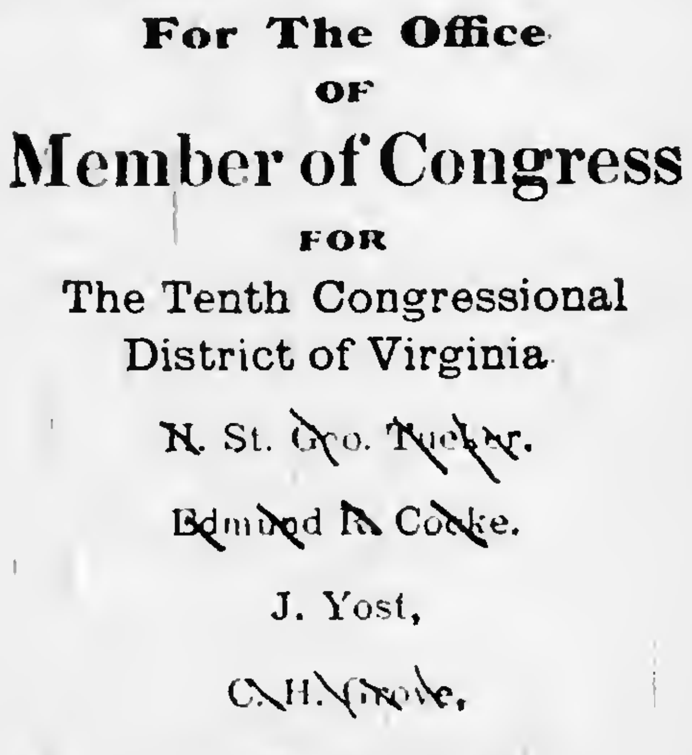

For The Office

OF

Member of Congress

FOR

The Tenth Congressional

District of Virginia

~~N. St. Geo. Tucker.~~

~~Edmund R. Cooke.~~

J. Yost,

~~C. H. Grove,~~

~~James Seldon Cowdon~~

Ballots such as these are the ballots which, if counted, give contestant the seat under the report of the committee.

And ballots of this class, although sufficient in number for the purpose, represent only a fraction of the Republican vote cast in the Tenth district and not counted. The poll books show that 3,797 ballots cast by duly qualified electors were not returned by the judges of election. This wholesale disfranchisement was the accomplished result of a conspiracy entered into by Democratic officials to defraud Republican voters. It was known that the Republicans were seeking to prepare the voters of that party for a proper exercise of their rights under the new law. To this end circulars of instruction were issued and openly distributed, in which changes in the law were pointed out and the new method of voting explained. Tens of thousands of slips with contestant's name printed in plain roman type were scattered broadcast. Schools were organized in which those who could not read were taught to recognize the name "J. Yost." They were instructed to study the formation of the letters; to count the letters in the name, and to see that it contained only five; to compare the length of the name with other names of candidates, it being the shortest, and to so familiarize themselves with its appearance that they would be able to recognize it.

It was understood at the opening of the polls that an intelligent Republican would vote first, and then come out and tell those who had not voted the location of contestant's name on the ballot. Knowing this, the Democratic officials, who had absolute control of the election machinery, instituted measures not only to circumvent the educational work of the Republican party, but to make it almost impossible for an illiterate to vote the Republican ticket at all. In addition, they instructed the constables not to mark the ballots for illiterates, but when the Republican voter asked for assistance to run over the names on the ballots and then let him do his own marking. They further announced that if any man other than the constable undertook to aid the voter before he went into the booth he would be liable to fine and imprisonment.

And so when the illiterate Republican approached the polls, instead of finding there the aid and assistance which the law provided, he found the officers of the law leagued against him. He asked the constable to mark the ballot. The constable, in utter disregard of law, refused. He asked where Yost's name was. The constable ran over the names and told him to mark himself. He looked for the name on the ballot with which he was familiar. He drew from his pocket the little slip with the name of J. Yost printed on it. If he depended upon his recently acquired knowledge of letters, he was lost. In one county he was confronted with names printed in German text, which was Greek to him. In another county they were printed in script type. In another county, if he depended on counting the letters in the name, he could find no name with only five letters, the name having been changed from "J. Yost" to "Jacob Yost." If he compared the length of the name to find the shortest, he found the names spaced out so that all were the same length. And so, like a blind man groping—he was mentally blind—he marked his ballot as best he could, and four times out of five so mutilated it that it failed to express his intention.

His path to the polls was beset with enemies upon every side. The very guardians of the law, to whom he should have looked for protection, became the instruments of his disfranchisement. Is it a wonder that thousands of legal voters lost their votes? Could warfare against the unprotected have been more cruel and merciless? Ah, it was a brave battle in which these Democratic officials were engaged. The highwayman who assaults helpless women and children and robs them of their purse is scarcely less dauntless than these chivalrous Virginians who assaulted the mentally weak and unarmed and robbed them of their rights. [Applause.] But even the few who escaped, who ran the gauntlet and did record their will, are to be sacrificed now. The work which fraud could not thoroughly accomplish is in effect completed by the action of the committee.

After the Light Brigade had charged into the "valley of death," and the remnant—all that was left of them, had emerged, begrimed, and battle scarred, from the "gates of hell,"—suppose at that time an inspector of Her Majesty's troops had marshaled them in review, and, forgetting all of their splendid services, ordered them under arrest for failure to appear uniformed and accoutered as the tactics required. What would history have written of that inspector? And yet in a lesser degree this committee has been as exacting. They say to the remnant of those voters who triumphed over the forces of fraud with which they were surrounded—who stand out the survivors of over 2,000 of their kind: "It is true you accomplished your purpose; it is true you registered your will so that no man can misunderstand it; but then you failed to mark your ballot with the neatness and precision the law expects, and therefore we disfranchise you. You might as well have perished with the others."

Ah, gentlemen, if this House sets such a precedent as that, it will be useless for Republicans in Virginia to go to the polls. It will not be necessary to transpose names on the ballot and print them in a foreign tongue. A Democratic legislature, driven by the force of public opinion, has already declared such methods infamous and provided for their punishment by fiercely declaratory definements of the law. But now the committee has decreed, in effect, that all our efforts in behalf of honest elections shall be nullified. You have pointed out to the tricksters a far easier way to accomplish their purpose, and made detection almost impossible. The officer whose duty it is to assist illiterates, if he be dishonest, or, as the committee puts it, imbued "with an excess of partisan zeal," will simply mark the ballot so that one name will not be three-fourths erased, and then throw it out in the count. If, then, we appeal for justice, we shall be confronted with the decision of a Republican House, condoning the fraud and making it thoroughly effective.

I want this "imperfect ballot" examined by members of this House, and I want them to answer whether or not it is right to count it; and then I want them to consider for one moment the circumstances surrounding the election, and say whether or not justice demands that it shall be counted.

Now, then, I want to take up this Amherst ballot, referred to on page 27 of minority report. Here is a photograph of it [exhibiting]. My friend over there objected to the print as made for the record. He can not object to this, for this is a photograph. Take it and see whether it looks any better than the representation you have in the record.' And remember that if you throw out these ballots and grant everything else that the committee claims you must seat this contestant.

FOR MEMBER OF THE HOUSE OF
REPRESENTATIVES OF THE
UNITED STATES from the Tenth
Congressional District of Virginia.

Edmund R. Cocke,
H. St. Geo. Tucker,
James Seldon Cowdon,
J. Yost,
C. H. Grove,

Remember also, in looking at this ballot, that the Democratic chairman of the county committee of Amherst County, who was the secretary of the electoral board, and the member who had these official ballots printed, boldly confessed on the witness stand that it was printed not in one style, but in seventy-five different styles; that the names were printed in German text, so that they would not be intelligible to the man who could only read plain roman, and that he instructed the constables not to mark for illiterates.

Does any man doubt that the law was thus violated for a fraudulent purpose, and that the fraud intended was consummated? Can anyone examine a facsimile of the ballot and consider for one instant the circumstances surrounding its issuance without realizing that its purpose, and only purpose, was fraud?

Will anyone dare say that the issuance of such a ballot was not a corrupt and outrageous abuse of power on the part of the electoral board and a willful and deliberate violation of the express provisions of the law? If there is a man in this House who conscientiously believes that such a ballot was prepared and issued with an honest intent and for an honest purpose, I should like him to stand up and say so. I should like to see how he looks and where he comes from. If there is a man in this House who before his conscience and his God can say that in issuing such a ballot the plain mandate of the law was not violated with a fraudulent intent, I should like him to stand up and say so. Yet the committee, whilst mildly suggesting that the use of such a ballot was a trick which can not be defended, give full effect to the fraud and reward with the only approval they covet those whom they denounce as guilty tricksters.

They execrate the criminal and admit the crime. [Applause.] Does that in any way redress the wrong done? Those against whom these moral homilies are directed will doubtless chuckle with inward glee at the method adopted for their punishment. They were but pawns upon the board, responsive to the master hand that moved them. They were neither the originators nor the beneficiaries of the methods they employed. Their sole object was to return a member to this House who, they must have believed, could not have been elected through the processes prescribed by law. The mild rebuke administered by the committee will be refreshing after the blistering denunciation of honest men of their own party. It will be grateful music to their ears to hear that what honest Virginians have condemned as fraud so outrageous as to bring disgrace upon a whole people was, after all, merely "an excess of partisan zeal," and that as an evidence that it was justified and justifiable a Republican committee crowns with success the work of their hands. [Applause.]

Let me give you an idea of how honest Democrats of Virginia regard this "excess of partisan zeal." The Richmond Times, the leading Democratic paper of Virginia, whose owner and editor was at that time a member of the Democratic State committee, characterized it as a "masterpiece of trickery that reflects undying infamy upon its manipulators."

The Petersburg Index-Appeal denounced it in bitter terms, and in demanding the repeal of the law under which such foul fraud was perpetrated declares:

> Oh! but an honest law can not pass the legislature, it is alleged. If this be so, then the reason is all the stronger why honest men should vote for such a law and put on record the scoundrels who are opposed to honest elections. On an issue of honesty and dishonesty there can be no middle ground. Men must either be honest or dishonest. Expediency is the argument of cowards, and to compromise with fraud is to condone it.

In writing on the same line the Lynchburg News says:

> The Democratic party has honest men, and the honest and conscientious members of that party ought to assert themselves and take the management of things out of the hands of the little two by four schemers who haven't mind or soul enough to serve the State honestly and capably. The time has come when honest people should quit voting for charlatans.

In the same vein the Danville Register says:

> Unless the legislature amends the election law so as to do all in the power of men to insure honesty in the matter of elections, the Democratic party will be driven from power by an indignant people, and we do not hesitate to say that this paper will be found cheek by jowl with the people.

And so I might quote from a score of the most influential Democratic papers in Virginia.

And if any one agency more than another contributed to this quickening of the public conscience, it was this identical Amherst ballot. When this object lesson, this physical evidence of the fraud, was brought face to face with the people, supplemented by the confession of the man who issued it, they no longer hesitated as to what their duty was, and with denunciation deep and bitter they demanded the repeal of the law under which such crimes were committed.

In the legislative canvass of 1895 this ballot played a wholesome part. I myself in public meetings have held it up before hundreds of honest Democrats and asked if there was one who doubted that it was a fraud or dared defend it. And never yet have I known a man so lost to shame that he would step from out the crowd and openly champion such a cause. So intense was public feeling that in those sections where elections are not farces no man stood the ghost of a chance of election who was not pledged to amend the law. In the white section of the State, from Harpers Ferry to the Tennessee line—300 miles—not one man was elected who did not pledge himself to fight against such methods as this ballot evidences. The author of the law, Walton, whose name is linked with it, repudiated his own child, notwithstanding which the honest Democrats crucified him politically.

In my own county—the county in which I was born and where I live and where this contestee lives—a county which used to give from 1,200 to 1,500 Democratic majority, the former member of the legislature, who had voted for the bill, was the Democratic nominee, and, although he begged for the opportunity to undo his work, the people would not trust him, and to-day, for the first time in its history, Augusta County is represented in the legislature by a Republican. Wherever the whites largely predominated and the elections were fair, the honesty of the people asserted itself. But in the black section, where cheating has become chronic, enough men were returned to the legislature to prevent the enactment of an honest law. But even they were forced to recognize the damning evidence of this Amherst ballot, and amended the law so that it in terms prescribed a special penalty for such offenses.

And now, when the moral stomach of honest Democracy has revolted against this foul concoction, the poisoned chalice is presented to the lips of a Republican House of Representatives and they are bidden to drink oblivion to every rule of right.

Mr. Speaker, this contest rises above the interest of individuals; far above the narrow confines of partisanism. It involves far more than the disposal of a seat in this House. The decision you render here must stand as a precedent, and it means much, oh, so much, to the people of the South, and especially of Virginia. We are engaged in a great struggle there. Party ties have been forgotten, party lines have been obliterated, and the honest men of every political faith are standing shoulder to shoulder in a common cause.

For years the stigma of foul election methods has rested upon the South. It has disgraced and degraded our section. It has debauched our people. It has retarded material prosperity. It has stood as a barrier to enterprise and capital. It has sapped the manhood of our men and choked the pathway of our youth with the noxious growth of dishonesty. Its deadening influence had stupefied the public conscience until it had become well-nigh dormant. But now, thank God, in Virginia, at least, the reaction from the long debauch has come. The shock which this ballot produced broke the stupor, and quickened conscience, aroused to a sense of the deadly peril which environed, took up the cry of "Honest elections!" and, starting in the mountains, where the men are white and free, pressed forward to the combat and drove before it the fell forces of fraud. In every section and in every county recruits are rallying to the standard. The mask of that miserable sophistry, negro rule, has been torn from the face of the selfish schemers and their naked iniquity laid bare. Lashed by the scourge of

public opinion, repudiated by honest Democrats among whom they operated, these guilty tricksters bring their ill-gotten gains to the portals of this Capitol, and here seek to find that refuge, solace, and encouragement to which they have become strangers. If you adopt the report of this committee, you in effect crown them with success; you imbue them with fresh "excess of partisan zeal;" you approve their methods; you condone their frauds; you point out to them new fields for the exercise of their peculiar talent; you bid them godspeed in their work of public debauchery.

And as you exalt them so do you turn your faces from the brave, true men of every party who are striving to lift the South up to a higher plane. You are making the work before them harder and harder; for if, in this high court, the simplest, plainest justice is denied, the effect will be disheartening, and the cause of right and public honesty will be dealt a blow its open enemies could not inflict.

These are the contending forces marshaled in this contest. Between them you must decide. [Prolonged applause.]

Mr. JENKINS. Mr. Speaker, I appreciate the embarrassment in speaking in an election case in the House of Representatives at any time, but it is especially embarrassing to attempt to discuss the legal aspects of this case after the splendid political argument to which we have just listened. I want to say to my colleagues in this House that I am in sympathy with all that the gentleman from Virginia, Mr. Yost, has said with reference to the condition of things down there generally; and I have listened to this same argument from many gentlemen from Virginia ever since I have been a member of this House.

If I could have been influenced by sentiment, undoubtedly I might have been on the other side of this case. But I sat down with this committee determined to discharge my full duty as a member of this House, and not merely as a member of the Republican party. I forgot, as long as I sat in that important place, that I was a Republican. I kept strictly and solely in view that a high duty had been thrust upon me, and I made up my mind that I would discharge my duty, even if I later had to be called a Massachusetts mugwump.

Now, Mr. Speaker, it was a very difficult matter for this committee to take up this case, and I was so much prejudiced, so far as I was concerned, that I asked to be excused from sitting upon the subcommittee. I took this record to myself, and alone I went through it from one end to the other in the light of what had been previously told me in reference to this case, and I came to the same conclusion that six other gentlemen of the committee had arrived at, and neither one of us knew what was in the mind of the other.

Now, Mr. Speaker, I agreed with the subcommittee, and I agreed with six of my colleagues in this committee, that the contestee in this case is entitled to retain his seat; and, as was well said by the gentleman from Pennsylvania [Mr. CODDING] this morning, that we did it reluctantly, after the consumption of much time, is true. We did not hurry the decision in this case, because we realized on every hand how much party feeling there was here, and we made up our minds that we would be right so far as we were concerned. And I want to say to my colleagues now, so far as I am concerned. I feel just exactly as a judge did in Wisconsin who sen[illegible] man to the penitentiary for life. As the prisoner was going out of the court room he said: "I would like to talk a little further with the judge in reference to this case." The judge said: "Sir, I have done my duty; you go on and perform yours." I feel so in reference to this case. I have no personal feeling in the matter. I entered upon the discharge of my duty without any feeling of favor.

I have not solicited a vote upon this case, and I apprehend gentlemen of this House will determine it as they think it ought to be determined. I want to say to gentlemen that this establishes a precedent, and I am going to call your attention to a precedent established in this very Chamber by a Democratic House—a precedent of seating a Republican here upon just exactly the same law and the same evidence as in this case. If there had been any doubt about it, the committee would have given it willingly in favor of the Republican contestant, but we could not do it. I suppose that every gentleman of this House expected every member of your Elections Committee would look over this case fairly and fully himself, and then determine each case according to the law and evidence, and not according to the sentiments that seem to impress the gentleman from Virginia who is seeking to obtain a seat in this House. I do not blame that gentleman for appealing to all the party feeling and party prejudice that may be here to-day, and we know how he stirs up the Republican heart when he refers to the conditions South. But that made no difference with any gentleman upon the Elections Committee, and I will say now, Mr. Speaker, that in all the Southern cases that have come before the Committee on Elections No. 3 there is nothing so disgraceful or unlawful as you read in the papers this morning as having recently occurred in the State of Pennsylvania, where I understand they are all reformers.

Now, Mr. Speaker, I know that there are a multitude of prejudices in each one of these cases. We are told that everything is fraudulent down there; that every single officer is in the employ and under the control of the Democratic party; that there is nothing but conspiracy down there, and that no man can obtain his rights. I want to say, as a Northern Republican, that if there is no more fraud ever found in a case that shall come from the North than is found in this case it will speak volumes for that section. There is no fraud in this case, practically, compared with the cry of "fraud," Mr. Speaker.

Now, then, I want to address myself to a matter that controlled the committee. There are some facts in this case that this House ought to understand; and I want my colleagues who have to determine this case, and who I trust will determine it rightly, even if I am wrong, to look into the case as presented, divesting themselves of the sentiment that has grown up here, and let us see in a moment whether the election boards in this Congressional district have discharged their duties or not.

Now, Mr. Speaker, the minority in this case attempt to seat the contestant, as I understand it, by counting votes that could not or should not be counted under any circumstances. One gentleman from New York to-day called attention to the constitutional provision, which I understood him to say controls very largely in this case. I will read it. It is section 5, Article I, of the Constitution of the United States; that is:

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

It is true that is a part of the Constitution of the United States; but it does not control in this case, Mr. Speaker. There is another provision that has great power in connection with this one. But even if we shut our eyes to that very provision of the Constitution, I want to say in reference to this that when the framers gave place to it in the Constitution, and said that the House "shall be the judge of the elections, returns, and qualifications of its own members," it was to be governed by law. They meant to say that there should be no other tribunal created that could determine finally who should and who should not be entitled to a seat in this House. They certainly intended, when they gave this grant of power to each House of Congress that the House determining the question would be governed by the law and the evidence in each case, and that is just as strongly implied as though it had been expressed and made a part of that great instrument. But the other provision of the Constitution to which I desire to call attention is section 4 of Article I, which provides that—

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Under that provision of the Constitution of the United States this House is bound by the law of the State of Virginia. It takes both Houses, it takes the Congress of the United States to nullify the law of the State of Virginia which seeks to regulate the election of members of this House. Such is the construction which has been placed upon that provision of the Constitution by the Supreme Court of the United States on more than one occasion. That court has held that in the absence of Congressional legislation the law of each State prevails. See case of Siebold, 100 U. S., 371; Clark, 100 U. S., 391, and the case of Yarborough, 110 U. S., 651.

Now, Mr. Speaker, it will be noticed that in this case the minority of the committee do not make any attack upon this law. On the contrary, they seek to uphold it. They approve of it in each and every particular. I speak of this point now because this case is to be followed by another in which they entirely ignore this law; but in this case they seek to uphold it in order to give the contestant the seat. They cite this law approvingly and they speak of it as mandatory. Now, the majority of the committee has felt the force of the view which I am about to state. The State of Virginia has passed an election law regulating the election of members of this House from that State, and inasmuch as no attack has been made upon that law, we were of the opinion that the law was constitutional, and we felt bound to conform to it and to regard its provisions. Further than that, Mr. Speaker, we looked into the case for the purpose of determining whether there were any questions beyond that, and I think I am safe in saying that the only other question that arises in this case is whether or not the election officers acted fairly under the provisions of the Virginia law, and the majority think they did.

I want to say, further, that my contention is that when the supreme court of a State has construed one of its laws and held it to be good, that construction is binding upon us as a part of the law. Gentlemen on the other side have referred at various times to a decision made by the court of appeals of the State of Virginia, and they do not attack that decision at all, but seem to subscribe to it. Now, that case holds that that law of the State of Virginia is valid, and that its provisions are mandatory. The State of Virginia having seen fit to say by law what should be done in conducting elections, we looked into the record to see whether or not that law had been complied with. I say that the decision of the court of appeals of the State of Virginia has got to be respected by this House under the Constitution of the United States, because the construction given by a State court to its State constitution is binding, except when the Supreme Court of the United States is called upon to decide whether a legislative act or provision in a State constitution creates a contract. (Jefferson Branch Bank *vs.* Skelley, 1 Black U. S., 436.) We looked into the case and we found that there was a charge that something over 3,000 ballots were destroyed or that the election officers had refused to count them. That was the first question that met us, and we of the majority have classified those ballots. We found that in one case there was a large number of ballots burned. The number has been stated to be 1,021. We found also that there was another class of ballots that we have described as "imperfect" ballots. Those are the ballots referred to where a line was not drawn through the names of the candidates for whom the voters did not desire to vote. Then there were "blurred" ballots, 68 in number, and there were 1,283 that we call "caption-marked" ballots, where the caption was entirely marked out. The election officers were furnished with these various points when they came to count the ballots.

Now, Mr. Speaker, I noticed the emphasis and force with which the contestant in this case, Mr. Yost, referred to the act of these election officers in burning those ballots, and some gentleman upon the floor arose and asked him by what authority they had been burned, and he said emphatically, "By no authority." Let us go back a little and examine this matter, because we ought to treat these Virginians just as fairly as we would wish them to treat us. I do not think that all the gentlemen running elections in the State of Virginia, or in the South, are scoundrels. I do not want to subscribe to any such sentiment, or to have any such idea go forth. I do want to believe that there are some honest men to be found, and that you can find some of them in the State of Virginia. The people of that State are a part of this great nation, and I think it is wrong to denounce by wholesale the men who are charged with official duties in Virginia, or in any other State of the South, when there is not a particle of evidence of fraudulent action on their part, when, to use a common phrase, there is not evidence enough against them to hang a dog. Yet we are told loudly about the great fraud that was perpetrated down there and the great conspiracy entered into to deprive the contestant of a seat in this House. Sir, the committee sat for weeks, and they did not have before them a particle of evidence of what has been stated in the discussion here to-day. What the Democratic papers down in that part of Virginia have said I do not care anything about. I have very little respect for a Democrat anyway. When two Democrats get to fighting, they are liable to say as mean things of each other as of anybody else. In this case, when they could not fight with Republicans they got to fighting among themselves. I have read the article which has been read here to-day, and I say there is nothing in the Virginia law which would justify any such statements. The law could not be repealed nor in any way amended except so as to prohibit the printing of those ballots in any particular type.

Now, if you will look this case through you will not find enough evidence of fraud to talk about. The question is whether these men down there did their duty when they came to the disposition of these ballots.

Now, let us call the number of burned ballots, for the sake of the argument, 1,021. Let us look into the evidence in this case and see what went to make up those ballots. All the election officers of this Congressional district in Virginia—I do not remember a single exception—unanimously agreed that those were such imperfect ballots that they could not be counted for anybody. That was the decision in regard to every one of those ballots.

Mr. HALL. The gentleman means the burned ballots?

Mr. JENKINS. Yes; the burned ballots. I am talking about them and nothing else for the present. I say it was agreed with practical unanimity by all the election officers that those were ballots which could not be counted under any circumstances for anybody.

Mr. POWERS. Did it appear before the committee for whom those ballots had been cast?

Mr. JENKINS. No. That is one of the things that we have complained of. Now, I will call attention a little later to the evidence upon this particular point.

Mr. MILES. The gentleman intimated a while ago that he would state whether there was any authority for destroying those ballots.

Mr. JENKINS. I am coming to that; I can not make my whole speech in one minute.

Mr. Speaker, if you will look into the election laws of the different States and Territories of the Union you will find that they have various provisions with respect to the preservation or the destruction of all ballots that can not be counted for anybody. I remember that in my own State serious questions arose on this subject, and it became necessary to provide by legislation for the preservation of imperfect ballots that could not be counted for anybody, because in some cases they were destroyed by the election boards and in other cases they were sent up. There was confusion with reference to those ballots. Now, in the State of Virginia, up to the time of the passage of what is called the Walton act, which is in controversy here, the law had provided that whenever the election board got through counting the ballots and were sending up their official returns to the superior officer, all the ballots which were called "defective" ballots—that is, ballots that could not be counted for anybody—should be burned. That was the provision of the law.

Now, it should be understood that the law under which this election was held was a new law. It was new all the way through. There had been no opportunity for the election officers to act under it and to familiarize themselves with it. A majority of the committee—seven out of nine—agreed, with reference to these ballots, that the election officers in each case had but discharged a legal duty in what they did; that is to say, there was no evidence of a conspiracy. We have been told here by the gentleman seeking the seat that these ballots were burned by reason of a great conspiracy. Mr. Speaker, there was before the committee no evidence of a conspiracy, and there is no such evidence before the House. I do not suppose those election officers had any question in their minds as to their authority in the matter, for they acted variously. In some districts they preserved the ballots which could not be counted, and in others they burned them; so that they burned, we will say, at least 1,021, and I think that in every case they honestly believed that they had a right to do so.

Mr. HALL. The gentleman says, as I understand, that there was a unanimous agreement among the election officers that those 1,021 ballots which were burned were so imperfect that they could not be counted for anyone.

Mr. JENKINS. Yes, sir.

Mr. HALL. Were the election officers who agreed in that statement members of different political parties?

Mr. JENKINS. In many cases there was a large number of Republicans concurring in that view. And I want to state here that according to my remembrance of this entire record, wherever there was a Republican qualified to sit, he was permitted to sit; and every Republican judge who sat agreed that those ballots should not be counted for anybody, while I think one or two held that they should not have been destroyed but should have been sent up. They all agreed, however, that those ballots should not be counted for anybody.

Mr. THOMAS. Who passed on the qualifications of the officers? Who decided the question whether a Republican was qualified to sit on the election board or not?

Mr. JENKINS. In many cases it was shown that those who had been chosen as election officers could not read and write. In a great many cases where men had been appointed they refused to sit. There is nothing in the law, I will say, providing who shall determine their qualifications. But when a man presented himself who could not read or write, there was no difficulty in satisfying him that he was disqualified to sit on the election board.

Mr. THOMAS. Was not the decision made by the county electoral board?

Mr. WALKER of Virginia. May I interrupt the gentleman?

Mr. JENKINS. Certainly.

Mr. WALKER of Virginia. I would like the gentleman to point out a case in which the judges decline to act.

Mr. THOMAS. Mr. Speaker, the gentleman has not answered my question.

Mr. MONDELL. May I ask the gentleman a question?

Mr. JENKINS. Mr. Speaker, I shall be compelled to decline to yield to three gentlemen talking at the same time. I will hear the question of the gentleman from Wyoming.

Mr. MONDELL. I believe the gentleman has stated that under the Walton law it was provided that imperfect ballots should be burned.

Mr. JENKINS. No; excuse me; not that. I say that there is no provision of the Walton act with reference to ballots that could not be counted for anybody or that such disposition was authorized to be made of them. But prior to the adoption of that act the law provided that when they could not be counted for anybody they must be then and there destroyed.

Mr. MONDELL. But was there any provision at the time this election was held or any statute of the State of Virginia allowing their destruction?

Mr. JENKINS. I have already stated, Mr. Speaker, at least three times that there was no such provision.

Mr. MILES. If the gentleman will permit me, as I understand it, the point is this, that these gentlemen in Virginia, after the repeal of the law, were not acting from a conspiracy, but were probably acting in ignorance of the law.

Mr. JENKINS. Undoubtedly. They destroyed them in each case where they were destroyed under the impression, as the testimony shows, that they had the right to do so.

Mr. MONDELL. Does the gentleman admit that the burning of the ballots was illegal?

Mr. JENKINS. Why, certainly not——

Mr. MONDELL. But you say there was no law for it.

Mr. JENKINS. Each State in the Union has seen the necessity of providing by law that the ballots should not be destroyed. But there was no law in this case; and if there was no law providing against their destruction in this case, there is no penalty, especially when the parties believed that they were acting in conformity with their duty.

Mr. MONDELL. Do the committee hold that, as there was no provision against the destruction of the ballots, they had every right to destroy them?

Mr. JENKINS. It was not necessary for the committee to consider that question, and they did not have any evidence as to whom the ballots were cast for.

Mr. BRUMM. Will the gentleman yield to me for a question?

Mr. JENKINS. Certainly.

Mr. BRUMM. You say that there were 1,000 or more ballots that were destroyed—burned?

Mr. JENKINS. Yes, sir.

Mr. BRUMM. Can you give any reason why the ballots were not all burned?

Mr. JENKINS. I yielded to the gentleman from Pennsylvania and supposed that he was going to ask me a question in good faith——

Mr. BRUMM. I did ask a question in good faith, if the gentleman will answer it.

Mr. GROSVENOR. It is a very pertinent question.

Mr. BRUMM. If the gentleman declines to answer, of course that settles the matter.

Mr. JENKINS. I do not decline to answer. But the gentleman knows that inasmuch as we did not see any one of these gentlemen who acted upon the board, we could not tell their motives. It is, therefore, practically a senseless question.

Mr. BRUMM. Can the gentleman inform the House why certain ballots were selected to be burned?

Mr. JENKINS. From the fact that it was the unanimous agreement of every election officer that they could not be counted for anybody.

Mr. WALKER of Virginia. That is not an accurate statement, as I will show.

Mr. BRUMM. The gentleman from Virginia says that that is not correct.

Mr. JENKINS. Very well; I must decline to be interrupted, as I want to proceed with my argument.

Mr. THOMAS. Will the gentleman yield to me for a question now?

Mr. JENKINS. No, sir; I decline to yield, inasmuch as the gentleman is a member of the committee and I could not convince him. I must decline to yield. I could not convert him, as I have tried for months to do it without success.

Now, some question might arise with reference to the question of fraud, and I notice that the gentleman who is seeking to obtain his seat here did not disclose to the House a very important fact, which I think, when the House becomes informed of it, will account for much that has been charged up to the question of fraud. This was a new enactment. There was not any gentleman in the State familiar with it; and I think, according to my experience, a learned gentleman, a man learned in the law, a business man, is just as liable to be fooled under the Australian system as the man who can not read at all. This, I repeat, was an enactment with which no one was familiar. It was new. The evidence discloses and the statements disclose the fact that there was a large number of ignorant people in the district, and in fact all through the State, who could not read or write and would require the help of some one to prepare the ballots; and the law provided for the appointment of a special constable who was there to aid the illiterate or ignorant voter, and whose duties are clearly defined, and a penalty attached to a failure on his part to properly discharge the duties of the office.

Now, Mr. Speaker, without waiting to know what the action of those people would be down there, the gentleman seeking a seat in this House prepared a circular, which the evidence in this case discloses was distributed all over the district, a circular which is in evidence, which came to us in a legitimate way, and has his name upon it, which is called "Instructions to precinct committeemen." I ask here to print it as a part of my remarks:

INSTRUCTIONS TO PRECINCT COMMITTEEMEN.

To precinct committeemen:

The enactment of the Walton election law by the last legislature has not, as many suppose, repealed the Anderson-McCormick election law, under which elections have been held for the past ten years. Except the printing of the tickets by the electoral boards of the respective counties, and the appointment of constables and their duties and the method of voting, the old law remains the same. The principal changes are as follows, and these apply to the voter directly on election day:

First. The voter must apply to the judges of election for his ticket.

Second. After procuring the ticket, the voter goes into the voting booth and scratches the names of the persons *he does not want to vote for*, leaving one name unscratched—the name of the person be does want to vote for.

Third. Having completed his ticket, the voter at once takes it to the judge of election, who receives the same and deposits it in the ballot box.

It is absolutely necessary that precinct committeemen thoroughly familiarize themselves with the provisions of the new law, so that they may instruct the voters and make known to them all of their rights and duties in the premises.

To this end the voters who can not read should be organized into classes and taught to read the printed name of "J. Yost" (see inclosed slips) so that they will recognize it when they see it on the official ballot, and scratch out the names of all other candidates.

You understand that there will be no ticket holders, as heretofore, about the polls. The only ballots that can be used on the day of election are those furnished to the voter by the judge of election. On this official ballot the *names of all* the candidates will be printed, and the voter will scratch out the names of the parties he does not want to vote for.

When the polls are opened, the quickest, brightest, and most intelligent Republicans at the precinct should vote first. He will have two minutes and a half in the booth, and can then make the closest observation of the ticket, and afterwards describe it to the voter who can not read, explaining to him where the name of "J. Yost" is located on the ticket, and what names to scratch out.

If the committeemen have any reason at all to suspect the absolute honesty and fairness of the constable, then the illiterate voter should not ask him to assist in the preparation of his ticket. The constable is not permitted to enter the booth *unless the voter requests him to do so.* If unfairness is suspected, therefore, let the illiterate voter be thoroughly instructed by the Republican who has already voted as to how to scratch his ballot, and after the committeeman is satisfied that he can do this let the voter go into the booth and prepare his own ballot. It were better to lose the vote altogether than to run the risk of an unscrupulous constable changing it so as to count for the candidate whom the voter specially desires to defeat.

If the committeemen have absolute confidence in the constable, the illiterate voter may trust to having the ballot prepared as he desires.

Remember that the constable has nothing whatever to do with the voter who can read, or with his ticket.

Preserve this copy carefully; refer to it often, and take it with you on the day of the election to the polls.

Very respectfully,

JOHN A. NOON,
Secretary Congressional Committee.

STAUNTON, VA.

Without taking up time to read this circular, I will call the attention of the House to the material parts of it which will account for the confusion down there in this district, which did not occur in any other of the districts where they had election contests in Virginia.

This circular says that if the committeemen in each county have any reason at all to suspect the absolute honesty and fairness of the constable, then the illiterate voter should not ask him to assist in the preparation of the ticket. The constable is not permitted to enter the booth unless the voter requests him to do so.

> If unfairness is suspected, therefore, let the illiterate voter be thoroughly instructed by the Republican who has already voted as to how to scratch his ballot, and after the committeeman is satisfied that he can do this, let the voter go into the booth and prepare his own ballot.

In other words, Mr. Speaker, the instructions were that they were to totally ignore the special constables.

Mr. GROSVENOR. Does the gentleman intend to argue that under a new system of balloting it is illegal or corrupt or in any wise immoral or wrong to instruct the voter how to cast the ballot?

Mr. JENKINS. Oh, I want to say to my very good friend from Ohio that he must place his own construction on my argument. I am stating my view.

Mr. GROSVENOR. Is it not a fact that in every State in the Union these schools of instruction have been instituted?

Mr. JENKINS. That does not alter the point I am making now, I will say to my learned friend.

Mr. GROSVENOR (continuing). And that in the city of Boston, notwithstanding all the struggle, they made a very large percentage of loss on account of imperfectly marked ballots?

Mr. JENKINS. I decline to yield, Mr. Speaker. I was saying that this circular of instructions which was sent throughout the district advised voters to keep away from this special constable who was appointed there to aid them, and rather than trust to the special constable they undertook to mark their ballots for themselves, and there is where this confusion arose. Now, I want to say, and I challenge gentlemen on the other side to refute it, if they can, that you can not find in this record, from first to last, a particle of evidence from any single voter or elector in that district that will justify you in thinking for a moment that he applied, as far as he was concerned, to that special constable and that that special constable refused to aid him in any particular way. There is not a single voter in that district that is up here complaining of his own treatment; not one.

Mr. THOMAS. Will the gentleman yield for a question?

Mr. JENKINS. I will hear the question.

Mr. THOMAS. I should like to ask the gentleman if it is not a fact that under the Walton law the booth is placed 40 feet away from every person, and no one is allowed to go into the booth with the constable and the man? Under those circumstances how can you get evidence against the constable?

Mr. JENKINS. I will leave the gentleman to answer that when he has the floor.

Mr. THOMAS. I ask you to answer it. I ask you how it is possible, under that law, to get any evidence against the constable?

Mr. JENKINS. I say again, with reference to this matter, that they ignored the constables, who are presumed to be men who will do their duty.

Mr. GROSVENOR. Are they?

Mr. JENKINS. There is not a particle of evidence in this case tending to show that the constable refused to do his duty, except in one case where a constable told an elector that he construed that law to mean that he could not scratch his ballot; that he would point out the names that he wanted to vote; and I understand from the evidence that the constable refused to mark the man's ballot, while it is clear under the law that if a man asked a constable to mark it, it should be marked by the constable.

Mr. WALKER of Virginia. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Will the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. JENKINS. Well, I think not now, Mr. Speaker, inasmuch as the gentleman is a member of the committee and has time of his own.

Mr. WALKER of Virginia. If the gentleman will allow me to state the object, I think he will yield. I want to call his attention to the fact that he is mistaken as to the record in a dozen instances.

Mr. JENKINS. Never mind; we have disagreed all the way through.

Mr. WALKER of Virginia. Well, this is a matter of record which shows for itself.

Mr. JENKINS. I am saying that there was no elector who claims that he was deprived of his vote by any one of the constables.

Now, Mr. Speaker, I want to invite attention to the law of the State of Virginia which has been so much talked about.

I print the different sections as a part of my remarks:

SEC. 2. Each person offering to vote shall deliver a single ballot to one of the judges of election in the presence of at least one of the other two judges.

SEC. 3. The ballot shall be a white paper ticket containing the names of the persons who have complied with the provisions of this act, as hereinafter provided, and the title of the office printed or written as hereinafter provided. None other shall be a legal ballot.

SEC. 5. It shall be the duty of the electoral boards of the several counties and cities within the State, within thirty days preceding each election, to cause to be printed a number of ballots equal to twice the entire registered vote of the said county or city. These ballots shall contain the names of all candidates complying with the provisions as above required, printed in black ink, immediately below the office for which they have so announced their candidacy.

SEC. 11. Every elector qualified to vote at a precinct shall, when he so demands, be furnished with an official ballot by one of the judges of election selected for that duty by a majority of the judges present. The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidate or candidates he does wish to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name; and no ballot save an official ballot above provided for shall be counted for any person. When, as to any office, more than one name remains unscratched, the ballot for that particular office shall be void, but the ballot as to any other office for which only one name remains unscratched shall be valid. He shall fold said ballot with the names of the candidates on the inside and hand the same to the judge of election, who shall place the same in the ballot box without any inspection further than to assure himself that the ballot is a genuine ballot, for which purpose he may, without looking at the printed inside of said ballot, inspect the official seal upon the back thereof: *Provided*, It shall be lawful for any voter to erase any or all names printed upon said official ballot and substitute therein in writing the name of any person or persons for any office for which he may desire to vote.

13. No elector shall be allowed by the judge of election to remain in said voting booth provided in this act more than two and one-half minutes to the obstruction of other electors desiring to vote. Said judges of election shall cause any elector attempting to occupy said voting booth for a longer time to retire and surrender his ballot, and he shall not again be allowed to receive an official ballot, unless in the discretion of the judges of election another opportunity to vote will not delay or hinder other electors.

14. Should any ballot be unintentionally or accidentally defaced, or in any way rendered unfit for voting by such elector, the elector shall deliver said defaced ballot to the judges of election and receive another upon taking an oath that the defacement of the ballot first delivered to him was not done for the purpose of defacing said official ballot. Any person swearing falsely to such fact shall be deemed guilty of perjury.

15. The electoral board of each county or city shall appoint for each voting precinct therein one special constable, who shall be an honest and discreet person of said precinct and be able to read and write, and who shall be a conservator of the peace, and shall be especially charged with enforcing the provisions of this act, having all the powers of a constable; and for such services he shall be allowed $1 per day. He shall have the power of arresting, upon the verbal order or warrant of the judges of election, or a majority of them, of the precinct to which he is appointed, any person who is offending or attempting to violate any of the provisions of this act or disturbing the peace; and the person so arrested shall be taken as soon as possible before a justice of the peace having cognizance of the offense and be then proceeded against under the general laws of the State. At the request of any elector in the voting booth who shall be physically or educationally unable to vote, the said special constable may render him assistance by reading the names and offices on the ballot and pointing out to him the name or names he may wish to strike out, or otherwise aid him in preparing his ballot. In case said elector be blind, said special constable shall prepare said ballot for said elector in accordance with the instructions of said elector. Before entering upon the duties of his office the said special constable shall take an oath to faithfully perform the duties thereof, and for a corrupt violation of the same he shall be deemed guilty of a misdemeanor and be fined not less than $500 and be imprisoned not less than one nor more than twelve months in jail.

16. It shall not be lawful upon the day of election for persons to congregate and crowd upon the public highways within 100 feet of any of the voting places, and any person violating the provisions of this section shall, upon conviction thereof, pay a fine of $25 or be confined in jail not exceeding ten days. Any member of the electoral board, the printer who shall print the official ballots provided for by this act, any judge of election, or any other person who shall give or sell to any person whomsoever, except where it is distinctly provided by this act, any official ballot or any copy, or any facsimile of the same, or any information about the same, or shall counterfeit or attempt to counterfeit the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined $500 and imprisoned in jail six months. It shall be the duty of the judges of election to see that the provisions of this act are strictly carried out.

17. The said special constable may be removed by said electoral board or by said judges of election at their pleasure, and a successor for him may be appointed immediately. And when any such constable fails to attend punctually at the opening of the polls at any precinct the judges of election at such precinct, or a majority of them, may select some qualified voter from those present, who, after taking an oath, to be administered by one of the said judges, to faithfully perform the duties of said office, shall have same powers to act and be under like penalties as said special constable appointed by said electoral board.

The secretary of said electoral board shall keep in his sole custody the seal or stamp of said board, and in a sealed package, to be opened only in the presence of the electoral board and the judge of the county or corporation court when in the discharge of their duty, as prescribed in section 7 aforesaid.

18. The cost of conducting an election under this act shall be paid by the supervisors out of the general county levy and in cities by the council thereof.

19. All acts or parts of acts in conflict with this act or any section thereof are hereby repealed.

Now, then, when the canvassing board, or the boards that sat there at the election precincts, came to count the votes on the night of this election, they found, all the way through, a very large number of ballots that were not marked in accordance with the law; and it appears from the evidence that the question arose before every board as to just exactly what their duty was. Now, then, Mr. Speaker, I think I state this accurately, and I certainly mean to. I do not remember that there is a single elector in the State of Virginia up here, so far as the evidence is concerned, complaining that he disagreed with the conclusions arrived at by those election officers of the State of Virginia—that there seemed to be a practical unanimity there with reference to their legal duties; only they held that where the ballot could not be counted for any person then they should be laid aside. That where the line was not drawn through three-fourths of the name that they could not count that ballot for anybody, because there was more than one name upon the ballot, and they therefore could not be counted for anyone. They, in each case, thought they were discharging their duty.

Now, then, when you come to discover the very large number of Republicans that were sitting on that board, and find that every single Republican official agreed in the main with the boards that they were members of, the only dissent being that the ballots should not be destroyed, I say that it disposes of all talk about conspiracies and attempts to defraud. There is no person before this committee or before the House can state as to who these 1,021 ballots were intended for. There is not a particle of evidence. But gentlemen would like us to infer from their statements here that a very large portion were intended for the contestant, because of the fact that they were ballots cast by ignorant colored men.

Now, then, Mr. Speaker, I want to see whether they disregarded the law in this particular. I have said that the minority of this committee hold, and have called the attention of this House to the fact, that the provision of this law is mandatory; and I am satisfied, from the authorities I am going to cite to this House, that the provision of this law is not only mandatory, but that each and every election officer in the district down there did their duty when they refused to count a ballot if the line was not drawn three-fourths of the way through. I say, Mr. Speaker, that if the provisions of the statute are mandatory, no question can arise as to the intention of the voter. I want to invite the attention of my colleagues on this floor to this point, because so many have been saying to me for days past, "Why, it looks to me, when we look at that ballot, it is very plain what that man intended to do—that he intended to vote for Yost. Therefore, should not the intention of the voter prevail?" I say, Mr. Speaker, in answer to that, that when the provisions of the statute are mandatory the statute controls, and that you can not look to the intention of the voter. We are precluded from doing that by every single authority in this country. Now, with those authorities which were called to the attention of this House by the contestant in this case I do not disagree. I agree with him. But the writers in each case were speaking where there was no mandatory provision in the statute. They were not speaking in reference to a case where the statute was mandatory.

Now, then, I have picked out one of the very best authorities on that very point here, and I want to present it to this House. The language of that authority is this:

> When the statute simply provides that certain things and acts shall be done within a certain time or in a certain manner, it is a directory statute.

Now, then, if the statute is directory there is no question but what the intention of the voter prevails. But it is within the power of every legislature to make the provisions of the election law mandatory and not directory, and when mandatory they are bound, no matter what the voter intended, by the language of the statute. This authority says:

> But when the performance is essential to the validity, then the statute is mandatory.

Mr. Speaker, suppose the law simply provided each ballot should be numbered, and the elector should omit to number his ballot. Why, that being a directory statute, the intention of the voter would prevail and the ballot would be counted; but if, as stated in this case, it were provided that it should not be an official or legal ballot unless numbered, then, the provision of the statute being mandatory, the intention of the voter could not be inquired into, and the ballot could not be counted. Let us see if I am very far off in my statement of the law in this case. There has been much surprise expressed here in reference to this law of the State of Virginia. Gentlemen would have the House understand that its provisions are very strict and severe, and that the like of them can not be found in any other State in the Union. There are some excellent lawyers from the State of Illinois on this floor, and I ask their attention to what I am going to say, because I would like to know from them whether I misstate the fact or not. They have in the State of Illinois, or did have in 1891, a law practically very similar to this law of Virginia, and yet we have not heard a single gentleman here denounce that law of the State of Illinois.

Now, I want to say—and I will submit it to any fair-minded gentleman on this floor—that the law of Virginia is really much less severe and much more reasonable, in my judgment, than the law of Illinois. In my opinion, the action of the election officials in Virginia in relation to counting these votes, and the action of the majority of the committee, is sustained by an unbroken line of authorities in almost every State in the Union, yet the contestant in this case told you that not an authority could be found to sustain the action of the election officers in excluding those votes, that is, practically, in upholding the law of the State. As to the Illinois law, I want further to call the attention of gentlemen to the fact that a Democratic House in the last Democratic Congress seated a Republican upon the very identical question that is involved here, although that Republican had a majority of only 17. That Illinois election law provided that at the head of the ticket there should be a circle, and it provided that if any voter wished to vote the entire ticket he could do so by putting a cross within that circle—that that would entitle him to have his vote cast for the whole of the ticket. That law also provided that (we will say) on the left of each name on the ticket, including all the names on the tickets of the various parties, there should be a square or an oblong inclosure, and that if an elector wanted to vote for any candidate on one of the other tickets, he could put a cross in that little inclosure, and that would entitle him to have his vote counted for that candidate. It appears from the report in the case that a great many electors did not comply with the law, and did not put a cross in the square or oblong space, but did put some other mark. The report is silent as to just what marks the evidence showed they did make; it contents itself with saying that they did not put the cross as the law directed. A recount of the ballots was had by the committee, and they refused to count for the Democrat every ballot that did not contain the cross, and they report that they—

> Find it to be the law of the State of Illinois that ballots on which the voter undertook to express his choice by marks other than the cross placed in a circle or square, as provided by the statute, are not legal and can not be counted.

And the committee sustain their position by a very large number of cases in the States of Iowa, Michigan, Texas, Maine, Rhode Island, Pennsylvania, and Indiana, adding that at that time the State of Illinois had not passed upon the question. That committee further held under the law that inasmuch as it provided that every single officer passing out the ballot to the voter should place his initials upon the back of it, and inasmuch as some of them had placed only one letter of their names, or something short of the full initials that they should have placed upon them, those ballots could not be counted. For instance, if the man's name was John A. Thomas and he put upon the ballot "J. T." or "J. A.," the committee held that that would be fatal and that the ballot could not be counted.

Now, Mr. Speaker, this action was taken by a Democratic House in favor of a Republican, and it was taken under a law which I consider to be much more extreme than the one in question here. In justification of the Virginia law I may remark that I do not think there is anything very wrong about it. We all know that in practice more questions arise on marked ballots in election cases than upon almost any other point. Men are often very careless, and in some cases it becomes a serious question whether the voter meant to strike out a name or not. For that reason the legislature of Virginia has seen fit to determine that, as matter of law, if a man wishes to erase the name of a candidate, he must run a line through three-quarters of the name, and if he does not do that, the name shall not be considered erased. I can not see anything very wrong or unjust in that. Even if the law was enacted in the interest of one party as against another, I insist that this House has nothing to do with that. I insist that the law of the State of Virginia is the law of a sovereign State, and as such is conclusive and binding upon this House, and that it is the high duty of this House to respect that law and give it force and effect. As has been said here to-day, the power to decide these questions must reside somewhere. These election questions must be regulated by one tribunal or another, and the Constitution of the United States reserves to Congress the right to act upon them if it wants to; but Congress not having acted, having left the matter to the State, and the State having passed its law, I hold that that law is binding upon us; and the committee, after long and careful consideration, reached that conclusion. They found that the provisions of this statute were mandatory, and if the provisions were mandatory, then those ballots could not be counted and the election officers were justified in refusing to count them.

Mr. CONNOLLY. The gentleman has referred to the law of Illinois as being somewhat similar to the Virginia law that is in question here. Is the gentleman aware of the fact that about a year ago the supreme court of Illinois put a construction upon that law and defined the duty of the voter in the case of Parker *vs.* Orr, from which I will read?

Mr. GROSVENOR (interposing). Will the gentleman state that that was because——

Mr. JENKINS. I decline to yield. That has nothing to do with my point.

Mr. GROSVENOR. You cited the case.

Mr. JENKINS. I did not cite the case. I am simply calling attention to a construction that this House placed upon a law of Illinois. I am not talking about what was subsequently done there.

Mr. CONNOLLY. Will the gentleman allow me to state the construction which the supreme court of Illinois has put upon that law and to set it against the construction adopted by a Democratic House of Representatives?

Mr. JENKINS. If the gentleman wants the floor by and by for that purpose, I have no objection. I do not want to be educated on that point so far as I am concerned.

Mr. CONNOLLY. Then the gentleman should not argue it.

Mr. JENKINS. Now, I want to say further, so far as the law in this case is concerned, that while there were over 3,000 ballots not counted by those election officers, that percentage was not very large when you come to consider the large vote in that district and the illiteracy of so many of the voters. While it is, of course, outside the record, I may say that I find, in conversing with various gentlemen here, that in one district in the State of Massachusetts the percentage is much larger than it was in this particular case.

Now, the minority of the committee attempt to count some of these votes; and I want to invite the attention of the House to the reasons why the majority have refused to count some of them. We did it because the evidence was, to our minds, insufficient to justify the counting of those votes. The committee in this case counted every solitary vote that they felt could be counted for the contestants; and where they had any very serious doubt they resolved that doubt in favor of the contestant to the extent of counting caption-marked ballots, and to the extent of counting a large number of votes as to which they doubted whether the evidence was sufficient to warrant their being counted. Feeling that they ought to help the contestant so far as they conscientiously could, they counted them.

But if the gentleman will turn to page 10 of the minority report, I will call attention to the evidence as there stated and show how absolutely misleading is the report of the minority in this respect. Taking that one case of Mount Sidney, there are 12 of these burned ballots. I am addressing my remarks at this time to the evidence in support of the counting of the burned ballots. Starting at page 10 of their report, the minority say that the contestant is entitled to 12 votes there, and they call attention to the evidence of a man named Watson. After giving what he says in support of their claim, they go a little further, and on page 11 refer to another witness—Landes. They say that Mr. Landes testified that 12 of the 21 ballots which were destroyed were intended for Mr. Yost.

Now, I am not going to argue that that statement was leading; that it merely stated the conclusion of the witness, but he says:

> I thought these should be counted for Yost, because Tucker's name was scratched and Yost's name left clear, and some of them had some of the other names scratched.

Now, if gentlemen will read the report of this case, they can determine at a glance whether the majority of the committee were in error when they refused to count those 12 votes. We did not content ourselves with the direct examination in this case. The testimony came in all ways, and, as every lawyer knows, was very leading in its character. The witnesses, two-thirds of the time, stated simply their conclusions and not the facts.

Now, I understand the minority refer to two witnesses as supporting their statement that 12 of those burned ballots should be counted for Yost. We invited their attention in the majority report to the cross-examination of this man Landes, but they do not refer to that except to say that Landes, in his direct testimony, is supported by this man Watson.

Mr. Speaker, on page 68 of the record in this case, which was in evidence before the committee, this same witness is asked on cross-examination:

> Of the 17 destroyed ballots, will you please state, were there any which had on them only the single name of any one of the five candidates for Congress?

And he replies:

> There were not.

In other words, he says that every one of those 17 ballots which were burned by that election board had on it more than one name as a candidate for Congress.

Now, it is very clear, Mr. Speaker, that if each of those 17 ballots bore more than one name they could not be counted for Mr. Yost. Yet two witnesses testify in a general way that those 17 ballots were counted for Yost; and the witness to whom I have just referred says that 12 of them should have been counted for Yost. Yet on cross-examination, as I have just shown, he says that each and every one of those 17 ballots had more than one name upon it.

Mr. GROSVENOR. Oh, no.

Mr. JENKINS. Yes, sir. The question put to him was:

> Of the 17 destroyed ballots, will you please state, were there any which had on them only the single name of any one of the five candidates for Congress?

And he says:

> There were not.

Mr. BRUMM. To whom are those ballots credited in the report?

Mr. JENKINS. In the report of the majority they are not credited for anybody; but the minority count them.

Mr. BRUMM. Would they change the result?

Mr. JENKINS. They would not.

Mr. BRUMM. Then they are not material.

Mr. JENKINS. Now, then, Mr. Speaker, on page 11 of the minority report, with reference to the same question, you will find that there is an extension of the illustration I am giving to the House, and if you have time to follow it up all the way through I think you will admit that we are justified in making this claim—that while the evidence of the contestant, in general terms, includes a very large number of ballots from this county, that the same testimony on cross-examination or other evidence shows that there was more than one name for Congressman left on the ballot, and hence that the ballots must be rejected and could not be counted. At Verona—and I wish to say this for the benefit of the gentleman from Virginia [Mr. WALKER]—and call his attention to the fact, I am informed that at two of these precincts where the greatest amount of fraud is claimed to have been committed—that is, at Verona and Mount Sidney—two of the election officers whose testimony is in the case, which largely influenced the majority of the committee in its findings, are cousins of the learned gentleman from Virginia; and I wanted to ask him when he was on the floor if he desired to include those men in the "great conspiracy" there to rob the Republican party of its rights?

Mr. WALKER of Virginia. Does the gentleman wish an answer?

Mr. JENKINS. I will yield to the gentleman for an answer.

Mr. WALKER of Virginia. I do not know whether any of those gentlemen are related to me or not. I will say, however, that I have seen some relations whom I would not be entirely willing to trust [laughter]; who were not perhaps any more honest than some of the gentleman's own relations.

Another thing: So many of my Democratic friends have relations in that country that many of them stand rather badly when it comes to elections in Virginia.

Mr. JENKINS. I want to say to my brother that no reflection——

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman has expired.

Mr. CANNON. I wanted to ask the gentleman a question for information.

The SPEAKER pro tempore. The Chair is advised that the gentleman from Ohio [Mr. GROSVENOR] is to be recognized next.

Mr. CANNON. I wanted to ask a question, with the consent of the gentleman from Ohio. Owing to my duties in committee, it is not possible for me to be in the House to hear the argument, and I wish to make an inquiry of the gentleman for the purpose of getting information on which I may be able to make up my mind in reference to the case.

The SPEAKER pro tempore. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I will yield to the gentleman for two minutes. Of course, I do not propose to allow the debate to be opened up in my time.

Mr. CANNON. I will be compelled to read a sentence in order to submit my question. I have in my hand the majority report, in which I find this language:

> After a careful examination of the exhibits relating to the recount throughout the whole district, it appears that there were 451 "imperfectly marked" ballots for Yost and 271 for Tucker; and 54 "blotted or blurred" ballots for Yost and 14 for Tucker. The "imperfectly marked" ballots are admitted to be ballots which were not marked, as provided in section 11 of the Walton act.

Now, I wish to ask whether these ballots for both of these parties were rejected because they were not marked through three-fourths of the name?

Mr. GROSVENOR. That is just the point; that is the ground.

Mr. JENKINS. I do not know whether I am to answer, or the gentleman from Ohio.

Mr. McCALL of Massachusetts. If the gentleman will permit me——

Mr. JENKINS. I yield to the gentleman from Massachusetts.

Mr. WALKER of Virginia. I object to that. Let the gentleman answer in his own time.

Mr. McCALL of Massachusetts. I will come to that in my own time.

Mr. CANNON. I hope the gentleman will answer it when he is on the floor. For on the answer to that point, so far as I am at present advised, will depend my vote.

Mr. GROSVENOR. Mr. Speaker, I think I owe an apology, perhaps to the constituency if not to the House of Representatives, for appearing to argue at any considerable length any contested-election case, and I want to point out, on the threshold of my remarks, what I assume to be a justification for the going behind the report of the committee and looking into the facts and the law of the case itself.

It has not been very often—indeed, it has never been—that I have attempted to argue against the report of the majority of the Committee on Elections, except in the single question of law that was involved in the case from the State of Illinois—a question of law that was decided, ultimately, by the supreme court of the State of Illinois as I claimed the law to be then, and against the report of the majority of the Committee on Elections. But I have, what seems to me now, proper justification. I want to know whether it is true or false that the people of the South, the people of the Republican party, are in mass and in detail claiming here at the hands of Congress rights and wrongs that do not exist; whether there are any honest Republicans in the South who are right when they say that they can have no justice, and that no fair elections are held in a great many of the districts of the South.

I hold in my hand a list of fifteen contested-election cases that have come from the committee which has reported this case, all decided in the present Congress by a majority of that committee, and I find that in those fifteen cases the majority of that committee have reported in favor of seating 2 Republicans and 12 Democrats, and have turned out both sides in one case.

Now, this has had the effect upon my mind of calling on me to ascertain, if I possibly can, something of the merits of these cases; and when I hear members of the Republican party on this same committee, by the logic of their arguments, if not in plain terms, charging each other with misrepresentation of the facts, and applying principles of law on the one hand that are denied utterly on the other hand, I begin to think there must be something besides a duty devolving upon me to "go it blind" any longer upon these contested election cases, and I have concluded to look into them myself a little.

Now, I do not believe that 13 out of 15 Republicans have come here with a fraud and attempted to practice it upon the people of the United States. [Applause.] I have high regard for this committee in gross and in detail, every one of them, but there is such a thing as a little too much fair play. There is such a thing as standing up so perpendicular in this world that you lean a little back sometimes. And when there are social surroundings, matters of thoroughbred training, and a little of that intermixture of relationship from one side of the country to the other that sometimes permeates into cases, I am just a little afraid that some members of this committee may have made a mistake.

Statement of cases before Elections Committee No. 2, Fifty-fourth Congress of the United States.

	State.	Contestant.		Contestee.		Action taken by committee.
		Name.	Politics.	Name.	Politics.	
1	South Carolina	Robt. Moorman	Republican	A. C. Latimer	Democrat	Decided in favor of contestee.
2	do	Joshua E. Wilson	do	Jno. L. McLaurin	do	Do.
3	do	Geo. W. Murray	do	Wm. Elliott	do	Decided in favor of contestant.
4	do	Thos. B. Johnston	do	J. Wm. Stokes	do	Decided in favor of contestee.
5	Texas	A. J. Rosenthal	do	Miles Crowley	do	Do.
6	do	J. C. Davis	Populist	D. B. Culberson	do	Do.
7	do	J. C. Kearby	do	Jo Abbott	do	Do.
8	Virginia	R. T. Thorp	Republican	W. R. McKenney	do	Decided in favor of contestant.
9	do	Geo. W. Cornett	do	C. A. Swanson	do	Decided in favor of contestee.
10	do	J. H. Hoge	do	P. J. Otey	do	Do.
11	do	J. Yost	do	H. St. G. Tucker	do	Undecided.
12	Mississippi	J. A. Brown	Populist	J. M. Allen	do	Decided in favor of contestee.
13	do	W. P. Ratliff	do	J. S. Williams	do	Do.
14	do	A. M. Newman	do	J. G. Spencer	do	Do.
15	Colorado	G. O. Pearce	Ind. Labor	J. C. Bell	Populist	Do.

Now, let us look into this case; and it does not need a very great scope of examination. I do not expect, and I do not promise you, that I shall go as thoroughly over the case as the members of the committee will, but I will point out the salient features of this case, those which are controlling upon my mind.

It is claimed here upon the part of the contestant that there were more men in that Congressional district at the election in 1894 who tried to vote for him than there were men who tried to vote for his antagonist, and nobody disputes it. Is it not a little strange, now, that when that fact stands here so strongly impressed upon the records of this case that a man running can not fail to read it, that we are yet to deny the seat to the Republican, and uphold the seat of the Democrat, upon the purest technicality ever argued in a court of justice or in a legislative hall? I sat and listened here for one solid hour to the gentleman from Wisconsin [Mr. JENKINS], and he never offered or suggested an equitable consideration in favor of the contestee. His argument was that of the skilled lawyer addressed to a technical court upon a technical construction of a technical statute, while stamped upon the whole record of this case stands the undeniable proposition that, amid all the surroundings and all the features tending to lower the ballot of the contestant, nevertheless a large majority tried to vote for him, and a large majority believed they had voted for him; and the whole question is, Will the House of Representatives deny to Mr. Yost his seat upon this floor because skillful lawyers, arguing from the basis of pure technicality, are able to show that a statute was not complied with, and that an organized system of electoral outrage has put it beyond the power of this contestant to secure a return of a majority of the votes? The gentleman from Wisconsin [Mr. JENKINS] has argued—and I hope members of the House of Representatives on both sides will hear my further delineation and illustration of this argument—that while the Constitution of the United States confers upon the House of Representatives the power to decide the election, qualifications, and returns of its own members, yet, inasmuch as we have no Federal election law, we have waived our constitutional right and the Constitution is repealed by the waiver of Congress.

I am sure the lawyers on this floor will do me the justice to say that that is the logic, force, effect, alpha, and omega of the gentleman's argument on that point. Let me repeat it now, for it strikes at the bottom of the entire defense upon this question. Grant that the Constitution gives to Congress the power to judge—not to enact laws, but to judge—of the election, qualifications, and returns of its members, yet that, inasmuch as we have not legislated upon this subject, we have waived our right and are bound by the statutes of the States. Such a claim as that was never made by the strongest adherent of States' rights in all the history of the great line of arguments pro and con on this mighty question, that once produced a great armed collision in this country.

It is left to Congress to say who was elected, gentlemen of the House of Representatives, just as much as it was when we had the force law in process of execution in the South. Suppose the legislature of a sovereign State—I will not mention a Southern State, but let us take the State of Iowa—suppose the State of Iowa should enact that, no matter who should receive the greatest number of votes, whoever secured the certificate of election should be the Congressman.

Now, there is the ad absurdum of this claim; but this is a fair and just illustration of the argument. Would the House of Representatives in that case have the right to look in and say who it was that had the greatest number of votes, notwithstanding the legislation of that State said that the minority man should be seated? But the gentleman has made a most unfortunate reference to the statute of the State of Illinois. The statute is in principle, if not in verbiage, on all fours with the statute of Virginia, which he says supervenes here to prevent us from deciding who was elected in that Congressional district. It is on all fours, gentlemen of the House of Representatives. I defy—I do not do this offensively, for I shall make no offensive argument against anybody—but I defy you to show me that the legislation of the State of Virginia is different in principle, in effect, in legal operations, from the legislation of the State of Illinois.

Now let us see what the supreme court of the State of Illinois has said upon that statute. Bear in mind that the construction of the statute of Virginia in its operation and effect upon these returns settles this question for the contestant or against him. It all turns upon the question, in one instance if not in all, but in one, upon the construction that is to be given to the power and duty of this House in ascertaining what the will of the voter of Virginia was when he cast his ballot. There is the whole of this case, gentlemen. You may quibble about it. You may come with your fine facts, your fine analyses of principles of law; but the whole question turns upon the limitation or the nonlimitation of the House of Representatives in determining how far they will look into that election and see what was the purpose, the expressed intention, of the voters of Virginia in that behalf. Anything short of that is to wrong a man out of a right by a quibble. I use the word "quibble" with the highest degree of respect for the able gentlemen. They are standing upon nothing else. I do not want to make light of their underpinning. [Laughter.] I remember the discussion in this House about the question of the ballot in Illinois; and you all remember how a great many of you gentlemen were carried away to do what turned out to be, if not corrected, a most rank injustice. You followed this same idea of technical construction of a statute, and you did a wrong. You perpetrated a wrong; but you set it right again later on; and you learned a lesson. Here is what the Illinois statute says. This is a mandatory law; and the principles applicable to the statutes of Illinois as mandatory and directory of the principles for the construction of the statutes of Illinois are just exactly what they are as to the construction of the statute of Virginia; no more, and no less. Here there was a peremptory statute that a certain ballot should be counted and that certain other ballots should not be counted. The supreme court of Illinois, in the case of Parker against Orr, said:

> It has always been held in this State that if the intention of the voter can be fairly ascertained by the ballot, though not in strict conformity with the law, effect will be given to that intention.

That is what we claim here to-day. That is what has been held; that is the law of every civilized State of the Union; and anything short of that would foster in a technical construction of an election board the power to disfranchise a majority of a Congressional district or of a State.

A MEMBER. Read further.

Mr. GROSVENOR (reading):

> In other words, that the voter shall not be disfranchised or deprived of his right to vote through mere inadvertence, mistake, or ignorance, if an honest intention can be ascertained from his ballot. * * * Ballots appear in the record on which it is clear that the voters attempted to make a cross in the proper place to indicate the choice of candidate, but succeeded more or less imperfectly. It being clear in such cases that the intention was to conform to the statute, and not to distinguish a ballot, they were properly counted.

Gentlemen, before you decide this case against the contestant, I appeal to you, on behalf of common justice and of plain common sense, take these ballots [exhibiting sample ballot], 171 of them, and tell me and tell your conscience if you do not know what the purpose of these voters was when they put these ballots into the box.

Mr. JENKINS. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Yes. I will not set the example that the gentleman did by refusing me.

Mr. JENKINS. I want to ask the gentleman if he does not know that these ballots that he has spoken of were never used, and that there was no evidence that they were ever used?

Mr. GROSVENOR. I understand it perfectly.

Mr. WALKER of Virginia. You will decide that if you just take the minority report.

Mr. GROSVENOR. Now, let us see what the rule of law is. Ten hundred and seventy-one ballots were burned. What says the law of the universe? The man who destroys evidence shall not be heard when he wants benefit because of its destruction. [Applause.] What is the proposition of the law? The will that conveys the real estate of a dead man, if it has been burned, may be proven by oral testimony, and it conveys as good title as though it was in existence and on record. The promissory note of my friend is just as good if it is burned up as it is in evidence if I can prove its contents. So the law recognizes the propriety and the validity of secondary evidence, as we call it. And it is just as binding. I said the gentleman stood upon a quibble. I said it respectfully. I may be induced to steer away from that proposition after a while. He now says to me, "I know that these ballots have been simply proven to be secondary evidence." I know it perfectly well. There is the sworn testimony that this is a reproduction of the ballots. He says, "Do not take that as evidence." We do not know whether there are reproductions or not.

Mr. JENKINS. I made no such claim, and the committee makes no such claim. You certainly do not understand this case.

Mr. GROSVENOR. I do understand it a great deal better than you do; but I am not admitting that that is a very large claim. [Laughter.]

Mr. JENKINS. With all due respect to the gentleman's power of ridicule, the committee nor myself made any such claim as that—that we could not use secondary evidence. What I said was that that ballot was never in evidence; that the ballots you are talking about were never in evidence and never used.

Mr. GROSVENOR. Let us see if this is not more technical than ever. I bring my witness into court, who is able to describe a thing. In order to illustrate his testimony I put a model, or a diagram, or a drawing of the locus in quo in proof in the case, and then the gentleman comes and says that that never was used as evidence! We have proved the existence of these ballots——

Mr. McCALL of Massachusetts. If the gentleman will permit an interruption, the point is that the exhibit which you print does not correspond with the testimony which your own witnesses introduced as to the character of the ballot—that is, there is a discrepancy between your own illustration and your own testimony.

Mr. GROSVENOR. That is an entirely different question. There is the difference between the gentleman from Massachusetts and his comembers of the committee, and inasmuch as I find a good deal of positive evidence that the gentleman is mistaken about other things, I assume the fact to be against him upon this point.

Mr. HALL. Will the gentleman permit a question?

Mr. GROSVENOR. Yes, sir.

Mr. HALL. It is with regard to those 1,021 ballots that were burned. I understood the gentleman from Wisconsin [Mr. JENKINS] to say, and I have talked with other gentlemen who have said, in response to questions, that those ballots that were burned were burned under these circumstances—and if you have evidence to any other effect, I would like to have you call attention to it.

Mr. GROSVENOR (interrupting). I withdraw my consent. I do not want an argument instead of a question, and I am not going to have it, either. The gentleman knows that I am capable of taking care of my own time without having an argument interpolated into my speech.

Mr. HALL. Well, then, will the gentleman let me ask him a plain, straight question?

Mr. GROSVENOR. I wish you would, if you can ask a plain, straight one, and I know you can.

Mr. HALL. Thank you. My question is this: Has not the statement before this House been that those 1,021 ballots were burned with the unanimous agreement, consent, and concurrence of every one of the judges—Republican, Democratic, and Populist—and in pursuance of a uniform custom which had prevailed for years under an old law, and that the Walton law contained no provision to the contrary?

Mr. GROSVENOR. The gentleman has seen fit to answer my argument before I get through, which is a most unfair way to treat a man upon the floor. I had not got to that question, and the gentleman knew it.

Mr. HALL. I thought you were discussing the burnt ballots.

Mr. GROSVENOR. I was discussing the burnt ballots for an entirely different purpose. I will come to the point which the gentleman refers to and then he may ask any questions about it that he desires. Mr. Speaker, this is what I was trying to show when I was interrupted. We have come as near to putting in evidence this scratched ballot as it is possible to do. Take page 14 of the minority report, where there is an extract from the testimony of Mr. Hess which has never been attempted to be contradicted by anybody. There was no attack made upon his testimony either by cross-examination or by calling witnesses to contradict him. At the precinct where he voted there were eleven ballots burned. Three of them were scratched with vertical lines. Here we have them illustrated in the record, all the names being scratched except Mr. Yost's. From the description given by the witness this illustration is made. Now, gentlemen, if you want to quibble over that question—and if you do not—take one of these ballots and take the testimony of this witness—to-night, before you go to bed, before you deny this man his right—take that ballot and scratch it as the testimony of the witnesses directs you to do, and see if you do not get a complete illustration of the ballot in this minority report. I stand upon that.

Now, let us see what is the fair inference that is to be drawn from the destruction of these ballots. In every State in the Union that I know anything about where the Australian ballot or any of these improved systems of balloting have gone into operation the doubtful ballot is the one that is saved. The questionable ballot is treasured up by the election officers; the unquestioned ballots are burned. That is the law of the State of New York; that is the law of the State of Ohio; that is the law in every State that I know anything about that attempts to have anything like a fair system of elections. I will give you an illustration. In the State of Ohio there are 2 Democratic judges and 2 Republican, 1 Democratic clerk and 1 Republican—3 election officers of each party. They count the votes. Every ballot that has about it any mark or any lack of mark which makes it uncertain they save, and when they have concluded the count those ballots about which there is no question are burned. Now, in how many places in this case were the ballots burned? In that Congressional district, in that great line of precincts, fifteen in number, I think, as shown by the evidence there were these doubtful ballots everywhere, and yet, by some sort of organized judgment, by some sort of concurrence, by some sort of mental operation that ran through the minds of the election officers in all those precincts, the doubtful ballots were all burned up and the good ballots were saved.

Mr. McCALL of Massachusetts. If I may interrupt the gentleman again, I do not think he intends to misstate the testimony, but the evidence clearly shows that fully two-thirds of the so-called "imperfect" ballots were burned; that there was no general understanding throughout the district, and that in various precincts, with two or three exceptions, the district election officers unanimously burned the ballots.

Mr. GROSVENOR. Now, the gentleman is putting his innocence up against the record. [Laughter.] He is an honest man. [Renewed laughter.] Did you ever know of a set of rascals—I am only stating this by way of illustration—to get together and say: "We will agree to burn up all these ballots." That is not the way that rascals operate. They operate by a sort of consensus of judgment at the time. And it is a little strange that down in those districts, where the light of education has not been generally disseminated, as appears by this record, there should have been such a consensus of opinion that they would burn all the bad ballots and none of the good ballots.

The gentleman from Wisconsin has said that we are making a wrong statement when we say that the judges of the election were packed, in the ordinary use of that term. He says it does not appear that they were all Democratic judges. I understood him to say that wherever there were intelligent and able Republicans they were always put on. Let us see what the record shows. In Amherst County there was no Republican representation at the precincts of Magruder, Pedlar Mills, Oronoco, Chestnut, Furnace, and Millners, all of which, except one, returned majorities for the contestee. In answer to the question, "Do you know whether there are qualified voters who can read and write at those precincts who are Republican in politics?" Mr. Samuel C. Allen, chairman of the Republican party in that county, answers, "Yes, sir; I know that in every precinct in Amherst County there are qualified Republicans to act as election officers." I refer to page 127 of the evidence. And this same law that has been invoked as a mandatory enactment makes it a duty to elect and put upon those election boards Republicans whenever possible. That is the requirement of the law. Yet we find this happening: Republicans left off the election boards; controverted ballots discovered; a unanimous consent to burn them up, and the evidence thereby destroyed. What is the inference? Every lawyer here knows what is the inference from the destruction or withholding of evidence. What is the law that has been written where no legislation can repeal it—in the common knowledge and judgment of mankind? Whoever destroys a matter of evidence, suppresses it, keeps it from his opponent—in any wise disables his opponent from getting possession of it—the law takes that fact and construes the unobtainable evidence against the man who is found in default.

Mr. JENKINS. Will the gentleman allow me a question?

Mr. GROSVENOR. Certainly.

Mr. JENKINS. As the gentleman has stated that he wants to be fair, I want to ask him whether he is willing to continue reading the record which shows that at five of those very precincts which he has been talking about Republicans were elected and refused to serve, and that in every one of those precincts a Populist was appointed and did serve?

Mr. GROSVENOR. I did not know there was any such evidence.

Mr. JENKINS. That is the reason I called the gentleman's attention to it, because I believed he wanted to state the matter fairly.

Mr. GROSVENOR. But my friend here [the contestant] says there is no such evidence.

Mr. JENKINS. As a member of the committee, I say that such is the evidence, and I hold it in my hand.

Mr. GROSVENOR. Do not understand me as disputing the statement. It simply shows a condition of things which indicated to the Republicans that there was trouble ahead; and therefore, if such was the fact, they would not go upon those election boards. There was a condition created, and an advantage taken of it, in plain violation of law; and the fair inference of the law is against the men who created the condition.

The testimony is that in Appomattox County, at Spoutspring, New Court-House, Chap. Fores Store, and Stonewall there was no Republican representation on the board, although the evidence shows that competent Republicans could have been appointed at each of those points. This is not denied even by the clerk of the electoral board. I give you the page where you will find that evidence—page 145—for I am going to argue this case fairly, even if I lose it.

In Fluvanna County, at Scottsville, Center Hill, and Goodson, all of which gave pluralities for the contestee, there was no Republican representative. The uncontradicted testimony of L. O. Haden, on page 299, shows that at each of those precincts good Republicans could have been selected.

In Nelson County, at Arrington, Buffalo Ridge, Grapelawn, Fabers Mills, May's store, Lowesville, Montebello, and Slaughter, there were no Republican representatives; and in each of those places they "slaughtered" the Republican vote. [Laughter.]

In answer to question 3, on page 312, P. D. Young, a member of the electoral board, testifies:

> I think there might have been found qualified voters who can read and write in the Republican party who might have been appointed judges of election at Slaughter, Grapelawn, Mays Store, Montebello, and Arrington.

What have we, then, on this branch of the case? And this branch alone, decided in favor of the contestant, gives him the seat by the concurrent statement of all who have argued this case. We have the law of Virginia violated in the organization of the electoral boards. We have a ticket attempted to be voted by a sufficient number of the qualified voters of the Congressional district to seat the contestant. The tickets are brought here with the best evidence that the contestant can produce. Let me take the evidence, and I ask if any gentleman who advocates this proposition, presented here for our adoption by the majority of the committee, is able to answer this proposition: Suppose that there might have been Republican officers of election in certain districts and they refused to sit, and suppose that where they did sit, by concurrent agreement they burned all the ballots; how can that fact or either fact prejudice this contestant, if the votes were cast for him and if he ought to have had those votes counted? Has he been guilty of anything in that behalf? Has he stood by and waived anything or any right to which he was entitled because somebody else has done something or failed to do something and thus defrauded him of his right to a seat here, which a majority of his constituents declared that he should have? Certainly not.

Now, Mr. Speaker, I come to another proposition. I have witnessed a good many curious things in contested-election cases, and in their development on the floor of this House, but I have never yet witnessed anything quite up to the standard of unique and unqualified rascality that is involved in that ballot which I now hold in my hand. [Applause.] Let an American statesman uphold such a fraud as that, and then answer to his constituents and to his conscience if he can! For once in our lives, we have got the thing in our own hands.

It appears that there is a large number of uneducated voters in that Congressional district; it appears that nine out of ten of one class of them were thoroughly imbued with the spirit of Republicanism and wanted to vote the Republican ticket. A new law had been enacted and for the first time enforced in Virginia; a law that the State of Virginia, and I compliment her integrity and honor as a State, has repudiated and put the brand of her condemnation upon, and yet we have gentlemen here apologizing for that which the Democratic State of Virginia has condemned and spewed out of her mouth! [Applause.] It was too bad for Virginia. She could not stand it, even on the eve of a Presidential election. But it is as balm of Gilead to him who wants to be generous to his enemy instead of being just to his country. [Applause.] Look at this ticket and carry it home with you; get a facsimile of it published in the newspapers of your district; and tell the people, the intelligent, decent people, that you are willing to uphold fraud like that. [Applause.] They printed it, so that he who runs might read that it was an occasion to vote for a Representative in Congress, and they put that fact in roman letters, so that there would not be any mistake about it; and yet some of the constables appointed to help the illiterate voters, as the records show, could not even read these roman letters. I can point you to the pages in the record. Then they made seventy-five editions of that infernal ticket—seventy-five different styles of rascality. There they are, and you have got to whitewash the whole seventy-five or turn this man out. [Applause.]

What is said for that ticket? Who justifies it? Why, it will be said for it, as has been already said in my hearing, that the evidence does not show how many votes Mr. Yost lost by reason of that ticket. But who put the ticket in motion? Who started that scheme of villiany? I will show you. The electoral board of Amherst County is composed of three persons, all of whom, in 1894, were Democrats, and one of them at least, B. R. Harrison, is shown to be a partisan. He was not only a member, but was secretary of the electoral board, while at the same time he was the acting and active chairman of the Democratic county committee in Amherst County. The impropriety of a sworn election officer holding such an important official position and being at the same time a partisan chairman of one of the political parties contending for mastery in the county is manifest, and needs no comment at our hands. This avowed partisan, after appointing the special constable in each of the precincts of his county—and I pause here for a moment, to let the House understand that fact.

No conspiracy! Why, Mr. Speaker, there is the Democratic chairman of the Democratic county committee doing just what we have seen has been done in this case. What did he do? In the first place, a constable is provided for the alleged purpose of "helping the ignorant voters" at each precinct, and my friend here from Wisconsin [Mr. JENKINS] has really got himself worked up about it. It shows the truth of the old maxim: Facilis descensus Averni. He has not only justified the appointment of the constables, but has worked himself up to believe that it was done to prevent fraud at the election! Here we have the whole statement in a nutshell. The chairman of the county committee, a member of the election board, himself appointed every man who was to help the ignorant voter, or mislead the voter, one or the other. Now I will show you exactly what they did. The "machine" is constructed by the partisan, and we have a machine constructed for the express purpose. It has two elements that are to be operative: First, the constables, who alone can aid the ignorant or disabled voters, and second, that ticket; and thus the scheme was developed and devised to compass the outrage that was committed further on.

This avowed partisan, after appointing the special constable in each of the precincts of his county on the 1st day of November, 1894, only five days before the election, published the names of all the special constables in the Amherst New Era, a newspaper published at the county seat of Amherst County, which was signed "Beverly R. Harrison, secretary of the electoral board." At the same time, and immediately under this notice, Mr. Harrison inserts a request in these words:

> The constables above named are requested to meet me at my office at Amherst Court-House on the 3d day of November next, if possible, in order that I may give them information they may desire as to their duties under the new election laws.
>
> BEVERLY R. HARRISON,
>
> *Chairman of the Democratic Executive Committee for Amherst County.*

That is signed by Mr. Harrison as chairman of the Democratic executive committee. In one breath he announces officially the appointment of the constables who are, as I will show you directly, to control this election; and in the next breath, as chairman of the county committee, he orders every mother's son of them to come and get his instructions. [Applause and laughter.] And directly I will show you what their instructions were. Now, what are these tickets, first? There are 75 varieties of them. The sheet that was let down out of heaven full of creeping things, fowls of the air and beasts of the field, did not contain as many outrageous things as that, although it contained all manner of four-footed beasts and unclean things. Old Peter, hungry though he was, when invited to slay and eat, said, "No, Lord; nothing common or unclean ever entered my mouth." But my friends from Wisconsin [Mr. JENKINS] and Massachusetts [Mr. McCALL] look upon these unclean things as lovely demonstrations of the purity and becoming innocence of elections in the old Commonwealth of Virginia.

Now, let us see what he made those 75 tickets for. The first time I saw one of these tickets one of my friends said, "Oh, well, now, there was evidently no purpose in that." No, it was one of those innocent little things, you know; Roman letters at the top, German text at the bottom, and seventy-five varieties of them, all by accident, all to be marked, or not marked, by those constables, who had their instructions twenty-four hours before the polls opened. I read from the testimony of Mr. Harrison before the committee of the House, or, in other words, his deposition, I suppose, page 155, question No. 10:

> The secretary of the Commonwealth sent to me as secretary of the electoral board a list of all the candidates for Congress in the Tenth Congressional district. They were in one order; that is, for example, Jas. Seldon Cowden, J. Yost, H. St. Geo. Tucker, C. H. Grove, and Edmund R. Cocke.

Mr. Yost's name was the second one from the top in the official list.

> As I construed the Walton election law, and upon the advice of able lawyers, we, the electoral board, transposed these names in order, as we considered it, to require the strict enforcement of this new election law.

He did it purposely.

> We had been informed that circulars had been sent around, and that schools of instruction had been organized to instruct the illiterate voters to vote one name only on the ticket. We were also informed that the illiterate voters had been taught to consult some smart, shrewd politician of his party who had first voted, as to the position of the name J. Yost on the ticket, thus doing away with the educational qualification of the act.

This fellow appointed constables who could not read roman letters and then printed a ticket in German text, for the purpose of defeating the possibility of the voter reading it. And that is the purity of the ballot! [Laughter.]

> Q. 11. Were any instructions given the constables of election as to whether they should mark the tickets for illiterate voters?—A. I read to some of the constables the section of the law referring to their duties, and also showed them and read to them parts of Judge Simmons's opinion in the Botetourt election case. I also, as well as I can remember, showed them an editorial from the Richmond Despatch as to their duties.

That paper is the organ of the State Democratic committee of Virginia, the Richmond Despatch. I have nothing to say against the paper, but you will see now the indicia of fraud. First, the voter is impeded in his effort to know whom he is going to vote for. The election board discovered that the illiterate voter of that Congressional district is struggling with his ignorance and trying to overcome it; and, following the instructions of the State committee, the chairman of the local county committee proceeds, as he admits, to put every possible obstruction in the way of the voter to make it impossible that he shall vote intelligently.

Now, when you come to analyze this testimony—for I shall not proceed further along this line—you will discover that the constables, one after the other, refused to aid these illiterate voters. If a man was disabled so he could not hold a pencil they assisted him; if he was blind they assisted him; but if he could not read they followed their instructions, and refused to aid him. Will you uphold and indorse such a scheme as that? If so, never again prate of honest elections. Shut up your hypocrisy. Do not thunder from the East against the South and the West, but admit that you are incapable of discovering fraud when all of its elements are brought before you. [Applause on the Republican side.]

Here, then, are facts enough admitted to show, without any attempt to make any allowance for that which ought to result and flow from that ticket, that the contestant is entitled to his seat; and if he can be cheated out of it by the schemes that were operated in that Congressional district, then you are only paving the way to something new in the future. Here is a new development.

Now, then, if you will put the stamp of your disapproval on this sort of election and stamp this sort of crime you will have done a good day's work toward rendering honest and just the elections of this country. Do not let anybody get the advantage of a majority of the voters. Two things you must find affirmatively. The first is that this marked ballot ought to have been counted. The evidence of it is in the form and construction of the ballot itself, a construction which the highest court of the country has given to that sort of legislation, and the evident purpose to make away with the best evidence of the purpose of the voter by the destruction of the ballot. In the second place, you must find that this ballot and all that appertains to it was a gross fraud upon the party in the election. I do not say that the fact that the Democratic county committee managed the appointment of these constables is alone sufficient, though it is a very bad element. I do not say that the actions of these constables alone is sufficient, though it is a very bad element; but I do say that when this ballot is produced as the result of the concurrent plan of that chairman and this constable, and these ballots were circulated as the only ballots that could be voted in Amherst County, no man living ought to defend that county of Amherst for one moment. It ought to be excluded from the count; it ought to be lifted up as an impurity, as a vile thing, and taken out of its operation upon a pure and earnest constituency. What right has a man to sit in the American Congress when he has come here by the strangulation of the very principle of an honest ballot? With that ballot in every voting place in the county, it had its inspiration at the county seat, had its inspiration with the party who sought to gain by it, carried out this infamous conspiracy, so far as the evidence of actions can prove it, by the manipulation of every form of fraud and the ultimate overthrow of an honest election in that district. I am not afraid that my vote will be criticised by the men who are afraid that there was some partisanship in a contested election. I am not afraid that my vote will ever be questioned upon a contested-election case, the majority of which turns upon upholding that ballot and the scheme of its manipulation. [Loud applause on the Republican side.]

Mr. WALKER of Virginia. I yield to the gentleman from New York [Mr. DANIELS] as much time as he wants.

Mr. DANIELS. Mr. Speaker, I do not intend to detain the House in going through the circumstances that have been discussed with so much ability. I desire to say, in the outset, that no person upon this floor can have a greater degree of respect for the gentleman who is the contestee in this controversy than I myself.

Mr. GROSVENOR. Mr. Speaker, the gentleman from New York is a very modest man, and I ask that he be heard. He ought to be heard. I do not know what side he is on.

The SPEAKER pro tempore (Mr. DALZELL). The House will be in order. Gentlemen will please be seated and cease conversation.

Mr. DANIELS. But in the discussion and consideration of the controversy now before the House a vital principle is involved that should not be overlooked, but on the other hand should be carefully considered and sustained by the action of the House of Representatives. The Constitution of the United States has provided that so far as the qualifications of the electors for members of Congress are concerned, they shall be dependent upon the laws of the State in which the election is held. The language will be found in section 2 of Article I of the Constitution, and it is this:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That is as far as the Constitution has made concessions to the authority of the States over this important subject. It has in addition to that provided by another declaration contained in the Constitution "that each House shall be the judge of the qualifications and the election of its members." These are the only provisions, according to my recollection, which are embodied in and made a part of the Constitution relating to this general subject. They, accordingly, do not adopt such arbitrary regulations as the State may see fit to adopt concerning the evidence of the intention of the voter. The intention, on the other hand, is to be one of universal and common adjudication. In the case of the State of Illinois, where the ballots were brought up, gentlemen will remember that there was no mark upon the ballots from which the intention of the voter could be surely discovered and carried into effect. It was an arbitrary mark, which under the authority of the law of the State of Illinois could be accepted or regarded as an indication of the intention of the voter.

In this case, so far as these largely controverted ballots are concerned, there is no difficulty whatever in ascertaining and determining what was the intention of the voter who put the ballot into the ballot box. It is true that the legislature of the State of Virginia has declared that no candidate's name shall be considered as "scratched" unless the pen or pencil mark extends through three-fourths of the length of said name, and the inquiry arises here whether this House is bound to give the same effect to that provision of the law of Virginia as was given to it by the election officers in the exercise of their authority. In opposition to the adoption of such a construction stand the implications of the Constitution of the United States, by which the House of Representatives is bound by the enactments of the States only so far as they declare the qualifications of the voter for the most popular branch of the State legislature, who, having those qualifications, is declared to be competent to vote for the election of a member of this House. That is as far as the Constitution has gone in recognizing the authority of the State legislatures over this subject, and by the general provision in another part of the Constitution—that the House is to be the judge of the election and qualifications of its own members—the idea is practically excluded that the State of Virginia, or any State, can so far legislate as to the evidence of the existence of the voter's intention as to tie us down to the observance of any special arbitrary principle or declaration. It has, on the contrary, as to this subject, left the House at liberty to look into it and to consider whether the evidence appearing before it is such as to show what the intention of the voter was, and then whether that intention has been carried out in the conclusion that has been reached by the election officers of the State.

In looking at these circumstances we must of course remember that the law of the State of Virginia was made simply for that State. It was made for the direction of the State officers in the exercise of their authority and the performance of their duties, and has and can have no power or binding force beyond the limits of the State whose legislature enacted it. It certainly can not be held to be in any way peculiar that this principle should be applied in this case, because it is of general application, and no matter where the State legislature may intervene in making laws by which arbitrary evidence is to be required concerning the intention of the voter in casting his ballot, no matter where such legislation may appear, it has no effect, no control, and can not and should not have effect or control, over the action of the House of

Representatives. It is simply a State regulation, by which the State says to its officers, and can say to no other officers—certainly can not say to the members of this House—that, unless the voter shall draw his line through three-fourths of the name of any candidate on the ballot that he desires to reject, the name shall not be rejected. On the contrary, when evidence comes here which, upon natural and reasonable consideration, satisfies the minds of the members that the voter intended to vote, according to the evidence borne upon the face of his ballot, for one person and not for another, then this House must adopt the view that is consonant with the intention of the voter, even though it may not be in complete harmony with the laws of the State where the vote was cast. It is true that the States may prescribe, as they generally have prescribed, the form of the vote that is to be given, and may say that none but a certain form of ballot shall be used. That is a mode of regulating elections that necessarily is exclusive on the part of the State; but when the ballot is framed in conformity with the laws of the State and has passed through the hands of the voter, and he has indicated on the face of that ballot what his intention is as to the persons who were candidates for this office, that intention should be recognized and carried out by the House of Representatives more strictly, more thoroughly, more earnestly, than by any other body in existence.

Now, what is the situation here? We have certain ballots that were burned, over 1,100 of them, I believe, and that were marked in a peculiar manner by the voters who failed to obey and carry out literally the provision of the law of the State of Virginia with reference to the marking of ballots. It is to be remembered that one great purpose and object of the laws on this subject should be to protect the illiterate voter, to enable him to express his convictions by the form and manner in which he prepares his ballot and deposits it in the ballot box. He is not the man to read the laws of the State. He is not the man to read these restrictions upon the exercise of his right of franchise. Ordinarily he can know nothing about them, but he knows and believes that, as a part of the free Government of the country, when he shows by his action upon the face of his ballot what his intention is, that intention will be carried out in pursuance of his wish—certainly so when the question comes before the House of Representatives of the United States. And, Mr. Speaker, what can more clearly and unequivocally indicate the intention of the voter upon this occasion than the ballots, a facsimile of which is spread upon the minority report presented here, according to the evidence of the witnesses who describe the manner in which the ballots in question were marked?

The ballots themselves were not preserved. They were destroyed; and why were they destroyed, unless it was for the purpose of preventing the presentation of complete, accurate, and perfect evidence before this House, or any other body having cognizance of this subject, as to what the voter actually intended to do? Upon the face of these ballots, instead of drawing his pen through the name, in some instances the voter had made a line, or several lines, across the name of the person for whom he did not desire to vote. In other instances he has drawn a line, as nearly as a man with a tremulous hand would be able to do, through the name of the individual that he did not design to vote for. In other instances, under the influence of a similar disability—a tremulous hand—his line has gone above a part of a name, and in others below a part of a name. Such appears to be the evidence on which the election officers of the State of Virginia concluded that they must reject these ballots and not count them for either of the contesting candidates. They were at liberty to conform, and probably it was their duty to conform, as officers of that State, to the provisions of its law, even though it required the application of a mathematical calculation for the purpose of determining whether in point of fact the line had gone through three-fourths of the name upon the ticket. But there is no such restriction here.

Here the question is, and must be, relative to all election contests that are brought before the House, not what the State has said to its own officers shall be the peculiar form and evidence of the elector's intention, but whether there is enough on the face of the ballot to show what that intention was as a reasonable construction of the act of the party who has put his vote into the ballot box. And when a ballot of this kind appears before the House, and, by the line drawn in this unequivocal manner, the voter has shown that he did not intend to vote for the person whose name is partly obliterated by the line, though he may not have drawn the line strictly through three-fourths of the name, can we have any doubt what our construction of such a vote should be? Why should the voter place this line upon the name of the candidate at all? Why should he endeavor to erase that name from the ticket? And why should he carry his intention and his efforts so far as to make the line apply to every other person except one candidate upon the ticket unless he intended his act to be unequivocal evidence to the body at liberty to consider the effect of it that he did not intend to vote for any one of these persons whose names were in this manner partially obliterated?

That is the natural supposition presenting itself to the mind of any person exercising his reason or experience upon a subject of this kind. If you place such a ticket so marked before even an illiterate person and ask what is meant when that line is drawn through all the other names except one on the face of the ticket, his answer would be unequivocal, without a moment's reflection or hesitation, that the person who made those marks upon the ticket did not intend to vote for either of those persons but intended to have it known and understood that no one of those persons whose name was affected by this act of obliteration was the candidate of his choice; but, on the other hand, when, taking the entire ticket into consideration, it is seen that he leaves one name upon the face of the ticket entirely unaffected by his act, everyone will say the voter has clearly indicated his intention to vote for that man and not for the others on the ticket. There is no man in this House who can take this ticket in hand and looking at it declare his conviction to be that any other purpose was indicated by the voter when he finished marking the ticket and had it put into the ballot box. Under these circumstances it is certainly therefore the imperative duty of this House to carry into effect what clearly appears to have been the determination of the voter himself.

You are asked here to determine who was elected; and what better evidence of an election can possibly be presented than the unequivocal circumstance that the voter has drawn his line or attempted to draw his line through every other name on the ticket except one, which he leaves entirely unaffected and undisturbed? Who can say there is any possibility of doubt of the intention of the voter when these acts were performed by him, and with their evidence the ballot was placed in the ballot box? Why, sir, the matter would seem to be beyond possible controversy. And when, as appears here, these ballots were destroyed, were burned, with these evidences upon them, the party who now objects to the insufficiency of this evidence can have no good ground to stand upon, because we are to take the best evidence of the intention of the voter that can be or has been supplied, which, in this case, is the description given of these burned ballots from the memory of witnesses who were familiar with them. Such evidence is spread upon the record. There is no doubt or dispute that so far as concerns the recollection of witnesses who saw these ballots and were cognizant of the disposition made of them by the officers of the election—there can be no doubt that these witnesses fully understood what was the import of those ballots and were able to testify when brought before the commissioner or notary as to the peculiar marks on those ballots. These witnesses have given the very best evidence that the nature of the case admits of. They have given a description of these ballots with such a degree of accuracy and uniformity as to leave no substantial conflict or discrepancy in their statements. Those witnesses stand before the House giving their evidence intelligently—describing fully the appearance of these ballots—describing them so accurately that a fair representation of them has been produced from the record for the consideration of the House.

Mr. DOLLIVER. How many votes were affected by those imperfectly marked ballots?

Mr. DANIELS. Either 1,071 or 1,021. There is no dispute as to the number, although those tickets have disappeared.

It is objected here that the ticket should not have that degree of effect as will change the declared result of the election, because of the inability to prove for whom the ballots were deposited in the ballot boxes. But as has been correctly stated, and I may be at liberty to repeat it here, because the principle is a correct one, where the evidence of a fact is destroyed, the parties who were engaged in it, or in whose interest the destruction takes place, are not at liberty to say that the evidence should have no effect against them or against him if it had not been destroyed in the manner it appears to have been destroyed in this case. On the contrary, where testimony has been destroyed, or where it has been obliterated, in whole or in part by the act or in the interest of a party, the presumption is that it would weigh against that party in case it was produced, in the opinion of the body who is called upon to take cognizance of it, and whose action may be controlled by the facts that such evidence should present. That is a substantial and well-settled principle followed in all of the courts of the country, and one that commends itself to the common sense and reason of every individual who reflects upon it. So that we have in the fact of the destruction of 1,021 or 1,071 ballots a degree of evidence that is certainly persuasive, in this, that probably a large number of votes, and a sufficient number to have more than changed the result as the returns have been made in this election in favor of the contestant against the contestee, were destroyed and not counted. We can not close our eyes to the evidence existing in reference to this matter. We can not reject the conviction, or say that the evidence is not entirely conclusive as to the intention of the voter, but we are called upon to act with the greatest degree of consistency, and I might say of inconsistency also, to give effect to the law of the State rather than the evidence showing the intention of the voter after he had placed his ballot in the hands of those persons who deposited it in that form in the box. Is a State law more imperious or more controlling, to affect the opinion or the action of this body, than the intent of the man who marks his ballot in this manner?

Why, they say, and it seems to have been a device to entrap the ignorant voters, that unless you draw a line through three-fourths of the name, your vote shall be lost; it shall count for nothing. Where there is such a provision, it can only address itself to the intelligent portion of the community, and even some of the most intelligent persons could not fail to lose their ballots by a uniform application of that principle, because they, under all of the circumstances, would not probably be familiar with the exact text of the enactment. They would not all be able to understand the necessity of drawing this line through three-fourths of the name. They would ordinarily say, "I marked the ballot to indicate my intention, and that fact ought to be sufficient to give effect to it. Under all ordinary circumstances I may exercise my own authority and option as an elector with that view in mind."

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. DANIELS. Certainly.

Mr. HULICK. I understood from what you stated that as this is a contest as to who shall be entitled to a seat here, the contestant or the contestee, we should look to discover, if possible, the intention of the voter, and disregard the statute requiring that this line shall be drawn through three-fourths of the name rejected on the ballots. Now, if this were a contest in the State legislature of Virginia, and you were engaged in giving your judgment and opinion on that, would you disregard the statute of the State of Virginia and, without regard to the letter of the law, determine what was the intent of the voter, and let that have effect rather than the technical language or requirement of the statute?

Mr. DANIELS. I will say in answer to the gentleman from Ohio that, severe as the language of the statute is, restrictive and unjust as it is, certainly to the ignorant voter, if I were acting in Virginia, where the law is entitled to full force and effect, notwithstanding the imposition of the restriction, at variance necessarily with the exercise of the franchise by illiterate people, I should conform to the law, because it would be the law of the State and in force there. But it is not in force here. A different system is here presented. We are possessed of power in our own right. This law has no extraterritorial effect, and when a question comes here to the House it is for it to say who was elected, because under the Constitution it has the power to judge of the election, qualifications, and returns of its own members.

Mr. HULICK. Let me ask the gentleman another question. In the State of Ohio we require the voter to put a cross mark before the name of the candidate for whom he casts his vote. Now, suppose he were only to put a straight mark there, would not that indicate that he intended to vote for that candidate? And would the gentleman apply the strict rule in the State and reject the vote, and in Congress here determine the true intent of the voter?

Mr. DANIELS. No; I am not prepared to say that I would apply the rule there, for the reason that the language of the statute of the State of Ohio, as is the case with the language of the statutes of many of the States upon this subject, is of an arbitrary character. There is nothing in and of itself in a mark, whether it is a cross mark or a straight line, which indicates what the intention of the voter is in placing that mark upon his ballot; and it is only because the laws of the State have given it a special significance that it becomes an important circumstance; while here in this instance the voter has placed upon his ballot a mark which has a natural and reasonable significance, and shows what his intention was in putting that mark there.

Mr. GROSVENOR. Will the gentleman from New York allow me? Under the legislation of Ohio the most liberal decisions have been made, the courts even going beyond the court of Illinois, basing their decisions upon the ground that it is a simple question of what the actual intent of the voter was.

Mr. DANIELS. That is what we have done in this House.

Mr. BRUMM. The decisions in Pennsylvania are the same, that n a hieroglyphic will answer the purpose.

Mr. DANIELS. Even under the arbitrary provisions of the laws f those States; and I say if the manner in which the mark was made showed the intention of the voter, although it may not have been a literal compliance with the requirement, yet when we could see what the intention was we have given effect to that intention in the cases that have been brought before this House.

Mr. McCALL of Massachusetts. Will the gentleman allow me to ask him one question?

Mr. DANIELS. Yes.

Mr. McCALL of Massachusetts. Do I understand the gentleman to say that if he were a judge sitting in Virginia he would hold that this particular provision of the statute was mandatory, and that he would not order a vote counted which failed to comply with its requirement?

Mr. DANIELS. Probably.

Mr. McCALL of Massachusetts. I understood you to say that.

Mr. DANIELS. I say I might do that if I were acting under the laws of the State of Virginia.

Mr. FOOTE. Will my colleague allow me to ask him one question?

Mr. DANIELS. Certainly.

Mr. FOOTE. What would have been the difference in the result of this election if these votes in which you claim the intention was clearly shown had been counted as you claim they should have been counted?

Mr. DANIELS. It is practically conceded here, as I understand the discussion before the House, and as questions which I put to gentlemen and have been answered indicate the fact to be, that then the majority would be in favor of the contestant.

Mr. TUCKER. Not at all. The gentleman is entirely mistaken.

Mr. DANIELS. The contestant himself says he would have a plurality of 22; that is, depending only upon this bare circumstance as to the 1,021 or the 1,071 ballots that were destroyed, bearing these evidences of the intention of the voter; and I may say here, in reference to what the gentleman from Massachusetts [Mr. McCALL] has asked me, that the case of the marking of the ballots by an arbitrary mark whose significance is provided only by the statute of the State, is entirely different from this case. Suppose a man, in a State where that mark is required to be placed upon the ballot, should fail to do it, but should draw a line through the name of the person that he did not intend to vote for, and then should write out, what would make the thing still more significant, the words:

> I put this line through this name because I do not intend or desire to vote for that candidate.

The State authorities would say, "We are bound by the State law, and we must reject this ballot, as not being properly marked, not having that significant mark upon it which the State law has said shall be the only evidence of the voter's intention;" but when it comes up here, this House is not restricted or controlled by that provision of the law of the State. It is entitled to look at the evidences of the intention of the voter, and to judge and determine the election by reason and in view of that intention. If that is not to be done, then the States are furnished with a weapon by which they may require a conformation by the voter to any unreasonable provision contained in the State law, or else that he shall lose the benefit of his vote.

They may in this manner exclude from the ballot box, exclude from the benefit of the election, every illiterate man who may be found in a State; and certainly this House would never be willing to go so far as to sanction any provision, or the exercise of any legislative authority, of this description. On the other hand, we have always—and I hope always will continue to do so—looked at the evidence of the intention of the voter, and, where that can be disclosed, to hold that no artifice and no device of State law shall have the effect here which would have the purpose, the design, and the result and the consequence of striking from the ballot list the vote of a man who has so unequivocally indicated what his intention was. Here we are to go upon more enlarged principles, and we are not to sanction what might be the policy of the legislatures of the States. We are not to sanction the exercise of authority in such manner as to create artifices by and through which a man's intention as a voter shall be entirely destroyed and the effect of his ballot shall be wholly obliterated.

Mr. BAILEY. Will the gentleman from New York permit me to interrupt him? If it be true that in this House we are not to be governed by the law of a State where an election was held, then will the gentleman from New York be good enough to tell us what law does govern?

Mr. DANIELS. I am discussing this case; and as to this case I say that the general principle of law that is tolerated by the Constitution, and is designed to carry into effect the intention of the voter, is the one by which we are to be governed in our conduct upon a contest of this character.

Mr. BAILEY. My understanding is that in the absence of a Federal statute regulating the election of members of this House the only law is the State law, and that unless a man be elected according to that law he can not be elected at all.

Mr. DANIELS. I think that proposition is a little stronger than the Constitution will sanction. [Laughter.] Undoubtedly in many respects we are required to observe the regulations of the State, but not upon this important subject here. When the ballot is framed as the State law requires it to be, to let no vote go into the box, and it is so framed, the State has exercised its authority; but when a voter has taken the ballot and designed to indicate an expression of his will and his intention and has put unequivocally what that intent was upon the ballot, then I say that this House, judging of the qualification and election of its members, is in duty bound to give effect to that evidence of intention rather than to a restriction which leaves it to the arbitrary requirements of a State that may be inconsistent with the exercise of that benign authority. That is as far as we propose to go here. It is as far as this case requires that any member of this House shall go. And we say here, in the exercise of this overruling power given by the Constitution to the House of Representatives, that when we have unequivocal evidence of the fact of what the intention of the voter is, we shall carry that intention into effect.

What will be the consequences if we do not do so? What will be the result if any other principle be adopted? Why, it will be that any State in the Union, no matter what its disposition may be, will be entitled to throw around the exercise of this franchise such restrictions as can not possibly be complied with by any illiterate or ignorant person, and consequently the entire vote of the community, so far as these people are concerned, shall be rejected and count for nothing. This House will hesitate long before it will concede to the legislature of any State in this Union that power over the exercise of the elective franchise by the voters of a State. On the contrary, when we come to see who is to receive the majority of that exercise of the intention of the voter, when we come to see where the result is, it is our duty to give effect to that result and carry into effect the intention of the voter, and not permit the legislatures of the States to fritter this away and destroy the existence of this right of suffrage on the part of the citizen by any restriction of so unreasonable a character as is proposed by its legislature. It strikes me we have no difficulty in the way of a member that shall be sitting here to-day. But the House shall place now its condemnation upon the exercise of any such authority as shall apparently be intended to exclude the possibility of illiterate voters expressing their intentions as to their candidate at the polls in the exercise of the privilege of the elective franchise.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference, and had further insisted upon its amendments numbered 3 and 4 to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to submit a conference report on the Army appropriation bill.

The conference report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with amendments as follows: Strike out the matter inserted by said Senate amendment and strike out after the word "dollars," in line 15, page 23, of the bill, all down to and including the word "duty," in line 19, same page; and agree to the same.
>
> On amendments numbered 3 and 4 the committee of conference has been unable to agree.
>
> J. A. T. HULL,
> R. WAYNE PARKER,
> GEO. B. McCLELLAN,
> *Managers on the part of the House.*
>
> M. S. QUAY,
> EUGENE HALE,
> JO. C. S. BLACKBURN,
> *Managers on the part of the Senate.*

The statement of the conferees on the part of the House is as follows:

> STATEMENT.
>
> The conferees agree to the following:
>
> No. 1. Authorizing promotions in the Signal Corps below the rank of colonel.
>
> No. 2. Is a verbal correction, and leaves the bill the same.
>
> No. 5. Increases the amount appropriated for the Signal Corps from $15,000 to $18,000.
>
> No. 6. As amended, strikes out the entire proviso, which provides for detailing enlisted men for the Signal Corps.
>
> We disagree as to amendments 3 and 4. These amendments relate to the Army and Navy hospitals at Hot Springs, Ark., and reverse the action of the House in this matter as decided by a vote of the House when the bill was under consideration, the Senate conferees refusing consent to any change in the Senate amendment.
>
> J. A. T. HULL.
> R. WAYNE PARKER.

Mr. HULL. Mr. Speaker, I move that the House adopt that part of the conference report on which there has been an agreement.

The motion was agreed to.

Mr. HULL. I now move that the House insist upon its disagreement as to the other items and ask for a further conference.

The motion was agreed to; and the Speaker pro tempore (Mr. DALZELL) appointed as conferees on the part of the House Mr. HULL, Mr. PARKER, and Mr. McCLELLAN.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAYTON, for five days, on account of important business;

To Mr. BROSIUS, for the remainder of this week, on account of illness.

YOST VS. TUCKER.

Mr. McCALL of Massachusetts. Mr. Speaker, in accordance with the request of many members, I would like to try to come to an agreement as to the time when the vote shall be taken upon the pending contested-election case. I understand that the other side are willing that some hour shall be fixed for taking the vote, and I will ask my friend from Virginia [Mr. WALKER] what he is willing to agree to?

Mr. WALKER of Virginia. Mr. Speaker, I can hardly say what time would suit. I have requests from four or five gentlemen who have expressed a wish to speak upon the case to-morrow, and I desire to submit some remarks upon it myself. I think it is hardly probable that we shall reach a vote before 4 o'clock or possibly 5 o'clock to-morrow.

Mr. McCALL of Massachusetts. I understood from the gentleman earlier in the afternoon that he would be satisfied to have the vote taken at 3 o'clock or half past 3 to-morrow, and now, in order that members may have some definite knowledge on the subject, I will ask unanimous consent that the vote be taken at half past 4 to-morrow.

Mr. WALKER of Virginia. I have no objection to that.

There was no objection, and it was so ordered.

The House then, on motion of Mr. PAYNE (at 5 o'clock and 6 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Navy, replying to the House resolution of January 14, 1897, as to the cost of repairs to the frigate *Constitution*—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting estimate of appropriation for services of a commissioner to negotiate with the Crow, Flathead, and other Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a communication from G. W. Parks, a recommendation for an appropriation for compensation of officers of election in Utah and of the Utah Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, asking for an estimate of the probable amount of space required for the present and prospective needs of the House of Representatives for the storage of documents, papers, etc.—to the Committee on Accounts.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, submitted a supplementary report (No. 2517, part 2) on the bill of the House (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; which said report was referred to the Committee of the Whole House on the state of the Union.

Mr. HALL, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1296) entitled "An act to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon," reported the same without amendment, accompanied by a report (No. 2581); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, reported the same without amendment, accompanied by a report (No. 2584); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9822) for the recognition of the officers of the Army to whom the Congressional medal of honor has been awarded, reported the same without amendment, accompanied by a report (No. 2585); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 10022, reported in lieu thereof a bill (H. R. 10090) to amend the act entitled "An act to regulate commerce," accompanied by a report (No. 2586); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the veto message of the President upon the bill of the House (H. R. 9469) entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court," reported the same with the recommendation that said bill do pass, the objections of the President to the contrary notwithstanding, accompanied by a report (No. 2587); which said veto message, bill, and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 4846) for the relief of John W. Stevens. (Report No. 2577.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6329) granting a pension to Charles H. Carlow. (Report No. 2578.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8990) increasing pension of William H. Nevitt from $12 to $30 per month. (Report No. 2579.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7904) to increase the pension of John M. Robinson. (Report No. 2580.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8117) for increase of pension of Charles B. Eades, Hopkinsville, Ky. (Report No. 2582.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5936) granting an increase of pension to Christopher C. Bradley. (Report No. 2583.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORSE: A bill (H. R. 10079) for the erection of a monument to Peter Charles L'Enfant in the city of Washington, D. C.—to the Committee on the Library.

By Mr. FISCHER: A bill (H. R. 10080) for appointment of commission to report on Romer Shoals, harbor of New York, as a suitable site for erection of fortification and seacoast defense—to the Committee on Appropriations.

By Mr. LIVINGSTON: A bill (H. R. 10081) for the protection of railway mail clerks while in the discharge of their official duties—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY: A bill (H. R. 10082) for the development and encouragement of silk, flax, and ramie culture and their preparation and manufacture in the United States under the supervision of the Secretary of Agriculture—to the Committee on Agriculture.

By Mr. CORLISS: A bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885—to the Committee on Public Buildings and Grounds.

By Mr. LIVINGSTON: A resolution (House Res. No. 500) authorizing the printing of 5,000 copies of The Cotton Plant—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 10083) granting a pension to Henry H. K. Elliott—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 10084) to increase the pension of Martin Schubert—to the Committee on Invalid Pensions.

By Mr. CURTIS of New York: A bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 10086) for the relief of St. John's Catholic Church, at Summersville, Nicholas County, W. Va.—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 10087) for the relief of James McKenzie—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 10088) to increase the pension of Louise A. Rice—to the Committee on Invalid Pensions.

By Mr. MILNES: A bill (H. R. 10089) for the relief of Israel Boyer—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Memorial of the Woman's Christian Temperance Union of Eagleville, Cal., urging the passage of sundry bills—to the Committee on the Judiciary.

By Mr. BINGHAM: Petition of citizens and business firms of Philadelphia, Pa., representing the advisability of putting a duty on hides—to the Committee on Ways and Means.

By Mr. BROWN (by request): Petition of Albert G. Davis Post, No. 76, Grand Army of the Republic, Department of Tennessee, urging the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of 12 citizens of Springdale, Iowa, praying for the allowance of a bounty of 15 cents per bushel on corn and 3 cents per pound on pork—to the Committee on Ways and Means.

By Mr. HOWE: Resolutions of the State council of Junior Order United American Mechanics of the State of New York, requesting the recognition of Cuba as a free and independent government—to the Committee on Foreign Affairs.

By Mr. HURLEY: Petition of the Lehigh Valley Creosoting Company, asking that creosote coal tar or "dead oil of coal tar" be placed on the free list—to the Committee on Ways and Means.

By Mr. KYLE: Petition of Harriet A. Cheairs, executrix of the estate of Thomas D. Cheairs, deceased, late of Marshall County, Miss., praying that her claim may be referred to the Court of Claims in her capacity of executrix, to correct the former reference to the Court of Claims—to the Committee on War Claims.

By Mr. MADDOX: Petition of Sarah J. Key's estate, of Bartow County, Ga., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. McCALL of Massachusetts: Resolutions of the Middlesex County (Mass.) Fourth-Class Postmasters' Association, in favor of the passage of House bills Nos. 3313 and 3351, relating to the pay of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petition of Mantua Lodge, No. 160, Brotherhood of Railroad Firemen, protesting against the passage of House bill No. 9120, amending an act relating to the use of automatic couplers and continuous brakes on railway trains—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Resolution of the Wisconsin National Guard, requesting the passage of Senate bill No. 1169, authorizing the Secretary of War to issue Springfield rifles to the National Guard of each State and Territory in exchange for other rifles now held—to the Committee on the Militia.

SENATE.

THURSDAY, *January 21, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ALLEGED VIOLATION OF THE EIGHT-HOUR LAW.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 12th instant, information as to whether Isaac Walker & Sons, of Philadelphia, Pa., who are engaged in constructing additions and making repairs on the naval hospital at Brooklyn, N. Y., have violated, or are violating, or suffering violations of the act of Congress of August 1, 1892, commonly known as the "eight-hour labor law," and also whether like violations are being committed by P. J. Carlin, a contractor, of Brooklyn, N. Y., etc.; which was referred to the Committee on Education and Labor, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of T. C. Daniel and sundry other citizens of the city of Washington, praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company, of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented a petition of Washington Camp, No. 29, Patriotic Order Sons of America, of Merchantville, N. J., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented petitions of the Tabernacle Baptist Church, of the Trinity Methodist Episcopal Church, of the Emanuel Baptist Church, and of the Christian Citizenship Union, all of Camden, N. J., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PEFFER presented a memorial of the People's Party Club of Leavenworth, Kans., remonstrating against the enactment of legislation proposing to increase the salaries of Senators and Congressmen, and to lengthen the term of the Presidential office; which was referred to the Committee on Privileges and Elections.

He also presented a petition of a committee on moral, civil, and religious reform of Kansas, praying that peaceable relations be maintained between the United States and other nations; which was referred to the Committee on Foreign Relations.

Mr. McBRIDE presented a petition of the Woman's Christian Temperance Union of Oregon, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Oregon, praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Oregon, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a memorial of the Michigan State board of health, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Michigan State board of health, praying for the enactment of legislation to provide a permanent census service; which was referred to the Committee on the Census.

Mr. ELKINS presented a petition of 100 citizens of Bethany, W. Va., and a petition of sundry citizens of Mercer County, W. Va., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. GALLINGER. Yesterday I presented a petition of the National Humane Society, and, accompanying it, several letters from presidents and other officers of colleges and universities, and it was ordered to be printed as a document.

I now desire to present letters from F. Wagner, president of Morgan College, Baltimore, Md.; Galusha Anderson, of the faculty of the University of Chicago; J. Braden, president of the Central Tennessee College, of Nashville, Tenn.; William C. Wilkinson, connected with the University of Chicago; J. W. Bissell, president of Upper Iowa University; Agnes Repplier, of Philadelphia, and Roland Hale, of Sewanee, Tenn., in behalf of the Bishop of Tennessee, praying for the passage of the bill to restrict vivisection in the District of Columbia.

I ask unanimous consent that these letters may be printed in connection with the petition and letters that were yesterday ordered printed as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the letters will be printed as requested, and lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of the so-called Phillips bill, providing for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of Senate bill No. 1498, to punish the carnal and unlawful knowing of any female under the age of 18 years in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union, signed by Frances E. Willard, president, and Katharine L. Stevenson, corresponding secretary, praying for the enactment of legislation regulating the sale of intoxicating liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented the petition of Mrs. Matilda S. Ellis, of Philadelphia, Pa., and six petitions of citizens of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of T. J. Ham, editor of the Wayne County (Pa.) Herald, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's National Indian Association, praying for the enactment of legislation in the interest of the Indians of the country; which was referred to the Committee on Indian Affairs.

Mr. WHITE presented sundry petitions of citizens of California, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in any building owned and controlled by the Government; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented the memorial of A. N. Marquis & Co., publishers, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois State Teachers' Association, praying for an increase of the appropriations for the maintenance of the Bureau of Education; which was referred to the Committee on Appropriations.

He also presented a petition of the Chicago Jewelers' Association, of Chicago, Ill., praying for a restoration of the former duty of 10 per cent on polished diamonds; which was referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin presented the petition of John C. Spencer, president, and H. B. Wilkins, secretary, of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Young Men's Baptist Social Union of Boston, Mass., praying for the ratification of the arbitration treaty; which was referred to the Committee on Foreign Relations.

He also presented the petition of Charles B. Blake & Co., of Lynn., Mass., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of 37 members of the Young People's Society of Christian Endeavor, of Woburn, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Benjamin F. Trueblood, editor of the Advocate of Peace, of Boston, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter, after certain amendments have been made in regard to sample copies of legitimate monthly, weekly, and quarterly papers to be carried at the pound rate, and also praying Congress to prohibit the interstate transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorial of R. B. Enslow, publisher of the Argus, of Alexandria, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of the Congregational ministers of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of W. H. Brock & Co., publishers of the Healthy Home, of Athol, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Tremont Temple Church, of Boston, Mass., praying that all churches and religious societies join in an appeal to the Senate of the United States to ratify the arbitration treaty with England; which was referred to the Committee on Foreign Relations.

Mr. GEAR presented the memorial of J. R. Caffyn, publisher of the Collegian, of Fayette, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the memorial of David D. Taylor, publisher of the Guernsey Times, of Cambridge, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented sundry papers to accompany the bill (S. 3323) granting an increase of pension to John S. Barnhart; which were referred to the Committee on Pensions.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I rise to a privileged question. I present a paper connected with the vacant seat from the State of Delaware in the Senate, which I ask to have read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DELAWARE, *ss:*

Be it known that the legislature of the State of Delaware did, on the 20th day of January, in the year of our Lord 1897, at an election in due manner held according to the form of the act of the general assembly of said State in such case made and provided, choose John Edward Addicks to be a Senator from the said State in the Senate of the United States for the constitutional term from the 3d day of March, in the year of our Lord 1895.

Given under our hands in obedience to the said act of the general assembly the day and year aforesaid.

ROBERT J. HANBY,
Speaker of the Senate.
THOS. C. MOORE,
Speaker of the House of Representatives.
GEO. W. ROBERTS,
Clerk of the Senate.
CHAS. R. HASTINGS,
Clerk of the House of Representatives.

Mr. CHANDLER. Mr. President——

Mr. GRAY. I should like to ask the Senator from New Hampshire from what source he procured that remarkable paper?

Mr. CHANDLER. I am perfectly willing to answer that it was handed to me by Mr. Addicks, who believes himself to have been lawfully elected a Senator from the State of Delaware and entitled to be sworn in to-day as the Senator's colleague; but in view of the fact that I presented last week the memorial of Mr. Du Pont, setting out that he still claims to be entitled to the vacant seat from Delaware, which memorial has been referred to the Committee on Privileges and Elections, I will defer asking that Mr. Addicks may be sworn in until the Committee on Privileges and Elections have considered both sets of credentials. I therefore ask that this paper may be referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 7212) to increase the pension of Melita E. White, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887, reported it without amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6472) granting a pension to Olive M. Lewis, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 3349) to enable the Commissioners of the District of Columbia to refuse a permit to erect stables on lot 43, square 358, in the city of Washington, in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. NELSON December 21, 1896, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3395) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 3507) to provide for light-houses and other aids to navigation, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. From the Committee on Military Affairs I report back the bill (S. 1184) for the relief of telegraph operators who served during the war of the rebellion, and ask that the committee be excused from its further consideration, and that it be indefinitely postponed because a similar bill has passed both Houses.

The VICE-PRESIDENT. The bill will be postponed indefinitely, in the absence of objection.

Mr. HAWLEY. From the same committee I report back the bill (S. 47) to secure the efficiency of the National Guard of the different States, and ask that the committee be discharged from its further consideration. A bill on the subject has passed the Senate.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9306) granting a pension to Amanda Woodcock;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold; and

A bill (H. R. 4744) to increase the pension of Adam Dennis.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3472) granting a pension to Laura Barnes, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (H. R. 7781) to provide an American register for the barge *Black Diamond*, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2187) providing for the establishment of a quarantine station at or near Astoria, Oreg., reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 8190) to provide an American register for the bark *Ceres*, reported it without amendment.

COURTS IN MISSOURI.

Mr. HOAR. From the Committee on the Judiciary I report back favorably the bill (H. R. 9901) to detach the county of Andrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri. The bill consists of only a few lines, and both Senators from Missouri have investigated the matter and desire its passage. I ask that it be put on its passage. I call the attention of the Senator from Missouri [Mr. COCKRELL] to the bill.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRAINING SCHOOL AT FORT BIDWELL.

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school, to report it without amendment.

Mr. PERKINS. I ask that the joint resolution just reported from the Committee on Indian Affairs be now considered. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. LYNCH.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to call the attention of the Senate to the bill (S. 539) for the relief of John A. Lynch, which is a Senate bill that was referred to us and reported favorably. In the meantime a House bill comes over and is in our hands upon the same subject. There is a difference in the sums of money given in each case, but the claimants desire that we shall drop the Senate bill and concur with the House in the passage of the House bill. I report back the bill (H. R. 3075) for the relief of John A. Lynch, and ask that it be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay John A. Lynch $1,666.49, in full and complete satisfaction for services rendered and expenses incurred and defrayed by him to and for the United States at Cincinnati, Ohio, in 1861 and 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASTERN NEBRASKA AND GULF RAILWAY.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, to report it favorably without amendment, and as the bill is a mere formal matter I should like unanimous consent to put it on its passage now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the time for a period of four years from the 27th day of June, 1897.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3570) for the incorporation of an association for the mutual protection and benefit of Government employees; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BAKER introduced a bill (S. 3571) for the relief of Peter Heck, alias Louis Heck; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 3572) for the improvement of the United States Naval Hospital at Chelsea, Mass.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3573) for the relief of John W. Arnold; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 3574) to increase the pension of Louise A. Rice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3575) to regulate the sale of poisons in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER. The bill just introduced is one of vast importance, as I regard it, to the people of this District. I have here a memorial or statement prepared by a committee of physicians, which is approved by the Medical Society of the District of Columbia, calling attention to the importance of this proposed legislation. I move that the paper be referred to the Committee on the District of Columbia, and that it be printed as a document for the use of the Senate.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 3576) granting a pension to Cara H. Wilson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3577) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HAWLEY introduced a bill (S. 3578) for the relief of William H. Quinn; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a joint resolution (S. R. 193) authorizing and directing the Commissioner of Labor to institute an investigation for the purpose of ascertaining the effect of foreign immigration upon the social, moral, economic, and industrial conditions of the country; which was read twice by its title, and referred to the Committee on Immigration.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER. I submit an amendment intended to be proposed by me to the naval appropriation bill, which I ask may be read. I invite the attention of the Senator from Maine [Mr. HALE] to the proposed amendment.

The amendment was read, as follows:

BY MR. CHANDLER.

Amendment intended to be proposed to the naval appropriation bill:

"The Secretary of the Navy is hereby directed to consider the subject of the erection in the city of Washington of a suitable statue of David D. Porter, lately the Admiral of the United States, and to report at the next session of Congress concerning the general design, reasonable cost, and appropriate location of such a statue."

Mr. CHANDLER. I move that the proposed amendment be referred to the Committee on Naval Affairs.

The motion was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I desire to submit an amendment to the bill (S. 742) to establish a uniform system of bankruptcy. The amendment is the bankruptcy bill which passed the other House, with certain proposed amendments printed in an appendix, and with an index and some explanatory notes, which will be found highly convenient for the Senate when the matter comes up. I ask that it be printed and placed upon the Calendar with no recommendation one way or the other.

The VICE-PRESIDENT. In the absence of objection, the amendment will be placed on the Calendar.

PRINTING OF BULLETIN ON APICULTURE.

Mr. PERKINS. I submit a concurrent resolution and ask unanimous consent for its consideration at this time.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

Mr. GORMAN. I suggest to the Senator from California that under the rule and the law the resolution must go to the Committee on Printing.

The VICE-PRESIDENT. Under the rule the concurrent resolution will be referred to the Committee on Printing.

Mr. PERKINS. I will state to the Senator from Maryland that a similar resolution was passed yesterday without reference to any committee. However, I am perfectly willing to let it be referred.

The VICE-PRESIDENT. The Chair will state to the Senator from California that he is advised the resolution he indicates was reported from the Committee on Printing.

Mr. PERKINS. Very well.

CHICAGO RAILWAY STRIKE OF 1894.

Mr. DAVIS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate full copies of all telegraphic and other correspondence which may have passed between him or his office and any of the officers, agents, or attorneys of the Chicago, Rock Island and Pacific Railway Company, the Illinois Central Railway Company, the Chicago, Milwaukee and St. Paul Railway Company, the Chicago and Northwestern Railway Company, and any and all other railways entering into Chicago that were in any manner engaged in or affected by the industrial troubles in the city of Chicago, Ill., in the year 1894, as well as all telegraphic and other correspondence with the United States district attorney at the city of Chicago, and any and all special attorneys retained or taking any part in the litigation arising out of said troubles, between the 1st day of June, 1894, and the present date.

Mr. HALE. I should like to have that go over a day, for the reason that the Senate yesterday on my motion passed a House concurrent resolution that I think covers the same subject-matter. Has the Senator from Minnesota examined the House resolution which was adopted yesterday?

Mr. DAVIS. I have not. Let the resolution go over.

Mr. HALE. Let it go over, and the Senator and I will examine that resolution. I think it covers all the ground.

Mr. DAVIS. Very well.

The VICE-PRESIDENT. The resolution will go over, under the rule.

Mr. DAVIS subsequently said: I ask leave to withdraw the resolution just introduced by me. I think the resolution passed yesterday covers the entire question.

The VICE-PRESIDENT. In the absence of objection, leave will be granted to withdraw the resolution.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the act (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The message also announced that the President of the United States had on the 20th instant approved and signed the following acts:

An act (S. 1418) to withdraw from the Supreme Court jurisdiction of criminal cases not capital, and confer the same on the circuit courts of appeals;

An act (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes;

An act (S. 206) to provide an American register for the steamer *Kahului;*

An act (S. 1421) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

An act (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions;

An act (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sœckel; and

An act (S. 1075) for the relief of the heirs of D. Fulford.

BILL BECOME A LAW.

The message further announced that the bill (S. 2989) to increase the pension of Caroline S. Baker, having been presented to the President on the 7th instant, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval.

ADELAIDE MORRIS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 757) granting an increase of pension to Adelaide Morris.

The amendments were, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five," and, in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-five."

Mr. GALLINGER. In connection with this bill I desire to make a statement occupying a single moment. I think it is proper that I should call attention to the extraordinary legislation which the other branch of Congress is enacting. This bill is one of perhaps ten others that have been sent to the other House increasing the pensions of widows of soldiers, and the House amends them by reducing the amount to precisely the amount that the beneficiaries are now drawing under the general law. It would be better legislation, it strikes me, if the bills were rejected outright, and not to put us to the trouble of appointing conference committees on bills of this nature.

I move that the Senate nonconcur in the amendments made by the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. ROACH, and Mr. BAKER were appointed.

MARY W. KEEFE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keefe.

The amendment was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty."

Mr. GALLINGER. This is a bill of precisely the same nature, the amount being reduced to the amount the beneficiary is now drawing. I move that the Senate nonconcur in the amendment and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. CANNON, Mr. PEFFER, and Mr. PRITCHARD were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898; further insists upon its disagreement to the amendments of the Senate numbered 3 and 4 to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. McCLELLAN managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9731) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; and

A bill (H. R. 9948) to amend subdivision 10 of section 2238, and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 319) for the relief of telegraph operators who served in the war of the rebellion;

A bill (S. 1690) granting a pension to Richard Brookins;

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.;

A bill (H. R. 596) for the relief of Ellis H. Roberts;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry;

A bill (H. R. 6881) to incorporate the Convention of American Instructors of the Deaf; and

A bill (H. R. 8413) to confirm certain cash entries of public lands.

TERM OF POSTMASTERS.

Mr. HILL. Mr. President——

Mr. COCKRELL. Is the morning business through?

The VICE-PRESIDENT. If there are no further concurrent or other resolutions, the morning business is concluded. The Senator from New York has addressed the Chair.

Mr. HILL. I was going to ask the Senate to take up a bill. If it leads to any debate at all, I will not press it. It is a bill which, if it is to pass at all and be of any value, of course should pass the Senate immediately, in order that it may go to the other House.

I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3514) to regulate the term of office of postmasters, reported from the Committee on Post-Offices and Post-Roads unanimously.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole. The first amendment reported by the Committee on Post-Offices and Post-Roads will be stated.

The SECRETARY. After the word "his," in line 10, section 1, strike out "assumption of the discharge of the duties of his office, a record of which shall be kept in the office of the Postmaster-General" and insert "commission. If he shall be appointed during the recess of the Senate and be subsequently confirmed, his term shall commence from the date of his recess commission;" so as to read:

> That the term of office of all postmasters hereafter appointed shall be four years, subject to the power of removal or suspension according to law. That in case of a vacancy occurring in the office of a postmaster, occasioned by death, removal, resignation, or otherwise, the same shall be filled by appointment for the remaining unexpired term.
>
> That the term of office of a postmaster shall be deemed to commence from the date of his commission. If he shall be appointed during the recess of the Senate and be subsequently confirmed, his term shall commence from the date of his recess commission.

Mr. HOAR. Does that come from a committee?

The VICE-PRESIDENT. The Senator from New York asked unanimous consent for the present consideration of the bill. It was reported by the Committee on Post-Offices and Post-Roads. The question is on agreeing to the amendment of the committee which has been read.

Mr. SHERMAN. I think we ought to have at least an opportunity to read the bill. When was it reported?

Mr. HILL. The bill was reported on Monday last. It has been on the files. It was unanimously reported from the Committee on Post-Offices and Post-Roads, and seems to meet with general satisfaction. I suggest to the Senator that if it is to become a law, it ought to be passed now, in order that it may go to the other House.

Mr. SHERMAN. I understand that it makes peremptory the removal of every postmaster at the end of four years. If so, I am entirely opposed to it.

Mr. HILL. No, sir; it does not.

Mr. SHERMAN. I think we ought to have an opportunity to look at it. I know only from a casual reading what it proposes.

Mr. HILL. The bill simply fixes the term of the office at four years, and there is a general statute which provides that postmasters and certain other officials shall hold their offices until their successors are appointed, as the acting chairman of the committee well knows.

Mr. SHERMAN. If this bill should become a law, it would make a fixed term, and I think unquestionably would repeal the existing law.

Mr. HILL. That part of the bill is precisely the language used in regard to officers who are appointed on the confirmation of the Senate. It simply uses the same language.

Mr. SHERMAN. I think the bill should be allowed to go over until to-morrow. I may have no objection to it, but I should like to examine it.

Mr. HILL. My object was simply to facilitate and aid the Post-Office Committee in a large number of very troublesome cases.

Mr. MILLS. Was the bill reported unanimously by the committee?

Mr. HILL. Yes, sir; it was reported unanimously.

Mr. CHANDLER. I hope the Senate will examine this bill before the Senator from New York moves to take it up to-morrow. It was reported unanimously by the Committee on Post-Offices and Post-Roads, was carefully scrutinized by Senators of both politics and all politics, and really no objection seemed to be suggested to it. It simply provides that the terms of all postmasters shall be understood to be for four years, subject, of course, to the power of removal, which necessarily inheres in the Executive.

There is another provision drawn with care by the Senator from New York——

Mr. HALE. May I ask the Senator whether that provision making a four-year term is intended to apply to all the small postmasters throughout the country?

Mr. CHANDLER. It is intended to apply to the whole of them, the fourth-class post-offices, all the post-offices of the other classes, and to the existing postmasters now holding their terms.

Mr. HALE. That clearly would open this field, which covers sixty or seventy thousand small post-offices, to a scramble for new appointments whenever the four-year term expires. Now, many hundreds and thousands of these post-offices are filled by men who have occupied the places for years and years to the universal satisfaction of the people. I certainly should not be in favor of any change in law that opens a scramble every four years in these offices.

Mr. CHANDLER. I call the Senator's attention to the fact that there is a universal scramble now. [Laughter.]

Mr. GALLINGER. Very universal.

Mr. CHANDLER. That is one of the troubles. Whenever politics change there is a scramble for the fourth-class post-offices, as the President of the Senate knows very well [laughter], and it is to prevent this very custom of a partisan inroad upon a new Administration, where there has been a change of politics, for the purpose of turning out of their offices all of the postmasters of the country, that it is proposed to make the term four years. The occupants of the offices may remain in after that term; there is no provision that they shall go out at the end of the term. It seems to me, if the Senator from Maine will study this subject and give to it his usual acumen and care, he will see that the evil he depicts will be less under this proposed law than it will be in March next if this bill does not pass.

Mr. HALE. I am afraid it will be more; but as the Senator from Ohio has objected to the consideration of the bill, I suppose it will go over.

The VICE-PRESIDENT. The bill will go over.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. HILL. I understood that the Senator from New Hampshire [Mr. GALLINGER] desired to speak to-day, and I will ask him whether he does so intend?

Mr. GALLINGER. I will say, in answer to the interrogatory of the Senator from New York, that I should much rather vote on the joint resolution than to speak on it. If the Senate is ready for a vote, I will not take the valuable time of the Senate to make a single observation.

Mr. HILL. I am not ready for a vote at this particular time.

Mr. GALLINGER. If the Senator is not ready for a vote, I would suggest to him that I am not quite ready to speak, and will be glad to have him occupy the time this morning.

Mr. HILL. Mr. President, I asked the other day for some explanation of the extraordinary features of this joint resolution. I yielded the floor the day before yesterday in order that we might hear an explanation from the acting chairman of the subcommittee [Mr. FAULKNER], who yesterday occupied the time of the Senate in the discussion of this joint resolution. I understood the Senator from New Hampshire [Mr. GALLINGER] to inform the Senate as well as myself that I would receive the benefit of his suggestions, and I anticipated that he would follow the distinguished Senator from West Virginia. He now manifests an anxiety to follow me, and it is utterly immaterial at what stage of the proceedings I shall further present my views.

Considerable light has been thrown upon this matter in the discussion which has been had, and it has not all been electric light. When the committee's report was presented, so far as the Senate knew, it was the unanimous report of the committee. It was not so stated, but there was no dissent entered at the time. Since then I learned, and the Senate has learned, that the Senator from Georgia [Mr. BACON] dissents from the report in fact, although not in form; the Senator from Vermont [Mr. PROCTOR] also dissents from this report in fact, and the Senator from Virginia [Mr. MARTIN], also a member of this committee, dissents from this report. Therefore we have the fact staring us in the face that three able and competent members of the Committee on the District of Columbia dissent entirely from the conclusions reached in the joint resolution. It therefore deserves most careful consideration before the Senate shall pass it. If the report was unanimous it might well be acted upon immediately, but being a divided report substantially, and three of the ablest members of the committee—and I say that with all respect to the others—having refused their assent to the report, adds additional weight to the suggestions which have been made against the joint resolution.

Mr. President, I always like to listen to my friend the Senator from West Virginia, who speaks entertainingly and well. I regret that in some of these District of Columbia matters he is not so clear and precise as I should like to have him; but he chooses his own style and his own way, and has a right to do so. I regret that the questions I put to him yesterday were answered with a great deal of fullness of speech, but not with that directness that I think, in justice to himself, he ought to have given them. In the first place, it is difficult to understand from his argument precisely what question is here involved. He delineated the beauties of a great system that is to be perfected, not this month, not next month, but at some time in the future, "in the sweet by and by;" but he does not tell us when, and what is the precise necessity for this legislation, what is the existing law, and what is the remedy proposed to be applied.

The Senator said, I thought with some degree of regret and of complaint in his tone, that several years ago, when the question of electric lighting came up in the courts, the courts decided the Potomac Company had no rights in the District of Columbia to lay down their pipes. He seemed to speak of Judge Bingham's decision as though it was possibly unfortunate. Mr. President, it was unfortunate in one view of the case, not but what the decision was right, but it was unfortunate because those who were responsible for legislation pertaining to this District had so hemmed in and hedged about the one electric-light company that it was impossible for any other company legally to get an entrance into this District. I asked the simple question who was responsible for this unfortunate state of affairs—because from my standpoint it is unfortunate, though from the Senator's standpoint it was possibly fortunate—and he simply said, in the way he brushes aside in his argument all difficulties whatever, "Why, it was an existing law." Who made the existing law? Congress. Who suggested it to Congress? The Committee on the District of Columbia or the Committee on Appropriations.

I start out with the proposition that we did find a few years ago that the legislation had been so manipulated—if I may use that expression, and if it is a harsh one I withdraw it—so arranged that no other company could possibly get into the District of Columbia without some affirmative legislation in its behalf. Of course, if the true theory is that a monopoly is beneficial, if the true theory is that the less competition in electric lighting in this city the better for the District, if it be the true theory that one company should have the exclusive right, then the situation was indeed pleasant to contemplate. That argument, however, carried to its legitimate conclusion, would vindicate every trust in the United States. That argument, carried to its legitimate conclusion, would vindicate every syndicate that ever was born. That argument, carried to its legitimate conclusion, would vindicate any monopoly, no matter how great, which applies to the internal affairs of a great city.

Mr. President, somehow or other, by the course of public opinion or otherwise, some rights have been given the new electric-lighting company. I do not want to say that somebody has been holding back all the while; but take this legislation, fragmentary as it is, here and there a little privilege squeezed into a statute for the benefit of the new electric-lighting company, it is apparent that it has been like pulling teeth to get a particle of favorable legislation in behalf of the new company and against the existing monopoly. The legislation is fragmentary, uncertain in some of its language, not a full and completed scheme, but legislation which requires the courts to spell out what is intended.

That was the situation a few years ago. Starting out upon the theory that a monopoly is beneficial to the people—when a man has worked himself up to that condition of thought—it does not require much to go further and to put into the statutes provisions which forbid competition. If legislators start out with that false and dangerous idea, of course we know what will be the result. Until public opinion shall force them to permit competition, they will resist it, and naturally from the very best of motives on their part, if they are sincere in their views.

Some of the most respectable men in this nation are engaged in trusts—members in good standing in society, members of the church, high-toned men, men of large means, what is called the "better element," business men—all those you find ready advocates of trusts. Trusts, generally speaking, are nothing more nor less than monopolies. Trusts to a large extent are organized for the very purpose of preventing free competition, and, Mr. President, they always do it in the alleged interest of the people! What is the usual argument submitted year after year in behalf of trusts? The argument is that in the end they will benefit the people; in the end they will reduce prices; in the end they will save unnecessary expense in the management of business; that it is easier to run one great large monopoly of an electric-light company than it is to run two or three, and, therefore, in the end they will give the people cheaper light! That is the argument in behalf of all trusts; it is the stock argument of all the monopolies in the country, that in the end they are going to benefit the people, if the dear people will only have patience and wait. Somehow or other the people are an obstinate set, and refuse to wait. The people suspect the motives of men who form these combinations in their interest when they have not asked for them. The people naturally look with some alarm upon these aggregations of capital which are seizing all sorts of business in the country, and so they think trusts ought not to exist; they think that these syndicates and trusts should be dealt with by vigorous legislation. When you attempt to do that, there rises up some gentleman who says, "You are disturbing the business community; you are disturbing our streets if you want more than one lighting company."

How did my good friend from West Virginia answer the question, when I asked yesterday, substantially, whether it would be any great harm if there should be two electric-light companies in this city? Did he give me that careful and frank answer which I had a right to expect from his ability and generous nature? Oh, no. He said, "If two, why not a dozen?" That was the argument; and Senators are expected to sustain this joint resolution on that kind of argument, which, I may say, with all due respect, is evading the question, begging the question. Oh, no, Mr. President, that will not do. There is reason in all things, or there should be. A man has two ears; why should he not have a dozen? A man has two eyes; why should he not have a dozen? A man has one wife; why should he not have a dozen? To what does this argument lead? An ordinary man of limited means may afford perhaps to employ two hired girls; why should he not have a dozen hired girls? Oh, no; the argument is ridiculous, with all due respect to my friend from West Virginia. It is so absurd that it defeats itself.

Where is there a city in the United States which has 250,000 or 300,000 inhabitants which is afflicted with simply one electric-lighting company, or benefited by only one? My task would have been more difficult in this discussion if it had not been lightened by my friend from West Virginia, because he started out, and the committee started out, with the proposition that we ought to have a monopoly. "Monopoly is justifiable; therefore we should have but one company; we do not need any more." The Senator from West Virginia, wandering from the real subject, even went so far as to say that the committee had done their very best to keep out railroad companies; that they had gone as far as they could.

I should not enter upon that question, because it is not involved in this case. I spoke yesterday of some of my experience. I recollect when I was a young member of the legislature of New York I was then, as now, somewhat disposed to antagonize monopolies. A bill was introduced in the legislature to compel some large street railroad company in New York to extend its tracks along a certain street. I listened to the arguments of the mover of the bill, who spoke something like this: He said this old monopoly refused to build the railroad in that street, and the bill was to compel them to do it; the workingmen along this street want to use this railroad; the people would be greatly benefited by its construction, and therefore they should have it, but this company had announced that it would not do it. Mr. President, I made haste to cast my vote for that bill, of course, in order to compel the company to build their road on that street. It turned out, however, that the bill was really in the interest of the company; the bill was a blind; the bill was introduced by the member in behalf of the company, and was presented in that fashion simply to deceive green young legislators such as I then was. I have since learned how these things are done.

The Senator said yesterday that he recollected one case where the committee had compelled the Metropolitan Railroad Company to extend their tracks on one street, in pursuance of the great, the magnificent policy they had adopted here, but when I asked if there was any other case he did not recall it, and my friend, who has a good memory, would have recalled it with avidity if there had been any other. He could not recollect any.

Therefore I start out with a different proposition from my friend. He starts out with the theory that a monopoly is beneficial; he starts out with the theory that we ought to exert all our power to keep this monopoly in power; he starts out with the proposition that no new electric-light company ought to be admitted into this city because they would tear up the streets. We are as far apart as the two poles upon this subject.

What is the next proposition involved here? My friend the Senator from West Virginia has been wrestling with this great subject of the subway and has given it great consideration, knowing all the while that the other company, the United States Electric Lighting Company, was in the city and gradually extending its wires under favored provisions put in appropriation bills and otherwise by Congress. While he has been engaged in assisting that company, and pursuing a course which, from his standpoint, was the proper course to take, he was absolutely in ignorance of the fact as to where the United States Electric Lighting Company was incorporated. He said so yesterday. Mr. President, I would have supposed that, having given this subject so much attention, having been all these years keeping the United States Electric Lighting Company in possession of this monopoly, the Senator would have known something about where it had been incorporated. I have been looking it up, and I find that it is a corporation of the State of West Virginia, and that while my friend from West Virginia has been all this time keeping this corporation of West Virginia in control of this monopoly, he did not even know that it hailed from the grand State of West Virginia. It is simply a coincidence—that is all. [Laughter.] It was appropriate that my friend should be put forward as a sort of champion, if I may use that expression, of the committee, and indirectly the champion of the other company.

Now, that corporation is neither better nor worse because it was incorporated in West Virginia. Possibly there was a motive for it. I can conceive that the only motive, or perhaps one motive, for its incorporation in West Virginia was for the purpose of escaping taxation in the District of Columbia. But Colonel Britton said we ought to keep out outsiders. That was his argument which I read the other day—keep out the Potomac Company in order to keep in the United States Electric Lighting Company of Washington, D. C.—that is the corporate title—incorporated under the laws of the State of West Virginia.

There is another fact which I will state right here, which Colonel Britton does not even seem to know—that the Potomac Company is not an outsider. The Potomac Company is a corporation of the District, incorporated under the laws of the District, subject to taxation in the District, liable to be regulated by the laws of the District in every single particular. How far Congress can regulate the lighting company of West Virginia is a different question. What will be claimed? The position has already been taken that Congress can not regulate the price which the United States Electric Lighting Company of Washington, D. C. (but in fact of West Virginia) shall charge to private consumers. Congress can regulate the price of the Potomac Company, because it is a corporation of this city. It is a corporation of the District. It is subject to the laws of the District—subject to change and subject to amendment. But when it is sought to regulate the price as between private consumers and the United States Electric Lighting Company you are met with the proposition: "Ah, this is a foreign corporation; you can not regulate it; you can not touch it."

In the recent litigation which has been had the United States Electric Lighting Company alleged that it had, besides $150,000 worth of real estate, about $1,150,000 invested in its plant in the District. I read from the complaint, or the affidavits on which the injunction was granted originally. It appears by the answers of the Commissioners in the injunction suit that the United States Company returned its personal property under the oath of its secretary as $15,000, and instead of $1,150,000 on its personal property it pays taxes only on the $15,000, and pays not a dollar of taxation upon its stock.

This is the company to protect which we must resort to extraordinary legislation to give it a monopoly, to intrench it in the monopoly it has already, and to keep out of the District the little Potomac Company, which has honored the District by incorporating under its laws.

Need I tell the Senate that the general incorporation law of the District is sufficient to enable any electric-lighting company to organize under it? I stand here to protect the rights of the District and to protect the rights of the company which is in fact a home company—the Potomac Company, the company which was organized under the laws of the District, and not the outside company, which has taken "the livery of heaven to serve the devil in" by taking the title of the United States Electric Lighting Company of Washington, D. C., when in fact it should be the United States Electric Lighting Company of West Virginia. So much for the status of the parties. So much for the general situation which we are called upon to contemplate when we proceed to determine what should be done.

Yesterday my friend the Senator from Texas [Mr. MILLS] asked of the Senator from West Virginia [Mr. FAULKNER] what harm it could do to allow one or two companies to come in here

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besides the United States Electric Lighting Company, and my friend the Senator from West Virginia said he was grateful to the Senator from Texas for asking the question, and he said, "Later on I will answer it." But he was so very grateful that he forgot to answer it before he got through, and my friend the Senator from Texas was waiting here patiently to hear some good answer why it would not do to have one other little company competing for electric lighting. My friend the Senator from West Virginia rattled off his remarks, going from one thing to another with great rapidity and great ability, but he did not answer the question.

Mr. President, what is the law applicable to this case? The Senator from West Virginia is an able lawyer. He understands these questions. The Senator from Delaware [Mr. GRAY] asked him a question or two about the last litigation, which he was going to elucidate, but he still forgot to do it. Now, in the first place, I am going to speak of this matter in sections. Not only is it claimed that the electric lighting, so far as certain streets are concerned, is to be stopped, but the joint resolution will stop some electric lighting by the War Department. What is the theory? The theory is, just as the Senator claims, that this favorite company has a monopoly under existing law, and therefore competition can not be permitted for electric lighting of any kind.

I hold in my hand the sundry civil act of last year. I do not know what was intended by Senators who put in those provisions. If their theory was, as it is openly avowed here to-day, that they wanted a monopoly, of course they tried to frame the law to bring about that result. If they wanted the monopoly, as they say they did, for the benefit of the city, why did they not insert such a provision in the act in plain and unmistakable language? If you think that no other company than the United States Company ought to have the right, come forward and say so in every statute relating to electric lighting and stand up for the proposition. If I thought the best interests of the District would be conserved, and that no injustice would be done to other people by doing that, I would not beg the question. I would not try to put in statutes provisions capable of two constructions. I would say right out, "This work shall be done by the United States Electric Lighting Company, which has the exclusive right to do this until the magnificent subway shall have been constructed."

Before I pass to that point I wish to call attention to another matter about this subway. How long has the committee been sitting on this egg? Five years ago the subject was broached. It has not been hatched yet. Patiently has the committee been trying to bring something to a focus, so it is alleged. Five years ago this subject was first considered. Year after year the committee has been considering it. My friend the Senator from Florida nearly two years ago introduced a bill for a subway in the District. It has not been reported upon. It does not seem to have been acted upon at all. How long is it to take to frame a subway bill?

Yesterday the distinguished chairman of the Committee on the District of Columbia, for whom I have great respect—and for that matter I have great respect for all the members of the committee, for "they are all honorable men"—said he thought it might require from three to five million dollars for the subway, and therefore they ought to be very careful about it. That was the intimation, that it was going to cost the District from three to five million dollars for a subway, and therefore it was requiring year after year of consultation, of comparison of views, of consideration of the testimony of experts. But all the while during this period the United States Electric Lighting Company has been extending its plant in this city with the permission and consent of the committee.

Mr. President, it will be years, in my humble judgment, unless this discussion shall compel action, before you will see any subway in the streets of the city of Washington. It is trifling with a great subject to say that since 1890 the committee has been considering it. If there had been given to this subject the ability and the care which there should have been given to it, a bill could have been produced that would have been satisfactory. I am not so sure that a subway is necessary in this city, notwithstanding the recommendations of the Commissioners, who would like to have it. There are few Commissioners who would not like to have control of an expenditure of from three to five million dollars. There are large numbers of cities in this country twice the size of this which have no regular subways such as are contemplated here, and they get along fairly well. No, no, Mr. President; it would not do to champion this monopoly without holding out the idea, the hope, the promise that in the future some great, magnificent thing is to be done. The community would not stand it. So much for the subway.

No reports have been made on the subject. Three to five million dollars is quite a margin for somebody. The chairman of the committee said it would take from three to five million dollars, he did not know which. Millions are nothing in discussing a great subject like this. As our old friend Colonel Sellers used to say, "There are millions in it!"

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from New York yield to the Senator from Georgia?

Mr. HILL. Not at present. I am making a connected argument, as my friend will see, and therefore I do not wish to be disturbed by any question that might not be exactly pertinent to this point.

Mr. BACON. I wish simply to make a suggestion which I regard as pertinent.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. HILL. I have no doubt that my friend would make a pertinent observation. I was gratified when my friend said the other day that he thought the new company had the right and ought to be permitted to lay down its wires. That is enough for me. I have confidence in his judgment. He reached that conclusion. I am sorry he says "I shall content myself with my vote." I should like to hear him, with his well-known ability, discuss this question. I should like to have him give the reasons for the faith that is in him; why he sees fit to differ with his associates, and he will, of course, when the time comes, explain, although he said he should content himself with his vote upon my side of the proposition.

Sir, I have no doubt that the Senator from Georgia dislikes to disagree with his associates, but it is his conscientious conviction that we were right, and therefore he dissented, the same as does the Senator from Virginia, the same as does the Senator from Vermont, and both sides are claiming the Senator from Tennessee.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. BACON. As the Senator from New York will not permit me to interrupt him, of course I can not transgress upon his time. I simply desire to call his attention to the fact that there are some eight or ten bills upon this subject which the subcommittee has now under consideration. Possibly I would have occupied but a minute of his time in calling his attention to the particular character of those bills and in stating that among them there are no bills which look to the expenditure of several million dollars by the District. Most of the bills contemplate action by individual companies and not as the result of appropriations on the part of the Government in behalf of the District.

Mr. HILL. I hold in my hand the remarks made by the chairman of the committee yesterday, in which he said it was going to cost from three to five million dollars.

Mr. BACON. That is true. If the Government should undertake the work it would cost a vast sum of money; and for that reason there is no bill pending to appropriate any such amount. I desired to relieve the Senator of the very great apprehension which was on his mind as to what was going to be done with the three or five million dollars. There is no such bill pending, and none is being considered either by the general committee or the subcommittee.

Mr. HILL. My apprehension as to what is to be done with the three or five million dollars is not so great as is the anxiety of the committee to determine the question as to what company shall make the expenditure. This is the first time I have heard that a company was to make this vast expenditure.

Mr. BACON. Not this company; not either of these companies.

Mr. HILL. At whose expense is it to be done?

Mr. BACON. If the Senator will permit me, I will call his attention to the various bills that are pending.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. HILL. Not at present. Later on I will yield.

Mr. BACON. The telephone companies and all such companies which are interested in the laying of wires are seeking to inaugurate some such system.

Mr. HILL. If the object is to give free competition, there is not much difficulty about framing a bill. If the theory is that opposition and competition are unnecessary and useless, that is a different thing. Some company, a corporation of some kind, if the city or the District does not do it, of course must construct the subway. Whoever constructs it must get his money back in some form or shape. There is no question about that. If the companies are to do it, how easy it is to frame a bill requiring the companies which desire to compete for electric lighting, for supplying gas, for telephone service, and all such things, to pay their just proportion of the cost, and to give bond that they shall do it!

Mr. President, it is a strange spectacle. All the while the subject has been under consideration for the last five years it is said there has been a monopoly in gas, a monopoly in electric lighting, a monopoly in almost everything pertaining to electricity; but all of these interests are waiting until the subway bill shall be framed.

Branching out from this precise point, diverted by the remark of the Senator from Georgia, let us see what has been the effect of this recent agitation. A year ago the price of electric lights per light per year was $138. The United States Electric Lighting Company issued a paper, which I will not now take the time to read, in which they said that $138 was the lowest sum for which it could be done. To-day, by reason of competition, the new company stands ready to give the service to the city for $100 per lamp. My friend the Senator from West Virginia yesterday said this is a twopenny matter anyway—I am not quoting his precise words—that the saving did not amount to anything, a hundred dollars or so, about that, that is all, and they are going to tear up the streets "7 miles"—7 miles to save $100—and it is very difficult to put those streets down again in the condition they were before, and you save only $100. I asked him how many lamps were to be put in. He spoke of some around the park. I had not limited my question to the park, but asked him for the whole. The contract with the new company provides for 124 arc lights, and the previous price fixed by statute would make it $109, a difference of $9 for each light, and that is a saving on 124 lights of $1,116 each and every year.

Mr. FAULKNER. If the Senator will permit me, I should like to correct him in his statement.

Mr. HILL. Very well.

Mr. FAULKNER. The question I was arguing when he asked the question was whether or not the Commissioners had exercised a wise discretion in granting this permit. I said that from Mount Vernon Square to Lincoln Park, referring then to the park lighting alone, for seven lights, there being no street lights between those two points, the difference in cost is only $8, and that 3 miles of asphalt pavement had to be torn up in order to light those seven lights.

Mr. HILL. That is it precisely. But I did not ask about any particular park. I did not limit my question to any particular lights. I asked the general question, What was to be saved? Does the Senator begrudge a saving upon the part of the city? I trust not. Of course he does not.

Mr. FAULKNER. If the Senator will permit me, I will say that I was not considering whether it was one dollar or a thousand dollars. A saving of a thousand dollars would be very good, if it is not at the expense of many thousands of dollars on the other side, which I was arguing that it would be.

Mr. HILL. Aside from the question what it is going to cost the city subsequently, as you say, because of the tearing up of the streets, which we will discuss afterwards, what is the precise saving in dollars and cents? I am entitled to a fair, candid answer to that question by the Senator.

Mr. FAULKNER. On the arc lighting it is $105. It is not quite as much, perhaps, as the other. I have never made any calculation. I think it is $102 for the other light, perhaps from $109, $7 difference.

Mr. HILL. Nine dollars difference, I say. Now, can the Senator dispute it? It is easy enough to figure it.

Mr. FAULKNER. It is easy enough to ascertain by a calculation. One hundred and twenty-four lights at 29 cents a night for three hundred and sixty-five days. Anyone can make the calculation.

Mr. HILL. One hundred and twenty-four arc lights are to be put in by the new company (I could not yesterday get the figures from my friend), and there is a saving of $9 a light per year. That is the difference between what they have to pay to the United States Electric Lighting Company and what they pay to the new company. That of itself makes a saving of $1,116 upon those lights every year.

In addition to that, when this subject was first broached, the other company was charging the city, under legislation enacted by Congress, $138 a light per year, and the reduction even on those lights means a saving of $1,712, "a mere trifle, not worth bothering about." Talk about disturbing the streets of the city of Washington in the dead of winter! There are 2,000 poor people in Washington to-day, some skilled laborers, a majority not, working upon these trenches and performing an honest day's work. From two to three thousand dollars a day is being expended by this company to poor men, many of whom would otherwise have to ask for charity from your people, from your officials, and the city would have to relieve them. They are getting an honest day's work. Yet Senators stand here and say what an outrage upon the city it is to disturb the streets!

I say, Mr. President, that the new company at this particular hour is substantially a public benefactor. I am not one of those who advocate the theory that the Government must provide work for the people; I antagonize it. But I do say that when the question simply is involved as to whether there shall be a little competition in electric lighting in a great city, the mere fact that the streets have to be dug up and wires in a few places duplicated on different sides of the streets, if in the interest of the public it is desirable that the work should be done—it is a welcome fact that the work is being done here now in the dead of winter, when these poor men have an opportunity for work.

Mr. President, let me read right in this connection a paper presented to me yesterday; or will the Secretary oblige me, so as to save my strength?

The PRESIDING OFFICER (Mr. THURSTON in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

RESOLUTIONS IN RE POTOMAC ELECTRIC POWER COMPANY'S RIGHT TO LAY SUBWAYS IN DISTRICT OF COLUMBIA, ADOPTED BY CENTRAL LABOR UNION, DISTRICT OF COLUMBIA, JANUARY 18, 1897.

Whereas the laying of conduits in the streets of this city by the Potomac Electric Power Company, under legal permit from the District Commissioners, is now being considered by Congress; and

Whereas the work now being done by the Potomac Electric Power Company requires the employment of several hundred mechanics and laborers, who under the present depressed trade conditions, and in the midst of winter, would be forced into idleness and many to absolute want, if this work is suspended and the permit of the District Commissioners is revoked by Congress; and

Whereas, knowing that at least a thousand residents are now dependent upon this work for the means to supply the common necessities of life, and that the laying of these subways and the use thereof in competition with a company which claims exclusive privileges and the monopoly of the streets of Washington is a public benefit and an enterprise which should be promoted by every citizen who favors equal trade privileges and opportunities: Therefore,

Be it resolved, That we regard as invidious any legislation which will prohibit the extension of the subways now being constructed and which will thus maintain the exclusive privileges of a corporation, thus fostering monopoly to the injury of the best interests of the citizens; and

Resolved, That the Central Labor Union, representing the organized labor of the District of Columbia, for the reason stated and in the name of the labor of this District, earnestly protests against the passage of the Senate joint resolution, which will prohibit the further construction of the subways of the Potomac Electric Power Company, and most respectfully petitions Congress to confirm the action of the District Commissioners and the judicial decision in the matter involving the question of law and the right of the Potomac Electric Power Company to continue to completion the plan of subways now being constructed; and

Be it further resolved, That a copy of these resolutions, duly attested, be forwarded by the secretary of the Central Labor Union to the chairman of the Senate and House Committees on the District of Columbia.

WASHINGTON, D. C., *January 18, 1897*.

[Excerpt from proceedings of the Central Labor Union, District of Columbia.]

Upon motion the resolutions in reference to the right of the Potomac Electric Power Company to lay subways was unanimously concurred in, and the matter referred to the legislative committee for prompt action thereon.

Attest:

J. J. CROWLEY, *Secretary C. L. U.*

Mr. HILL. Mr. President, these resolutions, passed by a very reputable body of laboring men of this city, constituting one of our best organizations, show something of public sentiment upon this subject. I wish I could turn over my mail to my friend from West Virginia [Mr. FAULKNER]—undoubtedly he has enough to read of his own—that he might see the expressions of citizens upon this subject, not only upon this one monopoly, but upon the others that are claimed to be fostered here in this city. He would see what the public sentiment is upon this subject.

Oh, no, it will not do, Mr. President, to endeavor to excuse these monopolies. This sort of thing has gone long enough. There must be competition in this city in all things that pertain to its welfare. It will not do to keep this matter along session after session, under the claim that it is being investigated. That claim will last for a year or two, but it loses its force and savor after a while. I have some knowledge on this subject.

The subway in the city of New York—a great, magnificent subway—was constructed under my administration as chief executive of the State. I signed the bill of the legislature for it. I understand the question pretty well. I heard the experts in the case. I know there were some men who risked their reputations about it and said the erection of a subway could not be done and would not be successful, but Mayor Hugh J. Grant determined that it should be done, and he ordered his men to cut down the poles of the Western Union Telegraph Company and made them put their wires underground. That is the way to deal with these corporations who will not respect the rights of the people, and having a monopoly insist upon retaining it.

Mr. President, the effect of this agitation during the last two or three years has brought down the contracts of electric lights per lamp from $138 to $100 per year. Put that down. I could not get the facts yesterday. Those are the facts. Investigate them, and you will find that they are entirely and perfectly accurate.

Why should we hesitate? I know how reluctant Senators are to override committees. Senators listen to only a portion of the debate. They can not hear it all. They naturally feel like sustaining a committee if they can. If the committee is unanimous it has great weight, but when the committee itself is divided it destroys the weight to be given to the report, at least a considerable portion of it.

When I was diverted by the questions of the Senator from West Virginia and the Senator from Georgia I was proceeding to argue the legal question involved, because, stripped of all superfluity of language, if I may use the expression, coming right down to the real question involved, what is this proceeding? It is a proceeding to reverse the legal decision of the courts of the District of Columbia. That is what it is. I assert as a lawyer that the court

could not have decided any other way. If in the sundry civil appropriation act it was intended to give a monopoly to any electric-light company of this city the committee most lamentably failed to express their idea, and I am glad that they did fail. What is their proposition?

For electric lights for three hundred and sixty-five nights for not exceeding thirty-two posts in Lafayette, Franklin, Judiciary, and Lincoln parks, at 28 cents per light per night, $3,270.40: *Provided*, That all wires shall be placed underground, and that the conduits, wires, lamp posts complete, shall be furnished by the electric-light company without expense to the United States, and that 28 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And yet the argument was before this court—no, Mr. President, there was no argument. It was a pretense, that is all; they got an injunction for the purpose of delaying action after Congress adjourned until Congress convened again, and they kept it in the courts all that period. It was not an argument. It was the baldest attempt to impose upon a court that ever counsel indulged in. It was gravely contended that under that general clause there was a monopoly existing here, and that it could only be given to this one favored electric-light company.

The letting was to be done by the War Department. The War Department made a contract. The pending joint resolution proposes to stop it, claiming that under this and other provisions this one United States Company was entitled to it; and the court say, "Why, there is a general appropriation. It mentions no company. It prescribes nothing except amounts and a certain manner of putting in the conduits. That is all. And therefore the War Department has a right under existing law, because there is no limitation, to give the contract to any company it sees fit if that company can get a permit from the Commissioners."

I wish Senators would take the trouble to read the opinion of the justice who decided this cause. He brushes the contention of the United States Company aside with the characteristic ability that he possesses. He says that the Government may go on, and the Government is going on now and lighting these very parks with the electric light of the new company.

In order to get to these parks, of course the company must pass through some streets which are already occupied by the present company; not streets upon which there are any lights, but upon which they have laid conduits, on the other side, of course. Does it do any harm? Have Senators seen how these conduits are laid close up to the curbs upon each side of the street? It does not interfere with the traveling public in the least. They are doing the work well. There are great wide streets here in the city of Washington, and on one side in some of these streets, a few of them, the United States Company have their wires buried, not using a single light on that particular street. Does it do any harm in order to reach these parks that the other company should be permitted upon the other side of the curbstone to put their subways in order to reach the parks? We ought to encourage competition. We ought to hold out inducements to these people to compete with each other. It is a benefit now to the citizens in more ways than the one I have explained to have this work progress; and, therefore, upon the first proposition involving the question of law, I say the War Department, under the sundry civil act—I am not speaking now about the appropriation bill; we will come to that later; but upon the sundry civil appropriation act—had a perfect right to give the lighting to the Potomac Company. The court so says. But all of a sudden in comes this joint resolution to stop it. Why stop it? Because some time or other they are going to build a great subway.

Mr. President, the case is too clear for argument. I have read the briefs of both sides upon this question. The judge unquestionably decided rightly. You are proposing to establish the precedent that when a law does not suit you, you will go into court, and when you fail, you will attempt to override the court by a special enactment of Congress.

The Presiding Officer is looking at me pretty sharply; am I trespassing upon time?

The PRESIDING OFFICER. The Senator from New York will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The PRESIDING OFFICER. The Senator from Indiana [Mr. TURPIE] is entitled to the floor.

Mr. TURPIE. Mr. President, I closed my remarks yesterday by a reference to the conclusions of the engineers in their report to the Government, December, 1895, and I wish now to read the close of their report:

20. The official estimate by the company of $66,466,880 is insufficient for the work. In several important cases the quantities must be greatly increased, and in numerous cases the unit prices do not make proper allowance for the difference in cost of work between the United States and Nicaragua.

21. The provisional estimate by the board is $133,472,893. It should be understood that the existing data are inadequate as a basis for estimating the cost of many of the structures, some portions of the work may cost more, others less, but in the judgment of the board the entire project can be executed for about the total amount of its estimate.

22. For obtaining the necessary data for the formation of a final project, eighteen months' time, covering two dry seasons, and an expenditure of $350,000 will be required.

It will be noticed, sir, by this report that the estimate of the Government engineers is more than twice the amount of the estimate by the engineers of the company. But the pending bill proposes to grant a subsidy of $100,000,000. It is evident that the company has abandoned its own estimate, and yet it has not adopted the estimate of the Government engineers. The company seems to be of the opinion that it can execute this work for $100,000,000. The engineers of the Government say that it can not be executed for less than $133,000,000, double the estimate of the company, which it has abandoned, and yet lacking $33,000,000 of the amount stated by the engineers employed by the Government. Thirty million dollars, more than we paid for Louisiana and Alaska put together, an immense expenditure, is added to the subsidy since it was last before Congress, and yet according to the papers before us it is not sufficient; there is yet a deficit of $33,000,000 for the construction and completion of the work.

The company, however, have added, as I said, $30,000,000 to the former subsidy which they asked out of deference, I suppose, to the conceded error in their own report and the halfway concession of the established truth and accuracy of the report of the Government board. But it is a deference extorted, wrung from the withers of this gigantic spoliator, a modest deferential demand of this incorporative myth by way of courtesy for $100,000,000, with no reference to completion, to earnings, or to profits, with indefinite powers of expenditure, and as a further lien for unlimited subsidy and donative in the near future when they shall come to Congress hereafter.

Here, then, Mr. President, at this place one may well pause to take a calm, impartial, dispassionate, and unprejudiced view of the situation and of this great enterprise to which it is related, penetrated with a profound sense of our responsibility.

In the present action now proposed we may ask with the utmost gravity, What is the scheme of the bill? What practical proposition have this company made for the completion and construction of the canal? None whatever. The $100,000,000 is asked as a donation upon a mere conjecture, supported by no report, supported by no other estimate and by an abandonment of their own.

The only thing that the Senate may assume (and we make that assumption with entire safety) is that they will make away with $100,000,000 and render no return for the same whatever. Anyone who reads even casually the history of the Maritime Canal Company of Nicaragua, and it is not a very long biography, must come necessarily to the conclusion that in its very inception it included the following programme:

First they would obtain a treaty of concession; that they would pay the usual price demanded and heretofore paid for it by others; that they would make an apparent beginning, an ostensible commencement of the work. They would then come to a dead stop; they would then go to Congress for what they call relief; and thus they would draw upon their one-hundred-thousand-dollar investment—that is what they paid for the concession—$100,000,000 from the Treasury of the United States.

That, sir, is the scheme of this bill. It is the largest per cent of profit ever realized upon a fancy investment. It is the behemoth of peculation, and will draw after it in its wake all the birds and beasts of prey that feed and fatten upon the plunder of the public.

It will now be a proper time, sir, to examine what reasons, what excuses, what justification has been offered for this their third demand upon Congress to grant this enormous subsidy. The honorable chairman of the select committee [Mr. MORGAN] the other day commenced his remarks by instituting a parallel between the Nicaragua Canal Company and its work and the Suez Canal, and the Sault Ste. Marie, and the drainage canal of Chicago. He thought there was some financial parallel even between this work and that of the Suez Canal, and pronounced a very high eulogy upon the British prime minister, Mr. Disraeli, who had purchased in behalf of his Government the controlling stock in the management of the Suez Canal. I do not wish to detract a word from that eulogy. It is well deserved; but, sir, it cost no money expenditure. The Government of England had the bonds of Egypt at the time. There was a mere transfer of the Egyptian bonds in the books to the credit of the account of the Egyptian treasury, and an issue of stock in the canal to the amount of the bonds, which gave Great Britain the control of that work and the management of it.

What financial parallel is there between that and the present instance? In that case Mr. Disraeli followed a maxim very celebrated in the literature of his own race, for, Mr. President, you may recall, perhaps, in Hebrew literature the passage where the inconceivable trouble is spoken of which accrues to a man who pursueth a bird which hoppeth from limb to limb and resteth nowhere. We have a Saxon proverb of the same character, and it was the one controlling idea of Mr. Disraeli in that negotiation, a very commonplace one, a part of the folk lore of the two continents: "A bird in the hand is worth two in the bush." As far as the Suez Canal negotiation was concerned, the canal was a bird in the hand. It was finished at the time the prime minister bought it; it was finished and in actual operation; rents and profits were accruing; an arithmetical calculation was possible upon what the investment would be worth in cash, in annual returns each year. It was a bird in the hand. It was an actual, existing thing; and the transfer was undoubtedly not only very important politically and in a military sense to the Government of Great Britain, but it was, as a pecuniary investment, a source of profit, and it is becoming more and more so every day. If a similar state of things existed with respect to the Nicaragua Canal, our distinguished Secretary of State, Mr. Olney, might repeat the rôle of Disraeli and purchase a canal completed and already bearing fruits—rents and profits. But, instead of there being any financial similarity between these projects, there is the utmost dissimilarity. The Nicaragua Canal is not a bird in the hand. It is a bird in the bush, a far-off, remote, intangible, invisible bird. Mr. Disraeli would never have undertaken to purchase that sort of poultry. [Laughter.] It is the honorable chairman of the select committee who instituted this parallel, and I think he was very unfortunate, to say the least of it, in calling the attention of the Senate to the same.

With respect to the Sault Ste. Marie Canal, there is not the least physical or financial parallel in the two cases. The Sault Ste. Marie Canal is one of comparatively easy accomplishment with respect to the scheme. All that it does is to make a ship canal for a few miles around the rapids in the Sault Ste. Marie River, connecting the two lakes. It is plain excavation, mostly rock, though extremely difficult, with no locks except at the terminals, and with no possible way of injury to it, except by commencing in the same way with dynamite and gunpowder, and digging a regular canal in some other channel. How is that a physical parallel with the canal of Nicaragua? You propose to lift water from the sea level to the level of the lake, 110 feet, by a system of dams and locks heretofore unparalleled in their size, in their dimensions, and in the object for which they are to be constructed.

As to the financial parallel between the Nicaraguan Canal and the Sault Ste. Marie Canal, the Sault Ste. Marie Canal was conducted upon one side by the Canadian Government and upon the other by the Government of the United States—wholly a governmental project, the management being directly in the hands of the Governments; that is, originating with the respective Governments, though private citizens coöperated.

Then the honorable Senator speaks of the drainage canal at Chicago. The very term "drainage" shows the want of parallelism in this case. That canal is not built for navigation. No one dreams it will ever be navigated. It is built as an open sewer, to speak plainly. I have been on the line of it. It would be very offensive to take a trip on that canal after it is completed, and the inhabitants in the immediate vicinity think that they will be seriously damaged by the scent and odor which will be perceptible from the amount of water and sewage which are delivered through it. That part of the problem may be successfully solved, and possibly those difficulties will be removed. But it runs through the level prairie; there is not even enough fall, not so much as they would wish, from Chicago to the Des Plaines River. It is a very gradual descent. The only trouble is that most of the excavation is rock, pure rock, solid rock, blue limestone and grits—rock of the hardest character.

The Senator says this has been accomplished, and has been accomplished at one-half the former expense and one-half the former prices. I have been interested in that work, and I would not have believed that it could be done under the terms and conditions and prices under which it is now being carried on. They have taken, under the skill and art of recent science, the spade, which, without its losing character, has become a gigantic shovel, capable of removing enormous amounts in cubic yards of the matter which is to be excavated. They have taken the pick and crowbar, used in old times in excavations, and they have subjected them to that same subtle and irresistible force of steam, so that they excavate the solid rock, the blue limestone, and the flint with the same facility as a man would take a spade and remove ordinary earth or clay. There are very great improvements in rock excavation, and visible proofs of them, great saving of cost and expense, a great deal more facility and rapidity in doing the work; but the question I should like to ask the honorable chairman is, If the cost of excavation has been so much reduced by those later scientific appliances, why has the company seen fit to come here asking an additional $30,000,000 for work, largely excavation, which before they said could be done for $70,000,000? That is the only lesson which I would draw from the parallel between the drainage canal of Chicago and the Maritime Canal Company of Nicaragua.

It is very singular in looking up parallels that the honorable chairman of the select committee goes to Africa—that is, the site of the Suez Canal—and goes into the northwestern part of the United States, to the Sault Ste. Marie Falls, and goes to Chicago, many of which sites are many miles more distant from the location of the Nicaragua Canal than another enterprise to which attention has been called. It is a very short trip, sir, from Nicaragua to Panama. Panama makes a perfect and most complete physical and financial parallel. The physical parallel is exactly the same. The objects to be accomplished are the same. The great problem in the Panama Canal is to control the waters of the Chagres River, so as to make it a feeder for the canal, running both ways, one way to the Pacific and one way to the Atlantic. Upon that problem, as I before remarked, $240,000,000 have already been unsuccessfully expended. In this case the problem is to make Lake Nicaragua a feeder for the canal, running both ways from it, and it is the practicability and feasibility and cost of that construction for which the bill and its promoters must render reasonable account before we have rational causes for the support of it.

The financial parallel, too, is exactly the same. The Panama company did not spend its own money. It collected from the people of France those millions of which I have spoken. It has wasted and squandered them to the last penny, without the return of a farthing. The Nicaragua Canal Company has collected four millions and a half, as they say, of the money of other people. They have squandered and expended it, and have not built one mile of the canal. They have been ten years in building that. Here is a perfect parallel. Panama and Nicaragua run in pairs; but the chairman of the select committee did not refer to the Panama project.

The honorable chairman of the select committee proceeded then to examine the Frelinghuysen treaty, the treaty between Great Britain and Nicaragua, the canal treaty between the United States and Nicaragua, the Clayton-Bulwer treaty, with reference to what the honorable Senator said was their relation to this present project. Sir, they bear no relation to it whatever. There is no diplomatic obstacle in the way; there never has been. The Clayton-Bulwer treaty is entirely obsolete, but if it was in full force its provisions do not affect this concession or this contract.

The honorable Senator gave us the notion that there had been and might still continue to be a race between Great Britain and the United States as to which was to build the Nicaragua Canal. Sir, it has been a very languid race; it has been a very indolent and idle emulation. This is a race in which the books have been open for one hundred and fifty years, and there are no entries to-day. [Laughter.] What this company proceeds upon is the plain, clear contract, the cession of the right to build the Nicaraguan Canal, which the two Republics in interest had a right to make, and one which this corporation had also the right to execute. There is no diplomatic, there is no international element in it, and can be none. There is no diplomatic problem or even question in it, and has not been from the beginning, but it is a part of the scheme of the promoters of this enterprise—pretended enterprise—to associate their proposed construction and completion of the canal with great names and great events, in order to give it a mask, some mask of respectability and consideration. I do not believe that Great Britain or any other government in the world would interfere with the attempt by our Government or any American power to build, construct, and complete this canal. I believe such a consummation would be welcomed just as joyfully in London and in Paris as it would be in New York or in Washington. The world has shown a friendship to the project; the world has been always kindly to this enterprise. Therefore we, as Americans, ought to be careful not by vicious legislation, as this is, to destroy those friendly feelings with which the construction of the canal has always been regarded by other countries and nationalities.

Then the honorable Senator asked the question, On what terms could the Government of the United States assume control of the contract? Mr. President, there are no terms on which the United States can assume control of this concession without a violation of the treaty of cession itself. The terms of that treaty exclude expressly the control by any government, and the United States is certainly a government.

The honorable Senator, the chairman of the select committee, treats the other treaties which he named very delicately. He was afraid there would be some infringement of the Clayton-Bulwer treaty or the other treaties. Why ought not this treaty cession to be treated in the same manner? We ought to consider ourselves bound to treat with equal dignity and consideration the action of the two Republics in Central America with respect to the contract named here, their compact with the Nicaragua Canal Company, as we should treat any other treaty which had been entered into by nationalities upon any account whatever. We ought not, either directly or indirectly, to assume the control of this canal, or any of its rights and interests, or any of the property adhering to or belonging to it. We are forbidden to do so. The company have no property; but if they had any they could not cede it to us or any other government.

Then the honorable chairman of the select committee says if this bill is defeated the promoters will sell their concession to another country; they will go right away to the British Parliament; they will take a copy of this bill with them; they will present it to the Parliament; they will ask them to pass the bill, and ask them to take the control of the canal. I do not think so. I think any member of the British Parliament would answer at once two or three things. Instead of considering for a moment whether a hundred millions ought to be paid in the construction, such a member would answer, "You have no right to make that concession; that right is forbidden by the terms of your own contract;" and he would say again, "You took this concession for ten years from April 21, 1887, and your life will expire April 21, 1897—only a few days. Do you think we are going to give a hundred millions for a corpse to have it buried at our expense and charge?" [Laughter.]

What a delightful contemplation it is, Mr. President, that this Nicaraguan Canal Company will die within ninety days! That is one of the consolations we have in retraversing this discussion. It will expire by limitations of its own terms, and that is the reason of its being reduced to desperate straits, why these financial operators have again presented, I hope for the last time, this scheme of confiscation.

Then the honorable Senator expresses the apprehension that the recent treaty reported on the subject of arbitration between Great Britain and the United States may affect this contract between the two Central American Governments and the Nicaraguan Canal Company. That is another ghost, a mere ghost summoned up here to scare Senators, if there is no other way, into the support of this bill, under the supposition that we are to lose valuable rights by the provisions of the arbitration treaty which we now have.

Sir, there is nothing in the treaty of arbitration—I speak of it now because it has been published; everyone has seen it, and especially as the honorable Senator has commented upon it, I will take the same liberty—there is not a word in the arbitration treaty which can in any way, at any time, affect the construction of the Nicaragua Canal under this concession. That treaty only relates to two Governments—the United States and Great Britain—and it only relates to claims and to causes of action or rights which they may hold against each other. This concession does not belong to either of those Governments, never can belong to either of those Governments; neither of those Governments can ever have any claim or any cause of action under this concession against each other.

The arbitration treaty is 1,000 miles, physically speaking, away from the closest point or nearest point of contact which could be conceived or imagined with respect to the Nicaraguan Canal Company. There is no arbitral board or commission created under that treaty which would consider for a moment any claim of a private corporation, and they would not consider for a moment any claim, especially of the Nicaraguan Company. The arbitral commission in such an instance would, at the very sight of this incorporated leper, cry out, "Unclean, unclean, unclean!"

Then the honorable chairman of the select committee says he wishes to keep this contract in the hands of Americans; that Americans will not defraud the Government; Americans will do justice to their own Government; Americans will not consider the subject of illicit and illegitimate profits. Mr. President, the best answer to that is to say that the original promoters of the Pacific railroad were all Americans; no foreigner had anything to do with it, neither as a holder of stock, bonds, or anything else; had not the slightest connection with it; and yet the Americans, as most of our people think, did them a very gross act of injustice when they controlled, so far as they have controlled, the business and the affairs of the Central Pacific Railroad Company. They had every motive to have favored the United States; they had every motive to have done justice to their country; they had every motive to have dealt righteously with the people of this country as well as with the Government; but motives of that kind do not control operators in such schemes.

The honorable Senator says that under the provisions of this bill the bonds are payable as the work progresses. That is so, and that is one of the principal objections to the bill, in my judgment. There is to be a constant progression and prosecution without any completion. Contrast the case of the Pacific railroad. They went on and built a section, over which an entire train passed, before the bonds were delivered. This canal may be built in sections, and I shall offer an amendment at the proper time compelling it to be so built. That amendment will be defeated, as it has been before, simply for the reason that the promoters of this scheme, the moment that one section is built, will be discovered to have expended upon it vastly beyond their own estimate. That is the reason why they want to take from the Treasury of the country $100,000,000 and spend it pellmell, broadcast, on the whole line of the work they are to build as the work progresses.

Here is a cut and fill 4,000 feet long—one, I think, is of that length—and with reference to the completion of the canal it is an absolute necessity. You may spend millions and millions in making that cut and in building the dam adjacent, and all that will be spent in the progress of the work under the terms of this bill. The engineers will go and measure it, so many cubic feet, so many cubic yards, and it would not be paid for until they had measured and reported; but it would be no section finished, it would be nothing toward the completion; we would be no nearer the end of the work than before, yet the expenditure under the terms of the bill would be perfectly lawful; and it is the expenditure of $100,000,000, it is the legislative subsidy of $100,000,000 to this corporation, the handling of which will draw after it such a patronage, such a flow of patronage and power, such numbers of places, such an innumerable cloud of salaries, as to make it possible to procure subsidies and aids ad libitum in the future, to be expended broadcast as before.

Seven per cent of the net earnings of the road, the chairman of the select committee says, is reserved as a sinking fund for the payment of the principal and interest of the bonds which are guaranteed by the United States. Sir, these words and this phrase "net earnings" contain so much of sorrow, of doleful memory, of humiliation, of profound melancholy, that with me the very sound of them is distasteful. I abhor the phrase "net earnings" used in a law where a subsidy is sought for a corporation. That is the same expression which is used in the Pacific railroad grant, and the same amount, 7 per cent of the net profits or earnings. When will this 7 per cent accumulate? They had in the other instance twenty-two years. This statement will be borne out by the future history of the canal if the subsidy be granted. They can only hold the canal under the concession one hundred and ninety-eight years, two terms of ninety-nine years each. Now, sir, that whole term of nearly two centuries will expire and not one cent of net earnings will ever be reported. That is my prophecy. That is the date I would give for the payment of the net earnings; it is the date I would give to the credit which is to be entered to the account of the Nicaraguan Canal Company on their payment to the United States of the subsidy bonds.

Then the chairman of the select committee says that as a further means of security three engineers are to be appointed. The President may appoint three engineers from civil life who shall make plans and specifications, and continue to make them and to superintend the work as it progresses. The term used here is "may appoint." It is a subjunctive term, not mandatory. The President of the United States perhaps could not be mandated, anyway. The Secretary of War might. But they have not put that in. This supposed security is entirely discretionary, then. There is no taxpayer of the United States who can come and say to any officer: "Suspend the payment on these bonds and suspend the issue of them. We know that the money is being wasted. We know that the canal is incapable of construction," or "that it can never be constructed upon the line of the company. We know the funds are being sunk in a bottomless pit." The complaint may be as strong as one could be drafted against the company and against the directors. Yet there is no relief under the provisions of the bill. There is no security; there is no indemnity; there is no right by anyone to demand an account with respect to the proper construction of the canal in reference to its completion or the expenditure of the money granted to the company. And the security is evidently put in as evasive. The honorable chairman of the select committee says the bill was very carefully prepared, and that counsel were consulted in relation to it. I have no doubt—very learned counsel—and for that reason this power of inspection and of superintendence and suspending the issue of bonds is made discretionary, and that discretion is in such terms that no court can pass upon it either one way or the other. It is discretionary, thoroughly so; it is a wide discretion, an unlimited, unbounded discretion, which not even the law can question.

The honorable Senator the chairman of the select committee says we can not afford to wait any longer; we must engage as a Government in this contract. Sir, we have waited one hundred and fifty years. It is over one hundred years since the first concession was granted. It is eighty years since the first concession was granted to a citizen of the United States, Governor Clinton, of New York. We have waited, and we have done well. We have flourished both in war and in peace. We have got along as well as others have without the canal across the Isthmus, not but that it would be a very desirable improvement; but waiting is not an argument which ought to be urged in support of the bill.

It is said that these gentlemen of the company can not wait; they must do something. Mr. President, they have done nothing for ten years. They propose to do the same thing for the next ten years, and to get the enormous subsidy mentioned in the bill besides. That is their proposition.

The Senator relates, again, that the company has made it apparent that this work is entirely feasible. Of course the company has. It would not even have a prima facie case if it had not done so. But as I called to the attention of the Senate yesterday, the same fact was reported during General Grant's Administration and at his instance. The commission appointed by him found that the Nicaragua route was practicable. They estimated the expense at $140,000,000. The President said nothing further.

I have no doubt that with unlimited time, unlimited money, this canal might be built even upon the line which the company prefers and has put into its map and profile, but it may be built for less upon a line indicated by the engineers of the Government; and as to its practicability, that was decided long before this company had anything to do with it. Proceeding upon the Government line, we have a reasonably certified estimate of cost at $136,000,000.

Then the honorable Senator remarks that the enterprise is founded upon the solid rock of mathematics. Sir, that rock is part of a glacier which is resting upon the unfathomable sands of La Flor and Ochoa, and is subject to the most violent fluctuations. There is no possible foundation for either of those constructions, and consequently none for the Senator's rock founded upon mathematical certainty.

Again, the Senator says the American people are a people of great power, of unlimited resources in wealth and material. That is true. I do not believe the ability of the United States can be measured by anything except by what they are willing to undertake. Whatever they undertake will be accomplished. But that is no argument for this subsidy, or any other subsidy, to a private corporation engaged in work of this character. The Senator says, being so powerful and so rich, we ought to assist the company. Being so powerful and so rich, being one of the great nations of the earth, being a nationality of the age of more than a century, how does it become us to act as assistants? I think it is below the dignity of the United States to act as an assistant in any such enterprise. The field is free. We can negotiate upon our own account, construct and build upon our own account. Why should we assist—and assist such a feeble brother as the Nicaragua Canal Company—in a work of great national and international importance? I do not think it is becoming, seemly, to the dignity of the United States, if it really wishes to accomplish this enterprise, to creep and crawl into it under the wing and cover of this worthless corporation.

There was a great political party, Mr. President, which met in Chicago in July last, and whatever may have been the fortune of its other acts and deliberations, it enunciated one principle which I think has met a responsive approval in every part of the Republic:

> We condemn the increase of the national debt by the issuing and sale of the bonds of the United States in time of peace.

This bill proposes to increase the national debt to the amount of $100,000,000—the subsidy to be granted—by the issue of the bonds of the United States to a pauper corporation, for those bonds are the bonds of the United States.

Mr. HILL. What does the Senator read from now?

Mr. TURPIE. I am reading from my own notes, if the Senator please.

Mr. HILL. The Senator from Indiana was quoting something.

Mr. TURPIE. Yes, sir; I quoted the Chicago platform.

Mr. HILL. Oh, the Chicago platform.

Mr. TURPIE. Yes, sir. These are virtually bonds of the United States. Of course the persons signing them are officers of this company, but the thing which makes the bonds worth anything is the guaranty of the United States. They are in all respects and purposes United States bonds, issued to increase the national debt and purposed to make such increase in time of profound peace, without any other exigency than to give credit to an incorporate body which has none and never will have any except what it procures from this guaranty.

The purpose of this bill is to tax the people of the United States, the people of the whole country, for this vast sum in behalf of an invisible, an intangible bankrupt who will not repay, at a time when our people are already loaded with burdens which they are hardly able to bear. The policy of the measure is to oppress the many, to tax the multitude for the benefit of the few highly favored in the provisions of the bill. The success of this measure will cast a cloud of reproach and dishonor upon the great enterprise with which it pretends to be connected. Its passage will be the triumph of incorporated greed and rapacity, the acme of rapine and spoliation. It will cost the people of our country much, but it may cost the victors more. Vengeance will not always sleep over the wasteful and corrupt conversion of the moneys of the public Treasury. It may linger by the way, it may be slow, exceeding slow, in its coming, but it will arrive at last.

The VICE-PRESIDENT. The question is on agreeing to the first amendment reported by the select committee.

Mr. COCKRELL. I suggest that there is not a quorum present.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Berry,
Brice,
Caffery,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Cockrell,
Cullom,
Daniel,
Faulkner,
Frye,
Gallinger,
Gibson,
Gorman,
Hale,
Hawley,
Hoar,
Jones, Nev.
Lodge,
McBride,
McMillan,
Martin,
Mitchell, Wis.
Morgan,
Morrill,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Sewell,
Sherman,
Shoup,
Stewart,
Tillman,
Turpie,
Vilas,
Wilson.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. HAWLEY. I am authorized, if not instructed, by the Committee on Military Affairs to suggest to the Senate that it proceed under Rule VIII to the consideration of unobjected House bills on the Calendar, including pension bills.

Mr. CHANDLER. To-day?

Mr. HAWLEY. Yes.

Mr. CHANDLER. I was about to ask unanimous consent that the session of to-morrow, after the morning hour, might be devoted to the consideration of unobjected bills on the Calendar.

Mr. HAWLEY. That will satisfy me.

Mr. MORGAN. I should like to have the Nicaragua bill progress. There is no reason why it should not.

The VICE-PRESIDENT. The Chair will state that the business before the Senate is the Nicaragua bill.

Mr. MORGAN. Let us have the regular order.

Mr. HAWLEY. If there is likely to be progress toward a vote on the Nicaragua bill, I will say nothing further to-day about the request I have made, but will ask that the order indicated be made for to-morrow. Suppose I ask it for to-morrow?

Mr. ALDRICH. I suggest to the Senator that he wait until we have disposed of the pending bill.

The VICE-PRESIDENT. The Chair desires to state that in accordance with the rule the Chair will submit to the Senate the request of the Senator from Connecticut. That is the rule usually observed.

Mr. ALDRICH. I suggest that the request be withdrawn until the pending bill is disposed of, and then there will be no objection to it, probably.

The VICE-PRESIDENT. The Nicaragua Canal bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the first amendment reported by the select committee.

Mr. HAWLEY. I shall be very glad if we can come to a vote on the Nicaragua bill.

Mr. VILAS. I have listened to the discussion on the Nicaragua bill and desire to submit some remarks upon the measure, but I am not prepared to do so at present. I did not expect that the Senator from Indiana [Mr. TURPIE] would complete his remarks at quite so early an hour to-day.

Mr. MORGAN. If the Senator from Wisconsin will allow me, I will suggest that no amendment has been offered to the bill yet, and so far as I know none is suggested.

Mr. FRYE. The Senator from Indiana [Mr. TURPIE] suggested that he has an amendment which he wishes to offer. I think it is his old amendment.

Mr. MORGAN. Did the Senator from Indiana offer an amendment?

Mr. TURPIE. I have several amendments to offer, one as a substitute, and the others as amendments to various sections of the bill; but I have not yet had time to make a draft.

Mr. MORGAN. We can go on and dispose of the amendments and get the bill to a final stage, when Senators can discuss it upon the question whether the bill shall pass.

Mr. TURPIE. The honorable Senator perhaps did not hear me. I have not the amendment drafted yet, and I can not do it——

Mr. MORGAN. I know; but the Senator has had the floor for three days, and certainly has been speaking to the bill, and the Senate is entitled to have those amendments for consideration. While I do not wish to act abruptly about the matter at all, I feel that this bill, whether it is to be lost or whether it is to be passed, is one upon which the Senate owes it to the country to take action. I do not think it is necessary for me to go on and state to the Senator from Indiana my reasons. He knows them, as I have stated them at another place. I think it is very important that we should have action upon the bill in one way or another, whether we pass it or whether we do not pass it.

Mr. ALLISON. It is certainly important to the orderly conduct of the business of the Senate that this bill, now being the regular

order, shall be disposed of and got out of the way. Other matters will be pressing very soon, and I trust we can come to some adjustment as to the time when the pending bill will be disposed of.

Mr. MORGAN. If Senators have prepared any amendments, and are ready to offer them, of course we are prepared to take a vote.

Mr. FRYE. Can not the Senator get an agreement as to when we shall take a vote on the bill?

Mr. MORGAN. What time would the Senator suggest?

Mr. FRYE. Say Thursday.

Mr. HAWLEY. In the meantime, seeing what the desire of Senators is, I withdraw my request, and will renew it some day in the early future.

Mr. MORGAN. In order to give the Senator from Indiana ample time to prepare his amendments, I suggest that by unanimous consent to-morrow at 4 o'clock we shall proceed to vote upon the bill and all pending amendments and motions without further debate.

Mr. TURPIE. I shall object to that. I can not give my consent to that request.

Mr. ALLISON (to Mr. MORGAN). Make it Monday.

Mr. HOAR. I suggest to the Senator from Alabama that instead of making that request now he ask consent to have a time fixed a short distance ahead, when we can proceed under the five-minute rule or the ten-minute rule, so that the speeches shall be brief.

Mr. MORGAN. After 4 o'clock?

Mr. HOAR. Any time.

Mr. MORGAN. I am willing to make any modification that will suit the convenience of any Senator. I do not care about pressing the measure unnecessarily, but at the same time it is a bill which deserves the attention of the Senate and the country. It has the attention of the country, and it deserves action by the Senate. Would it suit the Senator from Indiana to take a vote at 2 o'clock on Monday?

Mr. TURPIE. No, sir; it would not; because, as I was about to observe, two or three, I think three, Senators have spoken to me in relation to making remarks upon the bill. One of them is present, but is not prepared to proceed this afternoon. The other two are not even now present. No one anticipated that the debate would close this week or next week.

Mr. MORGAN. Would the Senator be willing to fix the hour of 3 o'clock, say, on Tuesday for a vote?

Mr. TURPIE. I do not think I could fix a day at this time.

Mr. MORGAN. Very good. Then I have no alternative but to ask the Senate to sit out the bill.

Mr. LODGE. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, which will be stated.

The SECRETARY. On page 6, line 5, after the word "by," it is proposed to insert the word "its;" so as to read "by its agents;" and on page 7, line 3, after the word "bonds," to insert "so;" so as to read "said bonds so to be issued."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has been stated.

Mr. PEFFER. Mr. President, before the pending bill is acted upon finally I wish to express my opposition to it, not because I do not want to see the construction of the Nicaraguan Canal, for I am very earnestly in favor of it, but our experience in the way of doing great public works through a private corporation has been very unsatisfactory. Our experience with the Union Pacific Railway Company and others has taught the American people the danger of the Government undertaking to perform any great public work through a private corporation.

I have examined the bill with some care. It has been drawn with remarkable precision, and doubtless a great deal of thought was expended upon its preparation. I think it is well guarded in all of its provisions for the purposes for which the bill has been framed. I do not see, indeed, how it could have been better framed for the purposes intended. But I am wholly and utterly opposed to the Government undertaking any work through private corporations.

In addition to that, I am opposed either to the issuing of bonds by the company and their being guaranteed by the Government, or the Government itself issuing bonds at this time for any purpose whatever. More than two years ago—three years ago last summer—we stopped the coining of silver; we stopped the preparation of paper money; we stopped the preparation and issue of all kinds of money. From that time until the present the business of the country has been growing worse and worse. The number of unemployed people has been constantly enlarged. The Government has four times sold the public credit for the purpose of supplying the Treasury with gold. And now we are proposing to guarantee another $100,000,000 of bonds. Those bonds will have to be paid in gold, if the present régime is to be continued, and doubtless it will be. The Administration coming into power on the 4th day of next March is pledged in that respect to the gold standard. Where are we to procure the gold to pay these bonds with?

Taking these two views of the subject, Mr. President, I am opposed to the passage of the bill. I do not care to argue it elaborately. I shall not propose any amendments, for the reason that I am satisfied such amendments as I should propose would not be acceptable to the Senate. But I do not feel like letting the bill go to a vote without expressing my reasons for voting against it.

Mr. VILAS. Mr. President, I hope the Senator from Alabama [Mr. MORGAN] and other Senators will not insist upon taking an unusual course in respect to a bill of as much consequence as the one pending. There have been as yet but two speeches made upon the bill, one by the distinguished chairman of the select committee and the other by the Senator from Indiana [Mr. TURPIE]. No one who listened to the speech of the Senator from Indiana can for a moment suggest that there was not constant attention in every particular of it, in the most earnest and in the fairest manner of debate, to the merits of the proposition. It ought to have been heard by every Senator in the Chamber. It is to be regretted that it was not heard by every Senator in the Chamber.

This is a project of immense consequence. It involves beyond all question $200,000,000 of the public moneys of the United States. Is it to be disposed of by the Senate in a manner so unusual as that when it is said Senators desire to be heard upon the subject that courtesy shall not be accorded to them in the ordinary way?

The bill was taken up in a manner which surprised the opponents of the measure. It was not supposed by any of them that it was a measure upon which it would be necessary that they should be prepared for debate at this time. It was a sudden movement, at least so far as anything I have heard, or others who agree with me in opinion upon the merits of this measure. It was a sudden thing to take the bill up.

A measure of this kind ought not to be passed in the Senate of the United States by any form of crowding. There ought not to be anything like a snap judgment sought because those who desire to oppose the bill are not for the moment ready to debate it. As I have already stated, I was not prepared this afternoon for the termination of the distinguished Senator's remarks at quite so early an hour. I thought he would consume so much of the time of the Senate as the Senate would desire to allot to the discussion of the measure to-day.

Nothing, I am sure, can be expected to be gained by undertaking to force the discussion of the measure at this time. It was taken up only on Monday of this week. No measure comparable to it in importance has been suggested in the Senate at the present session of Congress. I certainly hope that the chairman of the committee in charge of the bill will recognize that fair debate is a thing which ought not for a moment to be refused upon a measure of this kind, or upon the pending bill.

Mr. President, I sympathize with and I admire the earnestness, the devotion, the fidelity, the enthusiasm, of the distinguished chairman of the select committee; but this question is of too much consequence, it is of too great import to the people of the United States, it involves considerations that reach too far, to be dealt with as a personal matter. It would be a most unwise and unbecoming thing for this body to demand that argument should be submitted by anyone upon such a question as this without that reasonable preparation which every Senator feels necessary to warrant his attempting to engage the attention of the body. I appeal again to the distinguished Senator from Alabama, the chairman of the committee, to withdraw the attempt (which can result in no good to-day, which can not advance the consideration of the bill) to press for a discussion of the measure at a time when Senators are not yet ready to present their arguments upon it. Let us have the usual course of procedure.

Mr. MORGAN. In answer to the appeal, if the Senator from Wisconsin desires me to make any response to it, I will say to the Senator that he can name his day and hour of next week when he will agree to vote on the pending bill and amendments. He can take all of next week. Just name your day and hour now, and we will take the vote at that time.

Mr. VILAS. I do not think we have reached a point in the discussion of the measure when the opponents of it ought to be called upon to name the day and hour when a vote shall be taken, upon penalty of being denied the usual consideration and treatment which is shown to Senators on the floor.

Mr. HAWLEY. May I make a respectful inquiry? How many years may a bill be before the Senate before it loses that character of suddenness to which the Senator refers when he says the bill has been suddenly brought before us? Since I was a young man, I am bound to say, I have heard this measure discussed week after week and carried through the Senate several times. I think we can afford to go on again to a vote upon it.

Mr. VILAS. The Senator from Connecticut is aware of the fact that this is a different bill from any one which he has ever heard discussed.

Mr. HAWLEY. It is not much different.

Mr. VILAS. It is very much different. The progress of the discussion to which he has alluded has caused a constant transformation in the schemes which have been proposed to the Senate of the United States. The pending bill is substantially and radically different from any other that has been proposed for discussion. It requires different treatment.

Mr. HAWLEY. Will the Senator from Wisconsin pardon me again? If we are agreed on the determination that the canal shall be built by private parties assisted by the Government, or by the Government alone, if we are to declare that we will have the canal, as it is in the order, I think, of common sense to do, we ought to be able to agree with comparative unanimity as to the details.

Mr. VILAS. I should like to ask the Senator from Connecticut to tell us when it was first decided by the Senate of the United States that this project should be built by private parties, the United States furnishing the money to do it? When was that project first reached?

Mr. MORGAN. It never has been suggested yet.

Mr. VILAS. Precisely. That is just the answer I was trying to give the Senator from Connecticut. No such project as that, no such project as the bill to-day proposes to the Senate of the United States, was ever before this body.

Mr. HAWLEY. The Senator did not quite understand me, I presume.

Mr. MORGAN. Allow me to say——

Mr. HAWLEY. In a moment. I said if the Senate wishes to have the canal built it can find the details of the construction a matter of no great difficulty.

Mr. MORGAN. The Senator from Wisconsin assumes that this is a project to build the canal by private enterprise. There is nothing of the kind in it. It is a public measure to build it by the three Republics, and they use a corporation, as they have always done, merely as an instrumentality for getting together their money and their work.

Mr. VILAS. The proposition which the pending bill contains was never before the Senate in any former bill.

Mr. MORGAN. Oh, yes, it was. I will say to the Senator that the only difference between the pending bill and any former bill is that the House committee in framing it (for this is a copy of the House bill) conceded many of the amendments that have heretofore been offered to the bill, and some of which have been rejected, so that the bill is more in the direction of the suggestions of its opponents than it has ever been before. We have conceded a number of amendments to the bill, some of which the Senate heretofore voted down, in order to make the bill more acceptable to all of its critics.

Mr. VILAS. Let me ask the distinguished chairman of the select committee if the bill which was presented in the Fifty-third Congress was not radically different from the pending bill?

Mr. MORGAN. Yes; because that bill did not propose that the Government of the United States should take any stock in the canal. The next bill that was reported proposed that the Government should take stock.

Mr. VILAS. When was that next bill reported?

Mr. MORGAN. Did the Senator say in the Fifty-third Congress? It was in the Fifty-fourth Congress.

Mr. VILAS. Yes; the next bill was reported in the Fifty-fourth Congress.

Mr. MORGAN. No; in the Fifty-second and in the Fifty-third, and then in the Fifty-fourth was the bill we reported here, and which we passed.

Mr. VILAS. In the Fifty-third Congress the discussion concluded with the passage of a bill providing for a commission to be appointed by the President to examine the line of the route proposed for the Nicaragua Canal.

Mr. MORGAN. I must say I am satisfied the Senator from Wisconsin has never read either of the bills. I am satisfied of it because he is entirely off upon the whole question. If he will take this bill and read it, he will see that it does not depart in any respect from former bills of the character passed here except that it makes a larger concession in the way of amendments that were then insisted upon, some of which were voted down. But the committee of the House and the committee of the Senate have tried to approach as far as it was possible to go to get a safe bill in the direction of meeting the objections that have been made to it heretofore.

Mr. VILAS. It may be that the Senator is satisfied that I have not read either of the bills. The Senator perhaps is apt to be satisfied upon very slight evidence.

Mr. MORGAN. Well, I base it upon what has occurred here to-day.

Mr. VILAS. I was asking him to point out when the Senate had passed a bill or when a bill was before the Senate prior to the Fifty-fourth Congress which embodied the scheme proposed in the pending bill.

Mr. MORGAN. The bill that we passed through the Senate embodied the scheme proposed in the pending bill, with modifications that were suggested at that time and are now allowed.

Mr. VILAS. The changes which have been made in the scheme are very material and important. The circumstances under which the bill was passed in the Fifty-third Congress were such as rendered the consideration of it entirely different in every aspect from that which is presented now. In the Fifty-third Congress we concluded with the passage of a measure for an examination of the route by a board of engineers to be appointed by the President; and the result of their examination was such as to give a stunning blow to the project which was then presented.

Mr. MORGAN. If the Senator will allow me, that was the very ground upon which I assumed to say that certainly I did not think the Senator could have read the bill. We passed no bill in the Fifty-third Congress which provided for a commission at all. The bill did not provide for a commission, and it passed through this body by a strong vote, I think a majority of 11. What the Senator refers to was an amendment providing for a commission put upon an appropriation bill when the bill which passed the Senate did not get through the House.

Mr. VILAS. I knew it took the form of an amendment.

Mr. MORGAN. The bill did not take that form at all. It was not in the bill. There was no commission provided for in the bill.

Mr. VILAS. Not in the bill which was introduced and discussed.

Mr. MORGAN. Nor in the bill which passed.

Mr. VILAS. Nor in the bill which passed. But the result of all the discussion in the Fifty-third Congress the first time this scheme was proposed was the passage of a bill to provide for a commission to examine the cost, feasibility, and circumstances attending the adoption of the line which was proposed for the Nicaragua Canal or the Maritime Canal.

Mr. STEWART. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. STEWART. Is the Senator in favor of any bill for the construction of the Nicaragua Canal?

Mr. VILAS. When we get to the point of discussing the merits of this measure, I shall endeavor to satisfy the Senator, and I hope he will do me the honor to hear what I am in favor of in reference to this matter.

Mr. STEWART. The Senator, then, is not prepared to say whether he is in favor of any bill looking to the construction of the Nicaragua Canal? Very well; that is all I have to say.

Mr. VILAS. I congratulate the Senator upon his brevity of speech. He has astonished the Senate in that upon any subject.

Mr. President, I again ask that the demand for an unusual pressure upon the course of debate in reference to the pending bill be withdrawn. For one, when I shall have made such remarks as I desire to make, when other Senators who wish to debate the bill honestly and seriously shall have made such remarks as they desire to present, I shall interpose no objection to taking a vote. But there is no occasion at this early stage of the discussion of this important measure to turn aside from that course of procedure which the Senate ordinarily observes; and I do not believe that anything can be gained in the way of time by taking such an unusual course.

Mr. HOAR. What does the Senator consider to be the ordinary course? What is the course he suggests?

Mr. VILAS. I think it has always been the course of procedure in the Senate, when Senators have said that they desire to discuss a measure, that they were afforded the reasonable opportunity necessary to discuss it, and that requests to fix the time for taking a vote upon a bill have not usually been made, and have not been acceded to, before the ordinary discussion of the bill by those Senators who wished in good faith to present their opinions and views upon it. I think that has been the almost invariable custom of the Senate.

Mr. HOAR. Does the Senator consider, when we are within six weeks of the end of the Congress and the present Administration, with thirteen or fourteen appropriation bills undisposed of, I do not know how many——

Mr. ALLISON. Ten.

Mr. HOAR. With ten appropriation bills undisposed of, does the Senator think that it is the custom of the Senate to have a day for every speech, so that if a single measure like the one pending is before the Senate it kills pretty much every other measure that is proposed?

I do not want, of course, to urge this in the least against the Senator's desire to speak, but it does seem to me that with so many important measures upon our Calendar, if we say that whenever it gets to be 3 o'clock in the afternoon any Senator who wants to speak shall have a pending bill go over until another day, so that if there are only a dozen Senators out of the ninety who compose the body who want to speak it will take twelve days for one measure to be discussed, we shall not accomplish much of any great consequence.

When I first came into this body, and when I came into the other House, we did not do business in that way at all. We took up a measure, as they do in the English Parliament, and sat all night; and scarcely any important measure which was discussed and resisted went through this body except by the Senate taking it up and setting its teeth and sitting straight through until 2, 3, 4, or 5 o'clock in the morning. So the custom to which the Senator alludes as being the custom of the Senate did not prevail, indeed, until very recently.

Mr. VILAS. Mr. President, I should not for a moment undertake to compare or contrast my opinions in respect to the customs of the Senate with those of the distinguished Senator from Massachusetts, who has served his country long and well in this Chamber, but I think he will agree that the usage which I mention has at least prevailed during the last six years.

Mr. HOAR. We had unanimous consent, then.

Mr. ALDRICH. To fix a day.

Mr. VILAS. Yes, but that unanimous consent has never been given upon bills when Senators wished to be heard against them, and especially important measures, until a fair opportunity for debate had been afforded.

Mr. HOAR. I submit to the Senator, with all deference, not now with any special reference to the pending bill alone, but as a general course, we shall have to do one of four things. The Senate will have to cease to be a legislative body except in regard to such measures as are agreed to unanimously; we shall have to have a previous question (and those of us who think that necessary look on it with great apprehension); we shall have to go back to the old fashion of sitting up all night when any important measure such as this is before the Senate, sitting it straight through and making it a question of physical endurance; or we shall have to secure unanimous consent like that which is now asked. It has got to be a general rule as to legislation for the United States of America that any ten Senators out of the ninety can defeat it.

Mr. VILAS. That has been the case for a great while, and we have all experienced the difficulty which results from that condition of things in the Senate. I remember a session of the Senate which lasted, practically in the consideration of one bill only, from February till the end of August.

Mr. HOAR. What bill was that?

Mr. VILAS. The tariff bill of 1894.

Mr. HOAR. That was a thousand bills in one.

Mr. VILAS. Yes; but it did not involve more of consequence to the people of the United States than this bill does.

Mr. HOAR. I will suggest that it was not only a thousand bills in one, but a thousand ills in one.

Mr. HILL. Will the Senator allow me a moment?

Mr. VILAS. Certainly.

Mr. HILL. The consideration of the bill for the repeal of the silver-purchasing clause of the Sherman law ran from the 7th day of August until the 1st day of November—one single bill—and the Senate considered nothing else at that session.

Mr. CHANDLER. If the Senator will allow me, never mind the past, how are we now? The morning hour is taken up by the Senator from New York [Mr. HILL], and now the Senator from Wisconsin [Mr. VILAS] proposes to take up the remainder of the day each day, and the 4th of March will come before we get an end to that part of the debate.

Mr. HILL. Where does the Senator from New Hampshire come in?

Mr. VILAS. Mr. President, this bill, it seems to me, ought to have been presented for consideration at the long session of Congress rather than at the short session, but inasmuch as it was not so presented, and inasmuch as it has now been launched upon this troubled body, it must be debated fairly, according to such rules as the Senate has for the purpose, and, I hope, in accordance with the usages which have always prevailed. There is no occasion for any difficulty about the taking up of other bills; and I want to make that answer to the Senator from Massachusetts. If there is any occasion for a moment to take up any other bill, this bill can be laid aside temporarily, and other business can be done, without trenching upon the right or the privilege, which has always been courteously extended to every Senator who desired fairly to debate a bill, to make his remarks substantially at his own convenience and with reasonable preparation. There is no difficulty about that to-day. No opponent of this bill is seeking for a moment to interfere with the disposition of any other business, while the ordinary usages of the Senate are extended to those who wish to debate it. Nobody would have objected, as nobody has objected when an appropriation bill was proposed, to this bill being temporarily laid aside and the appropriation bill or any other bill being considered.

The Senator from Connecticut [Mr. HAWLEY] desired to have taken up certain bills reported by the Military Committee. There was no reason why they might not have been taken up, and instead of the time of the Senate being consumed in a discussion of questions of this kind, we could have been disposing of those bills, and the ordinary usage and courtesies of the Senate would have been considered and observed. I am sure we are going to make no gain by undertaking to violate that rule. For that reason I have appealed to the Senate for the privilege which some of us who wish to oppose this bill feel that we are entitled to have, and I hope it will be accorded.

Mr. MORGAN. Mr. President, I have no disposition at all to discuss the questions that are suggested by the remarks of the Senator from Wisconsin [Mr. VILAS]. I merely want to state that on last Thursday I moved the Senate to take up this bill for consideration. No quorum was developed on the vote, although a large majority of those present voted to take the bill up. That carried the matter over until Monday, when I renewed the motion. The Senate, upon a call of the yeas and nays, by a vote amounting approximately to two-thirds, have taken up this bill. That could not possibly have occurred unless the bill was considered to be one of very great importance.

There are matters connected with this bill, outside of what is in the four corners of it, of very grave importance to the people of the United States, which have made me urgent now that the bill should be passed upon. It is not an enthusiastic zeal for the bill itself, but my attitude on this question has reference to other very important matters which are now pending in the Senate of the United States, which can not be overlooked or safely deferred; and it becomes the Senate to take action upon this bill. If I knew that I was in a very large minority upon this bill, I should insist strenuously for action, and insist that this bill should be passed or that it should be defeated, in order that the subject might be cleared out of the way of other matters which are now pressing upon the attention of the whole body of the American people.

We have had a week's notice about this bill coming up. The Senator from Indiana [Mr. TURPIE], who has argued this case very thoroughly now for three days, did not find himself unprepared to go on with it. He went on with it readily and thoroughly. The Senator from Wisconsin seems to be unprepared. I have offered that Senator, and other Senators who oppose the bill, the opportunity to discuss it down to any hour of next week that they see proper, fixing the day or the hour for a vote. They decline to fix any hour or any day, and suggest that the bill is of such vast importance that it ought not to be disposed of in the ordinary course of legislation. In the meantime they suggest that it might be temporarily laid aside and postponed for other business. That is a convenient way of destroying a bill, Mr. President, without a trial. The committee over which I have the honor to preside are entitled to a vote in the Senate on this bill after fair debate. It can hardly be considered fair treatment, either to the committee or to this measure, that it should be thrown aside and moved out of its place in the Senate from time to time to make way for everything else that comes to the front. That is a method of filibustering that I do not think is proper and just; neither do I think it is wise in reference to the great leading public policies which are now pressing upon the attention of the American people.

When I make these offers to Senators, I have no course left me but to insist that the Senate shall proceed with the consideration of the bill. Amendments have not been formulated, but have been alluded to in debate here, of which I have no knowledge. I do not know what they amount to. One, I believe, was stated by the Senator from Indiana to be a substitute for the entire bill. We have not had that substitute presented, and yet the discussion has gone on all this week. I think, in perfect fairness to all concerned, that Senators, who know thoroughly well what they desire to do in the way of amendments, should present their amendments, and let the Senate come down to the question of disposing of those amendments and then of voting upon the bill upon its merits.

If I can get this bill to the stage that the question is, Shall the bill pass? I shall be almost indifferent as to the time of its passage, except with reference to one other question, and that is the treaty which is now pending before the Committee on Foreign Relations. The Government of the United States can not afford, Mr. President, to go into the consideration of that treaty without having taken action upon this bill, because the action which is taken by Congress upon this bill will determine whether the canal and all of the treaties which relate to it are matters of difference between the Government of the United States and the Government of Great Britain.

Now, in all fairness and candor, is the objection to the consideration of this bill sufficient, in view of the importance surrounding it, in view of the exigency which now exists in the public mind and in public affairs—is it fair to the country or to the Senate that filibustering should be interposed here to defer action upon a measure upon the fate of which hangs other very important matters?

I think the Senator, when he comes to think it over, and all Senators, will come to the conclusion perhaps that they can name an hour next week or a day next week when they will be ready to have a final vote taken on this question. The treaty to which I refer is postponed until next Wednesday in the Committee on Foreign Relations. This subject is not novel to the members of that committee: the influence of this bill upon the action of that committee is not a new question; and it is a matter of so much gravity that I should feel that I was failing in the discharge of my duty if I did not avail myself of the ordinary privileges of a Senator and chairman of a committee to insist that a bill shall be voted upon which the Senate by a yea-and-nay vote have taken up and deliberately resolved shall be considered.

Mr. STEWART. Mr. President, I have always been in favor of the construction of the Nicaraguan Canal, believing that a canal could be constructed there, and not elsewhere, without such enormous cost as would render it practically impossible. I was not pleased in some respects with the former bills for that purpose. I much preferred that the Government of the United States should buy out the company interested, and should also procure from Nicaragua the full right of way, with such jurisdiction as would enable the United States to govern and control the canal. I prepared a substitute and offered it when the bill was last under consideration, which passed the Senate. Since that time there has been a great change in conditions. There can be no doubt that a great majority of the people of the United States look upon this canal as a commercial and military necessity. There can be no question that that is the view taken by the people of the United States. Many things have occurred in the last two or three years which warn us if we do not proceed we shall have foreign complications. Delay, it seems to me, would be dangerous. I regard the project as paramount, and I believe in that my opinion is in accordance with the opinion of the great majority of the American people.

I think this is no timo to hesitate on details. Let us have the canal. I hope the chairman of the committee will insist that the subject be kept before the Senate until we reach a vote. I should be glad if the day could be named. Other business could be transacted in the meantime, and those who oppose the bill would have ample opportunity to express themselves. But the necessity for action is such at this session of Congress that I hope the chairman will not yield, but will press the bill to a vote. The subject is well understood; it has been discussed here from year to year; it has been discussed in the public press for the last thirty years. We all know very well what it is. We shall not, by any discussion which may occur here, get any new information on the subject to enable us to act. Inasmuch as it seems to me that action is imperative, I hope the Senator from Alabama will press on the bill and let us have action.

Mr. VILAS. Mr. President, the distinguished Senator from Nevada [Mr. STEWART] adopts a somewhat different tone at this time from that which a few years ago he maintained here in respect of the eagerness of the Senate to pass a bill which it had under consideration, and the distinguished Senator from Alabama [Mr. MORGAN] speaks of filibustering in respect to the request of a Senator to make the second speech upon one side of a bill as important as this.

Mr. STEWART. Will the Senator allow me?

Mr. VILAS. In a short time. I want to call attention to the fact that it is not very long since when those Senators—both of the distinguished gentlemen then occupying the same position on the same side of the question—were very indignant when somebody, after two or three months, began to suggest that the object of the discussion was to protract the determination of the question then pending.

Mr. STEWART. Will the Senator allow me now?

Mr. VILAS. Certainly.

Mr. STEWART. I think that different bills require different tones. The bill to which the Senator alludes, I presume, is the bill which was discussed in the extra session, to repeal the purchasing clause of the Sherman Act. When the friends of that bill promised us prosperity, we told them it would not come, and we told the truth about it. We knew as certainly as a mathematical proposition that the diminishing and cutting off the supply of new money would create stagnation and bankruptcy. We told you that, and it has occurred. We were right in our prediction, whether you deny it or not, and the country knows it.

This is a very different proposition. That bill was a fresh bill, which was forced upon the Senate in the extra session called for that purpose. It was a change of policy, the adoption of the policy of contraction to produce hard times. The measure now before us is of a different character; it is a bill which for thirty years has been discussed by the whole country, and everybody believes it would tend to produce better times; everybody believes it would tend to make the United States greater and stronger, and enable her to better meet all military and commercial necessities. If the bill to which you allude had been discussed for thirty years you could not have passed it. The fact is that it was done under pressure; it was done suddenly; it was done by bringing to bear the whole money power of the country on Congress; a great lobby was about here, and the newspapers were caricaturing those who opposed that bill. The circumstances were very different, and I should like to stand up against proceedings of that kind. Here is a bill which has been for thirty years the subject of discussion, which is well understood, and we believe that the time for action has come.

Besides, here is a bill which is favored probably by two to one, or about two to one, in the Senate. It has been here for years. The other was a bill upon which you needed time to convert Senators. You were not prepared to vote on it when we met in the extra session, and it took all the time we used for your side to convert Senators enough to change the policy of the country and turn it to contraction.

Mr. VILAS. Is the Senator speaking now, if I may interrupt for a moment, of the debt of gratitude under which we ought to be for that filibustering through those long, hot summer months?

Mr. STEWART. You ought to be convinced that there is something in our predictions and that we are worthy of trust, because we told you if that bill should be passed what would be the result to this country, and it has come. You ought to have that much gratitude toward us. That ought to show you that we know more than you do. [Laughter.] You ought to be grateful for that.

Mr. VILAS. Mr. President, it did not need three months of an extra session of Congress to prove that.

Mr. STEWART. That is so.

Mr. VILAS. We all knew that we did not know as much as the distinguished Senator from Nevada.

Mr. STEWART. Certainly. If you had availed yourselves of the information, you would not have given the fool votes you did on that repeal bill. [Laughter.]

Mr. VILAS. I do not wish for an instant to have the Senator from Nevada suppose that I distrust in the least degree the idea that the mantle of prophecy has descended upon his shoulders from the saints and prophets of olden times. I do not mean for a moment to question the clearness, the sagacity, and the assured certainty with which his mind's eye wanders over the far distant future that is veiled to the rest of us.

Mr. STEWART. I am gratified that you are not a skeptic. [Laughter.] That is very gratifying.

Mr. VILAS. So, too, I am pleased to learn—for that proceeds also from an ignorance, in which I am wonderfully inferior to the distinguished Senator from Nevada——

Mr. STEWART. Very likely. [Laughter.]

Mr. VILAS. I am glad to learn that the Nicaraguan Canal Company bill has been known all about by the people of this country for thirty years, and that silver has hardly been heard of at all. [Laughter.]

Mr. STEWART. Oh, silver has been heard of; but you all said that you would not kill silver. The killing of silver was a new thing to us; but the killing of silver has been the killing of prosperity. You killed silver; you made that sacrifice, and said it would bring prosperity. We did not believe it.

Mr. VILAS. I always understood—that is, I mean, from the Senator from Nevada—that silver was killed nearly four and twenty years ago. [Laughter.]

Mr. STEWART. It was nearly killed.

Mr. VILAS. I understood that it was nearly four and twenty years since silver was killed.

Mr. STEWART. No.

Mr. VILAS. And it was that peculiar metallic homicide for which the United States has been paying this dire penalty all this time.

Mr. STEWART. The United States had done a little toward reviving it. It was struggling and doing a great deal to keep people from going into bankruptcy; but you struck the last blow that killed silver and killed prosperity in this country when you said you were going to give us prosperity; and the New York Tribune recently came out with the information that this is a boom we are having now.

Mr. VILAS. This is a boom?

Mr. STEWART. A boom of prosperity in the country.

Mr. VILAS. I should probably be inclined to agree with the Senator from Nevada that, if it is a boom, it is an incipient boom.

Mr. STEWART. Yes.

Mr. VILAS. But hardly in the full developed stage of a splendid vigor and prosperity.

Mr. STEWART. We were promised here in the Senate by your side that we would have prosperity in ten days. It has been several years since that promise was made. Then we were again promised that we should have a boom in the event of McKinley's election, and all these promises came from your side.

Mr. VILAS. Perhaps the Senator would point out when and by whom those promises were made. It seems to me that I can not remember that there were such promises made in the Senate by anybody who was in favor of the passage of that bill. My recollection is that we all said, "The house is on fire, and let us

begin by putting the fire out, and trusting to the American people afterwards to rebuild it in such time as they can," and that we heard a great deal said at that time about the iniquitous consummation of a great felony or crime at some previous period [laughter], which was the cause of all the difficulties under which we labor.

Mr. STEWART. We will not refer back to that. [Laughter.] Everybody understands it now.

Mr. VILAS. The distinguished Senator from Nevada agrees, then, that there are occasions in which it is right to insist upon debate, and that when great questions involving the welfare of the people of the United States are before the Senate, it is fair that at least those who have been honored with seats in this body, who entertain contrary views to those of the promoters of a bill, should be permitted to express their views.

Mr. STEWART. Oh, most certainly; and that is why I asked the chairman of the committee a while ago to go ahead with the bill, so as to give you the opportunity, and to keep the bill before us, so that you may have time.

Mr. VILAS. Did the Senator at the time to which I have referred regard the opportunity as fairly offered during the nights when we sat here all night long at different times?

Mr. STEWART. Did I complain?

Mr. VILAS. I may be mistaken in respect to it, but it seems to me I used to hear some remarks made by the Senator from Nevada that were not strictly cheerful in respect to it. [Laughter.]

Mr. STEWART. Very likely. It depends upon the condition of my mind.

Mr. VILAS. I again say that I hope the Senate will accord the usual privilege of discussion in respect to this question. No objection will be made on the part of any of the opponents of the bill to taking up any other business that the Senate desires to take up if for the moment it is inconvenient for Senators who wish to speak in opposition to the pending bill to speak. There shall be no unreasonable delay. There is plenty of time for the consideration of this bill. We have not yet finished the month of January. There will be abundant opportunity for the fair discussion of this important bill, and it is pretty certain that that discussion will be secured if the Senate will observe only the ordinary method, the ordinary courtesy of debate of the last few years, and the vote may be taken at a reasonable time. But there is nothing to be gained, and I hope Senators, by accusing others of the purpose of filibustering when they are seeking only for the privilege of a fair discussion, will not compel the adoption of the course which certainly never could have been imputed to me in spirit or in any other wise since I have been in the Senate.

Mr. MORGAN. I call for the regular order.

Mr. VILAS. Mr. President——

Mr. MORGAN. I thought the Senator from Wisconsin had taken his seat.

Mr. VILAS. If we are to have no opportunity for discussion of the bill with preparation, I shall be obliged to move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MORGAN. On that I call for the yeas and nays.

The PRESIDING OFFICER (Mr. HILL in the chair). The Senator from Wisconsin moves that when the Senate adjourn to-day it be to meet on Monday next. On that motion the Senator from Alabama asks for the yeas and nays.

Mr. HOAR. I hope the Senator will not do that. There are other matters which can be taken up.

Mr. MORGAN. I withdraw the call for the yeas and nays.

Mr. VILAS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. In his absence, I refrain from voting.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO].

The roll call was concluded.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR] who is absent from the Chamber.

Mr. GORMAN (after having voted in the negative). I was requested by the Senator from Kentucky [Mr. BLACKBURN] to pair with him on this question, and I therefore withdraw my vote.

Mr. McMILLAN (after having voted in the negative). I desire to inquire if the Senator from Kentucky [Mr. BLACKBURN] has voted. I am paired with that Senator, and if he has not voted I wish to withdraw my vote.

Mr. ALDRICH. The Senator from Maryland [Mr. GORMAN] just announced a pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. McMILLAN. Then I will allow my vote to stand.

Mr. BACON. I am paired with the junior Senator from Rhode Island [Mr. WETMORE], and therefore do not vote.

The result was announced—yeas 13, nays 26; as follows:

YEAS—13.

Allen,
Baker,
Bate,
Berry,
Caffery,
Cannon,
Carter,
Daniel,
Faulkner,
Gibson,
Gray,
Pettigrew,
Walthall.

NAYS—26.

Aldrich,
Allison,
Cameron,
Chandler,
Chilton,
Clark,
Cullom,
Frye,
Gallinger,
Hawley,
Hoar,
Lodge,
McBride,
McMillan,
Mills,
Morgan,
Peffer,
Perkins,
Platt,
Proctor,
Pugh,
Sewell,
Sherman,
Shoup,
Stewart,
White.

NOT VOTING—50.

Bacon,
Blackburn,
Blanchard,
Brice,
Brown,
Burrows,
Butler,
Call,
Cockrell,
Davis,
Dubois,
Elkins,
Gear,
George,
Gordon,
Gorman,
Hale,
Hansbrough,
Harris,
Hill,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
Mantle,
Martin,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Pritchard,
Quay,
Roach,
Smith,
Squire,
Teller,
Thurston,
Tillman,
Turpie,
Vest,
Vilas,
Voorhees,
Warren,
Wetmore,
Wilson,
Wolcott.

The PRESIDING OFFICER. No quorum has voted.

Mr. MORGAN. As no quorum has voted, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 22, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 21, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 596) for the relief of Ellis H. Roberts;

A bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry;

A bill (H. R. 8413) to confirm certain cash entries of public lands;

A bill (S. 319) for the relief of telegraph operators who served in the war of the rebellion;

A bill (S. 1690) granting a pension to Richard Brookins; and

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred as follows:

A bill (S. 3355) to provide for organizing a naval battalion in the District of Columbia—to the Committee on Naval Affairs.

YOST VS. TUCKER.

Mr. McCALL of Massachusetts. Mr. Speaker, I call up the unfinished business, the contested-election case of Yost against Tucker. As the time for taking the vote is fixed at half past 4 o'clock to-day, I should like to know how much time remains on each side.

The SPEAKER. The side represented by the gentleman from Massachusetts [Mr. McCALL] has consumed two hours, and the other side has consumed two hours and twenty-six minutes.

Mr. McCALL of Massachusetts. Mr. Speaker, I understood the gentleman from Virginia [Mr. WALKER] to say that when the discussion should be resumed this morning some gentleman on his side would take the floor.

Mr. WALKER of Virginia. Not now.

Mr. McCALL of Massachusetts. I so understood the gentleman.

Mr. WALKER of Virginia. We have already consumed more time than has been occupied on the other side.

Mr. McCALL of Massachusetts. Yes; but we have the concluding hour.

Mr. WALKER of Virginia. Certainly.

Mr. McCALL of Massachusetts. Mr. Speaker, I yield to my colleague on the committee, the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, in speaking upon this question to-day, I shall endeavor to address myself to it as a member of the committee, a lawyer, and a Representative upon this floor. I shall proceed upon the assumption that this House, in the plenitude of its power, will endeavor to arrive at a correct conclusion as to how this case should be decided and then will decide it in accordance with such conclusion. As one of the committee reporting in favor of the contestee, I have had no reason, since arriving at the conclusion which the committee reached, to doubt the correctness of that conclusion. I believe much that was urged against it yesterday is founded in a lack of knowledge of the facts, in a misunderstanding of the law, or in a failure properly to apply the law if correctly understood.

I am not here to contend that this House is short of power in determining who shall be the members upon this floor—in determining the elections, qualifications, and returns of the members. I am not here to question that power. Therefore there is no conflict, because I merely speak the sentiment of the committee, and, it seems to me, of all persons who assume to have any knowledge of the law, when I say that there is no controversy as to the power of this House to dispose of this case and of all cases as under the law and the facts they ought to be disposed of.

The gentleman from New York [Mr. DANIELS], a learned and distinguished member of this body and of the bar, in his discussion of this case yesterday, referred to two provisions of the Constitution in a way to indicate, it seemed to me, that they are all that have any bearing on this controversy—the provision declaring the power of the legislature of the State to determine the qualifications of electors—that is, that the persons voting for Representatives in Congress should possess the qualifications required of those who elect members of the most numerous branch of the State legislature; and the provision that each House of Congress itself possesses power to pass upon the elections, returns, and qualifications of its members. There is, however, in the Constitution another provision, which seemed for the moment to have been overlooked by the gentleman from New York in his latest incursion within the pages of that great instrument. I refer to section 4 of Article I of the Constitution, which provides, among other things, that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof. So it would seem that there are three provisions in the Constitution relating to this matter, each having full weight and importance as a part of the same great fundamental law. "The times, places, and manner" of choosing Representatives in Congress shall be as determined by the several State legislatures. But there is something additional, not for a determination by one House in the settlement of an election contest as to the times, places, or manner of choosing Representatives, but a provision for a determination by the Congress of the United States, in its august lawmaking capacity, of these matters, when the Congress chooses to determine them. The provision is:

> SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or order such regulations except as to the places of choosing Senators.

Then, instead of Congress being, as one might infer from the premises of the gentleman from New York, a sort of lawless body, a law only unto itself, in these matters of determining election contests, the laws of the several States with relation to the election of members of this body are the laws of the Union, the laws of the Congress, the laws of the House, the laws of the Senate, so long as the Congress in its lawmaking power does not by proper enactment alter or change them.

Mr. DANIELS. Will the gentleman allow me one question?

Mr. DE ARMOND. Certainly.

Mr. DANIELS. I wish to ask the gentleman whether the clause of the Constitution to which he has just referred excludes the power of the House to determine what was the intention of the voter when he placed the expression of his intention upon the ballot?

Mr. DE ARMOND. The point I was making, Mr. Speaker—and I will answer the gentleman's question—is this: As to the power of this House, I concede, and everybody knows, that whenever a majority of those voting, constituting a quorum, choose to determine any contested-election case in any way, there is no power on earth to set aside the decision. I am endeavoring, however, to present this case to the House, in my feeble way, upon the theory that this House, in determining the question now before it and in determining all questions that arise in contests for seats within this body, ought to determine them, and I hope will determine them, in accordance with the law and the facts. In this effort I insist that the law of the State of Virginia (there being no law of Congress to contravene) is the law of the Union in this case; is now the imperative rule of this House, from which there is no escape, of which there should be no evasion, and can be no evasion except by bodily, boldly, recklessly disregarding the Constitution.

The election law of Virginia is the law of Congress for the time being with reference to this case. The law of Virginia as to how these elections should be conducted, how the returns should be ascertained, how the result should be declared, is the law of Congress upon the subject.

The gentleman from New York asks me whether I am trying to maintain that Congress has no power to get at the intention of the voter—contrary, I suppose, to the express provision of the Virginia law, which, for the purposes of this case, is also our law. When he asks me whether this House has no power to get at the intention of the voter outside of the Virginia law, I say clearly the House has the power, but it is not the power of Constitution or law, it is the power of numbers. If the House acts within the law, it must ascertain results according to the law. If the House sees proper to disregard the law, then the question is one of power, is a matter determined by votes, and by nothing else.

Then I say to the gentleman from New York that within the law, to the practice of which he and I were bred—within the law as it applies to this case, the Constitution of our common country and the statute law of the State of Virginia, untouched and unaffected by any legislation of the Federal Congress—within this supreme law of the land and this lesser but otherwise supreme law of the State of Virginia with respect to this case, there is no rightful authority in this body to determine the case except by following the high law of the Constitution and the only less high law of the State of Virginia.

But what, Mr. Speaker, would be the result if the contention of the gentleman from New York be the correct one? I am speaking now of power. I concede, if you please, that the matter of power may be determined in this body upon a roll call. But I am addressing the House in the belief that it will endeavor to determine this question according to the Constitution and according to law. If the contention of the gentleman from New York is sound, then it could be true that election officers and voters in Virginia, or New York, or Missouri, or any other State of the Union, might absolutely fulfill the whole election law of the State (there being no law of Congress upon the subject), and yet, as an actual result, such action could be lawfully made unlawful by the House of Representatives in determining a contested-election case like the one now under consideration. In other words, acting under the same law, tested by the same law, the House could constitutionally say to election officer and voter, "You tracted the election law to the letter, and we reverse the lawful result of your lawful election, by virtue of our constitutional power." Down in Virginia they might believe in the enforcement of the law on the statute books of the State and would be law abiding in doing so. Here the law could be set aside, could be disregarded, could be defied; and the logic of the argument of the gentleman from New York would make us law abiding and law enforcing in doing that.

But, Mr. Speaker, no such inconsistency need be forced upon the House of Representatives in dealing with this case or in dealing with any other election contest. State officers of minor degree are not supposed to be versed in constitutional law, or to be able, as great constitutional lawyers, to pass upon the constitutionality of the statutes which they are called upon from time to time to observe and enforce. When the officers of a State, in reference to a subject reaching through the State and the nation, and to be passed upon both in the State and in the National House of Representatives, discharge their duties lawfully, those in higher sphere, acting in the manner prescribed by the Constitution, can perform no higher duty than to perform their part also according to law. It can not be true that it is right and lawful in this case to do certain things in the State of Virginia, and at the same time that there is some vague constitutional power here by which it is also right and lawful for this House to undo what has been done in that State, and do a contrary thing here.

Now, then, there has been much said during this discussion about the intention of the voter. There has been some talk on this subject which has tended to confuse it rather than really to elucidate the true idea and principle involved. There is no question about looking at the intention of the voter. There is no question about trying to ascertain that intention. There is no question that when that proposition is up the duty is devolved upon the House to ascertain the intention of the voter if it can. But it is not presented here.

There is another proposition obscured or set aside by some which is equally important and equally clear, that when a lawmaking body, in the exercise of its constitutional powers, prescribes that unless a certain thing be done in a specified way the act of which such thing should be a part falls nugatory to the ground, then there is no vitality whatever in an act lacking the prescribed thing done in the prescribed way. This legislative edict rises above all questions as to the intention of anybody concerned.

In other words, if the inquiry is what was the intention of this man by this act, we do not stick in the bark of a technicality. We use common sense and common reason to determine that intention, and, guided by the best judgment that we can center upon

the disclosed facts, we reach a conclusion. The legal principle which guides in this inquiry is not at all in conflict with the other legal principle, equally well established and equally valuable in legislation and in jurisprudence, that when the law constitutionally declares something to be essential, that something is essential. When there is such declaration, for instance, that unless the name on a ballot be scratched through three-fourths of its length it shall be regarded as not scratched at all, the question of intent as to that scratching does not arise. The question that arises, or the proposition thus presented, is a simple one of fact: Was the name so scratched? That is all there is of it.

Gentlemen seem to confuse and mix the two propositions, each one sound and accurate in itself, and each applicable or not applicable, according to the issue presented. But the one must not be substituted for the other, if we propose to follow correct methods in the investigation of the matter now pending. If the proposition were, Did the voter by certain marks that appear on the ballot intend to strike the name of that man out? each man upon his own judgment and according to the evidence submitted to him will determine to his own satisfaction what the intention of the voter was. Another question is presented, however, when a constitutional statute, passed in the exercise of a constitutional power, declares that unless the voter has stricken out three-fourths of the name it must be regarded as unscratched. When that statute intervenes, the question is, not what did the voter intend, but what did he do; not did he intend to vote for A or B, but did he or did he not strike out three-fourths of this name or that name or the other name.

How easily the confusion raised by a throwing together and a jumbling up of two well-established legal principles, settled in the decisions of courts almost without number—how easily this confusion may be put aside if we will just pause to note the distinction, so plain that he who runs may read.

Now let us come to these "imperfectly marked ballots" in this case, keeping in mind the well-established legal distinctions which I have mentioned. There is not a law book which can be found, and the gentleman from New York [Mr. DANIELS], in all his long judicial career, never wrote a line of law, aye, he never read a line of law, which would throw in question their correctness.

What, then, is the question submitted to this House with reference to these imperfect ballots? It is not a question of what anybody intended, but it is a question of what the voter did, with respect to each particular one of them. Correctly stated, the question decides itself. It is conclusively shown by the record that these ballots excluded by the committee, not counted for either party—451, I believe, supposed or assumed to be intended for Mr. Yost; 271 supposed or assumed to be intended for Mr. Tucker—were not excluded as a matter of choice, not as a matter of whim, but in the discharge of a duty under the law. For the question presented by the record is not as to the intention of voters, but as to whether under the law of Virginia, which is also the law of this House and this country for the time being, in this case, they can be lawfully counted.

If that Virginia law is to be trifled with, is to be disregarded, where will you put the limit? You embark upon an unbounded sea. You are afloat upon a shoreless ocean of conjecture and speculation and possibility. The Virginia law says a name on a ballot not marked through three-fourths of its length shall stand as not marked at all. Then shall marking through half its length be enough? Will that sufficiently indicate intention—not law, not a valid vote, but intention? Will one-fourth through answer the purpose, or one-tenth, or one-thousandth part? Or will evidence aliunde that the voter would have marked the ballot but did not know that he should, or inadvertently omitted to do it, his intention being to vote for some particular man, be all-sufficient? Will it do if, upon a census taken after the election, it is abundantly proven (to the satisfaction of those who choose to be thus satisfied) that the contestant ought to be seated, according to the sentiment of the community?

If the Federal Constitution and the law of the State, constitutional under the constitution of the State and the Constitution of the Union, shall be the sheet anchor and guide of the House in determining these contests, shall be the protection and the defense of every man, contestant and contestee, every voter in every district, in all the years of this Republic, no difficulty arises. Instead of advancing to questions not presented, the House simply confines itself to questions that are presented.

Now, I say that as to these imperfect ballots excluded they ought to have been excluded, not upon the ground of intention, but upon the ground of absolute law. Let me suppose another situation for squaring with the law and the philosophy of law advanced by the gentleman from New York [Mr. DANIELS]. Suppose Congress had passed a law with reference to the election of Representatives, superseding and taking the place of all State laws upon the subject. Suppose Congress had provided that, in striking out names, no name should be considered erased unless a line passed through three-fourths of its length. What would gentlemen do about it if ballots were presented marked otherwise than that, and if somebody claimed a seat on this floor by virtue of those ballots, coupled with some sort of a supposed intention of voters not expressed according to law? What would you do about it? Would you be bound by it or would you not? If you observe the law, you would. If you disregard the law, why, then, of course, you would not be bound by anything except your own disposition to do what you choose.

Then, I say this law of Virginia as to the ballot, Congress not having made any law to displace it, is the law of Congress, and stands precisely as if Congress had made it. The question before us, then, is what it would be if Congress had made this law, for it is not unconstitutional, it is not unreasonable. No gentleman dare attack it upon that ground. No one says it is so unreasonable or that it works so much hardship and is so unconstitutional that it can not be upheld. How would the case appear if contestant claimed that the people intended to elect him, but under the law did not do it? Who, then, would contend for something in constitutional power, for any power sheltered under constitutional law, to justify or uphold his claim?

It is said in argument, or said in assertion which is not argument, that these imperfectly marked ballots, on the summary of the committee itself, would give the contestant the seat by a plurality of 22. That is an inaccurate statement. The committee, after allowing all deductions from contestee and all the additions to the contestant that even generosity to contestant could make, find that the contestee has 221 plurality. One hundred and eighty-three from the 221 would leave a margin still upon the side of the contestee.

This case has proceeded upon the theory of counting more than a thousand ballots with the caption—that is, the title of the office—stricken out. I am not going to argue that those ballots ought not to be counted; but I am going to submit that it never would do as a precedent to say that ballots can be counted with the caption or official designation of the office to be filled entirely wanting. The committee concluded in this particular case, there being but one office to be filled, carefully guarding the statement of their conclusion lest it be used for a precedent, that in this case they would recommend the counting of those votes. That is a stretch of legitimate power, that is a stretch of law, to the last verge.

What kind of a ticket have you when there is nothing to be found unerased and unscratched except the name of some one person? No man is bold enough or reckless enough to lay it down as a proposition of law that striking out the caption, the title of the office, would not affect the ballot. The committee has said in generosity—and the time may come when this generosity will be abused and effort made to build upon it as a precedent for something that ought not to be done—they have said, in generosity, not impelled by duty under the law, that these votes may be counted and that they will count them as if they were ballots for the office which the law authorized to be filled. If these caption-marked ballots were dropped out, the whole case would be ended. If everything else in it, every other question raised, were decided in favor of the contestant, and these ballots, which really were not ballots, not votes at all, were dropped out, the contestee must retain the seat.

I approach another question. That is as to the ballots printed in Amherst County in what those who are pretty well informed in this matter called old English text, and some gentlemen choose to call German text. The gentleman from Ohio [Mr. GROSVENOR] found a magnificent field in the contemplation of a photograph of a sample of this ballot for the display of his peculiar genius. It was something refreshing, if awful, to observe how his tender spirit was lashed and torn when he saw what they told him was a picture of one of those ballots. Straightway he would throw out the entire vote of the county! The gentleman from Ohio forgot, Mr. Speaker, that an argument to be sound must be consistent in its several parts. A little while before the only question with him was the intention of the voter; the dearly-beloved voter was the man particularly to be protected! And most protected, of course, by the gentleman from Ohio.

However laws may be, whatever precedents may be, whatever may have been done time and time again in Congress and in the courts, let all go to the winds, so that the voter may have what somebody supposes to have been his intention made as good as a legal vote, according to the supposition of that somebody. But that is all dropped and forgotten when the sensitive Ohioan comes to these Amherst ballots. It is forgotten that in that county of Amherst hundreds of voters, in no degree responsible for the peculiar type used upon the ballots, in no degree responsible for the alternation of names, in the exercise of their rights as American citizens and as electors of the Tenth Congressional district of Virginia, went to the polls on election day in November, 1894, and used these ballots—the only ballots they could use, because they were the official ballots there—and cast their votes according to their judgment and preferences, and their judgment and preferences, their intention and deed, are all fully evidenced by the returns in this record and now before the House.

All this is to go to the winds. These hundreds of electors are to be disfranchised. The individual voter who lawfully cast a lawful ballot becomes nobody; the lawfully executed intention of the voter sinks into insignificance, in the view of the learned and artful gentleman from Ohio [Mr. GROSVENOR], while he is explaining at great length what horror seizes upon him, what convulsions rack his frame, when he contemplates such a picture and such a spectacle as the supposed intention of a voter being disregarded, although that intention was not expressed according to law and can not be made effective under the law.

Now, what is there of logic, what is there of fairness, in that position? What is there of justice, what of fairness or of law, in disfranchising qualified voters of Amherst County, or of any county, who could not select type or make ballots, but who had official ballots supplied to them and who expressed their choice by such ballots, and expressed it legally? Yet these considerations are readily swept aside and hundreds of these ballots are thrown out of the sublimated count of the purist from Ohio.

But the gentleman from Ohio says they burned the imperfect ballots, and there was a great conspiracy, a deeply planned and desperately executed plot, to rob the people of that district of their choice, evidenced by the burning of those imperfect ballots. "Why," says the gentleman from Ohio, "in my State, after the count is over, after the result has been ascertained by the counting officers, those officers burn the perfect ballots, but they carefully preserve all the imperfect ballots." And because that rule was not followed in this case, he infers a deeply laid conspiracy to rob the contestant and the people who voted for him in the Tenth district of Virginia. Because (there being no law upon the subject) a number of the election boards—about one in twelve—destroyed the imperfect ballots by burning, the gentleman infers the existence of a conspiracy.

I have no criticism to make on the Ohio law. I care nothing about it. If a comparison of State laws were in order here, I should say that in the great State which I have the honor in part to represent we have a much better law upon this subject. In Missouri it is made the duty of the election officers to preserve and to return to a county officer, who preserves them for a year, all the ballots, perfect and imperfect, so that the ballots themselves, in their own mute but powerful and unmistakable voices, may speak the truth if anybody interested chooses to learn it from them. I can imagine how, even under so excellent a system as that which prevails in Ohio, if perchance the officers at a particular polling place, or at several polling places, were corrupt or corrupted, there could be counted as perfect and burned ballots in fact imperfect and void; how there could be counted as perfect ballots for A and then burned ballots in fact cast for B, and which, if preserved, would have to be counted for B. There is no system, I apprehend, yet devised, even in Ohio, by which absolute certainty against miscarriage or wrong can be effectually secured.

A man can read this record in vain to find a general conspiracy evidenced, or proved even in part, by the destruction of these imperfect ballots. What was the situation in that respect? The law which went into operation for the first time at that Virginia election of 1894 was silent on the subject. As would naturally happen, as has happened in every State upon the first trial of the Australian ballot system, ballots were found to be defective and imperfect, and such as, under the law, could not be counted. Somehow—and this is not remarkable, for in many of the States the same sort of omission has occurred—somehow there was no direction given in the law as to what should be done with these imperfect ballots. In some places they were preserved; in other places they were destroyed. Gentlemen, however, in their sweeping denunciations upon this point are not very careful or discriminating in going into specifications. In a number of instances, indeed generally, these ballots were destroyed by the concurrent judgment of all the members of the election boards, made up of representatives of the different political parties, after they had all agreed that under the law these ballots could not be counted for anybody. If there was a conspiracy all the election officers were in it. How will you reach any other conclusion? But was there a conspiracy? An imagination lively and keen as that of our distinguished friend from Ohio [Mr. GROSVENOR] alone is equal to the task of conjuring up a conspiracy from such a state of facts.

It is unfortunate that the ballots were destroyed, but according to the philosophy of gentlemen who argue for the contestant here—if that philosophy is to be adopted by the House—it was a blessing to contestant, a blessing not even in disguise, that those ballots were destroyed, because it is proposed to give them to him, or enough of them to put him in this House, and to take the seat from the man who was really elected. The destruction of the ballots, therefore, was a kindly act of munificence instead of a dastardly act of outrage, if the gentleman from Ohio may be relied upon. All there is of it is that these election officers, being brought face to face with a condition of things which had never before arisen in the State, finding large numbers of imperfect ballots, and not knowing what to do with them, one board in a dozen concluded that it was as well to destroy them, because they were of no account and could not be counted; and the weight of the testimony, the probablities of the case, on a fair reading of the whole record, must lead one to the conclusion that in most instances they were correct in concluding that those ballots could not be counted unless the law is to be set aside and some higher law—not merely upon the level of the Constitution of the United States, but so far above it as to be clear out of sight—is to justify the act.

Of course, the alternation of names upon the ballots, the printing of the ballots in unusual type—these are things that are not to be commended. But the question presented to the committee was not whether they should be commended or should be condemned, or what the criticism upon them should be, but what—under the law and the evidence, in justice to these contestants, and to the constituency back in Virginia—what ought to be the decision.

Take the worst case of this kind that has been cited, Amherst County, where strange type was used, where the names were alternated. I ask you upon what principle of justice or of law you can disregard all of the honest votes cast there because the ballot furnished to electors, and the one which they were bound to use, was not prepared as it ought to have been prepared? That is the proposition. It does not seem to present much ground for argument when it is stated; and yet there it is, and there is no easy escape from it. The only way to escape from it is to make another proposition, as the gentleman from Ohio [Mr. GROSVENOR] did, outside the record and outside the case.

The gentleman from Ohio dwelt with some unction upon the fact that this Committee on Elections No. 3, of which by appointment of the Speaker I have the honor to be a member, performed the extraordinary feat of deciding thirteen cases in favor of contestees and two cases in favor of contestants. The gentleman became righteously indignant, as only he can—his moral indignation is of a character that can not be even simulated by anybody else—the gentleman became righteously indignant, as only he can, at the bare suggestion which arose in his mind (but in the mind of nobody else) that the decision of these cases by the committee in that way was a proclamation that thirteen contestants were actuated by fraud and wrong and that only two were honest and clean. The gentleman's discovery or invention—and it partakes somewhat of the character of both discovery and invention—should it be deemed valuable for future use, could easily be patented. He draws all his indignation from within himself, because the facts not tenanting his personality do not warrant it.

Now, what are the facts? The assault which the gentleman made, and about which I am totally indifferent, was upon the majority of the committee, upon four of his own political fellows on this floor—four gentlemen who, I take it, in Republicanism as well as in knowledge of the law and in personal characteristics will compare quite favorably even with himself. His assault was made upon these four gentlemen peculiarly and especially by the recital that the committee had disposed of the fifteen contested-election cases in the manner which he detailed. Let us see, now, how plain a tale, founded on facts, absolute facts of record—I was going to say will put him down, but I will say would put anybody else down. Of these fifteen cases the committee divided upon but four. The others had the unanimous support of all the members of the committee. The gentleman's position is that his own party men—he appeals to partisanship—ought in this case to disregard the judgment, the honest, conscientious judgment, of four of their political fellows, because these gentlemen decided too many other cases in a certain way, and are to follow the judgment of two others of their fellows. Why? The "why" does not follow. These two joined with the others in all those unanimous decisions, and as to every one of those cases, I was about to say, even the gentleman from Ohio could not find a pretext for deciding them any other way; certainly he could not in the record and in the law. Now, then, that is all there is of that.

These cases are presented to the House of Representatives, of course, upon the theory that they are going to be determined according to their merits. I know, Mr. Speaker, how we all have our own personal and our political bias. I do not profess to be superior to that myself. I know I am not. It has always been my belief—and I have sometimes exemplified it in my vote—that the wisest thing to do in these cases, even upon the low ground of expediency (saying nothing about the higher, the firm ground of law and right), is to decide them as they ought to be decided—to decide each case so that with parties coming and parties going, and majorities shifting and changing, a man can always stand in the face of his own decision and say, "By this law laid down by my vote, by this decision which I helped to make, I am willing that my case as contestee or contestant may be judged and determined;" or, "I am willing that my friend may go out or stay in with this as a precedent and this as law."

To summarize: The point made by the gentleman from New York, I submit in all candor and with due respect, can not be sustained by him or any mortal man—that this House has the constitutional right to disregard the law of the State of Virginia with respect to this ballot. That it has the power, the physical power, to do it I do not question, but it can not be that, old and tried lawyer as he is, he is appealing, under the guise of discussing the law, for an exercise of such power. I do not impute that to him. He merely overlooked, in his cursory glance through the Constitution, the provision to which I called attention.

So, Mr. Speaker, as to the marked ballots, if the House proposes to decide concerning them according to what the best writers say, according to every decision, I believe, that can be cited from anywhere—if the House proposes to do that, they can not be counted, and the Committee on Elections was justified in excluding them, and would have been recreant to its duty had it not done so.

An Illinois case has been adverted to, and I will refer to it briefly on this point. I refer to the Illinois case of Steward against Childs, decided in the last House against Mr. Steward, the Democratic contestant, and in favor of the contestee, Mr. Childs, a Republican. There the intention of enough voters whose votes were not counted to change the result was evidently to vote for Steward; but nevertheless the decision on the part of the House was in favor of Childs. It has been said also, and correctly, that the supreme court of the State of Illinois, having occasion to pass on the same question of law, reached a conclusion the opposite of that unanimously reported to the House in Steward *vs.* Childs.

Mark, however, the difference in the cases. The direction of the statute of Illinois to the voter is to make a cross in front of the name of the person for whom he desires to vote, or if he desires to vote a full straight ticket, to make a cross at the head of such ticket. This is the statutory provision. Certain ballots were marked, but not accurately, with the cross, and the committee concluded that they ought not to be counted. In that conclusion, which was ratified by the House, the report being that of a unanimous committee, Childs retained the seat. But the court held that ballots so marked ought to be counted.

Now, what is involved in that? The legislature says to the voter—"Indicate your choice by making a cross mark opposite the name of the person for whom you wish to vote, if you select names on the ticket; or, if you desire to vote the full ticket—the straight party ticket—put the cross at the head of the ticket." The court held, contrary to the committee and contrary to the House, and rightfully held, that if the ballots were marked, though not with a perfect cross, marked imperfectly, the intention of the voter was thereby indicated, and that force and effect should be given to that intent by counting the ballots. Now, mark the distinction between that case and this, which distinction is utterly lost sight of in the high and moral observations of the gentleman from Ohio [Mr. GROSVENOR] and the learned commentary upon the Constitution by the distinguished gentleman from New York [Mr. DANIELS]. There was no provision in that law of Illinois that unless a ballot be marked in a particular place or in a particular manner it should not be counted or regarded as "marked." I venture to say that if the law of Illinois had gone a little further, and provided that a ballot not marked in a particular, specified way should be regarded as not marked at all, no respectable court in the State of Illinois would declare that a ballot not so marked should be counted.

So much for these imperfectly marked ballots. As to the ballots that were alternated, and ballots printed in strange type, I submit the proposition, plain and distinct, where will you come to, how far will the principle hold, how dangerous will the doctrine be, if you assert by your decision that the election board, by failure to properly discharge its duty in furnishing the official ballot, shall have the power to disfranchise the voter? Where will you stop, and how dangerous will the precedent be? Take this case: A partisan board, in a county where the opposition have the majority, make one of these strange tickets, in strange type, tickets with alternating names, the only tickets that can be voted. These tickets are submitted to the voters, and they vote them. Now, if the principle be correct that such ballots should be thrown out and not counted, gentlemen certainly will perceive how this exalted statesmanship, this superexcellent morality with reference to ballots, could be made the effective engine of the most outrageous wrongs. There would be no better way to throw out the vote of an adverse county, provided you happened to have the election board, than to make tickets in strange type, with the names alternating, and out the whole business goes, and the adversary has lost 100, or 500, or 1,000 majority.

Now, see how narrow that ground will be. Will it do to say that you will not apply this philosophy unless you apply it against the man who belongs to the party which happens to contain within its membership the persons who alternated the names upon the ticket and who caused strange type to be used in the preparation of the ticket? What does that mean? It means that if this election board desire to destroy a man of their own party in a county that he ought to carry by a large majority, a majority sufficient to elect him, if through corruption or treachery or any other means they desire to destroy him or enrich themselves, it is only necessary for them to get up a ballot in unusual type, with the names of candidates alternated, and out go all the votes from that county, and away is dissipated into thin air the plurality or majority of the man who has not a single thing on earth to do with it. His crime inexcusable, his crime ineffaceable, his crime to punish to the direst extent, is no more and no less than that the same great national party numbers him and the members of the election board among those who constitute its membership of millions.

Mr. FOOTE. Is there no remedy, then?

Mr. DE ARMOND. I do not understand exactly the purport of the question.

Mr. FOOTE. If the gentleman will allow me, if you admit these frauds, is there no remedy for them?

Mr. DE ARMOND. Why, yes; I think there is always a remedy for fraud, but we can not always find and apply it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCALL of Massachusetts. Does the gentleman desire more time?

Mr. DE ARMOND. Just a few minutes.

Mr. McCALL of Massachusetts. I yield to the gentleman ten minutes more.

Mr. DE ARMOND. Mr. Speaker, of course I have nothing to say in justification of the alternating of names or of the using of strange type. I join in the committee's condemnation of it. The question submitted to this House, however, is—unusual type having been used, and names having been alternated—what is to be done in this particular case? The committee examined into it, and comparing the result in the counties where this was done with the result in other counties, the committee concluded that far greater wrong would be done, far wider doors opened for the perpetration of fraud, by laying down the doctrine that these practices should be sufficient to exclude the whole vote of a county than by laying down the contrary doctrine and going into a special inquiry in the special case. Now read the record, examine the evidence, and it will be found that in these particular cases there is no evidence, there is no ground for the inference that substantial harm was done by this course.

It was suggested in the testimony of officers examined on this point why they acted as they did. They say that by having the ballots arranged so that the names appeared in regular order an early voter could ascertain and instruct other voters of a particular race as to that order, and that thus those other voters of that particular race could be practically coerced, no matter how they might individually want to vote, to go into the booths and vote, although illiterate, without calling in the aid of the special constable, and that therefore votes that would go for one candidate by the will of the voter, would, by the coercion of race prejudice, go, in fact, to his opponent. If these men believed that—I do not know whether they did or did not—it is an argument and a reason for the course they took. Such a condition could exist. There could be such a race terrorism as that the individual of a particular race would not, with easy means of prevention at hand, be permitted to vote in any other way than as the mass of the race voted. It is said such condition does exist. I do not suppose gentlemen will argue for enforcing that kind of freedom of the ballot.

In one county Mr. Yost's name was printed "Jacob Yost," instead of "J. Yost." It does not appear that any harm resulted from that. The reason given by the officer was that it was done at the suggestion of the printer, who stated that the full names ought to be put there. It is the usual course to put the full name on the ticket rather than the initials only. He says that Mr. Tucker's name was put on in full; that it did not occur to him. The suggestion was not made by him, but was made by the printer. In another county the name "J. Yost" was printed with a considerable space between the "J." and the other letters. The reason given for this was that "J. Yost" being such a short name, of but five letters, would be easier scratched than the others, and that in fairness, and without having a view of doing him wrong, Yost's name was printed so it would require a longer line to erase it. Whether that is a good reason or not I am not here to argue.

Mr. STRODE of Nebraska. Do you think it a good reason?

Mr. DE ARMOND. It would not have occurred to me as a good reason; but I can state, in view of what has been said in the discussion of this case, that it might seem to be a perfectly good reason to somebody else. It would seem to me that it could not prejudice or give rise to any injustice. There was something said of the letters of the name of Yost being counted to identify it. Doubtless many who did not know one letter from another could count five; and "J. Yost" could not be printed so as to change it to the counter. Thus we may confidently conclude, from both reason and the record, that separating the "J." from the "Yost" was not harmful in effect.

Mr. GROW. Mr. Speaker, I desire to ask that my time should be taken from either side, as I am not proposing to enter into any discussion of the details of the facts in this case. If I can have the consent, therefore, of the House, I will trespass but a short time upon its attention

Mr. McCALL of Massachusetts. How much time do you want?

Mr. GROW. Not more than ten or fifteen minutes.

Mr. McCALL. I am willing to yield the gentleman half the time he desires.

Mr. WALKER of Virginia. How much time does the gentleman want?

Mr. GROW. I do not think I want to take more than ten or twelve minutes.

Mr. WALKER of Virginia. I will yield the gentleman five minutes.

Mr. McCALL of Massachusetts. I also yield the gentleman five minutes.

Mr. GROW. Mr. Speaker, there has been brought into this discussion a vital and fundamental question affecting the Government itself. Upon that I propose to speak, and not upon any question of facts involved in this case. A hundred and twenty years ago a Virginian announced, in language that will live as long as the spirit and genius of free institutions exist among men, that governments derive their just powers from the consent of the governed. Legislation only fixes the mode and manner of ascertaining that consent. Three hundred and fifty-seven Representatives sit upon this floor representing what and whom? Representing the people of the United States, and the consent of the people of the United States is embodied in the ballots of those voting and having the qualifications of voters as fixed by each State for the most numerous branch of their legislature. When they have thus fixed the qualifications of the voters, that class of voters are our direct constituents; and they represent the people of the United States. This House are their Representatives in lawmaking. The Senate of the United States represents them in the same capacity. Different modes and forms for the election exist in the two cases; that is all the difference. The legislatures of the States, when they fix the qualifications of the voters, have no more to do, and the voters so qualified become our constituents, and it becomes our duty to see that their will is respected in the forms provided for its expression. The legislature of the State fixes the mode and manner by which the will of the voters is to be gathered, and we sit here as judges, in contested-election cases, to determine what part of the rules and regulations made by the States we will consider mandatory and what part directory.

How can we discharge that duty wisely and well? For myself, as a judge in an election case, I should hold all regulations of a State legislature made for the purpose of gathering the will of the qualified voters as merely directory so far as those regulations interfered in any way with the free and fair expression of the voter's will. The qualified voter has a right to express his will and to have that expression embodied as he makes it, and any regulation of a State legislature that is calculated to distract the voter or to enable anybody with fraudulent intent to defeat his will we are bound to hold as merely directory. A court that will construe the laws of a country so as to destroy the spirit and genius of the institutions of that country deserves impeachment, either for want of capacity or for want of a true appreciation of the spirit of those institutions. [Applause.]

We sit as a court of judicature in dealing with these election cases. The judges of the State courts pass upon the laws of the legislatures of the States for all State purposes. They determine what is mandatory and what is directory in the laws that govern the ordinary relations of life within the State, but we are the tribunal to determine whether the free electors of this country have had a fair opportunity to express their will at the ballot box, and where their ballots show clearly and unmistakably upon a common-sense view what their will was and when we can ascertain it, it is our duty to give force to that will by seating the Representative they have selected. The State rules and regulations should be made in aid of ascertaining the consent and will of, not to defeat the will of, the constituency of the lawmakers. I trust the day will some time come when every Senator will regard himself as a representative of the United States of America, and not as an ambassador at the court of Congress from some petty community, living within some geographical limits with a local name, and will hold that his highest duty and obligation is to the Government from which he draws his salary and whose honors he enjoys and which Government protects the people in the State where he lives against domestic violence and foreign invasion.

We sit as a court to determine what the will of the legal voter is, if he expresses it plainly and unmistakably upon his ballot before he deposits that ballot in the box, and the forms and rules that the State has established to govern him in so expressing his will by his ballot can not defeat that will by requiring him to be responsible for the proper discharge of the duties required by law of the boards of election. I know that in the Fifty-third Congress a Democratic majority in this House decided, in the case of O'Neill against Joy, that the voter was responsible for the proper discharge of the duties required of the election boards, a doctrine destructive of the whole spirit and genius of free elective government.

The voter is supposed to know the law that applies to himself and the law that directs him how to prepare his ballot. He must conform, to the best of his ability, to such requirements of law or attempt to do so, but there his responsibility ends. To illustrate my idea: The law of Missouri provided that the ballot should contain the names of all the candidates, and that no other ballot than the official one should be used at the election. That was just and proper. Assuming that there would be more than one political party represented on the boards of election, the law provided also that every ballot, when given to the voter, should have on the back of it the initials of two of the judges of election. The testimony in the case disclosed the fact that in most of the boards every member was a Democrat, and they thought it was of no consequence that two of them should put their initials on each ballot; so a large number of ballots had but one initial or name upon it. The Democratic majority in this House threw out the ballots of those voters and thus neutralized the will of the voter in that case, because the boards of election had not done what was required of them by the law, and thus they made the voter responsible for the failure of the members of the election boards to perform their duty. On a technical construction of the law, if it should be held in such case to be mandatory, the legal voters are deprived of their rights. If we are to permit the legislatures of the States to fix the rules and regulations, and are to regard them as mandatory when they defeat the will of the voter if so construed, the result would be, in many instances, to enable the boards of election to defeat the will of the constituents who elect the members of this House. As a court construing laws, we can not construe them so as to defeat the will of its constituents.

Mr. Speaker, there was no charge of fraud in the Missouri case to which I have alluded. It was conceded on all hands that that election was honestly and fairly conducted and that the votes were counted as they had been deposited in the boxes; but when the case came before Congress the Democratic majority then in this House decided that because two of the judges of election in each case had not put their marks upon the ballots as required by law, though one of them had, therefore the ballots were invalid, and they threw out all such votes that had been counted by the boards of election and gave the seat to the Democrat and turned out the Republican who held the certificate of election based upon the returns of those Democratic boards. Mr. Speaker, such a decision as that I do not think should be respected as a precedent by the American Congress. Supposing the board——

[Here the hammer fell.]

By unanimous consent, Mr. GROW's time was extended for three minutes.

Mr. GROW. The decision of the House in that Missouri case was made on the claim of the statute being mandatory. It was a strict construction of legality which defeated equity, which I regard in all cases as wrong. Suppose an election board corruptly designing to cheat the voter and neutralize the effect of his vote, if such a regulation of law as that which existed in the Missouri case is to be held as mandatory, what would they have to do? No matter which party has control, if they desire to cheat the voters, all they will need do is to agree among themselves and say, "The law requires two of us to mark each ballot; now, when a man belonging to the opposite party comes to vote, one of us will mark his ballot, and that will throw it out; then when a voter of our own party comes up, two of us will mark his ballot, and that will be counted." Is it not clear that such a construction of State laws and regulations would enable a corrupt election board to defeat the will of the voters in every case? In this case which is under consideration the law requires that where a voter undertakes to erase the name of a candidate for whom he does not desire to vote the scratch which he makes in erasing the name must cover at least three-fourths of the name. Suppose a candidate's name to occupy 2 inches; if the pen or pencil with which the erasure is made does not run through an inch and a half of that name, then the ballot is worthless. If the erasing line is an inch and three-eighths long the ballot is bad, but if it is an inch and four-eighths long the ballot is good! The election boards would have to have a rule with an infinitesimal scale with which to measure the scratches upon the ballots in order to find out which were legal votes and which were not.

Mr. Speaker, without trespassing further on the attention of the House or upon the kindness of the gentlemen who have yielded me time, I say in conclusion simply this: The will of the voter is

the supreme law of the land in this country. It is the great fundamental principle of free government that its powers are derived from the consent of the governed, and to ascertain that consent is the highest duty and obligation of everybody who sits as a court, whether in a legislative hall or in the civil tribunals of the country. [Loud applause.]

Mr. WALKER of Virginia. I yield fifteen minutes to the gentleman from Michigan [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, it is not my intention to occupy any great length of time, because there are so many gentlemen desiring to speak upon this question, and because I have already been heard by my assent to the report of the minority in this case. I will, however, say that I am well satisfied with the condition of the case up to the present moment. It was opened by the gentleman from Pennsylvania [Mr. CODDING], who laid great stress upon one particular branch of the question. He, in turn, was followed on that side by the gentleman from Wisconsin [Mr. JENKINS]. The distinguished gentleman from New York [Mr. DANIELS] has spoken of the bearing of the constitutional provision upon the question of what votes should be considered and counted by this House as expressing the intention of the voter.

The gentleman from Ohio, General GROSVENOR, has given a general review of this case; and in view of what has been said to the House, I ask myself, How are we to justify a vote in favor of the contestee in this case? Shall we base it upon the principal argument of the gentleman from Pennsylvania, that the ballot as published in the report of the minority is not a facsimile of the ballot as presented in the briefs before the committee? That is too technical; such a principle can not be followed. Then should we base our vote upon the argument made by the gentleman from Wisconsin [Mr. JENKINS]? He says that he can justify his vote for the contestee because in the whole record of this case not a single constable was shown to have committed fraud.

Now, the gentleman's assertion is true, and I desire to tell the House why it is true. The election law of Virginia is such that it places the constable in a booth 40 feet away from any person, and makes it a penal offense for any man to come within 40 feet of him when he is preparing the ballot for an illiterate voter. It was the intention of the lawmakers of Virginia to so fix this matter that it would be impossible to secure any evidence against this special constable. Who is this special constable? He is the center of the entire election. He is responsible for carrying this election for his party. He, in every instance in this record, is a partisan, a Democratic partisan. I believe that the caption-marked ballots were all marked by the constable. There was no motive for any voter to make any marks upon his ticket in erasing the names of candidates for whom he did not desire to vote. No one but a man interested in the result of the election would make extra marks on the ticket for the purpose of having it thrown out by the judges of the election. So, then, the gentleman from Wisconsin was right when he said that in all this record there was not a single iota of proof of fraud upon the part of the special constables in the election in Virginia.

Now, gentlemen propose to justify their vote in this case because they say, repeating the words of the gentleman from Missouri [Mr. DE ARMOND], that the law of Virginia is the law of this House. I find by referring to the record that the gentleman from Missouri is not in harmony with his client in this case. In the CONGRESSIONAL RECORD of 1893, page 1808, I find the gentleman from Virginia [Mr. TUCKER] says:

> As a citizen I bow to the laws of Congress; as a citizen I bow to the decision of the Supreme Court. But as a Representative of the State of Virginia I bow only to my construction of the Constitution in determining my duty.

Mr. STRODE of Nebraska. Was there a contested-election case before the House when those remarks were made?

Mr. THOMAS. No, sir; they were made upon the repeal of the election laws.

Possibly gentlemen will attempt to justify their votes upon the statement made by the gentleman from Virginia who said that Republicans were appointed upon the electoral boards in various districts in Virginia, but that it was not possible to find men of intelligence enough in the Republican party to act on those boards; and that it was right that unfit men should have been excluded. Now let me take a short review of the facts in this case. Under the election law in Virginia the county boards are appointed by the legislature, and the record fails to show that any member of the county electoral board was a Republican. The county electoral boards appoint the constables of the election precincts. It is this same county board that provided for the different juggling tickets in seventy-five different varieties and for printing them in unusual type. So that it was entirely within their control to determine whom they should put upon these various electoral boards. I am amused and interested when I refer to the speech made by the gentleman from Virginia [Mr. Tucker] upon the repeal of the Federal election law, in which he promised this House and the country that we should have fair elections in the South if that law should be repealed. Immediately upon the repeal of that law he goes back to his constituents and asks for a reelection to this House upon this most infamous election law—a law intended for the purpose exclusively of disfranchising a class. I refer to the illiterate voters of Virginia. And the power to do this was placed in the hands of this special constable.

I consider the question now pending of great importance, not only because it decides the right to membership of this body, but because it involves the right of American citizens to cast a free ballot and have that vote honestly counted. I congratulate the House because of the opportunity that has presented itself for it to speak in no uncertain words against the repeated frauds and trickery that have prevailed against honest elections in the State of Virginia. From what I have been able to learn as a member of the Elections Committee of the methods that have prevailed in that State, I venture the assertion that it is the exception if any Democrat holding a seat in this House from that State for years past has been honestly elected. A general perspective view is enough to convince an unprejudiced mind. To illustrate: It is not to be presumed that the people of Virginia are less intelligent or less susceptible to the great advantages to them of the principles of the Republican party than the citizens of other States; yet we observe that the States which surround Virginia and which have wholesome and fair election laws, and where elections are honestly conducted, have left the Democratic free-trade party in the rear, to soliloquize over the ruin it has wrought during its control of the Government. I refer, Mr. Speaker, to the States of Maryland, West Virginia, Kentucky, Tennessee, and North Carolina.

Again, in this Tenth district the record reveals the fact that Mr. Yost, the contestant, carried every county in the district that has the largest percentage of white votes, and that Mr. Tucker claimed his election because of the majorities returned for him in the colored and more illiterate counties.

The stories of the frauds and irregularities that were perpetrated in this district have been very ably presented to you, and I will not repeat them.

For my own part, I believe that the law providing for a system of election that makes it possible for a single individual to change the vote of a whole precinct, and to know how a class of voters, the illiterate, cast their ballots, and permits juggling with a so-called official ballot, by having them printed in various kinds of type and the names in different order on different ballots at the same precinct, is unconstitutional in that it hinders and repels the voter and obstructs the right of citizens in the exercise of the elective franchise.

If my contention that this law is a trick, perpetrated by the legislature to disfranchise a class, can not prevail, then I insist that the frauds perpetrated by election officers under the law should vitiate the election over which they had control.

Then my further contention is that the vote of Amherst and other counties should be thrown out because of the fraud committed by the county electoral board. And if this prevails, the contestant is entitled to the seat.

But the majority of the committee contend that frauds should only be recognized where they exist in precincts; and the votes of precincts are the only ones that can be thrown out, because if a county is thrown out, it would be a "wholesale exclusion of votes;" and that taking all together the official act of the county board in furnishing such tickets was not of itself sufficient fraud to warrant throwing out the vote of the county.

The able gentleman from Massachusetts [Mr. McCALL] who prepared the majority report in this case says:

> The statute does not provide the precise order in which the names upon the ballot should be printed, nor the kind of type that should be used, but apparently assumed that the officers charged with this duty would be governed by the principles of common honesty and fairness, and would not provide a type which was unusual nor juggle with the names for the purpose of confusing the illiterate voter.

Here is a plain admission that the alteration of the names on the ballots and the substitution of a peculiar style of type were dishonest and unfair. Possibly the gentleman will explain the difference between dishonesty and fraud from his standpoint.

Webster says that to be dishonest is to cheat or defraud, and he defines fraud to be "injurious stratagem," "deceit," "trick." The members of the county board perpetrated all the fraud possible for them, by juggling with the names on the ticket and by the use of unusual type, and their act affected the entire county by hindering, embarrassing, retarding, and interfering with the rights of the voter to cast a secret and free ballot. And yet the able gentleman objects to throwing out the vote of Amherst County because the members of this board did not have personal charge of the election at the several precincts of the county.

My conclusion would be that if fraudulent acts upon the part of the officers of a precinct would throw out the vote of such precinct, then the fraudulent acts of a county electoral board might be cause enough to throw out the vote of a county.

The people of this county, in all walks of life, demand justice. There is no other tribunal in this country that is so free from the shackles of technicalities as this, and none better able to deal justly by all.

To know the intent of the voter is all the law necessary for this House to count the vote of the citizen. To know that a seat is held in this House by fraud is reason enough to declare it vacant.

Mr. Jenkins, of Wisconsin, says the State law should control. If one locality can enact laws that disfranchise a class of citizens and urge the law in palliation, other localities can do the same, and other and all classes may be disfranchised, and our system of government overthrown.

The right of this House to act independent of all influences, yet always justly, should not be surrendered. And if they do that I expect the contestant will be seated.

I ask to have read by the Clerk the following, which is a part of the record of this case.

The Clerk read as follows:

> Heber Ker, a prominent citizen of Staunton, stated, in answer to question 5, page 75, that at the discussion between Yost and Tucker held at the Augusta County court-house—
>
> "Mr. Tucker denounced the pensions in round terms and stated that Yost had voted for every pension that was up while he was in Congress. He said that he had voted for a pension to the widow of General Sheridan, who had devastated our section and robbed our people. And, to the best of my recollection, he used this expression: 'If you want to vote for a man who will rob and impoverish our own people to pay pensions, vote for Yost; I am not that kind of a man.'"
>
> John A. Noer, of Staunton, said (page 8) he was present at the joint discussion between Yost and Tucker at Augusta Court-House:
>
> "Tucker charged Yost with having voted for every pension bill that passed the House while he (Yost) was a member, and referred to Mrs. Gen. John Logan as being a rich widow and not needing a pension. To Mrs. Gen. Philip Sheridan he charged that he had voted for her pension, Sheridan being the general who had devastated the valley with sword and torch and made war upon the women and children."

[During the delivery of the foregoing remarks, the time having expired, an extension of five minutes was granted to Mr. Walker of Virginia.]

Mr. McCALL of Massachusetts. I should like to inquire of the gentleman from Michigan [Mr. Thomas], in my own time, who put forth this statement: Is not that put forth by Mr. Yost himself? Does the gentleman pretend that the opponents of Mr. Yost, those who have reported against him, have put forth that statement?

Mr. THOMAS. The gentleman fails to understand me. I said that certain charges had been made against Mr. Yost, and that possibly members might desire to justify their votes upon those charges. So I had this read from the Clerk's desk.

Mr. McCALL of Massachusetts. Mr. Speaker, does the gentleman from Virginia [Mr. Walker] desire to occupy any time now?

Mr. WALKER of Virginia. We want to occupy some more time; yes. There are one or two gentlemen to speak on this side, and then I will close.

Mr. McCALL of Massachusetts. I would ask how much time remains to each side?

The SPEAKER pro tempore. One hour and eight minutes on the side of the committee and one hour and twenty-nine minutes on the side of the minority.

Mr. McCALL of Massachusetts. I yield five minutes to my colleague [Mr. Walker of Massachusetts].

Mr. WALKER of Massachusetts. Mr. Speaker, I submit to you and to this House that an appeal for justice at the end of the nineteenth century and in these United States, outside of the letter of the law, however much we may object to the law, is somewhat startling. If there is any one thing necessary to preserve our liberties in this country, and to promote orderly government, it is to obey the law, and obey it to the letter; and if the law does not justify itself to the confidence and the judgment of the community, to seek its change or repeal in its obedience and not in its violation. When I was a boy the words that affected my mind most, in reading the constitution of Massachusetts, were these:

> To the end that this may be a government of laws, and not a government of men.

I submit that the appeal of the gentleman who has just spoken [Mr. Thomas] is to abrogate law and put in its place a government of men, which is foreign to wise practice and contrary to the genius of our institutions.

I understand that it was said by a member, an eminent judge, on this floor yesterday that were he sitting in court, and were this case submitted to him, the letter of the law would be considered by him as mandatory in deciding that the sitting member should retain his seat; and if that is so, what do we here in further discussing this question? A departure from the letter of the law is toward mob law and lynch law. I remember that when Judge Field, of Massachusetts, was the contestee and the Hon. Benjamin Dean was the contestant before this House, the contestant having printed ballots with his name upon them in type so small that hundreds of voters who cast ballots in opposition to him did not discover his name upon them, and therefore the ballots were cast for two candidates and thrown out, the contest was whether the intent of the voter should govern or the letter of the law should be obeyed; and I want to say to this House that, hard as might have been the conditions then, Hon. Benjamin Dean was seated and Judge Field thrown out, to the outrage of the feelings of Massachusetts that a fraud should have been successful. Yet we do not want to hastily flee from the ills we have and fly to others we know not of. Yea, we do know the evil of departing from the letter of the law; and here in this day, when contests are being made hot and bitter on the part of those who met us in arms but shortly ago, and who sometimes have justified and defended frauds while the national election law existed, but who are now fighting to the death, in this very State of Virginia, for the abrogation of unjust laws made to defraud the voter, I beg of this House not to weaken the hands of honest men who are fighting for the correction of unjust laws by deciding this contest upon the ground that the Congress of the United States, in election cases, shall supervise and change and defeat the purposes, even though they may be bad, of the lawmakers of a State.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I should like about three minutes more.

Mr. McCALL of Massachusetts. I yield two minutes more to the gentleman.

Mr. WALKER of Massachusetts. I want to say that as a matter of theory no greater benefit could come to the South than a just and equitable national election law, for that is desirable upon every ground of equity. And yet it is the price we pay for our institutions that the State shall have the power to do a wrong under the forms of law until their judgment is corrected by moral suasion, not by Federal interference. We have had just Federal interference, to the sad defeat of actual justice, to the defeat of reforms, at the South. If we admit the justice of Federal enactment, its effect was bad. Do not let us in this House follow beyond the letter of the law in an attempt to do justice outside of the forms of law, and thereby perpetrate at the South a greater injustice at the very time when the honest and honorable men of the South are striving to correct the evils which are complained of by those who sign the minority report of this committee. We have had experience, sad enough, in this direction. Let us stand by the letter of the law of a sovereign State, whether we approve or not, depending upon the State to correct it. Centralization in this Government is destruction. It has been the salvation of this Government thus far that we have forty-five States, each doing more or less of right or wrong, in the judgment of the other forty-four. Let us stand by the principles of our Government in their entirety.

Mr. WALKER of Virginia. I yield ten minutes to the gentleman from Ohio [Mr. Tayler].

Mr. TAYLER. Mr. Speaker, the position just announced by the gentleman from Massachusetts [Mr. Walker] fairly characterizes the foundation upon which rests the claim of the contestee, which is "to stand by the letter of the law." It is only by standing by the letter of the law that the contestee can hope to hold his seat in this House. But I deny that this House or any court, even though that court be bound by statutes or form of procedure, is bound by the letter of the law.

Mr. JOHNSON of Indiana. Shylock pleaded for the letter of the law!

Mr. TAYLER. Quite true. I thank you "for teaching me that word." It is the spirit of the law that everywhere prevails; but nowhere is it of such commanding influence as in this House. I listened with great interest to the argument made by the gentleman from Missouri [Mr. De Armond] upon the only proposition upon which I propose to speak, and that for a moment only; and I discovered that he fairly illuminated the proposition which he presented. He illuminated the philosophy of technicalities. He disclosed here the theory of a technicality. He furnished us with a very glorification of form and technicality; but I undertake to say that this House, no matter how controlled it may be, as a House in which there are many trained lawyers, will never stand upon a position that is technical unless that technical position is intended to uphold some partisan contention or some private judgment that is not founded upon reason. I know that this House is not and can not be unmoved by the genial and cultured gentleman, the sitting member, whose seat is now in question. We all know that he has added to the reputation of his distinguished ancestry, and that these circumstances will have their weight, and perhaps ought to have their weight here.

But, after all, we are confronted with the great question as to the power of this House to do right; for in no other form does the question come. Having seen the right, has the House the power to do the right? Now, I shall not discuss the great question as to the power of this House, sitting as a judicial body under the Constitution, which makes it the sole judge of the election of its members. That, I think, has been thoroughly exhausted by the gentleman from New York [Mr. Daniels].

The House of Representatives, when sitting in its highest capacity as a judge of the election of its own members, is, I apprehend, bound only to do right. It is not hedged in by any merely technical limitations. It is not the creature of statute law. It must do right as it sees the right. To do less, when it knows how to do all, is to belittle its own dignity and shear itself of its inherent power. Courts of justice, whose power and procedure are defined by statute, are often compelled, in the administration of the law, to do injustice in specific instances. Congress, in the exercise of this, its highest prerogative, is never compelled to do injustice. In order to determine who is entitled to a seat in this House all that we want to know is this: Who is it that the qualified electors of a given district wish to represent them? In answering this question we may sometimes do an injustice because we do not know whom they want. But we can never do them or the country injustice by awarding a seat to one who we know has been chosen by the qualified electors. The trouble is not that technical rules bind us, but that technical rules have so smothered the evidence that we can not find the truth, and then we must leave matters as we find them.

But I do desire to say a word upon the statute itself, and the construction and the effect to be given to that statute. But it is to the other question that I desire especially to address myself. Is the statutory provision referred to mandatory or directory? Whether a statute is mandatory or directory depends not on the language alone but upon all those conditions which we are in the habit of considering in the construction of statutes. The spirit of the law, the reason for its existence, is as vital as the language. It was not a vain or a purposeless thing that the legislature intended to do. I think I will not be contradicted when I assert that a statute abridging the right of a qualified elector to freely and intelligently express his will is to be liberally construed as regards the elector and most strictly construed against those who would limit the right. This is a representative form of government, which is an expression by the wish and the will of the people. Every official act, no matter how important or unimportant, however trivial or great, is but an expression of the people's will; and all these forms and ceremonies through which we pass are but to extract from the people an expression of their desire. The chief aim of a republic is always, therefore, to find out what the people want. All else yields to that. The sovereign comes first, and the sovereign resides in the ballot box. It may elsewhere exist, but it is nowhere else to be found.

Now, these are well understood but apt to be forgotten generalities. We have escaped them, perhaps, in this discussion. We have been getting down to an examination of technicalities, forgetting the purpose for which the people assemble, and that all the machinery of elections is to bring about an expression of the people's desire.

We create complicated election machinery for what? In order that we may really know what the sovereign says. We pass corrupt-practices acts. Why? In order that we may be sure that it is the sovereign, and not something else, that speaks. We have our proclamations of election, our judges, our ballots and ballot boxes, our booths and returns. Why? In order that we may hear and obey the voice of the people.

It seems to me that this machinery of elections, in so far as it relates to the construction of a statute governing elections, divides itself into two parts. First, that which pertains and relates only to the body of the electors, and all of them alike, the mere implement provided by means of which the elector himself may exercise his right, which is all that the machinery is provided for. Second, that part which gives to the voter himself the means by which he by himself and for himself may give expression to his wish; that is to say, the very act of voting itself. Now, I undertake to say that one kind of construction can be put on the act creating the machinery and another kind upon the voter's act by means of which he expresses his will. As to the first of these, it is apparent that, if we would not have chaos and confusion, certain restrictive provisions must exist. It is essential that there should be a common place for holding the election for a given community; there must be judges or supervisors to see that the ballots are collected and that they are counted and returned; there must be ballot boxes and booths and tickets. These things are all essential, if we are to have any respect for elections; that is, they are essential if we are to believe that the sovereign has really spoken and if we are to know what he has said. But these are all merely preliminary; they are merely introductory—we would do away with them if we could; they are done only that the elector may have an opportunity to say what is in his mind, to express his will. And this brings me to the second part of this election machinery—the supreme act of the voter, the exercise of the sovereign power—the greatest on earth.

The qualified elector, on the day fixed by law, in his proper precinct, at the place appointed, before the judges chosen, receives the lawful ballot, upon which are inscribed the names of all the candidates for the office to be filled. He takes this official ballot and retires to the booth where, in secret, with no human eye to overawe, he is to execute a freeman's will. Now is the supreme moment; this is the instant of fate. He expresses on that bit of paper his wish and will. It is in order that he may so express his will that all this cumbrous machinery is provided. What does he say? Does the ballot clearly tell? Let it speak for itself. If it does, it is well. No statute intends to suppress the voice thus expressed. It intends to give expression to it. If the desire of the voter can be learned the law is satisfied.

What he does is the result of all the machinery that is only intended to make that easy; and I venture to assert that all the statutory provisions in the State of Virginia pertaining to the conduct of that voter, as respects the ballot which is to get into his hands, is directory merely. Why, any law that undertook to limit the power of the voter to express his will after he had gone through all the channels that the law provided up to this secret box in which he is placed to record his intentions would do violence to the spirit that lies back of it. I say that all the statutes that undertake to deny him the right to there intelligently express himself run counter to the whole principle of our Government and the purposes of our law. So that when he at the appointed time, at the appointed place, from the appointed judges, receives the lawful ballot, and retires to the booth to make his ticket, the law puts upon him no unreasonable restriction, but asks him only, "Record your will, and we will do it," and when he retires and makes a mark which we look upon as an unmistakable evidence of his will, no court, I venture to say, will declare that that is not lawfully marked.

The statute says that he must mark for three-fourths of the length of the name. Suppose he marks four-fourths of the length of the name; suppose he marks one ten-thousandth less than three-fourths of the length of the name; suppose he makes 50 perpendicular marks, each letter being crossed by 5 perpendicular marks, almost obliterating it, yet those marks not covering three-fourths of the length of the name; do you suppose that any court would say that that was not marking sufficiently to indicate the will and desire of the voter?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAYLER Just one moment more.

So I say that as to that part of the election machinery which pertains solely to that act of the voter whereby, with all the lawful and official implements, he undertakes to express his choice, all that is left to do is to determine whether the paper that he presents expresses fully and intelligently his choice; and if it does, this House can never justify itself to itself or to the people that it represents if it fails to do that which it knows to be right and which it knows the people wanted done. [Applause.]

Mr. WALKER of Virginia. I now yield ten minutes to the gentleman from Iowa [Mr. Lacey].

Mr. LACEY. Mr. Speaker, I desire only to present for the consideration of the House one single proposition, which, it seems to me, is conclusive of the present case. It will be conceded, I think, by all political parties that if the legislature of a State should enact a law that no judge of an election and no constable having authority to mark ballots for a voter should be selected unless he belonged to a certain specified political party, I think there is no question that, without regard to party, it would be agreed that such a law was unconstitutional.

The law under which this election was held did not in terms provide for any such condition of things as that; but in effect it had that result. The county chairman of the executive committee of one political party was made chairman of the electoral board of the county of Amherst. He and his two associates all belonged to the same political party; and they selected the other election officers. And the constables authorized to mark the tickets all belonged to one political party. In six of the precincts in that county there was no election officer that did not belong to one specified political party. Would any member of this House feel that his chances were not seriously impaired if the chairman of his opponent had the control and management of the election?

Now, it will be conceded that if a law directly authorized or required such a state of things, the law would be invalid as interfering with a free and fair election. But the law does not so require, and this use of the law was an abuse of it. That abuse of the law placed upon the voters of that county the duty of trying to protect themselves against the abuse, and they educated themselves so as to learn the name of the man of their choice without having to subject themselves to the direction of a political adversary in the voting booth. Having prepared themselves, with the name of the candidate of their choice in their vest pockets, having familiarized themselves with that name so that they could read it wherever they saw it, what next was done? Those partisan electoral boards made an arrangement by which, when the elector came into the voting booth, he was confronted with a new language; he was presented with a ticket printed in the German language. He was thus prevented from making use of the knowledge and the education that he had acquired in the progress of the campaign.

Now, under the circumstances of this case, what is the fair thing to do with that county? If you throw out the six precincts where no election officer represented the people excepting members of one particular political party, that carries out 351 of the votes for the sitting member; and according to the report of the committee he has but 161 majority. Thus the contestant would be entitled to the seat.

Now, I do not care to follow this report through all of its diverse statements. The Elections Committee have a duty to discharge within their jurisdiction, and I feel reasonably bound by their findings upon questions of fact. They have better opportunities than we have to go into the facts. But when the facts are stated, it appears to this body something like the finding of a referee in a court of justice, where the facts are established, and it becomes a question of law upon a given state of facts established before the referee. The committee have found the facts. This House may put its own construction upon the law.

If I were to take the brief of the contestee—and I read it with interest and care; my respect for the high character and standing and ability of the contestee would lead me to do that; my personal regard for him would lead me to do that—taking the brief of the contestee, I think it was demurrable. You could admit every fact stated in that brief, and the result would be to give the contestant the right to the seat.

When you find such a state of facts as I have described—that after the preparations had been made by the illiterate voters to enable themselves to read the name themselves, and not to be placed at the mercy of a political adversary in the marking of their tickets, the partisan boards, necessarily with the knowledge and consent of the gentleman running upon the ticket on that side, took the course I have stated—it would require us to exclude that county from the count, or at least to exclude from the count the six precincts in that county where the boards were composed entirely of men of one political faith. Thus the result would be that the contestee would be entitled to the seat.

Now, it is not necessary to discuss these other points. We are in the situation that the Emperor Claudius once was. The statement was made to him that there were sixteen reasons why a particular witness was not present. The first reason was that he was dead! Claudius told the advocate that it was not necessary to give the other fifteen. [Laughter.] So when we have found that this one proposition settles the question, it is needless to go into the question of the marking of the ballots; it is needless to discuss these other questions, although they are exceedingly interesting; because upon the very face of the record as laid before this House by the committee itself, it seems to me that Amherst County ought to be excluded either in whole or in part from the count. The committee condemns the act in strong language.

> The statute does not provide the precise order in which the names upon the ballot should be printed nor the kind of type that should be used, but apparently assumed that the officers charged with this duty would be governed by the principles of common honesty and fairness, and would not provide a type which was unusual nor juggle with the names for the purpose of confusing the illiterate voter.

And contestee does himself honor in not defending this action of his partisans.

And the legislature of Virginia has since then condemned this act by making such a proceeding a crime punishable by fine and imprisonment.

This, Mr. Speaker, is the only point to which I desired to call the attention of the House. It is simple, and in my judgment conclusive. It changes the result. We can not give to the contestant the full measure of justice to which he is entitled. The term of this Congress is about to expire; he can only come in during the closing hours of the session and exercise his right as a sitting member. Practically his district has been deprived of representation upon that side of political questions on which the majority has evidently appeared. But it is the duty of the House to settle the question fearlessly, without favor and partiality, and hence, Mr. Speaker, I shall vote against the report of the majority of the committee upon the question of law, in the belief that the contestant is entitled to his seat.

I yield back the remainder of the time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 9038) for the protection of yacht owners and shipbuilders of the United States;

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

Joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3191) granting an increase of pension to Capt. John W. Dodd;

A bill (S. 3520) to provide for the erection of a custom-house in the city of New York; and

Joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held at Madison Square Garden, New York City, January 27 to February 6, 1897.

The message also announced that the Senate had passed with amendments the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 757) granting an increase of pension to Adelaide Morris, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. ROACH, and Mr. BAKER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keefe, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. PEFFER, and Mr. PRITCHARD as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3555) to amend an act entitled "An act extending to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred as follows:

A bill (S. 3191) granting an increase of pension to Capt. John W. Dodd—to the Committee on Invalid Pensions.

A bill (S. 3520) to provide for the erection of a custom-house in the city of New York—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897—to the Committee on the Library.

A bill (S. 3555) to amend an act entitled "An act extending to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway—to the Committee on Indian Affairs.

LEGISLATIVE APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the legislative appropriation bill, just returned from the Senate with amendments, be taken up, for the purpose of asking that the Senate amendments be printed and numbered, and the bill referred to the Committee on Appropriations.

The SPEAKER pro tempore (Mr. DALZELL). Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

CONTESTED-ELECTION CASE—YOST VS. TUCKER.

Mr. WALKER of Virginia. I now yield five minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, of course five minutes is entirely too short a time to go into anything like a general discussion of the pending case, and therefore I shall simply undertake to touch upon one point in the time allotted to me.

While I agree with the learned gentleman from New York [Mr. DANIELS] and my colleague from Pennsylvania [Mr. GROW] as to the general propositions submitted by them, yet every Representative on this floor, in the exercise of his rights and duties, sits here not only as a legislator, but, in the case now before us, as a judicial officer, to try and consider the law of the case as presented to us.

I, for the sake of argument, will acknowledge, at least, that this law of the State of Virginia is mandatory with reference to striking the ballots, or the names on the ballots. For the sake of argument, I will assume that that is the law, and that we have no right to question it; and yet, notwithstanding that fact, Mr. Speaker, I claim that the first thing we should inquire into in such a case as this is, What are the rights of the voters themselves? The voter is presumed to have voted legally; and that presumption must remain until controverted by direct testimony. Every voter who cast what is known as a "scratched ballot" is presumed

to have cast a proper ballot until you prove the contrary. In other words, the burden is shifted to the contestee when the ballots are shown to have been cast for contestant. What proof have we that these ballots were not properly marked? I now refer to the burned ballots. We have not a scintilla of evidence to show that they were not properly marked, except the testimony of the memory of certain men, and upon that character of testimony we have the right to exercise our own judgment as to whether they were properly or improperly marked.

Upon what judgment, Mr. Speaker, were these votes thrown out? Why, upon the judgment of a partisan election board, and that alone; and they having destroyed the evidence that will enable us to use our own judgment, as compared with theirs, I claim upon the general proposition and the presumption of law that every voter has voted legally until proof is submitted to the contrary, and that every one of these ballots should be counted for contestant.

Why, Mr. Speaker, if you please, the contention made here reminds me of the old story brought up time and again of a man who was tried and found guilty for murdering his father and mother, and upon conviction, being asked by the judge if he had anything to say why the sentence of the court should not be pronounced against him, replied, "No, your honor, I have nothing to say except to ask the court to be merciful to a poor orphan." [Laughter.]

These men have destroyed the only or the best evidence in the matter. It was done by the officers of the law, and the contestee claims, notwithstanding that it has been destroyed, that he shall receive the full benefit of the act. We claim that because the election officers have exceeded their duty that the burden of proof shifts to the other side, and that the party claiming the advantage of the condition that they have brought about must exhibit his right to that condition by suitable evidence to convince this House. Why, take, for instance, the name of James Selden Cowden, printed on one of these tickets on page 13. On that name some mark has been made beginning near the letter "J," and running down through the name to just below the letter "d," in the word "Cowden," part of the mark being through the name, but not all of it. Now, the election officers threw that ballot out; and yet I contend, sir, that under the strictest construction of the law that ballot was properly marked. And who will contend that we have not a right to use our own judgment as to whether it is or is not properly marked? Upon that proposition alone I claim that the contestant should be seated.

But again, as to the Committee on Elections. The committee have conceded that you have a right to violate the law; that when you state that a voter comes into the booths, marks his ticket, folds it up, and by doubling it happens to blot out all of the names because of the spreading of the ink before it is dry you can take cognizance of the accident in that case, although it is against the letter of the law; but you can not take cognizance of what may be an accident as to the length or exact course of the mark required by the strict letter of the law. In other words, they claim that we have no right to inquire whether the mark was not made by accident whereby the intent of the voter was defeated.

[Here the hammer fell.]

Mr. WALKER of Virginia. I yield five minutes to my colleague [Mr. THORP].

Mr. THORP. Mr. Speaker, entertaining, as I do, a very high regard for the gentleman from Massachusetts [Mr. MCCALL] who prepared this report, and a high regard for all the members who signed it, it is with great reluctance that I feel constrained to take issue with the conclusions which they have reached, a reluctance, sir, that is only overcome by the firm conviction on my part that this conclusion does rank injustice, not only to the Republicans of the Tenth Congressional district of Virginia, not only to the Republicans of the State of Virginia, but injustice to that large class of voters in that State who are struggling to free themselves from the thraldom of an election law the most infamous that exists anywhere in the Union.

I am thankful to my friends for one thing, if I have cause to be thankful to them for nothing else, and that is that they have at least stated the case so clearly to this House that it is unnecessary for the members to go into the record, but they may simply take the report of a majority of the committee and pass upon it, and do justice to this contestant; and if they do it, then the contestant will be seated.

I had supposed that the object of contested-election cases was to arrive at the will of the voter. I had supposed that it was one of the cardinal principles governing these cases that where that will could be ascertained, regardless of mere forms of law, that will would be enforced.

Now, I wish to call attention to the fact that from the report of the committee, and going no further, if you count the votes of the qualified voters who went to the polls and endeavored to vote for this contestant, the contestant is seated. More than that. Take the other horn of the dilemma, if you choose, and reject the ballots from the county of Amherst, which bear the badge of fraud upon their faces, and he will be elected regardless of everything else in this case. I think, sir, that it would not be very difficult for men who are inclined to do justice to at least say that the fraudulent ballot on the one side should be rejected, or all the ballots fairly cast by honest voters, upon the other, should be counted. Why, some gentlemen seem to claim that there is one law in Virginia and another law here. As far as I am concerned, I am frank to say that I believe, in the highest court in the State of Virginia as well as here, the intention of the voter, when it can be ascertained from the face of the ballot itself, would prevail there, as it ought to prevail here.

Why, it seems that my friend from Massachusetts [Mr. MCCALL] is to apply a measuring tape to a line drawn across the ballot. I can see him now, sitting with that measuring tape and ascertaining whether a voter had marked exactly up to the very identical spot, three-fourths of the length of the same.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THORP. Mr. Speaker, I regret very much that my time has expired, as I feel that I have hardly reached the threshold of the case; but recognizing the fact that I am to be followed by my distinguished friend from Virginia [Mr. WALKER], I yield the floor with less regret than I otherwise would.

Mr. MCCALL of Massachusetts. Mr. Speaker, I yield fifteen minutes to the contestee, the gentleman from Virginia [Mr. TUCKER].

[Mr. TUCKER addressed the House. See Appendix.]

Mr. WALKER of Virginia. Mr. Speaker, it has been agreed between the gentleman from Massachusetts [Mr. MCCALL] and myself, inasmuch as so many gentlemen have desired to speak in this case and have occupied so much of the time, that the time for debate shall be extended on either side, say fifteen or twenty minutes, and I trust that will be agreeable to the House.

Mr. TUCKER. I should have been glad to have known of that arrangement before I yielded the floor.

Mr. MCCALL of Massachusetts. Mr. Speaker, will you inform us how much time remains to each side?

The SPEAKER pro tempore (Mr. HEPBURN). The friends of the majority report have forty-one minutes remaining, and on the other side there are fifty-nine minutes left.

Mr. NORTHWAY. Let me suggest to the gentlemen in charge of the case that they get unanimous consent to continue the debate until 5 o'clock, and that the vote be taken immediately after the morning hour to-morrow.

Several MEMBERS. No! No!

Mr. MCCALL of Massachusetts. I suggest that the time for debate be extended until 5 o'clock, each side to have half of the extension, and that the vote be taken at that time.

Mr. WALKER of Virginia. How much will that give our side?

Mr. MCCALL of Massachusetts. You will have fifteen minutes and we will have the same.

Mr. WALKER of Virginia. All right.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the time for debate be extended until 5 o'clock, at which time the vote shall be taken, and that the extended time be divided equally between the two sides. Is there objection?

Mr. NORTHWAY. Mr. Speaker, unless the vote is to be postponed until to-morrow, I must object.

The SPEAKER pro tempore. Objection is made.

Mr. WALKER of Virginia. I hope the gentleman from Ohio will withdraw his objection. The gentleman from Massachusetts and myself, who control the time, had agreed to this beforehand, and I trust the gentleman will not insist on his objection.

Mr. NORTHWAY. Well, I withdraw the objection.

Mr. COFFIN. I object.

The SPEAKER pro tempore. Objection is made.

Mr. WALKER of Virginia. Mr. Speaker, it is with regret that I dissent from the views of the majority of the committee in this case.

Nothing but an imperative sense of duty could induce me to ask this House to adopt the minority report; but feeling satisfied in my own mind "beyond a rational doubt" that under the law and the evidence the contestant is clearly entitled to a seat in the Fifty-fourth Congress, and that the contestee is not entitled to a seat in this House, I ask a patient hearing at the hands of the members of this body while I present, as briefly as possible, the views of the minority of the committee, and give the "reasons for the faith that is in me."

At the outset of this discussion I disclaim all personal feeling for or against either party to this contest.

For the contestee I entertain the kindest sentiments, personally and politically. I make no war upon him; but I shall here as everywhere make bitter, unrelenting, and unceasing war upon the fraudulent, corrupt, and partisan methods by which the contestee was returned as elected to a seat in this House, and by which the contestant was deprived of that seat.

I am glad of this opportunity of entering upon the records of the nation my earnest and indignant protest, as well as the protest of every honest citizen of Virginia, irrespective of party affiliations, against the most unjust and partisan system of election laws and methods that ever disgraced the fair name of any State or country.

These laws, conceived in sin and brought forth in iniquity, were deliberately planned, devised, and enacted with the central idea and design of making fraud and corruption easy and safe, and of hoodwinking and deceiving illiterate voters.

This design of its framers was an open secret. When the Anderson-McCormick bill was pending before the general assembly of Virginia, a prominent Republican asked a leading Democratic State senator, the patron of the bill whose name in part it bears, "Why do you Democrats want to pass such an unjust law?" and received this sneering and truthful answer: "In order to beat you Republicans; and what are you going to do about it?"

As bad as the law itself is, the manner of its execution is worse. It is intrusted for the most part to violent partisans, who hesitate at no wrong and turn aside at no frauds necessary to accomplish their purposes.

The constitutional rights of honest electors are willfully disregarded and ruthlessly trampled upon, and for these wrongs no adequate remedy is given by the statute and no redress can be had from the courts.

These statements are fully justified by the record in this contested-election case, as we will see later on.

But I will first sustain these sweeping denunciations of the law and the manner of its enforcement by editorials from leading Democratic newspapers published in Virginia.

The Richmond Times, the ablest and one of the best patronized Democratic papers in Virginia, whose editor is a gallant ex-Confederate soldier, has for several years been making war upon the election law of Virginia and upon the criminal frauds practiced under cover of its provisions by the election officers.

That paper, in 1894, just before the Congressional election, in commenting upon the corrupt methods which had been determined upon by Democratic election officers all over the State, used this vigorous language:

> We frankly admit that we believe that we are beaten; and in what contest, pray? In a contest for honest and fair election. If we should tell this to a stranger we expect he would say that the contest itself was stranger than he. But there is that contest, nevertheless; but the Times is on the side of perfectly fair elections. The Times believes, though, it is "knocked out," and that cheating, and cheating of the petty-larceny order, is to be the rule in the coming election. It is impossible to account otherwise for the pertinacity with which it is insisted that Judge Simmons's construction of the Walton law is the construction which the election officers must accept. * * *
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> Nevertheless, as we have before said, we admit that we are beaten. We see perfectly well that constables are to be given to understand that they are only required to tell voters what names to erase, and the coming contest is to be fought by the Democratic party in the negro counties upon the lines of hoodwinking and deceiving all the ignorant negroes possible.

The record in this contested-election case of Yost *vs.* Tucker proves that the battle was fought out on these lines; and that on these lines of cheating, hoodwinking, and deceiving the illiterate voters the battle was won by the contestee and lost by the contestant.

The same paper, in an editorial published only a short time before the election, says:

> We most earnestly hope that the State of Virginia may send a solid delegation of Democrats to the next Congress, but we want them to be Democrats who are elected to Congress by a majority of the voters in their districts casting their willing suffrages for them, and not Democrats put into place by trickery of any kind. Bad as it would be for Virginia, bad as it would be for the whole country, for Virginia to send Republican Congressmen to Washington, we had rather see the Republican Congressmen fairly elected than to see the Democrats stuffed into the place of Congressmen by frauds in the election. It is gradually coming out that there is an understanding prevailing in some quarters that the Walton law itself is to be made an instrument for working a fraud in the coming election.

The same paper three months after the election, on the 5th of February, 1895, says:

> In an editorial article in Sunday's issue, discussing elections in Virginia, the Dispatch says that the answers of Messrs. McKenney, Tyler, and Tucker in the contests for their seats in Congress demonstrate "that there never were any fairer elections held in any State than those held in Virginia last fall."
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> Gracious heavens! to what are we coming? We pass entirely by the cases in which it is charged the ballot boxes were actually stuffed with fraudulent ballots, because we have no time to make a further investigation to demonstrate actual fraud, as we were forced to do in the Smithers precinct case, in order to stop the Dispatch from saying that our elections were then honest. But we want to ask the Dispatch a question. It knows that in very many counties the ballots were printed last fall in half a dozen different forms at each precinct, so that an illiterate voter might be misled and confused. It also knows that many illiterate voters, not being willing to trust a constable of an opposing political party to prepare their ballots, prepared them as they best could, and thus either voted for candidates they were opposed to or botched their ballots so that they had to be discarded. Now the Dispatch ought to know that all this was prearranged for by some central authority, the identity of which we have never yet been able to discover, for the purpose of misleading the illiterate voters and producing that very confusion, and that the design actually worked out in execution just as it had been arranged for, and that in this way thousands of illiterate voters were either deprived of their votes or they had them counted for candidates that they were opposed to. Does the Dispatch think that an election in which this thing was practiced in many parts of the State was one of the fairest elections that ever was held in any State?
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> We urge the Dispatch, for heaven's sake, if it insists upon defending the election of last fall, to defend it upon its true ground; urge that the Walton law worked as its framers expected and intended it would work, so as to fool many voters and disqualify many others. But do not desecrate the name of fairness by saying that the election was fair. It was an election in which voters who are by law entitled to vote as they please were tricked and thus deprived of their votes, or made to vote for their adversaries. It was a masterpiece of trickery that reflects undying infamy upon its manipulators. It can be defended as being one of the most successful pieces of work that ever was engineered. * * *

Again, on April 3, 1896, in writing of the contested election case of Thorp *vs.* McKenney, recently decided by this House, it uses this language:

> We can not say that we are surprised at the report of the subcommittee which has investigated the case of Thorp *vs.* McKenney, recommending that Mr. McKenney be unseated, and that Mr. Thorp be seated in the House of Representatives. We have not critically examined the record of this contest, though we know something of it, but we have frequently made a critical examination of the previous contest in that district between Goode and Epes, and we can candidly say that a more atrocious record than that was hardly ever brought under our eyes for review. The methods adopted to deny his seat to Goode and to give it to Epes have been frequently commented upon in these columns, and finally received the most positive and emphatic condemnation of Virginia's court of appeals.
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> These were not the measures used to carry the district for McKenney. The methods used in the last case were the slight of hand ones to which the Walton law was dedicated. They consisted in the smart work of alternating names on the ballots, and such fine slight of hand tricks as the special constable and unscrupulous election officers were prepared to do.
>
> It is a painful and mortifying thing for a Virginian to contemplate the setting aside of a Virginia Congressional election for fraud, but when an election is carried by the detestable methods which the Walton law was plainly intended to recommend to the people of Virginia, it is impossible for us to feel any regret if it is annulled as fraudulent, and, therefore, to be condemned by honest men. Negro rule would be a fearful calamity with which to confront us, though, indeed, it is nothing but a bugaboo, but we shall never permit the machinations of a negro majority to drag us into approving of dishonesty and fraudulent tricks. Anything is better than that.

Similar articles from the Petersburg Index Appeal and other leading Democratic journals might be produced, but want of time will not permit me to introduce them here. With these Democratic opinions of the Virginia election laws and election methods, we leave its defense to its friends, if it has any.

A brief synopsis of the Virginia election law is necessary to a correct understanding of the questions at issue in this controversy, and will be briefly referred to.

The statute provides that the legislature shall choose every fourth year three voters of each county and city in the State, who constitute an electoral board for that county or city.

These electoral boards have entire and exclusive control of the election machinery of their respective counties and cities.

They appoint a registrar for each voting place, who is removable at their pleasure.

The electoral boards appoint three judges of election for each precinct, who, in the language of the statute—

> Shall be chosen from persons known to belong to different political parties where it is possible to do so, each of whom shall be able to read and write.

The said boards are also required to appoint a special constable for each voting precinct "who shall be an honest and discreet person and able to read and write."

The duty of this special constable is defined by the statute to be:

> At the request of any elector in the voting booth who may be physically or educationally unable to read and write, render him assistance by reading the names, and offices on the ballot, and pointing out to him the name or names he may wish to strike out, or otherwise aid him in preparing his ballot.

To the electoral board is intrusted the duty of furnishing an official ballot. The statute requires that this ballot shall be prepared by the electoral board; printed in secret by a printer sworn not to divulge the size, style, and contents of the ballot to anyone. These ballots must be printed under the immediate supervision of a member of the electoral board, who shall be present all the time. They are to be stamped with an official stamp, made up in sealed packages, and delivered sealed to one of the judges of election to be opened and counted at the polls on the morning of the election.

The voter applies to the judges for an official ballot, carries it into a booth provided for the purpose, marks out the name of all the candidates except those he wishes to vote for, and returns it to the judge to be deposited in the ballot box in his presence.

If educationally or physically unable to mark his ballot, he can call upon the special constable for assistance.

The electoral boards are nominated by a party caucus of the Democratic members of the Virginia legislature, and are in every instance Democrats, and, from the manner of their selection by a party caucus, are necessarily partisans. These partisan boards put "none but Democrats on guard."

In many instances the board violates the plain provision of the law requiring that the three judges of election at each precinct shall belong to different political parties, and appoints three Democratic judges; and in many cases they appoint pretended Republican judges who are not recognized as Republicans by their party, and who are known to be corrupt, or are ignorant and unable to read and write, easy victims to fraud and manipulation.

The registrars at each precinct are almost invariably Democrats.

It will thus be seen that the Republican party has no representation in the election machinery, and is denied all voice in the execution of these laws, so skilfully framed as to permit of the grossest frauds.

Coming now to the law and the facts disclosed by the record in this case, we find that the contestee is returned by a plurality of 892 votes.

The majority of the committee, by reason of irregularities and frauds which are plain and undisputed, reduce this plurality to 161 votes.

The sole question in this discussion is thus reduced to one of degree and not of principle. The majority admit fraud and gross irregularities in the election, but say only enough is proved to reject 731 votes.

The minority contend that there is fraud enough proved to overcome the 161 majority allowed by the committee and to seat the contestant.

The first point of divergence between the majority and minority reports is as to counting certain rejected ballots. There were rejected in the entire district 3,797 votes, of which 1,021 were illegally and unnecessarily destroyed by the election officers at the various precincts.

The majority of the committee count about 850 of these rejected ballots, leaving 2,947 uncounted. Of this last number it is conceded that 2,100 can not now be counted, because the intention of the voters can not be ascertained; 1,021 of them had been burned, and on the others the voter had in some cases erased all the names; in some none were erased, and in many more than one remained unscratched. But there are still remaining 741 in which the intention of the voter is clearly expressed, and no doubt can be entertained as to the candidate for whom the ballot was cast.

The minority of your committee insist that these ballots should be counted. There were 464 of them for the contestant and 277 for the contestee; a clear gain for the contestant of 187 votes, which elects him by a plurality of 26, admitting everything else to be just as it is claimed to be by the majority.

The majority, while admitting the general rule of law to be to count all ballots which clearly express the intention of the voter, base their refusal to count these ballots on the letter of the Virginia statute which says that the elector shall prepare his ballot by drawing—

> A line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidates he does wish to vote for unscratched.
>
> No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name.
>
> When as to any office more than one name remains unscratched the ballot for that particular office shall be void.

It is contended that these provisions are mandatory, and that the intention of the voter, however clearly expressed on the face of the ballot, is of no avail unless it is expressed strictly and literally as the law requires.

We deny that these provisions are mandatory; they give directions as to how the elector shall prepare his ballot so as to express his intention; but if that intention is clearly expressed in another manner which substantially complies with the law it is sufficient.

The contention of the majority will be made plain by an examination of the ballots rejected, found on pages 12, 13, 14, and 15 of the minority report, to which the attention of members is particularly called. It is held by the majority that if the pen or pencil mark passes lengthways through a name 1 millimeter less than three-fourths of the way that name is not scratched, and the ballot must be rejected because more than one name remains unscratched.

It is contended that if the pen or pencil mark extends along the whole length of the name, but curves up or down so as to pass just above or below more than one-fourth of the letters in the name, it is not scratched and must be rejected.

It is contended that if the marks through the name are perpendicular or slanting marks, they are not through the length of the name, and therefore it is not scratched, and the ballot must be rejected.

The minority hold that the authorities which are cited by them in their report clearly require these ballots to be counted. I shall not dwell upon these authorities, but will leave them to be commented upon by others who are to follow.

The construction of the statute contended for by the majority might perhaps be successfully maintained before the courts of the State whose legislature enacted the law; but this National Legislature will never permit such a narrow and illiberal construction of a State law to deprive citizens of the United States of their constitutional rights, or oust members of Congress from the seats to which they have been honestly elected by the clearly expressed intention of duly qualified electors.

The second point in dispute between the majority and minority is as to the vote of Amherst County. The returns from Amherst County give the contestee a plurality of 499 votes, which the majority of the committee reduce to 411, which they count for the contestee in making up his plurality of 161.

If the vote of Amherst is rejected, as the minority contend it should be, the contestant is elected by a plurality of 250, leaving out the rejected ballots and conceding every other disputed question to the majority.

Let us look, then, to Amherst County.

The record shows a most remarkable state of facts in that county, and convicts the Democratic election officers of the grossest frauds, willfully and deliberately committed upon Republican voters.

These frauds are shown to have been committed as the direct result of a conspiracy on the part of the electoral board and the special constables to deprive Republican voters of their ballots.

The electoral board of Amherst County, in flagrant violation of the mandatory provision of the statute requiring them to appoint judges of different political parties at each precinct, willfully and deliberately failed and refused to appoint any but Democratic judges at 8 out of 16 precincts in the county, although there were Republican voters qualified to act as judges at each precinct. These precincts give the contestee 369 majority.

It is true the statute says, "No election shall be deemed invalid when the judges do not belong to different political parties," but the provision was never intended as a cover for fraud or for willful violation of the law committed by election officers. It was only intended to cover isolated cases, where by accident or mistake all the judges happened to belong to one political party, and where the will of the voters was honestly returned and fairly expressed. The failure to have any but Democratic election officers at half the voting precincts in the county could not have happened by accident. It must have been willfully done, and is evidence tending to establish a conspiracy on the part of the members of the electoral board to ignore and disregard the just rights of the Republican voters at those precincts.

In McDuffie *vs.* Turpin, Fifty-first Congress, the committee says:

> Where the law provides that each of the two political parties shall have representation on the election board of inspectors it is a provision to prevent dishonest partisans from making false returns; and in such case the appointment of men incompetent to determine whether the return is honest or not to represent the party opposed to the appointing power tends to prove an intent to prevent that watchfulness intended to be secured by the statute, and raises a strong suspicion of (if it does not fully prove) a conspiracy to falsify the returns.

In Threet *vs.* Clark, also decided by the Fifty-first Congress, it is held:

> The committee is of the opinion that when the course is systematically pursued of appointing on the election boards to represent the minority or opposite party persons not indorsed by that party, and as to whose loyalty to the party whose interest they are expected to guard there is a question, or of appointing persons who are unable to read and write, when there would be no difficulty in finding men well qualified in these respects, this ought of itself to be considered evidence of a conspiracy to defraud on the part of the election officers. This was clearly a violation of the law on the part of the board.

The majority report in Murray *vs.* Elliot, decided by this House, says:

> The authorities are clear and complete that where fraud taints a return it can not be purged, but must be rejected; but a return can be purged only by rejecting ballots illegally cast or wrongfully counted. While in this case legal ballots were unquestionably kept from the box by the illegal and wrongful acts of persons connected with the machinery of the election, it is impossible to determine the number of these ballots, and the only logical and equitable result is to reject such returns.

In English *vs.* Peel, Forty-eighth Congress, the report of the committee uses this language:

> The evidence tends to show a studied and preconcerted plan on the part of the managers in that city (Indianapolis) to defeat the will of the electors in this case. The credit which is due the returns of the several precinct officers is greatly impaired when it is shown that 54 of the 56 voting places in the city were controlled by partisan officers who were more or less parties to the general fraudulent intent which pervaded the managers.
>
> When once the taint of fraud or unreliability is attached to the official count its value is gone.

McCrary on Elections, section 441, thus states the law:

> If an officer of the election is detected in a willful and deliberate fraud upon the ballot box, a better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result.

It is not contended by the minority that the neglect and failure of the electoral board to appoint Republican judges at half the precincts in Amherst County is sufficient to reject the votes at those precincts, but they contend it is sufficient to create a suspicion of the fairness of the officers and of the value of the returns from those precincts, which becomes "confirmation strong as proof of holy writ" when coupled with other acts of willful fraud shown by the record to have been committed by these officials, and which will now be pointed out.

The official ballot, prepared by and printed under the immediate direction and supervision of the electoral board of Amherst County, bears evidence of fraud on its face, and is conclusive proof of a conspiracy on the part of these election officers to obstruct and impede electors in casting their ballots. The statute prescribes that the ballots shall be printed on white paper, in black ink, and of uniform size and style.

The names of the candidates on the official ballot prepared by the electoral board were, in Amherst County, printed in German text, as will be seen from a photograph thereof, printed with the minority report on page 27, while the caption is printed in roman type.

I ask members to examine this political banner, unfurled by the Democratic party of Amherst County in November, 1894, and under which they marched to an inglorious and disgraceful victory.

FOR MEMBER OF THE HOUSE OF
REPRESENTATIVES OF THE
UNITED STATES from the Tenth
Congressional District of Virginia.

Edmund R. Cocke,

H. St. Geo. Tucker,

James Seldon Cowdon,

J. Yost,

C. H. Grove,

To quote again the language of the Richmond Times, this was "cheating of the petty larceny order."

Not only were the ballots for Amherst County printed in German text, but the names of the candidates were alternated and transposed in seventy-five different ways.

It is not denied that all this was done by the consent and with the connivance of every member of the electoral board, which is conclusive evidence of a conspiracy to deceive and mislead voters.

Prior to the election the Republicans, realizing that the illiterate voter would be wholly at the mercy of partisan Democratic officials, sought to instruct those who could not read and write how to prepare their own ballots. Schools were opened and voters were taught to read the names of the different candidates when printed in plain roman type, such as is taught in the common schools of the State.

It was further arranged that an intelligent Republican would vote first and then explain to those who had not voted the location of contestant's name on the ballot.

There was nothing secret about this.

Printed slips containing the names of the candidates were scattered broadcast.

These efforts on the part of Republicans to educate the electors and keep them out of the clutches of partisan Democratic constables were spitefully resented by this partisan electoral board, and in order to circumvent this legal educational work of the Republican party and to defraud the voters these tricks upon the ballots were resorted to by sworn officers.

The German text was used to prevent Republican voters who could read the names of the candidates in plain roman text and could not read them when printed in German from casting their ballots without the aid of a partisan Democratic constable.

The avowed object in transposing the names was to prevent illiterate voters from recognizing the names of the candidates by their relative positions on the ballot and casting their ballots without the interference of a political adversary and entrap them into voting for the candidate they did not intend to vote for.

These fraudulent purposes are distinctly and unblushingly admitted by the Hon. B. R. Harrison, a member and secretary of the electoral board. Here is his statement, taken from the record:

> The secretary of the Commonwealth sent to me, as secretary of the electoral board, a list of all the candidates for Congress in the Tenth Congressional district. They were in one order; that is, for example, James Seldon Cowden, J. Yost, H. St. George Tucker, C. H. Grove, and Edmund R. Cocke. As I construed the Walton election law and upon the advice of able lawyers, we, the electoral board, transposed these names in order, as we considered it, to require the strict enforcement of this new election law.
>
> We had been informed that circulars had been sent around and that schools of instruction had been organized to instruct the illiterate voters to vote one name only on the ticket. We were also informed that the illiterate voters had been taught to consult some smart, shrewd politician of his party, who had first voted, as to the position of the name J. Yost on the ticket, thus doing away with the educational qualification of the act. As the act prescribed and appointed a sworn officer whose duty it should be to show or point out on the ticket the name or names of candidates whom he wished to vote for, thus doing away with any influence which might be brought to bear, and enable the elector, if he be illiterate, to cast his vote only as his conscience dictated with the aid of a sworn officer
>
> Q. You have stated above that the names of the candidates were alternated on the ticket; state how many alternations there were, as nearly as you can remember.
>
> A. I suppose there were about—it is all guesswork—but I should say about seventy-five.
>
> Q. State whether the tickets printed with the names alternated in about seventy-five different ways were shuffled or well mixed together at each precinct.
>
> A. When I made the guess above, I allowed for the shuffling. They were mixed and sent to the different precincts.
>
> Q. Why did you alternate the names on the tickets? And state whether this was done by the authority of the electoral board.
>
> A. I was informed that schools of instruction were being established all over the district, where electors were instructed to secure some shrewd, smart Republican to vote early, examine the ticket carefully, and come out and report to the other voters the position on the ticket of the name J. Yost, thus instructing the illiterate voters only as to one candidate and violating the law. My object was to enforce the law strictly, thus requiring the elector to consult the constable, who was a sworn officer, and who would assist him in casting his ballot for whom he might desire, without outside influences being brought to bear; because I have heard and believe that a good many of the colored voters in this county would vote other than the Republican ticket if allowed so to do, but bad treatment, I have been informed, is generally meted out to those colored voters who do not vote the Republican ticket, by members of their own race.
>
> Q. I observe that the ticket, the ballot, cast at the recent Congressional election, so far as the names of the candidates are concerned, is printed in a peculiar type, called, I believe, by printers, German type. I also observe that the caption of the ticket is printed in plain roman letters. Please state why it was that you printed the caption and the names of the candidates in different types, and also state why it was that you printed the names of the candidates in the type indicated by the photograph above exhibited.
>
> A. I was informed that in these schools of instruction ballots were printed with one name on them in plain type, thus educating the voter only as to one name on the ticket; and also in the same school of instruction they urged and instructed the negro not to consult the constable, thus keeping their eyes on them, and if they had consulted the constable would have considered them traitors. That was the reason that I had the ticket printed in other type, namely, that they should, if unable to read and write, call upon a sworn officer to do his duty and thus carry out the law. The caption and the names of the candidates were printed in different types for no particular reason except, perhaps, that if the caption had been printed in German type it would have made a large and bunglesome ticket.
>
> Q. Am I correct in understanding you that your object in printing the names of candidates in German type was to have them printed in such text that the illiterate voters who had been instructed how to read the name "J. Yost" printed in plain roman type could not be able to make out the name "J. Yost" printed in German type, and thus be required to consult the constable, who, as you say, was sworn to perform his duty?
>
> A. My object was to enforce the law strictly, and to a man unable to read, the German type was as intelligible as any other

In view of these admissions of a fraudulent intent on the part of election officers, it is difficult to see how the vote of Amherst County can be made the pretext for awarding the contestee a seat in this House.

But this is not the whole of this chapter of fraud.

The secretary of the electoral board, and one of its members, the Hon. B. R. Harrison, acted in the most partisan manner in the discharge of his official duties in many ways.

He was the active and zealous chairman of the executive committee of the Democratic party for Amherst County, and the impropriety of his filling both positions at the same time is manifest to all right-thinking men. "No man can serve two masters;" and yet the Hon. Mr. Harrison essays this double rôle, for on the 1st day of November, 1894, only five days before the election, he published an official list of all the constables appointed by the electoral board for the county and signed it officially as "B. R. Harrison, secretary of the electoral board of Amherst County," and immediately under it he inserted this notice:

> The constables above named are requested to meet me at Amherst Court-House on the 3d day of November next, if possible, in order that I may give them any information they may desire as to their duties under the new election law.
>
> BEVERLY R. HARRISON,
> *Chairman Democratic Executive Committee for Amherst County.*

It is about as difficult to tell from this when the Hon. Mr. Harrison ceased to be a sworn election officer and became the partisan chairman of the Democratic committee as it is to tell when a tadpole turns to a frog. Why was this chairman of the Democratic party, as such, teaching election officers? His teachings are about what we would expect.

It is proved by his own testimony, as well as by that of other witnesses, to have been contrary to law, misleading, and partisan.

Here is his own account of the lessons taught by this false teacher:

> Q. Were any instructions given the constables of election as to whether they should mark the tickets for illiterate voters?
>
> A. I read to some of the constables the section of the law referring to their duties, and also showed them and read to them parts of Judge Simmons's opinion in the Botetourt election case. I also, as well as I can remember, showed them an editorial from the Richmond Dispatch as to their duties. I always, so far as I can remember, told them to exercise their own judgment in the matter, but that my construction of the law was that unless a man was physically and educationally unable to cast his vote, that he, the constable, should not mark tickets for him, but read over to the illiterate voter the name or names on the ticket and let the voter do his own scratching, unless he was blind, in which case he should read and scratch the ballot as directed by the elector; but if a man could read, he was not to assist him. I did not instruct all the constables, but those whom I did see I told that if a man was blind or otherwise physically disabled from casting his vote, they were to scratch the ticket after reading over the names thereon as he directed; but if a man could not read and write, and was physically able to mark his ballot, that the constable should read over the names for which he wished to vote, but not to scratch his ticket for him. Some of the constables, I think, scratched the ballots.

He instructed them to follow an opinion of Judge Simmons as to duties of special constables which the court of appeals of Virginia has repudiated. He read to them, as a guide in performing their duties, an editorial from the Richmond Despatch, an extreme partisan Democratic paper published in Richmond, the organ of the Democratic State chairman, the champion of the Virginia election law and apologist for the frauds practiced under color of its provisions, and which as a lawyer Mr. Harrison ought to have known was false and misleading.

He further misled them by instructing them that they were not permitted under the law to mark the ballots for voters who requested their assistance unless they were blind or physically unable to mark their own ballots.

He taught them that all the constable was permitted by the law to do was to read over the names of the candidates "and let the voter do his own marking."

Look at the duplicity and unfairness of these election officers of Amherst County.

First, they printed an official ballot that the uneducated voter who had sought to prepare himself to mark his ballot without assistance could not prepare unless he could read German text, and thus forced him to seek aid at the hands of the constable.

In the second place, the constable was instructed how not to give the voter thus driven to resort to him efficient and proper aid in marking his ballot. If he depended on himself, he was confronted with a ballot wholly unintelligible to him. If he appealed to the special constable whose sworn duty it was to aid him, that constable, acting under the instructions referred to, refused him the desired and necessary aid. He was "between the devil and the deep sea."

The instructions given the constable were directly in the teeth of the law as it has since been expounded by the supreme court of appeals of Virginia; but they were accepted as the law and blindly followed by the honorable Mr. Harrison's apt scholars (all of whom were Democrats), as will be seen from the evidence as printed in the record.

On cross-examination, S. C. Allen (Q. 32, page 128) testified that—

> Richard Adams, special constable at McGruders precinct, told me that he did not consider it his duty to do anything further than to show the voter the name on the ticket.

The constable at Wright's shop, one Pettyjohn, was called by the contestee, and in answer to question 3, page 424, admits he did not scratch tickets! except for two disabled men, who voted for Tucker; that he pointed out the names asked for, and told the voter to scratch out all names "except the one they wanted to vote for," and left them to fix it themselves.

McIvers precinct: The returns (page 188) show a total of 60 votes for both Yost and Tucker; plurality for Tucker, 18; and that 52 votes were rejected. Comment is unnecessary. If the constable had assisted the illiterate voter, this could not have happened. James M. Watts, Republican judge of election, testifies (page 140):

> That he is a Republican.
>
> Q. 3. Who was the constable?
>
> A. William Ogden.
>
> Q. 4. Do you know whether he assisted illiterate Republican voters to prepare their ballots?
>
> A. Yes, sir; he assisted them.
>
> Q. 5. What was the assistance he rendered?
>
> A. He put his finger on the name they wished to vote for.
>
> Q. 6. Did he mark the ticket for them?
>
> A. No, sir.
>
> Q. 7. You say that he would put his finger on the candidate the voter wished to vote for. Would he hold his finger there until the voter could mark his ticket?
>
> A. No, sir; he left before there were any tickets marked at all.

Witness gave constable a copy of Judge Aiken's opinion (see page 103), in which the judge declared that the duty of the special constable was mandatory. Constable did not go by it.

> Q. 9. Do you remember how many votes were cast, and how many were thrown out?
>
> A. There were some fifty-odd thrown out, lacking about six of being half that were cast.
>
> Q. 10. State whether there were any Yost tickets that were improperly thrown out?
>
> A. About two-thirds of them were Yost tickets that were thrown out, I think. They were illegally scratched tickets.

At Milners, Eli Sneed testified, page 130:

> Q. 3. Did the constable assist you in marking your ballot?
>
> A. No, sir; he never marked my ticket. He said that it was against the law for him to mark them.
>
> Q. 6. Did he say this to you inside or outside of the booth?
>
> A. He said it to me inside of the booth.
>
> Q. 7. How did you mark your ticket if you can't read, or did you mark it at all?
>
> A. I asked Mr. Coleman how much I must mark it. He is the constable. He told me to mark it any way. I said, "Mr. Coleman, must I mark it right straight down?" and he said, "Yes; mark it any way."

Witness testified that he marked the ticket "straight down" (vertically), and that he intended to vote for Yost.

James Franklin, a farmer, 40 years old, testified (page 150):

> Voted at election for Yost.
>
> Q. 3. Can you read?
>
> A. A little bit.
>
> Q. 4. Could you read sufficiently well to know how to mark your ticket when you voted at the recent election?
>
> A. No, sir.
>
> Q. 5. Did the constable give you any help in marking your ticket?
>
> A. He gave it, just going over it so that I did not understand, and went on off.
>
> Q. 6. State whether or not you asked him to help you to fix up your ticket.
>
> A. Yes, sir, I did; but he said that the law did not allow him to scratch.
>
> Q. 7. You say that he just pointed out and then went away?
>
> A. Yes, sir.
>
> Q. 8. Did the pointing out that he did enable you to make out your ticket properly, or did you understand him?
>
> A. No, sir; I did not understand him.

Martin Rucker, aged about 60 years, testified (page 151):

> Voted at last election for Yost.
>
> Q. 2. Can you read?
>
> A. No, sir; I can not read.
>
> Q. 3. State whether the constable helped you to mark your ballot.
>
> A. Well, I asked him which was Yost's name, and he said that it was at the bottom; and I asked him whether he was going to rub them out, and he said that he had nothing to do with that; that it was against the law, and told me to mark it out.
>
> Q. 4. State whether or not he showed you how to mark the ticket.
>
> A. He said yes, to mark it right across; right crossways; I mean vertically.

Anderson Carter, aged 50 years, farmer, testified (page 151):

> Voted at last election for Yost.
>
> Q. 2. Can you read?
>
> A. No, sir.
>
> Q. 3. Did the constable help you to mark your ticket?
>
> A. No, sir.
>
> Q. 4. Did you ask him to help you?
>
> A. Yes, sir.
>
> Q. 5. What did he say when you asked him to help you to mark your ticket?
>
> A. He said that the law did not allow him to mark the ticket.
>
> Q. 6. State whether or not he showed you how to mark the ticket.
>
> A. No, sir; he would not show me. He said that the law said that he could not mark, and as I could not read or write I had to mark myself, and do the best that I could.
>
> Q. 7. State whether or not you asked him to show you?
>
> A. Yes, sir; I asked him.
>
> Q. 8. Did he refuse to show you?
>
> A. He said that the law did not allow him, and I had to do the best I could.

There is abundance of other testimony to the same effect.

Here is ample proof that Republican voters who intended to vote for contestant were deprived of their votes because the constables accepted and adopted the erroneous and illegal construction of the law given to them by the secretary of the electoral board.

Why were all these artifices used by Democratic officials to compel the voter to seek the aid of the Democratic constables if it was believed they would act honestly? Why were all the constables Democrats? The answer is plain. Because they were expected to work for the interest of the Democratic party and elect the Democratic candidates by fair means or by foul, while proving a snare and a delusion to the confiding Republican elector.

The majority of the committee admit that these were "tricks which can not be defended."

In discussing the Amherst ballot the majority of the committee say:

> The statute does not provide the precise order in which the names on the ballot should be printed nor the kind of type that should be used, but apparently assumed that the officers charged with this duty should be governed by the principles of common honesty and fairness, and would not provide a type which was unusual nor juggle with the names for the purpose of confusing the illiterate voter. Whether this alternation of names indicated a fraudulent design on the part of the electoral board or an excess of partisan zeal which would hesitate at nothing not positively forbidden by law, it was a trick which can not be defended, and it is incredible that the public officers of one of the great and historic Commonwealths of this Union should be guilty of such an unequal and partial administration of the law.

Election officers guilty of "tricks" with the ballot which "can not be defended" are guilty of fraud. A trick upon the ballot or with the ballot by an election officer whose sworn duty it was to prepare the official ballot is a fraud upon the electors, and calling it a trick can not alter its true character. "A rose by any other name would smell as sweet," and frauds upon the ballot will smell as loud though christened by the majority with the name of "a trick."

"Juggling with the names for the purpose of confusing the illiterate voter" is a crime against liberty which smells to high heaven. For ways that are dark and tricks that are vain the honorable gentlemen who compose the electoral board of Amherst County are peculiar.

These things are enough to bring the blush of shame to the cheek of every honest citizen of Virginia.

> 'Tis true 'tis pity; and pity 'tis 'tis true.

But, Mr. Speaker, let no gentleman within the sound of my voice charge these "tricks which can not be defended" to the honest, law-abiding citizens who constitute the vast majority of the people of the State. The citizens of that "historic old Commonwealth" are the peers of any people for the manly virtues of courage, honesty, and justice. They abhor fraud, corruption, and dishonesty, whatever form or shape it may assume.

This is true of the vast majority of the members of all political parties in the State; but, honest themselves, they are slow to think evil of others, and it requires the most convincing and overwhelming proof to make them believe that their neighbors, sworn election officers, who in their everyday transactions are honest, can be so degraded as to commit willful frauds in elections.

They have trusted false leaders and have been deceived and misled. They have been lulled into security by false denials and by protestations of honesty and innocence. They have been kept in complete ignorance of the wrongs and outrages perpetrated upon the ballot box and upon the illiterate voters. But a vigorous campaign of education and exposure is doing its legitimate work and the eyes of the good men of all parties are being opened and their consciences aroused.

Honest men of all political creeds are demanding fair elections in tones which can not be much longer disregarded.

The days of "cheating of the petty larceny order" are numbered.

The political graves of the false leaders who concocted, connived at, or approved of the frauds which disgrace the name of Virginia are yawning to receive them.

The majority of the committee, while admitting the frauds committed by the election officers in Amherst, give as a reason for counting the vote of that county that it is not proved that these frauds were consummated by depriving the contestant of enough votes to change the result.

We submit that it is not necessary to prove this; but if it is, we will show hereafter that it was consummated, and that great injury was done to contestant by these methods.

To rest the vote of Amherst County on proof of the number of votes actually lost to contestant by the frauds of these election officers is begging the whole question. The proof shows, and the majority admit, that the election officers in this county were guilty of "tricks which can not be defended," frauds which were disgraceful.

The record plainly discloses a conspiracy on the part of the electoral board and constable, all of whom were Democrats and political friends of contestee, to appoint none but Democratic election officers at one-half the precincts in the county; to prepare and print the official ballots in German text; to alternate the names of the candidates in seventy-five different ways; to refuse assistance, as required by law, to illiterate voters.

Besides this, it is shown that one of these officers was a bitter partisan and chairman of the Democratic executive committee of the county.

Is not all this more than enough to attach the taint of fraud to all the acts of these officials and render the returns from Amherst County wholly unreliable?

The law quoted before clearly establishes that when the officers of election are proved guilty of fraud and conspiracy it discredits all their acts and renders their official returns wholly worthless. The legal presumption of their correctness is gone, and the party seeking the benefit of such returns has the burden of proving the true state of the ballot by extrinsic evidence. But the record bears indisputable evidence that the contestant lost many votes in Amherst County by reason of the fraudulent acts of these election officers. We have already shown from the record that many voters who wished to vote for contestant were denied their right to do so because the constables, acting under illegal and partisan instructions from the secretary of the electoral board, refused to properly assist them in marking their ballots.

The record also discloses that many votes were also lost to contestant because the ballots were printed in German and the names of the candidates alternated.

So unintelligible was the German-text ballot to the voter of limited education that when placed on the witness stand men who had acted as constables were unable to read it.

W. S. Carter, Democrat, testifies, page 132, he was constable at the court-house. His own testimony shows that he was unable to read the ballot:

> Q. 20. I hereby exhibit to you what has been alleged to be a photograph of the ballot cast. I wish you would look at this photograph, alleged to be a photograph of the ballot that was cast in Amherst and at your precinct at the recent Congressional election, which photograph has been exhibited with the deposition of Mr Sandidge as Exhibit Photo., and I will cover up with a piece of paper all of the letters of the names of candidates except the initials of the first name of each candidate that appears on the ticket, and I ask you to tell me what the initials are. I now so present to you the ticket.
>
> A. The first one is F, the second is H, the third one is G, the fourth, I do not know what it is. I don't know what the last one is.
>
> Q. 21. I now exhibit to you the photograph with all the names on the photographed ticket covered up except the first letter in one of the surnames of the candidates. Please look at this letter and tell me what it is.
>
> A. It is an H. [The whole name was then uncovered, and the witness states that he was mistaken about the letter when he saw the whole name written out "Yost."] I took the Y for an H without seeing the full name.

It will be observed that this witness, an intelligent Democrat, who could readily read plain roman, was utterly unable to decipher the type in which the ballot was printed. The names on this photographed ballot were in the following order: Edmund R. Cocke, H. St. Geo. Tucker, C. H. Grove, J. Yost, James Seiden Cowden. The first letter (Q. 20) in Cocke's Christian name he declares to be F. He manages to strike the first letter of Tucker's Christian name. The initial C of Grove's Christian name he pronounces G, and then he gives up in despair. He is unable to conjecture what the initial of the other two names is. Special Constable James M. Marks, of Madison precinct, a witness for the contestee, testifies on cross-examination (page 116):

> Q. 5. I now present to you a ballot that was cast at the recent election, all covered up except the initial of the first Christian name of each candidate. You will please examine this ballot, which I now hand you, and tell me the initials, beginning at the top of the ticket.
>
> A. First letter in first name is T. First letter in second name is E. First letter in third name is T. First letter in fourth name is H. First letter in fifth name is C.
>
> Q. 6. I now present you the same ticket with all the face of the ticket covered up except the initial of one of the surnames of the candidates. Please state what this initial is.
>
> A. I think that is the same, T; it looks so to me.
>
> (Notary states here that ticket was uncovered in presence of witness and examined, and that the letter is Y, and the letters given above by the witness as T, E, T, H, C are shown to be on the face of the ticket J, E, J, H, C.)

Samuel C. Allen testifies as follows;

> Q. 29. Mr. Tucker in his answer states that the ballots cast at the recent election "were printed in a perfectly legible style." Is he correct in this?
>
> A. According to my judgment, the ticket would be wholly unintelligible to any person who could only read plain roman type.
>
> Q. 30. You have stated above that Yost lost many votes by reason of the ballots being printed in German type. What proportion of the vote did he lose by reason of the tickets being printed in said type?
>
> A. It is my opinion that Yost lost from 10 per cent to 15 per cent of the votes polled on that account.

J. F. Williams, judge of election (page 134, Q. 46), says:

> I think he (Yost) lost a good many votes on that account.

See also testimony of same witness, page 135, Q. 49, and answers on cross-examination, page 135, Q. 3, 4, and 5.

A. Stewart, a minister of the gospel (page 137, Q. 12), says:

> It made me nervous when I saw them. I started to go out and say to all of them, "Let us go home." I thought we wouldn't do anything there so far as voting for Yost.

See also answer to Q. 13, same page.

J. M. Watts, judge of election (page 140, Q. 14), says;

> I think I acknowledged in the presence of the constable and judges that morning as soon as I saw the tickets, that the Republican party would be left out.

And much more to the same effect. Not only is the fraudulent intent shown, but the consummation of the fraud is proved.

The majority contend that the vote of Amherst County should not be rejected on account of the manner of preparing the ballots, because neither the constitution of Virginia nor the election laws of the State prescribe in what text or in what order the ballots shall be printed, and therefore it is not contrary to the constitution or laws of Virginia to print them in German or any other foreign text, in Greek or Hebrew or Chinese hieroglyphics, or in as many different forms as may seem good to the election officers. We take issue with this statement of the law and maintain that the tickets as printed in Amherst County violated the constitutions both of the United States and of the State of Virginia. Section 2, Article 1, of the Constitution of the United States says "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Article XIV of the Federal Constitution says:

> No State shall make or enforce any law which shall abridge the privileges or immunities of a citizen of the United States.

The constitution of Virginia provides that—

> Every male citizen 21 years old who shall have been a resident of the State twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote.

This constitutional right can not be taken away or abridged by legislative enactment.

It is well settled that the legislature may enact all needful rules for the exercise of the constitutional right to vote, but can not destroy it, or unnecessarily hinder the voter in the exercise of the privilege.

In the case of the Attorney-General *vs.* The City of Detroit, decided by the supreme court of Michigan, reported in 44 N. W. Reporter, it is said, on page 392:

> The object of the registry law, or of any law to preserve the purity of the ballot box and guard against abuses of the elective franchise, is not to prevent any qualified voter from voting or to unnecessarily hinder or impair his privilege. It is for the purpose of preventing fraudulent voting. In order to prevent fraud at the ballot box it is proper and legal that all needful rules and regulations be made to that end, but it is not necessary that such rules should be so unreasonable and restrictive as to exclude a large number of legal voters from exercising their franchises; nor can the legislature, in attempting ostensibly to prevent fraud, disfranchise legal voters without their own fault or negligence. The power of the legislature in such cases is limited to laws regulating the enjoyment of the right, by facilitating its lawful exercise and by preventing its abuse. The right to vote must not be impaired by the regulation. It must be regulation, not destruction. These authorities all tend in one direction. They hold that the legislature has the right to reasonably regulate the right of suffrage, as to the manner and time and place of voting, and to provide all necessary and reasonable rules to establish and ascertain by proper proof the right to vote of any person offering his ballot, but has not power to restrain or abridge the right or unnecessarily to impede its free exercise.

In Capen *vs.* Foster, 12 Pickering, it was said:

> But while it is held to be within the proper limits of legislative power to provide suitable regulations for exercising the right of suffrage in a prompt, orderly, and convenient manner, the court, speaking through Chief Justice Shaw, was careful to add:
>
> "Such a construction would afford no warrant for such an exercise of the legislative power as under the pretense and color of regulating should subvert or injuriously restrain the right itself. The constitution fixes the qualification of voters with precision and left all the rest to be regulated by law. The constitution by carefully prescribing the qualifications of voters necessarily requires that an examination of the claims of persons to vote on the ground of possessing these qualifications must at some time be had by those who are to decide on them. If, then, the constitution has made no provision in regard to the time, place, and manner in which such examination shall be had and yet such an examination is necessarily incident to the actual enjoyment and exercise of the right of voting, it constitutes one of those subjects respecting the mode of exercising the right in relation to which it is competent to the legislature to make suitable and reasonable regulations, not calculated to defeat or impair the right of voting, but rather to facilitate and secure the exercise of that right."

Cooley on Constitutional Limitations thus lays down the rule:

THE TEST.

> All regulations of the elective franchise must be reasonable, uniform, and impartial. They must not have for their purpose, directly or indirectly, to deny or abridge the constitutional right of citizens to vote or unnecessarily to impede its exercise. If they do, they must be declared void.—*Cooley's Constitutional Limitations*, page 758.

In People *vs.* Von Bokeman (73 N. C.), the court says:

> But the act under consideration is framed upon the idea of making the ballot as difficult as possible.
>
> Without questioning the intent of the legislature, we see that the effect of the act is to violate the fundamental principles of the constitution and their own cherished and declared purpose to maintain free manhood suffrage and to eschew educational or property qualifications. And, as is said in Jacobs *vs.* Smallwood (63 N. C. Reports), it is the effect of the act, and not the intention of the legislature, which renders it void.

The supreme court of Virginia concedes that the whole question of the legality of the election law turns upon its reasonableness. It says:

> The sole function of the legislature with respect to the rights of suffrage is to provide the mode in which those entitled to vote may do so and have their vote counted, and to guard against improper, illegal, or fraudulent voting; that to this end the legislature may adopt and enforce reasonable rules and regulations to secure the one and prevent the other. But if, under cover of law to regulate voting, a provision is introduced into the law which virtually establishes a test of the qualification of the voter additional to those prescribed in the constitution, such provision of the law transcends the power of the legislature and is null and void.

Printing the ballots in German text and the alternation of the names upon the tickets were not done to "preserve the purity of the ballot box or to guard against abuses of the elective franchise." It is not a "needful regulation of the constitutional right to vote." It does not "regulate the right by facilitating its lawful exercise, by preventing abuse." It is a regulation which "unnecessarily impedes the free exercise of the right," and is therefore contrary to the constitution of the State of Virginia. It is a State regulation, or rather an interpretation put on a State law by partisan election officials, which abridges the privileges of citizens of the United States, and is a violation of the Federal Constitution. All must admit that a Virginia statute requiring that the official ballot should be printed in foreign text, with the names of the candidates transposed, would "unnecessarily obstruct and burden the electors in the exercise of the elective franchise," and would for that reason be unconstitutional. But if the legislature is forbidden by the constitution to enact such a law, a fortiori, the electoral board of Amherst County can not prescribe as a regulation what the lawmaking power can not enact.

The regulation is also unconstitutional and void because it prescribes an educational qualification which the Constitution does not allow.

It requires that the elector shall have education sufficient to read a ballot printed in a foreign and unusual text.

The word "ballot" used in the Virginia constitution necessarily means a secret printed or written ballot; but it means a ballot printed or written in the usual text in use in the community, taught in the common schools, and used in the legislative, executive, and judicial departments of the State government in the transaction of public business. To that extent the implied requirement that the elector who desires to vote a secret ballot without assistance from friend or foe shall be able to read plain roman text is reasonable, and in fact necessary.

But the requirement that the voter who can read a ballot in plain roman text, but who can not read one printed in German, or Greek, or Hebrew, shall lose his right to cast a secret ballot and shall be compelled to seek the assistance of a special constable requires an educational qualification which is forbidden by the Constitution.

The argument that "to a man who can not read and write a ballot printed in German text is as intelligible as any other" is spurious and unsound, since many persons who can read plain roman text can not read German.

If the vote of Amherst County is rejected, and all else is conceded to be as the majority claim, it elects the contestant by 250 majority.

The minority make the same objection to the vote of Appomattox County as is made to Amherst County, and insist that the majority of 55 votes returned for the contestee in that county should be excluded.

In Appomattox County the electoral board caused the official ballot to be printed in script type, and the names of the candidates to be alternated. To the uninitiated it may be necessary to explain that script type is a type in imitation of ordinary handwriting with pen and ink. It is common experience that many persons who can read ordinary print can not read written manuscript, and the evidence proves that many votes were lost to the contestant by this "trick which can not be defended."

The constables in Appomattox refused assistance to illiterate voters, and there were other frauds committed which we have not time to notice.

Rejecting the majorities for contestee in Amherst and Appomattox, and allowing all else as claimed by the majority report, elects the contestant by 355 votes.

Counting the ballots claimed to be imperfectly marked, as before shown, which gave a net gain of 187 to contestant, makes his majority 542.

There are other frauds at various precincts which can not now be referred to. Among the most flagrant of these is Arrington precinct, in Nelson County, which the minority claim should be excluded, which gives contestee a plurality of 119, and increases his majority in the district to 661.

Upon these plain statements of fact and law, the minority ask that the resolutions declaring that the contestant is elected and that the contestee is not elected to a seat in the Fifty-fourth Congress be adopted.

Mr. Speaker, I would despise myself if I were capable of asking any member to vote in this contest on political grounds. If any member, Republican or Democrat, is convinced that the contestee was fairly and honestly elected, then it is his duty and should be his pleasure to vote for the resolution presented by the majority. But if any member is satisfied that the contestant was duly and honestly elected, then if he is a Democrat I claim his vote; if he is a Republican I demand it for the resolutions presented by the minority.

> Let justice be done, though the heavens should fall.

We hear of courtesy to the majority, and I yield to no man in courtesy to the able and honorable gentlemen who compose that majority, and especially to the accomplished and learned chairman, who so ably and courteously presided over the deliberations of the committee. It is through no want of respect for the gentlemen of the majority that I dissent from their views as to the law and the facts of this case. Majorities are often wrong. Courtesy should never be extended so far toward one man as to work injustice to another. Courtesy to the majority and deference to their opinions should not lead us to do wrong to the contestant or to the loyal constituency which elected him to represent them on the floor of this House. We hear of the personal regard which members entertain for the contestee; their kindly relations with him, and their reluctance to vote against him. I fully appreciate all this, and I join with them in respect and in kindly sentiments for him. He is worthy of the high regard in which he is held by members and by the people of his district.

But the question for the House to decide is not one of personal friendship or personal regard. Sentiment has no place in a contested-election case. It resolves itself into the simple legal inquiry, Is he entitled to hold the seat he now occupies in this House?

If he is not, then it is rank injustice to the people of the district he now represents to retain him in the place another is justly entitled to. If the contestant was fairly and honestly elected, then the gallant Republicans of the Tenth Virginia district, who contended and won against such fearful odds, against unfair and iniquitous election laws, against partisan and unscrupulous election methods, against corrupt election officers, look to the Republicans of this House for that justice which is denied them elsewhere.

The Republican party in the South points proudly to its thirty-six representatives on the floor of this House, hailing from ten Southern States, who have "come up through great tribulation." As a body, they are the peers of their colleagues from the North. They are living pledges that the solid South is no more, that the fires of sectionalism have died out, and that the fires of patriotism have been rekindled on the mountain tops and in the valleys that lie beneath the Southern Cross, and that our Government is an indissoluble Union of indestructible States.

Republicans of the North, to you the Republicans of the South look for justice. They ask no more; they demand no less.

Each mail from Virginia brings messages from all parts of the State urging and begging me to appeal to this House for justice. The Republicans of Virginia feel that the cause of the contestant is their cause, and that their most sacred rights and their dearest privileges are imperiled by the majority report. They say, and they feel, that if this battle is lost it will be the death knell of all their hopes for honest elections, the triumph of fraud and corruption over manhood suffrage.

If the laws and methods which have so long prevailed in Virginia are approved by this body, they will justly complain that they have been abandoned by their party and slain in the house of their friends.

When did the great Republican party of the North ever turn a deaf ear to the cry of the injured, the downtrodden and oppressed? Will it reverse its history now, when the old Mother of States asks that the iron shackles of tyrannical election laws and election methods be stricken from her limbs?

The Republican party is to-day great and strong and powerful, and on the 4th of March next will again have control of every branch of this Government—"a consummation most devoutly to be wished." In its power and its prosperity it should not give countenance to or encourage wrong. In its strength it should not forget the weak and helpless. No man knows what the future has in store. The lion taken in the toils of the hunter was delivered by his weakest and humblest friend.

Virginia is a Republican State, and all we ask is an open field and a fair fight; an honest ballot and a fair count.

The national Republican party has no more devoted followers than the Republicans of the South, who have burned their bridges and will never turn back.

They ask justice for one man, but they ask it in the name of 200,000 Virginia Republican voters who have been disfranchised and deprived of their constitutional rights by the party to which the contestee belongs.

Talk of the hardship of unseating the amiable and worthy gentleman who is the contestee in this case!

Who is it that talks of hardship?

Is it the honorable gentlemen who enact partisan and iniquitous laws "to beat the Republicans," and then sneeringly ask, "What are you going to do about it?"

Is it the honorable gentlemen who print official ballots in unknown tongues for the purpose of "confusing illiterate Republican voters?"

Is it the contestee, who has never raised his voice against the frauds perpetrated by his political friends and allies, the fruits of which he is enjoying to-day?

The hardships are all on the other side.

It is a hardship and an outrage upon the Republican voters of the Tenth district to deprive them of the services of the able representative they honestly elected and compel them to submit to be represented by a Democrat who was not elected by the people. It is not only a hardship, but a crime against liberty to condone frauds upon the ballot box such as the record in this case shows to have been intentionally committed in the past, and which will be repeated in the future unless rebuked and frowned upon by this House.

Mr. Speaker, I submit this question to the House confident that I am right, hopeful that the majority of its members will see it in the true light, and by their votes award the contested seat to the contestant.

Give the Republicans of Virginia assurance of your sympathy and of your support in their unequal struggle against fraud and corruption, and as certain as night follows the day the old State will cast her lot with the Republican party, as her sister Southern States of Maryland, West Virginia, and Kentucky have done.

During the delivery of the foregoing remarks the hammer fell.

The SPEAKER pro tempore (Mr. HEPBURN). The time of the gentleman from Virginia has expired.

Mr. WALKER of Virginia. I would very much like, if possible, to have my time extended for fifteen minutes longer, and also a similar extension for the gentleman from Massachusetts who will follow me. I will state that I was misled by the understanding that I thought would be ratified by the House.

Mr. McCALL of Massachusetts. I would gladly yield to my friend from Virginia, but I have less time remaining than he has already occupied, and objection has been made to any extension of the time.

Mr. WALKER of Virginia. I have no doubt that the time on both sides will be extended if a request is made.

Mr. McCALL of Massachusetts. I have no objection, of course, to the extension of the time; but I am unable to yield to the gentleman any of my time.

Mr. WALKER of Virginia. I will ask unanimous consent that the House extend the time fifteen minutes on both sides.

Mr. McCLELLAN. I object.

Mr. McCALL of Massachusetts. Mr. Speaker, if during the short time that I have to devote to the closing argument on this case the members of the House will give me their kind attention, I will endeavor to set forth what I deem the vital points, after having given to it careful consideration. I do not want the case to be decided from any mere clamor or by any hue and cry. There have been a great many things interjected into this discussion that should never be brought before a board of judges, as we are now, acting in the decision of a contested election.

The distinguished gentleman from Ohio [Mr. GROSVENOR], who I regret to see is absent to-day, saw fit, in arguring the question, to take a mathematical view of it, and he stated to the House how many reports this committee had made in favor of contestants and how many in favor of contestees in these election cases. I hardly think we shall be able to mete out strict justice in that way, but at the same time I am entirely willing to follow the gentleman on that line and defend the conclusions we have reached. In the fifteen cases before this committee the House has unseated three Democrats. I want to say, however, and the House should remember, that this committee has had some assistance in the matter of unseating our opponents. There are also two other Election Committees of the House, and if you will look at the record made by them and the full action of this body you will find that, coming together one year ago last December, with the largest majority any party ever had on this floor, and with loud protestations of how fairly and judicially we were going to decide election cases, we have already taken from that small and straggling minority twelve members, and I think we have broken the record and unseated more men than any other House since the adoption of the Constitution. I do not know what the gentleman from Ohio might desire. Perhaps he would prefer to have a general order introduced at the beginning of the session of Congress unseating all of the opposing party. It would be a more speedy way of reaching results—the results that the gentleman seems to wish. And I remember last summer during the last week of the session, when our machinery of justice was fairly working and we were unseating member after member in this Hall, it reminded me of nothing so much as of the banquet hall of the wily Ulysses when after that much-suffering hero returned home and bespattered its walls with the brains and blood of the suitors of his wife.

Mr. Speaker, I feared that we should not have enough spared monuments to serve as specimens of an extinct, even if undesirable, species. [Laughter.] And it was with some gratification that I saw we had finally adjourned and left some Democrats here.

Now, Mr. Speaker, they tell us that these cases are from the South, that the Democrats come from the South, and that the South is very wicked and very bad. Very well. There were 13 Democrats returned to this House from the North, and how have they fared? Of those 13 men, 3 have been unseated. It is only fair to say that one of these gentlemen, in imitation of the animal that was covered by Davy Crockett's gun, saw fit gracefully to come down before the shot, and for that performance my distinguished friend from New York [Mr. DANIELS] embalmed the gentleman's fairness for future generations by bringing in a resolution thanking him for his fairness, and perhaps also for his discretion.

Now, Mr. Speaker, we have unseated 3 of the 13 Democrats who came to this House on the first Monday in December, 1895, from the North. We have taken from those 13 as many seats as the last Democratic House took from the entire Republican membership of this body, numbering nearly 130; and I say that I can not understand the argument which my arithmetical friend from Ohio [Mr. GROSVENOR] is attempting to draw in going into the statistics of this question. I say, sir, that each case should be decided upon its merits. The Constitution makes us the judges of the election of members. It does not make us voters, it does not say we may hold elections here, but we are to sit as judges. And that assumes that we will look upon the questions judicially, that we will look upon the law and the facts of the case as judges, and entirely divest ourselves of partisanship. If Mr. Yost has a case here to-day, I desire him to have full justice, and have his case decided upon its merits. If he has a case here to-day, then I say we should seat him, even if it takes the last Democrat from this Hall. On the other hand, you are not to unseat Mr. Tucker because in the multitude of cases that have been brought here—some of them without even the pleadings completed, some of them without any evidence taken—because in that multitude of cases we have reported against contestants. You must not for that reason unseat Mr. Tucker to-day.

Now, there have been many considerations brought into this case. I regret that they have been. The gentleman from Ohio [Mr. GROSVENOR] yesterday injected an innuendo about relationship, saying that somebody was related to somebody. Well, I was at a loss to understand the reference. I do not know of any member of the committee—I think it would not be any disgrace if it were imputed to him, but I do not know of any member of the

committee who bears the remotest relationship, except through our common ancestor, to Mr. Tucker; but I have discovered, since this charge was made, that Mr. Tucker's wife's grandfather was an uncle of the wife of some member of the Massachusetts delegation. [Laughter.] If anyone here is able to figure out how distant a forty-second cousin that is, I wish he would do it. But it seems to me that to bring considerations of this kind into this House by a gentleman of the ability of the gentleman from Ohio [Mr. GROSVENOR] shows that he has a poor case and does not care to rely upon the facts.

Now, Mr. Speaker, I desire to call the attention of the House to the facts in this case. A great deal has been said here about the intention of the voter, as if this committee were trying to enforce a hard and harsh rule of law and disfranchise the Republicans of the Tenth Virginia district. I believe if you will examine our report, you will find we have solved more doubtful points in favor of the contestant than we have in favor of the contestee. Let us look first at the vote. There were returned for Mr. Yost 11,530 votes, for Mr. Tucker 12,422, giving Mr. Tucker a plurality over Mr. Yost of about 900 votes. At the instance of the contestant, a recount was had of all the ballots in the district. This recount practically amounted to an agreed statement of facts between the counsel on the different sides. That recount actually shows the condition of the ballots that were cast, and it shows that Mr. Yost had, of ballots in perfect form, that could not be questioned, and that were marked strictly in accordance with the law, 10,512 votes, and that the contestee had 12,126 votes, leaving a plurality for the sitting member of 1,614 votes.

I may say that our committee, by pruning the returns most generously, from the standpoint of the contestant, have reduced that plurality to about 200 votes.

The first question that arises in the case is whether certain so-called caption-marked ballots should be counted for either party. By caption-marked ballots I mean ballots which have erased from the top of them the official designation or name of the office that the voter is voting to have filled. Of those ballots there were 1,169 cast for Mr. Yost, and 114 for Mr. Tucker. Now, let me read to you the law of Virginia.

Section 1 of the Walton act provides that the voting shall be by ballot.

Section 2 provides that each person offering to vote shall deliver a single ballot to one of the judges, in the presence of at least one of the other judges of election.

Section 3 provides that the ballot shall be a white paper ticket, containing the names of the persons who have complied with the provisions of this act, and the title of the office printed or written as hereinafter provided, and that none other shall be a legal ballot.

Now, that is mandatory in form if any statute ever was. Here are 1,169 ballots, cast for Mr. Yost, that did not have remaining upon them the title of the office, because when a man votes by ballot he votes in writing.

The point here is certainly close in view of decisions; but the committee, in view of the phraseology of a subsequent statute, came to the conclusion that the three sections, which are general in their character, refer to the Australian ballot provided by the laws of Virginia, and that it was not mandatory upon us to reject these votes; therefore we gave to contestant 1,169 votes, and we gave to the contestee 114 votes, making a gain to the contestant on this decision of 1,055 votes.

The next question arises as to the blotted or blurred ballots. It appears that in folding the ballot, as required by law, the ink not being dry, in some cases an impression was made by the undried ink upon names which the voter did not intend to mark. I heard it said by some one upon this floor to-day that the committee in this instance has set aside a mandatory provision of the statute.

Evidently the gentleman who indulged in that observation was as innocent of having read the law as a good many members who have addressed this House are innocent of all knowledge of the record. [Laughter.] The statute provides that the ballot shall be marked through with a pen or pencil; and it can not be contended, when the blot comes upon a name by folding, that the voter makes that mark through the names; and on that point we decided in favor of Mr. Yost, and he thereby gained 54 votes and Mr. Tucker 14 votes, making a net gain of 40 votes.

The next question that arose was as to certain so-called "imperfectly marked ballots;" and I only regret that some gentlemen who have substituted for the record and the evidence a picture of what the record and evidence were alleged to show had not gone to the testimony. I do not wish to say that the exhibits presented here in the proof of the distinguished gentleman [Mr. Yost] and my friends the minority of the committee were made for the purpose of misleading the House; but I say that if you compare these exhibits with the testimony you will see that my friends have liberally subsidized their imaginations, and they have produced things that bear hardly any relation to the evidence. Now, let me call your attention to the manner of voting as prescribed by the statute. In section 11 of the so-called Walton act it is provided:

> The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidate or candidates he does wish to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name, and no ballot save an official ballot above provided for shall be counted for any person. When as to any office more than one name remains unscratched, the ballot for that particular office shall be void, but the ballot, as to any other office for which only one name remains unscratched, shall be valid.

If there ever was a statute enacted by any legislature in this Union that is mandatory, that statute is mandatory. The distinguished gentleman from New York [Mr. DANIELS] admitted yesterday that if he were a judge sitting in Virginia he would probably hold that the statute was mandatory. This theory set up by him is one entirely unknown to the cases, one almost entirely unknown in the precedents.

Mr. DANIELS. If the gentleman will permit me, by way of correction, I said if sitting under the laws of Virginia, where the laws of Virginia were in force, but not here.

Mr. McCALL of Massachusetts. Very well; I do not think I misrepresented my friend a particle. If he were sitting as a judge in Virginia, I suppose under the laws of Virginia, he would probably hold that this statute was mandatory. Now, I say that he has given away the whole case. For that would reverse every precedent that has ever been set upon this subject. Let us look at the authorities upon this point. The great authorities, the great text writers, are McCrary on Elections and Paine on Elections. I read from the latest edition of those two writers.

McCrary on Elections, section 190, says:

> The language of the statute to be construed must be consulted and followed. If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the legislature.

Now I am going to read to you from the last edition of Paine on Elections, section 497:

> Statutes prescribing, in affirmative language, specific duties for electors, or officers of registration or election, are directory unless the acts prescribed are in their nature—

I trust you will note this—

> unless the acts prescribed are, in their nature, essential to the validity of the election. Statutes expressly declaring specified acts or omissions fatal to the validity of an election, or expressly prohibiting the performance or omission of specified acts, are mandatory. While statutory provisions prescribing acts which are in their nature absolutely essential to the validity of the election may be mandatory, in whatever phraseology expressed, the most unimportant requirements may be made mandatory by a clear expression of the legislative will.

There can be no question that the legislature of Virginia has clearly and positively expressed its will upon this point, and has declared that unless the ballot is marked as provided by a certain section that ballot shall not be counted.

Now, then, I will refer again to my friend from Ohio [Mr. GROSVENOR]. He referred yesterday in a triumphant manner to the Illinois case of Parker against Orr, as positively upsetting the position for which I am now contending. I propose to quote that case as a strong authority on the very point I am now making. The court in that case held, on the particular provision of the statute it was considering, that it was not intended by the legislature to be mandatory, and it says:

> Wherever our statutes do not expressly declare that particular informalities do not avoid the ballot, it would seem best to consider their requirements as directory only.

Clearly implying that when the law declares that a particular thing is necessary, and that the failure to comply with it would be fatal to it, the ballots can not be counted.

In the last Congress we decided the case of O'Neill against Joy, from the State of Missouri. In that case certain electors took the official ballot given them by the judges of election, and, properly and in full accordance with the statute, marked their intention upon those ballots and presented them to the receiving judges, who took them and deposited them in the ballot box. It was discovered afterwards that one of the judges of election had not put his initials upon the back of the ballot, as the law of Missouri required, and the question that the committee considered was whether the failure of the election judge to put his initials upon the ballot, whether the failure of a sworn officer to perform his duty, should deprive of their votes those electors who had complied with all the requirements of the law. I had the honor to serve upon that committee with the distinguished gentleman from New York, Judge DANIELS. We had not then discovered any short cut out of the difficulty, such as the one he proposed here yesterday. He drew the report of the minority, and we were at our wits' end, and the report shows it, to make it appear that the legislature did not intend that statute to be mandatory, and never once, from the beginning to the end of the report, did we advance the consideration which the gentleman now says should be decisive in this case. Therefore, I say that the proposition the gentleman from New York advocates in this case is startling and revolutionary; that if adopted by the House it would reverse all of the precedents and all of the authorities upon this subject, including even himself. In the absence of a Federal statute, this election is held under the laws of Virginia, and we must judge of it by those laws.

Now, Mr. Speaker, I think I have shown that we are bound in this particular case by the laws of Virginia, and that when the parties come before our committee, not with the ballots, but admitting that those ballots were not marked as required by a certain section of the law, which is mandatory in its character, we, as judges, have no right to count them. The voters casting those ballots did not express their will in the manner in which they were required to express it by the laws of Virginia, and in view of all the precedents, we are compelled to exclude those ballots from our consideration.

Mr. JOHNSON of Indiana. Will the gentleman permit a question?

Mr. McCALL of Massachusetts. I have only fifteen minutes.

Mr. JOHNSON of Indiana. The gentleman refuses to yield?

Mr. McCALL of Massachusetts. No; I will hear the gentleman.

Mr. JOHNSON of Indiana. I want to hear the gentleman from Massachusetts upon this proposition: Suppose that a State legislature——

Mr. McCALL of Massachusetts (interposing). Please make it brief.

Mr. JOHNSON of Indiana. I am endeavoring to do so; the gentleman himself is consuming the time.

Mr. McCALL of Massachusetts. But the time is mine. [Laughter.]

Mr. JOHNSON of Indiana. Then the gentleman can keep his time.

Mr. McCALL of Massachusetts. Very well; I will endeavor to keep my time, or perhaps to consume it, as I think, for the benefit of the House.

Mr. Speaker, I have argued the law applicable to this question, and now I desire for a moment to call the attention of members of the House to facts which exist in the case. Those facts have been totally misrepresented here; I do not mean to say intentionally, but there is scarcely a member of the House who has not received a wrong impression of the facts as to these so-called defective ballots. We proceeded in this case upon the agreement of the counsel as to the fact that the ballots did not comply with the law. Whether they were marked or scratched one-fourth of the way through or one-eighth of the way through, we did not know, for we did not see them, but it was baldly agreed that they did not conform to the requirements of the law. I will refer to the evidence on this point, because there are some witnesses who testified as to the condition of those ballots, and I will refer to that testimony in order to throw some light upon the subject.

Let me first call attention to one circumstance. This was the first introduction in Virginia of the so-called Australian ballot system; the first time it was put in operation there. Now, most of the members who hear me have that, or a similar statute, in force in their own States, and I ask them, did you find—I put the question to each of you—did you find that the first time that statute was put in operation every voter, even every intelligent voter, succeeded in expressing his will according to the law? Why, a distinguished gentleman from Maine, where the people are as intelligent as in any State of this Union, after the first trial of the Australian system there, wrote a letter to the papers asserting that 10 per cent of the voters of Maine had been disfranchised by that system of voting. In Massachusetts we have an educational qualification; our voters must be able to read and write, and yet the first time the Australian system was applied in our State there were tens of thousands of voters who did not express their will at the ballot box according to the requirements of the law.

Recently I saw it stated that 10 per cent of the vote of New York cast at the late election had to be thrown out, and it is a matter within the common knowledge of everybody, even in intelligent communities where there may be, or where there is, an educational qualification for the suffrage, that there are large numbers of men who the first time they try to vote the Australian ballot are unable to do so successfully. Now, what condition of things was there existing in the district under consideration at this time? There the Australian ballot system was introduced for the first time in a district where it is contended by the contestant himself that a very large portion of the voters are unable to read or write. There were cast in that district, all told, about 27,000 or 28,000 votes. After we have allowed to the contestant the votes that we have allowed upon the various issues in this case, there remain uncounted in that district only about 2,700 votes. I say that is an extraordinary result, considering the large number of illiterate voters in the district, especially when you remember how those voters were cautioned against accepting the assistance of the sworn officers of the law. I repeat that it is extraordinary to see so few ballots thrown out as defective.

I was going to call the attention of the House to the exact description of some of those ballots which you are asked to count as clearly expressing the intention of the voter. It is said that there were certain ballots which were burned. I turn now to the very first case of that kind, which I take as a very fair sample. It may, perhaps, go a little further than some other instances; but I do not think it goes so far as some. The contestant, in his brief, claims that in Mount Sidney precinct—and I trust members will give attention and judge of the character of contestant's evidence by this instance—in Mount Sidney precinct he claims that there should be counted in his favor 12 burned ballots; and he calls as a witness one Landes, who swears that he witnessed the count, etc. Let me turn to the record and read from the testimony of this witness. I will remark before so doing that at this precinct there were at least two Republican election officers—one a judge and one a clerk. This witness was presented by the contestant himself. His counsel asks the witness this question:

> Of the 17 ballots destroyed, how many should have been counted for Yost?

Now mark the answer:

> I took a memorandum at the time of the 21 ballots thrown out; I did not know that 4 of the ballots had been returned except from information received afterwards. My statement now will be as to the 21 ballots rejected. In my judgment there were 3 of those ballots intended for Tucker. My reasons for that was Yost's name was scratched

Understand there would still be three other names unscratched upon that ticket.

> Fifteen of them were intended for Yost. I thought that these should be counted for Yost because Tucker's name was scratched and Yost's name left clear and some of them had some of the other names scratched.

It will be seen that his testimony does not show that there was a single one of these ballots which did not have at least two names that there had been no attempt whatever to erase.

On cross-examination he is asked:

> Q. Of the 17 destroyed ballots, will you please state were there any which had left on them only the single name of any one of the five candidates for Congress?
>
> A. There were not.

In other words, it appears by the testimony of this witness of the contestant that there was not a single one of all those ballots here in controversy which had left on it unscratched the name of only one man.

Now, I do not think there is a lawyer in this House, or any man not a lawyer, who has considered the case for an instant who can say that the voters who cast those ballots intended to vote for Mr. Yost when at least two names were left unscratched.

I am sorry I can not call the attention of members fully to the evidence on this part of the case; but my conclusion upon that evidence, after a careful investigation, is that it is not clear, measuring the question either by the Virginia rule or by any rule that could be laid down in the House of Representatives, that these voters intended to vote for Mr. Yost.

I will refer now to those ballots concerning which agreements have been made in the record. I admit that there were 31 of these ballots in the county of Alleghany that by the admission of counsel must be counted. But as to the other counties of the district there was no such admission made, and there is no evidence to warrant us in finding that the voters there intended to vote for Mr. Yost.

Another feature of the case upon which a good deal of stress has been laid has relation to the so-called burned ballots. There were in this district at, I think, 15 polling places about 1,000 ballots that were burned. There were some 75 polling precincts in the whole district.

Mr. TUCKER. One hundred and seventy-five.

Mr. McCALL of Massachusetts. One hundred and seventy-five polling precincts in the whole district, as the gentleman from Virginia informs me. Now, it seems to me rather absurd to contend, as the gentleman from Ohio did yesterday, that there was a conspiracy here to destroy evidence and remove these ballots from further scrutiny; because if there had been such a conspiracy it is most remarkable that it should have manifested itself in only 14 or 15 polling places out of the 175 in the district.

Mr. COX. One question, if the gentleman pleases. Were those ballots burned before there was any knowledge as to the result of the election?

Mr. McCALL of Massachusetts. They were burned on the evening of the election.

Mr. COX. Before there was any knowledge of the result?

Mr. McCALL of Massachusetts. They were burned before there was any knowledge of the result of the election. They were no doubt regarded by the election officers as mere débris. The officers were required by law to return the ballots. They assumed that that meant the ballots that they could legally count; and not being constitutional lawyers, they agreed to destroy these others. There was not a very large proportion of defective ballots at these different precincts that were uncounted. At three precincts there were large numbers of ballots destroyed. In those precincts we looked carefully into the case, and although the secondary evidence as to what those ballots contained was very weak, we thought the destruction of so many ballots raised some presumption of fraud, and consequently we gave Mr. Yost in those precincts precisely the number of votes that he claimed.

One further point, Mr. Speaker. There are returned here some seven hundred and over of ballots called "imperfect ballots" which were preserved and not burned, out of a total of 2,700. Mr. Yost claims of these ballots a gain over Tucker out of the 2,700 of upward of 200 votes. Now, of these defective ballots which were burned at the several precincts, hardly one-third of the total number of ballots that were rejected at other precincts, we allow Mr. Yost a gain over Tucker of 190 votes. That is to say, we allow him nearly as many improperly marked or defective ballots at the 14 precincts in question as we had allowed at all of the others, at the 165 precincts; and I venture to say, what I do not believe can be controverted, that in the opinion of the committee, acting on strict and harsh rules of law as to the destruction of evidence—and I think the gentleman from Ohio [Mr. GROSVENOR] must have been reading from the majority report on yesterday when he made reference to this matter—we have given Mr. Yost more of the burned ballots than he was really entitled to.

We throw out Curdsville precinct, and give at that one precinct to Yost, the contestant, 99 votes.

Now, there are a number of other similar cases, many others, that I can not stop to consider in the brief time remaining to me. They relate to the isolated polling precincts; and in all of them we are asked by the contestant to throw out certain votes. There is, for instance, the First Ward of the city of Staunton, where it is alleged that the special constable appointed under the law was a very wicked individual. He is not a "milk-and-water" villain as he is presented in the brief of the contestant; but we are asked to disfranchise all of the voters in that ward because of the misconduct of this officer. A paper edited by Mr. Yost, a very able Republican paper, took occasion when this Mr. West was appointed to speak of the high character of the man; and Mr. Yost seems only to have discovered that he was a very bad fellow indeed when he found he did not view the election law of Virginia as Mr. Yost himself did. We have allowed Mr. Yost there—or practically I should say it was allowed by agreement between the parties—a certain number of votes; and the number rejected is not materially greater, with reference to the defective ballots, than was cast in other precincts in the same district. But we did not feel justified in disfranchising 600 voters and ignoring the entire poll. The evidence did not in our judgment warrant that action.

There is a grave question as to the manner in which the ballots were printed. The gentleman from Virginia [Mr. WALKER] has read from the report of the majority that I prepared on that subject last summer. There has been no attempt nor have I undertaken to condone that action on the part of the judges of election; but the question faces us, and we must decide it: What shall we do in that particular case? We found by careful scrutiny of the whole record that the probability is, or at least it so appeared to me when I wrote the report, that in the two counties where that ballot was used that the contestee probably lost just as many votes as the contestant by reason of that mode of preparing the ballots. If you will notice the name of the contestant printed on the ballot "J. Yost," and compare it with other names on the same ticket, you will see that it is a very short name, and could be easily identified in that manner. A voter would have to be able to count if he was told by someone who had voted before him in what order the name appeared on the ballot. But he could easily see that it was the shortest name on the ticket, and in that manner could readily find the name of his candidate on the ballot. As a matter of fact, the voters were so instructed. The record contains evidence to show the fact that they took this way of designating that name on the ticket to the ignorant voters, so as to enable them to vote for the candidate whose name was shortest, and thus enable them to cast their ballots for the contestant. The contestant himself in his speeches throughout the district held up his right hand and told his audience that there were as many letters in his name as there were fingers and thumb on that hand, thus giving a clear method by which the voter could pick out his name from all of the others.

Now, if this ballot was misleading to anyone, it would be misleading to the men who could read and write. In other words, it would be misleading to most of the Democrats there. The name of Mr. Tucker did not have any such distinction in its length from the other names upon the ticket.

The committee could not throw out 5,000 or 3,000 votes recklessly. These voters had clearly expressed their will according to the law. The precinct officers had correctly returned the count. There was no principle of law upon which we could disfranchise those voters; but we found, as a matter of fact, that it was one of those oversharp devices which had reacted upon its inventors, and that the supporters of the contestee probably lost more than the supporters of the contestant. That conclusion is verified by this consideration: At the recent election, although Mr. Yost gained in the rest of the district, as compared with two years ago, nearly 1,500 majority, in these two counties, where he had the ballot printed this time in plain roman type, he lost at least 300 majority. This is strongly and powerfully corroborative of the finding of the committee on that point. I do not defend those election officers, but I think that they would far better be sent to the penitentiary than that 3,000 voters of Virginia should be disfranchised.

Now, Mr. Speaker, I think we ought at this late day to do justice by the people of Virginia. We have for years here attempted to build up the Republican party in the South by seating this man and that man and by patronage; and the result is that they display their chief vitality and strength in our national Republican conventions, where they generally appear with as many different delegations as there are candidates for the Presidency. I say, what the Republicans of the South now need is to be treated upon robust principles. They have been coddled to the point of destruction. But, first and foremost, we should do justice to the people of Virginia. That record clearly shows to my mind that the people of the Tenth district are an honest people. And when to-day it appears that they have chosen a Representative in conformity with their laws, we should not be guilty of the partisan action of turning him from our doors.

[Here the hammer fell.]

The SPEAKER. Debate is closed, and the question is first upon the resolutions offered by the gentleman from Virginia [Mr. WALKER] as a substitute for the original resolutions offered by the chairman of the committee. The Clerk will first read the substitute.

The Clerk read as follows:

> *Resolved*, That H. St. George Tucker was not elected a Representative to the Fifty-fourth Congress from the Tenth district of Virginia, and is not entitled to the seat.
>
> *Resolved*, That J. Yost was duly elected as a Representative from the Tenth Congressional district of Virginia to the Fifty-fourth Congress, and is entitled to the seat.

The SPEAKER. The resolutions just read have been offered as a substitute for the resolutions which the Clerk will now read.

The Clerk read as follows:

> *Resolved*, That Jacob Yost was not elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is not entitled to a seat therein.
>
> *Resolved*, That H. St. George Tucker was duly elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is entitled to a seat therein.

The SPEAKER. The question is first upon the substitute.

The question being taken, Mr. THOMAS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 127, not voting 109; as follows:

YEAS—119.

Aitken,
Anderson,
Andrews,
Apsley,
Atwood,
Avery,
Babcock,
Baker, N. H.
Barney,
Bartholdt,
Belknap,
Bishop,
Boutelle,
Bowers,
Brumm,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Mo.
Connolly,
Cook, Wis.
Crowther,
Curtis, Iowa
Curtis, Kans.
Danford,
Daniels,
De Witt,
Dovener,
Ellis,
Fairchild,
Faris,
Fenton,
Fischer,
Foote,
Foss,
Gamble,
Gibson,
Graff,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hardy,
Harris,
Henry, Ind.
Hepburn,
Hermann,
Howard,
Howe,
Hubbard,
Huling,
Hull,
Hunter,
Hurley,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kiefer,
Kirkpatrick,
Knox,
Lacey,
Lefever,
Leighty,
Lewis,
Linney,
Linton,
Long,
Marsh,
Martin,
McCleary, Minn.
McClure,
McLachlan,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Morse,
Mozley,
Murray,
Northway,
Otjen,

Perkins,
Prince,
Reeves,
Rinaker,
Royse,
Russell, Conn.
Sauerhering,
Snover,
Spalding,
Sperry,
Stahle,
Stephenson,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Tayler,
Thorp,
Tracey,
Treloar,
Updegraff,
Van Horn,
Van Voorhis,
Walker, Va.
Warner,
Wilber,
Wilson, N. Y.
Wood,
Woodman,
Woomer,
Wright.

NAYS—127.

Abbott,
Acheson,
Adams,
Allen, Miss.
Arnold, Pa.
Bailey,
Bartlett, Ga.
Bell, Tex.
Bennett,
Berry,
Black,
Blue,
Boatner,
Broderick,
Buck,
Clardy,
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cowen,
Cox,
Crisp,
Cummings,
De Armond,
Denny,
Dockery,
Draper,
Ellett,
Erdman,
Fitzgerald,
Fletcher,
Gillet, N. Y.
Gillett, Mass.
Griswold,
Harrison,
Hart,
Hartman,
Hendrick,
Henry, Conn.
Hill,
Hooker,
Hulick,
Jenkins,
Jones,
Kendall,
Kerr,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Leisenring,
Leonard,
Lester,
Little,
Livingston,
Loud,
Loudenslager,
Maddox,
McCall, Mass.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLaurin,
Meiklejohn,
Mercer,
Meyer,
Miles,
Moody,
Neill,
Newlands,
Odell,
Ogden,
Otey,
Overstreet,
Parker,
Patterson,
Pendleton,
Phillips,
Pitney,
Poole,
Powers,
Price,
Quigg,
Reyburn,
Richardson,
Robertson, La.
Rusk,
Sayers,
Scranton,
Shafroth,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Southard,
Southwick,
Sparkman,
Stokes,
Strait,
Sulzer,
Swanson,
Taft,
Talbert,
Tate,
Terry,
Thomas,
Towne,
Turner, Ga.
Turner, Va.
Tyler,
Wadsworth,
Wanger,
Washington,
Wheeler,
Williams,
Wilson, Idaho
Wilson, S. C.
Yoakum.

NOT VOTING—109.

Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Arnold, R. I.
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartlett, N. Y.
Beach,
Bell, Colo.
Bingham,
Brewster,
Bromwell,
Brosius,
Brown,
Catchings,
Clark, Iowa
Colson,
Cooper, Wis.
Cousins,
Crowley,
Crump,
Culberson,
Curtis, N. Y.
Dalzell,
Dayton,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Eddy,
Evans,
Fowler,
Gardner,
Goodwyn,
Griffin,
Grosvenor,
Hadley,
Hall,
Hanly,
Harmer,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hicks,
Hilborn,
Hitt,
Hopkins,
Howell,
Huff,
Hutcheson,
Joy,
Kem,
Kulp,
Lorimer,
Low,
Maguire,
Mahany,
Mahon,
McCall, Tenn.
McCormick,
McMillin,
McRae,
Meredith,
Milliken,
Miner, N. Y.
Mondell,
Money,
Moses,
Murphy,
Noonan,
Owens,
Payne,
Pearson,
Pickler,
Pugh,
Raney,
Ray,
Robinson, Pa.
Russell, Ga.
Settle,
Shaw,
Shuford,
Skinner,
Smith, Mich.
Sorg,
Spencer,
Stallings,
Steele,
Stewart, N. J.
Stone, W. A.
Strowd, N. C.
Sulloway,
Tawney,
Tracewell,
Tucker,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Wellington,
White,
Willis,
Wilson, Ohio
Woodard.

So the substitute was not agreed to.

The following pairs were announced:

Until further notice:

Mr. DINGLEY with Mr. McMILLIN.

Mr. HITT with Mr. McRAE.

Mr. TRACEWELL with Mr. RUSSELL of Georgia.

Mr. HEMENWAY with Mr. MINER of New York.

Mr. HANLY with Mr. MOSES.

Mr. PUGH with Mr. MONEY.

For this day:

Mr. HENDERSON with Mr. CULBERSON.

Mr. WILSON of Ohio with Mr. DINSMORE.

On this question:

Mr. PAYNE with Mr. CATCHINGS.

Mr. DAYTON with Mr. BREWSTER.

Mr. GROSVENOR with Mr. MEREDITH.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. MAHON with Mr. HICKS.

Mr. LOW with Mr. OWENS.

Mr. TAWNEY with Mr. WALKER of Massachusetts.

Mr. MONDELL with Mr. DOOLITTLE.

Mr. HUFF with Mr. SPENCER.

Mr. RANEY with Mr. JOY.

Mr. DALZELL with Mr. WILLIAM A. STONE.

Mr. SULLOWAY with Mr. HUTCHESON.

Mr. HILBORN with Mr. MAGUIRE.

Mr. COOPER of Wisconsin with Mr. KULP.

Mr. CRUMP with Mr. SHAW.

Mr. TRUMAN H. ALDRICH with Mr. HALL.

Mr. BINGHAM with Mr. SMITH of Michigan.

Mr. EDDY with Mr. WOODARD.

Mr. SETTLE with Mr. BARTLETT of New York.

Mr. HOPKINS with Mr. SORG.

Mr. WILLIAM F. ALDRICH with Mr. CROWLEY.

Mr. BROMWELL with Mr. STALLINGS.

Mr. RANEY. Mr. Speaker, I am paired with my colleague, Mr. JOY. If he were present, he would vote "yea," and I would vote "nay."

Mr. THOMAS. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The Clerk will recapitulate the vote.

The vote was recapitulated.

Mr. ATWOOD. Mr. Speaker, I wish to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall of the House at the time when his name should have been called, listening, and failed to hear it? The Chair so understands.

Mr. ATWOOD. Yes, sir.

The name of Mr. ATWOOD was called, and he voted "yea."

Mr. THOMAS. Mr. Speaker, I desire to change my vote from "yea" to "nay."

The SPEAKER. The gentleman's name will be called.

The name of Mr. THOMAS was called, and he voted "nay."

Mr. THOMAS. Mr. Speaker, I move to reconsider the vote just taken.

Mr. RICHARDSON. It has not been announced yet.

The result of the vote was then announced as above recorded.

Mr. THOMAS. Mr. Speaker, I move to reconsider the vote just taken.

Mr. HEPBURN. I move that the House adjourn.

Mr. THOMAS. And I also move that the House do now adjourn.

The SPEAKER. The Chair will put the question as presented by the gentleman from Michigan, who moves that the vote be reconsidered.

Mr. McCALL of Massachusetts. I move to lay that motion on the table.

Mr. THOMAS. I move that the House adjourn.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moves that the House adjourn.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 109, noes 119.

Mr. GIBSON. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 121, not voting 122; as follows:

YEAS—112.

Aitken,
Anderson,
Andrews,
Apsley,
Avery,
Babcock,
Baker, N. H.
Barney,
Belknap,
Bishop,
Boutelle,
Brumm,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Mo.
Connolly,
Cook, Wis.
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Daniels,
De Witt,
Dovener,
Ellis,
Fairchild,
Faris,
Fenton,
Fischer,
Foote,
Foss,
Gamble,
Gibson,
Graff,
Griswold,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hardy,
Henry, Ind.
Hepburn,
Howard,
Howe,
Hubbard,
Huling,
Hull,
Hunter,
Hurley,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kirkpatrick,
Lacey,
Lefever,
Leighty,
Lewis,
Linney,
Linton,
Long,
Marsh,
Martin,
McCleary, Minn.
McClure,
McLachlan,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Morse,
Mozley,
Murray,
Northway,
Otjen,
Perkins,
Pitney,
Prince,
Reeves,
Rinaker,
Royse,
Russell, Conn.
Sauerhering,
Smith, Ill.
Snover,
Sperry,
Stephenson,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Tayler,
Thomas,
Thorp,
Tracey,
Treloar,
Updegraff,
Van Horn,
Walker, Va.
Warner,
Wilber,
Wilson, N. Y.
Wood,
Woomer.

NAYS—121.

Abbott,
Acheson,
Adams,
Allen, Miss.
Arnold, Pa.
Atwood,
Bailey,
Bartlett, Ga.
Bell, Tex.
Bennett,
Black,
Blue,
Boatner,
Broderick,
Buck,
Clardy,
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cowen,
Cox,
Crisp,
Cummings,
De Armond,
Denny,
Dockery,
Draper,
Ellett,
Erdman,
Fitzgerald,
Fletcher,
Gillet, N. Y.
Harrison,
Hart,
Hendrick,
Henry, Conn.
Hermann,
Hill,
Hooker,
Hulick,
Jenkins,
Jones,
Kendall,
Kerr,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Leisenring,
Leonard,
Lester,
Little,
Livingston,
Loud,
Loudenslager,
Maddox,
McCall, Mass.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLaurin,
Meiklejohn,
Mercer,
Meyer,
Miles,
Neill,
Newlands,
Odell,
Ogden,
Otey,
Overstreet,

Parker,
Patterson,
Pendleton,
Phillips,
Poole,
Powers,
Price,
Quigg,
Reyburn,
Richardson,
Robertson, La.
Rusk,
Sayers,
Scranton,
Shafroth,
Shannon,
Sherman,
Southwick,
Spalding,
Sparkman,
Stokes,
Strait,
Sulzer,
Swanson,
Taft,
Talbert,
Tate,
Terry,
Towne,
Turner, Ga.
Turner, Va.
Tyler,
Wadsworth,
Wanger,
Washington,
Wheeler,
Williams,
Wilson, Idaho
Wilson, S. C.
Wright,
Yoakum.

NOT VOTING—122.

Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Arnold, R. I.
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Colo.
Berry,
Bingham,
Bowers,
Brewster,
Bromwell,
Brosius,
Brown,
Catchings,
Clark, Iowa
Colson,
Cooper, Wis.
Cousins,
Crowley,
Crump,
Culberson,
Curtis, N. Y.
Dayton,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Eddy,
Evans,
Fowler,
Gardner,
Gillett, Mass.
Goodwyn,
Griffin,
Grosvenor,
Hadley,
Hall,
Hanly,
Harmer,
Harris,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hicks,
Hilborn,
Hitt,
Hopkins,
Howell,
Huff,
Hutcheson,
Joy,
Kem,
Kiefer,
Knox,
Kulp,
Lorimer,
Low,
Maguire,
Mahany,
Mahon,
McCall, Tenn.
McCormick,
McMillin,
McRae,
Meredith,
Milliken,
Miner, N. Y.
Mondell,
Money,
Moody,
Moses,
Murphy,
Noonan,
Owens,
Payne,
Pearson,
Pickler,
Pugh,
Raney,
Ray,
Robinson, Pa.
Russell, Ga.
Settle,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Sorg,
Southard,
Spencer,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stone, W. A.
Strowd, N. C.
Sulloway,
Tawney,
Tracewell,
Tucker,
Van Voorhis,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Wellington,
White,
Willis,
Wilson, Ohio
Woodard,
Woodman.

So the motion to adjourn was rejected.

The following additional pair was announced:

Mr. VAN VOORHIS with Mr. SIMPKINS, on this question.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. McCALL] to lay the motion to reconsider on the table.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. WALKER of Virginia. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 118, noes 98.

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 104, not voting 131; as follows:

YEAS—120.

Abbott,
Acheson,
Adams,
Allen, Miss.
Arnold, Pa.
Bailey,
Bartlett, Ga.
Bell, Tex.
Bennett,
Berry,
Black,
Blue,
Boatner,
Broderick,
Buck,
Clardy,
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cowen,
Cox,
Crisp,
Cummings,
De Armond,
Denny,
Dockery,
Draper,
Ellett,
Erdman,
Fischer,
Fitzgerald,
Fletcher,
Gillet, N. Y.
Griswold,
Harrison,
Hart,
Hartman,
Hendrick,
Henry, Conn.
Hill,
Hooker,
Hulick,
Jenkins,
Jones,
Kendall,
Kerr,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Leisenring,
Leonard,
Lester,
Little,
Livingston,
Loud,
Loudenslager,
Maddox,
McCall, Mass.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLaurin,
Meiklejohn,
Mercer,
Meyer,
Miles,
Neill,
Newlands,
Odell,
Ogden,
Otey,
Parker,
Patterson,
Pendleton,
Phillips,
Pitney,
Poole,
Powers,
Price,
Quigg,
Reyburn,
Richardson,
Robertson, La.
Rusk,
Sayers,
Scranton,
Shafroth,
Shannon,
Sherman,
Smith, Ill.
Southwick,
Sparkman,
Stokes,
Strait,
Sulzer,
Swanson,
Taft,
Talbert,
Tate,
Terry,
Towne,
Turner, Ga.
Turner, Va.
Tyler,
Wadsworth,
Wanger,
Washington,
Williams,
Wilson, Idaho
Wilson, S. C.

NAYS—104.

Aitken,
Anderson,
Andrews,
Apsley,
Atwood,
Avery,
Babcock,
Baker, N. H.
Barney,
Belknap,
Bishop,
Boutelle,
Brumm,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Clark, Mo.
Connolly,
Cook, Wis.
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Daniels,
De Witt,
Dovener,
Ellis,
Fairchild,
Faris,
Fenton,
Foote,
Foss,
Gamble,
Gibson,
Graff,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hardy,
Hepburn,
Hermann,
Howard,
Howe,
Hubbard,
Huling,
Hull,
Hunter,
Hurley,
Johnson, Cal.
Johnson, N. Dak.
Kirkpatrick,
Lacey,
Lefever,
Leighty,
Lewis,
Linney,
Long,
Martin,
McCleary, Minn.
McClure,
McLachlan,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mozley,
Murray,
Northway,
Otjen,
Perkins,
Prince,
Reeves,
Rinaker,
Royse,
Russell, Conn.
Sauerhering,
Snover,
Spalding,
Stephenson,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Tayler,
Thomas,
Thorp,
Tracey,
Treloar,
Updegraff,
Van Horn,
Walker, Va.
Warner,
Wilber,
Wilson, N. Y.
Wood,
Woomer,
Wright.

NOT VOTING—131.

Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Arnold, R. I.
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Colo.
Bingham,
Bowers,
Brewster,
Bromwell,
Brosius,
Brown,
Catchings,
Chickering,
Clark, Iowa
Colson,
Cooper, Wis.
Cousins,
Crowley,
Crump,
Culberson,
Curtis, N. Y.
Dayton,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Eddy,
Evans,
Fowler,
Gardner,
Gillett, Mass.
Goodwyn,
Griffin,
Grosvenor,
Hadley,
Hall,
Hanly,
Harmer,
Harris,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Ind.
Hicks,
Hilborn,
Hitt,
Hopkins,
Howell,
Huff,
Hutcheson,
Hyde,
Johnson, Ind.
Joy,
Kem,
Kiefer,
Knox,
Kulp,
Linton,
Lorimer,
Low,
Maguire,
Mahany,
Mahon,
Marsh,
McCall, Tenn.
McCormick,
McMillin,
McRae,
Meredith,
Milliken,
Miner, N. Y.
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Noonan,
Overstreet,
Owens,
Payne,
Pearson,
Pickler,
Pugh,
Raney,
Ray,
Robinson, Pa.
Russell, Ga.
Settle,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Sorg,
Southard,
Spencer,
Sperry,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stone, W. A.
Strowd, N. C.
Sulloway,
Tawney,
Tracewell,
Tucker,
Van Voorhis,
Walker, Mass.
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Willis,
Wilson, Ohio
Woodard,
Woodman,
Yoakum.

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

On this question:

Mr. HYDE with Mr. WHEELER.

Mr. KNOX with Mr. YOAKUM.

Mr. OVERSTREET with Mr. HENRY of Indiana.

Mr. MORSE with Mr. GILLETT of Massachusetts.

The SPEAKER. On this question the yeas are 120 and the nays are 104. The ayes have it, and the motion to reconsider is laid upon the table.

Mr. HEPBURN. Mr. Speaker, is it now, in this stage of the proceedings, competent to move that the whole subject of the contested-election case now pending be recommitted to the Committee on Elections No. 3?

The SPEAKER. The Chair thinks the proper form would be that the pending resolutions be recommitted to the committee with instructions, if the gentleman desires.

Mr. HEPBURN. I now move that the resolutions be recommitted to the committee of which the gentleman from Massachusetts [Mr. McCALL] is chairman.

Mr. BAILEY. Mr. Speaker, I submit that the motion to reconsider having been laid upon the table, it is not now competent by any motion to bring the question of Mr. Yost's right to the seat again before the House.

The SPEAKER. The motion to reconsider having been laid upon the table, the question before the House is on the resolutions originally presented by the committee. Those resolutions the gentleman from Iowa [Mr. HEPBURN] moves to recommit.

Mr. BAILEY. Those resolutions can be recommitted, but the gentleman said he moved to recommit the whole case.

The SPEAKER. And the Chair suggested to the gentleman from Iowa that that was not the proper form, but that he could move to recommit the resolutions either with or without instructions; not the resolutions which have been rejected as a substitute, but the resolutions reported by the committee, and which are now before the House. The question before the House is whether the resolutions reported by the committee shall be adopted or rejected; and now the gentleman from Iowa [Mr. HEPBURN] moves that they be recommitted to the committee.

The question being taken on the motion to recommit, the Speaker declared that the noes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 13, noes 115.

Mr. HEPBURN. I make the point that no quorum has voted.

The SPEAKER. That point is overruled. The motion to recommit is rejected. The question is on the resolutions.

The question being taken on the adoption of the committee resolutions, the Speaker declared the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 115, noes 7.

Mr. HEPBURN. I make the point that no quorum has voted.

The SPEAKER. The Chair overrules the point that no quorum has voted. If the gentleman makes the point that no quorum is present, the fact will have to be ascertained.

Mr. HEPBURN. I make the point that no quorum is present.

After a count, the Speaker announced 150 members present—not a quorum.

Mr. McCALL of Massachusetts. Mr. Speaker, I ask for the yeas and nays.

Mr. HEPBURN. I move that the House adjourn.

The SPEAKER. The Chair understands the gentleman from Iowa to move to adjourn, which is in order.

The question being taken on the motion to adjourn, it was rejected.

The SPEAKER. A call of the House will be considered as ordered; the Sergeant-at-Arms will close the doors and the Clerk will call the roll, and members will answer in two ways, yea or nay upon the question and "present" on the roll call, and the Sergeant-at-Arms will bring in absentees.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry. Is the question now upon the resolution of the committee that Mr. Tucker is entitled to his seat? Is that to be voted upon?

The SPEAKER. The question to be voted on is the adoption of the resolutions reported by the committee—the resolutions which, if adopted, seat Mr. Tucker.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry. There are two resolutions?

The SPEAKER. There are two resolutions.

Mr. HEPBURN. Is the question divisible?

The SPEAKER. It would be divisible——

Mr. HEPBURN. I demand a division of the question.

The SPEAKER (continuing). But the Chair thinks it is too late now, after the yeas and nays have been ordered.

Mr. RICHARDSON. I make the point of order that it is too late.

The SPEAKER. It is too late after the yeas and nays have been ordered, as they have been, under the rule. The question was put on the two resolutions together, and no division of them was asked for. The Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 47, not voting 190; as follows:

YEAS—118.

Abbott,
Acheson,
Adams,
Allen, Miss.
Arnold, Pa.
Bailey,
Barney,
Bartlett, Ga.
Bell, Tex.
Bennett,
Berry,
Bishop,
Black,
Blue,
Boatner,
Broderick,
Buck,
Bull,
Clardy,
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cowen,
Cox,
Crisp,
Cummings,
De Armond,
Denny,
Dockery,
Draper,
Ellett,
Erdman,
Fitzgerald,
Fletcher,
Harrison,
Hart,
Hartman,
Hendrick,
Henry, Conn.
Hill,
Hooker,
Hulick,
Jenkins,
Jones,
Kendall,
Kerr,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Leisenring,
Leonard,
Lester,
Little,
Livingston,
Loud,
Loudenslager,
Maddox,
McCall, Mass.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
Meiklejohn,
Mercer,
Meyer,
Miles,
Neill,
Newlands,
Ogden,
Otey,
Parker,
Patterson,
Pendleton,
Phillips,
Pitney,
Poole,
Powers,
Price,
Quigg,
Reyburn,
Richardson,
Robertson, La.
Rusk,
Sayers,
Scranton,
Shafroth,
Shannon,
Sherman,
Smith, Ill.
Southwick,
Sparkman,
Stokes,
Strait,
Sulzer,
Swanson,
Taft,
Talbert,
Tate,
Terry,
Towne,
Turner, Ga.
Turner, Va.
Tyler,
Wadsworth,
Wanger,
Washington,
Williams,
Wilson, Idaho
Wilson, S. C.

NAYS—47.

Andrews,
Belknap,
Burrell,
Burton, Ohio
Calderhead,
Cannon,
Danford,
Dovener,
Ellis,
Fischer,
Gamble,
Gibson,
Graff,
Hager,
Hainer, Nebr.
Hepburn,
Hermann,
Howard,
Howe,
Hubbard,
Hull,
Hunter,
Hurley,
Lacey,
Leighty,
Lewis,
Linney,
Linton,
Marsh,
Martin,
McCleary, Minn.
Mitchell,
Otjen,
Prince,
Reeves,
Russell, Conn.
Spalding,
Stephenson,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Thomas,
Thorp,
Walker, Va.
Wood,
Woomer,
Wright.

NOT VOTING—190.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Baker, Kans.
Baker, Md.
Baker, N. H.
Bankhead,
Barham,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Colo.
Bingham,
Boutelle,
Bowers,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Burton, Mo.
Catchings,
Chickering,
Clark, Iowa
Clark, Mo.
Colson,
Connolly,
Cook, Wis.
Cooper, Wis.
Cousins,
Crowley,
Crowther,
Crump,
Culberson,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
Dayton,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Eddy,
Evans,
Fairchild,
Faris,
Fenton,
Foote,
Foss,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hadley,
Hall,
Halterman,
Handy,
Hardy,
Harmer,
Harris,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Ind.
Hicks,
Hilborn,
Hitt,
Hopkins,
Howell,
Huff,
Huling,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. D.
Joy,
Kem,
Kiefer,
Kirkpatrick,
Knox,
Kulp,
Lefever,
Long,
Lorimer,
Low,
Maguire,
Mahany,
Mahon,
McCall, Tenn.
McClure,
McCormick,
McLachlan,
McLaurin,
McMillin,
McRae,
Meredith,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Miner, N. Y.
Minor, Wis.
Mondell,
Money,
Moody,
Morse,
Moses,
Mozley,
Murphy,
Murray,
Noonan,
Northway,
Odell,
Overstreet,
Owens,
Payne,
Pearson,
Perkins,
Pickler,
Pugh,
Raney,
Ray,
Rinaker,
Robinson, Pa.
Royse,
Russell, Ga.
Sauerhering,
Settle,
Shaw,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Snover,
Sorg,
Southard,
Spencer,
Sperry,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stone, W. A.
Strong,
Strowd, N. C.
Sulloway,
Tawney,
Tayler,
Tracewell,
Tracey,
Treloar,
Tucker,
Updegraff,
Van Horn,
Van Voorhis,
Walker, Mass.
Warner,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Wilber,
Willis,
Wilson, N. Y.
Wilson, Ohio
Woodard,
Woodman,
Yoakum.

So the resolutions reported by the Committee on Elections No. 3 were adopted.

The following additional pair was announced:

Mr. RINAKER with Mr. McLAURIN, on this vote.

The SPEAKER. On this question the yeas are 119; the nays 47; 11 gentlemen are present and not voting. A quorum being present, the resolutions are adopted. In order to avoid the possibility of mistake, the Clerk will announce the names of gentlemen present, so that if there be any error it may be corrected.

The names of members present and not voting were read, as follows:

Messrs. DALZELL, DANIELS, GROW, MAHON, MEREDITH, RANEY, STEELE, TUCKER, WILSON of Ohio, BOWERS, FOOTE, FOSS, ATWOOD, and MILLER of West Virginia.

Mr. BANKHEAD. I was present and desire to be so recorded.

The SPEAKER. The gentleman is not recorded. He will be marked as present. The report of members present and not voting has been read as made up by the Clerk; and whether the name of the gentleman from Virginia [Mr. TUCKER] should be counted or not is not material, as it is not necessary to make up a quorum.

Mr. McCALL of Massachusetts. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. McCALL of Massachusetts (at 6.30 p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in reference to compensation due W. A. Poucher, United States attorney for the northern district of New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Horn Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the harbor at Oyster Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 866) to provide for a final settlement with the Naalem band of the Tillamook tribe of Indians, of Oregon, in accordance with a certain agreement between the United States and the said Indians, dated the 6th day of August, 1851, reported the same with amendment, accompanied by a report (No. 2588); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BLACK, from the Committee on Pensions:

The bill (H. R. 9881) to increase the pension to Harriet J. Hutter. (Report No. 2589.)

The bill (H. R. 1378) to pension Lucinda Stone, daughter of Revolutionary soldier. (Report No. 2590.)

The bill (S. 790) entitled "An act granting a pension to Mrs. Hypolite Huard, of New Orleans, La., widow of Hypolite Huard, deceased. (Report No. 2592.)

By Mr. COFFIN, from the Committee on Pensions: The bill (S. 1041) entitled "An act granting an increase of pension to Christiana C. Queen, widow of Walter W. Queen, rear-admiral, United States Navy. (Report No. 2591.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KLEBERG: A bill (H. R. 10092) to authorize the Corpus Christi and Padre Island Harbor Company to import free of duty certain materials for the construction of an outer harbor on the coast of Texas—to the Committee on Ways and Means.

By Mr. WOODMAN: A bill (H. R. 10093) regulating the service of summons in the justice courts of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HURLEY: A bill (H. R. 10094) for the purpose of pensioning persons in the civil service—to the Committee on Reform in the Civil Service.

By Mr. HERMANN: A bill (H. R. 10105) to create a public land commission—to the Committee on the Public Lands.

By Mr. HOWE: A joint resolution (H. Res. 236) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 10095) to pension Nancy E. Hardy—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 10096) for the relief of W. M. Rhea—to the Committee on War Claims.

By Mr. DENNY: A bill (H. R. 10097) for the relief of M. Lowenburg, of Natchez, Miss.—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 10098) to pension John Berger—to the Committee on Invalid Pensions.

By Mr. LOW: A bill (H. R. 10099) for the relief of Abraham Egbert, jr.—to the Committee on Military Affairs.

Also, a bill (H. R. 10100) for the relief of George Frey—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 10101) for the relief of H. D. Bonnet—to the Committee on Military Affairs.

By Mr. OWENS: A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms—to the Committee on the Judiciary.

By Mr. QUIGG: A bill (H. R. 10103) for the relief of William Plimley, late general superintendent of the money-order division of the post-office at New York—to the Committee on Claims.

By Mr. STRAIT: A bill (H. R. 10104) for the relief of Marcus Bain—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Quaker City Lodge, No. 348, International Association of Machinists, favoring Government ownership of telegraph lines—to the Committee on the Judiciary.

Also, petitions of the Friends' Institute and William H. Jenks and others, all of Philadelphia, Pa., praying for favorable action on House bill No. 4566, also Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By Mr. ARNOLD of Rhode Island: Petition of James C. Nichols Post, No. 19, Department of Rhode Island, Grand Army of the Republic, in behalf of Cuban liberty and independence—to the Committee on Foreign Affairs.

By Mr. BENNETT: Memorial praying for the relief of John L. Smithmeyer—to the Committee on the Library.

By Mr. GIBSON: Petition of James M. Wilson, of Somerset, Ky., praying for payment for services during the rebellion—to the Committee on War Claims.

By Mr. HARMER: Petition of Richard Wells and 29 others, of Philadelphia, Pa., asking for favorable action on House bill No. 4566 and Senate bill No. 1675, to prohibit the interstate transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Memorial from 68 patentees and owners of land within the limits of the Yosemite Park Reservation, Cal., praying for relief from the onerous conditions imposed upon them—to the Committee on the Public Lands.

By Mr. HUBBARD: Petition of John Berger, of Boonville, Mo., to accompany House bill, for a pension—to the Committee on Invalid Pensions.

By Mr. LINNEY (by request): Petition of the estate of Adam Staley, deceased, late of Wilkes County, N. C., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Thomas Triplett, of Caldwell County, N. C., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Resolutions of Washington Camp, No. 29, Patriotic Sons of America, of New Jersey, protesting against Spanish rule in Cuba and urging speedy action on the part of the United States in behalf of Cuban independence—to the Committee on Foreign Affairs.

Also, petition of the Central Woman's Christian Temperance Union, of Camden, N. J., in favor of the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. LOW: Paper of Abraham Egbert, of Company K, Seventy-fourth New York Infantry, to accompany House bill for his relief—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion against George Frey, of Company D, Fifty-fifth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. MOZLEY: Petition of citizens of Stoddard County, Mo., late members of Missouri volunteers in the war of the rebellion, asking for certain pension legislation—to the Committee on Invalid Pensions.

By Mr. QUIGG: Paper to accompany House bill for the relief of William Plimley—to the Committee on Claims.

By Mr. STRAIT: Paper to accompany House bill for the relief of Marcus Bain—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: Petition of L. M. Koehler, of Utah, favoring a tariff on gilsonite or asphaltum—to the Committee on Ways and Means.

Also, petition of J. R. Coffyn, of Fayette, Iowa, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *January 22, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a proposed joint resolution to enable the Secretary of the Treasury to transfer from the permanent appropriation for expenses of Treasury notes, act of July 12, 1890, to the appropriation for labor and expenses of engraving and printing in the Bureau of Engraving and Printing the sum of $16,046, for the purpose of meeting the demand upon the Treasury of the United States for silver certificates and of maintaining the necessary stock of such certificates in the reserved vault of his office during the remainder of the current fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 9838) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, agreeing to the report of the committee of conference, insisting upon the amendments still in disagreement, and requesting a further conference thereon.

Mr. HALE. The Senate has already insisted upon its amendments. I move that it agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. QUAY, Mr. HALE, and Mr. BLACKBURN were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9948) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Public Lands.

CREDENTIALS.

Mr. CAMERON presented the credentials of Boies Penrose, chosen by the legislature of Pennsylvania a Senator from that State for the term commencing March 4, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented letters in the nature of memorials from R. E. Orr, of Evanston; H. P. Beach, of Piper City; J. P. McGrath, of Chicago, and the Noncommissioned Officers' Association, Seventh Infantry Illinois National Guard, all in the State of Illinois, remonstrating against the ratification of the arbitration treaty; which were referred to the Committee on Foreign Relations.

He also presented letters, in the nature of petitions, from John V. Farwell, of Chicago; James L. Houghteling, of Chicago; E. G. Keith, of Chicago; John H. Wigmore, of Chicago; H. N. Higinbotham, of Chicago; Byron L. Smith, of Chicago, and Franklin McVeagh, of Chicago, all in the State of Illinois; and the petition of Josiah Strong, secretary of the National Arbitration Conference, of New York City, praying for the ratification of the arbitration treaty; which were referred to the Committee on Foreign Relations.

He also presented the petitions of H. N. Higinbotham, of Chicago; of Frederick L. Chapman, of Chicago; of H. D. Penfield, of Chicago, and of the United States Heater Company, of Chicago, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of S. V. Park, publisher of the Times, of Joliet, Ill., and the memorial of John & Walter H. Cunningham, publishers of the Grump Press, of Grump, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Clancy, president and treasurer of the Lumbermen's Credit Association, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. GEAR presented a memorial of the Bureau of Credits, composed of bankers, manufacturers, and jobbers, of Sioux City, Iowa, remonstrating against the passage of the so-called Bailey-George bill, to establish a uniform system of bankruptcy; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Norwood Business Association, of Norwood, Mass., praying for the enactment of legislation placing the consular service under the civil-service rules; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of the arbitration treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Norwood Business Association, of Norwood, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Norwood Business Association, of Norwood, Mass., praying for the appointment of a nonpartisan tariff commission; which was referred to the Committee on Finance.

He also presented the petitions of Frank H. Stevens & Co., of Marblehead; of H. Grifford, of Abington; of F. A. Smith & Co., and of Albert M. Nash, of Abington, all in the State of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. PEFFER presented the memorial of Arthur Capper, publisher of the Topeka Mail, of Topeka, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE. I present the petitions of Isaac A. Loose, professor of political science, State University of Iowa; of Benjamin F. Shambaugh, assistant professor, State University of Iowa, and sundry other petitions from colleges and representatives of various newspapers in the United States, praying for the publication of a new edition of the charters, constitutions, and organic laws of the United States.

I ask that the petitions and the accompanying letters be printed as a document and referred to the Committee on Printing.

Mr. HOAR. I may be permitted to express to that committee, through its chairman, who has just presented the petitions, my hope that the committee will make arrangements at an early day for republishing that valuable work, including all the more recent constitutions, correcting any omissions which may be in it, and possibly adding to it the decisions, certainly of the Supreme Court of the United States, in regard to the constitutionality of any existing State statutes or constitutions. It is a book which all of us have occasion to refer to very frequently. It is regarded, I know, by historical scholars as among the most important and valuable of our Government publications; but it is nearly twenty years old now.

The VICE-PRESIDENT. The petitions and letters will be referred to the Committee on Printing, and printed as a document, in the absence of objection.

Mr. COCKRELL. I present a petition of the St. Louis Credit Men's Association, praying for the passage of the so-called bankruptcy bill. I move that the petition lie on the table, and that it be printed as a miscellaneous document.

The motion was agreed to.

Mr. BATE presented the memorial of F. A. Dunning, publisher of the Dispatch, of Sunshine, Tenn., and a memorial of publishers of sundry newspapers, magazines, and periodicals in the United States, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. I present a letter, in the nature of a memorial, from Warren F. Daniell, of Franklin, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. GALLINGER. I present the letter of George F. Seymour, bishop of the diocese of Springfield, Ill.; of Martin L. De Vogo, of the University of Michigan; of George W. Gates, president of Iowa College, of Grinnell, Iowa; of W. P. Johnston, president of Geneva College, of Beaver Falls, Pa.; of S. Burnham, dean of the Hamilton Theological Seminary, of Hamilton, N. Y., and of Louise Imogen Guiney, of Auburndale, Mass., praying for the passage of the bill now on the Calendar relating to vivisection in the District of Columbia.

I ask that these letters lie on the table and be ordered printed in connection with the petition and certain other letters that have heretofore been ordered printed as a document.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. FRYE presented a petition of the Methodist Episcopal church of Searsmont, Me., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the labor unions of Lewiston and Auburn, in the State of Maine, praying for the enactment of legislation providing better treatment of seamen, and regulating their wages; which was ordered to lie on the table.

Mr. MORGAN presented a petition of the Woman's Christian Temperance Union of Florence, Ala., praying for the passage of Senate bill No. 1498, to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a petition of the Ohio State board of commerce, praying for the establishment of a department of commerce and manufactures, and that liberal appropriations be made for the improvement of the Ohio River; which was referred to the Committee on Commerce.

He also presented the memorial of Charles M. Pfeifer & Co., of Cincinnati, Ohio, remonstrating against the passage of House bill No. 8782, providing for the bottling of whiskies at the distillery, etc.; which was referred to the Committee on Finance.

He also presented the memorials of the publishers of the Guernsey Times and the Cambridge Jeffersonian, of Cambridge, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Edward B. Wilson, pastor of the Methodist Episcopal church of Marlboro, Ohio, and the petition of J. W. Culver, president of the Young People's Society of Christian Endeavor, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Chamber of Commerce of Cleveland; of Rev. Washington Gladden, pastor of the First Congregational Church, of Columbus; of Sylvester F. Scovel, of the University of Wooster, Wooster, Ohio; and of W. A. Mahony, of Columbus, all in the State of Ohio, praying for the ratification of the arbitration treaty with England; which were referred to the Committee on Foreign Relations.

He also presented the petitions of the First National Bank of Toledo, of the Pliny Watson Company, the Walding, Kinnan & Marvin Company, Childs, Lee & Co., the Simmons Boot and Shoe Company, and B. A. Stevens, of Toledo; of Ford, Eaton & Co., of Cincinnati; the Hasseret Company, of Cleveland; of McGowan Bros., of Steubenville; the McKeehan-Hiestand Grocery Company, of Hillsboro; of Herbert K. Caskey, of Youngstown, and of George B. Kerper, of Dayton, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented three memorials from Warner Starr, publisher of the Allen News, of Allen, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE. I present the petition of Le Grand Byington, of Iowa City, Iowa, praying that all the gold and silver bullion now in the Treasury be coined into standard money, to make the silver dollar coined by the United States the exact equal of the gold dollar, to open the mints for the unlimited coinage of both metals, and to take from the national banks the right and privilege of issuing circulating notes.

The petition contains a very elaborate scheme for the renovation of the financial system of the United States. I ask its reference to the Committee on Finance, and earnestly hope that it will receive careful consideration at their hands.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

INDEPENDENCE OF CUBA.

Mr. TURPIE. Mr. President, I wish to give notice that on Monday next, immediately after the completion of the ordinary routine business of the morning hour, I shall move to take up the joint resolution reported by the senior Senator from Pennsylvania [Mr. CAMERON] from the Committee on Foreign Relations, providing for the recognition of the Republic of Cuba by the Congress of the United States, and I shall at that time, by the courtesy of the Senate, submit some remarks upon that subject.

I trust that at this time I may be allowed to state that three weeks ago in the newspapers appeared a very formal utterance of the honorable Secretary of State in regard to the right and authority of Congress to deal with the question of recognition. There was not at that time, and is not now, any communication from Congress pending before the President, and there could have been none in the Department of State, upon that question. This utterance, therefore, we treated as obiter dictum of the Secretary. There was nothing before him; there could have been nothing before him, calling for a deliverance upon that subject. It is obiter dictum of the most crude, the most swift, and the most voluntary character. It is an instance, too, of moliter manus imposuit in the manner of that celebrated schoolmaster of antiquity, Orbilius, who caused a whole audience of pupils to tremble by a word in terrorem, with a threatened menace of future discipline.

This, however, we were disposed to pass over as a mere inadvertence, inconsequential. This morning, however, I see in the newspapers, who have in some way become messengers between the executive department and Congress, and I do not disparage the messengers—I see in the newspapers this morning that there has been a compact entered into between the present incumbent in the office of Secretary of State and the future premier of the new Administration in relation to this same subject, and the bargain includes the provision that there shall be no action of Congress on the question during the present session.

Allow me to state that this manner of managing foreign relations is in my judgment unconstitutional, and a violation of the comity existing—always heretofore existing—between the legislative and executive departments of the Government. Not but what such compacts have been made heretofore. One was made by Mr. Canning and his predecessor to the same effect. But, Mr. President, it was not published in the newspapers until after Mr. Canning had carried out the recognition in question, which was two years after the compact had been agreed upon.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. TURPIE. Certainly.

Mr. SHERMAN. I have not been able to hear what was said by the Senator from Indiana, but I am told that he refers to a slip printed in the papers in which it is alleged that there has been a conference between Secretary Olney and myself in respect to Cuba, and an expression of opinion. I wish to say to him that there is not the slightest foundation for that statement. I have had no conversation with Mr. Olney upon the subject, and I certainly would not have conversation with him in respect to a subject pending here unless it was done to obtain information from that Department. There has been no conversation between us at all about the subject-matter.

Mr. TURPIE. Yes, sir.

Mr. SHERMAN. There has been no expression of opinion.

Mr. TURPIE. I do not say that I am bound to take the statement of the Senator from Ohio. I say more, I am very glad to take the statement of the Senator from Ohio. I am very glad to hear that there has been no such compact. But, sir, the Senator from Ohio will not state but that some action here is necessary to dissipate unfounded rumors of the character I have named. I do not think the honorable Senator will say that next Monday is an inopportune time to discuss these questions. Whatever may be the difference of opinion among Senators as to the recognition of the independence of Cuba, I hope there is no Senator here who is not in favor of our own independence as a coordinate branch of the Government.

THE ARBITRATION TREATY.

Mr. HOAR. I present a petition of the Boston Chamber of Commerce, praying for the ratification of the arbitration treaty with England. I do not know whether the petition should be presented in executive session or in open session.

Mr. CULLOM. I do not see any reason why such petition should not be presented in open session. I presented letters on the subject a few minutes ago.

Mr. HOAR. I present the petition. I move that it be referred to the Committee on Foreign Relations. I should like to be allowed to observe, if I may have consent, on the question of reference, that a great many of the very wisest and best men of all parties in the Commonwealth of Massachusetts, clergymen, members of business organizations, and highly esteemed private citizens, are writing letters to their Senators and also making public utterances, urging the very prompt and speedy ratification of the proposed treaty with Great Britain. I suppose there is no member of this body—if there be any member, certainly there is no Senator from Massachusetts—who does not hail with great satisfaction, as one of the great public events of the century, the negotiation of such a treaty and the prospect of its ratification, as tending to peace, as tending to do away with the necessity for large standing armies, and as tending to strengthen the bonds of friendship and good will not only between this country and England, but among all civilized nations.

But with all respect, it seems to me that these gentlemen forget that this is a treaty still in progress of negotiation; that the Senate of the United States is a part of the treaty-making power of this country; that its action is a part of the diplomatic action of the United States, and that it is very poor diplomacy when we are still engaged in such a negotiation with England, and the action of this country is still inchoate, to have earnest, eloquent, heated, impatient utterances coming from the pulpit, the press, and the colleges, and all urging immediate action upon the diplomatic representatives of the United States.

If it should turn out that there is some undisclosed, some unintended advantage to Great Britain or disadvantage to us in a proposed treaty, which both sides would be disposed to correct before the matter becomes final and out of our power, how is it possible to obtain due consideration of our rights or desire from Great Britain if there is a great storm and tempest of public sentiment excited in favor of the instant ratifying of the treaty as it is? If Mr. Olney should himself, after getting that constitutional advice, or if the President of the United States, to whom it is the sworn duty of the Senate to give it, should say, "I would like to have the treaty modified in this particular," is the Marquis of Salisbury to be armed with the reply, "Why, all over the United States your people are clamoring for it as it is; you do not represent your country or your country's interest."

I hold that this meddling with important diplomacy by angry and impassioned utterances of this kind is infinitely mischievous and foolish. While, so far as I am at present advised, there will not be likely to be found a man on the continent more in sympathy with the great public object of promoting peace upon earth and good will to men, I wish to enter my protest against this method of constantly meddling with our diplomatic procedure by sermon or professor's lecture.

Mr. SHERMAN. Mr. President, I wish to say a word about this matter. No one will more heartily support the general ideas contained in the treaty referred to and in congratulations not only to the people of the two great nations immediately concerned, but to all the world. The time has come when nations may quietly, seriously, and earnestly provide against the contingency of war so far as it can be provided against.

In respect to this treaty the committee to whom it was referred, the Committee on Foreign Relations, took it up. It was read; but it was thought on the whole that it was a treaty of great importance, and that it might possibly, if carefully studied, be found to affect objects that are not desirable by either country and create controversies which do not now exist. It was, therefore, put over for a time and read again; it was considered; and on Monday next, by an arrangement in the committee, it is to be acted upon definitely. As to what the result will be I have no doubt. It is not proper for me to communicate what the committee will do, but it will give to the treaty immediate consideration, as immediate as the time within which it should be considered, but full consideration and deliberation, with a careful review of existing treaties which it might affect. We will no doubt act upon it and report it, as I said, on Monday next.

I have received by the score from all parts of the country telegrams and letters, seeming to imply that we are holding back the treaty, and defeating a great object of public desire. There is no such purpose on the part of any member of the committee, and no inclination to postpone it, further than to give it full and careful consideration to see that it accomplishes the object sought.

Mr. ALLISON. I should like to ask the Senator from Ohio about how long this treaty was under consideration between the Secretary of State and Lord Salisbury?

Mr. SHERMAN. I am not able to state positively, but it has been for a long time considered, and it is certainly very foolish to complain of the Senate for not acting immediately upon a treaty which has been under discussion at least a year or two, and perhaps longer. Indeed, the subject matter of the treaty has been in discussion in previous Cabinets, and Mr. Gresham at least took a very active part in the origination of the treaty, or the principle involved.

Mr. HOAR. If the Senate will kindly pardon me, I wish to say one additional word. This matter has been under consideration between the Governments for more than twenty years, directly or indirectly. There was a very interesting speech of Mr. Gladstone on the subject, where he expressed himself in opposition to the principle of international arbitration altogether, nearly twenty-five years ago in the House of Commons. There was a deputation of English members of the House of Commons over here, who received a public banquet in Boston, some ten or twelve years ago, bringing with them a request of the majority of the English House of Commons for the negotiation of such a treaty or such a principle, which was responded to very generally in this country. I think that the diplomatic discussion between Great Britain and the present Administration has been going on more than a year. The Senator from Ohio will correct me if I am wrong.

Mr. SHERMAN. It goes back to Mr. Gresham's time.

Mr. HOAR. The idea of saying to the Senate of the United States, If you do not dispose of such a thing in twenty-four hours you are to have the spurs jammed into your side, I think, is one to be repelled.

Mr. GRAY. Mr. President, what are we going to do about it? I do not know whether we have as much right to complain of the interest manifested by the public in the pulpit or the press, as the Senator from Massachusetts says, as of their indifference, if such indifference existed, to a matter of great public importance, involving, as many think, the welfare of humanity and the progress of civilization.

I agree with the Senator from Massachusetts that intemperate zeal and intemperate criticism of the Senate is out of place, and lacks the propriety, perhaps, which would belong to the public discussion of great questions. But we can not remedy that. I do not think that anyone here will be forced out of his own sense of propriety in dealing with a great question by such intemperate zeal or even intemperate criticism. But as I do not see how we are to remedy this matter, I do not see why we should complain.

Mr. HOAR. If the Senator will pardon me one moment, though perhaps I have already spoken more than I ought on the matter, when the Senator asks what we are going to do about it, I think we are going to point out to the very excellent, worthy, and well-meaning men who are doing this that the matter is still in the course of diplomatic discussion between the two countries, and that it is unwise for them to affect the diplomacy by such earnest expressions. And when we have pointed it out to them they will see it themselves, and will desist.

Mr. GRAY. I think the Senate of the United States will perform its duty and act with due deliberation, as it ought, upon a question so momentous as this, whether the intemperate criticism or unwise criticism of its action ceases or not. I do not differ from a great deal that the Senator from Massachusetts has said, but I do not know how we are to correct what he considers worthy of correction in either the pulpit or the press. I rather rejoice in the interest which is being taken by the people of the United States as manifested both through the pulpit and the press upon this important matter.

Mr. CULLOM. Mr. President, I only want to say one word, and that is in accord with the statement by the chairman of the Committee on Foreign Relations. I think there have been three meetings of the committee since the treaty came in. It was read at the first meeting of the committee and laid over until the second meeting. Some members of the committee were not present at the second meeting, and it went over to another meeting. There has certainly been no disposition whatever on the part of the Committee on Foreign Relations to delay the treaty for a moment after the members of the committee should be satisfied that it is the proper thing to do to report it favorably.

But I wanted to say especially that in this country there does not appear to be a unanimous expression that the treaty should be ratified as it is. In the letters from prominent gentlemen of my own State presented this morning, a part of them are in favor of immediate favorable action upon the treaty; others are opposed to the treaty. So it does not seem to me that it is an unreasonable thing for the Committee on Foreign Relations to take such time as they deem necessary for the consideration in the committee of the treaty before it comes into the Senate.

So far as I am concerned, I believe in the general proposition, but I am unwilling to vote for a treaty that is so extensive in its scope as that is until I feel certain myself that I am doing a thing that is in the interest of the American people as well as of the world. The United States is somewhat a new country compared with Great Britain. We occupy a relation to the world a little different from that of Great Britain. All that I desire is to be certain, before we act favorably upon it, that it is not tying us up in such a way that we may find it hereafter to be something that we did not expect we were doing when we did it. When I am satisfied on that point I am ready to vote for it, but not before.

Mr. LODGE. Mr. President, I am aware that this debate is proceeding by unanimous consent, and I merely wish to say a single word in reference to what has been said about the treaty. I am extremely glad that my colleague [Mr. HOAR] has said what he has about it, because, in my judgment, there is a great deal of misunderstanding in reference to it. A great many persons are writing and telegraphing to me and other Senators, under the impression apparently that the treaty of arbitration is being improperly delayed in the Senate.

Let me say first that I agree most entirely with everything that my colleague has said so well, both as to the treaty and as to the position of the Senate in regard to it. This matter of international arbitration between England and the United States has been under general discussion for many years. This particular treaty has been in progress between Mr. Olney and the Marquis of Salisbury for nearly a year. For nearly a year they have been at work as experts framing the clauses of that treaty. It has not been ten days in the Senate. We only got the papers last Tuesday. The Secretary of State only appeared before the Foreign Relations Committee on Wednesday. The committee has but just succeeded in getting the necessary information.

This is a treaty of the most far-reaching import. Whilst we all agree, I think, as to the general principles involved, as to the value of the purposes sought, there is undoubted disagreement as to the meaning and intent of some of the provisions of the treaty. It is no service to the cause of arbitration or to the cause of peace between nations to make an arbitration treaty which shall develop, perhaps in a year or in a few months, causes of disagreement which would lead to its immediate denunciation and abrogation. Such an event would set back the whole plan of arbitration for years to come.

The Senate under the Constitution is charged with the duty of ratifying treaties. If that means anything, it means that it should give them due and proper consideration. It does not mean that it should ratify anything which comes from the State Department without considering the details. If we were to do so, we should, in my opinion, be false to our duty. There are grave differences of opinion as to whether, under this treaty, a great question of national policy, which has been our policy for years, like the Monroe doctrine, is involved or not. There are also questions relating to the Nicaraguan Canal, which we now have in a bill under debate in the Senate. These are not questions which the Committee on Foreign Relations or the Senate can dispose of in two or three days, when it has taken the experts who have made the treaty many months to arrive at the conclusions which they have reached.

I am very glad, Mr. President, that my colleague has stated, not only what I know to be his attitude and mine in regard to the general principle of the treaty, but what I believe to be the general attitude of the Senate, and has seen fit to explain to the country the circumstances under which that treaty is now before us. I have sought merely to show that, far from there having been any delay, the committee has proceeded, in getting the necessary information and in the consideration of that treaty, with unusual rapidity.

Mr. HAWLEY. Mr. President, I have been a little surprised to hear of the prevalence of an opinion that the United States, or the Senate at least, is not friendly to arbitration and to peace. Lord Russell, in a very notable oration delivered before the American Bar Association on the 30th of August last, called attention to the fact that since 1815—I think that was the date—there have been sixty international arbitrations, in thirty-two of which the

United States has been a party, while Great Britain, with ten times as much of entanglements with foreign countries, has engaged in but twenty.

Another significant fact is that during a year and more we have been, with so much zeal as to frighten some of those very gentlemen, endeavoring to induce the magnificent monarchy of Great Britain to arbitrate an old quarrel with the weak Republic of Venezuela.

Mr. SEWELL. I am glad the Senator from Massachusetts [Mr. HOAR] has brought the matter before the Senate and stated his view. My mail has been loaded down for some time with letters favoring the passage of this measure and speedy action being taken upon it. I trust that the Committee on Foreign Relations will take long enough time to find out the scope of this treaty. I do not feel like voting for arbitration of national honor, or the extension of territory, or the question that may be concealed in this treaty of arbitration of our rights in the Nicaraguan Canal under the Clayton-Bulwer treaty, which we all supposed was violated by the settlement at Balize. All these questions may be contained in the treaty, and it may be more likely to give us trouble than if we did not have an arbitration treaty. Therefore I trust the Committee on Foreign Relations will take all the time which is necessary to examine this question, so that the members of the Senate may know fully what is contained in the treaty.

Mr. STEWART. Mr. President, I see very little necessity for a republic adopting any policy of arbitration which would prevent it from obeying the first and most imperious demands of its people on any great question. I think the Senate has on too many occasions yielded to public clamor and passed measures which have not been beneficial to the country, and which many Senators undoubtedly regret to-day. A matter of such vast importance as this must necessarily require time and consideration.

I do not see how any treaty can be framed which will be equally beneficial to us and to Great Britain. I do not think we are on equal terms with her in making an international agreement of any kind. The first difficulty which meets us is the umpire or the officer who is to appoint the umpire. They have all the advantage of us in that regard. It must be remembered that Europe is a family of states, of monarchies. Their sovereigns are all related by blood, as well as by interest, and they necessarily have biases against a republic. In all questions arising under this treaty a European must necessarily be the arbiter. There is no other way of fixing it; and, however conscientious he may be, he will necessarily be governed by his surroundings. I do not believe that America, isolated as she is, with all her vast interests, is in a condition to enter into a general treaty of arbitration with Great Britain, covering a vast number of questions, on any terms. I do not believe such a treaty can be framed; at all events it should receive the gravest consideration, because their interests are so distinct from ours. Their prejudices are against our institutions, and they would start out with a bias against us. I do not see any way of forming a tribunal which could do us justice in questions of a political nature—and territorial questions are always of a political nature—submitted to such a tribunal. It seems to me chimerical to talk about having arbitration with Great Britain covering all our differences, when we have differences on the north and on the south, when Great Britain is continuing to prepare to enforce her demands with a line of fortifications, or other naval stations largely and strongly fortified, from Newfoundland to the Isthmus, and large fortifications and naval stations on the Pacific, with a navy which she has, since the treaty was sent in, made large preparations to increase in a most extravagant manner. While she is doing that, while she is making those preparations, we ought not to get into any entangling alliances where she would have an excuse to coerce us, if she has the power.

It will be observed that in case no arbitration can settle a question it is provided in the treaty that neither party shall take any hostile action until the question has been submitted to one or more foreign powers to obtain their friendly intercession, to secure their friendly offices. If it is a territorial question, it will take a year or two to get it before the arbitrators, and then six months or a year or more will be required before the friendly power can be consulted. In the meantime Great Britain takes possession, as she always does, and her possession is ripening into title. See how it was in regard to Alaska. There we bought the land according to ancient and well-known boundaries. Gold mines were discovered. Citizens of Great Britain went upon them; she established post-offices and carries the mails there, and exercises jurisdiction. Pending a long negotiation, which may last several years, great changes might take place in the status of the parties. Again, on the Isthmus we see the gradual reaching out of Great Britain to acquire rights which will embarrass us and in which delay may be very dangerous. That machinery of delay, in case of a territorial dispute, I think is sufficient ground for the treaty having serious consideration, and I hope it will have it.

Mr. MORGAN. I should like to suggest that if any Senator here desires to oppose his views of this treaty to those expressed by the Senator from Nevada, he will be cut off from the opportunity of doing so if he has any respect for the rules of the Senate.

Mr. STEWART. I thought there had been great freedom exercised by other Senators in the debate.

Mr. MORGAN. There may have been, and I have been very loath to make any objection to it, because I am not the chairman of the committee, and the chairman of the committee was himself content to let the debate go on.

Mr. STEWART. I should not have said a word if members of the committee had not opened the subject. I regret that it can not be discussed in all its bearings in open session, where the views of Senators may be heard. I did not intend to trespass as to the rules of secrecy; but this treaty has been published. It has been discussed in the newspapers, and it seems to me the same freedom might be indulged in here as elsewhere. The very remonstrances, the very demands, that come to us are full of discussion. The treaty has been made public; it is no secret matter, and therefore it does not come under the ordinary rule.

I was calling the attention of the committee to the very grave considerations which are opposed to the ratification of the treaty. I hope the committee will take plenty of time, and that the subject will be disposed of only when two-thirds of the Senate are thoroughly satisfied that the United States will have equal protection with Great Britain and will gain something by the treaty and not lose everything.

Mr. HILL. Mr. President——

Mr. HALE. I call for the regular order of business, Mr. President.

Mr. HILL. I trust the Senator will not cut off all Senators on this side of the Chamber from the opportunity of saying a single word.

Mr. HALE. At the present time I shall not ask for the regular order of business, but when the Senator from New York shall have spoken, after that I certainly shall call for the regular order, so that we may go on, and that this most important matter may take its proper place for full discussion under the rules of the Senate. We can not get that discussion now.

Mr. CHANDLER. Before the Senator from New York goes on, I desire to say to him that while I can not see that any of the remarks which have been made were out of order, referring to the fact that the treaty is before the Senate——

Mr. HILL. How did the Senator obtain the floor?

The VICE-PRESIDENT. The Chair recognized the Senator from New York [Mr. HILL].

Mr. CHANDLER. I will not go on if the Senator objects, but I will proceed with the consent of the Senator.

Mr. HILL. I will indulge the Senator.

Mr. CHANDLER. I was only going to make a suggestion to the Senator, which would perhaps lead me not to make the point of order on his remarks. I was only going to say that I do not think what was said up to the time the Senator from Nevada [Mr. STEWART] took the floor was out of order, but I do think that the discussion of the merits of particular portions of the treaty is out of order. I think a discussion of the merits of the treaty is out of order in open session, unless by the permission of the Senate, and I shall, if no other Senator does, make that point of order if any additional remarks are made on the merits of the details of the treaty.

Mr. HILL. "And they all with one consent began to make excuse." That may not be a literal quotation from the Scriptures, but it will answer.

Mr. MORGAN. Will the Senator from New York allow me to inquire of the Chair what is before the Senate?

The VICE-PRESIDENT. The Chair will state that the debate is proceeding by unanimous consent.

Mr. MORGAN. I object to its continuance, Mr. President.

Mr. HILL. I understand; the objection shows who is hit.

The VICE-PRESIDENT. The petition presented by the Senator from Massachusetts will be referred to the Committee on Foreign Relations. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 12th instant intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 19th instant intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURROWS, from the Committee on Pensions, to whom was referred the bill (S. 700) for the relief of John E. Welch, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8298) relating to mortgages in the Indian Territory, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota, reported it with amendments.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the bill (S. 3522) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, reported it with amendments.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8800) in relation to taxes and tax sales in the District of Columbia, to report it without amendment, and to ask that this bill may take the place on the Calendar of Senate bill 3162, on the same subject, which I ask to have indefinitely postponed.

The VICE-PRESIDENT. That order will be made in the absence of objection.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 6483) granting increase of pension to Thomas D. Walker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6516) granting a pension to Samuel Holliday, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6556) granting a pension to Jacob Brown, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3114) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates, to report it back adversely and to move that the bill be postponed indefinitely, the House bill having passed the Senate.

The report was agreed to.

Mr. GALLINGER. I am directed by the same committee, to whom was referred the bill (S. 1782) providing for the appointment, by the Commissioners of the District of Columbia, of the trustees of the Industrial Home School, and for other purposes, to submit an adverse report thereon, and to move that the bill be postponed indefinitely, the subject-matter having been embraced in the appropriation act of last year.

The report was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5580) granting a pension to Archibald Hunley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4140) to increase the pension of Elise Blenker from $30 to $50, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 4941) to pension Hester A. Bostwick, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 3371) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, reported it without amendment, and submitted a report thereon.

CANALS BETWEEN GREAT LAKES AND ATLANTIC OCEAN.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, without illustrations, 500 additional copies of the report of James B. Angell, John E. Russell, and Lyman E. Cooley, commissioners appointed to make inquiry and report concerning the feasibility of the construction of such canals as will enable vessels engaged in ocean commerce to pass between the Great Lakes and the Atlantic Ocean, and the most convenient location and probable cost of such canals, together with certain other facts and information, for the use of the Senate, and sent to the Senate document room.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 3579) to provide for a building for the use of the post-office, office of the superintendent of the Hot Springs Reservation, and other civil offices in the city of Hot Springs, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. GEAR (by request) introduced a bill (S. 3580) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HILL introduced a bill (S. 3581) to prevent the importation of impure and unwholesome tea; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS (for Mr. DAVIS) introduced a bill (S. 3582) to incorporate the National Grand Lodge of the Order of the Sons of Hermann; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BRICE introduced a bill (S. 3583) for the relief of the Globe Iron Works Company, of Cleveland, Ohio; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 191) to establish a commission to investigate the sources of contamination of the Potomac River and report what legislation is necessary to remove and prevent such pollution; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. BRICE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MISS FRANKIE FAULKNER.

Mr. GORMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Miss Frankie Faulkner, daughter of Chester R. Faulkner, deceased, late a messenger of the Senate of the United States, an amount equal to one year's salary at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including the funeral expenses and all other allowances.

BULLETIN ON COTTON PLANT.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 6,000 additional copies of the Bulletin on the Cotton Plant, issued from the Department of Agriculture, be printed, of which 2,000 copies shall be for the use of the Senate, 1,000 for the use of the Department of Agriculture, and 3,000 for the use of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

CELESTE A. BOUGHTON.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig Gen Horace Boughton, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$50;" and the House agree to the same.

J. H. GALLINGER,
LUCIEN BAKER,
Managers on the part of the Senate.
GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

The report was concurred in.

MRS. JANE STEWART WHITING.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$50;" and the House agree to the same.

J. H. GALLINGER,
JOHN L. MITCHELL,
FRANK J. CANNON,
Managers on the part of the Senate.
GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts and joint resolution:

An act (S. 2176) granting a pension to Thomas Pollock;

An act (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;

An act (S. 3210) granting a pension to Anna P. Johnson; and

The joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

MARION M'KIBBEN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 684) granting an increase of pension to Marion McKibben, which was, in line 8, to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment made by the House of Representatives, and request a conference upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. VILAS, and Mr. SHOUP were appointed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

COURTS IN TEXAS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, which had been sent by the House of Representatives to the Senate with the objections of the President thereto.

Mr. CHILTON. I ask that the bill may lie on the table, to be called up hereafter.

Mr. HOAR. I think the bill and message should be referred to the Committee on the Judiciary.

Mr. CHILTON. I am willing to accept that disposition of the matter.

The VICE-PRESIDENT. The bill and message will be referred to the Committee on the Judiciary.

AFFAIRS IN CUBA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate of December 15, 1896, relating to Cuban affairs, I transmit a report from the Secretary of State, submitting a list of the claims filed in the Department of State by citizens of the United States against Spain arising out of the insurrection existing in the Island of Cuba, and the accompanying correspondence relating to the vessel called the *Competitor* and the persons claiming American citizenship captured thereon, which I deem it not incompatible with the public interests to communicate.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 22, 1897.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of House bill 9707, being the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

Mr. PETTIGREW. I ask unanimous consent that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, on page 3, line 24, before the word "enlisted," to strike out "six" and insert "one sergeant and five," and on page 4, line 1, before the word "enlisted," to strike out "six" and insert "two corporals and four;" so as to make the clause read:

For pay of the Military Academy Band: One sergeant and 5 enlisted musicians, at $34 per month, $2,448; 2 corporals and 4 enlisted musicians, at $20 per month, $1,440; 12 enlisted musicians, at $17 per month, $2,448; additional pay for length of service $1,164; clothing on discharge, $240; retained pay on discharge, $60.

The amendment was agreed to.

The next amendment was, on page 4, line 10, before the word "privates," to strike out "fourteen" and insert "one corporal and thirteen;" so as to make the clause read:

For pay of field musicians: One sergeant, $216; 1 corporal and 13 privates, $2,184; additional pay for length of service, $84; clothing on discharge, $120; retained pay on discharge, $30.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

For the purchase of one Maxim semiautomatic three-pounder quick-firing gun, mounted on field carriage complete, and ammunition therefor, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, line 16, to increase the total appropriation for current and ordinary expenses from $68,502.50 to $73,502.50.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 19.

Mr. PETTIGREW. I move to strike out lines 16, 17, and 18, on page 19. It is erroneous, and is not necessary in the bill, anyway.

The PRESIDING OFFICER (Mr. BACON in the chair). The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 16, 17, and 18, on page 19, as follows:

Total for Military Academy, $302,2[illegible].

The amendment was agreed to.

Mr. HILL. Let me ask why those lines should be stricken out?

Mr. BATE. What is the reason for it?

Mr. HILL. Is it not always deemed desirable to put in the totals, so that we can see each year whether or not the appropriations for the Academy are increasing, and, if they are increasing, how much they are increasing, without having to figure it up every time?

The PRESIDING OFFICER. The amendment has been agreed to. Does the Senator from New York wish to make any motion in respect to it?

Mr. HILL. The amendment was carried so quickly that I move a reconsideration for the purpose of making a statement. I call the attention of the Senator in charge of the bill to the point. What is the necessity for the amendment?

Mr. PETTIGREW. It is a provision which has not been put in the bill heretofore, and is entirely unnecessary. The amount here stated is incorrect. These amounts are all figured up, anyway, at the end of the session, and the result is generally published in a statement of the appropriations made. So I think there will be no difficulty about it.

Mr. HILL. That does not explain, Mr. President, with all due respect to the Senator. Why did the committee put it in? It must have been done deliberately.

Mr. BATE. And for a purpose.

Mr. HILL. And for a purpose, as is suggested by the Senator from Tennessee [Mr. BATE]. Is the Senator from South Dakota entirely correct in the statement—I merely ask for information—that it has not been usual at the close of appropriations of this character to insert the total? I think it has been usual.

Mr. PETTIGREW. I say it has not been usual.

Mr. HILL. Why was it put in?

Mr. PETTIGREW. In previous bills it has been left out. The House committee seem to have put it in the bill this year. They have stated the amount erroneously, so that I think it is unnecessary to retain the clause.

Mr. HILL. I think the total ought to be in the bill. What harm can it do to have it in? Why not have it in, so that you can take the appropriation bill each year and by looking at it, without figuring it up, can ascertain precisely what is the total of the appropriations for the Military Academy?

Mr. PETTIGREW. I will state, for the benefit of the Senator from New York, that it is not the total of the bill at all.

Mr. HILL. What is it put in for?

Mr. PETTIGREW. There are many more items. The other House put it in, and I refer the Senator to the House committee.

Mr. HILL. The Senate committee have not suggested any such amendment. No amendment was reported by the committee to strike out the clause.

Mr. BATE. The bill has gone through the other House in this form. It has likewise gone through the committee of the Senate in this form, and it comes here to us recommended in this form, and I should like to hear some just reason for striking it out. I have heard no satisfactory reason yet.

Mr. PETTIGREW. I will state, in regard to this item, that the amount is incorrect.

Mr. HILL. Why not make it correct?

Mr. PETTIGREW. We have made appropriations for a great many purposes. The total is added up incorrectly and is stated incorrectly. Therefore I have moved to strike it out. It is entirely unnecessary and unusual. The committee did not notice that the amount was imperfectly stated in the clause.

Mr. HILL. I can not see any reason why the amount should not be correctly figured and accurately stated. No other member of the committee than the Senator from South Dakota seems to be paying any attention to this subject.

Mr. COCKRELL. It is utterly immaterial whether the lines remain in or go out. It does not change the substance in any respect.

Mr. HILL. I understand that.

Mr. BATE. It will cause a complication between the House and the Senate, and what is the use of doing it?

Mr. COCKRELL. I do not suppose there will be any complication in the world.

Mr. BATE. We are going back on one of their recommendations.

Mr. HILL. I do not care anything about going back on the recommendation of the other House, especially.

Mr. BATE. But it becomes necessarily a matter for conference when we disagree with the bill as it comes to us from the other House. That, merely, is what I mean by "complication."

Mr. HILL. I am inclined to think it is good legislation in appropriation bills at the conclusion of the appropriation for the Military Academy proper to speak of the total. I think that is a good form of legislation, speaking of it simply as a matter of form; and it ought to be so in every bill. The other House has followed that custom in this instance, and of course, as there have been various amendments made prior to this point, the total amount ought to be correct. But that it is desirable to keep in the total at the end of each subdivision it seems to me is too plain for argument. It is not a vital question, of course. But what is the reason why the total should be stricken out? That is the point.

Mr. HALE. Let me suggest to the Senator from New York——

Mr. HILL. Perhaps the Senator from Maine can explain it.

Mr. HALE. Let me suggest to the Senator from New York, as bearing upon this controversy which he has raised, and on which he is consuming time, that I understand it is not the intention to move to take up the Cockrell joint resolution at 2 o'clock, and that possibly may obviate the objection which the Senator has to this provision.

Mr. HILL. What is the suggestion of the Senator from Maine? I did not hear him. I beg the Senator's pardon. I ask him to repeat it.

Mr. HALE. As bearing upon the question which the Senator from New York is now debating, I suggest to him that it is not the intention to move at 2 o'clock to take up the Cockrell joint resolution. That may, perhaps, answer the Senator in his objection to this course by the committee.

Mr. HILL. I did not understand that the Senator from Maine has charge of the Cockrell joint resolution.

Mr. HALE. I may have certain information as to what is proposed to be done with it.

Mr. HILL. If I wished any information on that matter, I should apply to my distinguished friend the Senator from Missouri [Mr. COCKRELL].

Mr. HALE. I have been endeavoring to convey some information to the Senator from New York.

Mr. HILL. Yes; and I am much obliged to the Senator for it. But it is not pertinent to this question.

Mr. HALE. It seems to me entirely pertinent, and it is pertinent, to the attitude of the Senator. When he understands that the Cockrell joint resolution is not to be taken up at 2 o'clock, perhaps he may not think it worth while to take any more time on the appropriation bill.

Mr. HILL. For that relief and information, much thanks.

Mr. HALE. The Senator from New York is entirely welcome.

Mr. HILL. I know that. There is an interest manifested on the other side about the Cockrell joint resolution which is rather peculiar. But that does not answer the point I have raised. I care nothing about it especially, but it strikes me that at the end of appropriations for various subjects it is usual to put in the totals and to have them accurate. As a proper form of legislation I think it ought to be done, and the mere fact that the totals are not correct is not conclusive, when there sits by the side of the Senator in charge of the bill the most competent and capable clerk of the Committee on Appropriations, who can figure it up in a few moments and put in the correct amount. I think it would be a good thing to have the appropriation bills in such form that by a mere glance you can ascertain the total appropriations and compare those of one year with those of another.

What is the foundation for this change? Is it so that in another year, when under a new Administration the expenses have largely increased, there can be no easy method of comparison left? Is that the point? I do not know, but I should prefer to have the totals stated. I think it is better in that way. I have sent for the Military Academy appropriation act of a year ago, and I find that at the end of each subdivision there is a statement of the aggregate amount appropriated. It is unnecessary, but it is a very proper portion of the bill.

> Pay of civilians at the Military Academy.

Then follow other lines, and at the end there is this clause:

> In all, for civilians employed at the Military Academy, $25,80.

Then follows a subhead, "for current and ordinary expenses," and at the end of that provision it says, "In all, for current and ordinary expenses, $68,379." "Miscellaneous and incidental expenses," and at the end, "In all, for miscellaneous and incidental expenses, $15,891." "Buildings and grounds." Then it says, "In all, for public buildings and grounds, $61,770."

When the other House had completed everything pertaining to the Military Academy proper, other than the grounds, having the total at hand, it inserted the total for the Military Academy, $392,328.83. That is a proper form of legislation. Of course the amount should be accurate; that is all.

I do not see any reason why the total should not be stated. I do not know that I care to call for the yeas and nays upon the matter. I do not see why the Senator from South Dakota does not consent to let the total remain in the bill. I ask him to do so. Do not let us, on Friday afternoon, get into a row over the little appropriation bill for the West Point Academy.

Mr. ALLISON. That is right.

Mr. HILL. I will hear from the Senator from Iowa if he has anything to suggest.

Mr. ALLISON. I am in thorough accord with the suggestion made by the Senator from New York, that we do not get into a controversy here about a wholly immaterial matter which can not make the slightest difference as to the appropriation, whether it is put in or left out. But inasmuch as the Senator from South Dakota has suggested that the clause shall go out, and inasmuch as such a clause has never been in the bill before, so far as I know, I suggest to the Senator from New York, if he wishes to avoid a controversy, that he withdraw his motion, and then we can go on very rapidly with the bill.

Mr. HILL. Was the attention of the committee called to the matter while the bill was under consideration in the committee?

Mr. ALLISON. I think very likely it was, although I have no recollection of it now.

Mr. HILL. The attendance in the Senate is so light that I will withdraw the motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider is withdrawn. The reading of the bill will be proceeded with.

The reading of the bill was resumed and continued to line 21 on page 23.

Mr. PETTIGREW. In line 21, page 23, before the word "thousand," I move to strike out "twenty-five" and insert "forty;" so as to read:

> For constructing a set of filter beds, and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available, $40,000.

I will state in this connection that the estimate was $40,000, and the bill was so reported to the House, but it was reduced in the House from $40,000 to $25,000. Since the bill has come to the Senate we have received information that this work can not be done for $25,000, and as it is for constructing a set of filter beds, of course, unless completed it would be of no use whatever. Therefore the committee have instructed me to offer the amendment.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PETTIGREW. I move to amend the bill at the end by striking out "eighty-two" before "thousand," in line 12, on page 24, and inserting "ninety-seven;" so as to make the amount $97,244, corresponding with the amendment just agreed to.

The amendment was agreed to.

Mr. PROCTOR. If the committee amendments are through, I propose an amendment which I send to the desk, to come in on page 2, after line 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert on page 2, after line 4, the following proviso:

> *Provided*, That hereafter, whenever the corps of cadets of the United States Military Academy is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. HALE. It ought to be settled in this bill one way or the other whether authority shall be given for the payment of a certain part of the expenses of the cadet corps at West Point if they come to Washington to attend the inauguration ceremonies. There is no authority now to pay any money for certain purposes incident to such a journey by the cadets. The Comptroller will not pass the accounts; and for the guidance of the Secretary of War in making the order the Senate should settle on this amendment whether it will or will not provide for the money necessary to carry out an order for the cadets to come here on the 4th of March.

Mr. COCKRELL. If such a thing is to be done, ought it not to apply to the naval cadets, too?

Mr. HALE. I do not know that there is the same condition as to the accounts. The appropriations for the Naval Academy are made differently from those here for the Military Academy, and whether the Secretary of the Navy needs such a provision as is incorporated in the amendment of the Senator from Vermont I do not know.

Mr. COCKRELL. Let me ask the Senator from Maine one question.

Mr. HALE. It would not do on this bill.

Mr. COCKRELL. I understand that. Has it been customary for the cadets at West Point and at Annapolis to be brought here at public expense to attend inaugurals?

Mr. HALE. No, I do not think it has; and on the——

Mr. COCKRELL. Has it ever been done?

Mr. HALE. I do not remember in my service here that the cadets have come to Washington on such an occasion, except in 1873, at the second inauguration of President Grant. It was at a very inclement season; they suffered severely, many of them were taken sick, and some of them were broken down. I think there were no deaths, but it was an unfortunate experiment. I have very grave doubts myself whether it is a wise thing at that time of the year to take the corps of cadets bodily from their school of instruction, transport them to Washington, take the risks incident to the day, with the breaking up of their studies, and their return, which must take some days out of their course. I have very grave doubts whether, all things considered, it is in the interests of the cadets advisable to do it. But, as I began by saying, we ought to settle it here and now. If we vote this amendment in, the Secretary will feel authorized to order them. If we vote it out and do not adopt it, he says, I think, in the letter the Senator from Vermont has, that there will be no method of paying for the trip, and that they can not come. So the Senate has the question before it.

Mr. COCKRELL. I hope the Senator from Vermont will not press his amendment. I think it is vicious, absolutely vicious. I agree fully with what the Senator from Maine says, that to take those students out of their warm rooms and bring them down here and keep them exposed to the inclemency of the weather would be an injustice to them: it would be an impropriety; it would break into their studies. If you bring them, you have got to bring the naval cadets, and then you had just as well bring the Marine Corps, and you had just as well bring others. In other words, we are to assemble here at every inauguration of a President all the Federal officials at public expense. It is a dangerous precedent, and I hope the Senator from Vermont will not insist upon the amendment.

Mr. PROCTOR. In 1873, as the Senator from Maine has stated, the West Point cadets were brought here. They have not come since then, in twenty-four years. At that time, by an unfortunate mistake, they came without their overcoats, a mistake that is not likely to be repeated, and they were exposed to inclement weather. But they are enlisted as soldiers; they are a part of the Army. I see no greater objection to their coming here than to ordering any other part of the Army here; and if it is done only once in a quarter of a century, I do not believe the precedent will do any great harm.

That school is a great one. It is admitted, I believe, by the best military critics of all nations to be the best one in the world. Foreign countries have sent their military officers here, and it has been patterned after to quite an extent. I think there is something in the idea that the people (it is the school of the people) should have occasionally an opportunity to see these cadets. It is an object lesson worth something to the people, worth something to the country. We are not a warlike people, but we must be more or less of a military people. I surely think this is not an expense or a precedent that ought to be objected to. I believe that it will not be harmful to the cadets. It is well that they should see the people gathered together, as well as that the people should see them. I certainly hope the amendment may be adopted.

Mr. HAWLEY. Mr. President, I second what has been said by the ex-Secretary of War [Mr. PROCTOR] upon this question. The first point that occurs to me is the one on the question of health. We have been in the habit of having the National Guard here by ten and twenty thousand.

Mr. COCKRELL. They were not brought here at the public expense.

Mr. HAWLEY. That is another question. I am talking about the health matter now.

Mr. COCKRELL. They came here voluntarily.

Mr. HAWLEY. The Senator will please wait a moment. It did not seem to hurt the National Guard much. These West Point boys are brought up under the strictest system perhaps in the world; to me it would be a penitentiary almost; and it does most certainly preserve their health. They are a body of young fellows as fine looking physically as are to be found in the world; and if they will be wise enough, and will not be so very foolish as to come without their overcoats, but will come with proper blankets and overcoats, I have no apprehension as to their health, no matter what the weather is. They are living out of doors a large part of the time at West Point anyhow. I sincerely think that the sight of that splendid little battalion will be a good thing for the country and a good thing for the Academy. As they have the idea now, and as those who are managing for the new President have the idea that they are already coming, I hope we shall not disappoint them. We shall all be glad to see them. I know that the 100,000 or 200,000 people who will be about here on that day will be glad to see them and will be proud of them. It will be a good thing for all of them.

Mr. PETTIGREW. The pending amendment was thoroughly discussed in the Committee on Appropriations, and the committee were unanimous in deciding that it should not go in the bill and that the precedent should not be established. I therefore feel that it is my duty to resist the adoption of the amendment. I agree with what has been said in opposition to it. I do not think it is good policy or a good precedent to establish; and that was the opinion of the Committee on Appropriations.

Mr. BATE. Do I understand the Senator from South Dakota to say that the amendment was before the committee and discussed? We could not hear him over here.

Mr. PETTIGREW. The amendment was before the committee and discussed, and it was rejected unanimously.

Mr. BATE. Was there any action by the committee in the other House?

Mr. PETTIGREW. That I do not know.

Mr. BATE. Mr. President, it certainly is a very bad precedent which we are setting here. I think it was well said by the Senator from Missouri [Mr. COCKRELL] that if you let those cadets come from West Point the claim will be equal as to those at Annapolis and other places, and once having done so it will have to be continued year after year. We do not want to disappoint these young gentlemen—I do not for one—but I think it is carrying it too far. The expense is something, it is true, but laying that aside, here is a breaking up of the regular course of study which they are now undergoing. There will be quite a break in it. With several days here and going back it will be equal to at least two weeks off.

The question of health certainly has something to do with it. They are not out of doors at this season of the year. They are in the fall and spring and summer, but I do not understand that they are out in camp at all during the winter. Taking them out of the warm houses they are in and bringing them down here at this season of the year, with the inclement weather and exposure that they are unused to, I believe is a very dangerous experiment in regard to health. I think it ought not to be allowed. We ought not to set the precedent. We ought not to go to the expense of it, and we ought not to make an invidious distinction between those at West Point and those at Annapolis and elsewhere. I am opposed to the amendment.

Mr. CHANDLER. Mr. President, I have just come into the Chamber and I do not know what has been said upon the subject. I have very special reasons for desiring to see the inauguration parade a fitting one, a good and grand one, if it can be made such, and I certainly do not like to interfere with the arrangements which Gen. Horace Porter, the distinguished marshal of that parade, has made for that great and, without offense I may say, wholly beneficent occasion, when there is to be a change of Presidents. But I am compelled by a sense of public duty to object to the transfer of the cadets at West Point and the cadets at Annapolis to this city to participate in that parade. I believe that the effect will be wholly injurious to the cadets, and that there will be no compensating advantage worthy for a moment to be stated.

These two schools are peculiar. They are schools, to be sure. The young men who attend them do not become officers until they receive their commissions as such; but they are schools established by the United States for military instruction and military discipline. The young men who go to these schools do not pay tuition, like the young men who go to all the other schools in the country. They are paid $500 a year by the United States to go there; and, although they are charged for their subsistence, it is a very high privilege that is conferred upon them. They are especially selected young men, separated from the rest of the community, and employed by the United States to go there to get their education and to become the officers of the Army and Navy of the United States.

The whole value of those schools results from the assiduity and continuity connected with the studies at the schools. Everything that breaks up the studies of a cadet is an injury to the cadet, an injury to the school, and an injury to the country, and is so regarded by the instructors at the schools. If there is any one thing they insist upon, it is that cadets shall not go away from the Academy; that the course of study of a single cadet or of any of the classes shall not be broken up. Sometimes the rule is very harsh. A boy is not allowed to go home when there is a sick father, or a sick mother, or any other sickness in the family. He is allowed, I think, to go home when there is a funeral of a member of the family; but they are treated as under strict discipline for their good and for our good, and the injury is almost incalculable that is done to the cadets when they are allowed to go away.

There was an injury in 1873 when the cadets came here at the second inauguration of General Grant that everyone remembers. Not only were a week's studies broken up, but the cadets coming here, as the Senator from Tennessee [Mr. BATE] well suggests, at a time when they had not been engaged in outdoor exercises, were subjected to inclement weather, and much sickness and some deaths resulted. That might not happen at this time, but it is important that the Congress of the United States, so far as it has a right to express an opinion (and it certainly has a right to express an opinion when it is called upon to appropriate money for this purpose), should say that the cadets at those two Academies shall not be taken away from the Academies merely to parade in a procession in the streets of Washington for the gratification of the organizers of the parade, meritorious as the parade may be, and entitled to credit as the originators of it may be.

The PRESIDING OFFICER. The Senator from New Hampshire will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. HALE. Let the unfinished business be informally laid aside.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. SHERMAN. I take it that the pending order will be laid aside for a while in order to give way to the appropriation bill which has been pending. In the meantime, I ask for the reading of what I regard as a very important communication in respect to the Nicaragua Canal bill pending. I ask that it be read and printed as a document.

The PRESIDING OFFICER. Without objection, it will be printed as a document, and it will be read by the Secretary. The Chair hears no objection.

The Secretary read as follows:

DEPARTMENT OF STATE, *Washington, January 22, 1897.*

SIR: In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.

Respectfully, yours,

RICHARD OLNEY.

Hon. JOHN SHERMAN,
Chairman Committee on Foreign Relations, United States Senate.

LEGATION OF THE GREATER REPUBLIC OF CENTRAL AMERICA,
Washington, January 18, 1897.

The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address his excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them, and to make, under certain conditions, suitable representations to his excellency the Secretary of State.

The undersigned has consequently examined said bills, which are five in number, to wit:

Three introduced in the House of Representatives—one by Mr. MAHON, December 3, 1895, another by Mr. DOOLITTLE, and the third by Mr. BARHAM, both the latter having been introduced December 6, 1895.

Two introduced in the Senate, one by Mr. PERKINS, December 30, 1895, and the other by Mr. MORGAN, June 1, 1896.

All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.

That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

"The people of all nations shall be invited to contribute the necessary capital to the enterprise. * * *

"Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least five (5) per cent for the Central American Government and citizens that may desire to subscribe." These provisions of Article VII of the contract are antagonized by the bills, which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

"The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient." This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

According to Article X of the contract, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with 11 members, 8 of whom are to be appointed by the President of the United States, in different capacities, 1 by Nicaragua, 1 by Costa Rica, and 1 by the canal company. The difference between this provision and the stipulation referred to could not be more marked than it is.

Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise, or would be liable to troublesome and tedious litigation.

Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.

If the company were to issue a hundred or a hundred and fifty million dollars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

The company, by article 14 of the aforesaid contract, has contracted the solemn obligation to construct, at its own expense, within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing six feet and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitively adjusting the compensation which it ought to pay in order to be discharged therefrom. The bills establish nothing on this other point, and Nicaragua's rights in this matter might thus be annulled in consequence of their silence.

By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished, and nothing remains of it, in its relations with the enterprise, save the shadow of a personality represented by a vote in a board of directors of eleven members; while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

Finally, it is to be observed that, while the bills contravene and set at naught stipulations of the contract, they do not state whether the remaining ones still remain in force or not, although among these latter there are very many which are of no great importance to Nicaragua in particular, and to Central America in general.

The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

It seems evident that the company is unable to raise money to fulfill its contract unless the United States of America furnish it therewith, and since that contract excludes the possibility of attaining that result, the undersigned, having been duly authorized to do so, proposes to his excellency the Secretary of State that the two Governments—relying upon the favorable disposition of the Government of the United States of America—shall come to a direct understanding on the subject, on the basis of the Zavala-Frelinghuysen treaty, with such modifications as may be agreed upon, and endeavoring to reach a just arrangement with the Maritime Canal Company of Nicaragua, so that it may renounce a concession whose conditions it is unable to fulfill.

The undersigned, in thus obeying the instructions of his Government, avails himself of this occasion to reiterate to his excellency Secretary Olney the assurances of his most distinguished consideration.

J. D. RODRIGUEZ.

His Excellency RICHARD OLNEY,
Secretary of State of the United States, etc.,
Washington, D. C.

Mr. MORGAN. Mr. President, that communication is received by the Senate of the United States properly, because it comes from a Secretary of State. The party who proposes to introduce that communication for the information of the Government of the United States is a stranger to this Government, to our land, to our laws, and to our institutions. We know nothing officially from any source about the Government which that gentleman styles "the Government of the Greater Republic of Central America."

Mr. SHERMAN. My impression is, if the Senator will allow me, that this gentleman is now accredited to the United States, that he says so in his communication, and says so to the Secretary of State.

Mr. MORGAN. The honorable Senator who has just addressed the Chair uses the expression that this gentleman is "accredited to the United States." In one sense that is true. He is accredited, has his credentials, has presented them at the door of the Government, has been bowed in, and allowed to take a seat amongst the diplomats.

Mr. CHANDLER. May I ask the Senator if the President of the United States has not consolidated these two or three Republics of Central America into one, and has he not done that in the exercise of that executive power which belongs to him?

Mr. MORGAN. If the Senator will indulge me with a little of his patience, I think I shall get that matter before him without any elaborate or extended remarks.

This minister has been bowed into the door of the Government, has taken his seat amongst the diplomats, and is recognized by the President of the United States as the authorized minister from the Government called the Greater Republic of Central America. Neither House of Congress has had communicated to it any information on the subject of the existence of any such government. This is the first knowledge, the first intimation, which has ever been received that such a government exists.

I am informed, Mr. President, through public statements made in the newspapers that this Government consists of a combination, or coalition called a diet, of three of the Central American States—Honduras, Salvador, and Nicaragua. I am further informed that this diet has no control over the internal affairs of any of the respective States, and that its organization is based entirely upon the powers that it may exercise in diplomatic affairs, communications with foreign governments.

I am informed by the newspapers that the President, on receiving this minister, informed him that none of the rights of the Government or the people of the United States, as they exist under treaties or otherwise with those several Republics, were in any wise affected by the reception of that minister. I am glad that qualification was stated in the reception of this gentleman, for it leaves the Executive unembarrassed in respect to his admission of this gentleman to the diplomatic corps in this country. At the same time it has no effect in the legislative sense, or in any other sense, upon the actual attitude of the Government of the United States toward these three Republics.

I am further informed, as I stated to the Senate the other day, that each one of these Governments has abolished its foreign office, and that neither of those separate States now holds communication with any foreign government through its own organism; but holds communication with foreign governments alone through this diet. We have accredited ministers to Nicaragua and Salvador. I believe one gentleman, Mr. Baker, represents our Government at both of those courts, if my memory is right about it. We have not withdrawn those ministers; they are there exercising the empty function of representing the United States in the town where they hold their residences, without any opportunity at all of communicating with the Governments to which they were accredited, because those Governments have abolished their foreign offices.

So we are left pretty much high and dry in this business; and the matter stands now entirely, it appears, between the President of the United States and the newly contrived diet down there, consisting of three Republics, without our ever having given any sanction whatever or refused any sanction to the supposed government. That is a very abnormal and very peculiar situation, for which I think there is no precedent in history, where one government shall be sending a minister to a government which has no foreign office, which has no foreign relations, and the other government is sending ministers here through a different institution called a diet, in combination with two other republics, asking us to permit him, I suppose, to represent those three republics in all diplomatic affairs.

The reservation which the President of the United States is said to have made at the time that this gentleman was accredited or received here, and his credentials allowed, of the noninterference by that act with any right of the Government of the United States, becomes a very important matter, because whatever rights we have in respect of a Nicaraguan canal are rights acquired from the two republics, the Republic of Nicaragua and the Republic of Costa Rica. Costa Rica is not in this diet; she is not represented; her name is not called in that paper; but two other republics which have no connection with the canal at all have come in and interposed their objections to certain legislation which is going on here now—not going on now merely, Mr. President, but which has gone on in authentic form for nearly ten years. I will come to that phase of the question in a moment; but before doing so I wish to express a conviction—perhaps I am not able to sustain it in every word—but a conviction which has such moral force with me that I would be doing myself and the Senate injustice not to express it here in the liberty of that sort of discussion in which we must indulge with each other, in order to thoroughly understand what is in the wind as well as what is expressed in any form.

It has been but a short time since I had the honor of notifying the Secretary of State that I was informed by gentlemen from the Pacific Coast, whose knowledge of current public affairs was equal perhaps to that of any gentlemen in the Union, that Great Britain was engaged in the effort to supplant the United States in her authority in Nicaragua, particularly in connection with this enterprise. I have had the honor heretofore, in a report which I submitted as chairman of this committee, to go over all of the ground of the treaties between Nicaragua and the United States and between Nicaragua and Great Britain in respect of the lines of intercommunication of any and every sort between the Pacific and the Atlantic shores. These respective Governments, in the very same terms, by treaties which they have negotiated with Nicaragua—Great Britain's treaty being ten years older than ours—have had conceded to them from Nicaragua the right to aid in the promotion of railroad and canal enterprises and of other enterprises of intercommunication between these shores. We have no railway project there, no concessions for a railway project to any of our citizens, except a railway which is intended for the purposes of construction along the banks of this canal. The British subjects, however, came over, and have been very busy in getting concessions from the Nicaraguan Government for a railway from the coast at Corinto to the great Lake of Nicaragua, and from the great Lake of Nicaragua out to Bluefields, or in that vicinity.

In calling the attention of the Secretary of State to this subject I expressed the belief in the truth of the information that was given to me by this gentleman with whom I was in correspondence, that it was the effort of the British Government to introduce the right of exclusive transportation by railway through the Nicaraguan State. Great Britain can not exercise a right of that exclusive sort in favor of her own subjects, or permit them to receive a right of that kind in contravention of or in hostility to or in disparagement of the rights which we are attempting to base our legislation upon, which have already been secured by our own citizens.

In my judgment, Mr. President, the apprehensions that were then existing have become real, and Great Britain is using this diet as a cat's-paw for the purpose of driving us out of the Isthmus. I make that statement on the floor of the Senate deliberately, and it demands an answer. Before any treaty looking to arbitration or any other concert of action is made, Great Britain, in my judgment, in order to satisfy this body, the Senate of the United States, will have to answer that question.

The subject as it is now presented comes at a very late date. These concessions were notoriously obtained through the influence of the executive Government of the United States after the withdrawal of the Zavala treaty. Mr. Whitney, when he was Secretary of the Navy, very properly detailed Mr. Menocal to go to Nicaragua for the purpose of making the negotiation which the Senator from Indiana [Mr. TURPIE] calls a treaty.

Mr. TURPIE. I called it a treaty of cession.

Mr. MORGAN. That makes it only stronger. The Senator characterizes it as a treaty of cession. That makes it, of course, a very important document, entitled to bear that character. A treaty of cession is certainly the highest form of treaty we know anything about, next to a treaty of peace.

The Government of the United States before that time had sent its engineer corps through Nicaragua, and Captain (or Commodore) Lull made an elaborate survey from coast to coast of this canal, making an axial location, and carrying it upon grounds which were different in some considerable degree from those occupied by the present surveys. The concession was made, doubtless, upon the basis of that survey, as it was at that time the only authentic Government survey which had been made. Nicaragua knew all about it and was preparing herself in every way that she could to receive the benefits of that survey, and she enjoys them now. The Government of the United States paid for that survey through and through, and it was a costly survey; and it took quite a long time to make it. Nicaragua has the advantages of that. She had obtained from the Government of the United States the authority to employ Mr. Menocal as her engineer, who was then in the service of the United States, to go to Nicaragua and survey the harbor of Grey Town and the lower reaches of the River San Juan. He did that, and the Nicaraguan Government paid him for it, notwithstanding he retained his position here and doubtless got his pay while he was gone; but it was done as an act of courtesy and friendship to the Government of Nicaragua. Mr. Menocal was well known to that Government.

After these surveys had been made and Mr. Menocal returned under the auspices of the Navy Department to make this treaty or negotiation, if I may call it such, the Government of Nicaragua entered into very full and complete stipulations with the gentlemen who were represented on that occasion by Mr. Menocal, which stipulations appeared in the concession referred to and in the paper which has just been read at the Secretary's desk. The negotiation was somewhat protracted; it was elaborate and difficult, and was handled in a most masterly way by Mr. Menocal. I venture to say that amongst the lawyers of this body, none of them has seen a paper prepared with greater care or comprehensiveness than that paper was prepared—a remarkable specimen of the ability of the draftsman. Nicaragua fully approved of that concession; her President signed it; it was carried before the Government of Nicaragua, and her Legislature ratified it. It was paid for by $100,000 in gold, to which was added $50,000 for the purpose of enabling Nicaragua to buy up the right of way from her own citizens between the western coast of Lake Nicaragua and the Pacific Ocean, which she has proceeded to do, or says that she has proceeded to do. She has bought the right of way for this canal from the western coast out to the Pacific Ocean, and paid for it with the money of American citizens advanced to her. On the eastern coast of Lake Nicaragua, and from that out to the Atlantic coast, Nicaragua made a grant that you may say is unlimited in respect of all the wood, material, stone, and clay of any kind that may be used in the construction of the canal, the right of way, and the right of overflow to any extent that might be needed for the purposes of the canal.

In addition to that, she granted in fee simple absolute, without condition, beyond recall, a million acres of land on the line of that canal. The Senator from Indiana says it is under water. It is utterly impossible that all of it could be under water when it extends all the way from Lake Nicaragua to the Atlantic Ocean, and there is only about 5 or 6 miles on the line of the canal which is under water. I undertake to say from the testimony——

Mr. TURPIE. If the Senator will allow me, it is stated in one of the reports which I read here that in the neighborhood of eleven and a half miles of railroad constructed by the employees, they had to work up to their waists in water during the whole time.

Mr. MORGAN. That is all so; but the Senator is sticking in the bark about the grant, for nobody ever supposed that that part of the grant was worth anything agriculturally, or even for timber. The part of it that is to be developed is the high land above that. Candor would compel the Senator to say so, and the proof shows it. It was land, not water, that was granted.

Mr. President, that grant of 1,000,000 acres of land was made in fee simple by Nicaragua, and is a part of the concession. In addition to that, $6,500,000 of stock in that canal was granted in that concession to Mr. Menocal and his associates. To describe it particularly, the Menocal party was granted in that canal exactly the same rights Nicaragua got, namely, $6,500,000 of stock or bonds or debentures, or whatever else might come out of it. The only limit was upon the amount—$6,500,000. Menocal and his associates—these American citizens, for whom I feel sorry, because for a moment I am compelled to contemplate them in that humiliating character—under that stipulation got exactly the same thing.

Now, I am looking at this question in reference to this paper, not in reference to the debate between Senators as to this bill; but there is a concession paid for by $150,000 in gold, which covers 1,000,000 acres of land to these gentlemen in fee simple, and $6,500,000 of this stock or bonds, which is based on that canal line under that concession. Here is a canal 12, 14, or 20 miles long—it makes no difference what it is, not very long—that this company was to construct between Lake Nicaragua and Lake Managua, through a channel that is called Tipitapa River, an outlet channel between the smaller lake on the north and the larger one on the south. Notwithstanding assertions to the contrary, this company have gone on and made a most accurate and thorough instrumental survey and estimate on that Tipitapa Canal, and have submitted it to the Nicaraguan Government. I do not know whether in doing so they have demonstrated that it will cost more money to build the canal than it is worth to the Nicaraguan people or not.

But this paper read to us says this thing was to have been done and the canal was to have been built within three years after the date of that concession, and it has not been built. Who has ever objected to it? When has the Government of Nicaragua made an objection to the failure in building that canal as a ground of forfeiture of this concession? Never, sir. Who has the right to determine whether or not that charter has been forfeited by the nonbuilding of the Tipitapa branch? The Government of Nicaragua, unless in doing so she interferes with some right of an American citizen guaranteed in these concessions. Why does this gentleman who now represents the three Republics come here and complain to the Congress of the United States, as the mouthpiece of Great Britain, that we have not built that canal? Does he mean to say that they have got a right to a forfeiture or release of the concession on that account? If they have, let them do it; let them exercise that right. Then when the Congress of the United States finds that in the exercise of that right they have violated some contract that they have thus publicly made with citizens of the United States, perhaps a halt will be called.

They make other complaints of a bill that is pending before the Senate of the United States, and undertake to criticise its provisions. They have been invited to do that, it seems; all governments and all people have really been invited to come in and to criticise our action and determine whether it is legitimate or whether it is illegitimate. Upon that general branch of the proposition I have just one announcement to make. Whatever the rights of our people are, and whatever the rights of the United States Government are, growing out of this transaction, is a matter to be settled by the Congress of the United States; and if they can not accept our conclusions about it after we have come to them, then, of course, something else must take place, a further agreement or a further disagreement must take place.

Mr. HALE. Will the Senator allow me to ask him a question? I am very much interested in what he says.

Mr. MORGAN. I yield to the Senator for a question.

Mr. HALE. And he has come now to what I suppose rests in the mind of every one of us here who is for the canal. It seems to me that this objection, sent here properly, is a serious obstacle—whether it will be found so in the end or not I do not know—but what is now the undoubted Government which has taken the place of the three Governments of the Republics referred to by the Senator, represented here by a diplomatic agent, a minister, objects to further action in this direction. That seems to me a serious matter. Now, does the Senator, charged with the responsibility of managing the bill, think that, notwithstanding the protest of the representative of that joint Government, we should go on and consider and pass the bill the same as if that protest had not come in, or is the Senator's mind inclining in the direction of some delay, or a recommittal of the bill, in order that Senators, the Senator himself and others, may have an opportunity to examine into it? I should be glad to know what is the Senator's idea upon that.

Mr. MORGAN. The mind of the Senator from Maine naturally is outstripping mine in my poor and hesitating way of delivering my views upon this question, but I intended to come to that.

Mr. HALE. I thought the Senator had just come to it.

Mr. MORGAN. I could not go by that question.

Mr. HALE. I was in doubt myself as to what course the Senator wanted pursued.

Mr. WHITE. I should like to ask the Senator from Alabama a question for information. Is there any diplomatic representative of the Government of Nicaragua in Washington, save the gentleman who signs this communication?

Mr. MORGAN. No; there was one here, but he has gone home.

Mr. WHITE. Then the only accredited diplomatic representative here from Nicaragua is this person?

Mr. MORGAN. Yes.

Mr. DAVIS. The Senator means the minister plenipotentiary and envoy extraordinary of the Greater Republic of Central America—the new Government.

Mr. HALE. That includes Nicaragua.

Mr. DAVIS. Yes.

Mr. MORGAN. That includes Nicaragua.

If I may be allowed to make my statement about this thing, I can get my views before the Senate, and then I am going to leave it. I was discussing the proposition that whatever rights the American people have—I speak of citizens of the United States involved in this enterprise and of the American people in a very much broader sense—whatever rights those people have, the Government of the United States, under these stipulations, under this treaty, as the Senator calls it, are matters that we have to determine for ourselves.

I do not deny, and have not denied at any time, the jurisdiction of the courts of Nicaragua or of Costa Rica to hold that this concession was abandoned, or lapsed, or forfeited. I never have denied it. Those Governments have got the right now—Costa Rica and Nicaragua—to declare a forfeiture if cause exists; but when they come to prosecute that right—they will not do it, and have not done it, and do not expect to do it—then it will be shown that no cause exists for the forfeiture, most clearly shown by the action of the Nicaraguan Government, taken in the most solemn possible form on previous occasions, and these gentlemen to-day have the same rights under that concession that they had within two years or one year after it was made, and they had spent four and a half million dollars in the promotion of that work.

In the spending of that money within the time prescribed by the concession not only have they earned the concession as a settled and immovable fact, but the Government of Nicaragua has said so. They have not proceeded blindly. They have not proceeded without due consideration of their rights. They have not proceeded without knowing exactly how far Nicaragua had gone and had the right to go. On the contrary, Nicaragua has not only reaffirmed their right to the concession now as having been earned by them and paid for, but Nicaragua has been earnest in its avowals, until a very recent date, of her purpose to carry the concessions into effect. Until the new Government of the Greater Republic of Central America was contrived not one breath of opposition to those concessions or the rights of our people under them was ever uttered—not a breath. They came up contemporaneously, and doubtless they are affected by precisely the same circumstances.

Mr. President, there is one party to this concession who has not had a word to say about it, against it, or for it, through any foreign minister. That is the State of Costa Rica. The canal company were unwilling to go ahead and could not go ahead with the construction of the canal—that has been one of the great difficulties in their way—until a boundary dispute between Nicaragua and Costa Rica was settled. The boundary dispute was referred to the President of the United States as arbiter, and he decided it and fixed the boundary line. After that, Costa Rica, waiving her pride in the matter, came in and united in a concession identical in terms with the one that these gentlemen had obtained from Nicaragua, naming a million dollars of stock, and raising the stock payment for the concession to $7,500,000 instead of $6,500,000. She got it. She has never said a word about it. This gentleman representing the diet does not represent her. There she is, with all her rights. When they came down to measure the boundary line and establish it at Grey Town—for it took up the coast from the mouth of the San Juan River—it was found that there was included within the boundaries of Costa Rica that part of the coast opposite to Grey Town which the commissioners who went out there discovered was the only place on the coast where a really convenient harbor could be made. One had never been there, and yet there had been a harbor above that at the place where the engineers of the Government of the United States located the canal which had had 20 feet of water, but had been filled up by the drifting of the sand. But the new commission went down, and they found, if Senators will allow me, that the only practicable harbor or the most practicable harbor to be dug out is one that lies on the Costa Rican side of the line, and for which no grant in the concession had been made.

Mr. DAVIS. I see that Mr. Rodriguez makes the point in the communication which has been read that Nicaragua, to use a common expression, is to be frozen out by the bills which he mentions in the millions of stocks as security.

Mr. MORGAN. Yes.

Mr. DAVIS. What provision does the bill we are now considering make to meet that contention?

Mr. MORGAN. I will come to that point after a while.

Mr. DAVIS. I wish merely to suggest it to the Senator.

Mr. MORGAN. But I desire to know, before I get down to that point, exactly what the rights of Costa Rica are, and whether or not she is complaining, and I want to know whether the Government of the United States is going to take a protest from Salvador and Honduras——

Mr. DAVIS. Guatemala.

Mr. MORGAN. Not Guatemala. Guatemala has nothing to do with this. She never had anything to do with it. She is an independent Government to-day and has her minister here, Señor Arriaga, a splendid gentleman. I desire to know whether Costa Rica has given up her rights through a diet that represents Nicaragua, Salvador, and Honduras, and does not represent her, and which she has never joined?

What is becoming to the honor of a great Republic like this in dealing with a question thus thrust into our faces upon an occasion when we are trying to settle for ourselves and our people what are the rights of this Republic and also the rights of our people? It is an impertinent intrusion by two of the States of Central America represented in this diet, as we are told, which never had any connection with this matter. It is an intrusion that drops Costa Rica out of consideration. It may be strong enough to prevent the passage of this bill. It may be strong enough to carry the point to which I will refer now for a moment, inasmuch as I do not care to amplify the discussion as to the rights of Costa Rica or what she may be intending to do, for I do not know what she intends to do. I only know what her rights are. I only know that it would be wanting in respectability in our Congress if we should pass this subject by in such a way as to permit Honduras and San Salvador to come in here and strike down the rights of Costa Rica under these concessions and under our legislation.

What does this minister contend for? He has gone on to state, as the Senator from Minnesota suggested, that the dealing with this scheme on the part of the United States excludes Nicaragua from some of her rights, and that it is a monopoly of the stock by the Government of the United States, and that in this respect it does what the Senator from Indiana [Mr. TURPIE] denied that it did—it puts the Government of the United States in control of that canal. I have always understood that we wished to get as close to it as we could without treading on anybody's toes or violating anybody's rights, and in what we are doing here or proposing to do, if we do anything, and in what we have done in the bill which, in the last Congress, we passed through the Senate by 19 majority after a long debate, and after these very questions were raised, we, they assert, have monopolized the stock in the Nicaraguan Canal (in the bill before the Senate to-day), and that we violate the spirit of the concession, because the concession provides that it shall not be sold to any foreign government. This minister says it is a virtual sale of the concession; that it takes the whole thing.

Mr. DAVIS. I understand the question is a little more limited in extent than that. Nicaragua, under the concession, is entitled to 6 per cent of the stock. I understand Mr. Rodriguez to say that that right is wiped out by the bill under consideration at present.

Mr. MORGAN. No. He could not say that, if he has any common sense, because the bill preserves it.

Mr. DAVIS. I merely wished to know what the bill does in that respect.

Mr. MORGAN. The bill preserves that precisely. But that is all it does preserve. The balance, $70,000,000 out of $100,000,000 of stock, it takes to the United States.

How does Nicaragua happen to have any stock in the Maritime Canal Company? What right has she had to have her representative, her delegate, in that company all this time, managing its affairs? How did she get it? She got it by the concession which made her a party to our legislation, thoroughly accepted and confirmed, as much so as if it had been put within the four corners of a treaty. Not that only, but there are many acts done by the Government of Nicaragua which bind her just as firmly to what we have done heretofore legislatively as if she had put our laws into a treaty and signed it and ratified it. Here she has been acting under acts of Congress of the United States, giving to her all her rights under that concession, whatever they may be, incorporating that company and claiming the absolute power of repeal or modification of the act. Here she has been represented in her governmental capacity through that board of directors, not only without objection, but with the most cordial assent. All these long years, through all these debates, after the bill we passed through the Senate giving her $6,500,000 of stock, never did she raise her voice in protest or even in querulous statement to show that she had the slightest opposition.

Now, the Government of the United States may be wrapped around the finger of Great Britain like a piece of floss as often as anybody wants to do it, but if the wrapping process is to go on I object to its being wrapped around the finger of Nicaragua. I am for making Nicaragua stand to her contracts, and not her contracts only, but her other treaty obligations, for this contract and what has been done under it have been in virtue of the express provisions of a treaty. Now, let any American Senator deny that. What we are doing in legislation here in Congress and what we have done from the time we first incorporated the company until this moment has been done in virtue of solemn treaty stipulations between the United States and Nicaragua, entered into in 1868. There is no doubt about that. So we are executing our part of a treaty, whatever she is doing. She comes here in company with two strangers, not parties to this contract, two other Republics, and proposes objections which, if she is permitted to insist upon them, are fatal to the canal in Nicaragua, not now only, but always. The demand for an American canal under American control, if that be the demand of the United States, passes out of view in the presence of this protest and no longer will be heard, even as an echo in the future. You are gone, gentlemen.

It becomes us now to say whether we are to be drifted out and thrown aside in that way or not. I do not know what we are going to do, but I know one thing, that if we do not take action upon this matter in an authentic way within our rights, clearly ascertained and firmly expressed, the American people are going to find occasion for having some serious complaint against somebody in connection with this great enterprise, for the people do not intend to give up, let me observe, their right to go through Nicaragua and their right to control the canal to the extent that we are undertaking to control it in this bill or otherwise, if you please. That right will not be surrendered by the American people whatever clamors may be made for peace with Great Britain, or on account of any other thing that may come up.

Mr. Rodriguez utterly denies that we have the right to put in this bill what we have here. If his construction of the rights of Nicaragua under this concession are correct, we have no right to make this legislation, and we ought to abandon it and say so as honorable people. But here comes now, at the end of this communication, what he conceives to be a great temptation to us—the rehabilitation of the Frelinghuysen-Zavala treaty. Now, sir, if I could get the Frelinghuysen-Zavala treaty, I should prefer it to the pending bill or anything else. I preferred it when it was here. It was taken out of the Senate by President Cleveland within ten days after he was inaugurated President of the United States the first time. It was taken out of this body because the gentleman who became his Secretary of State insisted—he did not have a majority of the Senate, but he had more than a third of the Senate with him—that the treaty created entangling alliances between the United States and Nicaragua, as the first point, and as the next point that it was in contravention of the Clayton-Bulwer treaty. Most of the debate which occurred upon that occasion—it has been made public—was in respect to the question whether or not that Frelinghuysen-Zavala treaty did interere with the Clayton-Bulwer treaty. That was the great burden of the debate, as Senators around me who were then in this body will remember. Now he proposes it again.

The Secretary of State in sending his communication to us has not informed us whether or not he approves of these views of Mr. Rodriguez. He has not informed us whether he has replied to Mr. Rodriguez's invitation for a correspondence upon the reestablishment of the Zavala treaty. We are left entirely in the dark in regard to this transaction, except so far as it may be used as pressure against the passage of this bill, and in that view of it I must regard it as a distinct threat upon the part of the President of the United States that the pending bill is not going to be allowed to become a law. In later years we have become accustomed to such threats, and I cease to get scared at them. They no longer alarm me, for the reason that I suppose there is still among the American people, if there is not in the executive department, a recognition of the fact that the Congress of the United States and each of the Houses are independent departments of the Government, and therefore are responsible and must take their own course in matters of this kind. But now let me ask the question whether or not we are to understand the present Executive Administration as recommending the reinstatement of the Frelinghuysen-Zavala treaty, which the President in his first Administration took away from this body after we had voted for it upon a majority vote several times, and would have ratified it by a two-thirds vote any time it was called up.

The Presidency of the United States is one continuous office, unaffected in its powers or in its policies really—I mean its policies which affect foreign people—by a change of the incumbent. Here, then, would be the case of the President of the United States taking this treaty away from the Senate because he disapproved it after his predecessor had sent it here approving it, which is just the same case precisely, considered in a legal or diplomatic sense, as if the same man on a certain day in the month of January had sent in a treaty recommending its ratification by the Senate, and in the month of March had recalled it, on the ground that he had made a mistake in it; that it was an entangling alliance and put in jeopardy the United States in respect to the Clayton Bulwer treaty.

Mr. GRAY. May I ask the Senator from Alabama whether the Senate had not previously declined to advise and consent to the ratification of the treaty by a constitutional vote?

Mr. MORGAN. And a motion to reconsider was entered by Mr. Edmunds, and a majority, a large majority, was developed in favor of the treaty, but not two-thirds. The motion for reconsideration was pending when the President withdrew the treaty.

I am not finding fault with the President of the United States for withdrawing the treaty, but I am looking at the attitude in which we must appear before the nations of the earth when in January the same king—for the President is always the same king over us, giving him that title—negotiates a treaty, sends it to the Senate, earnestly recommends that it shall be adopted, and in March withdraws it upon the ground that it is an entangling alliance, and is calculated to embroil us in trouble.

Mr. President, that act will never cease to have its damaging effect upon the people of the United States. It will never cease to cast a stigma upon the character of the Government of the United States as being oscillating, imbecile, and uncertain in its policies, backing and filling, to suit the circumstances of the politics in the country.

Mr. WHITE. Will the Senator from Alabama permit me to make a suggestion? I understand that the communication from the Secretary of State was transmitted to the committee for its information—to use the language of the communicating document—and the committee or its chairman is responsible for the presence of the communication in the Senate.

Mr. MORGAN. That is true. I am not complaining about the communication coming here. On the contrary, I am gratified that it has come, because if there is anything which in my course as a Senator I desire to know, it is the facts of a situation. I do not want to be misled or to mislead anybody else about a matter which concerns the public welfare of this country. I would be a dishonest man if I did, simply a dishonest man.

What I mean to say is that, notwithstanding the fact that the same President withdrew the Zavala treaty from the Senate of the United States for the reasons I have stated, Mr. Rodriguez has what I may call the assurance to present it to him again at this late hour of the Administration and to invite him to reconsider it. What is the plum in the treaty that they want to get hold of? In the Zavala treaty we agreed to pay Nicaragua $4,000,000 for this privilege. Doubtless Mr. Rodriguez would like to handle the $4,000,000 for the benefit of the treasury of the Greater Republic of Central America. That is an intimation to us, "We will not give this thing to Great Britain and revoke these charters if you will pay us $4,000,000."

Let him take that observation and send it to his Government. I make it here. It is an effort to get us to stop in the crucial or critical stage of legislation in which we are indulging with mature deliberation and pay to him as the representative of these two Republics not concerned, or to Nicaragua, if you please, I do not care which, the $4,000,000 we promised to pay in the Frelinghuysen-Zavala treaty.

I was willing to pay the $4,000,000, because the 12 miles breadth of land from the Atlantic to the Pacific that we would have got under that treaty, together with the other immense privileges that we obtained there under that treaty, amounting almost to absolute sovereignty, were worth the $4,000,000. That was less than the syndicate's fees in the negotiation of $262,000,000 of bonds—not more than half. We had better have spent the money that way and have had something secured for the benefit of the people. We had better have bought it and confronted Great Britain with the proposition that the Clayton-Bulwer treaty was not worth the paper on which it was written. I believe that, and you all believe it—every one of you believe it. The Clayton-Bulwer treaty is not, in the estimation of the United States, to-day worth the paper upon which it is written. It is true it has not been formally revoked. Neither has either Government signified to the other that it has formally abandoned it, and it stands there now like a skeleton in the closet of the United States merely to alarm the children when they happen thoughtlessly to open the door.

The Clayton-Bulwer treaty has been violated by the Government of Great Britain openly, notoriously, over and over again. I call the attention of the Senator from Ohio to what I am about to say. The gentleman who is known or is understood to be about to become Secretary of State made the first report upon this subject. That part of the report was drawn by Mr. Edmunds and approved by himself, the honorable Senator from Ohio [Mr. SHERMAN], and in that report we denounced the Clayton-Bulwer treaty as no longer obligatory upon us unless we chose to waive the infractions of Great Britain in their dealings in Central America.

Now, there we stand. Now we are coming to a conclusion; now we intend to know whether it is so or not, and I for one, as an American Senator, do not intend to pass one single hair's breadth beyond this question until it is settled.

Mr. WHITE. Can the Senator from recollection state how long ago it was that the distinguished Senator from Ohio [Mr. SHERMAN] reached that conclusion? What is the date of the report? Does the Senator remember?

Mr. MORGAN. I do not recollect. It was the first report on this subject.

Mr. WHITE. I suppose it can be found. I thought probably the Senator might remember the date.

Mr. VILAS. It was made in 1891.

Mr. MORGAN. It was made further back than that; in 1887 or 1888, I think.

Mr. SHERMAN. I hesitate to reply to my honorable friend or even to answer his question, because it seems to me he is rather going beyond the subject-matter, and is trenching upon matters that had better be argued when the Senate is in executive session. As a matter of course, I am in favor of the Nicaraguan Canal. I joined in the report in its favor, and hope to see it accomplished.

Mr. MORGAN. What I am trying to do is to call attention to the history of the attitude of the Senate of the United States, through its committees, upon this question. This gentleman comes back here now and presents a proposition for the rehabilitation, the renewal, of the Frelinghuysen-Zavala treaty, which was withdrawn by the President of the United States because it was in conflict with the Clayton-Bulwer treaty——

Mr. COCKRELL. Alleged to be.

Mr. MORGAN. Yes; alleged to be; it was withdrawn on that ground. Afterwards it was affirmed by that committee unanimously, the Senator from Ohio [Mr. SHERMAN] writing part of the report, that that treaty was not obligatory upon us.

Mr. GRAY. Did the President of the United States give any reasons in his message of withdrawal?

Mr. MORGAN. I believe he did.

Mr. SHERMAN. I can not hear what the Senators are saying.

Mr. MORGAN. The Senator from Delaware asked me whether the President in the withdrawal of the Frelinghuysen-Zavala treaty gave reasons.

Mr. GRAY. I do not think he did.

Mr. MORGAN. I think he did.

Mr. SHERMAN. I think the President withdrew the treaty immediately after coming into office.

Mr. GRAY. I was in the Senate at the time and my recollection is there was no——

Mr. HOAR. We treated the whole communication in executive session, and the Senate has never authorized the removal of the injunction of secrecy.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER (Mr. ALDRICH in the chair). Does the Senator from Massachusetts rise to a point of order?

Mr. HOAR. I do.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order is that the communication of the President, unless I am very much mistaken as to the fact, was made to the Senate in executive confidence, and the seal of confidence never has been removed. If I am mistaken in that respect, I have no point to make about it.

Mr. MORGAN. I think the Senator is entirely mistaken about it. The injunction of secrecy has been removed. But the message of the President was published.

The PRESIDING OFFICER. The Chair has no means of ascertaining the question of fact raised by the point of order.

Mr. HOAR. If this discussion is to proceed without ascertaining that fact, I will be compelled to make the point that the doors of the Senate shall be closed. I do not wish to interfere with the Senator from Alabama. I have no doubt he has said all he desires to say, or that he will say what he desires to say without trenching upon that order.

Mr. MORGAN. I am entirely satisfied that the injunction of secrecy has been removed. We have discussed the question here. We discussed it on the passage of a similar bill heretofore. It was fully discussed. But if I am in error about it, the only thing I can do is to beg pardon of the Senate and take back all these words.

Mr. HOAR. My recollection is that the communication from President Cleveland, immediately after his entrance upon his first Administration, or whatever communication was made upon the subject, was made to us in confidence, and that the obligation of confidence never has been removed. That is my recollection of it.

Mr. MORGAN. I have been a very negligent sinner, not a willful one, if that is true, for I discussed that question very fully on the passage of the bill when it passed this body before, and it is in the report of the committee now.

Mr. GALLINGER. And has doubtless been published by the Executive, of course, as all executive matters are.

Mr. MORGAN. It has been reported and discussed and hacked about here time out of mind.

But I will suppose a case. I will suppose that the President of the United States withdrew the Zavala treaty upon the ground that it interfered with the Clayton-Bulwer treaty. But I need not suppose the other branch of the case—that is, that the Senator from Ohio declared that the Clayton-Bulwer treaty was no longer in effect. I need not, because he stated that in an open report here. But I will suppose one proposition and state the other; and then I should like to know what sort of a kink we are getting ourselves into here about this matter. That is what I dislike about this business. There is not enough of manhood, not enough of direct, old-fashioned, sincere honesty in our dealings with other people and other countries.

Here comes, then, a proposition from this Greater Republic of South America that we are to pay them $4,000,000 for this privilege that we have already got. The Senator from Maine asked me what I thought we ought to do with this bill under the circumstances. I will say to the Senator, as he has put the question to me, that I consider that self-respect requires us, in view of this communication, simply to pass our bill and inform the Republic of Nicaragua, and Costa Rica, which is the other partner in the business, that we are not at all alarmed or subdued by Mr. Rodriguez and his proposition, or by the British Government, if the British Government is at the back of him, and I honestly believe it is; that we are not alarmed or subdued as to our position upon this treaty in the slightest degree by this matter, but we will proceed to do what we have considered it to be our duty to do, to frame a proposition upon these concessions as we understand them, for the acceptance or the rejection of the Maritime Canal Company, for that is all that we are doing here. Our bill can have no effect until these propositions are accepted by that company and all the conditions precedent are complied with. They must put themselves in clean shape to be able to comply, and then they comply if they choose to do so. Who has the option to comply? The Maritime Canal Company. Who are the Maritime Canal Company? Nicaragua, represented there amongst the foremost of the stockholders; Costa Rica is another.

Now, this bill proposes to submit to the Nicaraguan Government, through its delegate to that board of directors, and to Costa Rica, the question whether they will accept our legislation. Nicaragua has no right to come here now and undertake to interpret the rights of our citizens under their contracts or to influence our interpretation. That is for us to determine. We say that our citizens and those Republics have the right to sell us $70,000,000 of this stock, and they have the right to take out of the stock so much to pay them for the concession, including the 1,000,000 acres of land, and so much of the bonds to pay them for the money actually expended in the construction so far. That is what we say we think their rights are under the concession. We formulate them clearly in a bill, and we say to the Maritime Canal Company, "You have the perfect right to accept or refuse it. We are dealing with you as the owners of a great property, and we propose to buy it from you under the conditions that we have stated in this bill."

Now Nicaragua comes to inform us in advance, through a new provisional arrangement with her associates, Honduras and Salvador, who have got no connection with it, that that would be considered as a violation of the treaty, as the Senator from Indiana [Mr. TURPIE] calls it. If she thinks so, let her refuse to accept it. She has got a vote in the board. She is represented there. She can file a bill to enjoin her fellow-stockholders from selling it if she wants to do so. She can stop it in our courts or her own courts, or wherever she undertakes to have a jurisdiction established, if they have no right under her concessions to permit us to own $70,000,000 of the stock in the Maritime Canal Company.

Now, viewing it in that light, are we to be moved from our interpretation of this treaty upon facts that are known to exist and are established before a committee of this body after the most thorough examination? Are we to be moved from our interpretation of this contract because Mr. Rodriguez, representing two other Republics along with Nicaragua in a diplomatic sense, concludes that he will make objections here sufficient, as he supposes, to break down the bill and induce the Government to reinstate the Frelinghuysen-Zavala treaty?

I have said that I prefer that treaty. I do prefer it; but, Mr. President, there is nothing that I prefer above justice to our own people. There ought to be something in the character of our Government to entitle our people to have something more than a mere sentimental respect for this Government and its flag. They ought to understand that they are to be taken care of, that they are to receive justice on all occasions when the Government deals with them or with their rights, or they are thrown upon its consideration.

I would not, sir, take from these men that million acres of land in order to make a new treaty with Nicaragua. I would not take from them the six and a half million dollars of stock in that canal which they are forced by this bill to surrender to us. I would not take it with violence and concede the same right demanded by Nicaragua, and thus throw our people overboard and spurn their just demands. I would not take from them the opportunity which they have under this charter, this concession, of going to any other government and getting the identical legislation that we are proposing to enact in this bill. I should very much dislike to see them do it, because it would be symptomatic at least of a want of that kind of enthusiasm in their patriotism which might cast some odium upon them. But, sir, Nicaragua, if she has got the rights that she contends for here to-day, is free to make the same concession to Great Britain. She, contending as she does in this letter of Rodriguez that the contract has been forfeited, if her contention is just, not only is free to make such a proposition to Great Britain, but she has got a treaty to justify it, which is exactly in the language of our treaty.

I have been furnished with the first annual message of the President of the United States—which shows that it was a public document—for the withdrawal of the Frelinghuysen-Zavala treaty. I think there was also a special message, but it makes no difference. The President says in his annual message December 8, 1885:

> The interest of the United States in a practicable transit for ships across the strip of land separating the Atlantic from the Pacific has been repeatedly manifested during the last half century.
>
> My immediate predecessor caused to be negotiated with Nicaragua a treaty for the construction, by and at the sole cost of the United States, of a canal through Nicaraguan territory, and laid it before the Senate. Pending the action of that body thereon, I withdrew the treaty for reexamination. Attentive consideration of its provisions leads me to withhold it from resubmission to the Senate.
>
> Maintaining as I do the tenets of a line of precedents from Washington's day which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.
>
> The laws of progress are vital and organic, and we must be conscious of that irresistible tide of commercial expansion which, as the concomitant of our active civilization, day by day is being urged onward by those increasing facilities of production, transportation, and communication to which steam and electricity have given birth; but our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge, and to the cultivation of the arts of peace within our own borders, though jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant goverments. Therefore I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of opinion that any scheme to that end, to be considered with favor, should be free from the features alluded to.
>
> The Tehuantepec route is declared by engineers of the highest repute and by competent scientists to afford an entirely practicable transit for vessels and cargoes by means of a ship railway from the Atlantic to the Pacific. The obvious advantages of such a route, if feasible, over others more remote from the axial lines of traffic between Europe and the Pacific, and particularly between the valley of the Mississippi and the western coast of North and South America, are deserving of consideration.
>
> Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection with the foreign state whose responsibilities and rights we would share, is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national polity or present means.
>
> The lapse of years has abundantly confirmed the wisdom and foresight of those earlier Administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American Isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties. Toward such realization the efforts of my Administration will be applied, ever bearing in mind the principles on which it must rest, and which were declared in no uncertain tones by Mr. Cass, who, while Secretary of State, in 1858, announced that "what the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."
>
> The construction of three transcontinental lines of railway, all in successful operation, wholly within our territory and uniting the Atlantic and the Pacific oceans, has been accompanied by results of a most interesting and impressive nature, and has created new conditions, not in the routes of commerce only, but in political geography, which powerfully affect our relations toward, and necessarily increase our interests in, any transisthmian route which may be opened and employed for the ends of peace and traffic, or, in other contingencies, for uses inimical to both.
>
> Transportation is a factor in the cost of commodities scarcely second to that of their production, and weighs as heavily upon the consumer.
>
> Our experience already has proven the great importance of having the competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendencies to monopoly which are inherent in the consolidation of wealth and power in the hands of vast corporations.
>
> These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit, and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.
>
> The drawings and report of a recent survey of the Nicaragua Canal route, made by Chief Engineer Menocal, will be communicated for your information.

Mr. WHITE. Will the Senator from Alabama permit me to make an inquiry? Is there anything stated in the message of the President of the United States, to which the Senator has referred, with respect to the Clayton-Bulwer treaty or any supposed conflict with that treaty?

Mr. MORGAN. No, sir; not this particular treaty. The Zavala treaty is printed in the report of the committee. It was printed four or five times by the Senate, and circulated all over the country. Any Senator can have access to it. It was published by order of the Senate, too. So we are in no doubt about it and in no darkness about it all. That was a very important treaty for us, and it was a grievous day to me when it was lost. I then apprehended the troubles that are coming now when we gave up what Mr. Frelinghuysen so splendidly did for his country on that occasion.

Then the further objection in the President's message here was that the whole cost of it was on the Government of the United States. Now we are complaining because it is not all on the Government of the United States, that the Government has not got all the stock.

Mr. President, I have gone as far as I think I need go in this matter. This recommendation of Mr. Rodriguez is that the Senate of the United States or the Congress of the United States will not pass the bill for the reasons that he has stated, which indicate, as far as he has got the power to indicate, that the Government of Nicaragua will not consent to become a party to its acceptance. That means that we are not to build a canal through Nicaragua upon any ground that our citizens have acquired already; that nothing has been done so far to give us a right to do it. We interpret the contract, interpret the treaty, as both parties to a treaty have an equal right to interpret it. We determine that we have the right to do it. We submit it in a proposition to the Maritime Canal Company. If Nicaragua is right and can satisfy a court that we are wrong, she can stop it, or she can persuade her stockholders and directors not to adopt it. It is an open matter, where she has a full chance to be heard, and the whole transaction involves rights and duties that we can also insist upon and enforce.

Now, sir, if you break this bill down as it stands to-day, with a treaty between Great Britain and ourselves that has been somewhat discussed here this morning standing in front of us, and with this threat from Nicaragua and Honduras and Salvador flouted in our faces by a communication from an ambassador whom we know nothing about and never recognized—if we can be stopped by that, we had better stop all efforts to dig a canal. The people can not have faith in us if we have not any more power than that in ourselves to protect their rights. We had better stop and throw it up. But, sir, I intend to move this bill. I intend to give the Senate of the United States the opportunity to say whether it is deterred by this threat from Mr. Rodriguez.

Mr. HALE. I do not know that the Senator has concluded.

Mr. MORGAN. I was about to take my seat.

Mr. HALE. Then I will put what I have to say in the form of a proposition, which I should like the Senator to answer. There has come here a very serious protest against further action by the United States in the direction of carrying out this canal project, based upon the proposition that the United States and the company have forfeited all their rights; that they have lapsed by time or otherwise, and that the pending bill is a new matter and an infringement upon the rights of Nicaragua. That protest comes from a gentleman whom the Senator from Alabama says we know nothing about, and who has not been recognized; but it is an undoubted fact that he has been recognized by the President, who has authority by the Constitution to receive ministers and ambassadors, as the minister, duly accredited, of the Greater Republic of Central America.

Mr. VILAS. I should like to ask the Senator from Maine if the communication is not sent to the chairman of the Committee

on Foreign Relations by our Secretary of State as having been received from the minister?

Mr. HALE. I was going to read it.

Mr. MORGAN. Now, let me ask the Senator from Maine, as he is putting a question, or rather making a speech——

Mr. HALE. I said I would make a proposition, as the Senator yielded the floor.

Mr. MORGAN. Now, is this in your proposition? Has it been in any wise doubted or disputed that that is an authentic proposition? I do not dispute it.

Mr. HALE. What proposition?

Mr. MORGAN. Rodriguez's proposition here. I do not dispute that it represents the Nicaraguan sentiment.

Mr. HALE. But the Senator referred to him as a gentleman whom we know nothing about and who has not been recognized. The communication, duly sent to the Senate in session, says:

> In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.
>
> Respectfully, yours, RICHARD OLNEY.

Whatever rights Nicaragua has in this matter, and whatever rights she has to assert them in any channel of communication in which she must act diplomatically, she has merged in what is known as the Greater Republic of Central America. I do not suppose there is any historic doubt that there has been entered into a compact that forms a new Government, and that Nicaragua's rights are merged in that new Government. She had the same right that Massachusetts, New York, and Virginia had in 1776 to go into the Confederation.

Mr. MORGAN. I should like to know what part of this question I have got to answer.

Mr. HALE. Well, Mr. President, simply in my own way——

Mr. MORGAN. I know.

Mr. HALE. I am referring to, and traveling over no ground that the Senator himself has not gone over——

Mr. MORGAN. No; but I have the floor.

Mr. HALE. The Senator yielded the floor.

Mr. MORGAN. I have the floor and yielded for a question. I did not yield for a speech.

Mr. HALE. I beg the Senator's pardon; the Senator said he had finished.

Mr. MORGAN. I said I was about to take my seat.

Mr. HALE. And I said I would make my proposition and would ask the Senator to answer it. So I consider that I am speaking in my own right, and I shall not speak at length.

Mr. MORGAN. I do not care how long you speak.

Mr. HALE. I am going over no ground the Senator himself has not traversed.

Mr. MORGAN. The Senator took the floor for the purpose of putting a question to me, and he has been keeping me on my feet for ten or fifteen minutes.

Mr. HALE. I have more trouble over this communication than has the Senator. I am as earnest a friend of the interoceanic canal, and have been from the beginning, as the Senator; but when I find a grave and dignified protest sent to us by the recognized minister of a country that is concerned in this matter, and has been from the beginning, as we are and have been, I am troubled about what the result of that is to be, and I was going to ask the Senator——

Mr. MORGAN. Will the Senator first allow me to ask him a question, or rather to make a statement to him?

Mr. HALE. Yes.

Mr. MORGAN. I have not sought in anything I have said, or in any attitude I have taken, to decide any Cuban question or the question of the power of the President to recognize a foreign government. If the Senator thinks there is anything in that view, let him think so, because I do not think our action here has the slightest bearing upon that point.

Mr. HALE. I did not suppose that question was involved in this debate at all. The Senator did clearly say this is a gentleman we know nothing about. I should like to have the Senator or any Senator who believes in the policy that, notwithstanding this grave protest from a country that was interested with us from the beginning in a friendly way, we should go right on and legislate and pass the bill without further examination, without further calling a halt, tell me what is likely to happen actually—and the thing that we want to bring about is not to get the advantage of each other in debate, but to have the Nicaraguan Canal built—if, with the Greater Republic of Central America protesting through its minister, representing its Government, against any action on the part of the United States, and representing Nicaragua with the other States protesting, and throwing obstructions in the way of this great work, we would go on and pass the canal bill? I should like to have the doubts in my mind cleared as to what we can do. I do not know. I do not feel so clear as the Senator does that we, in the presence of this grave protest, may go on and pass a bill, and let Nicaragua stand out, if she chooses to do so. I would prefer an opportunity of examining into this matter and seeing how far this protest really represents the attitude of Nicaragua.

Mr. GRAY. May I ask the Senator a question?

Mr. HALE. Yes.

Mr. GRAY. As to the bill which is before the Senate at the instance of a corporation which receives its charter from the United States, I ask whether the offer that is made by that corporation to the Government of the United States does not include certain valuable and important concessions from the Government of Nicaragua; and whether the situation is not, whilst we are debating whether we shall accept the proposition of that corporation, we have here a communication from an authorized representative of Nicaragua protesting that the concessions offered by that company do not exist and are not under the control of the company which offers them to the United States?

Mr. HALE. That is precisely what gives my mind pause. It looks to me as if that is very serious, as if one of the fundamental things necessary to carry out the arrangement with this corporation is now declared by the representative of this new Republic as nonexisting, and therefore it presented to us—certainly it does present to me—an entirely different situation, Mr. President, from what it did this morning. I understood the Senator to say it does not with him. I am not prepared and I do not want to give up this bill. I do not know but what this has got to go into the field of diplomacy to be negotiated, and new terms and conditions made. I can not tell that now; I am in doubt about that, but I do not feel that we have the same guaranty for going on now and legislating and passing this bill that we had before this respectful protest was sent in to us.

Mr. MORGAN. Mr. President, the situation as it is now presented is just this: A concession has been granted by Nicaragua and Costa Rica; it has been acted upon by Congress for several years—as many as eight or ten. We have now come to the point when we propose to make an offer to the Maritime Canal Company for advancing it money with which to build a canal upon certain terms and conditions. That offer includes the proposition that the Government of the United States shall have for itself seventy millions out of a hundred millions of the stock. Nicaragua considers—so Mr. Rodriguez says, though nobody mentions Costa Rica at all—but Nicaragua considers that that purchase of seventy millions of stock is the ownership of the canal, and that this provision in the bill violates the part of the concession which forbids that company to sell the concession to any foreign government. That is the situation. I do not read it as Mr. Rodriguez does. I do not so interpret it at all, and I have the right, so has every Senator, so has the House of Representatives—the Government of the United States has the right to put its own interpretation upon this contract in making this offer, to guarantee the bonds of this company. To say the least of it—I could go very much further than that—but to put the question in the simplest possible form, we must put our own construction upon this contract in making our offer. Then it is for the Maritime Canal Company to say whether it accepts or whether it rejects. Under the bill until, it accepts, there is no agreement, there is no legislation. Their acceptance is made a condition precedent to its operation.

Now, to say the least of it, Nicaragua has, in conjunction with Costa Rica as an associate in the transaction, if I may call it such, full right to say, "No, we will not accept this; we consider that it violates the contract," and that ends it, of course. If she can get her colleagues to go with her, or if she thinks she is not bound to go with them, under the contract she can enjoin them and say, "You must not do that; you are disposing of property you have no right to dispose of;" or she can say to the Government of the United States or the President of the United States, "Do not issue any bonds under this bill;" and the President has full authority under the bill not to issue any and not to proceed until all questions are settled.

The question now is as to whether or not we are going to change our opinion as to what the rights of the United States are and would be under the acceptance of such a contract as that, in view of what has been said by Mr. Rodriguez as to the objections of the three Governments which he represents, called the Greater Republic of Central America.

Mr. HALE. Which is now one Government.

Mr. MORGAN. Three States, but one Government for diplomatic purposes. I call attention again, however, to the fact—and I do it emphatically, because I want an answer upon that part of it from somebody authorized to give it—that the President expressly said to Mr. Rodriguez when he admitted him, "Your reception here as the minister of this new Republic, this new combination, this diet, does not in the slightest degree affect the individual obligations of any of these States." That reservation was distinctly put in, as the newspapers inform us. But I do complain, and I have a right to complain, and we have all a right to complain, that so important a transaction should take place in the United States and that the President has disdained to inform Congress. I am sorry to be in that attitude, I am sorry to be so much in the contempt of the President of the United States as a member of this body that I am supposed to have no right to ask him that he communicate to us, as his oath requires that he should, information as to the state of the Union—no right to ask him to send to us what has taken place in regard to these matters; and here is the Senate of the United States in the dark about it. Who knows here whether my statement is correct or incorrect that these very rights were reserved by the United States at the time that that minister was recognized and let into the Blue Room of the White House to receive the courtesy of a reception? Who knows anything about it? Why will the Senate sit by and undertake to legislate upon matters which are communicated through the Secretary of State to the chairman of the Committee on Foreign Relations, instead of the chairman of the Committee on the Canal, when the information is withheld from us as to whether that protest affects the rights of the people of the United States, and whether or not our rights were reserved when he came as the representative of a new Government?

Mr. HALE. If the Senator will allow me, the question now confronting us is not so much, perhaps, as to the rightfulness of Nicaragua's contention, but that until this afternoon none of us knew that Nicaragua made this contention.

Mr. MORGAN. I never did.

Mr. HALE. I never did. One of the great arguments in favor of this project and the feasibility of this scheme is this——

Mr. BRICE. May I ask a question on that point?

Mr. HALE. If the Senator will allow me, I was about to state——

Mr. BRICE. And as well of the chairman of the committee, the Senator from Alabama in charge of the bill. I ask, Is it true that in the original concession the State of Nicaragua reserved for herself—in other words, that she was to be paid for the concession 6 per cent of the capital stock of the company?

Mr. MORGAN. Yes.

Mr. BRICE. Is it not true that in the bill now under consideration that 6 per cent of the capital stock, which presumably would be worth its par in money, is reduced in value by putting ahead of the capital stock $100,000,000 of bonds?

Mr. MORGAN. No.

Mr. BRICE. And the stock is left to be merely an instrumentality for voting for and electing the directors of the company?

Mr. MORGAN. No.

Mr. BRICE. If the Senator will allow me, is it not right that the State of Nicaragua, either directly or through the Greater Republic of Central America—and is it not proper under the circumstances that she should represent to this Government that she ought to have in any event the sum of six and a half million dollars, which she originally expected to get? If we pass the bill and undertake to construct the canal, ought we not to provide that the State of Nicaragua should be paid what she originally expected to be paid when she gave the concession? Is it not fair and right that she should be so paid?

Mr. MORGAN. If the questions of the Senator have given out, if he has got to a period, I will begin.

Mr. HALE. Will the Senator allow me to finish my statement? The Senator knows I was interrupted right in the middle of a sentence by the Senator from Ohio [Mr. BRICE].

The question is not whether Nicaragua is right, but she makes the contention. Neither the Senator from Alabama nor I knew anything of it until this afternoon, and he knows that in the arguments made in urging the adoption of the Nicaraguan Canal bill, one great and convincing argument was that we were proceeding in entire concert of action with Nicaragua; that she was as desirous of this legislation as we; that she accepted all these allowances which had been made in the bill for herself; that she yielded to everything that we gave to the company, and was jointly with us pushing this thing forward. Now, suddenly, we are confronted with a situation just the reverse. She is objecting to that. Can we really move an inch in this matter substantially toward the building of the canal without the friendship of Nicaragua?

Mr. MORGAN. Has the Senator come to a period in his question?

Mr. HALE. Yes; I have; and I should like to have the Senator answer that question if it is in the line of his argument.

Mr. MORGAN. I have had at least twenty questions put to me seriatim by the Senator from Ohio and the Senator from Maine.

Mr. HALE. I will waive all but the last one.

Mr. MORGAN. It would take a very long time to answer all these questions of Senators about a matter that they understand just as well as I do. Every man who has read this bill—I do not think that everybody in the Senate has read it—knows what the rights of Nicaragua are. Six million five hundred thousand dollars of stock in the canal are expressly reserved to that State, and she is allowed to have, in consequence of that, one director in the board of directors. About that there can be no possible query or difference. Nicaragua is not put behind the United States except in the sense that the minority stockholder is always behind the majority stockholder. We did not intend to go into this at all without having a majority of the stock—a great majority. So that answers all the questions the Senator from Ohio has put to me. I submit that is a full and fair answer. The reading of the bill discloses distinctly that all rights of Nicaragua are reserved.

Now, the Senator from Maine wants to know if it is not a very serious business. Well, Mr. President, whatever is of sufficient importance to gain the attention and the vote of this Senate is always a serious business, some parts of the business a little more serious than the balance, but I confess that we have got now into a diplomatic imbroglio, if I may be allowed the expression, in various directions which makes everything that we touch a little serious, and my judgment about the action of Congress is, that whenever the business is serious, men must take it up seriously and meet their responsibilities.

There is one thing I can assert, I think, with reasonable certainty, and that is, if we are driven away from our action on this occasion by the opinions which are urged here by Mr. Rodriguez against our right to act, we had just as well abandon the whole business of building this canal.

I will suppose it is abandoned: I will suppose that Mr. Rodriguez has not got sufficient influence diplomatically to get us to pay Nicaragua $1,000,000 for the privilege of building that canal, as he wants to do by getting the Zavala treaty rehabilitated. I will suppose that the whole thing lapses, as it will lapse for all time, so far as I can see. Then I will leave the Senate to answer this question to the American people: When and how are we going to get that canal? I leave the Senate also to determine upon the propriety of making in advance a treaty of arbitration with Great Britain which will shelter her while she swallows this sweet morsel. There is no question about that in my mind. That may suit the fancy of some gentlemen who think, after all, more of the British aristocracy and their titles, orders, and decorations than they do of the American people; but it does not suit me at all. I am averse to it. But whenever you recommit this bill, whenever you defeat it, the canal passes; that is an end of it so far as we are concerned, either at present or in prospect.

We started out—no, not we, but the present Administration started out—by strangling the Frelinghuysen-Zavala treaty to death; that treaty which would have done more for the people of the United States than any treaty which has been signed since the treaty of Ghent. The greatest treaty we have ever had was strangled to death by this Administration. As I said before, it has left a cloud upon the prosperity and upon the reputation of the United States for wisdom in government, the like of which has not been shadowed upon us by anything in the way of a public act in which we have ever engaged. That treaty was broken down because it was likely to be an entangling alliance, said the President. The other reasons for breaking it down every Senator here knows. The honorable Senator from Massachusetts [Mr. HOAR], who is looking at me now, knows as well as I do that it was in alleged conflict with the Clayton-Bulwer treaty. By running away from the ground we occupy to-day we open these old sores, all of them. We must deny that we have got the right now to pass this bill, because in doing so it is an invasion of what the Senator from Indiana calls a treaty between the Maritime Canal Company and the Governments of Nicaragua and Costa Rica. In our refusal to act since the Greater Republic of Central America has intervened we admit her contention and are driven from the field by a power we have never recognized, and are forced to yield our rights unless we pay $4,000,000 for them.

Mr. HOAR. May I ask the Senator a question?

Mr. MORGAN. Certainly.

Mr. HOAR. What is the objection, if there is any objection in the Senator's mind, to inserting in the Nicaraguan Canal bill an amendment that there shall be paid to Nicaragua in money or in bonds, or in having her portion of the stock excepted from the preference equal to the value of the stocks for which she originally stipulated?

If the Senator will pardon me a moment longer, I will state that I have always supported this bill, but I think there is great force in what the Senator from Maine [Mr. HALE] says, that it is not strictly a question of what Nicaragua is entitled to, but, within reasonable limits, is a question of what she thinks she is entitled to. It is not wise for us to go on with this project with Nicaragua hostile or sullen or sulky, or thinking she has been treated unjustly. Here is a great expenditure of certainly more than $100,000,000. The matter of six and a half million dollars to Nicaragua is a mere bagatelle. It seems to me this whole matter could be removed from anybody's cavil by simply saying that Nicaragua shall be entitled to receive in stock or otherwise what she will accept as an equivalent for the original stock which was stipulated for.

Mr. MORGAN. The Senator from Massachusetts has heard the declaration by Mr. Rodriguez that this proposed legislation violates the treaty of cession.

Mr. HOAR. I did not say that. I merely said that somebody claimed it. If he does not claim it, Nicaragua does not claim it; and then she will be contented with the bill as it stands; but if she does have any ground of that kind, we ought to provide for her being reasonably satisfied.

Mr. MORGAN. Mr. Rodriguez makes the point that our taking $70,000,000 out of the $100,000,000 of this stock amounts to our owning the whole business—gives us such a power that we own the whole of it—and that that is contrary to the concession, that this company sells the property under this bill to the United States in violation of the concession.

Mr. ALLISON. May I call the attention of the Senator to one fact in connection with that statement?

Mr. MORGAN. Yes.

Mr. ALLISON. Although that is a violation of the original treaty, yet Mr. Rodriguez suggests immediately that the United States shall have the whole of the canal. So it is not objectionable to Nicaragua, as he suggests, that the Government shall have it.

Mr. MORGAN. That is true. I was about to make a remark as to the proposition of the Senator from Massachusetts [Mr. HOAR] that Mr. Rodriguez must be satisfied that Nicaragua would be willing to receive the equivalent of $4,000,000 in bonds of this company, and that she is here for the purpose of playing that game upon us to-day. He says she is willing to reinstate the Zavala treaty that puts up $1,000,000 to purchase this concession, but the Senator from Massachusetts says, inasmuch as Nicaragua is trying to compel us to pay her some blackmail, we had better pay her in bonds—$1,000,000 of bonds. Whenever that is done, Mr. President, it must be done with a treaty that gives us better rights than we have under this concession, for the Zavala treaty was far ahead of this concession in the right of the Government of the United States and in its power of control of that canal; and I would not consent to insert it into this bill, because, if Nicaragua had any sense of self-respect, she would not accept it offered in this way. It would be like saying, "Mr. Rodriguez, you come in here as the representative of this Greater Republic of Central America, and you say that if we give you $4,000,000 it will be all right; you will be content. We do not want to make any treaty with you, Mr. Rodriguez, that might bring up the ghost of the old Clayton-Bulwer treaty"—the shadow of which we are much more afraid of than of any real fact that we have ever had to encounter in connection with it—"we can not do that; but we will just slip in $1,000,000 of these bonds. That is what you want. That ought to satisfy you." What sort of respectability would that minister and his Government have in the eyes of the world, to come here and to attempt to force the Congress of the United States in its legislation to give him $1,000,000 in order that we might get his consent to build this canal?

True, sir, I have always said, and always felt it until the very moment when the Senator from Ohio [Mr. SHERMAN] showed me that paper, that Nicaragua and Costa Rica were heartily in accord with us in building this canal, along with every one of the Central American States. This proposition has been delayed until it is scarcely decent to make it; this proposition has been delayed until this bill is about to pass one of these bodies after years of discussion, during which it has been always presented for the consideration of that Government of Nicaragua in the most friendly and respectful way. Now she comes, at the last hour, and offers her objections. Why has she not offered them heretofore? It is because she has got somebody standing at the back of her that she thinks stronger than we are—that is all.

Now, let it go, if we are afraid to undertake it. I have done my duty in reference to this canal; I have worked for it faithfully in season and out of season. If we had passed the bill through the other House that we passed through the Senate two years ago, this matter would have all been settled; there would have been no complaint from Nicaragua, and the canal would have been well on the way to construction. It is our weakness of purpose that has invited this effort to destroy our rights and those of our people. It is the halting and the hesitating of Congress which invites attack. That has been the American position about everything of late. For the last twenty years the United States have had their mind made up, it appears, to yield in every direction, and now they are presenting to us a halter of compromise by which we shall be tied up for five years to come, without permission to assert our rights in any respect.

Gentlemen, these are serious moments in the Senate. Take this bill and recommit if you choose. I shall be found here, so long as I have a seat on this floor, contending for the doctrine that that is to be an American canal under American control, and they can not drive me away from it. We yield this doctrine and this attitude when we give up this bill. It may be better in the judgment of the Senate to stop, but if it is better in their judgment to stop now they are only following that lead which has come very near disgracing us many a time. When a British ship ran into the harbor of Corinto and took possession of the custom-house to collect a debt the Government of the United States stood by and saw it all go on, but the people were aroused until they were almost in a frenzy. The Government of Great Britain never ceases to press an advantage whenever there is an opportunity—never. The one glorious thing about her Government is that she stands by the rights of her citizens. While we are parleying here this afternoon about the proposition of paying this blackmail of $4,000,000, we abandon the rights of as honorable a set of men as this country ever produced, some of them our former colleagues—McDonald and Eustis—against whose rights we cavil and with whom we dicker, and make sharp bargains with them; and now we propose, at the instance of Mr. Rodriguez, to turn our backs upon them and say, "They have no rights in these concessions; let them go; they are nothing but Americans."

I have no respect for the action of any government that will turn upon its own people to devour them, while they court the favor of other governments by visiting injustice upon American citizens.

Sir, graves in Cuba have been filled with Americans who died because this Government had neglected them, and now we propose to throw other rights away, to destroy the rights of honorable men, as honorable as any who look at me to-day. If we do that, we do not deserve the respect of our own people, and we are not going to have it. They will not respect men who do not regard their rights, and the Senate of the United States before it stops now under this threat should consider what their attitude will be when a committee brings this bill back before this body. Let some Senator move to recommit it. I want to hear him.

Mr. HALE. Does the Senator desire to debate the question further this evening?

Mr. MORGAN. I do not. I am ready for a vote upon the bill.

Mr. HALE. I was going to suggest that I will not for one move, though I had that in view, to recommit the bill to the committee. I think it will do no harm for it to go over and let us examine more fully into the real conditions, and on Monday, if no amendment can be prepared that is agreed upon which will satisfy Nicaragua, then perhaps recommit the bill. I do not feel about this, which may give rise to a possible controversy, that there is any question about our yielding to a European power. If we are going to have a controversy here, and the canal project is to be thwarted and run awry, it is going to be not with any European power but with a sister American Republic. I desire to avoid that, and I rose for the purpose of moving, so that we may have until Monday for consideration, that when the Senate adjourn to-night it be to meet on Monday next. Then the Senate can go on, if it chooses, and finish the appropriation bill. I make that motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MORGAN. Before the vote is taken, I wish to say a word.

Mr. HALE. I yield for the moment.

Mr. MORGAN. I have no objection at all to the Senate deliberating upon this proposition. I think it should be deliberated upon. It has come in here suddenly and very unexpectedly. I do not know that between to-day and next Monday we shall have an opportunity of finding out authoritatively or from the executive department anything about the opinion they have in regard to these various subjects. I should like very much if the Senator from Maine, before he takes his seat, would institute an inquiry. If I should institute an inquiry it would not be responded to. I have tried that often enough to understand that I can not get any information from the State Department about any public matter.

Mr. HALE. I think the State Department will always be compliant and ready——

Mr. MORGAN. They have not been, I will say to the Senator from Maine.

Mr. HALE. To give any Senator or the Senate, in response to a resolution, any information desired. I believe that the gentleman who presides with such distinguished ability at the head of that Department is in no degree actuated by any feeling except confidence in Congress and a desire to act with it, to comply with its requests, and to furnish information at all times.

Mr. MORGAN. I am only speaking upon personal observation, Mr. President. What I have said I think is true, and I shall adhere to it until I am convinced to the contrary. At the same time we want this information if the executive department has any. If the President has any advice to give us about it, now is the time to do it. I stated here to-day, and I am ready to repeat it, that I am thoroughly satisfied that this movement of Rodriguez has been inspired by the British Government, and that he was sent here for that purpose.

Mr. HALE. I do not suppose there is the slightest ground for anybody believing that to be true. I do not myself believe it, and

I do not look upon this as blackmail on the part of Nicaragua, I am bound to say. I do not think the phrase was well selected by the Senator from Alabama. I look upon it as a protest on her part that she is not being treated now as in the original negotiation, and she protests that her rights that were recognized then should be recognized by us now. It is a sister American Republic which makes this protest, and I do not want to hurry or to be driven by whip and spur into any action that will complicate the situation and render a quarrel with her more likely than it is to be avoided.

I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HOAR. I wish the Senator from Maine would withdraw his motion for one moment. Yesterday request was made by the Senator from Connecticut [Mr. HAWLEY], which was withdrawn in order not to interfere with this bill, to go on with House bills coming from the Military Affairs Committee.

Mr. HAWLEY. Please excuse me. My request included House bills in general. The proposition was to proceed, under Rule VIII, to the consideration of unobjected House bills on the Calendar, including pension bills.

Mr. HOAR. House bills in general, including pension bills. There is the bankruptcy bill, which some of us desire to get up. There is the matter which was discussed this morning. It will be considered during the session, probably in executive session: and there are ten appropriation bills. We have only a few weeks of the session left, and Monday is to be taken up, after 3 o'clock, by the eulogies on a very eminent gentleman, late a member of the other House and formerly its Speaker. I hope the Senator from Maine will allow this business—which ought to be disposed of—to to be done to-morrow, and let the pending bill go over, which will do just as well.

Mr. HALE. The pending bill may go over. I will withdraw the motion, provided the Senator from Massachusetts will make his proposition here now, and I will help him to get it accepted.

Mr. HOAR. The formal reading of the bankruptcy bill will take an hour and a half. It will have to be done once, of course, under the rule. Now, some time in the future, when Senators are not very much engaged, I should like to have the matter of reading that bill, in compliance with the rule, accomplished. That is another thing which will take some time. I do not suggest this in interference with the request of the Senator from Connecticut. I only state it as one thing that requires time.

Mr. HALE. Let any Senator make the proposition. [A pause.] I will make it myself. I ask that the session to-morrow, after the routine morning business, shall be devoted to the consideration of House bills on the Calendar under Rule VIII.

Mr. SHERMAN. Subject to objection?

Mr. HALE. Subject to objection.

Mr. SHERMAN. Also Senate pension bills?

Mr. HALE. If that proposition carries, then of course I will withdraw the motion to adjourn over.

Mr. WHITE. I desire to make an inquiry in reference to the proposed agreement. Will the Nicaraguan Canal bill remain the unfinished business on Monday?

Mr. HALE. Undoubtedly. It is the unfinished business now, and it will be so on Monday.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. VILAS. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HALE. Then I must renew my motion.

Mr. SHERMAN. I hope we can meet here to-morrow under better conditions.

Mr. HALE. The Senator from Wisconsin [Mr. VILAS] desires to address the Senate upon the Nicaraguan Canal bill, and under the circumstances I withdraw the motion for the present.

Mr. VILAS. Mr. President, I desire to occupy the time of the Senate for only a few moments, but I am not willing to allow this occasion to pass altogether without drawing attention to one or two facts in respect to the discussion of this bill in the Senate.

It is perfectly obvious to Senators upon this floor at the present moment that the pending measure as now presented is in articulo mortis. But I wish to call special attention to the fact that the Senator from Indiana [Mr. TURPIE] during three days of labor here in the public interest has pointed out with eloquence and clearness every proposition and argument of material consequence suggested by the minister of the Greater Republic of Central America. He has pointed out here that we were by this bill proposing to outrage the dignity of a government with which we are purposing friendly cooperation; that having permitted a company which stands now incorporated by a law of Congress to negotiate with that Government and enter into contract upon certain specific terms, we were by this bill putting the United States in the position of creeping and crawling into the skin of that bankrupt and worthless corporation, and violating the terms of its concession, and thus putting upon that Government by this legislation an outrage which it could not but resist.

His argument and reasons, presented with such clearness and force as to send the thrill of conviction through every one who heard them, were addressed to empty benches in the Senate of the United States, which was bent upon this act. Later in the evening of yesterday, when another Senator, who has not been in the habit, I respectfully submit, of unreasonably encroaching upon the time of the Senate, asked to make some further argument in opposition to the bill, it was followed by the intimation that the opponents of the bill were seeking to filibuster, and it was only by insisting upon rules of the Senate which have been very often, as they were yesterday, inveighed against, that the bill was carried over until to-day, here to receive the logical consequence, the almost inevitable result, which the Senator from Indiana had depicted as its proper fate, but coming sooner than expected, in the form of a communication from that friendly Government, which has dealt it a death blow.

Notwithstanding that the distinguished Senator from Alabama [Mr. MORGAN], who has labored for so many years with zeal and persistency, with industry and intelligence which all recognize as doing him credit and honor, has in these last moments indulged in some very severe language, yet the Senate recognizes that the Greater Republic of Central America is entitled to its respectful consideration, and that it will receive it. It may be true that that Government or the constituents of that Government, the three States as formerly existing, have chosen to form their new confederacy and set up their new establishment without first communicating with us, but it is also true that it is their right to establish that Government and that it is to be recognized by us, not animadverted upon as a thing to be discredited and disregarded. Surely every man in the Senate, as throughout the United States, rejoices to see those movements in the Central and South American countries which indicate the advance of the ideas of liberty—liberty regulated by law, insuring stability, the progress and enlightenment of our race.

This step of theirs is one such, and I regretted to hear even in moments of pain, perhaps, and of keen disappointment, the expression fall that that Government, when insisting only upon the just recognition by the Congress of the United States of its dignity, of its rights under the concession which it has made for the purpose of this canal, is seeking to blackmail the United States into the payment of $4,000,000, which was reserved in the former treaty as its price for the great concessions then made, and which the Senator said to-day were worth the money in the mere land given in that treaty or proposed to be given. I am sure we shall all join, even the distinguished Senator from Alabama, in recalling any idea that the Senate of this great Republic of North America can indulge in harsh words toward that sister Government of Central America.

Sir, if you look to this concession you will find that every point made by that acute and enlightened minister, Mr. Rodriguez, is amply and perfectly sustained. It is true, as he says in his communication, that it was carefully and particularly stipulated by Nicaragua with the Maritime Canal Company that under no circumstances should the control of the canal be transferred to another government; and yet this bill, by direct legislation, as he points out—if the Maritime Canal Company assent to it, and we proffer them a bribe of $4,500,000 in money and $7,000,000 in stock to secure their assent—establishes the United States as the owner of 700,000 shares out of 1,000,000 shares of the capital stock of that company, all paid-up shares, upon which not a mill is paid. We proffer to Nicaragua, as her share of a capital stock which she stipulated should be paid-up capital stock, $6,000,000 of nominal shares of that kind, but after we have burdened the whole enterprise with every dollar of capital which is proposed to be put into it by a mortgage which destroys at once, of course, the capital stock.

Thus that Government, outraged by being put into relations with another Government against its own consent and express limitations, outraged by this purpose to treat it in such a reckless and heedless manner, has sent in a dignified and respectful protest through the ordinary channels of diplomacy.

Mr. President, I do not intend to take the time of the Senate of the United States in discussing this measure or to discuss any further what should be done with it. I have done all that I desire to do, in pointing out that not one word of implied or indirect animadversion upon the Greater Republic of Central America or upon its distinguished minister residing at this capital can be justified by any act in the history of it; that every circumstance which is urged now by him, and much more besides, which ought to have been in itself like an impassable barrier of rock to the progress of the Senate in the further consideration of this bill, was already fully presented in the most eloquent and powerful manner by the distinguished Senator from Indiana.

There I leave this measure, so far as any discussion of mine is concerned, unless the Senate shall indeed so disregard all ordinary usages which obtain between governments as to continue to proceed, without a reference to a committee, to consider the true method of now dealing with this scheme, which has received a protest that every one of us here knows to be well founded in fact, in law, in reason, and in the true maintenance of the dignity of the Government making it.

Mr. HALE. I now renew my proposition, that to-morrow, after the routine morning business, the session for the day shall be devoted to the consideration, under Rule VIII, of House bills upon the Calendar unobjected to and all pension bills.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. GALLINGER. The only objection I could possibly urge to the request would be that the entire day might be spent upon the Calendar before the pension bills were reached. The pension Calendar is a separate calendar. I suggest to the Senator from Maine that we might take two hours, for instance, for the consideration of bills on the Calendar and then let us go to the pension bills.

Mr. HALE. There will be no difficulty in arranging that to-morrow. There is never any trouble about reaching pension bills.

Mr. GALLINGER. I am satisfied to have the agreement made in that way.

Mr. HILL. Should you not include in the agreement unobjected Senate bills?

Mr. HALE. The proposition came originally from Senators who are interested in House bills.

Mr. HILL. I understand that.

Mr. HALE. Generally, some time within a month or so of the end of the session, we give a day or two to House bills. I have no objection to this arrangement: That when the House bills and pension bills on the Calendar shall have been acted upon, we shall continue until adjournment to-morrow with the consideration of unobjected Senate bills on the Calendar. I will make that a part of the proposition.

Mr. HILL. That is better.

Mr. GALLINGER. I take it for granted it is understood that, so far as pension bills are concerned, the agreement is not restricted to House bills. I should object to such a restriction.

Mr. HALE. All pension bills.

Mr. DANIEL. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. The Chair will first submit to the Senate the request of the Senator from Maine [Mr. HALE].

Mr. HALE. I hope the Senator from Virginia will withhold his motion, in order that we may get this proposition through for using the day to-morrow. I do not object to his making the motion, but I hope he will not make it until——

Mr. DANIEL. I understand the suggestion of the Senator from Maine is that we shall sit to-morrow.

Mr. HALE. Is the Senator's motion that we adjourn over?

Mr. DANIEL. I have moved that when the Senate adjourn to-day it may be to meet on Monday next.

Mr. HALE. I thought the Senator was going to move that the Senate now adjourn.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from Virginia [Mr. DANIEL].

Mr. HALE. It is in order, clearly.

The VICE-PRESIDENT. The Senator from Virginia moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CHANDLER. On that I ask for a division.

Mr. HALE. We had better have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Michigan [Mr. MCMILLAN] who is not present. I do not know how he would vote. If he were present, I should vote "yea."

Mr. ALDRICH. The Senator from Michigan would vote "nay."

Mr. BLACKBURN. Then I will withhold my vote.

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. HILL. I suggest to the Senator from Kentucky [Mr. BLACKBURN] that he transfer his pair to my colleague [Mr. MURPHY].

Mr. BLACKBURN. I am very glad to do that. I vote "yea."

Mr. WILSON (after having voted in the negative). I have a general pair with the Senator from Florida [Mr. PASCO], and therefore withdraw my vote.

The result was announced—yeas 17, nays 25; as follows:

YEAS—17.

Allen,
Bacon,
Baker,
Bate,
Blackburn,
Cameron,
Chandler,
Chilton,
Daniel,
Gibson,
Gorman,
Gray,
Hill,
Mills,
Turpie,
Vilas,
Walthall.

NAYS—25.

Aldrich,
Allison,
Berry,
Brown,
Cullom,
Davis,
Frye,
Gallinger,
Hale,
Hawley,
Lodge,
McBride,
Morgan,
Nelson,
Peffer,
Perkins,
Platt,
Proctor,
Pugh,
Roach,
Shoup,
Stewart,
Thurston,
Tillman,
Wetmore.

NOT VOTING—47.

Blanchard,
Brice,
Burrows,
Butler,
Caffery,
Call,
Cannon,
Carter,
Clark,
Cockrell,
Dubois,
Elkins,
Faulkner,
Gear,
George,
Gordon,
Hansbrough,
Harris,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
McMillan,
Mantle,
Martin,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Palmer,
Pasco,
Pettigrew,
Pritchard,
Quay,
Sewell,
Sherman,
Smith,
Squire,
Teller,
Vest,
Voorhees,
Warren,
White,
Wilson,
Wolcott.

The VICE-PRESIDENT. No quorum has voted.

Mr. HALE. As no quorum is present, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 23, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 22, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

REFERENCE OF A BILL.

Several members called for the regular order.

Mr. RICHARDSON. I desire to make a privileged motion. On the 28th of January last, the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on War Claims, reported House bill No. 5092, the report being No. 153, the title of the bill being "A bill for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act." The report and bill in that case were referred to the Committee of the Whole on the state of the Union. But that is a private bill, and under the rules should have been referred with the report to the Committee of the Whole on the Private Calendar. There having been an improper reference, I ask that the bill be now properly referred.

The SPEAKER. The Chair will hear the gentleman on that point.

Mr. RICHARDSON. Well, Mr. Speaker, I think there can be no controversy as to this being a private bill; and the rules provide that all bills of a private character when reported shall go to the Committee of the Whole on the Private Calendar. Bills of the character of this one—providing for this class of claims—have usually been referred to the Calendar of the Committee of the Whole on the state of the Union.

The SPEAKER. It is a general bill, is it not?

Mr. RICHARDSON. No; it is not a general bill. It is a bill referring to a number of claims; but it is a bill providing only for private claims. It can not be called a general bill. If the Chair will indulge me, I wish to call attention to a law which defines private bills. I refer to section 55 of the act passed January 12, 1895, providing for the public printing and binding and the distribution of public documents. Section 55 of that act provides:

> There shall be printed of each Senate and House public bill, etc.

And after further provision the act continues—

> The term "private bill" shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities.

So that the term "private bill" is defined in the law; and it occurs to me that there can be no controversy as to this being a private bill.

It is true, as has been suggested by the Speaker, that it embraces more than one party; that is, that there are several claims embodied in the one bill. But that does not prevent it from being a private bill.

The SPEAKER. But it applies to a class of bills——

Mr. RICHARDSON. Not to a class of bills, Mr. Speaker.

The SPEAKER (continuing). Or rather to a class of claims, namely, those which have been passed upon by the Court of Claims.

Mr. RICHARDSON. Yes, sir; a class of claims which have been presented and passed upon by the Court of Claims; and they are introduced into the House and reported here as one bill.

As far as I can ascertain, it has been usual to refer these bills and reports to the Private Calendar, and not to the Union Calendar, though in some instances they may have been referred inadvertently to the Union Calendar.

The SPEAKER. It is only recently that such combinations of claims have been embodied in a single bill.

Mr. RICHARDSON. That is true, Mr. Speaker.

The SPEAKER. But it is a question whether it would not be as much a public bill as the river and harbor bill.

Mr. RICHARDSON. No, sir. The river and harbor bill is made a public bill by a rule of the House, which rule provides that the Committee on Rivers and Harbors may make this kind of report, and may include all the reports in one bill. But here is a private bill, intended to benefit only private persons, and it seems to me that it must be apparent it can not be and ought not to be on the Union Calendar.

The SPEAKER. The Chair has had no notice of this proposition with a view to an examination of it. The Chair does not think, however, that the Private Calendar was intended for such bills as this.

Mr. RICHARDSON. As I understand it, Mr. Speaker, the Private Calendar is intended to take care of all private claims. Now, there is no controversy that this is a bill for the payment of private claims. It is not obnoxious to the rule of the House which provides that two bills for the payment of private claims shall not be coupled together. It simply places a number of bills in one claim, the bills all being of a class, of a similar character. They are not separate bills combined or united, but they are only different persons named as the beneficiaries under the same bill.

The SPEAKER. It is the allowance of certain claims for stores and supplies reported by the Court of Claims under the provision of the act approved March 3, 1883, commonly known as the Bowman Act. That fact, in the opinion of the Chair, would seem to make it a public matter.

Mr. RICHARDSON. I have not looked any further into the case than I have already stated, and the reason I did not, if I may be pardoned for referring to it, is that I mentioned the matter to the Speaker, when not in the chair, for the purpose of ascertaining his opinion, and I was misled, of course not intentionally, by the Speaker; but I was under the impression that an opinion was expressed in accordance with the suggestion I made.

The SPEAKER. If the gentleman will bring up the matter again, the Chair will examine as to what was done in regard to what are known as the "4th of July claims," and possibly that may throw some light on the question. The determination of that point may change the opinion of the Chair, which, of course, has been formed without any careful examination of the matter.

Mr. RICHARDSON. I would have made a more exhaustive examination but for the reason I have suggested.

But my recollection is, Mr. Speaker, that the 4th of July claims, to which the Chair calls attention, have been so reported since I was a member of the House, and certainly at one time when I was serving on the Committee on War Claims. My recollection is, I know indeed, that they have sometimes been placed on the Private Calendar, because I remember distinctly in former Congresses considering that class of claims when the House was in Committee of the Whole on Friday on the Private Calendar.

The SPEAKER. The gentleman will suspend the matter for the present, and the Chair will look into it.

Mr. RICHARDSON. Certainly.

CHANGE OF REFERENCE.

Mr. BAILEY. I desire to correct a reference. The bill (H. R. 3278) to amend section 1 of an act approved December 21, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes," reported from the Committee on the Judiciary, was referred to the Union Calendar. It should have been referred to the House Calendar. The mistake occurred because the bill repeats the title of a former act to increase the number of judges in Oklahoma Territory, whereas this bill only proposes to change a rule of court procedure.

The SPEAKER. The Chair thinks that the correction should be made.

QUESTION OF PERSONAL PRIVILEGE.

Mr. COX. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Tennessee [Mr. Cox] rises to a question of personal privilege. The gentleman will state it. The House will please be in order.

Mr. COX. In the New York Sun of last Monday, in its financial article, appeared this language:

> It was assumed, too, that our citizens are universally discontented with their present currency, although one of the delegates to the convention, who is chairman of the Committee on Currency of the present House of Representatives, acknowledged that there is so little public demand for legislation on the subject that he could not get his committee together to discuss and formulate it.

I desire to state, Mr. Speaker, that I have been a member of that committee ever since I have been in Congress, and with the exception of a few meetings at the last session of Congress——

The SPEAKER. The gentleman will suspend until order is obtained. Gentlemen will please cease conversation and take their seats. This is a question of personal privilege.

Mr. RICHARDSON. It was impossible for us to hear the reading.

The SPEAKER. The Chair is trying to facilitate hearing on the part of all members.

Mr. RICHARDSON. I should like to hear the communication read from the Clerk's desk.

The Clerk read as follows:

> It was assumed, too, that our citizens are universally discontented with their present currency, although one of the delegates to the convention, who is chairman of the Committee of Currency of the present House of Representatives, acknowledged that there is so little public demand for legislation on the subject that he could not get his committee together to discuss and formulate it.

Mr. COX. I desire to state, as I was stating, that I have served on that committee ever since I have been in Congress, and with the exception of a few meetings at the last session, after we concluded to transact no further business, I have attended every meeting; and I am ready to meet with the chairman of that committee at the proper time and vote on any propositions he may lay before us.

Mr. WALKER of Massachusetts. Mr. Speaker, as I seem to be involved in this, I will simply say that it is one of ten thousand communications to newspapers, or statements made in papers, that have not the slightest foundation in fact.

Mr. COX. Will the gentleman, before he takes his seat, allow me to ask him if a worse one than that did not appear in a Richmond paper before he went over there to make a speech?

Mr. WALKER of Massachusetts. Well, I am sure I do not know whether it did or did not. If I am obliged to keep track of all that is said by the newspapers in the country, I think I might as well resign here and attend to that business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate further insisted upon its amendments to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUAY, Mr. HALE, and Mr. BLACKBURN as the conferees on the part of the Senate.

RAILWAY THROUGH THE INDIAN AND OKLAHOMA TERRITORIES.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The Clerk proceeded to read the bill. It provides that the Galveston and Great Northern Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company along the south line of the county of Harper, State of Kansas, and running thence in a south and southeasterly direction, over the most practicable route, through the Indian Territory and the Territory of Oklahoma, to a point at or near Denison, State of Texas, thence to the city of Galveston, said State, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

Mr. BARTHOLDT (during the reading). Mr. Speaker, I ask that the reading of the bill be dispensed with. It is in the usual form, and comes with a unanimous report from the Committee on Indian Affairs, who say that it is in every way identical with previous bills of the same character.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent for the present consideration of the bill, and that the further reading of it be dispensed with. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

Subsequently,

The SPEAKER said: The Chair desires to call the attention of the House to the fact that the bill presented by the gentleman from Missouri [Mr. BARTHOLDT] contains certain amendments which were not voted upon. Without objection, the amendments, which are committee amendments, will be considered as agreed to.

There was no objection.

ADJOURNMENT UNTIL MONDAY.

Mr. DALZELL. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. THOMAS. Regular order.

INDEX OF GOVERNMENT PUBLICATIONS.

Mr. PERKINS. Mr. Speaker, I have a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Michigan [Mr. THOMAS] calls for the regular order. The gentleman from Iowa [Mr. PERKINS] has a privileged report from the Committee on Printing, which is the regular order.

The Clerk read as follows:

> Substitute for joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893:
>
> *Resolved, etc.*, That there be prepared for publication in a single volume, under the direction of John G. Ames, the compiler of the Comprehensive Index of Government Publications, 1889 to 1893, an index to all publications of the Government from 1881, the date at which the Descriptive Catalogue of Government Publications by Ben: Perley Poore terminates, to 1893, the date at which the index by the superintendent of documents begins, said index to conform in its general plan to the above-named Comprehensive Index; and the compiler shall be entitled to receive, as compensation for this work, at the rate of $1,000 per Congress, to be paid by the Secretary of the Treasury as follows: Five hundred dollars whenever he shall certify to said officer that the index to the documents of any entire Congress is completed, and the balance when the copy for the entire work is ready for delivery to the Public Printer.
>
> SEC. 2. That the heads of the several Departments, Bureaus, and officers of the Government shall, upon the request of the compiler of the index, supply him with copies of all their publications issued during the period above indicated, or such information as will enable him to prepare the index herein provided for.
>
> SEC. 3. That in addition to the usual number, 1,500 copies of said index be printed and bound, 500 for the use of the Senate, and 1,000 for the use of the House of Representatives.

Mr. PERKINS. Let the report be read, Mr. Speaker.

The Clerk read as follows:

> Your Committee on Printing, having had under consideration House joint resolution No. 211, "providing for a comprehensive index to Government publications from 1881 to 1893," report a substitute for the same, and recommend that the substitute be agreed to.
>
> The purpose of this resolution is to fill the gap now existing in the indexing of Government publications.
>
> It is proposed that this work shall be done under direction of Dr. John G. Ames, the compiler of the Comprehensive Index of Government Publications, 1889 to 1893, and produced in a single volume.
>
> Dr. Ames's long association with the publications of the Government gives him exceptional qualification for the work. The compensation allowed him is $1,000 per Congress, a total of $6,000 for the six Congresses.
>
> The Ben: Perley Poore Index, prior to 1881, with this, will complete the work to the present time, as the printing act of January 12, 1895, provides for indexing by the superintendent of documents from 1893.

Mr. PERKINS. Mr. Speaker, I think that the report which has just been read fully explains the purpose of the joint resolution; and I shall ask a vote unless some gentleman desires to ask a question in regard to it.

Mr. LOUD. I would like to ask the gentleman, Mr. Speaker, why the committee desires to impose this additional infliction upon the members of this House? The gentleman is well aware, of course, that if a catalogue of these documents be distributed throughout the country that it will be the bane of the life of every member of this Congress.

Mr. PERKINS. Mr. Speaker, in reply to the gentleman from California, I have to say that there is no purpose in this resolution to distribute broadcast throughout the country the catalogue of public documents.

Mr. LOUD. You will give each member eight or ten copies?

Mr. PERKINS. We have a catalogue of public documents down to 1881, prepared by Ben: Perley Poore. We have a catalogue from 1893. This is made continuous in the printing act of January 12, 1895. It leaves a gap, as stated in this resolution. This work is done at a very slight expense, comparatively, and it seemed to the committee that it should be completed.

Mr. LOUD. Let me say to the gentleman that I can see no objection to the publication of this index, but why not confine your number to libraries or to persons other than members, and not to be distributed to every member of this House?

Mr. PERKINS. I will state to the gentleman that if he had paid attention to the reading he would have found that the committee had made an amendment to the original resolution which does confine the index in the manner he suggests.

Mr. LOUD. I paid as close attention as I could, and I will venture the assertion that my information from the reading is correct, that the number is to be the usual number. If this does confine the operation of the resolution as the gentleman suggests, I have no objection to it.

Mr. PERKINS. This is for the printing of the usual number.

Mr. LOUD. The resolution provided for 3,000 copies for the use of the House.

Mr. PERKINS. That is the original resolution.

Mr. LOUD. I did not catch the reading of the amendment.

The amendment recommended by the committee was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

DISTRIBUTION OF MAPS AND ATLASES OF THE UNITED STATES GEOLOGICAL SURVEY.

Mr. PERKINS. Mr. Speaker, there is another resolution.

The Clerk read as follows:

> House resolution 234, providing for the distribution of the maps and atlases of the United States Geological Survey.
>
> *Resolved, etc.*, That the Director of the Geological Survey be, and is hereby, authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and that a number of copies of each map or atlas, not exceeding 500, shall be distributed gratuitously among foreign governments and departments of our own Government, to literary and scientific associations, and to such educational institutions as may be designated by the Director of the Survey and approved by the Secretary of the Interior.
>
> SEC. 2. That one copy of each map and atlas shall be sent to each Senator and to each Representative and Delegate in Congress, if published within his term; and that a second copy shall be placed at the disposal of each such Senator, Representative, and Delegate.

The report (by Mr. PERKINS) was read, as follows:

> Your Committee on Printing, having had under consideration House joint resolution No. 234, "providing for the distribution of the maps and atlases of the United States Geological Survey," recommend that the same be agreed to.
>
> The resolution only relates to the distribution. The sundry civil act approved March 2, 1895, contained this provision: "The Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of the topographic maps, with the text, at cost and 10 per cent added." This necessitates the sale of the sheets at 5 cents each, and appears to cut off the usual full distribution to universities, colleges, and libraries, foreign exchanges, etc. The resolution leaves the distribution subject to the approval of the Secretary of the Interior, and provides that copies of each map or atlas, not exceeding 500, shall be distributed gratuitously among foreign governments and departments of your own Government, to literary and scientific associations, etc., as may be designated by the Director of the Survey and approved by the Secretary of the Interior.
>
> The resolution is approved by the Director of the Survey and by the Secretary of the Interior.

Mr. PERKINS. Mr. Speaker, I ask for a vote, if no one desires to ask a question concerning the resolution.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VETO MESSAGE—EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. COOPER of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas calls up a question of privilege.

Mr. COOPER of Texas. I rise to call up for present consideration the bill H. R. 9469, and ask that it be passed over the veto of the President.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

> A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.
>
> *Be it enacted, etc.*, That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.
>
> SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Beaumont, on the first Mondays in June and December.
>
> SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.
>
> SEC. 4. That the clerks of the circuit and district courts for said district shall maintain an office in charge of themselves or a deputy at said city of Beaumont, which shall be kept open at all times for the transaction of the business of said division.
>
> SEC. 5. That so much of all acts or parts of acts as are in conflict herewith are hereby repealed.

Mr. COOPER of Texas. Mr. Speaker, I ask for the reading of the report of the Committee on the Judiciary reviewing the veto of the President.

The report (by Mr. BRODERICK) was read, as follows:

> The Committee on the Judiciary, to which was referred the President's veto of House bill 9469, has had the same under consideration, and beg leave to report as follows:
>
> The objections of the President to the bill are substantially as follows:
>
> First. That there are now sufficient places in the district for holding court, and that the parties having business in the courts are not seriously inconvenienced under the present system;

Second. That the district judge and district attorney in the district express themselves in opposition to the bill, as unnecessary, etc.;

Third. That there is not sufficient court business in the counties comprising the proposed division to warrant the establishment of another place for holding court, and

Fourth. That the terms of court provided for in this bill would interfere with business in the other courts, and particularly, that the criminal docket at Paris is so large that now cases can not be as promptly disposed of as the ends of justice require.

In answer to the first objection, your committee states that the territory comprising the eastern judicial district of Texas covers an area of more than —— miles and extends from the Gulf of Mexico to Red River, the northern boundary of the State, and that courts are now held at Paris, near the northern boundary of the district, and at Tyler and Jefferson, both of which are north of the center of the district, and at Galveston, near the southwestern border of the district, and that no place is now provided for the holding of court near the center or southeastern portion of the district, and that the courts nearest the territory forming the proposed division are held at Tyler and Galveston. Process issued against persons resident in nine of the counties in the proposed division is now returnable to the Galveston court, and in the remaining two it is now returnable to the court at Tyler.

Beaumont is situated in the southeastern part of the eastern judicial district of Texas. It is distant from Galveston, on an air line, approximately 100 miles, but by the usual line of travel by railway, 135 miles, while Tyler is distant from Beaumont about 175 miles.

From eight of the counties of the proposed division the citizens, in going to Galveston by the usually traveled route, have to pass through Beaumont, those from seven of the counties being compelled to change cars and at times subjected to inconvenient delays in making railway connections. Citizens of the other three counties are as near to Beaumont as to either Galveston or Tyler, and in some cases nearer, and the traveling facilities for reaching Beaumont are as good as for reaching either of the other points, Galveston or Tyler. There are now running into Beaumont four railroads, and others are under construction. The Kansas City, Pittsburg and Gulf Railway will be completed from Kansas City to the Gulf by March. These roads do now, or will when constructed, traverse, to a greater or less extent, the several counties proposed to be placed in the new division.

When the eastern judicial district of Texas was created, the counties forming the proposed division were sparsely settled and had but few, if any, railroads; but within the past few years the population and wealth of these counties have rapidly increased.

Beaumont and Orange, the latter a city distant about 23 miles from Beaumont, were a few years ago small villages, doing but little business; they are now cities with a population of several thousands each, and have large manufacturing interests; and the counties contiguous thereto, which are included in the proposed new division, have correspondingly increased in population, and a considerable immigration is now pouring into this section of the State. Sabine Pass, 28 miles distant and in Jefferson County, and which a few years ago had only about 5 feet of water on the bar and no commerce or shipping of any consequence, now has, by reason of the improvement of the harbor at that point and the bar outside, a continuous depth of water from the Gulf across the bar to the deep water inside the pass of 24 feet, and the commerce and the tonnage of vessels now passing through this port have immensely increased, and the port bids fair to become in the future one of the most important harbors on the Gulf coast. As a natural sequence of this admiralty, litigation respecting maritime matters will necessarily arise in this vicinity, and the proposed court would furnish the litigants a convenient tribunal.

The area of territory included in the proposed division covers approximately 10,000 square miles and has a population of about 90,000 people. During the year of 1896 the shipment of lumber alone through the port at Sabine Pass to foreign markets amounted to 28,944,701 feet, and the domestic trade is estimated to be five times as much as the foreign shipment, and all this lumber is manufactured in the proposed division. These facts are mentioned to indicate the wealth and business interests in the proposed division. It is believed that these facts meet and overcome the first objection of the President.

To the second objection of the President, that the district judge and district attorney express themselves in opposition to the bill as unnecessary and an interruption to the large volume of business now pending and constantly coming before the court, we can not attach great weight or importance. The convenience of officials is often an excuse for objecting to changes of the status quo and assume importance not supported by the convenience of the people or the dispatch of public business, and this objection of the President is answered by reasons and facts heretofore set forth and which will hereafter be specified in mentioning the objections of the President.

In reply to the third objection, your committee has not had access to the court docket or information in regard to the amount and character of business pending in the several courts of the district, but judging from the population, wealth, resources, manufacturing and maritime interests of the territory in the proposed division, and its rapid development, together with the large railroad and corporate interests situate and being in said division, it is reasonable to conclude that the court business will be amply sufficient to justify Congress in providing for a court for said division.

In answer to the fourth and last objection, it does not appear that the term of court provided for in the bill will injuriously interfere with the terms of court already now by law provided for. If the proposed legislation becomes law, the court at Paris will have nine weeks' term during the year, and it appears that this will be sufficient time to give proper attention to all business that may hereafter be pending in said court. But in the event that it is hereafter ascertained that sufficient time has not been allotted said court, or that the time for holding court at the several places has not been equitably fixed, subsequent legislation to this end, which is always easy of accomplishment, can correct this error.

The cause of a large docket and large amount of business at the Paris court has been on account of the jurisdiction exercised by that court over a large territory in the Indian Territory, fruitful in litigation. By recent legislation the jurisdiction of the court at Paris over the territory in the Indian Territory has been taken away, and it is believed that in the future comparatively little litigation will arise in that court, and the time allotted for the holding of court fixed by the present bill will be ample to dispose of all business that would find its way to that court.

This bill has twice passed the House without objection. No member from the State of Texas or elsewhere, or any party in interest, has ever opposed the bill or assigned any reason why the bill should not become a law. The bill has been discussed and explained in the House, and your committee have no advice that any objection existed against the bill, except as herein stated, and believing it is to the interest of the public service and public good, and will result in economy, convenience to the people, and a speedy dispatch of court business, recommend that the bill do pass, the objections of the President to the contrary notwithstanding.

Mr. COOPER of Texas. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, is it in order to ask at this time for the reading of the veto message of the President?

The SPEAKER. The gentleman can have it read as a part of his remarks.

Mr. GROSVENOR. Then, when the proper time comes, I will ask to take the floor for the purpose of having the message of the President read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I return herewith without my approval House bill No. 9069, entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court."

It appears that terms of court are now held at four different places within the eastern judicial district of Texas, and that parties having business in the courts are not seriously inconvenienced under present arrangements.

Both the Federal judge and district attorney in this district express themselves in opposition to the bill as unnecessary and an interruption to the transaction of the large volume of business now pending and constantly coming before the court.

I have before me certificates of the clerks of the present divisions of the courts showing that during the last five years the counties which it is proposed shall constitute the new division have contributed but forty-two cases to the calendars of the court.

Conclusive proof is also before me that the additional terms of court provided for in this bill would so interfere with the terms already appointed in the existing divisions that the proper administration of the civil as well as the criminal law would be impracticable.

The criminal docket of the terms held at Paris is so large that under present arrangements and with the utmost industry trials can not now be as promptly disposed of as the ends of justice require. This condition would be further aggravated if terms of the court should be held at Beaumont on the dates proposed in this bill, since they are fixed at such times as to necessarily curtail the period now devoted to the Paris terms.

On the grounds stated, and because I am unable to discover how the public interests can possibly be promoted by the proposed legislation, I am constrained to withhold my approval of the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 11, 1897.*

Mr. COOPER of Texas. Mr. Speaker, I only desire to make a succinct statement touching this measure. I will refer briefly to the history of the bill, and not recapitulate the reasons assigned by the committee why the bill should pass over the objections of the President. This bill has been twice considered by the present Congress. During the first session of the Fifty-fourth Congress it was passed by both Houses and sent to the President seven days before the adjournment. He did not then veto it, but he did not approve it, and hence it did not become a law. It was introduced again during this session, received the unanimous report of the Judiciary Committee, passed this House, passed the other branch, and again went to the President. No objection had ever been raised to the bill by any party in Texas or party in interest so far as was known to me, the author and mover of the bill, or, so far as I have been informed, was known by the Committee on the Judiciary which had it under consideration. So careful was the other branch of Congress in considering this measure that—and I hope I keep within the line of parliamentary courtesy when I make this statement—the Senator who had it in charge corresponded in respect to this matter with parties thought to be interested in this bill, and ascertained from them that there was no objection to the bill, and that it was a meritorious measure, before he gave his consent to advocate it in the Senate. It then, as I have stated, passed that body and went to the President.

The first statement of any objections to the bill, so far as I know or so far as is known to any of the tribunals where it has been considered, has been made by the President of the United States in his veto. I have this further statement to make in relation to the subject, and I make it with some humiliation. In the discharge of what I conceived to be my duty, I called upon the President a number of times during the last session of Congress, before the bill died in his hands, in order to present the reasons why it should become a law or to answer any objections that might have been made against it; but I was denied the privilege of seeing the President and did not have an opportunity to present the facts and reasons to the President why the bill should become law. Again during this session, as a representative of the people and in discharge of my public duty, as I understood it, I went to the Department of Justice and again sought an opportunity to see the Executive and ascertain if there were any objections to the bill or if he entertained any idea of exercising his Executive veto. Again I was unable to get an opportunity to speak with the President in regard to the bill. The last occasion on which I called was the day the veto message was sent to the House. On that occasion his private secretary, the gentleman who has the key to the door which admits members to the President, stated to me that the bill had not been returned from the Department of Justice to the President and that the President had not yet acted upon the bill. I then told him that I had been to the Department of Justice and had been there informed that they had returned the bill to the Executive and that the Attorney-General had made no recommendation in reference to the same. The private secretary went in, and when he returned he said it was true that the bill was then in the hands of the President, and that the President had concluded to veto it and had his veto message prepared. I again asked for an

opportunity to appear before the President in order that I might ascertain what objections there were to the bill and who had made them. I was again denied the opportunity, and the statement was made to me by the trusted secretary of the President that his (the President's) mind was made up and that it was unnecessary and useless for me to interview him on the subject, and I was refused the privilege of seeing the President.

Now, Mr. Speaker, these, I know, are not reasons, but I state them as facts to show that no opportunity has been given me to present to the President the reasons for the passage of this bill, and I am unwilling to believe that he would have sent in his veto if he had known the true facts of the case.

Mr. TURNER of Georgia. Who is the district attorney there?

Mr. COOPER of Texas. The district attorney is a gentleman named Tolliver.

Mr. TURNER of Georgia. Do you state that you have never heard of any objections to this bill except from the President?

Mr. COOPER of Texas. I so state, and I am informed that the Committee on the Judiciary had never heard of any objections.

Mr. TURNER of Georgia. But the district attorney and the judge object for the reasons stated by the President.

Mr. COOPER of Texas. I have never had an opportunity to see or hear any of the reasons against this bill except as they are stated in the veto message.

Mr. TURNER of Georgia. But they are stated in the message, I believe.

Mr. COOPER of Texas. They are stated, and I take the statement to be correct; but neither the Department of Justice nor the President ever gave me the benefit of this information.

Now, Mr. Speaker, as to the merits of the bill, I call attention to the fact that it does not provide for an additional judge, for an additional marshal, or for any additional service. It merely provides for the locating of a court in another portion of the district. Court is held now on the northern boundary at Paris, and also on the southwestern boundary at Galveston, points distant from each other at least 500 miles, and two other places in the district. The southeastern portion of the district has no place where court is held. Every man who attends court at Galveston or at Tyler, every person from eight of the counties in the district going to Galveston or to Tyler, has to pass through Beaumont, the place where it is proposed to locate this session of the court. There are now five railroads entering the city of Beaumont. Recently we have developed a harbor there, and the commerce through this harbor is now large and increasing. During the past twelve months more than 28,000,000 feet of lumber have been shipped through the harbor at Sabine Pass. Admiralty litigation will necessarily arise in consequence of the commerce and shipping at that point. The population of the region has greatly increased. There are more than 90,000 people in the proposed new division, and there is an immense amount of commerce, wealth, and capital there, including large corporate interests. For these reasons it will be economy to establish a court at this point. It will not merely be a convenience and a saving to litigants, but it will also be an actual saving to the Government, in the expenses of witnesses and officers who are compelled to attend court. So, the passage of this bill will conduce not only to the convenience of the people, but to economy in the administration of the Government. For these reasons and for the additional and stronger reasons set forth in the report of the Judiciary Committee, I ask that this bill be passed over the veto of the President.

Mr. SHAFROTH. How far is this point from Galveston?

Mr. COOPER of Texas. By an air line, about 100 miles; by the usual mode of travel, about 137. Allow me to state further that in answer to the inquiry made at the Department of Justice whether there were any objections to this bill, the statement was made that the only reason then apparent or assigned against the bill was the proximity of Beaumont to Galveston. It was not stated that this was a sufficient or reasonable objection, and in reply to that objection I attempted to show the necessity for the establishment of the court at this point and that Beaumont was not in sufficient proximity to Galveston to hinder or prevent the establishment of the court as proposed. At the times I asked to see the President, I supposed that was the only objection that was urged against the bill.

I yield now to the gentleman from Kansas [Mr. BRODERICK].

Mr. TURNER of Georgia. Before the gentleman yields the floor, I would like to ask him the cause of the increased business and population of which he speaks. Is it because of the establishment of new lines of railroad, or because of the deepening of the harbor?

Mr. COOPER of Texas. There are three or four new lines of road (one beginning at Kansas City and ending at the Gulf, nearly completed) which have been constructed during the last few years.

Mr. SHAFROTH. Does this bill provide simply for the holding of court, or does it contemplate the creation of a new district?

Mr. COOPER of Texas. It provides only for the holding of court.

Mr. SHAFROTH. By the same judge?

Mr. COOPER of Texas. By the same judge.

Mr. BRODERICK. Mr. Speaker, early in the first session of this Congress a number of bills were introduced relating to courts in Texas and were referred to the Committee on the Judiciary of the House. Those bills—I think there were five or six of them—were all referred to the subcommittee of which I am a member. There was some difference of opinion among members as to some of those bills, and hearings were given upon them. I think that all the members of the Texas delegation appeared before the committee and discussed those several measures. But there was never any objection made to the bill introduced by the gentleman from Texas [Mr. COOPER]. Objections were made to some of the other bills. The committee, being anxious to accommodate the delegation from the State, and believing that the delegation knew best where courts should be held in that State to meet the wants of the people, endeavored to bring about a settlement of their differences, which was finally accomplished. A bill was reported which was satisfactory to the entire delegation. As I have said, no objection was ever made to this bill. After it had been reported, it passed, as my friend from Texas has stated, and came back without approval. It was again referred to the committee for consideration, and again no objection was made to the bill either by any member of the Texas delegation or by any citizen of that State. One of the judges wrote concerning one of the other bills, and I think the United States marshal wrote in regard to one of those other bills; but no letter was received by any member of the committee relating to this bill or making any objection to it whatever. So, believing that the delegation from that State understood just where courts should be held and what was for the best interests in relation to these matters, the committee made a favorable report. We believed that this court was necessary, as stated in the report. Hence we have recommended in our last report that the bill be passed, notwithstanding the President's veto.

Mr. GROSVENOR. Mr. Speaker, as I understand from the statement of the gentleman from Texas [Mr. COOPER], who advocates the passage of this bill over the veto of the President, he has labored under the disadvantage of not being able to have access to the Executive of the United States. It has been unfortunate for the American people that during the last three years very few self-respecting Representatives of a respectable constituency would make an application to the President of the United States to be seen or heard. It has been the misfortune of the present occupant of the Executive office that he has been represented as having issued an order that no Senator or Member of Congress should present himself in person until he had bowed at the feet of the private secretary and communicated to that august personage the wishes of his constituency and received the sanction of that person to the effect that the matter in question was one of so much importance that the Senator or Representative ought to present it in person to the President.

When that order was issued, the representative of my constituents was in the midst of a matter pertinent to his official relation to the executive department of the Government. When he had concluded that duty and finished his connection with that matter, he filed on behalf of his constituents, in his own mind, a statement that he would never again seek to see the President of the United States during the incumbency of the present occupant. And he has kept his word.

My constituents have never commissioned me to percolate my business with the Executives through the clay conduit of a private secretary. [Laughter.] And it appears now that the President has, according to the statement of the gentleman from Texas, made a mistake simply because the private secretary of the President did not comprehend the situation.

It is unfortunate for a President of the United States that he excludes communications with members of Congress; that he fences himself in and surrounds himself by a picket guard, a skirmish line of very moderate capacity, and keeps himself away from hearing an expression of the wishes of the people of the United States. It is too late to remedy it, and I am making the suggestion now when I am sure it can do no good. I have felt somewhat condemned in my own mind that I did not make these remarks two years ago. I believe if I had done so, and they had been carefully considered by all parties in interest, there might possibly be some one in Congress, two or three men, perhaps, who might have been favorable to the President's views of the politics of his own party.

Mr. DALZELL. These things will be remedied in the next Administration.

Mr. GROSVENOR. I can not speak for that. I can only express a hope that never again shall there be an Administration of the executive department of this Government which will refuse ready access, on all proper occasions, to the representatives of the people. The people of the United States are greater than the Executive of this Government——

A MEMBER. They make him.

Mr. GROSVENOR (continuing). He is the creature of the people, and when he fences himself in he ought to be wonderfully careful that the portal of the Executive Mansion is guarded by one of the highest intellects in the country.

Mr. RICHARDSON. I understand my friend is speaking now by authority for the next Administration?

Mr. GROSVENOR. I have not spoken for it.

Mr. RICHARDSON. I thought perhaps the gentleman was the advance agent. [Laughter.]

Mr. GROSVENOR. I will tell you about that: I am about as much the advance agent of the next Administration as my very good friend from Tennessee was the representative of the Democratic party during the recent unfortunate conditions of that affair. [Laughter and applause.]

A MEMBER. That is calling the Democratic party an "affair." That is pretty hard.

Mr. GROSVENOR. Now, I find the President of the United States has reached a conclusion, and, in the exercise of the duties imposed upon him, he has notified Congress of his disapproval of this bill. We are about to decide now, under the Constitution, whether he is wrong or right in the exercise of that constitutional prerogative. I read here, and if it is not true I should like to know it—if it is not a statement of facts, then it must be that because the Executive has excluded himself from the sources of information he has made an erroneous statement—if he has made a truthful statement based upon the facts, derived from reliable sources, then the President is right and the author of this bill is mistaken. The President tells us that he has before him the certificate from the clerks of the present divisions of the courts in Texas, and by those certificates he learns that during the last five years, in this entire territory that it is now proposed shall be erected into a separate division or judicial district of the divisions of Texas, there were but 45 cases before the United States courts; that is to say, but 9 cases before them in a year from all the counties.

Now, I submit, and I think I may appeal to every lawyer, that the divisions of court, and the sending of them hither and thither in a sort of circle, is a great detriment to the best administration of public justice.

I can not understand why this bill should be here. My friend here, the chairman of the Committee on the Judiciary [Mr. HENDERSON], may know more about it than I do. If he does not, I am sorry for him.

We in the circuit in which I live have piled up mountain high the proof that the business of the United States court is absolutely paralyzed for the want of an additional judge; but the committee, in the exercise of its wisdom—and I do not complain—has refused us the judge. Now, what is the necessity here?

I want here to compliment the President of the United States for his great labor. He has done that in all instances since he has been President of the United States. No man has ever gone down into the details of all of the matters that come before the executive department as he has; and if he had only got the information from the members of Congress that he might have got he never would have taken the position he has taken on a good many of these questions.

Why should we increase the cost of the administration of justice in the United States? I know what the answer will be. The gentleman will say that there is no new office created. He is mistaken. Whoever says that is mistaken. There will be an additional deputy clerk. I know it is not provided for in the bill, but I know that under the judiciary act it is possible to create it; and no man ever knew a possibility of that kind to be allowed to go by.

Mr. COOPER of Texas. All of the jurors and witnesses have to pass this point to reach the court, 137 miles distant. Would it not be a saving of the expenses of jurors and witnesses to permit them to remain at this point and have the courts held there?

Mr. GROSVENOR. That argument would be a successful one to carry the United States courts into every county. How considerable are five cases a year—possibly many of those cases simple matters in equity, that had no testimony taken except that which was taken by the deposition of the witnesses at home.

Mr. COOPER of Texas. May I inquire of the gentleman if he knows how many cases there were last year?

Mr. GROSVENOR. I know nothing about it except what the President has stated.

Mr. COOPER of Texas. Has the President said that there were any cases last year?

Mr. GROSVENOR. He has not said anything about it.

Mr. COOPER of Texas. Does not the report show you that there has been a large increase in the population; that the wealth and resources of that district have greatly increased; that large manufacturing interests have been established, and that a deepwater harbor has been established at one point in the district? And does not the gentleman know that these things result in an increase of litigation?

Mr. GROSVENOR. The observation of members of the bar in this country is that litigation in the courts of the country is not only less than it was two years ago, but is rapidly going down in all the counties and districts of the United States. And I can not conceive of a condition of things that justifies the creation of an additional clerk of court, an additional deputy marshal, additional bailiffs of the court, and all the concomitants and surroundings of a process like this.

It is not very often that I find the President is right and Congress is wrong. The trouble has been that the President has excluded himself from the opportunity of knowing what he was doing; and if the gentleman from Texas [Mr. COOPER] can show me that in this particular instance the President was wrong in his statement of facts, that will be one thing; but if he states the facts, this is an unnecessary bill, and passing a bill of this character over the veto of the President would be an act showing a sort of spirit on the part of Congress that we will take advantage of every opportunity to override the veto of the President, and against this sort of spirit I protest.

Now, I have great respect for the office of the President, independent of my very high respect for the present incumbent of the office. I wish that the Democratic party of this country had followed the lead of their great chief. They would have been in a better position for the future than they are now. I think that one of the best steps toward a reconciliation of the discordant and dismembered elements of that hitherto great party, now wrecked by the President, or wrecked by its own members, would be to cease to annoy the President by passing bills over his veto.

Mr. COOPER of Texas. I will not let the gentleman from Ohio draw me into a political discussion.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding? Under the Constitution, the yeas and nays must be taken on this question. As many as are in favor will, when their names are called, say "aye;" those opposed, "no." The Clerk will call the roll.

The question was taken; and there were—yeas 144, nays 68, not voting 143; as follows:

YEAS—144.

Abbott,
Adams,
Arnold, Pa.
Babcock,
Bailey,
Baker, N. H.
Bankhead,
Barham,
Barney,
Bartlett, Ga.
Bell, Tex.
Bennett,
Berry,
Buchanan,
Blue,
Boatner,
Bowers,
Broderick,
Brumm,
Burton, Mo.
Burton, Ohio
Calderhead,
Clark, Iowa
Cockrell,
Codding,
Cook, Wis.
Cooper, Tex.
Cousins,
Cox,
Crisp,
Culberson,
Cummings,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Daniels,
De Armond,
Denny,
Dockery,
Dolliver,
Doolittle,
Dovener,
Ellett,
Ellis,
Fischer,
Foote,
Foss,
Gamble,
Gibson,
Gillett, Mass.
Graff,
Grout,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Hardy,
Harmer,
Hatch,
Henderson,
Hubbard,
Hulings,
Hurley,
Hyde,
Jenkins,
Johnson, N. Dak.
Jones,
Joy,
Kendall,
Kirkpatrick,
Kleberg,
Latimer,
Layton,
Leisenring,
Leonard,
Lester,
Lewis,
Linney,
Linton,
Little,
Livingston,
Long,
Loudenslager,
Maddox,
Mahon,
McCleary, Minn.
McCulloch,
McDearmon,
McLachlan,
McLaurin,
Meiklejohn,
Meredith,
Miles,
Miller, W. Va.
Minor, Wis.
Mondell,
Money,
Neill,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Otjen,
Owens,
Pendleton,
Pitney,
Powers,
Quigg,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Sauerhering,
Sayers,
Shafroth,
Shuford,
Smith, Mich.
Sorg,
Sparkman,
Stephenson,
Stewart, Wis.
Stokes,
Strait,
Strowd, N. C.
Sulloway,
Swanson,
Talbert,
Tate,
Tawney,
Terry,
Tyler,
Updegraff,
Wanger,
Washington,
Watson, Ohio
Williams,
Willis,
Wilson, Idaho
Wilson, Ohio
Wilson, S. C.
Woodman,
Wright,
Yoakum.

NAYS—68.

Acheson,
Avery,
Bishop,
Black,
Buck,
Bull,
Burrell,
Chickering,
Clark, Mo.
Clarke, Ala.
Cobb,
Connolly,
Cooper, Fla.
Crowther,
Dalzell,
Danford,
De Witt,
Erdman,
Evans,
Fitzgerald,
Gillet, N. Y.
Griswold,
Grosvenor,
Grow,
Harris,
Harrison,
Hart,
Hendrick,
Henry, Conn.
Henry, Ind.
Hicks,
Hilborn,
Hitt,
Howe,
Hull,
Johnson, Ind.
Kyle,
Lacey,
Lawson,
Lefever,
Loud,
McCall, Tenn.
McClellan,
McEwan,
Miller, Kans.
Milnes,
Mitchell,
Morse,
Patterson,
Payne,
Perkins,
Phillips,
Raney,
Royse,
Russell, Conn.
Scranton,
Sherman,
Smith, Ill.
Southard,
Steele,
Taft,
Thorp,
Tracewell,
Turner, Ga.
Van Voorhis,
Wilson, N. Y.
Wood,
Woomer.

NOT VOTING—143.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Allen, Utah
Anderson,
Andrews,
Apsley,
Arnold, R. I.
Atwood,
Baker, Kans.
Baker, Md.
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Colo.
Boutelle,
Brewster,
Bromwell,
Brosius,
Brown,
Cannon,
Catchings,
Clardy,
Coffin,
Colson,
Cooke, Ill.
Cooper, Wis.
Corliss,
Cowen,
Crowley,
Crump,
Dayton,
Dingley,
Dinsmore,
Draper,
Eddy,
Fairchild,
Faris,
Fenton,
Fletcher,
Fowler,
Gardner,
Goodwyn,
Griffin,
Hadley,
Hanly,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Hepburn,
Hermann,
Hill,
Hooker,
Hopkins,
Howard,
Howell,
Huff,
Hulick,
Hunter,
Hutcheson,
Johnson, Cal.
Kem,
Kerr,
Kiefer,
Knox,
Kulp,
Leighty,
Lorimer,
Low,
Maguire,
Mahany,
Marsh,
Martin,
McCall, Mass.
McClure,
McCormick,
McCreary, Ky.
McMillin,
McRae,
Mercer,
Meyer,
Milliken,
Miner, N. Y.
Moody,
Moses,
Mozley,
Murphy,
Murray,
Newlands,
Overstreet,
Parker,
Pearson,
Pickler,
Poole,
Price,
Prince,
Pugh,
Ray,
Reeves,
Robinson, Pa.
Rusk,
Russell, Ga.
Settle,
Shannon,
Shaw,
Simpkins,
Skinner,
Snover,
Southwick,
Spalding,
Spencer,
Sperry,
Stahle,
Stallings,
Stewart, N. J.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Sulzer,
Tayler,
Thomas,
Towne,
Tracey,
Treloar,
Tucker,
Turner, Va.
Van Horn,
Wadsworth,
Walker, Mass.
Walker, Va.
Warner,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Woodard.

So (two-thirds voting in favor thereof) the House, on reconsideration, passed the bill, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Until further notice:

Mr. DINGLEY with Mr. MCMILLIN.

Mr. HANLY with Mr. MOSES.

Mr. HEMENWAY with Mr. MINER of New York.

Mr. MOZLEY with Mr. RUSSELL of Georgia.

Mr. LOW with Mr. MAGUIRE.

For this day:

Mr. TRUMAN H. ALDRICH with Mr. MEYER.

Mr. HARMER with Mr. TUCKER.

Mr. PICKLER with Mr. STALLINGS.

Mr. WILLIAM F. ALDRICH with Mr. ALLEN of Mississippi.

Mr. WALKER of Virginia with Mr. COOPER of Florida.

Mr. HEATWOLE with Mr. CATCHINGS.

Mr. MERCER with Mr. COWEN.

Mr. BINGHAM with Mr. WHEELER.

Mr. CRUMP with Mr. CROWLEY.

Mr. KULP with Mr. DINSMORE.

Mr. WELLINGTON with Mr. MCRAE.

On this question:

Mr. MOODY with Mr. SIMPKINS.

The result of the vote was then announced as above recorded.

Mr. MAHON. Regular order, Mr. Speaker.

MRS. JAMES STEWART WHITING.

Mr. CROWTHER. Mr. Speaker, I desire to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. James Stewart Whiting, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$50;" and the House agree to the same.

GEORGE C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

J. H. GALLINGER.
JOHN L. MITCHELL.
FRANK J. CANNON,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill (S. 1511) under discussion in conference originally passed the Senate granting $75 per month to the beneficiary named therein. It was amended in the House, granting but $30 per month, to which amendment the Senate refused to concur. The effect of the adoption of the conference committee report will be to grant $50 per month.

GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Conferees on the part of the House.

The report of the committee of conference was agreed to.

CELESTE A. BOUGHTON.

Mr. CROWTHER. Mr. Speaker, I desire to submit another conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert "$50;" and the House agree to the same.

GEORGE C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

J. H. GALLINGER,
LUCIEN BAKER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill under discussion in conference was an original Senate measure, and granted the beneficiary named therein a pension at the rate of $75 per month. The House amended the bill by reducing the amount to $30 per month, to which amendment the Senate refused to accede. The effect of the adoption of the conference committee report will be to grant $50 per month.

GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Conferees on the part of the House.

The report of the committee of conference was agreed to.

ORDER OF BUSINESS.

Mr. WOOD. Mr. Speaker, I am requested by the Committee on Invalid Pensions to ask for the regular order.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 90) for the relief of William P. Buckmaster.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to William P. Buckmaster, surviving partner of James Murphy & Co., late of New York City, out of any money in the Treasury not otherwise appropriated, the sum of $22,386.61, the same being a balance due for labor and material furnished by James Murphy & Co. in the construction of the machinery for the double-ender vessel *Otsego* in 1862 and 1863, as per report of a board of officers organized by the Secretary of the Navy in pursuance of a resolution of the United States Senate, adopted March 9, 1865.

The bill was reported from the Committee of the Whole with the recommendation that the bill do lie on the table.

Mr. JOY. Mr. Speaker, I trust that that recommendation will not be agreed to, and I would like to be heard on that question.

The SPEAKER. The gentleman from Missouri.

Mr. JOY. Mr. Speaker, this bill was introduced by myself, and is a bill for the relief of William P. Buckmaster, the surviving partner of Murphy & Co., of New York.

Mr. RICHARDSON. I rise to a parliamentary inquiry. Do I understand there has been a motion to lay on the table?

The SPEAKER. The recommendation of the committee is that the bill do lie on the table.

Mr. RICHARDSON. Is that debatable, except by unanimous consent?

The SPEAKER. There has been no motion made to lay the bill on the table.

Mr. RICHARDSON. The report of the committee was that it do lie on the table.

The SPEAKER. Does the gentleman make the point of order that the motion to lay on the table is not debatable?

Mr. RICHARDSON. I do not want to take the gentleman off the floor if he wants to debate it.

The SPEAKER. The gentleman from Missouri asks unanimous consent to present his views. Is there objection?

Mr. CANNON. What is that bill?

Mr. JOY. For the relief of William P. Buckmaster.

Mr. CANNON. Unanimous consent is for what?

Mr. JOY. To be heard.

Mr. CANNON. Well, if it is to be open for debate, my friend from Missouri knows that I would not be so ungracious as to object, so far as to his being heard is concerned; but if it is to be opened for debate, I must couple with that a request that after the gentleman is heard I shall have an equal length of time. The recommendation of the committee was that it do lie on the table.

Mr. JOY. I would simply like to say that all I wish to say is I do not care to debate the bill, but I understand the parliamentary position of this bill is that it shall go back to the Committee of the Whole.

Mr. CANNON. I would rather that it should not be debated unless an arrangement be made in the House to vote on that recommendation of the committee. Now, if the gentleman wants to make a speech about the bill, if I can have a similar length of time, if we can agree upon it, I have no objection.

The SPEAKER. The Chair does not know that a report of the Committee of the Whole House on the state of the Union that the bill do lie on the table is itself a motion to lie upon the table. It may be a question of whether the Chairman of the committee should not carry out the direction of the committee by making the motion to lay on the table.

Mr. CANNON. Then what would be its parliamentary status at present?

The SPEAKER. If that motion were made, it would not be debatable.

Mr. CANNON. And if it was not, it would be?

The SPEAKER. If it is not made, the Chair thinks it would.

Mr. CANNON. Then, if I can be recognized after the gentleman from Missouri is heard, and I am heard, if the Chairman of the committee does not make the motion I will.

Mr. JOY. You can be heard, so far as my consent is concerned, provided that I can answer you for a few minutes.

Mr. CANNON. If I am to be placed in charge of the bill, I will say that I was one of the parties that antagonized this bill in the Committee of the Whole House on the state of the Union.

Mr. JOY. I would be perfectly willing that you make a statement and that I should occupy the same time as the gentleman from Illinois.

Mr. CANNON. Unless the chairman of the Committee on Claims——

Mr. WOOD. Mr. Speaker, I desire to call the attention of the Chair to the condition of the RECORD, on page 824:

> The SPEAKER. The gentleman from Missouri [Mr. JOY] asks unanimous consent that the consideration of this bill be postponed until the next private-bill day. Is there objection? The Chair hears none. The Chair understands that under this permission the bill remains in the same situation, with the recommendation of the Committee of the Whole still standing.

I think the gentleman from Missouri ought to have the privilege of speaking.

Mr. JOY. Then, Mr. Speaker, I ask whether it is proper for me to make a motion to recommit this bill to the Committee of the Whole?

Mr. CANNON. That would cut off debate.

Mr. JOY. The motion to recommit?

Mr. CANNON. I think so.

The SPEAKER. If the Chairman of the committee does not make any motion, the Chair will entertain the motion suggested by the gentleman from Missouri.

Mr. CANNON. I suppose the Chairman of the committee is a friend to this bill, and I think that I really ought to be recognized as the opponent of the bill in the Committee of the Whole.

The SPEAKER. The Chair thinks that the bill ought to be in charge of those who received the approbation of the Committee of the Whole House on the state of the Union, and if that point is made, the Chair will recognize the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Then, Mr. Speaker, I will ask the gentleman from Missouri how much time he desires.

Mr. JOY. To answer you?

Mr. CANNON. No; I am ready to vote now.

Mr. JOY. I will take five minutes before the gentleman from Illinois speaks and five minutes after, giving him the intervening ten minutes. That is fair. [Laughter.]

Mr. CANNON. How much time does the gentleman want, ten or fifteen minutes?

Mr. JOY. I want to speak after you do.

Mr. CANNON. I can not consent to that.

Mr. JOY. This is my bill and I have the affirmative.

Mr. CANNON. But I am for killing this bill, and I am not willing to give away any parliamentary advantage that I may have. At the same time, I am perfectly willing that the gentleman shall have twenty or thirty minutes if he desires.

Mr. JOY. I simply want to have the bill recommitted to the Committee of the Whole.

Mr. CANNON. It has been there already. Mr. Speaker, gentlemen around me say that there is so much unfinished business pending that they insist on my making the motion that this bill do lie upon the table, as by the recommendation of the committee.

The question being taken on the motion of Mr. CANNON, the Speaker declared that the ayes seemed to have it.

Mr. JOY. I ask for a division.

The House divided; and there were—ayes 31, noes 38.

Mr. THOMAS. Mr. Speaker, do I understand that the motion being voted upon is the recommendation of the Committee of the Whole?

The SPEAKER. It is.

Mr. THOMAS. The recommendation of the committee was that the bill be indefinitely postponed.

The SPEAKER. The Chair is informed that the Journal of the House shows that the motion was that the bill be laid on the table.

Mr. CANNON. Mr. Speaker, I ask for tellers.

Tellers were refused.

Mr. CANNON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 119, not voting 152; as follows:

YEAS—84.

Abbott,
Allen, Miss.
Andrews,
Avery,
Baker, Kans.
Bell, Colo.
Bishop,
Blue,
Cannon,
Clardy,
Clark, Iowa
Clarke, Ala.
Codding,
Connolly,
Dalzell,
Erdman,
Evans,
Faris,
Fenton,
Foss,
Fowler,
Gillet, N. Y.
Gillett, Mass.
Grout,
Grow,
Hainer, Nebr.
Halterman,
Harrison,
Hatch,
Hemenway,
Hendrick,
Henry, Conn.
Henry, Ind.
Hill,
Huling,
Hull,
Jenkins,
Johnson, N. Dak.
Jones,
Kem,
Lacey,
Layton,
Leighty,
Loud,
McCall, Tenn.
McCleary, Minn.
McCormick,
McLaurin,
Miller, Kans.
Milnes,
Mitchell,
Morse,
Northway,
Overstreet,
Payne,
Pearson,
Perkins,
Pitney,
Powers,
Reeves,
Richardson,
Royse,
Russell, Conn.
Sayers,
Shuford,
Smith, Mich.
Snover,
Steele,
Stephenson,
Stokes,
Strait,
Strode, Nebr.
Strowd, N. C.
Talbert,
Tawney,
Thomas,
Thorp,
Tracewell,
Walker, Mass.
Warner,
Wilson, Ohio
Woomer,
Wright,
Yoakum.

NAYS—119.

Acheson,
Adams,
Arnold, Pa.
Babcock,
Bailey,
Baker, N. H.
Barham,
Barney,
Bartlett, Ga.
Bennett,
Black,
Boatner,
Bowers,
Brumm,
Buck,
Bull,
Burrell,
Burton, Mo.
Catchings,
Chickering,
Cobb,
Cockrell,
Cook, Wis.
Cooke, Ill.
Cooper, Tex.
Corliss,
Crisp,
Crowther,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Danford,
Daniels,
Dockery,
Dolliver,
Doolittle,
Ellett,
Ellis,
Fischer,
Fitzgerald,
Foote,
Gibson,
Griffin,
Grosvenor,
Hall,
Hardy,
Hart,
Hartman,
Hermann,
Hicks,
Hilborn,
Hubbard,
Hulick,
Hunter,
Hurley,
Joy,
Kendall,
Kerr,
Kleberg,
Kyle,
Latimer,
Lawson,
Lefever,
Leisenring,
Leonard,
Lewis,
Linney,
Little,
Livingston,
Loudenslager,
Maddox,
Maguire,
Mahon,
McClellan,
McCulloch,
McLachlan,
Meredith,
Meyer,
Miles,
Miller, W. Va.
Minor, Wis.
Mondell,
Murphy,
Noonan,
Ogden,
Otey,
Otjen,
Patterson,
Pendleton,
Price,
Raney,
Robertson, La.
Sauerhering,
Scranton,
Shafroth,
Smith, Ill.
Sorg,
Southard,
Sparkman,
Stewart, Wis.
Stone, C. W.
Sulloway,
Tate,
Terry,
Towne,
Tracey,
Treloar,
Tyler,
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Wanger,
Williams,
Willis,
Wilson, Idaho
Wilson, S. C.
Wood,
Woodman.

NOT VOTING—152.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Baker, Md.
Bankhead,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Berry,
Bingham,
Boutelle,
Brewster,
Broderick,
Bromwell,
Brosius,
Brown,
Burton, Ohio
Calderhead,
Clark, Mo.
Coffin,
Colson,
Cooper, Fla.
Cooper, Wis.
Cousins,
Cowen,
Cox,
Crowley,
Crump,
Culberson,
Curtis, Kans.
Dayton,
De Armond,
Denny,
De Witt,
Dingley,
Dinsmore,
Dovener,
Draper,
Eddy,
Fairchild,
Fletcher,
Gamble,
Gardner,
Goodwyn,
Graff,
Griswold,
Hadley,
Hager,
Hanly,
Harmer,
Harris,
Heatwole,
Heiner, Pa.
Henderson,
Hepburn,
Hitt,
Hooker,
Hopkins,
Howard,
Howe,
Howell,
Huff,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Kiefer,
Kirkpatrick,
Knox,
Kulp,
Lester,
Linton,
Long,
Lorimer,
Low,
Mahany,
Marsh,
Martin,
McCall, Mass.
McClure,
McCreary, Ky.
McDearmon,
McEwan,
McMillin,
McRae,
Meiklejohn,
Mercer,
Milliken,
Miner, N. Y.
Money,
Moody,
Moses,
Mozley,
Murray,
Neill,
Newlands,
Odell,
Owens,
Parker,
Phillips,
Pickler,
Poole,
Prince,
Pugh,
Quigg,
Stone, W. A.
Strong,
Sulzer,
Swanson,
Taft,
Tayler,
Tucker,
Turner, Ga.
Turner, Va.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Wilber,
Wilson, N. Y.
Woodard,
Ray,
Reyburn,
Rinaker,
Robinson, Pa.
Rusk,
Russell, Ga.
Settle,
Shannon,
Shaw,
Sherman,
Simpkins,
Skinner,
Southwick,
Spalding,
Spencer,
Sperry,
Stahle,
Stallings,
Stewart, N. J.

So the House refused to lay the bill on the table.

The following additional pairs were announced:

Until further notice:

Mr. MEIKLEJOHN with Mr. CLARKE of Alabama.

Mr. BROMWELL with Mr. MINER of New York.

For this day:

Mr. WILBER with Mr. TURNER of Georgia.

Mr. HENDERSON with Mr. MCCREARY of Kentucky.

Mr. PRINCE with Mr. SWANSON.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. TAFT with Mr. SULZER.

Mr. WILLIAM A. STONE with Mr. HUTCHESON.

On this question:

Mr. MOODY with Mr. SIMPKINS.

The SPEAKER. The House refuses to lay the bill on the table. The gentleman from Missouri [Mr. JOY] is entitled to the floor.

Mr. JOY. I should like to inquire what becomes now of the bill. Does it go back to the Committee of the Whole?

The SPEAKER. The bill is now before the House for consideration.

Mr. JOY. I desire to move that the bill pass, if that is an appropriate motion.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. CANNON. I hope favorable action on this bill will not be taken. If I can be recognized, I want to antagonize the passage of the bill.

The SPEAKER. The gentleman from Missouri is in charge of the bill under the vote of the House and has the floor.

Mr. JOY. Mr. Speaker, I should like to make a short statement about this matter. [After a pause.] I call for the previous question.

Mr. CANNON. I hope the previous question will not be ordered. This House does not understand what it is voting upon.

Mr. JOY. I call for order.

Mr. CANNON. Some men think they are voting for a soldier's claim; others have voted favorably out of personal compliment to the gentleman from Missouri.

The SPEAKER. The gentleman from Illinois is not in order.

Mr. CANNON. I know I am not, but I want the previous question voted down.

The SPEAKER. The gentleman from Missouri moves that the previous question be ordered.

Mr. CANNON. This bill opens the door to the payment of a hundred millions of dollars upon stale claims.

The SPEAKER. The gentleman must be in order.

Mr. CANNON. Well, I am in order—now. [Laughter.]

The SPEAKER. The gentleman from Missouri asks for the previous question.

Mr. CANNON. I hope it will be voted down.

The question having been put on ordering the previous question,

The SPEAKER. The noes seem to have it.

Mr. JOY. I call for a division.

The question being again taken, there were—ayes 48, noes 85.

The SPEAKER. The House refuses to order the previous question. The Chair now recognizes the gentleman from Illinois. [Laughter.]

Mr. CANNON. Does the gentleman from Missouri want some time? [Laughter.] I yield to my friend from Missouri such time as he desires.

The SPEAKER. How much time does the gentleman need?

Mr. JOY. I shall only want ten or twelve minutes.

Mr. CANNON. I will yield that time to the gentleman, and if he wishes more he shall have it.

Mr. JOY. Mr. Speaker, this bill was introduced by myself in behalf of a citizen of St. Louis. It is a bill which in my judgment recommends to this House a measure that is absolutely just and which no one can fairly oppose. I will state briefly the matter out of which the claim has arisen.

In 1862 the Government of the United States was considerably engaged in the business of building war vessels, and applied, among others, to Murphy & Co., of New York, to build a war vessel called the *Otsego*. The Government proposed the form of a contract, with certain specifications partially made, and asked for a bid. The matter was discussed between Messrs. Murphy & Co. and the representative of the Government, Mr. Isherwood, an officer of the Navy, who afterwards drew the contract, and a price was finally fixed at $82,000 for the machinery in question. Some two weeks afterwards, or a few days perhaps, the prices of everything—labor and material of all kinds—had risen 10 or 15 per cent, and before the contract was completed, Murphy & Co., of whom this claimant is the sole survivor, wrote to the representative of the Navy Department, B. F. Isherwood, engineer of the United States Navy, as follows:

> DEAR SIR: We inclose contract for the *Otsego's* machinery, which we have executed this day. We are still without any drawings, although the contract is dated August 15. Since that time labor and materials have advanced at least 15 per cent. This will enhance the cost of the work. The exigency of the situation is the only reason we accept the contract; but before we begin the work we must be assured that we will be protected against actual loss.
>
> Very respectfully, your obedient servants,
>
> JAMES MURPHY & CO.

This letter was written on the 5th day of September, 1862, and on the 10th day of the same month the engineer of the Navy replied as follows:

> WASHINGTON, D. C., *September 10, 1862.*
>
> JAMES MURPHY & CO.,
> *Fulton Iron Works, New York:*
>
> Your letter of the 5th received. I will send a portion of the drawings in a few days. Push the work forward as fast as possible.
>
> The Department will allow actual loss on labor and material used in the *Otsego's* machinery in excess of the contract price.
>
> B. F. ISHERWOOD.

There was, therefore, a contract to pay an upset price of $82,000, and a specific agreement entered into that if the cost is more, by reason of the price of labor and material, it will also be paid. I know of no contract, Mr. Speaker, that could be more specific and definite, as far as the language is concerned, than that which has been made in this case.

Upon this, and not until the guarantee was made by the Government engineer in charge of the work, authorized to make the contract, and who signed the additional contract to which I have referred, these parties went to work and built the machinery for this steamer. Prices went up to nearly double before the vessel was completed. The vessel was completed and accepted by the Government, and put into service.

In 1865, this matter of the extra cost having been brought to the attention of the officers of the United States, a Senate resolution was passed organizing what was known as the Selfridge board, a board which was organized under the following resolution:

> IN THE SENATE OF THE UNITED STATES, *March 9, 1865.*
>
> *Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

Under that resolution a board was organized composed of three distinguished men. Mr. Selfridge, who died, as you will remember, some two weeks ago, a retired officer of the Navy, was at the head of it. In their report to the Senate under that resolution they find, among other things, that the *Otsego*, built by the Fulton Works—this Murphy & Co., as appears, being the Fulton Company—cost, over and above the contract price, the sum of $22,386.61, as I quote from a copy of that report.

That is the exact amount named in the bill and now claimed by the beneficiary, Mr. Buckmaster. That account has not been paid, although it has been favorably reported in various Congresses for years. I have a number of favorable reports upon it—in fact, all reports from both ends of this body are favorable always to the claim. The bill has passed the Senate and has met with a unanimous report from the Committee on War Claims of the House at all times, at least I so understand. If I am mistaken I should be very glad to be corrected here, but I understand that a unanimous report was made by the committee recommending that the Government pay the contract price for that vessel.

Now, it will be urged on the other side that this Selfridge board had no authority to do what it did. They were a body named by the Senate alone. The House was not consulted; so that afterwards the House and Senate jointly demolished the whole constitution of the Selfridge board, but not, however, until after that board had completed their work and made their report, and I submit that while this report is not binding in law upon anybody perhaps, yet, as the judgment of three distinguished men who examined the facts, the facts are as were represented in their report. The findings of that board have never been contradicted, and are not contradicted to-day by any person who knows anything about it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. Would the gentleman like some further time?

Mr. JOY. I should like some minutes more.

Mr. CANNON. I will yield to the gentleman five or ten minutes more, just as he wishes.

Mr. JOY. I think five minutes more will be enough.

Mr. CANNON. I yield to the gentleman five minutes.

Mr. JOY. After the dissolution of the so-called Selfridge board, the House and Senate constituted another board, called the Marchand board.

It will be charged here by the distinguished chairman of the Committee on Appropriations [Mr. CANNON] that this matter never was brought before the so-called Marchand board, a board constituted by both Houses of Congress. Now, I admit that it was not, and I will tell you why it was not. The Marchand board was constituted under authority of both Houses of Congress, and I quote from the act to show to what its duties were limited. Murphy & Co. and their successor, Mr. Buckmaster, could not have any standing before that board. That board had no jurisdiction to pass upon his case; and I read from the statute providing for the Marchand board:

> But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Now, Murphy & Co., or Mr. Buckmaster, had no claim before that board by reason of the rise in materials alone. Their claim was solely upon the ground that the Government had contracted to pay the exact amount that whole vessel cost, provided it cost over $82,000.

They had no standing before the Marchand board; but if they had appeared before the Marchand board it is fair to assume that the findings of fact would have been the same as those found by the other board, constituted of as eminent citizens, of men of as high character and standing, as the later board.

Now, my friends, one other thing. I disagree wholly with the leaders of this House, and I designate especially the distinguished gentleman from Illinois [Mr. CANNON] when he says that the passage of this bill will open the door for a hundred million dollars of claims. I guarantee that there is not another war claim for building vessels or anything of that character that is backed up by a contract of the Government itself. These claims all arise from the rise in the prices of material and labor.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. JOY. Certainly.

Mr. TALBERT. I see in the report of the committee it is stated that—

> This claim is for the difference between the actual cost and the sum allowed and paid by the Government to James Murphy & Co., amounting to $22,396.61.

Mr. JOY. Yes.

Mr. TALBERT. Now, do I understand that the Government paid the amount of the contract, or did the Government shave the amount of the contract and refuse to pay the whole contract price?

Mr. JOY. The Government paid $82,000.

Mr. TALBERT. Was that the whole amount of the contract?

Mr. JOY. They have paid the whole amount of the stipulated price, but the contract, as I read before, provides further——

Mr. BRUMM. The additional contract.

Mr. JOY. The contract made by Mr. Isherwood before they would begin work——

Mr. TALBERT. Then the Government paid the whole amount at the start?

Mr. JOY. No. When the vessel was completed, the Government paid $82,000.

Mr. TALBERT. Did the Government pay the whole amount of the original contract, or did they shave that amount?

Mr. JOY. They did not pay the whole amount of the original contract.

Mr. TALBERT. That is the point.

Mr. CANNON. Mr. Speaker——

Mr. JOY. I want to qualify that statement, so that gentlemen will understand me.

Mr. CANNON. That is right, because my friend is in error.

Mr. JOY. I state again that they did not pay the whole amount of the original contract, and I will tell you why. The original contract was for $82,000 and such other sums as were actually expended in the building of the vessel. The Government paid the $82,000, but did not pay the balance of $22,000.

Mr. TALBERT. That was not included in the original contract.

Mr. CANNON. I controvert the gentleman's statement of fact by saying that he is mistaken, as I understand it.

Mr. JOY. I will state the exact facts. The Government paid $82,000. The contract further provided that they should pay in addition the actual amount which the vessel cost if it exceeded $82,000.

Mr. BRUMM. There was an original contract and a subsequent contract?

Mr. JOY. There was an amendment to the original contract, entered into before the work was commenced.

Mr. BRUMM. That is, by the General Government?

Mr. JOY. That is, by the same man that signed the contract—B. F. Isherwood, engineer of the United States Navy.

Mr. MILES. As I understand the gentleman, the Government undertook to pay an additional sum over the original contract, and a contract to pay the additional cost was also entered into by the Government before the vessel was constructed?

Mr. JOY. Before they would commence the work, and the Government made that contract before the work was commenced. So that when I say that $82,000 was the stipulated price that they had to get, if they had cut it down to $70,000 that would have saved the Government $12,000, and they would not make a cent by it.

Mr. McCULLOCH. Had the contract for $82,000 been fully consummated before they made that claim?

Mr. JOY. In the same letter that they transmitted the original contract.

Mr. McCULLOCH. Was this contract first signed and concluded before they required an amendment of the contract?

Mr. JOY. They said they would not sign the original contract except with the condition that the Government would agree to the further contract.

Mr. McCULLOCH. They would not deliver the contract?

Mr. BOATNER. They delivered the contract conditionally.

Mr. JOY. They did not deliver it at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOY. Mr. Chairman, I should like to have further time. I have been interrupted.

Mr. CANNON. I will yield five minutes more to the gentleman.

Mr. JOY. I should like ten minutes, and will use just so much as I need of it.

Mr. CANNON. I will give the gentleman ten minutes; but a member of the committee who agrees with him has also asked for some time. I yield ten minutes to my friend.

Mr. POWERS. I desire to ask the gentleman a question. As I understand the gentleman's statement, this firm of Murphy & Co., when they transmitted their contract, also sent along a proposition saying that they would not take the contract unless they were to have increased pay for labor and material on the vessel. Now, as I read the document, it was for increased pay for labor and material on the machinery.

Mr. JOY. It was not for building a vessel; it was for building the machinery. The contract was for building machinery, and not for the whole vessel. I will read again, for the information of gentlemen, on page 5 of Senate Report 72.

> NEW YORK, *September 5, 1862.*
>
> DEAR SIR: We inclose contract for the *Otsego's* machinery, which we have executed this day. We are still without any drawings, although the contract is dated August 15. Since that time labor and materials have advanced at least 15 per cent. This will enhance the cost of the work. The exigency of the situation is the only reason we accept the contract; but before we begin the work we must be assured that we will be protected against actual loss.
>
> Very respectfully, your obedient servants,
>
> JAMES MURPHY & CO.
>
> B. F. ISHERWOOD, Esq., *Engineer, U. S. N.*

On September 10, five days later, Mr. Isherwood acknowledged their letter in the following letter:

> WASHINGTON, D. C., *September 10, 1862.*
>
> JAMES MURPHY & CO.,
> *Fulton Iron Works, New York:*
>
> Your letter of the 5th received. I will send a portion of the drawings in a few days. Push the work forward as fast as possible.
>
> The Department will allow actual loss on labor and material used in the *Otsego's* machinery in excess of the contract price.
>
> B. F. ISHERWOOD.

I say, in answer, that the letter delivering the contract was a conditional delivery of the contract, and that contract was never delivered and could not have been enforced unless the Government agreed to further reimburse them or protect them against actual loss. So that I say that the contract price of this vessel has never been paid, because a body of gentlemen organized, if you please, without authority, of engineers of the United States Navy, passed upon the amount that had been actually expended, and that amount has never been paid. Therefore the contract price (the upshot price has been paid), the cost of the vessel, has never been paid within $22,000.

Now, my friends, I was about to say when interrupted that I am willing and anxious to stand between the Government and the people against all unjust claims. I honor the gentleman from Illinois [Mr. CANNON] in opposing unjust appropriations. But if the Government of the United States owes $20,000 or $10 for work that it has contracted for and not paid, it ought to pay it or go into bankruptcy. This Government, or any government, because of a question of appropriations, ought not to stand in the position of backing out or getting out of its written obligations. This is not a case where men have contracted to do a piece of work and have done it and lost money, and then come and ask to be made whole. This is where they got a contract and ask for the letter of the contract to be fulfilled. They do not ask to make one dollar. They ask that a body of Government officers who passed upon the amount they have actually expended shall be recognized by the Government, showing the amount of their loss, and that the Government pay that amount under its written contract.

Now, my friends, while I believe that we all should stand between the Government and careless expenditures in the appropriations, we ought not to stand and defend the Government when its leaders attempt to refuse to the citizens of this country, or any one of them, what it has contracted to pay them. The recognition of a written obligation of the Government, such as this, is as sacred as the duty to pay a soldier his pension after the bill for that purpose has been passed. I can not see any difference. The obligation to indemnify a man who sacrificed his property for the Government, when you have contracted to do it, is, I repeat, as sacred as the obligation to pay a pension to a soldier who suffers from disease or wounds incurred during the war.

I am surprised, Mr. Speaker, to hear the gentleman from Illinois say that the allowance of this claim would open the door to claims amounting to a hundred million dollars. I will guarantee that there is no other claim among those presented to this House that stands upon a like footing with this one. I will guarantee that

there is no other claim which has to back it the positive and undenied agreement of the Government itself. If Mr. Isherwood had authority to sign the original contract—we shall hear presently that he had not—he had authority to modify that contract. If he had authority to go out and make a price of $80,000, he had authority to make a price of $60,000 or $100,000, and when he made the price and the contract was completed and the work was done as contracted for, the Government ought to pay.

Mr. BRUMM. May I ask the gentleman a question?

Mr. JOY. Certainly.

Mr. BRUMM. Was there in the original contract any time stipulated within which the Government was to furnish the plans and specifications?

Mr. JOY. They were to be presented with the contract, but the Government did not present the specifications for some four or five weeks afterwards.

Mr. BRUMM. Do I understand the gentleman to say that it was specified that the Government was to furnish the specifications and plans upon the execution of the contract?

Mr. JOY. Upon the execution of the contract.

Mr. BRUMM. And the Government failed to do that?

Mr. JOY. The Government failed to do that, and when this letter to which I have referred was written by the firm, the specifications had not yet been received.

Mr. BRUMM. Then you claim that, by reason of the Government failing in the first instance to carry out its contract with reference to furnishing the plans and specifications, the claimant was delayed in completing or in starting the work?

Mr. JOY. It is true that he was delayed in starting, but he would not have started it anyway, because he refused to start it until the Government guaranteed him against loss.

Mr. BRUMM. But that was after the delay had occurred?

Mr. JOY. Yes.

Mr. BRUMM. In other words, then, there is no ground for any suspicion that this was a scheme on the part of Murphy & Co. to force the Government to give them a second contract under duress arising out of the exigencies of the time?

Mr. JOY. Not at all. In the very letter in which they asked to be guaranteed against loss they called for the specifications, which had not yet been received.

Mr. BRUMM. One more question. Was there a time fixed when the work was to be completed?

Mr. JOY. There was.

Mr. BRUMM. Did the contractor complete it within the time?

Mr. JOY. I am not thoroughly advised upon that point. There has been no question made about that.

Mr. BRUMM. But that may be important, because at that period wages and material were advancing rapidly.

Mr. JOY. There was, I think, about a year within which to complete this vessel, and there was no question between the Government and the contractor as to the time when it was completed. If more time than that which was stipulated for originally was required, it was granted and the work was completed and accepted.

Mr. BRUMM. That may be, but the Government had to accept almost anything during the rebellion. The question is whether it was not accepted under duress. In other words, do you mean to say that in the contract there was no maximum time within which the work was to be completed?

Mr. JOY. I have not the contract before me, but my memory is that there was a time fixed.

A MEMBER. Seven months.

Mr. JOY. Yes; the time was seven months, and the work was practically completed within the time.

Mr. BOATNER. Is the claimant asking for any interest on this claim?

Mr. JOY. Not at all. The bill simply provides for payment of the identical amount found to be due by the Selfridge board, without interest.

Mr. MILES. Has there ever been any pretense on the part of the Government that the work was not done according to contract?

Mr. JOY. Not that I have ever heard of.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BINGHAM].

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the legislative, executive, and judicial appropriation bill, that the amendments of the Senate be disagreed to, and a committee of conference appointed.

There was no objection, and it was so ordered.

The SPEAKER pro tempore (Mr. PAYNE) appointed as conferees on the part of the House Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

WILLIAM P. BUCKMASTER.

Mr. CANNON. Mr. Speaker, I crave the attention of the House for a very few minutes for some remarks touching the merits of this bill. If in very right this claimant is entitled to this money and he has been within gunshot of diligence, then let us give it to him. I take the position here and now that in very right he is not entitled to one cent. Now, what are the facts? In 1862 the Government entered into a contract with Murphy & Co. to build this machinery in seven months for $82,000. The contract was entered into by the Secretary of the Navy under law, and a bond was given. Now, the gentleman from Missouri [Mr. JOY] says that that contract was modified. So far as I have information or belief, I deny it, and I will first prove it by the direct statement of the Secretary of the Navy, and second I will prove it by facts and circumstances as "strong as proofs of holy writ."

Now, what does the Secretary of the Navy say? I hold in my hand his letter, dated January 14, 1897, from which I read:

> NAVY DEPARTMENT, *Washington, January 14, 1897.*
>
> SIR: Referring to the request made in your telegram of the 13th instant, for information concerning the claim of William P. Buckmaster, successor to James Murphy & Co., on account of the construction of the engine and boiler of the U. S. S. *Otsego*, I have the honor to inclose herewith copies of the Department's letters to Mr. Buckmaster and the chairman of the Senate Committee on Claims, dated respectively November 22, 1889, and July 22, 1892, in relation to said claim, and to state that the Chief of the Bureau of Steam Engineering reports with reference to the letter alleged by the claimant to have been sent by B. F. Isherwood, the contraction agent of the Department, relative to the paying of any excess of cost of labor or material over the contract price, that—
>
> "An examination of the records of this Bureau has been carefully made, and said records show only the usual correspondence in transmitting the contract for execution, drawings of machinery, and for payments of bills on contract as they became due.
>
> "The records fail to show that Mr. Isherwood, or any other person connected with this Bureau, agreed in writing to pay any excess of cost of labor and material over the contract price, as set forth in the claim."

This letter is signed by H. A. Herbert, Secretary of the Navy.

Mr. TRACEY. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. TRACEY. What was the occasion for constituting the Selfridge board?

Mr. CANNON. I will come to that in a moment; but I want to finish this branch of the case first. I will in due time talk about the Selfridge board. In the first place, I say these men entered into a written contract and gave bonds to finish this work in seven months for the price of $82,000. They were paid $82,000 in money from the Treasury and executed to the United States their receipt in full for everything connected with the construction of this machinery. That is fact No. 2. In a court of justice they would not be heard for one moment to contradict that receipt unless they came and said it was a forgery or was a settlement with an insane man or an imbecile.

Mr. RICHARDSON. Will the gentleman yield a moment?

Mr. CANNON. Certainly.

Mr. RICHARDSON. I am in sympathy with the gentleman in regard to this claim; but I want to ask him whether he is not stating that principle a little too strongly? Is it not the fact that in reference to these receipts for all these vessels and machinery contracted for and built during the war there was a kind of compulsion upon the builders or manufacturers? Were they not compelled to sign these formal receipts in order to get anything?

Mr. CANNON. I was not there at the time. I was not running the business. But let me say to my friend the Court of Claims has always been open. And there is no higher compulsion to be supposed in this case than there is in a settlement between two individuals where they make a settlement in fact and formal receipts pass.

Mr. RICHARDSON. Is it not true that the Court of Claims and all other courts permit explanations as to the circumstances under which receipts were given or signed?

Mr. CANNON. I have said that for fraud, for mistake——

Mr. RICHARDSON. Or compulsion.

Mr. CANNON. Oh, yes; or for compulsion a receipt of this kind can be set aside.

Mr. MILES. Is it not true, as a legal proposition, that a receipt is always explainable?

Mr. CANNON. Every man who understands anything about the hornbooks of the law understands that, I suppose.

Mr. MILES. But the gentleman has just made the point that because these men gave a receipt in full they would be precluded in any court of justice from questioning or undertaking to modify that receipt.

Mr. CANNON. I made the point that they made a settlement with the United States upon full knowledge and understanding; and upon that settlement they received the money and gave an acquittance.

Mr. MILES. You have just stated——

Mr. CANNON. I have said that that settlement settles the matter, in the absence of fraud or mistake, which is not alleged here.

Mr. MILES. Did not the gentleman say "in the absence of forgery?"

Mr. CANNON. Or forgery. They do not set up fraud; they do not set up compulsion; they do not set up forgery or mistake.

Mr. BRUMM. If the gentleman will permit me——

Mr. CANNON. Let me finish my statement, please. My time will all be gone in a few minutes. I will cover the ground which the gentleman has in mind; or, if not, I will yield at the close of my remarks.

Mr. BRUMM. All right.

Mr. CANNON. If I make a settlement with my good friend from Tennessee on a matter of difference between us, and upon that settlement he receives the money, his receipt is evidence of the settlement. That is the end of it. Now, the records of the Navy Department, where these matters are kept of record (as appears by the letter of the Secretary of the Navy), do not show what the gentleman from Missouri claims about the contract—do not show that any officer of the Government agreed that the Government would make good all loss that these contractors might suffer. It is not probable that such a contract would be made. Any officer who would make such a contract in the absence of express provision of law would be subject to severe criticism, even if he had the authority of the Department to make it.

Now comes fact No. 3. If this was a legal contract, as the gentleman from Missouri claims, made in 1862, and the work as agreed was done in seven months, and the contractors failed to receive the stipulated compensation, the Court of Claims was open continuously from that time for five years for them to establish their contract by suit and recover against the United States. No suit was ever brought. The five years passed by.

Mr. JOY. Does the gentleman always advocate the payment of claims that have been approved by the Court of Claims?

Mr. CANNON. I believe I have always recommended appropriations to pay judgments of the Court of Claims, and have invariably voted for them.

Mr. BOATNER. One question for information.

Mr. CANNON. I should like to finish my remarks, which I think will answer all my friend's questions before I get through.

Mr. BOATNER. I do not want to interrupt the gentleman's argument, but only to ask whether he questions the authenticity of the letter of Isherwood as it appears in the papers in this case?

Mr. CANNON. I do not know whether it is authentic or not. I bring here a letter from the Secretary of the Navy touching the legal contract between the parties and speaking of all things pertaining to them, and it contains nothing whatever of that kind. On the contrary, I find just the reverse of it.

Mr. BOATNER. As I understand, that letter speaks only of the letters on file.

Mr. CANNON. Now, Mr. Speaker, if that contract was in force and effect, if that contract was made, which I do not admit, and the records of my country do not show it to have been made, this man has no claim, because when we completed the work the two parties came together and agreed upon a settlement, and when that settlement was made the money was paid and accepted in full.

Mr. JOY. Let me ask the gentleman upon what authority he makes that statement.

Mr. CANNON. From the admitted fact, that was not disputed. Oh, the gentleman laughs; men can laugh at anything when they want to laugh.

Mr. JOY. I asked the gentleman a question in good faith.

Mr. CANNON. And I answered the gentleman in good faith. It is not controverted. That is the whole tenor of your report. But if the gentleman wants to know, as I have hastily examined the question, I get it from a minority report upon this very bill, made a quarter of a century ago in the Forty-third Congress, and signed by Messrs. Lawrence, of Ohio, Holman, of Indiana, James Wilson, of Iowa, and A. Herr Smith, of Pennsylvania. In that report they state that fact, which has never been controverted, that the amount was paid in full and the receipt given, and the gentleman admits himself that it was.

Mr. JOY. This gentleman does not admit it.

Mr. CANNON. Now, let me say one thing before I speak of the different boards which passed upon the question. A generation ago this transaction took place; a settlement was made a generation ago; the courts were opened a generation ago and this shrewd man did not go into the courts, but allowed the statute of limitations to run against his claim. Now, after the lapse of a generation, the Secretary of the Navy gone, the personnel representing the United States Government gone, they having passed over, the most of them—for men are mortal—and therefore between private individuals, and as to the Government also, there is the statute of repose, a statute of limitation, a wise statute, because as men die and as time passes memory of these transactions fades away. Why, we have exemplification of it here. We voted against laying this very bill on the table this morning, and yet but a short month ago the Committee of the Whole, after debate, by a decided majority, on discussion of the matter, voted to report it back to the House with the recommendation that it be laid upon the table. That month passed by; the most of the membership did not know when the roll call began this morning what they were voting on. You understand how it happened. I am not criticising. It is human. It can not be helped.

I say, therefore, Mr. Speaker, that these statutes of repose, of limitation, are wise. I repeat, we are mortal, but a claim that had its standing in the court, that was settled in full, after the lapse of thirty-five years, when men have gone from the scenes of action—the claim seems to be immortal.

Now, a word as to these various boards. The gentleman referred to the Selfridge board. I want to refer to it also. The whole matter was up and fought over between the House and Senate nearly a generation ago, and it arose under the following circumstances. The Senate on the 9th day of March, 1865, passed the following resolution:

> "*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered."

Now, under the resolution, what were they to inquire about? What the Government owed? No. What was due these parties for extra? No. But the cost of the vessel to the contractor over and above the contract price, and report the same to the Senate at its next session. That is, they claim a foundation for making good the claims of every contractor with the Government for the construction of vessels where the cost of the work is alleged to have exceeded the amount received from the Government, whether it be under laches from the contractor or not; not for extras or for extension of time, but what it cost over and above the contract price. Under that resolution the Selfridge board was organized, and under that resolution this claim was presented and that board found a great many claims, but among them this one for $22,000, and so reported to the Senate. Under our Constitution—and I sometimes think it is a fortunate thing that neither body can legislate on its own motion or pay money on its own motion—under our Constitution it was not the law, and when that report was made, if you will examine the files, you will see that the Senate wanted to appropriate to pay the findings of the Selfridge board and the House said no.

Mr. WALKER of Massachusetts. To what amount, for the whole thing?

Mr. CANNON. Oh, I do not recollect; a million or two of dollars.

Mr. WALKER of Massachusetts. A million or two?

Mr. CANNON. I do not recollect the amount. I will not pretend to say accurately, but a large amount; $22,000 for this particular one. Then what happened? Growing out of that contest, which was fast and furious, in which there were many eloquent speeches made, and the old flag and an appropriation were trotted out frequently, and all that kind of thing, properly or improperly, and possibly both, what happened as a result of that contest? I will read you. The sensible thing happened. Here it is, 14 Statutes at Large, page 424, a substitute for the Senate bill. The conference committee finally agreed upon a bill, which became the law March 2, 1867, and here it is:

> *Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis.

Pay attention:

> He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract.

That is, first, if the Government changed the plans and the contractor was delayed, the Secretary was to inquire and report. Now listen. Here is a prohibition:

> But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price.

That was the settlement, and under that law the Marchand board was constituted, and the Selfridge board, appointed under the Senate resolution, was turned down, and righteously turned

down; because, under the Senate resolution, all they had to do was to inquire whether anybody had been put to any expense above the contract price in complying with a Government contract. This properly limits it. Did the Government——

Mr. TALBERT. Will the gentleman allow me?

Mr. CANNON. In a moment. Did the Government extend the time? If so, and these men were damaged or anybody else was damaged by a rise in prices, then it was to be ascertained.

Mr. TALBERT. I agree with the gentleman——

Mr. CANNON (continuing). Provided always—and there is another limitation, for Congress tied this matter up—provided the contractor has been diligent in making contracts; and there is no other rule that could be adopted in justice to the Government. Anything else is a fraud, a dead giveaway.

Mr. TALBERT. I want to say that I agree with the gentleman, and I want to make the suggestion that in the claim of Mr. Buckmaster he says that material and labor had advanced during this interim. I want to call his attention to the fact that he claims only 15 per cent, and 15 per cent on $82,000 would only amount to $12,000; yet this claim is $22,000. Why pay him more than he claims?

Mr. CANNON. This is not a claim for advance of price of material on the part of Mr. Buckmaster or those he represents. He did not go before the Marchand board at all. Why? He had already settled with the Government and given a receipt in full. Why did he not go before the Marchand board? I will tell you why. Because his claim did not come within the terms of the act of 1867, under which the Marchand board was organized.

Mr. JOY. Will the gentleman allow me one question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CANNON. Well, for a question.

Mr. JOY. I want to ask the gentleman if the fact that the Secretary of the Navy reports that he can not find the copy of a letter will weigh against the original letter sent to Mr. Murphy, which I now hold in my hand? I hold in my hand the original contract and the correspondence between the Government and Murphy & Co. and the original letter from Mr. Isherwood. I want to know if the gentleman means that the statement made by the Secretary of the Navy, that he can not find the copy of the letter, or that Mr. Isherwood did not preserve any copy, weighs against the original papers themselves which I hold in my hand?

Mr. CANNON. I would say, then, if I can have my own time to answer the gentleman, that the proper place to find the contracts of the United States is in the files of the Navy Department, first.

Mr. JOY rose.

Mr. CANNON. Hold on; let me answer the gentleman. I have treated the gentleman courteously during this debate.

Second, I mean it was a contract between the United States, acting through the Secretary of the Navy under the law, and this party. Third, upon that contract and upon the files the letter the gentleman referred to does not appear. Fourth, if it did appear, the gentleman without authority, an agent of the Secretary of the Navy, could not bind the Government. Fifth, if he did bind the Government in fact in that contract, the gentleman is estopped from coming and presenting this claim, because after the full contract was made, and after the work was received by the Government, a generation ago, these claimants and the Government got together and there was a full settlement and payment.

Mr. JOY. I want to ask you right there what authority have you for stating that there was a full settlement and payment? I challenge the gentleman's statement that there is in evidence any receipt in full.

Mr. CANNON. The gentleman is not ingenuous.

Mr. JOY. I do not want to be ingenuous. I am fair and frank.

Mr. CANNON. If he challenges that statement, the very report he holds in his hand admits that they received $82,000.

Mr. JOY. I admit that myself.

Mr. CANNON. And it proceeds on the very ground that they have received it: and they say they are still entitled to relief. I have here this minority report—not being upon this committee—that states the facts, and no man on the Committee on Claims——

Mr. JOY. Do they give a copy of a receipt in full?

Mr. CANNON. No man on the Committee on Claims will rise in his place and deny a full settlement was had.

Mr. JOY. In the minority report, do they present a copy of a receipt in full?

Mr. CANNON. I say that this is no time for sharp practice.

Mr. JOY. Do they present a copy of a receipt in full?

Mr. CANNON. There was a settlement. The gentleman can see that.

Mr. JOY. Do they present a copy of a receipt?

Mr. CANNON. I do not know.

Mr. JOY. I challenge the correctness of the gentleman's remarks.

Mr. CANNON. I think, the gentleman would challenge the archangel in his zeal for his constituent.

Mr. JOY. I have the right to challenge that statement when I present the original contract.

The SPEAKER pro tempore. The gentleman from Illinois declines to yield.

Mr. CANNON. Oh, challenges amount to nothing! There are the facts; there is the minority report of the committee.

Mr. JOY. Read it.

Mr. CANNON. And if the gentleman believes, in his zeal, in representing his constituent, which is entirely proper, I suppose, they did not settle in full, in the name of common sense why did not he go into the Court of Claims within five years and bring his suit?

Mr. JOY. I will ask the gentleman another question, with his permission.

Mr. CANNON. But the gentleman blows hot and cold at the same time. He did not go to the Court of Claims, but when he wants to get around this receipt it was claimed that this poor man was coerced, so as to get his money, to sign the receipt; and now the gentleman, when pressed to the wall, says he never signed a receipt.

Mr. JOY. I say there is no copy of a receipt, and I claim that no receipt was ever given.

Mr. TERRY. I would like to ask the gentleman one question there.

Mr. CANNON. Certainly, I yield for a question.

Mr. TERRY. Do I understand the gentleman from Illinois to state that the records of the Department shows no copy of this Isherwood letter?

Mr. CANNON. So says the letter of the Secretary of the Navy.

Mr. TERRY. Does it show any copies of the other letters written by Isherwood before that time or after that time?

Mr. CANNON. I do not know all the conditions. I have only the Secretary's letter.

Mr. TERRY. That is very important.

Mr. CANNON. But I plant myself here on this ground, which is entirely defensible. First, this man was settled with and paid. Second, the Selfridge board was turned down as being unjust and not authorized by law. Third, he did not go before the Marchand board because his case did not come within the provisions of the law giving relief. Fourth, he had his day in court, and he not only let five years pass by, but he has let thirty years pass by without going into the courts of his country to recover under a legal contract, as he alleges. And now a word to members sitting about me. We occupy the seats of men who were conversant with all these facts when the legislation of 1867 was enacted, men who have since crossed over the dark river, and as they so legislated, as the courts were for years open to this claimant, and as our places here are to be occupied in thirty years or in twenty years more by those whom we do not know, I ask you whether it is not along the line of sound policy, of justice to seventy millions of taxpayers, of justice between man and man, and between the Government and the citizen, that somewhere there should be a stopping place established, a barrier erected, against these claims that troop, under the guidance of persistent attorneys, through the corridors of this Capitol session after session? [Applause.]

Mr. RICHARDSON. I would like to ask the gentleman a question in reference to a statement he has just made. I understood him to state that this claimant had five years given him by law within which to bring suit in the Court of Claims. What is the authority for that statement?

Mr. CANNON. I will give it to the gentleman in a minute.

Mr. RICHARDSON. If he had five years given him by law within which to bring his suit, it would seem to me that that would be a very strong point in favor of the contention of the gentleman from Illinois.

Mr. CANNON. Certainly. Section 1059 of the Revised Statutes gives the Court of Claims jurisdiction of suits upon all legal contracts. Section 1069 makes the statute of limitations six years after the claim accrues; so it was six years that he had instead of five.

Mr. RICHARDSON. When was that section enacted?

Mr. CANNON. In 1875 it was embodied in the Revised Statutes, but it existed in the session laws away prior to that time.

Mr. TRACEY. In 1875—twelve years after the claim accrued.

Mr. CANNON. Now, Mr. Speaker, I move the previous question.

The previous question was ordered.

The question being taken on the third reading of the bill, the Speaker pro tempore declared that the noes seemed to have it.

Mr. JOY. I ask for a division.

The House divided; and there were—ayes 46, noes 77.

Mr. JOY. I ask for the yeas and nays.

The yeas and nays were refused, only 22 members voting in favor thereof.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote just taken, and to lay that motion on the table.

There was no objection, and it was so ordered.

GRAY'S BATTALION ARKANSAS VOLUNTEERS.

The SPEAKER. The Clerk will read the next bill.

The next business on the Private Calendar was the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's battalion of Arkansas Volunteers raised under the act of Congress of May 13, 1846, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Mr. THOMAS. Mr. Speaker, I make the point of order on this bill that it is not a private bill.

The SPEAKER. Whatever doubt the Chair might entertain as to whether it is a private bill or not, it seems to have reached a stage where the point of order would not be applicable, the bill having been reported upon by the committee to which it was referred under the regular forms of the House.

Mr. THOMAS. Then, Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. BLUE. Mr. Speaker, I move that this bill be referred to the Committee of the Whole House on the state of the Union, and if I may be heard——

The SPEAKER. The previous question has been ordered.

Mr. TERRY. Mr. Speaker, I make the point of order that the motion of the gentleman from Kansas is not in order.

The SPEAKER. The Chair will hear the gentleman on his point of order.

Mr. TERRY. If the gentleman desired to move to recommit, he should have made that motion before the House took the order it did a while ago. Otherwise see what an attitude we are placed in. The friends of the bill are prevented from saying a word in its behalf, and I hope the House will vote down the gentleman's motion if it is not out of order. This bill has been recommended——

The SPEAKER. That is in the nature of debate.

Mr. TERRY. Is the Chair going to shut us off from all debate?

The SPEAKER. Certainly. The previous question has been ordered. The rules provide that, notwithstanding that, the bill may be referred to a standing or select committee; but a motion to refer it back to the Committee of the Whole would not be in order.

Mr. TERRY. It has already been considered in Committee of the Whole and has been recommended for passage.

Mr. BLUE. Mr. Speaker, I desire to make a parliamentary inquiry, for information as to the status of this question at this time.

The SPEAKER. The question now before the House is on the passage of the bill.

Mr. BLUE. There has been no discussion of this motion to refer the bill to the Committee of the Whole House?

The SPEAKER. No; there has been no discussion, because the previous question was ordered on the passage of the bill.

Mr. BLUE. The point I desire to reach is this: There having been no discussion, is it not proper now that there should be some discussion on the subject, even after the previous question is ordered?

The SPEAKER. The House has ordered that there shall be no discussion, because it has ordered that the main question be now put, which is the question on the passage of the bill.

Mr. TERRY. I understand the Speaker has ruled that the motion to recommit, made by the gentleman from Kansas [Mr. Blue], is not in order.

The SPEAKER. The rule expressly provides that a motion to commit to a standing or a select committee shall be in order. The Committee of the Whole House does not answer that description.

Mr. BLUE. Do I understand that my motion is ruled out of order?

The SPEAKER. A motion to refer to the Committee of the Whole House is not in order.

Mr. BLUE. I move to recommit the bill to the Committee on Invalid Pensions.

The question being put on the motion of Mr. Blue, there were on a division (called for by Mr. Blue)—ayes 61, noes 57.

Mr. TERRY. I ask for tellers.

Tellers were ordered; and Mr. Blue and Mr. Terry were appointed.

The House again divided; and the tellers reported—ayes 64, noes 65.

Mr. BLUE. I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on recommitting the bill to the Committee on Invalid Pensions.

The question was taken; and there were—yeas 77, nays 111, not voting 167; as follows:

YEAS—77.

Acheson,
Adams,
Aldrich, Ill.
Andrews,
Avery,
Baker, Kans.
Bartholdt,
Blue,
Bowers,
Brumm,
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Iowa
Clark, Mo.
Codding,
Corliss,
Crowther,
Cummings,
Curtis, Kans.
Dalzell,
Danford,
Dolliver,
Faris,
Fenton,
Fischer,
Fletcher,
Foss,
Gamble,
Griffin,
Griswold,
Hager,
Hainer, Nebr.
Harris,
Hatch,
Henry, Ind.
Hill,
Hubbard,
Hull,
Kirkpatrick,
Leighty,
Leisenring,
Long,
Loud,
Loudenslager,
McCall, Tenn.
Miller, Kans.
Minor, Wis.
Mozley,
Murphy,
Northway,
Overstreet,
Payne,
Pearson,
Perkins,
Pitney,
Prince,
Raney,
Reeves,
Royse,
Sauerhering,
Snover,
Spalding,
Steele,
Stephenson,
Stewart, Wis.
Stone, C. W.
Taft,
Tawney,
Tracewell,
Tracey,
Treloar,
Updegraff,
Van Voorhis,
Warner,
Watson, Ohio.

NAYS—111.

Abbott,
Anderson,
Arnold, Pa.
Bailey,
Baker, Md.
Baker, N. H.
Barney,
Bartlett, Ga.
Belknap,
Bell, Colo.
Berry,
Bishop,
Black,
Boatner,
Buck,
Burrell,
Burton, Mo.
Catchings,
Clardy,
Cobb,
Cockrell,
Cooke, Ill.
Cousins,
Cox,
Crisp,
Curtis, Iowa
Daniels,
De Armond,
Dockery,
Erdman,
Fitzgerald,
Gibson,
Graff,
Grosvenor,
Grow,
Hall,
Hardy,
Harrison,
Hendrick,
Henry, Conn.
Howard,
Huling,
Hunter,
Hyde,
Jenkins,
Johnson, Ind.
Kem,
Kendall,
Kiefer,
Kleberg,
Knox,
Kyle,
Lacey,
Latimer,
Lawson,
Layton,
Leonard,
Lester,
Lewis,
Linney,
Linton,
Little,
Maddox,
Martin,
McCleary, Minn.
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLachlan,
McLaurin,
Meyer,
Miles,
Miller, W. Va.
Milnes,
Moody,
Otey,
Otjen,
Price,
Richardson,
Robertson, La.
Sayers,
Scranton,
Shafroth,
Shuford,
Smith, Ill.
Sorg,
Southard,
Sparkman,
Sperry,
Stokes,
Strait,
Strowd, N. C.
Sulloway,
Swanson,
Talbert,
Tate,
Terry,
Thomas,
Turner, Ga.
Turner, Va.
Tyler,
Van Horn,
Walker, Mass.
Williams,
Willis,
Wilson, Ohio
Wilson, S. C.
Wood,
Woodman,
Wright.

NOT VOTING—167.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Allen, Utah
Apsley,
Arnold, R. I.
Atwood,
Babcock,
Bankhead,
Barham,
Barrett,
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Bingham,
Boutelle,
Brewster,
Broderick,
Bromwell,
Brosius,
Brown,
Bull,
Clarke, Ala.
Coffin,
Colson,
Connolly,
Cook, Wis.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Cowen,
Crowley,
Crump,
Culberson,
Curtis, N. Y.
Dayton,
Denny,
De Witt,
Dingley,
Dinsmore,
Doolittle,
Dovener,
Draper,
Eddy,
Ellett,
Ellis,
Evans,
Fairchild,
Foote,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Grout,
Hadley,
Halterman,
Hanly,
Harmer,
Hart,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hepburn,
Hermann,
Hicks,
Hilborn,
Hitt,
Hooker,
Hopkins,
Howe,
Howell,
Huff,
Hulick,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, N. Dak.
Jones,
Joy,
Kerr,
Kulp,
Lefever,
Livingston,
Lorimer,
Low,
Maguire,
Mahany,
Mahon,
Marsh,
McCall, Mass.
McClellan,
McClure,
McCormick,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Milliken,
Miner, N. Y.
Mitchell,
Mondell,
Money,
Morse,
Moses,
Murray,
Neill,
Newlands,
Noonan,
Odell,
Ogden,
Owens,
Parker,
Patterson,
Pendleton,
Phillips,
Pickler,
Poole,
Powers,
Pugh,
Quigg,
Ray,
Reyburn,
Rinaker,
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Settle,
Shannon,
Shaw,
Sherman,
Simpkins,
Skinner,
Smith, Mich.
Southwick,
Spencer,
Stahle,
Stallings,
Stewart, N. J.
Stone, W. A.
Strode, Nebr.
Strong,
Sulzer,
Tayler,
Thorp,
Towne,
Tucker,
Wadsworth,
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Woodard,
Woomer,
Yoakum.

So the motion to recommit the bill to the Committee on Invalid Pensions was rejected.

The following additional pairs were announced:

Until further notice:

Mr. Aitken with Mr. Hart.

Mr. Thorp with Mr. Bartlett of New York.

For this day:

Mr. Gillett of Massachusetts with Mr. Jones.

Mr. Hicks with Mr. Culberson.

Mr. Simpkins with Mr. Russell of Georgia.

Mr. Bingham with Mr. Wheeler.

Mr. Mitchell with Mr. Ellett.

On this question:

Mr. Wilber with Mr. Woodard.

Mr. Stewart of New Jersey with Mr. Yoakum.

Mr. Hopkins with Mr. Washington.

Mr. Hemenway with Mr. Spencer.

Mr. Cooper of Wisconsin with Mr. Rusk.

Mr. Dayton with Mr. Ogden.

Mr. Lefever with Mr. Meredith.

Mr. Cook of Wisconsin with Mr. McClellan.

The question recurring on the passage of the bill, the bill was passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE L. BENNER.

The next unfinished business on the Private Calendar was the bill (H. R. 6841) granting a pension to George L. Benner.

Mr. MILES. Mr. Speaker, I made the report in this case, but the gentleman who introduced the bill is not present, and I prefer that it should not be acted upon in his absence, inasmuch as some question has been raised as to the propriety of passing the bill. I ask, therefore, that the bill lie over without prejudice.

The SPEAKER pro tempore (Mr. Payne). The gentleman from Maryland [Mr. Miles] asks unanimous consent that this bill be passed over without prejudice, retaining its place on the Calendar. The Chair hears no objection, and it is so ordered.

LENA D. SMITH.

The next unfinished business on the Private Calendar was the bill (S. 3381) granting a pension to Lena D. Smith.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to a third reading, read the third time, and passed.

ELIHU JONES.

The next unfinished business on the Private Calendar was the bill (H. R. 5931) granting a pension to Elihu Jones, of Potwin, Butler County, Kans., reported from the Committee of the Whole with amendments.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill and amendments.

Mr. ERDMAN. Is it the intention of the gentleman to cut off debate on all of these bills?

Mr. THOMAS. All bills that have been discussed in the Committee of the Whole so late as January 15 I think ought to go upon their passage.

The previous question was ordered; under the operation of which the amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for the purpose of being engrossed.

AMBROSE D. MANION.

The next unfinished business on the Private Calendar was the bill (H. R. 6215) to increase the pension of Ambrose D. Manion, reported from Committee of the Whole with an amendment.

Mr. THOMAS. I ask the previous question on the bill and amendment to its passage.

The previous question was ordered; under the operation of which the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for the purpose of engrossment.

RUFUS H. PAINE.

The next unfinished business on the Private Calendar was the bill (S. 1505) granting an increase of pension to Rufus H. Paine.

The bill was considered and ordered to a third reading; and being read the third time, it was passed.

JARED S. CHAMBERLAIN.

The next unfinished business on the Private Calendar was the bill (S. 878) granting a pension to Jared S. Chamberlain, reported from the Committee of the Whole with amendments.

The amendments recommended by the committee were agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

ISABELLA MORROW.

The next unfinished business on the Private Calendar was the bill (S. 1128) granting a pension to Isabella Morrow, widow of Henry A. Morrow, a colonel and brevet major-general in the United States Army.

Mr. TALBERT. I move, Mr. Speaker, to amend this bill by striking out "seventy-five" and inserting "fifty;" so as to make it read "$50 a month."

The question was taken; and on a division (demanded by Mr. Talbert) there were—ayes 26, noes 40.

Mr. TALBERT. No quorum.

The SPEAKER pro tempore (having counted the House). One hundred and fifty-one members are present; not a quorum.

Mr. THOMAS. Mr. Speaker, if the gentleman will withdraw his motion, I will ask to have this bill passed over informally without prejudice.

The SPEAKER pro tempore. The difficulty is that the Chair has counted the House and ascertained that no quorum is present. The Chair thinks that under the rule the doors will have to be closed. The Sergeant-at-Arms will summon the absent members, and the roll will be called.

Mr. LACEY. I ask unanimous consent that the gentleman be permitted to withdraw his point.

The SPEAKER pro tempore. The trouble is that the House has discovered itself without a quorum.

The roll will be called, and members present will vote on the pending proposition, and those who decline to vote will answer present, so as to be recorded on the call.

The question was taken; and there were—yeas 98, nays 82, not voting 175; as follows:

YEAS—98.

Allen, Miss.
Anderson,
Bailey,
Baker, Kans.
Baker, N. H.
Bell, Colo.
Berry,
Bishop,
Blue,
Boatner,
Bowers,
Broderick,
Buck,
Bull,
Burrell,
Burton, Mo.
Clardy,
Clark, Mo.
Cockrell,
Codding,
Connolly,
Cox,
Crisp,
Crowther,
Danford,
De Armond,
Dockery,
Ellett,
Erdman,
Fitzgerald,
Foss,
Gibson,
Graff,
Hager,
Hall,
Harrison,
Hatch,
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hill,
Howard,
Hulick,
Hull,
Jones,
Kem,
Kirkpatrick,
Kyle,
Lacey,
Latimer,
Leighty,
Little,
Loud,
Loudenslager,
Maddox,
Martin,
McCall, Tenn.
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLaurin,
Miles,
Miller, Kans.
Minor, Wis.
Mozley,
Otey,
Otjen,
Overstreet,
Patterson,
Perkins,
Phillips,
Pitney,
Raney,
Reeves,
Richardson,
Royse,
Sayers,
Shafroth,
Shuford,
Stokes,
Strait,
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Towne,
Tracewell,
Treloar,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Williams,
Wilson, Ohio
Wood.

NAYS—82.

Adams,
Aldrich, Ill.
Arnold, Pa.
Avery,
Bartlett, Ga.
Boutelle,
Brumm,
Burton, Ohio
Calderhead,
Cannon,
Cooper, Tex.
Corliss,
Cousins,
Cummings,
Curtis, Kans.
Dalzell,
Daniels,
Dovener,
Draper,
Ellis,
Evans,
Fairchild,
Fischer,
Griswold,
Grosvenor,
Grout,
Grow,
Hainer, Nebr.
Halterman,
Hartman,
Hilborn,
Hitt,
Hooker,
Howe,
Hubbard,
Huling,
Hunter,
Hyde,
Johnson, Ind.
Joy,
Kendall,
Kiefer,
Kleberg,
Knox,
Lawson,
Layton,
Leisenring,
Leonard,
Lewis,
Linton,
Long,
McCleary, Minn.
McLachlan,
Mercer,
Miller, W. Va.
Milnes,
Northway,
Odell,
Payne,
Reyburn,
Rinaker,
Scranton,
Smith, Ill.
Snover,
Sorg,
Southard,
Spalding,
Steele,
Stone, C. W.
Strode, Nebr.
Sulloway,
Tawney,
Thomas,
Thorp,
Van Horn,
Van Voorhis,
Walker, Va.
Wanger,
Warner,
Watson, Ohio
Willis,
Wright.

NOT VOTING—175.

Abbott,
Acheson,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Allen, Utah
Andrews,
Apsley,
Arnold, R. I.
Atwood,
Babcock,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Bingham,
Black,
Brewster,
Bromwell,
Brosius,
Brown,
Catchings,
Chickering,
Clark, Iowa
Clarke, Ala.
Cobb,
Coffin,
Colson,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Cowen,
Crowley,
Crump,
Culberson,
Curtis, Iowa
Curtis, N. Y.
Dayton,
Denny,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Eddy,
Faris,
Fenton,
Fletcher,
Foote,
Fowler,
Gamble,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Griffin,
Hadley,
Hanly,
Hardy,
Harmer,
Harris,
Hart,
Heatwole,
Heiner, Pa.
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hopkins,
Howell,
Huff,
Hurley,
Hutcheson,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Kerr,
Kulp,
Lefever,
Lester,
Linney,
Livingston,
Lorimer,
Low,
Maguire,
Mahany,
Mahon,
Marsh,
McCall, Mass.
McClellan,
McClure,
McCormick,
McMillin,
McRae,
Meiklejohn,
Meredith,
Meyer,
Milliken,
Miner, N. Y.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Murray,
Neill,
Newlands,
Noonan,
Ogden,
Owens,
Parker,
Pearson,
Pendleton,
Pickler,
Poole,
Powers,
Price,
Prince,
Pugh,
Quigg,
Ray,
Robertson, La.

Robinson, Pa.
Rusk.
Russell, Conn.
Russell, Ga.
Sauerhering,
Settle,
Shannon,
Shaw,
Sherman,
Simpkins,
Skinner,
Smith, Mich.
Southwick,
Sparkman,
Spencer,
Sperry,
Stahle,
Stallings,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strong,
Sulzer,
Taft,
Tayler,
Tracey,
Tucker,
Wadsworth,
Walker, Mass.
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Yoakum.

So the amendment was agreed to.

During the roll call the following occurred:

Mr. TALBERT. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman can not withdraw the point. The House has ascertained that no quorum is present. The roll call has been entered upon and can not be interrupted. The Clerk will proceed.

Mr. DOCKERY. Mr. Speaker, is it not in order, by unanimous consent, to vacate all proceedings?

The SPEAKER pro tempore. Nothing is in order during this roll call except the roll call.

Mr. DOCKERY. There has been no record showing the absence of a quorum.

The SPEAKER pro tempore. Nothing is in order during this roll call except to complete it. The Clerk will proceed.

The Clerk resumed and completed the calling of the roll.

Mr. LOUDENSLAGER. I should like to have my colleague, Mr. GARDNER, excused on account of sickness.

There was no objection.

The Clerk announced the following additional pairs:

For the remainder of this day:

Mr. JENKINS with Mr. MCCLELLAN.

Mr. WATSON of Indiana with Mr. COWEN.

Mr. SMITH of Michigan with Mr. ROBERTSON of Louisiana.

The SPEAKER. The Clerk will announce the names of members marked present.

The Clerk announced as present and not voting: Mr. COOPER of Florida, Mr. COWEN, Mr. MITCHELL, Mr. SPARKMAN, Mr. MAHON, Mr. BELKNAP, and Mr. BANKHEAD.

The result of the vote was then announced as above recorded.

Mr. MERCER. I desire to change my vote.

The SPEAKER. The vote has been announced.

Mr. TALBERT. I rise to the point that that comes too late.

The SPEAKER. The Chair thinks it can not be done after the vote has been announced. The question is on the third reading of the bill.

Mr. RICHARDSON. He could change his vote if it did not change the result.

The SPEAKER. The Chair thinks not, after the result has been announced.

Mr. RICHARDSON. He might change it the next day, or later, by unanimous consent, if it did not change the result.

The SPEAKER. That would have to be by consent of the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH B. LEET.

The next unfinished business on the Private Calendar was the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. The Chair understands that the gentleman from Pennsylvania [Mr. ERDMAN] withdraws his request for the reading of an engrossed bill; but the Chair understands that the bill has been sent to be engrossed, and consequently it is not here and can not now be presented.

The Clerk will report the next unfinished business.

ANNIE SCHIFIRLI.

The next unfinished business on the Private Calendar was the bill (H. R. 7821) granting a pension to Annie Schifirli.

The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES H. TWOMEY.

The next unfinished business on the Private Calendar was the bill (H. R. 2257) to increase the pension of Charles H. Twomey.

The bill and the amendment recommended by the Committee of the Whole were read.

Mr. THOMAS. I move the previous question.

The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 681) granting an increase of pension to Marion McKibben, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. VILAS, and Mr. SHOUP as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton and

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

HENRY SLAUGHTER.

The next unfinished business on the Private Calendar was the bill (H. R. 2725) granting an increase of pension to Henry Slaughter.

The bill was read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE CUNNINGHAM.

The next unfinished business on the Private Calendar was the bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the committee was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWELLYN D. KING.

The next unfinished business on the Private Calendar was the bill (H. R. 7349) to pension Lewellyn D. King.

The bill was read.

Mr. THOMAS. I move the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 8038) for the relief of yacht owners and shipbuilders of the United States;

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

A bill (H. R. 2941) granting increase of pension to Alfred P. Buss;

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

Joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VAN HORN, for to-night's session, on account of sickness in family.

To Mr. DANFORD, from attending this evening's session, on account of illness.

To Mr. OTEY, until Monday, on account of important business.

To Mr. BURTON of Ohio, for ten days, on account of important business.

To Mr. NEILL, indefinitely, on account of sickness.

To Mr. HUBBARD, for five days, on account of important business.

To Mr. STAHLE, indefinitely, on account of sickness.

To Mr. HEATWOLE, indefinitely, on account of sickness.

To Mr. ALLEN of Utah, indefinitely, on account of sickness in family.

To Mr. MURRAY, for ten days, on account of sickness in family.

To Mr. BELL of Texas, for two days, on account of sickness.

To Mr. BEACH, for twenty days, on account of important business.

To Mr. THORP, indefinitely, on account of sickness.

To Mr. HARMER, indefinitely, on account of severe illness in family.

To Mr. WHEELER, for one day, on account of sickness in family.

Mr. THOMAS. Mr. Speaker, I ask indefinite leave of absence for the gentleman from South Dakota [Mr. PICKLER], on account of important business.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I ask to be excused from the night session, on the ground that I have not been well, and I do not want to come out at night.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The SPEAKER. Under the rules of the House, the hour of 5 o'clock having arrived, the House is in recess until 8 o'clock this evening; and the gentleman from Iowa, Mr. LACEY, will then please take the chair.

EVENING SESSION.

The recess having expired, the House was called to order, at 8 o'clock p. m., by Mr. LACEY as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule under which Friday night sessions are held.

The Clerk read as follows:

> The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

AMBROSE D. MANION.

Mr. LEWIS. Mr. Speaker, the bill (H. R. 6215) entitled "A bill to increase the pension of Ambrose D. Manion" was ordered to be engrossed for a third reading this afternoon. The distinguished gentleman from Pennsylvania [Mr. ERDMAN] demanded that the bill be laid over for engrossment. He has very generously withdrawn that demand. I ask now that this bill be read a third time and passed.

The SPEAKER pro tempore. If there be no objection, the bill will be read a third time.

There was no objection.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of this resolution.

The Clerk read as follows:

> *Resolved*, That bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it, and upon his failure to respond "Present," the bill to be passed without prejudice and the next bill be called in the same way; this not to apply to Senate bills.

Mr. LOUDENSLAGER. I would just say, Mr. Speaker, that the Senate bills are to be taken up as they appear on the Calendar. This resolution was adopted at several sessions in the Fifty-third Congress and worked admirably. The Clerk commences at the top of the Calendar, announces the number of the bill, the name of the member who introduced it, and upon his failure to respond "Present," the bill is passed without prejudice and the next bill taken up. It gives to those who are present at the night sessions a chance of having their bills considered in the order that they appear on the Calendar, and does not present that unfair proposition which would be presented under a call of the roll, where the alphabet might assist very much in getting consideration of a bill far down on the Calendar.

Mr. CRISP. That does not apply, I understand, to Senate bills?

Mr. LOUDENSLAGER. No; the Senate bills are to be taken up as they appear on the Calendar.

The SPEAKER pro tempore (Mr. LACEY). The Chair understands the proposition of the gentleman from New Jersey to be that this shall be adopted as a rule for this evening's session after the House resolves itself into Committee of the Whole. The Chair thinks it would not be a proper subject for action on motion, but must be adopted, if at all, by unanimous consent. If proposed as a resolution, it would have to go to the Committee on Rules, but by unanimous consent it can be agreed upon in the House, so as to bind the Committee of the Whole. Is there objection?

Mr. ERDMAN. Mr. Speaker, could not this rule be adopted in the Committee of the Whole?

The SPEAKER pro tempore. The Chair thinks that the House could, by unanimous consent, agree upon this rule as a method of procedure that would bind the committee for this evening's session, and the committee also could agree to it afterwards.

Mr. ERDMAN. Well, it can be done just as well in Committee of the Whole, and I object for the present.

The SPEAKER pro tempore. Objection is made.

ELIHU JONES.

Mr. THOMAS. Mr. Speaker, this afternoon a gentleman on the other side demanded the reading of the engrossed copy of the bill (H. R. 5981) granting a pension to Elihu Jones, etc. I understand that that demand is now withdrawn, and I ask that the bill be put upon its passage.

The SPEAKER pro tempore. Is the demand for the engrossed copy withdrawn?

Mr. ERDMAN. Yes, sir.

The bill was passed.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business under the special order.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Michigan——

Mr. THOMAS (interposing). Mr. Speaker, I withdraw that motion for the present, and ask unanimous consent that we proceed with the unfinished business.

Mr. EVANS. Mr. Speaker, before that is agreed to, I want to say a word. There is a bill (H. R. 6579) pensioning Mary L. Tweddle, which was laid aside in my absence. Objection was made to its consideration, and it went over without prejudice. I should like to have that bill considered.

Mr. MILES. Mr. Speaker, I suggest to the gentleman that he can have an opportunity to have it taken up later, when the House resolves itself into Committee of the Whole.

Mr. EVANS. Well, the bill is first on the Calendar, and I do not want it to lose whatever rights it has in that respect.

The SPEAKER pro tempore. The first thing in order will be the unfinished business on the Calendar. The Clerk will report the first bill.

The first unfinished business was the bill (S. 646) for the relief of Francis Brown.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Francis Brown, late of Company B, Fifth Massachusetts Cavalry, subject to the limitations of the general pension laws.

An amendment recommended by the committee striking out the words "subject to the limitations of the general pension laws" and inserting "at $12 per month" was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IRA H. SWEATT.

The next unfinished business on the Private Calendar was the bill (H. R. 2023) granting an increase of pension to Ira H. Sweatt.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that that bill be laid aside without prejudice.

Mr. MILES. I object for the present. I desire to be heard on the bill.

Mr. THOMAS. Did the gentleman from Maryland understand my request?

Mr. MILES. I think I did.

Mr. THOMAS. I will say that I made the request because the gentleman who introduced the bill came to me this afternoon and said that he would like to be present when it was under consideration, and I do not see him here.

Mr. MILES. I will say to the gentleman that I shall not insist on a vote upon the bill this evening, but I do insist upon being heard. I had something to say about this bill last Friday night, and I desire to further explain my position. I do not, however, want to take any advantage of the gentleman who introduced the bill, and if he can defend it, I shall be glad to let him have an opportunity to do so.

Mr. THOMAS. I withdraw my request.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Ira H. Sweatt, late of Company I, Thirteenth New Hampshire Volunteers, a dependent pensioner, the amount for which he is borne upon the rolls, and in addition he receive the amount which has already accrued to him while his name was borne upon said rolls.

An amendment proposed by the committee was read, as follows:

> Strike out all after the word "Volunteers," in line 5, and insert: "A pension of $12 per month from the passage of this act, under certificate No. 121863, issued October 27, 1892, and no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

The amendment was agreed to.

Mr. MILES. Mr. Speaker, on last Friday night I made some remarks touching this bill, and made certain statements with respect to it which were denied by the gentleman who offered the bill. At that time I was not so fully prepared as I am now to substantiate the statements I then made. I stated on last Friday night that this claim for pension was without merit. I stated at that time that the soldier proposed to be pensioned in this bill had already drawn a large sum of money from the Treasury of the United States upon representations made under oath which in my judgment were false and fraudulent. I think I am now prepared to show the House that the statements which I then made were true, and if, after I shall have shown that, the House sees fit to pass the bill, I shall have nothing further to say about it. I am not here quibbling about amounts. I have never been given to that kind of thing with respect to pension legislatioo. A few days ago I addressed a letter to the Pension Bureau, asking for information about this bill and requesting to have made for me, for the information of the House, a transcript of the record in the case. I have received this reply:

> DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
> *Washington, D. C., January 19, 1897.*
>
> Hon. JOSHUA W. MILES,
> *House of Representatives.*
>
> DEAR SIR: In response to your request of the 15th instant, I have the honor to state that Ira Sweatt, late private Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, pensioned by certificate No. 121863, is shown to have enlisted January 1, 1864, and served until September, 1864, when he was admitted to hospital at Point of Rocks, Md., for treatment for "fever," and was furloughed October 31, 1864. He never returned to his company, but was mustered out on an individual muster-out roll dated Boston, Mass., December 19, 1865, having been absent, sick, when regiment was mustered out.
>
> He was pensioned in 1873 at $8 per month from December 20, 1865; $20 per month from May 10, 1871, and $24 per month from June 4, 1872.

Just here I would like to say that I have made a rough calculation as to the amount of money that this soldier drew under these various allowances, and I find that it is something liko $4,000. What next?

> His name was dropped from the roll December 3, 1882, on the ground that the disability for which he was pensioned, viz, paralysis of both legs and right arm, was not contracted in line of duty, but while absent without leave.

I stated last Friday evening that this man was practically in the attitude of a deserter at the time when the disease for which he drew this $4,000 from the Government was contracted. This communication from the Pension Office shows that that statement was correct. But there is more of this:

> He made an appeal to the Secretary of the Interior in 1884, but the action of this Bureau was affirmed by the Secretary in the following language:
>
> "Although the appellant has a hospital record of 'fever' in 1864, the evidence is not sufficient to show that he was permanently affected thereby. On the other hand, the weight of evidence tends to show that his present disability was incurred while in Canada, absent from his command without authority."

I desire the attention of the House to the statements here as to where this man went after he left his regiment without leave. He went to Canada.

> He entered a second appeal in September, 1890, and under date of October 2, 1890, Assistant Secretary Bussey affirmed the action of the Bureau in this language:
>
> "From the appellant's own statements to the special examiner, it appears that soon after he arrived home on furlough he went to Canada and never returned to his command nor to the Army, and was reported absent when his regiment was mustered out."
>
> It is shown from the evidence procured by the special examiner in Canada that appellant, when he first came to that country, worked upon a farm, receiving the usual wages and performed the usual amount of labor required of men in that business.

Whereas in the sworn statement which he made to the Pension Office it is alleged that he had, prior to this time, incurred the paralysis for which he subsequently drew $24 per month by way of pension:

> That while in Canada he took a contract to put in water pipes, and worked at the same until his health failed, when he procured another to complete the contract; that some time in July, 1865, he was digging a grave when he was overcome by the heat, and sat down upon the ground and took cold, and was immediately taken sick and the next day called in a physician—

All this in Canada; all this while absent from his company without leave; all this while he was practically in the attitude of a deserter—

> that when he recovered from such sickness he was partially paralyzed. Some of his neighbors say he had a sunstroke while digging the grave referred to. "In my opinion"—

Says Mr. Bussey—

> "the evidence clearly shows that the appellant's present disability is not due to his army service, but was contracted while laying pipe and digging a grave in Canada while he was absent without leave, and your action in refusing to restore him to the pension rolls is approved and adhered to, and the appeal is dismissed."

> In the statement made by the claimant to the special examiner in September, 1881, he—

That is, this claimant—

> admitted that he went to Canada about a week after he returned to Colebrook, N. H., on his furlough, and remained there doing work for several persons until he was taken down sick with a fever; but he claimed that he had not been well a day from the time he left the army—

"Not been well a day." I want to give him the full benefit of all that he claims—

> that the first he ever noticed any trouble with his limbs was early in the summer of 1865, while still in Canada.

Now, Mr. Chairman, these are the facts as I have caused them to be procured from the Pension Office. If this House thinks that this man, who, as I claimed last Friday night and as I think I have now shown, has thus fraudulently drawn $4,000 from the Treasury upon false representations of facts as to when he contracted his disease and as to the nature of his disease, and while he was occupying practically the attitude of a deserter from the flag of his country—if this House thinks that this is the kind of a man to be put upon the pension rolls, then I, having discharged my duty, shall content myself with simply voting in the negative without saying anything further about the question.

Mr. KNOX. Mr. Speaker, I came to the House this evening under the impression that the evening was to be devoted to the consideration of pension bills in the Committee of the Whole and that bills upon the House Calendar would not be taken up. It was just as I came into the door that I heard this case called and caught some remarks from my friend from Maryland.

Mr. MILES. I want to say to my friend that I stated when this case was called up that I should not insist upon a vote this evening if the friends of the bill preferred to have it go over.

Mr. KNOX. I have no disposition to delay the matter at all. This question was fully gone into one week ago to-night, before the Committee of the Whole, upon allegations precisely the same as those which the gentleman from Maryland has seen fit to make to-night. No new facts have been disclosed.

Mr. MILES. I think my friend will bear me out in the statement that he undertook to controvert these facts when I stated them before.

Mr. KNOX. I did; and I shall continue to controvert them, because while many of the facts, baldly stated, are as the gentleman gives them, yet the inferences which he draws from them are entirely wrong and are unjust to this applicant.

The facts about the case are, as I stated one week ago, that this man Ira H. Sweatt, who lives in Lowell, the largest city in my district, is totally disabled. Both his lower limbs are paralyzed. He could not cross this Hall in the space of ten minutes. One arm is entirely paralyzed. The other arm is helpless; that is, he can not bend it at the elbow; and when working at his cobbler's bench he strikes from the shoulder. There is no question that he is totally disabled; and so far as his disability is concerned he is entitled to receive the amount of pension that he originally received. I presume my friend would not controvert that fact.

Now, he obtained a pension, the application being made some time in 1870 and the pension granted in 1873, I believe. My friend from Maryland has the exact date. Was it not 1873?

Mr. MILES. My recollection is it was 1871.

Mr. KNOX. Very well. My recollection was it was 1873. The pension at first was $8 a month, but it was finally increased to $24 a month; that is, he was pensioned as a man totally disabled.

Mr. MILES. Upon the theory that he contracted the injury in the service.

Mr. KNOX. Exactly so. He enjoyed that pension until about 1882, when, upon certain investigations which were made by the Pension Office, the pension was taken away from him.

Now, the ground of the original pension was this, and the fact, let me say, is entirely uncontroverted: He entered the Army in January and served until September of that year, when he was taken down with dumb ague and malaria, and after going into the hospital was sent home on a furlough for a certain time. The pensioner claims—and that was the evidence in the office—that after his return home he suffered a relapse of the disease which he had contracted before Petersburg while in the Army, and was thereby disabled in Canada. And so it appears from the records that he was absent without leave, while the real fact was that he was necessarily absent by reason of a recurrence of the disease.

Now, what is the explanation of that? It is that he was in Canada, a point which my friend dwells on so materially, the reason of which I explained to the committee a week ago to-night. But it must be remembered that it was practically just on the line. When he entered the service he resided with his family at the home of his brother in Colebrook, which, as the members present probably know, is only about 10 miles from the Canadian line.

Mr. MILES. How long did he stay there?

Mr. KNOX. I say when he went to the Army he went from there.

Mr. MILES. But how long did he stay there when he returned from the Army to his home?

Mr. KNOX. He left his wife there with his brother, who owned a farm in Colebrook, and while absent in the Army his brother disposed of the farm in Colebrook and took one near by, which happened to be just across the line in Canada; and so the soldier, when he returned to his home, found his wife in Canada, just as if you in your Maryland home should return there and change your residence to the next town in the same county. That fact, that the residence was changed in that way, has no bearing whatever upon this case. He joined his wife and family where they were residing with his brother. He was taken sick in the home of his brother, where his wife and family lived, having a relapse of the disease contracted at Petersburg.

Now, this disease with which he was afflicted, as physicians testify, was a recurrence of the disease contracted before Petersburg. It resulted in total paralysis and the helpless condition of which I have spoken. I agree that he drew the three or four thousand dollars during the time specified, and I have no doubt the calculation of my friend is entirely correct. It must have been somewhere near that sum, I judge. But the pension was taken from him on an investigation commenced behind his back, one of these investigations entirely ex parte, with no opportunity of being confronted with the witnesses against him, and when the result was reached, he had had no chance to be heard. The pension was taken from him on the allegation of some enemy, who knew that he was receiving the pension, that the injury from which he was suffering was received in Canada, while digging a grave or a well, as I remember, and consequently did not result from the disease contracted while in the service. The evidence on that point was conflicting. The Pension Office finally decided that the disease was not contracted in the Army, and on this ex parte investigation deprived him of the pension.

I think it was wrong. I think that the evidence was in his favor. He put in evidence of the most reputable and able physicians of the city of Lowell, men of unquestioned integrity and ability, all testifying that there was no sort of doubt that the disease was the result of injury contracted before Petersburg. But he lost the pension, and we give it up. He can not recover it. He had not money enough to get it restored. He tried somewhat by home evidence, but did not succeed, and that we must let go. Subsequently he applied for a dependent pension under the act of 1890, and upon that, as a dependent soldier, he received the pension allowance of $12 a month. The committee find that the money he received has been expended for his own support. He is a man who requires the constant attention of some one else. He can not attend to the commonest necessities of man without help. Somebody has to be with him all the time. He got a small pension of $12 a month in 1890, or about that, or possibly in 1892. When he went to the pension office in Boston to draw it, the officer said: "You have to pay back to the Government three or four thousand dollars which has been paid you on a previous pension, and after you do that you can receive the $12 a month. Call around here at the pension office fifteen or twenty or thirty years from now, if you can get excused from the shades of the disembodied spirits, and you may receive the $12 that the country has graciously granted to you."

Now, I claim that was wrong. Even if a mistake was made and this man's disease was not contracted in the Army, I claim it was wrong to deprive him of the dependent pension that he had been granted of $12 a month.

A practice has grown up in the Pension Office to do that sort of thing, to make a pensioner pay back the amount that he has received under a pension that has been granted and then taken away. I do not believe there is any law or practice or justification for it, but it is done.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. KNOX. Certainly.

Mr. GROSVENOR. Is there any allegation that there was any fraud on the part of the pensioner?

Mr. KNOX. Not a particle.

Mr. GROSVENOR. Then who was to blame?

Mr. KNOX. I was about to come to that. I will say that by a decision of Assistant Secretary Reynolds, rendered within a few months, it was decided that a pensioner could not be deprived of his pension in that way, that he could not be compelled to pay back previous payments unless there was actual fraud on his part in obtaining his pension.

Mr. MILES. Will the gentlemnn allow me to ask him a question?

Mr. KNOX. Certainly.

Mr. MILES. If it is true, as Mr. Bussey has stated, that this claimant admitted to the examiner, under oath, that he did not contract this disease until after he had left the line of duty and while he was in Canada, does it not necessarily follow that when he made his application to the Pension Office, under which he received this pension of $24 a month for ten years, when he swore to the fact that he had contracted the disease in line of duty, that he committed a fraud and swore to that which was not true?

Mr. KNOX. I have seen no such evidence in the Pension Office, and I have examined the evidence very carefully as to the pensioner's admissions.

Mr. MILES. I just read it in the presence of the House.

Mr. KNOX. You have read what Mr. Bussey said. I have seen no such evidence in the Pension Office.

Mr. MILES. Do you say it is not there?

Mr. KNOX. I do.

Mr. MILES. Then you are in conflict with Mr. Bussey, and you are in conflict with this letter which I have received officially from the Pension Office.

Mr. KNOX. Do not misunderstand me. I do not mean to say but what you have the letter, as you say you have; I do not mean to say you do not think it is as you say it is; but I say there is no evidence on file in the Pension Office, that I have seen, that this man admitted that he did not contract this disease in the Army. Mr. Speaker, think of the nonsense of it. Here is a man who has just been sick at Petersburg, who comes back and within a few months has a relapse and is rendered helpless, and all the physicians that attend him, men who know more about disease than he does, all swear that it is the result of that disease at Petersburg. Is there any sense in supposing that he said any such thing as that? Why, all the physicians that examined him, the pension examiners, the medical examiners, all said it was the result of the disease at Petersburg. Is there any sense in such a position as that?

Now, Mr. Speaker, I was going to say that the Assistant Secretary decided that the taking away from a pensioner of a pension to which he is entitled to repay one which he has received in the past, but which was erroneously granted, can not be sustained unless there is active fraud on the part of the pensioner in his claim or in his evidence.

Mr. MILES. That is just the ground on which it is put.

Mr. KNOX. There is not a particle of evidence to support that. This matter has been investigated in the Pension Office, in the Committee on Invslid Pensions, and here, in Committee of the Whole; and there is not a particle of evidence in this case that this man opposed the opinion of every physician who examined him, that this was the cause of his disability. He swore under oath that it was, instead of admitting that it was not. Is it to be supposed that a man after swearing under oath that he has contracted a disease in the line of duty, and is then suffering from it, that he admitted to a pension examiner that he did not?

Mr. MILES. Will you allow me a question right there?

Mr. KNOX. Yes.

Mr. MILES. If this claimant still insiste that he contracted the disease in the line of duty, why does he come here asking for the pittance of $12 a month? Why does he not come up like a brave and honest man and ask for the $24 of which he was deprived?

Mr. KNOX. He stood as long as he could, Mr. Speaker, against the adverse decisions of the Pension Office in 1884. He is poor. He has but a few years more to live. That $12 a month was an object to him, and he asked that from the Government. The Government granted it to him, and all he asks now is that he be paid the amount for which his name is borne on the rolls of the Pension Office to-day.

Mr. ANDREWS. Will the gentleman permit me to ask him a question?

Mr. KNOX. Certainly.

Mr. ANDREWS. Does this pensioner now hold a certificate under the law of 1890?

Mr. KNOX. Yes; only for $12.

Mr. ANDREWS. Is it in full force at the Pension Office, or is it simply holding back the pay?

Mr. KNOX. That is so.

Mr. ANDREWS. That is an important item in connection with the charge that this claimant is substantially a deserter.

Mr. KNOX. I wish to explain that, and was about to explain it. He was marked as being absent without leave on account of this very relapse that he had after he got home—which of course the officials of the Army did not know of—which prevented his return. But when the facts were discovered, this man was granted an honorable discharge. And when an honorable discharge is given, it is evidence that he had fulfilled his duty as a soldier and every obligation to the country that he intended to serve. That settled that question. And when the Government grante a man an honorable discharge, it does not lie in the mouth of my friend from Maryland to say that he is a deserter. When it is said he was a deserter, it is simply put in here as a makeweight to try to prejudice his case and deprive this man of the little pittance he is entitled to under this bill.

Mr. WALKER of Massachusetts. Will the gentleman permit me to ask him one question?

Mr. KNOX. Certainly.

Mr. WALKER of Massachusetts. Why does not the recent ruling, if he is deprived of his pension or if he is illegally deprived of it, restore him his pay?

Mr. KNOX. We are not asking for that now.

Mr. WALKER of Massachusetts. Why not ask for that? Do that.

Mr. KNOX. We ask for nothing but that this man be paid at the rate he now is borne on the roll for—$12.

Mr. WALKER of Massachusetts. Why does not the late ruling, the recent ruling, restore him his pay?

Mr. KNOX. It certainly does.

Mr. WALKER of Massachusetts. Then, why does not that end the case, so far as the House is concerned?

Mr. KNOX. Oh, no.

Mr. NORTHWAY. They will not pay him.

Mr. KNOX. They will not pay him. The pension certificate which he has simply says that he is to receive this money after repaying the Government $3,000.

Mr. MILES. Why is that condition put upon him?

Mr. KNOX. For the reason that you have undertaken to substantiate that this man fraudulently obtained a pension from the Government.

Mr. MILES. To be sure; that is what the Department has found.

Mr. KNOX. Very well. I am asking the House to restore this man the $12 a month; and it has been passed by two committees, and they say that he shall have that sum.

Mr. HAINER of Nebraska. Will the gentleman permit me to ask him a question?

Mr. KNOX. Certainly.

Mr. HAINER of Nebraska. It is claimed here that after the man's furlough had expired he continued to work on a farm, doing the usual work and receiving the usual wages, and in addition to that, when he was not engaged at such work he was digging wells and graves, which is unusually difficult manual labor; and from that it would seem that he was in proper physical condition to have returned to his command.

Mr. KNOX. What do you refer to—something in the report?

Mr. HAINER of Nebraska. That was contained in the letter which has just been read.

Mr. KNOX. That was not a fact. He did not go to work. Shortly after he went back he was taken sick, very shortly before his furlough expired.

Mr. HAINER of Nebraska. He was not sick while digging a well or a grave.

Mr. MILES. That he admits.

Mr. KNOX. I disclaim that he was continuously at work; but while he was absent he did undertake to dig a well, as I understand, or, as the gentleman has stated, a grave; and the evidence in the Pension Office claims that he was sunstruck while digging a grave or well, but he was not continuously employed in farming as a well man.

Mr. HAINER of Nebraska. It seems that he was a "well man," or he would not have undertaken that work. [Laughter.]

Mr. NORTHWAY. Was not all of that evidence developed in the Pension Office before this man received his original pension?

Mr. KNOX. Yes, sir.

Mr. NORTHWAY. And did they not grant the pension with the full knowledge of all that?

Mr. KNOX. Surely; and the discharge.

Mr. MILES. That is not correct. [Cries of "Vote!" "Vote!"]

Mr. HARDY. Mr. Speaker, there has been considerable said in the argument upon this pension claim about this soldier, whose home was in New Hampshire, on the borders of Canada, straying over into Canada during the existence of the war. Probably he did. A great many gentlemen, especially from the Southern portion of the United States, strayed over into Canada during the war and never returned until peace had been declared. [Laughter.] On the other hand, 40,000 Canadians left their homes and were faithful soldiers in the war for the Union.

But, Mr. Speaker, to get down to the meat of this question, I find, from a little mathematical calculation, that this soldier served faithfully twenty-two months. He was pensioned in December, 1865, at $8 per month.

Mr. MILES. Will the gentleman allow an interruption?

Mr. HARDY. On the question of this pension?

Mr. MILES. On the question of this pension.

Mr. HARDY. Yes, sir.

Mr. MILES. How long does the gentleman claim that this soldier served?

Mr. HARDY. According to the report, which I take to be correct, he enlisted January 1, 1864, and was discharged December 19, 1865.

Mr. MILES. You said he had served twenty-two months. Do you make that twenty-two months?

Mr. HARDY. From January, 1864, to December, 1864, would be twelve months, and from December, 1864, to December, 1865, would be, say, eleven months, making twenty-two or twenty-three months of service. From December, 1865, to May, 1871, this soldier was pensioned at the rate of $8 a month, and received $576. From May, 1871, to June, 1872, his pension was increased and was at the rate of $20 per month, giving him, in round numbers, $480. From June, 1872, to June, 1882, ten years, he received pension at the rate of $24 a month, giving him, in round numbers, $3,080. This makes an aggregate paid to him of $4,136. Now, if this soldier, paralyzed as he is to-day and as the evidence shows he was, had been pensioned at the rate he was entitled to, then he would have been entitled to receive $12 a month and to have drawn from the Government $5,320. Deduct what he has drawn, $4,126, from the amount he was entitled to draw, and you find that the Government of the United States owes him to-day, at the rate of $12 a month from the date of his discharge, $1,094, and that is what he ought to receive, if this bill would carry it.

Several MEMBERS. Vote! Vote!

Mr. HARDY. I am willing to vote now. I think we can have a vote which will pass this bill.

Mr. THOMAS. I ask unanimous consent that this bill go over without prejudice.

Mr. KNOX. I object.

Mr. MILES. I give the gentleman from Massachusetts notice that if he insists upon a vote on this bill, I shall insist on a yea-and-nay vote. I do not want to debate it any further. I am content with the record as it stands.

Mr. KNOX. Mr. Speaker, I do not think that I should consent to this bill going over because of any threat of the gentleman as to what he is going to do. I am not afraid of a yea-and-nay vote. If this bill is not a just bill and this man is not entitled to $12 a month, then I have respect enough for the members of this House to believe that they will vote against it. On the other hand, if he is entitled to it, I feel confident that they will vote for the bill.

Mr. HAINER of Nebraska. Mr. Speaker, I submit to the members of the House that questions have been raised this evening in regard to this bill which demand of us a little careful consideration. If the charges made by the gentleman from Maryland [Mr. MILES] are sustained—and they certainly seem to be sustained by the report which he has received from the Pension Office—this bill ought not to be passed. If, on the contrary, they can not be sustained, the bill should be passed, and perhaps even a bill more favorable to the claimant than this.

Mr. MILES. Mr. Speaker, as I said at the beginning, I have no disposition to push this bill hastily to a vote. I want every gentleman to be satisfied, as I am, with respect to the merits of the bill, and for that reason I suggested a while ago to the gentleman from Michigan [Mr. THOMAS] that this case might go over until every member could satisfy himself about it.

Mr. HAINER of Nebraska. To conclude, Mr. Speaker, in view of the questions raised, I submit that the proper course would be to recommit this bill to the Committee on Invalid Pensions, who will, of course, investigate these questions in the light of the charges that have been made and of the defense that has been made by the gentleman from Massachusetts. For my own part, I sincerely hope that the gentleman from Massachusetts is entirely right; but, in justice to ourselves and to the people we are representing, it seems to me that the bill should be recommitted, and should have the careful consideration which it obviously merits.

Mr. KNOX. Mr. Speaker, is there any idea that this bill was not properly investigated by the Committee on Invalid Pensions?

Mr. HAINER of Nebraska. I submit, Mr. Speaker, that I think it has not been fully investigated in the light of the charges which have been made.

Mr. KNOX. All the evidence was before the committee. Gentlemen speak of this bill going over. If it goes over, will it lose its place?

Several MEMBERS. No.

Mr. KNOX. Well, if it will not lose its place I am quite willing that it shall go over. I simply want the bill to keep its place.

The SPEAKER pro tempore. The gentleman from Massachusetts withdraws his objection. Is there further objection to the request of the gentleman from Michigan that this bill lie over without prejudice?

Mr. THOMAS. Before that question is put, Mr. Speaker, I will say to the gentleman from Massachusetts that the case having been considered by the committee and discussed in the Committee of the Whole, and discussed again this evening in the House, if it goes over until next Friday evening, members who are interested in the case can have ample opportunity to satisfy themselves in regard to its merits.

Mr. HAINER of Nebraska. I make no objection to the bill going over.

Mr. HARDY. Mr. Speaker, I would like to ask the distinguished mathematician from Maryland [Mr. MILES] how many months there are between January, 1864, and December, 1865? [Laughter.]

WILLIAM R. HARLESS.

The next unfinished business on the Private Calendar was the bill (H. R. 4629) granting a pension to William R. Harless.

Mr. TALBERT. Mr. Speaker, I rise to a parliamentary inquiry. Do I understand that we are to continue the unfinished business this evening, or go into Committee of the Whole according to the rule?

The SPEAKER pro tempore. We are proceeding with the unfinished business. There is no motion to go into Committee of the Whole.

Mr. TALBERT. Are we not out of order in this method of proceeding?

The SPEAKER pro tempore. The Chair thinks not. The unfinished business is now before the House unless a motion is made to go into Committee of the Whole. The bill just read has been reported from the Committee of the Whole with amendments, which will be read.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time.

The question being then on the passage of the bill,

Mr. TALBERT. Mr. Speaker, I think we ought to have the report read in this case. There was some discussion last Friday night in regard to this bill. It seems there is no evidence in the War Department that the command to which this soldier belonged was ever mustered into the service, and there was some doubt expressed as to whether he had actually performed service. I should be glad to have the House put into possession of some of the facts in the case, by the reading of the report.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar, under this special order for Friday night sessions.

The question being put,

The SPEAKER pro tempore. In the opinion of the Chair the ayes have it.

Mr. ERDMAN. I call for a division.

The question was again put; but before the result was announced

Mr. THOMAS said: Mr. Speaker, I desire to withdraw my motion.

The SPEAKER pro tempore. Is there objection to permitting the gentleman from Michigan [Mr. THOMAS] to withdraw his motion? The Chair hears none. The motion is withdrawn.

Mr. THOMAS. I now call for the regular order.

The SPEAKER pro tempore. The regular order is the bill which the House was just considering. The pending question is upon its passage.

Mr. TALBERT. I ask for the reading of the report in my time.

The Clerk proceeded to read the report as published in the proceedings of last Friday evening.

Mr. TALBERT (before the reading of the report was concluded). Mr. Speaker, without asking that any further time be spent in the reading of the report, I will ask that this bill be allowed by unanimous consent to go over.

Mr. THOMAS. I ask that the bill go over without prejudice.

The SPEAKER pro tempore. The request is made by the gentleman from South Carolina [Mr. TALBERT] and the gentleman from Michigan [Mr. THOMAS] that this bill be passed over without prejudice. Is there objection?

Mr. CROWTHER. I object. This question has been discussed so fully that I think members should be able to vote upon it now.

Mr. GROSVENOR. Mr. Speaker, I desire to occupy two or three minutes of the time of the House with reference to a question of importance in these pension claims. I may not be present when the case of Sweatt shall come up again, and I want to put on record very briefly my views upon one question involved in that case.

I deny the right of the Pension Office or of anybody else to set off a pension that has been allowed by the proper Bureau or by Congress against a claim of money overpaid to a pensioner, unless there has been fraud in the procurement of the pension. A pension is a gratuity of the Government, given to the soldier for his support. It is given to provide him with the means of livelihood. By the very act of the Government in giving him a certain amount per month upon the finding of the Pension Office on the evidence presented, he is authorized to expend that amount of money every month. And when, after he has done so, the Pension Office discovers it has made a mistake, or when it changes its mind or changes the method of administration, as a friend here suggests, the office has no right thereupon to go back and make a set-off or counterclaim, or whatever else you may please to call it, of the money which has been paid to the pensioner for a special purpose; it has no right to set that off against the future gratuity of the Government under the law of Congress. I know it has been done, and gross injustice has come of it. A man who draws a pension, and who has been guilty of no wrong, assumes that he has a right to use the money for his benefit and the benefit of his family. Then when the emergency becomes still greater, when he becomes older and more than ever in want of this monthly allowance for his bread and his shelter and his clothing, I deny that there is any justice or any legal right in making a counterclaim, based upon the error of the Government itself, where no wrong has been committed by the soldier, and upon such a claim depriving him of the livelihood upon which he has relied, driving him into the poorhouse, driving him to desperation and degradation, because of the former error or wrong in which he in no wise participated. This is all I desire to say.

Mr. THOMAS. I understand, Mr. Speaker, that the gentleman from Missouri will withdraw his objection to allowing the bill to go over, and I therefore ask unanimous consent that it be laid aside without prejudice.

Mr. CROWTHER. Mr. Speaker, I must object.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. TALBERT. I call attention of the House to the fact that the War Department has no evidence that this man ever had been in the military service of the Government; they give him no ratable disability. The matter is in possession of the House. I have nothing further to say.

The question was taken on the passage of the bill; and on a division (demanded by Mr. TALBERT) there were—ayes 77, noes 5.

Mr. TALBERT. No quorum.

Mr. THOMAS. I move that the House do now adjourn.

The motion was rejected.

The SPEAKER pro tempore. The Chair will count the House.

Mr. TALBERT. Mr. Speaker, I will withdraw the point.

So (no further count being demanded) the bill was passed.

Mr. KIRKPATRICK. I desire to ask unanimous consent of the House to take up House bill 9785.

Several MEMBERS. Regular order.

The SPEAKER pro tempore. The regular order is demanded.

Mr. KIRKPATRICK. I ask unanimous consent to submit this bill.

Mr. AVERY and others. Regular order!

The SPEAKER pro tempore. The regular order is the continuation of the unfinished business, and the Clerk will report the next bill.

MARGARET O'DONNELL.

The next unfinished business on the Private Calendar was the bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse, United States Volunteers.

Mr. THOMAS. I move that this bill lie on the table.

Mr. BISHOP. I ask leave to withdraw the bill, as the beneficiary is dead.

The SPEAKER pro tempore. The Chair will submit the motion of the gentleman from Michigan to lay the bill on the table.

The motion was agreed to.

J. R. PACK.

The next unfinished business on the Private Calendar was the bill (H. R. 6234) to restore the name of J. R. Pack to the pension roll, reported with amendments from the Committee of the Whole.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended as recommended by the committee.

JAMES WARBROOK.

The next unfinished business on the Private Calendar was the bill (H. R. 7115) granting a pension to James Warbrook, reported from the committee with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RICHARD C. ENRIGHT.

The next unfinished business on the Private Calendar was the bill (H. R. 6539) granting a pension to Richard C. Enright.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, let the engrossed copy of the bill be read.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

Some time subsequently,

Mr. WOOD. Mr. Speaker, the gentleman from Pennsylvania has kindly consented to withdraw his call for the reading of the engrossed copy of the bill No. 6539.

Mr. ERDMAN. I withdraw the demand.

The bill was accordingly read the third time, and passed.

The title of the bill was amended to correspond with the action of the House.

GEORGE E. REID.

The next unfinished business on the Private Calendar was the bill (H. R. 5620) to pension George E. Reid.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGE C. ABBEY.

The next unfinished business on the Private Calendar was the bill (S. 850) granting an increase of pension to George C. Abbey.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM T. WALKER.

The next unfinished business on the Private Calendar was the bill (S. 1888) granting an increase of pension to William T. Walker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES L. M'KINNEY.

The next unfinished business on the Private Calendar was the bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars, reported from the Committee of the Whole with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DANIEL GILES.

The next unfinished business on the Private Calendar was the bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars.

The bill, with the amendment recommended by the Committee of the Whole, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGE B. MERCHANT.

The next unfinished business on the Private Calendar was the bill (H. R. 3166) granting a pension and arrearage of pension to George B. Merchant.

The bill, with the amendment recommended by the Committee of the Whole, was read.

The SPEAKER pro tempore. The question is on the amendments. Without objection, they will be submitted together.

Mr. SMITH of Illinois. Mr. Speaker, it appears from the title that this bill is intended to give arrearage of pension to this applicant.

Mr. NORTHWAY. The amendments strike that out.

Mr. SMITH of Illinois. I have not seen the report.

Mr. NORTHWAY. The pension only dates from the passage of the law.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. THOMAS. I move to amend the title by striking out the words "and arrearage of pension."

The SPEAKER pro tempore. Without objection, the title will be amended as proposed by the gentleman from Michigan [Mr. THOMAS].

There was no objection.

JOSEPHINE GLOVER.

The next unfinished business on the Private Calendar was the bill (H. R. 5532) to increase the pension of Josephine Glover.

The bill was read.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY M. TYLER.

The next unfinished business on the Private Calendar was the bill (H. R. 6560) to increase the pension of Emily M. Tyler.

The bill, with the amendments recommended by the Committee of the Whole, was read.

Mr. TALBERT. Mr. Speaker, I move to amend by striking out "seventy-five" and inserting in lieu thereof "fifty."

Mr. THOMAS. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. THOMAS] asks that this go over without prejudice. Is there objection?

Mr. TALBERT. I object.

The SPEAKER pro tempore. Objection is made. The question is on the amendment to the amendment offered by the gentleman from South Carolina [Mr. TALBERT] to strike out "seventy-five" and insert "fifty."

Mr. WOOD. Mr. Speaker, when this bill came up from the Committee of the Whole a few days ago, there was some question made about the circumstances of the beneficiary named in this bill, and there seemed to be some misunderstanding as to what the evidence was. I have taken occasion to-day to examine the evidence that was laid before the committee, and it shows about this state of facts: The proposed beneficiary was not the wife of the soldier during any period of his service. She was married to him after the close of the war, and after he had been mustered out. She is 60 years of age. She is engaged in keeping a boarding house in Baltimore, according to the evidence. Her property consists of 9 acres of land. The evidence is somewhat unsatisfactory as to its situation, but perhaps the affidavit of her attorney would come nearest to disclosing what it is. That shows that it is situated about 2 or 3 miles from the business portion of the city of Baltimore. The land rents, as is stated, for about $200 per year. It is also said to be unsuited for suburban lots, and is rented for a truck patch, the rental being somewhere about $22.50 per acre. It is also stated that the taxes and other expenses about use up the income. The value put on this property is about $8,000, as stated by one witness; by another, about $6,000, and another, about $5,000 or $6,000. This widow received a pension in 1891, in March, of $30 per month.

It is stated that this property is encumbered to the extent of about $4,200. That is the evidence in the case, and it substantially corroborates the information I gave to the Committee of the Whole when the bill was before that committee.

Mr. THOMAS. I understand that the gentleman from South Carolina [Mr. TALBERT] is willing that this case shall go over without prejudice, and I renew my request.

The SPEAKER pro tempore. The gentleman from Michigan renews his request that this bill be laid aside without prejudice. Is there further objection?

There was no objection.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I desire to call the attention of the House to the possibility of going into Committee of the Whole, if two bills that I hold in my hand can be considered by unanimous consent. These bills are recommended by the Commissioner of Pensions, and apply to two special cases. These bills are not championed by any gentleman on the floor. There is no one to look after them, but at the request of the Commissioner of Pensions they are reported favorably, with a report from the committee at large; and I ask unanimous consent at this time to consider these two bills.

Mr. MILNES. Have they passed the committee?

Mr. WOOD. Can not these bills be considered in the House as in Committee of the Whole?

Mr. THOMAS. They have been considered by the Committee of the Whole, and they are on the Calendar.

Mr. WOOD. They have not passed the Committee of the Whole.

Mr. THOMAS. Oh, no.

Mr. WOOD. Can they not be considered in the House as in the Committee of the Whole?

The SPEAKER pro tempore. They have been considered in the Committee of the Whole, as the gentleman from Michigan states.

Mr. THOMAS. No; they have not; I was mistaken in that.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that these bills be considered in the House as in Committee of the Whole, and be placed upon their passage.

Mr. HERMANN. I would ask the gentleman from Michigan, instead of making an exception in favor of two claims, why not so amend his proposition as to embrace with himself the same request as to each member. There are but few members present this evening, and many of them are directly interested in some bill. Why not let the names be called in alphabetical order?

Mr. THOMAS. When we get into Committee of the Whole that request can be made.

Mr. GIBSON. Regular order.

The SPEAKER pro tempore. The regular order is demanded.

ISAAC HOLBROOK.

The next unfinished business on the Private Calendar was the bill (H. R. 2396) granting a pension to Isaac Holbrook.

The bill was read.

The SPEAKER pro tempore. The question is upon the amendment recommended by the Committee of the Whole.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was taken on the passage of the bill; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. ERDMAN. Division!

Mr. THOMAS. Mr. Speaker, I ask that the bill be laid aside without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the bill be laid aside without prejudice. Is there objection?

Mr. ERDMAN. I object.

Mr. THOMAS. When this bill is disposed of, I desire to move that the House resolve itself into Committee of the Whole, to consider the bills I have referred to and such other bills as may be disposed of.

Mr. ERDMAN. I did not hear the gentleman, and did not understand him.

Mr. THOMAS. If this can prevail, I desire to move that the House resolve itself into Committee of the Whole, to consider the two bills I referred to a moment ago.

Mr. ERDMAN. What assurance has the gentleman that the House will permit him to do so?

Mr. THOMAS. I hope it will.

Mr. ERDMAN. I hope so, too, but I do not think the gentleman has that assurance. I would rather have them considered now.

Mr. THOMAS. I would like very much to have them considered now.

Mr. ERDMAN. If unanimous consent is given for that purpose, we can very soon determine whether the House is willing or not.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. THOMAS. The gentleman from Tennessee [Mr. GIBSON], who objected to the consideration of these bills, says that he will withdraw the objection.

Mr. GIBSON. I withdraw the objection.

Mr. CONNOLLY. I object, then.

The SPEAKER pro tempore. The question is on the passage of the bill; but the Clerk will again report the title of the bill.

The title of the bill was again reported.

The SPEAKER pro tempore. The question is on the passage of the bill, and a division has been demanded.

The House divided; and there were—ayes 98, noes 0.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore. The gentleman makes the point that there is no quorum.

The SPEAKER pro tempore counted the House.

Mr. MILES. What is the count, Mr. Speaker?

The SPEAKER pro tempore. The count has not been completed.

Mr. THOMAS. Mr. Speaker, I renew my request that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan renews the request that the bill be passed over without prejudice.

Mr. ERDMAN. I must object.

The SPEAKER pro tempore. The gentleman from Pennsylvania says he must object.

Mr. THOMAS. Mr. Speaker, I move that the House adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 69, noes 35.

Mr. DOVENER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 50, nays 72, not voting 233; as follows:

YEAS—50.

Anderson,
Avery,
Baker, Kans.
Barham,
Bartlett, Ga.
Bishop,
Black,
Blue,
Boatner,
Burrell,
Calderhead,
Clardy,
Curtis, Kans.
Daniels,
De Witt,
Dockery,
Doolittle,
Ellis,
Kem,
Kleberg,
Lacey,
Latimer,
Long,
Loudenslager,
Miles,
Milnes,
Minor, Wis.
Erdman,
Evans,
Fletcher,
Graff,
Griswold,
Grosvenor,
Hainer, Nebr.
Hilborn,
Jenkins,
Moody,
Northway,
Russell, Conn.
Shafroth,
Shannon,
Shuford,
Spalding,
Thomas,
Tracey,
Turner, Va.
Tyler,
Van Voorhis,
Walker, Mass.
Wilson, Ohio.

NAYS—72.

Andrews,
Baker, Md.
Baker, N. H.
Bankhead,
Barney,
Belknap,
Broderick,
Burton, Mo.
Burton, Ohio
Connolly,
Cook, Wis.
Cooke, Ill.
Crisp,
Crowther,
Dovener,
Fairchild,
Faris,
Fenton,
Fischer,
Foss,
Gamble,
Gibson,
Grout,
Hardy,
Henry, Ind.
Hermann,
Hill,
Hooker,
Hopkins,
Howe,
Hulick,
Hunter,
Hyde,
Kirkpatrick,
Knox,
Leighty,
Lewis,
Linton,
Little,
Mahany,
McCleary, Minn.
McCulloch,
McEwan,
Miller, W. Va.
Mitchell,
Murphy,
Odell,
Otjen,
Phillips,
Pitney,
Reeves,
Rinaker,
Royse,
Sauerhering,
Smith, Ill.
Smith, Mich.
Snover,
Sorg,
Southard,
Sperry,
Stone, C. W.
Strowd, N. C.
Sulzer,
Talbert,
Tate,
Terry,
Updegraff,
Warner,
Wilber,
Willis,
Wood,
Woodman.

NOT VOTING—233.

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Allen, Utah
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Babcock,
Bailey,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Bell, Colo.
Bell, Tex.
Bennett,
Berry,
Bingham,
Boutelle,
Bowers,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Chickering,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Colson,
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Cox,
Crowley,
Crump,
Culberson,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Danford,
Dayton,
De Armond,
Denny,
Dingley,
Dinsmore,
Dolliver,
Draper,
Eddy,
Ellett,
Fitzgerald,
Foote,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Griffin,
Grow,
Hadley,
Hager,
Hall,
Halterman,
Hanley,
Harmer,
Harris,
Harrison,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hicks,
Hitt,
Howard,
Howell,
Hubbard,
Huff,
Huling,
Hull,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kendall,
Kerr,
Kiefer,
Kulp,
Kyle,
Lawson,
Layton,
Lefever,
Leisenring,
Leonard,
Lester,
Linney,
Livingston,
Lorimer,
Loud,
Low,
Maddox,
Maguire,
Mahon,
Marsh,
Martin,
McCall, Mass.
McCall, Tenn.
McClellan,
McClure,
McCormick,
McCreary, Ky.
McDearmon,
McLachlan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miller, Kans.
Milliken,
Miner, N. Y.
Mondell,
Money,
Morse,
Moses,
Mozley,
Murray,
Neill,
Newlands,
Noonan,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Pickler,
Poole,
Powers,
Price,
Prince,
Pugh,
Quigg,
Raney,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sayers,
Scranton,
Settle,
Shaw,
Sherman,
Simpkins,
Skinner,
Southwick,
Sparkman,
Spencer,
Stahle,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stokes,
Stone, W. A.
Strait,
Strode, Nebr.
Strong,
Sulloway,
Swanson,
Taft,
Tawney,
Tayler,
Thorp,
Towne,
Tracewell,
Treloar,
Tucker,
Turner, Ga.
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Williams,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woomer,
Wright,
Yoakum.

Mr. THOMAS. Mr. Speaker, I ask for a recapitulation of the vote.

The vote was recapitulated as above.

Mr. MOODY. Mr. Speaker, my colleague, Mr. SIMPKINS, is detained at his house by illness and is under the care of a physician. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, the gentleman from Nebraska [Mr. STRODE] who sits next to me left the House to-day quite ill and asked me to have him excused this evening on account of illness.

There was no objection, and it was so ordered.

Mr. THOMAS. Mr. Speaker, the gentleman from New York, Mr. CURTIS, is absent on account of sickness. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. TALBERT. Mr. Speaker, I ask that my colleague, Mr. STOKES, be excused on account of the illness of his wife.

There was no objection, and it was so ordered.

Mr. KLEBERG. Mr. Speaker, I ask that my colleague, Judge NOONAN, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. RUSSELL, who has been for some days confined to his room by illness.

There was no objection, and it was so ordered.

Mr. LOUDENSLAGER. Mr. Speaker, I ask that my colleague, Mr. GARDNER, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask that my colleague, Mr. EDDY, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. JENKINS. Mr. Speaker, I ask that my colleagues, Mr. STEWART and Mr. GRIFFIN, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. HENRY of Indiana. Mr. Speaker, I ask leave of absence for my colleague, Mr. HATCH, on account of sickness.

There was no objection, and it was so ordered.

Mr. LITTLE. Mr. Speaker, the gentleman from Mississippi, Mr. KYLE, is unwell this evening, and I ask that he be excused.

There was no objection, and it was ordered.

Mr. FAIRCHILD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. FAIRCHILD. What was the result of the vote just taken?

Mr. DANIELS. Mr. Speaker, before that is answered, I desire to ask that the gentleman from Illinois, Mr. CANNON, be excused.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, I ask the Chair to answer my parliamentary inquiry.

Mr. BAKER of Maryland. Mr. Speaker, the gentleman from North Carolina [Mr. LINNEY] who sits near me is necessarily detained from the House this evening, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. WILSON of Ohio. Mr. Speaker, I ask that the gentleman from Pennsylvania, Mr. Codding, be excused.

There was no objection, and it was so ordered.

Mr. CONNOLLY. Mr. Speaker, I ask that my colleague, Mr. Marsh, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. HOWE. Mr. Speaker, I ask that my colleague, Mr. Poole, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. SHAFROTH. Mr. Speaker, I ask that my colleague, Mr. Bell of Colorado, be excused, on account of a pressing business engagement.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, I rose to a parliamentary inquiry a while ago and asked what the result of the vote was.

The SPEAKER pro tempore. The vote will be announced in due time.

Mr. FAIRCHILD. Meanwhile I ask that Mr. Wright be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. FISCHER. Mr. Speaker, a parliamentary inquiry. Pending the announcement of this vote, is it in order to move to refer the question of this epidemic to the proper committee? [Laughter.]

The SPEAKER pro tempore. The Chair thinks that is not a parliamentary inquiry. Upon the vote just taken the yeas are 50 and the nays are 72. The noes have it, and the House refuses to adjourn.

A Member. No quorum.

Mr. McEWAN. Mr. Speaker, my colleague, Mr. Howell, has been sick for about a week, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, I move a call of the House.

Mr. MILNES. Mr. Speaker, I move to lay that motion upon the table.

Mr. BURRELL. Mr. Speaker, I ask that all members who have not answered to their names be excused. They are all sick, and there are a good many others here who are sick and ought to be absent. [Laughter.]

The SPEAKER pro tempore. The gentleman is not in order. The point of no quorum having been made, and the roll call having disclosed the fact that no quorum is present——

Mr. THOMAS (interposing). Mr. Speaker, I move that all the absentees be excused.

Mr. HOOKER. Mr. Speaker, I move that the House do now adjourn.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of order. The House has just refused to adjourn, and there is business pending. I ask that the Maine delegation be excused on account of the weather. [Laughter.] After we excuse that delegation, the gentleman's motion will be in order.

The SPEAKER pro tempore. No business has intervened, and the Chair refuses to entertain the motion to adjourn. The question is on the motion of the gentleman from New York [Mr. Fairchild] for a call of the House.

Mr. GROSVENOR. Mr. Speaker, I demand a vote on the *Maine* question. [Laughter.]

Mr. MILNES. Mr. Speaker, I move to lay the motion for a call of the House on the table.

The SPEAKER pro tempore. The Chair declines to entertain that motion.

Mr. McEWAN. Mr. Speaker, I make the point that the motion of the gentleman from New York [Mr. Hooker], that the House do now adjourn, is in order, because since the last vote on the question of adjournment business has intervened. The business that has intervened has been the granting of excuses by unanimous consent, practically a vote.

The SPEAKER pro tempore. The question is on a motion for a call of the House.

The question being taken, the Speaker pro tempore declared that the noes seemed to have it.

Several Members. Division!

The House divided; and there were—ayes 10, noes 57.

Mr. NORTHWAY. Mr. Speaker, I move that the House do now adjourn.

The question being taken, there were—ayes 55, noes 20; so the motion was agreed to; and the House accordingly (at 10 o'clock and 15 minutes p. m.), pursuant to the order previously made, adjourned until Monday.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an additional estimate of appropriation to complete the survey of the Blackfeet Indian Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a proposed joint resolution transferring a certain appropriation for expenses of Treasury notes to the appropriation for printing silver certificates—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River, Drury's Landing to New Boston—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pascagoula River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of La Crosse Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pearl River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River along the west bank from the mouth of the Iowa River, in Louisa County, to the city of Muscatine, Iowa—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lloyds Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Buffalo Fork of White River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Petaluma Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Alexandria Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10061) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, reported the same with amendment, accompanied by a report (No. 2598); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3355) entitled "An act to provide for organizing a naval battalion in the District of Columbia," reported the same without amendment, accompanied by a report (No. 2599); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which were referred sundry bills and resolutions, reported the same, accompanied by reports; which said bills, resolutions, and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The joint resolution (H. Res. 231) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River. (Report No. 2597.)

The bill (S. 3333) entitled "An act to amend an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' passed finally June 3, 1896." (Report No. 2607.)

The House resolution (No. 495) authorizing the Secretary of War to make an examination for removal of rock at the narrowest part of East River, on the eastern side, at Ravenswood, Long Island, N. Y. (Report No. 2608.)

The joint resolution (H. Res. 233) directing the Secretary of War to submit estimates for work upon the channels in Jamaica and Canarsie bays. (Report No. 2609.)

The bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York. (Report No. 2610.)

The bill (H. R. 10057) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor. (Report No. 2611.)

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 9793) granting an increase of pension to Joseph C. Berry, alias Joseph White. (Report No. 2594.)

The bill (H. R. 2214) granting a pension to Annie Beach. (Report No. 2612.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6057) granting a pension to Emily C. Merriman. (Report No. 2595.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (S. 762) entitled "An act for the relief of Henry Lane." (Report No. 2596.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 8000) for the relief of Emanuel Peck, to amend his military record, and grant him an honorable discharge to date January 4, 1862. (Report No. 2600.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1976) entitled "An act granting a pension to Catherine E. O'Brien." (Report No. 2601.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7954) to pension James H. Rathburn, father of Charles B. Rathburn. (Report No. 2602.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 2137) to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*. (Report No. 2603.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (S. 2384) entitled "An act for the relief of David O. Burleigh." (Report No. 2605.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (S. 3150) entitled "An act authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander." (Report No. 2606.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6387) for the relief of John Dunn—Committee on Claims discharged, and referred to the Committee on War Claims.

The bill (H. R. 7604) for the relief of I. Winslow Ayers—Committee on Claims discharged, and referred to the Committee on War Claims.

The bill (H. R. 363) for the relief of Fannie Bostwick, widow of Martin B. Strader—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILLIS: A bill (H. R. 10106) authorizing expenditure of certain portion of amount appropriated by river and harbor act of June 30, 1896—to the Committee on Rivers and Harbors.

By Mr. FAIRCHILD: A bill (H. R. 10107) to amend the copyright law—to the Committee on Patents.

By Mr. LINTON: A bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCORMICK: A bill (H. R. 10109) directing the Secretary of the Navy to report to Congress a design for a statue of David D. Porter, lately the Admiral of the United States Navy—to the Committee on the Library.

By Mr. PATTERSON: A bill (H. R. 10110) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A bill (H. R. 10111) to equalize the pensions paid to the Union soldiers and sailors of the rebellion of 1861 to 1865, and to the widows of said Union soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 10112) to authorize the Secretary of War to furnish certified copies of muster rolls—to the Committee on Military Affairs.

By Mr. WALKER of Massachusetts: A resolution (House Res. No. 501) authorizing the Committee on Banking and Currency to expend $120 as compensation for the employment of stenographers and typewriters—to the Committee on Accounts.

By Mr. CRISP (by request): A resolution (House Res. No. 502) relative to post-office boxes—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: A resolution (House Res. No. 503) concerning the Marquette statue—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 10113) granting an increase of pension to Harriet P. Dame—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 10114) granting a pension to E. F. Haskell—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 10115) for the relief of William H. Hardy—to the Committee on Military Affairs.

Also, a bill (H. R. 10116) for the relief of John W. Parsons—to the Committee on Military Affairs.

By Mr. KULP: A bill (H. R. 10117) for the relief of William J. Freeman—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 10118) granting an increase of pension to Frederick W. Lamb—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the Boston (Mass.) Chamber of Commerce, in favor of the construction of a dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. BOWERS: Petition of 250 residents of Redlands, Cal., favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. BRUMM: Petition of Camp No. 57, Patriotic Order Sons of America, and other societies of Tamaqua, Pa., relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BURTON of Ohio: Resolution of the Forest City Post, No. 556, Grand Army of the Republic, of Cleveland, Ohio, in favor of the Cameron resolution and the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the Ohio State Board of Commerce, in favor of the passage of Senate bill No. 2447, for the creation of a department of commerce and manufactures; also in favor of appropriations for the improvement of the Ohio River—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of O. E. Gaunt and 13 other citizens, of Legrand, Iowa, praying for the passage of House bill No. 9209, granting a service and per diem pension to all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of the Pennsylvania Republican Association, in favor of legislation relating to restorations in the civil service—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Resolution of the New England Furniture Exchange, of Boston, Mass., favoring a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, resolutions of the American Trade Press Association of New York, N. Y., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Boston (Mass.) Chamber of Commerce, favoring the construction of a dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. GAMBLE: Petition of the Congregational church, the Christian church, and the Woman's Christian Temperance Union of Carthage, S. Dak., urging the passage of House bill No. 7441 and Senate bill No. 2816, for the prevention of gambling—to the Committee on the Judiciary.

By Mr. HILBORN: Petition of the California Wool Association, of San Francisco, Cal., for a tariff on wool and woolen goods—to the Committee on Ways and Means.

Also, resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

Also, resolutions adopted by the Merchants and Manufacturers' Association of San Diego, Cal., urging the early completion of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HULING: Petition of 126 citizens of West Virginia, asking for the passage of Senate bill No. 2962, for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. KIEFER: Resolution of the National Guard of the State of Minnesota, protesting against the use of the national flag as a design for advertising—to the Committee on the Judiciary.

By Mr. KULP: Petition of George W. Seiler and 47 other citizens of the city of Milton, Pa., asking that an act be passed in relation to the American flag—to the Committee on the Judiciary.

By Mr. MARTIN: Petition of John Watson, of Richmond County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Josiah Milliken, of Richmond County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the estate of Elizabeth Covington, of Richmond County, N. C., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Mial T. Long, deceased, late of Richmond County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. MORSE: Petition of the Old Colony Historical Society, Taunton, Mass., praying for the preservation of the United States frigate *Constitution*, now going to decay at Kittery, Me.— to the Committee on Naval Affairs.

By Mr. REED: Petition of Mary Lawson and 77 other citizens of the District of Columbia, Virginia, and Maryland; also petition of Toner Holman and 209 other citizens of Mississippi, for an appropriation to pay the depositors who lost by the failure of the Freedman's Savings and Trust Company—to the Committee on the District of Columbia.

By Mr. STEELE: Papers to accompany House bill for the relief of Eliza Tate, sister of Private Tipton Tate, Company K, Seventeenth Indiana Volunteers, who died in hospital at Nashville, Tenn., in April, 1862—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: Petition of the heirs of James Ginn, deceased, late of Frederick County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

SENATE.

SATURDAY, *January 23, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

NORTH AMERICAN COMMERCIAL COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 5th instant, a detailed statement of the public revenue derived from the North American Commercial Company in its annual settlements with the Treasury Department, for the exclusive privileges which they enjoy by the terms of the lease of the seal islands of Alaska, dated May 1, 1890; which, with the accompanying papers, was ordered to lie on the table, and to be printed.

ORDER OF PROCEDURE.

Mr. HALE. I should like now, Mr. President, to renew the proposition with reference to the course of business to-day which I made last night, for the reason that a good many Senators have left town and will not be here to-day, not expecting that any of the particular subjects-matter that were up yesterday would come up to-day. But there is a general disposition to go to the Calendar and clear up the business on that list.

Mr. SHERMAN. Unobjected cases.

Mr. HALE. Unobjected cases. It is a better time now to do it than hereafter, because after this week the tide of appropriation bills from the other House will set in here. We have not any appropriation bills pending now. The one that was almost finished yesterday is the last one before the Senate; and we are waiting for the action of the House on those bills. When they come in, as Senators know, with only about five weeks of the Congress left, we shall have little time for other matters. So I renew my proposition that after the routine morning business to-day the time be devoted——

Mr. SHERMAN. Let us commence now.

Mr. PETTIGREW. I want to finish the Military Academy appropriation bill to-day.

Mr. HALE. Had not that better go over until Monday? It can be got through at any time. I think the Senator from South Dakota can get it through on Monday; but that, of course, is a matter he must decide. He has in charge an appropriation bill that is almost through. We can take it up, of course, on Monday morning and dispose of it, perhaps, in ten minutes.

Mr. COCKRELL. That would be a better course than to take it up to-day.

Mr. HALE. I think so.

Mr. PLATT. The pension bills are by themselves on the Calendar.

Mr. HALE. Then I will modify the proposition and propose that, commencing now, the day be devoted to the consideration, under Rule VIII, of unobjected bills on the Calendar.

Mr. PLATT. The pension bills to be taken first.

Mr. SHERMAN. The pension bills had better be taken up first.

Mr. GORMAN and others. Oh, no!

Mr. HALE. Suppose we go on until 3 o'clock and then take up the pension bills. Will that course be satisfactory?

Mr. WHITE. I inquire of the Senator from Maine whether such an order will interfere with the Nicaragua Canal bill.

Mr. HALE. Not in the least. The Nicaragua Canal bill is the unfinished business. Of course, at 2 o'clock it will be formally laid before the Senate, and then temporarily laid aside.

Mr. WHITE. I merely wanted to have that understood.

Mr. HALE. Nothing will uproot it.

Mr. WHITE. Very well.

Mr. HALE. Then I make the proposition that to-day be devoted to the consideration, under Rule VIII, of unobjected cases on the Calendar, and that at 3 o'clock the Senate proceed to the consideration of bills on the pension Calendar.

Mr. ALLEN. Do I understand the Senator to desire to proceed now?

Mr. MILLS. Right now.

Mr. HALE. At the suggestion of several Senators, I have made the proposition to begin now.

Mr. ALLEN. I do not desire to interpose any objection, but I think we ought to have fifteen or twenty minutes to get through with the morning business.

Mr. HALE. Of course the only trouble about that—if the Senator objects, we shall have to do it, of course——

Mr. ALLEN. I do not want to object.

Mr. HALE. The only trouble is, a Senator may get something in that will lead to debate.

Mr. ALLEN. I do not want to object at all, but there is some routine morning business that I think ought to be transacted, and it will not take twenty minutes to do it.

Mr. HALE. Then I will make the proposition that at half past 12——

Mr. ALLEN. That is right.

Mr. HALE. That at half past 12 the Senate proceed to consider, under Rule VIII, unobjected cases upon the Calendar, and that at 3 o'clock the Senate take up the pension Calendar for action.

Mr. GORMAN, Mr. MILLS, and others. All right.

Mr. GALLINGER. That will be satisfactory.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. ALLEN. I present a resolution of the senate of Nebraska, in the nature of a petition, praying for the recognition of the independence of Cuba. I ask that the resolution lie on the table and be printed in the RECORD.

The resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SENATE CHAMBER, *Lincoln, Nebr., January 12, 1897.*

Resolved, That the senate of Nebraska send to the people of Cuba now struggling to free themselves from four hundred years of Spanish misrule, oppression, and cruelty, our active sympathy in their struggle for liberty, and our earnest hope that they may soon secure the right of self-government now enjoyed by the people of the United States; that we condemn the cruelty and outrages which have marked the present Spanish wars in that island as deserving the reproach of all civilized nations, and express our hope that the day may soon dawn when Cuba shall be free and European domination and intrigue shall be banished from American soil; that we respectfully urge the President and our Senators and Representatives in Congress to actively support immediate measures designed to secure honorable, and, if possible, peaceful independence for the Island of Cuba, and that the secretary of the senate be instructed to forward to the President and to each of our representatives in Congress a copy of this resolution.

STATE OF NEBRASKA, *Lancaster County, ss:*

I, W. F. Schwind, secretary of the senate, hereby certify that the foregoing is a true and correct copy of a certain resolution passed by the senate of the State of Nebraska on the 12th day of January, 1897.

WILLIAM F. SCHWIND, *Secretary*

Mr. PLATT presented the petition of Timothy Dwight and other members of the faculty of the Yale Law School of New Haven, Conn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of the Federation of Labor of Chicago, Ill., remonstrating against the provisions of House bills 2063 and 6339, providing for the punishment of American seamen; which was ordered to lie on the table.

He also presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill., praying for the establishment of

postal-savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the New Hampshire Christian Endeavor Union, of Concord, N. H., praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Franklin, N. H., praying for the passage of Senate bill No. 1498, to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a memorial of the Michigan Presbyterian, of Detroit, Mich., and the memorial of G. O. Shields, editor of the Read Recreation, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Edmund A. Souder & Co., of Philadelphia; of Schell, Taylor & Co., of Philadelphia, of Albert C. Lowe, of Philadelphia; of R. J. Hillier, of Philadelphia; of Charles W. Clark & Son, of Philadelphia; of John S. Stilz & Son, of Philadelphia; of Fisher, Bruce & Co., of Philadelphia; of Croxton, Ward & Co., of Philadelphia; and of John L. Vandiver, of Philadelphia, all in the State of Pennsylvania, and the petition of the Esterbrook Steel Pen Manufacturing Company, of Camden, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE presented a petition of the Cincinnati Bar Association, of Cincinnati, Ohio, praying for the ratification of the arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fach Bros. Grocery Company, of Cincinnati, Ohio, and a petition of Stilwell-Bierce and Smith-Vaile Company, of Dayton, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Lexington Historical Society, of Lexington, Mass., and a petition of the Franklin Typographical Society of Boston, Mass., praying for the ratification of the arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying that an appropriation be made for the establishment of a dry dock at Charlestown, Mass.; which was referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present a petition of citizens of Bonneterre, St. François County, Mo., condemning the cruel outrages perpetrated in Cuba by Spanish soldiers, expressing sympathy with the patriotic people of that island struggling for liberty, and praying that the United States Government grant them every right and extend to them every aid possible not in open violation of existing treaties. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CAMERON presented a concurrent resolution of the legislature of Pennsylvania; which was read, and referred to the Committee on Military Affairs, as follows:

CONCURRENT RESOLUTION.

IN THE SENATE, *January 19, 1897.*

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, seige, and defense of Vicksburg, and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Pennsylvania has an especial interest in this line for the reason that of her gallant soldiers four regiments of infantry and one battery of artillery participated in the operations it is intended to commemorate: Therefore,

Resolved (if the house of representatives concur), That the general assembly of Pennsylvania ask that the above-named bill (H. R. 4339) be passed during this session of Congress and requests the Senators and Members of the House of Representatives in Congress from Pennsylvania to labor earnestly for its passage, and the secretary of the commonwealth is hereby directed to send a copy of this resolution to the Senators and Members of the House of Representatives from Pennsylvania to the Hon. THOMAS B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. T. HULL, chairman of the House Committee on Military Claims.

E. W. SMILEY,
Chief Clerk of the Senate.

The foregoing resolution concurred in January 19, 1897.

JERE B. REX.
Chief Clerk of the House of Representatives.

Approved the 20th day of January, A. D. 1897.

DANIEL H. HASTINGS.

The foregoing is a true and correct copy of concurrent resolution of the general assembly of Pennsylvania No. 1.

FRANK REEDER,
Secretary of the Commonwealth.

Mr. HOAR presented a petition of the Merchants' Association, of Boston, Mass., and a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. GEAR presented the petition of T. R. Wallace and 78 other citizens of Altantic, Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HILL presented a memorial of sundry citizens of the District of Columbia, remonstrating against the adoption of the so-called Cockrell resolution, in relation to electric lighting in the District of Columbia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 4620) granting a pension to Samuel McKinsey, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 4875) granting a pension to John W. Pogue, reported it without amendment, and submitted a report thereon.

Mr. CHILTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds, and to correct alignments," reported it with an amendment.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3585) to relieve Jacob H. Eaton from the charge of desertion from the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3586) granting a pension to James P. Hurley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3587) to change the names of certain streets in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOAR introduced a bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others" and "The United States against Alice Weil and others;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GALLINGER (for Mr. MCMILLAN) introduced a bill (S. 3589) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TILLMAN introduced a bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases; which was read twice by its title, and referred to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the memorial of Herbert M. Locke and 500 other citizens of the District of Columbia relating to the laying of electric subways in the District of Columbia, presented to the Senate on January 19 instant and referred to the Committee on the District of Columbia, together with the memorial this day presented on the same subject, be printed as a document.

UNION PACIFIC RAILROAD.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate whether he has entered into an agreement or stipulation with what is commonly known as the reorganization committee of the Union Pacific Railroad respecting the foreclosure of the Government lien thereon, and the amount, if any such agreement or stipulation has been made, said reorganization committee is to bid in the event of the foreclosure of said lien; and also send to the Senate the full text of such agreement or stipulation, together with the names of the parties thereto and the names of the persons comprising the reorganization committee, as well as the written authority he may have for beginning such foreclosure proceedings or entering into any such agreement or stipulation.

ARTESIAN WATERS OF THE DAKOTAS.

Mr. PETTIGREW submitted the following concurrent resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I ask unanimous consent for the present consideration of the resolution which I send to the desk, to secure certain papers.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The resolution will be read.

The Secretary read as follows:

Resolved, That the President is requested, if it is not, in his opinion, inconsistent with the public interests, to send to the Senate copies of all correspondence and official communications relating to the Nicaragua Canal, or the Maritime Canal Company of Nicaragua, since 1887, with the Government of Nicaragua, or any minister thereof, or between the Government of the United States and its ministers accredited to the Government of Nicaragua.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HILL. I should like to examine the resolution, and therefore I ask that it go over for to-day.

The PRESIDING OFFICER. The Senator from New York objects.

Mr. MORGAN. If I may be permitted to make a brief statement to the Senator from New York, I think he will not object.

Mr. HILL. What is the reason for the resolution?

Mr. MORGAN. The reasons for the resolution are these: The letter that was read here yesterday from Mr. Rodriguez, the minister of the Greater Republic of Central America——

Mr. HILL. I withdraw my objection, Mr. President.

The PRESIDING OFFICER. The objection being withdrawn, the resolution is before the Senate, and the question is on its passage.

The resolution was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT (at 12 o'clock and 15 minutes p. m.). The morning business is closed.

Mr. PLATT. I suggest that we might go on with the order, although the hour of half past 12 has not been reached.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Calendar under Rule VIII is in order. The first case will be announced.

NONPARTISAN INDUSTRIAL COMMISSION.

The bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital was announced as first in order on the Calendar.

Mr. PLATT. I supposed that bill was objected to and passed over into the stage preceding this.

The VICE-PRESIDENT. The Chair understands that it was placed in the position it now occupies by unanimous consent at the time.

Mr. PLATT. I did not so understand it, and I do not think the Senator from Rhode Island [Mr. ALDRICH] who made the objection so understood it. At any rate, it is a bill which can not be discussed under the five-minute rule, and I make the objection now.

The VICE-PRESIDENT. The Chair is advised that it was passed over upon the request and at the suggestion of the Senator from Maine [Mr. FRYE].

Mr. PLATT. That simply was that it should not lose its place.

The VICE-PRESIDENT. What is the request of the Senator from Connecticut?

Mr. PLATT. I object to its consideration now.

The VICE-PRESIDENT. The bill goes over, then.

Mr. PERKINS. I move that, notwithstanding the objection to the bill, it be now considered by the Senate.

Mr. PLATT. This is not in accordance with the order which was made this morning. It is for the consideration to-day of unobjected bills merely.

Mr. PERKINS. If that is the understanding, of course I withdraw the motion. The bill does not lose its place, I understand, upon the Calendar.

Mr. PLATT. I will object to it, and see where it goes then.

Mr. COCKRELL. It does not make any difference whether it is placed on the other Calendar. The Senator can call it up at any time from there just as well as from anywhere else.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

Mr. PERKINS. I rise to a parliamentary inquiry. Does the bill lose its place upon the Calendar?

Mr. SHERMAN. I think there is no question about it. The bill retains its place on the Calendar and is not displaced at all.

Mr. HILL. I suggest to the Senator from California that he ask that it go over without losing its place. That will settle it.

Mr. PERKINS. I made that request and understood it was granted. Then the Senator from Connecticut [Mr. PLATT] objected. Therefore, I wish to know the status, from a parliamentary standpoint, of the position the bill now holds. I wish to say, parenthetically speaking, that I have no interest in the bill except for the public good, but I do think that we should dispose of it, that we should either pass it or defeat it.

The VICE-PRESIDENT. The Chair will determine the question and answer the inquiry of the Senator from California after an examination of the rule.

BLACKFEET AND FORT BELKNAP INDIAN RESERVATIONS, MONT.

The bill (S. 2564) to ratify an agreement with the Indians of the Blackfeet Reservation, Mont., and making an appropriation to carry the same into effect, and the bill (S. 2565) to ratify an agreement with the Indians of the Fort Belknap Reservation, Mont., and making an appropriation to carry the same into effect, were announced as the next bills on the Calendar.

Mr. PLATT. I supposed that those two bills were passed substantially on last year's appropriation act.

Mr. COCKRELL. Let them be passed over without losing their place.

Mr. PLATT. The Senator from Montana [Mr. MANTLE] is not here, and the bills had better be passed over until he comes in.

Mr. COCKRELL. Let them be passed over.

The VICE-PRESIDENT. Without objection, the bills will be passed over.

Mr. PLATT. I think they were incorporated in an appropriation act.

Mr. COCKRELL subsequently said: Senate bill 2564 and Senate bill 2565 were included in an appropriation act, and I move that they be indefinitely postponed, and stricken from the Calendar.

Mr. PLATT. I think that is right, Mr. President.

The VICE-PRESIDENT. Without objection, it will be so ordered.

ADMISSION OF ARIZONA.

The bill (S. 2090) to enable the people of Arizona to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, was announced as next in order on the Calendar.

Mr. WHITE. That bill ought to be disposed of, Mr. President, it seems to me, at some time. It has been on the Calendar for a long while.

The VICE-PRESIDENT. The bill will be read.

Mr. SHERMAN. I think a bill proposing to form a new State ought not to be acted upon under the five-minute rule.

The VICE-PRESIDENT. It is for the Senate to decide upon the disposition of the bill.

Mr. SHERMAN. I object to the present consideration of the bill.

Mr. WHITE. Let it be passed over without losing its place.

Mr. SHERMAN. I understood that none of the bills which are merely passed over are to lose their place.

Mr. WHITE. I make the request accordingly. There is no objection to my request, I understand.

The VICE-PRESIDENT. In the absence of objection, it is so ordered. The next bill on the Calendar will be announced.

FRANCIS HALL AND JURIAH HALL.

The bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WATERBURY, CONN.

The bill (S. 493) for the erection of a public building at Waterbury, Conn., was announced as next on the Calendar.

Mr. PLATT. That bill may be passed over for the present.

The VICE-PRESIDENT. Without objection, the bill will be passed over.

SUPREME COURT BUILDING.

The bill (S. 2492) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States was announced as next on the Calendar.

Mr. GORMAN. Let that go over.

The VICE-PRESIDENT. The bill will go over.

ESTHER A. KEYSER.

The bill (S. 335) for the relief of Esther A. Keyser, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to refund and repay to Esther A. Kersey, out of any moneys standing to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, such sum or sums of money as have heretofore been paid by her, or those under or through whom she claims, to the corporation of Washington or its successors, not exceeding $2,036.61, as the purchase money for lot 3 in square 873.

The bill was reported from the Committee on the District of Columbia with an amendment, to add the following proviso:

Provided, That the amount paid under this act shall not exceed $2,036.61.

The amendment was agreed to.

Mr. COCKRELL. I should like to have some explanation of the bill.

Mr. SHERMAN. Let the report be read.

The VICE-PRESIDENT. The report will be read.

Mr. COCKRELL. Let the bill be passed over temporarily.

The VICE-PRESIDENT. Objection being interposed, the bill will be passed over.

DONATION OF CONDEMNED CANNON.

The bill (S. 1399) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic was announced as next in order.

Mr. COCKRELL. I move that that bill and two or three other bills of the same sort—I thought they were all here together—be indefinitely postponed. I hold in my hand public act No. 146, approved May 22, 1896, which authorizes the Secretary of War and the Secretary of the Navy "in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations condemned ordnance, guns, and cannon balls which may not be needed in the service of either of said Departments." It is a general law, and there is no use to pass any more special bills.

Mr. GALLINGER. And we are getting them under that general law, I will say to the Senator. In my State we have already obtained them.

Mr. COCKRELL. I move that all those bills, as we come to them, be indefinitely postponed.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. Without objection, it will be so ordered.

SHORT-PAID MAIL MATTER.

The bill (S. 2199) to regulate the delivery of short-paid mail matter was announced as next in order on the Calendar.

Mr. MILLS. That bill ought to be indefinitely postponed. It is an adverse report.

Mr. COCKRELL. Let it be indefinitely postponed.

Mr. HAWLEY. I have not looked at the bill, but my impression is that it is not the bill which authorizes——

Mr. SHERMAN. The bill has been reported adversely at any rate, and it goes over without an objection.

Mr. MILLS. There is an adverse report by the committee upon it.

Mr. COCKRELL. I object to it, anyway.

The VICE-PRESIDENT. The bill will be postponed indefinitely, in the absence of objection.

Mr. PLATT. I would rather the bill would not be postponed indefinitely until we can see what it is.

Mr. MILLS. Simply object to it, and it will be passed over.

Mr. COCKRELL. I objected to it, and it went over.

Mr. PLATT. But I understood the Chair to say that the bill would be indefinitely postponed.

Mr. COCKRELL. I first made that motion, which would be perfectly in order, as the bill was reported adversely.

Mr. SHERMAN. According to the rule under which we are acting, it would go over because reported adversely.

The VICE-PRESIDENT. The bill will be passed over.

AMES & DETRICK.

The bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California, was considered as in Committee of the Whole. It proposes to refund to Ames & Detrick, manufacturers of grain bags at San Francisco, or to the person or persons legally entitled to receive the same, the amounts actually collected from that firm and its predecessors, Detrick & Co., E. Detrick & Co., and E. Detrick, for alleged extra expenses incurred by customs officers in supervising the export of grain bags with benefit of drawback, over and above the 10 per cent retention provided by law.

Mr. PLATT. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. STEWART from the Committee on Claims, March 31, 1896.

Mr. PLATT. I do not care to hear the report read through, if it can appear in the RECORD as if read.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). If there be no objection, the report will be printed in the RECORD as having been read.

The report is as follows:

The Committee on Claims, to whom was referred the bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California, have examined the same, and report as follows:

The bill was before your committee in the Fifty-third Congress, and after due consideration it was favorably reported. It has been favorably reported to the House of Representatives at this session, but no final action has yet been taken thereon. Your committee subjoin the report made by the House Committee on Claims at this session of Congress to this report, and recommend that the bill be passed.

The report referred to is as follows:

[House Report No. 198, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 1014) for the relief of Ames & Detrick, of San Francisco, in the State of California, submit the following report:

In 1882 the Secretary of the Treasury issued a regulation to enable manufacturers of grain bags to recover the drawback allowed by law on imported materials manufactured into articles within the United States and thence exported. The regulation provided that each grain bag should bear an indelible inscription expressly reserving the drawback right to the manufacturer, and that the manufacturer should bear any extra expense of administering the regulation.

According to a report by the special Treasury agent at San Francisco, the extra expense contemplated by the regulation was the expense of appropriately and indelibly marking each bag so that none but the manufacturer could set up a legal claim to the drawback allowance, whoever might be the owner or shipper of the grain contained in the bag. This expense has always been borne by the manufacturers, and is not in controversy. But the then collector of customs at San Francisco so construed the regulation as to require the manufacturer to refund to the custom-house the compensation paid to the Government inspectors by whom the exported grain bags were counted and certified for payment of drawback. The result was that $11,004.51 were illegally exacted from this manufacturing house, under its successive firm names and styles of Detrick & Co., E. Detrick & Co., E. Detrick, and Ames & Detrick, before the exaction ceased, partly by the voluntary action of the Secretary of the Treasury and partly by virtue of a decision of the United States circuit court at San Francisco to the effect that the exactions were illegal. This decision was accepted by the Secretary of the Treasury, upon advice of the Attorney-General, as final and conclusive, without appeal to the Supreme Court. In addition to these exactions, aggregating more than $11,000, as already stated, the Department retained the statutory 10 per cent of the duties paid on the imported materials, as in other cases of drawback.

The parties, as appears from the opinion rendered by the Attorney-General to the Secretary of the Treasury, have lost their legal right to recover these unlawful exactions because they did not formally protest and appeal or enter suit upon each exaction as it was made. But from the very beginning they objected to the exaction, and were deterred from more formal proceedings for the time being by promises from the Secretary of the Treasury, the collector of customs, and the special Treasury agent at San Francisco that the matter should receive proper consideration, all of which appears from papers and information furnished to the committee from the Treasury Department. Failing to obtain relief from these assurances, they made formal protest and appeal October 6, 1886, against the exactions for the month of August in that year. The appeal was overruled by the Secretary of the Treasury, who advised the collector that charges of this nature were not subject to protest and appeal, and this advice was communicated to the parties, who therefore discontinued that mode of obtaining relief from the exactions and ultimately brought an action against the collector on a test case, with the result already stated.

In his letter of October 19, 1886, to the collector at San Francisco, overruling the protest and appeal made by the claimants against the exactions for the month of August, the Secretary of the Treasury explicitly said:

"It may be proper here to state that the decisions of the collector in cases of drawback are not subject to protest and appeal under section 2931, Revised Statutes.

"Respectfully, yours, "C. S. FAIRCHILD.
"*Acting Secretary.*"

Naturally, after the communication of this decision to them, the claimants ceased to exercise the tedious formality of protest and appeal month by month until they were induced to renew it a year afterwards for the purpose of making a test case for the courts. The result of that test is shown in the following extract from the record of the court:

[In the circuit court of the United States, Ninth judicial circuit, northern district of California. Josiah P. Ames and Edington Detrick, doing business under the firm name and style of Ames & Detrick, *vs.* John S. Hager, collector of customs, port and collection district of San Francisco, Cal. No. 6379.]

The court having overruled the demurrer of defendant to plaintiffs' complaint herein and ordered that judgment be entered herein in favor of plaintiffs, in pursuance of the prayer of the complaint: Now, therefore, by virtue of the law and by reason of the premises aforesaid, it is considered by the court that Josiah P. Ames and Edington Detrick, doing business under the firm name and style of Ames & Detrick, do have and recover of and from John S. Hager, collector of customs, port and collection district of San Francisco, Cal., the sum of $375.57, together with interest thereon at the rate of 7 per cent per annum from the 29th day of January, 1888, and their costs in this behalf expended, taxed at $15.40.

Judgment entered October 29, 1888.

L. S. B. SAWYER, *Clerk.*

Full satisfaction of this judgment is hereby acknowledged this 14th day of December, A. D. 1888.

AMES & DETRICK.

This judgment, accepted as conclusive by the Secretary of the Treasury, upon advice of the Attorney-General, stopped the illegal collections; but the $11,004.51 illegally collected prior thereto was beyond recovery by suit or refund, because the claimants, relying upon the advice and direction of Treasury officials, had not protested and appealed the payments as exacted from them.

The following letter from the Treasury Department to the then chairman of the House Committee on Ways and Means shows the opinion entertained by the Department of the equities and merits of the case:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 11, 1890.

SIR: Referring to the letter addressed to your committee by this Department July 31, 1890, respecting *House* bill 6538, for the relief of Messrs. Ames & Detrick, I have the honor to inclose herewith a copy of a report of the special agent of the Department at San Francisco, who was directed to make a thorough inquiry into the matter, in view of the strong presentation made under oath by one of the parties interested, a copy of which will be found herewith, that injustice had been done to them by the letter above referred to, both in the summary of facts and in the omission or any suggestions touching the equitable readjustment of their cases.

The Department believes that it should not withhold from the committee the new facts disclosed and the particular circumstances of the case as set forth in the report of the special agent, which exhibit equitable grounds for the interference of Congress not fully appearing heretofore in the records of the Department.

I am, sir, very respectfully,

A. B. NETTLETON,
Acting Secretary.

Hon. WM. MCKINLEY,
Chairman Committee on Ways and Means,
House of Representatives.

The committee have also been furnished with a report from the United States district attorney at San Francisco and a statement by the circuit judge before whom the test case was tried, both of which confirm the conclusion that there was no more warrant in law than there was upon the equities of the case for the collector of customs to exact from these drawback exporters the amounts he did exact in excess of the 10 per cent of duties paid as provided by the law then existing relating to drawback.

The report of the special agent of the Treasury referred to in the above letter of the Acting Secretary of the Treasury is too long to be inserted here in full, but the following are extracts from it that throw light upon the case:

"In January, 1882, the Department issued circular instructions to the effect that whenever a manufacturer of grain bags from duty-paid material should reserve to himself the drawback right arising from such manufacture * * * the legal drawback of the duties paid on exportation should be paid to him. * * * Soon after the order went into effect the larger part of the export grain traffic of the port of San Francisco was transferred to Port Costa, a village at the head of the bay of San Francisco, 30 miles distant, near to and opposite the port of Benicia, where, by law, an officer of customs was required to be stationed.

"When it transpired that the presence of an officer was necessary at Port Costa, the collector assigned the Benicia inspector there, and instead of permitting him to attend to exports he instructed him not to do so, but sent an inspector there from San Francisco to supervise the lading of bags for exportation, and collected thereafter, monthly, from Messrs. Ames & Detrick, a sum equivalent to the compensation of the officer. * * * This arrangement continued until the autumn of 1885, when Gen. O. L. Spaulding, then special agent, visiting the Pacific Coast ports and finding the Benicia inspector comparatively unemployed, recommended his removal, which was approved by the Department, after which all the official duties at Port Costa devolved upon the inspector whose compensation was charged to Messrs. Ames & Detrick. These duties consisted in protecting the revenue against smuggling, opening of the sealed hatches of vessels for the delivery of ship stores, and the performance of such other services as the collector should direct. * * *

"I am unable to comprehend any sufficient objection to the passage by Congress of a measure of relief. * * * I have not believed that the official order was intended to or could warrant the exaction of other than the expense of marking the grain bags to distinguish them from those of other makers. * * * The contention that the failure of the payers to protest each payment is fatal to the case does not, from my point of view, touch the equities of the case. * * * The Department has deducted from the face of all drawbacks the 10 per cent allowed by law on all drawbacks paid to the firm of Messrs. Ames & Detrick. This sum was evidently intended by the statute to cover the expenses incident to supervising the exportation. * * * I can not perceive how the Department can in justice withhold the recommendation to Congress.

"J. F. EVANS, *Special Agent.*"

Other features of hardship are that in illegally collecting this sum of upward of $11,000 for alleged expenses the collector gave no credit to the parties for the 10 per cent of duties retained under the drawback act, nor for the great number of exported bags upon which no drawback could be obtained because the Government inspectors were not present to count and certify them as they went aboard ship laden with grain; also, that while the inspectors who counted such bags as were certified were necessarily and beneficially employed upon a wide range of public duties under the revenue and navigation laws, at Port Costa, on the bay of San Francisco, this one house or firm was made to pay the entire compensation of these inspectors instead of a proportional part thereof, which was the most that the collector should have exacted, even under his erroneous construction of the grain bag regulation as made by the Department. The bill provides, in effect, that the Treasury Department shall refund whatever amounts were illegally and improperly collected, and which can not be refunded now without authority of Congress, because, upon advice and direction of the Department itself, these parties ceased to protest and appeal against each successive payment as it was demanded and received by the collector of customs.

There is before the committee a table showing the amounts exacted from the firm by months, the payments running from April, 1882, to October, 1887, and showing the total amount collected to have been $11,004.51, not including the amount recovered by the judgment of the circuit court at San Francisco, which finally ended the collections. This table also has the interest calculations, at the legal rate in California of 7 per cent per annum, and they show that the interest amounted to $6,254.49 on March 31, 1891, to which date the calculations were made. The present amount of interest exceeds $9,700, and this and all subsequent accretions of interest are lost to the true owners of the $11,004.51, because the Government is not legally liable for interest, the claimants have not pressed it, and the committee would not feel at liberty to recommend it if they had.

Upon the foregoing facts the committee report back the bill and recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH H. WOOD.

The bill (S. 1731) for the relief of Mrs. Sarah H. Wood was announced as next in order on the Calendar, and was read.

Mr. CHANDLER. If the Senator who reported that bill is here, I should like to have an explanation of it. I have an impression that it was a military seizure of property, and I have uniformly voted against such bills.

The PRESIDING OFFICER. The Senator who reported the bill is not present.

Mr. HILL. Let the bill be temporarily laid aside.

Mr. CHANDLER. If the Senator who reported the bill comes in, I will have no objection to its being taken up again.

The PRESIDING OFFICER. If there be no objection, the bill will be temporarily laid aside.

HEIRS OF LORENZO ANDININO AND OTHERS.

The bill (S. 2694) for the relief of the heirs of Lorenzo Andinino, Francesco Ronchietto, and Stanislas Vittone was considered as in Committee of the Whole. It proposes to appropriate $15,000, to be expended under the direction of the Secretary of State, at his discretion, for the benefit of the heirs of Lorenzo Andinino, Francesco Ronchietto, and Stanislas Vittone, Italians, who were killed by mob violence at Walsenburg, Colo., in March, 1895.

Mr. CHANDLER. I want to ask a question of the Senator from Alabama about the bill. Has not the amount already been paid in some appropriation act?

Mr. MORGAN. No; I suppose not. The Committee on Foreign Relations reported the bill unanimously after investigation, and we had no intimation that it had been paid under any other bill.

Mr. CHANDLER. Is the Senator sure that the amount was not appropriated in one of the regular appropriation acts last summer?

Mr. MORGAN. That was for the New Orleans affair, I am told.

Mr. CHANDLER. And this payment has not yet been made, the Senator thinks?

Mr. MORGAN. That is the information the committee have. I do not know anything about it personally besides that information.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINCOLN PARK, CHICAGO.

The bill (S. 2120) to release and quitclaim to the commissioners of Lincoln Park, in the county of Cook and State of Illinois, certain littoral or riparian rights belonging to the United States was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment to add:

For purposes of the extension or enlargement of said park and for no other.

Mr. CULLOM. I am not very certain that that bill is exactly the measure we ought to pass. As it has been read and the amendment has been stated, I will ask that it be laid over until I can see some members of the other branch of Congress who are interested and know all the facts. I may desire to call it up later.

The PRESIDING OFFICER. Does the Senator from Illinois desire to have the amendment acted upon before the bill is laid over?

Mr. COCKRELL. No.

Mr. CULLOM. I think it might as well rest just as it is until I learn a little more fully about it.

The PRESIDING OFFICER. The bill will go over.

DANIEL E. LYNN.

The joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Commerce with amendments, in line 5, before the word "life-saving," to insert "gold," and in line 7, before the name "Shupe," to insert "William;" so as to read:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to bestow upon Daniel E. Lynn, of the city of Port Huron, Mich., a gold life-saving medal in recognition of his heroic services in the attempt to rescue the crew of the schooner *William Shupe* on the 19th of May, 1891.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SWAN ISLAND LIGHT-HOUSE.

The bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to add the following proviso:

Provided, That a suitable site for said light-house shall be secured to the United States free of cost or liability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT GRATIOT LIFE-SAVING STATION.

The bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELEGATE FROM ALASKA.

The bill (S. 2671) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States was announced as next in order.

Mr. COCKRELL. Let that be passed over for the present.

Mr. SHERMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

PROSECUTIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2463) to regulate certain prosecutions in the District of Columbia was announced as next in order.

Mr. ALLEN. Let that bill go over, Mr. President.

Mr. GALLINGER. This is a very simple bill, making changes that are important in the laws of the District, which are recommended by the Commissioners and by others in authority here. I hope the Senator will not object to its consideration.

Mr. ALLEN. The bill pertains to the practice before the courts in prosecutions in the District of Columbia.

Mr. GALLINGER. I will state to the Senator that it simply confers jurisdiction over certain classes of cases purely municipal, sending such cases to the District courts and taking them out of the United States courts.

Mr. ALLEN. I do not think it will do the bill any harm if it goes over at the present time.

The PRESIDING OFFICER. There is objection, and the bill goes over.

REDEMPTION OF OUTSTANDING CERTIFICATES.

The bill (S. 1315) to redeem outstanding certificates issued by the board of audit and the board of public works of the District of Columbia was announced as next in order.

Mr. COCKRELL. Let that bill be passed over for the present.

The PRESIDING OFFICER. The bill will go over.

DISTRICT WATER SUPPLY.

The bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," was announced as next in order.

The PRESIDING OFFICER. The bill having been previously read, it is before the Senate as in Committee of the Whole and open to amendment.

Mr. ALLISON. Let it be read again.

Mr. CHANDLER. If the Senator from Iowa will indulge me, I will state that the bill was read and the committee amendments were reached, when it was objected to by the Senator from Indiana [Mr. TURPIE], who said he preferred that the appraisement of the rights that were taken under the act should be made by the courts of the District, instead of by the Court of Claims. An amendment making that change was submitted to the Senator from Indiana, to which he agreed. I suggest to the Senator from Iowa that the committee amendments be acted upon, and then the amendment proposed by the Senator from Indiana, and then if any Senator desires that the bill shall go over without further action I can, of course, make no objection.

Mr. GALLINGER. But my colleague would like to have it passed, of course.

Mr. CHANDLER. I desire to have it passed to-day.

Mr. ALLISON. This is the bill regulating the water supply of the District of Columbia which we had up last year, is it not?

Mr. CHANDLER. It provides that the Government shall take all the rights to the water power at Great Falls.

Mr. ALLISON. I think it is a bill of too much importance to be considered under the five-minute rule. I object to its consideration.

The PRESIDING OFFICER. The Senator from Iowa objects, and the bill goes over.

GEN. HENRY L. ABBOT.

The bill (S. 2215) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers, was considered as in Committee of the Whole. It authorizes the President to place Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, on the retired list of brigadier-generals, with the pay and emoluments of a brigadier-general of the United States Army on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

The bill (S. 742) to establish a uniform system of bankruptcy, was announced as next in order.

Mr. HOAR. There is a later bill on the Calendar on the same subject as this, a House bill, to which the majority of the Senate Committee on the Judiciary have reported the Senate bill as an amendment. I believe all the members of the committee prefer that whatever is done about this matter shall be done on that bill and not on this. The Senator from Colorado [Mr. TELLER] is absent at present, so I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BRISCOE B. BOULDIN.

The bill (S. 2060) for the relief of Briscoe B. Bouldin was considered as in Committee of the Whole. It recites that Briscoe B. Bouldin, an agent in the Internal-Revenue Service, was badly wounded while in the discharge of public duties and was subjected by his wound to the actual expense of $205.15, and proposes to pay him $205.15 in reimbursement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ADMINISTRATOR OF HENRY FITZHUGH.

The bill (S. 1212) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh, was announced as next in order, and was read.

Mr. SHERMAN. If there is a report in that case, I should like to hear it read, as the bill involves a large amount of money.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. MARTIN, from the Committee on Claims, April 14, 1896, but before concluding was interrupted by

Mr. COCKRELL. I can state to the Senator from Ohio that this is a claim for $75,000, referred to the Court of Claims under the so-called Bowman Act for a finding of fact. The Court of Claims made a report finding that the amount specified in this bill was the value of the stores which were actually used for army purposes, and that was all the court did.

There are many hundreds of cases of the same kind, and why the Committee on Claims should have reported this particular case, without reporting all of the same kind that are pending, I do not know. This, I think, is the only one I have seen on the Calendar of the many hundreds of like cases. There is a general bill reported by the Senator from Michigan [Mr. BURROWS], which contains several hundred of these claims. If we undertake to dispose of these cases individually, we shall be encumbered for years to come, because there are thousands of cases which have gone to the Court of Claims in which they have made reports on the findings of fact and have found that certain amounts were due. In this case they find that out of the $75,000 claimed there was $19,000 worth of articles used for army purposes. No doubt it is a just claim. It is only a question of policy which is involved in the passage of such individual bills.

Mr. SHERMAN. I think the bill had better go over. I object to its further consideration.

The PRESIDING OFFICER. The bill will go over.

ESTATE OF JOHN J. GUTHRIE.

The bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased, was considered as in Committee of the Whole. It proposes to relieve Louisa S. Guthrie, widow and executrix of John J. Guthrie, formerly a lieutenant in the United States Navy, from the payment of $500, charged upon the books of the Fourth Auditor's Office of the Treasury Department against him, as cash received by him from the paymaster of the U. S. S. *Saratoga*, upon his requisition as lieutenant in command of the prize ship *Nightingale*, captured on the 21st of April, 1861, as a slaver, off the west coast of Africa.

The bill also proposes to relieve the executrix from the payment of $184, overpaid allotment, which remains charged upon the books of the Fourth Auditor's Office of the Treasury Department against Lieut. John J. Guthrie, and directs the payment to the executrix of $96.84, in full of balance of pay due Lieutenant Guthrie up to and including July 15, 1861, and also the further sum of $122.07, the share of prize money awarded to him from the *Nightingale*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BUSHBY.

The bill (S. 2059) for the relief of William Bushby was announced as next on the Calendar, and was read.

Mr. SHERMAN. I think that is one of the same character of claims referred to by the Senator from Missouri [Mr. COCKRELL], and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

RESIDUARY LEGATEES OF MARK DAVIS.

The bill (S. 1915) for the relief of the residuary legatees of Mark Davis, deceased, was announced as next in order, and was read.

Mr. SHERMAN. My impression is that that is one of the same kind of claims on account of the war as those previously referred to, and it involves a large sum of money. I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

STATE WAR CLAIMS.

The bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That any State having a claim or claims against the United States, including the claims of the States of California, Oregon, and Nevada, heretofore examined and reported by the Secretary of War to the Senate in Senate

> Executive Documents Nos. 10, 11, and 17, Fifty-first Congress, first session, under an act entitled "An act to indemnify the United States for expenses incurred by them in defense of the United States," approved July 27, 1861, is hereby given the right within one year from the passage of this act to file a petition in the Court of Claims of the United States and have the same adjudicated and determined. Said Court of Claims shall, notwithstanding the statute of limitations, hear, determine, and give judgment upon all such claims according to law.

The amendment was agreed to.

Mr. ALLISON. I should like to suggest an amendment to that bill which relates to the claims of California, Oregon, and Nevada. I think there was a large amount of interest authorized to be paid by the report of the military commission. I do not think we ought to pay interest upon those claims, and I should like to offer an amendment providing that no interest shall be paid.

Mr. STEWART. I think Nevada ought to be an exception to that, because these expenses were incurred when Nevada was a Territory, and Nevada assumed the responsibility, including the interest, for what had been done before it became a State.

Mr. ALLISON. If we are to pay interest on claims such as this, it would involve the payment of enormous sums to all of the States having such claims.

Mr. STEWART. There would not be a very large sum. This indebtedness was incurred while Nevada was a Territory, and the Territory was under no obligation to assume such a war debt. In that case there ought to be an exception made.

Mr. CULLOM. I did not catch the reading of the first part of the bill. I thought the committee included in their report all the States whose amounts had not been settled in full.

The PRESIDING OFFICER. The bill will be again read.

The Secretary read the bill.

Mr. CULLOM. I only wanted to see whether it included the States generally, or was confined to a portion of them.

Mr. FRYE. What is the point about interest?

Mr. SHERMAN. We have not been in the habit of paying interest to States. Many of these claims are of a very doubtful character, and I do not think we ought to pay interest on them.

Mr. HOAR. How long has it been the established custom not to pay interest in such cases, I should like to inquire of the Senator from Ohio? Certainly since I have been in the public service interest has been paid States on many claims. One notable case was that of Virginia. In all cases where a State has incurred an obligation in the national interest and raised the money for that purpose by interest-bearing securities it has been the policy to pay interest. I am quite sure that that is the settled policy. I have not, however, had the opportunity of looking up the matter lately.

Mr. CULLOM. If the Senator will allow me, I think the New York claim was settled on that basis.

Mr. HOAR. Unless my memory is very much at fault, there was a very important claim of my own State on which, after the principal had been paid many years before, the State was allowed interest. I think the Senator from Ohio will recollect that the State of Massachusetts had assigned that claim for interest to a railroad in the State of Maine, which it was supposed, as it was a railroad connected with the British Provinces, would be of commercial advantage to the State of Massachusetts. So the State contributed that claim for interest to that railroad company, and it was paid. So that it certainly can not be stated as a universal and general rule that we do not pay interest to the States. The Senator from Maine remembers the case to which I refer.

Mr. FRYE. I remember the case perfectly well.

Mr. SHERMAN. This bill involves a large sum, and I should like to have the report read.

Mr. COCKRELL. There is no written report accompanying the bill.

Mr. SHERMAN. Then I do not think we ought to act upon a bill of this kind without at least a report.

Mr. FRYE. I hope the Senator from Ohio will not object. The gist of the bill is this matter of interest; and the Senator from Massachusetts [Mr. HOAR] stated, with entire correctness, that where a State raised money for the United States Government and issued its own bonds in order to raise the money it is the duty of the United States to pay interest on those bonds. The Supreme Court has so held, and New York recovered the interest which she had paid exactly under those circumstances—several hundred thousand dollars.

Mr. WHITE. That was quite a recent decision.

Mr. FRYE. Yes.

Mr. SHERMAN. I do not think the bill ought to be acted upon now, and I shall object to its consideration.

Mr. CHANDLER. I inquire whether this bill does anything more than remove the statute of limitations?

Mr. COCKRELL. Oh, yes; it gives a right of action.

Mr. STEWART. In the Court of Claims.

Mr. CHANDLER. I had the impression that a State could recover without any law under the New York decision where the statute of limitations had not begun to run.

Mr. COCKRELL. The bill has been objected to by the Senator from Ohio [Mr. SHERMAN] and I object to further debate on it. If we are going to do any business, let us do it.

The PRESIDING OFFICER. The Senator from Ohio objects to the further consideration of the bill, and it will go over.

Mr. FRYE. One moment, Mr. President. Does the Senator desire the bill to go over under Rule IX, or will he allow it to remain under Rule VIII?

Mr. SHERMAN. I think all these bills remain under Rule VIII until disposed of, according to the agreement under which we are acting.

Mr. FRYE. They do not, when objection is made, unless the Senator making the objection asks that they shall remain under Rule VIII.

Mr. SHERMAN. I desire to say that I have no objection to paying the claim of any particular State, but we ought to have fuller information of the amount in the Treasury before acting upon these cases.

Mr. GORMAN. Debate is out of order. Regular order, Mr. President.

The PRESIDING OFFICER. Without objection, the bill will be passed over, and remain under Rule VIII.

Mr. FRYE. That is right.

RECLASSIFICATION OF RAILWAY POSTAL CLERKS.

The bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREFERENCE IN MAIL LETTINGS.

The bill (S. 1030) to require preference to be given to citizens of the States and localities where the mails are carried in all mail lettings was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. GORMAN. Let it go over under Rule IX.

Mr. CHANDLER. I move that the bill be indefinitely postponed, Mr. President.

Mr. COCKRELL. That is better.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire, that the bill be indefinitely postponed.

The motion was agreed to.

REV. ROBERT MEACHAM.

The bill (S. 2243) for the relief of Rev. Robert Meacham was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. GORMAN. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. CALL subsequently said: In reference to the bill (S. 2243) for the relief of Rev. Robert Meacham, which has been indefinitely postponed, I ask that that order may not be taken, but that the bill may stand on the Calendar. I am informed that there is some probability that there will be a recommendation from the Postmaster-General to reimburse this man for the money he lost as postmaster.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida to reconsider the vote by which the bill was indefinitely postponed and that it stand upon the Calendar? The Chair hears none, and it will be so ordered.

CONSOLIDATION OF THIRD AND FOURTH CLASS MAIL MATTER.

The bill (S. 983) to consolidate mail matter of the third and fourth classes was announced as next in order.

Mr. CHANDLER. As that bill has been reported adversely from the Committee on Post-Offices and Post-Roads, I move that it be postponed indefinitely.

The motion was agreed to.

COIN SCALE AND COUNTERFEIT-COIN DETECTOR.

The bill (S. 1162) making an appropriation for the purchase of Fairbanks & Co.'s infallible American gold and silver coin scale and counterfeit-coin detector, for use in the post-offices throughout the United States, was announced as next in order.

Mr. GORMAN. As that bill has been reported adversely from the Committee on Post-Offices and Post-Roads, I move that it be indefinitely postponed.

The motion was agreed to.

BUILDING FOR NATIONAL MUSEUM.

The bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum was announced as next in order.

Mr. SHERMAN. As that is a bill providing for the erection of a new building, and the Senator having it in charge is not present, I ask that it may go over.

The PRESIDING OFFICER. The bill will go over, retaining its place under Rule VIII, if there be no objection.

SUFFERERS BY FOUNDERING OF LIGHT VESSEL NO. 37.

The bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37 was considered as in Committee of the Whole. It directs the Secretary of the Treasury to settle and pay the accounts of the legal representatives of Howard Selover, mate, and George Richardson, seaman, for value of clothing and effects lost when they were drowned by the foundering of light vessel No. 37, off Cape May, New Jersey, while on duty thereon during the cyclone of August, 1893, and appropriates $137.25 for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CITY WATER SUPPLY.

Mr. CHANDLER. I again ask the attention of the Senate to Senate bill 1823, which was objected to by the Senator from Iowa [Mr. ALLISON]. I ask that the committee amendments may be acted upon and that the amendment which has been drawn in pursuance of the suggestions of the Senator from Indiana [Mr. TURPIE] may be read and adopted. The bill will then be in the form in which its friends desire to have it passed. I shall then ask that it may be printed and go over, so that Senators desirous of examining the bill can examine it in that shape.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," which had been reported by the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 10, after the word "rights," to insert "not now owned by the United States;" so as to read:

> That the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, be so amended as to enable the Attorney-General and the Secretary of War, in the exercise of the authority therein and hereby conferred on them, to obtain title for the United States, by right of eminent domain or otherwise, to all the water rights not now owned by the United States at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all public purposes, and also such land as may be necessary for these purposes.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 2, before the word "months," to strike out "nine" and insert "three;" and in line 4, after the word "lands," to insert "and water rights, if any;" so as to read:

> Within three months after the approval of this act the Secretary of War and the Attorney-General shall make a written statement specifying by metes and bounds the lands and water rights, if any, they may deem necessary to take for the purposes of this act, excluding the lands already purchased by the United States and paid for, and shall file triplicate originals of said statement in the offices of the register of deeds for the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively; and said filing of said statement shall be a taking for the United States by right of eminent domain of the lands and waters specified in said statement and of the water rights appertaining thereto, and shall vest the title to the same absolutely in the United States.

The amendment was agreed to.

The next amendment was, in section 1, line 15, after the words "United States," to insert:

> *Provided*, That additional or amended written statements specifying any other lands and water rights deemed necessary to be taken under this act, not included or properly described in the statement above provided for, may be filed as aforesaid and with like effect at any time after said three months and within one year after the approval of this act.

The amendment was agreed to.

The next amendment was, in section 3, line 18, after the word "shall," to strike out "only;" in line 19, after the word "consider," to insert "only;" at the end of the same line, after the word "rights," to strike out "without reference to their values for the uses for which they are taken" and insert "and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied;" so as to read:

> In making the valuations the appraisers shall consider only the present values of the land and water rights, and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 6, line 10, after the word "persons," to strike out "of whom two shall be skilled in hydraulic engineering, to determine" and insert "to hear and report;" in line 12, after the words "board of," to strike out "referee" and insert "referees;" in line 15, after the word "apply," to strike out "and a decision of a majority of them, which" and insert "either party may appear before said board of referees, by counsel, and submit evidence in support of their contention, the evidence so taken to be filed in court by said referees with their report thereon. The said decisions of the board of referees," and, in line 22, after the word "time," to strike out "shall be conclusive on all matters of fact submitted to the board by the court if their award shall be accepted by the court" and insert:

> *Provided*, That either party may file with the court written exceptions to said report or any part thereof, and support the same by affidavits or testimony in accordance with the rules of the court, and the court shall, upon the hearing, determine the matter.

Mr. CHANDLER. Those amendments and the amendment in section 8, line 15, to insert the word "experts," may be omitted, because they are to be disposed of by the further amendments I wish to offer.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New Hampshire that the amendments should be disagreed to. If there be no objection, the amendments will be disagreed to. The Chair hears none, and it is so ordered.

Mr. CHANDLER. Now I move the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, section 1, line 1, after the word "purposes," it is proposed to insert:

> *Provided*, That the property, water rights, and franchises of the Chesapeake and Ohio Canal Company shall be exempt from the operation of this act.

The amendment was agreed to.

Mr. CHANDLER. I now offer the amendment I send to the desk, and ask to have it read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of sections 4, 5, 6, 7, 8, and 9, and insert in lieu thereof the following:

> SEC. 4. In case the Secretary of War and the Attorney-General shall not agree with any of the owners of the land and water rights taken, or with any of the owners of any land damaged by said taking, the Attorney-General shall, within six months after the filing of the statement provided for in section 1, cause proceedings to be commenced by petition in the name of the United States in the supreme court of the District of Columbia, making all such owners of land and water rights with whom no agreement has been made parties defendant, to determine the amount of compensation and damage to be paid such owners. Said court shall prescribe rules of procedure, conformable to the practice in like cases, necessary and proper to secure a speedy determination of the rights of the parties. Said court shall forthwith summon a jury to hear and determine, under its instruction, the amount of compensation and damage. The Attorney-General may appoint special counsel to represent the United States in such proceedings conspicuous for known familiarity with and experience in the laws regulating riparian rights and in hydraulics.
>
> SEC. 5. Judgments shall be entered against the United States for the amount of compensation and damages ascertained, as provided in the preceding section; and as said lands, water rights, and waters are taken for the use of the District of Columbia said judgments and the certificates that may be issued by the Secretary of War and the Attorney-General, provided for in section 2, together with the certificates of the Secretary of War and Attorney-General for the costs and expenses incurred by them in executing the provisions of this act, and for the fees of the Commissioners, provided for in section 3, and for the fees of special counsel, experts, and witnesses on behalf of the United States and for the jury shall be paid by the Secretary of the Treasury of the United States as judgments against the District of Columbia are paid.
>
> SEC. 6. Appeals may be taken by either party from the judgments rendered in such proceedings as are allowed in other cases in said court.

Mr. CHANDLER. I desire to state that the only difference between this and the original bill is that the original bill provided that the damages should be assessed by the Court of Claims, and this provides that they shall be assessed by the ordinary courts in the District.

Mr. GORMAN. I suggest to the Senator from New Hampshire that we have a reservation that when the bill comes to be considered in the Senate we shall have a right to amend even these amendments.

Mr. CHANDLER. Certainly; the whole bill will be open to amendment.

Mr. ALLISON. As I understand the suggestion of the Senator from New Hampshire, it is that the amendments shall be incorporated in the bill and that then the bill shall be printed as an original bill reported by the committee.

Mr. GORMAN. So I understand.

Mr. ALLISON. Then the whole bill will be open to amendment.

Mr. CHANDLER. The whole bill will be open to amendment.

Mr. ALLISON. I especially see no reason why the Chesapeake and Ohio Canal should be exempted from its provisions.

Mr. CHANDLER. That will be explained when the bill comes up.

Mr. ALLISON. I hope it will, for if we are going to settle the water question as a whole——

Mr. CHANDLER. I might as well answer that question now for the Senator's information.

Mr. COCKRELL. Let us act on the amendment.

Mr. CHANDLER. The Senator will allow me. The Chesapeake and Ohio Canal Company's rights are exempted because it is not intended to prevent the use of water enough to maintain the canal——

Mr. ALLISON. Very well.

Mr. CHANDLER. While it is intended to wipe out the right to use the water at Great Falls for any other purposes than those two purposes. That is the point. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CHANDLER. Now I ask that the bill may be passed over without prejudice, and be printed in its present form.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the bill now under consideration shall be passed over without prejudice, and be printed as amended. The Chair hears no objection, and it is so ordered. The next business on the Calendar will be stated.

FOG-SIGNAL VESSEL AT SAN FRANCISCO BAR.

The bill (S. 2337) for establishing a fog-signal vessel at San Francisco Bar, California, was announced as the next business in order on the Calendar.

Mr. PERKINS. The object sought to be attained by the bill has already been embodied in one of the appropriation bills. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

LIEUT. JEROME E. MORSE, UNITED STATES NAVY.

The bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 9, to strike out all after the word "act," as follows:

> And the proper accounting officers of the Treasury be, and they are hereby, authorized to allow to Jerome E. Morse an amount which, with the payments heretofore made to him, will be equal to 75 per cent of the sea pay of the grade held by him at the date of his retirement, said amount to be paid out of any money in the United States Treasury not otherwise appropriated.

So as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Lieut. Jerome E. Morse, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States; and the said transfer shall take effect as of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENTS OF LAND TO THE LOWER BRULE INDIANS.

The bill (S. 1569) allowing certain Lower Brule Indians to take allotments of land on the Rosebud Reservation, south of White River, in the State of South Dakota, was announced as the next business in order on the Calendar.

Mr. COCKRELL. I do not see present the Senator from South Dakota [Mr. PETTIGREW] who reported the bill, and I am not certain but that some provision in regard to this matter was put into the last appropriation bill. I therefore ask that the bill may retain its place on the Calendar and be passed over informally.

The PRESIDING OFFICER. That will be the order, if there be no objection. The Chair hears none.

Mr. PETTIGREW subsequently said: I will state, in regard to Senate bill 1569, which I understand was passed over, that the provisions of the bill were incorporated in an appropriation bill last year, and I therefore move that the bill be indefinitely postponed.

Mr. COCKRELL. I had it passed over with that expectation.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

MRS. SARAH H. WOOD.

Mr. BACON. During my temporary absence from the Chamber the bill (S. 1734) for the relief of Mrs. Sarah H. Wood was passed over on account of my absence. I shall be glad if the Senate will now consent to its consideration.

The PRESIDING OFFICER. If there be no objection, the bill referred to will be laid before the Senate. The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHANDLER. I think this is a bill to which I objected, and it was postponed on account of the absence from the Chamber of the Senator from Georgia [Mr. BACON]. I said that I had an impression that it is a claim to be reimbursed for captured property: that here was a military seizure of certain property some thirty or more years ago——

Mr. BACON. Will the Senator permit me to state what it is, rather than for him to surmise what it is?

Mr. CHANDLER. I would rather the Senator would answer my query than to make one of his own and answer it. I had that impression, as I stated, and I inquired what the claim is. Now I am ready to hear the Senator from Georgia.

Mr. BACON. Mr. President, this is a claim of some antiquity, it is true, but that does not in any manner rob it of the justice to which it is entitled at the hands of this Government.

It is a case where the assets in a bank in New Orleans were seized by order of a Federal commander, and the assets, including deposits, were sold and realized 60 per cent on the face value. The money was paid into the Treasury of the United States. About these facts there is no dispute.

The claim is that of a lady who was a depositor in the bank and who, I will state in passing, was a loyal citizen of the United States. The bill merely provides that she shall be repaid the exact amount, without interest, which was realized by the Government from the sale of her money or her deposit in that bank and which was paid to the United States.

I will state, in reply to the inquiry of the distinguished Senator from New Hampshire, that this seizure has been pronounced by the Supreme Court of the United States to have been an illegal seizure. It is not the case of the sequestration of property under any law of the United States. If the Senator from New Hampshire desires it, I will send him a copy of the report.

Mr. COCKRELL. The Senator from New Hampshire doubtless has one.

Mr. BACON. Has the Senator from New Hampshire the report?

Mr. CHANDLER. I have not. I am familiar with the subject, however.

Mr. BACON. The Supreme Court of the United States in the case of the Planters' Bank *vs.* The Union Bank, 16 Wallace, decided that this seizure was an illegal seizure: that there was no law which warranted the seizure. The decision is quoted in the report, and I will read it:

> The acts of Congress of August 6, 1861, and July 17, 1862, designated Government agents for seizing enemy's property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation. And under neither of the acts was the property of a banking institution made confiscable. Both of them had in view the property of natural persons who were public enemies, of persons who gave aid and comfort to the rebellion, or who held office under the Confederate government, or under one of the States comprising it. * * * It follows, then, that the order of General Banks—

That was this particular order—

> was one which he had no authority to make, and that his direction to the Union Bank to pay to the quartermaster of the Army the debt due the Planters' Bank was wholly invalid.

That is the statement of the case, and I will state that the Government in former instances, as set out in the report, has returned such money to the parties who had deposits in the bank. Senators will find, by reference to the report, the names of the parties to whom money has heretofore been returned, one under judgment of the Court of Claims, another under a special act of Congress, it being a matter of very grave doubt whether or not the Court of Claims would have jurisdiction to pass upon a case of this kind.

If I do not trespass upon the time of the Senate, it does seem to me that the commonest justice would require the return of this money.

The PRESIDING OFFICER. The Chair will inform the Senator from Georgia that his five minutes have expired.

Mr. BACON. If the Senate will indulge me just to finish the sentence. I do not wish to trespass upon its time——

Mr. CHANDLER. I ask unanimous consent that the Senator from Georgia may proceed.

The PRESIDING OFFICER. If there be no objection, the Senator from Georgia will proceed.

Mr. BACON. Here is the case of a noncombatant, a widow, who had money on deposit in the bank. Not only that, but prior to the seizure she had taken the oath of allegiance and was in no manner connected with what is called by some the rebellion. Here is her money which the Supreme Court of the United States has said was not confiscable, and there is no doubt about the fact that the Government received it into its Treasury and has held it for thirty years. The bill simply provides that without interest there shall be restored to her that which was illegally taken from her and for the taking of which it seems no possible justification can be even suggested.

Mr. CHANDLER. Can the Senator from Georgia tell me how many of these claims there are? I have had occasion to know that General Butler seized several hundred thousand dollars there. General Banks seized many thousand dollars. There has been litigation. There have been cases before the Senate. There have been reports for and against such claims, and there have been payments. The last payment, cited by the Senator from Georgia in his report, is one of January 14, 1885, which I am quite sure I voted against.

Now, if we could close up all these claims by paying this widow $2,240.74, without interest, I might be willing to let the bill be passed, either with or without my vote.

Mr. BACON. That is not the amount provided for in the bill.

Mr. CHANDLER. But I am afraid there are a great many

cases, and I think one of the most dangerous methods of legislation is, in reference to a large number of claims, involving a great amount of money, to have one claim put forward by a person whose circumstances at once interest the sympathies of Congress, as the facts in the case of this woman may.

Before I am willing to see the bill passed, I desire to have the Committee on Claims tell us how many claims of this class there are which are likely to follow this one, if we take up a claim which was left dormant for twenty or thirty years and is now presented to Congress to confront an empty Treasury. Can the Senator tell me how many claims there are?

Mr. BACON. I will state, in response to the inquiry of the Senator from New Hampshire, that if there is any other claim before the Committee on Claims, I have not been advised of the fact, and I presume that if there had been another claim there of this class it would have been referred to me at the same time that this one was, as is the usual custom in committees. I know of no other. I have no doubt there are claims on the ground of confiscated property, but the Senator will remark that the decision of the Supreme Court of the United States is based upon the specific ground that this particular act of seizure was not warranted by law, and while there may be a great many other claims for reimbursement or for remuneration for confiscated property, they would not fall within this particular class. This is a particular class of depositors in the bank in question.

Mr. CHANDLER. Let me ask the Senator whether the Planters' Bank has recovered its money?

Mr. BACON. I am not able to say.

Mr. CHANDLER. Can the Senator tell me whether the Louisiana Bank has recovered its money?

Mr. BACON. It seems that there was litigation among themselves.

Mr. CHANDLER. If the two banks recovered all the money there was in them when the seizure took place——

Mr. BACON. I have no information on this subject.

Mr. CHANDLER. Suppose the banks have recovered their money, all the money that was on deposit with them, would the Senator then have the Government pay this woman? Would not that be paying twice?

Mr. BACON. I am quite sure, although I am not able to state it definitely and authoritatively, that the fact is not as suggested by the Senator, that the banks have been reimbursed by the Government for the money which was in their possession belonging to other people and which was seized at that time.

Mr. CHANDLER. Does the Senator think the banks have been paid?

Mr. BACON. I say I am confident they have not been paid, because the fact would be so notorious that there would be no presentation of individual claims.

Mr. CHANDLER. I remember a very able report by Senator Dolph against a bill to pay several hundred thousand dollars to one of these banks. I do not know what has become of it. I voted against the bill, if it passed.

I think the Senator ought to tell us whether the amount of this claim has already been paid to the bank. He has investigated the whole question of seizure. He has discovered that the seizure was illegal, and he is in favor of giving this woman her money, and yet he does not know but that this woman's money has already been paid back to the Louisiana Bank.

Mr. BACON. I am quite confident that neither the distinguished Senator nor anyone else suspects that the bank has been paid by the Government the amount of money which was on deposit belonging to other parties at that time, and I call the attention of the Senator to the fact that if the banks had been paid the three prior cases which are set out in the report would not have been paid. Certainly the Court of Claims would not have rendered judgment in favor of the individual depositors if it were true, as is suggested by the Senator from New Hampshire, that the bank had been paid in lump all that was lost by those individual depositors.

Mr. CHANDLER. It is a singular fact that the Senator from Georgia, who is very able and very acute and a thorough investigator of any subject which he takes up, reports to us here that the Supreme Court has decided that the seizures of the Planters' Bank money and the Louisiana Bank money, including Mrs. Wood's money, were illegal, and yet does not tell us in the report and can not tell us now whether the banks have ever recovered the money from the Government.

Mr. BACON. I will say to the Senator that I can tell him with absolute certainty and personal knowledge that they have not been so paid. I have not the slightest doubt of it, and I do not suppose any other person has.

Mr. CHANDLER. I have a very feeble impression that they have been paid.

Mr. FRYE. Is there not a rule under which we are acting now that does not permit a Senator to make more than one speech?

The PRESIDING OFFICER. The Senator from Maine is correct. If the point is made, the Chair will hold that both Senators are out of order.

Mr. FRYE. The Senator from New Hampshire has already made six speeches.

Mr. PLATT. I have not paid much attention to this claim.

Mr. ALDRICH. I think the shortest course about the matter is to object to the further consideration of the bill. If it is going to be discussed hypothetically for the remaining portion of the day, it will certainly destroy the purpose for which this session is held.

Mr. CHANDLER. I do not want the debate to be shut off until I return my thanks to the Senator from Maine for calling attention to the rule which no Senator violates so habitually as he does.

Mr. FRYE. The Senator from New Hampshire is entirely welcome.

The PRESIDING OFFICER. The Senator from Rhode Island objects to the further consideration of the bill, and it will go over under the rule.

ADMINISTRATOR OF HENRY FITZHUGH.

Mr. DANIEL. I beg leave to call attention to the bill (S. 1212) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh. I think there was some objection to the bill when it was reached on the Calendar. Both my colleague and I were then absent momentarily from the Chamber. If there is no serious objection, I hope it may be taken up now.

Mr. GALLINGER. I suggest to the Senator from Virginia that the Senator from Ohio [Mr. SHERMAN] objected, and he is not in the Chamber at the present time.

RESIDUARY LEGATEES OF MARK DAVIS.

Mr. DANIEL. I will inquire, then, about the next case, the bill (S. 1915) for the relief of the residuary legatees of Mark Davis, deceased, reported by my colleague from the Committee on Claims.

Mr. ALDRICH. The same Senator objected.

Mr. DANIEL. Then I will wait until we hear from him.

The PRESIDING OFFICER. The next case on the Calendar will be announced.

PUBLICATIONS OF BENEVOLENT SOCIETIES.

The bill (S. 2035) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895," approved July 16, 1894, amending the third proviso thereof, was announced as the next order of business on the Calendar.

Mr. COCKRELL. The Senator who reported the bill is not present.

Mr. ALDRICH. The bill had better go over.

Mr. COCKRELL. Nor is the Senator who introduced it present. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under Rule VIII.

JUDGMENTS IN CIVIL CAUSES IN THE DISTRICT.

The bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest was announced as next in order on the Calendar.

Mr. COCKRELL. I ask the Presiding Officer [Mr. FAULKNER] whether under existing law judgments such as are contemplated in the bill draw interest in the District of Columbia?

The PRESIDING OFFICER. The Senator from Missouri will see by the amendment that the bill only applies to judgments in actions of tort.

Mr. COCKRELL. In the District of Columbia do judgments in actions of tort, after they are rendered and before they are paid, draw interest? Ordinarily judgments draw interest. The question is whether judgments in the District of Columbia do, and whether the bill proposes to reduce the rate to 4 per cent. That is the only question, it seems to me, as to the bill.

The PRESIDING OFFICER. The bill will go over, under Rule VIII, retaining its position.

PACIFIC RAILROADS.

The bill (S. 1369) directing the foreclosure of the Government lien on the Pacific railroads, and for other purposes, was announced as next in order on the Calendar.

Mr. ALDRICH. The bill had better go over.

Mr. GALLINGER. Let it be passed over.

The PRESIDING OFFICER. The bill will go over, under objection.

Mr. ALDRICH. The same remark applies to the next bill.

The bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, was announced as the next business in order on the Calendar.

Mr. GORMAN. Let the bill go over.

Mr. GALLINGER. The bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

ILLINOIS RIVER BRIDGE.

The bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in Jersey County, all in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, line 14, after the word "county," to strike out—

> Which said bridge shall not interfere with the free navigation of said river; and in case of any litigation arising from any obstruction or alleged obstruction to free navigation of said river; the proceeding shall be instituted in and determined by the district court of the United States for the southern district of the State of Illinois.

And insert:

> *Provided*, That the location selected shall be suitable to the interests of navigation.

So as to make the section read:

> That the St. Louis, Perry and Chicago Railroad, a corporation organized under the laws of the State of Illinois, its successors and assigns, are hereby authorized and empowered to erect, construct, establish, and maintain a railway bridge and approaches thereto across the Illinois River, in the State of Illinois, between a point to be selected by said railroad, or its successors or assigns, within 5 miles from and above the upper limits of Grafton, in the county of Jersey in said State, and a point in Calhoun County in said State, to be selected by said railroad, or its successors or assigns, opposite or nearly opposite the point so selected as aforesaid in said Jersey County: *Provided*, That the location selected shall be suitable to the interests of navigation.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "with," to strike out "spans" and insert "two equal drawspans, one on each side of the central or pivot pier, each giving a clear width of waterway;" and, in line 9, after the word "and," to strike out "75 feet in length on each side of the center of the pivot pier of the draw" and insert "60 feet;" so as to make the section read:

> SEC. 2. That the bridge authorized by and constructed under this act shall be a pivot drawbridge, the drawspan on the Jersey side to commence at the abutment of the approach on that side of the river, which abutment on the Jersey side shall be within the low-water mark, and the bridge shall have a draw over the main channel of the river, at an accessible and navigable point, with two equal drawspans, one on each side of the central or pivot pier, each giving a clear width of waterway of not less than 160 feet; and the span next the drawspan on the Calhoun side of the river shall not be less than 200 feet in length, and the remaining span of such length as shall be necessary to reach the approach on that side of the river, which will be beyond low water on the Calhoun side; all spans to have a clear headroom of 10 feet above high water, and the piers of said bridge shall be parallel with the current of the river when said bridge shall be erected.

The amendment was agreed to.

The next amendment was, in section 5, line 20, after the word "said," to strike out "construction" and insert "bridge;" in line 22, after the word "structure," to insert:

> And such aids to the passage of the draw, in the form of pile or crib guides, as the Secretary of War may deem necessary, shall be constructed by the said company.

In line 26, after the word "be," to strike out "displayed" and insert "maintained;" and in line 27, after the word "bridge," to insert "at the expense of the owners thereof;" so as to read:

> And the said bridge shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under said structure, and such aids to the passage of the draw, in the form of pile or crib guides, as the Secretary of War may deem necessary, shall be constructed by the said company; and to secure the safe passage of vessels at night there shall be maintained on said bridge, at the expense of the owners thereof, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the word "within," to strike out "two years" and insert "one year;" and in line 4, before the word "years," to strike out "five" and insert "three;" so as to make the section read:

> SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was, in section 7, line 1, after the word "That," to strike out "Congress shall have the power at any time" and insert "the right:" and in line 2, after the word "act," to strike out:

> So as to prevent or remove all hurtful obstructions to the navigation of said river by the construction of said bridge and its accessory works: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the bridge from the operation of the same.

And insert "is hereby expressly reserved;" so as to make the section read:

> SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to permit the construction of a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County in said State opposite or nearly opposite the said point in Jersey County, all in the State of Illinois."

ESTATE OF CHARLES M. ROBERTS.

The bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, after the word "administrator," to insert "de bonis non;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator de bonis non of the estate of Charles M. Roberts, deceased, the sum of $32,064.21, in full settlement of the findings of the Court of Claims in Congressional case No. 71, House Miscellaneous Document No. 108, Forty-ninth Congress, first session.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORTLAND COMPANY OF PORTLAND, ME.

The bill (S. 2538) for the relief of the Portland Company of Portland, Me., was considered as in Committee of the Whole. It proposes to pay $80,867.46, in full payment and discharge of the claim of the Portland Company for work done and material furnished in the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC WORKS OF BOSTON, MASS.

The bill (S. 2817) for the relief of the Atlantic Works of Boston, Mass., was considered as in Committee of the Whole. It proposes to submit to the Court of Claims the claims of the Atlantic Works, of Boston, Mass., for further compensation for the construction of the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JOHN ROACH, DECEASED.

The bill (S. 1181) to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*, was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That to carry out the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1884 (22 Statutes, page 477), to pay to the legal representatives of John Roach, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $330,151.42 for labor and material and dockage furnished by said Roach, and detention and occupation of his yards and shops by the United States for the gunboats *Chicago*, *Boston*, and *Atlanta*, which sum is in full and final settlement of all claims and damages between the United States and said legal representatives of John Roach, deceased, growing out of the construction of said vessels.

Mr. COCKRELL. I should like to hear some explanation of the bill. The Senator who reported it is present.

Mr. BURROWS. The bill was introduced by the Senator from Pennsylvania [Mr. QUAY].

Mr. COCKRELL. The report is a very long one, and to read it would simply take the balance of the day.

Mr. BURROWS. It is a long report. It is a claim for rent of grounds and use of machinery and services of staff used by the Government in the completion of certain vessels which were under construction by Mr. Roach, but for reasons which are well known he was unable to complete them, and the Government took possession of the yards and the plant belonging to Mr. Roach and used them for the completion of the vessels. The proof before the committee was full and conclusive that the amount fixed by the committee and inserted in the bill was correct and that it ought to be paid.

Mr. COCKRELL. How was that amount ascertained?

Mr. BURROWS. It was ascertained by affidavits filed with

the committee and other proofs as to the occupation of the plant, the length of time, and the value of such occupation.

Mr. HAWLEY. Was there not the report of a naval board?

Mr. BURROWS. I thank the Senator. I am under the impression that there was such a report of a naval board as to the use and occupation of the premises and the amount that ought to be allowed, but of this I am not certain.

Mr. HILL. I simply desire to ask the Senator from Michigan [Mr. BURROWS] what is the reason why this claim was not filed in the Court of Claims and adjudicated? What is the propriety of absolutely allowing it by statute and compelling its payment? I assume that the Department could pay it now if they desired to do so, could they not? It does not contain an appropriation. In other words, if there is an unadjusted disputed claim, why should we not refer it to the Court of Claims? I merely make the suggestion.

Mr. GRAY. Would it not require that a claim of that kind, to be adjudicated in the Court of Claims, should grow out of a contract?

Mr. HILL. This claim does grow out of a contract.

Mr. GRAY. I do not know. I am not very well informed about it.

Mr. HILL. Yes——

Mr. ALDRICH. It does not.

Mr. BURROWS. It does not grow out of a contract.

Mr. HILL. What does it grow out of?

Mr. BURROWS. The Government took possession of these works, the machinery and grounds, and used them for the completion of the vessels, for which Mr. Roach never received any compensation. The bill proposes to pay his heirs for the use and occupation of the premises.

Mr. HILL. Does not that constitute just such a claim as is passed upon by the Court of Claims?

Mr. ALDRICH. It does not constitute a contract. They can only pass upon contracts.

Mr. BURROWS. I think not. It is for the use and occupation of the premises.

Mr. HILL. That depends upon the terms of the submission to the Court of Claims. You can refer a matter pertaining to the occupation of property by statute to the Court of Claims, and the court has jurisdiction to pass upon it. Of course, under the general law it may be that the Court of Claims could not, without some affirmative legislation, proceed to determine it; but when you take a case like this it is not sent, as one under the general law, to the court. You can, of course, prescribe how it shall be done.

Mr. BURROWS. I suppose there is no doubt but that Congress might confer upon the court jurisdiction over this or any other claim. That could be done; but when the case is proven, as it has been proven in this case, if the Senator will examine the report——

Mr. HILL. Only by affidavits, as I understand, the Government not being represented.

Mr. BURROWS. And by the report of naval officers, by official reports of naval officers.

Mr. HAWLEY. A board of officers directed to inquire into that particular affair took testimony and examined the case at length.

Mr. COCKRELL. What amount did they report in favor of?

Mr. BURROWS. I do not know. The report sets out the following:

> In August, 1886, a settlement was effected between the assignees of John Roach on the one hand and the Secretary of the Navy on the other, of all matters of difference between the parties except the claim of the assignees for the prolonged use of the yards and shops of the contractor, the claim for the necessary outlay for the staff at each yard during the prolonged term, and the insurance for the same period; and the Secretary of the Navy deciding that he was without jurisdiction to pass upon and adjust said matters of difference, it was expressly stipulated that "nothing in this release contained shall be construed to prejudice the right of said assignees or of the estate of the party of the first part to apply for and receive such sum or sums of money as Congress or the Court of Claims or other proper tribunal may award or may authorize to be paid on account of such claims."

This is outside of the settlement, and the Committee on Claims were unanimous and were satisfied, from the proof submitted to the committee, that there was this balance due the heirs of Mr. Roach.

Mr. HILL. Of course, there is no use to have a Court of Claims to pass upon matters against the Government if Congress is going to step in upon special application each time and pass an act directing and allowing the adjustment of a certain sum. Congress has a right to assume the payment of claims and investigate them in its own way, by affidavits, ex parte—oral, if it desires it—and substantially usurp the functions of the Court of Claims. I suppose, however, that all we should do in such cases is to pass an enabling act to enable some court to pass upon the claim. I assume that to be the proper course. I do not make any objection to the bill. If the Senator thinks it is all right, let it be passed. I merely make that suggestion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELLEN SEXTON.

The bill (S. 515) for the relief of Mrs. Ellen Sexton was announced as next in order.

Mr. COCKRELL. That bill I object to. Let it go over under Rule IX.

The PRESIDING OFFICER. The Chair will state that the Chair has instructed the clerks that where a bill is objected to and not requested to go over under Rule IX, it shall be simply passed over.

Mr. COCKRELL. I understand that.

The PRESIDING OFFICER. And retain its place under Rule VIII. The bill to which the Senator refers will be placed under Rule IX.

Mr. ALDRICH. I suggest to the Senator from Missouri that the Senator from Wyoming [Mr. WARREN] who reported the bill is absent.

Mr. COCKRELL. It belongs to a class of cases that Congress never has entertained in any shape, manner, or form.

Mr. ALDRICH. I only suggested that it might remain upon this Calendar under Rule VIII.

Mr. COCKRELL. I do not care where it remains. I want to call the attention of the Senate to the fact that it is the kind of a case where there has never been a recovery, or anything of the sort, and I hope there never will be.

The PRESIDING OFFICER. The bill will be passed over and retain its place under Rule VIII.

HAWAIIAN BARK ARCTIC.

The bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic* was announced as next in order.

Mr. ALDRICH. That bill had better be passed over, in the absence of the Senator who reported it.

Mr. LODGE. I hope that will not be done. I am entirely familiar with the circumstances in this case and I think the bill ought to pass. If any explanation is desired, I will give it.

Mr. ALDRICH. If any Senator desires it, I will withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the owners, or their legal representatives, of the vessel or bark *Arctic* $23,500, in full compensation for the losses sustained and the services rendered by them in abandoning their business of whale catching and rescuing 176 seamen in the Arctic Sea.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD COMPANY.

The joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, was announced as next in order.

Mr. GORMAN. Let the joint resolution go over.

The PRESIDING OFFICER. Objection being made, the joint resolution will go over.

NEW HAMPSHIRE WAR CLAIMS.

The bill (S. 2517) to refer to the Court of Claims the war claims of the State of New Hampshire was announced as next in order.

Mr. COCKRELL. Let the bill go over without losing its place.

The PRESIDING OFFICER. The bill will go over without prejudice under Rule VIII.

EXTENSION OF NORTH CAPITOL STREET.

The bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home was announced as next in order.

Mr. COCKRELL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HAWLEY. Is objection made to Order of Business 830?

The PRESIDING OFFICER. The Senator from Missouri asked that the bill might go over.

Mr. COCKRELL. I asked that it might go over. The Senator who reported it [Mr. PROCTOR] is not present, and it will probably lead to discussion.

Mr. HAWLEY. He will be here in a few moments.

Mr. COCKRELL. It will probably lead to discussion anyway. I have not looked at it yet.

WOMAN SUFFRAGE.

The joint resolution (S. R. 106) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GORMAN. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PUBLIC BUILDING AT NORFOLK, VA.

The bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891, was considered as in Committee of the Whole. It proposes to appropriate $100,000 for the purpose of more fully carrying out the provisions of the act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia, approved January 2, 1891.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARTY WALLS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2927) in regard to party walls in the District of Columbia was announced as next in order.

Mr. GALLINGER. In behalf of my colleague [Mr. CHANDLER], I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over without prejudice, retaining its place, under Rule VIII.

BRIGHTWOOD RAILWAY COMPANY.

The bill (S. 906) to amend the charter of the Brightwood Railway Company of the District of Columbia was announced as next in order.

Mr. GALLINGER. I ask, likewise, that that bill go over.

The PRESIDING OFFICER. The bill will go over under the same order.

PUBLIC BUILDING AT TAMPA, FLA.

The bill (S. 497) to provide for a public building at Tampa, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 13, after the word "Florida," to insert "and by the Attorney-General of the United States;" so as to make the section read:

> That a public building for the use of the United States courts, the post-office, the custom-house, and the internal-revenue offices shall be erected in Tampa, Fla., and a suitable lot purchased for that purpose: *Provided*, That the building shall be 40 feet distant on all sides from any other building: *Provided also*, That the building shall be erected under plans and specifications prepared and approved by the Supervising Architect of the Treasury, and that the title to the lot on which the building shall be erected shall be examined and approved by the district attorney of the United States for the southern district of Florida and by the Attorney-General of the United States.

The amendment was agreed to.

The next amendment was, in section 2, line 1, before the word "hundred," to strike out "five" and insert "two;" in the same line, before "thousand," to insert "and fifty;" in line 3, after the word "Treasury," to insert "not;" in the same line, after the word "otherwise," to strike out "unappropriated" and insert "appropriated;" so as to make the section read:

> SEC. 2. That $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a lot and the erection of a building under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ROAD IN UINTA COUNTY, WYO.

The bill (S. 1830) providing for the construction of a military road from Fort Washakie, Wyo., to the mouth of the Buffalo Fork of the Snake River near Jacksons Lake, in Uinta County, Wyo., was announced as next in order.

Mr. ALDRICH. Let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

STATUE OF GEN. ULYSSES S. GRANT.

The bill (S. 162) for the erection of a monument and statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., was announced as next in order.

Mr. ALDRICH. In the absence of the Senator from Washington [Mr. SQUIRE], let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BUREAU OF ANIMAL INDUSTRY.

The bill (S. 1147) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extirpation of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock and prevent the exportation or importation of diseased cattle, live stock, or other animals, and for other purposes, was announced as next in order.

Mr. ALDRICH. Let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

WILBER H. GRAEF & CO.

The bill (S. 2116) for the relief of Wilber H. Graef & Co. was considered as in Committee of the Whole. It proposes to pay to Wilber H. Graef & Co. $943.65, being the value of goods imported by them and taken by the officer of the custom-house having them in charge, and converted to his own use.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPE FEAR RIVER LIGHT-HOUSE.

The bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C., was considered as in Committee of the Whole. It proposes to establish a light-house at the pitch of Cape Fear River, near Wilmington, N. C., at a cost not to exceed $70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. ISAACS & CO.

The bill (S. 2058) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co. was announced as next in order.

Mr. ALDRICH. That bill had better go over. It is a war claim.

Mr. DANIEL. I think that the bill——

Mr. ALDRICH. We can not take up any of those war claims this morning. There are too many of them.

Mr. DANIEL. I beg leave to state to the Senator that I think a similar bill has passed the House of Representatives. It is from the Court of Claims.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that a similar bill has been passed by the House and brought to the Senate, and it is now before the appropriate committee of this body.

Mr. ALDRICH. Then this bill had better not be passed.

Mr. DANIEL. If there be no objection, I should like very much to offer the House bill as a substitute for the Senate bill.

Mr. ALDRICH. That bill is before the Committee on Claims, and you can not do that.

Mr. DANIEL. I understand that it can not be done without unanimous consent. Then let this bill remain on the Calendar. I shall not insist.

The PRESIDING OFFICER. The bill will go over under Rule VIII, retaining its place.

AMERICAN SEAMEN.

The bill (H. R. 6399) to amend the laws relating to American seamen was announced as next in order.

Mr. GALLINGER. That bill had better go over.

The PRESIDING OFFICER. The bill will go over.

CLASSIFICATION OF LANDS IN OREGON.

The bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon was announced as next in order.

Mr. ALDRICH. The Senator from Oregon [Mr. MCBRIDE] is absent. I suggest that the bill go over.

Mr. PERKINS. I was going to state that I think the object he desires to attain is already embodied in a bill which has passed the Senate. I ask that the bill may go over under Rule VIII.

The PRESIDING OFFICER. The bill will go over as requested.

FOREST RESERVATIONS.

The bill (S. 2118) to protect forest reservations was announced as next in order.

Mr. GORMAN. Let that bill go over also.

The PRESIDING OFFICER. The bill will go over.

Mr. ALLEN subsequently said: I was out of the Chamber for just a moment when the bill (S. 2118) to protect forest reservations was passed over. It is quite an important bill, which has received the unanimous report of the Committee on Forest Reservations and the Protection of Game, and I should like consent of the Senate to have it taken up.

Mr. ALDRICH. That is too important a bill to be considered under the five-minute rule.

Mr. ALLEN. I suggest to the Senator that it will not lead to any debate. It has the unanimous report of the committee.

Mr. ALDRICH. But it may be debated, notwithstanding there is a unanimous report.

Mr. ALLEN. If the bill is read, I do not think the Senator will object to it. However, let it go over for the time.

The PRESIDING OFFICER. Does the Senator from Rhode Island object to the consideration of the bill?

Mr. ALDRICH. I do.

The PRESIDING OFFICER. The bill will be passed over.

JAMES R. D. MORRISON.

The bill (S. 694) for the relief of James R. D. Morrison and William H. Morrison, executor of William M. Morrison and administrator of Charles J. Morrison, deceased, was announced as next in order.

Mr. ALDRICH. As the Senator from Michigan [Mr. BURROWS] is not in his seat, I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over.

ALLEGED ASSESSMENTS IN THE POST-OFFICE DEPARTMENT.

The resolution proposing to instruct the Committee on Post-Offices and Post-Roads to investigate as to the authority of the Postmaster-General to levy fines against the pay of employees of the Post-Office Department for mistakes and errors in work was announced as the next business in order on the Calendar.

Mr. GALLINGER. The resolution was reported adversely. Let it go over.

Mr. FRYE. The resolution had better be indefinitely postponed.

Mr. GALLINGER. Some one wanted to have it placed on the Calendar.

The PRESIDING OFFICER. The resolution will be passed over.

TELEGRAPHIC COMMUNICATION WITH THE HAWAIIAN ISLANDS.

The bill (S. 3068) to facilitate the construction and maintenance of a telegraphic communication between the United States, the Hawaiian islands, Japan, and to promote commerce was announced as next in order.

Mr. PETTIGREW. Let that bill go over.

Mr. FRYE. Let the bill retain its place on the Calendar.

The PRESIDING OFFICER. The bill will go over.

MATTIE S. WHITNEY.

The bill (S. 2958) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, administratrix of Franklin S. Whitney, was announced as next in order.

Mr. ALDRICH. In the absence of the Senator from Florida [Mr. PASCO], I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over.

SIOUX CITY AND PACIFIC RAILWAY COMPANY.

The bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway was announced as next in order.

Mr. GALLINGER, Mr. GORMAN, and Mr. PETTIGREW. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

CLASSIFICATION AND GRADING OF GRAINS.

The bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes, was announced as next in order.

Mr. PETTIGREW. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

CUMBERLAND FEMALE COLLEGE, TENNESSEE.

The bill (S. 1623) for the relief of the Cumberland Female College, of McMinnville, Tenn., was announced as next in order.

Mr. BATE. I wish to say to the Senate that that bill has passed the Senate and House amended so as to meet the objections to it; that it went to the President and failed to be signed by the President simply for want of time. It is one of the measures which failed at the last hour of the last term. I do not think there is any objection to it, it having passed regularly. I should like very much to have it disposed of. It is a compromise to meet the objections to the bill in committee, and the report is unanimous from the Committee on Claims.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 8, after the word "occupation," to strike out "damage and destruction" and insert "and consumption;" in line 9, after the word "property," to insert "for hospital and other army purposes;" and in line 12, after the word "States," to strike out "in the use of said property during that said period for hospital purposes;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Cumberland Female College, of McMinnville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $[illegible], in full of all claims of said college for the use, occupation, and consumption of its property for hospital and other army purposes, during the late war of 1861 to 1865, by the military authority of the United States. And the acceptance of said sum by the said college shall be a complete and absolute bar to any and all claims for damage and destruction of the property of said college or the use and occupation thereof by the armies of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC LIGHT AND POWER COMPANY.

The bill (S. 3088) to authorize the extension of the lines of the Potomac Light and Power Company was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

NATIONAL CAPITAL GASLIGHT, HEAT, AND POWER COMPANY.

The bill (S. 1408) to incorporate the National Capital Gaslight, Heat, and Power Company of the District of Columbia was announced as next in order.

Mr. GALLINGER. That is an adverse report. I move that the bill be indefinitely postponed.

Mr. HILL. I prefer that it shall retain its place.

The PRESIDING OFFICER. The Senator from New York asks that the bill be passed over without prejudice.

Mr. GALLINGER. I have no objection.

The PRESIDING OFFICER. The bill will be passed over.

BEQUEST OF PETER VON ESSEN.

The bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown was announced as next in order.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to ask that the bill be recommitted to the Committee on the District of Columbia.

The PRESIDING OFFICER. Such will be the order, if there be no objection. The Chair hears none.

THE ISSUE OF BONDS.

The joint resolution (S. R. 145) regulating the issue of bonds was announced as next in order.

Mr. ALDRICH. The joint resolution had better go over.

The PRESIDING OFFICER. The joint resolution will go over.

FORD'S THEATER DISASTER.

The bill (S. 3117) to provide compensation for injuries to person of employees of the Government in the disaster at Ford's Theater, which occurred on the 9th day of June, 1893, and for other purposes, was announced as next in order.

Mr. ALDRICH. That bill will have to go over.

The PRESIDING OFFICER. The bill goes over, under objection.

Mr. HAWLEY. Do I understand that the bill providing compensation for injuries to employees of the Government in the disaster at Ford's Theater has been passed over?

Mr. PLATT. Do I understand that that bill was objected to?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). That bill has gone over.

Mr. FAULKNER. I would state that I desired that the bill should go over for the reason that all the cases embraced in the bill, except, I think, nine or ten, were provided for in an amendment to one of the appropriation bills of last year; but the House of Representatives objected to certain claims which were embraced in the amendment, which was the same as the bill of the House of Representatives, and those particular cases objected to in the House were stricken out of the appropriation bill. I thought, therefore, it was proper that, as the committee was continuing the investigation of these particular cases, this bill should remain on the Calendar until the report of the committee, which will be made in a day or two, when they will again offer, as they did at the last session, an amendment to the appropriation bill to carry out the views of the committee in reference to the indemnity that should be furnished to those persons who were not included in the indemnity under the appropriation of last year.

Mr. PLATT. That is perfectly satisfactory.

ASPEN TOWN SITE IN COLORADO.

The bill (S. 2739) to confirm the title to the Aspen town site, in the State of Colorado, was announced as next in order.

Mr. ALDRICH. The Senator from Montana [Mr. CARTER] who reported the bill is absent, and I suggest that it had better go over.

The PRESIDING OFFICER. The bill will go over.

CLASSIFICATION OF LANDS IN OREGON.

Mr. MCBRIDE. I ask consent of the Senate to return to the consideration of the bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the request of the Senator from Oregon?

Mr. ALDRICH. Let the bill be read for information.

The PRESIDING OFFICER. An objection to the bill will be in order at any time according to the rule under which the Senate is now acting. The bill will be read.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANAL BOATS SWAN AND LEWIS AND BUTLER.

The bill (S. 2721) for the relief of the owners or legal representatives of canal boats *Swan* and *Lewis and Butler* was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHAMBLIN, DELANEY & SCOTT.

The bill (S. 2777) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125 was announced as next in order.

Mr. ALDRICH. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF FINAL DECREES OF THE DISTRICT SUPREME COURT.

The bill (S. 3123) to provide for the payment of final decrees of the supreme court of the District of Columbia under an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal, and protection against floods, and for other purposes, was announced as next in order.

Mr. PROCTOR. That bill can hardly be disposed of under this rule.

The PRESIDING OFFICER. The bill will go over, under objection.

SCIENTIFIC BUREAUS IN DEPARTMENT OF AGRICULTURE.

The bill (S. 3131) to provide for a director in chief of scientific bureaus and investigations in the Department of Agriculture, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The bill (S. 2967) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, was announced as next in order.

Mr. GORMAN. Let that bill go over under Rule IX.

The PRESIDING OFFICER. It will be so ordered.

STATUE OF ABRAHAM LINCOLN AT GETTYSBURG.

The bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa., was considered as in Committee of the Whole. It proposes to appropriate $50,000 for a statue of the late President Abraham Lincoln, and for a pedestal and the preparation of a site for and the erection of the statue at Gettysburg, Adams County, Pa., under the direction and supervision of the Secretary of War, who is authorized to contract for the statue and pedestal, after the designs and a suitable site shall have been selected by a commission consisting of the Secretary of War, the Commander of the Army, the governor of Pennsylvania, and the commander in chief of the Grand Army of the Republic.

Mr. HILL. I ask whether there is not already a board or commission which has charge of the Gettysburg property? The Senator from Connecticut [Mr. HAWLEY], I presume, can inform us.

Mr. HAWLEY. Certainly, there is a commission in charge of it.

Mr. HILL. Then why should there be a special commission appointed for this purpose, or does the bill provide that this work shall be done under the commission already in existence?

Mr. HAWLEY. I was not paying attention to the reading of the bill.

Mr. HILL. Why should we appoint a special commission every time we erect a monument at Gettysburg, when, as I understand, there is a general board which has supervision of that property?

Mr. HAWLEY. There is a board which has charge of that site, but in reference to the erection of this statue, I suppose the author of the bill thought it was a matter of such special consequence that there ought to be a special commission appointed. There is a board there consisting of men who have excellent business sense and capacity for taking care of the grounds, etc., but who, perhaps, may not have any special qualification to superintend the designing and erection of statues. I do not know of any other reason why a special commission should be appointed for this purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF CORCORAN ART GALLERY BUILDING.

The bill (S. 1961) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C., was announced as next in order.

Mr. HILL. In behalf of the Senator from Maryland [Mr. GORMAN], I ask that that bill go over.

The PRESIDING OFFICER. It will be so ordered.

NEWPORT NEWS, HAMPTON AND OLD POINT RAILWAY COMPANY.

The joint resolution (S. R. 130) to extend the rights and privileges granted by an act entitled "An act authorizing the construction of a railway upon the Government reservation at Fortress Monroe" to the Newport News, Hampton and Old Point Railway Company, in the State of Virginia, was announced as next in order.

Mr. HAWLEY. I reported that joint resolution and have not yet seen the report in print. I have just sent upstairs for it, but the Senator from Virginia [Mr. DANIEL] understands the subject very well, and I think I shall ask that it lie over for the present.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The joint resolution will be passed over, retaining its place on the Calendar.

ESTATE OF DANIEL WOODSON AND ELY MOORE.

The bill (S. 1438) for the relief of the estate of Daniel Woodson and Ely Moore was considered as in Committee of the Whole. It proposes to pay to the estate of Daniel Woodson, who was formerly a receiver of public moneys in the Delaware land district of Kansas, for office expenses, etc., and $4,115 to the estate of Ely Moore, who was register of the land office in the Pawnee land district of Kansas, for clerk hire and office rent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS IN ALASKA.

The resolution reported by Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, on May 18, 1896, for the appointment of a committee of five Senators to proceed to Alaska to inquire and report as to the condition of certain industries, was announced as next in order.

Mr. GALLINGER. Let that go over. It is a resolution.

The PRESIDING OFFICER. The resolution will be passed over.

DISTRICT TAX SALES.

The bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia was announced as next in order, and was read.

Mr. HILL. Mr. President, this is a pretty important bill, and I am simply standing guard for the Senator from Nebraska [Mr. ALLEN], who, I see, has just entered the Chamber.

Mr. ALLEN. I notice what I regard as some very important defects in the bill, and as it has just been read for information, I desire to object to it. Let it go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

THE NATIONAL PLANT, FLOWER, AND FRUIT GUILD.

The bill (S. 2892) to incorporate The National Plant, Flower, and Fruit Guild was announced as next in order.

Mr. GORMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

ALIENATION OF INDIAN TITLES.

The bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes, was announced as next in order.

Mr. ALDRICH. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

ESTATES OF SAMUEL RHEA AND JOSEPH R. ANDERSON.

The bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased, was considered as in Committee of the Whole. It proposes to pay, out of the fund arising from the sale of captured and abandoned property, now in the Treasury, to John L. Rhea, executor of Samuel Rhea, deceased, $12,825.61, and to John Anderson, administrator of Joseph R. Anderson, deceased, $1,803.35, those being the proportions to which each party is entitled in 64 bales of cotton taken and receipted for by E. Hade, captain and assistant quartermaster, on the 19th of September, 1864, at Atlanta, Ga., and turned over to the United States Treasury agents, and by them sold and the proceeds turned over to the United States Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. J. TAPP & CO.

The bill (S. 2988) for the relief of W. J. Tapp & Co. was considered as in Committee of the Whole. It proposes to pay to W. J. Tapp & Co. $240.10, as a refund of duties erroneously exacted on certain machinery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ANTISELL.

The bill (S. 315) for the relief of Thomas Antisell was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in line 3, before the word

'thousand," to strike out "ten" and insert "two;" and after 'thousand" to insert "five hundred;" so as to read "$2,500."

The amendment was agreed to.

Mr. PLATT. I should like to have the report read.

The PRESIDING OFFICER. The report will be read.

The report submitted by Mr. BURROWS May 19, 1896, was read, as follows:

The Committee on Claims, to whom was referred Senate bill 703, have had the same under consideration and find that it has received the consideration of previous Congresses, and at the first session of the Fifty-second Congress was reported favorably by the Senate Committee on Claims, which report your committee adopt as presenting all the material facts in the case, as follows:

"The Committee on Claims, to which was referred the bill (S. 1790) for the relief of Thomas Antisell, have had the same under consideration, and beg leave respectfully to report as follows:

"The bill proposes an appropriation of $10,000 to Dr. Thomas Antisell for injury to his real property, situate at the west end of Long Bridge, near the banks of the Potomac River, in Virginia, where, at the breaking out of the war, Dr. Antisell resided. Of his loyalty to the Government of the United States in those troublesome times there can be no doubt. He was in the service of the Government and he remained a loyal, intelligent, and efficient officer, and in every avocation acquitted himself in a manner wholly creditable to himself and to the great advantage of his country. At the breaking out of the war troops occupied his place, a fort was built upon it, his home was broken up, and he was compelled to remove to the District of Columbia, where he has ever since resided. The orchard and forest and fencing was taken by the troops and used for firewood, or in the construction of a fort thereat, or for other military uses.

"Your committee has repeatedly held that damage in the form of depredations or injuries to real property within the limits of the States in rebellion, or where war was flagrant, are not such damages as the Government is called upon under any circumstances to pay. The Government is in such places engaged in such work upon its own lawful business, and can not be required to compensate for injuries resulting therefrom, unavoidably or otherwise, on any principle of law or equity.

"Nor does your committee recognize that always quartermaster and commissary stores used by the Army in time of war call for compensation, but instances have occurred where it has seemed not inappropriate to pay for timber used in the construction of forts or for firewood, or for other military uses, where there are circumstances indicating that it was the purpose of the officers of the Government so to pay for the same.

"If any case justifies such a payment, it seems to your committee the case at bar is one. The place occupied was in sight of the Capitol, the officers of the Government seem to have entered upon a consideration and negotiation as to the value of the property taken by them, but in the excitement and mutations of the time did not give to Dr. Antisell the proper vouchers whereby he could be paid for the same; but your committee do not believe that the value of the orchard, the forest trees, and the fencing used for military purposes by the Army exceeds in value the sum of $2,500, and, believing that that sum, upon the principle hereinbefore stated, is due Dr. Antisell, your committee recommend that the words 'ten thousand dollars' where they occur in the bill be stricken out, and that the words 'two thousand five hundred dollars' be inserted in lieu thereof, and as so amended your committee recommend that the bill do pass."

Your committee, upon a full examination of the case, conclude that $2,500 will be a full compensation for the use and occupation of claimant's premises and for property used and taken by the United States troops, and therefore recommend the bill be amended by striking out, in line 3, the words "ten thousand" and insert "two thousand five hundred," and that the bill as thus amended pass.

Mr. PLATT. I am not going to make any serious opposition to the passage of the bill—that is, to call for a division of the Senate upon it—but it seems to me to be one of those cases which can not be singled out from an innumerable number of cases where by the operations of war a man's farm was camped upon and there was more or less damage to it. All this land across the Potomac River, many miles into Virginia, was in practically the same condition as the land at the end of Long Bridge.

Mr. COCKRELL. I suggest to the Senator from New Hampshire that the words about destruction and damage are proposed to be stricken out by the amendment reported by the committee. The amount is to be reduced from $10,000 to $2,500, and the words "consumed by the United States for military purposes" inserted. All of the amendments have not yet been stated from the desk.

Mr. PLATT. I was going to say, in regard to the matter, that on every farm where a fort was built all along the eastern shore of Virginia the same thing took place. Trees were cut down, Virginia rail fences were demolished, and unless there is some particular reason why this case should be taken up——

Mr. ALDRICH. I have been objecting to cases of this kind, and I will interpose an objection to the further consideration of the bill, in order to avoid longer discussion.

The PRESIDING OFFICER. The bill, being objected to, will be passed over without prejudice.

CHICKASAW TRUST FUNDS.

The bill (S. 1529) for the payment of arrears of interest on Chickasaw trust funds, was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls;

The bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin; and

The bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic, were the next in order on the Calendar.

The PRESIDING OFFICER. The three bills the titles of which have been stated will be indefinitely postponed unless there be objection. The Chair hears none.

RUFUS BETZ.

The bill (H. R. 2048) for the relief of Rufus Betz was considered as in Committee of the Whole. It proposes to remove the charge of desertion standing against the name of Rufus Betz, late a private of Company A, Nineteenth Regiment of Ohio Infantry Volunteers, and to grant him an honorable discharge, to date August 9, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION ON MARYLAND COAST.

The bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to establish a life-saving station on the coast of Maryland, between the Fenwick Island and the Ocean City life-saving stations, at such point as the General Superintendent of the Life-Saving Service may recommend.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM FREIGHT CLASSIFICATION.

The bill (S. 3205) directing the Interstate Commerce Commission to prepare a uniform freight classification was announced as the next business in order on the Calendar.

Mr. PLATT. We can not consider the bill now.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

BAPTIST CHURCH AT CORINTH, MISS.

The bill (S. 741) for the relief of the Baptist church at Corinth, Alcorn County, Miss., was announced as the next business in order on the Calendar.

Mr. COCKRELL and Mr. PLATT. The bill is adversely reported.

The PRESIDING OFFICER. It will be passed over without prejudice.

JOHN RUHM, SR.

The bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn., was considered as in Committee of the Whole. It proposes to pay to John Ruhm, sr., of Nashville, Tenn., late United States district attorney for the middle district of Tennessee, $200 for services rendered the United States in the case of the State of Tennessee for the use of the United States against W. J. Hill and others, and other cases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF CRUELTY TO ANIMALS IN THE DISTRICT.

The bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia was announced as the next business in order on the Calendar.

Mr. PEFFER. I ask that the bill may be passed over for the present without prejudice.

The PRESIDING OFFICER. It will be passed over without prejudice.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y., was announced as the next business in order on the Calendar.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

The bill (S. 3207) donating condemned cannon and cannon balls to Stow Post of the Grand Army of the Republic, of Calais, Vt., was announced as next in order on the Calendar.

The PRESIDING OFFICER. If there be no objection, the bill will be indefinitely postponed.

The bill (S. 3175) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr., was announced as the next business in order on the Calendar.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 350) granting an increase of pension to George C. Abbey;

A bill (S. 1505) granting an increase of pension to Rufus H. Paine;

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet;

A bill (S. 1888) granting an increase of pension to William T. Walker; and

A bill (S. 3381) granting a pension to Lena D. Smith.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 646) for the relief of Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain; and

A bill (S. 1128) granting a pension to Isabella Morrow.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 1961) granting pensions to Gray's Battalion of Arkansas Volunteers;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 3888) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 3629) granting a pension to William R. Harless;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 5542) to increase the pension of Josephine Glover;

A bill (H. R. 5620) to pension George E. Read;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 6539) granting a pension to Richard C. Enright;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 7821) granting a pension to Annie Schifirli;

A bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893; and

A joint resolution (H. Res. 231) providing for the distribution of the maps and atlases of the United States Geological Survey.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 2941) granting increase of pension to Alfred P. Buss;

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 6726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 8068) for the relief of yacht owners and shipbuilders of the United States;

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

A joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

JURISDICTION OF UNITED STATES COURTS.

The bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, was announced as the next business in order on the Calendar.

Mr. HILL. At the time the bill was reported I dissented, and its consideration will lead to extensive debate.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill will be passed over without prejudice.

REORGANIZATION OF CONSULAR AND DIPLOMATIC SERVICE.

The bill (S. 3230) to provide for the reorganization of the consular and diplomatic service was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill go over without prejudice.

The PRESIDING OFFICER. It will be passed over.

JAMES AND WILLIAM CROOKS.

The bill (S. 692) for the relief of the legal representatives of James and William Crooks, of Canada, was announced as next in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. It will be passed over.

WYOMING HOT SPRINGS RESERVATION.

The bill (S. 3188) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect; establishing the Wyoming Hot Springs Reservation, and making an appropriation for the survey thereof, was announced as the next business in order on the Calendar.

Mr. GORMAN. Let the bill go over.

The PRESIDING OFFICER. It will be passed over without prejudice.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER (at 3 o'clock p. m.). I suggest that the hour has arrived for the consideration of pension bills.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, pension bills are in order.

EMILY E. ATHERTON.

The bill (S. 3370) granting a pension to Emily E. Atherton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws;" and in line 7, after the word "Artillery," to insert "and pay her a pension of $20 per month;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emily E. Atherton, widow of Capt. Benjamin T. Atherton, late captain in Company C, First Maine Heavy Artillery, and pay her a pension of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMBROSE J. VANARSDEL.

The bill (S. 3407) granting a pension to Ambrose J. Vanarsdel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose J. Vanarsdel, a private of Company F, Forty-ninth Regiment Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA J. HOLMAN.

The bill (H. R. 6378) for the relief of Eliza J. Holman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Holman, widow of William T. Holman, deceased, late a private in Capt. Charles Pettigrew's Company, commanded by Colonels Laban C. Horrell and Albert Fordir, Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BRUNER.

The bill (H. R. 7240) granting a pension to John W. Bruner was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of John W. Bruner, late a private in Company F, Second Pennsylvania Volunteer Infantry; Captain Higgins's company, First Pennsylvania Cavalry, and Company G, First Pennsylvania Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES M. ROBERTS.

The bill (H. R. 3494) granting a pension to Frances M. Roberts, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 5, after the name "Roberts," to insert "daughter of Levi M. Roberts, express rider in the war of 1812;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of said Frances M. Roberts, daughter of Levi M. Roberts, express rider in the war of 1812, upon the pension roll, and pay to her the sum of $8 per month.

The amendment was agreed to.

Mr. GALLINGER. I ask that the bill be passed over, as manifestly there are errors in it.

The PRESIDING OFFICER. The bill will be passed over.

ANNA M. NEWTON.

The bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Newton, widow of John Newton, late major-general of volunteers and brigadier-general of the United States Army, and to pay her a pension of $75 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE DE K. SHATTUCK.

The bill (S. 3319) to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the name "Shattuck," to insert "widow of Lucius H. Shattuck, hospital steward, United States Army;" and in line 6, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place the name of Alice De K. Shattuck, widow of Lucius H. Shattuck, hospital steward, United States Army, on the pension roll at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck."

PRICILLA R. BURNS.

The bill (H. R. 5988) for the relief of Pricilla R. Burns, was considered as in Committee of the Whole. It proposes to place the name of Pricilla R. Burns, widow of the late Brig. Gen. William W. Burns, of the United States Army, on the pension roll, at $50 per month, in lieu of the amount she now receives.

Mr. ALLEN. What is the amount she now receives?

Mr. COCKRELL. She is receiving $30 now.

Mr. ALLEN. I should like to ask the chairman of the Committee on Pensions why there should be a distinction of $25 a month made between the widow of General Burns and the widow of General Newton? The officers appear to have been of the same rank, and presumably performed the same service. I do not know why such a distinction should be made.

Mr. GALLINGER. Unfortunately, I did not report either one of these bills, and perhaps, therefore, I am not so familiar with them as are the members of the committee who made the reports. I do not know anything beyond the fact that very likely General Newton's service was one of greater distinction and possibly greater length than that of General Burns. At any rate, the House seemed to take that view of it, and passed a bill giving Mrs. Newton $75 and Mrs. Burns $50.

I find, by reference to the report, that General Newton had a very long and very distinguished service, serving from early manhood to the close of the war, and having been promoted several times for gallant and meritorious services on the battlefield. He was likewise chief engineer of the work in New York Harbor, as well as chief engineer of the Department of the Shenandoah, and assistant engineer in the construction of the defenses of Washington. He seems to have had a very conspicuous and long service, covering the different departments of military work and military service. That is the only explanation I can give about it.

Mr. ALLEN. The point to which I desire to direct the attention of the honorable Senator from New Hampshire is whether the distinction is not made in consequence of the civil career of General Newton rather than his military career.

I do not think I desire to offer any amendment to the bill, but I do wish to put upon record my condemnation of the shoddyism, if I may characterize it as such, that makes a distinction between two men of equal rank who have performed similar service. There may be something in the atmosphere around Washington, around the Committee on Pensions, that makes the widow of one soldier preferable to another. I have thus far in my humble life and in my humble station supposed that there is no natural difference between individuals, and that whatever distinction exists between them is in consequence possibly of their own conduct or their own environment. I have supposed that the blood that runs in the veins of one man, unless tainted by hereditary causes, is about as pure as the blood which runs in another man's veins, and about as thick, if thickness counts. Yet it is true we never turn to the Calendar of pension bills without developing the grossest outrages of discrimination between those who are entitled not to the bounty, but to the just recognition of this Government.

I have not one word to say against the pension to General Newton's widow; I have not one word to say against the pension to General Burns's widow, but these women certainly ought to be placed upon an equality so far as the Government is concerned, if their husbands held the same rank. It was said by my honorable friend the Senator from New Hampshire that General Newton was a man of distinguished career. We would all like to be distinguished. There is not a man in this land who is carrying a hod to-day whose circumstances place him in a position where he may be said to be one of the worms of the earth, who has not the gallantry and nobleness of his Creator in his make-up which would be developed if he had the opportunity. What shoddyism, and how it smells to heaven, to have honorable Senators come in here and make a distinction between these men or between their widows! It seems to me the thing is so rotten that the man in the moon in passing over the Capitol ought to hold his nose to prevent the stench from entering his nostrils.

Mr. GRAY. He does, possibly.

Mr. ALLEN. My friend the Senator from Delaware says he does, possibly. At least, if he has any sensibility, he does.

It is all put upon the ground that the soldier was a distinguished gentleman. If he was a distinguished gentleman and reaped the rewards that his Government afforded him, was not that something? If he had the honor that followed distinction won upon the field of battle, is not that something, not only to the individual, but to his widow and his children? Where the services were equal, when the opportunity presented itself to render them, where the gentlemen have commanded brigades and possibly divisions upon the same field of battle, both giving to their country the best of their services, both giving their lives (all a man can give), is it not invidious to make a distinction in legislation in the United States Senate between the unfortunate widows of those gentlemen, giving one 50 per cent more than you give to the other?

Mr. President, I have occupied a seat in this Chamber by the sufferance of the people of Nebraska for four years. I did not come here because distinguished gentlemen wanted me to come. They do not want me here. The distinguished gentlemen upon whose shirt fronts shine diamonds do not want me in the Senate. I do not represent that class. I should modify that statement; I do represent them, but contrary to their wishes. When the wife of a private soldier, who fell in the discharge of his duty, came here in her rags and in her poverty, asking for some help at the hands of this great Government, I have never heard the honorable chairman of the Committee on Pensions, or one of his colleagues upon that committee, say his services were distinguished. No; the great unknown millions of men who carried muskets and whose prowess upon fields of battle moved the world, the men who put stars upon the shoulders of these distinguished generals, may sleep in unknown graves, their wives and children may be thrown by misfortune upon the highways and byways of life, and the honorable chairman of the Committee on Pensions and his colleagues have not one word to say in their behalf.

The PRESIDING OFFICER. It is the duty of the Chair to remind the Senator that his time has expired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. WALTON.

The bill (S. 3196) granting an increase of pension to George W. Walton was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of George W. Walton, late a private of Company I, Second United States Light Artillery; Company G, Seventh Maryland Infantry, and a sergeant of Company C, Third Veteran Reserve Corps, at $30 per month, in lieu of the pension he now receives.

Mr. GALLINGER. Mr. President, a single observation on this bill. It will be noticed that this is a bill increasing the pension of a private from $12 to $30 a month. The committee are trying to deal justly with private soldiers and their widows and with officers and their widows.

Mr. ALLEN. I should like to ask the honorable Senator why it would not be wise now to raise this pension, say to $50 a month?

Mr. GALLINGER. The committee do not think it wise to do it.

Mr. ALLEN. Of course, the committee did not think it wise. That ends the dispute.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'GRATH.

The bill (S. 3185) granting an increase of pension to John McGrath was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "to," to strike out "increase his pension from six to twelve dollars per month" and insert "pay him a pension of $12 per month in lieu of that which he is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McGrath, a private in Company C, Seventh Regiment United States Cavalry, and to pay him a pension of $12 per month in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARABELLA V. WASHBURN.

The bill (S. 3311) to increase the pension of Arabella V. Washburn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "Marine Corps," to insert "United States;" and in the same line, after the words "Marine Corps," to strike out "United States Navy;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arabella V. Washburn, widow of Israel Henry Washburn, late captain in the United States Marine Corps, at $25 per month, in lieu of the pension she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH R. FRARY.

The bill (S. 3361) granting a pension to Sarah R. Frary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah R. Frary, widow of Jedediah C. W. Frary, late of Company H, Eighteenth New Hampshire Volunteer Infantry, and to pay her a pension of $8 per month.

Mr. ALLEN. I should like to have the attention of the chairman to this pension. This seems to be the case of the widow of a private soldier. I should like to ask the chairman of the Committee on Pensions if this widow has a family.

Mr. GALLINGER. She has not, I would say to the Senator. I know her personally.

Mr. ALLEN. What is her probable age?

Mr. GALLINGER. She is an old lady.

Mr. ALLEN. An old lady?

Mr. GALLINGER. Yes, sir.

Mr. ALLEN. Did her husband die in the service?

Mr. GALLINGER. Her husband did not die in the service.

Mr. ALLEN. Was he a good soldier?

Mr. GALLINGER. I take it for granted that he was.

Mr. ALLEN. He had an honorable discharge?

Mr. GALLINGER. Beyond a question.

Mr. ALLEN. How long did he serve?

Mr. GALLINGER. I do not know.

Mr. ALLEN. Does the report show?

Mr. GALLINGER. I think not.

Mr. COCKRELL. He served a little less than ninety days, and the widow is not entitled to a pension at all.

Mr. GALLINGER. The Senator is right. I have turned to the report. The report was made in my behalf while I was absent from the city; hence I was not familiar with that particular point. I know all about the case now. The soldier served a period not sufficiently long to entitle the widow to a pension, and this is a pure gratuity. We give her the same rate of pension allowed under the act of June 27, 1890, which is popularly known as the dependent pension act. We thought that was just.

Mr. ALLEN. I do not want the Senator to leave a wrong impression upon the Senate, or upon the country, for that matter; but many of the officers whom we pension, very many of them, served no longer than this private did. Now, I will ask the Senator if this widow is pensioned in consequence of disabilities incurred by her husband during his service?

Mr. GALLINGER. She is not. There is no contention made that he ever incurred disabilities in the service.

Mr. ALLEN. Then she ought not to be pensioned at all.

Mr. GALLINGER. That is not quite true. The act of June 27, 1890, pensions thousands of widows——

Mr. ALLEN. That is simply an abuse of the pension power, or the theory of pensions. I shall object to this bill. The pension proceeds upon the theory that the husband has rendered his country some service for which his widow or children ought to be recognized.

Mr. GALLINGER. I will simply say to the Senator that if the soldier had served one or two days more he would have reached the limit, and we have made a great many exceptions in the case of soldiers of the Mexican war.

Mr. ALLEN. I think I will withdraw the objection to the bill, in consequence of the fact that the beneficiary comes from the Senator's own State and his immediate neighborhood.

Mr. GALLINGER. I have no personal interest in the bill.

Mr. ALLEN. In another case like it I shall object.

Mr. GALLINGER. The Senator does object?

Mr. ALLEN. I have no objection to this case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN BUCKNER.

The bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of the pension he is now drawing;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen Buckner, late colonel of the Seventy-ninth Regiment Illinois Volunteers, and pay him a pension at the rate of $50 per month, in lieu of the pension he is now drawing.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Allen Buckner, of Baldwin, Kans."

MELANCTHON M'COY.

The bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melancthon McCoy, late of Company K, One hundred and forty-eighth Illinois Volunteer Infantry, and to pay him a pension of $25 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE L. NIXON.

The bill (S. 1640) granting a pension to Catherine L. Nixon was considered as in Committee of the Whole. It proposes to place the name of Catherine L. Nixon, widow of Andrew Nixon, late private of Company A, Regiment of Oregon Mounted Volunteers, in the Indian war of 1855 and 1856, on the pension roll, at $12 per month, and to allow her $2 additional for each of her minor children by the said Andrew Nixon.

Mr. COCKRELL. I move to amend the bill, beginning at the end of line 8, by striking out the words:

> And that she be allowed $2 additional for each of her minor children by the said Andrew Nixon.

This is a pension for service in the Indian war of 1855, and prior to the late war there never has been a precedent for giving pensions to minor children.

Mr. GALLINGER. I think that is correct. The clause ought to go out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. SHOCKEY.

The bill (S. 2672) granting a pension to John J. Shockey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Shockey, late a musician in the Fifty-third Ohio Volunteer Infantry, and grant him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS L. HOOD.

The bill (S. 3190) granting a pension to Amos L. Hood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos L. Hood, late of Company D, One hundred and seventy-first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILTON T. BEDFORD.

The bill (S. 3191) granting a pension to Milton T. Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton T. Bedford, late of Company B, One hundred and fifty-first Regiment Ohio National Guard Infantry.

Mr. ALLEN. Was this soldier in the regular volunteer military service? I call the attention of the chairman of the Committee on Pensions to the fact that the bill seems to indicate that the

proposed pensioner was not in the regular volunteer service or in the regular service, but was a mere militiaman at home.

Mr. GALLINGER. The report suggests that he was, while the bill suggests otherwise. I think the bill ought to be passed over to be examined. It was reported during my absence, I will say to the Senator.

The PRESIDING OFFICER. The bill will go over.

The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 4629) granting a pension to William R. Harless;

A bill (H. R. 5064) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 5620) to pension George E. Reid;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 6539) granting a pension to Richard C. Enright;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7349) to pension Lewellyn D. King; and

A bill (H. R. 7821) granting a pension to Annie Schifirli.

The bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. Res. 211) providing for a comprehensive Index to Government publications from 1881 to 1893; and

A joint resolution (H. Res. 231) providing for the distribution of the maps and atlases of the United States Geological Survey.

JESSE O. DAVY.

The bill (S. 3103) granting a pension to Jesse O. Davy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Davy," to insert, "a private in Company B, Fifty-ninth Ohio Volunteer Infantry;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse O. Davy, a private in Company B, Fifty-ninth Ohio Volunteer Infantry.

The amendment was agreed to.

Mr. GALLINGER. I move a further amendment. After the word "Infantry," in line 7, I move to insert the words "at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILSON S. HULSE.

The bill (S. 2752) granting a pension to Wilson S. Hulse, was announced as the next pension bill in order.

Mr. GALLINGER. I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

JAMES M. DENNISON.

The bill (S. 2995) granting a pension to James M. Dennison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Dennison, late of Company F, Forty-ninth Regiment Ohio Volunteer Infantry.

Mr. GALLINGER. I move to amend the bill by inserting after the word "Infantry," in line 7, the words "at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE VAN ATTER.

The bill (S. 3516) granting a pension to Louise Van Atter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise Van Atter, widow of Joshua Van Atter, a private of Company A, One hundred and fifty-third New York Infantry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator object to the passage of the bill which has just been declared passed?

Mr. ALLEN. I want some information on the subject.

The PRESIDING OFFICER. The bill will be considered as being before the Senate, and the question is, Shall the bill pass?

Mr. ALLEN. I should like to ask the attention of the chairman to this bill and to get some information as to the services rendered by this lady's deceased husband. I see he was a private soldier, and he rendered some service, of course.

Mr. GALLINGER. He served for three years.

Mr. ALLEN. He left a widow with some children?

Mr. GALLINGER. I do not know about the children, Mr. President.

Mr. ALLEN. There is nothing to indicate that?

Mr. GALLINGER. I think not.

Mr. ALLEN. Now, Mr. President, I should like to put a question directly to the chairman of the committee or any other member of the committee, to get to a point where we may know something about this matter, or the policy pursued by the Committee on Pensions. I want to put this question to the chairman of the committee: Is it the policy of the committee of which you are chairman to discriminate——

The PRESIDING OFFICER. The Senator from Nebraska will address his remarks to the Chair.

Mr. ALLEN. I beg the Chair's pardon. Through the Chair, I desire to put a question to the chairman of the Committee on Pensions and his associates upon that committee, and that is, whether it is the purpose of the Committee on Pensions to lay down this inexcusable, invidious, and almost nauseating distinction between the widows of soldiers based upon the respective ranks of their husbands; and to that I should like to have a plain and candid answer.

Mr. GALLINGER. I have answered the Senator I think more than a score of times during the present Congress that the law recognizes rank and the committee recognizes rank. The law grants the widow of a private soldier not more than $12 under any law. It gives a captain $20, a major $25, and a colonel and brigadier-general $30, and their wives that amount if the husband died from causes due to army service. The committee simply follows the law in this particular.

There is no law on the statute books that would give this woman more than $12 if she could prove her claim. She has been unable to prove her claim under the law, and the committee felt that the service of the soldier—lasting three years and having been a commendable one—entitled the widow to a pension, while under a technicality, perhaps, she has not been able to prove her claim. The committee, of course, could not defend themselves in going above the amount that she would have received if she could have proved her claim, and they waived that in her behalf.

Mr. ALLEN. Now, the Senator does not answer the question, and to be entirely candid with the Presiding Officer and the Senate and the country, I did not expect an answer to the question that I put to the Senator. I have never yet been able to get a straight answer from a member of the Committee on Pensions on this subject, because every one of them has private soldiers residing in their States that they are afraid of; they are afraid of their votes. Therefore they beat about the bush when it comes to answering whether they propose to continue this distinction or not. Mr. President, do not enforce the five-minute rule on me for a moment.

The Senator says that the law makes the distinction. Mr. President, we are the lawmaking power. We have the power to change that law. We are changing it every day; we are changing it almost every five minutes now. The Senator does not answer the question. Does he propose to make a distinction between the widows of dead soldiers simply because during the war the one was a private soldier and the other was a commissioned officer? If it is proposed to make that distinction, as he is making it here constantly, and as it has been made constantly since I have been a member of this Chamber, I do not want any specious plea that other governments recognize distinctions between men. I want a distinct answer from the chairman and his associates whether, upon the high ground of the equality before the country and before the higher law of every citizen of this country, he proposes to make and enforce this invidious distinction.

Of course the Senator will say in a general way that we must recognize distinctions. I recognize them. I have recognized them all my life; I recognize them now. But I should like to know why the widow of a private soldier whose husband died upon the field of battle or who died since the war in consequence of disabilities contracted during the service should be cast out by a great Government as a mendicant and a beggar, while a woman with no brighter intellect and possessing no greater womanly qualities than she possesses should be encouraged by a pension of $50 or $100 a month because her husband occupied another position. I want to provoke the chairman——

Mr. GALLINGER. You can not do that.

Mr. ALLEN. I want to provoke you——

The PRESIDING OFFICER rapped with his gavel.

Mr. ALLEN. I beg the Chair's pardon.

The PRESIDING OFFICER. The parliamentary rule requires that the Senator should observe the rule——

Mr. COCKRELL. I insist on the rule.

The PRESIDING OFFICER. In order that unpleasant conditions in debate between Senators may be avoided.

Mr. ALLEN. I will observe the rule. I want to provoke the Senator from New Hampshire to come out in the open daylight of discussion and vindicate the defenseless position he has taken upon this question. Mr. President, the attitude of the Committee on Pensions in this respect has been cowardly in the extreme, and absolutely indefensible.

I challenge the chairman of that committee, or any of his associates, to walk into the arena of discussion and discuss this question upon its merits before the country. You go to the private soldier when you want his vote and want his influence, and you tell him what a great man he has been, and you make him promises, but the moment you have received his vote you have forgotten him, and forgotten his wife and his children, and forgotten everything which belongs to him. The moment you get into the heated atmosphere of wealth in this Senate Chamber you begin to legislate for the general and against the private. You do not dare to come out and discuss this question and tell the truth about it.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

LIZZIE M. SIBLEY.

The bill (S. 1190) for the relief of Lizzie M. Sibley was announced as next in order.

Mr. GALLINGER. That bill should be postponed indefinitely. There is an adverse report on it, though it is not so noted on the Calendar.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

REBECCA P. QUINT.

The bill (S. 3451) granting a pension to Rebecca P. Quint was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, before the word "directed," to insert "authorized and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rebecca P. Quint, widow of Alonzo H. Quint, late chaplain of the Second Regiment Massachusetts Infantry Volunteers, and pay her a pension at the rate of $30 per month

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JOHN H. MULLEN.

The bill (S. 3145) to increase the pension of Capt. John H. Mullen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "to," to strike out "allow and pay to John H. Mullen, captain of Company C, Twelfth Connecticut Volunteer Infantry, a pension of $25 a month in lieu of the pension that he is now receiving," and insert "place upon the pension roll the name of John H. Mullen, late captain of Company C, Twelfth Connecticut Volunteer Infantry, and pay him a pension of $20 a month in lieu of that which he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John H. Mullen, late captain of Company C, Twelfth Connecticut Volunteer Infantry, and pay him a pension of $20 a month in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN KING.

The bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann King, widow of Samuel King, a private in Capt. Adam Mase's Company of Missouri Militia in the Indian war of 1832, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE G. EAKINS.

The bill (S. 2961) granting a pension to George G. Eakins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George G. Eakins, who was a private in Company B, Second Regiment Ohio Volunteers, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HULSIZER.

The bill (S. 3145) to increase the pension of William Hulsizer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty-six" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hulsizer, at the rate of $20 per month, in lieu of any pension he may now be receiving.

The amendment was agreed to.

Mr. GALLINGER. I move a further amendment, to insert after the name "Hulsizer," in line 6, the words "late of Company G, Sixty-sixth Ohio Volunteer Infantry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. FORSYTHE.

The bill (S. 2912) increasing the pension of William C. Forsythe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Forsythe, at $12 per month, in lieu of any pension he now may be receiving.

Mr. GALLINGER. After the name "Forsythe," in line 6, I move to insert "late of Company K, Seventy-eighth Ohio Volunteer Infantry, and of Company C, One hundred and seventy-second Ohio Volunteer Infantry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH BROWN.

The bill (S. 2813) granting an increase of pension to Joseph Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Brown, late sergeant of Company F, Thirty-seventh Regiment Kentucky Mounted Infantry, at the rate of $20 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOEL M. GIBSON.

The bill (S. 2097) granting a pension to Joel M. Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel M. Gibson, of Company F, One hundred and twenty-third Ohio Volunteers, and to pay him a pension of $30 per month.

Mr. GALLINGER. I move to insert at the end of the bill the words "in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Joel M. Gibson."

LOUISE E. PERKINS.

The bill (S. 3339) granting a pension to Louise E. Perkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Louise E. Perkins, widow of the late Capt. Bishop W. Perkins, captain in the Sixteenth Regiment United States Infantry, on the pension roll, and pay her a pension of $20 per month.

The amendment was agreed to.

Mr. COCKRELL. In line 5, I move to strike out the word "captain."

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. PEFFER. I ask whether the word "colored" does not appear in the bill before the word "Infantry," so as to read "United States Colored Infantry?"

Mr. GALLINGER. It does not.

Mr. PEFFER. If it does not, it ought to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. Before the word "Infantry," in line 6, it is proposed to insert "Colored."

Mr. COCKRELL. There is no distinction in the regulations of the Army in that matter; there is nothing about that, as I understand it. It is "the Sixteenth Regiment United States Infantry," which is composed of colored troops; but there is no such distinction in the law or regulations of the Army as "colored infantry." The distinction was only used in the volunteer service.

Mr. PEFFER. We made that distinction during the war.

Mr. COCKRELL. It was made in the case of the volunteer troops.

Mr. GALLINGER. I do not think we should put it in the bill.

Mr. PEFFER. Very well; I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET STONE.

The bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Stone, widow of Benoni Stone, a private of Captain Pittman's Florida Volunteers in the Florida Seminole Indian war from 1839 to 1842.

Mr. GALLINGER. I move to amend the bill by inserting at the end of it the words "at the rate of $8 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR A. PALMER.

The bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar A. Palmer, late of Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to Oscar A. Palmer."

JOHN G. POWERS.

The bill (S. 2375) granting an increase of pension to John G. Powers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Powers, late a private of Company G, Twenty-third Regiment of Iowa Volunteer Infantry, at $24 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA GILBERT.

The bill (S. 2993) granting a pension to Rebecca Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Gilbert, widow of William Lester, formerly of Company B, Fifteenth United States Infantry, and Company C, Twenty-first Missouri Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE B. JOHNSTON.

The bill (S. 3541) granting a pension to Jane B. Johnston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane B. Johnston, an army nurse at Willets Point Hospital, Throggs Neck, New York, during the war of the rebellion, and to pay her a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. ALSPACH.

The bill (S. 2994) granting a pension to William G. Alspach was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provision and limitations of the pension laws, the name of William G. Alspach, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry.

Mr. GALLINGER. I move to amend by inserting the word "provisions" for the word "provision," in line 5; and at the close of the bill by inserting the words "at the rate of $12 per month."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. WADDELL.

The bill (S. 1538) granting a pension to Joseph M. Waddell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Waddell, late a soldier in Company A, Sixteenth Regiment United States Infantry, in the Mexican war, and Companies E, Twelfth Regiment Wisconsin Infantry, and F, Third Regiment Wisconsin Cavalry, and to pay him a pension of $20 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ETHAN A. SELLMAN.

The bill (H. R. 4190) to restore the name of Ethan A. Sellman to the pension roll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ethan A. Sellman, late a private in Company E, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HINES.

The bill (H. R. 5712) granting increase of pension to John W. Hines was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of John W. Hines, late first lieutenant and adjutant of Fourth Tennessee Volunteer Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOLLY S. BROWN.

The bill (H. R. 1646) for the relief of Dolly S. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dolly S. Brown, dependent mother of Irving Stevenson, late of Company D, Third Regiment New York Cavalry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE M'MILLAN.

The bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896, by striking out the word "Infantry" and inserting the word "Cavalry," and that the pension provided for in that act be paid from the 8th of June, 1896.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK W. HARRINGTON.

The bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "receives," to strike out "under certificate No. 176674;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Clark W. Harrington, of Knobview, Crawford County, Mo., late of Company I, Ninety-third New York Infantry, a pension of $30 per month from and after the passage of this act, in lieu of the pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH J. HUDSON.

The bill (H. R. 4363) to increase the pension of Joseph J. Hudson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Joseph J. Hudson, late a member of Company I, One hundred and tenth Regiment of Illinois Infantry, from twenty-four to fifty dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISS JENNIE E. MOORE.

The bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "Infantry," to strike out "and Lovina J. Moore, his wife, now both dead;" and in line 10, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miss Jennie E. Moore, orphan, permanently helpless invalid daughter of Charles E. Moore, late private of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, and grant her a pension of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BENNETT S. SHAUG.

The bill (H. R. 1018) to increase the pension of Bennett S. Shaug was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Bennett S. Shaug, late a private of Company K, Fifteenth Ohio Volunteer Infantry, in Mexican war, at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN O'HARA.

The bill (S. 2992) granting a pension to Ellen O'Hara was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and pay her a pension of $8 a month;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen O'Hara, widow of John O'Hara, late of Company A, Tenth Regiment New York Volunteer Infantry, and pay her a pension of $8 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN AMREIN.

The bill (S. 2975) granting a pension to John Amrein was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Commissioner of Pensions be, and is hereby, authorized and directed to place the name of John Amrein, late captain Company B, Twenty-eighth Regiment Ohio Infantry Volunteers, and captain, Fourth Regiment Veteran Reserve Corps, on the pension roll of the United States at the rate of $30 per month, in lieu of the pension he is now receiving, for disabilities contracted while in the service of the United States.

The amendment was agreed to.

Mr. GALLINGER. I move to amend after the word "disabilities," in line 9, by striking out "contracted while in the service of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SMITH.

The bill (S. 3329) to increase the pension of George W. Smith, late a captain, Seventh Regiment New Jersey Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dollars," to strike out "seventy-two" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to place the name of George W. Smith, late a captain Seventh Regiment New Jersey Infantry Volunteers, on the pension roll at the rate of $50 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH TOWNSEND.

The bill (S. 2950) granting a pension to Mrs. Sarah Townsend was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the name "Townsend," to insert "a private in Capt. C. C. Coffey's Independent Company, Florida Volunteers;" and in line 8, before the word "dollars," to insert "eight;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Sarah Townsend, widow of Noah Townsend, a private in Capt. C. C. Coffey's Independent Company, Florida Volunteers, who served in the Mexican war, at the rate of $8 per month from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATSEY E. BROADDUS.

The bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans., was considered as in Committee of the Whole. It proposes to pay a pension of $30 per month, in lieu of the pension now received by her, to Patsey E. Broaddus, of Marion, Kans., widow of Green B. F. Broaddus, late first lieutenant of Company H, First Kentucky Cavalry, Mexican war, and major Eighth Kentucky Volunteer Infantry in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. ROW.

The bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans., was considered as in Committee of the Whole. It proposes to increase the pension of John R. Row, of Toronto, Kans., late of Company B, Third Illinois Infantry, Mexican war, and to pay him a pension of $30 per month in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS MARY HAYNE.

The bill (S. 2713) granting a pension to Miss Mary Hayne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Miss Mary Hayne, late a hospital nurse in the United States Naval Academy at Annapolis, Md., and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. CONWAY.

The bill (S. 2177) granting increase of pension to Henry B. Conway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Conway, late of Company F, Second Illinois Volunteers, Mexican war, at the rate of $20 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY ELLIOTT.

The bill (H. R. 5855) granting a pension to Emily Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Elliott, the permanently helpless daughter of Joseph Elliott, late quarter gunner, United States Navy, in the Florida war, private Company E, First Regiment Voltiguers in the Mexican war, and late private Company B, Second Regiment Maryland Volunteer Cavalry, in the war of the rebellion, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BAGLEY.

The bill (H. R. 1500) granting a pension to George W. Bagley was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of George W. Bagley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE THOMPSON.

The bill (H. R. 4298) granting an increase of pension to Annie Thompson was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Annie Thompson, widow of Jay Thompson, late captain of Company M, Third Wisconsin Cavalry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GABRIEL WIDMER.

The bill (H. R. 4267) granting an increase of pension to Gabriel Widmer was considered as in Committee of the Whole. It proposes to increase the pension of Gabriel Widmer, late of Company K, Twenty-third Michigan Infantry, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN ANDREWS.

The bill (S. 2908) granting a pension to Franklin Andrews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Andrews, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry.

Mr. GALLINGER. I move to amend by inserting at the end of the bill the words "at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY SCHAFER.

The bill (S. 2909) granting a pension to Henry Schafer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "at the rate of $12 per month, in lieu of any pension he may now be receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Schafer, late of Company C, Forty-ninth Regiment Ohio Volunteer Infantry, at the rate of $12 per month, in lieu of any pension he may now be receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Henry Schafer."

FREDERICK LIERMAN.

The bill (H. R. 8683) granting a pension to Frederick Lierman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Lierman, late private Company B, Johnson County Home Guards, Enrolled Missouri Militia, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLUFORD REEDER.

The bill (H. R. 2231) for the relief of Bluford Reeder was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Bluford Reeder, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS S. DAUGHERTY.

The bill (H. R. 3333) granting a pension to Thomas S. Daugherty was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Thomas S. Daugherty, late a private in Company A, in the First Regiment of Kentucky Cavalry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN LAFFERTY.

The bill (H. R. 717) granting a pension to Mary Ann Lafferty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Lafferty, the surviving widow of Patrick B. Lafferty, deceased, private in Captain Crawford's company, Second Regiment Tennessee Volunteer M. G. Men, Col. Thomas Williamson commanding, in Seminole Indian war, 1818, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIRUM C. PECK.

The bill (S. 3540) granting a pension to Mirum C. Peck was announced as next in order.

Mr. GALLINGER. Let that bill be passed over temporarily. I think a House bill has come over granting a pension to this same widow, and I have sent to the committee room for it. I shall desire to substitute the House bill for the Senate bill.

Mr. COCKRELL. I know that the other House has passed such a bill. Let us pass the House bill in place of the Senate bill.

Mr. GALLINGER. I will ask for the consideration and passage of the House bill as soon as I can obtain it.

The PRESIDING OFFICER. The bill will be passed over for the present.

ALEXANDER M'BRIDE.

The bill (H. R. 6282) to increase the pension of Alexander McBride was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Alexander McBride, late a private in Company I, Third United States Infantry, Mexican war, and also a private in Company F, Sixteenth Indiana Infantry Volunteers, in the war of the rebellion, at $30 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY PELHAM.

The bill (H. R. 4264) granting a pension to Mary Pelham was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Mary Pelham, dependent mother of Joseph Farrer, late a private in Company I, Seventh Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GIDEON L. M'GINNIS.

The bill (H. R. 6549) granting a pension to Gideon L. McGinnis was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Gideon L. McGinnis, late a private of Company K, Thirteenth Illinois Cavalry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SARAH MARTIN.

The bill (H. R. 4994) for the relief of Mrs. Sarah Martin was considered as in Committee of the Whole. It proposes to pay to Sarah Martin, widow of Jonas Martin, late private Company F, Twenty-ninth Michigan Infantry, the pension granted her under the act of June 27, 1890, by certificate No. 211127, without any deduction on account of pension previously granted her January 16, 1878, by the same certificate number.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GREER.

The bill (H. R. 6590) granting a pension to William Greer was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William Greer, late of Company A, One hundredth Pennsylvania Veteran Volunteer Infantry, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE GARD.

The bill (H. R. 8053) granting a pension to Alice Gard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Gard, of Greenfield, Hancock County, Ind., at $20 per month, as the dependent and permanently blind sister of Mahlon B. Gard, late private of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY T. YOUNG.

The bill (H. R. 6900) increasing the pension of Mary T. Young was considered as in Committee of the Whole. It proposes to increase to $20 per month the pension heretofore granted to Mary T. Young, widow of James Hamilton Young, late private in Capt. J. R. Swift's company, Pennsylvania Militia, in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIRUM C. PECK.

Mr. GALLINGER. I report favorably from the Committee on Pensions the bill (H. R. 9619) granting a pension to Mirum C. Peck, and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll at $8 per month the name of Mirum C. Peck, widow of Hartwell B. Peck, late private Company D, Santa Fe Battalion Missouri Volunteers, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that Senate bill 3540, granting a pension to Mirmn C. Peck, be indefinitely postponed.

The motion was agreed to.

SILAS S. WHITE.

The bill (H. R. 4547) granting a pension to Silas S. White was considered as in Committee of the Whole. It proposes to place the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment New York Infantry Volunteers, on the pension roll at $30 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH YAZELL.

The bill (H. R. 1171) to pension Hannah Yazell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah Yazell, of Hardin County, Ohio, as the widow of James Yazell, deceased, late of Company G, Eighty-second Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. THORP.

The bill (H. R. 3015) granting a pension to Thomas J. Thorp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Thorp, late a private Company K, Third Regiment Ohio Volunteer Cavalry, at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA S. STILLSON.

The bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers, was considered as in Committee of the Whole.

Mr. GALLINGER. In line 4, after the word "authorized," I move to insert "and directed."

The SECRETARY. In line 4, after the word "authorized," it is proposed to insert "and directed;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Etta S. Stillson, widow of Philo B. Stillson, late lieutenant-colonel One hundred and ninth Regiment New York Volunteers, and pay her a pension of $30 per month in lieu of the pension now paid her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers."

MELITA E. WHITE.

The bill (H. R. 7212) to increase the pension of Melita E. White was considered as in Committee of the Whole. It proposes to place upon the pension roll, at $42 per month, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER C. MORRISON.

The bill (H. R. 6552) granting increase of pension to Alexander C. Morrison was considered as in Committee of the Whole. It proposes to place upon the pension roll at $30 per month the name of Alexander C. Morrison, late a corporal in Company E, Fourth Iowa Veteran Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVE M. LEWIS.

The bill (H. R. 6172) granting a pension to Olive M. Lewis was considered as in Committee of the Whole. It proposes to pension Olive M. Lewis, dependent stepmother of Edward L. Knight, late of the U. S. S. *Portsmouth*, of United States Navy, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA WOODCOCK.

The bill (H. R. 9306) granting a pension to Amanda Woodcock was considered as in Committee of the Whole. It proposes to pay a pension of $12 per month to Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, deceased, late a private in the Fourth Kentucky Volunteer Infantry in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SARAH A. ASPOLD.

The bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold, was considered as in Committee of the Whole. It proposes to pension Mrs. Sarah A. Aspold, of Annapolis, Md., widow of Edward Aspold, late acting second assistant engineer, United States Navy, and late first assistant engineer in the United States Revenue-Marine Service, deceased, at the rate of $15 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM DENNIS.

The bill (H. R. 4744) to increase the pension of Adam Dennis was considered as in Committee of the Whole. It proposes to pension Adam Dennis, late a private in Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, at the rate of $30 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA BARNES.

The bill (S. 3472) granting a pension to Laura Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Mrs. Laura Barnes, widow of Thomas J. Barnes, late of Company K, Sixth United States Volunteer Infantry, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS D. WALKER.

The bill (H. R. 6183) granting increase of pension to Thomas D. Walker was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Thomas D. Walker, late a private in Company B, Fourth Kentucky Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HOLLIDAY.

The bill (H. R. 6546) granting a pension to Samuel Holliday was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Samuel Holliday, late sergeant of Company I, Thirty-ninth Iowa Infantry, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB BROWN.

The bill (H. R. 6556) granting a pension to Jacob Brown was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jacob Brown, late a private of Company A, Fifteenth Iowa Infantry, and to pay him a pension of $30 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCHIBALD HUNLEY.

The bill (H. R. 5580) granting a pension to Archibald Hunley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Archibald Hunley, late a member of Company H, Thirtieth Regiment Illinois Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISE BLENKER.

The bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50 was considered as in Committee of the Whole. It proposes to increase the pension of Elise Blenker, widow of Gen. Louis Blenker, late brigadier-general of the United States, from $30 per month to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER A. BOSTWICK.

The bill (H. R. 4941) to pension Hester A. Bostwick was considered as in Committee of the Whole. It proposes to place upon the pension roll at $20 per month the name of Hester A. Bostwick, widow of Burr H. Bostwick, late captain of Company K, Seventh Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The pension bills on the Calendar have been disposed of. What is the pleasure of the Senate?

SAMUEL M'KINSEY.

Mr. PEFFER. The bill (H. R. 4620) granting a pension to Samuel McKinsey was reported favorably to-day, and of course does not yet appear upon the Calendar. I ask that it may be now taken up and disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll at $72 per month the name of Samuel McKinsey, of Columbus, Kans., late private in Company B, Seventeenth Regiment of Indiana Volunteer Infantry, in lieu of pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. COCKRELL. There are probably eight or ten bills on the Calendar which have been passed by the other House and reported by our Committee on Military Affairs. They are for the correction of the records of soldiers, removing charges of desertion, and in nearly every one of the cases there have been some amendments reported. I trust that the Senate now, by unanimous consent, will take up these bills and act upon them, so that they can be sent back to the other House.

Mr. GALLINGER. Let us pass two or three more pension bills.

Mr. ALLISON. I ask the Senate to consider a House pension bill reported this morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that the bills he has specified shall be considered at the present time?

Mr. ALLISON. After the bill I wish to have considered is disposed of.

Mr. GALLINGER. After pension bills.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

JOHN W. POGUE.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill (H. R. 4875) granting a pension to John W. Pogue.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. Pogue, late a private in Company E, Tenth Regiment Illinois Volunteer Infantry, at the rate of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARTON S. DAWSON.

Mr. GALLINGER. I report favorably, from the Committee on Pensions, the bill (H. R. 4491) granting pension to Barton S. Dawson without amendment. I ask that the bill may be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Barton S. Dawson, late private in Company L, Second Regiment Illinois Volunteer Cavalry, at the rate of $30 per month, in lieu of his present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD S. PHILLIPS.

Mr. GALLINGER. In behalf of my colleague on the Committee on Pensions, the Senator from Kansas [Mr. BAKER], I report favorably, without amendment, the bill (H. R. 5670) to increase the pension of Richard S. Phillips. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at $50 per month, the name of Richard S. Phillips, late corporal of Company K, Sixty-second Regiment Illinois Volunteer Infantry, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER C. M'CUSKEY.

Mr. COCKRELL. The first of the bills on the Calendar for the consideration of which we have unanimous consent is House bill 4872.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4872) to correct the military record of Homer C. McCuskey, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "from," to strike out "the muster out of said Seventh Regiment of United States Colored Troops" and insert "October 1, 1865: *Provided*, That the said Homer C. McCuskey shall receive no bounty, pay, or emoluments of any kind subsequent to said last-named date;" so as to make the bill read:

> *Be it enacted, etc.*, That the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment of United States Colored Troops, on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Homer C. McCuskey an honorable discharge, the same to date from October 1, 1865: *Provided*, That the said Homer C. McCuskey shall receive no bounty, pay, or emoluments of any kind subsequent to said last-named date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ABRAHAM O. WAUCOP.

The bill (H. R. 5127) for the relief of Abraham O. Waucop was considered as in Committee of the Whole. It proposes to correct the military record of Abraham O. Waucop, late captain Company F, One hundred and eighteenth Regiment Ohio Volunteer Infantry, by removing the charge of absence without leave and dishonorable dismissal from the service, and grant him an honorable discharge as of the date of May 15, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REV. EDWIN WARRINER.

The bill (H. R. 505) for the relief of Rev. Edwin Warriner was considered as in Committee of the Whole. It proposes to place the name of Edwin Warriner on the rolls of the First Battalion Connecticut Cavalry Volunteers as chaplain, and to recognize him as of that grade and organization in the service of the United States from the 1st day of December, 1861, the date of his commission, to the 12th day of March, 1864, the date of the acceptance of his resignation by the governor of the State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW V. SENDE.

The bill (H. R. 2618) granting honorable discharge to Andrew V. Sende was considered as in Committee of the Whole. It proposes to issue to Andrew V. Sende, late private Company B, Ninth Regiment Pennsylvania Reserve Corps, an honorable discharge, to date from the 24th day of July, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DUNCAN.

The bill (H. R. 4853) for the relief of John Duncan was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "discharge," to insert "as of date April 30, 1863;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge as of date April 30, 1863, to John Duncan, late of Company D, Twenty-fifth Missouri Infantry, and to correct his military record accordingly as it appears in the archives of the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETER YOUNG.

The bill (H. R. 6143) for the relief of Peter Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "date," to insert "June 22, 1863;" and in line 8, after the word "his," to strike out the word "regiment" and insert "company of," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Peter Young, late a private in Company K, Fifth Missouri State Militia Cavalry, by removing therefrom the charge of desertion, and grant him an honorable discharge as of the date June 22, 1863, when his company of the Fifth Missouri State Militia Cavalry was mustered out of service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMPANY I, SEVENTH IOWA INFANTRY VOLUNTEERS.

The bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers was considered as in Committee of the Whole. It proposes to correct the muster roll of Company I, Seventh Regiment of Iowa Infantry Volunteers, so as to show that the company was enrolled in the service on the 15th day of July, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON KALE.

The bill (H. R. 1836) granting an honorable discharge to Wilson Kale was considered as in Committee of the Whole. It proposes to correct the military record of, and grant an honorable discharge to, Wilson Kale, of Truro, Iowa, late a private in Company G, Sixth Regiment of California Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEAR CRAWFORD.

The bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "service," to strike out the words "*Provided*, That no back pay or allowance shall become due or payable by reason of the passage of this act. Said discharge."; so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wear Crawford, late of Company G, Fifty-second Regiment of Indiana Infantry Veteran Volunteers, and to issue to the said Crawford an honorable discharge from said service, to be dated June 28, 1865: *Provided*, That no pay, bounty, or allowance shall become due or payable by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE T. STEVENS.

The bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers, was considered as in Committee of the Whole. It proposes to revoke the order of November 11, 1862, dismissing George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY O'GRADY.

The bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis, was considered as in Committee of the Whole. It proposes to remove the charge of desertion appearing on the records against Anthony O'Grady, alias John Davis, late private of Company F, Nineteenth Regiment Massachusetts Volunteers, and to issue to him a certificate of honorable discharge, as of Company F, Nineteenth Regiment Massachusetts Volunteers, to date from April 30, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bills upon the Calendar within the consent given by the Senate have been disposed of. What is the pleasure of the Senate?

BRIDGE ACROSS THE RIO GRANDE RIVER.

Mr. CHILTON. I ask consent to call up the bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE EAST RIVER, NEW YORK.

Mr. HILL. There is a House bill on the Calendar to extend the time for the construction of a bridge. The time will expire in a very short time, and I should like to have it passed. It is very short. It is the bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN HALL.

Mr. HOAR. I ask the Senate to take up the bill (S. 514) for the relief of Warren Hall.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confers jurisdiction upon the Court of Claims to hear and adjudicate the case of Warren Hall as originally tried and reported in the Ninth Court of Claims Reports, page 170, and known as "Hall and Roche's Case."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF INTOXICATING DRINKS TO INDIANS.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. PETTIGREW. I hope the Senator from New Hampshire will withdraw the motion until we can consider a little bill which ought to be passed. It is a House bill, and it relates to a question of public importance in the West.

Mr. GALLINGER. What is the bill?

Mr. PETTIGREW. It is House bill 280, to prohibit the sale of intoxicating liquors to Indians.

Mr. GALLINGER. I will temporarily withdraw the motion for that purpose.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. HOAR. Let the bill be read.

The PRESIDING OFFICER. The bill will be read at length, subject to objection.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HILL. What is the act of 1892 which is proposed to be repealed in part? I should like to know in what respect the bill proposes to change the existing law.

Mr. PETTIGREW. I will say to the Senator from New York that the bill simply broadens the scope of the existing law. Under the existing law it appears that we do not define intoxicating liquors sufficiently, so that persons sold to the Indians liquors under different names—bottles of brandied peaches, for instance, which had more brandy than peaches; pickles which had more alcohol than anything else, and so on. The bill covers cases of that sort where such liquors are sold to Indians under the guise of food, etc.

Mr. CHILTON. Does it extend to allottees?

Mr. PETTIGREW. Yes, it applies to Indians who hold lands in severalty. The bill was reported unanimously by the Committee on Indian Affairs, and was recommended by the Indian Rights Association at their last meeting in this city.

Mr. HILL. It is pretty broad, covering ale, beer, extract, bitters, compounds, preparation, or any article——

Mr. BACON. Which intoxicates.

Mr. HILL. Which produces intoxication. It does not say "which intoxicates," but "which produces intoxication." However, I suppose the committee gave it due consideration, and I shall not object.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARANTINE STATION AT ASTORIA, OREG.

Mr. GALLINGER. I rose again to move an adjournment, but the Senator from Oregon [Mr. MCBRIDE] has a bill which he says will not be objected to, and I yield to him. After that bill is disposed of, I shall move an adjournment, feeling that we have already gone rather far under the agreement made at the beginning of the session to-day. I will yield now to the Senator from Oregon.

Mr. McBRIDE. I will state to the Senator from New Hampshire that if he regards the calling up of an unobjected bill on the Calendar as a violation of the agreement, I shall not ask that the bill be taken up.

Mr. GALLINGER. No. I yield to the Senator.

Mr. McBRIDE. I ask the Senate to take up the bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 6, after the word "station," to insert "at or near Astoria, Oreg., and for the maintenance of said station," and in line 8, after the word "and," to strike out "ninety-seven" and insert "ninety-eight;" so as to make the section read:

> That the sum of $30,000 is hereby appropriated for the purchase of site, erection of buildings, pier, disinfecting apparatus, launch, and other appurtenances, for the establishment of a quarantine station at or near Astoria, Oreg., and for the maintenance of said station, during the fiscal year ending June 30, 1898, said station to be maintained and operated under the provisions of the quarantine laws of the United States.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask if the bill has been recommended by the United States Marine-Hospital Service?

Mr. McBRIDE. There is a report accompanying the bill. It is recommended by the Secretary of the Treasury and by the Surgeon-General of the Marine-Hospital Service. The report of the committee is before the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, January 25, 1897, at 12 o'clock meridian.

SENATE.

MONDAY, *January 25, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

FRANCIS E. WARREN, a Senator from the State of Wyoming, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

UNION PACIFIC RAILROAD.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 23d instant, certain information relative to an agreement with what is commonly known as the reorganization committee of the Union Pacific Railway Company respecting the foreclosure of the Government lien on property of that company, together with a letter from the President of the United States under authority of which the agreement was made and foreclosure proceedings have commenced, and also copies of the correspondence which embodies the agreement; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

COST AND PRICE OF ARMOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting a supplementary report in the matter of the cost and price of armor, and calling especial attention to certain letters and reports contained therein; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

ELECTIONS IN DELAWARE.

Mr. BURROWS. I present a memorial signed by James G. Shaw, Daniel M. Wilson, Daniel J. Fooks, Presidential electors chosen by the people of Delaware at the general election held in November, 1896, declaring that in the county of Kent in said State 7,200 votes were polled, and that the Union Republican electoral ticket had at said election in said county a majority of at least 440 votes, but that the board of canvass for said county, composed of 10 Democrats and 7 Republicans, refused to count or to return the vote in 7 election districts, in all of which districts the Union Republican electoral ticket had a substantial majority; and that the canvass board rejected and refused to count at least 1,992 Republican votes and 1,341 Democratic votes in said county; and that then the canvass board of that county removed the presiding officer, a Republican sheriff of the county, and put in his place the coroner of the county, a Democrat, and that the board as thus constituted rejected the votes of the 7 precincts that went Republican and counted only the returns from 8 election precincts, all of which, with the exception of 1, went Democratic, and thereby converted a majority of 500 for the Republican electoral ticket into a Democratic majority of 200. Upon this certification the governor of the State refused to count any portion of the votes from Kent County; and the petitioners declare that the electors of said county were deprived of the elective franchise in the election of President and Vice-President.

These electors therefore pray that the Congress of the United States may fully and fairly investigate all the matters and take appropriate action thereon.

I move that the petition be printed and referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BURROWS. I present a petition purporting to be signed by the speaker of the house and the speaker of the senate and the clerk of the house and the clerk of the senate of the State of Delaware, setting forth in substance that a republican form of government does not exist in the State of Delaware, that the will of the people has been overthrown, that a revolutionary government is inaugurated, that the members of the general assembly of both houses hold title fraudulently, and that parties are holding credentials of election to the Senate and House of Representatives which are illegal. The people of Delaware appeal to Congress for the fulfillment to the State of Delaware of the United States constitutional guarantee of a republican form of government, averring that said general election was fraudulently determined by the said board of canvass, and that men claiming seats in both Houses of Congress bear credentials which are invalid by reason of fraud. They therefore petition for a recount under the direction of the Senate and House of Representatives, and such action as the two Houses may deem proper to take.

I move that the petition be referred to the Committee on Privileges and Elections, and that it be printed.

Mr. CHANDLER. Mr. President, I desire to say a word in reference to the papers presented by the Senator from Michigan, as they raise a grave question in regard to the vacant seat in this body from Delaware.

As I understand those papers, they set out the substantial facts as they come to me from other sources. In the county of Kent the returns on their face showed the Republican members elected. The canvassing board threw out sufficient votes to elect the Democratic members of the two houses from that county. Mandamus proceedings were commenced, but they were dismissed on the ground that first there should have been proceedings to correct the returns from West Dover Hundred; but all the judges declared that it was the duty of the canvassing board to count the returns according to their face. This would have made a difference of 8 in the legislature of Delaware, which has but 30 members.

In Sussex County it is believed by the Republicans that a recount of the ballots actually in the boxes will show that the Republican members from that county were chosen. Proceedings in court have already been commenced to have a recount in Sussex County. If these contentions of the Republicans are correct, the legislature of Delaware, which has been organized and controls the State, is wholly the creation of erroneous proceedings and of fraud, taken together.

I will say to the Senator from West Virginia [Mr. FAULKNER], whom I see rising, that it is my purpose at an early day to devise, if possible, a resolution of Congress, proposing some method by which this wholesale larceny of States and of seats of United States Senators in various States of the Union can be prevented.

Mr. FAULKNER. I was just going to rise to a point of order and suggest that the Senator from Delaware [Mr. GRAY] is not present, and that it is improper and unfair to present a statement of facts on one side when the Senator representing the State is not present to reply. I will simply make the point of order and call for the regular order of business.

Mr. CHANDLER. I regret that the Senator from Delaware is not here, and I will say to the Senator from West Virginia that it will give me pleasure to repeat what I said when the Senator from Delaware comes into the Chamber.

Mr. FAULKNER. I will state that I am certain the Senator from New Hampshire will have full opportunity to make those statements before long.

The VICE-PRESIDENT. The petition presented by the Senator from Michigan will be referred to the Committee on Privileges and Elections and printed, in the absence of objection.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented two petitions of Clinton Roger Woodruff, of Philadelphia, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a concurrent resolution of the legislature of Michigan, favoring the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs, and read, as follows:

STATE OF MICHIGAN,
Office of the Secretary of State, ss:

I, Joseph W. Selden, deputy secretary of state of the State of Michigan, do hereby certify that I have compared the annexed copy of a concurrent resolution of the legislature of the State of Michigan, approved January 21, 1897, and filed in this office January 21, 1897, with the original now in this office, and that it is a true and correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this 22d day of January, in the year of our Lord 1897.

[SEAL.]

JOS. W. SELDEN,
Deputy Secretary of State.

A CONCURRENT RESOLUTION.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Michigan has an especial interest in this bill for the reason that of her gallant soldiers seven regiments of infantry and two batteries of artillery participated in the operations it is intended to commemorate: Therefore,

Resolved by the house (the senate concurring), That the legislature of the State of Michigan by this concurrent resolution asks that the above-named bill (H. R. 4339) be passed during this session of Congress, and requests the Senators and Members of the House of Representatives in Congress from Michigan to labor earnestly for its passage; and the secretary of state is hereby directed to send a certified copy of this resolution to the Senators and Members of the House of Representatives from Michigan, to the Hon. THOMAS

B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. T. HULL, chairman of the House Committee on Military Affairs, and to the Senators and Representatives in Congress from this State.

WILLIAM D. GORDON,
Speaker of the House of Representatives.
THOMAS B. DUNSTAN,
President of the Senate.

Approved January 20, 1897.

H. S. PINGREE, *Governor.*

Mr. BURROWS presented a petition of the Board of Trade of Grand Rapids, Mich., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petitions of Cyrus Curtis, publisher of the Ladies' Home Journal, of Philadelphia; of William P. Thompson and 11 other citizens of Philadelphia; of the Link Belt Engineering Company, of Philadelphia; of Hamilton & Diesinger, of Philadelphia; of J. W. Supplee, of Philadelphia; of Edwin F. Merritt & Co., of Philadelphia; of H. Andres, of Philadelphia; of the Charles E. Hires Company, of Philadelphia; of C. & J. Sasman, of Philadelphia; of John T. Palmer, printer, of Philadelphia, all in the State of Pennsylvania, and the petition of the Page Bros. Buggy Company, of Marshall, Mich., praying for the passage of House bill No. 1566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Illinois Yearly Meeting of the Religious Society of Friends, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of A. S. Pratt, in behalf of the Humane Society of Washington, D. C., praying for the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Furniture Commercial Agency, of Chicago, Ill., and a petition of the Radfors Sash and Door Company, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty of the Chicago Theological Seminary, of Chicago, Ill.; a petition of the Congregational Ministers' Union of Chicago, Ill.; and a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the memorial of J. A. Ryan, of Chicago, Ill., remonstrating against the ratification of the arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GEAR presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the petition of W. F. Parker, of Franconia, N. H., and a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., and a petition of the Woman's Christian Temperance Union of Portsmouth, N. H., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the passage of Senate bill No. 1498, to punish the carnal and unlawful knowing of any female under the age of 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. THURSTON presented resolutions adopted by the senate of the State of Nebraska, expressing sympathy for the Cubans in their struggle for freedom; which were ordered to lie on the table.

Mr. HALE presented a petition of the faculty of Bowdoin College, Brunswick, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Central Labor Union, No. 1, of Portland, Me., remonstrating against the provisions contained in House bill No. 6399, which, it is claimed, provide for the punishment of American seamen; which was ordered to lie on the table.

Mr. ALLEN presented the memorial of J. C. Rahe, publisher of the Sun, of Shelby, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of the legislature of the State of Michigan, praying for the enactment of legislation to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of E. H. Harner and 78 other members of Independent Lodge, No. 14, Independent Order of Good Templars, of Washington, D. C., praying for the enactment of legislation to amend the license law of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HILL presented a petition of sundry citizens of New York, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. LODGE presented petitions of the Boston Merchants' Association, of Boston; of F. A. Russegue, treasurer of the Boston Times, of Boston, and of H. Leonard & Co., all in the State of Massachusetts, and the petition of Thomas W. Newcomb, of Rochester, N. Y., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. COCKRELL. I present letters, in the nature of memorials, from George M. Sternberg, Surgeon-General United States Army; Dr. S. C. Busey, Dr. D. E. Salmon, Dr. Walter Reed, and others; from Seth Low, president of Columbia University of New York, J. W. Mallet, of the University of Virginia, and other members of a joint committee of the medical and other scientific societies and educational institutions of the District of Columbia, remonstrating against the proposed legislation embodied in Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia. I ask that the memorials be printed as a document as part 2 in connection with those that have heretofore been presented by me on the same subject and ordered printed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The memorials will lie on the table, the bill having been reported.

Mr. DANIEL presented the petition of Walter Mahon, A. R. Jacobs, and other citizens of Virginia, praying that authority be granted to the Washington, Arlington and Falls Church Railway Company to widen the Aqueduct Bridge and to extend a single track for electric street car purposes only across the bridge to the new Union Station, Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the dairymen and shippers of milk of Herndon, Va., remonstrating against the passage of Senate bill No. 3388, regulating the shipment of milk into the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of W. C. Curtis & Son, publishers of the Weekly Mecklenburg News, of Boydton, Va., and the memorial of T. M. Broadus, druggist, of Gordonsville, Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the retail clerks of Richmond, Va., praying for the establishment of a Government postal telegraph system; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN. I present the memorial of John L. Smithmeyer and Paul J. Pelz, architects of the building for the Library of Congress, making certain statements concerning the architecture of that building. I move that the memorial be printed, and referred to the Select Committee on Additional Accommodations for the Library of Congress.

The motion was agreed to.

Mr. COCKRELL. I present a letter from Edward Flad, president of the Engineers' Club, of St. Louis, Mo., accompanied by a petition from that club, praying for the maintenance of deep-water navigation at the mouth of the Mississippi River. I move that the letter and accompanying petition be printed, and referred to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON presented the petitions of Lucius S. Landreth, of Halpen, Green & Co., of James W. Cooke & Co., of Schell, Taylor & Longstreth, of Reeves, Parvin & Co., of C. Hulburt & Co., of Einwechter & Wyeth, of Thomas P. Conard, of John F.

Soby, of Miller & Mooney, of John Blakely, publisher of the Evening Star, of David J. Blank, of H. Gawthrop & Co., of John W. Francis and J. E. Sterrett, of Biddle, Bernstein & Co., of Thomas Roberts & Co., of J. L. Shoemaker & Co., of the Sharpless Dyewood Extract Company, of the Union Trust Company, of Luis Bremer's Sons, of David Bentley & Co., of John M. Watts's Sons, of Bradler & Co., of George Miller & Sons Company, of Lukens Bros., of The American Exchange and Review, of Eben C. Jayne, of Brice, Monges & Co., of Ivin, Dietz & Metzger Company, of the Guarantee Trust and Safe Deposit Company, of Hance Bros. & White, of Tattrall Vandaling, of the Guarantee Company of North American, of the George W. Brabon Company, of Klander & Bro., of Burgin & Son, of Ziegler Bros., of A. N. Wirg, of Krause, Ingham & Heister, of Shaw & Ewing, of Edmund A. Souder, of David Henephin, of William H. Staake, of Ropham Gerstley & Co., of Robert A. Sinclair, of William H. Hoskins, of Croxton, Wood & Co., of William S. Emley, of Harold C. Peirce, of Leas & McVitty, of Charles Bond, J. Milton Colton, of Hughes & Miller, of the Philadelphia Grain Elevator Company, of Charles M. Taylor's Sons, of Harvey, Moland & Co., of William H. Deisroth, of William Conway, of F. G. Percival & Co., of Henry A. Dreer Company, of Edwin F. Merritt & Co., of Vail Bros., of Jones Eavenson & Sons, of the Wolff Chemical Company, of John T. Palmer, of Charles Noble & Co., of the Keystone Plaster Company, of J. M. Melling & Sons, of Halstead & Spencer, of James S. Mason Company, of Duling, Buek & Co., of Wilson & Bradbury, of the Milbourne Mills Company, of the Partrick & Carter Company, of James Gopsill's Sons, of Harry Fallows, of the Howard W. Middleton Company, of Young & Newman, of Thomas Watts & Bro., of Malcolm Henry, of Loos & Dilworth, of the J. Lansing Mines Company, of the Horn & Brannen Manufacturing Company, of Fritson Mitchell, of Walter O. McIntosn & Co., of Guy W. Emlen, of William H. Thompson, of the Standard Steel Works, of Hunter & Dickson, of Z. F. Fuller & Bro., of Atmore & Son, of Gray's Ferry Fidelity and Boiler Company (Limited), of McMurray & Co., of Samuel Sternberger & Co., of the Pioneer Suspender Company, of James Boyd, of W. T. Smith & Sons, of the North Brothers Manufacturing Company, of J. Warren Hale, of Henry S. Hale, president of the Hale & Lilburn Manufacturing Company, of the Hunting, Park Avenue and Pennsylvania and Reading Railroad, of Wetherill & Bro., of the Thackara Manufacturing Company, of Wilson & Baker, of Thomas Rickers & Co., of J. B. Allen, of Hamill & Cartright, of William Boekel & Co., of E. A. Corbin, of the West Philadelphia Title and Trust Company, of Charles H. Nickels & Co., of Sme & Scott, of Shields & Bro., of Estleman & Craig, of Paxson, Comfort & Co., of Francis T. Sibley, of the Pratt Food Company, of Fisher, Bruce & Co., of the G. S. Lovell Clock Company, of Hamilton & Deisinger, of Finery, Acker & Co., of H. Frysinger, of A. C. Varneso, Mary L. Ross, Elizabeth Dagg, and Mrs. A. E. Lyle; of Mrs. Mary Van Houten, Mrs. Sadie Dodson, Mrs. Annie L. Groh, and Mrs. Mary McKamey, of the Electric Protection Company, of James Smith & Co., of Edward K. Tryon, jr., & Co., of William P. Thompson, of Max Levy, of Samuel Kind, of Jos. D. Conner, of the American Carpet Trade, published at Philadelphia, of Sylvan Dalsuner & Sons, of Henry C. Ellis, and sundry other citizens, all of the city of Philadelphia, Pa., and a petition of the faculty of the York Collegiate Institute, of York, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Tiffany Bros., publishers of the Examiner, of Nicholson, Pa., and a memorial of the publication committee of the Philadelphia (Pa.) Polyclinic, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions in the form of resolutions adopted by the Joint Diocesan Sunday School Lesson Committee of the Protestant Episcopal Church, represented by over 200 members from 56 dioceses, and from the Brotherhood of St. Andrew, now in session at Philadelphia, Pa., and a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the petition of H. A. Fry & Co. and 98 other business firms of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems in the United States, reported it without amendment.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. ALLEN on the 20th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

BILLS INTRODUCED.

Mr. ROACH introduced a bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 3592) for the relief of Marcus Bain; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 3593) granting settlers the right to make second homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. THURSTON introduced a bill (S. 3594) granting a pension to Loughlin F. Maginn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3595) granting an increase of pension to Mrs. Catherine R. Brown, widow of Joseph B. Brown, a surgeon in the Army; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3596) granting a pension to Moses M. Crants which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3597) providing that no person shall be tried in the courts of the United States for acts in aid of the Republic of Cuba; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN introduced a bill (S. 3598) to correct the military record of James Irwin, alias James Williamson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 3599) granting a pension to Annie Fowler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3600) to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

UNLAWFUL COMBINATIONS IN RESTRAINT OF TRADE.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3545) amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

OPIUM HABIT IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask that 500 copies of the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, and of Document No. 74, relating to the opium habit in the District of Columbia, may be printed for the use of the Senate Committee on the District of Columbia, there being numerous calls for the bill and the accompanying document.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

PROPOSED PACIFIC RAILROADS INVESTIGATION.

Mr. PETTIGREW. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be to investigate the issue of patents for lands of the United States to the Pacific railroads and to the California and Oregon Railroad. Said committee shall also investigate and report to the Senate the amount due the sinking fund of the Union and Central Pacific roads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to the operating expenses.

That said committee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath, touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate, and may appoint a clerk for said committee, and the necessary and proper expenses incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee.

Mr. HALE. The resolution goes to the Committee on Contingent Expenses under the rule.

Mr. PETTIGREW. I ask that it may lie over until to-morrow, and then I will ask to have it referred, if that is the rule.

Mr. HALE. The rule imperatively declares that all such resolutions must be referred to the Committee on Contingent Expenses. There is no doubt about it.

The VICE-PRESIDENT. That is a correct statement of the rule.

Mr. PETTIGREW. Very well. Then the resolution may go to the committee at once.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from Vermont [Mr. PROCTOR]. The amendment will be stated.

The SECRETARY. At the end of line 4, page 2, insert the following proviso:

Provided, That hereafter, whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

Mr. THURSTON. Mr. President, it seems to me that the opposition to this amendment is proceeding upon an unfair basis. I do not understand that there is anything whatever in the amendment which has any connection with the inauguration exercises to be held in this city on the 4th of March next.

The cadets at the West Point Military Academy are a part of the Army of the United States. They are subject to the direction of the Executive and of the Secretary of War. Unquestionably there may arise occasions when it is proper and wise that the President or the Secretary of War should direct that the cadets or some of them be transferred from one part of the country to another. There might arise occasions when such an order would not only be wise, but would be almost a matter of necessity. It ought to be true that the appropriations for the subsistence of the Army of the United States should be equally at the disposal of the War Department to take care of the cadets of the West Point Military Academy if ordered to some other part of the country as the appropriation would be at the disposal of the Secretary of War if another part of the Army of the United States was ordered to some other part of the country.

It seems to me that in bringing in the question of the participation of the cadets in the inaugural ceremonies in this city we are unjustly and unfairly approaching the consideration of the pending amendment. On the ground that the cadets are a part of the Army of the United States, that their subsistence ought to be provided for in the same way as the subsistence of any other part of the Army, and on the further ground that this question properly has nothing to do with the presence of the cadets at the inaugural ceremonies to be held in this city, it seems to me that the amendment should prevail.

But beyond that, Mr. President, it has been suggested upon this floor that a great injury may be worked to the educational advantages or opportunities of the West Point cadets by ordering them away from the Academy for one week and from the consideration of their daily lessons to participate in this the grandest pageant that can be seen in a government of the people. If a son of mine were a cadet at the Military Academy of the United States there is no lesson in which I should so anxiously wish him to participate as the grand inaugural ceremonies incident to the placing in the office of President of this country the man selected by the people at the polls, where all have the right to express their choice. There is no other spectacle so sublime; there is no other lesson so instructive. There is no other memory which will so tend to inspire in the hearts of these youths a love of country, a high and abiding patriotism, loyalty, and devotion to duty as the memory which will enable them to say in the years to come, "This splendid ceremony we saw, and of it we were a part."

As an educational proposition alone, Mr. President, I know nothing which would be so good for the West Point cadets as to have them participate in every inaugural ceremony of a President of the United States. This opportunity can only come once in the Academy course of any cadet. When it does come, Mr. President, it seems to me that if I were the officer of this Government having the power of direction I would say that that opportunity ought not to be missed by any of those young men who are entered there expecting to devote their whole lives to the services of this Government. I see no harm that could possibly come from it.

And, Mr. President, let me say, without intending to reflect upon anything that has been said here, or upon any Senator who has made opposition to this amendment, that it does seem to me it is a very small matter for anyone upon this floor to object to the amendment by bringing in the question of the success of the great inaugural demonstration that is to be held in this city on the 4th day of March next. There is no man in this country of any political party, high or low, black or white, whose heart should not beat high with the hope that the inaugural ceremonies of a President of the United States should be as grand, as magnificent, as popular, and as general in celebration as they can possibly be made. For the purpose of permitting the Executive of this nation to be left free in the exercise of his own views as to whether the cadets, that are a part of the Army and at his disposal, shall be brought here, it seems to me the amendment should prevail.

Mr. MILLS. The other day my friend from Indiana [Mr. TURPIE] gave notice that he would address the Senate this morning after the routine business, and I ask that the pending business may be laid aside until we can hear him.

Mr. HALE. We shall get through with the appropriation bill very soon.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent that the pending bill be laid aside in order that the Senator from Indiana may address the Senate. Is there objection?

Mr. PETTIGREW. I think the bill will take but a very few moments, for this is the only important matter in it yet to be brought before the Senate for consideration.

Mr. MILLS. The Senator from Indiana gave his notice before the Senator from South Dakota called up his bill, and I think it is a courtesy to that Senator that the Senator from South Dakota should yield for the present.

Mr. PETTIGREW. I shall not object, but it seems to me we could dispose of the bill in the next ten minutes.

Mr. STEWART. I do not think we could.

Mr. PETTIGREW. I should like very much to do so.

Mr. WHITE. I do not think we could close this matter in ten minutes. I am confident we could not.

Mr. STEWART. No. Several Senators want to make remarks on the subject.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Texas that the pending bill be laid aside in order that the Senator from Indiana may address the Senate. Is there objection? The Chair hears none, and the Senator from Indiana will proceed.

INDEPENDENCE OF CUBA.

Mr. TURPIE. Mr. President, I call up the joint resolution reported from the Committee on Foreign Relations.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated, which will be read by title.

The SECRETARY. A joint resolution (S. R. 163) acknowledging the independence of Cuba.

Mr. TURPIE addressed the Senate. After having spoken for some time—

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDING OFFICER (Mr. BLANCHARD in the chair). The Senator from Indiana will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. I ask unanimous consent that that bill may go over as the unfinished business until to-morrow at 2 o'clock; and I further ask unanimous consent that the Senator from Indiana [Mr. TURPIE] be allowed to retain the floor until he has concluded his remarks.

Mr. HOAR. What becomes of the special order?

Mr. MORGAN. What is the special order?

Mr. HOAR. The bankruptcy bill.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the unfinished business, which is the

Nicaraguan Canal bill, go over without prejudice until 2 o'clock to-morrow. Is there objection? The Chair hears none. The Senator from Alabama also asks the unanimous consent of the Senate that the Senator from Indiana be allowed to conclude his remarks. Is there any objection? The Chair hears none.

Mr. VILAS. I was going to suggest to the Senator from Massachusetts that he also ask unanimous consent that the special order stand over until to-morrow with the same rights which it has for to-day.

Mr. ALDRICH. Special orders always stand over without unanimous consent.

Mr. VILAS. But the special order does not stand over with the same rights it has now.

Mr. ALDRICH. No unanimous consent is required for a special order.

Mr. HOAR. I ask unanimous consent that the bankruptcy bill be taken up immediately after the conclusion of the Nicaragua measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. STEWART. The Senator from Colorado [Mr. TELLER] is not here.

Mr. HOAR. I shall not press the bill in his absence. I merely want to have it read; that is all.

Mr. ALDRICH. After the disposition of the Nicaragua Canal bill?

Mr. HOAR. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the bankruptcy bill be taken up immediately after the conclusion of the Nicaraguan Canal bill. Is there objection? The Chair hears none, and it is so ordered. The Senator from Indiana will proceed.

Mr. GEAR. I did not wish to object, but I want to call the attention of the Senator from Massachusetts to the fact that there is a very important bill pending here, which has been reported for a long time, the bill regulating the debts of the Union Pacific Railroad. I think that bill should have the precedence, and I would be glad if it should be given. It will take but a short time to dispose of the bill. It is the unanimous report of the committee.

Mr. WHITE. I should like to inquire of the Senator from Iowa if that is the bill which is similar in form to the bill which was defeated in the House of Representatives?

Mr. GEAR. No, sir; not at all. It is what is called the commission bill. I am informed by the Senator from Massachusetts that he will consent, if the bankruptcy bill is brought up, to lay it temporarily aside for that bill, and therefore I withdraw my objection.

Mr. WHITE. There will be objection to taking up the commission bill—the railroad bill.

Mr. GEAR. That is all right.

The PRESIDING OFFICER. The Senator from Indiana will proceed.

INDEPENDENCE OF CUBA.

Mr. TURPIE resumed his speech. After having spoken for nearly an hour,

The VICE-PRESIDENT. The Senator from Indiana will suspend, that the Chair may lay before the Senate a message from the President of the United States.

[Mr. TURPIE'S speech will be found in the RECORD of January 26.]

IMPRISONMENT ABROAD OF NATURALIZED CITIZENS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith, in response to the Senate resolution of December 21, 1896, addressed to the Secretary of State, a report of that officer covering a list of persons claiming to be citizens of the United States who have been arrested on the Island of Cuba since February 24, 1895, to the present time.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 25, 1897.

Mr. CALL. I ask that the message of the President be printed for the use of the Senate.

The VICE-PRESIDENT. The message will be referred to the Committee on Foreign Relations and printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CRISP.

Mr. GORDON. Mr. President——

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 16, 1897.*

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. GORDON. Mr. President, I submit the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the business of the Senate be now suspended, that opportunity may be given for tributes to the memory of the Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a further tribute to his memory and in recognition of his distinguished ability as a public servant, the Senate, at the conclusion of these memorial ceremonies, shall stand adjourned.

Resolved, That the Secretary communicate these resolutions to the House of Representatives; and

Resolved, That the Secretary be instructed to communicate a copy of these resolutions to the family of the deceased.

The VICE-PRESIDENT. The resolutions are before the Senate.

Mr. GORDON. Mr. President, during the last session of Congress, and near its close, I met on this floor for the last time the great Georgian in whose honor we speak, and whose death an appreciative people so sincerely mourn. Were it permissible to refer to the purpose which brought him from the other end of the Capitol it would reveal, as his every act, public and private, revealed, the innate nobility of the man.

CHARLES FREDERICK CRISP was born in England, but was transferred before his first anniversary to his future home in southwest Georgia. Richly endowed with native abilities and notably with those attributes of character so quickly and infallibly discerned by the open-hearted people of that section, in his early manhood he commanded their respect and enlisted their support. In a district where competition was an impassable barrier against mediocrity, he rose steadily and rapidly in their esteem and confidence until he held, without a rival, the supreme place in their affections.

Mr. President, if it be true that our temperament and sensibilities and character are permanently affected by the scenes amidst which we are reared, this fact would in some measure explain the strikingly attractive characteristics of our deceased friend. His youthful imagination, his gentle nature, receptive and impressible, received their earliest touches and strongest tints from the peculiar civilization, the sunlight, and soft air of that genial clime. His childhood was passed in a locality where an unaffected cordiality was the genius of social life, where daily associations were elevating and refining, and where all nature tended to soften the heart and lift the soul—where home was the synonym of hospitality, and where every open field, made beautiful by the white, the yellow, and the crimson cotton blooms, was rimmed by majestic pines, whose weird music, like the distant murmur of the sea, tranquillized the spirit and turned the thoughts to God.

He was soldier, lawyer, solicitor, judge, national legislator, and Speaker of the House of Representatives. In all these positions of responsibility and trust, in the holier relations of Christian, husband, and father, through all the stages of a great career, in all the activities of life, he was brave, unselfish, strong, and pure. English by birth and blood, he was American in thought, sentiment, and purpose—in every throb of his brain and fiber of his being.

The achievements of his maturer years were but the fulfillment of his early promise. The courage and consecration of the youthful soldier were but the prophecies of the career and crown of the illustrious statesman.

At the age of 16 he won a commission in the Confederate army under "Stonewall" Jackson. He was with that phenomenal soldier when he fell in the Wilderness. He marched with him, fought under him, felt the power of his majestic presence, and caught inspiration from his dazzling genius and from that inflexible Christian faith and fortitude which are better than genius. Beardless boy as he was, CHARLES F. CRISP met the hardships and dangers of the field with the nerve of a veteran, and endured the privations of prison with the patience of a philosopher.

Mr. President, a character so symmetrical and complete as Speaker CRISP'S deserves to be studied and imitated. Called to an unusual number of positions, he was efficient in all, and in many excelled. Doubtless this very diversity in his active life, like exercises in training schools for the development of complete physical manhood, was a source of strength in his mental and moral equipment.

As a soldier, he learned obedience to constituted authority, the necessity of promptness, the value and power of organized effort.

As a lawyer, he was taught the efficacy of analysis and of that close, clear, and forceful style of reasoning from premise to conclusion which constitute the strength and charm of his public utterances.

As State's attorney, it was his duty to analyze and denounce crime and to bring the perpetrators to punishment, and he discharged that duty with absolute fidelity and marked ability.

As judge, he was charged with the high function of declaring the law protecting the citizen's rights, his property, his life, and his liberty, and no man ever met these grave obligations more conscientiously and bravely. The judicial ermine never rested upon worthier shoulders, nor was it ever kept whiter or more immaculate.

As member of the National Congress, he was confronted by the gravest problems of government, and he supported or antagonized measures with an eye single to the welfare of the people.

As Speaker he had placed in his hands a power greater in many important particulars than that intrusted to the President, and he wielded it, in the judgment of political friend and opponent, with an ability rarely equaled and a courtesy and an impartiality never surpassed.

As professing Christian he assumed obligations to the Christian church and to its Divine Founder and Head which he never disowned and never dishonored.

Mr. President, there remains but one other phase of our deceased friend's life of which I wish briefly to speak. In those stations to which I have already alluded his record was far more conspicuous and related itself to a vastly wider constituency. The responsibilities of those public stations, so faithfully met, were to his country, to society, and church. The honors he won by a great career and a noble life are the heritage of the whole American people. But the realm into which I now enter, while far more circumscribed, is infinitely more sacred than any except the church itself. It is due to the occasion, due to my own sense of propriety, to say that the curtain is drawn from the sanctuary of my friend's domestic life by a reverent hand, and that the delicate task is legitimately sanctioned; but it is also due to his memory and to those whom he loved above honors and held dearer than life to say that no home ever lost a nobler head than the home of Charles F. Crisp.

Great and lasting as are the honors he won in the public service, sincere and just as are the eulogiums pronounced by his associates in Congress, earnest and universal as are the benedictions of his people, and precious as will be this heritage to the unspeakably bereaved wife and children, yet his constant, daily acts of unselfish devotion as husband and father are to them the richest and most cherished legacy. His unfailing solicitude and tenderness exhibited throughout his busy, absorbing career, and singularly manifested in the very hour of dissolution, when his tongue was no longer capable of utterance, will constitute to this stricken household the sweetest and most hallowed memory.

The life of such a man, Mr. President, is a sermon, a psalm, an inspiration. The death of such a man is a bereavement to society, to the State, to the Republic. Both his life and his death to those of us who served with him and who now survive him are full of encouragement and at the same time of warning—of encouragement to virtuous living in the discharge of duty, and of solemn warning to be ready for the inexorable summons of the mute messenger, who will come we know not how nor when, but will come surely and come to all.

Standing in the gloom of this national loss, the radiance of the highway he trod becomes the more plainly visible. From its opening to its close his career was one of unbroken success. From year to year, from station to station, from one official height to another still higher, his shining course was a constant, continuing ascent, with no blemish to mar, no stain to dim its luster. Holding the great office of Speaker, he declined a seat in this Chamber tendered him by the governor of his State. Though laudably ambitious to represent Georgia in this august body, he turned his back on ambition at the call of duty, whose every command was to him an imperative fiat. He died with the echoes of his last political victory still ringing in his ears. He died near the convening of the legislature which, in obedience to the formally expressed and emphatic popular will, would have sent him triumphantly to the Senate as a partial recompense for his previous self-abnegation.

Providence denied him the coveted seat in this Chamber, but called him, as we confidently hope and believe, to an infinitely more exalted station in the invisible, everlasting convocation of the just.

Mr. GALLINGER. Mr. President, in response to the request of the distinguished senior Senator from Georgia, whose eloquent and touching words of eulogy have charmed our ears to-day, I will very briefly pay tribute to the great Georgian whose virtues and accomplishments are matters of history. It was my privilege to serve with Judge Crisp during the Forty-ninth and Fiftieth Congresses, and it is an exceedingly pleasant memory that we were friends as well as associates during those four eventful years. Judge Crisp had not then risen to the high eminence as an orator and parliamentarian that he achieved in later years, but even then, almost at the threshold of his Congressional career, he impressed himself upon the House as a man of marvelous gifts and commanding powers. I recall more than one instance when he surprised his associates by an exhibition of tact, ability, and skill in the management of legislation, while his occasional outbursts of fervid oratory are not forgotten by his fellow-members. At times Judge Crisp was intensely partisan, as all strong men are, but he was always courteous and usually fair. The rancor of debate left no scars on his mind, and the turbulent waters of party strife did not soil the purity of his soul. Looking back over the years that have come and gone to the time that I parted with Judge Crisp at the close of the Fiftieth Congress, my heart goes out to him even as it did when we daily met. His kindly words are remembered, and his strong and pervading personality is vividly and tenderly recalled. But the good friend, the courtly gentleman, the intellectual giant is no more. At the very zenith of his fame—the chosen leader of his party associates and the idol of his State—he was summoned from earth to the great beyond. Charles Frederick Crisp has gone to his reward, to receive the plaudit of "Well done, good and faithful servant."

Mr. President, it is a single blossom that I bring to be laid on the casket of my dead friend; but the tribute, though brief, is sincere and heartfelt. A man of marvelous powers, grand achievement, and noble purpose has passed away. The place he so well filled in the halls of legislation is vacant; but his place in the hearts of his family, his friends, and his countrymen will forever be bright and glorious. Farewell, thou man of strength and grandeur; of tenderness and heroism; of mighty achievement and exalted purpose. Earth's work is done, life's fitful fever is ended, and the joys of a better world are the reward for the faithful performance of earth's duties and obligations. Farewell the true friend, the convincing orator, the great Speaker, a fond and tender farewell.

Mr. GORMAN. My purpose, Mr. President, on the present sad occasion is briefly to express my great personal esteem and my high admiration for a great leader in the public councils of our country, whose life added luster to American character and illustrated the possibilities in American political life.

It can not be too often noted and emphasized that there is no insurmountable bar to preeminence in the politics of our country when to personal traits of exalted character there are added incorruptible integrity, firm resolution, and positive courage. When these high qualities are graced with kindliness of disposition, urbanity in intercourse, and a high sense of justice and fair dealing toward adversaries, we have that truly American character which was illustrated in the public life of the late Charles Frederick Crisp, of Georgia.

His early schooling was obtained in the camp, upon the march, and in the very forefront of the battle. It was amidst the hardships, restraints, and sacrifices incident to four years of civil conflict that he laid fast and sure the foundation of self-reliance, indomitable resolution, and high purpose, which in a few years brought him forward as one qualified to lead and to shape the course of political affairs. His promotion was rapid. Admitted to the bar in 1866, he was raised to the bench in 1877, and from that high position was elected to the House of Representatives in 1882. There in committees, on the floor in debate, and in earnest work, he so impressed his political associates that in the Fifty-second Congress his party elected him Speaker of the House—the most exalted position within the gift of the House and second only to the Presidency, in point of power, in our system of Government.

These accomplished results illustrate not only the high character and attainments of Judge Crisp, but they emphasize the possibilities of popular government, whose highest honors are at all times open to the free competition of those who are worthy to fill them.

The public life of Judge Crisp illustrates the truth of the remark that "nothing is denied to well-directed labor, and nothing is obtained without it." Leadership in the House exacts the most constant and assiduous labor from those who aspire to its high emprise, and can not be purchased at a lesser price. His administration of the duties of the Speakership, during periods of intense excitement and amid the conflicts of contending interests, left not a sting among his party's adversaries nor failed to bring intensest satisfaction to his supporters. He was preeminently fair, considerate, just, and impartial, and left the well-earned reputation of a great Speaker. A like career on this floor was frustrated by the rude hand of Death immediately after the people of Georgia had expressed their purpose to elect him to the Senate.

There must have been in such a career a dominating principle to which thought and action were at all times subordinated. We shall not improve occasions like this if we fail to eliminate the motive and the principle which made the public career of Judge Crisp so worthy of study and so full of noble example. He was a partisan in the purest sense of that word. He had satisfied his conscience that more substantial good, more positive progress was possible to the country from the principles, measures, and organization of the political party to which he was attached than was possible from any other organization. Hence his advocacy, as well as his opposition, was directed at all times to the triumph before the people of the principles and measures of his party. But that partisanship was destitute of every unworthy motive, free from all asperity, and unattended with epithet, innuendo, or aspersion. Those who differed from him listened to his earnest advocacy confident that it was inspired by sincerity and prompted by a sense of high duty. If to "party he gave up what was meant for mankind," it was because he identified his party with all that was best and safest for the general welfare of the people, the progress of the country, and the advancement of her civilization.

By disposition, as well as from conviction, he was a conservative of that form of government and that distribution of its functions which under the Federal Constitution can alone render permanent the blessings of popular government. At the same time, he was a pronounced radical in his conviction that all power emanates from the people, and that the administration of government can never be safe and successful unless it be conformable to the wishes and opinions of the people as expressed by their representatives, and that the regular, orderly, and authentic expression of public opinion was obligatory at all times upon the legislative and the executive departments of the Government.

Such exalted principles qualify and modify partisanship into patriotism and teach the lesson that intensity of advocacy is at all times compatible with a just consideration for the convictions of an adversary. That was the preeminent characteristic of the political career of Judge Crisp. In the most excited and embittered contests over measures like those for the repeal of the election laws, or the different phases of the tariff discussion, he exhibited the highest qualities of leadership, but at the same time the fullest recognition of the same earnestness of conviction in his opponents.

Without the brilliancy of oratory or the graces of rhetoric, his very earnestness and the manifest sincerity of his character became persuasive and convincing, and made him a natural leader and his party willing and enthusiastic followers. There was in his personality every element which made association pleasant and agreeable. With warm-hearted geniality he won the affections, while his dignity of bearing impressed all who came within its influence. But there was no compromise of principle within his nature: what conscience approved, expediency could not compromise. It was that full and complete subordination of expediency to principle that carried into the Speakership the integrity of the judge and clothed the politician with the ermine of justice.

It was natural that such a character should impress the people far beyond the borders of Georgia; hence his popularity was as widespread as his party, and in every State he won the respect and confidence alike of Democrats and Republicans. Citizens of every party recognized the purity and sincerity of that "hope" for "our beloved country" when uttered by him upon being elected Speaker.

No review of his public and private character would do justice to our departed friend which did not emphasize that unselfish devotion to duty which declined the appointment to the Senate by the governor of Georgia because he was more useful to his party at that time in the House. The seat in the Senate was the goal of all his hopes, the crown of his ambition. But the opportunity of his life came at a moment when duty to his party demanded its declension. He was equal to the sacrifice and set aside his personal promotion for the good of his party. There is a deep sadness in the fact that after such unselfish devotion to duty death should have robbed him of his reward, when tendered by the suffrages of the people of that great State of which he was a noble citizen and an honored Representative.

My acquaintance with him was close and intimate; my confidence in his judgment, discretion, and ability was full and complete. He measured up to every occasion, and never was a flaw or crevice found in that armor of principle, integrity, and zeal for "our beloved country," which enveloped him like a "garment of praise."

Mr. BERRY. Mr. President, I met Judge Crisp for the first time when I came here in 1885. He was then serving his second term in Congress, and had already attracted attention as a man of ability and high character. Subsequently I knew him intimately and knew him well. We lived together in the same hotel in this city for eight years. During the sessions of Congress I saw him daily. I saw him in his associations with his family, with members of Congress, and with numerous friends from all sections of the country. That he was a man of high character and splendid ability I need not say. That he met bravely and was equal to each responsibility and that he did his duty faithfully and well to his constituents and his country is known to all.

Judge Crisp was one of the few men in public life of whom it could be truly said that he was always equal and never superior to any place or station where duty called him to go. He rose steadily and continuously in the public estimation and grew greater year by year as his duties and responsibilities increased, and he was more honored and loved at the time of his death than at any time before. The most prominent and striking traits in his character as they appeared to me were his self-poise and remarkable self-control, his uniform cheerfulness, his great patience and kindliness toward all with whom he came in contact, his quick perception, and great power to condense and convince in argument. I saw him every day and many times each day during the exciting and heated contest for Speaker in December, 1891. I saw him at the time when many of his friends thought he was beaten. I saw him in the hour of his victory, and no one could detect in his manner or bearing the least sign of despondency in the one instance or elation in the other. I saw him after the contest was over, when the pressure came upon him for committee assignments. From early in the morning for many days until late at night his rooms overflowed with members of the House of Representatives, Senators, and many others. He saw and heard all who came, and never for one moment did he lose his patience, his cheerfulness, or his kindliness of manner. If he felt the criticisms and abuse which came from the disappointed—and he did feel it, for he told me so long afterwards—he made no sign and uttered no complaint, and I think now that it was these high and admirable qualities in his character that enabled him afterwards to lead and control his party so absolutely in the House of Representatives. Many strong men, many great men, have presided over the House of Representatives; but I think none of them ever surpassed Judge Crisp in his ability to lead and none ever had more devoted and willing followers. That he was a great Speaker and possessed qualities that peculiarly fitted him for the position all will admit, but that which made him really great was his devotion to his duty and his love for country.

These were the same qualities in his character that caused him when a lad of 16 years of age to march forth to battle for his home, his people, and the faith of his fathers, and this same devotion to duty and love of country remained with him in the exalted position he afterwards obtained. And he was as true and loyal to our common country and to the flag of the Republic, when presiding over the House of Representatives, as he had been true and loyal to the flag of the South when he upheld it and faced death upon the battlefield of Manassas and Spottsylvania.

The greatest lesson taught by the life of Judge Crisp is that it shows the possibilities of success for the American youth. It is the glory of our Republic that the poorest boy in the land, if he has the courage to be honest and upright and the energy to persevere, may aspire to any place within the gift of the American people.

Judge Crisp returned from the war in 1865, a youth of 20, absolutely without means or influential friends; without the advantage of college training; dependent alone upon his own resources; and yet at the age of 45 he had served as district attorney, judge of the court, member of Congress, and Speaker of the House of Representatives, and had discharged the duties of all these positions in such way as to command the respect of friend and foe. During all of his career he never forgot the people of Georgia; those with whom he had marched and suffered in time of war; those who had been loyal and true to him in every ambition of his life. He never believed that he was wiser than they; he never sought to secure what is called a national reputation by antagonizing or sacrificing the people of his State. He was true to them, and they supported him with a devotion and unanimity seldom, if ever, surpassed.

The last contest he ever made, the last speeches he ever delivered, were in a contest within his own party upon a great question of party policy, and in this, as in the past, he was in full sympathy with and true to the great body of his constituents who had so often honored him, and they showed their appreciation by giving him an overwhelming majority for a seat upon the floor of the Senate of the United States.

The last conversation I ever had with him was upon his return from that canvass, where he had met the then Secretary of the Interior in joint debate. He told me that his physician had insisted that he should quit the canvass and his regret for the necessity. He spoke of his failing health, the intense pain that he suffered, and that he feared that it was the beginning of the end. He did not speak of it lightly, nor did he speak of it in any gloomy or despondent way, but calmly and courageously, as a brave man would speak of something that could not be avoided and that he was ready to meet without fear, but that he hoped might be postponed for the sake of those dependent upon him.

I never saw anyone more devoted to his family than Judge Crisp. During all the years that we lived in the same house no one ever heard him speak an unkind or impatient word to wife or child. He was the intimate friend of and loved by all children; he was deferential to all womanhood and courteous to all manhood. He was always a gentleman in his manner and deportment; a Southern man in his instincts and feelings; a Southern soldier true to that cause until its flag was furled forever. He never paraded his services, nor did he ever express regret or offer excuse for the course he had pursued. When he laid down his arms and pledged his word for future allegiance to this Government, he kept his promise in letter and spirit, and when he arose to the high position that he afterwards reached, he was as true and loyal to the Government of the United States as the men whom he had faced in battle. The people of the South have much cause to love and honor his memory, and the people of the entire nation have much cause to be proud of such a citizen.

Mr. MILLS. Mr. President, there are some reasons which have impressed me that I should join the people of Georgia and the friends of her distinguished son in paying to his memory all the honors which the living can pay to the dead. The remains of his father and mother have for many years been sleeping in the warm and generous bosom of Texas. Side by side with her own children, Texas has seen that their graves are kept green. There are still living in Texas those who knew intimately the father and mother and who cherish their memories, and who knew the son in his young manhood, whose name in after years became a household word around all their firesides. If there were no other considerations which moved me, this would constrain me to go with the people of Georgia and drop a flower for Texas in the grave of Georgia's distinguished son. But there are other considerations which to my mind make it appropriate for me to speak of him. During the great civil war—the greatest in the annals of mankind—he and I were soldiers on the same side. We fought with those who lost. He served with the army which defended Virginia, I with the army which defended Georgia. We both passed through all the vicissitudes incident to the life of a soldier. One by one the old gray-jackets are passing away. Even those who, like him, entered the service at 16 come fewer and fewer to the annual reunions. During the last summer I went to a reunion of Confederate soldiers in a county in Texas from which I had a company in my regiment numbering more than a hundred. Not many returned from the bloody fields of Tennessee and Georgia, and of those who did return there was not one present to call the roll. As a comrade in arms, I would come to his bier and help his loved ones lower him to that last sleep from which only the reveille of Heaven shall awake him.

In that fearful contest it was my fortune to be three times severely wounded, two of them on the same day. I was sent from the field to the hospital at Lagrange, Ga., where I received from the mothers, wives, and daughters of Georgia soldiers the kindest care and the tenderest nursing, without which I should be sleeping to-day in the Confederate cemetery at Lagrange. I remember how like angels they hovered about our rude cots, and while pouring balm into our wounds they poured consolation into our ears and hope into our hearts. I remember how noiselessly they passed from cot to cot, watching the life struggle of the torn and lacerated soldiers, ever ready with hand and heart to help the sinking pulse to strike back toward life and the lusterless eye to relume and burn again with life's brilliancy. Lingering long after the sun had gone, folding tenderly the winding sheet around those appointed to die, and administering the opiate prescribed by the surgeon to soothe the suffering to sleep, they bade all good night with lips and eyes burdened with prayers, and hied them to their homes. At early dawn their footsteps were heard again at our bedsides, to go over and over again the labors which their brave and patriotic hearts had made a labor of love. These are memories which are indelibly stamped upon my brain. How could I ever forget the people of Georgia? I come now in this hour of grief, when the hand of the Reaper has cut down a son whom she honored and loved, and one who loved and honored her, and take my place with her in rendering to his memory every tribute which pride and affection can pay to the memory of her loved and lost son. In life he served her faithfully and well; he achieved honors for himself and heaped honors upon a noble people whose servant he was. I remember when he came a Representative to the Forty-eighth Congress. He had been a lawyer of prominence at the bar of his State. From that he rose to the bench. He was equipped with the knowledge and accomplishments that such positions give to a man of labor. He soon stood among the leading members of the House, and easily maintained the place which thorough study and preparation had enabled him to win.

The House of Representatives is as much unlike the Senate as the stormy waters of the Atlantic are unlike the waveless waters of the Dead Sea. The House is the focus of the concentrated power and passion of the people. There the popular heart beats with its strongest pulsation. There the popular voice speaks with its clearest emphasis. It is a field where the people assemble in the galleries and look on and are quick to express approbation or disapprobation. They applaud, laugh, shout, and jeer the combatants. They are severe, merciless critics. The leader who puts on the armor of Saul but can not wear it like Saul will soon discover his mistake. In the House the party leader must be ready for battle at any moment, for he knows not at what moment his forces may be assailed. He stands in the arena of combat, and to command the confidence of his followers he must be able to give and take the blows of battle in such a way as to retain the approval and affection of his comrades. This is the ordeal through which all leaders of the House have passed and must continue to pass. In this ordeal Judge CRISP bore himself well, and continually won his way toward the top. In the Fiftieth Congress Hon. John G. Carlisle, of Kentucky, was elected Speaker. His seat as a member of the House was contested. He very properly declined to appoint the Committee on Elections, because he could not with propriety appoint the judges who were to pass upon his own title. The Democratic caucus designated several gentlemen who were authorized to select that committee and appoint its chairman. I had the honor of being the chairman of the committee appointed by the caucus. When we met, I proposed the name of CHARLES F. CRISP as chairman of the Committee on Elections, and he was unanimously chosen. He discharged the duties of that exacting and laborious position with conspicuous ability.

He was a good lawyer, a good student, well informed in the rules of parliamentary law, and an able debater. He was conciliatory and kind in his disposition and grappled his friends to him with hooks of steel. In the Fifty-second Congress he was elected Speaker of the House, and so discharged the duties of that high station that he was reelected as long as his party was in power. So strong was his hold upon the affections of the people of Georgia that they had designated him as a member of this body, and had he lived till the 4th of March next he would have taken his seat here; but on the 23d day of October, 1896, "God's finger touched him, and he slept." There is nothing now left us but to bow with resignation to the decree which sooner or later will come to us all. Peace to his ashes!

Mr. CARTER. Mr. President, on my appearance in the Chamber this morning the eminent senior Senator from Georgia [Mr. GORDON] kindly accorded me the privilege of addressing the Senate briefly on the character and services of CHARLES F. CRISP.

When I first became acquainted with Mr. CRISP, he was in the prime of life. We stood together before the Speaker's desk and took the oath of office at the same time as members of the Fifty-first Congress. My service was then beginning. He had to his credit six years of honorable and distinguished service in that body. He was an accomplished parliamentarian and a veritable legislative gladiator. He was a modest, unassuming man.

In the stormy scenes of that memorable Congress he was a constant and forcible, but not a noisy, participant. Without boisterous demonstration as a representative of his party views, he resisted the parliamentary reforms proposed by the opposition with a skill which commanded the respect of his opponents and the affectionate admiration of his party associates.

I can recall him now as a calm, self-reliant debater, rising in the midst of the excited Representatives to present and support his convictions concerning the moving cause of the existing commotion. His self-control became contagious, and agitated members quickly became attentive listeners. His career in that Congress gave notice to the country that in any parliamentary emergency liable to arise in the history of the Government CHARLES F. CRISP would prove one of the most competent and thoroughly reliable of American statesmen.

The Speakership of the next House of Representatives was accorded him by his party associates in recognition of the eminent ability displayed by him in the course of his service in the House. Whilst his partisanship goes unquestioned, we observed with intensified regard the moral courage which impelled him to adopt views he had previously opposed when those views became confirmed and approved in the severe test of parliamentary experience.

It was as a new member of the House of Representatives that my first impressions of this great man were formed. He was a generous man; he was a just man; he was all that is embodied in the phrase so often applied to him—a fair-minded man. To the new member of the House he extended the hand of cordial good-fellowship and welcome. His great experience and logical mind always stood at the ready disposal of the new member. It is the recollection of his many acts of considerate kindness to which I ascribe the affectionate regard in which his memory is held. While others in studied phrase analyze his character and the lessons of his life, I gratefully avail myself of the sad privilege of recognizing his early and unfailing courtesy to me by placing the tribute of my humble praise upon his honored grave.

Mr. DANIEL. Mr. President, a noble character has disappeared from the conspicuous scenes of American public life—a man who had the good will and the confidence of all who knew him and the affection of all who knew him well.

The death of Judge CRISP, of Georgia, is a great national loss. To the people of his own State it is a poignant affliction, and to the many friends whom he made in his career in the capital city of the United States it is a source of deep personal grief. A number of those who knew him and associated with him in the House of Representatives and in the conferences and consultations of our public affairs have analyzed the peculiar features of his mind and have painted those virtues which the public had thoroughly realized that he possessed. I shall not attempt, Mr. President, to do more for my part than to allude to a few of the conspicuous characteristics of Judge CRISP and to express my own profound sympathy with those upon whom his death has so heavily fallen.

I think it may be said of him that no man has taken so conspicuous a position in public life, has exercised such great responsibility, has been thrown in conflict with such great antagonisms and such influential interests, who at the same time has so conducted himself as to achieve more thoroughly the good will of all who came in contact with him.

Judge CRISP was a man of solid and substantial character and of useful gifts. That character was always thrown as a great weight upon the side which he deemed to be right, and those gifts were always employed in patriotic interests.

It may be truly said of Judge CRISP that he was a patriot. There was nothing small, nothing mean, nothing narrow, nothing sectional, in any offensive sense, in the characteristics or in the history of the man. He was a manly man, a man of broad, humane, and catholic sympathies, of high and noble purposes, and he never thought of, much less did he ever condescend to questionable methods or offensive methods in achieving his purposes.

I think that the great weight which Judge CRISP acquired in the House of Representatives was due to the equilibrium of his temperament and to the well-ordered adjustment of his fine faculties. His mental and moral virtues were well fused; they made a compact and wholesome unit. Everyone always knew where he stood; everyone felt the good influence of his presence, of his association, and of his counsel.

I had much in common with Judge CRISP in the courses of our varied lives. We entered the army of the Confederate States in the same command, in that immortal band known as "the Stonewall Brigade," which made its début in history on the first field of Manassas, and bore its shredded battle flags in the last conflict at Appomattox. He entered that brigade when a boy of 16, as a member of the Tenth Virginia Infantry. He acquired the reputation amongst his comrades of being a good soldier. He never seemed to desire the honors or shows of military distinction, but he became an officer before he was yet a man. He was content, as were the great body of patriots all over this land who gave themselves to a cause and to a flag, to do his duty as he thought it should be done, and was content that it had been done.

Judge CRISP was a man who had in him the elements of inevitable success. He was steady of purpose. When he set his head in any direction he persevered and continued to persevere in that direction. Concentration is the secret of success. Judge CRISP possessed concentration. He did not seek many things at once. He took in hand the thing that was before him; he did it well, and he was always called up higher because he had done well that which went before.

It has been well said, Mr. President, by a fine writer, that self-control is the highest form of self-assertion. Judge CRISP possessed self-control. He was well-poised; he was always self-possessed. Whatever of ability and of talent he possessed were always ready and available. His judgment was almost always a wise judgment. He was a man well fitted to elevate and honor the bench. He was judicial in bearing, judicious in decision. He was a good man. His heart was in the right place. His instincts made him do right without reflection in those moments of exigency which give little time for reflection. His studious disposition made him find the right when it was involved in perplexities and complications.

The House of Representatives, Mr. President, is a forum which puts to sternest tests the qualities of men in public life. Of all the theaters in which political ambition and political usefulness are exercised, it is the most exacting. In the House of Representatives, amongst the many brilliant men who represent the different sections of this great and diversified country, there is soon an evolution to the front of the strong men. We often see there men of great scholastic ability making little impression upon the affairs of the country. We see men of brilliant oratorical qualifications and forensic talents making little headway in influence, and reaching but small consummations. It is because there is necessary to success in that body a peculiar combination of talents, a mixture of tact, judgment, courage, skill, ability to speak, and ability to keep silent—a certain practical common sense withal, a certain indefinable and predominant quality which we can never exactly estimate, which we can never thoroughly analyze, which we can never paint and fully describe, but which is ere long discovered to be in one man or another when large assemblies are brought together. We all know that Judge CRISP was well versed in parliamentary law, able in debate, oftentimes powerful and effective in oratory. We all know that he was fair-minded, discreet, and capable in counsel. But, however we attempt to analyze his qualities and qualifications, we all realize that he had such as made men honor and follow him.

I had the pleasure of first making the acquaintance of Judge CRISP in the Forty-ninth Congress. He was then a young member, gathering his earlier experiences of Congressional life. He never seemed to seek position of conspicuous distinction. He never made a speech for the mere sake of making it. He never showed any desire for display or effect or applause in the speeches which he did make; but when he did speak, he spoke at the proper time, he said the right thing, and in effect his services had already at that early stage in his career marked him as a man who would lead and influence and guide men, and would make his mark in the affairs with which he was associated in conducting. Year by year he became more prominent. He came in collision with the ablest minds in American politics. It is enough to say that he always held his own. He was thrown in most fierce antagonism with the great interests which influence legislation and in hot conflict upon the most partisan questions which have ever engaged the minds of the American people. He came to the front rank of the disputants. In his addresses he always commanded attention. In his positions he always attracted support. In his decisions as Speaker and on the policies he pursued he made but few mistakes. In his conduct of party affairs he always showed that tact and wisdom which achieve results, or come as near achieving results as it is possible. Though, sir, he was in the heat of battle for many years, although he was thrown in antagonism with the ablest minds, although he was often suddenly precipitated into debate with the keenest and subtlest intellects, although day after day he had to show preference between one man and another, or make sharp and far-reaching decisions, the fact speaks that at the end of that career all who were associated with him, whether in sympathy or conflict, whether in concurrence or disagreement—all say, "This was an honorable champion; this was a just man; this was a true patriot; this was a noble and useful character; this was a good citizen." All bowed their heads as the cortege which bore his remains passed by, and all would fain throw a flower upon his tomb.

I knew Judge CRISP in other capacities than that of legislator. I had the privilege of enjoying his personal friendship, of meeting him often in genial and social scenes. This but attracted me the more to him.

Judge CRISP was a man of fine manners and address, natural and unaffected. He had the instinctive courtesy which is not that of mannerism, but which is born in the heart and which expresses itself in the many small and nameless kindnesses which make life worth living. He was a genial and kind companion; he was a true friend; and though, sir, there are many who have decorated his name with more fitting praise than my poor words convey, there are none here who mourn him more deeply or who will more sincerely cherish his memory.

Georgia has sent to both Houses of Congress many able and brilliant men. Amongst them the name and fame of CHARLES F. CRISP will always shine with a calm and steady luster.

Mr. BACON. Mr. President, the many touching, beautiful, and appropriate eulogies which have been paid to the memory of our friend, both in the House and Senate, leave little need that I should attempt to add anything, however brief. I may be pardoned, however, for a few words before asking for the adoption of the resolutions submitted by my colleague.

It is a great thing for one to be an acknowledged leader among men. It is still greater for one to be recognized by voluntary acclaim as the leader among a concourse of those who are themselves leaders. But greater than this high distinction is the honor, when such an one falls on that high arena in the thick of the combat, that the strife ceases, and that there are offered by Representatives and Senators of all parties and sections, as well those who have contended with him as opponents as those who have striven with him as allies, such tributes to his character and achievements as in the anticipation would fill the measure of any man's ambition.

Most tenderly will these words of affection and praise be cherished by those of his own blood, by the host of men knit to him by the ties of friendship, and by the State which has most lovingly and proudly enrolled his name upon the list of her most distinguished sons.

Mr. President, I need not say more of those qualities and achievements which have won for him the praise and admiration and only of his associates but also of the nation; and yet I can not forbear to say that as I have listened in the House and Senate to the words which have been uttered during the consideration of these resolutions the thought has come to me that if it were mine to write his epitaph, in the portrayal of his personal character I would inscribe but the single line:

All men loved him.

Twice, Mr. President, within less than three years has the State of Georgia stood a mourner within this Chamber lamenting the loss of a cherished son who held her commission in the National Congress. The first of these had been for nearly twelve years an honored member of this body. He to whom we to-day do honor, while never a Senator, occupied a peculiar relation to the Senate. As has been told, he was once appointed a Senator, but duty, whose voice to him was a command, denied him entrance here. Again, two years later, at the time when he was stricken down as with a lightning shaft, his foot was on the very threshold of this Chamber. Already chosen by the well-nigh unanimous voice of the people expressed through a primary election, with no opposition to his election by the legislature which was to assemble within a week, the arm of the State was already outstretched to place within his hand her commission to him as one of her ambassadors to this high council of the representatives of States.

From one point of view there was never sadder picture of a disappointed hope. The dream, the ambition of his life was to be a Senator of the United States. Neither in public nor in private had he disguised its avowal. From boyhood he had set his gaze upon it, and through all his manhood it was the goal of his desire. All undaunted by obstacles, he strove to reach it. Step by step for thirty years, unwearied, never failing in resolve, always steadfast in endeavor, he had climbed the steep ascent, he had scaled the rugged cliffs, he had gained the dizzy height where shone the prize, when in a moment the sun of his life went out at noonday!

The vainness of regret stifles not the tender emotion which this contemplation must inspire in every sympathetic heart. When the full span of life has been accomplished, when the life work to which one has set his hand has in his labor found full fruition, still the death of even such an one, the end of a career where no more remains for achievement, nevertheless brings inevitable sorrow to all who love the instinct of life and who shrink back from the mystery of death. But deeper must be the emotion, more tragic in its nature the catastrophe, when in mid career one falls in life, as fell in estate the great Cardinal, while he—

Bears his blushing honors thick upon him.

Mr. President, it is sad to see even the shrunk and withered giant trunk sway in the blast and fall before the fury of the storm; but when, in the peaceful sunshine, when no winds blow, when no cloud is in the sky, all suddenly falls the green and sturdy oak, we start back shocked and dismayed.

Humanity can not suppress its moan in the presence of death. Around it there is such impenetrable mystery; between the living and the dead there is such an unspeakable, fathomless, unmeasured gulf. Beside the bier there is only remembrance of the great change, the life that has gone from among us and can never return. In the presence of the physical ruin the heart echoes the wail of Antony by the dead body of Cæsar:

Are all thy conquests, glories, triumphs, spoils,
Shrunk to this little measure!

And yet, sir, sad as is this contemplation, wrung and torn as are the hearts of those who mourn his loss, who can view the life of our departed friend, so rounded and so symmetrical, so steady in its upward progress, so full and overflowing in its fruition, and not say—it may be through blinding tears, but still in loving pride—'tis well!

And, sir, while I would not dry one tear that is shed for him, while I would not suppress one moan that breathes out the sorrow of those who mourn for him, yet I take heart in the glad thought that in those things which made our friend beloved of all, in those things which made him a leader among men, in those things which marked him in the nation's view as a great man, in all these things he is not dead and can not die.

More lasting than the marble which will mark his last resting place, in the unfading memory of all who knew him in life, in the imperishable archives of his State and of this great nation, will ever live the enduring record of this good and great man.

And not as a memory only will he live. The teaching of Revelation finds its strongest confirmation in the conviction of the inner consciousness that the sun of this life does not go down into an eternal night. Who is there of the most skeptical who believes that the soul and the intellect which looked out from the eyes of CHARLES F. CRISP, and beamed in his countenance and inspired his lips, have perished with the body that we have tenderly hid away from our sight? There is that within that tells us it can not be. When or how we know not, but the undying yearnings for the loved ones gone before tell us that we shall meet again.

In the drama of Ion, the young heathen Greek, forewarned by the Oracles of impending death by violence, comes to part with the maiden he loves. She asks him, "Shall we meet again?" He replies that he has asked that dread question of the hills that look eternal; of the streams that flow on forever; of the stars amid whose azure fields his spirit had walked in glory. To that question they all had been dumb. "But now," he adds, "while thus I gaze upon thy living face, I feel the love that kindles through its beauty can never wholly perish. We shall meet again."

Mr. President, I ask for the adoption of the pending resolutions.

The resolutions were unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 26, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 25, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 350) granting an increase of pension to George C. Abbey;

A bill (S. 1888) granting an increase of pension to William T. Walker;

A bill (S. 1505) granting an increase of pension to Rufus H. Paine;

A bill (S. 3381) granting pension to Lena D. Smith;

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet;

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton; and

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

WATER ROUTE FROM GALVESTON TO HOUSTON, TEX.

Mr. SAYERS. I ask unanimous consent for the present consideration of the bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor.

This bill is an exact copy of a House bill which has been favorably reported by the Committee on Rivers and Harbors. If unanimous consent be given for the consideration of the bill, I will move to strike out the section making an appropriation.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to make an examination and survey, with an estimate of the necessary cost, for a water channel not less than 25 feet deep and 100 feet wide, extending from the mouth of the jetties at the city of Galveston, Tex., through the existing ship channel and up Buffalo Bayou to the city of Houston, Tex., and for a harbor at or near Houston, of a depth of not less than 25 feet and of a width of 300 feet, and to make a report of such examination, survey, and estimate, with its commercial importance, to Congress.

SEC. 2. That the sum of $5,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the cost of said examination, survey, and estimate.

Mr. SAYERS. I offer the amendment which I send to the desk, an amendment reported by the Committee on Rivers and Harbors to the House bill.

The Clerk read as follows:

Strike out section 2, and insert the following:

"SEC. 2. That the cost of said examination, survey, and estimate be paid out of funds already appropriated for work on the improvement of the ship canal and Buffalo Bayou."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. I ask unanimous consent to amend the title of the bill by striking out the words "and appropriating money therefor."

The amendment was agreed to.

Mr. SAYERS. I ask unanimous consent that House bill No. 10057, similar in its provisions to the Senate bill just passed, be laid on the table.

There being no objection, House bill No. 10057 was accordingly laid on the table.

A. L. WILLIAMS.

Mr. CURTIS of Kansas. I ask unanimous consent for the present consideration of the bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to sell at $1.25 per acre, and cause a patent to be issued to A. L. Williams, all of the southeast quarter of section 9, township 14 south, range 68 west, sixth principal meridian, in the county of El Paso, State of Colorado.

The amendment reported by the committee was read, as follows:

In line 6, after the word "of," add the following words: "the southeast quarter and lot 5 of."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I should like to hear a brief explanation.

Mr. CURTIS of Kansas. Mr. Williams, the party for whose relief this bill has been reported, bought lots 1, 2, and 3 and the northeast quarter of the northeast quarter of section 16 (school land), El Paso County, Colo. After having the land surveyed, he built a house upon it. After the completion of his house, it was discovered that there had been a mistake in the original survey because of a shortage in the township; so that, as it turns out, his house was built 580 feet over on Government land. The proposition of the bill is that Mr. Williams be allowed to purchase the land on which this house is located, 69.73 acres. The bill is unanimously recommended by the Committee on Public Lands, and also by the Secretary of the Interior and the Commissioner of the General Land Office.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AMENDMENT OF IMMIGRATION LAWS.

Mr. DANFORD. I present a report of the committee of conference on the bill (H. R. 7864) to amend the immigration laws of the United States. I ask that this report be printed in the RECORD, and I give notice that I will call it up on Wednesday next, after the reading of the Journal.

The SPEAKER. If there be no objection, the printing of the report in the RECORD will be ordered.

Mr. BARTHOLDT. What is the agreement proposed?

The SPEAKER. The gentleman from Ohio [Mr. DANFORD] asks that this conference report be printed in the RECORD, and gives notice that he will call up the report on Wednesday next, immediately after the reading of the Journal.

Mr. BARTHOLDT. How much time is to be allowed for discussion?

The SPEAKER. No time is fixed.

There being no objection, the report was ordered to be printed, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. 7864) to amend the immigration laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows:

Strike out, in the first section, all after the words "admission to the United States the following" and insert the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution, printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case, from any unavoidable cause, the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command, and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6 and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

L. DANFORD,
STANYARNE WILSON,
Managers on part of the House.
HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on part of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city;

A bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California;

A bill (S. 2694) for the relief of the heirs of Lorenzo Andinino, Francesco Roushietto, and Stanislas Vittone;

Joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.;

A bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea;

A bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich.;

A bill (S. 2225) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers;

A bill (S. 2060) for the relief of Briscoe B. Bouldin;

A bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased;

A bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries;

A bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37;

A bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy;

A bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in Jersey County, all in the State of Illinois;

A bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased;

A bill (S. 2538) for the relief of the Portland Company, of Portland, Me.;

A bill (S. 2817) for the relief of the Atlantic Works, of Boston, Mass.:

A bill (S. 1181) to pay to the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta;*

A bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic:*

A bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891:

A bill (S. 497) to provide for a public building at Tampa, Fla.:

A bill (S. 2116) for the relief of Wilber H. Graef & Co.:

A bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.:

A bill (S. 1623) for the relief of the Cumberland Female College, of McMinnville, Tenn.:

A bill (S. 3005) to provide for the examination and classification of certain lands in the State of Oregon:

A bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa.:

A bill (S. 1438) for the relief of the estate of Daniel Woodson and Ely Moore:

A bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased:

A bill (S. 2988) for the relief of W. J. Tapp & Co.:

A bill (S. 3370) granting a pension to Emily E. Atherton:

A bill (S. 3407) granting a pension to Ambrose J. Vanarsdel;

A bill (S. 3119) to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months;

A bill (S. 3196) granting an increase of pension to George W. Walton:

A bill (S. 3185) granting an increase of pension to John McGrath:

A bill (S. 3311) to increase the pension of Arabella V. Washburn;

A bill (S. 3361) granting a pension to Sarah R. Frary;

A bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans.;

A bill (S. 1640) granting a pension to Catherine L. Nixon;

A bill (S. 2672) granting a pension to John J. Shockey:

A bill (S. 3190) granting a pension to Amos L. Hood;

A bill (S. 3103) granting a pension to Jesse O. Davy:

A bill (S. 2995) granting a pension to James M. Dennison;

A bill (S. 3451) granting a pension to Rebecca P. Quint:

A bill (S. 3145) to increase the pension of Capt. John H. Mullen:

A bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased:

A bill (S. 2991) granting a pension to George G. Eakins:

A bill (S. 3145) to increase the pension of William Hulsizer;

A bill (S. 2912) increasing the pension of William C. Forsythe:

A bill (S. 2813) granting an increase of pension to Joseph Brown;

A bill (S. 2097) granting a pension to Joel M. Gibson:

A bill (S. 3339) granting a pension to Louise E. Perkins:

A bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war:

A bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa:

A bill (S. 2375) granting an increase of pension to John G. Powers:

A bill (S. 2983) granting a pension to Rebecca Gilbert;

A bill (S. 3541) granting a pension to Jane B. Johnston:

A bill (S. 2994) granting a pension to William G. Alspach;

A bill (S. 1538) granting a pension to Joseph M. Waddell;

A bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry;

A bill (S. 2975) granting a pension to John Amrein;

A bill (S. 3329) to increase the pension of George W. Smith, late a captain Seventh Regiment New Jersey Infantry Volunteers:

A bill (S. 2659) granting a pension to Mrs. Sarah Townsend;

A bill (S. 2713) granting a pension to Miss Mary Hayne:

A bill (S. 2177) granting increase of pension to Henry B. Conway;

A bill (S. 2908) granting a pension to Franklin Andrews:

A bill (S. 2909) granting a pension to Henry Schafer;

A bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers:

A bill (S. 2992) granting a pension to Ellen O'Hara;

A bill (S. 3472) granting a pension to Laura Barnes;

A bill (S. 514) for the relief of Warren Hall:

A bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.; and

A bill (S. 3516) granting a pension to Louise Van Atter.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2018) for the relief of Rufus Betz;

A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland:

A bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn.:

A bill (H. R. 6378) for the relief of Eliza J. Holman:

A bill (H. R. 7240) granting a pension to John W. Bruner:

A bill (H. R. 1598) granting a pension to Anna M. Newton, widow of Gen. John Newton:

A bill (H. R. 5938) for the relief of Pricilla R. Burns;

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry:

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 5712) granting increase of pension to John W. Hines;

A bill (H. R. 1646) for the relief of Dolly S. Brown:

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.:

A bill (H. R. 5855) granting a pension to Emily Elliott:

A bill (H. R. 1500) granting a pension to George W. Bagley:

A bill (H. R. 4298) granting an increase of pension to Annie Thompson:

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty:

A bill (H. R. 6282) to increase the pension of Alexander McBride:

A bill (H. R. 4264) granting a pension to Mary Pelham;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 4991) for the relief of Mrs. Sarah Martin;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 8053) granting a pension to Alice Gard:

A bill (H. R. 6900) increasing the pension of Mary T. Young;

A bill (H. R. 9619) granting a pension to Mirum C. Peck;

A bill (H. R. 4547) granting a pension to Silas S. White:

A bill (H. R. 1171) to pension Hannah Yazell:

A bill (H. R. 3945) granting a pension to Thomas J. Thorp:

A bill (H. R. 7212) to increase the pension of Melita E. White:

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison:

A bill (H. R. 6472) granting a pension to Olive M. Lewis:

A bill (H. R. 9306) granting a pension to Amanda Woodcock:

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

A bill (H. R. 4744) to increase the pension of Adam Dennis:

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker:

A bill (H. R. 6546) granting a pension to Samuel Holliday;

A bill (H. R. 6556) granting a pension to Jacob Brown:

A bill (H. R. 5580) granting a pension to Archibald Hunley:

A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50:

A bill (H. R. 4941) to pension Hester A. Bostwick:

A bill (H. R. 4626) granting a pension to Samuel McKinsey;

A bill (H. R. 4875) granting a pension to John W. Pogue:

A bill (H. R. 4491) granting pension to Barton S. Dawson:

A bill (H. R. 5670) to increase the pension of Richard S. Phillips:

A bill (H. R. 5127) for the relief of Abraham O. Waucop;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner:

A bill (H. R. 2618) granting honorable discharge to Andrew V. Sende;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale:

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 9835) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas:

A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887; and

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 4872) to correct the military record of Homer C. McCaskey;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young; and

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

JOHN K. DIXON.

Mr. FENTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3295) for the relief of John K. Dixon, of Portsmouth, Ohio.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. I object.

CALVIN T. HAZELWOOD.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9475) for the relief of Calvin T. Hazelwood.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I ask for the reading of the report, which fully explains the bill.

The SPEAKER. The report will be read, pending objection.

The report (by Mr. HUTCHESON) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I would like to know the nature of the evidence that is referred to in the report as having been lost.

Mr. COCKRELL. I do not know the nature of the evidence. I understand, though, that a number of the parties were old men, many of them are now dead, and that it has been difficult to secure the evidence. You will remember that these claims have been pending for a very long time. These are old frontiersmen and are rapidly passing away. It is nearly impossible to get the evidence. The Department, however, passed upon the case and admitted that it was sufficient as far as the evidence was concerned, but that evidence has been lost. All that character of claims have since been adjudicated by the court, and the only reason this has not been is because the papers were lost, through no fault of the parties.

Mr. PAYNE. When did this come before the Court of Claims?

Mr. COCKRELL. I am not sure, but I think in 1891.

Mr. PAYNE. This loss seems to have occurred in 1867. When did it occur to the parties that they had a remedy?

Mr. COCKRELL. The report shows when it occurred; and from 1866, I think, to 1871, at different times, efforts were made to secure settlement of the claim. There is no question but that it is a just claim and ought to be paid. He is an old man tottering on the verge of the grave, and he has lost his all. I think it ought to be paid.

Mr. PAYNE. Do you know of any other claims of this character still remaining unpaid?

Mr. COCKRELL. There are none that I know of.

Mr. CANNON. As I understand it, Mr. Speaker, this is an Indian depredation claim that has been sent to the Court of Claims for adjudication, and I think I shall have to object.

The SPEAKER. Objection is made, and the bill is not before the House.

REGULATION OF CEMETERIES OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, this being District day, I desire to call up for present consideration the bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act no person or persons shall lay out any cemetery, or part of any cemetery, within the city of Washington, D. C., nor within one mile and a half from the boundaries of said city; no person shall, in said District, lay out any cemetery, or part of any cemetery, within less than 200 yards of any dwelling house, except with the written consent of the owner, lessee, and occupier of such house, nor without a permit to do so from the Commissioners of said District.

SEC. 2. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries in said District with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose. Such cemetery or cemeteries shall, if required by the Commissioners of said District, be underdrained to such a depth as will prevent water remaining in any grave or vault therein.

SEC. 3. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to divide the area to be used for graves into lots and grave spaces, to be permanently designated by conspicuous marks, so that the position of each may be readily determined; each lot and grave space to be duly numbered; a plat of each cemetery showing the area so divided, the division into lots and grave spaces, and the number of each such lot and grave space shall be filed in the office of the surveyor of said District; the grave spaces for the burial of persons above 12 years of age to be at least 8 feet by 3 feet, and those for the burial of children under 12 years of age, at least 6 feet by 2 feet, or, if preferred by said owner or owners, one-half the measurement of the adult grave space, namely, 4 feet by 3 feet.

SEC. 4. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to cause to be kept in the office of the superintendent or person in charge of such cemetery or cemeteries a register showing the number of each lot and grave space, the name, age, cause of death, and date of burial of each person or persons buried in any such lot or grave space, and the number of the burial permit authorizing such burial; in cases of disinterment said register shall show the date of such disinterment and the number of the official permit therefor, opposite the name of the person whose remains are disinterred; such register shall be at all times open to inspection by duly authorized representatives of the health department and of the police department of said District.

SEC. 5. That it shall be the duty of the superintendent or person in charge of any cemetery, or other place for the disposal of dead bodies of human beings, in the District of Columbia to register his or her name at the office of the health department of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District to make change in such register accordingly.

SEC. 6. That no dead body of any human being, or any part of such body, shall, in said District, be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit: permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician, registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred; permits for disinterment (including permission to reinter or transport the body disinterred) to be issued upon the written application of the nearest relative or the legal representative of the deceased; and no superintendent or other person in charge of any cemetery in said District, or other place for the disposal of dead bodies, shall assist in, or assent to, or allow any such interment, disinterment, or disposition to be made in such cemetery or place until permit shall be given as aforesaid. It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before 6 o'clock p. m. of the Saturday following the day of burial.

SEC. 7. That no dead body, or part of the dead body, of any human being shall be in any manner carried or conveyed from, in, to, or through said District by any person or by means of any boat, vessel, car, stage, or other vehicle, or by any public or private conveyance, without a permit therefor first granted by the health officer of said District: *Provided*, That bodies or parts of dead bodies of persons who have not died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever may be brought into said District upon a permit of the proper municipal, county, or State authorities of the place at which such person died: whenever the remains of any deceased person have been conveyed, transferred, or removed beyond the limits of said District, it shall be the duty of the person or agent or officer of the corporation having charge of such conveyance, transfer, or removal to detach, date, sign, and return to the health officer the coupon attached to the permit by said health officer authorizing such conveyance, transfer, or removal before 6 o'clock p. m. of the Saturday following the day of such conveyance, transfer, or removal of said remains.

SEC. 8. That it shall be the duty of any person or persons having custody or control of the dead body of any human being, or any part of such body, to report in writing, or cause to be reported in writing, to the health officer of said District within forty-eight hours after the death of the deceased, the name of said deceased and the location of the body or part thereof; no such body or part thereof shall be kept in said District in such manner as to give rise to any offensive odors to the annoyance of any person or persons in the neighborhood or to the public, nor so as to be exposed to the public view; nor shall any such body or part thereof be permitted by the person or persons having custody or control of it to remain unburied for a longer period than one week after death unless it has been cremated or deposited in the vault of some cemetery; nor shall any person exhibit to the public in said District, for pay or otherwise, any dead body of any human being, or any part of such body, without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

SEC. 9. That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington.

SEC. 10. That no body shall be buried in said District in any vault unless the coffin be separately entombed in properly cemented stone or brick work, so as to render such vault airtight; such vault, after having been sealed, shall not be opened within ten years; no body shall be temporarily deposited in any vault for a longer period than one week, unless such body is in a hermetically sealed metallic case, nor in any instance for a longer period than six months.

SEC. 11. That one body only shall be buried in a grave at one time, unless the bodies of those of members of the same family.

SEC. 12. That no grave in said District shall be reopened within ten years after the burial of a person above 12 years of age, or within eight years after the burial of a child under 12 years of age, unless to bury another member of the same family, in which case a layer of earth of not less than 1 foot thick shall be left undisturbed over the previously buried coffin; but if on reopening any grave the soil be found to be offensive, such soil shall not be disturbed; in no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever.

SEC. 13. That no coffin shall be buried in said District so that any part thereof is within less than 4 feet of the ordinary level of the ground, unless it contains the body of a child under 12 years of age, when it shall not be less than 3 feet below that level.

SEC. 14. That no person shall, in the District of Columbia, build or maintain a crematory or other device for destroying human bodies except within the limits of some duly established cemetery in said District, unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of 200 feet from the place where such crematory is to be erected and maintained, and a permit from the Commissioners of said District for the erection and maintenance of such crematory or other device; such permit to be for a term of years, not exceeding five, to be specified therein: *Provided*, That this section shall not apply to such crematories or other devices for destroying human bodies as may have been erected and are in operation at the time of the passage of this act.

> SEC. 15. That it shall be unlawful for any person or persons to cremate or otherwise destroy the dead body, or part of the dead body, of any human being in said District before the issue of the burial permit by the health officer of said District, and then only when said permit is countersigned by the coroner of said District authorizing such cremation or destruction.
>
> SEC. 16. That any person who shall violate or aid and abet in violating any of the provisions of this act shall, upon conviction thereof by competent judicial authority, be punished for each offense by a fine of not less than $25 nor more than $200, or by imprisonment for not less than seven nor more than ninety days in the jail of the District of Columbia.
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> SEC. 17. That prosecutions under this act shall be in the police court of the District of Columbia, in the name of said District, on information signed by the attorney of said District or one of his assistants: *Provided*, That any person or persons tried under this act shall have the privilege, when demanded, of a trial by jury as in other jury cases in said police court.
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> SEC. 18. That nothing in this act shall be construed to interfere with or prevent the disinterment of any body when such disinterment is ordered by one of the justices of the supreme court of the District of Columbia, or by the coroner of said District, for judicial purposes; the provisions of this act shall not be held to interfere with the disposal of the ashes of bodies which have been cremated.
>
> SEC. 19. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The Committee on the District of Columbia recommend the adoption of the following amendment:

> On page 8, section 15, line 7, after the word "destruction," insert:
>
> "It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body or part of the dead body of any human being in said District before the issue of the death certificate by the attending physician or the health officer, and in case the death so certified is due to other than natural causes, unless said death certificate is signed or approved by the coroner of said District."

Mr. CURTIS of Iowa. Mr. Speaker, the report upon this bill is quite a lengthy one, and inasmuch as the bill was prepared carefully by the health officers of the District and indorsed by the District attorney, as well as by the Commissioners, and unanimously reported by the Committee on the District of Columbia, I feel that there should be no objection to its passage. I ask that the report of the committee be printed in the RECORD. It is quite voluminous, and I presume that the reading will not be insisted upon by any gentleman present.

Mr. BAKER of New Hampshire. I ask for the reading of the report.

Mr. McCREARY of Kentucky. Mr. Speaker, I listened carefully to the bill, but was unable to hear at all. This is a very important matter, I think, and I would like the gentleman who reports it to make some sort of explanation as to the meaning of the bill.

The SPEAKER. The Chair will state to the gentleman from New Hampshire that the reading of the report is not a matter of right, to be called for by any member, and can only be presented as a part of the remarks of some gentleman when he is occupying the floor.

Mr. McCREARY of Kentucky. I would like to ask the gentleman from Iowa a question, if he will permit me. Does this bill relate to private cemeteries already laid out in the city, or does it only apply to those to be laid out hereafter?

Mr. CURTIS of Iowa. There are certain amendments which I shall offer to the bill that have been suggested by the superintendents of the different cemeteries in a conference with the Commissioners and the health officers; and when the bill is so amended I do not think there can be any objection to its passage.

Mr. McCREARY of Kentucky. I understood one section of the bill to prevent the laying out of private cemeteries in the District hereafter. Now, does it interfere with those which have been already laid out?

Mr. CURTIS of Iowa. No; only new cemeteries.

Mr. BAKER of New Hampshire. Mr. Speaker, I think if the gentlemen from Kentucky——

The SPEAKER. Does the gentleman from Iowa [Mr. CURTIS] yield?

Mr. CURTIS of Iowa. I yield to the gentleman for a question.

Mr. BAKER of New Hampshire. I understood the gentleman from Iowa [Mr. CURTIS] to say, in response to a question by the gentleman from Kentucky [Mr. McCREARY], that this bill did not apply to private cemeteries or to cemeteries that are already established. If the gentleman from Kentucky [Mr. McCREARY] will read the first two sections of the bill, and section 9, he will see that it does apply to both.

Mr. McCREARY of Kentucky. I was unable to hear the bill as it was read by the Clerk.

Mr. BAKER of New Hampshire. If the gentleman will send for a copy of the bill, I think he will find that my statement is correct.

Mr. CURTIS of Iowa. I understood the gentleman from Kentucky [Mr. McCREARY] to inquire if the laying out of cemeteries referred to both old and new ones. I have to say, in reply to that question, that if this House shall adopt the amendments suggested, the bill will then apply to new cemeteries so far as the laying out is concerned. I want to say by way of further explanation that this bill was submitted by the health department to Dr. S. B. Busey, chairman of the committee on public health of the Medical Society of the District of Columbia, and chairman of the committee of public health of the Washington Board of Trade; also to Dr. J. B. G. Custis, chairman of the committee on public health of the Washington Homeopathic Medical Society, and also to Dr. G. M. Kober, chairman of the committee on public health of the Civic Center.

Dr. Busey responds in these words:

> House bill No. 901 is also approved, with the amendments marked on the margin—

Which, I may say to the gentleman, I shall introduce.

> It is intended to regulate by law the establishment and government of cemeteries, for which the existing rules and regulations are entirely inadequate.

I ask for a vote, Mr. Speaker, upon the committee amendments.

Mr. BLUE. Will the gentleman from Iowa permit a question?

Mr. CURTIS of Iowa. Yes.

Mr. BLUE. In section 12 of this bill there seems to be a prohibition against opening graves for a period of ten years, except to bury another person. I should like a little explanation in regard to that. That might become troublesome.

Mr. CURTIS of Iowa. If the gentleman from Kansas [Mr. BLUE] will kindly withhold his question until after he has heard the amendments read, I think he will obtain sufficient information from them.

Mr. BLUE. Then I will withdraw that question and ask another one, if the gentleman from Iowa [Mr. CURTIS] will permit me. I see there is a section governing crematories. Is it the intention of that section to permit anyone who sees fit so to do to erect a crematory without any further restriction than that provided by that particular section?

Mr. CURTIS of Iowa. What section do you refer to?

Mr. BLUE. Section 14.

Mr. CURTIS of Iowa. The gentleman will see that certain restrictions are provided for.

Mr. BLUE. It provides for a distance of 200 feet. This does not say so in terms, but I infer from it that any person might erect and maintain a crematory, provided he did not maintain it within 200 feet of other buildings or residences. I suggest that it seems to me it would leave it very broad, and without sufficient restrictions.

Mr. CURTIS of Iowa. I call the attention of the gentleman to the language:

> Unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of 200 feet from the place where such crematory is to be erected and maintained.

Mr. BLUE. If the gentleman will permit me, that is just what I am objecting to: that when they get the consent of those within 200 feet, no difference what objection the public may have to the maintaining of a crematory, they could proceed with the erection of crematories all over the city. Furthermore, it provides for the consent of only half the property owners. It seems to me it is of doubtful propriety. I shall not offer any amendment, but I call the attention of the House to it.

Mr. CURTIS of Iowa. At the proper time the gentleman from Kansas [Mr. BLUE] may offer an amendment if he desires to do so.

Mr. BAKER of New Hampshire. Mr. Speaker, this bill is one of several bills which have been prepared by the health department of the District of Columbia, and each one of them seems to have for its specific object the glorification of the health officer, the extension of his powers, and the limitation of all the rights of the citizens of the District of Columbia. And in view of the general tenor of these bills, I wish to temporarily yield, reserving the remaining portion of my time to the gentleman from Iowa, and ask him to explain the necessity for the enactment of this bill and the causes of the present necessity.

This city has been maintained, so far as its cemeteries are concerned, in good health, and there has been no inconvenience, and there has been no claim whatever that there has been any disease contracted on account of the condition of the cemeteries of this city. It seems to me to be a piece of legislation unnecessary, uncalled for; and, as I say, I reserve the remainder of my time, and would ask to have a full explanation of the necessity for the bill.

Mr. CURTIS of Iowa. I am in no way connected with the health department of the District of Columbia. I am not a physician; I am not familiar with the present sanitary conditions of the District of Columbia. The committee is made aware of the condition only through information supplied by the proper officers of the District. Now I desire to read, for the information of the gentleman and other members of the House, from the report:

> Cemeteries in this District are now governed only by certain laws enacted for the purpose of regulating the incorporation of cemetery associations, with which aspect of the case the law now proposed does not deal, relating solely to sanitary conditions. Its purpose is to prevent the improper location of cemeteries or crematories for human remains; to prevent the overcrowding of cemeteries, and to require the keeping of certain records.

I understand, Mr. Speaker, there is absolutely no law in effect requiring the superintendent of a cemetery to keep records of the burials therein—

> So far as relates specifically to any of these matters, existing law is silent.

It provides for the disposal of dead bodies, and it is wholly, I may say, a sanitary measure. The bill, I am informed, is absolutely necessary in the interest of the public health of the city of Washington and the District of Columbia.

Mr. BAKER of New Hampshire. Mr. Speaker, that seems to me to be an explanation which does not explain. [Laughter.] This bill is simply for the purpose of the glorification, as I said before, of one department of the District government. It is faulty in almost every section as a bill. For instance, take the first section, where it says:

> No person or persons shall lay out any cemetery, or part of any cemetery, within the city of Washington, District of Columbia, nor within one mile and a half from the boundaries of said city.

I say that that part of that section is faulty, and it is very ingeniously devised. As it is printed, the city of Washington seems to be entirely distinct from the District of Columbia. The organization of the District of Columbia would be included in that designation as distinct from the city of Washington, although the implication is otherwise.

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to ask the gentleman from New Hampshire a question. I would like to call his attention to section 9 of the bill.

Mr. BAKER of New Hampshire. I will come to that later.

Mr. McCREARY of Kentucky. I would like to ask the gentleman if section 9 would not prevent a person having a private burying ground from having a friend buried in that cemetery?

Mr. BAKER of New Hampshire. I will come to that a little later; but I will say nowhere in the District of Columbia can a person be buried in a private burial place if this bill becomes law.

Now, if the bill is honest, the words "in the" should be inserted between the words "Washington" and "District of Columbia," so that it will read, "within the city of Washington, in the District of Columbia."

Now it reads "within one and a half miles of the boundaries of said city." The gentlemen in the health department seem to be disposed to legislate for the State of Maryland and for the State of Virginia. There are plenty of places across the river within the entire jurisdiction of the State of Virginia that are within a mile and a half of the city of Washington; and this bill proposes to dominate these sections, which are entirely out of the jurisdiction of Congress for such purposes. So the bill should be amended there by inserting before the word "within," in line 6, the words "in said District," if it intends to accomplish the purpose which it ostensibly has.

Then, passing on to section 2, we read:

> That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries in said District with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose.

Has it come to this, in these closing days of this century, that our cemeteries are to be fenced in like penitentiaries? Must we presume that when Gabriel shall blow his horn no spirit shall be able to enter Heaven from one of these cemeteries unless it shall go through a legally constituted gate, or shall it stay in altogether if the gate keeper shall not be present to open the gate? In these modern days, the purpose seems to be to make cemeteries as pleasant as possible for those who are compelled to visit them in the memory of their dead. But here is a distinct provision that these cemeteries shall be so fenced and walled in as to make it impossible to get in or out of them except by the established ways.

Mr. BABCOCK. Would the gentleman desire to have the public get over the fences when they visited the cemeteries? [Laughter.]

Mr. BAKER of New Hampshtre. There is not anywhere in this District a cemetery for public purposes which has not already around it a sufficient fence for all practical purposes.

Mr. BABCOCK. Does the gentleman understand what the object of the fence is?

Mr. BAKER of New Hampshire. I am entirely ignorant of any justification for such a clause as that which I find in this bill.

Mr. BABCOCK. The sole object of the fences is to keep grave robbers out of the cemeteries, not to keep the spirits in. [Laughter.]

Mr. BAKER of New Hampshire. But the gentleman, if he knows anything about the conditions existing in this District, knows that there is not, and that there has not been for years, any just cause of complaint upon that score.

Mr. CURTIS of Iowa. I understood the gentleman to say that the cemeteries existing within this city or this District are fenced or walled in now.

Mr. BAKER of New Hampshire. Yes, sir; nearly every one of them—Oak Hill Cemetery, Rock Creek Cemetery, Glenwood, the Congressional Cemetery, Mount Olivet—all, or nearly all of them.

Mr. CURTIS of Iowa. Then there would be no hardship in this section even if it should become a law.

Mr. BAKER of New Hampshire. Yes, there would be hardship, because this provides what kind of fences shall be constructed; it requires that there shall be a fence which will prevent anybody from getting in, and that means a fence which shall be 8 or 10 feet high, or more.

Mr. CURTIS of Iowa. Is not that precisely the character of the fences or walls by which those cemeteries are inclosed now?

Mr. BAKER of New Hampshire. There is not one of them in this District so fenced, although each is fenced sufficiently for all ordinary purposes of protection. The cemeteries here are fenced as well as the cemeteries in the cities of the several States are fenced. If the gentleman would strike out all after the word "fences," in line 4, down to the end of section 2, then he would have a tolerably good bill in this respect. The provision would then be that the cemeteries in this District should be inclosed "with good and sufficient walls or fences."

Mr. RICHARDSON. What is the language the gentleman desires to have stricken out?

Mr. BAKER of New Hampshire. "To prevent entrance thereto or exit therefrom except by gates provided for that purpose." The object of that provision is simply to give the health officer of the District power to dictate to these private corporations and compel them to conform to his will. It can have no other object. Again, it would be a serious blemish to these cemeteries if they were compelled to have a penitentiary wall around them.

Mr. Speaker, I have not sufficient time to go into detail in regard to all the necessary amendments to this bill, but I wish to call attention to section 6, especially the clause beginning on page 3 and continuing at the top of page 4, as follows:

> Permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate signed by a physician, registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred.

I wish to ask the gentleman from Iowa this question: Suppose that a person should die without the assistance of a physician and in the absence of a coroner, would it be necessary under this provision to call in the coroner in order to have the body interred?

Mr. HULICK. Does not the gentleman know that there are no deaths in this city or elsewhere without the assistance of a doctor? [Laughter.]

Mr. BAKER of New Hampshire. Unfortunately there are a great many people in this city and in this District who are too poor to call in a doctor under any circumstances.

Mr. HULICK. That is their good luck. [Laughter.]

Mr. RICHARDSON. There are charity doctors.

Mr. BAKER of New Hampshire. But the charity doctors can not get around to all these poor people, at least they do not. Now, I desire an answer to my question. If a death occurs without the presence of a physician, how is the person to be buried unless the coroner be called in, and if there is no suspicion of foul play, why should the coroner be called in? The gentleman from Iowa does not seem to know of any reason, and I can not help him in that particular.

Again, in section 7, there is an enumeration of certain diseases which I suppose are classed here as contagious, and in the list is typhus fever. Will the gentleman from Iowa explain the distinction which he draws, if he draws any, between typhus and typhoid fever?

Mr. CURTIS of Iowa. Mr. Speaker, I shall not be able to discuss the difference between typhus fever and typhoid fever with the gentleman from New Hampshire, but I do know, as every intelligent person knows, that there is a difference, and that typhus fever is certainly contagious. If there is a physician upon the floor, I will ask him to say if I am not right.

Mr. BAKER of New Hampshire. Mr. Speaker, I have no doubt that there is the distinction which the gentleman claims to exist between those two diseases, but in one of the series of bills to which the present one belongs—a bill which I presume the gentleman intends shall follow this one—there is the same classification, and there is an added clause which says that "kindred diseases" shall be included in the category of contagious diseases. Now, has the gentleman any doubt that typhoid is of the same class as typhus, though milder in form, and is a kindred disease?

Mr. CURTIS of Iowa. I have grave doubts.

Mr. RICHARDSON. This is a *grave* question. [Laughter.]

Mr. BAKER of New Hampshire. If the gentleman will examine the question medically, his doubts will be entirely removed. In section 8, beginning at line 15 on page 6, we read:

> Nor shall any person exhibit to the public in the said District, for pay or otherwise, any dead body of any human being.

I wish to ask——

Mr. CURTIS of Iowa. Will the gentleman please read all of that section?

Mr. BAKER of New Hampshire (continuing the reading)—

> or any part of such body, without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

Would that prevent, for instance, the bringing of the body of a deceased Congressman into this House for the funeral ceremonies, and the exposure of his remains, so that his brother members might look at them?

Mr. RICHARDSON. It would if they were brought in here "for pay."

Mr. BAKER of New Hampshire. The language of this section is "for pay or otherwise." Under this bill can the remains of any deceased person be exposed at the time of the funeral without the sanction of the health officer? Certainly not. Yet it is usual now for that to be done, without the sanction of any officer and without the permit of anyone.

Mr. RICHARDSON. Suppose the person died of smallpox?

Mr. BAKER of New Hampshire. In that case the present laws give the health officer power to act.

Mr. RICHARDSON. Then there should be no objection to the provision of this bill.

Mr. BAKER of New Hampshire. But under this bill, if a person should die of pneumonia, the remains could not be exhibited at the time of the funeral.

I now come to section 9, which has been referred to by the gentleman from Kentucky. It reads:

> That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington.

Now, let me remark that exactly this same clause is found in section 1; and in this way the bill undertakes to legislate for the States of Maryland and Virginia. But apart from that, inside of this District, but outside of the city of Washington, there are private burial grounds which have been in use almost from time immemorial—family burying grounds where the remains of members of a particular family have been interred for a period of years. There are now in some cases elderly people who wish to be buried in those private cemeteries with their kindred. This bill, if it should become a law, would prevent that. I agree with the gentleman from Kentucky that such a provision is an outrage, and is not justified by any proper health regulations.

Then comes section 12, which has been referred to by the gentleman from Kansas, and which provides:

> That no grave in said District shall be reopened within ten years after the burial of a person above 12 years of age, or within eight years after the burial of a child under 12 years of age.

Now, if it should so happen that a member of this House, in the absence of his family in Europe, where they could not be communicated with, should be interred, for instance, at Oak Hill or the Congressional Cemetery, there would be required under this bill, if it should become a law, a special act of Congress to allow the disinterment of the remains in order that they might be buried at the home of the family. Do gentlemen wish that? Does the gentleman from Iowa [Mr. CURTIS] himself wish that? I presume he does not.

Then, again, while a cemetery may be established in a given way and without permission of the coroner, a crematory can not be established on equal terms. That is the effect of section 14.

Then, in section 16, we have the penalties for violation of any of these petty requirements; and we read that the offender must pay a fine of not less than $25 nor more than $200 or be punished by imprisonment for not less than seven or more than ninety days in the jail of the District of Columbia. I submit that this provision is altogether too harsh for any purpose which the bill proposes to accomplish.

Reserving the remainder of my time, I will await further explanation of the bill.

Mr. JOHNSON of Indiana. I wish to suggest an amendment which I think will obviate the principal objection urged by the gentleman from New Hampshire [Mr. BAKER]. I propose that we add to the bill this clause:

> *Provided*, That nothing herein contained shall interfere with the process of resurrection as foreshadowed and provided for in holy writ.

[Laughter.]

Mr. CURTIS of Iowa. Mr. Speaker, there are certain amendments which I desire to offer to this bill on behalf of the committee. These amendments have been suggested in conferences with the cemetery superintendents of the District and with the health officer and the Commissioners. The first amendment is to insert, after the word "any," in line 4 of section 1, the word "new."

Mr. McCREARY of Kentucky. I suggest that the amendments be read by the Clerk.

Mr. BABCOCK. There are several of these committee amendments. I think they can all be adopted at one time.

Mr. CURTIS of Iowa. Very well. Let the Clerk read all the amendments.

The Clerk read the various amendments proposed by the committee.

Mr. BAKER of New Hampshire. Mr. Speaker, I call for a separate report of the amendments, and a separate vote upon each.

The SPEAKER pro tempore (Mr. JOHNSON of Indiana in the chair). The Clerk will report the first amendment.

The amendment was read, as follows:

> In section 1, line 4, after the word "any" where it occurs the first time, insert, before the word "cemetery," the word "new;" so as to read "any new cemetery."

The amendment was agreed to.

The next amendment was read, as follows:

> Section 3, line 5, strike out the words "and grave space," and insert "of reasonable size."

The amendment was agreed to.

The third amendment was read, as follows:

> Line 5, strike out the words "and grave space;" line 7, section 3, strike out the words "and grave spaces;" line 8 of the same section, strike out the words "and grave space;" in line 9, insert, after the word "spaces," at the end of the line, the words "hereafter laid out;" line 10, strike out "twelve" and insert "ten;" in line 12, strike out the word "twelve" and insert "ten."

The amendment was agreed to.

The next amendment was read, as follows:

> Section 4, line 5, strike out the words "and grave space."

The amendment was agreed to.

The next amendment was read, as follows:

> Section 10, line 3, strike out the word "week" and insert "month;" and in line 5, strike out the words "six months" and insert "one year."

The amendment was agreed to.

The next amendment was read, as follows:

> Strike out section 11 of the bill.

The amendment was agreed to.

The next amendment was read, as follows:

> Lines 4 and 5 of section 12, strike out the words "to bury another member of the same family" and insert "the grave has been, in the first instance, of sufficient depth to permit subsequent interments." In line 7, insert, after the word "coffin" and before "but," "unless such coffin has been separately entombed in properly cemented stone or brick work." In line 12, insert, after the word "plague" and before "diphtheria," the word "tetanus."

The amendment was agreed to.

The next amendment was read, as follows:

> Insert, after section 18 and before section 19, the following:
>
> "SEC. —. That the provisions of this act shall not be applied to prevent the immediate removal of bodies from Graceland Cemetery, as required by 'An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia,' approved August 3, 1894."

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to offer an amendment to the pending amendment:

> That nothing in this act shall apply to private cemeteries in the city of Washington.

I understand that the purpose of the bill is to control cemeteries hereafter laid out. There are, however, private cemeteries in the city where the dead of one family, or perhaps two or three families, are buried, and I do not think that this supervision should apply to cemeteries of that character.

Mr. CURTIS of Iowa. I do not think the bill, if enacted into law, would prevent the use of such cemeteries—that is, necessarily so. The object, however, is in the interest of the public health of the city of Washington, to prevent the establishment of these cemeteries in improper places or by improper or irresponsible persons. The gentleman from Kentucky can readily see that without a law restricting the establishing of such cemeteries, either public or private, the public health of the city might be seriously endangered by reason of the improper location of such establishments.

Mr. McCREARY of Kentucky. I will call the attention of the gentleman to section 9 of this bill, which reads as follows:

> SEC. 9. That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington.

Under that provision, in the private cemeteries in the city of Washington where members of one family are buried and it is desired to inter another member of the family, your bill as at present drawn would prohibit it.

Mr. CURTIS of Iowa. Well, I would suggest to the gentleman that an amendment might be prepared in this form to prohibit interments:

> Except in such grounds as are now known or used as public or private burial grounds.

Would not that meet the purpose of the gentleman?

Mr. McCREARY of Kentucky. I should think so.

Mr. CURTIS of Iowa. I would suggest that such an amendment will not meet any objection from the committee.

Mr. McCREARY of Kentucky. I will prepare the amendment.

Mr. RICHARDSON. Mr. Speaker, I do not wish to consume any of the time of the House, but I wish to call the attention of the House for a moment to the amendment of the gentleman from Kentucky. It seems to me that private cemeteries should be regulated by the District Commisioners, or the health officer, just as well as any other cemeteries. We are just as liable to have contagious and infectious diseases spread from a private cemetery as from a public cemetery. I can not see why it is not safe to lodge in the District Commissioners the discretion which that section gives to them. It is a matter of some importance, if there be private cemeteries, and they are to be considered as independent and outside of all health regulations, if the graves in them are to be opened at will and interments in them to be made at will and not subject to any health regulations. I do not object to any reasonable protection of private cemeteries. I do not believe in desecrating them in any way, or in allowing officers to desecrate them; but there is a great necessity for this bill, or some bill like it, as the Commissioners and the health officer and all connected with the District testified to the District Committee. That being so, it seems to me there ought not to be any factious objection to it. The committee certainly will not object to any reasonable and fair amendments that will make the bill better in any way.

Mr. McCREARY of Kentucky. Mr. Speaker, I do not desire to interfere improperly in any way with this bill, but I do not think that a law which will interfere as seriously as this does with private cemeteries should be passed. I can reach the object that I desire to reach by offering an amendment to section 9, and therefore I withdraw the amendment that I offered, on condition that I be allowed to go back to section 9.

Mr. BAKER of New Hampshire. The bill has not been read for amendment yet.

Mr. RICHARDSON. It is being considered for amendment now. The gentleman seems to be laboring under the idea that the bill will have to be read by paragraphs, but there is no such rule in reference to the consideration of bills in the House.

Mr. BAKER of New Hampshire. There has been no chance for amendment, except committee amendments. I have quite a number of amendments that I wish to propose.

Mr. RICHARDSON. That may be so; but the rule that the gentleman invokes applies to the Committee of the Whole, and not to the consideration of bills in the House.

Mr. BAKER of New Hampshire. I give notice that I wish to amend this bill, commencing with section 1.

Mr. McCREARY of Kentucky. I withdraw the amendment that I offered with the understanding that I be allowed to offer it later.

Mr. RICHARDSON. Offer it now.

Mr. McCREARY of Kentucky. In section 9 I offer the amendment to insert between the words "public" and "burial" the words "or private."

The SPEAKER pro tempore. The gentleman will notice that there is an amendment already pending, offered by the gentleman from Iowa [Mr. CURTIS]. The Chair understands the gentleman from Kentucky [Mr. McCREARY] to withdraw his amendment to the amendment.

Mr. McCREARY of Kentucky. Yes; I withdraw my amendment to the amendment; but as we have passed section 9, I wish to return to that.

Mr. RICHARDSON. That amendment will still be in order to section 9.

The SPEAKER pro tempore. The Chair will say to the gentleman that an opportunity will be afforded to offer the amendment later. The question is on the amendment offered by the gentleman from Iowa [Mr. CURTIS], which the Clerk will report.

The Clerk read as follows:

> Insert after section 18, and before section 19, the following:
>
> "SEC. —. That the provisions of this act shall not be applied to prevent the immediate removal of bodies from Graceland Cemetery, as required by 'An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia,' approved August 3, 1894."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

> In line 7 of section 15, after the word "destruction," insert the following:
>
> "It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body or part of the dead body of any human being in said District before the issue of the death certificate by the attending physician or the health officer, and in case the death so certified is due to other than natural causes, unless said death certificate is signed or approved by the coroner of said District."

The amendment was agreed to.

Mr. CURTIS of Iowa. Mr. Speaker, I wish to offer an amendment to that amendment. I have sent it to the Clerk's desk.

The SPEAKER pro tempore. The amendment has not been reported. The Clerk will report the amendment offered by the gentleman.

The Clerk read as follows:

> In section 15 strike out, in lines 10 and 11, page 8, after the word "certificate," the words "by the attending physician or the health officer."

The amendment was agreed to.

Mr. CURTIS of Iowa. Now, Mr. Speaker, I offer an amendment to section 8, to insert, after the word "death," at the end of line 13, the words "without permission of the health officer."

The amendment was reported by the Clerk, as follows:

> On page 6, line 13, after the word "death," insert the words "without permission of the health officer."

The amendment was agreed to.

Mr. BAKER of New Hampshire. Now, Mr. Speaker, in the first section——

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Iowa if there are any more committee amendments?

Mr. BAKER of New Hampshire. I understood the gentleman to say there were none.

Mr. CURTIS of Iowa. There are no other committee amendments. I will say, however, while I have the floor, that the amendment suggested by the gentleman from Kentucky [Mr. McCREARY] has been accepted by the committee.

Mr. McCREARY of Kentucky. I suggest that the gentleman offer that amendment now.

The SPEAKER pro tempore. The Chair suggests that the House had better go back to the first of the bill and complete it as it goes.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend, in line 5, page 1, after the word "Washington," by inserting the words "in the."

Mr. RICHARDSON. You had better agree to that.

Mr. CURTIS of Iowa. I agree to that.

The SPEAKER pro tempore. The Chair suggests that gentlemen had better reduce their amendments to writing, because it causes the clerks considerable trouble to have them submitted verbally.

Mr. BAKER of New Hampshire. I think the Clerk will be able to catch these amendments as they are offered.

The Clerk read as follows:

> In section 1, after the word "Washington," insert the words "in the."

The amendment was agreed to.

Mr. BAKER of New Hampshire. I also move to amend in the same section, in line 6, by inserting, before the word "within," the words "in said District."

The Clerk read as follows:

> In line 6, before the word "within," insert the words "in said District."

The amendment was agreed to.

Mr. BAKER of New Hampshire. In section 2, page 2, lines 4 and 5, strike out the words "to prevent entrance thereto or exit therefrom, except by gates provided for that purpose."

The Clerk reported the amendment, as follows:

> In lines 4 and 5, page 2, strike out the words "to prevent entrance thereto or exit therefrom, except by gates provided for that purpose."

Mr. RICHARDSON. Mr. Speaker, I only want to say a word about that amendment. I do not think the House ought to agree to that. It simply provides that these cemeteries shall be properly fenced, so that persons may not enter them by climbing over the fence, but must go to the gates. A few years ago, since my experience as a member of this House, there were very serious complaints made about the robbing of graves in this city, and the difficulty seemed to be that these night prowlers, grave robbers, could get into the cemeteries at different places without going to the gate. It seems to me that the cemetery keepers can not guard all around them. They may be able to do so, and can do so at a few gates, but they can not police the entire line. Now, the gentleman from New Hampshire seems to think that the health officer and the District Commissioners would be unreasonable in regard to the fences around these cemeteries.

Mr. Speaker, I think the language is proper, in providing for reasonable fences, to properly inclose the cemetery. If the gentleman wants to put that language in, all right, although it is covered as it is, in my judgment. These officers can not go and tear down the fences if they are there. They would have to make their complaints in a specific way that they were not reasonable and proper, and that would be in the discretion of the court, and they could not be torn down. Therefore, Mr. Speaker, no harm could come to these cemeteries by allowing the language as it is written in the bill.

Mr. HULICK. Are the cemeteries provided with guards?

Mr. RICHARDSON. Not at all, except as the cemetery associations themselves provide guards and pay for them.

Mr. HULICK. Are the cemeteries not provided with fences, so that people can not get over?

Mr. RICHARDSON. Every one of them, I understand, has a fence, but possibly not as high as it ought to be. I know that there was a great deal of talk in the last few years as to grave robbing in the District of Columbia.

Mr. BAKER of New Hampshire. In order to prevent this you have to put up a 20-foot fence.

Mr. RICHARDSON. I do not say that.

Mr. BAKER of New Hampshire. But that is what it amounts to.

Mr. RICHARDSON. It does not amount to that if it is put up properly. The language of the bill is quite sufficient, and prevents entrance except by the gates provided for that purpose. I do not see how any reasonable man can object to that provision in the bill.

Mr. BAKER of New Hampshire. Then I am unreasonable.

Mr. RICHARDSON. I think the gentleman is a little unreasonable when he objects to this. If the District Commissioners or if the health officer were to attempt to interfere with the fences of the cemeteries already there, if they made unreasonable demands upon the owners of those cemeteries, as the gentleman seems to think they may, the courts would give them redress. There would be no difficulty about that. I would be perfectly willing to trust the District Commissioners with a matter of that kind when they come to decide upon what kind of fences should be around the cemeteries. The gentleman near me, if I understood him correctly, made a good suggestion, that those of us who are out do not want to get in, and those who are in do not want to get out, and it seems to me that the language of the bill is entirely proper.

Mr. BAKER of New Hampshire. Mr. Speaker, it is not, I presume, the object of this legislation to drive the citizens of the District of Columbia into the courts. It is rather to prescribe such requirements as are essential and then to prevent the officials who are placed temporarily over the citizens of this District from driving them into the courts in defense of their rights. After my amendment shall have been adopted, the requirement of this part of the bill will be that these cemeteries shall be inclosed with "good and sufficient walls or fences," and I do not see why that is not a good and sufficient requirement. I propose, by my amendment, to strike out the words "to prevent entrance thereto or exit therefrom except by gates provided for that purpose," leaving the requirement that there shall be "good and sufficient" fences, and I do not see what more than that the gentleman from Tennessee or any other gentleman can reasonably desire.

Mr. RICHARDSON. Mr. Speaker, the gentleman from New Hampshire proposes to strike out these words:

> To prevent entrance thereto or exit therefrom, except by gates provided for that purpose.

Now, what else do we have fences for but to prevent persons going in or coming out at other places than the gates? The gentleman from New Hampshire does not object to that idea, but he proposes to strike out the words which express the idea, for that is all that is expressed by the language which he proposes to strike out.

Mr. BAKER of New Hampshire. The object of a fence ordinarily is not to prevent people from climbing in or climbing out, but it is to prevent animals from straying into the inclosure, and a good and sufficient fence is ample for that purpose; but in order to prevent persons from getting in or out otherwise than through the gates you must erect such a fence as you would erect around a jail or penitentiary, and that, I submit, is not a proper kind of fence for a cemetery. My amendment will still leave in the bill the words "good and sufficient walls or fences," and if good and sufficient walls or fences are not enough to require in this case, then I mistake the proper purpose of such legislation.

The question was taken on the amendment of Mr. Baker of New Hampshire, and the Speaker declared that the noes seemed to have it.

Mr. BAKER of New Hampshire. I ask for a division.

The House divided; and there were—ayes 1, noes 19.

Mr. BAKER of New Hampshire. No quorum, Mr. Speaker.

Mr. RICHARDSON. I make the point that the gentleman has not made the point of no quorum present. [Laughter.]

The SPEAKER. The gentleman from New Hampshire said "no quorum," which the Chair understands to mean no quorum present. [After a count.] One hundred and twenty-four members are present, not a quorum, and, under the rules of the House, the yeas and nays will be considered as ordered, and also a call of the House. As the roll is called, members desiring to vote will vote yea or nay, and members desiring to record themselves as present will announce their presence. The Clerk will report the amendment offered by the gentleman from New Hampshire.

The Clerk read as follows:

> Page 2, line 4, after the word "fences," strike out the words "to prevent entrance thereto or exit therefrom, except by gates provided for that purpose."

The SPEAKER. The Chair desires to call the attention of members to the fact that, under the rules, not only is a vote to be now taken, but also a call of the House. The doors will be closed and members are expected to remain within the precincts of the Hall, and the Sergeant-at-Arms and doorkeepers have no right to permit any member to leave the House during the continuance of the call. The Chair hopes members will understand this, and will stay in the Hall until a conclusion of the vote.

Mr. GIBSON. Mr. Speaker, after a member responds to his name, can he retire temporarily?

The SPEAKER. He can not. The doors are closed and the House remains in session while the call of the House is operating.

Mr. BENNETT. Mr. Speaker, is the lobby within the precincts of the Hall of the House?

The SPEAKER. It is, for the purposes of the inquiry. The Clerk will call the roll.

The roll was called; and there were—yeas 9, nays 185, answered "present" 21, not voting 140; as follows:

YEAS—9.

Aldrich, T. H.
Baker, N. H.
Burrell,
Henry, Ind.
McCreary, Ky.
Otjen,
Sperry,
Talbert,
Van Horn.

NAYS—185.

Abbott,
Allen, Miss.
Andrews,
Apsley,
Arnold, Pa.
Atwood,
Babcock,
Bailey,
Barham,
Barney,
Bartlett, N. Y.
Belknap,
Bell, Colo.
Bell, Tex.
Bingham,
Bishop,
Black,
Blue,
Boutelle,
Brewster,
Broderick,
Bromwell,
Buck,
Burton, Mo.
Calderhead,
Cannon,
Chickering,
Clardy,
Cobb,
Cockrell,
Codding,
Connolly,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Cousins,
Crisp,
Culberson,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Danford,
Dayton,
De Armond,
De Witt,
Dinsmore,
Dockery,
Dolliver,
Ellis,
Evans,
Fairchild,
Faris,
Fenton,
Fischer,
Fletcher,
Foss,
Gamble,
Gillet, N. Y.
Gillett, Mass.
Graff,
Griffin,
Griswold,
Grout,
Grow,
Hager,
Hall,
Hardy,
Harris,
Hatch,
Heatwole,
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hill,
Hitt,
Hopkins,
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hyde,
Jenkins,
Johnson, Ind.
Joy,
Kiefer,
Kirkpatrick,
Kleberg,
Knox,
Lacey,
Latimer,
Layton,
Lefever,
Leighty,
Leisenring,
Lewis,
Linney,
Little,
Livingston,
Long,
Low,
Maguire,
Martin,
McCleary, Minn.
McClellan,
McCulloch,
McLaurin,
Meiklejohn,
Mercer,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Murphy,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pitney,
Powers,
Raney,
Richardson,
Rinaker,
Robertson, La.
Royse,
Russell, Conn.
Sauerhering,
Sayers,
Scranton,
Shafroth,
Shannon,
Sherman,
Shuford,
Skinner,
Smith, Mich.
Snover,
Sorg,
Southard,
Spalding,
Stallings,
Steele,
Stewart, N. J.
Stewart, Wis.
Stokes,
Stone, W. A.
Strode, Nebr.
Strowd, N. C.
Sulzer,
Swanson,
Tate,
Tayler,
Terry,
Tracewell,
Tracey,
Turner, Ga.
Van Voorhis,
Walker, Mass.
Wanger,
Watson, Ohio
Williams,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Wood,
Woodard,
Woodman,
Wright.

ANSWERED "PRESENT"—21.

Baker, Kans.
Boatner,
Bull,
Cooper, Tex.
Corliss,
Crowther,
Daniels,
Erdman,
Gibson,
Hartman,
Howard,
Kem,
Loud,
Maddox,
McCall, Tenn.
Mozley,
Newlands,
Settle,
Smith, Ill.
Strait,
Sulloway.

NOT VOTING—140.

Acheson,
Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Anderson,
Arnold, R. I.
Avery,
Baker, Md.
Bankhead,
Barrett,
Bartholdt,
Bartlett, Ga.
Beach,
Bennett,
Berry,
Bowers,
Brosius,
Brown,
Brumm,
Burton, Ohio
Catchings,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Coffin,
Colson,
Cowen,
Cox,
Crowley,
Crump,
Cummings,
Dalzell,
Denny,
Dingley,
Doolittle,
Dovener,
Draper,
Eddy,
Ellett,
Fitzgerald,
Foote,
Fowler,
Gardner,
Goodwyn,
Grosvenor,
Hadley,
Hainer, Nebr.
Halterman,
Hanly,
Harmer,
Harrison,
Hart,
Heiner, Pa.
Hermann,
Hooker,
Howe,
Howell,
Hubbard,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, N. Dak.
Jones,
Kendall,
Kerr,
Kulp,
Kyle,
Lawson,
Leonard,
Lester,
Linton,
Lorimer,
Loudenslager,
Mahany,
Mahon,
Marsh,
McCall, Mass.
McClure,
McCormick,
McDearmon,
McEwan,
McLachlan,

McMillin,
McRae,
Meredith,
Meyer,
Miles,
Milliken,
Miner, N. Y.
Money,
Moses,
Murray,
Neill,
Payne,
Pickler,
Poole,
Price,
Prince,
Pugh,
Quigg,
Ray,
Reeves,
Reyburn,
Robinson, Pa.
Rusk,
Russell, Ga.
Shaw,
Simpkins,
Southwick,
Sparkman,
Spencer,
Stahle,
Stephenson,
Stone, C. W.
Strong,
Taft,
Tawney,
Thomas,
Thorp,
Towne,
Treloar,
Tucker,
Turner, Va.
Tyler,
Updegraff,
Wadsworth,
Walker, Va.
Warner,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Willis,
Wilson, Idaho
Woomer,
Yoakum.

So the amendment of Mr. Baker of New Hampshire was rejected.

Mr. HICKS. Mr. Speaker, I desire to ask that the gentleman from New Jersey, Mr. Loudenslager, be excused. He has been called away on important business.

There being no objection, Mr. Loudenslager was excused.

Mr. MOODY. I ask that my colleague, Mr. Simpkins, be excused. He is ill in bed. I saw him this morning.

There being no objection, Mr. Simpkins was excused.

The following pairs were announced:

Until further notice:

Mr. Johnson of California with Mr. Spencer.
Mr. Pickler with Mr. Miner of New York.
Mr. Dingley with Mr. McMillin.
Mr. Hanly with Mr. Moses.
Mr. Aitken with Mr. Hart.
Mr. Dovener with Mr. Clarke of Alabama.
Mr. Simpkins with Mr. Fitzgerald.
Mr. Reyburn with Mr. McRae.
Mr. Hermann with Mr. Lester.
Mr. Draper with Mr. Cowen.

For this day:

Mr. Ray with Mr. Turner of Virginia.
Mr. Wellington with Mr. Washington.
Mr. Taft with Mr. Rusk.
Mr. Woomer with Mr. Russell of Georgia.
Mr. Prince with Mr. Tucker.
Mr. Hainer of Nebraska with Mr. Sparkman.
Mr. Bowers with Mr. Miles.
Mr. Harmer with Mr. Ellett.
Mr. Wilber with Mr. Jones.
Mr. Linton with Mr. Erdman.
Mr. McEwan with Mr. Lawson.
Mr. Kulp with Mr. McDearmon.
Mr. Thorp with Mr. Kendall.
Mr. Milliken with Mr. Bankhead.
Mr. Gardner with Mr. Catchings.
Mr. Loudenslager with Mr. Hutcheson.
Mr. Brosius with Mr. Cox.

The result of the vote was announced as above stated.

Mr. BAKER of New Hampshire. I desire to offer a further amendment.

Mr. CURTIS of Iowa (having been recognized by the Chair). I yield to the gentleman from Kentucky [Mr. McCreary].

Mr. McCREARY of Kentucky. I desire to offer an amendment, to which I am informed the committee has no objection.

The amendment was read, as follows:

> After the word "public," in line 4 of section 8, insert the words "or private."

Mr. CURTIS of Iowa. There is no objection to that amendment on the part of the committee.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I desire to offer a further amendment.

Mr. CURTIS of Iowa. Upon this bill I demand the previous question.

Mr. BAKER of New Hampshire. I addressed the Chair and stated that I desired to offer a further amendment. I wish to offer it and to be heard upon it.

The SPEAKER. The gentleman in charge of the bill has asked for the previous question.

Mr. BAKER of New Hampshire. But the bill is not perfected; it requires amendment in various particulars.

The SPEAKER. That is a matter which depends upon the opinion of the House, not upon that of the gentleman from New Hampshire or the Chair. If the House considers that the bill is not perfected, it will vote down the previous question.

The question being taken on ordering the previous question, there were, on a division (called for by Mr. Baker of New Hampshire)—ayes 104, noes 1.

Mr. BAKER of New Hampshire. No quorum.

The SPEAKER. The gentleman from New Hampshire makes the point that there is no quorum present.

Mr. RICHARDSON. Did not the roll call just taken show the presence of a quorum?

The SPEAKER. It did; but the Chair does not feel quite certain that there is a quorum now.

Mr. RICHARDSON. I submit that this motion on the part of the gentleman from New Hampshire is dilatory.

The SPEAKER. The fact that it is dilatory does not make any difference if there is not a quorum present.

Mr. RICHARDSON. The roll call a few moments ago showed a quorum present.

Mr. BAKER of New Hampshire. But the vote just taken shows that there is not.

The SPEAKER. The Chair is not quite sure of the presence of a quorum, and will count the House.

Mr. RICHARDSON. All right.

The SPEAKER (having counted the House). One hundred and eighty members are present—a quorum. The ayes have it; and the previous question is ordered.

The question being taken upon ordering the bill as amended to be engrossed and read a third time, there were, on a division (called for by Mr. Baker of New Hampshire)—ayes 119, noes 3.

Mr. BAKER of New Hampshire. I make the point that there is no quorum present.

The SPEAKER. That point is overruled. [Laughter.]

So the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were, on a division (called for by Mr. Baker of New Hampshire)—ayes 105, noes 5.

Mr. BAKER of New Hampshire. No quorum present.

The SPEAKER. The Chair overrules the point of order, it having been ascertained that a quorum is present. The ayes have it, and the bill is passed.

REGULATION OF PRIVIES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9103) to regulate privies in District of Columbia.

The SPEAKER. The bill will be read.

The bill was read, as follows:

> *Be it enacted, etc.*, That it shall be unlawful for any person or persons to maintain, upon any original lot or subdivisional lot, situated on any street in the District of Columbia, where there is a public sewer and water main available for the use of such lot, any system of disposal of human excreta except by means of water-closets connected with such sewer and water main.
>
> SEC. 2. That no privy shall be constructed or maintained in said District, every part of which is not at least 5 feet from the line of any adjoining lot, 2 feet from any street or public or private passageway, and 10 feet from any building used or intended to be used for dwelling purposes or wherein persons are employed or intended to be employed in any trade or business, nor within 50 feet of any well or spring used or likely to be used by man as a source of water for drinking or domestic purposes.
>
> SEC. 3. That every privy in said District shall be constructed and maintained in such a manner and position as to afford ready means of access thereto for the purpose of cleaning the same, and to admit of the removal of the contents from the premises whereon such privy is situated to the public street without being carried through any dwelling house or building where persons are employed in any trade or business; and said privy shall be so constructed as to prevent undue exposure of the occupants thereof, and provided with a sufficient opening for ventilation, as near to the top as practicable, communicating directly with the external air. The floor thereof shall be paved with some nonabsorbent material, and constructed so that it shall be in every part at a height of not less than 4 inches above the level of the surface of the surrounding ground, and have a fall or inclination toward the door of the privy of half an inch to the foot. Said privy shall be provided with a suitable receptacle or suitable receptacles for filth which may be movable or fixed.
>
> SEC. 4. That whenever any privy in said District is provided with a movable receptacle, there shall be constructed over the whole area of the space immediately beneath the seat of the privy a floor at a height of not less than 4 inches above the level of the surface of the adjoining ground, said floor and the whole extent of each side of such space between the floor and the seat to be constructed of some nonabsorbent material. The seat, the aperture therein, and the space beneath must be of such dimensions as to admit of the removable receptacle for filth being placed or fitted beneath the seat in such manner and position as may effectually prevent the deposit of any filth elsewhere than in the receptacle. The seat shall be so constructed that the whole or sufficient part of it may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath for the purpose of cleaning the same and removing the receptacle therefrom or placing or fitting it therein. Such receptacle for filth shall not exceed in capacity 2 cubic feet, and shall be made of metal, water-tight, and provided with handles, and so constructed that it may be closed with a cover and made air-tight at the time of its removal. Such receptacle shall at all times be kept in good repair.
>
> SEC. 5. That whenever any privy in said District is provided with a fixed receptacle, the bottom and floor of said privy shall be in every part at least 4 inches above the level of the surface of the adjoining ground, and adequate means of access must be provided for the purpose of cleansing the receptacle and removing the filth therefrom. Said receptacle shall not exceed in capacity 8 cubic feet, and shall be constructed of such material or materials and in such a manner as to prevent any absorption by any part of it of any filth deposited therein or any escape of its contents by leakage or otherwise, except in process of cleaning. Said receptacle shall be maintained at all times in good repair.
>
> SEC. 6. That no person shall, in said District, deposit in any receptacle for filth in any privy any substance except human fecal matter, urine, and liquid house refuse.
>
> SEC. 7. That no owner or occupant of any premises in said District whereon is situated any privy shall permit the approaches to such privy, the walls, floors, seats, or fittings thereof, to be in such a state or condition as to be a nuisance or annoyance to any person or persons, for want of proper cleansing thereof, nor allow any receptacle for filth used in connection with any privy to be filled within less than 4 inches of the top thereof.
>
> SEC. 8. That no part of the contents of any privy shall, in said District, be removed therefrom, nor shall the same be transported through or over any streets or highways, except as the same shall be removed and transported by

means of some air tight apparatus, pneumatic or other process, so as to prevent the contents from being agitated or exposed to the open air during the process of such removal or transportation.

SEC. 9. That every building in said District used for dwelling purposes, or where persons are employed or intended to be employed in any trade or business, shall be provided with sufficient and suitable privy accommodations, having regard to the number of persons employed in or in attendance at such building; and also where persons of both sexes are employed or intended to be employed, or in attendance, with sufficient suitable and separate privy accommodations for persons of each sex. It shall be unlawful for any owner or agent to put any person or persons in possession of any building, or any part thereof, not provided with privy accommodations as aforesaid, except a watchman for the purpose of guarding such building or part thereof.

SEC. 10. That no person shall, in said District, deposit any human fecal matter in any place except in some properly constructed privy or water-closet; nor shall any person, having removed the contents, or any part thereof, of any privy in the District of Columbia, deposit it in any place other than such as may be approved by the health officer of said District.

SEC. 11. That it shall be unlawful for any person, other than such as shall be authorized by the health officer of said District, to clean any privy therein. Said authority shall be granted by said health officer, upon application, to any person who is properly equipped as to apparatus and means of disposal for performing the work to be done.

SEC. 12. That no person shall, in said District, erect or maintain a privy without having secured from the health officer of said District a permit so to do. Such permits shall be issued upon written applications, without cost, shall be numbered consecutively, and shall describe the location where each privy is to be maintained.

SEC. 13. That no person shall, in said District, construct or maintain any system of sewage disposal by means of broad irrigation, subsoil irrigation, or otherwise, except upon a permit issued by the Commissioners of said District. Application for said permit shall be in writing to said Commissioners, and shall be accompanied by detailed plans of the system which it is proposed to construct and maintain; and no permit shall be issued under this section until said Commissioners are satisfied that said system can be maintained without nuisance or danger to public health.

SEC. 14. That any person who shall violate or aid or abet in violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, be punished by a fine of not more than $50, or by imprisonment in the jail of the District of Columbia for not exceeding fifteen days.

SEC. 15. That prosecutions under this act shall be in the police court of the District of Columbia, in the name of said District, on information signed by the attorney for said District or one of his assistants: *Provided*, That any person or persons tried under this act shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said police court.

SEC. 16. That the term privy, as used in this act, shall be held to mean any building or part of a building used or intended to be used for the reception of human fecal matter or urine, and which is not connected with the public sewer or with some duly authorized system of sewage disposal, so as to immediately remove such material from such building; that the owner of the premises on which any privy is situated shall be held liable for its erection and maintenance in conformity to law, and for the removal of the contents thereof as may, from time to time, be necessary.

SEC. 17. That this act, in so far as it affects privies hereafter to be erected or existing in said District at the time of its passage otherwise than in conformity to the laws in force at that time, shall take effect upon its passage; in so far as it affects privies existing in said District at the time of its passage, in conformity to the laws in force at that time, shall take effect one year after date of said passage.

SEC. 18. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The Committee on the District of Columbia recommend the adoption of the following amendments:

Insert in section 3, line 16, after the word "fixed," the following:

"Which shall have suitable covers, and be kept closed therewith whenever practicable."

Insert in section 6, line 3, after the word "refuse," the following:

"Except for the purpose of disinfecting or deodorizing; and it shall be the duty of the occupant or occupants, owner or owners, of any premises on which a privy is located to keep the same, and the contents thereof, disinfected and deodorized at all times."

The amendments were agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out lines 1, 2, 3, and 4 on page 4, and all of section 6, down to and including the word "and" in line 4.

Mr. BAKER of New Hampshire. The purpose of the amendment is simply to modify the bill in order not to subject ignorant people to the penalties of the law in a matter of no special importance to anyone. It will do no harm if the words are stricken out, and it would save much trouble to many innocent people.

I trust, therefore, that the committee will accept the amendment.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to the amendment of the gentleman from New Hampshire, that it practically is not germane to the bill. It cuts no figure whatever. This bill has been very carefully prepared by the health department of the city of Washington; it has been through all of the ordinary channels—the District attorney, the Commissioners, the subcommittee, and the full committee—and in my judgment it is very dangerous to strike out provisions in a bill which has been so prepared. I can see no reason whatever for it, and I therefore, on the part of the committee, object to the amendment, and trust that it will not be adopted.

Mr. BAKER of New Hampshire. Mr. Speaker, by turning to section 14 we find a provision for the punishment of violations of the bill. The provision is to the effect that any violation of any of its provisions may subject the offender to a fine of $50 or to an imprisonment of fifteen days.

Now, the purpose of my amendment is to remove from the bill one of the petty requirements which is very likely to be violated by people who are ignorant of or not acquainted with the purpose and provisions of the law.

There are many hundreds of people in this city who are ignorant, who can not read or write or understand such a law, especially such a little petty requirement as this. For instance, if a handkerchief, a lead pencil or piece of wood, or anything of that kind, has been deposited in one of these receptacles, contrary to the terms of the bill, the party is liable under the law to fine and fifteen days' imprisonment. In my opinion it is a requirement entirely unjust and absolutely unnecessary; it has no effect upon the public health of the people of the city in any possible way.

I offer the amendment solely for the purpose of calling the attention of the committee and the House to it, and only to ask that in the interest of this class of people, there being no possible damage that will ensue to anybody, unless it may be the occupant or the owner of the property himself, when it can be of no possible service to the public health in any form, when it can endanger no life, or subject the health of the city to jeopardy, or in any other way work harm, except to the people who must of necessity pay for its removal by the expenditure of their own money, this feature be stricken out.

I trust the amendment will prevail.

The question being taken on the amendment of Mr. BAKER of New Hampshire, it was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONTAGIOUS DISEASES.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That for the purposes of this act the term "contagious disease" shall be held to mean Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, glanders, diphtheria, and scarlet fever, or any of these diseases by whatsoever name it may be designated; the term "case of contagious disease" shall be held to mean any person suffering from any such disease. Any person shall be held to be suffering from a contagious disease who is so infected by such disease as to be capable of transmitting it to others. The presence of the ordinary clinical symptoms of any contagious disease (in the case of diphtheria, including the symptoms of membranous croup) shall be prima facie evidence that such case is or was such a disease; and the presence in such case of the specific bacteria of such disease shall be conclusive evidence that such case is or was such disease. The provisions of this act shall apply to every ship, vessel, steamer, boat, or craft lying or being in the rivers, harbors, or other waters within the jurisdiction of said District, and to every tent, van, hovel, barn, outhouse, cabin, or other place in said District. The term "person in charge of a case of contagious disease" shall be held to mean, first, the head of the family in which such case belongs; second, in his absence or disability or in case he be the person sick, the nearest relative or relatives of such case present on the premises where such case is, and being in attendance on him; third, in the absence of such relatives, everyone in attendance on such person; fourth, in the absence of anyone so in attendance, everyone in charge of the premises where such person is.

SEC. 2. That every physician attending on or called in to visit or examining any case of contagious disease in the District of Columbia shall immediately cause such case to be properly isolated, and at once send to the health officer of said District a certificate signed by him, which said certificate shall state the name of the disease and the name, age, sex, and color of the person suffering therefrom, and shall set forth by street and number or otherwise sufficiently designate the house, room, or other place in which said person may be located, together with such other reasonable information relating thereto as may be required by said health officer: *Provided*, That attending, visiting, or examining any person suffering from a contagious disease shall be prima facie evidence that any physician so doing was aware that such person was suffering from such disease: *And provided further*, That any case of sickness the symptoms of which so resemble the symptoms of any contagious disease that such case can not be immediately distinguished from such disease shall be properly isolated by the person in charge thereof until the nature of such sickness is positively determined, or until the case has completely recovered or died; and if such case recovers or dies without the true nature of the disease having been ascertained, it shall be the duty of the person in charge of such case to adopt such measures of isolation and disinfection as are required by this act in cases of contagious diseases.

SEC. 3. That any physician attending on or visiting any case of contagious disease in said District shall send to said health officer a certificate signed by him, certifying to the recovery or death of such case within twenty-four hours after he becomes aware of such recovery or death. No person suffering from any contagious disease shall be certified as having recovered therefrom until he is entirely free from danger of communicating such disease to others.

SEC. 4. That whenever any person in said District is suffering from any contagious disease, or suspected of being suffering from such disease, and no physician is in attendance on or called in to visit, or examines such person, it shall be the duty of the person in charge of such case to properly isolate the same and to send to said health officer certificates relative thereto, in the same manner as is required by this act of physicians attending on or called in to visit, or examining like cases.

SEC. 5. That whenever it comes to the knowledge of said health officer, either by the certificate hereinbefore provided for or otherwise, that any person in said District is suffering from any contagious disease, said health office shall cause one or more suitable placards or warning signs to be placed at once in a conspicuous position or positions upon, at, or near the front entrance or entrances to the premises in which such person is, so that the same can be distinctly seen by passers-by; said placards or signs shall contain, printed thereon in large letters, the name of the disease from which said person is suffering, and, in small letters, a statement of the law in reference to entrance to and exit from such house, and in reference to interfering with such placard or warning sign; if such premises be a hospital, asylum, hotel, or apartment house said placards or warning signs may, in the discretion of said health officer, be placed in a conspicuous position or positions within said premises, at such place or places as said health officer may determine; said placards or warning signs shall be displayed as aforesaid until such premises and the contents thereof are disinfected to the satisfaction of said health officer, as certified by him, and for such time thereafter as may be necessary to demonstrate the freedom of occupants of said premises from

contagious disease, namely, in the case of cholera and yellow fever, five days; typhus fever, twenty-one days; smallpox, sixteen days; the plague, fourteen days; glanders, twenty-one days; diphtheria, ten days; and scarlet fever, fourteen days: *Provided*, That in addition to or in lieu of the placards or warning signs provided for above, said health officer may station a watchman or watchmen at such building or premises for the purpose of securing compliance with the provisions of this act.

SEC. 6. That no person shall in said District, without the written consent of said health officer, handle, deface, obliterate, remove, or in any manner conceal any placard or warning sign displayed as aforesaid; the person in charge of the building or premises where such placard or sign is or has been displayed, and which said placard or warning sign has been to his knowledge defaced, obliterated, removed, or concealed, shall forthwith report that fact in writing to said health officer, unless he has good reason to believe that such placard or sign has been removed by authority of said health officer.

SEC. 7. That it shall be the duty of the person in charge of any case of contagious disease in said district to cause such case, immediately upon the discovery thereof, to be removed to a room or rooms on the premises where it occurs, as far as practicable from rooms occupied by other persons not affected by such contagious disease; to prevent the entrance into the building in which such sick person is of any person or persons except those dwelling therein at the time of the discovery of such disease therein, the physician or physicians in attendance, the nurse or nurses, and such persons as may be especially authorized in writing by said health officer to enter such building; to properly disinfect or cause to be disinfected all articles in use in the room or rooms in which such sick person is and all excreta from such sick person before such articles or excreta are removed from said room, and within three days after the complete recovery, the death, or removal of such case, to cause the premises in which such sick person has been and the persons and articles thereon to be properly disinfected.

SEC. 8. That the disinfection required by this act shall be performed as follows:

(A) All dejecta, vomit, and sputum of persons suffering from contagious diseases shall be received and shall remain for not less than one hour in vessels containing a sufficient quantity of an acid solution of bichloride of mercury (bichloride of mercury, 1 part; hydrochloric acid, 2 parts; water, 1,000 parts), or other germicidal agent which has been approved by said health officer.

(B) All articles which have been exposed to infection but not included among those enumerated in the preceding paragraph shall be (a) exposed for not less than thirty minutes to steam, at a temperature of not less than 105° C., or (b) boiled for not less than thirty minutes, articles to be disinfected to be completely submerged, or (c) soaked in the acid solution of bichloride of mercury aforesaid for not less than one-half hour, or in a 2 per cent aqueous solution of carbolic acid for not less than four hours, or in other germicidal solution approved by said health officer, or thoroughly washed with such solution, or (d) exposed to the vapor of formaldehyde or other germicidal agent for such time and in such strength as may be specified by said health officer.

(C) Persons who have convalesced from any contagious disease or who have been exposed to such disease shall be thoroughly washed with soap and hot water and sponged with an acid solution of bichloride of mercury, as follows: Bichloride of mercury, 1 part; hydrochloric acid, 2 parts; water, 2,000 parts; or other germicidal solution approved by said health officer. The bodies of persons who have died from any contagious disease shall be immediately enveloped in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution approved by said health officer.

SEC. 9. That if the person who is or has been in charge of any case of contagious disease in said District shall fail or refuse to properly disinfect said premises and persons and articles thereon, or cause the same to be properly disinfected, within three days after the removal, recovery, or death of such case, said health officer is hereby authorized to cause the same to be properly disinfected and to pay the cost thereof out of any appropriation available for the purpose, and the court before whom such person is tried may require him to pay such costs in addition to suffering such penalty as is hereinafter specified: *Provided*, That when such person is unable, in the opinion of said health officer, to properly disinfect such premises, or any part thereof, or any person or persons, article or articles thereon, such premises or parts thereof, person or persons, article or articles may be disinfected by said health officer and the cost of such disinfection paid out of any appropriation available therefor, including payment for articles belonging to the poor necessarily destroyed.

SEC. 10. That no person in said District suffering from any contagious disease, or residing either permanently or temporarily in any building where there is such disease (or, if such building be a hospital, asylum, hotel, or apartment house, in the apartments where there is such disease), shall leave such building or apartments, except with a written permit from said health officer, and then only in accordance with the terms of said permit; or with a certificate from said health officer certifying that such person can leave said building or apartments without danger to public health.

SEC. 11. That no person shall, in said District, knowingly enter any building in which exists any case or cases of contagious disease or any building infected by such disease except persons dwelling in such building at the time of the discovery of such disease therein, the attending physician or physicians, the nurse or nurses, and such other person as may be especially authorized in writing by said health officer to do so.

SEC. 12. That no person shall, in said District, keep or retain the body of any person who has died of any contagious disease, except in accordance with the following provisions: Such body shall not be placed in an ice box, but shall, immediately after death, be completely enveloped, and shall thereafter remain so enveloped, in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution, as provided in section 8; such body shall then be immediately placed in a coffin or casket, which shall at once be tightly closed with screws or clamps and remain so closed; such body shall be buried, cremated, or transported beyond the limits of said District within thirty-six hours after death.

SEC. 13. That no body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox, including varioloid, the plague, leprosy, or glanders shall be carried into or out of the District of Columbia except in transit; no body of a person who has died of diphtheria or scarlet fever shall be carried into or out of said District unless said body be (a) wrapped in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution, as provided in section 8, and (b) incased in a coffin or casket lined with zinc, tin, copper, or lead, so as to be air-tight, or in an hermetically sealed metal casket, and (c) all inclosed in a strong, tight, wooden box: *Provided*, That this section shall not apply to the transportation of bodies in hearses or undertakers' wagons for burial in adjoining States.

SEC. 14. That in said District the body of any person who has died of any contagious disease shall not be carried from place to place except for the purpose of burial, cremation, or shipment, nor in any conveyance other than a hearse or undertaker's wagon; such body shall not be taken into any place of public assemblage, nor shall any person attend the funeral of any such body except adult members of the immediate family of the deceased, his nearest friends, exceeding two, and other persons whose attendance is actually necessary.

SEC. 15. That no person shall, in said District, without a written permit from said health officer, and then only in accordance with the terms of said permit, carry or remove, or cause to be carried or removed, from place to place any person suffering from any contagious disease, or who has been recently exposed to infection by such disease, and is liable soon to develop the same, or to carry the infection of such disease. No person shall, in said District, expose himself or any other person, or permit his minor child or ward to expose himself, while suffering from any contagious disease or when, having been exposed to such disease, liable soon to develop the same or to carry the infection thereof.

SEC. 16. That no person shall, in said District, without a written permit from said health officer, and then only in accordance with the terms of said permit, carry or remove, or cause to be carried or removed, from place to place any thing or things which have been exposed to any case of contagious disease and which have not been properly disinfected since such exposure as certified by said health officer.

SEC. 17. That the principal, teacher, or other person or persons in charge of any school, seminary, college, or Sunday school in said District shall not permit any person to attend such school, seminary, college, or Sunday school who is or has been suffering from or exposed to any contagious disease and whose exclusion from such school, seminary, college, or Sunday school has been certified to by said health officer as in his opinion necessary to prevent the spread of such contagious disease; persons so excluded may be permitted to return to such school, seminary, college, or Sunday school upon the presentation of a certificate from said health officer that they may do so without danger of spreading such contagious disease.

SEC. 18. That no parent, master, or custodian of any child or minor, having power or authority to prevent, shall, in said District, permit such child or minor to be unnecessarily exposed or to needlessly expose any other person to the infection of any contagious disease.

SEC. 19. That no person suffering from any contagious disease shall, in said District, enter any public conveyance, nor shall any person in charge of anyone so suffering permit such an one to enter such conveyance without previously making it known to the owner or driver thereof that he, or the person in charge, as the case may be, is suffering from such contagious disease; any person suffering from such disease and any person in charge of one so suffering having entered any public conveyance shall forthwith report in writing to said health officer the time of such use, the number and kind of conveyance used, and, if known, the name of the driver. The owner or driver of any public conveyance, either or both of them, in which has been conveyed any person suffering from a contagious disease shall immediately have such conveyance properly disinfected, and said conveyance shall not again be used until it has been disinfected to the satisfaction of said health officer, as certified by him.

SEC. 20. That no person shall, in said District, knowing let or cause to be let to any person, or put any other person in possession of, any house, room, or part of a house or room, in which any person has been confined by reason of any contagious disease, until such house or room or part of a house or room has been disinfected to the satisfaction of said health officer, as certified by him.

SEC. 21. That whenever any person in said District is an inmate of any premises occupied by three or more families, or of any tenement house, boarding house, lodging house, hotel, or apartment house, and is suffering from any contagious disease, and can not, in the opinion of said health officer, be properly isolated in such premises, tenement house, lodging house, hotel, or apartment house, said person shall be removed as expeditiously as possible, under direction of said health officer, to the public hospital or to such other place, satisfactory to said health officer, provided by and at the expense of said person, his parents or guardians; if such person can not, in the opinion of said health officer, be removed as aforesaid without endangering his life, said health officer may cause such persons in the neighborhood to be removed as are in danger of contracting the disease. Any person suffering from any contagious disease, and requiring to be treated at public expense, may, at the discretion of said health officer, be removed to the public hospital for treatment.

SEC. 22. That in every hospital and dispensary in said District there shall be provided and maintained a suitable room or rooms for the isolation of persons infected with contagious diseases; such persons shall, immediately upon the discovery of the nature of their sickness, be separated from the other persons and other patients at such dispensary or hospital. It shall be the duty of the physician or physicians, of the officers, managers, and of everyone in charge of a hospital or dispensary, and of everyone who has any duty or office in respect to patients in course of treatment, or persons who apply for treatment or care at a dispensary or hospital, to see that a report is immediately made to said health officer of every person so applying, infected with a contagious disease, who comes to their knowledge, and that such person or persons so infected are properly isolated and kept separated from other persons and other patients.

SEC. 23. That the person or persons in charge of any institution supported or aided by said District shall, at the expense of that institution, cause each inmate thereof to be successfully vaccinated immediately upon his admission thereto, or vaccinated a sufficient number of times to demonstrate that successful vaccination is impossible, unless he produces sufficient evidence of having been successfully vaccinated within five years, or of having had smallpox.

SEC. 24. That every person in said District having been exposed to the infection of smallpox (including varioloid) shall be at once successfully vaccinated, or vaccinated a sufficient number of times to make it evident that successful vaccination is impossible.

SEC. 25. That it shall be the duty of every person in said District to be successfully vaccinated, or to be vaccinated a sufficient number of times to make it evident that successful vaccination is impossible, whenever the Commissioners of said District shall, by proclamation, declare such action on the part of every person, within a reasonable time, to be stated in said proclamation, necessary for public health: *Provided*, That this section shall not apply to persons who prove to the satisfaction of said health officer that they have been successfully vaccinated, or repeatedly vaccinated as aforesaid, within five years from the date of said proclamation, or that they have had smallpox or varioloid.

SEC. 26. That the Commissioners of said District be, and they are hereby, authorized and empowered, whenever said District is, in their judgment, threatened or afflicted with Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), glanders, the plague, or leprosy, and whenever diphtheria or scarlet fever exists in said District in epidemic form, to cause house-to-house inspections to be made, to require, especially, the cleansing and disinfection of premises or parts of premises, to provide accommodations for such persons as may be threatened by or afflicted with any of the diseases aforesaid, to provide gratuitous vaccination and distribution of disinfectants, and to do or cause to be done such other acts not contrary to law as may be necessary, in their judgment, to prevent the introduction or spread in said District of any disease aforesaid.

SEC. 27. That no person shall, in said District, knowingly make, sign, or deliver any report or certificate, herein provided for, not in accordance with fact.

SEC. 28. That said health officer, and any employee or employees of the health department of said District duly detailed for such purpose, shall have the right to enter and inspect premises or places in said District where there is, or is believed to be, one or more cases of contagious disease; such inspection to be made between the hours of 7 o'clock a. m. and 7 o'clock p. m., or at such other times as may, in the opinion of said health officer, be found necessary to secure the enforcement of the provisions of this act.

SEC. 29. That no person in said District shall molest, hinder, or in any manner prevent said health officer, or any person in the service of said health department, from performing any duty imposed upon him or them by the provisions of this act.

SEC. 30. That any person who shall violate, or aid or abet in violating, any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than $5 nor more than $20, or by imprisonment in the jail of the District of Columbia, or in such other place as may be designated by the court, for not less than five days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 31. That prosecutions under this act shall be in the police court of said District, in the name of said District, on information signed by the attorney of said District or one of his assistants, at the instance of said health officer: *Provided*, That any person or persons tried under this act shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said police court.

SEC. 32. That all laws and parts of laws inconsistent with the foregoing be, and the same are hereby, repealed; and any appropriation or balance thereof available at the time of the passage of this act, or which may thereafter become available, for the enforcement of the provisions of "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, is hereby made available for the enforcement of the provisions of this act so far as they relate to scarlet fever and diphtheria.

The Committee on the District of Columbia recommended the following amendments:

Insert after section 31 the following:

"SEC. 32. That any person arrested in the District of Columbia for alleged violation of law, whose detention in a police station, workhouse, or jail would, in the opinion of the health officer of said district, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court."

Number section 32 as 33.

Mr. BABCOCK. Mr. Speaker, I ask that the report of the committee on this bill be printed in the RECORD.

The SPEAKER. Without objection, the report will be printed in the RECORD.

There was no objection.

The report (by Mr. CURTIS of Iowa) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 9823) to prevent the spread of contagious diseases in the District of Columbia, having had the same under consideration, recommend that the same do pass with the following amendments:

Insert after section 31 the following:

"SEC. 32. That any person arrested in the District of Columbia for alleged violation of law, whose detention in a police station, workhouse, or jail would, in the opinion of the health officer of said District, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court."

Number section 32 as 33.

The annexed report of the health officer of the District sufficiently explains the object of the proposed legislation.

The amendments reported by your committee are the amendments submitted by the health officer of the District and sanctioned by the Commissioners.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, December 15, 1896.

GENTLEMEN: Referring to a bill to prevent the spread of contagious diseases in the District of Columbia (H. R. 9823), I have the honor to submit the following report:

The restriction of contagious diseases in the District of Columbia is governed by the following laws and regulations, copies of which are attached hereto:

(1) An act of the legislative assembly entitled "An act for the prevention of disease in the District of Columbia," approved June 19, 1872.

(2) Rules and regulations of the board of health in regard to smallpox, legalized by joint resolution of Congress April 24, 1880, and again by act of Congress approved August 7, 1894.

3. Regulations to prevent the spread of smallpox in the District of Columbia, promulgated by the Commissioners of the District of Columbia October 26 and November 9, 1894.

4. An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, and regulations of the health officer made by virtue thereof.

An act for the prevention of diseases in the District of Columbia.—This act was passed by the late legislative assembly at a time when smallpox was epidemic, and refers only to "formidable epidemic infectious or contagious diseases." There has been no judicial interpretation of the diseases included by this law, but it has, by common consent, been held to mean such diseases as are now termed major contagious diseases, viz, Asiatic cholera, smallpox, typhus fever, etc. This interpretation receives weight by the subsequent enactment of the law relating specifically to certain minor contagious diseases, viz, scarlet fever and diphtheria.

This act affixes certain penalties for certain acts. It is itself, however, incomplete, depending for its operation upon orders, regulations, and instructions which it authorizes (section 1) to be made whenever, in the judgment of the "board of health," the District of Columbia is "threatened with or affected by any formidable epidemic infectious or contagious disease." The subjects to be treated of in these orders, regulations, and instructions are specified in section 2. The act does not authorize the affixing of any penalties to such orders, regulations, or instructions, nor does it direct that the board of health enforce them, so that they may possibly be considered as advisory rather than mandatory, as will appear later in an opinion of the Hon. A. A. Birney, United States district attorney, in reference to certain other regulations made under similar authority.

The law itself is, therefore, incomplete. The orders, regulations, and instructions upon which it depends for its completion can only be promulgated in the actual presence of, or threatened invasion by, a formidable epidemic infectious or contagious disease, and must then be advertised for thirty days; and even when promulgated, are of doubtful value.

Rules and regulations of the late board of health in regard to smallpox.—The late board of health, availing itself of the authority conferred by the act referred to above, and of the existence of an epidemic of smallpox, promulgated certain regulations June 19, 1872, which were amended December 26, 1872, and February 14, 1873. These regulations were entirely in harmony with the accepted sanitary teachings of that day. Some of them are at present, however, known to be of no value, and others positively harmful.

These regulations have been twice legalized by Congress, as before stated, and now "have the same force and effect within the District of Columbia as if enacted by Congress in the first instance" (act of August 7, 1894). But there is not and never has been any penalty for their violation.

Regulations to prevent the spread of smallpox in the District of Columbia, issued by the Commissioners of the District of Columbia.—During the outbreak of smallpox in this District in the years 1894-95, in view of the impossibility of enforcing existing regulations in reference to that disease because of the absence of any penalty clause, the Commissioners promulgated additional regulations under the joint resolution of Congress of February 26, 1892, authorizing the promulgation of "such reasonable and usual police regulations" as the Commissioners deem necessary "for the protection of lives, limbs, health, comfort, and quiet of all persons, and the protection of all property." The validity of these regulations is open, however, to serious question, in view of the decision of the police court that any act or condition restricted by act of Congress can not be further restricted by regulations of the Commissioners, and for other reasons.

An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia.—The following opinion of the Hon. A. A. Birney, United States attorney for the District of Columbia, indicates the value, if any, of this act, and of the regulations made by virtue thereof, and the need for its amendment:

OFFICE UNITED STATES ATTORNEY, DISTRICT OF COLUMBIA,
February 17, 1896.

DEAR SIR: I have before me your letter of February 15, in which you say that under your direction an application had that day been made for a warrant of arrest, which warrant my assistant at the police court had declined to allow to issue; and ask if his decision meets with my approval.

Upon investigation I learn that the case in question was this: A physician filed a death certificate stating the cause of death of his patient to have been "membranous croup." He had not previously reported the existence of this disorder in the patient. Application is made for his arrest for violation of the second section of the act of Congress of December 20, 1890, entitled "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia." This section provides, in effect, that it shall be the duty of every practicing physician to make report to the health officer "immediately after such practicing physician becomes aware of the existence of any case of scarlet fever or diphtheria under his charge," and a penalty is provided for his neglect to make such report. It will be observed that the only cases provided for are cases of scarlet fever and diphtheria. Section 3 of the act requires physicians in attendance upon cases of scarlet fever or diphtheria to exercise such reasonable precautions to prevent the spread of said diseases as may be prescribed by the health officer of the District of Columbia in regulations. This section and section 6 of the same act impliedly give authority to the health officer to prescribe regulations which are to be respected by physicians generally, but no part of the act provides any penalty whatever to be imposed upon any practitioner who shall violate these regulations or refuse to be bound by them. The only penalties provided for in the act are (1) failure to report cases of scarlet fever or diphtheria, (2) the giving of a false certificate, and (3) the visiting of schools, seminaries, or colleges by convalescents from diphtheria or scarlet fever who have not provided themselves with certificates of recovery.

Section 3 has attempted to provide penalties (not affecting physicians, however), but is so confused that, in my judgment, it is incapable of being enforced in a court of justice.

Under the authority of this act, as stated above, the health officer has issued certain regulations, and has assumed by the second to declare, as a matter of law, that the term "diphtheria," as used in the act, "shall be held to include membranous croup, unless," etc. I find no authority whatever for this action of the health officer, and I am therefore of the opinion that such declaration, going as it does far beyond the terms of the statute, is void. As I have above indicated, however, in my opinion no liability whatever attaches in any case for violation only of the regulations.

If it can be made to appear by evidence that the patient in the case complained of died of diphtheria, and that the physician in charge knew it to be a case of diphtheria, and with such knowledge failed to report it to the health officer, my assistant has instructions to cause a warrant to be issued forthwith for his arrest. But in the absence of such evidence (and I am informed that no such evidence was brought to the attention of my assistant) it is my opinion that no warrant should issue, since the proceedings could not possibly be sustained.

With great respect, I am, dear sir, yours, very truly,

A. A. BIRNEY,
United States Attorney, District of Columbia.

Dr. WILLIAM C. WOODWARD,
Health Officer, District of Columbia.

No penalty, it appears, is fixed for the removal or mutilation of the warning signs, which the act requires to be displayed; no penalty for failure to properly isolate the patient; none for failure or refusal to disinfect; and it is even doubtful whether a person actually suffering from scarlet fever or diphtheria could be punished for exposing himself on the public streets.

The frequency with which attempts have been made to prevent the spread of contagious diseases in this District by enacting laws and regulations in reference thereto indicates that the necessity for such legislation has been abundantly proven. The law at present under consideration has been prepared after a careful study of similar laws in force in other cities, and will, it is believed, accomplish what previous enactments have failed to do. Such a measure must necessarily be framed so as to reach and control those who are ignorant of the dangers surrounding cases of contagious disease, and who therefore willfully expose others to contagion; and must be broad and at the same time more or less rigid. It should be drafted so as to reduce to a minimum the personal element in its administration. An effort has been made to accomplish all of this.

The requirements of the proposed law are simply (1) the report of cases of contagious diseases, (2) the placarding of infected premises as a warning to the public, (3) the isolation of those affected by such diseases and of those exposed to them, (4) the disinfection of infected premises, (5) the vaccination of citizens under certain specified conditions.

The health department recommends that this law be passed. The effort made to secure more authority for this department in the management of the diseases named is solely in the interest of the public welfare, the personal interests of those connected therewith dictating the reduction of authority as much as possible, since their work and responsibility are diminished in proportion thereto.

WM. C. WOODWARD, M. D.,
Health Officer.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair understands that there are two committee amendments. The question is on agreeing to them.

The committee amendments were agreed to.

Mr. CURTIS of Iowa. I have another amendment, Mr. Speaker.

The amendment was read, as follows:

Strike out section 23, on pages 14 and 15.

Mr. BAKER of New Hampshire. Mr. Speaker——

The SPEAKER. Does the gentleman desire to address himself to the amendment?

Mr. BAKER of New Hampshire. Yes. The pending amendment, Mr. Speaker, removes one of the greatest objections to this bill; but there are a few others to which, it seems to me, the attention of the committee should be called.

Mr. BABCOCK. I raise the point of order that the gentleman is not addressing himself to the amendment under consideration.

Mr. BAKER of New Hampshire. I am willing that a vote should be taken on the amendment.

The amendment offered by Mr. CURTIS of Iowa was agreed to.

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment to section 11.

The amendment was read, as follows:

Strike out section 11 and insert in lieu thereof the following:

"SEC. 11. That no person in said District shall knowingly enter any building or (if such building be a hospital, hotel, asylum, or apartment house) in the apartment in which exists any case or cases of contagious disease, or any building infected by such disease, except persons dwelling in such building at the time of the discovery of such disease therein, the attending physician or physicians, the nurse or nurses, and such other persons as may be especially authorized in writing by said health officer to do so."

Mr. CURTIS of Iowa. I am authorized to say, Mr. Speaker, that the committee will not object to the amendment offered by the gentleman from Wisconsin [Mr. JENKINS].

Mr. LACEY. Mr. Speaker, I want to inquire whether the word "knowingly" is in the amendment?

Mr. JENKINS. It is.

The amendment was agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, in section 8 there is a formula for disinfectants. A few years ago it was supposed that sulphur was the only successful disinfectant. Since then one or two other articles have been used for that purpose. In this bill there is a provision for still other articles. If this bill should become law, then these particular things must be used as disinfectants, although the progress of science may demonstrate that they are no longer useful or effective. I have a letter from one of the most prominent physicians in this city which says that when this disinfectant was tried upon flies, it did not hurt them, and when it was tried upon turtles, the turtles were said to have danced. Such being the case, this is not a very good disinfectant, and it seems to me that the committee themselves ought to provide that disinfection shall take place, and leave the particular disinfectant to be determined according to the progress of science. I make that merely as a suggestion at this point.

Again, I wish to say, as to the whole bill, that while it may have been prepared by the health officer of the District of Columbia, it has not received action, favorable or otherwise, on the part of any medical society in the District of Columbia; but in its present form is before each of the medical societies of the District and under consideration now. My authority for this statement is a prominent physician who came to me only a few hours ago and so stated to me, so far as the allopathic society is concerned. I have also a letter which I received in my mail yesterday from one of the most prominent homeopaths of the city.

So it seems to me that this bill ought not to be rushed through the House until the medical societies of this city can consider it and say whether they approve it or not. I do know that it is not approved by very many of the most prominent physicians of this city. There are provisions all through it that are not satisfactory to them, or to anyone who has considered the bill. On page 11, in section 14, providing for the funerals of certain deceased persons, there is a provision that there may be only the nearest friends of the deceased present, not exceeding two, besides the members of the family. If it is dangerous to have five people there, it is certainly dangerous to have two.

Mr. CURTIS of Iowa. This applies only to persons who have died of contagious diseases.

Mr. BAKER of New Hampshire. Very well. But why should there be two people present outside of the immediate family?

Mr. CURTIS of Iowa. How would the gentleman bury them without anyone present?

Mr. BAKER of New Hampshire. This applies only to the confidential friends, and not to the undertaker or his assistants.

Mr. CURTIS of Iowa. I call the attention of the gentleman to the language of the section:

And other persons whose attendance is actually necessary.

Mr. BAKER of New Hampshire. "And other persons whose attendance is actually necessary." That covers the undertakers. His two nearest friends are not those of the persons, you will observe by referring to the language in his own bill.

Mr. CURTIS of Iowa. It provides that friends not exceeding two may attend the funeral.

Mr. BAKER of New Hampshire. Yes. Now, I say if it is dangerous to have five present, it is dangerous to have two present; and yet in all possibility he may have three confidential friends who might wish to attend the funeral.

Mr. BABCOCK. In that case they would have to draw cuts to see who should attend.

Mr. BAKER of New Hampshire. And the bill is full of these little irregularities.

Mr. MORSE. Under the suggestion of the gentleman from New Hampshire, it would exclude the clergyman.

Mr. BAKER of New Hampshire. I suppose it would, because there is no provision for his attending unless he should happen to be one of the two confidential friends. In section 21 it is provided:

That whenever any person in said District is an inmate of any premises occupied by three or more families, or of any tenement house, boarding house, lodging house, hotel, or apartment house, and is suffering from any contagious disease, and shall not, in the opinion of the health officer, be properly isolated in such premises, tenement house, lodging house, hotel, or apartment house, said person shall be removed as expeditiously as possible, under the direction of said health officer, to the public hospital.

I would like to be informed by any member of the committee where the public hospital in the District of Columbia is situated? There is no public hospital in the District of Columbia.

Mr. MORSE. That is a child yet to be born.

Mr. BABCOCK. There are half a dozen hospitals open here to the public for which appropriation after appropriation has been made by this House.

Mr. BAKER of New Hampshire. And every one of those hospitals is a private institution, and under the wording of this bill there is nowhere that anyone can be taken. More than that. On the very first page of the bill the words "typhus fever" occur. I asked the gentleman a moment ago to explain to the House the difference between typhoid and typhus fever, and whether typhoid is included in the phrase as being a form of that disease, but I was not able to get any information; and yet I know that, according to official reports of fourteen and a half years of the London free hospital there were 2,580 typhoid-fever patients treated there, and that only eight typhoid cases arose in the hospital.

Then, again, this bill requires that any symptom of membranous croup in any child or in any person shall be treated exactly as diphtheria is to be treated; and that all these disinfectants, which in five years from now may become absolutely useless, and known to be useless, must be applied, according to the law under this bill, or legislation must again be had by Congress.

Then, again, if any of these diseases can be legislated out of the District it would be a grand and glorious thing, but disease yields to conditions and not to legislation. Section 28 of this bill is hostile to the provisions of the Magna Charta, and ought not to be passed in its present form. Again, the last section of the bill makes an appropriation, and this bill should be considered, if at all, in the Committee of the Whole.

Mr. DOCKERY. What appropriation does it carry?

Mr. BAKER of New Hampshire. The section reads:

That all laws and parts of laws inconsistent with the foregoing be, and the same are hereby, repealed; and any appropriation or balance thereof available at the time of the passage of this act, or which may thereafter become available, for the enforcement of the provisions of "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, is hereby made available for the enforcement of the provisions of this act so far as they relate to scarlet fever and diphtheria.

Mr. CURTIS of Iowa. Scarlet fever and diphtheria.

Mr. BAKER of New Hampshire. Now, Mr. Speaker, I think the bill should be recommitted, and I hope the committee will take it on themselves to have that done.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to correct the statement of the gentleman from New Hampshire. The appropriation referred to is only made available as far as it may relate to scarlet fever and diphtheria.

Now, I desire to call the attention of gentlemen of the House to the requirements of this proposed act. They simply provide for the reporting of cases of contagious diseases; the placarding of infected premises as a warning to the public; for the isolation of those affected by such diseases, and the isolation of those exposed to them; for the disinfection of any infected premises, and the disinfection of citizens under certain specified conditions.

Now, Mr. Speaker, this bill, with the other bills that the House has previously considered relating to the public health of the District of Columbia, were referred to the medical associations of the District for their consideration and report—to Dr. Busey, to Dr. Custis, and to Dr. Kober, representing the medical societies of the

District of Columbia, and also the boards of health for the District of Columbia.

Mr. BAKER of New Hampshire. Will the gentleman pardon me right there?

Mr. CURTIS of Iowa. Two of the gentlemen referred to——

Mr. BAKER of New Hampshire. Will the gentleman pardon me right there? I have a letter from Dr. Custis, written on Saturday, in which he said the society had not acted on this bill, and that the bill ought not to pass in its present form.

Mr. CURTIS of Iowa. Are the presidents of their respective associations.

Mr. BAKER of New Hampshire. Dr. Custis is the president of one of the medical associations, and Dr. Busey is the president of the other.

Mr. CURTIS of Iowa. In reply to the gentleman from New Hampshire, I will say I have in my hand a letter, dated November 13, addressed to Dr. J. B. G. Custis, chairman of one of the medical societies——

Mr. BAKER of New Hampshire. He is the very gentleman I refer to, and he wrote to me the day before yesterday.

Mr. CURTIS of Iowa. The bill was placed in his hands. He is aware that this legislation is now before Congress. I will refer to a letter received from Dr. Busey, chairman of the Medical Society of the District of Columbia, and chairman of the committee on public health of the Washington Board of Trade. Dr. Busey——

Mr. BAKER of New Hampshire. Does he anywhere say that the Medical Society of the District of Columbia has approved this bill?

Mr. CURTIS of Iowa. Will the gentleman kindly wait until I read this letter?

Mr. BAKER of New Hampshire. I shall be glad to.

Mr. CURTIS of Iowa. In a letter which I have received from Dr. Busey, under date of December 23, 1896, he says:

> House bill No. 9821 is a very important measure to fulfill the requirements of preventive and protective medicine, and is indorsed with entire unanimity by the committee, with the amendments suggested to sections marked on the margin, 10 and 14.

Those amendments, suggested by Dr. Busey, chairman of the society, and by the board of health, have been presented here and adopted, and, so far as I have been able to ascertain, this bill is indorsed by the medical fraternity of the District of Columbia. It was prepared with great care by the health officer and considered by the District attorney and by the District Commissioners, and its passage is unanimously recommended and urged by gentlemen representing the Commissioners and the health office. The bill has been unanimously reported by the Committee on the District of Columbia of the House, and I trust that it may be passed without further objection.

Mr. BAKER of New Hampshire. Mr. Speaker, as I have stated, this bill has not been approved by either of the medical societies of the District of Columbia, and all the testimony which the gentleman from Iowa presents is the opinion of one man who is chairman of a committee. The bill has not been submitted to his medical society, or if it has been submitted it has not been acted upon, so that it has not received either the unanimous sanction or the sanction at all of the society.

Mr. CURTIS of Iowa. I desire to say, Mr. Speaker, in further reply to the gentleman from New Hampshire, that I understood that certain medical men to whom the gentleman has referred objected to a certain section of the bill which provides for vaccination in the hospitals. At the suggestion of other medical gentlemen in the District of Columbia, that section has been stricken out; the amendment striking it out has been adopted. Therefore the committee in charge of the bill feel that, as it has been amended, it can not be further objected to by any of the medical fraternity of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I desire to offer an amendment to this bill, a very proper one, which has been suggested by a member of the Committee on Appropriations.

The amendment was read, as follows:

> On page 18, section 33, lines 4 and 5, strike out the words "which may thereafter become available."

The amendment was agreed to.

Mr. BABCOCK. I ask for a vote upon the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CURTIS of Iowa. Mr. Speaker, I move that the votes by which the three bills relating to the public health in the District of Columbia have been severally passed be reconsidered, and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTS.

On motion of Mr. HEPBURN, by unanimous consent, a reprint of the bill H. R. 10090 was ordered for the use of the House.

On motion of Mr. THOMAS, Report No. 1473, parts 1 and 2, Fifty-fourth Congress, was ordered to be reprinted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions:

> *Resolved*, That the business of the Senate be now suspended that opportunity may be given for tributes to the memory of the Hon. CHARLES F. CRISP, late a Representative from the State of Georgia;
>
> *Resolved*, That as a further tribute to his memory and in recognition of his distinguished ability as a public servant, the Senate, at the conclusion of these memorial ceremonies, shall stand adjourned.
>
> *Resolved*, That the Secretary communicate these resolutions to the House of Representatives; and
>
> *Resolved*, That the Secretary be instructed to communicate a copy of these resolutions to the family of the deceased.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased—to the Committee on War Claims.

A bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California—to the Committee on Claims.

A bill (S. 497) to provide for a public building at Tampa, Fla.—to the Committee on Public Buildings and Grounds.

A bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic*—to the Committee on Claims.

A bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy—to the Committee on Naval Affairs.

A bill (S. 1181) to pay the heirs of the late John Roach, deceased, etc.—to the Committee on Claims.

A bill (S. 1438) for the relief of the estates of Daniel Woodson and of Ely Moore—to the Committee on Claims.

A bill (S. 1623) for the relief of Cumberland Female College, of McMinnville, Tenn.—to the Committee on War Claims.

A bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891—to the Committee on Public Buildings and Grounds.

A bill (S. 2060) for the relief of Briscoe B. Bouldin—to the Committee on Claims.

A bill (S. 2116) for the relief of Wilber H. Graef & Co.—to the Committee on Claims.

A bill (S. 2225) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers—to the Committee on Military Affairs.

A bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa.—to the Committee on the Library.

A bill (S. 514) for the relief of Warren Hall—to the Committee on War Claims.

A bill (S. 3156) granting an increase of pension to George W. Walton—to the Committee on Invalid Pensions.

A bill (S. 3324) granting an increase of pension to Allen Buckner, of Baldwin, Kans.—to the Committee on Invalid Pensions.

A bill (S. 3329) to increase the pension of George W. Smith, late a captain Seventh Regiment New Jersey Infantry Volunteers—to the Committee on Invalid Pensions.

A bill (S. 3361) granting a pension to Sarah R. Frary—to the Committee on Invalid Pensions.

A bill (S. 3370) granting a pension to Emily E. Atherton—to the Committee on Invalid Pensions.

A bill (S. 3397) granting an increase of pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers—to the Committee on Invalid Pensions.

A bill (S. 3407) granting a pension to Ambrose J. Vanarsdel—to the Committee on Invalid Pensions.

A bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased—to the Committee on Pensions.

A bill (S. 3445) to increase the pension of Capt. John H. Mullen—to the Committee on Invalid Pensions.

A bill (S. 3451) granting a pension to Rebecca P. Quint—to the Committee on Invalid Pensions.

A bill (S. 3472) granting a pension to Laura Barnes—to the Committee on Invalid Pensions.

A bill (S. 3516) granting a pension to Louise Van Atter—to the Committee on Invalid Pensions.

A bill (S. 3541) granting a pension to Jane B. Johnston—to the Committee on Invalid Pensions.

A bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37—to the Committee on Claims.

A bill (S. 2725) to permit the construction of a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in Jersey County, all in the State of Illinois—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

A bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2988) for the relief of W. J. Tapp & Co.—to the Committee on Claims.

A bill (S. 3005) to provide for the examination and classification of certain lands in the State of Oregon—to the Committee on the Public Lands.

A bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war—to the Committee on Pensions.

A bill (S. 1640) granting a pension to Catherine L. Nixon—to the Committee on Pensions.

A bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry—to the Committee on Invalid Pensions.

A bill (S. 2097) granting an increase of pension to Joel M. Gibson—to the Committee on Invalid Pensions.

A bill (S. 2177) granting an increase of pension to Henry B. Conway—to the Committee on Pensions.

A bill (S. 2475) granting an increase of pension to John G. Powers—to the Committee on Invalid Pensions.

A bill (S. 2672) granting a pension to John J. Shockey—to the Committee on Invalid Pensions.

A bill (S. 2694) for the relief of the heirs of Lorenzo Andinino, Francesco Ronchietto, and Stanislas Vittone—to the Committee on Claims.

A bill (S. 2713) granting a pension to Miss Mary Hayne—to the Committee on Pensions.

A bill (S. 2908) granting a pension to Franklin Andrews—to the Committee on Invalid Pensions.

A bill (S. 2909) granting an increase of pension to Henry Schafer—to the Committee on Invalid Pensions.

A bill (S. 2912) increasing the pension of William C. Forsythe—to the Committee on Invalid Pensions.

A bill (S. 2959) granting a pension to Mrs. Sarah Townsend—to the Committee on Pensions.

A bill (S. 2975) granting a pension to John Amrein—to the Committee on Invalid Pensions.

A bill (S. 2991) granting a pension to George G. Eakins—to the Committee on Pensions.

A bill (S. 2992) granting a pension to Ellen O'Hara—to the Committee on Invalid Pensions.

A bill (S. 2993) granting a pension to Rebecca Gilbert—to the Committee on Invalid Pensions.

A bill (S. 2994) granting a pension to William G. Alspach—to the Committee on Invalid Pensions.

A bill (S. 2995) granting a pension to James M. Dennison—to the Committee on Invalid Pensions.

A bill (S. 3103) granting a pension to Jesse O. Davy—to the Committee on Invalid Pensions.

A bill (S. 3145) to increase the pension of William Hulsizer—to the Committee on Invalid Pensions.

A bill (S. 3177) granting a pension to Oscar A. Palmer—to the Committee on Invalid Pensions.

A bill (S. 3190) granting a pension to Amos L. Hood—to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

Mr. SHERMAN. Mr. Chairman, I would like to have some arrangement as to the time for general debate, and I ask unanimous consent that general debate be closed upon the bill in one hour.

There was no objection, and it was so ordered.

Mr. SHERMAN. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. SHERMAN. I now yield to the gentleman from Indiana [Mr. JOHNSON] such time as he desires.

Mr. JOHNSON of Indiana. Mr. Chairman, before proceeding, I ask unanimous consent that I be permitted to consume the time which has been kindly accorded to me in discussing the subject of banking and currency reform.

Mr. HULICK. Mr. Chairman, I would like to ask the gentleman whether the reform is to be for the benefit of the Indians or for the benefit of the white people? [Laughter.]

Mr. JOHNSON of Indiana. I will leave the gentleman to determine that as I proceed.

Mr. Chairman, I do not rise on this occasion so much to discuss the measure now before the House for consideration as I do to call attention to the imperative necessity for a general revision of the banking and currency laws of the country at an early day.

I would much prefer, sir, that some other gentleman upon this floor should perform this task—some gentleman more prominent than myself, some gentleman whose ability and reputation are such that his utterances would be sure to awaken a profound interest in this important subject.

Inasmuch, however, as no member thus equipped appears inclined to say anything upon the matter, I unhesitatingly take upon my own shoulders the burden of the responsibility.

Mr. Chairman, I maintain that this is a very opportune time to agitate the question of banking and currency reform. There has certainly been ample demonstration within the last few years of the utter inefficiency of the existing system. It has inflicted much inconvenience and loss upon the people, and has excited great dissatisfaction in many sections of the Union.

We are standing, too, just at this juncture of public affairs, midway between the triumph of sound money principles at the polls last November and the inauguration next March of the newly elected President, to whose Administration the country is looking with anxious eyes for relief from the misfortunes which have befallen it.

If anything is to be done during this incoming Administration in the way of revising our banking and currency laws, it is therefore high time that we were giving to the matter some thought and consideration—that we were turning our faces resolutely in that direction.

I have been hoping for some time, sir, that the President-elect might give some intimation that he favored this revision. I sincerely trust that he will at least deem the subject worthy of his consideration and approval when he comes to prepare his inaugural address, that he will recommend it earnestly to Congress in his first message, and that he will continue thereafter to give to it at all times his active influence and support.

I have faith in the intelligence, ability, and patriotism of the incoming President. No one doubts that he will enter upon the discharge of the duties of his high office animated by a sincere desire to do everything within his power to ameliorate the condition and promote the interest and prosperity of his countrymen.

Certainly, sir, nothing will so signalize his Administration and entitle him to the gratitude of the people as the enactment, at his instance and during his Chief Magistracy, of a banking and currency law which will correct the evils in the present system and afford to the nation enlarged opportunity for progress and development.

Let me also indulge the hope, Mr. Chairman, that we may soon have some favorable expression on this important topic from those who are the acknowledged leaders in this House and likewise from those who are leaders in the Senate of the United States—those gentlemen who are most instrumental in shaping legislation, and to whom we are often accustomed to resort for counsel and advice.

Until there is some assurance from the various sources to which I have alluded that it is the earnest desire and intention that the banking and currency laws are to be taken up and thoroughly revised during the lifetime of the Fifty-fifth Congress, it is folly for the Banking and Currency Committee of the House, or for any member of the House who has the subject at heart, to give to the matter any attention whatever. To do so would be simply to squander time, waste energy, and labor without achievement or reward.

If, however, this assurance were now to be given, it would inspire confidence and stimulate to action. Members could and would commence to investigate the subject. The doors of the Banking and Currency Committee could be thrown open to admit those learned in banking and finance who would come to present plans and offer suggestions.

Under such conditions as these we might reasonably expect that before the end of the first regular session of the next Congress, at least, there could be placed upon the statute book of the nation a banking and currency law which would answer satisfactorily our demands and necessities.

Mr. Chairman, I am not a pessimist, neither am I an alarmist, but is it absolutely certain that the problem of self-government by the people has been wrought to a happy conclusion on this continent simply because we have existed as a Republic for a little over a century, and during that period have passed through some severe ordeals bravely and successfully?

A hundred years, sir, is not, after all, a very great period in the life of a nation. Is there not still ample opportunity for our light to fade in the years which are to come? Nor is it wise for us to close our eyes to the fact that there is just now a spirit of great discontent and unrest abroad in the land. The disposition to defy those in authority and to treat the law with contempt is increasing. Populism, which in its essential constituents is the avant-courier of socialism and communism, has been sowing its pernicious doctrines with a prodigal hand, and they have taken deep root in the minds of some of the people. Radical innovations are sought to be ingrafted upon our system. All sorts of financial heresies are being advocated. There is a positive demand for a short weight silver dollar and a persistent clamor for the issue by the Government of an irredeemable paper currency.

In my humble opinion, Mr. Chairman, it is the part of wisdom and statesmanship to investigate into the cause for all of this restlessness and ascertain whether there are any just grievances behind it, and, if there are, to provide for them a prompt and adequate redress. Such a course will extract the heart from all this discontent. It will disarm it by exposing the inherent weakness of such of its grievances as are without reason or merit. It will array against it the intelligence, good sense, and patriotism of the land and thus render it incapable of further disturbing the public tranquillity or interfering with the public prosperity.

Sir, to my mind those who are engaged in this agitation have at least one genuine grievance in their list of complaints. The present banking and currency system is a positive imposition upon the people, particularly upon the people living in the agricultural sections of the Union. It is maintained only at great expense. It keeps the business and commercial interests in a constant state of apprehension and uncertainty. It congests money at the great commercial centers, where, owing to the use of bank checks and deposits, it is not so much needed for effecting the ordinary exchanges of daily life and where it can be borrowed at a very low rate of interest, while it leaves those residing in the rural sections of the country—notably in the South and West—without money with which to effect their ordinary exchanges, and without money for unusual enterprises or for marketing their crops, except upon payment of very high rates of interest.

Mr. Chairman, I venture the assertion here and now that it is this scarcity of good paper money, this inequality in the distribution of such money throughout the country, which is largely at the bottom of the demand for a short-weight silver dollar and for the issue of irredeemable and other vicious forms of paper currency.

Once do away with this just reason for dissatisfaction through a wise revision of the banking and currency system, once give to the people a good paper currency, in sufficient volume to answer their necessities, and at reasonable rates of interest, and you will sound the death knell of the cry for a cheap metallic dollar and for all kinds of questionable paper issues.

Refuse this reasonable legislation, and there is grave danger that the demand for vicious money will swell to a torrent which at the biennial election will sweep you from your seats, and which, having overleaped that barrier, will rush irresistibly onward, until in the year 1900 it will land its driftwood in the White House, and then you will see spread upon the statute books of the nation such legislation as will produce widespread loss and disaster—loss and disaster from which it will take years for us to recuperate.

While the subject of banking and currency reform, Mr. Chairman, is one which should profoundly interest men of all shades of political opinions, it seems to me that there are strong reasons why it should just now be invested with peculiar concern to that party to which the majority of the members in this Chamber belong.

In the last campaign this party found the people in hard lines. Business was partially paralyzed. Trade and commerce were in a state of semistagnation. Our manufactories were either entirely closed or else were badly crippled. Men were everywhere out of employment.

There was a deficit in the Treasury, and the gold reserve had fallen below the hundred-million-dollar mark. Bonds had been issued to repair the reserve, which had been depleted to redeem our paper currency and maintain it at par.

Sir, what did we say to the people in that campaign? We told them that this condition had been largely brought about by the imbecility of the party which was then in power, by its lack of genius for administering the Government.

We told them that their distress was mainly due to the attack upon the protective tariff and the passage of the Wilson bill.

But we did not stop with this locating the responsibility: we went further. We made promises; we were profuse in our pledges. We declared that if we were given control of public affairs we could and we would pass such legislation as would insure prosperity.

The people took us at our word. After the 4th of next March we will have the Presidency, the House of Representatives, and very likely the Senate of the United States.

What, then, do we propose to do in the way of observing our promises? Are we going to pass a bill to raise revenue, so that our receipts will at least equal our expenses, and thus stop the deficit in the Treasury? Well enough! This is a step in the right direction. It will have a tendency to restore confidence in the public mind. But does any of us imagine that this legislation will materially ameliorate conditions?

What next, sir? Why, we are to enact a protective tariff law. Even now the Committee on Ways and Means of the House is giving hearings and is framing a protective tariff measure to the end that it may be promptly put upon its passage at the special session of Congress which, it is understood, is to be convened at an early day, precisely what the Banking and Currency Committee of the House would now be doing with respect to the banking and currency system had there been extended to it one-half of the encouragement which has been so promptly accorded to the Committee on Ways and Means.

Mr. Chairman, I am a firm believer in the principle of protection, but let me indulge the hope and belief that this tariff bill which is thus being prepared is a tariff for protection and not a tariff for oppression: that the schedule is amply high enough to cover all honest American industries and to bridge the difference between wages paid at home and wages paid abroad, but that it is not high enough to shield the monopolies and trusts which seek to prey upon the people nor to work injury to the consumer. Such a tariff law as this—and I have faith to believe that no other kind will be proposed—will give healthy stimulus to American industry and afford steady employment to American labor at wages so remunerative as to bring happiness and comfort to its humble home. It will assuredly have a beneficial effect upon the country, and do much toward improving the conditions which now oppress us. But will it be a perfect and permanent cure for the disease with which we are afflicted?

Sir, I hazard the prediction here and now that the man, or the men, wherever found and to whatsoever political party belonging, who pin their faith to the proposition that a cured deficit and a protective tariff are all that is necessary to bring prosperity to this Republic will awaken at no very distant day to the startling discovery that they have all along been the victims of a most egregious delusion.

We may add to these two just measures of reform to which I have alluded the exercise of that wise and reasonable economy in public affairs which is, in my judgment, one of the prime duties of the hour.

Even this will not suffice to relieve us.

We may enact, too, a drastic but discriminating immigration law. Such a law ought to be passed in the interest of every American citizen, whether native-born or naturalized, not simply for the protection of our labor, but also for the protection of our civilization and our institutions, which can no longer stand with safety the strain to which they are being subjected by that class of foreigners who are continually coming to our shores, but who are, nevertheless, totally unfit to become factors in our national life.

But when we have done all of this, sir, we will still be short of an adequate remedy.

Mr. Chairman, we must have a thorough revision of our banking and currency system before we can, with any exercise of reason, expect to have a permanent and substantial prosperity throughout the borders of this Republic. When this great boon of prosperity comes to us, it must come through the doors of the Committee on Banking and Currency as much as through the doors of the Committee on Ways and Means, and the sooner we recognize this fact and proceed to act upon it the better it will be both for ourselves and for the country.

If we try only the tariff and fail, as fail we assuredly will, it will furnish to the advocates of dishonest money their opportunity. It will enable them to assert that we have exhausted all our remedies and failed, and to predicate to the people an appeal that their own specious but dangerous remedies shall be tried. Will the people have the courage, sir, to resist this appeal?

What supreme folly to employ only the one weapon when we are possessed of two. By all means, let us have a protective tariff, but let us also have banking and currency reform.

But, says some gentleman, the existing banking and currency laws do not need revision. Yes, Mr. Chairman, strange as it may seem, there are some persons who actually laud the present system to the skies. They even tell us that it is the best in the world, and believe, or at least affect to believe, that it really has no serious defects.

Now, the system certainly has its excellencies. No man is disposed to deny this. Our paper money is sound in quality and uniform in value. These are of course indispensable requisites to a good paper currency, but when this is said all is said. We have not a well-rounded and harmonious system, but a system of patchwork. It was not all created at one time, but at different times, most of it having been devised during the war, when the exigencies were such that there was hardly time for careful thought and deliberation. It is largely the result of legislative compromises which sacrificed sound principle to expediency. It is utterly lacking in simplicity, for it provides too great a variety of issues.

It is wholly devoid, too, of elasticity—the faculty of expanding and contracting to meet the varying necessities of trade—and is,

as I have before intimated, incapable of equitable distribution throughout the country—qualities just as essential to a good system of paper money as soundness and uniformity, and without which, in its currency, no great commercial nation like our own can conveniently and properly carry on its business. Add to all this the great expense which it entails for its maintenance, and one begins to see the system in all its deformities.

Why, sir, if we were now, for the first time, about to fashion for ourselves a system of banking and currency, does any gentleman believe that we would be guilty of the stupendous folly of enacting one similar to this which we now have in operation? If we were to tender our system to any civilized nation upon the face of the earth which was seeking to change or remodel its banking and currency laws as one fit to be adopted by it, who can doubt, sir, that our offer would be rejected with derision and contempt?

Take the greenback, for instance. No man can read its history without perceiving at a glance that it was never designed, at the time of its creation and during the early years of its existence, to circulate permanently as money. It was then regarded simply as a loan, a debt to be paid off and retired at the earliest practicable moment. The idea that it should be kept out indefinitely came to us as an afterthought. That this form of our currency has cost the people heavily to maintain it let the bond issues of the last four years attest.

I am well aware, sir, that it is customary to speak of the greenback in terms of unstinted praise and reverence, but do we not know very well that it has wrought for us incalculable mischief? Has it not imbued the people with the erroneous idea that values can be created by a mere act of Congress, encouraged the demand for a direct issue of irredeemable paper by the Government, and otherwise done more to befog the public judgment and lead it astray from sound economic principles than all other causes combined?

Mr. Chairman, the President of the United States, the Secretary of the Treasury, the Comptroller of the Currency, and men of all parties who stand with them on this proposition, are right. The greenbacks and the United States Treasury notes should be retired and canceled. The revolution of the endless chain should be stopped, and stopped forever. The Treasury should be entirely divorced from the banking business and left to the discharge of its more legitimate duties—the collection of public revenues and their disbursement upon public expenses. It should no longer be invested with any of the functions of a bank of issue, nor required to maintain a vast gold reserve for the redemption of paper money. All of these functions and obligations should be devolved upon the banks, where they more properly belong, and which, under a well-devised system of banking and currency, would be amply able to exercise them.

Ah, but we are told that the retirement of these notes means an issue of bonds, the substitution of an interest-bearing for a non-interest-bearing debt, and the contraction of the currency. This, sir, is the bugaboo which frightens the timid and seems an insuperable obstacle to the unreflecting.

Well, suppose we do issue bonds with which to retire these notes. Is it not much better for the people that we should do this than that we should continue from time to time to issue bonds with which to redeem them and keep them at par? Think of it. Two hundred and sixty-two million dollars' worth of bonds already issued, a large part of which was used to redeem these notes, and yet every one of these notes still in existence! How many years will elapse under this policy until we shall have bonds issued equal to the total amount of the greenbacks and the Treasury notes and still have every one of the notes in existence ready for presentation for redemption again at any moment?

Let us not vainly imagine that the drain on the gold reserve has ceased forever, simply because it has stopped temporarily. It is liable to recur. There is a feverish apprehension even now in the minds of our bankers and merchants that it will recur, and this is constantly hampering and interfering with the transaction of all kinds of business.

But it is not true, Mr. Chairman, that the retirement of the circulating notes necessarily means the issue of bonds. Personally I am opposed to this method of retirement, except as a last resort; nor is it true that the retirement will cause a contraction of the currency. I entertain, myself, the firm conviction that there is sufficient ingenuity and resource in Congress, when reenforced by the advice and cooperation of such of our countrymen as are learned in banking and finance, to accomplish the task without either bond issue or contraction, if we will only once resolutely enter upon the undertaking.

Contraction can easily be averted by the substitution of some other form of currency for the notes retired.

The retirement of these notes, however, should be accomplished in connection with and as a part of a general revision of the banking and currency system, instead of by a distinct act of legislation, since this comprehensive method would afford superior facilities for a successful consummation of the whole work and also reduce any inconvenience and disturbance which it might occasion to a minimum.

And then, Mr. Chairman, there is the national-bank system, devised during the war for two purposes: First, to furnish a market for United States bonds, in which particular it has been a marked success; and second, to supply us with a paper currency which would be ample in volume to supply the necessities of the entire nation, in which respect it has been a signal failure. How could we expect it to be otherwise than a failure in the exercise of this latter function when we have brought it into competition with a great many varieties of money, when the system was so constituted that for years past there has been no profit of consequence to the national banks in the issuing of their circulating notes?

Here, again, sir, in the national-bank bill, as in the greenback, we have a paper currency which is safe and of uniform value, but which is greatly lacking in flexibility.

The simple fact is that this whole system must be changed. But to what? To the direct issue of paper money by the Federal Government? No, sir. What does the General Government know as to the ever-varying needs of the business world for money? How is it in daily touch with the currents of trade and commerce, moving rapidly one moment and sluggishly the next? Is it capable of responding on the instant to the demands of an increased or a diminished volume of currency as the occasion may require? Elasticity is an impossibility under such a system. Paper once out under it virtually remains out.

And how is this kind of paper money to be gotten into circulation? Certainly the Government is not to give it away! The subtreasury scheme and all other forms of Government lending are now generally regarded with the derision and contempt which they deserve. Are we to get it into circulation by disbursements for the expense of the Government? This will only give us between four and five hundred million dollars per year, not enough in volume for a paper currency for the entire country, and much of this would be continually returned to the Treasury in the payment of taxes. No sane man will advise that we should embark in a series of great public enterprises and in corresponding extravagant appropriations to get notes out among the people. Surely it is not necessary for us to become a nation of spendthrifts in order to be able to indulge in the luxury of a paper currency!

Mr. Chairman, the direct issue of circulating notes by the legislative power of a State almost invariably leads to overissue, overissue necessarily leads to depreciation, and depreciation is always attended with great loss and disaster to the people. Indeed, it seems to me, sir, that such a system as one of direct issue by the Government ought not to be seriously entertained for one moment.

Well, are we to return to the old system of State banks of issue which prevailed before the war? I imagine not. Under that system we seem to have had an abundance of money, but it was neither sound in quality nor uniform in value. Of course there were some States which had good banks of issue, whose paper was at par in all the States of the Union and whose note holders suffered no loss whatever. But this, unfortunately, was the exception. The losses, generally speaking, to the holders of the notes throughout the country were simply terrific; discounts were heavy and the rates of exchange exceedingly high, and trade and commerce were greatly hampered and obstructed.

No doubt, Mr. Chairman, if this system were adopted now it would be shorn of very many of the defects which characterized it of old, for the country has improved marvelously in the interval. Population has grown, intelligence has increased, means of communication have been multiplied, new and improved methods of business have supplanted the old ones, and banking and financing have developed to an extraordinary degree.

But with all of this, the system, if now revived, would hardly be expected to operate satisfactorily. It would still be wrong in principle, and hence evil in its results.

One of the qualities very earnestly to be desired in our system is simplicity, whereas State banks of issue would of necessity present to us only multiplicity. Indeed, some of the advocates of this system openly admit that it would not give us a currency of uniform value, and they claim that this is one of the principal merits of the system, for the reason that this very lack of uniformity in the money would keep it at home—would prevent it from going abroad.

It is their theory, sir, that the only way in which this character of paper money can be kept in circulation in the State where it is issued is to have it at a discount in the other States.

But, we are a homogeneous people, we ignore State lines in our intercourse and in our trade and business relations, and we want and must have for our convenience and profit a paper money that will admit of diffusion over the whole Union and still be of the same value in each of the States which compose it.

It may also be said, both with truth and propriety, that the people of this country can devise no system of banking and currency through the medium of their State legislatures which they can not create more perfectly through the agency of their Senators and Representatives in the Federal Congress.

The advocates of State banks of issue, Mr. Chairman, can well afford to surrender their ideas of State sovereignty so far as it relates to the formation of a banking and currency system, providing they can secure in return for this concession a paper currency which will be ample in volume to meet their necessities and supplied to them at a reasonable rate of interest.

Mr. Chairman, I confess that what I have said thus far has been largely in the nature of opposition and negation. I have been condemning the existing system and denying that certain other systems were worthy to succeed it. In this matter, as in all other matters, it is much easier, I frankly confess, to assail than it is to create, especially for one so lacking in constructive genius as I. It is therefore with a great deal of diffidence that I venture, in conclusion, an opinion as to what kind of banking and currency system should be adopted.

It appears, however, to me, that the entire system should be under exclusive Federal control; that the present national-banking law should be taken as the nucleus for the system; that we should retain its virtues and correct its infirmities. It has provided us with a safe and a uniform currency; it should now be so altered or amended as to supply us also with a currency which will possess volume, diffusiveness, and elasticity.

Nor can I resist the impression that these three qualities can not be imparted to our paper money as long as the bond-security feature of the present law is retained. It is questionable anyhow whether there are enough suitable Government bonds now available to serve as a basis for a permanent paper currency, adequate to the necessities of the entire country. Certainly additional bonds should not be issued solely for the purpose of securing circulating notes.

The best authorities inform us, Mr. Chairman, that bond security and an elastic paper currency are, in the very nature of things, incompatible, and no one denies that. Owing principally to the high price of Government bonds, there is scarcely any profit to the national banks in the circulation of notes. Hence it is that many of these banks do not issue notes at all, and that the national-bank circulation is very greatly restricted.

An amendment to the national banking act, authorizing the banks to issue notes to the par value of their bonds, providing for the organization of branch banks and of banks with less than $50,000 capital stock, and repealing the tax upon circulation, and repealing also the rigid limitations upon the taking out and surrendering of notes, would doubtless make the issuing of notes a little more profitable to the banks, and thus induce them to augment somewhat the volume and distribution of their paper; but this would never occur to such an extent as would afford sufficient volume and diffusion to satisfy the wants of the whole people. The issuing of notes would still cost the banks too much—would still be too expensive to them.

Mr. Chairman, in my humble opinion, the time has arrived when we can well afford to authorize banks to issue circulating notes upon their assets without bond security, trusting something to the intelligence, integrity, and self-interest of the bankers in the conduct of their business, but relying mainly, for the success and safety of such a plan, upon a wisely devised and rigidly enforced regulation and supervision by the General Government. Such a system, by making the notes comparatively inexpensive to the banks, would induce an issue, and, with proper provisions for redemption of the notes by the banks on demand, would insure to us a safe and uniform paper currency, ample in volume, and capable of diffusion throughout the entire country and at a reasonable rate of interest to all sections.

I am, of course, aware, sir, that this proposed system, which it is hardly necessary for me to state is not at all original with myself, will arouse strong opposition in many quarters. We are, after all, rather a conservative people, and do not always take kindly to innovations. Indeed, we often endure much unnecessary pain rather than resort to remedies which we foolishly imagine are too drastic. Besides, sir, are we not accustomed to believe that the soundness of our national-bank notes is owing entirely to the fact that they are secured by the deposit of Government bonds?

And yet, Mr. Chairman, there are many other excellent provisions of that act which preserve the note holder from loss. There are the provisions for the prompt payment of the capital stock, its immediate replacement when impaired, the double liability of stockholders, the prior lien of the note holders upon assets, the sworn reports of the officers, the frequent examination into the affairs of the bank—a very effective safeguard, if the examination is only properly conducted—and many other most admirable provisions. Can not legislation strengthen these provisions and add to them new and additional requirements, and thereby insure the safety of circulating notes, even though the bond security is abolished?

Take, if you please, what is known as the safety-fund system for an instance. This system has been employed in Canada for years; has given satisfaction to the people of that Dominion, and is now in successful operation there. It also worked safely and advantageously in several of the States of the Union where it was tried before the war of the rebellion.

The Comptroller of the Currency has informed us that the tax on circulation, paid by the national banks from the time of the enactment of the national banking act down to the present time, has been large enough to pay the notes of all national banks which have failed during this period and still leave an immense balance.

Why not, then, in the creation of the new system of banking and currency, provide that this tax shall be converted into a safety fund, and combine it with the other provisions to which I have referred, and, in this way, secure the soundness of the circulating notes of the banks?

But, sir, whether this particular scheme is practicable or not, the solemn obligation rests upon us to make an honest effort to do something in the way of affording relief, and to do it, too, without unnecessary delay. The country is daily languishing from the effects of the vicious system which is retarding its development and interfering with its prosperity. Now is our opportunity. We can improve it, and our countrymen will applaud us and endure us; we can ignore it, and they will denounce us and repudiate us.

Mr. Chairman, which course shall we pursue? Which fate do we prefer? [Loud applause.]

Mr. SHERMAN. Mr. Chairman, the Indian appropriation bill for the fiscal year ending June 30, 1898, carries appropriations aggregating $136,000 more than the amount appropriated for the fiscal year ending June 30 next. A full statement of the increases and decreases will be found in the supplementary report, No. 2517, part 2. The bill as now presented aggregates $246,000 more than the appropriations proposed in the Book of Estimates. But that comes about substantially in this way: Not that the committee has incorporated into the bill that amount in addition to what the Secretary of the Interior recommended, but a single item of $100,000 for continuing survey in the Indian Territory, which was contained in the estimate for the sundry civil bill, has been incorporated in the present bill. The Secretary of the Interior, too, has recommended the adoption of two treaties which were presented to him as separate measures, not as a portion of the appropriation bill; and these two items amount to sixty-odd thousand dollars. So there are several other items which do not appear in the Book of Estimates, but which have been approved by the Secretary of the Interior as separate measures, so that the bill, as presented by the committee, does not exceed the amount of expenditure really approved by the Department of the Interior.

There are some very material changes from the bill of last year in the way of decreases and increases. For instance, this year we have no specific appropriation for building any new school. Last year we had four or five such appropriations, approximating about $150,000; but as against this deduction, there is added in the school item provision for the maintenance and education of a greater number of children in the existing schools. So that the total amount proposed to be appropriated for the education of Indian children during the next fiscal year exceeds by something like $70,000 that appropriated for the present fiscal year; or, eliminating the specific appropriations for special schools, this bill exceeds in the running expenses of the school department the appropriations of last year to the extent of upward of $200,000.

The committee propose an appropriation in a lump sum for education at schools other than the specified schools, making no restriction upon the Secretary of the Interior or the Commissioner of Indian Affairs in the expenditure of that money, leaving those officers to carry out the declared policy of the Government as embodied in the last appropriation bill.

Already the Commissioner of Indian Affairs has made quite material progress in providing means to educate Indian children elsewhere than in the contract schools. I have here a short statement on that subject, sent me by the superintendent of Indian schools, which I will ask the Clerk to read.

The Clerk read as follows:

> The method of reducing contract schools according to the appropriation for the current fiscal year is fully set forth on pages 14 and 15 of the Commissioner's Annual Report for 1896. The general principles adopted there for making the reduction were in the main carried out in the table given in said report. In order to provide additional facilities for such pupils attending these contract schools, which were either reduced in amount or discontinued, the office rented or purchased certain former contract schools or enlarged the Government schools to take up the same. To illustrate: For the Indians of North and South Dakota, Minnesota, Wisconsin, and Michigan, the Morris contract boarding school has been leased, and will be eventually purchased. Negotiations are also pending for the purchase of the Clontarf (Minn.) contract school. The Bayfield (Wis.) contract school has been leased. The Grace Howard Mission school, in South Dakota, is now being negotiated for. The new schools at Rapid City and Chamberlain, as well as the large reservation boarding schools for the Pine Ridge and Rosebud agencies, will eventually supply sufficient accommodations for any contract Indian pupils in that section who may be deprived of educational facilities. On the Pueblo and Jicarilla Reservation, N. Mex., there were six contract day schools whose work was not, in the main, satisfactory to this office, and all these have been discontinued. The majority of them have been leased, and are now run as strictly Government day schools; besides, several additional Government schools have been provided, and arrangements are now in progress for the erection of a regular reservation boarding school for these Indians. In Washington, the cutting out of the North Yakima boarding school can be supplied from the regular Yakima boarding school on the Yakima Reservation, where additional accommodations have been provided. For such contract pupils as may be deprived of aid in Montana the several large reservation and nonreservation schools of that State are amply abundant. In California certain contract schools have been abandoned and Government day schools have been established, or efforts are being made to place the pupils in public schools. A goodly proportion of the cut in contract schools was brought about by the reduction in the rate paid these schools. It will be observed from the table that the provision of law pertaining to the division of aid among denominations by not reducing the number of pupils at the very few contract schools which are non-Catholic has been carried out.

Mr. MORSE. Will the chairman of the Committee on Indian Affairs [Mr. SHERMAN] yield for a question?

Mr. SHERMAN. Certainly.

Mr. MORSE. I should like to ask the gentleman whether he thinks from his observation that the Indian children have suffered any harm as a result of the change from contract schools to Government schools—whether as to education or otherwise any injury has resulted from the change?

Mr. SHERMAN. All the matters which are before me in reference to that question are before the distinguished gentleman from Massachusetts [Mr. MORSE]. The question suggested by him is fully discussed in the report of the Commissioner of Indian Affairs and the commissioner of schools. There is a special report on that subject. I think, therefore, the gentleman can be his own judge about that question just as well as I can be.

Mr. MORSE. I do judge, Mr. Chairman, that the children have experienced no harm from the change.

Mr. SHERMAN. I am very glad to know that the gentleman commends thus far the action which has been taken; I believe he will still commend it when a conclusion has been reached.

This bill continues the board of citizens who serve without compensation in supervising the lettings of the Department and other matters pertaining in a general way to the Indian service. It also continues the so-called Dawes Commission, which during the last year has, in my judgment, made most substantial progress toward settling the difficulties now existing in the Indian Territory. It has been found necessary to increase the appropriations for that Commission $10,000 beyond the amount appropriated last year. By the way, that is another item, in addition to those already specified, which was not estimated for.

The bill contains some new legislation, perhaps, which does not carry an appropriation. It confirms two separate treaties, both of which have been acted upon as separate measures by the committee and, upon a unanimous vote, reported favorably.

There has also been incorporated in the bill as a separate section the provisions of House bill No. 9644 for the abolishment of the office of Commissioner and Assistant Commissioner of Indian Affairs. For these officers it is proposed to substitute a board of Indian commissioners, consisting of two civilians, to be chosen by the President, with the advice and consent of the Senate, from opposite political parties, and a third member, who is to be an army officer. A full report was made upon House bill No. 9644, and any gentleman who may desire to look more fully into that question can examine that report, House Report 2383. There are a few other provisions, none of them, however, I think, exciting any general interest, and unless some gentleman prefers to inquire now in reference to them, I will let them go until we reach the various items in the reading of the bill by sections. Unless somebody desires to ask something in reference to this bill, Mr. Chairman, to which I have not alluded, I will ask that it be read by paragraphs.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

> For traveling expenses of five Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $7,000: *Provided*, That the accounting officers of the Treasury be, and are hereby, authorized and directed to settle claims of Indian inspectors for traveling and other expenses heretofore incurred while on duty in Washington under orders of the Secretary of the Interior, when such claims have been disallowed or suspended by said accounting officers.

Mr. DOCKERY. Mr. Chairman, I raise the question of order on the proviso beginning in line 25, on page 7, and extending down to the word "officers" in line 6, on page 8.

Mr. SHERMAN. Mr. Chairman, that is the same proviso as in the last appropriation bill, if I remember correctly, and it was put in to meet the objections of the accounting officer of the Treasury, who declined to pay the expenses of these agents while they were in the city of Washington under the order of the Secretary. It was inserted in that bill to permit the settlement of these accounts.

Mr. DOCKERY. This is new legislation, however.

And I desire to say further—I do not raise this question merely on the ground that it is new legislation, and as such subject to the rule, but I make the objection to it because I regard it as exceedingly bad legislation—an effort has been made repeatedly to apply the same principle to the special examiners of the Pension Office, and allow them per diem while they are on duty here in the city of Washington. It has always been resisted by Congress. I do not think it wise administration to give $3 a day and other expenses to the employees when they are on actual duty in the District of Columbia.

Is the gentleman advised as to the amount involved in this proviso?

Mr. SHERMAN. Oh, it is not large. It is quite a small amount. It was not necessary, as the gentleman will see, to increase the appropriation. The amount for the current year is sufficient to meet the expenses and also to pay these small accounts, which, as I understand it, involve only a few hundred dollars.

But I doubt, Mr. Chairman, if the point of order is good against the proviso anyway, because it is carried in the last appropriation bill for this purpose.

Mr. DOCKERY. That may be true, and of course if the gentleman says it is, it undoubtedly is true. But I think in this form it has not heretofore appeared in the appropriation bill.

Mr. CANNON. Does the gentleman from New York find that in his bill? The copy of the bill that I have before me does not contain the proviso.

Mr. SHERMAN. Yes, sir; or rather the substance of it.

Mr. DOCKERY. It appears, then, by way of a Senate amendment, does it not?

Mr. SHERMAN. Understand me, it does not appear in the exact form of the proviso in the present bill. It is in the following form:

> For necessary traveling expenses, etc., including expenses of going to and from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior for a period not exceeding twenty days.

Mr. BINGHAM. That is the general body of the bill. Now the proviso?

Mr. SHERMAN. The proviso is to cover the expenditures made prior to the time for which we have made provision in the bill; and which amount, as I understand it, to a very small sum.

Mr. CANNON. But the proviso is entirely new legislation.

Mr. SHERMAN. I think not. It seems to be along the line of the last year's appropriation bill.

Mr. CANNON. But this proviso would authorize the accounting officers of the Treasury to settle all of these old accounts.

Mr. BINGHAM. In futuro.

Mr. SHERMAN. No; this is for accounts and obligations already contracted.

Mr. CANNON. It is very sweeping legislation. It would enable these accounts to be settled for twenty-five years back.

Mr. SHERMAN. That is true.

Mr. CANNON. And we have no information as to the amount involved, whether it be $1,000 or $25,000.

Mr. SHERMAN. The total appropriation is not increased by reason of this allowance. We simply allow $7,000 for the whole service, and the sums due on this account are so small that it was not necessary to increase the appropriation to cover them. They are not so large that they can not be paid out of this appropriation.

Mr. CANNON. I beg the gentleman's pardon. If they are $50,000 or $100,000, and the money you appropriate is not sufficient to pay them, it becomes an audited claim under this legislation which is now appended to the bill for the first time.

Mr. DOCKERY. As bearing on the point of order, that is conclusive, because it is obvious that the accounts are not being allowed and audited under existing law. Therefore the necessity of new legislation, and hence the appearance of the proviso, which is not in order under the rule.

Mr. SHERMAN. That is the construction of the accounting officers of the Treasury. That is correct.

Mr. DOCKERY. I do not want the gentleman to understand that I raise this objection in any captious spirit, but simply because I have consistently opposed a similar provision in respect to other Departments of the Government when it was sought to give pay to inspectors when they were on duty here in the District of Columbia.

Mr. SHERMAN. I certainly would not expect the gentleman to raise any objection in a captious spirit. I do not understand it at all in that way. I want to disclaim having any such idea for a moment as to the gentleman's objection.

The CHAIRMAN. The Chair is inclined to think that it is new legislation, but he will hear the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. I have nothing further to say than what I said before, Mr. Chairman, that it is in line with the provision of last year's appropriation bill, but not identical with it in terms.

The CHAIRMAN. The proviso is broad in its language and is not limited to any special time.

Mr. SHERMAN. That is true.

The CHAIRMAN. And, as the gentleman from Illinois [Mr. CANNON] has stated, any claim under that could be audited by the accounting officers.

Mr. SHERMAN. There would be no objection to limiting the time; but I understand that would not meet the objection of the gentleman from Missouri [Mr. DOCKERY], even if we should limit the time. I have no objection to any time limit, if it meets the objections of the gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. DOCKERY].

Mr. CANNON. The safer way is to let it go out.

Mr. DOCKERY. These officers are getting very handsome salaries now.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Now, I desire to raise a point of order for the purpose of asking a question. In lines 17, 18, 19, and 20, I find the following:

> For traveling expenses of five Indian inspectors—

And the current law reads:

> And for incidental expenses of inspection and investigation.

But in this bill I find the following, which is new:

> at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law.

Mr. SHERMAN. The gentleman is correct. The providing of a per diem rather than to reimburse for actual expenses is new. It was thought wise to change that policy and give these inspectors the same as is given to other officers in similar departments of the Government; that is, a per diem to meet their expenses. We found upon investigation, if I remember the figures correctly, that last year the average expenses of these inspectors were $1,002. Now, they are absent for thirty days in each year on regular leave, as I understand it, and sometimes another thirty days on account of sickness, so that the $3 per diem, in all human probability, would be nothing more, or very little more, than the average expenses of last year. The Commissioner believes it is much better that they should have a specified sum. It is very inconvenient at many times and in many places to stop to get receipts for 10 or 25 cents. It often happens that they have to divulge their identity, when otherwise they would not do it, and when it would be better for the service that they should not.

Mr. CANNON. If the gentleman is of opinion, after investigation, that it is for the good of the service and that it will not materially increase expenses, I shall not insist upon the point of order.

Mr. SHERMAN. That is precisely what I believe. It would not materially increase the expense and it is for the good of the service.

Mr. CANNON. Then I do not insist upon the point of order.

The Clerk (proceeding with the reading of the bill) read as follows:

> For pay of one clerk to superintendent of Indian schools, $1,000.

Mr. CANNON. Mr. Chairman, that provision and the two succeeding paragraphs are, it seems to me, subject to the point of order, and I desire to raise the point of order upon them that they are new, and that they appropriate for an expenditure not provided for by law.

Mr. SHERMAN. If the gentleman insists upon his point of order, I suppose the Chair will be forced to sustain it, because they are new. In the first place, I believe that the superintendent of schools has had a clerk heretofore, because it has been absolutely essential that he have one, and a clerk has been provided by the office detailing somebody to act in that capacity. This provides that he be allowed a clerk of his own rather than to take anybody, Tom, Dick, or Harry, whom the office can spare for that work.

In reference to the next section, providing a salary of $3,000 for a superintendent of irrigation, I will say to the gentleman that this bill provides for an expenditure of about $500,000 for irrigating purposes. Now, it does seem to me that when we are expending so large a sum of money, not all our own, a large part of it coming out of the Indian fund, that it is no more than reasonable, and no more than any fair business man would do in his own business, to provide some competent person to see that that money was properly and wisely and judiciously expended, and that is all that this does; but it is new.

I hope the gentleman will not raise the point of order. I believe, especially as to the superintendent of irrigation and his traveling expenses, that this officer is seriously needed. No special harm can arise if the superintendent of schools is not given a clerk. That can be provided for in some other way. But so far as the superintendent of irrigation is concerned, it does seem to me, when we are expending such vast sums of money, that such officer should be created. I hope the gentleman will not insist on his point of order to these two items.

Mr. CANNON. I should be glad to accommodate the gentleman from New York in this matter if I could, but I have been compelled to investigate for one or two years touching this matter of irrigation. Already the irrigation work is duplicated in several of the Departments.

Mr. SHERMAN. Just because there has been nobody there to attend to it.

Mr. CANNON. It is being done by the Geological Survey and by the Agricultural Department, and all around. This will only increase the trouble that we now have. There is an absolute necessity for the academy of science licking this whole matter into shape. Every new bureau only adds to the trouble, and when the money is available they can get the proper employees, if Congress should appropriate for irrigation. It is a matter, I assure my friend, after much thought, that I do not believe it is politic to enter upon, for reasons beyond this bill entirely; and therefore I am compelled to insist on the point of order.

Mr. SHERMAN. Does that insistence include the clerk to the superintendent of Indian schools?

Mr. CANNON. So far as I am concerned about that, the legislative bill carries the personnel of all the Departments. The gentleman from Pennsylvania [Mr. BINGHAM] has charge of that bill. So far as I am concerned, I care nothing about that clerk.

Mr. SHERMAN. Well, then, I understand the gentleman withdraws his point of order as to that?

Mr. CANNON. I withdraw my point of order as to that. I think it does not belong to this bill, and that the service has been already provided for through the ordinary legislative bill; but I care nothing about this clerk. It is a clerk, more or less, that I have made no investigation about, and so far as I am concerned, I shall not insist upon the first item; but for reasons indicated I must insist on the other two.

Mr. DOCKERY. Where has the superintendent his office?

Mr. SHERMAN. He has his office in the bureau while he is in the city, but he is away a good deal, traveling and visiting the large schools.

Mr. DOCKERY. I shall not raise the question, if it is not raised by the gentleman from Pennsylvania; but it seems to me that if this officer is necessary, he ought to have been carried in the legislative bill.

The CHAIRMAN. Will the gentleman from Illinois clearly indicate the two points upon which he raises the objection, so that the Chair may understand it?

Mr. SHERMAN. To lines 22, 23, and 24 on page 8, and lines 1 and 2 on page 9.

Mr. BINGHAM. I simply desire to say to the gentleman in charge of the bill that in connection with the legislative bill we went into every possible detail as to the necessity of the continuance of the present force, as well as of increasing the force, and in looking over this bill I am free to say that I am somewhat surprised at the increases that run through it. I agree with the gentleman from Illinois, chairman of the Committee on Appropriations. I will not make any objection to lines 20 and 21, but so far as the personnel of the Indian Department is concerned, we went into it very thoroughly, and I shall regret very much if I am called upon in the later stages of this bill to file some objection to the gentleman's proposed legislation. As to this paragraph I shall not object.

The Clerk read as follows:

> For pay of one superintendent of irrigation, $3,000.
>
> For traveling expenses of the superintendent of irrigation and employment of necessary assistants, $4,000.

Mr. CANNON. Mr. Chairman, am I correct in understanding that the point of order lies to line 24 on page 8, and lines 1 and 2 on page 9?

The CHAIRMAN. That is ruled out on the objection made by the gentleman from Illinois.

The Clerk read as follows:

> To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000: *Provided*, That no person shall be employed as such farmer or stockman who has not been at least two years immediately previous to such employment practically engaged in the occupation of farming.

Mr. STEELE. I desire to ask the gentleman in charge of the bill if these farmers are within the civil-service law?

Mr. SHERMAN. I suppose they are.

Mr. STEELE. It is not new legislation?

Mr. SHERMAN. It is not new legislation.

Mr. STEELE. Then I will have to submit to farmers being examined. [Laughter.]

Mr. CANNON. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question. I see that there has been dropped from this paragraph, as it has been heretofore carried, these words:

> Within the State and Territory where such agency is located, and, where practicable, competent Indians shall be given the preference.

Has that been dropped through error or inadvertence?

Mr. SHERMAN. I think not. I think that was purposely dropped.

Mr. CANNON. I should be glad to know why. It seems to me that where the Indians are competent they ought to be employed.

Mr. SHERMAN. That was dropped because it was not thought to be essential that a farmer should have obtained his experience in the State or Territory in which he was to be appointed. It seemed to the committee that a farmer from any other State or Territory would probably be just as competent to discharge the duties of the office as one whose experience had been obtained within the limits of the particular State or Territory.

Mr. CANNON. I merely noticed that these words had been dropped, and I desired to know the reason. I do not make any point about it.

The Clerk read as follows:

> To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses; and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $125,000; so much thereof as may be necessary for the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., to be immediately available.

Mr. CANNON. I will ask the gentleman why this item has been increased from $75,000 to $125,000?

Mr. SHERMAN. That increase is made for the purpose of replacing a school that was burned there about a year ago. The gentleman understands that this is Indian money which we appropriate. We do not make the appropriation except out of their own funds, and they desire that their school which was burned shall be replaced. They asked, as I recall, for a greater sum than the committee thought was necessary to replace the school, so we gave what we thought sufficient.

Mr. CANNON. I wish to call the gentleman's attention to the fact that while the money appropriated in this paragraph from line 16 on page 14 down to line 9 on page 15 is reimbursable, it awaits the sale of the lands of these Indians. Now, we have already appropriated over a million dollars to these Indians by way of advance, and the question in my mind is whether, if we keep on, we shall have such a large sum reimbursable that their lands will not begin to pay the obligation?

Mr. SHERMAN. I do not understand that to be a possible condition of affairs, Mr. Chairman. If the gentleman from Illinois is correct in his assumption, I do not understand the matter, and I am very much astonished. I think we have not appropriated for them anything like a million dollars more than has been received, and I think the gentleman is mistaken.

Mr. CANNON. No, I think I am not mistaken about it. As I have said, while these item are reimbursable, we have already advanced over a million dollars.

Mr. SHERMAN. More than the receipts?

Mr. CANNON. There has been no reimbursement at all yet. We have not commenced to sell the lands. Now, if we keep on advancing money to these Indians it seems to me that by and by it may be difficult to get it back.

Mr. SHERMAN. I do not think we are yet anywhere near the danger line.

Mr. CANNON. Of course I do not wish to antagonize the committee if they have investigated the question and think it necessary to appropriate this money to reconstruct that school.

Mr. SHERMAN. It certainly is. There are a lot of children there who for about a year, since the building was burned, have been without a school.

The Clerk read as follows:

> Pay of additional employees, $5,000.

Mr. CANNON. Mr. Chairman, I make the point of order on that. There is no law to authorize it, and I suggest to the gentleman whether it is not quite unnecessary to make that appropriation, for the reason that if he will turn back to page 17 he will find that there is an appropriation of $30,000, to be expended in such manner as the President may direct under the treaty. The Crows, as I understand it, have a wonderfully fine reservation and are very rich Indians.

Mr. SHERMAN. Well, Mr. Chairman, this was asked for by the Secretary, and I assume that he would not ask for it if he did not think it was essential; but it was not in last year's bill.

Mr. CANNON. It is a mere gratuity to a people who, in my judgment, do not need it, and I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to strike out "eighty-three," in line 16, the sum total, and substitute "seventy-eight," to conform the total to the change in the bill made by the striking out of line 12.

There was no objection, and it was so ordered.

The Clerk read as follows:

> This amount to enable the President of the United States to pay the legal representatives of two deceased Kickapoo Indians, the settlement of whose estates is desired, under the provisions of section 2 of the act of August 4, 1886, such sum as may be their proportion of the $100,000 provided for said tribe for education and for other purposes, per treaty of May 18, 1854, not exceeding $675.66; in all, $4,087.83.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer an amendment at this point.

Mr. DOCKERY. Mr. Chairman, I reserve the point of order against the paragraph, in order to get an explanation of it.

The amendment proposed by Mr. CURTIS of Kansas was read, as follows:

> On page 21, after the word "cents," in line 13, insert the following:
>
> "Merchants and others doing business with, and having accounts against, Indians to whom allotment of land has been made in any reservation in the State of Kansas, shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing in an orderly manner such debts; but any Indian agent shall have power to remove any person from the reservation who is there for the purpose of gambling, or inciting insubordination among the Indians."

Mr. SHERMAN. Mr. Chairman, I do not desire to raise the point of order against that amendment, at least until I shall have heard an explanation of it.

Mr. CURTIS of Kansas. I will yield to my colleague to make an explanation.

Mr. BRODERICK. Mr. Chairman, there are three small reservations in my district, and upon each of them is a licensed trader, but the allotments have been made, schools have been conducted upon the reservations for a number of years, and those Indians are well advanced in civilization. The Indians have been in the habit of trading at the towns near by, and the merchants have generally gone to the agencies when payments were made, or have sent their clerks there, simply for the purpose of collecting or receiving their money. They can not collect from the Indians by suing them, as they generally have no property over and above the exemption, so the only way they have of collecting their debts is by going there or sending their clerks. This year, for the first time, the Department issued an order against anyone going to the agency for that purpose except the licensed traders. The order really works great hardship to the Indians. It deprives them of the benefits of competition between merchants, and of course they can not get credit unless the merchants are permitted to be at the agency or to be represented there on pay day. No trouble has ever arisen heretofore from their presence there on such occasions. They proceeded in an orderly way to collect their debts where they could, and where they could not they just let them go, as other people do.

The object of the authority which has been given is to keep those who desire to sell liquor to the Indians or to gamble with them from going to the agency on pay day. Authority is conferred upon the Indian Bureau to prohibit persons from going upon the agency for such purposes; but that authority has never been exercised before with reference to reservations where allotments have been made and the Indians are well advanced in civilization. There is a saving clause in this amendment under which the agent will still have authority to remove persons who may be upon the reservation for the purpose of inciting insubordination among the Indians or gambling with them.

As this is a local measure, applying only to the State of Kansas, I hope there will be no objection made to it. It can not possibly result in any injury to the Indians. On the contrary, it will help them. I understand that in some cases where Indians have desired credit they could not get it for the reason that the merchants are prohibited from going upon the reservation. Some Indians, too, have been keeping small accounts at the banks, and they have been unable to get credit at those institutions because of this order. So that I believe this amendment is in the interest of the Indians. In fact, they have advised its adoption. I hope no objection will be made.

Mr. DOCKERY. I withdraw the point of order. I am satisfied, upon inquiry, that it is not well taken.

The question being taken on the amendment of Mr. BRODERICK, it was agreed to.

Mr. SHERMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole on the state of the Union had had under consideration the Indian appropriation bill, and had come to no resolution thereon.

REPRINT OF BILL AND REPORT.

Mr. SHERMAN. I ask unanimous consent for a reprint of House bill 10090, and the accompanying report, both of which are exhausted.

There being no objection, it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWELL, for ten days, on account of sickness.

To Mr. Denny, for ten days, on account of important business.

To Mr. Draper, for one week, on account of important business.

To Mr. Strong, for two days, on account of sickness.

To Mr. Marsh, indefinitely, on account of sickness.

And then, on motion of Mr. Sherman (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy forwarding a supplementary report in the matter of the cost and price of armor plate, and transmitting therewith certain letters, was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. QUIGG, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897, reported the same without amendment, accompanied by a report (No. 2613); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3656) entitled "An act providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose," with certain amendments of the Senate thereto, reported the same, accompanied by a report (No. 2614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9073) providing for the erection of an addition to the United States custom-house and post-office building in the city of Dubuque, Iowa, reported the same without amendment, accompanied by a report (No. 2615); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3101) entitled "An act to amend the act entitled 'An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.,' approved July 26, 1894," reported the same without amendment, accompanied by a report (No. 2618); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 6495) granting an increase of pension to Robert Selden. (Report No. 2616.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (S. 989) entitled "An act granting a pension to Fannie Kantz, widow of August V. Kantz, late brigadier-general, United States Army." (Report No. 2617.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 10119) granting the right of way through the Chickamauga and Chattanooga National Park—to the Committee on Military Affairs.

By Mr. CULBERSON: A bill (H. R. 10120) to amend an act entitled "An act to provide for the adjudication and settlement of claims arising from Indian depredations," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894—to the Committee on the District of Columbia.

By Mr. HENDERSON: A concurrent resolution (House Con. Res. No. 68) providing for counting of electoral vote—to the Committee on Rules.

By Mr. CHICKERING: A resolution (House Res. No. 501) to print report of Thomas W. Symons, Corps of Engineers, upon widening the locks of Erie Canal as a House document—to the Committee on Printing.

By Mr. AVERY: A concurrent resolution of the legislature of the State of Michigan, in favor of the passage of the bill (H. R. 4339) to establish a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. STAHLE: A concurrent resolution of the legislature of Pennsylvania, praying Congress to pass House bill No. 4339, to establish a military park at Vicksburg to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. LINTON: A concurrent resolution of the legislature of the State of Michigan, favoring the passage of House bill No. 4339—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: A resolution of the senate of Nebraska touching the Cuban question—to the Committee on Foreign Affairs.

By Mr. BISHOP: A concurrent resolution of the legislature of Michigan, praying the passage of House bill No. 4339, to establish a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. MERCER: A resolution of the senate of the Nebraska legislature, in favor of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BINGHAM: A resolution of the general assembly of Pennsylvania, favoring the establishment of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BOATNER: A bill (H. R. 10123) for the relief of Joe Carroll, of Ouachita Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10124) for the relief of James Y. Lilley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10125) for the relief of Mrs. Mary A. Dennis—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10126) to increase pension of Emily E. Cash from $20 to $50 per month—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 10127) for the relief of Stewart & Co.—to the Committee on Claims.

By Mr. HAINER of Nebraska: A bill (H. R. 10128) granting a pension to Rebecca P. Quint—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 10129) for the relief of George W. Yoakum—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 10130) for the relief of the Presbyterian church at Warrenton, Va.—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 10131) for the relief of estate of John M. Malone, deceased, late of Sumner County, Tenn.—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 10132) to grant a pension to Sarah E. Daub—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Resolutions of the Board of Trade of Chicago on the subject of the threatened restriction of trade in American meats with France, Germany, and Switzerland—to the Committee on Ways and Means.

By Mr. ARNOLD of Pennsylvania: Petition of C. W. Beyer and other citizens of Ramey, Pa., for legislation punishing the desecration of the United States flag—to the Committee on the Library.

By Mr. BINGHAM: Sundry petitions of Charles H. Howell & Co., David Hanly & Son, Burt Bros., and the Allison Manufacturing Company, all of the city of Philadelphia, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Memorial of the Ohio State Board of Commerce, favoring a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: Resolution of the Grand Lodge of the Ship Masters' Association, in favor of gas buoys on the Great Lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. COBB: Petition of the Lucas Avenue Cumberland Presbyterian Church of St. Louis, Mo., representing 300 members, for the protection of State antigambling laws—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Engineers' Club of St. Louis, Mo., relative to the maintenance of deep-water navigation at the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa: Resolutions of the Commercial Exchange of Des Moines, Iowa, favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Resolutions of the Second Presbyterian and the Second Congregational churches of Emporia, Kans., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. FISCHER: Petition of the merchant tailors of New York and Brooklyn, favoring the passage of House bill No. 10058, to increase the duty on ready-made clothing—to the Committee on Ways and Means.

By Mr. FOSS: Resolutions of the Chicago Board of Trade, protesting against the unfriendly action of foreign countries toward American products—to the Committee on Foreign Affairs.

By Mr. GAMBLE: Petition of the Congregational church, the Christian church, and the Woman's Christian Temperance Union of Carthage, S. Dak., urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. HENDERSON: Paper from Branch No. 156, National Association of Post-Office Clerks, urging the passage of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on Rules.

By Mr. HILL: Petition of the Woman's Christian Temperance Union of South Norwalk, Conn., favoring the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. LACEY: Resolutions of the Commercial Exchange of Des Moines, Iowa, in favor of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Resolutions of the National Encampment of Grand Army of the Republic, adopted September 4, 1896, asking for the enactment of House bill No. 8589, providing for the Southern Memorial Soldiers' Home—to the Committee on Military Affairs.

By Mr. LINTON: Sundry petitions of James C. Diamond and others, J. M. Irvine and others, and R. M. Loughridge and others, protesting against appropriations for sectarian institutions—to the Committee on Appropriations.

Also, petition of Cyrus C. Tubbs and other citizens of Saginaw County, Mich., for the relief of George E. Lonsberry—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Camden, N. J., representing 253 members, praying for the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Camden, N. J., urging the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of Edward Roberts, of Camden, N. J., favoring the passage of bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rev. A. G. Lawson, of Camden, N. J., for favorable action on House bill No. 4566, relating to second-class mail matter, and Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of Aaron B. Hoffman, of Culpeper County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of James Willoughby, of Henderson County, Tenn., asking reference of his war claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. STEELE: Petition of citizens of Logansport, Ind., protesting against the passage of the Sherman bill with respect to ticket scalpers—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Affidavit of H. C. Wikoff, to accompany House bill No. 7608, to increase the pension of Mrs. Dortha J. Edgar—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Manchester, N. H., urging the passage of House bill No. 7441 for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Manchester, N. H., favoring the passage of House bill No. 3203, raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. TOWNE: Petition of the Lumbermen's Association of Duluth, Minn., for the restoration of the duty on lumber—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Petition of C. R. Shatto, president of Southeastern Iowa Union, Young People's Society of Christian Endeavor; also, petition of the officers of the Woman's Christian Temperance Union of Iowa, favoring the passage of the House bill No. 9515 to raise the age of protection to 18 years for girls in the District of Columbia, and House bill No. 7441, regarding interstate gambling by telegraph—to the Committee on the Judiciary.

By Mr. WALKER of Massachusetts: Memorial of H. Austin Putnam, of West Rutland, Mass., suggesting legislation on the labor problem—to the Committee on Labor.

Also, memorial of H. Austin Putnam, of West Rutland, Mass., concerning methods of election—to the Committee on Election of President, Vice-President, and Representatives in Congress.

SENATE.

TUESDAY, *January 26, 1897.*

Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

The Journal of yesterday's proceedings was read and approved.

UNION IRON WORKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to a provision contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1897, the claim of the Union Iron Works, of San Francisco, Cal., against the Government for loss and damage due to delays alleged to have been caused by the Department in the construction of the armored coast-defense vessel *Monterey;* which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

CREDENTIALS.

Mr. BERRY presented the credentials of James K. Jones, chosen by the legislature of Arkansas a Senator for that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. CHANDLER presented the credentials of Jacob H. Gallinger, chosen by the legislature of New Hampshire a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE COGSWELL.

Mr. LODGE. Mr. President, I desire to give notice that, with the consent of the Senate, on Saturday, February 6, at 3 o'clock, I shall ask leave to call up the resolutions of the House of Representatives in memory of the late William Cogswell, a member of that body, to enable Senators to make remarks upon the same.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 350) granting an increase of pension to George C. Abbey;

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton;

A bill (S. 1505) granting an increase of pension to Rufus H. Paine;

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting;

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet;

A bill (S. 1888) granting an increase of pension to William T. Walker; and

A bill (S. 3381) granting a pension to Lena D. Smith.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Eleventh Ward Republican Club, of Newark, N. J., and a petition of Goodwill Council, No. 32, Junior Order United American Mechanics, of New Brunswick, N. J., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the Christian Citizenship Union, of Camden, N. J., and a petition of the Tabernacle Baptist Church, of Camden, N. J., praying for the passage of Senate bill No. 2646, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Bethel African Methodist Episcopal Church, of Camden, N. J., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petitions of H. V. Anthony, of Camden; of Alfred G. Lawson, pastor of the North Baptist Church, of Camden; of Edward Roberts, of Camden; of Alexander C. Wood, of Camden, all in the State of New Jersey; a petition of the Partrick & Carter Company, of Philadelphia, Pa.; and the petition of Thomas Bray, of Philadelphia, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of John H. Johnson, sheriff, and 66 other citizens of Georgetown, Sussex County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State; which was referred to the Committee on Privileges and Elections.

He also presented the petitions of J. W. Wells, vice-president of the Girard Lumber Company, of Menominee, Mich.; of Charles A. Chamberlain & Son, of Philadelphia; of Schaum & Uhlinger, of Philadelphia; of J. J. Mulconroy, of Philadelphia; of R. J. Leconte, of Philadelphia, all in the State of Pennsylvania, and a petition of the Manufacturers' Association of Kings and Queens counties, Pouch Mansion, Brooklyn, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented the memorial of F. M. Douglass, publisher of the Modern Schools, of Des Moines, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of the Wisconsin Cranberry Growers' Association, praying that the European cranberry be included in the next tariff schedule, and also for the ratification of a reciprocity trade treaty with Canada to open up that country to the free importation of our berries; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the president and faculty of Bowdoin College, Brunswick, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. FRYE. I present what is practically a remonstrance of the Central Labor Union of Portland, Me., against the restoration of flogging or corporal punishment in the merchant marine.

Permit me, Mr. President, to say that there is no amendment pending in the Senate to any bill whatsoever which restores flogging in the merchant marine. On the contrary, the amendment referred to, in the unanimous opinion of the Senate Committee on Commerce, gives greater security to the sailor against the brutality of any master or officer at sea than the existing law or any other bill now pending in Congress.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of the Jewish ministers of the United States and Canada, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition of the Detroit Credit Men's Association, of Detroit, Mich., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PLATT presented a petition of the Board of Trade of Ansonia, Conn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented the petition of James D. Macewen, of Natick, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Massachusetts Reform Club and a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. TURPIE presented a petition of the Young Men's Christian Association of Evansville, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Indiana Republican Editorial Association and a petition of the State committee of the Indiana Young Men's Christian Association, of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of O. E. Fulghum, of Richmond, Ind., praying for the adoption of an amendment to the so-called Loud postal bill which will give to incorporated schools and colleges the pound-rate privilege conferred by the Manderson-Hainer Act of July 13, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Wayne County, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of the Eleventh Ward Republican Club, of Newark, N. J., praying that the United States take steps looking to the annexation of Cuba, and that the Monroe doctrine be rigidly observed and maintained by the United States in regard to the acquisition of Cuba by any European Government; which was ordered to lie on the table.

He also presented the petition of Alexander C. Wood, treasurer of the Esterbrook Steel Pen Company, of Camden, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Louis A. Russe and 8 other citizens of New Jersey, praying for the passage of House bill 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit the transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the petition of Arthur S. Fields, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of William Haskell, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of H. C. Purmort, of Chicago, Ill., and a petition of the Chicago Talking Machine Company, of Chicago, Ill., praying for the enactment of legislation providing 1-cent letter postage; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. L. Timmons & Co., bankers, of Bement; of the Wilbur Mercantile Agency, of Chicago, and of the Young Men's Christian Association of Waukegan, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Lyman Baird, of Chicago, Ill.; a petition of E. H. Moore, of Chicago, Ill., and a petition of the board of trustees of Beloit College, Beloit, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the W. F. Hall Printing Company, of Chicago, Ill.; a memorial of Blomgren Bros. & Co., of Chicago, Ill., and a memorial of F. M. Lupton, publisher, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James W. Houston & Co., of Pittsburg, Pa., praying for the enactment of legislation prohibiting interstate gambling by telegraph; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Forest House Lodge, No. 159, Brotherhood of Railroad Trainmen, of Derry, Pa., remonstrating against granting an extension of time within which to equip freight cars with automatic car brakes and couplers; which was referred to the Committee on Interstate Commerce.

STATE ELECTION LAWS.

Mr. GALLINGER. I have in my hand a table showing the provisions of the election laws in the different States, compiled by Hon. John C. Houk, ex-Congressman from Tennessee. It embraces a great deal of valuable information, and it is not in any wise partisan, being simply facts which he has collated from pamphlets containing the election laws furnished by the respective secretaries of state. I ask that it be printed as a document for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 6539) granting a pension to Richard C. Enright, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars; and

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars.

Mr. WETMORE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896, reported it without amendment.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4069) to increase the pension of Mary S. Higgins; and

A bill (H. R. 2620) granting a pension to Lauretta L. Prince.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3498) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2257) to increase the pension of Charles H. Twomey; and

A bill (H. R. 2859) granting a pension to Harriet F. Herrick.

Mr. GALLINGER (for Mr. Brice), from the Committee on Pensions, to whom was referred the bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va., reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Mines and Mining, reported two amendments intended to be proposed by him to the sundry civil appropriation bill, and moved that they be printed with the accompanying report, and referred to the Committee on Appropriations; which was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3524) to remove doubts concerning the jurisdiction of district judges, reported it without amendment.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. From the Committee on the Judiciary I report back favorably the bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company" and others and "The United States against Alice Weil and others." I ask unanimous consent that the bill be considered now. Let it be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALLEN. I object to the present consideration of the bill.

Mr. HOAR. Will the Senator from Nebraska kindly permit me to state in one sentence what the bill does? Then, if he desires to look further into it, of course I shall not object.

Mr. ALLEN. Certainly; I am perfectly willing to listen to the Senator.

Mr. HOAR. Congress provided that the questions arising in those cases should be submitted to the Court of Claims, with a right of appeal to the Supreme Court. There is a fund in the possession of the United States, paid over by Mexico under an award by a board of which Sir Edward Thornton was chairman, in favor of these parties. After the award it was claimed that the award was procured by fraud. The claimants denied, of course, that statement, and further held that the award was final and could not be reopened.

After many years' discussion, Congress determined to submit the question whether under the award the claimants were absolutely entitled to the money, whether it ought to be paid back to Mexico, or whether there ought to be a new hearing to be submitted to the Court of Claims with authority to render a final judgment for the claimants if they were held entitled to the money, and with an appeal to the Supreme Court of the United States. Of course, good faith to Mexico and justice to the claimants alike require that that question should be settled.

It so happens that four judges of the Court of Claims are necessary for a quorum, and that one of the five can not sit. Of the remaining four it is understood that they are equally divided, two and two. I suppose it is not improper to state that if a gentleman nominated for that court should be confirmed by the Senate, he having been an officer of the Government for so long, he will probably be found also disqualified, although I know nothing about that.

This proposed act simply provides that if any judge of the Court of Claims be disqualified the Chief Justice of the Supreme Court of the United States may designate some circuit judge or district judge of the United States to sit in the Court of Claims in that particular case and that he shall be paid his actual expenses. I suppose no one would question that the Chief Justice would exercise that power discreetly, but if he did not, as there is an appeal to the Supreme Court of the United States, the matter can be revised. But now it is blocked, and it is likely to be blocked for a good while unless this remedy is granted. That is the story. The Senator will now do what he thinks best.

Mr. ALLEN. I understand that the La Abra case has been before the court for a number of years. I understand, as the Senator from Massachusetts says, that it resulted in the first instance in an arbitration between Mexico and the United States, Sir Edward Thornton being the arbitrator. The money was paid over by Mexico and is now in the hands of this Government.

Mr. HOAR. A part of the award, not the whole of it.

Mr. ALLEN. It was paid over in trust for the heirs, whoever they may be, the stockholders. I understand that case was once or twice determined by the court, and then, upon the earnest appeal of some person (whether in a legal manner or not I do not know, and I do not pretend to say), the judgment was set aside.

Mr. HOAR. I was not aware that it had ever been determined by the court.

Mr. ALLEN. That is my understanding.

Mr. HOAR. I did not know of any but the case now, in which the court is blocked in this way.

Mr. ALLEN. I may be mistaken as to that point. However, it has been pendente lite for a great many years.

Mr. HOAR. For two or three years.

Mr. ALLEN. I agree with the Senator from Massachusetts that it ought to be determined; but why can we not, if it is necessary, pass a bill authorizing the certification of this case to the Supreme Court in the event of an equal division of the judges of the Court of Claims, without incurring the expense and delay of an extra judge, and allow the Supreme Court finally to determine it? Why can not that be done?

Mr. HOAR. Of course it may be that the losing party would not carry it up if it were decided. If the Senator desires to look into it further, of course it is a very important matter and I shall entirely respect his desire. The only expense is the actual traveling expenses of the judge who comes here. There is no other expense. It is not to exceed $10 a day.

Mr. ALLEN. The Senator from Massachusetts will understand, of course, that this objection of mine is not a mere capricious objection.

Mr. HOAR. Certainly. It is a very important matter.

Mr. ALLEN. It is an important matter, and I should like to look into the bill.

Mr. HOAR. Very well.

Mr. ALLEN. And if I think the bill should pass, I shall have no objection to it.

Mr. HOAR. If the Senator prefers, let it go over.

The VICE-PRESIDENT. The bill will go over.

SPECIAL CENSUS REPORT ON OCCUPATIONS.

Mr. HALE, from the Committee on Printing, reported a concurrent resolution providing for the printing of additional copies of a special census report on occupations; and it was considered by unanimous consent, and agreed to, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there shall be printed and bound in paper covers 5,000 additional copies of the special census report on the occupations of the population of the United States as shown at the Eleventh Census, to be distributed by the census division of the Department of the Interior, the extra edition of such special report to be known as Extra Census Bulletin No. 100.

PRINTING OF BULLETIN ON APICULTURE.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PERKINS on the 21st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I report from the Committee on the District of Columbia hearings on the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia, and on the resolutions of the Senate of December 14 and 17, 1896, and ask that it be printed as a document.

The VICE-PRESIDENT. It will be so ordered.

OSAGE INDIANS IN OKLAHOMA.

Mr. PETTIGREW. I am instructed by the Committee on Indian Affairs to submit a report in regard to an investigation by that committee in relation to the Osage Indians in Oklahoma, ordered by resolution of the Senate of March 18, 1896. I ask that the report and accompanying testimony be printed as a document for the use of the Senate.

The VICE-PRESIDENT. Without objection, it will be so ordered.

LEGAL EFFECT OF CONCURRENT RESOLUTIONS.

Mr. HILL, from the Committee on the Judiciary, who were directed by a resolution of the Senate of February 20, 1896, to inquire and report to the Senate whether, under the provisions of the river and harbor act approved July 13, 1892, the resolution mentioned in the last paragraph of that law is required to be a joint resolution, and whether concurrent resolutions generally are required to be submitted to the President of the United States, submitted a report thereon; which was ordered to lie on the table and be printed.

REGULATIONS CONCERNING OLEOMARGARINE, ETC.

Mr. HILL. There is lying on the table a bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported, which has not yet been referred. The other day the Senator from Iowa [Mr. GEAR] made some motion in regard to it. I do not know what course he desires the bill to take. The bill was laid over, and is on the table.

Mr. GEAR. I withdraw the motion I made to refer the bill to the Committee on Interstate Commerce, and accept the motion of the Senator from New York to refer it to the Committee on Agriculture and Forestry.

Mr. HILL. Then let the bill be referred to the Committee on Agriculture and Forestry.

The VICE-PRESIDENT. The bill will be so referred.

BILLS INTRODUCED.

Mr. GEAR (by request) introduced a bill (S. 3601) for the relief of Stewart & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 3602) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," approved August 3, 1894; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. NELSON introduced a bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a bill (S. 3604) for the relief of Robert J. Humphrey; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN introduced a bill (S. 3605) to amend an act to regulate the practice of pharmacy in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CHANDLER introduced a bill (S. 3606) to provide for the twelfth and subsequent censuses; which was read twice by its title, and referred to the Committee on the Census.

Mr. BLANCHARD introduced a bill (S. 3607) for the relief of Thomas Kergon, of Rapides Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY W. KEEFFE.

On motion of Mr. GALLINGER, it was

> *Ordered*, That Mr. PRITCHARD be excused from service as a manager of the conference on the amendment of the House of Representatives to the bill (S. 96) granting a pension to Mary W. Keeffe, and that the vacancy be filled by the Vice-President.

Mr. SHOUP was appointed in the place of Mr. PRITCHARD, excused.

JARED S. CHAMBERLAIN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 878) granting a pension to Jared S. Chamberlain.

The amendment was, in line 7, to strike out the letter "s" in "Volunteers" and insert "Infantry; and pay him a pension of $12 per month."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

FRANCIS BROWN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 646) for the relief of Francis Brown.

The amendments were, in line 3, after the word "hereby," to insert "authorized and;" in line 5, to strike out all after the word "Cavalry" and insert "and pay him a pension of $12 per month;" and to amend the title so as to read "An act granting a pension to Francis Brown."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

ISABELLA MORROW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1128) granting a pension to Isabella Morrow.

The amendment was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

WATER ROUTE BETWEEN GALVESTON AND HOUSTON, TEX.

Mr. MILLS. I ask the Chair to lay before the Senate the amendments of the House to Senate bill 3525, received from the House this morning.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor.

The amendments were, on page 2, line 1, after the word "the," to strike out down to and including the word "estimate," in line 4, and insert:

> Cost of the said examination, survey, and estimate be paid out of funds already appropriated for work on the improvement of the ship channel and Buffalo Bayou.

And amend the title so as to read: "A bill to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex."

Mr. MILLS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

INTERNATIONAL MONETARY CONFERENCE.

Mr. TURPIE. Mr. President——

Mr. CHANDLER. If the Senator from Indiana will allow me a moment, I will state that I gave notice that after the conclusion of the routine morning business to-day I should move to take up the bill providing for an international monetary conference. I delay making the motion until after the Senator has finished his remarks.

INDEPENDENCE OF CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (S. R. 163) acknowledging the independence of Cuba, reported from the Committee on Foreign Relations, upon which the Senator from Indiana [Mr. TURPIE] is entitled to the floor.

Mr. TURPIE resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

Mr. TURPIE. Mr. President, very much language has been used with some indefiniteness in respect to what are called our peculiar and traditional relations with the Island of Cuba. A more careful consideration will convince anyone that these relations have an origin very natural and a date quite determinate.

In 1821, in pursuance of the treaty of cession of 1819, Spain delivered to the United States the possession, jurisdiction, and dominion of her province of Florida, seated on the mainland and continent of North America. That province afterwards became a Territory, and is now a great State—one of the forty-five which constitute this Union.

The Island of Cuba had always been appurtenant to the mainland. It was an appurtenance to the mainland. The energy of steam since the date of the cession of Florida has made it a near appurtenance, and there are other causes which have vastly diminished the distance between this adjacent island and the mainland of Florida. Geographically it has always been regarded as an appurtenance. It is an island situated in American waters, belonging to the Western Hemisphere, belonging to the northern division of that hemisphere, and even internationally it may be reckoned as a part of the American continent.

In the cession of Florida by Spain to the United States she retained the possession of the Island of Cuba, but her title to that island suffered a very marked defeasance and deterioration on the very day of the date of the cession, because from that very date up to this moment Spain has held her title to Cuba under a most absolute limitation, and that is a prohibition to alienate the same. She lost then the power to sell the Island of Cuba to any European Government, the power to sell the Island of Cuba to any Government except that of the United States. It has not only been a maxim of our domestic policy, but fifty years ago in the Ostend manifesto it was declared before the whole world to be an indefeasible maxim, and events since have made it a more absolute measure of our internal policy than it was even at the time of the publication of the Ostend manifesto. A man who owns his real estate without the power to alienate it has a very inferior title, has necessarily a servient title, has necessarily (I am speaking of it in a legal sense) a degraded title. It is not absolute; it is not unlimited.

Besides this condition absolute of nonalienation of the island by Spain there was another condition, there is now and always has been another condition attached to the title of Spain and the possession by Spain of the Island of Cuba. It is the condition that Spain should so govern the island that her administration of its affairs should be acceptable to the Cuban people, a part of the compact and covenant necessarily running with the condition of nonalienation which is not disputed. If Spain can not sell Cuba, thus transferring the allegiance of 1,500,000 of its inhabitants to another European power, still less could she retain her own title and possession when the inhabitants of that island had concluded that the sovereign of Spain and his advisers were the enemies and oppressors of its people.

Every contract, and especially that between sovereign states, must be interpreted by, and indeed includes as a part of it, the public events and conditions relating to it of the time and place of its execution. In 1821 what were the public events and conditions relating to the cession of Florida by Spain to the United States? All the colonies of Spain in Southern and Central America were in armed revolt against her authority at that very date. She had held a vast dominion on this continent by virtue of discovery, by virtue of the conquest of the native powers, and in virtue of possession. Spain lost it by insufferable misgovernment and oppression. Liberty gained what Spain lost. Spain never had any better title to Cuba than she had to Peru, to Chile, to Colombia, to Texas, to Mexico, even before the cession of Florida to the United States, and after that cession her title was much deteriorated; it became much easier subject to defeasance not only by the inhibition to dispose of the island, but by the natural influences of the social and commercial intercourse of its people with their nearest neighbor, the citizens of this great Republic, overshadowing this remnant of monarchy so close to our frontier.

The people of Cuba knew at the time of the cession of Florida to the United States all about the revolutionary condition of the South American colonies of Spain. It is not to be supposed that they were ignorant of our own Revolution, of its beginning, of its course, of its termination. They lived too close not to have heard that shot fired at Concord which was heard around the world. For fifty years before the Cubans knew that the possession and dominion of Spain in their country, under our model and example, and under, as I shall show, the precise provisions of international law, was subject always to the right of the people to alter or abolish their form of government and to institute a new government, such new government as they might deem most likely to effect their safety and their happiness. Every title and every possession of European government in the waters of this hemisphere had been subject and is now subject to this as a perpetual condition, the right by the people to alter or abolish the existing form of government and to institute a new one.

This great passage of the Declaration was not made in allusion to constitutional amendments and legislative changes, although it includes those. Here is another instance where contemporaneous events make a part of the instrument and of its interpretation. This great Declaration was made by our people under arms and among armies. It was made after Lexington, after Concord, after Bunker Hill, while the war was flagrant, and it means that by force of arms any people have the right to alter or abolish an existing form of government and to institute a new government, such as they may deem most likely to promote their safety and happiness. There can be no felony in the exercise of such a right; there can be no crime or crimes in its execution; there can be no offense against any municipal law of the government which is disowned and sought to be overthrown; there can be no offense against any municipal law or decree in such a warfare by any power. The combatants, the belligerents, are not criminals on either side.

It is sometimes said that the old doctrine was that belligerency was not to be acknowledged or recognized, that independence was not to be acknowledged or recognized, until the old government had recognized the new one. This is spoken of sometimes as an "old doctrine." It is not an old doctrine; it has never been the doctrine. The old doctrine is laid down in Vattel, never disputed, can never be gainsaid. He says:

> When two parts of a nation resort to arms and are engaged in civil war, they are entitled to be treated by other powers, and should treat each other, as independent governments and powers for the time being.

That is the old doctrine. It would be a good deal more correct to say that the old practice has been discarded; the old practice under this doctrine, the practice in disparagement of this doctrine, the practice in disregard of this doctrine—that practice, the old practice, has been discarded.

In 1776, during seven years of war, no nationality recognized the United States except France, and she made the recognition as a war measure, and followed it up with full military and naval support. But that is the last appearance of the old practice. All nations have returned since to the old doctrine of Vattel, and we have done a great deal, the people and the Government of the United States have done all things, to explode the old practice and to affirm and to vindicate the old doctrine that parties to a civil war must treat each other and must be treated by other powers for the time being as independent nations.

During the long and bloody wars in South America and in Central America, including Mexico, between Spain and her colonies, the people of Cuba remained, like Logan in his cabin, idle, in peace; they remained the subjects of Spain, the loyal subjects of Spain. Habana was the military and naval headquarters for Spanish expeditions against the revolutionists. Year after year the departure was witnessed from that harbor of the forces of Spain, both naval and military, to crush what they called the rebellions in South and Central America. It was during this long period that Cuba gained that sobriquet, the title to be called "the ever-faithful island." But the revolutionary fire in Cuba was smoldering; it was not unseen; it was not unfelt. After the close of those wars the Cuban people might justly and lawfully lay claim to a redress of their own grievances, to the reduction of taxation, to real representation in an autonomous legislature, to a chance for engagement in every public employment. They had been loyal to Spain. Spain should have been loyal to them as fellow-subjects, as fellow-citizens, as fellow-creatures. They did lay claim to a redress of the grievances under which they had been for two and a half centuries, even then, suffering; for it must be recollected that Cuba is the oldest European colony upon this hemisphere. It was settled and civilized with every incident of the civilization of the time, practiced Christian doctrine and worship one hundred years before a Pilgrim Father set his foot on Plymouth Rock. Thirty years after the close of these wars a whole generation of Cubans had passed away. That generation had presented petition after petition, remonstrance after remonstrance, for a redress of the horrible grievances which had been inflicted upon them in the ordinary course of the Spanish Government in that island. All of these were vain; they were spurned with contempt, as ours were, from the foot of the Spanish throne. The sword, bare, whetted, sharpened—the sword was the only judge, executioner, law in the Island of Cuba.

The old generation of Cubans had gone to their graves. In 1850, thirty years after the Florida cession, the first attempt was made, after all peaceable efforts had failed to obtain redress, by an appeal to arms.

The effort of Lopez, Cespedes, and other leaders which might be named, was begun by arms on behalf of the people of Cuba to alter and abolish the existing form of government and institute a new one. They failed. There have been since 1850 but ten years of peace upon the island, and there never has otherwise been a lapse of a period that long that hundreds and thousands of the inhabitants of that island have not, in the support of armies and in the raising of troops, repeated and asserted the right of the people to alter and abolish the existing form of tyranny and despotism which had so long afflicted them.

We are now very near the close of the twelfth year of the war for Cuban independence. For I do not think there is any just consideration of this subject which must not consider that the ten years of war, of actual hostilities from 1868 to 1878, closed, not by the suppression of the rebellion, not by a surrender of the Cuban people, not by a surrender of the Cuban armies, but closed under the treaty of Zanjon, the treaty called a treaty of pacification, upon explicit conditions for the redress of grievances, must be added to these two years of war, the second of which is now ending; and are a part of the same war commenced in 1868. It is the second period of the war for Cuban independence, between the same parties, for the same reasons, and upon the side of the republic, by the same leaders, civil and military, as were parties to the pacification of Zanjon and were parties to that ten years of hostilities which, by mutual agreement, were closed by the terms of that pacification.

At this crisis, then, after a prolongation of the war for independence, after an effort, and a successful effort, as I shall show, to maintain independence and to maintain that armed authority of the people to abolish the existing form of government and institute a new one—at this period of that effort, what shall be the attitude of the United States? When you ask that question, it is said in answer, "Congress has no right to take any action in the premises: it must wait for the Executive."

Let us examine this proposition, sir. The composition of Congress is the first subject in the Constitution of the United States, and the most important. There are more provisions devoted to that subject than to any other. It precedes the judicial department, it precedes the executive department, it is first in order, first in time, first in right, power, and authority. After the composition of Congress is provided for and its organization effected under constitutional provisions, the very next thing following is what is called the power clause, immediately after the composition and constitution of Congress, by which certain powers are vested in Congress. The third section in the power clause reads as follows:

> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

This precedes all the powers vested in Congress except two; it is the third in order and importance in the constitutional text. The regulation of commerce with Indian tribes includes the regulation with the chiefs, the headmen of the tribes, and with the tribal governments. The regulation of commerce among the States includes the people, the officers, the governments of the several States. The regulation of commerce with foreign nations includes the governors, rulers, kings, or other representatives of the several national sovereignties alluded to.

What is a regulation of commerce? It would answer this question to look at the volume of law upon either of these three subjects. The largest volume of laws in scope on this subject is that in relation to the Indians. I speak now of the pages employed. The next largest is that with respect to intercourse with foreign nations. The least is that with respect to commerce among the several States.

The regulations of commerce with the Indians are not confined at all to trade and traffic. They control every possible species of intercommunication between white men and Indians, every possible domestic relation, all sorts of police regulations, civil and criminal, everything necessary to make—if I may use the expression—an inter-Indian government unquestioned, complete, plenary.

Commerce, in respect to the several States, includes freights, fares, passengers, cargoes, machinery used in transportation, all vessels and ships used in either, the conduct of the officers and crews of such vessels, and the direction of the owners of the same.

Commerce with foreign nations has been held to embrace the forms and regulations in the same universality of character as between the several States and the Indian tribes. Commerce in this clause does include trade or traffic, but that is a very small department of it; it includes much more. It means intercourse in the common and ordinary sense, the most general sense of that word "intercommunication," the sense in which the word was used at the time the Constitution was adopted, and is used now. Legitimate commerce between the sexes is a proper expression, and certainly has no reference to trade or traffic. The orator and the poet have spoken of commerce with the skies, commerce with the stars. This is not trade or traffic. It is intercourse, intercourse only with the eye, intercourse only in imagination, yet it is properly called commerce.

Mr. President, I have taken the trouble to look up some judicial opinions of the Supreme Court upon this subject, as to the meaning and scope of the word "commerce," in what is called the commerce clause of the Constitution:

> Commerce among the several States consists of intercourse and traffic between their citizens, and includes transportation of persons and property.

That is one decision. It includes the regulation as to telegraphic, telephonic, and all other communications. It includes the regulation of railroad travel and every other incident of transportation by decisions of the same tribunal.

These are decisions of the broadest possible scope. They do not relate to commerce as trade and traffic. They relate to all sorts of dealings between citizens of the several States, between Indian tribes and citizens of the States, and the Government of the United States and foreign nations. Ocean telegraphs are undoubtedly subjects of international commerce. They may be regulated, so far as regulation is necessary under this clause, by an act of Congress and not otherwise, and I am told the whole diplomatic correspondence in times of exigency is carried on by means of cablegrams—ocean telegrams.

The power granted in this commerce clause is paramount; it is plenary. The power to regulate commerce with foreign nations is first granted, first created in the clause. It is a general power, and its exercise is as general with respect to intercourse with foreign nations as it is with respect to intercourse with Indian tribes or among the several States.

The power thus granted in general terms can not be destroyed by a construction of any subsequent section of this instrument which will affect that purpose. Such a construction must be untenable and is untenable. We have, in the exercise of this power to regulate commerce among foreign nations, in the first place, the whole body of treaties, protocols, conventions, and the whole body of enactments with respect to ambassadors, ministers, secretaries of legation, consuls, and all citizens who may be engaged in international travel or sojourn.

To whom else and where otherwise is such a power granted? It is never said that the President shall have power to regulate intercourse with foreign nations. To have so provided would have been to vitiate a former provision in the instrument. Our fathers did not frame constitutions in that way.

I ask the attention of the Senate also to the concluding section of the power clause, which reads:

> The Congress shall have power to make—

Upon which word I shall comment—a very rare word in the Constitution, used only in one other section—

> The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department.

Congress is certainly a department of the Government. Under the power clause, to which I have called attention, but following the intercourse clause, and therefore in time inferior to it in order, in importance inferior to it—under that clause Congress is empowered to establish post-offices and post-roads, and by a subsequent clause it is empowered to make all laws necessary to carry that power into execution. Congress has established a post-office at the city of New York; the President declines to appoint a postmaster. Can he defeat the power of establishment by declining to perform an executive duty? Is there any question but that in such an extraordinary case—I admit it is exceptional—Congress would have the right, under the executive clause cited, to appoint a person temporarily to discharge the duties of the postmaster for that city; because a post-office without a postmaster would be an overthrow of the establishment, not a maintenance of it. The same may be said with respect to any other postmaster in the United States. I have no doubt that Congress could appoint and designate a person to perform those duties. The establishment of a post-office, the power of the establishment of a post-office at any point, is not at all affected and can not be defeated by the failure of the Executive under the appointing clause.

Take another one of these powers, the first one mentioned in that clause;

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises.

That is a fundamental power. It is necessary in order to get revenue for the support of the Government, and without such power and without the execution of such power the Government in all its branches would starve, would die of inanition. Suppose, now, the President fails to appoint collectors at all ports or at any port, shall the Government go down and perish or lose and be deprived of its revenue by reason of the refusal of the President to exercise the appointing power? Who will contend that this power of Congress to levy and collect is not paramount, indefeasible, not to be destroyed by any neglect of action, either affirmative or negative, by any other department of the Government? It must be so, sir; and to decide otherwise would be to hold that the fathers of the Constitution had deliberately and of purpose contrived in this provision a place where and a method by which the Government should come to an end.

This primary paramount authority of Congress with respect to the powers enumerated is an ultimate power beyond the veto. The exercise of this ultimate legislation must be rare, but it undoubtedly exist. Without it the Government might cease to exist, and there is no power in the Constitution which can be conceived superior to the power expressly ordained for its preservation. Therefore, international intercourse, or, to use the express terms of the granting clause, "the power to regulate commerce"—intercourse—"with foreign nations" does give to Congress the paramount power; and as one of the most reasonable and necessary modes of this intercourse is by treaties and conventions, and by the labors of ambassadors, ministers, and consuls—if the President should refuse to appoint ambassadors, ministers, and consuls—any officers of this character—or if the President should refuse to appoint ministers, ambassadors, and consuls—any single officer of this character—which, in the opinion of Congress, was necessary and proper to the exercise of this power in regulating foreign intercourse, could the Executive inaction defeat the executive power of Congress, which is the power granted, and then the power to make laws to carry it into execution? I do not think it could, sir. I am of the opinion that when Congress has made a law—has made a law decreeing that intercourse with a particular nation is necessary and proper, Congress can use all the means to carry into execution that project and that purpose, and can temporarily appoint any diplomatic or political agents to be used as the means of executing its purpose, to act until the President is willing to execute his ordinary functions.

Intercourse with foreign countries includes trade and traffic; it includes, among other things, travel by our citizens in those countries. This embraces of necessity a sojourn, brief or longer, in foreign countries by our citizens. Following this sojourn come instances of death, of marriage, of birth, all regulated by acts of Congress. A very distinguished member of the late House of Representatives was born in a foreign country on the occasion of the temporary sojourn of his parents in that country. He was held under the act of Congress, and decisions in reference to it, to be a native-born citizen of the United States. The law carried the flag and the form of government wherever the mother and father made temporarily their home. That is a regulation of intercourse—broad regulation; and so it might be with respect to all the other important events in human life to which I have called attention. It is not place that determines nativity under our power to regulate foreign commerce. Place of birth does not determine nationality, but the paramount power of Congress determines nationality and every other incident in relation to our intercourse with foreign nations.

Could the President do that by proclamation? It is asserted that he regulates foreign intercourse and may determine with what people intercourse shall be begun or undertaken. Could the President determine in relation to any of these incidents or pass any of the very numerous laws which have taken effect under the authority of Congress with respect to foreign intercourse? Among the things most necessary in the regular and usual intercourse with foreign nations are treaties. To make these, ambassadors and other public diplomatic agents are necessary. Would the failure of the President to appoint such agents as are now named in general laws deprive us of the power to regulate foreign intercourse and to make all laws necessary and proper for that purpose? Does a failure of the Executive to exercise his duty destroy the power of Congress to regulate this intercourse or to make any and all laws necessary for its execution? This would be to make an agent appointed to do a certain particular thing greater even than the power or purpose which was designed to be accomplished in the principal grant. It would make the faucet or the stopcock larger than the hydrant. It would make the hydrant superior to the water main. It would make the water main of more consequence than the great reservoir, the vast flood, the source of every drop which runs through these minor instrumentalities.

If, then, the President perversely and lawlessly refuses or declines to appoint an ambassador when Congress desires one in the form of law, we could direct by law that he should appoint one to a particular country, and in case of his further refusal, we could name and designate a person as our political agent to perform such duties as are usually performed by the Presidential appointee, because such a law is necessary and proper to the execution of the paramount power of Congress to regulate our intercourse with foreign nations. And we may well note here how close this construction is in harmony with the Constitution, a harmony designed in all its parts, because such an appointee by Congress, the person temporarily designated by Congress, vested with ambassadorial, consular, or ministerial powers, would receive two-thirds vote of both Houses of Congress, the Senate and the House of Representatives, a larger majority than if he had been appointed and commissioned by the President and the Senate to that office, for such law could only be passed over the veto of the President by a two-thirds vote of both the Senate and the House.

The power to make all laws necessary to the execution of the primary powers granted to Congress does not exclude the power to appoint by the President the officers required in the execution of the same, if he desires to make use of it, but if he fails to do so, when directed, it must include the power of Congress to make such appointments and to provide for such emergencies. Else these two powers are incongruous and contradictory, which is not possible in this scheme of constitutional government. Upon that point I wish to refer to a decision upon the executory power of Congress, and upon the clause of execution, under the interstate-commerce clause:

> Congress may employ the Secretary of War as an agent to ascertain a fact upon which it may declare a bridge over a navigable stream to be a lawful public work.

That was a case in which it was contended that the President only could appoint; that all appointing power was vested in the President; that there could be no condition where Congress could employ or appoint. The Supreme Court of the United States decided that Congress may in such a case employ the Secretary of War as an agent for such a purpose. They might employ any other officer of the Government, or they might pro hac vice appoint a person not an officer of the Government for such purposes. The President can not defeat the action of Congress, because this whole legislation is based upon the interstate-commerce clause. The President can not defeat by his own action or by his inaction any act of Congress bridging a river or a navigable stream. It must ultimately take effect, because Congress has the power to make all laws necessary to its execution.

The power to make all laws necessary to the execution of the primary powers granted to Congress does not exclude the Executive's power, if he sees fit to exercise it, but it includes the power of Congress to prosecute to completion the purpose which they have undertaken. The powers vested primarily in Congress are in ultimate effect paramount. They must take effect. The appointing power, the treaty-making power, or any other power of the President is auxiliary, ancillary, secondary, subservient to those of Congress in the cases made, subject to the limitation stated.

One of these powers, a paramount power, is granted in section 3, Article IV.—"New States may be admitted by the Congress into this Union." It is a power paramount; that is, its actual operation, the taking effect of it, can not be rightfully prevented by the Executive. When Congress wishes to admit a new State, and makes a law for that purpose, the State must come in. There is no function of the President which can shut the door against it. But then he has very important functions with respect to this very subject-matter. The President may veto the enabling act. He may refuse to make the proclamation. He may refuse to appoint judges, marshals, messengers, officers, any person connected by law with the admission of such new State. But the State is to be ultimately admitted. Congress has so enacted, and Congress may temporarily appoint a person to discharge the duties, all the duties—Federal duties—in the new State which is admitted fully trimmed and equipped to enter upon her new career. There is no possible way for the Executive to prevent it except the way of Balmaceda; and in that way an Executive might meet with Balmaceda's fate.

It is perhaps proper for me to say that in the use of the words "President" and "Executive" I do not mean to refer to the incumbent that now is, nor to his successor, so soon to arrive. Both of those eminent gentlemen are dressed in too brief authority to be mentioned in an argument of this character. I refer to all executives and all incumbents of the Presidency. I refer to the office and officer, which in contemplation of law are perpetual.

The power to make laws necessary to the execution of the power so granted is not confined to the group of powers mentioned in the section where it is found, but it is expressly extended to all other powers vested by the Constitution in the Government of the United States or any department thereof. It consequently applies in express terms to this subsequent section, empowering Congress to admit new States. Congress is not only authorized to admit new States, but to make all laws necessary to carry that enactment into execution. Now, although I am free to admit that the analogy is not perfect, yet of all the operations of government I do not recollect any that more nearly resemble each other than the admission of a new State into this Union and the admission of a new member into the family of nations, whether it be a new nationality or a new form of government in an old nationality. For the purpose of admitting a new State into the Union not only may Congress make laws and designate any persons to perform the duties necessary for that purpose, but it may make laws especially for such admissionary action proper or necessary to consummate the particular act of admission. What it desires must be accomplished. This is implied in the use of the word "make," not, as I said before, commonly used in the Constitution or any constitution with reference to legislation. The word "passed" is used a great deal. That is the ordinary word used.

There is only one other section of the Constitution where Congress is spoken of in respect to making laws. That is a section of negation—"Congress shall make no law respecting an establishment of religion." That implies an absolute prohibition. It implies a prohibition upon the ultra veto power of Congress. Neither two thirds of Congress, any majority of Congress, nor both branches, can make a law respecting an establishment of religion, and when the same word is used affirmatively, as it is in the section to which I have alluded—"Congress shall make all laws necessary and proper for carrying into execution these powers"—it is an affirmative declaration of the ultimate ultra veto power, not to be defeated by the Executive, not to be defeated by any function of the Executive, not contemplated as possible of defeat by any other authority in the Government. It can be defeated by a resort to arms, and to arms only.

It will be seen how this ultra veto paramount power of Congress is carefully preserved and guarded in the section concerning the President's appointing power. "The President shall have power, by and with the advice and consent of the Senate," to appoint certain officers named, and all "other officers of the United States whose appointments are not herein otherwise provided for." What other officers of the United States are those—this class of officers? Name one in the text, the open text, the face text. There are none. It is very plain upon this construction what that class of officers is. It is the group of persons appointed by Congress to carry into execution laws which they have made against the protest and over the veto of the Executive. This class of officers the President can not appoint. The makers of the Constitution had already provided for them. They are otherwise provided for in the instrument. Not even can the President relent and say, after Congress has gone this far, "I reckon I had better make it up and appoint." He can not even relent. He can not appoint at all. He could not physically appoint, because under his appointing power he has to have a majority of the Senate, but in that condition I am speaking of two-thirds of the Senate and of the House are already against him, exercising their own indisputable paramount power to admit the state and to make all laws necessary for her admission, to recognize a new nation and to make, not pass, subject to veto, but to make all laws for carrying into effect the recognition of the new nation, and to regulate the international intercourse which is vested in Congress by the principal section cited.

It is, therefore, very clear that under the limitations stated and in the cases made laws for the admission of a new state, for the collection of the revenue, for the regulation of foreign intercourse, for the recognition of a new government may be enforced and carried into execution by the power of Congress, and by Congress alone. That this proviso in the appointing section, in that section defining the appointing powers of the President is in support of the construction I am giving to what is called the power clause is very clear, because there is no other class of officers to which the words "not otherwise appointed," in which the Presidential power is prohibited and forbidden, can apply. It takes four lines to make this reservation. Four lines of good, graceful English have prohibited the President from exercising the appointing power in such instances, and there is not one line or one word of surplusage in the Constitution. The Constitution did not deal in surplusage. It did not make an unnecessary proviso. It did not create a needless reservation—no, sir; not one.

Considering, then, together as they must be considered in pari materia, the group of primary powers, the law-making power, not the law-passing power, the lawmaking power of Congress to execute such power, the absolute limitation upon the appointing power of the President in such cases, the language of the veto clause, expressly recognizing, not the law-passing, but the law-making power of Congress—if such bill receive two-thirds of the votes of both branches of Congress it shall become a law, the President's objection notwithstanding——

Mr. DAVIS. He is bound to execute it.

Mr. TURPIE. Yes, sir; he is bound to execute it, and if he does not within these cases of limitation, Congress may execute it. Considering all these, it is evident that there is in the Constitution a scheme of government by Congress alone as plainly provided as of government by the President and Congress, so far as it is indicated in the cases stated and under the limitations predicated.

This is very plain also from the consideration of another subject, urged here with great earnestness, with great sincerity, with respect to foreign intercourse. It is said the President makes treaties. Yes, sir; the President, by and with the advice and consent of the Senate, does make treaties, but those treaties are made wholly subject to the approval of Congress. The President may make a treaty and the Senate may confirm and approve of it. Congress the next day may denounce and repeal it. It is Congress that regulates foreign intercourse. It is not the President. It is not the Senate. It is not the President, with all his functions. It is not the Senate, with all its authority. It is Congress which regulates foreign intercourse; and when a treaty is made contradictory to the will of Congress, it can destroy it, because the paramount power of regulation is with Congress and not with the Senate or with the President. The treaty-making power is an instance—a precise instance—of that Congressional government of which I have spoken, and shows its absolute existence, application, and efficiency in respect to the very subject now under consideration—our intercourse with foreign nations.

The whole body of treaties, protocols, and conventions, the whole mass of this legislation of the President and of the Senate, is to-day subject to Congress, subject to the action of Congress, and may be, before this session closes, wiped out and obliterated, if Congress sees fit to enact a regulation as to our foreign intercourse inconsistent with existing treaties. That is a judicial decision also. The Supreme Court not only once, but twice, thrice, many times, have adopted and approved this very system of government by Congress within the limitations stated, and of government by Congress alone.

There is as to these primary powers vested in Congress—that is the word used in the executing clause, vested in Congress—and executable by Congress, a scheme as perfect, peaceable, comprehensive as the one in ordinary use as to all cases made by its limitations. It may be said that this would place Congress, in respect to these primary powers, in the possession of executive as well as legislative functions. Certainly it might do so. That is just the meaning of the phrase "to make all laws necessary and proper for carrying into execution the foregoing powers." "Carrying into execution" does not imply executive powers. It imposes executive powers upon Congress. We can not abdicate them; we can not abrogate them; we can not get rid of them if we desire to exercise them. The phrase "for carrying into execution the foregoing powers," as to Congress, in the cases stated, stands as a precise equivalent for the clause "he shall take care that the laws be faithfully executed," with respect to the President. The one phrase refers to the executive powers of Congress; the other to those of the President. They have the same meaning, the same effect, the same significance, and the same authority in both instances where the limitations and conditions before stated obtain.

A scheme of government within the above limitation is not strange to the Constitution nor foreign to its spirit, its genius, or to the persons who made it. The makers of the Constitution had lived many years under a government by Congress and Congress alone. From 1776 to 1790 Congress had possession of all executive functions. The executive power of Congress is fourteen years older than the first President. We had no President during these years to which I allude. That great season of peril, that formative era of the Government, we passed through safely, gloriously, without a President.

Therefore, when our forefathers came to frame this instrument, and to vote for and approve it, it is not surprising that they should have formed as part of it, in the cases named, a government by Congress, which the Executive could neither destroy nor prevent as far as is provided in this limitation.

The consideration of the question of jurisdiction of Congress on such subjects as recognition of a new nation or government does not depend upon a two-thirds majority of both Houses. Our action depends upon that, but our authority or right to act upon either of the propositions now before the Senate, the joint resolution of the honorable Senator from New York [Mr. HILL] or the joint resolution reported by the honorable Senator from Pennsylvania [Mr. CAMERON], does not depend upon such majority. Recognition is the first incident in the usual and ordinary mode of intercourse with foreign nations, and the power of Congress upon this subject is paramount. It is imposed upon us by the supreme law of the land.

Recognition may be made in several ways. First, by sending an ambassador, by receiving an ambassador, by public proclamation. Recognition has been made by treaty between two powers not engaged in the contest at all. It is said that the President of the United States may recognize a new nationality, or a new form of government, and that he has done so in many instances. This is true.

He may recognize either belligerency or independence. He does so in the exercise of the servient and ancillary power to make treaties and to appoint ambassadors or ministers, because in order to make a treaty there must be an officer designated for negotiation by both parties. In looking over the course of events, in scanning the disk of public progress, the President may come to the conclusion that a new nation has appeared in the horizon, that our people desire to have intercourse with it, treaty of amity and commerce. He may therefore recognize it and name it as such as an indispensable part of his power of appointment. But that whole power, and even the treaty itself, is subject to the paramount exercise of the power by Congress.

The President may then determine that a new nation should be recognized, and always takes in such a case the actual initiative, and when he recognizes or makes recognition, the act is beyond recall. It binds Congress; it binds everyone. It is not revisable; it is not reviewable. It is irrevocable, but its irrevocability is not upon the consideration of any constitutional power. It is not a question of our own law at all. This irrevocability has no relation to the actor. It relates entirely to the character of the act. The act of recognition passes into the sphere and scope of international law, and upon the gravest and most important reasons of international public policy it has been decreed—and the decree has always been observed—that recognition once made is irrevocable. Such is the international law. It is not because the power of the President is inherent; he has no inherent power. It is not because the President's power is exclusive; he has no exclusive power in such instances. It is not because the power of the President is absolute; no power of his is absolute. It is because of the law of nations, which, in the interest of peace and public policy and the certainty of conditions, has enacted that the act of recognition is irrevocable; that the determination is final. If he acts, he may bind Congress under this rule of international law, but his inaction is nothing; his inaction binds nobody. If he acts, his act of recognition is not reviewable or revisable; his inaction is reviewable and revisable. He has the actual initiative power and duty to make recognition, but he can not retain it forever. He can only retain it until such time as Congress wishes and manifests in the form of law to make recognition. Then this initiative power of the President is gone. It is set aside. Of course this manifestation of the will of Congress must be made under the ultra veto power—that is, by a two-thirds vote of both Houses.

Congress, after waiting such reasonable time as in their judgment may seem proper, may, if the President refuses to act, or if he obstinately neglects to act, direct him in the first place to make recognition and in the next to send a minister or other agent, and if he refuses to do so, they can make a law carrying into execution this regulation of theirs with respect to commerce or intercourse with foreign nations.

That is clearly decided in the case in relation to the Secretary of War as an employee of Congress, before cited. But I will suppose now a more familiar instance. We passed at this session of the Senate an immigration act under this power to regulate intercourse with foreign nations, providing, among other things, that we did not wish intercourse with any people, or even with any person, who could not read or write in some language some passage of the Constitution. Suppose the President of the United States should direct that the Commissioner of Immigration should not obey that law, and should not carry it into execution. There is an instance where the executive power of Congress would be fully employed and fully justified. If that bill becomes a law and Congress makes it a part of the permanent legislation of the country and the President refuses to appoint the officer designated in it by existing law, or forbids him to execute this enactment, Congress can make a law to carry it into execution. That is a very unimportant power, and comparatively a very unimportant execution of a power, but it is just as paramount, and is exactly similar to the power that we should have to appoint diplomatic or commercial agents in case the President refused to do so after recognition, because the power of Congress to regulate our intercourse with foreign nations seems to be in the cases named not only paramount, but capable of complete execution by our own action.

I agree with all my heart and soul and mind to the proposition of the distinguished Senator from Georgia who sits to my left [Mr. BACON], that every provision of the Constitution, every line in it, leads up to the supremacy of the people, not to the supremacy of the President, but the supremacy of the people as represented in both Houses of Congress; and there may be some things which I have not mentioned, many things under these provisions which are placed, properly and justly placed, entirely above and beyond the Presidential control.

The honorable Senator from Georgia says that the only sovereign power of the President is to grant a pardon. I conceive that to be a correct statement of the law. The act is a sovereign act, but the actor is not a sovereign. The act has all the effect of sovereignty. It releases the offender, acquits him, restores him to the condition of citizenship which he had forfeited by his crime. But a sovereign acknowledges no superior. The sovereign is not answerable to any other power for the exercise of his powers. Yet I think that a President who corruptly used the pardoning power would be as liable to impeachment and removal as for any other high crime and misdemeanor. He is by no means a sovereign, although he does a sovereign act in those instances.

Impeachment, however, is not a remedy, whatever else may be claimed for it. Impeachment has two parts; one is punishment of the offender, the other is the removal of him from office and the appointment of some one who will obey the law in his place. But that class of officers and that class of duties to which I have called attention, which are within the paramount authority of Congress, can not wait for impeachment, do not contemplate impeachment as a remedy. Could we wait for an impeachment and removal in case the President should refuse to appoint collectors, postmasters, ambassadors, ministers? We need not wait a day, because the same power that he would have had in the ordinary exercise of the Government two-thirds of both Houses may exercise in any case within the limitation of the predicate, and especially in the case of intercourse with foreign nations.

Now, sir, I have made this slight sketch of the paramount powers of Congress, not with the view that the Senate had to pass upon such questions, but to show that, carrying it out to its ultimate conclusion, it was consistent in every part and harmonious with the constitutional ordinances of the Government. If I had any other purpose it was to show how little of our power we are exercising in passing the joint resolution introduced by the Senator from New York, or that reported by the Senator from Pennsylvania. Neither of those resolutions provides anything for execution. They both refer merely to the declaration of a condition of things. We are using only a very small fragment of the prerogative of Congress in considering or passing either of these joint resolutions.

I was not originally in favor of the joint resolution of the Senator from Pennsylvania, not but that I approved its policy and its doctrine, but I objected to its form. I thought that it was expressed in a form not sufficiently deferential to the Executive and that it ought to have been in form directory and advisory, not in its present form. But when we are told by a promulgation in a most public manner that we have no right to pass upon this question at all, as deference has not been remembered on one side I do not see why it may not be forgotten on the other. And I am now therefore in favor of these resolutions.

With respect to the joint resolution introduced by the distinguished Senator from New York, there is no question of deference. It simply declares belligerency between the present parties to the war in Cuba, because at the last session Congress declared its opinion that they ought to be recognized as belligerents. In the Senate there were only 6 votes against that opinion, and the concurrent resolution passed the House by a very large majority. This, then, is a preface, an introduction to the joint resolution declaring the existence of such a condition, and is the next step in the regular order of procedure.

But, however, the concurrent resolution of the last session was only a parliamentary expression of opinion. Both the resolutions now pending are legislative in their character. They go directly to the President the same as any other enactment. We may recognize belligerency by law, as we may recognize independence by law, and by the same method carry either of these into execution if execution thereof be denied by the President. We have the power to regulate intercourse with foreign nations. The President has not that power.

Let us consider, then, the reasons Congress had for its opinion expressed in the concurrent resolution of the last session, and what reasons we have now for the passage of the joint resolution reported by the honorable Senator from Pennsylvania, or the joint resolution introduced by the honorable Senator from New York. In support of these measures, in imitation of our Revolutionary fathers, let facts be submitted to a candid world.

We are now very nearly in the twenty-fourth month of the second period of the war for the independence of Cuba which succeeded the former ten years of war terminated by the pacification of Zanjon, concluded in 1878. This pacification was brought about by a truce of actual hostilities at that time and then by a treaty entered into on the part of the Spanish Government by Campos and his associates, and on the part of the Cuban Republic, named and recognized as such, by Marti and Cisneros and their associates, containing special provisions with respect to the redress of grievances of the Cuban people. I wish to call attention to one of the provisions of that treaty as bearing upon the question now before the Senate. That treaty provided by actual agreement that all prisoners should be released. That relates to prisoners of war. It provided by mutual agreement that all sentences and judgments of courts in any part of the island founded upon political causes arising during the war should be mutually released and condoned. That did not refer to prisoners of war. It referred to civil prisoners: and it shows that seventeen years ago, in July, 1878, at the time the treaty of pacification was agreed upon and at a time when hostilities were suspended, there were existing in the Republic of Cuba courts that took notice of treason against that republic, courts that entered sentences of condemnation against persons accused of treason, and who entered sentences of confiscation against property held by persons who were accused of treason against the Cuban Republic then in arms and now in arms against the Spanish monarchy. That is what that provision shows: and if there was such a condition in the states of the republic subject to republican control and dominion at that time is it possible that such a condition has ceased now? It is said there is no civil government there.

I have here, both in the original and in translation (I shall not take pains or the time of the Senate to read them at length), a record of the meeting of the executive council of the government, composed of members of congress and of the heads of departments, held at Guaimaro, in the free government of Camaguey—that is, a state in the Republic of Cuba—in October, 1896, at which session congress passes a vote of thanks, the same as our Congress was in the habit of doing during the Revolution, a vote of thanks to General Garcia and his officers for their successful siege and attack of the city of that name in that province which had immediately before surrendered. The Cuban congress, the representatives of the Cuban congress, just as we had an executive committee during the Revolutionary war, frequently followed the army in the field. They did not always sit at the capital, and the capital itself was movable.

I have the newspaper here showing an imprint of the printing office of the Cuban Republic just as plainly as the imprint of Colonel Benedict as Public Printer of the United States appears upon public papers published by him. It is very inferior printing. It puts me in mind of the old broadsides that we see in collections of the curious, and news-letters that were issued during the war of 1776 by our side. The type is dim, the execution is not first class, but the original paper, which I have every reason to suppose is genuine, is here on the desk, not only showing this vote of thanks by the executive committee of the Cuban congress, but showing orders to the army, legal notices, and all the regular machinery of a civil government within the lines of the Cuban Republic in October, 1896—last October; and I am certain there is no changed condition since. There has not been a Spanish army of any force within the state of Camaguey since the meeting of the executive committee at Guaimaro to which I alluded; and I am certain that the condition in 1878 is continued also, that the Cuban courts and the Cuban judges, the prefectos, and the subprefectos are in the exercise of all the functions of the officers of an independent government within the states of Oriente, Camaguey, and Occidente.

But, Mr. President, I wish to call attention to this provision of the treaty of pacification at Zanjon for another purpose. It shows clearly that the Spanish monarchy at that time, seventeen years ago, recognized the forces of the Cuban Republic as belligerents. And the papers of this day have Spanish dispatches showing that their troops captured "four prefectures, arms, effects, and documents."

This makes it clear that a civil government is now existing within the Cuban Republic. The prefecto is a minor office under the laws of the republic, and the prefecture is the building in which his papers and documents are deposited, which, as the dispatch shows, the Spanish troops, in the course of some raid, took and destroyed. The dispatch is dated January 24, 1897, and speaks of the incident as having occurred during the month.

I wish to call attention to this provision in the treaty of pacification at Zanjon for another purpose. It shows clearly that the Spanish monarchy at that time, seventeen years ago, recognized the Cuban Republic as belligerents, and provided for the release, mutually, of prisoners of war. I am not speaking now of the question of independence, but the Spanish monarchy itself seventeen years ago most solemnly admitted the belligerency of the Cuban Republic, the belligerency of the combatants in that civil war. Why, then, should we refuse to make the same acknowledgment? What Spain has herself conceded, why should we withhold or deny?

This is now a war in the twelfth year of its prosecution, in which Spain does not pretend, even in the further prosecution of it, to restore her authority in the island. It is a war, on her part, defensive in every particular, in which she admits, both in the civil and military sense, the existence of another paramount government, and is anxious only to prevent that government from exercising its authority in the city of Habana and a very small neighborhood around the city. That is the actual condition of affairs in the island at present.

With reference to that conduct of the war now I ask the attention of the Senate to the trocha. There are two trochas, both built across the island, or very nearly across the island, from sea to sea, at narrow parts of it, one west of Habana and one on the east side of Habana. They are earthworks, deep ditches, embankments, reenforced with a wire fence, and other lines of not very material difference, inclosing that comparatively small part which is in the immediate neighborhood of the city of Habana. They are simply outworks, fortifications prolonged to defend the city of Habana.

What is their purpose? The Spanish Government says, and the Government of the United States has intimated, that the object of this war is to subjugate the Cubans in revolt against the Government of Spain. Why, then, have they built trochas to prevent their armies from going into or treading upon the soil of the republic? Were these trochas built for that purpose—to aid the Spanish forces in subjugating those of the Cuban republic? Not at all. The ditch, the embankment, the wire fence all deny this. They were built for the purpose of preventing the military forces of the republic from taking possession of the civil and military capital of the island during Spanish authority—Habana. They were not built for any other purpose. I have read of trochas before, but I never read of one composed of this material. The trocha is a very old instrumentality of war. Perhaps the most celebrated instance of it was the case of the walls of Severus and Trajan, built across the island of Britain between the two friths, where the island was most narrow. For what purpose? To prevent the Romans from invading North Britain? To prevent the Romans from the conquest of the Picts and Scots? It was a plain stone wall, a very tangible trocha, a trocha of masonry, a strong one, a real one, a permanent one, showing a permanent policy. Was that to enable the Roman armies to subjugate the Scot and Pict Government of the times? Not at all, sir. It was to prevent the Scottish Government of that time from invading the Roman part of Britain.

The trocha did not indicate an extension of Roman power or any purpose or policy of extending that power. It showed a limitation of Roman power. Part of that is still in existence, and is called "the Roman wall." It showed the boundary of Roman power. In this case these ditches are built, these trochas in the Island of Cuba, because they are necessary: and just as in the case of Rome, both these trochas show the limitation of the power of the Spanish monarchy. They are built in defense of it, and not in prosecution of any war for the restoration of its authority; they are built in defense of the Spanish force inside the trocha and Spanish property, military and other, inside of the trocha and inside the city of Habana. They have no other purpose. The subjugation of the island, of the republic, has been abandoned; it is no longer thought of; it is not a part of the Spanish policy.

Then it may be said, But what if the Spaniards stay always between the two trochas, and what if the Spaniards always retain possession of the Province of Habana and the city of Habana—about one-sixth of the island? That would not prevent us from recognizing the belligerency or the independence of the republic of Cuba. San Domingo is an island smaller than Cuba. The first republic of Haiti was not so large as the Cuban Republic outside the trocha at either end of it; and for a century there were two governments on the island of San Domingo—one a republic, the other a colony—but within the last fifty years both have become Republics, and in less time Cuba will become wholly a republic, and no monarchy, neither Spanish nor any other, will have dominion in that island.

The United States recognized the representatives of Haiti years before Toussaint had driven their enemies from their capital, and when it became known that they might not be driven from their capital in the other part of the island, the United States recognized the independence of the republic outside of the capital, and there were two governments, the colonial and the republican. So the possession, and the continued possession, by Spain of the city of Habana is made a pretext by her to deny belligerency and to prevent recognition; but it ought not to be made a pretext by the Government of the United States in denial of either of those rights, because we have acted in exactly a similar case in recognizing the republic in the Island of Haiti, which is next in importance and in population to Cuba. We have acted, and we have recognized the independence of a government in a part of the island which was not for the time being able to drive its oppressors into the sea, but was for the time able to maintain its own territorial independence, and has done so ever since.

Let me call attention, Mr. President, to another incident showing the permanency of the government of the Cuban Republic, the permanency of independence as a condition, and, above all conjecture, doubt, or hesitation, the right which these people have to be acknowledged as belligerents.

Cubitas is the capital of the republic. It is situated, as I am informed, in the state of Camaguey. I may say that the Island of Cuba, under the constitution of the Republic of Cuba, is divided into four states, Oriente, Occidente, Las Villas, and Camaguey. Cubitas, the capital, is in the state of Camaguey, near the line which separates it from the state of Oriente. It is the place

where the public and civil officers of the republic reside, though they are occasionally in camp; it is the place where Cisneros, who is president of the republic, makes his abode; it is the place where the government newspaper is published, where the laws and official notices are given out to the people adhering to that government; it is a place many miles distant from Habana, but the distance is all measured by level land; there is nothing inaccessible about it; no exploit like the crossing of the Alps is necessary to reach Cubitas. It is reachable, if I may use that word for the time being, from any part of the Cuban Republic. No invasion of it has in twelve years of war been made by the enemy; no expeditionary force has been dispatched against the capital of the republic in the last period of the war.

During the first period of the war, to which I ask attention, in 1877, which was one year before the treaty of pacification at Zanjon, Campos did organize a large force, not against Cubitas—for that was not the capital of the republic at that time—but against the capital of the republic at that time. That army invaded and passed through hundreds of miles of hostile territory, fighting its way until it reached the capital of the republic, which it burned to ashes, destroying all papers and archives of the Government of the Cuban Republic, captured the members of the legislative assembly, shot to death with musketry the presiding officer, and tried by court-martial all the prisoners which it took. Did that destroy the republic? Did that close the war? Has the war ever been closed? No, sir; the war went on. It was prosecuted with greater vigor and vengeance by the army of the republic until Spain had to kneel and ask for peace upon such conditions as the Cuban Republic would accord.

No, sir; the destruction of the Cuban capital, the execution of its legislative and executive officers, or the flight and escape of others—all this had no more effect upon the Republic of Cuba and the war which they were then waging in 1877 than had the capture and burning of the Capitol at Washington upon us in 1814 by the British army, an act of which Mr. Burke said the spoliation of public records was a crime which should make the perpetrators infamous in the annals of human history—it had no effect upon the authority of the Cuban Government, or upon the military forces of that Government, or with respect to its permanence. Such a military event as this happening in 1877 ought to be considered in determining the nature and character of the present movement.

How inconsiderate it is, then, for anyone to say that the death of Maceo is a decisive event in this struggle, as if this great civil conflict at arms was a personal matter, a matter of personal disagreement between Maceo and the Spanish monarchy.

Maceo is dead and buried, but the cause he fought for is neither dead nor buried. Do we not all recollect his death, and have we not all read of it with as much sorrow as our fathers felt when Warren fell at Bunker Hill? Their hearts did not fail within them. Massachusetts did not falter: it gathered the body in its bloody raiment and laid it very tenderly away; but the Revolution still lived, and the war for liberty was still waged until victory ended it.

Montgomery fell. The idol of the army, the friend and favorite of our great Commander-in-Chief, the greatest Irishman of the Revolutionary war was slain in battle, but his countrymen and his comrades of all nationalities accepted that only as a motive for more stern, vigorous, zealous, undying efforts for the success of the great cause which he had espoused.

Maceo is dead, but when his name is called his comrades will answer, "Dead upon the field of honor," for, Mr. President, you may recollect that when the first report reached us, spread in every direction by every means of publication, that Maceo had fallen, it was accompanied shortly afterwards by a rumor that an officer of his staff, the surgeon-in-chief of the Cuban army, Zertucha by name, had betrayed him into a dangerous position, and had for $50,000 fired his pistol into Maceo's head, and thus procured his death.

Mr. President, the Spanish Government had been accused, in the prosecution of this war, of great cruelties, of great atrocities, but it could not bear that report; the Spanish authorities winced under it; and consequently Captain-General Weyler, who uses his sword against women and children, and fights the enemy with paper bullets and proclamations—this murderer of the innocents, this Herod of Habana—published an official proclamation of the Spanish Government, denying the story that they had bribed Zertucha, declaring, in the words of the text, that Maceo had fallen in as loyal battle as ever was fought.

What is the meaning of "loyal battle?" A battle can not be ex parte; it is a contest between two parties, armed to decide the supreme or superior force of one or the other. Loyal battle is a legal battle; it is a lawful battle, under the rules of war and under the laws of nations and under the laws of humanity. "Maceo fell in as loyal battle as ever was fought."

This indescribably diminutive reptile, who is entitled Captain-General of Cuba, gave no title to Maceo; he simply mentioned his name. Maceo was a lieutenant-general in the army of the Cuban Republic, but he is spoken of as "Maceo," which reminds us very much of the early days of the Revolution, when the Howes and the Clintons sent their correspondence by special messenger very carefully directed to "Mr. Washington." It is a very careful guarding of this point of punctilio—no committal, no sort of recognition of military rank of this great hero, patriot, soldier. The punctilio was omitted, but the great, open, patent fact of loyal battle was conceded and published to the world; and the official acknowledgment of the Spanish Government was thus made that this was a belligerent act—an official public acknowledgment of the Madrid court that this was a war in which both parties were entitled to equal rights of belligerency.

Belligerency, the condition of public war, was acknowledged three weeks ago by the Captain-General of Cuba in this proclamation. Why should the Senate of the United States hesitate a moment to declare it? Maceo has fallen, but even the spoils taken on his person and that of the brave young Gomez, who fell with him, throw some light on this subject. The shirt of finest material, the ivory-mounted sword, the studs and buttons of gold, the silver-mounted pistols plated with pearl inlaid, show that these warriors belonged to a people skilled in arts and arms, familiar with commerce, and with every incident of civilization, as they well might be, being by one hundred years the oldest European colony upon the American continent.

Maceo's body was recovered by his comrades. It was buried in the kindly soil of the republic which he died to create, and as counties, towns, and cities in the United States have been honored by the names of Warren and Montgomery, so Maceo will have his memory perpetuated in the towns and cities of the Republic of "Cuba libre." His name can not be forgotten.

Mr. President, I have certain extracts from newspapers which I shall put into my remarks, without detaining the Senate in reading them, showing the condition of the present war on the part of Spain to be wholly defensive, showing that independence is already a fact accomplished, and all that is necessary is that it should be declared or recognized.

NEW YORK, *January 1, 1897.*

General Calixo Garcia, in a letter to his wife, received yesterday, says:

"The flag of the Cuban Republic waves in undisputed sway over the entire province of Oriente. You can drive for miles across the country and never meet a Spaniard. Free schools, modeled after those of the United States, have been established. The farmers are planting and tilling their fields as though no revolution existed.

"My army of 2,000 men is in splendid condition. The officers are all brave young fellows, many of whom belong to the most aristocratic families in Cuba. Jealousy among them is unknown. We are all animated by the same love of independence and hatred of the Spaniards."

I especially allude, sir, to this article, which I shall publish—which has been printed very generally, and perhaps most Senators have seen it—the letter of General Garcia stating that his forces were stationed in the state of Oriente. The state of Oriente corresponds with the late Spanish Province of Santiago de Cuba. It is on the eastern part of the island. It is the largest state or separate territory in the island. Camaguey is the next state in the republic to the east.

General Garcia states that he has 2,000 men with him, all armed and accoutered in excellent condition, and officered by sons of the best families of Cuba. He states there are no Spaniards in that country; that no Spanish authority is recognized in Occidente; that free schools, modeled after those of the United States, have been established. I notice that no skirmishes, nor battles, nor marches even, had occurred in the state of Oriente. He states also that the farmers are employed in plowing and planting, just the same as if no revolutionary war was in progress. Those are the exact terms of his letter.

Oriente is a very large country geographically; it has a population of 350,000. It is a part of the oldest settled portion of Cuba. The soil is very fertile, and there is a very large acreage of fertility; the forest and mining interests are very great and very rich. This whole province was ten years ago and is now entirely loyal to the republic; never has acknowledged in the least degree the authority of Spain. This state of Oriente, of whose present condition General Garcia gives a description—that is, its condition last December, last month, thirty days ago—this state of Oriente is territorially larger than the Republic of Hawaii—a great deal larger. Its arable area is larger than that of the Republic of Switzerland. It contains three times the number of people that the Republic of Hawaii does. Released from Spanish exactions, free from Spanish taxation, 350,000 people of that great state of the republic not only pay their taxes to the new government, but they offer more abundant contributions to support the republic and her armies in the war against the Spanish monarchy.

Is it possible that there can be no government in such a territory? Of what other part of Cuba do you read a similar description last December? In the province of Habana, anywhere between the two trochas, do you read of farmers plowing and planting, of people pursuing their usual vocations? No, sir; not even in the city of Habana. Everything there is under martial law; everything is shrunk and shriveled up by military necessity. There is no civil government in the city of Habana. There is no civil government in the country defended by the trochas. They are the very seat of war. This is a statement of a fact: Instead of there being no civil government in Cuba except that of Spain, there is no civil government in Cuba except that of the republic, for there is no place outside of republican territorial lines where 350,000 people are planting, plowing, and pursuing their usual vocations undisturbed by the war.

The republic is in the undisturbed possession of this great state and has been for the ten years of the first hostilities and the two years of the second period of the war. For twelve years in all of warfare the Republic of Cuba has been in undisturbed possession of this vast territory; and every incident of civil government, every right of civil government, is enjoyed by the inhabitants of the great state of Oriente, who support the armies and other forces engaged in actual hostilities and who render true allegiance to the lone star of Cuba, to its flag, to its laws, to its government. If there were no other showing of the permanency of the government, of its power, of its authority than is included and not denied and not deniable in this description of the state of Oriente last December, belligerency ought to be offered instantly and recognition made before the next sunset.

Of the 350,000 people residing in that territory, 35 per cent are blacks or colored and nearly 65 per cent are whites, Cubans of Spanish origin, just as we are citizens of the United States of English or other European origin. This percentage of colored citizens and soldiers so often spoken of ought not to deprive those people of belligerent rights or of the recognition of their independence. It is not so great as the percentage in our own population in the States within the black belt, and certainly there is a government in all the counties of the black belt. Where colored people are in vast majority there is yet a government. It is not nearly so great as in the Republic of Haiti. Not a tenth of the population there is white. Nine-tenths of it is black or colored. Yet the Republic of Haiti has been recognized as a Government for eighty years with less population and a great deal less military force than the Cuban Republic now employs.

As I said before, I do not recollect to have noticed (and I have noticed very closely all dispatches, Spanish dispatches, Habana dispatches, New York dispatches, in reference to this case) an instance of a military engagement, or of a military attempt by the Spanish monarchy in the great state of Oriente. There may have been an occasional sally from a seaport, an inconsiderable sally, because there are several seaports which are held by Spain. But this would not change the condition of nationality.

Mr. President, when I come to treat of the action of President Monroe in a similar instance, it will be found that when he dispatched his ministers and political agents to the South American republics all of them landed in what were called Spanish ports, every one of them—that is, they were harbors which were held by Spain, although the independence of the revolutionists had been declared and had been recognized by Mr. Monroe, not recognized by Spain. Those political agents had to pass through Spanish lines in one or two instances to reach their destinations, and in one instance Mr. Prevost, one of his political agents, lost his way and had very hard work to find the capital of the government to which he was accredited. Yet he did reach it at last, and that government is in existence now. There is nothing in this attempt to show that there is no civil government in Cuba, speaking of the indefiniteness of its locality.

On one of those occasions the minister appointed by Mr. Monroe, it is related, was received by Simon Bolivar in his tent. He was then commander-in-chief and dictator under the Republic of Colombia; that is, he had united in his person all civil and military authority. The minister was received by the Dictator, Simon Bolivar, in his tent in the midst of his army. Credentials were exchanged and the government was recognized, felicitations were exchanged, and intercourse was opened with that government, that foreign nation, intercourse which has not ceased to this day. When an officer was asked, a subordinate—he did not ask General Bolivar—where the archives and records of the government were, he answered, "They are in the military chest." Yet that was a legitimate government, a lawful government, a belligerent government, recognized by the United States as having an existence, and recognized by events since proving its existence, permanent, stable, enduring as that of any other government in South America.

No, sir; the fact of the retention of seaports by Spain is not a material fact at all in the consideration of the question either of belligerency or independence. Belligerency would do a great deal to close the war, to end it. It would do a great deal in behalf of the revolutionists. It would enable the revolutionary government to issue its bonds and other securities. It would enable the revolutionary government to issue letters of marque and reprisal, to have vessels bearing its flag, under the law of nations, entitled to take prizes. It would break in pieces the maritime trocha which Spain has established around Cuba, by her ships of war, a trocha a great deal more formidable than the wire fence of which I have spoken heretofore. That invincible militia of the seas would be found in all Cuban waters, in all Spanish waters. It would drive Spanish commerce from the ocean. It would compel peace and the recognition of the independence and existence of the new nationality. It would submerge Spanish credit, Spanish bonds and debentures. It would leave them without a market. They have touched zero already. I have here an extract from a New York newspaper, certainly a neutral in this contest—I will not read the extract, but I will put it in my remarks—in which it is said that last Saturday a public security in the shape of an indemnity certificate secured by Spanish bonds, for $2,500, being part of an old estate of a deceased operator in Wall street, was offered at public auction, after every possible publication, and brought on the first bid 10 cents and on the second bid 11 cents on the dollar. It was struck off finally to an agent of the estate to which it belonged at 11 cents on the dollar. That is the state of the Spanish credit at this time—January 20, 1897.

ELEVEN CENTS ON THE DOLLAR WAS WALL STREET'S BID FOR THEM—SALE WELL ADVERTISED—OTHER SECURITIES OFFERED AT THE SAME TIME BROUGHT EXCELLENT PRICES—THE BONDS PAY FIVE PER CENT—ISSUE MADE TO INDEMNIFY CITIZENS OF THE UNITED STATES, AND INTEREST HAS BEEN MET FOR FIFTY-SIX YEARS.

Face value.	Security.	Price bid.
$2,500	Standard Oil stock	$6,600
2,500	New York Mutual Gas stock	5,775
2,500	Mercantile Bank stock	4,250
2,500	Spanish bonds	275

Spain's credit in Wall street was tested yesterday for the first time in years. One of her indemnity certificates of the face value of $2,500 was sold for 11 cents on the dollar. That the sale was a fair test is shown by the fact that at the same time and place were sold 100 shares of Standard Oil stock for $264 per share, 15 shares of New York Mutual Gas Company stock at $231 per share, 20 shares of Mercantile National Bank stock for $170 per share, together with a long list of other securities at prevailing market prices.

Mr. President, when I concluded yesterday I was referring to the low condition in which the financial credit of Spain is now found. Never before has it been so bad, except at the time of the conclusion of the wars between the South American republics and the Spanish monarchy. Those wars impoverished Spain and mortgaged the industries and wealth of her people for two generations afterwards. There is nothing, sir, so expensive, so costly as is injustice.

It is claimed that the recognition of belligerency would, as to large reclamations for American losses, release Spain from that payment. That is very true, sir, but whatever those reclamations (we had a long list of them furnished here the other day) and whatever position they will occupy with reference to Spanish funds, they will be postponed to the millions already incurred of funded war debt. They will not be paid within the next generation or the one following it. As far as future reclamations are concerned, I would a great deal rather depend upon the credit of the Cuban Republic than upon the resources of Spain, stripped as she will be of one great source of revenue—the Island of Cuba.

I wish to call the attention of the Senate now to diplomatic and executive precedents with regard to the recognition of belligerency and independence in very similar cases, in cases where the parties, generally speaking, were the same, the Spanish monarchy on the one hand and its colonies in revolt on the other. I will read now from the message of President Monroe, the message of 1817, and it will be seen that in this message belligerency is acknowledged, is declared, is announced. President Monroe in another part of one of his messages, which I shall not detain the Senate by reading, gives the date of the origin of these revolutions, one in 1810, seven years before the delivery of the message. All the other revolutions occurred in 1815 and 1816. All the other revolutions flagrant in the South American colonies were not two years old at the time of the delivery of the Presidential message on the subject of belligerency in 1817. Here are the words of the message:

> It was anticipated at an early stage that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable also that the prosecution of the conflict along our coast and in contiguous countries would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized.

All this language is applicable to the case of Cuba.

> Such injuries have been received from persons acting under authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having as to neutral powers equal rights.

There is a plain, square declaration of belligerency in the message:

> Our ports have been open to both, and every article the fruit of our soil or of the industry of our citizens which either was permitted to take has been equally free to the other. Should the colonies establish their independence, it is proper now to state that this Government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent States, free from any obligation to or connection with us which it may not then be their interest to form on the basis of a fair reciprocity.

Here is a final and plenary declaration of equal belligerent rights to both parties in the second year of these wars, and even in some of the cases before the second year had elapsed, in the wars then pending between the Spanish monarchy and the colonies in revolt against its authority.

I read now from the message of 1819 upon the same subject—the wars still continued. These are the words of the message:

> The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres it is understood still prevail.

That was a contest here between revolutionists themselves, both common enemies of the Spanish monarchy and engaged in war against it.

> In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Granada, the colonies have gained strength and acquired reputation, both for the management of the war in which they have been successful and for the order of the internal administration. The late change in the Government of Spain, by the reestablishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties, to which it was replied that they would willingly open the negotiation provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government to warrant the belief that any of the powers of Europe will take part in the contest, whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies—

Independence.

> To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

To promote the result of independence. Nothing is here said of autonomy; no word is spoken of pacification; nothing is whispered about ending the war except on that basis, the basis of the independence of the colonies.

That is the message of 1819. The war was then flagrant, and had been flagrant four years. None of these wars had then been pending for twelve years, as the war for Cuban independence has now been pending.

I read now from the message of 1820 in regard to the same subject:

> It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. The new Government of Colombia has extended its territories and considerably augmented its strength, and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests and due to its magnanimity to terminate this exhausting controversy on that basis.

The basis of independence. This is the second official allusion by the President of the United States after declaring belligerent rights as between these parties—this is the second official allusion to independence as the only basis of peace between Spain and the colonies. We have heard no such allusion, no allusion to such a basis, during the present war in Cuba.

I wish now to read from the next message on the same subject:

> When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted. Civil wars too often excite feelings which the parties can not control. The opinion entertained by other powers as to the result may assuage those feelings and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject—

That is, the recognition of independence—

> will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt and frankly acknowledged, but they in themselves could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence and are in the enjoyment of it ought to be recognized.

One of these phrases speaks of the complete success which has attended the colonies. That was not a success which intimated that Spain had abandoned the contest, that there were not Spanish troops there, that there were not seaports in possession of Spain or of Spanish authority; the war continued for years even after this recognition; but it was the declaration of the fact, peculiarly applicable to the war in Cuba, that the condition was unchanged, that republican independence was maintained, that it was unshaken, and that it ought to be recognized.

I read now the last clause of this message:

> In proposing this measure—

The measure of recognition—

> it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties—

Spain or the revolted colonies—

> but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them.

It is frequently said if we acknowledge belligerence there will be war between the United States and Spain. The acknowledgment of belligerence is no cause for war. I presume, sir, if there is a monarchy in Europe or in the world that is beset with diplomatic etiquette and dignity, that is invested with punctilio and formality, that is advised by learned jurists, wise in all diplomacy and old in the learning of international law, it is the Spanish monarchy. What, then, did this monarchy do in the case of our own troubles? What action did she take with reference to belligerency? She acknowledged the belligerency of the Confederate States in the early months of the first year of the war of 1861; and if the acknowledgment of belligerency were a casus belli, that is, a cause of war, we ought to have declared war against Spain on the day after the surrender at Appomattox. The recognition of belligerency is not by international law, by international usage, by any law, a cause of war. It never has been the cause of a war. No war between any governments has ever been declared by reason of the recognition or declaration of belligerency of the combatants engaged in civil war in modern times.

Mr. President, it is said also that if we recognize independence, war must follow. That is the very question which President Monroe was discussing. He says it can not be that the recognition of independence will change the relations of friendship existing between the United States and Spain; that amity, the President says, will be unchanged, and the relations of more than friendship, the sympathy of liberty with those who are struggling for liberty, between the United States and the revolted colonies, will also be unchanged by the declaration or the recognition of independence. The recognition of independence is no cause for war under any law of God or man. No war has ensued upon the declaration or recognition of independence. President Monroe recognized the independence of seven South American colonies in succession, very nearly at the same time, without ensuing war, and still peace—peace in every sense, peace in every form—friendship, amity, prevailed between Spain and the United States.

I will read a little further from this message, as showing the part Congress bore in the recognition of independence:

> In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most strict neutrality between them. Of this friendly disposition an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations, that it is just and right as to the parties—

Not "party," but "parties," both Spain and her colonies—

> and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

Mr. HILL. What message is that?

Mr. TURPIE. That is the message of President Monroe of 1820. Congress did concur and made the necessary appropriations, when President Monroe appointed ministers and other special agents to go down there. I traversed the track of that history yesterday. They succeeded in finding all the capitals and all the presidents and dictators of those new republics; they succeeded in perfecting the recognition; yet peace between the United States and Spain was never broken. I hope it may never be broken. No war has ever existed between these two countries, and there is no occasion for war either in the recognition of the independence of the Republic of Cuba or in the recognition of belligerency to both of the Governments engaged in the civil war flagrant to-day in that island.

I come now to the great message—the message of 1824. The war was still being carried on. The message of 1824 was a declaration of independence in behalf of every people residing in this hemisphere, their right to assert it and maintain it, and the right and power of the United States to intervene and to uphold it, if it became necessary, by outside interference.

Mr. BACON. I ask the Senator from Indiana if all the wars between Spain and her colonies were not then going on?

Mr. TURPIE. Yes, sir; all the wars were then flagrant and had continued after recognition of belligerency and independence, and for some years after this message which I have called great, which deserves to be called great, and to which I shall now call the attention of the Senate:

> In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere—

Which includes both of the continents of South and North America—

> we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the Allied Powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

There is a declaration the President made as to the recognition of belligerency, made as to the recognition of independence, still declaring neutrality, and still declaring friendship and amity with both parties, still declaring no disposition to interpose unless other European powers should intervene, but if other European powers intervened, then this Government, by its station, by its dignity, by the rank which it holds among nations, by its alliance with liberty, has the right to repel such intervention.

The Holy Alliance, upon whose threat the Monroe doctrine was first issued, was composed of three of the greatest military and naval powers of Europe, and the glove was thrown down in defiance to those powers when this message and proclamation was published.

And who was President Monroe? He was President of a Republic which had 10,000,000 inhabitants only, less than twenty States. Now it is intimated that European powers are, in case we acknowledge belligerency, or in case we recognize the independence of the Cuban Republic, to interfere in favor of Spain as against her colonists or former colonies in that island. When it is intimated that there will be such interposition, it is not replied that in such case the United States Government will repel such interposition. All that is repeated and replied is the hope of pacification in the island, pacification of the island, not a settlement on the basis of independence, not a declaration that there shall be no intervention by others, not a declaration that such an intervention shall be repelled; but, if I am compelled to say so, an anxiety is intimated that the revolution shall fail, that the authority of the Spanish Government shall be restored, for pacification unconditional includes that restoration.

Rare Monroe! In his time, sir, the eagle on our flag, with its arrows and lightning, was not borne in vain.

What, now, is the actual condition of the war in Cuba? We have, so far as I know, authentic official accounts of the military forces of the republic, accounts not denied of the number in arms. Thirty-five thousand Cubans are trained, disciplined, armed with the very best material and with all the munitions of war; 35,000 other Cubans are trained and disciplined, but armed with inferior weapons, just the same as some of our old Continentals in their ragged regimentals were armed in the days of our own Revolution; but the whole 70,000, sir, even the 35,000 who have inferior arms, have the machete—that sword, claymore, falchion, all combined—they all have the machete, more dreaded than the bullet or the bayonet by the Spanish forces; and if you will look into the hospital returns you will find that the most dangerous and incurable wounds are inflicted by the machete—very numerous—showing that whatever may be the valor and skill of the Spanish infantry—and I do not wish to disparage it—they have not been able to avoid close quarters; they have not been able to repel the matchless machete.

Here are over 70,000 men armed in behalf of the cause of independence. It exceeds any force which we had in the field during the seven years of the war of 1776. We had in no year of that war more than 50,000 armed men in the field. At that time in the British Parliament statesmen opposed to American independence took the ground that it was no government, no civil government; that there was no population; that there were not the people to make a nation, nor never would be; that this force of 50,000 men in the field was a force of robbers, of guerrillas, of mere murderers, with no constituency behind them. That was the very position taken by the enemies of American independence, both in and out of Parliament. It was a position as false and unfounded as the position taken to-day with respect to the Cuban forces and people in their struggle for independence. I say that a force of 70,000 under drill and discipline and armed in this cause must of necessity imply a nation in support of it, a government behind it with all the forms of government, all the resources of government; and that there is such a force is not denied: and such a force, with a corresponding constituency behind it, is sufficient evidence to justify Congress either in the recognition of belligerency or independence.

Take the other side of the question with respect to the war with Spain there being simply defensive. The war on the Spanish side is prosecuted in the interest of contractors, in the interest of fortunes and profits to army and naval contractors, in the interest of politicians, whose places and power depend upon its prosecution. Neither of these parties has the slightest expectation that the war will ever terminate in the subjugation of the Cuban Republic. Their plan of campaign shows it, as the utter inability of their forces so far in the field shows it. Spain has had there now for more than eighteen months in this second period of the war 100,000 regular troops. Forty thousand of those are in the stations along the two trochas, 40,000 of them are in garrison in seaports, and 20,000 of them are in the hospitals suffering from wounds or disease. They have also 50,000 militia, what we call home guards, who are detailed for local duty in order to allow the regulars more leisure, more freedom in conducting the principal campaign. Now, what principal campaign have they conducted? What aggressive campaign has been the result or been shown as the fruit of this enormous force? I know that single instances are dangerous predicates in doubtful cases, but this is no doubtful case.

Cuban independence is already an accomplished fact, but it does not necessarily imply that the Spanish forces have ceased fighting. But I take this single instance in this case of the state of Occidente. The state of Occidente in the Republic of Cuba answers to the former Province of Pinar del Rio during the Spanish rule. It has a population of about 150,000. It is isolated from the main body of the republic, not only by the two lines of trochas and the military headquarters at Habana, all of which are between Pinar del Rio and the eastern section of the island, but it is also isolated by sea on account of the naval forces of Spain which continually patrol those coasts. Here, then, is one state with a population of 150,000 in rebellion against the Spanish authority. What was the duty of the Spanish Government, if they had the power to perform such duty, in reference to the subjugation and conquest of this single state? Here there is no inaccessibility. The whole distance may be be traversed not in many days between Habana and the state of Occidente. The republic there has a force of 5,000; they occupy quarters and entrenched positions, and they are under the command of the lieutenant-general of the army of the republic, the second officer in command, Rivera, the successor of Maceo.

One would think there ought to be 50,000 of the republican army in the state of Occidente, when we know that 100,000 Spanish troops have failed to subdue it. There are only 5,000; but they have, sir, very valuable reenforcements. It is in the state of Occidente that the Texan contingent is stationed—a corps called the Texan Rangers, not a very large corps, but I ask Senators considering this question not to despise the day of small things. Remember San Jacinto, and remember there were not many Texan Rangers there. This corps is perfect in its adaptation to all service; has two pieces of artillery; it has a pioneer corps, as well as infantry and artillery, and cavalry for scouts. Are they robbers? Are they murderers? Is it possible that 150 or 200 American citizens of the State of Texas are engaged in robbery and murder, or are combined with others who are engaged in robbery and murder? I ask any Senator to consider whether this fact alone is not enough to determine the character of this war as belligerent? This corps of Texan Rangers are belligerents, soldiers fighting in a great cause, soldiers enlisted in as loyal battle as that in which Maceo fell, commissioned by Cisneros, president of the republic, bearing the flag of the republic, and in every way entitled to recognition as belligerents, and a reenforcement to the 5,000 army of the republic, which is stationed there for the defense of that state.

President Monroe notices twice the fact that the Spanish forces had made no impression upon the revolutionary armies or upon the several states engaged in revolution in South America. I ask the Senate to note that the Spanish force of 100,000 regulars in Cuba have made no impression upon the republican force, the republican government, of the state of Occidente. They have had two years to make an impression. They have not in that time made one. They have had as long as the Spanish forces had in South America when President Monroe declared belligerency, and they have made no impression. Of course there has been

fighting there. The southern line of Pinar del Rio has been debatable ground. It has been the Kentucky of this conflict—dark and bloody ground like Kentucky itself—but no enemy has ever preempted it or occupied it.

You will consider, sir, what is the condition of those forces. They are not supported by others, and can not be. They are miles away from the capital of the republic and from the chief military headquarters. Here is a province like that of New Jersey, from which the British drove the Americans after the battle of Long Island, and virtually subdued and subjugated its territory. But the war of the Revolution did not cease. In the case of Cuba, the state of Occidente has not been subjugated or conquered or even impressed in any military sense by the forces of Spain. We are nearly all civilians, but I think we can recognize a movement which succeeds. What now would have been the duty, under what they claim to be a prosecution of the war, for the purpose of destroying what they call the rebellion? To organize an expeditionary force against the state of Occidente; to compose it of cavalry, artillery, and infantry sufficient to make safe passage through an unfriendly population, just as the British did when they traversed New Jersey; to suppress the efforts of that population; to slay or to compel the surrender of the 5,000 republican troops, and, what is more difficult than either, to slay or make prisoners of war of the Texan Rangers. That was their task. In that way they would have made an impression.

Have they performed that task? Have they even remotely attempted to perform it? Do they dream of performing it? Have they conceived of performing it? No, sir. The whole force of the Spanish army has been engaged not in suppressing the revolution but in guarding the person of the Captain-General, Weyler, and the property of Spain in the province and city of Habana. That is the present condition, the undeniable condition. I am not now speaking of that which was mentioned yesterday—the expedition against Cubitas. That is at a greater distance, and Cubitas is not isolated at all. It is in the very heart of the republic. But here is a republican state, thoroughly severed from the other states of the Cuban Union, defended alone by republican armies and that great reenforcement of Texan patriots who have gone from their own country, like Kosciusko and Lafayette, De Kalb and Pulaski, to take their share in this struggle for liberty. Yet with all these advantages and this overwhelming military and naval force, Spain has not established her authority in this single state. And from that single instance at this late stage of the hostilities I deem it the duty of Congress to grant at least belligerency, and personally I favor the recognition of the independence of the republic.

Mr. President, I favor first a recognition of the independence of the Cuban Republic. I believe that would be the most patriotic, the most thoroughly American method of disposing of this question; and if economy is to be considered, it is also the most facile and least expensive method of terminating this condition. I believe next in the declaration of belligerency, placing the combatants upon equal footing; that it is due from the United States, having regard to its history, its rank and station among the family of nations, to acknowledge the great right of revolution and self-government in any people upon any island of this hemisphere or in any part of the continent.

I believe in recognition because recognition is reenforcement. It is reenforcement to the side and cause of freedom in this hemisphere. If the Cuban patriots succeed we may then claim that we were friends of that republic, friends in need, friends in the hour and day of danger. If failure befall them, which may God avert, our action will lose nothing of grace or grandeur, and we shall have kept faith with that generous, quenchless spirit of liberty which has placed our own feet in so large room and in the way of such a high career that we can not forbear, we can not be silent; we must cry out, in the words of Lincoln, the great emancipator, "I wish that all men everywhere might be free!"

Mr. HILL. Mr. President, some time ago I introduced the joint resolution (S. R. 178) declaring that a state of war exists in Cuba and recognizing the parties thereto as belligerents. I stated at the time that I desired on a proper occasion to offer the joint resolution as a substitute for the joint resolution reported by the distinguished Senator from Pennsylvania [Mr. CAMERON]. The joint resolution for independence not having been pressed since then and my joint resolution having laid on the table, I merely ask now that the latter measure may be taken from the table and placed upon the Calendar, so that it can be brought up hereafter on a proper occasion.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from New York asks that the joint resolution referred to may be taken from the table and placed on the Calendar. In the absence of objection, it will be so ordered.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I move that the Senate take up the bill (S. 3547) to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called.

Mr. WHITE. It is a bill of some importance, and I think we ought to have a quorum in the Senate. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Bate,
Blackburn,
Brown,
Burrows,
Caffery,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gorman,
Gray,
Hale,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Mitchell, Wis.
Palmer,
Peffer,
Perkins,
Platt,
Proctor,
Pugh,
Roach,
Sewell,
Shoup,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The question recurs on the motion of the Senator from New Hampshire to proceed to the consideration of the bill the title of which has been stated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

> *Be it enacted, etc.*, That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. WHITE. Mr. President, as I understand this bill, the object is to provide for a monetary conference in order to bring about that blissful condition of things which we were promised in a somewhat indirect manner by the recent Republican national convention. I expect to vote for the measure, though I have not the slightest hope that we will succeed in having bimetallism of the genuine sort until this country takes the initiative. I observe that the distinguished envoy, if I may call him such, who has passed the Atlantic for the purpose of bearing a somewhat previous expression of policy on the part of the incoming Administration has discovered this difficulty already. If we are to believe various newspaper reports, our semidiplomatic messenger has been respectfully referred by British financiers to such friends as he may be able to discover upon the Continent of Europe, and has been told that it is very unreasonable to expect anything to be done abroad until the United States itself has acted.

During the recent political campaign voters were not only promised international bimetallism, but many of the most prominent Republicans in the United States made other pledges, which no doubt materially assisted in gathering many votes to the Republican fold. Among others, the distinguished Senator from New Hampshire [Mr. CHANDLER], who in the midst of his varied occupations is able to conduct a very influential newspaper, sent broadcast over the land a modest publication, a copy of which I hold in my hand—a pamphlet composed of various editorials taken from his newspaper. Beyond question numerous electors were influenced to believe that they would obtain their desire by reason of the assurances made by the distinguished Senator in the editorial which I request may be read at the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary proceeded to read the editorial.

Mr. HAWLEY. What paper is that from?

The PRESIDING OFFICER. The Senator from California will enlighten the Senator from Connecticut.

Mr. WHITE. I will state to the Senator from Connecticut that it comes from a pamphlet sent to me, and I have no doubt to other Senators, by the distinguished Senator from New Hampshire [Mr. CHANDLER]. It is a sample of many other editorials from his paper.

Mr. HAWLEY. Does it bear his name?

Mr. WHITE. Yes, sir.

Mr. HAWLEY. All right.

The Secretary resumed and concluded the reading of the editorial, which is as follows:

FOR THE REMONETIZATION OF SILVER AFTER BRYAN'S DEFEAT SENATOR SHERMAN IS TO BE A LEADER.

> Fortunately the defeat of Bryan and immediate free silver coinage—which is inflation, a debasement of the currency, and partial repudiation—is so sure that we can even now begin to anticipate the remonetization of silver by the United States, proceeding by honest methods, safe and deliberate steps, and with due regard to the national honor.
>
> In this great work of fighting against permanent acquiescence in the single gold standard Senator JOHN SHERMAN will be our earnest leader, as proved

by his deliberate public utterances, some of which we annex, from his speech in the Senate of April 10, 1878 (CONGRESSIONAL RECORD, volume 4, part 3, page 2341):

> "To adopt the gold standard alone and demonetize silver would be to deprive the poor people of the world of the money which alone measures the value of their productions and their labor. * * * Gold alone is not suitable for a currency because it will not measure the daily wants of the great mass of mankind." (Page 2341.)
>
> "The utter ruin that would come to mankind, especially to the poorer nations, by the entire demonetization of silver can not be estimated by us. Take one-half of the solid money of the world out of existence, take the sole standard of more than two-thirds of the human race, reduce it to a base metal, and the effect upon the commerce of the world would be incalculable. It can not be done; it will not be done. There is no danger of it. These two metals, gold and silver, have traveled side by side from the beginning of time; the records of human history do not go back beyond it. They have varied, sometimes one and sometimes the other higher, but they have gone on—gold the money of the rich, silver the money of the poor; the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of Parliament, although it may disturb for a moment the relations of these two metals to each other, nothing but an act of God can destroy the use of both these metals among the nations of mankind." (Page 2346.)

Speaking of the German demonetization of silver, he said:

> "It at once begot a struggle for the possession of gold between all the great nations of the world, because everybody could see that if you demonetize $3,500,000,000 of silver coin and make $3,500,000,000 of gold coin the sole standard of the transactions of the world, * * * it would enormously add to the value of gold. * * * Therefore, what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of demonetizing the whole mass of this silver." (Page 2345.)

Mr. WHITE. I note that the Senator from Ohio [Mr. SHERMAN] is in his seat, and I presume the quotations from his previous utterances thus made by the Senator from New Hampshire [Mr. CHANDLER] are correct, otherwise he would protest.

I refer to this editorial, Mr. President, as a sample of many contributions published, not merely in the paper which is edited by the distinguished Senator from New Hampshire, but in journals of similar disposition throughout the United States. In the presence of most positive declarations, many well-meaning people were led to think that the Republican party really meant to do something for silver, whereas those of us who had looked the least bit beneath the surface knew that it was the design of that party to do that which they are seeking to bring about—precisely nothing.

The fact that the envoy antecedent or the early messenger above mentioned has been sent abroad is a confession that something must be done. Whether for the country or in aid of the redemption of party promises made with little anticipation of performance it is immaterial perhaps to inquire.

It is well to point out at this time that although there will be no opposition to the passage of this measure, although the fullest opportunity will be given to our friends to redeem their platform, and although we hope they may be successful, still with these weapons in their hands, with this act of Congress in their possession, they are doomed to certain failure. When they shall have recalled their envoy, and when this law shall have remained on the statute books unacted upon for months, perhaps some other device equally fitted to seduce the unwary will be presented.

We are now approaching the end of the present Administration, and when the Administration of Mr. McKinley assumes control he will find himself empowered by an act of Congress allowing the appointment of a commission. So there will be no excuse for delay—none whatever. The great obstacle to be encountered will be discovered in the lonesomeness of the commission. In its peregrinations about the world seeking for association it will be asked: "Why do you not do something yourselves? We have told you repeatedly that our interest is the other way, and we have told you repeatedly that because you are the borrowers of the world, you, of all peoples, are the persons primarily interested in bimetallism." Thus this commission will proceed companionless, without anything upon which to act, without potency to formulate a resolution, or to win acquiescence from a single king or subject, commissioner or diplomat—nay, without ability to obtain favorable consideration from any person or association of influence. As a matter of fact, the commission will not come home, for it will never go abroad. Indeed, it is exceedingly doubtful whether anyone will ever be appointed to fill the places created here unless it be that some substantial emolument is provided, and then possibly gentlemen may be found willing to accept the positions and to *think* sufficiently to earn their salaries.

Having so arranged that a commission may be appointed, the Republican party will feel that it has redeemed itself, and that its pledges have been performed. It will then proceed further to relieve the people by the addition of more taxes.

Mr. CANNON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause down to and including the word "conference" in line 12, and to insert in lieu thereof:

> **That within ninety days after the 4th day of March, 1897, the President of the United States shall invite the leading commercial nations of the world to appoint representatives to an international monetary conference to convene** on or before October 1, 1897, at such place in the city of Washington as the President may designate; and also, within said ninety days after the 4th day of March, 1897, the President shall appoint five commissioners to represent the United States at such conference, the duty of which United States commissioners shall be to urge the adoption by said conference of a plan for the free and unlimited coinage of silver and gold at some ratio ranging between 15 to 1 and 16 to 1, by the nations represented at such conference.

Mr. CANNON. Mr. President, the consideration of this question in the morning hour, and the importance of matters now pending as unfinished business, admonish me of the impropriety of entering into a discussion of the monetary question at this time, and so I shall confine my remarks entirely to the bill under consideration and the amendment proposed thereto.

The introduction of this bill by the eminent Senator from New Hampshire in behalf of the distinguished junior Senator from Colorado, supported, as is currently reported, by the unanimous Republican caucus, is a most gratifying assumption of responsibility in behalf of the party soon coming into control of the Government. Presented in this manner, a full discussion of the question involved in the bill and the passage of such a measure—either the one proposed or another of more positive character—can not seriously endanger existing confidence in the United States nor that prospective prosperity which has been predicted and for which 70,000,000 people are praying to God or fortune. The mere presentation of the pending bill to the Senate of the United States is a recognition by the party whose caucus supports it that a restoration of silver to its old place as a money metal is required by the world and by this country especially; for, without such requirement, the great Republican party, as represented in the Senate, would not consent to a resurrection of this question against the example and admonition of the so-called "most enlightened nations of the earth," nor would the junior Senator from Colorado, whose services in this body are always signal, have sacrificed his present duty here in order to act as a premonitory ambassador to Great Britain. But whatever may be the result of the discussion and action following the introduction of the silver question into the Senate of the United States, no charge can justly be laid to the advocates of free, unlimited, and independent coinage by the United States for any unrest or for any disaster which may accrue in business circles attendant upon the projection into the arena of debate and legislation of a question which the leading metropolitan journals and the financiers of this country declared on the 4th day of November to be settled for all time.

Knowing the ardent devotion extended to the cause of bimetallism by the senior Senator from New Hampshire and the junior Senator from Colorado, I am not disposed to admit that this bill is proposed in any mere perfunctory spirit or that there is a tinge of insincerity in the effort now being made in the Senate of the United States by one of those distinguished gentlemen to secure the passage of this bill and by the other to secure the cooperation of the Rothschilds and other friends of humanity in England. So confident am I that the endeavor has been entered upon with solemn purpose to achieve a substantial result that I shall vote for the pending measure in its present form if no more desirable phraseology can be procured for it by action of the Senate.

In order, however, to strengthen the hands of the incoming Administration, it seems desirable that the measure shall be so amended as to be crystallized into efficiency. If a criticism may be ventured by one who is not within the immediate confidence of the manipulators of this plan, it is that the proposed bill is entirely too nebulous. As the labors of international bimetallists in Congress and elsewhere who are to be connected with the great Administration which will assume control on the 4th day of next March are to be judged by their effect and not by their intention, when the people shall review the work of the ensuing four years, it would seem desirable to have such discussion of method, such precision of plan, and such mandate of action as is proposed by the amendment which I have offered to the bill of the Senator from New Hampshire and the Senator from Colorado. As the original measure presents itself to the Senate, it is lamentably weak in that it leaves the exalted statesman who will occupy the Presidential chair after the 4th of March in an attitude of discretion upon a question concerning which he has in most recent times preserved the silence of the seven sleepers combined.

Mr. President, I appeal to Senators who have accorded their preliminary favor to this bill as considered in caucus, and to all the members of this body who are pledged to promote international agreement for bimetallism with "the leading commercial nations of the earth," not to leave a question so important as this in such an attitude of indefiniteness as it would be if the original measure were to become a law without the proposed or a similar amendment. It is as well known as any other matter of current history that the vast weight of that influence through whose favor William McKinley was elected President of the United States will be permanently thrown into the scale to prevent any disturbance of the existing gold standard, "the standard of the most enlightened nations of the earth." It may be fairly inferred that any President, not entirely insensible to political obligations, would hesitate to offend the friends who contributed so lavishly of time and substance to secure, in fact, to procure, his election. The amendment, if adopted, will relieve Mr. McKinley, when he shall become President, of all responsibility on this point. His duty will be merely a fixed, defined, executive performance and not the exercise of discretionary authority. The original bill would place him between the devil and the deep sea, and no friend who witnessed his suffering of silence during the long campaign which was waged antecedent to the nominating conventions ought to be so inhumane as to provoke upon his sacred head a renewal of that excruciating torture after he shall have attained the summit of human desire. There is a belief in this country that the President-elect holds in the holy of holies of his conscience a conviction in behalf of bimetallism and a desire for its reestablishment in this country to uplift the mass of his fellow-citizens; and while it is not within my province to act as guardian of his hope and purpose, I am extremely desirous to make a way back to his old position, and to the expression of his earnest faith, as easy as it may be made by legislation.

In other respects than in the determination for an initiatory movement by the United States in behalf of bimetallism, this amendment would seem to be desirable. It provides a definite time at which the invitation shall be issued. In this respect it may merit the support of all earnest bimetallists. The people of the United States, by their votes during the past twenty-four years, have warned all parties that they are wearied of mere promise and pretense, and that they desire the prompt and efficient application of remedy to existing wrong. It was not against bimetallism that the people of the United States returned an alleged majority of the popular vote on the 3d day of last November. On the contrary, it was in fulfillment of that custom—now almost confirmed as a habit on the part of the American people—to change from one party to another with each recurring four years in order to secure some possible assistance through legislation and execution in their great fight against falling prices and the destruction of the little competencies achieved by the millions through the toil of years. Mr. President, the people of the United States have transferred their allegiance from one party to the other with each recurring national election ever since 1872. From that time until the present no one party has been twice in succession victorious at the polls. Such determined and startling revolution should admonish the party about to enter into power, and the Senatorial guardians of its fame and hope for perpetuity, that promptitude in the consideration of a reform now admitted by all to be a grave necessity must be the chief factor in the proceeding for that reform. Only 132,870 people of the United States on last election day voted for the platform and candidates avowedly determined to fasten irrevocably on the people of this country the single gold standard. The 6,451,913 citizens who voted for William J. Bryan declared for bimetallism by the only method which they believed would attain that splendid consummation. The 7,105,959 ballots counted for William McKinley were ostensibly, if not all really, for the promotion of an international agreement to secure bimetallism. With such overwhelming declaration to this great end it is not wise to leave the matter open to possible delay. The dates fixed in the proposed amendment are not too early. Three months are allowed to the President-elect in which to invite the cooperation of the leading commercial nations of the earth. The same period of time is allowed to him within which to make that judicious discrimination in the selection of men who will act for bimetallism and yet leave undisturbed the general confidence which will, immediately after the 4th of March, enfold the commercial interests of the United States as a hen gathereth her chickens under her wings. Four months' additional time is proposed for the assembling of the international conferees at a point to be designated by the President.

Mr. President, by the daily press, usually accurate in matters emanating from Europe, we are advised, repeatedly advised during the past five or six days, that the mission of the distinguished Senator from Colorado [Mr. WOLCOTT] abroad is an absolute failure so far as practical results are concerned. We are advised by dispatches through the Associated Press and other channels of current news to American journals that the people of England will not take the initiative in this matter. It is, therefore, incumbent upon us to act first, to extend the invitation. I fear that we might as well try to galvanize the mummy of the first Pharaoh into life as to procure bimetallism by international agreement if we shall wait upon Europe's action, as is proposed in the original measure now before the Senate.

The requirement of the proposed amendment that the conference shall be held at Washington is in behalf of a better comprehension by the people of the United States of the reasons which may be adduced for or against international agreement. On other occasions of this grave character, when our representatives have visited European cities in a fruitless endeavor to secure agreement or substantial concession in behalf of bimetallism, the mass of the people of the United States have been denied by circumstances the privilege of directly influencing and encouraging their representatives, and denied the opportunity of affecting by environment the commissioners of other countries participating in the conference, and denied that intimate knowledge of the progress of the discussion without which the proceedings and their results must necessarily be unsatisfactory to the taxpayers whose money has been repeatedly expended in this vain pursuit and the preservation of whose remaining welfare is jeopardized by international delay.

The proposed amendment goes even to the length of designating the extremes of ratio within which our commissioners shall seek to procure agreement. Nothing less than this equitable and legal restitution should be acceptable to a party of great moral ideas. The limits of ratio proposed by the amendment would permit agreement in accordance with the coinage of the civilized world. If it shall be contended that other nations, judged by the experience of past conferences, will not cooperate upon any such definite lines, it is sufficient answer to say that our commissioners should be authorized and instructed to proceed, and this whole endeavor should be based upon a determination to have justice or nothing. Nor is this the mere assertion of purpose to exclude other possible ratios and to foreclose any attempt in behalf of international agreement. Rather is the fixing of limits for the ratio in the interest of such agreement. It is the simplest proposition connected with this whole affair, that if the leading commercial nations of the earth shall join with the United States in a monetary conference without such predetermination of ratio the whole proceeding will be a mere airing of academic views, with possibly a little expansion of abstract theories, but with a bridgeless chasm intervening in the conference so soon as the question of ratio shall come under discussion. It is the safest of all predictions concerning this matter that unless conference can be had with the question of ratio predetermined the distinguished proponents of this bill in its present form might as well try to whistle down a whirlwind as to bring the conferees from other countries into accord on the question of "fixity of value," to use the language of the original bill.

Mr. President, I was greatly surprised when the distinguished senior Senator from New Hampshire offered this measure before the Senate to hear him assert, as if it were a merit for this bill and as if thereby reference to committee was made unnecessary and amendment undesirable, that this measure was in the exact language of the three previous acts of Congress providing for the representation of the United States at international conferences. Inasmuch as the three previous acts of Congress accomplished nothing but the expenditure of the people's money in a vain worship of foreign money gods, it would seem that the last recommendation which any advocate of the bill could offer in its behalf would be its similarity to, to say nothing of its exact reproduction of, the serious failures of the past. The statement of the Senator from New Hampshire is alone sufficient to demand the entire reconstruction of the proposed bill, if not upon the lines proposed by my amendment, at least to the same radical extent in language to be proposed by some other Senator.

Mr. President, it is permissible to express a grave doubt of the efficacy of this bill in procuring any substantial recognition by the leading commercial nations of the earth, notwithstanding the contributory efforts of the distinguished junior Senator from Colorado, whose visit to England as a friendly mediator reflects social glory upon his State and country. And it may be further permissible to express the conviction that dilettant dalliance with this question will bring condign rebuke from the American people at the next election, notwithstanding any intervening legislation which may be had in behalf of protective tariff.

Mr. President, except that no further blow can be struck at silver, I would not vote for this proposed international conference. When the United States began its genuflection before the thrones of foreign finance, this country was adding $2,000,000 every month of substantial money to the business of the people. Our progress in the money question since that time has all been evil, and today, on the eve of a mighty multiplication of commercial demands as proposed by the party coming to power, we are practically adding nothing to the money with which business shall be performed. But as no further injury can be done, I, for one, am willing to consent to another experiment, in the hope that if it shall fail, the Senators who by the proposal and support of this bill admit all the wrong of the single gold standard will consent that such wrong shall be remedied by the only means adequate to the end, namely, the unrestricted and independent coinage of gold and silver by the United States.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL. Mr. President——

Mr. CHANDLER. If the Senator from Virginia will allow me, if the bill in reference to an international conference can be——

Mr. DANIEL. I have not yielded the floor. I was recognized.

The PRESIDING OFFICER. The Senator from Virginia was recognized. Does he yield to the Senator from New Hampshire?

Mr. CHANDLER. I ask the Senator to allow me to say a word.

Mr. DANIEL. I will yield with pleasure if the Senator will allow me first briefly to make a statement. I would gladly yield to the Senator to make his statement and I would show him the courtesy of yielding the floor entirely toward a measure of which he is so ardent a champion, but I have engagements which will prevent me from making the few remarks which I desire to submit upon the unfinished business unless I avail myself of this opportunity.

Mr. CHANDLER. Now, will the Senator from Virginia allow me a word?

Mr. DANIEL. Certainly.

Mr. CHANDLER. I did not intend to ask the Senator to postpone his remarks unless I could ascertain that there could be a vote upon the bill without further debate. If there is no further debate to take place upon the bill, I will ask that it may be voted upon at this time, in which case it will not delay the Senator from Virginia. I ask unanimous consent that the bill may be voted upon at this time.

Mr. VILAS. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the bill which has been under consideration be voted on.

Mr. CHANDLER. In view of information just given me as to the desire of Senators, I will not ask that the unfinished business be laid aside, but I give notice that I shall press the bill at any convenient time while the Nicaragua bill is under consideration—this afternoon if there is an opportunity, after Senators have spoken, and at all events after the routine business to-morrow morning.

Mr. STEWART. Will the Senator from Virginia allow me to give notice of an amendment which I will press at the proper time? I should like to have it read; it is short.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. DANIEL. Certainly.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert the following as an additional section:

SEC. 2. That in case the international conference shall be held as contemplated by this act, and such conference shall fail to agree upon a system of international bimetallism, one month after the adjournment of such conference it shall be the duty of the Secretary of the Treasury to coin all gold and silver brought to the mints for the benefit of the depositors into standard silver dollars and such gold coin as are now provided by law.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL. The Senator from Alabama desires, before I proceed with any remarks, to make a statement, and I will gladly yield to him for that purpose, if it does not interfere with my taking the floor.

Mr. MORGAN. I have an amendment to offer to the bill, which I ask may be read at the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add as an additional section:

SEC. —. That of the one hundred million of capital herein provided for at least 5 per cent shall be reserved for Central American Governments and citizens that may desire to subscribe for the same within a time fixed by the Maritime Canal Company of Nicaragua.

That there shall be delivered to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act as they or either of them are entitled to receive by virtue of the concessions now existing from such States, or either of them, to said Maritime Canal Company of Nicaragua.

Nothing in this act contained shall be construed as empowering the Maritime Canal Company of Nicaragua to accept any rights or privileges or to do any act or thing inconsistent with the terms of the concessions made to it by the Nicaraguan Government or the Government of Costa Rica.

Mr. MORGAN. I now present a paper, a duplicate of which is on file in the office of the Secretary of State, from the president of the Maritime Canal Company, and I ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

THE MARITIME CANAL COMPANY OF NICARAGUA,
New York, January 25, 1897.

DEAR SIR: My attention has been called to the CONGRESSIONAL RECORD of January 22 containing a copy of a letter addressed by the minister of the Greater Republic of Central America at Washington to you, and transmitted by you to the Senate, in which the minister reflects upon the Maritime Canal Company of Nicaragua, a company chartered by the United States, and which company, in compliance with a provision of said charter, reports annually its transactions to the Government of the United States, through the Department of the Interior, and which holds concessions from the Governments of Nicaragua and Costa Rica, under which the construction of the Nicaragua Canal has been commenced and is to be completed.

It therefore becomes my duty to briefly call your attention to some of the statements contained in the minister's letter, and to note some omissions. Referring to certain bills before the Congress of the United States, he says that "the bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans;" and adds, "this provision likewise conduces to the forfeiture of the contract." But he omits to inform you that the final surveys and the location of the line of the canal were made and concluded by a commission of engineers, in strict conformity with Article XLVII of the concession, and were formally accepted by the Government of Nicaragua on the 8th day of October, 1889.

He quotes from Article IX of the concession, "the people of all nations shall be invited to contribute the necessary capital to the enterprise," but omits the remainder of the sentence, namely, "and it shall be sufficient for the fulfilment of this requirement to publish an advertisement for thirty consecutive days in one of the principal daily papers of each of the cities, New York, London, and Paris." He quotes further, "there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe," but he omits to inform you that soon after its organization the company fully performed all these conditions of Article IX in the manner required therein.

Referring to the 6 per cent of shares that the concession obligates the company to issue to Nicaragua, the minister says the "company has not fulfilled its obligations." The fact is that the company issued this stock to Nicaragua on the 31st day of October, 1880, and notified that Government that the certificate was at its disposal, but the Government has not yet appointed an agent to receive the same as provided in Article L of the concession.

The minister states that the company has failed to meet its obligations to construct the Tipitapa Canal under the terms of Article XIV of the concession. As to this I will say that the surveys for the canal as described in Article XIV were made, and then the Government of Nicaragua asked for a deeper canal than the concessions provided for. Before a resurvey was completed a desire was expressed for a still deeper canal. Pending negotiations on this subject, and notwithstanding the fact that the Government had failed to place at the disposal of the company the lands required for the line of the canal, the Government issued a notice to the effect that it considered the canal concession forfeited. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever of forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. Whether the Tipitapa Canal will be constructed and of what dimensions, or whether compensation will be made in lieu thereof are matters still under negotiation, and any differences that may arise in the consideration thereof are not causes of forfeiture, but are to be settled by arbitration under Article LV of the concession.

While the honorable minister may not have intended any injustice to the company by his letter, yet he must be supposed to have made a careful study of the canal question, the concessions and the operations under them, and if so, his letter seems inexplicable.

It would appear from his letter that a contemplation of possible Congressional action in amending the charter of the Maritime Canal Company has interposed itself between him and the true relations existing between the Government of Nicaragua and Costa Rica and this company under the concessions.

In this connection it is pertinent to say that in an interview with the honorable minister since his arrival from Central America I alluded to the bills before Congress and stated to him in substance that they were generally believed to be the result of a strong desire on the part of the Congress to hasten the construction of this vitally important connection of the coast lines of this continent; and I added that whatever the outcome might be, the Maritime Canal Company could accept of no measure that would be unjust to the powers from whom it received the concessions.

This letter of the minister is an attack upon the integrity of the Maritime Canal Company and its concessions, and on behalf of that company I ask the protection and aid of the Government of the United States in the defense and maintenance of its concessionary rights and its property.

Very respectfully,

HIRAM HITCHCOCK,
President of the Maritime Canal Company of Nicaragua.

Hon. RICHARD OLNEY,
Secretary of State.

Mr. MORGAN. Last Saturday morning the Senate passed a resolution calling for all the correspondence between this Government and the Government of Nicaragua on the subject of the canal. Several letters have passed. I find, however, in Executive Document No. 20, of the Fifty-third Congress, third session, a correspondence which took place between Mr. Baker and Mr. Gresham, and which was printed with the message of the President upon another subject.

In support of Mr. Hitchcock's statement, made in the communication to the Secretary of State, I will read a letter from Mr. Baker, our minister in Nicaragua, and then, following that, one from Daniel Macauley, agent of the Maritime Canal Company of Nicaragua, premising, however, that the concession required the Maritime Canal Company to keep constantly resident in Nicaragua an agent of that company to communicate with them in behalf of the company in respect of all business. That is how it was that Gen. Daniel Macauley was there as the agent of the company. We have always kept one there, and have one there now. Mr. Baker writes to Mr. Gresham as follows:

LEGATION OF THE UNITED STATES,
Managua, June 5, 1894—

After one of the attempts at forfeiture had taken place upon the part of the Government of Nicaragua. The letter was received July 3, 1894, at this capital—

SIR: On Sunday, the 3d instant, I received your further cable instructions in regard to the Nicaraguan interoceanic canal, and on Monday morning I made an early call upon Mr. José Madriz, the minister for foreign affairs of this Government. There were present Mr. Román Mayorga Rivas, the subsecretary, and Gen. Daniel Macauley. Mr. Madriz had been out of the city for a

week, and General Macauley's letter addressed to the Government, a copy of which I here inclose, had just been referred to him for report. The minister informed us that he would take up the matter at once, and would very soon make a written report thereon to the President and cabinet.

A few minutes before leaving the legation I received from Capt. J. C. Watson, commander of the U. S. S. *San Francisco*, then at Colon, a cable message informing me that he had received copies of instructions sent to me from Washington, dated the 12th and 24th of May, concerning the Argüello case, and that he was ready to assist with all his force. Unfortunately my latest Washington dates by mail were May 1, therefore I was in the dark as to the instructions referred to; but I assumed, for my purpose with this Government on this occasion, that they were something pretty perpendicular, containing a genuine American ring. Remarking upon Captain Watson's cable and the supposed tenor of my instructions referred to, I said that it was to be deeply regretted that the recent course of Nicaragua toward Americans and American interests, both in the matter of the canal and in affairs at Bluefields and Rama, was of such a nature as to make a most serious impression at Washington of the apparent unfriendliness of this administration toward the United States, a great Government which is and desires to continue to be a sincere friend to Nicaragua.

You express to me, Mr. Minister, your friendship for the United States, and the President does the same, and then you jump on us with both feet and spit in our faces. Your action in the canal matter has advertised to all the civilized world your own lack of good faith and your indisposition to protect the capital that would come here and develop your naturally splendid country. Nothing is so sensitive as credit; not even capital is so timid, for credit—good faith—must go before capital. This is the rock upon which capital builds. Your notice of the forfeiture of the canal concession, even though it be upon a frivolous ground and one not warranted and not founded in law, not only destroys the credit of the Interoceanic Canal Company, but it is the most ghastly stab under the fifth rib of the credit of your own Government which could be inflicted by the keenest Damascus blade.

"Your Government will, I am sure, Mr. Minister, withdraw the offensive notice of forfeiture; but every hour's delay is dangerous. I feel authorized to say to you that President Cleveland, his Cabinet ministers, and the Senatorial Committee on Foreign Affairs are all awaiting with deep concern the early and further action of the Nicaraguan Government in both the canal and the pending troubles at Bluefields. This is evidenced by the presence of two powerful war steamers on your eastern coast. You must admit, Mr. Minister, when you reflect candidly, that the United States has been most forbearing and patient with your Government, and that their action toward you has been in marked contrast with the brusque manner in which some of your other good neighbors have dealt with you. I hope it is not true that you have failed to appreciate this kindly spirit, that you have misconstrued it, and that therefore you have ventured to treat us with a measure of contempt which is usually only accorded to an adversary who is sadly lacking in spirit. I am sure you could not have held this view, albeit your actions might be so construed."

General Macauley then presented the case of the canal company to the minister in brief terms, and we withdrew.

I have, etc.,

LEWIS BAKER.

Here is the inclosure from General Macauley:

General Macauley to the Minister of Foreign Affairs.

HOTEL SUPONE, *Managua, Nicaragua, May 30, 1894.*

The Honorable EL MINISTRO DE FOMENTO, *Presente:*

In behalf of the Maritime Canal Company of Nicaragua, which holds your concession to construct the Interoceanic Canal, I have the honor to present to you the following facts:

Article XIV of the concession provides, in brief, that within three years from commencement of the work upon the Interoceanic Canal (October 8, 1889) the company shall construct the Tipitapa Canal.

For many reasons—some of them certainly not the fault of the company—the Tipitapa Canal has not been finished within the specified time.

On the 25th of April, 1894, the president of the Maritime Canal Company received in New York from Minister Horacio Guzman a copy of a letter addressed on April 2 or 7, 1894, by Minister Gamez to the "Agent of the Interoceanic Canal Company" in "Granada," reading as follows:

I will stop to remark parenthetically that there is no such canal company; there is no such agent; and this matter was interposed by that administration in Nicaragua simply for delay.

NATIONAL PALACE, *Managua, April 7, 1894.*

To the Agent of the Interoceanic Canal Company, Granada:

In amplification of my communication of the 29th of September last, I have the honor of stating to you that the representative of Nicaragua in Washington, Dr. Horacio Guzman, has not carried into effect up to this date the instructions given him to sue the Interoceanic Canal Company in the courts of the United States for its failure to construct a canal on the Tipitapa River, as it agreed to do under Article XIV of the contract entered into with this office on the 23d of March, 1887, because he did not want to render worse the sad condition of the company, which it was desired to help, hoping that it might rise from its present prostration; but the Government of Nicaragua, being now convinced that the rights of Nicaragua may be injured by a continuation of such a condition of affairs, and being convinced that the said contract has already been forfeited by default in compliance with one of its principal stipulations, believes that it is the Government's duty to avail itself of Article LV of the said contract in order that a court of arbitration may decide about the point in dispute.

My Government, as I have before stated, declares as terminated the aforesaid contract, and protests that only for the purpose of adjusting itself to the provisions of the said contract it submits this point to the decision of arbitrators.

Therefore it appoints as arbitrators on the part of the Republic the lawyers Messrs. Buenaventura Selva and Angustin Duarte, and in case of the failure of any of them not acting, and any impediment that may arise from this time to the date on which the court may assemble, the lawyers Messrs. Modesto Barlos and J. Francisco Aguita will act in the order in which they are named.

I hope you will please acknowledge receipt of this present communication, because from this date will commence to run the four months that said contract grants to the company for the appointment of arbitrators on its part.

I am, etc.,

JOSÉ D. GAMEZ.

General Macauley proceeds:

The letter of September 29, 1893, to which the above letter refers, has not yet been received by our company, nor have we any knowledge of its contents, and Minister Gamez's letter above copied had lost nearly one month before we received even a copy—the original not having yet reached us.

And now, sir, in the most respectful and amicable manner, permit me to suggest that whatever may have been the fault of our company in the noncompletion of the Tipitapa Canal, the remedy sought to be applied by Minister Gamez is not feasible, has no existence in the concession itself, and I am certain will be pronounced by your friendly and honorable Government as untenable and to be withdrawn and canceled without delay.

Article LIII of the concession contains the five distinct and only grounds of forfeiture of this concession, not one of them being in default and not one of them bearing any relation to Article XIV or to the construction of the Tipitapa Canal.

That the concession may contain many agreements and stipulations upon breach of which action or claim might rest, including Article XIV, is perhaps true; but, as said above, there are only five permitting the extreme penalty of forfeiture, and they are clearly and unmistakably set forth in Article LIII.

I purposely refrain from complicating this single, solitary question with any other in any form, omitting all argument, counterchange, or discussion of any other point as tending to direct attention—

It is printed "to direct attention," but it ought to be "to divert attention"—

from the remarkable sentence thus passed upon our company and its great work. I have full faith that your Government, in consideration of its friendly neighbor, the United States (whose good will and confidence our company also enjoys), will promptly remove this surprising obstruction, and permit us to go forward to thorough and rapid success upon the conditions of the concession as they actually exist.

We do not ask or suggest that you waive or abandon any right falling to you under the articles of the concession. We are ready, separately from the question of this attempted forfeiture, to consider in good faith and act upon any claim you may wish to present, whether under Article XIV or any other, but we sincerely and respectfully protest that your sentence of forfeiture, where no forfeiture can lie, gravely damages our progress and tends in many ways to retard the prosperity of your own country, for whose fame and happiness you would gladly do so much.

I conclude by giving you the most profound assurances that all clouds, except this one, are dispelled from the company's horizon, and that the construction of the Nicaragua Canal now, without delay, is an absolute certainty.

But primarily we must be released as quickly as possible from the shadow of the mistaken conditions of the letter above referred to, and to that end I submit the petition to your Government.

Pardon me if I modestly suggest, in conclusion, that a company which has paid you $150,000 in gold and has expended over $3,000,000 under your concession might well invoke your kindly forbearance and its continuance under more serious faults than yet appear against us in Nicaragua.

Urging upon you that the emergency calls for your promptest action, I am, etc.,

DANIEL MACAULEY,
Agent of the Maritime Canal Company of Nicaragua.

Mr. President, that is a fair and clear presentation of the answer to one of the leading objections which was submitted the other day by the minister of the Greater Republic of Central America. Mr. Hitchcock has answered other objections in his letter to Mr. Olney, which is now in the possession of the Senate.

I have read these two statements, the letter from Mr. Baker and the letter from General Macauley for the purpose of showing the absolute verity of Mr. Hitchcock in his statement made in the paper which has just been read, which, I suppose, however, no one will venture to question anyhow upon his simple statement.

I will make no observations upon this situation further than to say that I think it is very lamentable that after the Government of Nicaragua, under the protestation from our own Government, has withdrawn the very objection that is urged here and has caused Nicaragua to recall the statement of this minister that the charter had been forfeited—I think that these facts ought to convince the Senate of the United States that we had better be a little careful in the investigation of these matters for fear we may do some very serious injustice to our own people.

Mr. DANIEL. Mr. President, it is very painful for me to interrupt the penitential effort of our bimetallic friends, so called, to get through a bill or resolution to assist them in the restoration of that great American system of finance which they have been so successful in pulling down. The precipitous haste with which their envoy extraordinary, if not minister plenipotentiary, proceeded to lay their petition before the British throne is pathetic and touching. It commands my sympathy. I dislike also to put any impediment, even for a few brief moments, in the way of that great crusade which has been announced by the Senator from New Hampshire [Mr. CHANDLER], and at the head of which it is said the distinguished Senator from Ohio [Mr. SHERMAN] is to ride, in restoration of that great system which has been so successfully assailed, if not yet quite completely destroyed. The picture of the great Republican party and the great republican people of America roaring "as gently as any sucking dove" through the haunts of Lombard street and seeking interviews with the magnates of European finance with the piteous wail that mayhap the American people, sometimes "headstrong and violent," may take this question in their own hands unless some dole of concession is given them, is an impressive picture which should be put in the Rotunda of the Capitol before its embellishments are finished. There are some striking contrasts which would make that picture an interesting one to the lover of art and to the student of color. Side by side with this unique and engaging feature thereof we should perceive the Congress of the United States passing an immigration bill to rescue our country from the flood of fugitives from Europe who are seeking to escape the great prosperity which the gold standard has brought to their countries! At the same time we would see the avant-courier of the incoming Administration in their committee rooms making haste to prepare a bill to protect American labor from the pauper labor of those countries which are now enjoying in full vigor the system which they are seeking to give root to and establish here.

Painful as it is to me, Mr. President, to interrupt this proceeding of the dilettante bimetallists who are still talking about silver as a sort of aftermath to their golden victory, we have before us upon our Calendar certain bills which come in suggestive contiguity and competition with each other. The first is that resolution, tentative, or pretendedly tentative, of something or other to be done at some day or other toward a restoration of our financial system.

In the next place, there is a bill to allow the wrecks of fortunes—the millions of bankrupts who have been enjoying the prosperity that followed the Sherman law repeal of 1893—to relieve themselves of their present bondage. Right amidst these proceedings there is a measure, favored by many of those who are soon to preside over our bankrupt Treasury, to give away $100,000,000 of American money, without any provision being made as to where that money is to come from, and with nothing done, nothing shaped, nothing proposed to restore the confused, prostrate, and disgraceful so-called financial system under which the people are attempting to live. It can not be said, at least, that this country is not generous. Here is a bill that embodies the greatest subsidy that this nation has ever offered to any scheme, to bind itself up for thirty years with $100,000,000 of increase of the public debt.

Mr. President, is this country to go along forever in this makeshift fashion? Are we to have no head to our financial committees, and no direction to our financial affairs? Are we to drift along like some ne'er-do-well who never grasps all of any problem, who never proposes any comprehensive scheme, but who deals with everything as it comes along, borrowing without making provision to pay, levying taxes without providing the means wherewithal the people can pay them, donating with generous hand to any good fellow who pats him on the back, and making no provision for the care and support of the family at home?

I am opposed, Mr. President, to this bill. I think the bill has been killed. I think if this measure were a matter to be affected by natural causations; if it could be reached by the analyses and the arguments which are made about it, it would have been killed by the masterly speech of the Senator from Indiana [Mr. TURPIE]. Indeed, I think the Senator from Indiana has killed it. I think the minister from the Greater Republic of Central America has exposed its corpse in the public morgue. But, though logically speaking it ought to be dead, and though logically speaking it is dead, it yet refuses to manifest those signs of death which generally follow dissolution, and I wish to address myself simply to a few points concerning it, in the hope that I may convince anyone who is hesitant about it that it is dead.

As the matter stands to-day before the Senate, it has been impaneled as a jury and is here sitting to-day to decide questions of law and questions of fact upon the issues which the distinguished Senator from Alabama [Mr. MORGAN] is making up from time to time between the minister from the Greater Republic of Central America and the corporation known as the Maritime Canal Company of Nicaragua.

The Senator from Alabama is generally a good pleader, but in making up these issues, it seems to me, he has overlooked some of the forms which the pleader usually follows. He tells us, to begin with, as to this protest from Minister Rodriguez which has been laid upon our tables and presented to the Senate in the most decorous and respectful form as a communication from a foreign state—he tells us that this minister is not much of a minister after all; that he does not come from much of a country anyway; that he was just bowed into the diplomatic corps by the President of the United States, and is altogether too fresh in arriving at the American capital to be entertained in the presentation of his communication. I demur to that statement. The President, in his message to Congress in December last, and in the discharge of his duty to communicate to Congress the state of the Union, informed us that by a treaty concluded in June, 1895, and lately ratified in exchange, the Republics of Honduras, Nicaragua, and Salvador, adopting the name of the Greater Republic of Central America, have undertaken to merge their common interests, so far as their relations with foreign powers are concerned, and to put them in charge of a diet, consisting of three persons, one to be designated by each of the constituent States.

There was formal information to Congress, now two months old. The minister of the Central American Republic has since appeared and has been recognized by that authority of our Government which has invariably recognized ambassadors and ministers and other foreign representatives, and which has specific power under the Constitution to receive them. Therefore there is nothing in the title of this minister, as there is nothing in his attitude toward this Government, to call for invidious remarks of any kind. His communication is couched in most polite and courteous language, and it should be received with that respect which is due to the representative of a sovereign state.

In the second place, the distinguished Senator from Alabama makes a charge that England is behind this minister; that Great Britain has set him up and inspired and instigated him to make this communication. The Senator does not vouchsafe to us any evidence on this subject, and therefore I can not demur to it, but I can demur to the declaration. The question here is not who has influenced, instigated, prompted, aided, or abetted the foreign minister in making the communication; the question is whether or not the contents of the communication are worthy of recognition and notice.

I would oppose this bill, Mr. President, I frankly state, whether that communication of Minister Rodriguez had been made or no. But the communication has been made; it has been to some extent answered by communications which have just been laid before the Senate by the Senator from Alabama. He has raised an issue between the minister and the Canal Company of Nicaragua by these communications.

We are claiming rights here under a treaty, or rather contract of cession with Nicaragua, and it is provided in that document exactly how such issues are to be determined. I read the fifty-fifth article of this treaty, or, more properly speaking, contract between the Republic of Nicaragua and the Maritime Canal Company. It is not a treaty or contract between the United States and Nicaragua, but it is between Nicaragua and the Maritime Canal Company as represented by Mr. Menocal—a cession of which we under this bill are to become the practical proprietor and assignee. Article LV of that cession reads as follows:

> Any misunderstanding that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators composed of four members, two of which shall be appointed by the State and two by the company.
>
> These arbitrators shall be designated by each of the parties within the period of four months from the day on which one of the contracting parties shall have informed the other in writing of the want of agreement on the point at issue. Should one of the parties allow the aforesaid term to pass, it shall be considered as assenting to the opinion or claim of the other.

Mr. TURPIE. I suggest that a quorum of the Senate is not present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Brice,
Burrows,
Caffery,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Gorman,
Gray,
Hawley,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, I was pointing out that there is a clause in the cession from Nicaragua to the Maritime Canal Company which provides for just the condition that is presented by the pleadings made up or attempted to be made up in the Senate between the minister of the Greater Republic of Central America and the canal company. I find a similar provision in the cession of the State of Costa Rica. It seems that we are soon to have universal peace. Here is a foretaste of it. In the report made by the Committee on Foreign Relations is printed the document to which I refer (page 121 of the report of Mr. SHERMAN, Fifty-second Congress, second session, Report No. 1142), showing that these parties have solemnly agreed with each other that, in the event of a misunderstanding between the State of Nicaragua and the company in regard to the interpretation of the stipulations made, it shall be submitted to a board of arbitrators composed of four members, two to be appointed by Nicaragua and two by the company. There is provision also that the arbitration shall take place after four months' notice has been given of the misunderstanding.

The company, if I correctly understood the communication which was read at the instance of the Senator from Alabama, has taken formal, public, official notice of this misunderstanding and has filed its answer in the Senate, setting up its counterview of the subject. There, then, is precisely the case which this concession contemplated, and so far as the debate in the Senate is concerned, it seems to me, sir, it is "aliunde." Had there been no provision of this kind, it could not have been fitting for the United States of America to proceed in advance of some decision to be obtained by diplomatic negotiation that settled the controversy which had been excited by the communication of that minister. But here is a formal, legal, authentic provision made for its settlement. How is it possible that the Senate of the United States, in view of such an existing state of facts, can persist, to the prejudice of a litigation which has appeared in their presence, to ignore the formal and agreed methods of settlement and to make themselves the self-constituted judges?

Were we to embark, Mr. President, upon this enterprise in the present status of affairs, it is quite evident to my mind that we would embark upon a sea of trouble. Up to the period when the President of the United States under the authority of Congress appointed Colonel Ludlow and Messrs. Endicott and Noble as a board of engineers to survey this route, there had never been by anybody, as they themselves state, a survey of the entire line. We have that report before us, and those representatives of the United States who at great public expense were sent to view the site of this enterprise state that they were the first who ever went over the entire line upon which we propose to build a great canal and to initiate the enterprise with a bonus of $100,000,000. This, at least, is Colonel Ludlow's statement, to be found in Senator MORGAN's report from the select committee of last session, page 169.

These three engineers spent thirty-four days in traversing most difficult and almost inaccessible country, in riding over mountains, in penetrating swamps, and in hunting about on the banks of declivitous rivers, and at the end of that necessarily imperfect survey they discover that anterior surveys were perfectly unreliable. They show that the estimates of anterior surveys can not be banked on; and I will read just a brief paragraph from the report of Colonel Ludlow, to be found on page 138 of Senate Document No. 315, Fifty-fourth Congress, first session. He is asked the question, in a hearing before one of the committees of Congress, if he feels certain that the canal can be built within $125,000,000. He replies:

> I do not believe it can.
>
> Mr. PATTERSON. Within $150,000,000?
>
> Colonel LUDLOW. Yes, we think so; as nearly as we can form an approximate judgment, we think so. I think my colleagues think so. We make a provisional estimate, if you like, of $133,000,000 or $134,000,000.
>
> Mr. PATTERSON. I think that is the amount.
>
> Colonel LUDLOW. It is named in our report and we do state our opinion that the canal, not necessarily according exactly to the company's prices, etc., but that a canal can be built within that estimate—

Meaning $133,000,000—

> which is a very conservative estimate. I wish we had made it $150,000,000, as I would feel more satisfied in my mind.

We are starting to build the canal for $100,000,000. The company says that is an abundance. Colonel Ludlow and two engineers, who spent thirty-four days in traversing this difficult country, 170 miles in length, think possibly it may be built for $131,000,000, but they wish they had said $150,000,000. In short, Mr. President, this is mere guesswork. It is the merest speculation on a sort of bird's-eye view of this grave, important, and momentous subject. It is evident that, vast as is the amount with which we propose to subsidize the canal company, $100,000,000 is a mere keen entering wedge to future great appropriations; and where they would end or to what financial embarrassment and trouble and loss they might lead us, there is no mortal who can tell us. We are embarking, if we pass this bill, upon a shoreless sea.

The report of the committee of the other House, if I may allude to that document, only confirms this view of the matter. If Senators will turn to the report made by the committee of the House of Representatives, they will find that the committee speak of the appropriation, the subsidy of $100,000,000, as by no means certain to accomplish the result in view. They themselves look upon it as a tentative contribution of the United States toward this end. They say that although it may cost much more—I am not repeating their exact words, but quoting them from memory of their meaning—the United States ought to go ahead, anyway.

There is a deep-seated public feeling in some sections of the United States, and a very pervasive feeling existing in some degree, that this Republic ought, if it can, to control the Nicaraguan Canal and ought to build it. While some seem to think that this is a conclusive view of the matter, it is not a conclusion which is without great dissent. Whether or not the benefits will be realized to this country which some optimistic gentlemen foresee in this canal, is a very doubtful question. Whether or not trade to a large degree will be diverted from the great Central States of the American Union and the seaboard cities—trade which now uses our great transcontinental railway lines and furnishes enormous freights from the West to St. Louis, Chicago, and to New York, and to our Eastern seaport cities—whether or not the Nicaraguan Canal will not greatly detract from that trade and more or less injure the interior and the seaboard terminals, is a great and serious problem of commerce upon which I do not feel myself competent at this juncture to offer an opinion to the Senate.

But I do perceive that that problem exists. I do perceive that there are two sides to that question. I do perceive that those who are imagining that there will be great relief to them and great benefit to them from the construction of the canal take the chance, at least, of suffering great disappointment. It is the opinion of some who have studied problems of this kind, who have mastered the statistics that belong to it, who have spent years of their lives in studying the courses of trade and commerce, that the canal would work disadvantage to sections represented by many of those who are most ardently seeking to see that it is constructed. I simply suggest this question, hoping that before the measure is finally passed upon, whether at this or another session, that particular point may be made the focus of full debate in the Senate, so that we may view it from all standpoints and weigh as well as we can what may be the possible outcome of this measure.

Mr. President, I shall address myself as briefly as possible now, for I have no idea of making or attempting to make any comprehensive review of this subject, to some of the objections which have been urged to this bill by the distinguished minister of the Greater Republic of Central America. I have taken his communication and endeavored to analyze it and dissect it. I have endeavored to compare his objections to the provisions with the various provisions of the contract under which the Maritime Company traces its corporate rights—the contract under which the United States would become under this bill, to all purposes except a few labels and a little varnish, the actual assignee and successor of the Maritime Company, which will, indeed, preserve a sort of ghostlike existence, but will be superseded in all powers by the United States.

The first objection of the minister of the Greater Republic of Central America to the bill and to other cognate bills which have been from time to time introduced is this:

> All these bills—

Says he—

> take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.
>
> Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.
>
> That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

I turn to that contract to verify what the minister has so tersely stated, but before reading these provisions let me call attention to the extraordinary attitude in which we would place ourselves by the passage of the pending bill. It is by this bill that the United States proposes to become the owner of 70 per cent of the stock in the Maritime Canal Company of Nicaragua. It is by this bill that it proposes to assume complete control over that work, appointing eight directors out of eleven, superseding all other authorities, assuming mastership. If this bill should pass, we may forfeit the right to do the very thing which it undertakes to do, because by this very bill, which is devised upon its face to construct the canal, this company itself agrees that a violation of Article VIII shall work a forfeiture. And it is that question which is thus raised before the Senate by the minister from the Greater Republic of Central America, upon which, I understand, the Senator from Alabama and the representatives of the company join issue. The issue, then, is not only one that concerns the proprieties, the delicacies, the precedents, and the observances of international communication. The question is not one which simply concerns the dignity of the Senate, the dignity of the nation, the dignity of international intercourse between sovereign States. The question is one which goes to the right of the Senate to pass the bill. It is a plea in bar of this procedure, and that plea has selected the tribunal for its decision in the very paper which accords to the one the right to raise the question in the case, and to the other the right to join issue upon it.

The contract and the judge of the contract are constituted by the same document, and the interpretation of that document made by the sovereign State of Nicaragua, which is a party thereto, is that the passage of the pending bill destroys and forfeits the rights under the contract. So I say the issue is vital, and goes to the right of the Senate and of the American Congress to pass the bill.

Evidently, Mr. President, under such a state of facts the appropriate thing to do is to submit to that arbitrament and to wait and get the decision.

There is such a thing in the law known as "election," and it ramifies through all equitable and runs into legal jurisprudence. The fundamental principle of the law of election is that no man can dispute the title under which he claims nor make with respect thereto any contradictory or inconsistent claim.

Now, observe the singular and the most embarrassing attitude in which the Senate and the country would be placed if we were to persevere in the passage of the pending bill, claiming rights under this contract. Here is a contract produced in the Senate, and under the terms of that contract it is claimed that the United States has thus the right to contribute the money, to subscribe to the stock, to name the directors, and assume charge of the Nicaragua Canal; and in that very contract is a provision that if the Maritime Company, under which we claim, and the grantor, the sovereign State of Nicaragua, shall come to a misunderstanding about its interpretation, then a board of arbitrators is to be appointed. Now, if we persist, how, in any fair forum, how, at the bar of law or at the bar of equity, can we proffer a contract and claim under it and at the same time say that we will ignore its provisions?

I turn now, Mr. President, to Article VIII; it is the article referred to by the minister, and I seek to verify the correctness of his citation of that article. It will be found on page 111 of the report made by Mr. SHERMAN December 22, 1892:

ARTICLE VIII.

> The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association—

And mark the following:

> and in no case to governments or to foreign public powers. Nor shall the company cede to any foreign government any part of the lands granted to it by this contract; but it may make transfers to private parties under the same restriction.
>
> The Republic of Nicaragua can not transfer its rights or shares by selling them to any government.

Mr. President, this reads to me like very plain language; and the object, intent, and purpose of the language is just as plain as the language itself. We need only to read the words to have our minds contemplate and comprehend their purview. It was the object of Nicaragua in using that language, the plain object, to forestall foreign governments and public powers from possessing themselves of this canal or the control of this canal. That was its object, and it compassed that object in the natural terminology which legal phrase would employ, and it emphasized that language: "In no case" shall the present concession be transferable "to governments or to foreign public powers."

Mr. President, look at this bill. Whatever name it may call itself, however it may try to whip the devil around the stump, it is the plain intent and purpose of the bill, it is the avowed purpose of the bill, it is the open, acknowledged, and recognized purpose of the bill, to transfer this canal and this concession to the Government of the United States in as plain, palpable repudiation of the contract between the Government and the canal company as it is possible for the human mind to invent.

Why, sir, there is nothing in the bill but the United States, except a few splinters, fragments, spicula, fringes, and trimmings. The United States is to get the cession, too, for a consideration; it is a matter of barter and sale. The stock, when we come to look at the bill and read its provisions, is to be $100,000,000. They had just as well made it $1,000,000,000 or $100,000,000,000. It is a mere matter of figures—the scratch of a pen and a few naughts will make them. There is nothing in the stock except what it is proposed by the bill to put in it. I do not mean nothing absolutely, but speaking in the language of the law, de minimis non curat lex: and there is nothing else but a few chips and whetstones—practically nothing.

Mr. President, if all the water in the stock to be created by the United States by this bill and evolved out of its inner consciousness of the magnificence of things were poured upon that line where the Nicaragua Canal is projected—the water squeezed out of the stock would float the navies of the world, and there would be no necessity for digging. As to the $70,000,000 of this stock, it is to be given to the United States in consideration of its bonus, grant, guaranty, whatever you please to call it. They are to be the paymaster out of our taxpayers, in the end, of this guaranty of $100,000,000. They are to pay 100 per cent in dollars for 70 per cent of nothingness.

So, under a contract from which we are to deduce the right to build the canal, and under a contract which provides that in no case shall the cession be transferable to any foreign government or public power, we are to accept a transfer of 70 per cent.

Now, Mr. President, it is a maxim of law that the greater contains the less. When Nicaragua said that in no case should this cession be transferable to any foreign nation or public power, it did not add the words "or any part thereof." It did not add the words "or any percentage thereof." Why? Because it would have been surplusage. The cession is an integral thing, a proprietary right granted by a sovereign power. It is not divisible. It is one indivisible grant by a sovereign to a corporation. Therefore, if the United States should accept the transfer of 70 per cent, or of 5 per cent, or of any per cent, it would violate that contract of cession between Nicaragua and the corporation which received it, just as much as if it accepted the whole bodily, by deeds to real estate and by transfer and delivery of corporate personal property.

After 70 per cent of this has been given to the United States in consideration of its transfer, 70,000 shares of nonassessable stock are to be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled as in the contract hereinbefore required. For what purpose are these 70,000 shares to be given to outgoing stockholders? The bill does not say. For what consideration is it to be given to them? The bill does not say. There is, therefore, left by this provision a large space for imagination to employ itself in, and such spaces exist from the beginning to the end of this measure. I have never seen a measure which served as so strong a stimulant to imagination.

Mr. MORGAN. Mr. President, may I ask the Senator from Virginia a question in regard to that point? I understand the Senator to say that the Government has no right under this concession to take any stock at all.

Mr. DANIEL. I think not.

Mr. MORGAN. I want to call the Senator's attention to Article IX, if he will allow me to read it.

Mr. DANIEL. Well, sir.

Mr. MORGAN. It reads as follows:

> As soon as the company is ready to open subscription books it shall advise the Government of Nicaragua, which will invite the other Governments and through them private parties to subscribe. All such shares not taken within six months following the date on which the Government shall have been advised of that circumstance shall remain subject to the free disposition of the company.

All Governments have the right to subscribe to that stock under the stipulations of the concession.

Mr. DANIEL. When the books are thrown open. I am talking about this subscription and the interpretation of Article VIII.

Mr. MORGAN. This has been thrown open and the transfer closed. Nicaragua by advertisement invited the Governments to make the subscription, and they did not do it, and then the stock was turned over, and it is disposable as property of the company to anybody.

Mr. DANIEL. I shall be entirely candid with the Senator. I think he has to a degree answered what I said, but not altogether and not effectually. My mind was resting upon the provision of the contract in Article VIII, the provision quoted by the minister of Central America, and the transfer claimed to exist or apparently existing under it. The subsequent provision of the contract dependent upon the invitation of Nicaragua is another matter which I will come to in due course. That is a provision which opens the books to all alike, and it is that provision which this method of dealing with the contract seeks to evade, and successfully evades.

Mr. President, to look a little further into the structure of the bill, it will appear that if the bill should accomplish its purpose there will be scarcely anything left, nothing material or practical left, except the United States in possession and control of the Nicaragua Canal. The existing management is to retire, the new board to consist of eleven directors, one to be appointed by Nicaragua, one by Costa Rica, one by the stockholders other than the United States, and eight by the President of the United States, with the advice and consent of the Senate. Six of the directors, five of whom must be directors appointed by the President of the United States, shall constitute a quorum for business. In short, the United States, besides furnishing the capital and owning 70 per cent of the stock, is to manage and direct the company. The directors are to select a president, vice-president, secretary, assistant secretary, and treasurer. They are to get $5,000 a year and traveling expenses.

I think the provision that six of the directors, five of whom must be directors appointed by the President of the United States, shall constitute a quorum for business, is in contravention of the rights of Nicaragua and Costa Rica. Each of those States has the right to appoint a director, who, it is provided in the concession, shall have equal powers and privileges as other directors; but if two of them, in a board of eleven, and four other directors were present, they are deprived by the bill of the right to constitute a quorum, showing that the United States in its eagerness and zeal to become the proprietor of this cession has given to its directors peculiar rights and exclusive privileges which are not attached by the bill to the representatives of other governments. I do not think that that is fair. I do not think that it is in equitable and just fulfillment of this contract. I think it might be said to be in fraud of the contract.

The United States is so intimately associated with the cession and so completely absorbs it that even the bonds which are to be printed for the purpose of being signed by the Maritime Canal Company are to be printed at the Bureau of Engraving and Printing of the United States at the expense of the company. They are then to be deposited with the Secretary of the Treasury and issued by him as the work progresses. So the Secretary of the Treasury is to become the custodian of the assets and is to become the disbursing officer as the work progresses.

The most important provision is that the Secretary is to cause to be engraved on the bonds the guarantee of the United States, and is directed to pay them, interest and principal, if they are not paid into the Treasury by the Maritime Company; and if the Maritime Company by any good luck or chance were to pay the

bonds, they are to pay them through the Treasury of the United States.

So, Mr. President, he who runs may read; it is a self-evident fact that the United States not only takes the stock in the company, but becomes in all legal effect and to all intents and purposes the monopolistic owner of this cession; and whether I have been exactly correct or not in my previous observation upon the eighth article, this great fact I do not think can be diminished or answered in its influence upon this subject; the Government of the United States does by the bill become the one controlling power and authority and the one open administrator of the Nicaragua Canal.

Mr. MORGAN. If the Senator will allow me, I think I am authorized to say, even on behalf of the committee, that if this bill is accepted by the Nicaraguan Canal Company and thereby becomes effectual, the Government of the United States, as a stockholder, will probably control the plans and the destiny of this canal, just as any majority of stockholders would control the minority. That is the whole story; it is all right there.

Mr. DANIEL. A part of it is right there, but that is not all of it. The United States assumes relations to this canal by this bill which it could not assume as a mere stockholder, be it majority or otherwise. It is not only, as I conceive, the majority stockholder, but it is the one absorbing occupant of the rights granted by this cession.

Mr. PLATT. May I ask the Senator a question?

Mr. DANIEL. Certainly.

Mr. PLATT. Why does the Senator object to that? Does he not think it a good thing for the Government of the United States to build this canal?

Mr. DANIEL. It may be he does not object to it. I am not in the council of Nicaragua. My learned friend who sits upon my left [Mr. MORGAN] says he objects to it because England has put the minister up to it. He says that is the reason.

Mr. MORGAN. I never stated that as a reason, Mr. President.

Mr. DANIEL. I thought you said so.

Mr. MORGAN. I stated my convictions upon that subject, and if it will do the Senator any good, I will repeat them.

Mr. DANIEL. The Senator said he made the charge and demanded an answer.

Mr. MORGAN. I did.

Mr. DANIEL. Had you not better give your evidence before you demand an answer?

Mr. MORGAN. No, sir; not in view of what Great Britain is trying to do here in the way of making the treaty of arbitration.

Mr. DANIEL. I thought that was in secret session.

Mr. MORGAN. You asked a question, and I want to give you a frank answer. I want to understand before we enter upon the consideration of that treaty whether she is trying to displace us in that Isthmus, as she has never failed to do for seventy-five years whenever she has had an opportunity.

Mr. DANIEL. I am entirely in accord with the Senator from Alabama, if that is his conviction, and if he has evidence of it, circumstantial or otherwise. It is not at all improbable, but I do not know. He makes the charge and says he demands an answer, but he can not demand an answer of me, for, if he did, I would say, "Please produce the testimony first."

Mr. MORGAN. I never asked the Senator for an answer.

Mr. DANIEL. No, not at all. I say the Senator does not ask me. The Senator simply addressed the world at large, mankind in general, and demanded of them an answer. They have not yet been heard from, and I do not consider that I am their keeper.

The second objection of Minister Rodriguez is as follows; he says:

> Article XLVII of that instrument—

Referring to the contract—

> Article XLVII of that instrument provides that the company shall undertake at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession.
>
> The bill, however, provides that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans, and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates.
>
> This provision likewise conduces to the forfeiture of the contract.

And this provision also reenforces me in the suggestion I have already made, that the United States is not appearing here as a mere majority stockholder. It is appearing here as the propounder, possessor, organizer, money contributor, manipulator, and administrator of the whole enterprise, and it is to that that Nicaragua has objected with specification of these details, that this canal is to be conducted under the surveillance of the Department of Engineers of the Army of the United States.

Mr. MORGAN. I know the Senator from Virginia does not want to fall into an error or do any injustice at all.

Mr. DANIEL. Not at all. The Senator is much more familiar with this subject than I am.

Mr. MORGAN. I have made a study of it.

Mr. DANIEL. And I shall gladly defer to any correction he may make.

Mr. MORGAN. The final survey of this canal and its location are provided for in that concession to be made under the cognizance of the Nicaraguan Government. Plans, specifications, and maps were made out and filed in Nicaragua and approved by the Government. Now, what this bill provides is that the construction of the canal shall be under the surveillance, as stated by the Senator from Virginia, of American engineers—at least three American engineers—to be chosen by the President. Nicaragua can choose as many as she wants to. That is all, and that is the whole story about that.

Mr. DANIEL. Be it so, Mr. President. The minister who represents Nicaragua as the minister of the Greater Republic of Central America takes one view of this matter and the Senator from Alabama takes another. That is just the case in which this contract says four arbitrators shall step in.

Mr. MORGAN. If the Senator will allow me to say so, the minister does not take any view in opposition to what I take, unless he means to say that the final location and survey of the canal shall be submitted to his Government—if Nicaragua is his Government, which I doubt very much. I do not think he undertakes to say that, but he says that its further construction is to be under surveillance.

Mr. DANIEL. He does not say that is an absolute forfeiture. He says it is conducive to a forfeiture.

Mr. MORGAN. I understand that is a threat. We have had plenty of those. Why does he want to threaten us?

Mr. DANIEL. I can not answer the Senator as to why the minister threatens. I am only pointing out this state of fact, that the Senator views it one way and the minister views it another way; that the company has contracted that when such misunderstanding arises the board of arbitrators is to step in, and I am hesitating, Mr. President, for my part, and advising the Senate to hesitate on its part, to assume and usurp the high office of arbitrator and to interrupt this happy, peaceful proceeding which has been anticipated and provided for by making itself a self-constituted judge.

Mr. MORGAN. Now, if the Senator will allow me a moment, the concession provides for an arbitration of all matters in dispute between the membership of the Maritime Canal Company of every kind and character. The United States can have no part in any dispute of that kind until it becomes a stockholder in the corporation, and it can not become a stockholder in the corporation until the Maritime Canal Company has accepted this proposed act. The question arises upon the acceptance of the act. Nicaragua says, "I object to the acceptance of this act." That is in the company's council, before we can get into it at all. While we are passing upon the question of whether they will accept the act, Nicaragua objects and says, "That violates my concession." The American stockholders say it does not. There is a question raised which must be settled between them by arbitration. They go on and settle it, and the settlement is made by the arbitrators. That concludes the whole business. They resolve, then, whether they are entitled, under the judgment of the arbitrators, to accept the act or not. If the majority is in favor of it, "Yes;" if the majority is against it, "No," and the act fails.

Mr. DANIEL. I do not see that the Senator has at all answered, or attempted to answer, the objection I made.

Mr. MORGAN. I did not understand it, then, if I did not answer it.

Mr. DANIEL. I say—and I will make myself clear—that it is provided in this contract—

> Any misunderstanding that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators composed of four members, two of which shall be appointed by the State and two by the company.

Is not that misunderstanding the subject of debate in the Senate to-day?

Mr. MORGAN. Oh, yes.

Mr. DANIEL. Then, why should it not be submitted to the board of arbitration?

Mr. MORGAN. If the Senator will allow me, as he asks me a question, if Nicaragua makes the point, and the Senator and the minister of the Greater Republic insisting upon that, of course the other men who own stock in this concern will see to it that it be submitted to arbitration; and when it is decided it will be for that company to determine whether they accept the proposition or not. Ours is a mere offer to them that they can accept or refuse according to the majority of that corporation.

Mr. DANIEL. But our proposition is one, as urged by the Senator from Alabama, which the minister from Nicaragua claims would expressly forfeit the contract.

Mr. MORGAN. I do not care what he claims.

Mr. DANIEL. I am only stating what he claims. Of course, now the Senator has stated his true position; he does not care what the minister from Nicaragua claims.

Mr. MORGAN. I confine my remarks to the claims of Nicaragua.

Mr. DANIEL. What the minister from Nicaragua claims. That is what I said.

Mr. MORGAN. Yes.

Mr. DANIEL. Then we have a sharp issue between the Senator from Alabama and myself—I mean in debate only, of course—and he presents that issue to the Senate. We have a formal, respectful, clear, precise statement from one who has been recognized by the President of our country as the minister of Nicaragua, Honduras, and Salvador. The Senator does not care for it. It seems to me that we are bound to care for it.

Mr. MORGAN. I say his construction of that article. As a Senator, I think I have a right to put my own construction upon it, and am bound to do it. I differ with that gentleman upon that.

Mr. DANIEL. I understand the Senator's difference. I recognize his right to differ, but I do maintain that it is a violation of contract and a contempt of the solemn observances of intercourse in a great matter for the legislative body of the United States, or either branch thereof, to persist in a matter which concerns the dignity, the interests, the fortunes of a foreign state under the protest of its recognized representative, and unwarranted by any precedent of civilized nations to ignore and treat with contempt a solemn contract of anticipated arbitration.

Mr. MORGAN. Now, will the Senator allow me one moment?

Mr. DANIEL. Certainly.

Mr. MORGAN. Will the Senator indicate the provision in the bill before the Senate which prevents Nicaragua and the Maritime Canal Company from having this arbitration?

Mr. DANIEL. None. I say they can have it.

Mr. MORGAN. They are still in the possession of their rights.

Mr. DANIEL. But we are about to do the thing which assumes that they are wrong in their interpretation.

Mr. MORGAN. No.

Mr. DANIEL. The Senator begs the question. The minister from Nicaragua has entered his caveat. He has said to the American Government, holding forth the documentary evidence upon which he acts, "You have no right to do this." The Senator says, "I disagree with you." We find that in the event of misunderstanding a board of arbitrators has been provided, and the Senator's argument to that is that we will go and do the thing which is protested against; we will take advantage under this contract, according to our view, against the minister's solemn remonstrance, and after we have done the wrong of which he complains, then, if they want to, they can have an arbitration.

Mr. MORGAN. I will ask the Senator if this bill does not leave the whole subject perfectly open to their acceptance or their refusal until they have determined whether they will accept or refuse it? It is the regulation of their own company.

Mr. DANIEL. If you knock a man down, he can accept the situation and go off, of course.

Mr. MORGAN. If the Senator will excuse me a moment, I think this is the first time I have heard an argument made in the name of a foreign minister at this court in the nature of a protest against the action of the Senate of the United States—the protest of a foreign minister to accepting our proceedings, or his protest to stop the Senate from performing what they conceive to be an honest and correct judgment.

Mr. DANIEL. I can not yield for an argument.

Mr. MORGAN. Of course we have nothing else to do, but I have never heard of it before.

Mr. DANIEL. I can not yield for one of my distinguished friend's learned arguments and disquisitions.

Mr. MORGAN. I am through with what I wished to say, and I am much obliged to the Senator.

Mr. DANIEL. I am very glad to yield to the Senator courteously at all times, but I can not yield to have an argument thrust into mine.

Mr. MORGAN. I take it all back except what I said. [Laughter.]

Mr. DANIEL. I am glad the Senator does not retract it; but what I wish to point out is that in his observation he does that foreign minister great injustice. Suppose the foreign minister had waited until we had passed the bill.

Mr. MORGAN. That was his clear duty.

Mr. DANIEL. After the Senator had had all his toils and labors, and had gotten the bill through Congress, the minister would have put a much more pointed speech in the Senator's mouth than his recent observations, for then the Senator would have said, "Here is a minister who was upon the ground, he read the CONGRESSIONAL RECORD every morning, he lay awake at night reading my speeches, he knew about all these bills, and yet permitted this to be done without protest. He comes too late."

Mr. MORGAN. I beg the Senator's pardon. I would never have taken such a position as that. My own self-respect would have prevented me from doing it. More than that, another government, the Government of Costa Rica, is represented here by Mr. Calvo, a very elegant gentleman. Mr. Calvo is as much interested in this matter as this newcomer from this new Republic. Mr. Calvo has not sent a protest here or entered objections. Why has he not? It may be because he is in favor of the bill, or it may be because he thinks it his duty not to act upon this matter until Congress has acted and submitted it to his Government. He knows how to treat a government.

Mr. DANIEL. My learned and distinguished friend has made many speeches and reports upon this subject. He is perfectly saturated with it. He has Nicaragua and the Nicaraguan Canal always on tap. I am not so familiar with the subject as he is. This is the first time I have said anything about it, and I hope he will restrain his ardor sufficiently to let me get through with my remarks on this occasion.

Mr. MORGAN. I had supposed that I had interrupted the Senator entirely with his consent. I shall not do it again. I shall answer his speech when he gets through.

Mr. DANIEL. I will always yield to an interruption for a question.

Mr. MORGAN. The Senator yielded so gracefully that I supposed he had no objection to interruption.

Mr. DANIEL. I do not mean to be otherwise than gracious. I could not, if I tried, be discourteous to a friend and to a Senator whom I so much esteem as the Senator from Alabama; but while he is rubbing the foreign minister and rubbing me, he must not be fretted if occasionally I may make some remarks which may create a little sensitiveness on his part.

As I understand the Senator from Alabama, he objects that one minister has made a remonstrance and that another minister has not made a remonstrance. It is entirely immaterial. Costa Rica has her rights, and Nicaragua has her rights. Nicaragua is a member of the new confederation; it is possible that Costa Rica may become so, but she has not yet.

Mr. President, in the running colloquy between myself and the Senator from Alabama I fear that no one can collect in any one sentence a clear and succinct statement of the point I make. Therefore, in conclusion, I sum up in these words: First, that in a case of disagreement between Nicaragua and the company it is agreed that the disagreement shall be arbitrated. That disagreement has occurred; that disagreement is such that we have no right, if the Nicaraguan construction is correct, to pass this bill; and second, that disagreement is such that, if Nicaragua is correct, we forfeit the right which we seek to acquire under this bill by the very act of its passage.

Now, I say, as the question of misunderstanding it does not simply concern a collateral matter, but goes vitally and directly to the question of our right to pass this bill, it would be in contempt of all proper procedure and in peril of the end the Senator seeks to attain to go ahead and do the thing complained of without submitting to the arbitration first. I come to section 3. This is what the minister says, and I desire to contrast what he says with what the Senator from Alabama said a few moments ago in answer to my objection that the United States was subscribing to the majority of this stock, assuming the direction, appointing the officers, issuing the bonds, and making itself the factotum of the enterprise. I read from the minister's remonstrance. He quotes in that remonstrance from the contract between Nicaragua and the Maritime Canal Company these words:

> The people of all nations shall be invited to contribute the necessary capital to the enterprise.
>
> Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least 5 per cent for the Central American Government and citizens that may desire to subscribe.

Now, the minister observes:

> These provisions of Article VII of the contract are antagonized by the bills which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

I can not see in any document which has been submitted to the inspection of the Foreign Relations Committee any answer to this objection. "The people of all nations shall be invited to contribute." That does not mean that any people might by a particular provision of law become a monopolist in this canal. When I pointed out a few moments ago that this contract prohibits foreign governments from becoming the transferees of this cession, the Senator from Alabama quoted this provision:

> The people of all nations shall be invited to contribute the necessary capital to the enterprise.

Mr. MORGAN. And other governments.

Mr. DANIEL. Where is that about "other governments?"

Mr. MORGAN. It is on top of page 112 in my book, the closing paragraph of Article IX.

Mr. DANIEL. The Senator quoted this language which I have read from the minister, or referred to it, and then quoted a subsequent passage of the Article IX in the contract between Nicaragua and the Maritime Canal Company, to be found on page 112 of the report of the Senator from Ohio [Mr. SHERMAN]. I will now read the whole of that language:

> As soon as the company is ready to open subscription books it shall advise the Government of Nicaragua, which will invite the other governments and through them private parties to subscribe. All such shares not taken within six months following the date on which the Government shall have been advised of that circumstance shall remain subject to the free disposition of the company.

Does the Senator claim that that procedure is observed by this bill?

Mr. MORGAN. This bill has not anything to do with that. The only question is whether the Government of the United States, under that concession, is a Government which has a right to take stock. We would have the right under this bill, if they accept it and that stock is taken; but if they refuse it, the bill will amount to nothing.

Mr. DANIEL. Let me point out to the Senator from Alabama that if a government may become a stockholder in this company in any way, it is only by and through the right granted in the cession under the language which I have quoted, which is:

> As soon as the company is ready to open subscription books, it shall advise the Government of Nicaragua—

That is the first step. It shall say to Nicaragua, "The books are open." Then what? Then Nicaragua is to invite other governments, and through other governments private parties, to subscribe.

Mr. MORGAN. That has been done; all that has been complied with literally.

Mr. DANIEL. As to this amended bill which you seek to pass through the Senate?

Mr. MORGAN. The bill has not anything to do with it. It can not have any effect until it is accepted by them.

Mr. DANIEL. No; as to some other bill which is not the subject of consideration here; some other bill which is not now before the Senate. But as to this bill, by which it is sought to claim under this cession, to give effect to this cession, and to hold Nicaragua up to her contract under this cession, we have not only ignored this clear and patent right, but have turned her protest into an invitation. What Nicaragua meant by this cession, and what, as it seems to me, all fair interpretation would apply to this cession, was that when the company was ready to formulate and propound the scheme under which it proposed to build the canal it should then throw open the books; it should then advise the State of Nicaragua that the books were open, and Nicaragua would then invite the other governments and through them private parties to subscribe. Mr. President, has Nicaragua invited the United States to subscribe?

Mr. MORGAN. It has.

Mr. DANIEL. When?

Mr. MORGAN. Immediately after the organization of the company. The evidence is here, taken before the committee.

Mr. DANIEL. Which company? The company which you propose to supersede, to destroy, and retire from business?

Mr. MORGAN. The Maritime Canal Company. We do not propose to supersede it, to retire it, or to destroy it. We propose to give it a new set of directors, and a new set of stockholders, if it will accept our proposition.

Mr. DANIEL. You propose to give it a new everything——

Mr. MORGAN. All right.

Mr. DANIEL. And to let the United States walk into the arena clothed and vested only with its name.

Suppose that at an anterior period all that the Senator says is true. What would it amount to? That heretofore, under some other chartered right than that which this Government is now asked to grant, books had been opened; the United States invited to subscribe to the scheme then proposed; the United States had declined to subscribe, if so invited; the scheme was a failure, bankrupt, abandoned. This bill is to wipe out of existence the fragments left of it and to supersede it by another scheme; to buy out all the old stockholders, to pay them $4,500,000 for their stock——

Mr. MORGAN. That is not in the bill.

Mr. DANIEL. To retire and buy out the old stockholders. It proposes to open new books, and without the invitation of Nicaragua—nay, sir, under the open remonstrance and protest of Nicaragua—the United States is to thrust itself upon the scene and subscribe to 70 per cent of the stock.

Mr. President, this seems to be in fraud of the rights of Nicaragua. I will not express my opinion upon all of these provisions, except to say that I do not think the United States could contemplate, in fairness and justice, for one moment to thrust itself upon this scheme, in which it is most profoundly interested, under a contract which forbids governments and public powers from becoming the transferees of the cession, and under a contract which provides that other governments shall be first invited by Nicaragua to subscribe, and through them private persons. He says that that was all done as to some prior scheme. If the prior scheme has been abandoned, and if we are to revamp it with this bill, are we not bound to revamp it with all the conditions which attached to its predecessor? If Nicaragua is still bound by the cession which she claims to have been forfeited, are we not also bound by the terms of the cession? Is it possible that we could accept the privileges granted and yet say we are under no obligation to perform the conditions under which they are granted?

The section which the minister refers to is not that which applies to foreign governments, but to the people of all nations. The people of all nations are very different from the people of the nations themselves. They are so treated in this bill. The idea was that the books should be opened for the subscriptions of the people of the world. That was the idea of Nicaragua. The idea of the bill is that this shall be made a close corporation, and that the United States shall hold the lock and key.

Then the minister refers to this further provision of the bill:

> According to Article X of the contract, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company, of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with eleven members, eight of whom are to be appointed by the President of the United States, in different capacities, one by Nicaragua, one by Costa Rica, and one by the canal company.

His commentary upon this violation of the plain intent and purpose of the contract is very brief, but it is very sufficient:

> The difference—

Says he—

> between this provision and the stipulation referred to could not be more marked than it is.

And there is that which intensifies the objection which he made, but which he thought it unnecessary to mention. It is that even in the question of a quorum we have attempted by this bill to give to the directors of the United States larger rights and privileges than those which we accord to other directors.

Nicaragua and Costa Rica are each entitled to appoint one director, but while six is a quorum, these two directors and four United States directors do not make a quorum, but five of them must consist of directors appointed by the President of the United States.

Mr. CAFFERY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Louisiana?

Mr. DANIEL. Certainly.

Mr. CAFFERY. I desire to make an inquiry of the Senator from Virginia. Under the bill the United States is to appoint eight directors. Under the concessions of Nicaragua and Costa Rica six of the directors are to be chosen from among the promoters, who still, in the language of the concession, preserve their quality as such. I should like to know of the Senator whether in his estimation the United States would not be forced to appoint those directors from among the promoters?

Mr. DANIEL. I entirely agree in the view of the Senator from Louisiana, that if we were to accept this concession on the part of the United States we would have to observe those conditions and respect the right as to the appointment of the directors.

Mr. MORGAN. Will the Senator from Virginia allow me to call his attention to section 9 of the concession of Costa Rica?

Mr. DANIEL. Section 9?

Mr. MORGAN. Yes; on page 125 of the report of the Senator from Ohio [Mr. SHERMAN].

Mr. DANIEL. That is the concession of Costa Rica?

Mr. MORGAN. Yes.

Mr. DANIEL. It is not the concession of Nicaragua?

Mr. MORGAN. No.

> The company shall be organized in the manner and under the conditions generally adopted for such companies.

Mr. DANIEL. That is not this concession. We are dealing with Nicaragua. That is the concession of Costa Rica. Get the Nicaragua concession.

Mr. MORGAN—

> Its principal office shall be either in the city of New York or in such place as may be deemed convenient.
>
> Its first board of directors shall be composed of persons, one-half, at least, of whom shall be chosen from those members of the Nicaragua Canal Association who were promoters of the enterprise.

The word "first" was not in the Nicaraguan concession. It was put into the Costa Rican concession after this company had been organized. This concession was submitted to Nicaragua, and she agreed to it. This concession mentions the concession of Nicaragua. In many respects they are joint. Nicaragua has accepted that construction. She not only accepted it in that manner, but she has accepted it also from the fact that she has gone on and participated in the action of this company, which did not any longer see proper to take the directors from the promoters. Mr. McDonald is not a promoter; Mr. Eustis is not a promoter, and various other gentlemen who have been on the board are not promoters of the enterprise.

Mr. DANIEL. The Senator from Alabama is stating his conclusions of law mingled with a fact which he considers forceful. He considers that Nicaragua has done something or other which estops her from the assertion of this claim through her minister. That is too great a refinement in pleading to go into at this stage of affairs; and again at this juncture I remind him that the minister of Nicaragua does not so understand it, and has evinced to the Senate in his remonstrance a different interpretation; and again I would say there is thus raised just such a case as this contract provides shall be submitted to arbitration.

The sixth objection of Mr. Rodriguez is a very important one. He says:

> Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise or would be liable to troublesome and tedious litigation.
>
> Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.
>
> If the company were to issue a hundred or a hundred and fifty million dollars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

I thought I understood the Senator from Alabama to say that Nicaragua has already got her share of the stock. How could she have got her share of the stock which has not yet been created?

Mr. MORGAN. I read a paper to-day from the president of the Maritime Canal Company, in which he stated that in 1884, I believe, 6 per cent of the stock was issued to Nicaragua by this company and she was notified of it, but has not yet appointed an agent to receive it.

Mr. DANIEL. Shares of which stock?

Mr. MORGAN. Of the Maritime Canal Company.

Mr. DANIEL. Not of this $100,000,000 of stock?

Mr. MORGAN. That is not a law and can not be until Nicaragua accepts it. The Senator does not seem to be able to get his mind on that.

Mr. DANIEL. Yes; I have my mind on it. You have undertaken in this bill to disburse the stock and bonds, and have not laid aside that part which Nicaragua will take.

Mr. MORGAN. We have expressly done so.

Mr. DANIEL. Where?

Mr. MORGAN. In the bill itself.

Mr. DANIEL. Of the bonds?

Mr. MORGAN. The bonds.

Mr. DANIEL. What bonds; the guaranteed bonds?

Mr. MORGAN. I did not know that we had to pay to Nicaragua $5,000,000 of bonds.

Mr. DANIEL. But the $100,000,000 of stock——

Mr. MORGAN. The amendment which I proposed to-day is for the purpose of clearing up a difficulty, if there is a difficulty in the minds of Senators; and I suppose when the Senator reads it he will find that his point is not very much.

Mr. DANIEL. I will read Article L of the cession from Nicaragua to the Maritime Canal Company:

> In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive in shares, bonds, certificates, or other securities which the company may issue to raise the corporate capital, 6 per cent of the total amount of the issue.

Does the Senator say that the pending bill provides for Nicaragua to get that 6 per cent of the total amount of the issue of shares, bonds, certificates, and other securities?

Mr. MORGAN. I do.

Mr. DANIEL. Of the bonds guaranteed by the United States?

Mr. MORGAN. No. The United States has never agreed to——

Mr. DANIEL. Does it not provide that it shall not issue any other bonds?

Mr. MORGAN. The United States has never agreed to guarantee any bonds for the purpose of turning them into the treasury of Nicaragua. That is what they want to get us to do, to pay them $6,500,000 of bonds for this concession, and we do not expect to do it.

Mr. DANIEL. In other words, we have got this issue before the Senate, that the State of Nicaragua gave the concession to a company and bargained solemnly with that company that—

> In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive in shares, bonds, certificates, or other securities which the company may issue to raise the corporate capital, 6 per cent of the total amount of the issue.

Mr. MORGAN. All in the disjunctive. The Senator does not contend, I suppose, that because there are four or five classes of securities mentioned here Nicaragua is to have 36 or 40 per cent of the stock of the company? She is entitled to 6 per cent, in the disjunctive, whichever she wants.

Mr. DANIEL. Does this great nation fancy that it can stand unindicted and unimpugned at the bar of public justice if it contents itself to receive from a sister Republic this concession which it claims and thus tries to evade and repudiate the consideration upon which it is based?

Mr. MORGAN. Does the Senator contend, if he will allow me to ask him a question, that Nicaragua is entitled to 30 per cent of these bonds?

Mr. DANIEL. I will read again the language.

Mr. MORGAN. The Senator had better answer the question.

Mr. DANIEL. I will answer it in my own time. Perhaps some of these questions had better have been anticipated and laid before the Senate by the committees that have reported upon this subject.

Mr. MORGAN. They are—every one of them.

Mr. DANIEL. Where?

Mr. MORGAN. In the report.

Mr. DANIEL. Which report?

Mr. MORGAN. In every report that has been made.

Mr. DANIEL. I have read a good many of the reports, and I know that some of them assume facts and some of them but partially state the whole of a fact, so as to render the general result misleading. But I will read this language. It is the language of barter and sale, of conveyance, and of consideration:

> In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive—

Now mark the words—

> In shares—

That means stocks—

> bonds——

Mr. MORGAN. That is 12 per cent.

Mr. DANIEL. I am not calculating percentage where a question of national honor is concerned.

Mr. MORGAN. I wish to know what it is.

Mr. DANIEL. The contract tells what it is. It says "shares" and distinguishes them from bonds; it says "bonds" and distinguishes them from certificates; it says "certificates," and then it puts in a blanket clause, "or other securities"—

> Which the company may issue to raise the corporate capital, 6 per cent of the total amount of the issue.

It is not proposed by the pending bill to give to Nicaragua anything of value for these concessions. I think that if we have a right to mortgage the property of Nicaragua, we should first pay her the purchase money provided for in the contract under which we claim it.

These bonds are the capital stock of the company. They are provided for to enable this lame duck of a corporation to revive itself long enough to receive a subsidy and then to vanish from the scene of action and leave the whole charge of it to the United States, and 70 per cent of the stock, as a so-called gift, is presented to the United States. I might observe, by the way, that the United States ought to remember in receiving it the old adage, "Never look a gift horse in the mouth." She is to receive 70 per cent. How much is Nicaragua to receive under this bill even of the stock and of the bonds, which are mentioned next to the stock, for Nicaragua has shown some prudence and some forecast in her dealing with this corporation? She has used legal terms in their common and ordinary meaning. What did she mean when she said bonds to be issued by the company? What could she have meant except bonds issued upon the assets of the company to raise the capital?

The Senator acknowledges that not one dollar of those bonds, not 6 per cent, nor any per cent, is provided to be paid to Nicaragua.

Mr. MORGAN. No, I do not.

Mr. DANIEL. Yet he tells us at the same time that he wants this great Government to make Nicaragua recognize our rights. Look how these bonds are dealt with in this bill!

Mr. MORGAN. If the Senator will allow me for just a second, I will make a statement to him. If the Senator desires the language of that concession to go into the pending bill, the committee are perfectly willing to put it in, because they have nothing in the bill to the contrary of it. We will put that language into the bill, so that Nicaragua will get all she is entitled to.

Mr. DANIEL. I should certainly insist, for the honor of this country——

Mr. MORGAN. It is in there now.

Mr. DANIEL. For the right of fair dealing between man and man, that no bill should pass this body which does not recognize the plain rights of Nicaragua. But I am not ready to give to Nicaragua $6,000,000 for this right.

Now let us read section 9 of the bill:

> That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company.

So, then, these bonds are issued for the very purpose of raising the means to construct the canal. They so describe themselves in

the bill which we are asked to pass. They become by the very instrument of their creation the corporate capital provided for the purpose of initiating and executing the corporate scheme. They are defined in the bill just as they were in the contemplation of the State of Nicaragua when she issued this contract. Does the Senator imagine that the Senate of the United States, with a steel pen and a bottle of ink, can transmogrify $100,000,000 of stock, 99 per cent of which is pure, unadulterated water, into capital stock when it has no existence as such save in the anticipatory imaginations of gentlemen who suppose that the law can create it? Mr. President, do we suppose that the enlightened judgment of this age, the fair conscience of reasonable men, would for a moment support the United States in its attempt to palm off upon a sister republic worthless stock created in the imagination of legislators, printed at the Bureau of Engraving and Printing, and more valuable for the pictures upon it than for any pecuniary possibility that will ever attach to its possession? Can we bury it under a mortgage out of sight, where it can only hope that the trump of resurrection will reach it in the dim by and by, ignore the obligation and give her any percentage of the bonds, walk off with her proprietary right, the most interesting feature in her prospective civilization, and sit down and content ourselves that we have done a wise and a good thing?

This bill, Mr. President, is impossible of passage. It would be a disgrace, a shame, a blotch, and a smirch to the statute books of the United States. We had as soon repudiate our national debts or anything that rests upon the obligation and conscience of this nation as to go hunting amongst the South American Republics for some smaller nation at whose minister we may point in safety the finger of ridicule, and over whose weak army and navy we may shake the menacing fist of a despotic and contemptuous neighbor, and when we have found it repudiate effectually the engagements made with it.

With my idea, sir, of the bill, without impugning the integrity of the views of anyone who sees it otherwise, I would as soon organize a band of pickpockets to plunder visitors to the Capitol as to treat Nicaragua in this unprecedented, disrespectful, and oppressive manner.

I propose to place on record one more objection of the minister from Central America to the proposed passage of the bill. He says:

> The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct at its own expense within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet, and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitively adjusting the compensation which it ought to pay in order to be discharged therefrom.

Mr. MORGAN. Will the Senator allow me to interrupt him a moment to say that Mr. Baker, the minister from the United States to Nicaragua, came in contact with this subject and wrote a letter to Mr. Gresham which I read here this morning, in which he says that Nicaragua made a pretense of trying to forfeit its charter and did declare it forfeited upon that ground, and after he had an interview with that minister and brought him in contact with the facts Nicaragua withdrew the objection. The president of the Maritime Company has also stated here in a paper which was read to-day, that Nicaragua twice after that contract was made insisted upon the deepening of the canal, first to a certain depth and then to a certain other depth, and has never made the grant of the land to it a condition precedent of building the Tipitapa Canal, and the nonbuilding of the Tipitapa Canal is only a question whether the company was in default as to the sum of damages, and has no relation at all to the right of forfeiture.

Mr. DANIEL. Mr. President, here is another lawsuit, and that is all I have to say on this point. I am not going to discuss whether the company has forfeited its rights under this provision or not.

Mr. MORGAN. Your minister says it has.

Mr. DANIEL. The minister says it has; he has entered his caveat here. If it is forfeited, if he is correct, our work in passing this bill would be vain. The contract provides that such a question shall be submitted to arbitration. Again I say, we can not ignore that contract. We can not refuse to submit to arbitration things not involving the national honor, which we have agreed on, and that the person under whom we claim has agreed to submit to arbitration. The whole case from beginning to end bristles with either forfeitures or alleged forfeitures. There is a lawsuit in almost every section of the bill. In conclusion, the minister says:

> By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished and nothing remains of it in its relations with the enterprise save the shadow of a personality represented by a vote in a board of directors of eleven members, while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

I do not know whether the story be true or not, but I read in a newspaper not long ago that some lady whose husband was getting a large pension from the Government was bereaved of her helpmate, and that, in her exigency, being more afflicted by the loss of the pension that came to him than by his departure for another and a better world, she obtained some simulacrum of his figure, dressed it up in his old clothes, and had it occasionally taken out of bright evenings for an airing, in order that she might keep up the impression that he was still alive and might still receive the emolument and benefaction that came to him.

That idea, Mr. President, was the model upon which this bill was builded. The Maritime Canal Company appears before the Senate of the United States with a certain lot of worthless stock in a bankrupt corporation. It sells that stock out to the United States for $4,500,000. It retires from the directorate and the management. It has some fancy stock created by a new bill, presents it as a gratuity to the United States, buries it under a mortgage where it can never be found, disposes of that mortgage, in the first place, to solace itself for its own bereavement, calls the United States "the Maritime Canal Company," introduces it into a contract which says the cession shall not be granted to any foreign government, and repudiates the one thing that lies at the bottom, the consideration and purchase money promised as the condition of the original grant.

Mr. President, if the United States is ready to engage in the bunko business we ought to pass such a bill. If the United States proposes to deal fairly with a foreign nation, it can not pass the bill. In my humble judgment, we ought not to pass the bill. If none of these objections could be made to it, I can not conceive of anything more improvident, of anything more unwarranted, of anything more impolitic, of anything more uneconomical, of anything more extravagant than to embark in giving a subsidy of $100,000,000 to any corporation, to any person, with the expectation that it will build the Nicaragua Canal.

After we have built it who is to get the benefit of it? By the Clayton-Bulwer treaty with Great Britain, which some say is extant between us and Great Britain and some say is not, and also by a treaty of Nicaragua with Great Britain, whether the Clayton-Bulwer treaty is extant or not, that canal is to be opened to the world upon the same terms that it is opened to us. After we have borne all the heat and burden of the day, after we have poured millions into what may prove a Serbonian bog, the whole world is to step up and get exactly the same advantages from it that we have, and the rival which the Senator warns us to fear—Great Britain herself—is to have all the advantages which we alone are to pay for. We are to gain no exclusive right or public privilege. The armies of Great Britain, which my friend thinks should be held at a distance, are to have a right to protect it and pass through it and camp by it. The armies of Great Britain are to have the right to come there and protect it and guard it. The navies of Great Britain are to have the right, under the treaty with Nicaragua, independent of the Clayton-Bulwer treaty, to sail through it. They are to be exempt from blockade at each port, on the one side and upon the other. We are to construct a canal with our own money, and it is then to be thrown open, pro bono publico, and put at the beck and call and use of the very nation which, as some conceive, is our great rival in the commerce of the future.

Great Britain does not conduct her schemes exactly upon that basis. She is a little more modest, I think, about building the Nicaragua Canal than my friend conceives. I can not imagine anything better for Great Britain than that this bill should pass and that we should build the canal and then throw it open for her to use it. We will have the name of the thing and she will have the thing.

Furthermore, Mr. President, we ought to call some halt to indiscriminate and vague appropriations. When have spent this hundred million dollars there is no man who can tell how many more hundred million dollars we have got to spend. Three engineers whom we have sent there, the only three persons who have ever gone over that whole difficult line, 170 miles long, swamp, mountain, rock, and water——

Mr. MORGAN. They did not go over it.

Mr. DANIEL. Then nobody has gone over it.

Mr. MORGAN. There is a canal surveyed and nobody has been over it!

Mr. DANIEL. So much the worse. I had hoped that they had at least taken a bird's-eye view. But we are going to make an appropriation of $100,000,000 as the initial step in an enterprise when as yet the United States has not been represented, according to the chairman of the select committee, by anybody who has gone over and inspected the enterprise and made even a reasonable guess as to what it would cost.

Mr. MORGAN. I never made any such statement as that.

Mr. DANIEL. You say they have not gone over it. They say that nobody else has gone over it.

Mr. MORGAN. I did not say nobody else had gone over it.

Mr. DANIEL. No; you did not, and I did not mean to say you did. I say that Colonel Ludlow says no other engineers have gone over it.

Mr. MORGAN. You spoke of the statement of the chairman of the committee.

Mr. DANIEL. And nobody representing exclusively the United States has ever gone over the whole and surveyed it and given us an estimate of it.

Mr. MORGAN. The Senator from Virginia does not really know, I think, what the facts are. Two surveys have been made over this line by the engineer officers of the Government of the United States and paid for by the Government.

Mr. DANIEL. I will give my authority for my statement. If the Senator will read the report of Colonel Ludlow——

Mr. MORGAN. I have read it.

Mr. DANIEL. Very well; you will see in that report the statement of Colonel Ludlow that these three engineers are the only ones who have ever gone from one end to the other of that line. Does the Senator deny that?

Mr. MORGAN. I do not deny it. I say I do not think he made the statement; and I utterly deny that his statement is liable to any such grotesque interpretation. I can bring into the Senate Chamber the book——

Mr. DANIEL. Mr. President, I am not yielding for the Senator to make a speech.

Mr. MORGAN. I want to make a statement of fact.

Mr. DANIEL. I do not think you have a right to do it in my speech.

Mr. MORGAN. Very good, sir; then do not say that I have said so and so.

Mr. DANIEL. I did not mean to say you said it. I expressed myself rather beyond my intention. I say that Colonel Ludlow said it; his statement will be found in the Senator's report on this subject, page 169; and I do not know, sir, that Colonel Ludlow, who spent thirty-four days there, does not know as much about the situation as the Senator from Alabama. The fact is, I think, that nobody knows the full and true situation. These three engineers can not by possibility have fully estimated that canal of 170 miles in thirty-four days.

Mr. MORGAN. How did they do it, then?

Mr. DANIEL. They guessed at it, like everybody else has been guessing at it.

Mr. MORGAN. The Senator is mistaken.

Mr. DANIEL. I mean anything but a rough estimate. They guessed that it would cost about $133,000,000, and then they expressed regret that they had not said $150,000,000.

Mr. MORGAN. Only one of them.

Mr. DANIEL. Colonel Ludlow, the chairman, said so. We can only get our information like the Senator from Alabama, secondhand.

Mr. MORGAN. If the Senator will allow me, I will bring the books into this Chamber here and show the survey.

Mr. DANIEL. Oh, I can bring the books in here and show surveys of one sort and another. The Senator will see that Messrs. Noble and Endicott say as to the surveys that they are unreliable; that they are full of mistakes. For instance, Mr. Endicott says as to the anterior surveyors:

> They made a mistake of a million cubic yards in the rock excavation in the San Juan River. This amounts to $5,000,000 increase in the estimates. They have reduced the price of rock excavation in the river from $5 to $3 in their last estimates, making an increase of $1,000,000, according to their own price. Then they made an error of about 1,000,000 cubic yards in the dredging in earth in the San Juan River, and an error of about half a million cubic yards of dredging in the lake, which amount to about $4,000,000 at the canal company's prices.

In these few mistakes pointed out in one sentence of Mr. Endicott vanishes $9,000,000.

Mr. MORGAN. He discovered all that in twenty-four days, and guessed at it.

Mr. DANIEL. Then we are not in a condition to act and spend the people's money if we can not trust the accomplished engineer officers of the United States, selected with care, standing high, and as reputable in their profession as the hired agents of the corporation who expect to get the benefit of this appropriation—more independent in their relation to it, less diverted by the magnetism of self-interest. If we can not trust them, we can not trust the other surveys. I am not here to put reliance upon them. My faith is not as great as that of the Senator from Alabama. My imagination is not as reliable as the imagination of the Senator from Alabama. But I say when we propose to tax the people of the United States by an initial step of $100,000,000, and when we know that it is opening the door in all probability, in all fair human expectation, in accordance with the statement of our engineers, in accordance with the anticipations and suggestions of the very committee which recommends us to the expenditure of many more millions, that it is time to pause and not to buy a lawsuit in which we can in no event recover anything, but can only be mulcted in damages and in costs.

Mr. President, the serious condition of our public affairs ought to stop this bill, if nothing else did. We have got one elephant upon our hands now, a subsidized railroad. I am astonished when I see our friends from the great West, who are here in Congress filling the table with petitions, making speeches of one sort or another, asking that the Government take charge, and asking for this relief and that from one subsidized corporation, trying to get another white elephant on hand before it has duly provided for the one already on hand.

I believe our situation in this country with special relation to our financial affairs is more serious than Congress has yet realized. Go upon the stock exchange, and you see banks strained and breaking. Read the commercial reports, and you see thousands, tens of thousands, hundreds of thousands of failures. Go into the countryside and into the cities, and you see real estate, even in Washington and in all the great commercial cities of the Union, going down, down, down. Go out into the country, and you find that the agriculturist is in a state of despair. Talk to the working classes. You see that some of them are freezing when a cold spell comes because they can not get fuel. You find your calendars covered with bills, with all sorts of legal devices, and inventions to get relief for one particular class, or one particular section, or one particular lot of men. The railroad companies say that their business has been prostrated, and they are here asking Congress for a special bill for protection by allowing them to pool. The workingmen are here, and want a commission of twelve men to study the problems which concern them. Every interest in the United States is up at the doors of Congress petitioning, beseeching, that something be done to relieve their agony in these hard and difficult times. But one industry seems to thrive. It is the expenditure of money. The Treasury has been living in a crisis of shocks and spasms ever since prosperity was brought in by the President and the able chairman of the Finance Committee through the repeal of the Sherman law. That was to be the "open sesame" to a long period of prosperity. Three years passed. Prosperity did not appear. Then they said wait until we elect a Republican President; that would restore confidence; then prosperity would spring in with a bound. After a three-years continuance the second event took place. Where is confidence? Where is prosperity? We are still chasing the rainbow, and the rainbow is still on the top of the next hill, not on the one we have climbed or are climbing.

In this state of affairs, Mr. President, with a Treasury living on borrowed money, with a financial system which is self-destructive, with real estate in all cities and towns being sold for taxes, with our people overstrained everywhere in their financial affairs, we are asked to pass a bill to increase the national debt $100,000,000, and to give the borrowed funds as a gracious gift to a bankrupt corporation under a protested and possibly worthless concession.

Mr. MORGAN. Will the Senator allow me to ask him whether he does not think a greater extension of our commerce would have some tendency to relieve the people of this terrible condition?

Mr. DANIEL. If they do not have to pay too much for it, Mr. President.

Mr. MORGAN. Of course.

Mr. DANIEL. And if they have got to pay for it, look for the money first. It is not credit that this country wants.

Mr. MORGAN. It is commerce.

Mr. DANIEL. It is not credit that our people want, it is cash. If the Senator will stick to his last and will get financial measures passed through the Senate and concentrate upon that work until it is accomplished——

Mr. MORGAN. I am not a cobbler.

Mr. DANIEL. No, I do not think you are a very good one; I admit that, if this job be the specimen of work, but I think it is a cobbler's job that we have before us, and a very bad one at that.

Mr. MORGAN. The Senator can take care of it certainly if it is.

Mr. DANIEL. I think so, sir.

I say every nation ought first to attend to its most pressing question. The fisc is the State. Correct the pocketbook, and the other things will begin to correct themselves. Do not let our Treasury live forever upon borrowed money; do not turn your face to the increase of the national debt; do not look toward the indefinite expansion of obligations to pay, but look to the means and ways of payment. Be like the thrifty housekeeper who does not spend before he has earned.

Mr. President, it has been three hundred years since the Nicaraguan Canal made its début upon public attention. There is no danger that that question will pass beyond our jurisdiction. The Isthmus is going to stay there. This company has demonstrated that we have no rival rushing to accord to it the capital to build the canal.

Furthermore, whomsoever we may be disappointing in this matter, we should have no fear of disappointing or wounding the feelings of the Maritime Canal Company of Nicaragua. The first sentence with which the president of the Nicaraguan Canal Company opened his deposition before the committee was the broad

statement that he did not come there to advocate the passage of this bill or any other bill, and that so long as he was connected with the company he would not ask anything from Congress. So, then, our attitude is quite singular indeed. The canal company do not ask us to do this thing; Nicaragua protests that we shall not do this thing; and yet, ex mero motu, at a time when our Treasury is bankrupt, and when our bankrupt people are beseeching us to pass a bankruptcy bill to allow them to escape from the clutches of eager creditors and officious sheriffs, we are asked to issue more bonds and appropriate $100,000,000 in advance of any means of deriving it from taxation.

Mr. President, I protest against adventurous and perilous financial schemes like this. It is unworthy of the dignity of a great nation to be always borrowing money and allowing its financial system to lapse, with no serious and grave effort to correct these evils. It is bad policy, condemned by the political economists and by the greatest statesmen of all ages. I protest against the time of the Senate being consumed; I protest against the Treasury being menaced by a bill like this, which would only embark us upon a sea which has no farther shore, in the obligations and burdens which it would place upon us.

Mr. MORGAN. I desire to take the floor on the pending bill, and want the opportunity of saying a word. The Senator from Virginia [Mr. DANIEL] announced that perhaps he would not be here, I think, on to-morrow or some other occasion. He is going away, perhaps soon, having some other engagement, and I therefore wish to say before he leaves the Chamber that I am surprised that after having borrowed a club from the minister from the Greater Republic of Central America with which to demolish this corpse, as he described it when he first took the floor, he has not informed us in some way or given us some intimation of what he proposed to do about a Nicaraguan canal. When these gentlemen come forward with objections to this bill and with reproaches, and throw contumely and scorn and insult and everything of that kind upon the bill, upon all who have advocated it, and upon the various committees who have reported it here, I think it is due to the American people and to the occasion that they should suggest something that they want to do, something that they think is possible, something that will take the place of this proposed arrangement. Nothing has been suggested, so far as I have heard. The minister from the Greater Republic of Central America suggests that he is willing to treat for the old privileges and rights which are under the Zavala-Frelinghuysen treaty. That involves, of course, the payment of $4,000,000 to Nicaragua for the privilege. It involves also the wasting of four and a half million dollars which our people have expended there; it involves the throwing away, in a large sense, of three engineering surveys, two of which have been paid for by the Government of the United States and the other by this company.

I think, Mr. President, that these great statesmen, who look at these broad questions in such a wonderfully wide view, ought to be able to suggest whether there is any plan whatever for the construction of this canal, or whether they intend to let that Isthmus stand unbroken, whether they intend to let the labors of these three centuries go without any result at all.

My identification with the subject has been entirely for the purpose of trying to work out for the industrial classes—the farmers, the mechanics, the merchants, and shipowners—of this country an opportunity to get through to our western coast and the western coast of South America out into the broad Pacific, with its enormous traffic, and across to the Orient, so that we might have an equal show with the other nations of the earth in the endeavor to promote our commerce and to give a spur to our people, so that they could work with some hope, some energy, and some profit. I have been encouraged in that hope by the conviction that if the United States were to step out now upon a perfectly safe basis and take up this work it would be but a few weeks or months, perhaps even a few days, until every industry in the United States would feel the benefit of it.

Mr. MILLS. Does the Senator want to go on to-night?

Mr. MORGAN. That is all I want to say. I merely want the Senator from Virginia to furnish us some plan by which we can do this thing, if he has any in his mind.

Mr. MILLS. I move that the Senate adjourn.

Mr. DANIEL. Will the Senator withhold that motion for a moment?

Mr. MILLS. Certainly.

Mr. DANIEL. If the Senator from Alabama will consent to the recommitment of this bill, I will promise the Senator to confer with him about some plan just as soon as our financial system is well settled down, so that we may venture to spend some money on new enterprises.

Mr. MORGAN. I have waited; I have been on this committee and have been trying to get this bill through for seven or eight years, and the Senator never has had that conference with me yet. He proposes to have it after we have restored the monetary system in such a way as to make the country prosperous—I do not know when that is going to take place—so that he will then confer with me, if we will recommit the bill, at that remote period of time. I am sorry I can not make the motion to recommit.

Mr. HOAR. I do not wish to interfere with this bill, but I desire to move——

Mr. PLATT. Will the Senator wait a moment?

Mr. HOAR. I desire to move an executive session, but I will yield if there is any business.

Mr. PLATT. Just one word with regard to the recommitment of the bill, suggested by the Senator from Virginia.

Mr. DANIEL. I did not make any motion with regard to it.

Mr. PLATT. Well, then, the suggestion. It seems to me this matter has been long enough before the Senate, so that it ought to be disposed of.

Mr. MORGAN. I think so.

Mr. PLATT. I believe that every Senator is thoroughly informed with regard to the situation of this bill, and it does seem to me that the Senate ought to come to a vote upon it without any considerable delay.

Mr. MORGAN. I am willing.

Mr. VILAS. The Senator from Connecticut is very much mistaken about it if he thinks there is very much probability that the bill is going to come to a final vote at a very early day.

Mr. PLATT. I hope I am not mistaken.

Mr. ALDRICH. I heard the Senator from Wisconsin pronounce a funeral eulogy upon this measure several days ago, and he certainly can not be afraid of a bill that is dead.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 5,000 additional copies of the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, July 18, 1895, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; and

A bill (H. R. 9142) to regulate privies in the District of Columbia.

The message further announced that the House had passed a concurrent resolution providing for the printing of 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled, The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; in which it requested the concurrence of the Senate.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 4526) granting a pension to Jonathan Scott, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same, and

> *Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

JONATHAN SCOTT—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 4526) granting a pension to Jonathan Scott, which had been sent by the House of Representatives to the Senate with the objections of the President thereto.

Mr. GALLINGER. I move that the bill, with the accompanying message, be referred to the Committee on Pensions.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; and

A bill (H. R. 9142) to regulate privies in the District of Columbia.

THE COTTON PLANT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

> *Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound in cloth 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled, The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 27, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1897.

PROMOTIONS IN THE ARMY.

Infantry arm.

Second Lieut. Samuel Burkhardt, jr., Twenty-fifth Infantry, to be first lieutenant, January 1, 1897, vice Wooley, Tenth Infantry, resigned.

Second Lieut. James Edward Normoyle, Twenty-third Infantry, to be first lieutenant, January 6, 1897, vice Devol, Twenty-fifth Infantry, appointed assistant quartermaster, who resigns his line commission.

Second Lieut. Robert Alexander, Seventh Infantry, to be first lieutenant, January 7, 1897, vice McCarthy, Twelfth Infantry, appointed assistant quartermaster, who resigns his line commission.

POSTMASTERS.

C. E. Dingle, to be postmaster at Woodland, in the county of Yolo and State of California, in the place of Frank M. Rahm, whose commission expires February 1, 1897.

Z. T. Carroll, to be postmaster at Rolfe, in the county of Pocahontas and State of Iowa, in the place of George F. Spence, whose commission expired January 14, 1897.

John H. Kuehl, to be postmaster at Charter Oak, in the county of Crawford and State of Iowa, in the place of J. J. McWilliams, whose commission expired January 14, 1897.

John Henning, to be postmaster at Emporia, in the county of Lyon and State of Kansas, in the place of Judge M. McCown, removed.

William W. Helm, to be postmaster at Newport, in the county of Campbell and State of Kentucky, in the place of J. J. Hetsch, removed.

B. R. Doody, to be postmaster at Canton, in the county of Norfolk and State of Massachusetts, in the place of Fred E. Holmes, whose commission expired February 9, 1896.

Joshua H. Alexander, to be postmaster at Troy, in the county of Lincoln and State of Missouri, in the place of L. H. Mohr, whose commission expired December 14, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1897.

COLLECTOR OF INTERNAL REVENUE.

William Crow McCreery, of Missouri, to be collector of internal revenue for the First district of Missouri.

POSTMASTERS.

George E. Oberholtzer, to be postmaster at Clay City, in the county of Clay and State of Indiana.

Virginia Jones, to be postmaster at Cortland, in the county of Cortland and State of New York.

Mary P. Dixon, to be postmaster at West Point, in the county of Troup and State of Georgia.

R. O. Cresap, to be postmaster at Lakeland, in the county of Polk and State of Florida.

Felix C. Williams, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 26, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

The SPEAKER laid before the House, for change of reference, the bill (S. 3491) granting an increase of pension to Capt. John W. Dodd; which, having been erroneously referred to the Committee on Invalid Pensions, was, by unanimous consent, referred to the Committee on Pensions.

REPORT OF INTERNATIONAL PRISON CONGRESS.

Mr. PERKINS. I ask unanimous consent for the consideration of the Senate resolution which I send to the desk. It has been considered by the House Committee on Printing, and I desire to report it with certain amendments, with which I ask it may be adopted.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181, of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State.

The amendments reported by the Committee on Printing were read, as follows:

Strike out "1,000 copies for the Senate" and insert in lieu thereof "500 copies for the Senate."

Strike out "2,000 copies for the House of Representatives" and insert in lieu thereof "1,000 copies for the House of Representatives."

Strike out "2,000 copies for distribution by the Secretary of State" and insert in lieu thereof "3,500 copies for distribution by the Secretary of State."

So as to read:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 181, of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 500 copies for the Senate, 1,000 copies for the House of Representatives, and 3,500 copies for distribution by the Secretary of State."

There being no objection, the House proceeded to the consideration of the resolution.

The amendments reported by the Committee on Printing were adopted.

The resolution as amended was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

THE COTTON PLANT.

Mr. PERKINS. Mr. Speaker, I now, on behalf of the committee, desire to present the resolution which I send to the desk, and ask to have it considered.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

MRS. LUCY ALEXANDER PAYNE.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll, at $50 per month, in lieu of the pension she is now receiving.

Mr. MEREDITH. I ask for the reading of the report, which is very brief.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I object.

Mr. TALBERT. Mr. Speaker, I wanted to ask the gentleman from Virginia if this claim had been considered at the regular Friday night sessions?

Mr. MEREDITH. This, I will say to the gentleman, is a Senate bill which has been reported by our committee with an amendment suggesting a change from fifty to thirty dollars per month, as stated in the report. It passed the Senate originally, fixing the amount at $50, but the committee cut it down as I have stated. It is a very meritorious case, and I am sure there can be no objection to its present consideration.

The SPEAKER. Objection has been made.

Mr. MEREDITH. I did not understand the gentleman to object.

Mr. TALBERT. I only wanted to call the attention of the House to the fact that these bills ought to be considered at the regular time fixed for their consideration.

The SPEAKER. But the gentleman from California objected.

JERE SMITH.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5128) to increase the pension of Jere Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Jere Smith, a sergeant of Company F, Thirteenth Regiment of Tennessee Cavalry, on the pension roll at the rate of $35 per month, in lieu of the pension he is now receiving.

Mr. TALBERT. Reserving the right to object, I will ask for the reading of the report in that case.

Mr. LINNEY. I will read the report.

Several MEMBERS. Let it be read from the desk.

Mr. LINNEY. Very well; I ask the Clerk to read it.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5128) to increase to $35 per month the pension of Jere Smith, late sergeant, Company F, Thirteenth Tennessee Cavalry Volunteers, having carefully examined and considered the facts presented, respectfully report:

Jere Smith enlisted September 22, 1863, and was honorably discharged May 25, 1865.

Claimant filed application for pension July 8, 1890, and April 8, 1891, under act of June 27, 1890, alleging injury to back, injury to right foot, dyspepsia, and rheumatism, which was allowed December 2, 1890, at $8 per month from July 8, 1890, for injury of right foot and back and dyspepsia. The claim for rheumatism was rejected February 6, 1893, on the ground of no ratable disability shown.

The board at Charlotte, N. C., August 12, 1891, rate him four-fifths for injury to right foot, one-fifth for injury to back, one-fourth for injury to shoulder, and nothing for dyspepsia.

The facts shown in testimony are that claimant was sent to Knoxville, Tenn., to procure rations for his company, and while there accidentally fell from a window about 20 feet to the ground, injuring his back and foot, about the night of November 12, 1864, and that upon the following night the whole brigade, including claimant, were taken prisoners, sent to Danville, and thence to Libby Prison and kept in confinement three months on short rations and no medical treatment, and has suffered ever since with the injuries and rheumatism; and Dr. R. B. Killian testifies, February 1, 1896, that he has examined him and finds him suffering with dyspepsia, which causes a disability of one-third; also an injury to foot, causing one-fourth disability, and an injury to back, which has caused a total disability.

In view of the facts presented the committee recommend the passage of the bill with an amendment striking out "thirty-five," in line 6, and inserting "twelve" in lieu thereof.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent to make a very brief statement to the House with reference to this matter.

If there ever was a meritorious bill presented for the consideration of this body, this, I think, is one, as shown by the committee's report. Mr. Smith, the pensioner named in the bill, lived about the center of the western part of the State of North Carolina. I myself can well recall the facts, when a boy, of listening to the earnest discussions between Mr. Smith and C. Stewart, esq., an able and intelligent gentleman, and one of the best conversationalists I have ever heard in my life, on the various questions relating to the right of a State to secede from the Union. Mr. Smith, then but a young man about 20 years of age, contested the right as claimed, although Mr. Stewart, a distinguished and able man, and others of his character shaped the views entertained generally by the people of my State at that time on this question. And allow me to say, Mr. Speaker and gentlemen of the House, that the views of these great men had influence even upon great men like Robert E. Lee and the lordly Senators who maintained the right of secession. General Lee admitted it, the lordly Slidell admitted it, and the people all admit the influence that this had upon their action in connection with the question; and while the idea of going with our own sections was not the only thing that controlled men in casting their fortunes with the South, it nevertheless had its influence on all of us.

When a boy, Mr. Smith resided near the center, as I have said, of the western part of the State of North Carolina, the home of Branch and Pender and the polished Pettigrew and Reuben Campbell, but he had the courage, the manliness, and the patriotism to move from that part of the State and join the Federal Army in support of what he believed to be a question of right. He fought gallantly until the close of the war, being, I believe, promoted to the rank of sergeant.

This, gentlemen, is a case of total disability, as shown by the report, which I understand in the legal sense is equivalent to the loss of a limb; and yet we only ask an increase of this man's pension from eight to twelve dollars a month. I seems to me that it ought to be $35, the amount originally proposed in the bill, and I think I will ask the House to vote down the amendment and give the original sum. There is no case more meritorious, if there is one as meritorious, that has ever been considered by the House.

I will ask the House, then, to vote down the amendment——

Mr. LOUD. I would suggest to the gentleman that if he proposes to take that course I shall have to object to the consideration of the bill.

Mr. LINNEY. Very well, then; let me have the bill as amended. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BVT. MAJ. GEN. ALEXANDER STEWART WEBB.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1106) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb, late a brigadier-general of volunteers and lieutenant-colonel and brevet major-general, United States Army, a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Alexander S. Webb.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOPKINS. Mr. Speaker, I desire to interpose an objection for the time being. I should like to know from the gentleman who presents this bill why General Webb should be placed on the retired list. My understanding is that he voluntarily retired from the service to take a larger salary in civil life; and if that is so, I do not see any reason why he should now get the benefit that comes to a man who remains in the service.

Mr. CURTIS of New York. I will make a statement.

Mr. Speaker, General Webb was a graduate of West Point, I think in the class of 1854. When the war broke out he was promoted to be brigadier-general and brevet major-general of volunteers. His services were among those of the best. He received several wounds during the war, and on the 12th of May, 1864, in the battle of the Wilderness, at what was known as the "Bloody Angle," he received a very serious wound, which has affected him ever since and prevented him from performing many of the duties that would have naturally fallen to him in the positions he has occupied.

Mr. TALBERT. Is this claimant now drawing a pension?

Mr. CURTIS of New York. I do not know. If so, he is drawing $30 a month. I can not tell you. This bill provides that he shall not hereafter draw any pension. General Webb was, in the reorganization of the Army after the war, promoted to the rank of lieutenant-colonel in one of the regiments known as invalid regiments. It was the policy of Congress at the close of the war to give generous recognition to a number of distinguished officers, when the Army was increased. Later, when the regiments were consolidated, most of them were placed on the retired list.

Mr. COX. Mr. Speaker, I desire to ask the gentleman a question. Do I understand this distinguished soldier retired from the Army and went into civil life, and that now you want to take up a civilian and put him on the retired list? Is that the state of facts?

Mr. CURTIS of New York. I will make a statement so plain that my friend will get all the facts.

Mr. COX. How long is it since he retired from military life to civil life?

Mr. CURTIS of New York. I will endeavor to answer in my statement the inquiries of my friend from Tennessee [Mr. COX].

At the close of the war, at the time these regiments were consolidated, very many officers were ordered before retiring boards, that they might be retired under provisions of law which authorized their retirement as of the highest rank which they had held in the volunteer service. Many officers serving in the line and in the field in the reorganization of the Regular Army were retired as brigadier-generals. General Webb went before a retiring board, but by some failure the medical testimony in his case was not furnished to the board, and on his personal appearance and a brief examination he was declared not unfit to perform military duty. He was advised by many officers of the Army and by his family physician that to go out to the plains and join his regiment while suffering from injuries incurred in action would be fatal to him, and he resigned from the Army. He was not long after elected to the presidency of the College of the City of New York. In that position General Webb has received a larger salary than he would have received as a lieutenant-colonel in the Army and somewhat more than that of a retired general officer. He would have been retired at the close of the war as a brigadier-general had the facts all been known to the retiring board, because when the medical evidence was sent to the retiring board the members examined the papers and reviewed their decision which they had given upon his application, and said that they had done General Webb an injustice in refusing to retire him. The evidence of that fact I have here in the statements of two members of that board—Surg. Gen. John Moore, United States Army, and Colonel Gardner, United States Army—both of whom are on the retired list of the Army.

Mr. LOUD. May I ask the gentleman, without interrupting, how old this gentleman is?

Mr. CURTIS of New York. I think he is probably 64 or 66 years of age.

Mr. LOUD. He is liable to live to a good old age, regardless of the injuries he received in the service. He has lived thirty years or more already since then, has he not?

Mr. CURTIS of New York. He is in feeble health at this time.

Mr. LOUD. I expect that I shall be when I get to be that old.

Mr. CURTIS of New York. His poor health is the result of injuries received in the service, which disables him from performing much of the labor which would naturally be performed by a man of his age in ordinary health.

Mr. LOUD. Many men die before they reach that age.

Mr. MILLER of Kansas. Is this man president of a college now?

Mr. CURTIS of New York. He is.

Mr. MILLER of Kansas. Is he not receiving a large salary in that position?

Mr. CURTIS of New York. I do not know what his salary is. It might be considered large in some sections, but not large when considered in connection with the attendant expenses.

Mr. MILLER of Kansas. Did he resign for the purpose of taking that position?

Mr. CURTIS of New York. He did not resign to take the position.

Mr. MILLER of Kansas. His salary is not exceeding $5,000——

Mr. ERDMAN. I object to further discussion.

The SPEAKER. The gentleman from Pennsylvania objects to further discussion. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I object.

The SPEAKER. The gentleman from Kansas has a privileged question.

Mr. KIRKPATRICK. I will withhold it until the next bill is considered.

THOMAS J. SHEPPARD.

Mr. HARRIS. Mr. Speaker, I ask for the present consideration of the bill (H. R. 6368) for the relief of Thomas J. Sheppard.

The bill was read, as follows:

Whereas Thomas J. Sheppard, of Sandusky, Ohio, then first sergeant of Company E, Ninety-seventh Regiment Ohio Volunteer Infantry in the war of the rebellion, being captured while participating in a night attack upon the Confederate lines at Kenesaw Mountain, June 17, 1864, and being at the date of capture an ordained minister of the gospel, on being confined at the Confederate prison known as Andersonville did faithfully, continuously, and without expectation of reward, conduct religious meetings, visit the sick and dying, hold funeral services, and thus perform voluntarily the duties of a chaplain during the ten months and ten days of his imprisonment; and

Whereas the said Thomas J. Sheppard is now in his sixty-first year and dependent for support on his clerical labors: Therefore, in recognition of his services to his country and his suffering comrades,

Be it enacted, etc., That the name of the said Thomas J. Sheppard be placed on the roll of army chaplains, from June 23, 1864, the date of his entering Andersonville prison, to June 23, 1865, with such rank and compensation as provided by law.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, has this bill been considered in Committee of the Whole? Is it on the Calendar now?

Mr. HARRIS. It is on the Calendar.

Mr. ERDMAN. Has it been considered in Committee of the Whole?

Mr. HARRIS. That I can not tell you. Not to my knowledge.

The SPEAKER. The Chair thinks not.

Mr. ERDMAN. Then I object.

JOHN F. M'RAE.

Mr. TURNER of Georgia. Mr. Speaker, I ask for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 610) for the relief of John F. McRae.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John F. McRae, of the county of Telfair, in the State of Georgia, out of any money in the Treasury not otherwise appropriated, the sum of $462, for services rendered as deputy United States marshal of Georgia in the year 1859.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I would like to hear the report.

Mr. HOPKINS. I would like to hear some explanation of the bill. That seems to be in 1859.

The report (by Mr. DENNY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 610) entitled "A bill for the relief of John F. McRae," submit the following report:

The claimant was in 1859 a deputy United States marshal, and the United States court of which he was an officer sat in the city of Savannah, Ga. During that year the ship *Wanderer* landed a cargo of Africans on the Georgia coast. Under the stringent laws for the suppression of the African slave trade, the circuit court of the United States had a very important jurisdiction, and this deputy marshal, in pursuance of his duty, arrested and seized thirty-six of these Africans while being smuggled into the interior as slaves. This claim is for this service, and for the expense of keeping those Africans for fourteen days. No interest is included. The proper officer of the Treasury Department reports that this claim was never presented for payment. The confusion growing out of the war probably caused this omission.

We recommend that the bill pass.

Mr. LOUD. Mr. Speaker, I would like to inquire what eventually became of these Africans. Did they return to Africa, or go into slavery?

Mr. MEREDITH. They were freed by Mr. Lincoln's proclamation, I suppose.

Mr. TURNER of Georgia. I did not hear the gentleman's inquiry.

Mr. HARDY. I would like to inquire of the gentleman from Georgia what eventually became of these Africans that this marshal arrested. Were they returned to Africa?

Mr. TURNER of Georgia. They were set free; and I think were, at the expense of the Government, returned to Africa or one of the islands of the sea.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TURNER of Georgia, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA W. STAGG.

Mr. HULICK. Mr. Speaker, I ask for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, etc., That the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased, with all the accompanying papers, be referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, generally known as the Tucker Act.

Mr. HULICK. I ask for the reading of the report.

The report (by Mr. WILSON of Ohio) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased, submit the following report:

This is a claim for $[illegible].94 alleged to be due Jesse S. Stagg, deceased, late first assistant engineer on board the U. S. S. *Switzerland*, being his share of prize money accruing from the capture of the rams *General Bragg* and *Sumpter* by the U. S. S. *Switzerland*, near Memphis, Tenn., June 6, 1862.

The claim was examined, adjusted, and allowed by the Fourth Auditor of the Treasury Department and paid to one L. W. Bausman on a power of attorney dated July 23, 1872. The claimant alleges said payment was made to the said Bausman without his knowledge or authority, and for which he has never received any benefit.

Your committee is of the opinion that the claim should be referred to the Court of Claims for a finding of facts under the terms of the act approved March 3, 1887, generally known as the Tucker Act, and report herewith a resolution to that effect and recommend its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to inquire if there were any other parties who claimed prize money and got it?

Mr. HULICK. Yes, sir; other officers upon the same vessel claimed it and it was awarded. This was awarded to him also, but without his authority, knowledge, or consent it was drawn by this man Bausman on a forged power of attorney. The question of forgery was not gone into. The committee thought they would not take the time to do that, but simply refer the matter to the Court of Claims for a finding. The only question is the forgery of the power of attorney by this man Bausman. The reason why they made no claim for it was that this officer, Stagg, did not know anything about this claim. He lost his sight entirely, and for ten years prior to his death he was totally blind. He left a widow. He was advised of this sum being there, and was notified that it had been drawn by Bausman on a forged power of attorney. Before the death of the husband, in an affidavit he said that he knew nothing about it, that it was never authorized, and that it was a forgery.

Mr. PAYNE. Who presented the claim?

Mr. HULICK. This man Bausman, who was then living in Washington, formerly, possibly, from Pittsburg. She knows nothing about him.

Mr. PAYNE. Did Bausman act for any of the other officers?

Mr. HULICK. I do not know about that. His history is unknown to this widow. She knows nothing about the man.

Mr. PAYNE. How long ago did he draw it?

Mr. HULICK. He drew it on July 23, 1872, on this forged power of attorney. This man left no property. The widow has nothing in the world except to depend upon her relatives.

Mr. PAYNE. This occurred twenty-five years ago?

Mr. HULICK. Yes, sir.

Mr. PAYNE. It seems that the Government of the United States, having paid this twenty-five years ago, ought not to be called upon to examine the question now.

Mr. HULICK. Very well; she knew nothing of it, and if his name was a forgery, without her authority, or her husband's authority, or without any fault on their part, the Government is in the position of a national bank or any other bank when it pays out money on a forged order.

Mr. PAYNE. But a national bank would have the statute of limitations.

Mr. HULICK. Oh, no.

Mr. TALBERT. Will the gentleman permit me to ask him a question?

Mr. HULICK. Certainly.

Mr. TALBERT. What became of the man who committed the forgery?

Mr. HULICK. I do not know anything about him; and this party, the beneficiary in this bill, knows nothing about him, and does not know where he came from.

Mr. TALBERT. Do they know nothing about him? Was he a lawyer?

Mr. HULICK. Well, I know he was a scoundrel. [Laughter.] If the two are synonymous, the gentleman's question is answered; but, for the credit of the profession, I hope he was not a lawyer.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, if the gentleman from New York can satisfy his conscience in respect to this bill, I can not satisfy mine, so I must object.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to report the annual appropriation bill for the expenses of the consular and diplomatic service, and to ask that it be referred to the Committee of the Whole House on the state of the Union, and that the bill and report be printed.

There was no objection, and it was so ordered.

Mr. PAYNE. It is understood that all points of order are reserved.

JONATHAN SCOTT.

Mr. KIRKPATRICK. Mr. Speaker, I rise to a question of privilege. I ask that the bill (H. R. 4526) granting a pension to Jonathan Scott, which has been vetoed by the President, be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

Mr. KIRKPATRICK. Now I ask that the report of the committee be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 4526, together with the message of the President of the United States, dated May 30, 1896, vetoing the same, have had said bill and message under consideration and report the same back to the House with the recommendation that the bill do pass, the veto of the President of the United States to the contrary notwithstanding.

The President seems to rest his veto of this bill on the legal presumption that the Pension Bureau fairly and justly determined the case when the pensioner was dropped from the roll. If presumptions are to be indulged in, we suggest that the presumption ought to be that the surgeon who examined the soldier at the time of each of his enlistments also performed his duty, and did not accept a man in the service whose defective eyesight rendered him unfit to perform the duties of a soldier.

But your committee does not base its recommendation on presumptions; it has carefully examined the testimony on file in the Pension Office, and from that testimony reaches the conclusion that great injustice has been done this soldier in dropping him from the roll and branding him as having fraudulently obtained his pension.

Jonathan Scott enlisted on the 8th day of June, 1861, at the very beginning of the war, in a company of home guards in the State of Missouri, and was honorably discharged from said service on the 5th day of October of the same year. On the next day he enlisted in Company M, Fifth Iowa Cavalry, to serve for three years or during the war, and was at once accepted and mustered into said company and regiment, and served continuously until December 31, 1863, when he was honorably discharged by reason of reenlistment, and was immediately mustered into the same company and regiment to serve three additional years. On August 11, 1865, he was mustered out by general order, having served four years two months and three days. During all these years he was never excused from duty because of disease or defective eyesight.

Soon after the close of the war the claimant made application for pension, and on March 9, 1873, he was placed upon the roll at $6 per month from August 12, 1865. On January 1, 1878, his pension was increased to $8 per month; thence to $24; on March 3, 1883, was increased for disease of eyes to $30, and on July 1, 1885, for the same, and resulting in total blindness, his pension was increased to $72 per month. He was dropped from the pension roll August 13, 1895, for the sole reason that the disability for which the pension was granted existed prior to his enlistment. The testimony on file in the Pension Office clearly shows the contrary. The claimant is now past 72 years of age, totally blind, afflicted with a complication of diseases, and is as helpless as a child. He is without any means of support, with an aged wife depending upon him, and must depend upon public charity unless relief speedily comes. Now, in his distressed and pitiable condition, due to his long and faithful service, he turns to that Government for which he sacrificed so much, and appeals to Congress to protect him and his wife from the poorhouse. There can be but one patriotic answer to this appeal.

The President further suggests that whatever may be the merits of the case, he is informed by the Pension Bureau that the bill, if it becomes a law in its present form, will be inoperative, for the reason that the beneficiary therein is described as having served in the Sixth, when in truth and in fact he actually served in the Fifth Regiment of Iowa Cavalry Volunteers. Your committee is of the opinion that this suggestion is untenable. It finds, however, on investigation that an error was made in drafting the bill in the particular suggested. The beneficiary actually served in the Fifth Iowa Cavalry, instead of the Sixth, as stated in the bill. This error, however, can not invalidate the bill or render it inoperative. In fact, the bill would be as valid with the service entirely omitted. Its purpose serves only as a means of identification, and has no further significance. Should this bill become a law, there can be no doubt as to the identity of the beneficiary. And if the Pension Commissioner should experience any difficulty in determining the person intended, a reference to the latter part of the President's message will remove all doubts, as he seems to have had no difficulty in ascertaining from the bill and its record the beneficiary intended, as well as the company and regiment in which he actually served.

Mr. KIRKPATRICK. I ask now, Mr. Speaker, that the veto message of the President be read.

The message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 4526, entitled "An act granting a pension to Jonathan Scott."

This bill directs that the Secretary of the Interior place upon the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The beneficiary was dropped from the pension roll in October, 1895, after a very thorough examination for fraud, it appearing to the satisfaction of the Pension Bureau that the disability for which he was pensioned was not due to his army service. There certainly ought to be a strong presumption that the case was fairly and justly determined by the Bureau, and the evidence strongly tends to support the conclusion reached. If restored to the rolls, such restoration would still be "subject to the provisions and limitations of the pension laws," and he would not be exempt from further investigation if circumstances or newly developed facts justified such a course.

Whatever may be the merits of the case, however, I am advised by the Pension Bureau that the bill, if it became a law in its present form, would be inoperative, for the reason that the beneficiary is therein described as having been a member of the Sixth Regiment of Iowa Volunteer Cavalry, whereas he actually served in the Fifth Regiment of the Volunteer Cavalry of that State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 30, 1896.*

Mr. KIRKPATRICK. Mr. Speaker, the beneficiary in this bill, Jonathan Scott, on the 8th day of June, 1861, became a member of a home guard company in the State of Missouri, where he lived, and continued with it until the 5th day of October, 1861, when the company disbanded. On the next day Jonathan Scott went to St. Louis, Mo., and there enlisted as a private in Company M of the Fifth Iowa Cavalry. He continued to serve in that company and regiment until the expiration of his term of service, three years, when he reenlisted in the same company and regiment, and continued to serve until he was mustered out by the general order at the close of the war, having served four years two months and three days.

On March 9, 1883, on an application made soon after his return from the service, he was placed upon the pension roll at the rate of $6 a month for defective eyesight. His pension was increased from time to time for the same reason, until, some time in 1888 or 1889, he was placed upon the roll at $72 a month for total blindness. On December 20, 1893, a letter was sent to the Commissioner of Pensions making the charge that this pensioner was obtaining his pension by fraud, and I desire to call the attention of members to this letter, which is the only one of this character I have ever discovered in the files of the Pension Office.

I wish to read it, that this man's name may be preserved to posterity:

OSWEGO, LABETTE COUNTY, KANS., *December 20, 1893.*

DEAR SIR: Jonathan Scott, Oswego, Labette County, Kans., private Company M, Fifth Iowa Cavalry, certificate [illegible], is drawing a pension of $72 per month for total disability. He can read and write, but when he signs his pension checks he makes his mark. I have seen him draw a line to reset a fence, repair his barn. He can go out and come in, drive his horse and buggy all over town without the aid of any of his family or anyone else. This can be substantiated by any of his neighbors outside of his own family.

Very respectfully,

J. W. ESAURT,
Oswego, Labette County, Kans.

P. S.—Can send you names of a number of others drawing total-disability pensions under the pension laws of 1890, but am unable to find out number of company or certificate. Will send names, if they will be of any benefit to you.

Honorable COMMISSIONER OF PENSIONS.

Now, upon the receipt of this communication the Commissioner of Pensions forwarded the same to a special examiner named Hunter, residing at Parsons, near Oswego, requesting that he make an investigation.

Mr. MILES. When was this?

Mr. KIRKPATRICK. In December, 1895. Mr. Hunter, pursuant to that direction, took the affidavits of three witnesses; reported to the Department that this man was not reliable, but that there was some testimony tending to corroborate his statements, and therefore suggested that a thorough investigation be made. On the receipt of this report by the Department, the papers in the case were forwarded to Special Examiner Hunter, who was directed to make a thorough investigation of this charge to determine whether or not the pensioner was actually blind or whether he was perpetrating a fraud upon the Government.

Mr. Hunter, after making a very thorough investigation of the case, made his report to the Department, submitting numerous affidavits taken at the time; but he was unable to secure any testimony that tended to show that this man was not blind. Mr. Hunter, in the report submitted to the Department, stated that he was unable to ascertain whether or not the man could distinguish between daylight and darkness; that it would require a specialist to determine that fact; that the testimony seemed to show that the man was totally blind; but that Jonathan Scott himself, who is 72 years of age (and his affidavit was taken, I think, three or four times in the course of this investigation), testified that this disability occurred within a few days after he had entered the service of the United States; that when wading a stream of cold water within a week or ten days after his enlistment, he contracted a cold which settled in his eyes, and that his eyes had troubled him from that time up to the time when he was mustered out of the service.

Because of this testimony, Special Examiner Hunter recommended that further examination be had in Missouri, the former residence of the claimant, in order to determine, if possible, whether the disability did or did not exist prior to his enlistment. So the papers in the Department were forwarded to a special examiner at Springfield, Mo., who was directed to make a thorough examination and ascertain, if possible, whether or not the claimant was suffering from defective eyesight prior to his enlistment.

This special examiner took the affidavits of ten witnesses, whose character he reported as good, in support of this claim, and in submitting to the Department these affidavits which I hold in my hand he recommended that the pensioner be dropped from the roll because of the fact that his eyesight was defective when he entered the service. Pursuant to that recommendation, the Department notified Mr. Scott that unless he produced testimony to the contrary within thirty days, his name would be dropped from the roll for the reason that the disabilities for which he claimed pension had not been incurred in the service of the United States.

The pensioner offered some additional testimony in support of his claim; but at the end of thirty or forty days his name was dropped from the roll, the Commissioner sending him this communication:

> It appears from the records of this Bureau that you were pensioned March 9, 1883, under certificate [illegible], at the rates of $6 per month from August 12, 1865; $8 from January 1, 1878; $24 from January 18, 1882; $30 from March 3, 1883, for disease of eyes; increased to $50 from February 11, 1885, and to $72 from July 1, 1886, for same, resulting in total blindness, based on services as private, Company M, Fifth Iowa Cavalry. It further appears from evidence obtained on special examination, now on file in this Bureau, that the alleged disease of eyes was not due to your service, as required by law to give title to pension, but was incurred prior to enlistment. The granting of pension to you for the same was therefore erroneous.
>
> Under the provisions of the act of Congress of December 21, 1893, you will be allowed a period of thirty days from the receipt of this notice in which to file testimony in rebuttal of the evidence referred to; and if the same is not satisfactory, and no sufficient reason appears why an extension of time should be made, your name will be dropped from the pension roll at the end of the time indicated above.

The letter from the Commissioner states that the pensioner was dropped from the roll for the sole reason that the disability for which he was pensioned existed prior to his enlistment. I call attention to this letter for the purpose of showing that the Government abandoned the idea that the man could see, and finally based its action upon the fact that the disability had not been incurred in the service of the United States.

Now, by turning to the message of the President of the United States, it will readily be seen that the President did not for himself investigate these papers and proofs; but contented himself with the bare presumption, upon which he bases his veto, that the Pension Bureau had acted fairly and justly in making the investigation before Mr. Scott was dropped from the pension roll.

Now, I want to suggest, Mr. Speaker, to the House that it seems to me if this pensioner's right must rest upon a presumption that the presumption ought to be that the man, when he was accepted and enlisted into the military service, upon an examination made by the Government, and served his three years as a soldier, and then reenlisted in the service of his country, again examined and accepted before a surgeon appointed by the Government—the presumption ought to be that the surgeon performed his duty and did not accept a man who was unfit to become a soldier and unable to discharge the duties required of him. Again, it seems to me if the President desired to indulge in presumptions that he might have, with perfect propriety, presumed that the Congress of the United States had investigated this matter, that in considering and passing a bill giving this man $72 a month it also did its duty, and so, if this case should rest upon presumption alone, I contend that the bill should pass over the veto of the President.

But, Mr. Speaker, I am not here insisting that this bill shall rest upon any presumption whatever. I have in my hand the entire testimony submitted to the Pension Bureau in the case, and I have examined that testimony with great care. I am here prepared to say to the House, without fear of successful contradiction, that the testimony overwhelmingly shows that the man's disability was incurred in the service of the United States, and not prior thereto.

Now, it will be seen that the real question for the House to determine is whether or not the disability of Jonathan Scott, which is now conceded to be total blindness, was incurred in the line of duty and in the service of the United States, or whether that disability existed prior to that time. I will now take up and examine, as briefly as I can, the testimony for the purpose of showing you that an outrage has been perpetrated on this old soldier.

The report made by Special Booth shows ten affidavits. They are all here in the papers I hold in my hand, and any gentleman can examine them who has the slightest doubt with reference to the representations I am making to you as to their contents. The first affidavit, and one which the Department seems to lay great stress on, is that of Dr. G. A. Waters, and I submit that under ordinary circumstances that testimony ought to be entitled to very much weight, because the man is a man of position and character and testified that he had attended Jonathan Scott as his family physician from 1854 up to the time he entered into the service of the United States, and that he accompanied him into the service.

Mr. NORTHWAY. Will the gentleman yield for a question?

Mr. KIRKPATRICK. Certainly.

Mr. NORTHWAY. Is it claimed anywhere before the Department that this soldier committed any fraud in any manner for the purpose of securing an enlistment in the United States service?

Mr. KIRKPATRICK. Not at all. There is not a word of such evidence; not a word of it.

As I was saying, Mr. Speaker, the affidavit of Dr. Waters ought to be entitled to very much weight. But, unfortunately for the Government, the affidavit was taken after the man reached 77 years of age, by an inspector, in his own writing, and not in the form of question and answer, but in narrative form, in which Dr. Waters states that the man was sound in every particular, save and except that his eyesight was somewhat defective. But, unfortunately for the Government, there is testimony by the same physician given ten years before. Ten years preceding that time an affidavit was made by this witness, when the facts were clear in his mind, and when old Jonathan Scott was several hundred miles distant, when there was no one present to operate on the mind of the gentleman making the affidavit, then and there he voluntarily made the statement that Jonathan Scott, at the time he entered the service of the United States, was absolutely free from disease; that he had been his family physician all the time since 1851, and knew that he was free from any such disqualification.

Now, we have the two affidavits of the same man. Give him credit for being honorable if you will. In one affidavit he swears, when there was no one present to influence him, that this man was free from disease when the facts were all fresh in his mind. Is not that affidavit entitled to greater credit than the other, when the circumstances are taken into consideration? But I am willing to allow the testimony of this witness to be set aside, and it does not affect the result, he having testified both ways, while, under the circumstances, the first affidavit is entitled to greater weight.

The next witness who testified in that examination was William E. Lampkin, aged 77 years. It seems as though all the witnesses testifying on behalf of the Government had reached a ripe old age, He says:

> I became acquainted with the soldier in 1855; knew him well; served in the same company and regiment.

Now, mark the language. I propose to quote from these affidavits that you may hear this evidence for yourselves.

> Some time after I enlisted he came to the company, and I know I heard it talked among the boys that he was rejected on account of his eyes. But some time after that he got into the company, and my understanding was that some of the officers interceded for him. He and his brothers had red, weak eyes from the time I remember them.

That is one witness. The next witness was Samuel M. Lambreth, aged 55 years:

> I did not see claimant until about one year after the war was over. He was then complaining of rheumatism and sore eyes

Martha A. Lambreth, aged 45 years, testified:

> I have known claimant all my life, and lived within 1 mile of him at the time he went into the Army. I do not think he had anything the matter with his eyes before he went into the Army. I do remember that he was bothered some with erysipelas, but do not remember just when he had it. I know his eyes were weak after he came out of the service.

That is the third witness. Then comes Peter Fleck, aged 59 years:

> Have known claimant since 1850. Lived in the same neighborhood with him before he went into the Army. He was a stout, healthy man both before and since the war, so far as I know, until he came back here some years ago. I don't remember of hearing him complain of his eyes then, or noticing anything the matter with them. I know his brother Joel had bad eyes.

The next witness is Margaret A. Fleck, aged 58 years:

> I have been acquainted with claimant since 1851. Lived in the same neighborhood with him both before and since the war. He was a strong, healthy man when he went into the Army. I did not notice that there was anything the matter with his eyes.

The next witness is Thomas P. Halloway, aged 77 years:

> I was raised in Tennessee with claimant, and lived in the same neighborhood with him before and for a while after the war. I do not remember that there was anything the matter with him before he went into the war but some red looking eyes. He and his brothers Joel, Thomas, and Calvin all had red-looking eyes. There were red-looking streaks in the eyeballs of all of them, and their eyes all looked to be weak.

Now, I want to suggest to you, this is the only testimony that can be considered in this case. Let me read the next one, David C. Dun, aged 72 years:

> I lived within about 3 miles of the claimant before the war for several years. He was a sound, hearty man so far as I know before he went into the Army.

Henry D. Laughlin, aged 53:

> I was a member of Company M, Fifth Iowa Cavalry, and first met claimant in the service. He had bad eyes while in the service, and my impression is they looked bad when I first saw him. I think I saw him soon after he came to the camp—

So you will observe from that affidavit that it does not conflict with the testimony of Jonathan Scott himself—

> I am pretty sure there was something the matter with his eyes when he went into the service.

Then comes William H. Utterling, aged 53:

> I was a private in Company M, Fifth Iowa Cavalry, and acquainted with Jonathan Scott. I did not know him before I enlisted, and did not see much of him while in the company. I do not remember that I ever noticed anything the matter with his eyes, but there might have been.

Now, it will be seen that of the ten witnesses examined, only four testified to any defect in claimant's eyesight before he entered the service, to wit, Dr. Waters, William E. Lampkin, Thomas P. Halloway, and Henry D. Laughlin. Two of these witnesses testify to impressions only and hearsay. Six out of the ten witnesses subpœnaed by the Government in this case, with equal opportunities of discovering defects in the claimant's eyesight, failed to discover any such defects.

The Pension Bureau seems to lay much stress on the affidavit of Dr. Waters. I have already suggested to you, with reference to that affidavit, that the Doctor swore, ten years before making it, that the man when he entered the service was absolutely sound and free from disease. So that leaves in the testimony taken by the special examiner only one witness if you bar the hearsay testimony and mere impressions and throw out Dr. Waters's affidavit. There is just one witness who testifies that this man's eyeballs had red streaks in them, and upon that testimony and that alone the Government dropped this old man from the rolls, although there were six affidavits taken by this same inspector at the same time, of neighbors and friends, persons acquainted with this pensioner at the time and before he entered the service, and each of the six testifies absolutely that the man's eyes were free from disease at the time he entered the service. So, taking the report made by the Government's own inspector, we find we have the testimony of six substantial witnesses contradicting the testimony of one who said simply that the man's eyeballs had red streaks in them. But I want to submit to you, if I should concede the truth of that proposition, that that would be no reason why this old man should be dropped from the pension roll. Here is a man who was accepted a second time into the service of the United States. His eyesight seems to have been sufficient to enable him to make a good, faithful, and valiant soldier. Is he to be turned down upon the mere presumption or statement or declaration of a witness that he had red streaks in his eyes? There is nothing to show that his eyes were diseased. It may be that there were simply peculiar spots in them. But be that as it may, I say that the testimony of the six witnesses overwhelmingly shows that this old man—Jonathan Scott—was healthy and sound and able-bodied when he entered the service of his country, and his service of four years two months and three days ought to be conclusive of that fact without regard to the affidavits.

Now, then, as I suggested, Jonathan Scott offered some additional affidavits in opposition to the frivolous charge made against him. I now propose to call your attention to these, showing that the proof is overwhelming in his favor in this case. And there can be no escape from the proposition that the Pension Bureau did not examine the testimony on file in this case, but depended upon the inspector down there in Missouri, who reported that this man should be dropped from the roll; a man who made his report when he supposed the Department demanded that he should find that this disability existed prior to enlistment. Now, then, I say I have the affidavi of Jonathan Scott of his soundness before he entered the service of the United States.

He testifies in the most positive terms that at the time he entered the service he was sound in every particular. That up to the time of his enlistment his eyesight was and always had been perfect, and that the disability came on him from exposure very soon after his enlistment.

Lucy Scott, wife of claimant, testifies to prior soundness of claimant's eyes.

Joel Scott, brother of claimant, testifies in the most positive terms to the prior soundness of claimant's eyes.

D. C. Duncan, aged 72 years, testifies: "I have been acquainted with the claimant for over forty years. He never had sore eyes prior to going into the Army."

Samuel Duncan, age 69, testifies: "I was well acquainted with the claimant, and know that his eyes were sound when he went into the Army."

Jacob E. Redden, age 57 years, testifies: "I have been acquainted with Jonathan Scott over forty-five years; was living 1 mile from him when he enlisted, and know when he went into the service his eyes were sound."

Martha A. Lambreth, age 46 years, testifies: "I have been well acquainted with Jonathan Scott ever since I can recollect, and was at his home frequently, and if there was anything the matter with his eyes before he went into the Army I don't recollect it. I recollect that he had erysipelas once."

John C. White, age 57 years, testifies: "I have known the claimant since 1856. I lived a near neighbor to him from that time until he enlisted. I was a recruiting officer and enlisted Jonathan Scott. At the time I enlisted him, and at all times prior, so far back as I was acquainted with him, he had good, sound eyes and there were no symptoms or appearances of sore eyes."

John K. Kidd, captain Company M, Fifth Iowa Cavalry, the captain of his company, testifies that the claimant did not contract sore eyes until after the regiment left Jefferson Barracks, Mo.

James B. Dial, private in Company M, testifies: "I was acquainted with the claimant before, during, and after the war, and know that his eyes were free from disease at the time he entered the service."

Allen L. McGregor, M. D., testifies: "I became acquainted with claimant in 1853; knew him well. He was a healthy and able-bodied man when he went into the service. I was his family physician before he enlisted."

James Cowen testifies: "I have been personally and intimately acquainted with Jonathan Scott since 1855. I know from personal knowledge that the claimant was, prior to his enlistment, a sound and healthy man, free from all diseases, weaknesses, and especially of the eyes."

Charles C. Brinn testifies: "I have known the claimant ever since I can recollect. Lived a near neighbor to him and intimate with him up to the time he went into the Army. I do not know of his ever being afflicted with sore eyes up to that time."

Thus, Mr. Speaker, I have here the practically uncontradicted affidavits of seventeen witnesses, reported to be reputable, all testifying to the prior soundness of this man's eyes.

Mr. LACEY. I would like to ask the gentleman a question in connection with this veto message.

Mr. KIRKPATRICK. Yes, sir.

Mr. LACEY. The bill, as I understood it, is in favor of Jonathan Scott, of the Sixth Iowa Cavalry——

Mr. KIRKPATRICK. Yes, sir.

Mr. LACEY. Subject to the limitations of the pension laws——

Mr. KIRKPATRICK. Yes, sir.

Mr. LACEY. While, as a matter of fact, there was no Jonathan Scott in the Sixth Iowa Cavalry; and if the bill goes through subject to the limitations of the pension laws, he will get no pension anyhow. Therefore we are having a vain discussion here which can not do the beneficiary any good.

Mr. KIRKPATRICK. I am surprised——

Mr. LACEY. I am simply calling attention to the statement in the veto message.

Mr. KIRKPATRICK. Those are the facts as you have stated them. I desire to take up that point now and present it. It would be a strange proceeding now, Mr. Speaker, if a mere misstatement in the bill should operate to destroy the force and effect of the bill. There is no tribunal on the face of the earth outside of the Pension Department, in my judgment, that would refuse to carry out the law because of uncertainty.

Mr. LACEY. The point that the President makes is this: That the bill itself specifies that it is subject to the limitations of the pension laws. Now, under the general pension laws you can not pension Jonathan Scott of the Fifth Iowa Cavalry in a bill that designates him as Jonathan Scott of the Sixth Iowa Cavalry. There are plenty of Jonathan Scotts. There may be one in one regiment and there may not be one in another: and under the limitations of the pension laws I think the bill would be an absolute nullity: and if the committee thinks the facts are as pointed out by the President about this bill, why, they should bring in a new bill to pension Jonathan Scott of the Sixth Iowa Cavalry, and when that bill gets through, have it to do him good, and not simply pass this bill that would do no good.

Mr. LOUD. Is it not a good idea, to show our independence of the Executive, to pass it over his veto?

Mr. KIRKPATRICK. The President of the United States has not made the suggestion that the gentleman seems to think he made. The President suggests that he is informed by the Pension Bureau that because of this error in the bill it will become inoperative. That is what he says. But, speaking with reference to its being subject to the limitations and provisions of the pension laws, he says that, as a matter of course, would enable the Pension Office to go on and retry the case, if they were afterwards to discover his eyesight was not as defective as they claim; and they can, therefore, try the claim over. That I concede. Now, what is the purpose of naming the service of the soldier in a pension bill? It is merely for identification, nothing more, nothing less. That being so, would the Commissioner of Pensions be justified in refusing to place this man upon the roll in the face of this record? Let us see what the President himself says about that. He says:

> I am advised by the Pension Bureau that the bill, if it became law in its present form, would be inoperative, for the reason that the beneficiary is therein described as having been a member of the Sixth Regiment of Iowa Volunteer Cavalry, whereas he actually served in the Fifth Regiment of Volunteer Cavalry of that State.

How do you suppose the President made that discovery, if the records do not show it?

Mr. LACEY. There was a Jonathan Scott in the Thirty-sixth Iowa.

Mr. KIRKPATRICK. But there was no Jonathan Scott of Oswego, Kans., in the Thirty-sixth, and there is no other Jonathan Scott holding the certificate that is mentioned in this record as being held by this man. Therefore, it is mere child's play to talk about the Pension Bureau disregarding this bill on the ground that the service of the soldier is not correctly described in it. We have frequently passed bills here wherein it has been stated that the beneficiary served in some one company or regiment, when in fact he had served in two or three. Would the Bureau be justified is disregarding those bills upon that ground? As I have said, the only object of reciting in the bill the service of the soldier is to identify him, and if there is sufficient identification aside from the bill, then any error of that kind in the bill may be absolutely ignored. This bill provides for pensioning Jonathan Scott. The Pension Bureau, when called upon to give effect to the law, may take into consideration the history of this bill, and the President of the United States himself states in his message that this man did serve in the Fifth Regiment of Volunteer Cavalry. The report of the committee concedes the error in the bill as to the number of the regiment, but shows that this is the same identical man for whose benefit the bill was intended, giving numbers and dates and testimony to establish that fact.

Mr. FAIRCHILD. Let me suggest to the gentleman from Iowa and the gentleman from Kansas that for at least four years to come there will be no trouble in having the provisions of this bill carried out, if it should be passed over the President's veto.

Mr. KIRKPATRICK. I thank the gentleman. I was about to suggest that a Pension Commissioner who should refuse to place this man on the pension roll after this bill becomes a law ought to be impeached, and I believe there will be enough patriotism in the next Congress to take such action against any officer who should refuse to carry out the law.

Mr. LACEY. Mr. Speaker, I think the gentleman from Kansas misapprehends the point of the objection. We are now making legislation. This is a body which has the intelligence and the power to legislate and to make its legislation correct and sensible. Our attention has been called to the fact that in this case we have legislated on behalf of a person who does not exist, and at the same time we are notified as to who the real man is, where his service was rendered, and where he is to be found. Now, if we are to pass a bill at all for his benefit, why not pass it in correct form instead of in a wrong form?

Mr. LOUD (ironically). That would not maintain our dignity. [Laughter.]

Mr. LACEY. Oh, there is no question of dignity involved here. It is a mere question of passing a law in proper form instead of in an improper form.

Mr. KIRKPATRICK. Does the gentleman from Iowa suggest that there is no Jonathan Scott, for whose benefit this bill is proposed?

Mr. LACEY. Oh, no. I know there is a man of that name who is entitled to the benefits of this bill, but the bill misdescribes him, or describes a different man, and my point is that the rights of Jonathan Scott ought not to be imperiled by this sort of legislation. Of course we can not amend the bill now after it has been vetoed, but we can pass a new bill for his benefit.

Mr. KIRKPATRICK. Yes, and get it in, too, in the last ten days and have it made the subject of a pocket veto, and let this old man die without getting a dollar.

Mr. LACEY. The committee can take care of that.

Mr. KIRKPATRICK. We have passed this bill. There is an error in it, but no man doubts as to who is the man that is intended by the bill, neither the President nor the Commissioner of Pensions nor anybody else. The point made against the bill is a mere technicality. No man can be mistaken about the purpose of the bill or the identity of the person for whom it is intended. Therefore I beg of the House to pass this bill. The President of the United States, in his veto message, has practically branded this old veteran, who served four years two months and three days, as having obtained his pension through fraud; and I would pass this bill over the veto, if for no other reason, for the purpose of giving this old man a clear title. But I want to say to you, gentlemen, that no Commissioner of Pensions will be found who, in the face of this record, will dare to ignore this bill in its present form if we pass it here.

It is perhaps unfortunate for this old soldier that in 1861 he did not adopt a less patriotic but a wiser course and send a substitute to the war instead of going himself. If he had done that, he would not perhaps be here to-day clamoring in darkness to this House to protect him and his wife from the poorhouse. Although an insignificant mistake did creep into this bill by accident, there is no doubt about the identity of its beneficiary, and it would be impossible for us to pass a new bill for the relief of this old soldier at this session. I hope that every gentleman upon this floor, in view of the facts of this case and the records I have presented, will vote in favor of this bill. I remind gentlemen that seventeen witnesses stand up and swear absolutely that this man's eyes were sound when he entered the service, while, on the other hand, there is one man who swears that he had "red eyes," and upon that testimony the Pension Bureau dropped this old veteran from the roll, and the President of the United States, upon the assumption that the Bureau did its duty, vetoed this bill and sent it back to the House. I hope that the House will pass the bill. I reserve the remainder of my time till I see whether any gentleman desires to oppose the bill.

As there seems to be no one desirous of addressing the House in opposition, I ask for a vote.

Mr. LACEY. Mr. Speaker, I regret to oppose a measure of this kind, because my sympathies are entirely with what my friend from Kansas [Mr. KIRKPATRICK] has said. But if we pass this bill, we shall not do any good thereby to the beneficiary named. We shall simply embarrass him by enacting a bill which, if it passes, will be wholly inoperative.

This Congress is in possession of all the facts in controversy between the Interior Department and the Committee on Invalid Pensions. I should feel inclined in any matter of this kind to accept the views of the committee, because they are not bound by the fixed rules of law; and any man who served nearly four years in the Army and is now totally blind ought to be pensioned. I believe, therefore, this bill ought to pass; but in the form in which it now is it will not do the beneficiary any good. We ought to pass a bill which will give him his pension, not a bill which would have to be reformed by a chancery proceeding in order to enable him to obtain the benefit of it.

While the objection raised in this case may be said to be technical, yet it is more than technical. It is an objection which reaches the very foundation of the bill itself. Here is a man—Jonathan Scott. It is immaterial whether that is his correct name or not. He is described as Jonathan Scott of the Sixth Iowa Cavalry. There was no Jonathan Scott of the Sixth Iowa Cavalry. I am told by my friend from Kansas that the number of the pension certificate is given in the bill; that this man is described as Jonathan Scott to whom a certificate of a certain number was issued; that this is a sufficient description to identify the pensioner. Unfortunately, my friend from Kansas is inaccurate in that statement.

Mr. KIRKPATRICK. I did not make the statement.

Mr. LACEY. I so understood the gentleman.

Mr. KIRKPATRICK. I said that that is the statement in the record.

Mr. LACEY. Very well; it is not in the bill. The bill does not recite the number of the certificate.

I repeat, that we ought to pass such a bill that Jonathan Scott—the man whom we intend as the beneficiary—may receive his pension under it, instead of simply putting him in a position where he will find himself in hostility to the Department and powerless to enforce what this Congress proposes to grant him.

Mr. FAIRCHILD. May I make a suggestion to the gentleman?

Mr. LACEY. Certainly.

Mr. FAIRCHILD. In view of the fact that in the veto message of the President other reasons are given for the veto, so that it is likely, as the gentleman from Kansas has suggested, that if we pass a new bill it will also be vetoed and the matter will come up too late in the session to do this old man any good, and in view of the fact that there are differences of opinion as to whether the technical error referred to will deprive the man of the pension, would it not be decidedly the best course, if we approve the merits of this bill, to pass it now over the veto, and then, if it is necessary, pass another bill correcting the small error which it is stated exists? Should we not, in that way, give the old soldier the benefit of the doubt?

Mr. LACEY. If this bill should go back to the committee, a bill can be reported in proper form; and I think the Committee on Rules would be willing to give the new bill an opportunity for special and immediate consideration, so that it should not fail to pass by reason of the lateness of the session. Then, when the bill shall have passed, we can say that we have done what we ought to have done for this old soldier and that our action will be effectual. That, it seems to me, is the only practical course of action. I suggest that this bill ought to be withdrawn or referred back to the committee; that then they should bring in a new bill and obtain early action upon it. This old man ought to have a pension. He is totally blind. He served nearly four years in the Army. Even if we concede that his blindness did not originate in the service, he is a person whom this House would feel inclined to treat as a proper beneficiary of the bounty of the Government. We should not embarrass a bill for his benefit with the difficulties that will surround this bill if passed in its present defective form, as proposed, over the veto.

Mr. BRUMM. Allow me to make a single suggestion. We are now legislating. If this bill be passed over the President's veto, it will be an act of Congress. The Department will have nothing to do except to carry out the law. The difficulty connected with a wrong designation of the soldier's regiment can only arise in the construction of that law. In an honest effort to carry out the law, would it not be the duty of the Pension Department to inquire into the reason, the spirit, the meaning, and intent of the law, and in that way to give the act the effect intended by Congress? Can there be any possible doubt as to the reason and intent of Congress in this bill, if it should now be repassed? Does the gentleman believe that under these conditions the Pension Department would say, "We will not carry out the law by paying this pension?" If the Pension Department is ready to do a thing of that kind, we ought to know it.

Mr. LACEY. My friend is a lawyer; I will refer him to a very well settled principle. Suppose two persons preparing a contract are mutually misled. They undertake to describe a certain tract of land, but the description in fact covers a tract which they had not in their minds. In such a case a court of equity will reform the contract and treat it as applicable to the particular land which the parties had in view. But suppose the attention of the parties before executing the contract is called to the fact that the land which they describe has no existence; suppose that in the face of that absolute knowledge they persist in going on and executing the contract. Suppose they shut their eyes to the facts, saying: "A court of equity will grant us relief against our own perversity; we will go on and execute the contract in the form proposed; and we will rely upon a court of equity doing for us what we ought to have done for ourselves." Would the gentleman expect that in such a case relief in chancery could be obtained? Yet that is the very position which gentlemen ask this House to take in this case. The House is gravely informed by its committee that this bill in its terms applies to an individual who does not in fact exist, who never rendered the service described; but we are told that the Pension Bureau will have at command a method by which it can find out who the man is; and therefore we will not correct the terms of this legislation ourselves, although we know they are erroneous. Such perversity ought not to characterize the action of Congress.

Mr. WOOD. Is there anything in the pension law to prevent the Commissioner of Pensions from revoking the order dropping this man from the rolls, and restoring him to his original right, independently of any bill passed here?

Mr. LACEY. Nothing whatever.

Mr. WOOD. Well, then, this bill will help him to do that.

Mr. LACEY. Possibly it may, or it may not. But a bill passed "for the benefit of Jonathan Scott of the Fifth Iowa Cavalry," will help him, and we ought to pass that. We ought to pass a bill for the man whom we mean to benefit.

Mr. FAIRCHILD. Let me make this suggestion to the gentleman: Suppose you were Commissioner of Pensions in the next Administration, and this law was passed, would you ignore it or construe it according to the plain intent of the lawmakers?

Mr. LACEY. If you were the Commissioner of Pensions, or I, or any other man, and we found a bill to place on the rolls "under the general limitation of the pension law" the name of a certain man, and we find upon inquiry of the War and Record Division that there is no such man, we would simply be compelled to say that the law is inoperative; and that would be the end of it, in my judgment. There is no use embarrassing the claimant by passing a confessedly imperfect and erroneous bill. We have it in our power to make the proper correction, and the necessary correction. We can pass a new bill in the correct form. Of course, a vetoed bill can not be amended, but it must pass as it is or fail. Let the committee bring in the bill drawn in proper form to the correct beneficiary.

Mr. WOOD. Would you not restore him to the rolls under such a law?

Mr. BRUMM. Let me interrupt the gentleman to make this suggestion: What would be the harm in passing the bill over the President's veto, and immediately after an amendment correcting the error? That is the better and safer way. Pass this bill first and then the necessary amendment afterwards.

Mr. LACEY. Why not pass a new bill with the amendment first, and then there will be no need of this bill?

But, Mr. Speaker, I shall not detain the House longer. I simply call attention to what seems to me the common-sense view of the matter. I think we are committing an error; but let gentlemen who have charge of the measure take their own course. I regret that the course which they seem to prefer may defeat the very object which they have in view.

Mr. KIRKPATRICK. I now ask the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? Under the Constitution, the yeas and and nays will be taken; and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 53, not voting 165; as follows:

YEAS—137.

Adams,
Aldrich, T. H.
Anderson,
Arnold, Pa.
Atwood,
Baker, Kans.
Baker, Md.
Baker, N. H.
Barham,
Belknap,
Bell, Colo.
Bennett,
Blue,
Boutelle,
Bowers,
Broderick,
Bromwell,
Brumm,
Bull,
Burrell,
Burton, Mo.
Calderhead,
Cannon,
Chickering,
Codding,
Cook, Wis.
Cooke, Ill.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Crowther,
Curtis, Iowa
Curtis, Kans.
Danford,
Dayton,
De Witt,
Dolliver,
Ellis,
Fairchild,
Faris,
Fenton,
Fischer,
Gamble,
Gardner,
Gibson,
Gillett, Mass.
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Hardy,
Harris,
Hartman,
Hatch,
Hemenway,
Henry, Ind.
Hicks,
Hilborn,
Hill,
Hitt,
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hurley,
Hyde,
Kem,
Kiefer,
Kirkpatrick,
Knox,
Latimer,
Layton,
Lefever,
Leighty,
Lewis,
Linney,
Long,
Loudenslager,
Low,
Mahon,
McCall, Tenn.
McCleary, Minn.
McCormick,
Meiklejohn,
Mercer,
Miller, Kans.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Mozley,
Murphy,
Noonan,
Otjen,
Overstreet,
Parker,
Pendleton,
Perkins,
Phillips,
Pitney,
Powers,
Royse,
Sauerhering,
Shafroth,
Sherman,
Smith, Ill.
Snover,
Southard,
Spalding,
Sperry,
Stahle,
Stewart, N. J.
Stone, W. A.
Strode, Nebr.
Sulloway,
Tracey,
Updegraff,
Van Horn,
Van Voorhis,
Walker, Mass.
Wanger,
Warner,
Wellington,
White,
Wilson, N. Y.
Wilson, S. C.
Wood,
Woomer,
Wright.

NAYS—53.

Abbott,
Allen, Miss.
Bailey,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Tex.
Black,
Buck,
Catchings,
Clardy,
Coffin,
Connolly,
Cox,
Crisp,
Culberson,
Daniels,
Dockery,
Erdman,
Gillet, N. Y.
Hall,
Henderson,
Hendrick,
Kleberg,
Kyle,
Lacey,
Lawson,
Little,
Livingston,
Loud,
Martin,
McCreary, Ky.
McCulloch,
McDearmon,
McLaurin,
Miles,
Otey,
Patterson,
Raney,
Sayers,
Scranton,
Shuford,
Sparkman,
Stokes,
Strait,
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Tracewell,
Turner, Ga.
Washington,
Woodard.

NOT VOTING—165.

Acheson,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Andrews,
Apsley,
Arnold, R. I.
Avery,
Babcock,
Bankhead,
Barney,
Barrett,
Bartholdt,
Beach,
Berry,
Bingham,
Bishop,
Boatner,
Brewster,
Brosius,
Brown,
Burton, Ohio
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Colson,
Cooper, Fla.
Cowen,
Crowley,
Crump,
Cummings,
Curtis, N. Y.
Dalzell,
De Armond,
Denny,
Dingley,
Dinsmore,
Doolittle,
Dovener,
Draper,
Eddy,
Ellett,
Evans,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Goodwyn,
Graff,
Hadley,
Hanly,
Harmer,
Harrison,
Hart,
Heatwole,
Heiner, Pa.
Henry, Conn.
Hepburn,
Hermann,
Hooker,
Hopkins,
Howard,
Howe,
Howell,
Hubbard,
Hutcheson,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kendall,
Kerr,
Kulp,
Leisenring,
Leonard,
Lester,
Linton,
Lorimer,
Maddox,
Maguire,
Mahany,
Marsh,
McCall, Mass.
McClellan,
McClure,
McEwan,
McLachlan,
McMillin,
McRae,
Meredith,
Meyer,
Miller, W. Va.
Milliken,
Miner, N. Y.
Money,
Moses,
Murray,
Neill,
Newlands,
Northway,
Odell,
Ogden,
Owens,
Payne,
Pearson,
Pickler,
Poole,
Price,
Prince,
Pugh,
Quigg,
Ray,
Reeves,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Settle,
Shannon,
Shaw,
Simpkins,
Skinner,
Smith, Mich.
Sorg,
Southwick,
Spencer,
Stallings,
Steele,
Stephenson,
Stewart, Wis.
Stone, C. W.
Strong,
Sulzer,
Tait,
Tawney,
Tayler,
Thomas,
Thorp,
Towne,
Treloar,
Tucker,
Turner, Va.
Tyler,
Wadsworth,
Walker, Va.
Watson, Ind.
Watson, Ohio
Wheeler,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, Ohio
Woodman,
Yoakum.

So (two-thirds voting in favor thereof) the bill was passed.

The following pairs were announced:

Until further notice:

Mr. DRAPER with Mr. COWEN.
Mr. REYBURN with Mr. MCRAE.
Mr. SIMPKINS with Mr. FITZGERALD.
Mr. DOVENER with Mr. CLARKE of Alabama.
Mr. AITKEN with Mr. HART.
Mr. HANLY with Mr. MOSES.
Mr. DINGLEY with Mr. MCMILLIN.
Mr. PICKLER with Mr. MINER of New York.
Mr. JOHNSON of California with Mr. SPENCER.
Mr. DALZELL with Mr. COBB.
Mr. SMITH of Michigan with Mr. TUCKER.

For this day:

Mr. KULP with Mr. CUMMINGS.
Mr. CHARLES W. STONE with Mr. DINSMORE.
Mr. WILLIAM F. ALDRICH with Mr. HARRISON.
Mr. HERMANN with Mr. COOPER of Florida.
Mr. RUSSELL of Connecticut with Mr. COCKRELL.
Mr. HUBBARD with Mr. MAGUIRE.

Mr. Hopkins with Mr. Boatner.
Mr. Heatwole with Mr. Berry.
Mr. Harmer with Mr. Bankhead.
Mr. Andrews with Mr. Price.
Mr. Foss with Mr. Neill.
Mr. Prince with Mr. Richardson.
Mr. Avery with Mr. Maddox.
Mr. Milliken with Mr. Money.
Mr. Howell with Mr. Stallings.
Mr. Mahany with Mr. Williams.
Mr. McEwan with Mr. Jones.
Mr. Linton with Mr. Ogden.
Mr. Leisenring with Mr. Lester.
Mr. Apsley with Mr. Sorg.

On this vote:

Mr. Jenkins with Mr. Sulzer.

Mr. KYLE. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. KYLE. I can not say that I was listening at the precise moment. I was here in my seat, and was paying attention to the call, but did not hear my name. I had been keeping the account of the roll. I do not think my name was called at all. I will not state positively that it was not, although I was paying attention at the time, I think, and did not hear it.

The SPEAKER. The principle on which the rule is relaxed is on the idea that there may have been some omission in calling the name. If the gentleman thinks his name was not called the Chair will direct it to be called.

Mr. KYLE. I do not think it was called.

Mr. Kyle's name was called and recorded as above.

Mr. COBB. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. Dalzell. If he were present, I would vote "no."

Mr. BUCK. Mr. Speaker, I was present and heard my name called, but was preoccupied, and before I could answer another name was called. I would like to have my vote recorded.

Mr. Buck's vote was recorded in the negative, as above.

Mr. McMILLIN. Mr. Speaker, I voted in the negative on this question. I see that I am paired with the gentleman from Maine, Mr. Dingley, and therefore withdraw my vote.

Mr. RUSSELL of Connecticut. Mr. Speaker, I voted in the affirmative, but see that I am paired, and therefore withdraw my vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in paper covers 5,000 additional copies of the special census report on the occupations of the population of the United States, as shown at the Eleventh Census, to be distributed by the census division of the Department of the Interior, the extra edition of such special report to be known as Extra Census Bulletin No. 101.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 646) for the relief of Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain;

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor; and

A bill (S. 1128) granting a pension to Isabella Morrow.

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, with Mr. Hopkins in the chair.

The Clerk (resuming the reading of the bill by paragraphs for amendment) read as follows:

MOLELS.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December 21, 1855, $12,000.

Mr. CANNON. Mr. Chairman, I move to strike out "twelve" and insert "three."

Mr. SHERMAN. I should like to ask the gentleman why he makes that motion?

Mr. CANNON. I should be glad to know first why the gentleman increases the amount from three thousand, as it has been for many years, to twelve thousand?

Mr. SHERMAN. We make the increase upon the request of the Secretary, coming to us in the usual way, in the Book of Estimates. I have no special report on the subject.

Mr. CANNON. Now, I believe I can give the gentleman some information, if that is so, which will show the absolute defenselessness of the increase. In fact, I am inclined to think it ought to be reduced to $1,000; but I took occasion to glance at the facts about the Molels. I did not get a great deal of satisfaction out of the reports, I must admit. I found the treaty referred to. No amount is stated in the treaty, so I addressed a telegram to the Indian Office, and I received the following reply:

Indian Office, *January 22, 1897.*

To Hon. J. G. Cannon,
Chairman Committee on Appropriations:

It is presumed Mr. Cannon desires to know of Molels in connection with an item of the Indian appropriation bill. The number is 31, as shown by the police reports. They are at Grande Ronde Agency, Oreg. It may be noted by reference to article 2, fourth paragraph of the treaty of 1855, ratified in 1859, Twelfth Statutes, page 981, that they were therein confederated with several other tribes. The sum of $3,000, appropriated each year under the head of Molels, is used at Grande Ronde Agency for the education of these confederated tribes. The word is spelled in different ways in different places: Sometimes Molel, Mollle, and Molale.

D. M. BROWNING, *Commissioner.*

Now, that is a part of that treaty, made away back in the fifties, and from that day to the present there has been $3,000 set aside annually for the education of these Indians. If there are 31 of them, men, women, and children, all told, there would probably be about 10 of them of school age. I do not know but that is too high an estimate. If there are 10, the $3,000 which has always been given would make $300 for each child. Twelve thousand dollars would give $1,200 for each child.

Mr. SHERMAN. On the gentleman's statement I will accept his amendment. The committee based this item entirely upon the estimate of the Secretary. The Secretary, or the Commissioner, has furnished to the gentleman from Illinois [Mr. Cannon] fuller information than he furnished to the committee; and on the gentleman's statement I think myself that $3,000 is enough.

Mr. CANNON. I know nothing of it except this. I did not find any information in the report, and what I have stated is all I know about it.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois [Mr. Cannon] will be agreed to.

The amendment was read, as follows:

In line 18, page 21, strike out "twelve" and insert "three."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

PAWNEES

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September 24, 1857, $30,000.

For support of two manual labor schools, per third article of same treaty, $10,000.

For pay of 2 farmers, 2 blacksmiths and 2 apprentices, 1 miller and apprentice, 2 teachers, 1 shoemaker, and 1 carpenter, $5,400.

For pay of physician and purchase of medicines, $1,200.

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September 24, 1857, $500; in all, $47,100.

Mr. SHERMAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 15, page 21, insert:

"The Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians, in cash, per capita, the sum of $50,000, out of their trust land money on deposit in the United States Treasury."

Mr. CANNON. I reserve the point of order until I hear the gentleman's explanation.

Mr. SHERMAN. This amendment is here by the authority of the committee, and in pursuance of a recommendation received from the Secretary. These Indians have in the Treasury the sum of $422,000, in round figures. They have petitioned the President to allow them to draw $100,000 of that amount, stating that it is necessary for them in order that they may successfully compete in agriculture with other citizens. These Indians are citizens, and their lands have been allotted to them. They sent on their petition and it was presented to the Secretary by a duly authenticated delegate, and after several conferences the Secretary finally agreed to recommend that Congress pay to them $50,000, and in that recommendation this authenticated delegate joined. I have the full report here, if the gentleman would like to have it read from the Clerk's desk. The petition of these Indians is signed by Brave Chief, Curly Chief, War Chief, and Lone Chief, Captain Jim, and certain other gentlemen bearing like euphonious names, and some who do not. It is a tribal petition, and it is authenticated by the Indian agent. The item is, as I say, recommended by the Secretary of the Interior, after giving the matter full consideration, as he stated in his communication.

Mr. CANNON. I should like to ask the gentleman, for information, how many Pawnees are there?

Mr. SHERMAN. I can not give the exact number, but several hundred; I think somewhere between 500 and 700, if I remember correctly.

Mr. CANNON. Are they taking their lands in severalty?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. And living upon their lands now?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. In the valley of the Canadian?

Mr. SHERMAN. They are citizens now.

Mr. CANNON. They are living in the valley of the Canadian, and are citizens?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. Now, then, the trust fund, as I understand it, for these Indians, created nearly half a century ago, is given to them, in the discretion of the Secretary of the Interior, for education and for building schoolhouses, or anything that seems to him proper for their advancement.

Mr. SHERMAN. I assume that it is so. That is the ordinary form of treaties.

Mr. CANNON. Let us take the number at 700, or 140 families. Now, there is appropriated in this bill for Pawnees for the coming year a little over $100,000. They are on their farms, and, as I recollect, right in the valley of the Canadian south of Arkansas City some distance. I suppose if there are any good lands in that section they are on good lands.

Mr. SHERMAN. They are down in Oklahoma.

Mr. CANNON. Yes; but in the best part of Oklahoma. They have been there a long time, I believe. If you divide $100,000 among 140 families, how much would it be?

Mr. SHERMAN. The gentleman from Ohio might answer if he were here, but he has gone out with his slate.

Mr. CANNON. I was trying to get at it.

Mr. CURTIS of Kansas. About $70 apiece.

Mr. CANNON. About $70 to each, about $350 to a family. Now, let us see what we have. A civilized tribe of Indians, if there are any civilized, and I mean as tribes, I think quite the equal—and the gentleman will correct me if I am wrong in that point—of the civilized tribe on the east, the Osages. They have their lands in severalty, free from taxation, and have $350 to the family if they receive this appropriation, or its equivalent. Now, I want to submit to my friend and ask him the question whether he thinks, in addition to all this, it is wise by legislative action to decrease this trust fund, which bears interest, and to vote $50,000 of it in addition to what they already get. In other words, if we continue that policy, it seems to me the trust fund will go in two, three, or four years, and when it does go, if we are so unfortunate in dealing with these Indians, and if they shall squander the money, why, then, "Lo, the poor Indian," from the standpoint of God and humanity, would require to be relieved from the public Treasury. I am only seeking to find out whether it is not better to husband the fund.

Mr. SHERMAN. I will ask the Clerk, Mr. Chairman, to read the body of the petition presented by these Indians and also the recommendation of the Secretary in reference thereto.

The Clerk read as follows:

Pawnee Agency, Okla., *December 22, 1896.*

To the Honorable the Commissioner of Indian Affairs,
Washington, D. C.

Sir: We, the undersigned, adult members of the Pawnee tribe of Indians, residing in the Territory of Oklahoma, in council assembled, do hereby beg and petition that the Congress of the United States by act of legislation direct that our tribe be paid per capita at once, or so soon as may be practicable, $100,000 of the principal of our money now on deposit in the Treasury of the United States.

Our reasons for requesting this payment are that since taking our allotments and allowing our surplus lands to be thrown open to settlement, and becoming citizens of the United States, we find it much harder to live than formerly; that citizenship brings with it many responsibilities of which we never dreamed. We find that in order to in any manner compete successfully with our white neighbors we must have modern agricultural implements, and that our farms or allotments must be improved in many respects. This takes much money, much more than our regular annuity payments, as it takes nearly all of such payments, and in some cases more, to pay our ordinary family expenses. During the past three years our crops have been very unsatisfactory, and have produced scarcely no revenue. We find ourselves constantly hampered in our upward progress for want of sufficient funds with which to make needed improvements on our allotments.

In order to properly place this matter before Congress, and urge the passage of such a bill, we have selected * * * men of our tribe to visit Washington, and we ask you to lend them all the assistance you can to have this money paid us. We desire you to pay their traveling expenses and other expenses out of our funds, and we truly hope that you will see that they do not visit saloons and other bad places, for we send them there to attend to our business, which we consider of very great importance to the tribe.

In view of these facts, we most earnestly beg and pray that you grant this, our request and petition. We have promised our agent that this money, if paid to us, shall be spent judiciously for the benefit of our tribe and the improvement of our homes.

We also promise you that this money, if given us, shall be spent in improving our homes, and that none of it will be squandered. We truly hope you will assist us.

Witness our hands and seals the day and year first above written.

Mr. SHERMAN. Now, if the Clerk will read the first letter there from Secretary Francis.

The Clerk read as follows:

Department of the Interior, *Washington, January 18, 1897.*

Sir: I have the honor to transmit herewith copy of a communication of 16th instant and accompanying petition of the Pawnee tribe of Indians, Oklahoma, to secure a payment to them of $100,000 of their trust-land moneys on deposit to their credit in the United States Treasury, which amounts to $422,418.25.

The Commissioner states that he has carefully considered the petition of these Indians and is of opinion that the aid extended to them at this time would be of benefit to the tribe, and he recommends that $50,000 of their land money be paid to them per capita.

I have talked with the delegation of these Indians, and urged them to retain $400,000 in the Treasury, which would give them $20,000 interest per annum. This they seem unwilling to do, and insist on the per capita payment of $50,000, which is but one-half of the sum asked for.

Having expressed the views and wishes of the Indians, I deem it best for Congress, in its wisdom, to fix the amount to be paid per capita to them.

Very respectfully,

DAVID R. FRANCIS,
Secretary.

The Chairman Committee on Indian Affairs,
House of Representatives.

Mr. SHERMAN. Now, Mr. Chairman, on general principles I am opposed, as I understand my friend from Illinois [Mr. Cannon] is, to taking the trust funds and paying them out to the various tribes of Indians; but it does seem to me that these Indians have made out a very strong case; and in view of the fact that the request, modified as to amount, is concurred in by the Indian Office, and substantially by the Secretary, I think the amendment should be adopted.

Mr. CANNON. I have this figured out now. All I want is that the House shall proceed with its eyes open. This bill carries over $100,000 for these 700 Indians.

Mr. SHERMAN. Including this item?

Mr. CANNON. No, no; excluding this item. Besides that, the interest on the trust fund was over $20,000——

Mr. SHERMAN. Where does the gentleman get his $100,000 which he says this bill carries for the Pawnees?

Mr. CURTIS of Kansas. In line 15 the total is summed up at $47,000.

Mr. CANNON. Let us see. On page 22 I find "Pawnees: For perpetual annuity, etc., $30,000"——

Mr. SHERMAN. Certainly; but on line 15, page 23, there is a summary of all those items, which is only $47,100.

Mr. CANNON. Well, I want to get it exactly right. But in addition to this $47,000 they get $22,500 interest on their trust fund, so that they get, in round numbers, $70,000. Now, that is to be divided between 700 people.

Mr. SHERMAN. But it is not all divided. Part of it is expended for schools, part for the blacksmith, part for the physician, etc. It is not all divided per capita among the people.

Mr. CANNON. I know that; but it helps them to live.

Mr. SHERMAN. Oh, certainly, it helps them to live.

Mr. CANNON. And in the meantime they are living in their own homes, on their farms, and they receive, for schools, $10,000; for pay of physician, $1,200; for purchase of iron and steel, etc., $500; and other items, the whole making up this total of over $17,000. Now, I want to put the case to my friend from New York in this way: These Indians are wards of the nation who receive $500 each and live on their own farms; and does not the gentleman think, in view of these facts, that it is better for us to refuse to take a part of this trust fund and pay it over to them to be spent, instead of keeping it invested as capital for their benefit? They get $500 per family; that is $100 for every man, woman, and child. Now, with the highest grade of civilization existing throughout the length and breadth of this land, I do not believe that the average earnings of families will exceed that sum.

Mr. GARDNER. Have they their houses paid for?

Mr. CANNON. Certainly. They are living on their own farms, which they can not encumber. They are free from taxation. They are living in severalty, and, in addition to all this, they get from the Government $500 for every family. That being the case, it seems to me that it is sheer waste to take $50,000 from this trust fund and pay it over to them; and, let me add, and I say it respectfully, people who would request that their trust fund, which is earning 5 per cent interest, should be distributed and paid over to them for current expenses, do, in my judgment, by that very request, show that they are not competent to care for themselves, and if we waste this trust fund now at their suggestion, I fear the years will be very few until it is all gone and we shall be called upon to appropriate for these Indians from the Treasury, as we do for so many others.

Mr. SHERMAN. I remind the gentleman that our whole system of dealing with the Indians is based upon the assumption that we have to care for them because they are not competent, as we are, to care for themselves.

Mr. CANNON. And we do care for them. Having extinguished their title, and their lands being now held in severalty, we do care for them by treaty and give them $500 for each family. Now, if we take, in addition to that, $50,000 from the trust fund, that makes about $140 more for each family. In other words, the candle will be burning at both ends. Under the treaty we could permanently give them $500 for each family for many years to come, but if we disturb the principal of the trust fund, we merely hasten the day when they will become a general charge upon the Treasury.

The question being taken on the amendment of Mr. SHERMAN, the Chairman declared that the ayes seemed to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 23, noes 26.

So the amendment was rejected.

The Clerk read as follows:

QUAPAWS.

For education, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 25, after the word "dollars," in line 13, add the following:

"That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their land, or any part thereof, for a term not exceeding three years for farming or grazing purposes, or ten years for mining and business purposes; and said allottees, and their lessees and tenants, shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any certain allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed."

Mr. SHERMAN. Mr. Chairman, I will raise the point of order against that amendment until I can ascertain what is the necessity for it.

Mr. CURTIS of Kansas. Mr. Chairman, in the last Indian appropriation bill this provision was embodied:

That allottees of lands within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years for farming or grazing purposes, or for ten years for mining or business purposes.

It seems that the Indian Office has placed one construction upon this language and the Secretary of the Interior another. The Secretary holds that no leases can be made without the approval of the Secretary, and the Indian Office holds that such leases may be made without his approval. It was clearly the intention of the provision to authorize the Quapaw Indians to lease their lands the same as the adjacent tribes are permitted to lease theirs. All those Indians are in an advanced stage of civilization, and in order to remove any doubt as to what construction should be placed upon the law, I offer this amendment. It authorizes these Indians, if they are competent to make leases, to do so, but if for any reason they are not competent, it provides that the lands may be leased under rules and regulations to be prescribed by the Secretary of the Interior. It has been suggested and I believe that this is the best way out of the difficulty which has arisen in reference to the construction to be placed upon the act passed last winter.

Mr. FISCHER. As I understand the gentleman, under the law as it now reads leases may not be made without the consent of the Department.

Mr. CURTIS of Kansas. No; as the law now reads, leases of any kind may be made without the consent of the Department; that is clearly the intention; but there is a dispute between the officers as to whether the law is entitled to that construction.

Mr. FISCHER. Do you by your amendment intend to convey the idea that leases may hereafter be made by the Indians except where they are incompetent?

Mr. CURTIS of Kansas. By these particular Indians—the Quapaws—unless they are incompetent.

Mr. FISCHER. How is that incompetency to appear? How is it to be determined?

Mr. CURTIS of Kansas. It is to be determined by the agent. There is an agent over these Indians.

Mr. FISCHER. Then all leases must be countersigned or indorsed by the Department; otherwise there can be no authoritative determination of the competency of the Indians to make the leases.

Mr. CURTIS of Kansas. The leases might be made, unless some objection appeared.

Mr. FISCHER. If an Indian can not now lease his land except by consent of the Department, but may hereafter make a lease without the consent of the Department, except when he is incompetent, how is that incompetency to be determined?

Mr. CURTIS of Kansas. The gentleman misunderstands. These Indians have now the right under the law to make leases without the consent of the Indian agent, just as the Miamis and other Indian tribes located in the same neighborhood are permitted to do. This law passed a year ago was intended to give the Quapaws the same right exercised by Indian tribes whose lands adjoin the Quapaw Reservation.

Mr. FISCHER. I shall have to ask that the amendment be read again. I did not so understand it.

The amendment was again read.

Mr. BRODERICK. I wish to ask my colleague [Mr. CURTIS of Kansas] a question. The Quapaws are still under the supervision of an agent, are they not?

Mr. CURTIS of Kansas. There is an agent over those few tribes down in that neighborhood; but I am informed that they really need no agent.

Mr. BRODERICK. And the agent superintends the matter of leases?

Mr. CURTIS of Kansas. He has done so, and does so now.

Mr. BRODERICK. Well, why not make this provision general, applying to all Indians to whom allotments have been made?

Mr. CURTIS of Kansas. Because other Indian tribes are not so far advanced as the members of the Quapaw and Miami tribes. These Indians have been transacting their own business for a considerable time, and are perfectly able to take care of themselves. Most of them are entirely competent to be intrusted with the making of leases.

Mr. BRODERICK. As a rule, allotments are not made until the Indians are well advanced.

Mr. STEELE. Why not move to dispense with the agents?

Mr. CURTIS of Kansas. The gentleman from Missouri suggests to me that such a provision would "knock out" at least ten men of his district who want to be Indian agents.

Mr. STEELE. I did not think of that. [Laughter.]

Mr. CURTIS of Kansas. Really, these Indians, or most of them, do not need an agent.

Mr. STEELE. So I understand. They have already applied to be annexed to Oklahoma. They are above the average in intelligence. They occupy a very small tract of territory—about the extent of this Capitol.

The amendment of Mr. CURTIS of Kansas was adopted.

The Clerk, resuming the reading of the bill, read the following:

For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, $85,000.

Mr. CANNON. I move to amend by striking out the paragraph just read. It seems to me the provision ought to be struck out. I ask the attention of the gentleman in charge of this bill for a moment. There seems to be in this item an increase from $20,000, the amount of the corresponding item for the current year, to $85,000.

Mr. SHERMAN. There is in this case really a transfer of amounts. The item next following this is reduced $100,000, as compared with the corresponding appropriation of last year. I understand from the Indian Office that because of the ruling of the accounting officer of the Treasury in construing the law certain items heretofore paid out of the next item can not be so paid hereafter. For that reason the amount here is increased, while the appropriation in the next paragraph is reduced.

Mr. CANNON. But in one case there is a reduction of $100,000, and in the other an increase of $65,000. So it seems my friend's explanation does not explain.

Mr. SHERMAN. But notwithstanding the transfer, there is a net reduction. Under the ruling of the Treasury Department, it has been impossible to make out of the general appropriation of $1,000,000 given last year payments which it is desired to make out of this specific appropriation. Therefore, the appropriation in one case has been reduced and in the other increased; but it has not seemed necessary to make the increase in one case as large as the reduction in the other.

Mr. CANNON. Has my friend any detailed information about this matter?

Mr. SHERMAN. No; I have not any itemized statement in reference to it.

Mr. CANNON. I will change my amendment, and instead of moving to strike out the paragraph will move to amend by striking out "$85,000" and inserting "$20,000."

Mr. SHERMAN. I hope the gentleman's motion will not prevail. These two items taken together make a reduction upon the appropriations of last year. The Indian Office has assured us that by leaving the general items in the form heretofore adopted the Bureau will be embarrassed, because the accounting officer of the Treasury will not audit certain bills, declaring that he has not authority of law to do so. Hence this change has been asked for. I hope that the bill may be allowed to stand as it is, in the precise form asked for by the Secretary of the Interior, so as to avoid embarrassment in the workings of the Indian Department on account of the rulings of the Treasury officials.

Mr. CANNON. Now, I want to say, in reply to the gentleman from New York, touching the condition of the Sioux Indians, their property and funds, that I think the next item in the bill is quite right when he reduces it by $100,000, and I think this item is quite wrong when he increases it $65,000, for the following reasons: We have made treaties with the Sioux Indians pretty much at their demand. Of all of the Indians in this country, they have had their way about it, solely because they have been gamy and because it was cheaper to treat with them, to feed them, and to clothe them than it was to fight them. The provision made in this bill for the different tribes, including the Santee Sioux of Nebraska, of $1,507,000 in the aggregate, as against $1,348,000 for the current year, is, in my judgment, without warrant. It is an extraordinary provision under the treaty.

Now, the next item ought to be decreased $100,000, and I have no doubt is decreased, because the prices of these commodities, beef, pork, and other subsistence stores, furnished to these Indians have been reduced.

But another thing: This item for pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, amounting to $85,000, is outside of any treaty as far as I can discover. It is a gratuity, pure and simple. But we have been giving them this gratuity, if it be a gratuity, of $20,000 a year for a long time past, and it is enough to continue that sum.

Now, suppose they need more employees out there; they have a trust fund of $3,000,000 outside of all this, the interest upon which is $150,000 a year, and under the treaty the Secretary of the Interior may use the proceeds of that fund for the civilization, for the education, or the welfare of these Indians. There are some poor Indians in the United States without reservations, without lands, without property, vagabonds upon the face of the earth, and from the standpoint of humanity I suppose we ought to make it from the National Treasury in their behalf. But these are not the Indians.

The Sioux Indians are not in need. I undertake to say that they, under the provisions of the treaty, in the way of appropriations and allowances given to them by the Government for clothing and subsistence, have received such allowances in greater amount than a like number of the average white population receives anywhere in the United States. Therefore I trust the committee will not grant the increase of $65,000. If the gentleman from New York thinks it necessary, then there is $150,000 interest on the $3,000,000 trust fund that can be used, in the discretion of the Secretary of the Interior.

Mr. SHERMAN. I certainly do think it necessary to retain the amount of $85,000. I think it necessary because from the experience of last year the Department knows that $20,000 is not sufficient. They know that an amount aggregating $85,000 was necessary; they know they were embarrassed by not being allowed to use that amount of the general appropriation, because the accounting officers of the Treasury held it could not be done; that they could not apply the appropriation under the first head to the second appropriation. They therefore asked to have the amount transferred; and instead of increasing the total amount of the appropriation, as my friend from Illinois intimated, it does not, for there is really a decrease of $35,000.

Mr. CANNON. Let me ask the gentleman if there is not a fund of $150,000, interest on the $3,000,000 trust fund in the Treasury, that the Secretary of the Interior has a perfect right to use in whole or in part for this exact purpose?

Mr. SHERMAN. He has a right to use it for the support of the Indians; yes. There is no question of that. But this provision is for the officers of the United States—officers to oversee in a general way the disposition of money and property, rations, etc., that are sent there under the appropriation and under the treaties for the use of these Indians.

Mr. CANNON. This says, "For pay of additional employees."

Mr. SHERMAN. Certainly; at the agencies.

Mr. CANNON. And instead of $20,000 the amount is fixed at $85,000.

Mr. SHERMAN. Yes.

Mr. CANNON. That is an extraordinary increase. Is it not true that these Indians have a trust fund, under the treaty, of $3,000,000?

Mr. SHERMAN. I think about that sum. But let me call the attention of the gentleman to the fact that this is not a proposed increase of $65,000. Last year these expenses aggregated, I think, something like $70,000, but were paid out of the general appropriation. Now, the accounting officer holds that as there is a specific appropriation for that purpose, a deficiency can not be made up out of another fund. Do not understand me as criticising his ruling. I am simply stating the position.

Mr. CANNON. The annual interest on $3,000,000 is $150,000, and the Secretary of the Interior has the right to use any part of that sum of $150,000 for this or any other purpose. Aye, more; he has the right to use 10 per cent of the $3,000,000 trust fund, under the terms of the treaty, if he regards it as necessary. So that here is a discretionary fund for the coming fiscal year of $450,000 which he can use.

Mr. SHERMAN. Well, he can not use it in hiring United States officials. He can use it in support of schools. He can use it in various ways for the good of these Indians, but not rightfully in employing additional employees at the agency. He ought not so to use it.

Mr. CANNON. If my friend will allow me, he has not lately read the treaty, or it has passed from his mind.

Mr. SHERMAN. I know the power is quite general.

Mr. CANNON. It is quite general, and he can use it for employees——

Mr. GAMBLE. If the gentleman will permit me, I think I have the terms of the treaty in my mind. It is for the civilization and education of the Indians. Those are the terms limiting the power of the Secretary, as I remember it. Possibly I may be mistaken, but I think I have it in mind.

Mr. CANNON. I think I have it here.

Mr. GAMBLE. I should be very glad to be corrected, if I am in error.

Mr. CANNON. It makes permanent appropriations, with apt words, for subsistence—so many pounds of beef for each inhabitant; clothing, oxen, cows, farming implements, and so on. Then follow these words:

And in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at 5 per cent per annum, shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purposes, including reasonable cash payments per capita, as, in the judgment of said Secretary, shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support; and the Santee Sioux, the Flandreau Sioux, and the Ponca Indians shall be included in the benefits of said permanent fund, as provided in sections 7 and 13 of this act.

Then there is a further provision:

Provided, That after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed 10 per cent per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, including reasonable cash payments per capita, and other articles necessary to assist them in agricultural pursuits, and he shall report to Congress in detail each year his doings hereunder.

One of the purposes for which he may use this money is industrial education. Now let me read this:

For pay of additional employees at the several agencies.

We give them what the treaty calls for—a physician, a carpenter, and an engineer, two farmers, a blacksmith, and later on an additional blacksmith, under a modified treaty. Now, this is for additional employees. They live there, I believe, and I think I may assume from what little knowledge I have that these people largely do the work, or assist in doing the work, of tilling the farms. It is instruction, if you please; and perhaps the instructor does quite as much work as the instructed; but all I claim is that we ought not to make this gift to these wealthy Indians that have the most magnificent provision made for them of any Indians in the United States, more than any similar block of white population, with this great trust fund which can be used and the interest upon which ought to be used for these purposes. We ought not to make this gift, which we are not compelled to make under the treaty. Mind you, this is a gratuity. When we keep the treaty with them we provide for them magnificently. I do not want to increase the gratuity.

Mr. GARDNER. Do you think it is good policy, in this or any other treaty, to permit a construction that will allow any officer of the Government to expend the allowances in placing people in and about a reservation whom he chooses to call employees? Would it not place in the hands of the Secretary the power, at least, to waste one-half of the interest and the 10 per cent in placing there such persons as he might choose?

Mr. CANNON. I will say to my friend that he opens up a large question. I want to say to him that in my judgment if a policy similar to the Indian policy of the United States toward these people who are savage or semisavage, a policy of provision for them when they do not toil, was pursued toward an equal block of the most magnificent of our American population it would, in a quarter of a century, demoralize our American population so that they would become paupers and mendicants, without manhood and without the power of self-support.

Mr. HARTMAN. That is true, and the whole system is wrong.

Mr. SHERMAN. There is a large increase in the next item, and the Indian Office was to send me a full report in reference to that, which has not come. I have sent for it, and I should have asked that we pass over the next item temporarily, until I receive it. I therefore suggest, if it meets with the gentleman's approval, that I include this item under discussion. I will ask for a little further information concerning it from the Indian Office, and meantime that it be passed.

Mr. BINGHAM. Why not include in that request everything relating to the Sioux of different tribes?

Mr. SHERMAN. Only the last three items are under discussion.

Mr. BINGHAM. Your increase of $65,000, your decrease of $100,000, and your increase of $200,000?

Mr. SHERMAN. Yes; I ask unanimous consent that they be temporarily passed.

The CHAIRMAN. The gentleman asks unanimous consent that the paragraphs he has indicated be temporarily passed. Is there objection?

There was no objection.

Mr. SHERMAN. I ask the Clerk to begin to read at line 8, page 32.

Mr. CANNON. The gentleman also desires to pass the paragraph at the top of page 32?

Mr. SHERMAN. Yes.

Mr. CANNON. I hope the gentleman will get his information about that paragraph also.

Mr. SHERMAN. That is the one concerning which I intended to make this request anyway, because I am expecting a full report, which has not yet been received.

The Clerk read as follows:

For pay of employees at the several Ute agencies, $15,000; in all, $83,740.

Mr. CANNON. Mr. Speaker, I move to strike out the word "fifteen," in lines 21 and 22, and insert the word "five," so as to read "five thousand" instead of "fifteen thousand."

Mr. SHERMAN. I would like to say to the gentleman that my information is that heretofore $5,000 has been appropriated and that that was not found to be sufficient, and the balance has been used out of the Ute 5 per cent trust funds now in the Treasury. But the Auditor of the Treasury now holds that that fund can not be drawn upon for this purpose; and therefore the Department asks for this increase. This, as the gentleman understands, is the fund of this band of Indians. It is not an appropriation out of the United States funds, but it is an appropriation of the money of this tribe of Indians.

Mr. CANNON. I do not so understand.

This very item, according to my recollection, is in pursuance of treaty. Now, I want to say to my friend that I will suggest to him that he put legislation in here that will overrule the Comptroller, because time out of mind these various treaties have received the construction that the Secretary of the Interior, at his discretion, could use the proceeds of these trust funds along this line. Now, the gentleman says that a hypercritical Comptroller has come in and turned him down. Well, now, there are several remedies. I am inclined to think that before the close of the present fiscal year we will get a Comptroller who will not be hypercritical in a matter of this character.

Mr. SHERMAN. I do not call the Treasury official hypercritical; I do not criticise his action. I state what I understand from the Indian Office to be the reason for the requested change.

Mr. CANNON. To cure the rulings of the Comptroller, we have to make provisions on almost all our bills. If you do not let that trust fund remain intact and used where it ought to be used, you will have to use the money out of the Treasury. It would be in order, if my amendment should fail, and I have no objection to the committee providing apt legislation to control the ruling of the Comptroller.

Mr. SHERMAN. I trust the amendment of the gentleman will not prevail, but let us act under the ruling of the Comptroller on this article. The additional appropriation is absolutely essential as long as the Auditor of the Treasury holds as he does. What another Comptroller is likely to hold we do not know, but he may sustain the ruling of the present Comptroller; and therefore I hope the gentleman's amendment will be voted down.

Mr. CANNON. I would suppose that the gentleman would accept my amendment as a matter of course, otherwise I should have made the point of order on the increase being outside of the law and a mere gratuity; but it is too late to do that. I can hardly see, Mr. Chairman, how it is possible that with the $5,000 appropriation for employees of these Indians always had heretofore it shall with a single turn of the wrist be jumped up to $15,000, multiplied by three. Now, then, I do not know, but would be glad if the gentleman has the decision of the Comptroller he would show it to us. Just how it is I do not know. I did not prepare this bill.

Mr. SHERMAN. I have not the specific decision of the Auditor. I have taken the statement of the Commissioner of Indian Affairs in reference to the matter. I imagine that the Commissioner would not say to me that there had been such a ruling if there had not been one. The additional appropriation is not for the same number of employees. Under this item is now included officials last year included under the general item for Utah on page 41, and that item is reduced by $4,000.

Mr. CANNON. Well, I suggest to the gentleman another way: If it is really to cure a ruling, let us not pay $10,000 by way of a gratuity to cure it. If the gentleman will show me wherein it is not a gratuity, I shall be glad. Now, as a matter of fact, I think he is mistaken. It does not so state. If I understand the English language, it takes the money out of the Treasury and not under the treaty. I think I am right about it.

Mr. SHERMAN. I have not the treaty before me, but I think it is under this treaty that is referred to on the upper part of page 34.

Mr. CANNON. Well, this contains a provision to be under the treaty put in these other items. I hope the gentleman will pass it by, and cure it, if it be a mere ruling, by an apt provision; and if he does not desire to do that, well, then, of course, I am ready for a vote.

Mr. SHERMAN. I think that the bill should pass, Mr. Chairman, as it is. I think the additional amount is needed. There is no question about that, and I hope the committee will sustain the bill as it is, and vote down the amendment of the gentleman from Illinois.

The question was taken on the amendment offered by Mr. CANNON; and the Chairman announced that the noes seemed to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 25, noes 37.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move to amend by inserting, after the word "dollars," in line 22, the following language:

To be paid out of the interest on the trust fund of said Indians.

The amendment was agreed to.

The Clerk read as follows:

For support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

Mr. CANNON. Mr. Chairman, I will ask the gentleman to state the reason for the increase of $10,000 in this item, making it $30,000 instead of $20,000.

Mr. SHERMAN. The trust fund of these Indians, which has heretofore yielded them, I think, something like $13,000 annually, has been expended by them for irrigation purposes, according to my recollection. Then, too, the gentleman will recall that a recent decision of the courts holds that these Indians are subject to the State laws in relation to the hunting of game, which shuts them off from one of their customary means of subsistence. These two reasons, taken together, make it necessary to increase the appropriation for their support.

Mr. CANNON. I have been under the impression that these Indians are pretty poor, and I am inclined to think that they have not any trust fund.

Mr. SHERMAN. They did have one, but it is all gone.

Mr. CANNON. Principal and interest?

Mr. SHERMAN. Principal and interest.

Mr. CANNON. Therefore all that they now receive for their support and civilization is what the United States gives them as a gratuity?

Mr. SHERMAN. That is correct.

Mr. CANNON. And the gentleman thinks it is necessary to increase by one-third the appropriation heretofore made?

Mr. SHERMAN. I certainly think the amount in the bill is none too large. These Indians are poor, very poor.

The Clerk read as follows:

For construction, purchase, lease, and repair of school buildings and purchase of school sites, $200,000.

Mr. CANNON. Mr. Chairman, I observe that in the paragraph just read providing for the construction, purchase, lease, and repair of school buildings, etc., there is an increase recommended from $140,000 to $200,000. Will the gentleman in charge of the bill tell the House the reasons for that increase?

Mr. SHERMAN. I will say to the gentleman that, carrying out the provision in the last appropriation bill, which declared it to be the policy of the Government to do away with contract schools, it became necessary to provide something in their stead, and the Commissioner of Indian Affairs is carrying into effect that policy as rapidly as he can. As we do away with contract schools, it is of course necessary to supply other schools in their place, and this item is for that purpose and is none too large.

Mr. CANNON. I notice that at the various points through the bill there are specific appropriations for the construction of schoolhouses, and that they are, quite properly, no doubt, somewhat more liberal than such appropriations have been made heretofore. I suppose the reason which the gentleman has just stated explains those increases also.

Mr. SHERMAN. Yes; although the gentleman's statement of facts is a little bit erroneous. Wherever there is an increase the purpose is to carry out what Congress has declared to be its policy in regard to this subject.

Mr. CANNON. Can the gentleman inform the House as to the total amount of the increases for the present year resulting from the policy he speaks of, and also what the increase will be for the coming year?

Mr. SHERMAN. For this fiscal year the increase is $140,000. Last year we appropriated for building some five or six new schools outside of this general appropriation of $140,000. We appropriated last year for schools at Chamberlain and at Rapid City, S. Dak. Also for one for the Sacs and Foxes in Iowa, for one at Flandreau, S. Dak., for one at Genoa, Nebr., and for additional buildings at Mount Pleasant, Mich.

Mr. CANNON. At a cost of about how much?

Mr. SHERMAN. About $200,000.

Mr. CANNON. Was there any increase last year in the general item for schools?

Mr. SHERMAN. There was an increase in the general item in addition to these special items I have mentioned.

Mr. CANNON. Can the gentleman specify what is to be the total cost of this change of policy?

Mr. SHERMAN. Oh, I should think that before we finished it the cost would probably be in the neighborhood of from $1,500,000 to $2,000,000.

Mr. McCORMICK. Mr. Chairman, I would like to ask the gentleman to state briefly for the information of the House at this stage of the debate something in reference to the progress made by these Indians under this instruction, whether there is sufficiently marked progress made to justify these increased expenditures; whether the gentleman has visited any of these Indian schools and can tell us about them from personal observation?

Mr. SHERMAN. I will say to the gentleman that, outside of Carlisle and Hampton, both of them schools with an industrial department; schools commonly called industrial schools—I have not visited any of the schools; but in to-day's RECORD the gentleman will find a statement which comes from the superintendent of Indian schools, and which I incorporated in my remarks yesterday.

Mr. McCORMICK. Having spent some of the better years of my life in the Indian country, in Arizona and New Mexico, I feel now as though I would like to hear directly from the chairman of the committee charged with this subject a brief statement as to the progress made by the Indians in these schools. It has been a question for years as to whether the Indian schools would pay the Government for its great outlay in supporting them. If these schools are producing satisfactory results, I would be the last man on this floor to oppose increased appropriations for them; but if, on the contrary, there is not that marked progress which has been sometimes reported, I think the House ought to know it. Years ago, this question of Indian education was agitated in Congress, and, as the records will show, I had a good deal to say upon the subject, having been at that time a Delegate on this floor from the Indian country.

Now, as a matter of personal interest to myself and also, I have no doubt, of interest to gentlemen around me, I should like to have the chairman tell the House whether or not there has been marked progress in the civilization and development of the Indians through these schools within, say, the last two years.

Mr. SHERMAN. Mr. Chairman, I think there has been marked progress each year for more than two years—for the last half dozen years—in the development of the Indians in all the schools of the country, a progress most marked, perhaps, in the nonreservation industrial schools. The development and progress of the Indians is shown to a greater degree, in my judgment, in these nonreservation industrial schools than anywhere else. The educational advance of the Indians during the last twenty years has been remarkable. The result has been of inestimable value in elevating the entire Indian race. I think that the expenditure of the Government in this direction has shown remarkable fruit, and is showing fruit every day.

Mr. McCORMICK. Of the pupils attending these Indian schools within the last fifteen or twenty years, can the gentleman tell us what proportion have, after leaving the schools, continued to live a life of civilization—if I may use that expression—or what proportion have returned to their original life among their tribes? Has the gentleman any idea of that proportion?

Mr. SHERMAN. If I should undertake to state the proportion, it would simply be a guess. I have no exact figures on the subject. My impression, however, is that a very large majority of the Indians after being educated go back to their tribes; but in resuming life among their tribes they exercise an influence in elevating their fellows which they could not exercise had they not been educated.

Mr. MURPHY of Arizona. I should like to have the gentleman state for the information of the House how many of these educated Indians have been provided with employment, and what benefit they have been in elevating their tribes. Allow me to say that I once witnessed one of the greatest cases of cruelty in returning the educated Indian boys and girls to their tribes without making provision for maintaining them in a state of civilization that I ever witnessed in any large city or in any State. It has been the practice to educate these Indian boys and girls—to make them civilized, polite, and well dressed—and then return them to their original homes, where within two weeks or a month they relapse into a state of barbarism as bad as before—not exerting a good influence, but exerting a bad influence, the other members of the tribe absolutely "hazing" them into a condition of fear, so that they dare not assert their independence or undertake to exert any beneficial influence which their education might be expected to enable them to exercise. I say that to elevate these Indians to a condition of civilization and then return them to their tribes, making no provision for maintaining them, is a refinement of cruelty infinitely worse than to have allowed them to remain in their original condition. I should like the chairman of the committee [Mr. SHERMAN] to state wherein this elevating influence of which he speaks has been shown.

Mr. SHERMAN. I will ask my colleague on the committee, the gentleman from Kansas [Mr. CURTIS], to answer that question, because, as he lives in that section of country where many of these Indians reside, and is very familiar with them from personal observation, he can answer the gentleman's question more intelligently than I can.

The CHAIRMAN. Debate on the pending amendment is exhausted.

[Mr. BINGHAM addressed the committee. See Appendix.]

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

I simply want to say a word in reply to the statement of the gentleman from Arizona [Mr. MURPHY] as to the results of the Indian industrial schools in the East, and with reference to his suggestion that these Indian people are worse off when they go back to the reservation than before. Now, I can not speak for any other school except that in my immediate neighborhood, but we have the care there of some 800 Indian pupils, and I challenge his statement as to that school, and refer the gentleman for its refutation to the report of the Commissioner of Indian Affairs; I refer him to the superintendent of that institution, and to facts which are well known to many people connected with the institution. We have kept a tab on all of the boys and girls who have been taught in the school at Carlisle since it was instituted; and let me tell the gentleman that 98 per cent of the Indian pupils turned out from that school are among the very best citizens of the land to-day. They are teachers, they are bankers, farmers, mechanics; they have been educated away from their tribal relations, not only in the education of the books, but in communities where they can see bankers, merchants, business men, agriculturists, and others engaged in their work, and they have become civilized; and if I could take you to that school and show you 25 Indian boys who have entered this year from the Apache tribe and then four years from now show you the same boys, you would not be able to recognize them as the same persons.

Mr. MURPHY of Arizona. Let me say to the gentleman that I have no reflection to pass upon the Indians educated at the school in his district. But what I do say is that every Apache Indian educated there who returns to the San Carlos Reservation, with the exception possibly of 5 per cent of the total number who have been so educated, returns at once to his original state of barbarism, and the Commissioner of Indian Affairs has said that he desired Congress to help him find employment for these people.

Mr. MAHON. You can not get the Indians back on that agency when they have been properly educated.

Mr. MURPHY of Arizona. Why, they have just recently turned loose thirty of them on the agency.

Mr. MAHON (continuing). And some of the very best men in the Cumberland Valley are of that tribe, educated in the Carlisle school.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of making a remark in reply to the gentleman from Pennsylvania [Mr. MAHON]. I do not want to interfere with the Carlisle school or any other, because I can not. [Laughter.] In reference to these schools I want to say a word.

I want to say, however, that the gentleman is right about the Indian children. I have no doubt that many of these people educated at Carlisle, if they could stay in Pennsylvania, would make a fair race in the contest for existence. But a large percentage, as I am informed, and, in fact, as I know to be true, as it was some years ago, of the people highly educated off the reservation, whenever they went back to the reservation and came in contact with the people from whom they originally sprung, were absolutely without protection, except where employed by the United States. And it was a matter of pride with the other Indians to see that they were brought down to a lower level than that occupied by the average member of the tribe.

It is not strange. I am not going to abuse the Indians. It has been something over 2,000 years since the invasion of Britain by Cæsar. Those early Britons were a courageous set of people; but they were savages, as we are told, and it has taken them, with the whole island to perform in, 2,000 years and constant war and struggling to work out the civilization of that magnificent island.

There is no such time nor geographical condition for the unfortunate Indians; and long before a hundred years shall have passed by, he will be gone. To me it is the very extreme of cruelty to take the children of Indians from a state of barbarism and educate them highly, give them a thorough course of college training, bring them in contact with our civilization, and then turn them back with the tide. They are infinitely worse off for themselves, and, indeed, for the advancement of the tribe, than if they had never been taken from the tribe.

Mr. CURTIS of Kansas. Mr. Chairman, I move to strike out the last two words.

I am a little surprised at the statement of the two gentlemen who have just spoken. I do not deny the statement of the gentleman from Arizona [Mr. MURPHY], because it is very unfortunate that some of the Indians of Arizona are compelled to return to their reservation. They are kept upon reservations in that Territory of which it is said, gentlemen, that "if a crow should fly over he would take his dinner with him," and yet the Indians are supposed to go back to that region and continue to advance in civilization.

If some of the Arizona Indians were removed from the undesirable and barren section of that Territory to some of her rich valleys and good farming lands, I am satisfied that the gentleman would have no reason to complain of the conduct of the boys and girls who had been educated at the splendid Indian schools of this country.

Many of the Arizona Indians beg at the various railroad stations; and while there is now no inducement to them to continue to develop and educate the tribe, yet the skill displayed in the manufacture of trinkets plainly shows that if they had an opportunity they would make great advancement. If you go to the part of the country where they have good lands to till, you will find the Indians who have been educated at Haskell, at Carlisle, at Hampton, and the other schools, have built nice homes and are setting a good example for the Indians who have stayed on the reservations. At Chilocco boys who have been educated in Indian schools are teachers, and they make teachers of whom the Government may well be proud. In parts of Kansas Indian boys who have been educated at Haskell are employed. On some of the reservations to-day you can find boys and girls who when babies had their ears pierced, who wore the blanket and breech clout when taken to Carlisle, to Haskell, to Hampton, and Chilocco, who have returned to their tribes and are to-day wearing the dress of civilized men and women, and they are setting a good example for the Indians at their homes.

Mr. GROSVENOR. Will the gentleman allow a question?

Mr. CURTIS of Kansas. Certainly.

Mr. GROSVENOR. There is another test of civilization and education in this country to which none of you gentlemen seem to have referred, and I should like to have your statement in regard to that. That is, whether these Indians have learned to play football successfully? [Laughter.]

Mr. CURTIS of Kansas. I understand one of the best football teams in the United States is up at Carlisle.

Mr. GROSVENOR. Is not that considered the highest development of our educational system? [Laughter.]

Mr. CURTIS of Kansas. I do not know; but I want to say that a few years ago the law was modified so that the boys and girls who were educated at these schools might be employed as teachers; and here is what the Commissioner of Indian Affairs says in reference to that:

> This modification has enabled me to secure excellent teachers who otherwise would have been debarred from entering the service. The corps of teachers now numbers many graduates of training schools, who have proven themselves worthy employees, well qualified for their work. Many other positions in the school service are filled by Indians, and for all unclassified positions agents and superintendents are instructed to give preference to Indians.

Many other positions are filled by these boys and girls, educated in the reservation and nonreservation schools. Not only that; you may visit the reservation schools and you will find that a large per cent of the Indian children are going there and being trained, not only educated in books, but the boys are educated in farming and the girls in housekeeping. The advantage of this training is apparent on every reservation.

I want to say further that it is a fact that to-day over 60 per cent of the entire Indian school population is attending schools. There are nearly 25,000 Indian pupils attending school, exclusive of the New York Indians and the Five Tribes. The trouble is that there are not enough schools to accommodate the children. These gentlemen who have been complaining about the nonadvancement of the Indian had better vote liberal appropriations that provision may be made to educate the Indian children.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I move to strike out the last two words, and I wish to say a single word. Education is not what you get out of books. It does not help a great deal in the race of life, except as it gives you good tools to work with. Now, we are not appropriating any great amount to educate the colored people; yet there are eight or nine millions of them, and they are making pretty fair progress. Why? Because on the whole they will work before they will steal or starve. There is hope for that race. They progress. They are accumulating property. Now, if it were possible for us to pursue a policy by which we could have the Indian population of the United States learn to live in the sweat of their faces, even if they did not live very well—if we could have them learn to work one month in the year or one day or two days in the week—I would rather see that done. But I do not see any advancement along that line. I am sorry to say I see but little advancement along that line down in the Indian Territory, and for that reason, a little later on, we shall come to an appropriation to continue the commission to try to treat with those people. And you must recollect that there they have a large mixture of white blood. The situation in that respect is not hopeful.

Still, there is nothing practical in this talk. After having possessed the lands of these people that are of much value, still keeping in possession, we have a spasm of desire to be employed, some of us that do not need employment and some of us that do need employment, and the result is that, at the expense of the Treasury, we are doing a good deal of what we call education. If I had the power to amend the law, I would not allow any Indian child who is educated at the public expense away beyond the tribe to return, but would furnish him employment among the people who had educated him.

Mr. MONDELL. I offer an amendment to the bill.

Mr. JOHNSON of North Dakota. Before we pass this, I rise to resist the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. To strike out the last two words.

The CHAIRMAN. The Chair has recognized the gentleman from Wyoming.

Mr. JOHNSON of North Dakota. I hope we will not pass from this subject of Indian schools until I have a chance to say just a few words on that subject. I hope I shall have an opportunity after we shall have passed on this amendment.

Mr. SHERMAN. I rise to the point of order that debate on all the amendments is exhausted.

Mr. MONDELL. I desire to amend the bill by adding, on line 16, page 42, the following:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> After the word "dollars," in line 16, page 42, add:
>
> "And in connection with every Indian school hereafter erected and established there shall be provided a completely equipped manual training department."

Mr. SHERMAN. I raise the point of order against that amendment that it is new legislation.

Mr. MONDELL. I trust the gentleman will reserve the point of order.

Mr. SHERMAN. I will reserve the point of order if the gentleman desires to make a statement.

Mr. MONDELL. Mr. Chairman, there has been a good deal said in regard to the question of Indian education; and the gentleman from Illinois [Mr. CANNON] has very wisely stated in this connection that what we learn from books is only a small portion of our education. I believe that the Indian schools—both the reservation and the nonreservation schools—in this country are doing a vast amount of good in elevating the individual Indians taught. In the past, in the history of the human race, there have only been two methods by which nations have been civilized. One has been by slavery; the other by war. Nations have been civilized by being enslaved and compelled to work, by being compelled by their masters to learn that the only way in which a people rise is by labor, by exertion. "No good ever comes without labor," some one has said; or else by wars, by which peoples have been driven, in self-defense, to agriculture and manufacture.

Now, in the United States we are attempting the civilization of a race by moral suasion, which is a new method, and up to this time a method which, judged by the results, has not been entirely successful. I believe that in the civilization of the Indians schools are absolutely necessary; but many of them do not go far enough in teaching the Indians how to work and how to do those things necessary to make them self-supporting members of society. In the State in which I live is a splendidly equipped school, largely attended by the children of both sexes of the Shoshone and Arapahoe tribes; and it is certainly very interesting and very encouraging to note the progress made by these young Indians. The difficulty in that school, as in many other schools all over the country, is that the Indians are not being taught those things which are the most essential in the practical education of a people. They have not been taught to work; they are not being taught that it is necessary to labor in order to gain a livelihood. They are taught reading, writing, and spelling; and then, when so taught, they go out into the reservation among their people without having been instructed in those arts which they must practice in order to gain a livelihood and in order to elevate their people. There is not in connection with that school any opportunity for those children to receive instruction, except in the art of irrigation, in the practical branches which they must be trained in to be of the highest service to their people. That is very important and essential, for the country on which the reservation school is located is susceptible of being irrigated, and is being irrigated to a very considerable extent by these Indians.

The practical lessons which white boys and girls learn by contact with their fellows these Indians have no opportunity to learn. That is one of the disadvantages of the agency school. They are surrounded by barbarism and savagery, and they do not and can not by intercourse and by observation learn to work and learn how work is done in a civilized community. It is therefore especially essential, instead of educating these children to a high degree in books, that there should be in connection with every one of these schools a well-equipped manual training establishment in which the boys and girls shall be taught those things which are absolutely essential to enable them to go back to their tribes and be of benefit to their people. And I believe that the solution of the question of the civilization of the Indians depends very largely on whether or not in the future in our schools we teach the Indians to work and give them an opportunity to learn those trades which will benefit them when they return to their reservation.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from New York.

The Clerk read as follows:

> For support and education of 300 Indian pupils at Albuquerque, N. Mex., at $167 per annum for each pupil, $50,100; for pay of superintendent of said school, $1,700; for general repairs and improvements, $1,500, and for water supply, $2,000; in all, $55,300.

Mr. HARTMAN. Mr. Chairman, I offer the amendment which I send to the desk, to come in after the paragraph just read.

The amendment was read, as follows:

> For the support, education, and civilization of the Seeley savages on the Manhattan Reservation, one thousand million dollars.

[Laughter.]

Mr. SHERMAN. Mr. Chairman, I reserve the point of order on that until I ascertain whether it proposes to appropriate a thousand millions or one million.

Mr. HARTMAN. It proposes one thousand million dollars for the support, education, and civilization of the Seeley savages on the Manhattan Reservation. [Laughter.]

Mr. SHERMAN. Mr. Chairman, while I am thoroughly in sympathy with the object contemplated by the amendment, yet it carries so large an appropriation I must insist upon the point of order. [Laughter.]

The Clerk read as follows:

> For the support and education of 100 Indian pupils at Chamberlain, S. Dak., at $167 per annum for each pupil, $16,700; pay of superintendent of said school, $1,200; equipments and minor improvements, $2,000; in all, $19,900.

Mr. GAMBLE. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

> Strike out all of line 8, page 43, after the word "dollars," and all of line 9 on said page and insert the following:
>
> "For water supply and sewer, $5,000; for erection of stable, $1,000; for erection of workshop, $1,500; for erection of laundry, $1,000; for erection of hospital, $1,500; in all, $29,900."

Mr. SHERMAN. I will state that that amendment was agreed to by the full committee after a thorough hearing, and is offered by the gentleman from South Dakota as a committee amendment.

Mr. GAMBLE. I may add that I have a communication from the Commissioner of Indian Affairs favoring the amendment.

Mr. CANNON. Before the amendment is acted upon, I wish to ask a question or two. I should like to know whether, at any of these other boarding schools, we undertake to erect hospitals?

Mr. SHERMAN. Oh, yes.

Mr. CANNON. Is it the policy of the committee or of Congress that at each of these Indian boarding schools we are to have hospitals and all that kind of thing?

Mr. SHERMAN. I do not know just what the gentleman means by "all that kind of thing," but I think a majority of the schools have hospitals, though not expensive ones. It strikes me that it is quite apparent why hospitals are necessary at these schools, with an attendance of anywhere from 125 to 350 children, who are likely to be sick, at least with the ordinary children's diseases, some of which are contagious.

The amendment was agreed to.

The Clerk read as follows:

> For support and education of 150 Indian pupils at the Indian school at Perris, Cal., at $167 each per annum, $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $500; in all, $27,050.

Mr. BOWERS. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

> Amend by inserting on page 47, line 8, after the word "dollars," the following: "For pay of bill of Russ Lumber and Mill Company for lumber furnished for school building, $31.35."
>
> In line 9, same page, strike out the words "fifty dollars," and insert in lieu thereof the words "eighty-one dollars and thirty-five cents."

Mr. SHERMAN. Mr. Chairman, I desire to raise the point of order against that amendment, but I will reserve it long enough to hear the statement of the gentleman from California, if he wishes to make one.

Mr. BOWERS. It is to pay a small bill of $31.35 that this school owes to the Russ Lumber and Mill Company at Perris. The circumstances are briefly set forth in a letter which I have received and which I will ask to have read. It will be remembered that the agent at that place fell into bad ways and left for another country, leaving some bills unpaid. The lumber company never was paid, and it was not in fault at all.

The letter was read, as follows:

> RIVERSIDE, CAL., *December 22, 1896.*
>
> DEAR SIR: We inclose herein a claim of $31.35 against the Government for lumber furnished for use of the United States Indian school near Perris, Cal., with the correspondence relative thereto, and ask that you kindly give the matter your attention. While the claim is a small one, yet we do not feel like losing it.
>
> Briefly, the facts are these:
>
> On May 14, 1894, Mr. R. P. Nevin, our agent at Alessandro, furnished lumber for the use of Indian school near Perris, Cal., amounting to $31.35, of which no part has been paid. Shortly after this the superintendent of the school disappeared and Special Agent Colonel Shelby was sent to take charge and check up the accounts. He examined our books and also located the lumber in the school and approved of our claim. Nevin left our employ in January, 1895, and went to New Mexico, and we have not heard from him since. We have repeatedly written to the superintendent of the Indian school at Perris in regard to the claim and he always promised to write to the Department. The matter ran along in this way until we wrote the Department direct, in September, 1896, and the inclosed correspondence is the result of same. From these it appears that Mr. Nevin was notified on April 27, 1895 (four months after he left our employ), that the claim was disallowed and that as an application for revision of the account had not been made within one year, the action of the Auditor's Office became final and that our only relief now was to apply to Congress to make a special appropriation for the payment of the amount.
>
> The Russ Lumber and Mill Company is in no manner to blame and can see no good reason why it should lose the money. If it is not asking too much of you, we wish that you would take the matter up for us, and oblige,
>
> Yours, truly,
>
> RUSS LUMBER AND MILL COMPANY,
> R. P. WINTERS, *Assistant Manager.*
>
> Hon. W. W. BOWERS, M. C.,
> *Washington, D. C.*

Mr. BOWERS. The bill was approved by the Indian Bureau and certified to the Auditor, but it was some two years before they got notice, and then the time had expired within which they could ask for a revision. They were required to ask for a revision within twelve months, if at all; and the time expired while the Indian agent was gone and while their agent was gone, and so the company has suffered.

Mr. HYDE. Is that the reason assigned in the correspondence why the claim was disallowed?

Mr. BOWERS. Yes.

Mr. SHERMAN. Mr. Chairman, I think this item does not properly belong here, but the claim seems to be an honest one and the amount is so trifling that I shall not insist on the point of order.

The amendment was agreed to.

The Clerk read as follows:

> For support and education of 100 Indian pupils at the Indian school, Pipestone, Minn., at $167 per annum each, $16,700; for pay of superintendent at said school, $1,200; for general repairs and improvements, $1,000; in all $18,900.

Mr. SHERMAN. Mr. Chairman, under instructions of the committee, I offer the amendment which I send to the desk.

The amendment was read, as follows:

> Strike out in line 5, page 48, after the word "improvements," the remainder of the paragraph and insert "$2,500; for school building and dormitory, $10,000; in all, $30,400."

Mr. WASHINGTON. Mr. Chairman, I would like to ask the gentleman in charge of this bill what arrangement has been made in it with reference to contract schools.

Mr. SHERMAN. We passed that paragraph some time ago. If the gentleman will turn back to page 42, he will see what there is in the bill in relation to that subject, and if he will examine the RECORD of yesterday, he will see what was stated upon the subject when the bill was presented. I do not suppose the gentleman desires me to occupy time now in repeating what I said yesterday.

Mr. WASHINGTON. I was unavoidably absent at that particular time and failed to hear the gentleman.

Mr. SHERMAN. Well, if my friend will turn to the RECORD, he will find what I said.

Mr. WASHINGTON. I suppose the chairman can state very briefly whether the bill in that respect is as it was last year.

Mr. SHERMAN. The declaration that was made last year was about as clear and emphatic as the English language could make it, and there is no declaration at all on the subject in this bill.

Mr. WASHINGTON. My friend is a master of English, and when he assures me that the bill is just as explicit upon this point as it is possible for the English language to make it, I accept his statement.

Mr. SHERMAN. The gentleman's complimentary words compel me to admit that I did not draw the provision under discussion. It was not in the original bill, but was the result of a conference.

Mr. CANNON. Mr. Chairman, I understand that this amendment which the chairman has offered provides for constructing a new building.

Mr. SHERMAN. Yes; and adds $1,500 for repairs and improvements.

The amendment was adopted.

The Clerk (proceeding with the reading of the bill) read the following:

For support and education of 100 Indian pupils, Rapid City, S. Dak., at $167 per annum each, $16,700; for pay of superintendent, $1,200; for equipment and minor improvements, $2,000; in all, $19,900.

Mr. GAMBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of line 12, page 48, after the word "dollars," where the same first appears in said line, and insert the following:
"For water supply and sewer, $5,000;
"For erection of stable, $1,000;
"For erection of workshop, $1,500;
"For erection of laundry, $1,000;
"For erection of hospital, $1,500; in all $29,900."

Mr. SHERMAN. This also is an amendment which has been agreed to by the committee. This is a new school, and these additions seem to be proper and necessary.

Mr. CANNON. Has this item been considered and estimated for by the Indian Office?

Mr. SHERMAN. Yes, sir; only it was estimated for at a considerably larger sum than that which the committee agreed to allow.

Mr. GAMBLE. The estimate of the Commissioner of Indian Affairs was $18,700; the recommendation of the committee is $10,000, the committee having left out some of the items and scaled down others.

The question being taken, the amendment of Mr. GAMBLE was adopted.

The Clerk (proceeding with the reading of the bill) read the following:

For support and education of 150 Indian pupils at the Indian school, Shoshone Reservation, Wyo., at $167 per annum each, $25,050; for pay of superintendent at said school, $1,000; for general repairs and improvements, $800; in all, $26,850.

Mr. MONDELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 19 on page 49 insert—
"For erection and equipment of shop for manual training, $1,000."

Mr. SHERMAN. I desire to ask the gentleman whether he has any recommendation from the Indian Office for such an appropriation as the amendment proposes?

Mr. MONDELL. The Indian Office did not make any recommendation on this subject. That office said this school was not large enough to warrant the erection of a manual training shop. If the gentleman will reserve for a moment his point of order (if he thinks of raising one), I should like to make a brief explanation.

Mr. SHERMAN. I will reserve the point of order, to hear the gentleman's statement.

Mr. MONDELL. This school at Shoshone Agency, Wyo., was erected by the Government at a cost originally of $50,000. There has since been expended upon it for additions about $5,000, making the total expenditure about $55,000. Good buildings have been erected there, and about 160 Indian children are attending the school. They have made marked progress, and I believe the school on that reservation is doing a great deal of good and will continue to do good in the future. But at present the Government has provided no means by which those children can be taught trades or can receive any manual training whatever. Those Indian youths, when they return to their tribes, should have some knowledge of trades. The boys should understand something about blacksmithing, carpentry, house building, and repairing, know how to repair agricultural machinery, etc. There are many branches of practical knowledge which will prove much more beneficial to these Indian children when they leave school than higher book education.

While, as I have said, I believe the school is doing a great deal of good, I believe that the addition of a manual training shop to this school would add vastly to its usefulness to the Indians. An appropriation of $2,500 for the purpose contemplated by my amendment would make this school of much more utility in the development and civilization of those Indians than it now is.

The superintendent of the Indian school has for several years past asked for an appropriation of a larger amount for this purpose than my amendment proposes. I believe the Indian Department holds some sort of a theory—that is what I judge from a remark made by the Commissioner of Indian Affairs—that unless a school has a large number of pupils the Department is not justified in asking an appropriation for manual training shops. On the contrary, my belief is that a manual training shop is the most important part of an Indian school. If we do not teach these Indian boys how to work, if we do not give them the opportunity to learn those things which will be absolutely essential to them when they return to their tribes, then on their return they are useless and are liable to become more degraded and worthless than the most ordinary of the Indians who have received no education whatever. I trust the gentleman from New York, the chairman of the committee, will not raise the point of order against this amendment.

Mr. SHERMAN. In view of the fact that this proposition does not reach us through the usual channel, and has not been estimated for, and in view of the further fact that even now the gentleman offering the amendment is forced to admit that it has not the approval of the Indian Office, I must insist on the point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. SHERMAN. My point of order is that the amendment increases the appropriation and is in the line of new legislation.

The CHAIRMAN. Does the gentleman claim that it is not authorized by existing law?

Mr. SHERMAN. The school as now established is authorized by existing law; but this amendment proposes such an addition and modification to that school as to constitute what I assume to be new legislation.

Mr. MONDELL. I believe the gentleman's point of order is not well taken.

Mr. CANNON. I have no interest in this matter; I do not know anything about the merits of the case. But upon the point of order—suppose the amendment provided for the establishment of a medical school, or a law school, or a training school for nurses, would such a provision be in order? This amendment provides for a manual training school. I do not know of any law for such a provision. I am not antagonizing this particular appropriation, but I want to know "where we are at," so far as the point of order is concerned.

Mr. SHERMAN. The mere fact that a school is provided for at this particular reservation does not, it seems to me, imply that the school can be enlarged or its scope extended, as this amendment proposes. I submit that under the rule governing amendments to appropriation bills the point of order must be sustained. While a point of order could not be sustained against an amendment increasing the number of pupils 25 or 50, or to any other extent, this proposition, it seems to me, proposes to enlarge the scope and change the character of the school.

The CHAIRMAN. The Chair would like to hear the gentleman's view as to whether this amendment can be regarded as a continuation of a public work already authorized by law.

Mr. SHERMAN. No, I think not, because it provides for another department of the school, a new department not heretofore authorized. It opens up a new field of education at that particular point; and my idea would be that because of that it comes within the rule which provides that no new legislation shall be ingrafted upon any appropriation bill.

The CHAIRMAN. The Chair will sustain the point of order; and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $55,000.

Mr. MURPHY of Arizona. Mr. Chairman, I move the amendment I send to the desk.

The Clerk read as follows:

After line 13 on page 50 insert:
"That no Indians educated away from their reservations at any school shall be compelled to return to reservations and tribal relations in Arizona, unless suitable provision is there made for their employment."

Mr. SHERMAN. Mr. Chairman, I must make the point of order upon that.

Mr. MURPHY of Arizona. I hope the gentleman will reserve the point of order for a moment until I can explain the reason of this amendment.

Mr. SHERMAN. Certainly, I will do so.

Mr. MURPHY of Arizona. Mr. Chairman, I wish to make the point with reference to the remarks of the gentleman from Kansas [Mr. CURTIS] concerning the condition of these Indians when they are returned from these Eastern schools. The gentleman excepted Arizona in his remarks, and admitted that it was unfortunate for these Indians that they were compelled to be returned to the Apache Reservation in that Territory. While I ask that

they be not compelled to return to the Apache Reservation in Arizona particularly, I think the amendment would apply with equal force to reservations in many parts of the West where there are semihostile tribes of Indians. We have some peaceful tribes in Arizona, such tribes, for instance, as the Pima and the Maricopa Indians, where the return of these boys to the tribes would undoubtedly be beneficial. But with reference to the Apache, or the Navajo Indians, comprising by far the larger number of Indians in the Territory, I claim it is a great hardship and a cruelty to return educated boys to these tribes without providing employment for them. In ninety-nine cases out of a hundred it is safe to say that they return immediately to barbarism, and they are in a far more unfortunate condition than if they had not been taken from the tribe at all.

I wish to call the attention of the legislative body of the nation to this condition of affairs in that Territory.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from New York; and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs and in all respects in conformity with the rules and regulations as to the expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

Mr. CURTIS of Kansas. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 50, line 20, after the word "Interior," add the following:

"*Provided*, That the Secretary of the Interior is hereby authorized and directed to reimburse, out of any unexpended balance of the appropriation for the support of the Indian schools for the fiscal year ending June 30, 1896, the persons employed by the Government at the Indian school at Fort Lewis, in the State of Colorado, who lost their personal property by the fire which destroyed the superintendent's residence and hospital in the Fort Lewis Indian school on the 31 day of August, 1896: *Provided*, That no claim presented for adjudication under this authority shall be allowed until after the said Secretary has carefully investigated the loss and ascertained the actual value of the property destroyed, regardless of the value placed upon it by interested parties or the commission which has heretofore investigated said claims: *Provided further*, That no more than $800 be expended for this purpose."

Mr. SHERMAN. Mr. Chairman, I make the point of order against the amendment.

Mr. CURTIS of Kansas. Let me state to the gentleman from New York that this does not increase the appropriation at all, and the policy of settling claims of this kind in this way was adopted in the Fifty-third Congress.

I was directed by the subcommittee of the Committee on Indian Affairs to offer the amendment when the bill came up in the House. It carries no appropriation and nothing will be paid under it unless there is sufficient sum left over out of the general appropriation to meet the expenditure.

Mr. SHERMAN. How much is the amount involved?

Mr. CURTIS of Kansas. About $800 in all. I will state to the gentleman that items of account aggregating some $1,200 were presented, but the subcommittee who examined the matter thought that the estimates in some cases were too high, and so limited the total to $800.

Mr. SHERMAN. How does it happen that these officers do not keep their property insured themselves?

Mr. CURTIS of Kansas. That, of course, I can not tell. The Governmen insures no buildings of its own, and, as a matter of fact, this property was not insured by these parties.

Mr. SHERMAN. It is not Government property?

Mr. CURTIS of Kansas. No; it belongs to the superintendent——

Mr. GAMBLE. Is there any reason why these individuals could not have had their property insured like others?

Mr. CURTIS of Kansas. None whatever, so far as I am aware. I repeat, I have only offered the amendment because it was recommended by the subcommittee to carry out a policy adopted by the Fifty-third Congress.

Mr. SHERMAN. Well, Mr. Chairman, it seems to me that that policy has been carried on long enough, and I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

MISCELLANEOUS.

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, including expenses of employing clerical and other assistance, and all other expenses necessary to the proper discharge of their duties, the sum of $50,000, to be immediately available; and said commissioners are directed to continue the exercise of the authority already conferred upon them by law, and endeavor to accomplish the objects heretofore prescribed to them, and report, from time to time, to Congress: *Provided*, That the appropriations for the salaries and expenses of said commissioners for the fiscal year ending June 30, 1897, and prior years, shall be applicable for each and every purpose above enumerated. And the special disbursing agent is authorized to pay salaries and expenses of all persons heretofore employed by the commission.

Mr. CANNON. I desire to reserve a point of order to the whole of this paragraph, and then to make a point of order to the following words, commencing in line 1:

Including expenses of employing clerical and other assistance, and all other expenses necessary to the proper discharge of their duties.

And also to the whole of the proviso commencing with line 8, to and including line 14.

Mr. SHERMAN. I understand the gentleman reserves his point of order, anyway. So far as the point of order relating to the entire paragraph is concerned, I do not think that could be sustained. The Dawes Commission is a Commission which has been in existence for some years, and has been appropriated for in every Indian bill for three or four years. So it does seem to me that there is no foundation for that point of order. In reference to the point of order against the words commencing in line 1 on page 51, it seems to me that that provision simply gives authority to the Commission to carry out the purposes for which it was created; and in connection with the gentleman's point, in reference to these words, as well as that in reference to the proviso, I will send to the Clerk's desk and have read two letters from Judge McKennon, of the Dawes Commission.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Fort Smith, Ark., December 28, 1896.

DEAR JUDGE: You will remember there was no provision made for any help for the Commission during the past year, except the employment of one secretary. We found that it was absolutely impossible to do the work without other assistance, and when we appealed to the Department during the summer, the Commissioner of Indian Affairs suggested that we employ the necessary help and take the chances of Congress making appropriation for payment of same. We therefore employed help as follows:

N. L. Steele, from August 20 to September 20, 1896, one month; F. E. Willis, from September 8 to September 16, 1896, nine days; A. W. Dickey, from September 1 to September 13, 1896, thirteen days; W. H. McClendon, from September 3 to September 13, 1896, eleven days; Henry Stroup, from October 1, 1896. Mr. Stroup is still with us and will remain, because we can not get along very well without him. I will be very much obliged if you will have appropriation made for the payment of these parties—Mr. Stroup, at the rate of $100 per month, and the others $3 per day. All of this help was absolutely necessary to enable us to accomplish the important work in hand, the magnitude and importance of which you yourself know. I will ask, also, that you see that provision is made for the employment of the necessary help for the work of the Commission during the present year. I hope we will not be left in the embarrassed condition we were last year. The work is important, and there should be sufficient clerical force furnished to us to aid us in properly discharging our duties.

I presume the Commission will be called to Washington early in January.

With very kindest regards, I am, sincerely, your friend,

A. S. McKENNON.

Hon. J. S. LITTLE,
House of Representatives, Washington.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Fort Smith, Ark., December 30, 1896.

DEAR JUDGE: I am just in receipt of your favor of the 28th instant, in which you request me to suggest amount necessary for expenses of the Commission during the coming year. With the present work before us, it will require at least four clerks during the summer in making rolls, as required by the present law. Each of four members will work separately at the capitals of four of the tribes, and each will require a clerk. If we conclude treaties with the Cherokees and Creeks, and any of these treaties are ratified by both governments, then we will need considerable assistance in the way of clerks, allotment agents, and surveyors. I suggest, however, that surveyors might be furnished us from the present organized survey now in the Territory. I hope that you will see to it that we have full authority to employ all necessary assistance, in order that we may carry on the work in the right manner, as there can be no economy in placing us in a condition where we can not get assistance to do the work required, and I do not think there is any danger of the Commission employing assistance which is not needed. You will see, therefore, that it will become necessary to make a much larger appropriation for the work of the Commission than was made last year, viz, $40,000. I do not know how much of this amount has been expended by the Commission since the appropriation was made. You can readily ascertain at the Indian Office. I would think, however, that it would be necessary to make an appropriation of, say, $75,000 for the work during the coming year. This, however, you can as well judge as I.

In addition to the list of employees which I sent you I would be obliged if you will give special attention to one other matter personal to myself. When the Commission went to Washington last winter in order to save expenses, and at the suggestion of the Secretary of the Interior, we dispensed with the services of our secretary, the Department when necessary furnishing us with a stenographer. But I, as you well know, performed not only my duties as Commissioner, but a great deal of laborious work of the secretary. I found my accounts in a bad shape, and employed Mr. W. S. Olive, of the Indian Office, to go through them and adjust them for me. This work he did after his usual office hours and did it well. For this I paid him $50, which was approved by the Secretary of the Interior, but the Treasury Department has suspended this disbursement and refused to allow it on the ground that we were not authorized to employ any assistance other than a secretary, and as Mr. Olive was not a secretary in fact, although acting as such in the performance of this work, they claim that the disbursement was made "without authority, and therefore can not be allowed." You will see that I got into this difficulty by my effort to economize and save money for the Government. I would be obliged if you will place this with the other matters heretofore referred to, and have an appropriation made for the payment of that as well, as it stands exactly on a parity with the employment of Mr. Stroup, which was suggested by the Commissioner of Indian Affairs.

Pardon me for writing at such length. I will be glad to hear from you.

Please remember me most kindly to your family and to Mr. Cornish.

Yours, very truly,

A. S. McKENNOM.

Hon. JOHN S. LITTLE,
House of Representatives, Washington.

Mr. SHERMAN. I should like to know from the gentleman from Illinois [Mr. CANNON] if the explanation contained in the letter is satisfactory to him?

Mr. CANNON. I want to see if I have a proper understanding. In 1893 this Dawes Commission was appointed by an appropriation act. It is not a provision that exists under any law, except as it dwells in the appropriation from time to time.

Mr. SHERMAN. That is correct, but even though so enacted, it is quite as much law.

Mr. CANNON. In 1895, it having performed all the time, we made another appropriation——

Mr. SHERMAN. And changed the Commission, enlarged it from a Commission of three to a Commission of five.

Mr. CANNON. And now we propose to still make an appropriation for the Commission.

Mr. SHERMAN. Certainly.

Mr. CANNON. Therefore, it seems to me that the whole matter is subject to a point of order; but I have no desire to insist on the point of order to cut off this Commission, if the gentleman believes that it ought to be continued for another year; but I do want to say that it looks to me like a long time away from results.

I do not have much faith in anything being done. It seems to me that if you continue this Commission, increased from three to five, and now give them full authority for clerical assistants without let or hindrance, each of the Commissioners will apply to have a clerk or two, a stenographer and typewriter, and we shall have an organized bureau. Now, I know some of these gentlemen, and they are very excellent gentlemen, and I am not speaking disrespectfully of them: but, frankly, it seems to me that if they are to have employees, those employees ought to be specified and we ought to know what there is about this. If the gentleman is not prepared to specify, I suggest to him that he pass this by until to-morrow's sitting, and let us see if we can not have a specific appropriation here.

Mr. SHERMAN. Well, Mr. Chairman, I am very glad that the gentleman gives no outward sign of approaching the golden stair, because if faith is an essential element to enable one to march along the golden streets hereafter, I am afraid, judging by the gentleman's great lack of faith here to-day, that he would not walk along those streets. His faith seems to be conspicuously absent.

In reference to the Dawes Commission, I think they have done a wonderful work. They are dealing with a large subject. It is a matter that can not be disposed of in a day or in a year, and I think that within the last year they have made the most substantial progress. In the last appropriation bill they were authorized to take a census of these Indians, to make an enrollment, to hear the allegations of the right to be enrolled as members of the tribes, and to decide on the proofs, but to anybody aggrieved the right of appeal to the United States courts was given. They were authorized, too, to negotiate for treaties with these Indians. Heretofore for years it has been impossible for the United States to accomplish anything with the Indians looking toward a treaty which would eventually open up this Territory, allot the land, and make that whole tract of land, rich and fertile as it is, a civilized country. Now, this Commission has already agreed upon terms with the Choctaw and Chickasaw Nation, subject, of course, to Congressional ratification. That agreement, or treaty, whichever you may choose to call it, is now in the hands of the Secretary. It is expected daily to be transmitted to Congress for its action. There are three other nations yet to be dealt with there.

These lists of citizenship are not yet completed. That there is before this Commission a large amount of work in the immediate future is quite apparent; and it may be, dealing with such people as the Indians are, they will not be able to accomplish the treaty with the other tribes during the next year. But I do believe, sir, that if this Commission is given authority along the line they have been working they will eventually enter into an agreement with these Indians which will bring about a condition in the Indian Territory which every American citizen who knows anything about that country and the conditions long existing there is anxiously praying and waiting for.

Now, what special employees they may need I do not know. They have asked for an appropriation of $75,000. They had $40,000 last year. From the reading of the letter from Judge McKennon it will be seen that the $40,000, under the terms of the appropriation, did not meet all their requirements. Now, it seemed to the committee, without going specifically into the exact number of employees at a particular per diem, that this $50,000 might be sufficient to meet all their wants. If it is not all expended, the money stays in the Treasury.

Mr. LITTLE. If the gentleman from New York will permit me, I will call the attention of the House to this additional fact, that the Commission by last Congress were empowered to determine the roll of citizenship of the Five Tribes. That involves the hearing of 7,000, 8,000, or 10,000 cases, and they will have a lot of work ahead of them before they can make a complete roll of the citizenship in hearing and determining the rights of those who claim citizenship. Of course, auxiliary to that is the question of negotiation with the tribes; but to complete this work which has already been begun it will take five or six months, probably a longer time; and they have really a necessity for this clerical assistance when they go into taking up the rolls of each of these tribes. The lists that have been allowed by them and rejected have got to be disposed of to complete the rolls made; and I understand it will take a considerable time to do that.

Mr. SHERMAN. It involves the examination of perhaps 10,000 individual cases, and it is quite apparent that it will take a considerable amount of work.

Mr. BRODERICK. I think that report is complete. I went the other day to the Indian Office and examined it, and they told me the roll was completed and filed with the Secretary of the Interior; but there has to be a review by the Secretary to find whether there has been any injustice done anyone who has claimed the right to be placed on the roll. I understand the roll has been completed and filed with the Secretary of the Interior.

Mr. SHERMAN. The roll of one tribe only.

Mr. BRODERICK. I am speaking more particularly of the Cherokees.

Mr. LITTLE. Do you not speak of the colored citizens' roll there? If my friend from Kansas will permit me, the gentleman will understand that there is an additional roll being made, known as the colored citizens or freedmen's roll. That is the roll that you speak of having been completed. I understand that the completing of these other rolls, which involves the entire citizenship of the tribe, has not been completed, and I understand will not be for some time; and there is an immense amount of work to be done.

Mr. BRODERICK. That may be so.

Mr. CANNON. Now, Mr. Chairman, upon the point of order, and in reply to the gentleman from New York, I do not know whether I have as much faith as he. I do not know whether I shall climb the golden stairs; but if I do I shall have one source of regret—I shall not be dwelling with him.

Mr. SHERMAN. That regret will be mutual.

Mr. CANNON. All that I aim to say is this: That I have no knowledge about it, and I think I am about as wise as the gentleman from New York and about as wise as the gentleman from Arkansas. This is really a simple authorization to spend this money for employees at their discretion. The gentleman from Kansas thinks the census has been taken and the quasi judicial proceedings had——

Mr. LITTLE. But if the gentleman will allow me——

Mr. CANNON. In a moment. (Continuing:) To find out who were citizens and who were freedmen. The gentleman from Arkansas thinks that work has to be done.

Mr. LITTLE. If the gentleman will permit me, there is no conflict between the gentleman from Kansas and myself. He speaks of the freedmen's roll, which is another roll altogether from the citizenship of the tribe.

Mr. BRODERICK. The freedmen's roll is in the hands of the Secretary.

Mr. CANNON. Now, I want to know what there is in the line of progress. If we are to continue this Commission at a very respectable salary—and they are very respectable gentlemen—I want to know what progress has been made. And when they come to ask us to enlarge the appropriations for their service, I want them to state what progress they are making. I want to know why it is necessary now, in the absence of an official report as to why, that this appropriation should be doubled. I shall be compelled to make the point of order to that change in the law indicated in lines 1 and 2:

> Including expenses of employing clerical and other assistance, and all other expenses necessary to the proper discharge of their duties—

Which will appropriate for this Commission. If these words are stricken out, and that legislation is stricken out, we will leave it precisely as it has been appropriated heretofore. And the proviso also is clearly legislation.

Mr. SHERMAN. Mr. Chairman, if the gentleman followed closely the letter of Judge McKennon which the Clerk read, he must have seen the necessity for the change in the wording. It was held under the old wording that the Commission could not employ clerical help within the wording of the appropriation, yet they have employed the necessary help, and the gentlemen who have performed the service during the past year have not been paid, except one, the appropriatiation for whom we have not yet reached. The change in the wording is intended to meet the objections of the accounting officer, who holds that under the word "expenses" is not included necessary clerical help.

Mr. CANNON. How much do we pay these commissioners?

Mr. SHERMAN. Five thousand dollars apiece.

Mr. CANNON. That is $25,000. I have no objection to that appropriation of $25,000 being made, but now how much do they want for clerical assistance, and how much for miscellaneous purposes?

Mr. SHERMAN. Traveling expenses also are to be paid—they always have been paid. I do not know just how the Commission would divide this sum. It is now five minutes past 5 o'clock, and I will move that the committee rise. Then this evening I will see one of the commissioners and ask him to give me a detailed statement of how they would expend this $50,000, if the gentleman desires such a statement.

Mr. CANNON. I would like to have the limits fixed and an appropriation made definitely for each purpose. I have no desire at all to embarrass the Commission.

Mr. SHERMAN. Well, we will let the item stand over till to-morrow. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 10002, the Indian appropriation bill, and had come to no resolution thereon.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following resolutions were taken from the Speaker's table and referred as follows:

> *Resolved by the Senate (the House of Representatives concurring),* That there shall be printed and bound in paper covers 5,000 additional copies of the special census report on the occupations of the population of the United States as shown at the Eleventh Census, to be distributed by the census division of the Department of the Interior, the extra edition of such special report to be known as Extra Census Bulletin No. 10)—

To the Committee on Printing.

> *Resolved by the Senate (the House of Representatives concurring),* That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 5127) for the relief of Abraham O. Waucop;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 6378) for the relief of Eliza J. Holman;

A bill (H. R. 4547) granting a pension to Silas S. White;

A bill (H. R. 5938) for the relief of Pricilla R. Burns;

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 5712) granting increase of pension to John W. Hines;

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 4941) to pension Hester A. Bostwick;

A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 6472) granting a pension to Olive M. Lewis;

A bill (H. R. 1646) for the relief of Dolly S. Brown;

A bill (H. R. 8053) granting a pension to Alice Gard;

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;

A bill (H. R. 7255) authorizing the establishment of a life-saving station off the coast of Maryland;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers;

A bill (H. R. 4744) to increase the pension of Adam Dennis;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 6282) to increase the pension of Alexander McBride;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 6556) granting a pension to Jacob Brown;

A bill (H. R. 6900) increasing the pension of Mary T. Young;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 9619) granting a pension to Mirum C. Peck;

A bill (H. R. 4620) granting a pension to Samuel McKinsey;

A bill (H. R. 1500) granting a pension to George W. Bagley;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty;

A bill (H. R. 4875) granting a pension to John W. Pogue;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;

A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50.

A bill (H. R. 1171) to pension Hannah Yazell.

A bill (H. R. 5580) granting a pension to Archibald Hunley;

A bill (H. R. 3945) granting a pension to Thomas J. Thorp;

A bill (H. R. 4298) granting an increase of pension to Annie Thompson;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 7240) granting a pension to John W. Bruner;

A bill (H. R. 4494) granting a pension to Barton S. Dawson;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner;

A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in the course of construction, as authorized by the act of Congress approved March 3, 1887;

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;

A bill (H. R. 2048) for the relief of Rufus Betz;

A bill (H. R. 6546) granting a pension to Samuel Holliday;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 5855) granting a pension to Emily Elliott;

A bill (H. R. 7212) to increase the pension of Melita E. White;

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River in the State of Texas;

A bill (H. R. 9306) granting a pension to Amanda Woodcock;

A bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

A bill (H. R. 5670) to increase the pension of Richard S. Phillips;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty; and

A bill (H. R. 4264) granting a pension to Mary Pelham.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WILLIAMS, indefinitely, on account of sickness.

To Mr. HEATWOLE, indefinitely, on account of sickness.

To Mr. FOSS, for two days, on account of sickness in his family.

To Mr. SHANNON, for two days, on account of sickness.

The House then, on motion of Mr. PAYNE (at 5 o'clock and 5 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a copy of the claim of the Union Iron Works, of San Francisco, Cal., for loss and damage incurred in the construction of the coast-defense vessel *Monterey*, was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1624) entitled "An act to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana," reported the same with amendment, accompanied by a report (No. 2622); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor, reported the same with amendment, accompanied by a report (No. 2634); which said bill and report were referred to the House Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4318) granting increase of pension to survivors of the Mexican and Indian wars and to their widows, reported the same with amendment, accompanied by a report (No. 2635); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (S. 56) entitled "An act for the relief of John M. Davis." (Report No. 2619.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 8868) for the relief of Mrs. Ellen O'Rorke. (Report No. 2623.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 6038) to increase the pension of Joseph M. Donohue. (Report No. 2624.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 2236) granting a pension to Mary Elizabeth Craig. (Report No. 2625.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 8257) granting a pension to Mary Hitt Walker. (Report No. 2626.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 9620) granting a pension to Albert Hammer. (Report No. 2627.)

The bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased. (Report No. 2628.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 7903) granting a pension to Mrs. Hester A. Adams. (Report No. 2629.)

The bill (H. R. 8137) granting a pension to Sarah E. Daub. (Report No. 2636.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1181) entitled "An act to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago, Boston,* and *Atlanta.*" (Report No. 2630.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (S. 1277) entitled "An act for the appointment as lieutenants on the retired list of certain survivors of the Lady Franklin Bay Expedition." (Report No. 2631.)

The bill (H. R. 4676) to correct the military record of John H. Finfrock. (Report No. 2632.)

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 8287) to remove the charge of desertion standing against James McGreevey. (Report No. 2633.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10126) to increase the pension of Emily E. Cash from $20 to $50 per month; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

By Mr. HULICK: A bill (H. R. 10135) to reorganize and increase the efficiency of the personnel of the Navy and the Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 10136) to assist the wandering Papago Indians in the Territory of Arizona to establish homes for themselves and induce them to cease their depredations on the cattle herds of white citizens—to the Committee on Indian Affairs.

By Mr. FENTON: A bill (H. R. 10153) to amend section 5231 and section 5238 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. HURLEY: A joint resolution (H. Res. 238) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.—to the Committee on the Library.

By Mr. DOLLIVER: A resolution (House Res. No. 505) requesting certain information of the Secretary of the Navy relative to promotions of meritorious warrant officers of the Navy—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 10137) granting a pension to Miss Delphine P. Baker for expenses incurred during the late war and for services performed in originating and founding the National Home for Disabled Soldiers and Sailors of the Army and Navy of the United States—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 10138) to relieve W. J. Floyd of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 10139) to relieve John Johnson of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 10140) granting an increase of pension to George Hyde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10141) to remove the charge of desertion now standing against James H. Nowlin, Eighty-first Illinois—to the Committee on Military Affairs.

Also, a bill (H. R. 10142) for the relief of John C. Brown—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 10143) granting a pension to Cara H. Wilson—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 10144) granting a pension to S. T. Love—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 10145) for the relief of Perry Childs, Company I, Fifty-seventh Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10146) to remove the charge of desertion against Charles Geer—to the Committee on Military Affairs.

By Mr. SAUERHERING: A bill (H. R. 10147) to provide compensation for injuries received by George E. Giles, of Watertown, Wis., at the Ford's Theater disaster, which occurred June 9, 1893—to the Committee on Claims.

By Mr. WATSON of Ohio: A bill (H. R. 10148) to increase the pension of George W. Roger, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10149) to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, a bill (H. R. 10150) to correct the military record of Mathias Keith—to the Committee on Military Affairs.

By Mr. BUCK: A bill (H. R. 10151) for the relief of Mrs. Matilda M. Fairex, administratrix of Daniel Fairex, deceased—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 10152) for the relief of Anderson Malon—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, favoring Government ownership of canals, with free tolls—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Allison Manufacturing Company, of Philadelphia, Pa., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Mississippi: Papers relating to the claim of M. G. Cumby, of Corinth, Miss.—to the Committee on War Claims.

By Mr. BENNETT: Petition of the Medical Society of the county of Kings, State of New York, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CROWTHER: Protest of citizens of Walnut Ridge, Ark., against the establishment of a new Federal judicial district at Batesville, Ark.—to the Committee on the Judiciary.

By Mr. CURTIS of Iowa: Petition of Le Grand Byington, of Iowa City, Iowa, respecting national banks—to the Committee on Banking and Currency.

By Mr. CURTIS of New York: Resolution adopted by Canby Post, No. 17, Grand Army of the Republic, Department of New York, in behalf of Cuban independence—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Resolutions adopted by the Commercial Exchange, of Des Moines, Iowa, favoring a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolutions of the Commercial Exchange of Des Moines, Iowa, favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Papers relating to the claim of Catharine Gillin, of the State of Virginia—to the Committee on War Claims.

By Mr. KIEFER: Petition of the Trades and Labor Assembly of St. Paul, Minn., in favor of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Memorial of the citizens of San Francisco, Cal., in mass meeting assembled January 19, 1897, favoring the passage

of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of Window Glass Workers of North America, by its chief preceptor, George Hull, favoring the adoption of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of tin-plate workers of Gas City, Ind., for an increase of tariff on tin plate—to the Committee on Ways and Means.

By Mr. WATSON of Ohio: Papers to accompany House bill to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of Mathias Keith—to the Committee on Military Affairs.

Also, paper to accompany House bill to increase the pension of George W. Roger, sr.—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of J. A. Hall, praying that the war claim of John W. Hall, deceased, late of Montgomery County, Md., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of John H. Allnut, of Montgomery County, Md., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WHEELER: Papers relating to the claim of George W. Woody, of Madison County, Ala.—to the Committee on War Claims.

SENATE.

WEDNESDAY, *January 27, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MEDICAL AND HOSPITAL SUPPLIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Maj. Gen. Nelson A. Miles, president of the Board of Commissioners of the Soldiers' Home, recommending that Congress be requested to authorize the Medical Department of the United States Army to sell medical and hospital supplies at cost price to the Soldiers' Home in the District of Columbia; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Klamath Boundary Commission, appointed under a clause in the Indian appropriation act of June 10, 1896, for the purpose of locating the boundary lines of the Klamath Indian Reservation in the State of Oregon, and submitting an item for insertion in the Indian appropriation bill, prepared in accordance with the recommendations contained in the report; which was read.

The PRESIDENT pro tempore. The Chair is uncertain whether the communication should go to the Committee on Appropriations or the Committee on Indian Affairs.

Mr. HALE. I think it had better go to the Committee on Indian Affairs first; but the appropriation bill on the subject-matter will be here from the other House within a day or two.

The PRESIDENT pro tempore. The communication will be printed and referred to the Committee on Indian Affairs.

CHOCTAW AGREEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a provision in the act of March 3, 1893, a certified copy of an agreement entered into between the Commission appointed to negotiate with the Five Civilized Tribes and a commission of the Choctaw Nation appointed for the purpose of negotiating with the Commissioners appointed by the United States Government; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FIFTH INTERNATIONAL PRISON CONGRESS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution passed by the Senate April 8, 1896, relative to printing the report of the delegates of the United States to the Fifth International Prison Congress.

The amendments were, in line 8, to strike out "1,000" and insert "500;" in line 9, before "thousand," to strike out "two" and insert "one;" in line 10, to strike out "2,000" and insert "3,500;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895, 500 copies for the use of the Senate, 1,000 copies for the House of Representatives, and 3,500 copies for distribution by the Secretary of State.

Mr. HALE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 610) for the relief of John F. McRae; and

A bill (H. R. 5128) to increase the pension of Jere Smith.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 1171) to pension Hannah Yazell;

A bill (H. R. 1500) granting a pension to George W. Bagley;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 1645) for the relief of Dolly S. Brown;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

A bill (H. R. 2048) for the relief of Rufus Betz;

A bill (H. R. 2231) for the relief of Binford Reeder;

A bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 3945) granting a pension to Thomas J. Thorp;

A bill (H. R. 4264) granting a pension to Mary Pelham;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 4298) granting an increase of pension to Annie Thompson;

A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 4494) granting a pension to Barton S. Dawson;

A bill (H. R. 4547) granting a pension to Silas S. White;

A bill (H. R. 4620) granting a pension to Samuel McKinsey;

A bill (H. R. 4675) granting a pension to John W. Pogue;

A bill (H. R. 4744) to increase the pension of Adam Dennis;

A bill (H. R. 4941) to pension Hester A. Bostwick;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 5127) for the relief of Abraham O. Waucop;

A bill (H. R. 5580) granting a pension to Archibald Hunley;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers;

A bill (H. R. 5670) to increase the pension of Richard S. Phillips;

A bill (H. R. 5712) granting increase of pension to John W. Hines;

A bill (H. R. 5855) granting a pension to Emily Elliott;

A bill (H. R. 5938) for the relief of Pricilla R. Burns;

A bill (H. R. 6282) to increase the pension of Alexander McBride;

A bill (H. R. 6378) for the relief of Eliza J. Holman;

A bill (H. R. 6472) granting a pension to Olive M. Lewis;

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker;

A bill (H. R. 6546) granting a pension to Samuel Holliday;

A bill (H. R. 6519) granting a pension to Gideon L. McGinnis;

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;

A bill (H. R. 6556) granting a pension to Jacob Brown;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 6900) increasing the pension of Mary T. Young;

A bill (H. R. 7212) to increase the pension of Melita E. White;

A bill (H. R. 7240) granting a pension to John W. Bruner;

A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;

A bill (H. R. 8053) granting a pension to Alice Gard;

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 9306) granting a pension to Amanda Woodcock;

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

A bill (H. R. 9619) granting a pension to Miram C. Peck;

A bill (H. R. 9835) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in the course of construction, as authorized by the act of Congress approved March 3, 1897; and

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River in the State of Texas.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Presbyterian Ministers' Association of Washington, D. C., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented memorials of the Methodist Episcopal Church, of Murphysboro; of the Free Baptist Church, of Murphysboro; of the First Christian Church, of Murphysboro; of the Lutheran Church, of Murphysboro, and of the Methodist Episcopal Church South, of Murphysboro, all in the State of Illinois, remonstrating against the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Brown Chapin Lumber Company, of Chicago; of the Western Coated Paper and Card Company, of Chicago; of the Badger & Jackson Company, of Chicago, and of the First United Presbyterian Church, of Sparta, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of E. O. Vaile, of Oak Park, Chicago, Ill., and the petition of J. M. Nickles, of Sparta, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented petitions of the American Paper Company, of Chicago; of Taylor & Parrotte, of Chicago; of Reed, Walsh & Lange, of Chicago; of Griswold, Palmer & Co., of Chicago, and of the Continent Shoe Company, of Chicago, all in the State of Illinois; and the petition of George W. Taussig, of St. Louis, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. CULLOM. I present the petition of John Wood Post, No. 96, Department of Illinois, Grand Army of the Republic, praying for a revision of the civil-service rules. I call the attention of the committee having that subject in charge to the statements made in the petition, which I think are worthy of consideration. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Camden, N. J., praying for the passage of Senate bill No. 1498, to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the Judiciary.

He also presented petitions of the Ferry Avenue Methodist Episcopal Church, of Camden; of the Linden Baptist Church, of Camden; of the First Baptist Church, of Camden; of the Seventh Baptist Church, of Camden; of the Mount Zion Baptist Church, of Camden; of the Third Baptist Church, of Camden, and of the Wiley Methodist Episcopal Church, of Camden, all in the State of New Jersey, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BURROWS. I present the petitions of Stanford L. Parker and 153 other citizens of the Little Creek district of Laurel, Sussex County, Del.; of H. L. Spicer and 72 other citizens of Laurel, Sussex County, Del.; of Thomas Jefferson and 43 other citizens of Smyrna, Kent County, Del., and of C. C. Brown and 40 other citizens of Bridgeville, Sussex County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. PERKINS presented a resolution of the Chamber of Commerce of San Francisco, Cal., favoring the general principle of arbitration, and remonstrating against the submission to arbitration of any question affecting the validity of the Monroe doctrine; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Bancroft-Whitney Company, of San Francisco, Cal., and the petition of P. W. Croake, publisher of the Catholic Tidings, of Los Angeles, Cal., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Chamber of Commerce of San Diego; of the California Dairy Association; of the Merchants and Manufacturers' Association of San Diego; of the Merchants' Association of San Francisco, all in the State of California, and a petition of sundry citizens of California, praying for the passage of the Nicaraguan Canal bill; which were ordered to lie on the table.

He also presented the memorials of Charles A. Tupper, publisher of the California Prohibitionist, of San Jose; of William Pierce Johnson, vice-president of the Willamette Pulp and Paper Company, of San Francisco; of Stephen Bowers, publisher of the California Voice, of Los Angeles; of Dr. C. N. Miller, editor of the California Medical Journal, of San Francisco; of J. H. Cosgrove, publisher of the Wave, of San Francisco; of Wallace G. Brown, publisher of the Contra Costa Gazette, of Monterey; of R. A. Dague, publisher of the Chronicle, of Santa Paula; of Warren E. Price; of E. P. Truitt, publisher of the Weekly Call, of Norwalk; of John Sharp, publisher of the South Pasadenan, of South Pasadena; of S. B. Carleton, publisher of the Pacific Town Talk, of San Francisco; of J. G. Edward, publisher of the Coast Review, of San Francisco; of H. L. Herzinger, publisher of Ukiah Herald, of Mendocino County; of Clark Bros., publishers of the Press, of Riverside; of Adolph Glaser, publisher of the Stockton Banner, of Stockton; of Dr. W. P. Burke, of Altruria; of J. A. Wiles, manager of the San Francisco Business College; of J. A. Cruzan, publisher of the Pacific, of San Francisco; of Walter Frickstad, publisher of the Ægis of the high school of Oakland; of Samuel T. Porter, editor and manager of the Del Norte Record, of Crescent City; and of J. G. Eckles & Sons, publishers of the Weekly Review, of Porterville, all in the State of California; the memorial of H. F. McKeener, of Alna, Me., and a memorial of a committee appointed at a meeting of publishers held in New York City February 10, 1896, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the Maine Woman's Suffrage Association, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a memorial of sundry citizens of Mansfield, Ohio, remonstrating against the passage of House bill No. 10030, to amend an act to regulate commerce; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a resolution of the house of representatives of Minnesota, favoring the adoption of an amendment to the Constitution of the United States permitting the election of United States Senators by a direct vote of the people; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Harvard Church, of Brookline, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. DANIEL presented the petition of C. A. Jewell, B. C. Buxton, and sundry other citizens of Alexandria, Va., and the petition of T. T. Hanee, Louis H. Berry, and sundry other citizens of Alexandria, Va., praying that the Washington, Arlington and Falls Church Railway Company be allowed to widen the Aqueduct Bridge and construct an electric street railway track thereon into Washington, D. C.; which were referred to the Committee on the District of Columbia.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I present the petition of Washington Hastings, Alfred D. Warner, Evan G. Shortridge, Samuel M. Knox, J. E. Smith, and 33 other citizens of Delaware, praying that the claim of Henry A. Du Pont be again investigated, and stating that he was duly and legally elected to the United States Senate by the legislature of Delaware on the 9th day of May, 1895. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CHANDLER. I present a further petition from Henry A. Du Pont, who claims the vacant seat in the Senate from the State of Delaware. He sets out that the previous vote by which he was declared not entitled to his seat was carried by a majority of 1.

He further states that upon an examination of the record he finds that there was a doubt existing as to the regularity of certain pairs, which, if correctly stated, he avers would have prevented the passage of that resolution; and he cites the following principle of parliamentary law, which he says is the well-established and settled rule, that—

> Whenever a vote is improperly stated, or some error occurs, or an erroneous announcement is made of the record of the vote, at whatever period of time the discovery is made, the proceedings are null and void and the bill stands before the house for whatever action may be necessary for a correction of the vote.

I ask that the petition may be printed as a document and referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER (Mr. Perkins in the chair). If there be no objection, such will be the order.

Mr. GRAY. I object to its being printed, but of course it will be referred to the committee.

Mr. CHANDLER. I hope the Senator will not object to its being printed as a document—not in the Record.

Mr. GRAY. I object to its being printed in the Record.

Mr. CHANDLER. Not in the Record. The Senator does not object to its being printed as a document?

Mr. GRAY. No.

The PRESIDING OFFICER. If there be no objection, the petition will be printed as a document and referred to the Committee on Privileges and Elections. It is so ordered.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 3011) revising and amending the statutes relating to patents, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment, submitted by himself, intended to be proposed to the naval appropriation bill, the amendment directing the Secretary of the Navy to consider the subject of the erection, in the city of Washington, of a suitable statue to David D. Porter, lately the Admiral of the United States, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. GEAR introduced a bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL introduced a bill (S. 3609) to quitclaim and confirm title to lots 13 and 14, in square 959, in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE (for Mr. Voorhees) introduced a bill (S. 3610) granting a pension to Nancy Hawkins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. Voorhees) introduced a bill (S. 3611) granting arrearage of pension to Daniel Uptegraft; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3612) granting a pension to Mrs. Martha Frank; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL (by request) introduced a joint resolution (S. R. 195) providing for the printing of the names of heads of families and other detailed information as shown by the First Federal Census; which was read twice by its title, and referred to the Committee on the Census.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HALE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 610) for the relief of John P. McRae was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5128) to increase the pension of Jere Smith was read twice by its title, and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. ALLEN. I ask unanimous consent to call up Senate bill 3051.

The PRESIDENT pro tempore. The Senator from Nebraska will wait. The morning business is not yet concluded. Concurrent and other resolutions are in order. [A pause.] If there be none, the morning business is concluded, and the Calendar is in order.

Mr. Chandler and Mr. Pettigrew addressed the Chair.

Mr. ALLEN. I ask unanimous consent to call up Senate bill 3051.

Mr. PETTIGREW. I wish to move to take up the Military Academy appropriation bill.

Mr. ALLEN. I hope that I can have the attention of the Senate just a few moments, having called the attention of the Chair to this matter, and that the Senator from South Dakota will waive his right to have the appropriation bill taken up until I can have a little bill passed which I think is merely formal.

The PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota. Does he yield to the Senator from Nebraska?

Mr. PETTIGREW. I will yield to the Senator from Nebraska after the appropriation bill is brought before the Senate. I am very anxious to dispose of the appropriation bill.

Mr. ALLEN. I am perfectly willing to yield until that is taken up.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The motion was agreed to.

Mr. PETTIGREW. Now I yield to the Senator from Nebraska, provided the bill he wishes to call up does not lead to any delay or debate.

Mr. ALLEN. It will not lead to any delay, I think.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. PETTIGREW. I yield to the Senator from Nebraska.

MIXED-BLOOD INDIANS.

Mr. ALLEN. I ask the Senate to proceed to the consideration of the bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes.

The PRESIDENT pro tempore. The bill will be read at length.

The Secretary read the bill.

Mr. PLATT. Is the bill before the Senate?

The PRESIDENT pro tempore. The Senator from Nebraska asked unanimous consent that the Senate would proceed to its consideration, and it was read for the information of the Senate.

Mr. PLATT. I desire to say about the bill, if the Senator will permit me, and if I may be indulged a single word——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. ALLEN. Certainly.

Mr. PLATT. The bill did not receive my support in the committee, and it is an important bill. It practically reverses the present policy or law with reference to the title under which Indians hold their allotments and is widespread in its effects. I do not think it ought to be taken up just in this way. I am perfectly willing to consider the bill at any time when it can be done. I do not think it can be done under the five-minute rule. I could not explain the operations of the bill in five minutes. I will say to the Senator from Nebraska that I have not the slightest desire to obstruct the consideration of the bill. I am ready, at any time when we can take it up, to discuss it and give my reasons why I think it is an unwise measure.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT. I think I must object.

The PRESIDENT pro tempore. Objection is made.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask unanimous consent to proceed to the consideration of Senate bill 3547, to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called. I hope it will not take a great while to dispose of the bill, I will say to the Senator from South Dakota.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. PETTIGREW. I can not yield, Mr. President. I wish to dispose of the appropriation bill, and I think we had better do it now.

Mr. CHANDLER. I understand there is nothing left of the Military Academy appropriation bill for consideration, as far as the committee know, except the pending amendment.

Mr. PETTIGREW. That is all.

Mr. CHANDLER. I will then defer moving to take up Senate bill 3547 until the pending bill is disposed of. Then I hope to get the attention of the Chair and the vote of the Senate to proceed with the consideration of that bill until it is completed.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, the pending question being on the amendment of Mr. PROCTOR, to insert at the end of line 4, page 2:

Provided, That hereafter, whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

Mr. PROCTOR. Mr. President, it seems to me that we have not been discussing the main issue in regard to this amendment. I should like to ask the Senator who reported the bill whether he considers the West Point cadets as a part of the Army of the United States?

Mr. PETTIGREW. I will say to the Senator from Vermont that I am not aware that my opinion on that subject would be a matter of any interest whatever, and therefore I decline to give it.

Mr. CHANDLER. I should like to answer that question.

Mr. PROCTOR. I can answer it very well, I think.

Mr. CHANDLER. Then the Senator did not want an answer; he only wanted an excuse for making his own remarks. I beg pardon for rising.

Mr. PROCTOR. The Revised Statutes, in giving the list of the different organizations that form a part of the Army, give at the close of the list "the professors and corps of cadets of the United States Military Academy." The important question, it seems to me, is whether the President of the United States, the Commander in Chief of the Army of the United States, has a right to call out the cadets for any purpose that he thinks warrants it——

Mr. COCKRELL. No; for an inauguration. That is the question.

Mr. PROCTOR. For any purpose that he thinks warrants it; and that right, I submit, has never been abused so far. They have been called out only at rare intervals. There is no danger that they will be called out frequently. The President can call them out and the transportation is paid by the Government. It is only a question of the three or four or half a dozen meals that the cadets would take here that is in issue. The Comptroller holds that as the statute limits the pay of cadets to $540 a year, and as officers must furnish their own subsistence, the payment can not be made out of the Army appropriation for subsistence. But the transportation is a different matter.

Mr. GRAY. May I ask the Senator from Vermont a question?

Mr. PROCTOR. Certainly.

Mr. GRAY. Does the Senator know how this matter of subsistence was managed when the cadets went to the Centennial Exposition at Chicago in 1893?

Mr. PROCTOR. Their subsistence was paid when they came here in 1873.

Mr. GRAY. I mean at Chicago in 1893.

Mr. PROCTOR. I have a letter from the Commissary-General here, and I think he finds no record of any payment for subsistence since 1873. I will read an extract from his letter:

> The expenses for subsistence were, by order of the Secretary of War, paid in 1873 from the appropriation for the subsistence of the Army, the law at that time not being so explicit as it has been since as to what items can be paid out of the appropriation. The subsistence during later visits was probably paid by the cadets themselves, as no records show any payments out of the subsistence appropriation.

Mr. GRAY. Have there been any later visits to inaugural ceremonials by the cadets?

Mr. PROCTOR. None since 1873. There have been visits to other points—in 1876 to the Centennial at Philadelphia, to New York in 1889 at the time of the centennial anniversary of the adoption of the Constitution, to New York at General Sherman's funeral, and to the Exposition at Chicago in 1893. It appears to me very strange that this expense should be thrown upon the cadets whenever the Commander in Chief deems it expedient to call them out for any purpose. That is just to what it comes. I can hardly believe the Senate will do that.

Of course the great expense is the transportation, and that the law allows now. It seems to me this amendment is what the law ought to be at all times. The small pay of the cadets, $540, was plainly intended only to cover their expense at West Point.

Mr. GRAY. Clothing and subsistence?

Mr. PROCTOR. Yes; their clothing and subsistence there. Their position is a little peculiar. In one sense they are officers, and the Comptroller in his decision puts them on the basis of officers, and yet all but the four or five cadet officers are performing the duty of enlisted men, carrying muskets, marching in the ranks; and when enlisted men are ordered out, of course their subsistence is furnished by the Government. It seems to me very plain that the amendment should be adopted and should be the permanent law, and be subject then to no misunderstanding. It has been the interpretation up to a recent period.

Mr. GRAY. Mr. President, the Senator from Vermont would seem to be, so far as I could understand the law he read, correct in his interpretation of the powers of the Secretary of War. But if any legislation is needed to bring these cadets here the inquiry naturally arises, Why should they be brought at all? They have not been here to grace any inaugural ceremonial since 1873, which was twenty-four years ago. What has occurred since then to make it expedient that the unbroken custom from that time should be departed from and the cadets should not be left, as they always have been, to attend to their studies and to the work that is laid out for them at West Point?

It is a very handsome thing to see those cadets in a parade; it is a very handsome showing; they do credit to their instructors; they do credit to those who founded that institution and to those who now sustain it. But the object of the institution was to educate these young men as soldiers. We shall bring them here, if we bring them at all, at a very inclement season of the year. They would be exposed, probably, so far as the vicissitudes of weather go at that early part of the month of March, to a very harsh and a very trying climatic condition in this city. I have been informed that the last time they were brought here, in 1873, two of the then cadets lost their lives by reason of exposure.

I do not feel that the time has yet come for the bringing of the cadets at the Military Academy to grace the inauguration ceremony of the President, however proper it might be that it should be graced in a proper way.

Mr. ALLEN. I should like to ask the Senator from Delaware a question before he sits down. I understand that the Senator last fall gave his great influence to the election of the Republican ticket, and that prosperity has been restored, and the country is now rolling in luxury and in wealth. Why not bring these young gentlemen down here at the expense of the taxpayers and give them an opportunity to see the consummation of that great event?

Mr. GRAY. Well, Mr. President, that is just one of the differences between the representatives of the Populist party and myself. They may be willing to indulge in these extravagances, but the school in which I was brought up forbids me to assent to it.

Mr. ALLEN. I was fearful the Senator from Delaware would not stand up to the question.

Mr. GRAY. The question we are discussing is the propriety of bringing the cadets here at all. We will discuss the other question with you on a proper occasion.

Mr. ALLEN. I agree entirely with the Senator from Delaware that it is a work of supererogation; not only that, but it is foolishness, absolute, inexcusable foolishness, to bring these boys down here to the inauguration. They are not to be brought here for educational purposes. That is the mere occasion, the mere excuse, the mere subterfuge, if I may use the expression. They are to be brought here to add to the tinsel and the display. They are to be brought here so that the people who attend the inaugural may look upon them, and that they incidentally may enjoy some of the sights and scenes and entertainments around Washington during that period. I understand how skillful gentlemen can say, "Why, they are brought here for educational purposes; we want to educate these young men." They can get their education at West Point. That is the place for them to obtain their education; and if they want to come here at proper periods, let them obtain leaves of absence from their commanders and come here like any other citizens.

Mr. HAWLEY. Will the Senator allow me to correct him?

Mr. ALLEN. Certainly.

Mr. HAWLEY. They get but one leave of absence during their four years' term, and that is at the end of the second year.

Mr. ALLEN. Possibly that is enough. If they are sent to that school to be educated at the expense of the taxpayers of this country, they should attend to the business for which they have been selected. We are getting to be altogether too kingly in this country now. All we lacked four years ago to be a foreign nation was a crown.

Mr. CHANDLER. A crown of thorns.

Mr. ALLEN. We have had the crown of thorns since then. I am told that the coming inauguration is to outdo everything

that has preceded it in the line of display, military display, civil display—a display of wealth, if I may use the expression.

Mr. GRAY. That is better.

Mr. ALLEN. Yes. Mr. President, I should like to see the time come or come back to this country when a man can come here and be inaugurated as Jefferson was inaugurated, in absolute democratic simplicity, where there would be no display.

Mr. GRAY. Ride up on the street cars?

Mr. ALLEN. Ride up on the street cars. They are good enough for any man. Or ride on horseback, if he can do so. That is good enough for any man. Let the people stand and witness the inaugural ceremony, the inaugural address, the administration of the oath, and such things as that, not in the sense of witnessing a display, but in the sense of witnessing the great responsibility that the President of a great country takes upon himself.

Mr. STEWART. Do I understand the Senator——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. ALLEN. I always yield to my good friend from Nevada.

Mr. STEWART. Will the Senator say he does not admire the grandeur of the Roman emperors as they took charge of that Empire? Has he failed to appreciate the magnificent display there was in Russia at the last coronation, where only a few thousand, probably not more than fifteen or twenty thousand, were trampled under foot by the guards and killed? Does he not appreciate those things?

Mr. ALLEN. I should like to ask my friend if he refers to the recent coronation in Russia where the American ambassador appeared in knee trousers. Is that the display?

Mr. GRAY. In knickerbockers.

Mr. ALLEN. In knickerbockers.

Mr. STEWART. I do not exactly remember what occurred to him, but if he composed a part of that pageant I care very little what became of him.

Mr. ALLEN. I think it was reported at the time that the American ambassador was required to wear, what some gentlemen here suggest to me is a politer expression, knickerbockers.

Mr. GRAY. A bicycle suit, I expect.

Mr. ALLEN. A bicycle suit. I would call it knee trousers, myself.

Mr. President, I never read anything in Roman history of the display that was made by the emperors that challenged my admiration. The greater the display in Rome the nearer the fall of the Empire. When Rome gave herself over to feasts and festivals and to great parades and coronations then the dry rot that eventually destroyed the Roman Government set in, and it fell, and we have to-day as a logical sequel the miserable lazzaroni of Italy.

But I can not understand why my distinguished friend from Delaware, whose great voice and whose great mind have been given here to bring about the present condition of affairs, can object to this display. To all intents and purposes the Senator from Delaware has been a Republican for the last three or four years. I know he attends Democratic caucuses; I know that he says he is a Democrat, and another distinguished gentleman over here says he is a Democrat; but upon every essential feature of Republican doctrine the Senator from Delaware has been a Republican. Names count for nothing. The American people can not be deceived by names any more. If I were a gold-standard man and had led the people of this country to believe that prosperity was already here, that all we had to do was to have a little confidence in one another and we would have plenty of money, I would say, expend the public money liberally, bring these young men down here at the expense of the taxpayers and let them see Washington and its sights and have a good time, for that is all that is meant.

There is not a Senator upon the other side of the Chamber nor upon this side who believes in his heart that there is any sense in bringing these boys here. There is no mission for them to perform here, except to become a part of the line of military display that is to be seen along the Avenue between the White House and the Capitol. You may undertake to veil it, you may say it is a splendid educational opportunity, and all that; you may put it in soft words; but the people of this country will not be deceived respecting what it means. It means a foolish, an utterly foolish display at the expense of this Government. Let these boys come here at their own expense, as the other boys of the country come here, if they do come.

Mr. HAWLEY and Mr. GRAY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut is entitled to the floor.

Mr. GRAY. I only want to say a word or two in reply to the Senator from Nebraska [Mr. ALLEN].

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Delaware?

Mr. HAWLEY. I do.

Mr. GRAY. Mr. President, the Senator from Nebraska has just exhibited to us a melancholy example of the devastation and the ravages which are worked in the moral and intellectual nature by the admission of Populistic ideas and the entertainment of Populistic notions.

Why, think of it, Mr. President! I rose merely to utter my feeble voice against the proposition that the cadets of the United States Military Academy should be brought away from their studies in order to form a part of the pageant of the inaugural ceremony, and the Senator from Nebraska, while he agrees with me, enters into a very heated altercation—if altercation it can be called which is confined to one side—as to my position with reference to the currency question. My views and notions upon that question have been known for many years, yet upon this simple proposition as to whether or no these cadets shall be brought away from the Academy at West Point, the Senator has indulged himself in this long screed as to my personal relations concerning certain great questions before the country. He might as well have brought into the discussion the propriety of bringing Coxey's army here to form a part of the procession that is to march up Pennsylvania avenue on the 4th of March next. It would have been quite as relevant.

Mr. ALLEN. A little more relevant.

Mr. GRAY. The Senator says "a little more relevant."

Mr. ALLEN. Mr. President——

Mr. GRAY. I will yield the floor in a moment.

The PRESIDENT pro tempore. The Senator from Delaware declines to yield.

Mr. GRAY. I have no doubt from what the Senator from Nebraska has said that he would have voted for that proposition, as he will vote against the one before the Senate.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. HAWLEY] was recognized.

Mr. HAWLEY. Mr. President, I am not at all afraid that the health of these young gentlemen will be injured by a trip down here. They would themselves scorn an excuse of that sort. It did so happen that they came here twenty-three years ago without their overcoats (which was a very great mistake), presuming too much upon the delights of this climate, and undoubtedly they had a severe time during that terrific March weather during the prevalence of a fierce northwest wind. They were not clad as soldiers ordinarily would be who go out at that season of the year; but that is no reason whatever why they should not come here now, when they will be lodged in exceedingly comfortable rooms and quarters which are already pointed out in case they are allowed to come here.

That, by the way, reminds me that there is a mistake about the question which is before us. These cadets are as much under the command of the President of the United States as the artillery that is down here at the Arsenal or the troops at Fort Myer. The President can order them to San Francisco if he thinks best. He has the constitutional power to do so, and, although he is not likely to do so, he has that undoubted right. The only question before us is whether a certain portion of the expenses shall be paid out of the appropriation already made to the Army.

I think it would be an excellent thing for the cadets to come here. I wish, if possible, that every person under 21 years of age could pay one good visit to the capital of the United States. I rejoice when I see these companies of military here. Not one of them goes back without a thrill of patriotic pride in this very noble city, without becoming a better American citizen.

These young men will be graduated soon; they will be ordered off a few days after graduation to various parts of the country to join their commands. Some of them go out upon the plains and across the distant mountains to the Pacific Coast, and their regiment is never ordered east of the Mississippi. It is only by a trip at their own expense that they can see Washington, and many of them will not see it under ten or fifteen years unless they can avail themselves of this opportunity. I should be glad to have the cadets come.

The Senator from Nebraska [Mr. ALLEN] is one of those who is using in every other line the words "the people," "the people," "the people," as if they were a race distinct from ours, as if there were two kinds of human beings, one of which were American citizens and the other "the people." It is a sort of contempt for the body of citizens of the United States to have everlastingly attributed to them narrow prejudices and lack of patriotism and jealousy about the expenditure of a dollar. There is not a human being in this country who comes to this city who is not proud to see that extensive, magnificent Library building, perhaps the finest in the world. There is not one of these American citizens who is not proud of it, not one of those called "the people" who is not proud of it, and who does not approve of any reasonable expenditure being made for the glory of the country. So of the other great public buildings in this city.

Every young man who comes here to witness the inauguration and who sees the splendid array of troops will be delighted to see them, and there are none who, upon the question being raised, would not thank the President of the United States for ordering the cadets from the Military Academy to come here and participate in the inaugural ceremonies. They are our boys, a specially dedicated class, paid by us, supported by us, selected by the representatives in Congress and by the President of the United States to dedicate their lives, under oath, to the service of their country. It is a proud thing to be a member of that cadet corps, and the people of the United States are proud of it.

There is not a better school in the world, nor a finer class of young soldiers growing up to be champions of their flag. I shall be sorry if they are not permitted to come. The President can order them to come, but this amendment provides for the payment of a portion of their expenses, perhaps their food. I suppose the country feeds them already at West Point. They do not pay out of their own pockets for it, for there is not one out of ten who has a pocket with any money in it. The great mass of them are poor boys.

I hope the Senate will pass this amendment, and that this small sum of money which will be needed will be given for this purpose.

I insist that the excursion would be an excellent drill for the cadets. They live upon the beautiful campus at West Point, and have a great severity of drill in daily life. They are out in guard mounting, they are out in dress parade, and they are out upon various drills. I hope that no man supposes they wait for an April sun before they go out of doors. There is one kind of drill which a soldier learns very early after he becomes a real soldier, which was especially the case in our late war, and that is how to travel. It is not a small trick to know how to travel, how to get into cars promptly and properly, and get out of them and march away as easily as people do at one of our ordinary stations.

It is a drill for them to come to their quarters here in Washington, to take care of themselves in those quarters, and to march in the presence of 150,000 of their fellow-citizens. It will be a pleasant sight for them, an object lesson. They will see the President of the United States, and will see more or less how this great Government is carried on. I hope we shall let the boys come.

Mr. CHANDLER. As the Senator from Connecticut [Mr. HAWLEY] says, "these are our boys," and they are, as the Senator from Vermont [Mr. PROCTOR] says, a part of the Army of the United States; but nevertheless, Mr. President, they are our boys at school, and in considering this question I desire to say that, in my belief, every instructor of these boys, from the Superintendent of the Naval Academy at Annapolis down, and from the Superintendent at West Point down to the lowest instructor in the school, if their opinions were asked, would say that it would be an injury to the studies of these boys to take them away on this occasion.

The same discipline that the Senator from Connecticut says keeps these boys at that school for four long years, without allowing them to go home to visit their fathers and mothers, their brothers and sisters but once in the whole time, is impaired by taking them away from the school to make excursions, in order, as the Senator from Connecticut says, in addition to all their other studies and all their drills, that they may learn to get in and out of a baggage car. [Laughter.]

Mr. President, what are the merits of this case? I beg not to be misunderstood. I do not commit myself as to the merits of the great questions which have been raised between the Senator from Delaware [Mr. GRAY] and the Senator from Nebraska [Mr. ALLEN] in this debate. [Laughter.] I confine myself to the point whether or not these young men are to be injured in their educational course by coming here; and I say confidently that they are, and that that is the opinion of everybody connected with their education.

This was all I intended to say in closing the other day when I had the floor when 2 o'clock arrived, except to say that I did not raise this question in the Senate. I noticed that the boys were coming. I had a very thorough knowledge of one of these schools, and I had a good knowledge of the other school. I believed an injury was to be done by the orders already issued, and I intended to confine myself to writing a modest note to the Secretary of War and the Secretary of the Navy, filing my humble protest against the injury that would be done the boys at these two schools by the order, which I understood had been issued, and to leave it there; but the question is brought in here by a proposition that I am called to vote upon, it is brought in here by the Senator from Vermont for the purpose of having the opinion of the Senate expressed as to whether these cadets ought to be taken from their regular studies and distracted from their regular work in order to join in the pageant which is to take place, and fittingly and properly take place, on the great occasion on the 4th of March next.

Mr. President, that is the question, and when I am called upon to vote, with my convictions I can vote but in one way.

Mr. HOAR. I should like to ask the Senator from New Hampshire a question.

The **PRESIDENT** pro tempore. The Senator from New Hampshire has yielded the floor.

Mr. HOAR. I merely arose to ask a question, and I hope the Senator will take the floor again for the purpose of answering it. I ask if I correctly understood him to say that the head of the Military Academy, the present Superintendent, who is responsible for these cadets, had expressed an opinion adverse to this proceeding, as bad for the boys?

Mr. CHANDLER. I did not say so.

Mr. HOAR. The Senator said something which I understood in that way.

Mr. CHANDLER. I will state what I said. I suppose that if orders were issued from the present President and Commander in Chief to the cadets to come here and do honor to the future President and Commander in Chief, whom we shall all welcome, the head of the Military Academy would not protest against it. He is a military officer. What I said was that, so far as I know, there has been no expression of opinion here or anywhere else from the instructors of these young men in favor of their coming, but I undertake to say if they were consulted they would one and all be against it.

Mr. HALE. Mr. President, I have no doubt that what the Senator from New Hampshire [Mr. CHANDLER] says is correct. Neither do I understand that either of the heads of the Departments under whose management are these two schools was in favor of this as a matter of discipline for the good of the corps.

The Senate may as well understand that the whole thing rests upon the question whether or not the cadets shall be brought here at the inauguration. It is not a general question, as the Senator from Vermont has stated. While the provision is put as a general proposition in the bill, it means that the cadets are to be brought here whatever may be the character of the weather on the 4th of March. The Secretary, in transmitting the amendment, which was given to me at first, says, in connection with other things:

> I inclose also a draft of a provision and memorandum respecting the traveling expenses of the corps of cadets when they are passing from West Point on military duty. Unless the existing law shall be changed, it will probably be impracticable for the cadets to participate in the inaugural ceremonies.

They have not been ordered here, and the order from the Secretary of War or from the Secretary of the Navy affecting the corps of cadets will depend upon the action of the Senate. If the Senate declines to put the provision upon this bill, as the Secretary of War says, the cadets can not come here; and it ought to be settled by the Senate one way or the other, so that these officers may have the monition of the act of Congress as to what course they will take.

I expect to see, and desire to see, a large parade, well conducted by the officer in charge of it, who has great experience, immense tact and ability, and it will be a demonstration creditable to the American people, as it ought to be. But the salient question here, the fundamental thing, is whether it will be good for the discipline of the cadets at West Point to be taken away from that institution in March weather and broken up in their studies for nearly or quite a week, and whether any commensurate good will come from that. I do not think the celebration and ceremonies will be perceptibly marred or lessened by their absence. Therefore, thinking it will be wrong and bad policy, and bad for the corps, I shall not vote for the amendment.

Mr. WHITE. I desire to address an inquiry to the Senator from Maine. May I ask of the Senator whether there is any recommendation of any kind from the War Department or from the Navy Department with reference to this matter?

Mr. HALE. None whatever. I have read the part of the letter transmitted by the Secretary of War touching this matter, and the Senate has the whole case before it.

Mr. ALLEN. Mr. President, I want to say just a word in reply to the Senator from Delaware [Mr. GRAY] and the Senator from Connecticut [Mr. HAWLEY].

What I meant to say respecting the attitude of the Senator from Delaware was this, and I think he will see the connection between the premises and the conclusion—it is very logical: I said the attitude of the Republican party during the last campaign, and in fact for the last twenty years, has been an attitude of reckless expenditure of money, enormous taxation, and great appropriations. Those appropriations have been thrown around and scattered over the country recklessly and uselessly. The Republican party has been the champion of the financial policy which has been championed so ably by my friend from Delaware.

While the Senator from Delaware calls himself a Democrat, as a matter of fact he has been a Republican. I know it may seem strange to make that assertion; but, Mr. President, if the Senator from Delaware had given his great influence in the State of Delaware last fall to the cause of the Democratic party, I have no doubt he would have been able to change the result there. He was to all intents and purposes a Republican during the campaign of 1896. That being true, the Senator from Delaware is committed to the policy that may be mapped out by the Republican party; he can not alienate himself from it; and whenever his party says that it is necessary to bring these cadets here, or to bring any

other portion of the Army or the Navy here for the purpose of making a display at the expense of the taxpayers of this country, the Senator from Delaware is estopped from denying their right to do so.

Mr. GRAY. The Senator, I suppose, will not let me vote against it.

Mr. ALLEN. Of course the Senator can break away from his party ties if he wishes to. He can say, "I will no longer be bound by the action of the Republican party," if he desires to; he can again become a Democrat; but I am saying that if his attitude now upon this question is to be made consistent with his attitude for the last six or eight months, he must stand with the Republican party and vote for this appropriation.

Mr. HAWLEY. Will the Senator please allow me one word?

Mr. ALLEN. Certainly.

Mr. HAWLEY. I understand that the Senator from Nebraska himself was formerly a Democrat and has changed his party twice.

Mr. ALLEN. Mr. President, I told the Senator here two or three years ago about myself, and if he wants to know more about me I will take him out into the cloakroom and tell him all about myself from childhood up. [Laughter.]

Mr. HAWLEY. I do not care about that.

Mr. GRAY. The Senator has been a Republican and a Democrat both.

Mr. ALLEN. Mr. President, I have not lived for seventy-five or eighty years and been incapable of changing my party allegiance. I have made a little more progress than that. Whenever a man gets to the point in his political affiliations where he says, "I have reached all political perfection; my party is right, and I am right; changed conditions and changed circumstances make no difference, I will stay with the party," he is in a position where he never makes any progress, and some men have never made any progress.

I have never been able, Mr. President, to raise my voice in this Chamber against reckless expenditure of money and military display that I have not called forth the invective of the Senator from Connecticut, and called it forth in a manner that was scarcely decent at times, personally. Here I have incurred his enmity again, because in my way I have objected to this display on inaugural day. I said these young men in the Military Academy were boys at school at the expense of this Government and at the expense of the taxpayers. I say so now. Who disputes it? I say there is no kind of sense in bringing them here to make them a part of the grand military display on the 4th of March. That is what they will be brought here for.

The Senator from Connecticut, in the plenitude of his wisdom, says that it will be good exercise for them. They can certainly exercise at West Point. He also says it will be a good drill for them to get in and out of cars. Mr. President, if these cadets did not know enough to get in and out of cars when they left their homes, then the sooner we open the doors at West Point and send them home the better for the Government it will be. The idea of this Government raising up as officers of the Army lieutenants, captains, majors, lieutenant-colonels, colonels, brigadiers, and major-generals, like my friend from Connecticut, from boys who do not know enough to get in and out of cars!

Mr. GRAY. Without being blindfolded.

Mr. ALLEN. If that is the only thing to be gained, would it not be better policy for us to buy a train of cars and put them on a side track at West Point, or somewhere, and let those boys go out in the morning and practice getting in and out of cars? [Laughter.] It would be cheaper by all means.

Then the Senator from Connecticut is angry again because I spoke of the people. Mr. President, I am an American citizen, born in this country of ancestors who came here long before the Revolutionary struggle. I have a right to speak of the people, and the distinguished and honorable Senator from Connecticut has no right to arraign me in bitter language for doing so. True, I was not born with a silver spoon in my mouth; I was not born an aristocrat; I was not born a Hamiltonian; I was not born to believe that one man in this world is any better than another, unless he makes himself so.

What is there about the bringing of these boys here to the inaugural ceremonies at the expense of the Government that is questionable, Mr. President, from my standpoint? I say it is one of the things that Congress is encouraging from time to time that shows the reckless disposition of our Government to expend public money. If they are brought here, they will be brought, not for the purpose of education, but for the purpose of display, a grand military display at the expense of the taxpayers; and because I raise my voice, feeble as it is, in behalf of those taxpayers who are selling corn out in my country at 7½ and 8 cents a bushel, and can not sell it at all at times—because I am not willing to see the taxes piled upon the people of this country, because I will not join the Senator from Connecticut in his raid upon the public Treasury whenever he wants to make it, then I am to be condemned.

Mr. PROCTOR. Mr. President, the Senator from Maine [Mr. HALE] seems to think this body is the proper one to exercise the discretion about calling out any part of the Army. It seems to me that discretion properly rests in regard to these cadets just where it does with reference to any other corps or part of the Army—with the President, the Commander in Chief. If we adopt this amendment, we merely give him the authority he has with reference to any other part of the Army. As the law now stands, or, rather, under the ruling of the Comptroller, if the President should die and a guard of honor should be wanted—if any occasion should seem to call for transporting these cadets—their transportation could be paid, but they would have to pay their own subsistence.

Certainly the provision is a wise one as a part of the general law, and we may safely and properly leave the matter of discretion where it belongs, with the President, the Secretary of War, and the officers of those cadets. If they see serious objections, they will surely prevail, and the Secretary of War and the President will not overrule the officers of the Academy in reference to this matter. That is where the discretion properly belongs, and it is where we should leave it, and put these cadets upon the same basis with all other parts of the Army with reference to being called out and as to their subsistence and transportation. The exception in this case is merely as to the three or four meals they would require while here.

Mr. THURSTON. Mr. President, I dislike to run counter to the settled judgment of "the grave and reverend seigniors" of the Appropriations Committee, but I can not let this question go to a vote, and, as I presume, to a defeat, without once more saying a word in behalf of the broad proposition that, as a matter of grave public policy, the cadets at West Point ought to be asked and ought to be given an opportunity to participate in every inaugural demonstration in the United States.

Sir, these young men are dedicated to their country; they have entered upon a life defense of the institutions of this Government. They are as truly pledged to their country as are the priests who vow their allegience upon their altars to their God. For all time to come these young men who enter West Point, selected from the best of the land, are set apart; they are not to participate in the ordinary business affairs and enterprises of the country; but they are set apart to be the guardians of the flag, to be the defenders of our liberties, to maintain our borders, to protect our coast line, and always and at every time to stand between this nation and its foes.

That being the case, they are different from the ordinary boys of the country who are being brought up to other pursuits and have the choice of other vocations, as referred to by my colleague, the Senator from Nebraska. It seems to me it is a strange idea which some of the Senators upon this floor have, that these young soldiers entered at West Point upon their military careers are hothouse blossoms who will wither in the cold atmosphere of Washington upon the 4th of March; that they are mere tender plants who ought not to be exposed to the inclemency of the weather that usually attends the inauguration of a President of the United States.

No, no; Mr. President, these young men, boys in years, are already soldiers of the United States. Must they be kept in a hothouse in order that when they are graduated and receive their commissions they may enter for the first time upon actual contact with the hardships of weather and travel and of real practical experience? Boys younger than these were in the charge up the flame-swept hills at Chattanooga. There were boys younger than these at Chickamanga on either side. There were boys younger than these who baptized their patriotism with their blood. This talk about it being necessary to keep them sheltered as in a nursery at West Point and not permitting them to stick their noses out into the colder atmosphere of Washington on the 4th of March, in my judgment, is all nonsense. It is not intended in seriousness. It is interposed here for the purpose of making weight against a proposition which is opposed for other and more potent reasons.

Mr. President, I say the object lesson of the inaugural demonstration will do more for the education of these young men than all their lessons for any month of their academy term. The most valuable lessons of youth are not those from the books. The best are those of the eye, are those of experience, are those of travel, are those of actual observation. What grander lesson can there be on the face of the earth for young men dedicated to the military service of their country than that grand spectacle which will be fittingly observed here upon the 4th of next March? I say fittingly observed, for it matters not who is to be inaugurated President of the United States. It would be the same to me if Mr. Bryan had been elected rather than Mr. McKinley. I do not care, for that matter, whether it be a Republican or a Democrat or a Populist whom the people select. At the time of the inauguration of that man, whomsoever he may be, the people of this country, because it is their country, the people of this Government, because it is their Government, the people of this land, because it is their land, are all interested equally and alike, every section and every belief, in making the ceremony typical of the power and grandeur and duration of the American Republic. Talk about other grand demonstrations in foreign lands and under kings, or those in the time of the Roman Emperors; talk about the pageants emblematic of despotic power! Sir, there is as great a line of demarcation between those demonstrations, typical of despotic power, of kingly rule, of the dominion of emperors and kings, and those which are commemorative of the peaceful solution by a great free people of their domestic affairs, as there is between the sunrise and the midnight.

No, no, Mr. President; the boys at West Point are our boys. They are our soldier boys. There are among them the future Grants and the future Lees. There are among them those who, if need be, will be our defenders and the defenders of our children in the years to come. No matter what party may prevail, we are to trust to them, to their patriotism, to their loyalty, to their zeal, and to their experience and ability for the preservation of this country from attack outside or from within.

I do insist and I must insist that these young men will receive more benefit, more experience, higher lessons, broader conceptions of duty; that they will be inspired to a higher patriotism, a more devoted love of country, by being permitted to come to this city and participate in these ceremonies, than they will be if the Senate of their country at the close of this debate says to them, "Children, keep within your nursery; your country has no use for you as witnesses of the grandest ceremony that attends the culmination of the will of the people in a Presidential inauguration."

Mr. STEWART. Mr. President, in the present condition of the country, when hundreds of thousands of people are starving for lack of bread, when our cities are filled with tramps, when the public press is calling upon the people for charity, it is proposed that the Senate shall vote away the public money to augment the display which will naturally be made by an army of office seekers who come for a purpose. If it is so important for American citizens to see this display, if it is necessary that it shall be seen by all, why not make the appropriation general, sufficient for all the people to come? The necessity of having those boys here is not great. It will certainly break up their studies, and it is liable to endanger their health, because in every inauguration for many years past a large number of persons have lost their lives through disease occasioned by the exposure which necessarily attends such an occasion.

Now, if there is anything in republican form of government that demands imperial display on inauguration day, it is something new. If you will search the annals of history you will find that such displays are always accompanied either by despotism or approaching despotism. No republic of ancient or modern times, when it was really a republic and not in decay, has ever made any great display in placing its executive in power. This Republic did not in its better days. Senators say there were not so many people here then as there are now, but there were enough then to have made a great display if it had been deemed in accordance with the genius of our institutions. It is bad enough, it reflects upon republican institutions enough, to tolerate the display made by interested parties, by office seekers. They will make it grand enough on this occasion when office holding is about the only business in the country that will pay. Of course they will be here in force, demanding their reward for their services in the campaign. They always come, and the only trouble is that too many come; more come than can be accommodated.

The idea of spending public money, not to illustrate republican institutions, but to set an example of monarchy! You want the cadets to come here so that they will love their country. I do not want them to come here so that they will mistake the President of the United States for their country. That is what people are liable to do. I prefer the practices of the early days of the Republic, when there were fewer tramps and fewer hungry men in proportion to population than now. If I have read history aright, all despotisms, and all republics when they are marching on to despotism, make these displays. Monarchies do it as a matter of course. Republics do it when they are on the road to monarchy. It is proposed to bring the young men here to teach them that this grand display is their Government; that the people are nothing; to draw a contrast between the grandeur here and the adoration for the incoming President, and the starving masses in the country begging for bread. The contrast at this time between display and the squalor of poverty is already too great. There is no necessity of making an appropriation by Congress to aggravate it, to increase it. I am opposed to paying one cent out of the public Treasury to add to the gorgeous, magnificent display, which is in taste and keeping with monarchy and opposed to every principle and usage of true republics.

Mr. PEFFER. Mr. President, before the vote is taken, I wish to say a word. It seems to me that the discussion has taken a very wide range upon a proposition which is very plain in its wording. There is nothing in the amendment which in any way trenches upon the question we have now been discussing, which is simply a proposition that whenever the President orders the cadets at the Military Academy to any particular place in the country, their transportation shall be paid. I assume that that would be done at any rate, when they are ordered to any place, if the cadets are a part of the Army, and we are to assume that they are for the purposes of this argument. The order will come from the President of the United States through the proper channels, because the President is Commander in Chief of the armies of the United States. I assume, therefore, that in any case where the cadets would be ordered for any purpose to any part of the territory of the United States or elsewhere, it would be done by virtue of a military order coming within the jurisdiction of the military arm of the Government, and that it would follow necessarily that their transportation would be paid and all other necessary charges. That has been the universal rule, so far as I understand.

But we are discussing a new feature, whether or not the cadets ought to be ordered to Washington, and that, if it were properly before the Senate, would be a subject worthy of discussion. But it is not here. I assume that if it is to be acted upon by the President it will be done purely as a matter coming within his jurisdiction as Commander of the Army, and I confess I have some anxiety to see what the President will do in such a case; whether he will order those men here. If he does not order them here, it will be understood either that he does not wish them to be here or that it does not come within his jurisdiction. On the other hand, if it is at all important in the estimation of Senators that the cadets shall visit Washington at the time of the coming inauguration, would it not be well to treat them the same as we treat any other class of citizens of the United States—not direct them to come, but permit them to come? In order to grant that permission, the order would have to come from the superior officers of the Army. That certainly would cure all these defects. Let the cadets come if they want to. I would be perfectly willing to grant the permission. Let them come at their own expense and go to any hotels, wherever they are willing to go, and while they are here act as American citizens should act. It would be simple; it would be easy; it would be American, and it would do away with all the criticism that would come from the line of argument we have heard here this morning.

I think an inauguration is something that is very interesting to the American people. I remember once that I came a long distance to see the inauguration of General Grant; and I felt amply repaid for it. I have no doubt every one of the cadets would be pleased to come to Washington to attend the ceremonies, but I confess that I do not believe it is a military purpose that would call the cadets here at that time, and hence I think the President would not make such an order. But if he does make the order, if he feels that it is within his discretion and within the line of his duty as Commander in Chief of the Army, the expenses ought to be paid.

Mr. COCKRELL. Mr. President, I disagree entirely with the Senator from Kansas [Mr. PEFFER]. This is a question for the Senate to settle. The whole object is to bring the cadets from West Point to the inauguration. That is avowed. The Senator from Vermont [Mr. PROCTOR] has stated it, and now the question is, Will we vote to pay their subsistence while here?

Mr. PEFFER. I will not.

Mr. COCKRELL. And thereby indorse the power of the President to call them here for a nonmilitary purpose?

Mr. PEFFER. I will say to the Senator from Missouri that I will not vote for it.

Mr. COCKRELL. I supposed from what the Senator said that he was going to vote for it.

I am opposed to the proposition because it would be a tacit admission that the President of the United States has a right to order the cadets at West Point here at an inauguration for mere show, for mere demonstration, for mere tinsel. The Senator from Vermont [Mr. PROCTOR] has stated that if they come here they come as soldiers, not as officers. We all know the situation at West Point. These young men are there at public expense. They are being educated by the Government; all their expenses are paid, and $540 a year is given to each of them. A cadet is not allowed to go home in case of the sickness of his father or mother. The Senator from Arkansas told me of an instance where a cadet from his State was expelled because he had gone home to attend the funeral of his father or his mother. He could not get permission to go before the death.

These strict rules, the whole history of the institution shows, are necessary for the purpose of confining the minds and the attention of the students to the intricate questions before them. They are not allowed to go home except at certain times. Why shall they be taken off at public expense on this junketing expedition for show and demonstration? Is it a legitimate, is it a proper purpose for which to employ these soldiers who are to be officers? I say it is not. I deny the right of the President under existing law to order the cadets here. I care not what the accounting officers may decide. I know what they will decide. They have practically decided, because of obedience to the higher power, that the

Secretary of War or the President, through the Secretary of War, has the right to pay the expense of their transportation here. I understand that decision perfectly. It is because there has been a precedent set for it once. Shall a bad precedent be followed? I say not. I say the President has no authority under general law to order the cadets here for mere show and demonstration. It is not a part of their military duty.

Mr. PROCTOR. Will the Senator from Missouri yield to me for a moment?

Mr. COCKRELL. With pleasure.

Mr. PROCTOR. I think the allowance of the expense of transportation is not on account of any precedent, but because it is authorized by law. The law authorizes the transportation of the entire Army at public expense.

Mr. COCKRELL. I understand that.

Mr. PROCTOR. It includes officers as well as men.

Mr. COCKRELL. That is true.

Mr. PROCTOR. The Comptroller holds that the subsistence stands on an entirely different basis, because officers have to pay for their own subsistence, and in his decision he puts the cadets on the basis of officers, and holds that as their pay is fixed they must pay for their own subsistence.

Mr. COCKRELL. As a matter of course, the Commander in Chief has the authority to order out the Army for military purposes, but it is a perversion of his power when he orders them to a point for other than military purposes. He has no right to order them to a place for mere demonstration and show.

Mr. PROCTOR. Will the Senator from Missouri allow me again?

Mr. COCKRELL. Certainly.

Mr. PROCTOR. The amendment itself states that—

> Whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point.

It covers any case of military duty, and nothing else. The responsibility is placed by the amendment upon the President, where it belongs.

Mr. COCKRELL. We understand exactly what it is. The President and the Secretary of War, desiring to have the cadets here on this occasion, will make such an order and say it is military duty. I say it is not military duty. It is a civilian occasion. The President has no right to pervert it in that way. He has no right to ask the sanction of the Senate or of Congress to the enactment of a provision which will enable him to order the cadets here nominally for military duty, but really for civilian duty, for mere ornament, for show, for demonstration.

I do not think it ought to be done. The cadets are not put at West Point for that purpose. It will interfere with their business; it will interfere with their studies; it will divert their minds; it will expose them here to the inclement season in which the 4th of March occurs—such seasons we have seen. Their lives will be endangered, not for any military purpose, not for any military defense, but merely for vain show, for the gratification of the citizens who come here, that they may see the beautiful cadets in their handsome uniforms march up and down the streets of Washington for mere show, not for military duty.

Mr. President, I do not think that the amendment ought to be adopted. I think it would be vicious legislation; I think it would be wrong to sanction any such movement; and I go to the very basis of it, that the cadets are not at West Point for any such purpose. While they are nominally in one sense of the word officers, in order to have longevity pay counted to them, and in one sense soldiers, that they have to be drilled and disciplined, yet they are there as students preparatory for their duties as officers of the Army, and it is not proper to take them away for any other purpose. I hope the amendment will not be agreed to.

Mr. HAWLEY. Mr. President, the tendency of the remarks of our friends is in a wider direction than this mere measure. I take it they are opposed to anything which can be called unnecessary display in the world anywhere. There shall be no great feast days when all the people shall leave their daily toil; no triumphant marching; no hanging out of flags and banners; no money wasted in bands; no time or money spent in learning to sing great anthems. There is no use in this carving and gilding over here. A great barn of unplaned planks with a log fire can be made to answer every purpose of the Government, and the money can be saved to be given to the poor, after the fashion of the poor fellow who was rebuked by the Saviour. There is no such thing as pleasure; there is no such thing as display. There is folly in these magnificent cathedrals costing millions. There is gigantic folly in the thirteen millions spent on the Capitol here.

That is the general tendency of all they say. Mankind is not made that way, thank God, and the people are not represented by that style of debate, in my very humble judgment. They like to see a day devoted to a great public affair, and especially to the inauguration of a President of the United States. These gentlemen can not consistently with their teaching here to-day permit troops to be ordered over from Fort Myer, or from the barracks on the lower edge of the city, or from Fortress Monroe. They can not lend the flags to go outside the Quartermaster's Department, because they will, forsooth, be worn a little, and they ought to be kept for actual war, actual military purposes. The Commander in Chief of the whole 10,000,000 men liable to military duty is not to be allowed to have a single regiment of his troops following upon this splendid occasion. The same is to be true of the National Guard of Pennsylvania and other States who come here entirely without expense to the Federal Government. What business have they here upon that day? They are part of his Army just as much as the Regular Army is, and subject to his command at any moment.

I think, with all due respect—I do not say where it is located—that there is an infinite quantity of rot in this world.

Mr. STEWART. I think I can state its location.

The PRESIDENT pro tempore. Is the Senate ready for the question on agreeing to the amendment?

Mr. CULLOM. I should like to have the amendment stated.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. After the word "dollars," in line 4, it is proposed to insert:

> *Provided*, That hereafter whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

Mr. PROCTOR. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from South Dakota [Mr. KYLE] and vote "nay."

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PALMER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. HANSBROUGH]; otherwise I should vote "nay."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], and in his absence withhold my vote.

Mr. WHITE (when his name was called). I have a general pair with the Senator from Idaho [Mr. SHOUP]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WHITE. If the Senator from Idaho were present, I should vote "nay." I am unable to state what his attitude on this matter is, and so I withhold my vote.

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. PRITCHARD], who is absent. Were he here, I should vote "nay."

Mr. McMILLAN (after having voted in the affirmative). Has the Senator from Kentucky [Mr. BLACKBURN] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. McMILLAN. I am paired with that Senator, and withdraw my vote.

Mr. NELSON. Has the Senator from Missouri [Mr. VEST] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. NELSON. I am paired with the Senator from Missouri [Mr. VEST].

Mr. WHITE. I have made an arrangement with the Senator from Washington [Mr. WILSON], who is paired with the Senator from Florida [Mr. PASCO], and I am paired with the Senator from Idaho [Mr. SHOUP]. We will transfer our pairs so as to enable both of us to vote. I vote "nay."

Mr. WILSON. I vote "yea."

Mr. HOAR. I am paired with the Senator from Alabama [Mr. PUGH].

The result was announced—yeas 20, nays 28; as follows:

YEAS—20.

Bacon,
Brown,
Call,
Cameron,
Carter,
Clark,
Cullom,
Davis,
Frye,
Gallinger,
Gibson,
Hawley,
Lindsay,
Perkins,
Platt,
Proctor,
Sewell,
Sherman,
Thurston,
Wilson.

NAYS—28.

Aldrich,
Allen,
Allison,
Bate,
Berry,
Burrows,
Caffery,
Cannon,
Chilton,
Cockrell,
Daniel,
Faulkner,
Gray,
Hale,
Jones, Ark.
Jones, Nev.
Lodge,
Mills,
Mitchell, Wis.
Peffer,
Pettigrew,
Roach,
Stewart,
Tillman,
Turpie,
Walthall,
Wetmore,
White.

NOT VOTING—41.

Baker,
Blackburn,
Blanchard,
Brice,
Butler,
Chandler,
Dubois,
Elkins,
Gear,
George,
Gordon,
Gorman,
Hansbrough,
Harris,
Hill,
Hoar,
Irby,
Kyle,
McBride,
McMillan,
Mantle,
Martin,
Mitchell, Oreg.
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Pritchard,
Pugh,
Quay,
Shoup,
Smith,
Squire,
Teller,
Vest,
Vilas,
Voorhees,
Warren,
Wolcott.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there a desire to reserve any amendment? If there is no reservation, the question is on concurring in bulk in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROOF OF HANDWRITING.

Mr. HOAR. I ask the Senate to take up the bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison. Let the bill be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That whenever it may be material to prove the genuineness of handwriting in any court of the United States, the same may be proved, in addition to any mode now competent, by a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge.

Mr. STEWART. I shall object to that bill.

Mr. HOAR. If the Senator from Nevada will pardon me—it will take but a moment——

Mr. STEWART. It will take more than that.

Mr. HOAR. Let me make a statement of what the bill is, and then I will withdraw it if the Senator has the slightest objection.

In the United States courts the rule does not exist which exists in every State court in the country so far as I know—anyhow, in our part of the country—that if you want to prove the genuineness of handwriting the jury may compare with other handwriting which is admitted beyond question to be genuine, or proved to be genuine by the judge. In the United States courts they can only compare with other documents which are relevant, material in the case. That is the United States court law. It is an old remnant of antiquity which is disposed of everywhere else.

If the Senator from Nevada has the slightest question about the bill, I shall not press it now, of course. That is all there is of it.

Mr. WHITE. If the Senator will allow me, I will state that in recent experience I have come in contact with that very proposition. The Senator from Massachusetts is undoubtedly correct. The present condition of the law is that we have a different rule in the United States courts, an antiquated, fossilized rule.

Mr. HOAR. It is a relic of barbarism.

Mr. WHITE. It is a rule that brings about the commission of the grossest injustice in many cases. I have myself seen people acquitted, in one case I have before my mind, of the crime of forgery where the guilt was, I believe, without any doubt; but the difficulty arose from the inability of the prosecuting officers to prove the handwriting by that comparison which we have in all our State statutes, I think, adopted, and which is now the rule in England.

Mr. HOAR. This bill was drawn in the Attorney-General's Office.

Mr. STEWART. I object to the bill in its present form because it would give too much force to that kind of evidence.

Mr. HOAR. If I may be pardoned one moment, suppose there is a suit and the question is on the forgery of the signature to a deed. If there happen to be any other handwriting of the signer material in the case, then the jury can compare it with that, but if there happen to be nothing in the case which makes any other written document of his material at all, then in all the State courts and now in England other undisputed handwriting of his may be introduced and shown to the jury for them to form their judgment in addition to all the modes now competent. Without this law that can not be done in United States courts. So if a man is indicted in a United States court for forgery or if there is a question of the genuineness of the deed arising in a United States court and there happen to be no other handwriting of the witness competent for general purposes in the case, the jury has simply got to listen to experts, who can not show any handwriting upon which to base their opinion. Ten experts come in and say, "I am familiar with that man's handwriting in the course of business and I think that is not his." Other experts come in and say, "I am familiar with that man's handwriting in the course of business and I think it is his;" and the jury have got to judge of the weight of those opinions without the slightest opportunity to see a single scrap of the real handwriting of the man whose writing is in dispute.

This bill was drawn in the Attorney-General's Office and is the unanimous report of the committee. I do not want to force a bill through, of course, on such a question by unanimous consent. If any Senator wants to look at it, let it go over.

Mr. STEWART. The Senator does not——

The PRESIDENT pro tempore. If Senators will suspend one moment, the Chair will lay before the Senate the unfinished business, 2 o'clock having arrived. The unfinished business will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. HOAR. I ask that the unfinished business may be informally laid aside.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the pending bill may be laid aside informally, and that the Senate proceed to the consideration of the bill named by him. Is there objection? The Chair hears none, and Senate bill 3523 is before the Senate as in Committee of the Whole, upon which the Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. STEWART. I have had a good deal of experience in the matter of proving signatures by a comparison with genuine signatures. It is the weakest kind of evidence. For example, on one occasion there were half a dozen experts who testified by a comparison of this kind. One of them suggested that he could forge the names of the gentlemen present and they could not pick them out themselves. The test was made. The judge and the lawyers present, to about the number of twenty, wrote their names. They were written on foolscap paper. A committee went into a room with the expert, and he wrote the same names. Then to distinguish them the committee cut the paper into slips of a different size, and when they went back over two-thirds of the men, including three other experts, who had written their names, were unable to pick them out. They could not pick out their own names, written by themselves, and distinguish them from the names written by the expert.

Mr. HOAR. May I ask the Senator a question? Would he for that reason refuse to allow a man to testify whether a writing was his own signature or not?

Mr. STEWART. No; I would not. But the difficulty about this proposed legislation is that it may give too great a sanctity to the handwriting. There ought to be qualifying words so as not to give too great force to this exceedingly weak testimony.

Mr. WHITE. Will the Senator from Nevada allow me simply to make a suggestion to him?

Mr. STEWART. Certainly.

Mr. WHITE. I think it is not the design of the amendment of the law to give any especial force to this evidence, or to weigh it at all, but merely to make it admissible. At the present time, if the Senator's signature were called in question and he had 500 bank checks bearing his genuine signature, which were known to be genuine not only because of the fact that he recognized the signature himself, but because of extraneous circumstances confirmatory of that fact, those checks could not be put before the jury for their comparison with the alleged forged writing under the present law. This proposed law, which brings the law in harmony with the law in all the States, so far as I know, would merely allow the checks to be admitted as evidence without giving any force to it.

Mr. STEWART. I should like to hear the bill read again. I do not wish to obstruct its passage, but I do not want it to go too far, because it is very dangerous ground.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

Mr. STEWART. My objection is to the words "may be proved." If you will say that such evidence "may be admissible," I shall have no objection to the bill.

Mr. WHITE. It is in exactly the language of the Code of Civil Procedure of California, I notice.

Mr. STEWART. No matter from what the language is drawn, it gives too much force.

Mr. HOAR. I will adopt the Senator's suggestion.

Mr. STEWART. Let it read that all evidence of that kind shall be admissible. That is all I desire.

Mr. WHITE. I think the word "proved," as used in the bill, simply refers to the necessity of proving it to the satisfaction of the court before it can be admitted at all.

Mr. HOAR. I move to strike out the words "the same may be proved," in the fourth and fifth lines; the word "by," at the end of the fifth line, and to insert at the end of the bill the words "shall be admissible."

Mr. STEWART. That will meet my objection.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. PALMER. I now ask that the bill be read as amended.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate as amended.

The Secretary read as follows:

Be it enacted, etc., That whenever it may be material to prove the genuineness of handwriting in any court of the United States, in addition to any mode now competent, a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge, shall be admissible.

The bill was reported to the Senate as amended.

Mr. LINDSAY. I ask that the bill be again read as amended.

The Secretary read the bill as amended.

Mr. PALMER. I desire to know from the Senator from Massachusetts whether it is the purpose of the bill that a jury shall make the comparison either in their box or on their retirement.

Mr. HOAR. Certainly.

Mr. PALMER. Surely such a principle ought not to be introduced into our jurisprudence, because comparisons made by a jury are the most unreliable of all methods of determining facts. How would the parties in court pass upon the conclusions of a jury unless they were required in some public way to make their comparison and announce the result of that comparison? I submit that it is entirely competent for a witness who may be examined and cross-examined under this bill to compare a particular instrument.

Mr. GRAY. I suggest to the Senator from Illinois that the finding of a jury is not reviewable in a court of error.

Mr. PALMER. A finding of a jury is reviewable in some of the States; but the point upon which I am embarrassed is that it is proposed that the jury shall make the comparison. I am content that a witness shall make the comparison, because he can be examined and cross-examined, but I protest that unless the jury were required to announce their conclusion at the moment, to which some sort of exception might be taken, it would be a very dangerous practice.

Mr. WHITE. Will the Senator allow me?

Mr. HOAR. If the Senator from California will pardon me, this is a very simple matter, and I think there is some misunderstanding on the part of the Senator from Illinois or on mine. A man is sued on a promissory note and denies that he signed it. There may possibly be exceptions, but practically in every State court in the country experts may be brought who say, "I am familiar with that handwriting," and assert that it is or is not the handwriting of the defendant; and if there be another note or other documents admitted or proved to the satisfaction of the judge to be his, the jury may take those and compare them and use them in aiding them to make up their minds as to whether the man actually signed the note.

Now, in the United States courts you can not do that. All you can do is, if there happens to be some material in the case—for instance, if there were two notes, one of them would be admitted, and the other note in the case the jury can look at and then they make a comparison with that; but it is not reviewable; it is merely evidence on the question whether the note was signed.

Now, this bill proposes to allow the United States courts to go further and do what our State courts do; that is, let the jury see other admitted or proved genuine signatures of the party whose signature is in dispute. It would be certainly an anomaly in the law to make any provision that a particular finding of fact which they make after they have made the comparison shall be reviewable by any court. If it is reviewable in any court, it is reviewable in view of the final decision of the whole fact and not on one particular question.

Mr. PALMER. In the State of Illinois it has been settled by repeated decisions. I have a case in mind. It is competent for the court to submit to the jury for the purpose of comparison any affidavit sworn to by the party in the cause. The rule has been carried somewhat beyond that where there is a recognized signature, probably I ought to limit it to a signature made in the cause, to an affidavit, or to a decree. It is competent for the court to submit to the jury the particular signatures, to which I advert, for the purpose of comparison with the particular disputed signature; but the decisions of the courts upon that point are reviewable; they may be made the subject of exception. The court passes first upon the identity of the papers submitted to the jury or the genuineness of the signature submitted to the jury for the purpose of comparison. I am persuaded that this intrusts too much authority to the jury. I think it would be better to limit it to the functions of the court alone, that the judge shall have the power to submit to the jury, or that it shall be competent evidence to go to the jury.

Mr. HOAR. That is all there is to it.

Mr. WHITE. If the Senator will allow me, the proposed amendment does not extend back to the power of the court to rule upon the admissibility of the document as the foundation. It must be established to the satisfaction of the court, or proved, as the bill says, that this is a genuine document. If there was a case on trial involving the signature of the Senator, and there were 500 bank checks bearing his signature, and they were brought into court, and it was admitted that they were genuine signatures, does not the Senator think they might be submitted to the jury for their comparison just as any other exhibit in a cause might be submitted?

Mr. PALMER. The Senator is probably correct. My impression is that the language is too broad, and that it will be found in practice to involve more danger than seems to occur to Senators now.

Mr. VILAS. I call the attention of the Senator from Illinois to one suggestion in reference to this bill. He recognizes that it is the rule that whenever a genuine signature, indisputably so, is in the case for any purpose, the law now permits the jury to compare the disputed signature with those which are genuine as one of the means of arriving at a true verdict upon the question of genuineness of the disputed signature. That has always had a somewhat injurious effect, in this, that a just comparison of a disputed signature with genuine signatures could not be well made if compared only with one or two genuine signatures. A large number of them affords a much safer basis of comparison to a jury than a particular one or two which might have been affected in the writing by peculiar circumstances. It requires a large number to make a safe comparison. This bill only fortifies and adds to the value of the rule which enables a comparison of signatures when their genuineness is known.

Mr. LINDSAY. Mr. President, I move to reconsider the vote by which the amendments to the bill were agreed to.

The PRESIDING OFFICER. The Chair will state that the bill has been reported to the Senate. The bill is now before the Senate, and the question is, Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. LINDSAY. Very well.

The PRESIDING OFFICER. The Chair would suggest that the object of the Senator will be accomplished by a nonconcurrence in the amendments made as in Committee of the Whole.

Mr. WHITE. I suggest, as I understand it, that if we vote down the amendments in the Senate, that will accomplish the object.

The PRESIDING OFFICER. The Chair so understands.

Mr. LINDSAY. The explanation I desire to make will be made as well with the bill in its present condition. It occurs to me that the safeguards were very much greater as the bill was reported and the bill very much more intelligible than it will be if the amendments which have been agreed to be concurred in by the Senate. The bill reads:

That whenever it may be material to prove the genuineness of handwriting in any court of the United States—

The bill, before the amendment was agreed to, provided—

the same may be proved, in addition to any mode now competent, by a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge.

The admissibility of papers with which the comparisons are to be made depended, first, on their admitted genuineness, or upon evidence offered to the court which convinced the court to its satisfaction that the papers were genuine, and then they became admissible, to be testified to by expert witnesses, or to be examined by the jury. It seems to me that no greater safeguard ought to be required.

Mr. HOAR. That is there now.

Mr. LINDSAY. I beg the Senator's pardon. That has been stricken out. The bill now reads:

That whenever it may be material to prove the genuineness of handwriting in any court of the United States in addition to any mode now competent, a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge, shall be admissible.

Mr. HOAR. The comparison is admissible on writings so proved, and it means exactly the same thing.

Mr. LINDSAY. The language is better in the original bill, and much more intelligible.

Mr. HOAR. I have not any choice about that.

Mr. LINDSAY. It occurs to me that we are only making uncertain that which was absolutely certain, and that we have not increased the safeguards at all by the change of the verbiage of the bill.

The PRESIDING OFFICER. The question is on concurring in the Senate in the amendments made as in Committee of the Whole.

The amendments were nonconcurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL obtained the floor.

Mr. CHANDLER. I desire, if the Senator will permit me, to call up the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

Mr. DANIEL. I hope the Senator will not interrupt me at this moment. I shall only occupy the floor for five minutes.

Mr. CHANDLER. Do I understand that the Senator intends to deliver a speech?

Mr. DANIEL. No.

Mr. CHANDLER. I can not interrupt the Senator under those circumstances, but yesterday I was in the same case with the bill which I wish to get up, for the Senator from Virginia was then making a speech.

Mr. DANIEL. Mr. President, on yesterday, in the course of my remarks, I stated that Colonel Ludlow, chairman of the board of engineers who visited Nicaragua for the purpose of making a survey of the canal, had stated in his report that he and his associates were the only engineers who had ever gone over the entire route. The Senator from Alabama [Mr. Morgan] challenged that statement, and said that it was a mistake. I find that in so far as I attributed it to the official report made by Colonel Ludlow it was a mistake. The Senator also stated that no such statement had been made by Colonel Ludlow. I find that I was correct. Yesterday I was only speaking from my general memory of what I had read in reports on this subject. I find that I was absolutely correct in attributing this statement to Colonel Ludlow.

Mr. MORGAN. And I admitted it, and here it is in the Record.

Mr. DANIEL. On page 169 of the report made by the Senator from Alabama from the select committee at this session, will be found the statement of Colonel Ludlow, and in an appendix to that report, made before the Committee on Interstate and Foreign Commerce of the House of Representatives, he says:

> We are the only engineers who have ever been over the entire route, and in making that statement I do not make any exceptions.

So it is the allegation of the chairman of the board of United States engineers who visited that country that they are the only engineers who have ever been over the entire route without exception.

On page 162 of this report made by the Senator from Alabama there is presented in an appendix the remarks made by Mr. Alfred Noble, one of the engineers, upon the testimony relating to the report of the Nicaragua Canal board. I think it important in this connection to cite those conclusions, and they are given by him as follows:

> The conclusions of the board may be summed up as follows:
>
> First. The data collected are in many respects deficient, either for a final judgment as to the best route for the canal, for an estimate of its cost, or for the information of intending bidders.
>
> Second. The channel widths proposed in the San Juan River and Lake Nicaragua are insufficient for the traffic expected by the company. Besides these large modifications, the project should be changed in many minor respects.
>
> Third. The correction of errors in the company's estimate makes a large increase in the estimated cost.

I would also ask attention to somewhat more of Colonel Ludlow's statement than I quoted on yesterday, which will be found on page 171 of Report No. 1109 of the last session of this Congress. He is asked the question by Mr. Patterson in his testimony before the committee of the House, as follows:

> Do you think the Government of the United States could construct this canal project over the route adopted by the Nicaragua Canal Company, and such a canal as will be entirely safe and sufficient for commercial purposes, within the limitation of $150,000,000?
>
> Colonel Ludlow. I think an answer to that can not be given until the necessary information can be gained. There are some hydraulic data which must be determined before the engineers——

There he was interrupted, and does not seem to have concluded his sentence. The only comment I make is that we are assuming by this bill to make a subsidy of $100,000,000 to build a canal when the data that we possess upon the subject are imperfect, either, as was said by one of the engineers, for a final judgment as to the best route for the canal or estimate of its cost, or for the information of intending bidders, and that the chief of those engineers, the chief of the only board which, as he states, has ever gone over the entire route, informs Congress that he is unable to say whether this project can be built with entire safety and sufficiency for commercial purposes within the limitation of $150,000,000, which is a third more than this bill contemplates.

A single word more, sir, and I am done. The Senator from Connecticut [Mr. Platt] on yesterday asked me a question which I misunderstood. I thought he asked me why the minister from Central America objected to the scheme to which I had referred, of giving the United States monopolistic control of this canal. He did in fact ask me why I objected to it, and my reply, with my misconception of his question, makes a rather unintelligible continuance of my remarks as reported in the Record. I will reply to his question, as I find on inspection it is quoted in the Record, why I should object to an arrangement which made the United States the apparent master of the situation. I do not object. On the contrary, I should favor a fair and appropriate arrangement which made the United States, as far as it was possible to make it, the director and administrator of this canal. I should prefer, if this project is ever carried out, that it should be done by the United States in its own name, open and aboveboard, and that our Government should assume in expression, as in fact, such a domination and control of that enterprise to the furthest extent of possibility.

My objection to this bill is, that under a contract of the State of Nicaragua, made with private citizens, the United States, under the protest of Nicaragua, and with disclaimer of request on the part of the private citizens, has injected itself, or has proposed to inject itself, upon a scheme where it is not invited by either party to do so, and where one of them protests, and where the whole scheme seems to be so intermixed and predominated by private interests that while it will be a matter of the United States with respect to the cost, it will not be a matter of the United States in that open manner which it should be if the United States should undertake it at all.

Such other objections, Mr. President, as I might have to this were sufficiently stated on yesterday, and I shall not detain the Senate with further remarks.

Mr. MORGAN. Mr. President, when on yesterday the Senator from Virginia [Mr. Daniel] referred to the statement that Colonel Ludlow made before a committee of the House of Representatives, I distinctly admitted that such a statement had been made. I have not at any time denied that Colonel Ludlow made the statement, and I do not now. The Senator from Virginia read it again this morning. He did not read it all, however. There was a little addendum to it; but it makes no difference whether it is read or is not; it does not alter the question in the slightest degree.

Colonel Ludlow made a report in conjunction with his two colleagues, the engineers appointed by the President upon this canal subject, and he made his report on an examination that could not have continued longer than forty-two days, because that was as long as the commission were in Nicaragua, and during all but about nineteen or twenty days of that time those gentlemen were engaged in other matters, traveling about, waiting to get accommodations, and so forth. Therefore they had not the chance to examine this canal, and they did not examine it; they did not go over it; they did not make a boring or take a level anywhere except at one place, and that was where the canal enters Lake Managua from the west. They came back and made their report, and did not assume in their report that the surveys made heretofore had not been accurately made. They could not do that, because there was Childs's survey and maps, which were sent to the Secretary of War, printed, and in the possession of the Government, and I have them in my committee room. There was then Commodore Lull's survey, which was in the same manner printed, received by the Government, and put on file, with all of his estimates and maps. Then there is the first survey made by Mr. Menocal, which was made for the Government of the United States and paid for by the Government, and reported, printed, and is on file, with all of the necessary details of a full and complete survey. Then there was the next survey—that is the fourth one which was made by the Maritime Canal Company after the concession was granted. That has been fully and elaborately reported and stated. Every foot of the ground between the Pacific Ocean and the Atlantic Ocean on the route of this canal has been accurately measured except perhaps a mile or two of the bottom of the San Juan River, or 2 or 3 miles, where all the engineers have relied upon Commodore Lull's survey as being entirely complete. That survey was made with extreme care, and nobody has ever doubted or departed from it.

Now, that is the situation. Mr. Ludlow, with a view of trying to get this matter back into the hands of the Engineer Corps or somebody, to protract the time during which the engineers might be engaged upon it, requests an appropriation of $180,000, I believe it is, to keep up the survey and have a longer time about it. The committee of the House of Representatives paid no attention to that, although at the last session of Congress these gentlemen were paid $2,000 apiece in addition to their regular pay. Why that was done I never knew.

I know that the Maritime Canal Company spent a sum of money equivalent very nearly to $20,000, as much as the Government had appropriated, for the purpose of opening up the way and making it entirely convenient for these gentlemen to go and make a complete examination of the work. Then, after they returned to New York, they spent two or three months, a long time, in the office of the Maritime Canal Company, looking over their surveys and their estimates; and all their calculations are based upon Menocal's surveys and Menocal's estimates. They do raise the cost. They do that by making what they call a Government job of it; polishing and dressing it up; putting in things which a commercial canal does not need and can very easily dispense with; smoothing up the floor and the walls, etc. They made some changes in different pieces of work there, and they raised the whole sum, by a most extraordinary system of calculation, to $133,000,000. They stated in their report, and each of them stated upon examination before the House committee, that the canal could safely be built for $133,000,000, a most extravagant estimate, but it makes no difference. The committee go upon the basis of $150,000,000, and say that it is not only a practicable but a very profitable investment, even at that figure. Then they make a calculation upon the basis adopted by the report. Of course that is for profit. But they say that, taking the extreme between the former estimates of Mr. Menocal and the present estimates, they find that $115,000,000 would be the probable cost of the canal, granting that all that these men said is true.

Now, each of these men had the question put to him in every form, whether he admitted that the canal could be built, whether it was feasible. "Certainly it is feasible." "Can the Ochoa Dam be built?" "Yes." "Can the harbor be built?" "Yes." "What will it cost?" "One hundred and thirty-three million dollars." They are on the book both in their reports and in their personal examination before the committee as saying that the canal is perfectly feasible. So the committee of the Senate did not think it was worth while to make any special report upon the feasibility, except to refer to their statements, and our report to the Senate is based upon their statements, as is the House report.

After having accepted their statements with all their extravagance and based the report upon them, how does this complaint come here about little expenditures of the kind to which the Senator has referred? Mr. Ludlow, in the heat of passion, for he seems to be a very ill-tempered man (he is an officer of the Navy, and I suppose that that sort of dynamite or gunpowder in him is a good quality, and therefore I do not complain of him for being ill tempered), in argumentation before the House committee—for he was not before the Senate committee at all—stated positively that they were the only engineers who had ever been over that route. It turned out in the testimony of himself and the other two that they had never been over it all. They had passed over parts of it, not all of it. Having shocked the credulity of the committee upon that subject, I suppose, and still not being satisfied, he made the statement which the Senator from Virginia has read here to-day, that no other engineers but them had ever been over that route. They were there not exceeding seventeen days in all, and Mr. Ludlow got himself well enough informed on that occasion to state positively before the committee that no other engineers but these three men had ever been over the route; and they admitted that they had not been.

That was the most remarkable statement. The committee followed it up, and wanted to know from Mr. Ludlow where he got his information. He said he got it from a man by the name of Davis, who had been an engineer on the canal, and who had been discharged; and that is all the testimony that they had on the subject. Mr. Menocal, of course, felt wounded by that, inasmuch as he had made four surveys personally and had spent three or four years actually there tramping through those hills and cutting his way with a machete. He was called before the committee, and I have here his statement about it, amongst a number of other things which he was called upon to state. Mr. Menocal said, in reply to a question of Mr. Doolittle:

> There is another question in which my veracity has also been questioned here. It has been stated here that the engineer members of this board were the first engineers who visited a certain portion of this line.
>
> Mr. Sherman. The only engineers, it was stated.
>
> Mr. Menocal. I am glad you correct me, because I only get this from hearsay, as I have not seen the testimony sufficiently to enable me to pick out from it what is essential and deserves consideration. I have been told that the statement has been made here that this board are the only engineers who have visited some section of the Nicaragua Canal line, that section being between the Danta and Nicholson streams along the line of the embankments of the San Francisco.
>
> I want to say to the committee positively, and I can take oath, if necessary, that I am the first engineer that ever explored that section of the country, and I do not think I will be mistaken when I say I am the first educated white man who went up the San Francisco and Nicholson creeks; I first did so in 1873. I was trying to find a line more or less directly from Ochoa to Grey Town. Up to that time all the routes proposed for a canal across Nicaragua had followed closely the bank of the river. I knew the line was a long one, and there were a great many engineering difficulties connected with it, and I was trying to find a path through these ranges of foothills of the San Francisco which would enable me to locate a line more or less direct from Grey Town to Ochoa. My first examination, as I said, was in 1873. In 1876 I devoted a number of days again to the exploration of that section of the country. I was very much encouraged by this examination. I had also examined in 1876 the upper portion of the valley of the Deseado from Grey Town, which, together with the preliminary examination I had previously made, convinced me that a path existed between those hills through which I could locate a practical line for the building of a canal from Ochoa to Grey Town.
>
> In 1885 this matter was brought before the Navy Department, if I remember correctly, by Admiral Ammen, who had followed this scheme from its inception, and he suggested to the Secretary of the Navy that I be sent to Nicaragua to run a line across that country and see if such a canal route could be located there. I was ordered to Nicaragua in charge of a party of engineers to make surveys. I there ran a line from Ochoa to the divide—

That is a great rocky barren.

> I had another party running across the divide and from Grey Town to the divide. The results of these examinations made by my assistants and myself were such as to demonstrate that the canal route was practical and could be located. Of course, the location then was only a preliminary one, but sufficient to satisfy us that the physical conditions were such as would enable us to locate a canal across that country. I returned to the United States, and this report was published.
>
> Some gentleman interested in the Nicaragua Canal were very much encouraged by the results obtained by this investigation, and they organized an association, which later obtained a concession from Nicaragua, and at last a company was organized for the construction of the canal. I was then appointed chief engineer of this company, and we then made a careful and what we call the final location of the route, such as was required in the concession. In making this location, the engineer who was in charge of the location of that portion of the San Francisco Valley, not being thoroughly familiar with the ground, found considerable difficulty in locating the foothills that should form the base of embankments which had been proposed, and while I was engaged in the construction of the gun shops at Washington and other works of the Navy Department the report came from this engineer that they had been unable to locate these hills and establish the practicability of this line of embankment.
>
> Mr. Doolittle. What are those hills?
>
> Mr. Menocal. They are the foothills which now form the base of the embankments.
>
> Mr. Doolittle. Between the canal and the river?
>
> Mr. Menocal. Between the canal and the river. I went to Secretary Whitney and stated that my reputation, as well as the plan of the canal, depended, in my opinion, upon the solution of this problem then before us. I had been over the country and knew the hills were there, but the vegetation is so dense that you could not see them until directly before you, and these engineers, having never been over the country before, found considerable difficulty in finding the hills upon which we proposed to build the embankments. Secretary Whitney gave me permission to proceed at once to Nicaragua. I obtained leave at 4 o'clock in the afternoon from him, and I started the next day. I arrived at Nicaragua, and I devoted myself to the examination and location of all these hills, and with three parties of engineers started to develop and connect them so as to obtain a chain or line of embankments, with which we proposed to hold the water in this artificial basin.
>
> Mr. Doolittle. I wish you would state about your going up the river at that time, and about what point you stopped.
>
> Mr. Menocal. Our headquarters were then at the mouth of the River San Francisco—

The very river in question—

> If you will allow me to point it out, my headquarters were at these islands you see here, and I would take a canoe every morning (there is a gentleman present, who was my secretary, who could testify to that, if it was necessary), and I would go up the San Francisco and then over these hills and spend more or less time upon them to develop them. The statement of the board has been made here upon the authority of a man by the name of F. P. Davis. Mr. F. P. Davis went to Nicaragua for the first time in the latter part of 1887 or early in 1888. Up to that time he had never seen the country. When he arrived at Nicaragua he was ordered to locate a portion of the divide line which has since been abandoned, and he did not know or see anything of this line except what he heard from others.
>
> During this time when this report was made that the hills could not be found so as to connect them and obtain the line of embankments which I had proposed, Mr. Peary, of Greenland fame, of whom you very well know, was my assistant, and he withdrew the engineers from the location of what is now called the upper line and put them to work on the location of the lower route on the river bank, and Mr. Davis was transferred from his work on the divide to the location of the line between the Sarapiqui River and the San Juanillo, and he was engaged there for some time, and on the completion of this service he was discharged, work was suspended in Nicaragua, and he returned to the United States. In the meantime this chain of hills to which I have referred, and which it has been stated to this committee I never saw, had been thoroughly examined by three parties of engineers. The chain of canal embankment was laid down practically as it is to-day, with some slight modifications made after more complete investigations with the cross section of every hill and every valley, and it is practically the same as it was located in 1888, when I was there, and any engineer can see that. That is all that I think it is necessary for me to say in connection with that matter.

Then he goes on into other questions where his estimates and veracity are questioned. He deals with them like a gentleman. He is not there as an engineer for the purpose of trying to pick flaws in somebody else's work or anything of the kind. According to the evidence that has been before me and the committees, including the Committee on Foreign Relations, Mr. Menocal is as much entitled to respect and credit as any man we know.

Mr. President, that is purely a collateral issue between Mr. Ludlow and the committee really as to whether Mr. Ludlow's statement was correct that his party were the only men who had ever passed over that part of the line, when he admitted and all of them admitted that his party never had passed over it, when I show here by Mr. Menocal's report the full and complete survey of every foot of it, the actual measurements on the ground of every foot of it, reported to the Government once and then reported to the Maritime Canal Company.

Now, I submit that this is not a very just way to attack the pending bill. I am perfectly aware that the Senator from Virginia could not have read all of this report. He could not have studied it. Otherwise he would have been incapable of doing Mr. Menocal this injustice. The report is an extensive one. The

House committee took all the testimony. The Senate committee did not take a particle of it. The House committee, after taking it all and considering it by a great committee of seventeen members, I believe, many of them the most eminent and honorable gentlemen in the United States, came to the conclusion that the canal could be built and ought to be built, and they reported the pending bill. The select committee of the Senate took the bill just exactly as they reported it. We concurred in it. I find, on some question being made of a very technical and critical character upon the language of the bill, that it is necessary or proper that I should offer an amendment to it, which I had printed and laid on the desks of Senators yesterday. I now offer that amendment.

The amendment is intended to give to Nicaragua and Costa Rica every right that they have under the concessions they have made, and it has gone so far as to prohibit this company from making a transfer of any property or anything else to the United States or anybody else in contravention of those rights under the concessions. We have done all that we knew how to do to preserve fully and perfectly the rights of Costa Rica and Nicaragua under the concessions. We do not want to violate them. The least of our purpose is to take any advantage of them or to violate them; and the hypothetical drubbings that the Government of the United States got yesterday evening on this subject, and frequently heretofore, upon the idea that the bill is here for the purpose of robbing Nicaragua and Costa Rica are totally out of place. They do not apply to this case in the slightest degree.

The Committee on Foreign Relations of the Senate have been engaged upon this business since Mr. Edmunds first offered the resolution in the Senate to have the matter investigated, and I will read the resolution, as I am on my feet now, merely to call the attention of Senators to the origin of the whole matter.

The committee in their first report made upon the subject, on the 10th day of January, 1891, say:

> The Committee on Foreign Relations respectfully report that on the 11th day of April, 1890, the Senate, in executive session, adopted a resolution in the following terms:
>
> "*Resolved*, That the Committee on Foreign Relations be, and it hereby is, directed to inquire into what steps have been taken under the act of Congress entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,' approved 20th February, 1889, and what are the present conditions and prospects of the enterprise; and to consider and report what, in its opinion, the interests of the United States may require in respect of that interoceanic communication."

The resolution was passed. The committee went into executive session upon it, and frequently in the examination of the members of the company who were called before it we stated to them, "Your statements made here are not going to affect your company, because they are made in confidence; they are made secretly." The committee examined into the subject from the date of the passage of the resolution, about which I knew nothing as a member of the committee until I found the committee engaged in the examination of it—I happened not to be in the Senate when it was passed—until the 10th of January, 1891, and then made this report, which is signed unanimously by the committee. It contains all the provisions upon the subject of the rights of Nicaragua—Costa Rica was not then in it—which are contained in the present bill, and no objection was made from that day to this as to a fair and honorable and just proposition being made to Nicaragua that we would preserve sacredly all her rights.

This committee report is signed by JOHN SHERMAN, George F. Edmunds, WILLIAM P. FRYE, William M. Evarts, J. N. Dolph, JOHN T. MORGAN, Joseph E. Brown, H. B. Payne, and J. B. Eustis. Surely that committee were not trying to rob Nicaragua. Nobody here believes it. They may indulge in all the censure and criticism; they may heap all the abuse they desire to upon that committee; but they can not make any impression upon the Senate as to the honorable motives that influenced those gentlemen in making this report and as to the justice of their inquiries so far as they were able to make them.

We made an elaborate examination of the law, of the engineering reports, accompanied with maps. We examined the concessions very carefully to see what were the powers and rights of all these parties, and appended all of them to the report, together with a statement of Mr. Miller, whom we summoned to testify before us, and Mr. Hiram Hitchcock and Mr. Atkins and Mr. Mason and Mr. Menocal. We came to that conclusion.

At the next session of Congress the subject was taken up, and the committee was changed to some extent by the passing out of the Senate of some of its members, and new members were added, among others the Senator from Indiana [Mr. TURPIE]. He sat there, participated with us in all this business, and I never heard an objection, and he did not make any, to any of these contentions or concessions or questions that are raised here now.

In the meantime the House of Representatives took it up. There were seventeen men on its committee. Three Congresses have passed since that time and three times that number, seventeen men, have been engaged in the other House in the examination of the same subject. In the Senate the Committee on Foreign Relations, enlarged recently, was engaged in it until the Senate saw proper to make a subcommittee to take charge of this business, and I had the honor to be made chairman of it. The Senator from New Jersey [Mr. SEWELL] is a member of it; the Senator from Oregon [Mr. MITCHELL] is a member of it; the Senator from Connecticut [Mr. HAWLEY] is a member of it; the Senator from Virginia [Mr. MARTIN] is a member of it; the Senator from Illinois [Mr. PALMER] is a member of it; the Senator from Washington [Mr. SQUIRE] is a member of it, and I am a member.

Now, it will not do to say that there has been any fraud or desire to rob anybody in measures which these various gentlemen have examined with the most scrutinizing care. Neither will it do to say that they have not examined every point in the case that has ever been suggested. But it will do to say that when opinions antagonistic to the canal have been introduced here as amendments to the bill when it passed through the Senate before, two years ago, and were voted down, the committee took up several of those amendments and incorporated them into the bill with a view of accommodating the action of Congress to the objection that had thus been stated, and they are in the bill now. Some of the very amendments which were voted down before are in the pending bill now as reported by the committees of both Houses.

This movement on the part of the House and the Senate can not be attacked collaterally by a question like that which the Senator from Virginia [Mr. DANIEL] brings up here to-day on a statement by Mr. Ludlow that the engineers of the company have never passed over this line. Sir, that is too rash a statement for any man in the world to make. He had every opportunity in the world to qualify it. When we come to ascertain—as he had never been there before—how he came to make such a statement, we find he said that he had been informed by Davis. Here is Mr. Menocal's statement.

Now, I am determined, so far as I am concerned, to present this question to the Senate fully and fairly, as is done in the report; no fact withheld; none concealed; none excused or apologized for. Every fact that can make against the canal has been fully stated and fully discussed. I am determined, so far as I am personally concerned, not to be drawn off into a collateral issue where the jealousies of engineers may come in and cause them to criticise each other severely. We have not anything to do with that, but what we want to ascertain from the whole bulk of the testimony is whether or not this measure is well founded upon engineering, whether it is well founded in public policy, whether it is feasible. In respect to the last point, no man who as an engineer has ever examined the canal—and there must have been as many as twenty or thirty who have examined it thoroughly for different companies; I say twenty or thirty, perhaps I am wrong about the number, but a great number have examined it thoroughly—has ever pronounced against its feasibility or its necessity.

Then the question remains whether or not the Government of the United States wants to lend its assistance to the company. The Senator from Virginia [Mr. DANIEL] can persist in calling it a subsidy. There is no subsidy in it. The Government of the United States in this matter, as in several others where it has taken stock, as in the case of the United States Bank, in the case of various highways that have been built through the United States, toll roads, and such matters, is asked to invest its credit in an enterprise of very great moment to the United States and the world and to all coming generations of men.

Some of my brother Democrats, who are not more straight-laced or obstinate perhaps in their convictions as to the rules and tenets of the Democratic creed than I am, object to it on the ground that the Government has no right to do it. I stand upon the ground that General Jackson took about this matter, which is that outside of the United States we are the equal of any power in the world in all our authority. General Jackson took that ground in reference to this very canal, and sent Biddle there for the purpose of making explorations in order that he might crown his Administration with the highest glory in building it. I have the authority here to show it, but I will not detain the Senate now to read it unless some Senator wishes to have it read. But I do not appeal to any man for an interpretation of my views upon the Democratic doctrine. It is very true I would not run counter to the admitted and conceded tenets of the creed of the Democratic party when I knew it, but Thomas Jefferson also had this subject under consideration, and he was in favor of it. No man was more boldly in favor of it than Henry Clay, and yet Henry Clay was not a Democrat in the present acceptation of the word. Neither was he a Republican. So far as authority goes for this movement, no President and no Secretary of State has ever put his objections to this canal upon paper. On the contrary, almost every one of them has in the broadest terms adopted all that relates to this canal as being entirely within the powers of the Government of the United States. It was the leading and expressed feature of the conventions that nominated Franklin Pierce and James Buchanan for the Presidency.

So, Mr. President, upon that ground I feel entirely safe, if I were governed only by precedent; but I never had a doubt that, under the power to extend our commerce, to protect and care for it abroad, we could engage in this enterprise just as well as we could engage in the exploration of the seas in far distant countries for the purpose of finding out, according to our hydrographic operations and surveys, the state of the bottom of the ocean and the bays and the like. I have had no more doubt of it than I have that we have the right now to send our mails back and forward across the Atlantic Ocean and the Pacific Ocean and pay for them. I have had no doubt about the power of the Government of the United States to extend its mail facilities anywhere. Therefore I felt perfectly confident that I was standing on firm ground, both of precedent and my own convictions, whatever they may be worth; they are worth everything to me as a Senator.

We have brought the project forward in this way, and if I could only get the Senators on this floor to read the testimony taken by the House of Representatives, I would not have to say one word in advocacy of the bill. In that testimony all three of the commissioners were examined. I do not know that I am required, merely because I have had connection with this subject, to spend my life in the effort to pass the pending bill or to wear myself out in it, although the Senator from Virginia [Mr. DANIEL] seems to think that I am saturated with it, and with nothing else. I flatter myself that there is room left in me for several things besides this canal; that occasionally I have correct views upon other subjects besides this, and that it does not by any means comprise everything in the world that I happen to know. But I have been studious and diligent about it; I have been faithful and honest; and there is not a spot on the escutcheon of the Maritime Canal Company or anybody else connected with this business. It is perfectly pure and clean and free, and I would despise it if it had any stain upon it at all.

The question that I asked the Senator from Virginia yesterday evening—and he felt this morning compelled to allude to it a little somewhat—is, Who has proposed anything else? Do you intend to leave that backbone between those seas and make no effort to remove it, although every great statesman in the world for three centuries—yes, for full three centuries—has had his attention attracted to that passage? Finally, by the consent of all men who have considered the subject, we have come to the conclusion that the Nicaragua Canal route is not only the practical one, but that it is the only one through which we can get ships from ocean to ocean. Now, are we going to abandon the whole business? Are we going to be driven off by some threats that have been sent in here, which Mr. Olney entirely disclaims, through the minister of the young Republic, which is as yet in such a nascent state that we do not know what it is?

I have found the argument against this canal to turn now entirely upon that minister's statement. I have shown absolutely that in three of his statements one of two things was certain, either that he did not know what he was talking about or else he was violating the action, solemn, dignified, and final, of the Government that he represents here. It is the first time in my experience—and I think I can appeal to the experience of the older members of the Senate that it is the first time in theirs—when any foreign minister has been permitted to send to the Senate of the United States as censure his objection to, his criticism upon, a bill that is pending here. We are not allowed under our Constitution to be held responsible anywhere else for words uttered in debate or for the votes we give on this floor. That is a great protection; and it is even necessary now to protect a Senator who dares to raise his voice against that man. It is necessary now. Even something else may be necessary; I do not know.

On various occasions, commencing with the Administration of President Washington, coming down through several, John Adams, Thomas Jefferson, John Quincy Adams, Mr. Pierce, and so on, certain foreign ministers who were accepted at this capital have essayed to make criticisms upon what was passing in the Houses, and to make objections to what was going on in the Houses, and to ask the Secretary of State what it all meant, whereupon some of them have got their walking papers and others have been very severely rebuked.

Messages of the President of the United States have been criticised sometimes by foreign ministers at this capital, and whenever those criticisms have come out they have been suddenly dealt with in a very summary manner. On a very recent occasion, when the Government of Great Britain was represented by a worthy gentleman here who had public and private acceptability amongst all classes of people of a very high order, and he undertook to interfere, as was alleged, in a pending Presidential election, he was dismissed from this capital and sent home as far disgraced as this Government knew how to disgrace him in giving him his passports and ordering him off.

What we have a right to do here, what we contend for and all we contend for, is that we shall have on the floor of the Senate and in the other House perfect liberty of debate; that any man shall get up here and express any conviction or statement or argument he chooses to do; and that we are not to be interfered with by objections and suggestions interposed here for our consideration by a foreign minister.

Here is the honorable Senator from Virginia, who spent two hours or more yesterday evening, and predicated his objections to the bill not upon anything that was in it really, but distinctly read and enumerated all the objections thrust in here by this foreign minister. He took them up seriatim and undertook to advocate them in a way that cast, in the opinion of the Senator, extreme odium upon all our committees and all the reports that have been made, in so much that the Senator from Virginia indulged, at the instance of that minister, in most vituperative comments upon the men engaged in this business.

I would have made a very serious protest about this as a Senator, and others would have done so also, but Mr. Olney was entirely taken unawares by the fact that that minister's statements were ever laid before this body. That minister stated in an open communication, which is put in quotation marks in the Washington Post, that he and Mr. Olney had agreed upon it at a diplomatic dinner that that paper should be sent in here to the Senate. Mr. Olney denies it. Mr. Olney said he thought it was his duty to present that matter to the chairman of the committee who he then supposed had charge of the bill, the Committee on Foreign Relations, which always had charge of it until this session of the Senate; and he was very much disquieted and much offended that that matter should have been brought in here as a subject of discussion.

Now, sir, what we are to meet to-day in the Senate is not the merits of this case, but the threats and the arguments of the minister from this new Republic, the Greater Republic of Central America. That is what I am confronted with. It is the first time, I think, that any Senator in charge of a bill here has ever been compelled to go outside of this Chamber and to take up the complaints made by a foreign minister in advance of the passage of a bill and discuss them.

This is exceeding ungracious and unkind to the Senate of the United States, if I may use that last expression with a becoming sense of the dignity of this body, for the reason that the bill itself submits the whole matter of the actual existence and execution of the law to the acceptance of the Maritime Canal Company. If they do not accept what we provide here the bill amounts to nothing. If they accept it, then of course they are concluded by it. What will you say then? Must we withdraw the bill and cease our efforts to build this canal because we are admonished by the minister from these three States that the bill will not be accepted, or that the bill violates their concessionary rights?

Let us inquire a moment who these three States are. Two of them are Honduras and Salvador, that have no more concern with these concessions than England and Austria; they are total strangers to it. These concessions come from two sovereign Republics, Costa Rica and Nicaragua. Here is a man who represents these three Republics, or says he represents them, for we do not know how that is, or at least the basis upon which he represents them. We do not know what their constitution is, what his powers are, or anything about him. He says he represents these three Republics united under a diet. He does not represent Costa Rica, and yet Costa Rica has rights which to her are very much more important under the concession she made than the rights that are guaranteed to Nicaragua. Costa Rica is locked out from the Atlantic Ocean there by ranges of hills that prevent her access to it, and her route to the seaboard is down the San Juan River, where our own President has decided as an arbitrator that she is entitled to equal privileges with Nicaragua. Therefore Costa Rica is an indispensable factor. More than that, we overflow more than 50 square miles of her territory in building this canal. More than that, she has 30 miles of navigation up the San Carlos River, and will have in this overflowed region a great basin or estuary where she can collect ships of commerce almost into the heart of her country from all over the world and trade with them. Therefore Costa Rica has rights under these concessions that are even more valuable to her than those of Nicaragua.

Mr. Calvo is here. He has been here for a good many years. He is a gentleman of great intelligence, of marked ability, and of high acceptability in all the diplomatic and other circles of this city. Mr. Calvo has not a word to say. He makes no protest. He makes no threats. How is it, then, that immediately after that little diet was formed there of two Republics that have nothing to do with this canal and Nicaragua, the third, that has an important part of it, there comes a minister to this country and in very hot haste lays before the Senate of the United States, by a trick, his objections to this canal? What is his business here but that? He wants to defeat the making of that canal. Why? I have my own opinions about several reasons why; but there is one about which history leaves no doubt.

Since it was first ascertained that Nicaragua was the best route for this canal, concession after concession has been made. I think the Senator from Indiana [Mr. TURPIE] enumerated about twenty or twenty-one. Out of every one of those concessions Nicaragua has made money. She has got money on the spot to fix the bargain, and then afterwards she has contrived in one way and another to get rid of it. She keeps this canal on the bargain counter always, and will keep it there as long as we let her do it. Our company—I say our company, our American company—paid her $150,000 in gold for this concession. They have gone there and expended four and a half million dollars. They have there now a splendid outfit of houses, establishments of different kinds of great value; they have built a railway 11 miles long and laid it with steel rails—a good railway. They have engines there; they have a machine shop there, and a great amount of material. Here comes Nicaragua in combination with these two other Republics, and they together, through their minister, are threatening us that they are going to forfeit these concessions and take everything away. Yet, if we pass this bill, they will not be able to stand up against this company, because the weight of the influence of the Government of the United States then will be in favor of the rights of American citizens also under this concession.

I object to Nicaragua keeping this canal on her bargain counter any longer. I object to her defeating this concession and then proposing some other concession to some one else here or somewhere else and getting another sum of money and getting all the work that has been done there—the surveys, three of which have been paid for by the Government of the United States, Nicaragua never contributing one dollar or the services of an engineer except for a very short time. That is what we have done. Now, if she can drive us off, if she can induce us to drop the subject, if, after being here a participant in this company and in full accord with the Maritime Canal Company, her own minister acting as a director on the board, and without any objection at all, she can just jump up a new diet or new alliance with two other Republics there that she thinks will increase the strength of her case, morally speaking, then, Mr. President, we will have to give way.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Rhode Island?

Mr. ALDRICH. I suggest that we might perhaps get a vote on the bill if——

Mr. MORGAN. If the Senate were full enough for me to ask for a vote, I would like to do so.

Mr. ALDRICH. I think we might get a vote if the Senator would be willing to have one taken.

Mr. MORGAN. I would yield the floor in one moment, of course, to get a vote.

Mr. CHILTON. I heard the Senator from Wisconsin [Mr. VILAS] say that he desires to make some remarks upon the bill. I do not think it is possible to get a vote now.

Mr. MORGAN. I do not think so either. At the same time I was about to conclude my remarks. But I happen to have such a connection with this matter that I think makes the statements that I am now indulging in before the Senate somewhat important upon the case, and I think they ought to be put on the record. I am about through with what I had to say about it. I have said really more than I expected to say when I got up, but I felt that it was due to myself and the committee, that it was due to the Senate, that I should say what I have said, and also make one other observation, which has reference to the bonds that are to be issued here.

The bill provides that the bonds shall be guaranteed and issued as the work is done, approved by the board of engineers, and approved by the Secretary of the Treasury; so that if it takes five years or six years to complete the canal, the guaranty of the United States will be issued upon these bonds year by year and quarter by quarter and month by month, as the work progresses. The President of the United States is given the power by the bill to stop the work whenever he sees proper to do so, leaving it entirely in his judgment as it is going along whether it is going to be a failure, or anything of that kind. Whatever the canal costs up to $100,000,000, of course, will be paid out of money received under these guaranties, the bonds to be sold at par for 3 per cent interest. That is a clear proposition.

Now, I should like to know in what form that is a subsidy to the Government of Nicaragua when 70 per cent of the stock is reserved to the United States. Out of the $100,000,000, $70,000,000 is reserved, and every dollar we expend goes to making our stock more valuable. But to provide for the wants of Nicaragua—I mean her objections—in every possible sense, at the suggestion of gentlemen who are in favor of the bill, and at the suggestion of some gentlemen who are not in the Senate even, I have prepared the amendment that I have now submitted to the Senate and which I hope will be adopted. If there is reason and justice in the minds of the men who make these objections, they must give way, it seems to me, before the language of that amendment.

Mr. HALE. Mr. President——

Mr. CAFFERY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allison,
Bacon,
Berry,
Blanchard,
Caffery,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Davis,
Frye,
Gallinger,
Gordon,
Gorman,
Gray,
Hale,
Hawley,
Hoar,
Jones, Ark.
Lindsay,
McBride,
McMillan,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Sherman,
Stewart,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDENT pro tempore. The call of the Senate develops the fact that 47 Senators are present. There is a quorum present.

Mr. HALE. Mr. President——

Mr. MORGAN. If the Senator from Maine will allow me for one second, I desire to say that I wish again to suggest that unanimous consent be granted for putting this bill with the pending amendments on its passage, and that debate cease, except under the ten-minute rule, on Friday next at 3 o'clock. I make that offer now to the Senate that the bill be voted upon at 3 o'clock on next Friday, with all the pending amendments and motions which pertain to it, allowing ten minutes' debate for each Senator upon any proposition which may be pending before the Senate in reference to the bill at that time.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that a vote may be had on this bill and pending amendments on Friday next, at 3 o'clock, with this modification, as the Chair understands it, that there may be what is called a ten-minute debate on proposed amendments. Is there objection?

Mr. TURPIE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HOAR. I hope that the Senator will give notice that he will endeavor to-morrow to complete the bill. If we are going to do any other business this session, that will be necessary.

Mr. MORGAN. I now give notice, as suggested by the honorable Senator from Massachusetts, one of the oldest gentlemen in the Senate, that on to-morrow I shall ask the Senate to sit out this bill.

Mr. HALE. Mr. President, I do not rise for the purpose of making any extended remarks upon this bill. I have been earnestly in favor, and am now, of the building of the Nicaraguan Canal. I have always realized that its way is made clear and smooth and plain by cooperation with the States of Central America whose territories lie along its line. It has always been urged as one of the reasons why the plan is practicable and can be carried out, that we are in, and will continue to be in, hearty cooperation with Nicaragua and Costa Rica and any State or any power in Central America which lies adjacent to or has an interest in this enterprise; and to me it is a most unfortunate incident in the history of this legislation that we are found now with possible hostility, or, as the Senator from Massachusetts [Mr. HOAR] well characterized it the other day, indifference or sullenness on the part of one of the Central American powers whose territory this line touches upon; and I am not encouraged in my hope of this bill finally passing by any turn that this discussion takes, or has taken, that leads to the exasperation or stirring up of hostility of those Central American powers.

I do not think, Mr. President, that we are more likely to find ourselves in a domain of acquiescence and consent to this great enterprise on the part of the Central American powers because this is deemed an impertinent intrusion on their part, that they object to certain provisions in this bill, or because of the allegation that Nicaragua is keeping this on her bargain counter in order to exact terms from us or blackmail, as the Senator from Alabama [Mr. MORGAN] characterized it the other day. I protest against that manner of dealing with any other power which has a right to be heard on this subject-matter.

I do not deem the letter that the minister from the Greater Central American Republic sent in here an impertinent intrusion. I do not agree with the Senator from Alabama that it was interfering with prerogatives of the Senate that that subject-matter was brought here. I do not know how we could become aware of that most important and perhaps dangerous objection unless it was laid before us during the discussion of the subject-matter and when we were determining whether or not we should vote for the bill.

The Senator says we do not know whether that minister is duly accredited or not, and the other day he declared that we did not know who he was. That minister represents the consolidated power of these three States. He does not represent Costa Rica, but we can deal with Costa Rica when we reach any protest on her part. He does represent Nicaragua, is duly accredited here, and is the only minister here of Nicaragua.

Mr. MORGAN. If the Senator will allow me to interrupt him, he is mistaken in imputing to me the statement that we did not

know that the minister had been accredited here from Nicaragua. What I said was that we did not know, nor do I believe, that these objections have been put in his charge by the Government of Nicaragua.

Mr. HALE. The assumption is that when Nicaragua went into that confederation, she went into it as Massachusetts and Virginia went into the Confederation of 1776; as Austria and Hungary went into the confederation which makes the monarchy of Austria-Hungary; as the States of Italy, who had been at each others' throats for centuries, formed the great Italian Kingdom, reaching, as Virgil says, from Piedmont on the northwest to Calabria on the south. The presumption is that these three States——

Mr. MORGAN. I am not acting on presumption.

Mr. HALE. I am acting on the presumption——

Mr. MORGAN. I know you are.

Mr. HALE. I am acting on the presumption that the minister here recognized by the President of the United States represents Nicaragua, and is her only representative, and I do not know, as he believes that his country is being unjustly dealt with in the emendations to the original compact between the company and Nicaragua, how he could better or more fittingly or more respectfully present his views than to send them through the proper channel of communication—the Secretary of State. Whether the Secretary of State is surprised or not, I do not know. I should have considered that he was doing less than his duty if he did not, in the midst of this discussion, send to the Senate, through the chairman of the Committee on Foreign Relations, who is our organ of communication with the State Department and with the President on such matters, this communication; and I should hold that the Senator from Ohio, the chairman of that committee, would have done less than his duty if he had not submitted it to the Senate.

The Senator from Alabama has the view that this is an intrusion, an impertinence; I look upon it as an exercise of proper diplomacy, and that the minister would have been doing not his full duty to his country if he had not done so. The Senator says it is an intrusion because it is brought before us before we have passed the act. Why, Mr. President, the only time at which it ought to have been brought before us was while we were considering the bill.

The Senator will gain no votes for his measure by taking occasion here to arouse opposition on the part of a friendly nation—not a European nation, but a sister Republic—and by reflection that can only result in a condition leading to more objection and more hostility. That is not a good domain of legislation or of negotiation.

Mr. MORGAN. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. Yes, sir.

Mr. MORGAN. This is not my measure. This is a measure of the people of the United States. I am no more identified with it than any other Senator who has heretofore had it in charge, either as chairman of the Committee on Foreign Relations or as a member of the committee.

I am not going to stand on this floor and conceal anything or have occasion afterwards to suffer rebuke from my own conscience about matters of this kind for this bill or any other, and if the Senator from Maine finds in my conduct or in my words occasion to vote against a great measure of this kind he may do so.

Mr. HALE. The Senator is invested with a great responsibility. He has more than his individual responsibility.

Mr. MORGAN. I shall try to properly discharge it.

Mr. HALE. The Senator is the organ of the committee and of the Senate in introducing and in passing this bill, and what he says bears greater weight than it would coming from another.

Mr. MORGAN. It ought not to: but if I have such influence, I will try to exercise it honestly and faithfully and fairly.

The matter I referred to in respect to blackmail and in respect to my opinion that this minister did not have the right from the Government of Nicaragua to make these objections, I am satisfied of.

Mr. HALE. I am not.

Mr. MORGAN. Very good.

Mr. HALE. I am not, and I do not think the Senate is satisfied of it. I do not think, with all due deference to the Senator and his great learning, his integrity, and his industry, which has led us in years of service to have the highest respect for him, that in dealing with a subject-matter of this kind he should use phrases and convey allegations which tend to stir up trouble rather than to propitiate. I do not like the use of the word "trick," as applied to the conduct of a foreign negotiation with this Government. I do not think the Senator will gain, or that we shall gain, by it.

The Senator says that this is not his bill. So far as I am one member of the Senate, it is my bill. I have been in favor of it, I am in favor of it to-day, and I am in favor of every assertion that this country can make here, now, and everywhere, that the whole subject of isthmian transit shall never be left in the domain of controversy, and allowing any great power of Europe or anywhere else to interfere. The sooner this bill is passed, rightfully drawn, with due deference to the rights of the Central American States, the better for me, and in that regard the bill is mine, if it is not his. My sensitiveness arises not because of anything offensive the Senator has said, but because I fear and believe that he is harming his bill by the course which he is taking.

I should be glad to have a vote upon the amendment the Senator has presented. I should have been glad to vote for the amendment, but I do deprecate the method of discussion which tends to arouse and inflame opposition rather than to reduce it.

Mr. MORGAN. Mr. President, there are to be some hereafters about this matter, and I have become satisfied that a final effort is being made here, through this gentleman who has sent in his message to the Senate, to destroy the hope of the United States to construct this canal. I believe that the people of the United States intend to construct it. I believe that, unless we avail ourselves of what has taken place, and which is an absolute estoppel upon Nicaragua and Costa Rica, and tender to them a bill like this—and I think this is a very good bill—that we shall fail utterly to get any hold upon the Isthmus by which we can build the canal. I believe that that will result in embroiling us with those States, because I am satisfied that the determination now is to break down this concession, if it can be done by this new diet. The further determination is to hold on to the money of our people that they have got, to hold on to the work they have done there, to confiscate the million acres of land which have been granted in fee simple, and to drive Costa Rica out of her rights in this matter. But now, inasmuch as this is a subject the magnitude of which is to my own mind incomprehensible, the results and consequences of which no man can measure, I am determined to keep my course of conduct exactly in the line of truth, honor, integrity, uprightness, and courage, without shrinking one hair's breadth from what these things convince me is right.

I know more about this than does the Senator from Maine, but I am not at liberty to state it. I dislike to make that remark, for the reason that I do not want the Senate of the United States to repose a blind confidence in anything I have to say. I believe there is no measure that has ever been conceived by the Congress of this Government which will at this moment of time be of more advantage to the people of the United States than this. I believe it is an indispensable thing to the connection of our coast lines. I believe that we are about to be driven, or that the effort is being made to drive us, from our rights, to cause us to surrender them and to abandon them in virtue of a threat which I do not believe Nicaragua has ever justified.

Now, I have stated my own convictions upon this record. If what I have said here is a damage and a detriment to this bill, it has been said in the light of the truth, and if truth is going to damage it, let it sink. But in after times, in after days, in a very short period of time, the American people are going to call us to account for what we are doing here. They will never have to call me to an account, Mr. President, because I shrink from contact with a movement that I believe is intended merely to frown our rights out of existence and destroy them.

The rights are just the same between Nicaragua and Costa Rica and the United States, growing out of our own legislation and growing also out of the participation of those States in the operations of the Maritime Canal Company; they are just as sacred as if they were all embodied in a treaty. There is no doubt about what they are, because the statute shows, the records of the Maritime Canal Company show, and if we are driven away from the assertion of those rights by this new idea, which has been concocted since the organization of this diet, or possibly in the organization of it, the fault will not be mine.

I think, Mr. President, that that, perhaps, is all I ought to say just now.

Mr. SHERMAN. Mr. President——

Mr. CULLOM. If the Senator from Ohio will allow me, I gave notice yesterday that I should ask pretty early to-day for an executive session, which I think will take but a short time.

Mr. SHERMAN. I shall only speak for about five minutes.

The PRESIDENT pro tempore. The Senator from Ohio is entitled to the floor.

Mr. SHERMAN. Mr. President, I had resolved in my own mind that I would not be drawn into the debate in regard to the Nicaraguan Canal. My position in respect to that canal is well known to Senators. I have always believed and still believe that the only way by which the Nicaraguan Canal could be built was by the action and credit and power of the Government of the United States.

When the treaty came to us—a treaty which I am not at liberty to discuss in open session—I supposed that through it we might accomplish the object, and if that treaty had been adopted by the Senate at the time, I have little doubt the Nicaraguan Canal would have been completed by this time. I think that occurred about twelve years ago, perhaps not so long. At all events, Nicaragua by that treaty—probably the most liberal that ever was framed between the United States and any other nation in the world—practically gave us the control of Lake Nicaragua, the river, and the whole region between the two oceans. It was a broad and liberal treaty, so liberal as to indicate on the part of the people of Nicaragua an earnest desire to complete the canal. That that desire still remains I have no doubt whatever. I need not say how, or why, or when, or where, but unfortunately that treaty was withdrawn from the Senate of the United States and disappeared entirely from our consideration; but, in consequence of that, the people of Nicaragua agreed to transfer and concede to a corporation created in the United States rights and privileges almost boundless in their extent. They gave, among other things, to this company a million acres of land in Nicaragua; they gave terms and concessions which were very liberal, and which, as I suppose, might possibly, if the times were favorable, have led to the construction of the canal.

The history of that company you all know. They have expended about four and one-half million dollars; they dug a portion of the canal between the lake and the Atlantic Ocean, but they probably have been too sanguine in their expectations. At any rate, they were unable to borrow money, and they could only build this great work by borrowing money at a large discount. They were compelled to sell their bonds at a ruinous rate, and the result has been that they have practically failed, and I believe are now unable to complete the canal. I have avoided saying anything about this because I did not wish to say what probably might not be exactly true, that they can not complete it, but I feel bound now, in the present condition of affairs, to say that in my judgment that canal can never be built by a corporation, however strong and powerful it may be. It must be built, if at all, by the people of the United States. The Suez Canal was built by the contributions of the people of several nations, among them France and Great Britain. It could never have been completed as a mere corporate enterprise.

Nicaragua has always shown her desire to have the Nicaraguan Canal completed, and therefore soon after she had formed the temporary alliance of three South American States, a confederation which will probably be extended in time to six or seven states, and then there will be another republic embracing the whole or the greater part of Central America. But, without waiting until the full formation of the new Republic, Nicaragua, Honduras, and Salvador sent a minister here. He is a very intelligent and able man; he is an astute man. It has been said that he came here without the requisite authority. Why, sir, the Constitution of the United States gives plainly to the President the power to receive ambassadors or other public ministers or consuls, and the right of that minister to come here and communicate with the State Department is just as clear as the right of the ambassador of Great Britain or the ambassador or minister of any of the most powerful governments of the world to convey their claims and opinions to our Government. We ought, therefore, to treat him not only with personal respect, but we ought to treat with respect the country which has been so anxious for us to carry out this great enterprise, which will redound greatly to their advantage as well as to our own.

The minister of the Greater Republic of Central America sends us a friendly message; he delivers it to the proper authority, the Secretary of State. The President has acknowledged him as the minister plenipotentiary from those powers; he communicates in due form with the Secretary of State, and that statement made by him has all the marks of friendship and of honesty. There is no such sign about it as my friend the Senator from Alabama thinks there is. I see nothing in the communication but what is friendly. The minister himself says that the work can not be completed by the corporation, but that it must be completed, if at all, by the United States of America, and he comes here and submits the matter to us. The communication came in the ordinary course of business transactions. It came to me as the chairman of the Committee on Foreign Relations from the Secretary of State, and the very first thing I did was to show it to the Senator from Alabama, because, having charge of this bill, I felt he ought to know about it. We consulted and talked about it, and the Senator made no objection at all to the communication, so far as I could see, but advised that it be presented to the Senate. It was right that it should be presented in open session; it did not relate to any matter of foreign negotiation; it was not executive business; it was simply in relation to a bill pending before us and under debate, and therefore, although I disliked very much the aspect of it and some of the minister's objections to the bill, I considered it my duty to present it here in open session, and it was properly here. The considerations therein stated by the minister of the Greater Republic of Central America ought to have been treated with kindness and forbearance; it ought to have been and was printed and considered in our debates.

But my honorable friend drew England into the controversy; and whenever there is a bugaboo to be presented, England is brought before us. The Senate of the United States does not fear England or any other power, and the people of the United States do not fear England. We have had two wars with England, long since past, and I hope that war with England will never occur again. The two nations ought never to fight each other. They ought always to be friendly. Great Britain is more and more following the example of the American people of having a government for the people, of the people, and by the people, and I believe the time is not far distant when the people of Great Britain will be as free as we are. In many of their late proceedings they have been approaching nearer and nearer to the rule of the people in their country, and, but for the Irish question, I have no doubt that they would approach much nearer. That, however, is a question that we have not to deal with.

I think, under all the circumstances, although I will vote for this bill in any form in which it is likely to be presented—I think the better course for my honorable friend to pursue would be to allow the bill to rest. It can not pass during the present session of Congress. Everybody knows, without going into details, that even if the bill should pass the Senate, in all probability it would not be taken up in the House of Representatives. It can be taken up and considered at the next Congress whenever it shall meet.

I would not take advantage of the company which have undertaken to build this canal. I would pay back to them every dollar they have expended in advance for improvements made in the harbor, in the towns adjoining the canal, and in all parts of the work.

I should be very glad to see another treaty made between Nicaragua and the United States which would provide for the completion of the canal, something that would be acceptable to the United States Government, and that we should proceed to deal with that canal precisely as we have dealt with the great canal upon Lake Superior and the other public works of our country.

Until some arrangement is made between Nicaragua and Costa Rica we can make no progress. The waters that back from the river or the lake will flow over portions of Costa Rica, and we touch her soil at places. It is therefore necessary to have the consent of Costa Rica to anything we do. This bill, or any treaty we can make, should provide for all contingencies. It is better that this bill stand open and rest not upon complaints made against Nicaragua or its minister, not because Nicaragua is only a portion of this new confederacy, but with the confident hope that all difficulties will pass away, that the Government of the United States, with the free assent of the new Republic, will take up and build and complete this canal, which will be, if completed, the greatest achievement for the good of mankind that is likely to happen in the course of a hundred years.

I do not wish to advise my honorable friend what course to pursue, but certainly such is my opinion about it, and I therefore felt bound to express it.

Mr. WHITE. I desire to ask the Senator from Ohio whether this bill is not substantially the same bill which he, as chairman of the Committee on Foreign Relations, or as a member of that committee, duly authorized, reported to the Senate some time ago with highly eulogistic and extended comments?

Mr. SHERMAN. I did so, and I stand by it.

Mr. MORGAN. The Senator twice reported such a bill.

Mr. SHERMAN. But, unfortunately, the corporation which has undertaken to build this canal is not able to do it, and we have to assist them or the enterprise will fail. I join with my honorable friend also——

Mr. WHITE. I ask the Senator if at that time it was not evident that it would require the assistance of the United States to carry out the provisions of the bill?

Mr. SHERMAN. They sought the assistance of the United States; and if the United States had given them that assistance at the beginning of their enterprise, they probably would not have failed. That indorsement by the Government of the United States would have enabled them to sell their bonds. When we refused to do anything and stood by, leaving the corporation to deal with a problem involving the expenditure of nearly $100,000,000, with actual money of only $5,000,000, it was simply impossible for them to hope to build it. But they did go on until their means were exhausted.

Mr. MORGAN. I am bound to deny the statement of the Senator from Ohio that this company came to the Congress or before the committee and sought its assistance. His report shows exactly the reverse.

Mr. SHERMAN. Did I say "sought its assistance?"

Mr. MORGAN. The Senator said so.

Mr. SHERMAN. Well, perhaps I should not have used the word "sought." I think we sought them.

Mr. MORGAN. We sought them.

Mr. SHERMAN. And unfortunately, perhaps, encouraged them too much.

Mr. MORGAN. We have encouraged them all along by reporting bills, two of which the Senator from Ohio reported, the third from that committee I reported when I was chairman of it, the fourth I have now reported as chairman of the select committee. Perhaps we have encouraged them too much. It is rather a thing that a great many men do not like to do—to encourage American citizens—but when a Guatemalan or a Nicaraguan comes here he gets a tremendous amount of whitewash, an immense amount of sugar coating.

The honorable Senator from Ohio is to be the premier of this Government in the next Administration, and his utterances, of course, are ex cathedra. He states that France and Great Britain contributed to the building of the Suez Canal. I beg to correct him in that respect. They did not. On the contrary, Great Britain did all she could with the Sultan of Turkey to prevent the building of the Suez Canal, and she is now only a private stockholder, having bought into the company, after the canal had been completed, through the sagacity of Disraeli. We have suggestions here that the honorable Senator from Ohio means when he gets to be Secretary of State to renegotiate and reestablish the Frelinghuysen-Zavala treaty. I have always said that I preferred that treaty to any other. I have always preferred that method of making the canal to any other, but the Senator will find, when he gets into that little negotiation, that he has to deal with five or six different sets of powers, some of whom have to do with the canal and some of whom have not, and he will find a very tangled web if he expects to get through the Senate without objection, if I am living here at the time, a treaty that does not provide for those American citizens who have been invited by Nicaragua to go there and accept this concession and invited by our Government to do the same thing. If he expects to get such a treaty through without their being compensated for all the losses and damages they have sustained, I must admonish the honorable Senator now that when he has left this Chamber, where we will all regret very much to part with him, he will find that there will be opponents and antagonists here who are determined to stand up always for the rights of our American citizens—always.

One word more, Mr. President. The Senator from Ohio, joining the Senator from Maine, has taken occasion to censure me for remarks I have made on this floor and to impute to me passion and indignation. I confess to you that I have a good deal of indignation at being called up here by Senators upon statements made in a letter by a man who says he is minister from Nicaragua and from this diet, two or three of which have been proved to be absolutely false by statements made here now. He never heard of those objections until he came to this capital. In my opinion, he has no authority from Nicaragua to present those specific objections. He takes the ground that this contract is forfeited the moment the Government of the United States becomes a stockholder in the company. If that is true, when the concession contains a provision for all governments to take stock in it, then, of course, the concession is in the opinion of Nicaragua forfeited now. Then the question arises as to the rights of the American people and the American Government. Because Nicaragua choose to announce the determination to forfeit it, threaten its forfeiture, or to announce the fact that it is forfeited, are we to abandon our course in respect to this matter?

If such weakness is to characterize our course, we will be dealt with just as those Republics choose to deal with us. We have never done an unjust, an unkind, an unfriendly act, and after all this legislation, the passage of these bills, frequent diplomatic correspondence which will be on your desks to-morrow in regard to this canal, at the very last moment, and when the bill was about to pass this body, then in came the letter of objection from this gentleman. It has been made the basis of attack upon the pending bill from the time it came here until this moment. Why communicate these objections to us at that hour, when Nicaragua has reserved to herself, in the act itself, in her maritime company, of which we are not members, the right to accept or reject this measure? Then was the time for him to make his objections. If they were good, he could defeat the measure upon them, and it would not be a law. Then was the time, because we tendered him that opportunity, instead of coming in in advance and undertaking to shape legislation here, not by making overtures to us for carrying on the canal under the concession, but declaring that it is already forfeited and threatening us with forfeiture. And for us, in the presence of such threats and such declarations, to cower down before him is only an invitation extended to him that he will do as he pleases with us hereafter.

Now, I am a friend of the canal; I desire to have it built, but I say that the people of the United States can never build the canal, as the Senator says they ought to build it and control it, when they are led by a set of men who are weak in their councils, by men who are afraid to step forward and demand their rights as they exist, openly and freely. I am not demanding the rights of the people or of the Government of the United States in any spirit of indignation or exasperation, or anything of the kind, but I think we have got them; this country knows we have got them; they have been paid for at a great price both by the Government and by our people; and, that being true, I am not disposed now to lower my flag and run away from my duty because a man comes here at that time of day and makes objections to legislation going on in this body.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. VILAS. I ask the Senator from Illinois to yield to me to make a motion with reference to a vote.

Mr. CULLOM. I have no idea that the Senator will get a vote if he makes the motion.

Mr. MORGAN (to Mr. CULLOM). Let him make it.

Mr. CULLOM. I hope the Senator from Wisconsin will not insist upon it. I gave notice yesterday that I would move an executive session to-day.

Mr. VILAS. I am not at all disposed to interfere with the Senator from Illinois unless we can advance the business of the Senate by the course I would suggest. I know he gave the notice yesterday, and he gave it for a little earlier time during the day.

Mr. CULLOM. Yes; I did. But I have been yielding because I did not desire to disturb the debate as it was going on, thinking possibly we might get to a vote upon the Nicaraguan question. But there is no indication that there will be a vote to-day.

Mr. JONES of Arkansas. Let us get to a vote.

Mr. CULLOM. If the Senate is ready to vote upon the question of the passage of the bill, I will withdraw the motion.

Mr. VILAS. Not upon the final passage of the bill; but I desire to move to recommit it, in view of what has been said on the subject, all of which——

Mr. CULLOM. I withdraw the motion for an executive session, if the Senate can come to a vote on this matter.

Mr. VILAS. I desire to move that the bill be recommitted to the Committee on Foreign Relations, in view of the suggestions which have been made on the floor, and which seem imperatively to demand it.

Mr. LODGE. The bill does not come from the Committee on Foreign Relations, I will say to the Senator from Wisconsin.

Mr. VILAS. Then I move to commit it to the Committee on Foreign Relations, unless it is the desire that it shall be recommitted to the select committee. I am perfectly willing that it shall be recommitted to the select committee, if that is the desire. But the suggestions which we have heard on the floor of the Senate this afternoon lead to the conclusion that the bill ought to be considered especially by the Committee on Foreign Relations. The manner in which the bill now stands before us is one which requires, it seems to me, that motion rather than the other.

I wish to observe that the suggestions which have been made of the want of authority on the part of the representative of the Greater Republic of Central America are answered by the communication itself. He begins his communication by saying—in the way of information to the Secretary of State—there are "several bills relative to the construction of an interoceanic canal through Nicaragua that have been for some time pending before both Houses of the American Congress," and "his Government recently instructed him to examine them and to make, under certain conditions, suitable representations to his excellency, the Secretary of State," which representations he proceeds to make.

Is it not perfectly obvious from that language that his Government have considered these very bills, and that they have considered every feature of the objections which he now in this manner interposes to them, and that the conditions under which he was instructed to make these representations were simply if he found those features ingrafted upon the bills which, as he says, he observes have been reported in both Houses of Congress, that he would then make these objections.

Now, observe the manner in which he concludes his communication—respectful, kindly, courteous, differential in every word of it:

> The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

Is it conceivable that the objections so presented by that Government in such a respectful, considerate, and careful manner the Senate will not even have considered by the proper committee? He tells us that these objections will render the efforts to proceed in this way nugatory; and he gives us the voice of that friendly Government by instruction.

I submit that every friend of the bill ought to be willing to see that the committee of the Senate which is charged with the due consideration of the relations that exist and ought to exist between this Government and friendly governments, like that of Nicaragua, should take this subject into its care and custody until some proper method is devised.

I am obliged to the Senator from Illinois [Mr. CULLOM] for his kindness, and hope that it may result in a vote upon this question.

Mr. ALDRICH obtained the floor.

Mr. MORGAN. What is his motion, I desire to inquire of the Senator from Wisconsin?

Mr. VILAS. The motion is to commit the bill to the Committee on Foreign Relations, although, if the chairman of the select committee prefers a motion to recommit the measure to his committee, I will make it in that form.

Mr. MORGAN. The chairman of the select committee has never any choice between insults; he does not care what the character of them may be. If the Senate wants to vote this bill out of the hands of the select committee, of course it can do so.

Mr. VILAS. I do not think it possible——

The PRESIDING OFFICER (Mr. HOAR in the chair). The Senator from Rhode Island is entitled to the floor.

Mr. VILAS. I hope the Senator from Rhode Island will allow me to say one word.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Wisconsin?

Mr. ALDRICH. Certainly.

Mr. VILAS. I can not think it possible that the Senator from Alabama should for a moment think I meant to convey any insult by a motion of that kind, provided for by the rules of the Senate and often recognized on this floor, and assuredly he can not think that the Senate of the United States is either to insult him or to be deterred from doing its proper duty because of the suggestion from him that such a thing could be possible.

Mr. ALDRICH. Mr. President, since the treaty called the Zavala-Frelinghuysen treaty and the communication which has been read were submitted to the Senate, I have been earnestly in favor of the building of the Nicaragua Canal. I have been in favor of building it by the Government of the United States directly, if that were possible, or in favor of building it through the intervention of the corporation which has been created by the Congress of the United States, called the Maritime Canal Company of Nicaragua. I am still in favor it. I believe that the American people are strongly in favor of the canal. I believe that a majority of the Senate, a large majority, are earnestly in favor of building the canal; and the question which the friends of the measure ought to consider here is not whether its opponents desire it to be sent to one committee or the other, but whether the bill now before the Senate is of such a nature that it ought to pass, to carry out the purpose which the friends of the measure have in view, and, if it is not, what amendments should be suggested to it.

It is the greater, the paramount, question, and I think it is aside from the question we have here whether the gentleman who sent the communication the other day represents one State or the other; whether he was authorized by his Government to do it; whether the Government of Great Britain or the Government of France or any other government has any especial regard in respect to this matter. The question we are to consider is, in the first place, whether the bill before the Senate is the proper one for the United States Congress to pass to carry out the object we have in view, and, in the next place, whether it intrenches upon any of the rights and privileges of sister Republics in Central America. Is there anything in the criticisms he sends here which should command our attention and should cause a change to be made in the measure? I think myself that some of those criticisms have force. One thing is certain, that the United States can not successfully build the canal except with the cooperation and friendship of the States in Central America through whose territory the canal is to be built. It therefore becomes us who desire to have the canal constructed in the first place so to amend the bill as to have the canal constructed in the best possible way and so as to preserve all the rights of these Republics. I think the amendment which has been suggested by the Senator from Alabama [Mr. MORGAN] is of itself a sufficient protection to all the rights of the Central American States.

I can not go, and I say this with regret, to the extent to which the Senator from Alabama has gone in his criticisms of the methods by which those suggestions were placed here. I think the representative of that Government had a right, through the State Department, to appear here and state the objections of his Government to the bill which is before the Senate. I think we are bound in good faith to take notice of those objections and give them such force as they are entitled to. As I have said, however, I think the amendment which the Senator from Alabama has suggested covers that question.

The bill now before the Senate proposes to do through the form of a corporation exactly what was done, as I remember, in the case of the Suez Canal. That canal was built by a private corporation, with private stockholders. Subsequently the Government of Great Britain purchased a majority of the stock.

Mr. MORGAN. No.

Mr. ALDRICH. A controlling interest in the stock.

Mr. MORGAN. No, not a majority.

Mr. ALDRICH. It is essentially a controlling interest in the canal.

Mr. MORGAN. Not a controlling interest. The other Governments would not permit Great Britain to do it.

Mr. ALDRICH. They have a large interest.

Mr. MORGAN. They wanted to control it.

Mr. ALDRICH. They have a large interest, which in effect controls it.

Mr. MORGAN. It does not in effect control it, because it is a minority interest, inasmuch as the other Governments——

Mr. ALDRICH. My impression is, Great Britain owns an absolute majority of the stock.

Mr. MORGAN. No.

Mr. ALDRICH. But, entirely aside from the question which I am now discussing, whether Great Britain has one-fifth or one-third or an absolute majority——

Mr. MORGAN. Very good.

Mr. ALDRICH. This proposition is to build the Nicaragua Canal through a company, a large majority of the stock of which is to be owned by the Government of the United States. It is not the building of the canal by the Government of the United States in form, but in essence. It is building the canal by the United States Government in the same way that the Governments of Great Britain and France hold stock in the Suez Canal.

Mr. MORGAN. Yes.

Mr. ALDRICH. It is by holding stock in the corporation.

Mr. MORGAN. Yes, sir.

Mr. ALDRICH. What other rights does this bill provide shall be maintained, and what else is to be paid except the money paid for building the canal itself?

Mr. MORGAN. None at all.

Mr. ALDRICH. It proposes to pay, as I understand the bill, not exceeding $4,500,000 to the gentlemen who invested their money in stock of the Maritime Canal Company and in developing the canal in the Central American States.

Mr. MORGAN. In bonds.

Mr. ALDRICH. In bonds. It also provides that they shall have $7,000,000 of stock in the new corporation out of a total issue of $100,000,000. All the other stock of the corporation is to be held by the United States and by the States of Nicaragua and Costa Rica. It is essentially, then, an enterprise of these three States; simply that and nothing more. The amendment last suggested by the Senator from Alabama, as I understand it, reserves all the rights of Nicaragua and Costa Rica in this enterprise, whatever they are and of whatever nature they may be, whether given by the concessions or otherwise.

Now, shall we at the present time kill this proposition to build the canal? Because that, in plain terms, is exactly what the motion of the Senator from Wisconsin [Mr. VILAS] proposes to do. It is true that the Senator from Ohio [Mr. SHERMAN] says, "If you do not do this now, when I become Secretary of State I will negotiate a treaty."

Mr. SHERMAN. I did not say that.

Mr. ALDRICH. The Senator said that in effect. He says, "If you will let this matter go over we will negotiate a treaty by which the canal shall be built." In the first place, we have no assurance that the States of Nicaragua and Costa Rica will again enter into any such negotiation or conclude any such treaty as that suggested by the Senator from Ohio. We know the great ability of the Senator from Ohio; we know that if it is within the range of possibility, such a treaty will be negotiated; but I say to him that if he is depending for the building of the canal upon the possibility of entering successfully upon negotiations of that kind, I fear very much that he will find himself mistaken, and that the people of the United States will wait indefinitely for the canal to be built. This Government in the present Congress has an opportunity to build the canal in a way to which no man who believes in the project can seriously object.

I have listened to the speeches which have been made upon the other side of the Chamber, and aside from the objection which has been made on the ground that the bill violates some of the provisions of the concessions, I have heard no Senator make any objection to the framework and the scheme of the bill. I have heard some Senators say that there is a provision in the concession that the canal shall not be constructed by the Government of the United States. It is not proposed that it shall be constructed by the Government of the United States. It is to be constructed by a corporation in which the United States will hold stock. That corporation is to issue securities which are to be guaranteed by the United States. The money derived from the sale of those securities must be expended, under the direction of the engineer officers of the Army, in the construction of the canal, and can be expended nowhere else and for no other purpose.

The pending bill is as carefully guarded, I believe, as any other measure that has ever been presented to the Senate of the United States. It is the only way by which the canal can be built. The real friends of the project should understand that any such suggestion or motion as that made by the Senator from Wisconsin means the death knell of the canal, which I believe is very dear to the hearts of the American people. Senators may talk about it, and twist in various ways in regard to it, but the Senator from Wisconsin knows as well as I do that his own purpose is to kill the pending bill and to kill the project for a canal, to which he is and always has been opposed. I trust no such delusive suggestion as that which has been made by the Senator from Ohio—which is in the future so far that no man in this Chamber will live long enough to see it realized—will prevent the real friends of the measure from voting against the motion of the Senator from Wisconsin; and I certainly hope that our regard for the Senator from Alabama [Mr. MORGAN] and for his labors in this behalf through a long series of years will prevent this body from ever sending a bill reported from his committee to another committee for revision. I agree with the Senator from Alabama that a suggestion of that kind is an insult to his committee and to himself.

Mr. CULLOM rose.

Mr. LODGE and others. Let us vote.

Mr. CULLOM. If the Senate is ready to vote, I shall desist from making a motion to go into executive session.

The PRESIDENT pro tempore. What is the pending motion?

Mr. VILAS. I desire to have a vote on the motion as I made it originally, to recommit the bill to the committee which reported it.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the bill be recommitted to the Select Committee on the Construction of the Nicaragua Canal.

Mr. GORMAN. Pending that, I move that the Senate do now adjourn.

Mr. HALE. Let us have a short executive session.

Mr. MILLS. Oh, no; it is too late. Let us adjourn. We can have an executive session to-morrow morning.

Mr. GORMAN. I have moved that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Maryland moves that the Senate do now adjourn.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 27; as follows:

YEAS—28.

Allen,
Bacon,
Baker,
Bate,
Berry,
Caffery,
Call,
Cannon,
Chandler,
Chilton,
Cockrell,
Gibson,
Gordon,
Gorman,
Gray,
Jones, Ark.
Lindsay,
Martin,
Mills,
Mitchell, Wis.
Murphy,
Pettigrew,
Roach,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall.

NAYS—27.

Aldrich,
Allison,
Brown,
Burrows,
Cameron,
Clark,
Cullom,
Elkins,
Frye,
Gallinger,
Hale,
Hoar,
Jones, Nev.
Lodge,
McBride,
McMillan,
Morgan,
Peffer,
Perkins,
Platt,
Proctor,
Sewell,
Sherman,
Shoup,
Stewart,
Wetmore,
Wilson.

NOT VOTING—34.

Blackburn,
Blanchard,
Brice,
Butler,
Carter,
Daniel,
Davis,
DuBois,
Faulkner,
Gear,
George,
Hansbrough,
Harris,
Hawley,
Hill,
Irby,
Kyle,
Mantle,
Mitchell, Oreg.
Morrill,
Nelson,
Palmer,
Pasco,
Pritchard,
Pugh,
Quay,
Smith,
Squire,
Teller,
Vest,
Voorhees,
Warren,
White,
Wolcott.

So the motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 28, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 27, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

IMMIGRATION BILL.

Mr. DANFORD. Mr. Speaker, I call for the regular order, the consideration of the conference report on the immigration bill, and I ask for the reading of the report.

The conference report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. 7864) to amend the immigration laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows:

Strike out, in the first section, all after the words "admission to the United States the following" and insert the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution, printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case, from any unavoidable cause, the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command, and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6 and insert as follows:

SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

L. DANFORD,
STANYARNE WILSON,
Managers on part of the House.
HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on part of the Senate.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. If the motion to agree to the conference report should not prevail, will a motion be then in order to send this bill back to conference and instruct the House conferees, or must that motion be made before the vote is taken on the adoption of the report?

The SPEAKER. If the conference report is disagreed to the matter will then be open to further conference at the request of either House. The question is on agreeing to the conference report.

Mr. TERRY. Mr. Speaker, I rise to a parliamentary inquiry. Would it be competent to refer this report back to the conference committee with instructions to the House conferees?

The SPEAKER. The Chair thinks not.

Mr. DANFORD. Mr. Speaker, as to the time the discussion on this report shall occupy, it has been suggested by the chairman of the committee that it run until a quarter past 4 o'clock this afternoon, and that at that time the previous question shall be considered as ordered and the vote taken. I ask unanimous consent to that arrangement.

The SPEAKER. The gentleman from Ohio [Mr. DANFORD] asks unanimous consent that the discussion proceed until 4 o'clock and 15 minutes p. m., when the previous question shall be considered as ordered.

Mr. BARTHOLDT. Mr. Speaker, in connection with that request, I would suggest that gentlemen who desire to speak upon this question, but who may not have time to speak under the proposed order, be permitted to print their remarks in the RECORD.

Mr. HENDERSON. For ten days.

Mr. BARTHOLDT. For ten days.

The SPEAKER. The Chair will put that as a separate proposition unless the gentleman from Missouri [Mr. BARTHOLDT] desires otherwise.

Mr. WILLIAM A. STONE. I hope there will be no objection to it.

The SPEAKER. The proposition of the gentleman from Ohio [Mr. DANFORD] is that the debate continue until fifteen minutes after 4 o'clock this afternoon, when the previous question shall be considered as ordered. Is there objection?

Mr. PARKER. I object. It appears to me we should have more time.

Mr. BARTHOLDT. I hope the gentleman will not object.

Mr. PARKER. At the request of the gentleman from Missouri, I withdraw the objection.

The SPEAKER. Is there further objection? The Chair hears none, and it is so ordered. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent that leave to print remarks on this question be granted for ten days to members desiring to avail themselves of the privilege. Is there objection?

Mr. TERRY. Reserving the right to object, Mr. Speaker, I wish to say a word. Perhaps I did not make myself fully understood in the parliamentary inquiry which I submitted a while ago. I understand that under the rules when a conference committee has reported, that is the end of that conference; and therefore the Chair was correct in the answer that he made a while ago. But in case we decide to have a new conference, and conferees are appointed, can we not instruct our new conferees when a new conference is entered upon to agree to the Senate amendments with certain things eliminated?

The SPEAKER. The House can, of course, instruct its conferees, although it is not usual to do so until there has been at least one "full and free conference."

Mr. TERRY. That is what I wanted to get at.

Mr. PERKINS. Upon this proposition to grant leave to print for ten days, while I am not disposed to object to what may be the disposition o the House, I think such leave ought not, probably, to be extended more than five days, and with the understanding that the remarks furnished to be printed be confined to what might be spoken on the floor upon this bill. With such a modification of the proposition, I will not object.

Mr. HENDERSON. I hope the gentleman from Missouri [Mr. BARTHOLDT] will accept that suggestion.

The SPEAKER. Does the gentleman from Missouri accept the modification proposed?

Mr. BARTHOLDT. I do.

The SPEAKER. Unanimous consent is asked that members be allowed to print remarks on the pending proposition for five days, nothing to be printed that could not be spoken on the floor. Is there objection? The Chair hears none. The gentleman from Ohio [Mr. DANFORD] is entitled to the floor.

Mr. DANFORD. Mr. Speaker, I desire to confine my remarks to a few propositions, and I shall be brief in my statement of them. In the first section the conference report changes the House bill. The House bill applied the test of illiteracy only to males, leaving females to come in without the application of any test of illiteracy whatever—leaving them to come in only under the provisions of existing law. The conference report includes females as well as males in the excluded class, if they be illiterate. It is to questions growing out of this feature of the case that the principal objections come from those who oppose the report.

The House bill excluded all male illiterates, and permitted all females to come in without the application of that test. I hear it said that if the bill as proposed by the conference committee should become a law, we will be separating families. Now, Mr. Speaker, as the bill passed the House, no matter how bright or competent, no matter with what degree of accomplishments the wife might come as an immigrant to our shores, if she brought with her an illiterate husband he could not enter. As to the proposition made in the conference report, it refers to both the husband and the wife. I agree that if an admissible wife should come to these shores accompanied by a husband who is not admissible under this test, then if the wife proposed to take up her residence here there would be a separation of families. I want to address myself to this proposition, which is urged in opposition to the conference report, and I want to do so with reference to what are the known conditions of things so far as immigration goes.

If this test is to be applied in the future, then it will be known in all the countries whence our immigration comes that the test will be applied before admission to citizenship in this country. There is no trouble about knowledge on that subject on the other side of the water. There is a great and mighty agency at work. One of the agents of the steamship lines engaged in transporting immigrants to our shores said before the House committee, "We have our agents in every village and hamlet of Europe." This was said in the discussion of what was known as the Stone bill, and it shows that there need be no concern about this matter, for the reason that the steamship companies are looking anxiously to see that they do not bring to this country inadmissible immigrants, whom they would be obliged to return at their own expense. And I want to say, in passing, that this very proposition is also contained in the bill as it comes from conference. It applies that particular provision of law to those who shall come under this bill as well as under the law as compiled in 1893, I believe.

Now, Mr. Speaker, there will be very few persons attempt to come to this country who are not qualified under the law. Very few families will attempt to come to our shores who are not admissible immigrants in all respects, the husband and wife, and the children, if any there be, over 16 years of age. But this is spoken of mainly with reference to the separation of husband and wife. I would suggest that if perchance the husband and wife shall pass the vigilance of the steamship companies, who are engaged in throwing immigrants on our shores at the rate of hundreds of thousands every year, when they do come and learn what the law is, there need be no separation of husband and wife, for the illiterate husband can accompany his admissible wife back whence they came.

I admit, Mr. Speaker, that the bill was drawn for the purpose of excluding immigrants of this character. It was drawn with that purpose in view. I do not see that it will work any great hardships to those who may propose in the future to come to this country, in consideration of the propositions I have already made: First, that our laws are well known in every city and hamlet of the old country; and, in the second place, that if perchance a family divided on the question of illiteracy should reach our shores, there need be no division of the family.

Now, there is one other proposition contained in the report of the conference committee and in the bill brought out of the conference that differs to some extent from the bill as it passed the House. It was provided simply that illiterates of a certain class should not come to this country, but it provided no test by which the question of illiteracy should be ascertained. That was left possibly to the whims of the agents at New York or wherever the immigrant might land. This bill provides a test. That test is that the immigrant shall be qualified to read twenty words of the Constitution of the United States and write the same. The test contained in the Senate bill is five lines of the Constitution. This reduces it to about three lines of the Constitution, because an average line of the Constitution, taking up almost any edition, will average from five to eight words to the line, and twenty words will make about three lines of the Constitution. I want to suggest that there is no better specimen of the English language extant than the Constitution of the United States.

Now, Mr. Speaker, these are the main differences between the conference report and the House bill as it passed this body during the last session of Congress. There are very many reasons why we ought to do something on this subject of immigration. Each of the great political parties of the country have from time to time and from year to year promised that they would in some way restrict immigration. This is the first measure that has been proposed for a number of years that extends the disabilities of immigrants; and it extends them in a direction, in my judgment, that is entirely proper, not alone because of illiteracy, but for many other reasons which could be assigned.

Now, as to the number of illiterates seeking our shores from year to year. I have before me the report of the Commissioner-General of Immigration for the year ending June 30, 1896. You will find on page 30 of the report that the number of illiterates who reached this country during that fiscal year was 66,314, out of a total of 263,709. Of this illiteracy a very large proportion came from southern and eastern Europe. The percentage of illiteracy from the Scandinavian States was exceedingly small, less than 1 per cent; from Denmark it was but .95, from Norway 1.18, from Sweden 1.16, from Germany less than 3 per cent, from England about 5 per cent, and Ireland only 7 per cent. But when you come to the countries of eastern and southern Europe the percentage runs up to over 60 of illiterates. So that the immigration that comes to us from Germany and from the Scandinavian states, and the countries of western and northern Europe, will be affected very little by the passage of the act. It will not reach the servant girls who come from Sweden, Norway, and Germany.

Mr. DOLLIVER. Will the gentleman allow a question?

Mr. DANFORD. I will yield for an inquiry.

Mr. DOLLIVER. Where is the census of illiterates to which you have referred taken, and under what provision of law?

Mr. DANFORD. It is contained in the report of the Commissioner-General of Immigration.

Mr. DOLLIVER. But is there any provision of law requiring the orderly taking of such a census?

Mr. DANFORD. I do not know how it has been done, but it has been done and will be found in the report of the Commissioner. Examinations have been made within the last year in view of pending legislation.

I say, then, Mr. Speaker, that, so far as the immigration that comes to us from western Europe and from northern Europe is concerned, it will be affected very little by the proposed law. There is a demand for some legislation on this subject, a demand that reaches us as we sit here from day to day and scan our public journals. There is not a great city in the North that is not organizing charities for the purpose of feeding men and women who are able to work. In my own Congressional district, where we have no large cities, the farmers are providing the coal miners and the men who have worked in the mills and factories of that district with the cheap grain and the cheap vegetables from their farms, in order to keep them from starving. Associations are being organized everywhere, outside of the regularly constituted charities of the land, for the purpose of relieving the hunger and want of the people of our large centers at this time.

This immigration that has been thrown upon our shores in the last fifteen years has mainly gone to the great centers of population. A portion of the Scandinavians and of the Germans who immigrate go onto the farms and become producers of grain; but in the main the immigration seeks the great centers of population, and the social statistics of the censuses of 1880 and 1890 show that whilst we had a total per capita increase of about 24 per cent in the decade, the increase in our cities having a population of 10,000 and upward was 60 per cent, and that does not include all that were thrown upon our shores in that decade. In our mining centers and in our smaller centers of population these people have congregated in great numbers. I was struck with a remark in one of the morning newspapers a few days ago, that if we could start every wheel in this country, and give every man, woman, and child employment at fair wages, in the present condition of our immigration laws there would, within twelve months, again be 250,000 or 300,000 idle men in the land. These idle men and idle women must be dealt with and must be heard. I do not speak here for the class of weary men who never want to work, but I speak for the men who want to labor, who have come here from the old country to work, who are out of employment, and who beseech of this Congress some legislative action in this direction as well as in other directions.

Now, there is one other feature of this bill, known as the Corlies amendment, by which it is proposed, at least in some measure, to stop the coming to this country of what are known as the "birds of passage"—men who seek our shores at the beginning of the working season, who work for the better wages paid in this country during the summer, and go back to their native country, taking their money with them, leaving their families there, perchance, and then return again in the spring. Of that class who came within the last year there were almost 49,000. The Commissioner in his report, in speaking on this subject, says:

> Some aliens come and go so often that old officials at the immigrant station recognize them. They are each year listed as new arrivals. These immigrants are not considered desirable, as they have no love for our country or its institutions, pay no taxes or assessments, contribute nothing to the common weal, but, after taking advantage of the high wages paid for labor, carry their earnings with them to spend in a foreign country.

The statistics of immigration show that during the year ending June 30, 1896, there were between 48,000 and 49,000 of these immigrants, returning from spending their winters and their money in the Old World, or Canada, to take the labor of the American citizen. We think this legislation is in the right direction. I concede that there is great trouble in dealing with these birds of passage, and if anyone will attempt to draft a law that will in any way exclude them or catch them, it will probably prove a more difficult matter than it is imagined to be until the attempt is made. This bill is so drawn that their coming must be habitual.

This seemed to be the best that we could bring out of the conference, so far as that proposition went. This bill is not nearly so drastic as the bill that the House passed at the last session. That bill went much further than the conference report goes.

Mr. DOLLIVER. Will my friend permit another inquiry?

Mr. DANFORD. Yes.

Mr. DOLLIVER. I observe that the House bill requires intending immigrants to read and write the English language or some other language, and that the Senate bill requires the immigrant to read the language of his native country or some other language.

Several MEMBERS. Oh, no.

Mr. DANFORD. His native or resident country.

Mr. DOLLIVER. I speak of the Senate bill. The conference report appears to depart from the language of both bills, and requires him to read the language of his native or resident country.

Mr. BARTHOLDT. That is correct.

Mr. DOLLIVER. I should like to know the object of changing the language of both bills?

Mr. DANFORD. Well, the object of changing this language, at least one of the objects, was to reach a class of people who have been thrown on our shores—40,000 within the last fiscal year. They are known as the Russian Jews; men who have been persecuted and driven out of Russia, who have been made to move on as they passed across continental Europe, who have almost drained the magnificent charities of the city of London, and I noticed in one of the New York dailies a few days ago that the Associated Hebrew Charities in that city, for the first time in their history, were asking for aid outside of their particular sect. They are being thrown upon our country after having been made to move on across continental Europe, and after having drained the charities of England they are being thrown upon this country, and it was for the purpose of reaching that class, I confess, I consented to that change.

Mr. DOLLIVER. Does that reach any other class? Are there not residents of Europe that speak a language, but not the language of their native or resident country, who are good people?

Mr. DANFORD. There may be a very few of them. Their native or resident country includes almost every immigrant that would come to our shores.

Mr. HAINER of Nebraska. If the gentleman will permit me, I would call his attention to the Mennonites, a class of people who come into my State, a most desirable class, who speak the German language. They were, however, born in Russia and resided in Russia; but they do not speak the Russian language, and yet they are one of the best classes of people on the face of the globe.

Mr. WILLIAM A. STONE. If they speak their own language or the language of the country in which they reside, they are admissible.

Mr. HAINER of Nebraska. They were not born in Germany.

Mr. DANFORD. I decline to yield further.

Mr. WILLIAM A. STONE. They are admissible under the law.

Mr. HITT. I desire to ask the gentleman when he says residents of a "country," not "nation," was it intended by the committee when they said that that was the language of the country where the man lived, rather than the nation controlling that country? There are a number of people living in a province of Russia where the German language is spoken, and the German language is the language of "his country."

Mr. DANFORD. It would be his native language.

Mr. WILLIAM A. STONE. That is what anybody would construe it to mean.

Mr. DANFORD. Now, Mr. Speaker, the provisions of the bill as it comes out of the conference are different in very few material points from the bill as it originally passed the House. There has been an attempt in both the House and the Senate to restrict immigration to some extent. I believe that it is demanded—I believe that it is demanded by the people of this country, especially in the Northern States, from one ocean to the other. At least, we have no disposition whatever to in the least trench upon the rights of our naturalized citizens or to do anything that will make it a hardship for desirable immigrants to come to our shores; and while I shall remember in any vote that I may give the debt I owe in that direction, I ask members on this floor who are so anxious that every opportunity shall be given and every door opened to bring classes into this country and to bring immigration here, to remember that there are in this land of ours millions upon millions of men and women "to the manner born." Their ancestors have been here hundreds of years. They marched across the continent from ocean to ocean, and they have established here a civilization we believe to be the highest in the world, and I believe that we owe to them, so far as in our power lies, to elevate American labor. I believe that in elevating the plain people of this land we elevate all the people. Our fathers have stood by the schoolhouse in all the generations that they have occupied this country, as they have gone through the forests and across the prairies. It was their "pillar of fire by night and of cloud by day," and within its walls and on its rude benches there has been trained and educated mentally, morally, and physically as grand a race of men and women as the world ever knew.

Mr. Speaker, we owe something to them. We owe something to their demands; and whilst I shall listen and listen favorably to the demands that are made here by our naturalized citizens, it seems to me that we ought at least for this one time to listen to the very general demand that is made upon us for restriction in our immigration laws. That is a demand that comes to us. It is the promise of both the great political parties; and I trust, Mr. Speaker, that we will in some small measure at least keep it in this bill. I say in some small measure, for this bill does not by any means go as far as I would go in this matter. I believe that in this question of labor, in view of the condition of labor in this country now, there is greater danger to the Republic than anything else that threatens it; and I do not mean by that that labor, the honest toil of this country, is not loyal to it. They are as loyal and much more so than many other classes of our people. But when men are hungry, when men are driven to live upon charity, it does not make good American citizens to live in that way. And I beg of this House to go as far at least as the conference report has gone upon this question. There is no general rule that does not in some instances work hardship. I do not desire to work hardship, and it was not the purpose of the committee to work hardships in this matter, but to bring in a bill that would have some effect in restricting immigration. [Loud applause.]

I reserve the remainder of my time.

Mr. BARTHOLDT. Mr. Speaker, I sincerely trust that the motion to agree to the conference report will not prevail, and that the House may order another conference and instruct its conferees in accordance with the suggestions I now beg leave to submit to the House.

The report, by the way, is subject to a point of order, because it is not accompanied, as is required by Rule XXIX, with a statement "sufficiently explicit," as the rule says, "to inform the House what effect such amendments or propositions will have upon the measures to which they relate." How necessary and important such a statement is, especially in the case of this bill, will appear from the explanation I am about to make, if my colleagues will kindly give me their attention. I will waive the point of order, Mr. Speaker, because I prefer to have this matter decided upon its merits rather than upon a technicality.

I refused to sign and present to the House the conference report upon this bill, mainly for two reasons: First, because the effect of the bill in its present shape will separate families, husbands and wives, mothers and children: and, second, because the bill not only bars illiterates, but goes much farther, and in specific terms admits only those who can read and write "the language of their native or resident country." Both of these provisions are entirely new. They were contained neither in the House bill nor in the Senate bill, but were inserted in conference, against my protest and vote. This shows that I was justified when, some weeks ago, I expressed the fear on this floor that if this bill went to conference it would come back in a shape which we might find it difficult to explain to our constituents, and which might offend the sentiment of a great many of them. This has literally come true; but as soon as the scope of these drastic propositions is fully understood I am satisfied that my appeals to the sense of justice, fairness, and humanity of this great House of Representatives will not be in vain.

The bill adds to the excluded classes the following:

> All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country.

What does this mean, and what would be its effect? If the purpose of this measure is to exclude illiterates—and this is generally conceded—then this phraseology is devised not only in direct contravention of that purpose, but also with entire disregard of the social and ethnological conditions of the world. And yet, Mr. Speaker, how necessary is a study of these conditions if we would legislate intelligently upon a subject of this kind. Knowledge and reason, and not prejudice and passion, will, I trust, still prevail, even in legislation of this character. There are millions of people born and living in European countries and in the countries south of us who, although not illiterates, can not speak the language of their native or resident country, and who would consequently be barred under the provisions of this bill.

Take, for instance, the Germans of the Baltic provinces of Russia, a sturdy, thrifty class of farmers who have turned that northern country along the Baltic Sea into fertile farms and blooming flower gardens—every one of those people would be barred under this bill because, while German in language, they are subjects of the Czar, and if they came here and were required to read and write the American Constitution in the Russian language, "the language of their native or resident country," they would have to admit their inability to do so, and would consequently be sent back to the country whence they came.

Mr. BOUTELLE. Could they not read it in English?

Mr. BARTHOLDT. Mr. Speaker, I will say in answer to this question that these people have maintained their individuality in Russia for several hundred years and many generations of them have been born on Russian soil.

A MEMBER. Is not that their native language, then?

Mr. BARTHOLDT. Not under this bill, because this bill says the language of their "country;" it does not say "province;" it does not say "county;" it does not say "kingdom" or "principality;" it says "country;" and the country of these people is Russia.

Mr. BOUTELLE. Is it not the intent of the bill to require the immigrant to read the language prevailing in the neighborhood from which he comes?

Mr. BARTHOLDT. This is the intent, perhaps, but it is my intention to ask the House to refer this bill back for the purpose of correcting it so that every doubt of its intent may be removed.

Mr. JOHNSON of Indiana. Suppose the class of whom the gentleman speaks should be excluded, how is any injustice inflicted upon them?

Mr. WILLIAM A. STONE. It would restrict immigration. That is the gentleman's objection.

Mr. BARTHOLDT. That is raising another question, namely, the general question as to the benefits or disadvantages of immigration. That question I am not now discussing, but I shall touch upon it later on. My present point is that, under the guise of an intelligence test, we should not exclude people who can read and write.

Mr. JOHNSON of North Dakota. Before the gentleman leaves that branch of the subject, I wish he would include also, under the class he has mentioned, the residents of Finland in the Russian Empire. Finland was the fairest part of Sweden at the opening of this century. The people use the Finnish and the Swedish languages and they are highly educated. There is a large and valuable immigration to this country from Finland. The ancestors of those people have been for at least a century born in Russia, but they do not speak Russian, and therefore, according to the gentleman's view, would be excluded under the operation of this bill.

Mr. BARTHOLDT. That is true.

Mr. CANNON. Mr. Speaker, I would like to be enlightened on this point, because upon my understanding of it will depend my vote on this bill. The provision in the bill reads:

> All persons physically capable over 16 years of age who can not read and write the English language or the language of their native or resident country.

Now, I want to ask my friend [Mr. BARTHOLDT] whether he claims as to the Mennonites, for instance, who for many generations have resided in Russia in settlements and who speak the German language, not the Russian, that this bill in its present form would be so construed as to exclude them rather than be liberally construed, so that, if speaking German, the language of the resident people of the region whence they come——

Mr. BARTHOLDT. The language of this proposed bill, if the gentleman will permit me, can not be construed so liberally as to admit those people, because here are the specific terms "native or resident country." Under this phraseology those people would be absolutely barred.

Mr. CANNON. If I thought so, I would vote against the conference report.

Mr. HITT. What would be done in cases where there is no national language, as in Switzerland? Would this bill exclude every person coming from Switzerland?

Mr. BARTHOLDT. That is a very proper inquiry. In reply to the question of my distinguished friend from Illinois [Mr. HITT], I will say that in Switzerland there are three languages recognized as official, German, French, and Italian, and consequently persons coming from that country would not be barred under this bill.

Mr. HOPKINS. As to the Baltic provinces, is not the German language recognized as the language of that country or that province?

Mr. BARTHOLDT. I think not.

Mr. HOPKINS. As one of the languages of that province?

Mr. BARTHOLDT. There is only one language recognized as the official language of Russia, and that is the Russian language.

Mr. TAWNEY. In what language are the proceedings of the courts transacted?

Mr. BARTHOLDT. I can not say with positiveness. But I am coming to all these points, if gentlemen will permit me to continue.

Mr. HAINER of Nebraska. I desire to call the gentleman's attention to Alsace and Lorraine.

Mr. BARTHOLDT. I am coming to that.

Mr. HAINER of Nebraska. In those provinces, now a part of Germany, the people, as the gentleman knows, speak the French language.

Mr. BARTHOLDT. Mr. Speaker, as has already been said, the Mennonites of southern Russia ought to be mentioned in this connection. These people are often called German Quakers, and we have already made their acquaintance upon American soil, particularly in Pennsylvania, Nebraska, and the great Northwest. Their religion commands them to oppose war and strife, to leave their doors without locks or keys, and to regard every human being as their brother or sister. They in reality practice all the virtues of good citizenship with rare conscientiousness. They are all well educated; and those of them who have come to us have invariably brought considerable amounts of money with them. Under this bill every one of those would be barred because they are Russian subjects, and the language of their country is the Russian language, while in fact they can speak no language but the German—the same language, by the way, which is being used at the Court of St. James and at the castle of the Czar at St. Petersburg.

There are hundreds of thousands of French living in Alsace-Lorraine who have not yet acquired a knowledge of the German language. Every one of them would be barred under this bill. Not one of them would be permitted ever to raise his eyes to that great gift of the French Republic to ours—the Goddess of Liberty in the harbor of New York.

Mr. HOPKINS. Is it not a fact that in Alsace-Lorraine the people as a rule can speak both the German and the French languages—that even the girls who work in the fields at the hardest kind of labor are able to speak both languages?

Mr. BARTHOLDT. That is undoubtedly a fact. There are hundreds of thousands of people in Alsace-Lorraine who speak both languages. But my statement that there are also hundreds of thousands of French there who can speak the French and no other language is also true. And these it is proposed to exclude.

Mr. BOUTELLE. Will the gentleman permit me a suggestion?

Mr. BARTHOLDT. Yes, sir.

Mr. BOUTELLE. I have an impression that the gentleman may have given too narrow a definition to the word "country" as used in this bill, and may possibly have confused it with the word "nation." I do not understand that the word is restricted in the manner which the gentleman assumes it to be. I find in Webster, under the word "country," the first definition given is, "A tract of land; a region as distinguished from any other region; and with a personal pronoun, the region of one's birth, permanent residence, or citizenship." It seems to me, in view of this definition, that the language of this bill would be perfectly clear in its application to people who speak the language of the region or vicinage in which they reside.

Mr. JOHNSON of Indiana. Let me suggest to the gentleman from Missouri that the spirit of the law would require that very construction.

Mr. BARTHOLDT. I will say, in reply to the gentleman from Maine, that while the suggestion he makes may be true, I do not desire to run the risk in legislation of any construction which may be erroneous and unjust. I do not think it is the intention of the House to run any risk in this regard. And for this reason I ask the reference of the bill back to the committee, for the purpose of perfecting it in these particulars.

Mr. OVERSTREET. Does not the bill provide that the immigrant may select the language in which the test shall be made?

Mr. BARTHOLDT. It is true that under another section the immigrant may select the language in which he proposes to be examined. But he is confined to the limits prescribed by section 1, which says "the English language or the language of his native or resident country." To this extent he has a right to choose, but not further.

Mr. MILES. Is it not true also that the slips in the box will have only English words, etc., as provided in the first section, from which to select?

Mr. OVERSTREET. Is not that an interpretation of the gentleman himself, and not of the bill?

Mr. BARTHOLDT. The gentleman is correct; slips would be provided only in languages of existing countries. There are many countries throughout continental Europe in which there are three, four, or five different languages spoken, and in which only one or two are recognized as the official languages. Apply the law to these conditions and the effect is evident. The one man who is barely learned enough to read and write might be admitted, and another would be excluded by the language of this section, even though he were a great engineer, an artist, a composer, or some other valuable addition to the citizenship of our land. No German, Scandinavian, or Frenchman, born in the vast territory south of us upon the American continent, between the Rio Grande and Cape Horn, can ever put his foot upon American soil as an immigrant if he can not read and write our Constitution in the Spanish language, which is the official language of those countries.

Is it possible that the House should be willing to go to this length? I can not believe it, Mr. Speaker. The majority of the House undoubtedly favor a reasonable and fair educational test; such a bill, for instance, as we passed last summer, and which, as you will remember, I supported. But I can not believe it to be the intention of the House to unfairly discriminate between the different languages and recognize one and not the other, irrespective of the intelligence, the character, or financial standing of the immigrant himself, and under the guise of an illiteracy test shut out not only the illiterates, but also those who have acquired educational qualifications, perhaps even in a high degree, but happen to be unable, because of the geography of their birth, to come within the language qualification of this bill.

Mr. STEWART of New Jersey. Will the gentleman permit an interruption?

Mr. BARTHOLDT. I will yield for a question, with pleasure.

Mr. STEWART of New Jersey. Does the gentleman consider it a great hardship in exchange for the great boon of American citizenship to require an immigrant to come up to a sufficient measure of the very moderate provisions of this bill? Would it take the intelligent man, such as the engineer or the artist he describes, long to enable him to comply with the exceedingly moderate provisions of the bill, in exchange for the great boon of American citizenship?

Mr. BARTHOLDT. In answer to the gentleman from New Jersey, I would say that if we want to go that far let us vote on a proposition of this kind; but do not legislate by indirection. If you say to the people of the old country, "We have passed a bill requiring an educational test, and if you can comply with that test you can be admitted," then let us confine the requirement to this intelligence qualification; but do not by indirection exclude persons who can in every way comply with such a test merely because they can not do so in the language whence they come.

Mr. GROSVENOR. Would it interrupt the gentleman to ask him a question?

Mr. BARTHOLDT. I am always pleased to yield to my distinguished friend from Ohio.

Mr. GROSVENOR. What is the purpose, as you understand it—having traveled the road of the bill—in the requirement that the immigrant should read any language? What is the purpose contemplated?

Mr. BARTHOLDT. The object of an educational test, in general, is to restrict immigration to those who are able to read and write, and such a qualification is exacted upon the theory that men or women who have been raised in surroundings with sufficient regard for the benefit of such elementary education are more desirable and better immigrants than those who are totally ignorant.

Mr. GROSVENOR. That is what I supposed. Now the limitation is to the United States first, and then, failing in the United States, the language of the countries of their nativity or residence?

Mr. BARTHOLDT. Yes, sir. Now, what would be the effect upon this bill of changing that language, striking out the words—

> Country of nativity or residence—

And inserting the words—

> Some civilized country!

Mr. HAINER of Nebraska. Some other language.

Mr. GROSVENOR. If you desire to define it—

> Some civilized country with which the United States has diplomatic relations.

Would not the educational test, so far as the development of intelligence is concerned, be the same in its effect? And would not that get rid of all this question that you are making in opposition to this bill?

Mr. BARTHOLDT. I think the gentleman, by his limitation to countries with which we have diplomatic relations, will do something that he does not intend to do.

Mr. GROSVENOR. Very well, then. Say "some other language."

Mr. BARTHOLDT (continuing). For the reason that there are languages that have no country behind them, so to speak. But I will come to that.

Mr. GROSVENOR. Now, what I am trying to get at is, Would not the educational test be just as valuable if the immigrant could read the Constitution of the United States in some language, as to limit it to the language of the country in which he was born?

Mr. BARTHOLDT. Undoubtedly; that is our contention.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him a question? I am after information.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Indiana [Mr. JOHNSON]?

Mr. BARTHOLDT. I will.

Mr. JOHNSON of Indiana. The gentleman has pointed out large classes of people, whom he thinks are worthy immigrants, who would be excluded by the language of this act. Now, is not the peculiar language of this act indispensable in order to include a much larger class of undesirable people who, while they may be able to read and write certain languages, are, nevertheless, by reason of their character and habits, absolutely incompetent to become good citizens?

Mr. MILES. Who, for instance?

Mr. BARTHOLDT. That is another question, Mr. Speaker.

Mr. JOHNSON of Indiana. The Polish Jews, for instance. I mention them simply as a type.

Mr. BARTHOLDT. If the House desires to go beyond the educational test, and discriminate not only between languages, but even between religions, as the gentleman from Indiana suggests, let us vote upon such a proposition directly. I should certainly have to oppose it; but let such a proposition come up by itself, and not in connection with a bill which, upon the face of it, simply provides an educational test.

Mr. JOHNSON of Indiana. The gentleman has not answered the question which I asked him. As a matter of fact, is not the peculiar language of this bill, to which he objects, necessary to exclude a very large class of people who, while they may be able to read and write, are lacking in other qualifications necessary to make them good American citizens?

Mr. BARTHOLDT. I suppose the gentleman refers to the Hebrews, of whom I shall speak later on.

Mr. JOHNSON of Indiana. I refer to no particular class.

Mr. BARTHOLDT. I thought the gentleman mentioned them.

Mr. NORTHWAY. Have you any statistics showing the number of individuals who would be excluded under this bill, or is there a good deal of imagination about it?

Mr. BARTHOLDT. Mr. Speaker, in answer to that question, I shall have to refer my friend from Ohio [Mr. NORTHWAY] to the statistics published by the Commissioner of Immigration. These statistics are unreliable, however, for this reason: They were not obtained in a scientific way or by census officials, but were obtained at Ellis Island or Castle Garden simply by asking the newcomer, male or female, "Can you read?" and "Can you write?"

The answers to those questions are all the information we have upon the subject. These statistics have been published. They show, for instance, that under this bill 7 per cent of our Irish friends would be excluded. I have statistics from scientific European sources, however, which show that under this bill, if properly enforced, about 25 per cent of the Irish will be excluded. So altogether, including about 50 per cent of the Italians and Portuguese and Spanish, and so forth, I think the number who will be excluded of our present immigration will be about one-third.

Mr. NORTHWAY. Those persons mentioned by the gentleman would be excluded under a bill which he says he would help to pass, would they not? For instance, the 25 per cent of the Irish and the 50 per cent of the Italians would be excluded under the gentleman's idea of a bill.

Mr. BARTHOLDT. This would about be the effect of the bill as previously passed by the House.

Mr. NORTHWAY. Well, then, this is not an objection to the present bill.

Mr. BARTHOLDT. Oh, but this is not the question now.

Mr. MAHON. I wish to ask the gentleman a question for information. I see the first section of the bill, as contained in the proposed report, says:

> The language of their native or resident country.

The gentleman knows that in a great many countries several languages are used. Then is not the second section explanatory of the first?

> Printed in the various languages of the immigrants in double small pica type.
>
> And the immigrant may designate the language in which he prefers the test shall be made.

How does the gentleman explain that?

Mr. WILLIAM A. STONE. May I add to it, that any language taught in any country is the language or a language of that country?

Mr. MAHON. The second section says that the immigrant may choose the language.

Mr. BARTHOLDT. I have answered the question of the gentleman from Pennsylvania before. I say the languages are limited by the first section, and the slips provided for in the second section, to which the gentleman refers, will be printed only in the languages recognized in the first section.

Mr. DANFORD. Will the gentleman permit me to ask him, is not that the very reason of the language in the bill there, that it shall be their "native language," or of their resident country, rather than their "national language"?—because a national language would be an even more restrictive term than "resident language."

Mr. BARTHOLDT. It all depends, Mr. Speaker, upon the interpretation of the term "country." I hold that the immigration commissioners would be forced, under the language of this bill, to interpret the term "country" to mean that when a man comes from Russia to this country he must be able to speak the Russian language, and if he can not speak the Russian language, they would have to send him back.

Mr. MONDELL. Will the gentleman from Missouri answer a question for information?

Mr. BARTHOLDT. Yes, sir.

Mr. MONDELL. The gentleman was a member of the conference committee?

Mr. BARTHOLDT. Yes, sir.

Mr. MONDELL. Does the gentleman understand that this provision was intended by indirection to exclude certain classes of immigrants; that is, that this wording was meant for the purpose of excluding from our shores certain classes of people who could not read and write the language of the country of their nativity or residence—for the purpose of excluding certain classes even if they could read and write?

Mr. BARTHOLDT. I can not say what the intention of my colleagues of the conference committee was when they insisted on this phraseology; but if it was their intention by indirection to exclude those who are able to read and write, while they proposed to offer a literary test to the country, then I am against their proposition.

Mr. MONDELL. I would ask the gentleman if we would not reach this matter much better by simply saying that the immigrant must read or write the English language or some other recognized language?

Mr. BARTHOLDT. That would be perfectly satisfactory to me.

Mr. JOHNSON of Indiana. Would not that admit a very great class of undesirable people?

Mr. BARTHOLDT. I think not.

As I have said before, Mr. Speaker——

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. Certainly.

Mr. COX. I want to draw this point out distinctly, if I can. Suppose I were to present a person desiring to come to this country who could neither read nor write in any language, but is an honest, temperate, and worthy man, is he excluded?

Mr. BARTHOLDT. He is excluded.

Mr. COX. Suppose his wife could read and write, and was an intelligent woman, do I understand, then, that she could come in and he has to stay at home?

Mr. BARTHOLDT. This would be the case.

As I have said before, Mr. Speaker, there are languages with no country behind them, if I may so put it. If this bill is enacted, the people speaking them could never see the sun rise from the mountain tops of the Alleghanies and Rockies or in the valleys of the Hudson and Mississippi. Take the Polish and the Hebrew languages for an example. Poland was divided between Germany, Austria, and Russia, and while there is a Polish language, there is no Poland; and every Pole under this bill would be barred, even if he were a professor or a constitutional lawyer, if he could speak but one language. Even Kosciusko, were he living, could not land here if he were unable to speak the language of the oppressors of his country.

I know there are those, Mr. Speaker, who would shut and bolt the doors of the Republic against the Hebrews. Opinions differ on this point. But we all know they are a persecuted race; and if I were asked by my constituents now, in the dawn of the twentieth century, to lend my hand to their further persecution, I should prefer to return to my sanctum, take my pen in hand and write editorials against such an inhuman proposition. [Applause.] They have their great faults, just as we have; and in their case it is undoubtedly due to the fact that they have been persecuted for more than a thousand years. But they are nevertheless an art-loving, peaceful race, a race which has given the world some of its greatest actors, authors, and composers.

What I mainly object to in this connection is legislation by indirection. If it is true, what some of my friends on this floor contend for, that we need no more immigrants, let us honestly say so. If "the land of the free and the home of the brave" is hereafter to be forbidden ground for any nations or races, such as the Hebrews, let us vote on a direct proposition of this kind. In the last campaign we heard a good deal about national honor and uprightness. This is the time to practice it by legislation. Let us, at all events, thoroughly understand what we are doing. The adoption of the clause to which I take exception will be the first step, Mr. Speaker, of the American Congress to discriminate not only against nations, but also against religions. The American people have always regarded the Jew-baiting in Europe with just contempt, and especially so the treatment of the Jewish subjects at the hands of the Czar, which some years ago aroused the honest indignation of every warm-hearted man and woman on this side of the Atlantic. If it is intended to force Uncle Sam into this same business, and to deprive him of the right to ever again express sympathy with the downtrodden of Europe, all that is necessary to accomplish that object and to crystallize the prejudices of the few into the law of the land is to pass this bill as it now reads.

The next feature of the bill to which I object, and which I am satisfied the House will not approve, is also contained in section 1. It is there provided that any admissible immigrant over 21 years of age may bring with him, or may send for his parents or grandparents, if over 50 years of age, and if the immigrant is able to support them. Not a word is said, however, about permitting the immigrant who is qualified to land under this bill to bring his wife, the mother of his children, with him if she is not so qualified; which means necessarily the separation of families, pure and simple. Against this inhuman provision I protest, Mr. Speaker, not in the name of any party, or nationality, or religion. I protest against it in the name of humanity, because it is the cause of humanity that is being violated by this section.

Let me illustrate the proposition by an example. A citizen of another country, the head of a family, has determined to immigrate to the United States. He has sold all his goods and chattels to raise the necessary money for the voyage across the ocean of his wife, his children, and himself. He has bid good-by to the friends of his youth, telling them that he is going in search of a better country, a better home, and a brighter future. When he arrives at Ellis Island he is subjected to the examination. He passes it successfully. Then the thumbscrews are put upon his

wife. She is a loving wife, a good mother to her children. She can cook a good meal and knows all about her household duties, but she can not read or write. She was in the habit of going to church and understood the sermons well, because she used to repeat their lessons to her children, but she can not herself handle a pen. She can not read in books, because she was raised in poor circumstances, and instead of going to school she had to work in kitchen, barn, and field. If this conference report is adopted, Mr. Speaker, this worthy woman, this good wife and mother, will be ruthlessly torn from husband and children and sent back to the country whence she came, or else the whole family must return with her. Is this the sense of the House? I am positive it is not.

In extenuation of this cold-blooded proposition it will be said on this floor that these people need not come. True; they need not come. But they will come, Mr. Speaker, unless you pass a law stopping immigration altogether, and if any steamship agent, or consul, or other person, should inform a father of a family on the other side of the ocean that he could not take his wife to the United States, that man would surely smile like the incredulous Thomas, and would say, "That is another of those lies they tell about America." This because he knows that there is no country on the face of the globe to which he could not go, if he himself were qualified, with his wife and his children. One great argument against slavery was that it caused the separation of families. That great issue was decided in favor of humanity and liberty, and shall we now, at this late day, pass a law which, in its inhuman and cruel effects, will be open to the same objections as the institution of slavery?

It may be said that these newcomers are not yet members of our body politic, and that consequently we need not concern ourselves about them. I ask my friends on both sides of the Chamber, will this excuse be admissible in the court of humanity? Will it be valid before the forum of the culture and civilization of the nineteenth century? We have an undoubted right, Mr. Speaker, to board a train going in the direction of the Middle Ages, but I hope Congress will refuse to be the locomotive. We should also remember in this connection that at this very moment there are perhaps thousands or tens of thousands of immigrants who have come here ahead of their families in order to establish homes for themselves, and who are even now contemplating invitations to their wives and children to join them in the United States. If those wives and mothers should happen to be illiterates, their reunion with their husbands would be impossible under this bill.

Mr. LACEY. May I ask the gentleman a question in that connection? This bill requires that in case of the failure of an immigrant to pass the examination the individual shall be returned. In such a case where there are two together, what would become of the other individual, the one that did pass? Would not he or she be left in this country, while the one that failed to pass would be sent back?

Mr. BARTHOLDT. Yes, sir; and that is one of the objections which I have to this bill—that it separates families.

Mr. LACEY. There is no authority, then, for charging to the steamship company the expense of returning them both?

Mr. BARTHOLDT. No. The one who is qualified to pass under this bill may be admitted; or, if he desires to return with his wife and children to the country whence he came, he may do so at his own expense.

Mr. BOATNER. Does the gentleman understand that under the provisions of this bill a foreigner who has settled in the United States and acquired domicile or citizenship here is prohibited from sending to the old country for members of his family or bringing them in unless they are qualified under the provisions of this act?

Mr. BARTHOLDT. He can send for his wife and children at any time, but if his wife is not qualified she would not be admitted, as the bill now reads.

Mr. BOATNER. Or any other member of his family—his father or his mother.

Mr. BARTHOLDT. It is being urged in defense of this inhuman provision that these wives and mothers should first apply themselves to study, and shall learn how to read and write before coming here. But I ask you, my friends, can they do so? How shall they do it? Are they expected as women of 30, 40, or 50 years of age to attend the village school? They are mostly poor people, hard-working people, who rise with the sun and go to bed at nightfall. The interval is occupied by hard work.

Mr. Speaker, if the best interests of our country demanded it, I should vote for a law admitting only those who have relatives in this country, and shut out all others, rather than to give my consent to a provision which will admit others and shut out relatives.

Mr. TAWNEY. Will the gentleman allow me a question?

Mr. BARTHOLDT. Yes, sir.

Mr. TAWNEY. The gentleman, as I understand, is a member of the conference committee. I should like to ask him whether the change in this language was made for the purpose of discriminating particularly against any class of people abroad?

Mr. BARTHOLDT. I do not know, Mr. Speaker, whether that was the purpose. It is undoubtedly the effect.

Mr. TAWNEY. Then I will ask the gentleman whether this provision would be acceptable to him:

> All persons physically capable and over 16 years of age who can not read and write the English language or any other language generally used in the country from which such person comes.

Mr. BARTHOLDT. That is too indefinite. I believe, Mr. Speaker, that the provision contained in the House bill is the best that can be devised to meet all these objections. It reads:

> All male persons between the ages of 16 and 60 years who can not read and write the English or some other language.

That is the amendment I will suggest, after we have sent the bill back to conference.

Mr. CANNON. Now, if my friend will tell me what people the conference provision would shut out that the House provision would let in, I shall be very glad, because then we shall get down to practical matters.

Mr. BARTHOLDT. Mr. Speaker, I have occupied forty minutes in enumerating these very people. I regret very much that my distinguished friend from Illinois [Mr. CANNON] has not heard the explanation. I have mentioned the Mennonites; I have mentioned the inhabitants of the Baltic provinces; I have mentioned the French inhabitants of Alsace-Lorraine; I have mentioned the French, the Scandinavians, and the Germans living south of the Rio Grande who were born in those Spanish countries, but who speak their own language—not the Spanish. All these people would be barred under this bill. And I say this should not be done. If we want to do that, we should do it by explicit terms, not by indirection—not under the guise of an illiteracy test.

Mr. KIEFER. Would not the Poles and Finlanders, as mentioned by our friend over the way, come under the same head?

Mr. BARTHOLDT. They would be excluded also. As I stated before, neither of these objectionable features was contained in the House bill as passed last summer. And all I now ask the House to do is to stand by its previous action. In one other conference the whole matter can be remedied in five minutes by simply restoring the text of the House bill in the terms I have just mentioned, namely: "All male persons"—that would admit the wife—"all male persons who can not read and write the English or some other language." This would meet both objections. To confine the test to male persons was deemed advisable by the House because of the great demand for female servants all over the country which existed then and which exists now.

There are some other provisions to which the press has raised objection—the one, for example, which provides for the reading and writing of parts of the Constitution of the United States; because that instrument contains so many technical terms and rare words difficult to be comprehended by the average immigrant. Suppose that one of the slips provided for in this bill should contain the words, "No bill of attainder or ex post facto law shall be passed." I claim, Mr. Speaker, that you might as well hand to the immigrant—say an Irish farm hand or a plain German mechanic—a stone with Assyrian cuneals or Egyptian hieroglyphics upon it as to ask him to translate, or rather to read, this provision of the Constitution in another language.

Mr. MILNES. He is not obliged to translate it.

Mr. BARTHOLDT. The same paper suggests that instead of requiring the reading and writing of passages from the Constitution the provision might designate the Bible, and it proposes the following passages of the Bible to be read and written by immigrants:

> Leviticus xix, 33-34: And if a stranger sojourn with thee in your land, ye shall not vex him.
>
> But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt.
>
> Psalms cxlvi, 9: The Lord preserveth the strangers.
>
> Zechariah vii, 10: And oppress not the widow, nor the fatherless, nor the stranger, nor the poor.
>
> Jeremiah xx, 3: Do no wrong, do no violence to the stranger.
>
> Deuteronomy x, 18, 19: He doth execute the judgment of the fatherless and widow, and loveth the stranger, in giving him food and raiment;
>
> Love ye therefore the stranger: for ye were strangers in the land of Egypt.

This, I trust, will be the spirit in which this question will be disposed of by the House. In spite of all the outcry against immigration, it is nevertheless a fact—and I call special attention to this revelation of the latest statistics on the subject—that our natural increase of population, plus immigration, makes a combined total rate of increase smaller than that of nearly every European country without immigration. France, where the national legislature has put a premium on fecundity, is of course one of the countries excepted from the list of comparisons. The large European cities, too, have increased more rapidly in the last ten years than our great American centers of population. The fact that those countries are prospering, nevertheless, seems to be conclusive evidence that immigration after all is not the cause of our troubles. Moreover, the latest annual report of the Commissioner-General of Immigration shows that there are almost as many people leaving the country as are coming, so that the whole problem seems to be solving itself.

Mr. JOHNSON of Indiana. Is the gentleman opposed to any law restricting immigration?

Mr. BARTHOLDT. Mr. Speaker, I think if the gentleman from Indiana had watched my course in this House he would be aware of the fact that last summer I sat here trying to engineer through the House a bill whose purpose was to regulate this very question.

Mr. JOHNSON of Indiana. I will admit, Mr. Speaker, that at least a portion of that time I was occupied with other matters to such an extent that I have occasionally been forced to overlook the course the gentleman was pursuing and was not exactly aware just what he favored in regard to this matter. I was therefore forced, for the purpose of getting information, to make the inquiry directly of him.

Mr. BARTHOLDT. In conclusion, Mr. Speaker, allow me to say that it is not a very pleasant duty for me, as the chairman of the Committee on Immigration of this House, to oppose a bill in its final stages which I had helped to frame and which I supported, and which I helped to pass through the House. I still hope the House will give all of its present opponents an opportunity to vote on this bill after eliminating its objectionable features. As it is, my own sense of justice, considerations of party and country, and the combined and unanimous opposition of the German-American press, and many of the reputable American journals of the United States (such as the Philadelphia Ledger, which this morning comes out editorially in favor of the spirit of my amendments and propositions), compel me to take the stand I do take. In the language of Martin Luther: "Here I stand: I can do no otherwise. God help me. Amen." [Continued applause.]

Mr. WILLIAM A. STONE. Mr. Speaker, at this late day in the session, and with our experience in the difficulty of passing immigration bills, we can not stop to have every bill trimmed to our taste.

This bill comes before the House on the report of the committee of conference. It does not suit me in all its particulars. I would prefer a more drastic bill. But it is an improvement on our present legislation.

I believe the principal opposition to this bill comes from the steamship companies. They are writing to their friends to telegraph their members of Congress to oppose the bill. In this connection I send to the Clerk's desk and ask to have read the following telegram.

The Clerk read as follows:

To F W A. POPPIE, *Millbank, S. Dak.:*

Immigration bill comes up in House Wednesday. Wire your Congressman our expense protesting against proposed exclusion and requesting bill be defeated, informing him that vote in favor means defeat next election.

(Signed) CLAUSSENIUS & CO.,
North German Lloyd.

Mr. WILLIAM A. STONE. This telegram was forwarded to Senator LODGE by Mr. Poppie, and was published in this morning's Post.

This is not a political controversy. The last national Republican convention and also the last national Democratic convention declared in favor of restricting immigration. I desire to send to the Clerk's desk and ask to have read the platforms of these two conventions on this subject.

The Clerk read as follows:

FOREIGN IMMIGRATION.

For the protection of the quality of our American citizenship and our American workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from immigration to the United States those who can neither read nor write.

Mr. WILLIAM A. STONE. That is the provision adopted by the Republican national convention. Now I ask the Clerk to read the one adopted by the national Democratic convention.

The Clerk read as follows:

KEEP OUT PAUPER LABOR.

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

Mr. WILLIAM A. STONE. Mr. Speaker, it is simply a question of political economy, and not in any sense partisan.

I have been curious to learn just how this educational test would affect the immigration to this country. The total number of immigrants coming here, as shown by the report of the Commissioner of Immigration for the last fiscal year, was 343,269. This is an increase of 84,731 over the number coming during the previous year, or an increase of 32.77 per cent. As times improve, immigration will largely increase; and unless we pass some measure restricting immigration, the number coming into this country during the next fiscal year will exceed a half million.

The conference report practically excludes only those who can neither read nor write. Taking the status of those who came into this country during the fiscal year ending June 30, 1896, we find that 65,103 came from Austria-Hungary, 68,060 from Italy, and 45,137 from Russia proper, making a total of 178,291, or 51.93 per cent.

Of the 65,103 who came from Austria-Hungary, 23,973 could neither read nor write; of the 68,060 coming from Italy, 31,374 could neither read nor write; of the 45,137 coming from Russia proper, 12,816 could neither read nor write. Out of 178,291 coming from these three countries, a total of 68,163 could neither read nor write.

Now, there came from Germany during this same period, 31,885; from Norway, 8,855; from Sweden, 21,177; from England, 19,492; from Ireland, 40,262; a total of 121,671, or 35.44 per cent from these five countries.

Now, of the 31,885 who came from Germany, all but 713 could read and write. Of the 8,855 who came from Norway, all but 57 could read and write. Of the 21,177 who came from Sweden, all but 146 could read and write. Of the 19,492 who came from England, they could all read and write but 757. And of the 40,262 who came from Ireland, all but 2,473 could read and write. So that if this conference report had been the law during the last fiscal year, out of a total of 121,671 immigrants who came from Germany, Norway, Sweden, England, and Ireland, only 4,146 would have been debarred, while out of the 178,291 who came from Austria-Hungary, Italy, and Russia proper, 68,163 would have been debarred. So do you not see that all this talk about the Germans being affected by the passage of this law is ridiculous? It would not affect the Germans; it would not affect the Swedes; it would not affect the Norwegians; it would not affect the Englishmen, nor the Irishmen. But it would very seriously affect and restrict the immigration from countries from which undesirable immigration comes, and in that respect this conference report is satisfactory.

The Commissioner of Immigration has also made a report of the amount of money brought into this country by immigrants. It is curious to note that the large majority of immigrants coming from Austria-Hungary, Italy, and Russia proper bring less than $30 per head with them, while the great majority of immigrants from Germany, Norway, Sweden, England, and Ireland average more than $30 per head; and although fewer numbers come from these countries, they bring almost twice as much money with them.

Mr. BARTHOLDT. Will the gentleman permit me to interrupt him?

Mr. WILLIAM A. STONE. Yes.

Mr. BARTHOLDT. The report of the Commissioner of Immigration shows that during last year between $1,500,000 and $5,000,000 were brought in by the immigrants, and he admits that that represents about one-third of what they really brought in, because before they leave their homes they are told not to tell how much money they have.

Mr. KIEFER. If the gentleman will allow me, I will give the exact amount.

Mr. WILLIAM A. STONE. I can not yield, because I have only twenty minutes.

It is also important for us to consider where these immigrants go when they reach this country.

I find upon examination of the Commissioner's report that of the 343,269 immigrants who came into this country during the last fiscal year, 127,082 stopped in the State of New York; 61,007 of them stopped in Pennsylvania; 36,561 stopped in Massachusetts. A total of 224,650, or almost two-thirds of the whole number who came into this country, remained in the three States of New York, Pennsylvania, and Massachusetts. Why, the gentleman from Missouri who opposes this report [Mr. BARTHOLDT] knows nothing of the evils of unrestricted immigration. Only 2,485 went to Missouri. The gentleman from Louisiana, a member of the committee who opposes this report, only had 1,516 in his State. Wisconsin had 4,572; Nebraska, 1,013; Minnesota, 5,979. No wonder gentlemen do not seriously regard it essential to restrict immigration when they are not bothered by it.

It is the great States of New York, Pennsylvania, and Massachusetts that suffer. The theory that these immigrants settle down on our Western prairies and become tillers of the soil is ridiculous. They do not settle on our Western prairies. They settle in the great cities of New York, Boston, Philadelphia, and Pittsburg, and among the mines, the mills, the factories, and the coke ovens in these three States; and, in the name of my State, I demand that legislation be enacted that will relieve us from this imposition.

This bill will restrict immigration, not wholly, nor even sufficiently, but it will restrict it to some extent. Properly enforced, properly construed, it will keep out of Pennsylvania, New York, and Massachusetts about 1 in 4 who now come in.

If these immigrants entered into the professions and among the ranks of skilled labor, it would not fall with such a heavy hand upon that class of people who are known as common laborers. Let us look at the report and see what occupations were followed by those who came last year. Of the 343,269 who came, 50 of them were lawyers, 147 were clergymen, 19 were editors, 143 of them

were physicians. They have not increased competition among the clergymen, the editors, the doctors, or the lawyers.

No very considerable number of them were skilled workmen. There were only 534 machinists, only 126 jewelers, only 10 dressmakers, only 3,676 carpenters, only 589 gardeners, only 106 plasterers, only 117 plumbers. But there were 123,028 who had no occupation, 91,262 laborers, 38,926 servants, making a total of 253,216 common laborers who entered into direct competition with our poorer people. Of the 343,269, all but 90,051 entered into direct competition with the laboring men and women of this country, who receive the poorest wages, and whose lot is the hardest. Two-thirds of this great army—or nearly two-thirds, considerably over 200,000—settled in the States of New York, Massachusetts, and Pennsylvania, and entered into competition with our own people for their daily bread.

This country to-day is suffering from a surplus of common labor. There is work enough for all the men, women, and children who belong here, but there is not work enough for the laboring men and women of the world.

We put a tariff on a machine to keep it out of this country and give to the producer the home market. That tariff operates and is intended to operate to increase the wages of the men and women in this country. That very increase of wages is an inducement to the laboring men and women of other countries to come here and compete with our own people for these increased wages. Our laboring people would be better off—much better off—if you could give them the exclusive labor market of the country, and not force them into competition with the cheap pauper labor of other countries. We have been legislating for the producer, and properly so. It is high time that we begin to legislate for the man and the woman whose only capital is the ability to do a day's work. We protect our coal, our iron, our steel, our cotton, and I hope soon our wool.

Why? That the American producer may have the benefit of the home market. Now, if that is good policy, if that is good political philosophy, if that is good political economy, let us protect the brawn and the hand that produce the coal, the iron, and the steel. [Applause.]

I would like to see all the laboring men and laboring women of Europe have employment, but I would not like to see them employed by the turning out of our own working people. I have no unkind feelings toward foreigners, but I believe it to be my duty, so far as in my power lies, to protect the laboring men and the laboring women of this country before extending protection elsewhere. Let us begin it here. This country is rich enough and great enough to support our own laboring people. Wages will regulate themselves and keep pace in price with other things, but under this competition with the cheap pauper labor of Europe our laboring men and women are unable to obtain sufficient work and sufficient wages to secure the necessities of life.

Thousands of foreigners come here every year, save their wages, and send them to their relatives and friends in their own country.

It is estimated on good authority that during each year from twenty-five to thirty millions of dollars are sent by Italians in this country to Italy. They do not become citizens of this country; they come here to earn money to send home, and when they have earned a sufficient quantity, they go back and spend it there. Large amounts are sent to other countries also. Taking this into consideration, with the large amounts that are spent each year by visitors and tourists from this country in Europe, it may be said with some show of truth that the United States is practically supporting Europe to-day.

If we could only have our people spend their money at home, and keep the money earned here at home, there would be better times and less distress in this country. We can not stop people from visiting Europe. We can not stop a few of our silly women from marrying men with titles and bestowing upon them their fortunes. Fortunately, however, Europeans with titles do not marry our poor girls, our sensible girls, but only the rich, frivolous kind, whom we can well spare. But we can stop the people from other countries from coming here and filching the bread from the mouths of our people by such restrictive measures that will prevent their coming and give to the laboring men and women of this country the labor of the country until such time as there is greater demand for labor than they can supply.

Let us, therefore, adopt this conference report as the most likely measure we can get enacted into law at this session, and adjourn, having passed an immigration bill and kept our promises to the country. [Applause.]

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. HOPKINS. Before the gentleman from Pennsylvania takes his seat, I would like to get his view on the construction of the language that has been criticised by the gentleman from Missouri [Mr. BARTHOLDT]. That gentleman claims that under the provision which requires the immigrant to be able to read "in the English language, or the language of his native or resident country," desirable immigrants from the Baltic provinces of Russia and from other parts of Europe will be excluded. What is the gentleman's view as to that?

Mr. WILLIAM A. STONE. I am glad the gentleman has asked that question. I may not be lawyer enough to answer it correctly, but my judgment is that the language of the bill, "the English language, or the language of his native or resident country," would be construed to mean any language spoken in the resident country, so that any person coming to this country who was able to read and write in any language would be admitted.

Mr. CANNON. Why not let the law say that plainly?

Mr. WILLIAM A. STONE. Because if you send this report back for further consideration, it will be so delayed that you will get no law at all.

Mr. BARTHOLDT. Mr. Spesker, I ask unanimous consent that some arrangement be made as to the control of the time. None has yet been made.

Mr. WILLIAM A. STONE. I supposed it was understood that the gentleman from Ohio [Mr. DANFORD] and the gentleman from Missouri [Mr. BARTHOLDT] controlled the time.

The SPEAKER pro tempore (Mr. HENDERSON). If there be no objection, the time for debate will be controlled on the one side by the gentleman from Ohio [Mr. DANFORD] and on other by the gentleman from Missouri [Mr. BARTHOLDT].

There was no objection, and it was so ordered.

Mr. BARTHOLDT. Now, Mr. Speaker, I yield fifteen minutes to the gentleman from Louisiana [Mr. BUCK].

Mr. BUCK. Mr. Speaker, my views are on record not only against this particular measure, but against the theory and principle of the legislation upon which it is based, so that perhaps I would not trouble the House at this time with any remarks whatever if it were not that, from the very fact that there is, perhaps, an irresistible current of feeling among the American people in favor of this legislation, silence on my part might be misconstrued not only into acquiescence, but perhaps into something worse—a lack of courage to stand to the conviction which I feel on this subject to the very bottom of my soul.

I believe it a truth among the principles of government that whatever tends to restrict or to restrain the movements of human effort has in it the germ of injustice and of wrong. I believe that this legislation is of that character, and, though I am no prophet, I think the time will come when the old spirit will reassert itself and when there will be those who will agree with me that this legislation in its present form is trivial, inexpedient, unnecessary, and un-American in the light of the spirit which lies at the foundation of the American Government. I do not think the gentleman from New York meant an invidious distinction when he said that he would listen with patience to what the foreign-born members upon this floor might say in regard to this measure. Manifestly, he anticipates their opposition, and that anticipation argues that there lurks somewhere in his own conscience an idea that there may be something wrong in this bill. Else why anticipate opposition from that particular quarter?

I wish to tell the gentleman and the members of this House that my opposition to this measure is inspired by something loftier than my foreign blood. When I took that oath before the Speaker's stand to defend the Constitution of the United States against foreign and domestic foes, I took it with the same conviction of responsibility and seriousness as my American-born brother upon this floor. I have nothing to gain as a foreign-born citizen by opposing this bill. I have no friends that want to come here from foreign countries. They are all here. The bones of my parents repose in American soil; and, if I may say it, I have two generations of native-born Americans behind me. Nor have I a foreign constituency to look to. On the contrary, I admit with the gentleman from Pennsylvania that there is a strong current of feeling in the opposite direction, and if a vote of my own people were taken I believe that possibly, under the influence of that error, that prejudice, that misconception which clouds the minds of the American people to-day on this question, they would vote me into a hopeless minority. I have, therefore, nothing to gain by the position which I take, and nothing to do but to express my conviction and my belief that this measure is injurious, is unjust, and not founded in good principles.

If the exclusion of persons who can not read and write is based upon the principle or demand for the protection of American labor, why, sir, the figures which the gentleman has read show that the purpose will not be accomplished. There are poor laborers enough in this world without counting those who can not read and write to bring about the very competition which is complained of.

If it is complained that ignorance is the cause of the trouble, I tell my friends, as I said before, that education is a broad and comprehensive term, and does not mean book learning only. I could refer the gentleman to statistics in the Library, and prove to him that in communities where persons wholly illiterate predominate in numbers the relative proportion of criminals is smaller than in more educated communities.

An eminent writer has said that culture is the object of education, but culture does not mean book learning; culture, he says, means the attaining of a proper conception and faith with reference to God and a proper apprehension of the relative duties of man to man.

I do not think I need remind the American people of the service which immigration has done for this country. Nor need I remind them of the service that it has done in the attainment and preservation of the liberty which has been so great a power in the development of its destiny. I need not point my friend from South Carolina to the field of Camden, where the blood of De Kalb fertilizes the soil.

My friend refers to "the crowding of people in the large cities." Sir, what has made Chicago the marvel of civilized development but "the crowding of people in the large cities?" "The crowding of people in the large cities" is an indication of the aspiration and the ambition of men to better themselves. In Europe the city of Berlin, which a generation ago was barely a metropolitan city, has to-day two millions of people. People crowd the cities in their eagerness to come in contact with intelligence, with education, with improvement, and the possibilities of advancement. Communities can protect themselves against this overflow of population if it exists. Every county or municipality has the power to make laws to protect itself against paupers and vagrants; and if there is no room in the city for persons who can not or will not work, there is power in the law to send them elsewhere to fields where they are needed.

Mr. Speaker and gentlemen, my time is limited. I could go back with you to the history of nations and show you that no nation ever prospered from the moment it became selfish and exclusive. If the Roman Republic, if the Athens of the ancient world, instead of creating an aristocratic citizenship, had invited the surrounding peoples, to welcome and make them their equals, the civilization of the world might never have seen the relapse of the Middle Ages.

We are told secretly—it is not openly declared as the intention of the bill to strike in that direction—that numbers of an insignificant and inferior race come here from southern Europe. I need not defend that race. It is true that under the effects of oppression and peculiar institutions the mass of those people are ignorant. But remember they are the descendants of the Cæsars and the Gracchi. Remember that Venice was the mistress of the world when London was but the "tower of a prison" and a slaughter field of political strife and murders. Remember that when all of northern Europe was in the darkness of the Middle Ages, Italy had her Dante and her Tasso, her Petrarch, her Boccaccio, her Michaelangelo, and a little later her Christopher Columbus. These races have the instinct of high aspiration in their souls.

But in the little that remains of my limited time I want to make an appeal to my friends on the Democratic side, and on the Republican side of this House too. In 1852, when the Free Soil party began to show its power in the politics of the country—that party from which sprang the Republican party of to-day—what was the sentiment which they embodied in their political platform? It is brief. I will read it from the platform of the Free Soil convention at Pittsburg, August 11, 1852:

> That immigrants and exiles from the Old World should find a cordial welcome to homes of comfort and fields of enterprise in the new; and every attempt to abridge their privilege of becoming citizens and owners of the soil ought to be resisted with inflexible determination.

Now, Mr. Speaker, I approve only the first part of that platform. I admit that there is an element of politics in the second when it speaks of citizenship. As a citizen of these United States, made such by the grace of your most liberal laws, I should stand here with the best of you and defend the dignity and the worth and the value of American citizenship. If your naturalization laws are too liberal, let a more restrictive policy be adopted. If these people are not worthy, after five years, to be citizens, do not give them the privilege. But let me tell you, since education is the topic, that those foreign-born citizens who have abused their trust and their duty, who have violated their oaths as American citizens by becoming aggressors upon society, the destroyers of property, the teachers of propagandism, pernicious to social and political order, are not the ignorant. They are the men who have studied the philosophy of the freethinkers of the world. They claim to be highly educated. They claim to be superior to the men of the common mass who, upon lines of sentiments of brotherhood toward each other, on the basis of law and order, have built up the civilization of the world.

Mr. Speaker, in the last political campaign it was claimed that this Government and this country were in danger of disintegration. It has been said upon this floor, aye, and the story has gone throughout the country and is in the public prints, that nobody can vote against this measure, or will do so, except those who are interested in the great steamship companies. It is a sad story, a sad commentary that such lack of confidence should impair the relations between the people and their representatives; and it repeats itself every time a measure in which large private interests are involved is up for consideration in the halls of legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLIN. I ask unanimous consent that the gentleman from Louisiana have permission to close his remarks.

Mr. DANFORD. I must object, unless the time is extended for taking the vote.

Mr. BARTHOLDT. I will yield to the gentleman five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. DANFORD. I object, unless the time is extended beyond the time fixed for the vote to-day.

Mr. BARTHOLDT. I have yielded to the gentleman five minutes.

Mr. BUCK. I have very little additional to say. I had mapped out a brief course of argument for the time allotted, and I have about concluded what I desired to say.

This manifestation, Mr. Speaker, of the lack of confidence and of public assault on the honor and integrity of the legislative bodies of this country, unmerited and unjust, as I believe, is one of the disintegrating symptoms which hover, vaguely if you will, around the body politic and distinctly threaten its peace and perpetuity—one of those symptoms which were contemplated with so much seriousness and apprehension in the recent political campaign. It was claimed to be the corporations against the people; organized capital against organized labor; united wealth against common poverty. Such were the cries, and they were calculated to fill the patriotic mind with fear and misgiving. What, if anything, had the recent immigrant to do with that? On the contrary, the danger will be aggravated and emphasized if this country will suffer the wave of an intolerant spirit of exclusion and narrow-mindedness to shut it in. We must go back to the fundamental principles under which we became great and prosperous, and let in the light of day and true manhood in all its forms and aspirations. The grandeur of American citizenship and the life of the genius of our institutions lie in the dignity of their universality. [Applause.]

When God Almighty, back in the early ages of man, as the Scripture tells us, found the people trying to raise the Tower of Babel, what did He do? It has given rise to a common German proverb that "God Almighty takes care that the trees do not lift their tops to heaven." When we have grown great and think ourselves masters, something comes to remind us of the limit to our possibilities. And it taught something else as well. The people in those days must have been prosperous and happy if they had nothing to do but build a tower to reach up to the heavens, and God confounded them. He created diversity of language and nationality, and sent them out into the world to work out their redemption—a redemption to regain what they lost. And to attain that is our problem now—the problem of nations and of individuals.

The greatest step was made, second only to the Revelation in the birth of the Saviour, when the American Constitution and Declaration were given to the nations of the earth. Pass what restrictions you will, do what you think right and proper, and what is required of you in the performance of duty to protect the integrity of the nation; but do nothing to violate principle; do not violate the great eternal truths on which our Government rests and on which the nation has grown great.

I had started to remind my Democratic friends of the traditions of the Democratic party on this question, and I will read briefly an extract from the platform of 1848:

> *Resolved*, That the liberal principles embodied by Jefferson in the Declaration of Independence and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have been cardinal principles in the Democratic faith; and every attempt to abridge the privileges of becoming citizens and the owners of the soil among us ought to be resisted with the same spirit that swept the alien and sedition laws from our statute books.

Such, Mr. Speaker, have always been Democratic principles. They are repeated in subsequent platforms which I would read if time permitted. They are the principles which made more glorious the greatness of Jefferson and Jackson. Jackson himself, the illustrious exponent of Democracy, would come under the ban of the objections made in the arguments on this bill in the sense that birth and ancestry are contended for by some gentlemen, great on the floor of Congress, as the only qualification that can imbue a man with the spirit of American liberty. His parents breathed the atmosphere of this country but one short year before the birth of that great American statesman, the very paragon of American individuality, the champion of Democratic principles and of the people's rights—the rights and privileges of the masses. Andrew Jackson was born when his parents had resided in this country but one short year. How, then, may you tell us that the foreigner can not imbibe the spirit of American citizenship? Why, sir, it grows within him with his growth, as it grows in you with yours. Liberty and patriotism are of no clime and of no soil. They are "enthroned in the hearts of men," and are as universal as the sense of kinship with the ever-living God. I have seen native-born Americans, before the tomb of that great man 10 miles down the river, smile and gibber, and I have seen the foreign born there, thrilled with emotion, ready to kneel and worship at that shrine. [Applause.]

[Here the hammer fell.]

Mr. DANFORD. I yield ten minutes to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I have one very serious objection to the bill which is proposed by the conference committee in its report, and that is that it does not go far enough, that it is not drastic enough. I wish it were possible, sir, for the committee to recommend, and for this House to pass, a measure which would be as broad as the evil at which this legislation is aimed. The educational test will hardly suffice. Many a man, sir, can read and write, and yet is utterly lacking in those qualities essential to make him a good American citizen. He may be profligate in his habits. He may be unwilling to work, and thereby become a charge upon the public. He may be a nihilist or an anarchist, or he may possess other characteristics which make him unfit to become a factor in our national life.

Now, Mr. Speaker, we can all agree upon general principles, but the difficulty is, I confess, in framing a measure which will meet the exigency, a measure practical in its application and which will subserve the purposes which we have in view. Any test that is employed, short of an absolute exclusion of immigrants, must necessarily be an arbitrary one—must necessarily bear hard in individual cases—but the sole question should be, What will be its general operation and effect?

Now, I favor this bill as recommended by the conference report because I believe that, even with its shortcomings, its general features are salutary. To be sure, objections have been urged to it. It is said, in the first place, that it will separate husband and wife; but the great transatlantic steamship companies, which have been making money by transporting the unworthy from foreign climes to our shores, have established their agencies the world over, and the moment it is distinctly understood that by the terms of this bill these companies must send back to the lands from which they have invited them those immigrants who are incapable of complying with this educational test, that minute the husband and wife will be informed of the existence of this test, and if unable to pass it, they will remain abroad instead of undertaking a venture which they know will be fruitless. If perchance, however, they happen to reach these shores, one of them being able to pass the educational test and the other unable, then if they choose to separate, one to become a citizen of this country and the other to go back to the land from which they came, the separation is their own act and not the act of the American people, whose sacred and substantial rights are to be regarded by us rather than the rights of particular individuals from abroad.

Mr. LACEY. May I ask the gentleman a question?

Mr. JOHNSON of Indiana. Certainly.

Mr. LACEY. Why not amend the bill so as to compel the steamship companies to take them both back under these circumstances?

Mr. JOHNSON of Indiana. I have no objection to that, so far as I am personally concerned; but I do not believe it is necessary, since I do not believe they will come here knowing in advance the terms of this law and their inability to comply with them.

Another objection, Mr. Speaker, which has been urged to this conference report is that its language will exclude a certain class of people in the world who might make desirable immigrants; but I have failed to draw out from the gentleman from Missouri—and he has adroitly avoided my question upon this point—the fact that the particular form of language employed in this bill is necessary in order to exclude a much greater class of people in the world who, while they may be able to read and write, are utterly incapable of becoming good American citizens, but who would be a burden rather than an advantage to our body politic if they were to be ingrafted upon it.

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. JOHNSON of Indiana. Certainly.

Mr. BARTHOLDT. The gentleman is undoubtedly in favor of stopping immigration——

Mr. JOHNSON of Indiana. I have not said so. That is the gentleman's assumption. I prefer to speak my own sentiments through my own lips.

Mr. BARTHOLDT. I am not quite through with my question. My question is this: If you are in favor of keeping out certain classes of people, either people who can not read or write or people to whom objection can be made because of their religion or nationality, why do you not say so in the bill? This bill legislates by indirection. It presents to the American people an intelligence test, but does not say that those people shall be excluded who will be excluded under the terms of the bill.

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman can not place me in any false position in this matter. This question is broader than religious prejudice, more expansive than sect. It is as broad as the continent on which we live, and involves the very life of the Republic and the permanency of our civilization. I am not insisting that discrimination shall be made against any religion. I care not whether a man is a Catholic or a Protestant, whether he is a Gentile or a Jew. The sole inquiry with me is, Will his coming to these shores have the effect of bettering the condition of my countrymen, naturalized and native born, or will his coming be an injury to them? If it will be injurious, I am in favor of his exclusion. I am not in favor of the total restriction of immigration, but I am in favor of any measure that will exclude from our population that undesirable and dangerous element which can be of no benefit, but which will work a great injury to us, and that is the reason why I favor this conference report. As I have intimated before, sir, it is a step forward, a step in the right direction. If not the best, it is at least the best attainable measure just now.

Mr. Speaker, there may have been a time when we could assimilate this undesirable immigration—the ignorant, the pauper, and the vicious class. That time has passed. Annually there are coming to our shores large numbers of people who are utterly unable to discharge the duties of American citizenship. They add to our burdens and responsibilities without adding anything whatever to our energies and our resources. They strain our public and our private charities, fill our charitable and penal institutions, and are a constant menace to our free institutions.

The time has now come, sir, when we should do something to prevent this, not simply talk, but do something in the interest of our citizens, the naturalized as well as the native-born. We must act if we are to escape this great danger. I would like to know of what avail is our great common-school system, that system under which we are preparing our children for the duties of American life in a Republic where every man is a factor in public affairs. I would like to know why we are talking about compulsory education, if at the same time we are willing to admit to our shores vast hordes of people who can not read or write and put upon their shoulders the full panoply of citizenship. What consistency, too, is there in a great State calling a constitutional convention to amend its organic law in order that it may make an educational qualification a prerequisite to the right to vote? With what consistency do they tolerate fraud at the ballot box against the ignorant black man in that same State, justifying themselves by the plea that intelligence should control in their State and municipal affairs, and at the same time extend through their representatives on this floor a welcome to the whole Union to men from abroad so ignorant that they not only can not read twenty lines of the Constitution, but can not even comprehend the simplest duties of citizenship in a free republic?

Is our restriction upon immigration to stop with the exclusion of the Chinese, who can both read and write? Are all other nationalities who lack this accomplishment to be admitted free? Is the right of self-protection one which inheres only in the individual? Does it absolutely cease to exist, sir, the moment we approach the nation? Is there no power in the people of this country to protect themselves from this menace, this evil which assails them? We prate, Mr. Speaker, about the protection of American labor. We are even now formulating a protective tariff bill to the end that the laboring class of our countrymen may be shielded from the competition of cheap labor from abroad, and we propose, through the medium of this bill, to confer upon our laborers wages so remunerative as to bring back happiness and comfort to their humble homes. What sense or reason, sir, is there in all of this kind of talk if we are to continue to throw open our ports to the foreign cheap laborers themselves and welcome them to unrestricted competition with our own laborers right here upon our very soil?

Gentlemen, sir, may talk in eloquent language about ancient history. They may deal in stale platitudes about "the land of the free and the home of the brave." They may dwell upon the humanities, and even quote Scripture as profusely as did the gentleman from Missouri, but the time has come in the history of this country when the plain, practical question comes home to us whether or not we are willing to legislate in a manner that will not only protect American labor, but also in a manner that will protect American civilization.

The gentleman from Missouri, who interlarded his remarks so beautifully and so copiously with extracts from the Scriptures teaching the duty of hospitality to the stranger, seems to have overlooked the pregnant fact that these same Scriptures are filled to overflowing with the doctrine of the right of self-preservation both to the individual and to the state.

Here, Mr. Speaker, is presented to us an opportunity to pass, not a measure that is broad enough to meet the entire exigency, but one which will remedy a part of the difficulty which surrounds us. Shall we act the part of cheap demagogues and abandon our convictions to curry favor with certain elements which are constantly conjuring up the fate of Knownothingism to affrighten public men in the discharge of their plain duty, or shall we rise to the height of the occasion and take this resolute step toward the emancipation of our countrymen from this great evil which afflicts them? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CURTIS of Kansas. Mr. Speaker, I am in favor of more stringent immigration laws. I believe that all criminal, pauper, contract-labor, and ignorant classes and anarchists should be denied admission to our shores.

The people of Kansas do not object to the Germans, Swedes, Irish, and others who have helped develop our great State. We are proud of them; but they all, regardless of their nativity, favor keeping out the objectionable classes.

As strongly as I favor the further restriction of immigration, I can not support the conference report. No one of us can tell what would be the effect of the bill agreed upon by the conference committee. Hardly any two members of this House would construe it the same way.

Let us write a law upon the statutes that will protect American labor, but let it be in language that we understand ourselves, and one that can not be misconstrued.

Mr. BARTHOLDT. I yield ten minutes to the gentleman from New Jersey [Mr. Parker].

Mr. PARKER. Mr. Speaker, the consideration of this conference report involves two great questions. One is the mode of legislation. A conference committee, as I understand it, is appointed by the House and by the Senate to settle the differences between them. In this case that committee did nothing of the sort. It brings in a new and severe law. The House imposed an educational test, that the immigrant should read and write the English language or some other language; the Senate imposed the same test, that he should read and write his native language or some other language; and the conference imposes a new, drastic test, never passed by the House and never passed by the Senate, that he must be able to read and write the language of his native or resident country. That committee had no right to legislate for the Senate and the House of Representatives, and to frame a provision not approved in either one or the other, which goes further than either went. And, again, this House said by this act that men only should be submitted to the educational test; that is to say, that all women should be admitted free of that test. The Senate said all wives and mothers of families should be admitted without that test. Now, the question between the two Houses was only which was right, how far the exemption should be carried, because the House exempted mothers of families and the Senate did, too; and the only question was whether all women should be exempted. These conferees say that no woman shall be exempted, and they again carry legislation further than either the House or the Senate. They submit to us legislation that has not been adopted by the House or the Senate.

Mr. STEWART of New Jersey. Will my friend permit me to ask him a question?

Mr. PARKER. Certainly, if it is short, as my time is limited.

Mr. STEWART of New Jersey. Does the gentleman propose to say that it is not within the purview of a conference committee to suggest legislation not passed by the House or Senate?

Mr. PARKER. I do. I say it is not within the purview of a conference committee to suggest new legislation, to go beyond the matters in controversy between the two Houses, and to introduce matters which are not in controversy there. The function of a conference committee is to settle differences between the House of Representatives and the Senate, not to make new legislation.

Mr. Speaker, I have said that this is a great question, a question involving the powers, privileges, and prerogatives of this House, and the powers, privileges, and prerogatives of the Senate, but it is no greater than the other question that is raised by this bill.

Mr. Speaker, this century sees a movement of population, of their energies, ambitions, homes, and families, that no other time has seen. The movements of the nations when the Roman Empire fell, the movements of the period of the settlement of America, do not compare with that which we now witness. Go down with me to the city of New York. See on the one hand what gentlemen describe, and rightly describe, as pauperism and wretchedness which ought to be kept out, and on the other hand see the young father and the young wife and the young family leaving the old home, coming to the new land, with farewell on the mother's lips and with the earnestness of hope in the man's heart, and tell me what will you do to keep out the wrong and bring in the right? There may be doubt as to the efficacy of an educational test. There may be doubt as to whether the gentlemen who propose it want to bring in the failures in the professions and to keep out the peasant, whether they want to bring in the bankrupt, the anarchist, or the runaway scamp, and to keep out the hard-working honest farmer, like the Italians from the country places, who in my town constitute from 10,000 to 15,000 population and do not any of them seek for poor relief.

Perhaps it was not the intention of the framers of this bill, judging from the amendments they have now put in, to discriminate in favor of the house of Israel, who educate their children in the synagogues and teach them their duty to God, no matter how poor, how oppressed, how downtrodden they may be. The original bill did discriminate in their favor, and now we are almost told here that the conference report is designed to keep out the Hebrew! I doubt somewhat whether, when we are looking for hearts and hands and character, we can find them by putting the schoolmaster on the dock. But it is decided by this House, it is decided by the Senate, that we shall try that experiment, and all that I say is, Try it with prudence and discretion. If we wish to say that no man shall come here who can not read and write, let us say so; but let us not say that no man shall come here who has a wife who can not read and write, unless he leave her behind.

The report on immigration for last year shows that our difficulty was not that we got too many women, but that we got too few proportionately. The Commissioner of Immigration, in his twenty-nine different recommendations for the amendment of the immigration laws (not one of which is reported by the committee), has one in favor of keeping a strict lookout for men who leave their families in the old country and come here alone to earn money and send it abroad, in order that they may not be allowed to come over many times. The statistics show that men came here last year to the number of 212,000, and women to the number of only 130,000. We want the women to be nearer in number to the men. Do they compete with the labor of this country, or do they come as wives and bring families and cause money to be spent here? Of the women who came here last year 38,000 were servants, but the rest, including mothers and children, were mostly members of families. We want members of families. We do not believe that it is better to admit a man, no matter how well educated, to be separated from his family and to live here by himself. It is better neither for the country nor for him. I repeat, Mr. Speaker, this is a large question. I have here the Census of 1890. In the first volume, opposite page 92, I find a table showing the home-born and foreign-born. In my own city about one-third are born of American parents——

[Here the hammer fell.]

Mr. PARKER. I should like a minute or two more.

Mr. BARTHOLDT. I yield the gentleman from New Jersey two minutes more.

Mr. PARKER. I thank the gentleman. In my own city about one-third are born of native American parents, about one-third are foreign born, and one-third are born of foreign-born parents. Would you believe that that proportion is greater for the total of foreign born and those born of foreign parents in the cities of Rochester, Boston, Pittsburg, Cincinnati, Jersey City, Cleveland, St. Louis, Brooklyn, St. Paul, Buffalo, San Francisco, Detroit, Chicago, New York, and Milwaukee? Is not this, therefore, a question to be prudently handled?

I have thousands of foreign-born friends who in their independence of spirit cast their votes against me at one election, and who by the same independent votes aided in giving over 12,000 majority in the same city at the last election. I owe them my confidence, my belief in their honesty. I owe the country, on the other hand, strict enforcement of the laws against the pauper and against the criminal. But I do not owe to anyone, nor does the country owe to itself, the breaking up of families, the turning back of the wife of the household while we admit the husband. We do not owe to ourselves any harsh experiment with the great, growing pulse of the world, and any measure which is not certainly right (but is merely tried tentatively to see how it will work) should be moderate. We want no Russian passport system; we will have no absolute or oppressive law in dealing with human flesh and blood. We will try to do right by all.

The House bill and the Senate amendments both had full consideration and were moderated by a regard for the family. I can not believe it right to abandon both bills for a new measure which lacks that regard——

[Here the hammer fell.]

[Mr. CORLISS addressed the House. See Appendix.]

Mr. WALKER of Massachusetts. Mr. Speaker, I confess that this conference report, as it now stands, has stirred my blood more than anything I can remember since I have been a member of Congress. Can it be possible that we are forgetting the principles that we have stood for in the past? Can it be possible that we are forgetting to-day that we are a Christian nation? Can it be that we are forgetting that all that constitutes true manliness is the willingness of a man to sacrifice something of himself for others? Can it be possible that this bad measure is to be urged through the House on the plea that this measure must be adopted or a good measure can not be had?

I confess I shrink with extreme reluctance from adding any other prohibition to those already raised to impede immigration to this country. Have we forgotten so soon the motives and principles that moved our fathers or our grandfathers when they first came here? I tell you, sir, that we are none of us so far removed from the immigrant that we can lightly touch him by the smallest weight of our little finger or lay the burden of a hair upon him that we can possibly avoid in justice to ourselves. When we do restrict immigration, it should be done with the very greatest possible care.

Is the educational qualification the only one? Why, Mr. Speaker, the very worst class of immigrants that now come here can not only read and write, but they are, some of them, from the most highly educated classes. Such people are found in the ranks of the socialists, the communists, the anarchists, and the nihilists. They may come, and we have no means of excluding them. We have no law for their exclusion. Is it not better for our own interests and the interests of the foreign born who have already made their homes among us that the better class of honest toilers from these foreign countries should come here to balance their baneful influences? Is it not true that in the last election it was among these people—in our foreign-born population—we found the most conservative of our people? I say, sir, that the most conservative people during the last campaign and election were found in the immigrants who have made their homes amongst us. Almost to a man they were found honest, faithful to our institutions, and conservative.

The House bill was sufficienly drastic; but let us look for a moment at the condition of this bill as it is returned to us by the conference committee. Mr. Speaker, I would sooner burn off my right hand than cast a vote for the bill in its present condition, or if it is not amended in several particulars. In the first line of the amendment recommended by the conference committee I would insert the word "male," so as to read "all male persons physically capable," and so forth. In the second line amend by inserting "all persons speaking the English language," admitting anyone who could speak our language.

Do you want to exclude immigrants from Ireland, or any other persons who can speak our mother tongue? Some of the very best immigrants—in fact, the very best in the second and third generations, if not the very first, trying as they may be in certain characters, equal to Germans and Scandinavians in all good qualities which they bring here—are Irishmen. In a generation they are the Yankees of Yankees, the Americans of the Americans; and can we afford to exclude those whose mother tongue is English? Yea, verily, I do not believe that this conference bill can pass. I regret that a son of Massachusetts, yea, two sons of New England, should have set their hands to such a report as this.

Again, in the third line I would strike out the words "of their native or resident country" and insert "some other;" so as to read:

> Be able to write the English language or some other language.

Again, I certainly would add the words to the first section:

> *Provided*, Such child or grandchild shall give a bond with surety to provide such support.

And I certainly should add, again:

> This section shall not apply to any immigrant born on this continent or in South America.

I would welcome here the persons from our sister Republics on this continent and from South America. Has there been any trouble with immigration from those countries? If they desire to come here, is it a friendly act on our part to exclude them when there is no reason for so doing? Then, again, I have to say, notwithstanding the hot advocacy of the words in section 4, beginning—

> Or come regularly or habitually to the United States, etc.—

that that provision in the bill is very objectionable. I would not refuse to vote for this bill solely because those words are there; but I want to say to this House and to the country that we ought to cultivate friendly and not unfriendly relations with the Dominion of Canada. The day is not distant when they will become a part of us, I hope. Let us observe all comity between this country and that country, and I submit that this is an unfriendly act I submit, furthermore, that there are hundreds and thousands of our people who cross into the Dominion to labor, as the people of the Dominion cross into this country, and that this is a most unjustifiable proceeding. I submit that there is no act that any of us have committed during our service in Congress that we shall look back upon or that our children will look upon with so much regret as a vote to adopt, unamended, this conference report.

[Here the hammer fell.]

Mr. BARTHOLDT. I yield five minutes to the gentleman from Illinois [Mr. Cannon].

Mr. CANNON. Mr. Speaker, I have no hope of enlightening anybody in the remarks that I make, and I shall talk during my five minutes in order that I may place upon record the reasons touching my vote on this conference report.

I have no doubt, as none of us have, about the power to exclude any or all immigration. In the exercise of that power, I advocated and voted, many years ago, for the complete exclusion of the Chinese. I never have been better satisfied with any vote I gave than that. Later on I voted for the legislation on the statute books prohibiting the importation of labor under contract. Later on I voted for the legislation excluding paupers. Now there seems to be a desire to further exclude immigration and to apply the intelligence test. Very well; I am inclined to think that is desirable. We have a great common school system in this country, the best on earth, I suspect. We claim so, at all events. It is an exceedingly expensive system, but the very object of it is to make the sovereign competent to rule the country.

Now, it is quite proper, if we pursue that course at home, that we should shut out those—if the time has come to do so, as it seems to me it has—who have not received similar training elsewhere. We have a legal right and a moral right to do it, and it seems to me desirable. Therefore I voted for the House bill.

Well, now, here is the House bill, and I want for just a minute to tell my trouble. It lets in anyone who can read and write in English or some other language. That is the House measure. I voted for it cheerfully. The Senate, by amendment, let in anybody who can read and write the language of their native country, or some other language. Now, there was that disagreement between the two Houses. The bill went to conference. Here is the conference report:

> All persons, etc., who can read and write the English language or the language of their native or resident country.

Now, why did they put that in instead of the Senate provision or the House provision? I have been trying to find out. There are twenty or thirty languages spoken in the Russian Empire. There are large numbers of people who are desirable immigrants who can not speak the language of that country, but who speak the German language, or, perhaps, other languages. Does that provision shut them out?

Mr. BARTHOLDT. It does.

Mr. CANNON. The gentleman says it does. Others say they do not think it does. Others say they doubt. Why have any doubt? If it is desirable to shut out all subjects of Russia, shut them out. If it is desirable to shut out all citizens of any other country, then shut them out. But let us do it in a manly, square way, so that there will be no doubt of our intention. Now, for the reasons indicated, as I do not believe this conference report accomplishes what it was intended to accomplish, as it is ambiguous, I would sooner vote down this conference report and ask another conference, and instruct our conferees what the will of the House is.

But gentlemen say it is this or nothing; that somewhere or other, from out the vasty deep, there is some mysterious person or influence that is going to hamstring any legislation unless we adopt this conference report. Well, who is it? What is it? Trot out your bogie. Name him. Here we have yet six weeks, almost, of this session. There is quite enough time for this conference committee to meet again and again. If I am informed that I must take certain legislation of doubtful construction, I object. If I am informed it is that or nothing, then I say, "Construe it to me;" and if they refuse to do it then I will throw the responsibility upon somebody else. My people desire legislation concerning immigration, but they do not desire legislation regardless of what it is.

[Here the hammer fell.]

Mr. DANFORD. I yield five minutes to the gentleman from Massachusetts [Mr. Morse].

The SPEAKER. The gentleman from Massachusetts [Mr. Morse] is recognized.

Mr. MORSE. Mr. Speaker, I very much regret the absence of my distinguished colleague, Mr. McCall, whose name this bill bears in this House. I am, however, fully persuaded that if he were present, he would urge upon the House the acceptance of the conference report.

In reply to my colleague, Mr. Walker, who has just made a speech in opposition to the conference report, I have to say that it pains me to differ from my colleague, but I am very sure he misrepresents the Commonwealth of Massachusetts and the Republican party in this matter; and I call the attention of my colleague, Mr. Walker, to the fact that at the last Republican convention held in Boston for the nomination of State officers, which was one of the largest and most enthusiastic conventions of the party which I ever attended in Massachusetts, resolutions were adopted on the subject of this bill.

And I call my other colleague, Mr. Moody, who was chairman of the committee on resolutions in that convention, to witness that a ringing resolution was adopted, calling on Congress to pass legislation for the restriction of immigration, and indorsing this very bill which is now under consideration, known as the McCall bill, and indorsing it in the most emphatic manner. And the resolution on this subject was applauded as was no other resolution in the platform adopted by the convention. I think my colleague, Mr. Walker, will vote alone against the conference report. I am persuaded that every other member of the delegation of the twelve Republican members from Massachusetts will vote or pair in favor of the conference report.

Mr. Speaker, I have objections to this bill, and my principal objection is that it is not drastic enough to suit me; the bill does not go far enough in the way of radical legislation for the restriction of immigration such as the country demands. The door is still open for the admission of Mormons, communists, nihilists, anarchists, bomb-throwers, and criminals who can read and write. I have no doubt, however, but what the bill will exclude a very large and undesirable class of immigrants that are now being emptied on these shores.

My State is being overrun by a very undesirable class of immigrants from southern Europe, whose wants and necessities are much less than those of the laboring people of Massachusetts. The labor market of my State is being glutted, and thousands of honest workmen are out of work in consequence, and the cry is loud and long and imperative for legislation on this subject.

The laboring people of this country, especially in the great cities of the country, are being driven to the wall. I am in favor of the Republican principle of protection for the American manufacturer and the American laborer as well. Much has been said on this floor during this debate about the development which has come to our country from foreign immigration. I grant the truth of that claim, but I call the attention of this House and the country to the fact that the class of immigrants which formerly came here and developed not only the Eastern but the great Middle and Western States were of an entirely different class from those that are now being emptied on these shores. Mr. Speaker, where did they come from? They came from England, from Ireland, from Scotland, from Wales, from Germany, from Norway, and from Sweden. They brought with them a standard of civilization kin to our own; they came desiring to become American citizens. Where is the great tide of immigration coming from now? From southern Europe, from Russia, from Italy, and from Greece. Entirely a different class of immigrants, with a civilization, with wants and necessities, far below the American standard. And the purpose of this bill is to exclude that undesirable immigration.

The gentleman from Louisiana [Mr. BUCK] read the Free-Soil platform, adopted in 1856. He read the clause to the effect that this country welcomed foreign immigration, that this country was "an asylum for the downtrodden and oppressed of every land." I believe that phraseology might be changed to-day, and might be amended, so as to declare that this country was the dumping ground for the offscourings of all God's creation. It was well said at the other end of this Capitol building that some of the immigrants that were coming here now brought with them little else than an alimentary canal and an appetite.

The gentleman from Missouri [Mr. BARTHOLDT], chairman of the House Committee on Immigration, quoted Scripture to sustain his opposition to this conference report, about our duties toward "the stranger that is within our gates," about our duties toward "the widow and the fatherless." I admit, Mr. Speaker, that we have some duties toward that class, but I would like to read to the gentleman from Missouri from the Apostle Paul. What did the great Apostle to the Gentiles say? This is what he said, Mr. Speaker: "He that refuses to provide for his own household is worse than an infidel and hath denied the faith." I vote for this bill to restrict immigration because I believe self-preservation is the first law of nature, and because I believe that a man's first duty is to his own family; his second duty is to the community, the town, the city, the state, or the nation in which he lives. It is a beautiful theory, announced by the eloquent gentleman from Louisiana [Mr. BUCK], that all the world is a band of brothers. If their civilization, their modes of living, and their wants and necessities were the same and were up to the American standard, there might be no call for this legislation; but unfortunately they are not. A Chinaman can live on a little rice a day, and dress in paper; an Italian laborer, as I have seen with my own eyes, can make a satisfactory meal out of half a loaf of dry bread, without meat, without butter, without education for his children, without the most common necessities of an American workman; and while this condition of things lasts the cry is loud and long and imperative for radical legislation for the restriction of immigration.

No, Mr. Speaker: I am opposed to shaking up the 60,000,000 of my countrymen with the 450,000,000 Mongolians in the Chinese Empire, or with the millions of degraded people of southern Europe, and striking an average. Mr. Speaker, it is high time to call a halt in this immigration business; it is a serious question, deserving the attention of the patriot, the philanthropist, and the statesman as to how far our country can go in incorporating into its body politic these dangerous and hostile elements that are now being emptied on these shores.

Mr. Speaker, much has been said against this conference report because it is alleged that it will separate a husband from his wife; the gentleman from Missouri [Mr. BARTHOLDT] drew a pathetic picture, which nearly brought tears to the House, of a man and his wife who had arrived at New York and one was taken and the other left. Mr. Speaker, this is perfect nonsense; the man and wife would not be separated unless they wanted to be; they would know before they started whether they could be admitted or not. Aye, more than that; neither one of them who was not eligible would be allowed to start at all, because the steamship companies would have to carry back, at their own charges, immigrants who were not admissible, and you may be very sure that they would have tests at the port of embarkation, and no man or woman would be brought here who was not entitled to admission under this bill, if it shall become a law; so that argument goes for nothing.

Mr. Speaker, there are some things in this conference report that I do not like—that Cuban jingo provision on the end of it. I would like to eliminate that, but I can not; and to vote to send this bill back to conference, in my judgment, is to vote to send the bill to its death. If exception was to be made of any nationality or people on the score of their present dire distress and persecution, we might well have excepted the Armenians of Turkey, whose cruel oppression by the Sultan's Government is known of all men, and whose cry of distress appears to be unheard at present by mortal ear and heard only by the pitying ear of Heaven. Any conference agreement is necessarily a compromise, and the virtues of this bill as it stands are many and its faults are few, and I certainly hope and believe the House will agree to this conference report.

So far as the immigrants' qualification to read some language is concerned, i. e., "the language of his native country or of the country of his residence," the objection raised to this section by the gentleman from Missouri [Mr. BARTHOLDT] is a mere bugaboo and goes for nothing. Every man in this House knows that the Commissioner of Immigration would give a liberal construction to this provision, and that any man or woman of the prescribed ages who could read and write the Constitution in any language would be eligible to admission to the country under the provisions of this bill. I am sure, Mr. Speaker, that the House will not be misled as to the motives of some of the gentlemen on this floor who are opposing this conference report. They are really opposed to any and all legislation on the subject of restriction of immigration. We are drawing near the close of the session; the time is short; to refuse to accept the conference report is to defeat the bill.

Mr. Speaker, finally and lastly, I believe this legislation vitally concerns the welfare and perpetuity of this great Republic, the wisest and best and most munificent government the sun ever shone upon. This legislation vitally concerns the welfare of this great country, a country upon which the sun never sets, for the morning sun which gilds the rock-bound coast of Maine is the twilight and setting sun of far off Alaska. Let us be faithful to the trust committed to our care; let us see to it that the Republic gets no injury at our hands, and that we transmit to our children and those that shall come after us the blessings of constitutional government, the blessings of civil and religious liberty that have been bequeathed to us by our fathers unimpaired.

Mr. Speaker, to that end I submit once more that the demand for radical legislation, for the restriction of immigration, is imperative. Every political party in its recent convention has demanded this legislation. The people demand it. I say the cry is loud and long and imperative, and shall we turn a deaf ear to this demand and refuse to accept this conference report as the best attainable measure possible? We can not; we must not; we will not.

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. WILSON of South Carolina. Mr. Speaker, we are not a selfish people, as stated by the gentleman from Louisiana [Mr. BUCK], and we are not unsusceptible to appeals to our sympathies in behalf of humanity. The fact that all the appeals that have been so far made upon the floor of this House in opposition to the adoption of the conference report have been of such a character is the best evidence that gentlemen making them realize that fact.

But, Mr. Speaker, we are sensible of our duty to our American citizens, our obligation to see to it that American labor is protected in the humble right of securing a livelihood in its own country. That is the purpose of this proposed legislation. That is the foundation upon which it rests; and, so far as I am concerned, I wish no further justification of my own action than that, with the light before me, I have done my best to protect those in this country who can not protect themselves.

On our statute books are laws which perhaps are responsible for the present condition of labor, by which tramps are scattered all over the country, by which our highways are filled with those whose hands and arms should be busy at the forge or in the machine shop or with the spindle. If this Congress, or Congresses that have preceded it, are responsible for those laws by which labor can not get employment in this country, the least we can do is to see to it that labor is relieved from as much competition as possible.

Mr. Speaker, there are three things admitted in this debate. One is that labor all over this country wherever it has spoken has spoken in favor of the restriction of immigration. That can not be denied. No single labor organization has ever raised its voice in opposition to this legislation. Another fact is that this House

has already placed the seal of its approval upon legislation of this kind. In fact, I may say it is already res adjudicata, because this House at its last session, by a vote of 195 to 26, passed a measure which I shall show a little later on differs but slightly from that which we are now asked to approve by the adoption of this conference report.

The fact is that all over the country there is the demand of the people, irrespective of party, irrespective of conditions, that immigration be restricted. I must qualify that statement. It is not the demand of all the people, because there are organizations in this country, there are corporations arrogant in the might of their power, eager in their purpose of obtaining the guinea which is music to their souls, to whom the only liberty that should be worshiped is that engraven upon the almighty dollar, the love for which alone controls them in all their actions. There are such corporations; and there are newspapers in this country to a certain extent controlled by those corporations. The influence and the power of those corporations are opposing this bill, and opposition comes from no other source.

And, Mr. Speaker, the letter which was read in the hearing of this body is enough to make the blood boil in contemplation of the efforts on the part of these steamship companies to dragoon this House and its members to support a bill contrary to their own ideas of what is in the line of their duty. Could it be suspected that a member on this floor would yield to the influence of the spirit contained in that article: "If you do not oppose that bill, it will cost you your election." Who gave this steamship company the power to dictate to Congress what it shall vote for or what it shall not? How dares any corporation, no matter how proud in the height of its monetary power, to declare to a member of this House, "Vote for this bill, or at the next election you shall be among the missing?" That is the influence which is antagonizing this bill—the influence of corporations that gather from every immigrant coming across the waters twenty shining dollars.

I say, Mr. Speaker, the last session settled this question upon its merits. The pages of the RECORD show the whole case that has been presented to-day. The matter coming before us now is a conference report from committees of the two Houses, who have made an effort to reconcile differences and to present a bill such as we believe the country wants, and such as we think will meet the demands of the people.

The country wants immigration restricted. The difference between my friend the chairman of the House Committee on Immigration and myself is that he is fearful these provisions are so rigid that they will keep out a class of undesirable immigrants. My position is that I want this class of undesirable immigrants kept out. He thinks that the keeping out of the wife of an immigrant may keep out the immigrant. I say if it does, so much the better for this country, if that immigrant is an undesirable immigrant. That is "the milk in the cocoanut." This educational test is not child's play. It is put forward here for the very purpose of excluding undesirable immigration. The figures presented by the gentleman from Pennsylvania this morning disclose the fact that the educational test will exclude the very class of immigrants that we do not wish to come in. There were 68,000 of them last year. And of the 84,000 increase of immigration into this country for last year, 78,000 have come from those countries that gave us our undesirable immigrants.

Mr. MILES. As I understand the gentleman's position, he favors this bill because it is a class test rather than an educational test.

Mr. WILSON of South Carolina. It is a class test, applying the word "test" to the desirability of the immigration. The object of this test is to exclude undesirable immigrants; that is the prime purpose. No measure, except this, can be framed by which undesirable immigration can be kept out. All other tests, all other efforts, have failed.

Now, let us come down to the objections raised to the conference report. What are they? One is that the bill as reported does not allow the wife, if illiterate, to come in with her husband. This objection is based on the supposition that somebody is compelling that husband to come into this country. Now, I think that if a husband will leave his wife even for the purpose of becoming an American citizen and getting the rewards of American labor, such a man is unworthy to become a citizen or even a resident of this country. It is within his own volition whether he will come here or stay in his own country. If he is a man who is willing to pick up bag and baggage and come, leaving his poor, helpless wife behind him, he is the very kind of a man who ought to be kept out of this country.

Several MEMBERS. But you propose to let him in.

Mr. WILSON of South Carolina. No; because he will not come without his wife.

Mr. MAGUIRE. Then he is not the kind of a man you speak of.

Mr. WILSON of South Carolina. If this man should leave his wife and come to this country, he would not be a fit subject for all this sympathy; he would be a very undesirable addition to our citizenship, but one we could not bar because he would come within the test. But I say such people would be rare because of the application of the principle of which I have just spoken.

My friend from Missouri should measure himself by the position which he occupied here last session. Then he was willing to allow the immigrant to come into this country if he could read and write, leaving behind him his old, decrepit, helpless grandfather, who perhaps was entirely dependent upon him for support, to whom he was the staff of his old age and should be the strong arm for his support and protection. The gentleman was so heartless, so cruel that he was willing that an immigrant should be permitted to come into this country, leaving at home the old grandfather whom he was bound to protect and care for, but becomes sentimental when the same provision is applied to the wife.

The test must be applied somewhere. If you carry the illiterate wife away, what are you to do with the boys between the ages of 16 and 21 who can neither read nor write? They are also subjects of our sympathy. They should not be left there alone. Why, Mr. Speaker, it is enough to cause "tears of iron to roll down Pluto's cheek" to think of separating mother from child, father from old grandfather. But it all must be done if your bill stands as it was when it left the House. And if you admit the wife, as it is sought here to do, the effect will be to admit her father and her grandfather—in fact, to bring in the whole family.

Now, under the application of tests designed to keep them out, the wife who can not read and write will be excluded, and the children also, if they are 16 years old, and can not read and write; but the old father or grandfather, if they are 50 years of age, can come. The effect will be that hundreds will be kept out of the country who would otherwise come, if they could bring the illiterate members of their families with them.

Now, so far as the question of language is concerned, the intention of the committee was to make the provision broad enough to cover all those who would come into this country; those who could speak their native language, or if they had left their native country, then the language of the country of their new residence. Is that not broad enough to cover any reasonable or ordinary individual who wants to come? There may be some peculiar classes of people in Europe who are so careless of their own advancement that they would not even take the trouble to learn to read or write their own language, or take the trouble to learn to read and write the language of the country in which they are living, not their native country. But at the same time they may know the language of some country other than their own, that they have picked up in their peregrinations. Such classes of citizens, I say, are not and can not be desirable immigrants for this or any other country.

As I stated last spring, and as I repeat to-day, this is not a political question, but a question which has received the approbation of both political parties. The Chicago and the St. Louis conventions both declared for such legislation. Let me read, for the benefit of the members of this side of the House, what the Chicago convention said:

> We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

How are you to prevent it? How will you carry out that pledge in your platform? How will you make it operative? The only way that can be devised is by the application of an educational test which will keep out that class of paupers.

The Republican party has gone still further, and declared in favor of an educational test in this very platform, making no exception whatever. Upon that declaration you went before the country, and upon that you got the great foreign vote. Yet for my own party, no better day could dawn upon Democracy through the influence of any one measure than when the majority of that side of the House shall repudiate the declaration of your party in that platform.

Mr. FISCHER. Let me ask the gentleman a question. If a man should leave the old country and come to this, leaving his wife at home, intending to send for her after he had acquired a residence, and should commit bigamy here, on the passage of this bill would it not be impossible to prosecute him for that crime?

Mr. WILSON of South Carolina. Under the conference report the wife who could not be permitted under the provisions of the bill to land, or to be sent for by the husband, can be brought here without inflicting an injury upon any individual in this country, because the report itself provides that the act shall not go into effect until the 1st day of July, and during the six months intervening every possible contingency that can be suggested may be provided for by husbands availing themselves of that postponement of the operation of the act.

So I am satisfied that the bill as it stands is a good one, and the members of the House will come to the conclusion, I think, that if the educational test is to be applied as it is here applied it will inflict the less damage and the least evil that can possibly happen, and at the same time exclude undesirable immigrants.

It is no small matter when we reflect upon the fact of their coming here at the increase of 33 per cent a year, with our own labor out of employment to the extent of one and a half millions of men to-day, and the condition daily becoming worse. These men out of work have for their only hope of relief this appeal to this Congress.

[Here the hammer fell.]

Mr. BARTHOLDT. I yield now seven minutes to the gentleman from Iowa [Mr. DOLLIVER].

The SPEAKER. The gentleman will have then three minutes of his time remaining.

Mr. DOLLIVER. Mr. Speaker, I voted for the original House bill, though with very grave doubts as to the feasibility of the test of illiteracy which it applied to persons seeking a home in the United States. If a man's education were in any sense an index of his character, it might be accepted with less reluctance as the pledge of his good citizenship after his settlement among us. But I admit the difficulty of finding any basis for the exclusion of aliens not open to objections more or less forcible. We must deal with the problem as we find it. After all, the test of illiteracy is perhaps less open to complaint than any other that has been proposed, though we know that many a man has found these shores, both poor and ignorant, whose influence in the community has illustrated all the virtues of good citizenship.

Nevertheless, in common, I believe, with nearly everybody in the House, I gave my assent to the House bill. Nor should I have any hesitation in giving my assent to the bill which, after prolonged debate, passed the Senate; but I do not feel any sense of duty to approve the conference report. This report generously concedes everything to the House. It says that the Senate recedes from its amendments and agrees to the House bill, and then it proceeds to strike out of the House bill every sentence after the enacting clause, and adds a variety of matter not in either bill. I am opposed to the conference report, because, unlike the House bill, it undertakes to deal with the family as if it were not a unit, admitting a man without admitting his illiterate wife. I believe that no immigrant to the United States is desirable who is placed in the attitude of deserting his family, and I regard it as vastly more important for an immigrant to enjoy the society of his wife than of his grandfather, as this bill humanely enables him to do. [Laughter.]

I do not, however, desire to approach the question upon mere sentiment. Our friends who are in favor of the bill have dismissed all considerations that might lead us to regard the anxiety of a man to bring into the country to which he has immigrated the loved ones who surrounded him in his native land. And yet these very gentlemen who have dismissed with satire that sentiment, have graciously admitted into the bill a provision in favor of Cuban refugees. It will bring, and undoubtedly was intended to bring, a thrill of satisfaction and joy to the insurgent camps of Cuba to find that after two years' of debate the American Republic has nobly conceded to the Cuban patriots the right to enter the United States without a civil-service examination. [Laughter.]

I believe that we are, in all political parties, prone to exaggerate the dangers of immigration. Already we have heard in this debate all the misfortunes of American labor attributed to the immigration of laboring people into the United States. For one I do not believe that the honest labor of a man in any avenue of human employment diminishes the opportunities of life. If it is true that every laboring man added to the population of the United States crowds and jostles everybody else, then the prospect of civilization is melancholy indeed. If there is no more room in the world; if the United States is cursed and not blessed by increasing population; if the census of 1890 is a token of disaster and not a monument of progress, then we should adopt the gloomy view once indulged by Professor Huxley and hope that some friendly comet might smite the earth and end once for all the tragedy of social life. Gentlemen, this can not be a sane and profitable outlook on human affairs.

The addition of an intelligent workingman to the productive resources of the United States, instead of taking away from any man's chances in the world, broadens and enlarges all the opportunities of modern society. [Applause.] Therefore I feel that we are likely to overstate the dangers of immigration. It is one of the peculiar glories of the American Republic that in the last forty years we have taken millions of people out of the poverty of the Old World and given them an American prospect in life. My friend from Indiana [Mr. JOHNSON] says that we ought to exclude the anarchist, the pauper, the criminal. We have done that, and I believe that an effective execution of the laws now on the statute book is all that would be necessary to reconcile my friend from Indiana [Mr. JOHNSON] to the general course of civilization in the United States. [Laughter.]

We are at fault when we lay all the evils that beset us to the admission of aliens. The radicalism of to-day, the dangerous social and political agitation of our times does not speak a foreign language. It does not inherit either its ideas or its purposes from any foreign country. Even in Chicago, when we had to grapple with the perils of anarchy, it was an Irish policeman, Michael Degan, whose murder brought on a great trial by jury, at the end of which the law of the land was vindicated under the directions of Knute Matson, a Norwegian sheriff of Cook County, Ill.

In the neighborhood where I live we have always been anxious to have people come in and make their homes among us. For years we maintained a bureau for the purpose of inducing immigrants to settle our prairies. The whole Western country would to-day be an uninhabited wilderness if we had not been able to persuade intelligent working people from many lands to make their homes there. For one I can not think that the time has come to utterly abandon this policy and to send a hostile message to the industrious millions of the Old World who love, even afar off, the banner of the Republic. [Applause.]

Mr. JOHNSON of Indiana. Did I understand the gentleman to say "intelligent men and women of the Old World?"

Mr. DOLLIVER. Yes.

Mr. JOHNSON of Indiana. I thought so. This bill is not aimed at intelligence.

[Here the hammer fell.]

Mr. BARTHOLDT. Does the gentleman on the other side desire to occupy any time now?

Mr. DANFORD. I will yield two minutes to my colleague from Ohio.

Mr. BARTHOLDT. If it is the desire of the House to vote, I am perfectly willing. [Cries of "Vote!" "Vote!"]

Mr. DANFORD. If the gentleman does not desire to occupy his time, I will yield to another gentleman.

The SPEAKER. Does the gentleman desire to occupy any further time?

Mr. BARTHOLDT. If the House desires the vote to take place now, I am willing.

The SPEAKER. The gentleman from Ohio gives notice that he will yield time to another gentleman.

Mr. BARTHOLDT. Then I shall yield three minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Speaker, there are two reasons which in my judgment render it inadvisable to adopt the conference report which is now before the House. One is, as the gentleman from Iowa has so felicitously said, that while the bill permits the immigrant who possesses the legal qualifications to bring in his grandfather, it prohibits him from bringing in his wife, if unfortunately she should be unable to read and write.

Another, Mr. Speaker, and more serious objection is that the bill discriminates against those foreigners who have already immigrated, many of whom have already become American citizens, by preventing them from bringing to this country their parents or their children, unless their parents or their children should be able to stand, as the gentleman from Iowa expresses it, a civil-service examination. These features of the measure are, in my opinion, indefensible, and ought by all means to be corrected. I do not participate, Mr. Speaker, in the idea that foreign immigration is an unmixed evil. I do not think that we should, by restrictive legislation, prevent a desirable class of foreigners from coming to our shores. We want as many of them to come South as can be induced to do so, at least for some years yet. While, sir, I think it is entirely proper that we should restrict and prevent, as far as possible, the immigration of the classes which will not make good citizens, yet I think that this bill is entirely too radical in its provisions, and that it ought at least to permit those of our foreign-born citizens or residents who are with us to bring to their adopted country their parents or their children. It is going beyond the bounds of all reason to say that a man who is qualified under the present law to be admitted to our territory shall not be able to bring with him his wife and his children under the age of majority because they are unable to read and write the English language or the language of their country or of their residence. For these reasons, Mr. Speaker, not to speak of others which present themselves to me, but which I have no time to elaborate, I shall be compelled to vote against the bill.

Mr. DANFORD. I yield such time as he may desire to the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER. Mr. Speaker, while one or two of the provisions of this bill do not meet with my approval, I shall vote for it, because I fear that if we do not now pass the bill we shall not pass it at the present session. I think that, in one or two respects, the language could be made more accurate and satisfactory, but the objectionable features do not reach the merits of the controversy. If the construction which is suggested by its opponents should be put upon the bill and any unintended hardship follow, I am sure that a succeeding Congress will be swift to correct the error. I am too much interested in the subject and too desirous of speedy relief to jeopardize what is in sight for relatively immaterial details.

Mr. Speaker, it is the philosophy of protection which lies behind and justifies this bill. It is the law of self-preservation that demands it. It is quite as necessary that we should protect ourselves against cheap labor as that we should protect ourselves against the products of cheap labor. It is just as important that we should defend our civilization against the ravaging inroads of other civilizations when those ravages come through the immigration of cheap labor as when they come through the product of that labor. The forcible remarks just made by the gentleman from Indiana [Mr. JOHNSON] followed this line and struck, as it seems to me, to the very heart of this controversy.

The civilizing process, so far as it relates to the products of cheaper labor, comes through protective-tariff acts. We can not civilize the goods themselves, but we can prevent their invasion of civilization; that is to say, we can prevent their lowering the rewards which the American citizen receives for his labor. It is the purchasing power of this reward which fixes the character and quality of our civilization.

The civilizing process, so far as it relates to the importation of the cheap labor, comes through laws restricting immigration. How can these laws so operate as to minimize the deteriorating effects of modern immigration?

Viewed from one standpoint, two classes of people have come to this country from other shores. One is made up of peoples who, when they mingle with the American people, become Americans; of those who freely and naturally commingle with our people and our ways; who raise themselves to the American standard; who love the American flag; who become all that the American people are. In a few years they are welded to the old stock, leaving impressions and taking impressions, and producing a generally homogeneous result.

The other class possesses no inherent capacity to assimilate. They do not, except in rare and noticeable instances, become absorbed into the tissue of our own people. Their fiber never changes. Though among us and apparently of us, they are aliens in spirit, in tradition, and, generally, in language.

Such a people, in the broadest and most patriotic sense, can never be said to be desirable elements in our social fabric.

If what I have said be true and be understood, I need not waste words of eulogy on those splendid people who, though of foreign birth, have helped to make our country what it is and who share with us a just pride in the magnificent empire which they have helped to make magnificent. They are less Americans than I take them to be if they oppose the spirit of this measure.

The disturbing, the threatening, fact is that the character of our immigration has radically changed in the last twenty-five years. From some countries we have received a brave, stalwart, and desirable people; from others we have received an increasing horde whose influence is, and has been, distinctly deteriorating and demoralizing. It is against the latter that we would rouse the spirit of patriotism, and, if that will not suffice, we appeal to a spirit of self-interest.

The proof is at hand. By the census of 1890 we learn that out of every million of native-born white inhabitants of the United States 898 were inmates of prisons; out of every million of foreign-born whites 1,768 were inmates of prisons.

Out of every million of native-born whites, 829 were paupers in almshouses; out of every million of foreign-born whites, 3,131 were paupers in almshouses.

To put it in another form, in proportion to the population there are twice as many foreign-born white prisoners as native born. There are nearly four times as many foreign-born white paupers as native born.

Comment is unnecessary, if not misleading. No eloquence could paint in more vivid words the appalling facts which these figures present.

Let us now examine another item of proof more convincing, perhaps, than that just adduced.

During the year ending June 30, 1896, the number of immigrants landed at ports of the United States was 343,267. These brought with them money amounting to $4,917,318, or $14.30 each. How long did that sum suffice to support these new additions to our idle millions? How long was it until these poor people became a public charge or took the bread out of the mouth of some American workman or workwoman by underbidding for his or her job? Is it for any such purpose that our gates are thrown open and the toiling masses of other lands invited to come in? Have those who are here no rights that we are bound to respect? Every man who was born under or has adopted our flag has an equal right with every other, but I submit that he has a greater, an infinitely greater, right than those who are yet in the homes of their fathers across the water. Unhappy the country and distressed the people which do not recognize and assert that right.

In the same connection we learn that, while the average amount brought by the German immigrant was $30, the Russian brought $6.75, the Italian $8.50, and the Austro-Hungarian $11.70. No man can contemplate these unhappy people without pity; but his pity is more bountiful and effective if expressed before its unhappy object has left his home in another country.

From June 30, 1885, to June 30, 1896, the number of immigrants landed at our ports was 4,694,120, and of this amazing number approximately 2,500,000 were males above the age of 15.

The prosperity of this country has been threatened, and adversity has been and is upon us. Many causes have conspired to produce this result. Has the introduction of 2,500,000 able-bodied workmen affected it any? Doubtless we can absorb many thousands of immigrants every year, but we do not want to absorb any that we can not assimilate.

Forty per cent, I think, of the immigration of the last ten years has been distinctly undesirable. It has demoralized the social conditions in many sections of the country. It has demoralized labor and wages wherever it has gone. If there is work for him to do, the immigrant who is ready to come up to the American standard of living is a gain to the community to which he comes. The immigrant who will not raise himself to our standard is a menace to our civilization, no matter how much work there may be for him to do. He has no proper place among us.

These ought to be self-evident facts; yet we find them disputed. I protest that America is not an asylum. We want all to come for whom we have work and who can understand us and become a part of us; but we do not want and do not welcome any others. Let no man mistake the temper of the American people on this point.

But let us see now if this educational test is calculated to mitigate the evil from which we suffer and from which, if relief does not soon come, we must suffer more.

While intelligence is not the criterion of virtue, it yet furnishes, along broad lines, a reasonably safe test. We do not need to look about us to find our proof. It is not to individual instances that we need to point. Indeed, it is not to any general law or to any generally accepted idea of the value of intelligence that we need to look. Considered in relation to its application to this subject of immigration, we have only to look to the statistics of immigration for the past year. Let any doubting Thomas look at these figures here presented.

Illiteracy of immigrants over 14 years of age, year ending June 30, 1896.

Nationality.	Number arrived over 14 years of age.	Illiteracy.			
		Can not write.	Can not read or write.	Total illiteracy.	Percentage of illiteracy.
Austria-Hungary:					
Bohemia and Moravia	2,096	9	231	240	11.45
Galicia and Bukowina	11,165	634	6,107	6,741	60.37
Other Austria	16,261	434	5,481	5,915	36.38
Hungary	27,531	653	12,154	12,807	46.51
Belgium	1,003	1	144	145	14.46
Denmark	2,729	2	24	26	.95
France, including Corsica	2,112	8	95	103	4.88
Germany	25,334	37	713	750	2.96
Greece	1,984	3	517	520	26.21
Italy	57,515	25	31,374	31,399	54.59
Netherlands	1,152	....	48	48	4.16
Norway	7,818	36	57	93	1.18
Portugal	2,067	17	1,589	1,606	77.69
Roumania	604	2	125	127	21.03
Russia (proper)	35,196	1,667	12,816	14,483	41.14
Finland	5,576	274	385	659	11.82
Poland	517	17	230	247	47.78
Spain	329	19	33	52	15.81
Sweden	18,824	73	146	219	1.16
Switzerland	2,022	....	16	16	.79
Turkey in Europe	140	4	40	44	31.43
England	15,622	93	757	850	5.44
Ireland	37,496	153	2,473	2,626	7
Scotland	2,806	41	119	160	5.70
Wales	1,140	4	139	143	12.54
All other countries	11,476	860	2,317	3,177	27.16
Grand total	290,526	5,066	78,130	83,196	28.63

It requires only a cursory examination of this table to disclose some interesting and exceedingly instructive facts.

Among other things to be discerned in it is that the ability to read and write would seem to be a reasonably safe test of the desirability of an immigrant. No doubt there are many illiterate immigrants who will make good citizens, and many immigrants who can read and write who are wholly undesirable; but, in the main, this table indicates that the proposed test is strikingly and unexpectedly feasible and effective.

Mr. Speaker, the gentleman from Louisiana [Mr. BUCK] made a very eloquent and forcible speech against the imposition of any barrier against the admission of foreigners to our shores; yet he admitted that the American people wanted such a measure as this passed, and declared that even in his own city, among his own constituents, there was an overwhelming sentiment in its favor.

He was, of course, compelled to assert that his people were wrong, and that their sober second thought would lead them to the other opinion.

I am ready to admit, Mr. Speaker, that the people are sometimes wrong: perhaps they are often wrong. If this question had sprung up in a day; if we had not had time for reflection; if the American people in the field and workshop, busy or idle, at work or in the quiet of their homes, had not been for years thinking upon these things, it might, with some force, be urged that they had not given it fair and calm consideration. But they have been thinking of it, they have been suffering, and they have apprehended at least this cause of their sufferings. They have convictions stronger, deeper, more uncompromising on this subject than on any other in the domain of politics, and they demand action, prompt, vigorous, and effective. Shall we give it to them, or shall we, in the calm comfort of our own surroundings, say that they do not know what they want? For my part I have neither the desire nor the presumption to disobey them.

Mr. Speaker, let me indulge a moment in retrospect. The day after my first nomination as a candidate for Congress I addressed, to a gathering of my fellow-citizens who had assembled to congratulate me, the following words:

> We welcome to the soil of America every man who can become and expects to become a respectable and industrious part of our people; who can assimilate our ways and our civilization; who will become in the highest and best sense an American. It has been said that the gates of Castle Garden swing inward. That is right; they ought to swing inward; they must swing inward. But they must be locked. They must open only to him who holds the key: the key of intelligence, of morality, of health, of civilization; above all, the key of peace and good order. They must not open to the touch of every vagabond and criminal, of every anarchist and pauper, of those who can not live and will not live as our American people live. They must not open to the touch of him who may hope, or whose training may lead him, to inject the virus of his contamination into the healthy life of this patriotic and law-abiding people.
>
> And so I say that the policy of protection implies not only protection against cheap goods, but protection against cheap men. Tariff laws will not be fully effective if they are not supplemented with wise and just laws restricting immigration. Upon this question I have the most profound and determined convictions, and they will find expression if I take a seat in Congress.

On this, the first opportunity which has presented itself to keep that pledge, I take pleasure in fulfilling it. It is a source of satisfaction to add that time and experience have made more profound and determined the conditions which I then expressed, and to renew the promise that my voice and vote will always be found on the side of a cause so justly entitled to the approval of the American people.

The SPEAKER. The time of the gentleman has expired.

Mr. DANFORD. I yield such time as he may desire to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, how much time is yielded to me?

The SPEAKER. The gentleman has until 1 o'clock and 15 minutes—twelve and one-half minutes.

Mr. HEPBURN. Mr. Speaker, this question of restricting immigration ought not to disturb gentlemen because of any possible partisan character it might under other circumstances have, for the reason that both of the great political parties have declared in favor of its restriction. It is true, Mr. Speaker, that at all times we have not been absolutely frank upon this question in our expressions, and in some of the reasons that are given for the various provisions of legislation that have engaged the attention of the House gentlemen have not always been ingenuous. I undertake to say that the purpose of the great mass of the people of the United States, and of members of this House, in discussing this kind of legislation is to curtail largely the immigration that is coming to our shores.

We have attempted to disguise this purpose in various phrases. We have talked about prohibiting the coming of the paupers, the ignorant, the vicious, the diseased; but the real purpose, Mr. Speaker, is to lessen largely the thousands and tens of thousands that every year are crowding into our labor field. The American people have begun to see that the great duty of statesmanship in this country is to lengthen and broaden the labor field of the United States, and they are looking to us for the adoption of practical and sufficient methods. They will not be content with legislation that may stimulate the building of great mills for the manufacture of iron and steel and cotton and woolen products if those mills are to be filled with foreigners. They want a labor system that will give employment to Americans. If we are to be supplied in these wants by foreign labor, our people are wise enough to know that it makes but little difference to them upon which side of the Atlantic the labor is performed. In either case it works the same hardship to our people. In either case the day's labor given to the foreigner is a day's labor filched from one of us.

Mr. Speaker, if our institutions are to be preserved, if our social order is to be maintained, it will be because the labor field of the United States each year is to be so enlarged as that places shall be found therein for all men who want to labor to find a place; and how we shall attain that end and how we shall maintain the present American wage or increase it is the great problem for the statesmanship of this land. It must be done. Our institutions are to be perpetuated, if at all, by the men who hold the ballot, and if they are to be perpetuated, it will be because the homes in which those men live are homes of comfort, homes of contentment. Those homes can have that character only when the wage is ample, and that can be ample only when the labor field is so enlarged, so broadened, so lengthened, that every man may find a place in it at a compensating wage.

The question that presents itself now is not such a one as existed fifty years ago and which was referred to by my friend from Iowa [Mr. DOLLIVER] a while ago. He said that during the last fifty years it has been the crowning glory of this country that we had welcomed many millions of immigrants. Ah! but the conditions have changed. Then the immigrants that came to our shores came from England, from Ireland, from Scotland, from Germany, from the Scandinavian States. They were welcome. They were worthy, they were industrious, they were intelligent. Then we were but beginning our great system of internal improvements. Then we were just commencing the work of building the 187,000 miles of railway that we have to-day in the United States. As those immigrants arrived at the seaboard they were given employment in that great work, and in its conduct they were carried West to the broad prairies. Then there were millions of fertile acres awaiting settlement under the homestead laws. Then the labor field was abundant. Then the places waited for the men. Not such the conditions that prevail now, Mr. Speaker. Those fertile lands are all absorbed. That great field of labor has been filled. The work has been completed. There are no railways numbered by thousands of miles each year now being constructed. There are no inviting homesteads awaiting the advent of the industrious and enterprising immigrant from abroad. Again, the character of the immigration is largely changed. Now it comes from eastern Europe. The old sources of supply do not now furnish the immigrant, save in comparatively small numbers. Now it is composed of an entirely different class of people from those we had to deal with years ago.

Mr. Speaker, I have no doubt but that this very day, inclement as it is, there are thousands and hundreds of thousands of American citizens who have been crowded out of their places in the labor field of the United States by the other thousands and hundreds of thousands that have come to us from abroad. [Applause on the floor and in the galleries.] We have received an average of 250,000 able-bodied laborers every year during the last ten years. In that way two and one-quarter millions have been added to the fifteen or sixteen millions of native Americans who must work in order that they may eat.

Mr. BARTHOLDT. Will the gentleman yield for a moment?

Mr. HEPBURN. Not now. I am told that the average earnings of each of these laborers is about $400 per year; so you have the monstrous sum of a hundred million dollars each year that has been wrested from the wage earners who belong peculiarly to us and whom it is our duty first to care for. Ah, Mr. Speaker, this is not simply a question of sentiment. It is a question of patriotism. It is a question of whether we can keep up the American wage, of whether we can keep places in the labor field for our own working people to delve in. Mr. Speaker, it is not simply a question of the lowering of wages; it is not simply that; it is a question of driving out of employment millions of our own people and leaving them without any wage at all by this cruel, relentless, merciless competition. Have any of you gentlemen ever tried, in thought, to place yourselves in the position of an American citizen, industrious, having a family, loving that family, who knows that they eat, day by day, as he labors, and that when he is out of employment there is no comfort in his home? Can you enter into his feelings as he leaves his home in the morning to go out into the competition which is thrust upon him by this undesirable immigration, seeking for a place to work, begging, not for alms, but for a place where he may labor? Have you tried to follow him and his thought as he goes from man to man, meeting only denial everywhere—everywhere told there is no demand for labor, that the places are all filled, that the seekers are far more numerous than the places? Ah, gentlemen, what a dreadful condition is that in which to place our countrymen. And when the long day is thus spent, when the shadows of the night come—shadows not so dark as those enshrouding his soul—and he turns his face homeward, knowing what he is to meet there, knowing of the cheerless hearth, knowing that there is no light in the window, knowing that there is no food in the house, knowing that wife and starving children await him—what think you of that man's agony? Fancy him trying to frame the sentences in which he will tell those at home of the fruitless, bootless efforts of all that day. And in the nighttime, when his child awakens and cries out in its hunger, what lullaby can that man sing to give quiet to that starving child?

That man has the ballot? Will he be content with existing conditions while he lives in a home like that? Can you expect it? In

view of what your knowledge must be of the action of such a man, does not this question rise above all others that have engaged our attention? Is it not primary in its importance? Is it not the first thing for us to consider how we can so enlarge our labor field that our own people can have a place in which to work [applause], so that they may earn their daily bread, so that there may be contentment in these homes—the homes that inspire political action and direct the fatal or the beneficent courses of the ballot? Gentlemen, that is the question for us. Its importance can not be magnified. This bill is not all that it should be. It may in instances work a hardship, but it is a step in the right direction. It will keep out of our labor field some that are not of us. It will give places to some, now unemployed and wellnigh discouraged, that are.

Sentimentalists talk about dividing the blessings of the great Republic with all the world. Ah, let us care for our own first. Let us keep these places in the American labor field for Americans to delve in. [Applause.] And if there is something to dispense afterwards, then let us be charitable. [Applause.] But let us be just to Americans. Let us preserve our labor fields for Americans. Let us see to it that American homes are homes of contentment, because American wages are ample. [Loud applause.]

Mr. Speaker, so long as that is the case, American institutions are safe. Our social order will be secure. Our rights of property will be preserved. Socialism and anarchy find no place in contented homes. They are the worst but necessary products of overcrowded labor fields. Congestion of labor breeds discussion of schemes of redistribution of the world's wealth. Give to the honest workingmen of America the contented and contenting homes that are possible when a fair day's work brings a fair wage, and the institutions the fathers gave us will endure. There will be no occupation for the pessimist or the foreboding dreamer.

Mr. Speaker, the working men and women of the country have the right to demand this legislation. This is their country. This is their labor field. You have no right to give away either. The labor field of America as much belongs to Americans as does the public domain, and is infinitely more important to them. Would gentlemen of this House give away to foreigners the public domain? Can you with more right give away the American labor field? Mr. Speaker, daily my gratitude increases because I am an American. My love is first for my countrymen and my country. I want to see them everywhere prosperous and content. I think all other gentlemen here feel as do I. Then, gentlemen, I beseech you that we legislate first for our countrymen, for their prosperity, for their homes, for the preservation to them of their labor field. This conference report is in the main right. It does not do all possible, but it accomplishes much. Let us adopt it, and if there are evils correct them some other day.

Mr. DANFORD. I now ask for a vote.

The SPEAKER. The House, by unanimous consent, ordered that a vote be taken at this time. The question is upon agreeing to the conference report.

The question being taken, there were—ayes 116, noes 105.

Mr. BARTHOLDT, Mr. SULZER, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 117, not voting 107; as follows:

YEAS—131.

Adams,
Aldrich, T. H.
Apsley,
Arnold, Pa.
Atwood,
Babcock,
Bailey,
Baker, Kans.
Barham,
Barrett,
Bell, Colo.
Bishop,
Black,
Blue,
Bowers,
Brewster,
Broderick,
Brumm,
Bull,
Clardy,
Codding,
Collin,
Corliss,
Danford,
Dayton,
De Armond,
De Witt,
Dinsmore,
Doolittle,
Ellis,
Erdman,
Fairchild,
Fenton,
Foss,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Graff,
Grout,
Hall,
Hardy,
Hartman,
Hatch,
Heiner, Pa.
Hemenway,
Henry, Conn.
Henry, Ind.
Hepburn,
Hicks,
Hilborn,
Hill,
Hitt,
Howard,
Howell,
Huff,
Hulick,
Huling,
Hull,
Hyde,
Johnson, Cal.
Johnson, Ind.
Jones,
Kem,
Kerr,
Knox,
Latimer,
Layton,
Leighty,
Linney,
Linton,
Little,
Loudenslager,
Mahon,
McClure,
McCormick,
McCulloch,
McDearmond,
McEwan,
McLachlan,
McLaurin,
McRae,
Miller, Kans.
Miller, W. Va.
Moody,
Morse,
Northway,
Overstreet,
Patterson,
Payne,
Pearson,
Phillips,
Pitney,
Powers,
Raney,
Russell, Conn.
Scranton,
Shafroth,
Sherman,
Skinner,
Snover,
Sorg,
Southwick,
Sperry,
Stahle,
Steele,
Stewart, N.J.
Stokes,
Stone, W. A.
Strowd, N.C.
Sulloway,
Talbert,
Tate,
Tayler,
Terry,
Thomas,
Tracewell,
Tucker,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Washington,
Watson, Ohio
Wilber,
Wilson, Idaho
Wilson, Ohio
Wilson, S.C.
Woomer,
Wright,
Yoakum.

NAYS—117.

Abbott,
Allen, Miss.
Anderson,
Andrews,
Avery,
Baker, N. H.
Barney,
Bartholdt,
Bartlett, Ga.
Belknap,
Bell, Tex.
Bennett,
Boatner,
Boutelle,
Bromwell,
Buck,
Burrell,
Burton, Mo.
Calderhead,
Cannon,
Catchings,
Clark, Iowa
Cockrell,
Connolly,
Cook, Wis.
Cooke, Ill.
Cooper, Tex.
Cooper, Wis.
Cox,
Crisp,
Crowley,
Crowther,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Daniels,
Dolliver,
Faris,
Fischer,
Fletcher,
Gamble,
Gibson,
Griffin,
Griswold,
Grosvenor,
Grow,
Hager,
Hainer, Nebr.
Halterman,
Harris,
Harrison,
Henderson,
Hendrick,
Hopkins,
Howe,
Hubbard,
Hunter,
Hurley,
Jenkins,
Johnson, N. Dak.
Joy,
Kendall,
Kiefer,
Kleberg,
Lacey,
Lawson,
Lefever,
Livingston,
Long,
Low,
Maguire,
McCall, Tenn.
McCleary, Minn.
McCreary, Ky.
Meiklejohn,
Mercer,
Miles,
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Money,
Mozley,
Murphy,
Noonan,
Ogden,
Otey,
Otjen,
Parker,
Pendleton,
Perkins,
Price,
Rinaker,
Robertson, La.
Royse,
Sauerhering,
Sayers,
Smith, Ill.
Southard,
Spalding,
Sparkman,
Stallings,
Stewart, Wis.
Strode, Nebr.
Sulzer,
Tawney,
Tracey,
Treloar,
Turner, Ga.
Updegraff,
Van Horn,
Walker, Mass.
Wellington,
Wheeler,
White,
Wood,
Woodard.

NOT VOTING—107.

Acheson,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Arnold, R. I.
Baker, Md.
Bankhead,
Bartlett, N. Y.
Beach,
Berry,
Bingham,
Brosius,
Brown,
Burton, Ohio
Chickering,
Clark, Mo.
Clarke, Ala.
Cobb,
Colson,
Cooper, Fla.
Cousins,
Cowen,
Crump,
Culberson,
Cummings,
Dalzell,
Denny,
Dingley,
Dockery,
Dovener,
Draper,
Eddy,
Ellett,
Evans,
Fitzgerald,
Foote,
Goodwyn,
Hadley,
Hanly,
Harmer,
Hart,
Heatwole,
Hermann,
Hooker,
Hutcheson,
Kirkpatrick,
Kulp,
Kyle,
Leisenring,
Leonard,
Lester,
Lewis,
Lorimer,
Loud,
Maddox,
Mahany,
Marsh,
Martin,
McCall, Mass.
McClellan,
McMillin,
Meredith,
Meyer,
Milliken,
Miner, N. Y.
Moses,
Murray,
Neill,
Newlands,
Odell,
Owens,
Pickler,
Poole,
Prince,
Pugh,
Quigg,
Ray,
Reeves,
Reyburn,
Richardson,
Robinson, Pa.
Rusk,
Russell, Ga.
Settle,
Shannon,
Shaw,
Shuford,
Simpkins,
Smith, Mich.
Spencer,
Stephenson,
Stone, C. W.
Strait,
Strong,
Swanson,
Taft,
Thorp,
Towne,
Turner, Va.
Tyler,
Walker, Va.
Watson, Ind.
Williams,
Willis,
Wilson, N. Y.
Woodman.

So the report of the committee of conference was adopted.

The following pairs were announced:

Until further notice:

Mr. Pickler with Mr. Miner of New York.

Mr. Dingley with Mr. McMillin.

Mr. Hanly with Mr. Moses.

Mr. Aitken with Mr. Hart.

Mr. Dovener with Mr. Clarke of Alabama.

Mr. Simpkins with Mr. Fitzgerald.

Mr. Draper with Mr. Cowen.

For this day:

Mr. Dalzell with Mr. Cobb (Mr. Dalzell for, Mr. Cobb against the adoption of the report).

Mr. Bingham with Mr. Dockery.

Mr. Kulp with Mr. Cummings.

Mr. Cousins with Mr. Williams.

Mr. Chickering with Mr. Swanson.

Mr. Lewis with Mr. Owens (Mr. Lewis for, Mr. Owens against the adoption of the report).

Mr. Prince with Mr. Richardson.

Mr. Leisenring with Mr. Lester.

Mr. Eddy with Mr. Neill.

Mr. Charles W. Stone with Mr. Maddox.

Mr. Smith of Michigan with Mr. McClellan.

Mr. Loud with Mr. Kyle.

Mr. Pugh with Mr. Culberson.

Mr. Mahany with Mr Spencer (Mr. Mahany would vote against and Mr. Spencer would vote for the adoption of the report).

Mr. Reyburn with Mr. Berry.

Mr. Watson of Indiana with Mr. Meyer.

Mr. Taft with Mr. Meredith.

Mr. William F. Aldrich with Mr. Shaw.

Mr. McCall of Massachusetts with Mr. Denny.

Mr. Strait with Mr. Heatwole.

Mr. Hermann with Mr. Cooper of Florida.

Mr. Harmer with Mr. Bankhead.

Mr. Milliken with Mr. Woodman on this question.

Mr. COX. My colleague, Mr. Richardson, is confined to his room by sickness. I ask unanimous consent that he be excused.

There was no objection.

Mr. WILLIAM A. STONE. My colleague, Mr. DALZELL, is absent, sick. He is paired with the gentleman from Missouri [Mr. COBB]. My colleague, if present, would vote "aye."

Mr. DOCKERY. I have voted in the negative on this question; but as I am paired with the gentleman from Pennsylvania [Mr. BINGHAM], I desire to withdraw my vote.

Mr. KIEFER. Mr. Speaker, my colleague, Mr. HEATWOLE, is absent in consequence of sickness, and he has instructed me to state that he would vote "no" if present.

Mr. BARTHOLDT. Mr. Speaker, I have a letter from my colleague on the committee from Illinois, General MARSH. He wishes me to state that he is sick, but if present, would vote "no."

Mr. MORSE. My colleague, Mr. MCCALL, is absent, and I have no doubt if he were present he would vote "aye."

The result of the vote was then announced as above recorded.

Mr. DANFORD. I move to reconsider the vote just taken, and move to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. BARTHOLDT. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. BARTHOLDT. It is with regard to the proposition just stated, to lay on the table the motion to reconsider.

The SPEAKER. The Chair will then consider that motion pending.

Mr. BARTHOLDT. I make the point or the suggestion that on a question of adopting a conference report such a motion to reconsider and lay on the table is not customary. I do not remember, during my service in the House, of ever having heard it submitted.

Mr. WILLIAM A. STONE. What difference does it make?

Mr. BARTHOLDT. None, practically; but I would like to have a ruling of the Chair upon it. It might be important hereafter.

The SPEAKER. The Chair would like to understand why the House could not reconsider its action. Of course, a motion to suspend the rules would not be subject to reconsideration.

Mr. BARTHOLDT. The objection I made was more in the nature of a parliamentary inquiry, to find out whether the motion was in order.

The SPEAKER. The Chair can not think of any reason why it should not be made. Of course, if the gentleman has any suggestion, the Chair will hear it.

Mr. BARTHOLDT. I have none, Mr. Speaker.

The SPEAKER. Without objection, the motion of the gentleman from Ohio [Mr. DANFORD] will be laid upon the table.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following order:

> *Ordered*, That Mr. PRITCHARD be excused as one of the conferees on the bill (S. 966) "granting a pension to Mary W. Keefe," and that Mr. SHOUP be appointed to fill the vacancy.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution to print 5,000 additional copies of the report of the delegates of the United States to the Fifth International Prison Congress.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and House bill with Senate amendments were taken from the Speaker's table and referred as follows:

A bill (S. 3319) to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck—to the Committee on Invalid Pensions.

A bill (S. 3311) to increase the pension of Arabella V. Washburn—to the Committee on Invalid Pensions.

A bill (S. 3185) granting an increase of pension to John McGrath—to the Committee on Pensions.

A bill (S. 3339) granting a pension to Louise E. Perkins—to the Committee on Invalid Pensions.

A bill (S. 2813) granting an increase of pension to Joseph Brown—to the Committee on Invalid Pensions.

A bill (S. 1538) granting a pension to Joseph M. Waddell—to the Committee on Invalid Pensions.

A bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased—to the Committee on Claims.

A bill (S. 2538) for the relief of the Portland Company, of Portland, Me.—to the Committee on War Claims.

A bill (S. 2817) for the relief of the Atlantic Works, of Boston, Mass.—to the Committee on War Claims.

A bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased—to the Committee on Claims.

Joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 646) granting a pension to Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain;

A bill (S. 1128) granting a pension to Isabella Morrow, and

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUFF, for two days, on account of business.

To Mr. EDDY, for five days, on account of sickness in family.

To Mr. COUSINS, indefinitely, on account of sickness.

And then, on motion of Mr. PAYNE (at 4 o'clock and 47 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from Gen. Nelson A. Miles, president of the Board of Commissioners of the Soldiers' Home, recommending that Congress be requested to authorize the Medical Department of the United States Army to sell medical and hospital supplies at cost price to the Soldiers' Home in the District of Columbia—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a report of the Klamath Boundary Commission, with accompanying communications and a map—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the treasurer of the Brightwood Railway Company of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Town Creek, Brunswick County, N. C.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Roslyn Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of channels to Far Rockaway and Inwood, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims, amounting to $292,489.88, which have been presented to the Department, and require an appropriation for their payment—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a certified copy of an agreement entered into between Commissioners of the Government and of the Choctaw Indian Nation, with accompanying documents—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GARDNER, from the Committee on Labor, to which was referred the bill of the House (H. R. 8731) to prohibit the employment of prison labor on Government buildings, reported the same with amendment, accompanied by a report (No. 2654); which said bill and report were referred to the House Calendar.

Mr. MEIKLEJOHN, from the Committee on the Public Lands,

to which was referred the bill of the House (H. R. 9983) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States, reported the same without amendment, accompanied by a report (No. 2655); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (S. 3541) entitled "An act granting a pension to Jane B. Johnston." (Report No. 2638.)

The bill (H. R. 4944) granting a pension to James M. Kercheval. (Report No. 2639.)

The bill (H. R. 9402) granting a pension to Mary D. Griffiths. (Report No. 2656.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 9616) to increase the pension of Edward W. Nortoni, late assistant surgeon, Fifty-ninth Massachusetts Volunteer Infantry. (Report No. 2640.)

The bill (S. 3407) entitled "An act granting a pension to Ambrose J. Vanarsdel." (Report No. 2657.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 10083) granting a pension to Henry H. K. Elliott. (Report No. 2641.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 9392) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry. (Report No. 2642.)

The bill (H. R. 10088) to increase the pension of Louise A. Rice. (Report No. 2643.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 3151) entitled "An act granting a pension to Rebecca P. Quint." (Report No. 2644.)

The bill (S. 3516) entitled "An act granting a pension to Louise Van Atter." (Report No. 2645.)

The bill (H. R. 9398) granting a pension to Lizzie B. Burrows. (Report No. 2646.)

The bill (H. R. 6609) granting a pension to Hannah M. Cheney, of Springfield, Vt. (Report No. 2647.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 6239) to increase the pension of Elwin A. Scutt. (Report No. 2648.)

The bill (H. R. 8942) to pension Ann Maria Meinhoefer, widow of Lewis Meinhoefer, Company B, Forty-first New York Infantry. (Report No. 2649.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal. (Report No. 2650.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (S. 2355) entitled "An act to correct the military record of Peter Buckley." (Report No. 2651.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 4912) to remove the charge of desertion against Henry L. Snow. (Report No. 2652.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 619) entitled "An act granting an increase of pension to Florence W. Buskirk." (Report No. 2658.)

The bill (S. 2267) entitled "An act granting an increase of pension to Alvah A. Eaton." (Report No. 2659.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. PARKER, from the Committee on Military Affairs, reported adversely the bill (H. R. 7654) for the relief of Spencer Norfleet; which said bill and report were laid on the table. (Report No. 2653.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLETCHER: A bill (H. R. 10154) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. BARHAM: A bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 10156) for the establishment of a light and fog-signal station near Homer, Kachekmak Bay, Cook Inlet, Alaska—to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10157) to authorize the purchase of additional land in square No. 624, adjacent to the Government Printing Office, and to construct thereon such improvements as may be necessary for the uses and transaction of the business of the Public Printing Office—to the Committee on Public Buildings and Grounds.

By Mr. MURPHY of Arizona: A bill (H. R. 10158) to promote education in military science and tactics in the University of Arizona—to the Committee on Military Affairs.

By Mr. MITCHELL: A joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: A memorial of the senate of the Nebraska legislature, in favor of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. SNOVER: A memorial of the Michigan legislature, asking passage of House bill No. 4339—to the Committee on Military Affairs.

By Mr. ANDREWS: A memorial of the Nebraska State senate, relating to Cuban independence—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CROWTHER: A bill (H. R. 10159) granting a pension to Mary Wesley—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 10160) for the relief of Capt. Philip G. Temple—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 10161) for the relief of the heirs of Catharine Gillin—to the Committee on War Claims.

By Mr. HYDE: A bill (H. R. 10162) granting a pension to Lieut. Col. Ogden Street—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10163) to remove the charge of desertion from the military record of John W. Alloway—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 10164) to increase the pension of Jeremiah Hackett—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10165) to remove the charge of desertion against Benjamin F. Dayton—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 10166) granting a pension to Clinton Ayres—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of citizens of Pueblo County, Colo.; also petition of miners of Crested Butte, Colo., protesting against the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CURTIS of Iowa: Petition of 2,457 citizens, comprising business and professional men, of Davenport, Iowa, for the passage of proper legislation repealing the provision in sundry civil bill for the fiscal year ending June 30, 1896, requiring the War Department to collect a rental or toll from the Tri-City Railway Company on its cars running over the Rock Island Bridge—to the Committee on Military Affairs.

Also, petition of D. S. Fairchild, M. D., against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of faculty of Stevens Institute of Technology, Hoboken, N. J.; president of Luther College, Decorah, Iowa; president of Carleton College, Northfield, Minn.; president of Wheaton College, Wheaton, Ill.; dean of Hamilton Theological Seminary, Hamilton, N. Y.; president of Central Tennessee College, Nashville, Tenn.; board of trustees of Western Reserve University, Cleveland, Ohio; and president of Iowa College, Grinnell, Iowa, in favor of the bill to restrict vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROSVENOR: Petitions of William A. Wayland, George Holtzer, and other citizens of Chillicothe, Ohio, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Paper from the National Association of Post-Office Clerks of Evansville, Ind., favoring the passage of House bill No. 3273, for the classification of postal clerks—to the Committee on Rules.

By Mr. PARKER: Resolutions of the Eleventh Ward Republican Club, of Newark, N. J., upon the Cuban situation, asking the granting of belligerent rights, etc.—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *January 28, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

COAST FISHERIES OF FLORIDA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in response to a resolution of February 15, 1895, a report relative to the extent and condition of the coast fisheries of Florida; which, with the accompanying papers, was referred to the Committee on Fisheries, and ordered to be printed.

ISLAND OF JAPONSKY.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of April 13, 1896, the facts concerning the location and residence of one Michael Travers upon the Island of Japonsky, in the harbor of Sitka, Alaska; which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 616) granting a pension to Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain;

A bill (S. 1128) granting a pension to Isabella Morrow; and

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a telegraphic communication from the governor of California, transmitting a joint resolution of the legislature of that State, praying for the passage of the Nicaragua Canal bill; which was ordered to lie on the table and to be printed in the RECORD, as follows:

CAPITOL, SACRAMENTO, CAL., *January 27, 1897.*

President of the United States Senate, Washington, D. C.:

Senate joint resolution No. 9, on the Nicaragua Canal.

Whereas there is now before Congress a bill to secure construction of the Nicaragua Canal, entitled H. R. bill No. 35, introduced by Hon. Mr. MAHON; and

Whereas the State of California, the Pacific Coast, and our entire country will be materially benefited by the beneficent work: Therefore,

Be it resolved by the senate of the State of California (the assembly concurring), That we respectfully but urgently request the Congress of the United States to enact said bill at its present session, securing to our country the great benefit of a short, cheap waterway between the Atlantic and Pacific oceans, free to all on equal terms, without discrimination, under control of the United States Government.

Resolved, That the governor of California is respectfully requested to telegraph these resolutions to the honorable President of the Senate and honorable Speaker of the House of Representatives.

JAMES H. BUDD,
Governor of California

The VICE-PRESIDENT presented a petition of the Association of Business Men of Quincy, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. BRICE presented the petition of Rev. W. A. Leonard, bishop of Ohio, and a petition of sundry citizens of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Cincinnati, Ohio, remonstrating against the enactment of legislation tending to destroy the present system of ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of Rev. W. F. McCauley, pastor of the Fifth Presbyterian Church, of Toledo; of F. R. Pargellis, president of the Toledo Christian Endeavor Union, of Toledo; of O. W. Kurtz, superintendent of public schools of Minerva, and of the Wise Company, of Butler, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens and business men of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Cincinnati Credit Men's Association, of Cincinnati; of A. B. Voorhees, of Voorhees, Miller & Co.; of Messrs. Louis Stix & Co.; of Stewart Shillito, and the National Lead Company, of Cincinnati, and of Bohm Bros. & Co., of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of Henry Haacke, of Cincinnati, Ohio, remonstrating against the enactment of legislation to provide for the restriction of immigration; which was ordered to lie on the table.

Mr. McMILLAN. I present the memorial of Henry Nelson Loud, of Au Sable, Mich., in relation to monetary standards. I move that the memorial lie on the table and that it be printed as a document.

The motion was agreed to.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Minneapolis, Minn., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Minnesota National Guard Association, of Minneapolis, Minn., praying for the enactment of legislation to preserve the dignity of the American flag; which was referred to the Committee on Military Affairs.

He also presented a petition of the house of representatives of Minnesota, praying for the election of Senators by a direct vote of the people; which was ordered to lie on the table.

He also presented a memorial of the Master Car Builders' Association, remonstrating against the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of Minneapolis Division, No. 117, Order of Railway Conductors, of Minneapolis, Minn., praying for the passage of the so-called Erdman arbitration bill; of Senate bill No. 2984, relating to contempt of court; of the so-called Phillips industrial commission bill, and of the so-called antiscalper bill; which was referred to the Committee on Interstate Commerce.

Mr. CAMERON presented a petition of sundry citizens of Philadelphia, and a petition of Union Star Council, No. 201, Order of United American Mechanics, of Fernwood, Pa., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the leading colored citizens of Evanston, Ill., praying for the passage of the so-called Cameron resolution, relative to the condition of affairs in Cuba; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ramey, Pa., praying for the enactment of legislation to preserve the dignity of the American flag; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Evangelical Alliance for the United States, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the memorial of F. L. Douglass, of the Midland schools, of Des Moines, Iowa, and a memorial of sundry citizens of Atlantic, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the American Association of Inventors and Manufacturers, remonstrating against the delay in furnishing better facilities for the carrying on of the business of the Patent Office; which was referred to the Committee on Patents.

He also presented a petition of sundry ministers of Gladbrook, Iowa, and a petition of the Woman's Christian Temperance Unions and the Woman's Missionary Society of Washington, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the National Plate Printers' Union of America, remonstrating against the enactment of legislation providing for the reduction of the salaries of Government employees; which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Methodist Church of Letts, of the United Brethren Church of Letts, and of the Woman's Christian Temperance Unions and the Woman's Missionary Society of Washington, all in the State of Iowa, praying for the

enactment of legislation to raise the age of protection for girls to 18 in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of the faculty of the Hartford Theological Seminary, of Hartford, Conn., praying for the ratification of the arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. LINDSAY presented petitions of the Grand Army of the Republic in national encampment assembled in the city of St. Paul, Minn., September 4, 1896; of the Grand Army of the Republic, Department of Kentucky, of Louisville, Ky., and of the Grand Army of the Republic, Department of Nebraska, of Omaha, Nebr., praying that an appropriation be made for the construction of a national soldiers' home for the benefit of old, infirm, and disabled Union soldiers south of the Ohio River, and also for the passage of House bill No. 8589, providing for the purchase of a site for such a home on the old Lincoln farm in Larue County, Ky., and for the construction thereon of a soldiers' home for the benefit of surviving Union soldiers; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Frankfort, Ky., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Boston Fruit and Produce Exchange of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New England Sabbath Protective League, Bishop R. S. Foster, D. D., LL. D., president, and Rev. M. D. Kneeland, secretary, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of the Cleveland Paint, Oil, and Varnish Club, of Cleveland, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of the Freie Presse, of Chicago, Ill., remonstrating against the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a petition of Camp No. 7, Patriotic Order Sons of America, of Chicago, Ill., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the petition of William Thompson, of Chicago, Ill., praying for the establishment of Government postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Presbyterian Ministers' Association of Cincinnati, Ohio, praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of T. P. Elam and Frank Elam, of East St. Louis; of Cordelia Kirkland, of Chicago; of J. M. Snow, of Chicago; of the Association of Business Men of Quincy, and of John E. Bradley, president of the Illinois College, of Jacksonville, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented petitions of tenants and business men occupying the Tacoma Building, in Chicago, Ill.; of J. W. McCauley, secretary of the National Postage Movement, of Chicago, Ill.; of Clifford & Lawton, publishers of the Upholsterer, of New York, N. Y.; of the Military Tract Press Association of Illinois, of Macomb, Ill., and of Henry W. King & Co., of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the New Kentucky Coal Company, of Chicago; of the Durand & Kasper Company, of Chicago; of Becker, Mayer & Co., of Chicago; of the Salter Silk Company, of Chicago; of C. F. Gunther, of Chicago; of Jenkins, Kreer & Co., of Chicago; of the Phelps, Dodge & Palmer Company, of Chicago; of the Kilbourn Shoe Company, of Chicago; of the McNeil & Higgins Company, of Chicago; of M. A. Richardson, Jr., & Co., of Chicago; of George W. Trout & Co., of Chicago; of the Butler Doll Stand Company, of Chicago; of H. Cohn & Son, of Chicago; of William Wrigley, Jr., & Co., of Chicago; of John M. Locke & Co., of Chicago; of J. Witkowsky, of Chicago; of W. M. Hoyt & Co., of Chicago; of the Golden Novelty Manufacturing Company, of Chicago; of the J. H. Fenton Company, of Chicago; of the Allen B. Wrisley Company, of Chicago; of the Weber Wagon Company, of Chicago; of Mack & Co., of Chicago; of E. S. Ransom, of Chicago; of E. Hoffman, of Chicago; of the Chicago Brush Company, of Chicago; of the Union Bag and Paper Company, of Chicago, and of Bangs, Wood & Bangs, of Chicago, all in the State of Illinois, and a petition of the Florence Manufacturing Company, of Florence, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. BURROWS. I present the petition of S. J. Willey, chairman, and Harry Whiteman, secretary, of the State central committee of the Union Republican party of Delaware, and 18 other citizens of Wilmington, Newcastle County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BURROWS presented petitions of the Woman's Executive Committee of Home Missions of the Presbyterian Church of the United States of America; of the Detroit Paint, Oil, and Varnish Company, of Detroit, Mich.; of Clifford & Lawton, publishers of the Upholsterer, of New York City; of R. D. Palmer, secretary of the Leather Manufacturers' Association of New Jersey, of Newark, N. J.; of George W. Todd, president of the Diamond State Iron Company, of Wilmington, Del.; of Vail Bros., of Philadelphia, Pa.; of Yates Hickey, superintendent of the American Railway Literary Union of Philadelphia, Pa.; and of the Tobacco Board of Trade of Baltimore, Md., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition signed by the pastor and 51 members of the congregation of the Evangelical Church; of the superintendent and 12 officers of the Baptist Sunday school; of the pastor and 36 members of the congregation of the Christian Church, and of the president and 8 members of the Woman's Christian Temperance Union and sundry other citizens of Dayton, Oreg., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL of Wisconsin presented the petition of Rev. A. C. Grier, pastor of the Church of the Good Shepherd, of Racine, Wis., praying for the ratification of the pending treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Omro, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petitions of A. V. Bishop, of Milwaukee; of J. S. Hart, of Racine, and of J. M. Batz, and C. B. Willis, of Sun Prairie, all in the State of Wisconsin, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present a petition of the American Peace Society, which is that, after a very clear and powerful statement in favor of the pending arbitration treaty, this society, which has been engaged in the cause of peace among nations for three-quarters of a century, desires that, after thorough consideration of its provisions, the Senate shall act upon the pending treaty favorably. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR presented a petition of the New England Woman's Press Association, praying for the permanent preservation of the U. S. frigate *Constitution*; which was referred to the Committee on Naval Affairs.

Mr. PEFFER. Before the order of petitions is passed, I will state that I am daily in receipt of a large number of individual letters not in the form of petitions to Congress exactly, and yet that is the meaning of them. They are so numerous, and coming from individuals, not being put in the form of petitions, I do not feel like presenting them to the Senate, and yet I want the Senate to know that among the people of Kansas, and especially among the clerical brethren and the newspaper people, there is a strong sentiment in favor of the early ratification of the arbitration treaty.

TREASURY STATEMENT.

Mr. COCKRELL. I present a communication from the Secretary of the Treasury, transmitting a statement showing the condition of the Treasury Department March 1, 1885, March 1, 1889, and March 1, 1893. I move that the communication and statement lie on the table, and that they be printed as a document.

The motion was agreed to.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I present the petition of Hugh C. Brown, chairman of the Republican State committee of Delaware and

183 others, citizens of Delaware; of the 12 Republican ward committees of the city of Wilmington, and of the Republican committees of the counties of Newcastle, Kent, and Sussex, Del., praying that the petition of Col. Henry A. Du Pont, with his claim to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895, be again investigated by the Senate, and that, on reconsideration of the case, Mr. Du Pont may be seated. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN. I report back adversely, from the Committee on the District of Columbia, sundry Senate bills, and ask that they be postponed indefinitely, House bills on the same subjects-matter taking their place.

The bills were postponed indefinitely, as follows:

A bill (S. 2354) to pay the Prospect Hill Cemetery Association, of Washington, the award made under the act of December 21, 1893;

A bill (S. 3439) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet;

A bill (S. 3450) to amend the charters of the Eckington and Soldiers' Home and Belt railway companies of the District of Columbia; and

A joint resolution (S. R. 177) to amend section 1 of the act approved June 10, 1896, chapter 395, relating to the Eckington and Soldiers' Home Railway Company.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (S. 3239) for the relief of the estate of Richard Lawson, reported it without amendment, and submitted a report thereon.

Mr. BLANCHARD, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3569) to provide a life-saving station at or near Green Hill, on the coast of South Kingston, in the State of Rhode Island, reported it without amendment, and submitted a report thereon.

Mr. CAFFERY, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 3347) to provide for the closing of the Pass a Loutre crevasse, near the mouth of the Mississippi River, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. BACON on the 19th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 710) to remove charge of desertion against James A. Crouch, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3003) for the relief of John S. Friend, of Eldorado, Kans., asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Depredations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3984) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols, reported it with amendments, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the amendment submitted by himself on the 23d instant, intended to be proposed to the Agricultural appropriation bill, reported favorably thereon, and asked that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, reported it without amendment.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co., reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2253) for the relief of Barzilla C. Hudson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9666) to correct and amend the military record of John Long, late private, Company H, Thirty-first Regiment Missouri Volunteers, reported it with an amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. GRAY on the 27th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., reported it without amendment.

Mr. FRYE. I ask unanimous consent that the bill just reported may take the place of Order of Business 1302, being the bill (S. 3398) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

PORTLAND (ME.) QUARANTINE STATION.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me., to report it favorably, with amendments. I ask unanimous consent that the bill may now be considered. It is very warmly recommended by the Secretary of the Treasury and by the Surgeon-General of the Marine-Hospital Service, and in order to have it of any use at the present session it ought to go shortly to the other House, if it is to be passed at all.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the committee were, in section 2, line 8, to strike out "1896" and insert "1897," and in line 10 to strike out "1897" and insert "1898;" so as to make the section read:

> That the sum of $12,000 be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, of which $9,000, or so much thereof as may be necessary, shall be applied for the purchase of said quarantine establishment, and $3,000, or so much thereof as may be necessary, for the maintenance of same during the remainder of the fiscal year ending June 30, 1897, and the fiscal year ending June 30, 1898.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY.

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota, to report it favorably without amendment.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3615) to grant increase of pension to John Walker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3616) granting a pension to Peter J. Osterhaus, a brigadier-general in the Union Army in the late rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3617) granting a pension to Jack Clifford; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and referred, with the accompanying petition, to the Committee on Indian Affairs.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

REBECCA GILBERT.

On motion of **Mr. GALLINGER**, it was

> *Ordered*, That the Secretary of the Senate be, and he is hereby, directed to withdraw from the files of the Senate all papers filed in connection with Senate bill 2931, granting a pension to Rebecca Gilbert, and forward them to her at Ada, Ohio.

PACIFIC RAILROAD LIENS.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

> *Resolved*, That the Committee on Pacific Railroads be, and they are hereby, instructed to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, or either of them, and sell the property and assets thereof, without additional legislation, and inquire and report what authority, if any, the President of the United States or the Attorney-General may possess to contract with any person or persons in advance of a foreclosure and sale of such property, or any part thereof, respecting the amount that shall be bid by contemplated purchasers, and whether it is not the duty of the President under existing law, before causing a foreclosure of such mortgage or lien, to direct the Secretary of the Treasury to "redeem or otherwise clear off all the paramount liens, mortgages, or incumbrances upon such property by paying the sums lawfully due in respect thereof, out of the Treasury;" and that in the meantime, and pending the report of the Committee on Pacific Railroads, the Attorney-General be, and he is hereby, directed to refrain from entering into any further or additional stipulations or agreements respecting the sale of said property or any portion thereof, or any fund arising therefrom, or in any manner belonging thereto or connected therewith.

Mr. ALLEN. Before the request for present consideration is submitted to the Senate, I desire to say a few words in explanation of the resolution.

On the 23d of this month the Senate adopted a resolution calling for information from the Attorney-General respecting a stipulation he had entered into with the reorganization committee of the Union Pacific Railroad Company as to the minimum amount that should be bid by them for the Union Pacific in the event of a foreclosure and sale of that property.

The response of the Attorney-General to the resolution is found in Document No. 83, second session Fifty-fourth Congress, and I will read from it briefly. I read the letter of the Attorney-General in response to the resolution. It is as follows:

> DEPARTMENT OF JUSTICE, *Washington, D. C., January 23, 1897.*
>
> SIR: I have the honor, pursuant to the Senate resolution of this date, to say that an agreement has been made with what is commonly known as the reorganization committee of the Union Pacific Railway Company respecting the foreclosure of the Government lien on property of said company. I transmit herewith a copy of the letter of the President of the United States under authority of which the agreement was made and foreclosure proceedings have been commenced, and copies of the correspondence which embodies the agreement.
>
> The names of the gentlemen who comprise the reorganization committee are as follows: Louis Fitzgerald, chairman; Jacob H. Schiff, T. Jefferson Coolidge, jr., Chauncey M. Depew, Marvin Hughitt, Oliver Ames, 2d.
>
> These papers set forth all the information called for by the resolution.
>
> After the closing of the agreement I designated the United States Trust Company of New York as the depositary, and thereupon, upon the 21st instant, the sum of $4,500,000 was deposited therein in conformity with the terms of the agreement. The certificate representing such deposit is now in the hands of the Secretary of the Treasury.
>
> I have the honor to be, with great respect, your obedient servant,
>
> JUDSON HARMON,
> *Attorney-General.*
>
> The PRESIDENT OF THE SENATE.

Accompanying this is a letter from the President of the United States to the Attorney-General, as follows:

> EXECUTIVE MANSION, *Washington, January 12, 1897.*
>
> DEAR SIR: The bill which has been for some time pending before the Congress, providing for the adjustment and extension of the indebtedness of the Pacific railroads to the Government of the United States has been defeated in the House of Representatives.
>
> In the case of the Union Pacific Railroad and the Kansas Pacific Railroad, a default in the payment of their indebtedness having occurred, and suits having been commenced for the foreclosure of the lien upon said roads which is paramount to the lien and security of the United States, you are hereby directed, pursuant to the provisions of an act of Congress passed March 3, 1887, after taking such precautions and perfecting such arrangements as are possible to assure as far as practicable the payment of their indebtedness to the Government as a result of the suits now pending or others to be instituted, to take such proceedings in the courts as shall be needful to protect and defend the rights and interests of the United States in respect of such indebtedness, and to take steps to foreclose the mortgages or liens of the United States upon the property of these railroad companies.
>
> In the case of the other aided Pacific railroads as to which no foreclosure suits are pending, a different situation is presented, which requires further consideration before deciding the course to be taken by the Government.
>
> Yours, truly,
>
> GROVER CLEVELAND.
>
> Hon. JUDSON HARMON,
> *Attorney-General of the United States.*

The Attorney-General sets out in a letter to Louis Fitzgerald, chairman of the reorganization committee, of No. 120 Broadway, New York, certain modifications he insists on being put in the stipulation that was subsequently entered into between the Attorney-General and the reorganization committee respecting the price that is to be paid for these properties in the event of foreclosure and sale. It is sufficient to state that the Attorney-General insisted upon $45,754,059.99 instead of $45,000,000 offered by the reorganization committee.

Mr. President, as I understand the stipulation between the Attorney-General and the reorganization committee, as far as I can gather it from this document, it embraces the subject of a sale of the Union Pacific and Kansas Pacific railroads in their entirety—the roadbed, the right of way, the terminal facilities, the sinking fund, the lands granted in aid of their construction that have not yet been disposed of, and all the securities that are held for lands that have been contracted; in other words, that the reorganization committee, or those for whom they may act by virtue of the purchase to be made, will be subrogated to all the rights of the present corporations.

Without detaining the Senate any length of time on this matter, it is sufficient for me to say that the sinking fund alone amounts to $14,000,000 or $15,000,000, and that is secured, I understand, in the form of Government bonds. The lands granted in aid of the construction of these roads amount to about 18,000,000 acres. Many of them have been contracted to be sold to private individuals and corporations, but the contracts or securities for unpaid balances are yet the property of the corporation.

A dispute has arisen also respecting the terminal facilities of the roads, and especially of the Union Pacific. The Union Pacific occupies and owns a large bridge at Omaha across the Missouri River, costing many thousands of dollars to construct; it owns valuable terminal facilities at Council Bluffs, Iowa; and altogether it is highly important that Congress should know exactly what is to be conveyed by the decree of foreclosure when entered. The resolution which I have just offered calls for information through the Committee on Pacific Railroads respecting all these matters, so that Congress can act intelligently upon the subject when it comes before it.

There is another thing, Mr. President, and a very important matter, in connection with the resolution, and I desire to call particular attention to it. The President of the United States has directed the Attorney-General to foreclose and protect by legal proceedings the interests of the United States in these properties. He does that by virtue of the act of Congress of March 3, 1887, found on pages 488 to 492, inclusive, of the twenty-fourth volume of the United States Statutes at Large, as he says. The only portion of the act which bears on the question now before the Senate is found in section 4, and I will read it:

> SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

The important thing in this section is the first duty it imposes on the President of the United States, and that is, that whenever the lien of the United States upon any of these bond-aided roads is imperiled in any respect, it shall be the duty of the President of the United States not to direct the Attorney-General to foreclose, but to direct the Secretary of the Treasury to redeem or clear off, to use the language of the statute, the title of the superior lien holder.

Mr. President, if you were upon the bench and the question were submitted to you, you would hold that the first duty incumbent upon the President or incumbent upon the trustee, whoever he might be, would be to protect the second lien holder by a redemption of the property from the lien of the first lien holder. You could not, in a proper construction of that statute, direct a foreclosure of the mortgage on the Government lien without taking steps to subrogate the United States or the interest of the second lien holder to the interests of the first lien holder. Has the President of the United States taken any steps to cause the first liens to be paid off? Not a thing has been done, as I understand it, and I regret the chairman of the committee is not present this morning to hear what I say. There is no pretense that the President of the United States or the Secretary of the Treasury has made any effort to redeem this property. I will not go further and say that no effort of that kind will be made, but I do say that it is the duty of the President of the United States—and he should be bound by the law as much as the humblest citizen of the land—to direct the Secretary of the Treasury to redeem these properties strictly in accordance with section 4 of the act quoted. It is important for us to know whether that has been done. It is important for us to know whether that will be done or not.

Suppose, in a proceeding to foreclose the Government lien by the Attorney-General, parties defendant should in their answer, or in their plea, or in whatever form the question might arise, say that the power, under the statute, of the Attorney-General to foreclose was dependent upon a compliance or an attempt to comply in the first instance with the first provision of the section, would it not be a good defense, because he only has power to foreclose the lien after the Secretary of the Treasury has exhausted the duties imposed upon him or required to be performed by him under the law?

The right of the Attorney-General to foreclose is a secondary right dependent upon the fulfillment of, or at least an honest attempt to fulfill, the first provisions of the section.

Mr. BACON. I should like to ask the Senator from Nebraska whether the law prescribes that specifically or whether that is his conclusion from the reading of it?

Mr. ALLEN. I will read the section again for the benefit of the Senator from Georgia, or that portion of it bearing on this question, and he can draw his own conclusion:

> SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury.

The language is mandatory.

Mr. BACON. Then does the provision for foreclosure follow that?

Mr. ALLEN. The provision for foreclosure follows that, it is true, but certainly the Senator from Georgia will not claim that the President has power to direct a foreclosure by the Attorney-General without first having attempted to comply with the provisions of the statute I have just read.

Mr. BACON. The Senator will not understand me as taking issue with him from the fact that I am asking him a question.

Mr. ALLEN. Oh, no; I do not.

Mr. BACON. I am asking it that I may be enlightened.

Mr. CLARK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. ALLEN. Certainly.

Mr. CLARK. I ask the Senator to yield simply for a question. I should like to ask the Senator if in his judgment the statute which he has just read bars the United States from the right to foreclose upon these roads without first paying off the prior liens?

Mr. ALLEN. No, Mr. President; I do not take any position of that kind. I do take the position, however, that if the President of the United States obeys the law as you and I are required to obey it, he will direct the Secretary of the Treasury to redeem the prior lien and carry out the mandatory provision of the law.

Mr. CLARK. Then I understand the Senator to take the position that no foreclosure should be attempted by the Executive of the United States until the United States has first paid in full, out of the money in the Treasury and the money of the people, the prior liens upon the road.

Mr. ALLEN. Either paid in full or made an honest attempt to pay in full. That is my position.

Mr. CLARK. We certainly could pay them if we made the attempt. I can not believe that the Senator wants the Government of the United States to pay out of the Treasury of the United States all the money that is due on the first-mortgage liens upon the road before the Government shall take action to foreclose. I can not believe that, because I know the Senator from Nebraska is an eminent jurist and a friend of the people of the United States.

Mr. ALLEN. I wish the Senator from Wyoming could believe it.

Mr. PLATT. Mr. President, may I——

Mr. ALLEN. Let me answer the Senator from Wyoming, and then I will yield. There is nothing, Mr. President, in this bluster that the "Senator from Nebraska" can not believe that the President ought to pay out of the money in the Treasury a sufficient amount to redeem these properties from the superior liens. Mr. President, that is the plain mandatory language of the law. It says the President of the United States shall direct the Secretary of the Treasury to redeem these properties, and it says he shall direct him to redeem the properties out of the money in the Treasury of the United States. If the policy laid down in the statute is wrong, it was for Congress to determine that fact when the statute was enacted.

The Senator from Wyoming may excuse his conscience if he desires to; he may excuse the President of the United States from a failure to comply with the law if he sees proper; he may characterize me in ironical terms if he sees fit; I care nothing for either, nor for the language he may use regarding me. I say there is no honest man on the face of the earth, not moved by personal or party motive, who can construe the language of section 4 of the statute in any other way than that it is the bounden duty of the President of the United States to cause the Secretary of the Treasury to redeem these properties out of money in the Treasury. All through the statutes, the history of these roads, from 1862 down to the present time, there runs the thought that it would be the duty and the province of the Government to take these roads and own and operate them, and I challenge the Senator from Wyoming or any other Senator to dispute that statement. I now yield to the Senator from Connecticut.

Mr. PLATT. I thought I would like to get the Senator's opinion on the true construction of the statute, because it has, I will say very plainly, troubled me. The last clause in the section, as the Senator knows, is this:

> And to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

What I wish to inquire of the Senator is whether he thinks or does not think that that gives the President a definite and independent power as disconnected from what has gone before it?

Mr. ALLEN. The Senator from Connecticut knows quite well that he can not disconnect sentences and sections of an act bearing upon a given subject; that they must be construed in pari materia. Now, look at the provisions of the act——

Mr. PLATT. It is simply the question whether he has both remedies or whether it is all one remedy.

Mr. ALLEN. That is, whether it furnishes remedies in the alternative or not?

Mr. PLATT. Yes.

Mr. ALLEN. It is not couched in the language of the alternative. Following what I read some time ago, after the Secretary is required to redeem, the section says:

> And the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made.

The payment must be made by the Secretary of the Treasury out of money in the Treasury, and the Government by force of the fact becomes subrogated to all the rights of the prior lien holders. Suppose it should appear that the Government of the United States is not in a condition to make and can not, by force of circumstances which can not be removed, make the redemption, then I admit under such circumstances, if the Government can not comply with the first requirements of that section, independent of the statute and by force of law that exists outside of statutes, the Government would have a right to go into the courts of equity of the country and foreclose the mortgages.

Mr. PLATT. If the Senator will permit me, the statute having provided for the redemption of the prior mortgage under the clause which the Senator read, then there is a period, and it proceeds to say:

> It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

Mr. ALLEN. Yes.

Mr. PLATT. The question which I confess has troubled me is whether that authorizes the President to direct the Attorney-General to make foreclosure when there has been no prior effort to redeem the prior mortgage. I think that it does, but I am not sure about that.

Mr. ALLEN. Let me put to the Senator from Connecticut a question, and let us see if that does not come pretty nearly interpreting this statute as it ought to be interpreted. Suppose the Secretary of the Treasury should attempt to make the redemption contemplated in this act, and the holders of the first-mortgage lien refuse to receive the money in redemption, as they would clearly have a right to if they saw fit in that case, the President is given authority to direct the Attorney-General to foreclose the lien and protect the interest of the Government. But the Senator from

Connecticut will not deny that the Government of the United States, through the executive department, would have that power, entirely apart from the provision of the statute. But how can the President excuse himself and how can the Senator from Connecticut excuse the President from following out the mandatory provision of this law, which says he shall direct the Secretary of the Treasury to redeem from the first liens with money in the Treasury?

Mr. PLATT. I am not trying to excuse the President. As the Senator will remember, I was simply desiring to get his opinion as to the construction of the statute, to which he has given a great deal more attention than I have. The proper construction of the statute has troubled me a good deal, and I wanted to know what the Senator thought about it.

Mr. ALLEN. I hold this to be the true construction of this statute: First, that the President of the United States shall require the redemption of these properties from the first lien holders by money out of the Treasury, if that can be done; and if it can not be done, or the holders of the first lien will not receive their money and the properties are becoming impaired in any respect, it is the duty of the President to direct the Attorney-General to foreclose the lien and preserve the properties by the appointment of receivers, or in any other usual form known to courts of equity. But he can not, Mr. President, I repeat it, justify himself in the eyes of the world if he fails to fulfill the law of the country and ignores the first provision of the statute. I understand well he may stand out doggedly and say, "I will not," and, in the language of Boss Tweed, ask, "What are you going to do about it?" I can understand that mental attitude of the President of the United States, but if he is a faithful servant of the people, if he has registered an oath to see that the laws of this country are fulfilled, he can not comply with the full requirement of that oath without causing the provision of this act, among others, to be carried into effect.

There is another important matter, and I will notice it just a moment, and that is the power of the Attorney-General to enter into a stipulation with specified persons respecting the sale of property that has not yet been foreclosed and offered for sale. Of course the Attorney-General is much more of a lawyer than I am, but I have never yet heard of a complainant, before his lien was foreclosed upon property, and where the sale by force of law must be public to all bidders who may see proper to bid, going to private individuals and entering into a stipulation for the sale of the property at marshal's sale, and, as my friend from Georgia [Mr. BACON] says, at 50 cents on the dollar, or any other sum. It is not 50 cents on the dollar in this case. If you will take the terminal facilities of these roads; if you will take their bridge privileges; if you will take the sinking fund, amounting to millions of dollars—$17,000,000, says the Senator from New Jersey [Mr. SMITH]—and their equity in the 18,000,000 acres of land which were granted in aid of their construction, the bid is not 35 cents on the dollar, in my judgment. Who ever heard of the complainant, before his mortgage was foreclosed, going to a private individual or corporation and entering into a written contract, fixing the price the marshal should receive for the property? Yet that is exactly what has been done here by the Attorney-General.

Mr. President, these proposed purchasers, the reorganization committee, at the head of which Mr. Fitzgerald stands, wanted the Attorney-General to exact of any other proposed purchaser—fearing that there might be other purchasers or proposed purchasers—a stipulation to advance a certain amount in cash as a condition precedent to their right to bid. The Attorney-General could not accept that condition. That is one thing he would not do.

Here is this property that is to be put up at auction and sold according to a decree at marshal's sale, contracted in advance of the entering of the decree, contracted in advance of the making up of the issues in the case, contracted in advance of the taking of testimony in the case, to specified individuals, or to a specific organization, by the Attorney-General, and without law or authority in the Executive authorizing it.

Mr. President, Congress has jurisdiction of this matter: it belongs to the legislative department of this Government: and yet if this precedent of the President of the United States is to be followed, and his action is to go unrebuked by Congress, these properties, amounting to one hundred and thirty or one hundred and forty million dollars, will be taken completely out of the control of Congress and left with the Attorney-General and whomsoever he may see fit to dicker with on the subject, and we will have nothing to say about it. We have recently been deprived of the privilege of legislating respecting Cuba. The distinguished gentleman standing at the head of the State Department has taken that matter out of our jurisdiction: he has taken out of our jurisdiction control of our relations with Great Britain; all our foreign relations have passed from Congress to the President and Secretary of State; and now our domestic relations, our internal affairs, are to be taken away from Congress by an Executive order of the President of the United States to the Attorney-General, and seemingly without a protest.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution which has been read. Is there objection?

Mr. HOAR. I desire to give that unanimous consent if it is the purpose of the Senator from Nebraska to have the resolution referred or disposed of without further debate, and on that condition, but I shall not give unanimous consent for the further debate of the question.

Mr. THURSTON obtained the floor.

Mr. GEAR. I wish to give notice that, at the conclusion of the remarks of the Senator from Nebraska [Mr. THURSTON], I shall request that the resolution go over until to-morrow under the rule.

Mr. ALLEN. Let me suggest to the Senator, why not let the resolution be adopted and go to his committee now?

Mr. GEAR. I should prefer to examine it.

Mr. ALLEN. May it not stand so that it may come up in the morning as unfinished business?

Mr. GEAR. I should object to that. I shall ask at the conclusion of the remarks of the Senator from Nebraska that the resolution go over.

Mr. THURSTON. I was only about to state, Mr. President, that I desire the indulgence of the Senate to ask that the resolution go over until to-morrow, as before it goes to the committee I desire to address the Senate on the subject-matter.

The VICE-PRESIDENT. The resolution will go over under the rule.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the following acts and joint resolution:

An act (S. 319) for the relief of telegraph operators who served in the war of the rebellion;

An act (S. 1725) authorizing the Kansas City and Gulf Railway Company to construct and maintain a bridge across the Red River at the city of Alexandria, La.;

An act (S. 3071) to authorize the construction of a bridge over the Monongahela River, from the borough of Braddock to the town of Mifflin, Pa.; and

The joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officers and sailors of the *Santa Maria*, who were injured by an explosion on that ship.

The message also announced that the President of the United States had, on the 27th instant, approved and signed the following acts:

An act (S. 637) granting a pension to George M. Brooks;

An act (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly;

An act (S. 1690) granting a pension to Richard Brookins;

An act (S. 2008) granting a pension to Fanny Moale Gibbon;

An act (S. 3182) granting a pension to Susan E. Cunningham; and

An act (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE submitted the following conference report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill H. R. 7864, "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment, and agree to the House bill with amendments as follows:
>
> Strike out in the first section all after the words "admission to the United States the following" and insert the following:
>
> "All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable."
>
> Strike out the present section 2 and insert a new section, as follows:
>
> "SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or

copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out the present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1891, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6 and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $50, or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that Island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts became known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1891, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.
L. DANFORD,
STANYARNE WILSON,
Managers on the part of the House.

Mr. HALE. Does the Senator desire to ask for the consideration of the report at this time?

Mr. LODGE. No: I do not propose to call it up at present. Let it be printed for the information of the Senate, and I shall call it up at a later time, after it shall have been printed.

The VICE-PRESIDENT. The report will be printed and go over.

Mr. GORMAN subsequently said: I ask consent that House bill 7864, which is the immigration bill, on which a conference report was submitted to the Senate to-day, shall be printed as it would stand if the conference report were adopted, so that we may understand the entire provisions of the bill. It has gone over until to-morrow, and the printed bill can be here by to-morrow morning.

Mr. CHANDLER. I supposed that was understood in the order which the chairman of the committee obtained.

Mr. GORMAN. I think not. I think the order embraced only the ordinary conference report, but I desire now to have the bill printed as it would stand if the conference report were adopted.

Mr. CHANDLER. I hope that will be done, Mr. President.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CHANDLER. Mr. President, this bill represents a new movement beginning in the United States for the establishment of bimetallism, the unlimited coinage of silver and gold as standard money.

The provisions of the bill are in the form desired by its friends; substantially in the language of three previous authorizations under which United States delegates were appointed to international monetary conferences, and of one under which no action was taken.

It simply authorizes the coming President to appoint delegates to any conference which may be called by the United States or any other nation, and provides for paying their expenses.

It does not compel the President to initiate an international conference, whether the time has arrived and due preparations have been made for it or not; and it is not desirable that such compulsion should be ordered. The responsibility for action or nonaction will be his, and there need be no desire to take it from him in view of his utterance upon accepting the nomination of his party, namely:

> The Republican party has declared in favor of an international agreement, and if elected President it will be my duty to employ all proper means to promote it.

The bill does not name the place where a conference must be held, but leaves that question to be settled according to the preferences of the nations which are to participate in it, and to the convenience of the greater number of the delegates. It would be exceedingly unwise to absolutely require that the conference shall be held in the United States.

The bill does not undertake to declare what the action of this Government will be in case the conference shall fail to establish bimetallism. To insert a legislative provision that in such an event the United States alone will proceed to the free coinage of silver would necessarily prevent a successful outcome of the conference if one ensues, and, moreover, would certainly defeat the passage of this bill through both Houses and its signature by the President. It would be as complete a rejection of the bill as would be a vote of the Senate to indefinitely postpone it, and the responsibility for the first defeat of the new movement for bimetallism would fatally rest upon those who claim to be the special champions of silver.

Mr. President, this bill for an international bimetallic conference has been deliberately presented in a body a majority of whose members are well known to be in favor of the free coinage of silver by the United States independently of other nations, and who believe that no successful result will come from the conference. But it is presented to them in the belief and after the assurance that they are not unwilling to allow the experiment to be again tried, under favorable auspices, and with a universal hope that it may secure the adoption of a system of bimetallism by the leading commercial nations of the world.

Mr. TURPIE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. CHANDLER. I do.

Mr. TURPIE. I desire to ask the Senator from New Hampshire if the bill provides for a time for the meeting of the conference?

Mr. CHANDLER. It does not provide any time for holding the conference or where the conference shall be held, or that the conference shall be held within a particular time. It leaves the whole subject in the discretion of the incoming President.

This bill is also presented, Mr. President, in the form which is preferred by the friends of the measure who have faith that it will prove useful, effective, and successful in its great purpose. It depends for its passage upon the votes of those Senators who have no such faith. They can defeat it by direct votes against it. They can defeat it by amendments destructive of any hopeful scheme for an international agreement. Such a result, Mr. President, I do not, I will not, anticipate, but will ask in the public interest for the speedy and unanimous adoption of the bill as it is now proposed for the consideration and decision of the Senate.

Mr. President, I have little more to add to what I have said, except to say that I think the Senator from Utah [Mr. CANNON], upon reflection, will withdraw his amendment and will not ask a vote of the Senate thereon. The Senator's proposition is that the conference shall be held in the United States. It is perfectly well known that the Western Hemisphere is for bimetallism; all the countries of North and South America—certainly south of Canada—are in favor of the use of silver as standard money. They all concur with the desire of the bimetallists of the United States in favor of bimetallism. What is desired is that we shall convince the great and wealthy nations of Europe that it is important to return to the free coinage of silver under a fixed ratio and in accordance with the principles of bimetallism. There are ten——

Mr. BACON. Will the Senator allow me?

Mr. CHANDLER. In one second. There are ten nations of Europe whom it is desirable to have participate in an international conference.

Now I yield to the Senator from Georgia.

Mr. BACON. I desire to ask the Senator from New Hampshire whether he understands that this bill, if it shall be passed in the form introduced by him, will confer upon the President of the United States the authority to call such a conference if he decides that it is advisable to do so?

Mr. CHANDLER. I will answer the Senator by saying that the President would beyond question have that authority. The language of the act authorizing the President to appoint commissioners to any conference called by the United States or any other nation, and appropriating $100,000 for the expenses of the conference, gives the authority to the President of the United States, which he will not hesitate for a moment to exert if he believes that the conference ought to be called.

Mr. BACON. I will ask the Senator—as it might be a question upon which lawyers might differ, as to whether or not that power is conferred under the present language—if there is any objection to specifically saying that "the President of the United States is hereby clothed with authority, in his discretion, to call such a conference?"

Mr. CHANDLER. If there is any need of that I should have no objection; but I say the friends of this movement have conned the language of this bill with the utmost care, and they have sought to avoid all just criticism. We might have said, "at any conference called by the President of the United States," but we understood for this purpose, with this amount of money, and with this authority to appoint commissioners, the President of the United States by absolutely necessary implication has the power to call the conference.

Mr. BACON. I desire to say, Mr. President, that I am of the opinion that the measure proposed should not be hampered in any way and that those who are moving in it should not be embarrassed by the incorporation in this bill of any provision which is not agreeable to them. In other words, I desire that they shall have full opportunity to carry out the programme which they have endeavored to inaugurate. At the same time I am anxious that this bill, if it passes, shall be in such language that there shall be no doubt about the fact that the President of the United States is clothed specifically by the bill with the power to call this conference in Europe, if you please, but with power to call it, so that if it is not called there will be no doubt as to where the responsibility for nonaction rests.

Mr. CHANDLER. There can be no possible objection to having that fact appear distinctly if it is not now a necessary implication of the bill. The President not only has this money to expend and the power to appoint commissioners, but he has the power to initiate a conference.

Now, I revert, Mr. President, to the suggestion I was making in reference to the amendment of the Senator from Utah, in order to say that I do not think, under the circumstances I have suggested, it would be wise for us to ask six or ten nations of Europe to send commissioners to the United States, when it is so much more easy and more appropriate for us to send commissioners to them. I therefore hope the Senator, to whose remarks I have listened with attention, will withdraw his amendment.

I also earnestly ask my friend of a lifetime [Mr. STEWART] not to precipitate upon this bill a proposition that, if an international conference is held, it shall then be the law of the land that the free coinage of silver by the United States alone shall take place. I ask that of the Senator from Nevada, knowing that he is sincere in his advocacy of free coinage, believes it ought to be adopted for the interests of the country and the interests of mankind, and does not wish to embarrass or defeat any honest effort to accomplish the result he has so much at heart.

Mr. STEWART. Mr. President, I have no disposition to embarrass or hinder the passage of this bill. I observed in the public press that our English friends were suggesting to the Senator from Colorado [Mr. WOLCOTT] that it would be proper and necessary for the United States to first adopt free coinage in this country, and that if we did so England would enter into a negotiation with us in regard to our tariff, requiring a reduction of only 10 per cent, and then they would consider the question. It was for the purpose of bringing that suggestion to my honorable friend here, thinking perhaps he would be willing to conform to this English view of the question, that I offered the amendment; but if he does not so desire, I shall not press it.

I wish to say a word or two about the humiliating position in which this bill places the United States. My honorable friend speaks of it as a new movement, and then tells us that it is in the precise language of three other bills which have been passed. It seems to me that his own statement robs his other statement of much force. We know very well that we have been making efforts for about twenty years to secure the cooperation of Europe in establishing bimetallism. As for myself and many others, we do not believe we need their cooperation. I have never heard a reason assigned which has any foundation in fact why we do need it.

It is said that we want the money of the world; that we must have the same financial system that other countries have in order to settle financial balances. Those who make this argument ignore the fact that financial balances are never settled with money; that international trade consists of the interchange of commodities; that we buy European money with our commodities and pay them for what we buy and what we owe with European money. We do not buy French goods with American money, but we send our commodities to France and sell them for French money and with it buy French goods. France sends her commodities to this country and sells them for American money and with it buys American goods. But you say we have to send our gold. Yes; we send our gold; but we send it as a commodity, not as money. It goes there by weight; it has no function as money in Europe any more than our wheat has.

There are many grave objections to international money which ought to make us hesitate before we enter into any compact with the world to have international money. In the first place, if we had an international money that was legal tender throughout the world our business would be subject to the fluctuations and changes of every country of the world. A business man would not only have to calculate about the business of his own country, but he would have to know the world in order to guard himself against fluctuations and disturbances which might occur anywhere. The idea that commerce can not be carried on without international money is against the experience of mankind. International money never has existed, to my knowledge, except in one instance. The Latin Union in 1865 formed a compact whereby the money of France, Italy, Greece, Belgium, and Switzerland should be a legal tender throughout that combination. But those were small countries, dependent upon France and under France's protection at the time. That is the only instance I know of international money.

Money is essentially domestic. It is a great misfortune if it has to be exported and sold in other countries. We do not want to export our money. We should not make an effort to have a kind of money that can be exported as such. When we export our money we disturb our own business. We might as well export our tools and attempt to carry on farming and other vocations. If you export money you take away the tools of commerce and destroy the prosperity of our country.

The idea of an international conference to establish an international money is against experience, and will cause great inconvenience to every nation involved in the complication. We should avoid entangling alliances, if possible. This would be the worst; and we see what grows out of it. The London press say, "If we make a bargain with you in regard to finances, you must make a bargain with us in regard to the tariff." Thereby they assume to have jurisdiction in this country, to control our domestic affairs. Shall we surrender it? Shall we surrender to other countries that jurisdiction which we think so important? The Constitution enjoins upon Congress the duty "to coin money, regulate the value thereof, and of foreign coin." Shall we give that up and say we have no right to coin money according to the Constitution? We exercised that right for over seventy years with great benefit to our country, and no inconvenience to anybody.

So I am opposed to international money. I am opposed to allowing any other country to participate in our domestic affairs. I am in favor of the United States furnishing to the people an adequate supply of money. Individuals can not supply money. If they attempt it it is a criminal offense. The Government has a complete monopoly. It is a part of the sovereignty of the Government to exercise that monopoly; and here we are going to Europe to ascertain whether we can legislate for the people of the United States. We are going to Europe, to our creditors, to the creditor nations of Europe, to the money powers of Europe, to see what measure they will mete out to us—what amount of money it is to their interest for us to have. The influence of Europe has brought this country to a sad condition.

Mr. HOAR. I should like to ask the Senator from Nevada a question, if he will allow me.

Mr. STEWART. Certainly.

Mr. HOAR. I agree myself with a good deal that the Senator from Nevada has said about fixing our own money; but I should like to ask the Senator whether, after we have fixed our own money, and concluded that it is for our interest to have gold and silver at a certain ratio, and to have all that is brought to our mints coined at that ratio, it would not be a good thing if we could persuade the other nations of the world to adopt the same policy in regard to it?

Mr. STEWART. I think not.

Mr. HOAR. The Senator thinks not?

Mr. STEWART. I think not.

Mr. HOAR. Very well: there is where we differ.

Mr. STEWART. I think it would be a very bad thing. In the first place, it would rob us of the advantage of acquiring silver. Let them stick to gold. Every country on earth which now uses silver is more prosperous than it ever was in its history by reason of the abundant supply, the United States and Europe not taking it. Already Japan is threatening the markets of New England, and the reason assigned by the Japanese is cheap silver. They boast, and truthfully, that the world can not compete with them.

Take the article of coal. Thirty years ago coal was discovered there. The two metals were then at a parity. They attempted to mine it, but they could not compete with English coal sold at about $6 a ton. When, however, the divergence came between the moneys of the two countries, the Japanese reopened their coal mines, and the English were compelled to sell their coal in Japan at a higher price in silver—first $8 per ton, then nine, and finally ten and twelve dollars a ton—to get the $6 in gold. Japan was able to mine and sell her coal for a little over $6 in her own money. Her money had remained stable. She opened her coal mines; she established a line of steamers to Bombay and another to Australia, and now she is establishing one to the United States. She reports that she can and will and is driving out English coal and all other coal from the Pacific on account of the difference of exchange. You may attempt to keep out that coal by a tariff. Suppose you put a tariff of $2 a ton on coal. How would you stand then? England could not sell any coal in the Pacific, because she could not sell it there for $4 a ton. Japan and China could sell it. Why? They would have to pay $4 in tariff duties, if the duties were paid in gold, and that would leave them $8. They can deliver it all along there for about $7 in their money.

Recently a cargo of coal came from China. It was assorted coal, different qualities—anthracite, bituminous, and other kinds of coal. It was there tested by scientists, and they reported that the anthracite coal contained as much heating power as the best anthracite that Pennsylvania produces, and that the bituminous coal was of high quality. The report is that there are unlimited coal fields in China. Wages in China and the difference in exchange will enable her to drive out entirely from the Pacific—she will compete with Japan—the gold-standard countries as to that trade.

Japan, in discussing her possible rivals, says she has none but China. No rivals in the world can compete with her in any kind of manufacturing but China. That is the only rival she has. India is put on the road to a gold standard, and her manufactures have fallen off. She is no longer supplying the East. Already Japan is invading your markets. Her wares are in every city in the Union. She can sell her wares for less than the cost of production here and make money at it, after paying the freight, which on dry goods is merely nominal in the great tramp steamers. The universal prosperity of silver-standard countries, by reason of the difference of exchange, leads me to wish that the United States could have like opportunities. I might trace the facts as to all other manufactured articles, for I have followed up their trade reports, among others, and show the advantage they have over this country, but I will not do it.

I wish to state, however, that although the pending bill places the United States in a most humiliating position, although it delegates to foreign countries control over our domestic affairs, although it proposes to deprive the United States of the power to make her own laws, I shall not oppose its passage, for the reason that a great many people in the United States have been deceived and have been made to believe that this country is dependent upon foreign countries for its legislation. You made them believe that we were in a helpless condition, and secured many votes by such arguments. Although we have tried it for twenty years, and have been sent home humiliated and ridiculed, let us try it again. But I want the time to come when the sending of ambassadors to Europe to supplicate the crowned heads to allow us to legislate for our own country shall stop. It has to be repeated. Let it be repeated. Let us have humiliation. Let it come. They say that if it does not come they must stand the responsibility. Have they not tried it for twenty years, and it has not come? They want to try it again. Is it in good faith or is it for the purpose of keeping the attention of the American people on the other side of the Atlantic while they starve and freeze here in this cold winter? Is it for the purpose of diverting their attention and keeping them on the hope of relief in some other way, to prevent them from taking the business in their own hands and conducting it as they did in the better days of the Republic? Do the Republican party mean ever to bring this fake—I call it a fake, an old fake—to an end? Will they keep the American people starving and looking to Europe for relief? Do they intend to make this perpetual? Do they expect—they fix no time in this measure—that they can keep it going until another election, and another, and another, and keep the minds of the people diverted from the real cause of the evils which affect them? I do not know but that with the press, with the railroads, with the banks, with Great Britain, with the power of money, they can keep the people perpetually looking to Europe for relief until they are prostrated and enslaved. It is possible.

It is said that this was a verdict of the people. If it was a verdict of the people, why did it cost millions? Does it cost millions to get an expression of the free will of the people of the United States? Ah, it savors of the verdict of money. It reflects on free institutions that millions should be required to obtain a verdict of the people, and it may be possible that those—not my honorable friend—who are manipulating to carry the next election want this same thing, this same fake with which to deceive the people, so as to secure enough money to get another victory. Of course I reflect upon no Senator; but that seems to be the movement, because the gold press almost universally since the election have ridiculed the idea of an international agreement and have rather apologized to their gold associates in Europe for going through this old pantomime again; that they have to do it in pursuance of the promise which they made. The New York Tribune explains from day to day that they must go through this process because they put the promise in the St. Louis platform; that they must carry out their pledges to the people; that they will make another trial; that Europe must not be offended if we supplicate them again to be our masters. That is the tone of the gold press of the United States. There ought to be a time fixed when this particular movement, this new movement, as it is called, this old-new movement, shall be carried into effect. There should be a limit some time in the future, so that the people can know when the relief by foreign aid is to come.

The Government has a monopoly of creating money. The business of this country is prostrated for want of money. The manufacturers' doors are closed because the people are too poor to buy. Hundreds of thousands of people are suffering to-day for clothing. It is not because the people do not want clothing that the mills are stopped; it is because they can not buy it; and so in every other walk of life, there are abundant consumers if they had the money to buy. Everybody knows that that is true. But without money business is prostrated and the country is suffering. Is that to be perpetual? Are we to stand by always under the flimsy plea that the United States has no power to carry out the provisions of the Constitution and create money in some form, to supply the necessities of the people? In the great emergencies of war all civilized nations have found a way to create money to relieve distress, and more people are losing their lives to-day from hunger and cold than in the same period lost their lives in battle during the war. They are looked upon, I know, by the rich with contempt. They are asked to postpone, to wait—the time will come—until they get favors from Europe; but in the meantime, while they are waiting, they are suffering and dying.

Now, it does seem to me that there ought to be as much power in a government in time of peace as there is in time of war. No government on earth has ever preserved its existence in emergencies of war by the use of either gold or silver as money, except in one instance. Germany when she fought the French war remained on the silver basis. She was on the silver basis. Gold never carried any nation through war; and if we can not relieve the extremities now, which are greater than the distress of war, if we have no power to do it, then peace is more horrible than war.

Look. Every nation in Europe has resorted to the power of the government to issue legal-tender money in emergencies. England did it in the Napoleonic wars for twenty-two years. During that period she prospered in her commerce and in her trade, and increased her wealth more than in any century. The United States during the great war partially used her power to make legal-tender money. She issued first full-fledged greenbacks to the extent of $60,000,000, which remained at par with gold during the war. They never failed. She then issued a large amount of paper, partly legal tender, repudiated for certain kinds of taxes. It was not receivable for customs dues or interest on the public debt. We did that. It was admitted by all that it was the instrumentality which carried us through the war, because it gave the people money with which to do business and develop the country, and it supplied the sinews of war. If a government can meet an emergency of that kind, why can it not meet the emergencies which have come upon the American people. Never in the history of this country was there such suffering, such death, and destruction as now, inflicted by this terrible scourge, want of money.

They say we must have the commodity gold, whether or not we can get any of it. Does civilization depend upon any one commodity. Does the Government of the United States depend upon any single commodity? A commodity is not money. If you would take from gold the stamp of every government of the world, with fifty years' supply on hand, it would not be worth 10 cents a pound. The same would be true of silver if the silver countries would treat it as we have. It is the fiat of government that makes money. The material upon which it is stamped designates what law has declared. The only function that either gold or silver performs independent of the power of the fiat of government is the regulation of quantity. The value of money depends upon the quantity, upon the volume as compared with population and business. The two metals are sufficient limitations. The trouble with them through all the ages has been that the quantity has been too small. When the mines were productive, civilization came into existence. When the mines failed, civilization has disappeared and barbarism has come as regularly as the sun rises and sets.

Now, we discard one of the metals, and take the one the less regular in production, which the arts and sciences are consuming with a rapidity never before known, and say civilization must cease if that commodity gives out. The speculators and the manipulators of money have seized upon the situation and bought up the commodity. More than half of all the gold in the world is now hoarded by the governments of Europe under the pretext that

they need it in the emergency of war. The balance, nearly all of it, all or a sufficient amount to do any good, is held by a great money combination as a monopoly. If they have a monopoly of the money, they have a monopoly of liberty, of justice, and civilization. Those who hold this commodity also hold in their keeping the destiny of mankind, and civilization must perish. Avarice will never lose its grip. It has the gold, and civilization must cease unless something else is adopted upon which the sovereign will of the Government can be stamped. In the midst of such a condition we are asked to wait until the hoarders of gold will relent. When did avarice ever relent to suffering humanity? This proposed conference will be as idle as the preceding conferences. If any result is arrived at, it will be some entanglement that will make conditions worse.

I do not believe that President McKinley will appoint men who will betray this country. If he does not appoint men that the money powers can use, there will be no agreement. They boast of the great commercial power of England, of her supremacy over all countries, and she has supremacy because she has monopolized this commodity, gold. We can not get it except upon her terms. Her terms are starvation and want. We see her terms in every city in the Union. Her terms are advertised in the pulpit, her terms are advertised through the press, calling upon the citizens to contribute to save the starving multitude who are deprived of work from immediate death. There were 40,000 in the city of Chicago at one time sheltered by the public. How many other thousands were without shelter nobody knows. That is the condition.

Here are 5,000,000 willing hands excluded from the possibility of getting a living in this country. They have to subsist upon the charity of those who have something. See the loss, the waste, that this is entailing. There is a loss to this Government of thousands of millions a year by enforced idleness in attempting to use the commodity gold and nothing else, because the enemies of the human race, as are the usurers, have bought up this commodity and hold it where we can not have it. Men are going into bankruptcy every day, losing the accumulations of a lifetime, because they can not convert their property into money and pay their debts. That is the situation which confronts us here. With our fine salaries we can live, and see the country mourn, and see the distress; we know that the commodity gold is hoarded and we can not reach it. And this is called sound money, a safe currency. Safe for whom? For the men who can not get it or the men who have hoarded it?

Mr. BACON. Will the Senator from Nevada permit me to interrupt him simply to the extent of having an amendment read?

Mr. STEWART. With pleasure.

Mr. BACON. I will not consume more of the Senator's time. I send the proposed amendment to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following as an additional section:

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference to assemble at such point as may be agreed upon.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

Mr. CHANDLER. Will the Senator from Nevada allow me to say that while I do not think that amendment is necessary, yet, after consulting with the Senator from Iowa now by my side [Mr. ALLISON], I see no objection to it, and therefore I am entirely willing that it should be adopted. I am very much obliged to the Senator from Nevada for his willingness not to embarrass the bill.

Mr. STEWART. I am not willing, while I am occupying the floor——

Mr. CHANDLER. I want to thank the Senator for making so brief a speech, that is all, and to express my gratitude to him for what is to happen after he finishes.

Mr. STEWART. There is one other thought to which I desire to call the attention of the Senate, and that is the progress which has been made in the last year in this great war for liberty. Heretofore the friends of honest money, the friends of prosperity, have been intermixed with the advocates of the commodity gold as the only material out of which money can be made. They are separated now. Six and a half million American people declared for free silver. The line is drawn, and on the goldbug side of the line there are hundreds and hundreds of thousands who have been deceived and have been running after false gods on the other side of the Atlantic, and they will come to us. The line of demarcation has been drawn between those who favor country, and this country, first, last, and all the time and those who willingly or unwillingly do the bidding of the money powers of Europe.

They say they gained a victory. We know we would have had a large majority notwithstanding, if money had not voted. But it will take a large amount of money to outvote us the next time. I say to them, "You have the press, most of it; you have the corporations, nearly all of them; you have the banks, nearly all of them; you have the money powers of Europe behind you; you have every means of subverting the will of the people, but we have now a solid phalanx in battle array." In the last campaign we were forced to organize our forces in the face of the enemy. Every effort was made by the Republicans and the gold Democrats to distract and divide the American people who believe in restoring the laws of the better days of the Republic. Under all those difficulties, without money, without a press, without corporations, without banks, against all that combination we polled, as I believe, more than half of the American vote. We did not get the colored vote, it is true. We did not get the foreign vote that congregates in the cities, because when they come from foreign lands and go into American factories and workshops they do not become Americans, as they did of old when they went upon the broad fields and breathed the fresh air. In a single generation—yea, in six months—we could convert a European to American institutions. But what do foreigners learn of American institutions in the fetid air of cities, where their surroundings are as dictatorial and oppressive as they were in the land from which they came? You got them; we got the independent American voters who——

Mr. HOAR. I rise to a parliamentary inquiry. When the Senator says "You have got them," does he impute all these things to the Vice-President?

Mr. STEWART. When I say "you," I mean every servant of British power. I mean every man who likes to see the people miserable and the rich happy——

Mr. HOAR. Mr. President, my point——

Mr. STEWART. Every man who dislikes American institutions, every man who says we want a stronger Government to keep down the rabble, every man who calls six and a half million American people anarchists.

Mr. HOAR. I rise to a question of order.

Mr. STEWART. I mean them when I say "you."

The VICE-PRESIDENT. The Senator from Nevada will suspend. The Senator from Massachusetts rises to a parliamentary inquiry.

Mr. HOAR. I rise to a question of order, that under the rules of the Senate the word "you," used by a Senator on the floor, means the Vice-President, and that it is out of order to attribute all these disgraceful things to him. [Laughter.]

Mr. STEWART. I will talk in order, and I will say "the Senator from Massachusetts and all who cooperate with him in robbing the people of their money." He is the person I meant by "you." I mean those who smile when the people suffer. I mean those who call the masses of the American people anarchists, those who deride them, those who want stronger governments to oppress them, those who are opposed to free institutions and ape foreign manners, those who make England their homes, those who spend a hundred million dollars a year to learn the ways of monarchy and oppression, those who admire the poverty of the peasant in Europe and desire to place American citizens upon the same level, those who call it anarchy to discuss economic questions, those who call the rule of gold kings supreme and sacred, those who call it the government who have confounded the Government of the United States with foreign influence and are not American in sentiment. Those are the men I mean. They had all the classes to which I have alluded. They had the votes of the cities, where ignorance and squalor prevail. They had the colored vote where the colored people have not had an opportunity to understand economic questions. We had the votes of independent Americans, and now we are arrayed against the forces of monopoly. We have the lines drawn, and I do not wonder that you want a bill to apply to Europe to get this question away. Take it away from the American people. Pass your bill. Show your fidelity to the opinions and wishes of foreign potentates. I think the people will begin to see it. They will see it more plainly in the next campaign. You who are engaged in this scheme know very well that you must have a new pretext; that you have not money and influence enough without some new device to avoid an overwhelming defeat at the next election. It is staring you in the face, if you will not give relief, and I see no movement in that direction. Everything has been tried by other countries to get relief under like circumstances. It is true onerous taxation is to be levied to oppress the people, but it is the first time in history. It is a new proposition that relief can come for want of money from more taxation. Your plan is more taxation and less money to pay it with. That is the only thing you propose. Go on with your bill for more taxation. Go on with more revenue. Pile it up. You have now $225,000,000 in the Treasury. Put more there. Take it away from the people, and see if you can produce good times by such a process.

I say, without fear of contradiction, that history does not furnish an instance in this or any other country where a depressed condition of things was ever mitigated or prosperity restored without more money. There has never been an instance. We are pointed by the press to the act for the resumption of specie payments. Prosperity came after that. It came in spite of that act, by reason of the Bland Act, which furnished more money.

We are told by the New York Tribune and other papers that we had prosperity in 1892 after the passage of the McKinley Act. The McKinley Act did not give that prosperity, but an additional supply of money which was put out under the Sherman Act to relieve business, and the Senator from Ohio [Mr. Sherman] at the extra session of 1893 said that that additional supply saved this country from panic when the Barings failed.

The VICE-PRESIDENT. The Senator from Nevada will suspend. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived, which will be stated.

The Secretary. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CHANDLER. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the pending bill.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be laid aside for the time——

Mr. WHITE. Temporarily, I understand.

The VICE-PRESIDENT. That it may be temporarily laid aside for the consideration of the bill which has been under discussion. Is there objection?

Mr. PETTIGREW. I should like to ask the Senator from New Hampshire if he intends to dispose of the bill. Is that the purpose?

Mr. CHANDLER. I do. The Senator from Nevada informs me that he does not want to talk much longer. I do not know of any other Senator who wants to speak, and I expect to dispose of the bill very promptly.

Mr. PETTIGREW. I wish to be heard briefly upon the bill, but I do not wish to speak until to-morrow. Probably I shall not want to speak for over half an hour.

Mr. CHANDLER. Then I will only ask that the consideration be deferred until the Senator from Nevada has finished. Then the bill may go over and be taken up after the routine business to-morrow morning, when I hope it will be finished.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire as modified? The Chair hears none.

Mr. STEWART. I am about through. I wish to speak only a minute longer.

Mr. President, I had about concluded what I had to say. I simply want to warn the Republican party that their movements are now watched; that the people are aroused on this question; that there is no other relief in my belief from the distress that now afflicts the country for more money. I want to tell them what they undoubtedly understand themselves, that they will be overthrown by the American people as surely as they do not give relief, and if they can give relief by any legislation other than a greater volume of money it will be something that has never been accomplished on earth before. I do not believe they can.

I shall not offer the amendment which I proposed, but I shall allow the bill to pass in any form that its friends desire; but I may be allowed to make this prediction, that it will do no good, but will do a great deal of harm in humiliating the people of the United States. It is so unpatriotic, so un-American to go to Europe to get legislation for this country that I can not look upon it with any favor. I can not look upon it but as a calamity. Still, it is a calamity which we must have in order to afford another object lesson, if the people have not had enough. I think they will have enough before this object lesson is concluded, so that they can see.

Mr. CHANDLER. I now make the request that the bill may go over and be taken up after the conclusion of the routine business to-morrow morning.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. Mr. President——

The VICE-PRESIDENT. The Chair submitted to the Senate the request of the Senator from New Hampshire. There is no objection, and it is so ordered.

Mr. CHANDLER. I rise now to suggest that there is not a quorum of the Senate present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Brown,
Burrows,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Faulkner,
Frye,
Gallinger,
Gear,
Gray,
Hale,
Hawley,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present.

EXECUTIVE SESSION.

Mr. CULLOM. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and eighteen minutes spent in executive session, the doors were reopened.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. HOAR. I ask unanimous consent that the unfinished business may be temporarily laid aside in order that the bankruptcy bill may be laid before the Senate for the purpose of being read.

Mr. MORGAN. I have no objection to that request, on condition that it does not displace the unfinished business.

The PRESIDING OFFICER (Mr. Gallinger in the chair). The Chair will inquire of the Senator from Massachusetts precisely what is his request in connection with the bill.

Mr. HOAR. The request which the Senate granted was that the formal reading of the bill might take place now, it being understood that no votes were to be had. The bill has to be read some time. The reading is a tedious affair, but it has to be done under the rule.

Mr. MORGAN. In order to preserve the regularity of the proceeding, I ask to have the regular order laid before the Senate, and then it can be informally laid aside.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The Secretary. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. I desire to offer an amendment which I ask to have printed and substituted for the amendment offered yesterday.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. MORGAN. I also present and ask that the Secretary may read a resolution of the National Board of Trade, now in session in this city, which sent the resolution to the Senate.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

> *Resolved*, That the National Board of Trade reiterates its deep conviction that the construction of the Nicaragua Canal is of the highest importance to the commercial interests of the United States; that such a waterway will stimulate and encourage commerce, both between parts of our country remote from each other and with foreign countries, and will afford incalculable advantages to the Government in the event of a foreign war.
>
> DAVID McMENAMIN.
> H. H. POPPLETON.
> JAMES T. HOOKER.
> E. G. PRESTON.

THE BANKRUPTCY BILL.

The PRESIDING OFFICER. What is the request of the Senator from Massachusetts?

Mr. MORGAN. I ask unanimous consent that the unfinished business may be laid aside informally and without prejudice to enable the Senator from Massachusetts to have the bankruptcy bill read.

The PRESIDING OFFICER. Without objection, that will be the order. The Chair will inquire of the Senator from Massachusetts if he desires that the portion of the bill proposed to be stricken out shall be read?

Mr. HOAR. I do not think it is necessary.

The Secretary proceeded to read the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. GORMAN. If I understand the request of the Senator from Massachusetts, it is that the bill will merely be read; that no amendments will be considered this afternoon.

Mr. HOAR. That is all. No amendments whatever will be acted upon.

Mr. GORMAN. So that after the reading of the bill is concluded we will adjourn.

Mr. HOAR. Yes, sir; that is it.

Mr. HALE. I do not want any consent——

Mr. HOAR. It has been consented.

Mr. HALE. What is the proposition?

Mr. HOAR. Let me state again. Some time or other the text of the bill has to be read. It will take a half or three-quarters of an hour. The Senate has already given unanimous consent, before

the Senator from Maine came in, that that might now be done, the Nicaragua Canal bill being laid aside informally for that purpose. No vote, however, is to be taken and no action had upon it. It is merely the technical reading.

Mr. HALE. I have no objection to the bankruptcy bill being taken up for the purpose of being read.

Mr. HOAR. That is all that is to be done.

Mr. HALE. I have understood that that is all that has been consented to heretofore. I am told that it is claimed by some parties, I do not know who, that the bankruptcy bill is the unfinished business after the Nicaragua Canal bill. I certainly have never agreed to that. It has undoubtedly been made a special order, but that it ever has been made the unfinished business after the consideration of the Nicaragua Canal bill is terminated is not within my knowledge. I have never consented to that.

Mr. CHILTON. That was done the other afternoon.

Mr. HOAR. It was done in a very full Senate.

Mr. STEWART. I understood the bill was to be taken up to be read, not to be considered.

Mr. HOAR. It is to be taken up to-day to be read.

Mr. HALE. I never understood that it was made the unfinished business.

Mr. STEWART. I would not have consented to that.

Mr. HALE. I should doubt—I may not have been here—whether the Record will show that the bankruptcy bill has been made the unfinished business. It has been made a special order; it has been consented that it may be taken up and read, but the only thing that gives right of way against all other measures is the consent given that it shall be made the unfinished business. I do not understand that that has ever been done.

Mr. HOAR. Let the question come up now.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that it is their recollection such an order was made.

Mr. HALE. The Record will show.

The PRESIDING OFFICER. The Record will show. The Record will be consulted as soon as possible.

Mr. HOAR. If the Senator from Maine will look at the Record, he will see what has been done.

Mr. FRYE. There is no objection to the reading of the bill?

Mr. HOAR. There is no objection to reading it?

Mr. HALE. None at all. I do not say that I am opposed to the bankruptcy bill, but it is understood that upon both sides of the Chamber there is a committee on the order of business, which considers subject-matters that are to come up one after another. The Nicaraguan Canal bill was made the unfinished business in terms because it was agreed by the committees upon both sides that it should so be done. The committee upon neither side has taken up the question whether the bankruptcy bill should come in next. There are a dozen important matters that will take but little time, which will be pushed absolutely out of consideration after the bankruptcy bill is taken up. That bill, if it is taken up in connection with the appropriation bills, will absorb all the rest of the time. It will drive to the wall, unless the Senator from Massachusetts will agree that some other matters which will take but little time may be taken up, and let his measure——

Mr. HOAR. I do not think there will be anything that the Senator from Maine will object to when the matter comes up. I state very frankly that my expectation about the bankruptcy bill is that there will be a substantial agreement between the friends and the gentlemen who have been quite antagonistic to it. It has been modified, as the Senator will recollect, and it will not take a great deal of the time of the Senate.

I am aware of the suggestions that the Senator makes. I expect that this bill, if it gets through at all, will get through by a pretty general understanding in the Senate that it will not take up a great deal of time. The arrangement which has just been made, before the Senator from Maine came in, that we might spend this odd hour in the afternoon in the formal reading of the bill, was in furtherance of that idea. But I am not prepared now to make any absolute bargain, and the Senator, I suppose, is not. For instance, the Senator from Iowa has a short matter, and it was understood that the bankruptcy bill would be laid aside in its favor, and I have no doubt that that will be done as to any bill which the Senator from Maine asks to have considered.

Mr. STEWART. What have we agreed to?

Mr. HALE. On the statement of the Senator from Massachusetts, having no doubt that when he finds that the bankruptcy bill is going to sequestrate the time of the Senate, other matters will be allowed to come in, temporarily laying it aside, I will withdraw any objection.

Mr. NELSON. I wish to state with respect to the bankruptcy bill, in reply to the remarks of the Senator from Maine, that there is no bill on the Calendar of the Senate for the passage of which there is such an urgent demand as there is for the passage of the bankruptcy bill.

Mr. HALE. Which bill?

Mr. NELSON. The bankruptcy bill.

Mr. HALE. The Torrey bill?

Mr. NELSON. For a bankruptcy bill.

Mr. HALE. Or the House bill?

Mr. NELSON. Some kind of a bankruptcy bill.

Mr. HALE. I am in favor of a bankruptcy bill.

Mr. HOAR. I do not want to state what some people think (they can state it a great deal better), but I will say to the Senator from Maine, as showing the reasons for my thinking what I said, that the Judiciary Committee preferred a bill reported by the Senator from Colorado [Mr. Teller]—a House bill—and authorized that report. Three of the number who so voted in the committee (there was a bare majority, I think, of one or two that way) have come to me within a few days and said that in looking over the Torrey bill, and seeing how it has been modified, they are now in favor of that bill; and I confidently hope and expect that the Senator from Colorado himself will give his assent, perhaps, to that bill, with some modification. I expect (however, I may be mistaken) that it will go through by a pretty general consent.

Mr. HALE. I hope the Senator is correct, and I shall join with him, because I believe that one of the necessities, in the present condition of almost suspended animation in the industries of the country, is to wipe the slate clean in many respects. I am for that. I do not have so much confidence that the Senator can do it, but I am willing that he shall try it.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. The Chair will suggest that the Senator from Minnesota [Mr. Nelson] has the floor and would like to be heard.

Mr. NELSON. I was under the impression that I had the floor.

Mr. ALDRICH. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. I understood that consent was given to have the bill taken up for the purpose of being read, and not for the purpose of general discussion.

Mr. CHILTON. That was its purpose.

Mr. ALDRICH. I ask that the regular order may be proceeded with.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Rhode Island that the Chair does not understand that consent has yet been given.

Mr. ALDRICH. Not to have the bill read?

The PRESIDING OFFICER. Not even to have it read.

Mr. ALDRICH. I beg the Chair's pardon, then.

Mr. BROWN. I should like to ask which one of the many bankruptcy bills it is proposed to have read?

The PRESIDING OFFICER. The Chair will again put the request submitted by the Senator from Massachusetts [Mr. Hoar], that the bill be now read for information.

Mr. BROWN. Which bill, Mr. President?

Mr. STEWART. Evidently it is the purpose to occupy the time of the Senate with that bill, and it contains anything but the voluntary provisions.

The PRESIDING OFFICER. The Senator from Nevada will suspend. The Senator from Utah had addressed the Chair and will be recognized.

Mr. BROWN. There is a majority report of one bill. The Senator from Oregon [Mr. Mitchell], from the minority, has reported another bill. The Senator from Massachusetts [Mr. Hoar] has reported a third bill. Now, which bill of the three is it that it is asked to have read?

Mr. HOAR. I have not reported a third bill.

Mr. BROWN. There are three reports here, one with the name of Senator Hoar, one with the name of Senator Mitchell, and one with the name of Senator Teller.

Mr. HOAR. Those are Senate bills. The one which is before the Senate is House bill 8110.

Mr. BROWN. Then, laying aside the Senate bill, the Senator asks to have the House bill read?

Mr. HOAR. It does not require the Senate bill to be laid aside, because it is not before the Senate.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts?

Mr. BROWN. Yes; there is objection.

Mr. HOAR. That unanimous consent was given some time ago. It is merely to read the House bill, which has to be read at some time. It is to have the drudgery of reading it, without any vote whatever to be taken upon it. It is only to devote this end of the afternoon to its reading, when I suppose no one wishes to make a long speech on the Nicaragua Canal bill. It has to be read at some time.

Mr. BROWN. Why should the House bill be read, when we have three Senate bills to be taken up in their order?

The PRESIDING OFFICER. The Chair will again submit the request. Is there objection to the request made by the Senator from Massachusetts?

Mr. BROWN. There is objection.

The PRESIDING OFFICER. Objection is made by the Senator from Utah. What is the pleasure of the Senate?

Mr. MORGAN. The regular order, Mr. President.

W. H. WADE.

Mr. COCKRELL. If the Senator from Alabama will permit, I should like to call up and have considered at this time the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers. The bill was reported favorably from the Committee on Military Affairs, and there can be no objection to it.

Mr. MORGAN. Does the Senator make that request without prejudice to the regular order?

Mr. COCKRELL. Oh, certainly.

Mr. MORGAN. That is understood, then.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to credit the account of W. H. Wade on the books of the Department, as captain and acting regimental quartermaster of the Thirty-first Regiment of Ohio Volunteers, with $120.15, received by him as such captain and acting regimental quartermaster and disbursed by him to extra-duty men for extra duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COGSWELL & CO.

Mr. COCKRELL. I ask the unanimous consent of the Senate to consider the bill (H. R. 939) for the relief of Cogswell & Co. It is a very short bill which has been passed by the House and is now pending here upon a favorable report from the Committee on Claims. It will only take a moment.

Mr. MORGAN. Without any prejudice to the regular order?

Mr. COCKRELL. Without any prejudice to the regular order, as a matter of course.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Internal Revenue to reopen the refunding claim of Cogswell & Co., of St. Louis, Mo., for $1,308, and allow so much thereof as he may find to have been paid in excess of the amount required by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT POINT ARENA, CAL.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California.

Mr. MORGAN. I have a proposition which I desire to submit to the Senate. I wish to ask unanimous consent that bills on the Calendar may be taken up and considered in such order as they may be presented here without prejudice to the regular order, and that the regular order may be considered as still pending before the Senate at the close of this proceeding.

Mr. PERKINS. Do I understand the Senator to object to the consideration of the bill I wish to call up?

Mr. MORGAN. Oh, no; I was trying to make a way for you.

The PRESIDING OFFICER. The Senator from Alabama requests that the regular order shall be laid aside temporarily for the consideration of these bills. Without objection, that will be the understanding. Is there objection to the present consideration of the bill indicated by the Senator from California?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME AND BELT RAILWAYS.

Mr. GORMAN. I ask the Senate to consider the joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

The PRESIDING OFFICER. The joint resolution will be read for information.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. WEBB.

Mr. ALDRICH. I ask unanimous consent that the bill (H. R. 1256) for the relief of Henry A. Webb be taken up for present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

> That the Secretary of the Treasury be, and he is hereby, directed to redeem in favor of Harriet W. Greenwood and Amey W. Wheeler, heirs of Henry A. Webb, of Providence, R. I., the following described bonds of the United States, issued under acts of Congress approved July 17, 1861, and August 5, 1861, namely: Bonds Nos. 3049 to 3051, inclusive, for $500 each; bond No. 5187, for $100; bonds Nos. 1836 and 1837, for $100 each; bonds Nos. 4345 to 4350, inclusive, for $50 each: amounting to $2,100, together with unpaid coupons thereof to the amount of $3, covering interest for sixteen and one-half years, namely, $2,079, said bonds and interest amounting in all to $4,179, the said heirs claiming that the estate of said Henry A. Webb owned said bonds on February 11, 1865, when, it is alleged, they were stolen from the estate, and were afterwards destroyed by the thief or thieves: *Provided*, That before the redemption of said bonds the said heirs of Henry A. Webb shall execute or cause to be executed and deposit with the Secretary of the Treasury a bond of indemnity, with good and sufficient surety, subject to the approval of the said Secretary, to secure the United States against loss or damage in consequence of the redemption of said bonds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BARGE BLACK DIAMOND.

Mr. McBRIDE. I ask the consent of the Senate to call up the bill (H. R. 7781) to grant an American register for the barge *Black Diamond*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORTGAGES IN THE INDIAN TERRITORY.

Mr. COCKRELL. There is an important bill, the bill (H. R. 8298) relating to mortgages in the Indian Territory, reported by the Senator from South Dakota [Mr. PETTIGREW] from the Committee on Indian Affairs. It is exceedingly important that the bill should be passed, and it is a very short bill. I ask unanimous consent that it may be considered. It is not even one page in length.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4742 of Mansfield's Digest of the Laws of Arkansas, heretofore put in force in the Indian Territory, by adding the following:

> *Provided*, That if the mortgagor is a nonresident of the Indian Territory the mortgage shall be recorded in the judicial district in which the property is situated at the time the mortgage is executed. All mortgages of personal property in the Indian Territory heretofore executed and recorded in the judicial district thereof in which the property was situated at the time they were executed are hereby validated.

The bill was reported to the Senate without amendment.

Mr. PLATT. I am not going to interpose any objection to the bill; I did not know it had been reported, but it seemed to me very strange when it was in committee, and it seems to me very strange here that the Congress of the United States should attempt to amend the statutes of Arkansas.

Mr. CHILTON. I can explain the bill in a moment. I did not introduce the bill, but it is simply one of this sort: Under the laws now prevailing in the Indian Territory a nonresident can not give a mortgage without delivering possession of the property. The record of the mortgage is ineffectual. The bill simply proposes to make a record effectual, so that the mortgages will be valid without an actual delivery of possession to the mortgagee. That is all there is in the bill.

Mr. PLATT. I am not complaining at all of the character of the bill.

Mr. COCKRELL. The point the Senator from Connecticut makes is that we are amending a State law. We have by our laws made the statute of Arkansas referred to the law in the Indian Territory; now it is proposed to amend that statute. That is all.

Mr. PLATT. I think the bill ought to be in a different shape, and not attempt to amend the laws of the State of Arkansas. I am quite in sympathy with the object of the bill.

Mr. COCKRELL. It is because we have made those laws the laws of the Indian Territory.

Mr. CHILTON. I will state further to the Senator from Connecticut that the same idea presented itself to me, but the bill passed the House in that shape. It did not occur to me that the objection was too serious. It was so desirable that the bill should get through without having to go back to the House and into conference that we allowed it to remain in that language.

The bill was ordered to a third reading, read the third time, and passed.

OFFICIAL TITLE OF EX OFFICERS.

Mr. HAWLEY. I ask consent to call up the bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. The bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled The United States against La Abra Silver Mining Company and others and The United States against Alice Weil and others, was reported the other day and was taken up and read, but was postponed because the Senator from Nebraska [Mr. ALLEN] desired to examine it further. He tells me that he has examined it further and is entirely content with it. I desire that the bill be put upon its passage.

Mr. VILAS. I should like to suggest to the Senator from Massachusetts that while I am entirely in accord with him on the bill, one of the counsel engaged in the La Abra case asked me the privilege of making some suggestions about it, which I have not yet been able to hear.

Mr. HOAR. I will explain the request. I desire to say that that gentleman has spoken to me, and his suggestions are that the Chief Justice ought not to be the person to designate the judge to sit in case of inability to preside, but that the power ought to be lodged in the President of the United States, first, because the case will come before the Chief Justice afterwards, and next, because Mexico may consider that doing it by the Chief Justice, the United States being a quasi party, is not the proper thing.

I first had a conversation with that gentleman and then read something he had written, and it seems to me on full reflection that there is nothing in either of these objections, unless it be that any government would be better satisfied to have the Chief Justice of the United States perform such a duty than for the President of the United States, the political agent of the Government, to do so, who may select the person to appear to represent our Government before the court, and next that the mere designating of the judge to go into an inferior court and sit, in order that there may be a quorum, would hardly be supposed to bias the judgment of the Chief Justice of the United States in the matter of a decision of the case if it should go up on appeal. Still, if the Senator from Wisconsin thinks it best, I will not press the bill now.

Mr. VILAS. I feel just as the Senator from Massachusetts does about it; still I wish the Senator would give me the privilege of seeing the gentleman I have referred to in relation to the matter.

Mr. HOAR. Very well.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill will be passed over.

JURISDICTION OF DISTRICT JUDGES.

Mr. HOAR. I will substitute another request for the one which I just made. I ask unanimous consent for the present consideration of the next case on the Calendar, which is the bill (S. 3524) to remove doubts concerning the jurisdiction of district judges.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that a district judge shall have all the powers of a circuit judge within his own district, and also within any district in which he shall be designated to hold court during the time limited by such designation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 4863) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 6143) for the relief of Peter Young; and

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

The message also announced that the House insisted upon its amendment to the bill (S. 684) granting a pension to Marion McKibben, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment of the bill (S. 757) granting an increase of pension to Adelaide Morris, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 905) granting a pension to Mary W. Keefe, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendments to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. BARTLETT of New York, and Mr. PRICE managers at the conference on the part of the House.

AUGUSTUS P. BURDITT.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Augustus P. Burditt, of Boston, Mass., surviving partner of the late firm of Burditt & Fisk, $5,130 for the services of the steamboat *Mattie*, owned by the firm of Burditt & Fisk, and used in the military service of the United States from the 5th of January, 1865, to the 31st of January, 1865, both days inclusive, at the rate of $190 a day, as found by the Court of Claims in its finding of facts dated the 9th of June, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN Y. WILLIAMS.

Mr. PETTIGREW. I ask unanimous consent for the consideration at this time of the bill (H. R. 3503) to authorize the adjustment and settlement of accounts of John Y. Williams.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers of the Treasury to adjust and settle the accounts of John Y. Williams, late superintendent of Indian school at Fort Hall and special disbursing agent, and to give him credit for such disbursements as shall be shown to have been actually and honestly made and have accrued to the benefit of the Government or the Indians; but the total credits allowed under the provisions of this act shall not be more than $900 in excess of the balance now standing against him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. MACAULEY.

Mr. GALLINGER. I reported this morning the bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers. I ask unanimous consent for its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 4, after the name "Mary," to insert "M.;" and in line 8, after the word "month," to strike out "from and after the passage of this act;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers, upon the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers."

ESTATE OF GEORGE M'DOUGAL.

Mr. STEWART. At the earnest request of the Senator from Indiana [Mr. VOORHEES], I ask for the present consideration of Senate bill 621.

Mr. COCKRELL. That is a bill which has been passed over on account of being objected to, and I do not think it ought to be called up at this time.

Mr. STEWART. I do not think it was objected to.

Mr. COCKRELL. All the orders of business at that place on the Calendar have been objected to.

Mr. STEWART. I was not here when the bill was before called up, but I do not think it was objected to.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 621) for the relief of the legal representatives of George McDougal, deceased.

Mr. ALDRICH. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PLATT. It hardly seems to me that we ought to pass a bill appropriating for a claim of $81.000 which has been once objected to and has gone over into the Calendar of objected cases.

Mr. STEWART. I will not press the bill now, but I will say that the claim is a meritorious one. I have examined it with great care. The Senator from Indiana [Mr. Voorhees] asked me the other day to call the attention of the Senate to the bill, and I told him I would do so if there was an opportunity. I do not wish in a thin Senate to have the bill passed upon, but I give notice that if an opportunity shall present I shall call it up when there is a larger attendance.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. CULLOM. I desire to move that the Senate adjourn, but will withhold the motion until the unfinished business can be laid before the Senate, so that it will not lose its place.

Mr. COCKRELL. Let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CULLOM. Now I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 29, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1897.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Michael Vincent Sheridan, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, January 25, 1897, vice Greene, retired from active service.

Maj. John Breckinridge Babcock, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, January 25, 1897, vice Sheridan, promoted.

Medical Department.

Capt. John Monro Banister, assistant surgeon, to be surgeon with the rank of major, January 26, 1897, vice Ewen, retired from active service.

COLLECTOR OF INTERNAL REVENUE.

Wayman Crow McCreery, of Missouri, to be collector of internal revenue for the First district of Missouri, in place of Charles Speck, deceased. Mr. McCreery is now serving under a temporary commission issued during the recess of the Senate. This nomination is made to correct error in name of Mr. McCreery, who was nominated as William Crow McCreery.

POSTMASTERS.

D. H. Lafferty, jr., to be postmaster at Sanger, in the county of Fresno and State of California, in the place of Lee McLaughlin, whose commission expired April 8, 1896.

Charles A. Huck, to be postmaster at North Bend, in the county of Dodge and State of Nebraska, in the place of Albert L. Norris, whose commission expired December 14, 1896.

T. W. Leeper, to be postmaster at Oakland, in the county of Burt and State of Nebraska, in the place of William W. Hopkins, whose commission expired January 17, 1897.

John M. Smith, to be postmaster at Cozad, in the county of Dawson and State of Nebraska, in the place of Samuel Atkinson, whose commission expired December 14, 1896.

John Alfred Potter, to be postmaster at Cranford, in the county of Union and State of New Jersey, in the place of John L. Derby, whose commission expired January 25, 1897.

William E. Mills, to be postmaster at Rose Hill, in the county of Onondaga and State of New York, in the place of William E. Mills, whose commission expired December 14, 1896.

William S. Harriss, to be postmaster at Wilson, in the county of Wilson and State of North Carolina, in the place of Edwin Barnes, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1897.

COMMISSIONER OF INTERNAL REVENUE.

William St. John Forman, of Illinois, to be Commissioner of Internal Revenue.

JUDGE OF THE COURT OF CLAIMS.

Charles B. Howry, of Mississippi, to be judge, Court of Claims.

CONSUL.

Frank Dyer Chester, of Massachusetts, to be consul of the United States at Budapest, Hungary.

PROMOTION IN THE NAVY.

Capt. William T. Sampson, United States Navy, to be Chief of the Bureau of Ordnance, in the Department of the Navy.

PROMOTIONS IN THE ARMY.

Infantry arm.

Second Lieut. Samuel Burkhardt, jr., Twenty-fifth Infantry, to be first lieutenant.

Second Lieut. James Edward Normoyle, Twenty-third Infantry, to be first lieutenant.

Second Lieut. Robert Alexander, Seventh Infantry, to be first lieutenant.

REGISTER OF THE LAND OFFICE.

Patrick W. O'Sullivan, of Prescott, Ariz., to be register of the land office at Prescott, Ariz.

POSTMASTERS.

Charles C. Collier, to be postmaster at Blocton, in the county of Bibb and State of Alabama.

Virginia A. Williams, to be postmaster at Independence, in the county of Polk and State of Oregon.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota.

Miss Sebelle Knox, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana.

Mrs. Jennie Curtis, to be postmaster at Thibodeaux, in the parish of Lafourche and State of Louisiana.

George W. Clancy, to be postmaster at Darby, in the county of Delaware and State of Pennsylvania.

Francis M. Mumford, to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana.

John Schmelz, to be postmaster at Springfield, in the county of Brown and State of Minnesota.

Henry L. Waite, to be postmaster at Omro, in the county of Winnebago and State of Wisconsin.

Isaac G. Pfautz, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania.

Milton F. Moyer, to be postmaster at Lykens, in the county of Dauphin and State of Pennsylvania.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts.

Allen T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska.

John A. Isaacson, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 28, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. Henry N. Couden.

The Journal of the proceedings of yesterday was read and approved.

WEAR CRAWFORD.

The SPEAKER laid before the House the Senate amendments to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The amendments were read at length.

The SPEAKER. The question is on concurring in the Senate amendments just read by the Clerk.

Mr. STEELE. Is that motion privileged now?

The SPEAKER. It is a House bill with Senate amendments, and is laid before the House under the rule.

Mr. STEELE. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Subsequently,

Mr. STEELE said: Mr. Speaker, the bill which I asked to have referred to the Committee on Military Affairs a little while ago is the bill of my colleague [Mr. Johnson], and he is ill. Therefore I should like to have the bill remain on the Speaker's table until he arrives, and to have my former motion reconsidered.

The SPEAKER. That can only be done by unanimous consent.

Mr. STEELE. I ask unanimous consent.

The SPEAKER. The gentleman from Indiana [Mr. Steele] asks unanimous consent that the action of the House on the bill H. R. 514 be vacated, and that the bill return to the Speaker's table until his colleague returns.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. What was the action that is sought to be set aside?

The SPEAKER. The action was reference to a committee. If there be no objection, the request will be granted.

There was no objection.

HOMER C. M'CUSKEY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 4872) to correct the military record of Homer C. McCuskey.

The Senate amendments were read at length.

Mr. HAGER. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The motion was agreed to.

PETER YOUNG.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6143) for the relief of Peter Young.

The amendments were read at length.

Mr. CROWTHER. I move that the House concur in the Senate amendments.

The motion was agreed to.

JENNIE E. MOORE.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6247) granting a pension to Mrs. Jennie E. Moore.

The Senate amendments were read, and concurred in.

JOSEPH J. HUDSON.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 4363) to increase the pension of Joseph J. Hudson.

The Senate amendment was read at length.

Mr. BURRELL. I move to concur in the Senate amendment.

Mr. BAILEY. I rise to a parliamentary inquiry. Is it in order to make that motion? This is a proposition that would seem to require its consideration in the Committee of the Whole.

The SPEAKER. It has been already considered in Committee of the Whole.

Mr. BAILEY. My understanding is that any Senate amendment to a bill which would require consideration in Committee of the Whole House on the state of the Union is subject to the point of order.

The SPEAKER. But the rule of the House is where the Senate has presented an amendment which requires consideration in Committee of the Whole; but this is merely a difference in amount on a question that has already been considered in Committee of the Whole. It is not a new proposition, and that has been held not to send it to the Committee of the Whole House on the state of the Union.

Mr. BAILEY. Whether the amount has been increased or reduced could make no difference. Suppose the Senate amendment had greatly increased the amount; it seems to me that the bill ought to be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks that that would not affect it. Such has been the ruling ever since the twenty-first rule was adopted. The question is on concurring in the amendment of the Senate.

The Senate amendment was concurred in.

JOHN DUNCAN.

The SPEAKER laid before the House the bill (H. R. 4853) for the relief of John Duncan, with a Senate amendment thereto.

The Senate amendment was read, and concurred in.

MARY W. KEEFFE.

The SPEAKER laid before the House the bill (S. 905) granting a pension to Mary W. Keeffe, with an amendment of the House thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. CROWTHER. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Thomas, Mr. Crowther, and Mr. Layton.

ADELAIDE MORRIS.

The SPEAKER also laid before the House the bill (S. 757) granting an increase of pension to Adelaide Morris, with House amendments thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. CROWTHER. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees Mr. Thomas, Mr. Crowther, and Mr. Layton.

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River in the State of Arkansas by the Texarkana and Fort Smith Railway Company, with an amendment of the House thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. McRAE. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Hepburn, Mr. Bartlett of New York, and Mr. Price.

ANNIE E. NOLAN.

The SPEAKER also laid before the House the bill (S. 2129) granting an increase of pension to Annie E. Nolan, with a House amendment thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

The amendment was read.

The SPEAKER. What action does the House propose?

Mr. McMILLIN. I suppose, if there is no motion to the contrary, that the bill will go to the committee for their recommendation.

The SPEAKER. The gentleman moves that the bill be referred to the Committee on Invalid Pensions for their action.

The motion was agreed to.

MARION M'KIBBEN.

The SPEAKER also laid before the House the bill (S. 684) granting an increase of pension to Marion McKibben, with House amendment, on which the Senate insisted on its disagreement to the House amendment and asked for a conference.

Mr. STEELE. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and agree to the conference requested.

The motion was agreed to.

The SPEAKER. The Chair will appoint as conferees on the part of the House the gentleman from Michigan, Mr. Thomas, the gentleman from Missouri, Mr. Crowther, and the gentleman from Ohio, Mr. Layton.

CHANGE OF REFERENCE.

By unanimous consent, the bill (S. 2237) to provide for the appointment of guardians for pensioners in certain cases in the District of Columbia, which had been referred to the Committee on Pensions, was referred to the Committee on Invalid Pensions.

By unanimous consent, the bill (S. 2713) granting a pension to Miss Mary Hayne, which had been referred to the Committee on Pensions, was referred to the Committee on Invalid Pensions.

THEODORE JONES.

Mr. WATSON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8461) granting a pension to Theodore Jones, late brigadier-general of volunteers.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Has this bill been considered at a Friday night session, and is it on the Calendar now? It is apparently not on the Calendar.

The SPEAKER. The Chair understands that it has not been considered.

Mr. ERDMAN. I object.

The SPEAKER. Objection is made.

ELNORA SHUMAN.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman, late of Company K, One hundred and seventh Regiment Pennsylvania Infantry Volunteers, and James F. Shuman, late of Company D, Eleventh Regiment Pennsylvania Cavalry Volunteers, both killed in service during the late war, and pay her a pension of $12 per month.

Mr. MAHON. I ask for the reading of the report.

The SPEAKER. The report will be read.

Mr. JOHNSON of California. Reserving the right to object, I would like to inquire about this bill.

Mr. MAHON. If the gentleman will listen to the report, I do not think he will object.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. [illegible]) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased, submit the following report:

The claimant asks to be placed on the pension roll at $12 per month. Her case is a sad one and her cause meritorious, the history of which shall be briefly recited.

John Shuman was father of James F. Shuman, of Company D, Eleventh Regiment Pennsylvania Cavalry Volunteers, and W. E. Shuman, late of Company H, One hundred and seventh Regiment Pennsylvania Infantry Volunteers, both of whom served in the Army during the war of the rebellion. W. E. Shuman died from the effect of wounds received in the battle of Gettysburg, Pa., and James F Shuman was killed at Gettzs Station, Va., April 25, 1864.

John Shuman was dependent on said sons at time of their enlistment and death and drew a father's pension (certificate 23101). He died June 22, 1886, and left surviving him a widow (Elnora Shuman), who married him March 2, 1848. She is stepmother of James F. Shuman, and was to all intents and purposes a mother to him from the time he was 12 years old up to the time he was killed. She was also stepmother to W. E. Shuman, another son of John Shuman, from the time he was 8 years old until he died from the wound received at Gettysburg, July 2, 1863. She was in all respects (excepting birth) a mother of these two boys killed.

John Shuman and Elnora Shuman, father and stepmother, were dependent on these boys until they were killed, and after their death they lived on pension granted John Shuman. Mrs. Shuman is now without any property whatever.

The proof shows that Elnora Shuman had a paralytic stroke, which has rendered her helpless; that she needs constant care of an attendant; that she is now 74 years of age.

The bill will continue to her the same pension granted her husband. Your committee believe that this is a proper case in which to grant a pension, and report back the bill recommending its passage with an amendment striking out the clause, in lines 10 and 11, "both killed in service during the late war;" also amending title so as to read: "A bill for the relief of Elnora Shuman."

The SPEAKER. Is there objection?

Mr. JOHNSON of California. As I said, reserving the right to object, I would like to inquire why this lady would not get a pension in the regular way?

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

JOHN N. QUACKENBUSH.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9483) for the relief of John N. Quackenbush.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I object, Mr. Speaker.

The SPEAKER. Objection is made.

RIGHT OF WAY THROUGH THE OMAHA AND WINNEBAGO INDIAN RESERVATIONS.

Mr. MEIKLEJOHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The bill was read, as follows:

Be it enacted, etc., That the time prescribed by an act of Congress approved the 27th day of June, 1894, entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," for the construction of such railway, be, and the same is hereby, extended for a period of four years from the 27th day of June, 1897.

SEC. 2. That all other provisions of said act are hereby continued in full force and effect.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MEIKLEJOHN. Mr. Speaker, I ask that "four years" be stricken out and "three years" inserted.

The SPEAKER. The gentleman moves to amend by striking out the word "four" and inserting the word "three."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

NAVAL RESERVE BATTALION IN THE DISTRICT OF COLUMBIA.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10066) to provide for organizing a naval reserve battalion in the District of Columbia.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. I object.

The SPEAKER. Objection is made.

MRS. MARY A. VIEL.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mrs. Mary A. Viel, formerly widow of Maj. W. D. Sanger, of the Fifty-fifth Regiment Illinois Volunteers, and pay her a pension at the rate of $25 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would just like to ask if that bill has been considered at the regular Friday night sessions?

Mr. McCREARY of Kentucky. It has, and reported unanimously.

Mr. HITT. It has been reported unanimously.

Mr. TALBERT. Has it been considered at a Friday night session? Reserving the right to object, I ask that the report be read.

Mr. McCREARY of Kentucky. Let the report be read.

The SPEAKER. The Chair is informed that it has not been considered in Committee of the Whole.

Mr. TALBERT. Then I would like to have the report read. I I do not wish to object if it is a meritorious case.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6902) granting a pension to Mary A. Viel, submit the following report:

The claimant, Mary A. Viel, was married to Maj. W. D. Sanger August 27, 1862, while he was in the service. They lived together as husband and wife until November, 1872, when Major Sanger died. Claimant in 1875 remarried. Her second husband, Paul Viel, died September 24, 1883. Claimant had no children by either marriage. She is now 63 years of age. She is living in destitution at Galveston, Tex., without home or means of support, and entirely dependent on her own labor, as a servant, doing kitchen and household work.

W. D. Sanger was major of the Fifty-fifth Illinois Volunteers, and served with his regiment from its organization until March, 1862, when he was detailed as a member of the staff of Gen. W. T. Sherman. He was in the battles of Shiloh, Russell's House, Chickasaw Bayou, and Arkansas Post. In the latter part of 1862 he was mustered out of the service by order, for "physical disability." This order seems to have been made on a mistake of the adjutant of the Fifty-fifth Regiment, who had reported him absent on account of "physical disability" instead of "absent, detached on staff of General Sherman."

On request of Col. David Stuart, commanding the regiment, Governor Yates commissioned him as lieutenant-colonel of the Fifty-fifth Regiment. This commission Major Sanger, on February 9, 1863 (not having then been relieved from duty), declined on the very honorable ground that his own record had been made while serving on General Sherman's staff; that General Sherman had recommended him for promotion to the rank of lieutenant-colonel on his staff; that the officers of the regiment in line of promotion had rendered meritorious service, and that his promotion would be a great injustice to them.

The order mustering him out was revoked, but for the reason alone set forth he was not commissioned as an officer of the regiment, and for some unexplained reason he was not appointed on General Sherman's recommendation, and thus he was forced out of the service.

A large number of the survivors of his regiment have petitioned Congress to grant claimant a pension. They strongly urge that the wife of so honorable a soldier should not be compelled, in her old age, to go into service as a cook or bend over the washtub to obtain a support!

The pension asked for is a modest one, $25 per month, and the committee recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 18, 1897:

An act (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes;

An act (H. R. 2259) for the relief of William B. Ellis; and

An act (H. R. 2328) for the relief of Patrick Rainey.

On January 20, 1897:

An act (H. R. 3890) granting a pension to George William Hodgdon;

An act (H. R. 3398) for the relief of Augusta Tuller;

An act (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel;

An act (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased; and

An act (H. R. 3877) granting a pension to Henderson Marple.

On January 26, 1897:

An act (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River;

An act (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system;

An act (H. R. 596) for the relief of Ellis H. Roberts;

An act (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf;

An act (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates; and

An act (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

On January 27, 1897:

An act (H. R. 4538) for the relief of John Keefe.

The following bills were presented to the President on the 8th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 4281) granting an increase of pension to George Johnson, of Lenox, Iowa;

An act (H. R. 1511) for the relief of Lydia Boynton Ferris;

An act (H. R. 7127) granting a pension to Samuel D. Gilman;

An act (H. R. 5710) granting a pension to Eleanor L. Curtiss; and

An act (H. R. 158) granting a pension to Mary Collins.

The following bill was presented to the President on the 12th instant, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval:

An act (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

The following bills were presented to the President on the 13th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 6608) to remove the charge of desertion from the military record of George W Taylor;

An act (H. R. 3113) granting a pension to Margaret A. Kidwell; and

An act (H. R. 1261) for the relief of John Kehl and to restore him to his former rating.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 10002) making appropriations for the Indian Department.

Mr. GROUT. Mr. Speaker, I ask the gentleman to withhold that motion for a moment that I may make a report.

Mr. SHERMAN. Very well.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT, from the Committee on Appropriations, reported the bill (H. R. 10167) making appropriations for the District of Columbia; which was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of California. Mr. Speaker, is this the proper time to reserve points of order on that bill?

The SPEAKER. This is the time.

Mr. JOHNSON of California. Then I reserve all points of order.

The SPEAKER. All points of order are reserved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

Mr. DOCKERY. At what point in the bill?

Mr. SHERMAN. Mr. Chairman, when the committee rose, we were at the foot of page 50, considering the first paragraph under the head of "Miscellaneous," and the gentleman from Illinois [Mr. CANNON] had made a point of order against one or two provisions in the paragraph. Since that time I have drawn an amendment to meet the gentleman's objections, which I have submitted to him, and which I now offer, understanding that it meets his approval.

The amendment was read, as follows:

Strike out lines 22, 23, 24, and 25 on page 50, and all of page 51 down to line 17, and insert in lieu thereof the following: "For salaries of the commissioners appointed under the acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $25,000; for expenses of commissioners and necessary expenses of employees, $10,000: *Provided*, That $2 per diem for expenses of special disbursing agent from date of original detail by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including the secretary of the commission, $5,600; for contingent expenses of the commission, $1,400; in all, $43,000: *Provided*, That out of the appropriations for salaries and expenses of said commissioners for the fiscal year ending June 30, 1897, and prior years, there shall be paid for services heretofore performed, to F. E. Willie, $27; A. W. Dickey, $19; W. H. McClendon, $33; Henry Stroup, $90; N. L. Steele, $100: *And provided further*, The disbursing agent of said commission may reimburse himself out of said fund $50, heretofore paid by him to W. S. Olive for services."

Mr. SHERMAN. Mr. Chairman, let me say to the gentleman from Illinois that since submitting the amendment to him I have added a clause providing that a per diem shall be paid to the special disbursing agent. I have done this upon a letter received from the Dawes Commission, signed by Senator Dawes himself, in which he states that this officer was detailed from the Geological Survey to act with the Commission; that he has so acted since the 30th of August last; that while an employee of the Geological Survey his expenses were paid, but that when he came to the Commission they had no provision for the payment of his expenses, and therefore they ask that this allowance of $2 per diem from August 31 be allowed to meet that charge. Otherwise the amendment is precisely as it was when I showed it to the gentleman a while ago.

The amendment was agreed to.

The Clerk read as follows:

For operating two portable steam sawmills on the Nez Perce Indian Reservation, Idaho, and for necessary repairs to the same, $1,000.

Mr. STEWART of Wisconsin. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend the printed bill as follows: At the foot of page 51, after line 24, add the following words: "For the purchase of an electric dynamo and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000."

Mr. SHERMAN. I think that amendment, if it is to come in at all, ought not to come in at this point. It properly belongs in the paragraph providing for schools. However, I will not make the point of order against it.

The amendment was agreed to.

Mr. GAMBLE. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert after the word "dollars," in line 24, page 51, the following:

"For the survey of lands in the Indian reservations in South Dakota, the sum of $30,000, to be immediately available: and the Commissioner of the General Land Office is hereby directed to survey the lands embraced in said reservations."

Mr. SHERMAN. Mr. Chairman, I will reserve the point of order against that amendment until I hear an explanation of it.

Mr. GAMBLE. Mr. Chairman, in reference to the amendment just proposed by me, I will say that it embodies the same provision that was contained in the bill of last year. There are a large number of reservations in the State. The allotments have not been fully made. There is great necessity for the adoption of this amendment, so that the allotments may be made to the Indians and carried out as originally intended. The amendment is identical in its terms with a provision embodied in the bill of last year, except that in this amendment I have dropped the names of the reservations—the Cheyenne River and Rosebud Indian reservations—named in the bill of last year, and I make the amendment apply generally to all the reservations in the State.

Mr. SHERMAN. What is the amount of appropriation proposed?

Mr. GAMBLE. Thirty thousand dollars. The provision of the last appropriation bill will be found at the foot of page 24 of the act as passed last year. I have conferred with the Indian Office on this subject, and I learned there that all of the appropriation made last year has been exhausted and that this appropriation is greatly needed to carry out the work in hand.

Mr. McMILLIN. This does not pertain to Indians in the Indian Territory, as I understand?

Mr. GAMBLE. It applies simply to South Dakota.

Mr. McMILLIN. To the South Dakota reservations.

Mr. GAMBLE. I had prepared my amendment before the amendment of the gentleman from Wisconsin was offered, and possibly the references in my amendment to the numbering of the lines ought to be somewhat changed.

Mr. SHERMAN. Why does not the provision embraced in lines 3 to 13, on page 52, cover the matter?

Mr. GAMBLE. Simply because it is inadequate.

Mr. SHERMAN. Then why not change the amount and leave the other language of the text as it is?

Mr. GAMBLE. Because in the State of South Dakota there are a number of these reservations; and I have followed the language of the law of last year, so as to make the provision specially applicable to that State, the object being that the money should not be diverted to other localities.

Mr. FOOTE. Was this amount appropriated last year for this purpose?

Mr. GAMBLE. Yes, sir.

Mr. FOOTE. And it is proposed that we appropriate again this year $30,000?

Mr. GAMBLE. Yes, sir.

Mr. FOOTE. How long at this rate will it take to complete this survey?

Mr. GAMBLE. Well, as I have said, there are a number of these reservations, some of them of large area, and the object of this appropriation is to carry out the provisions of law and treaty stipulations in regard to the allotment of lands to the Indians, so that they can be separated from their tribal relations and move ahead in the bettering of their condition in all respects.

Mr. FOOTE. It seems to me the House should know something more about this matter. I am free to confess my own ignorance in respect to it.

Mr. SHERMAN. I desire to ask the gentleman from South Dakota [Mr. GAMBLE] whether this provision meets with the approval of the Indian Office?

Mr. GAMBLE. Yes, sir. I called yesterday at that office and conferred with Mr. Slayton, to whom I submitted this matter.

Mr. SHERMAN. Has the gentleman any report from the office on this subject?

Mr. GAMBLE. No, sir. But when I was in the Indian Office yesterday I was informed that all of the appropriation of $30,000 made last year had been exhausted and that this appropriation will be necessary to carry on the work for the coming year. I supposed then the bill would come up for consideration yesterday, and I did not have time to secure a formal report in writing from the Indian Office. Had I understood it would have gone over until to-day, I would have asked for a report in line with the suggestions I have made.

Mr. FOOTE. Has the gentleman any report as to how much work has been accomplished by the expenditure of the $30,000 appropriated last year, how much is yet to be done, and how many years it will probably take to complete the work?

Mr. GAMBLE. I do not know that I can intelligently answer that question.

Mr. FOOTE. It seems to me that the House should be informed on that point.

Mr. GAMBLE. There is a large area of land in these various reservations, of which there are a number in the State. It will take some time to carry out all the allotments under the treaty.

Mr. SHERMAN. Why does not the provision in the bill, so far as it goes, reach South Dakota as well as any other State?

Mr. GAMBLE. Because, as I have already stated, the amount provided in the bill is entirely inadequate for the State of South Dakota alone.

Mr. SHERMAN. Well, Mr. Chairman, while, in view of the gentleman's statement, a point of order would not probably be sustained on this amendment, I really think the amendment ought not to be adopted. I regret very much to oppose any proposition offered by the gentleman from South Dakota, but I can not allow such an amendment as this to pass without opposing it. I think this amendment ought not to be adopted.

Mr. GAMBLE. In reply to the gentleman from New York [Mr. SHERMAN], I will say—not that I would accuse him of bad faith or anything of that kind, because I believe he has the good of the service entirely at heart—that I suggested this matter to him yesterday, and I understood I had his permission to bring up the amendment, he believing, as I thought, that it was necessary that this work be carried out. If these Indians are to be advanced in civilization, if they are to be put on their allotments and separated from their tribal relations in conformity to the provision of the treaties with the different tribes, this appropriation ought to be made in conformity with treaty stipulations as well as the law by which they were ratified. I insist that the amount is not too large. In fact, it is really insufficient to do the necessary work in hand. But although I think a larger amount ought to be provided than this amendment proposes, I am willing to modify the amendment and reduce the amount of the proposed appropriation.

Mr. FOOTE. I should like to know whether attention is called to this matter in the report of the Indian Commissioner. Has the gentleman any report in favor of the proposition?

Mr. GAMBLE. No, sir; I can not refer to any such report. I can only answer the gentleman generally that these reservations are very large; all the allotments have not been made; it is absolutely necessary in carrying out the provisions of the treaties that the allotments should be made so that in addition to the school, industrial, and other facilities the Indians may have the advantages of the influences of civilization to the fullest extent.

Mr. FOOTE. I did not wish to appear as opposing the amendment of the gentleman, but only wanted to obtain some information before voting upon the expenditure of so large a sum.

Mr. SHERMAN. Mr. Chairman, I very much regret that there seems to be a misunderstanding between the gentleman and myself. I certainly did not mean to be understood as assenting to the amendment. I know, of course, that the gentleman must have supposed I assented to it, or that he would not have so stated. But it was a mistake. I had no such thing in my mind during the conferences we had on the subject.

I do not think, I repeat, that the amendment ought to be adopted. We have provided $30,000 in the next item in the general fund for the purpose for which the gentleman now asks the same sum to be used in South Dakota alone; and I think the amendment ought not to be adopted.

Mr. GAMBLE. I think the gentleman from New York is in error, Mr. Chairman. There is a provision at the bottom of page 52 for the amount of $20,000 for the general surveys of allotments——

Mr. SHERMAN. The gentleman is correct; $20,000. I said thirty, but twenty is the correct amount.

Mr. GAMBLE. And I clearly understood the gentleman from New York that I had the right to offer the amendment, as I suggested it to him. It was embodied in the law of last year; and, upon the further fact that I have the assurance of the Indian Bureau, and my own knowledge of the conditions prevailing, that this is necessary. I hope, therefore, that the amendment will be adopted.

Mr. CANNON. I would like to ask the gentleman a question in order to determine my vote on the amendment.

On page 52, line 13, about the middle of the page, I see that $30,000 is appropriated for surveys of allotments, and at the bottom of the page I see a sum of $20,000 is provided for the same purpose. It seems to me to be two substantially similar items, making a total of $50,000. Do I understand the gentleman from New York—that this was not estimated for?

Mr. SHERMAN. Of course the items in the bill were estimated for. The amendment proposed by the gentleman from South Dakota was not estimated for.

Mr. CANNON. It is clearly outside of the estimate?

Mr. SHERMAN. Yes, sir.

Mr. GAMBLE. I would say, in reply to the suggestion of the gentleman from Illinois, that when the estimates were made up in September last the amount provided by the bill last year had not been exhausted and very little had been paid out at that time; but since then it has been entirely exhausted.

Mr. CANNON. Is there any communication, transmitted in the regular way, from the Interior Department regarding this appropriation?

Mr. GAMBLE. No, sir; as I have already stated, there is no such communication. That is to say, there is no formal communication, only to me, personally, when I called yesterday at the Indian Office upon this subject.

Mr. CANNON. Do I understand the gentleman from New York to antagonize the provision?

Mr. SHERMAN. I do, sir.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For pay of physician, New York Agency, $900.

Mr. CANNON. I wish to reserve the right to submit a point of order on that provision long enough to ask a question.

Mr. SHERMAN. I will say to the gentleman from Illinois that the same provision was in the last appropriation bill, identical in language and amount.

Mr. CANNON. It is marked "new" here.

Mr. SHERMAN. That is an error. It is precisely the same provision.

Mr. CANNON. Has the gentleman got the last year's bill before him?

Mr. SHERMAN. I will say to the gentleman that he falls into an error because this item appears in another part of last year's bill. It was transposed here to make the bill more homogeneous.

Mr. CANNON. Is it in pursuance of a treaty?

Mr. SHERMAN. Only in a way, I suppose; in fact, it is a gratuity.

By our treaty with the New York Indians it was provided that we should furnish medicines, calicoes, and so on, and we have furnished a physician for many years; but up to last year he had been paid out of some general fund, what it is I can not say; but last year for the first time it was put in as a specific item in the appropriation bill in this form. In fact, this physician attends to some 2,500 Indians. He spends one day each week on the reservation, and goes there at any other time that his services may be required.

Mr. CANNON. This, I believe, is a wealthy class of Indians up in New York.

Mr. SHERMAN. No; I do not think so. They have lands, but as a tribe there is but little wealth amongst them. The land on which the Indians live, I will say, is the land the title to which was claimed by the Ogden Land Company. They have a right of tenure forever, and there is some question about the ownership of the land, some claim that affects the title.

Mr. CANNON. It is allotted. They are living there on their allotments, are they not?

Mr. SHERMAN. It is not allotted. They are living there in tribal relations. There has been no allotment whatever.

Mr. CANNON. If it is a treaty obligation, I am willing to pay. If it is not——

Mr. SHERMAN. It is not in terms a treaty stipulation, and yet it takes the place of a treaty provision that we shall furnish them so much medicine, and all that sort of thing. We furnish

them a physician who does all this instead. I think it is entirely proper.

The Clerk (proceeding with the reading of the bill) read as follows:

For irrigation, Southern Ute allotments, including labor and material, to be immediately available, $25,000.

Mr. CANNON. I make the point of order on lines 18, 19, and 20, that that is an appropriation not authorized by existing law.

Mr. SHERMAN. Does the gentleman make the point, or simply reserve it?

Mr. CANNON. Well, I will reserve it if the gentleman desires to say something.

Mr. SHERMAN. I ask the Clerk to read what is said on this subject in the report of the Commissioner of Indian Affairs. It is found on pages 94 and 95 of his report. I am not contending that the gentleman's point of order is not correct, but I ask him to hear these facts before he insists upon his point.

The Clerk read as follows:

SOUTHERN UTES IN COLORADO.

It was stated in my last annual report that the commission which was appointed under the provisions of the act of Congress approved February 20, 1895 (28 Stat. L., 677), was engaged in allotting lands in severalty to such members of the Southern Ute tribe as had elected to take them. November 30, 1895, the commission transmitted schedules showing allotments to 332 Indians, the quantity of land alloted being 65,450.33.

While these schedules were before the Department for approval, Agent Day, of the Southern Ute Agency, who was also a member of the commission, reported that the few Indians who had wanted their improvements appraised and sold with the intention of removing to the diminished reserve to live in common with those members of the tribe who had decided not to take allotments had reconsidered their determination and wanted allotted to them the land upon which their improvements were located. Agent Day, in his capacity as commissioner, was accordingly directed March 27, 1896, to prepare a supplemental schedule showing the additional allotments.

April 14 he transmitted a supplemental schedule showing 39 allotments aggregating 7,360.81 acres, which, added to the original schedule, makes a total of 371 allotments, covering 72,811.15 acres. June 12 the Department approved the two schedules of allotments and directed the Commissioners of the General Land Office to issue the patents therefor.

The surplus or unallotted lands of that portion of the reservation lying east of range 14 have not yet been opened to settlement, and they probably will not be until the east boundary line shall have been properly located. It is said now to be located about 5 miles too far west.

A matter of much importance to the allottees on the Southern Ute Reservation is that of irrigation. Agent Day has had surveys and the necessary filings made for five ditches, and he was directed September 1 to submit estimates of cost of putting in the head gate for each of the ditches and for doing a limited amount of additional work on two of them, the idea being to prosecute the work with "due diligence," as required by the laws of Colorado. The office is delayed in the proper prosecution of this work by lack of funds. For the completion of the ditches a special appropriation will have to be asked, the regular appropriation of $30,000 for irrigation generally on Indian reservations being entirely too small to provide for payment of the total cost of irrigation for the Southern Utes. It is proposed, however, to use about $5,000 thereof in making the start, and to depend upon Congress for the remaining funds necessary to complete the work.

Mr. SHERMAN. Mr. Chairman, these Indians are the Indians who have been moved, or whom we have attempted to move, from Colorado over into Utah, and, as the portion of the report which the Clerk has read shows, some 70,000 acres of land have been allotted to some 370 Indians. As the report further shows, these lands, as they are now conditioned, without water, are practically valueless, and before these Indians can possibly maintain their existence there it is necessary to irrigate these lands. That work, as the report shows, is under way, and it will require, as is believed by the Commissioner, $25,000 more to finish it. I hope the gentleman will not insist on his point of order against the amendment.

Mr. CANNON. How many of these Indians are there?

Mr. SHERMAN. I will have to refer to my friend from Colorado [Mr. BELL]. I can not recall how many there are, all told.

Mr. BELL of Colorado. About a thousand.

Mr. CANNON. About a thousand, my friend says.

Mr. SHERMAN. That is correct.

Mr. CANNON. I find, on page 34, that the appropriation for substantial assistance to these Indians aggregates $81,740 for 1,000 Indians.

Mr. SHERMAN. Yes; that is right.

Mr. CANNON. Then they are beneficiaries under the general appropriation, in the discretion of the Secretary of the Interior, for the construction of schools for education?

Mr. SHERMAN. That is right.

Mr. CANNON. And so on. Then, in addition to that, my recollection is that these Indians are very well off. And still, in addition to that, I find under the treaty of 1874 they are entitled to receive in perpetuity $25,000 a year, to be expended for their benefit within the discretion of the Secretary of the Interior.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. CANNON. Yes, I do insist on the point of order.

The CHAIRMAN. The Chair will sustain the point of order, and the Clerk will read.

The Clerk read as follows:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $20,000.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, in line 25, page 52, the word "twenty" and insert in lieu thereof the word "forty."

Mr. MONDELL. Mr. Chairman, I should like to ask the chairman of the committee [Mr. SHERMAN] a question. I understand this is the amount estimated for by the Commissioner of Indian Affairs. I should like to ask if the Commissioner of Indian Affairs considered this amount sufficient for the survey and allotment of lands?

Mr. SHERMAN. Well, it is what he has asked for, and I assume that he considered that sufficient.

Mr. MONDELL. Mr. Chairman, this question has already been raised by the gentleman from South Dakota [Mr. GAMBLE], who wished an appropriation of $30,000 for his State alone, for surveys and allotments. The bill carries appropriations of only $20,000 for the surveys and allotments in all portions of the Union. Last year the appropriation, I believe, was about this amount, and I am of the opinion that this was not enough.

There are a number of reservations in the country where surveys and allotments are needed, and I have specially in mind a large reservation in my State where about two-thirds of the Indians have received their lands in severalty. The allotting agent has been unable to carry on allotments this entire winter for the reason that the appropriation for further surveys was exhausted; and I fear, with an appropriation of only $20,000 for the entire country for this very important branch of the work of the Department, that the same condition of affairs will exist in the coming year that has existed the past year. I believe that the Shoshone and Arapahoe Reservation alone in the State of Wyoming requires an appropriation of $8,000 or $9,000 to complete the surveys so that allotments can be made to all the Indians of that reservation in severalty. It is certainly highly important that these allotments should be made. The Department has already started in on this work of giving to every Indian his land in severalty, and the lack of sufficient funds for the survey operates against this very laudable work. It is highly important for the good of the Indians that the land shall be surveyed immediately in order that the allotments can be made at the earliest possible moment.

Mr. SHERMAN. Mr. Chairman, while I do not wish to set up my opinion against the knowledge of the gentleman so far as his own locality is concerned, I do think it is fair to assume that the Secretary has asked us for all that he deems sufficient for this year; and in the absence of any subsequent report or more definite report from him, I do think we should grant only such amount as the Secretary has asked for in the Book of Estimates; and therefore I trust that the amendment will not prevail.

Mr. MONDELL. Mr. Chairman, the appropriation made last year was much short of the amount needed, and it is barely possible that the Commissioner of Indian Affairs did ask for a larger appropriation for this purpose than the Secretary of the Interior finally submitted, and no doubt the Commissioner endeavored to keep estimates as low as possible.

The question was taken on the adoption of the amendment, and the amendment was rejected.

The Clerk read as follows:

For completion of the survey of the lands in the Indian Territory, $100,000, or so much thereof as may be necessary, to be immediately available: *Provided*, That the surveys herein authorized, or any part of them in the Indian Territory, shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared, they shall be approved and certified by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys.

Mr. KIEFER. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 53 insert, after line 21, the words:

"To enable the Secretary of the Interior to pay to the scouts and soldiers and their descendants of the Sisseton, Wahpeton, Medawankanton, and Wapkoota bands of Sioux Indians residing off of the Sisseton Reservation and not parties to the agreement, who were duly enrolled and received their proportion of the annuities on the pay roll of said scouts and soldiers for the years 1893 and 1894, and whose names were omitted from the pay roll of the year 1895, $10,000, or so much thereof as may be necessary."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order against the amendment until I have heard further in reference to it.

Mr. KIEFER. Mr. Chairman, I desire now that the Clerk may read the statement of the Commissioner of Indian Affairs touching this matter.

The Clerk read as follows:

WASHINGTON, *January 19, 1897.*

SIR: I am in receipt of your letter dated the 15th instant, inclosing copy of an amendment which your colleague, Mr. KIEFER, proposes to introduce to the Indian appropriation bill when it is considered. You ask to be advised whether or not the amendment should be incorporated in the bill.

In reply, I return the amendment with advice that the same should be incorporated in the bill. The amount named, $10,000, will pay twenty-five scouts and soldiers omitted from the pay roll of 1895, if that number were omitted.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. J. S. SHERMAN,
House of Representatives.

The CHAIRMAN. Does the gentleman desire to say anything on the point of order made by the gentleman from New York?

Mr. SHERMAN. I will not insist on the point of order, in view of the statement made by the Commissioner.

Mr. CANNON. I will reserve it.

Mr. KIEFER. May I be heard?

The CHAIRMAN. The Chair will hear the gentleman from Minnesota on the point of order, if he desires to be heard.

Mr. KIEFER. Yes, sir. The amendment, in the first place, asks for $10,000, or so much thereof as may be necessary, to pay a number of soldiers and scouts of the Sioux, as they are named in the amendment. They were left off the pay roll by an oversight for the year 1895. They were paid for 1893 and 1894. They are entitled to that pay. Now, the Commissioner of Indian Affairs acquiesces in the request that they should be so paid.

Mr. CANNON. Let me read:

In reply I return the amendment with the advice that the same be incorporated in the bill. The amount named, $10,000, will pay twenty-five scouts and soldiers omitted from the pay roll of 1895, if that number were omitted.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Mr. KIEFER. That is the number that he refers to. Not knowing exactly how many there were omitted, he qualified it by stating if that number had been omitted; being the number of twenty-five, that would be the amount.

Mr. CANNON. Is that a treaty obligation?

Mr. KIEFER. I so understand it.

Mr. CANNON. What treaty?

Mr. KIEFER. I can not state. The gentleman must understand that these scouts and soldiers were scouts and soldiers during the Sioux outbreak of 1862, and payment authorized by act approved March 2, 1895.

Mr. CANNON. Then this runs back to 1862?

Mr. KIEFER. This is a claim by soldiers and scouts who served as such during the Sioux war for 1862, as I understand, and their names were left off the pay roll for the year 1895.

Mr. CANNON. Then I insist on the point of order.

Mr. SHERMAN. I hope you will. If that is so, that is a claim.

The CHAIRMAN. The Chair will sustain the point of order.

The Clerk read as follows:

To enable the Secretary of the Interior to reimburse the confederated Kaskaskia, Peoria, Piankeshaw, and Wea tribes of Indians the amount due them under the treaty of May 30, 1854, $12,123.93, to be immediately available, and to be in full for all money claimed by said Indians, both principal and interest, under and by virtue of said treaty; said sum to be paid per capita to said Indians by the Secretary of the Interior or expended for their benefit in such manner and for such objects and purposes as he may see fit, and when so paid or expended to be in full payment of all claim and demand against the Government of the United States under said treaty.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer an amendment to that paragraph.

Mr. CANNON. Before the amendment is offered, I desire to make the point of order upon the paragraph, beginning at line 21, page 53, and extending down to line 8, page 54.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to amend by adding after the word "treaty," on page 54——

Mr. CANNON. Mr. Chairman, I will ask to have the point of order disposed of first.

Mr. SHERMAN. Let it be reserved.

Mr. CANNON. What is the use of amending the paragraph if it is subject to the point of order?

Mr. SHERMAN. Then, Mr. Chairman, if the gentleman from Kansas [Mr. CURTIS] will withhold his amendment for a moment and the gentleman from Illinois [Mr. CANNON] will reserve his point of order, I will make a brief explanation of this paragraph. Back in the fifties certain treaties were made with these tribes of Indians relating to the sale of their lands, and they thereafter claimed that the United States had erroneously charged against their fund certain items of overpayments to allotting agents, payments to certain counsel that were employed in the business, and other matters of that kind which the Indians claimed should not under the treaty have been charged against them. In 1867 Congress passed an act which provided that "an examination shall be made of the books of the Indian Office and an account current prepared stating the condition of their funds, and the representation of these Indians for overcharges for the sale of their lands in 1857 and 1858 shall be examined and reported to Congress."

Mr. CANNON. What was the date of that?

Mr. SHERMAN. That was in 1867. It will be found on page 515 of 15 Statutes at Large. That examination took place and, as long ago as 1877, a bill was favorably reported in the Senate covering not only the amount included in this amendment, but also interest on various items, making a total of twenty-five thousand and some odd hundred dollars. That was in 1877, twenty years ago.

Mr. CANNON. That is, it was reported in the Senate as a claim for consideration?

Mr. SHERMAN. It was reported favorably as a separate bill.

Mr. CANNON. Let me ask the gentleman, is this an appropriation for the service of the Indian Office for the coming fiscal year?

Mr. SHERMAN. It is not.

Mr. CANNON. But it is in satisfaction of a claim that dates away back in the fifties?

Mr. SHERMAN. That is correct.

Mr. CANNON. Then I must insist on the point of order.

Mr. SHERMAN. Notwithstanding the absolute virtue of the claim as demonstrated by the gentleman from New York? [Laughter.]

Mr. CANNON. It has no place in this bill. It is a mere claim.

Mr. SHERMAN. I assume, Mr. Chairman, that the gentleman's point of order is good if it is insisted upon.

Mr. CANNON. I insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CURTIS of Kansas. Then, Mr. Chairman, I will offer my amendment, to come in before line 9 on page 54.

The amendment was read, as follows:

Before line 9 on page 54 insert:

"That the Secretary of the Interior be, and is hereby, directed to pay to G. H. Kitson, or his legal representatives, the sum of $1,000 due said Kitson for money advanced to the Menominee tribe of Indians of Wisconsin, out of any money due said tribe from the United States not otherwise appropriated."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order upon that amendment, but will hear an explanation.

Mr. CURTIS of Kansas. Mr. Chairman, this carries no appropriation at all. These Indians are very wealthy. They have no annuities, but they have a large amount of money to their credit in the Treasury, the interest of which is paid to them every year without appropriation. They have also a large income from the sale of lumber. A few years ago a member of the tribe loaned them $1,000 in connection with a mission to Washington. He is a one-armed Indian. He mortgaged his farm to obtain the money, and they gave him a note for it. I have a letter here, written by the agent in 1892, in which he makes the request that $600 of this amount should be paid, and this amendment provides for the payment of the note without interest. There is no reason why it should not be paid. It takes nothing from the Treasury. This Indian has lost his farm. The tribe is perfectly able to pay the money they owe this man, and the only way he can be paid is for us to direct the Secretary of the Treasury to pay him.

Mr. SHERMAN. I withdraw the point of order, Mr. Chairman.

Mr. CANNON. I renew it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the erection of a bridge, under the direction of the Secretary of the Interior, across Big Wind River, on the Shoshone or Wind River Indian Reservation in Wyoming, at or near the Kinnear crossing of that river, $10,000, or so much thereof as may be necessary.

Mr. CANNON. Mr. Chairman, I reserve the point of order on this paragraph until I hear an explanation of it.

Mr. SHERMAN. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the Shoshone Reservation in Wyoming is about 75 miles square. The Big Wind River runs east and west through that reservation, nearly through the center of it. The Shoshone and Arapahoe Indians—about 1,900 of them—have their allotments south of the Big Wind River, and they use the northern half of the reservation, on the north side of the Big Wind River, as grazing grounds. From the Owl Creek Mountains, in the northern part of the reservation, they obtain timber, logs, poles, fence posts, etc. The Big Wind River is not fordable during the months of April, May, and June, and generally not until the middle of July. Therefore during that part of the year it is impossible for the Indians to cross back and forth between their grazing and timber grounds and their farms.

Further, this reservation lies between two well-settled portions of the State of Wyoming—the Lander Valley and the Big Horn Basin country. All the travel from the Union Pacific Railroad to the southern portion of the last-named country is obliged to cross this reservation; there is no other way in which that region can be reached from the south. Settlers traveling in that country are compelled to cross the Big Wind River, and under existing conditions it is impossible for them to do so until after midsummer. Further, this reservation is southeast of the National Park and the Jacksons Hole country, and Fort Washakie, on this reservation, is the only place where there are any troops adjacent to these regions. During the early part of the year it would be impossible, without the construction of this bridge, to transfer these troops, if it should be necessary, without great delay. I think this bridge is needed by the Indians, by the settlers, and by the military.

Mr. CANNON. Is this appropriation estimated for?

Mr. MONDELL. It is not.

Mr. CANNON. Is there anything to prevent the State of Wyoming from erecting a bridge within her borders?

Mr. MONDELL. In reply to the gentleman's question, I will say that if the State of Wyoming or its citizens were in possession of the Shoshone and Arapahoe Reservation, one of the fairest portions of our State, we should be only too happy to bridge the Big Wind River. But unfortunately for us that great reservation lying in the center of the State belongs to the Government and the Indians. It is surrounded east and west by mountain ranges. There is a vast tract in the northern part of my State, as large as the State of Massachusetts, which it is impossible to reach from the south without crossing this reservation. If the reservation were turned over to the State of Wyoming, we should be very happy to make appropriations for bridging the river; but so long as the reservation remains in the hands of the Indians and the National Government our State has no authority to go upon the reservation for the purpose of building bridges. We therefore ask that this bridge be provided for by an appropriation through the only channel in which an appropriation can be made for its erection.

Mr. CANNON. In the absence of any estimate and of any official information from the Executive Department in reference to this matter, I am compelled to insist on my point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That all restrictions existing against the leasing, sale, or conveyance of the allotted lands of the Puyallup Indians, situate in Pierce County, State of Washington, in so far as the Government of the United States is concerned, are hereby removed.

Mr. McCALL of Massachusetts. I reserve a point of order against the paragraph just read.

Mr. SHERMAN. I ask the gentleman from Washington [Mr. DOOLITTLE] to explain this provision, as it has been inserted in the bill upon his suggestion.

Mr. DOOLITTLE. Mr. Chairman, this matter has been up during every session of Congress during the last four years. There are only something like five or six hundred of these Puyallup Indians. These lands, lands which have been allotted to them for a long period of time, are a much larger body of land than they will require, or even be able to clear, for purposes of cultivation. The allotted lands abut against the city limits of the city of Tacoma, in the State of Washington, a place of fifty-two or fifty-three thousand inhabitants. Some time since a treaty was made with these Puyallup Indians, and afterwards the lands were allotted to them, with the exception of about 600 acres, which were retained for school, church, and cemetery purposes. Some time since a commission was appointed to superintend the sale of these allotted lands and the reservation lands proper. The provision of law under which this commission was appointed provided for the payment of the salaries and expenses of the commissioners out of the proceeds of the sale of these allotted lands. The commissioners went on and sold certain of the lands—a much smaller quantity, as we believe, than should have been sold in view of the expense incurred. About $90,000 was expended in the sale of a portion of these lands.

On the 1st day of December, 1896, this commission, under an act of the last Congress, came to an end. I had a talk with the Secretary of the Interior, during the last session, on this subject while the Indian appropriation bill was pending, and when he requested that a further appropriation be made to pay the expenses of this commission. He told me that he desired the commission to proceed with the work till the 1st of December last, but he was satisfied that if they continued to work up to that time they would have sold all the lands which the Indians would consent to sell under that limitation, and therefore he would not care to insist on the further prosecution of that business under the supervision of a commission.

Now, Mr. Chairman, the fact is that these Indians are very largely of white blood; they are educated Indians, amply able to take care of their business; and, as I have stated repeatedly here on this floor, they are constituents of mine. I am here to represent them as any other member on this floor represents his constituents, and they desire that this limitation shall be now removed. They are just as competent to transact their own business as any agricultural community in the limits of the United States. What they desire to do is to sell portions of the allotted lands and use the moneys received from the sale for the purpose of clearing up the balance of the property. Large portions of their lands are covered very heavily with timber, and will require an expenditure of $100 or $125 and in some cases even as much as two or even three hundred dollars an acre to clear them up. Once cleared, however, it is the most productive land in the United States. It is so fertile that a farm of 8 or 10 acres is sufficient to produce everything required for the consumption and to supply the wants of a family of six or eight persons. We have gotten these Indians in such a condition—they are so well educated—that they are perfectly competent to manage their own business affairs and do not longer need this commission.

We wanted, therefore, the supervision of these commissioners to come to an end, for they added no value whatever to the property rights of my constituents.

I am asking only that which is fair and just and proper, and it seems to me that there ought to be no objection, in common fairness on the part of any Representative on this floor, to this proposition.

Mr. BRODERICK. I would like to ask the gentleman a question. Do I understand that this commission went on and sold lands after allotments had been made to the individual Indians?

Mr. DOOLITTLE. Yes, sir.

Mr. BRODERICK. Sold the allotted lands?

Mr. DOOLITTLE. Yes, sir; which, in my judgment, was a bad policy always. The Indians ought not to have been compelled to bear the burden of this commission. It is all wrong.

And another thing: If an investigation were had, it would be shown conclusively to any unprejudiced mind that the lands were sold to no better advantage than if they had been sold directly by the Indian allottees themselves. And in 9 cases out of 10 the sale was made by an arrangement with the individual allottee, and was simply confirmed by this commission.

I have no complaint or criticism to make so far as the commission itself is concerned, but their effort has come to an end, as Congress wisely determined, on the 1st of December last.

Mr. BRODERICK. The commissioners, as I understand it, had supervision over the lands in the matter of leasing, and sometimes collected the money under the leases, but I have never known that they had any right, or that they ever undertook to interfere with the title of the Indians.

Was that provided for by the act appointing the commission; that these commissioners should sell the lands of the individual allottees?

Mr. DOOLITTLE. Assuredly.

Mr. BRODERICK. I did not so understand.

Mr. DOOLITTLE (continuing). And they went and sold all the lands they could sell under the consent of the Indians.

A good many of the Indians possess the pride to manage their own affairs, and naturally would not consent to the sale of their lands under the supervision of any commission.

Mr. BRODERICK. To whom did the commission report?

Mr. DOOLITTLE. To the Secretary of the Interior. And the arrangement was further made that the moneys proceeding from the sale should be turned over to the Indians directly without being covered into the Treasury. This is a further fact that the intelligence of these Indians is recognized in every possible way.

Now, an effort is claimed to have been made all the time to educate Indians to be competent to manage their own affairs. Here are five or six hundred people who have acquired sufficient intelligence and business capacity to do that very thing.

Mr. BRODERICK. What became of the moneys received that were turned over from the lands sold?

Mr. DOOLITTLE. Why, they took the money and improved the balance of the lands, so that they are now living as white people, educating their children, and voting the Populist ticket in a good many cases, I am sorry to say.

Mr. BRODERICK. I mean with reference to the lands sold by the commission. Did those persons whose lands were sold become paupers?

Mr. DOOLITTLE. Not at all. They did not sell all of their lands. They took the money received from the sale of a portion of the land and improved the balance, on which they live and retain the title.

Mr. MEIKLEJOHN. Will the gentlemen allow me to ask him a question?

Mr. DOOLITTLE. Certainly.

Mr. MEIKLEJOHN. I notice you take away, by the amendment, the prohibition against the conveyance of the land. When would that time expire?

Mr. DOOLITTLE. In about four years from the present time. The twenty-year limitation was done away with by the act of a former Congress, and was cut down to ten years. About six years of that time have expired, and no one expects these Indians to be more competent than they are now, during the four years remaining, to manage their own property.

Mr. BRODERICK. I desire to ask the gentleman if this statute authorizing the appointment of a commission authorized that commission to sell all the allotted lands of any individual Indian?

Mr. DOOLITTLE. Such portion of the alloted lands as they do not require for their own use was the provision.

Mr. McCALL of Massachusetts. I am very reluctant to make the point of order against my friend.

Mr. DOOLITTLE. I assure the gentleman that I am very reluctant to have it come from that source.

Mr. McCALL of Massachusetts. I have no doubt the gentleman knowe a great deal more about it than I do.

Mr. DOOLITTLE. I am glad that is admitted also.

Mr. McCALL of Massachusetts. But we have to treat these Indians with reference to our general policy, and it seems to me this is an infraction of the general principles upon which we treat all Indians. They are considered as under the special guardianship of the nation. There is a way in which anyone who wants to buy these lands can get them.

Mr. DOOLITTLE. Not now.

Mr. McCALL of Massachusetts. That is, by getting the consent of the Government, which acts as a trustee; but I am especially moved to make the point of order from the statement made in the report of the Indian Commissioner, in which he says, with reference to this very proposition:

> It is believed by this office—

Mr. DOOLITTLE. Will the gentleman yield for a question?

Mr. McCALL of Massachusetts. Let me just read this report.

Mr. DOOLITTLE. If the gentleman will allow me, I should like to ask him when that report was made by the Indian Commissioner?

Mr. McCALL of Massachusetts. It was in reference to the last Indian bill, in which there was a similar provision to this one. The date is February 21, 1896. The Indian Commissioner then said:

> It is believed by this office that if the clause contained in the pending Indian appropriation bill—

Which I understand is substantially identical with this very clause—

> should become a law it would result in robbing the Puyallup Indians of their homes and lands, in bringing them to early poverty, and in making them dependent upon the generosity of the Government. Not only would it result in their financial ruin, but tend to their moral destruction. It would, in my opinion, be a discredit to the Government and a fraud upon Indian legislation to allow these Indians to dispose of their lands—as they certainly would do—worth many thousands of dollars, for a mere pittance.

It seems to me that these Indians who own lands in the vicinity of a large city should especially receive the guardianship of the Government, if Indians anywhere should receive that guardianship. And in view of that statement of the Indian Commissioner, I very reluctantly—because I regret to object to anything my friend wishes—feel called upon to make the point of order that this changes existing law.

Mr. DOOLITTLE. I move to strike out the last word.

So far as the possibility of these Indians becoming a charge on the General Government is concerned, I wish to reply to the gentleman. These Indians are citizens of the State of Washington just as much as I am a citizen, and whenever an Indian has fallen into indigent circumstances he has been taken care of by the authorities just as a white man is taken care of. These Indians are recognized in every way as citizens of that State, voting at all of our elections, and subject to all of our laws. They have the right, under the decisions of the Federal courts in that State and under the decisions of the State courts, to purchase liquor and to exercise all of the rights of citizens. [Laughter.] They have at all times done so, and I desire to say to this House, that there is as much sobriety among these Puyallup Indians as there is in any community in your State or my State; that these Indians are sober, upright, self-respecting people.

Now, so far as the observation of the Commissioner is concerned, he never has seen these Indians, he never has been with them, and knows nothing about them, and when the gentleman from Massachusetts [Mr. McCALL] visited the State of Washington a short time since I think it was pointed out to him where this reservation lay, stretched out in the Puyallup Valley, covered with timber in the main. The gentleman should know how important it is to the interests of that city that these lands be opened up, and how important it is to the interests of those who now hold the lands under this little four years' restriction, and I ask him, in common fairness as between men representing constituencies here on this floor, to withdraw this point of order. He says he is reluctant in making it. I assure him that no harm whatever can come to these Indians through the passage of this provision in this bill. I am speaking earnestly, Mr. Chairman. This is the last opportunity I shall have on this floor to plead in behalf of the rights of these constituents of mine. Another man will soon take my place, residing in a more remote portion of the State, and I ask this on behalf of these Indians, on behalf of the citizens of the State of Washington, and on behalf of the fairness which I believe he possesses and that I simply invoke in asking the withdrawal of this point of order. I hope no point of order will prevail against this amendment, but that it will be allowed to come to a vote here in the House, so that we may ascertain what the sentiment of the House is in regard to a matter of this kind, that is asked in all candor by the representative of a constituency who ought to know what his people want and what is best for them.

The CHAIRMAN. Does the gentleman insist upon his point?

Mr. McCALL of Massachusetts. Mr. Chairman, if this can be reserved, and this section passed over, I would be very glad to further look into the matter; but we have the positive statement of the Indian Commissioner, and if we are compelled to act upon it now, I shall have to insist upon the point of order. I ask that this paragraph be temporarily passed over.

Mr. SHERMAN. I will consent to that.

The CHAIRMAN. Unanimous consent is asked that the paragraph under consideration be temporarily passed over. Is there objection? [After a pause.] The Chair hears none.

Mr. MURPHY of Arizona. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

> After line 18, page 54, insert the following:
>
> "That from and after the passage of this act all Indians tried within the Territories of the United States for any of the offenses enumerated in section 9, 21 Statutes, page 384, shall be tried exclusively by the United States courts within said Territories."

Mr. SHERMAN. I raise the point of order against the amendment. I reserve it temporarily.

Mr. MURPHY of Arizona. I wish to say, Mr. Chairman, that upon the Indian appropriation bill of 1891 certain offenses were enumerated in which an Indian could be tried in the United States Territories where the United States held exclusive jurisdiction, so that in the Territories these Indians shall be tried within the United States courts; but in the Territories of the United States there are courts with dual jurisdiction. The United States courts also sit as district courts, Territorial district courts, and confusion arises in regard to the trial of these Indians. In many cases they were tried in the Territorial district courts. It then became necessary on an Indian appropriation bill, approved March 2, 1889, to provide that—

> SEC. 11. That hereafter the costs of the trial of the cases in the courts of the several Territories tried pursuant to and for the offenses named in section 9 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses in the trial of criminal cases in the courts of the United States.

Notwithstanding that provision, confusion still arose, and many counties having claims against the General Government found that they could not collect them, and it became necessary in 1895 for a joint resolution to be passed, as follows:

> That the First Auditor and the First Comptroller of the Treasury be, and they are hereby, authorized to examine all claims which may be presented in proper form by the different counties in Arizona Territory, and to ascertain the amount due to each of said counties on account of legal costs and expenses incurred from March 3, 1889, to June 30, 1893, in the prosecution of Indians under the act of March 3, 1885, for which the United States is liable under act of March 3, 1889, Statutes at Large, volume 25, page 1004, and which have been paid by said counties, and the amounts so found due shall be certified by the Secretary of the Treasury to the Speaker of the House of Representatives for a deficiency appropriation.

Now, I wish to say that these Indians are tried by the same men, in the same courts, at the same time, and this only involves the machinery by which they shall be paid. Under the law as it now stands it is very ambiguous, and they must present their claims to the Treasury, and they have to be certified to the Appropriations Committee to provide for their payment in the deficiency bill one year after the trials have been had. It was never contemplated they should be tried by those courts. The object of the amendment is simply to remove the ambiguity and hasten the collection of these amounts from the Department of Justice instead of through Congressional action.

Mr. SHERMAN. This is purely legislative action, and I assure my friend that the Committee on Indian Affairs, except its chairman, is a very active committee, and very energetic in taking action upon matters submitted to it; and if its attention is called to the matters it is prompt in disposing of them. If the gentleman will present the measure to the committee he can get it through, can get it reported from our committee, and it can be passed in the morning hours.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAINER of Nebraska. I offer the following amendment.

The Clerk read as follows:

> Insert after the word "removed," in line 18, page 54, the following:
>
> "That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payment as now provided by law."

Mr. SHERMAN. I should like to ask my friend if this is the same provision we incorporated in the bill last year?

Mr. HAINER of Nebraska. It is not the same provision as incorporated last year, but substantially the same.

Mr. SHERMAN. It is the same in effect.

Mr. HAINER of Nebraska. No, not exactly. That only referred to homesteads, and this refers to the ceded lands on the Indian reservations with the condition annexed. It is substantially the same. It is to carry out the same purpose.

Mr. SHERMAN. I make no point of order.

The CHAIRMAN. Unless objection be made, the amendment will be considered as adopted. [After a pause.] The Chair hears no objection.

Mr. MONDELL. I wish to offer an amendment.

The Clerk read as follows:

> After line 18, page 54, insert the following:
>
> "For repair of present bridge across Big Wind River, on the Shoshone Reservation, in the State of Wyoming, the sum of $3,000."

Mr. MONDELL. Mr. Chairman, the provision for the construction of a new bridge across the Big Wind River has been stricken out on a point of order.

Mr. CANNON. Mr. Chairman, I reserve the point of order on this amendment until I hear the gentleman's statement.

Mr. MONDELL. The provision for the new bridge having been stricken out, I now offer this amendment. I have already explained to the House the necessity for some such provision in view of the geography of this reservation. Quite a number of years ago the Government erected a bridge across the Big Wind River. Last year one end of the bridge was washed out. It had been in use for many years, and it is the only means of communication across that stream for at least half the summer. Unless a new bridge shall be erected, or the old one repaired, neither the Indians, the military, nor the settlers can cross the river for a number of months during the year. The reason for asking for a new bridge was that the old one was too high up the river for general convenience; but as the paragraph providing for the new bridge has gone out on the point of order, I am anxious that at least the old one shall be repaired, so as to accommodate the travel.

The bridge is a piece of Government property, and it ought to be put in good order. I would say in connection with this matter that when the bill was under consideration in the committee I went to the Commissioner of Indian Affairs and asked him if the Indian agent on the Shoshone and Arapahoe Reservation had communicated with him in regard to this bridge, and he said the agent had called his attention to the fact that a portion of the bridge had been washed out, but had made no further suggestion. I then requested the Commissioner to telegraph to Captain Wilson, asking that he give his opinion as to whether there should be a new bridge erected or whether the old one should be repaired. This morning I stopped in the Commissioner's office and saw a letter from Captain Wilson stating that in his opinion it would be better to repair the old bridge, and that it could be repaired for the sum of $3,000. We can get a recommendation from the Commissioner, if necessary, for an appropriation for that purpose to that amount. I trust, therefore, that the House will see fit to give us this small appropriation for the purpose of bridging that river, so as to provide the Indians on the reservation, as well as the settlers in a large portion of my State, the means of intercommunication and travel across the reservation.

Mr. CANNON. I will ask the gentleman if there is anything in the estimates covering this item?

Mr. MONDELL. I will say, Mr. Chairman, that there is nothing in the estimates covering the item; but the Commissioner of Indian Affairs favors this appropriation and the Indian agent has recommended it.

Mr. CANNON. Has the statute been in any sense complied with which requires estimates to be sent from the Secretary of the Treasury to the Speaker of the House? Is there anything in writing in the shape of an estimate for this expenditure?

Mr. MONDELL. I do not know that there is.

Mr. CANNON. I will ask my friend further if it is not a fact that these Indians have a trust fund which the Secretary of the Interior administers, and out of which he can repair this bridge, if it is necessary?

Mr. MONDELL. I understand that there is no trust fund that can be so drawn upon.

Mr. CANNON. Well, I am very sorry, but I shall have to insist upon the point of order.

Mr. MONDELL. Mr. Chairman, I hold that the point of order is not well taken. This is an appropriation simply for the repair of a piece of Government property that has been in use for a number of years past.

Mr. CANNON. Who built that bridge?

Mr. MONDELL. The Government of the United States.

Mr. CANNON. Can the gentleman show me any law under which it was built?

Mr. MONDELL. There was an appropriation for its construction and it was erected at the expense of the Government, and this amendment simply proposes an appropriation to repair it.

Mr. CANNON. Well, Mr. Chairman, it seems to me that if we appropriate for our great territory and our extended service in pursuance of estimates, and with official knowledge of Government property and Government improvements, we shall be meeting the situation fairly well. I know that it is ungracious to make the point of order, but I do not very well see how I can avoid it in this case.

The CHAIRMAN. Does the gentleman from Illinois hold that it is necessary to have estimates submitted and recommendations made before it will be in order to put in the bill an appropriation of the kind contemplated in this amendment?

Mr. CANNON. I think that an expenditure made under law for a public work would be competent without an estimate, but I do not think this is such a public work in progress as is contemplated by the rule.

The CHAIRMAN. Even if the construction of the bridge was authorized by law?

Mr. CANNON. What information has the Chair upon that point?

The CHAIRMAN. Only the statements of the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, if I had the time to look the matter up I could cite the gentleman to the appropriation as made. I do not know just when it was made, but we all know that the bridge was built at Government expense.

Mr. SHERMAN. In justice to the chairman of the Committee of the Whole, I ask unanimous consent that this item be passed over, so that information may be furnished to him on which he can rule intelligently.

There was no objection, and it was so ordered.

Mr. FLYNN. I offer the amendment which I send to the desk.

The Clerk read as follows:

> After the last amendment insert:
>
> "That any sums of money hereafter to be paid per capita to individual Indians, including those belonging to the Five Civilized Tribes, shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior; and any provisions of law contrary hereto are hereby repealed."

Mr. CURTIS of Kansas. I reserve a point of order against this amendment.

Mr. FLYNN. Mr. Chairman, I do not believe the amendment is subject to a point of order. The last Indian appropriation bill contained the following clause:

> That any sums of money hereafter to be paid per capita to individual Indians shall be paid to such Indians by an officer of the Government designated by the Secretary of the Interior.

In the Indian Committee it was well known that that amendment was offered by me at the last session in order to protect the individual Indians, especially in the Five Civilized Tribes. There has never been a payment made, to my knowledge, of any public funds to the treasurers of those Five Tribes in connection with which there has not been more or less scandal.

The difference between the present amendment and the provision adopted last year is just this: The amendment was put upon the last bill with the understanding that it included the Five Civilized Tribes. Later the Indian Office found that it did not. I brought this matter up in the Committee on Indian Affairs in the presence of the gentleman from Kansas [Mr. CURTIS] and other members. They sanctioned the proposition, and I was instructed to confer with the chief of the finance division in the Indian Office and have him draft an amendment which would cover the case. The amendment which has just been read was drafted by that gentleman in the Indian Office.

As to the merits of this amendment, all I have to say is this: If you want the Indians to obtain the money you appropriate for them, then you should see to it that the money is paid by an officer of the United States.

Mr. DOCKERY. In what other way has this money been paid heretofore?

Mr. FLYNN. It has been sent to the treasurers of the various tribes. If any individual Indian "coughed up" enough to the officers of the tribe, probably he would get all that was coming to him, or probably he would not.

This amendment is offered solely in the interest of the individual Indian. I am frank to acknowledge that it is against the monopoly now existing. As I stated when the amendment was offered and adopted last year, the governor of the Seminole tribe is named Brown, and the treasurer is his brother. They run the only stores in the Seminole Nation. When the money is paid from the Treasury of the United States to the treasurer of the Seminole Nation, the individual Indian never gets a single dollar, but is given a due-bill, upon which he can obtain goods to a particular amount at Brown's store.

Mr. DOCKERY. I am not sure that I am correct; but I have the impression that there may be some provision of law requiring moneys of this character to be paid to the treasurer of the particular tribe.

Mr. FLYNN. There is no such provision. There has simply been a custom of that kind. As I have said, I do not believe the amendment is subject to a point of order, because a similar provision will be found in the last Indian appropriation bill; and while the gentleman from Kansas [Mr. CURTIS] has reserved such a point, I fail to see how he, having been present when I was instructed by the committee to have the Indian Office draft the amendment, can now raise the point.

Mr. DOCKERY. Has this proposition been submitted to the Indian Office and been approved?

Mr. FLYNN. It was drawn in the Indian Office.

Mr. DOCKERY. With the knowledge of the Commissioner of Indian Affairs?

Mr. FLYNN. I presume so; for, as I have stated, it was drawn by the chief of the finance division upon a request of the Indian Committee, which I was instructed to submit.

Mr. DOCKERY. I had the impression that possibly the Commissioner was opposed to the proposition.

Mr. CURTIS of Kansas. Mr. Chairman, I regret very much to be compelled to insist on a point of order against the proposition of my friend from Oklahoma [Mr. FLYNN]; but in view of the fact that we are now negotiating with these Five Tribes, I believe it would be unwise to make any change at the present time in the manner of making the payments to them. I know nothing as to the manner in which these payments are made, as related by the gentleman from Oklahoma; but I do want to say, in justice to the committee, that when the gentleman was authorized to confer with the Indian Office, it was expected that he would come before the committee with the amendment suggested by the Indian Office. But no such amendment was submitted to the committee. Had the gentleman presented an amendment with a letter from the Indian Office recommending it, I should have raised no objection.

Now, sir, this proposed amendment must change existing law; otherwise the provision contained in the Indian appropriation of last year would be sufficient to authorize the Indian Office to pay out the money in the manner the gentleman desires. But the Secretary of the Interior has held that the provision is not sufficient. I have his letter in my hand. The truth is that the law provides as follows—I read from page 448 of the eighteenth volume of the Statutes at Large:

> That the United States assistant treasurer at St. Louis, Mo., be, and he hereby is, authorized to open and keep accounts with the duly constituted treasurers of the Cherokee, Creek, Choctaw, and Chickasaw nations of Indians the same as with the Government against the disbursing officer.

This amendment changes that law.

Then, in reference to the Seminole tribe, I find the following provision for making payments under the treaty of 1856 (see 11 Statutes at Large, page 702):

> That the Commissioner of Indian Affairs, with the sanction of the Secretary of the Interior and the President, shall have authority to—

May—

> expend the same for such objects as will best promote the comfort, civilization, and improvement of the Seminole Indians; or, in his discretion, with the sanction of the Secretary and the President aforesaid, shall be authorized to pay such annuities, or any part thereof, into the treasury of the Seminole nation, to be used as the council of the same shall provide, instead of paying the same per capita according to the terms of said treaty.

(See 18 Statutes, page 29.)

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FLYNN. Mr. Chairman, I think the gentleman from Kansas forgets what occurred in the committee room. I was instructed, if he will remember, to draft the amendment to cover the point suggested in the amendment, and to offer it as I now offer it.

The CHAIRMAN. The Chair would like to ask the gentleman if this is new legislation?

Mr. FLYNN. Well, I think the whole bill is new legislation, as a matter of fact.

The CHAIRMAN. The Chair would like to know whether the amendment in its present form changes existing law?

Mr. FLYNN. This provision was in the last Indian appropriation bill:

> And any sums of money to be paid per capita to the individual Indians shall be paid to such Indians by an officer of the Government designated by the Secretary of the Interior.

The CHAIRMAN. The Chair thinks this is obnoxious to the rule, and will sustain the point of order.

The Clerk read as follows:

> That the clause in section 3 of the act approved February 28, 1891 (United States Statutes at Large, volume 26, page 795), which provides as follows: "That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by the authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior," be, and the same is hereby, extended, so far as the same relates to leasing for mining purposes, to the lands embraced in that part of the Colville Indian Reservation, in the State of Washington, not restored to the public domain by the act of June 20, 1892 (United States Statutes at Large, volume 27, page 62), and still reserved by the Government for the use and occupancy of the Indians thereon, to take effect immediately.

Mr. SHERMAN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

> After line 13, page 55, insert:
>
> "To reimburse John T. Oglesby, special United States Indian agent, for traveling expenses incurred by him and per diem suspension made by the Treasury Department in his accounts while engaged in accompanying the remains of Paul F. Faison, late United States Indian inspector, from Shawnee, Okla., to Raleigh, N. C.: *Provided, however*, That the total amount paid under this authority shall not exceed the sum of $125.
>
> "To reimburse the estate of Paul F. Faison, late United States Indian inspector, for the amount paid on account of board, etc., of said Faison during his illness at Shawnee, Okla., and for transportation of his remains from that point to Raleigh, N. C.: *Provided, however*, That the total amount to be paid under this authority shall not exceed the sum of $75."

Mr. CANNON. Mr. Chairman, although the amount involved here is quite small, for the present I will reserve the point of order with a view to asking my friend about the precedents for such legislation.

Mr. SHERMAN. The facts are that this Indian agent while in the service was taken sick in Oklahoma Territory and there died, and the Commissioner directed these gentlemen to proceed with his remains to his home in North Carolina. We have the report of the Secretary of the Interior in reference to the matter. The services were performed as directed; but the allowance passed by the Indian Office for the expense incurred in the performance of this duty was disallowed by the accounting officer of the Treasury, and therefore this provision is necessary to secure the payment of that sum to the parties who paid the money.

As the gentleman from Illinois says, it is not a large sum, and it seems to be an entirely just one. I have the letter of the Secretary if the gentleman cares to see it.

Mr. CANNON. I do not care about that. The only thing involved is the question of principle that it establishes. It is not the amount involved. I am speaking to my friend now about the matter of policy. It is some 3,000 miles across the continent, and I do not know how many, probably 300,000, United States officials are employed all through the country. Under the circumstances we ought to hesitate very long, it seems to me, before we enter upon a class of expenditures like this, that would involve unknown amounts. We have not been accustomed to paying the burial expenses, and all that, of the various officials of the Government who have died in its service heretofore, and this seems to be a new departure.

Mr. SHERMAN. This is a sum of money that was paid out, unfortunately for him, not by the dead man, but by one of his friends who conveyed his remains to North Carolina, under the orders of the Department; and naturally it was supposed they would be refunded by the Government, when acting under such orders.

Mr. CANNON. Suppose these gentlemen had not been in the Government service; would you have paid them for their services?

Mr. SHERMAN. The Secretary, I assume, would not have attempted to regulate the matter if it was somebody outside of the service of the Interior Department.

Mr. CANNON. But there is no more reason for entering upon this class of expenditure for an official of the Indian service than for any other of the two hundred or three hundred thousand employees of the Government.

Mr. SHERMAN. But this gentleman acted under an order of the Department.

Mr. CANNON. I want to say to the gentleman that I care nothing except as to the fact of establishing a precedent. If there was some way to do it—to pay out this $200, or any other like sum—without establishing such a precedent, there would be little objection to adopting the course the gentleman suggests. I would say, let it go.

Mr. SHERMAN. If the gentleman has been as watchful in past years as he has during the past two days, he certainly ought to know whether there is a precedent or not. I admit that I do not know whether there is a precedent or not.

Mr. CANNON. Well, I think it is my duty——

Mr. SHERMAN. I am not criticising the gentleman. I do not want him to so understand.

Mr. DOCKERY. Will the gentleman allow me to suggest the question whether under this precedent the Government would be liable for similar expenses of the 302 inspectors from the Pension Office now in the field? There are also more than 100 post-office inspectors. Every Department, so far as I know, has inspectors. I think my memory is good on this point, and my recollection is that there is not a single precedent upon which to hang these claims. I should prefer to pass around the hat and take up a private collection rather than to establish this precedent and subject the Government to this expenditure.

Mr. SHERMAN. Shall we suspend operations until the gentleman does that? [Laughter.]

Mr. DOCKERY. Well, I will contribute, if the gentleman will pass the hat around, rather than involve the Government in this expenditure.

Mr. MEREDITH. How much is the amount involved?

Mr. DOCKERY. Oh, something over $100.

Mr. MEREDITH. Oh, I thought it was a hundred millions, or I would have paid it myself. [Laughter.]

Mr. CANNON. I think it is a most dangerous precedent to establish, and I must insist.

The CHAIRMAN. The Chair is inclined to sustain the point of order, unless the gentleman from New York [Mr. SHERMAN] has something to say.

Mr. SHERMAN. I have nothing further to say than I have said.

The CHAIRMAN. The point of order is sustained.

Mr. SHERMAN. I offer the following amendment.

The Clerk read as follows:

> After line 13, page 55, insert:
>
> "That the Secretary of the Treasury is authorized and directed to pay the claims of the Chesapeake and Ohio Railroad Company for transportation of Indian pupils in September and October, 1889, to and from Hampton Normal and Agricultural Institute, amounting to $890.00, out of the unexpended balance of appropriations for the support of Indian day and industrial schools for the fiscal year ending June 30, 1895."

Mr. SHERMAN. I ask the Clerk to read the following statement——

Mr. CANNON. I suggest that that is not an appropriation for the coming fiscal year.

Mr. SHERMAN. Will the gentleman reserve his point of order?

Mr. DOCKERY. Let that item go into the deficiency bill.

Mr. CANNON. It seems to me that its proper place, under the rules, if it goes at all, is on the deficiency bill.

Mr. SHERMAN. I am inclined to agree with the gentleman, but if he does not object to having the statement read, I should be glad to have it read.

The Clerk read as follows:

> DEPARTMENT OF THE INTERIOR,
> OFFICE OF INDIAN AFFAIRS,
> *Washington, January 19, 1897.*
>
> SIR: The Chesapeake and Ohio Railroad Company, under orders from this office, transported Indian pupils in 1889 to and from Hampton Normal and Agricultural Institute, the claims for which amount to $890.00.
>
> The claims were allowed by this office and forwarded to the Treasury for settlement; but owing to the fact that the balance of appropriation out of which the claims were payable had been covered into the Treasury under the surplus-fund act, the same were disallowed by the accounting officers of the Treasury.
>
> As there is an unexpended balance—$80,000—on the books of the Treasury for the support of Indian day and industrial schools for the fiscal year 1895, I recommend that the claim be paid from said balance, and I inclose draft of an amendment to the Indian bill for 1898, with the request that it be incorporated therein.
>
> Very respectfully,
> D. M. BROWNING,
> *Commissioner.*
>
> Hon. JAMES S. SHERMAN,
> *Chairman Committee on Indian Affairs,*
> *House of Representatives.*

Mr. SHERMAN. I hope after that statement the gentleman will not insist on his point of order.

Mr. CANNON. The item does not belong on this bill. If there is an estimate, it goes on the deficiency bill under the rules of the House.

Mr. SHERMAN. I suspect that the gentleman is literally correct about that; but if it is put in here it will be paid out of an existing appropriation, and will require no new appropriation. The gentleman, of course, does not question the validity of the claim?

Mr. CANNON. I do not know about it.

Mr. SHERMAN. This seems to me a good place to put it.

Mr. CANNON. If it is an audited claim, then it would go in as a matter of right——

Mr. SHERMAN. I think it would go in as a matter of right.

Mr. CANNON. But not in this bill.

Mr. SHERMAN. Into the deficiency bill.

Mr. CANNON. There is perfect propriety in keeping these bills separate.

Mr. DOCKERY. And the rules so provide.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. SHERMAN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

> On page 55, after line 13, insert the following:
>
> "For completion of the digest now being prepared under the direction of the Secretary of the Interior of the decisions of the courts and the Indian Department, and of the opinions of the Attorney-General relating to Indian Affairs, as authorized by a clause in the Indian appropriation act for the fiscal year ending June 30, 1897, $2,000."

Mr. CANNON. I am compelled to make a point of order on that. It belongs in the sundry civil bill, if it belongs anywhere.

Mr. SHERMAN. If the gentleman will reserve it for half a minute, Mr. Chairman, I will be obliged to him. I doubt whether the point is good anyway, because this is simply a continuation of what was begun by last year's Indian appropriation bill. I will say to the gentleman that the Secretary of the Interior then estimated that it would cost $5,000 to do this work. The committee, in its desire to be as economical as possible, called upon the Secretary, who appeared before the subcommittee and made a statement as to these various items. Amongst other things, this item of the digest was discussed, and the Commissioner stated that he would undertake to do the thing, if possible, for $3,000. He has found it impossible to complete the work for that amount, and now recommends an additional appropriation of $3,000 to complete that work.

Mr. CANNON. Is there anything in the estimates?

Mr. SHERMAN. Not in the Book of Estimates; no.

Mr. CANNON. This is a mere communication from the Indian Office, from the head of the Bureau.

Mr. SHERMAN. It is a communication from the Secretary of the Interior, in the usual form. The Commissioner of Indian Affairs writes the first letter, and it is submitted to us through the Secretary of the Interior.

Mr. CANNON. Well, the usual form would be through the Secretary of the Treasury, and then it would come through the Speaker to the appropriate committee and the appropriate bill. I do not think it has any place in the bill; but I will say to my friend that, as he has looked into this matter and we have entered upon the work, I will not insist upon the point of order.

Mr. SHERMAN. I have looked into the work; I believe it is a valuable work, and I think that $2,000 is none too much to complete it.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. SHERMAN. He does.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. CURTIS of Kansas. I offer the following amendment.

The Clerk read as follows:

> On page 55, after line 13, insert:
>
> "Any person who shall destroy or injure or carry away without authority from the Secretary of the Interior any aboriginal antiquity on the public lands of the United States shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $100, or by imprisonment of not more than ninety days."

Mr. SHERMAN. I will reserve the point of order until I hear some statement from the gentleman in reference to the matter.

Mr. MURPHY of Arizona. I wish to say that this amendment is offered because of a letter from the Bureau of Ethnology, claiming that the antiquities and ruins of the Western Territories are being despoiled and carried away; that later they will be of great interest and value to this country, and particularly to that Bureau. The matter went to the Committee on Indian Affairs, and, as I understand it, the amendment is offered as a committee amendment, with the instructions of the committee. I am simply acting in the matter in the interest of the Bureau of Ethnology, and I believe that these antiquities will some day be of great value to this country and should be preserved.

Mr. SHERMAN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

> Whereas the Seneca Indians in council, January 3, 1896, duly entered into an agreement with William B. Barker whereby said nation leased to said Barker the Oil Springs, the Cattaraugus, and Allegany reservations, situate in western New York, for the purpose of boring and testing said territory for gas and oil, under certain conditions therein stated, said agreement having been ratified and confirmed by act of Congress; and
>
> Whereas a renewal of said lease having been effected by the assignee of said lessee, the Seneca Nation of Indians, as to the reservation situate in Cattaraugus County, in the State of New York: Therefore
>
> The renewal of the lease of that portion relative to the reservation in Cattaraugus County above recited be, and the same hereby is, in all things ratified, accepted, and confirmed.

Mr. SHERMAN. I offer the following amendment, which is to simply change the phraseology.

The Clerk read as follows:

> Strike out lines 14, 15, 16, 17, 18, 19, and 20 and insert in lieu thereof:
>
> "Whereas the assignee of said lease has released to the Seneca Indians certain portions of the lands and reservations included or referred to in said lease, and the council of the Seneca Nation of Indians, by a resolution adopted by said council on or about the 3d day of December, 1896, in all things ratified, confirmed, and extended as to the lessees thereof and as to the assignees thereof the said lease, and empowered and authorized them to fulfill the said lease, the same and to the same extent as the original lessee might or could have done when said lease was executed: Now, therefore
>
> "The action aforesaid of the lessee of said lease and of the council of the Seneca Nation is hereby ratified and confirmed, as the same has been sanctioned and ratified by the said resolution of said Seneca Nation."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

> That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may be used to accomplish the object for which the specific appropriation was made.

Mr. DOCKERY. Mr. Chairman, I raise the point of order upon that paragraph. It changes existing law, and is bad legislation.

Mr. STEWART of New Jersey. I offer an amendment.

Mr. SHERMAN. Mr. Chairman, I shall not contend against the point of order made by the gentleman if he insists on it. If he is subject to conviction, I should like to talk to him, but if he is not, I would not wish to consume the time of the committee.

Mr. DOCKERY. This is a departure from the policy of the Government which has obtained for more than sixty years. For the first forty years in the history of the Government it was a payment made in a lump appropriation. Since that time the policy has grown from year to year to segregate the appropriations and make them specific. I would like to accommodate the gentleman, but must insist upon the point of order.

Mr. SHERMAN. I will not waste my weak eloquence upon the gentleman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $15,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Mr. BRODERICK. I desire to offer the following amendment.

The Clerk read as follows:

After line 16, on page 57:

"Every Indian agent shall render to the Secretary of the Interior semi-annually a detailed statement under oath of all moneys received by him from all sources for the use of the tribe or for individual members of the tribe, and he shall place on file at the agency a true copy of such statement, which copy shall be open to the inspection of all persons interested: *Provided*, That all moneys received by the agent and belonging to the tribe shall be remitted by him to the Secretary of the Interior as required by the rules of the Department, and all moneys received for individual Indians shall be promptly paid by the agent to the respective persons entitled thereto."

Mr. SHERMAN. I raise the point of order against that amendment, but I am prepared to hear an explanation of it.

Mr. BRODERICK. Mr. Chairman, since the grazing lands have been largely taken up in the West, the Indian agents have been leasing the tribal lands upon the reservations and have also been superintending the leasing of the allotted lands. They receive large sums of money every year, and there is no statutory law directing how that money shall be disposed of. There is a rule of the Department which requires that the agent shall remit the money to the Secretary of the Interior, but there is no law or rule requiring that he shall make a detailed statement as to the amount of money that he receives. There is no check anywhere upon the agent: the Department simply receives the money that he sends.

Now, this amendment requires the agent in each case to make a detailed statement under oath of the amount of money received, and to file a copy of the statement with the clerk of the agency, so that anyone who is interested may go and examine that statement and see whether the agent has reported all the money he has received. It is intended simply as a check upon the agent, to compel him to deal honestly in these transactions. The agent receives not only the money derived from the leased lands that are held in common, but in most instances he receives the money derived from the leasing of the allotted lands. That money he pays over or should pay over to the individual Indians, and this amendment will require him to make a report and to place a copy of that report on file, so that anyone can inspect it and ascertain whether he has made an honest return.

Mr. SHERMAN. Does the gentleman consider that an additional oath will be a guaranty of the honesty of the Indian agent? The agent performs his duties now, I believe, under an oath of office.

Mr. BRODERICK. Well, it is thought that this will be an additional check. This will require him to make his statement under oath, and if he makes a false statement he can be indicted and convicted. It may not make all Indian agents honest, but it may prevent some from acting dishonestly. I trust the gentleman will withdraw the point of order.

Mr. SHERMAN. I will not make the point of order.

The amendment was agreed to.

The Clerk read as follows:

That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $15,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Mr. HARTMAN. Mr. Chairman, I desire to offer an amendment, to come in after the paragraph just read.

The amendment was read, as follows:

The Secretary of the Interior may, in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation, or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands, or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber, in either case, has been killed, burnt, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

Mr. SHERMAN. I will reserve the point of order for a moment till I ask the gentleman whether this is the proposition that was submitted by my colleague and his, the gentleman from Minnesota [Mr. Towne], to the Secretary of the Interior and received his approval.

Mr. HARTMAN. It is. I have here the letter of the Secretary of the Interior and the Commissioner of the General Land Office approving it.

Mr. SHERMAN. Then I will not make the point of order against it.

Mr. DOCKERY. I merely wish to suggest, Mr. Chairman, that this provision in the bill will very largely promote the growth of dead timber. [Laughter.]

The amendment was adopted.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer an amendment at this point.

The amendment was read, as follows:

On page 57, after line 16, add:

"That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be so construed as to debar such children of such right."

Mr. CANNON. I will ask the gentleman wherein this amendment would change the law as it now is?

Mr. CURTIS of Kansas. In 1888 a law was passed which virtually disinherits the children of an Indian woman who marries a white man, while it does not change the condition of the children of an Indian man who marries a white woman, and I think, and the committee thought, that there was an unjust discrimination. This amendment was authorized by a unanimous vote of the Committee on Indian Affairs and was directed to be placed in the Indian appropriation bill, but by an oversight it was omitted, and I now offer it as an amendment by direction of the committee.

Mr. CANNON. How does it affect property rights?

Mr. CURTIS of Kansas. Only in this way. In 1888, after the act to which I have referred was passed, for three or four years the Department was undecided as to what construction should be placed upon it. About two or three years ago the Department ordered that all children who were the result of a marriage between an Indian woman and a white man be stricken from the rolls and no further payments be made to them; and of course the effect of this amendment, if adopted, will be to restore them to the roll. Since the decision of the Supreme Court in the Cherokee case, holding that the rights of the children of an Indian woman married to a white man are the same as those of an Indian man married to a white woman, I think the House will be fully justified in adopting this amendment. That discrimination against the Indian woman and her children is very unjust. We think that the children of Indian women should be treated the same as the children of Indian men. The effect of this amendment will be simply to put both classes in the same position.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That funds appropriated to fulfill treaty obligations shall not be used: *Provided further*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *And provided further*, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments, and shall report to Congress, at its next session thereafter, an account of his action under this provision.

Mr. CANNON. For temporary purposes, I make the point of order against the matter from line 23, on page 58, down to line 7, page 59, inclusive.

Mr. SHERMAN. That is not new matter. It was in last year's bill.

Mr. CANNON. Then you have rearranged it.

Mr. SHERMAN. I do not think it has been rearranged.

Mr. CANNON. I think the gentleman will find that this is new. Whether it is or not, I should like to ask him a question. Under the treaty with the Sioux Indians we appropriate in round numbers, if I recollect aright, a million dollars for subsistence. The

cost of supplies varies. I suppose that this year they can probably be bought for $100,000 or $200,000 less than they could two or three years ago. Now, I will ask the gentleman whether, under this provision, whatever amount may be saved in the purchase of those supplies can be applied toward the purchase of stock cattle, etc.

Mr. SHERMAN. I presume it could.

Mr. CANNON. Well, then, I must insist on the point of order, because our treaties with the Sioux especially are very liberal—I might say extravagant; and when we supply them with subsistence, I think we ought not to go beyond that.

Mr. SHERMAN. Allow me to suggest to the gentleman that the language here used would not apply to funds appropriated under treaty stipulations. I think I am safe in saying that a provision of this kind was in last year's bill, although I have not been able to find it.

Mr. CANNON. This language is pretty broad:

May use any sums appropriated in this act for subsistence and not absolutely necessary for that purpose for the purchase of stock cattle, etc.

Mr. SHERMAN. But the gentleman will find in lines 18 and 19, on page 58, this proviso:

That funds appropriated to fulfill treaty obligations shall not be used.

That proviso, it seems to me, would meet the gentleman's point.

Mr. CANNON. No. I think the language here is broader than the gentleman realizes. This section provides in the beginning—

That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur.

That covers one thing. Then we have the proviso:

Provided, That funds appropriated to fulfill treaty obligations shall not be used.

Mr. SHERMAN. If we transfer that proviso to the end of the paragraph, will not that meet the gentleman's objection?

Mr. CANNON. It seems to me not.

Mr. SHERMAN. If that language be transferred in the manner I suggested it would certainly prevent any money appropriated for the fulfillment of treaty obligations from being used for any other purpose. I am perfectly willing that the proviso be transferred to the end of the section, which, it seems to me, would surely cover the point which the gentleman desires to cover.

Mr. CANNON. If the gentleman will transfer the proviso in the manner he suggests, I think that will be satisfactory.

Mr. SHERMAN. Very well; I ask unanimous consent that the bill be amended so as to strike out, in lines 18 and 19, the words "*Provided*, That funds appropriated to fulfill treaty obligations shall not be used" and insert the same words after line 7 on page 59.

The CHAIRMAN. In the absence of objection, the transposition asked by the gentleman from New York [Mr. Sherman] will be made. The Chair hears no objection, and it is so ordered.

The Clerk (resuming the reading of the bill) read as follows:

SEC. 8. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of the appropriations in this act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what appropriation paid; also the number of employees in the Indian Bureau in Washington, when employed, in what capacity employed, male or female, full name, amount of compensation paid and out of what fund paid, and under what law employed.

Mr. STEWART of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 61, after line 18, add "and whether, in the opinion of such Commissioner, any of such employees are unnecessary."

Mr. SHERMAN. I reserve a point of order on that amendment.

Mr. STEWART of New Jersey. I submit that we should have the opinion of the Commissioner of Indian Affairs periodically stated to this House as to whether the services of any of these numerous employees are necessary or not, that being a fact peculiarly within his knowledge. I think the amendment ought to go through, and the gentleman from New York should not reserve a point of order upon it.

Mr. SHERMAN. I will ask that the Clerk report the amendment again.

Mr. DOCKERY. Before that is done, I wish to offer an amendment to the text of the section as it stands; and I will ask my friend from New Jersey [Mr. Stewart] to withhold his amendment for a moment.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from New Jersey will be withheld for the present.

Mr. DOCKERY. I desire to inquire of the chairman of the committee whether there is any necessity for requiring the Commissioner of Indian Affairs to report "the number of employees in the Indian Bureau in Washington, when employed, in what capacity employed, male or female, full name, amount of compensation paid and out of what fund paid, and under what law employed." I know that a provision of this kind has been carried in this bill for a number of years; but I think that has been done merely from force of habit, and not because of any public necessity. This provision was doubtless inserted originally when there were employees in that Bureau paid out of a "lump sum." As I understand it, there are now no such employees in that office. Am I correct in that?

Mr. SHERMAN. That, as the gentleman from Missouri knows, does not come under the provisions of this bill. That would be in the legislative bill.

Mr. DOCKERY. I know; and that brings me to this point: It was found in examining the working of the Departments a few years since that an old statute existed which required each head of a Department to report to Congress every year the names of the employees and the compensation paid to them. That statute was enacted doubtless at a time early in the history of the Government, when it was the policy of Congress to appropriate for the clerical force in "bulk." But that policy having been abandoned, and specific appropriations being now made and the clerks provided for by classes, of course that requirement, as provided in the latter requirement of section 8 of this bill, only involves the Government in an unnecessary expense. It is a useless expenditure, in my judgment.

Mr. SHERMAN. I doubt not that the gentleman is entirely correct in that.

Mr. SAYERS. Allow me to ask the gentleman from Missouri if he is quite sure that there are no employees in that Bureau except such as are specifically named?

Mr. DOCKERY. My impression, Mr. Chairman, I will say in response to the gentleman from Texas, is that there are none in the Indian Bureau who are paid out of a lump sum.

Mr. SHERMAN. I have no doubt of that fact; but, as the gentleman is aware, it is regulated by the legislative appropriation bill, and not in this bill.

Mr. DOCKERY. I know; and therefore it seems to me somewhat unnecessary to require a report of the number of employees and the compensation paid them in the Indian Bureau, when the same information is found in the legislative bill, and is open to the examination of all.

Mr. SHERMAN. I think the gentleman is right.

Mr. DOCKERY. We repealed in the Fifty-third Congress the general provision requiring the heads of each Department to report the number of employees and the compensation paid them, and I suggest that unless there are employees in the Indian Bureau paid from a "lump sum," the concluding part of this paragraph, after the word "paid," in line 14, down to and including the word "employed," in line 18, be stricken out, for it is an unnecessary expense to prepare and report this information to Congress.

Mr. SHERMAN. The gentleman is undoubtedly correct. Will the gentleman place his suggestion in the form of an amendment?

Mr. DOCKERY. I merely suggest the matter to the gentleman, as to whether it would not be proper to amend the bill in that way, and would be glad to have him offer the amendment himself.

Mr. SHERMAN. If the gentleman offers the amendment, I shall not antagonize it.

Mr. DOCKERY. Then I offer the amendment, after the word "paid," in line 14, on page 61, to strike out the remainder of the paragraph down to and including the word "employed," in line 18.

The CHAIRMAN. Unless objection be made, the amendment will be regarded as adopted.

There was no objection.

Mr. STEWART of New Jersey. I now ask, Mr. Chairman, that my amendment be put to the committee, and that it be so changed as to follow the word "paid" in line 14.

Mr. SHERMAN. I reserve the point of order, Mr. Chairman, until I can hear the amendment again reported.

The CHAIRMAN. The amendment will be again read.

The Clerk read as follows:

On page 61, in line 14, after the word "paid," add:

"And whether in the opinion of such Commissioner any of such employees are unnecessary."

Mr. STEWART of New Jersey. It is simply to get the opinion of the Commissioner.

Mr. SHERMAN. I withdraw the point of order.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That the office of Commissioner of Indian Affairs and the office of Assistant Commissioner of Indian Affairs are hereby abolished.

Mr. DOCKERY. Mr. Chairman, I raise the question of order on the paragraph just read, and in order to save time it is my purpose, I will state to the gentleman from New York, to raise the same point of order on the remainder of this section, including the last paragraph, beginning with line 7 and ending with line 11 on page 62, and I suggest, in order to expedite matters, that the point of order be considered as applicable to the entire section, and that the section be considered as having been read.

The remainder of the section is as follows:

> That the President, by and with the advice and consent of the Senate, shall appoint from civil life two Indian commissioners, who shall hold their office for the period of four years, unless sooner removed for cause, and shall be from different political parties. He shall also detail an officer of the Army for service in the Indian Bureau, and who, with the two commissioners appointed as above provided, shall be and constitute a board of Indian commissioners. They shall have and exercise such rights and power as are now exercised by the Commissioner of Indian Affairs under the provisions of law.
>
> That each of the commissioners appointed from civil life, as above provided, shall receive an annual compensation of $5,000, and the officer detailed, as provided herein, shall receive the pay of his rank with commutation of quarters.

Mr. SHERMAN. Of course I can not maintain that the point of order is not well taken, Mr. Chairman; but I believe it to be good legislation and in the interest of good government for the management of Indian affairs. I can not maintain, however, that the point of order is not applicable, and therefore, if the gentleman insists on making the point of order, I shall not consume the time of the committee in discussing it.

Mr. DOCKERY. I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk (resuming the reading of the bill) read as follows:

> SEC. 1. That the following agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed, viz:

Mr. SHERMAN. Mr. Chairman, that "section 1" on page 66, line 17, should be "section 11." It is a misprint.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. CANNON. Mr. Chairman, I wish to reserve a point of order against the whole of section 11, and also pages 67, 68, 69, 70, 71, and 72.

Mr. SHERMAN. If the point of order is good at all, it is good against all the rest of the bill, and so, perhaps, it would be well to dispose of the point of order before going any further.

Mr. CANNON. There are two agreements.

Mr. SHERMAN. There are two agreements. My idea is that the point of order is not good against the agreements, because they are both of them agreements made in pursuance of prior acts of Congress. They are simply the completion of a chain which was begun by the act of a former Congress. I can not, at this minute, refer to the particular act, but the gentleman will not question that statement, I think. These are agreements made in the ordinary way that Indian agreements are made, pursuant to a statutory regulation that they be submitted to Congress for its approval or disapproval. Last year's Indian bill ratified certain agreements, and, if my recollection serves me aright, certain agreements were also ratified in the appropriation bill passed in the Fifty-third Congress.

Mr. CANNON. Well, I want to say in reply to the gentleman that this legislation on its face is new legislation. It reads as follows:

> That the following agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed.

Then, if the Chair cares to examine the bill, there are seven or eight pages following which contain legislation about almost every conceivable matter. The agreements are set out in full, and then follows the legislation establishing a reservation, and so forth.

Mr. SHERMAN. All according to the agreement.

Mr. CANNON. Oh, no. It is legislation independent of the agreement; but this is a general appropriation bill, and this is clearly subject to the point of order.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard further on that point?

Mr. SHERMAN. I can say nothing further than I have said, that these agreements are made in pursuance of former acts of Congress, and that therefore, in my judgment, this is not new legislation. It has been the custom of Congress heretofore to ratify such agreements upon appropriation bills. The agreements on their face carry appropriations necessary to be made in order that they be fulfilled if agreed to. Therefore I think they are proper on an appropriation bill.

The CHAIRMAN. The Chair desires to say to the gentleman from New York [Mr. SHERMAN] that, in his opinion, while they may be authorized under existing law, they are not germane to an appropriation bill. If the gentleman has some authorities there, the Chair will be glad to hear them.

Mr. SHERMAN. I have not looked the matter up especially, but my recollection is that rulings have come from that chair both ways on this same proposition. I can not refer to them at this minute, but that is my impression, that different occupants of the chair, not the present occupant, when such matters have been under consideration, have ruled that they were in order, and that other occupants have ruled that they were not in order.

Mr. CANNON. I think the gentleman is mistaken about that. It is true that many agreements have been ratified on the Indian appropriation bill, but generally by Senate amendments that can not be gotten rid of on points of order. Of course, if no point of order was made, why, it would be in order to put the Bible or a whole library on this bill or any other bill.

The CHAIRMAN. The opinion of the present occupant of the chair is that these sections are not germane to this appropriation bill, and so the Chair will sustain the point of order.

Mr. CANNON. That applies, as I understand it, to the balance of the bill.

Mr. SHERMAN. Yes; that covers the balance of the bill.

Mr. JOHNSON of North Dakota. No; not the balance of the bill. That goes only up to section 12, as I understand.

Mr. SHERMAN. No; it covers both agreements. They are identical. If one goes out on a point of order, the other does. If one remains, the other must, I assume, and I understand that the ruling covers the two agreements.

The CHAIRMAN. That is the present opinion of the Chair. The Chair will say that if there are any rulings that conflict with the present opinion of the Chair, he would be very glad to have any gentleman call his attention to them.

Mr. JOHNSON of North Dakota. I would ask permission to offer an amendment. I had a sort of understanding, Mr. Chairman, with the chairman of the Committee on Indian Affairs that when we reached section 12 there would be an opportunity to offer an amendment. I am willing to have section 12 stricken out. I am opposed to the ratification of that treaty with the Turtle Mountain Indians.

Mr. SHERMAN. Then offer your amendment on page 66, after line 16.

Mr. JOHNSON of North Dakota. I will therefore send up an amendment, to insert the following, on page 66, after line 16.

The Clerk read as follows:

> Insert on page 66, after line 16, the following:
>
> "For support and maintenance of the Turtle Mountain Indians there is hereby appropriated and placed to their credit $10,000, and, in the discretion of the Secretary of the Interior, such parts thereof as he may deem just shall be used to pay expenses incurred by them and their delegation to Washington in attending to the prosecution of their claim for unceded lands, and said $10,000 shall be deducted from any sum hereafter agreed upon or found to be due them for said lands."

Mr. SHERMAN. I reserve the point of order against the amendment.

Mr. JOHNSON of North Dakota. I will make a short explanation of the amendment. The bill before us proposes to ratify a treaty with the Turtle Mountain Indians and pay them a million dollars for their unceded lands, and the committee appropriates in this bill $50,000 as the first installment. We have stricken out on a point of order the part proposing a ratification of the treaty, to which I have no objection. The bill carries $50,000 for this year's payment. That also goes out on the point of order. But I hope that the House will grant at least $10,000, which is $40,000 less than proposed in the bill, to pay certain expenses that are necessarily involved in the prosecution of this claim, and for subsistence. These Indians are very poor. They have a valid claim. Our Commission that made this purported treaty states in its report that they have as good a right to that land as any tribe of Indians ever had to any lands. There are 9,000,000 acres involved. The Indians have rejected this treaty, claiming that it was not fairly procured. As a matter of fact, none of the chiefs or members of the chiefs' council subscribed to the treaty, and the lawyers that the Indians invited to assist them in the preparation of the treaty were ordered from the reservation at the time the purported treaty was made. On the part of the Indians it was only signed by unofficial and irresponsible Indians; and the tribe in regular council assembled voted to repudiate that treaty. Now, then, I simply ask this small pittance of $10,000 to be advanced to them on a claim where we admit that we are owing them a million dollars. They have rejected the treaty, for the very good reason that if we owe them anything we owe them from $1,000,000 to $10,000,000, and the amendment simply provides to pay them, as alimony, if I may so term it, for expenses of the further prosecution of the claim, the $10,000 to be deducted finally from the amount to be paid them.

Mr. SHERMAN. Are they all squaws?

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. SHERMAN. I think I must, Mr. Chairman.

The CHAIRMAN. The Chair will sustain it.

Mr. SHERMAN. Mr. Chairman, I believe under the unanimous consent granted a while ago that we may return to page 51, to the provision in lines 14, 15, 16, 17, and 18. The gentleman from Massachusetts [Mr. MCCALL] who raised the point of order against the amendment offered by the gentleman from Washington at that point, and afterwards reserved the point, has come to me with the gentleman from Washington who so vigorously contested the point of order made by the gentleman. The gentleman from Massachusetts has been called over to the Senate, and he asked me to present this amendment, which was satisfactory to him and to the gentleman from Washington. I now present the amendment.

Mr. CANNON. I will reserve the point of order and hear the amendment.

The Clerk read as follows:

> That all restrictions existing against the leasing, sale, or conveyance of the allotted lands of the Puyallup Indians, situate in Pierce County, State of Washington, in so far as the Government of the United States is concerned, be, and are hereby, so modified that such leasing, sale, or conveyance may be made subject in each case, to the approval of the Secretary of the Interior.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. CANNON. If it is satisfactory to the gentleman from Massachusetts and the gentleman from New York, I will not press the point of order.

Mr. JOHNSON of North Dakota. Then, Mr. Chairman, I renew the point of order.

Mr. SHERMAN. I understand that the gentleman from North Dakota is not strenuous in his opposition to this particular amendment, but does believe it is not fair to allow this amendment to prevail and not his.

Mr. JOHNSON of North Dakota. That is it.

Mr. SHERMAN. In view of that, I will withdraw my point of order against the amendment offered by the gentleman from North Dakota.

Mr. BAILEY. I renew the point of order.

The CHAIRMAN. The Chair has already sustained the point. The gentleman from North Dakota [Mr. JOHNSON] raises the point of order. The Chair will sustain the point of order upon the original text and the amendment.

Mr. DOOLITTLE. Is that upon the amendment offered by the gentleman from New York [Mr. SHERMAN]?

The CHAIRMAN. The gentleman from Massachusetts raised the point of order against the text, and that point is sustained by the Chair. Now an amendment is offered by the gentleman from New York, and the point of order has been raised against that by the gentleman from North Dakota.

Mr. DOOLITTLE. The point of order was withdrawn.

Mr. SAYERS. Mr. Chairman, I understood my colleague [Mr. BAILEY] to renew the point of order.

Mr. DOOLITTLE. Does the gentleman from Texas [Mr. BAILEY] renew the point of order upon the matter on page 54, from line 14 to line 18, inclusive, as amended by the gentleman from Massachusetts?

Mr. BAILEY. I renewed the point of order against the amendment of the gentleman from North Dakota which the chairman of the Committee on Indian Affairs had made and had withdrawn.

The CHAIRMAN. The Chair will state that that point of order has been sustained, and the question now is upon the amendment agreed upon by the gentleman from Massachusetts and the gentleman from Washington and offered by the gentleman from New York [Mr. SHERMAN], regarding the Indians in the State of Washington.

Mr. BAILEY. I understood that the gentleman from North Dakota made the point of order against that, saying that if his amendment could not be entertained he would make the point of order against the other.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the gentleman from North Dakota withdrew that point of order.

Mr. BAILEY. Then I renew that point, too.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. The next proposition that was passed over is the one in relation to repairing the bridge over the Big Wind River, in relation to which the gentleman from Wyoming was to furnish the Chair some information.

Mr. MONDELL. I will say to the Chair that I have not yet been able to find the appropriation under which the bridge was constructed.

Mr. SHERMAN. Then, Mr. Chairman, I suggest that we pass this item again for the time being and go to the Sioux proposition, which was temporarily passed over the day before yesterday, and which is found on pages 31 and 32. The gentleman from Illinois [Mr. CANNON] objected to the increase of the appropriation for the pay of additional employees at the several agencies for the Sioux, Nebraska, and Dakota Indians from $20,000 to $80,000. In reference to that I desire to say that last year there were at these several agencies 498 employees, at a total expense of $97,880; that there was appropriated for that purpose specifically only $20,000, and that the difference was made up out of the next item, which last year was $1,000,000, whereas now it is only $900,000. The Treasury Department has made a ruling bearing upon this matter, which I will read:

> When a specific appropriation has been made for a particular object, a general appropriation which otherwise might have been available can not be legally used for that object.

So that, there being a specific appropriation for this purpose of $20,000, the Department holds that the balance necessary can not be used out of the surplus of the $1,000,000 appropriated. Now, as I before said, this is not really an increase of expenditure, because last year at these agencies, seven in number (at which agencies the affairs of over a hundred thousand Indians are attended to), ninety-seven thousand dollars and some odd hundreds was expended; and, in view of the ruling of the auditing officers, it is absolutely essential that this amount, which has been heretofore $20,000, shall be increased.

Mr. CANNON. Will the gentleman allow me a suggestion? Would it not be well to pay these employees from the proceeds of the trust fund? It seems to me it can be done.

Mr. SHERMAN. It can not be done, Mr. Chairman, for the reason that under the treaty a certain proportion of the trust fund must be used for specific purposes. For instance, one-half of the trust fund must be expended for educational purposes. I had the treaty here a while ago, containing that provision.

Mr. GAMBLE. I have the treaty here, and with the gentleman's permission, I will read the language:

> One-half of such interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purpose, including a reasonable cash payment per capita, as, in the judgment of said Secretary, shall from time to time most contribute to the advancement of said Indians in civilization and self-support.

Mr. CANNON. Now, is it not entirely competent to adopt an amendment making this expenditure payable from that "other half" of the trust fund?

Mr. SHERMAN. I think not, Mr. Chairman, because the terms of the treaty of 1867 have been confirmed by the act of 1889. I have said "treaty," but agreement would be a better word, for literally, of course there can be no treaty except with an independent nation, and we do not recognize these people as such. These provisions of the agreement were confirmed by Congress as late as 1889 by the act to divide a portion of the reservation of the Sioux nations in Dakota, and by the act of March 2, 1889, which obligates the United States to carry out the specific provisions of that treaty. I think this provision is absolutely essential in the bill.

Mr. CANNON. What are these employees for?

Mr. SHERMAN. I can give the gentleman a detailed statement, if he desires it.

Mr. CANNON. No; a general statement will do. What are they?

Mr. SHERMAN. They are physicians, clerks, farmers, butchers, laborers, stable men—all sorts of employees.

Mr. CANNON. Would not they come under the head of this language in the treaty: "For the promotion of industrial and other suitable education among the said Indians?"

Mr. SHERMAN. Possibly a few of them might, but the majority probably would not.

Mr. CANNON. Well, I hope that when the gentleman comes to prepare this bill next year, or at such time as may be convenient for him, he will take into consideration the idea of utilizing, in the case of these particular Indians, a considerable portion of the trust fund for such purposes. I do not want to embarrass the gentleman's bill in any way, but I have an impression, which almost amounts to a conviction, that the Sioux Indians are getting a great deal of support out of the United States under treaty, and are also getting a good deal otherwise than by treaty, some of which might well be cut off.

Mr. SHERMAN. The gentleman's impression is quite correct. They are getting a good deal. We tried for a time to get along with these same Indians by violating our obligations to them, and as a result there came uprisings and fighting and Indian wars; so it seems after all that we can get along cheaper with them on a peaceful basis than on the basis of war.

Mr. CANNON. I will say to my friend that the "warfare" came when we undertook to take the Black Hills country to suit the wishes of the white constituents of my friend over there.

Mr. GAMBLE. Not at all.

Mr. SHERMAN. It came as a result of our failure to carry out our treaty obligations to those Indians.

Mr. GAMBLE. Let me add that the next item of appropriation is absolutely provided for under the treaty of 1877. These Indians ask only what is actually provided for by treaty.

Mr. SHERMAN. Mr. Chairman, the question to be taken, as I understand, is on the proposition contained in lines 7, 8, and 9 of page 31.

Mr. CANNON. I withdraw the amendment.

Mr. SHERMAN. Then that is considered agreed to, as I understand.

Mr. CANNON. That, I believe, finishes the bill.

Mr. SHERMAN. Except the provision making an increase of $200,000 in reference to schools for the Sioux Indians. That appropriation in this bill is $225,000, as compared with an appropriation of $25,000 for the same purpose in the bill of last year. Prior to last year the appropriation for several successive years was $75,000. As it took some little time to get the machinery connected with those schools in working order, there accumulated from year to year something of a surplus, which last year amounted to somewhere between $50,000 and $75,000. Because of this surplus

which had accumulated and which remained unused, we reduced the appropriation last year from $75,000, which it had been the year before, to $25,000, in consequence of which the Indian Office has not had sufficient money with which to run the schools during the last year.

There is a treaty obligation to educate these Indian children. There are upon the Sioux reservations some 8 day schools and 6 boarding schools, at which there were educated last year 750 pupils at the boarding schools and 2,080 at the day schools. In addition to those schools, there have been erected during the last year at the Pine Ridge Agency and at the Rosebud Agency large schools to accommodate over 400 pupils. If we take the number of pupils educated last year at the boarding schools, and assume the expense to be what we have been paying at all our boarding schools, $167 per pupil, the aggregate needed for this purpose, supposing the number of pupils should not increase, will be something over $125,000.

Now, suppose we figure the cost of educating the day-school pupils at $50 apiece, which is but $10 more than we pay the district schools in the States where we educate Indian children. In point of fact, it costs the Government more to educate Indian children at its own day schools, because it gives a better education and because it gives other things than education—it furnishes a lunch, a midday meal for the children. Therefore, adopting $50 per pupil as a basis, which is not too much, the education of the day-school children would amount to $104,000—assuming the number of such pupils would be no greater during the coming year than during the past. So that the actual cost would be in excess of the amount of the appropriation here proposed.

But attention has been called very correctly to the fact that one-half of the interest on treaty funds may be used for educational purposes. This would amount to $75,000. It would require more than this amount to educate even the same number of pupils that we have been educating in the boarding schools. So that, counting the $225,000 which this bill proposes to appropriate, together with the $75,000 which will be derived from the trust funds for the purpose of education, the aggregate, $300,000, is none too much for the purpose contemplated. In fact it is, in my judgment, too small to educate these three or four thousand children of the Sioux Nation which we are under treaty to educate. That is all I have to say on this subject.

Mr. CANNON. It seems to me the gentleman from New York has covered the ground, but I do not want his statement to go upon record without a further statement. The great bulk of these children, as I understand him, are instructed at the day schools.

Mr. SHERMAN. Two-thirds of them.

Mr. CANNON. Now, the tuition in those schools amounts to $50 a year for each child?

Mr. SHERMAN. I have figured it at that.

Mr. CANNON. That the gentleman estimates as the cost to the Government for the education of each child?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. Now, it seems to me that if the cost of providing instruction in these day schools be $50 for each child, it is rather expensive, especially when it is considered that this expense does not include clothing and subsistence. The children are subsisted and clothed at home.

Mr. SHERMAN. With the money of the United States.

Mr. CANNON. With the money of the United States. But under this bill they get, it seems to me, more food and clothing than they can eat or wear; and in my judgment $50 per pupil for bare tuition is too much.

Mr. SHERMAN. We are under an agreement, I will say to the gentleman, to educate all of these children.

Mr. CANNON. Then the fault is in the administration. For instance, take the schools generally throughout the country—well, let the gentleman make his own calculation about the average expense.

Mr. SHERMAN. Where there is not a very large number of children, as in many of these schools, as my friend knows, they can not be educated at a less price than that. There is hardly any school in the land, unless Illinois is an exception, and I think it is not, where it can be done at a less price. I think the sum is none too large for the service of the Government for the coming year.

The CHAIRMAN. If there be no amendment, the paragraph will be considered as adopted.

Mr. SHERMAN. That ends, I believe, the provisions of the bill which were passed over.

The CHAIRMAN. All except the amendment of the gentleman from Wyoming [Mr. MONDELL].

The Chair will overrule the objection to the amendment, and allow the gentleman to take the sense of the committee as to the propriety of its adoption.

The Clerk will report the amendment.

The Clerk read as follows:

> In line 18, page 54, insert:
>
> "For repair of the present bridge across Big Wind River, in the Shoshone Reservation, in the State of Wyoming, the sum of $3,000."

Mr. MONDELL. Mr. Chairman, I have already addressed the committee on this question, and I do not wish now to detain the House any longer. Gentlemen understand this matter. It is simply an appropriation to repair the Government bridge so that it can be used. It is absolutely of no avail at the present time, and hence the appropriation is necessary.

The question being taken on the amendment of Mr. MONDELL, it was agreed to.

Mr. SHERMAN. Mr. Chairman, that completes the reading of the bill.

Mr. TALBERT. Mr. Chairman, I would like to call the attention of the gentleman from New York in charge of this bill to the phraseology of a part of a subdivision of one of the sections, on page 66, which may possibly be misleading.

It provides, beginning with line 5 on that page—

> That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians, per capita, the remainder of said funds—

And so on; and then in line 9 it provides that—

> he may, in his discretion, pay to said Indians, per capita, the sum of $42,560.38.

I will ask if the words "per capita" may not be misleading in that connection? It may be construed to mean that that sum shall be paid to each one of these Indians.

Mr. SHERMAN. That is what it is intended to mean, that the money is to be divided among them per capita.

Mr. TALBERT. I know; but it may be misunderstood. I would ask if the gentleman had not better change the phraseology, so that it will not be misleading?

Mr. SHERMAN. We might put in different words to express the same meaning.

Mr. TALBERT. I only ask the attention of the gentleman to it.

Mr. SHERMAN. The gentleman's suggestion is, as I understand it, to strike out the words "per capita" in line 10?

Mr. TALBERT. Yes, sir; that will make it more specific and definite. It might be construed, as it now stands, to mean that he is to pay $42,000 and upward to each one of these Indians.

Mr. SHERMAN. I move to strike out the words "per capita" in line 10, page 66.

The amendment was agreed to.

Mr. TALBERT. The same amendment should also be made in line 7.

Mr. SHERMAN. I will make the same motion in reference to that line. Strike out the words "per capita" in line 7.

The amendment was agreed to.

Mr. SHERMAN. I move that the committee now rise and report the bill as amended to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had directed him to report the same to the House with amendments, and with the recommendation that as so amended it do pass.

The SPEAKER. If there be no demand for a separate vote, the question will be taken on the amendments all together.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ATLANTIC AND PACIFIC RAILWAY COMPANY.

Mr. POWERS. Mr. Speaker, I desire to submit a conference report on the bill (S. 1882) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, and to have it printed in the RECORD; and I give notice that I will call it up to-morrow immediately after the reading of the Journal.

The SPEAKER. The gentleman presents a conference report, which the Clerk will read.

The Clerk began the reading of the conference report.

Mr. POWERS. Mr. Speaker, I simply desire the report printed in the RECORD.

The SPEAKER. The gentleman desires the report printed in the RECORD, and gives notice that he will call it up to-morrow morning.

Mr. McRAE. Mr. Speaker, I desire to have the request of the gentleman from Vermont so modified as to have the report printed in document form, rather than in the RECORD. It is more convenient for the members. The RECORD type is very small, and if we are to get any benefit from this print, so as to see what the amendments are, we should have the report in bill form.

Mr. POWERS. If we can have it printed by to-morrow morning, I have no objection.

Mr. McRAE. Oh, that can be done.

The SPEAKER. The gentleman modifies his request, and asks that the report be printed in bill form.

Mr. POWERS. The report and the statement.

Mr. TERRY. In the same form in which we had the immigration bill the other day.

The SPEAKER. Without objection, the request will be acceded to.

There was no objection.

CONTESTED-ELECTION CASE—CORNETT VS. SWANSON, FIFTH DISTRICT, VIRGINIA.

Mr. THOMAS. Mr. Speaker, I desire to give notice that on Wednesday next I shall call up for consideration the contested-election case of Cornett *vs.* Swanson, from the Fifth Congressional district of Virginia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred as follows:

A bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison—to the Committee on the Judiciary.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the Agricultural appropriation bill; and, pending that, I move that general debate be limited to one hour, if that is satisfactory.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] moves that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the Agricultural appropriation bill, and, pending that motion, he moves that general debate be limited to one hour.

The latter motion was agreed to.

And then, on motion of Mr. WADSWORTH, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, with Mr. PAYNE in the chair.

Mr. WADSWORTH. I ask to dispense with the first reading of the bill.

There was no objection.

Mr. WADSWORTH. I now yield thirty minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, under ordinary circumstances I should not occupy the time of the House to make reply to an attack aimed against the loyalty, honor, and integrity of the State of Ohio; but the circumstances surrounding the matter to which I shall directly refer seem to me to justify a deviation from my ordinary course and a reference to a matter of some public concern, not alone to the people of the State of Ohio, without regard to party, but to the people of the entire country.

On last Sunday morning there appeared what purported to be a speech delivered by the ex-governor of the State of Illinois. The speech was delivered at a dinner or celebration of the distinguished services of that gentleman, and in responding to the sentiment in his honor, he proceeded to make sundry and divers remarks reviewing the recent election campaign in the United States, to all of which I answer by silence, excepting as to a single paragraph of that speech. The paragraph is as follows:

> For example, in Ohio there were nearly 200,000 more votes counted in 1896 than there were in 1892, which would indicate an increase of population in that State during four years of very nearly 1,000,000 of people, whereas in reality there has not been an increase of a third of a million in that time. In other words, it is clear that in Ohio over 94,000 fraudulent votes were counted, and, as the returns show that Mr. McKinley had only a majority of 49,000 in that State, it is certain that Mr. Bryan carried Ohio by over 40,000.

The matter of inducement surrounding this special utterance was a broad and sweeping declaration that Bryan had been elected President and had been wrongfully defrauded of his office. Details are given in which other States are assailed, notably his own State, and with some little knowledge of the figures of the Illinois elections for the past three or four years, I do not wonder that a gentleman who led a victorious majority in the city of Chicago very recently, and then was absolutely overwhelmed in almost all the counties and voting precincts of Illinois, should select his own State as an illustration of the quality of unfairness which had been the measure and index of this election.

Ex-Governor Altgeld is the last person, in my judgment, who ought to drag from under the rapidly closing waves of oblivion the history and detail of the recent election in the United States of America. Whatever happened in the State of Ohio was due to a large number of factors, no one of which was more powerful and potential in giving victory to the Republican party in that State than was the existence as a leader of the Democratic party of Governor Altgeld, of Illinois. There is no place in all the broad domain of that magnificent State where appeals were made to the conscience and judgment, decency and patriotism, and law-abiding sentiment in the State of Ohio where the least difficulty was experienced in creating great interest by giving assurance of the defeat, then hoped for, of Altgeld. The most popular speeches were always decorated with the awful example of the then governor of the State of Illinois.

I was present at more than one vast assemblage of the people of Illinois during the campaign, and when all else failed to arouse an outburst of tremendous enthusiasm it always followed the declaration that one of the things that we were aiming at was to purge the fair record of Illinois of the name in office of Altgeld. He it was who in the Chicago convention demanded, as we all understood—as was published and declared everywhere—the introduction of those planks of the platform that arrayed hundreds of thousands of Democrats, independent of the question of the tariff and of the currency, against the Democratic party. Why, it is not very strange, Mr. Chairman, that that gentleman should feel some degree of responsibility for the results and some degree of soreness as he looks back over the miserable record in politics which he himself has made.

The people of the State of Ohio are thus arraigned, and my speech shall be directed to a vindication of the people of Ohio, without regard to party. There has been no dishonest election in the State of Ohio for a great many years. The condition of the law of that State and its administration, and the absolute immunity of the people there from a foul ballot box, are due to the joint efforts of the leading men of both political parties. The last trouble that we had was that which related to certain poll-book difficulties in the city of Columbus and in the city of Cincinnati. No party justified the wrongs that took place there. They were simply vulgar, contemptible, penitentiary offenses that were committed, and the prosecuting officers, without regard to party, pursued every man implicated. Some of them were arrested and tried, others fled from the State, others removed out of the State, and there is nothing left of those old, ancient, disreputable matters, long since gone by, except a treasury of recollections, in which all the facts and incidents are treasured up ready for use if the men who perpetrated these crimes shall ever again dare to become prominent in the politics of the State of Ohio. They are well known and thoroughly marked, distinctly condemned by the men of all parties, justified by nobody, and the wrongs were righted and no harm was done.

Shortly after that a new election law was passed in the State of Ohio. It was passed by the joint cooperation of Democrats and Republicans. The ballot is the Australian ballot. The system is the best developed, probably, of the study of pure elections that we have had in any of the States, and at least as good as that of any State in the Union. There was some objection to the Australian ballot because of certain unnecessary complications in regard to it. They were thoroughly and promptly rectified by the cooperation of men of all parties. The ballot is a blanket ballot, as it is called, upon which the ticket of each party is printed. We have progressed beyond any other State in the Union in the direction of suppressing frauds in the nomination of candidates by putting a provision into our statute, the first of any State in the Union, now being rapidly followed by the State of Indiana and possibly other States, forbidding the putting of the name of any one man upon any two ballots contained in the blanket ballot. This has operated in the greatest degree in the purification of the matter of nominations and in getting rid of the trading incident to that sort of business.

Now, let me give to gentlemen who have done me the honor to listen a simple outline of our system. In the first place, we have at the capital the secretary of state, who is chief of the board of elections. The law directs him to appoint four men in every county of the State, two of the men to belong to one of the leading two parties and two to another. So that the practical operation of it in Ohio is to give two Republicans and two Democrats. What may happen next year I do not know. The complication that may possibly grow out of the divided Democratic party will probably be solved by the adoption of the decision that the party polling the greatest number of votes will be entitled to have the election board. Now, these four election officers, two Democrats and two Republicans, are appointed upon the recommendation of the committees of the two parties. That is to say, the county committee of the Republican party names two men, the county committee of the Democratic party names two men, and they are appointed, unless there is some objection made as to their fitness or integrity, or something of that character.

Now, you will see the propriety of this feature of our statute. The Democratic committee knows who the Republican committee has recommended, and vice versa; and if there is a dishonest man recommended they have their right of protest. Then it is made the duty of the secretary of state, as the head of this board, to appoint these four men. Now these four men elect a clerk; and that clerk is usually elected from outside of the board. But there can not be a very bad man elected clerk, because he has to have either

two Republican votes and one Democratic vote or else he must have one Republican vote and two Democratic votes. Now, this board, thus constituted, appoints in every voting place in the county four judges, two to be Democrats and two to be Republicans; and, in that same connection, each one of these judges must have at least one vote of the opposite party from which he belongs. Then there is one Democratic clerk and one Republican clerk; and that board, thus constituted, under a law that limits the voters of a precinct to a small number, carries on the election.

There are six members of that board. They know everybody in the district. We have a registration law which applies to the cities, and there the registration boards—that is, the boards of election—are created in the same manner as are the county boards of election, and there also the machinery of registration is absolutely in the hands of both parties equally balanced, so that there can be no election of even a minor officer and no action by any board that is not consented to by at least one of the minority party. That is our system in the State of Ohio. It has worked well. There are divers restrictions in regard to the distance from the polls that everybody is compelled to keep, and then, under the Australian ballot law, step by step various amendments and improvements have come in, until, I say here, in the presence of distinguished Democrats of my own State, that the law has reached substantially perfection in administration.

Now, we find an ex-governor of a great State, in a public speech, apparently without any knowledge of this entire system or of any prominent part of it to which I have referred, making a wholesale charge of corruption and dishonesty and dishonor against the State, and in doing that he involves necessarily an equal number of Democrats with an equal number of Republicans; for there can be no dishonesty either in the registration, in the voting, in the machinery of the election, or in the certification of the returns, that is not participated in by men of both parties. Now, what has this ready maligner of other people to go upon when he makes this false charge that has been heralded all over the United States, and is being constantly repeated in the press when somebody happens to want to vilify a great State? What has he to go upon? A largely increased vote in the State of Ohio.

Well, Mr. Chairman, there was at the last election an enormously large increase of the vote in the United States of America. I have not the precise figures, but I think my recollection is not wrong when I say that the total increase in the vote was nearly two millions above any vote ever before cast for a President of the United States. I hold in my hand and will incorporate in my remarks a statement of the vote of Ohio from 1803, when she became a State, down to 1896, when she voted to put at end, for the time being at least, to the domination in politics of the party of the gentleman who was recently governor of Illinois. Among other things shown by that table is the fact that the vote of Ohio has fluctuated greatly. In the first place, going back only to 1888, the Republican vote was 416,054 and the Democratic vote was 396,455. The Democratic vote fell off in the next year to 379,423, and in the next year to 352,579. The next year it rallied to 365,228, and in 1892 it was 401,115. Then it fell off to 352,347 in the election of 1893, and in the election of 1894 the Democratic vote of Ohio was 276,902. In 1895 it was 334,519, and in 1896 it ran up to 473,462; an increase over the vote of 1894 of 196,560. That increase, remember, is in the Democratic vote alone.

The Republican vote of Ohio has also fluctuated very much along the same lines. We were beaten in 1889. We had but 363,548 votes in 1890 against 352,579 for the Democrats. We had but 386,739 in 1891 against 365,228 for the Democrats, and in 1892, in the Presidential election of that year, the Republican vote was 405,187 and the Democratic vote 401,115. We elected 22 electors and lost 1, the 22 being elected by only 1,072 plurality. In 1893 we rallied to 433,342. In 1894 we fell off to 413,988. In 1895, in the great impetus of that election, the Republican vote was 427,141, and last year it was 525,000, an increase over the vote of 1892 of 119,813, while the Democratic vote of that year showed an increase over the Democratic vote in 1894 of 196,560. Therefore, Mr. Chairman, it will be seen that whatever in the Ohio election is startling, whatever there is that needs explanation, whatever there is that the comprehension of a public and professional slanderer can not understand, is to be found rather in the extraordinary increase of the Democratic vote in the State of Ohio than in the increase of the Republican vote.

I hold in my hand a statement of the vote of 1896 in the State of Ohio by counties, and there is not a county in the State which has increased its vote at such a rate as the county which is the home of my distinguished friend, Mr. LAYTON. His county gave 4,899 votes last year for the Democratic ticket, while in 1895 it gave but 3,800 votes. In that little population there was an increase in the vote of over 28 per cent. In the county in which I live—and I think I may say, without arrogating very much to myself, that there could not get into the ballot boxes of my county a very large influx of fraudulent votes—in my county in 1895 there were 1,641 Democratic votes; in 1896 there were 3,256; an increase of 1,615 over the Democratic vote of 1895. That was the gain in the county in which I live; and let me say now for the county of Anglaize, where my Democratic friend, Mr. LAYTON, lives, and for the county where I live, that I do not believe there was one fraudulent vote cast, in the ordinary acceptation of that term. It may be that somebody voted who was not, under a strict construction of the law, entitled to vote. That happens in all voting places throughout the country. But that there was systematically or deliberately a vote cast that was not an honest vote, I deny absolutely.

What has been the matter, therefore, in Ohio? Well, I can tell you what has been the matter with the vote, so far as the Democratic party has been concerned. The same incidents, the same facts, the same elements that have driven the masses of the voters of the Democratic party away from the present Administration have had their effect in the State of Ohio; and inasmuch as the State was hopelessly Republican, thousands of Democrats have stayed at home. They would not go to the election and vote the Republican ticket, and they cared nothing about the success of the Democratic ticket. So one year ago, when Governor Bushnell was a candidate for governor, and one of the most popular Democrats in the State—a gentleman named in connection with the Presidential nomination; I refer to Governor Campbell—was his opponent; the latter was able to rally only 334,519 voters, while this year the Democratic candidate for President, as he was accepted in Ohio, was able to rally 473,462 voters. Why? Because the Democrats waked up. It was in my judgment an unfortunate awakening. [Laughter.] That is to say, the sound of the trumpet that called them from the tomb which they had occupied for so long a time was music that I certainly would not have believed they would have responded to. But they did respond; they responded with wonderful alacrity. And the fraud that appears to the benighted observation of the gentleman who has thus assailed the State of Ohio has come, in a large part at least, from the increased vote of the Democratic party itself.

Mr. JOHNSON of Indiana. Did any leading Democrats or leading Democratic papers of the State of Ohio complain that there had been fraud or illegality in the last election?

Mr. GROSVENOR. I was coming to that. I want now to state that the population of Ohio has very largely increased; and inasmuch as I have pointed out the county of Anglaize, where my friend and colleague on this floor [Mr. LAYTON] lives, I want to say that not only his county, but in all the counties of his Congressional district, where the great percentage of this increase took place, there has been an increase of population growing out of the development of the oil and natural-gas region in that section of Ohio.

Mr. LACEY. How much of this Democratic increase came from the Populist vote by reason of the fusion?

Mr. GROSVENOR. I will come to that. I hold in my hand a statement from the Chicago Tribune, which is quite as misleading, although not malicious, as is the statement of Governor Altgeld. Referring to what Altgeld has said, this paper proceeds to say that "the Republicans of Ohio made a very bad and unsuccessful campaign this year, inasmuch as we had 137,000 votes on one occasion, and 92,000 on another occasion, and this year fell away down to 52,000." This is one of the misleading statements that have tended in part to palliate the statement made by Altgeld. Now, the fact about it is that in 1895, when Governor Bushnell carried the State, as we call it, by 92,622 plurality, he carried the State by only 16,816 majority. Fifty-two thousand six hundred and seventy-five votes were polled for one Coxey. Mr. Chairman, I regret to have to make that acknowledgment. [Laughter.] But in a voting population of a million that is not so very bad. And I am proud to say that in the year 1896, to the best of my knowledge and belief, not five of those voters voted for anybody but William J. Bryan. There was an absolute fusion of those elements.

Now, again, there were 21,264 Prohibitionists. This year they mustered 5,469; nearly all of the balance of them voted for Bryan.

Mr. FITZGERALD. I should like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. GROSVENOR. I should like to occupy five minutes more.

Mr. WADSWORTH. The gentleman is aware that general debate is limited to one hour, but I yield him five minutes more.

Mr. GROSVENOR. Now, if my friend from Massachusetts [Mr. FITZGERALD] wishes to propound any question——

Mr. FITZGERALD. Will the gentleman state the vote per capita in 1892 and 1896 out in Ohio?

Mr. GROSVENOR. Will the gentleman tell me what the per capita in Ohio is?

Mr. FITZGERALD. I do not know.

Mr. GROSVENOR. Neither do I. [Laughter.] We have not had a census since 1890.

Mr. FITZGERALD. Will the gentleman answer upon the census of 1890?

Mr. GROSVENOR. We have passed seven years away from 1890; we have been growing with great rapidity.

Mr. FITZGERALD. Had not Ohio a census in 1895?

Mr. GROSVENOR. No; unfortunately not. We guess, though, fearfully. [Laughter.]

So, Mr. Chairman, instead of the Republican party having made a bad campaign, as alleged, we have lifted the majority of 16,816 up to 51,538 by a superior organization and an absolutely perfect fusion in the State. That was all I desired to say.

I might go a little further and refer to some of the personal characteristics of the gentleman to whom I have alluded, but I have nothing to do with that. My purpose was simply to vindicate the great State in which I live, and in which I have such profound pride, and to vindicate at the same time the honor, the wisdom, the integrity, and the shrewdness of the Democratic party in my State.

Mr. NORTHWAY. I hope my colleague will not forget to state that that charge is not seconded by any reputable paper in Ohio.

Mr. GROSVENOR. I thank my colleague for reminding me. I had temporarily forgotten it. It is only necessary to state, Mr. Chairman, that up to this time no reputable Democrat, nor has any Democratic newspaper in Ohio, so far as I have ever seen, repeated the language that Altgeld has repeated. No newspaper of any party has given the slightest countenance to the vicious falsehood.

So, Mr. Chairman, I am replying to nothing that comes from men who have knowledge of the facts, but only to that which comes from a man who hurls a slander upon the people of a great State without knowledge of what he is talking about. [Applause.]

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1896, inclusive.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1803	Governor	Edward Tiffin	Republican	4,564	4,565
1803*	Secretary of state	Wm. Creighton, jr	do		
1804†	President	Thomas Jefferson	do	2,593	3,218
		Charles C. Pinckney	Federalist	364	
		Scattering		261	
1805	Governor	Edward Tiffin	Republican	4,783	4,783
1807	do	Return J. Meigs, jr	Federalist	5,550	10,307
		Nathaniel Massie	Republican	4,757	
1808	President	James Madison	do		
		Charles C. Pinckney	Federalist		
		George Clinton	Republican		
1808	Governor	Samuel Huntington	do	7,293	16,291
		Thomas Worthington	do	5,601	
		Thomas Kirker	do	3,397	
1808	Secretary of state	Jeremiah McLene			
1810	Governor	Return J. Meigs, jr	Republican	9,924	17,655
		Thomas Worthington	do	7,731	
1812	President	James Madison	do	7,420	10,721
		De Witt Clinton	Federalist	3,301	
1812	Governor	Return J. Meigs, jr	do	11,859	19,762
		Thomas Scott	Republican	7,903	
1814	do	Thomas Worthington	do	15,879	22,050
		Othniel Looker	Federalist	6,171	
1816	President	James Monroe	Republican	3,326	3,919
		Rufus King	Federalist	593	
1816	Governor	Thomas Worthington	Republican	22,931	30,833
		James Dunlap	do	6,295	
		Ethan A. Brown	Federalist	1,607	
1818	do	do	Republican	30,194	38,269
		James Dunlap	do	8,075	
1820‡	President	James Monroe	Democrat	7,164	9,379
		John Q. Adams	Opposition	2,215	
1820	Governor	Ethan A. Brown	Democrat	34,836	48,860
		Jeremiah Morrow	do	9,426	
		William H. Harrison	do	4,348	
		Scattering		250	
1822	Governor	Jeremiah Morrow	Democrat	26,059	60,008
		Allen Trimble	Federalist	22,889	
		William W. Irvin	Democrat	11,060	
1824	President	Andrew Jackson	do	18,489	50,024
		John Q. Adams	Coalition	12,280	
		Wm. H. Crawford	Democrat		
		Henry Clay	do	19,255	
1824	Governor	Jeremiah Morrow	do	39,526	76,634
		Allen Trimble	National Republican	37,108	
1826	do	do	do	71,475	84,733
		John Bigger	Democrat	4,114	
		Alexander Campbell	Republican	4,765	
		Benjamin Tappan		4,192	
		Scattering		187	
1828	President	Andrew Jackson	Democrat	67,597	130,993
		John Q. Adams	National Republican	63,396	
1828	Governor	Allen Trimble	do	53,971	106,034
		John W. Campbell	Democrat	51,951	
		Scattering		112	

* From 1803 to 1850 the secretary of state was elected by the general assembly.

† The Democratic party of to-day claims lineal descent from the first Republican party, with President Jefferson as its founder. Authorities differ as to the date when the party dropped the name Republican and assumed that of Democrat, it being ascribed to various dates between 1805 and 1829.

‡ Political parties were disorganized at the time of the election of John Q. Adams. He claimed to be a Republican as Jefferson, but his doctrines were decidedly Federalistic. The opposition to his Administration took the name of Democrat and elected Jackson President in 1828.

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total votes cast.
1830	Governor	Duncan McArthur	National Republican	49,668	
		Robert Lucas	Democrat	49,186	
		Scattering		226	99,080
1831	Secretary of state	Moses H. Kirby			
1832	President	Andrew Jackson	Democrat	81,246	
		Henry Clay	National Republican	76,539	
		William Wirt	Anti-Mason	509	
		John Floyd	Nullifier		158,294
1832	Governor	Robert Lucas	Democrat	71,251	
		Darius Lyman	Whig	63,185	
		Scattering		33	134,469
1834	do	Robert Lucas	Democrat	70,738	
		James Findlay	Whig	67,414	
		Scattering		38	138,190
1835	Secretary of state	B. Hinkson			
1836	President	Martin Van Buren	Democrat	96,238	
		Wm. H. Harrison	Whig	104,958	
		H. L. White			
		Daniel Webster			
		W. P. Mangum			201,196
1836	Governor	Joseph Vance	Whig	92,204	
		Eli Baldwin	Democrat	86,158	
		Scattering		200	178,562
1836	Secretary of state	Carter B. Harlan			
1838	Governor	Wilson Shannon	Democrat	107,884	
		Joseph Vance	Whig	102,146	
		Scattering		7	210,037
1840	President	Wm. H. Harrison	Whig	148,157	
		Martin Van Buren	Democrat	124,782	
		James G. Birney	Liberty	903	273,842
1840	Governor	Thomas Corwin	Whig	145,442	
		Wilson Shannon	Democrat	129,312	
		Scattering		8	274,762
1840	Secretary of state	William Trevitt	Democrat		
1841	do	John Sloane			
1842	Governor	William Shannon	Democrat	119,774	
		Thomas Corwin	Whig	117,902	
		Leicester King	Abolitionist	5,134	
		Scattering		40	242,850
1844	President	James K. Polk	Democrat	149,061	
		Henry Clay	Whig	155,113	
		James G. Birney	Liberty	8,050	312,224
1844	Governor	Mordecai Bartley	Whig	146,333	
		David Todd	Democrat	145,062	
		Leicester King	Abolitionist	8,898	
		Scattering		11	300,304
1844	Secretary of state	Samuel Galloway			
1846	Governor	William Bebb	Whig	118,869	
		David Todd	Democrat	116,484	
		Samuel Lewis	Abolitionist	10,797	
		Scattering		46	246,196
1848	President	Zachary Taylor	Whig	138,359	
		Lewis Cass	Democrat	154,773	
		Martin Van Buren	Free Soil	35,347	328,479
1848	Governor	Seabury Ford	Whig	148,756	
		John B. Weller	Democrat	148,445	
		Scattering		742	297,943
1850	do	Reuben Wood	Democrat	133,093	
		William Johnston	Whig	121,105	
		Edward Smith	Abolitionist	13,747	267,945
1851	do	Reuben Wood	Democrat	145,654	
		Samuel F. Vinton	Whig	119,548	
		Samuel Lewis	Abolitionist	16,918	
		Scattering		62	282,182
1851	Secretary of state	Wm. Trevitt	Democrat	145,636	
		Earl Bill	Whig	120,256	
		Henry W. King	Free Soil	15,768	281,660
1852	President	Franklin Pierce	Democrat	168,933	
		Winfield Scott	Whig	152,523	
		John P. Hale	Free Soil	31,732	353,188
1853	Governor	William Medill	Democrat	147,663	
		Nelson Barrere	Whig	85,857	
		Samuel Lewis	Abolitionist	50,346	283,866
1853	Secretary of state	William Trevitt	Democrat	151,818	
		Nelson Van Vorhes	Whig	97,509	
		William Graham	Free Soil	33,518	
		Scattering		400	283,245
1855	Governor	Salmon P. Chase	Republican	146,770	
		William Medill	Democrat	131,019	
		Allen Trimble	American	24,276	302,065

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1855	Secretary of state	James H. Baker	Republican and American	168,724	
		William Trevitt	Democrat	133,641	302,365
1856	President	James Buchanan	do	170,874	
		John C. Fremont	Republican	187,497	
		Millard Fillmore	American	28,126	386,497
1857	Governor	Salmon P. Chase	Republican	160,568	
		H. B. Payne	Democrat	159,065	
		P. Van Trump	American	10,272	329,905
1857	Secretary of state	Addison P. Russell	Republican	161,837	
		Jacob Reinhard	Democrat	159,421	
		C. C. Allen	American	10,381	
		Scattering		278	331,917
1859	Governor	William Dennison	Republican	184,557	
		Rufus P. Ranney	Democrat	171,226	355,783
1859	Secretary of state	Addison P. Russell	Republican	184,839	
		Jacob Reinhard	Democrat	170,400	355,239
1860	President	Abraham Lincoln	Republican	221,809	
		Stephen A. Douglas	Independent Democrat	187,421	
		John Bell	Constitutional Union	12,193	
		John C. Breckenridge	Democrat	11,303	
		Gerritt Smith	Abolitionist	136	432,862
1861	Governor	David Tod	Republican	206,997	
		Hugh J. Jewett	Democrat	151,774	
		Scattering		109	358,880
1861	Secretary of state	Benj. R. Cowan	Republican	207,352	
		William W. Armstrong	Democrat	151,912	
		Scattering		181	359,445
1862	do	William W. Armstrong	Democrat	184,315	
		Wilson S. Kenton	Republican	178,755	363,070
1863	Governor	John Brough	do	288,826	
		C. L. Vallandigham	Democrat	187,728	476,554
1864	President	Abraham Lincoln	Republican	265,654	
		George B. McClellan	Democrat	205,599	471,253
1864	Secretary of state	William Henry Smith	Republican	238,145	
		William W. Armstrong	Democrat	183,842	421,987
1865	Governor	Jacob D. Cox	Republican	223,642	
		George W. Morgan	Democrat	193,797	
		Scattering		360	417,799
1866	Secretary of state	William Henry Smith	Republican	256,302	
		Benjamin Le Fever	Democrat	213,606	469,908
1867	Governor	R. B. Hayes	Republican	243,605	
		A. G. Thurman	Democrat	240,622	484,227
1868	President	U. S. Grant	Republican	280,167	
		Horatio Seymour	Democrat	238,621	518,788
1868	Secretary of state	Isaac R. Sherwood	Republican	267,066	
		Thos. Hubbard	Democrat	249,682	516,748
1869	Governor	R. B. Hayes	Republican	236,082	
		G. H. Pendleton	Democrat	228,576	
		Samuel Scott	Prohibition	679	465,337
1870	Secretary of state	Isaac R. Sherwood	Republican	221,708	
		William Heisley	Democrat	205,018	
		Jay Odell	Prohibition	2,833	429,559
1871	Governor	Edward F. Noyes	Republican	238,273	
		George W. McCook	Democrat	218,105	
		Gideon T. Stewart	Prohibition	4,068	460,446
1872	President	U. S. Grant	Republican	281,852	
		Horace Greeley	Democrat and Liberal	244,321	
		James Black	Temperance	2,100	
		Charles O'Conor	Democrat	1,163	
		Scattering		162	529,598
1872	Secretary of state	Allen T. Wikoff	Republican	265,925	
		Aquila Wiley	Democrat	251,778	
		F. Schumacher	Prohibition	2,035	519,738
1873	Governor	Edward F. Noyes	Republican	213,837	
		William Allen	Democrat	214,654	
		Gideon T. Stewart	Prohibition	10,278	
		Isaac C. Collins		10,109	448,878
1874	Secretary of state	Allen T. Wikoff	Republican	221,204	
		William Bell, jr	Democrat	238,406	
		John R. Buchtel	Prohibition	7,815	467,425
1875	Governor	R. B. Hayes	Republican	297,817	
		William Allen	Democrat	292,273	
		Jay Odell	Prohibition	2,593	
		Scattering		17	592,700
1876	President	R. B. Hayes	Republican	330,698	
		Samuel J. Tilden	Democrat	323,182	
		G. Clay Smith	Prohibition	1,636	
		Peter Cooper	Greenback	3,057	
		Scattering		1,198	659,771

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1876	Secretary of state	Milton Barnes	Republican	317,856	
		William Bell, jr	Democrat	311,220	
		E. S. Chapman	Prohibition	1,863	630,939
1877	Governor	William H. West	Republican	249,105	
		Richard M. Bishop	Democrat	271,625	
		Lewis H. Bond		12,489	
		Stephen Johnson		16,912	
		Henry A. Thompson	Prohibition	4,836	554,967
1878	Secretary of state	Milton Barnes	Republican	274,120	
		David R. Paige	Democrat	270,966	
		Andrew Roy	Greenback	38,332	
		Jeremiah N. Robinson	Prohibition	5,682	589,100
1879	Governor	Charles Foster	Republican	336,261	
		Thomas Ewing	Democrat	319,132	
		Gideon T. Stewart	Prohibition	4,145	
		A. Sanders Piatt	Greenback	9,072	
		John Hood		547	669,157
1880	President	James A. Garfield	Republican	375,048	
		Winfield S. Hancock	Democrat	340,821	
		James B. Weaver	Greenback	6,456	
		Neal Dow	Prohibition	2,616	
		Scattering		26	724,967
1880	Secretary of state	Charles Townsend	Republican	362,021	
		William Lang	Democrat	343,016	
		Charles A. Lloyd	Greenback	6,786	
		William H. Dean	Prohibition	2,815	
		Scattering		1,548	716,186
1881	Governor	Charles Foster	Republican	312,735	
		John W. Bookwalter	Democrat	288,426	
		Abraham R. Ludlow	Prohibition	16,597	
		John Seitz	Greenback	6,330	
		Scattering		138	624,226
1882	Secretary of state	Charles Townsend	Republican	297,759	
		James W. Newman	Democrat	316,874	
		F. Schumacher	Prohibition	12,202	
		George L. Hafer	Greenback	5,345	
		Scattering		2,915	635,095
1883	Governor	Joseph B. Foraker	Republican	347,164	
		George Hoadly	Democrat	359,693	
		F. Schumacher	Prohibition	8,362	
		Charles Jenkins	Greenback	2,937	
		Scattering		3,154	721,310
1884	President	James G. Blaine	Republican	400,082	
		Grover Cleveland	Democrat	368,280	
		John P. St. John	Prohibition	11,069	
		Benj. F. Butler	Union Labor	5,179	
		Scattering		2,549	787,159
1884	Secretary of state	James S. Robinson	Republican	391,597	
		James W. Newman	Democrat	380,355	
		Peter M. Harold	Union Labor	3,475	
		Evan J. Morris	Prohibition	8,607	
		Scattering		1,657	785,691
1885	Governor	Joseph B Foraker	Republican	359,281	
		George Hoadly	Democrat	341,830	
		Adna B. Leonard	Prohibition	28,081	
		John W. Northrop	Greenback	2,001	
		Scattering		2,774	733,967
1886	Secretary of state	James S. Robinson	Republican	341,095	
		John McBride	Democrat	329,314	
		Henry R. Smith	Prohibition	28,982	
		Charles Bonsall	Greenback	2,040	
		Scattering		2,832	704,263
1887	Governor	Joseph B. Foraker	Republican	356,534	
		Thomas E. Powell	Democrat	333,205	
		John Seitz	Union Labor	24,711	
		Morris Sharp	Prohibition	29,700	
		Scattering		2,829	746,979
1888	President	Benjamin Harrison	Republican	416,054	
		Grover Cleveland	Democrat	396,455	
		Clinton B. Fiske	Prohibition	24,356	
		Alson J. Streeter	Union Labor	3,496	
		Scattering		1,580	844,941
1888	Secretary of state	Daniel J. Ryan	Republican	416,510	
		Boston G. Young	Democrat	395,522	
		Walter S. Payne	Prohibition	24,618	
		George F. Ebner	Union Labor	3,462	
		Scattering		1,829	841,941
1889	Governor	Joseph B. Foraker	Republican	368,551	
		James E. Campbell	Democrat	379,423	
		John B. Helwig	Prohibition	26,504	
		John H. Rhoads	Union Labor	1,048	
		Scattering		195	775,721
1890	Secretary of state	Daniel J. Ryan	Republican	363,548	
		Thaddeus E. Cromley	Democrat	352,579	
		Mel'thon C. Lockwood	Prohibition	23,837	
		Ezekiel T. Curtis	Union Labor	1,752	
		Scattering		470	742,186

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1891	Governor	William McKinley, jr	Republican	386,739	
		James E. Campbell	Democrat	365,228	
		John J. Ashenhurst	Prohibition	20,190	
		John Seitz	People's	23,472	
		Scattering		2	795,631
1892	President	Benjamin Harrison	Republican	405,187	
		Grover Cleveland	Democrat	404,115	
		James B. Weaver	People's	14,850	
		John Bidwell	Prohibition	26,012	
		Scattering		11,461	861,625
1892	Secretary of state	Samuel M. Taylor	Republican	402,540	
		William A. Taylor	Democrat	401,451	
		Solon C. Thayer	People's	14,554	
		George L. Case	Prohibition	25,885	
		Scattering		11,946	861,625
1893	Governor	William McKinley	Republican	433,342	
		Lawrence T. Neal	Democrat	352,347	
		Gideon P. Macklin	Prohibition	22,406	
		Edward J. Bracken	People's	15,563	835,604
1894	Secretary of state	Samuel M. Taylor	Republican	413,989	
		Milton Turner	Democrat	276,902	
		Mark G. McCaslin	Prohibition	23,237	
		Charles R. Martin	People's	49,495	
		Scattering		1	776,819
1895	Governor	Asa S. Bushnell	Republican	427,141	
		James E. Campbell	Democrat	334,519	
		Jacob S. Coxey	People's	52,675	
		Seth H. Ellis	Prohibition	21,264	
		William Watkins	Socialist Labor	1,867	
		Scattering		3	846,996

Following is the vote by counties in Ohio from 1884 to 1895, inclusive:

Abstract of votes cast for secretary of state at the election held October 14, 1884, in the State of Ohio.

County.	James S. Robinson.	James W. Newman.	Peter M. Harold.	Evan J. Morris.	Scattering.
Adams	2,888	2,935		40	
Allen	3,265	4,518	22	38	
Ashland	2,588	3,348		90	
Ashtabula	6,959	2,645	105	289	
Athens	3,776	2,411	153	133	
Auglaize	1,968	3,950		6	
Belmont	6,186	5,954	39	81	
Brown	3,159	4,272	3	5	
Butler	3,981	6,887		37	
Carroll	2,285	1,691	126	55	
Champaign	4,122	3,103	5	78	
Clarke	7,282	5,319	31	357	
Clermont	4,365	4,263	63	33	1
Clinton	3,770	2,298		174	
Columbiana	6,772	4,509	419	96	2
Coshocton	2,703	3,497	3	24	
Crawford	2,707	4,920	10	79	
Cuyahoga	22,889	20,780	6	368	2
Darke	4,342	5,564	20	64	
Defiance	2,182	3,326	3	11	
Delaware	3,492	3,174	4	309	
Erie	3,350	4,262	32	56	
Fairfield	3,149	5,024		63	
Fayette	3,129	2,296	4	37	
Franklin	10,783	12,057	84	201	
Fulton	2,793	1,957	18	250	1
Gallia	3,665	2,300	1	43	
Geauga	2,746	867	19	175	
Greene	4,794	2,648	1	224	1
Guernsey	3,441	2,674	65	146	
Hamilton	37,290	34,722	188	146	
Hancock	3,220	3,645	26	48	
Hardin	3,795	3,425	1	67	
Harrison	2,763	2,122	6	95	1
Henry	1,860	3,247		20	
Highland	3,619	3,542	1	85	
Hocking	1,746	2,539	117	14	
Holmes	1,328	3,346		30	
Huron	4,533	3,380	22	233	
Jackson	3,406	2,721	19	70	
Jefferson	4,719	3,547	69	83	
Knox	3,566	3,602	10	145	
Lake	2,862	1,143	97	57	
Lawrence	4,704	3,306	1	28	
Licking	4,484	6,067	41	41	
Logan	3,846	2,653	6	139	
Lorain	5,596	3,262	1	392	
Lucas	8,293	7,896	42	108	
Madison	2,628	2,463		67	
Mahoning	5,827	4,681	202	83	
Marion	2,409	3,150		90	
Medina	3,442	2,187	37	116	
Meigs	4,131	2,650	6	104	
Mercer	1,677	3,915	3	17	
Miami	5,210	4,223	13	108	
Monroe	1,636	4,030		3	
Montgomery	10,971	11,640	17	94	1
Morgan	2,500	2,003		104	

Abstract of votes cast for secretary of state, etc., October 14, 1884—Continued.

County.	James S. Robinson.	James W. Newman.	Peter M. Harold.	Evan J. Morris.	Scattering.
Morrow	2,584	2,176	21	198	
Muskingum	5,874	5,867	36	69	
Noble	2,462	2,148	28	63	
Ottawa	1,484	2,957	3	11	
Paulding	2,138	2,212	1		
Perry	3,294	3,329	265	10	2
Pickaway	2,880	3,935		25	
Pike	1,759	2,338	9	10	
Portage	3,843	3,279	58	199	1
Preble	3,151	2,867		185	
Putnam	2,195	4,016	8	17	
Richland	3,968	5,298	1	118	
Ross	4,716	4,868	1	36	
Sandusky	3,123	3,790	20	58	
Scioto	4,019	3,297	25	3	1
Seneca	3,849	5,064	47	110	
Shelby	2,331	3,557	24	1	
Stark	8,074	8,296	218	219	
Summit	6,565	4,976	151	245	
Trumbull	6,285	3,140	76	278	
Tuscarawas	4,297	5,222	37	73	
Union	3,506	2,322	9	127	
Van Wert	3,048	3,011	1	9	
Vinton	1,750	1,698		4	
Warren	4,281	2,541		58	
Washington	4,800	4,714	31	57	
Wayne	4,546	4,921	21	110	
Williams	2,885	2,981	77	53	
Wood	4,517	3,863	69	150	
Wyandot	2,341	3,096	13	42	
Total	391,597	380,355	3,499	8,607	13

Abstract of votes cast for governor at the election held October 13, 1885.

County.	Joseph B. Foraker.	George Hoadly.	Adna B. Leonard.	John W. Northrop.	Pluralities.	
					Foraker.	Hoadly.
Adams	2,936	2,657	160		279	
Allen	2,956	3,919	237	22		963
Ashland	2,314	3,060	225			746
Ashtabula	6,262	2,390	728	91	3,872	
Athens	3,770	2,136	310	50	1,634	
Auglaize	1,770	3,518	59			1,748
Belmont	5,765	5,130	335	7	635	
Brown	2,728	3,406	339			678
Butler	3,477	6,080	317			2,603
Carroll	2,138	1,551	234	36	587	
Champaign	3,800	2,754	318	10	1,046	
Clarke	6,590	4,589	992	8	2,001	
Clermont	3,842	4,008	330			166
Clinton	3,554	2,145	358		1,409	
Columbiana	6,087	4,218	443	286	1,869	
Coshocton	2,616	3,307	137			691
Crawford	2,364	4,269	297	25		1,905
Cuyahoga	19,299	15,189	1,105	22	4,110	
Darke	3,910	5,033	298	7		1,123
Defiance	1,756	2,820	290	54		1,064
Delaware	3,179	2,915	616	5	264	

Abstract of votes cast for governor, etc., October 13, 1885—Continued.

County.	Joseph B. Foraker.	George Hoadly.	Adna B. Leonard.	John W. Northrop.	Pluralities.	
					Foraker.	Hoadly.
Erie	3,069	3,609	165	33		540
Fairfield	3,018	4,570	229	1		1,552
Fayette	2,820	1,855	257		965	
Franklin	10,665	11,200	582	65		535
Fulton	2,445	1,581	385	19	864	
Gallia	3,398	2,042	84		1,356	
Geauga	2,595	752	291	6	1,843	
Greene	4,683	2,298	458	1	2,385	
Guernsey	3,028	2,305	587		723	
Hamilton	34,050	34,696	1,374	1		646
Hancock	2,800	3,283	388	24		483
Hardin	3,408	3,341	401		67	
Harrison	2,510	1,914	335		596	
Henry	1,400	2,792	212			1,392
Highland	3,607	3,345	267	3	262	
Hocking	1,746	2,289	88	27		543
Holmes	1,237	3,041	148			1,804
Huron	4,032	3,044	458	31	988	
Jackson	3,225	2,395	150	12	830	
Jefferson	4,421	2,657	353	3	1,764	
Knox	3,300	3,448	316	7		148
Lake	2,702	971	195	61	1,731	
Lawrence	4,291	2,862	87		1,429	
Licking	4,330	5,527	299	59		1,197
Logan	3,676	2,392	333	7	1,284	
Lorain	4,812	2,653	686	8	2,159	
Lucas	7,080	6,894	428	14	186	
Madison	2,633	2,227	255	2	406	
Mahoning	4,732	4,002	518	153	730	
Marion	2,182	2,935	295			753
Medina	3,191	2,132	290		1,059	
Meigs	3,752	2,316	175		1,436	
Mercer	1,476	3,301	60	3		1,825
Miami	4,763	3,891	475	9	872	
Monroe	1,375	3,247	35			1,872
Montgomery	10,722	11,235	962	7		513
Morgan	2,415	1,885	188	1	530	
Morrow	2,329	2,079	344	30	250	
Muskingum	5,694	5,226	273	88	468	
Noble	2,385	2,163	123	87	222	
Ottawa	1,257	2,416	56			1,159
Paulding	2,028	2,037	140	1		9
Perry	3,026	3,198	106	28		172
Pickaway	2,813	3,577	165			764
Pike	1,714	2,033	84	13		319
Portage	3,599	3,179	387	33	420	
Preble	2,917	2,684	327		233	
Putnam	1,776	3,518	243	1		1,742
Richland	3,824	5,000	341			1,176
Ross	4,688	4,357	180	1	331	
Sandusky	2,976	3,382	171	11		406
Scioto	3,765	2,787	120	31	978	
Seneca	3,601	4,444	275	80		843
Shelby	2,149	3,197	136			1,048
Stark	7,376	7,674	616	241		298
Summit	5,929	4,361	668	67	1,568	
Trumbull	5,789	2,780	568	53	3,009	
Tuscarawas	3,905	4,618	276	10		713
Union	3,336	2,230	253	4	1,106	
Van Wert	3,021	2,954	139		67	
Vinton	1,703	1,717	58			14
Warren	3,807	2,393	251		1,414	
Washington	4,465	4,145	216	35	320	
Wayne	3,866	4,449	622	9		583
Williams	2,710	2,874	178	61		164
Wood	4,176	3,517	376	37	659	
Wyandot	2,136	2,886	246	10		750
Total	359,281	341,830	28,081	2,001	53,056	35,605
Net plurality					17,451	

Scattering vote: Cuyahoga County, 6; Geauga, 1; Preble, 9; Summit, 1.

Abstract of votes cast for secretary of state at the election held November 2, 1886.

County.	James S. Robinson.	John McBride.	Henry B. Smith.	Charles Bonsall.	Pluralities.	
					Robinson.	McBride.
Adams	2,599	2,427	215		172	
Allen	2,392	3,617	169	67		1,225
Ashland	2,177	2,725	236			548
Ashtabula	5,527	1,887	610	23	3,640	
Athens	3,738	2,090	372	20	1,648	
Auglaize	1,691	3,078	58			1,387
Belmont	5,751	5,424	545	1	327	
Brown	2,740	3,799	255			1,059
Butler	3,427	6,285	276			2,858
Carroll	1,978	1,511	290	30	467	
Champaign	3,471	2,530	346		941	
Clarke	6,461	5,536	877		925	
Clermont	3,692	3,980	294	9		288
Clinton	3,444	2,011	357		1,433	
Columbiana	5,390	3,813	497	356	1,577	
Coshocton	2,463	3,105	234	4		642
Crawford	2,024	3,694	283	59		1,670
Cuyahoga	18,474	17,412	1,016	14	1,062	
Darke	3,466	4,344	353	17		878
Defiance	1,874	3,088	255	25		1,214
Delaware	3,090	2,775	565	48	315	
Erie	3,367	3,686	105	17		319
Fairfield	2,575	4,053	333	1		1,478
Fayette	2,817	1,892	290	1	925	

Abstract of votes cast for secretary of state, etc., November 2, 1886—Continued.

County.	James S. Robinson.	John McBride.	Henry B. Smith.	Charles Bonsall.	Pluralities.	
					Robinson.	McBride.
Franklin	10,154	11,986	544	28		1,832
Fulton	2,629	1,797	350	3	832	
Gallia	3,107	1,781	95		1,326	
Geauga	2,191	564	320	6	1,627	
Greene	4,579	2,252	427		2,327	
Guernsey	2,974	2,351	612	2	623	
Hamilton	32,803	28,657	712		4,146	
Hancock	2,918	3,537	415	20		619
Hardin	3,354	3,101	348		253	
Harrison	2,293	1,707	405	4	586	
Henry	1,545	2,814	137			1,269
Highland	3,203	3,146	432	4	57	
Hocking	1,423	1,995	310	16		572
Holmes	984	2,653	240			1,669
Huron	3,715	2,874	488	21	841	
Jackson	2,831	2,123	540	23	708	
Jefferson	4,097	2,640	432	1	1,457	
Knox	3,294	3,367	276	20		73
Lake	2,038	664	193	73	1,374	
Lawrence	3,864	2,481	121		1,383	
Licking	4,088	5,312	250	52		1,224
Logan	3,623	2,281	281	3	1,342	
Lorain	4,301	2,130	296	8	2,171	
Lucas	7,942	7,574	290		368	
Madison	2,404	2,099	310	2	305	
Mahoning	4,490	4,109	614	183	381	
Marion	2,142	2,728	255	1		586
Medina	3,043	2,045	325		998	
Meigs	3,686	2,230	263		1,456	
Mercer	1,409	3,201	86	1		1,792
Miami	4,407	3,500	565	32	907	
Monroe	1,502	3,697	77			2,195
Montgomery	10,556	11,187	464	17		631
Morgan	2,376	1,791	187		585	
Morrow	2,300	1,926	367	60	374	
Muskingum	5,412	5,206	331	37	206	
Noble	2,285	1,955	122	23	330	
Ottawa	1,379	2,624	24			1,245
Paulding	2,201	2,273	130			72
Perry	2,530	3,338	181	23		808
Pickaway	2,628	3,320	231			692
Pike	1,617	1,879	100	13		262
Portage	3,292	2,644	348	11	648	
Preble	2,938	2,644	354		294	
Putnam	1,549	3,074	160	8		1,525
Richland	3,576	4,638	223			1,062
Ross	4,534	4,121	243		413	
Sandusky	2,845	3,560	133	9		715
Scioto	3,373	2,544	131	36	829	
Seneca	3,154	4,074	248	102		920
Shelby	1,750	2,810	183			1,060
Stark	6,759	7,490	710	198		731
Summit	5,855	4,673	528	67	1,182	
Trumbull	4,672	2,214	681	48	2,458	
Tuscarawas	3,418	4,259	270	8		841
Union	3,128	2,036	245		1,092	
Van Wert	2,810	2,846	331			36
Vinton	1,667	1,880	58			213
Warren	3,822	2,383	278		1,439	
Washington	4,470	4,379	256	26	91	
Wayne	3,640	4,193	644	3		553
Williams	2,841	2,758	190	60	83	
Wood	4,104	3,685	285	42	419	
Wyandot	1,847	2,568	312	4		721
Total	341,095	329,314	28,082	2,610	49,253	37,472
Net plurality					11,781	

Scattering vote: Cuyahoga County, 8; Greene, 1; Hamilton, 10; Knox, 1; Medina, 1. Meigs, 1, Portage, 4; Summit, 1; Union, 1. Total, 28.

Abstract of votes cast for governor at the election held November 8, 1887.

County.	Joseph B. Foraker.	Thomas E. Powell.	John Seitz.	Morris Sharp.	Pluralities.	
					Foraker.	Powell.
Adams	2,807	2,930		152		123
Allen	3,226	4,212	206	256		986
Ashland	2,328	3,044	14	250		716
Ashtabula	5,984	2,038	24	808	3,946	
Athens	3,775	2,012	210	367	1,763	
Auglaize	1,900	3,318	41	110		1,418
Belmont	5,991	5,507	15	441	484	
Brown	2,610	3,712	4	286		1,102
Butler	3,566	5,764	490	331		2,198
Carroll	2,255	1,615	61	180	640	
Champaign	3,669	2,747	15	563	922	
Clarke	6,369	4,068	1,244	908	2,301	
Clermont	4,060	3,943	68	276	117	
Clinton	3,527	1,995		345	1,532	
Columbiana	6,070	4,151	342	537	1,919	
Coshocton	2,622	3,406		294		784
Crawford	2,290	4,258	310	227		1,968
Cuyahoga	18,467	15,386	2,830	736	3,081	
Darke	4,030	4,808	41	466		778
Defiance	1,872	2,865	200	204		993
Delaware	3,159	3,048	59	503	111	
Erie	3,165	3,650	41	147		485
Fairfield	2,864	4,417	6	279		1,553
Fayette	2,999	2,026	3	285	973	
Franklin	11,150	12,053	658	526		903

Abstract of votes cast for governor November 8, 1887—Continued.

County.	Joseph B. Foraker.	Thomas E. Powell.	John Seitz.	Morris Sharp.	Pluralities.	
					Foraker.	Powell.
Fulton	2,605	1,862	2	349	743	
Gallia	3,444	2,122		121	1,322	
Geauga	2,324	700	15	299	1,624	
Greene	4,431	2,326	65	439	2,105	
Guernsey	3,204	2,456	77	615	748	
Hamilton	30,040	23,348	11,121	525	6,692	
Hancock	3,596	3,716	130	323		120
Hardin	3,445	3,274	16	332	171	
Harrison	2,438	1,835	5	442	603	
Henry	1,714	2,919	35	171		1,205
Highland	3,511	3,357	27	287	154	
Hocking	1,798	2,199	117	259		401
Holmes	1,133	3,166		258		2,033
Huron	3,908	2,815	129	403	1,093	
Jackson	2,964	1,971	602	810	993	
Jefferson	4,233	2,701	42	487	1,532	
Knox	3,298	3,289	98	816	9	
Lake	2,532	816	91	170	1,716	
Lawrence	4,188	2,855		228	1,333	
Licking	4,418	5,605	125	282		1,187
Logan	3,709	2,292	37	325	1,417	
Lorain	4,575	2,722	34	786	1,853	
Lucas	7,719	6,753	331	180	966	
Madison	2,463	2,164	13	326	299	
Mahoning	5,004	4,396	142	535	608	
Marion	2,276	3,173		307		897
Medina	3,061	2,097		358	964	
Meigs	3,572	2,055	28	393	1,517	
Mercer	1,522	3,436	12	122		1,914
Miami	4,624	3,371	291	597	1,253	
Monroe	1,487	3,619		83		2,132
Montgomery	11,030	11,304	900	543		274
Morgan	2,375	1,859	2	241	516	
Morrow	2,367	2,067	75	379	300	
Muskingum	5,551	5,577	50	480		26
Noble	2,433	2,133	53	124	300	
Ottawa	1,252	2,492	7	87		1,240
Paulding	2,509	2,607		186		98
Perry	3,133	3,138	155	209		5
Pickaway	2,801	3,715	5	226		914
Pike	1,728	2,043	28	128		315
Portage	3,415	2,826	158	374	589	
Preble	2,946	2,702	7	439	244	
Putnam	2,050	3,678	17	193		1,628
Richland	3,702	4,703	73	252		1,001
Ross	4,747	4,464	5	274	283	
Sandusky	2,803	3,484	153	174		681
Scioto	3,389	2,431	573	192	958	
Seneca	3,565	4,534	266	276		969
Shelby	2,192	3,316	3	146		1,124
Stark	7,595	7,962	442	644		367
Summit	5,625	4,122	736	563	1,503	
Trumbull	5,411	2,756	65	687	2,655	
Tuscarawas	4,012	4,959	165	330		947
Union	3,241	2,148	14	250	1,093	
Van Wert	3,126	3,186		333		60
Vinton	1,729	1,796	4	58		67
Warren	3,813	2,345		274	1,468	
Washington	4,607	4,313	36	280	294	
Wayne	3,920	4,608	14	585		688
Williams	2,838	2,896	85	219		58
Wood	4,421	3,674	54	382	747	
Wyandot	2,122	2,891	9	249		769
Total	356,534	333,205	24,711	29,700	58,454	35,125
Net plurality					23,329	

Abstract of votes cast for President at the election held November 6, 1888.

County.	Benjamin Harrison.	Grover Cleveland.	Clinton B. Fiske.	Alson J Streeter.	Pluralities.	
					Harrison.	Cleveland.
Adams	2,870	3,022	123			152
Allen	3,761	5,123	240	34		1,362
Ashland	2,445	3,152	180	5		707
Ashtabula	7,164	2,675	758	34	4,489	
Athens	4,570	1,612	339	47	2,958	
Auglaize	2,212	3,928	82	1		1,716
Belmont	6,615	5,778	435	5	837	
Brown	3,065	4,247	100			1,182
Butler	4,143	7,454	292	57		3,311
Carroll	2,405	1,746	130	28	659	
Champaign	3,933	3,049	351	8	884	
Clark	7,128	5,860	761	13	1,268	
Clermont	4,097	4,180	207	21		83
Clinton	3,816	2,305	289		1,511	
Columbiana	7,700	5,154	473	163	2,546	
Coshocton	2,768	3,567	223			799
Crawford	2,681	5,085	185	34		2,404
Cuyahoga	25,994	23,949	719	384	2,045	
Darke	4,257	5,485	424	13		1,228
Defiance	2,245	3,567	176	42		1,322
Delaware	3,432	3,004	450	25	428	
Erie	3,721	4,322	119	17		601
Fairfield	3,058	4,846	220			1,788
Fayette	3,316	2,192	164	2	1,124	
Franklin	13,453	14,126	603	89		673
Fulton	2,901	1,997	288	20	904	
Gallia	3,651	2,216	86		1,435	
Geauga	2,712	843	216	6	1,869	

Abstract of votes cast for President November 6, 1888—Continued.

County.	Benjamin Harrison.	Grover Cleveland.	Clinton B. Fiske.	Alson J. Streeter.	Pluralities.	
					Harrison.	Cleveland.
Greene	4,893	2,682	853	2	2,211	
Guernsey	3,560	2,520	450	14	1,040	
Hamilton	41,507	37,661	470	953	3,846	
Hancock	4,634	4,539	351	33	95	
Hardin	3,611	3,339	331	8	272	
Harrison	2,763	1,927	335	5	836	
Henry	2,047	3,583	168	3		1,536
Highland	3,576	3,489	283	9	87	
Hocking	2,113	2,541	153	54		428
Holmes	1,241	3,388	180			2,147
Huron	4,392	3,438	356	46	954	
Jackson	3,570	2,628	249	205	942	
Jefferson	5,106	3,293	385	7	1,813	
Knox	3,588	3,528	248	7	60	
Lake	2,987	1,157	184	41	1,830	
Lawrence	4,713	3,068	135		1,645	
Licking	4,867	6,190	204	37		1,323
Logan	4,115	2,533	283	4	1,582	
Lorain	5,235	3,311	583	4	1,924	
Lucas	9,443	8,638	290	41	805	
Madison	2,708	2,376	255	1	332	
Mahoning	6,162	5,337	430	72	825	
Marion	2,521	3,297	274			776
Medina	3,333	2,181	224	1	1,152	
Meigs	3,989	2,413	185	6	1,576	
Mercer	1,841	4,146	134	14		2,305
Miami	5,312	4,258	426	20	1,054	
Monroe	1,621	3,886	74			2,265
Montgomery	12,491	13,142	431	20		651
Morgan	2,531	1,974	183	2	557	
Morrow	2,514	2,068	300	39	446	
Muskingum	6,234	5,884	357	20	350	
Noble	2,515	2,087	90	37	428	
Ottawa	1,730	3,065	43	4		1,335
Paulding	2,975	2,781	134	1	194	
Perry	3,528	3,474	145	30	54	
Pickaway	3,046	3,831	142			785
Pike	1,769	2,162	91	8		393
Portage	3,880	3,250	249	21	630	
Preble	3,157	2,966	312		191	
Putnam	2,355	4,261	169	20		1,906
Richland	4,188	5,198	246	12		1,010
Ross	4,942	4,584	217	4	358	
Sandusky	3,218	3,917	112	50		699
Scioto	4,070	3,075	156	90	995	
Seneca	4,165	5,232	213	58		1,067
Shelby	2,447	3,597	119	5		1,150
Stark	8,763	9,094	543	131		331
Summit	6,455	5,495	499	103	960	
Trumbull	6,299	3,177	573	34	3,122	
Tuscarawas	4,730	5,484	228	15		754
Union	3,468	2,224	219	14	1,244	
Van Wert	3,411	3,398	209	1	13	
Vinton	1,832	1,865	43	4		33
Warren	4,173	2,598	209	1	1,575	
Washington	4,921	4,446	218	19	475	
Wayne	4,761	4,888	448	10		127
Williams	3,071	2,977	172	48	94	
Wood	5,199	4,431	380	50	768	
Wyandot	2,256	2,981	177	4		725
Total	416,054	396,455	24,356	3,496	59,282	39,683
Plurality					19,599	

Abstract of votes cast for governor in 1889.

County.	Joseph B. Foraker.	James E. Campbell.	John B. Helwig.	John H. Rhodes.	Pluralities.	
					Foraker.	Campbell.
Adams	2,950	2,948	151		2	
Allen	3,319	4,788	327	31		1,469
Ashland	2,302	3,118	215			816
Ashtabula	6,164	2,160	710	6	4,004	
Athens	4,095	2,648	431	4	1,447	
Auglaize	1,846	3,824	114			1,978
Belmont	5,820	5,601	598	4	219	
Brown	2,777	4,132	183			1,355
Butler	4,044	7,619	239	10		3,575
Carroll	2,251	1,658	115	11	593	
Champaign	3,697	2,858	358	7	839	
Clarke	6,193	5,251	964		942	
Clermont	3,899	4,420	181	3		521
Clinton	3,607	2,270	353		1,337	
Columbiana	6,035	4,435	504	35	1,600	
Coshocton	2,594	3,402	238			808
Crawford	2,353	4,767	222	11		2,414
Cuyahoga	20,334	17,788	625	175	2,546	
Darke	3,760	5,090	563	4		1,330
Defiance	1,974	3,120	170			1,146
Delaware	3,335	3,017	508	15	318	
Erie	3,576	3,921	124	4		345
Fairfield	2,924	4,866	215			1,942
Fayette	3,029	2,137	289		892	
Franklin	12,338	14,596	580			2,258
Fulton	2,427	1,726	282		701	
Gallia	3,359	2,234	133		1,125	
Geauga	2,236	647	201	3	1,589	
Greene	4,460	2,571	410		1,889	
Guernsey	3,301	2,422	598		879	
Hamilton	33,550	40,863	392	162		7,313
Hancock	4,468	4,542	427	4		74

Abstract of votes cast for governor in 1889—Continued.

County.	Joseph B. Foraker.	James E. Campbell.	John B. Helwig.	John H. Rhodes.	Pluralities.	
					Foraker.	Campbell.
Hardin	3,435	3,418	296		17	
Harrison	2,584	1,884	328		700	
Henry	1,704	2,982	203			1,278
Highland	3,515	3,381	343		134	
Hocking	1,738	2,453	211	7		715
Holmes	1,162	3,072	176			1,910
Huron	3,845	2,964	308	2	881	
Jackson	3,044	2,590	251	156	454	
Jefferson	4,362	3,115	370	5	1,247	
Knox	3,407	3,497	249			90
Lake	2,540	953	181		1,587	
Lawrence	4,011	2,948	124		1,063	
Licking	4,435	5,935	284	82		1,500
Logan	3,692	2,465	349	3	1,227	
Lorain	4,686	2,608	320	1	2,078	
Lucas	7,904	7,250	290		654	
Madison	2,620	2,309	312		311	
Mahoning	5,345	4,906	321	43	439	
Marion	2,336	3,292	251			956
Medina	2,972	2,037	240		935	
Meigs	3,644	2,219	229		1,425	
Mercer	1,617	3,770	97	12		2,153
Miami	4,882	4,299	441	17	583	
Monroe	1,412	3,656	70			2,244
Montgomery	11,647	13,052	473			1,405
Morgan	2,424	1,958	218		466	
Morrow	2,368	2,070	331	19	298	
Muskingum	5,781	5,994	400	16		213
Noble	2,446	2,135	149		311	
Ottawa	1,315	2,713	76			1,398
Paulding	2,707	2,899	138			192
Perry	3,108	3,575	168	11		467
Pickaway	2,811	3,830	184			1,019
Pike	1,702	2,216	87	3		514
Portage	3,307	2,886	310	9	421	
Preble	3,019	2,920	341		99	
Putnam	2,181	3,889	190			1,708
Richland	3,701	5,080	301	5		1,379
Ross	4,638	4,359	252		279	
Sandusky	2,831	3,592	127	48		761
Scioto	3,670	2,981	199		689	
Seneca	3,858	4,978	241	14		1,120
Shelby	2,202	3,409	111			1,207
Stark	8,324	9,417	544	25		1,093
Summit	5,373	4,802	541	22	571	
Trumbull	5,247	2,529	645	25	2,718	
Tuscarawas	4,257	5,254	344	3		997
Union	3,240	2,145	271		1,095	
Van Wert	3,254	3,526	233	1		272
Vinton	1,661	1,969	68			308
Warren	3,790	2,667	202		1,123	
Washington	4,553	4,471	217	7	82	
Wayne	3,732	4,662	513	4		930
Williams	2,786	3,003	191	30		217
Wood	4,638	4,138	330	30	500	
Wyandot	2,071	2,912	207			841
Total	368,551	379,423	26,504	1,048	43,309	54,181
Plurality		10,872				10,872

Abstract of votes cast for secretary of state in 1890.

County.	Republican.	Democratic.	Prohibition.	Union Labor.	Scattering.	Pluralities.	
	Daniel J. Ryan.	Thaddeus E. Cromley.	M. C. Lockwood.	Ezekiel T. Curtis.		Ryan.	Cromley.
Adams	2,348	3,232	212				884
Allen	3,005	4,434	318	154			1,429
Ashland	2,048	2,902	153				854
Ashtabula	4,960	1,694	562	9	2	3,266	
Athens	3,267	1,770	366	3	1	1,497	
Auglaize	1,546	3,442	134				1,896
Belmont	5,897	5,370	568	1		527	
Brown	2,620	3,876	166				1,256
Butler	3,609	6,633	249				3,024
Carroll	2,275	1,608	104			667	
Champaign	3,674	2,636	303	8		1,038	
Clark	5,590	4,562	866			1,028	
Clermont	3,733	4,218	199				485
Clinton	3,404	2,056	288			1,348	
Columbiana	5,735	4,036	365			1,699	
Coshocton	2,288	3,219	228				931
Crawford	1,905	4,284	161	27			2,379
Cuyahoga	22,731	20,670	627	282		2,061	
Darke	3,698	4,920	472				1,222
Defiance	2,028	3,487	183				1,459
Delaware	3,138	2,741	461	74		397	
Erie	3,486	3,792	80				306
Fairfield	2,703	4,461	224				1,758
Fayette	2,811	1,881	247			930	
Franklin	11,846	12,515	500	1			669
Fulton	2,732	1,953	370			779	
Gallia	2,824	1,710	98			1,114	
Geauga	1,832	621	138		8	1,211	
Greene	3,911	2,844	382			1,067	
Guernsey	3,042	2,222	505			820	
Hamilton	38,091	29,562	345		457	8,529	
Hancock	5,000	4,674	372	13		326	

Abstract of votes cast for secretary of state in 1890—Continued.

County.	Republican.	Democratic.	Prohibition.	Union Labor.	Scattering.	Pluralities.	
	Daniel J. Ryan.	Thaddeus E. Cromley.	M. C. Lockwood.	Ezekiel T. Curtis.		Ryan.	Cromley.
Hardin	3,454	3,452	213			2	
Harrison	2,274	1,607	328			667	
Henry	1,964	3,333	113				1,369
Highland	3,240	3,146	358			94	
Hocking	1,586	2,218	161				632
Holmes	1,225	3,495	185				2,270
Huron	3,644	2,904	277			740	
Jackson	3,203	2,515	252	78		688	
Jefferson	3,775	2,434	307			1,341	
Knox	3,166	3,159	261	237		7	
Lake	2,197	755	137			1,442	
Lawrence	3,567	1,993	127			1,574	
Licking	3,977	5,251	223	21			1,274
Logan	3,366	1,951	296	279		1,415	
Lorain	4,085	2,340	408			1,745	
Lucas	8,891	7,560	272		1	1,331	
Madison	2,395	2,163	240			232	
Mahoning	5,943	4,630	274	27		1,313	
Marion	2,461	3,232	235				771
Medina	3,380	2,230	190			1,150	
Meigs	3,238	1,958	212			1,280	
Mercer	1,553	3,791	90	64			2,238
Miami	4,970	4,152	492			818	
Monroe	1,576	3,512	74				
Montgomery	11,499	12,608	643	63			1,109
Morgan	2,291	1,863	214	1		428	
Morrow	2,295	2,064	333	18		231	
Muskingum	5,542	5,590	334	8			48
Noble	2,359	1,983	148			376	
Ottawa	1,329	2,790	41				1,461
Paulding	2,529	2,997	74				468
Perry	3,323	3,292	153			31	
Pickaway	2,491	3,513	153				1,022
Pike	1,548	2,093	103				545
Portage	3,072	2,600	258			472	
Preble	2,854	2,733	308			121	
Putnam	1,866	3,530	214	4			1,664
Richland	3,506	4,725	290	5			1,219
Ross	4,370	4,240	283			130	
Sandusky	2,778	3,744	163	27			966
Scioto	3,896	2,443	145			1,453	
Seneca	4,112	5,031	240	119			919
Shelby	1,996	3,069	121	6			1,073
Stark	9,982	10,040	475				58
Summit	5,422	4,603	427	8		819	
Trumbull	4,548	2,067	565	2		2,481	
Tuscarawas	4,057	5,063	258				1,006
Union	3,131	2,114	232	80		1,017	
Van Wert	2,955	3,507	220	31			552
Vinton	1,673	1,831	52				158
Warren	3,458	2,228	180			1,230	
Washington	4,404	4,141	198			263	
Wayne	4,085	4,924	467	2	6		839
Williams	2,721	3,030	180	4			309
Wood	4,666	4,120	355	37		546	
Wyandot	2,074	2,881	171	6			807
Total	363,548	352,579	23,837	1,762	470	54,480	43,511

Abstract of votes cast for governor in 1891.

County.	Republican.	Democratic.	Prohibition	People's.	Scattering.	Pluralities.	
	William McKinley, jr.	James E. Campbell.	John J. Ashenhurst.	John Seitz.		McKinley.	Campbell.
Adams	2,663	2,486	127	441		177	
Allen	3,620	4,632	292	551			1,012
Ashland	2,270	2,902	157	96			632
Ashtabula	6,224	2,422	541	234		3,802	
Athens	4,188	2,416	278	232		1,772	
Auglaize	2,100	3,589	96	443			1,489
Belmont	6,294	5,642	456	24		652	
Brown	2,702	3,609	88	424			907
Butler	4,235	7,501	174	132			3,266
Carroll	2,292	1,666	107	69		626	
Champaign	3,724	2,694	252	98		1,030	
Clark	5,789	4,725	609	327		1,064	
Clermont	3,723	3,837	131	171			114
Clinton	3,469	2,153	185	128		1,316	
Columbiana	7,113	5,112	464	325		2,001	
Coshocton	2,637	3,360	173	56			723
Crawford	2,346	4,400	122	428			2,054
Cuyahoga	24,562	23,188	756	1,745		1,374	
Darke	3,654	4,734	412	252			1,080
Defiance	1,905	2,676	121	738			771
Delaware	3,149	2,625	352	367		524	
Erie	3,761	3,760	60	245		1	
Fairfield	2,875	4,373	191	137			1,498
Fayette	2,894	1,971	152	189		923	
Franklin	13,257	14,273	429	330			1,016
Fulton	2,665	1,720	279	97		945	
Gallia	3,298	1,968	96	239		1,330	

Abstract of votes cast for governor in 1891—Continued.

County.	Republican.	Democratic.	Prohibition.	People's.	Scattering.	Pluralities.	
	William McKinley, jr.	James E. Campbell.	John J. Ashenhurst.	John Seitz.		McKinley.	Campbell.
Geauga	2,284	709	124	155		1,575	
Greene	4,158	2,325	297	165		1,833	
Guernsey	3,359	2,374	399	79		985	
Hamilton	37,487	31,728	326	3,186	1	5,759	
Hancock	4,715	4,496	331	201		219	
Hardin	3,558	3,144	200	279		414	
Harrison	2,553	1,926	297	33		627	
Henry	1,850	2,892	137	200			1,042
Highland	3,284	3,142	225	370		142	
Hocking	1,898	2,257	171	168			359
Holmes	1,186	3,178	154	18			1,992
Huron	4,138	3,124	229	225		1,014	
Jackson	3,276	2,538	211	199		738	
Jefferson	4,651	3,249	316	50		1,402	
Knox	3,250	3,218	214	382		32	
Lake	2,837	1,118	126	46		1,719	
Lawrence	4,067	2,691	124	93		1,376	
Licking	4,412	5,290	176	281			878
Logan	3,718	2,221	217	253		1,497	
Lorain	4,981	3,099	423	69		1,882	
Lucas	9,879	8,493	257	160		1,386	
Madison	2,533	2,185	174	39		348	
Mahoning	5,604	5,177	241	260		427	
Marion	2,395	3,219	163	104			824
Medina	3,203	2,111	166	71		1,092	
Meigs	3,853	2,276	166	63		1,577	
Mercer	1,502	3,109	49	831			1,607
Miami	4,788	4,010	344	298		778	
Monroe	1,428	3,411	92	27			1,983
Montgomery	11,971	12,305	521	180			334
Morgan	2,386	1,966	182	41		420	
Morrow	2,211	1,953	240	184		258	
Muskingum	6,068	5,862	301	70		206	
Noble	2,447	2,033	127	29		414	
Ottawa	1,597	2,928	51	100			1,331
Paulding	2,868	2,756	106	61		112	
Perry	3,214	3,285	151	147			71
Pickaway	2,767	3,571	150	34			804
Pike	1,584	1,765	64	308			181
Portage	3,298	2,829	235	401		469	
Preble	2,930	2,769	283	37		161	
Putnam	2,114	3,525	195	301			1,411
Richland	3,903	4,765	240	135			862
Ross	4,536	4,328	228	55		208	
Sandusky	2,798	3,511	115	401			713
Scioto	3,937	2,936	119	76		1,001	
Seneca	4,023	4,899	267	405			876
Shelby	2,044	3,016	100	284			972
Stark	9,465	9,627	407	377			162
Summit	5,566	5,046	411	845		520	
Trumbull	5,722	2,999	461	188		2,723	
Tuscarawas	4,557	5,099	195	334			542
Union	2,970	1,919	158	427		1,051	
Van Wert	3,372	3,510	166	67			138
Vinton	1,609	1,601	52	27		8	
Warren	3,640	2,392	140	79		1,248	
Washington	4,799	4,301	158	74		498	
Wayne	3,935	4,593	391	42	1		658
Williams	2,720	2,542	150	521		178	
Wood	5,339	4,570	324	179		769	
Wyandot	2,083	2,873	124	82			790
Total	386,739	365,228	20,190	23,472	2	54,693	33,092
Plurality	21,511					21,511	

Abstract of votes cast for President in 1892.

County.	Republican.	Democratic.	People's.	Prohibition.	Pluralities.	
					Republican.	Democratic.
	Benjamin Harrison.	Grover Cleveland.	James B. Weaver.	John Bidwell.	Benj. Harrison.	Grover Cleveland.
Adams	2,943	2,872	92	166	71	
Allen	3,579	4,945	369	332		1,366
Ashland	2,296	3,082	43	211		786
Ashtabula	6,419	2,769	239	671	3,650	
Athens	4,458	2,599	192	348	1,859	
Auglaize	2,113	3,774	259	127		1,661
Belmont	6,329	6,123	115	542	206	
Brown	2,865	3,975	128	151		1,110
Butler	4,636	7,834	108	244		3,198
Carroll	2,261	1,677	104	147	584	
Champaign	3,708	2,791	77	285	917	
Clark	6,214	5,255	259	673	959	
Clermont	3,715	4,069	131	174		354
Clinton	3,491	2,076	97	265	1,415	
Columbiana	7,232	5,573	360	751	1,659	
Coshocton	2,705	3,529	34	235		824
Crawford	2,479	4,858	183	166		2,379
Cuyahoga	26,657	29,543	1,017	1,197		2,886
Darke	3,737	4,916	210	481		1,179
Defiance	2,062	3,311	349	154		1,249
Delaware	3,267	2,710	298	460	557	
Erie	3,979	4,195	125	117		216
Fairfield	3,004	4,650	75	212		1,646

Abstract of votes cast for President in 1892—Continued.

County.	Republican.	Democratic.	People's.	Prohibition.	Pluralities.	
					Republican.	Democratic.
	Benjamin Harrison.	Grover Cleveland.	James B. Weaver.	John Bidwell.	Benj. Harrison.	Grover Cleveland.
Fayette	2,838	1,989	118	191	849	
Franklin	14,341	15,495	380	630		1,154
Fulton	2,808	1,919	82	265	889	
Gallia	3,547	1,984	42	149	1,563	
Geauga	2,267	758	91	179	1,509	
Greene	4,210	2,442	85	390	1,768	
Guernsey	3,439	2,510	50	426	929	
Hamilton	41,963	38,392	1,101	584	3,571	
Hancock	4,780	4,931	155	427		151
Hardin	3,515	3,483	125	244	32	
Harrison	2,541	2,032	28	323	509	
Henry	1,981	3,312	108	182		1,331
Highland	3,496	3,153	180	285	343	
Hocking	2,034	2,522	130	188		488
Holmes	1,152	3,151	19	185		1,999
Huron	4,257	3,592	100	249	665	
Jackson	3,323	2,622	240	295	701	
Jefferson	4,793	3,493	153	557	1,300	
Knox	3,347	3,489	171	273		142
Lake	2,846	1,158	78	137	1,688	
Lawrence	4,193	2,988	35	161	1,205	
Licking	4,619	6,038	155	193		1,419
Logan	3,796	2,332	144	290	1,464	
Lorain	5,434	3,674	48	444	1,760	
Lucas	11,211	9,860	199	292	1,351	
Madison	2,594	2,292	32	175	302	
Mahoning	5,806	6,358	236	350		552
Marion	2,477	3,282	42	251		805
Medina	3,062	2,122	70	294	940	
Meigs	3,959	2,415	82	212	1,544	
Mercer	1,525	3,688	624	62		2,163
Miami	5,110	4,271	197	391	839	
Monroe	1,630	3,838	27	110		2,208
Montgomery	13,197	14,067	290	508		870
Morgan	2,399	1,956	61	190	443	
Morrow	2,288	1,958	121	306	330	
Muskingum	6,123	6,230	161	390		107
Noble	2,307	2,026	34	184	281	
Ottawa	1,588	2,943	40	49		1,355
Paulding	2,900	2,997	81	123		97
Perry	3,359	3,430	160	181		71
Pickaway	2,953	3,759	21	152		806
Pike	1,686	1,926	109	71		240
Portage	3,310	2,953	191	324	357	
Preble	2,957	2,699	43	288	258	
Putnam	2,314	4,177	169	200		1,863
Richland	3,994	5,398	111	296		1,404
Ross	4,632	4,489	37	250	143	
Sandusky	2,960	3,774	284	157		814
Scioto	4,248	3,181	67	123	1,067	
Seneca	4,195	5,378	252	295		1,183
Shelby	2,062	3,244	132	124		1,182
Stark	9,231	10,227	496	654		996
Summit	6,322	6,499	343	447		177
Trumbull	5,819	3,217	170	562	2,602	
Tuscarawas	4,746	5,715	292	302		969
Union	3,001	2,055	230	345	946	
Van Wert	3,373	3,629	57	191		256
Vinton	1,710	1,743	83	64		33
Warren	3,807	2,400	67	179	1,407	
Washington	4,845	4,524	113	193	321	
Wayne	3,752	4,712	38	547		960
Williams	2,745	2,583	314	228	162	
Wood	5,314	4,748	248	512	566	
Wyandot	2,057	2,857	55	142		800
Total	405,187	404,115	14,850	26,012	46,510	45,438
Net plurality	1,072				1,072	

Abstract of votes cast for governor in 1893.

County.	Republican.	Democratic.	Prohibition.	People's.	Pluralities.	
					Republican.	Democratic.
	William McKinley.	Lawrence T. Neal.	Gideon P. Macklin.	Edward J. Bracken.	William McKinley.	Lawrence T. Neal.
Adams	3,096	2,959	123	88	137	
Allen	3,888	4,410	349	305		522
Ashland	2,384	2,784	227	34		400
Ashtabula	6,787	1,938	413	190	4,849	
Athens	4,550	2,084	405	304	2,466	
Auglaize	2,257	3,259	87	191		1,002
Belmont	6,628	5,267	509	69	1,361	
Brown	2,849	3,679	150	69		830
Butler	5,008	6,831	170	78		1,823
Carroll	2,410	1,610	146	55	800	
Champaign	3,847	2,619	240	93	1,228	
Clark	6,408	4,262	602	363	2,146	
Clermont	3,886	4,112	192	91		226
Clinton	3,693	1,964	224	74	1,729	
Columbiana	7,906	4,460	670	336	3,446	
Coshocton	2,946	3,441	305	40		495
Crawford	2,678	4,110	150	224		1,432
Cuyahoga	29,478	20,298	947	2,418	9,180	
Darke	3,868	4,281	363	210		413

Abstract of votes cast for governor in 1893—Continued.

County.	Republican. William McKinley.	Democratic. Lawrence T. Neal.	Prohibition. Gideon P. Macklin.	People's. Edward J. Bracken.	Pluralities. Republican. William McKinley.	Pluralities. Democratic. Lawrence T. Neal.
Defiance	2,375	2,998	123	857		623
Delaware	3,490	2,526	331	183	964	
Erie	4,529	3,613	107	94	916	
Fairfield	3,123	4,414	172	30		1,291
Fayette	3,019	1,955	161	107	1,064	
Franklin	15,960	14,028	583	337	1,932	
Fulton	2,936	1,645	213	122	1,291	
Gallia	3,505	1,722	112	29	1,783	
Geauga	2,370	642	142	78	1,728	
Greene	4,461	2,266	309	85	2,195	
Guernsey	3,724	2,312	424	57	1,412	
Hamilton	42,277	31,394	449	748	10,883	
Hancock	4,785	4,106	393	265	679	
Hardin	3,742	3,361	253	16	381	
Harrison	2,700	1,848	280	17	852	
Henry	2,210	2,825	140	98		615
Highland	3,758	3,067	308	159	691	
Hocking	2,303	2,223	132	135	80	
Holmes	1,190	2,914	139	16		1,724
Huron	4,491	2,829	222	78	1,662	
Jackson	3,728	2,560	302	146	1,168	
Jefferson	4,976	2,546	468	121	2,430	
Knox	3,587	3,191	257	101	396	
Lake	3,022	951	126	34	2,071	
Lawrence	4,368	2,257	240	28	2,111	
Licking	4,985	5,368	170	178		383
Logan	3,965	1,971	219	112	1,994	
Lorain	5,658	2,700	316	31	2,958	
Lucas	11,904	8,014	229	311	3,890	
Madison	2,836	2,243	109	29	593	
Mahoning	6,738	5,649	302	178	1,089	
Marion	2,824	3,108	246	37		284
Medina	3,253	1,884	197	50	1,379	
Meigs	4,084	2,061	176	106	2,023	
Mercer	1,744	3,585	131	545		1,841
Miami	5,365	3,829	312	253	1,536	
Monroe	1,617	3,203	106	118		1,586
Montgomery	14,354	12,423	482	425	1,931	
Morgan	2,413	1,839	211	53	574	
Morrow	2,388	1,697	258	113	691	
Muskingum	6,544	5,809	339	91	735	
Noble	2,577	1,984	145	41	593	
Ottawa	1,677	2,516	57	29		839
Paulding	3,302	2,705	97	55	597	
Perry	3,741	3,264	178	222	477	
Pickaway	2,950	3,579	142	13		629
Pike	1,726	2,047	65	35		321
Portage	3,727	2,803	302	159	924	
Preble	3,056	2,602	251	30	454	
Putnam	2,412	3,533	167	192		1,121
Richland	4,280	4,494	222	167		214
Ross	5,040	4,381	186	4	659	
Sandusky	3,509	3,270	131	251	239	
Scioto	4,605	2,919	124	31	1,686	
Seneca	4,480	4,774	270	314		294
Shelby	2,158	2,930	102	158		772
Stark	10,318	9,472	501	718	846	
Summit	7,157	6,115	381	409	1,042	
Trumbull	6,557	2,567	447	129	3,990	
Tuscarawas	5,599	5,231	253	255	368	
Union	3,253	1,841	197	253	1,412	
Van Wert	3,699	3,504	193	30	195	
Vinton	1,790	1,638	77	13	152	
Warren	3,876	2,177	155	47	1,699	
Washington	5,193	4,093	186	68	1,100	
Wayne	3,889	4,476	485	42		587
Williams	3,101	2,694	151	228	407	
Wood	5,714	4,395	453	200	1,319	
Wyandot	2,110	2,460	120	77		350
Total	433,342	352,347	22,406	15,563	101,613	20,618
Plurality	80,995				80,995	

Abstract of votes cast for secretary of state in 1894.

County.	Republican. Samuel M. Taylor.	Democratic. Milton Turner.	Prohibition. Mark G. McCaslin.	People's. Charles R. Martin.	Pluralities. Republican. Samuel M. Taylor.	Pluralities. Democratic. Milton Turner.
Adams	2,978	2,670	154	100	308	
Allen	3,581	3,395	377	781	186	
Ashland	2,258	2,395	222	115		137
Ashtabula	5,744	921	372	807	4,823	
Athens	4,445	1,163	300	824	3,282	
Auglaize	2,354	2,931	78	222		577
Belmont	6,417	3,663	595	723	2,754	
Brown	2,735	3,213	135	120		478
Butler	5,334	7,503	141	831		2,169
Carroll	2,155	1,019	144	328	1,136	
Champaign	3,674	1,725	223	144	1,949	
Clark	5,393	2,295	527	902	3,098	
Clermont	3,733	3,268	172	156	465	
Clinton	3,369	1,282	208	166	2,087	
Columbiana	6,563	2,743	682	*2,206	3,820	

* Scattering, 1 vote.

Abstract of votes cast for secretary of state in 1894—Continued.

County.	Republican. Samuel M. Taylor.	Democratic. Milton Turner.	Prohibition. Mark G. McCaslin.	People's. Charles R. Martin.	Pluralities. Republican. Samuel M. Taylor.	Pluralities. Democratic. Milton Turner.
Coshocton	3,028	2,938	145	136	90	
Crawford	2,455	3,327	219	883		872
Cuyahoga	30,868	18,297	1,212	4,583	12,571	
Darke	3,899	4,329	381	337		430
Defiance	2,261	2,335	100	716		74
Delaware	3,220	1,851	394	384	1,369	
Erie	4,445	2,733	101	534	1,712	
Fairfield	3,098	4,098	187	200		1,000
Fayette	2,546	1,797	158	139	749	
Franklin	15,360	13,648	580	1,936	1,712	
Fulton	2,640	1,186	201	252	1,454	
Gallia	3,328	1,103	98	106	2,225	
Geauga	2,055	372	115	152	1,683	
Greene	3,960	1,247	342	240	2,713	
Guernsey	3,367	1,870	416	231	1,497	
Hamilton	42,877	20,829	527	4,227	22,048	
Hancock	4,592	3,415	426	636	1,177	
Hardin	3,750	2,386	252	301	1,364	
Harrison	2,685	1,558	257	104	1,127	
Henry	2,291	2,314	126	224		23
Highland	3,274	2,096	300	294	1,178	
Hocking	2,188	1,806	124	592	382	
Holmes	1,112	2,443	152	143		1,331
Huron	3,998	1,702	238	482	2,296	
Jackson	3,455	1,496	253	618	1,959	
Jefferson	4,893	1,902	439	400	2,991	
Knox	3,476	2,853	306	503	623	
Lake	2,619	474	100	112	2,145	
Lawrence	4,019	1,276	212	361	2,743	
Licking	5,074	4,955	138	392	113	
Logan	3,657	1,273	172	200	2,384	
Lorain	5,082	1,823	311	92	3,259	
Lucas	11,740	6,584	277	1,228	5,156	
Madison	2,505	1,722	177	57	783	
Mahoning	6,474	4,333	285	628	2,141	
Marion	2,686	2,900	207	129		214
Medina	2,851	1,006	218	232	1,845	
Meigs	3,936	1,244	148	585	2,692	
Mercer	1,437	3,002	106	621		1,565
Miami	4,719	2,788	367	508	1,931	
Monroe	1,520	2,393	93	247		873
Montgomery	14,240	12,078	373	1,072	2,162	
Morgan	2,396	1,333	175	266	1,063	
Morrow	2,254	1,369	273	298	885	
Muskingum	6,377	4,824	323	594	1,553	
Noble	2,374	1,515	168	179	859	
Ottawa	1,952	2,267	42	115		315
Paulding	3,277	2,522	89	161	755	
Perry	3,550	2,726	176	543	824	
Pickaway	2,958	3,271	213	47		313
Pike	1,884	1,547	70	58	337	
Portage	3,119	1,472	293	667	1,647	
Preble	3,047	2,668	267	62	379	
Putnam	2,547	3,126	184	293		579
Richland	4,289	4,412	228	496		123
Ross	5,101	3,786	180	48	1,315	
Sandusky	3,182	3,309	141	343		127
Scioto	4,229	1,526	128	251	2,703	
Seneca	4,289	4,113	264	685	176	
Shelby	2,194	2,420	118	234		226
Stark	8,896	5,061	789	4,063	3,835	
Summit	6,054	3,276	470	2,448	2,778	
Trumbull	5,678	1,312	374	201	4,366	
Tuscarawas	5,159	4,164	274	898	995	
Union	3,029	1,251	253	381	1,778	
Van Wert	3,505	2,956	198	71	549	
Vinton	1,924	1,338	71	87	586	
Warren	3,641	1,564	174	124	2,077	
Washington	4,900	2,723	189	288	2,177	
Wayne	3,907	3,781	508	530	126	
Williams	2,674	1,655	147	590	1,019	
Wood	5,233	3,436	589	288	1,797	
Wyandot	2,078	2,293	116	329		215
Total	413,988	276,902	23,237	49,495	148,727	11,641
Plurality	137,086				137,086	

Abstract of votes cast for governor in 1895.

County.	Republican. Asa S. Bushnell.	Democratic. James E. Campbell.	People's. Jacob S. Coxey.	Prohibition. Seth H. Ellis.	Socialist Labor. William Watkins.	Pluralities. Republican. Bushnell.	Pluralities. Democratic. Campbell.
Adams	3,062	3,051	84	169		11	
Allen	4,040	4,424	849	381	8		384
Ashland	2,390	2,884	130	216	2		494
Ashtabula	5,893	1,111	973	372	*13	4,782	
Athens	4,529	1,641	480	250	93	2,888	
Auglaize	2,407	3,800	421	87	5		1,393
Belmont	6,496	4,981	271	493	12	1,515	
Brown	3,013	3,776	130	116	4		763
Butler	5,065	7,700	526	136	8		2,635
Carroll	2,210	1,186	425	127	6	1,024	
Champaign	3,876	2,570	427	283	3	1,306	

* Scattering, 1 vote.

Abstract of votes cast for governor in 1895—Continued.

County.	Republican. Asa S. Bushnell.	Democratic. James E. Campbell.	People's. Jacob S. Coxey.	Prohibition. Seth H. Ellis.	Socialist Labor. William Watkins.	Pluralities. Republican. Bushnell.	Pluralities. Democratic. Campbell.
Clark	6,210	4,132	972	518	18	2,078	
Clermont	3,931	3,846	284	170	2	85	
Clinton	3,690	1,867	202	251	6	1,823	
Columbiana	6,606	3,116	1,637	544	43	3,490	
Coshocton	3,026	3,157	289	222	1		131
Crawford	2,537	4,376	535	154	5		1,839
Cuyahoga	28,829	18,051	2,817	774	535	10,778	
Darke	3,935	4,380	856	351	8		445
Defiance	1,925	2,520	1,453	103	13		595
Delaware	3,405	2,426	558	421	3	979	
Erie	4,434	3,066	668	100	85	1,368	
Fairfield	3,210	4,486	234	194	4		1,276
Fayette	3,006	1,829	348	156	3	1,177	
Franklin	16,808	17,049	886	465	21		241
Fulton	2,719	1,279	527	247	6	1,440	
Gallia	3,593	1,633	212	154	3	1,960	
Geauga	2,240	417	258	117	6	1,823	
Greene	4,499	2,181	425	543	8	2,318	
Guernsey	3,567	2,075	228	443	4	1,492	
Hamilton	45,670	34,003	1,256	285	219	11,667	
Hancock	4,413	3,618	986	457	15	795	
Hardin	3,874	3,065	513	274	9	809	
Harrison	2,629	1,544	298	227	3	1,085	
Henry	2,208	2,867	653	101	2		659
Highland	3,644	2,771	538	301	10	873	
Hocking	2,490	2,306	534	95	17	184	
Holmes	1,104	2,731	213	115	(*)		1,627
Huron	4,222	2,326	470	233	13	1,896	
Jackson	3,585	1,947	863	256	9	1,638	
Jefferson	4,686	2,229	306	414	4	2,457	
Knox	3,566	3,117	442	235	2	449	
Lake	2,900	605	135	92	7	2,295	
Lawrence	4,205	1,965	288	221	11	2,240	
Licking	5,090	5,557	508	164	4		467
Logan	3,967	1,746	605	174	10	2,221	
Lorain	5,453	2,361	250	300	10	3,092	
Lucas	11,964	7,092	1,107	249	123	4,872	
Madison	3,098	2,391	83	150	1	707	
Mahoning	6,129	5,006	311	228	15	1,123	
Marion	3,017	3,373	250	202	1		356
Medina	2,933	1,440	246	226		1,493	
Meigs	4,131	1,730	358	125	9	2,401	
Mercer	1,535	3,302	890	36	2		1,767
Miami	4,954	3,513	1,219	277	8	1,441	
Monroe	1,559	3,292	148	80	4		1,733
Montgomery	13,873	11,371	2,694	339	80	2,502	
Morgan	2,387	1,333	559	143	3	1,054	
Morrow	2,247	1,524	494	311	5	723	
Muskingum	6,702	5,763	426	293		939	
Noble	2,467	1,910	172	149	6	557	
Ottawa	1,908	2,702	131	27	6		794
Paulding	3,085	2,279	789	66	14	806	
Perry	3,633	2,980	553	173	57	653	
Pickaway	3,029	3,813	55	215	2		784
Pike	2,093	1,878	181	57		215	
Portage	3,311	1,846	757	264	10	1,465	
Preble	3,008	2,482	231	310	[illegible]	526	
Putnam	2,374	3,301	721	162	12		927
Richland	4,444	4,855	428	221	3		411
Ross	5,124	4,153	249	215	4	971	
Sandusky	3,272	3,331	577	160	12		59
Scioto	4,661	2,372	285	150	8	2,289	
Seneca	4,292	4,652	960	229	6		360
Shelby	2,251	3,171	491	99	9		920
Stark	9,599	7,498	2,488	524	118	2,101	
Summit	6,315	4,775	1,525	366	10	1,540	
Trumbull	6,129	2,311	249	296	12	3,818	
Tuscarawas	5,118	4,471	1,447	192	42	647	
Union	3,105	1,695	801	259	4	1,410	
Van Wert	3,517	3,422	179	260	4	95	
Vinton	2,018	1,299	138	53	2	719	
Warren	3,814	2,176	169	199	3	1,638	
Washington	5,035	3,473	269	168	*6	1,562	
Wayne	3,851	4,346	559	457	13		495
Williams	2,749	1,881	1,199	122		868	
Wood	5,370	3,814	654	520	13	1,556	
Wyandot	2,137	2,525	414	137	2		388
Total	427,141	334,519	52,675	21,264	1,867	114,594	21,972
Plurality	92,622					92,622	

* Scattering, 1 vote.

Abstract of votes cast for secretary of state in 1896.

County.	Charles Kinney, Republican.	Chilton A. White, Democrat.	Samuel Rockhill, Prohibition.	Wesley C. Bates, National party.	Daniel W. Wallace, Socialist-Labor.	Total vote.
Adams	3,339	3,240	35	38	2	6,654
Allen	4,946	6,337	33	142	7	11,893
Ashland	2,694	3,293	21	40		6,111
Ashtabula	8,534	3,731	160	80	4	12,779
Athens	5,426	3,256	70	54	48	8,918
Auglaize	2,900	4,899	14	23		7,836
Belmont	7,027	6,964	149	79	2	14,233
Brown	3,173	4,462	33	10	2	7,776
Butler	5,965	8,679	46	28	8	14,836

Abstract of votes cast for secretary of state in 1896—Continued.

County.	Charles Kinney, Republican.	Chilton A. White, Democrat.	Samuel Rockhill, Prohibition.	Wesley C. Bates, National party.	Daniel W. Wallace, Socialist-Labor.	Total vote.
Carroll	2,673	1,926	87	17		4,698
Champaign	4,312	3,374	65	42	8	7,850
Clark	7,672	6,297	73	115	9	13,849
Clermont	4,275	4,644	38	39		8,996
Clinton	4,146	2,621	55	40		6,916
Columbiana	9,472	6,512	252	40	21	16,518
Coshocton	3,342	3,949	47	22		7,410
Crawford	3,141	5,888	48	25	2	9,201
Cuyahoga	43,014	37,136	864	101	443	81,591
Darke	4,382	6,063	32	91		10,640
Defiance	2,426	4,145	19	19		6,734
Delaware	3,793	3,568	78	54	1	7,561
Erie	5,459	4,585	34	8	56	10,343
Fairfield	3,420	5,231	49	5		9,050
Fayette	3,363	2,708	24	22		6,190
Franklin	20,009	18,357	188	77	18	39,387
Fulton	3,218	2,419	30	45		5,794
Gallia	4,244	2,347	35	8		6,700
Geauga	2,807	1,258	33	10	3	4,139
Greene	5,282	2,960	113	56	3	8,528
Guernsey	4,328	3,198	144	51	1	7,743
Hamilton	57,331	38,117	154	14	188	97,545
Hancock	5,575	5,516	77	45	3	11,330
Hardin	4,279	4,250	33	77		8,679
Harrison	3,150	2,221	44	48	1	5,519
Henry	2,564	4,293	15	14	2	6,958
Highland	4,092	3,891	105	57	1	8,222
Hocking	2,729	3,135	14	24	6	5,984
Holmes	1,281	3,093	18	28		4,976
Huron	5,013	4,126	54	35		9,317
Jackson	4,439	3,752	27	41	2	8,303
Jefferson	6,200	3,800	136	58	1	10,297
Knox	3,773	4,015	30	40	2	7,925
Lake	3,745	1,665	41	2	2	5,528
Lawrence	5,403	3,022	21	45	2	8,557
Licking	5,579	6,569	74	8		12,381
Logan	4,709	3,070	55	38	1	7,990
Lorain	7,781	4,331	101	34	5	12,452
Lucas	16,966	13,693	96	28	60	31,165
Madison	3,318	2,723	35	24		6,153
Mahoning	8,464	6,764	101	25	3	15,575
Marion	3,427	3,978	82	68		7,577
Medina	3,538	2,535	32	23	1	6,291
Meigs	4,690	2,494	43	22	3	7,341
Mercer	1,987	4,763	22	14		6,869
Miami	6,037	5,323	22	44	2	11,627
Monroe	2,090	4,155	25	16	1	6,292
Montgomery	18,298	15,490	118	44	70	34,587
Morgan	2,525	2,345	30	25		4,969
Morrow	2,513	2,429	42	103	1	5,189
Muskingum	7,251	6,835	131	58	2	14,633
Noble	2,500	2,300	33	22		4,934
Ottawa	2,164	3,241	14	3		5,514
Paulding	3,577	3,626	16	6		7,304
Perry	3,900	4,071	44	29	23	8,096
Pickaway	3,376	4,150	56	24	2	7,649
Pike	2,235	2,121	12	14		4,431
Portage	4,062	3,166	53	25	3	8,300
Preble	3,290	3,292	40	79	3	6,623
Putnam	2,733	5,292	23	21	1	8,154
Richland	5,163	6,219		34	50	11,501
Ross	5,519	4,974	47	38		10,705
Sandusky	3,954	5,009	54	19	11	9,107
Scioto	5,498	3,634	42	13	3	9,298
Seneca	4,990	6,292	87	20	6	11,516
Shelby	2,483	3,925	30	27		6,541
Stark	12,025	11,243	155	37	63	23,782
Summit	8,565	7,935	98	46	30	16,674
Trumbull	7,848	3,750	108	74	9	11,962
Tuscarawas	6,238	6,849	41	28	21	13,280
Union	3,476	2,704	19	59		6,315
Van Wert	3,965	3,965	23	58	2	8,013
Vinton	2,038	1,802	20	7		3,934
Warren	4,371	2,740	31	31	2	7,277
Washington	5,937	5,122	56	20	1	11,317
Wayne	4,396	5,541	196	10	10	10,298
Williams	3,194	3,502	26	22		6,822
Wood	7,278	6,542	84	107	2	14,285
Wyandot	2,379	3,412	21	23		5,913
Total	525,000	473,462	5,469	8,382	1,234	1,030,107

Mr. BROMWELL. Mr. Chairman, the distinguished mathematician from Ohio, General GROSVENOR, has succeeded in "stealing some of the thunder" with which I expected to make a reply on this occasion to the slanders of Altgeld. I will only take a few moments of the time of the House to supplement what he has so well said.

I also have prepared a table giving a list of election returns from the State of Ohio since the Republican party put in nomination its first candidate for office, Salmon P. Chase, in 1855. In this table I show the total votes cast at each election; the increase or decrease year by year over the previous year's vote; the Republican plurality at each election, or the Democratic plurality, as the case may be; the Republican majority over all opposing candidates, and the opposition majority where it exceeds the Republican vote.

There is one feature which this table shows clearly, and to which I desire to call the attention of the committee in a general way, which has been alluded to by my colleague, General GROSVENOR, Commencing with the year 1885 and running down to the year 1892, there was no election, either for governor, secretary of state, or President of the United States, in which the Republican party in the State of Ohio was not in the minority. These minorities ran from 9,000, which was the minority which Harrison received in 1888, up to 39,790, which was the amount of the majority of the opposition to the Republican candidate in 1892. I call attention to that fact to show what has taken place in Ohio since 1892. Commencing with the year 1893 William McKinley, as governor, had a plurality of 80,995 votes, and a clear majority of 31,080, as against 39,790 that the opposition exceeded the Republican majority in 1892. In 1894 the Republican majority had increased to 48,857. In 1895 Governor Bushnell received a plurality of 92,622 votes, and yet his majority was only 7,286. But in 1896, while Major McKinley had a plurality of only 47,497, yet he had a majority of 43,614.

Mr. HULL. Will the gentleman yield to me for a moment?

Mr. BROMWELL. Certainly.

Mr. HULL. Was the difference between the plurality which the gentleman has named and the majority the extent of the gold Democratic vote in Ohio?

Mr. BROMWELL. It was the Democratic vote and the coalition of all the elements with the gold Democratic party which had combined against the Republican ticket.

Mr. HULL. But the gentleman does not catch my question. The plurality was some 47,000?

Mr. BROMWELL. Yes; 47,497.

Mr. HULL. And the majority about 43,000?

Mr. BROMWELL. Yes; 43,614.

Mr. HULL. Now, what I wish to know is as to the difference between the majority and plurality. Did that measure the gold Democratic votes for their candidates?

Mr. BROMWELL. No; not entirely. There were others.

I call attention to these figures to show that Mr. McKinley, in the election in Ohio for President, has achieved as great a victory as was ever achieved by any Republican candidate, and the 137,000 that was given Taylor for secretary of state does not represent as much of a victory as the 43,000 majority given to Major McKinley at the last election. Now, Altgeld claims that because Ohio had increased its vote to over a million there were necessarily over 100,000 fraudulent votes cast. My colleague [Mr. GROSVENOR], in alluding to this, justly said the vote of the entire United States has increased. As a matter of fact, every State in this country, with the exception of seven, did increase its vote, and many of the States in far greater ratio than the vote of the State of Ohio was increased.

I have a second table, showing the popular vote for President in 1892, the vote in 1896, the increase or decrease in the vote of each State, and the per cent of increase or decrease. I shall not read all of these, but from this list I have taken seventeen, so as to include Ohio, and I will read to you the percentage of increase in the votes of these seventeen States, so that you may apply Mr. Altgeld's theory that because the vote of Ohio increased over 100,000, necessarily there must have been fraud in the election. Gentlemen of the States whose names I read can take it home to themselves, and see whether the increase in the votes of their States means, according to the same logic, a fraudulent vote.

I find that the vote of Colorado in 1892 was 93,842. In 1896 it was 189,687, an increase of 95,845, or, on the face of the returns, an increase of over 102 per cent. I have made inquiries from one of the Representatives of that State in this House as to what proportion of that increased vote was due to the female vote that was cast in this last election and was not cast in 1892. He informed me that about one-third of it was due to that cause. Allowing that one-third of that vote was due to the female suffrage of Colorado in 1896, it still leaves Colorado with an increase of over 31 per cent. The second State in the list is Idaho, which in 1892 cast 19,407 votes. In 1896 it cast 26,695 votes, an increase of 37.5 per cent. Now, without going into the details of all these votes, I will read you a list of these nineteen States, with the per cent of increase of votes.

Idaho, 37.5 per cent; Virginia, 35 per cent; Mississippi, 33.6 per cent; North Dakota, 31.2 per cent; Florida, 31 per cent; Colorado, 31 per cent; Kentucky, 30.8 per cent; Texas, 28.9 per cent; Minnesota, 27.8 per cent; Wyoming, 24.9 per cent; Illinois, 24.9 per cent; Missouri, 24.6 per cent; Oregon, 24 per cent; Wisconsin, 20.3 per cent; Tennessee, 19.6 per cent; Pennsylvania, 19.1 per cent; and, finally, Ohio, 18.7 per cent.

Now, if the reasoning of Mr. Altgeld is to hold good that because Ohio's increase was 18.7 per cent there were 100,000 fraudulent votes cast in the State of Ohio, what have you gentlemen whose States were carried by Bryan to say about them, with Virginia gaining 35 per cent, and Mississippi gaining 33.6 per cent, and Florida gaining 31 per cent, and so on down the line?

Now, in regard to the fluctuation in the vote of Ohio, we have our off years and we have our years when we turn out and vote.

Mr. WATSON of Ohio. Do you propose to hold the other side of the House responsible for what Governor Altgeld said?

Mr. BROMWELL. I do not; and I do not believe that one of them indorses what he has to say.

To illustrate these extreme fluctuations in the Ohio vote, I wish to call attention to the difference between the vote the year following a Presidential election and the vote in the following Presidential election, commencing with 1857 and running down to the present time. I shall not read this in full, but ask to have it printed in the RECORD. Between 1857 and 1860 there was a difference of 103,000 votes. That was away back before the war, when the population of Ohio was not much more than half what it is now. Between 1861 and 1864 there was a difference of 112,000 votes; between 1865 and 1868, a difference of 101,000; between 1869 and 1872, a difference of 64,000; between 1873 and 1876, a difference of 211,000, and in following years differences of 170,000, 163,000, and 173,000 are common variations in the vote of Ohio.

These facts also go to show whether or not Major McKinley carried the Republican vote of Ohio as it was expected he would do. Bryan's vote over Cleveland was only 74,132. Major McKinley's vote over Harrison was 122,758.

Mr. Chairman, I ask leave to print these tables in the RECORD as part of my remarks, only offering them as supplementary to the remarks made by my colleague, Mr. GROSVENOR.

The SPEAKER pro tempore. The gentleman asks unanimous consent to print certain tables in the RECORD. Is there objection?

There was no objection.

The tables are as follows:

Year.	Election.		Total vote cast.	Change in total vote.		Pluralities.		Majorities.	
	Highest candidate.	Office.		Increase.	Decrease.	Republican.	Democratic.	Republican.	Opposition.
1855	S. P. Chase	Governor	302,093	19,820		15,751			8,525
1856	J. C. Fremont	President	386,497	84,432		16,623			11,543
1857	S. P. Chase	Governor	329,966		56,531	1,503			8,769
1858	No election								
1859	William Dennison	Governor	355,781	25,815		13,331		13,331	
1860	A. Lincoln	President	432,862	77,079		31,588		10,756	
1861	David Tod	Governor	358,880		73,982	55,223		55,114	
1862	W. W. Armstrong	Secretary of state	363,070	4,190			5,560		5,560
1863	John Brough	Governor	476,554	113,484		101,098		101,098	
1864	A. Lincoln	President	471,283		5,271	60,055		60,055	
1865	J. D. Cox	Governor	417,790		53,493	29,815		29,475	
1866	W. H. Smith	Secretary of state	469,908	52,118		42,086		42,086	
1867	R. B. Hayes	Governor	484,227	14,319		2,983		2,983	
1868	U. S. Grant	President	518,788	34,561		41,546		41,546	
1869	R. B. Hayes	Governor	465,227		53,461	7,506		6,827	
1870	I. R. Sherwood	Secretary of state	429,579		35,778	16,660		13,857	
1871	E. F. Noyes	Governor	460,466	30,887		20,168		16,100	
1872	U. S. Grant	President	529,598	69,132		37,531		31,106	
1873	Wm. Allen	Governor	448,878		80,720		817		21,204
1874	Wm. Bell	Secretary of state	467,425	18,547			17,202		25,017
1875	R. B. Hayes	Governor	592,700	125,275		5,544		2,934	
1876	do	President	659,771	67,071		7,516		1,625	
1877	R. M. Bishop	Governor	554,967		104,804		22,520		50,757
1878	M. Barnes	Secretary of state	589,100	34,132		3,154			40,809
1879	Chas. Foster	Governor	669,157	80,057		17,129		3,367	
1880	J. A. Garfield	President	724,967	55,810		34,227		25,129	
1881	Chas. Foster	Governor	624,226		100,741	24,309		1,244	
1882	J. W. Newman	Secretary of state	635,046	10,820			19,115		39,577
1883	Geo. Hoadly	Governor	721,310	86,215			12,529		25,982
1884	J. G. Blaine	President	787,159	65,849		31,802		13,015	
1885	J. B. Foraker	Governor	733,967		53,192	17,451			15,405

Year.	Election.		Total vote cast.	Change in total vote.		Pluralities.		Majorities.	
	Highest candidate.	Office.		Increase.	Decrease.	Republican.	Democratic.	Republican.	Opposition.
1886	J. S. Robinson	Secretary of state	704,233		29,734	11,781			22,043
1887	J. B. Foraker	Governor	746,970	42,737		23,329			33,912
1888	B. Harrison	President	841,941	94,971		19,599			9,833
1889	J. E. Campbell	Governor	775,721		66,220		10,872		38,619
1890	D. J. Ryan	Secretary of state	742,186		33,535	10,969			15,090
1891	Wm. McKinley	Governor	795,631	53,445		21,511			22,153
1892	B. Harrison	President	850,164	54,533		1,072			39,790
1893	Wm. McKinley	Governor	835,604		14,560	80,995		31,080	
1894	S. M. Taylor	Secretary of state	779,119		56,485	137,086		48,857	
1895	A. S. Bushnell	Governor	846,996	67,877		92,622		7,286	
1896	Wm. McKinley	President	1,009,225	162,229		47,497		43,614	

Popular vote for President.

	1896.	1892.	Increase.	Decrease.	Per cent of increase or decrease.
Alabama	194,572	234,741		40,169	17.1
Arkansas	149,347	147,829	1,518		1.03
California	296,503	269,923	26,580		9.8
Colorado	189,687	93,842	95,845		*102.1
Connecticut	174,390	164,766	9,624		5.9
Delaware	31,460	37,242		5,782	15.5
Florida	46,461	35,461	11,000		31
Georgia	163,061	223,946		60,885	27.2
Idaho	26,695	19,407	7,288		37.5
Illinois	1,090,869	873,646	217,223		24.9
Indiana	637,135	554,013	83,122		15
Iowa	521,547	443,159	78,388		17.7
Kansas	336,104	324,887	11,217		3.5
Kentucky	445,775	340,848	104,927		30.8
Louisiana	101,046	114,485		13,439	11.7
Maine	118,593	116,414	2,179		1.9
Maryland	250,842	213,275	37,567		17.6
Massachusetts	401,568	391,028	10,540		2.7
Michigan	544,492	460,217	84,275		18.3
Minnesota	341,539	267,238	74,301		27.8
Mississippi	70,545	52,809	17,736		33.6
Missouri	674,019	540,860	133,159		24.6
Montana	52,279	44,315	7,964		17.9
Nebraska	222,953	200,206	22,747		11.3
Nevada	10,315	10,878		563	5.2
New Jersey	371,014	337,547	33,467		9.9
New Hampshire	83,670	89,328		5,658	6.3
New York	1,423,876	1,366,145	57,731		4.2
North Carolina	329,710	280,665	49,045		17.5
North Dakota	47,379	36,118	11,261		31.2
Ohio	1,009,225	850,300	158,925		18.7
Oregon	97,337	78,491	18,846		24
Pennsylvania	1,194,355	1,003,010	191,345		19.1
Rhode Island	54,785	53,188	1,597		3
South Carolina	68,907	70,444		1,537	2.2
South Dakota	82,918	70,618	12,300		17.4
Tennessee	320,090	267,503	52,587		19.6
Texas	544,786	422,448	122,338		28.9
Vermont	63,844	55,774	8,070		14.5
Virginia	394,664	292,252	102,412		35
Washington	93,583	88,456	5,127		5.1
West Virginia	199,221	171,071	28,150		16.4
Wisconsin	447,411	371,676	75,735		20.3
Wyoming	20,863	16,706	4,157		24.9
United States	13,818,365	12,110,636	1,707,729		14.1

*Or over 30 per cent.

States arranged according to percentage increase of popular vote for President in 1896 over vote of 1892.

Colorado	102.1	Wyoming	24.9
Idaho	37.5	Illinois	24.9
Virginia	35	Missouri	24.6
Mississippi	33.6	Oregon	24
North Dakota	31.2	Wisconsin	20.3
Florida	31	Tennessee	19.6
Kentucky	30.8	Pennsylvania	19.1
Texas	28.9	Ohio	18.7
Minnesota	27.8		

Comparison of votes in Ohio for President, showing Republican gains.

1892-1896	150,061	1872-1876	130,173
1888-1892	8,223	1868-1872	10,840
1884-1888	64,782	1864-1868	47,535
1880-1884	62,192	1860-1864	38,731
1876-1880	65,196	1856-1860	46,365

McKinley's vote over Harrison	122,758
Bryan's vote over Cleveland	74,132
McKinley's vote over Bushnell	100,804
Bryan's vote over Campbell	144,029

Comparison of votes for periods of four years.

1893-1896	173,621	1873-1876	210,863
1889-1892	74,443	1869-1872	64,291
1885-1888	107,974	1865-1868	101,989
1881-1884	162,933	1861-1864	112,373
1877-1880	170,000	1857-1860	102,957

The following extract from an editorial in the Cincinnati Commercial-Tribune is also submitted in this connection to show that Mr. Altgeld and others of his party, instead of criticising the legitimate increase in the vote of other States which gave McKinley his majorities, might well have addressed himself to a criticism of the inequality existing between the electoral votes of the silver States and of the four great sound-money States, New York, Pennsylvania, Illinois, and Ohio:

FIGURES WORTH STUDY.

The total popular vote cast at the recent election was 13,818,365, or a gain of no less than 1,708,335 over the 12,110,636 votes cast in 1892.

Of this phenomenal and hitherto unparalleled number of electors, the four preeminently great States of New York, Pennsylvania, Illinois, and Ohio furnished the following:

	Vote.	Electoral vote.
New York	1,358,485	36
Pennsylvania	1,193,508	32
Illinois	1,088,631	24
Ohio	1,020,107	23
Total	4,660,731	115

From this table it will be seen that these 4 States alone cast considerably more than one-third of the total vote of the nation, and at that ratio they are justly entitled to at least one third of the total electoral vote of 447, which would be 149. They have, however, only 115 votes in the electoral college, or 32 less than the number to which their proportion of the total vote shows them to be entitled. Ohio alone cast 7.4 per cent of the total vote of the country, thus fairly entitling her to the same proportion of the electoral college, or 33 electoral votes. Yet she is only allowed 23, which is 10 less than the number her voting strength should give her.

The total vote cast for the Republican ticket was 7,078,461, and to this aggregate the four States here named contributed as follows:

New York	796,271
Pennsylvania	728,300
Illinois	607,130
Ohio	525,969
Total	2,656,690

From these figures it is also seen that this quartet of leaders among the Commonwealths of the Union gave not only one-third of the total Republican vote of the country, but 91,669 votes in excess of that proportion.

These are the only States which cast over 1,000,000 votes, and of the other States the one which approached the nearest to that figure was Missouri, with 674,018, or 346,089 votes less than were given in Ohio. Nor did any other State than these four cast more than half a million votes for the Republican ticket. Next to Ohio in the list in that respect comes Indiana, with 323,754 Republican ballots, which is less by 202,215 than the 525,969 given by this State.

Coming now to the consideration of some points of interest disclosed by an analysis of the free-silver Democratic vote, the following table, showing the total vote cast and the electoral college representation of these seventeen States carried by Bryan, will be of exceptional interest:

State.	Total vote.	Electoral vote.
Nevada	10,285	3
Florida	46,620	4
Idaho	29,067	3
Louisiana	101,046	8
Mississippi	69,513	9
Montana	54,170	3
South Carolina	68,908	9
South Dakota	82,389	4
Utah	80,514	3
Washington	93,583	4
Wyoming	21,086	3
Alabama	194,574	11
Arkansas	149,347	8
Georgia	157,220	13
Virginia	294,956	12
North Carolina	329,710	11
Tennessee	321,908	12
Total	2,105,636	120

Here, then, we have 17 States which give Bryan 120 electoral votes on a total vote of 2,105,636, though New York, Pennsylvania, Illinois, and Ohio, with their 4,660,731 ballots, have an electoral college strength of but 115 votes. Placed in a table for better comparison, the situation is this:

	Total vote.	Electoral vote.
4 Republican States	4,660,731	115
17 Democratic States	2,105,636	120

Obviously the States which are given 121 electoral votes on a total vote of 2,165,686, while 4 other States can only cast 115 electoral votes on a popular vote of 4,057,751, have a relative strength in the electoral college out of all proportion to that which they deserve. Ohio cast almost half as many votes as the 17 States above named, and with an electoral representation in proportion she should have 51 or 58 votes in the electoral college, whereas she is given but 23.

Similar comparisons could be made by the score, all demonstrating that under the present system such States as Ohio are deprived of the electoral strength to which they are entitled. For instance, let us consider the following table:

	Total vote	Electoral vote
Nevada	10,285	3
Florida	46,621	4
Mississippi	69,513	9
Wyoming	21,086	3
South Dakota	82,389	4
Total	229,873	23

Here we have 5 States carried by Bryan at the recent election whose aggregate vote was but 229,873, yet they have 23 electoral votes, the identical number allotted to Ohio. These 5 States have 1 electoral vote to every 10,000 popular votes cast. At the same rate Ohio should have 102 electoral votes instead of 23.

It is inevitable that in the not distant future this entire matter of the relative strength of the States, both in Congress and in the electoral college, must be taken up and readjusted upon fair and equitable lines.

Mr. WADSWORTH. Ohio having been clearly vindicated, I yield fifteen minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. I do not care to go into the question of the Ohio election or the Ohio population. The discussion has taken a wide range, which seems to make appropriate a little wider range. Therefore I shall claim the indulgence of the House on another branch. I might remark in passing that the gentleman from Ohio [Mr. BROMWELL] who last addressed the committee tried to devote himself to facts and figures as answer to some remarks of Governor Altgeld. The gentleman from the same State who preceded him [Mr. GROSVENOR] seemed to conclude that, the governor being absent and having no opportunity to reply to him, general, wholesale declamation upon the subject would be ample. As to the controversy between the late governor of the State of Illinois and the various distinguished Representatives of the State of Ohio, I have nothing to say. But I find in an editorial of the Post of this city, of the 29th of last November, some interesting remarks upon the election, a portion of which I will read:

> The total population of Ohio, as estimated last year by the secretary of state, based upon the calculated increase over the census of 1890, is less than 4,000,000—to be specific, 3,827,000. The generally accepted theory, verified by statistics without number, is that the voters are to the population of any given State as 1 to 5. By that well-established rule the total vote of Ohio should have been 765,000. Ohio is a great State, however, for in 1895 it developed a total vote of 840,566—nearly 100,000 more than she was entitled to under the one-fifth rule. The campaign was tremendously exciting. It brought out, as they said at the time, every voter in the State. Some skeptical persons suggested, in fact, that it brought out a great many thousands of voters from other States. But this year the wonder grows. This year Ohio, responding to the clarion call of necessity, produces 229,194 more voters than it produced in 1895, when it astonished the world by its achievements in the voting line. Where in the name of reason did these 229,194 extra voters come from? Did Ohio increase in population 1,000,000 within a year, or does Ohio depart from the 1 to 5 rule, and show, instead of that, 1 to 3½ as the proportion of her voters to her population?

Now, it may possibly be said in extenuation of the offense of Governor Altgeld, if it be an offense, that he might have read some such things as this in the newspapers. It may be, too, that the horrible example of Governor Altgeld, held up to scorn by the gentleman from the Athens district of Ohio, may have been productive, not only of the majority for Mr. McKinley, but also of the tremendous outpouring of the masses of both parties who registered their judgment and their will upon the subjects at issue. I know not how that is.

The gentleman [Mr. GROSVENOR] seems to believe that Altgeld made the platform adopted at Chicago last July. I have always been of the opinion that the representatives of the great Democratic party of this country made that platform, and in it expressed their views and those of a mighty constituency.

Mr. GROSVENOR. If the gentleman will permit, I did not say that Governor Altgeld made the platform. I said he demanded the introduction of certain planks of the platform; and if that is not true, some of the newspapers of Chicago misrepresented him.

Mr. DE ARMOND. The gentleman is probably just as far off in his way of putting it now as he was before. The assemblage gathered in Chicago upon that occasion was not one to approach with "demands." The only demand with that body of representatives was the demand, as they understood it, of their constituents. That was not a convention to be dominated by a single man. It was not a convention of which any man having any knowledge of it would feel that he could make a demand. It was not a convention that would respect the demand of any particular man or set of men. It was a convention gathered there to voice the dominent sentiment of a great party; and I am one of those who believe that it did voice it, voiced it thoroughly: and those who were not willing to be bound by that voice, those who did not believe in the platform there uttered, were left to take, as some of them did take, their votes and their influence outside of that party.

But the gentleman says Governor Altgeld demanded that this or that should go into the platform, and that this or that did, therefore, go into the platform. That certainly can not be said by anyone who has any knowledge of that assemblage. No man can say that who understood the purpose which characterized the men assembled there, who had any knowledge of the deep conviction that abided and yet abides in the hearts and in the souls of those back of them, those whom they represented. That is a misunderstanding of the whole matter. But I will not discuss that. Perhaps at some other time, perhaps in some other arena, possibly even in this arena on some other day, the gentleman lately governor of the State of Illinois may have an equal opportunity with the statesman of the Athens district of Ohio to discuss the question of what is the relative worth or the relative worthlessness of the criticism of the one or the other.

There is this thing about Governor Altgeld which friend and foe must admit and acknowledge—that he is open and bold, and that he makes his charges where there are people ready to meet them and to refute them, if they can; that he has at least the courage of his convictions. And, although overwhelmed with defeat as his party was in his State in the last election, he has behind him now in that State and in this nation, as the able and fearless exponent of principles dear to the hearts of the American people, millions of men who believe that he is honest and right, and who are grieved at his temporary political overthrow.

I was about to direct my attention to another matter. I make these remarks merely incidentally, as they are suggested by the remarks of the gentleman from Ohio [Mr. GROSVENOR] who first addressed the committee. There was issued from the Department of Agriculture recently one of those peculiar educational treatises which have so frequently emanated from that Department under its present management. This is The Farmers' Interest in Finance, a document bearing date of December 4, 1896, and with which we are recently favored, through the franking privilege. It purports to show that the people who supported Mr. Bryan in the last contest were comparatively poor in this world's goods, and ignorant. The gentleman who for the time being presides over the Department of Agriculture gives to his subordinate this direction for the preparation of this document:

> In preparing this "useful information on subjects connected with agriculture," carefully collate from the work of the last national census such facts as may serve to bring out plainly the population, the agricultural wealth, and the intelligence, the manufacturing interests, and the investments of each State which at the recent election declared for the free coinage of silver at 16 to 1 or for the present gold standard.

In the pamphlet it is further stated:

> The comparison in respect to illiteracy is confined to native whites, thus excluding the most illiterate classes of the population—the colored in the free-silver territory and the foreign born in the gold standard territory.

Further on the pamphleteer says:

> The gold-standard list includes one State—Kentucky—whose vote was so nearly an even balance that its decided position in either rank will perhaps be questioned. The inquiry may, therefore, arise, how the gold standard average would be altered by omission of that State.

In this pamphlet of fifteen pages are some tables, designed to show, from the peculiar standpoint of the gentleman in charge of the Department of Agriculture, that illiteracy prevailed where the free-silver sentiment was largely in evidence, and that intelligence was the rule where the gold standard received the support of the largest number of the voters; that the savings were comparatively small where the free-silver sentiment was strong, and the people there comparatively poor, while in the regions where the gold standard was upheld by the votes of the people the savings were comparatively large and the people comparatively wealthy.

I suppose—if not known to Secretary Morton, it is known to everybody here—whatever else may be true about the late Presidential contest, it is beyond question that a large majority of the farmers of the United States, wisely or unwisely, rightfully or wrongfully, gave their support to the free-silver candidate for President, William Jennings Bryan. I suppose it is a matter of general information outside of that Department that in this large majority of the agricultural portion of the people of the United States there certainly was to be found a fair representation, not to say a marked predominance, of the intelligence of that great body of our useful citizens, the farming community. Poor many of them may be, but honest manhood is yet to be esteemed above filthy lucre.

Now, Mr. Chairman, what provocation or what excuse can be found for this man, at the head of a Department of this Government, supposed to be specially interested in the concerns of the agriculturists, supposed to understand something about their interests and their condition, what provocation, what excuse can be found for this man to scatter abroad over the land, by an

abuse of the printing and franking privilege, pamphlets which are a libel upon the population that he is supposed peculiarly to serve? That I can not imagine. As to which party was right or which party was wrong, that is a question for debate, and we fear not the issue. But why such a pamphlet should be put out by this Department, a travesty upon facts which are well known to the people generally—why such a pamphlet should be issued, with the apparent view of bringing ridicule upon communities a majority of whom voted for Mr. Bryan and were defeated in the late election, why that should be done no one can imagine unless he can fathom the remarkable mind of the gentleman who presides over the Department of Agriculture.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. DE ARMOND. Oh, yes.

Mr. WILLIAM A. STONE. The author of that pamphlet is not a Republican.

Mr. DE ARMOND. No, sir.

Mr. WILLIAM A. STONE. So that we are not responsible for him.

Mr. DE ARMOND. You are not responsible for him, and I can well understand that you are very much gratified that you are not responsible for him. [Laughter and applause.]

Again, Mr. Chairman, poor Kentucky has to be brought in here for a special slap. "The gold standard list includes one State, Kentucky, whose vote was so nearly an even balance that its position in either rank will perhaps be questioned." Kentucky, Democratic for generations, and finally brought into the other column by a scratch—Kentucky is to be ridiculed by this man from out in Nebraska, whose State went against his side, because, he says, illiteracy in Kentucky is considerable: his conclusion from his premises being, I suppose, that if illiteracy had prevailed there to a lesser extent the gold standard would have prevailed to a larger extent.

Mr. CLARDY. If the gentleman will take out 60,000 ignorant negro votes cast there, Kentucky's vote will be all right.

Mr. DE ARMOND. Another remarkable thing is this, that this gentleman, confining his investigations and his comparisons to the white population, loses sight of a most important fact. I suppose he knew—it may be that he never knew it, for some men never know facts that all other men do know [laughter] but he ought to know—that in States like Kentucky, aye, and in States like Ohio, the majority in favor of the gold standard could well be ascribed to the colored population, whose votes were cast for that ticket. This man, making his comparisons within the ranks of the Caucasians, loses sight entirely of the fact that if the suffrage had been confined to them, if only people of our own race and lineage had voted at the last election, the decision would have been the other way.

[Here the hammer fell.]

On motion of Mr. DOCKERY, by unanimous consent, the time of Mr. DE ARMOND was extended ten minutes.

Mr. DE ARMOND. But I presume we ought not to take this man seriously. [Laughter.] It would be wonderful that any other man in the position he occupies should, without cause, without provocation, without excuse, endeavor to cast ridicule and odium upon the very people for whose special interests he is supposed to care; but it is not so remarkable in the present Secretary of Agriculture. We ought not to be surprised at many things coming from there. Perhaps this pamphlet should be included in the list of things that ought not to surprise us, and ought not to challenge serious consideration. We might expect treatises of the most remarkable character from that Department, while presided over by that peculiar gentleman. We might expect him to furnish learned treatises upon The Woodchuck and its Availability for the Manufacture of Shingles; upon The Hedgehog and its Use for Fencing Purposes; upon The Acute Obtuseness of the Triangularificationableness of the Angleworm! [Laughter.] We might expect him to dilate upon The Admirable Capability of the Eye of the Potato for Looking into the Financial Question. [Laughter.] But when it comes to such things as this pamphlet, we are excusable for hardly expecting it.

It was said a good many years ago of a certain man in prominent position, "The Secretary stood alone; modern degeneracy had not reached him." History repeats itself—with variations. We may say now, The Secretary stands alone; modern degeneracy has not passed him. [Laughter.]

I do not know, but it seems to me, following the suggestion of my friend from Pennsylvania, that though the Republican party is not responsible for this Secretary of Agriculture, it certainly does owe him something. Though he may not have rendered you any really valuable service, he has manifested the disposition to do so. If the will is to be taken for the deed, you owe him considerable. Now, why can not you provide a place for him? Of course you will not keep him in his present position. That would not be thought of. Away back, a long time ago, it was the custom to have about the courts of kings a man something like him. There was a name, too, attached to this particular functionary. [Laughter.] But he was not known as a cabinet minister. I do not expect you people to have him about the court in any capacity. But why do you not find a place for him in the National Museum—not, of course, to point out the various attractions, the several curiosities and oddities—but why not find a place for him upon some shelf of the National Museum?

Mr. GROSVENOR. Will the gentleman yield to me one moment?

Mr. DE ARMOND. Certainly.

Mr. GROSVENOR. I understood the gentleman to intimate that perhaps my speech was unfair, because Mr. Altgeld could not reply in this forum. What special opportunity does my colleague propose the distinguished Secretary of Agriculture shall have to reply to his speech? [Laughter.]

Mr. DE ARMOND. Mr. Chairman, I can not imagine anything else than that, with his habit of speaking once every day (when he is here), and on a great many days speaking many times, the gentleman from Ohio will reply for him. [Laughter.]

Mr. Chairman, the suggestion that I made with regard to providing for this man of the Agricultural Department after the 4th of March next—after the chilly winds of March shall have blown him out—is, of course, entirely gratuitous. I submit it to my Republican friends for what it is worth. I hope they will take it into prayerful consideration. Why not devote part of a shelf in the National Museum to this curiosity of modern political life and modern political administration of the affairs of the Agricultural Department?

This man has the peculiarity of always talking when he is not writing, and always writing when he is not talking, and always doing both when he is not thinking. [Laughter.]

But, Mr. Chairman, I must not unduly detain the committee, and I probably can not close these desultory remarks any better than by quoting from what I know is a favorite poem with all of you—

> Full many a whim of purest ray serene
>   The dark, unfathomed screeds of Morton bear;
> Full many a wheel is formed to whir unseen
>   And waste its fleetness 'neath J. Sterling's hair.

[Loud laughter.]

The CHAIRMAN. The time for general debate has expired.

Mr. HULL. We have had so exhaustive an explanation of this bill in the general debate, I suggest to the chairman of the committee [Mr. WADSWORTH] that he now ask unanimous consent to report the bill back to the House with the recommendation that it pass. [Laughter.]

Several MEMBERS. Oh, no.

Mr. WADSWORTH. Mr. Chairman, if the Committee of the Whole will bear with me, I will not detain it more than a few minutes. I wish to state a few of the leading provisions of this bill.

The CHAIRMAN. The time for general debate is exhausted.

Mr. WADSWORTH. Then I ask unanimous consent.

The CHAIRMAN. The Committee of the Whole can not change the order of the House.

Mr. WADSWORTH. Then I will make my remarks after the Clerk has read the first paragraph of the bill.

The Clerk (proceeding to read the bill by paragraphs for amendment under the five-minute rule) read the following:

> *Be it enacted, etc.*, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1898, for the purposes and objects hereinafter expressed, namely.

Mr. WADSWORTH. I move to amend by striking out the last word.

Mr. Chairman, the amount appropriated for the Department of Agriculture for the fiscal year ending June 30, 1897, was $3,255,532. The amount carried by the bill now under consideration is $3,152,752—a net decrease of $102,780. The amount appropriated for salaries under this Department for the fiscal year ending June 30, 1897, was $164,400. The amount provided by this bill for similar purposes for the fiscal ending June 30, 1898, is $168,690. The amount estimated for salaries for the year ending June 30, 1898, was $194,350. It will thus be seen that the bill carries $25,660 less than the amount of the estimate, while it is $4,290 above the appropriation for the current year. The actual increase, however, is only $1,390. The larger apparent increase has been caused by transferring from lump-sum appropriations to specific appropriations (according to the statutory rule) about $3,500 or $3,700.

The amount carried by this bill for miscellaneous purposes (including the Weather Bureau) is $107,070 less than the corresponding appropriations for last year. Under this head the bill apparently carries $73,000 more than the estimates; but that is because the Agricultural Department made no estimate for seeds, so that practically the appropriations are, as I said a moment ago, $107,070 less than those of last year. The salaries in the Weather

Bureau are decreased about $330. Otherwise the appropriations in this bill for that service are identical with those of last year.

The appropriation for the Bureau of Animal Industry is $25,000, which is an increase over last year, because of the growth of the work of that Bureau. It was rendered necessary by reason of the wonderful increase in the demand for inspection of meats going abroad, as well as meats intended for interstate commerce. The inspection on the starting of this Bureau, some three years ago, amounted to only 83,000 head, and has increased to the enormous figure of 23,000,000, including cattle, sheep, and hogs, in the last year. Otherwise the bill is practically the same as the bill of last year. There are other small changes, many of them of little material difference:

With this brief explanation, Mr. Chairman, I will be glad, under the five-minute rule, when we reach the bill by paragraphs, to further, if necessary, answer any questions that may occur to any gentleman with reference to changes in the bill.

I move that the committee now rise and report progress to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the Agricultural appropriation bill, had come to no resolution thereon.

PRODUCTION OF CASTOR BEANS.

Mr. STEELE. Mr. Speaker, I desire to ask unanimous consent to offer a resolution of inquiry addressed to one of the Departments.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of Agriculture be, and is hereby, requested to inform the House how many bushels of castor beans have been produced in the United States each year since 1890, to 1896, inclusive; and how many bushels were exported each year within said period.

Mr. GROSVENOR. I would suggest to the gentleman from Indiana that the word "request" ought to be stricken out and the word "directed" inserted.

Mr. STEELE. I would like to do it, but find that I can not, within the rule.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLUE. Mr. Speaker, permit me one moment. I would ask the gentleman if he would not include also an inquiry as to how many bushels have been imported in the same time?

Mr. STEELE. That is practically covered.

Mr. PAYNE. The statistics already show that.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

WEAR CRAWFORD.

Mr. JOHNSON of Indiana. Mr. Speaker, I desire to move the concurrence of the House in a Senate amendment to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford, which bill is now, I think, on the Speaker's table.

The amendment, I will say, is merely a formal one in phraseology, to correct some tautology in the bill as it passed the House.

The SPEAKER. The Chair will state that this bill was presented to the House this morning, and on motion of the gentleman from Indiana [Mr. STEELE] was referred to the Committee on Military Affairs. The action of the House was afterwards vacated, and the bill was left on the Speaker's table.

Mr. DOCKERY. What is the effect of the bill?

Mr. JOHNSON of Indiana. The bill simply corrects a military record. It is a bill which passed the House and the Senate in the last term of Congress, but did not reach the President in time for his action.

It is a bill to remove a disability from a soldier charged with desertion. After the war was over, after all danger had passed, he had an encounter with an officer of another regiment when on outpost duty, and absented himself for fear of punishment. He was therefore marked as a deserter. That is all there is of it.

I hope there will be no objection to the adoption of the Senate amendment.

There being no objection, the Senate amendment was considered, and agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DE WITT, for one week, on account of important business.

To Mr. WANGER, for three days, on account of sickness.

REPRINT OF A BILL.

On motion of Mr. MEIKLEJOHN, a reprint was ordered of the bill S. 502.

And then, on motion of Mr. PAYNE (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Egyptian Levee, Mississippi River, in the county of Clark, State of Missouri—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Acting Attorney-General, amending certain estimates relating to the compensation of United States district attorneys—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an extra compensation for certain members of the commission detailed to conduct an examination of the fur-seal rookeries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Crystal River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Babylon Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MARSH, from the Committee on the Militia, to which was referred House bills Nos. 876, 2291, and 3361, reported in lieu thereof a bill (H. R. 10169) to promote the efficiency of the militia, accompanied by a report (No. 2667); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 10075) granting a pension to Martin G. Sands. (Report No. 2661.)

The bill (S. 3141) entitled "An act granting a pension to Rachel Kern." (Report No. 2673.)

The bill (S. 877) entitled "An act granting an increase of pension to Oliver P. Silvey." (Report No. 2674.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 8185) granting a pension to Rowland C. Harmon. (Report No. 2662.)

The bill (S. 3059) entitled "An act granting a pension to William Soden." (Report No. 2687.)

The bill (S. 3145) entitled "An act to increase the pension of Capt. John H. Mullen." (Report No. 2688.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (S. 2919) entitled "An act granting an increase of pension to William H. H. Wright, of McPherson, Kans." (Report No. 2663.)

The bill (S. 3172) entitled "An act granting a pension to Laura Barnes." (Report No. 2690.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 2963) to increase the pension of George W. D. Wade. (Report No. 2664.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7772) to increase the pension of Theodore N. Cobia. (Report No. 2665.)

By Mr. MEIKLEJOHN, from the Committee on Indian Affairs: The bill (S. 915) entitled "An act for the relief of Sarah R. Dresser." (Report No. 2666.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 9985) for the relief of Oliver C. Bosbyshell, late superintendent United States mint at Philadelphia, Pa. (Report No. 2668.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1929) entitled "An act for the relief of William H. Crook." (Report No. 2669.)

By Mr. GIBSON, from the Committee on War Claims: The bill (S. 19) entitled "An act for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased." (Report No. 2670.)

By Mr. BUCK, from the Committee on War Claims: A resolution (No. 506) to refer the bill (H. R. 9307) for the relief of the heirs of Pierre Sauvé, together with all the accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 9307. (Report No. 2671.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 2912) entitled "An act increasing the pension of William C. Forsythe." (Report No. 2672.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 3361) entitled "An act granting a pension to Sarah R. Frary." (Report No. 2675.)

The bill (S. 3370) entitled "An act granting a pension to Emily E. Atherton." (Report No. 2676.)

The bill (H. R. 9521) granting an increase of pension to Edward Boyle. (Report No. 2689.)

By Mr. LOUDENSLAGER, from the Committee on Pensions:

The bill (S. 2954) entitled "An act to increase the pension of Margaret Custer Calhoun." (Report No. 2677.)

The bill (S. 3252) entitled "An act to increase the pension of Esther Brown." (Report No. 2678.)

The bill (S. 2959) entitled "An act granting a pension to Mrs. Sarah Townsend." (Report No. 2679.)

The bill (S. 1551) entitled "An act granting a pension to Mrs. Selena McKay, of Suwannee County, Fla." (Report No. 2680.)

The bill (S. 947) entitled "An act granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war." (Report No. 2681.)

The bill (S. 2177) entitled "An act granting an increase of pension to Henry B. Conway." (Report No. 2682.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 10040) granting an increase of pension to George W. Ferree. (Report No. 2683.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 3177) entitled "An act granting a pension to Oscar A. Palmer." (Report No. 2684.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (S. 1647) entitled "An act to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry." (Report No. 2685.)

The bill (H. R. 4852) granting a pension to Allen Place. (Report No. 2686.)

By Mr. BLACK, from the Committee on Pensions: The bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee. (Report No. 2691.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 5622) conferring jurisdiction on the Court of Claims to rehear and render judgment in the case of William Donnelly and Patrick Egan; and the same was referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MEREDITH: A bill (H. R. 10168) to reduce the interest on arrearages of taxes due the District of Columbia prior to July 1, 1895—to the Committee on the District of Columbia.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 10170) to relieve oppressed medical practitioners in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WATSON of Ohio: A bill (H. R. 10179) to establish a department of labor—to the Committee on Labor.

By Mr. SHERMAN: A resolution (House Res. No. 507) referring to the Court of Claims House bill No. 6168, for the relief of the heirs of John Clemson and John C. Cookson, deceased—to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 10171) to remove the charge of desertion now standing against Charles G. Brigham—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 10172) for the relief of Jacob T. Tolbert—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 10173) to remove the charge of desertion from John Kelly, late an enlisted man in the United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 10174) to remove the charge of desertion from the military record of John Scanlan—to the Committee on Military Affairs.

By Mr. HARDY: A bill (H. R. 10175) to pension Mrs. Martha Frank—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 10176) for the relief of James Eagan, late of Company G, Tenth New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WELLINGTON: A bill (H. R. 10177) for the relief of David C. Winebrener for seizure and impressment of teams and loss of property by the military authorities of the United States—to the Committee on War Claims.

Also, a bill (H. R. 10178) for the relief of Francisco Perna—to the Committee on the District of Columbia.

By Mr. PHILLIPS: A bill (H. R. 10180) granting an increase of pension to De Witt C. Ayres, late of Company I, One hundred and second Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Samuel G. Scott and others, of Philadelphia, Pa., praying for the passage of House bill No. 4566, and Senate bill No. 1675, prohibiting the transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: Petition of Henry L. Mitchell, Princella A. Blake and 154 other citizens of Bangor, Me., in behalf of the passage of House bill No. 7864, an act to amend the immigration laws of the United States—to the Committee on Immigration and Naturalization.

By Mr. COUSINS: Resolutions adopted by the Commercial Exchange of Des Moines, Iowa, favoring a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Papers relating to the claim of James P. Strother, of Washington County, Va.—to the Committee on War Claims.

By Mr. GRISWOLD: Petition of Arthur L. Bates and 42 other citizens of Meadville, Pa., and vicinity, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of Addison County, Vt., Mrs. L. D. Dyer, president, favoring the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of N. M. Scott, and 23 other citizens of Barton, Vt., protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the Vermont Dairymen's Association, in favor of the bill (H. R. 4349) to protect interstate and foreign commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of W. H. Torbert and 118 business men, all citizens of Dubuque, Iowa, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Paper of Kuhles & Stock, cigar manufacturers, of St. Paul, Minn., asking a specific duty on cigar tobacco leaf—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of the Christian Citizenship Union, also petition of the Tabernacle Baptist Church, both of Camden, N. J., urging the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of the Christian Citizenship Union of Camden, N. J., praying for the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of W. F. Rose, of Camden, N. J., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Swedesboro Grange, No. 5, Patrons of Husbandry, of Swedesboro, N. J., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. MADDOX: Memorial of the commissioners of the Choctaw Nation of Indians, as to the "leased district"—to the Committee on Indian Affairs.

By Mr. McRAE: Resolution of the Fort Smith Commercial League, protesting against the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

Also, statement of Drs. J. H. Weaver, Josh Beasley, and A. L. Clark, to accompany House bill No. 6105, for the relief of Daniel J. Smith, a scout of the Indian war of 1836 and 1837—to the Committee on Pensions.

By Mr. PHILLIPS: Papers to accompany House bill granting an increase of pension to De Witt C. Ayres, of Company I, One hundred and second Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. QUIGG: Paper to accompany House bill for the relief of James Eagan, of Company G, Tenth New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SKINNER: Petition of the heirs of Elizabeth Gatling, deceased, late of Gates County, N. C., praying reference of her war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Liddia Haslett, deceased, of Gates County, N. C., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Thomas M. Wiggins, deceased, late of Pitt County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. SHUFORD: Petition of the heirs of Jacob Sheek, deceased, late of Davie County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WELLINGTON: Paper to accompany House bill for the relief of David C. Winebrener—to the Committee on War Claims.

SENATE.

FRIDAY, *January 29, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of William E. Mason, chosen by the legislature of Illinois a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. HAWLEY presented the credentials of ORVILLE H. PLATT, chosen by the legislature of Connecticut a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

ANNUAL REPORT OF THE BELT RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Belt Railway Company of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. NELSON. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON].

The roll call having been concluded, the result was announced—yeas 40, nays 12; as follows:

YEAS—40.

Allen,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Caffery,
Call,
Carter,
Chandler,
Chilton,
Cockrell,
Cullom,
Faulkner,
Frye,
Gallinger,
Gibson,
Gorman,
Gray,
Hale,
Jones, Ark.,
Lindsay,
McMillan,
Mills,
Mitchell, Wis.,
Morrill,
Murphy,
Platt,
Proctor,
Roach,
Sewell,
Smith,
Stewart,
Thurston,
Turpie,
Vilas,
Wetmore,
Wilson.

NAYS—12.

Allison,
Cameron,
Cannon,
Clark,
Davis,
Hawley,
Hoar,
McBride,
Nelson,
Peffer,
Pettigrew,
Sherman.

NOT VOTING—37.

Aldrich,
Brice,
Burrows,
Butler,
Daniel,
Dubois,
Elkins,
Gear,
George,
Gordon,
Hansbrough,
Harris,
Hill,
Irby,
Jones, Nev.,
Kyle,
Lodge,
Mantle,
Martin,
Mitchell, Oreg.,
Morgan,
Palmer,
Pasco,
Perkins,
Pritchard,
Pugh,
Quay,
Shoup,
Squire,
Teller,
Tillman,
Vest,
Voorhees,
Walthall,
Warren,
White,
Wolcott.

So the motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wyoming, praying for the examination and classification of mineral lands within the railroad land grants in that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of joint resolution No. 1, house of representatives, passed by the fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 25th day of January, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

(Fourth legislature of the State of Wyoming.) Enrolled joint resolution No. 1, house of representatives, State of Wyoming.

Be it resolved by the senate and house of representatives of the State of Wyoming, That the Congress of the United States be memorialized as follows:

Whereas there is now pending before the Congress of the United States a measure known as the "California mineral lands bill," which has for its object the examination and classification of mineral lands within the railroad land grants in the State of California, and, as amended in the Senate, to include like lands in the State of Oregon; and

Whereas the State of Wyoming is situated under like circumstances, having large areas of mountainous lands within the Union Pacific Railroad land grant known to be mineral in character, and is entitled to the same consideration:

Be it therefore resolved, That we are desirous of securing legislation of like character for the State of Wyoming, and we hereby instruct our Senators and request our Representative in Congress to use all honorable means to secure the passage of the California mineral lands bill so amended as to include the State of Wyoming within its operation; and

Be it further resolved, That his excellency the governor of the State of Wyoming be, and he is hereby, requested to transmit to each of our Senators and to our Representative in Congress, to the President of the United States, and to the Senate and House of Representatives of the United States a copy of these resolutions.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved January 22, A. D. 1897.

WILLIAM A. RICHARDS,
Governor.

Mr. SEWELL presented the petition of the president and professors of Princeton University, New Jersey, and of the professors of the Princeton Theological Seminary, New Jersey, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, with the names, as follows:

To the Senate of the United States:

The undersigned respectfully represent that they, in common with great numbers of their fellow-citizens in all parts of our country, are extremely solicitous that the treaty of arbitration between the United States and Great Britain, which is now before the Senate, should be promptly ratified, and they earnestly request the honorable Senators from this State to do all in their power to bring about this result. Enlightened and Christian nations surely can and should settle their disputes by an appeal to reason instead of force, by a reference to duly authorized and properly constituted tribunals. Particularly these two great nations, bound together by such innumerable ties, should set the example to the world of providing for the peaceful adjustment of every controversy, and making the horrible arbitrament of war forever impossible between them. The provisions of the proposed treaty seem to us eminently judicious and wise; and we sincerely hope that no hesitation about minor, unimportant details which may be modified hereafter if experience shall show it to be desirable, may unduly delay its ratification, and thus jeopard the establishment of the great principle involved.

W. Henry Green, Wm. M. Paxton, Benj. B. Warfield, George T. Purves, John De Witt, W. Brenton Greene, jr., Geerhardus Vos, Chalmers Martin, professors of Princeton Theological Seminary; Francis L. Patton, president of Princeton University; James O. Murray, dean of Princeton University; John T. Duffield, professor of mathematics; Charles W. Shields, professor of harmony of science and revealed religion; Henry Clay Cameron, professor of Greek (provided it is amended); Wm. A. Packard, professor of Latin; S. R. Winans, professor of Greek; H. B. Cornwall, professor of chemistry; W. M. Daniels, professor of political economy; John Grier Hibben, professor of logic; Henry B. Fine, professor of mathematics; Woodrow Wilson, professor of jurisprudence; Andrew F. West, professor of Latin; Jesse Benedict Carter, J. Mark Baldwin, William Libbey, John M. Brooks, Edmund T. Robbins, L. W. McCay, Herbert F. Sill, Ulric Dahlgren, George Madorkie, S. Stanhope Orris, J. S. Schanck, Geo. M. Priest, H. D. Thompson, C. F. W. McClure, Howard C. Warren, Alexander T. Ormond, J. Forsyth Crawford, J. H. Westcott, Theo. W. Hunt, W. F. Magie, C. H. Hinton, W. B. Harris, Chas. McMillan, W. B. Scott, H. F. Covington, C. A. Young, Taylor Reed, F. A. Waterman, Frederic C. Torrey, H. C. O. Huss, Walter M. Rankin, Edwin S. Lewis, William K. Prentice, Willard Humphreys, C. G. Rockwood, jr., Geo. M. Harper, H. S. S. Smith.

Mr. CAMERON. I present a petition signed by a number of the most prominent citizens of Philadelphia, praying for the prompt ratification of the pending arbitration treaty with Great Britain. I ask unanimous consent that the petition be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, with the names, as follows:

To the honorable the Senate of the United States:

The undersigned citizens of Philadelphia desire respectfully to convey to your honorable body the universal prayer of the community for the prompt

ratification of the treaty with Great Britain providing for the arbitration of international questions when not settled by the ordinary process of diplomacy.

It has long been the loftiest distinction of our race that it has been foremost in emancipating man from the shackles of tradition and in leading him to a higher plane of thought and action. To us the less fortunate nations habitually look as the pioneers of progress, opening the path through which humanity can rise from the darkness and errors of the past to the destiny of a brighter future. In this progress there have been few steps more pregnant with possible good than the measure now before you. This is evidenced no less in the acclaim with which it has been welcomed by European populations, groaning under the burdens of militarism, than by the hostility of the organs of that militarism, which deprecate it as a shrewd move by the English-speaking peoples in an attempt to obtain the supremacy of the world. It is not for us to deny that the more the world is subjected to such influence the happier it will be for mankind, and it is only two nations, each in its own way serenely conscious of unconquerable strength, that can afford to set so noble an example to their overburdened neighbors.

The objections urged against the treaty, that it would expose us to disadvantage in various questions calling for settlement in the near future, would appear to the undersigned to be groundless. The measure is only tentative—limited in its period and scope. It does not preclude the possibility of war when national sovereignty or national honor is involved, but it prescribes delays which admit of the subsidence of passion and the exercise of reason. This offers a special advantage to a nation like ours, which refuses to be burdened with enormous permanent armaments, and which thus escapes the peril of attack while unprepared. Moreover, it reduces to a minimum the influence of one of the most fertile sources of international collision—the wounded vanity of statesmen worsted in diplomatic encounter and prompt to cover their failures by an appeal to the sensitiveness of national pride.

Representing as we do a great industrial community, we may be permitted to urge upon you that the immediate material advantage to result from ratification would alone justify your early favorable action. In this industrial age the interests of society are so vast and complex, and the suffering entailed by any derangement of the machinery of trade and commerce is so widespread and severe, that the averting of sudden war panics would in itself be an incalculable gain to the nation. Nor are such motives to be stigmatized as mercenary, for industrial prosperity signifies happiness and comfort to the mass of the population, while industrial distress brings want and misery. It is the duty of the highest statesmanship to guard the material interests of the people, and the people can be trusted at all times and in every emergency to vindicate the national honor.

For these and other reasons which will suggest themselves to you, the undersigned venture to express the hope that at an early day you will in your wisdom set the seal of your approbation on a measure so beneficient in its purpose and so stimulating to the moral sense of mankind. You will thus, moreover, lead the way to further arrangements of a similar nature with other nations who are awaiting your action prior to opening negotiations for the purpose. Responsibility so great has rarely fallen to the lot of legislators, for in your hands now rests the decision whether the United States shall stand forth as the apostle of peace in a distracted world.

Charles C. Harrison; George F. Edmunds, of Vermont; William Butler, James P. Sterrett, Henry Green, Henry W. Williams, J. B. McCollum, James T. Mitchell, John Dean, D. Newlin Fell; Michael Arnold, resident judge common pleas No. 4; Charles N. Audenried, judge common pleas No. 4; James Gay Gordon, Peter A. B. Widener, W. L. Elkins, Thomas McKean, S. Weir Mitchell, John H. Converse, Samuel Dickson, W. W. Frazier, Clayton McMichael, John Bach McMaster, William Pepper, D. W. Whitaker, John G. Johnson, Henry C. Lea; Charles F. Warwick, mayor; T. K. Finletter, resident judge common pleas No. 3; Joseph C. Ferguson, William B. Hanna, W. N. Ashman, Robert N. Willson, M. E. Thayer; Charles B. McMichael, judge common pleas No. 3; F. Amedee Bregy, Clement B. Penrose, John C. Bullitt, Thomas Dolan, Charles W. Trotter, B. B. Comegys, George C. Thomas, E. T. Stotesbury, Charles Platt, Charlemagne Tower, jr., William White Wiltbank, Richard C. Dale, Hampton L. Carson, J. G. Rosengarten, Arthur B. Meigs, John B. Gest, Sam R. Tripley, George Wharton Pepper, George K. Fisher, John Cadwalader, George W. Childs Drexel, Templeton S. Hutchinson, William Sellers, F. Fraley, Thomas Leaming, Craig Lippincott, W. M. McVicker, Robert M. Lewis, L. Clarke Davis, Richard Wood, Andrew Wheeler, A. J. Cassatt, J. M. DaCosta, Charles A. Brinley, Frank Thomson, George Proctor Bispham, Joseph S. Harris, Edwin S. Stuart, Ellis Yarnall, Francis Rawle, Arthur E. Newbold, Samuel Frederic Houston, Henry M. Dechert, David Scull, William H. Rhawn, Clement A. Griscom, Charles Hartshorn, R. Dale Benson, George S. Fullerton, C. Stuart Patterson, Israel W. Morris, Francis I. Gowen, Henry C. Townsend, James W. Paul, jr., Justus C. Strawbridge, William B. Gill, Edward Shippen, Jones Wister, George Philler, James May Duane, William M. Singerly, Silas W. Pettit, Sidney F. Tyler, C. H. Clark, J. Vaughn Merrick.

PHILADELPHIA, PA., *January 22, 1897.*

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of W. D. Blackburn, publisher of the Free Press, of Mechanicsburg, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Migley Manufacturing Company, of E. Chriton & Co., of William A. Haines, of the Tygert-Allen Fertilizer Company, of Enoch Lewis, of Thomas Bray, of Alfred Clegg, of R. G. Leconte, of Gara, McGinley & Co., and of Batchelor Bros., all in the city of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of the Congregational church of Keosauqua, Iowa, and a petition of the Davenport Business Men's Association, of Davenport, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. HOAR presented a memorial of the Boston Plate Printers' Union, No. 3, of Boston, Mass., remonstrating against the passage of the so-called Chandler bill, to reduce the salaries of employees in the service of the Government; which was referred to the Committee on Appropriations.

He also presented petitions of the National Woman's Christian Temperance Union, Frances E. Willard, president; of the North Congregational Church, of Springfield, Mass., and of Edward A. Pennock and 11 other residents of the Ben Adhem House Social Settlement, of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. MITCHELL of Wisconsin. I present a petition of considerable weight, and I may say of width, also. It consists of some fifty letters from the most important business concerns in the city of Milwaukee, in favor of the passage of the Loud bill. They are original letters, and very strong letters; and they have been put together in such fashion that they can not be thrust into that legislative morgue, the pigeonhole. I trust they will be laid on the table of the Committee on Post-Offices and Post-Roads, and be read by the members with attention and benefit.

The petition was referred to the Committee on Post-Offices and Post-Roads, as follows:

The petition of the Wisconsin Marine and Fire Insurance Company Bank; of the Wisconsin National Bank; of the First National Bank; of the Milwaukee National Bank; of the Milwaukee Harvester Company; of the Plankinton Packing Company; of Kieckhefer Bros. Company; of the Northwestern Malleable Iron Company; of the Wellauer & Hoffmann Company; of the Straw & Ellsworth Manufacturing Company; of the H. Zoehrlaut Leather Company; of the Bradley & Metcalf Company; of Beals, Torrey & Co.; of the F. Mayer Boot and Shoe Company; of Friend Bros. Clothing Company; of the Charles Baumbach Company; of the Jerman, Pfiueger & Kuehinsted Company; of the Pabst Brewing Company; of the Val Blatz Brewing Company; of Albert Trostel & Sons; of the E. P. Allis Company; of the S. Birkenwall Company; of the William Becker Leather Company; of John B. A. Kern & Sons; of the E. Sanderson Milling Company; of the Miller Manufacturing Company; of the Milwaukee Gas Light Company; of the Johnson Electric Service Company; of the O. L. Packard Machinery Company; of the Shadbolt & Boyd Iron Company; of Lindsay Bros.; of the Kalamazoo Knitting Company; of the Van Dyke Knitting Company; of the T. A. Chapman Company; of Landauer & Co.; of the James E. Patton Company; of the Filer & Stowell Company; of the Cribb Carriage Company; of Layton & Co.; of Mendel, Smith & Co.; of Inbusch Bros.; of Roundy, Peckham & Co.; of the Wilbur Lumber Company; of L. Bartlett & Son, and of the Gender & Paeschke Manufacturing Company, all in the city of Milwaukee, Wis.

Mr. FRYE. I present a petition of Naval Post, No. 400, of Philadelphia, Pa., praying for the enactment of legislation forbidding the beating of seamen upon our vessels by irresponsible and brutal officers, and abolishing all allotment and advance of wages except to parents, wife, or children. I move that the petition lie on the table, the bill covering the subject having been reported from the committee.

The motion was agreed to.

Mr. FRYE. I present a resolution unanimously adopted by the Society of the Sons of the American Revolution of the District of Columbia, in which it is—

Resolved, That the District of Columbia Society of the Sons of the American Revolution petition Congress that immediate action be taken to preserve the old ship *Constitution,* and for its transfer to a permanent abode in the capital city of these United States.

I move that the resolution be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CLARK. I present resolutions adopted at the twenty-seventh annual meeting of the National Board of Trade, held in Washington, D. C., January 26, 27, and 28, 1897, favoring the passage of the so-called Torrey bankruptcy bill. I move that the resolutions lie on the table, and that they be printed as a document.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Board of Trade and Transportation, of Cincinnati, Ohio, praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade and Transportation of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

Mr. PALMER presented the petition of H. W. Everest, president of the State Teachers' Association and of the Southern Illinois State Normal University, of Carbondale, Ill., praying for the enactment of legislation to provide for the better equipment of the National Bureau of Education; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented the petition from George W. Buzzell, of the Methodist Episcopal Church, of Hudson, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM. I present the petition of Haggard & Marensson, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter. I wish to state that a very large number of the most prominent business men of Chicago are anxious for the passage of that bill.

I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. CULLOM presented the memorial of J. P. Devlin, editor, of Chicago, Ill., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of J. Seymour Curry, of Evanston, Ill., and a petition of the Methodist Episcopal Church, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the petitions of the Falker & Stern Company, of Chicago; of Sweet, Dempster & Co., of Chicago; of I. S. Moore, of Galena; of H. Cohn & Son, of Chicago; of J. S. Stevens, of Peoria; of the Geneva Optical Company, of Chicago; of Grommes & Ullrich, of Chicago; of L. B. Mantonya & Co., of Chicago, and of Guthmann, Carpenter & Telling, of Chicago, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rock Island, Ill., praying that an appropriation be made for certain improvements in connection with the arsenal in that city; which was referred to the Committee on Appropriations.

Mr. BLANCHARD presented a petition of New Orleans Branch, No. 28, National Association of Post-Office Clerks, of New Orleans, La., praying for the passage of the so-called post office clerks' classification bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New Orleans Stock Exchange, of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of H. G. Goodwyn, publisher of the Chronicle, of Colfax, La., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of sundry residents of the Ben Adhem House Social Settlement, of Boston, Mass., and a petition of the Connecticut Valley Congregational Club of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. SMITH presented the petition of Mrs. Cornelia Collins Hussey, of East Orange, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Joseph A. Dear, publisher of the Evening Journal, of Jersey City, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. B. Anthony, of Camden; of Mrs. Charles Keighley, of Vineland, and of the Woman's Christian Temperance Union of Vineland, all in the State of New Jersey, praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the interstate transportation of obscene mail matter by any agency; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Jacob Stein, of the National Soldiers' Home of Virginia, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and of Company C, Fourteenth Regiment New Jersey Volunteer Infantry, praying for indemnification from the Government on account of hardships endured by him during his service in the late war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 6215) to increase the pension of Ambrose D. Manion, reported it without amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on Patents, to whom was referred the bill (S. 3158) for the relief of the heirs at law of the late Duncan H. Campbell, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 2725) granting increase of pension to Henry Slaughter, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 617) granting an increase of pension to Mary E. Law, reported it without amendment.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4001) to reinstate William Waldrup on pension roll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn., reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 7821) granting a pension to Annie Schifirli, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for an appropriation to pay Frank P. Holmes for extra services as conductor of the Senate elevator from July 1, 1891, to January 31, 1892; and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

MRS. MARTHA FRANK.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3612) granting a pension to Mrs. Martha Frank, to report it favorably without amendment. As this is a bill which proposes to pension an old lady in the State of Georgia, 102½ years old, I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Mrs. Martha Frank, widow of William Frank, member of the company of Capt. John Little in the Indian war of 1818, and to allow her a pension rated at $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISS F. L. FAULKNER.

Mr. GALLINGER. A resolution was referred a few days ago to the Committee to Audit and Control the Contingent Expenses of the Senate which provided for the payment of one year's salary to the daughter of Chester R. Faulkner, late a messenger on the rolls of the Senate. The committee report a substitute for the resolution, the substitute providing for the payment of one-half year's salary, which is in accordance, I think, with the uniform custom of the Senate. I ask that the resolution reported as a substitute may be immediately considered.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Miss F. L. Faulkner, daughter of Chester R. Faulkner, deceased, late a messenger on the rolls of the Senate, a sum equal to six months' salary, at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including funeral expenses and all other allowances.

REPORT OF TREASURER OF THE UNITED STATES.

Mr. HALE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3618) to prevent the overcapitalization of corporations, companies, and associations of persons doing an interstate carrying trade, and requiring the taking out of a license therefor in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. GORMAN introduced a bill (S. 3619) to reduce the interest on arrearages of taxes due the District of Columbia prior to July 1, 1895; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3620) for the relief of Joseph Prather, of the District of Columbia, for supplies and stores taken from him by the military forces of the United States for their use in said District during the war for the suppression of the rebellion; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3621) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Claims.

INTERNATIONAL COURT OF ARBITRATION.

Mr. BACON introduced a joint resolution (S. R. 196) relative to the establishment of an international court of arbitration; which was read the first time by its title.

Mr. BACON. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America deprecate war, and desire the maintenance of peace and friendship with all the world, and that this desire is not limited to their relations with any one nation, but extends to their relations with all the nations of the earth, whether the same be great or small, strong or weak.

Resolved further, That to the end that these relations of peace and amity now happily existing between them and all nations may be perpetually preserved, and that wars may be discouraged and as far as practicable made impossible, the United States favor the principle and practice of international arbitration for the settlement of all questions in difference between them and any other nation which they may fail to adjust by treaty or diplomatic negotiation.

Resolved further, That the United States do hereby avow it as their future policy and intention, whenever there shall arise any question in difference between them and any other nation which they may fail to adjust by treaty or diplomatic negotiation, that they shall and will, so far as they can consistently with the national honor and established national policies, agree with such other nation to submit such question in difference to the arbitrament and final decision of an international court of arbitration. Such court of arbitration shall, in the future as in the past, be constituted by agreement between the parties consenting thereto, with special reference and adaptation to the particular question in difference, and to the conditions then existing.

Resolved further, That the United States hereby invite all civilized nations to make a corresponding and reciprocal declaration, to the end that wars between nations may cease, and that a universal reign of peace may be inaugurated and perpetually maintained.

Mr. BACON. Mr. President, I do not propose in introducing these resolutions to submit any remarks relative thereto. I could not do so without in some measure trenching upon the subject of the pending treaty between this Government and Great Britain relative to international arbitration, which would be manifestly improper.

I simply desire to say, however, in order that attention may be called to this matter, that it must be apparent to all that such a declaration as is embodied in the resolutions, when made by Congress, which is the war-making power, must exert a much stronger influence in the prevention of war and in the encouragement of peace than can be possibly exerted by any treaty between this Government and any other one nation.

In the hope of an early report, in order that this matter which is now occupying the public mind may have a final determination by the present Congress, I ask that the joint resolution be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask be referred to the Committee on Commerce and printed. I call the particular attention of the Senator from Maine [Mr. FRYE], the chairman of the committee, to the amendment. It provides for surveys and examinations of deep waterways and the routes thereof between the Great Lakes and Atlantic tide waters in the respects indicated by the report of the Deep Waterways Commission transmitted to Congress January 18, 1897, $150,000.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Commerce, and printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Health and National Quarantine, and ordered to be printed.

SALE OF PACIFIC RAILROADS.

Mr. ALLEN. I submit a concurrent resolution and ask that it be read.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That a master's, marshal, or any other judicial or execution sale of the properties of the Union Pacific and Kansas Pacific railroad companies, or either of them, without additional legislation by Congress, would not be binding on the Government of the United States, or conclude it of any legal or equitable right therein now possessed, unless such sale should be subsequently ratified by Congressional action.

Mr. ALLEN. Let the resolution be passed over, to be considered on the morning of the next legislative day.

The VICE-PRESIDENT. It will be so ordered.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask that Senate bill 3547 may be taken up for consideration.

Mr. PETTIGREW. Have we disposed of the morning business? I should like to know.

The VICE-PRESIDENT. The morning business has not been concluded. The Senator from New Hampshire addressed the Chair.

Mr. CHANDLER. I ask that Senate bill 3547 may be taken up.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (S. 3547) to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment proposed by Mr. CANNON.

Mr. VILAS. Mr. President, I desire simply to express my opposition to this bill, not to engage in a fruitless debate. I shall mention but two or three points of objection, and them briefly.

In what it says, still more in its implications, the bill is worse than useless—it is highly vicious. It is another of the ambiguous and timid utterances, of the projects, illusory—perhaps it is not too much to say deceitful—by which those of our countrymen who put faith in the declarations of Congress, as guided by wisdom, are perversely taught misconception of the true principles of government, of finance, and commerce.

I do not charge that the scheme is not supported with sincerity, nor that in fact no conference is purposed to be held, or, if held, no practical result is anticipated—though for this there might be grounds of suspicion, as the Senator from California [Mr. WHITE] intimated yesterday. I take it rather as being what its words indicate, and there find it worse in effect than if merely insincere.

It proffers again to the public as sound and wise the theory that bimetallism, in the sense that a stable, practicable, and useful standard of value may be compounded of the two metals, gold and silver, both enjoying free and unlimited coinage at an arbitrary ratio, if only many nations will try it together instead of ours alone. In that it defies the teaching of history, the advice of experience and experienced men, and the deductions of sound reason.

No such bimetallism has ever existed in fact; in no country of the world does it exist now. Always and everywhere the concurrent unlimited coinage of the two metals, at any ratio, has resulted in the involuntary, unconscious, but inevitable fixation, for the time being, of one or the other metal as the standard, the vain though constant pursuit of an unattainable adjustment of relation between two different and contending standards at the same time by continual shifts of legislation, always accompanied by instability of values of the current coins, profitable only to money changers, but inflicting distress on business, and especial injury on those who depend on their labor for life and its enjoyments.

The pretense that any such system of bimetallism as created the standard out of both metals, so that the value of both became necessary components of it, has ever had existence in the world is overwhelmed by the most trustworthy historical researches and must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

It would matter little if it were granted to have once had some footing on earth, for it has none now. As I said, no country furnishes example of it. Some base their reckoning of business on silver coins; some on gold; but none on a bimetallic standard.

If such ever existed, then it has disappeared; and let him who would demand its resurrection confront the experienced progress of human intelligence.

In either aspect the pursuit of a bimetallic standard of such a character is as idle as would be human effort to divert the Gulf Stream or warm the climate of the poles.

But still more this bill implies to the public mind, and the inference is certain that such a standard of value is far better and more desirable than the present. It is complete acknowledgment of the fundamental assumption of the Bryan campaign that a gold standard of monetary measurement, however freely silver may be used within the sphere of its practical usefulness, is wrong, not right, a false, not a true, standard, the product of evil law, not of just and natural law, an injury done society by human error which can be in some way redressed, and therefore ought to be. And it fairly leads to the recent issue that but for the wicked resistance of other countries the grievous wrong might be righted and the woes of mankind, here and elsewhere, vastly alleviated. Sir, no wonder men listened to the siren tones that lured them toward this fancied blessing and said, "Let us try it alone, let us be free and independent, let us have the boon of prosperity, 'without the consent of any other nation on earth.'"

If they had been right in their basis, which this vicious and misleading bill now implies, they were right in this insistence, for it is assuredly a truth, sir, in my poor opinion, that any people under the sun may pursue alone the sound principles of finance, commerce, business, and good government, without any exception whatever of a single principle among all that rule those subjects, independently of other nations, and be gainers, not losers, by their faithful adherence to them. Not always to the full extent that cooperation with others would insure, but always to advantage and benefit far beyond any attainable by not pursuing them.

Why, then, if the free coinage of both metals at an arbitrary ratio be a principle of finance or commerce valuable to many nations together, is it not, like all sound principles of finance and commerce, helpful to the nation which pursues it alone? Sir, that appears to me a question which the average common sense of man does not find answered by the refinements and mysticism which proffer all the benefits of principle only to some hopeless application of it; and it can not be thus answered to any sound judgment. "The hills are green far away" is the sententious Irish saying that dispatches such fantastic theories.

And well may it be applied to this dream of international bimetallism. How many more conferences do we require to satisfy us of the futility, the fatuity, of all such attempts? How many times more must we be shown that the comity of nations does indeed forbid the world to laugh in our faces, but by no means suppresses their laughter in the sleeve? Of course, if the United States shall continue to be inspired by that sort of statesmanship which will try to keep an intelligent people from bothering politicians in their pursuit of place, by putting them off with the expectation of splendid results to come "in the sweet by and by" from a millennial concord of nations in financial affairs, why, just so long polite, courteous, and sympathizing politicians in the countries of Europe will gravely consent to light a council fire and have a "big talk" with the United States. It is for nations as for Indians, a rule of politeness. And we can undoubtedly again get together at Paris, Brussels, or some other pleasant capital a delightful assemblage of the brainiest and brightest financiers of Europe, who will listen with sedate faces and blink like wisdom-laden owls while our commissioners shall unfold again the glorious joys to the human race to spring from the free and unlimited coinage of silver at 16 to 1, with all the delectable tables of mathematical confectionery which attend the winsome argument. And after a sufficient number of days have been worn away in the rites and ceremonials of financial mysticism until greater bewilderment of mind becomes impossible, and after dinners, receptions, and social festivities have begun to pall, some one will quietly point out, like Mr. Forssell, of Sweden, at the last Brussels conference, that no such a thing as this fancied bimetallism can possibly be created because incapable of existence, and then it will gradually leak out that in point of fact the delegates from the countries where the arts of civilization have been most triumphant really were sent under instructions which practically forbid any definite agreement of any kind. And then, with many assurances of the profoundest mutual esteem, and the most distinguished mutual consideration, and the most delightful international love, they will adjourn to meet again when called together, an event that will never occur.

Three times the United States have caused this pretty play to be enacted—twice at Paris and once at Brussels—France once even joining us in the invitation to the others. And the truth is, the international farce does not please Americans longer. Perhaps they can all, or nearly all, be fooled part of the time, but the time for this foolery has passed.

We have a plain and easy path before us, and it opens to all the prosperity, and especially to all the relief from afflicting currency disorders, which any legislation can give. We know that mankind in the whole can not be made rich or prosperous by legislation. If any class is so enriched, it is at the cost of the masses.

That, then, is the true plan of law which establishes the equality of privilege and right to all without distinction, and leaves the prosperity of individuals to individual efforts. And that is the wisest law of currency which fixes a simple, stable, certain standard, with sufficient provision for a circulation based upon and immediately and everywhere redeemable in it, elastic, convenient, and safe, and then leaves men entirely alone to transact their business without fear of change in the standard.

The currency should be as easy to enjoy as the air we breathe, as natural in operation, as wholesome to business as the oxygen to life, and as little liable to meddlesome infection by law.

Sir, the people of the United States have the right to expect such legislation as shall give them a sound currency, under the instruction of the late election. If that supreme object shall be traded off for the gain of favored classes or sacrificed to cowardice, woe to them who shall be guilty of it.

Mr. STEWART. Mr. President, I do not rise to make a speech, but I can not refrain from tendering to the Senator from Wisconsin [Mr. VILAS] my sincere congratulations. He has pictured in graphic language what I have long felt to be a supreme folly. The application to foreign powers to regulate our domestic affairs has always seemed to me to be so preposterous that it ought not to receive a moment's consideration by any American.

There is another part of his argument which challenges my admiration, and that is his profound frankness in advocating the single gold standard. He undoubtedly believes that the United States can have no money unless it can obtain the commodity gold, which European monarchs and European capitalists have cornered and hold in their firm grasp: that if we have money at all we must obtain it upon such terms and conditions as the hoarders of gold dictate, whether it rob us of our property and reduce us to slavery or not.

Believing, as I do, that money is the creation of law, and that it is the duty of the Government to furnish a sufficient volume of money to enable the country to prosper and develop its resources, I view with astonishment any man who has conceived the idea that civilization must perish if the United States can not obtain the commodity gold upon which to stamp the will of its sovereign authority and use it for money. I say that his courage in this respect challenges my admiration. I never was one of those who doubted the sincerity of the great mass of mankind who held to the theory that the world was flat, though I deprecated their fanaticism for the persecutions they inflicted upon others who thought differently; nor did I doubt the piety of the divines of the Middle Ages who thought it was sacrilegious to adopt sanitary measures to preserve health, when all that was necessary, in their opinion, was faith. I have often thought and often compared the feeling of those who believed that the world was flat and those who believed that sanitary measures to preserve health were wicked with the unctuous and enthusiastic teachings from the White House and elsewhere, that all we needed to restore prosperity was confidence. They are very similar. The confidence that civilization can be preserved by gold alone, it seems to me, stands upon the same footing as the confidence that the world was flat or that sanitary precautions were wicked. As to those gentlemen who believe otherwise, who believe that the free coinage of silver would be a good thing, and want to apply to Europe for it, when we have been three times denied it, I may question their sincerity, but when a man believes that the world can be saved with gold alone, whether we have it or not, and honestly avows that belief, his courage in stating his convictions ought to make us commend him at least personally.

The folly, however, of believing that this civilization must perish for want of money unless we can get the commodity gold from those who have hoarded it is a burlesque on human reason and is a reflection on the intelligence of the age. If it were not for the misery that it entails, if this country were not suffering distress the like of which was never before known, it would be comical to listen to the arguments to show that money, which Aristotle declared more than two thousand years ago was the creation of law, existed in any commodity whatever.

You may say to me, "Why do you want to use the commodity of silver?" My reply is: Because there is more of it than there is of gold alone, and it will come nearer rescuing this civilization from inevitable destruction than one metal alone, and also because that remedy is within our reach. That is my reason for it. Six and a half million people have declared for it, and hundreds of thousands, aye millions, of others would have declared for it if money had not voted, if they had not been deceived by being persuaded that the United States must depend upon the will of the monarchs of Europe for our domestic laws. These people will be undeceived in the next campaign. The Republican party may devise every method of deception it pleases, but the stern realities

of misery are too great to deceive the people again, and everyone knows it.

I am willing the Republican party shall try any method they have and give us another object lesson of the contempt in which our efforts to get others to legislate for us is held by those to whom we apply. Let the American people feel the full force and degradation of applying to Europe to give laws to this country whereby this people can flourish.

Mr. PETTIGREW. Mr. President, I simply wish to record my protest against the passage of this measure: in the first place, because I believe that this country is capable of managing its own affairs without the assistance of any other nation on the globe. In the second place, I do not believe that we should longer be suppliants at the feet of the European nations, who are the chief beneficiaries of the appreciation of gold, they being our creditors, and that it is humiliating enough to have asked as often as we have for a conference on this subject; that if we can not do this alone, in other words, if we can not adopt the free and unlimited coinage of silver by ourselves and thus relieve our people from the depreciation of the value of their products, then we should do something that we can do alone. We should not longer appeal to the nations of Europe, who are the chief beneficiaries of the existing conditions, for their assistance for our relief.

I contend, Mr. President—at least I am of the opinion—that there is not a Senator on this floor who believes that a bimetallic agreement with the nations of Europe will result in the establishment of a ratio between 15 and 16 to 1, or even 16 to 1. I think there is no Senator who for a moment supposes that Great Britain will change her monetary system, and I can see no excuse whatever for the introduction of this bill, except the necessity of the Republican party to satisfy many hundred thousands of people who are advocates of silver and who voted the Republican ticket, perhaps believing that something would be done. That nothing will be done is established conclusively by the result of the conferences already held.

The first conference was held in 1867, at the invitation of France, and met at Paris on June 17, 1867. Eighteen of the principal European countries and the United States participated. They voted unanimously against the single silver standard, and every nation participating in that conference voted in favor of the single gold standard but the Netherlands, and they also voted to establish the 25-franc gold piece as an international coin.

The next conference met, at the invitation of the United States, at Paris August 16, 1878. Twelve countries were represented. Germany refused to send delegates. It was proposed by the United States, first, that it is not to be desired that silver shall be excluded from free coinage in Europe and the United States; second, that the use of both gold and silver as unlimited legal tender may be safely adopted by equalizing them at a ratio fixed by international agreement.

Then the convention resolved—what? Simply this, and nothing more: That the difference of opinion that had appeared excluded the adoption of a common ratio between the two metals, and then adjourned.

The next, or third, conference was called by France and the United States, and held in 1881, nineteen countries being represented. The delegate from Sweden said that they had better reaffirm the declaration of 1878, and the conference reaffirmed that declaration and adjourned never to meet again. That declaration of 1878 was that the differences of opinion which had appeared excluded the adoption of a common ratio between the two metals.

The next conference was held at Brussels in 1892. At that conference the United States proposed, not the free and unlimited coinage of silver at any ratio, but simply this: The United States had at first sent an invitation to Great Britain, asking that Government to join us in a convention to adopt both metals at a ratio to be agreed upon. Great Britain refused to accept the invitation to the conference to discuss the question of agreeing upon a ratio for the coinage of the two metals, but when we changed the invitation so as to provide for simply meeting and discussing the question of the enlarged use of silver Great Britain joined in the conference, and this was the programme of the United States in the conference of 1892.

> That in the opinion of this conference it is desirable that some measure should be found for increasing the use of silver in the currency systems of the nations.

That was all. No greater or broader resolution would be accepted by Great Britain, neither would she join us in a conference to discuss the question of the ratio. But what more? Mr. Wilson, a delegate from Great Britain, immediately said:

> Her Majesty's Government did not find it possible to accept an invitation conveyed in terms which might give rise to a misunderstanding by implying that the Government had some doubt as to the maintenance of the monetary system which had been in force in Great Britain since 1816.

Speaking for Sir Charles Fremantle and himself, he said:

> Our faith is that of the school of monometallism pure and simple. We do not admit that any other than the single gold standard would be applicable to our country.

Early in the session the leading delegate from Germany declared:

> Germany, being satisfied with its monetary system, has no intention of modifying its basis. * * * In view of the satisfactory monetary situation of the Empire, the Imperial Government has prescribed the most strict reserve for its delegates, who, in consequence, can not take part either in the discussion or in the vote upon the resolution presented by the delegates of the United States.

Germany in that conference then refused to discuss or vote one way or another upon a proposition simply for the enlarged use of silver.

Austria-Hungary, although represented in the conference, instructed their delegate to take no part in the conference, in its discussions or votes.

The delegate from the Netherlands declared—

> That Holland would not enter into a bimetallic union without the full and complete participation of England is a part of the formal instructions furnished us by our Government.

France made the same declaration practically, in fact absolutely the same declaration, that she would not participate in any agreement unless England joined.

The delegate from Sweden, Mr. Hans Forssell, said that—

> It would be premature to vote upon the resolution of the United States when the means were not known by which the use of silver as a monetary metal could be enlarged.

What probability was there to discuss with them the question of the ratio and the free and unlimited coinage of silver? He proposed to postpone the vote until a future meeting.

Mr. Lardy, delegate of Switzerland, made the following declaration:

> The Swiss Government hastened to accept the invitation of the President of the United States, guided by the same sentiments which caused Switzerland to be represented at the monetary conferences at Paris in 1878 and 1881.

Then he goes on to declare that they are satisfied with their money system and will not change it. Why should they not be? They owe nothing, and the world owes them; their situation is the same as that of England in that respect.

Prince Ouroussoff, delegate of Russia, expressed himself in the following terms:

> I must make the same reservations as others of our honorable colleagues. The Russian Government takes the most lively interest in the conference, and has therefore given instructions to its delegates to follow attentively the debates, but they may not vote upon proposals which have a definite character or involve practical resolutions.

Mr. Bengesco, delegate of Roumania, made the following declaration:

> The instructions of my Government not having arrived, I consider myself bound to make the same reserves as my honorable colleagues. I declare, therefore, that I can not take part in any discussion or in any vote upon the proposals which are submitted to us.

Mr. d'Antas, delegate of Portugal, joined in the reserves made by some of his colleagues, notably by the delegates of Austria, Russia, and Roumania; he recalled the fact that similar reserves had been made by the delegate of Portugal at the last monetary conference.

The delegate from Turkey made the same reservation—in fact, pretty nearly all of them did—simply declining even to discuss the question of enlarging the use of silver.

This convention adjourned to meet again at some future time, to be called again, some time within the then coming year, but it never reassembled. Afterwards the Congress of the United States passed a bill providing for nine delegates to a monetary conference whenever we could find anybody who would confer with us; and we were unable to find anyone who would join in a conference and who would talk with us about this question, and the law lapsed by limitation of time. Now it is proposed to have another conference with the same people after more than twenty-five years of constant effort in this direction. I say I will have no part in any effort in that direction. It is humiliating enough to read the history already made without increasing its pages by further humiliation.

Who is the chief beneficiary of the appreciation of gold? The gold-using nations of the world; not their producers, not their farmers, for farming in every gold-using nation to-day has ceased to pay a profit or even the expense of production; not their manufacturers, for their chief industry to-day in the line of manufactures is to create machinery to be shipped to Asiatic silver-using countries to produce the manufactured goods heretofore produced in England. The beneficiaries, then, are the rulers of those countries, the accumulators of the wealth produced by the toil of others. England buys of the world $750,000,000 worth of products more than she sells. How does she pay for them? She pays for them by interest upon the money the world owes her. If she can get two bushels of wheat for a dollar instead of one, she has doubled the comforts which her moneyed classes can buy with this interest money. Is she going to change that system? Not for one moment.

Mr. President, the figures in this direction ought to alarm the people of the United States. Go the world round, and there is not a single country with the gold standard where the producers of wealth are prosperous. But there are silver-using nations that have made more progress in the last twenty years in the development of material resources, in the creation of wealth, than ever before. What fear, then, is there in our joining the nations of the world whose producers are prosperous, as we are a great nation of producers?

If the people of the United States had received in 1895 the same gold price for their products that they received in 1873 for what they exported to other countries, instead of $807,500,000 they would have received $1,760,000,000. If we had paid the same gold price for our imports in 1895 that we paid in 1873, we would have paid $1,152,000,000 instead of $731,000,000. In other words, Mr. President, the balance of trade, instead of being $75,000,000 in our favor, would have been $617,000,000 in our favor. These exports were principally farm products and raw material, and they declined in price so much more rapidly than manufactured products that the difference was enormously against us. If our people had had $617,000,000 in 1895 instead of $75,000,000, which was the balance of trade in our favor, we would have rapidly commenced the extinction of our foreign debt.

But let us see how this rule affects Great Britain. We lost by it nearly $550,000,000. Let us see how Great Britain fared? England exported in 1895 £226,000,000 in value of manufactured products. If she had received the same price in 1895 that she received, for instance, in 1894 the difference would have been £8,500,000. If she had paid the same price in 1895 that she paid in 1894 for her imports, the difference would have been £17,000,000. In other words, the decline in price from 1894 to 1895, the result of the appreciation of gold, made a difference in England's favor of $40,000,000, and the Statist, in commenting upon this subject, says that since 1873 the rapid decline in the value of farm products and raw materials, which are the articles that England has purchased, has made such an enormous difference in her favor that she can well afford to suffer the slight decline that has come to her manufactured products.

Mr. President, if we would bring prosperity to this country we must rescue the farmer of the country. To-day the cost of producing farm products is greater than the price in gold. It is a significant fact that if the grain crop of the United States in 1895 had brought the same price in gold that it brought in 1873, the farmers of this country would have received $900,000,000 more than they did. If the cotton crop had brought the same price in 1895 that it brought in 1873, the cotton raisers of this country would have received $350,000,000 more than they received for their crop, farm animals would have brought $250,000,000 more than they did, and the difference upon these four staple items alone would have been $1,500,000,000.

I call the attention of the manufacturers of the East to these facts and figures. If you would start your factories and your mills, you must restore prosperity to the purchasers of your manufactured articles. If the farmers of this country had received in 1895 $1,500,000,000 more than they did, it would have employed every idle man in the United States and started every mill. Can you secure this prosperity by increasing the tariff? What argument do you present to the farmer for a remedy; and until you rescue him, no other remedy is of avail. Oh, you say you will furnish a home market for farm products. Mr. President, we can not have a home market for farm products and a gold standard. That is absolutely impossible. We must pay $200,000,000 of interest abroad each year. We must pay $75,000,000, the expenses of travelers abroad. We must pay the doweries of the American girls who marry the decayed branches of royalty in Europe. These sums are paid with farm products. Eighty per cent of the exports are products of the farm, and the large proportion of the other 20 per cent are mineral, oil, and silver. If we have a home market for farm products, how are you going to pay these charges abroad, to say nothing about paying for our imports? You must do it by shipping gold, and therefore a home market for farm products and a gold standard are impossible unless Senators are willing to have a gold standard without any gold.

Therefore if we would remedy the evils under which we suffer, we must raise the value of silver by increasing its use, and decrease the value of gold by decreasing the demand for it. I contend that that can be done by the United States alone; that we can take not only all the available silver, but many hundreds of millions more and enlarge our volume of metallic money, to our great advantage. If we should fail to maintain the parity, what harm would come to us? If we should fail to maintain the parity, we would simply join the only nations whose producers are prosperous to-day. We would simply leave the ranks of those nations whose producers are in ruin and distress. Not an agricultural conference has met in Europe for years that has not attributed the decline of agriculture to the demonetization of silver.

If the people of the United States would absolutely discard the use of gold, withdraw the demand for that metal from 70,000,000 people, it would have the same effect upon the price of gold as the discovery of mines of hundreds of millions of dollars in value. Therefore, as debtors, it should be the policy of the United States to decrease the demand for gold, to throw what gold we have upon the European market, to refuse it currency as money in order to make it cheaper and easier to get. Suppose our gold should leave us. It would simply inflate the gold currency of Europe, and as we sell our surplus farm products in Europe, and as the inflation of the gold currency of Europe would raise prices in gold, or, in other words, require less of our grain and our cotton to secure the gold dollar, we would pay our European debt with less of the products of our toil. It seems to me that reason, good judgment, and common sense demand that the American people shall act for themselves. To longer trifle with the subject, to continue to be the laughingstock of the financiers of Europe, is too humiliating. I trust that the United States will rise in its might—and I believe the people will at the next election—and refuse longer to be a suppliant at the feet of the monarchies of Europe; that it will no longer beg the money changers of London for a chance to legislate for the interest of our own people.

Mr. ALLEN. Mr. President, I think it will be a serious mistake if the friends of monetary reform shall obstruct in the slightest degree the passage of the pending bill. I think our friends on the other side want us to obstruct it. The Senator from New Hampshire [Mr. CHANDLER] shakes his head at me, which is as much as to say that I am mistaken in my statement. I do not abate one jot or tittle of my belief in the doctrine that this country can never see prosperity until we have bimetallism and general monetary reform. But our Republican friends are coming into power, as a result of the recent election, on two arguments which they used last fall, to say nothing of the questionable means they employed in producing the result.

Those arguments were, first, that they were bimetallists and that they were the friends of silver. They wanted to coin silver, but they could not do it because Europe would not consent to it. If the people of this country would only give them power, when they came into the possession of the Government they would have international bimetallism; we would have an international coinage ratio, and gold and silver in the United States and in Europe would be money of equal value. Secondly, they said, "We will revise the present tariff act"—the present free-trade act, as they called it, which was a misnomer—"and will give the people a new tariff, which will protect the industries of the country and open the factories and bring about prosperity."

I think it would be a mistake on the part of the friends of silver and monetary reform in this Chamber or in the other branch of Congress to obstruct these gentlemen in the passage of these measures. I am so certain that an international agreement can not be reached, that the arguments used will fail, that I desire to see these gentlemen call upon Europe for a conference on the subject of money. I wish to witness, as I will witness if I live, their absolute humiliation and chagrin when she refuses to enter into a conference; and when she does that, the people of the United States will understand, as they do not understand now, that they have been deceived and hoodwinked again upon this subject, and that there never was any real purpose on the part of the Republican party to bring about monetary reform.

We have had six international monetary conferences since the close of the war. This will be the seventh, if this bill becomes a law and a conference is called. In every one of those conferences Europe has told us in plain terms that she would not agree to the free coinage of silver. In 1865, in Paris, at the very first conference, which was attended by the senior Senator from Ohio [Mr. SHERMAN] and by another delegate from this country, without debate and without examining the question in the slightest degree, the first thing the conference did was to resolve in favor of the single gold standard throughout the world. The subject was not agitated; the convention had barely met and organized when a resolution of that kind was introduced and passed, if I recollect aright, unanimously. In every conference from that time to this Europe has told us in language so plain that no man can mistake what she means that she will not agree to an international coin.

Mr. President, we have supplicated Europe upon this question to such an extent that it seems to me any self-respecting American citizen would feel ashamed to importune it any more. But two or three years ago we put upon one of the appropriation bills an amendment creating a commission of Senators and Representatives to meet the representatives of Europe in conference upon this subject. We have heard of no invitation from her from that time to this. Our friends upon the other side have sent one of the most brilliant of their number and one of the most brilliant and able members of the Senate to Europe to hunt up somebody to confer with, and we have not received a report yet that anybody in England or elsewhere is willing to confer with him or with us.

If we successfully obstruct the passage of the pending bill, then our Republican friends will go out to the country again and say, "Oh, the Populists and the Democrats and the free-silver Republicans and the Popocrats and all the combination in the Senate obstructed us, and we could not do anything. Just continue us in power one Administration longer; give us full sway in the White House, as we have now, and in both branches of Congress, and we will show you that we will form a compact with Europe for international bimetallism, and that prosperity will come back to this country and abide with us." But if we do not obstruct the passage of the bill, and it does become a law, we will demonstrate to the world in less than eighteen months that the argument of international bimetallism is a pretense designed to deceive the voters of the country; that it is not in the power of the Republican party or any other party to bring about international bimetallism; and the people will not be deceived again by an argument of that kind.

Mr. President, so thoroughly am I convinced that the Republican party will be powerless to bring about prosperity to this country without domestic bimetallism and monetary reform that I wish to see our Republican friends come in here with a tariff measure of their own making. I desire to see protection from head to foot throughout the length and breadth and middle of the measure, and all through it. I desire to see them protect everything in the United States down to the point of the smallest gimlet that can be found—everything—and then I desire to see that tariff act bring to this country prosperity. We know it will not. If we give them the privilege of formulating their own laws on the subject of silver and the tariff, and they fail to bring prosperity to the country, as we believe they will fail, the arguments upon which they won the victory of 1896 will disappear and the people will repudiate the party before the incoming Administration has served out half its time.

I shall not vote for the passage of this bill; if I vote at all I shall vote against it, but I desire to see it become a law. My friend the Senator from Georgia [Mr. BACON] says to me I ought to vote for it. I will not vote for it, for it is wrong; it is a mere pretense, but I desire the pretense enacted into law, and I wish to see its companion piece make its appearance upon the surface as soon as possible, without any obstruction, so that we can demonstrate to the world that the hard times that are afflicting the people are due in no measure whatever to their refusal to engage in international bimetallism or to a lack of proper legislation upon the subject of the tariff.

Mr. WHITE. Will the Senator from Nebraska permit me to make an inquiry?

Mr. ALLEN. Certainly.

Mr. WHITE. Does not the Senator from Nebraska think that this bill is rather innocent than wrong?

Mr. ALLEN. Perhaps I should stand corrected upon that subject. It is not wrong. It is a useless thing; it is a work of supererogation. I am satisfied the Republicans upon the other side of the Chamber are hoping this minute that the bill will be obstructed by us.

Mr. CHANDLER. That is as unjust a suggestion, I will say to the Senator, as it would be for me to say that I think the Senator from Nebraska hopes that the effort to obtain international bimetallism will be defeated, in order to strengthen his political party. I do not think that kind of an argument ought to be brought into this discussion either way. We profess to be sincere, and the Senator ought to take our word for it, as we take his word for it when he says that he desires to see the free coinage of silver brought about in some appropriate way.

Mr. ALLEN. I am perfectly willing, of course, to accord to the Senator from New Hampshire and all Senators sincerity upon all great matters, but certain political conditions present themselves here of which I am satisfied Senators upon the other side of the Chamber would like to take advantage. I am satisfied that there are Senators upon the other side of the Chamber who are convinced that international bimetallism can not be brought about; that it is a mere chimera; that there is no hope of bringing it about. Therefore, they would rather have the responsibility for the defeat of this measure rest upon Democrats and free-silver Republicans and Populists than to have it rest upon their own party. That is what I mean when I say there is a lack of sincerity upon their part.

Mr. President, if prosperity can be brought about by means of international bimetallism, I am perfectly willing it shall come through that channel. I desire to see this country prosperous. I do not care whether it comes through raising taxes or international bimetallism, or by what means it comes. If we can only lift the pall of gloom that has settled over the country at this time, if we can only bring prosperity to the millions and millions of our people who are suffering. I wish to see that prosperity come, though it may utterly destroy the political party to which I belong. For these reasons I hope there will be no unnecessary obstruction to the passage of this measure.

Mr. CARTER. Mr. President, by whomsoever disputed, the fact remains that marked progress has been made toward the solution of this vexed coinage question during the past year. By common consent ambiguous phrases have been discarded; party policies and purposes have been clearly defined. Last November, by a vote which may be considered as substantially unanimous, the electors of the country pronounced in favor of bimetallism. On the question of the method to be employed to bring about the desired result the two great contending party forces divided. The party led by Mr. Bryan proposed to solve the problem by opening the mints of the United States to the free and unlimited coinage of gold and silver at the ratio of 16 ounces of silver to 1 ounce of gold. The party led by Mr. McKinley insisted that such action would merely transfer the Government from gold monometallism to silver monometallism, and that the transfer would involve disastrous consequences to the country. At the same time his party pledged its best endeavors to bring about bimetallism through an agreement for that purpose between this country and other leading commercial powers.

Mr. Bryan and his supporters contended, and they still contend, that the proposed international agreement was and is an impracticable scheme, a mere political subterfuge, adopted as a campaign expedient and never intended in good faith to serve any other than vote-getting purposes. Mr. McKinley received a majority of the popular vote, together with a majority in the electoral college, and on the 4th of March will become President of the Republic. Anticipating that event, members of his party in the Senate present this bill, and urge its passage at this time, in order to facilitate prompt action by the new Executive looking to the consummation of the pronounced party purpose on this coinage question. Senators who supported Mr. Bryan express sympathy with the alleged purpose, but proclaim an absolute want of faith in the means suggested for its accomplishment. They say that the contemplated international agreement is a mere vision, a shadow, a schoolboy's dream, the plaything of an hour; that, regardless of any effort we may make, the movement will be doomed to failure from its inception.

The Senator in charge of the bill [Mr. CHANDLER] does not share these evil forebodings. He has faith in the movement this bill is intended to initiate. He hopes and believes that this great problem may be brought to a happy solution along the line indicated. Many earnest Senators on this side of the Chamber share his faith, and I believe it is not extravagant to assert that 99 per cent of all citizens of the country earnestly supplement his hopes.

The bill was manifestly prepared to facilitate success. Words, phrases, or elements likely to embarrass progress were undoubtedly avoided with care. It must be borne in mind, in considering any amendment offered, that if this bill becomes a law it will be the basis of all diplomatic action and correspondence preliminary to the convening of delegates in a conference representing the several nations disposed to participate with us in an effort to settle this coinage question.

The act of Congress would be published in full in every capital in Christendom the morning after its passage, and it would thereafter at all times be considered as a part of the invitation of this Government to other nations to join in a monetary conference. It is obvious that language might be placed in the bill which would render acceptance of the contemplated invitation quite embarrassing to well-disposed or friendly nations.

I know it was the object of the framer of the bill to give to the President, on whom the burden of responsibility will largely rest, all needful authority, unhampered by needless conditions. At this point an amendment is presented by the Senator from Utah [Mr. CANNON] changing the well-considered phraseology of the bill, and requiring that the conference shall be held in Washington City. At the same time he insists that in any form the movement will certainly result in absolute failure.

Mr. CANNON. Will the Senator from Montana permit me?

Mr. CARTER. Certainly.

Mr. CANNON. I do not think the Senator desires to do me an injustice. Nowhere nor under any circumstances have I ever stated that a movement for an international agreement for bimetallism based upon proper action by this Government would be a failure.

Mr. CARTER. I am glad to have the Senator correct that point, because I certainly understood him to insist that this movement would not, in the nature of things, succeed. Do I now understand the Senator to say that he believes, if his amendment is adopted and made a part of the law of the land, it will, in and of itself, result in a full and complete solution and a satisfactory adjustment by international agreement?

Mr. CANNON. The Senator from Montana may understand me to say distinctly that if my amendment shall be embodied in the bill, the people of the United States will know, when we get through with this effort for an international agreement, whether it is possible or not. If we can not get an international agreement for bimetallism, the next best thing for the people of this country is to ascertain that we can not get it.

Mr. CARTER. Upon that we have no point of disagreement. Then, sir, from prospective failure there is no pretense that his proposed amendment can or will save us. The Senator in charge of the bill [Mr. CHANDLER] thinks the amendment proposed by the Senator from Utah [Mr. CANNON] would greatly embarrass, if not prove fatal to, the objects of the measure.

In this dilemma I submit that the wise course for the Senator from Utah is to withdraw his amendment. Should his amendment prevail, he will have accepted responsibility where he predicts inevitable failure. It is better to be entirely frank about the matter. If the effort of the coming Administration to solve the vexed question ends in failure to secure an international agreement, an important result will have been achieved in demonstrating the futility of the scheme. But, sir, the political utility of the result will be measurably impaired if it can be truthfully said that the ardent friends of silver paved the way for the failure by declining to permit the advocates of international bimetallism to proceed according to the dictates of their own party policy. How can you hereafter justly charge the Administration with responsibility for failure or delinquency if by the record it appears you insisted that the Administration should act on the lines you prescribed or not act at all?

The question at issue is beyond phrases and synonyms. The country understands it. The question is, Can an international agreement be secured establishing bimetallism in this and other countries? The people demand a demonstration, an honest demonstration, on this question. The country will not accept the result if the movement is dominated by those who predict failure from the beginning. Inasmuch as the Senator from Utah has no confidence in success even with the amendment he offers, it occurs to me, since he disclaims, and properly so, responsibility, the wise and prudent course for him is to follow the lead of the Senator from Nevada [Mr. STEWART] by withdrawing his amendment.

It has been suggested by the eminent Senator from South Dakota [Mr. PETTIGREW] that repeated efforts have been made to secure international cooperation in the solution of this money question. That fact can not be gainsaid nor can it be denied; but I submit this observation in connection with the previous efforts made. Never at any time in the history of this Republic have the people, prior to the recent election, made a direct and unquestionable issue upon the methods of procedure and purposes to be accomplished. The American people have made in this respect a determined effort of their own, and during the next four years it will devolve upon the Administration to demonstrate its ability to bring about an agreement or to demonstrate to the country the fact that such an agreement can not be obtained. It is entitled, having this mighty weight of responsibility, to the cordial and friendly cooperation of those who would see silver remonetized by either national or international effort.

Mr. CANNON. Will the Chair kindly state the status of the question at the present moment?

The VICE-PRESIDENT. The pending question is upon the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. CANNON. Mr. President, after the correction which I made of the statement by the Senator from Montana [Mr. CARTER], I did not expect to hear him repeat it in other terms. Subsequently he avers that I have no confidence in the amendment which I have proposed to the pending measure and that I disclaim all responsibility for it. Neither assertion is correct, Mr. President. I have confidence to the full extent stated by me in correcting the former assertion of the Senator from Montana. I think that I have fully as much confidence in the proposed amendment as the mover of the bill has in his own measure, and fully as much confidence in the effort for international agreement as has the Senator from Montana, whose record has been so long and so well known on this question that I may practically claim to have occupied with him identically the same ground up to the convention of last June.

Mr. President, except for the tragic element which enters into the lives and fortunes of the American people under the gold standard, this movement and the new ethics asserted for it here would have the air of grotesqueness for the American people. This measure is supported by a caucus of a party whose commanding figures do not believe that so-called "parity of value" of gold and silver can be accomplished by the legislation of one nation or the agreement of all nations. It is supported by the caucus of a party whose newspapers declare that we are on the gold standard now, the standard of "the most enlightened nations of the earth," and that it is folly to attempt international agreement—newspapers which ridicule the pledge to promote international agreement in the platform of their own party. It is supported by the caucus of a party whose financial pillars declare that ruin and national dishonor will follow further attempts in this direction.

I am willing to waive all that, however, and, as I stated, I am willing to vote for the bill. But, at the risk of shattering the sanctities of this place, I take the liberty of questioning the propriety of the new ethics which have been presented to us here for political action and for parliamentary procedure.

Both the Senator from Nebraska and the Senator from Montana declare that it is our duty to submit this entire question to the party recently elected to power. If it has become the duty of a minority here or elsewhere in this Republic to allow a majority to work its own sweet will upon legislation, then the seats of the minority should be vacated in this Chamber. So soon as a President is elected, if his party shall have control of both branches of the National Legislature, all opposition to their purpose should cease; and then we would see destroyed the greatest guardianship which the rights of the people have had through the centuries—the watchfulness and the courage of a minority acting as a restraint or an impulsion upon the majority. The distinguished Senator from Indiana [Mr. TURPIE], whose remarks we listened to recently on the Maritime Canal Company, would under the same proposition owe it as a duty to his country and his constituency to allow the proponents of the Maritime Canal bill to pass it without an amendment and in their own form, because they have faith in it and he has not.

The VICE-PRESIDENT. The Senator from Utah will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. [illegible]) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be temporarily laid aside to proceed with the consideration of the pending bill.

Mr. MORGAN. Before that request is put, I hope the Senator will give me a moment. I want to ask the unanimous consent of the Senate to name a day on which a vote can be taken on the Nicaragua Canal bill.

Mr. PETTIGREW. The Senator from Utah has not finished his remarks, and I ask unanimous consent that the pending order be laid aside temporarily until he concludes.

Mr. MORGAN. There will be perhaps no objection to that, but at the same time I want to ask the consent of the Senate now, before we act on that matter, to fix a day for voting on the Nicaragua Canal bill.

Mr. CHANDLER. I suggest that the Senator from Alabama allow the Senator from Utah to finish his remarks. Then——

Mr. PETTIGREW. It will take but a short time, I think.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw his request?

Mr. CHANDLER. I withdraw the request.

The VICE-PRESIDENT. The Chair submits the request of the Senator from South Dakota that the pending order be laid aside temporarily in order that the Senator from Utah may conclude his remarks.

Mr. MORGAN. I have no objection to that.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Utah will proceed.

Mr. CANNON. Mr. President, if we shall adopt this plan on this question, the gravest which now confronts the American people, it will have become a precedent that men shall not even interpose to amend tariff laws, and if the Democracy, with a platform of tariff reform or free trade or tariff for revenue, shall sometime come to the control of the Government, it will be the duty of those who do not believe that prosperity and success will attend upon the enactment of free-trade legislation here to withhold all objection thereto.

The statement by the distinguished Senator from New Hampshire [Mr. CHANDLER] that the friends of this measure have prepared it in precisely the form that they desire it to become a law, and that efforts to modify or amend would probably result only in its defeat, came to me as a great surprise. The Senator sat in this Chamber at a time not long distant when there was proposed here by the opposing party a tariff measure. The proponents of that bill declared that it would give freedom to American industry, greater prosperity to American homes. The believers in it, according to this doctrine, should have had permission to enact it precisely in the form in which it came from the House, if ratified by the majority then in the Senate. But the distinguished Senator from New Hampshire took it upon himself, in the interest of his fellow-citizens of this Republic, to offer numerous amendments thereto, as did other gentlemen. I question, sir, whether it is proper to assert, even for the sake of gaining political advantage, that the possession of power by any party in the Republic gives it the right to work its will without restraint, without amendment, without comment, or without correction.

Mr. CHANDLER. Will the Senator from Utah allow me a word?

Mr. CANNON. Certainly.

Mr. CHANDLER. I think the Senator has mistaken the point in his discussion of what he calls an ethical principle that has been asserted here. I did not notice that it was an ethical principle. The point is precisely what I shall state, not the one the Senator states now. The bill is proposed in a Senate a majority of whose members confessedly do not believe that there will come a successful result from an international agreement, and it can

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not pass if, feeling that way, they choose to vote "no." In presenting the bill to the Senate under such circumstances we necessarily appeal to the generosity of those who do not believe there can be any successful result. Now, if they choose to vote it down, that is perfectly proper and legitimate. If, however, they do not choose to vote it down, they ought to show large consideration for the framers of the project and not undertake to load the project with amendments that may defeat its passage through Congress, and if it passes may defeat the object of the conference. I think I make my statement so the Senator will not do me, or any other Senator who has made that appeal, any injustice hereafter.

Mr. CANNON. Mr. President, I understand the Senator perfectly well, and I do not see any difference now between the position assumed by him and that which I asserted as having been assumed not only by himself in his original remarks on this bill, but by the Senator from Nebraska and the Senator from Montana. I do not understand, sir, that there has been any contention by the majority of this body that international agreement for bimetallism is an impossibility. The Senator from New Hampshire says that a majority of this Chamber is confessedly in favor of this measure.

Mr. CHANDLER. Excuse me. The Senator, unintentionally no doubt, misrepresents me. I did not say that a majority of the Chamber were not in favor of trying an international conference. I said that a majority of this Chamber had no faith that a successful result would ensue. The Senator from Georgia [Mr. BACON], I think, has little or no faith that bimetallism will be achieved, but still he thinks this bill ought to pass.

Mr. CANNON. Why, Mr. President, we are splitting hairs here. If men have no faith in a method, certainly they are not in favor of it. Sincere and conscientious men will not be in favor of a thing that they have no faith in. I recognize that a great many Senators here will undoubtedly vote for the bill in such form as it shall be when finally presented upon its passage, not necessarily because they have entire confidence in the success of the measure, but because they are willing that the party about to come into power shall be at liberty to make the attempt.

However, I do not think that we should be restricted in our right to insert such language in the bill as will make it effective and as will make it mandatory upon the President of the United States to call an international conference. It has been stated here repeatedly that the record of foreign conferences has been one of humiliation. If we must fawn forever at the feet of those who control the finances of the world, let us at least preserve self-respect and do it when we are their hosts and they are in our habitation, instead of doing it when we are their guests.

I believe the American people have the right to know the manner in which international conferences to secure bimetallism are conducted. I believe that the very fact stated by the Senator from New Hampshire that the Western Hemisphere is for bimetallism will have its effect upon the conferees whom Europe shall send. We saw not long since an illustration of the effect of locality. Last year there was held a convention in the city of Indianapolis at which was nominated the only gold-standard candidate for the Presidency of the United States. When the bankers of this country wanted to hold a conference in the interest of the gold standard, they promptly called it to meet at Indianapolis. The aroma of the former convention was still there. All men are affected by environment, and perhaps Europe's conferees at the conference, if held here, might be swayed advantageously.

It seems to me, sir, that if all else connected with the amendment which I have proposed shall be struck out, we should retain that provision which makes it mandatory upon the President of the United States to call the conference within ninety days after he shall have assumed his high office, and to appoint Washington as the place of the conference.

I presume, sir, since the introduction by the Senator from Georgia of the amendment which the Senator from New Hampshire says is satisfactory to him, that we can not get an amendment which will go to the length proposed by mine, but I shall insist upon a vote. Failing to carry my amendment, I shall vote for the amendment of the Senator from Georgia. Failing to get that, I shall be willing to vote for the bill in its original form, trusting that something better will come from this movement than has been predicted by those gentlemen who have absolutely no faith in attempts for an international conference.

Mr. CHANDLER. I now renew my request.

Mr. BACON. Will the Senator from New Hampshire permit me to ask that I may be indulged, say four or five minutes only?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Georgia asks unanimous consent——

Mr. MORGAN. I call for the regular order.

The PRESIDING OFFICER. The regular order is the unfinished business, which was laid before the Senate at 2 o'clock, and which was temporarily displaced at the request of the Senator from South Dakota [Mr. PETTIGREW].

Mr. CHANDLER. Now I ask that the unfinished business may be temporarily laid aside, in order that the consideration of Senate bill 3547 may be continued.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside, that the international conference bill may be proceeded with.

Mr. CHANDLER. I think Senate bill 3547 can be finished to-day, if the Senator from Alabama will allow it to go on. The Nicaragua Canal bill, I am sorry to say, can not be concluded to-day. I am ready to vote upon it, and, to propitiate the Senator from Alabama a little, I will say I am ready to vote for it now, but I think it could not be finished to-day, and that the international monetary conference bill could be completed, if the Senator would allow it to be proceeded with.

Mr. MORGAN. Can the Senator get an hour fixed for voting upon the international conference bill?

Mr. CHANDLER. I will ask that there may be a vote upon the bill at 2 o'clock on Monday.

Mr. WHITE and others. Let us vote to-day.

Mr. FRYE. Why can we not vote to-day?

Mr. CHANDLER. It is suggested by Senators that I am too liberal, as I usually am in such matters, and therefore I will modify my request by saying 4 o'clock this afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to vote upon Senate bill 3547 and the amendments thereto at 4 o'clock this evening. Is there objection?

Mr. TURPIE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. MORGAN. The Senator from New Hampshire will see that I am not left any option. I am obliged to insist upon my proposition.

Mr. TURPIE. I will withdraw my objection.

The PRESIDING OFFICER. The Senator from Indiana withdraws his objection. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. MORGAN. Now, so far as I am concerned, I consent that the regular order, the Nicaragua Canal bill, shall be laid aside until the vote is taken——

Mr. WHITE. That it shall be temporarily laid aside.

Mr. MORGAN. That it shall be temporarily laid aside until the vote is taken upon the pending measure, when it will be resumed without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire that the unfinished business be temporarily laid aside, that the business which has been before the Senate may be completed? The Chair hears none, and it will be so ordered.

Mr. HOAR. I desire, if the Senator from Georgia will pardon me, to address an inquiry to the Senator from Alabama.

I am one of those, as I suppose the Senator knows very well, who have endeavored to follow him and his committee in regard to the very important and interesting measure which he has in charge, and I hope and expect to continue to do so. But the Senator must see that a Senate bill which has given rise to so much discussion here, and about which the action of other branches of the Government, both at this end of the Avenue and the other, would certainly be a subject of great anxiety to the friends of the bill hereafter, I suppose I trangress no propriety in saying, ought not to prevent the Senate from accomplishing any other legislative business. If eight or ten opponents of the bill, the Senate having made up its mind and having considered the matter for years, are to address the Senate, as is their right and their duty—I make no complaint of that—and then they have to be answered at equal length, answering arguments against the bill which have not made much impression on the majority of the Senate, there is great danger not only that the bill will fail, but that it will drag down all other legislation that anyone has any interest in with it.

For one, expressing my profoundest interest in the measure and my purpose to follow the Senator from Alabama with great fidelity as an able leader, I desire to appeal to him to ask the Senate to fix a time for the disposition of the bill. If that be objected to, then I desire to ask that Senator to propose at as early a day as possible that the Senate continue in session to-night, or to-morrow night, or Monday night. Perhaps it would not do to propose it at so late an hour to-day for to-night, as the Senate has not expected to continue in session, but I ask the Senator to propose to take up the bill and continue its consideration until it is disposed of.

I beg the Senator to excuse me if I have interfered improperly in this matter.

Mr. MORGAN. Not in the slightest degree. I wish to say this about it: I gave notice on the day before yesterday, on the intimation of the Senator from Massachusetts [Mr. HOAR], that I should ask the Senate on yesterday to sit this bill out. It was very apparent, however, to Senators here that there was a necessity for an executive session, which was protracted until the hour of 4 o'clock in the afternoon. It was equally apparent at that hour that no progress of any value could be made upon the Nicaraguan Canal bill, and Senators all around appealed to me that they should be allowed to go to the Calendar and pass unobjected cases, which I think is an important duty that we owe to each other, and I yielded for that purpose. This morning there comes this very important international silver question, brought up in the morning hour and continued over until 2 o'clock. As an act of courtesy to the Senator from Utah [Mr. Cannon], I yielded the floor and asked that he might be permitted to finish his remarks. Then the Senator from New Hampshire [Mr. Chandler], thinking it was a great matter, which should be attended to—and it is—asked that the further consideration of the Nicaraguan Canal bill might be laid aside to let his bill come to a vote. I then proposed that he should name an hour for voting on the silver bill, and he named the hour of 4 o'clock, which I thought was a reasonable adjustment, and that we could then get that out of the way.

Mr. President, I never get as badly scolded for anything I do here as for those things which are exactly right, and when I do a thing that is exactly right I am always looking out for censure.

Mr. HOAR. All I have done was to ask the Senator to make this application, which I have no doubt he would like to do.

Mr. MORGAN. I gave notice, following up the intimation of the Senator from Massachusetts [Mr. Hoar], that immediately we take up this bill and proceed with the consideration of it, and if Senators will remain with me here, I will stay all night, if it be necessary, though I am not a young man now.

Mr. CULLOM (to Mr. Morgan). First ask the Senate to fix a time for taking the final vote.

Mr. MORGAN. I was about to make that suggestion. I have frequently asked the Senate to fix an hour or a day for voting on the Nicaraguan bill. I will ask now that on Tuesday next—I think that is probably time enough for all debate necessary—at the hour of 4 o'clock we commence voting on the bill without further debate, except under the ten-minute rule on amendments, and continue until the bill is finished.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that at 4 o'clock on Tuesday the Senate proceed to vote upon the Nicaragua bill. Does the Chair understand the Senator to ask that the debate continue after 4 o'clock?

Mr. MORGAN. On amendments.

The PRESIDING OFFICER. And that at 4 o'clock on Tuesday amendments to the bill be debated under the ten-minute rule, and that the vote be taken at what hour?

Mr. MORGAN. That the vote be taken at 5 o'clock.

The PRESIDING OFFICER. And that the vote be taken at 5 o'clock upon the bill and amendments. Is there objection?

Mr. TURPIE. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. ALLISON. I trust now the Senator from Alabama will not give his notice to sit this bill out on Monday, but will postpone that also for a day. I trust that he will ask that the Senate begin the consideration of the bill on Monday immediately after the routine morning business. I think that at the conclusion of a short session there is an impediment in the transaction of business here by dividing our day into two parts. We have seen here the bill of the Senator from New Hampshire occupying a week after the routine morning business until 2 o'clock. Then we have seen two weeks occupied from that hour until 4 o'clock usually in the consideration of the important question which the Senator from Alabama has in charge. If we are to transact any business from now until the end of the session, we must begin after the routine morning business with whatever we have in hand and go on with it, certainly, until 6 o'clock every evening, and after an opportunity for reasonable debate, we must vote on it, whether we vote it up or vote it down. I hope also that we shall sit here nights.

Mr. MORGAN. I accept the suggestion of the Senator from Iowa with great satisfaction, and admit the validity and force of the suggestions he has made in support of his intimation to me. That Senator knows as much about the business of the Senate of the United States and of Congress as any man on this floor, and has been a long time intimately connected with it in the most important sense. I concur with him that the better way certainly is to commence at the conclusion of the routine morning business on Tuesday.

Mr. ALLISON. On Monday.

Mr. CULLOM. And follow it up until the matter is disposed of.

Mr. MORGAN. I will say on Monday; and I hope that the Senate will enable me to bring this subject to a vote at some reasonable hour after it shall have taken the subject up as I have now suggested. On Monday, at the conclusion of the routine morning business, I desire to advise Senators that I shall move to take up this bill with that view.

Mr. HOAR. I should like to give notice that immediately after the disposition of the Nicaraguan Canal bill I shall ask the Senate to proceed with the consideration of the unfinished business, which is the bankruptcy bill.

Mr. BACON obtained the floor.

Mr. FRYE. Will the Senator pardon me one moment?

Mr. BACON. Yes, sir.

Mr. FRYE. The Senator from Alabama gave notice that he would move to take the bill up immediately after the routine morning business on Monday. If he succeeded in having the bill taken up at that time, it would then be within the morning hour, where there is no such thing as unfinished business, and the bill would lose its place as unfinished business. I think the Senator ought to ask unanimous consent that the bill may be taken up immediately after the routine business on Monday morning, and that it shall not lose its position as unfinished business at 2 o'clock.

Mr. MORGAN. Perhaps I may modify the motion.

The PRESIDING OFFICER. The Chair will suggest that in his opinion the bill would not lose its position as unfinished business if taken up in the morning hour.

Mr. HOAR. What the Senator from Maine [Mr. Frye] suggests has not been the custom.

Mr. ALDRICH. That has not been the custom of the Senate, I would suggest to the Senator from Maine.

Mr. FRYE. It has not been?

Mr. ALDRICH. No; I am sure of that.

Mr. FRYE. Then it is unnecessary. My own impression was that the bill would lose its place as the unfinished business by being taken up in the morning hour.

Mr. HOAR. I suppose no Senator, whatever he may think, will object when it is understood that the unfinished business, whatever it may be, is not to lose whatever rights it now has; and I wish it understood that this is to apply both to the Nicaraguan bill and the bankruptcy bill. That was understood.

Mr. TURPIE. I do not understand that the Senator from Alabama——

The PRESIDING OFFICER. The Senator from Indiana will please excuse the Chair.

Mr. TURPIE. Certainly.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire the request he has made to be put to the Senate, for unanimous consent?

Mr. HOAR. I desire to have it understood; yes.

Mr. ALDRICH. That is the rule of the Senate.

Mr. HOAR. If that is the rule, I will not ask unanimous consent.

The PRESIDING OFFICER. The Chair simply rules in accordance with what is his judgment upon the subject.

Mr. TURPIE. Mr. President, I did not understand the honorable Senator from Alabama to ask unanimous consent to make the Nicaraguan Canal bill the unfinished business immediately after the conclusion of the routine morning business, but only to give notice that he will at that time move to take it up.

Mr. MORGAN. That is all.

Mr. TURPIE. Of course, I have no objection to that.

Mr. MORGAN. That is all I propose.

Mr. TURPIE. Mr. President, there was one expression in the remarks of the honorable Senator from Alabama which I intended to discuss, in which he said that all debate on this bill which would be necessary would be finished by such a time. I do not think it is possible at this time for any Senator to say as to when necessary debate will be finished. I do not think it is possible at this time for the Senator from Alabama to say when necessary debate should be finished upon this measure, nor when necessary debate would be finished on any measure which is pending before us.

I recollect some four or five years ago addressing the Senate on the subject of the cloture, in which an attempt was made to lay down the line at which resistance should cease by those who were opposed to a measure pending in this body. We are far from that line now. The true divisional line has not yet been reached. As soon as that trocha may have been reached, it will be time enough to talk about fixing an hour and a day for an ultimate vote upon the bill.

Mr. THURSTON. Mr. President, there are two resolutions which have been introduced by my colleague, the Senator from Nebraska [Mr. Allen], with respect to the foreclosure proceedings instituted by direction of the President against the Union Pacific Railway Company. I desire simply to give notice that I wish to speak on those resolutions before they are in any way disposed of or referred; but I have no desire to press for an opportunity to do so at any early day.

Mr. BACON. Mr. President, on yesterday I offered an amendment to the pending bill, which I ask may be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be read.

The SECRETARY. It is proposed to insert as an additional section the following:

> SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. BACON. Mr. President, I do not wish to be understood as expressing in that amendment all that I think ought to be provided in the pending bill. As an original proposition, I should very much prefer the amendment offered by the Senator from Utah [Mr. Cannon]; in other words, I think that the bill ought to provide definitely not only that this international conference may be called, but that it shall be called. But I recognize the fact that in order for this bill to accomplish anything, either directly or indirectly, it must be such a bill as the promoters and friends of it agree to. Therefore, my only object in offering the amendment is to make it sufficiently definite to put the responsibility for either the calling or the not calling of this proposed international conference upon the political party which seeks to promote it.

As stated on yesterday, the bill in its present form, without the amendments, while it may be susceptible to the construction which has been put upon it by the Senator from New Hampshire [Mr. Chandler], to the effect that it does already empower the President of the United States thus to call this conference—while this may be the proper construction, it is possible that there may be a difference of opinion upon it. The object of this amendment is simply to put that out of the pale of doubt or question.

I repeat, Mr. President, that if the Senators who favor the passage of this bill, and who seek to promote this international conference, would agree to it, I should very much prefer the amendment offered by the Senator from Utah; but I think it would be a mistake to impose upon the bill, even if we had the power to do so, any amendment to which they do not agree and on account of which amendment they may hereafter say that the bill failed of accomplishing its purpose.

The distinguished Senator who has charge of this bill has signified his acceptance of my amendment. Therefore it is the same, so far as the question of responsibility goes, as if it had been incorporated in the original draft of the bill.

I wish to say but one word with reference to the question of supporting this bill. There are those who have spoken to-day and on yesterday who agree with me on the general propositions relative to financial matters connected with coinage, but who are not disposed to give their support to this bill. The distinguished Senator from New Hampshire called the attention of the Senator from Utah to the fact that I was supporting the bill while I did not have faith in it, and to that the Senator from Utah responded that a Senator who did not have faith in the bill ought not to give it his support.

Mr. President, while I do not think there is any great probability of a successful issue in this attempt, I do recognize the fact that there is a possibility of such successful result; but even if I should be of the opinion that there is no possibility of success, I think that the bill ought to pass, for the reason that, whatever may be the opinion which I and others may have upon the question whether this matter of international bimetallism can be accomplished, there is no doubt about the fact that there are a great many people in the United States who are opposed to the single gold standard, who yet are standing upon the proposition that the only safe way to attempt bimetallism is through international agreement, and who believe that it is practicable to accomplish it through international agreement. They, like ourselves, are opposed to the single gold standard, and yet they do not coöperate with us because they think it ought to be done through the medium of an international agreement and not by independent action on the part of the United States Government.

Now, if those who have pledged themselves to promote international bimetallism are allowed to do it in their own way, if no impediments are thrown in the way, if, on the contrary, they are to the extent of our votes in support of the bill aided in their effort, one of two things must be demonstrated. It may be a success. If it is, I shall welcome it and be glad of it. If it is not a success, it will be forever an answer to the proposition that this Government ought not to proceed because it can be done in another way which is more practicable. For that reason I think the distinguished Senator from Utah is incorrect in his criticism when he says that one who has not faith in the success of the movement ought not to support the bill. On the contrary, I think all of us who favor bimetallism ought to support the bill, to give full opportunity to have the question tested in the fairest way, whether or not it can be done in this way.

I repeat, if it can be done in this way, although it will be an overthrow of the views which I have entertained, I shall be glad of the success. If it can be demonstrated that it can not be obtained in this way, then the road is open for the attempt more properly and successfully to be made in the way which I think this Government ought to proceed in the effort.

I do not desire, Mr. President, to follow the distinguished Senators in any discussion which has been had upon this subject as to whether or not it can be a success or will not be a success. I do not think that is a material question in the issue whether or not this bill should be voted for by those of us who are opposed to a single gold standard. For myself I shall vote for it, and I shall be very glad to see every other Senator who is opposed to the gold standard cast a like vote.

Mr. JONES of Arkansas. Mr. President, I agree to almost all that has been said by the Senator from Georgia [Mr. Bacon]. I am a strong believer in bimetallism. I should be gratified beyond measure to have bimetallism accomplished by the concurrent consent of the great nations of the earth. I am one of those who have believed that it was impossible to get the nations of the world to agree to bimetallism for the present, and believing that the best interests of the people of the United States would be subserved by independent action if we could not procure concurrent action, I have favored independent action on the part of this Government.

I believe that hundreds of thousands of people in the recent election voted against the party to which I belong and for the other party because they had been made to believe that an international agreement was possible, and that the results which we all wanted could be brought about with less disturbance to business interests and with less danger to existing conditions by an international agreement than by our own independent action. The result of the election was against us. I believe that those people should have the opportunity to try the experiment, so as to determine whether or not an international agreement is feasible.

As was stated by the Senator from Montana [Mr. Carter] a while ago, I regard the recent election as an almost unanimous declaration in favor of bimetallism. The method of procuring bimetallism seems to be the point of difference between the people of this country. Now, we are at a point when we are to determine whether or not we shall try the experiment, and whether or not international bimetallism is practical. I am in favor of allowing those who believe in that scheme to make a full and complete trial in their own way without any obstruction on our part. I confess that I have little faith in its success, but I feel that those who do believe in it ought to be allowed the fullest and freest liberty to do try it completely, so as to satisfy themselves and satisfy the people of this country who believe in bimetallism and yet who fear to take independent action on the part of the people of this country.

This scheme is not ours; we have not originated it; we do not believe it is the proper scheme for the solution of these difficulties; but there seems to be a large percentage of the people of this country who believe it, and, they believing it, I am in favor of their having a full and complete opportunity to try their plan. If it succeeds, I shall rejoice heartily with them. I believe the greatest question now challenging the attention of the civilized people in the world will have been settled and settled successfully if they can bring about an international agreement. If they fail in this, and they demonstrate that it is impracticable and impossible, then it seems to me that their failure will be a statement to the American people that we must either lie down before the powers of Europe and surrender our manhood absolutely, or that we shall assert ourselves as independent men and do that which the interests of our own country demand, and act for ourselves. It seems to me that the only question which can be presented which is likely to cause any difference of opinion amongst our people will have been swept out of the way, and that we shall have brought the pleadings down to plain and positive issue.

For this purpose and for this reason I agree with the Senator from Georgia [Mr. Bacon] that the friends of this measure ought to have the absolute control of it. I shall not vote for a single amendment to their bill which they do not themselves accept. I do not propose to become in a measure responsible for it. I think, for instance, if there should be a majority of silver men in this Senate, and we should vote for the substitute proposed by the Senator from Utah [Mr. Cannon], we would at once become responsible for its enactment; it would then become our measure, and not the measure of the Republicans, not the measure of those who believe in international bimetallism, and we should be responsible for its failure in the event that it should fail. I propose to allow the responsibility to rest where it belongs, on those who believe in international bimetallism—those who believe it can be accomplished. Let us give them the fullest opportunity to try. If they succeed, I shall rejoice and bid them godspeed in their efforts to bring it about. I hope they may succeed, but I have very little faith in the effort.

Under these circumstances, I should be glad to see those who think as I do stand in the same attitude that I do toward this measure, and allow the friends of it to arrange it as they please and to put it in such shape as they choose. Let them pass it and take the responsibility for it if it should fail; and if it should succeed, as I have said, I will rejoice as much in their success as any of them.

Mr. SHOUP. Mr. President, it was not my intention to address the Senate on the pending measure, but inasmuch as amendments have been offered by the Senator from Utah [Mr. CANNON] and the Senator from Nevada [Mr. STEWART], I must, in justice to myself and the constituency which I in part represent, explain my vote, which will be recorded in opposition to the proposed amendments and in favor of the pending bill.

It seems to me, Mr. President, that the authors of these amendments did not take into full consideration the fact that the President-elect was nominated after the adoption of a platform declaring, among other things, that:

> We demand such an equitable tariff on foreign imports which come into competition with the American product as will not only furnish adequate revenue for the necessary expenses of the Government, but will protect American labor from degradation and the wage level of other lands. We are not pledged to any particular schedule. The question of rates is a practical question, to be governed by the conditions of the time and of production. The ruling and uncompromising principle is the protection and development of American labor and industries.

The platform also declared in favor of an international agreement with the leading commercial nations of the earth relating to the coinage of gold and silver. On these declarations of party principles the President was elected.

The measure presented by the Senator from New Hampshire [Mr. CHANDLER] was intended to give full authority to the President-elect to carry into effect the declaration relating to international bimetallism. I wish it distinctly understood that I have always been, and am now, an advocate of unrestricted coinage when it shall come before the Senate in a proper way, but not as a rider to any other important bill or measure, for remonetization is too important a subject to be considered in connection with other measures.

It is my opinion that these amendments are out of place at this time, inasmuch as the pending bill was intended to give the President authority to appoint commissioners to an international congress for the purpose of securing an agreement for international bimetallism. The President-elect is pledged by the Republican platform to exert his influence in accomplishing this result. Should he fail, it will then be proper for Congress to take action looking to the remonetization of silver.

Mr. President, it is not my intention to cast the slightest reflection upon the Senators who have offered the proposed amendments. I do not accuse them of bad faith, or of thwarting or trying to thwart the President-elect of the United States on the threshold of his Administration, but I believe that if these amendments should be adopted, such would be the result. The amendments are not in accord with the platform upon which he was elected, and I take it that he should have an opportunity, without being trammeled in any way, to carry into execution the declarations upon which he was elected.

I therefore sincerely hope that my friends the distinguished Senator from Nevada and the distinguished Senator from Utah will not insist upon the adoption of their amendments.

Mr. HOAR. Mr. President, I should like to say one or two words upon this matter, not to delay the vote. A good many Senators have spoken as if they think the possibility of an international arrangement for bimetallism is a mere chimera or dream, and have almost implied that those persons who propose to make the attempt are endeavoring to mislead somebody or cajole somebody or turn the attention of somebody away from what is practical in this matter. But I think those gentlemen fail to take into consideration one or two facts. There is no doubt whatever that a very large majority of the people of the civilized world are in favor of having what is known as the double standard—gold and silver—prevail. Look at the condition of public sentiment in the United States. There are a few worthy gentlemen who agree with what I understand is the opinion of my very able and industrious friend from Wisconsin [Mr. VILAS], which he has just announced. But the Democratic party and the Populist party, the supporters of Mr. Bryan, who are counted by millions in this country, believe that doctrine.

The Republican party, so far as it can be judged by its platform, has declared its belief in that doctrine, and has pledged itself to promote this result. There are a few exceptions, as I have said. There is the exception represented by my honorable friend the Senator from Wisconsin. Then there is my honorable friend the Senator from Nevada [Mr. STEWART], who says, if I understand him correctly, that he does not want foreign nations to agree to use silver as a money with us, and have it established for their benefit. He wants some money in this country, if I understand him correctly, which is so poor and cheap and miserable that even a Jap or a Chinaman will not touch it.

Mr. STEWART. I do not desire to have it so dear that an American can not get it, as it is now.

Mr. HOAR. The Americans have been getting it pretty well. The wage earners of this country have laid up what is represented by it, fifteen or sixteen hundred million dollars, in the savings banks, where they are not allowed to make a deposit of more than $500 at once or more than $1,500 in one name. The money power that the Senator talks about—the money power that carried the election last fall—was the money power of the men who earn it with their hands on farms and in factories, and who have laid it up as savings; and that money power is in favor of international bimetallism.

Mr. STEWART. Did nobody contribute to the election but laboring men?

Mr. HOAR. I do not want to yield.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. A good many thinking men did, as well as laboring men who were thinking.

Mr. President, how is it in foreign nations? I had some exceptional and unusual means of learning something about the matter this last summer when I was abroad. I had the pleasure of a long conversation with the foremost bimetallist in France, M. Fougeirot, who last summer introduced into the French Assembly a resolution declaring that the present depressed condition of agriculture and manufactures and commerce in France was owing to the demonetization of silver, and pledging France to cooperate with other countries in its restoration. In the French Assembly when they introduce an important measure it is not introduced by one person alone, but very frequently the mover goes about and gets the signatures of the men who agree with him before it is presented, and that resolution bore the signatures, I think, of 367 out of 450 members; at any rate, between three-fifths and four-fifths of the Assembly. M. Melin, then and now the premier, made a speech in the French Assembly on that question in which he declared that when other countries would reestablish silver they would not have to wait for France.

Now, that is a pretty respectable addition. It is a pretty respectable capital to start with in getting this union among nations—the pledge of the party that carried this country in the last election to do it if they can, the pledge of the party who opposed them, except the Senator from Nevada, that gray-haired and hoary hermit who stands alone in this matter, that they would be glad to see it done and would help them in every way in their power, and the pledge of nearly four-fifths of the French Assembly. They have a bimetallic league that met, of which M. Melin was president, and of which his predecessor as prime minister is an honorary president. That bimetallic league represents among other persons delegations from every agricultural society in every province of France. Those agricultural societies in France are not merely associations of gentlemen devoted to fancy farming and stock raising. They are men who wield the political power and represent the political purpose of the farmers of France, now, as always, an irresistible power in shaping its policy; and with one accord, without exception, the representatives of those great French interests agree in saying that France is eager to unite with any other country.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. HOAR. Allow me to make this statement, and I will answer any question afterwards.

Now, we come to England. I know very well the power of that square mile in London where the accounts of the world are summed up and where England sits, where London sits, taking her toll upon the exchanges of the industries of mankind. After the great fire in 1666 the great English poet pictured the restoration of the city of London, and that picture is as true to-day as it was when it was first drawn:

> More great than ever now, and more august,
>   Now glorified she from her fires doth rise,
> Her widening streets on new foundations trust
>   And opening, into larger parts she flies.
> Now, like a maiden queen, she doth behold
>   To her high turrets hourly suitors come,
> The East with incense, and the West with gold.
>   Shall stand, like suppliants, to receive her doom.

Mr. STEWART. That is true.

Mr. HOAR. I agree with the Senator from Nevada. I do not mean to have the people of the United States stand up to be counted in that company.

But how is it on the question of international bimetallism in England? I had the opportunity of a full conversation with Mr. Balfour, the present leader of the House of Commons. His opinions are known. He has made them known by his signature to the great report twelve years ago by the commission of which he was chairman. He has made them known in public speeches in the House of Commons.

Mr. STEWART rose.

Mr. HOAR. I wish to conclude this statement. Then I will answer any question. I have a mental infirmity which makes it impossible for me to resume a thread which is broken off in that way, if the Senator will allow me.

Mr. STEWART. That is not the only mental infirmity.

Mr. HOAR. I have a good many. One of the disorders under

which I labor is in being three score and ten years old, of which I do not expect to be cured. If I were young, like my friend the Senator from Nevada, I would get along better.

That gentleman has made known in every way in which it can be made known his opinion in favor of the establishment of international bimetallism by the concurrence of the civilized and commercial nations. He has defended that opinion in the House of Commons against the brutal position of Mr. Gladstone and Sir William Harcourt.

Mr. STEWART. Let me ask the Senator right here——

Mr. HOAR. I do not want to be interrupted.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. HOAR. I decline to yield, if the Senator will pardon me. I will yield a little later on. I hope the Senator will not think it discourteous.

Mr. STEWART. I always yield to the Senator from Massachusetts.

Mr. HOAR. I know the Senator does.

Mr. STEWART. The Senator is making a statement in regard to a particular man, and I want to call his attention——

Mr. HOAR. I was present at a brilliant company in London, a lunch, and spoke of this conversation with Mr. Balfour. I said that I did not wish to repeat what he had said to me, because I did not think public men liked to have their opinions related at secondhand, and for that reason I do not repeat it here. They prefer to do it for themselves. When I said that, a gentleman, an eminent member of the cabinet of the present Government, there being two other members of the cabinet present, said, "Mr. HOAR, it is no secret that Mr. Balfour's opinions on this matter are those of a majority of Her Majesty's Government."

I am aware, as I said, of the difficulties. I suppose if Her Majesty's Government were to undertake to pledge England to complete international bimetallism next week, they would be overthrown by the power that dwells within the square mile in London, and they know it; and I suppose, with the other difficulties they have on their hands, they are not ready to do it. That, I concede, is a difficulty which may defeat this attempt—very possibly.

Now, how is it in Germany? I have in my hand a letter from one of the most eminent public men in Germany—a member of the Reichstag. I will not read the whole letter, and I will not give the name of the writer. The Senate will have to take what I say about it on my authority, therefore, and not on the authority of the writer himself. But he repeats and reaffirms this statement, which is in the second paragraph:

> Besides having a bimetallic majority in our parliament, we are also backed up by a majority in the Prussian cabinet; and though still obliged to cry, "Not without England as a full partner," I consider it not at all improbable that Germany may under certain circumstances join a bimetallic union even without England.
>
> Now, the appreciation of the currency question is growing, but to accomplish that means facing a great many more difficulties, and, worst of all, it would cause long delay and great danger to the supremacy of European civilization.

Then the writer makes some discussion about the personal qualities of the chancellor and the Emperor which it is not proper for me to read. But he goes on to express his opinion that Russia will be ready for this same union when the time comes, and he quotes a letter from a Russian friend of his, in which the latter says:

> If the present French Government play their cards well, I am sure that Russia would decide for bimetallism if at the same time the United States would adopt free silver and France contributed, too, in that direction. My fear in all these diplomatic negotiations is that the diplomatists in general have never studied the question and know nothing about it, etc.

I do not wish to be understood in saying this as expressing confidence that this consummation is at hand at all, but I wish to state that the time has come for another effort. I wish to state that this opinion in these four great nations, France, Germany, the United States, and England, saying nothing of Russia and of the smaller Latin nations or of the smaller nations on the north—some of whom, though not all, are eager to follow if France and Germany will take the lead—is growing. It will be stronger twelve months hence than it is now. It is stronger now than it was twelve months ago. And it is the opinion of a vast majority of the thinking men, of the men engaged in agriculture, of the men engaged in manufacture, and also of the scholars of the universities of mankind, whether this thing will be accomplished in three months or three years, it is coming, and coming to stay.

Now, Mr. President, I wish, while I am up, to say one word on another subject. Gentlemen in their debates here and in their discussions upon the stump use the word "banker" as if it were a term of opprobrium to be a banker, and as if to be engaged in the business of banking were a degrading occupation; as if a banker is a person who delights to plunder and bleed the poor and the laboring man, a man dealing in bullion and in stocks and speculating in the necessities of life, and desiring to foment financial and industrial troubles and excitements with a view of making his own harvest out of the operation. I saw a statement that during the last political campaign a political procession in which were two Senators of the United States had a banner or transparency with the inscription, "We will yet hang bankers in New York as they do horse thieves in Texas."

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. PETTIGREW. I should like to have the Senator state who the Senators were who rode in that procession.

Mr. HOAR. I do not propose to state who the Senators were. I saw the statement in the papers.

Mr. PETTIGREW. I will say further to the Senator that if any such banner was carried, it had above it that it was a quotation from Wendell Phillips. Those were his words, and it was a quotation from him.

Mr. HOAR. I dare say; and the Senator could find quotations from Wendell Phillips in which he called George Washington "that slaveholder," and other quotations from Wendell Phillips in which he said that "the Constitution of the United States was a covenant with death and an agreement with hell." I dare say. I do not care. I am talking about the indorsers and not the maker of that sentiment.

Mr. PETTIGREW. I should like to ask the Senator if he indorses the last quotation which he has just made?

Mr. HOAR. Not in the least. I do not put it on my banner, and I do not walk in a procession that bears it. Perhaps the Senator from South Dakota knows who the Senators were.

Mr. PETTIGREW. I do not.

Mr. HOAR. Mr. President, there never was a greater mistake on the face of the earth. Of course there are in commercial cities men, men of wealth, men who get hold of banks, who are swindlers, who are defaulters, who are speculators, who are schemers, who are oppressors, just as in great cities there are men who are robbers and pickpockets and thieves of another kind, not any the less respectable, I agree. But in the main the bankers of New England, of which section I speak, are as good and respectable a body of men as can be found in this country. The direction of our national banks is made up in this way. Generally there will be eight or nine directors. It is true in every single instance in my city of 100,000 inhabitants. Five or six of those directors will be men retired from business, elderly men, not men of large wealth usually, but the sort of men whom you would trust, if you were to die to-morrow and leave an infant daughter of 2 years old, with your estate as her trustee, and be sure that twenty or thirty years hence it would be there, every penny of it safely accounted for. They are the sort of men selected to settle estates, that men take advice of in their private affairs. They have no personal end, but merely spend their lives in that way. Then two or three of those directors usually belong to mercantile or manufacturing establishments for the sake of borrowing money of the banks. They borrow up to the limit. They are engaged perhaps in a wire company or a woolen mill or a large dry goods house. If it is a village bank, the head of the village factory will be one of the directors.

But they are all men who desire to borrow money at the lowest possible rate, not to pay large rates, and they are men to whom a financial or business disturbance or the throwing of men out of work is especially odious, because, if for no other reason, their business is destroyed or injured by it. That is the way the banking system of New England is carried on, and I appeal with entire confidence to every New England Senator within sound of my voice if I have not given a correct description of them.

Mr. HAWLEY. That is right.

Mr. FRYE. The Senator from Massachusetts ought to go one step further. There is an enormous sum in the savings banks of New England which belongs to the workingmen.

Mr. HOAR. I was coming to that within a moment. I was speaking of national banks.

Mr. FRYE. I wish to call the attention of the Senator to the fact that all of the directors work without any pay whatever in seeking to invest this money for the poor people.

Mr. HOAR. We have $466,000,000 in the savings banks of my State, banks in which you can deposit, I believe, but $500 at any one time, and where you can not ever deposit more than fifteen or sixteen hundred dollars. I am not sure whether it is fifteen or sixteen hundred dollars. That is immaterial. The depositors in those savings banks are the wage earners of the State and their wives and children. They are the men who do the work of the State on the farms, in the factories, in the machine shops, and in all other branches of labor, and the same kind of men, as my honorable friend the Senator from Maine so well says, who manage the other banks manage these. There have been some cases of banks plundered, and of one or two savings banks' treasurers who have been defaulters. But there is no way in which the management of the concern makes a dollar out of any speculation. A director in a national bank may have a little stock. It is very seldom that a director will have more than a few thousand dollars of stock in his bank.

Mr. HAWLEY. Scarcely any of our banks have any stock to be held.

Mr. HOAR. The savings banks have no stock at all, of course. They are merely depositories. These banks are strictly regulated by law, and they are visited and carefully examined by the savings banks commissioner on the part of the State, and in the case of national banks by the United States bank examiner on the part of the nation.

Mr. President, I wish to protest against this public sentiment which has grown up. They talk about some things that have been said in the East about the West. You never hear speakers on the hustings, on the stump, in addressing any public meeting in the New England States or anywhere else in the East use an expression of opprobrium about the West. They know that the interest of New England is a prosperous West and a prosperous South. They know that we are all in one boat. They know that the political power of this Government is passing, like the star of empire, westward, and they expect it. There has not been a measure since I have been in public life or since I have known public affairs, the homestead law or any other great measure, the laws for building those railroads, and opening the Western prairies, where we have not followed the statesmen of the Western States as our leaders.

We do not think you can establish silver by this country alone. We think you must have a money which will remain stable and fixed in its value as near as the lot of humanity will admit, and that for that purpose two metals are better than one. Most of us think so. We think that if you establish and undertake to have the silver of the world coined without limit in our mints you will drive out the gold by an inexorable law: that you will get one metal, and not two; that you will get a metal which in that case will be changeable and fluctuating, going up and down like the thermometer on an April day. We think, also, that you will not have as much money then as you have now when our gold is sent off to Europe. It does not at all follow because you have cheap, poor money that it will be plenty. You have to work to get it. I have known a good many men who had very cheap and nasty clothes, and yet they did not have a great many of them. Plenty, as long as civilized man has civilized tastes, is not the necessary accompaniment of cheapness, or worthlessness, or nastiness.

Now, Mr. President, I wish to protest against this public opinion which denounces not only the whole people of the section where I live, but the worthy people whom the workingmen of the section in which I live trust to manage their savings for them in this way.

I think these great delusions which are fomented upon the stump, and which we can not help, do infinite mischief to the people of this country, taken as a whole. They do especial mischief, Mr. President, to the people who believe them and act upon them and base their public conduct upon them.

A great preacher, half a century ago, uttered a truth which some of our friends who talk about the bankers of the East and the crime of 1873, I think, sooner or later, will have occasion to bring to their own hearts. He said, "When a whole people set themselves to believe a lie, God punishes them with complete success."

Mr. GALLINGER. Mr. President, as a Republican and as a Senator representing in part a State that cheerfully and willingly assented to the platform adopted at St. Louis, which pledged the Republican party to "promote" international bimetallism, I give my hearty support to the measure now under consideration. I am, however, forced to feel that there is no certainty of the success of this scheme. Indeed, I have very grave doubts that the adoption of this joint resolution will result in the purposes that its promoters have in view; and yet I am profoundly impressed with the feeling that it is the duty of the American people to honestly attempt to bring about this most desirable result.

In the discussion of this question I regret that those participating in it have not in every instance kept themselves to a strict consideration of the question that is now before the Senate. I confess that I was pained on yesterday as I listened to the distinguished Senator from Nevada [Mr. STEWART] make statements that in my opinion are not borne out by any facts which he can bring to the support of his assertions, and that are calculated to do great injustice and harm to the people of our country. I was astounded to hear the Senator from Nevada say, not for the first time in this Chamber, that there are five millions of American freemen to-day begging bread and suffering the tortures of hunger in the United States. I do not believe that any such condition as that exists; and I am here to say that, in my judgment, it is a libel upon the workingmen of the United States, and an assertion that ought to be rebuked during this discussion. I regretted likewise that the Senator from Nevada, not for the first time, felt it his duty to inform the people of this great country that the silver nations of the world are more prosperous than Great Britain or the United States.

Mr. STEWART. I never made that statement.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. STEWART. I never made that statement. I said they were more prosperous than they ever had been in the history of those countries.

Mr. GALLINGER. I did not interrupt the Senator from Nevada, and if he will observe the courtesies of the Senate he will not interrupt me without my permission. The Senator will have an opportunity to reply.

Mr. STEWART. I will not.

Mr. GALLINGER. I have heard the Senator from Nevada time and time again give utterance to precisely the expressions that I have attributed to him, and I am surprised to have him enter a denial of the correctness of my statement. Let us see what the facts are. Turning to the RECORD of this morning, I find the following in the speech of the Senator bearing on this point:

> The universal prosperity of silver-standard countries, by reason of the difference of exchange, leads me to wish that the United States could have like opportunities.

If that does not justify the statements I have made concerning the utterances of the Senator from Nevada, in his own time he will have an opportunity to disabuse my mind and the minds of Senators on that point.

Mr. President, I take issue with the Senator from Nevada. I take issue with the advocates of the free and unlimited coinage of silver in their contention, which they made over and over again during the last national campaign, that the condition of the silver-standard countries is such that the people of the United States need have no fears of any disaster coming to this nation if we adopt the financial policies and laws of the silver countries.

I have on my desk a letter from a gentleman who has traveled extensively all over the world, a gentleman who has traveled in Europe, in Asia, and in South and Central America, and who, under date of October 15, wrote me concerning the condition of the people in the silver countries of South and Central America. I want to put his letter in the RECORD. He says:

> I herewith inclose you a memorandum of the population of the South American states—seventeen in all. There is a population of about 60,000,000 in those countries. Their currency is Mexican silver, and every one of those countries is bankrupt to-day. They have no credit in Europe or America. You could not sell the bonds of many of them for 12 cents on the dollar. The exchange for gold in some of the places is 350 to 400 per cent. I invested about $70,000 in Santo Domingo some eight years ago; to-day it is not worth $10,000. When my investment earns $2.30 in Mexican silver, I only get $1 in gold for it. I received last month $350 gold draft on New York, and my agent paid $775 (Mexican) for it. The Argentine Confederation is bankrupt; Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, are all bankrupt. Haiti is beyond being bankrupt. Honduras, Nicaragua, Paraguay, Peru, Santo Domingo, San Salvador, Uruguay, Venezuela, are all in a state of bankruptcy. Now, with these 60,000,000 of inhabitants, if they were to send $5,000,000 of bonds to Europe or the United States they could not get 10 cents on the dollar for them. They have been made poor, first, because they manufacture nothing but what grows on the top of the ground; second, because they have no currency which the world has any confidence in. It is Mexican silver, and it is almost impossible for a man to do business in those countries on account of the depreciation in the currency. You buy a barrel of flour in New York for $4.50 and ship it out there—to Santo Domingo, for instance—and it sells for $18.50, Mexican.
>
> I here quote the prices of some of the goods on which they live there:
>
> Salt pork, 30 cents, Mexican, per pound.
> One pound C sugar (made there), 10 cents, Mexican.
> One barrel flour, $18.50, Mexican.
> One pound salt beef, 25 cents, Mexican.
> One pound ham, 50 cents, Mexican.
> One pound cheese, 50 cents, Mexican.
> One pound potatoes, 12½ cents, Mexican.
> One pound rice, 10 cents, Mexican.
> One pound onions, 20 cents, Mexican.
> One box (5 pounds) herrings, 50 cents, Mexican.
> One pound codfish, 15 to 20 cents.
> One tin coal oil (5 gallons), $4, Mexican.
>
> The workingmen earn from 80 cents to $1 a day; that is what I pay them. A man would only buy 2 pounds of cheese for a day's work, or 2 pounds of ham. It would take him eighteen and one-half days to earn a barrel of flour, if he got a dollar a day; and if we have free silver in this country, we will be just as bad off as they are. The price of our products would go up, and gold will stay just where it is. There is never any change in gold; it is always in the currency that is inflated by the speculators, and if we have a silver standard, as I said before, every man would have to pay twice as much for his goods and get the same wages he does now, and there would be nothing left but starvation. We do not know what poverty is in this country at all. We pay our people more wages than any other nation in the world, and they are better off than any other nation in the world. You may travel all over the world and look at the working people on Sundays and feast days, and you will find no people that dress as well as the working people in America. Compare the people at Atlantic City and the people at St. Cloud on Sunday and you will see the difference. I trust our people will never vote to degrade themselves. Their franchise is the only thing they have left.

If the Senator from Nevada can extract any comfort from that exhibit of the condition of the silver countries to the south of us, he is welcome to it.

Mr. President, I do not care to go into an elaborate discussion of the gold standard or of free silver coinage. I do not think it is germane to the question that is now under consideration by the Senate. But during the last campaign we were treated in New England by Mr. George Fred Williams, the apostle of free silver coinage in our part of the country, to a picture of the prosperity, happiness, and contentment that prevail in the sister Republic of Mexico; and we were told over and over again that we need not fear to adopt a system of currency that would put us on a par with the people of Mexico.

I think I need not say that we are infinitely better off than the people of Mexico are to-day. Our relative condition is not a matter that ought to be dignified by debate in the Senate of the United States. When citizens of this great Republic point us to the prosperity of the people of Mexico, or South America, or Central America, or China, or Japan, or India, as a reason why we should adopt their notions on the currency question, it strikes me that it is an absurdity which is hardly worth mentioning in this debate.

During the four years of the Administration of President Harrison a citizen of my own State was accredited as minister plenipotentiary to a South American republic. Very recently that gentleman has told me that he paid in that silver country $2 a gallon for kerosene oil and $36 a barrel for American flour. What a paradise that is for the intelligent, self-respecting workingman of the United States! Is it not a wonder that every ship that sails from an American port to South America does not carry a cargo of intelligent, self-respecting American workingmen to a country where they can get kerosene oil for $2 a gallon and American flour for $36 a barrel? Yet this is the elysium that these gentlemen are picturing before our eyes, and this is the condition that they say we can with safety to our country and to our people fasten upon the people of the United States.

Mr. President, India and China are the great silver countries of the world. Two days ago an intelligent and highly educated physician from Calcutta presented letters of introduction to me. I talked with him an hour in my committee room, and during that conversation he said to me, "While your bricklayers in America get three or four dollars a day, the bricklayers in Calcutta and Bombay are working for 4 or 5 cents per day;" and then he added sententiously, "But they live very well on that."

Our money is worth about twice what money is in Calcutta and Bombay, and I do not want to see the time come when intelligent American workingmen and mechanics—men laying brick, constructing our great establishments and our homes—shall be compelled to work for 8 or 10 cents a day. If that is prosperity, it is the kind of prosperity that I do not want to see fastened upon the workingmen of the United States.

That is the condition of things as regards India. As for China, we have had to enact laws prohibiting the people of that great silver country from pouring by the thousands and tens of thousands into the United States to better their condition, to accumulate money here to be carried back to the land from whence they came.

Mr. President, that is the feast that the distinguished Senator from Nevada [Mr. STEWART] invites American workingmen to partake of. They refused in the last national election to follow the lead of the Senator from Nevada in that direction, and, in my judgment, they will continue to refuse to do so.

Mr. President, it may be that the effort which is being made to bring about a monetary conference in the hope that we may secure international bimetallism will fail. I trust it may not fail. I feel a profound desire that we may in some way secure the concurrence of the other great commercial nations of the world with ours in an honest attempt to rehabilitate silver and to have the two metals as standard money in this country and in the other great commercial nations of the world. If it should fail, then we shall again be compelled to face the great question, and it is a great question, that confronted us in the last campaign, namely, whether this country shall plant itself upon the gold standard alone, or whether we shall go to the free and unlimited coinage of silver.

I have myself no concealments upon this question. I have no hesitancy to declare my attitude that if international bimetallism does fail, while I respect profoundly the opinion of every honest man in this Republic who differs from me, I shall stand as an advocate and a defender of the gold standard as against the silver standard for the people of the United States.

Mr. President, this is all I care to say. I trust that the resolution may pass, as I have no doubt it will, and that an honest, earnest effort will be made by the incoming President of the United States to fully redeem the declaration that was placed, after careful and conscientious consideration, in the national platform of the great Republican party.

Mr. PEFFER. Mr. President, the people of the State that I have the honor to take part in representing are bimetallists. I think it is safe to say that 90 per cent of them believe in the use of both gold and silver as standard money. As to the methods for bringing about bimetallism now, as we do not enjoy it, our people are not agreed. I think a majority of our people are ready to risk the experiment of national bimetallism. They believe that the people of the United States, without the aid or encouragement or assistance of any other nation under the heavens, are competent in and of themselves to regulate their own monetary affairs in their own way. While that is true, a very large proportion of our people, nearly one-half of them—as much as 40 per cent, anyway—believe that it is not safe for us to return to the system that we had in vogue prior to 1853—not 1873, but 1853—without the aid and the concurrence of the great commercial nations of the world. And I think they are as conscientious in that belief as the rest of us are in ours.

Upon that issue very largely the great battle of 1896 was fought, the most remarkable political contest in many respects that we have ever had in this country. A majority of the people, and a very large majority of the people, after a protracted and animated and earnest discussion, gave it as their opinion that we ought to have the concurrence of other nations. The party which took that position gave to the country a promise that they would honestly and earnestly endeavor to promote international bimetallism, a condition of monetary affairs with which all bimetallists the world over will be satisfied, and perhaps they will be better satisfied with international bimetallism than with national bimetallism. The Republican party promised the country that with a trial of power they would not only attempt to procure international bimetallism, but that they would revise our tariff laws in such a manner as that, putting the two great policies together, the return tide of prosperity would come over the people, that business would be revived, that our people would be rendered happier, and that in every way the country would be benefited.

I believe the people of Kansas expect of their Senators upon this floor not to place any obstacles in the way of the passage of this bill. Personally, Senators all know that I have no confidence in the accomplishment of the object sought by the bill, and that I do not believe it would amount to anything if it were accomplished, for, speaking personally, I believe the same conditions that are bringing trouble upon the gold-standard countries to-day will eventually bring trouble upon the bimetallic-standard countries of the world. But leaving all that aside (I am simply giving the reason for the vote which I expect to cast), I think the people of Kansas with practical unanimity expect both of their Senators upon this floor to place no obstacle in the way of the passage of the bill, and if a yea-and-nay vote is taken upon its passage, I shall certainly vote for the bill.

Before leaving the floor, I wish to say to my good neighbor from Utah [Mr. CANNON] and my other good neighbor from Nevada [Mr. STEWART] that I hope they will not press their amendments. I do not want to assume any responsibility for any amendment of any character that is placed upon the bill. It is presented to us by gentlemen who have been named by members of their party represented here. It satisfied them. They say to us and to the country, "This is our measure; give us this, and it is a fulfillment, and we will regard it as a fulfillment, of our pledges during the campaign."

With that statement of the views of my people and my own personal views, I have not anything further to say, only that I hope the Senators will not press their amendment.

Mr. BLANCHARD. Mr. President, I am one of those who believe that this country of ours is great enough and broad enough and powerful enough to establish and maintain a monetary system of its own. Therefore, in the recent election I supported that candidate and that platform which declared for an American financial policy, the free, unlimited, and independent coinage of both gold and silver; the restoration of the monetary laws of the country back to where they were prior to 1873.

I understand bimetallism, as applied to practical finance, to mean a monetary system resting upon both metals as equal standards of value and money of final redemption, with free access to the mints at an agreed ratio. The result of the last election was the defeat of a purely American financial system, at least for the present. The Republican party, it is true, in its platform pledged itself to promote in every way in its power the restoration of bimetallism. No one believes that anything whatever will come out of that pledge. The American people are not fooled by it one whit. Enough votes were returned to sustain the candidate of that party and its platform, but we know by what methods that result was brought about. This, however, is not the place to go into the discussion of that question. Having, though, made that pledge, the effort to pass the pending measure appears to be an honest effort on the part of certain Republican Senators to initiate a movement for the establishment of international bimetallism, looking to the fulfillment of the pledge made.

Mr. President, I, for one, desire the establishment in this country of a bimetallic system of money, and whilst I should prefer that it be brought about in the way declared for at the Chicago Democratic national convention, I shall not stand upon methods. The recent election has destroyed all hope for the free, independent, and unlimited coinage of both metals for the next four years at least. If, then, all hope of having enacted into law the declarations of the Chicago platform must be put aside for four years, I am willing to support the present movement, which looks to the bringing about of bimetallism by international agreement.

We want the free coinage of gold and silver, and I am willing to take it via international agreement rather than not get it at all. But this effort at international agreement upon this important question is foredoomed to failure, in my belief. Like the other three attempts in that direction, this is likely to result in nothing; but let us on this side throw no hindrance in the way of this effort to carry out in good faith the pledge of a great political party.

I do not believe that under the incoming Republican Administration we will have anything for the next four years in the way of a financial system except a continuation of the gold standard, with all of its ills, and added to it a high protective tariff law, likely to be enacted in the next few months. The prospect, therefore, before the American people for four years is gold monometallism and high protection. Let us see to what it will bring the country and the people.

The Republican party will come into power under a pledge the most dangerous for any political party to make, the pledge of the restoration and maintenance of general prosperity. I fear, Mr. President, that the conditions do not exist which justify the hope of the restoration and maintenance of general prosperity, nor do I believe it will come under the gold standard and high protection. The money question, outside of the questions which affect the eternal welfare of mankind, is the most important one that can engage the intellect of man. According as it may wisely or unwisely be settled, it affects every man, woman, and child living to-day, as well as generations yet unborn.

This movement, in charge of which is the Senator from New Hampshire [Mr. CHANDLER], is a movement which its advocates promise is a step forward toward changing the present monetary system of the country and of the world. However much I may believe that nothing will come of it, I consider it my duty to support the measure, and such is my purpose.

Mr. WHITE. Mr. President, I rise simply to say that as there is an amendment pending to the bill of the Senator from New Hampshire [Mr. CHANDLER], which amendment was introduced by the Senator from Utah [Mr. CANNON], and which expresses in appropriate phrase the principles which I think should control us, and as I find myself unable to vote for that amendment, I wish to briefly state my reasons for not doing so.

While I think that the amendment of the Senator from Utah would improve this bill, yet, holding as I do that the whole scheme must prove abortive, and knowing that the Republican party is responsible for this legislation and must be held responsible in the future, I am unwilling to make any change in the measure which does not meet the approval of those who have undertaken the enterprise. I do not wish to make the bill so virtuous that it can not be taken in and absorbed and approved by our political adversaries. I am aware that their capacity for bimetallism is somewhat limited, and I do not wish to give them more than that quantity which they themselves state they are in condition to absorb. [Laughter.]

The Senator from Utah has very properly spoken of his amendment, and has given many reasons to show that the pending bill is defective; but I submit that we ought not to interfere with our friends, but permit them to formulate a measure which, as they believe, will accomplish the beneficent result referred to; and if they fail, having designed the bill themselves, we can not be charged with obstruction.

On the other hand, if we attempt to alter or amend it in any material way, it will be said afterwards, in the event of failure, that we are responsible for that failure. Let them have their bill. I shall vote for it, and I hope that it will be successful. If I doubt it, it is because of the elements surrounding the case, which I do not think the Republican and Democratic parties combined could possibly overcome. I again submit that the amendment proposed by the Senator from Utah should be voted down, not because intrinsically it contains anything that is not true, but because, under the circumstances, it is impolitic and unwise to interfere with the pending measure.

Mr. ALLISON obtained the floor.

Mr. CHANDLER (at 3 o'clock and 50 minutes p. m.). Mr. President, I find that there are three or four Senators who desire to speak—so far as I can learn only three or four—and yet they can not get through by 4 o'clock. I am very anxious that the bill should be concluded this afternoon in accordance with the unanimous agreement, and if Senators are willing to stay here and dispose of the bill I will ask unanimous consent for an extension of the time for debate.

Several SENATORS. How long?

Mr. CHANDLER. Until half past 4 o'clock.

Mr. HAWLEY. And with five-minute speeches.

Mr. CHANDLER. I do not wish to cut off the Senator from Iowa.

Mr. ALLISON. I shall not want more than five minutes.

Mr. CHANDLER. I will ask for a general extension of the debate until half past 4 o'clock, with the understanding that the bill is to be voted upon at that time, and I hope Senators will stay here.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. ALLISON. I do not expect to occupy much time in this discussion; indeed, it was not my purpose to participate in it at all until I listened to some of the observations made on the other side both by those who oppose and those who favor the pending bill.

Mr. President, this Chamber seems to be divided, very much as the country is divided, into those who believe in the single gold standard because they think it is not possible to have a double standard and an equivalence of value between the two metals in circulation and those who believe it is wiser and better for us to have a single standard of silver. So I find the Senator from Nevada [Mr. STEWART] and the Senator from Wisconsin [Mr. VILAS] in loving accord opposing this measure, though I do not know but both those Senators will vote for it. I am not sure, however, as to that.

There are others who believe that the metallic money of the world consists of both gold and silver, that they have always consisted of these two metals, and that they are likely to continue to consist of them. They believe that the chief value of these metals is derived from their use as money and not from their use in the arts, and, therefore, if their use as money can be enlarged, or the use of either of them can be enlarged, it will bring their values nearer together.

The Senator from Wisconsin says the two metals have never circulated side by side. I shall not take the time to argue now that he is mistaken, but it is an historical fact that they practically circulated side by side for hundreds of years when the ratio of a given number of commercial nations was the same.

Those who believe in an international agreement on this subject of money are not abdicating, as the Senator from Louisiana [Mr. BLANCHARD] has just said, the power and independence of our nation, but they are making an honest endeavor to bring these two metals, now widely separated in their international value, nearer and nearer together, and they believe that can be done by their universal use. Those of us who believe in having a stable money in our own country, and who do not believe it is a wise thing for us to abandon our present standard and go to the single standard of silver, for which a large number of people voted at the last election, believe that it is wiser and better by practical and sensible methods, which have derived their value from experience, to see whether or not there are other commercial nations who will unite with us in an endeavor to secure the concurrent use of silver and gold without one being greater in value than the other in circulation.

This proposition is not new. It has been the established policy of the United States since 1878, by repeated acts of Congress and by repeated statements in platforms, and only departed from in a single instance by either of the great parties—at Chicago in 1896. Therefore we propose now to place within the power of the President of the United States, as we have many times before placed in his power, the money necessary to enable this Government to participate in any arrangement amongst the commercial nations whereby we can fix a ratio between the two metals and test whether hereafter, as heretofore, they will upon that agreed ratio circulate side by side. That is all we propose here, and we do not even need to do that except for the fact that we must place in the hands of the President of the United States the power to execute this purpose, which we have so often expressed and so often declared in our statutes and in our platforms.

The Senator from Wisconsin jeers at the idea that there is a possibility of securing concurrent action of the principal commercial nations of the world in this effort. He says that all the conferences we have heretofore had have been failures. They have been failures in a sense, it is true, and yet there has not been a single conference held which has not made progress in the development of what we call bimetallism in this country and in the world.

Mr. LINDSAY. I desire to ask the Senator from Iowa whether he regards the appropriation made by the act of March, 1895, as having lapsed, or whether the President may still utilize that appropriation?

Mr. ALLISON. I think, were we not to take this action, that possibly that appropriation of 1895 might be used, as the appropriation of 1892 possibly might be used.

But, Mr. President, being diverted from the suggestion I was about to make in response to the argument of the Senator from Wisconsin, I repeat that there has never been a conference which has not made progress as respects the concurrent use of both gold and silver; and I venture the assertion that, outside of the controlling portions of Great Britain and perhaps also the Scandinavian states, there is not a country in Europe that is not in favor of the effort which is proposed here and which will not support it and advocate it, excepting only Germany, which stands upon a pivot as to its parliamentary situation and as to the governing forces surrounding the Emperor of Germany. It is well known

that Austria will follow in the pathway of Germany in whatever she may say or do.

The Senator from South Dakota [Mr. PETTIGREW] took pains to make quotations from statements made by the delegates of certain European powers in the conference of 1892. It is well known by those who participated in that conference that Great Britain stood in the pathway, and Germany also, because then her Parliament or Reichstag had not expressed itself, as it has twice since, in favor of international bimetallism. So the situation now is not what it was in 1892, whether as to the Government of Germany, the Government of France, or even that of Great Britain. It is well known, as the Senator from Massachusetts [Mr. HOAR] has already stated, that all of the governing forces in France now favor bimetallism. Why? Because France and Belgium and Holland and Switzerland and Italy have in their circulation nearly $1,200,000,000 of silver money, which circulates there only as domestic money, on a par with gold, which is their standard of value. We have $600,000,000, or nearly so, of like money. Is it not the part of wisdom on the part of those countries to make our domestic money interchangeable without having behind it, as we have now and are obliged to have, the power of this Government to keep it on a par with gold? Should you take away that power, the silver money would no longer circulate, as it does circulate, on a parity with gold.

Mr. President, I do not advocate this policy because it is found in the platform adopted at St. Louis. I advocate it because I believe it is in the interest of the concurrent circulation of these two metals in the world and because it promotes the commercial interest of the world to minimize the difference in the power of exchange between great connecting trading countries. One or the other of those metals, so long as these conditions prevail, will be the paramount metal, and so long as it is the paramount metal the other will fluctuate up and down in the markets of the world. That is the situation to-day.

Mr. PETTIGREW. Will the Senator allow me just one moment?

Mr. ALLISON. As the Senator will see, I can not yield to him now.

Mr. PETTIGREW. I simply wish to correct a statement of the Senator.

Mr. ALLISON. The Senator can correct it afterwards. I may have made some error, but the statement is practically correct as I have made it.

Which of these two metals is to be paramount until we have the concurrent action of nations? It is that which is the standard of money in the nations having the chief trade of the world. Who are those nations? Are they China, Japan, or the South American States, some of them having a gold standard, some of them having a silver standard, and all of them upon a depreciated paper standard but one? Here lies Europe, with its silver and its gold, having the gold standard, with a trade twelve times as great as all the trade of all the silver countries combined. Therefore it is, unless we can minimize this difference in the value of these two metals in the exchanges of the world, this divergence will go on, and the people who have the silver money are those who will be most distressed in the exchanges which are necessary to be made.

Without reference to party platforms or party alliances here or there, can it be possible that the American people, growing as they are growing, in the commerce of the world, will not make whatever effort can be made to secure as nearly as possible the power of exchange among the nations which use silver and gold?

Mr. President, I shall vote for this measure.

Mr. GORMAN. Mr. President, I shall vote for the proposition presented by the distinguished Senator from New Hampshire [Mr. CHANDLER], and I think the country is to be congratulated upon the result of the debate upon this proposition to-day. With practical unanimity on the part of those who have spoken, it appears that the members of the Senate are in favor of making this earnest, honest effort to secure an international agreement. I shall vote for it, notwithstanding the fact that it gives power to the incoming President of the United States to appoint the commissioners to represent this Government in whatever conference may be held; I shall vote for it, as I have voted for all like propositions since I have been a member of the Senate, even the one of 1895, when Congress, making the provision for calling a conference, elected six of the commissioners, three by the House of Representatives and three by this body, leaving the present President of the United States to appoint a number of commissioners. The failure to carry out the law of Congress as expressed in that resolution, in my judgment, intensified the feeling of this country, certainly in the Democratic party, to such an extent that the extraordinary declarations of the Chicago convention were made.

I agree with the distinguished Senator from Massachusetts [Mr. HOAR] that a great majority of the people of this country are in favor of bimetallism. The American people will not very much longer, in my judgment, submit to a dalliance with this question, which does not bring about results, and which is not intended to bring about results. But viewing the condition of the country, which has been produced by various causes, not only by the difficulties regarding the circulating medium, but from others, we see that distress prevails from one end of the land to the other, which does not disappear, but which intensifies, until we stand to-day not as well off as we were one year ago. But for the fact that the great famine abroad has enabled our people to send their products hence, so that the balance of trade within the year is $300,000,000 in our favor, no man could tell what would occur during these winter months. The distress of others has saved us from a great calamity.

I will not impede by any act of mine any measure that will tend to create a better condition of affairs for our people under the next Administration. I prefer, because it is a mere matter of verbiage, that the party about to assume power shall deal with this question precisely as they deem best. The methods by which they may attain it, so far as concerns my vote, must be theirs. But having voted for the bill, as I shall, I wish to say to the other side that the great reforms which you have promised will not end with the passage of the pending bill. Nothing but results will satisfy the American people, and results which will better the condition as it stands to-day. A result must follow which will give sufficient revenue to the Government without imposing unjust burdens upon the masses of the people or give favoritism to a few. The structure, as to the ordinary currency of the country, which has been created not by Democratic policies, can not be permitted by the Republicans to remain as it is now, so that whenever there is a panic or a slight disturbance in business affairs runs upon banks and the Treasury will occur again.

Having come in power, you are entitled to have fair treatment upon those questions which affect the Treasury, as the matter now under consideration affects the whole structure. I, for one, do not intend to obstruct that policy unless it be made purely political by those on the other side of the Chamber. I can not afford as an American citizen and as a Senator having a vote here, representing in part a State, to fail to take into consideration the immense embarrassment under which our people are laboring. I will not even express the opinion that this measure will be a failure. My belief is that we have failed in the past because those in the executive branch who have had the management of our financial affairs have never had their heart in the matter. Our representatives have been embarrassed by the conviction on the part of those whom they met in conference that if there was a failure the American people would quietly submit to it, as we have. I desire to see this commission go abroad with the encouragement of both Republicans and Democrats, to say to the other nations of the world that we intend to have this question adjusted fairly and in the interest of the people.

I was gratified to hear the Senator from Massachusetts [Mr. HOAR], with all his learning, in his splendid speech to-day, say to the American Senate that the English Government, or a majority of that Government, is in favor of bimetallism. But he said that within a square mile in London there is power enough to prevent the achievement of a great act for the benefit of mankind; that they would overturn the English Government. Mr. President, within 1 mile of the city hall in New York there has been power enough to stay and stop the consummation of this question in the United States. Within the radius of a mile in the city of Paris there has been enough power to stay and stop the men who govern France. Let these representatives of the United States under the next Administration go abroad and say that no longer shall this power thus concentrated in three or four great cities throttle all the freemen of the world; but that if they do so on the other side, the American Republic will march along in the immediate future to relieve our people at home.

Mr. STEWART. Mr. President, two or three of my friends who have spoken have great difficulty in understanding what I say or in interpreting what I mean. The Senator from New Hampshire made a statement that I had said that the silver-standard countries are more prosperous than our own country. I never made any such statement. What I did say is true, that since the demonetization of silver and the difference of exchange forced by that demonetization the silver-standard countries had prospered more than they ever did before in history; and if there is anything true on earth, that is. The man who does not know that the silver-standard countries, having availed themselves of cheap silver, are reaping a rich reward is ignorant of current history.

The Senator from Massachusetts [Mr. HOAR] made some sport at my expense. He told us how nicely the aristocracy of Europe treated him and what kind things they said. We have had those reports for twenty years. There is no doubt that you can get honeyed words from those gentlemen. They are very polite. In alluding to Mr. Balfour he was unfortunate, however. Mr. Balfour understands this question as well as any man living. He is in sentiment a bimetallist. But a short time ago in Parliament he conceded that it was impracticable, and he was unwilling to place the administration against the mile square in London. He is as much in dread of that as the Senators on this floor are in dread of the mile square in New York.

The Senator made another unfortunate allusion. He referred to the savings banks, and by implication let it be understood that they were contributors to the vast corruption fund which did a large part of the voting at the last election. I have heard it stated before that the very honest men whom he described contributed of the funds deposited in savings banks to swell the volume of the vast fund which voted in the last election. I did not believe it. If it is true, it speaks badly for their honesty. In regard to savings banks, I have this to say: It is true that $1,500,000,000 has been deposited by the laborers and others in the savings banks of the United States. Those $1,500,000,000 are invested in securities. It is not true that those securities are of the same value that they were when the investments were made. The savings banks are trembling on the brink of ruin. If the gold standard is maintained, they can not convert their securities into money and pay their depositors. I will not mention, as I could do, a large number of savings banks whose situation is very delicate, but I undertake to say that the gold standard, if pursued, will so depreciate the securities they hold that few if any of them can close up and pay their depositors. They can not convert the securities they hold into money, and in almost every city the savings banks are making every effort to prevent a run. In Chicago a few days ago they claimed that they availed themselves of the privilege of demanding the full notice allowed by law. That is the situation of the savings banks.

I did not think my friend the Senator from Iowa [Mr. ALLISON] really misunderstood my position. He said that I am in favor of the single silver standard. I am not in favor of confining the money to any particular commodity. I am in favor of restoring silver and using the two commodities, but if the two commodities are not enough, as they frequently have not been, I am in favor of our Government saving this civilization by the exercise of its sovereign power, which has been used in every emergency by every great government, to create money out of something else. As I said the other day, there is but one case in which metallic money was used in a great war. That was the case of Germany in the war with France, when she used silver. She remained on the silver basis throughout the war. If in a great emergency of war, when national existence and national life are at stake, governments have the inherent power to create a circulating medium which will save their existence, why is it necessary that in time of peace the people should be destroyed because there is not enough of any particular material? I believe the use of both metals will furnish a reasonable amount of material out of which to make money.

It is suggested that silver will be used altogether, and that I am a monometallist. What I ask is that the mints shall be opened to each, and that if silver does not come to the mints, let gold come. If gold does not come, let silver come. Let something come that will stand between the American people and the extinction of civilization. If the misery that now stalks abroad in the land does not appeal to the Senate, what will? The suffering is greater to-day than it ever was in war. I am called to account because I said 5,000,000 are out of employment and in want. My statement was no exaggeration. There are more than 5,000,000 people who are practically idle because enterprise is stopped, and those who work upon farms are toiling for comparatively nothing. Their farms have depreciated in value. Mortgages have been converted into deeds. Misery stalks abroad in the land, and I say under these circumstances it behooves the American Senate to inquire if there is no remedy in peace for unendurable calamities.

With this situation before us, with our people struggling to live, misery everywhere, we are going to Europe to ask a mile square in London if they have blood money enough; if they are satisfied to give us some of their gold; if they are satisfied to let us use some silver; if their greed to increase their hoards by increasing the purchasing power of money is satiated. That we must petition them for that it seems to me is the depth of humiliation and disgrace. Suppose during the war either side had left home and gone to Europe to get aid and comfort. Suppose they had applied to Europe for the right to make their own money. Everybody would have said they were unpatriotic. It is equally unpatriotic to-day to let millions starve and perish while we apply to Europe for relief.

I agree with the remarks of the Senator from California and with others who have said that it is our duty, as a matter of expedience, to allow the Republican party to make this fourth application to Europe for relief, because they have made many people believe that Europe has more regard for the people of the United States than has the Government of the United States for the people which placed it in power. Many have been misled to that extent. Let them try it again; and perhaps after twenty-four or twenty-five years of experiment a sufficient number of American people will have faith in their own Government and in the power of their own Government to save the people in this emergency. That being the case, let it go on. We can do nothing else. Let them have the spectacle, and I desire to have it presented in their own bill. I appeal to my friend, the Senator from Utah [Mr. CANNON], to withdraw his amendment. Let us put no obstruction in the way. Let them show to the world just what this thing is. Do not let us bear any of the responsibility of obstructing. We want the object lesson. One more object lesson will suffice, I am satisfied. With one more object lesson all the money in the savings banks in the United States, if you take it all out, will be insufficient to cast a majority vote in the next election.

Mr. HAWLEY. Mr. President——

Mr. CHANDLER. Will the Senator from Connecticut allow me? I ask unanimous consent that the time for a vote may be extended, so that the Senator from Connecticut [Mr. HAWLEY] and the Senator from Illinois [Mr. PALMER] may address the Senate.

Mr. WHITE. Will we have a vote this afternoon?

Mr. CHANDLER. Immediately thereafter.

The VICE-PRESIDENT. Is there objection?

Mr. MORGAN. I object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

Mr. HAWLEY. I shall occupy the time of the Senate for but a very few moments. I am as anxious to come to a vote as is any other Senator.

The VICE-PRESIDENT. The Chair will state that the agreement was to take a vote at half past 4 o'clock. The Chair submits to the Senate the request of the Senator from New Hampshire that the time be extended in order that the Senator from Connecticut and the Senator from Illinois may address the Senate.

Mr. CHANDLER. I am very anxious to get the bill through to-night, but not so anxious but that I would like to have the Senator from Illinois as well as the Senator from Connecticut have a chance to make a speech. No other Senators have hitherto indicated a desire to speak. Those are the only ones who wish to speak, and I hope they may have an opportunity.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New Hampshire.

Mr. PALMER. I would prefer that the request be limited to an extension of time so as to permit the Senator from Connecticut to speak.

Mr. PETTIGREW. I shall object unless the time is extended so that all who choose to speak can do so.

Mr. CHANDLER. The Senator from South Dakota can object if he pleases.

Mr. GALLINGER and Mr. FRYE. Let us have a vote.

Mr. PETTIGREW. I shall not object if the time is extended so as to allow every Senator to speak who wishes to do so.

Mr. GALLINGER. I object to that.

Mr. CHANDLER. No other Senator has indicated a wish to speak until now.

Mr. HOAR. I suggest that if any other Senator now indicates a wish to speak the extension of time can be enlarged so as to include him. I understand that the Senator from Illinois [Mr. PALMER] withdraws his desire, so that no Senator has indicated a wish to speak except the Senator from Connecticut [Mr. HAWLEY].

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from New Hampshire. Is there objection?

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection is interposed. The hour has arrived at which the Senate agreed to vote. The question is upon agreeing to the amendment submitted by the Senator from Utah [Mr. CANNON], which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause down to and including the word "conference" in line 12, and insert:

> That within ninety days after the 4th day of March, 1897, the President of the United States shall invite the leading commercial nations of the world to appoint representatives to an international monetary conference, to convene on or before October 1, 1897, at such place in the city of Washington as the President may designate; and also, within said ninety days after the 4th day of March, 1897, the President shall appoint five commissioners to represent the United States at such conference, the duty of which United States commissioners shall be to urge the adoption by said conference of a plan for the free and unlimited coinage of silver and gold at some ratio ranging between 15 to 1 and 16 to 1 by the nations represented at such conference.

Mr. CHANDLER. I hope the Senator from Utah will withdraw the amendment. I ask him in behalf of the friends of the original bill to withdraw it.

Mr. CANNON. I prefer to allow the amendment to be voted upon by the Senate.

Mr. CHANDLER. Then I move to lay the amendment upon the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire to lay on the table

the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. CANNON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. If he were here, I should vote "nay."

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS], and therefore withhold my vote.

Mr. FAULKNER (when his name was called). I understand from the Senator from New Hampshire that my colleague [Mr. ELKINS], with whom I am paired, would vote "yea" on this question if he were present. I will therefore vote. I vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. HILL]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. McBRIDE (when the name of Mr. MITCHELL of Oregon was called). My colleague is absent from the Chamber. He has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. If my colleague were present, I have no doubt, believing that the bill in its present form would best promote the object intended to be attained by it, he would vote against the pending amendment and all proposed amendments to the bill.

Mr. MITCHELL of Wisconsin (when his name was called). I have a pair with the Senator from New Jersey [Mr. SEWELL]. I understand the Senator from New Jersey is opposed to the amendment, and I will therefore vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GEAR (when Mr. MORRILL'S name was called). The senior Senator from Vermont requested me to state that he has a general pair with the Senator from Tennessee [Mr. HARRIS].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. I do not know how he would vote, and therefore withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I am paired generally with the Senator from Oregon [Mr. MITCHELL]. I am informed by his colleague that he would be against the amendment. Therefore I shall vote in the affirmative upon this question. The Senator from Oregon would be in favor of the passage of the bill, while I would be against it. Upon this amendment I shall vote the same way in which he would if present. I vote "yea."

Mr. WILSON (when his name was called). I have a general pair with the junior Senator from Florida [Mr. PASCO], and I am not advised how he would vote upon this question. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I have a general pair with the Senator from North Carolina [Mr. PRITCHARD] who is absent. The money question, however, was excepted from the operation of the pair. I understood from him that his sentiments upon that question are the same as my own; and under the circumstances I feel authorized to vote. I vote "yea."

Mr. BATE. My colleague [Mr. HARRIS], who is unable to be here this evening, is paired with the Senator from Vermont [Mr. MORRILL].

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I am informed by his colleague that if present he would vote in favor of the motion to lay on the table. I therefore feel at liberty to vote. I vote "yea."

The result was announced—yeas 41, nays 8; as follows:

YEAS—41.

Allison,
Bacon,
Baker
Blackburn,
Blanchard,
Brown,
Cameron,
Carter,
Chandler,
Cullom,
Davis,
Faulkner,
Frye,
Gallinger,
Gibson,
Gorman,
Gray,
Hale,
Hawley,
Hoar,
Jones, Ark.
Jones, Nev.
Lindsay,
McBride,
McMillan,
Mills,
Mitchell, Wis.
Murphy,
Perkins,
Platt,
Pugh,
Sherman,
Shoup,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

NAYS—8.

Allen,
Bate,
Butler,
Cannon,
Clark,
Peffer,
Pettigrew,
Roach.

NOT VOTING—40.

Aldrich,
Berry,
Brice,
Burrows,
Caffery,
Call,
Chilton,
Cockrell,
Daniel,
Dubois,
Elkins,
Gear,
George,
Gordon,
Hansbrough,
Harris,
Hill,
Irby,
Kyle,
Lodge,
Mantle,
Martin,
Mitchell, Oreg.
Morgan,
Morrill,
Nelson,
Palmer,
Pasco,
Pritchard,
Proctor,
Quay,
Sewell,
Smith,
Squire,
Teller,
Vest,
Voorhees,
Warren,
Wilson,
Wolcott.

So the amendment was laid on the table.

The VICE-PRESIDENT. The question recurs upon the amendment of the Senator from Georgia [Mr. BACON]. The amendment will be stated.

The SECRETARY. Insert as an additional section:

> SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. CHANDLER. I understood that the friends of the bill accepted that amendment when it was offered so far as they could do so.

The VICE-PRESIDENT. Is the amendment accepted without objection?

Mr. FRYE and others. Agreed.

The VICE-PRESIDENT. The amendment is agreed to without objection. The bill is still as in Committee of the Whole, and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. COCKRELL. Let the third reading be in full.

The bill was read the third time, as follows:

> *Be it enacted, etc.*, That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.
>
> SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference to assemble at such point as may be agreed upon.

The VICE-PRESIDENT. The question is, Shall the bill pass as amended?

Mr. BATE. On that let us have the yeas and nays.

The yeas and nays were ordered.

Mr. THURSTON. I am compelled to leave the Chamber to take a train. I ask unanimous consent that my vote may be recorded in favor of the passage of the bill without waiting for the roll call.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HALE. Let the name of the Senator from Nebraska be called.

The Secretary called the name of Mr. THURSTON, and he voted in the affirmative.

The VICE-PRESIDENT. The Secretary will call the roll on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. I do not know how he would vote on the bill. I therefore withhold my vote.

Mr. CHANDLER. I desire to inform the Senator from Arkansas that I am authorized by the Senator from Colorado [Mr. TELLER] to pair him in favor of the bill.

Mr. BERRY. If the Senator from New Hampshire can get a pair for him, I hope he will do so.

Mr. CHANDLER. The Senator from Arkansas is at liberty to vote.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not knowing how he would vote, I withhold my vote.

Mr. FAULKNER (when his name was called). I am informed by the Senator from New Hampshire [Mr. CHANDLER] that my colleague [Mr. ELKINS], with whom I am paired, would vote in the affirmative on the passage of the bill. I will therefore vote. I vote "yea."

Mr. GEAR (when his name was called). I am informed that the Senator from Georgia [Mr. GORDON], with whom I have a general pair, would vote, if present, in favor of the bill. Therefore I will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. HILL]. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I am informed by his colleague that he would vote for the bill. I will therefore vote. I vote "yea."

Mr. McBRIDE (when the name of Mr. MITCHELL of Oregon was called). I again announce the pair of my colleague [Mr. MITCHELL] with the Senator from Wisconsin [Mr. VILAS]. My colleague, if present, would vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. As we are of one mind on this question, I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but I am authorized by his colleague to vote, and therefore I will vote "yea."

Mr. PALMER (when his name was called). I beg again to announce my pair with the Senator from North Dakota [Mr. HANSBROUGH]. I will withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS].

Mr. VILAS (when his name was called). I have already announced my pair with the Senator from Oregon [Mr. MITCHELL]. I suggest to the Senator from Massachusetts [Mr. LODGE] that we exchange our pairs so as to be enabled to vote.

Mr. LODGE. I agree very gladly to that arrangement.

Mr. VILAS. Very well; then let the Senator from Oregon [Mr. MITCHELL] stand paired with the Senator from New York [Mr. HILL]. I vote "nay."

The roll call was concluded.

Mr. CLARK. I wish to announce the absence of my colleague [Mr. WARREN] on account of severe illness, and that if present he would vote "yea."

Mr. WILSON. I again announce my pair with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "yea."

Mr. LODGE. In view of the transfer which has just been made by the Senator from Wisconsin [Mr. VILAS], I desire to vote. I vote "yea."

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is absent on account of indisposition, and is paired with the senior Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 46, nays 4; as follows:

YEAS—46.

Bacon,
Baker,
Bate,
Blackburn,
Blanchard,
Brown,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Clark,
Cullom,
Davis,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gorman,
Gray,
Hale,
Hawley,
Hoar,
Jones, Ark.
Jones, Nev.
Lindsay,
Lodge,
McBride,
McMillan,
Mills,
Mitchell, Wis.
Murphy,
Nelson,
Peffer,
Perkins,
Platt,
Pugh,
Sherman,
Shoup,
Thurston,
Tillman,
Turpie,
Walthall,
Wetmore,
White.

NAYS—4.

Allen,
Pettigrew,
Roach,
Vilas.

NOT VOTING—39.

Aldrich,
Allison,
Berry,
Brice,
Burrows,
Butler,
Caffery,
Chilton,
Cockrell,
Daniel,
Dubois,
Elkins,
George,
Gordon,
Hansbrough,
Harris,
Hill,
Irby,
Kyle,
Mantle,
Martin,
Mitchell, Oreg.
Morgan,
Morrill,
Palmer,
Pasco,
Pritchard,
Proctor,
Quay,
Sewell,
Smith,
Squire,
Stewart,
Teller,
Vest,
Voorhees,
Warren,
Wilson,
Wolcott.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10085) for the relief of Elnora Shuman.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I ask the Chair to lay before the Senate the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, I take the floor on the Nicaragua Canal bill this evening for the purpose of presenting to the Senate a report of the Select Committee on the Construction of the Nicaragua Canal, which sets forth a statement made by Hiram Hitchcock, of New York, president of the Maritime Canal Company, and which I will ask to have printed and laid on the table.

Mr. FRYE. And printed as a document?

Mr. MORGAN. And printed as a document, of course.

Mr. SHERMAN. We can not hear on this side of the Chamber.

The VICE-PRESIDENT. The Chair was unable to hear the remarks of the Senator from Alabama. The Senate will be in order.

Mr. MORGAN. I said that I took the floor this evening on the bill for the purpose of presenting a report of the Select Committee on the Construction of the Nicaragua Canal, which sets forth a statement of Mr. Hiram Hitchcock, of New York, president of the Maritime Canal Company, in reference to the present relations between the company and the States of Nicaragua and Costa Rica, and it is submitted without any comment on the part of the committee. I should like very much, as it is a matter of consequence to the Senate, that the report may be printed in the RECORD as well as in ordinary report form, unless there is objection to it.

Mr. SHERMAN. Let it be printed in the form of a document, because it is easier to read in that form than in the RECORD.

Mr. MORGAN. Yes; in the form of a document, and in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATEMENT OF MR. HIRAM HITCHCOCK, OF NEW YORK, PRESIDENT OF THE MARITIME CANAL COMPANY, OF NEW YORK, BEFORE THE SELECT COMMITTEE ON THE NICARAGUA CANAL OF THE UNITED STATES SENATE, ON THURSDAY, JANUARY 28, 1897.

The committee met at 10.30 a. m.

The CHAIRMAN. This meeting has been specially called to hear the statement of Mr. Hiram Hitchcock, president of the Maritime Canal Company of Nicaragua, who has been summoned by the committee to give the committee information with reference to the canal company.

I will first ask you, Mr. Hitchcock, what differences, if any, your company has had with the Governments of Nicaragua and Costa Rica in connection with the building of the canal?

Mr. HITCHCOCK. The same is true with regard to any substantial differences as was true when I was first called before the Senate Committee on Foreign Relations, June, 1890. I then said: "I may as well perhaps say, as you ask me the question, with reference to that, that there is no point of difference remaining unsettled between the company and Nicaragua at the present time. That leads me to say (without assuming to be able to give you gentlemen the least information on that point) that it is proper that you should know from us officially the relations which exist between us and Nicaragua, and in fact Central America generally. It is, as I said before, perhaps unnecessary to state these facts, but there are complicated questions. The rights to the San Juan River, the boundary questions between Nicaragua and Costa Rica, always come up when any question of transit across that Isthmus arises. You will find that under Tyler's Administration, in 1842, this matter was somewhat considered by Mr. Webster, and it has been before every Secretary of State in some aspect from that time to this. It involves the canal question. Now, the question of the respective rights in this particular route was supposed to have been settled under the treaty of limits between those two powers of 1858. Under that treaty, while Nicaragua owns the entire route, yet Costa Rica has the right to navigation and has the right to be consulted.

"Now I come down to the point where it concerns this particular concession. The Nicaragua Canal Association, which was formed in 1886, set out early in 1887 to obtain a concession to build this canal. Nicaragua had the right to give this concession, and in it gave us the fullest freedom to locate the route; but for the reason that the treaty of 1858 gives to Costa Rica the right of navigation and that in the construction of the canal waters would be made to overflow Costa Rican territory, Costa Rica took the ground that Nicaragua should have recognized that treaty to the extent, at least, of obtaining the consent of Costa Rica to this concession. Nicaragua did not do that. We accepted the concession in good faith, believing Nicaragua had the absolute right to grant it. The first thing we encountered was a protest, thirty or forty days

thereafter, from Costa Rica, announcing that the concession was of no value because she had not been consulted. The Government of Nicaragua could have consulted her before, and have gone on and satisfied her for any damages which the overflow might do to her territory, but we were left to make terms with Costa Rica. We then, for six months, negotiated to obtain a concession from Costa Rica, when this was accomplished. Nicaragua immediately protested against our concession from Costa Rica. We assured Nicaragua that we had accepted the concession from Costa Rica simply in the nature of a quitclaim of any rights she might have; and when we formed our company and accepted the Costa Rica concession we accepted it only in so far as it did not conflict with the territorial rights and proprietary interests of the Republic of Nicaragua. Thus we were entirely open and frank in the whole transaction.

"Now, you will readily see that up to that point it was useless to talk about the sale of bonds with the protest of either Government pending. Then when the first expedition, sent out after the Maritime Company was organized, commenced work on the 3d of June, 1889, Nicaragua officially notified us that, while she would protest against our concession from Costa Rica, yet she would not go beyond protesting and would not interfere with the construction of the canal. But in July Nicaragua ordered the stopping of our work at Grey Town. We did not pay attention to that order, because she immediately modified it by saying that she would not regard the work as an official commencement of permanent work. The troubles continued and were fostered by parties from England, whose names I know, who wanted to have the 24th day of October arrive and the Government of Nicaragua not recognize that we had begun our work, so that our concession would lapse. On the 16th of September, 1889, the Government of Nicaragua notified us officially that if we did not confine ourselves within her limits, thereby ignoring any rights or claims of Costa Rica, she would not approve our surveys nor recognize the commencement of the work of construction, and that on the 24th of October she should consider our concession as having lapsed.

"This course of Nicaragua was so unjust that I went immediately to the Government here, through the State Department. I stated the case fully. Mr. Blaine met the question with great fairness and promptness, and immediately wired to the American minister at Central America (Mr. Mizner) to go to Nicaragua and say to the Nicaraguan Government that he was surprised at the report of the attitude of the Nicaraguan Government toward this company, and wished him to examine into the facts and report to the State Department here, and at the same time to assure the Government of Nicaragua that the Government of the United States would not remain passive and see the rights of its citizens threatened. That dispatch of Mr. Blaine had the desired effect. Mr. Mizner and Mr. Hall, our permanent agent there, arranged a plan by which Nicaragua could recede from her position with dignity, which was in the form of a joint declaration. On our part we agreed to go on and build the canal in good faith under the concession, and the Nicaraguan Government agreed to approve the surveys and work, so that the work of construction was recognized officially as commenced on the 8th of last October. I will submit copies of the telegrams between the President of Nicaragua and myself."

[Copy of telegram sent October 9, 1889.]

His Excellency PRESIDENT OF NICARAGUA, *Managua:*

Please accept my sincere congratulations upon the happy termination of all differences, and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK,
President Maritime Canal Company of Nicaragua.

[Translation of telegram received from the President of Nicaragua in reply to ours of October 9.]

MANAGUA, *October 11, 1889.*

President of the Maritime Canal Company of Nicaragua:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

ROBERTO SACASA,
President of the Republic.

Mr. Hitchcock explained that this was mainly a repetition of his statement before the Committee on Foreign Relations June 5, 1890.

The CHAIRMAN. Mr. Hitchcock, will you please relate to the committee in detail your interview with Mr. Blaine just referred to?

Mr. HITCHCOCK. I have here a memorandum made at the time of a confidential interview with the Hon. James G. Blaine, Secretary of State, in Washington, on the 7th of May, 1889, at which were present ex-Chief Judge Charles P. Daly, Engineer A. G. Menocal, and myself. I stated to Mr. Blaine that the Maritime Canal Company of Nicaragua, chartered by Congress, had just been organized, and recited to him the history of the enterprise up to that time, including some of the numerous interests opposed to the construction of the canal, and that the opposition had in vain endeavored to induce President Cleveland not to sign the charter of the company. The last move of the enemies of the canal was to bring an ineffectual suit in New York to prevent our organizing under the charter of the United States.

Mr. Blaine gave us some valuable information with reference to the relations of the United States to the Central American States, and then said that the canal must be built and controlled by the United States, and he believed that more tonnage would pass through it in a short time after its construction than was passing through the Suez Canal. I suggested to Mr. Blaine that it might be proper for the Government to say to us that it expected us to faithfully comply with the charter and build the canal, and also state to the Governments of Nicaragua and Costa Rica that it would expect them to afford us every facility for building the canal under the respective concessions. Mr. Blaine then said:

> I serve notice on you now that the Government does expect you to execute the charter faithfully and to build the canal, and if you do so you will have the Government with you. I will also cable the minister to Central America to go to Managua to look after our interests, and will send for the ministers to Nicaragua and Costa Rica and talk with them.

Our object in this conference was to determine the fact that we could go on with the work of building the canal and rely upon the support and protection of the United States, the power that had given us the charter, and we felt fully satisfied on that point.

I sent to Mr. Blaine, at his request, copies of all papers connected with the canal, beginning with the concessions.

I will say here that messages of congratulation on the organization of the company, May 7, were exchanged between President Carazo, of Nicaragua, and myself, as president of the Maritime Canal Company.

Not long after this, the Nicaraguan minister at Washington telegraphed his Government about the organization of the canal company, and said:

> Costa Rica insists upon a director. If he remains, Nicaragua must recall its director. The company observes both concessions.

After our agent in Nicaragua had talked with President Carazo about this, the President instructed the minister in Washington to limit himself to protest and assured our agent that Nicaragua would not hinder the beginning of the work. On the strength of Mr. Blaine's request to keep him fully informed, I wrote him, June 21, 1889, stating that I had that day received a letter from the Hon. Henry C. Hall, former United States minister to Central America, who had become our agent at Central America, advising me by cable that Nicaragua proposed to stop our work, which had been going on since June 3, on the ground that our surveys had not yet been approved by her engineers. I then wrote:

> Our surveys were long since completed, at great expense, and received the approval of our engineers and also of the able advisory board of five American engineers. Three months ago they were submitted to the two engineers appointed by the Government of Nicaragua.

And this obstruction to our work was, notwithstanding the letter of Minister Zavala to Minister Hall, on the 12th of October, 1888, in which Zavala says that the Government of Nicaragua—

> Will not place any obstacles to the construction of the canal in accordance with her concession, but on the contrary will contribute with all those facilities within the power of the Government, anxious as it is to see the work carried on to a successful termination.

On the 16th of July, 1889, I went to Washington by request of the minister of Nicaragua, and at his request endeavored to allay any unpleasant feeling that existed between the Governments of Nicaragua and Costa Rica with reference to the canal concessions. He requesed me to confer with the minister of Costa Rica on that subject. When I reached the residence of the latter he was about sending for me, and showed me a telegram from the President of Costa Rica asking me, as president of the Maritime Canal Company, to obtain the mediation of the United States Government. The result of repeated conferences between us was a letter addressed by me July 18, 1889, as follows:

MARITIME CANAL COMPANY OF NICARAGUA.
New York, July 18, 1889.

DEAR SIR: The Maritime Canal Company of Nicaragua respectfully asks you to direct the American minister at Central America to say to the Governments of Nicaragua and Costa Rica that having learned of serious differences between those two Governments which affect the Maritime Canal Company of Nicaragua, the Government of the United States offers its mediation in regard to the same and requests the said Governments to give their resident ministers at Washington full powers to confer with the president of the Maritime Canal Company of Nicaragua as to those differences, and then with him to submit the same and all questions relating thereto to the President of the United States for his decision, which shall be final and binding upon each and all of the said parties.

Very respectfully,

HIRAM HITCHCOCK, *President.*

Hon. JAMES G. BLAINE,
Secretary of State.

This letter is approved by the ministers of those countries.

This letter, unfortunately, did not reach Mr. Blaine, who was absent from Washington, until some weeks afterwards.

On the 16th of September, 1889, I addressed Mr. Blaine the following letter:

MARITIME CANAL COMPANY OF NICARAGUA,
New York, September 16, 1889.

DEAR SIR: A crisis in the affairs of this company being at hand, it becomes necessary to submit the case, through you, to the Government of the United States, that we may be advised and protected. This is made easy on account of the great interest that you personally take in the enterprise, and the full liberty you have always given me to come to you. That we shall be protected through your wise aid and counsel I well know, and have known since your cordial assurances to that effect, in Washington, when I went out with Judge Daly and Chief Engineer Menocal, on the 7th of May, to announce the organization of the company under the charter granted by the United States. From that day we have felt and now feel that we can go in and build the canal and rely upon protection by the power that granted us a corporate existence.

I have formally asked in writing the friendly aid of the Government, as will appear from my communications to you of June 21 and July 18, and I am aware that you directed Minister Mizner to Managua, where he now is. I have also written you from time to time of the progress of our affairs.

In my last letter, of August 1, I strongly protested against the position taken by the Government of Nicaragua with reference to this company. On the 17th of August the Hon. Henry C. Hall, our agent at Nicaragua, was received very warmly by the new President, Dr. Sacaza, and had a most gratifying interview.

On the following day, August the 18th, Mr. Hall cabled me as follows:

"I have seen the President. He is favorably impressed with everything, and I have no doubt that matters can be settled in accordance with your wishes."

But on August 28 Mr. Hall wrote as follows:

"For a long time I have been convinced that there is some secret influence at work with the Nicaragua Government adverse to the company. This influence in my opinion is British. I do not say it comes direct from the British Government, but it comes from British capitalists who are anxious to get control of the enterprise. Mr. Climie tells me, as mentioned in a former letter, that the Blackman scheme could obtain all the capital it might need in London, and from what he let drop at the same time I am satisfied that his partner, Mr. Passmore, had conferred with Mr. Blackman in London, and that he (Climie) had conferred with him in New York. This influence has been more than ever apparent since the death of Mr. Carazo. I had counted upon Modesta Barrios as a friend of the enterprise to be relied upon. I now find him imbued with the same ideas that were entertained by Urtecho in regard to the Costa Rica contract, that is, that while that contract exists Nicaragua must not permit the commencement of canal work; and further, that if on the 24th of October next, the limit of time which they claim for the commencement of the work, the company shall not have released itself from Costa Rica, the Nicaragua Government shall then declare its concessions forfeited. And these views he says are those of his associates and of the President. A few days before Carazo's death, he (Barrios) expressed to me that the action of the Government in refusing to permit the commencement of canal construction was unjustifiable. What influence could have been brought to bear upon him since he became a member of the cabinet is more than I can imagine. The object of all this is clear to me. They hope to bring about a conflict between Costa Rica and the company, then Nicaragua will break with the company, and the latter will be left without the support of either. As matters now stand, Costa Rica is in honor bound not to permit that the canal shall fail through her contract with the company, nor that Nicaragua shall so contemptuously ignore it.

"President Bogran, of Honduras, has sent as commissioner to Nicaragua and Costa Rica Señor Manuel Coindres, one of the most prominent and able public men of that State.

"He expects to receive the same appointment from the President of Guatemala. His mission is solely in regard to the canal, in whose success both Presidents take great interest. I have had several conferences with him, and have given him all the information at my disposal. He considers the attitude of the Nicaragua Government wholly untenable. Before doing or saying anything to the Government, he will await the arrival of Mr. Mizner, so as to act in concert with him."

To-day Dr. Guzman notifies me, through Engineer Menocal, that he wishes me to call a meeting of the board of directors of this company (and which I have called for Thursday, the 19th), to present an important communication or ultimatum from his Government, the full nature of which I do not know, but one part of it is a demand that we shall break our contract with Costa Rica. The board will receive this official paper, and before acting upon it will undoubtedly appoint a committee to confer with you in this exigency.

I shall be glad to know by the bearer that you receive this and at what time and place it may be your pleasure to receive such committee. Dr. Guzman will insist on an immediate reply, which it is not likely we will be able to give without first having a conference with you.

I was in hopes, when you "served notice" on me personally, May 7, that the United States expected and required us to comply with our charter and build the canal—and also notified the ministers of Nicaragua and Costa Rica that the United States expected those two Governments would not obstruct, but would aid in the great work—that all danger of difficulty had passed; but it seems they have paid no attention to the warning. And the assurances of the company that it would faithfully carry out its concessions under its charter (which it has thus far done), and our presence there in force and quietly at work since June 3, has not been received by them in a proper spirit.

Very respectfully,

HIRAM HITCHCOCK.

Hon. JAMES G. BLAINE,
Secretary of State.

In this I inclosed the following memorandum:

MEMORANDUM CONCERNING THE COSTA RICA CONCESSION.

The following is from the opinion of the Hon. Jos. E. McDonald, one of the incorporators of this company and formerly counsel of the Republic of Nicaragua:

"The Menocal-Zeledon contract has been rendered necessary by the fact that at the time the Nicaragua concession was negotiated Nicaragua assumed that the treaty of 1858, between herself and Costa Rica, was not in force, and that after the President (then Cleveland) had declared it to be in force, and that the rights of Costa Rica (under Article VIII) to be consulted with respect to any canal grant across the territory of Nicaragua that involved the valley of the San Juan River was more than advisory, it has then become necessary for the company to negotiate with Costa Rica or to entirely disregard her rights under that treaty."

I will add what I have before stated to you, that Nicaragua herself wished the company to come to terms with Costa Rica, and the company regards the Costa Rica concession as merely in the nature of a quitclaim. And the Maritime Canal Company accepted this concession with the following reservations:

"It is hereby understood, however, that the said concession is accepted by the Maritime Canal Company of Nicaragua upon the condition that nothing therein contained shall be construed to affect the sovereign rights or propriety in interests of the Republic of Nicaragua so far as the same may have been established by the treaty of April 15, 1858, between the Governments of Nicaragua and Costa Rica."

To this Mr. Blaine sent the following reply:

Personal.]

BAR HARBOR, *September 17, 1889.*

MY DEAR SIR: I have your favor and the accompanying memoranda. I am sorry to hear of the impending difficulties in the way of the canal company. But I do not think that Nicaragua or Costa Rica or both together will deprive you of your rights.

I go hence on the 23d instant to Richfield, N. Y., to witness the marriage of my son on the 26th, thence to New York and Washington, reaching the latter on the 30th of September.

Very respectfully,

JAMES G. BLAINE.

HIRAM HITCHCOCK, Esq.

On the 23d of September, 1889, I met Mr. Blaine in Boston, by appointment, and was accompanied by Judge Daly and other gentlemen connected with the canal enterprise.

I stated to Mr. Blaine that we had received a communication from the Government of Nicaragua notifying the company that its concession would be forfeited October 24 unless the causes referred to in their ultimatum were removed—that is, unless we broke our contract with Costa Rica. He then carefully perused the papers submitted and asked what answer had been made, and was informed that the company had made no reply, but had appointed us as a committee to consult with him before replying to the communication.

After a full discussion of the matter, Mr. Blaine said:

The United States Government by granting to your company a Congressional charter practically guaranteed to give you such support as might be necessary for the protection of your rights. This obligation is not expressed in the charter, but exists just the same by implication. In other words, there is a moral obligation on the part of the Government to see that you have fair play. It would be absurd for the Government to incorporate you gentlemen for the purpose of doing a certain thing and then not to see that you are not deprived unjustly of your rights.

Mr. Blaine asked what rights were needed from Costa Rica, and Mr. Menocal showed him a plan of the canal route and pointed out to him how the dam at Ochoa would cause the flooding of the lands of Costa Rica.

After further discussion, Mr. Blaine wrote and read to us the following dispatch, which he caused to be sent to Nicaragua, addressed to Minister Mizner:

The United States Government learns with surprise of rumors of an attempt to impair or deprive the Maritime Canal Company of Nicaragua of its rights as embodied in the contract granted by Nicaragua to that country. The United States can not understand how a company chartered under its laws should be treated with injustice by Nicaragua. You will please ascertain whence these disquieting rumors have arisen and communicate with me as soon as possible. You will also leave a copy of this dispatch with the Nicaraguan secretary of foreign affairs. The United States Government can not remain passive when the rights of a corporation organized under its laws are threatened with injustice.

The result was that on the 9th of October Mr. Blaine sent me the following dispatch:

HITCHCOCK, *Fifth Avenue Hotel, New York:*

Mizner telegraphs "all difficulties settled. Papers executed in triplicate. This Government will retain one."

BLAINE.

Mr. Guzman telegraphed the same day:

Mr. HIRAM HITCHCOCK, *New York:*

I sincerely congratulate the company and yourself upon the good news received from Nicaragua.

H. GUZMAN.

The following messages were also sent October 9:

His Excellency PRESIDENT OF NICARAGUA, *Managua:*

Please accept my sincere congratulations upon the happy termination of all differences and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK, *President.*

On the 11th of October the following dispatch was received:

PRESIDENT OF THE MARITIME CANAL COMPANY OF NICARAGUA:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

ROBERTO SACAZA,
President of the Republic.

On the 12th of November Mr. Hall, the agent of the company, cabled from Managua as follows:

The Government of Nicaragua has approved plans submitted by Chief Engineer Menocal for the Nicaraguan Canal, entrance at San Juan del Norte. They are satisfied perfectly.

The agreement referred to in Mr. Mizner's telegram to Mr. Blaine, as signed in triplicate, was a joint declaration that the company on its part would adhere strictly to the concession, acknowledging the jurisdiction of the Nicaraguan Government over the canal and its ports, and Nicaragua, on its part, revoked the orders prohibiting formal beginning of canal construction and approved the plans.

On the 18th of September, 1890, in a conference with Mr. Blaine, at Bar Harbor, we went over the entire canal situation, especially considering the articles of noncompliance, which would cause a forfeiture of the concession. We agreed that the only remaining cause of forfeiture would be the failure to do work upon the canal to the amount of $2,000,000 on or before the 8th of October, 1890. I said to him that we had put much more than that into the work, and therefore no question should arise; but from the fact that we had had some misunderstandings with the Nicaraguan Government, I thought that I would take every precaution in the matter.

On the following day Mr. Blaine sent the following dispatch to Mr. Mizner at Central America:

Be at Managua from the 4th until the 10th of October. Witness the settlement of accounts between the Government of Nicaragua and the Nicaraguan Company and protect the rights and interests of this great American enterprise. If any question arises, you will act judiciously but firmly for the full protection of such rights and interests.

During the conversation reference was made to the various attacks of the enemies of the canal, referring particularly to the last one, the attempt to repeal our charter, and the admirable adverse report on that attempt which was made by Chairman Baker, of the Committee on Commerce of the House of Representatives, by the unanimous direction of the committee.

The Nicaraguan Government ascertained that more than $2,000,000 had been expended on the canal, and that therefore Article XLVII of the concession had been complied with; and later I received the following letter:

LEGACION DE NICARAGUA, *Washington, December 12, 1890.*

MY DEAR SIR: It affords me great pleasure to inform you that I am in receipt of a cablegram from His Excellency the President of Nicaragua, in which he directs me to inform you that Article XLVII of the concession has been fully and completely complied with.

In conveying this information to you, I desire to congratulate most heartily yourself and the other members of the Maritime Canal Company of Nicaragua for the success which so far has crowned the great enterprise. I remain, dear sir,

Very truly, yours,

H. GUZMAN.

Mr. HIRAM HITCHCOCK,
President of the Maritime Canal Company of Nicaragua, New York.

As will be seen by Article LIII of the concession, this last act in fulfillment of Article XLVII rendered the concession nonforfeitable.

On the 22d of August, 1893, Minister Guzman received in Managua, from the minister of fomento, a full power of attorney, giving him authority to settle and compromise with the company, ad referendum, any and all differences or claims which may arise from the failure of the company to comply with any of the provisions of the concession. Dr. Guzman returned to the United States late in September, and was present at a meeting of the board of directors held November 2, 1893. The following is an extract from the minutes of said meeting:

The president asked Dr. Guzman whether, in view of his recent visit to Nicaragua, he had any information to present to the board. In reply, Dr. Guzman said that he wished to assure the company that the relations between the Government of Nicaragua and the company were of the most cordial nature, and that the Government was very desirous to aid the company in its work in every way possible; that his Government had given him full authority with reference to all matters connected with the canal, which authority he had exhibited to the president of the canal company, and he wished to assure the board that he should do everything in his power, both as minister and as member of the board, as well as an individual, to preserve the friendly relations between his Government and the company, and to promote the interests of the canal; and that when he failed to do that, he should insist upon resigning as the representative of his Government and as a member of this board; that he should do everything in his power in Washington this winter to secure cooperation of this Government in construction of the canal, and that if after a reasonable time such cooperation should be found not practicable, then he should advocate that his Government, in cooperation with the company, should go abroad for such financial assistance as might be found necessary to carry on the enterprise to completion.

I hereby certify that the foregoing is a correct copy.

THOMAS B. ATKINS,
Secretary and Treasurer.

Made January 28, 1897.

Since the said meeting of November 2, 1893, Dr. Guzman has repeatedly stated that it was his Government's intention to give the company all the time it needed to recover from the panic of 1893.

Soon after that we received notice of seizures of some of our property at Grey Town which we regarded as illegal, and I went to Washington with the papers bearing on the case and laid the matter before Secretary of State Gresham, and on the 23d of April, 1894, Mr. Gresham cabled Minister Baker at Central America as follows:

It is reported here that property of the Maritime Canal Company has been seized at Grey Town as the property of the construction company. Papers exhibited to me indicate that the seizure was unauthorized. You are expected to give the matter your attention, and to do what you consistently can for the protection of the property and rights of the canal company.

On May 10, 1894, I received the following letter:

A.

DEPARTMENT OF STATE, *Washington, May 9, 1894.*

DEAR SIR: I have just received a telegram from Minister Baker, saying he can do nothing in the canal matter without the assistance of an able lawyer who understands the Spanish language and practice; that matters are in the worst possible shape; that the canal property has been virtually confiscated and the concession attacked.

Yours, truly,

W. Q. GRESHAM.

HIRAM HITCHCOCK, Esq.,
New York City, N. Y.

On the 26th of April, 1894, I was surprised to receive a copy from Minister Guzman of a letter addressed by Señor Gamez, of the Nicaragua cabinet, misdirected to the agent of the Interoceanic Canal Company at Granada April 7, 1894, which was in effect a notification that Nicaragua regarded the company's concession as forfeited. At the same time some of the company's property was seized at Grey Town. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever for the forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. And on the 2d of July, 1894, I received the following dispatch:

I have just received a telegram from Minister Baker, as follows:
"Gamez's letter forfeiting canal franchises withdrawn. All serene."

W. Q. GRESHAM.

I also received from Minister Guzman a copy of a cable from President Zelaya to him stating the same thing. On the 3d of January, 1895, Dr. Guzman was present at a meeting of the board of directors of the Maritime Canal Company, and I will read to you the following extract from the records of the meeting on that date:

Mr. Bryan asked for information as to the relations existing between the company and the Government of Nicaragua. Minister Guzman replied that they were of the most cordial nature; never were they so much so as at the present time; that the Government were most anxious to aid the company in the construction of the canal, and was ready to concede whatever might be necessary to insure success.

I hereby certify that the foregoing is a correct copy.

THOS. B. ATKINS,
Secretary and Treasurer.

Made January 28, 1897.

In the summer of 1895 the form of an agreement on the Tipitapa Canal question was discussed at Managua between the Government of Nicaragua and the general agent of the Maritime Canal Company, and then the Government sent a special representative, Señor Gamez, with our agent to New York, where the matter was further discussed and changes were made in the form of agreement. It was also agreed and understood that the question could rest without prejudice to either party for a year.

In the summer of 1896 the special agent came again to New York with the agent of the company, and on the 28th day of August, 1896, the consideration of the subject was further postponed until May, 1897.

On the 7th of July, 1896, the Hon. Lewis Baker, minister of the United States to Central America, wrote to me the following letter:

MANAGUA, *July 7, 1896.*

DEAR SIR: Mr. Christanto Medina, of Paris and Central America, remarked to me a few days ago that you and some of your confrères were uneasy lest this Government may take some steps to disturb or cast a shadow over the Maritime Canal concession; and he asked me my opinion as to such a probability.

I answered him promptly and with perfect assurance of the absolute correctness of my statement, that the Government of Nicaragua has no intention of doing anything of the kind. Mr. Medina fully agrees with me in this.

To you I will say, the fact is that the movement or threat made prior to the visit of General Macauley was nothing more nor less than a blackmailing scheme of a shrewd person, but he failed to find an accomplice in the General, and the threat was withdrawn in a legal and an honorable way.

Since that day the company has been in no danger whatever.

Further, I have had the positive assurance, and have had it several times repeated to me by the President, that nothing will be done by this Government to disturb the concession or to alarm its friends who are attempting to raise money for the prosecution of the work.

If both the Maritime Company and the Government of the United States show a desire to have the concession so changed as to permit the Government to build and control the canal, and therefore desire the time extended sufficiently to enable the latter to complete the work, I have the assurance of the President that such a change and extension would be readily agreed to by the Government of Nicaragua.

The fact is, since the Leon crowd have been completely banished, there is no longer any honest opposition to the canal.

I will say this for the President. Since the reorganization of the Government he is the undisputed master. He "sits at the head of the table." He is unselfishly in favor of the building of the canal by the present company, if it has the means, or by the United States Government.

I have satisfactory reasons for making this statement, and I am assured by Mr. Medina that his information accords with mine, as stated. This gentleman will be in New York soon, he informs me, and will no doubt see you.

No answer is required to this letter. It is written for the sole reason of giving you the assurances that are set forth in it. If they are worth nothing, they cost nothing.

Very truly, yours,

LEWIS BAKER.

H. HITCHCOCK, Esq., *New York.*

On the 23d of November, 1896, President Zelaya, of Nicaragua, wrote me as follows:

MANAGUA, *November 23, 1896.*

DEAR SIR: Your very esteemed letter of the 29th of October last, to which I have the pleasure to refer, reached me in due time.

By the contents of your letter I learn of the efforts made by you and by Mr. Wieser toward the organization of the works to build railroads in the country and also of coining, and which to you appear of feasible realization.

The country is at the present moment in very favorable conditions to undertake such enterprises, and offers to immigrants all sorts of guaranties.

I trust that, in conformity with your promise, as soon as the electoral campaign be over and confidence restored, you will kindly favor me with favorable reports in regard to the construction of the canal.

Once more I take pleasure in assuring you of my consideration and esteem, and please accept my thanks in the name of this Government for your wishes for the prosperity of the country over which it is my honor to preside.

I remain, respectfully, yours,

J. A. ZELAYA.

HIRAM HITCHCOCK, Esq.,
President the Maritime Canal Company of Nicaragua,
54 and 56 Broad street, New York.

I was consequently amazed to read in the CONGRESSIONAL RECORD of January 22, instant, the letter addressed by Minister Rodriguez to the Secretary of State, and by him transmitted to the Senate, as follows:

DEPARTMENT OF STATE, *Washington, January 22, 1897.*

SIR: In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.

Respectfully, yours,

RICHARD OLNEY.

Hon. JOHN SHERMAN,
Chairman Committee on Foreign Relations, United States Senate.

LEGATION OF THE GREATER REPUBLIC OF CENTRAL AMERICA,
Washington, January 15, 1897.

The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address his excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them, and to make, under certain conditions, suitable representations to his excellency the Secretary of State.

The undersigned has consequently examined said bills, which are five in number, to wit:

Three introduced in the House of Representatives—one by Mr. MAHON, December 3, 1895, another by Mr. DOOLITTLE, and the third by Mr. BARHAM, both the latter having been introduced December 6, 1895.

Two introduced in the Senate, one by Mr. PERKINS, December 30, 1895, and the other by Mr. MORGAN, June 1, 1896.

All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.

That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

"The people of all nations shall be invited to contribute the necessary capital to the enterprise. * * *

"Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least five (5) per cent for the Central American Government and citizens that may desire to subscribe." These provisions of Article VII of the contract are antagonized by the bills, which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

"The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient." This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be, according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

According to Article X of the contract, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company, of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with 11 members, 8 of whom are to be appointed by the President of the United States, in different capacities, 1 by Nicaragua, 1 by Costa Rica, and 1 by the canal company. The difference between this provision and the stipulation referred to could not be more marked than it is.

Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise, or would be liable to troublesome and tedious litigation.

Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.

If the company were to issue a hundred or a hundred and fifty million dollars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct, at its own expense, within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitely adjusting the compensation which it ought to pay in order to be discharged therefrom. The bills establish nothing on this other point, and Nicaragua's rights in this matter might thus be annulled in consequence of their silence.

By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished, and nothing remains of it, in its relations with the enterprise, save the shadow of a personality represented by a vote in a board of directors of eleven members; while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

Finally, it is to be observed that, while the bills contravene and set at naught stipulations of the contract, they do not state whether the remaining ones still remain in force or not, although among these latter there are very many which are of no great importance to Nicaragua in particular, and to Central America in general.

The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

It seems evident that the company is unable to raise money to fulfill its contract unless the United States of America furnish it therewith, and since that contract excludes the possibility of attaining that result, the undersigned, having been duly authorized to do so, proposes to his excellency the Secretary of State that the two Governments—relying upon the favorable disposition of the Government of the United States of America—shall come to a direct understanding on the subject, on the basis of the Zavala-Frelinghuysen treaty, with such modifications as may be agreed upon, and endeavoring to reach a just arrangement with the Maritime Canal Company of Nicaragua, so that it may renounce a concession whose conditions it is unable to fulfill.

The undersigned, in thus obeying the instructions of his Government, avails himself of this occasion to reiterate to his excellency Secretary Olney the assurances of his most distinguished consideration.

J. D. RODRIGUEZ.

His Excellency RICHARD OLNEY,
Secretary of State of the United States, etc.,
Washington, D. C.

I replied to this letter on January 23, as follows:

THE MARITIME CANAL COMPANY OF NICARAGUA,
New York, January 23, 1897.

DEAR SIR: My attention has been called to the CONGRESSIONAL RECORD of January 22, containing a copy of a letter addressed by the minister of the Greater Republic of Central America at Washington to you, and transmitted by you to the Senate, in which the minister reflects upon the Maritime Canal Company of Nicaragua, a company chartered by the United States, and which company, in compliance with a provision of said charter, reports annually its transactions to the Government of the United States, through the Department of the Interior, and which holds concessions from the Governments of Nicaragua and Costa Rica, under which the construction of the Nicaragua Canal has been commenced and is to be completed.

It therefore becomes my duty to briefly call your attention to some of the statements contained in the minister's letter, and to note some omissions. Referring to certain bills before the Congress of the United States, he says that "the bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans;" and adds, "this provision likewise conduces to the forfeiture of the contract." But he omits to inform you that the final surveys and the location of the line of the canal were made and concluded by a commission of engineers, in strict conformity with Article XLVII of the concession, and were formally accepted by the Government of Nicaragua on the 8th day of October, 1889.

He quotes from Article IX of the concession, "the people of all nations shall be invited to contribute the necessary capital to the enterprise," but omits the remainder of the sentence, namely, "and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty consecutive days in one of the principal daily papers of each of the cities New York, London, and Paris." He quotes further, "there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe," but he omits to inform you that soon after its organization the company fully performed all these conditions of Article IX in the manner required therein.

Referring to the 6 per cent of shares that the concession obligates the company to issue to Nicaragua, the minister says the "company has not fulfilled its obligations." The fact is that the company issued this stock to Nicaragua on the 31st day of October, 1890, and notified that Government that the certificate was at its disposal, but the Government has not yet appointed an agent to receive the same as provided in Article L of the concession.

The minister states that the company has failed to meet its obligations to construct the Tipitapa Canal under the terms of Article XIV of the concession. As to this I will say that the surveys for the canal as described in Article XIV were made, and then the Government of Nicaragua asked for a deeper canal than the concessions provided for. Before a resurvey was completed a desire was expressed for a still deeper canal. Pending negotiations on this subject, and notwithstanding the fact that the Government had failed to place at the disposal of the company the lands required for the line of the canal, the Government issued a notice to the effect that it considered the canal concession forfeited. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever of forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. Whether the Tipitapa Canal will be constructed, and of what dimensions, or whether compensation will be made in lieu thereof, are matters still under negotiation, and any differences that may arise in the consideration thereof are not causes of forfeiture, but are to be settled by arbitration under Article LV of the concession.

While the honorable minister may not have intended any injustice to the company by his letter, yet he must be supposed to have made a careful study of the canal question, the concessions and the operations under them, and if so, his letter seems inexplicable.

It would appear from his letter that a contemplation of possible Congressional action in amending the charter of the Maritime Canal Company has interposed itself between him and the true relations existing between the Government of Nicaragua and Costa Rica and this company under the concessions.

In this connection it is pertinent to say that in an interview with the honorable minister since his arrival from Central America I alluded to the bills before Congress and stated to him in substance that they were generally believed to be the result of a strong desire on the part of the Congress to hasten the construction of this vitally important connection of the coast lines of this continent; and I added that, whatever the outcome might be, the Maritime Canal Company could accept of no measure that would be unjust to the powers from whom it received the concessions.

This letter of the minister is an attack upon the integrity of the Maritime Canal Company and its concessions, and on behalf of that company I ask the protection and aid of the Government of the United States in the defense and maintenance of its concessionary rights and its property.

Very respectfully,

HIRAM HITCHCOCK,
President of the Maritime Canal Company of Nicaragua.

Hon. RICHARD OLNEY,
Secretary of State.

The CHAIRMAN. Now, Mr. Hitchcock, do you know in what manner the passage of the bill by the Senate in January, 1895, was received by the minister of Nicaragua, then resident at this capital, and what expression he gave as to the happiness of the people and Government of Nicaragua over the passage of that bill, if any?

Mr. HITCHCOCK. In reply I will say that on the last day of January, 1895, I received the following letter from Minister Guzman:

WASHINGTON, *January 30, 1895.*

DEAR MR. HITCHCOCK: I am sorry you could not be here the day our bill passed the Senate, but I saw by your telegram that you were detained by a sad loss in your family.

I should have written you before this about the great victory, had I not been sick. I was taken with a bad attack of quinsy, and I only left my bed yesterday.

Please accept my congratulations for the success of the bill, and let me hear, as soon as possible, about your future plans. I am sure that my cablegram announcing the victory was received with joy in Nicaragua.

Very sincerely, yours,

H. GUZMAN.

Later I received a letter from the Hon. Lewis Baker, minister to Central America from the United States, written from San José, Costa Rica, on the 28th of January, 1895, saying:

I have a telegram from the general minister of Nicaragua this morning informing me that the canal-guaranty bill had passed the Senate. If this good news is confirmed, I shall fully expect the bill to pass the House. If this proves true, won't you do me the favor to cable me promptly, giving me the facts? On the statement of the Nicaragua minister, I have sent congratulatory messages to both the Nicaraguan and Costa Rican Governments.

The CHAIRMAN. From the fact that you had made a full statement of all your troubles with Nicaragua, if I may call them troubles, and that the Government of Nicaragua had expressed itself as being fully satisfied that all the terms of the concession had been complied with, and after receiving this letter from Mr. Baker, which you have just quoted, and after receiving the letter, which is above set out, from President Zelaya, and after receiving the letter from Mr. Guzman, which you have just quoted, did you have any suspicion or expectation that there was any real remaining difficulty or difference between your company and the Government of Nicaragua?

Mr. HITCHCOCK. I had not, except that the Tipitapa question was a matter that we were arranging for arbitration if necessary.

The CHAIRMAN. And that matter had been postponed for that purpose?

Mr. HITCHCOCK. That question had been postponed.

The CHAIRMAN. The Tipitapa Canal had no connection whatever with any right of forfeiture on the part of Nicaragua of the concession, and if there was any possible default on the part of the company, which I understand you to deny, the arrangement or settlement of that matter was entirely apart from your right to go on and build the main canal?

Mr. HITCHCOCK. Entirely apart.

The CHAIRMAN. Are you yet convinced, notwithstanding the protest of the minister from the Greater Republic of Central America, that Nicaragua is friendly to your company and desires to see the canal succeed?

Mr. HITCHCOCK. My belief is that President Zelaya and his present administration in Nicaragua are very friendly to the company and exceedingly desirous to have the canal completed, and I believe them to be desirous that the company shall be aided by the United States in order that the completion may be hastened.

The CHAIRMAN. Is there not a remaining jealousy or antagonism between Nicaragua and Costa Rica, growing out of old disputes, which has not been entirely quieted, and with which you have no concern, and may not that jealousy be at the bottom of the movement of the Greater Republic of Central America?

Mr. HITCHCOCK. That is quite possible, and may be more than that. It may be highly probable. But the company has but one object, and that is to carry out both its concessions from those Governments in the utmost good faith under the charter granted by the United States.

The CHAIRMAN. Has not your company put itself to a great deal of trouble, inconvenience, and expense in the effort to reconcile those two Governments with each other upon the subject of the construction of this canal?

Mr. HITCHCOCK. We have done our best in that direction frequently for the last ten years, as will be shown by what I have already stated before the committee.

The CHAIRMAN. It has been asserted that your company is bankrupt. Is that true?

Mr. HITCHCOCK. That is not true. The Maritime Canal Company of Nicaragua is and always has been entirely solvent, and has no outstanding debts we are not able to meet. Anyone making a different statement confuses the Maritime Canal Company with the construction company, which held a contract with the Maritime Canal Company to construct the canal, and which was obliged to suspend and go into liquidation in 1893. This latter fact is not surprising when it is remembered that during that period of great financial depression such vast corporations as the Erie Railroad, the Baltimore and Ohio, the Reading, and the Union Pacific were obliged to default on their obligations and to resort to reorganization of their companies.

HIRAM HITCHCOCK.

Mr. MORGAN. I wish to present one more paper, and then I will yield the floor. I received recently a letter, upon another topic entirely, from a gentleman in California, who is a very eminent man, a very learned lawyer, and was writing to me about some questions of law. In the course of his letter he presented a statement that I wish now to read:

In 1851-52 the late Commodore Van Derbilt (he always spelled it so himself) was at the head of a New York company organized to build such a canal, and at his instance I spent about a twelvemonth on the Isthmus as general agent of the company. Living right on the lake shore, and frequently moving up and down the river, I became, of course, familiar with the route and the whole situation. In fact, the first passenger steamer that ascended the river passed the Machuca Rapids with my foot on the safety valve and Mr. Van Derbilt at the helm, and I have gone the whole 125 miles of the river in a skiff.

That effort at interoceanic navigation seems now almost forgotten, but the way it came to be abandoned is worth recalling. The company relied on getting capital in England, and Van Derbilt and Joseph L. White (then lately a member of the House of Representatives from Indiana) went to London in the fall of 1851 and opened negotiations with the Barings for $25,000,000—the estimated cost of the work. They carried with them elaborate surveys, field notes, and estimates made by a Colonel Childs, a New York engineer of repute, who had made their surveys. I think Childs accompanied them himself for explanations. The project was laid before the Barings, who gave it close attention, and after a study of available statistics decided to take it up and finance the undertaking, if Colonel Childs's estimates could pass the scrutiny and win the approval of a board of English engineers, to whom they referred the question. The canal then projected was much smaller than that now contemplated, and was not expected to pass a ship drawing more than 13 feet of water (about 800 tons). I still have a tracing of Childs's map, and somewhere (though not now findable) of his detailed statements. After some weeks delay, during which the bankers were most gracious and pleasant, the English engineers reported favorably, and the Commodore believed the negotiation had been quite successful, but after another, though shorter delay, the aspect of things suddenly changed and the financial gentlemen having consulted with some Government officers and eminent merchants, etc., declined the whole negotiation. The Commodore gave expression to his emotions in his fashion, by a little genteel profanity, but White, who was very deeply interested, and more politic, sought the cause of the change in the views of the bankers, and after a little hesitation learned from them that on consultation with eminent authorities on the subject they had come to the conclusion that the canal if built as proposed would result in throwing the whole commerce of the Pacific into American hands, and they were naturally averse to embarking English capital in an enterprise likely to be destructive to English interests, by building up American commerce where England then enjoyed a monopoly. The justice of this excuse was undeniable, and the American negotiators returned, disappointed.

I yield the floor with the single remark that both of the Senators from California here know this gentleman, and if any Senator desires to inquire in respect to his character and standing, they can easily ascertain.

Mr. HOAR. I ask unanimous consent to lay aside the pending order informally to take up Senate bill 3588.

Mr. MORGAN. The Senator from Massachusetts does not seek to displace the pending measure?

Mr. HOAR. No.

Mr. FRYE. It is to be only informally laid aside.

The VICE-PRESIDENT. The Nicaragua Canal bill will be laid aside informally, if there be no objection.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. I ask the Senate to proceed to the consideration of the bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others," and "The United States against Alice Weil and others." It is a measure which has already been read. The Senator from Wisconsin [Mr. VILAS] desired to examine it, and he will propose a slight amendment, which will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. VILAS. After the word "the," at the end of line 12, I move to insert the words "supreme court of the;" so that instead of reading "of any circuit or district court of the United States or of the District of Columbia" it will read "or of the supreme court of the District of Columbia." That practically gives definite expression to what I suppose is really intended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EASTERN NEBRASKA AND GULF RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The amendment was, in line 9, to strike out "four" and insert "three."

Mr. ALLEN. I move that the Senate concur in the amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel; and

A bill (H. R. 10085) for the relief of Elnora Shuman.

The bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SUBMARINE TELEGRAPH CABLE LINES.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 9149) to regulate the establishment of submarine cable lines or systems in the United States.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The bill was read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. STEWART. I would rather that that bill should lie over.

Mr. FRYE. The bill has been reported favorably unanimously by both the Committee on Foreign Relations and the Committee on Commerce, and there is no opposition to it. The opposition which appeared perhaps a month ago has been withdrawn.

Mr. NELSON. I am opposed to that bill.

Mr. BLACKBURN. I am opposed to it, also.

Mr. NELSON. And I have no recollection of the bill having been considered in the Committee on Commerce at all.

The VICE-PRESIDENT. Objection is interposed to the consideration of the bill.

Mr. FRYE. It is on the Calendar as having been reported from the Committee on Commerce.

Mr. NELSON. I do not know how the bill got there.

Mr. FRYE. I am very much surprised. We gave hearings in the Committee on Commerce and invited everybody to appear before that committee who had anything to say about the bill, and only one company appeared and had a hearing.

Mr. STEWART. Under the circumstances, I think the bill had better lie over.

The VICE-PRESIDENT. Objection is interposed, and the bill will go over.

Mr. FRYE subsequently said: I desire to make a remark. I made a statement that the bill the consideration of which I had asked for had been reported by the Committee on Commerce without any objection. The Senator from Minnesota [Mr. NELSON] called my statement in question. I hold in my hand the printed report on the bill made by the Senator from West Virginia [Mr. ELKINS] to the United States Senate. The same bill was pending in the Committee on Foreign Relations, and by the instruction of the committee I reported it from the Committee on Foreign Relations, and it took the place of the other committee bill; and this is the one. I am not in the habit of making statements which I do not know to be true.

Mr. NELSON. I understood the Senator to say this was a bill which had been reported from the Committee on Commerce.

Mr. FRYE. It has been reported, and I hold the report in my hand.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of New York, Mr. GRIFFIN, and Mr. TYLER managers at the conference on the part of the House.

MINERAL OIL LANDS.

Mr. CLARK. I ask unanimous consent for the present consideration of the bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims; and further provides that lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

Mr. PETTIGREW. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. PERKINS, and Mr. BRICE were appointed.

HARRIET F. HERRICK.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 2859) granting an increase of pension to Harriet F. Herrick.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at $12 per month, the name of Harriet F. Herrick, of Beverly, State of Massachusetts, widow of Moses S. Herrick, deceased, late a member of Company E, Eighth Regiment Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 6831) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 10, after the word "purchase," to insert "at less than the full face value thereof;" in line 11, after the word "indirectly," to insert "any claim for fee, mileage, or expenses of;" in line 12, after the word "witness," to strike out "fee or claim, or the fee or claim of any;" in the same line, after the word "juror," to strike out "or the fee or claim of any;" in line 13, after the word "or," to strike out "the fee or claim," and in line 14, after the word "other," to strike out "person" and insert "officer of court;" so as to make the section read:

That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, at less than the full face value thereof, either directly or indirectly, any claim for fee, mileage, or expenses of any witness, juror, deputy marshal, or of any other officer of court whatsoever against the United States Government.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "shall," to strike out "be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States," and insert "violate this act shall be deemed guilty of a misdemeanor;" in line 5, after the word "find," to strike out "in any sum of not less than fifty nor more than;" in line 6, before the word "five," to insert "not exceeding;" in the same line, before the word "dollars," to strike out "thousand" and insert "hundred;" and after the word "dollars" to strike out "and final judgment against the defendant shall ipso facto operate as a removal of the person convicted and render his office or position vacant;" so as to make the section read:

SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding $500.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TRAFFIC BRIDGE OVER THE OUACHITA RIVER.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of House bill 6750. It is a bridge bill which has been favorably reported by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF RICHARD LAWSON.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 3230) for the relief of the estate of Richard Lawson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the administrator de bonis non of the estate of Richard Lawson, late of Baltimore, Md., to sue in the United States Court of Claims for the said Lawson's individual interest as a partner in the late firm of John McFadon & Co., and also the late firm of William McFadon & Co., formerly of Baltimore, Md., on account of French spoliations committed prior to the year 1800, the court to pass upon the facts and law in the case and report the same to Congress.

Mr. PLATT. I do not understand that bill, Mr. President.

Mr. BACON. I have the report here.

Mr. PLATT. I should like some explanation of it.

Mr. BACON. It is simply in the nature of a bill to authorize a party to sue under the act of January 20, 1885, to establish the validity of a claim under the French spoliations act. He has been barred, not by his own neglect, but it was a case where the claim was that of a firm, and it turned out, pending the investigation, that the member of the firm in whose name the suit originally had been filed within the time limited by the act had prior to that time assigned his individual interest.

Mr. PLATT. The bill does not propose to create any additional liability in the French spoliation claims beyond that which the Senator has stated?

Mr. BACON. None whatever. It simply allows this man to avail himself of the act of 1885, from the provisions of which he is now barred.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 1, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 29, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I call up the conference report on the bill (S. 1882) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

The SPEAKER. The gentleman from Vermont calls up a conference report which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1882) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In line 2 of said amendment numbered 1, and after the word "to" where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by said amendment insert the words "except such as may have been incurred for wages or supplies in the operation of the property purchased;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3 and 4, and agree to an amendment as follows: After the word "*Provided*," in line 32 of the bill, insert as follows:

"That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock for the purchase or construction of additional road, or for equipment or betterments, may be issued by the corporation upon the payment into its treasury therefor of the full par value thereof in cash, or in return for labor or property estimated at its actual value; but no such additional stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior as actually representing money, labor, or property estimated at its actual value, at the full or par value of said issue of stock. The total stock issued under the provisions of this act shall not exceed $100,000,000."

And the House agree to the same.

That the House recede from its amendment numbered 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows.

"*Provided further*, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."

Also, strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also, after the word "of," in line 12 of said amendment, insert the word "any."

Also, strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract."

And the House agree to the same

That the House recede from its amendment numbered 7.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.

DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1866. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2 would subject the purchasers to payment of all the unsecured indebtedness of the old corporation, whereas on foreclosure of mortgage such purchasers take no liability in respect thereto. The conference committee has imposed such liability to the extent of all obligations for wages and supplies incurred in the operation of the road legally chargeable against the old company.

The amendments of the House Nos. 3 and 4 are contradictory. Amendment No. 3 restricts the issue of additional stock to cash payment at par; amendment No. 4 provides for such issue on prior approval of the Secretary of the Interior in exchange for money, labor, or property estimated at its actual cost value. To harmonize this the language of each amendment has been embodied in one amendment wherein the issue of such stock is restricted to the actual value of the property when exchanged therefor, as ascertained by the Secretary of the Interior, regardless of its original and probable increased cost.

The amendment of the House No. 5, wherefrom the House conferees recommend that the House recede, requires the purchasers at foreclosure sale, and as a condition precedent to reorganization, to relinquish to the United States all interest in the lands granted the original company situate opposite road unconstructed at date of the forfeiture act approved July 6, 1886. The bill as passed by the Senate broadly protects all rights of the United States in this regard. The validity of the forfeiture act is now under submission before the United States Supreme Court in a case wherein the United States has been fully heard in argument. If that court sustains the validity of such forfeiture act, then these prospective purchasers could take no possible interest in such lands, and the amendment of the House would be unnecessary. Should the court decide that the grant was not so subject to forfeiture, then, as matter both of law and justice, the old company and these purchasers should not be foreclosed by present legislation. The bill as now framed carefully preserves all existing rights of the United States against both in this respect.

The amendment of the House numbered 6 requires the new company to protect the land warranties and contracts of the old. It is not clear that the amendment applies to executory land contracts whereon the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the conference committee believed that such liability should extend to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard as illustrated by the general railroad land grant forfeiture act of September 29, 1890, section 3 (26 Stat. L., 496), where the right is so protected to a maximum of 320 acres on payment to the United States of $1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7, wherefrom the House conferees recommend that the House recede, empowers the States wherein this railroad may now or hereafter extend to require the new company to become incorporated under the laws of each of such States.

This new company would be a Federal corporation. Congress has always retained control of such corporations, but left the property thereof to the operation of State laws of taxation, police power, and like subjects within State regulation and control. To reach this result no affirmative legislation is necessary in this act. Surrender of control over the corporate franchise, if hereafter deemed wise by Congress, should be accomplished by general law applicable to all such Federal corporations and not extended to one only by special legislation.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Conferees.

Mr. POWERS. Mr. Speaker, there are several amendments——

Mr. McRAE. If the gentleman will permit an interruption, I should like to know if we can have some understanding about the time to be allowed for debate.

Mr. POWERS. I am content that that should be so.

Mr. McRAE. What is the purpose of the gentleman as to calling the previous question?

Mr. POWERS. I have not called for it.

Mr. McRAE. How much time does the gentleman propose to give for debate?

Mr. POWERS. How much time do you want?

Mr. McRAE. I can not very well tell. I think we should have an hour.

Mr. POWERS. I am content that an arrangement shall be made for an hour's debate on each side.

The SPEAKER. Is there objection to the proposition that the debate shall cease at the end of two hours, one-half to be allotted to either side?

Mr. BARRETT. Mr. Speaker, there is a question involved in this report which probably does not interest the gentleman from Arkansas [Mr. McRAE], and if he is going to control the debate in opposition, it seems proper that some allowance should be made for my colleague from Massachusetts [Mr. MOODY].

The SPEAKER. There is no proposition to control the debate.

Mr. WADSWORTH. How much time do you ask for?

Mr. POWERS. An hour on a side.

Mr. WADSWORTH. I object to that.

Mr. TERRY. I will say to the gentleman from Vermont [Mr. POWERS], reserving my right to object——

Mr. DOCKERY. Why do you not let them finish the Agricultural appropriation bill?

Mr. TERRY. I will suggest to the gentleman from Vermont [Mr. POWERS] that this affects a number of States, and in the course of the debate a number of Representatives here will see that their constituents are affected by this matter. I would suggest that we have an hour and a half debate on each side.

Mr. POWERS. It is entirely immaterial to me. I will say to my friend, how much time is allotted. If the gentleman will make that request, I will accede to it.

Mr. TERRY. I ask that.

The SPEAKER. The gentleman asks unanimous consent that there be an hour and a half of debate on each side.

Mr. WADSWORTH. I object.

Mr. DOCKERY. Let him finish his Agricultural bill.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry. If no arrangement is entered into, how much time do we have for the consideration of the bill?

The SPEAKER. The gentleman is in charge of the bill.

Mr. POWERS. And I have an hour's time.

The SPEAKER. An hour's time.

Mr. TERRY. What was the answer of the Chair?

The SPEAKER. The Chair said that the bill was in charge of the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. I will endeavor to yield to my friend a reasonable share of the time.

The SPEAKER. The gentleman from Vermont [Mr. POWERS] is recognized.

Mr. POWERS. Mr. Speaker, this was a Senate bill which came to the House for its concurrence. The House passed seven different amendments to the Senate bill, and a conference committee was appointed to consider the disagreeing votes of the two Houses. That committee have made their report, and copies of it will be found on the desks of members. Some of these changes in the amendments adopted by the House are purely clerical in their character. Others are substantial. I assume that no gentleman has any objection to the adoption of such of the amendments as are clerical in their character. For instance, No. 1 reads:

> But such new company shall be subject to all the obligations and duties to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation.

The conference committee have inserted after the word "duties" the words "to the United States," as that was the plain meaning of the amendment, doubtless, on the part of the gentleman who proposed it. I ask that that amendment be agreed to.

The SPEAKER. This is a conference report, and it is not divisible.

Mr. POWERS. Can it not be agreed to in detail?

The SPEAKER. This is a conference report, and as such it must be adopted as a whole or rejected as a whole.

Mr. POWERS. Very well, then, I will point out to the House that amendment No. 1 is simply adding the words "to the United States" after the word "duties," because in the original text the duties did not apply to anybody, and here they are specifically named.

The second amendment as adopted by the House reads:

> But nothing in this act shall make such purchasers and their associates—

Alluding to the bondholders under this mortgage that are seeking this incorporation—

> or such new corporation liable for any debt or claims or contracts of the old corporation not "expressly assumed in their contract of purchase at said judicial sale."

That is modified in the conference committee so as to read:

> Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by said amendment insert the words "except such as may have been employed for wages or supplies in the operation of the property purchased."

This is to make the new corporation liable for the debts of the old corporation that the old corporation incurred for supplies and wages in the operation of the property. Of course no gentleman would ask to have the mortgages made chargeable with any debts of the old corporation to which their mortgage was paramount. But it is a principle of equity jurisprudence announced by the Supreme Court of the United States and announced in various States that wages of employees and supplies that have been furnished for the operation of a road have an equitable preference over the rights of the bondholders; and we have made that certain by incorporating in it an express stipulation that it shall be so, although in my own judgment there was no necessity for it, because the rules of law already require it. I take it that no gentleman has any objection to that amendment.

Amendment No. 3 relates to the proposed issue of new stock. When this bill was pending in the House, this amendment was put on; but it is not explicit enough to protect the rights of the stockholders and the rights of the public. Therefore the committee of conference have given it a new draft, retaining the substance of the amendment, but putting it in more specific and explicit language to make it effectual to carry out the purpose. It reads:

> That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure.

The conference committee have substituted for the word "mortgage" the word "funded;" so that it shall read, "shall not exceed the amount of the funded debt;" because it transpires that this corporation has both a mortgage debt eo nomine, and has, in addition, another mortgage that is specified in railroad nomenclature as funded debt. Now, the object of foreclosure is to foreclose the debt known and described as the mortgage debt and the debt known and described as the funding debt. So we use the generic term "funded" as covering both, rather than the specific term "mortgage" as used in the amendment, with the proviso—

> That additional stock for the purchase or construction of additional road, or for equipment or betterments, may be issued by the corporation upon the payment into its treasury therefor of the full par value thereof in cash or in return for labor or property estimated at its actual value; but no such additional stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior—

And that it shall not exceed $100,000,000.

Mr. MOODY. Mr. Speaker, I should like to ask the gentleman a question, if he will yield. Do I understand the gentleman to state to the House that the limit imposed by the House amendment is not changed by the report of the conference committee?

Mr. POWERS. It is not changed, unless we quibble over the word "mortgage."

Mr. MOODY. I understand the gentleman to say, and I want to know whether I am right or not, that there were two mortgages—one designated as a mortgage debt, and the other as a funded debt—and that this mortgage debt eo nomine and the funded debt were both to be comprised in the foreclosure?

Mr. POWERS. Yes.

Mr. MOODY. If that is true, there is no difference in the effect of the House amendment and the conference report.

Mr. POWERS. Well, substantially none. The word "mortgage" is a term more specific than "funded." "Funded" is a generic term, and it covers both debts.

Mr. MOODY. Does it have the same effect?

Mr. POWERS. Precisely so, as I understand.

Mr. BARRETT. Will the gentleman allow me to state the difference of the effect?

The SPEAKER. Does the gentleman from Vermont yield?

Mr. POWERS. Well, I will allow the gentleman to state it when the time comes for him to debate. I will state my view, and if he wants to correct me in my grammar or in my legal proposition, he can do so.

Mr. BARRETT. I thought the gentleman from Vermont, the chairman of the committee making this conference report, would be very glad, as he seems disposed to be, to have all the information he can, that this matter go before the House at the same time.

Mr. POWERS. I should be thus happy, Mr. Speaker, but when

I am searching for information I prefer to choose my own instrumentalities.

Mr. MOODY. Will the gentleman yield for another question? This is a mere question.

The SPEAKER. Does the gentleman from Vermont yield?

Mr. POWERS. Certainly.

Mr. MOODY. I would like to ask the gentleman if, under this bill, together with the rights of succession to the powers of the corporation whose property is foreclosed, it will be possible for the reorganized company to issue not only the amount of stock which is named in this amendment, but also a corresponding amount of bonds, so that there shall be in existence at one time, in stock and in bonds together, just double the amount of the actual investment under these foreclosure proceedings? I ask for information.

Mr. POWERS. Mr. Speaker, the practical working of the proposition is this: The parties who now hold the mortgage bonds upon these railroads are permitted by this act to reorganize themselves into a corporation and to utilize their mortgage bonds in the shape of stock. That is to say, the holder of $1,000 in bonds may take ten shares of stock in the new corporation, converting his bonds into stock. That is the way the capital stock is made up. That is the way the capital stock is always made up in the reorganization of a railroad company by bondholders who reorganize and put in their mortgage bonds as stock and not as bonds. Now, the question of the gentleman from Massachusetts, as I understand him, is, Can not the corporation issue a new mortgage, equaling in amount the stock that will be provided for by this amendment? I say unhesitatingly they can. I say unhesitatingly they ought to have that right. If a corporation, after it is organized as a corporation, finds it necessary to issue a mortgage for proper purposes, it should have that right.

Mr. MOODY. Mr. Speaker, I will ask the gentleman what are "proper purposes?"

Mr. POWERS. Any purpose that the law recognizes as proper. I am sure my friend would not say—he is too good a lawyer to say—that a railroad corporation ought not to have the right to issue, under proper circumstances, a mortgage upon its property. It may become necessary for new construction; it may become necessary for any one of a dozen lawful purposes.

Mr. MOODY. Let me say to the gentleman from Vermont that I have no objection to the issuing of a mortgage for consideration; but I want to see very clearly that, on account of the same specific sum of money, there can not be in existence in the market two obligations of bonds and of stock, each representing the same money. Let me say further that it has been asserted to me—I know not with what truth—that the reorganization committee have advertised to the bondholders that under this reorganization they shall obtain not only new bonds in place of those they now hold, but an equal amount of stock in addition. I would like to ask the gentleman from Vermont if he has investigated that question and is ready to make a statement to the House in relation to it upon his own responsibility?

Mr. POWERS. I have not investigated that question. I have not chased down all the rumors that interested parties may have circulated with reference to this proposition. I tie myself down to the language of this bill and the language of this amendment. The language of this amendment is that they may issue stock not exceeding $100,000,000. The language of the bill is that the new company shall succeed to the original rights accorded under the franchise of the old company. Now, under the franchise of the old company they had no right to issue a mortgage except for a proper legal purpose.

Mr. BARRETT. Will the gentleman allow me time now to answer the question asked by my colleague?

Mr. POWERS. I must decline, Mr. Speaker, to have my time taken up by the gentleman from Massachusetts in answering questions asked by his colleague. If I do not answer them properly or satisfactorily, his colleague will doubtless apprise me of the fact.

This issue of stock is limited to $100,000,000. The amount of the funded debt provided for in this amendment aggregates about $10,000,000, and the additional stock is only to be issued with the consent and approval of the Secretary of the Interior, so I assume that it is sufficiently guarded to prevent the "watering" of stock or any abuse of that kind.

Amendment No. 5 was proposed by the gentleman from Illinois [Mr. COOKE] and the substance of it is that this company shall not take any right under this new charter except upon the condition precedent that it shall relinquish all its rights to the land grant that was given to the original company and which is covered by this mortgage now under process of foreclosure. In answer to that I have this to say: Congress has already passed an act providing for the forfeiture of unearned land grants made to different railroad corporations, and the question whether the land grant made to this old corporation comes within the operation of that act has been argued, only a week since, in the Supreme Court of the United States. A case was made up, and the United States have been fully heard in argument.

The question is ripe for decision by that court, and the decision is expected in the immediate future. If the court decides that these lands have been forfeited, then of course this new company can have no rights under this amendment. If, on the other hand, the courts decide that the lands are not forfeited, then this new company, upon every principle of right, upon every principle of justice, will be entitled to those lands. They were granted to the original company. They were mortgaged by that company, and the mortgagees ought not to be taken by the throat and told by the American Congress that unless they relinquish the rights given them by their mortgage they shall not be allowed to be incorporated under a law of Congress. No one can justify any such proposition.

Mr. COOKE of Illinois. Will the gentleman yield for a question?

Mr. POWERS. I will if the question is not too long.

Mr. COOKE of Illinois. Did not a committee of Congress in the first session of the Forty-ninth Congress make a report, after a thorough investigation of this whole subject of the forfeiture which should take place concerning these lands, and after the act of 1871, which this bill sets forth, gave the right to this company to mortgage its lands—did not that committee, after such examination, report the act of 1886, which was afterwards passed, declaring the forfeiture?

Mr. POWERS. My understanding, Mr. Speaker, is that Congress made inquiry into the various land grants that had been made to railroad companies—this, among others.

Mr. COOKE of Illinois. If the gentleman will allow me, I will call his attention to the particular report upon this particular land grant, Report No. 193, made February 3, 1886; and this report deals only with this land grant; it is a thorough and elaborate examination and discussion of the entire question as to whether any valid mortgage had been made upon this land grant under the act of 1871; and notwithstanding the act of 1871, the committee came to the conclusion that a forfeiture should be declared, and the House adopted their conclusion by the passage of the forfeiture act of 1886, which affected over 32,000,000 acres of land.

Mr. POWERS. I am not in controversy with the gentleman as to the proceedings taken by Congress, for I have already conceded that an act was passed declaring the forfeiture of these lands. What I am urging is that this is a legal question now pending before the courts; and I have confidence enough in our courts to say that we can fully trust the disposition of this question to them.

Now, what is the effect of this amendment? It provides that, no matter what the courts may decide about the legality of that forfeiture act, we ourselves insist that this company shall relinquish its claim to these lands; otherwise we deny them the rights accorded conditionally by the bill. Now, I think this is the wisest course. I think it is most in accord with the ordinary course of judicial proceeding, most in accord with the spirit of fairness which ought to influence legislators, that we should say, "If the court declares the act valid, then we are entitled to the rights we claim; if, on the other hand, they say that the forfeiture is invalid, we lose those rights."

Mr. COOKE of Illinois. Will the gentleman allow me a moment further? I call his attention to the title of this bill—"An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871." Then the bill goes on and uses this language:

> That whenever any mortgage made by the Atlantic and Pacific, etc., under and by virtue of acts of Congress is foreclosed, etc., and any sale of the road, equipment, lands, etc., the purchaser, etc., shall be entitled to hold and possess the franchises and property so sold, and to exercise, etc.

Now, I ask the gentleman to answer this question—whether this bill, if passed, would not operate as an enabling and enlarging act additional to the act of 1871 so as to validate still further by the action of this Congress the supposed right to mortgage those lands covered supposedly by the act of 1871—whether this bill does not directly recognize the construction of said act of 1871, which is claimed on the part of this railroad company, that they have the right to mortgage those lands perhaps in perpetuity?

Mr. POWERS. I did not yield for a speech, but I confess I am somewhat surprised to see an able lawyer stand up on the floor of the American Congress and insist that the title of a bill has anything to do with the body of it except to state in a general way the purpose of the act. The point of this proposed enactment is in these words:

> *Provided further*, That as a condition precedent to reorganization the purchasers of the railroad company and their successors shall relinquish in writing and convey to the United States by a proper deed, etc., all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company, etc.

My answer to the gentleman is that we have no right, as fair-minded men, to say to the mortgagees, "You shall not have any power to foreclose your mortgage, you shall not have your legal rights in court unless you will relinquish a portion of the property that was conveyed to you by your contract of mortgage." I say that is a species of blackmail; and as long as that very identical question is pending in the Supreme Court, let that court determine the rights of these men, and let us not undertake to say in addition that these mortgagees shall have no rights even if the court says that they have.

Mr. COOKE of Illinois. May I ask the gentleman——

Mr. POWERS. I can not yield any further to the gentleman, because he interposes a stump speech when he undertakes to propose a question.

The sixth amendment adopted by the House provided that "in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns," etc., shall be preserved. This language was not explicit enough to protect the rights of these settlers, and the conference committee has undertaken to make it more clear by changing the phraseology so that it shall read as follows:

> *Provided further*, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts.

And after the word "company," in line 4, insert:

> To any bona fide settler and occupant, in a tract of 640 acres or less.

Now, under the usual limitation of bills of this character the rights of settlers have been guarded heretofore where they claimed no more than 320 acres. With reference to that we have a general statute on this subject, an act passed on the 29th of September, 1890 (26 Statutes at Large, page 496), where the right is so protected to a maximum of 320 acres only. We go further in this case, because the land is very poor, and in some cases the purchasers acquired as much as a whole quarter section; and so we extended the mantle of protection to double the amount to which it extended under the former statute.

Amendment No. 7 the committee of conference recommend that the House recede from. That amendment is in substance that the company shall take out its charter in each State through which it shall pass or through which the line runs. It runs through the Territories now substantially, and the amendment provides that when they become States they may then require this provision.

The answer to that proposition is that the company is a Federal corporation, and Congress has always retained control of such corporations, but has left the property of such company to the operation of the State law of taxation, police power, and like subjects, which are within State regulation and State control. It seems to the committee that we ought to follow the unanimous practice heretofore, and we are making a charter wherein we retain the control of the corporation in our own hands and not turn it over to the States through which it may pass.

Mr. MITCHELL. Will the gentleman from Vermont yield to me for a question?

Mr. POWERS. Certainly.

Mr. MITCHELL. I was not on the floor when the gentleman from Vermont explained the amendment of the House No. 2. I notice from the conference report that the Senate recedes from its disagreement to this amendment, which was passed on my motion, and agree to the same with an amendment. Am I to understand that this amendment strikes out from the original House bill the words:

> Expressly assumed in the contract of purchase at such judicial sale.

Which were the words which I objected to, and leaves in the words which I have substituted therefor, namely:

> Legal charge against said old corporation,

And inserts before said last words:

> Except such as may have been incurred for wages and supplies in the operation of the property purchased—

So that the whole clause shall read as follows:

> But nothing in this act shall make such purchasers and their associates or said new corporation liable for any debts or claims or contracts of the old corporation, except such as have been incurred for wages or supplies in the operation of the property purchased, legally chargeable against such old corporation.

Mr. POWERS. The words "legally chargeable against said old corporation" are retained. I do not know whether the gentleman has the copy of the bill before him that I have, but these words are in italics in the copy before me, and following that is the language "except such as may have been incurred for wages and supplies in the operation of the property purchased."

The purpose, I will state to my friend from New York, is this: We could not, with propriety, make the bondholders liable for debts which are an inferior lien of their own, and to guard against that we use the language referred to, "legally chargeable against said old corporation," and then put in a proviso leaving the wages chargeable to the new corporation. As I have already stated at the outset of my remarks, that would be the case whether we put that provision in or not.

Mr. MITCHELL. Then, as I understand it, the amendment recommended by the conference committee leaves the new company liable for debts of the old company for labor and supplies. If so, I have no objection to offer to the amendment of the conference committee.

Mr. POWERS. I now yield to the gentleman from Arkansas [Mr. TERRY]. How much time does the gentleman want?

Mr. TERRY. About fifteen minutes.

Mr. POWERS. I yield fifteen minutes to the gentleman, reserving the remainder of my time.

Mr. BARRETT. I wish to ask the gentleman from Arkansas if he will yield to me for a moment to ask the gentleman from Vermont a question?

Mr. TERRY. Certainly; but not to be taken out of my time.

Mr. BARRETT. I understood the gentleman to say that at the proper time he would allow me time to make some statement. I wish to ask if I may depend on that promise out of the gentleman's own time, or does he expect me to acquire the floor in my own right?

Mr. POWERS. I will endeavor to give the gentleman five minutes.

Mr. BARRETT. I will require more time than that.

Mr. POWERS. Well, I have promised to yield to my friend from Arkansas. I will yield to him first, and then several other gentlemen want to be heard.

Mr. BARRETT. I will ask the gentleman not to move the previous question until I have had an opportunity of being heard on this point.

The SPEAKER. The gentleman from Arkansas [Mr. TERRY] is recognized for fifteen minutes.

Mr. TERRY. Mr. Speaker, there are some very important matters in this conference report to which I want to direct the attention of the House to show why it should not be adopted.

This House made an amendment to the Senate bill which required the purchaser to pay all the debts legally chargeable against the old company. That amendment perhaps went too far. It went further than I should have asked the House to go. But the proposition of the conference committee does not go far enough. It only provides for the payment of debts for wages and supplies incurred in the operation of the road, but does not make any provision for debts and liabilities otherwise incurred in the operation of the road. Neither does it make any provision for liabilities on account of damages for injuries to persons and property. That should be provided for.

Gentlemen claim that to put in any debt that has been incurred or liability incurred since the mortgage is not right and proper. I take issue with gentlemen there. Every man who takes the bond of a railroad secured by a first mortgage takes it with the knowledge that that road has got to be run and operated, else the mortgage would amount to nothing. And as it must be run and operated, the bondholder takes it with the knowledge that there will be liabilities incurred for injuries to persons and property as well as for operating expenses and for wages of employees. Now, when a man takes a mortgage upon a ship upon the high seas, when he goes into admiralty to foreclose that mortgage, although there have been debts incurred since his mortgage, in the running of the ship, for injuries to persons and property, for wages and salvage, and so on, the court of admiralty requires that these claims come ahead of the mortgage, because, they say, "When you took your mortgage on this ship, of what account would she be to you unless she was to be run and operated for the purpose for which she was built? You must have known when you took your bottomry bonds or your mortgage that these liabilities would be incurred."

The tendency of modern legislation and of judicial opinion is to require bondholders, when they ask for the appointment of a receiver, to make it a condition precedent to the appointment of a receiver that the bondholders shall submit to the payment of all debts and liabilities of the kind that I have named. That has been decided over and over again. I want to call the attention of the House to such decisions of the Supreme Court and other Federal courts on this subject, and to show you that the committee are not correct when they say that it would be unjust and inequitable to put these unsecured liabilities ahead of the mortgage.

I now quote from the American Law Review, of March, 1896:

> The tendency of legislation and of the judicial mind is to apply to railroads, so far as relates to debts and liabilities incurred in their operation, substantially the rule that obtains in admiralty, which gives to all such demands priority over a mortgage on the vessel.

Justice Miller, in the Clinton Bridge case, says:

> I have shown that railways are now means of interstate commerce as well as steamboats. Their iron tracks, extending from ocean to ocean, are no more limited by political boundaries than are the rivers which rise in one State and flow through others to the sea. Over the former, propelled by one application of the motive power of steam, roll many cars, laden with the products and fabrics of one section of the country for the supply of the wants of a distant section. Through the latter, propelled by another application of the same power, ply the steamers, laden in like manner, and discharging a like beneficent office. Where lies the difference between them? Why should not the power which regulates one extend to the control of the other?
>
> Where lies the difference between them in respect of the necessity and justice of the rule which makes the thing liable for the obligations which every bondholder knows when he takes his bond must be incurred in maintaining and operating it as an instrument of commerce?

Now, here is the copy of an order made by a Federal judge in appointing a receiver:

> And it appearing to the court that the defendant company owes debts and has incurred liabilities to the residents and citizens of this district—

Now, I want to call your attention to the fact that you men who live in States through which this road runs are interested in this matter. The road does not run through my State, but there are thousands of debts due to the residents of your districts and of your State—

> And it appearing to the court that the defendant company owes debts and has incurred liabilities to the residents and citizens of this district which the holders thereof could, without any interference with the legal or equitable rights of the complainant under the mortgage set out in the complaint, collect by proceedings at law from said defendant by seizing its rents, income, and earnings, and in other lawful modes, if not restrained from so doing by this court, and that it would be inequitable and unjust for the court to deny to said creditors and claimants their legal right to collect their several debts and demands by appointing a receiver to take and receive the earnings of said road during the pendency of this suit, as prayed for in the complainant's bill, without providing for the payment of such debts and liabilities: It is therefore declared that this order appointing the receiver herein is made upon this express condition, namely, that all debts, demands, and liabilities due or owing by the defendant company which were contracted, accrued, or were incurred in this district, or are due or owing to any residents of this district, for ticket and freight balances, or for work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road and its branches in this district, and all liabilities incurred by the said defendant company in the transportation of freight and passengers, including damages for injuries to employees or other persons, and to property, which have accrued or upon which suit has been brought or was pending or judgment rendered in this State, within twelve months last past; and all liabilities of said company to persons or corporations who have or may have become sureties for said company on stay or supersedeas bonds or cost bonds, or bonds in garnishment or other like proceedings, without regard to the date of said bonds, or whether such bonds were furnished in actions or proceedings pending in this district or elsewhere, together with all debts and liabilities which the said receiver may incur in operating said road, including claims for injuries to persons and property as aforesaid, are hereby declared to be preferential debts, and shall be paid by the receiver as the same shall accrue out of the earnings of the road, if practicable, or out of any funds in his hands applicable to that purpose, and if not sooner discharged, then the same shall be paid out of the proceeds of the sale of the said road, which shall not be discharged from the custody of this court until said debts and demands are paid

Now, my friend from Vermont, when this matter was in the House here, very kindly consented to quite a number of amendments. I was surprised at his generosity; but I recollected that when he got into conference the bill could go through the usual course of shaking off all these amendments, and so it has.

Now it comes back here in a condition that there is no protection to a large number of men who have claims against this road. The only one they proposed to pay is wages and supplies in operation.

Mr. HARRISON. What character of claims do you refer to there and say they are not protected?

Mr. TERRY. I refer, sir, to liabilities for injuries to person and property; and if I had time, without trespassing upon the kindness of the gentleman in allowing me as much time as he has, I would read the various classes of indebtedness protected in the order appointing receivers already quoted from. Now, this road has been for years in the hands of a receiver, taking the earnings and the profits which the court says the claimant could have subjected to the payment of his debt; but having gone into the hands of a receiver, no man can make a debt out of the company. Now, if the judge did not do what he ought to have done, and protect these people when he made the order, then Congress ought to do it now, when they come to ask a favor at our hands. When they applied to the chancellor, it was his duty, when they asked him for the favor, to put this vast system of railroads in the hands of the court's officer; it was the chancellor's duty to protect the rights of the citizens; and when he did not do it, as he did not in this case, it is the duty of Congress to do it. Every man who lives in a State whose citizens have claims against this old company will, in my judgment, be recreant to his high duty here if he does not vote down this conference report, and make provision, by another conference, to protect these citizens of the United States that should be protected in their just claims.

Any time I have I yield back to the gentleman from Vermont.

Mr. POWERS. Mr. Speaker, I desire to know how much time remains.

The SPEAKER. The gentleman has eighteen minutes remaining.

Mr. POWERS. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, this conference report substantially yields up every point made by the House in their amendments, and yields up every point without contest, without resistance, without explanation, and without reason. This bill ought to be sent back again to be reconsidered in conference, and the House amendments, or at least the more important of them, it seems to me, ought to be preserved. They ought to be insisted upon by the conference committee. The first proposition is one to relieve the Government from the litigation in regard to the land grant. On granting to this company a new charter, it is provided that it must relinquish to the Government that which is a subject of present litigation. The Government declared a forfeiture of the land granted coterminus with that part of the road not built in 1886. The company has since the forfeiture of the grant, and since the declaration of the forfeiture, constructed a portion of this road, and now claims it, notwithstanding the forfeiture. The House passed an amendment providing that if a new charter was given to the company it must relinquish this claim and relieve the Government from this litigation and relieve the country through which the road runs of the blight that this claim makes on the land, and to provide for opening it for settlement.

Next, the House provided that this Federal corporation in exercising its rights in any State or Territory must do so subject to the right of the State or Territory to require local incorporations. Heretofore Federal charters have had no such provision in them. They ought to have had. It has been a mistake not to insert some such provision in Federal charters heretofore. Now, we are granting a new charter to the company, and we are asked to abandon this provision, and the reason given by the conference report is because we did not require it before in charters of other railway companies. Well, have we not learned something about these United States corporations? Have we not learned that we made a mistake when we did not require such a corporation exercising its rights in any State or Territory to do so subject to the right of the States or Territories to require a local incorporation? Have we not learned from past experience that the States should be protected in such matters? The States are not bound to exercise the right proposed. If the corporations do not abuse their rights and privileges the States will not demand their subjection to local jurisdiction. But this will be a bond held over them to protect the States from abuse under the charter which we are about to grant to this corporation. Both of these amendments, it seems to me, ought to be maintained, and the committee, instead of abandoning them without a struggle, should have insisted to the last point for both of these provisions.

Mr. POWERS. I now yield five minutes to the gentleman from Alabama [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the objections of the gentleman from Arkansas [Mr. TERRY] and of the gentleman from Iowa [Mr. LACEY], who last addressed the House, carry upon their face a plausibility that is attractive to those who are in favor of paying debts. I agree to that sentiment. I wish it were in the power of Congress to have the debts of this old company paid. But I desire to ask my friends from Iowa and from Arkansas not to confound the holders of these bonds with the old company that incurred the debt. This is merely an equitable question, one that has doubtless been settled by the court in this case, or, if it has not been settled, it will be, in adjudicating the questions involved in these foreclosure proceedings the rights of the different creditors of the old company.

Are we here now, by a quasi judicial enactment, to change the rights of these parties, and to say that notwithstanding the rights which the holders of these bonds have secured to themselves under the acts of Congress authorizing this company to make a mortgage and to go into the courts and have their rights adjudicated—are we now, by legislative enactment, to overrule the decision of the courts having jurisdiction in the matter? Yet that is the logical conclusion of the remarks of the gentleman from Iowa. The law, as I understand it, is not changed by the decision which has been referred to by the gentleman from Arkansas. I have never examined that particular decision, but I noticed the language of the court as the gentleman read it, and it was to the effect that the tendency of the courts is to protect the operating expenses of the railroad. The language of the amendment now before the House is "for labor and supplies." What else is necessary for the operating expenses? The gentleman from Arkansas read a decision confining it to operating expenses, but when I ask him what other character of claims he desired to incorporate beyond that, he could only name one class, to wit, damages for personal injuries. Now, is there a court in the United States that has ever held that a first mortgage on a railroad, or on any other property, is subordinate to any such a claim as that?

Mr. TERRY. In the order appointing a receiver, a portion of which I read, it is set forth, as I stated, that that order provides for all liabilities on account of injuries to both persons and property; and there are other things covered by it, as I can show the gentleman when I get the book back.

Mr. HARRISON. Well, I think I have stated correctly the gentleman's answer to my question, and I take issue with him upon this being the law of the land. I do not believe that the courts of last resort of this country have held, or ever will hold, any such doctrine as that contended for by the gentleman from Arkansas, the effect of which would be that when a party makes a contract and takes a first-mortgage lien upon any property, whether a railroad or anything else, that lien shall be subordinated to claims arising out of the misconduct or malfeasance of employees of the mortgagor.

Now, Mr. Speaker, as I said in the beginning, it would delight me to make this old company pay all its debts, if I could; but I do not think it is right for Congress to come in and, by legislative enactment, undertake to change or overrule the decisions of the courts. I regard such legislation as a direct legislative interference with the courts of the country, and for that reason I think the conference report ought to be adopted.

Mr. CONNOLLY. May I ask the gentleman a question?

Mr. HARRISON. Yes, sir.

Mr. CONNOLLY. Suppose we refuse to pass this bill at all, will not the mortgagees have all the rights secured under their mortgage secured to them and all that they can possibly get under this legislation?

Mr. HARRISON. I think not. Without the right to operate the road it would be worth very little to them.

Mr. CONNOLLY. Can not they get that right by a charter from a State?

Mr. HARRISON. This road, I understand, runs principally through the Territories, so that they are obliged to come here for authority.

Mr. CONNOLLY. They knew that fact when they took the mortgage, did they not?

Mr. HARRISON. I suppose they did, and that they also bought these bonds under an implied contract with the Government that it would not refuse the usual remedy accorded purchasers, to wit, to be and exist as a corporation.

Mr. CONNOLLY. So that we are not interfering with any of their rights if we refuse to pass this bill?

Mr. HARRISON. I think we are.

Mr. POWERS. Mr. Speaker, I think I can answer the question the gentleman from Illinois propounds. He asks whether these mortgagees will not have the same rights if we refuse to pass this bill as if we pass it.

Mr. CONNOLLY. They will have all the rights under their contract.

Mr. POWERS. Not at all. It has been held in two instances by the Supreme Court of the United States that where a mortgage does not specifically convey the franchise to be a corporation the mortgagees can not be a corporation, and the object of this bill is simply to give these mortgagees that right.

Mr. CONNOLLY. They knew that was the law when they took their mortgage.

Mr. POWERS. No; everybody supposed the law was different at that time. The decision was a surprise to the legal profession; but the court has so held, and we have to subscribe to that doctrine.

Now, Mr. Speaker, the two contentions most urged here against this bill are, first, the contention urged by the gentleman from Iowa [Mr. LACEY], that we ought to exact of this company, as a condition precedent, that they relinquish all right to this land grant. That comes down to this plain proposition. I have a mortgage against a man upon his farm and I go into court to foreclose, and the court says to me: "Unless you surrender Blackacre"—when my mortgage covers both Blackacre and Whiteacre—"unless you surrender Blackacre we will not allow you your legal rights." It is levying a species of blackmail upon these gentlemen. These bondholders are innocent parties, who put their money into this mortgage; and the mortgage to-day is held largely by people holding trust funds, such as guardians, trustees, old women, and children, etc. It is proposed that we say to these parties, "You shall not have your rights in court unless you will relinquish a part of your claim to the real estate which was mortgaged to you." Is that right? Does the House of Representatives propose to establish a doctrine of that kind? I think not.

Secondly, the gentlemen says that we ought to permit the Territories through which this road runs to require the road, after they become States, to take out a State charter. What sense is there in that? This company is chartered by Congress. Congress will retain full control over their rights. Why, then, subject these innocent parties to the control of half a dozen different State organizations when they are trying to get out of this property the money which they, in the utmost good faith, invested in it?

Mr. Speaker, I ask for the previous question.

Mr. BARRETT. I understood the gentleman from Vermont to agree to yield to me some time.

Mr. POWERS. I agreed to yield the gentleman some time if we had it; but I understand our time is exhausted.

Mr. COOKE of Illinois. I hope the gentleman from Vermont will not ask for the previous question until I have been allowed to occupy a few minutes.

The SPEAKER. The gentleman from Vermont has six minutes remaining.

Mr. POWERS. Then I yield to the gentleman from Massachusetts [Mr. BARRETT] three minutes.

Mr. BARRETT. That is hardly fair. I ask the House to vote down the previous question and give us a chance to discuss this bill on its merits—not to try to "railroad" this bill through here for the benefit of stockjolders. I ask the House to vote down the previous question, and let this matter be discussed. I have some facts that I want to bring out, and the gentleman is trying to prevent its being done.

The SPEAKER. The question is on the demand for the previous question.

The question being put, the previous question was not ordered.

The SPEAKER. The House refuses to order the previous question. The gentleman from Massachusetts [Mr. BARRETT] is entitled to the floor.

Mr. BARRETT. Mr. Speaker, when I asked the gentleman from Vermont to be allowed to answer the question asked in good faith by my colleague, it was because I had taken the pains to get some facts in reference to this matter which the House is entitled to know. Having been the one, when this matter was first presented in December to the House, to offer an amendment touching this pending subject, I thought I might be accorded the courtesy of occupying a little length of time in some observations on the amendment in dispute between the two Houses.

Now, I wish to confine my remarks, Mr. Speaker, to the part of this measure which refers to the issue of stock by this company.

I wish to say in the beginning that no railroad was ever constructed in this country whose history is so black with fraud and dishonor as the Atlantic and Pacific Railroad. No railroad was ever constructed in this country whose securities were issued in such amount and under such conditions as has attached to this corporation.

My friend and colleague [Mr. MOODY] offered an amendment when this matter was up before that the securities in the form of stock to be issued by this new corporation should be confined to the amount of the mortgage debt. This amendment was accepted by the committee and unanimously adopted. The gentleman from Vermont has reported an amendment in its place, which he says is merely verbal in its form, which limits the stock to be issued to the amount of the funded debt.

I want to make clear to the House the important difference between the amendment adopted by the House and that reported by the conference committee.

Now, what is the status of the Atlantic and Pacific Railroad? It is bankrupt, disgraced, dishonored, beyond the power of redemption. It pays no interest on its mortgage debt in any form whatever. It does not earn enough to do it. But the whole contention made here is that this matter of reorganization is to enable the innocent holders of those securities to be put on their feet and to reorganize the company.

The gentleman from Vermont, who has occupied a place on the supreme court of his State, has affected to cast ridicule on me because I tried to throw a little light on this question. Yet the gentleman from Vermont, either willfully or not—I prefer to assume not—has made a statement in this House which is absolutely void of any foundation.

Now, what does the gentleman from Vermont claim? He claims that the innocent holders of the securities of this road are entitled to an opportunity to reorganize, and that it would be "blackmail"—he charges this House with an attempt at "blackmail"—to put into this bill certain reasonable provisions.

What is the fact about this reorganization? The stockholders of this road are not considered one bit in this reorganization. The holders of these minor bonds and securities which the gentleman claims that he desires to protect are not considered in this bill. There are on this road—I speak solely of the part known as the "Western Division," commonly known as the Atlantic and Pacific—$16,000,000 of 4 per cent bonds which were issued to represent an equal number of old 6 per cent bonds. These are held in the hands of the reorganization committee. There are also $5,000,000 of second-mortgage bonds. There are $12,000,000 worth of income bonds, and there are $79,000,000 worth of stock. The bondholders' committee, representing this $16,000,000 of first-mortgage bonds, has already entered into an agreement with the Atchison, Topeka and Santa Fe Railroad to sell out the entire property to it and transfer to it the first mortgage of $16,000,000 in return for a payment which amounts in cash at present value of securities to $10,600,000. The Atchison, Topeka and Santa Fe Railroad is to have, as soon as a few legal technicalities are complied with, the possession and control of this property for a payment of $10,600,000!

Now, my friend and colleague [Mr. MOODY] offered an amendment, when this bill was under consideration in the House, to the

effect that the new corporation should be confined in its gratuitous issue of stock to an amount equal to the mortgage debts. These amounts to $21,000,000.

But this conference report provides that the Atchison, Topeka and Santa Fe Railroad corporation, through whose conduct the constituents of the gentleman from Vermont and myself have lost millions and millions of dollars—the amendment provides that it should be allowed for $10,600,000 to keep alive a mortgage debt of $16,000,000, and to issue in addition stock to the extent of $33,000,000.

A good deal has been said about "innocent bondholders" in connection with this matter, and the gentleman from Vermont [Mr. POWERS] went into a very lengthy legal statement as to how bankrupt railroad properties reorganized. He has given us to infer that the whole of the mortgage indebtedness would be wiped out, and its place taken by the new issue of stock.

Now, let us see how the reorganization is to take place. This is the way: The whole amount of $16,000,000 outstanding first-mortgage bonds goes into the treasury of the Atchison, Topeka and Santa Fe Railroad; it is there kept alive, and that railroad—not the present stockholders of the Atlantic and Pacific, but the Atchison, Topeka and Santa Fe Railroad—under this act becomes the owner of the Atlantic and Pacific, and in return for $10,600,000, which it is required to pay in cash value, is to be allowed to issue $19,000,000 worth of securties.

Mr. Speaker, my friend from Massachusetts [Mr. MOODY] and myself have objected to that; and why?

In the first place, Massachusetts, whose legislation has blazed a path in almost every direction of legislative progress, has put on its statute books, to the great satisfaction of all of our people, a law that no railroad corporation shall issue securities except on full payment at their par value. In this bill, before it went to the conference committee, both Houses, by an order of each House, voted that no new stock should be issued after the reorganization is completed, except upon full compensation, either in money or service.

And yet the conference committee seeks to induce this House to recede from that position, so as to authorize an issue of stock amounting to $33,000,000 for no consideration whatever, equal in value to every dollar of stock hereafter issued for full value. It asks us to authorize the Atchison, Topeka and Santa Fe road to issue $49,000,000 of securities for a property for which it pays in present values not exceeding $10,900,000.

But my friend from Vermont says that this extra stock should be issued on the "funded debt," as it stands now on the Atlantic and Pacific Company. Let us see how that is. What is the funded debt? It includes, in addition to the "mortgage debt," $12,000,000 of income bonds, now selling in the market at 1 cent on the dollar. This amendment, proposed by the conference committee, is a proposition to issue for something that is without value to-day stock which the succeeding sections of the bill provide shall be hereafter not issued except on full payment at par value!

Now, the gentleman from Vermont says that this has nothing to do with the measure, that it is only a legal matter. He professes not to know, and evidently does not care, about the details of this reorganization. He wishes to leave it all to the people who are buying this road. He claims that it is a mere legal matter. Let us see whether it is. It is a question whether Congress now proposes to be a party to, and to authorize, and to stand back of one of the greatest stock-watering schemes ever put forward in any legislative body.

Mr. Speaker, how can we ask men who seek to mortgage worthless farms in the West for Eastern money, or for the purpose of procuring money for the transaction of business, or who use unwarranted methods to induce the loans of money—I say how can we expect them to be dumfounded and bring them to the light of day if we ourselves, by our legislation on this floor, shall authorize the Atchison, Topeka and Santa Fe Railroad Company to issue securities to the extent of $49,000,000 on property which cost them but $10,600,000 at present values?

Now, Mr. Speaker, the amendment offered by my friend from Massachusetts [Mr. MOODY], written in my presence and written hastily, would not, if he had known as much as we both of us know to-day, have been couched in exactly the form in which it is framed. We ought to have said:

> That the Atchison, Topeka and Santa Fe Railroad Company, in acquiring the Atlantic and Pacific, shall issue no securities whatever except those which actually represent the cost to the Atchison, Topeka and Santa Fe Railroad of this property.

He, like myself and others, thought that the mortgage indebtedness would represent actual value, and put in the language that this issue should be limited to the amount of the mortgage. That amount now is $21,000,000, and if the House insists upon the amendment which has already been adopted with consent of the chairman of the committee, the gentleman from Vermont [Mr. POWERS], and without objection—if it shall simply insist on the amendment already adopted—it thereby authorizes the issue of $33,000,000 of securities for a property which will cost the purchaser ten millions.

I desire now to move that the House instruct its conferees to insist upon amendments 3 and 4, which are the amendments offered by the gentleman from Massachusetts [Mr. MOODY], and which have regard to the preventing of the wholesale issue of stock without proper consideration.

Mr. COOKE of Illinois. Also amendment No. 5, which relates to this enormous land grant.

Mr. LACEY. And No. 7.

Mr. MOODY. Just insist generally.

Mr. BARRETT. Mr. Speaker, I am on my feet to reply to the distinguished chairman of the committee [Mr. POWERS], when he said, in a rather supercilious tone, that when he wanted information on this subject of stock watering, he knew where to ask for it, and did not deign to ask me. I have not proposed to offer any amendment except that upon which I claim to be thoroughly versed, but, as I thoroughly sympathize with the amendment offered by my friends, and fearful lest another opportunity may be denied, by springing the previous question, to prevent this House from having ample opportunity to consider it, I include in my motion that the conferees be instructed to insist upon amendments numbered 5, 6, and 7, so that the motion, as I now make it, is that the conferees be instructed to insist upon amendments numbered 3, 4, 5, 6, and 7.

The SPEAKER. The question before the House is on agreeing or disagreeing to the conference report.

Mr. BARRETT. As I read the Manual, it is now in order to move to instruct the conferees to insist.

The SPEAKER. But the first question that must be disposed of is whether the House will agree to this conference report.

Mr. BARRETT. Mr. Speaker, I do not know as this comes out of my time, but to show that I did it thinking that I was within the rules of the House, I will read from the Manual, page 359.

> Pending the consideration of the report of a conference committee, it is in order to instruct the conferees on the part of the House in respect to any matter in dispute between the Houses.

I may be wrong, but that is the basis on which I made my motion.

Now, Mr. Speaker, before I conclude I want to make one remark on this conference report; and I am perfectly well aware, Mr. Speaker, without being informed by any members who have served in this House longer than I, with what supreme ridicule any effort on the part of a new member who tries either to intelligently understand the business of the House or in a respectful way to represent what he believes to be the wishes of his constituents is received in some quarters.

These conference reports are among the most important matters which come before the House of Representatives. We go through a long discussion of a measure. Amendments are accepted by the member having the bill in charge. They are agreed to unanimously by the House of Representatives, and then we are told in the corridors with laughter and a sunny smile, "We will attend to that in conference."

This particular committee went into conference, and as has been suggested by the gentleman from Iowa [Mr. LACEY], without making any attempt to defend the propositions of the House, this committee comes in here with a conference report; when, no matter what may be their personal feelings on a measure, they are bound by their appointment as conferees, having the judgment and confidence of this House in their keeping, to insist upon and maintain the action of the branch which they represent.

These conference reports make the gist of important legislation which comes to this House. They are all important. How do they come in? Do they come in like other matters of legislation, ordered by the rules to be printed, and the report and the amendments thus brought formally before the attention of the House? I say no. They can be brought in here, under the rule, at any time after the reading of the Journal. No matter what other question may be under consideration, after the reading of the Journal a proposition to consider a conference report is in order. How are they generally made? They are brought in here with amendments numbered 1, 2, 3, 4, and so on, sometimes running into the scores.

In the disorder or inattention in this House it is said that "the conferees have yielded on Senate amendments 6, 8, and 12," for instance, and "the Senate conferees have agreed to amendments 9, 11, and 15 of the House." Very few members do or can know what are the points in issue. Then the previous question is moved. I say for one, having tried to give attention to the proceedings of this House, that it is almost impossible for a man sitting in his seat to understand what is the intention and purport of many of these conference committees. And then, in addition to that, we have tremendous power placed in the hands of the chairman of the committee, who monopolizes the floor on debate. To-day the chairman has attempted to prevent a gentleman who rose in his place and said that he has information to contribute on this special subject to be heard, by moving the previous question, so that no further discussion could be had. I want to say, Mr. Speaker, that it is a parody on parliamentary performance, and that it is an insult to those who desire to vote right and also intelligently in this House. [Applause.]

When this bill came up, I took an interest in it by reason of the fact that the State of Massachusetts has committed itself against these stock watering schemes. My friend and colleague [Mr. Moody] also took an interest in it. I was anxious to see this conference report when made. At length I went to the chairman of the committee and asked him if it had been made. He said it had. I said, "Has it been printed?" and he said, "It is in my desk." I want to be perfectly fair to the gentleman. He took it from his desk and I had an opportunity to read it, and yesterday he said he would move to have it printed and this morning call it up as soon as the Journal had been approved. Now, I say, not being a lawyer, but after listening to the statements made by gentlemen on other features of the bill than the stock-issue amendments, as a member of this House, that any attempt to prevent honest and fair, and, if necessary, considerable discussion on this bill is an outrage and ought not to be condoned. The House evidently thought the same in refusing the previous question when asked.

Now, Mr. Speaker, I reserve the remainder of my time, asking, first, how much time I have left.

The SPEAKER. The gentleman has forty minutes.

Mr. BARRETT. I was about to ask, in no way to attempt to delay the proceedings, whether or not the Chair is of the opinion that a motion to instruct is not in order?

The SPEAKER. The matter before the House is on agreeing to the report of the committee of conference. Upon an examination of the authority cited by the gentleman from Massachusetts, that was a report of a disagreement; and it resulted, although the Chair has not examined the entire debate as yet (has not quite finished it)—it seems to have ended with a proposition for a new conference. The Chair would suggest to the gentleman from Massachusetts that the method by which the thing could be arrived at, which he is evidently aiming at, is by voting down, if the House sees fit, the conference report, and then ask for a new conference; and, before the conferees are appointed, make a motion to instruct them—if the House sees fit.

Mr. BARRETT. Well, Mr. Speaker, I of course acquiesce and agree in the proposition made by the Chair, but it seems to me that this proceeding was analogous to a motion to recommit with instructions.

The SPEAKER. The difficulty is that the conference committee has discharged its duty and has ceased.

Mr. BARRETT. If the Chair will pardon me, if the House should disagree to the report of the committee, it would thereby become deceased; but if the motion were made to recommit with instructions as a subsidiary motion preliminary to that, to keep it alive for the new conference as the House wished they should proceed as directed.

The SPEAKER. If the gentleman from Massachusetts can show authority upon that subject, the Chair would be glad to have it.

Mr. BARRETT. I simply put my motion, in order that it may instruct the committee.

Mr. POWERS. I yield to my colleague from Vermont five minutes.

Mr. GROUT. Mr. Speaker——

Mr. COOKE of Illinois. I rise to a point of order. The time of the gentleman from Vermont has expired. I submit that he can not yield to the gentleman.

The SPEAKER. The gentleman will state his point of order.

Mr. COOKE of Illinois. I submit——

Mr. BARRETT. I make the point of order. I would like——

The SPEAKER. The Chair has recognized the gentleman in front to state his point of order.

Mr. COOKE of Illinois. I make the point of order that the time of the gentleman from Vermont [Mr. Powers] has expired, and that now the members in opposition have control of the time.

Mr. GROUT. But I addressed the Chair.

The SPEAKER. The gentleman from Massachusetts is in charge of the report now before the House, and the gentleman from Massachusetts has reserved his time, which leaves the matter open for the Chair to recognize some other gentleman if any gentleman addresses him. The gentleman from Vermont [Mr. Grout] has done so.

Mr. BARRETT. The point of order I make, Mr. Speaker, is that the gentleman from Vermont [Mr. Powers], having occupied an hour, can not occupy a further hour to the exclusion of any gentleman who has been recognized.

Mr. GROUT. Mr. Speaker, I addressed the Chair in my own right.

Mr. BARRETT. I beg the gentleman's pardon; I was referring to the other gentleman from Vermont.

The SPEAKER. The gentleman from Vermont [Mr. Grout] is recognized.

Mr. GROUT. I do not insist upon being recognized now, Mr. Speaker, but I do wish to be heard for a few minutes on this subject. The gentleman from Illinois [Mr. Cooke] can proceed if he desires.

Mr. COOKE of Illinois. Mr. Speaker, the gentleman from Vermont [Mr. Grout] kindly yielded to me, and I shall occupy only about ten minutes. I desire to say that when this matter was up before the House upon the Senate bill as it came over here the gentleman from Vermont [Mr. Powers], speaking of these land grants, was hardly ingenuous. He spoke of the lands as having no value. He used these words, which will be found on page 160 of the Record:

> It became a part of the rights of that company to take those lands, but it turns out upon investigation that the lands are in the arid region, they are good for nothing.

Further on, when the House was about to vote upon amendment No. 5, which requires this company to recognize the forfeiture of the land grant and to stop its litigation with the Government concerning the title to those lands, the gentleman from Vermont said:

> Mr. Speaker, the Government of the United States has already instituted a suit to declare a forfeiture of these lands. A suit is now pending. It is being argued in the Supreme Court of the United States to-day, and it seems to me we should not undertake to blackmail this company as the condition upon which they shall have the right to organize into a corporation.

Almost immediately after the utterance of those words by the gentleman from Vermont the House, by a vote of 78 to 43, adopted the amendment.

Now, I submit as a lawyer that the bill which is before the House upon the conference report will operate, under its peculiar language, as an enlarging act, an enabling act. It will operate as a recognition of the claim which is made under the act of 1871 (by the terms of which latter act the company was authorized to mortgage its lands) in such a way as to carry out and give substantial grounds for the contention of this corporation and for the construction which it attempts to place upon the act of 1871. In other words, it recognizes that act, and it recognizes that construction of it which is contended for by the company. This bill begins in its title by saying that its purpose is—

> To define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

And it uses this further language:

> That whenever any mortgage made by the Atlantic and Pacific Railroad, under and by virtue of acts of Congress, is foreclosed.

Then, further down, it uses this language:

> The new company which shall have and shall be entitled to hold and possess the franchises and property so sold.

So that, Mr. Speaker, if the act of 1871 is subject to the construction that it would give the corporation the power to mortgage these lands notwithstanding the forfeiture act of 1886, then this legislation would maintain and validate everything that is claimed in behalf of this corporation.

Now, I desire to say that this is a large subject. The litigation concerning these land grants has been going on for many years. There have been suits brought in California concerning these grants, where the Southern Pacific Railroad Company have claimed to take the lands which did not pass to the Atlantic and Pacific Company, and there is litigation now pending that has come up from the supreme court of New Mexico concerning lands in New Mexico, notwithstanding the forfeiture act of 1886, which, as I have already indicated, was passed by the House of Representatives in the Forty-ninth Congress, at its first session, upon the report of the Committee on Public Lands, a report made by Mr. Cobb, which was filed February 3, 1886. That report very ably and exhaustively examined the whole question as to the validity, the scope, and the effect of the act of 1871, and, as a result of that investigation and that report, the House passed the forfeiture act of July 6, 1886; and I undertake to say that the main reason for that action was that the corporation had entirely neglected to conform to the charter of 1866, by which it was given this enormous land grant.

The land grant involved here is of enormous proportions, larger than any other grant ever made to a railroad company. I hold in my hand two plats which show the constructed portion and the lands earned up to the time of the passage of the act of 1886 and also the construction since that time. These plats show the lands that are in controversy in these multitudinous suits between the Government and the representatives of this company. Without taking up too much of the time of the House now, I will submit in my remarks a table showing the lands which will be forfeited if we insist upon this amendment No. 5. In the Indian Territory this corporation is making a claim to certain lands. I think myself that the claim is without any foundation whatever, but the corporation are making a claim for lands in the Indian Territory which, if their contention is right, would give them those lands as soon as the Indian titles shall have been extinguished by the treaties now in progress.

Mr. JOHNSON of Indiana. I should like to ask the gentleman one question.

Mr. COOKE of Illinois. I yield with pleasure.

Mr. JOHNSON of Indiana. What is the necessity of any legislation whatever at this time with respect to the subject-matter of this bill? Is there any urgent necessity for the passage of such a bill?

Mr. COOKE of Illinois. I am not urging the bill, Mr. Speaker.

Mr. JOHNSON of Indiana. I did not understand that the gentleman was urging the passage of the bill; but he is familiar with the situation, and I want to know whether in his opinion there is any urgent necessity for passing this kind of a bill now.

Mr. COOKE of Illinois. I rather think that the purchasers under the foreclosure ought to have a charter under proper restrictions; but I do not think that while they are getting such a charter from Congress, Congress should override important legislation which has been heretofore enacted with respect to these enormous land grants.

Mr. MOODY. Will the gentleman pardon me a question?

Mr. COOKE of Illinois. Certainly.

Mr. MOODY. Does not the gentleman think it would be better in granting a charter to these new corporators to grant one specifically, instead of doing so by reference to an old charter passed in 1866, when thought on this subject was in a very different stage of development from what it is to-day?

Mr. COOKE of Illinois. I thoroughly agree with my friend from Massachusetts [Mr. Moody]. The peculiar language with which this bill starts out, and the peculiar language which it employs when it deals with any property rights to be acquired under these foreclosures, is at least of a most suspicious character, in the point of view that the language may lead to ambiguity and misconstruction—to different constructions in different courts. For this reason I believe it would be better, as the gentleman from Massachusetts suggests, that there should be a straight out-and-out charter in and of itself, containing within itself everything intended to be granted, and granting nothing not directly granted.

Mr. Speaker, I was about to say, concerning the extent of the land grants here involved, that in the Indian Territory there is involved, of granted lands and indemnity lands which would be forfeited if we insist upon this amendment No. 5, and which were forfeited under the act of 1886, the enormous amount of 20,800,000 acres. In the Territory of New Mexico, from the Texas line to Ysleta, a mileage of about 260 miles, the total amount of granted and indemnity lands which would thus be forfeited reaches 8,320,000 acres. In California the amount of lands, both granted and indemnity, reaches 12,073,600 acres, making a total of granted and indemnity lands of 41,193,600 acres, and this leaves to the purchasers under this mortgage and to the corporation all its rights to lands earned by the construction of the road within the terms of the act of 1886 and the act of 1871.

Now, Mr. Speaker, we can not shut our eyes to the enormous amount of litigation which is going on in this matter in the different States. Why, sir, in one case which has recently come up from the supreme court of New Mexico—I hold the transcript of the record in my hand—the court, in a very able decision, construing the act of 1871 and the act of 1886, together with the original grant of 1866, holds that the lands were properly, legally, and completely forfeited by the act of July 6, 1886. And, sir, I hold, as one member of this House, that we are only observing and performing our duty if we require this corporation to stop this litigation, to stop this contention which looks to the enlarging of the grant and the practical repeal of the forfeiture act—that the abandonment of such litigation shall be required by us as a condition precedent to giving this company a charter which shall last forever.

Mr. Speaker, I reserve the residue of my time.

Mr. GROUT addressed the Chair.

Mr. CANNON. I should like to ask my colleague [Mr. Cooke of Illinois] a question in his time.

Mr. COOKE of Illinois. I should be glad to answer any question.

Mr. BARRETT. Has the gentleman from Illinois [Mr. Cooke] exhausted the fifteen minutes which I yielded to him?

Mr. COOKE of Illinois. As I understand, I have been talking in my own time.

The SPEAKER. The Chair understood that the gentleman from Illinois [Mr. Cooke] was speaking in the time of the gentleman from Vermont [Mr. Grout].

Mr. COOKE of Illinois. I did not wish to do so, but if that is the fact, I yield back to the gentleman any time I may have used.

Mr. GROUT. I yield to the gentleman from Illinois [Mr. Cooke] two minutes more in which to answer the question which his colleague [Mr. Cannon] desires to propound.

Mr. CANNON. Mr. Speaker, I have been reading this report to find out what is its effect. Section 5 of the bill, which it is proposed to strike out, provides as a condition precedent that this company shall relinquish any supposed right it may have to certain lands. Now, if I recollect aright, there was in 1886 an act of forfeiture passed as to all unearned portions of this land grant.

Mr. COOKE of Illinois. That is right; that act applied to all portions of the road not constructed up to that moment.

Mr. CANNON. Now, are we to understand that this railway company or its assignees claim lands that were earned, according to their contention, after the act of forfeiture?

Mr. COOKE of Illinois. Certainly; and the enormous extent of those lands I have already stated. They reach, of ungranted lands and indemnity lands, the amount of 41,000,000 acres and more.

Mr. CANNON. In other words, the time for construction of their road having expired and the act of forfeiture having been passed by Congress, they still went on and constructed additional road, and they now claim that they are entitled to the lands for such construction, notwithstanding the act of forfeiture?

Mr. COOKE of Illinois. That is what they claim. The lands so claimed run through the Indian Territory, run through New Mexico from the Texas line to Ysleta, and from the Needles over at the boundary of Arizona away up to San Francisco.

Now, I do not concede for a moment that they have any valid claim to lands in the Indian Territory or in California; but they claim such lands, as this record shows; and because they claim them, and because they have millions of dollars with which to conduct this kind of litigation in the face of Congress and its legislation, I propose, for my part, that they relinquish their claim to such lands which they never earned, because they never built the lines even within the terms of the act of 1871, let alone the act of 1866.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. COOKE of Illinois. Certainly.

Mr. HARRISON. As I understand it, the philosophy of your argument is that the bondholders must suffer from the misconduct of the railroad company?

Mr. COOKE of Illinois. My argument was, Mr. Speaker, that we should give to these people all that the law authorizes them to receive by the broadest latitude of construction, but nothing more. We are not under any obligation to give them all they claim; let us give them what is their due.

Mr. GROUT. Mr. Speaker, the question concerning the right of this railroad to the land grant is now before the Supreme Court, has been argued, and for aught we know, the court has reached a conclusion, so that at this very moment all the rights of both the Government and of this corporation to this land are actually determined and only await announcement by the court.

Now, Mr. Speaker, I ask if it would not be better to take the judgment of the court rather than for us to undertake to decide this question on the fragmentary and partial information with which we are furnished.

Mr. COOKE of Illinois. I hold the records of all these transactions in my hands.

Mr. GROUT. I am quite willing to leave it to the Supreme Court of the United States, and that is where this conference report proposes to leave it.

When this bill passed the House, Mr. Speaker, I was, I must confess, astonished at some of the amendments that had been offered to it, many of which were put on the bill. Here, to begin with, was a grant of a charter by Congress to the Atlantic and Pacific Railway to construct a road. It granted to this company the power to mortgage the road under certain conditions. They did so, and sold the bonds; and the bondholders come before you now for the purpose of reorganization. They come because it turns out that instead of the mortgage when issued authorizing the road to be a corporation, in the hands of the bondholders, it fails to do so. Everybody supposed that it did. Lawyers would say offhand that authority to issue a mortgage would carry with it the right to be a corporation; but the Supreme Court in other cases where precisely the same language is used have held that it did not convey the right to be a corporation; and so, while the title is perfect in the bondholders, they can not organize into a corporation without this legislation. This is necessary for the preservation of their property rights.

My friend from Illinois [Mr. Cooke], in the course of his argument frankly stated that the company, in his judgment, is fairly entitled to its charter. So it is. There is no question about that. If Congress withholds it, it will be an injustice to the bondholders. They took the bonds with the expectation that they would be granted the right, or had been granted the right, of reorganization under them. And it is only by the discovery of a defect in the wording of the language of the law that the bondholders are not possessed of that right now.

But I was saying, Mr. Speaker, that I was somewhat astonished to see this bill loaded down with some of the amendments that were attached to it when it passed the House. But it went to the Senate, and that body nonconcurred in the House amendments, and the matter went into conference; and now let us see just where the conference report leaves us, and see if, as fair men, we can sustain that report, or if, as fair men, we must insist that it be rejected. Let us look at it not alone as individuals, but in the light of Representatives, occupying the position we do here with reference to the interests of the whole people and for the purpose of preserving the consistency of our legislation.

In the first place, in the conference report—and I can not follow it in detail, for I have not had time to examine it thoroughly—but in the first place there is an amendment put on, as members of the House will perhaps recall, an amendment providing that all the debts assumed by the original management should be assumed and paid by this new company before they shall have a charter. This makes no exception. It puts on them debts which could not in law be charged to the bondholders. It provides for subsequent debts. Just think of the idea! Gentlemen of the House surely do not intend to go that far. It would be dishonorable, and every gentleman will say so when he comes to consider it fully and the effect of it. But the amendment was placed on the bill. What has the conference committee done with it? They said simply the amendment should be stricken out and the words inserted, "except such debts as may have been incurred for wages or supplies in the operation of the property purchased." That includes just those debts which in equity they would have to pay in reorganizing. The courts have generally decided that this class of debts should be paid, though it has not been uniformly so decided; but the courts lean that way, and we can safely stand on that provision, and this the conference committee has done.

Now, who will say this is unfair? Is it unjust? I leave it to any gentleman here who thinks of the matter for a moment. The amendment leaves a debt to be paid by the new company which the law and the decisions of the court would leave for them to pay, and we do not undertake to go beyond that. Could anything be fairer? What more can be fairly required of this corporation?

Mr. BOATNER. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BOATNER. Do I understand that this section 5, or proviso No. 5, is stricken out of the bill?

Mr. GROUT. With reference to the lands?

Mr. BOATNER. Yes.

Mr. GROUT. Certainly; because, as I have stated, in the first sentences I uttered, this matter is with the court. If the court says that this land grant is forfeited, it is gone. If the courts say it is not forfeited, then this company will have the rights which belong to it, and those rights will be determined by the court. Who will say he is afraid to leave this to the court?

Mr. BOATNER. Another question, if my friend will allow. If section 5 were retained in the bill and the company should refuse to make the conveyance which this calls for, would not that be a legislative admission on the part of Congress that the title to this property lies in the railroad?

Mr. GROUT. Oh, but the gentleman's position begs the whole question which is before the House now on the conference report. The report rightfully strikes out this section and leaves the matter where the court may leave it; and there, Mr. Speaker, is where we can safely leave it.

Now, the next point is on the watering of stock, concerning which my eloquent friend from Massachusetts [Mr. Barrett] waxed eloquent. He calls this a stock-watering scheme. Now, I never saw this conference report until twenty minutes ago, and I have read it carefully to see how it provides for this alleged scheme. Let us see. This is what the conferees have agreed upon and what you are to pass upon:

> That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure.

This proposed amendment of the conference committee will allow stock to an amount only equal to the funded debt. It provides for the usual conservative rule that the stock shall not exceed the bonds.

Now what becomes of all the eloquence of my friend from Massachusetts [Mr. Barrett]?

Mr. MOODY. Will the gentleman permit a question?

Mr. GROUT. Certainly.

Mr. MOODY. If I understand the report of the Railroad Commissioner aright, the funded debt of this corporation amounts to about $40,000,000.

Mr. GROUT. I do not know what it is. It does not matter what it is.

Mr. MOODY. When we are providing a limit for the issue of stock, does not the gentleman from Vermont think it is important for us to know what the limit is, and how it compares with the value of the property?

Mr. GROUT. They can not go beyond the funded debt. Here is the funded debt of the road which we are reorganizing, to which we are giving the rights of a corporation. And we say that we will not allow them to issue stock beyond the amount of the funded debt. From the very nature of the case we can not be exactly informed as to the value of the property.

Mr. MOODY. Mr. Speaker, I had not quite finished my question. Now, if it be true, as the report of the Commissioner of Railroads states, that the funded debt is about $40,000,000, and if it be also true, as my colleague from Massachusetts [Mr. Barrett] stated to the House, that this whole property has been sold for somewhere in the neighborhood of ten millions, ought this Congress to authorize the reincorporation to issue stock to the amount of $40,000,000 for property which has just sold for about $10,000,000?

Mr. GROUT. Well, the proposition of the gentleman rests upon the two lame legs of the two suppositions of the two gentlemen from Massachusetts. It is all supposition.

Mr. MOODY. Oh, no, Mr. Speaker.

Mr. GROUT. Oh, yes, Mr. Speaker.

Mr. MOODY. I rested it on the truth of the report of the Railroad Commissioner on the one hand, and the truth of the statement of my colleague from Massachusetts [Mr. Barrett] on the other, and I would like to ask the gentleman from Vermont [Mr. Grout] whether these facts are true or not?

Mr. GROUT. Mr. Speaker, I do not know, and so far as what I am saying, it is not necessary to know. When I find my friend from Massachusetts [Mr. Barrett] arraigning this conference report as a stock-watering scheme, and in the report find there is no ground whatever for that charge, then a question arises in my mind as to the correctness of the gentleman's statement that the property has been sold for $10,000,000. Now, suppose it has been sold for $10,000,000——

Mr. BARRETT. Mr. Speaker——

The SPEAKER. Does the gentleman from Vermont yield to the gentleman from Massachusetts [Mr. Barrett]?

Mr. BARRETT. If the gentleman questions my statement, will he be kind enough to read this printed report?

Mr. GROUT. I have no time, Mr. Speaker; my time is limited.

But suppose it were true that that property has been sold for $10,000,000. It frequently happens that property is so situated that it has to be sold for far less than it is worth, and the bondholders of this road, encountering the strangely factious opposition which has disclosed itself in this House, in their attempt to obtain their legal rights might well ask themselves if they might not as well sell for anything they could get, no matter how little. This fact, if true, argues nothing. The conference report says the stock shall not exceed the amount of the funded debt, and when stock does not exceed the bonds it has always been considered a safe limitation on the issue of the stock, as I have always understood it.

Mr. HAINER of Nebraska. Will the gentleman permit me to ask him a question?

Mr. GROUT. Certainly.

Mr. HAINER of Nebraska. Is it not very important that we should know the value of this property that the stock is to be issued on? As I understand, a railroad bases the rate of its charges upon the capital. That ordinarily is regulated by the amount of stock; and therefore if they are to issue new stock under the new charter, should we not know the actual and true value of the property?

Mr. GROUT. In answer to the gentleman from Nebraska, I will state that of course stock should not be issued to a greater amount than the value of the property. That is correct theoretically. But how can we determine the value of the property except to rely on the judgment of the men who took these bonds, on which they paid out their money—$40,000,000? They may have been misled, but presumably not; and whether or not, we could not determine. This may, however, be noted, that there is not a syllable uttered by anyone in this debate indicating that they were misled, and we can only assume that they acted prudently. Now, this is the only evidence we have as to the value of the property.

Mr. Speaker, the other day a Pacific Railroad bill was before us showing an expenditure of several hundreds of millions of dollars, but here is a Pacific railway with a bonded debt of but $40,000,000. It looks to me like a reasonable and honest sum beside the debt of the other road. But I can not stop to argue this. Here is a fact: Investors have put their money into this road to the amount of $40,000,000, expecting, if it was not paid, they were to have the road.

Mr. HAINER of Nebraska. He has put his money in, and money and interest have gone by the foreclosure.

Mr. GROUT. Not so, sir. They are the ones that are foreclosing. The stock has gone and all the interests of the stockholders. But not that of the bondholders who are now asking to be reorganized under authority of the charter they are asking.

Mr. BARRETT. But under the foreclosure their representatives have purchased it at $10,000,000.

Mr. GROUT. Who purchased it?

Mr. BARRETT. The Atchison, Topeka and Santa Fe.

Mr. GROUT. I do not believe that anybody has purchased it; and I will state that my authority is my colleague, and he ought

to know. He says that it is not true that this road has been purchased by the Atchison, Topeka and Santa Fe road for $10,000,000.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. GROUT. I will yield to the gentleman.

Mr. BARRETT. I trust the gentleman from South Carolina will permit me. The gentleman has made a statement concerning my statement.

Mr. GROUT. I will yield to a question.

Mr. BARRETT. Does the gentleman from Vermont now speaking say that my statement that an agreement had been entered into for the sale of this road to the Atchison, Topeka and Santa Fe is not true?

Mr. GROUT. I understood the gentleman to say it had been sold, but if he now says bargained to be sold, I say the road provided for in this bill certainly has not been bargained to be sold—only the Western Division, and that is not the road. It is only a portion of it.

Mr. POWERS. Will my colleague yield to me?

Mr. GROUT. I yield to my colleague, who was my authority.

Mr. POWERS. I say to the gentleman that no such agreement has been made, and that the paper that he reads from is only a notice to the holders of certificates of deposit, etc., to meet to-day in New York to consider a proposition of that kind.

Mr. GROUT. That is what I supposed was the fact.

Mr. BARRETT. I trust I may be permitted——

The SPEAKER. The gentleman from Vermont has the floor.

Mr. BARRETT. I think the gentleman will yield after a question of veracity is raised in this House.

Mr. GROUT. I yield to a question.

Mr. BARRETT. I wish to say, and I make the statement at the same time——

Mr. GROUT. I can not yield for the gentleman to make a statement in my time; but if the gentleman will take the floor in his own time I will accommodate him, provided I am allowed to resume the floor when the gentleman is through; but I can not yield to an explanation in my time, which is limited. But anything to accommodate——

Mr. BARRETT. I will attend to it.

Mr. TALBERT. I just want to ask the gentleman from Vermont a question.

Mr. GROUT. I yield to the gentleman.

Mr. TALBERT. I see, in reading the report of the committee here, that in July, 1886, there was passed what was known as the forfeiture act and that there is a case now pending in the court under that act, in which they have heard the arguments, but have not rendered their decision in the Supreme Court.

Mr. GROUT. That is right.

Mr. TALBERT. Is not this a proceeding in the dark, to consider this legislation before the decision has been rendered?

Mr. GROUT. That is just what I think, and I think it is just what all intelligent members will see.

Mr. TALBERT. I want to vote intelligently.

Mr. GROUT. I am obliged to the gentleman for mentioning that. It is right to the point.

Mr. COOKE of Illinois. Why not hold this bill until the court decides that case?

Mr. GROUT. No one knows when that decision will be handed down. And we are to adjourn in about thirty days. Is not the gentleman willing to trust the court? Mr. Speaker, I assert that the rights of all the security holders of this road are carefully and conscientiously preserved by this conference report. I notice signed to the report the name of a Senator, and while I know it is out of order to refer here to the action of the Senate, it is not out of order to refer to a citizen of the United States, on duty in another body, who stands very high in my estimation, and, I believe, in the estimation of all who know him—and thousands throughout the country do know him—I notice signed to this report the name of O. H. Platt, a member of the Judiciary Committee of the Senate, and I want to tell this House that he is not the man to agree to any stock-watering scheme, such as the gentleman charges, nor to anything that is unjust or unfair, if he knows it, and he is intelligent enough to know it. So, saying nothing of our own conferees nor of the other Senate conferees, I am willing to follow where O. H. Platt leads.

Mr. BARRETT. Mr. Speaker, I rise to a question of order. I make the point of order that it is improper on this floor to allude to the wish or the sentiment of a member of the other branch of this Congress as to a measure of legislation, except where it is a matter of record.

Mr. GROUT. It is a matter of record. We have his name here before us duly and understandingly signed to this conference report, and we will all be safe to follow him.

Mr. BARRETT. The gentleman stated that he knew personally that the Senator whom he named did not favor the amendment proposed by the House.

Mr. GROUT. Oh, the gentleman did not understand me, or else I did not understand myself. I made no such statement. I spoke of the character of this report and of one of the signers of it; I said that I noticed appended to this report the signature of O. H. Platt, a man who does not believe in stock inflation or stock-watering performances; a man who knows what he is about, and who will not approve that sort of thing nor anything else that is unfair or unreasonable. That is what I said, and I felt that in saying it I was within the rules of the House.

Now, Mr. Speaker, another thing. The gentleman [Mr. Barrett] has referred to how the Atchison and Topeka people had been "swindled" by the directors of that company. I declare that charge to be entirely without foundation. New England has been largely interested in the Atchison, Topeka and Santa Fe road from its very inception, and is now. The people of New England, including those of my own State, hold largely the stock and bonds of that road, and except for a few slight changes have held them through all the dark days that have come upon that great company. They are looking confidently for better days for that road, and I believe those days will come. I believe in the near future all the securities of that road will yield an income to the holders.

Mr. Speaker, never before have I heard it said anywhere that the stockholders had been swindled by the directors of that company. The management of that road undertook to find a way from Kansas City, a great competing point in the Southwest, to Chicago, a great competing point in the Northwest, they having an immense network of tracks extending over the entire area of the great State of Kansas, and south by one line to Galveston Bay and by another to the City of Mexico, and by another still—two others, in fact—to the Pacific Slope; and to connect these two great competing points they built an air line from Kansas City to Chicago at immense cost. Why, the terminal facilities in the city of Chicago alone cost over $11,000,000. In the fierce competition that is going on between the great railroads in the West and Southwest, the directors of this, the greatest system of them all, felt that a Chicago connection was necessary. It placed an immense burden of debt on this road, which, followed by the collapse of business, in which many a corporation, as well as many an individual, has gone down within the last four years, was too much for the earning capacity of the road, and it went into the hands of a receiver. But it is already on its feet again, and with returning prosperity will take a great place in the future railroad history of the country.

Mr. Speaker, so much for that. I want to say to the gentleman from Massachusetts that when he represents on this floor that the Atchison, Topeka and Santa Fe directors have been swindling the security holders of that company, he states something I never heard of before, and I believe he will find a thousand men in his own State of Massachusetts who will indignantly repudiate and deny the charge where he will find one man who will even so much as hint it.

Now, Mr. Speaker, reserving the balance of my time, I yield the floor.

Mr. BARRETT. Mr. Speaker, it is a grave thing when a member on this floor makes a statement for another member to rise in his place and deliberately assert that the statement made by the first member is untrue. When the first member asks the gentleman who denounces his statement as untrue if he has any knowledge on the subject and that gentleman blandly says he has not, that he simply relies upon some whispered statement that has been made to him, the matter is worthy of attention. Now, the gentleman from Vermont [Mr. Grout] said that my statement that an agreement had been made to transfer this road to the Atchison and Topeka road was untrue. I simply state in reply that it is absolutely true, a fact known to all men who keep pace with the progress of railroad dealings in this country or who read what appears in the public press.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. BARRETT. Certainly. I will do for the gentleman what he would not do for me. I will gladly yield.

Mr. POWERS. Oh, I yielded to you repeatedly. Now, Mr. Speaker, I ask the gentleman if the circular which he holds in his hand is not merely a notification of a meeting to be held on January 28 to consider certain propositions?

Mr. BARRETT. I will explain that before I get through, and I think the gentleman will be more than satisfied.

Mr. POWERS. I ask him if that is not the fact?

Mr. BARRETT. I will answer in my own way.

Mr. POWERS. And I ask the gentleman further if he has any information on the subject outside of that circular that he can give to the House?

Mr. BARRETT. Let me answer that in my own way. We all know how these railroads are reorganized. A reorganization committee is formed, in whose hands are placed all the securities, and authority is given to that committee in advance to make any arrangements they see fit which they think can get accepted. But this case goes further. These securities have been deposited in the hands of two committees, one in New York and the other in Europe. This notice simply calls for a meeting in New York to ratify the agreement, as is shown by the statement in the circular; that—

> The bondholders represented by the Amsterdam and Frankfort committees, amounting to $14,567,000 (more than seven-eighths of all the issue), at meetings just held, have approved the proposed sale and authorized the committee to consummate it.

That is to say, the thing is practically disposed of; and this meeting of a few scattered bondholders in New York is held pro forma in order to approve and ratify what has already been done by more than seven-eighths of the bondholders under this agreement.

Now, I am willing to have a fair and honest debate on any matter in which I venture to intrude myself; but I suggest that for a member of this House to get up and denounce another man as telling an untruth, and then, when asked if he had any basis for it, to say he had none except the statement made to him by another gentleman, and then for the other gentleman to come over here and for the first time scan the document from which I was giving my authority, and then, not reading it through and overlooking the vital and essential points of it, to confirm the statement that I have tried to deceive the House——

Mr. GROUT. Do you refer to me in saying that a gentleman asserted that you had stated what was not true?

Mr. BARRETT. You stated that it was not true. I asked you if you made that statement of your own knowledge, and you said you were so informed.

Mr. GROUT. Certainly; that is precisely what I said—that there was not any truth in the statement. That is right, as I understand.

Mr. BARRETT. But I have here the agreement for the sale.

Mr. GROUT. But it has not been consummated. Your statement was that the property had been sold for $10,000,000, as I understood it.

Mr. BARRETT. I said the agreement had been made to sell it. I will read it again, so that everyone may understand:

> The bondholders represented by the Amsterdam and Frankfort committee, amounting to $14,567,000, at meetings just held have approved the proposed sale and authorized the committee to consummate it.

Mr. GROUT. That applies to only a part of this line, anyway.

Mr. BARRETT. Over seven-eighths.

Mr. GROUT. Only a part of it.

Mr. BARRETT. The courts have decided over and over again that where a large majority of the parties in interest agree to a proposed sale in a matter of this sort, it is valid and binding.

Mr. GROUT. The gentleman does not understand me. I say that it is only a part of the line that is to be conveyed, not the whole line.

Mr. BARRETT. Mr. Speaker, this matter ought to have been more fully explained to this House. Let me explain it. The bill applies to both parts of the line of the Atlantic and Pacific Railroad. But the only part of it at all worth considering is the so-called Western Division, which the gentleman from Vermont has so eloquently described as "spanning the continent." How does it "span the continent?" It is a miserable little piece of track which "spans the continent" to the exact length of 565 miles, a "spanning of the continent" that has hardly paid its operating expenses, much less any considerable return on the investment.

Now, Mr. Speaker, the gentleman from Vermont says that these people are entitled to a charter. I say that they are not. The Atchison, Topeka and Santa Fe Railroad Company has bought or is about to buy this property, so that this company will shortly cease to be an independent corporation; it ceases to be an independent line; it becomes just as much a part of the Atchison, Topeka and Santa Fe Railroad as all those other vast networks of tracks which that company has acquired at one time and another and merged into its system.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. BARRETT. Certainly.

Mr. BOATNER. What advantage will the Atchison, Topeka and Santa Fe Railroad Company acquire by the passage of this bill granting this new charter? What additional advantages will this bill give that road?

Mr. BARRETT. I will explain that; I have been trying to explain it all the time. The Atchison, Topeka and Santa Fe Railroad Company are buying this property to-day in securities having a market value of $10,600,000. The bill now reported by the conference committee proposes to allow them to issue, as representing that value of $10,600,000, $16,000,000 in bonds and over $33,000,000 in stock; and the only contention made by us is that they shall not be allowed to issue any more securities than may be equivalent to the value of their road.

"But," says my distinguished friend, the second gentleman from Vermont who has spoken [Mr. GROUT], "how do we know what the value of this road is? How can we undertake to say what its value is?"

I answer: We do not undertake to say what is its value. We assume its value to be that which its own owners put upon it. They are selling it to the Atchison, Topeka and Santa Fe Railroad Company for $10,600,000. Under this sale the parties who have had the control of this property pass entirely out of the calculation; they cease to have anything to do with it; their equity disappears; they sell the property absolutely and without any reserve; it becomes the property of the Atchison, Topeka and Santa Fe Railroad Company.

Now, my friend has quoted from Mr. PLATT, a gentleman who represents the State of Connecticut in one branch of this Congress. I have as much respect for Mr. PLATT as any man on this floor; but when the gentleman from Vermont in charge of this bill has stated frankly that he did not know anything about this reorganization plan, it is not beyond the measure of belief that there may be other gentlemen in this House or in Congress, however wise in mind or great in ability and excellent in character, who may not have given to it that attention it requires in order to enable them to understand clearly the exact points involved.

Mr. POWERS. Does the gentleman say that I do not know anything of the matter?

Mr. BARRETT. My friend and colleague [Mr. MOODY] asked the gentleman a question, and the gentleman from Vermont, in response, said he knew nothing about it. I stated then that I had the information which would enable me to answer my colleague, and asked an opportunity of being permitted to present it to the House, but was refused by the gentleman from Vermont.

Mr. POWERS. That was in answer to the question as to the proposed sale. I did not know anything about it at that time. But since then I have been informed that there has been no sale effected whatever.

Mr. BARRETT. Mr. Speaker, it is one of the strange things of men versed in the law that they sometimes seek on technicalities to give impressions that things are not as they are. I have already read this statement of the Atlantic and Pacific reorganization committee, including leading financiers of Boston and of New York, giving the statement that the agreement has been made just as I have stated. This agreement has been ratified by the old first-mortgage bondholders.

Mr. TAWNEY. Will the gentleman permit me to ask him to what part of the road this would apply?

Mr. BARRETT. To all of the Atlantic and Pacific road that was ever operated as an independent property, 565 miles in length, starting practically from Santa Fe and running west and connecting with the Southern Pacific at the Needles, between Arizona and California. Besides this there is, under the charter, a branch line of 112 miles, operated by the St. Louis and San Francisco road, which never possessed an independent equipment, never had rolling stock, but was conducted and is to-day conducted as a part of the St. Louis and San Francisco road, an independent corporation, and does not come within hundreds of miles of touching any portion of the real Atlantic and Pacific road.

Mr. TAWNEY. Will you permit another question?

Mr. BARRETT. Certainly.

Mr. TAWNEY. Does that apply to the same road that the bill under consideration applies to?

Mr. BARRETT. Yes, sir.

Mr. TAWNEY. For the whole of it?

Mr. BARRETT. Absolutely. And I will say, also, that there is a contract now under consideration for the transfer of this 112 miles to the St. Louis and San Francisco road; and the committee state in their report——

Mr. TAWNEY (interrupting). I have read the report, if the gentleman will permit me, and it does not indicate that the contract of which the gentleman from Massachusetts has read extracts applies to all the roads to which the bill applies. Therefore the alleged purchase of the road for $10,000,000 would not be a correct statement as to all of the road, as I understand it.

Mr. BARRETT. The gentleman from Minnesota, and I am glad he made the statement, for I certainly do not desire to mislead the House in the smallest iota, is absolutely correct, but it applies to all of the Atlantic and Pacific road that has been ever talked of or suggested in this debate, which is the line running between the two points I have already mentioned.

Now, the amount of bonds outstanding is $16,000,000, the first-mortgage bonds; $5,000,000 of second mortgage, and $18,000,000 of income bonds. These apply only to the 565 miles. On the other division of 112 miles an entirely different set of bonds was issued, entirely outside of this calculation, and to which I have not alluded in this debate. Do I make myself clear?

Mr. TAWNEY. The gentleman conveyed the idea that $10,000,000 purchase money covered the whole road.

Mr. BARRETT. I conveyed, and sought to convey, the idea that the $10,000,000 covered every mile of the Atlantic and Pacific Railway on which there was a $16,000,000 first mortgage, a $5,000,000 second, and $12,000,000 income bonds. That is true.

Mr. BOATNER. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. BARRETT. Certainly.

Mr. BOATNER. Does the gentleman understand the bill to be for the benefit of the bondholders and the stockholders of the Atlantic and Pacific road, or for the benefit of the purchasers of that property at foreclosure sale? And that is followed by another question: Do the purchasers represent the reorganization committee of the old company, or are they a separate and independent concern?

Mr. BARRETT. Mr. Speaker, I think I understand the gentleman's proposition; but in order to make it clear to the House I will explain it a little more fully than by direct categorical reply. The Atlantic and Pacific Railroad's first-mortgage bondholders have begun a suit in foreclosure, pending which they have agreed to sell the $16,000,000 of first-mortgage bonds of the Atlantic and Pacific to the Atchison, Topeka and Santa Fe Railroad, for which the Atchison, Topeka and Santa Fe Railroad agrees to pay in securities which are to-day worth about $10,600,000. Upon that transfer the Atchison, Topeka and Santa Fe Railroad is to complete the foreclosure proceedings, and as the holder of the $16,000,000 of first-mortgage bonds, which it has bought on the terms which I have indicated, is to become the sole and absolute possessor of the Atlantic and Pacific Railroad, about whose bondholders and stockholders we have heard so much here to-day.

The present stockholders and bondholders of the Atlantic and Pacific Railroad will not be affected one iota by this measure, because they have already agreed and directed their committee to proceed to the transfer of their property to the Atchison, Topeka and Santa Fe Railroad. Is the gentleman from Louisiana [Mr. BOATNER] satisfied?

Mr. BOATNER. Then I understand the object of the bill is to permit the Atchison, Topeka and Santa Fe Railroad to capitalize it at the amount of stock and bonds named in the bill, not to exceed the present bonded debt of the Atlantic and Pacific Railroad Company.

Mr. BARRETT. That is right.

Mr. BOATNER. With which, however, the purchasers have nothing to do.

Mr. BARRETT. I do not understand the last statement of the gentleman.

Mr. BOATNER. That is, that the present purchasers of the road have no interest in the present funded debt of the Atlantic and Pacific beyond paying the stipulated price.

Mr. BARRETT. Why, Mr. Speaker, they have all the interest in the world, because they buy the first mortgage in a block. They buy these sixteen millions of first-mortgage 4 per cent bonds and put them into their own treasury, and instead of paying the owners of them what some people might think they were worth, what do they pay? They pay them in 52½ per cent of their own bonds, worth to-day 85 cents on the dollar, and they pay them in 57½ per cent of their own preferred stock, worth to-day 25 cents on the dollar.

Why, Mr. Speaker, if there is any man, woman, or child who has ever honestly invested a dollar in the Atlantic and Pacific Railroad, he is getting out of it by this agreement, by which it is to be transferred to the Atchison, Topeka and Santa Fe Railroad Company, so small a part of what he has invested that I should be glad to do anything that would increase their returns. But whatever is done is not done for them. It is done for the Atchison, Topeka and Santa Fe Railroad, which is to become the owner of the first-mortgage bonds of the Atlantic and Pacific Railroad Company by the terms of the contract.

Mr. STEWART of New Jersey. Would not the effect of the acceptance of this conference report by the House wipe out the entire indebtedness of the Atlantic and Pacific Railroad, with the exception of the first-mortgage bonds?

Mr. BARRETT. The gentleman asks, Would not the acceptance of this report wipe out the entire indebtedness of the Atlantic and Pacific Railroad, except the first-mortgage bonds?

Yes, Mr. Speaker; all other forms of indebtedness are going to be wiped out. The road is going to be purchased under foreclosure proceedings brought about by the first-mortgage bondholders, and the holder of the first-mortgage bonds is the Atchison, Topeka and Santa Fe Railroad Company. By foreclosing on the bonds which it holds it will acquire the entire ownership of the Atlantic and Pacific Railroad, and having by that process taken away every vestige of value in the second mortgage and in the income bonds, so that they will not be worth literally the paper on which they are printed, having taken away from these securities every cent of value, the committee of conference propose to allow the Atchison, Topeka and Santa Fe Railroad to issue, in behalf of and representing securities which have thus been absolutely wiped out, some $23,000,000 of new stock.

To that we object, Mr. Speaker. Having wiped out by proceedings in foreclosure millions upon millions of securities, and having divested the legitimate owners of them of every vestige of value, we object to the Atchison, Topeka and Santa Fe Railroad Company being allowed to proceed to issue $33,000,000 of new securities to represent what has disappeared from existence.

Mr. HULICK. How much will be wiped out of the indebtedness which is now a lien on this road? In other words, what is the difference between the amount for which it is agreed to be sold and the amount of the outstanding liens and claims against it?

Mr. BARRETT. I will say, Mr. Speaker, although I am not a railroad man, and these are things that I have had to get in a very short period of study, that the first mortgage is $16,000,000, the second bond mortgage $5,000,000, and the outstanding receiver's debt certificates amount to some $1,200,000. In addition to that, there are some $30,000,000 of deferred interest accounts, and $79,000,000 of stock, which will be entirely eliminated; and $7,000,000 of second mortgage and $12,000,000 of income bonds which are altogether expunged from any human calculation.

Mr. BOATNER. Except the $10,600,000.

Mr. BARRETT (continuing). Except $10,600,000. They pay about $9,400,000 for the $16,000,000 of first-mortgage bonds; and $1,200,000 is to be paid to take up the receiver's certificates. As an actual fact, they only pay an actual cash value to the bondholders of about $9,400,000.

Mr. TRACEY. Will the gentleman yield to me for a question?

Mr. BARRETT. Certainly.

Mr. TRACEY. The people I represent are interested in the completion of this road. What effect may reasonably be expected to follow the rejection of the conference report and the restoration of the House amendments upon the completion of the road?

Mr. BARRETT. Mr. Speaker, I would like to ask first how much time I have left, because I have some things that I desire to cover before I get through. How much time have I remaining?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. BARRETT. In what way are the people interested in the completion of this road?

Mr. TRACEY. The Atlantic and Pacific begins at my town, the town in which I live.

Mr. BARRETT. Now, Mr. Speaker, I will say, in answer to the gentleman, that no human being that I know of can presage what will happen in railroad construction. But that division of the Atlantic and Pacific road has always been operated and controlled by the St. Louis and San Francisco road, which has recently been taken out of the hands of a receiver and placed in the hands of the security holders; and I have no doubt they will proceed to extend that road whenever they think it is possible to increase their business and to raise the necessary money to do it with.

Mr. TRACEY. But does not this proposition submitted as proposed in the House amendments affect the possibility of the company ever doing so?

Mr. BARRETT. Not at all. It simply says that they shall not issue any more watered stock and impose on credulous people, who have a right to believe when the Congress of the United States by deliberate enactment authorizes them to issue a certain amount of stock that it must contain some element of value. It is because we want to bring to the minds of the people of this country the belief that this Congress will not allow millions and millions of stock to be issued without full protection to stockholders that we insist upon this amendment.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. BARRETT. Certainly.

Mr. TAWNEY. Is there any class of bondholders and creditors that has not agreed to this reorganization plan adopted by the reorganization committee?

Mr. BARRETT. Mr. Speaker, that is a question I can not answer.

Mr. TAWNEY. I understand it is a fact that all the creditors, all the bondholders, as well as the certificate holders, have agreed to this plan of reorganization.

Mr. BARRETT. Why, Mr. Speaker, I assume they have, and I will tell you why. The Atlantic and Pacific has not paid interest on its bonded debt. It was paid for a term of years, I believe, under a contract with the St. Louis and San Francisco and Atchison roads. These poor bondholders of the Atlantic and Pacific can get nothing in any other way, and they are going to take this.

Mr. MURPHY of Arizona. Will the gentleman permit me to ask him one question?

Mr. BARRETT. Certainly.

Mr. MURPHY of Arizona. I would like to inquire what way the Atlantic and Pacific or the stockholders therein will be benefited and how can it pay at all in any shape or form unless the Atchison, Topeka and Santa Fe does absorb it?

Mr. BARRETT. I want the Atchison, Topeka and Santa Fe to absorb it, but I do not want them to have the right, which this bill in its original shape would give them, to issue $100,000,000 of stock at a par value of $100 per share, when you can go into the New York market and buy all of that stock you want at a quarter of 1 per cent. I do not want the Congress of the United States to become a party to the issue of stock which represents no value whatever. I am simply contending for the proposition that the stock shall be issued, as nearly as may be, to represent actual value.

The gentleman from Vermont has inferred from what I said that the directors of the Atchison company had cheated the people of New England. Now, I want to say in regard to that—and it is a delicate subject—that it is the belief of many of the people of New England, who have invested hundreds of millions in Atchison securities, that contracts have been made by which the Atchison, Topeka and Santa Fe Railroad, which was at one time a solvent and splendid corporation, whose stock sold at $150 a share—it is the belief of those people that great reaches of railroad have been acquired and paid for by the issue of Atchison securities at prices far exceeding their actual value, or their present or prospective earning capacity. I know there have been expressions throughout the length and breadth of New England of the belief that the great expansions and extensions of the Atchison system, from a few hundred to many thousands of miles, have been made by the sale to that company, by persons concerned in its management, of properties which they owned and which they sold at prices far above their actual value. Other roads in the West have not shrunk in value as the Atchison has. Other railroads running from Chicago west have not shrunk in the same degree. They have suffered somewhat, but not to the same extent as the Atchison.

But, Mr. Speaker, what I said was in relation to the Atlantic and Pacific road, and I want to say about that that it was capitalized for $270,000 a mile, though it would not cost over $20,000 a mile to build it.

Now, to show what the capitalization of $270,000 a mile means, let me illustrate by comparison.

The Boston and Albany road is one of the most perfect railroads in the United States. It is a great road, laid with the most perfect rails, equipped with the most magnificent equipment in every respect, running through a very closely settled region, with all its stations and appointments of the highest order, and yet the Boston and Albany road, with all its expenditure for that splendid equipment, is capitalized at only $110,000 per mile.

Again, the Lake Shore road, running from Buffalo to Chicago, is regarded as one of the model railroads in the United States, and is often held up, both by our own people and by strangers who visit this country, as an illustration of what honesty and good judgment in railroad management can accomplish. It is a double-track road, thoroughly equipped in every respect. That road is capitalized, including stocks and bonds, at $86,000 a mile. Yet here is this Atlantic and Pacific road, which is laid with rails which, I am informed, have not been renewed for ten years, which has not a respectable depot on its whole line, which got its roadbed and right of way from the Government—this miserable apology for a railroad is capitalized at $270,000 a mile, and this bill as it originally came from the Senate, in spite of the close scrutiny which my friend from Vermont [Mr. GROUT] says must have been given to it there, that bill proposed to allow that that capitalization should not only be allowed to continue, but should continue under the patronage and indorsement of the Congress of the United States.

Now, Mr. Speaker, I have taken more time on this matter than I ever dreamed of taking. I wish simply to say in conclusion that the bondholders and the security holders of the Atlantic and Pacific road have nothing to do with this matter. They have already entered into, and are about to consummate, an absolute sale of their property to the Atchison, Topeka and Santa Fe Company.

All that we ask, in insisting on this amendment, which has been already accepted by the gentleman from Vermont in charge of this bill—all that we ask is that this House of Representatives, in chartering this road anew, and starting it out once more, shall limit it to issuing only such securities as are represented by the mortgage debt, which in itself will make $70,000 a mile, almost equal to the capitalization of the Lake Shore Railroad.

Now, Mr. Speaker, I have moved, subject to the vote to be taken before, that the House insist upon the amendment which it has already adopted, but after consultation with other gentlemen who agree with me on this subject, it seems to me best to say that if the House will vote to insist I shall then be ready to offer a resolution of instruction to the future conferees.

Mr. GROUT. I suppose the question is first on agreeing to the report.

Mr. BARRETT. If we do not agree to the report, we shall insist.

Mr. GROUT. Without instructions?

Mr. BARRETT. I simply say that, so far as I am concerned, the motion I made for instructions is not now pressed, but will be presented later.

The SPEAKER. With reference to the question of instructing a conference committee, the Chair desires to say that upon examining the case referred to in the Digest he finds that the statement of the Digest is not justified. The proper course of procedure in such a case as this is for the House first to vote upon agreeing to the report of the conference committee. If the report be disagreed to, then the House may insist upon its amendments and ask for a new conference; and pending the appointment of the conferees a motion may be made that they be instructed. The statement in the Digest is misleading.

Mr. BARRETT. I rise to a parliamentary inquiry. Does the Chair hold that the motion for the previous question having been voted down, it is now competent to move it again?

The SPEAKER. It is competent for the gentleman in charge of the report to make any motion that he sees fit.

Mr. GROUT. I desire to be heard further.

Mr. BARRETT. I do not desire to have the previous question ordered on my motion. I simply want to ask the gentleman on the other side whether some agreement can not be made in regard to a vote? A good many of us have remained here until it is now 3 o'clock, and some of us would like to know how long the debate is likely to continue.

Mr. POWERS. I do not care to prolong this discussion for any length of time; but I want to occupy a few moments in reply to the gentleman's attack on this bill, and then I will move the previous question, if nobody else desires to speak.

Mr. McRAE addressed the Chair.

The SPEAKER. The gentleman from Arkansas [Mr. McRAE] is recognized.

Mr. GROUT. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twenty-four minutes left.

Mr. McRAE. Mr. Speaker, the three principal objections which I have heretofore urged against this bill have been, I think, very ably and fully covered by my colleague from Arkansas, Judge TERRY, by the gentleman from Massachusetts [Mr. BARRETT], by the gentleman from Illinois [Mr. COOKE], and by the gentleman from Iowa [Mr. LACEY], and I shall not now attempt to do more than to restate these objections in brief.

I do not believe that Congress should grant Federal charters at all. The exercise of such power was always of doubtful propriety and dangerous. The history of this road shows that Congress made a great blunder in granting it a charter. There is no necessity for the exercise of such power the second time in its behalf. The property rights of the mortgagees of this company can be maintained and protected by charters obtained from the States without coming to Congress, and, if necessary, Congress can give it the right of way through the Indian country. But when they come to us confessing that it is bankrupt, with a record showing that it has complied with not a single condition imposed upon it in the original grant, it is not only our right, but it is our solemn duty, in the first place, to see that the new company pays the debts which are due for labor, supplies, damages, and other debts incurred in connection with the operation of the road.

Second, that no benefit shall accrue by reason of the reorganization to the faithless stockholders who have wrecked the road. If the stock is worthless, it should not be recognized in the reorganization. The property is not worth more than one-fourth of the funded debt and not as much as the mortgage debts; and it is the duty of Congress to see that in authorizing stock no more shall be issued than the cash value of the property the company really owns. The House conferees have abandoned the House amendment in this regard.

Third, we should see to it that the settlers along the line of this road who want the land under the public-land laws are not further harassed by lawsuits and contests of a concern whose mismanagement and bankruptcy are so notorious and outrageous. We have the power to say to this company before we give it a new lease of life: "You must pay these debts and refund at the actual value of the road and give peace and quiet to the settlers and to the United States as well, so far as the lands in controversy are concerned, by releasing all claim, and thus make the forfeiture act of July 6, 1886, effectual."

More than ten years ago Congress, after due deliberation and extensive discussion, determined that a forfeiture should be declared. And yet for all that time the Government and the people along the line of this road have been defiantly told by this company that the forfeiture is worthless and that the lands belong to it, although no road has been constructed, and they have assumed to sell the lands. The conference report pretends to protect the settler. How? By compelling them to pay this faithless company and its assigns for lands the title to which was resumed in 1886. It is nothing less than an indirect method of yielding the claim of the United States and admitting the contention of the railroad company. It confirms the sales made by the company and puts settlers at its mercy.

I believe, Mr. Speaker, that the House fairly understands what this bill means, and that it will not pass it. It is an effort to rehabilitate a defunct corporation that does not deserve to live a day. It will have the effect to continue litigation that ought never to have been commenced. It gives something to a lot of men who deserve nothing. If the bondholders are honest, invested their money in good faith, and shall purchase at foreclosure sale, then Congress, if it deems proper, may give them the right to reorganize. But until they have done that, and as long as they seek in collusion with the old stockholders of the concern to reorganize on a basis that contemplates the issue of watered stock, it is our duty to do nothing to aid them.

I hope the House will vote down the report, and that then we will instruct the conferees to insist upon the amendments of the House to the bill.

Mr. GROUT. I yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, if I gather the substance of the argument of the gentleman from Massachusetts [Mr. BARRETT], his chief objection to the bill as it comes from the conference committee grows out of the fact that some of his constituents were so unfortunate as to lose some money in investments in Santa Fe stock. It is to be regretted that any portion of our people should be so unfortunate as to lose any investments they have made. But that happens everywhere among men who transact business. But because his constituents have lost some money is no reason why he should antagonize the measure at this time, when it is satisfactory, as I understand it, to all of the creditors who have claims against this corporation. There is no one here complaining that any creditor would be wronged by this settlement if this bill becomes a law. On the other hand, I understand that all of the creditors are entirely satisfied with the measure.

The people of Kansas, and they are interested in the operation of this road, are entirely satisfied with this proposition. The great corporation created under the laws of the State of Kansas, the Atchison, Topeka and Santa Fe Railroad Company, forming a large business factor in the transaction of all of the business of that great State, will operate this road if it can be purchased under the provisions of this act, and I apprehend will operate it successfully.

The provision authorizing the issuance of stock is a well-guarded measure. I call the attention of the House especially to it. It provides that—

> The capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed [illegible].

I call the attention of the House to the fact that this is a well-guarded provision, so that investors, before they purchase, will have the assurance that labor, or money, or property has been given for the value of the stock.

I apprehend, also, Mr. Speaker, that a purchaser who takes stock buys it on the market of the country. It is no part of the business of the Government of this country to become the guardian of the business people of the nation as to what they shall purchase or what they shall not purchase. The purchaser of stock on on the market is like the purchaser of all other property—he takes his chances. The argument of the gentleman from Massachusetts is without merit or force.

Mr. STEWART of New Jersey. May I ask the gentleman a question?

Mr. BLUE. Yes, sir.

Mr. STEWART of New Jersey. Does the gentleman propose to say that the creditors of this road, or the people of this country, would support this measure that sanctions the further issue of stock at a par value of 100 cents on a dollar when it is quoted now in the market at less than 2 cents on the dollar?

Mr. BLUE. Ah! but the gentleman is mistaken. So far as that is concerned, I do not know at what price the stock of the old company is quoted. But the reorganization provides for the issuance of new stock, and the creditors of the company are satisfied to take it and pay cash, property, or labor therefor.

The old stock will doubtless be funded in new stock at its cash value. This idea that some gentlemen have that the cost of transportation to the parties who carry on traffic over a railroad—those residing along its line and who use it—that the cost of transportation of freight and passenger traffic is gauged by the extent of the bonded indebtedness and stock of the road is a mistaken one. It is no more true as a matter of fact that the cost of transportation is measured by the actual cost and indebtedness of the railroad than that wheat raised on lands which cost $100 an acre should rise in price proportionately above wheat raised on land that cost but $2.50 an acre. These are matters of competition among the railroads that run into competitive points like Kansas City, Chicago, New York, or the other great centers of trade in this nation. They are not controlled in their charges by the cost and indebtedness of the road, but by the law of supply and demand, and by the rules that govern in the competition of the world. So far as that is concerned, there is no argument in it; it falls to the ground.

This, Mr. Speaker, is a well-guarded measure. The opposition to it springs out of the belief that some one has in the past secured an undue advantage under a former enactment, and that he ought to be punished. These opponents seem to think that if he can not be punished, somebody else should be. Let us legislate, Mr. Speaker, from a higher standpoint. Let us meet the requirements of the people on this subject; let us do as we ought to do, regardless of any desire to punish any company or set of individuals.

The SPEAKER. The time of the gentleman has expired.

Mr. GROUT. I yield five minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, I realize, residing in the Territory where I do, that it is absolutely necessary for Congress to grant a Federal charter to the Central Division of this railroad. It is operated in the Indian Territory, and without the consent of Congress it can not extend or operate its road. I feel what the gentleman from Massachusetts [Mr. BARRETT] has said with reference to the bonding and the increase of stock, but I desire to call his attention to this fact: The people who live along these lines of railroads are not responsible for that. It is the people who live in his State of Massachusetts who are responsible for bonding the road and increasing the indebtedness to $270,000 a mile. This stock has been sold to servant girls in that State, and they are entirely wiped out if Congress does not at this time, or at some time, authorize a reorganization of this company.

Mr. BARRETT. Mr. Speaker——

Mr. FLYNN. I have but five minutes. It is not our fault if the New England States, and more especially the State of Massachusetts, watered this stock until all the servant girls in that country were bankrupted. Now, when honest men, interested in the development of this road, when settlers living along it, who can not afford to pay these interest charges on a bonded indebtedness of $270,000 a mile, come to Congress and ask the granting of this new charter, to see if something can be saved out of the wreck, I believe it should be granted to them.

Now, Mr. Speaker, with reference to what the gentleman from Arkansas [Mr. TERRY] said, I venture the assertion that this conference committee have gone further in this matter than any mortgagee taking possession of this property would have gone. They specify in this bill that the company shall be liable for the wages and supplies of operation of the road legally chargeable against the old company. As lawyers, you all know that there is no legal obligation with reference to those items that this company would be compelled to assume. With reference to the increase of the stock, all I have to say is that the gentleman from Massachusetts evidently desires to have stricken out the safeguard which the conference report retains, so that the stock can be again watered, and then repudiation charged to the people of the West who live along the road. The conference committee provide in their report that the stock shall be restricted to the actual value of the property when exchanged therefor. How? As ascertained by the Secretary of the Interior, regardless of the original and the probable increased cost. In other words, that a disinterested officer of the Government shall say what the value of the property is and the amount of stock which may be issued, prohibiting the New England gentlemen, as he presumes to call them, from again watering this stock up to $270,000 a mile.

With reference to the clause concerning the settlers along the line, the conference report amply protects the only men whom Congress is in reality morally bound to protect, and those are the poor settlers living along it who are trying to eke out an existence. What do the conferees say with reference to that?

> With respect to executed land contracts, the conference committee believed that such liability should extend to actual settlers and occupants purchasing in tracts of 640 acres or less.

In other words, the homestead settler on the 160 acres of land should be protected in the passage of this bill. Why should not these people be allowed to reorganize on an honest, fair basis, subject to the approval not of the stockholders or bondholders, but subject to the approval of the Secretary of the Interior.

This road, gentlemen, as a matter of fact, has two divisions, and without being operated by either the Frisco or the Atchison, Topeka and Santa Fe, it begins nowhere and ends nowhere. We in my section are interested in having the road extended 70 miles, in order to connect with other lines in Oklahoma Territory. They can not extend it, and can not reorganize and operate there without a Federal charter.

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, it seems to me that the point the House wants to keep in mind is that we as a body are under obligations to extend and make sure to the security holders of this road, the bondholders under the mortgage which we authorized, every right which they had good reason to expect when they took these securities. The gentleman from Oklahoma [Mr. FLYNN] has stated a fact that makes it improper to remit this company to charters to be granted by the States. So the argument of the gentleman from Arkansas that this is bad policy is answered by the statement of the gentleman from Oklahoma. It is also answered by the further fact that Congress has a specific duty to perform in this particular railroad case, because it first chartered this company, and it should see that all the rights of all the security holders under that charter are suitably protected now.

Now, a word in reference to the remarks of the gentleman from Massachusetts [Mr. BARRETT], in which he arraigned me for having asserted that he had made an untrue statement on the floor. Let us see about it. He stated to the House as a fact that this road had been sold, as I understood it, though afterwards he changed the statement to the effect that arrangements had been made for its sale—and he may be correct in this—that it had been contracted for sale at $10,000,000. On looking into the facts, it appears that only one division of the road had been under negotiation. That is the Western Division. The Central Division, of equal or perhaps greater length and value—I am not acquainted with the mileage of the two divisions—is not at all included in that agreement. And yet the gentleman from Massachusetts [Mr. MOODY] assumed that to be the value of the road, and then with a statement of the amount of the funded debt, which is some forty million dollars, put to me the question he did as to the amount of stock that ought to be issued.

Mr. Speaker, it is now plain how utterly lame was his proposition, when it now appears that only one division of the road had been talked about for $10,000,000.

Mr. BARRETT. Will the gentleman allow me a question?

Mr. GROUT. Certainly; always.

Mr. BARRETT. The Western Division is that to which I alluded and the bonds and securities to which my colleague [Mr. MOODY] alluded. He alluded only to the securities which pertain to the road to which I had alluded.

Mr. GROUT. He referred to the bonds of the road, and presumably the whole road, and the gentleman from Massachusetts [Mr. BARRETT] spoke of a sale of the road, and presumably the whole road, when it turns out that there has been no proposition for the sale of but the Western Division. Now, I will leave to gentlemen on the floor whether I was justified in saying that the gentleman's statement that the road had been sold for $10,000,000 was not true. And as to whether the gentleman said sold, or bargained to be sold, I will leave to the gentleman's colleague [Mr. MOODY], who stated in his question to me his understanding to the effect that the gentleman said the road had been sold for $10,000,000. Mr. MOODY seems to have understood the gentleman precisely as I did, that the road had been sold—not, as the gentleman now says, bargained to be sold.

Mr. BARRETT. Why, Mr. Speaker, will the gentleman allow me to correct that statement?

Mr. GROUT. Certainly.

Mr. BARRETT. He says at least only one-half.

Mr. GROUT. Only a division.

Mr. BARRETT. It is nearly six-sevenths.

Mr. GROUT. Well, I am differently informed.

Mr. BARRETT. Let the gentleman read the report of the Commissioner of Railroads.

Mr. GROUT. I can not stop for that now. The gentleman from Arkansas says that it should be disposed of in a way so that the rights of the landholders shall be preserved. Will gentlemen give their attention to the clause in the report which fully provides for this. It is as follows:

> That in case any uncompleted contract for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts.

What more for the protection of the landholders can the gentleman ask? There is, however, in the report of the conference committee a clause expressly extending this protection "to any bona fide settler and occupant on a tract of 640 acres of land or less," in the foregoing language, making certain its application to the occupant of a piece of land, however small, held under a grant from this railroad. How can the gentleman from Arkansas ask for more?

Mr. McRAE. Will the gentleman from Vermont allow me to ask him one question?

Mr. GROUT. Certainly.

Mr. McRAE. Does not that amendment in itself concede to the road the right to sell and make title to the very land in question, thereby confessing the contention of the railroad?

Mr. GROUT. But it compels, Mr. Speaker, the railroad to carry out the contract of the former corporation. That is what it does; no more and nothing less. Do we want to impose upon them any larger duty? I believe not.

Mr. McRAE. If my friend will allow me, my question is whether they have the right to sell it. It leaves them with the money which they get and takes title from them, which is denied by many of us.

Mr. GROUT. The gentleman is evidently proceeding on the supposition that this land grant should be forfeited.

Mr. McRAE. It has been forfeited.

Mr. GROUT. If the Supreme Court forfeits it, then nothing more can go to the road and the land grant fails, of course, because they have no right or title to convey. Now, as to another amendment that is in line 31 of the bill, in the early part of the report. The gentleman who moved that amendment has said upon the floor that this covers all he sought to cover in his amendment, which is to protect the wage earners and those furnishing supplies for the operation of the road.

Mr. Speaker, this bill has the approval of every security holder of this road. They are all satisfied with it, and it would seem upon the most careful examination that nobody is given any opportunity to practice mischief, unless he does it in spite of law. It preserves to those bondholders what they thought they had when they took the bonds, when they took the road, namely a corporate existence. That is all it confers. I hope, Mr. Speaker, that the report will be approved by the good judgment of the House, as I believe it will. How much time have I remaining?

The SPEAKER. The gentleman has six minutes remaining.

Mr. GROUT. I yield the balance of my time to my colleague [Mr. POWERS].

Mr. POWERS. Mr. Speaker, this bill has been very fully debated by the House, and I have now no doubt that members are anxious to get rid of it and to come to a vote. I wish in the brief time given me to simply review the provisions of this bill.

The bill has been carefully examined, not only by every party in interest in this property, and by the various security holders, but the conference committee of both Houses have taken two days' time in the careful examination of these various amendments, and putting them in shape so that they will carry out what they deem to be the good sense of the greatest numbers of the parties in interest of this railroad.

Now, what is the history of that road? In 1866, or thereabouts, the charter for the Atlantic and Pacific Railroad Company was granted. It started from the city of Springfield, in the State of Missouri, and ran through to the Pacific Ocean. It was fully supposed by the men in the management of the road at that time that the road could be built upon capital stock. They started in, but, like the best laid plans of men, they failed. They were obliged to come to Congress and get the right to issue a mortgage.

That was done in 1871. That mortgage right was granted to them. This mortgage in question that we are now dealing with was issued under the provisions of the act of 1871, to enable this company to push the enterprise toward the Pacific Ocean. But the money realized upon the sale of those bonds proved to be insufficient. This road, like many other struggling railroads in the infancy of their construction, was unable to complete its line. It went into the hands of other corporations. It was obliged to invoke their aid in order to complete the line, and so the road has been split up into two or three different sections. That portion of it running from Springfield, Mo., to Albuquerque, N. Mex., is under control of one corporation, the portion of the road from Albuquerque west for a certain distance is under another corporation, and thence on westward it is under still a third control.

The Atchison, Topeka and Santa Fe Railroad, a competing line running from about the same terminal points east and west, got control of a portion of this line, and that brings me to the proposition of the gentleman from Massachusetts [Mr. BARRETT], that the Atchison Company are interested in this road. They are interested in it. They have taken control of a section of it. They furnished the money. The bondholders' rights in the first mortgage have become insignificant in value. The first-mortgage bonds are selling in the market at a small fraction of their face value, and the Atchison, Topeka and Santa Fe Company are the only parties in the world that can take this line and push it along as it was originally designed. The people along the line of this road are clamoring for its completion.

This bill provides that the bondholders, or the purchasers from them, may organize into a corporation, may issue stock up to the amount of the funded debt of the original company, and additional stock, on a cash basis, subject to the approval of the Secretary of the Interior, for the purpose of completing the line. The gentleman from Oklahoma, the gentleman from New Mexico, all the gentlemen coming from the region of country interested in the road, are clamoring to have something done by Congress for the relief of the settlers along the line. The gentleman from Arkansas [Mr. TERRY] says that the rights of these settlers are being put in jeopardy. How are they being put in jeopardy? The bill provides that the rights of homesteaders along this line, up to the amount of an entire section of land—640 acres—shall be protected. If these settlers purchased from the old company, the new company is brought in to perform the contract. That provision covers nearly double the limitation ordinarily contained in bills of this nature. I undertake to say there is not an act of Congress in the world in which it is provided that the rights of a settler to more than 320 acres—half a section of land—are protected under such circumstances. This bill goes far beyond that, and is most liberal in its provision for the benefit of homesteaders along this line.

Mr. McEWAN. Does not the approval of the Secretary of the Interior of the issue of stock apply only to the additional stock for new road and equipment? It does not refer at all to the stock to be issued to the amount of the funded debt.

Mr. POWERS. It does not refer to that. The bill gives the new corporation the right to issue stock up to the limit of the funded debt; and that is proper, because a share of stock, even though it sells for 10 cents on the dollar, is still counted as a share representing $100 face value. These parties simply get the right to issue new stock up to the amount of the original stock, whether it is good, bad, or indifferent. Is not that proper? It is further provided in this conference report that the rights of every wage earner and every man who has furnished supplies to the old company shall be recognized by the new company, and that he shall be paid. That is a provision of eminent justice to the poor settlers along the line, and to the section men and the others who have worked night and day to serve the traveling public.

Now, the proposition of the gentleman from Illinois [Mr. COOKE] is that the right to the land grant which was granted to the projectors of this enterprise by the original charter, and was by them mortgaged to these bondholders, shall be preserved, to the extent that the Supreme Court of the United States, upon a question now pending before it, shall determine.

Mr. McEWAN. One other question—and my vote will depend upon the gentleman's answer. I ask him to point out the provision in this conference report and in the bill by which the laborer is secured to be paid.

Mr. POWERS. If the gentleman has the conference report before him and will turn to page 6, about three-quarters of the way down the page, he will find this language:

> Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by the amendment insert the words "except such as may have been incurred for wages or supplies in the operation of the property purchased."

[Here the hammer fell.]

Mr. POWERS. Mr. Speaker, I ask unanimous consent for a moment more.

The SPEAKER. How much time does the gentleman desire?

Mr. POWERS. I will ask for ten minutes more.

The SPEAKER. The gentleman from Vermont asks unanimous consent that he be allowed ten minutes more. Is there objection?

Mr. BARRETT. I will not object, Mr. Speaker, provided the gentleman will allow ten minutes to anybody on this side who may desire to reply to him.

Mr. POWERS. I will make no objection to any request of that kind.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. POWERS. Now, then, Mr. Speaker, it seems to me that this House ought not to be taken off its feet by the clamor of the gentleman from Massachusetts, who, I suppose, represents some of the security holders in some enterprise antagonistic to the rights of these purchasers. I do not know whom he represents. He professes to be loaded down with information—information that there is some great rascality in this proposition. Now, I ask the good sense of this House to examine the proposition. Gentlemen on this floor are capable of judging for themselves whether the language of this bill, read carefully, read as sensible men would read language, carries anything in it that threatens the rights or the property interests of any body of people on the face of the earth. There is not a word susceptible of such construction.

But the gentleman comes here with his charges that there is "something rotten in Denmark." Has he proved anything of that kind? The man who gets upon the floor of this House and states that a proposition is loaded down with iniquity is bound to prove his proposition. How has the gentleman proved it? He has proved it, he says, by citing a circular letter addressed to the security holders of the Atchison, Topeka and Santa Fe Railroad Company in which they are invited to attend a meeting to be held in New York yesterday to confirm a proposition for the sale of the Atlantic and Pacific Railroad Company to the Atchison, Topeka and Santa Fe Company. Well, is there anything criminal about that? I put it to the good sense of every man here, is there anything criminal in the proposition of these poor bondholders who are struggling to get something out of the property in which they have buried their money by selling it out to a corporation that can buy and pay for it; and if they sell a bond of the par value of $100 for 5 cents, have we any right or obligation to inquire into it, provided they see in the sale something that probably will be a benefit to them?

That is the simple proposition made by the gentleman from Massachusetts, which he says shows "the African in the wood pile" in this transaction. There is no "African in the wood pile," so far as this committee is aware. We have prepared a bill here which on its face, in its letter, and in its spirit works out substantial justice and right to everybody interested in this property. And if anybody has come here representing any secret interest, if any Massachusetts interests are involved in this matter, they are not involved in the direction of the public good. As was suggested by the gentleman from Oklahoma, all the iniquity that has ever been practiced on the line of the Atlantic and Pacific Railroad dates from the city of Boston and its immediate environment. There is where the men live who wreck railroads. There is where the money comes from that creates all the rascality that the gentleman is scolding about. And, sir, it has been said many and many times that "it is a dirty bird that fouls its own nest." [Laughter and applause.]

Now, Mr. Speaker, I do not stand here to criticise the action of Massachusetts. Massachusetts has furnished too much talent, too much respectability, too much honor to the great Republic under which we live for me to undertake anything of that kind. She furnished two Presidents, the older and the younger Adams. But, Mr. Speaker, we are forced to admit that they are both dead. [Laughter.] She furnished to us the greatest lawyer, the greatest statesman, the most magnificent expounder of our organic law that ever lived—Daniel Webster. But, sad as it may seem, Daniel Webster is dead. [Laughter.] She furnished us the most classic, the most learned and erudite statesman that ever sat in the halls of Congress—Charles Sumner. But, alas! Charles Sumner is dead. [Laughter.] And we are to-day left only to bask in the sunshine of the gentleman from Massachusetts who has come here to Congress recently by a strong vote of his constituents to learn how to do right and practice righteousness in the ways of legislation. He is not content to go to work and try to accomplish something for the public good; but he stands here as a censor upon the doings of this body. Why, Mr. Speaker, I have the greatest respect for him and his abilities. I have known him for many years. He might be one of the most useful men on this floor, but the trouble with him is he assumes that there is nothing on this floor that is worth respecting. He came here to shed light. He knew that this was a chaos of darkness when he came. He was born, Mr. Speaker, to be a rose, with the destiny of blooming and blushing upon this floor, but his fate has been to wither and waste his beauty on a desert air. [Laughter and applause.]

Now, Mr. Speaker, I desire simply to have this House examine this bill on its merits. If the bill has in it the elements of intrinsic justice to these poor bondholders who have put their money into this property thinking they were going to make a good investment and get good returns and have been disappointed, do not turn them away from the doors of Congress under a provision that unless they will surrender a part of their mortgage security they shall have no right to reorganize. That is not a proposition that sensible men can ever present to an intelligent body for purposes of legislation.

This bill, as I have already said, Mr. Speaker, more than once, meets the approval of the security owners of this property. If it be opposed by anybody, it is opposed by some secret influence that has not shown itself upon the floor of the House. No interest has ever come before the committee having charge of the measure in either House to oppose it. It has been approved by everybody in interest. The people on the line of the road are longing to have the much-promised road to the Pacific completed; and notwithstanding that fact, men stand up here and scold about the security holders and other matters, and reflect sometimes severely upon gentlemen who do favor the bill, when their objections have nothing whatever to do with the road itself. The people all want the road constructed; and, as I have said, the security holders are all satisfied with this settlement. The basis of the agreement is made in justice, and works out justice to all. The bill is in accordance with precedents you have each one of you many and many a time on the floor of this House admitted by your action here.

Now, Mr. Speaker, unless some other gentleman desires to be heard further upon this question, I will ask the House to come to a vote upon it.

Mr. BARRETT. Mr. Speaker, when I had the temerity to rise in the House this morning I suggested to the House that some old and wise member of this body whose head is silvered over with gray, and whose legal reputation far outspans the narrow confines of his own State, would probably find something humorous in the position taken by those who did not agree with them on this particular question. I did not think, however, that that would be the case with my friend from Vermont [Mr. POWERS] or that humorous remarks were to come from him with reference to those who differed with him on this question, for I thought he at least would remember the delicacy of his position by reason of the fact that I submitted to him this very proposition when the matter was under discussion in the House on the 15th day of December last, and he said then that it was entirely satisfactory to him. The amendment was submitted to him before it was presented to the House on the 15th day of December, and I repeat he said that he accepted it. So his argument to-day, Mr. Speaker, seems as if it must have come from some further conferences than those which he had on that occasion, and from some other source than gentlemen on this floor.

I propose before I get through to reply to the suggestions made by him. I do not believe in personalities on the floor of the House, but in view of the fact that the gentleman has seen proper to refer to me as being "interested" in the matter, I propose to draw a parallel which I think the gentleman will be able to understand. He has introduced personalities; I shall refer to them as slightly as possible.

I wish simply to say first that the only matter in which I am especially interested includes amendments 3 and 4. This road is about to pass, as I have already stated, into the hands of the Atchison, Topeka and Santa Fe road. In return for $10,000,000 this road—that is to say, the Atchison, Topeka and Santa Fe—will receive $16,000,000 of the first-mortgage bonds of the company, with the right to issue without consideration a large amount of stock. I took it for granted that the amendment which regulated that issue would receive the sanction of the chairman of the committee, since it had met his approval in December last. Various attempts have been made, Mr. Speaker, to obscure the issue that is presented to-day, but the fact remains the same, and the House must vote upon it.

Now, Mr. Speaker, my friend from Vermont has intimated to the House that I am actuated by motives other than those of the public good in my opposition to this scheme; in other words, that I am representing some security holders who are opposed to this transaction.

I can state to the House and to the gentleman that not a single security holder of any character or description or of any kind whatever has ever spoken to me on the subject. The only gentlemen up to to-day with whom I have conversed were my friend and colleague, Mr. Moody, from Massachusetts, and my friend and associate, Judge Powers, of Vermont, of the committee. My colleague, Mr. Moody, and myself did, in December last, prepare and present the amendment to the gentleman from Vermont, and it was then accepted by him. Yesterday Mr. Moody and I still further conferred on this subject, and we came to the conclusion that this change which had been made by the conference committee simply authorized an additional issue of $12,000,000 worth of stock, which represents no value whatever.

Now, if nobody ever came to me on this subject, why was I interested? I will tell you. I had the honor—and I esteem it a great honor—to serve in the legislature of Massachusetts, and in that body, while I was a member of it, we passed some very important legislation regulating security issues by corporations. It met not only with the approval of all the people of Massachusetts, but with the approval of all public writers everywhere. I have not, by coming here, forgotten the lessons that I learned there; and when I found pending here a proposition which in Massachusetts would be illegal and everywhere would be esteemed by most men as questionable, to authorize a corporation to issue millions upon millions of stock without any value whatever behind it, I took occasion, as I had a right to do, in spite of my being in my first term in Congress, to advocate an amendment regulating the matter.

Now, that is where my interest lies in this matter, and I defy any man whatever to prove in any way whatever that any person whatever, under any guise or form whatever, has ever spoken a single word or addressed a single communication to me on this subject, except my friend Mr. Moody and my friend Judge Powers.

I did this morning think it was rather strange that, having advocated an amendment which the gentleman from Vermont had then accepted, and he having now reported to emasculate it, he would not allow me a few moments for debate—which he tried to cut off by the previous question—to express my views on the subject. Surprised? No, I was not surprised. I have noticed since my arrival in this Congress that my friend from Vermont is chairman of the Committee on Pacific Railroads, and I have seen that, as chairman of that committee, no proposition, however unfavorable to the interests of the Government of the United States and however advantageous to the railroad corporations with which it has relations, has failed to receive his hearty and constant support.

Talk about my representing interested parties! Do you remember the debate that went on here a few weeks ago, when a proposition came up here which was called the Huntington funding bill? Have you forgotten that debate? Was not the grave statement made that that bill did not fairly protect the interests of the Government? And yet my friend from Vermont was the gentleman who reported it and the gentleman who advocated it. Did not the House reject it by an overwhelming majority? It hardly comes with good grace for the gentleman from Vermont to question the motives of a member who is advocating a policy formally adopted by his Commonwealth as against the advantage of a great railroad corporation.

He talks about Massachusetts men as having wrecked railroads. Why, Mr. Speaker, Massachusetts men are the last men to want to wreck railroads. Massachusetts men, by the hard work of their arms and heads, accumulate by industry and labor capital which they strive to invest, not to have it wrecked, but to have it protected, and Massachusetts men have been trying through all these hard times, by contributions and by surrender of interest and dividends, to protect and maintain what they have accumulated, and not in any way to strike down or to wreck. The corporation laws of Massachusetts, thoroughly imbued with the idea of making investments safe and permanent, are so perfect that they are the models of all the other Commonwealths of this country. In no States in the Union are property and the rights of the individual investors so carefully guarded from being wrecked as in the State of Massachusetts.

But how is it with the gentleman from Vermont? He alludes to me with withering sarcasm as having come here and withered away. I may have withered away. I never came here with very much to wither. I am still a young man, and I had no great reputation, except the reputation, if it may be called a reputation, of having served in my local legislature. I trust I shall never serve so long as to try to cover a bad case by an attempt at ridicule of a new member who is trying to do his duty. My friend came here with the record of a long term of service on the supreme bench of Vermont. What is the record of that court? Does it justify his attack on my State? Ask any honest man in New England who, led by false statements and interested assertions, invested his hard-earned money in the securities of the Central Vermont Railroad, and who has it taken from him by decisions which have never been approved by any other judicial tribunal on earth, what he thinks of Vermont railroad wrecking. To-day the Central Vermont Railroad, under the decisions of the supreme court of Vermont, is a synonym for all the quintessence of railroad wrecking. Let him indeed talk to me about Massachusetts men "wrecking railroads!"

Mr. GROUT. Will the gentleman yield?

Mr. BARRETT. I will get through, and then you can answer me. Yes; I will yield to my friend.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. BARRETT. I said I was perfectly willing to yield.

Mr. GROUT. It seems to me that we had better not have the war of the States over again.

Mr. BARRETT. I did not inaugurate this war. The members of the House know that. The war was made by the gentleman's colleague upon Massachusetts men as being wreckers of railroads, and I say——

Mr. GROUT. It seems to me, further, it is out of order. I rise to a point of order.

The SPEAKER. One moment.

Mr. GROUT. That is, when a member is speaking in this House he can not put in question the dignity and integrity of the courts of any of the States.

Mr. BARRETT. This is not to come out of my time.

Mr. GROUT. I say that the gentleman has no right in this place to make a deliberate attack upon the judiciary of any State.

Mr. BARRETT. Why, Mr. Speaker——

Mr. GROUT. I repudiate what the gentleman says absolutely as false.

The SPEAKER. The gentleman from Vermont must confine himself to the point of order.

The Chair hardly thinks a member can be declared out of order on a question of that kind.

Mr. BARRETT. I do not object to the ridicule that has been heaped upon me and the comparison made with Daniel Webster and other great men of Massachusetts. It is not funny and not killing. But when the charge is made against Massachusetts of railroad wrecking—of Massachusetts, whose laws, whose courts, and whose people have always stood strong and steadfast against railroad wrecking—is dragged in here for the sake of producing prejudice in this House, I propose to have it understood that the greatest illustration of railroad wrecking known in all the annals of New England is the case of the Central Vermont Railroad, which, under a receivership conducted by the supreme court of Vermont, was about the biggest stench in the nostrils of honest men ever recorded in this country. Let anyone dispute that!

Mr. GROUT. I dispute it, Mr. Speaker. [Laughter.] It is false, and absolutely so. [Laughter.] Will the gentleman allow me to make a statement? [Cries of "Go on!" to Mr. Barrett.]

Mr. BARRETT. I will allow the gentleman from Vermont time if I can have the same amount of time.

Mr. GROUT. Those decisions were rendered by a court which were elected annually until the recently changed constitution of the State. But since then they are biennially elected, and all the

judges of the supreme court were repeatedly reelected without opposition. I say that no decision such as stated by the gentleman could have been made by that court and not be challenged by the people of that State, and especially by their representatives, when the judges came up for reelection. The decisions of the supreme court in the Central Vermont Railroad matter are in accordance with the decisions in all the States. If those decisions had been a stench in the nostrils of all decent men, as stated by the gentleman, they could hardly be in accordance with decided cases in other States, and I assert that they are. I can not present in detail the facts and the law of those decisions, but an analysis of them would absolutely refute the statement of the gentleman; and it seems remarkable to me that he should impute dishonorable and dishonest motives to a judicial tribunal of any State.

Mr. BARRETT. Mr. Speaker, I impugn the motives of no tribunal. I said, when the gentleman from Vermont raised a question of railroad wrecking, that I referred to a fact that is known to all intelligent men in New England, that of all the railroad wrecks that were ever made through decisions, carried through series of years in the Supreme Court of the United States——

Several Members. Vermont.

Mr. BARRETT. Vermont. The greatest illustration was in the case of the Central Vermont Railroad, which for a period of twenty years dragged its slow length through legal meshes of complication, while the honest investors in that property were deprived of their investments by the men who managed it under the management of the supreme court. The road became known in that connection wherever railroad management or mismanagement was ever discussed. I do not question the legislature of Vermont; I impugn the motives of no member of that court; but I do say you can not go into Vermont and find one lawyer out of four who will not say that the record made in connection with the Central Railroad litigation was one in which the honest sons of the Green Mountain State had cause to blush.

Mr. GROUT. Will the gentleman permit a question? [Cries of "Go on!" to Mr. Barrett.]

Mr. BARRETT. I will yield to the gentleman.

Mr. GROUT. Did the Vermont court make any decision from which an appeal would not lie to the Supreme Court of the United States?

Mr. BARRETT. Mr. Speaker, I am not a lawyer; I can not answer his question; but I know that the State of Vermont was agitated and torn so that families were rent asunder, all politics divided on railroad lines, and at times men were in fear of bodily violence because they dared to take issue with the railroad bosses of that period. Talk about the legislature of Vermont! I will say in all kindness that the majority of that body, I am afraid, when they elected judges and other officers, were not unmindful of the fact that the great railroad corporations were the parties who controlled the politics of the State. And that legislature, within my memory, refused to reelect a judge who had honored the supreme bench for years, simply because he had fallen under the displeasure of the railroads.

Mr. Speaker, I love Vermont. I lived there two years.

Mr. GROUT. The gentleman has a strange way of showing his love for Vermont. [Laughter.]

Mr. BARRETT. I repeat, Mr. Speaker, I love Vermont. I lived there for two years, and I would not say, unless provoked, a word in criticism of her. But I love Massachusetts better, and when you place Massachusetts and Vermont side by side, when you compare the judiciary of those two States, when you compare the record for railroad management of those States, when you contrast the records and the traditions of Vermont and of Massachusetts, let me say that it comes with very ill grace for any man from Vermont to attempt to throw mud upon Massachusetts, as my friend Mr. Powers has done.

It would be an act of recreancy if any son of Massachusetts—even though he be so poor and unimportant as my friend from Vermont from his elevation of long service pictures me—it would be an act of recreancy did he not hold up his hand and raise his voice in humble eulogy of his State, whose judicial decisions have never been called in question, but rank in the minds of all lawyers with those of the Supreme Court of the United States, and whose legislation regarding the control of corporations is a beacon light to legislators here and elsewhere. [Applause.]

Mr. POWERS. Mr. Speaker, unless some gentleman desires to occupy further time, I will ask for the previous question.

The previous question was ordered.

The question being taken on agreeing to the conference report, the Speaker declared the ayes seemed to have it.

Several members called for a division.

Mr. BAILEY. Mr. Speaker, we shall save time by taking the yeas and nays at once. I ask for the yeas and nays.

The yeas and nays were ordered.

Pending the roll call,

Mr. BARRETT. Mr. Speaker, I wish to make a parliamentary inquiry which I want members to hear.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. I want to ask the Speaker whether, if this report is rejected, it will not then be in order to move to instruct the committee in further conference to insist upon the amendments of the House?

The SPEAKER. It will be, if the House insists upon its amendments and asks for a conference. The Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 142, not voting 142; as follows:

YEAS—71.

Apsley,
Arnold, R. I.
Avery,
Bartholdt,
Belknap,
Bell, Tex.
Bennett,
Blue,
Brewster,
Burton, Mo.
Calderhead,
Curtis, Kans.
Curtis, N. Y.
Daniels,
Ellis,
Evans,
Fairchild,
Faris,
Fischer,
Foote,
Gillet, N. Y.
Grosvenor,
Grout,
Grow,
Halterman,
Harrison,
Hartman,
Henry, Conn.
Hepburn,
Hill,
Hubbard,
Hunter,
Hurley,
Jenkins,
Johnson, Cal.
Kerr,
Kirkpatrick,
Lefever,
Leonard,
Long,
Mahon,
Miller, Kans.
Miller, W. Va.
Minor, Wis.
Mitchell,
Noonan,
Northway,
Patterson,
Payne,
Powers,
Quigg,
Russell, Conn.
Smith, Ill.
Southard,
Sperry,
Stone, C. W.
Stone, W. A.
Sulloway,
Sulzer,
Taft,
Tawney,
Tayler,
Thomas,
Tracey,
Van Voorhis,
Wadsworth,
Walker, Mass.
Watson, Ohio
Wellington,
Willis,
Wright.

NAYS—142.

Abbott,
Allen, Miss.
Anderson,
Andrews,
Atwood,
Bailey,
Baker, Kans.
Baker, N. H.
Barham,
Barrett,
Bartlett, Ga.
Bell, Colo.
Bishop,
Black,
Bowers,
Buck,
Bull,
Catchings,
Clardy,
Clark, Iowa
Codding,
Colson,
Connolly,
Cook, Wis.
Cooke, Ill.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cox,
Crisp,
Crowther,
Culberson,
Danford,
De Armond,
Dinsmore,
Dolliver,
Doolittle,
Ellett,
Erdman,
Fenton,
Foss,
Gamble,
Gibson,
Graff,
Griffin,
Hager,
Hainer, Nebr.
Hall,
Hardy,
Harris,
Hart,
Hatch,
Hemenway,
Henderson,
Hendrick,
Henry, Ind.
Hilborn,
Hitt,
Howard,
Howe,
Howell,
Hulick,
Huling,
Hull,
Hyde,
Johnson, Ind.
Johnson, N. D.
Jones,
Kem,
Kiefer,
Kleberg,
Knox,
Kyle,
Lacey,
Latimer,
Lawson,
Layton,
Leighty,
Lewis,
Linney,
Linton,
Little,
Livingston,
Low,
Maddox,
Martin,
McCall, Tenn.
McCleary, Minn.
McCormick,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLachlan,
McLaurin,
McRae,
Meiklejohn,
Mercer,
Miles,
Milnes,
Mondell,
Moody,
Morse,
Neill,
Ogden,
Otey,
Otjen,
Overstreet,
Owens,
Parker,
Perkins,
Pitney,
Robertson, La.
Royse,
Sauerhering,
Sayers,
Scranton,
Shuford,
Skinner,
Snover,
Spalding,
Sparkman,
Stallings,
Steele,
Stewart, N. J.
Stewart, Wis.
Stokes,
Strowd, N. C.
Talbert,
Tate,
Terry,
Tracewell,
Tucker,
Tyler,
Updegraff,
Van Horn,
Washington,
White,
Wilson, S. C.
Wood,
Woodard,
Woodman.

NOT VOTING—142.

Acheson,
Adams,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Arnold, Pa.
Babcock,
Baker, Md.
Bankhead,
Barney,
Bartlett, N. Y.
Beach,
Berry,
Bingham,
Boatner,
Boutelle,
Broderick,
Bromwell,
Brosius,
Brown,
Brumm,
Burrell,
Burton, Ohio
Cannon,
Chickering,
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Coffin,
Cooper, Fla.
Cousins,
Cowen,
Crowley,
Crump,
Cummings,
Curtis, Iowa
Dalzell,
Dayton,
Denny,
De Witt,
Dingley,
Dockery,
Dovener,
Draper,
Eddy,
Fitzgerald,
Fletcher,
Fowler,
Gardner,
Gillett, Mass.
Goodwyn,
Griswold,
Hadley,
Hanly,
Harmer,
Heatwole,
Heiner, Pa.
Hermann,
Hicks,
Hooker,
Hopkins,
Huff,
Hutcheson,
Joy,
Kendall,
Kulp,
Leisenring,
Lester,
Lorimer,
Loud,
Loudenslager,
Maguire,
Mahany,
Marsh,
McCall, Mass.
McClellan,
McClure,
McMillin,
Meredith,
Meyer,
Milliken,
Miner, N. Y.
Money,
Moses,
Mozley,
Murphy,
Murray,
Newlands,
Odell,
Pearson,
Pendleton,
Phillips,
Pickler,
Poole,
Price,
Prince,
Pugh,
Raney,
Ray,
Reeves,
Reyburn,
Richardson,
Rinaker,
Robinson, Pa.
Rusk,
Russell, Ga.
Settle,
Shafroth,
Shannon,
Shaw,
Sherman,
Simpkins,
Smith, Mich.
Sorg,
Southwick,
Spencer,
Stahle,
Stephenson,
Strait,
Strode, Nebr.
Strong,
Swanson,
Thorp,
Towne,
Treloar,
Turner, Ga.
Turner, Va.
Walker, Va.
Wanger,
Warner,
Watson, Ind.
Wheeler,
Wilber,
Williams,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Woomer,
Yoakum.

The following-named members were announced as paired until further notice:

Mr. Warner with Mr. Williams.
Mr. Draper with Mr. Cowen.
Mr. Simpkins with Mr. Fitzgerald.
Mr. Dovener with Mr. Clarke of Alabama.
Mr. Aitken with Mr. Sorg.

Mr. Hanly with Mr. Moses.
Mr. Dingley with Mr. McMillin.
Mr. Pickler with Mr. Miner of New York.
Mr. Bingham with Mr. Dockery.
Mr. Harmer with Mr. Bankhead.
For this day:
Mr. Eddy with Mr. Richardson.
Mr. Smith of Michigan with Mr. McClellan.
Mr. Heatwole with Mr. Strait.
Mr. Hermann with Mr. Denny.
Mr. William F. Aldrich with Mr. Shaw.
Mr. Watson of Indiana with Mr. Meyer.
Mr. Reyburn with Mr. Berry.
Mr. Kulp with Mr. Cummings.
Mr. Leisenring with Mr. Maguire.
Mr. Cannon with Mr. Turner of Georgia.
Mr. Hopkins with Mr. Hutcheson.
Mr. Wanger with Mr. Lester.
Mr. Dalzell with Mr. Cobb.
Mr. Griswold with Mr. Spencer.
Mr. Wilson of New York with Mr. Swanson.
Mr. Mahany with Mr. Boatner.
Mr. Treloar with Mr. Kendall.
Mr. Wilber with Mr. Money.
Mr. Woomer with Mr. Rusk.
Mr. Clark of Missouri with Mr. Wheeler.
Mr. Burrell with Mr. Russell of Georgia.
Mr. Mozley with Mr. Black.
Mr. Stephenson with Mr. Yoakum.
On this question:
Mr. Bromwell with Mr. Hicks.

Mr. McMILLIN. Mr. Speaker, I desire to withdraw my vote, as I find I am paired with the gentleman from Maine, Mr. Dingley.

Mr. HICKS. I am paired with the gentleman from Ohio, Mr. Bromwell.

Mr. DOCKERY. I am paired with the gentleman from Pennsylvania, Mr. Bingham, and withdraw my vote. I wish to announce that if he were present, I would vote "no."

Mr. COX. I desire to inquire if my colleague, Mr. Richardson, is paired on this vote.

The SPEAKER. The Chair is informed that he is paired.

The result of the vote was then announced as above recorded.

Mr. BARRETT. Mr. Speaker, I now move that the House insist on its amendment, and ask a further conference; and on that I demand the previous question.

The previous question was ordered.

The question was taken on the motion to insist and ask a further conference; and it was agreed to.

Mr. BARRETT. I now offer the following resolution of instructions.

Mr. THOMAS. I demand the regular order.

Mr. BARRETT. This is the regular order.

The SPEAKER. The Clerk will report the instructions offered by the gentleman from Massachusetts.

The Clerk read as follows:

> *Resolved*, That in the opinion of the House its conferees on the bill S. 182, "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," should insist on striking out Senate amendments Nos. 3, 4, 5, 6, and 7.

Mr. POWERS. I think, Mr. Speaker, the gentleman from Massachusetts has misconceived the scope of the report. I suppose he means to insist on the House amendments. These are House amendments stricken out by the Senate.

Mr. BARRETT. I did not draw the resolution myself, but supposed, from the source it came from, that it was right. But I will amend the resolution and offer it in the amended form.

The SPEAKER. The Clerk will read the resolution as amended.

The Clerk read as follows:

> *Resolved*, That in the opinion of the House its conferees on Senate bill 182, "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," should insist on the House amendments numbered 3, 4, 5, 6, 7.

Mr. TERRY. I offer the following amendment to the instructions proposed by the gentleman from Massachusetts:

The Clerk read as follows:

> And the conferees on the part of the House are further instructed to insist upon a provision—

Mr. BARRETT. Mr. Speaker, I demand the previous question.

The SPEAKER. But the gentleman from Arkansas has offered an amendment, and was recognized for that purpose before the demand was made. The Clerk will report the amendment to the instructions.

Mr. BARRETT. But I called the previous question when I offered the resolution.

The SPEAKER. The gentleman did not move it in time.

Mr. BARRETT. I think the Chair misconceived my statement. I asked for the previous question when I first got up.

Mr. BAILEY. Mr. Speaker, I submit that the gentleman can not insist on a demand for the previous question that neither the Chair nor the House has heard.

The SPEAKER. The Chair did not hear the demand for the previous question.

Mr. BARRETT. I made the request, Mr. Speaker.

The SPEAKER. The Chair, of course, must take the word of the gentleman.

Mr. WILLIS. I can testify that the gentleman made the motion, for I heard it.

Mr. TERRY. The gentleman made the motion for the previous question on his motion that the House insist on its disagreement, and ask a further conference, but not on the other.

Mr. BARRETT. I made it on both. I am satisfied.

The SPEAKER. The matter is easy of correction. If the House desires further instruction, it can vote down the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 39, nays 82.

So the demand for the previous question was rejected.

Mr. TERRY. Now, Mr. Speaker, I offer the amendment I send to the desk as additional instructions to the conferees.

The Clerk read as follows.

> The conferees on the part of the House are further instructed to insist upon a provision to secure the payment of all debts, demands, and liabilities which were due or owing by the old company which were contracted, accrued, or were incurred or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character done, performed, or furnished in the repair, equipment, operation, or extension of said road and its branches, and all liabilities incurred by said old company in the transportation of freight and passengers, including damages for injuries to employees or other persons and to property, which have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding or since the appointment of any such receiver.

Mr. TERRY. I suppose debate is in order.

The SPEAKER. Debate is in order.

Mr. TERRY. As this amendment is rather long, I wish to state its effect. It proposes to extend the provision of the bill so as to cover operating expenses, wages, material furnished, and work done, and also injuries to person or property, within twelve months prior to the appointment of a receiver. It does not go back of that; but it applies also to such claims arising since the appointment of a receiver.

The question being taken, the amendment was agreed to; there being—ayes 71, noes 38.

The SPEAKER. The question is now upon agreeing to the proposed instructions as amended.

The question was decided in the affirmative.

Mr. BARRETT. I move that the various votes taken on this question be reconsidered, and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. I am instructed by the Committee on Military Affairs to report back the Military Academy appropriation bill, with the amendments of the Senate. I am directed to ask that the amendments be nonconcurred in, and that we ask a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The first question is on agreeing to the amendments of the Senate.

The amendments were disagreed to.

The SPEAKER. The question is now on the motion of the gentleman from New York [Mr. Curtis] that a conference with the Senate be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. Curtis of New York, Mr. Griffin, and Mr. Tyler as conferees on the part of the House.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Agricultural appropriation bill.

Mr. THOMAS. I rise to a parliamentary inquiry. If the House should refuse to go into Committee of the Whole on the motion of the gentleman from New York [Mr. Wadsworth], will not the unfinished business then be taken up under the regular order?

The SPEAKER. It will be.

Mr. THOMAS. I hope the motion of the gentleman from New York will be voted down.

The question being taken, there were—ayes 90, noes 52.

Mr. THOMAS. I call for the yeas and nays.

Several Members. Oh, no!

Mr. THOMAS. Very well; I withdraw the call.

So the motion of Mr. Wadsworth was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. Payne in the chair) and resumed the consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

The Clerk read the following:

DEPARTMENT OF AGRICULTURE.

> Office of the Secretary: For compensation of Secretary of Agriculture, $8,000; Assistant Secretary of Agriculture, $4,500; chief clerk, who shall be superintendent of the Department buildings, $2,500; private secretary to the Secretary of Agriculture, $2,000; stenographer to the Secretary of Agriculture, $1,400; private secretary to the Assistant Secretary of Agriculture, $1,600; one appointment clerk, $2,000; one chief of supply division, $2,000; one telegraph and telephone operator, $1,200; one clerk class 4, $1,800; three clerks class 3, $4,800; four clerks class 2, $5,600; nine clerks class 1, $10,800; nine clerks at $1,000 each, $9,000; five clerks at $840 each, $4,200; one engineer, who shall be captain of the watch, $1,400; one fireman, who shall be steam fitter, [illegible]; one assistant fireman, [illegible]; one assistant fireman, $600; four night watchmen, at $720 each, $2,880; messengers, laborers, mechanics, four day watchmen, and charwomen, $19,000; in all, $87,100.

Mr. HARDY. Mr. Chairman, I move to amend by striking out the last word.

Yesterday distinguished Representatives from Ohio arose on this floor to defend that great State from certain attacks made upon Ohio and Indiana by the governor of Illinois, Mr. Altgeld. In the speech made by Mr. Altgeld he severely criticised the elections in Ohio and Indiana. But I do not believe that this is the place nor the time to "wash the dirty linen" of the politics of any State. I stand on this floor to defend Indiana if she needs defense, as Daniel Webster stood in the Senate to defend the State of Massachusetts. "I will enter upon no encomium upon Indiana. She needs none. There she is. Behold her! and judge for yourselves. There is her history. The world knows it by heart."

But, Mr. Chairman, with permission of the House, I desire to occupy the few moments allotted to me to say a few words upon the Cuban question.

Mr. Chairman, during the first session of this Congress a concurrent resolution was almost unanimously adopted by both Houses expressive of the sympathy of the Congress, as representatives of the American people, with the patriots of Cuba in the heroic struggle in which they were then, and still are, engaged in behalf of human liberty and the right of self-government. The sentiments expressed in that resolution received the indorsement of a very large majority of the citizens of the United States, and was only subjected to criticism because it was not a joint resolution and not stronger in expression. The people of this country have watched with deep interest the contest which has been waged in Cuba during the past two years between the patriots and their Spanish oppressors, and the demand of the people is almost unanimous that the time has now arrived for this Government to take such action as will stop the shedding of blood, stop the slaughter of the innocents by the Spanish barbarians, stop the devastation of the fair isle, and secure to Cuba the independence to which she is entitled by the laws of God, of justice, and humanity.

There can be no question about the justice of the Cuban revolution. Mr. Hazeltine, in the North American Review, in an able article, shows that taxation without representation is the Spanish policy of government in Cuba. At no time has the native Cuban representation in the Spanish Cortes, a body comprising 430 members, ever exceeded six, and has seldom exceeded three. With a population of 1,600,000, only 9.3 per cent of the population being Spaniards, the right of suffrage has been restricted to only 53,000 inhabitants of the island, or about 3 per cent of the population. While denied the right by the Spanish parliament to exercise any voice in the control of her own affairs, Cuba has become the "treasure island" of Spain, to be pillaged and robbed at will, which is done by the mother country imposing enormous budgets on the island.

In 1880 Spain commanded Cuba to furnish her $46,000,000 of revenue. In 1893 the budget was reduced to $26,000,000, but only because the island was unable to meet a greater exaction. In 1880 the deficit had reached $30,000,000; and all the deficits since 1878 amount to $100,000,000. With such management Cuba's debt has increased from $30,000,000 in 1868 to $190,000,000 when the present war broke out in 1895, and on the 31st of July, 1896, the debt was computed to have reached the fabulous sum of $290,000,000, and is to-day much greater. The interest on this debt imposes a burden of $9.79 on each inhabitant. Not a dollar of this enormous debt has been spent in Cuba to advance the work of improvement or civilization.

The salaries drawn from Cuba to pay the Spanish rulers of the island are shameless and almost incredible in extortion. The governor-general of Cuba is given a salary of $50,000 a year, besides a palace in Habana and a country house, servants, coaches, and a fund for secret expenses. The director-general receives a salary of $18,500 per annum. The archbishop of Santiago and the bishop of Habana get $18,000 each. The commander-general of the naval station has $16,393 a year. The general who is second in command upon the island and the president of the "Audiencia" receive $15,000 each; the governor of Habana and the secretary of the general government, $8,000. The major-general gets $7,500; brigadier-general, $4,500; the captains of the largest men-of-war receive $6,300; the captains of frigates, $4,500; the government clerks of the first class obtain $5,000 each, and those of the second class $4,000 each. All of these public functionaries receive, in addition to their salaries, free lodgings and domestic service paid by the state.

Under these officials is a multitude of minor employes, all munificently provided for. Employment by the Spanish Government in Cuba is far more lucrative than to be an officeholder under the United States Government at this capital. The minister of the colonies, who resides in Madrid, receives a salary of $26,800 a year, which is taken from the treasury of Cuba. Not only are these enormous salaries paid to the Spanish officials in Cuba, but the Cuban treasury has been plundered by the Spanish ministers time and time again. As recent as 1892 Minister Romero Robeldo took a million dollars belonging to the Cuban treasury from the vaults of the Bank of Spain and lent it to the Transatlantic Company, of which he was a stockholder. When threatened with prosecution, he replied that if prosecuted, all of his predecessors from every political party would have to sit beside him in the prisoner's dock. In 1890 it came to light, through a debate in the Cortes, that $6,500,000 had been abstracted from the Caja de Depositos, although the safe was locked with three keys, each of which was in possession of a different high Spanish official. It was learned at the same time, that through false vouchers for transportation and fictitious bills for provisions alleged to have been furnished during the ten years' war in Cuba, the Cuban treasury had been robbed of $22,811,000. Not one of these Spanish officials implicated in these robberies of the Cuban treasury has ever been punished.

The administration of law in Cuba is a terrible injustice. The lives and property of Cubans receive no protection from the Spanish Government even in times of peace. Personal safety is a delusion. While it is said that executions for political offenses up to the opening of the present rebellion had not taken place since 1878, yet it is well known that the Spanish Government has resorted to a simpler method of removing political offenders—by assassination. The attorneys-general and the presiding judges receive their instructions from the governor-general's office. Imprisonment without warrant and for an indefinite time is common.

No people yearning for liberty have had better cause than the Cubans of to-day. They have a hundred times more provocation than had the English colonies of America in 1775. The revolution has attained a measure of success that deserves to at least be recognized as belligerence. [Applause.] In two years the Cuban insurgents have overrun and continue to hold a greater portion of the island, while the Spanish control no considerable section of the island outside of the seaports and a few strongly fortified towns in the interior. The recognition of the Cubans as belligerents would be in strict conformity with the policy of our Government. James Monroe acted upon a principle propounded by himself when he declared that—

> As soon as the movement assumes such a steady and consistent form as to make the success of the province probable, the rights to which they were entitled by the law of nations as equal parties in a civil war have been extended to them.

Again, in a dispatch dated September 20, 1836, and addressed by Mr. Forsyth, Secretary of State, to the Mexican plenipotentiary in Washington, the habitual attitude of our Government toward Spanish-American revolutionists is thus defined:

> It is a well-known fact that the vessels of the South American provinces were admitted into the ports of the United States under their own or any other flags from the commencement of the revolution, and it is equally true that throughout the various civil contests that have taken place at different periods among the states which sprang from revolution the vessels of each of the contending parties have been alike permitted to enter the ports of this country. It has never been held necessary, as a preliminary to the extension of the rights of hospitality to either, that the chances of the war should be balanced and the probability of eventual success entertained. For this purpose it has been deemed sufficient that the party has declared its independence and was at the time actually maintaining it.

Another application of this principle was made in the case of Texas. The Texans declared their independence from Mexico on March 2, 1836. This was signed by but sixty men, of whom only two were of Mexican nationality. Nevertheless, just six months afterwards the United States recognized the belligerent rights of the Texans by proclaiming the neutrality of the United States in the contest between them and Mexico.

Why, in view of well-established precedents, should this Government longer hesitate to recognize the belligerency of Cuba? It can not be longer said that war does not exist on the island, because we admit the existence of war when our southern coast is patrolled by United States cruisers to stop the infraction of the neutrality laws. Until we recognize the existence of a state of war in Cuba we can not be neutral. Diplomats and American statesmen who are inspired in their opposition to recognition by the wines and cigars consumed while their legs cross under the mahogany of the Spanish minister can no longer make the people believe that Spain is merely engaged in the pastime of chasing down "a few marauding bands of Cuban bandits." We must not forget that Spain has shipped to Cuba since March, 1895, a dozen great expeditions, aggregating nearly 150,000 troops, officered by over 10,000 skilled soldiers, also 150,000 magazine rifles, hundreds of pieces of field artillery, and over 75,000,000 cartridges. Besides, Weyler has under arms a "volunteer" corps, mostly Spaniards, of 50,000 residents of Cuba. The battle of Gettysburg presented no better evidence of the existence of war in our own fair land than does the presence of Weyler and his 200,000 soldiers in Cuba. War does exist in Cuba—terrible, cruel, relentless, bloody war—a war of oppression on the side of Spain against as brave and patriotic a people as ever wielded a sword in behalf of justice and human liberty.

Our commercial interests, the interests of humanity, the well-defined principles of the Monroe doctrine, and the patriotic desire that is found in the heart of every American citizen to see the dominion of Spain cease to exist on the Western Continent and the isles adjacent thereto demand that the great power of our Government be extended to the Cuban heroes who are struggling to establish upon their fair island home a government founded, like our own, upon principles of universal liberty. [Applause.]

In 1823 John Quincy Adams, then Secretary of State, in instructions to our minister at Madrid, said:

> These islands, from their local position, are natural appendages of the North American continent, and one of them (Cuba), which is almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West Indian seas; the character of its population; its situation midway between our southern coasts and the Island of Santo Domingo; its safe and capacious harbor of the Habana, fronting a long line of our shores destitute of the same advantages; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial—all these things give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of the Union together. Such, indeed, are between the interests of that island and of this country—the geographical, commercial, moral, and political relations—gathering in the process of time and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Republic will be indispensable to the continuance and integrity of the Union itself.

If for no other reason, humanity demands that blood should cease to flow in Cuba. The world knows well the character of the Spanish people; educated from infancy to the horrors and cruelties of the bull ring, they are a people of blood and treachery. In all the annals of history since the dawn of civilization, no nation laying any claim to enlightenment and Christianity has equaled Spain in its terrible and infamous record of brutality, rapine, and bloodshed. Its original possessions in the Western Hemisphere were obtained by conquest and lost by revolution. It was in Spain during the fifteenth century that the Tribunal of the Inquisition appointed by the Spanish Government commenced its terrible career under which tens of thousands of Christian men and women were condemned to the torture of the rack and the flames. It was under Spain in the sixteenth century that Pizarro, the conqueror of Peru, seized the Inca Atahualpa and treacherously put him to death, and whose career of blood and crime in Peru only ended with his own violent death. It was under Spain that the infamous Duke of Alva, prime minister and general of the Spanish army under Charles V, gained the victory of Muhlberg over John Frederick, elector of Saxony, in 1547, and had the elector condemned to death, which was only averted by the commutation of the sentence by the Emperor. When the Netherlands revolted against the tyrannies of Spain, it was this same Alva who was sent there with unlimited power, and who established the Bloody Council, over which he at first presided. This tribunal condemned all without distinction whose opinion appeared dubious or whose wealth excited jealousy. The present and the absent, the living and the dead, were subjected alike, and their property confiscated. Alva put to death on the scaffold the Counts of Egmont and Horn, and when he left Holland he boasted that he had executed 18,000 men besides those killed in battle.

Spain stands before the world to-day a nation of assassination, and the victims of her crimes in Europe, on the South American continent, and in the isles of the sea are as countless as the sands of the ocean. [Applause.] Spain is by instinct and by education a nation of bloodshed and brutality, where children are educated in the use of the dagger and stiletto before they learn their alphabets, and their Sabbath diversions are the orgies and cruelties of the bull ring.

Since the landing of Columbus in 1492, the Spanish nation has constantly and devilishly pursued a reign of rapine, ruin, and murder against the original inhabitants of this continent and the honest immigrants that sought these shores.

Four hundred years of robbery, torture, and assassination has been the rule of this cruel and unrelenting harlot of monarchy. Haiti, Santo Domingo, Mexico, Brazil, Chile, Peru, Florida, and calamitous Cuba have been despoiled of more than 30,000,000 of human beings, through the prison, the lash, the torch, the bloodhound, the sword, the matchlock, and the cannon of these pirates of the seas and bloodthirsty bullfighters of the land. The great and good Las Casas shows that more than 12,000,000 of Indians and negroes were destroyed in the space of thirty years by the ravenous freebooters from Spain in her early conquests on this continent, and this good priest appealed to Ferdinand and Isabella to put an end to the human slaughter, but without avail. From Cortez, Pizarro, Balboa, and Velasquez, down to the red-handed assassin, Weyler, a terrible track of smoldering ruins and murdered millions has been left in the wake of these Spanish fanatics and incarnate fiends.

Cortez and his warriors tore down and ruined the Aztec Empire, invading and destroying the blooming fields and dazzling halls of the Montezumas, and through treachery, greed, and murder roasted the Aztec king on a bed of live coals while plundering the palace of his ancestors. Pizarro and his religious renegades roasted and robbed the peaceful inhabitants of the Peruvian Empire, leaving a pillar of fire by night and a cloud by day to signalize the march of his conquering columns.

Velasquez desolated the fertile islands of the West Indies and Cuba, while other Spanish marauders and adventurers, in the name of God and Spain, killed and robbed the happy inhabitants of Florida and Louisiana.

With the crucifix in one hand and the sword of a tyrant in the other, the minions of this bastard monarchy nearly exterminated the original inhabitants of Central and South America, and all for sparkling silver and glittering gold! to decorate and enlarge the churches, convents, monasteries, mansions, and palaces of Barcelona, Saville, Genoa, and Madrid. Here was truly "a crown of thorns and a cross of gold," the tortured getting the thorns and the tyrants getting the gold.

At home and abroad, throughout the world wherever the dominion of Spain has held sway, her record has been written in cruelty and blood.

The Spanish soldiery at home and abroad have never hesitated to snatch the sucking babe from its mother's breast, dash its brains out, and then outrage the shrieking mother; set fire to the wigwam of the Indian or the palace of the prince, imprison, starve, and garrote those who righteously struggle for liberty and will not bow in abject submission to the Spanish yoke. But the day of the Spanish dynasty is nearly over and she hastens to that setting sun that shall be for her eternal. [Applause.] She belongs to the bull-fighting, licentious race of the thirteenth and fourteenth centuries, and in the category of civilized nations of the nineteenth century there is no place for her. Her pride and poverty go hand in hand, and while putting on the airs of a Roderick and the prancing antics of a Bucephalus, she is only a poor imitation of Don Quixote and Rosinante.

Before the dawn of the twentieth century upon a progressive and enlightened world the power of Spain shall surely disappear from the American continent [applause], and in a short time she will be blotted from the map of Europe, torn to pieces by internal conflict, corruption, and conspiracy. The crimes she has committed for a thousand years cry to heaven for vengeance, and some modern Cæsar, Sulla, or Napoleon shall yet batter down her gates, towers, and battlements, and there shall cease to exist the most tyrannical, cruel, corrupt, and licentious monarchy that has ever disgraced the earth.

The foul treachery by which Antonio Maceo, that soldier of genius, the Sheridan of Cuba, was lured to his death is but in keeping with the Spanish idea of honorable warfare. Sweet to Spanish chivalry was the news of Maceo's assassination. The streets of Madrid, the Spanish capital, were aflame with bonfires glorifying the event. The treachery of Spain was sounded with praise; the Spanish minister to the United States congratulated his colleagues of the diplomatic corps over the death of this Cuban patriot. Weyler, the Spanish butcher, who has never fought a battle in honorable warfare, rides as a conqueror, a hero, through the streets of Habana, while men cheer, maidens sing songs of praise, and white-robed children scatter flowers to be crushed under his horse's feet.

Maceo is dead; slain as was Inca of Peru four centuries before; slain as was the gallant Colonel Crittenden and his fifty Kentuckians in 1851. Falling as a martyr to the cause of liberty, his blood, like the blood of other martyrs, will be the seed of the revolution; and the thousands that will rise to take his place, filled with a patriotism that can not be conquered by Spanish armies or overcome by Spanish treachery, will struggle on, guided by the hand of a just God, until the flag of free Cuba floats over the palace now occupied by the Captain-General of the island.

It is the right and duty of the American Congress to recognize the independence of Cuba, and the President of the United States must and will execute the law when it is constitutionally enacted. If he does not, there is a constitutional remedy ready at all times to meet just such cases. Cuba must and shall be free. The beautiful queen of the Antilles will soon rise from her crimson

couch, and, like Aurora, tripping o'er the mountain tops of morn, she shall walk the vales and hills of Pinar del Rio, and blossom into beauty as a new State in the Western Hemisphere, dedicated forever to liberty, and as she lifts her eyes to the north, may she ever behold the Star Spangled Banner waving her a warm welcome as the youngest child in the galaxy of American Republics. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I ask unanimous consent for ten minutes more.

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia——

Mr. WILLIAM A. STONE. If I can be recognized, I will yield my time to the gentleman from Indiana [Mr. HARDY].

Mr. TALBERT. I move that the gentleman from Indiana [Mr. HARDY] be allowed to make a few more remarks before he says anything. [Laughter.]

Mr. LIVINGSTON. I object.

The CHAIRMAN. The gentleman from Georgia is entitled to the floor.

Mr. HARDY. I ask the gentleman from Georgia [Mr. LIVINGSTON] to allow me ten minutes. If for no other reason——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I have asked unanimous consent for an extension.

Mr. TALBERT. I insist on my request that the gentleman be allowed to continue his remarks.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman be allowed to continue for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asks unanimous consent that the gentleman from Indiana [Mr. HARDY] be allowed to continue for five minutes. Is there objection?

Mr. HOWE. Mr. Chairman, this talk is irrelevant and out of order. We are here to consider the Agricultural appropriation bill. I object.

The CHAIRMAN. Objection is made.

Mr. HARDY. Then I give notice that no bill shall go through this House by unanimous consent during this session. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I want to bring to the attention of the gentleman in charge of this bill, for information, the language of the bill, beginning in line 18, on page 2:

> Messengers, laborers, mechanics, four day watchmen, and charwomen, $19,000.

I understand, Mr. Chairman, that it is the fixed policy of Congress to make these appropriations specific. I find here, in the latter part of this paragraph which has just been concluded, the language which I have read. Now, Mr. Chairman, this appropriation of $19,000 for laborers and messengers is for the Secretary's office. The number of messengers or the number of laborers should be specified. It is a large sum of money to give to the Secretary's office indiscriminately and in bulk in this way, and I ask the gentleman in charge of the bill why it is appropriated in this form, when it has been so long the fixed policy of Congress to make specific appropriations? How many laborers does the Secretary want? How many messengers and how many charwomen does he want?

Mr. WADSWORTH. That sum represents the amount necessary to take care of the building.

Mr. LIVINGSTON. I want to ask the gentleman if he knows that to be true?

Mr. WADSWORTH. It is to include cleaning and the laborers around the building. The item of $20,000 was reduced to $19,000.

Mr. LIVINGSTON. I direct the gentleman's attention to the other paragraphs of the bill, which also contain appropriations for laborers and messengers.

Mr. WADSWORTH. Some of them are on the statutory rolls and some of them are not. This lump sum is used to cover emergencies.

Mr. LIVINGSTON. Do you not know, as chairman of the committee, how many laborers and messengers are necessary for the Secretary's office?

Mr. WADSWORTH. Not exactly; no.

Mr. LIVINGSTON. Does not the Secretary know?

Mr. WADSWORTH. I suppose he does. Sometimes he requires more and sometimes less, according to the exigencies of the occasion.

Mr. LIVINGSTON. Well, I want to say to the members of the committee that this is bad policy, to be appropriating money in bulk for messengers and laborers without knowing the number or the necessity for one or three or four or five.

Mr. WADSWORTH. I will say to the gentleman that this item is in exactly the same language as last year, and the year before that, and the year preceding that.

Mr. LIVINGSTON. I understand, but we might just as well improve as we grow older.

Mr. WADSWORTH. Well, that is for the House to say. The committee felt that that appropriation was not excessive. We have reduced it $1,000 from last year.

Mr. LIVINGSTON. Well, if the chairman of the committee thinks $19,000 is not excessive, I have nothing more to say.

Mr. HULL. I would like to suggest to my friend from Georgia another proposition, that after the 4th of March next we will have a Secretary of Agriculture whom my friend and others will have confidence in.

Mr. LIVINGSTON. Do you mean to say that this appropriation is intended for that purpose?

Mr. WADSWORTH. This is the opinion of the Secretary.

Mr. LIVINGSTON. There is no more necessity for it than before. You make mention of every kind of employee that you have now. I want to say that just such appropriations as this create a great many of the scandals that affect the offices in this Government. And here is the harm of it. A barber, or a carriage driver, or anybody can be brought in under this appropriation and can be put down as laborers and messengers and paid out of this $19,000. It is not the best way of appropriating this money, and I do not think it ought to be done.

The Clerk read as follows:

> Division of Accounts and Disbursements: Chief of division and disbursing clerk, $2,500; one assistant chief of division, $2,000; one cashier, $1,800; two clerks class 3, $3,200; four clerks class 2, $5,600; one clerk class 1, $1,200; in all, $16,300.

Mr. DOCKERY. I reserve the point of order on that paragraph.

Mr. HARDY. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana.

[Mr. HARDY addressed the committee. His remarks appear in another part of to-day's RECORD.]

The Clerk read as follows:

> Division of Publications: Chief of division, $2,500; assistant chief of division, $1,800; one editorial clerk, $1,600; one proof reader and indexer, $1,400; two clerks (one of whom shall be a stenographer), $2,000; in all, $9,300.
>
> Document section: One superintendent, $1,800; one clerk, $1,000; one chief folder, $1,000; one folder, $840; five folders, at $600 each, $3,000; four copyists, at $840 each, $3,360; in all, $11,000.

Mr. WADSWORTH. I offer the following substitute for the section:

The Clerk read as follows:

> Strike out all between lines 5 and 18, inclusive, and substitute as follows:
>
> "Division of Publications: Chief of division, $2,500; assistant chief of division, $1,800; one editorial clerk, $1,600; one proof reader and indexer, $1,400; two clerks (one of whom shall be a stenographer), $2,000.
>
> "Document section: One assistant in charge, $1,800; one foreman, $1,400; one clerk, $1,000; one chief folder, $1,000; one folder, $840; four folders, at $600 each, $2,400; three copyists, at $840 each, $2,520; in all, $20,260."

Mr. BAILEY. I desire to reserve the point of order on that.

Mr. WADSWORTH. This is the same thing as before, and makes a saving of $40 in salary.

Mr. DOCKERY. I desire to ask the chairman of the committee why the requirement in this bill that does not appear in the current law that one of the clerks provided at $1,000 is required to be a stenographer? It seems to be new language and not in the current law.

Mr. WADSWORTH. That was put in at the request of the superintendent of that division. He said a clerk who could write shorthand would be useful. That calls for no increase of expense.

Mr. BAILEY. Mr. Chairman, I reserved the point of order merely to inquire if the amendment changed existing law.

Mr. WADSWORTH. None at all; and it is actually a saving of something in salaries. It is simply a recasting of the salaries; that is all.

The amendment was agreed to.

The Clerk read as follows:

> Division of Statistics: One Statistician, who shall be chief of division, $3,000; one assistant statistician, $2,200; one clerk class 4, $1,800; three clerks class 3, $4,800; five clerks class 2, $7,000; five clerks class 1, $6,000; seven clerks at $1,000 each, $7,000; four clerks at $840 each, $3,360; in all, $35,160.

Mr. STEELE. Mr. Chairman, I desire to offer an amendment, to come in after the word "sixty," in line 2, page 4.

The Clerk read as follows:

> Amend by inserting, after the word "sixty," in line 2, the word "one," and after the word "dollars," "eighty-seven cents: *Provided*, That the additional sum provided for by this amendment shall be immediately available, to enable the Department to supply the information asked for the use of the Committee on Ways and Means, House of Representatives."

Mr. WADSWORTH. I raise the point of order against that, Mr. Chairman.

Mr. STEELE. What is the point?

Mr. WADSWORTH. That is an increase of expenditures and changes existing law.

Mr. STEELE. It does not change existing law. I desire to call attention to the necessity for this small increase.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. WADSWORTH. I reserve the point of order.

Mr. STEELE. I will have a letter read.

The Clerk read as follows:

> COMMITTEE ON WAYS AND MEANS,
> HOUSE OF REPRESENTATIVES,
> *Washington, D. C., January 21, 1897.*
>
> DEAR SIR: Will you please inform me how many bushels of castor beans have been raised in this country each fiscal year from 1876 to 1896, inclusive, and such other information as you can give me relative to the possibility of present acreage [illegible] of those beans to supply the demands of the United States?
>
> I am, yours, very respectfully,
>
> GEO. W. STEELE.
>
> Mr. HENRY A. ROBINSON,
> *Statistician Department of Agriculture, Washington, D. C.*

Mr. STEELE. The reply of the Statistician is embraced in the letter which I subsequently addressed to the Secretary of Agriculture, which I now ask to have read.

The letter was read, as follows:

> COMMITTEE ON WAYS AND MEANS,
> HOUSE OF REPRESENTATIVES,
> *Washington, D. C., January 2[illegible], 1897.*
>
> DEAR SIR: On the 21st instant I wrote to the statistician of your Department as follows, quoting letter to Mr. Robinson, as above.
>
> This morning I received from the Statistician a letter stating that "the clerical force and appropriation for this office are not sufficient to warrant me in making investigations in regard to any but the principal farm crops."
>
> As a member of the Ways and Means Committee the information as indicated above is considered desirable, and it is hoped that the Secretary may be able to overcome the difficulties which seem to beset the Statistician in his Department.
>
> I am, yours, very respectfully,
>
> GEO. W. STEELE.
>
> Hon. J. STERLING MORTON,
> *Secretary of Agriculture, Washington, D. C.*

Mr. STEELE. I ask now to have read the letter which I received from the Secretary in reply.

The letter was read, as follows:

> Subject: Investigations in regard to production of castor beans.
>
> UNITED STATES DEPARTMENT OF AGRICULTURE,
> OFFICE OF THE SECRETARY,
> *Washington, D. C., January 2[illegible], 1897.*
>
> SIR: In response to your letter of the [illegible] instant, in regard to making investigations in regard to the production of castor beans in the United States, I have to inform you that I have referred the matter to the Statistician of this Department, who states that he is very anxious to make an investigation [illegible] as desired by you, and also investigations relative to sheep, poultry, dairy products, fruits, hops, hemp, alfalfa, the canning industry, truck farming, and intensive farming, but as the clerical force of the Statistical Division of this Department are now taxed to their utmost capacity, it is impossible to undertake any of the above mentioned investigations.
>
> Respectfully,
>
> J. STERLING MORTON,
> *Secretary.*
>
> Hon. GEORGE W. STEELE,
> *House of Representatives, Washington, D. C.*

Mr. McMILLIN. What appropriation does the gentleman require?

Mr. STEELE. I think the amount will be about $1.87.

Mr. McMILLIN. Only $1.87?

Mr. STEELE. That is all.

Mr. McMILLIN. Then I would suggest to the gentleman, as he seems to think that the necessary expenditure will not be exorbitant, that the appropriations in this bill take effect only at the beginning of the next fiscal year, and as the Ways and Means Committee are now at work with such vigor upon a tariff bill to be considered by a future Congress——

Mr. STEELE. Mr. Chairman, I have not yielded to the gentleman for a speech.

Mr. McMILLIN. Very well, Mr. Chairman; I will not ask the gentleman to yield, but will make my speech when he gets through.

Mr. STEELE. I would state to the gentleman from Tennessee that I ask to have this appropriation made immediately available. [Laughter.] Now, Mr. Chairman, I had intended to say something severe about the action of the Secretary of Agriculture in refusing the Committee on Ways and Means this information, which it would take so little time or trouble to supply, and I might do so but for the castigation administered to him by the gentleman from Missouri [Mr. DE ARMOND] yesterday, although I must add that that castigation was administered for some of the public acts of the Secretary which most commend him to me. [Laughter.]

In the matter in question it would have taken the Secretary no longer to have supplied this important piece of information in relation to the production of castor beans than it took him to write this letter. It is a matter of importance, because if castor beans are not being produced in sufficient quantity for American consumption, the committee ought to be informed of it, so as not to impose an unnecessary duty upon the imported article; and the Secretary need not have taken more time to give the desired information than he consumed in giving us the information that he desires to make investigations as to sugar and poultry and intensive farming. For that reason I think the Secretary is open to criticism, and that is why I offer this amendment providing that he shall have as much money as I think will be really necessary to pay the expense of the work which he says he has not money to pay for.

Mr. McMILLIN. Mr. Chairman, I was seeking to get information concerning this question when my kind friend from Indiana [Mr. STEELE] suggested that he would not yield to me, and therefore I am compelled now to take a little of the time of the House, which I do reluctantly. I was proceeding to say when the gentleman cut me off that without some provision to make this appropriation immediately available the Committee on Ways and Means could not get the benefit of it until long after the tariff bill will have been framed; that is if the majority of the committee proceed with that work with the industry and dexterity which they have manifested heretofore and which they seem inclined to continue.

Mr. STEELE. The gentleman overlooks the fact that I propose to make this appropriation immediately available. Besides, if necessary, I will advance the money to the Department myself. [Laughter.]

Mr. McMILLIN. I have not yielded to the gentleman from Indiana, but I will be more courteous than he was and will yield to him, if he desires. [Laughter.]

Mr. STEELE. And I will apologize for not having yielded to the gentleman from Tennessee. [Laughter.]

Mr. McMILLIN. I want to call the attention of the gentleman from Indiana to the fact that he and I were called upon to forego our Christmas turkey at home and stay here through the recess and make these investigations ourselves. Therefore instead of castigating the Secretary of Agriculture for not doing what the gentleman himself and I have failed to do, he might just as well have summoned somebody from the uttermost parts of the earth to testify in relation to castor beans, as has been done by the committee in so many other matters, and I think that even now if he will lay the matter before the chairman of the committee the chairman will have a hearing upon that subject and the gentleman from Indiana can have castor beans ad libitum and possibly ad nauseam. [Laughter.]

Mr. STEELE. Mr. Chairman, I fear the gentleman from Tennessee has taken the advantage of me, as I understand that he has been having his Christmas holidays since Christmas. [Laughter.]

Mr. McMILLIN. I had supposed from the very elegant—I will not mention the reason—but I had supposed that the gentleman from Indiana had been having his Christmas for some time past.

Mr. STEELE. The gentleman is right in that respect.

Mr. WADSWORTH. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

> Division of statistics: One statistician, who shall be chief of division, $3,000; one assistant statistician, $[illegible]; one clerk class 4, $1,800; three clerks class 3, $[illegible]; five clerks class 2, $[illegible]; five clerks class 1, $[illegible]; seven clerks at $1,000 each, $7,000; four clerks at $840 each, $[illegible]; in all, $36,160.

Mr. DOCKERY. Mr. Chairman, I make a point of order against that paragraph. This provision, from line 18 to line 25, inclusive, appears for the first time in the bill. I am advised, however, by the chairman in charge of the bill that these employees were on the force last year in the office of the Secretary, and that this is simply a rearrangement of the force and not an increase.

Mr. WADSWORTH. That is the fact.

Mr. DOCKERY. I withdraw the point of order.

Mr. TALBERT. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to the fact that there is another head of "Experimental gardens and grounds" on page 12, and I suggest that the appropriations under this head ought to be concentrated under one heading.

Mr. WADSWORTH. I will say to the gentleman that the appropriation on page 12 is the lump sum, while the other is the salary list only.

The Clerk read as follows:

> Library: One librarian, $[illegible]; one assistant librarian, $1,[illegible]; one cataloguer, $[illegible]; one cataloguer, $[illegible]; one clerk, $840; one messenger, $720; in all, $[illegible].

Mr. DOCKERY. Mr. Chairman, I will reserve the point of order on that paragraph until I get some information in regard to it from the gentleman in charge of the bill.

Mr. WADSWORTH. Mr. Chairman, it is now very near 5 o'clock, and I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 9961 (the Agricultural appropriation bill), and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me.;

A bill (S. 3603) to extend the time for the completion of the

St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California;

A bill (S. 3521) to remove doubts concerning the jurisdiction of district judges; and

A bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers.

The message also announced that the Senate had passed with amendments a bill (H. R. 1256) for the relief of Henry A. Webb in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 939) for the relief of Cogswell & Co.;

A bill (H. R. 7781) to grant an American register for the barge *Black Diamond;*

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 9740) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

A bill (H. R. 3560) to authorize the adjustment and settlement of accounts of John Y. Williams; and

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

> *Resolved by the Senate (the House of Representatives concurring),* That there be printed 2,000 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 2468) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city—to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KINAKER, for to-night, on account of sickness.

To Mr. RUSSELL, of Connecticut, for one day.

To Mr. VAN HORN, for to-night's session, on account of sickness.

To Mr. WILSON of New York, for three days, on account of sickness.

To Mr. HAINER of Nebraska, for the balance of the day.

To Mr. WATSON of Ohio, for to-night, on account of important business.

To Mr. TAFT, for the evening session, on account of important business.

To Mr. BROMWELL, for the evening session, on account of important business.

To Mr. FLETCHER, for one day, on account of illness.

To Mr. WHITE, for ten days, on account of important business.

To Mr. NOONAN, for one day, on account of sickness.

To Mr. TAYLER, for this evening, on account of public business.

To Mr. BARTHOLDT, for three days, on account of important business.

The House then, on motion of Mr. PAYNE, by unanimous consent (at 4 o'clock and 58 minutes), took a recess until 8 p. m.; the Speaker having designated Mr. LACEY to act as Speaker at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. LACEY as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the rule under which the House meets this evening.

The Clerk read as follows:

> The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar in accordance with the rule just read.

Mr. MEREDITH. If the gentleman will kindly withhold that motion for a moment, I should like to ask unanimous consent to take up a bill to which I think there will be no objection.

Mr. THOMAS. I shall be willing to do that after the Committee of the Whole rises.

Mr. MEREDITH. The bill which I desire to bring up is a Senate bill which has been favorably reported upon in the House.

Mr. THOMAS. There is a great pressure to bring up bills by unanimous consent. I hope the gentleman will not urge this request at present, though I should very much like to accommodate him.

Mr. MEREDITH. I am obliged to my friend; and understanding his situation with respect to these matters, I withdraw my request for the present.

The question being taken on the motion of Mr. THOMAS, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. WELLINGTON in the chair).

The CHAIRMAN. The Clerk will read the first bill in order.

SILAS M. STEVENS.

Mr. DOCKERY. I desire to ask unanimous consent for the present consideration of a Senate bill; but I do not wish to have the request put until I have made a statement. The bill which I desire to bring up was introduced by Senator GALLINGER, of New Hampshire, chairman of the Senate Committee on Pensions. It is a bill in which he has a very great interest; and he earnestly desires its passage. He has extended courtesies to perhaps every member on this floor; and I hope that, in view of the fact that this bill comes from the Senate Committee on Pensions with this request from its chairman, there will be no objection to its present consideration.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent for the present consideration of the bill which the Clerk will read.

The bill (S. 2331) granting an increase of pension to Silas M. Stevens was read, as follows:

> *Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and grant him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. ERDMAN. Pending the reading of the report, I reserve the right to object.

The report (by Mr. SULLOWAY) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (S. 2331) granting an increase of pension to Silas M. Stevens, having carefully considered the facts in the case, respectfully report:
>
> The claimant enlisted in the United States Navy October 19, 1862, and was discharged October 20, 18[illegible], serving on the U. S. S. *Lackawanna*. He was wounded very severely at the battle of Mobile Bay, and was pensioned shortly after leaving the service for shell wound of head, of right side, shoulder and thigh, rheumatism, and resulting disease of heart. His pension was gradually increased to $30 per month, and on January 22, 1894, he made application for further increase, which was rejected.
>
> The questions involved in this case are purely medical, there being scores of affidavits on file from reputable persons showing that claimant is confined to his bed most of the time, requiring the aid and attendance of another person. On that point there is no difference of opinion.
>
> It is proper to say that at the time the rejection was made the claim was approved for the additional disability of disease of eyes, it being shown that iritis existed as a result of the rheumatic attacks for which claimant was in part pensioned.
>
> February 20, 1894, one of his physicians certifies:
>
> "At present the soldier is confined to his bed all the time, and has been more than three-fourths of the time during the last year, his disability being total and permanent."
>
> March 13, 1894, another physician says:
>
> "During the whole of my attendance he has needed constant assistance at the bedside, and has, in my best judgment, been confined to his bed at least seven-eighths of the time. In my opinion his disability is complete and permanent. From a history of claimant's case, and my knowledge of the man, I have no hesitancy in saying that his disabilities are the result of wounds and disease contracted while in the United States service and in strict line of duty."
>
> A test examination was made by direction of the Pension Office, and the surgeon reports:
>
> "This applicant has been confined to his bed a long time and is extremely weak and emaciated; think he is bedridden, and can't make much effort to move. * * *
>
> "Applicant is wholly disabled for manual labor and requires frequent and periodical personal aid."
>
> It appears that the claimant has six or more scars, from 2 to 3 inches in length, on different parts of his head and body caused by the bursting of a shell during the battle of Mobile, as before stated, and there is no doubt in the minds of your committee that his present helplessness is the result of his pensioned disabilities.
>
> The bill passed the Senate in its present form, and we respectfully recommend its passage by the House.

There being no objection, the committee proceeded to the consideration of the bill, and the question being put, it was ordered to be laid aside to be reported favorably to the House.

Mr. DOCKERY. In behalf of the chairman of the Senate Committee on Pensions, I thank the House for the action it has so kindly taken.

ORDER OF BUSINESS.

Mr. MAHON. I desire to make a motion; and if the Committee of the Whole should vote it down, all right. I do not wish to consume very much time in my statement of the matter. I am in a position which enables me with propriety to make this proposition because its adoption will interfere with a bill of my own which would probably be reached to-night in regular order.

We have recently been passing a great many House bills granting pensions—I think somewhere in the neighborhood of 300 have passed. Now, the Senate has been very kind to the House, in passing our bills. Senator GALLINGER, whose bill has just been passed, has been, as the gentleman from Missouri has remarked, very courteous in these matters. When our bills are sent over there, they are taken up and passed; but when the Senate bills come here, they often remain a long time on the Calendar without being considered. Now, if we do not show some disposition to reciprocate in this matter and give due consideration to Senate bills, the chances are that House bills going over to the Senate may, as the session approaches its close, remain in the committee. I am in favor of extending proper courtesy to the Senate. I move, therefore, that this evening Senate bills alone be considered.

Mr. DANIELS. I object to that. I have been in attendance here every night, waiting for the consideration of bills in which I feel an interest. I see no reason why we should give any bill a special privilege.

Mr. MAHON. I am not asking a special privilege for any particular bill. I am proposing to consider this evening a certain class of bills.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MAHON] will please state his motion.

Mr. MAHON. It is that we consider this evening, in Committee of the Whole, Senate bills in their order upon the Calendar.

Mr. DANIELS. I object.

Mr. MAHON. The Committee of the Whole can control its own business.

Mr. BLUE. Before we vote upon this motion, I should like to know something as to the number of these bills upon our Calendar. I do not know any reason why we should give preference to Senate bills over House bills unless they are superior in merit. I hope the motion of the gentleman from Pennsylvania will not be adopted. It is a well-known fact that so far as the Senate is concerned, it can readily take care of all the bills that pass here. It is a smaller body than this; and its rules and practices are such that when a bill has passed this body there is never any difficulty under the rules in disposing of it there. The fact that they have passed some bills there in their way, and sent them here, does not necessarily require of the House to show that extreme courtesy of passing over their own bills and considering only those sent over from the Senate. And, Mr. Chairman, I not only oppose the motion at at this time, but shall insist upon it, and I do it not to be captious, but on principle.

I dislike very much indeed to oppose this motion, because I want to do what my friend from Pennsylvania, who offers the motion, desires; but it seems so manifestly unreasonable and at variance with the dignity of this body, that I must oppose it, and I trust the gentleman from Pennsylvania will not compel us to use extreme measures on this motion.

If anyone here has an extremely meritorious bill for some soldier, I am perfectly willing that it shall be taken up out of its regular order and considered; but I do oppose the adoption of this motion.

Mr. ERDMAN. Mr. Chairman, by looking at the Calendar of unfinished business it will be found that the House has taken pretty good care of the Senate bills. I find fourteen Senate bills on the Calendar of unfinished business; and we passed probably an equal number through the House the last time the unfinished business was considered. I suggest, therefore, that the Senate is not suffering at the hands of the House at all.

Mr. McRAE. Mr. Chairman, I believe we have already adopted a rule upon this subject; at least if we have not adopted a rule, it is a practice that has been observed at almost every meeting during the Congress that when a House bill is reached, if there is a like Senate bill upon the Calendar, it can be substituted, and hence in that way we have taken care of nearly all of the Senate bills that come over. It seems to me that that is enough to concede. If we adopt the proposed rule, you will find that Senate bills will be coming over here steadily because they are easily gotten through the Senate under its rules, and you will have the pension business of the House blocked by the consideration of such measures.

Mr. NORTHWAY. Let me ask the gentleman if it is not true that the Senate bills sent over will go to the foot of the Calendar, and fail or die with the session? If we send bills over to the Senate they will fail too for the same reason, and hence we will get no pensions at all, while if we pass the Senate bills now which have already been adopted by that body, it would take care at least of that much of the pension business that comes into our hands.

Mr. McRAE. If a bill goes through the Senate you will generally find that there is a House bill on the same subject, and if we take up the Senate bill it will be almost equivalent to passing a House bill, because in nearly every instance these bills are introduced in both bodies at the same time, and in that way a large number of the House bills can be taken care of.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The question was taken; and the motion was rejected.

Mr. ANDREWS. Mr. Chairman, I offer the motion that I send to the desk.

The Clerk read as follows:

Ordered, That the roll be called in the usual order and each member, when his name is called, be permitted to call up one bill that is now on the Calendar and in order under the special rules for Friday night sessions, and which was introduced by him or one of the Senators from his State.

Mr. EVANS. Mr. Chairman, I raise the question of order on that motion.

The CHAIRMAN. The gentleman will state the point of order.

Mr. EVANS. I do not think, we can change the rule of the House on this subject in that way.

The CHAIRMAN. What rule of the House does it change?

Mr. EVANS. The rule of the House under which we are operating to-night, which says that the bills shall be taken up on the Calendar in their order.

The CHAIRMAN. The Chair does not think so.

Mr. EVANS. Very well; I submit to the ruling of the Chair.

Mr. ERDMAN. Mr. Chairman, under an identical rule in the Fifty-third Congress we endeavored to proceed, and those whose names came early on the roll, those that were called, got their bills considered, and those whose names were lower down on the Calendar were left.

Mr. EVANS. And I observe that the gentleman who offered the resolution will come early on the list. [Laughter.]

Mr. ANDREWS. I introduced the resolution for the purpose of giving each member an opportunity of getting his bill through the House, those who attend these Friday night meetings, and who make up the meetings, so that they may get through the business that they have attended to so faithfully.

The question was taken on the motion of Mr. ANDREWS; and on a division (demanded by Mr. ERDMAN) there were—ayes 44, noes 22.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The Chair will count the committee.

The Chairman, having counted the committee, announced the presence of 101 members.

So the motion of Mr. ANDREWS was agreed to.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll.

RACHEL WADDELL.

Mr. ANDERSON. Mr. Speaker, I call up the bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Rachel Waddell, daughter of John Waddell, sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Cols. Robert Lawson and Thomas Elliott, Revolutionary war, at the rate of $20 per month, subject to the provisions and limitations of the general pension law.

The Committee on Pensions recommended an amendment as follows:

In line 8 strike out "twenty" and insert in lieu thereof "twelve."

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The report will be read in the gentleman's time.

Mr. ERDMAN. Yes; and I reserve the balance of my time. I may want to say something.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9683) granting a pension to Rachel Waddell, have considered the same and report:

The claimant is the daughter of John Waddell, deceased, who is shown by the records of the War Department to have served as a sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Maj. Isaac Beall, and also commanded at different times by Cols. Robert Lawson and Thomas Elliott, Revolutionary war.

He was appointed June 10, 1776, to serve three years, and his name appears on the rolls for the period from April, 1777, to May, 1778.

The claimant, who is 70 years old, nearly totally blind, and dependent upon the charity of her friends for care and support, was never married. Her brothers and sisters are all dead.

The claimant's relationship to the soldier and all the facts relative to her physical and financial condition are fully attested under oath by old friends of the family who have known her for many years. One of the witnesses knew the soldier himself.

The passage of the bill is respectfully recommended with an amendment striking out the word "twenty," in line 8, and substituting therefor the word "twelve," so as to fix the rating at $12 per month.

Mr. TALBERT. Mr. Chairman, there was so much confusion in the Hall that no one has heard the reading of the report; at least, I could not hear it, and I should be glad if the gentleman in charge of the bill would make some explanation.

Mr. ANDERSON. Mr. Chairman, this is the daughter of a Revolutionary soldier. She lives in my town, and I know her well. She is a very respectable old lady, 72 or 73 years of age, and almost totally blind. She has no means of subsistence whatever. She is now being supported by the charity of the town. This is a case of exceptional merit, and I trust that the bill will pass.

Mr. ERDMAN. Mr. Chairman, in regard to the rule that has just been adopted, I desire to say that heretofore I have prepared myself and looked over the cases, thirty or forty of them, each week, which would probably be reached at the Friday night session. I have collected the reports in each of the cases, in order that I might see what was in them and what was not in them, and what merit they possess. Under the rule that has been adopted it has become practically impossible for me to do anything at all. I want to give notice, therefore, that hereafter a quorum will have to be here before going into Committee of the Whole, and that if objections are made to requests for unanimous consent they will be made for the reason that I have no opportunity to examine these bills. I will place it purely on this ground.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Chairman, I call up the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

Mr. TALBERT. Mr. Chairman, I think the committee ought to be in order and pay attention to these bills, so that there will be no necessity for a second reading.

The CHAIRMAN. The committee will be in order. Members will please take their seats and cease conversation.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ferree, late a private in Company E, Twenty-second, and first sergeant in Company E, Fifty-ninth, Regiments of Ohio Volunteer Infantry, and pay him a pension of $50 per month.

Mr. ANDREWS. Mr. Chairman, I ask that the report be read. It is brief.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10040) granting an increase of pension to George W. Ferree, having considered the same, report as follows:

The soldier enlisted September 28, 1861, and was honorably discharged November 1, 1864. He is now pensioned at $12 per month "for gunshot wounds of left hand and forearm, and for vertigo, result of sunstroke."

"It appears that one of his applications for increase, although finally rejected, was submitted for admission for the following reasons:

"Rheumatism, palpitation of heart, sunstroke, partial paralysis of right side, impaired hearing of right ear, impaired vision of right eye, headache (vertigo, result of sunstroke), prostration, and general debility."

Affidavits of reputable physicians and others show that the vertigo, resulting from sunstroke received while in the service and in line of duty, has developed into frequent and very severe attacks of true epilepsy; that he is totally unable to perform any manual labor, and that he frequently requires the aid of a physician, his family, and friends.

Your committee therefore urgently recommend the passage of said bill at $50 per month.

Mr. ERDMAN. Mr. Chairman, I think we ought to have something more to show why this soldier is entitled to $50 a month, an amount above that received by tens of thousands of others similarly situated. This is a very brief report, and it endeavors to conceal, instead of setting forth sufficient facts to entitle this soldier to receive a pension of this magnitude under principles of justice and equity. I think we ought to have something more than is contained in this report to justify us in giving this large pension.

Mr. ANDREWS. I have nothing to add beyond the statements in the report. The facts are fully stated in the report and sustained by the evidence.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. EVANS. Mr. Chairman, I move that we rescind the resolution that was adopted on the motion of the gentleman from Nebraska [Mr. ANDREWS] and return to the regular rule.

The CHAIRMAN. The Chair thinks that such a motion is not in order at this time.

Mr. EVANS. If it is not in order to rescind it in Committee of the Whole, how was it in order to adopt it?

The CHAIRMAN. The Chair thinks it is not in order to make this motion at this time. [Cries of "Regular order!"]

Mr. EVANS. Then, Mr. Chairman, I move that instead of proceeding as we now are doing that we call up the bills on the Calendar.

The CHAIRMAN. Will the gentleman submit his motion in writing?

Mr. COLSON. Mr. Chairman, we have adopted a rule here, and some have been benefited by its operation this evening.

Mr. MILES. Some never will be.

Mr. COLSON. Now, it is unfair for the other members of this committee to rescind this order. I ask my colleague to withdraw his motion.

Mr. EVANS. I will not do it for this reason: On two Friday evenings I have come here with a bill at the head of the Calendar in which I am interested. To-night I am compelled to leave, and can not stay until my name is called. With my bill ahead of all others on the Calendar, I shall lose the opportunity to have it considered under this rule, without any fault of mine, for I have always attended the Friday night sessions. Now I am cut off from reaching the bill which, under the regular rule, would be the first one.

Mr. COLSON. The gentleman's name comes very early in the list of members.

Mr. THOMAS. I desire to call the attention of the gentleman from Kentucky to the fact that the House very courteously allowed him to have unanimous consent a week ago to call up a bill, and I hope that he will not block legislation.

Mr. COLSON. And once this week.

Mr. EVANS. I am not blocking legislation; I am simply trying to prevent legislation from being blocked on me.

Mr. THOMAS. Mr. Chairman, the gentleman has also had unanimous consent once this week.

Mr. EVANS. I want to say that by the gentleman's courtesy this bill was laid aside, because on the call of the regular order on last Tuesday I was too sick to be here, and it is that bill I have specially attended for two Friday nights to get it acted upon first. [Cries of "Regular order!"]

Mr. McRAE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McRAE. The point of order, Mr. Chairman, is that the motion made by the gentleman from Kentucky is in effect a motion to reconsider a vote already passed by the committee, and that is not in order in Committee of the Whole. You can not reconsider in Committee of the Whole. [Cries of "Regular order!"]

Mr. CURTIS of New York. Allow me to make a suggestion which will bring quiet to my friend and everybody else. [Cries of "Regular order!"] That is that the gentleman from Kentucky [Mr. EVANS] may have unanimous consent to call up his bill before he goes home.

Mr. WOODARD. I second that motion.

The CHAIRMAN. The gentleman from Kentucky will submit his motion in writing to the Chair.

Mr. EVANS. All I want this committee to understand is that I was at the head of the list to-night and that I am compelled to go away. I am the last man in this committee to attempt to block legislation. I was only entering a very humble, and I thought modest, protest against having business blocked on me under the circumstances. Now, that is the whole of it.

The CHAIRMAN. Will the gentleman from Kentucky submit his motion in writing? [Cries of "Regular order!"]

Mr. PARKER. I desire to make a further point of order. [Cries of "Call the roll!"] I make a point of order.

The CHAIRMAN. The committee will be in order.

Mr. COLSON. I rise to a point of order. The gentleman from Kentucky has not submitted his motion in writing.

Mr. PARKER. I desire to make the point of order that this committee can not set aside the order of the Calendar except by unanimous consent.

Mr. CROWTHER. That point of order has been ruled upon.

The CHAIRMAN. It is in order for the gentleman to move to change the rule that the committee has adopted, and if the gentleman will put his motion in writing it will be submitted.

Mr. TALBERT. To obviate all difficulty, I ask unanimous consent that the bill of the gentleman from Kentucky [Mr. EVANS] be allowed to come up, and then we can get rid of it and let him go home.

Several MEMBERS. I object.

The CHAIRMAN. The committee will be in order.

Mr. TALBERT. I ask unanimous consent that the bill of the gentleman from Kentucky be considered, and then we will get rid of it and go on our way rejoicing.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the bill referred to by the gentleman from Kentucky be considered now.

Several MEMBERS. I object.

Mr. MILNES. As the gentleman has had recognition in the last two weeks, I object.

Mr. TALBERT. It is too late. [Laughter.] Mr. Chairman, does not the objection come too late?

The CHAIRMAN. Objection is made, and the Clerk will call the roll.

WILLIAM N. WELLS.

Mr. ATWOOD (when his name was called). Mr. Chairman, I call up for consideration the bill (H. R. 6268) to increase the pension of William N. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and regulations of the general pension laws, the name of William N. Wells, late acting master, United States Navy, at the rate of $30 per month, in lieu of the pension now paid him.

Mr. MILES. Mr. Chairman, I call——

The CHAIRMAN. The gentleman from Massachusetts.

Mr. ATWOOD. The report is very short, and I ask that it be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. [illegible]) granting increase of pension to William N. Wells, having considered the facts presented, respectfully report as follows:

William N. Wells was appointed acting master of the United States Navy September 10, 1861, and faithfully served as such until October 26, 1865, when honorably discharged.

He filed an application for pension April 27, 1891, under act July 14, 1862, alleging that on April 19, 1864, during the engagement between the *Miami* and the rebel ram *Albemarle*, he was injured, receiving a right inguinal hernia, a scrotal hernia, injury to testicles and right thigh, causing varicose veins and loss of muscular power, also contracted malarial poisoning in service.

His claim was admitted October 31, 1895, for "malarial poisoning," at $6 per month from April 27, 1891, at $8 from March 21, 1895, and at $10 from August 5, 1896. The claim for other disabilities was rejected on ground of insufficient proof of origin in service, after special examination.

Several witnesses testified to claimant's falling down the hatchway of the vessel during the engagement referred to and incurring alleged rupture and other severe injuries; but on cross-examination by special examiner they admitted that they could not specify the particular injuries received, as they did not examine the parts injured.

The affidavit of Dennis Harrington, an officer of the vessel *Miami*, filed with the committee, says:

"That about 4 a. m., while engaged fighting the ironclad Confederate ram *Albemarle*, April 19, 1864, near Plymouth, N. C., William N. Wells received a severe injury in right side of his body (leg, hip, loin, and arm) by being thrown and falling down across the hatch combing by the companionway stairs, slipping outward, then down upon the lower deck and hatch combing of lower deck hatchway aft. It was a fall that seriously crippled him. I, being a commissioned officer of the same ship, was near him at the time of the occurrence of the injury, having charge of the first hose division. Claimant was senior officer of the ship and in command, Commander Flusser having been killed."

E. F. Hilberts also files affidavit of being an eyewitness to the occurrence.

The Boston (Mass.) board of surgeons rated claimant August 5, 1896, ten-eighteenths for malarial poisoning, six-eighteenths for disease of heart, four-eighteenths for varicose veins, four-eighteenths for hernia, right side, ten-eighteenths for scrotal hernia, and two-eighteenths for varicocele, and say: "in our opinion entitled to full pension of his rank, $20;" and the same board, in certificate of examination of September 18, 1895, say: "He is permanently incapacitated for manual labor, by reason of malarial poisoning, heart disease, right inguinal and ventral hernia, left varicocele, and varicose veins."

In view of the difficulty of accurately establishing disabilities of this character by the usual proofs, your committee believe the claimant should be given the benefit of doubt, and therefore recommend the passage of the bill.

[Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following motion. [Cries of "Oh, no!"]

The Clerk read as follows:

Resolved, That bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it; and upon his failure to respond "Present," the bill to be passed without prejudice, and the next bill be called in the same way. This not to apply to Senate bills.

[Cries of "Withdraw it!"]

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say to the members of the committee——

The CHAIRMAN. The question is upon the motion of the gentleman from New Jersey.

Mr. LOUDENSLAGER. I desire to say that this is a very equitable and just disposition to make.

Mr. BARRETT. Mr. Chairman, a question of order.

Mr. MILES. I rise to a question of order. There is so much disorder that we can not hear. I desire to give notice that if there can not be order nothing shall be done.

The CHAIRMAN. The point is made, and well made, that the committee is not in order. Gentlemen will please take their seats.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say that this is an equitable way for the Committee of the Whole to proceed in the consideration of bills on the Calendar. It takes them up in their regular order, and gives to those present a chance for the consideration of their bills on the Calendar, and it does not present that unfair proposition which is presented by the call of the roll method, whereby a member well up in alphabetical order on the list, although he may have a bill only third or fourth on the Calendar, is enabled to call up a bill which is at the foot of the Calendar.

Mr. GIBSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. I insist that the motion of the gentleman from New Jersey is not in order.

Mr. PITNEY. The point comes too late, Mr. Chairman. Debate has intervened.

Mr. LOUDENSLAGER. I should be glad to be heard on the point of order.

The CHAIRMAN. The gentleman from Tennessee is too late with his point of order, and the gentleman from New Jersey will proceed with his statement.

Mr. LOUDENSLAGER. I was saying, Mr. Chairman, that the plan proposed in my resolution is much more fair and equitable than that under which we are working. The present plan gives a member whose name happens to be well up on the list the privilege of calling up a bill which may be No. 1400 or No. 1500 on the Calendar, while at the same time he may have a bill that is third or fourth on the Calendar. I insist, sir, that in the interest of the old soldier and of legislation in his behalf, the Committee of the Whole ought to adopt this rule.

Several members addressed the Chair.

The question being taken on the resolution offered by Mr. LOUDENSLAGER, the Chairman declared that the noes seemed to have it.

Mr. LOUDENSLAGER and Mr. MILES asked for a division.

Several members again addressed the Chair, amid much confusion.

Mr. MILES. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. MILES. I have several times addressed the Chair, and, although my voice is, perhaps, as loud as that of any gentleman in this Hall, I have been unable to attract his attention.

The CHAIRMAN. The Chair will state to the gentleman that he did not see him nor hear him, but the Chair is now prepared to hear the gentleman upon his point of personal privilege.

Mr. MILES. My point was that I was entitled to be heard. [Laughter.]

The CHAIRMAN. And the gentleman from Maryland has been heard. [Laughter.]

Mr. MILES. I called for a division on the last question, and if it is not too late, I ask for a division now.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 28, noes 71.

Mr. MILES. I demand tellers.

Tellers were refused, and the resolution of Mr. LOUDENSLAGER was rejected.

The CHAIRMAN. The Clerk will continue the call of the roll.

MRS. LAURA A. NELSON.

Mr. AVERY (when his name was called). Mr. Chairman, I call up the bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $25 per month, the name of Laura A. Nelson, widow of the late Capt. Theodore Nelson, Company E, Twenty-sixth Michigan Infantry.

Mr. MILES. Let the report be read.

The report by (Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson, having considered the same, refer to Senate Report No. [illegible] for a statement of the facts and evidence in the case, and recommend the passage of the bill after being amended as follows:

Strike out the words "of the," following the name "Nelson," in line [illegible], and insert in lieu thereof the words "Company E."

Mr. ERDMAN. Mr. Chairman, let me ask what is the number of that bill on the House Calendar?

The CHAIRMAN. The Chair is informed that it is No. 1593 on the House Calendar.

Mr. ERDMAN. Has this bill ever been considered by the Committee on Invalid Pensions?

The CHAIRMAN. Evidently so, as the report has just been read.

Mr. ERDMAN. The report handed to me is the Senate report, not a House report.

Mr. AVERY. The House report is here.

The CHAIRMAN. The Chair will say to the gentleman from Pennsylvania that the House report is in the hands of the Clerk.

Mr. ERDMAN. I have a word to say about this bill, Mr. Chairman. It seems that the Commissioner of Pensions and the medical authorities found that the cancer of the stomach was not the result of the nasal catarrh. It seems to me that it would require very deep medical learning to determine that fact, and yet this House proposes to set itself up in this matter and say that the cancer of the stomach was the result of the nasal catarrh, and that the nasal catarrh was the result of service in the Army, and was therefore indirectly a disability contracted in the service.

Now, Mr. Chairman, the Committee on Invalid Pensions is in the habit of overruling all the decisions of the medical bureau and of the Pension Bureau for the last fifteen or twenty years, irrespective of the political character of the administrations that may have been in control. All that is necessary is for some member to appear here and press a claim and present one or two examinations of the pension board which are favorable, and the bill is passed. I have given some little attention to this kind of legislation, and I desire to illustrate it by a case that I investigated recently. To that end, I will ask the Clerk to read, in my time, a report made by the Committee on Invalid Pensions, and I will follow that up with the true report of the case. I ask the Clerk to commence reading where I have made a pencil mark.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8451) granting an increase of pension to Samuel McConaughey, have considered the same, and report as follows:

The soldier enlisted August 22, 1861, and was honorably discharged June 17, 1865. The soldier's captain, F. S. Whiting, says:

"He (Samuel McConaughey) was a good soldier, of good habits, and a straightforward man."

Said soldier was pensioned under the general law at $8 per month, from February 8, 1890, for "disease of eyes and slight deafness of both ears," and at $12 per month under the law of June 27, 1890, from July 26, 1890. He is now 75 years of age, totally blind, poor, and permanently helpless, requiring constant attendance.

His application for increase of pension under the general law was rejected March 26, 1896, on the alleged ground that "alleged total loss of vision is due to senility and its results."

If the soldier's conceded blindness is due to his army service, he is entitled to $72 per month.

The allowance of his claim under the general law concedes that "disease of eyes" was of service origin. The evidence on file shows that said "disease of eyes" was permanent, progressive, and resulted in total blindness.

His captain, F. S. Whiting, testifies that the soldier's eyes became affected at Helena, Ark.; that they were treated by the regimental surgeon during the months of January, February, and March, 1863; that his eyes remained weak during the balance of his service, and that on a subsequent raid he wore a handkerchief to shield his eyes.

It is shown that his eyes were sound when he entered the service.

His brother, Thomas McConaughey, who was the soldier's bunkmate, testifies that the soldier's eyes became sore in the service, that they grew worse, and that total blindness ensued.

William Scott, a neighbor both before and after the war, and who knew him well, swears he was strong, robust, healthy, and free from disability at enlistment, but that on his return, and until 1870, he was "troubled with weak and inflamed eyes and was frequently disabled from work. * * * Can not name the specific disease, except weak and inflamed eyes."

Early in the seventies the soldier removed to Nebraska. The testimony is ample that his eyes continued to fail until about four years ago, when total blindness ensued.

J. H. Hines, special examiner, who was charged with the investigation of continuance of disease of eyes, reports, after examining numerous witnesses:

"While not particularly biased (the witnesses) in any way, yet the awful affliction of claimant could not but tinge their feelings with sympathy. The testimony clearly shows continuance of disease of eyes since 1871."

Mr. ERDMAN. Now, Mr. Chairman, to show how utterly deceptive that report is, I desire to have read a correct and true report prepared from evidence in the Pension Bureau.

The Clerk read as follows:

Samuel McConnaughty, late private Company M, Fourth Iowa Volunteer Cavalry, applied for pension under general law for disease of eyes. His declaration was filed February 8, 1890. He alleged that his "eyes became sore and inflamed and grew weak; and disease has become permanent. Claims pension on disease of eyes."

Capt. F. S. Whiting, of Company M, testifies that "during the months of January, February, and March, 1863, while in camp at Helena, Ark., Private McConnaughty was treated for sore eyes by Assistant Surgeon Dr. Robinson." He further says: "I have an impression that he had weak eyes during the balance of his term of service."

His brother, Thomas H. McConnaughty, testifies that his eyes were inflamed in 1864, and thinks he was suffering some weeks with his eyes; that "he recovered," and "had no more trouble with them in the service."

Henry Shreiver, a comrade, testifies that "the lids of his eyes looked inflamed."

Samuel V. Turner, a comrade, says "his eyes looked inflamed." (See report Special Examiner N. C. Phillips.)

The evidence of Dr. F. J. Greer shows that at the time of his first acquaintance with soldier in the fall of 1865, the claimant had "sore eyes;" that they were "much inflamed"—severe conjunctivitis—and not until between 1890 and 1894 did cataract affect vision. Claimant testifies that the right eye became blind from cataract about 1888, and was operated on by Dr. Allen, oculist, Omaha, Nebr., in 1892, and that he "did not lose the sight entirely of the left eye till the fall of 1893." The first medical examination was had September 10 1890, which showed "complete opacity of lens of right eye and almost complete opacity of lens of left eye; vision, 3/50." "Eyeballs are congested and inflamed, lids very much inflamed, with tendency to granulations; lower lids thickened." Age of claimant, 69 years. The examination of March 11, 1891, gives age of claimant 72 years, and shows "complete opacity of cornea of right eye; lens has been extracted by an operation, and vision entirely gone." "There is no vision of left eye, as the result of cataract; opacity complete. The lids, both eyes, are inflamed, granulated, and very much thickened in lower lids; eyeballs somewhat inflamed. There is total blindness both eyes. Left eye has not been operated upon."

Examination December 18, 1895, shows the same condition of each eye.

On February 28, 1896, he was examined by an expert oculist, Dr. W. L. Dayton, Lincoln, Nebr., who says that there exists "slight ectropion of lower lids, both eyes, has both canaliculi slit up, has probably had stricture of nasal duct. Palpebral conjunctiva atrophied, cicatricial. Cornea both eyes clear. In left has had a large iridectomy done in upper segment. Right iris drawn up so there remains a total occlusion of pupil. This condition resulted from inflammation following extraction of cataract. Left lens cataractous, overmature, senile, good light perception, but no shadows." "Right lens, not able to see, owing to occlusion of pupil, absolutely no vision either eye."

He was granted a pension of $8 on June 8, 1895, to date from February 8, 1890, the date of filing claim, for disease of eyes, senile cataract excluded. This included the condition of the superficial structures, the sore eyes, inflamed lids and eyeballs, of service, the chronic conjunctivitis. It is neither claimed nor shown that soldier had any disease of the deeper structures while in service nor since discharge, until about 1888, when he first noticed that his vision was becoming impaired, and which he soon learned was due to a cataract forming in the right eye, to be followed by one in the left eye. Cataract is, as a rule, a disease of old age. It is never due to any disease of the superficial structures of the eye. There is nothing whatever but advanced age to account for the cataracts in this case, and they are characteristic of senile opacity of the lens.

The rate, as allowed, was fully commensurate with the degree of disability from pensioned cause, and the disability from senile cataracts was properly excluded.

DISEASE OF EYES.

[Fuch's (1889), page 381.]

"Opacity of the lens, called cataract, may be situated in the lens itself or in the capsule."

1. Congenital cataract is caused by "either a disturbance of development or an intrauterine inflammation of the eye."

2. Senile cataract is by far the most frequent form of cataract.

"Indeed, it occurs very frequently in old people. * * *

"It usually does not make its appearance until after the fiftieth year of life, but is exceptionally observed in the years between 40 and 50."

Senile cataract always affects both eyes, but rarely at the same time, so that generally one eye is in advance of the other in respect to the development of its cataract.

Besides the congenital and senile, two other varieties of cataract are recognized—the traumatic and acquired.

The "traumatic cataract results from injury to the lens, either by the actual contact of the foreign body or by rupture of the capsule." (Fox & Gould, Philadelphia.)

All injuries which make an opening in the lens capsule result in opacity of the lens.

The opening of the capsule usually occurs through direct injury inflicted by means of a punctured or incised wound. Contusion of the eyeball also may cause opacity of the lens. (Fuchs, page 382.)

Acquired cataract—Occurring as result of other diseases.

Diabetic—Most frequent, mainly developed when the amount of sugar in the urine is high, and matures rapidly.

Disease of deeper structures of eye, in the posterior sections, such as choroiditis (particularly irido choroiditis chronica), myopia of high degree, retinitis pigmentosa, detached retina, glaucoma. (Fuchs.)

Not from any inflammation of the superficial structures, such as inflammation of lids or mucous membrane of ball, conjunctivitis, commonly called "sore eyes."

Mr. ERDMAN. Now, sir, from a comparison of those reports it would appear that the medical authorities at the Pension Bureau know a little more about medicine than the Invalid Pensions Committee, and that the House would be very much safer in following the judgment of the medical authorities in the Pension Bureau than that of a committee of this House or the testimony of outsiders offered before the committee indiscriminately.

I cite that as an instance of the recklessness with which we overrule the Pension Bureau on technical questions. Whether the case under consideration now is a similar case or not, I can not tell. Under the rule in accordance with which business is now progressing, I have not had an opportunity to inform myself on that point. It may be that this is a meritorious case; or it may be entirely without merit. I shall try in future to inform myself on the cases that will come up for consideration on Friday nights, if they come up at all.

The CHAIRMAN. The question is on the amendments proposed by the committee.

Mr. AVERY. Mr. Chairman, I merely desire to state to this committee that the reports which have been read in the time of the gentleman from Pennsylvania are not reports made in the case now under consideration at all. The report first read is the report upon this case. The physicians whose testimony is there cited are among the most eminent in the profession in the United States. Professor Vaughn is known everywhere where medical science is known or taught throughout the country. With this statement, and with the assurance to the House that this is a meritorious case, I ask a vote upon it.

Mr. MILES. Mr. Chairman, I have only one thing to say about this bill and the report, and it is that I do not know anything about it. I do not believe there are half a dozen members present who do know anything about it. That is the difficulty I have about this bill. I wish to say in all candor that I have been trying to-night to do the very best I could to obstruct legislation. I have done so for the first time since I have been a member of this House. I have tried to do it in the interest of the public; I have tried to do it conscientiously. I do not believe that it is our duty as members of Congress to sit here and vote in this irregular way upon legislation about which, because of the rule of proceeding which has been adopted to-night, it is simply impossible for us to know anything.

The gentleman from New Jersey [Mr. LOUDENSLAGER] offered a while ago a very sensible resolution. Under that resolution, which was analogous to the regular rule of the House giving preference to members who are present over those who are absent, it would have been possible for us who have no special bills in which we are particularly interested to understand upon what we are voting. That resolution, however, which was so much more reasonable than the one under which we are now acting, did not meet the favor of the Committee of the Whole. Gentlemen here seem to think that members who have no bills to submit have no rights here; that Representatives who have no pension legislation to ask for are not entitled even to have an opportunity to understand and vote intelligently upon the measures coming before the House.

This is all I desire to say, Mr. Chairman. I wish I were more loquacious; I wish I could talk here about nothing for an hour; I should be very glad to do so, if thereby I could obstruct legislation and prevent this Committee of the Whole from passing bills about which I do not believe any member here knows enough to vote intelligently.

The question being taken, the amendments of the committee were agreed to.

Mr. MILES. Mr. Chairman, I desire to move the adoption of the resolution which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Maryland is not in order. The question is upon laying aside the bill as amended to be reported to the House with a favorable recommendation.

The question was decided in the affirmative.

Mr. MEREDITH. Mr. Chairman, as the House seems to have gotten into a little snarl, I should like to make an attempt to pour oil upon the troubled waters. I ask unanimous consent to take up a bill——

Several members called for the regular order.

The CHAIRMAN. The Clerk will proceed with the call of the roll.

MICHAEL LOCHARD.

Mr. BAKER of Kansas (when his name was called). I call up the bill (H. R. 7627) granting an increase of pension to Michael Lochard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of Michael Lochard, late a private in Company H, Third Regiment Ohio Cavalry, at the rate of $12 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Mr. Chairman, we possibly might hear the report.

The CHAIRMAN. The gentleman from Pennsylvania desires to hear the report. The Clerk will read it.

Mr. ERDMAN. And I reserve the balance of my time.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7627) granting a pension of $12 per month to Michael Lochard, late private in Company H, Third Ohio Volunteer Cavalry, having examined and considered the facts presented, respectfully report:

Michael Lochard enlisted August 20, 1861, and was honorably discharged October 3, 1861.

He filed a claim for pension April 13, 1888, alleging measles in service, resulting in disease of lungs and heart, and an injury to back. His claim was admitted January 9, 1891, at $4 per month from April 13, 1888, for disease of lungs.

The board of examining surgeons at Osborne, Kans., March 1, 1891, rated him four-eighteenths for disease of lungs and four-eighteenths for lumbago, which diseases were fairly established by proof as due to army service.

He filed claim April 13, 1892, under act of June 27, 1890, for disease of lungs, disease of heart, sciatica, and general debility. This claim was rejected March 2, 1894, on the ground of "no ratable disability shown under act of June 27, 1890."

The board of examining surgeons at Stockton, Kans., December 2, 1891, rated him four-eighteenths for disease of lungs, six-eighteenths for disease of heart, and four-eighteenths for rheumatism and lumbago.

Two other boards examined him since, and find disease of lungs, disease of heart, and rheumatism or lumbago; and the last one finds chronic bronchial catarrh, and rheumatism affecting arms, shoulders, hips, back, and legs, and chronic diarrhea, but, under instructions, give no rating, but leave the impression that this man was rated too low.

Other testimony filed clearly shows this man suffers much from the disabilities alleged, and the committee unhesitatingly recommend the passage of the bill without amendment.

Mr. ERDMAN. Mr. Chairman, of course, from the brief examination of the report that I have been able to make it is not possible to say whether there is any merit in this bill or not. The gentleman from Kansas [Mr. BAKER] who made the report says there is merit in it. I have not been able to examine it for myself. The gentleman from Kansas belongs to that element in the Invalid Pensions Committee that is very favorable to the granting of pensions to all those who ask to be pensioned. Latterly I think he has become a little more conservative, but whether this report was made in his former or later condition I do not know.

Now, in casting around for the objects of the bounty of the Government we have exhausted pretty nearly all of the fields; but I have observed that in the Senate, in a bill numbered 1978, another class or category of people is found who are to be pensioners upon the Government's bounty, if that bill can be enacted into a law. I will read this remarkable bill, and I have no doubt that we are coming to it.

Be it enacted, etc., That all persons released from involuntary servitude, commonly called slaves, in pursuance of the proclamations of ex-President Abraham Lincoln, dated, respectively, September 22, 1862, and January 1, 1863, and in pursuance of amendments to the constitutions of the several States wherein slavery or involuntary servitude formerly existed, recognized by the Federal Constitution and laws of the United States, or by any law, proclamation, decree, or device whereby persons once held as slaves or involuntary subjects in consequence of race or color, or Federal or State recognition of involuntary servitude, except for the commission of crime, whereof the party shall have been duly convicted, shall be, and hereby are, made pensioners upon the bounty of the United States, and also such persons as may be charged by laws of consanguinity with the maintenance and support of freedmen who are unable by reason of age or disease to maintain themselves.

SEC. 2. That any person who may have been held as a slave or involuntary servant under and by reason of any law of the United States, or of either of the States of the United States, or in consequence of any device or custom prevailing within such States or the United States, except for the commission of crime whereof the party shall have been duly convicted, and who shall have been released from such servitude in manner before stated, and who shall at the date of the passage of this act have reached the age of 70 years, shall be entitled to and receive the sum of $500 from the Treasury of the United States, hereby authorized to be paid out of any moneys not otherwise appropriated, and to the sum of $15 per month during the residue of their natural lives. This provision shall apply to male and female freedmen alike; and all persons so released from servitude who shall be less than 70 years of age and of the age of 60 years or over shall be entitled to and receive the sum of $300 and also $12 per month until they shall reach the age of 70 years, when they shall be entitled to and receive the greater sum hereinbefore stated as a monthly payment; and all persons released from servitude as before stated who shall be less than 60 years old and of the age of 50 years or over shall be entitled to and receive the sum of $100 and also $8 per month until 60 years old, when they shall receive $12; and all persons released from servitude as before stated who shall be less than 50 years of age shall be entitled to receive $4 per month until 50 years old, when they shall receive $8; all moneys herein authorized to be paid shall be dispensed from the general funds of the Treasury not otherwise appropriated.

SEC. 3. That relations or others who may be charged with the support of aged or infirm persons released from involuntary servitude in manner aforesaid shall be entitled to and receive the monthly pension awarded to such aged or infirm persons in whole or in part upon showing, to the satisfaction of the Secretary of the Interior, that such support is afforded in a humane and becoming manner, the amount of such payment being under the control and direction of the Secretary aforesaid.

SEC. 4. That the Secretary of the Interior shall have power to prepare all needful rules and regulations for the carrying into effect of the provisions of this act according to the true intent and meaning thereof, and to designate proper officers or agents through whom freedmen and other persons may make application for payment and receive moneys authorized to be paid by the provisions of this act.

SEC. 5. That all needful rules and regulations for the carrying into effect of the provisions of this act shall be approved by Congress before the taking effect thereof.

SEC. 6. That the compensation of agents charged with the enforcement of this law shall be recommended by the Secretary of the Interior and approved by Congress.

SEC. 7. That this act shall take effect and be in force from and after the 1st day of January, A. D. 1891.

Now, Mr. Chairman, these people are as much entitled to pension as many of those we are putting on the rolls at the present time. The freedmen would be, in my judgment, as much entitled to pension as a gentleman who intended to go into the war, but never did. The ex-slave and the aged and infirm of that race are as much entitled to a pension as the servant girl and the "coffee cooler," to use the language of my distinguished friend from South Carolina [Mr. TALBERT]—much more entitled.

Now, I say, extend the bounty of the Government to some such objects as these, and not so much of it to the bounty jumpers, the deserters, the coffee coolers, and the like.

Mr. MILES. Mr. Chairman, I move that this bill be laid aside without prejudice, in order that those of us who have not had any opportunity of obtaining information about it may have a chance to look into its merits.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. MILES. No, sir; I make the motion.

The CHAIRMAN. That is out of order. You must have unanimous consent to do what you suggest.

Mr. MILES. Then I ask unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that this bill be passed over without prejudice?

Mr. HOWE and others objected.

The CHAIRMAN. The question is on laying aside the bill with favorable recommendation.

The motion was agreed to.

SAMUEL C. TOWNE.

Mr. BAKER of New Hampshire (when his name was called). Mr. Chairman, I call up for present consideration the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Towne, late of Company G, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. BAKER of New Hampshire. I ask for the reading of the report.

Mr. MILES. I move that this bill be laid aside——

The CHAIRMAN. The gentleman from New Hampshire has the floor, and has requested the reading of the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 146, having carefully considered the same, respectfully report:

Claimant was a member of Company G, Eighth Regiment New Hampshire Volunteer Infantry, serving from July 26, 1862, to June 10, 1865. He was pensioned for chronic diarrhea, piles, and injury to back, first receiving $4 per month, which was subsequently increased to $10. His necessities were such that he took advantage of the act of June 27, 1890, and was granted a pension under that act at the rate of $12 per month, which amount he is now drawing.

The pensionable disabilities have continued, and in addition soldier is practically blind, requiring some one to care for him. He is also in destitute circumstances.

There is medical testimony on file to the effect that the blindness resulted from the injury to the back. That is possible, but the proof is not conclusive on that point.

Being now pensioned at the maximum rate under the act of June 27, 1890, no increase can be secured through the regular channel, and hence an appeal is made to Congress.

The bill passed the Senate February 19, 1896. After a careful examination of the evidence, your committee are unanimously of the opinion that the bill should pass, and so recommend.

Mr. MILES. I respectfully submit, Mr. Chairman, that the motion I made, and which I now renew, that this bill be laid aside so that we may have an opportunity to investigate it, is in order. I make that motion.

The CHAIRMAN. The gentleman will state his motion.

Mr. MILES. That the bill be laid aside without prejudice, in order to have an opportunity to examine into it.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. MILES. No; I make the motion.

The CHAIRMAN. The gentleman from Maryland is out of order. He can not make a motion of that character.

Mr. MILES. Why can I not move that the bill be laid aside? I respectfully submit that the motion is in order, to lay the bill aside without prejudice.

The CHAIRMAN. The Chair would state to the gentleman from Maryland that in order that the bill should retain its place upon the Calendar there must be unanimous consent, and for the same reason there must be unanimous consent to displace it upon the Calendar.

The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the committee divided, on the demand of Mr. MILES.

The CHAIRMAN (having counted the affirmative). Ninety-one members have voted in the affirmative.

Mr. MILES. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman can not make that point of order, because the vote has not been announced; he does not know whether there is a quorum or not. [Applause.]

The Chair sees one in the negative.

Mr. BARRETT. The Chair, I trust, will count gentlemen present and not voting.

The CHAIRMAN. Upon this question the yeas are 91, nays 1. The Chair will proceed to count the committee.

Mr. HOWE. No point of a quorum has been made.

The CHAIRMAN. The point not being made, the ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

Mr. MILES. I make the point of no quorum.

The CHAIRMAN. The gentleman is too late, and the Clerk will continue the call of the roll.

MARY O. H. STONEMAN.

Mr. BARHAM. Mr. Chairman, I call up the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. H. Stoneman, widow of the late George Stoneman, a major-general of the United States Volunteers in the late war for the Union, and pay her a pension from the passage of this act at the rate of $75 per month, in lieu of any other pension.

The Committee on Invalid Pensions recommended the following amendment:

In line 9 strike out "seventy-five" and insert in lieu thereof "thirty."

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] asks that the report be read. The Clerk will read it in his time.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 205) granting a pension of $75 per month to Mary O. H. Stoneman, widow of Maj. Gen. George H. Stoneman, having considered the same, respectfully report:

George H. Stoneman graduated from the United States Military Academy and was appointed second lieutenant of First Dragoons July 1, 1846; promoted through the various grades, and was commissioned colonel "for gallant and meritorious services at the battle of Fredericksburg, Va.;" appointed brigadier-general "for gallant and meritorious services in the capture of Charlotte, N. C.," and major-general March 13, 1865, "for gallant and meritorious services in the field during the war." He was appointed colonel of infantry February 9, 1891; retired February 24, 1891, and died September 5, 1894.

The committee recommend that the bill be amended by striking out the word "seventy-five," in line 9, and substituting the word "thirty" therefor, and that as amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN L. NOLAN.

Mr. BARRETT. Mr. Chairman, I call up the bill (H. R. 3745) granting a pension to Benjamin L. Nolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Benjamin L. Nolan, late of Company E, Fourth Regiment United States Cavalry, a pension at the rate of $— a month.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, after the word "directed," strike out the balance of the bill and substitute therefor the following: "to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of $12 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] requests that the report be read. The Clerk will read it in his time.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3745) granting a pension to Benjamin L. Nolan, having carefully considered the facts in the case, respectfully report:

Claimant served in Company D, Eighth Massachusetts Infantry, from September 11, 1862, to August 7, 1863; in Company A, Seventeenth Massachusetts Infantry, from January 14, 1864, to July 11, 1865; in Troop E, Fourth United States Cavalry, from November 11, 1865, to November 11, 1868; and in Troop G, Third United States Cavalry, from August 9, 1870, to August 9, 1875.

He filed an application under the general law, alleging disability resulting from a cut on the left hip. This claim was rejected May 4, 1883, on the ground that the wound was not incurred while in the line of duty.

The soldier also applied under the act of June 27, 1890, but was twice rejected on the ground of no ratable degree of disability.

The medical board which examined him last, October 6, 1895, gives the following rating: Wound of left hip, six-eighteenths; lumbago, four-eighteenths; eczema, eight-eighteenths; rheumatism, four-eighteenths; in all, twenty-two eighteenths. No vicious habits.

Your committee believe that the claimant is justly entitled to $12 per month under the act of June 27, 1890, and therefore respectfully recommend the passage of the bill with the following amendment:

In line 4, after the word "directed," strike out the balance of the bill and substitute therefor the following: "to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ABNER ABERCROMBIE.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to call up the bill (H. R. 4076) for the relief of Abner Abercrombie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner Abercrombie, of Monroe County, Ga., late a private in Captain Asheot's Company of Alabama Volunteers in the Indian war of 1836, at the rate of $12 per month.

The Committee on Pensions recommended an amendment, as follows:

Strike out the word "twelve," in line 9, and substitute therefor the word "eight;" so as to fix the rate of pension at $8 per month.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Let us have the report.

Mr. BARTLETT of Georgia. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report. The Clerk has it.

The CHAIRMAN. The gentleman calls for the reading of the report. The Clerk will read it in the time of the gentleman from Pennsylvania [Mr. ERDMAN].

Mr. BARTLETT of Georgia. He may read it in my time.

The report (by Mr. BLACK) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4076) entitled "A bill for the relief of Abner Abercrombie," beg leave to submit the following report, and recommend that said bill do pass with an amendment.

The muster roll of Capt. M. T. Ashurst's company of Alabama Volunteers reports the claimant enrolled May 11, 1836, at Mount Meigs, and discharged June 7, 1836, at Montgomery, Ala. The records show further that the company was ordered into the service by Governor C. C. Clay, and marched from Montgomery May 11, and were on duty in the Creek Nation until June 7, 1836, when they returned to Montgomery and were discharged. Mr. Abercrombie filed an application at the Pension Office under the Indian war act of July 27, 1892, but the same was rejected on the ground that his service was two days short of the time required by that act.

There seems, however, to be some question as to the correctness of this action in the light of the fact that the twenty-eight days expired while he was still in the Creek Nation, and it was not until after that that he was discharged at Montgomery, Ala.

The testimony of W. A. Worsham and W. C. Cleveland, citizens of Monroe County, Ga., shows that the claimant is about 78 years old, in feeble health, and entirely unable to do anything by which to earn a support for himself and his aged wife.

A similar bill was reported by your committee in the Fifty-third Congress, and passed the House, but failed in the Senate from lack of time to consider it before adjournment.

The following amendment is recommended:

Strike out the word "twelve," in line 9, and substitute therefor the word "eight;" so as to fix the rate of pension at $8 per month.

The amendment recommended by the committee was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to correct a clerical error in the printed bill. The word "Asheot," in line 7, should be "Ashurst," and I ask that that correction be made.

The CHAIRMAN. If there be no objection, the correction will be made as indicated by the gentleman.

There was no objection.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

PATRICK CLABBY.

Mr. BELKNAP. Mr. Chairman, I call up the bill (H. R. 5499) for the relief of Patrick Clabby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now on the records of the War Department against Patrick Clabby, late a private of Company I, Fifth Regiment Infantry, New York Volunteers, and grant him an honorable discharge.

Mr. TALBERT. Mr. Chairman, I ask that the report be read.

The report (by Mr. TRACEY) was read, as follows:

Your committee, to whom was referred the bill (H. R. 5499) to grant an honorable discharge to Patrick Clabby, late a private of Company I of the Fifth Regiment of New York Infantry Volunteers, having had the same under consideration, beg leave to report as follows:

Patrick Clabby was mustered into service as a private of Company I of the Fifth Regiment of New York Infantry on the 28th day of March, 1865, to serve one year. He rendered faithful service until July 31, 1865, when he is charged with desertion.

The testimony appears to show conclusively that claimant took sick and was given a pass on a United States transporting vessel to New York July 31; that he was absent at Glenesse Island about two weeks, until he was able to return, and that he did return to Harts Island, where he left his command, and found that his company and regiment had been mustered out of service.

Your committee therefore report the bill favorably and recommend that it do pass.

Mr. TALBERT. Mr. Chairman, it seems to me that this is a bill that should not be passed by the committee to-night. I am sorry that it has been brought up. It seems to me that there are other bills and more meritorious bills which might have been brought up to-night. I do not think this bill comes properly before the committee, anyway. As I understand it, this claimant has slept over his rights. I do not know anything about it, and have not learned anything from the short report. It may be that the gentleman advocating the bill has some further information, and may be able to say something which will satisfy me that it is a meritorious bill. But, as I understand the matter, he was not absent from his command after having been wounded or having been sick.

Mr. BELKNAP. I beg the gentleman's pardon.

Mr. TALBERT. I believe he did claim to have been sick, but it seems you have no evidence of that fact except the statement of the man himself.

As I understand it, several bills have been passed which allowed deserters to come in and have the charge of desertion removed. The first step in that direction, I believe, was a proclamation in 1862. A great many availed themselves of that proclamation of Mr. Lincoln. Then it seems to me there was an act passed in March, 1882, allowing those who had the charge of desertion standing against them to come in and file certain evidence before the War Department which, if satisfactory, gave the claimants an honorable discharge and allowed them, if otherwise entitled, to be placed upon the pension roll. But the law says that those who did not avail themselves of this opportunity within five years after the passage of the act should be forever barred. That act, I believe, was passed in 1882.

Then, again, in 1884 there was another act passed, opening the doors again and allowing all these men against whom a charge of desertion had been made to come in and produce satisfactory evidence before the War Department and still again have the charge of desertion removed. A great many availed themselves of that opportunity. There was a proviso in that law that those who did not avail themselves within five years afterwards were to be forever barred, and so on. The last act that I can find upon the books was passed in 1889, again opening the doors to these men against whom the charge of desertion had been made, and providing that if they could produce satisfactory evidence they could have the charge of desertion against them removed. Many of them availed themselves of the law, which they ought to have done. It was right and proper. But there was a proviso put in that law that those who did not avail themselves of that legislation within three years were to be forever barred. A great many came in and availed themselves of that law, which they ought to have done.

Now the limit has passed; they are barred by the statute of limitation, and it is not right for members here or elsewhere to continue to bring in such bills as this, for the removal of the charge of desertion against men, when there are a number of others, patriotic and brave soldiers, whose cases could be brought up here and they could be given pensions. I hope this committee to-night will sit down upon measures for the removal of charge of desertion, and not let them get in the way and block legislation against honest soldiers and brave soldiers who ought to be pensioned and who will get their pensions if these bills are kept in the background.

These are my views, which I submit without any feeling and without any prejudice against this man who deserted. I know nothing of his case except what I have heard read from the desk; but I submit that these men have had the chance time and again to have the charge of desertion removed, and I think that the time ought to be and ought to come sooner or later, according to the law, when the door should be closed at last against men who deserted their flag, unless they can show satisfactory reasons why the charge should be removed; and it seems to me that this man has had sufficient time. He has now slept on his rights from, I believe, 1889 to 1892, and slept on his rights for five long years, and now he comes here and gets in the way of some honest soldier who ought to have a pension. This is blocking legislation, I submit, and I hope that this committee will see to it to-night that it will put its foot down on this character of legislation. You can do as you like. I have said what I think about the matter, and if you see proper to pass it, why I have nothing further to say. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. I move that the committee report this bill to the House with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from South Carolina moves that the committee report the bill to the House with the recommendation that it do lie on the table.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 82.

Mr. TALBERT. I ask unanimous consent that it be passed without prejudice.

Mr. BELKNAP. I object.

Mr. TALBERT. I hope that request will be granted. This is the first time I have made such a request for some time in the committee.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the bill be passed over without prejudice.

Mr. FAIRCHILD. I object.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA C. DODGE.

Mr. BISHOP (when his name was called). Mr. Chairman, I call up the bill (S. 2347) for the relief of Laura C. Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Laura C. Dodge, dependent widow of the late Capt. Frederick Laughton Dodge, United States Army, from $20 to $50 per month, said increase to take effect from and after the passage of this act.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Pennsylvania.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2347) entitled "A bill for the relief of Laura C. Dodge," beg leave to submit the following report, and recommend that said bill do pass, with an amendment fixing the rate of pension at $40 per month.

This is a bill enacting that the pension of Laura C. Dodge, widow of the late Capt. Frederick L. Dodge, be increased to $50 per month.

The bill is accompanied by Senate Report No. 455, this session. That report (except so much of same as recommends a rating of $50 per month) is adopted by your committee as their report.

[Senate Report No. 455, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2347) granting a pension for the relief of Laura C. Dodge, have examined the same, and report:

The claimant under this bill is the widow of Capt. Frederick L. Dodge, whose volunteer military service is as follows:

Statement of the military service of Frederick L. Dodge, late private, Forty-fourth Massachusetts Militia, and first lieutenant, Eighteenth New Hampshire Infantry Volunteers.

Frederick L. Dodge was enrolled at Boston, Mass., August 29, 1862, and mustered into service September 12, 1862, as a private, Company F, Forty-fourth Massachusetts Militia (Infantry), to serve nine months, and was mustered out of service with his company, as a private, June 18, 1863, at Readville, Mass.

He is reported present on the company muster rolls from date of muster in to date of muster out.

Frederick L. Dodge was mustered into service at Concord, N. H., March 22, 1865, as first lieutenant Company I, Eighteenth New Hampshire Infantry Volunteers, to serve one year, and was mustered out with his company as first lieutenant July 29, 1865, at Delaney House, District of Columbia.

He is reported present on the muster rolls of his company from date of muster in to date of muster out.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, January 5, 1895.

After retiring from the Volunteer Army soldier joined the Regular Army, his record in the Regular Army extending from 1867 to 1891.

The following report from the office of the Adjutant-General gives a detailed account of his services:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1895.

Statement of the military service of Frederick L. Dodge, late of the United States Army, compiled from the records of this office.

VOLUNTEER RECORD.

Private of Company F, Forty-fourth Massachusetts, August 29, 1862, to June 18, 1863; first lieutenant Eighteenth New Hampshire, March 22, 1865; honorably mustered out July 29, 1865.

REGULAR ARMY RECORD.

Second lieutenant Twenty-third Infantry, March 7, 1867; first lieutenant, January 22, 1873; regimental quartermaster, June 10, 1885, to June 22, 1889; captain, June 22, 1889; retired, April 18, 1891; died September 11, 1891.

SERVICE.

On duty at Fort Columbus, N. Y., June 12 to July 1, 1867; en route to and at Camp Warner, Oreg., to May 27, 1871; at Camp Harney, Oreg., to May 2, 1872; at Angel Island, California, to July 1, 1872; at Fort Whipple and at Camp Verde, Ariz., to October 8, 1874; en route to and at Omaha Barracks, Nebr., to May 9, 1876; at Fort Sidney, Nebr., to November 2, 1876; in the field in Wyoming, on the Powder River expedition against hostile Indians, to January 12, 1877; at Fort Leavenworth, Kans., to February 18, 1879; in the field in the Indian Territory to June 5, 1879; acting assistant quartermaster and acting commissary of subsistence at the United States Military Prison, Fort Leavenworth, Kans., to October 29, 1882; with regiment at Fort Craig, N. Mex., to June 1, 1884; at Fort Wayne, Mich., to August 16, 1889; sick at post to September 7, 1889; on sick leave to December 9, 1889; in the Government Hospital for the Insane, District of Columbia, to September 17, 1890; on sick leave to April 18, 1891, when he was retired. He was examined by a retiring board March 17, 1891, and the board found in his case as follows:

"That Capt. Frederick L. Dodge, Twenty-third Infantry, is incapacitated for active service by reason of Bright's disease of the kidneys; that the incapacity is permanent, and that it arose from causes incident to the service, viz, worry and overwork in the line of duty during the summer of 1889."

He died September 11, 1891, at Detroit, Mich.

J. C. GILMORE,
Assistant Adjutant-General.

After the war, in recognition of his services, he was commissioned a second lieutenant in the Regular Army, and was subsequently promoted to first lieutenant and captain.

He served in every part of the country, from New York to Oregon and Arizona, and endured the severest hardships of Indian warfare and frontier service. From time to time he filled nearly every position of responsibility and trust incident to his rank, until by overwork, long continued, he wrecked and ruined his health.

Mrs. Dodge shared the hardships and suffering of her husband in many of his campaigns. She is now a resident of Detroit, Mich., in very straitened circumstances, and appeals to Congress for relief. She is now receiving a pension of $20 per month, and asks that it be increased to $50.

In view of the long and distinguished services of Captain Dodge and the necessities of the widow, your committee recognize the case as one of special merit, and therefore recommend the passage of the bill, after being amended by striking out the word "fifty," in line 7, and substituting therefor the word "forty."

The amendment recommended by the committee was agreed to.

The question was taken on laying aside the bill as amended with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. MILES. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 0.

So the bill was laid aside with a favorable recommendation.

MRS. LUCY ALEXANDER PAYNE.

Mr. BLACK (when his name was called). Mr. Chairman, I call up the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll at $50 per month, in lieu of the pension she is now receiving.

Mr. MILES. Let us have the report read, Mr. Chairman.

The CHAIRMAN. The report will be read in the time of the gentleman from Maryland.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, have considered the same and report:

The claimant in this case, Mrs. Lucy Alexander Payne, is the widow of Capt. J. Scott Payne, Fifth United States Cavalry, who graduated from the United States Military Academy and was appointed second lieutenant, Fifth Cavalry, June 18, 1866; promoted first lieutenant May 23, 1867; resigned September 12, 1868. Appointed second lieutenant, Sixth Cavalry, February 3, 1871, and first lieutenant September 8, 1874; promoted to captain June 4, 1875, and retired as of that rank April 24, 1886, on account of disability originating in the line of his duty.

Captain Payne's record is a very honorable one, and he rendered very brilliant and gallant services in the campaign against the Utes, especially in what is known as the Milk River fight, wherein the gallant Major Thornburgh lost his life. After the fall of Major Thornburgh the command devolved upon Captain Payne, who made a gallant and successful resistance against overwhelming numbers of Indians, bringing his command out of the dangerous position with great credit. He was particularly mentioned by his commanding officer for his conduct in this affair, and was recommended for promotion, which, for some reason, never came to him.

He was twice wounded during the fight referred to, and was a great sufferer before his death. His widow is now in feeble health, suffering from the strain brought on by her faithful attendance on her husband during his last illness. She is without means and dependent upon her pension for the support of herself and two minor children.

Captain Payne died December 19, 1895, from disease originating in the service, and his widow is now receiving the pension of $20 per month provided by the general law.

In view of the conspicuous and valuable service rendered to his country by the deceased officer, and in the light of the widow's invalid condition and pressing necessities, your committee recommend the passage of the bill, amended, however, by fixing the rate of pension at $30 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANDA M. WAY.

Mr. BLUE (when his name was called). Mr. Chairman, I call up the bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse.

Mr. MILES. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland.

Mr. MILES. I have nothing to say now, Mr. Chairman. I thought I was recognized.

The CHAIRMAN. The gentleman from Maryland will observe that before he spoke the Chair had recognized the gentleman from Kansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amanda M. Way, of Los Angeles, Cal., on the pension roll as army nurse, and pay her a pension at the rate of $25 a month from and after the passage of this act.

Mr. ERDMAN. Let the report be read, Mr. Chairman.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5898) granting a pension to Amanda M. Way, having carefully considered the same, respectfully report:

This claimant asks a pension by Congressional legislation on the ground of having served as a volunteer army nurse for a period of six months during the war of the rebellion.

She applied for a pension August 2, 1886, alleging service at Nashville and Murfreesboro, Tenn., also on the steamer *City Belle*, hospital boat, on the Mississippi River, and at Mound City, Kans.

Her claim was rejected on the ground of insufficient proof of appointment by proper authority and requisite length of service.

She sets forth in her affidavit that she tendered her services to the late Governor Oliver P. Morton, of Indiana, and was assigned to duty in the hospitals of Tennessee, transportation and subsistence being furnished upon requisition.

James F. Hibberd, M. D., testifies that he was surgeon in charge of hospital corps at Murfreesboro, Tenn., and that he knows of his own knowledge that claimant rendered efficient services under his direction, and that she was appointed to this duty by Governor Morton. He further testifies that this service began in January, 1863.

John W. Bodkin, M. D., testifies that he was surgeon in charge of hospital corps on hospital steamer *City Belle* in June and July, 1863, and that claimant rendered efficient service as army nurse under his direction.

John B. Routh, late regimental quartermaster Twenty-sixth Indiana Volunteers, testifies that of his personal knowledge claimant was called upon by the late Governor Morton to look after the sick and wounded on the battlefields. He particularly remembers her valuable services at Vicksburg. He also testifies that she spent most of her time during the war in nursing soldiers.

Hon. Jeff Fleming of Mound City, Kans., testifies to claimant's valuable services among the wounded at the battle of Mine Creek, Kansas, and in the hospital at Mound City, Kans., in October, 1864.

Robert Fleming, esq., testifies to the same services, and particularly mentions her work among the sick and wounded at Mound City, Kans.

While it is true that no record of her services appears, and doubtless her appointment was somewhat informal, yet the fact that she performed the services of an army nurse for a period of six months and more is clearly established, and in equity places the Government under obligations to recognize the same.

Claimant is 68 years of age, poor, and needy.

In view of all the facts, your committee recommend the passage of the bill, with an amendment striking out the word "twenty-five," in line 6, and inserting "twelve" in lieu thereof.

The amendment recommended in the last paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MILES. Mr. Chairman, I move that the committee do now rise.

The question being taken on the motion of Mr. MILES, the Chairman declared that the noes seemed to have it.

A MEMBER. A division!

The CHAIRMAN. The gentleman from Maryland [Mr. MILES] demands a division.

Mr. MILES. The Chair is overcourteous to me now. I have made no demand for a division.

The CHAIRMAN. The Chair understood the gentleman from Maryland to demand a division, but is glad that he did not. The motion that the committee rise is lost.

CHARLES A. NAZRO.

Mr. BOWERS (when his name was called). Mr. Chairman, I call up the bill (H. R. 6671) for the relief of Charles A. Nazro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Charles A. Nazro, a lieutenant in Companies F and L of the Twenty-sixth Illinois Infantry Volunteers in the war of rebellion, at the rate of $72 per month.

Mr. ERDMAN. Mr. Chairman, let the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6671) for the relief of Charles A. Nazro, report thereon as follows:

This officer served from August 29, 1861, to June 18, 1862, when he resigned on account of a wound causing entire loss of sight of one eye (left) and serious impairment of sight in the other. He is now pensioned at $17 per month for loss of left eye with deformity from pistol wound.

In addition to the entire loss of left eye, claimant has impairment of sight of right eye, which has been admitted by the medical officers of the Pension Bureau as a result of the loss of left eye. When the left eye was removed a piece of metal was found in the optic nerve which had been there since the wound was received, and which had been a constant source of nervous irritation, and caused serious impairment of his nervous system.

Besides the affection of eyes and practical loss of sight, he has rheumatism, which he swears he contracted in the service, and the evidence, which shows that he entered the service sound, and that he had a severe attack of inflammatory rheumatism very soon after leaving the service, too soon, in fact, to have had its origin anywhere except in the service, proves his assertion. He is now totally disabled and so nearly blind that if he uses his one eye for any length of time for reading it becomes inflamed and he is obliged to stay in a darkened room.

At his medical examination in 1891 he was rated seventeen-eighteenths for loss of left eye, and first grade for rheumatism and resulting heart disease. On February 21, 1896, he was found totally disabled, a terrible sufferer from rheumatism, and unable to dress and undress himself without assistance. This committee are satisfied from the evidence that this officer's helpless and disabled condition is due to his army service, and therefore recommend the passage of the bill with the following amendment:

Before the word "lieutenant," in line 5, insert the word "first," and in same line strike out the words "in Companies F and L" and insert in lieu thereof the words "and quartermaster."

The CHAIRMAN. The question is on the amendments recommended by the committee.

Mr. ERDMAN. Mr. Chairman, I understand that the gentleman from California [Mr. BOWERS] has personal knowledge of this case, and I should be glad to hear his statement.

Mr. BOWERS. Mr. Chairman, the beneficiary of this bill is a neighbor of mine in California, and I am personally acquainted with his condition and circumstances. His left eye was shot out, and a piece of metal, as stated in the report, affected the optic nerve so that he is to-day, or was two months ago, when I left home, totally blind, totally helpless, and has to be taken care of like an infant. He probably can not live more than a short time. He and his people are poor and the neighbors have to help to support him, and the case seems to me a proper one for favorable action by this committee. I state these facts from personal knowledge.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. CROSS.

Mr. BURRELL (when his name was called). Mr. Chairman, I call up the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John J. Cross, late a member of Company H, Eighth Cavalry, Thirty-ninth Indiana Volunteers, from $8 to $35 per month, subject to the conditions and limitations of the Pension Bureau.

Mr. ERDMAN. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2321) to increase the pension of John J. Cross, submit the following report:

John J. Cross enlisted August 26, 1861, in Company H, Thirty-ninth Indiana Volunteers. This regiment reenlisted and became the Eighth Indiana Cavalry. The soldier was honorably discharged June 30, 1865. He was captured at the battle of Bentonville and was confined in Libby Prison until April 2, 1865, where, from unwholesome food and privation, he contracted chronic diarrhea and disease of rectum, for which he was pensioned at $4 from August 31, 1883, and $6 from March 26, 1890, which was increased to $8 from September 9, 1891. Application for increase has been rejected.

He was in sound health on enlistment. Since 1880 he has been a confirmed epileptic. He is now totally incapacitated for manual labor. His last medical examination, May 17, 1893, shows that he is entitled to a pension of second grade—$30 per month—for chronic diarrhea and epilepsy and hemorrhoids.

Two hundred and forty-nine citizens petition for the increase of his pension. There is no question but that he is totally incapacitated for manual labor. There is considerable evidence that his epilepsy results from diseases contracted in the service for which he is now pensioned.

The committee are unable to say from this evidence that the epilepsy is actually the result of diseases contracted in the service, but as the soldier is conclusively shown by the evidence to have been sound on enlistment we can find no other cause. As he honorably served three years and ten months, and is now helpless, we recommend that the bill be amended by inserting the word "private" in lieu of "member," in fifth line, and striking out the word "five," in sixth line, so as to increase his pension to $30 per month.

The amendments recommended in the last paragraph of the report were adopted.

Mr. BURRELL. Mr. Chairman, I move to strike out the word "Bureau," at the end of the bill, and insert "law;" so as to read, "pension law."

Mr. ERDMAN. Mr. Chairman, I observe in the report that two hundred and odd citizens have petitioned for the granting of this pension, and that seems to be the chief reason why we are to grant the pension. Has it come to this, that instead of requiring the foundation for a pension to be laid, as is required in other cases, by sworn testimony, satisfactory testimony, we are going to abandon that rule and grant a pension upon the petition of a couple of hundred citizens? Let it go forth to the world that this Congress is willing to grant pensions upon the petition of citizens and not upon evidence, and we shall have plenty of that kind of work to do. I think it is a fair inference from this report that that is what we are asked to do in this case.

I should be glad to have had time to examine this report to ascertain whether there is any merit in this case, but there has been no time for that, and there is no opportunity under the peculiar system by which we are trying to rush bills through to-night. Gentlemen must therefore expect casual remarks and reflections upon these bills, and probably before they get through the House an opportunity may be presented to some gentlemen who have investigated these cases to look into them further.

The amendment of Mr. BURRELL was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. MOLDER.

Mr. BURTON of Missouri (when his name was called). I call up the bill (H. R. 6757) granting a pension to Andrew J. Malder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Malder, late a private in Capt. John Miser's Company, Hempstead County Arkansas Militia, and to pay him a pension of $12 per month from and after the passage of this act.

The amendments reported by the committee were read, as follows:

Strike out "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and strike out all the printed bill after the word "month," in line 8; also amend by substituting the name "Molder" instead of "Malder;" and amend the title so as to read as follows: "A bill granting a pension to Andrew J. Molder."

Mr. ERDMAN. I desire that the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6757) granting a pension to Andrew J. Molder, late private in Capt. John Miser's company, Hempstead County Arkansas Militia, having examined and considered the facts presented, respectfully report.

Claimant testifies that he enlisted in Capt. John Miser's company on or about November 1, 1862, and served until on or about April 1, 1864; that he was wounded in the left hip by gunshot in an action between Captain Miser's company and Capt. Buck Brown's guerrillas, near Pea Ridge, in Benton County, Ark., and that his company was at the time serving under orders of Col. Loren Harrison, of the First Arkansas Cavalry. The company was so depleted by killed and wounded in this action that it was never called into active service again.

Claimant's testimony is corroborated by J. S. Vansandt, who was a member of same company, and by J. H. Moore, who lived near Pea Ridge and who testifies to claimant being wounded near where he lived.

Dr. Joshua G. Morgan, of Barry County, Mo., testifies that claimant's disability is total from the gunshot wound of hip. The ball entered the lower part of hip and ranged upward, lodging in the groin, he having evidently been in a stooping position when the wound was received.

Applicant filed claim for pension March 18, 1882 (No. [illegible]), which was rejected July 2, 1882, on the ground that claimant was not in the military service of the United States.

For many years the precedent has been followed of granting pensions to officers and soldiers of militia who received wounds or injuries in battle, it having always been regarded that a gunshot wound received in action was equivalent to muster in.

Your committee therefore recommend the passage of the bill, after being amended by striking out "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and by striking out all the printed bill after the word "month," in line 8; also amend by substituting the name "Molder" instead of "Malder;" and amend the title so as to read as follows: "A bill granting a pension to Andrew J. Molder."

Mr. TALBERT. I do not know that I understood fully the facts from the reading of the report. It would seem that this man was never in the military service.

Mr. BURTON of Missouri. He was a member of a militia company which was called into actual service. He was wounded in battle, but he has been prevented from obtaining a pension because of the fact that he was never mustered into the service of the United States. It has always been the rule, I believe, under such circumstances, for this House to grant a pension.

Mr. TALBERT. There is no record of his company having been mustered into the service?

Mr. BURTON of Missouri. No record in the War Department, but there is plenty of outside testimony to that effect.

The amendments reported by the committee were adopted.

The bill as amended was laid aside to be reported favorably to the House.

MALACHI SALTERS.

Mr. CALDERHEAD (when his name was called). I call up the bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Malachi Salters, late a sergeant of Company F, Ninth Regiment of Illinois Volunteer Cavalry, upon the pension roll of the United States and grant him a pension of $72 a month.

Mr. TALBERT. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9319) granting a pension to Malachi Salters, having carefully examined the papers in connection with the same, submit the following report:

Malachi Salters served in Company F, Ninth Illinois Cavalry, from October 7, 1861, to October 31, 1865, when he was discharged with the rank of sergeant. He also served in the war with Mexico. He is pensioned at $17 for rupture and rheumatism. The lieutenant commanding his company testifies that in the battle of Wyatt, Miss., his (claimant's) hearing was affected by the concussion of the cannon where he was stationed. He was sickly after that and was put on duty as company clerk, as he was not fit for any other duty. Five of his comrades testify to his deafness incurred at that time, and that he complained of injury to his eyes, and soon after that he had weak eyes, and that his eye trouble and impaired hearing continued until his discharge.

Upon examination by special agent of the Pension Bureau witnesses testify to his soundness prior to enlistment, and to existence of hernia and rheumatism, severe deafness, and injury to his sight on his return from the service. He has a bayonet wound received while in action. April 8, 1891, his examination rated him eight-eighteenths for hernia, twenty-two thirtieths for severe deafness, first grade for blindness, and ten-eighteenths for rheumatism.

One physician testifies that he found senile cataract of both eyes, and upon this the Pension Bureau rejects the blindness or disease of eyes, and notes that the blindness is due to age. Five witnesses testify to incurrence and continuance of deafness and disability of eyes from the time he received them in the service; yet the Pension Bureau rejects the deafness.

Claimant is 88 years old, and has been totally blind since 1890. His eyes are constantly inflamed; he is helpless with rheumatism. The testimony of three physicians shows that his present physical condition is such that he should have a constant attendant in addition to his wife. He occasionally has attacks which render him unconscious. His entire property has not been of more value than $100 at any time within the last ten years. He is dependent on the charity of the Grand Army of the Republic post of his town, Clay Center, Kans. In view of the testimony of one lieutenant and several comrades to the incurrence of the eye and ear trouble, and the fact that he has continued to suffer from these troubles and is now totally disabled therefrom, your committee consider this a meritorious case. We therefore recommend the passage of the bill as amended.

Amend by striking out the word "seventy-two," in line 7, and inserting the word "fifty" in place thereof.

Amend the title so as to read: "Granting a pension to Malachi Salters."

The amendments reported by the committee were read, and agreed to, as follows:

Strike out the word "seventy-two," in line 7, and insert the word "fifty" in place thereof

Amend the title so as to read: "A bill granting a pension to Malachi Salters."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ANNA G. VALK.

Mr. COFFIN (when his name was called). I call up the bill (H. R. 7055) increasing the pension of Anna G. Valk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Anna G. Valk, widow of William W. Valk, late surgeon of the Fourth Maryland Volunteer Infantry, United States Volunteer Army, to the sum of $50 per month.

The amendments reported by the committee were read, as follows:

In line 6 insert the word "Volunteer" before the word "Infantry," and strike out the words "United States Volunteer Army."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

Mr. ERDMAN. Let the report be read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, having considered the evidence relating to the bill (H. R. 7055) increasing the pension of Anna G. Valk, report:

William W. Valk served about four years and was honorably discharged as surgeon of the Fourth Maryland Volunteer Infantry. He never applied for pension. Had he even filed a claim his widow could have completed it and drawn the accrued pension from the date of his discharge, in 1865, to the date of his death, in 1879, as she has since established the fact that he died from disease of the lungs contracted in the service, and is now in receipt of a pension of $25 a month, total of rank of her husband as a surgeon. This is not enough to provide for her necessities, as she is now 61 years of age, and has dependent on her two young daughters. Her only income or means of support are her pension and the aid given by an older daughter.

The above facts are established by the evidence, and in view thereof it is believed that her pension should be increased, and to that end it is recommended that the bill pass, after being amended as follows:

In line 6 insert the word "Volunteer" before the word "Infantry," and strike out the words "United States Volunteer Army."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

NANCY ROBERTS.

Mr. COLSON (when his name was called). I call up the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Nancy Roberts, widow of Jesse Roberts, late a private in Company A, Forty-ninth Kentucky Volunteer Infantry, on the pension roll at $20 per month.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

Mr. ERDMAN and Mr. MILES. Let us have the report.

The CHAIRMAN proceeded to put the question.

Mr. ERDMAN. The reading of the report was called for.

The CHAIRMAN. The point was not made in time.

The bill was laid aside to be reported favorably to the House.

WILLIAM EDWARDS.

Mr. COOK of Wisconsin (when his name was called). I call up the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Edwards, of Company D, Tenth Vermont Volunteer Infantry.

The amendments reported by the committee were read, as follows:

In lines 4 and 5 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill add, "and pay him a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, the gentlemen who were so anxious to change the usual rule, and whose names do not happen to begin with A, B, or C, can at this time of the night, when it is within three or four minutes of the time when the committee must rise and the House adjourn, see that the prediction I made before we went into this system was correct. They must feel that they have been "bunkoed" by it, just as I told them in the beginning they would be. I presume that on next Friday night it will be perfectly fair to commence the call of the roll where we leave off to-night.

Several MEMBERS. Certainly.

Mr. ERDMAN. And I want to say that if you want to do that, you should try to have at least 178 members present in order to do it.

Mr. THOMAS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore [Mr. LACEY] having resumed the chair, Mr. WELLINGTON reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report with amendments and as so amended with favorable recommendation bills of the following numbers: House bills 9683, 8745, 4076, 5898, 6671, 2321, 6757, 9319, and 7055; and Senate bills of the following numbers: 2126, 205, 2347, 1501.

Also the following bills without amendments and with the recommendation that they do pass: House bills Nos. 10040, 6268, 7627, 5499, 8633; and Senate bills Nos. 2931 and 146.

Also that the committee had had under consideration the bill (H. R. 7333) granting a pension to William Edwards, and had come to no resolution thereon.

WILLIAM EDWARDS.

Mr. COOK of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, which was the unfinished business in the Committee of the Whole when the committee rose, be taken up and considered by the House at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There being no objection, the bill was considered, the amendment recommended by the Committee on Invalid Pensions was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

And then (the hour of 10 o'clock and 30 minutes having arrived) the Speaker pro tempore under the rule declared the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Hillsboro Bay, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers recommending the repeal of an act granting to the Birmingham, Mobile and Navy Cove Harbor Railway Company certain rights of way through Fort Morgan (Ala.) Military Reservation—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior recommending the payment of certain expenses incurred at the burial of the late Col. Paul F. Faison, United States Indian inspector—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of appropriation for the survey of the lands of the Chickasaw Nation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the receiver of the Belt Railway Company of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill for the cession of the old light-house site at Hog Island, Virginia—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 9898) for the erection of an equestrian statue of Maj. Gen. Henry W. Slocum in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2692); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLETT, from the Committee on Interstate and Foreign Commerce, submitted the views of the minority of said committee upon the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;" which said views (Report No. 2586, part 2) were referred to the House Calendar.

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9770) providing that the Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park, reported the same without amendment, accompanied by a report (No. 2708); which said bill and report were referred to the House Calendar.

By Mr. PRICE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3303) entitled "An act to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas," reported the same without amendment, accompanied by a report (No. 2717); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 2575) entitled "An act granting an increase of pension to John G. Powers." (Report No. 2693.)

The bill (H. R. 6754) granting an increase of pension to Michael Scannell. (Report No. 2713.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (S. 3196) entitled "An act granting an increase of pension to George W. Walton." (Report No. 2691.)

The bill (H. R. 5507) for the relief of D. W. Snider. (Report No. 2714.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 2572) entitled "An act granting a pension to John J. Shockey." (Report No. 2695.)

The bill (S. 2692) entitled "An act granting a pension to Ellen O'Hara." (Report No. 2696.)

The bill (S. 2694) entitled "An act granting a pension to William G. Alspach." (Report No. 2697.)

The bill (S. 3190) entitled "An act granting a pension to Amos L. Hood." (Report No. 2698.)

The bill (S. 3104) entitled "An act granting a pension to Jesse O. Davy." (Report No. 2699.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 3421) entitled "An act granting an increase of pension to Allen Buckner, of Baldwin, Kans." (Report No. 2700.)

The bill (S. 3330) entitled "An act granting a pension to Louise E. Perkins." (Report No. 2715.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (S. 2967) entitled "An act granting an increase of pension to Joel M. Gibson." (Report No. 2701.)

The bill (S. 2908) entitled "An act granting a pension to Franklin Andrews." (Report No. 2702.)

The bill (S. 2903) entitled "An act granting a pension to Rebecca Gilbert." (Report No. 2703.)

The bill (S. 2865) entitled "An act granting a pension to James M. Dennison." (Report No. 2704.)

The bill (S. 3145) entitled "An act to increase the pension of William Hulsizer." (Report No. 2705.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 5619) granting a pension to Mary Bemus. (Report No. 2706.)

The bill (H. R. 1473) increasing the pension of Joseph McCune. (Report No. 2716.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 2809) entitled "An act granting an increase of pension to Henry Schafer." (Report No. 2707.)

By Mr. COX, from the Committee on Claims:

The bill (S. 1582) entitled "An act to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died." (Report No. 2709.)

The bill (H. R. 8284) authorizing the Secretary of the Treasury to pay the sum of $400 to Brownell & Co., Dayton, Ohio, on account of penalty erroneously imposed by the Light-House Board. (Report No. 2711.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 1122) entitled "An act for the relief of Sally Hardmond." (Report No. 2710.)

By Mr. BENNETT, from the Committee on Interstate and Foreign Commerce: The bill (H. R. 7270) to restore Lieut. Samuel Howard to his proper rank. (Report No. 2712.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MURPHY of Arizona: A bill (H. R. 10181) specifying the courts in which Indians shall be tried for offenses committed within the Territories of the United States—to the Committee on Indian Affairs.

By Mr. SWANSON: A bill (H. R. 10182) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. McCALL of Massachusetts (by request): A bill (H. R. 10183) to provide a uniform currency for the United States of America—to the Committee on Banking and Currency.

By Mr. ELLETT: A bill (H. R. 10184) to define and regulate fraternal and beneficiary orders in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: A joint resolution (H. Res. 240) concerning the construction of the public building at Racine, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HITT: A joint resolution (H. Res. 241) providing for the printing of the Consular Regulations of 1896—to the Committee on Printing.

By Mr. WILLIAM A. STONE: A resolution (House Res. No. 505) providing for occupation of the galleries at the counting of the electoral vote—to the Committee on Rules.

By Mr. MONDELL: A memorial of the State of Wyoming, concerning the California mineral land bill—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COLSON: A bill (H. R. 10185) granting an honorable discharge to John R. Alford—to the Committee on Military Affairs.

Also, a bill (H. R. 10186) granting a pension to Sarah Ann Phillips—to the Committee of Invalid Pensions.

Also, a bill (H. R. 10187) granting a pension to Mary J. Ellis, widow of Joel B. Ellis, Company H, Thirteenth Kentucky Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10188) granting a pension to Ibia Dicken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10189) for the relief of Margaret E. Cole—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 10190) to pay the findings of the Court of Claims in the case of William Strawhorn—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 10191) granting a pension to Mrs. Elmina Creighton—to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 10192) granting a pension to Martha A. De Lamater—to the Committee on Pensions.

Also, a bill (H. R. 10193) granting a pension to Willis Brady—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Memorial of the Humboldt Chamber of Commerce of Eureka, Cal., asking for a public building at Eureka, Cal.—to the Committee on Public Buildings and Grounds.

Also, memorial of the Humboldt Chamber of Commerce of Eureka, Cal., asking consideration of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: Resolution of the city council of Savannah, Ga., recommending that Fort Pulaski be repaired—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: Petition of the dean of the University of Michigan; president of Muskingum College, Concord, Ohio; chancellor of Syracuse (N. Y.) University; president of Geneva College, Beaver Falls, Pa.; dean of General Theological Seminary, New York; president of University of California; president of Cornell University; president of Guilford (N. C.) College; bishop of Springfield, and bishop of Tennessee, for the passage of the bill for the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Earlville, Iowa, urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. GIBSON: Paper relating to the claim of John Brouder, of London County, Tenn.—to the Committee on War Claims.

By Mr. GRAFF: Resolutions of the State Grange of Illinois, favorable to woman suffrage—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolutions of the State Grange of Illinois, favorable to rural mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the State Grange of Illinois, in favor of postal savings banks—to the Committee on Banking and Currency.

Also, resolutions of George Yocum Post, No. 325, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of the Medical Society of New Jersey, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Eleventh Ward Republican Club, of Newark, N. J., urging the annexation of Cuba—to the Committee on Foreign Affairs.

Also, petition of the State Horticultural Society of New Jersey, opposing the free distribution of seeds as being unwise, unnecessary, and a wasteful expenditure of the public money—to the Committee on Agriculture.

Also, petition of the Board of Trade of Asbury Park, N. J., urging the passage of the Torrey bankruptcy bill—to the Committee on Banking and Currency.

By Mr. HURLEY: Petition of Jacob Muller, of Brooklyn, N. Y., for higher rate of duty on harness and saddlery—to the Committee on Ways and Means.

By Mr. KIEFER: Resolutions of Minneapolis Division, No. 117, Order of Railway Conductors, favoring the passage of the arbitration bill, the contempt-of-court bill, the Phillips commission bill, and the Sherman bill—to the Committee on Rules.

By Mr. LAYTON: Petition of George R. Beutel and 43 other citizens of Lima, Ohio, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Petition of Dr. W. O. Trott, Judge J. L. Wood, Hon. J. T. Gunter, and 292 other citizens of the Cherokee Nation, praying that the payment rolls of 1851 and 1852, of the Old Settlers and emigrants, be made the basis for the new rolls to be made by the Dawes Commission to the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

By Mr. McRAE: Sundry petitions of G. D. Smith, of Princeton, Ark.; M. R. White, of Portland, Ark.; W. W. Folsom, of Hope, Ark.; James Crook, of Wilton, Ark., and A. B. Bishop, of Locksburg, Ark., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia: Petition of F. S. Smith, A. B. White, and 86 other citizens of Parkersburg, W. Va., protesting against the passage of the Sherman bill—to the Committee on Interstate and Foreign Commerce.

Also, evidence in support of House bill No. 9990, for the relief of Absalom Maynard—to the Committee on Invalid Pensions.

By Mr. MOODY: Protest of 44 citizens of the State of Massachusetts, against the passage of the House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 51 citizens of Sioux City, in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of William Wiley and other citizens of Marion, Ind., also petition of Edwin E. Russell and other citizens of Kokomo, Ind., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STROWD of North Carolina: Petition of the heirs of Francis M. Hathcock, deceased, late of Wake County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. TAYLER: Resolutions adopted at a mass meeting of citizens of Youngstown, Ohio, protesting against lynch law in the South—to the Committee on the Judiciary.

Also, petition of citizens of Canton, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petition of D. W. Dye and other citizens of Marietta, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Martha A. De Lamater, of Crawford County, Ill., for an act granting her a pension—to the Committee on Invalid Pensions.

Also, petition of Willis Brady, of Coles and Cumberland counties, Ill., for a pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 30, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

HENRY A. WEBB.

The SPEAKER laid before the House the bill (H. R. 1256) for the relief of Henry A. Webb, with a Senate amendment thereto.

The Senate amendment was read.

Mr. DOCKERY. I desire to ask the gentleman interested in this bill what change is made by the Senate amendment from the bill as it passed the House?

Mr. BULL. The Senate amendment reduces the amount.

Mr. DOCKERY. The amount of what?

Mr. BULL. Reduces the amount that the House bill calls for by $650.

Mr. DOCKERY. The Senate amendment does not describe the same bonds that the House bill describes?

Mr. BULL. It describes the same bonds, but simply reduces the total by the amount of the bonds that were redeemed at the Treasury.

Mr. DOCKERY. Reduces the indemnity bond?

Mr. BULL. Not the indemnity bond, but the amount of the bonds that were stolen, by the sum of $650. The indemnity bond remains double the amount just the same.

Mr. DOCKERY. It having been ascertained that the $650, the difference in the amount, had already been paid?

Mr. BULL. Yes.

Mr. DOCKERY. In all other respects, the description of the bonds is the same?

Mr. BULL. Is the same; yes.

Mr. DOCKERY. The same as carried in the original House bill?

Mr. BULL. Yes.

The SPEAKER. Does the gentleman move to concur in the Senate amendment?

Mr. BULL. Yes.

The Senate amendment was concurred in.

ERIE CANAL.

Mr. PERKINS. Mr. Speaker, I desire to present a resolution for the printing of a House document.

The resolution was read, as follows:

> *Resolved*, That the report of Thomas W. Symons, Corps of Engineers, upon House bill No. 7775, Fifty-fourth Congress, first session, providing for widening the locks of the Erie Canal, in the State of New York, with the accompanying diagrams, be printed as a House document.

Mr. TERRY. I should like to ask the gentleman what is the estimated cost of this printing?

Mr. PERKINS. One hundred and eighty-five dollars.

The resolution was agreed to.

AGRICULTURAL APPROPRIATION BILL.

And then, on motion of Mr. WADSWORTH, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, with Mr. PAYNE in the chair.

The Clerk (resuming the reading of the bill) read as follows:

> Salaries, Bureau of Animal Industry: One Chief of Bureau, $4,000; one assistant chief, $2,500; one chief clerk of Bureau, $2,000; one chief of inspection division, $2,500; one assistant chief of inspection division, $1,800; one chief of dairy division, $2,500; one assistant chief of dairy division, $1,800; one chief of pathological division, $2,500; one assistant in pathological division, $1,400; one assistant in pathological division, $840; one chief of biochemic division, $2,500; two assistants in biochemic division, at $1,400 each, $2,800; one assistant in biochemic laboratory, $720; one chief of miscellaneous division, $2,000; one zoologist, $2,250; two veterinary inspectors, at $1,800 each, $3,600; two veterinary inspectors, at $1,400 each, $2,800; one assistant at veterinary experiment station, $1,000; one clerk of class 4, $1,800; one clerk of class 3, $1,600; one clerk of class 2, $1,400; six clerks of class 1, $7,200; six clerks, at $1,000 each, $6,000; one clerk, $840; three firemen, at $720 each, $2,160; four messengers, at $720 each, $2,880; two skilled laborers, at $660 each, $1,320; for employment of artists, laborers, and charwomen, $5,000; in all, $69,710.

Mr. DOCKERY. Mr. Chairman, I desire to make points of order against the following provisions of the bill, because they are new legislation and also change existing law: In lines 9 and 10, page 7, the salary carried in the bill for the chief of the pathological division is $2,500. I desire to make a point of order against that, the existing law being $2,250. I desire to make a point of order against the provision allowing the assistant in the pathological division $1,400, the salary under the law being $1,200 only. I also desire to make a point of order against the provision creating the office of one assistant in the pathological division, $840, it being a new provision; also against the increase of salary of the chief of the biochemic division from $2,250 to $2,500; also against the increases of the salaries of two assistants in biochemic division to $1,400 each, the law allowing them only $1,200 each; also against the provision for one assistant in biochemic laboratory, $720, it being a new provision and not authorized by law; also against the increase of salary of the zoologist, in line 18, from $2,000 to $2,500.

Mr. WADSWORTH. Mr. Chairman, I perhaps must admit that the point of order raised by the gentleman is tenable. This question of salaries was very carefully considered by the Committee on Agriculture. The estimates provided for an increase of $25,660 in the salaries of the Agricultural Department, and yet the committee has seen fit only to recommend $2,270, giving all practically to the Bureau of Animal Industry. These men are scientific men, technical men, graduates of scientific schools, and not in any ordinary sense chiefs of divisions. In raising the salaries of these chiefs of divisions in the Bureau of Animal Industry we have simply put them on a par with the salaries paid in the other scientific bureaus of the Department. During the last six or seven years thirty-odd of these scientific men have been taken away from Government employ and procured employment at very much larger salaries in colleges and scientific schools. I do not say that the small increase of $250 will retain them here. I only want to say that these salaries are not in excess of the salaries paid in educational institutions throughout the country, and that can be said of very few salaries here in Washington.

Now, in connection with this subject, and particularly as to the Bureau of Animal Industry, I want again to call the attention of the committee to the wonderful increase of work in that department. In 1891 the inspections by this Bureau were only a total of 28,380 animals; in 1892 they increased to 2,809,440; in 1893 they increased to 4,885,633; in 1894 they increased to 12,944,056; in 1895 to 18,783,000; and in 1896 they increased to 23,775,779. So the committee can see the work of this Bureau has continually increased, and that, too, at a very fast rate.

I hope the gentleman from Missouri will withdraw that point of order.

The committee gave that subject very careful consideration and last year increased these salaries. The House approved of them, but the Senate struck them out. Now, in view of the fact that we have only raised the salaries $2,270, when the Department asked for $25,660, I do not think the committee can be charged with extravagance. I admit they are subject to a point of order if the gentleman insists; but I think this is a business proposition and that these men should be paid the salaries that we ask here for them.

Mr. DOCKERY. Mr. Chairman, in submitting the points of order, I do not desire to criticise the gentleman in charge of the bill or to criticise the general provisions of the bill. I have examined it, and the bill bears evidence of very careful preparation. It does credit to the accomplished chairman of the Committee on Agriculture; but upon the merits involved in this question, I only desire to suggest that, whatever action may be proper in the future in respect to these proposed increases of salaries, at the present at least it seems inopportune to increase them, the revenues for the present fiscal year already being inadequate by more than $45,000,000 to meet current expenses.

Then, I may add another thing, Mr. Chairman. The Senate struck out these proposed increases last year; and it being a very unusual and extraordinary action on the part of that body in the direction of economy and reform, I desire to encourage them in this direction——

Mr. WADSWORTH. I will state to the gentleman from Missouri that the bill carries $107,000 less than last year.

Mr. DOCKERY (continuing). And therefore must insist upon the point.

The CHAIRMAN. The Chair understands that the point of order is insisted upon. The Chair sustains the point of order.

Mr. WADSWORTH. Then I think the easier way will be to substitute the paragraph of last year's bill in toto for this. I move to strike out page 7, commencing at line 1, all that page to line 25, inclusive, and page 8 from line 1 to line 11, inclusive, and substitute the new matter which I send to the desk.

The Clerk read as follows:

> Salaries, Bureau of Animal Industry: One chief of Bureau, $4,000; one assistant chief, $2,500; one chief clerk of Bureau, $2,000; one chief of inspection division, $2,500; one assistant chief of inspection division, $1,800; one chief of dairy division, $2,500; one assistant chief of dairy division, $1,800; one chief of pathological division, $2,250; one assistant in pathological division, $1,200; one assistant in pathological division, $840; one chief of biochemic division, $2,250; two assistants in biochemic division, at $1,200 each, $2,400; one assistant in biochemic laboratory, $720; one chief of miscellaneous division, $2,000; one zoologist, $2,000; two veterinary inspectors, at $1,800 each, $3,600; two veterinary inspectors, at $1,400 each, $2,800; one assistant at veterinary experiment station, $1,000; one clerk class 4, $1,800; one clerk class 3, $1,600; one clerk class 2, $1,400; five clerks class 1, $6,000; seven clerks, at $1,000 each, $7,000; one clerk, at $840; two firemen, at $720 each, $1,440; four messengers, at $720 each, $2,880; two skilled laborers, at $660 each, $1,320; for employment of artists, laborers, and charwomen, $5,000; in all, $67,440.

The amendment was agreed to.

Mr. WADSWORTH. In connection with what I have said in regard to the Bureau of Animal Industry, I would like to have printed a statement and tables showing the amount of exports of beef and meat during the last year. It is from the Statistical Bureau department.

There was no objection.

The statement of exports and the tables are as follows:

[Circular No. 17.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY.

EXPORTS OF ANIMALS AND THEIR PRODUCTS.

The course of the export trade in animals and their products during the past eight years forms a very interesting subject for study. The great gains in the exports of live animals have been with horses, mules, and sheep. With animal products a notable gain is seen in the case of fresh beef, mutton, oleo oil, hams, and sole leather. In 1889 the exports of horses were 3,748 head, and the average of the four years 1889 to 1892, inclusive, was 3,396. In 1896 the exports of horses reached 25,126, with an average for the four years 1893 to 1896, inclusive, of 11,831. The number of sheep exported in 1889 was 128,852, and the average for the four years 1889 to 1892 was 76,070. In 1896 the export of sheep reached the remarkable number of 491,565, and the average for the four years 1893 to 1896 was 266,736.

The exports of fresh beef have increased from 137,895,391 pounds in 1889 to 224,783,225 pounds in 1896. The average for the years 1889 to 1892 was 181,433,319 pounds, and for the years 1893 to 1896 it was 204,077,065 pounds. The exports of hams have steadily increased from 42,847,247 pounds in 1889 to 129,096,351 pounds in 1896. The exports of oleo oil increased from 28,102,534 pounds in 1889 to 101,276,756 pounds in 1896, and the average for the four years 1889 to 1892 was 67,038,362 pounds, as compared with an average of 104,622,721 pounds for the years 1893 to 1896. There has also been a considerable increase, about one-third, in the exports of sole leather during the last three years. The shipments of live cattle, bacon, canned and cured beef, lard, and pickled pork, while they have fluctuated from year to year, have not shown any very marked tendency to increase or decrease. Bacon and pickled pork have diminished somewhat, but the exports of lard have been larger for 1896 than for any other year of the series.

The exports in a few items have been considerably diminished during the eight years under consideration. Live hogs have fallen off from 45,128 in 1889 and 95,654 in 1891 to 21,049 in 1896. This is probably due to the risk attending the shipment of these animals and the greater profit derived from the exportation of their products. There was a continuous decrease in the shipments of tallow from 1890, when they reached 112,745,370 pounds, to 1895, when they were only 25,864,330 pounds. There has, however, been a recovery in this trade during the last year, the exports reaching 52,739,212 pounds. The exports of dairy products have not been satisfactory. The butter trade, which in 1890 reached 29,748,042 pounds, fell off to 5,598,812 pounds in 1895. Fortunately, much of this decrease was overcome in 1896, when 19,373,913 pounds were exported. The cheese exports show a continuous decline since 1890, when they reached 95,376,053 pounds. The quantity exported in 1896 was only 36,777,291 pounds.

In order to make clear the remarkably large proportion of our exported animals and animal products which are marketed in Great Britain, the figures have been tabulated for the total exports and for the exports to the United Kingdom:

Comparative statement of the exports of live cattle and beef products.

[From reports of Bureau of Statistics, Treasury Department.]

TO ALL COUNTRIES.

Fiscal year.	Cattle.	Beef. Fresh.	Beef. Canned.	Beef. Salted and other cured.	Tallow.	Imitation butter.	Oleo oil.
	No.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	205,786	137,895,391	51,025,254	55,210,435	77,844,555	2,192,047	28,102,534
1890	394,836	171,257,706	82,658,507	97,610,520	112,745,370	2,535,055	68,218,108
1891	374,679	191,045,678	100,585,727	91,908,812	111,680,251	1,986,743	80,251,105
1892	394,607	220,554,617	87,128,084	71,158,448	80,780,010	1,610,837	91,581,703
1893	287,094	206,294,724	79,069,493	70,322,881	61,819,153	3,470,322	113,989,393
1894	359,278	193,891,824	55,974,910	63,901,001	54,061,524	3,898,950	123,256,895
1895	331,722	191,338,487	64,102,253	65,238,968	25,864,330	10,100,697	78,068,878
1896	372,461	224,783,225	63,028,180	71,223,512	52,739,212	6,063,080	101,276,756

TO THE UNITED KINGDOM.

Fiscal year.	Cattle.	Beef. Fresh.	Beef. Canned.	Beef. Salted and other cured.	Tallow.	Imitation butter.	Oleo oil.
	No.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	193,167	137,286,553	37,333,375	31,881,725	39,858,595	79,410	1,103,549
1890	330,580	171,162,579	64,255,155	61,006,232	51,029,819	165,477	2,452,951
1891	345,797	192,456,458	80,296,787	17,409,595	52,950,476	5,448	2,109,290
1892	378,167	219,106,267	50,048,107	34,333,415	38,192,839	6,928	6,020,411
1893	280,998	206,911,046	57,169,267	26,013,042	24,643,744	12,192	5,592,077
1894	345,731	193,381,252	42,541,522	27,358,261	19,150,288	57,295	9,220,217
1895	316,068	190,736,188	40,310,196	28,720,801	4,784,782	1,130,259	6,808,688
1896	364,133	224,307,091	40,022,086	35,116,180	18,967,358	(*)	8,940,705

* Included with the oil.

Exports of horses, mules, sheep, mutton, dairy products, and leather (sole).

TO ALL COUNTRIES.

Fiscal year.	Horses.	Mules.	Sheep.	Mutton.	Dairy products. Butter.	Dairy products. Cheese.	Sole leather.
	No.	*No.*	*No.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	3,748	2,980	128,852	256,250	15,504,978	84,999,828	35,558,945
1890	3,501	3,544	67,521	256,711	29,748,042	95,376,053	39,586,219
1891	3,110	2,184	60,947	199,395	15,187,114	82,133,876	37,501,278
1892	3,226	1,965	46,960	101,463	15,047,246	82,100,221	37,161,381
1893	2,967	1,634	37,260	168,211	8,920,107	81,350,923	33,570,057
1894	5,246	2,063	132,370	2,197,900	11,812,092	73,852,134	42,877,497
1895	13,984	2,515	405,748	591,449	5,598,812	60,448,421	45,364,349
1896	25,126	5,918	491,565	422,950	19,373,913	36,777,291	41,818,508

Exports of horses, mules, sheep, mutton, dairy products, etc.—Continued.

TO THE UNITED KINGDOM.

	No.	*No.*	*No.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	293	....	18,866	122,132	7,454,107	72,394,393	27,519,464
1890	229	....	4,927	191,004	15,448,163	81,875,298	29,997,873
1891	379	....	10,946	187,720	4,960,180	71,104,253	27,419,068
1892	467	8	3,564	51,251	5,915,185	70,201,709	28,819,708
1893	564	....	58	46,551	3,802,649	69,845,314	25,655,464
1894	1,355	....	79,780	2,087,527	5,493,704	61,459,737	31,574,232
1895	5,834	....	335,882	320,491	868,815	48,296,060	38,764,480
1896	(*)	(*)	397,290	(*)	11,246,611	29,801,334	32,769,953

* Not given by countries.

Comparative statement of the exports of live hogs and hog products.

TO ALL COUNTRIES.

Fiscal year	Hogs.	Hog products. Bacon.	Hog products. Hams.	Hog products. Pork, fresh.	Hog products. Pork, pickled.	Hog products. Lard.
	No.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	45,128	357,377,399	42,847,247	22,794	64,110,845	318,242,990
1890	91,148	531,899,677	76,591,279	270,403	79,788,868	471,083,508
1891	95,654	514,675,557	84,410,108	818,875	81,317,361	498,343,927
1892	31,963	507,919,830	76,895,559	377,740	80,336,481	460,045,776
1893	27,375	391,758,175	82,178,154	912,644	52,459,722	365,693,501
1894	1,553	416,657,577	86,970,571	1,168,647	65,575,881	447,566,867
1895	7,131	452,549,976	105,494,123	818,581	58,265,890	474,895,274
1896	21,049	425,322,187	129,096,351	744,656	69,498,373	509,534,256

TO THE UNITED KINGDOM.

1889	......	299,891,756	34,866,806	....	14,912,067	117,139,325
1890	1,102	450,406,067	64,878,015	....	16,843,194	150,808,980
1891		413,850,146	68,084,482	771,615	23,096,647	158,561,062
1892	1,044	402,601,132	56,340,065	334,290	15,302,173	124,162,485
1893	2,062	335,075,284	68,750,506	900,820	11,213,627	138,355,415
1894	....	331,085,789	73,094,248	1,140,850	13,172,257	149,691,369
1895	60	346,210,100	89,840,462	751,600	14,268,892	184,251,911
1896	500	314,271,225	103,165,961	(*)	12,670,306	201,924,144

* Included with pickled.

Respectfully submitted.

D. E. SALMON,
Chief of Bureau of Animal Industry.

Approved.

J. STERLING MORTON,
Secretary.

WASHINGTON, D. C., *January 21, 1897.*

Mr. TALBERT. I call the attention of the gentleman from New York in charge of this bill to the provision, in lines 9 and 10, on page 8, "for employment of artists, laborers, and charwomen, $5,000." I ask the gentleman if he does not think it would be better to specify how many artists, how many laborers, and how many charwomen?

Mr. WADSWORTH. I will say to the gentleman that I think the Bureau ought to have some leeway in that respect. Certain contingencies might arise where it might become necessary to employ a larger or a less number.

Mr. TALBERT. Well, we might get another "modern curiosity" at the head of that Department, so I think it would be better to specify the details. [Laughter.]

Mr. WADSWORTH. Possibly so.

The Clerk read as follows:

> Total salaries Department of Agriculture, $318,410.

Mr. WADSWORTH. I ask unanimous consent that the total be changed to correspond with the amendments adopted by the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BAKER of New Hampshire. I object temporarily, Mr. Chairman. I wish to inquire of the gentleman in charge of the bill what is the object of this summing up of salaries here? It is no proper part of the bill, as it seems to me. The appropriations have all been summed up under each class or division, and it seems to me that this is unnecessary, and ought to be stricken out.

Mr. WADSWORTH. It is a custom which has prevailed for many years, and which is followed in this bill. It is simply a résumé of the salaries in the bill.

Mr. SAYERS. I would say to the gentleman from New Hampshire that that is for the purpose of facilitating the preparation of a tabular statement of the appropriations at the end of each session. The gentleman is doubtless aware that a resolution adopted many years ago requires the clerk of the House Committee on Appropriations and the clerk of the Senate Committee to jointly prepare a tabular statement of the contents of the appropriation bills, so that members and all other persons desiring to get the information may readily ascertain the amount that each bill carries.

Mr. BAKER of New Hampshire. But is not that found more properly in the report of the committee in each case than in the bill?

Mr. SAYERS. It ought to go into the bill also, because reports often get scattered and lost.

Mr. BAKER of New Hampshire. Well, I see no use of it in the bill, but I withdraw the objection.

The Clerk read as follows:

> Collecting agricultural statistics, Division of Statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscriptions to and purchase of statistical publications containing data for permanent comparative records, maps and charts, stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight, and express charges, and necessary traveling expenses: *Provided*, That the monthly crop report issued on the 10th day of each month shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations and comparisons with other months and years as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published: *Provided also*, That $10,000 of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure as far as may be a change in the methods of supplying tobacco and other farm products to foreign countries, $110,000.

Mr. STEWART of New Jersey. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

> Strike out the words "with such explanations and comparisons with other months and years as may be useful for illustrating the above matter" and insert instead the words "with such explanations, comparisons, and information as may be useful for illustrating the above matter."

Mr. WADSWORTH. I make a point of order on that amendment, Mr. Chairman, until I hear the gentleman's explanation of it.

Mr. STEWART of New Jersey. In explanation of the amendment, I will state that the provision as it stands in the bill makes it mandatory upon the Secretary to make these comparisons by months and years. That may result in entirely unnecessary and redundant work. My amendment leaves it to the discretion of the Secretary to add such explanations and comparisons as in his judgment appear to be useful. Under the provision of the bill as it stands he might be required to reprint portions of his own former reports as well as the current report, thus increasing largely the cost of printing and adding a mass of useless printed matter to the burden of the country.

Mr. WADSWORTH. I have no objection to the amendment, Mr. Chairman.

The amendment was adopted.

Mr. BROMWELL. Mr. Chairman, I move to strike out the last word. When the distinguished gentleman from Missouri [Mr. DE ARMOND] on the first reading of this bill chose to make a severe criticism upon the Secretary of Agriculture for the publication of certain statistics showing the result of the last election, we on this side of the House naturally supposed that there would be some member of the party from which the honorable Secretary of Agriculture was appointed to make his defense, and the attempt of the distinguished gentleman from Missouri to throw the burden of the defense upon my colleague from Ohio [Mr. GROSVENOR] seems to have met with no response from that gentleman. It may be that the Democrats, the gentlemen on the other side of the House, feel in regard to this matter as Daniel Webster did about Massachusetts and as the distinguished gentleman from Indiana [Mr. HARDY] felt yesterday about his State—they may feel that the Secretary of Agriculture needs no defense at their hands.

If that is their view, I think I can fully coincide with them, and I shall not attempt to speak in his behalf in defense of all that he has done in the conduct of his Department so far as the publication of statistics is concerned; but as one who had frequent occasion to use those statistics during the campaign preceding the election, I do want to bear witness to the great value to the country at large of some of the statistical bulletins that have been issued by the Department of Agriculture. They came in very opportunely for correcting the fallacious theories and arguments of the free-silver men of this country in their attempt to convince the farmers that the prices of farm products followed the price of silver. In a bulletin issued, I think, about the middle of last July certain tables were printed showing the production of all the staple agricultural products of the country, with the average prices, for the last forty years.

Those tables showed two or three facts conclusively to every man who would make a careful examination of them, and to the farmer especially, who was being made the particular target of this argument of the silver men that his prosperity and the prices of his farm products followed the price of silver. It needed but a careful inspection of these tables to show conclusively certain facts. One of these was that almost invariably the law of supply and demand fixed the price of farm products. With a large crop of any particular production, the price was invariably low; with a small crop, the price was almost invariably high. And the few apparent exceptions to this rule only went to prove it, for the reason that in every case an explanation could be given for the variations from it.

There was another thing that these tables proved. They proved that the prices of no great staple in this country followed, for the last thirty or forty years, the prices of silver. When silver was going along at a level price, wheat and corn were jumping up and down with variations of 10, 15, or 20 cents, and sometimes even more, per bushel. They showed another thing. When wheat was going up, corn might be going down; when corn was going up, wheat might be going down; or they might be traveling along at pretty nearly a level price, while silver was going up or down upon an entirely different scale. The arguments that these facts would present to the farmer were, it seems to me, conclusive as showing that the prices of farm products did not follow the course of silver, for the reason that they did not agree with each other and none of them agreed with the variations in the prices of silver in its ups and downs.

Therefore, Mr. Chairman, if we consider this one bulletin alone issued by the Agricultural Department—if we consider the value to the country at large of these arguments——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. BROMWELL] has expired.

Mr. BROMWELL. I ask time to conclude in a few sentences what I was saying.

The CHAIRMAN. How much additional time does the gentleman wish?

Mr. BROMWELL. Three minutes.

The CHAIRMAN. If there be no objection, the gentleman will be allowed to proceed for three minutes longer.

There was no objection.

Mr. BROMWELL. Mr. Chairman, if the Agricultural Department had done nothing else than furnish to the country at the critical time when they were presented the arguments that could be drawn from these tables based upon statistics gathered carefully year by year long before there was any free silver agitation in this country—if the Agricultural Department had done nothing else than furnish these statistics for the purpose of opening the eyes of the farmers of this country to the fallacy of the free-silver argument, the expense incurred in the conduct of the Agricultural Department as a whole, and particularly this special department—the collection and the distribution of statistics—would be well repaid by the benefit that has accrued to the country at large.

Mr. MORSE. Will the gentleman allow a single suggestion?

Mr. BROMWELL. Yes, sir.

Mr. MORSE. I should be glad to have the gentleman supplement his remarks with the statement that the Commissioner of Agriculture in presenting these statistics made no deductions from them. He submitted simply the naked facts which the statistics themselves embodied, leaving the people to make their own conclusions.

Mr. BROMWELL. That is true, as I understand it.

Mr. BELL of Colorado. Mr. Chairman, it seems to me we ought to have some day set apart for these political debates. I remember very distinctly that members of the party in power in this House have taken recently at least four opportunities to make political speeches, when the speeches themselves had no application whatever to the pending subject and the minority had no opportunity whatever to reply. We had a case of that kind the other day, when the gentleman from Indiana [Mr. JOHNSON] submitted his remarks on the banking and currency question. I know men on this floor who have repeatedly asked for an opportunity to reply to such arguments, but it has been denied them.

But, sir, coming down to the remarks just made by the gentleman from Ohio [Mr. BROMWELL], I wish to say that in my opinion every distinguished economist in the world, until the late Cleveland Administration, took the ground that the price of wheat did follow the price of silver under normal conditions. Sir Isaac Newton took that position in the first place when he was master of the mint of England. He called the attention of the English people to the fact that every time there was a divergence, however small, between the price of gold and the price of silver, according to the established ratio, that divergence was in favor of the India or other foreign wheat growers. That contention has gone on indefinitely. And I want to say now that in my opinion all of the best economists of Europe to-day claim that that is not only true as to wheat, but it is true as to other export products of the countries that use silver as full legal tender money. A remarkable paper was produced in 1895 by a gentleman, Mr. Jamison, who was then established at Shanghai as consul-general of Great Britain, wherein he showed beyond question that this condition of things had existed from the days of Sir Isaac Newton, and had destroyed wheat growing in England and now threatens its manufactories.

Now, we know that in the last campaign our friends on the other side claimed that because wheat went up in price, while silver did not rise with it, the entire argument founded on this well-established law that I have just stated was refuted. Sir, there never was a well-informed man who made the argument that silver follows wheat; but every man who has studied this question prior to the late Cleveland Administration has contended at all times that wheat has followed silver when normal conditions were prevailing. But when there was a condition that was not normal, when there was a condition in India because of which wheat could not be exported, then there could not be such a condition. For instance, the only reason that the price of wheat followed the price of silver was that the importers into this competitive country from India and from the other silver-using countries sold their wheat calculated on what the result would buy in silver. When there was a panic or a wheat famine, the condition was abnormal, and therefore we had not the exportations from that country, and they could not export wheat, reduce the price in gold, take 50 cents per bushel in gold, and buy $1 worth of depreciated silver bullion, return to India, coin it into $1, and pay a dollar's worth of debt, insurance, taxes, etc., and therefore our wheat could and did rise independent of silver, as no competition existed from silver-using countries during this famine. This should prove, rather than disprove, our contention.

But now, Mr. Chairman, another thing I wish to say is that prior to the late Cleveland Administration in my opinion there was not a respectable political economist anywhere in the entire world who did not make the claim that the prices of all products were largely controlled by the amount of money in circulation, and if our friends will examine the reports from every country in the world, they will find this great economic truth established; if you will take the reports and hearings before the monetary commission in British India, you will find that the wheat raisers of that country went in a body and insisted that every time the divergence between gold and silver was increased that that moment the wheat crop of India brought a proportionately larger price, and they opposed the gold standard as a detriment to the Indian wheat grower. You will find it in the report of the Indian commission, which sets out very fully the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL of Colorado. Mr. Chairman, I would like to have three or four minutes longer.

The CHAIRMAN. Without objection, the gentleman will proceed for three or four minutes longer.

There was no objection.

Mr. MORSE. Mr. Chairman, I wish to call the attention of the gentleman from Colorado to the fact that he did not make this statement, or his friends did not, during the last campaign. The statement then was that Mr. Hanna and the capitalists had combined to put up the price of wheat and put down the price of silver.

Mr. BELL of Colorado. I made the statement repeatedly in that campaign, and we all did in the portion of the country where I took part in the campaign, that is, that this divergence between gold and silver, just as stated in this report to which I have referred, was the real cause of the decline in prices here, and that wheat followed silver, not silver wheat.

Mr. MORSE. Then the Associated Press lied about your position.

Mr. BELL of Colorado. We made the argument from the beginning of that campaign, and all the time, that where there was a divergence between the price of gold and silver regarding the standard ratio that it became a divergence in favor of those countries that used silver, and that India, being a country that exported wheat in competition with this country, obtained the advantage of the existing conditions. Mr. Robert Fowler, ex-mayor of London, declared in 1886 that if they could keep a divergence between gold and silver, and if silver continued to depreciate, that India would soon control the wheat markets of the whole world. That has always been the contention of the English people, and it seems founded on common sense. We never contended that wheat followed silver in price, but we did contend that by reason of the divergence between gold and silver that when the price of silver bullion depreciated, say, 25 per cent, that the wheat shipped from India to Liverpool would sell for 25 per cent less than the gold price, and the sellers from silver-using countries would buy silver bullion and take it back to India and have it coined into rupees, recovering their reduction, which was actually the case until the mints of India were closed. The wheat growers from gold-using countries had to reduce their prices, but could not buy silver bullion and recover their reduction.

That was all we claimed on that point last fall and all we claim now.

Now, as to silver: In my opinion there is no real silver question. We have made it apparent long ago in this country that this is not, and can not be, a controversy between gold and silver, but a controversy between national money on the one hand and bank paper on the other; and that is the only controversy now agitating the moneyed classes.

Mr. MORSE. If the gentleman will permit me——

Mr. BELL of Colorado. Certainly.

Mr. MORSE. If I understand the position of the gentleman, it is that his party is opposed to all metallic bases for money, but that they want the issue of absolute fiat money.

Mr. BELL of Colorado. That is not true.

Mr. MORSE. Then your papers have misrepresented your position—they have lied about it.

Mr. BELL of Colorado. We are in favor of all the gold and all the silver that can be brought into the country from anywhere in the world, and in favor of having it coined, and then supplemented by a full legal-tender paper money, not to be redeemed by a forced redemption, but automatically redeemed whenever we can find enough gold and silver to take the place of the paper money issued; and we are in favor, as was contended by the early economic writers of the country—that is, that we ought to have so much money in circulation every minute as will bear such a proportion to the property in the country as will hold a firm level of prices. This is the doctrine of Mr. Calhoun and other real patriots. He contended that $1 in money to every $30 of property was about the right proportion, and that we ought to have real money and not bank paper. This is the Populist contention.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORSE. Mr. Chairman, I move to strike out the last word, for the purpose of suggesting a single thought to the gentleman who has just taken his seat [Mr. BELL of Colorado].

I have no speech to make, but only intend to call the attention of my friend to the fact that the "tribune of his party" at the other end of this building, Senator PEFFER, of Kansas, has introduced bills after bills there, as shown by Senator MORRILL, of Vermont, calling for more paper money than the entire circulation of all the civilized and semicivilized countries on the face of God's earth. His party, through their official organs, who have the right to speak for them, have declared over and over again their opposition to all metallic money, and in the late campaign only favored free coinage of silver as a step in the direction of irredeemable greenbacks or fiat money.

Mr. BELL of Colorado. If the gentleman will permit me, I wish to state that I remember a few years ago when a law was proposed, introduced by a Republican member here, to pay the rebel soldiers a pension. That was introduced by a Republican. Is that the doctrine of the Republican party? Does the gentleman feel bound by what any individual member of his party chooses to recommend?

Mr. MORSE. I think if any Republican ever introduced a bill of that character, he would hardly have made it payable in the money the gentleman recommends.

Mr. BELL of Colorado. It was introduced by a Republican member.

Mr. MORSE. I say I do not believe he would ever have proposed to pension them in fiat money.

Now, Mr. Chairman, I do not want the gentleman from Colorado [Mr. BELL] to misstate or misrepresent the attitude of his party in regard to currency. There is a gentleman who has risen to the position of Senator, and who has, in a public speech in this city, if I am not misinformed, stated that it was an entire fallacy and a wicked waste of labor to mine the gold and silver in the mountains, but that the true basis for our money should be that the greenbacks should be issued by the Government against the whole country, and that would take in the gold and silver in the mountains before it was mined. He might go a step further, and issue more money against the fish in the sea before they were caught. [Laughter.] Why, Mr. Chairman, there is absolutely no basis for the currency as proposed by the Populist party.

Now, in the course of another debate a definition of the Populist party was given on this floor. I want to offer a definition myself, and my definition is that in the view of the Populist party in this country, I say a good Populist holds that it is a crime to do a successful business, and it is a great crime to do a large and successful business. That party lives upon the disasters and misfortunes of the country. It lives upon famine and pestilence, and short crops, and poverty, and desolation, and misery; and the panacea for the ills of that party is a restoration, such as will occur on the 4th of March next, of the Republican party to the control of all branches of this Government, when we shall have a protective tariff that will give us an income to pay the running expenses of the Government; a protective tariff that will restore prosperity to the country and that will give us an income to carry on the great public works of our country.

Mr. MEREDITH. Will the gentleman allow me to ask him a question?

Mr. WADSWORTH. I rise to a point of order. I do not think the gentleman from Massachusetts [Mr. MORSE] is speaking to the paragraph under consideration.

Mr. MORSE. That is quite correct, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE] will proceed in order.

Mr. MORSE. I confess judgment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE], then, is out of order.

Mr. MORSE. I will try to proceed in order. My friend from Virginia [Mr. MEREDITH] wants to ask me a question.

Mr. MEREDITH. If all these good things are to come upon us through the return of the Republican party to power, why did the money slip from the Treasury under the last Administration?

Mr. MORSE. The last Administration, Mr. Chairman, turned over the Government to its successors with money in the Treasury and with an income sufficient for all expenses of the Government, and prior to the election of 1894 this country, under Republican control, was enjoying a prosperity unknown before in our history.

Mr. MEREDITH. The gentleman knows that the last Republican Administration left an empty Treasury.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. SHAFROTH. I move to strike out the last three words.

The CHAIRMAN. The gentleman from Colorado.

Mr. SHAFROTH. Mr. Chairman, the gentleman from Ohio [Mr. BROMWELL] has stated that the rule of supply and demand is what controls the price of crops. No one ever denied such a proposition. The rule of supply and demand is universal, and knows no exception whatever; but the difficulty with the gentleman from Ohio is that while he recognizes the principle of supply and demand as applied to crops, he does not recognize it as applied to money. You can not have a shifting of the burdens that both gold and silver have hitherto borne upon gold alone without increasing the burden upon gold, increasing the demand for gold, and increasing its value. As gold is the measure of everything that it will buy, its increase in value means the decrease in price of all commodities.

Mr. WADSWORTH. I rise to the point of order that the gentleman is not speaking to the paragraph now pending.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] makes the point of order that the gentleman is not speaking to the paragraph.

Mr. SHAFROTH. I am speaking to the circular. There is before the committee the statement of the gentleman from Ohio [Mr. BROMWELL], and it seems to me an opportunity ought to be given to deny his statements.

The CHAIRMAN. The only discretion the Chair has is to enforce the rules of the House. The Chair thinks the question of silver is not involved at all in that paragraph.

Mr. HEPBURN. This is an agricultural bill, and the gentleman is plowing with his constituents. [Laughter.]

Mr. SHAFROTH. We propose to plow well and win.

The CHAIRMAN. The gentleman is out of order. The Clerk will read.

Mr. SWANSON. I rise to a parliamentary inquiry. As I understand, we are now in Committee of the Whole on the state of the Union, and in that committee great latitude is allowed in the discussion of anything that appertains to the good of the National Union. I think there are some precedents for that view. One is not confined entirely to the measure before the House, because it appertains to the whole state of the Union, as to whether we shall or shall not pass a particular bill.

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry. The Chair has ruled on the remarks of the gentleman from Colorado [Mr. SHAFROTH] that they are not in order under the paragraph of the bill which is under consideration.

Mr. SHAFROTH. I appeal from the decision of the Chair.

The CHAIRMAN. The Chair made his decision some time ago. However, the Chair will submit the question to the committee. The gentleman from Colorado [Mr. SHAFROTH] appeals from the decision of the Chair to the committee. The question is, Will the committee sustain the decision of the Chair? As many as are in favor will say "aye."

The affirmative vote was taken.

Mr. MOODY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The committee is now deciding an appeal on a question of order.

Mr. MOODY. It was with reference to that appeal, so that I might vote intelligently, that I desire to make the inquiry. Do I understand the Chair to rule the reason that unlimited range of discussion, called for by the gentleman from Virginia, is not in order is because the bill is being considered under special order?

The CHAIRMAN. The Chair has made no ruling on the proposition made by the gentleman from Virginia. The committee is now discussing a particular item in an appropriation bill. Upon that the gentleman from Colorado arose and made a speech upon the question of silver, and other questions, which the committee heard. The point of order was made by the gentleman from New York [Mr. WADSWORTH] that the remarks of the gentleman from Colorado were not upon the subject-matter of the paragraph under consideration by the committee. Upon that the Chair held that the remarks were not in order. From that the gentleman from Colorado appeals, and the question is upon sustaining the decision of the Chair.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Several MEMBERS. Division!

The committee divided; and there were—ayes 70, noes 40.

So the decision of the Chair was sustained.

The Clerk read as follows:

> Grass and forage plant investigations, Division of Agrostology: Field and laboratory investigations relating to the natural history, geographical distribution, and uses of the various grasses and forage plants, and their adaptability to special soils and climates; establishment and maintenance of experimental grass stations; employment of local and special agents and assistants; collection of seeds, roots, and specimens for experimental cultivation and distribution; materials, tools, apparatus, supplies, and labor required in conducting experiments; freight and express charges and traveling expenses; the preparation of drawings and illustrations for special reports, and the preparation of illustrated circulars of information, bulletins, and monographic works on the forage plants and grasses of North America, $10,000.

Mr. TAWNEY. Mr. Chairman, I desire to offer an amendment, following after that paragraph.

The Clerk read as follows:

> Amend by adding after line 15, page 14:
> "Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000."

Mr. WADSWORTH. I reserve the point of order on the amendment.

Mr. TAWNEY. Mr. Chairman, I would like to know under what particular rule the point of order is reserved?

Mr. WADSWORTH. The point of order that I make is that it is an increase of expenditures and new legislation.

Mr. DOCKERY. And changes existing law.

Mr. WADSWORTH. And it changes existing law.

Mr. TAWNEY. Then I desire to say, with reference to its changing existing law, and with reference to its being new legislation, that this paragraph has been in the Agricultural appropriation bill every year since 1888. It is in the Agricultural appropriation bill now upon the statute book. It therefore does not change any existing law. It is not new legislation. The proposition is simply to drop from the Agricultural appropriation bill now under consideration an appropriation of $5,000 for investigation and experiment with respect to these various textile fibers, while the amendment I have sent to the Clerk's desk simply restores that appropriation. I submit, Mr. Chairman, that it is not, therefore, subject to the point of order made by the gentleman from New York. With reference to the merits of the proposition, I desire to say that I am advised by men in the State of Minnesota who are interested in the growth and development of the domestic fiber industry that they have received very material and valuable assistance in the growth and development of this industry from the information which they have obtained from the Agricultural Department as the result of these investigations.

I also desire to say, Mr. Chairman, that in my judgment the investigation with respect to our domestic fibers and the experiments that can be made and ought to be made will be of far more value and benefit to the agricultural classes of our country than many of the investigations which are authorized by the bill now pending.

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. TAWNEY. Certainly.

Mr. DOCKERY. How long have these investigations been in operation?

Mr. TAWNEY. Since 1888. Every appropriation bill from that time down to 1896 has made provision for continuing these investigations, and it is now the law upon the statute book.

Mr. DOCKERY. And the investigation is made with a view of determining what question?

Mr. TAWNEY. Determining the adaptability of our soil and climate for the growth of various fibers and also to furnish information concerning the treatment of those fibers by farmers engaged in producing them.

Mr. DOCKERY. And after eight years' investigation, at an expenditure of $5,000 per annum, the Department has not been able to reach a judgment in respect to the matter?

Mr. TAWNEY. It is not a question of reaching a judgment in respect to these fibers, but in the judgment of the present Secretary of Agriculture the investigation has not justified the expenditure of this money, although the men who are engaged in raising and producing these fibers tell me that they have received very valuable aid and assistance from the information they have obtained as a result of the investigations that have been going on these past years in the Agricultural Department; and I will say that every Secretary of Agriculture since 1888 except the present Secretary has recommended this appropriation for the very reason that, in his judgment, he believed it to be of material benefit to the American people engaged in the growth and development of this industry.

Mr. DOCKERY. Can the gentleman state the items of this annual expenditure of $5,000?

Mr. TAWNEY. I can not.

Mr. WADSWORTH. I will give the committee that information in my time.

Mr. TAWNEY. I only know that the investigation has covered the whole subject of the production and treatment of these fibers. I know further that within the last year we have imported into this country foreign fibers to the amount of more than $1,000,000, and that we have imported of the products of these foreign fibers more than $30,000,000 worth. The development of this particular line of agriculture is a subject of vast interest to the farmers and producers of this country. There has recently been formed in the United States a National Domestic Fiber Association, composed of men in almost every State in the Union who are interested in the production and treatment of these domestic fibers, and their association is for the purpose of furthering their growth to the end that we may be able to produce more of the fibers we consume than we have done in the past. I think, therefore, it is but just to the people that they should have the benefit of scientific investigation with respect to the treatment of these fibers, so as to encourage the production at home of products we are now importing from abroad. I certainly think this investigation is of at least as much value to the country at large as several of the investigations which are authorized by this bill. For example, the botanical investigation, the entomological investigation, the pathological investigation, the biological survey, the forestry investigation, the soil investigation, the grass and forage plant investigation, and the nutrition investigation. All of these are authorized by this bill, and none of them, in my judgment, comes closer to the interests of the agriculturists of this country than the investigation in relation to the production and treatment of domestic fibers. I hope, therefore, that the committee will adopt the amendment I have offered. I do not believe that it is subject to the point of order made by the gentleman from New York, which is covered only by the second paragraph of Rule XXI, for the reason that the amendment does not change existing law nor increase expenditures.

The CHAIRMAN. As the Chair understands, the only clause of the rule under which this amendment would be in order would be the one which authorizes an appropriation for the continuation of a public work or object already in progress.

Mr. TAWNEY. This is for the continuation of a work already authorized by law.

The CHAIRMAN. A public work or object.

Mr. TAWNEY. Yes.

The CHAIRMAN. What constitutes a "public work or object already in progress" has received several interpretations by Chairmen of the Committee of the Whole on the state of the Union. It has been broadly held that the term "public work" contemplates a tangible object, like a building or a road, and not "duties in an Executive Department." The Chair is unable to say whether this amendment which the gentleman from Minnesota proposes applies to anything more than duties in an Executive Department. The object of it is to gather information, as the Chair understands.

Mr. TAWNEY. The amendment is to provide for the continuance of an investigation in relation to the production of certain articles, and I think it comes under the head of a public work already in progress. It is a work that the Department has been engaged in for a number of years.

The CHAIRMAN. But there is no tangible object like a public building or a road.

Mr. TAWNEY. I do not contend that this is a public building or a highway.

The CHAIRMAN. The Chair said no tangible object *like* a public building or a road. The gentleman's amendment seems to apply only to the duties of an Executive Department.

Mr. TAWNEY. It may be that the Chair is making a very fine distinction between a "public duty" and a "public work." The labor heretofore expended in this investigation certainly constitutes a work, and there can be no question about its being for the benefit of the public. The question whether it is like a road or a highway has no reference to the question whether it is a public work or not.

The CHAIRMAN. The Chair is only making the distinction that seems to have been made by former occupants of the chair in the Committee of the Whole. The term "public work" has been held to apply to some tangible object and not to a mere work or duty which is performed by a public officer.

Mr. DOCKERY. There is something tangible here—$5,000. [Laughter.]

Mr. TAWNEY. I think that an appropriation for the work authorized by this amendment is entitled to be considered by the Chair as a provision for a public work in progress just as much as an appropriation for a building or a public road or any other public work. The work which the Agricultural Department is directed by this amendment to continue is a work which the Department has been required in the past to perform, and the amendment simply contemplates that that work, in the interest of the public, shall be continued in the future as it has gone on in the past.

The CHAIRMAN. The difference between this object and a public work like a building or a road is that in the latter case the building or road is the tangible object, while this simply applies to a duty. Is there any tangible object that has been already accomplished or commenced under this appropriation?

Mr. TAWNEY. The result of the investigation is the tangible object that has been accomplished. People in my own State, and people in other States, have been benefited by that result just as much as they would be benefited by the partial completion of a public road or building, and reports showing the results of these investigations have been made from year to year and distributed among the people who are interested in the subject, for their guidance in the production and treatment of these fibers.

The CHAIRMAN. Has the Department ever established an experimental farm, or anything of that kind, for the purpose of raising these fibers? That would be a tangible object or work.

Mr. TAWNEY. I was informed the other day by Mr. Smith, the superintendent of the Botanic Garden, that he has been growing these various fibers under an appropriation heretofore made. He referred especially to jute and to ramie. These experiments have been going on under the direction of the Agricultural Department ever since 1888, the results being made known to the public in the report.

The CHAIRMAN. The experimentation in the Botanic Garden was done under the appropriation for the Botanic Garden, was it not?

Mr. TAWNEY. I am unable to state under what appropriation the work was done, but it was an experiment, under the direction of the Agricultural Department, as Mr. Smith informs me. I certainly fail to see wherein this amendment which I have offered changes existing law or increases the expenditure of money previously provided for.

Mr. BARRETT. May I offer a suggestion to the chairman of the Committee on Agriculture? Later on in this bill I find several paragraphs providing for investigations very similar to the one proposed by the gentleman from Minnesota, and if the Chair should hold that these investigations are not in order under the rule I shall take pleasure in making the point of order upon each one as it is reached, because I think that the gentleman from Minnesota is entitled to exactly the same consideration here that is given to the chairman of the Committee on Agriculture. I make this suggestion now for the benefit of the chairman of the Committee on Agriculture [Mr. WADSWORTH], because he may possibly desire to have some of these other provisions for investigations retained in the bill.

Mr. WADSWORTH. The gentleman is at liberty to raise a point of order against anything in the bill. I am not his guardian in any sense.

The CHAIRMAN. The remarks of the gentleman from Massachusetts [Mr. BARRETT], as the Chair understands, are addressed to the chairman of the Committee on Agriculture [Mr. WADSWORTH], not to the Chairman of the Committee of the Whole.

Mr. DOCKERY. I hope the Chair will decide this question uninfluenced by any threats or attempted intimidation. [Laughter.]

The CHAIRMAN. The Chair will endeavor to decide all these questions of order on their merits as they arise. The Chair thinks that this amendment is not in order under the rules, and therefore sustains the point of order.

Mr. TAWNEY. In view of the vast importance of this provision, I appeal from the decision of the Chair.

Mr. WADSWORTH. Pending that, will it be in order for me to make an explanation, not touching the point of order, but stating the reasons why the committee struck out this provision? Would that be in order?

The CHAIRMAN. The question of order is debatable on the appeal.

Mr. WADSWORTH. I do not want to debate the question of the appeal, but merely to state why this item was left out of the bill.

The CHAIRMAN. The question is, Shall the opinion of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 40, noes 23.

Mr. BARRETT. No quorum, Mr. Chairman.

The CHAIRMAN (after counting the members present). There are 114 members present—a quorum. The ayes have it. The decision of the Chair is sustained. The Clerk will read.

The Clerk (resuming the reading of the bill) read the following:

> Agricultural experiment stations, Office of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $770,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of the said act of March 2, 1887; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section 3 of said act of March 2, 1887, shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration and publication of the Experiment Station Record, bulletins, and reports, as he may find essential in carrying out the objects of the above acts; and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture is hereby authorized to furnish, to such institutions or individuals as may care to buy it, copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies; and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Mr. BAKER of New Hampshire. I wish to raise a point of order on the clause just read, commencing with the word "and," in line 18, on page 15. Pending the point of order, I wish to ask the chairman of the Committee on Agriculture the purpose of this card index here referred to, and the form in which copies are to be furnished.

Mr. WADSWORTH. This provision is the same as that of the law of last year. It refers, I suppose, to the index of the libraries of these experimental stations, does it not?

Mr. BAKER of New Hampshire. I was trying to find that out myself.

Mr. WADSWORTH. I confess I am not positive as to the matter.

Mr. BAKER of New Hampshire. I do not see how a card index, according to the ordinary interpretation of those words, could be issued as provided.

Mr. WADSWORTH. The appropriation act for the current year provides:

> And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy it, copies of the card index of agricultural literature prepared by the office of experiment stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

The law is mandatory that these indexes shall be prepared, and it is further provided that the money received for them shall be applied to pay the expense of preparing them.

Mr. BAKER of New Hampshire. The difficulty in my mind, Mr. Chairman, is not so much in the interpretation of the language here used as it is with regard to the manner in which the provision can be carried out. How are card indexes to be duplicated in this manner?

Mr. WADSWORTH. Well, that is a matter of detail. I confess I am not much of a librarian, and I do not know how these indexes are prepared. But the law for their preparation is mandatory, and the provision here in question provides merely that the proceeds shall be applied toward paying the expense of preparing them.

Mr. BAKER of New Hampshire. I do not get the information that I desired, but I withdraw the objection. [Laughter.]

The Clerk (resuming the reading of the bill) read as follows:

> Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, $15,000; and the agricultural experiment stations are hereby authorized to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise.

Mr. BARRETT. I raise a point of order on the provision last read, and I reserve that point pending the amendment which the gentleman from Minnesota [Mr. TAWNEY] is about to offer.

Mr. TAWNEY. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The CHAIRMAN. The point of order raised by the gentleman from Massachusetts should be first disposed of.

Mr. BARRETT. I reserve that point of order until the gentleman from Minnesota shall have an opportunity to be heard.

The proposed amendment of Mr. TAWNEY was read, as follows:

> After line 16, on page 16, insert the following:
> "Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000."

Mr. WADSWORTH. I renew the point of order against the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Now, Mr. Chairman, I desire to call the attention of the Chair to the language of this amendment, which I think comes clearly within the rule. In other words, I submit that it does provide for the continuation of a public work. The language of the amendment is:

> To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including

their economic growth, cleansing, and decorticating, preparatory to manufacture, the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000.

Now, the labor and the expense incident to that work is merely a continuation of a public work which has been going on since 1888.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if he has before him the general law under which the Secretary of Agriculture is authorized to make the investigation? The Chair understands there is a general law on this subject.

Mr. TAWNEY. The paragraph I sent to the Chair is taken from the general law. The law now authorizes this work.

The CHAIRMAN. The gentleman means on an appropriation bill. The Chair means the general law upon the subject, if the gentleman can refer to it.

Mr. TAWNEY. I do not know that there is a general law on the subject other than the appropriation bill passed last session, although there may be.

The CHAIRMAN. The recollection of the Chair is that there is a general law, a section of the statutes, under which this expenditure is authorized.

Mr. TAWNEY. That may be, although I have not access to the law, nor have I examined it.

The CHAIRMAN. The Chair thinks perhaps some member of of the committee may be able to refer the Chair to the section.

Mr. HULICK. Mr. Chairman, I have a copy of the general law now in my hands; and if the gentleman from Minnesota wishes to refer to any portion of it, I will gladly surrender it to him.

Mr. TAWNEY. Mr. Chairman, I find section 526 of the Revised Statutes, on page 88, reads as follows:

> The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants, he shall test, by cultivation, the value of such of them as may require such tests, shall propagate such as may be worthy of propagation, and shall distribute them among agriculturists.

Now, this is merely a continuation of the present law in respect to one particular item that is referred to in this general provision of the statutes; that is to say, the cultivation of domestic fibers.

The CHAIRMAN. The Chair will state that if the attention of the Chair had been called to the statute the gentleman has just read before ruling on the amendment when first presented, the ruling would have been different. The Chair thinks that clearly the statute authorizes the work suggested in the amendment, and therefore overrules the point of order and will submit the question to the committee.

Mr. WADSWORTH. The Chair, then, holds the amendment to be in order?

The CHAIRMAN. The Chair holds the amendment in order under the statute.

Mr. WADSWORTH. And the question is on the amendment?

Mr. BARRETT. One moment, Mr. Chairman. I have a point of order pending which has been reserved on the section. Inasmuch as I only reserved it to enable my friend from Minnesota to have the amendment which has been read acted upon by the committee, I withdraw the point of order, that result having been achieved.

The CHAIRMAN. The point of order having been withdrawn, the question is on agreeing to the amendment proposed by the gentleman from Minnesota.

Mr. WADSWORTH. Mr. Chairman, the Agricultural Committee last year had this item under investigation, and was very doubtful that it possessed any utility whatever. On further investigation the committee decided unanimously that it should not be put into the present bill.

This investigation was started, I may say, in 1888, the gentleman from Minnesota says, although the figures I have show that it was in 1892.

Mr. TAWNEY. Eighteen hundred and eighty-eight is the correct time.

Mr. WADSWORTH. However, that does not matter materially. It was started, whenever it was commenced, at $10,000 for that year. In 1893 it was immediately dropped to $5,000, which shows a little suspicion in the minds of the Congress at that time that it was not of very much value. In 1894, 1895, and 1896, it was retained at $5,000.

Now, that $5,000 is spent in this way: The chief of the division gets $2,000; the chief clerk gets a part; a lady clerk gets some of it, and these three are compelled to have a messenger to wait upon them at a salary of $800, making thus $4,700 of the total appropriation which is paid in salaries.

Now, the investigation proposed by the gentleman from Minnesota may have been of some value heretofore, but we have considered the subject very thoroughly in this country, and the question of raising fibers to-day is no longer an experimental one. It has been established that in the South we can raise ramie, and in certain sections of the Northwest they raise hemp for the seed, not for the fiber, while on the North Pacific Coast you can raise it also for the fiber.

But, Mr. Chairman, in every State of the Union there is an experimental station, and the committee claim that where experiments of this character are to be conducted they should be conducted at the experimental stations in the States where the article is to be raised and where the test of climate can be considered. What good, let me ask you, would it do down in the Botanic Garden here to raise some character of fibrous plant to be used in Wisconsin or in Dakota? It will be of no practical value; it would not demonstrate anything of value; and the committee therefore thought that experiments of this character should be conducted in the States, at the experimental stations, and for that reason we did not think it proper to make this appropriation.

Mr. BAKER of New Hampshire. Let me ask the gentleman in charge of the bill if the same remark would not be applicable to the culture of grass and forage plants and their investigation under the Division of Agrostology, as embodied in this bill on page 14?

Mr. WADSWORTH. I do not know but it would to a certain extent. I am frank to say to the gentleman that very many of these experiments are being duplicated all over the States in the different experimental stations. I do not deny that all this experimental work of the Government, generally speaking, ought to be reorganized and consolidated into one big bureau, so as to avoid this duplication of work.

Mr. TAWNEY. Why do you pick out this small item and make an exception of it?

Mr. WADSWORTH. We seek in this small matter to avoid the duplication of work by doing away with the fiber investigation, just as last year we did away with the irrigation investigation.

Mr. JOHNSON of North Dakota. Mr. Chairman, this is an item which has been in the Agricultural appropriation bill annually since 1888. While Mr. Rusk was Secretary of Agriculture we got it without any fight on the floor of the House. In the last two or three years we have had more or less debate, but anyhow——

Mr. WADSWORTH. I want to correct the gentleman in that respect. Last year there was no debate and no dispute. It was put in the bill and went through. Before that I can not say for certain.

Mr. JOHNSON of North Dakota. I accept the correction of the gentleman from New York, but hope the committee will not at the present time deprive the incoming Secretary of Agriculture of the opportunity to continue this investigation in case it shall be deemed wise. We are now importing 50,000 tons of fiber of a very coarse character for binding twine, and 150,000 tons of this low-grade fiber for gunnysacks and other similar stuff. We are burning on the Western prairies, just to get rid of it, a million tons of fiber every year, which, if our farmers and our fiber manufacturers only had a little assistance, a little more instruction, they could save.

Mr. WADSWORTH. May I ask the gentleman a question right there?

Mr. JOHNSON of North Dakota. Yes.

Mr. WADSWORTH. Are you not burning millions of bushels of corn also?

Mr. JOHNSON of North Dakota. No; that is a different thing.

Mr. WADSWORTH. You are not burning corn in Kansas and Nebraska?

Mr. JOHNSON of North Dakota. Oh, they are, where it is cheaper than coal.

Mr. WADSWORTH. You do not hold that the Agricultural Department should teach the people how to grow corn?

Mr. JOHNSON of North Dakota. That is a different thing. Flax straw is burned not for fuel, but just to get rid of it. I had a letter from Mr. Worden, the president of the National Fiber Association, only yesterday, and I think the gentleman from Minnesota [Mr. TAWNEY] has received one like it, in which he says that the progress they have made has been mainly due to following the instructions they have received from this branch of the Agricultural Department. Now, the fallacy which the chairman of the committee [Mr. WADSWORTH] reiterated, that you can not produce seed and at the same time save the fiber of our flax, is being disproved. As a matter of fact, we are raising flax and saving the seed and, to a small extent, the fiber also. Now, instead of sending our money to the Philippine Islands and to Yucatan for sisal and manila fiber, we should use our own flax fiber now going to waste. It is these little wastes that are going on on our farms that make the difference between success and failure. We have had an opportunity, with only this picayune assistance, to learn how to utilize this by-product which is now going to waste.

Mr. WADSWORTH. Is not that in support of the point I made a minute ago, that it is the duty of the agricultural experiment stations in the several States to develop the fact whether you can save both the seed and the fiber?

Mr. JOHNSON of North Dakota. In the State of Minnesota they have as good an experiment station as you have in the State of New York, and they have done the best they could; but they have no specialist, no expert such as we have here now in the Agricultural Department, who is particularly versed in this subject; hence their experiments have not been of much value in this particular direction.

Mr. BAKER of New Hampshire. I suggest that it is cheaper that this special investigation be carried on from one place and the instructions issued from that place to the several experiment stations than it is to carry on original investigations in forty-five different States.

Mr. JOHNSON of North Dakota. Certainly; nothing could be plainer than that.

Mr. WADSWORTH. But in the several States you suit the products to the soil and the climate. What you are able to raise here you may be unable to raise in New Hampshire. Soils and climates differ.

Mr. BAKER of New Hampshire. With a great many exceptions, that is true.

Mr. JOHNSON of North Dakota. We do not expect to get in the State experimental stations the collective instruction and scientific information which is issued from this Department at Washington. It is something we can not supply in the several States. I hope the House will not deny us this very small item, which we have been accustomed to getting in the Agricultural appropriation bill for many years, ever since we have had a Secretary of Agriculture.

Mr. WADSWORTH. Yes, Mr. Chairman, and the item will be put in the bill just so long as the House will consent to it, and this investigation will go on ad infinitum. I never saw one of them discontinued voluntarily in the world.

Mr. DOCKERY. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY] seeks by this amendment to overturn the unanimous report of the Committee on Agriculture, and the explanation of the amendment is found in the statement which he makes that his constituents are interested in the growth of this fiber. I congratulate the constituents of my friend from Minnesota in having so able and so zealous a champion; but I am unwilling, as a taxpayer of the United States, to continue this contribution, which at last goes not to the benefit of the constituents of the gentleman from Minnesota, but to a salary roll amounting to $1,700.

Mr. TAWNEY. If the gentleman will permit me there.

Mr. DOCKERY (continuing). That is the cost of administration.

Mr. TAWNEY. Will you just permit me an inquiry there?

Mr. DOCKERY. Certainly.

Mr. TAWNEY. It is not alone the people of Minnesota that are interested in the result of these investigations, nor are we alone in our enjoyment of the accruing results of these investigations. The investigation before our committee within the last month has proven conclusively that almost every State of the Union is interested in the growth and in the development of this fiber industry, so that the benefit comes not to the people of Minnesota alone, but to the people of every State.

Mr. DOCKERY. Mr. Chairman, let me reply——

Mr. WADSWORTH. But can not that be best done in each of the experimental stations of the States?

Mr. TAWNEY. It can not be done in the forty-five different experimental stations of the States.

Mr. DOCKERY. The gentleman from Minnesota evidently did not understand the observation I made at the outset. I stated that this benefit did not go, after all, to the constituents of the gentleman from Minnesota, but it appears that it goes to four persons who are carried on a salary roll, thus costing the Government $1,700 out of $5,000 to administer this appropriation.

Mr. TAWNEY. What are they carried on that roll for?

Mr. DOCKERY. Now, I have not seen in my time here of fourteen years a more expensive administration of public affairs.

Mr. TAWNEY. What are they on that roll for?

Mr. DOCKERY. Will the gentleman allow me to make my statement, and then I will yield to him? I desire to make a connected statement, and when I was interrupted I was about to say that this was the most expensive item of administration of public money that has ever been called to my attention anywhere; and the wonder is that they did not take all the $5,000 for administration.

Mr. WADSWORTH. There was another item of $150 or $200 expended on labor.

Mr. DOCKERY. I was astonished to see that any part of the $5,000 got away. [Laughter.]

Mr. TAWNEY. Will the gentleman allow me to ask him a question there?

Mr. DOCKERY. Let me make my statement, and you can have your own time. It seems that I was in error somewhat, as the Bureau has in fact expended $4,850 of the $5,000 appropriated in the cost of administering this service of the Department of Agriculture.

Now, I am not surprised that the able and zealous gentleman from Minnesota should appear here in behalf of an appropriation, even if it be but $5,000, which goes to the benefit of his own constituents; but I submit that this is an appropriation for the benefit of four people carried on an enormously expensive salary roll in the Department of Agriculture. Now, what do you ask in your amendment? You want—

> To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, etc.

Now, here is an investigation begun, according to your own statement, in 1888, to determine the extent to which these fibers could be cultivated in the United States; and yet, after eight years, with an expenditure originally of $10,000 a year, dropped the next year, I believe, to $5,000, and continued at $5,000, this Department, or at least the influences back of the appropriation, are not yet satisfied whether these fibers can be cultivated in the soil of the United States. Now, if it requires eight years, with an expenditure of perhaps $60,000 of the people's money, to enable them to reach no conclusion, I may ask the distinguished gentleman from Minnesota when he expects a judgment to be reached by this Department that will obviate the necessity of further expenditure? Now, this——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I should like to have five minutes longer.

There was no objection.

Mr. DOCKERY. This amendment provides also for the purchasing of—

> Testing machines and processes for said cleansing and decorticating.

It seems that the only chance to purchase the testing machines under this amendment will be out of the $150 of unexpended balance that is not swept away by this salary roll. It also provides—

> For the purchase of materials for said test.

These purchases must be made from this enormous balance of $150 left after these gentlemen shall have exhausted $4,850 of the appropriation on account of salaries. It also provides—

> For the purchase of fiber plants and seeds for distribution, propagation, and experiments, and for the labor and expenses incident thereto.

This also must come from this affluent remainder of $150 left after this salary roll shall have satisfied its exorbitant demands.

Mr. Chairman, I regret that the gentleman from Massachusetts [Mr. BARRETT] did not carry out the threat he made a few minutes ago. If the other investigations authorized in the Agricultural bill are as costly in administration and as seemingly worthless in results as the one now under consideration, I have to regret that the gentleman did not adhere to his announced policy and make a point of order against each of the other investigations authorized in the bill.

Mr. TAWNEY. Mr. Chairman, the chief complaint of the gentleman from Missouri [Mr. DOCKERY] is that this appropriation in the past has been expended largely in the payment of salaries. I would like to know if the gentleman expects citizens to work for their Government without any compensation? The results of their labors and investigations have been made known to the people of the United States in the reports and bulletins which have been distributed to those who are interested in the production of these various textile fibers. The legitimate conclusion to be drawn from the argument of the gentleman from Missouri is that the appropriation has really been inadequate for an efficient and thorough investigation, and that a complete investigation would require the expenditure of a great deal more money. We have been able to secure in the past only $5,000 each year, but even with that limited sum results have been accomplished that have been of very material benefit to the people interested in the growth of these fibers.

The gentleman says that this investigation has been going on ever since 1888, and he asks: "When may we expect a final judgment?" Why, Mr. Chairman, this investigation, like nearly all others as they progress, opens up new fields wherein the investigation can be continued with profit to the people, and one reason why we are not now producing more of these fibers in this country is that our people are not familiar with the proper manner of treating them so as to make them available for the production of the various cloths and other products in which they are used at the present time; and as the result of that fact, we are importing an enormous quantity of fibers grown in foreign countries. An inquiry made by the Committee on Ways and Means only a short time ago, shows conclusively that these fibers can be grown in this country. Even jute, hitherto supposed to be exclusively the product of India, has been grown and can be grown, as Mr. Pierce, of St. Louis, has testified, anywhere below Lexington, Mo., and he said he had seen fibers of that class growing there as high as 16 feet. The difficulty has been in the manner of treating them; and it is for that reason that gentlemen here representing States that are interested in the production of these fibers want to have this investigation continued, so as to obtain scientific information for the people as to the proper manner of treating these fibers and making them available for use in manufactures in place of the foreign fibers, which we are now importing in enormous quantities.

Mr. WADSWORTH. Mr. Chairman, the gentleman from Minnesota and myself do not differ as to the object to be attained; we simply differ as to the best method of attaining that object. I claim, and it is the opinion of the Committee on Agriculture, that the best way to attain that object is through the experimental stations of the different States, while the gentleman from Minnesota believes that the best way is by making this special appropriation.

Mr. TAWNEY. Mr. Chairman, in answer to that, I want to remind the committee that the gentleman from New Hampshire [Mr. BAKER] made a suggestion a few moments ago which I think conclusively disposes of the view taken by the gentleman from New York. The experimental stations in the States do not have the facilities for carrying on these investigations which the Agricultural Department has.

Mr. WADSWORTH. With an appropriation of $5,000?

Mr. TAWNEY. Even so. In the States we do not have access to the experts that the Government of the United States can command, and besides that, if an investigation conducted by the Agricultural Department can save to each of the forty-five States the expense of an independent investigation of this matter by each State, I say it is our duty to provide for such an investigation by the Department, especially so in view of the fact that we have begun this policy of making investigations. If we are going to make investigations of this kind at all, I am confident that we ought to include this fiber investigation, which, in my judgment, is of far more value to the farmers of this country than the botanical investigation, the entomological investigation, the nutrition investigation, or any of the others which are authorized by the bill as it stands.

Mr. BARRETT. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] thought I had made a mistake in withdrawing my point of order against the paragraph to which the pending amendment applies. I wish to say that I made that point of order simply to direct the attention of this committee to what seems to me an inconsistency on the part of the Committee on Agriculture. Here comes the gentleman from Minnesota with a proposition which he makes in the interest of the agriculture of his part of the country——

A MEMBER. The agriculture of the whole country.

Mr. BARRETT. Here comes the gentleman from Minnesota with his proposition for an investigation relating to a special form of agriculture, and it is ruled out of order, yet the Committee on Agriculture have submitted a provision in this bill (which of course they would not do unless upon the belief that it was in order) which provides for an inquiry into human food, "edible rations," etc. That is to say, they are going to commission the Agricultural Department to go to the bottom of the ocean and decide what kind of fish are best for human consumption. They were going to make it a part of the duty of the Agricultural Department to consider how salt, a mineral, can best be used in matters of food. They are commissioning the Agricultural Department to do a thing with which properly it has no concern. At the same time they are raising a point of order against an amendment which has to do with a very great part of the agricultural interests of the United States. And in order that, if the point of order should be sustained, we might have a fair consideration, and reject similar propositions made by the committee, I reserved the point of order.

It seems to me that here, as in many other cases, an attempt is made to bring in things which are themselves out of order and at the same time to exclude amendments which ought to be passed upon on their merits. If by doing what I did I contributed in the smallest degree to enabling the amendment of the gentleman from Minnesota to be considered by the House, I am very glad that I took that step.

In regard to these other appropriations included in this bill, and to which the gentleman from Missouri objects, I agree with him fully. My opinion about the Agricultural Department is that which is probably entertained by seven-eighths of the members on this floor; but out of my sincere and heart-whole respect for the gentleman from New York [Mr. WADSWORTH], I will refrain from giving my views expression. [Laughter.]

The question being taken on the amendment of Mr. TAWNEY, there were, on a division (called for by Mr. WADSWORTH)—ayes 50, noes 23.

Mr. WADSWORTH. I call for tellers.

Tellers were not ordered, only 17 voting in favor thereof.

So the amendment of Mr. TAWNEY was adopted.

The Clerk read as follows:

> Library, Department of Agriculture: Purchase of necessary books, periodicals, and papers, and for expenses incurred in completing imperfect series, and for library fixtures, shelving, library cards, and other material, $5,000.

Mr. DOCKERY. I move, pro forma, to strike out the last word, for the purpose of asking the gentleman in charge of this bill as to the necessity for an appropriation of $5,000 for purchasing books for the library of the Department of Agriculture. We appropriate only $1,000 annually for the purchase of books for the Congressional Library.

Mr. WADSWORTH. The library of the Agricultural Department is to-day probably one of the best technical libraries in the world. This appropriation of $5,000 is simply to keep it up—to provide it with the latest publications, to repair the shelves, to prepare library cards, pay postage, etc.

Mr. DOCKERY. Will the gentleman state the amount which was actually expended last year for the purchase of books for this library?

Mr. WADSWORTH. I have here a statement of the whole expenditure, but not an exact statement of the amount expended for books. I should say, however, that the bulk of the expenditure was for books.

The CHAIRMAN. In the absence of objection, the pro forma amendment will be regarded as withdrawn.

The Clerk read as follows:

> Publications, Department of Agriculture, Division of Publications: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, $65,000, of which sum $40,000 shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of two-thirds of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of tools, instruments, and artist's material; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary, $20,000; for labor, paper, envelopes, gum, twine, and other necessary materials, $5,000; in all, $65,000.

Mr. WADSWORTH. Mr. Chairman, there seems to be a misprint in this paragraph. I move to correct it by striking out "$20,000" in the third line from the last and inserting "twenty" before "five" in the next line to the last.

Mr. STEWART of New Jersey. I suggest also that after the word "necessary" we should strike out the semicolon and insert the word "and;" so as to read: "when necessary, and for labor," and so forth.

Mr. WADSWORTH. I accept the gentleman's suggestion.

The CHAIRMAN. In the absence of objection, the phraseology of the paragraph will be amended as suggested by the gentleman from New York.

There was no objection.

Mr. STEWART of New Jersey. I offer the amendment which I send to the desk.

Mr. STEELE. Before we proceed further with the bill, I desire consent to go back to the previous paragraph.

The CHAIRMAN. There is an amendment now pending, which the Clerk will read.

The amendment of Mr. STEWART of New Jersey was read, as follows:

> In line 21, page 17, after the word "distribution," insert "and on the face of the envelope inclosing said bulletins shall be printed the title and character of each bulletin contained therein."

Mr. STEWART of New Jersey. The difficulty at present is, there being upon the envelope no printed description of its contents, we are obliged to destroy the envelope in order to ascertain what it contains.

Mr. WADSWORTH. That is a very proper amendment. I assent to it with pleasure on behalf of the committee.

The amendment of Mr. STEWART of New Jersey was agreed to.

Mr. STEELE. Mr. Chairman, I ask unanimous consent to return to the amendment inserted at the top of page 17, a provision enabling the Secretary of Agriculture to continue the investigations of the Department in reference to fibrous plants. I ask unanimous consent to recur to this amendment, and offer an additional amendment providing that not more than $3,000 of this sum shall be used for salaries.

Mr. WADSWORTH. Mr. Chairman, I accept the amendment with great pleasure.

Mr. STEELE. I desire to state that of the $5,000 heretofore appropriated, all of it, with the exception of $150, has been expended for salaries. Now, it seems to me that the present appropriation ought to be limited in that direction.

Mr. DOCKERY. I suggest to the gentleman from Indiana that this administration has just been overwhelmingly approved by the committee.

Mr. STEELE. That may be; but I would ask the gentleman from Missouri if he does not think it would be wise for us to provide that this expenditure should be limited as I suggest?

Mr. DOCKERY. Certainly. If the money had gone for the purpose originally intended—to ascertain whether or not certain fibers can be raised to advantage in the United States—I should not have objected in the first instance; but, as a matter of fact, all of it went to pay salaries here in the city of Washington to employees of the Bureau, with the exception of about $150. But, as I have just suggested, that has been accepted and disposed of and ratified by an overwhelming approval of the committee.

Mr. STEELE. Well, that is a matter that I desire to cure by the amendment, and I hope the gentleman will not object.

Mr. DOCKERY. Certainly I shall not object.

The CHAIRMAN (Mr. HULL in the chair). The gentleman from Indiana asks unanimous consent to recur to the amendment inserted on page 17, and to insert a proviso that not more than $3,000 of the appropriation for the purpose contemplated shall be used for salaries. Is there objection?

Mr. HARTMAN. Mr. Chairman, I am not intending to interpose objection, but simply desire to call attention to the fact that the gentleman from Minnesota [Mr. TAWNEY] who opposed the original amendment has left the Chamber, and I think perhaps that during his absence this matter should be withheld.

Mr. STEELE. If the gentleman from Minnesota objects when he returns, I shall ask to have the action reconsidered.

The CHAIRMAN. Is there objection?

Mr. HARTMAN. I shall not object.

Mr. STEELE. Then I ask unanimous consent that the amendment I have suggested, "that not more than $3,000 of this sum shall be expended for salaries," shall be incorporated in the amendment already adopted.

There was no objection, and it was so ordered.

The Clerk read as follows:

> Contingent expenses, Department of Agriculture: Stationery, purchase of blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel and lights, freight, express charges, advertising, telegraphing, purchasing supplies, and washing towels; the purchase, subsistence, and care of horses; the purchase and repair of harness; the purchase and repair of vehicles; expenses of sales of old material; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed $400; actual traveling expenses while on business of the Department, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, $20,000.

Mr. LIVINGSTON. Mr. Chairman, I rise to ask the gentleman a question.

Mr. MOODY. Mr. Chairman——

Mr. LIVINGSTON. I wish to ask the chairman of the committee what is the amount appropriated for the contingent expenses in the last appropriation bill?

Mr. WADSWORTH. I will state to the gentleman that there is a net decrease in this bill of $5,000. Last year the contingent expense was $25,000.

Mr. LIVINGSTON. How did you come to the conclusion that $5,000 ought to be deducted this year?

Mr. WADSWORTH. I went to the Department and looked over the vouchers and found an unexpended balance that satisfied me they could get along with this sum. They have not used the full amount of the appropriation heretofore.

Mr. LIVINGSTON. And you think that it is now none too large?

Mr. WADSWORTH. I think this is as much of a reduction as they can stand.

Mr. LIVINGSTON. I wanted to offer an amendment, if it met the approval of the gentleman, to make the amount $10,000.

Mr. WADSWORTH. I think that would be inadequate. I think the matter has been carefully considered and the money has been economically spent, and while there is an unexpended balance on hand there is no room, in my judgment, for a further decrease.

Mr. LIVINGSTON. What does the Secretary do with the unexpended balances of this appropriation?

Mr. WADSWORTH. The unexpended balance is returned into the Treasury.

Mr. LIVINGSTON. It does not go for salaries?

Mr. WADSWORTH. No, sir.

Mr. DOCKERY. I desire to ask the gentleman in charge of this bill if it would not be wise to accept the amendment "that horses and vehicles," in this paragraph, shall be used for "official purposes only." That proviso is carried in every other appropriation bill, but to my surprise I do not find it in this bill.

Mr. WADSWORTH. I have no objection to that amendment, although I do not think the use of such vehicles and horses is authorized in the Department, or that there is any abuse of the right to use them.

Mr. DOCKERY. Certainly not, and I am not intimating that there is. But this provision is carried in all of the other appropriation bills; in the legislative bill notably, which carries provisions for other horses and vehicles for the various Departments, and for the use of the heads of the Departments. So far as I know there is no abuse of the appropriation. I therefore do not wish it to be understood that I intimate that there is any abuse in this Department. But out of abundant caution I think it wise to incorporate such an amendment; and therefore, Mr. Chairman, I move to amend, in the third line, on page 20, by adding after the word "horses," the words "for official purposes only."

Mr. WADSWORTH. I accept that.

Mr. DOCKERY. Then, after that amendment is acted upon, I will offer another one, and then yield to my friend from Massachusetts [Mr. MOODY], who desires the floor.

The amendment proposed by Mr. DOCKERY was agreed to.

Mr. DOCKERY. In line 5, after the word "vehicles," I move the addition of the same words, "for official purposes only."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 20, line 5, after the word "vehicles," insert "for official purposes only."

Mr. WADSWORTH. I accept that amendment, Mr. Chairman.

The amendment was agreed to.

Mr. MOODY. Mr. Chairman, I should like to ask the gentleman from New York, the chairman of the committee, a question in regard to the paragraph which is just about to be read, in order that attention may be directed to it, because I understand that from another quarter some amendment is to be offered. This is one of the large appropriations in the bill—$120,000 for the distribution of seeds. The question I desire to ask of the chairman is what his personal opinion is as to the amount of benefit that is derived by the agricultural community from that large expenditure of money? I should be glad if he would inform the House what his opinion is, as a practical farmer, upon that question. [Laughter.]

Mr. WADSWORTH. Mr. Chairman, I do not care to interpose my personal opinion against the overwhelming sentiment of this House.

Mr. MOODY. Mr. Chairman, I will say to the gentleman that there is a good deal of sentiment which agrees with what I believe to be his personal views. I think those members who are not practical farmers are entitled to the opinions of those who are; and we shall be glad to get the views of the gentleman from New York [Mr. WADSWORTH] on the question.

Mr. WADSWORTH. I do not want to open the subject of seeds, but since the gentleman has asked me the question, I am not afraid to answer it. In my own humble opinion, the seeds should be distributed through the experimental stations, and not through the Secretary of Agriculture.

Mr. HULICK. Not through the members of Congress, either.

The Clerk (proceeding with the reading of the bill) read as follows:

> Division of seeds, purchase and distribution of valuable seeds: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $120,000. And the Secretary of Agriculture is hereby authorized, empowered, directed, and required to expend the said sum in the purchase, propagation, and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and is authorized, empowered, directed, and required to expend not less than the sum of $100,000 in the purchase at public or private sale of valuable seeds, the best he can obtain, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States.

Mr. BROMWELL. Mr. Chairman, I move to strike out the last word. This time, Mr. Chairman, I think I shall not make any remarks that will call for replies from any of the representatives of silver on this floor, as I shall confine myself strictly to the matters pertaining to this appropriation bill.

Mr. HULICK. One moment, if the gentleman from Ohio [Mr. BROMWELL] will yield. I have an amendment to offer to that section.

Mr. BROMWELL. Well, I have one that I want to offer further along, and I take this means——

Mr. HULICK. You have only made a formal amendment so far, to strike out the last word. I have an amendment.

The CHAIRMAN. Does the gentleman yield?

Mr. BROMWELL. I do not.

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] declines to yield to his colleague.

Mr. BROMWELL. Now, Mr. Chairman, I want to say at the beginning that I represent a district made up largely of the city of Cincinnati, and that the population of the district outside of the city amounts to about 25,000 or 30,000 people, a large portion of whom are engaged in agriculture. I think that this provision of the agricultural bill that pretends to appropriate money year after year for the distribution of so-called rare and valuable seeds and plants is a perversion of the public money from the legitimate purpose for which it was originally intended when it was ingrafted into the Agricultural appropriation bill, for it has degenerated into the lowest form of patronage by the members of this House.

There is no question that the original provision of this bill, which provided for the purchase of rare and valuable plants and seeds, and for their dissemination, was a perfectly proper one. The farmers of one section of the country find that after propagating seeds of certain kinds for a time, they run out, become inferior in results, and that by exchanging seeds with other localities they can get better crops and better results in the production of the various grains and vegetables which they raise. There are many valuable plants grown in foreign countries having temperatures, soils, and surroundings similar to those of the United States, which can be introduced into this country with profit. Undoubtedly the intention of this provision of the bill was to give an opportunity for the exchange of the seeds of one portion of the country for those of another, and to introduce from foreign countries the seeds of valuable plants that were not indigenous to the United States. That has degenerated, Mr. Chairman, into a mere purchase of the commonest seeds that are raised in the various localities of the United States and the disposition of them in the same neighborhood in which they are produced. Previous to this year the seeds had been bought by the Agricultural Department, examined by them, put up into packages, and sent out. I understand that this year the seeds are bought in different localities and sent to the constituents of the members of this House from the seed merchant who is nearest to the district represented by the member.

Now, what is going to be the result? The seeds raised on one farm will be taken by the seed man in that locality, will be sold to the Government at a higher price than he could get from his neighbor, will go through the expensive process of being carried by mail, and finally will land on the adjoining farm as a rare and valuable seed.

Now, apart from any criticism that I have to make on this, I would like to see this whole provision thrown out of the bill, or, at any rate, relegated where it properly belongs, to the experiment stations. I am in favor of striking this provision out of this bill entirely. Assuming that this House is going to vote as it has heretofore, possibly, for a continuance of this evil, I have an amendment which I shall offer at the proper time, and which I will send up and have read in my time, and will offer it at the proper place, to correct some of the evils of the present distribution.

The Clerk read as follows:

Amend by inserting, after the word "represents," in line 19, page 22, the words:

"And in determining the number of packets of flower, vegetable, and other seeds, respectively, which shall be placed in the quota of each Senator, Representative, or Delegate, the Secretary shall be controlled by the written instructions filed with him by such member at any time prior to the 1st day of May each year, indicating the relative proportions of the flower, vegetable, and other seeds which said member desires in his quota. And the Secretary shall furnish to each such member either his entire quota or such part thereof as he may desire in sealed packets containing the names of seeds contained therein, printed upon the cover, together with a sufficient number of unsealed envelopes, with properly printed blank frank slips attached thereto for inclosing and mailing said seed packets. If any member shall fail to express his wish in regard to the various kinds of seeds to be apportioned in his quota before the 1st day of May, the Secretary may apportion the same to said member according to his own judgment. The provisions of this amendment shall apply to the distributions succeeding the 1st day of May, 1897."

Mr. BROMWELL. Now, Mr. Chairman——

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. BROMWELL. I will speak to the amendment when I offer it.

Mr. WADSWORTH. I think the question is subject to a point of order.

Mr. BROMWELL. It is not offered yet.

Mr. WADSWORTH. I beg pardon.

Mr. HULICK. I offer the following amendment to the section.

The Clerk read as follows:

Insert, in line 15, page 20, after the word "seeds," the following:

"Such as are rare and uncommon in the country, or such as can be made more profitable by frequent changes from one part of our country to another."

Mr. HULICK. Mr. Chairman, I have copied the exact language of the law as it now is in regard to the character of the seeds, of the bulbs, and plants that the Secretary is required to purchase and distribute.

Mr. LIVINGSTON. May I suggest to the gentleman that the word "rare" was the very trouble that we had a year ago? The Secretary absolutely refused to purchase any seed ordered by the House.

Mr. HULICK. And the Secretary did right.

Mr. LIVINGSTON. But the House did not think so.

Mr. HULICK. But the law directed him to do that very thing.

Mr. LIVINGSTON. The law is changed now.

Mr. HULICK. This is the law as I am reading it now.

Mr. MOODY. Will the gentleman permit me? I understand the gentleman refers to section 527 of the Revised Statutes. That has been amended. It is not the law at present.

Mr. HULICK. It was changed in the appropriation bill last year.

Mr. LIVINGSTON. It was changed by a joint resolution passed by the two Houses.

Mr. HULICK. I do not understand that that statute is repealed, modified, or affected in any way by any statute since that enactment.

Mr. McRAE. I have the amendment here. The section has been amended so as to read as follows. Just read that.

Mr. MOODY. It has been amended.

Mr. HULICK. Is this in an appropriation bill?

Mr. McRAE. It is in the appropriation bill. It is an amendment of the section.

Mr. MOODY. It is the same provision that is in this appropriation bill.

Mr. McRAE. The word "rare" is not in it at all.

Mr. HULICK. It was not an amendment to the regular statute. I understand it was an amendment to the appropriation bill, and is not the law governing this matter.

Mr. McRAE. I proposed that amendment myself. It was a change of the law, and to make it read as directed there. It has become the law and is the permanent law.

Mr. HULICK. Well, all I have to say about its being the law is, I will read the section as it is claimed to have been adopted.

That section 527 of the Revised Statutes be amended so that it will read as follows:

"SEC. 527. The purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation."

Mr. LIVINGSTON. That is just the language of the present bill.

Mr. HULICK. That is the language of the present bill, as I understand it. Now, I was not aware that that was incorporated in the general law. It was a part of the appropriation bill of last year.

Mr. LIVINGSTON. That is the law of the present bill.

The **CHAIRMAN.** The gentleman from Ohio has the floor.

Mr. HULICK. I will withdraw my amendment, as I now understand the statute.

The **CHAIRMAN.** The gentleman withdraws his amendment.

Mr. NORTHWAY. I would like to ask the chairman of the committee a question. On lines 18 and 19 I find this language.

Mr. WADSWORTH. What page?

Mr. NORTHWAY. Page 20.

To be distributed in localities adapted to their culture.

Is that the law now?

Mr. WADSWORTH. It is, sir.

Mr. NORTHWAY. Has the gentleman ever investigated to ascertain whether there has been any attempt made during the last two years to live up to the law in the distribution of seeds?

Mr. WADSWORTH. I have never heard any complaint that the law was not lived up to.

Mr. NORTHWAY. But is it not true that seeds are put up at remote points from members' homes, and members are not permitted to know what seeds they are getting, or whether they are fitted for their particular localities or not?

Mr. WADSWORTH. A certain number of vegetable seeds and a certain number of flower seeds are purchased at different points and distributed from those points.

Mr. NORTHWAY. But is there anybody who undertakes to ascertain whether they are adapted to the localities to which they are distributed?

Mr. LIVINGSTON. You have to trust the Department as to that.

Mr. NORTHWAY. So far as I am concerned, I am sure there has been no such attempt. Certain seeds distributed in my district last year were wholly unfit for the locality.

Mr. WADSWORTH. The seeds are contracted for at different points by the Department, and the seeds bought in each locality are distributed in that general locality; for example, seeds bought at Minneapolis are distributed in that section of country.

Mr. NORTHWAY. But the seedsman fixes them up to suit himself.

Mr. WILLIS. I understand that he receives instructions from headquarters.

Mr. WADSWORTH. I will say to the gentleman from Ohio that his remarks suggest one of the reasons why I believe in the local experimental stations.

Mr. NORTHWAY. But ought not the law as it stands to be lived up to by the Secretary of Agriculture?

Mr. WADSWORTH. Certainly. I can only say that the seeds sent to my district were satisfactory.

Mr. FLETCHER. And I can say that those that went to my

district were satisfactory, and the people want a lot more of them this year.

Mr. STEELE. Mr. Chairman, my farmer friend from Cincinnati [Mr. BROMWELL] complains about the character of the seeds that are furnished. If he has any more seeds that he desires to distribute, bad as they are, I should be glad to accept any portion of his quota that he may choose to give me.

Mr. BROMWELL. Mr. Chairman, if the gentleman desires to exchange his flower seeds for agricultural seeds, I will make the trade with him right now.

Mr. STEELE. We have a good many people of æsthetic tastes in Indiana, and we are not trading off our flower seeds, but I should be glad to accept any agricultural seeds that the gentleman has to spare. I look upon the distribution of seeds as one of the most useful functions performed by the Department.

But, Mr. Chairman, when it comes to giving information to Congress, the Department of Agriculture shows itself to be utterly incompetent. Take, for instance, castor beans, of which gentlemen have heard before. [Laughter.] On the 22d of January I had a communication from the Secretary of the Treasury, which was read to the House last evening, transmitting some information which the Statistical Bureau of the Treasury supplied as to the number of bushels of castor beans imported into this country. It is obvious, however, that in order to find out what the consumption was, it was necessary to ascertain what had been our own production. At the same time that I asked for information from the Treasury Department I addressed my inquiry to the Department of Agriculture. I was informed by the Statistician of that Department that for want of an appropriation for sufficient clerical force he was unable to supply the desired information. And now I want to call attention to the fact that, in reply to a resolution of the House, the Secretary of Agriculture says in respect to the information which a member of the Ways and Means Committee could not obtain on the ground that the Department had not sufficient clerical force that the Department is unable to furnish it because it has not got the information. I send to the desk a letter which I ask to have read.

The letter was read, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1897.

SIR: It is impossible to comply with the resolution of the honorable House of Representatives passed January 28 requesting this Department "to inform the House how many bushels of castor beans have been produced in the United States each year since 1890 to 1896, inclusive, and how many bushels were exported each year within said period." The Statistical Division of the Agricultural Department has no data whence the desired information can be correctly collated. But it is respectfully suggested that the Chief of the Bureau of Statistics of the United States Treasury Department may probably supply such facts and figures relative to castor-oil beans as the honorable House of Representatives requires.

Very respectfully, yours,

J. STERLING MORTON, *Secretary.*

Hon. THOMAS BRACKETT REED,
Speaker of House of Representatives.

Mr. STEELE. I call attention to the fact that this great Department of our Government is not able to tell the House of Representatives what is our home production of so important an article as castor beans, an article on which a duty of 50 cents a bushel is paid and of which we imported into the United States last year 277,231 bushels.

Mr. DOCKERY. Are you going to reduce the duty under the next tariff bill?

Mr. STEELE. The tariff bill will be here for consideration in due time. [Laughter.] This letter of the Secretary is a confession on the part of the Department that it has no information on this important subject on which the House of Representatives has asked to be informed.

The Clerk read as follows:

SEC. 527. The purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation.

Mr. MOODY. Mr. Chairman, I move to strike out that paragraph as it stands. I suppose everybody will agree that it ought to be stricken out. This morning I informed the gentleman from New York, the chairman of the committee in charge of the bill, that I intended to make the point of order against the paragraph that it changed existing law, but I learn from him that by the law of last year the statute was amended so as to read exactly as it does in this bill. Now, everybody will agree that it is entirely useless to continue to amend the statute year after year in the same way. It will only make confusion in the session laws, and I think that nobody will object to this being stricken out.

Mr. WADSWORTH. I am willing that it shall go out.

Mr. MOODY. Now that I am on my feet, Mr. Chairman, let me say that I heard with a good deal of pleasure some of the remarks of the gentleman from Ohio as to the distribution of seeds, but I confess I was not impressed with the magnitude of the reform which his amendment proposes, although I will not form a final judgment upon it until he shall have had an opportunity to explain it fully. Last year I made some remarks on this subject of the distribution of seeds. I do not propose to repeat them to-day, but I still entertain the views which I expressed last year, and while I am on the floor I wish to pay a passing word of respect to the biggest humbug of all the humbugs that we see here in Washington. [Laughter.] I am sure that very many members of the House share my views. I want to call attention again to the step, and the effect of the step, which was taken in the appropriation bill of last year. The law as it stood at that time provided for the purchase and distribution of seeds by the Department of Agriculture, confining it to "rare and uncommon seeds" and to such as "could be made more profitable by frequent changes from one part of our country to another."

Now, that was an intelligible ground of procedure—an intelligible ground upon which to appropriate money for the general benefit of agriculture. We have now departed from that, and we propose a distribution of "the freshest and best obtainable varieties of seeds adapted to general cultivation," and these are to be distributed per capita among the members of the House.

Mr. STEELE. Is not the gentleman aware that the Secretary of Agriculture has admitted that he was unable to make that law operative because he could not find any rare seeds?

Mr. MOODY. Mr. Chairman, in reply to the gentleman from Indiana [Mr. STEELE] I will say that if that statement was not true it is not entitled to respect; if it was true that the Secretary could no longer obtain any seeds which came within the spirit of the law (which had been on the statute book for so many years), then he ought to stop the distribution of seeds.

Mr. STEELE. Or we ought to have a new Secretary of Agriculture.

Mr. MOODY. Oh, the present Secretary of Agriculture ought not to be a burning issue. He has only about twenty days of active official life remaining, and then we shall have a Secretary with whom we can all sympathize. And I trust his view will accord with that of the present Secretary on one point—that is, as to the distribution of seeds.

One more word and I am done. After this subject was called to our attention last year, I took pains to converse with some of my own constituents who are engaged in agriculture—and I have a great many constituents who are so engaged, for some of the best farming land in the State of Massachusetts is within my district—and I found that without any exception, or perhaps I ought to say almost without an exception, they thought that this distribution of seeds was a waste of public money, a humbug, and a disgrace to the legislation of the Congress of the United States. I found this view joined in by the representative agricultural societies, not only of my own district, but of the State of Massachusetts. I believe that we make a mistake if we think that the farmers wish a continuance of an appropriation of this kind. We must not forget that in addition to the sum here appropriated it costs the Post-Office Department $100,000 to make the distribution.

I should be glad, Mr. Chairman, to vote for an appropriation of $120,000, the sum named in this bill, for the improvement of our methods of agriculture, for the distribution of seeds where they can be distributed with the effect of helping the general interests of agriculture throughout the country. But I am not willing to vote for the division of a few seeds among the members of this House to help them in this pitiful way among their constituency. Why, Mr. Chairman, after we passed the bill of last year I received, as I suppose other members of this House received, a letter from the contractor who furnished the Government with these seeds, telling me that he would sell me certain duplicate amounts of seeds if I desired them. I was not in the business of buying seeds, so I did not reply to the letter. But I made a rough calculation, and I found that, as nearly as I could understand, the quota which would be allotted to me or any other member of the House under this provision of law could be bought for about $90, so that all this appropriation, or a large part of this appropriation, of $120,000 is to allow me, as one member, to distribute $90 worth of seeds which my constituents can buy at any seed store in the land—to distribute $90 worth of seeds among 175,000 people.

Mr. MONDELL. I move to amend by striking out the last word.

The **CHAIRMAN.** There is an amendment already pending. Does the gentleman rise to oppose that amendment?

Mr. MONDELL. I move to strike out the last line.

Mr. Chairman, in connection with the passage of an Agricultural appropriation bill it may not be altogether improper to discuss briefly the condition of the agricultural classes of our nation. That there is widespread discontent among the agriculturists of our country, and that there is just cause for feelings of uneasiness and even alarm among the agriculturists in view of the depressed markets and low prices for their products, no one will deny. It is in the application of a remedy for this condition of things that men differ. During the heated campaign recently closed the opposing parties, with minor differences of details and various local explanations, held in the main to two propositions: the one great party holding that agricultural depression and low prices was resultant upon the practical establishment and maintenance in this country and the world at large of the single gold standard of values, reducing the amount of money of final redemption, it was argued, to an extent that increased the purchasing power of each unit; the other great party more generally accounted for this condition by the argument of overproduction, or, perhaps we might say more truthfully, of underconsumption of agricultural products. The great increase in the world's output of agricultural staples, they argued, had the effect of lowering prices all over the world, while a system of tariff laws which had the effect of depriving a considerable portion of our population of employment at remunerative wages decreased to a vast extent the market at home for the products of the farm.

Now, I am of the opinion that not one, but both of these great causes are instrumental in bringing about the low price of agricultural products the world over. There can be no doubt in the mind of anyone who believes in the theory of a bimetallic monetary basis that the general adoption by the world of one metal as a monetary standard has some effect upon the general level of prices. In fact, I believe that even those who honestly believe that it is impossible to maintain an unvarying ratio between two metals with unlimited free coinage for both, who have studied the question carefully, will admit that the transition from the bimetallic standard, imperfect though it was, of twenty-five years ago to an absolute gold basis necessarily brought about a readjustment of values, their argument being that true bimetallism is impracticable and that the world will be vastly better off when we give up all attempts to maintain two metals as interchangeable standards of value, though there may be some loss to creditors in the transition. On the other hand, there is much force in the argument that improved methods and the opening of new fields, resulting in vastly increased production of agricultural staples, has, under the inevitable workings of the law of supply and demand, decreased the value of these staples as represented in monetary units, while the disastrous consequences of tariff changes by the increased importation of foreign goods, and the consequent closing of American mills and factories, have been demonstrated beyond the possibility of successful refutation by the vastly decreased consumption of agricultural staples in our own nation, and it is idle to attempt to account for the reduction in the consumption of wheat, corn, cotton, and wool by our people, amounting to hundreds of millions of dollars annually, on any other hypothesis except that the consumer has found his ability to purchase vastly curtailed by reason of an enormous reduction in the aggregate of wages paid in mills and factories consequent upon their entire suspension or reduction of working hours.

Mr. Chairman, at the beginning of the campaign which has just closed many Republicans believing in the theory of bimetallism, especially those dwelling west of the Missouri River, where bimetallic agitation has been most intense, found themselves confronted with a serious problem. The declaration of their party in its platform on this question, as it was interpreted by the people of their region—as, in fact, it was interpreted by many in the East to whom the party has owed nothing in the past and from whom, in my opinion, it can expect little in the carrying out of its principles and policies in the future—an interpretation that this declaration was really intended as an avowal of intention to perpetuate the single gold standard of values, subjected them to the misrepresentation of political enemies and the criticism of party allies. On the other hand, they were confronted by a declaration in the platform of the opposing party with a proposition on the financial question, radical as viewed separate and apart from the other declarations of that platform, and dangerous in the extreme when coupled with the other propositions therein set forth. Those Republicans who believe that it may be possible for this nation, alone and unsupported, to establish and maintain a stable bimetallic basis with a fixed ratio, must appreciate the tremendous character of the difficulties to be overcome in the inauguration and maintenance of such an independent system, and the far-reaching and disastrous consequences to all classes if an attempt toward such an establishment shall fail of the accomplishment of its purpose; that is, the establishment of a true bimetallic basis at a fixed ratio and with the two metals freely interchangeable.

Having in view these facts, many Republicans of this class in the West who have followed the standard of the party in years past viewed with alarm the declaration in the platform of the opposition on the financial question, especially coupled as it was with a declaration virtually in favor of free trade. We felt that if this nation alone can accomplish so stupendous an undertaking as the closing of the wide gap between the commercial value of the two metals now existing to an equality at the ratio proposed, at least we must avail ourselves of all of the agencies which tend to make us independent of foreign nations. To prate of independence in finance while favoring policies that would make us absolutely dependent and defenseless in trade, was, in the opinion of many Republican bimetallists, the sheerest hypocrisy and demagogism. To talk of this nation establishing and maintaining a system which greatly overvalued the silver of the world while advocating a policy of trade that reduces American exports and increases American imports, which nearly wipes out the vast trade balances in favor of this nation which have existed under proper tariff laws and compels us annually to go down into the coffers of the nation to pay hundreds of millions of annual interest charges, is equivalent to suggesting that an Atlantic liner may successfully cross the ocean without propeller or sails.

If we may as a nation, failing in an international agreement on this great question, initiate legislation looking to the establishment of true bimetallism, and even accomplish that, from my point of view, desirable result (and I believe that under proper conditions this may be accomplished), it will only be by using every weapon and every resource which our situation and national conditions have armed us with. To surrender the great principle of reciprocity whereby we may make it advantageous for a considerable number of the nations of the earth to join us in financial legislation; to surrender the great principle of protection to American labor and American industry, the operation of which renders us largely independent of foreign nations, and which, contradictory as the statement may seem, increases the balance of trade in our favor and brings to our shores the flood of yellow coin which the nations of Europe are seeking to hoard, and then to plunge, thus unarmed, into that most fierce and gigantic struggle, the battle of the standards, would be equivalent to an army charging a height bristling with hostile guns and bayonets and inaugurating that charge by throwing down all weapons offensive and defensive. To deprive ourselves of the armor and breastplate of reciprocity and the batteries of a protective tariff and then charge recklessly into what is admitted by those who favor independent bimetallism to be one of the most stupendous undertakings of history would be political suicide, lacking the halo of martyrdom, for it would not only mean ruin to those who led the charge, but irretrievable losses to millions of their fellow-countrymen.

But, Mr. Chairman, a considerable number of Republicans, honored in Republican councils, raised to their positions as much by Republican organizations as by their own worth, advocates in the past of all the great policies and principles of the Republican party, saw fit at the opening of the last great campaign to cross the Rubicon, not to engage the enemy, but to join his forces. These men must sacrifice many of those who had stood by them in their past history; sacrifice the organization which had defended them in the past, and, overlooking the conditions which I have briefly pointed out, and many others, ally themselves, at least temporarily, with the opposition. The motives of these men I have no disposition to impugn. They were largely from the region in which I dwell. Their personal friendship I value, and their honesty of purpose I acknowledge. But, Mr. Chairman, there is one feature of their action which I view in a different light from that in which it is viewed by some. Sincere in their convictions, no doubt, I can not bring myself to the acknowledgment of any extraordinary moral courage involved in their action. True, all men hesitate in sundering, even temporarily, ties which bind them to old associations. The tender cords of association and recollection bind them with a power that can not be appreciated until the breaking of those bonds sever them from party ties and party affiliations. But as for moral courage, it would have required vastly more to have braved the storm of denunciation of enemies and the infinitely more cutting sting of misrepresentation and covert suspicion of friends by remaining with their party than it required to break party ties. The opposition in the States from which these men hailed arrogated to themselves the claim of a holy and lofty patriotism, and in their self-laudation claimed the crusader's devotion to a holy cause, unactuated by selfish or unworthy motives. They temporarily lauded to the skies every man who left the Republican party, and enlarged to the seventh heaven the virtues of those who stood high in the councils of our party and left it to sit at the feet of the Gamaliels of the Populistic and Democratic creed. These men were loudly proclaimed as true, unselfish, devoted patriots, unaffected by any personal consideration, worthy of all praise, entitled to all recognition.

Alas, how have the scales fallen from the eyes of many of those Republicans who joined the ranks of the opposition in an honest belief, no doubt, that they were thereby best serving their country and their constituency! Nowhere in any of those States where the Republican organization was used to further the interest of the candidates of the Democratic and Populistic parties has there been aught but treachery and deceit practiced upon the Republicans who made it possible for these creatures to wield the weapons of their decapitation. Antenational convention pledges were carried out by the opposition certainly where there was no way in which they could be avoided, but wherever the silver Republicans had not the "immortal cinch" the cloven hoof of their late allies has

been exhibited and the forked tongue of venom, slander, and misrepresentation has been used to tear down from their high estate the men who helped them to win their victories. The wires bring from the State of Idaho the news of the defeat, by the Populist and Democratic legislators of that State, for the United States Senate, of a man who provided the men who defeated him with the weapons by means of which they accomplished his downfall. If there was any man in this broad land, from the standpoint of the Democratic-Populistic combination, who was entitled to the earnest, hearty, cordial, and sincere support of that combination, it was the very man whom they have but just defeated in his contest for a seat in the United States Senate.

It will be claimed in extenuation of the perfidy of the men who defeated DUBOIS that the Republican national committee was working against his reelection. Can any man wonder that the Republican national committee should work against the election of a man whom the Democratic national committee and every member thereof from the chairman down claimed to be moving heaven and earth to elect? And they who make this excuse in extenuation should remember that by so doing they are not only branding the members of the combination in the legislature who voted to defeat the election of a silver Republican to the Senate as guilty not only of the heinous crime of ingratitude, but open to a suspicion of exercising their high prerogatives influenced by a money consideration. Let it be remembered DUBOIS was defeated by the men of the silver combination belonging to the Populist and Democratic parties who held their position by virtue of the stand he took in the campaign.

FRED DUBOIS, whose eloquent tongue and active brain made him a power for the accomplishment of results for which the silver combination was made, was thrown down, unhorsed, defeated by the men he made in favor of a man professedly lacking in all the qualifications that would render him of service to the cause which these hypocrites claim to have at heart. The dispatches this morning bring us the news that the gentleman who succeeds him will go into the Democratic caucus of the Senate of the United States, and thus is the Republican State of Idaho turned over, boots, body, and breeches, to a minority representing less than 10 per cent of her total vote, and thus is the true animus of the campaign for personal aggrandizement under the guise of devotion to the silver cause fully and completely exposed to the execration of the nation.

[During the delivery of the foregoing remarks, when Mr. MONDELL'S five minutes had expired, Mr. BLUE asked unanimous consent that Mr. MONDELL'S time be extended; and there was no objection. When Mr. MONDELL'S second five minutes had expired, his time was further extended by unanimous consent, on motion of Mr. LIVINGSTON.]

The CHAIRMAN. The Chair understands that the pro forma amendment of the gentleman from Wyoming [Mr. MONDELL] is withdrawn. The question is now on the amendment of the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. I understand that my amendment is assented to by the gentleman from New York, the chairman of the committee [Mr. WADSWORTH].

Mr. LIVINGSTON. I should like to ask the chairman of the committee [Mr. WADSWORTH] why this clause was inserted in the bill?

Mr. WADSWORTH. It is a repetition of the clause which was in the bill of last year except as to the amount.

Mr. LIVINGSTON. I so understood.

Mr. WADSWORTH. Does the gentleman understand that the clause which was inserted in the bill last year repealed the old law?

Mr. LIVINGSTON. Yes, sir. And upon that ground you are willing to let this go out?

Mr. WADSWORTH. Yes; it is repealed by the law of last year.

The question being taken on the amendment of Mr. MOODY, it was agreed to.

Mr. TALBERT. Mr. Chairman, I ask leave to offer the amendment I send to the desk. I will state that I intended to offer it at the end of line 13, but that line being stricken out, I offer it now to follow line 7 on page 21.

The Clerk read as follows:

> And the Secretary of Agriculture is hereby directed and required to have delivered all seeds at the Department of Agriculture in Washington, and to send out the same to Members and Representatives from the seed department direct.

Mr. WADSWORTH. I reserve the point of order upon that amendment. It is new legislation, and involves an additional expenditure, but I will withhold it if the gentleman desires it.

Mr. LIVINGSTON. Let me suggest to the gentleman that the same point is embodied in the next paragraph, in line 29——

Mr. TALBERT. I think there is no line 29 on that page.

Mr. LIVINGSTON. Between lines 19 and 21, where it is provided that these seeds shall be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or will be directed and mailed by the Department upon their request.

Mr. TALBERT. But that does not make it specific enough.

Mr. LIVINGSTON. All of the seeds you are entitled to for distribution will be sent to you unless you order differently, under that provision.

Mr. WADSWORTH. The gentleman can order his seeds to be sent wherever he pleases. But the point of order is pending.

Mr. TALBERT. My object is to send these seeds first to the Department and reestablish the Seed Division in the Bureau as was established heretofore at that place.

Mr. LIVINGSTON. But I do not think the amendment of the gentleman covers that point.

Mr. WADSWORTH. I see no reason, Mr. Chairman, for the change proposed.

Mr. TALBERT. It is to prevent confusion in the distribution of seeds. We do not know now, when we send our orders to the Department, whether the slightest attention is paid to our requests. In the event of the adoption of this amendment we will know specifically whether the seeds are sent as we require them to be sent. If they are sent from the Department we can see the particular kinds of seeds also that are distributed and know whether they are suitable or otherwise.

Mr. WADSWORTH. This is a matter that should be left entirely to the Department. It can be best controlled there. If the gentleman from South Carolina wants the seeds sent to him, it is only necessary for him to so specify, and his request will be complied with.

Mr. TALBERT. But my object is first to have the seeds sent to the Department, where they can be put up in packages, and can be distributed from that point.

Mr. WADSWORTH. The effect would be to spend just that much more money in freight, and you would get that much less seed.

Mr. CLARDY. If the gentleman will permit, me the reason they were not so sent is that there is no place sufficiently large in the Department where these seeds can be received and properly handled.

Mr. TALBERT. That objection did not apply heretofore. There was ample room until this modern, advanced idea came up, and the places in the Bureau were abolished. My idea is to reestablish the Seed Division, and to give to that department the same number of clerks as heretofore, instead of putting this matter out in the hands of private individuals all through the country, and cutting ourselves off from all opportunity of knowing exactly what our constituents are getting when we give orders for seeds——

Mr. MOODY. Will the gentleman permit a question? I have in my hand a statement from the Department of Agriculture with reference to this very subject, and will read the exact text of the language it contains. It says:

> The same amount of money secures now nearly 100 per cent more seed than under the ancient methods of buying in bulk and employing each year skilled labor to put the seeds in packages, which had to be furnished and printed at the Department.

So I do not see the advantage of changing back to the old system.

Mr. TALBERT. I do not mean to say that the seed are not sent out when the order is given. I do not mean to impugn the action of anybody. But we can not tell where the seed are sent or how they are sent or what are sent when our orders are delivered. We can not retain the proper supervision over the Bureau.

Mr. MOODY. And let me suggest further to the gentleman that under the old law and method of distribution the percentage of salaries to the total cost was 58, while the percentage of seed sent out in proportion to the total expenditure was but 42 per cent.

Mr. BAKER of New Hampshire. And let me suggest in this connection that the seeds sent out now are 100 per cent worse off than they were ever before.

Mr. WADSWORTH. Mr. Chairman, I deny that statement most positively. The seeds are just as good, if not better, than ever. In fact, I think the seeds distributed last year were the best that were ever distributed by the Department.

Mr. BAKER of New Hampshire. They were of inferior quality and not good in any sense of the word.

Mr. TALBERT. We had better keep the matter within our own hands, so that we can know exactly what we are doing. That is the object of the amendment.

Mr. WADSWORTH. Mr. Chairman, I think the present arrangement is the best that could be devised. It would be rather a dangerous experiment to change it now.

Mr. LIVINGSTON. I would suggest to the gentleman from South Carolina that if he expects action upon his amendment, it should go further, and provide that these seeds should be put up in packages for distribution.

Mr. TALBERT. That, of course, would be covered by the amendment. The Department would have to put them up, no matter how they receive them, in suitable packages for distribution.

Mr. WADSWORTH. Mr. Chairman, I made the point of order against the amendment.

The CHAIRMAN. What point of order does the gentleman make?

Mr. WADSWORTH. That it increases the expenditure and changes existing law.

The CHAIRMAN. Is there any law on the subject?

Mr. WADSWORTH. There is the law as it has been passed heretofore in the appropriation bills.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TRACEY. I move to strike out the last word. I believe that this amendment ought to be adopted, and the reason I believe it can be stated in a very few words.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the amendment is not before the committee. The gentleman from New York [Mr. WADSWORTH] made a point of order against it, and the Chair sustained it.

Mr. TRACEY. I should like to be permitted to make the statement that I was going to make, because it is important, it seems to me, if this seed distribution is to go on, and I hope it will, as it ought to. I had my quota of field and garden seeds sent to my room for distribution, because I preferred it that way.

Mr. WADSWORTH. Last year?

Mr. TRACEY. No, I mean this year.

Mr. MORSE. You could not do it this year.

Mr. TRACEY. It was done this year. There was one sack of those seeds counted. There were 110 packages in the sack. I received 45 sacks, and they were all apparently equally filled. I should have had 8,000 packages of field and garden seeds. Count them up and you will see that instead of receiving 8,000 I received a little less than 5,000, assuming that the sacks averaged alike, and my own opinion is, in spite of the fact that a Government inspector is at these several places from which the seeds are shipped, that there is no counting done of the packages put into the sacks at all, that they are just shoveled up and dumped into the sacks, and when the sacks are apparently filled in that way they are tied up and shipped; so that instead of getting the seeds that we are entitled to, under the distribution, we get a little more than half of what we are entitled to. At least, that has been my experience.

Mr. WADSWORTH. I will say to the gentleman from Missouri that his statement is doubtless exactly true; but some of the sacks may have been delayed in the mail and will come to the gentleman eventually.

Mr. TAWNEY. Thirty more sacks may arrive.

Mr. TRACEY. I was informed by the Secretary of Agriculture that 45 sacks were my quota of field and garden seeds.

Mr. MORSE. And you got 45?

Mr. TRACEY. And I got 45.

Mr. WADSWORTH. I shall be very glad to make a statement of the matter at the Agricultural Department, because that sort of thing needs explanation.

Mr McCLEARY of Minnesota. Did the gentleman count more than one sack?

Mr. TRACEY. No; they all seemed to be filled indiscriminately with large and small packages of field and garden seeds. We have sent out nearly all the sacks. They seemed to be all filled in about the same way.

Mr. LACEY. Did they have flower seeds in those sacks?

Mr. TRACEY. No, no flower seeds.

Mr. LACEY. The packages of flower seeds are very small, and yet they count up in the number of packages.

Mr. HAGER. Those would be in addition.

Mr. TRACEY. I am simply talking about the field and garden seeds.

Mr. LATIMER. Mr. Chairman, I want to say to the House, since the gentleman from Missouri [Mr. TRACEY] has mentioned the fact that he did not get his quota of seeds, that I wrote to the Department and received a letter stating that if I would send 500 franks I would get my quota of flower and tobacco seeds sent to me to my room. I sent 500 franks, and yesterday afternoon I received two sacks. One contained 71 packages of tobacco seed, and the other 377 packages of flower seeds. I have written to the Department to know way my full quota was not sent, and have not yet heard. I give the House this information, as this subject is up, and the gentleman states that he has been treated in the same way.

Mr. WADSWORTH. I think there has been some error in the mails, or some mistake of that kind. I will take pleasure in going to the Department and stating these facts, because it may lead them to correct the error and prevent future mistakes in the distribution of seeds. Where such a great number of packages are distributed, there will always be a certain number of mistakes made.

Mr. TRACEY. Of course I do not question the intention of the Department at all.

Mr. BROMWELL. I move to strike out the last two words. I wish to explain to the House the purpose of the amendment which I have offered. In the first place, the present system of distribution contains two very radical evils. One of these is that no member can know anything about the character of the seed that goes out in any one package, and it is utterly impossible for him to comply with the request of any constituent who wants particular seeds. These seeds are put in five small packages, inclosed in one manila wrapper or jacket, which is sealed. There is nothing on the outside of that wrapper to indicate the character of the seeds that are within.

Now, it is a mere lottery as to what anyone gets in that distribution. We send our franks to the Agricultural Department. The Department takes one of our franks and pastes it onto the first package that comes to hand, and that package goes out. Now, suppose a constituent of yours wants a particular kind of seeds. He is interested, we will say, in the raising of beets for beet sugar, and he writes to you and says: "I should like to have a package of beet seed sent to me." You send your frank over to the Agricultural Department, and they put it on a package, and it goes out to him, and that package sent him may contain corn, or castor beans, or something else for which your constituent has no earthly use.

Now, then——

Mr. FAIRCHILD. The gentleman must be mistaken about that, because the Department could not have had any castor-bean seeds under any circumstances, for we have their word for that.

Mr. BROMWELL. I do not know about that. But in the flower-seed distribution there is the same objection. Certain of your constituents may want particular kinds of flower seeds, and you can not tell what kind of flower seeds they are sending you, because they are sent out in sealed packages, and you have no means of knowing what they contain. Let me narrate a little experience I had last year in the distribution of flower seeds. I had the flower seeds of my quota sent to my room. I had a certain request for some particular seed. I wanted a particular class of flower seed. I opened over sixty packages of those flower seeds, and undertook to find these varieties of seed, and in all these packages there was either one or other of castor seed beans or sunflower. [Laughter.]

Mr. WILLIS. Both good.

Mr. BROMWELL. Both good in a way, for certain purposes, but not very ornamental in a flower garden.

A MEMBER. And not very rare.

Mr STEELE. Certainly the Department did not send out castor-bean seeds, for they say they know nothing about them.

Mr. BROMWELL. That is all right; just the same I got them in the flower-seed distribution.

Mr. FAIRCHILD. This accounts for it, I will say to the gentleman from Indiana.

The CHAIRMAN. Does the gentleman yield?

Mr. BROMWELL. I do not. One object of my amendment is to provide a means by which you can know what seeds you are sending out. In the next place, it provides that if you do not want to send out 10,000 agricultural and field seeds and do want to send out more flower seeds that you can indicate to the Secretary of Agriculture the manner in which you want your quota apportioned. Gentlemen representing city districts do not want corn, wheat, castor beans, and things of that kind, but could find use for plenty of flower seeds. Gentlemen representing agricultural districts may be willing to do with less flower seeds and want more agricultural than flower seeds. Gentlemen representing tobacco-growing districts may be willing to part with radishes, lettuces, and other seeds in order to get tobacco seed. This amendment which I offered will permit you to say to the Secretary of Agriculture, "I want to distribute my quota as follows," and you indicate the kind of seeds that you want.

Now, there is some misunderstanding as to fixing that for the 1st day of May. That would not be the 1st day of May for this year's distribution. It would be on the 1st day of May that you indicated your wishes as to the distribution in the following season.

Mr. WADSWORTH. One year ahead?

Mr. BROMWELL. In June every year the Agricultural Department makes its contracts for seeds. Now, this lets the members say before the contracts are made, on the 1st day of May, what they want.

Mr. WADSWORTH. One year in advance?

Mr. BROMWELL. Do they not now engage the seeds six months in advance?

Mr. WADSWORTH. Is it this year?

Mr. BROMWELL. It is too late to make it for this year's distribution; but if you state your wishes to the Secretary of Agriculture, he knows what will be required in time for next year's distribution.

Now, another effect of this amendment is that if you want any of your seeds sent in unsealed packages, so as to see what you are distributing, or to pick out for some one person certain varieties that he wants, you are at liberty to do so. That is the sole purport of the amendment.

Mr. TALBERT. I would like to ask the gentleman a question.

Mr. BROMWELL. Yes, sir.

Mr. TALBERT. Unless these seeds are delivered here at the Department after being purchased, how can you carry out the plan that you propose?

Mr. BROMWELL. The law as it is now being carried out, under the distribution as now conducted, permits these seeds to be sent to you. The only difference between the present arrangement and the one I propose is that when they are sent to you they shall be sent in unsealed packages, so that you can see what you are getting.

Mr. TALBERT. Why not have them marked?

Mr. BROMWELL. This provides that they shall have printed on them the name of the seed contained.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORSE. I move to strike out the last three words; and I do that for the purpose of bringing the attention of the House to the wholesale stealing of our documents, maps, and everything else that has been carried on in this city ever since I have been here.

Mr. MOODY. By whom?

Mr. MORSE. I do not know by whom. For the benefit of the House I will state my experience. I will say, in justice to the present administration, that I think there is less stealing now than there was in previous Congresses. In the Fifty-first Congress I sent to the folding room the slips of my agricultural reports, to be there pasted upon the reports, and, having heard about this stealing, I sent to every postmaster in my district a statement of the number of agricultural reports I was sending to his office and asked him to report to me how many were received there. I got a report from, I think, every postmaster in my district except two or three, and it turned out that more than 33 per cent of those documents never reached the offices to which they were addressed. One of my colleagues told me that out of his quota of maps which he directed and sent from a post-office in this building, during the last Congress, fully one-third never reached their destination.

Now, Mr. Chairman, I think it is high time that the Congress of the United States made an exhaustive investigation into this business of stealing our public documents. [Applause.] In this city there are several stores where you can buy any kind of a Government publication you desire, and the question is, How do they get them and where do they get them? I think if you will probe the question to the bottom you will find that there is wholesale stealing of our documents and seeds carried on in this city. During the Fifty-second Congress I brought this matter to the attention of the then Postmaster-General, John Wanamaker—and a better or more efficient Postmaster-General this Government never had—and he said he would endeavor to make an investigation of the loss of the documents of which I complained. After that I think there was some improvement, but I found that of the documents that I left at the Shoreham Hotel to be sent away, only a percentage reached their destination; and it was my practice in dealing with valuable books, such as the ethnological publications and the book on Diseases of the Horse, to put them up in wrappers of such appearance that the exterior would not show the nature of the books, lest they should be stolen.

Now, sir, I repeat, it is high time that this rascally business of stealing our maps and books and documents should be investigated and measures taken to abolish this nuisance and outrage. As I have already said, it is of long standing, and it is rather less prevalent now than it has been in past years; but let us subject it to heroic treatment and put an end to it. [Applause.] To avoid this universal fear of having their books, seeds, and documents stolen members are compelled to register and pay for the same to get by the thieves who handle these documents in this city.

I have frequently taken the precaution to send to my home office in bulk, registered, all my agricultural and horse books, maps, etc., and mail them to individuals from my home office; and all reach the people in that way. But it is a shame that this is necessary to get by these robbers and scamps.

Mr. WADSWORTH. Mr. Chairman, I make the point of order against the amendment of the gentleman from Ohio.

Mr. BROMWELL. I have not offered it yet.

Mr STEELE. Mr. Chairman, I move to strike out the last three words. We are informed by the Statistician of the Agricultural Department, in a letter which was read from the Clerk's desk yesterday that that Department has not the funds necessary to employ the clerical help required to furnish information which is sought by an important committee of this House. A letter of similar character was written by the Secretary of Agriculture. Now, I want to ask the gentleman in charge of this bill if it provides a sufficient sum to enable that great Department of the Government to furnish desired and necessary information, such as it has failed to furnish in this case?

Mr. WADSWORTH. The committee believe that it does.

Mr. STEELE. Did not the committee last year give that Department more funds for clerical labor than it asked?

Mr. WADSWORTH. No.

Mr. STEELE. Did it give it all it asked?

Mr. WADSWORTH. I think not.

Mr. NORTHWAY. You are reducing the appropriation this year, so that we shall not get even so much information hereafter.

Mr. STEELE. Is the Department asking for less this year than last year?

Mr. WADSWORTH. No. Their estimate for salaries was a good deal larger, but we reduced it and gave what we thought sufficient to carry on the Department in a proper manner.

The Clerk read as follows:

> An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents or be directed and mailed by the Department upon their request; and the person receiving such seeds shall be requested to inform the Department of results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of May shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to the Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-second parallels of latitude shall be ready for delivery on the 10th day of January, or at the earliest practicable time thereafter.

Mr. BROMWELL (during the reading). Mr. Chairman, a parliamentary inquiry. The amendment which I desire to offer comes in after the word "represents," in line 19, page 22, and I desire to ask whether it shall be offered now or after a completion of the reading of the whole paragraph?

The CHAIRMAN. If it is an amendment to the paragraph, it should be offered after the reading of the paragraph is completed.

The Clerk resumed and concluded the reading of the paragraph, as above.

Mr. BROMWELL. I understand the chairman of the committee [Mr. WADSWORTH] proposes to raise a point of order on my amendment. I hope he will consent to reserve it till I have had an opportunity to explain the amendment.

Mr. WADSWORTH. I will do so.

Mr. BROMWELL. When the amendment has been read and thoroughly understood, I believe the gentleman will not press his point of order. The proposition involves no additional expenditure of money and is not new legislation. It is merely a direction as to the manner of distribution already provided for by law.

Mr. WADSWORTH. I will reserve the point of order.

The proposed amendment of Mr. BROMWELL was read, as follows:

> Amend by inserting after the word "represents," in line 19, page 22, the words:
>
> "And in determining the number of packets of flower, vegetable, and other seeds, respectively, which shall be placed in the quota of each Senator, Representative, or Delegate, the Secretary shall be controlled by the written instructions filed with him by such member at any time prior to the 1st day of May each year, indicating the relative proportions of the flower, vegetable, and other seeds which said member desires in his quota. And the Secretary shall furnish to each such member either his entire quota, or such part thereof as he may desire, in sealed packets containing the names of seeds contained therein printed upon the cover, together with a sufficient number of unsealed envelopes, with properly printed blank frank slips attached thereto, for inclosing and mailing said seed packets. If any member shall fail to express his wish in regard to the various kinds of seeds to be apportioned in his quota before the 1st day of May, the Secretary may apportion the same to said member according to his own judgment. The provisions of this amendment shall apply to the distributions succeeding the 1st day of May, 1897."

Mr. DOCKERY. It is understood that a point of order is reserved upon this amendment?

Mr. BROMWELL. It is.

Now, Mr. Chairman, to begin with, this amendment does not change the total quota of any member. Another section of the bill provides that the quota of all members shall be the same. The first provision of the amendment is to enable a member to select the kinds of seeds he wants included in his quota. A city member may select more flower seeds than an agricultural member. A member having a great many market gardeners in his district may select garden seeds. A member having a constituency that raises a great deal of tobacco may call for more tobacco seeds. So that the arrangement here proposed amounts to the same thing as the exchanges that take place every year between members. I have frequently found members who desired some of my agricultural seeds and were willing to give some of their flower seeds in exchange. This merely permits such exchanges to be made through the medium of the Department, and with a great deal less trouble than now attends the operation.

The second provision of the amendment enables members to know what seeds they are getting. As I explained that matter before, I will not dwell on it at any length now. But there is another reason why I think this amendment, so far as concerns the sending of unsealed packages, should be permitted to go into effect. At present there is no knowledge or certainty by members that they are getting the seeds they are supposed to get. Last year, as I before stated on this floor, I had the seeds supplied by the Department sent to my office for distribution. I opened them, and there were six varieties altogether among some forty or fifty packages. There were castor beans, sunflowers, nasturtiums, ipomœas, and one or two other varieties that I have forgotten. When I brought the matter to the attention of the seed merchant from whom the Department bought the seeds last year, he undertook—I have the correspondence with me, although I do not care to put it in the RECORD—he undertook to keep me from bringing the matter before the House by a downwright bribe of fifteen hundred additional packages of flower seeds.

Mr. McCORMICK. Who is the man?

Mr. BROMWELL. I refer to the firm of May & Co., of Minneapolis. The matter came about in this way: Before the seeds were distributed by the Government I had written to May & Co. in regard to the circular they had sent out stating that they were prepared to furnish additional flower seeds. I had written to them stating that I would like to buy 2,000 additional packages of flower seeds for distribution among my constituents. They sent me a rate of $6 a thousand for those seeds. I sent my check for $12, and ordered 2,000 flower-seed packages. In the meantime the Government quota had come to my office, and when I opened the packages I found the inferior kinds of seeds of which I have spoken. I immediately wrote to those gentlemen that I thought their seeds were a fraud upon the Government—that instead of being rare and valuable seeds, such as it would pay the Government to distribute, they were practically worthless.

Mr. MOODY. The gentleman will permit me to state that Congress repealed the provision requiring the distribution of rare and valuable seeds.

Mr. BROMWELL. I understand that. But the only excuse we can give for this distribution is that something valuable is supplied to our constituents. The very paragraph that we are now considering provides for "valuable" seeds. If the seeds sent out are not valuable, we are throwing our money away in buying and distributing them.

I wrote to those gentlemen, calling their attention to the matter, telling them that I thought they were perpetrating a fraud upon the Government, and countermanded my order for the additional 2,000 seeds. In the meantime, however, they had received my order, and before my countermand reached them had started 1,400 of the 2,000 seeds which I had ordered. Those seeds reached me about the time they got my countermand by letter. I opened those 1,400 seeds which I had asked should be sent in unsealed packages, and I found thirteen or fourteen varieties much finer than anything included in the Government distribution. Thinking that perhaps the balance of the order, 600 packages of seed that they had not sent, might be equally valuable, and willing to accept the seeds of the character they had sent, I withdrew the countermand of the original order and asked them, in a letter which I addressed to the firm, to send me the balance of the seed. Before the receipt of that letter, however, they had received the countermand, in which I had criticised the quality of the seed they had furnished. They then wrote me a letter in which they said that they never had intended to charge me a cent for the 1,400 packages of seed, but that I was to accept them "with the compliments of the firm."

Mr. NORTHWAY. Did they return your check?

Mr. BROMWELL. They did not return my check. They had deposited it before the letter was received, showing that it never was their intention to make me a present of the seed, as they claimed, but L. L. May & Co. sent their own check for the amount, on receipt of my letter, which check I returned, saying that I did not propose to accept from them the gift of 1,400 packages of seed, and asked them to send the other 600 packages, according to the original order, to complete the 2,000 packages which I had requested them to send. I returned them their check at the same time.

Mr. Chairman, the other seed came, in response to the order, and out of the additional 600 packages there were 93 different varieties. Now, if they were treating the Government as they were treating me, a private citizen ordering seed from them, there would probably have been no special occasion to make objection. But when they sent to me packages of seed, including castor beans and seeds of that character, to be used in the suburbs of the city of Cincinnati as "rare and valuable plants" [laughter]—and as a private purchaser they had sent me 93 different varieties in 600 packages—it looked as though there was some slight taint of fraud in the transaction.

What protection have the members of this House in this method of seed distribution against such frauds as that? You do not see the seeds yourself. You have no access to them. You send your franks to the Department; you give your orders for distribution, and they go out to your constituents, the franks being put on the first package that happens to be convenient; and let me tell you that there is more discontent and more dissatisfaction among the constituents of members in this matter of seed distribution than there is with reference to any public matter which the members of the House of Representatives have to deal.

Mr. NORTHWAY. Will my colleague permit me to ask in what way you make selections of rare seeds from those supplied by the Government?

Mr. BROMWELL (interrupting). I know what my colleague is going to ask, but I am satisfied that he can refer to experiences of his own in this connection that will be interesting to the House.

Mr. NORTHWAY. I shall do so before the debate closes.

Mr. BROMWELL. My only object is to make it practicable that good seeds shall be sent to our constituents—what they want and what will be of some service to them in their agricultural affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROMWELL. I should like to have two or three minutes longer.

Mr. GIBSON. Mr. Chairman, I move that the gentleman be given such time as he wants.

Mr. BROMWELL. I only ask three minutes longer.

The CHAIRMAN. Without objection, the gentleman will proceed for three minutes.

There was no objection.

Mr. BROMWELL. Now, I made inquiry at the Department and found that they make contracts for seeds in June of each year for the following distribution. In order to know how many of each kind of seeds to order in their contract, it is necessary that they should know what each member will call for by the 1st of May. I have, therefore, inserted the restriction in the amendment that a member desiring specifically any particular kind of seed must give notice to the Secretary before the 1st of May, so that when the contracts are made in June he will know exactly what orders he has to fill and what kinds of seeds he must purchase.

This is the 1st of May, 1897, we will say, and is the limit of time within which members can get their seeds apportioned by selection for the next year's distribution——

Mr. TERRY. Let me interrupt the gentleman for a question. Does he mean the 1st of May preceding the year of distribution?

Mr. BROMWELL. That is the idea. The amendment is so worded as to apply to the next distribution succeeding the 1st of May.

I hope the amendment will prevail.

Mr. McCORMICK. Mr. Chairman, I move to strike out the last word.

The longer Congress has to do with the business of seed distribution the more intricate, the more trifling, and the more ridiculous it becomes. I had something to do with the Department of Agriculture at the beginning, and I remember that it was one of the provisions that only rare seeds and plants difficult to obtain in this country were to be distributed, coupled with the condition that they should be carefully and systematically cultivated and reports made to the Department as to success or failure in their culture. There was some reason for that: First, that they should be new to the country, and not to be purchased; and, secondly, that they should be proven by careful trial to be valuable. This understanding has been lost sight of. It belongs to the past.

Now we are engaged in distributing common seeds that can be bought anywhere for a few cents, and sending them out free and in direct competition with the regular seed growers of the country, furnishing coarse and cheap seeds that can be had in the smallest village in the land, and demanding no reports upon cultivation. The present Secretary of Agriculture told me last winter that the proportion of reports of results attained from experiments was so small as to be hardly worth mentioning. I think, in return for the millions of packages sent out, less than 1 in 10,000 was heard from in any way. In other words, the people do not attach sufficient value to these common seeds to acknowledge their receipt. The Government seed business becomes more and more of a farce every year, and the same may be said of the annual discussions upon this floor. I know that many members attach political importance to this gift of seeds to their constituents. I know that many country people expect to get the seeds from year to year; but they might as well expect to get farm implements or other things from the Government. The average farmer and the average gardener and householder in this country is willing and able to pay for seeds that he may need, and can make the best choice himself. I hope the time is not far distant when the Government distribution, if not discontinued, will be confined to rare varieties of seed according to the original intention, and the Department of Agriculture made useful in large matters rather than devoted to petty rivalry with the great seed-growing interests of the country.

Mr. HILL. I offer the substitute for the pending amendment which I send to the Clerk's desk.

The Clerk read as follows:

> Strike out all, beginning with line 13, on page 20, all of page 21, and all of page 22.

Mr. HILL. Mr. Chairman, I am not a farmer, and do not know of my own knowledge how much benefit this seed distribution is to the people of the United States. I think the amendment that I have offered will at least prove the heroic remedy that the gentleman from Massachusetts has asked for. I think it will remove all the defects of distribution which the gentleman from Ohio [Mr. BROMWELL] has talked about. I do not offer this amendment of my own motion, but the day before this session began a delegation of half a dozen farmers—very intelligent and cultivated men—called upon me and made two requests; first, that I would ask that the McKinley rates on farm products be restored; second, that I would vote against and ask for the entire repeal of the seed distribution carried on by the Government of the United States. In accordance with that request I offer this amendment. I do not propose for a moment to set up my judgment against that of those members of this House who have had longer experience than I have had. I propose simply to carry out in good faith the request that was made in good faith by a large club of farmers in the State of Connecticut, and so I ask for the adoption of the amendment.

Mr. NORTHWAY. Mr. Chairman, I am not particular whether seed distribution shall be abolished or not. I do not propose to discuss that matter to-day. If it is to continue, I favor the amendment offered by the gentleman from the Cincinnati district [Mr. BROMWELL]. One great difficulty with reference to this distribution can be overcome, if the Department, in letting the contracts and its other proceedings, is as particular as it ought to be. You may be sure that, while each member has received 8,000 packages of garden seeds to distribute this year, we are getting the cheapest and coarsest garden seeds that can possibly be found. There is no mistake about that. Now, I know, for I have seen the blanks on which they advertise for seeds, that the Department knows exactly all the kinds of seeds that are bid for, and the price of each kind, and it can select the rare and valuable seeds if it tries. If it selects the coarser and less valuable ones, it does so on purpose, and with deliberation.

Last year I had this experience with flower seeds: One member of my family has for some years raised a great many flowers, as is well known in the section of the State where I live. The result has been that during the last three or four years she has been applied to by her flower-loving friends for flower seeds, they knowing that she would know how to choose them. Last year I ordered to my room the flower seeds to which I was entitled under this distribution, and she opened consecutively 60 packages. In those 60 packages I think we found 5 different varieties. One was the very rare and recently discovered variety known as the zenia. Another was the next rarest to that, the bachelor button. [Laughter.] Another was the castor bean. In that way we found, I think, 5 different varieties in 60 packages, and we declined to send out any of them, for none of them were wanted. Most of my constituents had heard of these rare seeds before.

Now, when the Department bought such seeds, it knew what it was doing. It need never have bought any of them. It could have bought rare flower seeds if it had tried. The blanks were furnished me to be sent to a seed man in my district, and I saw that they were large blanks, and required that the letter should specify the kind of seeds and the price of each kind. So the Department knows precisely what it is buying. And he can buy the best and rarest garden seeds and rarest flower seeds we have in our country. I would rather have 10 packages of rare garden seeds and 10 packages of rare flower seeds than have 8,000 packages of nonsense. The Department knows precisely that it is buying this, that, or the other seed; and you will find the seeds sent out this year are the cheapest that have ever been sent out. The very fact that we are getting 8,000 packages is, I submit, evidence of that.

The Department of Agriculture has not been earnest about this business. They can buy the rarest garden and the rarest flower seeds that we grow in this country. Three years ago I sent certain of my constituents some garden seeds. Each package contained sweet corn. It is pronounced as the rarest sweet corn grown in that region, and every farmer and gardener goes all around to get some of that sweet corn, because it is of the rarest kind. Now, if they will buy that kind of seed and distribute it I submit it will prove a blessing; but if they will distribute such seeds as they have been sending out in the last year it will only break down the system, because it is simply nonsense.

Mr. TERRY. Do you not think that the Secretary was trying to play a practical joke on the members?

Mr. NORTHWAY. I do not think the seed are rare, when we get 8,000 packages; and so I am in favor of the amendment offered by my colleague [Mr. BROMWELL].

Mr. WADSWORTH. I withdraw the point of order against the amendment offered by the gentleman from Ohio. It seems to be a personal matter with each member as to what they want in regard to these matters.

Mr. FAIRCHILD. I offer the following amendment:

The Clerk read as follows:

> Commencing after the word "seeds," in line 14 of page 20, strike out all following, to include line 24 on page 22, and insert in place thereof as follows:
>
> "For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, $10,000: *Provided*, That the distribution of such seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall be made under and by the direction of the Secretary of Agriculture and in accordance with the provisions of section 527 of the Revised Statutes, and shall be confined to the experiment stations and agricultural universities, colleges, schools, or societies of the several States and Territories, and only when such institutions have pledged themselves to make or procure to be made under their direction thorough experiments in the planting and cultivation of the same and to fully report the results of such experiments to the Secretary of Agriculture for the information of the Department of Agriculture."

Mr. FAIRCHILD. Mr. Chairman, although I indorse thoroughly that amendment, it is not my own amendment.

Mr. DOCKERY. I reserve the point of order on the amendment.

Mr. FAIRCHILD. My colleague [Mr. POOLE], who has been confined to his room——

The CHAIRMAN. The gentleman from Missouri reserves the point of order.

Mr. FAIRCHILD (continuing). For a week and more, had drafted that amendment, and this morning requested that I should offer it in his absence, and in doing so to submit the remarks which he would have made in support of the amendment if he had been present. In my time I send to the Clerk's desk and ask to have read the following.

The Clerk read as follows:

"Mr. Speaker, I propose the amendment which has been read in the interest of economy, and I believe it will, if adopted, be for the best interests of all the people concerned.

"The aggregate expense to be incurred for the purchase and distribution of seeds as provided for in the bill reported by the committee, including the cost of transportation by the Government, will not fall short of $240,000. If I believed that this vast expenditure was wise and would prove to be of corresponding benefit to the people, I would gladly support the bill as reported; but in my opinion the present system of buying common and well-known varieties of seeds and their free disposition to favored friends of members of Congress is a wasteful expenditure of the public money and of but little value to the farming community.

"This amendment seeks to carry out the spirit of section 527 of the Revised Statutes, which provides for the purchase of 'such seeds as are rare and uncommon to the country.' It has of late years been very difficult to procure for the purpose of testing their value in our climate many varieties of seeds or plants, and the money appropriated for this purpose by the Government has been expended in the purchase in open market of plants and seeds of common varieties, and these seeds and plants have in very many instances been distributed in the very localities where they were originally grown or purchased.

"The present system for the purchase and free distribution of seed, which it is proposed to continue by the bill as reported, is unsatisfactory for these, among other reasons:

"1. The cost is very great and comes upon all the people, while the benefits, if any, fall to the favored few.

"2. The distribution of common, well-known varieties of seed is a disappointment to the people who receive them and a cause of complaint to all who are not remembered by their Representative.

"3. The General Government enters into direct competition with its own citizens engaged in the pursuit of a legitimate and useful branch of industry, and our national policy of 'protection to home industries' is ignored and violated.

"The Secretary of Agriculture has called the attention of Congress to the fact that it is now impossible to find many new varieties of plants and seeds that give promise of being of value in this country, and the appropriation called for by this amendment will probably be amply sufficient to carry out the spirit and intent of the law providing for the purchase of seed.

"The General Government has no farm where experiments can be made to determine the value or adaptability of seeds or plants to this climate, and this amendment therefore makes provision for the conduct of such experiments at the experiment stations and agricultural schools and colleges in the various States and Territories, where experts can determine the value for that particular climate. New varieties of seed and plants found to be worthy of cultivation can then be distributed from these stations to the people of the State where they are situated. By this means seeds and plants suitable to the climate and of practical value to the people can be more wisely distributed and at slight expense.

"Many of the leading agricultural newspapers and societies have for years condemned the present vicious and extravagant system, and have exposed its utter failure to accomplish the benefits which it professes to insure to the agricultural classes. They demand its discontinuance, and I believe they voice the sentiment of a great majority of the people of this country. It is a farce that should no longer be played."

Mr. WADSWORTH. I move that debate upon the pending paragraph and amendments thereto be closed.

Mr. FAIRCHILD. I hope the gentleman will not make that motion while I have the floor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MERCER. Mr. Chairman——

The CHAIRMAN. The gentleman from New York, the chairman of the committee, is recognized.

Mr. WADSWORTH. I make the motion that debate on the pending paragraph and all amendments thereto be closed.

Mr. MERCER. Before the gentleman insists upon that, I would ask if he will allow me to submit an amendment?

The CHAIRMAN. The amendment can be submitted after that.

Mr. WADSWORTH. It can be submitted after debate is closed.

The motion was agreed to.

Mr. MERCER. Now, Mr. Chairman, I submit the amendment which I send to the desk.

The Clerk read as follows:

On page 22, line 24, insert:

"*Provided*, That the Secretary of Agriculture first distribute to each Senator, Representative, and Delegate 6 chickens, 6 hogs, 6 cattle, and 6 horses, all thoroughbreds, and divided as to sex half and half."

[Laughter.]

Mr. WADSWORTH. I will accept that amendment. [Laughter.]

Mr. MERCER. I am satisfied, Mr. Chairman.

The CHAIRMAN. What was the suggestion of the gentleman from New York? Does the gentleman reserve the point of order?

Mr. WADSWORTH. I supposed that was offered as a joke.

Mr. MERCER. Well, Mr. Chairman, I hope the gentleman from New York will not characterize my amendment as a joke.

The CHAIRMAN. The Chair can not distinguish between jokes and other things.

Mr. STEELE. I make the point of order against it.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment. The Chair sustains the point of order. [Cries of "Regular order!"]

Mr. MERCER. If the Chair will allow me, and if the gentleman from Indiana will permit——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order.

Mr. MERCER. Yes, sir; upon the point of order. [Laughter.]

Mr. STEELE. I make the point of order that the point of order has been decided.

Mr. MERCER. Oh, no; it has not.

The CHAIRMAN. The gentleman from Nebraska arises for the purpose of addressing the Chair on the point of order.

Mr. MERCER. Mr. Chairman, I dislike very much to have members upon the floor of this House designate an amendment that I may send to the Clerk's desk as a joke.

Now, the amendment which I sent to the Clerk's desk and which has just been read is not any more of a joke than the proceedings that have taken place upon the floor of this House all the afternoon in reference to seed distribution. There has been complaint after complaint and wrangle after wrangle about this package and that package of seeds. Some member finds that he gets the wrong seeds, or that he is two or three packages short, and he immediately enters complaint against the Agricultural Department and against the Government in general. [Laughter.]

Now, Mr. Chairman, speaking on the point of order, I have some farmers in my district [laughter] who are against this seed distribution, and they have come to the conclusion that if they can have seeds free of cost there is no reason why they should not have turkeys and horses and hogs and partridges [laughter]——

Mr. BARTLETT of Georgia. And hound pups.

Mr. MERCER. And hound pups. I accept the amendment. It seems to me, Mr. Chairman, that we are running into gross extravagance and are getting more and more demoralized in that respect every year. Take the matter of the distribution of documents. I understand we are spending in the neighborhood of $6,000,000 a year for distributing public documents, and my friend from Massachusetts [Mr. MORSE] says that half of them are stolen from us before we can get them distributed. [Laughter.] Now, Mr. Chairman, in all seriousness——

Mr. STEELE. And on the point of order.

Mr. MERCER. And on the point of order, as the gentleman from Indiana (who is seldom in order) suggests [laughter], I think we ought to adopt the amendment of the gentleman from Connecticut, and I now withdraw my amendment, which was offered as an argument in favor of its adoption. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. BROMWELL].

Mr. McCLEARY of Minnesota. I ask that the amendment be again reported.

By unanimous consent, the amendment was again read.

The question being taken, the Chairman declared the ayes seemed to have it.

A division was asked for.

The House divided; and there were—ayes 71, noes 32.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Connecticut [Mr. HILL], to strike out the whole paragraph, beginning at line 13, page 20, and including the whole of page 22.

The question being taken on the amendment, the Chairman declared that he was in doubt.

A division was asked for.

The committee divided; and there were—ayes 53, noes 55.

Mr. HILL. I ask for tellers.

Tellers were ordered; and the Chairman designated Mr. HILL and Mr. WADSWORTH.

The committee again divided; and the tellers reported—ayes 42, noes 70.

So the amendment was rejected. [Applause.]

The CHAIRMAN. The question now is on the amendment of the gentleman from New York [Mr. POOLE].

Several MEMBERS. Read it.

The amendment of Mr. POOLE was again read.

The question being taken on the amendment, the Chairman declared that the noes seemed to have it.

Mr. FAIRCHILD. I ask for a division.

The committee divided; and there were—ayes 11, noes 51.

So the amendment was rejected.

The Clerk read as follows:

Salaries, Weather Bureau: Office of Chief of Weather Bureau: One Chief of Bureau, $4,500; one professor of meteorology, $3,500; two professors of meteorology, at $3,000 each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, $6,000; two professors of meteorology, at $2,500 each, for the service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, $5,000; three forecast officials, at $2,000 each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, $6,000; one chief clerk (and executive officer), $2,500; three chiefs of division, at $2,000 each, $6,000; three clerks of class 4, $5,400; one property clerk, $1,800; five clerks of class 3, $8,000; fifteen clerks of class 2, $21,000; twenty-eight clerks of class 1, $33,600; thirteen clerks, at $1,000 each, $13,000; eight clerks, at $900 each, $7,200; one captain of the watch, $1,000; one engineer, $900; one instrument maker, $1,200; two assistant instrument makers, at $1,000 each, $2,000; six mechanics, at $840 each, $5,040; two firemen, at $720 each, $1,440; three watchmen, at $720 each, $2,160; three messengers, at $720 each, $2,160; eight messengers, at $600 each, $4,800; five laborers, at $660 each, $3,300; four laborers, at $480 each, $1,920; four charwomen, at $240 each, $960; total salaries Weather Bureau, $150,280.

Mr. DOCKERY. Mr. Chairman, I desire to raise the question of order against that part of the bill in lines 9 and 10, page 24, providing for "one professor of meteorology" at a salary of $3,500, for the reason that it is an increase of salary of $1,000. Also, against the proposed increase of the salary of the chief clerk from $2,250 to $2,500, and also against the new language in line 20, in parentheses, "and executive officer."

Mr. WADSWORTH. Mr. Chairman, I suppose the point of order will perhaps hold good, but I want to have read for the information of this committee a letter from Mr. Moore, the Chief of the Bureau.

The letter was read, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF CHIEF OF WEATHER BUREAU,
Washington, D. C., December 17, 1896.

SIR: I respectfully recommend an increase of $500 each in the salaries of two of the oldest and most valuable professors on duty in the Weather Bureau. This would give me for a scientific staff one professor at $3,500, two at $3,000, and two at $2,500. I have with me one professor who laid the groundwork for the present weather charts twenty-five years ago, and who is recognized as probably the ablest man in air physics in this country, if not in the world. He is editor of my Monthly Weather Review, and while not being an executive officer, is recognized as an authority on technical problems in meteorological science. Another one of my staff has been with the service over twelve years, has devised and invented many of the automatically recording meteorological instruments. He is a scientist who, if employed by one of our leading universities, would command six to eight thousand dollars per annum. I wish one of these increases so that we may give him $3,000 per annum. After these promotions are made the scientific staff of the Weather Bureau still will be considerably less paid than that of the Geological Survey and other scientific departments of the Government.

I also recommend that one chief clerk, $2,250 per annum, be changed to one chief clerk and executive officer, at $2,500 per annum. Formerly there was an assistant chief at $3,000 and an executive officer at $2,500 and a chief clerk at $2,250, making a total salary for the officials executing the orders of the chief of $7,750 per annum. At the present time the chief clerk combines within himself the functions of all three of these officials. During the time when I was Acting Secretary for a considerable period last summer, and during my absence on inspection tours, he was acting chief of the Bureau, in regular succession as provided by the Revised Statutes. The Bureau has unhesitatingly recommended during the past two or three years the abolition of the offices of assistant chief and executive officer. The slight increase now asked and the slight modification in the title I believe will appeal to the good judgment of your committee.

To offset the increase referred to in the foregoing paragraph I recommend changes in original estimates, as follows:

Nine clerks, at $900, be reduced to 8 clerks, at $900; 1 captain of the watch, at $1,200, reduced to 1 captain of the watch, at $1,000; 5 laborers, at $480, be reduced to 4 laborers, at $480.

The total increase asked for from the original estimates, which, as you are aware, are the same as last year, is $1,250. The total decrease is $1,580, leaving a net reduction on original estimates of $330. If these changes are adopted, the total appropriation for the Weather Bureau will be $330 less than for last year.

It is also recommended that under the item "General expenses, Weather Bureau," after the words "for maintenance and repair of seacoast telegraph lines," the following words be inserted: "whose earnings may be applied to such maintenance and repair."

Until recently Weather Bureau employees on duty outside of the District of Columbia enjoyed all privileges with respect to annual leave and absence on account of personal sickness, with pay, as accrue to employees on duty within the District of Columbia, but following the opinion of the law officer the practice of granting these privileges to employees in the field was discontinued during the present year. It is therefore recommended that after the last word, "expenses," item "General Expenses of the Weather Bureau," the following be added:

"And all commissioned employees of the Weather Bureau on duty outside of the District of Columbia may be granted the same privileges with respect to absence from duty, with pay, on account of annual leave or personal sickness as now allowed employees of that Bureau stationed within the District of Columbia."

Very respectfully,

WILLIS L. MOORE,
Chief of Bureau.

Hon. JAMES W. WADSWORTH,
Chairman Committee on Agriculture,
House of Representatives, United States.

(By permission of the Secretary of Agriculture.)

Mr. WADSWORTH. Now, Mr. Chairman, in further defense of Mr. Moore, I want to say that when he took charge of this Bureau he succeeded in reducing the salaries in one year $27,000. Now, after another year's experience in the management of the Bureau, he suggests these changes, which bring about a further diminution in the salary list of $330. I only submit to the gentleman from Missouri that it is a very small——

Mr. DOCKERY. I suggest that the Chief of the Bureau can accomplish this result by dismissing a part of his force.

Mr. WADSWORTH. That may be so. Still, experience has taught him that this is the best way to manage the Bureau, and there is very little incentive to a man to perform his duty——

Mr. DOCKERY. I have quite as high a regard for the poor fellows who are carried on the roll at $700, $800, and $900 as I have for men who are now receiving $3,000 a year.

I wish to say, furthermore, that I do not make these points of order by way of criticism upon the gentleman or his committee, but, so far as I can do so by the interposition of points of order, I shall object to increases of the salaries of Federal officials until returning prosperity puts some increase of profits into the pockets of the people of this country.

The CHAIRMAN. The point of order is sustained.

Mr. WADSWORTH. In view of the action just taken in striking out a part of the pending paragraph, I think we had better strike out the whole paragraph and substitute the corresponding paragraph of the law of last year. I move, therefore, to strike out the paragraph and insert what I send to the desk, which is the paragraph of the act making appropriation for the Department of Agriculture for the current year.

The Clerk read as follows:

WEATHER BUREAU.

Salaries of the Weather Bureau: Office of Chief of Weather Bureau: One chief of Bureau, $4,500; two professors of meteorology, at $3,000 each, for service in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $6,000; three professors of meteorology, at $2,500 each, for service in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $7,500; three forecast officials, at $2,000 each, for service in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $6,000; one chief clerk, $2,250; three chiefs of division, at $2,000 each, $6,000; three clerks of class 4, $5,400; one assistant chief of division of supplies, $1,800; five clerks class 3, $8,000; fifteen clerks class 2, $21,000; twenty-five clerks class 1, $30,000; fifteen clerks, at $1,000 each, $15,000; one telegraph operator in the city of Washington, or elsewhere as the exigencies of the Bureau may demand, $1,000; six clerks, at $900 each, $5,400; three copyists or typewriters, at $840 each, $2,520; one copyist or typewriter, $720; one chief mechanician, $1,200; one captain of the watch, $1,200; one engineer, $840; one batteryman, $840; four skilled artisans, at $840 each, $3,360; two skilled mechanicians, at $840 each, $1,680; three assistant messengers, at $720 each, $2,160; two firemen at $720 each, $1,440; three watchmen, at $720 each, $2,160; one carpenter, $840; five laborers, at $660 each, $3,300; eight messengers or laborers, at $600 each, $4,800; five messengers or laborers, at $450 each, $2,250; three charwomen, at $240 each, $720; for temporary employment of messengers and laborers as may be necessary in the office of the Chief of the Weather Bureau, $800; in all $150,540.

Mr. DOCKERY. That is the provision of the current law in reference to the Weather Bureau?

Mr. WADSWORTH. Yes, sir.

Mr. DOCKERY. I understand that its effect is simply to continue the force as provided in the current law?

Mr. WADSWORTH. That is it exactly.

Mr. DOCKERY. And it puts back this clerk that you proposed to eliminate by the provision reported by the committee.

Mr. WADSWORTH. Yes, sir.

Mr. PERKINS. I desire to submit that the point of order raised by the gentleman from Missouri, instead of putting more money into the pockets of the people, takes out $330.

Mr. STEELE. Oh, no.

Mr. DOCKERY. The chairman of the Committee on Agriculture having virtually conceded, in the provision which he reported and advocated, that there was no necessity for this clerk, that a clerk of this low class could be dispensed with, he proposed that the amount this clerk was receiving less $330 go toward giving increased compensation to this scientific officer. Now, having made the point of order against increasing the salaries of these officials, he proposes a continuance of the present law. I submit, however, to the chairman of the committee in all good faith that if this clerk was not necessary with the salary of the scientific officer at $3,500 (a thousand dollars increase over the current law), he is not necessary with the salary of that officer at $2,500. If this bill shall become a law in the form provided by the pending substitute, I want to put this responsibility for increase upon the Agricultural Committee.

Mr. PERKINS. The provision which has gone out on the point of order was drawn in accordance with the recommendation of the Chief of the Bureau, with the view of increasing the efficiency of the service at a reduced expense.

Mr. DOCKERY. Yes; but the reduction was accomplished by eliminating one of the clerks—I forget his salary—by dropping him from the salary roll. Now, I suggest to the chairman of the committee, with entire respect and in perfect good faith, and because the logic of the situation requires it, that in offering the provision of the existing law he should eliminate the clerk that he before proposed to dispense with, assuming that the committee was correct in the provision reported.

The question being taken on the amendment proposed by Mr. WADSWORTH, it was agreed to.

Mr. STEWART of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 23, page 25, after the word "dollars," insert the following:

"And the Chief of the Weather Bureau shall furnish to each Senator and Representative, by postal or letter, every evening, such meteorological information and forecasts as have been acquired by the Bureau during the preceding twenty-four hours."

Mr. WADSWORTH. I reserve a point of order upon the amendment.

Mr. STEWART of New Jersey. Mr. Chairman, there is no information so fleeting and fugitive in its utility as meteorological information; unless it is promptly accessible, it becomes useless. One way to make this information useful and get it into general distribution throughout the country is to have it furnished while fresh to Senators and Representatives.

Mr. WADSWORTH. I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Salaries of one inspector, thirty local forecast officials, section directors, observers, operators, repairmen, messengers, laborers, and other necessary employees outside of the city of Washington.

All other expenses, itemized as follows: Maps, bulletins, and stationery for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines, the earnings of which may be applied to such maintenance and repair; for river observations and reports; for storm and other signals; for cotton region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for special observations and pay of observers of West Indian, Mexican, and Central American stations during the hurricane season; for supplies for climate and crop services; and for investigations on climatology, including assistance and all necessary expenses, $717,182.

Mr. WADSWORTH. Mr. Chairman, I move to make a correction in the paragraphs just read. There is a misprint there. The paragraph beginning "all other expenses, etc.," belongs to the first paragraph, and should be a part of it. I ask that the necessary correction be made.

The CHAIRMAN. Without objection, that will be done.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Chairman, against a portion of this paragraph I desire to raise the question of order.

Mr. MURPHY of Arizona. I have an amendment, Mr. Chairman, I wish to offer here.

The CHAIRMAN. The gentleman from Missouri has raised the question of order, which he will state.

Mr. DOCKERY. I make the point of order against portions of lines 8 and 9, on page 27, reading as follows:

The earnings of which may be applied to such maintenance and repair.

That is new legislation, and not warranted by existing law.

Mr. WADSWORTH. I will admit that it is new legislation, Mr. Chairman, but the committee regarded it as desirable and necessary.

Mr. DOCKERY. It is new legislation, and if I am not inaccurately advised it involves an expenditure of four or five thousand dollars, and in effect increases the appropriation to that amount.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MURPHY of Arizona. I now offer the amendment I send to the desk.

The Clerk read as follows:

> After line 18, on page 27, insert the following:
> "To establish and maintain a signal station at Flagstaff, Ariz., under the direction of the Chief of the Weather Bureau, $5,000," and in line 19 substitute "eighty eight" for "eighty-three."

Mr. WADSWORTH. I will reserve the point of order until the gentleman from Arizona can be heard upon this amendment.

Mr. MURPHY of Arizona. Mr. Chairman, with reference to the amendment I have offered, I wish to say that an effort has been made for some time past to have a signal station established at Flagstaff, in Arizona. The reason given for the amendment is that there is no place in the entire mountain country, in this southwestern region, where warnings may be displayed of coming storms or forecasts made of existing meteorological conditions. That there is no better location for this purpose has been recognized by the establishment of an observatory in recent years at Flagstaff.

I am informed by the Weather Bureau that they have no appropriation available to establish a signal station there; but I think they recognize the importance of establishing one at the point indicated in the amendment.

I can not better, Mr. Chairman, indicate to the committee the importance of the location at which it is proposed to establish this station than by saying that these peaks at Flagstaff afford a view east into New Mexico, south into Old Mexico, west to the Pacific through a gap in the Coast Range, north to Nevada and Utah, and northeast to Pikes Peak. A station on Humphreys Peak, at Flagstaff, on the Frisco Range, where the amendment proposes to establish it, will be of vast interest and importance to the people of that region.

There is no place in the entire mountain country, and it is so conceded by all who are cognizant of the fact, better adapted than Flagstaff for a signal station, for warnings in case of coming storms, or for observations for the benefit of the whole country, and therefore I ask support for the amendment, which I hope will be adopted.

Mr. WADSWORTH. Mr. Chairman, I dislike very much to raise the question of order against the amendment of the gentleman from Arizona, for while I think there ought to be a station in that region, yet the appropriation will not allow it; but we have some information from Mr. Moore, that the Bureau has in view a new arrangement of all of these stations; and perhaps in that rearrangement he will have a signal station at the point he indicates. Hence I must insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. WADSWORTH. I ask unanimous consent, Mr. Chairman, that the Clerk be directed to correct the footings of the bill to correspond with the various changes that have been made in Committee of the Whole.

The CHAIRMAN. It occurs to the Chair that the bill must be reported to the House immediately, and that these amendments ought to be prepared before the bill is reported.

Mr. WADSWORTH. It is merely a change of the footings, and can be done now or hereafter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent to return to line 7, on page 26, for the purpose of inserting what I regard as a necessary amendment at that point.

The CHAIRMAN. Is there objection to recurring to the section mentioned by the gentleman from Missouri?

There was no objection.

Mr. DOCKERY. Now, Mr. Chairman, I move to insert in line 7, on this page, after the word "horses," the words "for official purposes only."

Mr. WADSWORTH. That is similar to the amendments heretofore adopted in regard to the use of these horses?

Mr. DOCKERY. Yes, sir.

Mr. WADSWORTH. I have no objection to the amendment.

The amendment was agreed to.

And then, on motion of Mr. WADSWORTH, the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and had directed him to report the same to the House with sundry amendments and with the recommendation that as amended the bill do pass.

Mr. WADSWORTH. Will it be necessary to ask unanimous consent that in the engrossing the Clerk be authorized to change the footings to correspond with the changes in the various items of the bill?

The SPEAKER. The Chair will put the request to the House, though he thinks that such clerical changes could be made by the Clerk. Without objection, the Clerk will be authorized to make those clerical changes.

There was no objection.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

APPOINTMENT OF CONFEREES.

The SPEAKER appointed as conferees on the bill S. 1832 Mr. POWERS, Mr. HARRISON, and Mr. JOHNSON of California.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Idaho, for ten days, on account of important business.

To Mr. ODELL, for ten days, on account of important business.

To Mr. HULING, for one week, on account of sickness in his family.

ANN MARIA MEINHOFER.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8942) to pension Ann Maria Meinhoefer, widow of Lewis Meinhoefer, Company B, Forty-first New York Infantry. It will only take a minute.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ann Maria Meinhoefer, widow of Lewis Meinhoefer, late a member of Company B, Forty-first New York Infantry, upon the pension roll and pay her a pension of $8 per month.

The Committee on Invalid Pensions recommended the following amendment:

> In line 4, after the word "place," strike out the balance of the bill, and add "upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Ann Maria Meinhoefer, widow of Louis Meinhoefer, late a private in Company B, Forty-first New York Infantry, and pay her a pension of $12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I should like to ask if that bill has been before the House at a Friday night session?

Mr. SPALDING. It has not. This woman is supported by a church, and has been for years. The only difficulty about her being pensioned under the general law is the fact that she can not produce, on account of the death of the witnesses, proof of the death of her first husband, who died fifty years ago. She was married to this soldier long before the war, her first husband having previously died, but she can not prove his death. Her brother was with him when he died, but her brother is dead, and the only proof she can offer of the death of her first husband is her own statement. She is supported by the German Lutheran church of the city of Monroe, Mich. She is 77 years of age.

Mr. TALBERT. I submit, Mr. Speaker, that there is a rule of the House requiring that all such bills shall go before the Committee of the Whole at the Friday night sessions.

Mr. SPALDING. That is true.

Mr. TALBERT. But as this seems to be a rather remarkable case, I do not care to interpose an objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting a pension to Ann Maria Meinhofer."

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE-SAVING STATION, GREAT BOARS HEAD, NEW HAMPSHIRE.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire.

Mr. DOCKERY. Does that bill simply authorize the establishment?

Mr. SULLOWAY. Yes.

Mr. DOCKERY. I will ask the gentleman from New Hampshire how this proposed light-house is classed?

The SPEAKER. It is not a light-house, but a life-saving station.

Mr. SULLOWAY. It is a life-saving station, and it is recommended by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire."

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3239) for the relief of the estate of Richard Lawson;

A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called;

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States;

A bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company" and others and "The United States against Alice Weil and others;" and

A bill (S. 3612) granting a pension to Mrs. Martha Frank.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nevraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2859) granting a pension to Harriet F. Herrick; and

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

The message also announced that the Senate had passed the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by the United States officers with an amendment in which the concurrence of the House was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. PERKINS, and Mr. BRICE as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway;

Joint resolution (H. Res. 215) extending the time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896;

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 4872) to correct the military record of Homer C. McCusky;

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams.

A bill (H. R. 939) for the relief of Cogswell & Co.;

A bill (H. R. 7781) to provide an American register for the barge *Black Diamond*; and

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt.

SILAS M. STEVENS.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2931) granting an increase of pension to Silas M. Stevens.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and grant him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. DOCKERY. Mr. Speaker, I will simply state that this bill was considered by unanimous consent at the evening session last evening, and comes to us with an urgent request from the chairman of the Senate Committee on Pensions that it should receive favorable consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. Reserving the right to object, I will ask for the reading of the report.

Mr. DOCKERY. It was considered last evening.

Mr. TALBERT. I have no objection, as it has been considered in the Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division!

Mr. STEELE. If we do not adjourn, there will be no more unanimous consents.

The House divided; and there were—ayes 17, noes 25.

So the House refused to adjourn.

Mr. PAYNE. I ask for the regular order.

The SPEAKER. The Chair thinks the regular order is the call of committees.

The Committees on Elections Nos. 1, 2, and 3 were called.

Mr. PAYNE. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division!

The House divided; and there were—ayes 38; noes 19.

So the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Morris J. Harris against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, replying to the House resolution of January 28, requesting information relating to the production and export of castor beans—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign

Commerce, to which was referred sundry bills of the following titles, reported the same, accompanied by reports; which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

WITHOUT AMENDMENT.

The bill (H. R. 4978) for the establishment of a light and fog-signal station on or near Hog Island Shoal, Narragansett Bay, Rhode Island. (Report No. 2719.)

The bill (H. R. 5949) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California. (Report No. 2720.)

The bill (S. 2782) entitled "An act to establish a life-saving station at or near Fort Gratiot, Mich." (Report No. 2722.)

WITH AMENDMENT.

The bill (S. 2966) entitled "An act for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C." (Report No. 2721.)

The bill (H. R. 7778) establishing gas buoys in Lynn Harbor, Massachusetts. (Report No. 2726.)

The bill (H. R. 9704) to provide for light-houses and other aids to navigation. (Report No. 2727.)

The bill (H. R. 1869) making appropriation for a light and fog-signal station at or near terminus of what is known as the Straight Channel, in Maumee Bay, near Toledo, Ohio. (Report No. 2728.)

The bill (H. R. 8111) for establishing a fog-signal vessel at San Francisco Bar, California. (Report No. 2729.)

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 1808) to increase the efficiency of the postal service, reported the same with amendment, accompanied by a report (No. 2723); which said bill and report were referred to the House Calendar.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8012) authorizing and directing the distribution of certain cannon in the Territory of New Mexico abandoned by the Confederate forces, reported the same without amendment, accompanied by a report (No. 2725); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HARDY, from the Committee on Pensions: The bill (S. 3191) entitled "An act granting an increase of pension to Capt. John W. Dodd." (Report No. 2724.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 7891) for the relief of Elizabeth P. Wethers, of Kansas City, Mo. (Report No. 2730.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 82) granting a pension to Mrs. Millie Withington, mother of Lewis L. Fisher, deceased, late of Company E, Second Massachusetts Infantry Volunteers. (Report No. 2731.)

The bill (H. R. 9520) granting an increase of pension to John N. Bruse. (Report No. 2732.)

The bill (H. R. 9838) for the relief of Johanna C. Haft, widow of John Haft, private Company C, Forty-first Massachusetts Infantry. (Report No. 2733.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6896) granting an increase of pension to Henry O. Briggs. (Report No. 2734.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 10194) for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. HENDERSON: A bill (H. R. 10195) to amend section 5488 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: A bill (H. R. 10198) donating condemned cannon and balls to J. P. Shepard Post—to the Committee on Naval Affairs.

By Mr. GIBSON: A bill (H. R. 10199) to secure the safe transmission of public documents—to the Committee on the Post-Office and Post-Roads.

By Mr. OTEY: A resolution (House Res. No. 570) requesting the Committee on the District of Columbia to inquire into the necessity of a flagman at New York avenue and Fourteenth street—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COFFIN (by request): A bill (H. R. 10196) to pay the findings of the Court of Claims in the case of Henry Tolson, administrator of the estate of George W. Marriott, deceased—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 10197) for the relief of John W. Smart—to the Committee on War Claims.

By Mr. McMILLIN: A bill (H. R. 10200) for the relief of Willis Cornwall, of Tennessee—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Petition of John J. Bartlett, secretary of the White Mountain Travelers' Association, and 115 others, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Resolutions adopted by the city council of Denver, Colo., in favor of the Cameron resolution and the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. CODDING: Statement to accompany House bill No. 6583, granting a pension to Charles Wells—to the Committee on Invalid Pensions.

By Mr. GAMBLE: Petition of the Christian and Congregational churches and of the Woman's Christian Temperance Union of Carthage, S. Dak., favoring the passage of House bill No. 3263, known as the Broderick bill, and Senate bill No. 1498—to the Committee on the Judiciary.

Also, petition of the Congregational and Christian churches and of the Woman's Christian Temperance Union of Carthage, S. Dak., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. GILLET of New York: Petition of 100 citizens of Addison, N. Y., protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDRICK: Petitions of the Methodist Episcopal Church, the Epworth League, and the Poplar Grove Baptist Church, all of Hickman, Ky., urging the passage of Senate bill No. 2185, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. HENDERSON: Resolutions adopted at a public meeting in Des Moines, Iowa, urging action by the United States Government in respect to the Armenian troubles—to the Committee on Foreign Affairs.

By Mr. HILBORN: Resolution of the California Dairy Association, of San Francisco, Cal., asking consideration of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Resolution and petition of the Christian Endeavor Society of the First Presbyterian Church of Batavia, Ohio, protesting against the outrages committed upon American citizens by the Turkish Government, and for the protection of Armenians, expressing sympathy in their behalf—to the Committee on Foreign Affairs.

By Mr. KERR: Sundry petitions of F. S. Ozier and others, E. C. Stevens and others, and W. F. Kemmler and others, all of Mansfield, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of the Central Christian Church of Des Moines, Iowa, in relation to the persecution and outrages in Armenia—to the Committee on Foreign Affairs.

By Mr. LOUDENSLAGER: Resolution of the Newark Republican Club, of Newark, N. J., relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Fred Kimbley and 39 other citizens of the State of Indiana, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Memorial of H. N. Loud, in favor of the coinage of a universal standard dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. TAYLER: Petition of citizens of Youngstown, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Paper to accompany House bill No. 10192, granting a pension to Martha A. DeLamater, of Crawford County, Ill.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 10193, granting a pension to Willis Brady, of Coles and Cumberland counties, Ill.—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 1, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of William A. Harris, chosen by the legislature of Kansas a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

MILITIA FORCE OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to the provisions of section 232, Revised Statutes, an abstract of the militia force of the United States for the year 1896, according to the latest returns received at the office of the Adjutant-General, United States Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF THE ECKINGTON AND SOLDIERS' HOME RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Eckington and Soldiers' Home Railway Company of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

EXECUTIVE SESSION.

Mr. SHERMAN. I think it important to have a brief executive session. I therefore move that the Senate proceed to the consideration of executive business before the routine morning business is transacted.

Mr. CULLOM. Will not the Senator from Ohio wait until after the routine business?

Mr. SHERMAN. The executive session will take but a few moments. I hope the motion will be agreed to. We will take up the morning business afterwards.

Mr. CULLOM. I shall not resist the motion, but I think it best to go through with the routine business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1250) for the relief of Henry A. Webb.

The message also announced that the House had passed the bill (S. 2931) granting an increase of pension to Silas M. Stevens.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1897) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; further insisted upon its amendments to the bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POWERS, Mr. JOHNSON of California, and Mr. HARRISON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7331) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 8358) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;

A bill (H. R. 8942) granting a pension to Maria Meinhofer; and

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway;

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 989) for the relief of Cogswell & Co.;

A bill (H. R. 3500) to authorize the adjustment and settlement of the accounts of John Y. Williams;

A bill (H. R. 4368) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 4872) to correct the military record of Homer C. McCusky;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 7781) to provide an American register for the barge *Black Diamond;*

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, to wear the uniform of their highest rank; and

A joint resolution (H. Res. 215) extending the time for compliance by the Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Peace Association of Friends, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Presbyterian Ministers' Association, of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; to raise the age of protection for girls in the District of Columbia to 18 years, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of the First Presbyterian Church, of Murphysboro, Ill., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of the Union League of Chicago; of L. H. Thomas, of Evergreen Villa, Thomasville, and of J. E. Garvin, pastor of the First Cumberland Presbyterian Church, of Chicago, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry merchants and jobbers of Chicago, Ill., remonstrating against the present system of railway ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Morrison, Plummer & Co., of Chicago; of William Royd, of Evanston; of the North Chicago Association, of North Chicago; of the East Rockford Mantle Company, of East Rockford, and of the Northern Illinois Normal School and the Dixon Business College, of Dixon, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the J. E. Tilt Shoe Company, of Chicago; of the Gold Seal Oil Company, of Chicago; of the Heath & Milligan Manufacturing Company, of Chicago; of the Baird Clock Manufacturing Company, of Evanston; of T. Buettner & Co., of Chicago; of Hirsh, Elson & Co., of Chicago, and of J. G. Davis & Son, of Chicago, all in the State of Illinois, and the petition of the Amazon Hosiery Company, of Muskegon, Mich., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Paris, Ill., praying for the passage of Senate bill No. 3557, granting a pension to Emma M. Elliott; which was referred to the Committee on Pensions.

Mr. PLATT. At the request of the commissioners of the Choctaw Nation of Indians, I present a memorial addressed to the Senate and House of Representatives by them, relating to the payment of money for what is called the leased district. I wish to state that in presenting the memorial I do not desire to be understood as committing myself to the matter which they pray for.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Indian Affairs.

Mr. PLATT presented a resolution of the general assembly of Connecticut, praying for the ratification of the pending arbitration treaty with Great Britain; which was read, and referred to the Committee on Foreign Relations, as follows.

STATE OF CONNECTICUT,
OFFICE OF SECRETARY OF STATE.

General assembly, January session, A. D. 1897. Resolution concerning the proposed treaty between the United States and Great Britain.

Resolved by this assembly, That the general assembly heartily approves of the principle of arbitration between nations as embodied in the proposed treaty between the Governments of the United States and Great Britain, concerning the settlement by arbitration of difficulties which may arise between said nations, and that the secretary be directed to forward a copy of this resolution to each of the Senators of this State at Washington.

House of representatives, January 21, 1897, rules suspended, passed, and transmitted.

Senate, January 21, concurs.

STATE OF CONNECTICUT, *ss:*

OFFICE OF SECRETARY.

I hereby certify that the foregoing is a true copy of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford, this 28th day of January, A. D. 1897.

CHARLES PHELPS, *Secretary.*

Mr. PLATT presented the petition of J. M. Van Vleck, acting president of Wesleyan University, and sundry members of the Conversational Club of Middletown, Conn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a memorial of the Boston Plate Printers' Union, No. 3, of Boston, Mass., remonstrating against the enactment of legislation to reduce the wages of Government employees; which was referred to the Committee on Appropriations.

He also presented the petition of John W. Carter, of Beverly, Mass., and a petition of Seavey & Co., of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the Protestant Episcopal clergymen of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented petitions of the Trumbull Avenue Presbyterian Church, of Detroit; of the French Baptist Church, of Detroit; of Frederick Borgess, of Detroit; of the Universalist Church of Our Father, of Detroit; of the Immanuel Presbyterian Church, of Detroit; of the Young Men's Christian Association of Detroit; of the Shiloh Baptist Church; of the Second Avenue Presbyterian Church; of the Second German Baptist Church; of the Immanuel Baptist Church; of the Fort Street Baptist Church, and of the Eighteenth Street Baptist Church, all in the State of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. CAMERON presented the petition of Henry L. Child and sundry other citizens of Philadelphia; of Rev. John K. Murphy, pastor, and members of the congregation of St. Michael's Protestant Episcopal Church, of Germantown, and of Group Seven of the Pennsylvania Bankers' Association, of Warren, all in the State of Pennsylvania, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., praying for the passage of House bill No. 8354, to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion; which was referred to the Committee on Pensions.

He also presented petitions of Biddle Hardnonber, of Philadelphia; of William Wood & Co., of Philadelphia; of the Harrison Safety Boiler Works, of Philadelphia; of McIlvaine Bros., of Philadelphia; of Robert Hamilton & Son, of Philadelphia; of John T. Ellis & Co., of Philadelphia; of the Weeks & Smith Spice Company, of Philadelphia; of Dorey & Co., Limited, of Philadelphia; of John E. Hanifen & Co., of Philadelphia; of Andrew M. Shute, of Philadelphia; of William Steppacher Bros., of Philadelphia, and of Sam G. Scott and sundry other citizens of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of S. W. Harmon and 110 other citizens of Eaton County, Mich., praying for the enactment of a tariff law that will adequately protect the American farmer and the American laborer against foreign imports; which was referred to the Committee on Finance.

He also presented the memorial of Mrs. J. E. Weeks and 40 other citizens of Battle Creek, Mich., remonstrating against the passage of the so-called Sherman bill, providing for the abolishment of the present system of railway ticket brokerage; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS. I present the petitions of Joseph H. King, jr., and 41 other citizens of New Castle; of Thomas Simpson and 27 other citizens of Camden; of George W. Marshall and 35 other citizens of the west election district of Milford Hundred, Kent county; of F. C. Wiswell and 59 other citizens of the Milford election district of Cedar Creek Hundred, Sussex county; of Frank Reedy and 22 other citizens of the east election district of Milford Hundred, Kent county; of Charles H. Sackett and 22 other citizens of Lincoln, Sussex County; of George W. Vantine and 20 other citizens of New Castle, and of William E. Cole and 9 other citizens of Little Creek, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union of the Eighth district of Iowa, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Methodist Episcopal church of Corning, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Methodist Episcopal church of Corning, Iowa, praying for the enactment of legislation to raise the age of protection to girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Peace Association of Friends, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented the memorial of Christian Braun and 230 other citizens of Paterson, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Council No. 5, Junior Order United American Mechanics, of Mount Holly, N. J., praying for the enactment of legislation to relieve the Cubans in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of the New Jersey Christian Endeavor Union, of Newark, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Orange Valley Congregational Church, of Orange, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Sarsfield Club of Jersey City, N. J., remonstrating against the ratification of the pending treaty of arbitration with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented petitions of the United African Methodist Episcopal Church, of Camden; of the First Presbyterian Church, of Camden; of the North Baptist Church, of Camden; of the Calvary Presbyterian Church, of Camden, and of the Methodist Episcopal church, of Camden, all in the State of New Jersey, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SHERMAN presented the petitions of John J. Perkins & Co., of Cincinnati; of the Ohio Wholesale Grocers' Association; of the Cincinnati Association of Wholesale Grocers; of Arnold & Morton, of Columbus; of the Hayden National Bank, of Columbus; of the Wholesale Grocers' Board, of Cleveland; of Weaver & Shulze, of Circleville; of Feilbach & Co., of Toledo; of the D. O. Fox Company, of Springfield; of Naughters, Kramer & Co., of Chillicothe; of Ulrick & Clues, of Columbus; of Babcock, Hurd & Co., of Cleveland; of the C. F. Wane Coffee Company, of Dayton; of the Harper & Cosgrove Company, of Zanesville; of Ford, Eaton & Co., of Cincinnati; of Isaac Eberly & Co., of Columbus; of the Moore Bros. Company, of Lima; of the Frechtling Wholesale Grocery Company, of Hamilton, and of Westerfield Bros., of Greenville, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of C. M. Goheen, M. D., publisher of the Union, of Continental, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Society of the Church of Christ, of Glenville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Council No. 27, American Protective Association, of Cincinnati, Ohio, praying for the passage of the so-called Cameron resolutions, relative to Cuba; which was ordered to lie on the table.

He also presented a memorial of the committee on judiciary and legal reform of the Cincinnati Bar Association, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of Eureka, Cal., praying for the passage of the Nicaragua Canal bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Eureka, Cal., praying that an appropriation be made for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

Mr. HOAR presented the petition of William Lawrence, Bishop of Massachusetts, and five other Protestant Episcopal clergymen of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the members of the bar of Muscogee, Ind. T., praying for the immediate appointment of an additional judge of the United States court for the Indian Territory; which was referred to the Committee on the Judiciary.

Mr. HALE presented the petition of J. F. Sprague and sundry other citizens of Monson, Me., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. JONES of Arkansas presented a petition of sundry citizens of the Choctaw Nation, praying that the treaty with that nation be ratified by Congress; which was referred to the Committee on Indian Affairs.

He also presented the memorial of W. W. Folsom, publisher of the Hope Gazette, of Hope, Ark., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Hope, Ark., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the petitions of R. P. Shanklin & Co., of Frankfort; of the John C. Groub Company, of Seymour; of the Wholesale Grocers' Association of Indiana; of J. C. Perry & Co., of Indianapolis; of Joseph Strong & Co., of Terre Haute; of W. M. Shafer & Co., of Frankfort; of Elmer E. Scott, of Madison; of E. G. Niklaus, of Madison; of Kramer & Sons, of La Porte; of the Parsons & Scoville Company and sundry other wholesale grocers of Evanston, all in the State of Indiana, and the petition of William T. Comstock, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HILL presented a petition of the New York Board of Trade and Transportation, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of the First Baptist Church, of Derry; of the First Methodist Episcopal Church, of Derry; of the First Church, of East Derry; of St. Luke's Methodist Episcopal Church, of Derry, and of the Baptist Grove Meeting Associations, of Laconia, all in the State of New Hampshire; a petition of the Baltimore Yearly Meeting of the Religious Society of Friends, of Baltimore, Md., and a petition of the Philadelphia Peace Association of Friends, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented resolutions adopted by the common council, bar association, and sundry citizens of West Superior, Wis., relative to the bill (H. R. 9752) amending the act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin; which were referred to the Committee on Commerce.

He also presented a petition of the Congregational Ministers' Association, of Milwaukee, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SMITH presented a petition of Washington Camp, No. 29, Patriotic Order Sons of America, of Merchantsville, N. J., praying for the passage of the so-called Cameron resolutions, relative to Cuba; which was ordered to lie on the table.

He also presented a petition of the town council of Stockton, N. J., praying Congress to take prompt action to stop the barbarities and inhumanities now being practiced on the people of Cuba by the Monarch of Spain; which was ordered to lie on the table.

He also presented petitions of the Evangelical Alliance for the United States; of the Congregational church of Paterson, N. J.; and of the Orange Valley Congregational Church, of Orange, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

FINDING LIST TO DOCUMENTS.

Mr. HALE. I present a paper prepared by Alonzo W. Church, librarian, and James M. Baker, assistant librarian, United States Senate, being a "Finding list to documents published by the Government." I move that the paper be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 29th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3602) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," approved August 3, 1894, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3556) granting a pension to Carlton W. Muzzy, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, reported it with an amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 28th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 22d ultimo, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ALLEN, from the Committee on Indian Affairs, submitted a report to accompany the amendment heretofore reported by him relative to the Santee Sioux Indians, of Nebraska, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERSTATE COMMERCE COMMITTEE HEARING.

Mr. CULLOM. I ask that the usual number of copies of statements made before the Committee on Interstate Commerce last week relative to ticket brokerage be printed as a document for the use of the Senate.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; which was read twice by its title.

Mr. PALMER. I wish that the bill may lie on the table. A similar bill has been before the Committee on Pensions several times, and has been reported favorably.

The VICE-PRESIDENT. In the absence of objection, the bill will lie on the table.

Mr. WALTHALL introduced a bill (S. 3624) for the relief of Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, Miss., as found due by the Court of Claims under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3625) granting an increase of pension to Mrs. Alice Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHILTON introduced a bill (S. 3626) for the relief of Calvin T. Hazelwood; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3627) to authorize the Corpus Christi and Padre Island Harbor Company to import free of duty certain materials for the construction of an outer harbor on the coast of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3629) to amend section 5498 of the Revised Statutes of the United States relating to the employment of counsel by the Attorney-General or a district attorney; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3630) to consolidate the circuit and district courts of the United States; which was read twice by its title.

Mr. HOAR. I desire to state that this is a very important measure indeed, and that I introduce the bill not expecting action upon it during the present Congress, but only that the judges and the profession and the public generally may be aware of the proposal and may be heard from before another session.

I desire to state further that I have purposely omitted from the bill any arrangement about the clerks of the district courts, as the general subject of the clerks and their compensation will probably be dealt with in another measure at the next Congress.

The **VICE-PRESIDENT.** The bill will be referred to the Committee on the Judiciary.

Mr. PLATT introduced a bill (S. 3631) to amend section 4965 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. CHANDLER introduced a bill (S. 3632) granting an increase of pension to Harriet P. Dame; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3633) concerning retirements and promotions in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 3634) for the establishment of a light-house and fog signal at a point north of the bell buoy near the broken part of the Pollock Rip Shoals, on the coast of Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CARTER introduced a bill (S. 3635) for the relief of certain citizens of Montana claiming the benefit of the homestead laws; which was read twice by its title, and referred to the Committee on Public Lands.

MRS. MARY GOULD CARR.

Mr. HILL introduced a bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; which was read the first time by its title.

Mr. HILL. I ask that the bill be read in full.

The bill was read the second time at length, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of $35 per month.

Mr. HILL. A bill of which this is an exact copy passed the House of Representatives a long time ago, and it passed the Senate in December last. It was one of the bills which was presented to the President just previous to the holiday recess, which was a recess for a longer period than ten days. The President did not act upon the bill, but it was sent to the office of the Secretary of State as a dead bill, it being claimed that Congress had by its adjournment prevented action, and that therefore the bill had expired. I am inclined to doubt whether a mere recess, such as was then taken, was an adjournment within the meaning of the Constitution which would render the bill a dead bill. The question has never been tested in the courts, as I am advised, and this widow has not the money with which to test it. It is easier, as I think, to have the bill passed over again and sent to the President. I therefore ask that the bill may now have present consideration.

The **VICE-PRESIDENT.** Is there objection to the request of the Senator from New York?

Mr. GALLINGER. I think the request of the Senator from New York is a very proper one. The bill reached the President two days before the late recess and it was held by the President that ten days having elapsed during such recess, it has the same bearing upon a bill as though it were passed upon the final adjournment of a Congress. I agree with the Senator from New York that that is a matter of very great doubt. I think I should take issue with the Executive; but it could only be tested in the courts, and the easiest way is to pass the bill again.

While I am on my feet, I will state that the Senator from Illinois [Mr. PALMER] reported a bill in favor of Mrs. Hough, which was passed at the same time as Mrs. Carr's bill, and which had the same fate. I hope the Senate will consider the bill the Senator from New York is interested in and then that it will likewise consider the bill that my distinguished friend from Illinois has just introduced, pensioning Mrs. Hough.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CAROLINE A. HOUGH.

Mr. PALMER. I ask that the same course be taken with the bill to pension Mrs. Hough.

The **VICE-PRESIDENT.** The Senator from Illinois asks unanimous consent for the present consideration of a bill which will be read for information.

The bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby authorized and directed to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, subject to the provisions and limitations of the pension laws and grant her a pension of $50 per month, in lieu of the pension of $17 per month which she is now receiving.

The **VICE-PRESIDENT.** Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the Post-Office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. THURSTON submitted an amendment intended to be proposed by him to the Agricultural appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was submitted to the Committee on Fisheries, and ordered to be printed.

EXPLORATION OF ALASKA.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate, at the earliest date possible, the progress and result of the Geological Survey exploration of Alaska during the season of 1896.

ELECTIONS IN DELAWARE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Privileges and Elections, and ordered to be printed:

> *Resolved*, That the Committee on Privileges and Elections be directed to inquire into the facts and circumstances of the Presidential and State election held in the State of Delaware on the 3d of November, 1896, and particularly to ascertain whether or not on said day, or immediately before or after said day, there existed for the benefit of the Democratic party, so called, in said State a plan and conspiracy on the part of many evil-minded persons, who determined, in case said election should appear to result in the choice of a Republican legislature, to so change such result by fraudulent practices as to make the legislature appear to be a Democratic body; and whether or not, as the result of said election, the candidates for Presidential electors of the Republican party were chosen, as well as a legislature a majority of whose members were Republicans; and whether or not the aforesaid plan and conspiracy was then and there carried out in the following manner: In Sussex County by a fraudulent and wrongful counting of the ballots cast therein, and in Kent County by changing the returns from the various hundreds and throwing out some of the returns and falsifying the vote of said county, so that in each of said counties the Republican members of the legislature who were actually chosen appeared to be defeated, and the Democratic candidates appeared to be elected; and whether or not, as the result of this plan and conspiracy, and the acts done in pursuance thereof, the legislature of Delaware, composed by law of thirty members, a majority of whom in truth and in fact were Republicans, was fraudulently and wrongfully changed into a legislature a majority of which appeared to be Democrats, which, at the time fixed by law for the assembling of the legislature of the State, met at the capitol in Dover, and excluding the lawfully elected Republicans, proceeded to act as the legislature of said State, and to pass and promulgate laws, and to elect a United States Senator; and said committee is also directed to consider whether or not the legislature thus organized was or is entitled to be recognized as the lawful legislature of the State, or its acts and proceedings to be treated as valid by the Government of the United States, or its election of a United States Senator to be recognized as valid by the Senate; and, further, whether there is a government of said State now organized conforming to the clause in the national Constitution which provides that the United States shall guarantee to each State a republican form of government, and, if not, what action ought to be taken by Congress to enforce said guaranty; said committee to make said inquiry by full committee or through subcommittees, as it may deem expedient, and to have power to send for persons and papers, and to sit during the sessions of the Senate in Washington or in Delaware, and to make report by bill or otherwise, and to have its expenses paid from the contingent fund of the Senate.

Mr. CHANDLER submitted the affidavit of George W. Roberts, of Delaware, together with an article from the State Sentinel, of Dover, Del., on "Democratic revolution;" which was referred to the Committee on Privileges and Elections, and ordered to be printed.

AMBROSE D. MANION.

Mr. NELSON. I ask unanimous consent to call up the bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

Mr. COCKRELL. Was the bill just reported this morning?

Mr. NELSON. No, sir; it was reported last week.

The **VICE-PRESIDENT.** The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the pension of Ambrose D. Manion, late of Company K, Fifth Kentucky Infantry, from $30 per month to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPRISONMENT OF JULES SANGUILLY.

The **VICE-PRESIDENT** laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 6th ultimo, a report from the Secretary of State, accompanied by copies of correspondence concerning the arrest, imprisonment, trial, and condemnation to perpetual imprisonment in chains of Jules Sanguilly, a citizen of the United States, by the authorities of Spain in Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 1, 1897.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers; and

A bill (H. R. 8912) granting a pension to Ann Maria Meinhofer.

The bill (H. R. 8856) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PETTIGREW submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9705) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendments numbered 7 and 8.
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6; and agree to the same.
>
> R. F. PETTIGREW,
> GEORGE C. PERKINS,
> *Managers on the part of the Senate.*
> N. M. CURTIS,
> M. GRIFFIN,
> D. G. TYLER,
> *Managers on the part of the House.*

Mr. COCKRELL. What were the points in disagreement upon which the Senate conferees receded?

Mr. PETTIGREW. The House agreed to all of the amendments of the Senate but two, and as to those amendments the Senate conferees receded. Those two amendments were, first, an increase of $15,000 to put in a filter, and second, an increase of the total amount to correspond with the increase for putting in a filter. The Senate conferees receded from the amendment increasing the appropriation for that purpose from $25,000 to $40,000. The House agreed to all the other amendments. I ask that the report be adopted.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 666) to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas;

A bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894; and

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The message further announced that the House insisted upon its amendment to the bill (S. 2139) granting an increase of pension to Annie E. Nolan, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD, Mr. KIRKPATRICK, and Mr. BAKER of Kansas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETT of Massachusetts, Mr. BURTON of Missouri, and Mr. HENDRICK managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry; in which it requested the concurrence of the Senate.

THE INAUGURAL CEREMONIES.

Mr. BACON. Some three weeks ago, by direction of the Committee on the District of Columbia, I reported a joint resolution looking to the authorization of the Secretary of War to give such permits to the executive committee on inaugural ceremonies as he might see fit in the use of the reservations and public spaces in the city. The joint resolution has been brought before the Senate three times, and has been postponed each time at the request of some Senator that he might have an opportunity to look further into it. It is a matter of some importance that we should determine at as early a date as possible what authority should be granted to this committee in order that they may know how to make arrangements in accordance therewith. I therefore ask that the Senate will consent to the present consideration of House joint resolution 214.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March, 4, 1897, etc.

The **VICE-PRESIDENT.** The joint resolution has heretofore been read at length, and the amendment reported from the Committee on the District of Columbia has been read. The question is on agreeing to the amendment.

Mr. CHANDLER. I desire to ask the Senator from Georgia whether the joint resolution gives any power to the Commissioners to tear up the pavements of Washington and lay electric-light conduits?

Mr. BACON. The provision the Senator inquires about is guarded. On the second page of the joint resolution it is provided further—

> That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized.

Mr. CHANDLER. Suppose the Commissioners do not do that. Suppose the Commissioners do not execute this law. The streets then will have been torn up and remain.

Mr. BACON. As I understand it, all laws with reference to the city of Washington, so far as they relate to the streets, are within the executive powers of the Commissioners, and we must look to them for the proper execution of the laws. The objection suggested by the Senator from New Hampshire would apply to any other power which was sought to be reposed in them for execution.

Mr. CHANDLER. I grant that it would, but the Commissioners act strangely in some particulars. I have examined the joint resolution: I do not see any objection to it on the face of it: I think it is properly guarded; but I feel no certainty that the Commissioners under this law will not grant permits to the Potomac Electric Company or the United States Electric Company or some other company to tear up the pavements and lay conduits. Now, suppose they do that; that the company which has the permit granted goes on and tears up the pavement; that there is an application made to one judge to restrain the company, and the judge refuses to grant the injunction. I ask the Senator whether this would give the Commissioners power to tear up the streets?

Mr. BACON. I understand the purport of the Senator's inquiry to be whether the authority granted might not be so used as to grant to one of the electric-light companies here the power to establish certain connections by tearing up the streets which they otherwise would not have. Is that it?

Mr. CHANDLER. It is.

Mr. BACON. If the Senator will read the joint resolution, he will see that it looks solely to the temporary use of streets, and that no such construction could be put upon it without an absolute violation of every rule of construction. The Senator will observe that all the wires are to be removed within a certain time. Certainly there could be no object in giving to either of the electric-light companies the right to tear up streets for the purpose of making connections which they proposed to utilize thereafter. Under this law they will have to be removed within five days, I think. They have to be removed by March 5, the day after, but I will state in this connection that I want to amend that and make it March 6.

Mr. CHANDLER. The Senator is mistaken in supposing that they could not remain after that time. They have a much longer time in which to remove them.

Mr. BACON. Oh, yes; within ten days after, so far as some of them are concerned.

Mr. McMILLAN. I can state to the Senator from New Hampshire that the provisions of the joint resolution are copied from the joint resolution of four years ago, almost word for word, and it is a mere temporary obstruction of the streets. I am quite sure there is no objection to the Commissioners or anybody else tearing up the streets for such a purpose. The object is to enable the inaugural committee to make arrangement for temporary lights. I do not think there can be any objection to tearing up the streets for the purpose.

Mr. HALE. If I do not interrupt the Senator from New Hampshire, I will state that I do not find in the statute of four years ago any such provisions authorizing the breaking up of the streets or stretching wires overhead, as the Senator from Michigan has referred to. Four years ago, under the act approved January 26, 1893, Congress passed a simple, customary act giving the Secretary of War authority "to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington," on the occasion of the inauguration of the President on the 4th of March following, "which, in his opinion, will inflict no serious or permanent injury upon such reservations or public spaces; and the Commissioners of the District of Columbia may designate for such and other purposes such streets, avenues, and sidewalks in the District as they may deem proper and necessary therefor." That was a simple act giving authority to the Secretary of War over the general subject. The House of Representatives passed that act, word for word, four years ago—the customary act. It did not put in any of the provisions to which the Senator from New Hampshire has called the attention of the Senate, only putting in a proviso:

> That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

So the House in reporting this resolution went to the extent of not lodging any further authority in the Commissioners, but in restricting it, and providing that the discretion should be given not to the Commissioners, but to the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia, and they left it there, substantially the act of four years ago, under which the inaugural ceremonies have been heretofore conducted, but the Committee on the District of Columbia has gone much further than that, and has introduced subsequent sections which are found in the joint resolution, which raise the question——

Mr. McMILLAN. If the Senator will allow me, I think that the laws passed four years ago came in at different times. The House of Representatives at this session sent over the first part of the pending joint resolution, and we have added to it the provisions of previous acts so as to embody in one act all that is necessary in regard to the subject.

Mr. HALE. I have been reading from the act approved January 26, 1893.

Mr. McMILLAN. But there are several other acts which were subsequently passed for the inauguration in 1893.

Mr. HALE. If there were subsequent acts, I have not found them, but I have found this act, and it appears to cover the ground. What troubles me about it is not simply the authority given to the Commissioners to break up the streets and to leave the city in a disfigured and deformed condition, for that has already been done; but I predict that when the 4th of March comes, this city will be found in a deformed and disfigured condition, so far as its streets go, such as has never before been seen here on the occasion of the 4th of March inaugural ceremonies. Citizens who come here from all parts of the country and who do not wish to be confined to Pennsylvania avenue, where the parade marches, but wish to drive over the city—which belongs to the entire country—will be found confronting such a condition, which has been brought about by the conduct of the Commissioners, as is disgraceful; and the city will be an offense in the nostrils of the people who come here, and who ought to find the city ready to welcome them in its best dress.

That being the case, and as we are likely to be confronted with just that condition, with a cold turn of weather upon us now, and continuing for weeks, quite likely only relenting and growing mild in the last days of February, nobody who sees what has been going on here this winter can have any doubt as to what this city will present for the admiring citizens of the country who come here for the purpose of enjoying and admiring. That having been done through the obstinacy and wrong-headedness of the Commissioners—some Senators and others are inclined to visit it with stronger terms than that, and believe there is something at the bottom worse than that; but I only use this measured phrase of obstinacy and wrong-headedness—I do not want, without knowing where I am going and without knowing what the precedent is, to give any more power to the Commissioners to break up the streets and pavements and add to the disfiguration of the city, and I do not want to give them the power to stretch overhead wires. The word used here is to "stretch" wires. I do not know what is the purpose of that—setting aside the laying of concealed and covered wires which may not be dangerous—the stretching of electric wires overhead in the discretion of anybody, with the great crowd of people who will be here, a hundred thousand it may be, may result in great danger; it may be a very risky thing. In the spirit of inquiry, I should like the Senator from Georgia to tell me what the committee considered might be done under that provision? Is it going to give to the Commissioners the authority to stretch overhead wires in every direction, the breaking of a single one of which might be attended with the loss of life, or the sagging and contact of which with a human body might result in death? Has the committee considered that? Is it prepared to risk that, and is there anything in the precedents which would justify conferring such power as is contained in the joint resolution?

Mr. McMILLAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator yield to the Senator from Michigan?

Mr. HALE. I yield to the Senator.

Mr. McMILLAN. I will state that the object of this joint resolution is to enable the inaugural committee to extend wires from the Pension building, where the inaugural ball is to be held, to the points necessary for telegraph purposes, and for the purpose of illuminating Pennsylvania avenue. There is no intention of doing anything more than that, and I do not think the joint resolution gives the Commissioners any more power.

Mr. HALE. There is no limitation in the provision of the joint resolution. The language is:

> That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable conductors, with sufficient supports, wherever necessary, for the purpose of effecting the said illumination.

Mr. McMILLAN. That is all that is intended.

Mr. HALE. I do not know that, and that is why I make inquiries. I do not discern any limitation. I do not know but what under this provision dangerous overhead wires may be stretched everywhere, in the discretion of the Commissioners, and that the people coming here visiting these reservations or climbing these

steps may find themselves in a trap, with danger and risk to life and limb before them.

One purpose I had in rising—lacking confidence that would lead me to lodge any more power with the District Commissioners, to begin with—was that I wanted the District Committee to tell the Senate just what will be the scope and effect of this authority, which seems to be a large one, given in the provision.

Mr. BACON. It is unfortunate if the consideration of this resolution is to be in any manner connected with considerations as to what has occurred under other powers granted to the District Commissioners relative to the extension of electric wires, debates upon which we have recently had in this Chamber. Of course, if the position taken by the distinguished Senator from Maine [Mr. HALE] is correct, that no overhead wires are to be allowed, then that will cut off that branch of the authority proposed to be given under the joint resolution. If, on the other hand, there are to be any overhead wires, it is impossible to designate with exact accuracy where they are to go and what limit ought to be put upon them. Something must be left in the discretion of somebody, and who is to exercise that discretion other than the District Commissioners, or who can better exercise it than they I am sure I am at loss to suggest.

Now, I want to suggest to the Senate, in response to the inquiry made by the Senator from New Hampshire [Mr. CHANDLER] and also in response to the remarks made by the Senator from Maine [Mr. HALE], that there is nothing in this joint resolution which possibly contemplates the tearing up of the streets for the purpose of laying any of these wires. The whole authorization is for the stretching of overhead wires. There is no express authority given to tear up the streets; and the only thing which is in the joint resolution in relation to that is a provision that if in the stretching of overhead wires there is any damage done to the streets or to the pavements, it must be, within a certain time and in a certain way, replaced without expense to the District.

Mr. GALLINGER. Will the Senator yield to me a moment?

Mr. BACON. Certainly.

Mr. GALLINGER. I should like to ask the Senator from Georgia if this joint resolution is sufficiently guarded so that if the Commissioners of the District of Columbia should see fit to make a contract with an electric-light company which has not conduits, it would enable them to furnish this lighting by overhead wires? I ask whether this joint resolution is sufficiently guarded so as to prevent the Commissioners from doing that and permitting any company with which they may contract for lighting to lay conduits for that purpose?

Mr. BACON. To lay underground conduits?

Mr. GALLINGER. Yes, sir.

Mr. BACON. I should say undoubtedly there is no such authority in this joint resolution—none whatever. The whole authority is to stretch overhead wires.

Mr. GALLINGER. The difficulty in my mind arises from this fact, Mr. President, that in the matter of lighting our public squares or reservations the District Commissioners made a contract with a company that had not conduits, and they have permitted that company to proceed and tear up our streets for 7 or 8 miles for the purpose of getting connections. They tore up the streets for 3 miles in one instance before they came to the first light they were to furnish, and the Commissioners are giving permits at the present time to that very company.

What I want to guard in this joint resolution is that the Commissioners shall make contracts with a company or companies which have connections underground at the present time, so that the lighting that is contemplated in the joint resolution can be procured. If that point is well guarded, I certainly have no objection to the passage of the joint resolution.

Mr. BACON. There is nothing in the joint resolution about the laying of any conduits whatever; there is no contemplated laying of conduits, and there is not a line in the joint resolution which can be so construed.

Mr. GALLINGER. I hope the Senator will put in such a provision.

Mr. HALE. Insert, in line 5 of section 2, after the word "suitable," the word "overhead."

Mr. GALLINGER. That will do.

Mr. BACON. I have no objection to that.

Mr. LODGE. I should like to ask the Senator from Georgia a question. I have not examined the joint resolution with any care, but I should like to ask the Senator whether it in any way involves the subject-matter of controversy which has arisen here over the resolution introduced by the Senator from Missouri [Mr. COCKRELL]?

Mr. BACON. In no possible manner whatsoever, sir.

Mr. CHANDLER. The Senator from Georgia, I think, is mistaken about that. My colleague [Mr. GALLINGER] put the point, suppose under this law the Commissioners authorized one electric light to be erected at the end of the bridge over the Eastern Branch, and then, to extend to that light, authorized an underground conduit to be built from Georgetown to the Eastern Branch in order to get there, arguing that it is impliedly necessary to carry out the original provisions of the act?

Mr. BACON. This joint resolution does not give to the Commissioners the right or power to authorize any company to do anything. It simply gives the Commissioners the right to authorize the executive committee in charge of the inaugural ceremonies to do it—nothing else. It does not authorize any contracts with anybody.

Mr. CHANDLER. Suppose they say the procession may go over the Eastern Branch and there ought to be a light there, why can not the Potomac Company or the United States Electric Light Company be authorized to tear up the pavements and dig a ditch from Georgetown to the Eastern Branch?

Mr. BACON. That can not be done, because there is not a sentence, a word, or a letter in the joint resolution which would authorize the Commissioners to give any authorization of any kind whatever to either of those electric-light companies. It is confined to overhead wires; and the authority is simply given to the executive committee to do certain things. They are the persons who are to stretch the wires.

Mr. GRAY. May I ask the Senator from Georgia to indicate in what respect more authority is being given in this joint resolution, which has been reported from the District Committee, in regard to the inaugural ceremonies, than has been heretofore given in similar cases?

Mr. BACON. There is no substantial difference whatever between this joint resolution and the act read by the Senator from Maine [Mr. HALE]. They are substantially the same. It does not embrace all the provisions of previous legislation, but it is substantially the same legislation.

Mr. GRAY. Is there anything in addition to what has been heretofore granted to the committees having these matters in charge?

Mr. BACON. Nothing. They are substantially the same.

Mr. GRAY. I should be opposed to making any enlargement of the power heretofore given in such cases to those having the inaugural ceremonies in charge.

Mr. BACON. This joint resolution does not give any enlarged authority. If Senators will permit me a moment, it is simply a question in which the other side of the Chamber, I presume, is somewhat interested, and if they are not, but to the contrary, we will acquiesce in whatever they prefer in the matter. It is a simple question whether or not on the 4th of March there shall be suitable illumination in this city, whether there shall be suitable facilities for telegraph offices at all points along the line of march, and other places where they are needed, or whether they shall be denied. That is a simple question.

Mr. MILLS. I want to ask the Senator from Georgia whether he thinks that if in the inauguration ceremonies any of these wires should break, there would be any danger to life from such an accident?

Mr. BACON. The Senator is now asking me a question upon electrical science. I understand that in the first stages of electricity all of the wires were over head and that all cities had them over head, but they have been considered safer under ground, and as there is less obstruction in various ways from underground wires, they have all been put under ground. But it is an absolute necessity, if this town is to be illuminated on that occasion, that there shall be overhead wires temporarily stretched. If the Senate thinks they can not be made safe, of course the Senate will not agree that they shall be erected; but, as I said a moment since, the Senate must determine, so far as it can determine this question, whether there shall be an illumination, and if so, overhead wires are the only practical way in which it can be accomplished.

Mr. HALE. Let me suggest to the Senator——

Mr. BATE. I wish to ask a question.

Mr. BACON. I yield to the Senator from Maine.

Mr. HALE. I am only going to suggest an amendment. After the word "suitable," in line 5 of section 2, to insert the word "overhead."

Mr. BACON. I have already agreed to that.

Mr. HALE. In the same section, where the language is "to stretch suitable conductors with sufficient supports wherever necessary," I move to insert after the word "necessary" the words "and in the nearest practicable connection with the present supply of light." So that under this amendment there would not be, as might otherwise be claimed, authority to bring lines of overhead wires clear from Georgetown to the Eastern Branch, but that the overhead wires which are to furnish the illuminating light shall make the nearest practicable connection possible with the present supply of light.

Mr. BACON. I am perfectly willing to agree to that amendment.

Mr. GRAY. May I ask the Senator whether in the illumination that is contemplated by this joint resolution it will be necessary to resort to any extensive erection of new poles all over the city?

Mr. HALE. I do not know.

Mr. GRAY. If the amendment is agreed to, it will obviate that, as I understand.

Mr. HALE. My amendment is to prevent just that, so that they will be obliged to tap the supply of light at the nearest possible point. The city will not then be additionally disfigured by long lines of poles being stretched all over it.

Mr. BACON. I think there will be no objection to that amendment.

Mr. HILL. I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment to the amendment of the committee will be stated.

Mr. HALE. Does the Senator from Georgia accept the amendment?

Mr. BACON. I think that will be agreeable; but the Senator from New York [Mr. HILL] desires to have the amendment read.

Mr. HILL. I should prefer to have it read.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maine will be stated from the desk.

The SECRETARY. In line 5 of section 2, after the word "suitable," it is proposed to insert "overhead;" so as to read:

> That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable overhead conductors, with sufficient supports, wherever necessary, for the purpose of effecting the said illumination

The amendment to the amendment was agreed to.

Mr. HALE. Then after the word "necessary," in line 6, I move to insert "and in the nearest practicable connection with the present supply of light."

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Maine to the amendment of the committee.

Mr. HALE. Mr. President, I have offered these amendments not in the spirit of interference with the inaugural ceremonies—because I wish them to be successful; it will be a great occasion in Washington and for the people of the United States, and every proper action we can take here in that direction I think ought to be taken—but we have had experience enough with the overriding of law and authority and with the aggressive seizing of power on the part of the District Commissioners to make us wary in dealing with them; and my purpose is not by any means or in any way to give them authority to creep in here or to intrude themselves to go far beyond what is the intention of Congress.

Mr. GALLINGER. Has that amendment been adopted?

The VICE-PRESIDENT. The last amendment proposed by the Senator from Maine has not yet been adopted.

Mr. BATE. I desired a moment ago to make an inquiry of the Senator from Georgia. I wish to ask whether, during the previous inaugural ceremonies which have been held in this city, it has been customary to have illuminations of the kind proposed by the pending joint resolution?

Mr. BACON. The distinguished Senator from Tennessee has been in a much better position to judge of that than I.

Mr. BATE. I thought the Senator, being a member of the District Committee, would have all the information upon the subject.

Mr. BACON. My impression is that the city has been illuminated on such occasions.

Mr. BATE. The Senator is on the committee, and I supposed was familiar with the subject, and hence the question which I proposed, whether the city had been so illuminated heretofore.

Mr. BACON. I understand from my recollection and reading of these acts—and I have carefully compared them with the pending joint resolution—that they were substantially the same as this.

I move to strike out the word "fifth," in line 8 of section 2, and insert "sixth."

Mr. HALE. Has my amendment been adopted?

Mr. BACON. It has not yet been acted upon by the Senate.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Maine to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. In section 2, line 6, after the word "necessary," it is proposed to insert "and in the nearest practicable connection with the present supply of light."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment submitted by the Senator from Georgia [Mr. BACON], which will be stated.

The SECRETARY. In section 2, line 8, after the word "March," it is proposed to strike out "fifth" and insert "sixth;" so as to read:

> *Provided*, That the said conductors shall not be used for the conveying of electrical currents after March 6, 1897.

Mr. BACON. I am informed by the managers on the part of the executive committee that there are some festivities which will probably require the use of these electric currents until the 6th of March, and they have asked me to have that change made in the joint resolution.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in at the close of section 2, to follow the words "District of Columbia," in these words:

> *Provided further*, That the construction of additional underground conduits is specifically prohibited under the provisions of this act.

Mr. HALE. That is right.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New Hampshire to the amendment of the committee.

Mr. HILL. Will the Senator please explain what he understands by that amendment?

Mr. GALLINGER. I think that I have not been so unfortunate in the use of language as to offer an amendment which is not readily understandable by any Senator. The amendment provides that for the purpose of these overhead illuminations no further underground conduits shall be laid. That is precisely what the amendment says and precisely what it means. In other words, we have 5 or 6 or 7 miles of streets torn up at the present time, done under a condition of things such as never existed in this city before, at a season of the year when it has never been permitted before, and, in my judgment, in violation of law, and I do not want to see any further streets torn up between now and the 4th day of March for the purpose of this inaugural illumination. That is all the amendment contemplates; it is what it says; and I hope it will be adopted.

Mr. HILL. When this joint resolution was introduced and was about to pass, all at once there came a universal anxiety in regard to the protection of the streets of the city of Washington. It was not because Senators were not desirous of making the inauguration a success, for they have manifested over and over again that they were, and that they wanted all the illumination possible, and they wanted the inauguration to be a grand success, in which desire every good citizen joins them; but it has been postponed from time to time in order that Senators might understand these provisions. I do not know now that there is any special objection to the amendments which have been proposed, but I desire to inquire of the distinguished Senator from Georgia whether he understands, under the provisions of this joint resolution, whether this additional electrical lighting is to be by subways or overhead wires, that the status quo will be restored after the inauguration ceremonies have been concluded?

Mr. BACON. I think that is the distinct provision in the joint resolution.

Mr. HILL. If that be so, I care very little about the provisions of the joint resolution. I do not want to anticipate a contest which has been waged for some time in regard to the general subject of electric lighting. My anxiety in regard to the streets does not depend upon whether a particular existing company is given the electric lighting or not. The amendment of the Senator from Maine enables connections to be made with the lines of the nearest company, which, in the main, of course, means the United States Electric Lighting Company, but I suppose when that is effected there will not be such intense anxiety in regard to the streets. I am not sure but that the amendment is entirely proper.

Mr. HALE. Will the Senator allow me?

Mr. HILL. Yes.

Mr. HALE. I have not the least knowledge where these different companies have their wires located. My amendment says nothing about the nearest companies. It says the "nearest supply of light," and whichever company that is will have the benefit of that provision. What I want is to cut short this stretching of wires and putting up of posts, and to compel the supply to be taken from the nearest supply of lights, whichever company has it. I have no doubt the amendment of the Senator from New Hampshire [Mr. GALLINGER] ought to pass, unless underneath the Commissioners are lying in wait furtively upon some grant of power that nobody suspects. If they are, then somebody ought to object to the amendment of the Senator from New Hampshire; but unless they are, nobody can object to his amendment.

Mr. HILL. Mr. President, I am willing to accept the statement of the Senator, but I ask the Secretary to read the amendment again for my information.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. At the end of section 2 it is proposed to insert:

> *Provided further*, That the construction of additional underground conduits is specifically prohibited under the provisions of this act.

Mr. HILL. Will not the words "under the provisions of this act" hereafter prevent any subways being laid from the moment this joint resolution becomes a law?

Mr. GALLINGER. This is a temporary act, and the operations of the act expire, I take it, on the 10th day of March next.

Mr. HALE. Put in the words "for the purposes of this act."

Mr. GALLINGER. I have no objection to that.

Mr. HILL. That is a different proposition. That is all right.

Mr. GALLINGER. It does not change the amendment a particle; but I have no objection to it being modified in that way.

Mr. HILL. It might otherwise mean something else.

The VICE-PRESIDENT. The amendment of the Senator from New Hampshire as modified by the Senator from New York will be stated from the desk.

The SECRETARY. It is proposed to amend the amendment so as to make it read:

> *Provided further*, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

Mr. GALLINGER. That is entirely satisfactory, Mr. President, and it is precisely what I meant to reach.

Mr. HILL. I think that covers the point I raised, and I am inclined to think the amendment of the Senator from Maine [Mr. HALE], whereby the connections are to be made with the nearest lighting plant, or the nearest supply, is all right. Therefore, so far as I am concerned, I make no opposition to the joint resolution. The ball can go on, Mr. President. [Laughter.]

Mr. CHANDLER. Before the joint resolution is voted upon, I desire to apologize to the Senator from Georgia [Mr. BACON] for seeming to delay him in the execution of what is a worthy and beneficent and proper purpose. I did so through fear that the provisions of this resolution might be taken advantage of improperly.

Last summer I made particular inquiry as to the effect of amendments reported by the Committee on Appropriations to the District of Columbia appropriation bill, and was informed by the members of that committee that they had so legislated that the streets of this city could not be torn up by more than one electric-light company. I went away feeling certain of that, if I felt certain of anything, last summer. Coming back here in December, and having occasion to go over to Georgetown, I found the pavements torn up and a ditch there.

I walk a little unsteadily myself at times, as possibly other Senators do, and I do not want to see any more ditches dug in this city than are necessary, even for the purpose of placing electric-light conduits therein. A little later, coming down Fifteenth street, there was a ditch there. Going up New York avenue, there was a ditch there; and, as I had occasion to say in the Senate the other day, one of the finest concrete pavements that I have ever known laid was being torn to pieces by the pickaxes of the workmen. That thing has been going on all this session, and the Senator from New York has been talking all the present session on the subject now before the Senate. This very morning, coming through Judiciary Square, there was another ditch open, unfilled. In front of the Executive Mansion there has been a tearing up of pavements and the digging of a ditch; and it has all happened either in direct disobedience of a law of Congress or else in repudiation of the assurances that were given to me by members of the Appropriations Committee of this body.

There is nothing I can see in the proposed law which gives any undue authority to the Commissioners, but there was as much power, in my judgment, for them to lay conduits, permanent conduits, in the streets of this city under it, as it read before the amendment of my colleague was adopted, as there was to dig up the streets in the manner I have described and lay conduits under the law of last summer.

Mr. HILL. Mr. President, another Richmond in the field. The question which the Senator from New Hampshire has been discussing was debated about a week ago, and it is not really involved here. I do not know that the Senate is responsible for any misinformation which was furnished by any committee of this body to the distinguished Senator from New Hampshire, and upon the faith of which he left town last summer and left this city to its fate. If he had remained here and looked after the interests of the city instead of leaving it to go to the bow wows, perhaps the city might have been better off. I have possibly suggested here that my friend objects to some of these ditches because he rides a bicycle, and therefore does not want to be interfered with.

There will be ample time to discuss the great subject of the lighting of this city and the whole electric question when it shall appear in its proper shape. I do not propose to anticipate it. I was a little anxious, as I see our friends on the other side were, that nothing should be placed in the joint resolution that would intrench monopoly more than it is intrenched in this city. But in the inauguration ceremonies I have not as much interest, of course, as has the distinguished Senator from New Hampshire. I noticed, however, a little restlessness on the other side every time it is suggested that it shall be made a success. The poor boys from West Point were not permitted to come here, because they would get their feet wet, and it might injure them, and interfere with their studies, their Greek and Latin. All at once there was intense anxiety upon the part of some for fear that injury might be done to the West Point boys. The people of the country would have been delighted to see them parade the streets here.

When this usual and ordinary joint resolution was presented by the distinguished Senator from Georgia [Mr. BACON] substantially as was done four years ago, all at once there was intense anxiety that the illumination business should be looked after. I can not account for all of these things. They are perhaps natural, under the circumstances. It was a strange coincidence that when two or three Senators upon the other side, who are known to be warm friends of the President-elect, were urging that the boys from West Point might be permitted to come here, others whose sympathies before the nomination were known to be elsewhere were very violently opposed to it. By a close vote the boys are not to come, although I believe the Secretary of War and the President still have a right, and I hope they will exercise it, to send them here, that the country may see the cadets of that school, which costs about a half million dollars a year to support. I hope they will be here, notwithstanding the opposition of the Senate to their coming.

Mr. President, I have said this much merely upon the general subject involved, and in answer to my friend the Senator from New Hampshire, to differ with whom I always regret very much. When the real monopoly question is before the Senate properly, then I shall very cheerfully join in the discussion with my friend the Senator from New Hampshire.

Mr. CHANDLER. I should not say another word if the Senator from New York——

Mr. HILL. I would not, then.

Mr. CHANDLER. If the Senator from New York had not implied that I am sometimes guilty of neglect of duty, and that I am not sufficiently active concerning public questions, leaving the city last summer perhaps before I ought to have done so. I repel that suggestion. I keep as busy as I can and attend to as many things as I can, but I am utterly unable to keep up with my friend the Senator from New York.

Mr. STEWART. I should like to have the amendment to the amendment read.

The VICE-PRESIDENT. The amendment to the amendment will again be stated.

The SECRETARY. It is proposed to insert at the end of line 22, on page 3, the following additional proviso:

> *Provided further*, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MILLS. Mr. President, I have nothing to say about the electrical question. I have been here a number of times and have witnessed the inauguration of a number of Presidents, and I think this measure pursues the line that has been adopted all along of obstructing the streets, of granting to favorites the parks which belong to the entire people of the United States, enabling certain favored persons, in order to make revenue which they ought to contribute from their own pockets to the inauguration fund, to obstruct the view from windows and doors, all of which do not legitimately belong to the Government of the United States, but are rights belonging to the citizens of the District which the Government usurps to grant for a moneyed consideration to certain beneficiaries.

I do not see why the citizens of the United States who wish to witness the great pageant that occurs here every four years should not have a right to stand on the streets. They come here and crowd the streets by hundreds of thousands, and yet on every public square from here to the White House, on every reservation, these obstructions are erected by authority of Congress, the privileges being sold out for revenue to the committees who have charge of the inauguration ceremonies. They obstruct the view from houses, and they obstruct the view from the streets. I believe the streets and parks belong in common to all the people, and that they ought to be permitted to enjoy them. My objection to the joint resolution goes to its very foundation, and I hope that some time we will stop the business of selling the public highways and parks of the District to individuals, and that we will permit the entire body of the people to enjoy the rights to which they are entitled.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. I desire to ask the unanimous consent of the Senate that to-morrow at 4 o'clock a vote may be taken on the bill and all pending amendments.

The **VICE-PRESIDENT.** The Chair submits to the Senate the request of the Senator from Alabama, that at 4 o'clock to-morrow a vote may be taken upon the pending bill and amendments.

Mr. VILAS. I beg to state that I understand there are several Senators who wish to present their views on this subject. The stage of debate has not yet been reached when, in our opinion, unanimous consent for a vote can fairly be asked.

Mr. MORGAN. Objection being made, I hope the gentlemen will go on and make their arguments upon the bill.

Mr. HALE. Suppose the Senator from Alabama makes a proposition to extend it a day. It is very important——

Mr. WHITE. I suggest even three days.

Mr. HALE. This is Monday. What was the Senator's suggestion—for a vote on Tuesday?

Mr. MORGAN. Yes.

Mr. HALE. Suppose the Senator, to give ample space, makes the suggestion that on Thursday at 4 o'clock we shall vote.

Mr. MORGAN. Very well.

Mr. HALE. That gives three full days.

Mr. CULLOM. That certainly ought to be time enough.

Mr. HALE. Suppose the Senator from Alabama asks that on Thursday at 4 o'clock a vote be taken upon the bill and pending amendments. That is practically four days.

Mr. MORGAN. I will make the request as stated by the Senator from Maine.

Mr. VILAS. I simply desire to state that the space of time which shall be consumed by the opponents of this measure they feel they are entitled to consider themselves, and that it ought not to be farmed out to them by the friends of the measure at this time. Objection will be interposed to any request at this stage of the debate for unanimous consent to fix a time for taking a vote.

Mr. HALE. I suppose the Senator from Wisconsin realizes how immense from this time to the 4th of March will be the pressure upon us of other matters of business, increasing every week. There will be less pressure this week than next week; there will be less pressure next week than the week after. The greatest pressure will be in the last few weeks.

Now, it seems to me we are not likely to be able to give much time to the pending matter after this week. Then there is the bankruptcy bill, which comes next, and in which there is great public interest; there are the Hawaiian cable and other matters of great importance, and it does seem to me, while I do not wish in any way to constrain the Senator in his action, who is opposed to this measure, that if we can agree upon any time which will give everybody an opportunity to debate it it will help other matters. I take it that debating and the making of speeches upon the bill will be largely monopolized by those opposed to the measure. I am in favor of the Nicaraguan Canal bill, but I do not wish to make a speech. I would rather take a vote. If the Senator can agree upon any time it will help other business. It will help the minds of Senators who are interested in other measures, so that they may know when they will come up. If the Senator can agree to any time, I appeal to him to give us an opportunity to fix a time.

Mr. LODGE. I should like to make an inquiry. I thought that when the Senate adjourned the other day the yeas and nays had been ordered on the motion to recommit the bill? In that case, nothing is in order but the calling of the roll, I take it.

The **VICE-PRESIDENT.** The yeas and nays were not ordered, the Chair is advised.

Mr. LODGE. They were not ordered? I thought they had been ordered.

Mr. HOAR. I should like to reenforce the appeal of the Senator from Maine [Mr. HALE] to my honorable friend the Senator from Wisconsin [Mr. VILAS]. Everybody knows his zeal, his diligence, and his ability. I suppose it is not out of place, as the Senator's term of office is growing to a close, to say that both in committee and on the floor of the Senate there is no single member of this body who has more faithfully, ably, to the satisfaction and respect and regard of his associates, done his duty than the Senator from Wisconsin. But the refusal, after a measure has been so long discussed, to allow a time to be fixed for a vote does not hurt the bill at all, because it has the right of way; and of course if a majority of the Senate choose to insist upon a vote on it, it will be voted upon during the present Congress, because I do not suppose anybody would take the responsibility of killing the appropriation bills. If they do, there will be another session pretty soon to pass them.

But what it does is to kill every other measure that stands behind it, which have been diligently perfected, which the public desire to have considered, and to which Senators have given their best pains and efforts to perfect and get ready. So to say, after this measure has been before the Senate for three or four weeks, we will not agree that at the end of four days there shall be a vote is simply to say we will not let any other measure come up. It will not hurt this bill one particle. It will not give any advantage to its opponents or do any injury to its friends, but it will kill other matters. I hope the Senator from Wisconsin will not object.

Mr. WHITE. I desire to state, supplementing observations already made, that from a considerable investigation I do not believe the friends of this measure, of whom I am one, intend to consume much time in its discussion. Personally I had intended to go over the matter and perhaps in detail, but desiring a vote, feeling that friendship toward the measure is better evidenced by abstention from elaborate discussion, the end of the session being so near, I think there will not be very elaborate discussion on behalf of the friends of the measure. Of course there will be some remarks. If it were possible for Senators who oppose it to agree upon any time for a vote it would undoubtedly be desirable to do so. Of course no one criticises them for failing to do so, but it would certainly be acceptable, if it were possible, to agree upon some day.

Mr. DAVIS. Mr. President, I wish to add the expression of my own approval to the considerations submitted by the Senator from Massachusetts [Mr. HOAR], not in a general way, but upon a special ground. From the West and Northwest has gone up a demand for the early consideration of the bankruptcy bill which ought to be heeded. There is a vast deal of complaint not justified, I think, because of the delay in the consideration of that measure. It comes from multitudes of people of business energy and capacity, whose affairs are in such condition that their personal efforts can not be turned into the channels of business. It is an important element in any return to prosperity in this country that that vigorous talent and business ability shall be emancipated so as to lend a hand to a return to prosperity and the resumption of general business.

I appeal to my friend the Senator from Wisconsin [Mr. VILAS] and others of his way of thinking to join with us in agreeing upon a day when a vote upon this measure can be taken, for I assure Senators that I am not now speaking for any one particular locality in this country, but am giving the tone of multitudes of letters received from almost everywhere praying for the immediate consideration, or as soon as possible, by the Senate of the bankruptcy bill.

Mr. DANIEL. Mr. President, the situation of this case, the Nicaragua Canal, is such that those who oppose the bill in its present shape are not able to consent to a particular time for taking a vote on the measure. I beg leave to call the attention of Senators who have appealed to others to set a time to the fact that a good deal of new matter has recently been introduced into the consideration of this measure, matter introduced diplomatically by a foreign minister, and matter in reply thereto, which was submitted to the Senate but very recently and during the course of this debate.

The friends of the measure have already commenced to change the structure of their bill and to provide an amendment or amendments to meet the shifting condition of affairs. For one, I hope to offer some amendments to the bill, and I expect to offer them. I have heard other Senators say that they expect to offer amendments to the bill, and I anticipate offering an amendment to the amendment which the Senator from Alabama [Mr. MORGAN] has submitted to the bill. There are other Senators besides the Senator from Wisconsin who have not yet spoken upon the bill and who desire to address the Senate concerning it. One of them, the Senator from Louisiana [Mr. CAFFERY], who I understand is not well, is absent to-day.

I also call the attention of the Senate to the fact that the friends of the measure have already occupied many times more time than has been occupied by the opponents. Indeed, sir, very few speeches have been made and very little time has been consumed so far by the opponents of a measure which involves the expenditure initially of $100,000,000 and has a perspective of expenditure of many million dollars beyond. I have never known of any measure approximating in magnitude, in importance, and in far-reaching consequences what the pending bill contemplates that has been so little considered pro and con in its detail in the Senate. I join with the Senator from Minnesota [Mr. DAVIS] in saying that I hope no impediments will be put to the consideration of the bankrupt bill. In the present attitude of the Nicaraguan Canal bill, with the grave objections which have been uttered against it from quarters which are deserving of respect, with the divided sentiment with which that bill is contemplated, I do not think it ought to be urged with whip and spur before the Senate. I believe there are many Senators here to-day, who have a general feeling in favor of the bill and who consider it simply as a Nicaraguan Canal bill and who, being in favor of the canal, are in favor of any bill that looks toward its construction, who, had they the time and opportunity to scan and analyze, and fully comprehend the details of this bill, would say it ought to be reshaped and entirely remolded before it is put upon its passage in the Senate.

There is another reason why this measure ought not to be urged upon the Senate in any hasty fashion or by any attempt at this juncture to force a vote upon a particular day. At this stage of the session Senators are not masters of their own time. They are engaged upon committees night and day, which have in hand the current and instant business of the Senate, business which can not be postponed, appropriation bills involving millions and hundreds of millions of dollars, details of legislation which exact their present attention. They can not withdraw themselves from those insistent duties which now compel their attendance and attention to go into the details of sifting and considering this momentous and important legislation. It is not consistent with the fitness of things that such a measure should be urged before the Senate in any hasty or peremptory fashion. The world will not suffer and is not suffering because of the canal bill being postponed a month or two months or six months or a year. It is not of those exigent things that appeals to Congress to act upon it, and to act upon it now.

It has been upon the tapis for three hundred years, in one shape or another, in the attention of nations. The conditions of the diplomatic relations between the United States and other countries affected by the bill are in an unsettled and in a very dubious state. There are treaties with Nicaragua, treaties with Great Britain——

Mr. CULLOM. Will the Senator from Virginia allow me to say a word?

Mr. DANIEL. I will allow the Senator from Illinois to interrupt me for a question.

Mr. CULLOM. I merely wish to make a remark. It seems very evident that we are not going to get an agreement for a time to vote upon the bill now, and I therefore suggest that we proceed to the consideration of the measure instead of debating the question whether we can fix a day.

Mr. DANIEL. I will be very glad to entertain the Senator's suggestion in a few moments.

Meantime, sir, as I was observing—and my remarks are apropos to the discussion of the bill—we should take into consideration the condition of Congress, the condition of the country, the condition of the Senate, pending measures before the Senate in the nature of a treaty and existing treaties with foreign nations, a protest made by the minister of a foreign nation, all of which combine and concentrate their influences in objection to any hasty or imperious consideration of this measure.

While it may be said that it has been before one Congress and another, while it may be said that the Senate has passed favorably upon it in one form and another, it has never been considered under such conditions as are presented now. It has never been considered under the shadow of a respectful protest sent to us by the minister of a foreign state. It is true that that protest was somewhat irregularly laid before the Senate. It was a communication from that foreign minister to the Secretary of State. The irregularity was not upon his part. There was no message from the President of the United States accompanying that protest; there was no communication from the Secretary of State expounding the Government's view of the relation created by that protest; but a mere naked protest, a communication to the Secretary of State, was in an irregular and side-long fashion interjected into the Senate without the default of that minister and without explanations or expositions from the executive department of our Government. Therefore, Senators had for themselves to study out what was the effect of that communication. They were not advised or prompted, nor have they had any light shed upon it by the executive department of the Government. And we do not know from any intimation or from any view of the Executive or from any statement accompanying this document what may be the views of the executive department concerning this matter. It may be that all our labors here at this session would be in vain if we were to withdraw ourselves from the pressing legislation that demands our attention and bestow our attention upon the canal. There is nothing from the executive department, however delicate, from which we may draw implications and inferences as to what its position would be.

So, Mr. President, in the present condition of affairs, I ask the gentlemen who are so anxious about the condition of the people, who say there is a public outcry for the passage of a bankruptcy bill, to heed their constituents and move to take up the bankruptcy bill and proceed to deal with a measure in which our own immediate constituents are so much concerned. Sir, the millions of people in this country who have been wrecked, ruined, prostrated, and almost destroyed by those peculiar brands of prosperity which have been served out to them under recent systems of legislation are much more interested in trying to reestablish themselves in business and join the industrial throng who are trying to build up in this country than they are in some ill-considered and but poorly digested scheme, as I conceive, to spend $100,000,000 of money that does not exist and must be wrung out of them by taxation to build a canal in a foreign state, which as soon as it is built will become a highway of the world at the use of the very British brethren whom it is said we should be in rivalry with to get hold of it. The very moment that the canal is built, by treaty between Great Britain and Nicaragua, Great Britain is to have the advantages on the canal of the most favored nation. However much you may favor the United States in the bill, however much our negotiators with Nicaragua may incline to favor the United States in their treaty of cession or in any provision in their charter or in any inclination of partiality to us, the moment that partiality is extended, the moment that favor is granted, Great Britain has a treaty with Nicaragua that grants it to her upon identically the same terms; and yet, Mr. President, we are urged to expedite the passage of the pending bill in order to obtain some visionary and undefined advantage over Great Britain.

Mr. PERKINS. Mr. President, I simply desire to supplement that which has been so well stated by my colleague [Mr. WHITE]. The friends of this measure merely desire an expression from the Congress of the United States as to whether they favor the passage of the pending measure. For twenty years or more, in some form or other, it has been before Congress. During the past three years, in which time I have had the honor to occupy a seat upon this floor, the measure has been before us. It has been discussed in all of its various phases, and at this session I have, for one, remained silent as a friend of the measure, hoping by doing so that its opponents, after having presented all of their objections, would be willing to give us a vote upon the question.

It is a measure of great importance not only to the whole country, but especially so to the 3,000 miles of coast bordering on the Pacific Ocean. California, Washington, and Oregon, through their respective legislatures, by joint resolution, and through their different commercial organizations, have, as well as Alaska, by petition, again and again memorialized Congress to vote upon the measure. Only two weeks ago in San Francisco, the great metropolis of the West, the great commercial city of the Western empire, there assembled a mass meeting of 10,000 representative citizens, and they passed resolutions in favor of the measure, after setting forth in a preamble the great advantages which they believed would accrue to this country, and especially to the Pacific Coast, by its passage.

I have data and figures which I should like to present to the Senate showing why, from a commercial point of view, I believe the canal would be worth to the United States three times, aye, ten times, its estimated cost; but I forbear inflicting the Senate with the figures and with such an argument, because every Senator upon this floor has well weighed the question in his own mind and is ready to-day to vote in accordance with his judgment and with his own convictions of his duty to his country and this great measure of national importance.

I wish, however, to say a word in answer to the distinguished Senator from Virginia [Mr. DANIEL]. I want to say parenthetically that Virginia, Georgia, the Carolinas, and all the States upon the Gulf of Mexico would profit by the building of the canal quite as much as the great States on the Pacific Ocean or the States of New England. They have inexhaustible mines of iron and great mineral wealth, and they would find a market for it in the West. They would find it by manufacturing rails and sending them to Russia, where they are now constructing one of the great railroads of the world.

I wish to say that the United States will have an advantage in this canal that England or no other country can have ~~unless~~ our present navigation laws are repealed. We have on the Atlantic Ocean from Maine to the Gulf 2,500 miles of coast line, while on the Pacific Ocean from San Diego up, with 800 miles on the coast of California, and with the coast of Oregon, Washington, and Alaska we have nearly 4,000 miles bordering on the ocean. No foreign ship, no vessel flying a foreign flag, can engage in this coasting trade. That commerce belongs alone to our own people, to our own country, and therefore our vessels will take the product of Virginia, they will take the coal from their inexhaustible coal fields, and find a market for it on the Pacific Coast. It will be transported in American vessels manned by Americans. That is one of the great advantages which will accrue to the United States over that of any other country.

Mr. President, the opposition to the pending measure has surely been presented with all legal acumen, with all ingenuity and shrewdness, by the legal gentlemen from Indiana, Wisconsin, and Virginia. It has been presented in all of its most offensive phases, if I may use the term, by which it could be made objectionable to our friends representing the interior States of the country. If there has been a weak spot they have probed it. If there has been anything in the bill that they could so present, upon which there was a shadow of doubt, it has been presented to us with the most specious argument possible to convince us laymen that it is not a wise measure for Congress to pass. But the distinguished Senator from Alabama [Mr. MORGAN], who in his great learning, his legal ability, his zeal and persistency in whatever he undertakes, in whatever he advocates, with his conviction of right and duty to his constituents and his country, has, I think, substantially answered every objection that has been presented.

Now we come to you and say, give us the opportunity, give the Senators upon this floor the privilege of voting upon the measure. Each one is the custodian of his own conscience. Each one is responsible to his constituents and to our whole country for his act here. While I claim to be guided by patriotic and honest motives, although perhaps mistaken in some of my views, I cheerfully concede to those who differ from me that they are equally as honest and equally as conscientious and patriotic as I. But let us vote, and whatever the majority vote may be, every one of us will bow in acquiescence to the will of the majority when so expressed.

Mr. GALLINGER. I inquire what is the question before the Senate?

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question before the Senate is on the recommittal of the bill to the committee.

Mr. HOAR. I thought there was a question of unanimous consent.

Mr. GALLINGER. I do not so understand.

Mr. STEWART. Oh, no; the bill is before the Senate.

The PRESIDING OFFICER. The pending question is on the recommittal of the bill to the Special Committee on the Nicaragua Canal.

Mr. STEWART. Mr. President, I hope the bill will not be recommitted. We have spent many years in trying to do something, and the present condition surrounding the canal project, it seems to me, makes it important to have some affirmative action. To recommit the bill would look too much like an abandonment of the scheme altogether, and I think if we should do that we would be very sorry. I think we ought to pass the bill.

With regard to giving way to the bankruptcy bill, there is no doubt that there is great necessity for a voluntary bankruptcy act, and one could be passed without debate; but if it should be accompanied by an involuntary bankruptcy feature it would be the greatest calamity that could happen to this country at the present time. Whatever may have been the cause of the depression, it will not be denied that many thousands of enterprising business men are unable to convert their assets into money and meet their obligations. That condition is almost universal. Almost everyone is behind in payments. I am not willing to place these people at the mercy of their creditors. There is no danger that the creditors will force a person really insolvent into bankruptcy. That they will not do, because there are not assets enough to divide; but the temptation to collect a debt through the instrumentality of the bankruptcy law and destroy a man's property when there is enough to pay all the creditors is very great, and it would be indulged in to an extent that would prove alarming.

I have had some experience with bankruptcy laws. I have observed their operation for a good many years. Every one has been repealed in pursuance of the most urgent demand of the people. Very soon around the bankruptcy courts, around the commissioners connected with the administration of the law, there congregates an army of lawyers' strikers, and it so disgusts the community that they petition for the repeal of the law. If the bill passes there will be petitions here for its repeal in less than six months, and particularly if we join with it involuntary bankruptcy and make a general war upon the creditors, we shall add to the difficulty which already exists.

Now, I think it is about time for a year of jubilee to those who are really insolvent, and we should pass a voluntary bankruptcy law this year. If that does not fill the courts enough, if there is any necessity to amend it so as to extend its operations at the next session, very well. You can pass the measure that is most needed now without debate, but if you accompany it with an involuntary bankruptcy law, which, in my opinion, in the present condition of the country, would be a scourge and would produce more distress than the act could possibly do good, then we shall have to resist it, and it would probably take as much time to pass such a measure and agree upon its terms as would be left of the present session, independent of the time required for the appropriation bills.

I hope that those having charge of the bankruptcy bill will not present anything more at this session than the voluntary portion of that measure. You can get that, and when that is in operation, if more is needed to accomplish the purpose, you can easily amend it by adding to it an involuntary provision. I hope there will not be pressed upon the Senate at the present session an involuntary bankruptcy law.

Mr. CAFFERY. Mr. President, it is not to be supposed or not to be taken for granted that the opponents of the pending bill are opponents of the scheme to connect the Pacific and the Atlantic oceans by an interoceanic canal. When a similar bill was before this body, I took occasion to say that, while I was in favor of connecting the two oceans by a canal, I was opposed to the instrumentality of connection by and through such a bill.

Since that period grave complications have surrounded the question. The minister plenipotentiary of the Greater Republic of Central America has made a protest which has gotten before this body involving considerations of great moment, in my opinion. The main point in the protest of the minister is that an article of the treaty of cession, as it is called, prohibiting foreign governments from taking control of the canal, is violated by this bill. After the protest was read, and after an argument was made on the protest by the Senator from Virginia [Mr. DANIEL], the Senator from Alabama [Mr. MORGAN] attempted to amend the bill in certain particulars so as to obviate the objections or the protests made by the minister from the Greater Republic of Central America.

In view of the serious character of the protest, in view of the possible complications between the United States and the Government of Nicaragua arising out of the protest and the facts surrounding the protest, it occurs to me that the bill ought to be discussed with the greatest deliberation and care. Moreover, the report of the Ludlow commission throws such a flood of light upon all the engineering problems surrounding the building of the canal and gives facts and data so utterly opposed to the finding of the chief engineer of the canal, Mr. Menocal, that in my opinion the Senate of the United States ought to take due care and wisely deliberate before it adopts this bill for a canal to be constructed upon the plan of the chief engineer of the Maritime Canal Company of Nicaragua.

All these considerations are such as to warrant the gravest and the most deliberate discussion of the bill.

Mr. President, while I sympathize with the people of the Pacific Slope in their desire to have such a water communication as will compete with the railroads, or a water communication that will answer the ends of their commerce, I think it is better to make haste slowly. I think that undue and precipitate action in adopting an ill-considered bill, or a bill that will not effect their purposes, will produce more delay and more embarrassment to them than if they now wisely consider, patiently consider, industriously consider the terms of the pending bill to see whether the bill will accomplish the purposes which they have in view. I do not think it will. While I am in deep sympathy with the people of the Pacific Slope and desire to accord them, so far as the Government of the United States may, the privilege of water communication between their country and the Atlantic, I do not think that it will advance their purpose by undertaking to pass the bill in its present shape.

Therefore, I coincide with the Senator from Virginia in the appeal he has made for such careful deliberation of the bill as will insure, first, the building of the canal, and second, all the rights of the United States; and as incidental to those rights, and as incidental to the proper attitude of the United States, care should be taken lest by passing the bill in its present form we antagonize the Republic of Nicaragua and violate concessions under which the present company is undertaking to construct the canal.

Mr. VILAS. Mr. President, the remarks which have been made by the friends of the bill, and the appeal which has been addressed to those who oppose it, require some observations to be made before entering upon its discussion on the merits.

This project for a canal across the Isthmus at some point has been a historical dream almost from the very hour when Balboa—first of Europeans—gazed upon the unknown waters of the Pacific seas from the mountain tops of the Isthmus. The United States have always testified their interest in the great scheme. The people of this country have been challenged to its consideration in every way which could engage them or appeal to their imagination. That the United States should give countenance and favor to the project for the construction of the canal has been pressed in various forms and ways upon the people. Political conventions have expressed themselves in favor of a Nicaraguan canal, or an isthmian canal more generally, and within the last three Congresses there has been much debate and much effort made otherwise to bring to the public mind every suggestion, every argument, every feature of statistical information which could win it public favor.

Speeches, reports of committees, various newspaper presentations of the subject, all have been put before the country, and they have almost altogether, with two or three very notable exceptions, been favorable to the scheme, with little of the argument in opposition presented. The Senator from Indiana [Mr. TURPIE] has done great service, not only in his speech a few days since, but in the Fifty-third Congress, on this subject. The Senator from Minnesota [Mr. DAVIS] challenged attention to the great risk which would be undertaken in a most admirable and beautiful speech, such as he always makes. The Senator from Florida [Mr. PASCO] also presented a powerful argument against it, and introduced in the Fifty-third Congress a measure which was so obviously

just and proper that it was adopted instead of the bill and became the law for a commission of examination. But, with the exceptions named, and some others, perhaps, which for the moment I do not recall, the argument of years in Congress in every various form in which it could be presented has been put before the people to enlist their sympathy with this project and to engage their patriotism in support of it.

Indeed, sir, it is a thing which appeals to the imagination of any man; and this particular project is especially charming. One pictures ships—the ships of the world—in the mind's eye climbing the mountain sides to an elevation of 110 feet above the level of the sea, and then, passing to and fro as upon a thread in mid-air, descending again into the great deep upon the other side. It indeed presents a project captivating to the mind. But the proposition with which we have to deal has not been by any means argued to the people of the United States. Few of them realize that it stands not now upon the old lines of public policy settled by the wise men of this country during the last sixty years, but is a new scheme—a scheme which proposes that the United States alone shall load upon the overburdened shoulders of its taxpayers the entire cost, all the risks, and all the responsibilities, financially and internationally, which are involved.

That proposal was not originally presented by this Maritime Canal Company. It has worked itself into the present form step by step, with gradual encroachment, until at last we are presented with the simple proposition that we will pay directly in bonds to this company four million and a half dollars for the privilege of building the canal at our own cost, besides $7,000,000 more in the paid-up stock of the company.

Sir, the kindly favor of the people of the United States to this general project is by no means, in my judgment, one which they would yield to the proposal we now have under discussion. And I beg to say that after all this array of argument, after all the speeches that have been made here through years in favor of the general plan and circulated among the people, it is not unfair, it is not ungenerous opposition on the part of those who oppose this scheme to insist upon looking at it as now before us face to face and considering all that it involves as matter of national public policy as well as of cost and expediency.

It seems to me that this demand for an immediate vote now pressed upon the opponents of the bill is peculiarly an unreasonable one in view of the time and the circumstances under which this bill is now brought forward. It will be remembered that the result of the brief discussion in the Fifty-third Congress was to send an inquiry to a board of engineers to report whether, first, the scheme proposed was feasible at all at any cost; and, next, what would be the probable cost. The board was created, money was appropriated, and they entered upon their duties. There was the chance for the friends of this scheme to have silenced their enemies. If it had the merit which had been claimed for it, might we not have expected that those merits would have been exhibited by that report? But what happened? That board reported with promptness. Commissioned in the early part of the year 1895, with diligent labor it visited the scene, collected all the information within reach, gathered by previous surveys, by observations and examinations, and on the 31st of October it filed with the Secretary of State its report.

Sir, the friends of this measure, I have grounds for belief, knew pretty soon what that report was. They seem to have been struck breathless. Well they might have been. We could not learn its details for a little while. It was through the public press that gradually, toward the end of that year, after Congress had assembled, it began to be known that the report of that board of engineers had condemned this project as one already ripe for execution so completely that had it been made to a board of directors of any corporation in the United States there would have been an end of the project at once, unless, after careful and particular further examination, the difficulties which the board presented, and which seemed almost insuperable, could be surmounted by engineering skill.

The friends of the bill did not yet ask for the publication of the report. By and by, however, nearly two months after Congress had assembled, in the long session of this Congress, a resolution was addressed to the President, requesting a copy of that report, which was promptly sent forward, I believe transmitted on the 7th of February, 1896. There it lay on the table of the Speaker undisturbed until the 4th of March, 1896, when it was referred to a committee and ordered to be printed. That report, so strong seemed to be the control which the friends of the scheme exerted for the subject, was not then printed, with its large addenda and appendices and tables and maps and illustrations. We looked for them. The report came half fledged before Congress, and for the first time I have just been enabled to obtain the other part of the report, this large document [exhibiting], bearing the imprint of the Government Printing Office, under date of 1897, this present year.

Sir, hearings were had by a committee in another body, which have been printed, and which are accessible to us, in which it would seem as if that board, composed of one of the best engineers of the Army, another of the Navy, and another illustrious in this country for his great works of engineering skill, was simply subjected to cross-examination with a view to possibly discredit the public service which they had rendered in patriotic fidelity to the obligation assumed by their acceptance of the appointment.

Then, at the last session of this Congress, when there was ample time for the discussion of this great measure, why was it not brought forward? A day or two—I think not so much as a week—before the adjournment of that session, this bill was reported. We all remember that the last long session of Congress was an unusually short long session. There was little of special importance to engage the body beyond the appropriation bills and political speeches, and they were perhaps less in number than are usually made anticipatory of a coming Presidential campaign. This bill might easily have been debated then, but, as I said, it came before this body only as the time for its adjournment was nigh. Since then we have had a Presidential election, absorbing to a very great degree in its nature, obliterating and sweeping from mind many of the matters which before were prominent in our attention. Now, this measure is brought in here at this short session of Congress, and demand to suspend all their opposition is made upon those who feel a public duty resting upon them to resist it, in order that its friends may hurry the scheme through.

In what can it be supposed that this plan has been so much improved by merely waiting, as that now we shall rush it into execution in defiance of that report of the board of engineers which we ourselves invoked because its perilous character was so fully exhibited in advance? Yet it was a week ago last Thursday that the Senator from Indiana concluded his remarks upon this bill, somewhat in advance of the expectation of those who were intending to join him in resistance to it; and when a little time was asked, only until another day, for the collection of papers necessary to discussion, we had the insinuation given against us that our purpose was only to filibuster; it was denied that we should proceed to debate, and appeals were made at once for an immediate vote on the bill.

Mr. TURPIE. Mr. President, I suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Bate,
Blackburn,
Blanchard,
Burrows,
Caffery,
Call,
Cameron,
Cannon,
Chilton,
Clark,
Cullom,
Daniel,
Davis,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gray,
Hale,
Hansbrough,
Hawley,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Roach,
Sewell,
Sherman,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The Senator from Wisconsin is entitled to the floor.

Mr. VILAS. Mr. President, as I was remarking, after but a single speech had been made in opposition to the measure, so long ago as a week preceding last Thursday it was attempted to deny to the opponents of the bill privilege to discuss it further; and yet, sir, although seven legislative days have been passed since that time, the opponents of this measure have secured opportunity to enjoy but one. The Senator from Virginia [Mr. DANIEL] on Tuesday of last week—if I remember the date correctly—made a speech, which engaged the attention of the Senate by its strength and eloquence. Two full days have been consumed in speeches by the chairman of the select committee. Sir, I do not complain of it. Very necessary indeed was it that the bill should have defense; very necessary indeed was it that the friends of the bill should be rallied again, if possible, to the support of a scheme which had been justly condemned, as this measure was, to immediate reconsideration in the proper legislative way by committees, if not for immediate and entire suspension, until proper diplomatic representations had been made between our Department of Foreign Affairs and the Government which had interposed its dignified and respectful objections to this measure.

The Senator from Alabama tells us, indeed, that the people are in a high state of feverish excitement to have this bill passed, and he denounces upon those who have ventured opposition the thunderbolts to flash from the sky of public wrath. I venture to differ with him in respect to the judgment of the people on this subject. I dare to think he is mistaken, and if I believed he was correct, then, indeed, I would feel a double duty incumbent on all those who entertain the opinions I do to challenge that public judgment by renewed discussion, knowing or believing that they did not understand the subject who thus so flippantly would cast the United States under such a mountain weight of difficulty in defiance of its historical policy.

I wish to say to my very greatly esteemed friend the Senator from Massachusetts [Mr. HOAR] and to the Senator from Maine [Mr. HALE], with whom I enjoy the utmost cordiality and kindness, who have with other Senators upon this floor, including my good friend the Senator from California [Mr. WHITE], appealed to me to withhold objection and permit a vote to be taken, that I think they ought to recognize the sense of great public duty which those who oppose this measure conceive demands of them to present the arguments against it in full, elaborately, and abundantly until its entire nature and character shall be exhibited from one part to the other. Not one of us, my distinguished friend on the left [Mr. CAFFERY], our generous and chivalrous coadjutor from Virginia [Mr. DANIEL], the learned and powerful Senator from Indiana [Mr. TURPIE], would interpose objection to any request which justly appealed to our courtesy, or for any personal consideration that could be shown to the men who occupy so high place in the Senate and in the country's estimation. But the duty which rests upon us is not of a personal character. It carries no personal reasons with it. It is a public duty which we can no more avoid or shun than we could sacrifice manliness, patriotic love, or desire for the glory and welfare of our country.

Nor, sir, is there any occasion or need for this course, and I wish that the Senators who made this appeal would reflect upon that. Our venerable friend the Senator from Ohio [Mr. SHERMAN], who is to be the chief character in the Cabinet of the next Administration, though he himself has repeatedly reported this bill or some bill, not this one exactly, though he has made elaborate reports in favor of engaging in the project, has now told you plainly that no incorporated company can be intrusted to build the canal. He speaks with foreknowledge of the diplomatic duties which will devolve upon the next Administration in respect perhaps to this very project, and with forecast of the difficulties which will ensue. He told us other things still more important to the just consideration of the appeal which is made to us here to-day. He told us what many hope, that this bill can not in any case pass the present Congress, because it has yet to go to the House of Representatives, and I suppose he felt himself able to assure us what would be the result of its consideration in that body, and I fervently trust he is right. But, sir, with what exigency, with what effect, can either our sense of duty or our courtesy be addressed by Senators to yield and permit a reckless and inconsiderate vote to pass the bill before its character is known, when we are to receive in another House the rebuke for our precipitancy?

If, under such circumstances, we are here obstructing public measures by insisting upon debate of this scheme, is it not singular that that obstruction be not instantly removed? I am not desirous, much as I have studied and labored over this project, of engaging the attention of the Senate to declare my views, except only if the passage of this measure is to be demanded, I feel I ought to resist it by every means of fair debate until its character can be brought home to the knowledge of those who favor it, and especially to the minds of the people of this country. I shall readily yield the floor at any moment to proceed to the consideration of any other measure which, as the Senator from Massachusetts [Mr. HOAR] says, is urgently pressing for our legislative attention. Let them, therefore, who stand here in the attitude of declaring that the work which we are doing in reference to this bill is pure futility, the mere expression of sentiment on the part of the Senate, not even the first step to the enactment of a bill which will become a law, remove the obstruction to other important legislation if they will. I protest that no appeal is justly addressable to us who desire to argue it.

Mr. President, I shall make one or two other observations before I undertake the discussion of the bill.

Mr. TELLER. Would it interrupt the Senator from Wisconsin if I were to ask him a question?

Mr. VILAS. No, sir.

Mr. TELLER. I should like to ask the Senator, if he is going to address himself to this subject, to give us some information upon a point as to which I have been unable to get information. I have been out of the city for a week, and perhaps it has been discussed here. I should like to know something about the cost of the canal. I am quite well aware that there is difference of opinion between the engineers of the old company and those of the Government. It is not a very large difference, I believe—seventy or eighty million dollars, or some trifling amount like that. I should like to know whether the Senator can assure me that even the sum which has been fixed will build the canal. I have been informed by very good engineers that, taking even the Government engineers' estimate, it will not complete the canal.

I have taken some interest in this matter for several years, and if the Senator is going to address himself to this question, I wish, if he can, that he would give us some idea as to what the canal is to cost: if he can not, I hope some Senator who is in favor of the bill will do so. I do not want to interrupt the Senator now, however. I thought perhaps it would suggest to him to take up the point and give us some information upon it.

Mr. VILAS. I intend at a point in the course of my discussion to draw attention to that subject. It will not take long to present it. But at this juncture I should prefer not to divert my argument to enter upon it.

Mr. TELLER. I did not mean to ask the Senator from Wisconsin to do it now, but at some time in his argument I wish he would give us his view as to the cost of the canal, if he can.

Mr. VILAS. I shall do it somewhat fully, and I will therefore postpone it.

I wish to make one other observation. The Senator from Alabama [Mr. MORGAN], very much to my surprise, the other day when I made a motion to recommit the bill, because I wished to relieve the Senate, in response to such suggestions as had been most ably made by the Senator from Maine [Mr. HALE] and the Senator from Massachusetts [Mr. HOAR] and others, spoke of it as if it were a personal affront. No man could be more surprised than I by the suggestion.

If there be in any conceivable way such a thing as affront in a proper and parliamentary motion against a bill, especially like this, which seems to me peculiarly a subject for recommittal, if we can judge by the constant repetition of amendments to it by the very distinguished and honorable Senator himself, if there be anything to warrant the idea of offense, I would prefer that the motion should be withdrawn. I stand ready at any moment, if that be possible, to ask leave of the Senate to withdraw it. That Senator is greatly my senior in years and in service in the Senate. Nor do I in any wise assume to put my feeble powers in competition with his. But while I have only the warmest personal kindness toward him, and will show him every personal courtesy and every official courtesy, yet when we stand upon this floor we are in the contemplation of the Constitution of the United States equal members of this body, I not less than he an ambassador from one of the sovereign States of this Union, and no less is it mine than his duty to exert my powers, feeble and insufficient though they are, to present all such arguments, all such views as may be entertained by me as a Senator, in reference to whatever subject may come before the Senate.

I shall continue to do it in the same spirit of personal and fraternal regard, but with no withholding of anything that appears to me necessary either to say or to do in opposition to this measure. I trust that the assurance which I give now may be accepted for everything that shall be said in the course of the discussion to which I shall have the honor to ask the Senate to listen.

That Senator said of himself and this company which stands as the first great beneficiary of the bill:

> I have been studious and diligent about it; I have been faithful and honest, and there is not a spot on the escutcheon of the Maritime Canal Company or anybody else connected with this business. It is perfectly pure and clean and true, and I would despise it if it had any stain upon it at all.

I accept every word of it, and accredit that honorable and distinguished Senator with entire ignorance of the bill in any other respect than as it appeals to him from the standpoint of a mode of promoting what appears to his imagination as a great international project which the United States ought to assume and carry forward. But the rest of us must be at liberty to look at the Maritime Canal Company with the eyes which we have, and to judge of the measure proposed with the judgments which we possess. If we see in it a "job," we shall be at liberty even to characterize it as it is to us, and to do so with no sort of reflection, express or implied, upon the Senator from Alabama, and without, directly or indirectly, in any way whatever impugning his high personal character, credit, or honor.

I regret, sir, that the Senator sees fit so freely to indulge in personal antagonism to everybody—not in the Senate, I mean, but out of it—who seems to differ with his judgment upon the bill. He was severe in his arraignment of the distinguished and amiable gentleman who represents a country whose dignity we ought to regard even almost as our own—the Greater Republic of Central America. He was severe and vigorous in his criticism upon the chairman of the Board of Engineers, whose report has been so complete a demonstration of the unwisdom of this measure. But I trust that it may be possible for us to proceed with the debate upon the pending bill without in any wise being thought for a moment to contravene any obligation of personal kindness and courtesy which we should show, and which we most warmly desire to show, to the distinguished and honorable Senator whose heart is so much engaged in this scheme.

Mr. President, I desire, as my first proposition, to assert, and to cause it to be understood in its full import, that the present proposal is not one of Government favor and countenance to the Nicaraguan Canal. It is not even the creation of a corporation of the United States to execute that work. That has already been done, most improvidently done, as I shall try to show. But this bill is nothing less than the proposal that the United States Government itself shall assume the entire undertaking, furnish every dollar of its cost, become its owner and proprietor, and, with all it implies, take upon its own shoulders all the charges, risks, and responsibilities, and the chances not only of success or failure in work, but of international complications and entangling alliances, of vexatious controversies, and possibly of war.

Now, let us observe the truth of this through a careful, but as speedy, analysis of the bill as I can make. The bill declares, first—

> That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of $100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

That strange declaration is that the capital stock of this enterprise shall not furnish a cent of capital.

The second section of the bill is definitive:

> That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal, etc.

The third section comes to the point:

> That if the Maritime Canal Company of Nicaragua shall within one year from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or that satisfactory arrangements have been made for the return and cancellation of said stock, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts—

I do not pause, notwithstanding the emphasis I give to some of these words, to comment upon their extraordinary character, but only to point out the result of this section on my proposition—

> the Secretary of the Treasury shall in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company—

Which is declared to be nonassessable, whatever the subscription may be—

> and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States—

Seven-tenths of the whole, and of course a complete controlling interest so far as this nonassessable and purely fictitious capital stock represents the corporation—

> which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto, 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. VILAS. With pleasure.

Mr. SMITH. I desire to ask the Senator from Wisconsin if he knows whether the members of the Maritime Canal Company are citizens of the United States?

Mr. VILAS. I do not. I am not aware what the fact is in reference to their citizenship.

Mr. MORGAN. They are all citizens of the United States.

Mr. VILAS. I only know in reference to that point that the concession upon which the company was really created requires that the stock shall be offered to the people of other nations, and that 5 per cent shall be reserved for the inhabitants of Central America.

Mr. MORGAN. I will say to the Senator from New Jersey that they are all citizens of the United States except as to Nicaragua and Costa Rica.

Mr. VILAS. I should be glad to ask the distinguished chairman of the special committee if he can point to any part of the reports or hearings or testimony taken which states the facts with reference to the citizenship of the company or with reference to the money expended and other things of that kind?

Mr. MORGAN. Every one of the reports that has been made, except the report I made last Friday, contains a statement as to the citizenship of the parties and the expenditures involved. A detailed statement is given in a great many of the reports of the expenditures. Then, the president of the Maritime Canal Company every year has submitted under oath to the Secretary of the Interior a full statement of the whole operations from the first organization of the company down to the present time.

Mr. VILAS. Has that statement ever been laid before the Senate in any way, so as to be printed?

Mr. MORGAN. Oh, yes.

Mr. VILAS. Or is it in any printed form? I should like to know where to get it.

Mr. MORGAN. It is in printed form, and can be obtained in the document room, and is also in these reports.

Mr. WHITE. I will state to the Senator from Wisconsin that, so far as the Secretary of the Interior is concerned, he will find it in his report, filed recently.

Mr. VILAS. It will be observed how significant the third section is in support of the proposition which I made, since it places the entire control of the capital stock of the company in the United States by giving them seven-tenths of all of it.

I next draw attention to section 8 in respect to this point, which further provides—

> That the United States hereby reserves the right to purchase the stock issued as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be agreed upon by the Secretary of the Treasury and the said stockholders, which sum shall in no event exceed the par value of said stock, together with 3 per cent per annum thereon from the date of its issue to the opening of the Nicaragua Canal to commerce. No dividend upon said stock shall ever be made by said directors except from the net earnings of said corporation.

Costa Rica is entitled to 1½ per cent, Nicaragua to 6 per cent, of the capital stock under the concession made by those two States—$7,500,000 at par value—of the $100,000,000 of stock. The United States, then, by this act, forbids the sale of the remaining $22,500,000, of which $7,000,000 in amount is bestowed upon the stockholders of the Maritime Canal Company, as now existing, for the surrender of their stock.

Mr. MORGAN. If the Senator will allow me to interrupt, I will state that those are not the facts. The concession from Nicaragua, and also from Costa Rica, provides for the issue of the original stock, and Nicaragua is entitled to $6,000,000.

Mr. VILAS. Six million dollars to Nicaragua and one and a half million dollars to Costa Rica.

Mr. MORGAN. And $6,000,000 to the promoters of the Maritime Canal Company.

Mr. VILAS. I am not raising any point there.

Mr. MORGAN. Now, these gentlemen in this bill gave up that $6,000,000 of stock.

Mr. VILAS. I am not at this point raising an inquiry into the wisdom of this trade or its expediency. I am simply pointing out that while the bill does leave $22,500,000 of stock in other hands than the United States, yet it prohibits that stock from being sold, reserving to the United States the right of being the sole purchaser of it, thus absolutely putting our grasp upon every dollar of the stock of that company, nominal though it may be, which is not vested in Nicaragua and Costa Rica.

Mr. MORGAN. That is admitted.

Mr. VILAS. There can not be much doubt about that from the terms of the bill.

Mr. MORGAN. That is the purpose.

Mr. VILAS. Now let us turn to section 4, and see what is provided. After the stock is thus taken care of in these two sections, we come next to the following, in the fourth section:

> That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica—

One for each of these stockholders—

> shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors—

I have forgotten whether that changes the number.

Mr. TURPIE. Yes, sir; it was fifteen.

Mr. VILAS. Formerly fifteen. Section 4 proceeds—

> one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled, etc.

And then follows a provision prohibiting a director from being interested in the stock or otherwise pecuniarily in the company, and other provisions in respect to their character.

Thus the control of the direction of the company is entirely withdrawn from the directors now in office and a new board is substituted, to be appointed in the way in which the Constitution of the United States provides for the appointment of officers of the United States.

Let us now take the next section. Section 5 provides that these directors shall classify themselves into three classes, by lot, to hold, respectively, for two, four, and six years, etc., and that 6 of the 11 directors, of whom 5 at least must be directors appointed by the President, shall constitute a quorum for the transaction of business, thereby again guaranteeing to the States of Costa Rica and Nicaragua and to the stockholders of the alleged stock, the twenty-two and one-half million dollars, that they shall have no voice in the board of directors except for argument's sake and so far as they can persuade the Government directors to yield to them.

Mr. MORGAN. I will say to the Senator, if he will allow me, that the concession provides that Nicaragua shall have one director and Costa Rica one director, and if the company went to

Great Britain to get their money they would be limited by the same restrictions.

Mr. VILAS. I recognize that perfectly, and at a proper time, when I reach that stage of the discussion, I shall point out that those concessions provide a great many other things which are ruthlessly trampled upon by this bill and disregarded, and, in respect to this particular feature of it, that those concessions stipulate not for a nonassessable and worthless representative of nothing, but for an actual share in the true contribution of creative and constructive capital in whatever form of stock, bonds, securities, or otherwise that capital should be actually put into the enterprise. Now, it appears that the United States is crawling into the skin of this corporation.

The sixth section provides the compensation of the directors and other officers, etc., and directs the duty of examination by them and their report.

The seventh section, appropriately placed about the middle of the bill, in my mind is the section which represents the mouse in the meal. It provides—

> That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by its agents since the 3d day of June, 1889, in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States, and the other by the stockholders of the Maritime Canal Company of Nicaragua, whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners should fail to agree upon the amount of said expenditures, they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua, whose stock has been surrendered and canceled as provided for in section 3 of this act—

The same beneficiaries, it will be observed, to whom, for the same reason, $7,000,000 of the capital stock was previously assigned—

> bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed $4,500,000 and the interest thereon. Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

Mr. President, I shall by and by have occasion to draw attention to the fact that that section is the one absolute section in the bill. Whatever becomes of all the rest of it, that section takes effect by the passage of the bill. We may never, if we should have a good board of directors, engage even in the construction of this already discredited route; we may never be able to realize the least particle of right under the concession of Nicaragua; but whatever we get or do not get, the stockholders of the Maritime Canal Company obtain $4,500,000 of bonds, and so much more as the interest on their expenditures amounts to up to the time.

I shall not pause now to discuss the question whether the United States ought to exert the great power of Congress to force upon this poor and weak corporation the acceptance of this proposal to take their all for four million and a half dollars and interest nor any of the questions of expediency involved in it. I simply call attention to the fact that that section, supplementing the section in regard to the stock, completely crushes out and extinguishes the entire interest of those people who had stock in that canal and leaves the United States supreme in its control.

Mr. CAFFERY. Mr. President——

The **PRESIDING OFFICER.** Does the Senator from Wisconsin yield to an interruption by the Senator from Louisiana?

Mr. VILAS. Certainly.

Mr. CAFFERY. I simply desire to ask the Senator from Wisconsin whether the interest stipulated to be paid to the stockholders of the old company by this bill is to be paid upon the amount of their expenses, whatever they may be, or upon the gross amount of $4,500,000 as the largest amount the United States is to pay?

Mr. VILAS. I think there can be no occasion for any misconstruction. The language is:

> For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon

The bonds shall be delivered equally at par value not to exceed $1,500,000 and the interest.

Mr. CAFFERY. So if the expenditures are in excess of $1,500,000, interest will be paid upon the sums in excess?

Mr. VILAS. That is the way I interpret the bill.

Mr. MORGAN. If I may be allowed to make a statement, the Senator from Wisconsin understands the bill, I believe, from what he says, as providing for interest upon the sum of $1,500,000?

Mr. VILAS. For interest on all their expenditures.

Mr. MORGAN. To the amount of $1,500,000—that they are entitled to interest on that sum?

Mr. VILAS. Yes, sir.

Mr. MORGAN. I do not so understand the bill. Interest was due under the sum of $1,500,000 upon whatever sum the expenditures have been, so as to raise it not beyond $1,500,000. Now, another point——

Mr. VILAS. If the Senator will permit me at that point, I should like to ask him what, then, is the significance of the words in the third line on page 7, "and the interest thereon," the second mention of interest?

Mr. MORGAN. That is the interest on the sum expended up to $1,500,000.

Mr. VILAS. No; but these words follow the declaration that the bonds shall not exceed $4,500,000 "and the interest thereon."

Mr. MORGAN. That means, and was intended to mean, the interest on the sum expended by them under the sum of $1,500,000, which is the outside limit of all that they can ever receive.

Mr. VILAS. But that is explicitly provided for previously.

Mr. MORGAN. Now, the Senator says that feature of the bill goes into effect immediately on the passage of the bill.

Mr. VILAS. And the acceptance of the company.

Mr. MORGAN. None of the bill goes into effect except upon the acceptance of the company. It does not become a legislative act because this is an amendment to an existing law, and its validity and efficiency and effect depend upon its acceptance by the Maritime Canal Company under the conditions prescribed in the bill.

Mr. VILAS. At some proper time in the course of this discussion I shall submit to the distinguished Senator from Alabama whether he thinks the only salvation to the United States of this money, if we pass this bill, will lie in the conscience of the Maritime Canal Company——

Mr. MORGAN. Not by any means.

Mr. VILAS. It certainly will not lie in their interest, for the property they possess at this date, judging from what has been shown both by the engineers and from other sources of information, can hardly be estimated to be worth $500,000.

Mr. MORGAN. If the Senator will allow me, the company can sell a million acres of land and also the concession, which is their property and not ours. This whole measure is a mere proposition to them that we are willing to make a certain deal with them. If they do not accept it there is nothing in it.

Mr. TURPIE. I will remark that the company has no lands and will have none until the canal is completed. The title of the land is in the two Republics that made the concession and the treaty of cession expires on the 24th day of April next.

Mr. VILAS. I was about to observe that the title to the lands is, like everything else in respect to it except the personal property, machinery, etc., dependent wholly upon the maintenance of the concession and the completion of the canal.

Mr. MORGAN. We propose to complete the canal. That is what we are trying to do. But it does not depend upon that. There is a fee-simple title conveyed by these concessions, and I do not suppose the Senator from Wisconsin will be found here, if the bill is defeated, trying to rob the concessionaires of that million acres of land in favor of Nicaragua.

Mr. VILAS. I hope I should be found in no place and at no time trying to rob anybody, and I assure the Senator that among those whom I feel, in my capacity as a Senator here, I am most bound to defend from robbery are the taxpayers of the United States.

Mr. President, at some time in the course of the discussion I intend to speak upon the character of this section 7, but I am only alluding to it now for the purpose of showing the completeness of the proposition that the United States alone are to undertake this canal.

Section 8 I have already mentioned. Section 9 steps in next and recognizes that the whole capital stock is of no value; that $1,500,000 of bonds will have no effect toward construction, and it reads:

> That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than $[illegible] nor more than $1,000, to an amount not exceeding $[illegible], to be dated on the 1st day of July, [illegible], to be payable on the 1st day of July, [illegible], but redeemable at the pleasure of the United States at any time after the 1st day of July, [illegible], at par, with interest at the rate of [illegible] per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica.

The United States is then to become the maker of a mortgage, the guarantor of a mortgage, and is to go off into Costa Rica and Nicaragua to discover the terms in which its liability shall be safely declared. And it is the property of this concern that we think so much of and hear so much about that is to be mortgaged and subjected to the jurisdiction of the courts in Nicaragua and Costa Rica. The United States, which can be sued only by their own consent, file here this stipulation to confer a jurisdiction against them upon the courts of Nicaragua and Costa Rica, and the Attorney-General is then directed to see to it that the mortgage is sufficient; and provision is then made for its execution in triplicate and record.

Section 10 then provides how the mortgage bonds shall be printed by the United States, and this very deft and shrewd phrase is introduced to show that we are to be saved from that expense:

> At the expense of said Maritime Canal Company of Nicaragua.

And provision is made for the form of the bonds. Then comes this declaration:

> Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Thus by that section every dollar that is to be contributed to the construction of that canal or its completion is to be provided by the United States.

Section 11 directs the Maritime Canal Company of Nicaragua to pay the money into the Treasury to pay the interest on these mortgage bonds.

Mr. President, who is it who is thus to pay the interest into the Treasury of the United States? The United States Government itself, for it is the only stockholder. Where is the interest money to come from so that the canal company can pay it into the Treasury of the United States? From the sale of the bonds guaranteed by the United States, the only source in the world from which a dollar can be derived by that Maritime Canal Company, every dollar of that subscribed capital stock being nonassessable. Until the canal is built, nobody knows how many years hence, that declaration is simply a pretense.

Mr. MILLS. After the expenditure of the $70,000,000 which are expected to be realized from the sale of the bonds, suppose there should require to be more money raised, more capital with which to finish this work, where is that money to come from?

Mr. VILAS. Mr. President, the poor stockholders who own the stock of that company, the United States, that is to say, would probably be obliged to appeal to Congress to issue another $100,000,000 of bonds.

Mr. MILLS. That is it exactly.

Mr. VILAS. And I should be gratified if I could be assured that the repetition of that process would stop before we reached $500,000,000, if we actually complete the work.

Section 12 is another ingenious section to express the idea of this independent entity, called the Maritime Canal Company, into which the United States has thrust itself, until all else there is of true life is expelled from its being. Let us look at it:

> SEC. 12. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua and had not been paid by the United States under their guaranty.

That is to say, the same right to enforce collection against itself that the holders of the bonds would have. The maker and the guarantor being the same person, the guarantor reserves to himself the right to enforce upon himself as the maker the privileges which would be enjoyed if they were different persons by the law of subrogation.

> But until the expiration of five years after the said canal shall be put in operation, and so long as, during said five years, the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure.

Then provision is made for a foreclosure of the mortgage, which I shall not weary the Senate by reading.

I want to turn to one other section in support of the proposition with which I set out the reading of this bill:

> SEC. 13. That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The Army of the United States is directed to become the servitor of this corporation. The rights reserved by the States of Costa Rica and Nicaragua, making the concession in the stipulation how the engineering work should be done, are brushed away as if they were of no consequence.

> The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

Then provision is made for the chief engineer, his duties, salary, etc., and authority given to the President to appoint a board of three civil engineers to inspect the route, etc., and make recommendations.

Mr. GRAY. And $200,000 appropriated for that.

Mr. VILAS. And $200,000 appropriated for that, as the Senator from Delaware [Mr. GRAY] very pertinently suggests.

Provision is then made for representation in the board of directors, and a limitation put upon the corporation as to the issue of any more mortgages, as of course they could not do, being wholly made the creature of Congress; and there is a direction that the bonds shall not be sold for less than their par value. That is the bill.

It will be observed that in every particular of importance there can be no qualification to the proposition with which I set out, that the United States undertake everything whatever in respect to this canal at this stage, undertake its risks of construction, the mischances of all the surveys hitherto made, all the perils of international complications and quarrel.

Why should the United States Government, if we are to do that thing, undertake thus to invest itself with a false guise? Why should the United States Government put on a mask when it sets forth before the world to perform this great contribution to the progress of civilization? Sir, masks always mean deceit. What is the purpose concealed under this subterfuge? Is it to gain from the State of Nicaragua the advantages of the concession which this company bought from that State? Nicaragua stands before us with open hands, with the kindest expression of national good will, the desire to unite with us in the construction of that canal. From the time when government began to exist in that territory it has been seeking in its feebleness the strong hand of capital and aid sufficient to construct this canal. The very objection filed by its minister, Mr. Rodriguez, proffers at once to the United States immediate negotiation to effect that result. We are in no need to try to cheat Nicaragua, we need wear no false mask in order to deceive her as to the character in which we present ourselves on her soil to do this great work.

Who, then, do we aim at? Is it that enemy who lurks behind every bush whenever any project of international consequence arises; that enemy which threatens us from Halifax, from Jamaica, from the islands of the Pacific; that old, constant, dreaded nightmare of America, as some men would have us to believe—is it England? Why do we wish to cheat England? Why do we wish to pretend to England that it is not the United States which is about to build this canal, but the Maritime Canal Company of Nicaragua, a concessionaire of the poor States of Nicaragua and Costa Rica? I shall have occasion to point out, perhaps, why that idea may be entertained by some. It may be that it is thought that in that way we can violate with impunity the international obligations which we contracted by the Clayton-Bulwer treaty; but if so, sir, there is as little necessity for that as there is for any other course of deceit.

I can conceive of but one other possible motive that can actuate the disposition to put a sham cover on the kindly countenance of our great Republic when it shall step beyond the boundaries of its own territory, and that is that there may be some pretext of excuse for bestowing upon this corporation, whose concession expires on the 27th day of April next, the four millions and a half of bonds and the seven millions of nonassessable capital stock. If there be any other reason in the world why we should pretend to be what we are not; why the United States should crawl into the skin of a corporation of its own creating; why, instead of going forth in our sovereign capacity to do our duty among the nations of the earth, we should go there as the poor creature and subject of Nicaragua, with no other right but that which had been conceded to a corporation dealing with and purchasing a concession from that State. I am unable to see.

Now, Mr. President, I come to the next point. I will pass from the trivial—I mean only comparatively speaking—the mere insignificant details connected with this enterprise, to the greater question. Should the United States proceed to undertake that canal, and, if so, for what reasons and in what manner?

The distinguished and honorable Senator from Alabama argued to us at great length—no; I should not say that, but at some length and with some particularity—that this project would be one that would yield great profits; that it would be, indeed, a splendid investment of our millions, an investment from which for a period of ninety-nine, and possibly one hundred and ninety-eight, years we might derive annual compensation that would, perhaps, be a consolation and comfort to the taxpayers of the United States. The expectation of profit as a matter of probability may very well be left where the eloquent and cogent Senator from Indiana has left it, for, as he said, at least two-thirds of a century the project, after having engaged the attention of the great promoters and capitalists of the earth, has stood blacklisted, under taboo, with nobody to consider it even as worthy of investment.

Sir, it is almost difficult to maintain a sobriety of consideration when one reflects on the report of the board of engineers, which I shall have occasion to discuss at a little later stage, upon the history of government subsidies in general and especially upon the experience of France at Panama. Think of our Pacific railroads as an investment of a profitable character for the United States! Think of the $240,000,000 which have scratched the dirt and sunk out of sight on that isthmus where the savings of France found their burial place! It may be that a keen imagination can spread the morning sky of this project with golden hues, but it certainly requires an imagination as happy, a temperament as sanguine, a composure as serene to carry men through poverty as have become famous in the distinguished promoter and projector of America—Colonel Sellers.

Whence is the profit to come out of an enterprise which can not but cost unknown millions, when the best engineers dare not declare they know yet how it can be safely built? But, sir, I need spend no time upon that subject. I must, of course, do the honorable Senator from Alabama the justice to recognize what I am sure he must have intended, not the presentation of a reason why the United States should enter upon this project, in that it would prove profitable, but only a sort of balm to our tears while engaging the moneys of the United States in so vast a scheme. It can require no discussion before this body to establish the proposition that the United States can not engage in an enterprise for the purpose of making money. The United States have no such function of government. Our Constitution has delegated to the Federal Union only certain limited powers within its sphere of action, and no one of those is to raise taxes or borrow money for the purpose of making profitable investments in foreign lands. If, then, anybody indulges in the theory, the rosy hallucination that golden showers will follow the possession of stock in this canal company, let him at least acknowledge that that expectation furnishes nothing in the nature of argument why the United States should undertake this scheme.

But another argument is presented, and presented seriously. It is claimed that the canal is necessary to the defense of the United States against her enemies; that we should enter upon this grand scheme out of a military necessity for it pressing upon us. High sounding words about the national defense are inserted occasionally in resolutions procured from some assemblage. Such resolutions are easily to be procured and are commonly passed inconsiderately. We had one presented the other day signed by four gentlemen as a committee, I believe, of the National Board of Trade, in which they declared to this body, constituted as it is, presumably, at least, made up of men of intelligence, such as the Constitution contemplated would occupy these seats—they declared to us that this canal should be built because it would "afford incalculable advantages to the Government in the event of a foreign war." Sir, they will be incalculable, indeed, for they will be exceedingly difficult to discern or realize. I think such a declaration as that is not creditable to any body who pretends to understand the relations which such a canal would bear to the American public.

Sir, I think Senators will recognize, with reflection upon this subject, that the canal is more likely to be an element of weakness than of strength, were we to have a foreign war with any power possessed of great naval strength; and I do not believe that even this committee of the National Board of Trade would feel their knees knock together much at the peril of the United States if engaged in war with a country that possessed no naval strength. It can only be as against the former that we need "incalculable advantages" in this canal.

Without arguing which it should be at this stage, it is obvious that the canal must be either neutralized as to all the world, like the Suez Canal, so that all vessels of war as well as of peaceful commerce may pass it in time of war as well as in time of peace, or else the canal must be under the exclusive control of the United States, at least in time of war. Suppose the first case—that the canal is neutralized. Then what do we find? We shall have created a waterway of intercommunication between the Atlantic and the Pacific by which our western coasts are exposed to the naval strength of Europe, against which now they are defended by Cape Horn. That point was seen by a Secretary of State in 1882, and Mr. Frelinghuysen, in his dispatch to our minister to England, drew his attention to the peril in time of war to which such a canal would expose our Western coasts. I read from his dispatch of May 8, 1882:

> A canal across the Isthmus for vessels of all dimensions and every character, under possible conditions hereinafter referred to, would affect this Republic in its trade and commerce; would expose our western coast to attack, destroy our isolation, oblige us to improve our defenses and to increase our Navy, and possibly compel us, contrary to our traditions, to take an active interest in the affairs of European nations.

Well put, so far as it relates to the question of military advantage to be derived from it in case of neutralization, so as to be available to ships of war. In that event, the dreaded menace to our peace which the Senator from Alabama has so often apprehended will be greatly facilitated, when there shall set forth again the—

> ——mariners of England.
>
> * * * * *
>
> Whose flag has braved, a thousand years,
> The battle and the breeze!

I suppose he would contend, therefore, for the other course, and that if the canal were to be built it must be assumed that, being built by us, it shall be under our exclusive control. What does that mean? It means that we shall either shut out vessels of war in time of war or that we shall exercise the right to shut out not only vessels of war, but vessels of peace also in time of peace. Let us assume that our exclusive control takes the form most favorable to this contention; that the United States simply claims the right to shut out from the canal vessels of war in time of war with us. Then where are we with our military and naval advantages in the canal? We have established a great work at immense cost which any enemy, almost, can destroy. The report of the engineers speaks to that point.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wiconsin yield to the Senator from Virginia?

Mr. VILAS. Certainly.

Mr. DANIEL. Would the Senator yield to a motion to go into executive session? I desire to make that motion.

Mr. VILAS. If the Senator from Virginia will withhold the motion for a few moments, I shall be glad.

Mr. DANIEL. With pleasure. I do not desire to interrupt the Senator. I thought he had probably reached a point where it would be agreeable to him to yield.

Mr. VILAS. I will yield to the Senator for that purpose in a few moments.

I read from the report of the Board of Engineers, page 50, just a brief clause now, to this point:

> It is proper to note the multiplied points at which the canal would be exposed to injury after construction—

Mr. GRAY. What report is that from?

Mr. VILAS. From the report of the Board of Engineers.

Mr. GRAY. Is it a recent report?

Mr. VILAS. It is the report of the board which we sent there in 1895—

> and the comparative facility with which a breach could be made at any point on the long line of embankments, if, for any reason, military or malicious, it should be intended to destroy the canal navigation until the breach could be closed.

Sir, we should be obliged to put on the line of the canal great fortifications. We should be obliged to maintain navies at both the ocean ports, at either terminal. We should be obliged in time of war to keep an army there patrolling the route of the canal all the time. Otherwise we should be at the mercy not only of the naval powers of Europe, but even of the poor—I speak only of them with reference to their military strength—feeble powers of Central America. This Republic, which for a hundred years has feared no enemy, would, powerful as it has become, be, with that canal, in a condition of almost puerile weakness, so far as that is concerned. There would be our vulnerable point. There our millions and hundreds of millions would be obliged to go to maintain fortifications and naval defenses and to support armies and powers in case of war. There this great and powerful nation would find the fatal spot which, like the heel of Achilles, exposed its tremendous strength to the dart of the feeblest enemy. That, sir, is what folly can do for a great nation. That, sir, is what a board of trade knows about the "incalculable advantages" for military defense of an isthmian canal.

Mr. WHITE. Will the Senator from Wisconsin permit me to make an inquiry?

Mr. VILAS. With pleasure.

Mr. WHITE. Is not the argument which the Senator is now making directed against the construction of any canal under any auspices or at any time?

Mr. GRAY. As a military defense of the United States.

Mr. VILAS. No, sir; and when I resume my discussion I will point out how I think that great work of civilization should be constructed and how the United States should be the glorious leader to its consummation.

Mr. GRAY. I suppose, if the Senator from Wisconsin will allow me, that he will contend that any canal to fulfill the objects and purposes which are proclaimed for it must be a work of peace, and that it is idle to talk about it as a part of the machinery of war.

Mr. VILAS. Precisely. I intend to point that out when I pretty soon reach that part of the discussion. But I am dealing with it now only in respect to this pretended argument in its favor of military advantage to be derived from it. It is a simple demonstration which no man can gainsay that if we allow the vessels of our enemies to pass it as a neutral waterway in time of war, as I shall show we are bound to do, then we expose our Western coasts to an enemy against which they are now perfectly defended, and if, on the other hand, we maintain an exclusive control and undertake to shut out vessels of war in time of war, we have exposed ourselves to all the weakness which I have in the last few minutes pointed out.

But I wish to ask, What is the supposed theory of utility by which the canal can be made a valuable auxiliary to our national defense? It can be no more than that we can pass our ships of war more readily from the Atlantic coast to the Pacific, or the other way. That is all. But why do we wish to pass them? Do we need to send ships of war to our Pacific coast to defend it? Sir, against what enemy? There is the guaranty of nature for our safety. Three thousand miles of a vast wilderness of water, yea 5,000 miles, lie there defending our coasts.

Mr. MILLS. Will the Senator from Wisconsin yield for a moment?

Mr. VILAS. Certainly.

Mr. MILLS. Does the Senator prefer to go on further to-night, or would he yield to a motion to adjourn? I suppose he must be fatigued by this time.

Mr. VILAS. The Senator from Virginia [Mr. DANIEL] desires to make a motion for an executive session. I promised to give way to him for that purpose.

Mr. MILLS. I wish to consult the Senator's convenience about it.

Mr. DANIEL. So do I.

Mr. VILAS. I shall not go further to-night, although there are a few more observations which I desire to make in reference to the point on which I was speaking.

Mr. DANIEL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 2, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1897.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Capt. William Harding Carter, Sixth Cavalry, to be assistant adjutant-general with the rank of major, January 29, 1897, vice Wilson, deceased.

Capt. Thomas Henry Barry, First Infantry, to be assistant adjutant-general with the rank of major, January 29, 1897, vice Babcock, promoted.

Pay Department.

Capt. John Lapham Bullis, Twenty-fourth Infantry, to be paymaster with the rank of major, January 29, 1897, vice Bates, promoted.

Subsistence Department.

First Lieut. George Burwell Davis, Fourth Infantry, to be commissary of subsistence with the rank of captain, January 29, 1897, vice Osgood, promoted.

Lieut. Col. Samuel Tobey Cushing, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, January 26, 1897, vice Sullivan, who vacated on accepting commission as commissary-general of subsistence.

Maj. Charles Patrick Eagan, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, January 26, 1897, vice Cushing, promoted.

Capt. Henry Brown Osgood, commissary of subsistence, to be commissary of subsistence with the rank of major, January 26, 1897, vice Eagan, promoted.

Post chaplain.

S. Henry Bell, of Pennsylvania, to be post chaplain in the United States Army, vice Blaine, deceased.

Corps of Engineers.

Col. John M. Wilson, Corps of Engineers, to be Chief of Engineers with the rank of brigadier-general, February 1, 1897, vice Craighill, retired from active service.

Infantry arm.

Lieut. Col. Charles Augustus Wikoff, Nineteenth Infantry, to be colonel, January 28, 1897, vice Casey, Twenty-second Infantry, retired from active service.

Maj. Charles Crook Hood, Seventh Infantry, to be lieutenant-colonel, January 28, 1897, vice Wikoff, Nineteenth Infantry, promoted.

Capt. Constant Williams, Seventh Infantry, to be major, January 28, 1897, vice Hood, Seventh Infantry, promoted.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner; a reappointment.

UNITED STATES CONSUL.

Frederick W. Kickbusch, jr., of Wisconsin, to be consul of the United States at Stettin, Germany, vice Frederick W. Kickbusch, resigned.

UNITED STATES DISTRICT ATTORNEY.

Henry E. Davis, of the District of Columbia, to be attorney of the United States for the District of Columbia, vice Arthur A. Birney, whose term expires February 6, 1897.

UNITED STATES DISTRICT JUDGE.

William H. Munger, of Nebraska, to be United States district judge for the district of Nebraska, the nomination of William D. McHugh having been withdrawn.

WITHDRAWAL.

Executive nomination withdrawn February 1, 1897.

William D. McHugh, to be United States district judge for the district of Nebraska, which was delivered to the Senate on December 8, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1897.

COLLECTOR OF INTERNAL REVENUE.

Wayman Crow McCreery, of Missouri, to be collector of internal revenue for the first district of Missouri.

PROMOTIONS IN THE NAVY.

Commander Joseph B. Coghlan, to be a captain.

Lieut. Commander William I. Moore, to be a commander.

P. A. Engineer William N. Little, to be a chief engineer.

Asst. Engineer Cleland N. Offley, to be a passed assistant engineer.

POSTMASTERS.

Mary Kirtley, to be postmaster at Salmon, in the county of Lemhi and State of Idaho.

Nehemiah Jennings, to be postmaster at Southport, in the county of Fairfield and State of Connecticut.

Gilbert S. Benham, to be postmaster at Hamden, in the county of New Haven and State of Connecticut.

Rufus K. Sanders, to be postmaster at Saltville, in the county of Smyth and State of Virginia.

Elizabeth C. Adams, to be postmaster at Radford, in the county of Montgomery and State of Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 1, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

PURCHASE OF OR SPECULATION IN GOVERNMENT CLAIMS.

The SPEAKER laid before the House the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Government by United States officers, with Senate amendments.

The bill and amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

Mr. DOCKERY. Mr. Speaker, that is a very important bill. I desire to know if the Judiciary Committee have examined the Senate amendments. It seemed to be an exactly proper measure as it left the House.

The SPEAKER. Has the gentleman any motion to make?

Mr. DOCKERY. I desire to know if the amendments of the Senate have been called to the attention of the chairman of the Committee on the Judiciary. I see the gentleman is present; and I would be glad that it lie on the Speaker's table until the gentleman can examine it. It seems the Senate has made some very important amendments.

Mr. HENDERSON. I did not understand the gentleman from Missouri.

Mr. DOCKERY. My inquiry was whether or not you had examined the amendments of the Senate to the bill prohibiting the purchase of fees by United States officers?

Mr. HENDERSON. I have not. The Senate amendments have not been before our committee.

Mr. DOCKERY. There are a number of important amendments.

Mr. HENDERSON. The gentleman from Kentucky [Mr. HENDRICK] introduced the bill, and the gentleman from Massachusetts [Mr. GILLETT] had charge of it. The amendments of the Senate have not been before us. I suggest, Mr. Speaker, that it lie on the table for the present, until I can have time to look at the amendments.

The SPEAKER. Without objection, the bill will remain on the Speaker's table.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees.

The committees were called.

Mr. CHARLES W. STONE (when the Committee on Coinage, Weights, and Measures was called). Mr. Speaker, I ask that the Committee on Coinage, Weights, and Measures be passed without prejudice.

There was no objection, and it was so ordered.

Mr. BRODERICK. Mr. Speaker, when the Committee on the Judiciary was just called, I happened not to have a bill that I wanted to call up. I ask that the committee be again called.

The SPEAKER. Without objection, the Committee on the Judiciary will again be called.

There was no objection.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred as follows:

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States—to the Committee on Public Lands.

A bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others" and "The United States against Alice Weil and others"—to the Committee on the Judiciary.

A bill (S. 3612) granting a pension to Mrs. Martha Frank—to the Committee on Pensions.

A bill (S. 3613) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers—to the Committee on Invalid Pensions.

A bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me.—to the Committee on Military Affairs.

A bill (S. 3521) to remove doubts concerning the jurisdiction of district judges—to the Committee on the Judiciary.

A bill (S. 3663) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota—to the Committee on Indian Affairs.

Concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department—

To the Committee on Printing.

UNITED STATES COURTS IN UTAH.

Mr. BRODERICK. Mr. Speaker, I desire to call up the bill (S. 2037) providing times and places for holding terms of United States courts in Utah.

The bill was read, as follows:

Be it enacted, etc., That the circuit court of the United States in and for the State of Utah shall be held at the time and place provided by law for holding the United States district court in and for said State.

SEC. 2. That for the purpose of holding terms of the district court, said district shall be divided into two divisions, to be known as the northern and central divisions. The counties of Weber, Davis, Morgan, Rich, Cache, and Boxelder shall constitute the northern division, the court for which shall be held at the city of Ogden; and all remaining counties of the said State shall constitute the central division, the court for which shall be held at the city of Salt Lake.

SEC. 3. That all civil suits not of a local character which shall be brought in the district or circuit courts of the United States for the district of Utah, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or where the cause of action arose, or if there are two or more defendants residing in different divisions, such suit may be brought in either division; and all mesne and final process subject to the provisions of this act issued in either of said divisions may be served and executed in either or both of said divisions.

All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant, or one of the defendants, reside, or where the cause of action arose, unless by consent of both parties the case shall be removed to some other division.

SEC. 4. That the clerks of the circuit and district courts for said district shall each appoint a deputy clerk at each of the places where their respective courts are required to be held in the divisions of the district except in the division in which such clerk shall himself reside, each of which deputies shall, in the absence of the clerk, exercise all the powers and perform all the duties of the clerk within the division for which he shall be appointed: *Provided,* That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies.

SEC. 5. That the terms of the district court for the district of the State of Utah shall be held at the city of Salt Lake, beginning on the first Monday of May and the first Monday of December in each year, and at the city of Ogden, beginning on the first Monday of March and the first Monday of September of each year; and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided, in the same manner and with the same effect as they would have had had said place of holding been designated in the original act.

SEC. 6. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

The amendments were read, as follows:

In section 3, lines 6 and 7, strike out the words "or where the cause of action arose;" and in lines 14 and 15 strike out the words "or where the cause of action arose."

The SPEAKER. The question is on agreeing to the amendments to the Senate bill.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUPPRESSION OF TICKET "SCALPING," ETC.

Mr. SHERMAN. By direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 10090) to amend an act entitled "An act to regulate commerce."

The bill was read.

Mr. QUIGG. May I inquire of my colleague [Mr. SHERMAN] whether this is the so-called "antiscalpers' bill?"

Mr. SHERMAN. This bill comes from the Committee on Interstate and Foreign Commerce, and is known as the "antiscalpers' bill."

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. SHERMAN. Certainly.

Mr. WILLIAM A. STONE. Has the committee directed that this bill be called up at this particular time?

Mr. SHERMAN. The committee directed that the bill be called up in the morning hour. This is the first time the committee has been called in the morning hour since the direction was given.

Mr. TERRY. I should like to suggest to the gentleman in charge of this bill that it is a very important measure, and it would be best that some time be set for its consideration, so that all may know when it is to come up. It should not come up here like a "jack-in-a-box."

Mr. SHERMAN. I will very gladly enter into an arrangement for the bill to be called up at some future time and have sufficient time assigned for the fullest discussion. I have no desire to curtail debate.

Mr. WILLIAM A. STONE. I raise the question of consideration on the bill.

The question being taken, Will the House consider the bill? it was decided in the negative—ayes 35, noes 88.

So the House refused to consider the bill.

BRIDGE ACROSS TENNESSEE RIVER NEAR CHATTANOOGA.

Mr. PATTERSON. By direction of the Committee on Interstate and Foreign Commerce, I call up the bill which I send to the desk.

The bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge, was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," approved January 27, 1894, be, and the same is hereby, amended to read as follows:

"SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act, or its entire removal, shall be made by the corporation owning or controlling the same at its own expense. Furthermore, if the construction of said bridge shall not be commenced before January 1, 1898, and completed before January 1, 1901, all privileges conferred hereby and this act shall become null and void."

Mr. PATTERSON. I ask that the report be read.

The report (by Mr. FLETCHER) was read, as follows:

The Committee on Interstate and Foreign Commerce have had under consideration House bill 9799, Fifty-fourth Congress, second session, being a bill to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to complete said bridge. Under date of January 9, 1897, the War Department reported on the same, saying: "No objection is known to the passage of the bill by Congress so far as the interests of navigation are concerned." This report is herewith attached.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 9, 1897.

SIR: I have the honor to acknowledge the reference to this office of a letter, dated the 7th instant, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon House bill 9799, Fifty-fourth Congress, second session, "A bill to amend an act entitled 'An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga,' giving the said company more time in which to begin and complete said bridge," and in returning the same I beg to say that no objection is known to the passage of the bill by Congress so far as the interests of navigation are concerned.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PATTERSON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI NEAR LEXINGTON, MO.

Mr. SHERMAN. Mr. Chairman, I have another bill which I am directed by the Committee on Interstate and Foreign Commerce to call up.

The bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, was read, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, be, and the same is hereby, amended so as to extend the time for the commencement of the construction of said bridge to one year and its completion to three years from the approval of this act.

Mr. SHERMAN. This bill merely extends the time within which this bridge may be constructed. The original act was in the usual form of bridge bills. The committee has unanimously reported in favor of the passage of this bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER, WASHINGTON.

Mr. SHERMAN. I am also directed to call up the bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The bill was read.

The amendment reported by the committee, to insert, after the word "Secretary," in line 8 of section 2, the words "of War," was read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ALABAMA RIVER, NEAR MONTGOMERY.

Mr. SHERMAN. By instruction of the Committee on Interstate and Foreign Commerce, I also call up the bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act approved March 1, 1893, to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near Montgomery, Ala., be, and is hereby, amended to read as follows:

"SEC. 6. That all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year from March 1, 1896, and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined."

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

TO PREVENT TRANSMISSION OF OBSCENE LITERATURE, ETC.

Mr. ALDRICH of Illinois. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill S. 1675.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person to deposit with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore mentioned articles, matters, or things may be obtained or made; and any person who shall knowingly deposit, or cause to be deposited, with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or who shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing herein forbidden to be deposited for carriage, shall for each offense, upon conviction thereof, be fined not more than $5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALDRICH of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS SABINE RIVER BETWEEN LOUISIANA AND TEXAS.

Mr. BENNETT. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA.

Mr. BENNETT. On behalf of the same committee, I call up the bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.

The bill was read.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPECULATING IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HENDERSON. Mr. Speaker, the Committee on the Judiciary was passed temporarily. I now ask, on behalf of that committee, that the House take up the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, nonconcur in the Senate amendments, and ask for a committee of conference.

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. GILLETT of Massachusetts, Mr. BURTON of Missouri, and Mr. HENDRICK.

APPOINTMENTS BY BREVET.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I call up the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The Clerk proceeded to read the bill.

Mr. HULL (during the reading). Mr. Speaker, this is simply a question of concurring in a Senate amendment.

Mr. DOCKERY. Let us have the bill read, Mr. Speaker.

The bill was read, as follows:

Be it enacted, etc., That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war, shall receive a brevet in the Regular Army equal to the highest rank held or the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided,* That they have not already received a brevet of equal or higher grade in the Regular Army.

The amendment of the Senate was read, as follows:

Line 5, strike out "shall" and insert "may, at the discretion of the President."

Mr. DOCKERY. Mr. Speaker, I would be glad if the gentleman would explain this bill for the benefit of an untutored civilian, who is not familiar with military matters.

Mr. HULL. Mr. Speaker, the original bill simply provided for giving officers now in the Army the brevet rank which they had in the volunteer service, allowing them to wear the uniform on ceremonial occasions, and so on. The bill as it passed the House made it imperative on the President to give them this rank, but the Senate amendment leaves it discretionary with the President.

Mr. DOCKERY. Does it involve any expenditure of public money?

Mr. HULL. None whatever.

Mr. McMILLIN. Does it involve, in case of death, any additional pension?

Mr. HULL. Not at all. We do not pension on brevet rank.

The amendment of the Senate was concurred in.

ROCK ISLAND BRIDGE.

Mr. HULL. Mr. Speaker, on behalf of the Committee on Military Affairs, I call up the bill (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor.

The bill was read, as follows:

Be it enacted, etc., That the proviso in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, being chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and which proviso is in the appropriation for the Rock Island Bridge, in the following words: "*Provided further*, That the Secretary of War shall not, under the act 'to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the Island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith,' approved March 3, 1885, permit the lower section of said bridge to be occupied by any street railway without paying a reasonable rent therefor," be, and the same is hereby, repealed.

An amendment recommended by the committee was read, as follows:

Strike out the word "repealed," in line 20, and add the following:

"Amended by adding after the final words, 'paying a reasonable rent therefor,' the following words, 'unless said company, in lieu of such rent, shall furnish and deliver at the electric motor on the draw of the bridge the necessary and proper electric power for operating the draw, to the satisfaction of the Secretary of War,'" so long as said company occupies or uses said bridge for railway purposes.

Mr. BLUE. Mr. Speaker, I would like to have some explanation of that bill. It seems to me that it ought to have come from the Committee on Interstate and Foreign Commerce. That part of it which pertains to the bridge certainly ought to have been referred to that committee. The other part might legitimately, I suppose, have been referred to the Committee on Military Affairs. If I caught the purport of the bill correctly from the reading, it is to allow this street railway company to occupy a portion of the bridge without compensation, changing what has been the law heretofore, requiring them to pay for the privilege of using this bridge. Without some explanation, I feel bound to object to the bill, and coming from the committee that it does, it seems to me that it is out of order.

Mr. HULL. Mr. Speaker, the Rock Island Bridge is entirely under the control of the War Department, and the gentleman is mistaken in his statement that this bill allows the street railway company to use the bridge without compensation. The bridge, I repeat, is under the control of the War Department. The original act provided that the rental to be paid by the company should be agreed upon by the Secretary of War and the street railway company. That rental was fixed at $2,400 a year, but the Secretary and the company, after consultation, have mutually agreed that it will be better for both parties if the company shall be required to furnish the power for operating the draw. The War Department estimates that it will cost the Government $3,600 a year to operate it as an independent piece of machinery. It is arranged for operation by electricity, and the street railway company, having abundant power, can draw off enough to operate the draw without any great expense to themselves, while at the same time there will be a marked saving to the Government. The amendment proposed by the committee was submitted by the War Department, providing that this street railway company, as long as they use the bridge, shall furnish the power to operate the draw. The Government, of course, has the machinery there and a man to take care of it, but it will have to put in a dynamo to manufacture the power unless some such arrangement as this can be made. Therefore this provision of the bill, while it does make a saving for the railway company, makes at the same time a saving to the Government.

Mr. DOCKERY. What is the rental now paid by the street-railway company?

Mr. HULL. They have never paid any. Under the old law they used this bridge free, just as it was used by wagons. This lower part of the bridge is free, and wagons, teams, foot passengers, and traffic generally are permitted to go free; but the act establishing a new bridge provided that the railroad company should pay certain rental for the use of the bridge.

Mr. DOCKERY. How much?

Mr. HULL (continuing). And the amendment is recommended by General Flagler and the Secretary of War as being highly advantageous to the Government and strictly fair to the street railway company.

Mr. DOCKERY. Did I understand the gentleman to state that they pay a rental fixed at $2,400 a year?

Mr. HULL. That was the amount fixed by the Secretary of War; but they pay nothing, as a matter of fact, now.

Mr. DOCKERY. But there is a provision in the sundry civil bill which you are seeking to repeal which requires that payment. Now, what is the amount contemplated in the bill for that purpose?

Mr. HULL. As I have stated, there is a cash rental of $2,400; but the Department has thought it better for the Government to have the railroad company furnish the power at all times to operate the draw of the bridge than to pay the cash rental: that it would be for the benefit of the Government to adopt that course.

Mr. DOCKERY. And you estimate the expenditure for that purpose at $3,600?

Mr. HULL. That is what it would cost the Government.

Mr. DOCKERY. What would it cost the street railway?

Mr. HULL. Well, they have their plant necessarily; and it is estimated that it will not cost them so much as that. Of course, it will not cost them as much as it will cost the Government, because the Government will have to establish a new plant, furnish dynamos, and other necessary machinery to operate the draw, so that this arrangement will be a decided saving to the Government.

Mr. MILES. Does this proposition meet the approval of the Secretary of War?

Mr. HULL. Yes, sir; and of General Flagler and the Ordnance Department generally, which has charge of this matter.

Mr. DOCKERY. I understand that the gentleman from Illinois [Mr. CANNON] has looked into this matter, and is satisfied with it.

Mr. CANNON. I think it is probably the best that can be done.

Mr. BLUE. I would like to know whether or not the responsibility of maintaining the draw is cast upon the company in lieu of the rental.

Mr. HULL. The Government has control at all times, but the responsibility of furnishing the power is thrown upon the company.

Mr. BLUE. By this bill?

Mr. HULL. Yes, sir; the amendment of the committee makes it imperative upon the company to furnish the power at all times to operate the draw.

Mr. DOCKERY. Mr. Speaker, I understand the gentleman from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, has looked into this matter and is satisfied with it, and perhaps it is the best that can be done in the interest of the Government. It seems, however, from the figures presented by the chairman, to inure largely to the benefit of the street railway company.

Mr. CANNON. I think a word will explain the matter, if the gentleman will yield to me.

Mr. HULL. I will yield to the gentleman from Illinois.

Mr. CANNON. I think I can cover the condition in a single remark.

Prior to the erection of the new bridge at Rock Island, which by agreement is to be constructed and maintained half and half by the railway company and the Government, and which was originally constructed three-fifths by the railway and two-fifths by the Government, under legislation the railroad company passed over the bridge free of all rent. That was the condition with reference to the old bridge; and the new bridge was constructed, and it was provided in the appropriation that the Secretary of War should fix a rental for the use of the bridge by the street railway company plying between Rock Island and Davenport, and the rental was fixed at $2,400.

Now the street railway company kicks, the common council kicks, all the people kick, because, they say, "It is a free bridge, and everybody else has a right to use it, why should it not also be free to the railway company?" In this condition the railway company says, "We can not afford to pay the rent you demand and comply with certain other obligations that have to be performed, but we will furnish you the power, that is worth $3,600, to operate the draw continually." The Chief of Ordnance says that this will be for the interest of the Government; that it will cost the Government at least that or more to furnish the power. The amount it will cost this company therefor is $1,200 more than the rental, according to this statement, and it seems to me that it amounts to practically a fair trade; because if we do not accept the proposition, if it is not arranged in this manner, an effort will undoubtedly be made, and there may be some possibility of succeeding in time, to secure the free right of the company to the use of the bridge anyway by striking out the provision of the last appropriation bill bearing upon the question. So that I expect the best thing is to allow the bill to pass in its present form.

Mr. HULL. Mr. Speaker, I call for a vote.

The question being taken on the amendment, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

SALES IN SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HULL. Mr. Speaker, I call up the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army.

The bill was read, as follows:

Be it enacted, etc., That sections 1299 and 1300 of the Revised Statutes of the United States be, and the same are hereby, repealed, and that section 1144 of those statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 1144. The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men, at cost prices for cash, such articles as may from time to time be designated by the Secretary of War: *Provided*, That sales of such stores on credit shall be made only to officers and enlisted men who have not been regularly paid, or who are in the field where it is impracticable to procure funds, and to recruits during their first month of enlistment, the amounts due therefor to be charged on the pay accounts of officers and on the muster and pay rolls of enlisted men next after the date of purchase and deducted from the payments made upon such pay accounts or muster and pay rolls by the Pay Department."

Mr. DOCKERY. I ask for a brief explanation.

Mr. HULL. Do you want the report read?

Mr. DOCKERY. I think the gentleman ought to make a brief explanation.

The SPEAKER. The question is on the third reading of the bill.

Mr. DOCKERY. I think the House is entitled to at least a brief explanation of all these bills.

Mr. HULL. The only change this makes in existing law is in regard to furnishing unlimited credit to officers and men at these posts. This bill provides for extending credit to men who have not been paid, but cuts off credit to those who have been paid regularly, and lets them pay their bills as they go along. The bill is recommended by the Subsistence Department, as it simplifies accounts, and will work to the advantage of both the soldiers and the department, preventing a soldier getting in debt beyond what he should. It is simply to prevent the Government from carrying soldiers from month to month, when they are regularly paid, and provides for carrying them where they are not regularly paid, so that this works no hardship if the paymaster does not get around regularly.

Mr. BLUE. It makes no increase?

Mr. HULL. It makes no increase.

Mr. TERRY. What section of the law is repealed?

Mr. HULL. Section 1144.

Mr. TERRY. What does section 1144 relate to?

Mr. HULL. The sale of supplies from the quartermaster's supplies, to enlisted men and officers.

Mr. TERRY. This is a bill in the interest of the men and not in the interest of the sutlers?

Mr. HULL. It has nothing to do with the sutlers. It relates to the sale of Government supplies from the Subsistence Department, and it is recommended by the general in charge of that department.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PROTECTION OF NATIONAL MILITARY PARKS.

Mr. HULL. Mr. Speaker, I desire to call up the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of the Chickamauga and Chattanooga National Military Park.

The bill was read, as follows:

Be it enacted, etc., That every person who willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of the Chickamauga and Chattanooga National Park shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $10 nor more than $1,000 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant destroyed, defaced, injured, cut, or removed, or by imprisonment for not less than fifteen days and not more than one year, or by both fine and imprisonment.

SEC. 2. That every person who shall trespass upon the Chickamauga and Chattanooga National Park for the purpose of hunting or shooting, or who shall hunt any kind of game thereon with gun or dog, or shall set trap or net or other device whatsoever thereon for the purpose of hunting or catching game of any kind, shall be guilty of a misdemeanor, punishable by a fine of not less than fifty or more than one thousand dollars or by imprisonment for not less than five days or more than thirty days, or by both fine and imprisonment.

SEC. 3. That the superintendent or any guardian of such park is authorized to arrest forthwith any person engaged or who may have been engaged in committing any misdemeanor named in this act, and shall bring such person before any United States commissioner or judge of any district or circuit court of the United States within either of the districts within which the park is situated, and in the district within which the misdemeanor has been committed, for the purpose of holding him to answer for such misdemeanor, and then and there shall make complaint in due form.

SEC. 4. That the superintendent or any guardian or police officer of the Chickamauga and Chattanooga National Park may, under such regulations as have been or may be established by the park commissioners, approved by the Secretary of War, take up estrays of animals found anywhere on the grounds or the roads within the limits of said park and shall impound the same. At any time within five days after the impounding of any estrays the same may be delivered to the owners upon the payment of $5 for each animal impounded. If more than one person claim ownership of an impounded animal within such five days, then the park superintendent shall take affidavits of all such persons, and such other testimony as may be offered as to ownership, and upon hearing such he shall decide and deliver the animal or animals to the party apparently best entitled to possession of the same. The fines collected upon the delivery of impounded animals to the owners shall become part of a fund out of which to pay the expenses of impounding such estrays, and an account of the collection and expenditure of such fines shall be annually made to the Secretary of War. If an animal or animals impounded be not returned to the owners thereof, as provided for herein, within five days, then the same shall be sold by the superintendent or assistant superintendent of the park, at public auction, and shall be delivered to the highest bidder upon paying over the amounts so bid to the superintendent or assistant superintendent. When such money has been paid, such purchaser shall become the owner of the animal or animals so purchased, which must then be removed from the park. All moneys paid over to the superintendent or assistant superintendent under such sales shall be turned into and become part of the impounding fund herein provided for.

SEC. 5. That any person to whom land lying within the Chickamauga and Chattanooga National Park may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be guilty of trespass, and is liable to a penalty of not less than $100 or more than $1,000. And it shall be lawful for the park employees, by force, to eject such person from the land so held and from the park.

The Committee on Military Affairs recommended the following amendments:

In the title strike out the words "the Chickamauga and Chattanooga," and after the word "Park" add the letter "s."

In line 7, page 1, strike out the words "the Chickamauga and Chattanooga" and insert the word "any," and after the word "Park" add the letter "s."

In line 2, page 2, section 2, strike out the words "the Chickamauga and Chattanooga" and insert the word "any," and after the word "Park" add the letter "s."

Strike out all of section 4, and in section 5, page 4, line 2, strike out the words "the Chickamauga and Chattanooga" and insert the word "any," and after the word "Park" add the letter "s."

Mr. COX. I desire to ask the gentleman from Iowa one question before he proceeds. The bill seems to confer on the guardian of the park the power to arrest, and it does not confine him to the inside of the park. Now, I call your attention to this. If it is confined to the inside of the park, that is all right; but does not the gentleman think the bill confers power outside of the park?

Mr. HULL. The bill was prepared by the commissioners of the park, and we have amended it as we think it should be amended to deprive anyone of power outside of the park. We have made several amendments.

Mr. COX. I do not think the bill says that.

Mr. HULL. The keeper of the park has no jurisdiction outside of the park, and I can not see how he can go outside of the park to perform any duty whatever. I do not believe he has any power to act outside of the park.

Mr. COX. It would do no harm to put in an amendment which would make that certain.

Mr. HULL. If you desire to offer an amendment making that positive and imperative, I shall not object to it. My opinion of it is that the power ceases at the boundary of the park.

Mr. HENDERSON. That is right. These powers are conferred upon him within his jurisdiction.

Mr. COX. Of course that is the regular rule. He has no jurisdiction outside of that, and we do not want to confer jurisdiction beyond the park.

Mr. HENDERSON. The bill treats and discusses him as the superintendent of the park, and only gives him powers as such.

Mr. COX. I think the amendment I suggest should be put in the bill.

Mr. HULL. I think the bill is all right. We went over it with the commissioners, and eliminated a great many provisions that we thought should be eliminated, which conferred extra jurisdiction. The bill confines him entirely to the park, and the passage of the bill is necessary in order to preserve the parks.

Mr. MADDOX. I desire to ask the gentleman from Iowa a question. The park is in my district, and I want to know if this fourth section is stricken out of the bill?

Mr. HULL. I ask the Clerk to report that part of the amendments reported.

The committee amendments were again reported.

Mr. HULL. The fourth section is stricken out. It is all right. I call for a vote on the amendments.

Mr. MADDOX. Mr. Speaker, I understand that section 4 of the original bill was stricken out.

Mr. HULL. Section 4 of the original bill is stricken out.

Mr. HENDERSON. And what was No. 5 is now marked No 4.

Mr. MADDOX. All right.

The SPEAKER. The question is on agreeing to the amendments.

Mr. TERRY. I would like to suggest to the gentleman in charge of the bill that the minimum punishment for hunting is too high. You have got it not less than $50. Some fellow might stray in there with an old flint-lock musket and be caught hunting.

Mr. HULL. The line is well established, so that no man can stray in there.

Mr. TERRY. Have you a wire fence around it?

Mr. HULL. When the monuments are there, the line is very well established.

Mr. TERRY. Mr. Speaker, I desire to suggest an amendment. The minimum punishment is too large, especially if a fellow should happen to go in there hunting. This is 10 miles square. It has no inclosure, and some innocent country fellow might get in there with a flint-lock gun and shoot a squirrel, and you punish him by inflicting a fine on him of $50. Leave it to the courts.

Mr. HULL. Had we not better adopt the committee amendments, and then you can offer an amendment?

Mr. TERRY. I do not know. I came over and talked to you, but could not get any consideration, and I thought I had better talk to the House.

Mr. HULL. That is not an amendment to the committee amendment, but an amendment to the bill.

Mr. TERRY. I wanted to get you to agree to strike out that $50 and say not to exceed $1,000.

Mr. HULL. I do not think I could agree to it. Of course, if the House should choose to make that amendment I will accept it.

Mr. TERRY. I move to amend, then, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendments proposed by the committee.

The amendments recommended by the committee were agreed to.

Mr. TERRY. Now, Mr. Speaker, that the amendments of the committee are disposed of, I move to strike out "fifty" as the minimum amount of the fine and amend the bill so as to read that it shall not exceed a thousand dollars, wherever it occurs.

Mr. HULL. There is a wide range between $50 and $1,000, and if no minimum is fixed the court will go over $50 all the time.

Mr. TERRY. I think the court will be able to fix a minimum.

Mr. DOCKERY. In the penal statutes that have been enacted in recent years the minimum has been stricken out and the maximum given, so as to leave the court discretion in the matter.

Mr. HULL. I have no objection; but I have no authority from the committee to accept it.

Mr. TERRY. Mr. Speaker, the chairman of the committee says he has no objection.

Mr. HULL. I understand, Mr. Speaker, that the amendment is to strike out the minimum, and simply leave the maximum of not to exceed $1,000.

Mr. TERRY. That is it. I think that is the way that these statutes should be. That is the tendency of the age. Put it that way all the way through.

Mr. MADDOX. That is the statute of Georgia.

The SPEAKER. The gentleman will submit his amendment.

Mr. TERRY. My specific amendment is to strike out "fifty;" so as to read "not exceeding a thousand" in the section where "fifty" occurs for hunting.

The Clerk read as follows:

On page 2, line 7, strike out "not less than fifty;" so as to read "punishment by a fine not more than $1,000."

Mr. MADDOX. That is right.

The amendment was agreed to.

Mr. MADDOX. I also move to amend section 4, line 13, in old section 5.

Mr. HULL. You must remember that section 4 of the original bill is out entirely.

Mr. MADDOX. This is section 4 of this bill, and I move to strike out the words "hundred dollars."

The Clerk read as follows.

Page 4, line 12, strike out the words "less than $100 or," so as to read, "liable to a penalty of not more than $1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 1829, REVISED STATUTES.

Mr. HULL. Mr. Speaker, I call up the bill (S. 666) to amend section 1829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers.

The bill was read, as follows:

Be it enacted, etc., That section 1829 of the Revised Statutes of the United States be amended by the addition of the following words: "*Provided*, That surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers, and the several branches thereof, may be appointed from others than those who have been disabled in the military service of the United States."

Mr. McMILLIN. Does this change the compensation at all?

Mr. HULL. No, sir.

Mr. McMILLIN. It simply opens the field to those who have not heretofore been eligible?

Mr. HULL. That is all. It simply enlarges the field from which selections can be made.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONGRESSIONAL MEDAL OF HONOR.

Mr. HULL. Mr. Speaker, I yield to the gentleman from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 8822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded.

The bill was read, as follows:

Be it enacted, etc., That officers of the Army to whom medals of honor have been awarded in the name of Congress, under the joint resolution approved July 12, 1862, or the act approved March 3, 1863, shall be designated upon each published register of the Army of the United States by the letters M. H., which shall be borne immediately after the names of said officers where arranged in said register according to departments, corps, regiments, and the retired list.

Mr. HENDERSON. What do the letters "M. H." stand for?

Mr. McCLELLAN. Medal of honor.

Mr. HENDERSON. I thought they might stand for "Mark Hanna." [Laughter.]

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. Mr. Speaker, I yield now to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 8890) as to medals of honor.

The bill was read, as follows:

Be it enacted, etc., That the President may present medals of honor not only to such officers, noncommissioned officers, and privates as have most distinguished themselves in action, but to any persons who have been attached to the Army and performing service therewith and who have distinguished themselves by conspicuous bravery and military service in action.

Mr. McMILLIN. Mr. Speaker, I will ask the gentleman whether any estimate is presented in the report as to the number of individuals to whom this legislation will apply?

Mr. PARKER. Mr. Speaker, a surgeon in the Army, a Dr. Nagle, had a special bill brought in providing for the presentation to him of a medal of honor upon the ground, which he undertook to establish by evidence, that on a certain occasion he had taken command of a battalion, or of several companies of troops, and had fought them with efficiency and bravery, but that the Secretary of War had held that he had no right to give the recognition of a medal of honor to any person who was not regularly enlisted in the service, this doctor having been only a contract surgeon. Under the circumstances, the committee did not think it proper that they, or this House, should assume the power of the Secretary of War to determine in any particular case whether a man should have a medal of honor or not, while they did think that if a man had been attached to the Army and serving with it, whether under contract or otherwise, and had been distinguished by conspicuous bravery in action, he ought not to be deprived of the right to receive a medal of honor merely by the fact that he had not been definitely enlisted in the Army when the service was rendered.

Mr. McMILLIN. But by this proposed legislation you put upon the Secretary of War the probability of having to consider a very large number of claims to this distinction. Now, does not the gentleman think that if the facts in this case are as he has stated them, it would be better for the committee to recommend the granting of a medal to this particular officer than to entail upon the War Department the amount of labor that will be entailed by passing this general bill?

Mr. PARKER. No, sir. It seemed to the committee that the distinction of a medal of honor, which is granted now by the Department with great care and upon the record, should not be lowered by permitting individuals to procure special separate acts of Congress granting the honor.

Mr. McMILLIN. But by this bill you allow the medal to be given under a general statute to men who never determined to enlist in the service.

Mr. PARKER. We do that only where they were actually attached to the Army and performed service there.

Mr. McMILLIN. What kind of attachment and what length of service do you require?

Mr. PARKER. It seemed to us that if a man had been in any kind of service in the Army and, while he was not bound to fight, had distinguished himself in battle by conspicuous bravery, by services that would be distinguished if performed by a man who had regularly enlisted, he would be better entitled to the medal of honor than a man who had simply done his duty.

Mr. McMILLIN. But heretofore, as I understand it, the medal of honor has been granted only to those who have manifested a willingness to take "pot luck" with the Government, to enter the service and stand or fall with it.

Mr. PARKER. The medal of honor has been granted heretofore only to officers regularly in the service who were bound to do their best, and if in any case a man who was not regularly enlisted performed the same kind of distinguished service, it seemed to the committee that recognition ought to be granted to him, not by single act of Congress, but by the Department, because we do not believe in Congressional recognitions in such matters, which usually amount to very little.

Mr. McCLELLAN. If the gentleman will permit me, the rule of the War Department heretofore has been to give the medal of honor only to those officers and enlisted men who most distinguished themselves in action by acts of individual bravery outside the line of their ordinary duty.

Mr. HULL. And I would suggest this further idea, that the War Department will be a great deal more conservative in granting medals of honor than the Congress of the United States would be if we once set the precedent of granting such medals to individuals by special bills. I think, therefore, that in the interest of the men who are to come after us on this floor, it is well for us to establish a tribunal, and say to the people who claim to be entitled to such distinctions: "You can go to the Department, and if you can show that you performed sufficiently distinguished services, you can get this medal there." We all know that it is an easy matter for members and for the friends of an applicant to make a fair showing before Congress, and I am sure that a great many more men will receive such distinctions if we establish the rule of granting them here to individuals than if we leave the whole matter to the War Department.

Mr. McCLELLAN. Certainly.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. That is all the business, Mr. Speaker, that our committee desires to call up now.

PASSED ASSISTANT SURGEONS, UNITED STATES NAVY.

Mr. HULICK (when the Committee on Naval Affairs was called). I am directed by the Committee on Naval Affairs to call up the bill which I send to the desk.

The bill (S. 1296) to commission passed assistant surgeons in the United States Navy and to provide for their examination preliminary to their promotion to the grade of surgeon was read, as follows:

Be it enacted, etc., That passed assistant surgeons now borne upon the Navy Register shall be commissioned as such by the President, such commissions to bear the dates upon which said passed assistant surgeons, respectively, received their appointments as such, and hereafter assistant surgeons shall be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons, subject to such examinations as may be prescribed by the Secretary of the Navy: *Provided, however*, That no examination of passed assistant surgeons shall be ordered until the expiration of six months from the passage of this act, during which time promotions shall be made as now provided by law.

Mr. DOCKERY and Mr. McMILLIN. Is this bill on the House Calendar?

Mr. HULICK. It is.

Mr. McMILLIN. It strikes me that the bill belongs properly to the Calendar of the Committee of the Whole on the state of the Union, though I can not decide positively whether such is the fact until I hear the report. If the bill carries any additional emoluments, which a casual reading would seem to imply, then it certainly must be considered in Committee of the Whole under the rules.

Mr. HULICK. This bill does not carry any increase of pay or emolument. It merely recognizes the rank of passed assistant surgeon and authorizes and directs the President to grant commissions in that rank. At present such commissions are not issued. It is proposed by the bill that commissions be issued, based upon an examination. At present a person serving as assistant surgeon may be promoted to the rank of passed assistant surgeon without an examination. The Secretary of the Navy thinks it important for the good of the service that an examination, physical and professional, should be required—that no one shall be promoted to and commissioned as a passed assistant surgeon or surgeon until the prescribed examination has been successfully passed. The object of this bill is to authorize and direct such an examination before the granting of a commission.

Mr. McMILLIN. The bill will not entitle these officers to any additional pay?

Mr. HULICK. The bill does not affect their pay or their rank in any way. The Secretary of the Navy believes it proper for the good of the service that this examination be required.

Mr. McMILLIN. What compensation do these officers now receive?

Mr. HULICK. I am not advised as to that; but the compensation will not be in any wise affected by the passage of this bill.

Mr. McMILLIN. Is the gentleman sure that there is no increase of compensation after the passage of the examination?

Mr. HULICK. No increase whatever except what would accrue under the present law without an examination. The object of the bill is simply to require an examination as a preliminary step to advancement from the grade of assistant surgeon to that of passed assistant surgeon, or from passed assistant surgeon to surgeon. A man may serve fifteen years or more before passing from one grade to another, and may in the meantime become physically or mentally unable to satisfactorily perform the duties of the next higher grade, and hence the necessity of an examination.

Mr. McMILLIN. Is the bill recommended by the Secretary of the Navy?

Mr. HULICK. It is; also by the Surgeon-General.

Mr. McMILLIN. Will the gentleman have the report read or incorporated in the RECORD?

Mr. HULICK. I call for the reading of the report for the information of the House.

The report (by Mr. HALL) was read, as follows:

The Committee on Naval Affairs, to whom was referred Senate bill No. 1296, report it back with the recommendation that it be passed; and the committee hereby adopts the Senate report on said bill, which is as follows:

The Committee on Naval Affairs, to whom was referred the above Senate bill, report it back with the recommendation that it be passed.

The bill has the approval of the honorable Secretary of the Navy, who states in an official communication to this committee that its adoption will tend to promote the efficiency of the Medical Corps of the Navy. The bill has also the support of the Surgeon-General of the Navy, who states that the defective system acting so injuriously to the interests of the Naval Medical Corps should be remedied as soon as possible.

The bill provides for examinations for promotion, which are deemed by the Secretary of War essential to the efficiency of the Naval Medical Corps. Applicants for the position of assistant surgeon are obliged now to pass a rigid examination, and in about three years after entering service they are subjected to a second, previous to admittance to the rank of passed assistants. They are not subjected to another examination for a period which averages thirty-one years, including promotion, and no effort is made to ascertain their physical, mental, or professional qualifications for advancement until they come up for promotion to the grade of medical inspector.

There seems to be no good reason why medical officers should not be regularly commissioned on reaching the grade of passed assistant surgeons, and be required to show their fitness for advancement to the grade of surgeon. The bill herewith presented provides for the establishment of the grade of passed assistant surgeon and for the examination of officers in such grade before their promotion to that of surgeon.

The Surgeon-General of the Navy, in his annual reports for the past three years, has set forth arguments and facts relating to the necessity for the examination of passed assistant surgeons preliminary to their promotion to the grade of surgeon. He states that under existing laws passed assistant surgeons are not commissioned and are not required to pass the usual physical and professional examinations prior to their promotion to the grade of surgeon. This, he says, is most harmful to the Medical Corps and to the service at large.

Passed assistant surgeons, under the present law, remain in that grade for a period not less than fifteen years, and then without either professional or physical examination are promoted to surgeon, in which rank they remain fully as long before they are examined for the next grade of medical inspector.

The Surgeon-General therefore recommends that all assistant surgeons, when examined and found qualified for promotion to the grade of passed assistant surgeon, be commissioned in that grade, and be required to pass a further examination prior to promotion to the grade of surgeon.

The bill herewith returned provides for such examination and commission, and as it is clearly in the interest of the medical service of the Navy, your committee recommend that it be passed.

Mr. HULICK. There is evidently a mistake in that part of the report which states that the bill provides for the establishment of a new grade. That is an error.

Mr. McMILLIN. I observed that there seems to be contemplated the establishment of a grade to which the officer is to pass by reason of this examination. Now, if the gentleman can show that there is no increase of pay contemplated upon the establishment of that grade or passing to that grade, then the bill is in order for consideration during this hour; otherwise it is not. If the gentleman is not prepared to show that, he does not show that the bill comes within the rule.

Mr. HULICK. I did not prepare this report. It was prepared, under the direction of the committee, by the gentleman from Missouri [Mr. HALL].

Mr. McMILLIN. Will the gentleman object to having the bill go over until some future day which may be suggested (reserving whatever rights may now exist), in order that we may ascertain whether there is to be any increase of emoluments upon the establishment of this grade?

Mr. HULICK. I can state to the gentleman that there is to be no such increase of emoluments, and it is not the intention to establish a new grade, as can easily be seen by reading the bill.

Mr. McMILLIN. I understood the gentleman to say that he did not know what the pay of officers of this grade is.

Mr. HULICK. I did not present this report. I called the attention of the gentleman from Missouri [Mr. HALL], who prepared the report, to the fact that there was the mistake to which I have referred. The bill itself provides merely that the assistant surgeons shall pass to a grade already established, and passed assistant surgeons to that of surgeon, upon examination.

Mr. McMILLIN. Would the gentleman object to allowing the bill to go over until to-morrow?

Mr. HULICK. Oh, no, not at all, if there is any serious objection to immediate action.

Mr. McMILLIN. I suggest that the bill ought to be fully understood before final action is taken upon it. We ought to know exactly what its effect is to be if passed.

Mr. HULICK. The only effect will be to require the examination of passed assistant surgeons before they advance to the rank of surgeon. As stated in the report, a passed assistant surgeon is required to remain in that grade at least fifteen years before being entitled to promotion to the rank of surgeon. At present no examination is required as a prerequisite to such promotion. In some cases an officer may serve in the subordinate rank as long as thirty years before coming up for promotion. During that time he may become physically or mentally disqualified for passing to the higher grade. The object of the bill is merely to require an examination without affecting in any way the grade or the pay. The bill requires this examination, and upon this examination it requires the President to commission this class of assistant and passed assistant surgeons as they are promoted.

Mr. McMILLIN. I will ask consent to let this go over——

Mr. HULICK. But if the gentleman insists, I will not object to letting it go over until to-morrow.

Mr. McMILLIN. Let it go over until the day after to-morrow, so that I can have an opportunity of conferring with the Secretary of the Navy with reference to it. I suggest to the gentleman that he withdraw the bill temporarily.

Mr. HULICK. I will withdraw the bill until Wednesday.

The SPEAKER. The Chair will suggest to the gentleman from Ohio that if he withdraws the bill he can present it again when the committees are called.

Mr. HULICK. I do not care to consent, Mr. Speaker, if this is to be longer delayed. It is a matter that should have been acted upon some time ago.

Mr. McMILLIN. I have only a desire to get the information from the Navy Department, and no purpose of delaying the bill. I want to ascertain exactly the additional expense to the Government.

Mr. HULICK. It does not in any wise affect the pay, so far as that is concerned. I prefer not to pass it over unless, of course, the gentleman insists, in which case I will accommodate him.

Mr. McMILLIN. I think there will be no difficulty in reaching the bill hereafter, as the Speaker suggests there will be another call of the committee undoubtedly.

Mr. HULICK. I will not object, as the gentleman seems to insist upon the point.

The SPEAKER. The gentleman withdraws the bill; and the Clerk will resume the call of committees.

ORDER OF BUSINESS.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, the Committee on the Public Lands have no bill on the House Calendar, but there is, we find, a somewhat urgent bill presented from Louisiana by the gentleman from that State [Mr. ROBERTSON], which is on the Union Calendar and ought to be acted upon. If admissible, I would ask consent to take that up.

The SPEAKER. The Chair thinks it would only make confusion if unanimous consents are presented on the call of the committees, when there is no reason for the action any more than at any other time. The Chair thinks it is better not to interrupt the call in that manner.

Mr. LACEY. Very well, Mr. Speaker.

The Clerk resumed the call of committees.

The Committee on Claims was called.

Mr. BARNEY. Mr. Speaker, I call up for present consideration the bill (S. 1929) for the relief of William H. Crook.

The SPEAKER. The Chair is informed that this bill is on the Private Calendar. This call only considers bills in order on the House Calendar.

Mr. BARNEY. I supposed when the committee was called, it would be in order to take up a bill on either of these Calendars.

The SPEAKER. It would not.

Mr. McMILLIN. I take it, from the caption of the bill, that it is a bill requiring an appropriation or involving an expenditure. In that event it is not in order.

Mr. BARNEY. I will withdraw the bill.

JOHN N. QUACKENBUSH.

Mr. EVANS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3313) for the relief of John N. Quackenbush, late commander, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line, and limiting the number of commanders to be appointed in the United States naval service, are hereby suspended for the purpose of this act only, and only so far as they affect John N. Quackenbush; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, [illegible], and to place him on the retired list of the Navy, as of the date of June 1, [illegible]: *Provided*, That he shall receive no pay or emoluments except from the date of such reappointment.

Mr. DOCKERY. Mr. Speaker, I ask for a second on that motion.

Mr. HENDERSON. I ask that a second be considered as ordered.

There was no objection.

Mr. EVANS. Mr. Speaker, I will yield as much time as he may desire to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, this bill permits a very tardy act of justice to be done to this officer. Some four or five times it has received the favorable action of the House. I think on three occasions, certainly twice, it has passed and gone to the President in the last days, or last hours, of the Congress, and has been lost in the general shuffle incident to those hours.

This officer, Commander Quackenbush, was court-martialed more than twenty years ago, and one of the very last acts of President Grant was to commute the punishment, which was, by order of the court, dismissal from the service, to ten years' suspension from rank and pay. That time expired in 1882, I think; but by a mistake, clearly shown to be a mistake, in the Navy Department the place of the officer had been filled in the service, so that when the term of punishment had expired it was not possible for the Navy Department to restore him.

Now, he has been trying since 1884 to have this double punishment which is now being inflicted upon him terminated. This bill proposes to do that. It is a just and proper measure which ought to receive the support of every member of this House, and I hope it will. I know that at least four times the House has acted favorably upon this measure.

Mr. DOCKERY. I am opposed to the passage of this bill; but I shall not enter into the details, which have been heretofore given in full to members of this House.

This bill passed at the last session, after a very full and exhaustive examination of the reasons for and against it. I do not propose to revive that contention by any presentation of facts or arguments, at this time, but will simply content myself with voting against the bill, as I do not think it ought to pass.

Mr. EVANS. I do not myself think that there is any necessity for any further discussion of the bill, because the House has fully considered it, and, by an almost unanimous yea-and-nay vote, passed upon its merits at the last session.

Mr. CONNOLLY. Will the gentleman allow me to ask him a question?

Mr. EVANS. Yes.

Mr. CONNOLLY. How many times was this officer court-martialed?

Mr. EVANS. He was court-martialed once, to my knowledge. That is the thing that we are concerned with now.

Mr. CONNOLLY. Do you not know that he was court-martialed more than once, or was just once?

Mr. EVANS. He may have been court-martialed one other time; I am not sure.

Mr. CONNOLLY. What was the offense?

Mr. EVANS. The offense of which he was convicted in 1874 was being drunk.

Mr. CONNOLLY. How many times was he convicted of that?

Mr. EVANS. I do not know. Certainly once, and only once so far as I know or believe.

Mr. CONNOLLY. What was the other court-martial for?

Mr. EVANS. I can not tell that, if indeed he was ever court-martialed before. He was only placed upon waiting orders the other time.

Mr. CONNOLLY. It seems to me this is pressing this matter to a very hasty vote, to ask that this man be restored to the rolls when his comrades in the Navy convicted him of unfitness to serve, and he was tried more than once by them and convicted more than once. It seems to me it is rather a suppression of the facts here to ask a vote so hastily. I have not had an opportunity to read the report this winter, but I remember reading it last winter, and it is a very outrageous chapter to bring before Representatives here and ask them to restore that man to the service that he disgraced repeatedly from the beginning of his career, even, as I remember, while he was a student at Annapolis.

Mr. EVANS. I was about to say all these matters have been passed upon in the fullest manner by Judiciary Committee after Judiciary Committee and by this House after an elaborate discussion. I do not desire to enter into any further discussion of it now, but only to remind the House of these facts. The bill would have doubtless become a law at the last session but for the fact that it did not reach the President in time for him to consider it. Whether that is so or not, this House has expressed itself upon it, and I am sure, from a pretty accurate knowledge of the indisputable facts in the case, that the House acted correctly and justly. For that reason, if nobody else desires to speak, I call for a vote.

Mr. HENDERSON. If the gentleman will yield to me for a moment, I want to say just a word about this bill. It is legislation that I would have been averse to but for the fact that General Grant gave it careful examination. This officer's only fault, getting a little too enthusiastic among his brother officers, is a fault of course unknown to all of us, and yet from reading and from observation of others we can make some allowance for it. General Grant looked the matter up and concluded that he had inflicted punishment enough. This man is to-day far advanced in years, with two lovely daughters, without means, and I think one-tenth of the good women of this District are knocking at our doors and our hearts to have this action taken. But for a mere mistake it would have been done without asking. The matter was considered by our committee, and after being considered twice no dissenting voice was heard in the committee.

Mr. HULICK. What was that "mere mistake"?

Mr. HENDERSON. Taking a little too much Budweiser. That was his mistake. I sincerely hope our hearts will be open to the appeal on behalf of this gentleman.

Mr. HULICK. I will ask if he has been "enthusiastic" at any time since then?

Mr. HENDERSON. Not to my knowledge.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

ANNIE E. NOLAN.

Mr. THOMAS. Mr. Speaker, I have a privileged report on the bill S. 2129. I want it referred to a committee of conference, and I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the request of the Senate for a conference on the disagreeing votes of the two Houses on the bill (S. 2129) granting an increase of pension to Annie E. Nolan, report the same back to the House with the recommendation that the House insist on its amendment and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the bill and the action of the Senate and House.

The bill was read.

The Senate disagreed to the amendment of the House, and asked for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman moves that the House insist on its amendment and agree to the conference requested.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. WOOD, Mr. KIRKPATRICK, and Mr. BAKER of Kansas.

STEAM-VESSEL INSPECTORS.

Mr. PAYNE. Mr. Speaker, I ask that the Committee on Merchant Marine and Fisheries be discharged from the further consideration of the bill which I send to the desk, and I move to suspend the rules and pass the bill.

The Clerk read as follows:

A bill (H. R. 1667) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulations of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

The bill was read, as follows:

Be it enacted, etc., That "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," approved March 1, 1895, the last paragraph of section 2, page 399, Supplement to Revised Statutes, volume 2, be amended so that it will read as follows:

"Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of 5 cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury."

Mr. DOCKERY. I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, this bill is introduced at the suggestion of the Secretary of the Treasury, contained in a letter which was printed as House Document No. 53; and the purpose of the bill is to save the Treasury a sum of $22,000 a year. Of course that is a novel proposition, but yet I hope it is not so startling but that the House will pass the bill. The law of 1871 provided that these inspectors should receive their traveling expenses at the rate of 10 cents per mile. The law of 1874, a general law incorporated in an appropriation bill, provided that no such expenses should be allowed beyond the actual traveling expenses of each officer of the Government; and we lived along under that law from 1874 down to 1895, when Congress passed the act mentioned in the title, increasing the salaries generally of all steamboat inspectors, and at the same time allowing them traveling expenses at the rate of 8 cents per mile. Under that law, for the last two years, but particularly in 1895, the Treasury Department paid the sum of $57,000 for traveling expenses at 8 cents per mile. The actual traveling expenses were only $35,000. So that the Treasury paid more than $22,000 to these inspectors in excess of their actual expenses; on an average $190 apiece to each inspector; or, in other words, this provision—it may be called a "joker"—in the law gave inspectors $190 increase in salary beyond that provided in the schedule of salaries in the bill. Now the Secretary suggests that instead of 8 cents a mile they be allowed 5 cents a mile, which, he says, will cover their actual traveling expenses, and will save $22,000 a year to the Treasury; and in the condition of the Treasury I thought that perhaps this little leak ought to be stopped, and that the House might be prevailed upon to pass the bill. I ask for a vote. The letter is by Secretary Carlisle.

Mr. GROSVENOR. I desire to make a few remarks——

Mr. DOCKERY. In opposition?

Mr. GROSVENOR. In regard to this bill. What does the gentleman from Missouri say?

Mr. DOCKERY. I believe I am recognized in charge of the opposition. I desire to yield the gentleman some time.

Mr. GROSVENOR. In opposition? I am in favor of the bill.

Mr. DOCKERY. Well, how much time do you want?

Mr. GROSVENOR. About two minutes.

Mr. PAYNE. I will yield the gentleman time.

Mr. GROSVENOR. I am delighted, Mr. Speaker, that there are so many evidences of the intense desire on the part of the outgoing Administration for economy in the curtailment of fees and salaries of the officers of the Government. I regret only that the heads of Departments were not able to discover some of these difficulties some years ago. This very distinguished Secretary of the Treasury did not find out that somebody was getting too much traveling expenses until it appeared to him within a short time.

Mr. PAYNE. I will yield to the gentleman some time if he will permit me for a moment. I think I ought to state that this letter was dated 22d of May, 1896, being a communication to the Speaker of the House, and referred to the first year under the law of 1895. The letter had been overlooked, so that the Secretary of the Treasury is not to blame for this bill. The letter was referred to the Committee on Merchant Marine and Fisheries. I overlooked the letter myself, and I only introduced the bill to the House when my attention was again called to the matter a short while ago.

Mr. GROSVENOR. Very well; I am glad to hear it. This was not the subject that I wanted to speak upon, however.

Mr. DOCKERY. Evidently not.

Mr. PAYNE. I felt it incumbent upon me to make this statement.

Mr. GROSVENOR. I want to congratulate the country that the distinguished Secretary of State, in charge of a Department of the Government that was turned over, absolutely assaulted, rifled, and looted by the spoilsman of Massachusetts, the president of the Massachusetts Civil-Service Association, who came here, and in a period of sixty days turned out of office 80 per cent of the whole incumbents and filled the offices with unfamed, unexamined, and, in nine cases out of ten, incompetent men.

Then the State Department did not discover that the fees of those gentlemen, thus turned loose upon inoffensive foreign countries [laughter], were too large until within the last few months the distinguished Secretary of State has found out that the fees and emoluments of the consuls and consular agents of the Government abroad are entirely too high, and has issued an order, which will go into effect shortly after the 4th of March, if it has not already, absolutely depriving those officers of even respectable compensation. I am delighted that a streak of economy has appeared in that direction, but it would have been much more consonant with a just appreciation of the necessities of the Government if it had shown itself about three and a half years ago.

Mr. McMILLIN. I presume my friend from Ohio is more rejoiced at this streak of economy because he has little hope of any such streaks at any day in the future. [Laughter.]

Mr. GROSVENOR. Well, Mr. Speaker, I hope that if we do have any such streak it will be an intelligent streak. [Laughter.]

Mr. McMILLIN. It is likely to be a well-oiled streak.

Mr. PAYNE. Mr. Speaker, if debate is exhausted, I ask for a vote.

Mr. DOCKERY. The gentleman from California [Mr. LOUD] desires to be heard.

Mr. LOUD. Mr. Speaker, I wish to ask the gentleman in charge of the bill whether it would not be better in his opinion to fix this rate of 5 cents per mile as a maximum? Why should we pay 5 cents a mile for transportation when it costs only 2½ or 3 cents a mile?

Mr. PAYNE. In that I have followed the suggestion of the Secretary of the Treasury, who says that this will about cover the actual expenses. Five cents a mile will amount to within a few hundred dollars of the amount that was actually expended in 1895.

Mr. LOUD. The traveling of these officials is generally confined to short distances, is it not?

Mr. PAYNE. It is; but sometimes their stay at a place is prolonged, and this will help to pay their hotel expenses.

Mr. McMILLIN. As the officer has to swear to his expenses, anyway, what is the objection to providing that he shall be allowed not exceeding 5 cents a mile, so that if the actual expense in any case is less than that, the Government will get the benefit of the saving?

Mr. LOUD. This provision for 5 cents a mile relates only to traveling expenses, and does not include hotel bills. It is my opinion that the act which the gentleman from New York referred to would have allowed the Department to cut down these expenses, because I think it simply fixed a maximum rate.

Mr. DOCKERY. Mr. Speaker, I do not think the suggestion of the gentleman from California would meet the situation. Whenever you fix a maximum rate, in some way or other the expense always reaches that point.

Mr. LOUD. Well, they are bound to reach it any way under the bill as it stands; so, even if the gentleman from Tennessee is right, we should be no worse off.

Mr. PAYNE. Mr. Speaker, I have no objection to striking out the 5 cents a mile, so as to provide that the actual traveling expenses shall be paid in all cases.

Mr. LOUD. Oh, I think there should be a limit.

Mr. PAYNE. Striking out the 5 cents a mile and allowing actual expenses would put them on a par with other Government officials in this respect.

Mr. DOCKERY. That is a substantial, tangible amendment, and I hope the bill will be amended in that way.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to strike out the words "at the rate of 5 cents per mile," so that the allowance will be for actual traveling expenses.

Mr. LOUD. I hope the gentleman will consider that for a moment.

Mr. PAYNE. I make that request, and if the gentleman from California sees fit to object, he can do so.

Mr. LOUD. I think if the gentleman will consider the question for a moment he will see that that would be opening a very dangerous door. I think there should be a maximum rate. Every other Department of the Government has a limitation fixed.

Mr. PAYNE. I think the gentleman is mistaken. The law of 1894 fixes no limitation but actual expenses.

Mr. McMILLIN. Does not the gentleman from New York think that the amendment I suggested to him a moment ago would cover the case? The reports show that this is above the amount required to meet these expenses. Now, if he will put that as the maximum rate and let these officials go up to that, but not beyond it, he will close the door which the gentleman from California thinks so dangerous.

Mr. PAYNE. The Secretary of the Treasury, in his letter, said that in some rare instances actual expenses exceed 5 cents a mile. That happens in cases where the distance traveled is short and where the official is compelled to stay at a hotel for a number of days.

Mr. LOUD. I do not think it was ever contemplated that the Government should pay the hotel bills of these officials.

Mr. PAYNE. The Government pays the hotel bills of all its officials who travel on official duty. It does that under the law of 1874.

Mr. WILLIAM A. STONE. Mr. Speaker, I call attention to the fact that at the last session we passed a bill known as the salary bill to regulate the compensations of marshals and district attorneys, and that bill provided for paying actual expenses. The tendency has been to abandon the old mileage system and pay the actual expenses of officials.

Mr. DOCKERY. That is correct. And I think that proposition is better for the further reason that whenever you fix the maximum an account is always rendered for the full amount.

Mr. McMILLIN. Well, I think the gentleman from New York had better make it for actual expenses.

Mr. PAYNE. Mr. Speaker, I ask for a vote on the bill.

Mr. McMILLIN. The gentleman understands, of course, that I do not object to his putting the bill in the way he desires. What I suggested was only by way of suggestion.

Mr. PAYNE. Mr. Speaker, I ask to modify the bill by striking out the words "at the rate of 5 cents per mile."

Mr. LOUD. I shall have to object to that, Mr. Speaker. I would rather have the bill as it stands.

Mr. PAYNE. I ask for a vote, then, on the original proposition.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

EXTENSION OF TIME TO SETTLERS.

Mr. ELLIS. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9494) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof.

Be it enacted, etc., That section 3 of an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same in the quantities and upon the terms provided in said section at any time prior to January 1, 1899: *Provided*, That nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof.

The SPEAKER. The question is on seconding the motion to suspend the rules.

Mr. PAYNE. In order that an explanation of the bill may be made, I ask unanimous consent that a second may be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

Mr. ELLIS. Mr. Speaker, the only change proposed to be made by this bill in the existing law is to insert "1899" instead of "1897." By the act of September 29, 1890, the unearned lands of the Northern Pacific Railroad grant from the town of Walulla, in the State of Washington, to Portland, Oreg., were forfeited; and, by the provisions of that act, persons who had settled upon those lands under license from or contract with the railroad company were permitted to buy the land thus settled upon in tracts not to exceed 320 acres each. The time within which this might be done has been heretofore extended to January 1, 1897; but by reason of the extreme hard times and the failure of crops, this land being principally located in eastern Oregon, where there has been a partial failure of crops during the past two or three years, some of those settlers have, by reason of the facts given, been unable to meet the requirements of the law. They are now living on the land, having established their homes there. Under the provisions of the act heretofore passed and the amendments to the same they were to pay the Government $1.25 per acre for the land. But for the reasons I have just stated they have been in some cases unable to do this.

On the 31st of December last, upon the recommendation of the Commissioner of the General Land Office, the Acting Secretary of the Interior suspended all entries on the land coming within the provisions of this act until Congress should have time to act. In other words, those officers considered it so important in the furtherance of equity and justice that the rights of these settlers be preserved that they made an order withholding the lands from entry until Congress might have time to legislate on the subject. The officers named have given the pending measure their hearty approval in a letter which is made a part of the report. They say it is a measure of substantial justice, and it has the unanimous support of the Committee on the Public Lands.

There are comparatively few cases which this bill will reach. Almost all the persons who were permitted under the provisions of law to make these purchases have done so, as they had no assurance that there would be any act passed for their relief. The order to which I have referred, suspending entries on this land, was made on the very last day on which the purchase could be consummated. As appears by communications which I have received from home, these settlers have in some instances paid as as high as 22 per cent interest and commission in order to raise money to make their payments to the Government. Those men who have not made their payments have failed to do so because they were absolutely unable by any honorable means to procure the money. This bill proposes merely that they be permitted to complete within the next two years the purchase of the lands on which they have established their homes for years past. If this legislation be passed, the Government will receive $1.25 per acre for the land. If the extension is denied, the land will be thrown back on the market as part of the public domain, to be taken up under existing laws. There are persons in the vicinity of these lands who are hoping that this bill may not pass in order that they may "jump" the claims of the unfortunate settlers who, by reason of the want of funds, have been unable to complete their purchases. The "jumper" would then come into possession of all the improvements on the land without paying anything for them, and the settler would lose his land and the Government would lose its $1.25 per acre, which will be paid by these settlers if the two years' extension as proposed be granted.

Mr. McMILLIN. If I correctly understand, this bill does not propose to remit any part of the price the Government is to get for this land.

Mr. ELLIS. Not one cent.

Mr. McMILLIN. The bill merely postpones for two years the payments which were required to be made not later than January, 1897.

Mr. ELLIS. That is the effect of it. It gives the present occupants the opportunity to complete the purchase of the land at $1.25 per acre rather than allow it to revert to the Government for occupancy under existing laws.

Mr. LACEY. The bill as reported proposed to include certain amendments which had been made to the original act. Are those amendments embraced in the bill as proposed to be passed under a suspension of the rules?

Mr. ELLIS. I was about to meet that point. I ask unanimous consent to correct the bill by inserting in line 11, after the word "section," the words "and the amendments thereto."

The SPEAKER. The proposed correction will be reported.

The Clerk read as follows:

After the word "section," in line 11, insert "and the amendments thereto."

The SPEAKER. In the absence of objection, the proposed correction will be made.

There was no objection.

Mr. McMILLIN. I will not ask that time be occupied in reading the report; but I hope that the gentleman from Oregon [Mr. ELLIS] will embody in his remarks the recommendations of the Secretary of the Interior and the Commissioner of the General Land Office in favor of the passage of this bill.

Mr. ELLIS. I will do so, and submit the report of the Committee on the Public Lands, which contains the recommendations referred to by the gentleman from Tennessee [Mr. McMILLIN]:

The Committee on the Public Lands, to whom was referred House bill 9494, having had the same under consideration, respectfully report:

That by virtue of the third section of the act heretofore mentioned those persons who had contracts with or licenses from the Northern Pacific Railroad Company, made prior to the forfeiture of its grant by the act of September 29, 1890, were permitted to purchase said lands held by virtue of said contracts and licenses, providing the persons so holding such lands had made settlement of or resided upon the lands so claimed, by paying therefor the

sum of $1.25 per acre for any land so settled or resided upon, the number of acres in no case to exceed 320.

By virtue of said act and the acts amendatory thereof, the time in which parties were entitled to purchase said lands expired on January 1, 1897.

On December 31, 1896, the Acting Secretary of the Interior, upon the recommendation of the Commissioner of the General Land Office, issued an order withholding all lands covered by the provisions of said act from entry or in any way being disposed of until such time as Congress should act in the premises.

Owing to the late date of the issuance of said order, all those entitled to purchase under said act who could possibly procure the means made purchases.

Those who would be the beneficiaries of the bill now pending are comparatively few, and have been prevented from completing title to the land settled upon by reason of the failure of crops and the general stringency of the times.

Should this bill fail to pass, all persons who would receive a direct benefit by reason of the same becoming a law will be compelled to lose the land they have hitherto held under laws existing prior to January 1, 1897, together with all the improvements placed upon the same. In every instance the parties claiming the right to purchase have placed valuable improvements upon the land, and would be obliged to lose the same should this bill fail to pass. Most cases covered by the provisions of this measure are of persons of small means, who were by reason of their poverty utterly unable to avail themselves of the benefits of the laws heretofore passed.

By the passage of this bill the Government will also be benefited, as it will receive the sum of $1.25 for every acre disposed of under the same. The failure to pass the bill will deprive the Government of said amount, and the land can only be disposed of under existing laws.

In view of the opinion of the Department, submitted herewith and made a part of this report, it is the unanimous opinion of the Committee on the Public Lands that the passage of the said bill will give a much needed relief to those who will be the beneficiaries, while the failure to pass the same will leave them entirely helpless.

Your committee therefore recommend that the bill do pass.

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1897.

SIR: In reply to your note of the 13th instant, inclosing for my consideration and such suggestions as I might think proper with relation thereto, H. R. 9494 "To amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof,'" I have to say that the report of the assistant commissioner of the General Land Office, inclosed herewith, sets forth all the facts relative to the legislation heretofore had on the subject-matter of this bill. It also sets forth the fact of the action of this Department on December 31, 1896, directing the local officers at Vancouver and Walla Walla, in Washington, and The Dalles and Lagrande, in Oregon, to reserve all lands granted in said districts from any disposition except to receive applications and money tendered by persons protected by said section 3, pending the action proposed in this bill.

As the purpose of the legislation proposed seems to be for the relief of actual settlers and purchasers of the lands referred to in the bill, I have no objection to urge against its passage.

Very respectfully,

D. R. FRANCIS, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 15, 1897.

SIR: I have the honor to acknowledge the receipt, by your reference for report in duplicate and return of papers, of a letter from Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands, United States House of Representatives, submitting for your opinion and suggestion, to aid the committee in its consideration, a bill for the amendment of section 3 of the railroad forfeiture act of September 29, 1890, and the several acts amendatory thereof.

The bill provides for the extension of time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same, in quantities and upon the terms provided in said section, at any time prior to January 1, 1899.

In reply, I have the honor to state that section 3 of said act of September 29, 1890 (26 Stat., 496), which granted the purchasers under its provisions two years from its passage, was first amended by the act of February 18, 1891 (26 Stat., 764), which provided that said period begin to run from the date of promulgation of the Commissioner of the General Land Office of the instructions to the local officers for their direction in the disposition of the lands, and not from the date of the passage of said act.

By the act of December 12, 1893 (28 Stat., 15), the period allowed such purchasers was extended to January 1, 1897, with a proviso that such extension should not "be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof."

A further amendment was made by the act of January 23, 1896 (29 Stat., 4), which made no further extension of the time of purchase.

At the request of Hon. William R. Ellis, of Oregon, this office, with the approval of Hon. William H. Sims, Acting Secretary of the Interior, on December 31, 1896, by telegram to the local officers at Vancouver and Walla Walla, Wash., and The Dalles and Lagrande, Oreg., reserved all lands claimed in said districts under said third section from any disposition, except to receive applications and money tendered by persons protected by said section pending the action proposed in this bill.

The purpose of the bill seems proper, and I have the honor to recommend its passage.

The bill and accompanying letter are herewith returned.

Very respectfully,

E. F. BEST,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

The question being taken on the motion to suspend the rules and pass the bill as modified, it was agreed to, two-thirds voting in favor thereof.

GEORGE H. PLANT.

Mr. SWANSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1083) for the relief of George H. Plant, of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to George H. Plant, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $5,216.85, the same being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of said collision.

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. SWANSON. I ask unanimous consent that the second be considered as ordered.

There was no objection.

Mr. PAYNE. I only wish, Mr. Speaker, to say a single word to the House in reference to this matter.

I objected to this bill the other day, and the objection was based on the ground that the owner or commander of the steamer, *Lady of the Lake* I think is the name of the vessel, seemed to be at fault just as much as the officer in command of the U. S. S. *Gettysburg*. And I think the reading of the report, which I have made since, fully bears out the suggestion. I was mistaken about the law of admiralty. It is different from the law of the road in such cases as this, and the negligence on the part of the party injured is not a bar to recovery, but the damage is divided between the parties who are at fault: that is, the party who causes the damage on the one side and the party who contributes to the damage by his own negligence on the other.

I think the bill ought, probably, to pass, but at a lower rate than that proposed. While I think the claim is a good one against the Government, and one that ought to be paid, still I am inclined to think that the beneficiaries should receive only one-half of the amount that is recommended here. I believe the claim is a good one to that extent.

Mr. SWANSON. Mr. Speaker, the gentleman from California [Mr. LOUD] was the first member who reported this bill to the House from the Committee on Claims, and his report has been subsequently adopted in the report now before the House, drawn by Mr. DENNY.

I would like to say, in connection with this claim, that it grew out of an accident on the Potomac, a collision between a war ship belonging to the United States Government and the *Lady of the Lake*, a vessel belonging to Mr. Plant, who is the beneficiary under the pending bill. Under the rules governing navigation on the Potomac River, ships are required to keep to the right; but in the same rule it is provided that a ship which is, for instance, coming up the river on the left, by blowing a signal of two whistles, can notify a vessel coming in the opposite direction that it desires to keep on that same side.

In the present case the *Lady of the Lake* was coming up the river on the left or the Virginia side of the river, and met the U. S. S. *Gettysburg* going down the river on the same side. The rules require a steamer going down on the left side of the river when signaled, as the *Lady of the Lake* signaled the United States steamer, to answer by two blasts of the steam whistle, which meant that it accepted the offer so made and would allow the steamer coming up to continue on its course. The *Lady of the Lake* then came on up the river, governed by the rules of the road, and acting under the assumption that the war vessel would observe the agreement thus made. After going some distance, for some cause the Government steamer tried to change to the other side, and blew a blast on its steam whistle, indicating to the *Lady of the Lake* that it desired to go on the other side. The *Lady of the Lake* promptly responded that it would not change; and it could not make the change desired by the *Gettysburg* by reason of the proximity of the two vessels, which made it impossible, according to the testimony, for the *Lady of the Lake* to cross the bows of the other steamer and take the other side. The collision therefore came by reason of the action of the *Gettysburg* in endeavoring to change its course after it had been agreed upon and accepted by the other vessel, and this bill is simply to pay the loss sustained by the *Lady of the Lake* on account of the collision and injury caused by the Government vessel under the facts stated.

Then a naval board was appointed by the Secretary of the Navy to ascertain who was at fault on account of the collision. That naval board was the board referred to by my friend from New York [Mr. PAYNE] when this matter was up before. The members of the board stated that while technically there was some blame which might be laid on the pilot of the *Lady of the Lake*, yet under the law governing the movements of steamers upon the river she was not responsible for the accident. And you can readily see, Mr. Speaker, that it was impossible, after the Government steamer had accepted the signals of the *Lady of the Lake* indicating the course that she would pursue, to shift that course and change it when the vessels were close together; and for that reason the *Lady of the Lake* could not revoke the acceptance of the first signal made by the *Gettysburg*.

But the most important investigation of all in connection with this collision, where a United States steamer was concerned, was made by the board of local inspectors of steamers in Baltimore who were appointed to investigate the case, and their findings are set out in the report of the committee signed by James D. Lowry and William O. Saville, in which they exonerate the *Lady of the Lake* entirely, and state that the accident was not the fault of the owners of the *Lady of the Lake* at all.

Then, subsequently, with the findings of the inspectors, showing that the *Lady of the Lake* was not to blame—first the findings of the naval board and then the findings of the board of inspectors—a bill was brought here and was sought to be passed. An objection was urged, and it went to the Court of Claims, for the purpose of establishing the right of this party to recover. That court found the facts as stated, and the findings are set forth fully in the report, showing that the Government was responsible for the injury and that these people are entitled to recover the same.

The amount that was appropriated is simply the money that was spent in getting the boat in good condition and the loss that was sustained while she was undergoing repairs, as computed from an average of years. Now, three departments of this Government, commissioned under the law to ascertain the fault and cause of this accident, have all concurred in saying that the *Lady of the Lake* was not at all at fault, but that the Government's vessel was entirely at fault, and that this amount should be recovered.

I yield the balance of my time to the gentleman from California [Mr. LOUD].

Mr. HULICK. This amount is made up of the actual damages to the vessel, and the damages that accrued by loss of services of the vessel while she was undergoing repairs. Now, what was the amount of actual damage to the vessel, and what was the amount that was charged up for loss of service?

Mr. SWANSON. There was a bill introduced here which included estimated damages.

Mr. LOUD. Consequential damages.

Mr. SWANSON. But this bill only gives the actual damages as ascertained by the court.

Mr. HULICK. I understood the gentleman to say that it consisted of actual damages to the vessel——

Mr. SWANSON. That is right.

Mr. HULICK. And also damages sustained by the owner because of the loss of use of the vessel. Now, what is the amount of actual damages to the vessel, and what is the amount of damages for loss of service?

Mr. SWANSON. The court finds the cost of the repairs to be $2,216.85 and the actual loss of earnings while undergoing repairs to be $3,000. That is the finding of the Court of Claims. These sums aggregate $5,216.85, and that is what the court recommends. The gentleman from California [Mr. LOUD] is better acquainted with this matter than I am, and any time that I have I yield to him.

Mr. LOUD. I think the gentleman is getting along very well, and probably I would defeat the bill if I should get in.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

JOSEPH E. VANTINE.

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7969) to increase the pension of Joseph E. Vantine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, on the pension roll at the rate of $72 per month, in lieu of his present pension.

Mr. WILLIS. I ask for the reading of the report.

The SPEAKER. There will be no debate unless a second is demanded.

Mr. WILLIAM A. STONE. Mr. Speaker, I demand a second, and I ask unanimous consent that a second be considered as ordered.

There was no objection.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, having carefully examined and fully considered the facts presented, respectfully report:

Joseph E. Vantine enlisted in the United States Navy May 19, 1857, as second-class fireman on the U. S. S. *Minnesota*; promoted to first-class fireman May 25, 1857, and served as such to June 10, 1859, when discharged.

He reenlisted as first-class fireman July 13, 1861, and served on the *North Carolina* to July 27, 1861; on the *Richmond* from July 28, 1861, to August 29, 1864; on the *Princeton* from August 30, 1864, to September 9, 1864, when honorably discharged.

Joseph E. Vantine was the first man to suggest the use of chain cables hung over the sides of vessels for protection from the enemy's missiles, and the efficiency of the device was demonstrated by Commodore Farragut's squadron on the Lower Mississippi in April, 1862, in the passage of Forts Jackson and St. Philip, and the encounter with the Confederate ram, and it resulted in the capture of New Orleans, La. This chain armor was used afterwards on board the *Kearsarge* in her capture of the *Alabama*.

In the attack on Fort Hudson, La., March 14, 1863, a shot from the enemy's guns struck the boilers of the *Richmond*, and the fire room and other parts of the vessel were filled with steam, when he, under great difficulties, drew the fires from under the boilers and prevented them from exploding, thus saving the ship and perhaps many lives. While this was being done he became exhausted from the heat and cooking steam and had to be relieved every few moments, until by his persistent intrepidity and assiduous efforts the grand work was accomplished. For this heroic act he received special complimentary mention in the Admiral's report, and was afterwards presented with a bronze "medal of honor," by act of Congress.

Joseph E. Vantine is now pensioned at $12 per month under the act of June 27, 1890, for injury to back and disease of rectum.

The proof submitted to your committee shows that claimant received an injury to his back about July, 1861, while removing a part of an iron ventilator from the port coal bunker of his vessel, and that this injury was enhanced and the disability aggravated by the arduous work at Port Hudson, La., in March, 1863, and the disability has increased with his advancing years; and that he had a stroke of apoplexy August 6, 1896, and is now suffering with complete paralysis of the right side and entire loss of the power of speech; and that he is now totally and permanently helpless, and, his physician says, "will probably never be any better." He has three minor children and his wife, entirely dependent, and with no income except his small pension; and he is now in such condition as to require the care and attention of another person.

In view of the testimony, from which it is reasonable to conclude that his paralysis is a result of his naval service, and in view of his gallant and meritorious service, your committee earnestly recommend the passage of the bill without amendment.

Mr. LOUD. Mr. Speaker, I would like to know how much this bill carries?

Mr. WILLIS. This bill carries $72 a month, which the law would allow to this man provided this disability could be shown to be of service origin. They claim not to be able to exactly show that this man incurred this disability in the service. He is a wreck. He has been going down since his discharge from the Navy. He is now a paralytic, and has to have the attention of one person all the time, and sometimes two persons. He is old and poor, and unless we help him he is, in a sense, hopeless. Senator GRAY is perfectly conversant with this case. His brother-in-law, Dr. Black, is this man's physician. I have taken the pains to go down to his home and ascertain the facts. He has been a brave servitor of the Government. Congress gave him a bronze medal, but that is a very hard and dry and unyielding substance, and will neither be a supplement to his larder nor to his wardrobe. He will not live long. He will probably be dead within a year, and you will have only to pay his pension for that time.

Mr. LOUD. That is a very full answer. I want to say to the gentleman and the House that so far as I am concerned, I would be willing to waive all doubt that might exist in the minds of any gentlemen as to whether this gallant sailor received his present disability in the service; but, Mr. Speaker, we are attempting by the passage of this bill to correct the pages of history, which I rather regret. History has handed down to us the statement, which has gone broadcast over the world, that Admiral Farragut conceived the idea of putting these chains around this vessel, and we have admired his brilliancy for having conceived that idea. Now, while I would not object to the $72 a month, I do not think we should at this late day, in an act of Congress and in a report, seek to change a condition of history about which there is at least some doubt. I think the gentleman will admit the force of that himself. This is an endeavor here by an act of Congress to take away the credit from a very gallant officer——

Mr. WILLIS. I beg your pardon. We take nothing away from Admiral Farragut.

Mr. LOUD. The credit of having first adopted this method of protecting a vessel of war. Of course Farragut has crossed over to the other side, and, as the gentleman suggests, can not lose anything; but still it blasts many a hope and many a kindly and patriotic feeling toward Admiral Farragut which I think his memory should be allowed to retain so long as this generation may exist.

Mr. WILLIS. Mr. Speaker, I think the gentleman is hypercritical. I know of no page of history which attributes the first suggestion of hanging chain armor over a vessel to Admiral Farragut.

Mr. LOUD. This report says this man was the first.

Mr. WILLIS. This report says that this suggestion was made by this man to him. But that does not touch the merits of the question. The question is whether this man's present physical condition may be attributable to his service in the Navy. If so, if we could satisfy the Pension Bureau that this was so, then they would immediately give him $72. They are anxious to do it. They feel that it is a genuine case; but they walk along the line of technicalities so close that it absolutely reminds one of the numberless mistakes that have been made by the physicians from the time of Æsculapius to the present.

Mr. LOUD. Why do you not give the man a pension on the merits of his case without seeking to change existing history.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor of the bill, the rules were suspended and the bill was passed.

TO REPEAL TIMBER-CULTURE LAWS.

Mr. GAMBLE. Mr. Speaker, I move that the rules be suspended and the bill S. 3328 be passed.

The Clerk read as follows:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

Be it enacted, etc., That section 6 of an act entitled "An act to repeal the timber-culture laws, and for other purposes," on page 1098, United States Statutes at Large, Fifty-first Congress, volume 26, be amended so as to read as follows:

"SEC. 6. That section 2301 of the Revised Statutes be amended so as to read as follows:

"'SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation, for such period of fourteen months; and the provisions of this section as to making proof and obtaining patent after fourteen months' residence shall apply to the lands embraced in the ceded portion of the Sioux Reservation in North Dakota, South Dakota, and Nebraska, opened for settlement under the provisions of the act of March 2, 1889, and no other payment shall be required of any person who has heretofore or may hereafter make entry of said lands than is required by the provisions of the act of March 2, 1889, opening said lands to settlement.'"

Mr. LACEY. Mr. Speaker, I ask for a second.

Mr. GAMBLE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. I would like to ask the gentleman if he is satisfied it is so guarded as not to include anything outside of what is mentioned?

Mr. GAMBLE. Yes, sir. There is no question but what it simply includes the land within the Great Sioux Reservation. Most of these lands are in the State of South Dakota, and the bill passed the Senate simply covering the lands within the State of South Dakota, but the amendments proposed also include the lands of the reservation in the States of North Dakota and Nebraska, because the Great Sioux Reservation projects slightly into both of those States. I can state to the gentleman that under the act of 1889, by which the Great Sioux Reservation was opened, the lands were opened to settlement under the homestead law. Settlers were required to pay $1.25 an acre for the land when they filed on it within three years from the date of the ratification of the treaty opening the same. The next two years it was 75 cents, and after that 50 cents per acre. There was no right to commute given under the original act. That law was amended in 1891, giving the settlers the right to commute, and pay the amount the Government was to compensate the Indians for these lands under the treaty. By a recent ruling of the Interior Department, in case the settlers commuted, they were not only required to pay the amount for the land provided by the act of 1889 opening the reservation, but in addition the $1.25 under the old law. It was never intended, Mr. Speaker, under the treaty or the act ratifying the same, that the settlers should be obliged to pay any more for the lands than $1.25, 75 cents, or 50 cents per acre, as the treaty and original act contemplated.

Mr. LOUD. I want to say to the gentleman that I do not know that I am opposed to the bill, because I am not familiar with that section. Neither do I know that there can be any objection to extending it to the rest of the country; but I am rather of the impression, from the reading of the bill, that unless you insert the word "only" you are going to make this apply to all the country. I ask the gentleman's attention to that especially.

Mr. GAMBLE. I would simply reply to the gentleman that it can apply to this reservation alone by the express provisions of the section to which this act is an amendment, and such is the opinion of the Assistant Commissioner of the Land Office, whose report on this bill goes with it, and I will ask to have the report and the letter of the Assistant Commissioner made a part of my remarks.

The report and letter are as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 3328) to amend an act entitled "An act to repeal the timber culture laws, and for other purposes," have had the same under consideration and report it back with the following amendments:

After the word "in," in line 21, insert "North Dakota," and after the word "Dakota," in line 21, insert "and Nebraska."

And recommend the passage of the bill as amended.

By act of Congress in 1889 a large portion of the Sioux Reservation in South Dakota, North Dakota, and Nebraska was opened up to settlement under the homestead law, but the bill required five years' residence before final proof could be made, and then the settler was obliged to pay the Indian price for the land. In 1891 Congress passed an act which provided that the settler should commute after fourteen months' residence, and under this provision many settlers did commute after fourteen months' residence and paid the Indian price for the land, borrowing money and giving security upon the same. Some patents were issued.

In June, 1896, the Secretary of the Interior ruled that where the settler commuted after fourteen months' residence he must not only pay the Indian price for the land, but $1.25 per acre in addition thereto, and he has suspended the proof now pending in his Department.

The object of this bill is to relieve these settlers from the payment of this additional $1.25 per acre. It will be impossible for them to pay it. They can not borrow money on the land, as no one will loan that amount upon it. These lands are arid lands, and only valuable for grazing, and it is a mistake to offer them for settlement under the homestead law. However, the people who are occupying them are engaged in grazing, and a limited population can be sustained in this way.

To require this additional payment of $1.25 per acre will simply compel the people now residing upon these lands to abandon them, and when once abandoned it is doubtful if they will again be occupied. There were 8,500,000 acres of this reservation opened up to settlement in 1889, and up to the present time less than one-tenth of the area, or less than 800,000 acres, has been taken by settlers.

The report of the Commissioner of the General Land Office, herewith attached, is made a part of this report.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 9, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of December 5, 1896, requesting information as to the ruling requiring homestead settlers on lands formerly embraced in Indian reservations to pay the Government for the land in addition to the payment required for the benefit of the Indians, as you desire to have the law amended, if an amendment is required, for the relief of the homestead settlers.

In reply I have to state that the only requirement of the nature indicated pertains to the lands formerly embraced in the Great Sioux Reservation, in the States of North Dakota, South Dakota, and Nebraska.

These lands were open to settlement and entry under the provisions of the act of March 2, 1889 (25 Stat. L., 888). Said act provides that the lands—

"Shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section 2301 thereof) and under the laws relating to town sites: *Provided*, That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums."

It will be noticed that under said act no commutation of homestead entries was permissible.

Section 6 of the act of March 3, 1891 (26 Stat. L., 1095), which amended section 2301, United States Revised Statutes, relating to commutation of homestead entries, provided:

"And the provisions of this section shall apply to lands on the ceded portions of the Sioux Reservation by act approved March 2, 1889, in South Dakota, but shall not relieve said settlers from any payments now required by law."

Under date of May 13, 1896 (22 L. D., 550), the honorable Secretary, having under consideration the application of the State of South Dakota "for 5 per cent of the net proceeds of sales of lands within the boundaries of what is known as the opened portion of the Great Sioux Reservation," held that the provision of section 6 of the act of March 3, 1891 (supra), "clearly recognizes the trust character of the payments originally required of entrymen of Sioux lands, and means that when such entrymen so elect they may commute, after the time named, by paying the minimum price for the land, in addition to the payments required under the act of 1889."

In view of the honorable Secretary's decision, the district land officers having jurisdiction over the Sioux lands were instructed by letter C of June 22, 1896, to collect from parties applying to commute homesteads for said lands $1.25 per acre in addition to the payments required under the act of March 2, 1889 (supra), and similar action was taken on all cases pending in this office unpatented.

Homestead settlers who make ordinary five-year proof are not affected by said ruling, which applies only to commuted homestead entries.

Very respectfully,

E. F. BEST, *Assistant Commissioner.*

Hon. R. F. PETTIGREW,
United States Senate.

Mr. LOUD. I notice that the reading of the bill does not say that it shall apply to that section only.

Mr. GAMBLE. It unquestionably applies to that section only, because in its terms it is limited to the Great Sioux Reservation, in South Dakota, and the committee amends the act by including also the remainder of the reservation within the States of North Dakota and Nebraska. The act can not by any possible construction be extended so as to include other lands in addition to those specifically mentioned and brought within the provisions of the act.

Mr. LACEY. Let me call the attention of the gentleman to the fact that this ruling was not made until 1896, and from 1889 down until 1896 the amount paid to the Indians was accepted by the Department in full payment in commutation, and patents issued accordingly. But unquestionably a strict construction of the act of 1889 requires that $1.25 shall be paid in addition to the Indian price. That construction having been adopted, the bill becomes necessary simply to give to the settlers who commuted prior to 1896 the same benefits as to those who commuted after that time. When this construction was adopted, it was a construction undoubtedly right according to the strict letter of the law. But that never was the intention of Congress—to require that the $1.25 should be paid, and in addition thereto the Indian price.

Mr. LOUD. The gentleman is of course fully aware that "strict construction" varies very materially in different minds. The gentleman might assume to be strict construction what another man might regard as very lax construction. Why not make the bill specific by inserting the word "only," so there can be no possibility of misconstruction?

Mr. GAMBLE. Mr. Speaker, in compliance with the suggestion of the gentleman from California, I ask consent that the bill be amended by inserting the word "only" after the word "apply," in line 19, on page 2. I ask also that the amendments proposed by the committee be agreed to.

Mr. KEM. Do those amendments contemplate embracing the whole reservation?

Mr. GAMBLE. Yes, sir. The amendments were recommended with the object in view that all the lands within the reservation would be brought within its provisions. In the first instance it applied only to South Dakota, but it has been amended so as to cover Nebraska and North Dakota.

The SPEAKER. The gentleman from South Dakota [Mr. GAMBLE] asks consent to modify the bill as he has suggested.

There was no objection, and it was so ordered.

The rules were suspended and the bill was passed.

FORT LYON MILITARY RESERVATION.

Mr. SHAFROTH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4985) to authorize the Secretary of the Interior to convey to the State of Colorado, and so forth.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the State of Colorado the right to occupy, improve and control, for the purposes of a soldiers' home, to be established and maintained thereon by said State, the Fort Lyon Military Reservation, to include the buildings located thereon, on condition that said State shall, within three years, establish such home, at which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, and under such rules and regulations as said State may provide: *Provided*, That the United States reserves to itself the fee and the right forever to resume possession and dispose of the said lands whenever it shall appear that the State of Colorado has ceased to use the same for such public purpose.

Mr. DOCKERY. Mr. Speaker, I demand a second.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

Mr. SHAFROTH. Mr. Speaker, this bill is to authorize the State of Colorado to occupy, for the purposes of a soldiers' home, an abandoned military reservation. No soldiers have been quartered there for twelve or thirteen years. There is no possibility that the Government will ever again need the reservation for military purposes, and it has been turned over from the War Department to the Interior Department. On the back of the report will be found a letter from the Interior Department, stating that part of this reservation (which consisted originally of some 5,000 acres) has been thrown open to homestead settlement, only the part on which the buildings stand being reserved.

Mr. DOCKERY. How many acres are in that?

Mr. SHAFROTH. Over 500 acres, a little short of a section. The buildings are going to wreck. The Government has an officer there in charge of them, at an expense of $1,000 a year; but the windows are being knocked out, the roofs are leaking, and the buildings are naturally decaying, not having been occupied for twelve or thirteen years. There is at present a soldiers' home, maintained by the State of Colorado at the State expense, at a town called Montevista. There are a number of buildings there which have been erected by the State; but it has been found that the location is not a good one for a soldiers' home on account of the altitude, which is perhaps seven or eight thousand feet above the sea level. The old soldiers find that the atmosphere affects their nervous systems and they become unwell and discontented. Fort Lyon is on the Arkansas River, about 3,500 feet above the level of the sea, and is well adapted for such a home. As I have already said, there is no use to which the Government can put those buildings, there being no longer any occasion to use them for military purposes.

Mr. STEELE. You ask these buildings for a State home, as I understand?

Mr. SHAFROTH. Yes, sir; for a home to be maintained at State expense.

Mr. DOCKERY. What is the value of this land?

Mr. SHAFROTH. Probably not over $5 an acre.

Mr. DOCKERY. And there are about 557 acres?

Mr. SHAFROTH. Yes; there are some buildings upon the land that would make it worth considerable if they could be used for any useful purpose.

Mr. DOCKERY. What is the probable value of the land, including the buildings?

Mr. SHAFROTH. If you put it up at public auction you probably could not get $10,000 for the land and buildings, although the buildings cost, I think, some $16,000. They probably would not bring the cost of moving them off the land.

Mr. DOCKERY. What assurance have we that, in the event of this bill passing, the State will locate a soldiers' home there?

Mr. SHAFROTH. There has been a general request for it. The gentleman will observe also that we do not ask for title to the land, but only for the use of it and the buildings.

Mr. DOCKERY. Has the legislature taken any action toward the erection of a home there?

Mr. BELL of Colorado. I will say to the gentleman from Missouri that both houses of the legislature have petitioned for the passage of this bill and every State officer.

Mr. DOCKERY. Is there any precedent for this proposed action by the Government?

Mr. SHAFROTH. Yes; I think there are quite a number of precedents, though the reservations have generally been ceded for school purposes. This land is not near any city and is of no particular value. There is no water right attached to it which would give it a special value.

Mr. DOCKERY. Is this bill approved by the Secretary of the Interior?

Mr. SHAFROTH. The Commissioner of the General Land Office favors it, although he says it is not the province of the Interior Department to indicate to Congress what disposition shall be made of the public lands.

Mr. DOCKERY. Has the Secretary of the Interior been consulted in regard to it?

Mr. SHAFROTH. Yes; there is a letter written by the Commissioner of the General Land Office, in which he gives the history of this reservation——

Mr. DOCKERY. But does the Secretary of the Interior approve it?

Mr. SHAFROTH. Yes; in the same manner. They approved it so far as they approve any of these bills. They do not formally approve any measures of this kind. They say it is for Congress to determine what should be done with these lands. Here is the language of the Department:

> This office does not feel called upon to express an opinion as to the propriety of the proposed legislation, as it is a matter wholly within the discretion and subject to the legislation of Congress.

Mr. DOCKERY. Has either the Secretary of War or the General of the Army expressed himself on this proposition?

Mr. SHAFROTH. It having been found that this land was not needed for military purposes, the War Department turned it over to the Interior Department. The reservation originally embraced some 5,000 acres, all of which, except the part on which the Government buildings were situated, was thrown open to homestead entry. The bill affects only that part of the land on which the buildings are situated. If the property at any time should not be used as a soldiers' home, the title will revert to the Government.

Mr. MILNES. Has the legislature of Colorado expressed any desire with reference to this matter?

Mr. SHAFROTH. There is a petition here signed by all the members of the legislature. It is not in the shape of an official act.

Mr. MILNES. I should suppose that if the State wanted this land, the legislature would have passed some formal resolution on the subject.

Mr. SHAFROTH. A memorial, as I have just stated, has been sent here requesting that the land be ceded for the purpose contemplated. Every officer of the State concurs in this request.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two thirds voting in favor thereof.

IMPROVEMENT OF EASTCHESTER CREEK, NEW YORK.

Mr. FAIRCHILD. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend the whole or any portion of any appropriation heretofore made for the improvement of Eastchester Creek, in the State of New York, in accordance with the surveys and report for such improvement, upon that portion of the improvement included in recent surveys extending the improvement to the head of tide water.

Mr. FAIRCHILD. I ask that the report be read.

Mr. DOCKERY. Let a second be first ordered on the motion to suspend the rules.

Mr. FAIRCHILD. I ask unanimous consent that a second be considered as ordered.

Mr. JOHNSON of California. I object.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] and the gentleman from New York [Mr. FAIRCHILD] will act as tellers.

Mr. BLUE. Before the vote is taken, I should like to hear an explanation, in order that I may vote intelligently.

The SPEAKER. Debate is not in order until a second has been ordered on the motion to suspend the rules.

Mr. JOHNSON of California. I withdraw my objection. My object was merely to hear the report read.

The SPEAKER. Under the present order of procedure, it is necessary that a second be ordered on the motion to suspend the rules, if debate is desired. Is there objection to the request that a second be considered as ordered? The Chair hears none.

Mr. FAIRCHILD. Mr. Speaker, the report in this case is short, and it explains this matter in a nutshell. I ask that it be read.

The report (by Mr. HOOKER) was read, as follows:

> The Committee on Rivers and Harbors, to whom was referred the bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York, having had the same under consideration, report the same back and recommend that the bill do pass.
>
> The improvement of the stream to which this bill relates has been in progress for many years, and numerous appropriations have been made therefor. The river and harbor bill passed at the first session of this Congress appropriated $12,000 to continue improvement in accordance with the report of the Chief of Engineers. A provision was also included in the river and harbor bill for additional surveys to extend the improvement to the head of tide water, a distance of about 2,000 feet. Such survey has been made. The proposed extension will carry the improvement to one of the main thoroughfares of Mount Vernon, a city of more than 20,000 population, and into the heart of the territory the improvement is designed to benefit.
>
> The purpose of the present bill is to enable the Secretary of War to use his discretion whether it be advisable to expend any portion of the former appropriation upon that part of the improvement embraced in new surveys. It makes no additional appropriation.
>
> Your committee are of the opinion that the Secretary of War should not be forced to expend all of the twelve-thousand-dollar appropriation upon a specified portion of the work in case he should deem it to the interest of economy or advisable to expend it upon the whole improvement.
>
> Your committee therefore feel justified in recommending favorable action on the bill.

Mr. DOCKERY. I wish to inquire of the gentleman from New York whether this proposition has the approval of the Secretary of War?

Mr. FAIRCHILD. I do not know that the proposition has either his approval or his disapproval. There has been a survey made.

Mr. DOCKERY. Has this been submitted to the Secretary of War?

Mr. FAIRCHILD. This bill?

Mr. DOCKERY. Yes, sir.

Mr. FAIRCHILD. I do not know that the bill itself has been submitted to the Secretary of War. But all that the bill provides for having done is to be subject to the discretion of that officer.

Mr. DOCKERY. Has the matter been submitted to the Chief of Engineers?

Mr. FAIRCHILD. Not the bill itself. Surveys have been made and reported upon by the Engineer Department.

Mr. DOCKERY. Who is responsible, then, for the suggestion contained in the bill?

Mr. FAIRCHILD. Members of the Board of Trade and other citizens of Mount Vernon, a city of 20,000 population. I will add that I also, residing in that same locality, am responsible for the suggestion.

The appropriation of $12,000 was made in last year's river and harbor bill. Although the report speaks of extending this improvement an additional distance of about 2,000 feet, my opinion is that the distance may be less than 2,000 feet. The question is simply whether the money already appropriated shall be expended in deepening the improvement already made, or in extending the improvement this additional 2,000 feet, which would bring it into the heart of the section to be benefited, reaching a main highway of the city of Mount Vernon.

Mr. DOCKERY. The proposition which the gentleman seeks to change by the bill under consideration was approved, I assume, by the Secretary of War, the Chief of Engineers, and the Committee on Rivers and Harbors.

Mr. FAIRCHILD. That is right.

Mr. DOCKERY. Now, that proposition having received the approval of the Department and of the proper committee of this House, the gentleman proposes to change its terms by a bill which has not been submitted to the Secretary of War or to the Chief of Engineers or to the Committee on Rivers and Harbors.

Mr. FAIRCHILD. It has been submitted to the Committee on Rivers and Harbors and favorably reported. The report has just been read. The provisions of the bill can not be carried out except with the consent of the Secretary of War and the Chief of Engineers.

Mr. DOCKERY. Is the bill approved by the Committee on Rivers and Harbors?

Mr. FAIRCHILD. It is.

Mr. DOCKERY. Unanimously?

Mr. FAIRCHILD. Unanimously.

Mr. DOCKERY. Did that committee seek any information from the War Department?

Mr. FAIRCHILD. I am not here to answer for the committee. I can not tell what they did in the matter.

Mr. BLUE. Mr. Speaker, if I caught the reading of that bill correctly, it seeks to make available not only this appropriation particularly, but any appropriation and all appropriations for this purpose.

Mr. FAIRCHILD. No. I beg the gentleman's pardon; he misapprehended the reading of the bill.

Mr. BLUE. I would like to have that bill read in my own time to see what it does seek to accomplish.

The bill was again read.

Mr. FAIRCHILD. The gentleman will observe that the bill refers to appropriations heretofore made.

Mr. BLUE. That is precisely the objection that I have made. It includes all of the appropriations. It might reach not only the $12,000 suggested by the gentleman from New York as being made last year, but any other appropriation heretofore made.

Mr. FAIRCHILD. If the gentleman from Kansas will permit me, I will say, for his information, that there is only one appropriation heretofore made and unexpended for this improvement, and that is the $12,000 made last year.

Mr. BLUE. If the gentleman from New York is certain of that, it would be a good explanation, of course.

Mr. FAIRCHILD. I will say again that the "gentleman from New York" is certain: that improvement is in his own town and adjoining city, where he has resided for a number of years, and he knows all about it.

Mr. BLUE. I wish to say further, Mr. Speaker, that I desire to give my approval to the remarks of the gentleman from Missouri [Mr. DOCKERY] with reference to this method of legislation. I regard it as very objectionable. Here is an appropriation made by the recent river and harbor bill, and this bill now pending seeks to set aside that appropriation—to divert it, to change its character to a certain extent as to the work to be done. If this is to be tolerated, and especially when it appears that it has not been submitted to the proper authority for approval, it seems to me that we are opening the door to very much vicious legislation in that direction. This bill itself may be all right. I know nothing to the contrary. But it is bad policy, in my judgment, and it is a precedent that we ought not to establish. Therefore I think it ought not to pass.

Mr. CANNON. With the consent of the gentleman from New York, I would like to ask him a question.

Mr. FAIRCHILD. Certainly.

Mr. CANNON. This is a new survey, I believe, upon which the gentleman seeks to apply, in the discretion of the Secretary of War, an appropriation already made. Now, what is the work to cost under the new survey when it is completed?

Mr. FAIRCHILD. I will say that I am not able to answer that question in figures, but I can make a statement in regard to the work which I think will not only satisfy the gentleman from Illinois, but also the gentleman from Kansas [Mr. BLUE] and the gentleman from Missouri [Mr. DOCKERY] as well.

Mr. CANNON. What I wished to know was whether or not we are in a great scheme, because they come quite often enough in passing river and harbor bills, but whether, on a single scheme, where we are not embarrassed by "log rolling," we are not entering upon an exceedingly large expenditure without exactly knowing what we are doing.

Mr. FAIRCHILD. I would like to answer the gentleman from Illinois in this way: The Hutcheson River, or, as it is officially named in the report of the Chief of Engineers, Eastchester Creek, is a river emptying into Pelham Bay and Long Island Sound just to the south of the city of Mount Vernon, in Westchester County, N. Y. The improvements heretofore made in Hutcheson River have carried an improved channel up to just the southerly boundary of the city of Mount Vernon, or the northerly boundary of the city of New York. The character of the improvement, so far as it has been carried on, has been dredging through marshy lands, without rock or other obstructions, and is the simplest and cheapest kind of work of this character; and the improvement, so far as completed, reaches within about 2,000 feet, or possibly less, of the main highway of the city of Mount Vernon, and only to the southerly portion of the city of Mount Vernon.

Now, if this bill is not passed, the $12,000 heretofore appropriated would be expended in further dredging the channel below the northerly portion of the present improvement, where it is not so necessary, because the channel there is now sufficient for traffic, although it is not in the very best condition, whereas if the improvement be extended the additional 2,000 feet it would make a safe and suitable channel along the whole line of the improvement, reaching up to a main highway of the city of Mount Vernon.

Mr. CANNON. Does the gentleman know what the additional survey is estimated to cost?

Mr. FAIRCHILD. No, sir.

Mr. CANNON. The gentleman does not know whether it is $10,000 or $50,000?

Mr. FAIRCHILD. I do not suppose the additional work will cost to exceed $5,000, and I make that statement with some personal knowledge and experience of the conditions existing, and of the cost of such work.

Mr. CANNON. Now, will my friend allow me one other question? Is this a river and harbor improvement for navigation, or is it an improvement that is merely local to the town of Mount Vernon to give them drainage, or something of that kind, at the expense of the Federal Treasury?

Mr. FAIRCHILD. It is a river and harbor improvement for the purpose of navigation, and will bring building material and other material used in the city, by this route, to a population of about 35,000 people, including the 20,000 in Mount Vernon and the additional population to the east.

Mount Vernon not only at present contains a population of 20,000, but its growth has been, is, and promises to be unprecedented and wonderful. Within a few years it has developed from a village of about 9,000 to the present city of 20,000 population. Located at the northerly border of New York City, at the first station on the New Haven Railroad from the Grand Central Depot, and with the rapid-transit service of the Harlem Railroad and an electric railway to the city of New York, giving additional facilities to the commuters, situated upon high and undulating ground in a section made historical by the Revolutionary armies, and itself having a history connected with the name of Horace Greeley, one of its founders, with well-paved avenues made beautiful by perfect arbors of trees whose overhanging branches meet, this city has attracted some of the best of New York City's population, and has lacked only in the disadvantage of being an inland city, with the consequent greater cost of building and other materials. The harbor improvements completed have already attracted a line of freight steamers in competition with the higher rates of the railways, and the improvements now under way and contemplated by this bill will make Mount Vernon an important seaboard town.

Mr. CANNON. You have got it now within 1,500 feet of where you propose to extend it.

Mr. FAIRCHILD. We have got it now at the southerly point of Mount Vernon, at a locality requiring a longer haul to the rapidly growing portion of the city, and in part reached by going through private land, whereas this additional improvement will bring it to a main highway of the locality.

Mr. CANNON. Does the additional improvement look to the condemnation of land by the United States?

Mr. FAIRCHILD. It does not, and I can say of my own knowledge that so far as the straightening of the stream is concerned, in accordance with the surveys which have been made, the land through which it goes will be given to the United States in exactly the same manner as was done in straightening the stream below.

Mr. BLUE. Will the gentleman from New York permit me to ask him a question? If I understand correctly, the chief purpose of this legislation is to change the course of the stream that is to be improved, applying the $12,000 above the point to which it would apply under the general bill. Am I correct about that?

Mr. FAIRCHILD. You are correct. I would state this——

Mr. BLUE. Let me ask you another question. By diverting this $12,000 to another place, it will leave the improvement below that point, as you say, in a rather unsatisfactory condition, will it not, under the general appropriation made by the bill heretofore passed for the purpose of deepening and improving that part of the stream?

Mr. FAIRCHILD. No, I did not say that; and the answer that I was about to make to the gentleman's first question will answer both questions. The appropriations that have heretofore been expended have improved that channel to the point to which it has been improved, to a certain depth. So far as that depth is concerned, it is entirely completed, so that it is used for navigation by the steamers coming up to the dock at that point. This appropriation, if not expended for the purpose of continuing that channel at the same depth for this additional 1,500 to 2,000 feet, to the main highway, would simply be expended in deepening still further a portion of the channel that has already been deepened.

Mr. STEELE. If you are certain that this land will be given to the Government, why do you not make it a provision in this bill that it shall be given?

Mr. FAIRCHILD. That would be unobjectionable; but I will say to the gentleman from Indiana [Mr. STEELE] that this whole matter is referred by the bill to the discretion of the Secretary of War, so that if in his discretion it would be more economical and advisable in this coming year to expend a portion of the money on this additional portion of the improvement instead of on the old portion of the work, then, and only then, it shall be done.

Mr. DOCKERY. Why did you not take the opinion of the Chief of Engineers on this bill?

Mr. FAIRCHILD. The bill itself leaves it entirely discretionary with the Secretary of War and the Chief of Engineers, who will have to be communicated with before this additional work is done. I will say further that the moment it was communicated to me that the surveys had been completed, owing to the short time remaining in this short session, the bill was immediately drafted and the matter submitted to the Committee on Rivers and Harbors.

Mr. DOCKERY. Mr. Speaker, I desire to add only a word. This bill is in perfect harmony with the policy which seems to have received the approval of this House for the last two years, and that is to utterly ignore the fact that we have a Chief of Engineers whose recommendations ought to be considered in connection with river and harbor works.

In the last river and harbor bill there were items appropriating $1,453,000 against which this officer had reported as being absolutely unworthy. There were $10,696,000 of items in that bill on which the Chief of Engineers had made no report whatever.

Now, then, I suggest that the time has come when this House and when Congress ought to call a halt on this line of legislation. It may be that in the $10,696,000 carried in the last river and harbor bill those projects were among the most worthy. The fact remains, however, that there was no opinion expressed by the Chief of Engineers either for or against them. It is, however, known that there was $1,453,000 carried in the bill for items which the Chief of Engineers had declared to be unworthy.

Now, then, Mr. Speaker, I want to make a public announcement, because of the fact that at the last session of Congress gentlemen came in here with repeated resolutions calling upon the Secretary of War for estimates of cost in respect to certain public works. At the time I did not comprehend the full significance of those resolutions. I want to give notice to gentlemen now that if like resolutions are to be offered in the future, and unanimous consent asked for their consideration, they must carry with them a request that the Secretary of War report on the proposed projects as to their worthiness or unworthiness.

Now, as to this particular bill, it seems to be a small matter—only $12,000 involved. I am not sure whether it inaugurates a work that involves large expenditures by the Treasury. I know nothing of that. The gentleman in charge of the bill is no doubt entirely sincere in his statement that it does not, but I do think that the Chief of Engineers is entitled to respectful treatment from this House, which should call upon him for a report upon the merits of this bill.

Mr. FAIRCHILD. I would like to ask the gentleman from Missouri if it is any disrespect to the Chief of Engineers to refuse to ask his consent to accord him permission to do as he pleases?

Mr. DOCKERY. Well, it may not be discourtesy, but it is much more satisfactory to the House to have his opinion upon the matter before we are called upon to legislate. That is what he is there for. He is paid a salary to pass upon this and other like questions, and it seems to me that it is an oversight on the part of the gentleman in charge of the bill not to have called upon the Chief of Engineers for his opinion in respect to the legislation.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. FAIRCHILD. Division, Mr. Speaker.

The House divided; and there were—ayes 40, noes 15.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

ALBERT AUGUSTINE.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $350, to be paid to the heirs of Albert Augustine, of Rose Hill, Iowa, for property taken for use of the United States Army in the Cayuse war, in 1847 and 1848.

The SPEAKER. Is a second demanded?

Mr. MILNES. I ask for a second.

Mr. LACEY. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I think a word or two in explanation would be satisfactory to the House. In the Cayuse war possession was taken of cattle, ox teams, horses, cows, and other animals to be used in that war. A commission was appointed immediately after the war to take a list of the property thus taken, and to report it for payment to the Secretary of War. This particular claim was not presented until after the discharge of the commission, when the commission's time expired, and this old man failed to get his claim presented in time. It has been hanging ever since. The claim was an old one, and it is a small one.

Mr. MILNES. How long was the commission in existence?

Mr. LACEY. For several years. This man came back to Iowa, but he was unaware of the existence of the commission until it had expired by limitation. The case is simply this: They took his ox teams, six or eight yoke of cattle, and his cows, and killed them and fed them to the soldiers. The matter has been investigated by the committee and evidence has been furnished of the facts.

Mr. PAYNE. How long ago was this?

Mr. LACEY. This was in the Cayuse war.

Mr. PAYNE. When was the Cayuse war? [Laughter.]

Mr. LACEY. Mr. Speaker, this is not a fit occasion for enlightening the gentleman as to the history of the United States. [Laughter.]

Mr. PAYNE. Was it before 1847?

Mr. LACEY. It was about 1847–48; it was an Indian war.

Mr. PAYNE. Fifty years ago.

Mr. DOCKERY. What is the amount involved?

Mr. LACEY. Three hundred and fifty dollars.

Mr. DOCKERY. Too small.

Mr. LACEY. Yes, it is small.

The SPEAKER. The question is upon suspending the rules and passing the bill with the amendment as read.

The question being taken, the Speaker declared the ayes seemed to have it.

Mr. HARRIS. I ask for a division.

The House divided; and there were—ayes 49, noes 4.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

PATENTING OF PETROLEUM LANDS.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk, H. R. 9983, to authorize

the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

The bill was read, as follows:

Be it enacted, etc., That any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: *Provided*, That lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of the passage hereof.

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. MONDELL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. PAYNE. I trust the gentleman from Wyoming will explain this bill.

Mr. MONDELL. Mr. Speaker, I ask that the report be read in explanation of the bill.

The report (by Mr. MEIKLEJOHN) was read, as follows:

The Committee on the Public Lands, having had under consideration House bill 9983, report the same back with the recommendation that it do pass.

Public lands containing petroleum and other mineral oils have been held and patented under the placer-mining acts of the United States for many years past. In 1 Land Decisions, page 566, Mr. TELLER, then Secretary of the Interior, said that minerals so found "subjected the tract to the operation of the mining laws, as has been held under other rulings with respect to * * * petroleum * * * and other substances under like conditions."

The first patent issued by the Government under the placer-mining acts for lands containing petroleum was in the Los Angeles district, in California, mineral entry No. 18, March 22, 1880. Other entries have been made and patents issued since that time on lands containing petroleum in several of the public-land States, notably in the States of California and Wyoming.

The first ruling in the matter was that contained in the letter of instructions written by Commissioner Burdett to the United States surveyor-general of California, January 30, 1875, and was to the effect that petroleum-bearing lands were enterable under the mineral-land laws. (Copp's Land Owner, volume 1, page 179; Copp's Mineral Lands, second edition, page 160.) Another letter to the same effect was written by Commissioner McFarland, March 31, 1882. (Copp's Land Owner, volume 9, page 51.) Under these rulings and in view of the uniform practice of the Land Department for many years, considerable quantities of lands have been filed upon, held, and improved for the purpose of developing oils in various of the public-land States, and in many instances large sums of money have been expended in such development.

Under a decision of the Secretary of the Interior, dated August 27, 1896, in the case of mineral entry No. 140, Los Angeles district, California, the Secretary held that lands containing oils could not be patented under the placer-mining acts, for the reason that the acts did not originally contemplate the extension of their provisions to lands of this character. It has never been held by any authority that the provisions of the placer acts were not adequate to meet the conditions surrounding the development of mineral oils. The effect of the above cited decision of August 27, 1896, is to preclude the possibility of obtaining title to lands containing oils, and as there are large areas of such lands in various of the public-land States, and as upon these lands in many instances large expenditures have already been made, and as it is manifestly for the public good that there should be some provision whereby these lands may be held and patented, the committee believe this bill should pass.

The honorable Commissioner of the General Land Office, to whom the bill was referred, states that there is urgent necessity for some legislation on this subject, and in this view the Secretary of the Interior concurs. The bill simply provides by legislation for procedure in the entry and patenting of these lands along the lines that have been pursued in the past under the decisions of the General Land Office, so that there is no departure whatever from the procedure in the past for the development and acquirement of such properties.

While it is quite probable, as recited by the honorable Secretary of the Interior in his decision of August 27, 1896, the provisions of the placer acts were not originally intended to extend to lands containing mineral oils, the legislators at that time, possibly, having in mind only metalliferous minerals, and the existence of petroleums on the public lands being at that time not generally known, it is nevertheless true that the provisions of these acts are calculated to aid in the development and purchase of lands of this character, and their provisions having been extended to such lands in the past, under rulings of the Department well understood, it is entirely proper that the provisions of these acts shall now be extended so as to embrace oil-bearing lands.

Mr. MONDELL. Mr. Speaker, the bill extends the provisions of the placer-mining law to oil-bearing lands as, until last August, they had been applied for seventeen years under the order of the Department.

Mr. STEELE. This bill is intended to change the rule, is it?

Mr. MONDELL. They made a new ruling last August, and this bill is for the purpose of returning to the rule which prevailed for seventeen years previous to that time. During all that period the Department held that the provisions of the placer-mining act were applicable to these oil lands, but they changed that rule last August.

Mr. LACEY. Let me say to the gentleman that at present there is no method provided by law for acquiring title to oil lands; but, by a construction of the Department, the placer-mining act was held to be applicable to such lands up to a recent period, when the rule was changed by the Department.

Mr. STEELE. The mining of oil is a very expensive operation.

Mr. LACEY. Certainly. The work is done by boring and drilling, but the principles applying to the acquisition of title to such lands are the same as those involved in the placer-mining law.

Mr. WILLIAM A. STONE. As I understand it, the purpose of this bill is simply to extend to oil lands the same laws that apply now to mineral lands.

Mr. LACEY. No; it is to apply the provisions of the placer-mining law to the acquisition of title to public lands where they are valuable for oil. There being no method pointed out by the statute, the Department adopted that method and followed it for a great many years, but now they have changed the rule.

Mr. WILLIAM A. STONE. What are the provisions of the placer act?

Mr. MONDELL. It would take some time to state them in full, but I will say to the gentleman that for seventeen years these mineral-oil lands were held and patented under the provisions of the placer-mining law. Then the Commissioner decided that the original intent of that law was not that it should apply to lands of this character and that there ought to be legislation on the subject; not that the law was not adequate and applicable in itself to this character of land, but that the original intent was not to extend it to such lands and that there ought to be legislation. This bill was drawn to meet that difficulty, and the Commissioner of the General Land Office has approved it.

Mr. STEELE. Does it apply only to public lands?

Mr. MONDELL. Yes.

Mr. PAYNE. Will this bill, if passed, be a benefit to the development of oil lands?

Mr. MONDELL. Under the ruling of last August there is no way by which we can obtain title to oil lands in the West, and this bill is intended to prescribe a way; and it prescribes the same procedure under which the business was done for years, until the Department changed its ruling.

Mr. WILLIAM A. STONE. In other words, I understand the gentleman to say that there is no method by which to-day a person can acquire title to Government lands containing petroleum.

Mr. MONDELL. That is correct.

Mr. WILLIAM A. STONE. Can he not buy it?

Mr. MONDELL. Not since last August.

Now, Mr. Speaker, I ask unanimous consent that the Senate bill (S. 3551), which is exactly the same, be substituted for the House bill.

There was no objection.

The rules were then suspended and the Senate bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The message also announced that the Senate had passed without amendment the bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

The message also announced that the Senate had passed joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations on public space in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc., with amendments in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city;

A bill (H. R. 1256) for the relief of Henry A. Webb; and

A bill (H. R. 2859) granting a pension to Harriet F. Herrick.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. ROBERTSON of Louisiana. I move to suspend the rules and pass, with the amendments reported by the Committee on Public Lands, the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana.

Be it enacted, etc., That all the right, title, and interest of the United States in and to the lands situate in the State of Louisiana, known as the located but unconfirmed private land claims therein, aggregating about 80,000 acres, and specifically described in the list or tabular statement accompanying report, dated February 19, 1880, made by the surveyor-general of Louisiana to the Commissioner of the General Land Office, under a resolution of the United States Senate of December 2, 1879, and which report and list were communicated to the Senate by the Secretary of the Interior on March 8, 1880, as Senate Executive Document No. 111, Forty-sixth Congress, second session, shall be, and the same are hereby, directed to be granted, released, and relinquished by the United States in fee simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. That nothing contained in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in said first section, the true intent of this act being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of Louisiana, including the laws of prescription, in the absence of the said interest and estate of the United States.

SEC. 3. That the Department of the Interior shall cause patents to issue for such lands and such patents shall issue in the name of the original claimant as appears in the list or schedule aforesaid, and when issued shall be held to be for the use and benefit of the true and lawful owners, as provided in sections 1 and 2 of this act.

Mr. LACEY. I demand a second on the motion to suspend the rules.

Mr. ROBERTSON of Louisiana. I ask unanimous consent that a second be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

[Mr. ROBERTSON of Louisiana addressed the House. See Appendix.]

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

PIER HEAD LIGHT, SOUTH MILWAUKEE, WIS.

Mr. OTJEN. I move to suspend the rules and pass the bill (S. 754) authorizing the establishment of a pier head light at or near South Milwaukee, in the State of Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a pier head light at or near South Milwaukee, State of Wisconsin, at a cost not to exceed $5,000.

The SPEAKER. The question is on seconding the motion to suspend the rules.

Mr. OTJEN. I ask unanimous consent that a second be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

Mr. WILLIAM A. STONE. What will be the expense of this work?

Mr. OTJEN. This bill provides no appropriation at all, but allows the establishment of the light station at a cost not exceeding $5,000.

This bill has passed the Senate, is recommended by the Committee on Interstate and Foreign Commerce, and I have a letter from the Light-House Board saying that it is urgently necessary.

Mr. DOCKERY. Let that letter be read.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 27, 1897.

SIR: In compliance with your verbal request for further statement as to the necessity for the proposed South Milwaukee light station, Wisconsin, which is recommended in the estimates recently submitted to Congress, the board has the honor to state that in compiling the estimates for new works only those were included which the board decided after careful investigation were urgently required by the demands of commerce in the various districts. These new works thus determined upon were arranged for each district as nearly as practicable in the order of their necessity. It will be noted that of the six new "fixed lights" recommended for the Ninth district, which comprises Lake Michigan and Green Bay, the South Milwaukee light was placed third in order of necessity. The bill in question is inclosed herewith.

Respectfully, yours,

JOHN MILLS,
Captain, Corps of Engineers, U. S. A., Engineer Secretary.

Hon. THEOBOLD OTJEN, M. C.,
House of Representatives, Washington, D. C.

The SPEAKER. The question is on suspending the rules and passing the bill.

The motion was agreed to, two-thirds voting in favor thereof.

T. J. PITZER.

Mr. COLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4842) for the relief of T. J. Pitzer, with an amendment which is indicated in the bill.

The SPEAKER. The bill as proposed to be amended by the gentleman and passed under a suspension of the rules will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay to the heirs or legal representatives of T. J. Pitzer, of Barbourville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $400, for mules taken from him and used for the public service during the late civil war.

Mr. DOCKERY. I ask a second, Mr. Speaker, on the motion of the gentleman from Kentucky.

Mr. WILLIAM A. STONE. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. DOCKERY. Now let us have an explanation of this bill.

Mr. COLSON. I ask for the reading of the report, which is perhaps the best explanation of the bill that can be made.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4842) for the relief of T. J. Pitzer, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and recommend that the bill referred to them do pass.

[House Report No. 1625, Forty-ninth Congress, first session.]

The claimant, Thomas J. Pitzer, of Knox County, Ky., brings this claim for $400, the price of two good mules taken from him in 1863, at or near Barbourville, Ky. The proof is conclusive that claimant was a loyal citizen, and it is equally as well shown that the two mules were taken and used by the Army of the United States. The witnesses differ a little as to the value of the mules, one witness fixing the value at $150 each and the other at $250 each. The committee fix the value at the sum of $200 each, making $400 for the two, and this sum they recommend be paid claimant. The committee think there is nothing in the statement of the agent of the Quartermaster-General that claimant purchased these mules from some men residing in a State in insurrection, there being absolutely nothing in the record to show any collusion or bad faith in any part of the transaction.

The committee are of the opinion that the claim should be allowed, and therefore recommend that the bill do pass.

Mr. PAYNE. I would like to inquire of the gentleman from Kentucky what evidence the committee had in the Forty-ninth Congress that these mules were not purchased from some one in the Confederate States who was engaged in the rebellion?

Mr. COLSON. Well, Mr. Speaker, the committee had sufficient information to warrant them in making the report which has just been read. It is entirely satisfactory to the committee, and I suppose the House will be willing to accept the report of the committee based on their own investigation of facts. I know the party who is interested in the bill, and I am aware of the fact that it is a meritorious measure and ought to be passed.

Mr. CANNON. Let me ask the gentleman why the claim was not paid years ago?

Mr. COLSON. Simply because the Government refused to pass on the bill.

Mr. CANNON. Well, there have been many chances to have it paid.

Mr. COLSON. Well, you know yourself that there are thousands of bills, meritorious bills, that can not pass through the House.

Mr. CANNON. Yes; that may be as to a bill; but is it not true that the Quartermaster-General, under the general law, was authorized to settle all claims for a period of ten or twelve years?

Mr. COLSON. Yes; that is probably true.

Mr. CANNON. And a number of them were so settled, and a limitation was fixed upon their presentation.

I will ask the gentleman if this claim was ever presented to the Quartermaster-General?

Mr. COLSON. I think not.

Mr. CANNON. Has the gentleman knowledge of the facts?

Mr. COLSON. I am quite sure it never was.

Mr. CANNON. Then it must be barred.

Mr. COLSON. I think not. At all events, it is within the power of Congress.

Mr. CANNON. Oh, yes; we may appropriate for any possible purpose on earth.

Mr. COLSON. And it is sometimes done.

Mr. CANNON. Well, I do not say that we can not. But I am asking if there has been any action taken upon this by the parties heretofore? Now, if these parties have lost their right to compensation by neglect to avail themselves of their rights under the law, why, it is their own fault.

Mr. COLSON. I think not. We have the right to grant them relief, and, Mr. Speaker, we ought to do it in good conscience. The Government secured these mules, which the owner had just bought and paid for. They were worth what the bill calls for, and I certainly would not plead limitation on an honest debt. I do not think the Government ought to.

Mr. CANNON. Oh, well; I know it is ungracious to resist the payment of a little claim of $400—it looks so small. But what are the facts, and what are the effects of it after you do pass it? In a case of this kind, where property is taken by the Army for the use of the Army, in the first place they took a voucher for it, or had some evidence if not paid for at the time, and if they were not paid then, as I understand it, under the act of Congress it was provided that everybody might present his claim and submit it to the proper authorities for action.

Mr. COX. In the Court of Claims?

Mr. CANNON. Well, they might go to the Court of Claims; but they were not put to that trouble. They were settled, as I understand it, by the Quartermaster-General. That was away back about the time of the close of the war, or shortly after. The law authorized the Quartermaster-General to settle the claims, and then finally an act was passed that all claims must be presented within a certain time, and great quantities of claims were presented and allowed, while many others were presented and disallowed.

Now, if the gentleman can state that he has examined, and that this claim was never presented, why then it would be for Congress to say whether they would appropriate for it, notwithstanding it is barred by the statute.

Mr. COLSON. The gentleman well understands that there were a good many persons who had meritorious claims who were not allowed their rights under the law.

Mr. CANNON. I never heard of any. Now, what I want to know is whether this is one of that kind.

Mr. COLSON. Well, I should say it was.

Mr. CANNON. Has the gentleman any knowledge of that matter?

Mr. COLSON. I have knowledge of the fact that it is a meritorious claim, and I think they did not apply to the Quartermaster's Department.

Mr. CANNON. Then it never has been acted upon by the Government?

Mr. COLSON. It never has been acted upon.

Mr. BOATNER. The Committee on Claims gave it a very thorough investigation.

Mr. COLSON. Yes; we investigate all claims thoroughly.

Mr. HUNTER. The agent of the Department did examine that claim.

Mr. COLSON. I think not.

Mr. DOCKERY. There seems to have been some grave question, indeed, as to the value of the mules, and the doubt seems to have been resolved against the Government.

Mr. HUNTER. The claim has been examined.

Mr. COX. Examined by whom?

Mr. HUNTER. By the agent of the Quartermaster-General.

Mr. LOUD. I hope the gentleman will not allow this claim to pass simply because it is small.

Mr. COLSON. I now remember that the question involved was the claim that the party bought the mules from a person who resided in a State that was in insurrection, and therefore some doubt was thrown on the claim.

Mr. CANNON. So that the gentleman was in error——

Mr. COLSON. Yes.

Mr. CANNON. [About this claim never having been submitted to the Quartermaster-General. Now—

The committee think——

Mr. COLSON. That report which the gentleman has is a former report.

Mr. CANNON (reading):

The committee think there is nothing in the statement of the agent of the Quartermaster-General that claimant purchased these mules from some men residing in a State in insurrection, there being absolutely nothing in the record to show any collusion or bad faith in any part of the transaction.

Now, it does seem that we are authorized to suppose that these parties were vigilant, that they preferred their claims before the Quartermaster-General, that the agent of the Quartermaster-General, as the law directed, reported and found that these claimants purchased these mules from parties residing in a State in insurrection, and therefore rejected the claim, as they properly ought to have done.

Mr. PAYNE. I want to ask the gentleman another question. I want to ask him whether $200 is not a very high price for a mule?

Mr. CANNON. Oh, I do not know; I think mules, especially Kentucky mules, away back at the time of the war, were worth $200 apiece.

Mr. COLSON. The testimony shows that this gentleman paid that much money for the mules, and I submit to this House whether, in equity and good conscience, this bill ought not to be paid.

Mr. BOATNER. Was there any law against buying mules from people in insurrection?

Mr. CANNON. Oh, well, gentlemen understand what the legislation was.

Mr. COLSON. I do not want to understand the gentleman from Illinois [Mr. CANNON] as objecting to paying for anything which the Government received and put to its own use. The Government took this property, used it for its own purposes, and now this party comes here and seeks relief. He had purchased these mules. They belonged to him. It is a question for this House to say whether he ought not to be reimbursed.

Mr. HOPKINS. Let us take a vote on it. I think you are entitled to a vote.

Mr. WILLIAM A. STONE. These were Kentucky mules, and not Indiana mules. [Laughter.]

Mr. COLSON. I should not come here and present this claim if I did not believe it to be meritorious.

Mr. CANNON. Now, I am authorized from the statement in this report which I have read, to infer that this claim was presented to the Quartermaster-General and adjudicated under the law.

Mr. COLSON. And rejected on a mere technicality.

Mr. CANNON. And rejected. Now, as it was rejected, that is the end of it, unless Congress intervenes and gives it life.

Mr. BOATNER. Does not the gentleman from Illinois think that the Quartermaster-General made an error?

Mr. CANNON. Now, the gentleman asks Congress to intervene and give it life. Upon what information? Upon the bare statement of the committee, of which he says he is a member, back in the Forty-ninth Congress, that they think the Quartermaster-General was mistaken.

Mr. LOUD. That is a bad Congress, too.

Mr. CANNON. My friend knew so little about it himself that but a few minutes ago he thought it had not been presented to that Department.

Mr. COLSON. That slipped my memory. I have been familiar with the facts.

Mr. CANNON. Well, now, this is a matter of $400. I do not care whether the House passes it or not; but I do say that I have no doubt there are millions of dollars of just as worthy claims as this that have been rejected by the Quartermaster-General.

Mr. COLSON. This gentleman has been here with this bill before, and it is not his fault that Congress has not given him relief.

Mr. HULICK. On what ground was this claim rejected by the Quartermaster-General?

Mr. COLSON. On some technicality.

Mr. HULICK. What was it?

Mr. COLSON. That some party from whom he purchased the mules seems to have resided in a State that was in insurrection.

Mr. BAILEY. We would like to hear what the gentleman is saying.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. DOCKERY. Mr. Speaker, I have some of my time left, and I desire to yield as much as may be necessary to the gentleman from California.

Mr. LOUD. Mr. Speaker, I am much surprised that a case of this character, involving so great a principle as it does, should occupy the time of this House and that we should occupy the time of the House in rejecting a case that had been adjudicated in days gone by, or that such a case could have got the eye of the Speaker. Now, the gentleman from Illinois [Mr. CANNON] seems apparently willing to act upon this case, because it involves but $400. But is it not just as important, let me ask the gentleman from Illinois, to resist it with all the means in his power as chairman of the Committee on Appropriations, who as such is supposed to look after ruthless attempts to appropriate public money by this body, by every means in his power, as though it carried $400,000? Why, if this bill passed, Mr. Speaker, we have added but another precedent to a line that has been established, and the principle made come here to-morrow. If we have a case perhaps of $800 or $8,000, it would be claimed that this House has already established a precedent in passing bills of this character.

Now, while it may seem, perhaps, a waste of time to many gentlemen who have cases that they would like to have passed this afternoon to take up the time of this body to save to the Government the small sum of $400, yet I feel myself mean enough, if you feel inclined to express it in that way, to resist this claim as strongly as I would if it carried $4,000,000. The claim should not be paid; it has not a spark of equity or justice in it from beginning to end; and I appeal to the judgment of any man on the floor of this House—I even appeal to the judgment of the gentleman who presents it to know if he will apply the rule he invokes in this case to another one in some other district of the country? I hope the House will most emphatically, by an emphatic vote, defeat the passage of this bill, small as it is in amount.

Mr. COLSON. Mr. Chairman, the gentleman from California refers to the principle involved. I regret to consume the time of the House and the time that has been consumed in the consideration of this measure; but so far as the principle involved in this bill is concerned, I agree with him that it is just as important as if the bill carried $4,000,000; and the Government is under as much obligation to pay this $400 that the bill carries as it would be to pay $4,000,000 due to somebody else. It would be under as much obligation to pass the bill if it carried $4,000,000 as it is a bill carrying only $400. You talk about the principle involved. The Government took the property. The owner of the property was powerless to prevent the Government from taking it. And now the question is whether this Congress will sit here and say that this great Government of the United States should not pay a poor man for the two mules which it took from him the sum of $400 that he demands when he shows he paid that for the mules. That is the only question I submit to this House. The gentleman from California is a constitutional objector. He objects to these measures regardless of the right of the thing. I do not believe that this House will support the objections of the gentleman from California.

Mr. DOCKERY. Mr. Speaker, the gentleman from California needs no defense at my hands. His splendid record as a Representative is his best defense. So far as the criticism which has just been laid at his door—a "constitutional objector"—I may say that I commend him most heartily and fully for the consistent course he has pursued in this House in attempting to defend the Treasury of the United States from unwarranted assaults. I remember to have read a few days since an interview with a distinguished public official in which, by way of explaining the fact that the expenditures of the Government were constantly increasing, he stated that in the organization of the House and the Senate there were no committees clothed with the express duty and power of defending the Treasury.

I recognize the fact that to a certain extent our organization is defective in that respect, and I am willing to stand here, even though it involves odium, to uphold the efforts of the gentleman from Illinois [Mr. CANNON] and the gentleman from California [Mr. LOUD] in defense of the Treasury when gentlemen seek to pass bills calling for the expenditure of public money for musty old claims that ought never to have been presented to this House. We need an organization, Mr. Speaker, to speak for the taxpayers of the United States. Under the unwritten law and custom, the chairman of the Committee on Appropriations is perhaps the only one that can stand in the way of these unwarranted expenditures without risk of incurring the odium that may be involved in the idea expressed by the gentleman from Kentucky.

This bill has had its day in court. As to amount, it involves, to be sure, only $400; but in principle it involves very much more than that. If we are to go back and disturb the settlements made heretofore of questions growing out of the war, then I can present from Missouri, from my own district, hundreds and thousands of claims just as worthy, just as equitable, just as honest as the one now presented by the gentleman from Kentucky. I hope that the gentleman from Illinois [Mr. CANNON] and the gentleman from California [Mr. LOUD] will not be deterred by the criticism which has fallen from the lips of the gentleman from Kentucky, but will stand in the future, as they have stood in the past, against all these bills involving expenditure of the people's money where it is not necessary for the honest, frugal administration of governmental affairs.

Mr. HULICK. Does the gentleman mean that he is opposed to these bills whether they are right or not?

Mr. DOCKERY. No, sir. I am in favor of all bills that are right; but this bill comes here tainted with suspicion.

Mr. COLSON. I deny that. The gentleman does not dispute the fact that the Government took this property?

Mr. DOCKERY. In the first place, Mr. Speaker, these were very high priced mules. [Laughter.] There is a doubt as to the value of the mules, and the doubt, as in all these cases, is resolved against the Government. One witness testified that they were worth perhaps $150 apiece, and another that they were worth $200, and thereupon the committee proceeded to allow $200 apiece. Then, from a statement in the report we are authorized to infer that there was a question raised as to whether or not these mules were not purchased in an insurrectionary district. I do not know what the facts were, and this House does not and can not know what the facts were, and that only illustrates still more strikingly the absurdity of going back and, by special legislation, ripping up settlements made by authorized tribunals in the years immediately succeeding the war. As I understand it, the Quartermaster-General was authorized to settle all claims of this character. This claim was presented to him; it had its day in court; it was rejected, and now, more than thirty years after the war, it is attempted to be put through here by a special act. I hope the House will vote down this bill.

Mr. McCALL of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Kentucky [Mr. COLSON] is entitled to five minutes more.

Mr. COLSON. I yield my time to the gentleman from Tennessee [Mr. McCALL].

Mr. McCALL of Tennessee. I thank the gentleman from Kentucky. In my short experience as a member of Congress I have at all times endeavored to speak in favor of reasonable economy and have voted that way, but I have observed that claims against the Government of a certain class, coming from a certain section of the country, invariably excite an interest and an opposition which is to me remarkable and astonishing. Why, sir, it seems to me from my brief experience here that if a claim against the Government has the merit of being a large one it may pass, but if it has the misfortune of covering but a small amount, then, however meritorious it may be, it is sure to meet with determined opposition. My distinguished friend from Missouri [Mr. DOCKERY] is always an economist, but why he should find such a great principle involved in this bill as to call forth this animated discussion I do not understand, unless it be upon the ground that it is wrong to pay a loyal man who lived in the South for property taken from him by the Government during the war.

Now, sir, on that question I want to repeat what I said on a former occasion on this floor, that if there is any class of men in this country who deserve just consideration at the hands of this Government, in my opinion it is the loyal men of the South, the men of Kentucky, of Tennessee, of all the border States, as well as farther south. [Applause.] That is my sincere belief, and I do not understand why it is that these little claims, coming from that section, are always found to involve such important principles and to be so objectionable. The loyal men in those States were subjected to ostracism, to corporal punishment, sometimes to death, at the hands of those who surrounded them, and yet they stood faithful to the Union. Such a man lived, say, in Kentucky or in Tennessee, where at one time the armies of the South would drive back the Union troops and would devastate and destroy his property, and then the Union Army would again sweep over the same territory, drive back the Southern army, and in their turn would devastate and destroy.

Such a man comes here saying, "I was a Union man; you took my mules, for which I paid $200 each; you ought to pay me for them." But the Government says to him, "Your claim is too old; why have you not had it paid before?" The answer is to be found in the obstacles such as I have witnessed to-day thrown in the path of men urging these just claims. In conclusion, Mr. Speaker, I believe that these claims of loyal men of the South against the Government for property taken to maintain the armies of the Union when they were surrounded by enemies in that country should receive respectful consideration and prompt payment at the hands of the Congress of the country. [Applause.]

The question being taken on the motion to suspend the rules and pass the bill, there were on a division (called for by Mr. DOCKERY)—ayes 68, noes 37.

So (two-thirds not voting in the affirmative) the rules were not suspended.

ORDER OF BUSINESS.

Mr. HITT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of appropriation bills, with the view of taking up the consular and diplomatic appropriation bill. Pending this motion, I should like to make an agreement with my friend on the opposite side [Mr. McCREARY of Kentucky] as to the time to be occupied in general debate. I do not desire myself more than five or ten minutes. This is a purely business bill, as to which there is no dissent whatever.

Mr. McCREARY of Kentucky. This bill is almost exactly identical with the consular and diplomatic appropriation bill passed at the last session. I know of no necessity for any extended debate.

Mr. HITT. Shall we say ten minutes?

Mr. McCREARY of Kentucky. I think not exceeding ten minutes will be sufficient.

Mr. HITT. Then I make that proposition a part of my former motion.

Mr. CURTIS of New York. I desire to present a conference report.

The SPEAKER. Pending the motion of the gentleman from Illinois [Mr. HITT], the gentleman from New York [Mr. CURTIS] submits a conference report, which will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. [illegible]) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6; and the Senate agree to the same.

S. M. CURTIS,
M. GRIFFIN,
D. G. TYLER,
Managers on the part of the House.

R. F. PETTIGREW,
GEORGE C. PERKINS,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STEELE. We should like to hear some explanation of it.

Mr. RICHARDSON. There ought to be a written statement accompanying the report.

The SPEAKER. Does the gentleman from Tennessee [Mr. RICHARDSON] make the objection that there is no written statement from the House conferees?

Mr. RICHARDSON. I think there ought to be a statement of some kind.

Mr. CURTIS of New York. I can explain the matter in a few minutes.

Mr. RICHARDSON. I do not object to the gentleman submitting an oral statement.

Mr. CURTIS of New York. I think I can make a statement in a few moments which will be acceptable.

Mr. BAILEY. I think that on a general appropriation bill the requirement of the rule ought to be adhered to, and I feel disposed to insist upon it.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] makes the point that the conference report can not be received in the absence of a written statement of the House conferees, as required by the rules. The Chair sustains the point.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. I now renew my motion.

The SPEAKER. The gentleman from Illinois [Mr. HITT] moves that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills. Pending that motion, he moves that general debate in Committee of the Whole on the consular and diplomatic appropriation bill be limited to ten minutes. The question is on agreeing to the motion for a limitation of general debate.

The motion was agreed to.

The qestion being then taken on the motion to go into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and proceeded to the consideration of the bill (H. R. 10131) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

Mr. HITT. Mr. Chairman, before proceeding with the general debate, I move that the formal reading of the bill be dispensed with.

The CHAIRMAN. In the absence of objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. HITT. Mr. Chairman, this bill makes provision for the foreign service of the United States; and in doing so it repeats largely the existing law. The amount which the bill proposes to appropriate is $1,676,908.76. The Secretary of State in his estimate, transmitted by the Secretary of the Treasury, estimated for nearly $400,000 more than this sum. But owing to the provision in the twenty-first rule of the House, forbidding the committee to report any appropriation not authorized by existing law, we were not at liberty to report in this bill those large expenditures. The principal one was $350,000 for the world's fair at Paris in 1900. There was another for an art exposition at Munich, $20,000. These and other propositions submitted, we were prohibited by the rules from incorporating in the bill.

There is an increase of $33,350 in the amount which the bill appropriates over the amount provided in the law of last year. That, however, is not in fact $33,000 of additional expenditure by the Government or additional charge upon the Treasury. It is larger than the amount appropriated in this particular bill last year simply because we have, at the request of the Secretary of State, inserted in the bill a provision which was formerly in the sundry civil appropriation bill for the survey of the water boundary between the United States and Mexico, and a provision for the international prison congress.

There is also, Mr. Chairman, an apparent increase in the bill of about $10,000 in the salaries paid to consuls, but instead of that being an increase of expenditure, or an increased charge upon the Treasury, it is retrenchment; it is a compliance with a law which requires the Secretary, in the estimates, and impliedly requires the committee, to provide in salaries for the offices where the fees are such large sums that it is deemed better to pay salaries and turn the fees into the Treasury. In these newly salaried consulates, to the amount of about $10,000—or, to be exact, $9,500 in new salaries and one increase of $500—the fees paid are $12,936.50; and the retrenchment in fact by the apparent increase will be, in exact numbers, $3,436.50.

That explains the apparent increase of $33,000 above the law of last year, and I may say generally, as to the bill, that while the sum seems a large one, a considerable part of it is in the nature of provision against possibilities or contingencies which may not arise rather than a provision for certain expenditures. For instance, $5,000 of the appropriation in one of its paragraphs, fees and costs in extradition cases, is an appropriation that will all be reimbursed by foreign countries who reclaim their criminals in this country. Of the $5,000 to bring home our criminals, a large part is reimbursed by the States where the offenses are against State laws, but not where the offenses are against the Federal laws. With reference to the neutrality-act item of $5,000, only one-half of that appropriation is sometimes expended; we have cut it down from the $10,000 formerly appropriated to $5,000. An emergency fund is provided which may be needed or may not be needed. But whether it be expended or not expended, it ought to be there, ready and available for use if required.

So, too, with reference to the fund for the protection and relief of seamen, which in certain cases in the past was all required and in other years has involved far less expenditure. For this fund $50,000 has been heretofore appropriated.

These and similar items, Mr. Chairman, make up about $100,000 of the bill, which will probably not be all expended.

So, too, with reference to the $28,000 which is provided for the Bureau of American Republics. We pay that out as an actual expenditure, but $12,000 is to be reimbursed to us by the other Governments, parties to the agreement and controlling the Bureau jointly with us. Our portion is about $16,000.

There is no substantial increase, except contingent allowance for clerks at consulates, an increase of $5,000; contingent expenses of foreign missions, an increase of $5,000.

Generally the bill is similar to that which the House has so often considered and accepted.

I yield to the gentleman from Kentucky the remainder of the time.

Mr. HENDERSON. Before the gentleman from Illinois takes his seat, I would like to ask a question for my personal information. I see it stated that portions of the foreign service are under the civil-service law, and it does not appear in the report of the Civil Service Commission what the officers are. Can the chairman of the committee throw light upon that point for the information of the House or for my own information?

Mr. HITT. I have a letter here from the Assistant Secretary of State in my hands, which I will quote.

DEPARTMENT OF STATE, *Washington, ——, 189—.*

SIR: In reply to your letter of ——, I would state that, under the Executive order of September 20, 1895, vacancies in consulates or commercial agencies the salary of which is not more than $2,500 or less than $1,000, or the official fees of which do not exceed the former or fall below the latter sum, will hereafter be filled by the appointment of either: (1) Persons holding positions under the Department of State; (2) persons having previously served under the Department; or (3) from among persons who, having furnished the customary evidence of character, responsibility, and capacity, and having been thereupon selected by the President for examination, have been found upon such examination to be qualified for the position.

Applications for offices falling within the above limits should be addressed to the Secretary of State, the name of the vacancy applied for being indicated, as well as the special qualifications for such office of the applicant, and this application should be accompanied by such indorsements as to applicant's character, responsibility, and capacity as he may be able to furnish.

W. W. ROCKHILL,
Assistant Secretary.

I may state, as a matter of information, that of the nominations so made by the President, I am informed that more than a majority have been rejected by the examination adopted.

I will insert also in the RECORD with my remarks, for the information of members, the circular statement of the Department, the letter of the Secretary of State to the President of September 17, 1895; the Executive order of President Cleveland of September 20, 1895; the order of the Secretary of State of September 23, 1895; and Assistant Secretary Rockhill's letter, all bearing upon this subject.

They are as follows:

EXAMINATIONS FOR THE CONSULAR SERVICE.

By an Executive order, dated September 20, 1895, the President of the United States directed that thereafter any vacancy in a consulate or commercial agency with an annual salary or compensation from official fees of not more than $2,500 nor less than $1,000 should be filled by transfer or promotion from some other position under the Department of State of a character tending to qualify the incumbent for the position to be filled; by the appointment of a person not under the Department of State, but having previously served thereunder to its satisfaction in a capacity tending to qualify him for the position to be filled; or by the appointment of a person who, having been selected by the President for examination, is found, upon such examination, to be qualified for the position. Posts which pay less than $1,000 being usually filled by selection from residents of the locality, it was not deemed practicable to put them under the new system. Excluding these places, numbering 71 at present, and also the places above $2,500, numbering 53, the number of consular positions within the scope of the order is 196. But as the consular officers who receive less compensation than $1,000 are paid by fees, and these fluctuate and will probably increase with the return of improved business conditions, the number of places that may be included in the new system of appointments is, as yet, undetermined. For this reason, an attempt to give a list of places accessible under the Executive order would be misleading.

LETTER OF THE SECRETARY OF STATE.

The action of the President was based upon a communication from the Secretary of State, as follows:

The President:

SIR: Complaints of the consular service of the United States, of the incompetency of consuls, and of the injurious consequences to great public interests, are not infrequently brought to the notice of the Department, sometimes by direct communication, but more commonly through the medium of the public press. That they are not alwnys well founded is clear, and instances are by no means rare in which interested parties indulge in the severest condemnation of officials whose only fault has been a proper adherence to the line of their legitimate duties. Merchants or others who demand that public functions shall be ignored or exceeded for the promotion of particular and private ends ought to find themselves disappointed, and if they are, may be expected to rail without stint at the officer who has refused to be their tool. Nevertheless, the consular office is of great importance in its relation to the commercial interests of the country (every consul should, so far as practicable, be chosen for his special fitness for the particular position in which he is to serve), and it can not be denied that while complaints against consuls are in some cases unwarranted, there are only too many others which can not be so regarded.

It is contended by boards of trade, chambers of commerce, and other like bodies all over the country that if our consular service were what it should be and our consuls were officials chosen for their fitness for the duties to be discharged by them, the results to the trade and commerce of the country would be of the most favorable character. The contention seems reasonable in itself, and is supported by the practice and experience of Great Britain and other European countries. Congress has, to some extent, recognized its justness by the statutes providing for consular pupils and consular clerks to be appointed upon satisfactory evidence of qualification, derived through examinations or otherwise. By the act of 1864, these officials, originally limited to twenty-five in number and called consular pupils, are designated as consular clerks and limited to thirteen in number, and are not to be removed from office except for cause stated to Congress in writing. It is pertinent to note also, in this connection, that at the last session of Congress bills to improve the consular service, by securing competency and fitness in its officers, were introduced into the Senate by representatives of both political parties. It is the executive branch of the Government, however, which might be expected to be most strongly impressed with the defects of our consular service, and by which appropriate measures for removing them would most naturally be initiated.

Hence it is not surprising to find that in 1866 the Department of State promulgated an order requiring all applicants for consulates to present themselves for examination at the Department. Neither the original order nor any copy of it can now be found. But the board of examiners, consisting of the Second Assistant Secretary of State, the examiner of claims, and the officer in charge of the consular division, met, organized, and held examinations under the order, and out of 9 applicants approved 7 as satisfactory. The other 2 were held not to be qualified, one because lacking in knowledge of foreign languages, the other because of general incompetency. It does not appear that more than one examination was held under this order of 1866, and the next step taken in the same direction seems to have been by an Executive order of April 16, 1872. How much was done under this regulation is not clear, and at all events it was soon superseded by the Executive order of March 14, 1873. This order, made like that of April 16, 1872, under the civil-service act of March 3, 1871, and during the life of the commission organized under that statute, was as follows: "Vacancies occurring in any grade of consulates or clerkships in the Department may be filled either by transfer from some other grade or service, clerical, consular, or diplomatic under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State with proper certificates of character, responsibility, and capacity, in the manner provided for applications for consulates of which the annual compensation is more than $1,000 and less than $3,000, and who has, on examination, been found qualified for the position."

Under this order, an examination board was organized by the Secretary of State, consisting of three officials serving in the State Department at Washington. A general regulation was also adopted, by which, upon a consulate becoming vacant, notice in writing in a form prescribed by the Secretary of State was sent to applicants for consulships.

This notice stated in substance that the vacancy had occurred; that the applicant was to attend for examination at the State Department on the day named; that, in addition to the usual subjects, he would be examined upon the third and eleventh chapters of the first volume of Kent's Commentaries, and upon the "Regulations for the consular service of the United States;" that reasonable time would be given an applicant to familiarize himself with such "regulations," copies of which could be had for 50 cents, and that before such examination the applicant must file with the Department a paper certifying to his honesty, trustworthiness, good repute, steady habits, and capacity to perform the duties of a consul, and signed either by a person personally known to the Secretary of State or by some person with means of information vouched for by one personally known to the Secretary of State. Conformably to these regulations made under the Executive order of March 14, 1873, quite a number of persons were examined during the years 1873 and 1874. The examinations were conducted through questions and answers in writing, and the examination papers are still on file in the Department. The system thus generally described is said to have worked well in practice, and to have both improved the consular service and relieved the Department of much embarrassment. It was, nevertheless, short lived, and though the necessary connection between the two things is not obvious, it seems to have been given up simultaneously with the relinquishment of its functions by the Civil Service Commission of 1871, a relinquishment brought about by the refusal of Congress to make any appropriations for that branch of the service.

The civil-service act of 1871, now in force as section 1753 of the Revised Statutes, authorizes the President "to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter, and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service." It may be that these statutory provisions can not be so utilized as to bring about that complete reform and improvement of the consular service which are universally conceded to be desirable. It may be that costly and elaborate machinery of the character provided by the Senate bills already referred to will be found necessary to that end. But, even if that be so, it is still to be remembered that the provisions of those bills have not yet been enacted by Congress and may never be, and that meanwhile it can do no harm, and may do much good, to make a thorough trial of the efficiency of such regulations as are authorized by section 1753 of the Revised Statutes. I therefore venture to recommend the adoption of an executive order in the terms of a paper which is hereto appended, marked B. It differs in detail, rather than in principle, from the other executive orders already referred to. It assumes that consuls may properly be chosen from two classes of persons without examination, namely, from persons already in the service of the State Department or from persons formerly in its service, and who in each case have not only satisfactory records of service, but of service tending to qualify them for the duties of consul. It requires all other persons, being first selected as eligible for examination upon the ordinary proofs of competency and good character, to submit themselves to an examination designed to test their aptitude and fitness for the special functions of the consular office. Thus, on the one hand, the appointing power is left at liberty to avail itself of whatever special capacity and fitness for the consular office actual service has demonstrated to exist. On the other hand, by reserving to itself the designation of the persons eligible for examination, the appointing power protects itself to some extent at least from the errors sure to follow from absolute reliance upon purely academic tests of fitness. Finally, it should be borne in mind that the order now recommended is in no sense final or exhaustive. Experience will doubtless prove in what respects it may be amended or enlarged to the advantage of the public interest. But meanwhile it may surely be claimed for it that it will be at least a step in the right direction, and a step to be judged of not by the advance it itself makes, but by the advance it may rightly be expected to inevitably lead to.

The incumbents of such consular offices as are scarcely inferior in dignity and importance to that of minister must, it is believed, continue to be selected as heretofore, at the personal discretion and upon the personal responsibility of the Executive. It is to be borne in mind, too, that there are a large number of such offices, the emoluments of which are less than $1,000—the lowest salary attached by law to any consular position—which are paid only by fees, and which, as a rule, must be filled from the residents of the particular locality where the office is established. The annexed order, therefore, does not apply to either of these classes. On the other hand, it does in terms apply to commercial agents, so called, officers with functions to all intents and purposes the same as consuls, and thus embraces within its operation nearly three-fourths of the whole number of consular and quasi-consular offices of such rank and yielding such compensation as to be desired and sought for by citizens resident within the United States.

Very respectfully,
RICHARD OLNEY.

SEPTEMBER 17, 1895.

EXECUTIVE ORDER.

It being of great importance that the consuls and commercial agents of the United States shall possess the proper qualifications for their respective positions, to be ascertained either through a satisfactory record of previous actual service under the Department of State or through an appropriate examination:

It is hereby ordered that any vacancy in a consulate or commercial agency now or hereafter existing, the salary of which is not more than $2,500 nor less than $1,000, or the compensation of which, if derived from official fees, exclusive of notarial and other unofficial receipts, does not exceed $2,500 nor fall below $1,000, shall be filled (a) by a transfer or promotion from some other position under the Department of State of a character tending to qualify the incumbent for the position to be filled; or (b) by the appointment of a person not under the Department of State, but having previously served thereunder to its satisfaction in a capacity tending to qualify him for the position to be filled; or (c) by the appointment of a person who, having furnished the customary evidence of character, responsibility, and capacity, and being thereupon selected by the President for examination, is found upon such examination to be qualified for the position.

For the purposes of this order notarial and unofficial fees shall not be regarded, but the compensation of a consulate or commercial agency shall be ascertained, if the office is salaried, by reference to the last preceding appropriation act, and if the office is not salaried, by reference to the returns of official fees for the last preceding fiscal year.

The examination hereinbefore provided for shall be by a board of three persons designated by the Secretary of State, who shall also prescribe the subjects to which such examinations shall relate and the general mode of conducting the same by the board.

A vacancy in a consulate will be filled at discretion only when a suitable appointment can not be made in any of the modes indicated in the second paragraph of this order.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 20, 1895.*

ORDER OF THE SECRETARY OF STATE.

In pursuance of the Executive order of September 20, 1895, the Third Assistant Secretary of State, the Solicitor of the State Department, and the Chief of the Consular Bureau, or the persons for the time being respectively discharging the duties of said offices, are hereby constituted a board, whose duty it shall be, by appropriate examination, to determine the qualifications for the respective positions of persons selected for such examination by the President and applying for such consulates and commercial agencies as are included within the scope of said order. Vacancies occurring in said board, or such changes in the membership thereof as experience may prove to be desirable, will be dealt with by additional regulations as occasion may require.

The examination herein provided for shall be held from time to time at the State Department in Washington, upon such notice to candidates as shall give them reasonable opportunity to attend for the purpose in question.

Such examinations shall be by questions and answers in writing, unless for special reasons the board consider it desirable in any particular case to conduct an examination viva voce, in which case, however, a stenographer shall be present and shall report all the proceedings.

The subjects to which an examination shall relate shall be:

(1) General education, knowledge of languages, business training and experience.

(2) The country in which the consul or commercial agent is to reside, its government, chief magistrate, geographical features, principal cities, chief productions, and its commercial intercourse and relations with the United States.

(3) The exequatur, its nature and use.

(4) Functions of a consul or commercial agent as compared with those of a vice-consul or consular agent; relation of former to latter; also to the United States minister or ambassador at the capital of the country.

(5) Duties of a consul or commercial agent as regards—
  (a) Correspondence with the State Department and the form thereof.
  (b) Passports, granting and visaing.
  (c) United States merchant vessels in a foreign port, and their crews, whether seeking discharge, deserting, or destitute.
  (d) Wrecks within the jurisdiction.
  (e) Wrongs to United States citizens within jurisdiction.
  (f) Invoices.
  (g) Official fees and accounts.

(6) Treaties between the United States and the foreign country.

(7) Relations of ambassador and minister to laws of the country to which they are accredited, as compared with those of consul or commercial agent to those of the countries where they reside.

(8) Acts of ambassador or minister, how far binding upon his country.

(9) Diplomatic, judicial, and commercial functions of consuls or commercial agents.

(10) Piracy, what it is and where punishable.

(11) Consular Regulations of the United States, copy of which (to be returned to the Department) will be supplied to each candidate upon application.

(12) Such other subject or subjects as the board may deem important and appropriate in any particular case.

The examining board is authorized to issue such notices and to make all such rules as they may deem necessary to accomplish the objects of this regulation, and immediately upon the completion of each examination will make to the Secretary of State a report in writing, stating whether in their judgment the candidate is or is not qualified for the particular position applied for, and if the decision is adverse to the candidate, also briefly summarizing the grounds of such decision.

RICHARD OLNEY,
Secretary of State.

SEPTEMBER 23, 1895.

CIRCULAR TO APPLICANTS.

DEPARTMENT OF STATE, *Washington*, ——, 18—.

SIR: In reply to your letter of ——, I would state that, under the executive order of September 20, 1895, vacancies in consulates or commercial agencies the salary of which is not more than $2,500 or less than $1,000, or the official fees of which do not exceed the former or fall below the latter sum, will hereafter be filled by the appointment of either (1) Persons holding positions under the Department of State; (2) persons having previously served under the Department; or (3) from among persons who, having furnished the customary evidence of character, responsibility, and capacity, and having been thereupon selected by the President for examination, have been found upon such examination to be qualified for the position.

Applications for offices falling within the above limits should be addressed to the Secretary of State, the name of the vacancy applied for being indicated, as well as the special qualifications for such office of the applicant, and this application should be accompanied by such indorsements as to applicant's character, responsibility, and capacity as he may be able to furnish.

When the President shall have decided to fill any vacancy occurring among the consular offices in the above-mentioned classes, such candidates for it belonging to the third class as shall have been selected by him after examination of their applications and indorsements will be notified of the date of the examination and of the subjects on which said examination will bear, and they will also be supplied with such other papers as the examining board shall deem necessary for their guidance.

I am, sir, your obedient servant,
W. W. ROCKHILL,
Third Assistant Secretary.

Mr. HENDERSON. Is this a board of the State Department or of the Civil Service Commission?

Mr. HITT. It is a board appointed by the Secretary of State.

Mr. HENDERSON. It is not done under the civil-service law?

Mr. HITT. It is not under the act of 1883, commonly called the civil-service law. It is done under the act of 1871.

Mr. WILLIAM A. STONE. Do these requirements apply to all consular and diplomatic appointments?

Mr. HITT. All of twenty-five hundred dollars and under which are over $1,000.

Mr. McCREARY of Kentucky. Mr. Chairman, in the brief time that is allowed I wish to say that I served on the subcommittee with the distinguished chairman of the Committee on Foreign Affairs [Mr. HITT] and it is hardly necessary for me to add very much to what he has said; but I desire to say that this bill was carefully prepared, and that in its details it is substantially the same as the diplomatic and consular appropriation bill that was passed last year. The increase which has been made was absolutely necessary. The Secretary of State recommended certain increases that were not made. They were not allowed by the rules of the House of Representatives. The estimates that were sent to us by the Secretary of the Treasury amounted to $405,620 more than the amount which we have appropriated. It can be said, also, in favor of this bill that the appropriations for the consular and diplomatic service are smaller than in any other of the general appropriation bills. It is also a fact that we receive about $1,000,000 from our consular service, which, when subtracted from the whole amount of this bill, $1,676,908.76, leaves only about $600,000 as the cost of our diplomatic and consular service for one year. This bill carries a net increase of $33,000 over the last bill, and every increase that has been made was deemed by the Committee on Foreign Affairs to be absolutely essential.

Mr. TURNER of Georgia. Will the gentleman from Kentucky [Mr. McCREARY] inform us whether the present bill continues our relation as it has hitherto stood to the Samoan Islands? Are we by this bill contributing to the support of the Samoan Government or the maintenance of a government in that country?

Mr. McCREARY of Kentucky. Mr. Chairman, there was a treaty entered into some years ago known as the Berlin treaty. The United States, England, and Germany were represented in the negotiation of that treaty. It was a tripartite agreement. One of the gentlemen who represented the United States was our distinguished friend, Hon. William Walter Phelps, who served in Congress several terms and was afterwards minister to Germany. Under that treaty, I would say to my friend from Georgia [Mr. TURNER], England, Germany, and the United States were each to pay a portion of the expense of maintaining the King of Samoa and a chief justice and other expenses if deemed necessary by the parties to the treaty. Every year since that treaty was made Congress has appropriated a small amount of money to pay the part due from the United States, and England and Germany have also paid their respective portions.

The CHAIRMAN. The time for general debate, by order of the House, has expired. The Clerk will read.

Mr. TURNER of Georgia. I ask unanimous consent that the gentleman from Kentucky [Mr. McCREARY] be allowed to complete this interesting chronicle.

The CHAIRMAN. The Chair hardly thinks that can be done after the House has ordered the debate closed, but the Chair will suggest that the moment a paragraph is read debate under the five-minute rule will be in order.

Mr. McCREARY of Kentucky. I will say to my friend from Georgia that after the reading of the bill is commenced I shall be glad to give him further information, if desired.

The Clerk read as follows:

> *Be it enacted, etc.*, That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June 30, 1898, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Mr. TURNER of Georgia. Mr. Chairman, I move to strike out the last word, in order to elicit from my friend from Kentucky [Mr. McCREARY] this very interesting information of which I am in pursuit. I have not forgotten the story of this treaty. I have never, however, been able to reconcile it with my judgment as to the duty of this Government in its relations to foreign peoples, and have never been able to feel that we were occupying exactly the attitude which was most consistent with the spirit of our institutions in this Samoan affair. The gentleman from Kentucky [Mr. McCREARY] has no doubt correctly recited the inception of this affair, but according to my recollection the President or Secretary of State, or both, have inveighed against the continuance of this state of things. I think sometimes that they stated in their annual reports that they have in vain called the attention of Congress to it. If such is the case, I should like to know why this state of things is still continued, and I yield to the gentleman from Kentucky [Mr. McCREARY] for that purpose.

Mr. McCREARY of Kentucky. Mr. Chairman, the amount of the appropriation to pay our part under the Berlin treaty to which I have referred is no new matter in this House. It has been called up repeatedly, and I have said in this House repeatedly when the diplomatic and consular appropriation bill was under consideration that I did not approve of that part of the treaty which required the United States to assist in maintaining a king on the throne of Samoa. It is not necessary for me to repeat it, for I do not approve of it now. But here is a solemn treaty obligation, entered into between the United States, Germany, and England, and subsequently ratified by the Senate, which has that power under the Constitution; and Congress has been making an appropriation every year since that ratification in about this language:

> PROTECTING INTERESTS OF THE UNITED STATES IN THE SAMOAN ISLANDS.
>
> For the execution of the obligations of the United States and the protection of the interests and property of the United States in the Samoan Islands, under any existing treaty with the Government of said islands and with the Governments of Germany and Great Britain, $6,000, to be expended under the direction of the President.

The proper way to be relieved of the necessity for making the appropriation now criticised is by negotiations between our Government and the Governments of Germany and Great Britain abrogating the treaty, or by the passage of an act of Congress annulling that part of the treaty requiring the appropriation to be made.

Mr. HENDERSON. What is the $6,000 expended for?

Mr. McCREARY of Kentucky. It is, under the treaty, our part to help pay the expenses of the King and the chief justice, and for the benefit of American interests.

Mr. HITT. It is the judge's salary and the expenses of the court.

Mr. McCLELLAN. And the chief justice is an American.

Mr. McCREARY of Kentucky. He was originally an Englishman; but the chief justice is now an American.

Mr. WILLIAM A. STONE. Is the King under the civil service? [Laughter.]

Mr. McMILLIN. This matter, as stated by the gentleman from Georgia, has been called to the attention of Congress heretofore. It has been commented on in this House, and for one I suppose there is no chance to break through this appropriation bill and prevent this appropriation; but I do not believe that it is consistent with our duties as Representatives nor is it a proper discharge of the duty we owe to our Government to tax the people of the United States for the purpose of paying the salary of any king in the world nor the expenses of any kingly government. I have never favored it and never shall.

Mr. WILLIAM A. STONE. May I ask if this King is under the same protection of the civil-service laws as the rest? [Laughter.]

Mr. McMILLIN. I did not catch the inquiry of the gentleman.

Mr. BAILEY. He is still looking after the offices.

Mr. MORSE. He wants to know if the King is under civil-service rules.

Mr. McMILLIN. The payment of the King was started by a rule that ought never to have been adopted by this country.

Mr. HITT. But the gentleman will agree with me that this is a treaty obligation, and it does not lie in the House to set aside a treaty obligation.

Mr. McMILLIN. But Congress can repeal it, and the House can refuse to appropriate, and ought to do so. It is as un-American as anything can be. If the principle is right to pay tribute of $6,000, it may not be wrong to contribute $6,000,000. The principle is the same in a small amount as in a large one. This thing has been called to the attention of the House time and time again, and there ought to be no let up by this House until it is gotten rid of in some way. I am not saying this by way of reflection upon the gentlemen who have framed this bill. They have framed it in accordance with what they considered were treaty obligations, but there ought to be nothing in the bill to force this Government to contribute to the support of a king.

Mr. MORSE. Not even the Queen of the Sandwich Islands?

Mr. McMILLIN. Not even anybody.

Mr. McCREARY of Kentucky. Mr. Chairman, this treaty was made during the Administration of Mr. Harrison——

Mr. McMILLIN. That is correct; and we rebelled against it.

Mr. McCREARY of Kentucky (continuing). In 1890. My friend from Georgia wanted to know the time. It was in 1890, during the Administration of President Harrison.

Mr. LEWIS. Was it made then, or ratified?

Mr. McCREARY of Kentucky. It was made in 1890, when our friend Mr. Phelps and others went to Berlin, and ratified shortly afterwards by the Senate of the United States.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

> CLERK HIRE AT LEGATIONS.
>
> Clerk hire at the legation to Spain, $1,200.

Mr. HITT. Mr. Chairman, I move to strike out lines 9, 10, and 11, which provide $1,200 for clerk hire to the legation to Spain. The reason is that in the paragraph following there is a provision for $110,000 for contingent expenses of foreign missions, and among those you will see one item, in line 18, for clerk hire. The provision of a clerk at Madrid was put in many years ago, and the reason given for it was that in consequence of dispensing with the consul-general at that point it was supposed that there would be a good deal of work thrown on the legation. It is a very bad precedent to appropriate a specific sum of money for clerk hire, and when it is necessary it can be had from the following section, where we have made provision for clerk hire.

Mr. BAILEY. I would like to inquire of the gentleman if the Department allows generally in the larger legations $1,200, or does it come under the general provisions?

Mr. HITT. In the larger legations it will be $600, $800, or $900, and rarely $1,200, except where there is a deficiency in clerks in some particular way. Of course, I can not go into all the details.

Mr. BAILEY. That is satisfactory.

Mr. HITT. The report of the Auditor for the State and other Departments, pages 29 to 33, gives the amount allotted to every legation in the circle of our service.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HITT. I offered that amendment after consultation with the State Department.

The Clerk read as follows:

PROTECTING INTERESTS OF THE UNITED STATES IN THE SAMOAN ISLANDS.

For the execution of the obligations of the United States and the protection of the interests and property of the United States in the Samoan Islands, under any existing treaty with the Government of said Islands and with the Governments of Germany and Great Britain, $1,000, to be expended under the direction of the President.

Mr. McMILLIN. Mr. Chairman, I move to strike out the paragraph just read. The committee having already been told of the nature of this appropriation and notified of it, I do not propose to take up time with further argument of the question. It strikes me that the statement of it already made is sufficient.

Mr. HITT. Mr. Chairman, as the question has already been covered by the discussion, I will not make any reply to the gentleman except to say that this provision is in the form presented by the Secretary of State, as the better way to get at the object, if a change of policy is desired, is by negotiation, rather than by disregarding the treaty.

Mr. WASHINGTON. I will ask the gentleman from Illinois whether this provision is not in pursuance of existing treaties?

Mr. HITT. It is in fulfillment of existing treaties.

The question being taken on the motion of Mr. McMILLIN, the amendment was rejected.

Mr. WILLIAM A. STONE. Mr. Chairman, I would like to ask the gentleman from Illinois how long he proposes to go on this evening? It is now after 5 o'clock.

Mr. HITT. We can finish reading the bill in ten or twenty minutes, I think.

Mr. PEARSON. Mr. Chairman, I do not think that is likely, because a number of us here desire to get some information, and I am sure that more than ten minutes will be required to impart it, even at the rapid rate of speaking which characterizes the gentleman from Illinois.

Mr. HITT. Well, let us proceed with the bill until the point is reached on which the gentleman desires information.

The Clerk read as follows:

Consul-general at Habana, $6,000;

Consuls-general at London, Paris, and Rio de Janeiro, at $5,000 each, $15,000.

Mr. LACEY. Mr. Chairman, at this point I would like to have the chairman of the committee impart some of the information that has been spoken of here. I notice that the consuls-general at London, Paris, and Rio de Janeiro get $5,000 each by this bill. Now, we see it frequently published in the papers that the consul-generalship at London is worth from $25,000 to $30,000 a year; and I would like the chairman of the committee to explain to us how it happens that on a salary of $5,000 a year that office can be worth $25,000; whether it arises from the appropriation by the consul-general of the fees; and if so, whether the law should not be amended so as to provide that the salary in each case shall indicate the actual amount of the compensation of the office.

Mr. DOCKERY. Mr. Chairman, I think we had better proceed with this in the morning.

Mr. HITT. I will answer this question, and then the committee can rise. Fees have for many years been collected at these consulates, both notarial or unofficial and fees for the administration of the oath attached to invoices, which, by the English law, was not permitted to be administered by a foreigner. The consul made a private contract with a British subject close at hand at a salary, who administered the oaths and collected the fees, which really went to the consul. The amount collected for that kind of service sometimes piled up a large sum. Protests and complaints by merchants and others were made against the system. That has been in great part stopped. Then there is also a body of notarial fees, collected for acknowledging deeds, taking affidavits, making wills, etc., for which formerly no rates were fixed, and the receipts were large. The rates recently fixed are much lower than those which used to be charged. There had been a good deal of complaint by American citizens about fees of several pounds or guineas in Great Britain, and about fees of hundreds of francs for some services on the Continent—a few minutes' work—in the consulates. That has been changed, and the scale of fees for notarial services is fixed and required to be kept publicly shown. It is a scale that the Secretary can change if, after the 4th of March next, the fees are found to be too low. They are, in fact, far below the charges that have usually been made.

Mr. LACEY. Why should they not be covered into the Treasury?

Mr. HITT. The reason is that they are, in some respects, at least, for voluntary service. They are fees for services rendered to Americans—men or women—who require them while traveling abroad. They are not strictly official duties, but more like the work of a notary or lawyer, although rendered valid by the consular seal. The truth is that the American is attracted to the consulate by the fact that the consul is clothed with official character and therefore not, like a foreign lawyer unknown to him or anyone else that he might employ outside, possibly irresponsible. The advertisement of a consul by his title brings the American traveler to him, and the service done the American generally goes from him after having paid a good fee. The notarial fees and the notarial services are all voluntary. Such services ought to be paid for and paid to the men who render them. The Government has no claim for them.

Mr. GROSVENOR. I wish to ask the gentleman how long this abuse has been going on?

Mr. HITT. I suppose it runs back to a period that, measured by the political life of individuals, might be considered antiquity. [Laughter.]

Mr. GROSVENOR. And the distinguished head of the State Department, now that he is going out of office with his civil-service crowd, has just discovered the fact.

Mr. HITT. I may say, Mr. Chairman, that I have mentioned the existence of these usages several times on the floor of this House in the last fifteen years, and have several times tried to have measures adopted that would correct them. The attention of the House has been often called to the subject, and many attempts have been made to apply remedies. I think this is rather a tardy awakening on the part of the Executive.

Mr. DOCKERY. Do I understand that the abuse has now been corrected?

Mr. HITT. I can not tell what will be the operation of the rules just promulgated, but I think there will be an improvement—that is, as to irregular fees.

Mr. DOCKERY. Do the rules contemplate the covering of those fees into the Treasury?

Mr. HITT. Not at all.

Mr. DOCKERY. In what line, then, does the reform manifest itself?

Mr. HITT. It manifests itself in the protection given to American citizens against being required to pay inordinate fees for small services. The service, however, being a voluntary service, it is right that the officers should keep the fee, whatever it may be.

Mr. DOCKERY. But the service is rendered in the time of the United States—time for which the consul receives his salary, is it not?

Mr. HITT. It is; but the time of our consular officers is not very severely tried by strict duties. I have known consuls to devote days to the work asked for by American citizens on their private business, in lawsuits, for instance, taking depositions.

Mr. LACEY. And the service is asked for and rendered by virtue of his office.

Mr. PEARSON. Mr. Chairman, I would like to have the chairman of the committee in charge of this bill state, if he can, what will be the reduction in the compensation of these different officers under the new order. I have endeavored to procure that information myself, but have been unsuccessful. I have no doubt, however, that the diplomatic chairman of the committee has been able to acquire it, and if he will now impart it, I am sure it will be valuable.

Mr. HITT. The answer to that question depends altogether upon one's skill in guessing. There are no available sources of accurate information. No high-paid consul is zealous to proclaim the amount of his income from all sources. No consul cares to state in detail all the services that he has rendered in the way of giving legal advice or certifying papers or aiding his countrymen at their request in what are really their private interests.

Mr. GROSVENOR. If I am wrong about this matter, I want to be set right. I will ask the gentleman whether the operation of the new order will not be this: An American citizen in a foreign country who is compelled to employ the services of a native notary public or other public officer will not be charged the extravagant fees that we are all familiar with for such services, while if one of the citizens of that country requires the official act of the American consul, he can secure it at the meager rates charged in the District of Columbia. If that be so, it seems to me we are making a very strong effort to distinguish between the value of the services of our own citizens and that which our citizens are compelled to pay for the services of citizens of foreign countries.

Mr. HITT. I can not answer as to the rate which would be paid to an officer of the foreign country. By an act of Congress these officers of the United States in the consular and diplomatic service are given notarial powers. Documents authenticated by them can be used immediately, without other intervention, in the courts at home. Therefore an American naturally goes at once to the American consul when he has an affidavit to make which is to be used in a lawsuit at home or a deed to be executed and acknowledged. Those fees have heretofore been without any special limitation or regulation. They are not fees that regard foreigners; and I do not think foreigners could have occasion to pay those fees.

The new list of fees chargeable by consuls for various forms of notarial service is, I understand, taken from the laws of the District of Columbia. But the reason, as I understand, for making those fees no higher than they are here is that the man abroad who affixes the seal is already under a salary as an officer of the Government of the United States, whereas the man to whom you go in the District of Columbia with a deed, an affidavit, or other documents for verification or acknowledgment, is a man who gets no salary, but supports himself and receives no pay from the Government.

Mr. GROSVENOR. But have not the committees of this House, in preparing legislation with reference to the salary or compensation of consuls, always taken into account the fact that they could earn other fees than those denominated official fees?

Mr. HITT. To answer that question truly, I must say that they have not or but partially. There are only a few posts in the world where the notarial fees amount to a considerable sum, say $2,500 and upward; and at a few they have been very large. The difference between the receipts at those few points and at others near at hand is astonishing, as between London and Manchester, where they are not one-tenth as great. In Paris I have known them, from information that I have reason to believe was true, to run up to $15,000 in a single year, in addition to the salary allowed the consul by law. In London they have been at one time more than that. In places of resort by Americans in Italy, like Genoa, Venice, and Milan, where it is supposed the great stream of American travel passes, and where you would suppose the nonofficial fees would be very large, they are insignificant. In Germany they are generally small. Even in that great center, Berlin, the sums received for this work last year were not considerable—only a little above $3,000, I am told. Except in the few great cities these notarial fees are so small it would surprise gentlemen who remember the comparative importance of those consulates as commercial posts; for instance, Chemnitz, Plauen, Mayence. Very few Americans are residents in Europe except at a few cities. The two great American colonies are at London and Paris. And then, of course, there are mercantile interests at Liverpool, Hamburg, Hongkong, Marseilles, and similar posts, and a small colony of business Americans at each.

Mr. DOCKERY. As this bill will not be voted upon to-night, but is to go over until to-morrow, I suggest, for the consideration of the eminent chairman of the Committee on Foreign Affairs [Mr. HITT], the preparation of a legislative provision which would cover into the Treasury of the United States the fees received by these consuls in excess of their compensation as fixed by law.

Mr. HITT. I do not know that I understand the gentleman perfectly.

Mr. DOCKERY. I suggest that some provision ought to be carried on this bill to cover into the Treasury the fees earned by these consuls in addition to their salary.

Mr. McCREARY of Kentucky. I suggest to the gentleman from Missouri [Mr. DOCKERY] that if an amendment of that kind is to be prepared, he should prepare it himself. If he will take the pains to read the annual report of the Auditor for the State and other Departments he will find there published the amount of fees collected.

Now, while I am up, I wish to say a word in response to the gentleman from Ohio [Mr. GROSVENOR]. He made an inquiry this morning and again this afternoon in regard to a recent order issued by the State Department which I understood him to claim reduces the amounts that consuls are to receive hereafter, and he also asked this evening whether, in preparing this appropriation bill, we did not, when fixing the salaries of the consuls, take into account the amounts which they would collect in the way of fees. I have been a member of the Committee on Foreign Affairs for twelve years, and I want to say to him that when fixing the salaries of consuls in a bill of this kind I have never estimated what those gentlemen would receive in fees. A salary of $5,000 per annum is allowed to the consul at Paris and also to the consul at London. Efficient men can be obtained at that salary. The order which has been issued by the State Department is, as I understand, for the purpose of correcting certain abuses connected with the administration of consular positions. As the chairman of the committee said a while ago, this is an abuse which has been going on for a number of years. Various efforts have been made to correct this abuse, and I think that instead of criticising the Secretary of State for trying to correct it he ought to be applauded for his efforts in that direction.

Mr. DOCKERY. I am not criticising the Secretary. I am in accord with him in his efforts to correct this abuse.

Mr. McCREARY of Kentucky. I approve his action. I think he deserves praise instead of censure.

There are, Mr. Chairman, only a few places where large amounts are reported to be collected by consuls in fees. When consuls collect large fees, outside of the regular fees, there is no report made of the amount collected. We have no means of ascertaining how much the consuls at Paris, or London, or Liverpool make per annum in this way. It is impossible to get the information, but there is a report issued, as I said before, by the Auditor for the State and other Departments, which shows the fees which are reported by the various consuls, and which go into the Treasury of the United States.

[Here the hammer fell.]

Mr. HITT. If the Clerk will conclude the reading of the paragraph, I will move that the committee rise.

The Clerk resumed and continued the reading to and including line 3 of page 13.

Mr. HITT. Mr. Chairman, I move that the committee now rise and report progress.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10134, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House do now adjourn.

Mr. TUCKER. Will the gentleman withhold that for a moment to permit me to ask unanimous consent?

Mr. PAYNE. I will withdraw the motion temporarily.

MRS. CATHERINE E. LEE.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1933) granting a pension to Mrs. Catherine E. Lee.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, and pay her a pension at the rate of $12 per month, the name of Mrs. Catherine G. Lee, the daughter of William Rosser, a soldier of the Revolutionary war from the State of Virginia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSVENOR. I would like to inquire of the gentleman who this Mr. William Rosser is?

Mr. TUCKER. He was a soldier in the Revolutionary war.

Mr. GROSVENOR. He himself was a soldier?

Mr. TUCKER. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TUCKER, a motion to reconsider the last vote was laid on the table.

Mr. PAYNE. Mr. Speaker, I now renew the motion that the House adjourn.

The SPEAKER. Pending the motion, the Chair will submit some personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPENCER, for five days, on account of important business.

To Mr. BURTON of Missouri, for one day, on account of sickness.

The motion of Mr. PAYNE was then agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of S. D. Holland, administrator of Archibald Holland, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the receiver of the Eckington and Soldiers' Home Railway Company, transmitting the report for 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an estimate of appropriation for stationery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War, submitting an estimate of appropriation for Rock Island Arsenal water power—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a supplemental report in answer to the resolution of the House of June 5, 1896, relating to changes in the force of employees of the Treasury Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of War, transmitting an abstract of the militia force of the United States for the year 1896—to the Committee on the Militia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9491) concerning certain homestead lands in Florida, reported the same with amendment, accompanied by a report (No. 2743); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 8302) granting an increase of pension to A. V. Bloodgood. (Report No. 2735.)

The bill (H. R. 7885) to place John J. Brewer on pension roll, soldier, late war. (Report No. 2736.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 9763) granting an increase of pension to John H. Laney. (Report No. 2737.)

The bill (H. R. 7789) granting a pension to George R. Grubaugh. (Report No. 2738.)

The bill (H. R. 2958) granting an increase of pension to Bushrod W. Musselman. (Report No. 2739.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 8765) to pension Jacob Sherman. (Report No. 2740.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (H. R. 3928) for the relief of Ellen Wright, hospital nurse. (Report No. 2741.)

The bill (H. R. 10118) granting an increase of pension to Frederick W. Lamb. (Report No. 2745.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 10193) granting a pension to Willis Brady. (Report No. 2742.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 3942) reimbursing T. F. McGourin, late postmaster at De Funiak Springs, Fla. (Report No. 2746.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr AVERY: A bill (H. R. 10201) authorizing the funding of indebtedness in the Territories of the United States—to the Committee on the Territories.

By Mr. LACEY: A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent—to the Committee on Patents.

By Mr. EVANS: A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder—to the Committee on Ways and Means.

By Mr. ATWOOD: A bill (H. R. 10204) to grant pensions for service in the Army, Navy, or Marine Corps of the United States—to the Committee on Invalid Pensions.

By Mr. MURPHY of Arizona: A resolution (House Res. No. 511) of inquiry relative to the treaty with the Navajo Indians, entered into June 1, 1868—to the Committee on Indian Affairs.

By Mr. SHERMAN: A resolution (House Res. No. 512) requesting the Secretary of War and Secretary of the Navy to furnish to the House copies of all reports, papers, and documents on file in their Departments showing reasons for the adoption of certain ammunition and rifles—to the Committee on Military Affairs.

By Mr. WILLIS: A memorial of the legislature of the State of Delaware, praying a recount of the votes cast at the last general election in the State of Delaware—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 10205) for the relief of M. G. Cumby—to the Committee on War Claims.

By Mr. BOATNER: A bill (H. R. 10206) for the relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 10207) for the relief of Francis M. Lott—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 10208) to pay the findings of the Court of Claims in the case of Charles W. Morris, administrator of William Morris, deceased—to the Committee on War Claims.

By Mr. NOONAN: A bill (H. R. 10209) for the relief of Henry Rachan—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 10210) to authorize the Secretary of War to convey certain Government land to the city of Waukegan, Ill.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of C. A. Marquess and other citizens of Chicago, Ill., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of the Business Men's Association, of Fort Madison, Iowa, in favor of the bill to establish the department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., in favor of bill to pension maimed soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. FENTON: Petition of Samuel S. Reese, administrator of Silas Reese, for the payment of a claim—to the Committee on War Claims.

By Mr. GROUT: Petition of Harry A. Holton and 35 other citizens of White River Junction, Vt., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Fanny A. Drew, president of the Woman's Christian Temperance Union of Caledonia County, Vt., urging the passage of Senate bill No. 2185, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. HARRIS: Petition of H. L. Weaner, Rush Abbott, and 150 other citizens of Tiffin, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of the members of the bar of Muscogee, Ind. T., favoring legislation for the appointment of an additional judge of the United States court in the Indian Territory—to the Committee on the Judiciary.

Also, petition of W. H. Torbert and 118 business men, all citizens of Dubuque, Iowa, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of the Disciples' Church, of Corning, Iowa, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Disciples' Church, of Corning, Iowa, favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Resolutions of the Woman's Christian Temperance Union of Des Moines, Iowa, in regard to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. JOHNSON of California: Petition of 375 citizens of Tuolumne County, Cal., asking that certain portions of the Yosemite National Park be excluded therefrom—to the Committee on the Public Lands.

By Mr. KIEFER: Petition of E. A. Drew and other citizens of St. Paul, Minn., protesting against the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the St. Paul Chamber of Commerce, favoring a bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of the Minnesota State Forestry Association, for the protection of timber preserves—to the Committee on the Public Lands.

By Mr. KULP: Petition of Mrs. Mary Van Houten and 61 other ladies of Bloomsburg, Pa., for the passage of an act relating to the

share of the widow in the estate of her deceased husband dying intestate, etc.—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of the Santa Clara Wine Company and 11 citizens of Indianapolis, Ind., in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: Eighteen petitions of numerous citizens of Moline and Rock Island, State of Illinois, asking relief relative to charges of toll for street railway crossing the Rock Island Bridge—to the Committee on Military Affairs.

By Mr. SHERMAN: Resolutions adopted by the National Board of Trade, in session at Washington, D. C., January 26, 1897, advocating the passage of House bill No. 10090, known as "anti-scalpers' bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. STAHLE: Petition of Star Castle, No. 141, Ancient Order Knights of the Mystic Chain, of York, Pa., praying for some action toward recognizing the Cuban patriots in their struggle for independence—to the Committee on Foreign Affairs.

By Mr. CHARLES W. STONE. Memorial of the Fraternal Mystic Circle, of Philadelphia, Pa., favoring the passage of House bill No. 10108, regulating fraternal beneficiary societies—to the Committee on the Judiciary.

Also, memorial of Francis S. Harrington as to a composite coinage of gold and silver—to the Committee on Coinage, Weights, and Measures.

Also, protest of 75 citizens of McKean County, Pa., against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of Harvey C. White and 145 other citizens of Findlay, Ohio; also petition of 36 citizens of Delaware, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Ohio: Petition of J. W. Morris and 96 other citizens of Miami County, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *February 2, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

REPORT OF THE METROPOLITAN RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Metropolitan Railroad Company for the year ended December 31, 1896; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 1988) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, was read twice by its title, and referred to the Committee on Pensions.

CREDENTIALS.

Mr. ROACH presented the credentials of HENRY C. HANSBROUGH, chosen by the legislature of North Dakota a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CLARK presented a joint resolution of the Fourth legislature of Wyoming, praying for the recognition of the Republic of Cuba by the United States Government; which was read, and ordered to lie on the table, as follows:

STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 3 house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 29th day of January, A. D. 1897.

CHARLES W. BURDICK,
Secretary of State.

(Fourth legislature of the State of Wyoming. Enrolled joint resolution No. 3, house of representatives, State of Wyoming.)

A joint resolution in relation to the recognition of the Republic of Cuba by the United States Government.

Whereas the people of the State of Wyoming are in full sympathy with the efforts of the people of any community to establish a form of free government for the regulation of their own affairs; and

Whereas the people of this State have viewed with deep interest the struggle for independence now being carried on by the inhabitants of the Island of Cuba; and

Whereas we believe that the interests of humanity require friendly and encouraging action on the part of the Government of the United States: Therefore

Be it resolved by the Fourth legislature of the State of Wyoming, That the Hon. CLARENCE D. CLARK and the Hon. FRANCIS E. WARREN, Senators in Congress from this State, and the Hon. FRANK W. MONDELL, Representative in Congress from this State, and each of them, be, and they are hereby, requested by voice and vote to aid in the passage of any resolution which will tend to secure to the people of Cuba belligerent rights as revolutionists or their independence as a republic.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved January 27, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. LODGE presented the petition of S. A. White, of Boston, Mass., and the petition of Robert B. Baird, of Boston, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a memorial of 25 citizens of Lowell, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 63 members of the Young People's Society of Christian Endeavor of the Union Congregational Church, of Medford, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Atlantic Coast Seamen's Union, of Boston, Mass., praying that the section of House bill No. 6399 relating to allotment of seamen's wages, and also the imprisonment clause, be stricken out; which was ordered to lie on the table.

Mr. PEFFER presented a petition of the Baltimore Yearly Meeting of the Religious Society of Friends, of Baltimore, Md., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. MURPHY presented a petition of sundry citizens of Blue Mountain Lake, N. Y., praying for the enactment of legislation recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Watervliet, N. Y., and a petition of the Mount Washington Church, of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of Leon H. Hough, editor of the Saturday Herald, of Hornellsville, N. Y., and a petition of sundry citizens of New York City, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry druggists and chemists of New York City, of the drug-trade section of the New York Board of Trade and Transportation, and of sundry citizens of New York City, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. ALLEN presented a petition of sundry citizens and business men of Caney, Kans., praying for the adoption of the report submitted by the Committee on Indian Affairs upon the affairs of the Osage Indian Reservation; which was referred to the Committee on Indian Affairs.

He also presented the petition of W. L. Hand and sundry other citizens of Kearney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the petition of Endicott Peabody and 11 other citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of James B. Connor and 30 other citizens of Delaware, praying Congress to appoint a joint commission to inquire into the political conditions in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States; which was referred to the Committee on Privileges and Elections.

Mr. SHERMAN presented the petition of J. S. Bonham, pastor, and the officers of the Church of Christ, of Fayette, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM presented sundry letters, in the form of petitions, from A. Reed & Co., of Chicago; from the National Malleable Castings Company, and the Chicago Malleable Iron Works, of Chicago, in the State of Illinois; and from the New York Yearly Meeting of the Religious Society of Friends (Orthodox), praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry letters, in the form of petitions, from Sutliff & Co., of Bloomington; from Brown, Wheeler & Brown, of Springfield; from Whitney, Christenson & Bullock, of Chicago; from S. E. Seger's Sons, of Quincy; from the Channon-Emery Stove Company, of Quincy, and from sundry jewelers of Chicago, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of L. T. Ragan, of Chicago, Ill., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorial of A. Sumerlin, of Mattoon, Ill., and the memorial of Dr. O. Gunther, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry letters, in the form of petitions, from the Young Men's Christian Association of Paris, and from the Acme Spring Bed Company, of Chicago, in the State of Illinois, and of William T. Comstock, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Rock Island Lumber and Manufacturing Company, of Rock Island; of O. F. Price, of Galesburg; of Phillip D. Armour, of Chicago; of F. L. Wilkins, of Chicago; of L. Y. Sherman, of Macomb; of F. A. Murdock, of Springfield; of Henry Greenebaum, of Chicago; of W. E. Taylor, of Monmouth; of Howard Knowles, of Peoria; of R. J. Grier, of Monmouth; of W. T. Davis, of Chicago; of Martin Kingman, of Peoria; of James Logan, of Cincinnati, and of E. F. Leonard, of Peoria, all in the State of Illinois; and petitions of the National Educational Association, of Winona, Minn.; of the Christian Endeavor Convention of Boston, Mass.; of Charles R. Skinner, State superintendent of public instruction, of Albany, N. Y.; of sundry merchants and jobbers of St. Louis, Mo., and of William Donaldson & Co. and sundry other business firms of St. Paul, Minn., praying for the enactment of legislation prohibiting the present system of railway ticket brokerage; which were referred to the Committee on Interstate Commerce.

Mr. CARTER presented a petition of sundry citizens of Valley and Dawson counties, Mont., praying for the enactment of legislation to open the abandoned Fort Buford Military Reservation to entry under the public-land laws; which was referred to the Committee on Public Lands.

Mr. BURROWS. I present the petitions of J. V. McCommons and 34 other citizens of Wyoming, Kent County; of J. D. Simmons and 33 other citizens of Farmington, Kent County; of Daniel Bellman and 19 other citizens of Camden, Kent County; of Adam Wilson and 43 other colored citizens of Dover, Kent County; of W. G. Hartnett and 38 other citizens of Dover, Kent County; of Harry B. Lyons and 123 other citizens of Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. McMILLAN presented a petition of the Park Congregational Church, of Grand Rapids, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the members and friends of the Woman's Christian Temperance Union of Benzonia, Mich., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Rev. Gerrit Huyser, of Brighton, Mich., and of 97 other citizens of Michigan, praying for the enactment of legislation for the protection of American missionaries in the Turkish Empire, and also to secure speedy and adequate reparation for the wanton outrages perpetrated upon the persons and property of such missionaries; which was referred to the Committee on Foreign Relations.

Mr. JONES of Arkansas presented a petition of sundry citizens of Sebastian County, Ark., praying for the enactment of legislation for the relief of the Cubans in their struggle for freedom; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union, the Queen Esther Society, the Up-to-Date Club, and the Ladies' Aid Society of the Christian Church, of Bridgewater, Iowa, praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union, the Queen Esther Society, the Up-to-Date Club, and the Ladies' Aid Society of the Christian Church, of Bridgewater, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of the Kansas City Press Club, of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the petition of A. H. Perfect & Co., of Fort Wayne, Ind., and the petition of J. Zinsmeister & Bro., of New Albany, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Philadelphia Peace Association of Friends, of Philadelphia, Pa.; of the New York Yearly Meeting of the Religious Society of Friends (Orthodox), and of the Baltimore Yearly Meeting of the Religious Society of Friends, of Baltimore, Md., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. FRYE presented the memorial of L. B. Sweet and 28 other citizens of Bath, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Charles E. Adams, secretary of the Board of Trade of Searsport, Me., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented the memorial of H. W. Johnson, editor of the Times, of Apalachicola, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the petition of Stephen F. W. Lisman & Son, of Philadelphia, Pa., and a petition of Stackpole Bros., publishers of the Lewistown Gazette, of Lewistown, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Haven Woman's Christian Temperance Union, of Portsmouth, N. H., praying for the enactment of legislation authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, and also to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3261) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3166) granting a pension to George B. Merchant, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7349) to pension Lewellyn D. King, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3181) granting a pension to James L. Wing, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1391) granting an increase of pension to Mrs. E. S. Kelly, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2674) granting a pension to Levi R. Long, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1051) granting pensions to Gray's Battalion of Arkansas Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 3503) to increase the pension of Gen. James W. McMillan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1034) for the relief of Henry F. Thornton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 991) for the relief of Henry F. Thornton, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, reported it with an amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1302) granting a pension to Thomas Madden, reported it with amendments, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 10085) for the relief of Elnora Shuman, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3359) granting a pension to Susan A. Paddock, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH. I am directed by a majority of the Committee on Finance, to whom was referred the bill (H. R. 8582) to allow the bottling of distilled spirits in bond, to report it with sundry amendments.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 6234) to restore the name of James R. Pack to the pension roll, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 22d ultimo, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased, reported it with an amendment, and submitted a report thereon.

BULLETIN ON THE COTTON PLANT.

Mr. GORMAN. From the Committee on Printing I report back a House concurrent resolution with sundry amendments, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives

The amendments of the Committee on Printing were, in line 3, before the word "thousand," to strike out "six" and insert "seven;" in line 7 to strike out "two" and insert "one," and after the word "thousand" to insert "two hundred;" in line 7 to strike out "four thousand" and insert "two thousand four hundred;" and at the end of the resolution to insert "and three thousand four hundred for the use of the Department of Agriculture;" so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 7,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; of which 1,200 copies shall be for the use of the Senate and 2,400 copies for the use of the House of Representatives, and 3,400 for the use of the Department of Agriculture.

Mr. MILLS. I have no objection to the consideration of the resolution, but let it be read as amended.

Mr. SHERMAN. I ask to have the resolution read as amended.

The concurrent resolution was read as proposed to be amended; and the Senate, by unanimous consent, proceeded to its consideration.

Mr. MILLS. I think we ought to have more copies of this document. The amendment seems to cut down the number of copies to be given to the Senate and to give them to the Department of Agriculture. Requests for such documents usually come to the Senate and House. We shall be annoyed by letters when the supply of copies is exhausted, and we would have to have more printed. I would rather have the first number proposed for the Senate. My people are writing to me already for it.

Mr. GORMAN. The Senate passed a resolution and sent it to the House to print 20,000 copies of this bulletin, 6,000 for the Senate, 12,000 for the House of Representatives, and 2,000 for the Department of Agriculture. The House refused to concur and sent us a resolution providing for the printing of only 6,000 copies. We have amended it so as to make the number 7,000.

Mr. MILLS. How many copies for the Senate?

Mr. GORMAN. For the Senate 1,200, and for the House 2,400, and 3,400 for the Department. Let the resolution lie on the table if the Senator from Texas objects.

Mr. MILLS. I shall not object. I will let the committee go on with it. I would rather take the number proposed than nothing.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. MILLS introduced a bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812; which was read twice by its title.

Mr. MILLS. This is a bill proposing to increase the pension of the 12 survivors of the war of 1812 to $30 a month. There are only 12 of them, and their ages range from 104 years, the oldest, to 93 years, the youngest. I ask the Committee on Pensions to act on the bill promptly.

The VICE-PRESIDENT. The bill will be referred, with the accompanying paper, to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3638) for the relief of John Ward; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3639) for the relief of David Gibson, of Cincinnati, Ohio; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LINDSAY introduced a bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3641) authorizing the funding of indebtedness in the Territories of the United States; which was read twice by its title, and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 3642) for the erection of a public building at the city of Elgin, Ill.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

KILLING OF M. F. LOPEZ.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be requested to send to the Senate any information that he may have in regard to the killing by Spanish soldiers of the son of M. F. Lopez, an American citizen, at Sagua la Grande, in Cuba, and any report or letter from the American consul at that point relating to the subject.

SYSTEM OF BIMETALLISM.

Mr. CHANDLER submitted the following resolution; which was read:

Resolved, That it is the sense of the Senate that the United States should not permanently acquiesce in the single gold standard, and that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both, under a system of bimetallism to be established through international agreement or with such safeguards of legislation as will insure the parity in value of the two metals at a fixed ratio, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

Mr. CHANDLER. I shall ask that the resolution be placed upon the table Calendar, in order that at an early day I may call it up and submit a few remarks thereon, which I hope may be in striking contrast to the speeches on Friday last by the gold monometallist, the Senator from Wisconsin [Mr. VILAS], and the silver monometallist, the Senator from South Dakota [Mr. PETTIGREW], who from opposite extremes joined hands in voting against the bill providing for another international bimetallic conference.

The VICE-PRESIDENT. The resolution will be placed on the table Calendar.

SALE OF LIQUORS IN CAPITOL BUILDING.

Mr. MORRILL. I ask for the present consideration of the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. MORRILL. I think there is a great misapprehension on the part of the public in relation to there being any saloons kept at either end of the Capitol, but it will save us a large amount of correspondence to have this bill acted upon. I may say that it is possible, of course, for Senators to order a bottle of wine or a glass of spirits in the Senate restaurant, but it is a very rare occurrence. However, the House having passed this bill, and deeming it necessary, I hope it will be passed.

Mr. HILL. When was the bill reported? I ask for information.

Mr. MORRILL. The bill was reported some days ago.

Mr. COCKRELL. January 28.

Mr. MORRILL. It is on the Calendar.

The VICE-PRESIDENT. The Chair is advised that the bill was reported on the 28th of January.

Mr. HILL. I was not present at that date, and I was not aware until this moment that the bill had been reported. I desire to examine the bill, and I trust the Senator from Vermont will not press it this morning. I want to look at its provisions more carefully than I could do by hearing it discussed.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent to call up House bill 1061, reported from the Committee on Pensions this morning. I intended to ask for its consideration when it was reported, but I was absent from the Chamber at the moment. It is a bill relating to some soldiers of the Mexican war who should have been placed upon the pension rolls years ago. Some of the same class were placed upon the pension rolls; others were left off by reason of a ruling afterwards made by the Commissioner of Pensions. It is a bill in regard to Gray's Battalion, reported by the Senator from New Hampshire [Mr. GALLINGER] this morning. There is no objection to the bill in any form, and I should like to have it put on its passage.

Mr. HOAR. I should like to inquire if the routine morning business is over.

The VICE-PRESIDENT. The morning business has not yet been concluded.

Mr. HOAR. I understood that when that was done the Nicaragua Canal bill was to be taken up.

Mr. BERRY. I understood that the morning business was concluded. The Senator from Vermont was recognized to call up a bill.

The VICE-PRESIDENT. The Chair had not so announced.

Mr. BERRY. I hope the Senator will not object to this bill. It will take but a moment.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Arkansas to the Senate. The Senator from Arkansas asks unanimous consent for the present consideration of a bill which will be read for information.

Mr. HOAR. I object to any unanimous consent until the routine morning business is over. When that is over, which I suppose will be in about two minutes, if the Senator shall renew his request, and he proves to be right in saying that the bill will only take two or three minutes, I shall not object to its consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 738) authorizing the establishment of a pier head at or near South Milwaukee, in the State of Wisconsin.

The message also announced that the House had passed the following bills with amendments in which the concurrence of the Senate was requested:

A bill (S. 1621) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana;

A bill (S. 2037) to provide times and places for holding terms of United States courts in Utah; and

A bill (S. 3328) to repeal the timber-culture laws, and for other purposes.

The message further announced that the House had passed the following bills: in which it requested the concurrence of the Senate:

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army;

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;

A bill (H. R. 8890) as to medals of honor;

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 9363) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof;

A bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River in the State of Washington;

A bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded;

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York; and

A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1256) for the relief of Henry A. Webb;

A bill (H. R. 2859) granting a pension to Harriet F. Herrick; and

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

SEAL ISLANDS OF ALASKA.

Mr. PETTIGREW. There is a matter on the table that I wish disposed of this morning, and it will take but a few moments.

On the 5th of January a resolution was passed by the Senate calling on the Secretary of the Treasury to report with regard to the destruction of the seals upon the seal islands of Alaska and the revenue of the Government derived therefrom. The report was received on the 23d of January, and it was printed and now lies on the table.

It appears from this report that since 1892 we have received no revenue whatever from the seal islands. It seems to me it is time that the matter should be disposed of in some way by the Senate. Under the conditions of the award made by the Paris Tribunal we preserve a zone 60 miles wide around those islands within which during certain months of the year seals should not be killed. It now appears that the seals feed upon the fish banks outside of this circle, and that the Canadians or any persons who choose to do so are allowed to go there and kill the seals at any time. The result is, according to this report, that last year 27,000 seals starved to death whose mothers had been butchered at sea by Canadian poachers.

A bill has passed the House of Representatives which will dispose of this whole matter. It provides that if England will not make proper provisions for preserving these seals and this seal life, then the United States shall kill all the seals that land upon those islands and stop this barbarous——

Mr. HOAR. Mr. President, I rise to a question of order. I desire to interpose to my friend what I have just interposed to the Senator from Arkansas. I promised that in two minutes I would yield to him, and I do not see that I can very well consent——

Mr. PETTIGREW. I shall be very glad to yield if I am out of order. I suppose that I am not. The matter is upon the table.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business a resolution coming over from a previous day.

Mr TELLER. I rise to morning business. I do not want to interfere with the Senator from South Dakota, who, I understand, has the floor, but I wish to submit a report.

The VICE-PRESIDENT. The Chair recognizes the Senator from Colorado.

YELLOWSTONE NATIONAL PARK.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1651) to amend an act entitled "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," to report it without amendment, and to submit a written report thereon.

I wanted to ask the Senate to consider the bill at the present time because it will take only a moment, but I do not like to interfere with the two or three Senators who seem to be entitled to the floor. However, if there is no objection, I will send the bill to the desk to be read, and ask that it be considered now. It will take only a moment, I think.

Mr. PETTIGREW. I should like to ask for information whether the matter on the table to which I have called attention is in order after disposing of the routine morning business.

The VICE-PRESIDENT. The Chair will state that the morning business has not yet been concluded. When that is concluded, the Chair will entertain the motion of the Senator from South Dakota. The Senator from Colorado asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read Senate bill 1651.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLARK. I could not exactly catch the provisions of the bill from the reading, and I should like to know from the Senator from Colorado exactly what it proposes.

Mr. TELLER. The bill proposes to confer concurrent jurisdiction on the United States courts of Wyoming and Montana, a part of the park being in one State and a part in the other.

Mr. CLARK. Is there a distinction made as to the place in which offenses over which either of the States has jurisdiction shall be tried? In other words, are the Montana courts given jurisdiction of offenses committed in Wyoming?

Mr. TELLER. If the Senator does not want to have the bill considered now, I, of course, will let it go over. I think the bill (and that I think is its merit) confers concurrent jurisdiction, no matter which court gets jurisdiction of the case first.

Mr. CLARK. I ask the Senator to let the bill go over a day, that I may examine it.

Mr. TELLER. I am willing to let it go over. I hope the Senator from Wyoming will examine it, and if he has any suggestions to present in the way of amendments that he will be ready to present them.

Mr. CLARK. I will examine it.

Mr. TELLER. I send up the report, which I ask may be printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar, and the report will be printed under the rule.

SALE OF PACIFIC RAILROADS.

Mr. ALLEN. I ask for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 29th ultimo, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That a master's, marshal, or any other judicial or execution sale of the properties of the Union Pacific and Kansas Pacific railroad companies, or either of them, without additional legislation by Congress, would not be binding on the Government of the United States, or conclude it of any legal or equitable right therein now possessed, unless such sale should be subsequently ratified by Congressional action.

Mr. GEAR. I should like to hear the resolution read again.

The Secretary again read the resolution.

Mr. GEAR. Unless the Senator wants——

Mr. ALLEN. Mr. President, just a moment. There is another resolution, a Senate resolution, pending before the Senate and unacted upon, on which my colleague [Mr. THURSTON] desires to be heard. I do not know, but possibly he desires to be heard on both resolutions. I am not informed as to that matter, but as he is absent this morning, I will ask consent that the two resolutions be passed over, retaining their place until to-morrow morning.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

Mr. LODGE. If the morning business is concluded, I desire to call up the conference report on the immigration bill.

Mr. BERRY. I thought it was understood that when the morning business was concluded I would be recognized.

Mr. LODGE. I will not interfere with the Senator from Arkansas.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Arkansas for the present consideration of the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers, raised under the act of Congress of May 13, 1846, for service during the war with Mexico, and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LINDSAY. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. VILAS, and Mr. LINDSAY were appointed.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I now call up the conference report on the immigration bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill H. R. 7864, "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment, and agree to the House bill with amendments as follows:
>
> Strike out in the first section all after the words "admission to the United States the following" and insert the following:
>
> "All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable."
>
> Strike out the present section 2 and insert a new section, as follows:
>
> "SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."
>
> Strike out the present section 3 and insert a new section, as follows:
>
> "SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."
>
> Strike out present sections 4, 5, and 6, and insert as follows:
>
> "SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.
>
> "SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors,

engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $50, or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

L. DANFORD,
STANYARNE WILSON,
Managers on the part of the House.

Mr. HILL. Mr. President, will the distinguished Senator from Massachusetts [Mr. LODGE], a member of the conference committee, please explain to the Senate wherein the bill as now presented by the conference report differs from the bill as it passed the Senate? It is quite difficult for me to understand precisely what the difference is, for I have not had time to examine the question.

Mr. GIBSON. Mr. President——

Mr. HILL. If I interfere with the Senator from Maryland I will withdraw my suggestion.

The VICE-PRESIDENT. The Senator from Maryland [Mr. GIBSON] is entitled to the floor.

Mr. GIBSON. Mr. President, I desire to make a point of order upon the report of the committee of conference on the bill (H. R. 7864) to amend the immigration laws of the United States. The point of order which I make is that the conferees have transcended their authority and have added to the text of a clause in the bill which had been agreed to by both Houses of Congress, and they have, in addition thereto, further transcended their prerogative in having introduced new matter in the shape of three or four sections which has the unusual distinction of not having had a prior passage through either House. As I understand, the province and prerogative of conferees is to resolve the disagreeing votes of the two Houses. If that can not be done, it is the duty of the conferees to so report and to either ask for a further conference or to have the House to which the report is made recommit with instructions. Instead of that procedure, however, on the part of this committee, they have undertaken to legislate for the Senate and for the House of Representatives without giving the Senate or the House of Representatives the opportunity to determine, each for itself, with reference to that legislation. This report, therefore, not only violates a rule of the Senate, but violates the plainest rules of general parliamentary law.

Mr. LODGE. Will the Senator from Maryland allow me to ask him a question simply for my own information?

Mr. GIBSON. Certainly.

Mr. LODGE. Will he kindly point out what new sections we have added which were not before us in the bill?

Mr. GIBSON. I will do so. I was proceeding to state the grounds of this point of order, and to verify the point of order in stating the new legislation, referring to that which has been added, as I primarily remarked.

On the 21st of May, 1896, the House of Representatives presented to the Senate a bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. LODGE. If the Senator will allow me, all I wanted was simply the sections which he specified were newly added. I did not mean to draw him into a review of the bill.

Mr. GIBSON. If the Senator from Massachusetts will allow me to proceed, I prefer to proceed in my own way.

Mr. LODGE. Certainly. I only wanted the Senator to furnish me the information for which I asked.

Mr. GIBSON. If I shall not have furnished the information before I have concluded, I shall be very glad to answer any question which the Senator may propound.

What is known as the House bill provided for an amendment of the immigration laws of the United States heretofore enacted by adding to the class of aliens to be excluded from admission to the United States all persons between 16 and 60 years of age who can not both read and write the English language or some other language. I will advert to that part of the report by way of illustration of the point which I shall proceed to make.

Later, in February, 1896, the Senate passed an immigration bill, substituting the Senate bill for the House bill to which I have just adverted. In the Senate bill there was a provision, in respect to the class of aliens to be excluded, providing that "all persons over 14 years of age who can not read and write the language of their native country or some other language" should be substituted for the provision of the House bill making the limit of age 16 years.

There was a further provision in the Senate bill which was substituted for the House bill for the purpose of testing the ability of immigrants to read and write. There was no such test of illiteracy in the House bill. In the Senate bill was the first time in the history of the amending of the immigration laws that the Senate provided a test of illiteracy for the qualification of alien immigrants. That illiteracy test, as I have just suggested, with reference to testing the ability of each immigrant, was as follows:

> The inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type.

Then followed a further provision with reference to the keeping of boxes so as to conceal from view the slips to be read by the immigrant.

The Senate bill was amended by striking out the 14-year limit and applying 16 years as the limit. There was added an amendment, offered by the Senator from Alabama [Mr. MORGAN], that refugees from Cuba should be admitted into the United States without being subjected to the illiteracy test to which other alien immigrants were to be subjected.

That bill was passed by the Senate. Upon the passage of that bill a conference was asked by the Senator from Massachusetts [Mr. LODGE] and the conferees on the part of the Senate were duly appointed, and also conferees were appointed on the part of the House. The result of that conference is, as I have stated in my point of order, that the conferees, instead of determining the differences between the Senate bill and the House bill, reporting that they had agreed and reporting the sections agreed upon, or reporting that the House had adhered and the Senate had receded or that the Senate had adhered and the House had receded, and presenting the result of that conference in the shape of a perfected bill which had before that time been passed upon by both Houses, have not done so; but, on the contrary, they sought—I speak it reverently—to accomplish by indirection what the Senate of the United States and the House of Representatives had expressly determined against.

I now come to the points of difference to which the Senator from Massachusetts has called my attention. The conference report presents a very different immigration bill from that passed upon by the Senate and passed upon by the House of Representatives. Let us see whether I am correct or whether I am incorrect in that statement.

In the very first section of the conference report—and here is the suggestion I made—the conferees have added to what had already been agreed upon by both Houses. The Senate and the House had agreed upon the age limit; the Senate and the House had agreed as to the character of the reading and writing test; the Senate and the House had agreed that all persons over 16 years of age who can not read and write the language of their native country or some other language, except in the case of aged persons not able to read and write at all—a grandparent—should be admitted. The House had agreed that all male persons between 16 and 60 years of age who can not both read and write the English language or some other language should be excluded. The House and the Senate practically agreed to these conditions in this connection; yet we find the conferees in their wisdom, in the plenitude of the authority which it seems that they have arrogated to themselves or not—which remains to be seen—have added to and have changed what the House of Representatives and the Senate have suggested, without the House and the Senate having passed upon that question. They have provided that:

> All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country.

Here is a provision to which I call the attention of the Senator from Massachusetts in answer to his inquiry made of me a moment since as to where a change has been made by the conferees.

The object of the immigration bill as passed by the Senate, and as passed by the House of Representatives, was to admit immigrants who could conform to the educational test. The conferees have gone outside of the authority with which they were invested by their respective Houses, and have added what the House and the Senate never before passed upon, and that is the prohibition entirely and absolutely of a class of immigrants who would have been admitted under the Senate bill and under the House bill. The explanation of that is to be found in the fact that there are thousands of immigrants eligible under the House bill and under the Senate bill who are ineligible under the conference report

because of the fact that they have not a resident country and can not speak the language of their native country. Those are Russian Jews, the Slavs, the Hungarians, Mennonites, and thousands more of the different classes of immigrants that I might mention, who are intended to be admitted under the bill passed by both Houses, who are excluded by the conference report. I hope that point is clear, Mr. President.

I come to the other provisions where the conferees further transcended their authority. Under the bill substituted by the Senate for the House bill there was a provision that a man who could pass the illiteracy test should be permitted to send for his wife, if he had left her behind, or, if she had accompanied him and was illiterate herself, that she was admissible if he was; and yet, transcending the plain proposition on the part of the Senate and on the part of the House of Representatives, the conferees in their report have added to what the House of Representatives and the Senate had agreed upon by undertaking to separate man and wife and to commend the alien immigrant to the society of his grandfather rather than to that of his wife. They have excluded the wife and admitted the grandfather. The House of Representatives and the Senate passed no such bill, and yet the conferees, seeking by indirection, as I charge here, rather than by express legislation, have altered it by adding to what has been agreed upon by both Houses.

I come to the second proposition, as to the further point of order which I make in this connection, and that is that they more arrogantly—and I do not use the word reverently, either, in this connection—have sought to do by indirection what has never been undertaken by either House of Congress, and that was to add new sections to a bill.

Mr. GRAY. May I ask the Senator from Maryland for information regarding the point which he is making, whether I understood him correctly to say that, under the bill as it passed both the House and Senate, the illiterate wife might come in with the literate husband?

Mr. GIBSON. Yes, sir.

Mr. GRAY. And that under the bill as reported from the conference committee the illiterate wife is excluded?

Mr. GIBSON. She is.

Mr. GRAY. So that the literate husband alone may come?

Mr. GIBSON. The literate husband may come in, absolutely separating man and wife; and I pause in this connection to suggest that there have been times in the history of this fair land of ours when the separation of husband and wife in the days of slavery in the Southern States, by having the husband sold across the border, was inveighed against nowhere more strongly than by the representatives of the State from which the Senator who is one of the conferees comes—the State of Massachusetts—and yet in this enlightened period of our country's history, the separation, not of humble negroes who are in the relation of husband and wife, but of those of the same race as the Senator from Massachusetts, humble and alien though they may be, are to be separated, not by mere imaginary lines, the borders between States, but by oceans which roll 3,000 miles between them. The Senate never contemplated such a proposition as that sought to be brought in here by the conference committee.

The new section, Mr. President, to which the Senator from Massachusetts directs my attention in the conference report I will now proceed to refer to:

> The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. 7864), "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment, and agree to the House bill with amendments as follows.

Those amendments are to strike out in the first section all after the words "admission to the United States" and to insert the following:

> All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country.

That was the section to which I have before adverted, and I will not discuss it further. That was one of the recommendations of the committee of conference to which I have already referred. Then the committee report to strike out the present section 2 and insert a new section, as follows, confessedly a new section.

Mr. LODGE. What is that new section?

Mr. GIBSON. I read from the conference report.

Mr. LODGE. But what is the section?

Mr. GIBSON. Section 2.

Mr. LODGE. Is that not, as a matter of fact, the test which passed the Senate?

Mr. GIBSON. No, sir.

Mr. LODGE. What is section 2 in the conference report?

Mr. GIBSON. Section 2 changes the bill as it passed the Senate from the ability to read five lines of the Constitution to the ability to read from twenty to twenty-five words of the Constitution of the United States.

Mr. LODGE. That is, it reduces the test. That is very true.

Mr. GIBSON. It is a change, but I suppose the Senator will argue that it is germane to the general proposition.

Mr. LODGE. I ask the Senator was not that section before the conference committee?

Mr. GIBSON. It was not before the Senate nor before the House of Representatives.

Mr. LODGE. It was not before the House, but it was before the Senate. It is our section, modified by the House conferees.

Mr. GIBSON. The Senator from Massachusetts shall have full opportunity to present his view of the case——

Mr. LODGE. I shall.

Mr. GIBSON. Without any let or hindrance from the Senator from Maryland.

Mr. President, I pass from the second section with the statement I have already made in this connection, and proceed to consider section 3. The language of the report of the committee of conference is to strike out section 3 and insert a new section, which is as follows:

> SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

This new section was never in the Senate bill and was never considered by the Senate.

I pass from that view of the case with the simple suggestion that the committee of conference has reported that as a new section, although I do not know——

Mr. CHANDLER. Will the Senator allow me?

Mr. GIBSON. For a question.

Mr. CHANDLER. Yes, sir.

Mr. GIBSON. I yield for a question.

Mr. CHANDLER. The Senator is usually very accurate, but this section is in the very language of the bill as it came from the other House.

Mr. GIBSON. I do not propose to comment upon it further than to suggest that the committee of conference have reported it as a new section.

Mr. CHANDLER. It is not a new section, but simply a change of number. It is the exact section of the House bill.

Mr. GIBSON. I am not going to dwell on that feature of the point of order which I desire to make.

Mr. CHANDLER. Does the Senator deny that a committee of conference can change the numbering of the sections of a bill?

Mr. GIBSON. Oh, no.

Mr. CHANDLER. That is all they have done in this case.

Mr. GIBSON. The report of the committee of conference proceeds:

> Strike out present sections 4, 5, and 6 and insert as follows:
>
> "SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States"—

Here the conferees, after the House and Senate had agreed upon a bill to admit alien immigrants coming in under the provisions of the illiteracy test, have added thereto that such alien must first declare—

> His intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

Requiring in this new section that the "regularly and habitually" coming to the United States shall be determined by the courts as to what constitutes "regularly and habitually coming into the United States by land or water." In other words, it provides against what is known as "birds of passage" in the character of immigrants. Neither the Senate nor the House of Representatives had ever passed such a feature of this section; it had never been presented before the Senate or the House, and its presence here is due entirely to the report of the committee of conference.

Section 9 has been changed also by the committee of conference from that section of the House bill providing for violations of the act, and words have been inserted and clauses have been inserted in the section which were not in the section as contemplated by the Senate and by the House of Representatives.

Contenting myself, Mr. President, with pointing out, not in detail at this time, but generalizing and indicating at the same time in this general statement and verifying the point of order which I have made, I shall proceed now to argue whether or not the point of order is well taken.

Interference by committees of conference, Mr. President, from the very foundation of the institution of the Congress of the United States has been frowned upon as vicious and bad in its inception and in its consequences, and such a suggestion as a part of the unwritten law, and the written law as well, has so impressed itself upon committees of conference that there has rarely been a violation of that practice by such committees.

In the Forty-sixth Congress, as reported in the CONGRESSIONAL RECORD, pages 4044, 4045, and 4047, a point of order was made against a resolution by a Representative, now a distinguished member of the Senate, the Senator from Texas [Mr. MILLS], who, in the House of Representatives, submitted a resolution "that the conferees on the part of the House on the legislative, executive, and judicial appropriation bill be, and are hereby, instructed to fix the salaries of the employees of the House," etc. Mr. Springer made the point of order that it was not in order to instruct the committee at that time, and the further point of order that the portion of the bill which the resolution proposed should be opened to consideration by the conference committee had been settled by the two Houses and should not be made the subject of conference. The Speaker, Mr. Randall, held that it was not within the power of a committee of conference to change a paragraph which had been agreed to by both Houses of Congress, for the reason that the conference was only on the disagreeing votes of the two Houses, which necessarily excluded from their consideration any matter agreed upon by the two Houses. Mr. MILLS modified his resolution so as to meet this objection, but the further point of order was made by Mr. Robinson that the resolution as modified proposed to instruct the conferees to change what the two Houses had agreed upon, and was not in order. The Speaker sustained the point of order, and the resolution as modified was not received. The Speaker, Mr. Randall, decided that it was not in order to instruct the committee of conference to consider a subject on which both Houses had agreed.

I have further references to decisions in the Thirtieth Congress, in the Thirty-eighth Congress, and in the Fortieth Congress bearing upon the same point. I will not weary the Senate by reading them, but they can be verified by the CONGRESSIONAL RECORD, which I have at my desk, if the point should be disputed. But I proceed to call the attention of the Senate to a very strong case reported in the CONGRESSIONAL RECORD in the Forty-second Congress, first session. In the Congress to which I have referred, when Mr. Colfax was Speaker, if I am not mistaken, and if he was not I shall be glad to be corrected, Judge Holman, then a member of Congress, raised a point of order on a conference report upon an appropriation bill. He said in the point of order that the committee of conference was not authorized to consider matters which have never been incorporated in Senate amendments nor brought before the House.

There are—

He said—

> incorporated in this report two propositions which, so far as I am informed, have never been before the House or Senate, one is the provision making appropriations for the Sutro tunnel, and the other the provision for the Agricultural Department. I submit that these matters—

Judge Holman further said—

> were never referred to the committee of conference at all.

Not referred to the committee of conference at all, because they had not been considered by either House of Congress.

Mr. Dawes, who was afterwards a member of this distinguished body, said:

> Mr. Speaker, I do not understand the rule to be so broad as the gentleman from Indiana [Mr. HOLMAN] states it.

The Speaker, Mr. Colfax, replied:

> The rule is as broad as the gentleman from Indiana states it.

Mr. Wood, following the line of Judge Holman's point of order which he had so tersely stated, adds by way of inquiry:

> There is nothing in the bill referring to that subject in any way; and the committee of conference has no right to consider anything not in disagreement between the two Houses.

Mr. Dawes suggested, by way of reconciling the apparent discrepancy in the two statements, that the Sutro tunnel mentioned in the appropriation bill and the Carson City mint covered the whole ground, that there was a connection between the two, when Mr. Brooks, of New York, said "the Sutro tunnel and the Carson City mint are a considerable distance apart. It seems to me," as he added, "that it requires a very long string to attach one to the other."

The House refused to pass the appropriation, and the Senate never consented at all, presenting absolutely a parallel case to the one now before the Senate.

Judge Holman, following his first suggestion, said:

> I object not so much to the appropriation as to the principle involved. It is to the introduction into conference reports of entirely new legislation by conference committees to which I object.

Then Mr. Garfield, afterwards a member of this body and President of the United States, said:

> Will not the effect at least be this. That hereafter, when anybody wants anything to be put through, he will endeavor to get it introduced in such a delicate situation as this, so as to secure favorable action upon it?

That is, to have a report upon it by a conference committee, asking no legislation at the hands of the Senate or the House. Mr. Garfield said that would be all he would have to do if the principle should not be maintained that was contended for in this instance under the point of order. There would be no use for the Senate or for the House of Representatives. All a man would have to do would be to get a report from the committee of conference. All that would be necessary would be to have them report a subject never passed upon in either House. This absolutely and unqualifiedly has been done in this instance. If the rule is to be adopted that the conference report shall be accepted and received as representing the views of the House and the Senate, then do away hereafter with the tedious processes oftentimes of legislation which have had to be resorted to in Congress.

The question of order raised by Judge Holman was submitted to the House and sustained by a vote of yeas 82, nays 33. Then the Speaker added, by way of emphasizing the vote, that the conference report must be sustained or rejected as a whole, which is important in this connection.

Mr. Randall then suggested:

> I think the House should put its foot down and say that a conference committee has not a right to insert original matter in the bill.

Mr. Fernando Wood, of New York, concluding the debate, said:

> I desire to be understood clearly in this matter. I thought this an opportune occasion for us to make a determination in regard to this improper procedure. I regarded no question as more important for the consideration of this House than that which forbids the introduction of new legislation in reports of committees of conference.

That, Mr. President, is one of the strongest cases. There is another instance, where the House had under consideration the report of the committee of conference on the Army appropriation bill. Mr. Fernando Wood raised the question of order on the report, whether it was competent for a committee of conference between the two Houses to put into the bill any other subject-matter than the subjects-matter considered by one of the Houses in connection with the bill. Mr. Blaine, the Speaker, said that if the facts were as the gentleman from New York, Mr. Wood, supposed, the point of order would be made very clear. He then went on to discriminate, pointing out that some features of the bill did not present themselves as being exactly as Mr. Wood stated. But he enunciated the rule as being broad enough, and not only broad enough, but as embracing in every instance the substance of the point of order which had been submitted.

Now, Mr. President, there is another decision in this connection on the same point. The Speaker decided in a case in the Forty-sixth Congress, third session, that a resolution was not in order to submit to a conference committee any subject not originally committed to them. There is another decision on the same point, emphasizing, in the decision by Mr. Blaine, a decision which had been previously rendered, to which I have adverted. The Speaker decided that it was not in order to instruct the conferees on the legislative, executive, and judicial appropriation bill on a subject not submitted to them or in disagreement between the two Houses.

That is all I propose to submit in the line of decisions in the House of Representatives, but I will conclude my presentation of the point of order with a decision in the Senate on this question. It is to be found in the CONGRESSIONAL RECORD for the Fiftieth Congress, first session.

This was an instance of an appropriation bill, where the committee of conference had added an item of $15,000 which in the judgment of the committee was proper to be added, but without authority from the Senate or the House of Representatives to make this appropriation. It was not contemplated in the reference of the bill to the committee; it was never thought of, and yet the committee of conference said that they found, after the bill had been committed to the committee of conference, although not contemplated originally by the Senate and the House, that it was proper to insert the item of $15,000. Let us see what Judge Edmunds says, and the point of order which he made in that connection:

> I make the point of order that this report is irregular in changing the text of a clause that had already been agreed upon by the two Houses. It has been stated by the chairman of our conference with great candor that the conferees have changed the text of the bill in points and in respects that both Houses had already agreed upon, and where nothing was left open for action by the committees of conference.

They said so, and gave a reason why it was proper that the item of $15,000 should be reported as a part of the bill. Senator Plumb, who had charge of the conference report, argued against the point of order. The President pro tempore, Senator Ingalls, passed upon the point of order in the following language:

> The Chair has no doubt upon the question of order, arising not under the rules of the Senate, but under general parliamentary law, that committees of conference can not alter a part of the bill to which both Houses have agreed. So if the report shows that upon a proposition or amendment to which both Houses had agreed, and which therefore was not left open, the conferees added words—

Added "words," not whole sections, not whole clauses, not paragraphs, but "words," simply, to what had been agreed upon by both Houses they had no business to do it—

> it would not be according to the general parliamentary practice. The Chair thinks, however, that it is for the Senate to decide whether they will or will not agree to the report of the committee of conference.

The Senate did decide it. The vote is given, deciding the point of order as well taken.

After the President pro tempore, Mr. Ingalls, had said, "The

Chair submits the question whether the report is in order," Judge Edmunds further said:

> I do not need to go into any discussion with the Chair, because that is a right the Chair has, and the Chair's views are clear and perfectly correct; but I wish to take the judgment of the Senate upon it as a precedent—

"As a precedent," and that precedent has never been departed from from that day to this save in the instance which is now under consideration—

> and if the judgment of the Senate corresponds with the clear parliamentary law and the clear safety that we ought to guard in respect to these bills, I shall then, if I may, waive my point of order.

Calling attention to the strict regard which ought to be had to preserving the character of conference reports.

Then the Senator from Florida [Mr. CALL], who was one of the members of the conference committee at the time, argued against the views which Judge Edmunds maintained, and said the point of order was not well taken. Judge Edmunds in conclusion said:

> The Senator is mistaken. The committee of conference has made no report asking unanimous consent.

The Senator from Florida [Mr. CALL] argued that the point of order was not well taken because the conference committee had come into the Senate and asked unanimous consent to put in the $15,000 appropriation, and it was conceded that if unanimous consent had been asked it would have been accorded, so evident was the commendable purpose for which the appropriation was asked. With these facts staring the Senate in the face, and with the suggestions so tersely presented by the Senator from Florida [Mr. CALL], it was denied. Judge Edmunds added:

> The Senator is mistaken. The committee of conference has made no report asking unanimous consent. It has only stated in its report, when you take the report and read the bill with it, that it has changed a part of the bill that both Houses had already agreed upon. Then the Senator making the report asked unanimous consent, stating, with the candor which characterizes him, that they had transgressed the rule, and therefore unanimous consent was necessary. I made the point of order in order to test the sense of the Senate, the first time it has been called to such a question for five or six years. It was then called to it, and the report was declined to be received, and the conferees left that part out in order that the Senate might not in the Journal appear to have recognized this irregularity, and then, as far as I am concerned, it will be waived.
>
> The PRESIDENT pro tempore. The question recurs upon the point of order raised by the Senator from Vermont [Mr. EDMUNDS] upon the report of the committee of conference, whether, having changed an amendment that had been agreed to by both Houses, the report of the committee is in order. Senators in the affirmative will say "aye;" the negative, "no." [Putting the question.] The noes appear to have it. The noes have it.

Now, Mr. President, having stated the point of order, and, in my judgment, having verified it by the authorities to which I have referred, I respectfully submit it.

Mr. LODGE. Mr. President, I shall waste very little time over the point of order. The powers of conference committees have been the subject of a great deal of debate first and last in both Houses. The principles in regard to them are pretty well established, and if the Senator from Maryland [Mr. GIBSON] had given as much attention to reading the House and Senate bills which were before the conference committee as he has to the extracts which he has read so fluently and so eloquently to the Senate, I think he would have been less disturbed about our exceeding our powers in this instance.

We have seen, not once, but many times, a tariff bill which has passed both Houses go into a conference and come out a new bill in all its essential provisions, and the action was defended and sustained on the ground which has been mentioned in several of the extracts furnished us by the Senator from Maryland—that the subject-matter of the bill was all before the conference for any changes they desired to make. The entire subject-matter of the restriction of immigration by an illiteracy test was before the committee of conference, and so also there was before the committee of conference the entire subject of the exclusion of aliens who come habitually to this country and return to another, taking up no residence here. That was embodied in what is known as the Corliss amendment, which, as part of the House bill, was before the committee.

Mr. President, the differences between the two Houses in regard to the first section were differences of phraseology. They were differences of terms, and the terms which result from the conference represent the compromise between the two Houses, which it is the object of a conference committee to bring about. There is nothing in the conference report in the way of subject-matter that was not absolutely before the conference committee.

Mr. GORMAN. Will the Senator from Massachusetts permit me to ask him a question, or would he prefer to go on?

Mr. LODGE. Certainly, I will yield. I shall be very glad to hear what the Senator from Maryland has to say.

Mr. GORMAN. I wish to ask the chairman of the committee of conference on the part of the Senate whether it is not a fact that they have changed by the conference report a material provision of the bill that was acted upon by both Houses of Congress?

Mr. LODGE. I shall be glad to have the Senator point it out.

Mr. GORMAN. As the bill came to us from the House, in the first section, line 7, it provides that "all male persons between 16 and 60 years of age who can not both read and write the English language or some other language" shall be excluded. The Senate considered that clause and adopted the language that "all persons over 16 years of age who can not read and write the language of their native country or some other language" shall be excluded, using the same phrase that was in the bill as passed by the House, and then making a specific provision as to "wife," which was really included in the word "male" in the seventh line of the bill as passed by the House. The conferees have changed those two important provisions as agreed upon by the Houses.

Mr. LODGE. I am surprised that the Senator from Maryland, with his great experience in conference committees, should ask me that question. The word "male" was put in in the House. It was omitted in the Senate. The language of the House bill, "the English language or some other language," differed entirely from the Senate bill, which was "native country or some other language." Between those conflicting phrases we arrived at the compromise phrase; but I will say to the Senator from Maryland that the phrase "resident country," which makes the change, was put in at the suggestion of the gentleman on the conference who takes the same view of the subject that he does. It was put in to liberalize the bill, and in that respect, let me say, I think the committee acted absolutely within their power. The whole subject-matter of the restriction of immigration by an illiteracy test was before them.

Mr. GORMAN. No; but on the point I make I should like to hear the Senator from Massachusetts, for in my experience here I have never known of a change so radical made in a conference report. Both Houses of Congress have agreed that the persons coming to us shall speak the language of their native country, or adopted country, or some other language. The clause "some other language" was put in by both Houses of Congress to cover a great number of desirable people who come to this country. The conference committee changed that language, adopted by both Houses, which is material to the bill; and I suggest to the Senator from Massachusetts that I do not believe he can find a single instance in the case of conference reports where a material subject was changed by a conference report after having been agreed to by both Houses.

Mr. LODGE. I can not agree with the Senator from Maryland on that point. I think the conference committee acted very well within the powers of conference committees. I never have heard it suggested that when a subject was thrown into conference, with clauses directed to accomplish the same end in both bills, but varying in form, it was not within the power of the conference committee to take those two propositions from the different Houses and put them into a new draft by way of compromise on which the two Houses could agree.

Mr. GRAY. Will it interrupt the Senator from Massachusetts to ask him a question in the course of his argument?

Mr. LODGE. Certainly not.

Mr. GRAY. I should like to know whether the effect of the change made by the conference committee in the language of the bill as passed by both Houses would have the effect attributed to it by the junior Senator from Maryland—to prohibit the immigration absolutely of a large class of persons who, by the text of the bill framed in each House, would have been admitted upon the reading and writing test?

Mr. LODGE. I will say to the Senator from Delaware that I was coming to that in a moment.

Mr. GRAY. Very well. I do not want to anticipate the Senator.

Mr. LODGE. I simply wanted to pass very briefly over the technical objection that had been made, and then I intend to discuss the merits of the report and take up the specific point which the Senator has now offered.

Mr. GRAY. The reason I asked was because if that were so it would seem to apply to what the Senator calls the technical objection that is being made, to wit, whether the conference report has added any substantially new legislation to what has been passed upon by either House.

Mr. HILL. Will the Senator from Massachusetts permit me to make a suggestion right there?

Mr. LODGE. Certainly.

Mr. HILL. I make it simply for the purpose of elucidating this matter, if I can. The House provision, as I understand it, originally was that all male persons over 16 years of age who can not read and write the language of their native country——

Mr. LODGE. No; I beg the Senator's pardon. The House provision applied to all male persons between 16 and 60 years of age.

Mr. HILL. I am stating it simply as to the ages. It applied to all male persons of certain ages who can not read and write the language of their native country or some other language. That was a distinct proposition of itself, rather independent of all that followed. Then the Senate comes in and strikes out the word "male" and changes the ages, but leaves the rest of it exactly as it was. Now, when the only question at issue was the question of male persons and the age, can the conference committee come in and strike out the words "or some other language" and insert an entirely new provision, namely, of the resident country? That is the point involved.

Mr. LODGE. The Senator will observe that the language provisions are not the same in the two bills. The words "some other language" are in both bills, but the provision in regard to language, over which, in my judgment, the conference committee had complete jurisdiction as part of the subject-matter of the conference, was in one bill "the English or some other language," in the other bill "the native country or some other language." The only portion that was the same in both were the words "some other language." That point I will explain when I come to it. I did not want to be interrupted on what I was saying about the question of order with a question on the merits of the bill; but I think the change in that sentence in regard to the language provision opened the clause entirely to the conference committee to act upon and to put in a completely new draft if they so saw fit, because it was different in both Houses. If you separate the language provision from the provisions as to age and sex——

Mr. HILL. If the Senator has the bill as passed by the House before him, I wish he would read——

Mr. LODGE. I have the bill before me.

Mr. HILL. Will you read those four or five lines?

Mr. LODGE. The clause reads as follows:

> All male persons between 16 and 60 years of age who can not read and write the English language or some other language.

The Senate differed on the word "male." They left it out in the bill as passed by the Senate. The Senate differed as to the age. They applied the provision to all persons over 16 years of age, putting no age limit. That threw the whole question of the sex and the age upon two amendments into conference. In the same way the difference between "English language" and "native country," in my judgment, opened that line to amendment in conference.

But I put it on the broader ground, which is that the whole subject-matter of the restriction of immigration by an illiteracy test was open to the action of the conference committee, and that the conference committee has not only not gone beyond its powers, but it has not gone so far as many conference committees go and have a right to go.

Mr. President, I do not desire to dwell further on the question of the point of order.

Mr. HILL. Right there, if I do not annoy the Senator, let me call attention to section 9.

Mr. LODGE. Not at all.

Mr. HILL. Section 9 of the conference committee bill, if I may so speak of it, makes an entirely new provision. To what is that germane?

Mr. LODGE. That section was put in without objection on the part of the conferees of either House, with the understanding that it was absolutely necessary for carrying out the preceding sections. It is not in the least essential to the principle or subject-matter of the bill, except as a method for providing against fraud practiced under the law. That is all. It is in its nature a penal section; that is all.

Mr. HILL. The mere fact, of course, that it was agreed to by the conference without objection does not change it.

Mr. LODGE. No; I did not mean to make that point.

Mr. HILL. It strikes me that section 9 is clearly outside of the province of the conference committee. It may be a very proper limit or it may not be. I will submit my views upon that question later. That is all I desire to say.

Mr. LODGE. I understand the Senator's point. I did not mean that the question whether the conference committee agreed to or did not agree to this section among themselves was of any consequence to the argument. It was put in by the conference committee because it seemed absolutely necessary to carry out the other sections as they had been made, and they deemed it within their power to do that.

Mr. HILL. The Senator will permit me to say that I am inclined to think, from a hasty examination of it now, that he is right as to his contention in regard to the amendment which the Senator from Maryland calls attention to; but I do think that section 9 and a portion of another section are entirely foreign to the questions involved in the conference.

Mr. LODGE. I do not in the least deny that section 9 is a new section. It is the only new section in the bill, I will say.

Mr. GRAY. While the Senator has before him——

Mr. LODGE. Let me finish my statement.

Mr. GRAY. I beg pardon.

Mr. LODGE. We regarded it, as I have stated, merely as a necessary part of the bill—that is, that it was absolutely essential to have some method provided to give sanction and enforcement to the provisions in the bill. It connected itself principally with the Corliss amendment, so called, which was a House provision which the Senate struck out entirely, as the Senator will remember. When the Senate conferees receded and accepted that provision in a modified form, they thought it necessary to add this in the nature of an amendment to the Corliss amendment, in order to secure its being properly carried out if it was to go upon the bill. I think, although it is strictly speaking a new section, that it is perfectly within the powers of the conference committee engaged in perfecting that legislation.

Mr. HILL. It is a new section and a new subject-matter.

Mr. LODGE. I differ with the Senator about its being new subject-matter. I think it is absolutely a part of the subject-matter of the Corliss amendment, which the Senator will remember was entirely before the committee, although the Senate had stricken it out; as a part of the House bill, it of course was before the committee.

The VICE-PRESIDENT. The Senator from Massachusetts will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. LODGE. I trust I may be permitted to finish what I am saying. I hope the Senator from Alabama [Mr. MORGAN] will allow me to do so.

Mr. MORGAN. Let the unfinished business be laid before the Senate.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. The question which is before the Senate is a question of privilege which I have no right, of course, to displace in virtue of any objection that I might see proper to make to it. The Senator from Massachusetts desires to go on.

Mr. NELSON. What is the Senator's request?

Mr. MORGAN. In view of the anxiety of his colleague to force the bankruptcy bill to a hearing, of course he must do so. I have no right to object.

Mr. LODGE. I will say to the Senator from Alabama that if he will allow me to finish the remarks that I am now making I shall certainly not press the conference report against his bill, the great importance of which I appreciate, and also that it is now blocking a great deal of other important legislation in the Senate; but I should like, as I have started, to finish what I have to say on the bill.

Mr. MORGAN. It is not a matter of allowance addressed to me at all. I have no right to object; but I would not, if I had the privilege of objecting, be so discourteous as to decline to yield.

Mr. LODGE. The Senator, I think, has a right to object. I think his bill comes up as the unfinished business.

Mr. CHANDLER. The conference report is privileged.

Mr. HILL. I hardly want to acquiesce in the propriety of that suggestion. The conference report, like everything else, is subject to the decision of the Senate.

Mr. LODGE. Of course, everything is subject to it.

Mr. HILL. The Senator from Alabama has really a strict right to go ahead.

Mr. LODGE. Everything is subject to the question of consideration, but I do not want to interfere with the Nicaragua Canal bill. If the Senator from Alabama will allow me to finish what I have to say, which will take but a few moments, I shall be much indebted to him.

Mr. CHANDLER. Will the Senator from Massachusetts allow me a word on this precise point?

Mr. LODGE. Certainly.

Mr. CHANDLER. I do not wish to interrupt the Senator from Alabama if he has a suggestion to make about going on. I understand, however, that the conference report is a privileged question, and I do not understand the Senator from Massachusetts to surrender its privilege.

Mr. LODGE. I do not surrender its privilege at all, but I do not wish to use it to shut out the Nicaragua Canal bill.

Mr. CHANDLER. The Senator was not distinctly understood on that point. He means for the time being.

Mr. LODGE. For the time being, of course.

Mr. CHANDLER. I wish to say a word in reference to section 9, with the permission of the Senator from Massachusetts.

Mr. LODGE. Certainly.

Mr. CHANDLER. I do not think any Senator will contend that a conference committee can not insert a proper penal clause. They get together and confer as to the immigration prohibition of one kind and another, and when they have adjusted all differences between them they insert an appropriate penal clause punishing offenses against the act, which takes the place of a prior penal clause that was before the conference committee. I understand that that is entirely within the province of a conference committee, and that the proposition can not possibly be gainsaid according to any principle of parliamentary law of which I ever heard.

The VICE-PRESIDENT. The Chair understood the Senator from Minnesota to rise for a parliamentary inquiry.

Mr. NELSON. Mr. President, I rise for the purpose of objecting to any delay in this matter, and having either the immigration

bill, the Nicaragua bill, or any other bill to take up the time of the bankruptcy bill.

If the Senate will bear with me a few moments, I wish to make a brief statement that I was not permitted to make the other day. The country during the last four years has been in the midst of the hardest and most distressing times we have had in the memory of the oldest citizen. The people need help. There are three modes, in three directions in which we can help them by means of legislation, as I conceive. One is through tariff legislation; another through currency legislation; and the third by the enactment of a suitable bankruptcy law.

As to the two first methods, that of tariff and that of currency legislation, we can not proceed at this session. That kind of legislation moves on party lines and involves party questions, and it is hopeless to attempt to do anything in that direction at this time and under these conditions. But the subject-matter of bankruptcy legislation is not a party question. It is a matter that goes to relieve all the people of this country. It is a practical question. The people of this country in their distressed condition to-day care little about the question of Cuba; they care little about the Nicaragua Canal; they care little about an Hawaiian cable; they care very little whether a few Canadians come across the line and work on this side of the line without declaring their intention to become citizens. But the people of this country who have been financially wrecked and stranded in the midst of these hard times come before the American Congress and they ask this measure of relief at the present time that those who have been unfortunate, that those who are unable to pay their debts, shall not be handicapped and loaded down with millstones around their necks, but shall have such legislation at this time as will give them a clearance and an opportunity to start in the world anew, and thus recuperate themselves and their surroundings, instead of remaining inert under the shadows of the debts which overhang them.

Mr. President, in the midst of these hard times there is no occasion to put more vigorous or stronger and more drastic weapons in the hands of the creditors. We do not need at this particular time any such remedial legislation.

Mr. HILL. Mr. President, I rise to a question of order. Did the Senator from Massachusetts yield the floor or did he not?

The VICE-PRESIDENT. The Chair did not understand the Senator from Massachusetts to yield the floor.

Mr. HILL. I call for the regular order.

The VICE-PRESIDENT. The Chair understood the Senator from Minnesota to rise to a parliamentary inquiry.

Mr. NELSON. I shall be through in a moment.

Mr. LODGE. The Chair recognized the Senator from Minnesota to make a point of order, which I understand he is making.

Mr. HILL. It is too brief.

Mr. NELSON. I am making my point of order.

The VICE-PRESIDENT. The Chair is listening to the Senator.

Mr. NELSON. I was about to say that in the midst of these hard times to arm and equip the creditors with a further weapon of collecting their debts is wholly unnecessary. They have our existing State laws and our Federal laws for the collection of their debts. What the people want now first of all, in the midst of these hard times and in this emergency, is a voluntary bankruptcy law which will enable them to start life anew and to build themselves up again. In most cases men upon whom better fortunes shine under such conditions will be disposed to treat the debts of which they have obtained technical legal acquittance as debts of honor, and will be ready to pay them, and will have the requisite means for that purpose at their command.

Mr. President, if the present Congress expires without passing suitable bankruptcy legislation, the people of this country will feel that when they have asked for bread we have given them a stone. I trust that neither Cuba, nor the Nicaragua Canal, nor the Hawaiian cable, nor this matter of regulating immigration, will stand in the way of this question of relief that is demanded by the people in the shape of bankruptcy legislation. Every mail and every day I get letters and telegrams on this subject.

These bankruptcy bills were reported last March, if I remember aright. They have been on the Calendar ever since. We have not more than a month left of this Congress, and I trust that we will all unite in giving the people the necessary relief in the way of bankruptcy legislation.

In what I have said I do not in any manner intend to reflect in the least upon the action of the committee that has the matter in charge. I have simply voiced the sentiment, the crying demand, the earnest prayer, of my people. I heard a remark the other day, made as a suggestion to the chairman of the Judiciary Committee——

Mr. HILL. I make the point of order, Mr. President.

Mr. NELSON. I hope the Senator from New York will have patience. We have been very patient with him. We have listened to him by the hour upon District of Columbia affairs.

Mr. MORGAN. I rise to a point of order.

Mr. NELSON. The Senator from Maine the other day made the statement that the chairman of the Judiciary Committee——

Mr. MORGAN. I rise to a point of order, and insist upon an opportunity to state it.

The VICE-PRESIDENT. The Chair will state to the Senator from Minnesota that his remarks were being made by the unanimous consent of the Senate, and objection being interposed at this time, the Chair is compelled to sustain the point of order.

Mr. NELSON. Very well, then; I will come to the point of order, Mr. President. [Laughter.] Will the Senator from Massachusetts yield to me on the point of order?

Mr. LODGE. The Senator can make a parliamentary point of order at any time without requesting me to yield. I had the floor to finish some remarks. The Senator rose to a point of order and he has been making a speech on the bankruptcy bill, in which I am in entire sympathy, but I shall be very much obliged if he will allow me to conclude what I wish to say.

Mr. NELSON. Will the Senator allow me one minute more? Then I will cease.

Mr. LODGE. Certainly.

Mr. NELSON. I was about to say, and with that I will close, that the Senator from Maine insinuated the other day that the steering committee had not given the proposed bankruptcy legislation the right of way. Mr. President, there is a steering committee bigger than the six or eight Senators who meet in the Marble Room. It is the steering committee of the American people who come here and demand this legislation, and I trust nobody will allow it to be side tracked at this session of Congress.

This is my point of order, Mr. President. [Laughter.]

The VICE-PRESIDENT. The Chair sustains the point of order. The Senator from Massachusetts will proceed.

Mr. LODGE. Now that the Senator from Minnesota has concluded the statement of his point of order, I will continue with the remarks that I started to make.

I do not agree with the Senator from Minnesota that this is a petty measure. Great as is the interest which I feel in the bankruptcy bill, and anxious as I am to see it pass, I think a question which affects the citizenship and the labor of the United States is quite as important as the question as to how the American people shall collect their debts. The importance of this measure, to my mind, is very great, as great as any measure in its future effects that can come before Congress.

I wish to call the attention of the Senate, without any reference now to the technical objections that have been raised to the conference report, to the substance of that report.

The first two sections include the illiteracy test and the method of applying that test. The rest of the bill is the Corliss amendment, so called. That amendment, as it came to the Senate, seemed to your Committee on Immigration impracticable and likely to lead to great hardship and injustice in the form in which it was put. They had grave doubts as to whether it could be put in a practicable form or not. They struck it out, and the Senate agreed with them in that amendment.

Of course the entire body of the Corliss amendment was then open to consideration in the conference committee, and the committee devoted many hours to the consideration of this amendment and of the principles which it involved. The House members were very reluctant to yield upon it, and the Senate members were equally unwilling to recede. At last they agreed upon the form which is now presented in the report, which we felt would reach in some measure the evils which now exist, and, at the same time, would not lead to any injustice.

There are two points involved in the Corliss amendment. They are all in the first section of that amendment, which in this bill is section 4, although section 3 is a part of the Corliss amendment simply in a changed order. Section 4 contains the whole substance of the amendment. The rest of the clauses are merely the exceptions to the effect of the law and the methods by which it shall be carried out.

There seems to have been a widely spread idea that the Corliss amendment was aimed simply at the small number of aliens who come over the border from Canada to work in some of our northernmost States. That is not at all its main purpose. It has a much wider scope and intention than that. It provides, in the first place, that only citizens of the United States, or those who shall have declared their intention of becoming citizens in the ordinary legal method, shall be employed on the public works of the United States. I have been informed by an inspector of immigration on the Lakes that in one day in last December $4,000 were paid in wages by one firm of contractors to aliens and $2,700 by another. I use that merely as an example of the evil which it is proposed to reach.

I believe, Mr. President, that the money taken from the taxpayers of the country and paid out by the Government should be paid back to the taxpayers and not to those who bear no part of the burdens and have no share in the citizenship of the United States. The public money, when it is spent, should be spent among the people who furnish that public money. I do not believe that that is a proposition that can be successfully controverted.

The other proposition embodied in section 4, which has the substance of the Corliss amendment, is that persons who make a practice of coming back and forth to this country, who come here for a few months, earn their wages at lower rates than ours, and then leave the country, taking their money with them, shall, if it can be proved to be habitual, be prevented from doing so, and that corporations, railroads, etc., shall be prevented from employing them.

Mr. HAWLEY. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. HAWLEY. When the aliens go back with their pockets full of the money they earn here, do they not leave behind them the work they have done? They do not steal the money.

Mr. LODGE. I will take that up in a moment.

These men are employed here; they come to the country, as I have said, and go out of it, contributing nothing to its support; paying no taxes, and carrying with them the money they have earned. The work to which the Senator from Connecticut [Mr. HAWLEY] refers, in my judgment, can be as well done by American citizens and taxpayers as by aliens.

Mr. HILL rose.

Mr. LODGE. I should like to go on if the Senator will permit me——

Mr. HILL. The Senator is speaking very ably in favor of this amendment.

Mr. LODGE. I am speaking of the Corliss amendment, if the Senator will allow me to conclude.

Mr. HILL. I want to add that I have not heard any objection made to that particular amendment by anyone in the Senate.

Mr. LODGE. I know; but if the Senator will permit me, I should like to state the view of the committee and what it has reported, which I am trying to do in my own way.

Mr. HILL. The Senator can take his own course; I wish him to do so; but I was simply going to call attention to the fact that I have heard no opposition to that amendment.

Mr. LODGE. I admit that, but I think it only proper that the chairman of the committee of conference on a conference report should be permitted to state to the Senate exactly what the conferees have done, and exactly what the meaning of their bill is: and thus I have come to the second part of the Corliss amendment, which relates to the general employment of aliens in the United States.

Unless Senators have investigated that question, I do not believe they realize how great that evil is. The coming over the Canadian border is as nothing. If you will turn to the report of one of the Commissioners of Immigration, who went abroad when that Commission was sent to Europe some years ago, you will find that in one year the number of returning immigrants, in 1889, for example, was 111,000. There are thousands of men, chiefly from Italy, some from Poland, who come here, work on different kinds of work during the summer, and go back in the autumn to their own countries, carrying their wages with them. They buy return tickets at a very low price. I have seen it estimated in different reports from the Department that the number of these coming and returning laborers from Italy alone has risen as high as 30,000, and seldom falls below 10,000. Every dollar they earn they take out of the country. They come here and live in the poorest way. Let me read just a brief extract from one of our consuls, Dr. Starkloff, at Bremen. He says:

> I have already reason to suspect that a great many people, especially Bohemians, Polanders, and Hungarians, are engaged under contract by mining companies, mostly of Pennsylvania. Since I have taken charge of this consulate I have noticed that these people are shipped for the United States in the spring and return in the autumn. I have recognized the same faces, especially those of the men under whose supervision they seem to travel. These people do not handle any money, nor do they answer any questions to strangers, no matter in what language they are addressed. They seem to follow their leader blindly. There is but one woman to each crew of 12 or 18 men, who, as I am informed, works and cooks for such at their place of destination in the United States.

By that means the contract-labor laws which we have placed upon our statute book have been made an absolute nullity. These men come in that way in the spring and return in the autumn. It is a great evil. It is the very evil that the contract-labor laws, which no man would think of repealing, were aimed to cure and which they have totally failed to remedy.

Mr. President, I think the same principle which applies to the employment of aliens on public works applies to the employment of aliens in this way. These "birds of passage," as they are called, take just so much labor, and at lower rates, from the citizens of the United States, who pay taxes and contribute to the support of the Government. When we are told that we have 2,000,000 unemployed, it seems to me that charity, and justice also, certainly in that case, should begin at home.

I pass to the remaining part of the bill. Section 2 the Senator from Maryland [Mr. GIBSON] described as a new section, where we had gone beyond our powers, although it is the exact section which passed the Senate. The House bill had no such section, and the whole section was open to the consideration of the conferees. There was only one change of importance made in it, and that was the change to which the Senator from Maryland alluded. In that change we reduced the amount that these immigrants were required to read, and the Senator from Maryland seems to think that that is an objection to the clause. I shall not dwell upon that clause. It has been agreed to by both Houses, and it has not been seriously contested, that if we are to have an illiteracy test, this method of applying the test, which has had long trial in some of our States, is a fair and proper means of doing it.

Now, I come to the first paragraph upon which the contest has chiefly turned. What we desire in the language clause, which has been especially discussed, was to get a provision which would admit anybody who could read or write any living language. We could think of no better phrase than the one "native or resident country." The proposition that the German Mennonites, or the natives of Lettland and Courland, the German provinces of Russia, or the French of Alsace and Lorraine could not be admitted to this country because in the one case they could not read Russian and in the other case they could not read or write German is perfectly idle. They speak the language of the country where they reside. That is the interpretation intended by the committee, and that is why the enlargement was made.

We have been told—and I received a letter from a gentleman whom I understand is the agent of the Hirsch fund, which is engaged in transporting Russian Jews to the United States—that this clause discriminated against the Russian Jews. It was not the intention of the committee to discriminate against any race or any creed. But I have been informed that that clause affects them because they read and write Hebrew and no other language. I have been informed since that the language which they write and read is not the pure Hebrew, but a species of dialect or patois, which I think would come within the phrase of "a resident country;" but the only class of people who by any ingenuity of interpretation can be brought under that are people who can read and write no language but a dead language, and I think the number of persons who can read and write Latin or ancient Greek, or who understand the Egyptian hieroglyphs, or who are able to read or write the language of the Old Testament, and who nevertheless can read or write no other tongue, is so small that it is hardly necessary to warp our legislation in order to cover their case.

Now I come to what has been considered——

Mr. HILL. Will the Senator allow me a moment?

Mr. LODGE. Certainly.

Mr. HILL. Does the Senator understand that the words in the amendment "or resident country" are an enlargement or a restriction of the language previously used, "or some other language"?

Mr. LODGE. We understood that we were enlarging it and making it in the safest way. We wanted to get it fair, so that anybody who spoke a living tongue known in any province, or any country, any place where the resident dialect or patois, whatever it was, could come in.

Mr. HILL. If that was the idea, if you wished to take that broad, liberal view which you now say you did, why did you not put it "or some other language"? That would have been clear.

Mr. LODGE. Because it appeared to the committee that this was clearer and better than putting it in that way.

Mr. HILL. I do not see how that is.

Mr. LODGE. If the Senator from New York will kindly let me finish, I will say merely that I have tried to discuss the point as I understand it. I only wish to add in conclusion, on the point that has been raised, that there are seventeen languages spoken in the Empire of Austria-Hungary. Only two are official. No one thought for one moment of excluding the other fifteen. If this patois or dialect of the Russian Jews is spoken among them in Russia, I take it they could come in under it as the language of their "resident country."

The other portion of the bill, which undoubtedly was open to change in regard to the sexes and in regard to the exceptions to exclusion, was all before the committee, because the House provision and the Senate provision did not in the least agree. The object of the conference was to find some just and equitable rule which would be fair to all alike and produce as little hardship as possible. They decided that between the ages of 16 and 50 it was possible for any man or woman, if he or she really desired to come to the United States, to learn to read and write. Therefore they put that very moderate limit, neither very low in the one case nor very high in the other, within which they assumed that any man or woman who desired to come here would be able to read and write or to learn to do so. Those over 50 and under 16 they treated as physically incapable; that is, they could come in without the illiteracy test.

Senators have pointed to the fact that the clause inserted in the

Senate which was not inserted in the House of Representatives, providing that a husband could bring his wife, has gone from the bill, and that therefore great hardship and cruelty have been inflicted. Mr. President, that contention rests on no foundation whatever, if Senators will give this matter their full consideration. The immigrants who come to this country come here voluntarily. There are many men who come here now who leave their wives behind. Is the United States responsible for that separation of a family? We do not ask them to separate; we do not bid them to come here.

The Senator from Maryland attempted to draw a parallel between the immigrant from Europe and the slave of the old times. Mr. President, in those times the slave was taken by force, wrested from his home, dragged here under the protection of our laws, torn from wife and children in Africa, and separated again from them when he made his new ties here. We drag no immigrants from Europe. They come here because they wish to.

This discussion starts, in my mind, on a very false premise. It is not the right of anyone to come to the United States. It is a privilege which we accord. This country in which we live to-day is the country of every American citizen, no matter what his race origin, who is to-day, at this moment, and at this hour a citizen of the United States, helping in its burdens, paying its taxes, ready to fight for its flag. Those men, those American citizens, own this country to-day. It is for them to say who shall come and who shall stay out. The immigrant does not come here by right; he comes here because we allow him to come; and we may make any restrictions on his coming that we please. We have no right to inflict unjust and cruel hardships upon him, but we do not separate a husband from his wife or a wife from her husband by this legislation; we exclude nobody under this law which is so attacked. We simply say to everyone between the ages of 16 and 50, "If you want to come to the United States, you are of an age when you can learn to read and write." We say, "Before you come, you shall learn in some language to read the Constitution of the country where you expect to live, and to sign your own name to the oath of allegiance which you mean to take."

Mr. HILL. Will the Senator allow me a moment?

Mr. LODGE. I should like to finish my argument, if the Senator will permit me.

Mr. HILL. I want to thoroughly understand this bill. The general provisions may be all right enough, but under the Senate bill, which was carefully framed, the immigrant could bring his wife with him, could he not?

Mr. LODGE. If the Senator will only allow me to finish my argument, I will answer any question he chooses to put to me after I get through; but I should like to finish what I desire to say.

Mr. HILL. I only want to understand——

Mr. LODGE. Mr. President, I decline to be interrupted.

Mr. HILL. I wish to understand this point——

The VICE-PRESIDENT. The Senator from Massachusetts has the floor.

Mr. LODGE. Mr. President, I think I have the right to proceed in my own way, and have asked in every possible way to be allowed to do so. I will answer any question if I can only be permitted to make my argument in my own way, and then reply to suggestions subsequently.

The VICE-PRESIDENT. The Senator from Massachusetts declines to be interrupted.

Mr. LODGE. We changed the exception, and for this obvious reason, that the exception only made the thing worse. We said in the Senate amendment that the husband who can read and write could bring in his illiterate wife, but there was no provision in case the wife could read and write and the husband was illiterate. If it is cruel to separate the husband from the wife, it is equally cruel to separate the wife from the husband. You must make both exceptions; then you must except the brothers and sisters; then you must except the children over 16; and then you must go on and except all the relations, until there is absolutely nobody excluded who has a family tie of any kind.

As I was saying, this coming is voluntary, entirely voluntary. There is nothing to prevent a man having his wife come with him or come after him because she can not read and write at the time. She can learn to read and write, as he can. Surely it is not a heavy price to pay for citizenship in the United States.

Then, Mr. President, still further as to this matter of the separation of families, I want to call the attention of the Senate to this practical consideration. Last year over 75,000 people who admitted they could not read and write came into the United States. Does anyone suppose for one moment that the steamship companies, charitable organizations as we know they are, are going to bring 75,000 illiterate immigrants to this country for the pleasure of having it discovered at Ellis Island that they are illiterate, and then taking them back again? Anyone who has studied this question of immigration, Mr. President, knows that this law will be enforced on the other side. The steamship companies will not knowingly bring anyone who is obnoxious to the provisions of this bill; there will be none of these heartrending separations which have been so strongly depicted; and if you begin to make exceptions there will be no end. The only way is to make some fair, equitable, general rule as to the age within which people can reasonably be expected to learn to read and write, and then if they do not come to the United States, or if they separate from their husbands or their wives rather than do so, it is because they are not willing to learn to read and write, and we are no more responsible by our legislation for such separations than we are responsible to-day. No man need separate himself from his wife, no wife need separate herself from her husband, so far as the United States laws are concerned. We do not make, cause, or suggest any separation; we only seek a fair law which provides for the illiteracy test as the test for admitting immigrants to this country. This cry about the separation of husbands and wives is a purely sentimental one got up to defeat the bill, and has no foundation in fact.

Mr. President, the immigration that it is proposed to limit last year amounted to 343,000 persons—the population of a large city, and a population equal to that of many of our States. Where did they go? About 80,000 of them went out into the West to go on the land and to become farmers and help build up that new country. The rest, some 260,000, I think, dropped right down here on the Atlantic Coast in our great cities, chiefly in New York, in Massachusetts, and in Pennsylvania. The class of immigrants that our brethren in the West receive on their prairies, on their fertile lands, is the class of immigrants that any people might be glad to receive. They do not see that class that comes and settles down in our great Eastern cities.

I have referred already, Mr. President, to the unemployed in the United States. The other day in New York, when that snowstorm came, they called for additional men to shovel the snow from the streets; they asked for 200 men, and 2,000 human beings fought and struggled in front of the door of the man who gave out these work tickets to get one day's work in shoveling snow. And every immigrant that you bring into this country adds to that struggling mob of men who will fight to get a dollar and a half, earned by the hardest manual labor; and yet we are invited to add to it and to add to it, not even to sift it or restrict it.

Mr. President, where does this opposition that has sprung up with such violence come from? I said, when I spoke here before, that the opposition, so far as it was formidable, emanated from the steamship companies. Here and there, of course, there have been gentlemen in both Houses, like my friend the Senator from Maryland, whose study of the subject and whose knowledge of the statistics has led him to different conclusions on this subject from myself, and he has argued the question of principle which appeals so strongly to him in opposition to this measure with his accustomed acuteness and ability. I do not, in what I am about to say, make the slightest reference to any Senator. What I refer to is the outside opposition which has sprung up lately. It came, as I said it would come, from the steamship companies. Perhaps I ought to say it comes from one steamship company. I do not suppose that any of the steamship or the railroad companies are particularly favorable to this legislation. They look more at passenger receipts, I am afraid, than at the effect on the quality of American citizenship or American boats or American labor of an unrestricted immigration; but the company that we have heard from is the North German Lloyd.

The immigration that is affected by this illiteracy test comes from Bohemia, from Poland, from Hungary, from Russia, from Italy. Its great ports of exit are Bremen and Hamburg and Genoa and Naples. To all those points go the steamers of the North German Lloyd or of the Hamburg Line, which is practically the same thing. I understand they have a pooling agreement. Those lines are the two affected. We have heard no cry from the Thingvalla Line, which brings the Scandinavians to this country, because this bill will not exclude a single Scandinavian. We have heard of but little opposition from the great lines running to England, because the mass of their passengers are not affected by the illiteracy test. Half of 1 per cent from Scandinavia, less than 2 per cent from Germany, less than 5 per cent from the United Kingdom, less than 9 per cent from Ireland are unable to read and write. Where the immigration comes from that is affected by the illiteracy test, there we find the steamship company in active and violent opposition.

I printed a short time ago a telegram which had been sent me from Milbank, in South Dakota, by a gentleman known to the Senator from that State, and favorably known in South Dakota. That telegram was as follows:

> To F. W. A. POPPIE, *Milbank, S. Dak.:*
>
> Immigration bill comes up in House Wednesday. Wire your Congressman, our expense, protesting against proposed exclusion, and requesting bill be defeated, informing him that vote in favor means defeat next election.
>
> (Signed) CLAUSSENIUS & CO.,
> *North German Lloyd Agents in Chicago.*

Then they came out with the statement in reply to my publication of that telegram, saying that they were acting as individuals and not as the agents of the steamship company. Last Saturday I received in my mail a printed circular, which these individuals have been sending out. It is addressed "to agents," to other individuals with no interest in the company.

CHICAGO, *January 25, 1897.*

To Agents:

The immigration bill, which is intended to materially restrict immigration, comes up for final disposition in the House of Representatives, Washington, D. C., on Wednesday, 27th instant.

It is quite clear that immigration will really be restricted almost to the extent of total exclusion of immigrants should the bill become a law, and every effort should therefore be made to insure the defeat of the bill.

You are indirectly interested in the defeat of the bill as much as we are, and we would respectfully ask you to wire your Representative in Congress immediately upon receipt of this to vote against the bill, informing him that the measure virtually means exclusion, and that his vote in favor of same will mean repudiation by his constituents and his defeat at the next election.

Trusting that you will not fail to give this matter your prompt attention,

We are, yours, respectfully,

H. CLAUSSENIUS & CO.

And with it went this little slip:

Wire your Representative fully and let us know cost of telegram, and we will promptly refund amount to you.

Mr. President, here is a great company, a foreign corporation, subsidized by a foreign government, not only with its agents in this Capitol, as they were the other day when the bill was up in the House, but telegraphing far and wide throughout the United States to all their agents to send in threatening dispatches to members of Congress called upon to vote upon that bill. To every newspaper in which they have an advertisement they sent another telegram, and the hand of that company has been felt in this business ever since it looked as if the bill would get upon the statute book. You can see it to-day in the newspapers. Here is the report that the President has given it out that he means to veto the bill. Mr. President, no President of the United States would think of giving authority to anybody to say or of saying himself that he intended either to veto or to sign a bill before he had considered it and before it had been sent to him in a perfected state for his consideration. That paragraph comes from the same source as those telegrams. It does not predict the action of the President, for we know that the President will give this measure careful judicial consideration when it comes before him. It means that this same company will carry the raid which they began on Congress from the Capitol even to the White House.

I am not one of those who has ever indulged in the somewhat fashionable exercise of denouncing trusts, monopolies, syndicates, and corporations. I am not so dull that I can not see in those questions grave dangers, but I do not believe they can be met by loose denunciation or vague invective. I think, sir, they require the calmest consideration, the greatest wisdom, and the most intelligent action of which the Congress of the United States and the President acting with them are capable. But when I see a great corporation like this, a foreign corporation, subsidized by a foreign government, coming into the Capitol with threats to members of Congress, using all the great enginery of its agents and all the great enginery of its advertising and everything that a great corporation has, coming here, I say, to take Representatives or Senators by the throat and say to them: "We will beat you," then I say that here is a case where your corporate influence is bad, and where you can meet it practically and efficiently. Strike it down.

We have heard about trusts, syndicates, monopolies, and corporations on the stump, in resolutions, and in all kinds of bills which have been offered here. Yes; we have heard them denounced in Presidential messages within two months, and yet here is one of them now right in the Capitol to-day—its agents, I have no doubt, within sound of my voice—trying to choke off legislation of the United States which, whatever its merits or its defects, should be dealt with only on public grounds, only with a view to the quality of American citizenship and the rights and opportunities of American labor. The question how many passengers an ocean steamship line shall carry or what dividends it shall declare are of no importance in comparison with such a question as this.

Such, Mr. President, has been the nature of the opposition. I have alluded to it because it has been flagrant, objectionable in the highest degree, and when I see this company coming forward prating about the misery of separating families, and reflect on the humanity shown by some of its officers and men on the occasion of a great disaster, it seems to me that the less they say about humanity to others the better.

Mr. HILL. Mr. President——

Mr. LODGE. I have not quite finished. I desire to say a few more words.

Mr. HILL. I wish to ask the Senator a question before he closes, and I will avail myself of his kindness to do so.

Mr. LODGE. I shall be very glad to yield.

It is represented that our citizens of German extraction are hostile to the bill. A German steamship company is hostile. I think our fellow-citizens of German extraction who are not in the least affected by the bill as immigrants have yet to show their hostility. I have the petitions of a half dozen labor organizations of New York, every member of which is of German birth or nationality, and they have unanimously asked for the passage of the bill and sometimes for much severer measures.

Mr. President, those of us who have been studying this question, as the Senator from New Hampshire [Mr. CHANDLER] and I at least have done for the last eight or ten years, have tried to bring forward a measure which would commend itself to the good sense and to the humanity of the people of the United States in mitigating a great and pressing evil. We have been urged to put on a heavy capitation tax—a rough, indiscriminate method of restriction which we have put aside. Demands with which many of us have sympathized have been pressed upon us with a view to get us absolutely to limit immigration to 50,000 or 100,000. Those petitions are on your table to-day. Some ask for absolute prohibition. Some ask for a limitation to 100,000 or 50,000. They come from organized labor, but unorganized labor feels the same way. Workingmen have awakened to the plain fact that every additional immigrant is another competitor in the terribly overcrowded ranks of the unemployed.

We have sought to get a test which should be fair and which should not only restrict but should also sift and discriminate. It was one of the early settlers of this country, from which this great nation of States has grown, who said, "God sifted a whole nation to plant these colonies in the wilderness." Surely it is not too much to sift now the hordes that pour out of every European steamship unsifted, uncounted, unchecked, into the great port of New York. That is all we ask, and the test we offer to apply is the test of reading and writing. Is that an un-American test? Mr. President, this is the country of the public school. We look upon education as the foundation stone of the Republic, and all we ask in this test is that the people shall read and write in some living language. It is an American test. It is a fair test. Surely there is nothing in it tyrannical, un-American, or wrong. It was the greatest genius among men who said, three hundred years ago, "Ignorance is the curse of God; knowledge the wing with which we fly to heaven." That is all we propose in this bill. We have brought it here after long and careful consideration. We have sought to make it just to all, to immigrants and to citizens alike. But we have felt it to be our duty to regard, first and before all, the welfare of the United States and the interest of American citizens who live at this day and at this moment within her borders.

Mr. President, this, in my judgment, is a great and useful measure. It is a part of a policy more important, I venture to say, than what we can hope for from tariff or currency or bankruptcy bills. I think it involves matters that lie at the very root of American civilization. It has grown out of a change in the character of our immigration within the last ten or fifteen years. The races that built up this country come in diminishing numbers. New races, utterly alien, come in ever-increasing numbers. What we now seek to accomplish by the pending bill is to sift this immigration and restrict it, to choose among those immigrants. I believe it to be, as I have said, a great and useful measure. I ask only that we shall have a vote upon it in the Senate. It has been discussed in every stage, both in the House and in the Senate, on conference report, and in every other way. I want a vote upon it. I do not want to see it smothered in the midst of parliamentary delays and obstructions. If the bill passes, as I believe it will pass, the Senate at least will have done its duty in dealing with this great question, as the House has already done. If it fails, so be it. I shall bow in good part to the will of the majority. But it will come and come again, be well assured. I know how the feeling of labor is growing in this country. I know they see the competition increasing with them every day, for every immigrant is another of the unemployed. They will ask stronger measures than this, and then, like many postponed reforms, it will come, when it does come, with a thoroughness which perhaps will make many persons regret their opposition to this bill.

If the Senate votes it down, so be it; but if the bill fails at any point or in any stage, no matter who opposes it here or who has opposed it elsewhere—I make no reflections, of course, on any of those gentlemen; I appreciate the sincerity of their motives and the depth of their principle—but I repeat, wherever the bill meets defeat, if it should meet defeat, it will be taken throughout this country after what has happened as the victory of a corporation upon a great question of public policy. It can be taken as nothing else. That is the mischief of this corporate interference here. That is why I have dwelt upon it, not as an argument for the bill, but because I wish to denounce it from my place in the Senate as improper, unbecoming, and dangerous. It leads to that conclusion in the popular mind. If the bill fails, it will make people believe once again that corporate influences are all powerful in Washington. It will add another item to the long account that is being summed up against corporate influences. It will add another charge in the reckoning which may come upon us if greater wisdom is not shown, a reckoning to which I for one look forward with the deepest dread. I want to see such a reckoning avoided and escaped. I want these evils met as they can be met by the Congress of the United States, and I want to see this open, flagrant, corporate influence in this case rebuked now, as it deserves, when it enters the Capitol of the United States.

Mr. HILL. Mr. President——

Mr. MORGAN. Mr. President, I ask that the unfinished business may be proceeded with.

The VICE-PRESIDENT. The Senator from New York addressed the Chair.

Mr. LODGE. The Senator from New York desires to ask me a question. I will very gladly answer it if I can.

Mr. MORGAN. If it leads to debate, I think it will be a violation of the courtesies of the Senate. I do not want to cut off the Senator from New York from asking a question or saying a word or two, but I hope debate will not be indulged in.

Mr. HILL. I wish to take only a few moments.

Mr. MORGAN. Senators have said, although I think perhaps the point is not well taken, that I had a right to object at 2 o'clock to the discussion going on. I did not object, because the report has not been received by the Senate. It was a question of order, which was elaborately argued by the Senator from Maryland [Mr. GIBSON], and I thought it was but due, inasmuch as the President of the Senate was called upon to decide the question of order, that the Senator from Massachusetts [Mr. LODGE] should have an opportunity to reply upon that question. Instead of that we have had a speech, an argument, an oration, and I must say an able one, too. But it is a wrongful abuse of the courtesy of the Senate, and I will not consent that it shall go on further. I should like very much indeed to indulge the Senator from New York in discussing further this matter, but he will recognize my duty in the premises.

Mr. HILL. I am very grateful to the Senator from Alabama, who undoubtedly desires to accommodate me. I simply wish to say that I trust the great corporate influences about which we have heard so much will not interfere, but that the whole matter may go over until to-morrow, when I shall take occasion to make a few remarks, not in regard to the immigration question generally, but with respect to the particular point wherein it is claimed that the conference committee have virtually reported several entirely new and distinct features which have not heretofore been discussed.

Mr. MORGAN. I ask that the unfinished business be laid before the Senate.

Mr. ALDRICH. It is already before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

Mr. ALDRICH. The unfinished business has been laid before the Senate. I do not desire to have any precedent raised about the question as to what has been before the Senate.

The VICE-PRESIDENT. The Chair was simply reminding the Senate that that is the business before the body. At the hour of 2 o'clock the unfinished business was laid before the Senate, and was laid aside temporarily at the suggestion of the Senator from Massachusetts.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee; and

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army;

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 8890) as to medals of honor; and

A bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded.

The following bills were severally read twice by their titles, and referred the Committee on Commerce:

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington;

A bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York; and

A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

The bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, was read twice by its title, and referred to the Committee on Public Lands.

SIOUX RESERVATION IN SOUTH DAKOTA.

The PRESIDING OFFICER (Mr. CHILTON in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" which were, on page 2, line 19, after the word "apply," to insert "only;" on page 2, line 21, after the word "in," to insert "North Dakota;" and on page 2, line 21, after the words "South Dakota," to insert "and Nebraska."

Mr. PETTIGREW. I move that the Senate concur in the amendments made by the House of Representatives to the bill.

The motion was agreed to.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. VILAS] is entitled to the floor.

Mr. HOAR. I desire, before the Senator from Wisconsin proceeds, to ask him if he thinks, as representing the opposition to this bill, that there will ever be a time when its opponents will consent to a vote in season to allow any other business, except appropriation bills, to be done at the present session?

Mr. VILAS. I hardly think I can be called upon to speculate in respect to the opinions of other gentlemen. When the debate which the opponents of the bill intend to offer shall have been concluded, I have no idea they will offer any other opposition to it.

Mr. HOAR. The Senator will pardon me. With entire deference, I do not gather a great deal of meaning from his answer. Of course it is within the power of any five or ten gentlemen in this body to say in regard to any measure, "It shall be debated so that a vote never can be taken upon it." Of course if they were asked the question, they would not answer in that way, but they would say, "When the debate is concluded there is no doubt there will be a vote."

But I ask the Senator, as knowing the purposes of the gentlemen who agree with him, and of whom he is in some sense if not the leader one of the leaders. I am very much interested in other legislation. I desire, in reference to that other legislation, to know whether he believes (I do not ask him to speculate, but he must know from intercourse with his associates) it is their intention to get through debating the pending bill in time so that any other legislation can be taken up at the present session of Congress?

Mr. VILAS. I have no doubt that it depends simply upon the time when we shall get through with our discussion. There are a number of gentlemen to speak upon the bill yet in opposition to it, as I am told. How much time they will consume I can not undertake to say. For myself, I can say that when I shall have addressed to the Senate the fair and proper arguments which I think this very important measure demands I shall have no desire to occupy any more time, and I will in no way put an obstruction to a vote.

Mr. HOAR. Then I understand the Senator to say, in answer to my inquiry, that he is not willing to say from any knowledge he has that he believes debate in opposition to the measure will be ended in time for any other legislation?

Mr. VILAS. I do not know how the Senator may understand what I have said. As to my belief on the subject, I am unable to declare a belief until I have heard something further as to what the debate will be in opposition. I know there are several gentlemen to speak, and I do not propose to abridge them by an expression of belief or in any wise to interfere with their proper discussion.

Mr. TELLER. Will the Senator from Wisconsin yield to me for a moment? I desire to offer an amendment to the pending bill, which I should like to have read.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The amendment will be read.

The SECRETARY. It is proposed to insert the following as additional sections:

SEC. —. The bonds hereinbefore mentioned shall not be guaranteed and no money shall be expended in the construction of the canal until a survey has been made by a competent board of engineers, to be appointed by the President of the United States, and a complete plan prepared for the entire work, and such plan shall be approved by the President of the United States.

SEC. —. Should it appear from the report of said board of engineers that the cost of said canal will be more than $150,000,000, the President shall reject the plan, and the bonds herein provided for shall not be guaranteed, and the Government of the United States shall not assume any liability in the construction of said canal.

Mr. TELLER. Will the Senator from Wisconsin yield to me for a moment further?

Mr. VILAS. Certainly.

Mr. TELLER. I should like to say, after the statement made by the Senator from Massachusetts [Mr. HOAR], that I intend to avail myself of the Senatorial privilege which I have to discuss this question, and I am not to be disturbed by anything the Senator may suggest which indicates that he thinks there is unnecessary delay in the matter. This is a question which has been before the Senate for a number of years. It is a very important question, whether we shall build the canal; and if so, how we shall build. It is a question which has attracted the attention of the engineers of the world. It is a question to which I myself for many years have given a good deal of attention. I insisted upon this floor years ago that there were no data which would justify either the Government of the United States or any body of capitalists in taking up and building the canal; that there are not sufficient data to know what it will cost. In fact, there are not sufficient data before the Senate and the country to-day to know whether it is a feasible project at all from an engineering standpoint.

We have the report of the Board of Government Engineers, which I intend to take up, and I think if I can get the attention of the Senate I will establish the fact that the Board of Engineers have declared and pointed out specifically the lack of knowledge on our part that renders it criminal, absolutely criminal, for the Senate to vote to put a dollar into it until it shall be known, first, if it is feasible, and second what it is going to cost. There is not a man in the Senate who, after he has read that report, can say within $100,000,000 what the canal is going to cost. The difference between the company which has exploited the project so far and the Government engineers as to the expense is, roughly stated, something like $70,000,000, if I recollect aright; or more than that, in fact. The engineers tell us that there are not sufficient data for them to make their calculations; that they made them upon such data as they could get. Here and there they tell you is another obstacle, in reference to which they have been unable to make any calculation as to how much it will cost. When that calculation is made it must be added to the cost they have already estimated. I do not believe the Senate, when the case is presented—as it will be presented—will be willing to enter upon this crusade of expenditure without sufficient data. I propose myself to present this matter to the Senate if it takes all day, or two days. I shall not be deterred from doing it.

If the canal is ever to be built, it ought to be built by the Government of the United States, and it ought to be built in such a way and in such a manner as to be of value to us and to the world. No man living can say upon what plan this company, if authorized to make the expenditure under the pending bill, propose to build it. Nobody can tell even how big the locks are to be, whether they are to be big enough to take in the ships of the present day, or the ships that are to be built much larger in the future.

Mr. President, the opposition to the pending bill is not simply a trifling one. It is founded upon good ground, and if the Senator from Massachusetts is in favor of the measure he will do well to address himself to the defense of the bill, and not to a criticism of those who may not agree with him.

Mr. HOAR. Mr. President, the Senator from Colorado will do well to understand what I say before he criticises it. I have made no criticism of anyone. I have not said anything about anyone, except that in the interest of other legislation I asked the Senator from Wisconsin if he was able to say now if we have got far enough for him to believe that this debate would be ended in time for other legislation. I made no comment on anyone, no criticism on anyone, no attack on anyone.

The trouble with my honorable friend from Colorado is that when he gets excited, as he does very often indeed (and he is the most excitable of human creatures, perhaps, with the possible exception of myself), he thinks that other people are saying something in opposition to him, and goes off at half-cock without knowing what they say.

Mr. TELLER. I expressed my opinion about the bill.

Mr. HOAR. Nobody is objecting to that; it is a very sensible and excellent opinion in many respects; but I shall look with some curiosity for the answer to it. I have not criticised the Senator, or the opponents of the bill, or anyone. I have asked when they thought the debate would get through. I think the Senator from Colorado, in the midst of his great public avocations, may possibly find himself inclined to resign some time the position of guardian over me. He never was selected by me for that purpose.

Mr. TELLER. Mr. President, I have no desire to be the guardian of the Senator from Massachusetts, and I could not be if I did desire it.

Now, I did not mean to be offensive to the Senator from Massachusetts. I thought the Senator did what, in my experience in the Senate (which is not quite as long as his, although I came here before he did), I never heard before. I never heard that kind of a question addressed to any Senator here. If it had been addressed to me, I know, quick as I am to resent things, as he said, I should have felt that it was not exactly the thing to do. I felt then, and I think the Senate will bear me out in the impression, that in that particular there was at least an intimation on the part of the Senator that this debate was intended purposely for delay. If the Senator from Wisconsin did not so understand it, he at least acted so in his reply. If the Senator did not mean that, I shall recall everything that I have said, which I am sure could not have been very offensive, except that I thought if the Senator was in favor of the bill he should address himself to the defense of the bill. That I still insist he should do. I should like to hear the Senator. It would delight me to have the Senator take up that report and stand before the American people and tell the American people whether, with the lack of knowledge the commission say this company have, he thinks we ought to go into an expenditure of $150,000,000 or $200,000,000. It would delight me if the Senator would do that.

If the Senator thinks my remarks were discourteous, I shall certainly withdraw them. He can have them even stricken out of the RECORD if it is desirable that he should do so. I did not intend to be discourteous, and usually I am not discourteous, although, of course, I confess I am somewhat sensitive about attacks, especially when it comes to a discussion in the Senate on a question involving a couple of hundred million dollars. It seems to me that we ought to have plenty of time, and that there ought to be no criticism, either open or covert, as to the delay until at least there is an apparent purpose in the delay.

Here is a bill which has been before the Senate only a few days, and there are at least, I think, a dozen Senators who are opposed to it who propose to be heard against it. I do not think that we can be charged with any unnecessary delay. The Senator says to me he does not charge it, but I certainly thought the intimation was——

Mr. HOAR. Will the Senator pardon me?

Mr. TELLER. Certainly.

Mr. HOAR. I think the Senator from Wisconsin perfectly understands what I desire. He certainly manifested no feeling of sensitiveness about it. I am in favor of the bill, but I am in favor of it because I am in favor of the general principle of the bill and because it has been very carefully considered by the gentlemen to whom it was committed. I am not familiar with its details, and never should think of addressing the Senate in regard to the matter of the details.

I have very unfortunately the charge of another important measure which is on the docket coming after the pending bill, and I am interested in several other measures. I wanted to know with reference to that important measure what in the judgment of the Senator from Wisconsin would be likely to be the time taken by the pending bill, whether there was any chance of getting that up, looking at it with a view of preparing myself as well as I can to be ready to deal with it when it comes up. I had no thought of anything except to look out for the interest of that other bill; for if this debate is to go on for some time, there will have to be a test question between continuing the present debate and taking up that bill which the Senator from Minnesota [Mr. NELSON] has so earnestly urged. I do not want to make a motion to lay aside the Nicaragua Canal bill, which I favor, and unnecessarily to be put in apparent antagonism with my views and all the friends or the leading friends of this measure; but the time will have to come at some period, unless we can agree on a time to take a vote on the pending bill, and that is what I had in mind.

Mr. TELLER. Very good.

Mr. HOAR. I confined my question mainly to the Senator from Wisconsin, who, I think, understood what I was after when I put the question.

Mr. TELLER. I do not think I need make any further apology to the Senator from Massachusetts. I have accepted his statement. If there is any blame it can rest upon me. The Senator says he is not acquainted with this subject. I do not think he is if he is in favor of the bill. Mr. President, I am, and I have been for a number of years. I am competent to pass upon these questions by my education and by my tastes. I have given to this question a good deal of attention, and I have said again and again here that from an engineering standpoint there was no evidence before the Senate that would justify us in attempting to build that canal.

I desire to address myself to that question, and that question only, and if takes some little time to do it I propose to do it. We are not pressing the bill. We are not the people who are obstructing legislation by presenting the bill to the Senate. It is the friends of the bill who are obstructing it. I have no particular feeling against the people who want the bill passed. If the company have got into trouble, I have no objection to the Government of the United States taking the canal off of their hands, whenever it shall be determined that we want to construct the canal ourselves. If it shall be thought best and that we ought to pay the company for what they have expended and to take this work upon ourselves I do not know that I should object very much, but I do not want, then, that the canal shall be commenced without sufficient data. In my judgment upon the plan of the company it would be an absolute failure, and could never be completed with satisfaction; and that is the opinion of men who have given the subject close attention as engineers, and on whose judgment I rely.

So believing, I should think that I did not do my duty to the American people if I should sit still and see the bill become a law. I am acting upon my judgment as a Senator, as the Senator is acting upon his, with the difference that he says he follows the committee. I do not choose to follow the committee, because I do not believe that the reports before the Senate show that the committee have such data. They could not have any greater data than the company have. Unless this board falsifies the facts, it is established that the company had not the very essential knowledge of conditions there to justify the commencement of the dams and embankments, to determine their size, or anything else connected with them.

Mr. HOAR. I desire to ask the Senator from Wisconsin, with his great courtesy, to allow me to put a question to the Senator from Alabama. I desire to ask the Senator from Alabama if he would be willing at some day in the future, say to-morrow, or the day after to-morrow, or even as late as next Monday, to lay the bill aside informally, if a final vote is not reached, with a view of taking up the bankruptcy bill for a day or two?

Mr. MORGAN. Mr. President, the pending bill was brought forward at the request of some of the ablest and most prominent Senators of this body by me at a time when I did not desire to bring it forward. Those gentlemen who favor the canal have been for a long number of years engaged in its consideration, and both of the great political parties of this country have avowed their friendship for it and their desire to have it built. There is no doubt about the sentiment of the American people. The working people and all other classes, but more particularly the industrial classes, desire to have the canal built. The American mind is not made up, can not be made up, to the conclusion that we are to abandon this plan. There are very few Americans who desire to see the plan abandoned. I do not mean the precise plan of construction, but I mean the cutting of the canal through Nicaragua. There are some railroad men who, inconsiderately and foolishly, object to it, work against it, conspire in every way how to break it down, thinking that thereby they are going to increase their own income. They seem to be given to feathering their own nests with downy linings, regardless of the plumage of the great eagle that soars over them. They seem to have no respect for that bird at all when they get a downy place and sit upon a nest to hatch their young in and raise their progeny. They are the men, and the only men in the United States, who have combined in opposition to the bill.

The bill has been under the consideration of at least 150 of the best lawyers of the United States, members of Congress. If you will count the committees of the Senate that have passed upon the bill, and consider their composition; if you will count the committees of the House, and if you will observe the remarkable care that they have taken of every detail of the bill, it will surprise anybody that a man should venture to get up on this floor and state that any part of the bill had never received faithful and able consideration.

As to the engineering projects that are contained in the bill, they commenced with Mr. Childs's survey under Vanderbilt forty-five or fifty years ago, and they have come down regularly. Three surveys have been made, paid for by the Government of the United States, and they have been laid before the various committees. Another survey has been made at very great expense and with great care by the Maritime Canal Company, in which they have paid out their money; and they received a statement, not from one engineer, but from the board of five additional engineers, the best that the country affords, to show the entire practicability of it, and that it would not cost more than $83,000,000.

Then we sent a board of commissioners out there, who went at a hop, skip, and a jump over it, who did not have time to investigate it at all, who did not have the money with which to investigate it. We only put up here on the part of Congress $20,000, and the Maritime Company supplemented it with another $20,000 to clear the way, that they might have a full opportunity to investigate it. They laid all their engineering plans and data of every kind before them. They spent three months in the investigation of that data, and then they came in with a proposition that $135,000,000 would certainly build the canal, after putting on the most extravagant allowances that they could conceive of, and that the scheme was thoroughly practicable. They stated it a dozen times before the committee of the House. The House investigated the subject and sent its investigation here. The House bill was reported here to the Senate without the change of a word in it, so that the two Houses are perfectly in harmony through their committees in the presentation of the bill.

I thought while the Senator from Colorado was reading his amendment that if that honorable, sagacious, wise, and learned Senator had only taken the pains to compare his amendment with the bill he would have found that the whole of it was covered in the bill. The construction of the canal can not proceed until the President of the United States has appointed three engineers of the Army, who have examined it and have reported to him upon its feasibility. One hundred and fifty thousand dollars, I think, is the sum for a preliminary survey. I am willing to make it $300,000, if that is what the engineers want to spend, for it seems to be the big thing now to get an engineering grab out of it. That is the milk in the cocoanut about that report. I am willing to spend, if the Senator from Colorado is willing, $300,000 in making a preliminary survey. The President of the United States is to be thoroughly informed about the plan, the location, the feasibility, the practicability, and all that, before he can put the canal under construction.

Then what? Then we must appoint a board of engineers to supervise, to control the working of the plan after it has been adopted, without any sort of disturbance from the company. They have no right to interfere with him.

Who is the company they are talking about? The men who have spent their money there, under the arrangement proposed, if we choose to accept it, will have 7 per cent of voting power in that company. The United States will have 70 per cent—just ten times more power. Nicaragua will have 1½ per cent, and Costa Rica has 1 per cent of voting power in the company after it has been reorganized under the provisions of the act, if they accept it. If they do not accept it, it amounts to nothing.

I am perfectly willing to put into the law a provision that if the cost of it exceeds $150,000,000, or the estimates made by the Army engineers, the President shall suspend all operations until Congress shall further direct. The committee made all the calculation, on which this report is based, upon $150,000,000, although I feel as conscious as I could be of any fact, and as a nonprofessional man could feel about a matter of the kind, that it will never cost $80,000,000 to build it. It can not cost it unless it is one of the Government extravagances in which money is thrown to the winds whenever they get a chance at a job. If we can get any control of the engineers and hold them down so that they will not enrich themselves and all their posterity by the loot that they will get out of this work, we can build it for $83,000,000 beyond a question.

Now, sir, if I were to do what the Senator from Massachusetts asks me to do—withdraw the bill—what would be left here in front of us? I call your attention to it. What would be left in front of us? A vortex, in which there would be involved more trouble and danger to the people of the United States than any question that has come up since the civil war. What is that? The Senator from Wisconsin the other evening let drop the remark, I think, that this concession expires in April next. That is not the fact. That is the Nicaraguan view of the question recently put up, but Nicaragua herself has never contended for it.

Mr. VILAS. This was explicitly declared, I will say to the Senator, in the eighth article.

Mr. MORGAN. I understand that the Senator from Wisconsin takes that side of the question every time. He takes the Nicaraguan side against our people. Let him do it if he wants to. But that question has been settled by agreement not merely between Nicaragua and the company, but between the Government of Nicaragua and the Government of the United States, and so Mr. Blaine and so Mr. Gresham have declared. It was settled under the supervision of a minister of the Government of the United States, who went there and looked at it and witnessed the settlement. Now the Senator gets up and takes the Nicaraguan side of it, and says the concession will be forfeited next April.

Mr. VILAS. I will thank the Senator from Alabama if he will kindly refer me to the evidence of that statement.

Mr. MORGAN. The last report I made here last Friday shows it beyond question. There it is in print and in the Senator's hands.

Mr. VILAS. Last Friday?

Mr. MORGAN. Yes, sir, last Friday; and the Senator is astonished. It seems he has not read it. He is willing to get up here and take the Nicaraguan side of the question and make observations about the rights of our people that destroy them absolutely——

Mr. VILAS. I wish to say that I have read that report, but I saw in it nothing of that kind.

Mr. MORGAN. If the Senator will read it again, he will see it. Now, Mr. President, I said if I were to withdraw the bill a vortex is opened here, and that honorable and grave Senator who sits in front of me, whose ability we all acknowledge and whose patriotism no man doubts, would have more on his hands than if he were a Talleyrand and a Metternich combined to get along with after I withdraw the bill. What is it? It is that the American Congress have abandoned the rights that our people have got under their own legislation. Read Mr. Blaine's dispatch in the report that I presented on last Friday, and you will see what view an American statesman took of this matter. You will see how an American Secretary of State who felt like he was an American handled this question in favor of our own people. They came here and asked us for a charter. On what authority did they ask it? The express language of the concession. The concessions required them to go to some other country and form a company of construction. They named New York City as the home of the corporation of construction. They came and asked us and we chartered them, and in chartering them we put restrictions upon Nicaragua and Costa Rica and everybody else concerned in it of the most rigid character.

After we had done that, the company organized, Nicaragua, being present in that company by her minister in the organization, accepting it through and through. That company has gone on, and its president, under the law, has been required to make, and has made annually, a report under oath of the whole situation. Diplomatic correspondence, interchange of notes of various kinds have taken place here until it would shame an American statesman to deny that we had acquired rights in this way as to the Government of Nicaragua that she must enforce. She can not be permitted, with honor to this country and with justice to our own people, to change her attitude; and the very moment that I should withdraw this bill, with the consent of the Senate, we should have abandoned the whole of that ground, and the Senator from Ohio who is to be the Secretary of State of the incoming Administration would find himself in what has been described by Mr. Blaine as a controversy with a half dozen little republics in Central America. Suppose I should add my humble opinion that in that controversy the same thing would occur time and again which occurred heretofore—that is to say, that they would demand money from any government that they undertook to treat with for the purpose of fixing the contract. How many times have they made concessions and forfeited them just as often as they could do it? Every time they got something in advance for a concession they forfeited the concession, got the money into their treasury, and never paid it back. Now, to say the least of it, they have got $150,000 in gold from this company; they have got a large number of improvements of a very valuable kind there; they have got surveys that they want. Whether the Senator from Colorado thinks they are of any account or not, they have cost an enormous amount of money, and Nicaragua wants them. She will get all of those. She will snap her fingers in your face and say she will not treat with you. Then what are you going to do? Send your guns down there and capture her? Are you going to have a war?

Mr. TELLER. She will treat with us.

Mr. MORGAN. No; she will not treat with us. She can not treat with us upon the proposition she has made, because President Cleveland, when he first came into office—the honorable Senator from Wisconsin being one of his advisers at the time, one of his Cabinet—choked to death this very treaty.

Mr. TELLER. They will make another treaty.

Mr. VILAS. They have proffered another.

Mr. MORGAN. Yes; $4,000,000 more. Then what will the Senator do? He has changed his mind so that he will now vote for such a treaty, when he and the President he was with at that time snatched it out of the hands of the Senate and refused to allow us to vote on it.

Mr. President, there are things here in regard to which the lapse of time has sometimes brought gentlemen in utter conflict with themselves. There can be no harm in our passing this bill even if the House of Representatives does not pass it, or if it should never go into execution; but, on the contrary, there is a demand for the passage of it that is absolutely insuperable, unless we intend to yield the whole question of the canal. Pass this bill through the Senate, and what will come then? The same congratulations which came from Nicaragua two years ago, when we passed a similar bill through the Senate, only a bill less favorable to Nicaragua than this. There came a flame of electric telegrams congratulating the country—both countries—upon the passage of that very bill two years ago. They are set forth in the report.

I have had occasion here to do a thing that I dislike very much to do, and that is to make statements before this body upon testimony that I know of, but that I am under constraint about saying anything about. All of us often get into that condition. I have asserted here that British emissaries have been at work from the time this was started down to this very date trying to interrupt and prevent this canal from being built. They think that if they can drive the Senate of the United States away from its duty in passing a bill affirming the right of this company, whether that bill becomes a law or not, then they have got us in a condition where they can handle us very easily through their refusal to negotiate treaties with us of a fair description, and through that minority vote of a third of the Senate which they think they can always rely upon to defeat any measure of this kind.

We have now got this matter before the legislative tribunal of the country in a form that the Senate of the United States can express its convictions, if it can not do any more, and I should as soon have those convictions expressed in a resolution as in a bill for the purposes of the diplomatic situation. But, sir, I am not going to yield upon that proposition until some man shows me the way out. We have not got any advantages at the present time, but we have certain very important rights included in this programme, and I am for insisting upon those rights and for strengthening the hands of the next Secretary of State, so that he can go to Nicaragua and say: "Do you expect that we are going to yield the rights of those American citizens at your will and at your behest when the Senate of the United States has twice passed upon this question and affirmed those rights?" The way, Mr. President, to get into trouble is to simply invite it, particularly when you are dealing with a number of very small nations, who notoriously are engaged continually in raids upon each other.

Now, we are paying great attention to what Nicaragua has said. What has Costa Rica said about it? Costa Rica is just as important a factor in this canal as Nicaragua; her rights are identical with those of Nicaragua. It is very true that after Nicaragua had remedied the infirmity in her title and we negotiated with her and paid her the money, it then became evident, on a decision as to the boundary line made by our own President, that we were bound to get a concession from Costa Rica, or else the whole scheme would fail. We went to Costa Rica and put the concession in the very words of the concession granted by Nicaragua; and when Costa Rica came in—Nicaragua knowing it and consenting to it—with her minister to take a seat on the board of directors, Nicaragua objected. That raised another row, and she declared that the concession had been forfeited because Costa Rica had come into it and had done that which Nicaragua was bound in honor to do herself—secure the rights and privileges of the San Juan River where Nicaragua and Costa Rica had a joint right of navigation.

They refused to take their seat in the board at first. The company's president and both the minister from Costa Rica and the minister from Nicaragua came finally and took their seats in the board, and as an oath of office was required, both those ministers took the oath of office in behalf of their Governments. Then there came more telegrams, more congratulations exchanged between these two Governments. "Everything is now serene"—that is the language of one of them. All difficulties were removed. So they have gone on from time to time, until finally there springs up a new sort of mushroom republic called a diet. Three States get together and form a diet, each of them insisting and contending, and representing to our Government also, that they are perfectly independent of each other, but they have submitted their diplomatic affairs into the hands of a common minister. I should like to know what that minister of these three Republics—Honduras and Salvador being two of them—has got to do with our contracts with Nicaragua? Are our contracts with Nicaragua to be vacated, avoided, and annulled at the demand and behest of these other two Republics who have nothing to do with them? But that is the effort. Not only is that the effort, but it does not stop there. Their point is to take Costa Rica and rub her out—one of those little tempestuous arrangements that arise in that little teapot down there, and the storm seems to be big enough just to disconcert the Senate of the United States—that is all; and it comes in here when a bill is about to get on its passage.

I have not any idea that the Government at Nicaragua has ever intrusted to any minister the right to disengage her from a contract which she has made with American citizens; but if she has, she can not do it, and has no right to do it. We are not here for the purpose of seeing our citizens robbed at pleasure by any government, great or small; it is not what we are trying to do here, and if the Senate of the United States will take a vote on this

bill, if they will adopt this bill even with the amendments which the honorable Senator from Colorado [Mr. TELLER] wants to put into it, they will save this question and save this canal from ruin.

If I should, upon the request of some of the ablest and oldest members of this body, yield this measure, with all of its vast public significance, then, Mr. President, I should have the odium of cowardice and treachery both upon my soul. You do not expect me to do it; surely, I will not do it. I do not care what it is that stands in the way of it; I did not bring it into contact with anybody's bill or anybody's measure. I offered it because the time was lapsing and the honorable Senator from Wisconsin [Mr. VILAS] said it was only until April within which we have got to act, and, having stated that, I am compelled to believe that the Senator from Wisconsin would be very glad to see that day in April arrive before this bill passes.

Mr. VILAS. Mr. President——

Mr. STEWART. Will the Senator from Wisconsin allow me to make a remark before he proceeds?

Mr. VILAS. Certainly.

Mr. STEWART. I wish to call the attention of the Senator from Massachusetts [Mr. HOAR] to something he can do which will facilitate the passage of the bankrupt bill, which would probably avoid the necessity of any test vote.

I believe that every Senator present is in favor of a voluntary bankruptcy bill. The necessity for it is obvious; nobody doubts that at all; but there are many Senators and many judicious people in the country who are opposed to an involuntary bankruptcy law at this time. In the present depression in the country it is impossible for business men and others to meet their obligations promptly on account of the difficulty of converting their assets into money. An involuntary bankruptcy law will open a field for putting people into bankruptcy at a time when it would destroy many men who would otherwise pull through when times get better, if they ever do.

I know it is said that you can have provision to prevent fraud, and all that, but the fact of putting a man into bankruptcy destroys his property, and the desire of those who have a little money to buy property cheaply may be a motive to proceed, whether they ought properly to do so or not. At all events, you place thousands and hundreds of thousands of good men at the mercy of those who might and probably would take advantage of them. All creditors are not bad men, but there are business men who can not meet their obligations on account of the scarcity of money, who can not convert their property into money, go into bankruptcy, and gratify the greed of those who want to buy their property and have it sold for a small price. If this thing commences, there will be a vast amount of property sold under the hammer, with nobody to buy it, and there will be more harm done, I believe, by an involuntary bankruptcy law at this time than there would be if we should do nothing.

If it becomes important at the next session, if times change, and an involuntary bankruptcy law is desired, such a law as we may now pass can be amended, and we can promptly pass a law which will give relief to those who are bankrupts; but let the matter stand until times change and do not pass such a provision at a time when it would amount to universal confiscation, as it seems to me it would under existing circumstances.

I have observed the operation of bankruptcy laws for many years and labored very hard to get the last bankruptcy act passed; but it had not been in operation six months before petitions came in for its repeal. Congress modified the law and continued to make modifications, but still the petitions came for its repeal, and it was finally removed from the statute book. The same was true of the bankruptcy law of 1842, and the same has been true of all bankruptcy laws, that when they go into operation much scandal grows out of the business and many unworthy men collect around it and form cliques to secure and divide among themselves other men's property.

I suggest that we should not go any further at this time than to do what is absolutely necessary for present relief, because if we do every provision of the bill must be discussed and it will occupy more time than can be given it owing to the consideration of the appropriation and other necessary bills, even if the Nicaraguan Canal bill were out of the way. I hope the Senator will devote his time to eliminating the repulsive features of the present bankruptcy law.

Mr. ALLEN. I should like to ask the Senator from Nevada a question, and it is this: Whether the Senator sees any connection between the parties behind this involuntary bankruptcy bill and those behind the present financial policy?

Mr. STEWART. Well, those behind the present financial policy in this country, it is true, have all the money, and if the property of the country were put up for sale they are the only persons who would be able to purchase. Whether they will be influenced by such considerations or not, others, who are as good judges of human nature as I am, must draw their own conclusions.

Mr. VILAS. Mr. President——

Mr. TELLER. I ask the Senator from Wisconsin to yield to me for a moment.

Mr. VILAS. Certainly.

Mr. TELLER. Do I understand the Senator from Alabama [Mr. MORGAN] to say that the amendment I offered was included in the bill? I suppose this is the language to which the Senator refers:

> That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers.

Is that the provision?

Mr. MORGAN. That is not all of it.

Mr. TELLER. I will read all of it, then.

> The members of which shall be selected from civil life.

Is not that the language?

Mr. MORGAN. No.

Mr. TELLER. Will the Senator tell me where it is, then?

Mr. MORGAN. I thought the Senator was familiar with the bill.

Mr. TELLER. I do not find anything imperative on the President, nothing mandatory; I find nothing here but discretionary power on the part of the President. What I desire by my amendment is that the President shall not guarantee these bonds, shall not take any steps to incur any liability on the part of the United States until it is determined what the canal will cost. It will cost $150,000,000, as some think. If that is not so, I have misunderstood the provision. I think there is nothing in the bill which will prohibit the President from going on if he sees fit to go on.

I do not wish to interrupt the Senator who has the floor, except to say that, so far as I am concerned, I have not seen the English influence of which the Senator from Alabama speaks. I am not myself particularly amenable to English influence, and I do not know that I am very much amenable to any other influence upon questions of this kind which I have been considering a long time. Nobody has approached me on the subject. I am not now contending that we should not build the canal, and am not now contending that these people have not a concession there that we are obliged to take care of if we build the canal. I am not antagonizing that. What I am complaining of in this bill is that, without sufficient data, without sufficient information, without knowing how this canal shall be built, we are to be committed to an expenditure of from $66,000,000, according to the company's statement, $135,000,000 according to the engineers' statement, and according to my impression from two hundred million to two hundred and fifty million dollars.

There is too much difference of opinion between the engineers of this company and the engineers whom we sent out; there is too much difference of opinion between the engineers who have studied this question and those who have been in control of this company to justify us in taking up the work and going on with it. Nobody, as I said before, knows whether, if we pass this bill, the company will commence to build the canal upon their plan or upon the plan of the Ludlow engineers, or upon what plan it will be built. There is the whole trouble in this matter. What I desire, and what I think is a prudent and proper amendment, is that before anything shall be done there shall be a careful examination.

The Senator from Alabama says this commission ran over the ground. The commissioners themselves say they did. They say they went over the ground with great haste and in a very unsatisfactory manner. The commission show, with all the maps, with all these data before them, that this company did not have certain data, without which I say here no private corporation which ever expected to complete a work of this kind would ever have undertaken. The idea is preposterous that a corporation should begin to build a dam more than 100 feet high without knowing what was the foundation upon which it was to be built when they made their estimates, that they should provide a waterway for 40,000 cubic feet per second when this board of engineers says that 150,000 feet will pass the weir in a second.

Mr. President, success is impossible under such circumstances. That is why I want to take up this report, and I want to show, not that this commission is right, but I desire to show that this company has not got and never has had the data that common engineering skill and common engineering prudence would require they should have before they expended a dollar. If they have any concession that is valuable the United States must pay for it. I am not contending as to the $4,000,000 which is proposed to be paid to them, for that is a bagatelle and amounts to nothing. The question is, Are we ready now to commit ourselves to a scheme which will cost $80,000,000, as the Senator says, and which the board say will cost $135,000,000? That is the question which I desire to present at some time. I do not desire, however, to interfere with anything else. If this bill is to be pressed, we must be heard on our side. That is all we shall ask. I am willing to say for myself that, after I have got through—I have no concern whether other people get through or not—I shall have no desire to delay the bill, but I certainly do not intend that this bill shall pass without at least putting on record my objections to it, which I think are not technical but fundamental.

Mr. CARTER. I submit two proposed amendments to the pending bill which I ask may be printed, so that the Senate may know their import.

Mr. MORGAN. Let them be read.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

Amend section 3 by striking out in lines 12 and 13 the words "or that satisfactory arrangements have been made for the return and cancellation of said stock," and by striking out of lines 15 and 16 the words "or that satisfactory arrangements have been made for their redemption and cancellation;" by striking out from lines 20, 21, and 22 the words "or that provision has been made for the satisfaction and cancellation of said liabilities and contracts;" so that the section when amended shall be as follows:

"SEC. 3. That if the Maritime Canal Company of Nicaragua shall, within one year from the passage of this act, show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, the Secretary of the Treasury shall, on behalf of the United States, subscribe for 70,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 70,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required."

Amend the bill entitled "A bill to amend the act entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,'" approved February 20, 1889, by striking out section 7.

The PRESIDING OFFICER. The amendments will be printed.

Mr. VILAS. Mr. President, before proceeding with the discussion to-day, I wish to offer and have read a substitute which I intend to propose to this bill after I have reached the proper stage in the discussion to indicate the views which this substitute would represent in the legislation. I ask to have it read now and printed.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That a commission of five persons, one from the Corps of Engineers of the Army, one from the Engineers of the Navy, and three other citizens of the United States, all to be appointed by the President, by and with the advice and consent of the Senate, is hereby created, to be known as the Interoceanic Canal Commission, that the compensation of said board shall be fixed by the President, not to exceed $500 per month to each, including such pay as the engineers so selected are receiving for the time they are employed, from the Government. And the said board, under such arrangements and regulations as shall be made by the Secretary of State, with the approval of the President of the United States, shall, the necessary permission therefor having been previously obtained from the Governments of the respective countries interested, visit and personally inspect the several lines or routes projected, or which may seem to said board to be sufficiently practicable to demand an inquiry, for an interoceanic canal to connect the Atlantic and Pacific oceans, and shall make or cause to be made all needful surveys, examinations, observations, and inquiries necessary to enable them to determine which is the most feasible, practicable, and economical route for the construction of a canal, and which, upon all the considerations entering into the subject, is, in their opinion, the most eligible, together with their reasons therefor; and also to make a report in reference to such route, of plans, profiles, sections, prisms, and specifications for its various parts, requisite to the construction and entire completion in a satisfactory manner of a canal sufficient to transport the vessels of all countries between said oceans, and also particular and complete estimates in full detail of the probable cost of such work upon the line or route so selected, and also to make such surveys, examinations, observations, and estimates of other lines or routes considered as competitive as may be necessary to distinguish and discriminate as compared with the same the eligibility of the route recommended.

For the purpose of securing the permission aforesaid, the President of the United States is authorized to make such negotiations with the Governments of the several countries whose territory may be embraced in a portion of any of said canal routes as to him shall seem advisable.

And for the purposes hereof there is hereby appropriated $1,000,000, to be immediately available.

Mr. VILAS. Mr. President, before I notice some other things which have been said here to-day, I want to call attention to the very direct statement which was made by the distinguished and honorable Senator from Alabama [Mr. MORGAN] in regard to what he put into the RECORD last Friday. The Senator from Alabama has a favorite way of supposing that the opponents of his measures do not even know what the documents contain of which they speak, and is very ready to aver that they can not have understood or read them.

I said, sir, that the forty-eighth article of the concession provides for the expiration of the concession by its own terms of limitation, unless Nicaragua should grant an extension, on the 23d or 24th day of April next—I think it is one of those days of April, depending upon which day shall be considered the date from which the ten years run.

The Senator from Alabama thereupon very directly stated that this report showed that it had been already provided for, and that there was no right in Nicaragua to claim anything under the article. I thought I had read that report. I have reviewed it, and there is not a word in it that I am able to discover which relates to the forty-eighth article of the concession. I ask the Senator from Alabama to point out what it is in that report which he conceives in any manner affects that article. I recognize the fact that there was in the transactions between the company and Nicaragua and in the correspondence between our State Department and its officials and theirs, and in the declarations which some of the Nicaraguan officials have made, a relinquishment perhaps of the right to forfeit for some of the articles, but there is not one word in it which relates to the forty-eighth article that I have been able to discover. If there is, I should be glad to have it pointed out

Mr. MORGAN. Does the Senator from Wisconsin desire that I shall point it out now?

Mr. VILAS. At the Senator's convenience, because I intend to discuss the point. I should like to know what there is that relates to it.

Mr. MORGAN. If the Senator will refer to the first statement made by the president of the Maritime Canal Company in June, 1890, to the Committee on Foreign Relations, when that committee called him before them——

Mr. VILAS. Is the Senator about to read from the report of last Friday?

Mr. MORGAN. Yes. If the Senator will notice the statement when the committee called him before them and examined him about this matter in executive session, he will find that the Government of Nicaragua would not consent that the work had been begun in accordance with the concession. Finally, after Mr. Blaine's intervention, it did consent that the concession as to the time of the beginning of the work had been entirely complied with. That postponed, necessarily, the time of the completion of the work from the date of the agreement, making it ten years in all. Eight years from that day would make it until the 23d day of next April, and ten years would bring it to the 23d of April, 1899. Mr. Blaine sent what Mr. Baker calls a very perpendicular sort of dispatch on that subject in these words:

The United States Government learns with surprise of rumors of an attempt to impair or deprive the Maritime Canal Company of Nicaragua of its rights as embodied in the contract granted by Nicaragua to that company. The United States can not understand how a company chartered under its laws should be treated with injustice by Nicaragua. You will please ascertain whence these disquieting rumors have arisen and communicate with me as soon as possible. You will also leave a copy of this dispatch with the Nicaraguan secretary of foreign affairs. The United States Government can not remain passive when the rights of a corporation organized under its laws are threatened with injustice.

That is the very point in issue at that time. Then afterwards Mr. Blaine telegraphed to Mr. Hitchcock as follows:

HITCHCOCK, *Fifth Avenue Hotel, New York:*

Mizner telegraphs: "All difficulties settled. Papers executed in triplicate. This Government will retain one."

BLAINE.

Guzman, the minister to this Government, on the same day telegraphed to Mr. Hitchcock:

Mr. HIRAM HITCHCOCK, *New York:*

I sincerely congratulate the company and yourself upon the good news received from Nicaragua.

H. GUZMAN

Then Mr. Hitchcock, upon that day, sent to the President a dispatch:

His Excellency PRESIDENT OF NICARAGUA, *Managua:*

Please accept my sincere congratulations upon the happy termination of all differences and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK, *President*

On the 11th of October the following dispatch was received by the president of the Maritime Canal Company of Nicaragua:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

Now, those are a part of the dispatches, which show exactly the time and the circumstances surrounding this recognition of the right of the company as having been established under the concession, proceeding for the full period of eight years from that time to complete the canal.

Mr. VILAS. It is as I supposed it was. All that relates to the forty-eighth article is a mere argument which the Senator from Alabama adduces from other things entirely, but which probably would be considered to have no just relation whatever to the article in question—the forty-eighth. I will speak of that by and by.

Mr. President, I am sorry the Senator from Massachusetts [Mr. HOAR] is not present for the moment, for I should like to call his attention to an inference which Senators might very properly draw from the question he put to me to-day. Yesterday more than an hour was taken out of the time which I might have enjoyed in the discussion of the bill by a similar question, and by proposing to the opponents of the bill to fix a time for a vote in every form in which ingenuity could suggest it, and by following it with various talk and discussion; and to-day, when another measure had occupied the attention of the Senate until nearly or quite 3 o'clock, we had a right to expect that we could go on with the discussion of the pending bill. Then comes this question about the time the discussion is to occupy, and an hour and twenty minutes have been consumed in consequent debate, mainly by the friends of the bill. I called attention to the fact yesterday that it was a week ago last Thursday when I first solicited the privilege of being heard, and that I had not been able to be heard since; and it would seem as though, if there were a charge of filibustering, to use a very harsh word, which first fell from the lips of the Senator from Alabama [Mr. MORGAN] on that day, Thursday a week, it ought to be aimed at those who would seem to be filibustering to prevent a fair discussion by the opponents of the bill.

We are ready to take up any other measure. We are not standing in the way of any other measure. We are only opposing this measure. If the Senate wishes to take up any other measure, we are willing. No opponent of the bill has ever made an objection to its being laid aside informally at any time, so that if anything else was desired to be presented to the Senate it could be; and yet, with the fact stated to the Senate by the distinguished Senator from Ohio [Mr. SHERMAN], who is to be the premier of the next Administration, that the bill can not become a law at this session of Congress, and that therefore everything we do here is uselessly done, except as it is the expression of the Senate's opinion, it is insisted that the bill shall be kept before the Senate while the other legislation which is of consequence, vastly greater consequence than the mere passage by the Senate of this bill could be, shall lose the opportunity of consideration. Let the fault, if that be fault, abide where it belongs, not with us.

I trust, sir, that it will not be continually insisted, day after day, when the opponents of the bill desire respectfully to urge their objections against it, that we shall have these questions put, insinuating or seeming to insinuate to the public that an unworthy motive governs our desire to debate it. I saw it stated this morning in a newspaper to which I have been in the habit of looking for correct reports of the proceedings of Congress that the remarks which I submitted to the Senate yesterday were intended to consume time, whereas there was not a Senator who listened to them who did not know that they were addressed pertinently and properly to the bill before us.

Now, sir, I propose to continue the discussion, and to pursue the line of argument upon which I entered yesterday. Let me recall for one moment summarily that I had pointed out that the bill, aside from buying out the stock of the present Maritime Company, proposed to put the United States into that corporation, and not in its sovereign capacity, but in a fictitious corporate capacity, to proceed to construct at its own cost and risk the canal as an enterprise of its own, pure and simple. Then I entered upon a consideration of the reasons which were proffered to us why the United States should assume that great undertaking, and I was considering, at the time when we went into executive session, the argument that it should be built as a military auxiliary to the national defense. I think I had shown that neither in a state of neutralization in time of war nor in a state of exclusive control by the United States in time of war—and one or the other of those conditions is practically inevitable—could the canal be a source of strength, but in either case would be a source of weakness, considered from a military standpoint.

I then asked—and at that point the Senate chose to go into executive session—what was the theory of the utility of the canal as a military auxiliary entertained by the friends of the bill. It is obvious at once that it consists in a single feature—that our ships of war might pass to and fro between the eastern and the western coasts.

Mr. TELLER. How about the war ships of other nations?

Mr. VILAS. As I argued yesterday, they must pass if the canal is neutralized; and if it is not neutralized, it becomes a far greater element of weakness in our hands. But I was considering simply the question of utility to us.

Why do we care to pass our ships of war between the Atlantic and the Pacific coasts? For the defense of the Pacific coast or the defense of the Atlantic coast? The Pacific coast, as I was saying at the conclusion yesterday afternoon, is already defended by nature far better than by ships of war. There lie the immense leagues of the ocean wastes, and who on this floor can conceive that any enemy likely to imperil the United States in her dominion of the Pacific Slope can cross that great sea, justly named the Pacific, because it is impossible that humanity should engage in practical warfare across the space which it occupies?

Sir, let us turn for a moment to the Atlantic coast. Where are our enemies to assail us on the Atlantic coast? To do it they must cross 3,000 miles of sea. I have heard the distinguished Senator from Alabama, when under the dominion of that fear of England which he sometimes illustrates by speeches on the floor, speak, and I believe I use the very word he adopted, of a cordon of outposts which England is gradually establishing in terrible menace to our safety, beginning with Halifax and the eastern shores of Canada on our northeast, thence to Jamaica on our southeast, and to Honduras, and then threatening to take the Sandwich Islands, and thus at last enveloping the United States in a very surrounding of imminent peril. But, sir, I do not fail to recall that more than one hundred years ago, when we were but three millions in number and had neither ships nor armies, this people, with their stout hearts, were able not only to begin a war with England for their independence, but to achieve it under the help of Divine Providence. I do not forget that since that time they again declared war upon that, the greatest naval power of the world, and that even upon the great sea, where our brave men encountered their immense naval establishments, we had the honor of such glorious victories as that won by Hull and that won by Porter, and of such a glorious defeat as Lawrence sank to death in achieving.

From that time to this, what has been our peril of war with any European power? Now, not with three million, as during our war of independence, nor eight or ten million, as in the next war, but with 75,000,000 people in thriving industry over this continent from ocean to ocean, with works of civilization such as no other equal surface of the world has ever before seen to such an extent in like time, with as many miles of railroad binding us together as all the rest of the world besides possesses substantially, is it necessary for us to begin to tremble and shiver lest some enemy come across the sea to threaten our safety?

What has been the history of armadas? The most notable effort that was ever made to invade a foreign land by ocean was when Spain undertook to seize the fair realm of the virgin Queen of England, and that colossal naval array, sent with such circumstances of apparent power as to threaten, seemingly, the absolute doom of that solitary island, was dissipated by tempests and the ships of England. Afterwards, sir, the greatest genius of war who has ever, perhaps, contended against England, no farther distant from her than across the English Channel, looked upon that island with the eye of one fertile in military resources, and could find no way by which he could dare to launch a naval expedition with promise of success, and though he marshaled his armies at Cologne, and though he built ships for a long time, yet when the hour of practicable trial came he never attempted it. What have we to fear that should make us now go abroad to the isthmus that separates the northern and southern continents of America to build a canal to defend the United States from attack?

Sir, we have a great deal of this sort of bugaboo. It has been a favorite argument with some who are interested in building up a navy for us, and some who are interested in spending millions upon fortifications along our coast, as if we could fortify seven or eight thousand miles of seacoast in any better way than by the stout hearts of the men who will defend this country should anybody ever dare to invade it with hostile purpose.

We have nothing to guide us to safety better than an honorable, a wise, a humane, and a generous policy of national intercourse. Let us deal with even approximate fairness with the nations of the earth and we encounter no risk of armed controversy with any of them. Indeed, we have had every evidence that they will bear much before they will resent an attempt of the United States to encroach upon their rights, or even to injure their sensibilities. Whoever else may be deluded by this proposal, his is indeed and in truth a delusion; who thinks we ought to build a canal as a military auxiliary, he is fitted, it seems to me, for the ranks of those who fear the doom of earth by fire is nigh, and might well enlist under Lieutenant Totten.

But, sir, there is one consideration which justifies a serious, careful, and painstaking examination, for it possesses great force to favor the Government's entertainment of the project of this canal, and that consideration is that it may afford sufficient advantages to ships of commerce to warrant its cost, and that no private concern, no corporation, will or can build it. That has been tested sufficiently. The enthusiasts of sixty years past who have dreamed of this project and have fancied it a thing capable of construction and useful to build have always awaked from their dreams under the cooler and more sedate application of financial common sense.

Now, sir, is there justification for the United States to undertake this work in the fact, or the probability, that the commerce of this country will be sufficient to warrant it? If there be, that is the basis on which we should enter upon it. We should construct the canal, having made proper international arrangements, precisely as we built the locks at St. Marie, or as we dredged the St. Clair River, in order that commerce shall be benefited adequately, so that immediately the citizens of our country will receive gains, some a hundredfold and some mayhap tenfold, which on the whole will redound to the general advantage of all.

I propose to ask a few moments of the Senate to consider what the commerce is that will be benefited by the canal. I shall not affirm anything of my own information. I shall take the statistics which the committee have furnished. Let us look at it in the light which they cast over it.

On page 136 of the report which was submitted to the Fifty-first Congress by the Committee on Foreign Relations is a table of "Commerce subject to the attraction of the canal." I shall ask the privilege of inserting in the RECORD at this point this table, although I will not now trouble the Senate to hear it read, being able to indicate the general features of it sufficiently otherwise.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The table is as follows:

TABLE OF COMMERCE SUBJECT TO THE ATTRACTION OF THE CANAL.

[To be divided into three classes: Class 1, entirely tributary; class 2, largely tributary; class 3, partially tributary.]

Commerce of the places named, exports and imports.

Reference.	Class.	Countries.	Amount.
		With Great Britain:	
S. Y. B., 111	2	Hongkong, 114° east from Greenwich.	$20,598,000
S. Y. B., 235	2	New South Wales	83,932,800
S. Y. B., 261	2	Queensland	23,625,480
S. Y. B., 268	2	South Australia	24,928,480
S. Y. B., 276	2	Victoria	73,608,350
S. Y. B., 292	2	Western Australia	3,380,830
S. Y. B., 253	2	New Zealand	44,561,000
S. Y. B., 275	2	Tasmania	3,608,010
S. Y. B., 776	2	Java	22,358,780
S. Y. B., 944	2	Philippine Islands	14,394,690
S. Y. B., 416	2	China	54,157,657
S. Y. B., 715	2	Japan	37,408,580
S. Y. B., 452	1	Ecuador	2,489,910
S. Y. B., 809	1	Peru	15,245,870
S. Y. B., 387	1	Bolivia	1,287,890
S. Y. B., 406	2	Chile	62,437,101
S. Y. B., 78	2	Central America	10,412,250
		With France:	
S. Y. B., 515	2	New Caledonia	1,565,812
S. Y. B., 715	2	Japan	17,761,441
S. Y. B., 406	2	Chile	7,857,430
		With Germany:	
S. Y. B., 546	2	Australia	8,129,000
S. Y. B., 715	2	Japan	6,878,402
S. Y. B., 409	2	Chile	14,098,930
S. Y. B., 677	2	Hamburg with Australia	(*)
S. Y. B., 416	3	China with Germany, France, etc	18,283,315
S. Y. B., 944	3	Spain with Philippine Islands	4,123,000
S. Y. B., 379	1	Belgium with Peru	6,440,995
S. Y. B., 762	3	Netherlands with Dutch East Indies.	66,060,000
		With United States (Atlantic ports, chiefly New York; Pacific ports, chiefly San Francisco):	
C. & N., 40	2	British East Indies, Atlantic ports.	22,765,825
C. & N., 49	3	British East Indies, Pacific ports.	1,432,041
C. & N., 39	2	French East Indies, Atlantic ports.	319,427
C. & N., 40	2	Dutch East Indies, Atlantic ports.	7,042,412
C. & N., 40	1	Hongkong, Atlantic ports	2,113,161
C. & N., 41	3	Hongkong, Pacific ports	3,150,538
C. & N., 39	1	China, Atlantic ports	12,481,834
C. & N., 39	3	China, Pacific ports	6,962,940
C. & N., 43	1	Japan, Atlantic ports	10,638,073
C. & N., 43	3	Japan, Pacific ports	9,380,330
C. & N., 40	1	British Australia, Atlantic ports	13,279,828
C. & N., 41	3	British Australia, Pacific ports	5,040,316
C. & N., 42	1	Philippine Islands, Atlantic ports.	8,719,009
C. & N., 43	3	Philippine Islands, Pacific ports.	2,053,060
C. & N., 42	1	Hawaii, Atlantic ports	197,619
C. & N., 43	3	Hawaii, Pacific ports	16,025,780
C. & N., 32	1	Chile	4,814,625
C. & N., 34	1	Ecuador	1,331,370
C. & N., 26	1	Peru	1,024,497
C. & N., 22 and 24	2	Central America (Nicaragua, Costa Rica, and Salvador).	5,170,960
		Pacific ports of the United States with—	
C. & N., 5	1	Belgium	837,840
C. & N., 7	1	France	5,632,359
C. & N., 7	1	Germany	1,136,508
C. & N., 6-10	1	Great Britain	88,944,478
C. & N., 20	1	Cuba	535,111
C. & N., 33	1	Brazil	166,012
		Total	825,110,167

* Value, not reported; weight, 65,300,000 kilos, say about 65,300 tons.

Mr. VILAS. The table sets forth, after a considerable preliminary discussion of the sources and value of its statistics, the figures which indicate the amount in total of the commerce which would pass through that canal, or which would be subject to the attraction of the canal, as the phrase is; that is to say, that would be liable to pass through it: First, with Great Britain and her various dependencies and the foreign countries with which she trades. Next with France and her dependencies. Then with Germany and the countries with which she trades, including some islands in the Pacific seas that belong to her; and finally with the trade of the United States with foreign countries that would pass to and from Atlantic or Pacific ports.

The total of the entire commerce that is said to be liable to enjoy that canal is given at $825,110,167. Of that commerce this table shows that of Great Britain directly to aggregate $498,421,678; of France, $27,181,683; of Germany, $124,033,702; of the United States, $175,470,101; aggregating the total named.

Thus, according to the table, the United States will, in the opinion of the friends of the pending measure, enjoy for its commerce only about one-fifth of the commercial advantages which it will have provided at immense risk and immense cost. Its commerce, so depicted in the most favorable manner by the friends of the bill, will be but a little over 21 per cent of all which share the canal. Nay, sir, less than that, for it will be seen, when particular attention is given to the statement, that of the commerce reckoned as belonging to the United States the greater part is commerce between the United States and foreign countries, so that one-half of it may as fairly be said to be the commerce of foreign countries as of the United States. Probably a just deduction from that table would indicate that the United States would not enjoy above 12 to 15 per cent at the utmost of the commercial advantages which it shall have thus provided entirely alone. It would be well, also, to reflect upon the fact, in that connection, that by reason of our navigation laws the far greater part of our foreign commerce is transported in foreign bottoms.

Now, sir, on the other hand, take Great Britain. The share in the commercial advantages to be provided by that canal which Great Britain will enjoy is nearly five-eighths. When we consider her interest in the commerce, reckoned as transacted with the United States, it is still more than five-eighths; most probably it would be three-fourths.

Next comes Germany. The share of Germany according to that table will be 15 per cent and upward, lacking only 6 per cent of an equality with that of the United States, even according to the figures shown by the committee.

Now, I know that sometimes we hear much said of the great advantage which may be derived to our commerce passing between Atlantic and Pacific ports. In 1880 a very interesting and instructive book was printed by the United States containing figures on this subject made up by the then Chief of the Bureau of Statistics, Mr. Nimmo, and he shows that the quantity of commerce passing between the Atlantic and the Pacific coasts by water has been constantly growing less. He gives a total of the value of the commodities shipped from New York to San Francisco and from San Francisco to New York via Panama each year from 1868 to 1879, inclusive, and it diminished in total aggregate from $70,000,000 in 1869 to less than $5,000,000 in 1879. The entire value of the commerce which sought water transit with the aid of the Panama Railroad fell to a point only about one-sixteenth of what it was ten years preceding. What has been the subsequent fall, I am unable to state.

*Value of commodities shipped from New York to San Francisco and from San Francisco to New York via Panama each year from 1869 to 1879, inclusive.**

Year ended June 30—	Shipped from New York to San Francisco	Shipped from San Francisco to New York.	Total.
1869	$50,015,904	†$20,186,085	$70,201,989
1870	10,334,445	8,259,810	18,594,255
1871	9,391,607	2,161,106	11,552,713
1872	6,759,563	3,066,874	9,826,437
1873	3,042,617	3,667,107	6,709,724
1874	7,049,821	1,752,653	8,802,474
1875	6,057,202	2,382,928	8,440,130
1876	4,470,594	1,983,261	6,453,855
1877	3,398,864	2,205,979	5,604,843
1878	3,976,358	3,211,245	7,187,603
1879	2,781,065	2,166,690	4,947,755

* The Union and Central Pacific railroads were completed so as to admit of trade across the continent May 10, 1869.

† Including $16,141,862 gold and silver coin and bullion.

So with reference to the passengers, Mr. Nimmo gives another table in which he shows that though in 1868 the transportation of passengers numbered by the Panama route between New York and San Francisco 38,000, it had fallen in 1879 to 4,500.

Number of passengers carried by the Pacific Mail Steamship Company in both directions between San Francisco and Panama each year from 1860 to 1879, inclusive.

[Prepared by the agency of the Pacific Mail Steamship Company at San Francisco.]

Calendar year.	From San Francisco to Panama.	From Panama to San Francisco.	Total.
1860	9,780	(*)	
1861	8,281	(*)	
1862	6,586	18,523	25,109
1863	7,075	20,188	27,263
1864	9,187	20,118	29,305
1865	14,051	14,524	28,575
1866	11,895	16,338	28,233
1867	9,951	19,476	29,427
1868	13,837	24,247	38,084
1869	7,650	19,203	26,853
1870	7,717	6,007	13,724
1871	5,170	1,953	7,123
1872	4,364	3,543	7,907
1873	2,827	5,485	8,312
1874	3,393	9,865	13,258
1875	2,210	9,227	11,437
1876	1,941	4,447	6,388
1877	2,049	4,098	6,147
1878	1,884	3,008	4,892
1879	1,573	2,923	4,496

* Records lost.

Well, sir, we know something of the reason why. Since 1868 the Pacific railroads have been in active operation. We have a very pertinent illustration in the history of traffic since those roads were built of the probable value of a line of vessels between the Atlantic and Pacific coasts.

On the tables of Senators will be found Document No. 52 of this very session, submitted by the Secretary of the Interior to the Senate, in which is given copies of the various contracts made by the Pacific railroads with the Panama Steamship Company whereby whatever competition that line afforded for the relief of the shippers of articles of merchandise to and fro was entirely extinguished, and for which the Union Pacific paid them in the course of a few years nearly $2,000,000, and the Central Pacific over $2,200,000.

That illustrates the probable benefit from our expending two or three hundred million dollars to establish a line of water communication between the Atlantic and the Pacific ports.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. Certainly.

Mr. TURPIE. I suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allison,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Blanchard,
Caffery,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Davis,
Frye,
Gallinger,
Gibson,
Gorman,
Gray,
Hansbrough,
Hawley,
Hoar,
Lindsay,
Lodge,
McMillan,
Mantle,
Mills,
Morgan,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Shoup,
Smith,
Stewart,
Vilas,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER. The call of the roll shows 45 Senators present. There is a quorum present. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, on the point I was discussing I wish also to interpose——

Mr. MILLS. Will the Senator yield to a motion to adjourn?

Mr. VILAS. I will.

Mr. MILLS. I move that the Senate adjourn.

Mr. ALDRICH. I hope the Senator from Wisconsin will be allowed to proceed. I know his anxiety to get on with his speech, and I hope he will not be interrupted by the Senator from Texas.

Mr. MILLS. This is one of the worst days of the season; it is going to be a very bad night; we shall have to go home after awhile, and some of us are very old.

Mr. ALDRICH. But I trust the Senator has some regard for the feelings of the Senator from Wisconsin, who has been on the floor and is anxious to proceed.

Mr. MILLS. I have consulted the Senator from Wisconsin. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 8, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 2, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. HITT, the House resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and proceeded to the further consideration of the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

Mr. HITT. I give notice that further on I shall ask to go back to line 5, on page 13, and to change the word "seven" to "five." It is not now in order to do that, because it is a footing, and it will not be the correct footing if an amendment which I shall offer further on is adopted.

The Clerk (proceeding with the reading of the bill) read as follows:

CLASS IV.

At $2,500 per annum.

Mr. PEARSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

> Amend by striking out, in line 24, the words "two thousand five hundred" and inserting "two thousand nine hundred and thirty-three."
>
> Also, by striking out all of Schedule C, class 7.

The CHAIRMAN. Class VII has not yet been reached.

Mr. McCREARY of Kentucky. I reserve a point of order on that amendment.

Mr. PEARSON. If the gentleman will withhold the point of order, I will state that this amendment of mine is necessarily a compound amendment, because I anticipated the point of order. The effect of the amendment will not be to increase the appropriation, but rather to reduce it, but it will distribute the appropriation in such a way as to give these consuls in class 4 a more adequate salary, and it will have the effect of simply abolishing all of the salaries in class 7.

Mr. HITT. Will the gentleman state his amendment? I could not hear it.

Mr. PEARSON. The amendment is practically to abolish all of these salaries in Class VII, and to add the amount of those salaries, pro rata, to the salaries in class 4, the $2,500 salaries.

Mr. HITT. To increase the $2,500 salaries and to omit the whole of Class VII?

Mr. PEARSON. And to omit the other. I desire to say, Mr. Chairman, that my main purpose is to do away altogether with Class VII, not only because those salaries are inadequate to pay an American consul so that he can live with comfort to himself and with credit to this Government, but mainly because those consuls are allowed to engage in trade; and I do not believe that it should be one of the purposes of this Government to send its citizens abroad to acquire information for their individual benefit, rather than for the benefit of the American people at large. They ought either to be paid adequate salaries or their salaries ought to be abolished. I can speak with some knowledge on this point, and with some feeling, because I endeavored in my younger days to serve this Government, and I found that, although a bachelor and rather economical, I could not possibly live on $1,500 a year, even paid in gold, and I know that these men who are paid $1,000 a year are either incompetent, or else they are transacting business on their own account and doing no good to the public service.

Mr. HITT. Touching the last point, the abolishing of all salaries of $1,000, the gentleman has not stated how he would have those officers compensated. Would it be by fees?

Mr. PEARSON. Under the regulations of the State Department they could be compensated by fees; and if the chairman will notice, there are three of these places where the fees exceed $1,000, and those are perhaps places where some good could be accomplished. In other places——

Mr. HITT. In one of those places the consul is salaried at $1,000, and he gets nearly as much more in fees.

Mr. PEARSON. Exactly so.

Mr. HITT. He is now getting that.

Mr. PEARSON. I understand that. There are three places where the fees exceed $1,000.

Mr. HITT. And the consul keeps the fees.

Mr. PEARSON. Certainly. And I wish that they were all paid as much as $2,500 a year. I think the representatives of this Government should be paid definite, well-known salaries, and nothing else; that all the fees received should be covered into the Treasury, so that a man would know exactly what to expect.

Mr. Chairman, I forgot to state in this connection that if this amendment of mine should escape that threatened point of order, it will have the effect of lifting 30 of these consuls out of the order which has lately been promulgated by the Secretary of State, and that instead of having 30 free-silver and free-trade Democrats in office for life, we shall at least have an opportunity here and there to put in a Republican and a protectionist.

Mr. HITT. Before the gentleman makes his point of order, I will say just a word on the point the gentleman raises as to the barriers to removal or conditions of appointment depending on an order. That order can be rescinded at any time or modified. Similar orders have been issued before, that is, on such subjects, and in a degree, though not in the exact sense now given. With the change of the personnel in the State Department it may, it is not unlikely, be somewhat modified, because men do not always take the same view. It is not a law we are talking of, nor a provision of the Constitution. Further, on the question of notarial fees and whether they should be considered in fixing the pay of a consul. I was asked a question on yesterday by the gentleman from Missouri not present at this moment. It is quite probable that in adjusting the service and its methods, in the changes that will be initiated, when they will come to be considered and perfected by those soon to be in charge, there will be a consideration of the notarial fees in determining the compensation of consuls. That ought to be done; but at the present time I do not know just what the fees are. The rule or scale establishing them has just been promulgated. I have here in the State Department register the notarial fees reported in 1894–95; but there is no certainty what will be the amount next year under the new scale, and I am willing to trust the wise discretion of those to be in charge of that Department for the suggestion of a proper measure.

Mr. PEARSON. Will the gentleman allow me?

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. PEARSON. There has been a new schedule or tariff of official fees promulgated by the State Department?

Mr. HITT. No.

Mr. PEARSON. I am somewhat in the dark myself, and I desire to say, in justice——

Mr. HITT. There is a new tariff, if the gentleman will permit me, promulgated, directed to be publicly exhibited in every consulate, of the notarial fees—not the official fees which go into the Treasury. It is for the first time promulgated; but as to the regular fees, they are about as they have always been.

Mr. MILES. Will the gentleman allow me a question?

Mr. PEARSON. If the gentleman will allow me, I am necessarily in the dark upon this question, because my application to the State Department for information on this point has been met by a declaration of this kind from the Assistant Secretary:

> DEPARTMENT OF STATE, *Washington, January 30, 1897.*
>
> SIR: In response to your letter of the 28th instant, I have the honor to inform you that the supply of the volume of the Consular Regulations allowed by law is not more than sufficient for the needs of the Department and of the consular corps, but Congress has been asked to provide for the printing of a large number of copies, to be sold to the commercial classes and others interested.
>
> I have the honor to be, sir, your obedient servant,
>
> W. W. ROCKHILL,
> *Assistant Secretary.*
>
> Hon. RICHMOND PEARSON,
> *House of Representatives, Washington, D. C.*

I presume that the words "commercial classes and others interested" refer to our humble selves. The suggestion is blandly made that, if we furnish the money for publication, the Secretary of State will graciously sell the book to us and others interested. At any rate, I have only for a moment been able to glance at that book, by the kindness of the chairman of the committee, and in that I find a new tariff of fees.

Mr. HITT. Of notarial fees?

Mr. PEARSON. Of notarial and official fees.

Mr. HITT. I have not made a comparison in detail of the schedule of official fees now issued and that in the old edition of the Consular Regulations. The official fees go to the Government anyhow, except in the small consulates without salaries, which are paid only by fees.

Mr. PEARSON. I think the gentleman will find there is a new schedule of fees altogether.

Mr. HITT. There has been a reduction in amount of receipts from the fee for the oath, which has been nearly abolished.

Mr. MILES. As I understood from the gentleman from North Carolina, it was that those who are occupying these consular positions were subject to the general provisions of the civil-service law.

Mr. HITT. They are not under the civil-service act.

Mr. MILES. But these men are designated by the President, and then afterwards, in pursuance of his order, they are subjected to an examination.

Mr. HITT. That is the fact.

Mr. McCREARY of Kentucky. Mr. Chairman, I would ask the Clerk to read the proposed amendment offered by the gentleman from North Carolina.

The amendment was again reported.

Mr. McCREARY of Kentucky. Mr. Chairman, I made the point of order against the amendment because it changes existing law, and is therefore in opposition to the second section of Rule XXI. But before I discuss the point of order, I desire to refer to some statements made by the gentleman from North Carolina. I do not desire to misrepresent him; but my opinion is that the gentleman seeks by this amendment to take Class IV out of the scope and meaning of the Executive order issued from the State Department in regard to consuls and commercial agents.

Mr. STEELE. Does not the gentleman think he ought to?

Mr. McCREARY of Kentucky. The salaries of consuls in Class IV have been for many years $2,500 per annum. Now, an order has been issued by the State Department, in pursuance of the Executive order, which some persons think will keep certain consuls in office, and it seems that some of our friends in this House wince.

We have had a civil-service law for a number of years. We had a civil-service law when I came to Congress twelve years ago. That law was passed by a Republican Congress, and was approved by a Republican President. The scope of the civil-service law has been extended from time to time by Republican Presidents, but now, when a Democratic President extends the scope of that law, or when he seeks to enforce a statute which has been in force since 1871, and under which the order referred to was made, there seems to be "weeping and wailing and gnashing of teeth." I do not see any more ground for sorrow or indignation now because the civil-service law is somewhat extended by the President than there was a few years ago, when it was extended to embrace all the railway postal clerks, several thousands in number. I know that when I first came to Congress I was occasionally notified by the Postmaster-General, or by the chief of the Railway Mail Service, that I could select a postal clerk, but I have received no such notice within the last four years.

Mr. STEELE. May I ask the gentleman a question? What is your opinion of the civil-service law as a whole?

Mr. McCREARY of Kentucky. Mr. Chairman, I did not vote for the civil-service law. I was not in Congress when it was passed. There might be a civil-service law framed that I might not disapprove as much as I do the present civil-service law.

Mr. STEELE. That is my opinion of it.

Mr. McCREARY of Kentucky. But I want to say to my friend from Indiana [Mr. STEELE] that the extension made under the Executive order referred to was not made under the general civil-service law, but was made under an act of Congress passed March 3, 1871, which I will read:

> Vacancies occurring in any grade of consulates or clerkships in the Departments may be filled either by transfer from some other grade of service, clerical, consular, or diplomatic, under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State, with proper certificates of character, responsibility, and capacity in the manner provided for applications for consulates of which the annual compensation is more than $1,000 and less than $3,000, and who has, on examination, been found qualified for the position.

That is the statute under which the order was made, and my friend from North Carolina [Mr. PEARSON] in offering this amendment fixing the salaries at $2,999 each has simply sought to evade the Executive order. The object of the amendment, it seems, is to open the way for good places for gentlemen who desire to be consuls and who are friends of members of Congress.

Now, as this order has been made, and as there are good men in these offices, I see no reason why we should not try the order for a while. I will say, however, to the gentleman from North Carolina that this is not the first time that the President of the United States has attempted to put the consulates under the civil service. In 1866 the Department of State promulgated an order requiring all applicants for consulships to present themselves at the Department for examination. Again, in 1873, there was an Executive order issued under the act of 1871, but it was short-lived.

In order that our Republican friends may fully understand the law regulating appointments in the consular service, I call attention to section 1753 of the Revised Statutes of the United States, which authorizes the President—

> To prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability, for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service.

Mr. PEARSON. Is it not a fact that all those now in class 4 had not any qualification except their Democracy?

Mr. McCREARY of Kentucky. No, sir; that is not a fact. I assert here that the consular force now in the service will compare favorably with, if they do not excel, the Republican consuls that were in the service during the four years preceding Mr. Cleveland's accession to office; and the gentleman is very much mistaken when he implies that no other qualification is required except being a Democrat.

Mr. PEARSON. My point is that they were not required to pass any examination.

Mr. McCREARY of Kentucky. They were not required to be examined before they went into the service, and neither were the eight or ten thousand male and female clerks then in the Departments at Washington required to be examined when the civil-service law went into effect.

Mr. DOCKERY. Will the gentleman permit me to correct him? Instead of eight or ten thousand there were about 18,000 male and female clerks.

Mr. McCREARY of Kentucky. I accept the correction. When the Republican party passed the civil-service law, the clerks then in office were not required to be examined, but now, when we come here and simply ask to have continued in the service consuls to the number of 196—for that is the whole number embraced within the scope of the order—gentlemen hold up their hands in horror. When, as against 18,000 clerks thus retained in office by the Republicans, we ask for the retention of 196 consular officers, our friends on the other side become furiously excited and begin to fret and grieve over the promulgation of the President's order.

The CHAIRMAN. The time of the gentleman has expired, unless he desires to discuss the point of order.

Mr. HITT. Does the gentleman make the point of order?

Mr. McCREARY of Kentucky. I make the point of order on the amendment offered by the gentleman from North Carolina [Mr. PEARSON]. It changes existing law.

Mr. GROSVENOR. Will the gentleman from Kentucky allow me to correct him in a matter of some importance? I wish to call his attention to a fact which seems to me to entirely contradict his principal statement. He says, as I understand him, that President Harrison extended the civil-service order over some 18,000 offices. The exact facts are that President Harrison, during his four years, extended the civil-service law over 6,890 offices, and that President Cleveland has already extended it over 40,871, and is now trying to extend it over more than 30,000 others.

Mr. McCREARY of Kentucky. The gentleman from Ohio corroborates the statement I made. I said that Mr. Harrison, as President, had extended the civil-service law over thousands of offices, and the gentleman admits it. Now, the President of the United States has promulgated an order simply doing that which the Republican President had previously done and Republican Congresses had authorized, and gentlemen on the other side are indignant.

Mr. GROSVENOR. I am not talking about that. I am correcting your figures.

Mr. McCREARY of Kentucky. You simply corroborate what I have said.

Mr. GROSVENOR. There is a slight difference between 8,000 and 18,000, but that is about as nearly accurate——

Mr. McCREARY of Kentucky. If the gentleman would come a little closer, I could hear what he is saying, and he might hear what I am saying.

Mr. GROSVENOR. The gentleman said 18,000.

Mr. McCREARY of Kentucky. I said there were 18,000 in the Departments in Washington.

Mr. GROSVENOR. I say 8,000, and I defy contradiction.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. DOCKERY. I am not familiar with the controversy which is going on just now, but as I passed through the Hall a few moments since I heard the gentleman from Kentucky [Mr. McCREARY] state that there were 8,000 or 10,000 clerks in the Departments at Washington. I wish to say that according to a census of the Departments taken May 24, 1893, by a joint commission authorized to investigate the various Departments, there were then, in exact numbers, 17,599 persons employed in the Departments.

Mr. HITT. That included messengers, laborers, etc.

Mr. DOCKERY. Oh, yes.

Mr. McCREARY of Kentucky. I stated that there were about 10,000 clerks and other persons employed in the Departments, and the gentleman from Missouri interrupted me and said there were 18,000. But the point I wanted to make was that when the civil-service law was passed the incumbency of those persons was not interrupted nor were they required to be examined.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. ADAMS rose.

The CHAIRMAN. The Chair does not desire to hear any further discussion on the point of order. After that is disposed of, any gentleman will be recognized who wishes to discuss the amendment. As the Chair understands, these salaries are fixed by law at $2,500. The amendment proposes to increase them to $3,900 in round numbers. That would be a change of the existing law for the year; and the Chair sustains the point of order as to that part of the amendment. As to the other part of the amendment, which applies to Schedule C, Class VII, that part of the amendment will not be in order until we reach the paragraph to which it applies.

Mr. PEARSON. Will the latter part of the amendment, which proposes to strike out all of Schedule C, Class VII, be in order as a separate proposition?

The CHAIRMAN. After that paragraph is read the Chair will recognize the gentleman from North Carolina [Mr. PEARSON] to offer any amendment, and then any point of order which may be raised will be decided. The point of order applicable to the amendment to the pending paragraph is sustained. The Clerk will read.

The Clerk (resuming the reading of the bill) read the following:

> Mexico: Consul at Paso del Norte.

Mr. HITT. I move to amend by striking out "Paso del Norte" and inserting "Ciudad Juarez," which is the correct name.

The amendment was agreed to.

The Clerk (resuming the reading of the bill) read the following:

> Consuls at Horgen and Zurich.

Mr. HITT. I move to amend by striking out the words "Horgen and," and also the letter "s" at the end of the word "consuls." The clause will then read "Consul at Zurich." The reason for this change is that the consulate at Horgen is not deemed necessary on account of the change in the amount of business. It was once a feed agency; then this consulate, which had for a long time a rising business, was finally made a salaried office. Horgen is only 12 miles from Zurich, and it could be an agency of the Zurich office. Under the arrangement proposed the pay at Horgen will be the fees, amounting to about $800, and the office there will be dependent upon the office at Zurich.

The Clerk (resuming the reading of the bill) read as follows:

> Mexico: Consuls at Matamoras, Progreso, and Nogales.

Mr. HITT. I move to amend the spelling by striking out the last "a" in Matamoras and inserting "o."

The amendment was agreed to.

The Clerk read as follows:

> SCHEDULE C.
>
> CLASS VII.
>
> At $1,000 per annum:
> Belgium: Consul at Ghent.
> France and French Dominions: Consul at Nantes.
> Germany: Consul at Stettin.
> Great Britain and British Dominions: Consuls at Gaspe Basin (Canada), Sierra Leone (West Africa), and Windsor (Nova Scotia).
> Haiti: Consul at Cape Haitien.
> Honduras: Consul at Utilla and Truxillo (to reside at Utilla).
> Italy: Consul at Turin.
> Netherlands: Consul at Batavia.
> Portuguese Dominions: Consul at Lourenço Marquez (Africa).
> Society Islands: Consul at Tahiti.
> Sweden and Norway: Consul at Christiania.

Mr. PEARSON. I move to amend by striking out Schedule C, Class VII, as just read.

Mr. McCREARY of Kentucky. Upon that amendment I make the point of order which I have already indicated.

The CHAIRMAN. The gentleman will state it.

Mr. McCREARY of Kentucky. Mr. Chairman, the amendment proposed by the gentleman from North Carolina changes existing law. We have embodied in our laws, at the present time, a provision providing for the consulates at the various places named in clause 7, Schedule C; and these officials are now on duty and receiving the compensation fixed by law. It is a part of the existing law.

The gentleman from North Carolina proposes to modify that law—to strike it from the bill altogether; to make no provision for the salary, and hence to abolish these consulates. Therefore the proposition to strike from the bill the whole provision embodied in this clause—Schedule C, Class VII—is a change of existing law.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that he does not think this proposition changes existing law. It is not a change of existing law simply to refuse to make an appropriation. It does not abolish the office, but only fails to provide a salary for it. It does not abolish the salary, although it makes no provision for the payment of it. The Chair thinks, therefore, that the point of order is not well taken and overrules it.

Mr. PEARSON. Mr. Chairman, if I may be allowed now to address myself for a few moments to the merits of the amendment. The effect of the adoption of the amendment will be to abolish the consulates named in this schedule, "C." And, by the way, they are not American citizens, as a rule. An American citizen can not possibly live decently in a foreign country on a salary of $1,000 a year. In fact, he can not reach his post of duty, unless he goes in the steerage, or possibly he may succeed in "beating" his way there. But the salary and allowance would not enable him to reach his destination traveling first class. The allowance is not sufficient to pay his traveling expenses and maintenance while there. The effect of the amendment would be, therefore, to strike out this class altogether.

By reason of the meagerness of the salary allowed, as I have said, American citizens can not fill the position of consuls at these thirteen little places; and, as a matter of fact, they are nearly all held by foreigners, as the names will show. If gentlemen will take the trouble to look at the Register of the Department of State they will find that there are 520 names of persons in the consular service of the United States who are foreigners. I am opposed to that idea, Mr. Chairman, and I think the House is opposed to it. If we must pay our consuls, let us send them as Great Britain does, send competent men and pay a sufficient salary for the service, and at the same time make them subject to promotion for efficiency in their work.

I find that the lowest salary paid by France to its consuls is $2,400 a year, and this runs up all the way to $8,000 in intermediate grades. I also find that Great Britain pays a compensation ranging from $5,000 to $12,500, and there is no country on the civilized earth that expects one of its citizens to go abroad and live on a meager pittance of $1,000 a year except ours. It is an insult to a man to propose it.

I trust, therefore, the amendment will prevail. It will leave three of these places in better position than they are now. The consul at Ghent will become consular agent there under the supervision of the consul at Antwerp. The fees there last year were $1,812, which is more than the salary of the consul. The consul at Stettin will get a little over $1,000, and perhaps the consul at Christiania, the only other important place, will have somewhat larger compensation.

But my point is that we should not allow these men, our consuls, who represent the United States, to compete in trade as merchants in opposition to our American citizens whom they are sent abroad to serve.

Mr. McCREARY of Kentucky. Mr. Chairman, I omitted a point I desired to present when I was interrupted, and I hope the Chair will excuse me for a moment while I make the statement that I had intended to make before I got through discussing the question of order.

The effect of the amendment offered by the gentleman from North Carolina to do away with the appointment of consuls in Class VII is, I think, to change existing law. These consuls are now paid $1,000 per annum, and if the amendment prevails and becomes a law the consuls at these various places will be paid in fees; that is, the consul at Ghent, instead of getting $1,000, which he now receives, will get $2,500; and that was the reason I claimed that this was a change of existing law.

Mr. HITT. He gets $2,068 now.

Mr. McCREARY of Kentucky. He is in the $1,000 class.

Mr. HITT. Yes; but he gets $1,068 in fees.

Mr. McCREARY of Kentucky. But the whole amount of fees, as shown in the report of the Auditor for the State and other Departments, amounts to $3,415, and the consul in Ghent will receive an amount if the amendment passes different from the amount he is now receiving.

Mr. PEARSON. Mr. Chairman, I make the question of order——

The CHAIRMAN. The Chair has already ruled on the question.

Mr. McCREARY of Kentucky. I only wanted to call the attention of the Chair to it. I am not going to appeal from the ruling.

Responding to the statement of the gentleman from North Carolina, and the effect of the amendment if it shall be enacted into a law, I state that long years of trial and experience have proved that it is best to have consuls in Class VII, embracing as it does some twelve or fifteen consulates, receive a salary of $1,000 a year each, to be paid together with certain fees referred to by the gentleman from Illinois [Mr. HITT].

In the bill under consideration there are eight consulates which have been reported which, recommended by the Secretary of State, are to be changed from feed to salaried posts. Some of them will be reached by this proposed amendment. I do not believe, Mr. Chairman, that there ought to be any change made in the existing law. I think those consulates which we have placed in Class VII, and to which we allow a salary of $1,000, should remain there. Of course it is evident that my friend from North Carolina [Mr. PEARSON] desires to have Class VII stricken out, because it is now embraced in the Executive order. He no doubt desires that he and some of his associates may have an opportunity to have their friends appointed to consulates named in Class VII.

Mr. PEARSON. Will the gentleman allow me to say that we would not have any such offices as those, any of us?

Mr. McCREARY of Kentucky. You have just been told that they are worth $2,000 a year, and you have many constituents who would like $2,000 places.

Mr. PEARSON. They would not take the responsibility of those $1,000 places.

Mr. McCREARY of Kentucky. If the gentleman from North Carolina [Mr. PEARSON] desires that the order issued a few days ago, to which many references have been made, should be set aside, it can be done by the Executive; and if the gentleman from North Carolina [Mr. PEARSON] desires that there should be a change, he can apply to the next President. I hope, therefore, that this House will not change the existing law.

Mr. HULICK. What is the opinion of the gentleman, if this amendment should prevail, as to the effect it will have upon our commercial interests?

Mr. McCREARY of Kentucky. I believe, and I have no doubt that my friend [Mr. HITT], who has been on the Committee on Foreign Affairs with me for many years, will agree with me, at those places some of the consuls now get a thousand dollars and a certain part of the fees. If the amendment prevails, then the amount they will receive will be very insignificant at some places, and in the interests of commerce, I think those consulates should remain as they are.

Mr. PEARSON. Will the gentleman allow me one question?

Mr. McCREARY of Kentucky. Yes.

Mr. PEARSON. I should like to have the opinion of the gentleman from Kentucky as to whether he believes that an American consul ought to be allowed to engage in trade?

Mr. McCREARY of Kentucky. If I had the power, Mr. Chairman, I would, as far as possible, change the law so that every consul would receive only a salary and the fees collected by consuls be paid into the Treasury, and the object of the law for years has been to increase the number of salaried consuls and reduce the number of feed consuls. In this very bill under consideration to-day, we take eight consulates out of the feed list and put them on the salaried list, and yet my friend from North Carolina [Mr. PEARSON] now seeks to put about fifteen or sixteen more back into the feed list. That is the object of the amendment.

Mr. DOCKERY. Mr. Chairman, simply to preserve the truth of history, and not with a view of influencing the vote on this amendment, I desire to call attention to the fact that on the 24th of May, 1893, under the then existing law, there were 17,599 persons authorized to be employed in the various Departments of the Government service at Washington, of which number 11,667 were males and 5,637 females. Five thousand six hundred and ten had relatives in the public service. Four thousand one hundred and fifty-one had 1 relative each, 1,037 had 2 relatives each, 279 had 3 relatives each, 96 had 4 relatives each, 37 had 5 relatives each, 10 had 6 relatives each, 4 had 7 relatives each, 5 had 8 relatives each, and 2 had 9 relatives each. This makes a total, as heretofore stated, of 5,610 persons who had relatives in the public service. Eight thousand and twenty-seven were subject to competitive civil-service examination, and of the whole 17,599 persons authorized to be employed only 3,265 had entered the public service under the provisions of the civil-service law requiring an examination.

Mr. McCREARY of Kentucky. Leaving how many who were not examined in order to obtain positions in the Departments?

Mr. DOCKERY. At that time 17,599 persons were authorized to be employed in the various Departments of the public service——

Mr. McCREARY of Kentucky. And how many had been examined?

Mr. DOCKERY. And of that number only 3,265 had entered the public service under the civil-service law, and after examination.

Mr. HITT. Mr. Chairman, I should be glad to have a vote, and I will only remark before the vote is taken that the spirit of the gentleman who moves the amendment is one with which I heartily sympathize. An appointment to an office at the end of the earth, on a salary of $1,000, is scarcely more than an indignity. Many of these appointees are foreigners, but not a foreigner is in our service at any place where an American can be found who will do the work—not one. A Secretary of State who would appoint such men or a member of Congress who would recommend such a man when a fit American can be found is himself unfit for American citizenship.

But if the salaries are taken from them they will have only the fees. They are very small. And then these officers will be allowed, as now, to go into trade, when they may verify their own invoices. I regret that the spirit that suggested the amendment can not be carried out, but the amendment ought not to be adopted, for, bad as the system is, it is better than nothing.

Mr. McCREARY of Kentucky. I did not hear the statement of my colleague.

The CHAIRMAN. The gentleman has yielded to the gentleman from Ohio.

Mr. GROSVENOR. I would like to ask the gentleman from Illinois whether it is not a fact that at this time, and for many years past, there are a large number of vice-consuls or consular agents who are not citizens of this country, but are citizens of other countries?

Mr. HITT. The larger part of them, I think, are citizens or subjects of other governments.

Mr. GROSVENOR. Is it not a fact that if the Government of the United States would pay a reasonable compensation these offices could all be filled by American citizens?

Mr. HITT. The objection to that, however, should be stated.

The fees are so small and the duties so trivial that it is not fair to charge the people of the United States with a salary to keep a man in office in a city where the commerce with this country is so small that the invoice fees would bring in a revenue of but $20; there are agencies where there are not a dozen invoices in three months. Yet it is an accommodation to have some one there to do the business when necessary. The consul or consul-general at the principal post finds some respectable person in the small place willing to act as consular agent, some man of good character, who is willing to transact that business for Americans who go there. Men of high standing will sometimes do this for the sake of the official character it gives and the name consul on their cards. It gives a certain prestige in foreign countries, and in that way good business men are found who will accept a petty consular agency; but where the revenues are only $20 a year we can not afford to give a man a salary of $1,500. The gentleman from Ohio, and I also, would resist such an imposition on the taxpayers.

Mr. DOCKERY. I am in favor of the gentleman's bill and against the amendment.

Mr. McCREARY of Kentucky. My colleague made a statement concerning the amendment offered by the gentleman from North Carolina. I want to ask him whether he opposes that amendment or was in favor of it?

Mr. HITT. I sympathize with the motive of the gentleman who protested against a commission being given to an American citizen under those circumstances, but not with the amendment.

Mr. McCREARY of Kentucky. And you are opposed to the amendment?

Mr. HITT. I am opposed to the amendment, and I trust it will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. GROSVENOR. I move to strike out the last word.

Mr. Chairman, I want to state my judgment, and I am willing to yield my judgment to that of the distinguished chairman of the committee generally, but I think if he will examine the question as to these consular agents, who, he says, are better than nothing, he would decide, as I have decided long ago, that we would be better off without them. Now, it is not a mere matter of speculation with me. I had a commission in 1891 which directed me to call upon these gentlemen, by correspondence or in person, with the hope of promoting the great exhibition at Chicago. I addressed myself to every consular agent in Europe. I received answers which I filed with my report and a large number of my letters. These letters were requests to cooperate with the consuls in the promotion of American interests. Nineteen out of twenty of them discouraged all action, and they were often actively engaged in doing everything in their power to prevent the contribution of exhibits by England and by foreign competitors with our exhibitors here. They were the organized enmity to the Chicago Exposition. They had the narrow-minded provincialism that was exhibited in one or two cities of Europe, and they were a positive detriment, so far as that enterprise was concerned, in a very large number of cases. Therefore I believe that to give these men any sort of authority by the United States is to simply give them a power and prestige generally used against the business interests of this country.

Mr. PEARSON. Will the gentleman from Ohio answer a question which I feel very much at heart? That is, to the matter of allowing this class, only thirteen of them, to engage in trade while they hold a commission of the United States as consul. Does not he believe that they ought not to be able to go into competition with their fellows?

Mr. GROSVENOR. If gentlemen will go to one or two localities in Europe that I can indicate, they will very promptly agree with the gentleman from North Carolina.

Mr. HITT. But in the cases that would be covered by the paragraphs sought to be stricken out, the offices deprived of salaries would fall back to fees, amounting in some cases to only about $250 or $300 a year. In such cases it would be impossible to get Americans to go there, and the only thing we can do is to try to get some capable man, even a foreigner, to accept the position. The complaint of the gentleman from Ohio that these foreigners do not sympathize with American interests and American institutions is simply a complaint against human nature and international feeling all around the world. You can not expect a Frenchman or German to sympathize with our interests or our industries as against those of his own country. Where it is deemed necessary to be represented in this way, we take the best instruments we can get. What more can the Department do?

Mr. FOOTE. Are these positions now filled by Americans?

Mr. HITT. Some of them are.

Mr. PEARSON. Ten are filled by foreigners and three by Americans.

Mr. HITT. When an American does take one of these places, he is nearly always some American who is already residing and doing business in the place.

Mr. FOOTE. Do they receive now only a thousand dollars a year and no fees?

Mr. HITT. They get the notarial fees, and they are allowed to continue in private business. They are nearly always merchants.

Mr. QUIGG. Would the evil of which the gentleman from North Carolina complains be cured by striking out this section?

Mr. HITT. Not at all.

Mr. QUIGG. So far as that is concerned, they could go on competing with Americans, could they not?

Mr. HITT. They could.

Mr. QUIGG. I do not agree with some gentlemen as to the magnitude of the evil, but in any case I do not see how it is to be cured by this amendment.

Mr. HITT. The evil I admit. It is unquestionable.

Mr. QUIGG. But how would it be cured by striking out this section?

Mr. PEARSON. I will say to the gentleman from New York that this amendment would simply prevent the degradation of the name of an American consul. We should no longer have an American consul, so called, trading in his own interest and against the interests of the country he represents. Our representative would be a consular agent, subject to the supervision of the nearest consul. There are 212 consuls on our roll. Great Britain has only 145, and France has less than 100. We can easily afford to strike down these 13, 10 of whom are foreigners and the others unable to support themselves.

The formal amendment was withdrawn.

The amendment of Mr. PEARSON was rejected.

The Clerk read as follows:

Beirut, $480.
Ciudad Porfirio Diaz, $640.
Paso del Norte, $640.

Mr. HITT. Mr. Chairman, I desire to offer an amendment at that point.

The amendment was read, as follows:

On page 23, line 12, strike out "Paso del Norte" and insert "Ciudad Juarez."

The amendment was agreed to.

The Clerk read as follows:

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, or so much thereof as may be necessary, $50,000.

Mr. KIEFER. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Mrs. Harriet D. Newson, widow of Thomas M. Newson, late United States consul at Malaga, a sum of money equal to one year's salary of said consul, together with the sum of $197, which was collected from the estate of the said Thomas Newson by the Government of the United States after his death.

SEC. 2. That the money so appropriated shall be paid in the same manner as in other cases where the surviving widows of foreign representatives of the United States who have died while so representing the United States.

Mr. HITT. Is that offered as an amendment to this bill?

Mr. KIEFER. Yes, sir.

Mr. HITT. It is subject to the point of order.

Mr. KIEFER. Well, Mr. Chairman, I have in my hands a bill that has passed the Senate, with the accompanying report, and I ask to have the report read in order to show the merits of this amendment.

Mr. HITT. But on the face of it the amendment is obviously out of order. I make the point of order that it is entirely new legislation and does not belong in this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HITT. I will say to the gentleman that his amendment would more properly appear in the deficiency bill. This bill, if he will read the title, is to provide for the consular and diplomatic service of the United States "for the fiscal year ending June 30, 1898," and of course the item in his amendment does not come within that period.

Mr. KIEFER. Will the gentleman kindly inform me how it is possible for this widow, who is very much in need, to procure the amount that seems to be due to her?

Mr. HITT. If it is a sum that could be paid out of the fund of $5,000 provided in this bill under section 1749, Revised Statutes, which would give pay for the time of transit home, it could be settled at the State Department. If not, and if it is a claim for a larger sum, it ought to come up here as a claim and be considered and passed upon, as has often been done in such cases. But if it is to be offered as an amendment to an appropriation bill, it would more properly go in the deficiency bill.

The Clerk resumed and concluded the reading of the bill, the following being the last paragraph read:

INTERNATIONAL BUREAU OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, $28,000: *Provided*, That any moneys received from sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau.

Mr. HITT. I ask unanimous consent that we go back for the purpose of correcting a footing in line 5, page 13.

The CHAIRMAN. The amendment proposed by the gentleman from Illinois, for which he asks unanimous consent, will be read.

The Clerk read as follows:

In line 5, page 13, strike out "seven" and insert "five;" so as to read "$25,000."

There being no objection, the amendment was agreed to.

Mr. HITT. I wish also to correct the footing at the end of the bill. The figures now printed, "$1,676,908.76," should read "$1,673,708.76."

Mr. LIVINGSTON. Before that request is acted upon, I desire to offer an amendment to the paragraph last read—the closing paragraph of the bill. That paragraph referring to the International Bureau of American Republics appropriates $28,000 in addition to the money received from the sale of the publications of the Bureau. I wish to ask whether that is the intention—to give this Bureau an appropriation of $28,000 and also the proceeds of the sales of all their publications?

Mr. HITT. It is. The five directors who control this Bureau are the representative of the United States (who is the president) and the ministers from Brazil, Argentina, and two other Republics. We pay in the first instance the whole expense of the Bureau out of this $28,000. The expense is then apportioned to the different countries on the basis of population, in accordance with an international agreement made years ago. In this way $12,000 is handed back to us, so that, in fact, we pay only $16,000. If, in addition, the Bureau receives any money from the sale of its publications or from the rents of a part of its building (there was a small income received from that source at one time, but I think there is none now) these additional items help to support and enlarge the Bureau.

Mr. LIVINGSTON. As I understand, this Bureau is self-sustaining.

Mr. HITT. The money received from the sale of publications contributes toward sustaining it, but would not be sufficient to sustain it alone. The income from that source is increasing.

Mr. LIVINGSTON. Did not the Bureau a year or two ago inform the committee that if we would give this appropriation of $28,000 no further appropriation would be asked, upon the ground that the Bureau had become self-sustaining?

Mr. HITT. No; they asked to have the law modified so that they might engage in the business of publishing and selling bulletins and books. We gave them that privilege two years ago, but it was not intended that the Bureau should be turned into a purely money-making institution.

These different Governments wished to contribute to the support of the Bureau, and they expected us also to contribute, according to the agreement. The directors wanted to develop the work of the Bureau, so that it might, by some means, aid in paying its own way. So provision was made for selling these bulletins, which have yielded considerable revenue, and also for subletting so much of the premises as they did not require. These things tended to help the Bureau in partly sustaining itself and making it stronger, the directors of the Bureau, the representatives of these different countries, being desirous of extending its scope and work.

Mr. LIVINGSTON. The language in this bill to which I call the gentleman's particular attention is the following:

That any moneys received from sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation—

Observe the language, "in addition to the appropriation"—

and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau.

So that, as I understand, the money received from the sale of the publications of the Bureau can be drawn out and used for the purposes of the Bureau, in addition to the $28,000 appropriated.

Mr. HITT. That is what is intended. We did not expect to get more than $28,000 from the different Governments altogether; but the directors of the Bureau wished to enlarge its work, which would usefully employ a larger revenue.

Mr. LIVINGSTON. What will be the amount of money derived from other sources than the appropriation?

Mr. HITT. I think it would run from $5,000 to $8,000, as heretofore. This year I believe it is somewhat larger. That money is employed at once and returned to the Bureau for the purpose of collecting and sending out information and enlarging the sphere of usefulness of the Bureau.

Mr. LIVINGSTON. How are the salaries paid?

Mr. HITT. Out of the $28,000 appropriated by the Government.

Mr. LIVINGSTON. What are they? Who knows what they are?

Mr. HITT. Here is the printed report of the directors, covering all of the particulars to which the gentleman refers. Anyone desiring the information can obtain it without difficulty by examining the report. The largest single item of expenditure is, of course, the pay of the directors, clerks, translators, and employees, all the way through. Then the printing bill is large; and the postage bill is considerable, because of the fact that they are not allowed the use of a frank. They must pay postage on all matter.

Mr. LIVINGSTON. Are they not willing to make it independent or self-sustaining, without reliance upon the Government for support? I understand that once or twice they have made a suggestion to that effect.

Mr. HITT. Oh, there have been some theorists in connection with the matter who have made that suggestion, but it did not materialize.

Mr. McCREARY of Kentucky. If the gentleman from Georgia will allow a suggestion.

Mr. LIVINGSTON. Certainly.

Mr. McCREARY of Kentucky. That can not be done by the action of our Government alone. This Bureau of American Republics, I will state to the gentleman, is the offspring of the Pan-American Congress, and under an agreement then made, which was ratified by the various countries south of us, each one of these Republics pays so much per annum for the support of the Bureau of American Republics, and as the United States is one party, we can not now take separate action. It would not be acting properly or in harmony with our own agreement to undertake to abolish it at this time.

Mr. LIVINGSTON. It seems that this is a very doubtful way of making an appropriation for such a purpose, and one that we ought not to commit ourselves to.

Mr. HITT. I would state to the gentleman that this is done pursuant to a treaty or agreement with the other powers.

The CHAIRMAN. The Chair understands that the amendment of the gentleman from Illinois, proposing to reduce the footing of the bill, refers to two lines at the end of the bill which do not seem to be a part of it, but only an appended note.

Mr. HITT. There is usually permission given to correct the footings to correspond with the amendments made by the House.

I will withdraw the motion, and move that the committee now rise and report the bill, with amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10134, had directed him to report the same to the House with certain amendments, and as so amended recommend that it do pass.

Mr. HITT. Mr. Speaker, I ask the adoption of the amendments in a single vote, because I do not think a separate vote is required on any of them.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

INAUGURATION OF THE PRESIDENT-ELECT.

The SPEAKER. The Chair will lay before the House a House resolution with Senate amendments, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

The Senate amendments were read at length.

Mr. BLUE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLUE. How does this come up now?

Mr. RICHARDSON. It is impossible to hear what is going on, Mr. Speaker.

The SPEAKER. The gentleman from Kansas asks how this bill comes up now. The Chair was about to reply that it is business on the Speaker's table from the Senate.

Mr. RICHARDSON. Is this a House bill with Senate amendments?

The SPEAKER. A House bill with Senate amendments.

Mr. RICHARDSON. May I ask if it has been considered by the District Committee? I refer to the amendments.

The SPEAKER. They have not been considered, as far as the Chair is aware.

Mr. RICHARDSON It is now laid before the House for the action of the House on the amendments?

The SPEAKER. For the action of the House. It can be referred to the committee if desired.

Mr. PITNEY. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

On motion of Mr. GROUT, the House resolved itself into the Committee of the Whole on the state of the Union, with Mr. PAYNE in the chair, for the consideration of the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

Pending the motion,

Mr. McMILLIN said: Mr. Speaker, a parliamentary inquiry. Were points of order reserved on the bill?

The SPEAKER. The Chair thinks they were.

Mr. PITNEY. They were reserved.

Mr. PAYNE having taken the chair,

Mr. GROUT said: Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

Mr. GROUT. Mr. Chairman, in submitting this bill, I will occupy but a very little of the time of the House, and that only for the purpose of giving a summary of the amounts appropriated, with some reference to the purposes for which those amounts are appropriated, and also of the limitations in the bill.

The estimates for the fiscal year 1898, exclusive of the water department and of the highway act, were $8,495,787.38. This bill carries for these purposes, that is, the general purposes of the District government, $5,642,856.93, which is $2,852,930.45 less than the amount estimated. One-half of this sum is to come out of the public revenues and one-half out of the District revenues.

There is also an appropriation of $16,000 in the bill—which is $10,000 more than was asked by the Commissioners, the $10,000 being given for the cost of advertising and certain court expenses to be incurred in carrying out the permanent-highway act—which is to be paid wholly out of the District revenues, according to the provisions of that act. There is also an appropriation in the bill of $137,954.13 for the water department, which comes wholly out of the water revenues.

There was estimated for the water department $190,829.90. The amount recommended in this bill is accordingly $55,540.29 less than the sum estimated.

In this connection, I will say that the sum of $104,738.24 is appropriated out of these water revenues for the liquidation of the last installment of the debt created by the Lydecker tunnel (so called). This completely extinguishes that debt and leaves Congress free to consider anew the question whether it will take up the work of completing that tunnel, or whether it will take some other means of supplying the District with an adequate quantity of water. It is unquestionably a necessity in the District at the present time, and had the proposed work on the Lydecker scheme or any other scheme been submitted in the estimates, it would have been considered by the committee; but it was not so submitted, and for the time being the committee thought best to turn that matter aside, although they are conscious that it is a matter that can not be long delayed. It must have early attention at the hands of Congress.

Mr. McMILLIN. Right there, if the gentleman will allow me, I will suggest that I think we ought to proceed with great care in the adoption of that tunnel. When it was originally under construction there was a charge of neglect of proper precautions and fraud in its construction, and a joint committee of the Senate and House were authorized to investigate and report. Upon a thorough investigation we found that tunnel in very bad condition, in such condition that it was cheaper and better to put in the pipes that were necessary to give the then desired supply of water than it was to undertake to complete the tunnel. Any committee that will have the water pumped out of that tunnel, and will go through it, will find that it is very questionable whether the Government ought ever to complete it.

Mr. GROUT. Mr. Chairman, of course the gentleman must have understood that no appropriation was proposed in this bill on that subject.

Mr. McMILLIN. I so understood, and I only made the remark to go with the comment made by the gentleman from Vermont [Mr. GROUT] concerning the matter.

Mr. GROUT. This matter was thought not to be sufficiently ripe to be dealt with now; but I feel justified in saying that Congress will neglect its duty to this city if it fails at some early day to make further provision for a fuller water supply, especially to the higher places in the District.

Since the failure of the Lydecker tunnel scheme there has been appropriated the sum of $470,059.87 toward what has been known as the high-service water system in this District, a system by which water was to be forced by means of engines to a higher level than it would flow to by gravity or from the pressure from the reservoir. That was estimated to cost about $600,000. There is an indefinite appropriation in this bill out of the water revenues, such as remain after the debt of the Lydecker tunnel is liquidated, to apply further upon this service, which is still in progress, but which when completed will not adequately supply the city with water, for the reason that a sufficient quantity can not now come in the entry mains from the reservoir above Georgetown for a full supply of the city. But, as I say, this whole matter is deferred until some other time.

The total estimates for this bill are $8,686,616.88. The total of this bill for all purposes is $5,780,811.06, leaving the bill $2,905,805.82 less than the estimates.

The last District bill, Mr. Chairman, carried $5,900,319.48. It was the largest bill ever passed for the expenses of the District of Columbia by quite a margin. The exact figures I have now forgotten. It was far less in amount than many thought it ought to be, and especially than many residents of the city of Washington thought it ought to be. That, however, I need not comment upon. The committee then did the best they could as to the amount, and they have done the best they can now in their attempt to carve out of the revenues of the District and the general revenues a sufficient sum for the current demands of the District of Columbia.

The committee would have been glad to have made some of the allowances larger, but could not see their way clear to do so. There are certain departments which the committee felt that they must not neglect, and especially schools, sewers, and streets—the sewers to make ready for the greater water supply that will be provided later to carry off the waste and débris of the city, thus preserving the public health; the schools, that we may not be behind in providing instruction for the young.

We have provided for two new schoolhouses in this bill, completely new, and for completing two others contracted for under authority given in the last bill. We have submitted in this bill for the action of the House $30,000 for rebuilding and enlarging the Industrial Home School. Gentlemen will remember it was provided in the last appropriation bill that this school should surrender its corporate rights before receiving any part of the appropriation in that bill. Since then the corporation has transferred entirely and completely all its corporate rights to the Government. The school was all the time on Government ground and occupying Government buildings, viz, the old almshouse of Georgetown. Nevertheless, it was a private corporation, and as such managed its own affairs in its own way. This is now wholly a public institution. It is housed in the building known as the old almshouse in Georgetown, built over one hundred years ago and now in a dilapidated, run-down condition, with much of the plaster fallen off, and leaking badly, with the windows loose and the floors badly worn; besides it has not sufficient room to accommodate anything like the whole number of homeless boys and girls in the District. Accordingly, an appropriation of $30,000 is made now for rebuilding this home, and it will just about double the capacity of the school.

Now, I want to say, Mr. Chairman, in connection with the enlargement of this school, just a word as to what the future policy of Congress ought to be toward this children's home, which seeks more particularly to give its inmates an industrial education—an education, of course, in a literary sense to some extent, but principally an industrial education—just what young men and women need to fit them for the battle of life. When this school is completed for the accommodation of all that class in the District, it will relieve the subsidized institutions which now care for them, and they are three in number.

Mr. MORSE. Will the gentleman yield to me? I ask for a minute or two of his time.

Mr. GROUT. I prefer not to yield for remarks.

Mr. MORSE. I want to ask a question, and then, Mr. Chairman, in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, that we passed last year, on page 21, a paragraph declared the policy of the Government hereafter——

Mr. GROUT. Oh, yes; I know about that. Now, if the gentleman will suspend for a moment, I can not go into that subject now. I will come to that after a little, and I will then give the gentleman a chance for any question he chooses to ask, and give him also any time he may want for debate.

Mr. MORSE. I thought that while the gentleman was on the subject of charities that was pertinent. It is an inquiry as to the attitude of this bill toward those charities.

Mr. GROUT. I assure the gentleman I will speak of that when I come to the subject of "charities." I have the word "charities" written on my slip here and will not fail to speak of that subject and explain how the bill leaves those institutions before I close.

Mr. MORSE. Will the gentleman allow this provision of last year to be read from the Clerk's desk, in order that it may accompany his remarks and make them more comprehensive?

Mr. GROUT. I say, when we reach that subject I will be very glad to yield to the gentleman for that purpose.

What I want to say, Mr. Chairman, is that this Industrial Home School, if developed and enlarged as it can be and as it ought to be, will provide for the children now provided for in three private and sectarian institutions that have heretofore received appropriations from the Government in the District. That is St. John's Parish School, an Episcopal institution; St. Rose Industrial School, a Catholic institution for girls, and St. Joseph Industrial School, another Catholic institution for boys. Speaking my own individual sentiments, I will say I would make this appropriation double the amount, to be expended at once for the enlargement of this school beyond what the $30,000 will accomplish; but that is the amount the bill recommends, and it is all I am commissioned by the committee to present.

Now, as to the sewers, there is an appropriation of $375,000 in cash, and a contract authorizing $335,000 more, which you will see makes about three-quarters of a million dollars for sewers.

The bill carries an appropriation of $110,000 for a site for a hospital for contagious diseases, of which the city stands so much in need. We have also provided for one new fire engine, in addition to those now in use in the District. The last bill also carried a provision for a fire engine, making two provided for by the present Congress.

Now, with reference to the charities to which the gentleman from Massachusetts [Mr. Morse] has referred, it will be seen by turning to page 37 of the bill that the committee has appropriated a lump sum for charitable work which is equal to the exact amount given to the subsidized institutions last year, and have put the expenditure of this money under the control of the District Commissioners. The point which the gentleman from Massachusetts [Mr. Morse] desires to call attention to in the law enacted last year was considered by the committee, and it was thought by the majority that this expenditure would have to be made in accordance with that law, and the committee have reported the bill in this form with the professed understanding on their part that the money is to be expended in accordance with the provision of the bill of last year which the gentleman from Massachusetts asks to have read, and for the reading of which I will now yield to him.

Mr. MORSE. Mr. Chairman, I send to the desk and ask to have read the provision in the bill of last year on this subject, in order that it may be incorporated in the remarks of the gentleman from Vermont at this point.

The Clerk read as follows:

> And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia, shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

Mr. MORSE. Now, Mr. Chairman, do I understand the gentleman from Vermont to say that that provision in the law of last year applies to the expenditure of the money carried in this bill under the head of "charities"?

Mr. GROUT. Mr. Chairman, I certainly understand that provision to be permanent law. I think there is no question about that. I have stated that the majority of the committee thought that provision would control the expenditure of this money and that there could be no fair question about that. I did not, however, say that I thought this latter proposition was entirely beyond question. What view the Commissioners might take of it no one can be sure. This question has arisen in the mind of the gentleman from Massachusetts, and may suggest itself to others. The committee, however—a majority of them—thought that this provision would control this expenditure.

Mr. MORSE. Then would the gentleman object to such an amendment as would make that point very clear?

Mr. GROUT. Mr. Chairman, that is a fair question, and to it I shall have to say in reply that personally I would not object to such an amendment; and since the gentleman brings this point before the Committee of the Whole, I feel at liberty to state, in fact feel compelled to state, that I did not myself concur with the majority in the opinion that it was so entirely beyond question that a reference to the enactment in the last appropriation, as controlling the expenditure, would not be wise and prudent; although I did not hesitate to say that it should control, and that if the question were adjudicated by the courts in all probability it would be held to control. I thought, however, that in order to make the matter perfectly plain, there ought to be a reference in this bill to the enactment in the last bill; and I made an express reservation in the committee of the right to favor an amendment to that effect if one should be offered. But I want to say here that I have not stated till now that fact to anyone outside the committee, not to any living soul; but I did say in the committee that if such an amendment were offered here, I should not object to it, but must be left free to favor it.

Mr. MORSE. I think, Mr. Chairman, that at the proper time we will see that such an amendment is offered, so as to make the matter very clear. I concur in the opinion of the gentleman from Vermont that the provision in the bill of last year has all the binding force and effect of law, and that the Commissioners would be guilty of an outrage if they should disregard the expressed will of Congress in that respect. We fought that battle out here last year after days of controversy, and it should be regarded as settled.

Mr. GROUT. When the bill is open for amendment, of course there will be opportunity to present any proper amendments.

Mr. RAY. Mr. Chairman, I desire to ask the gentleman from Vermont whether the provision to which he has referred is contained in the appropriation bill of last year?

Mr. GROUT. It is.

Mr. RAY. Then how could it have any force and effect in the case of a new appropriation made in a bill passed this year?

Mr. GROUT. There is the chance for a question about the matter, but the act of last year contains the language, "It is hereby enacted," and so has the distinctive language of permanent law.

Mr. MORSE. Declared to be the policy of the Government.

Mr. GROUT. The language is, "It is hereby enacted" that no money appropriated for charities shall be paid to institutions of a certain class after a certain time, and it was thought by the majority of the committee that that placed the matter beyond question.

Mr. RAY. I do not think there can be any question about it at all. The provision being simply contained in the appropriation bill which was enacted for one year, applied simply to the use of the money appropriated by that bill, and could have no force or effect in controlling the use of money appropriated by a new bill not containing such a provision.

Mr. CANNON. That is an extraordinary statement for the best lawyer on the Judiciary Committee to make, that there can be no legislation on an appropriation bill.

Mr. RAY. I have not said that. I thank the gentleman for his compliment, but I made no such claim. I do say that when we put a clause into an appropriation bill appropriating money for a single year, it would be held by any court in Christendom to apply only to the use of that particular money.

Mr. PITNEY. Unless it says otherwise.

Mr. RAY. Unless it said otherwise.

Mr. PITNEY. And it does say otherwise.

Mr. RAY. It would be construed, I say, by any court not to be a permanent law, but to apply simply to the use of the money appropriated in that bill, and I do not think the gentleman from Illinois, the chairman of the Committee on Appropriations, would claim the contrary.

Mr. DOCKERY. Mr. Chairman, in order to save time, I wish to suggest that I am sure the debate on this question would not proceed further on the point made by the gentleman from New York if he would read the provision of the statute, because he is a good lawyer and he certainly would not maintain any such ground.

Mr. BLUE. Mr. Chairman, this matter has been injected into the general explanation of the bill in such a way as perhaps to unsettle the minds of some members in regard to the force and effect of the provision which has been referred to. I apprehend it is a well-known fact that a provision may go upon an appropriation bill and may become permanent law, and that is just this case. It enacts and makes permanent law what the settled policy of this Government shall hereafter be upon this subject of charities in the District of Columbia.

If the gentleman from New York [Mr. Ray] had read the provisions carefully, he would not have made the statement he has made. It may as well be said at this point that to put the provision again into the appropriation bill would be simply to adopt the illogical assumption that what has become permanent law must be reenacted from year to year in order to make plain what the intention of the lawmaking power is. I apprehend that no well-informed and efficient lawyer would make any such suggestion. There is no more necessity for reenacting this provision on the present appropriation bill than for reenacting any other part of the permanent law of the United States.

It has been intimated that the omission of this provision might be construed as an implied repeal. But courts do not favor repeals by implication. It would be a violation of the rules for interpreting statutes to hold that the omission of this provision after it has become permanent law would repeal it.

The rule that we have here is a very pointed and well-defined one—that there shall not be placed upon an appropriation bill any provision which changes existing law. Under that rule, if properly and rigidly enforced, no such provision as this could have been put on the District appropriation bill. But it seems this provision was put on the bill in conference; and when it came here from a conference committee no point of order could be taken against it. In this way it became permanent law, and there is absolutely no necessity for reenacting it.

Mr. DOCKERY. I suggest to the gentleman from Vermont [Mr. Grout] that this debate be deferred——

Mr. Ray rose.

Mr. GROUT. I yield to the gentleman from New York [Mr. Ray].

Mr. RAY. Mr. Chairman, I had no intention when I rose to

excite any particular debate. My object was only that we might have a fair understanding on this subject. The gentleman from Illinois did me the courtesy to suggest that I know a little something about the law. The gentleman from Kansas [Mr. Blue] does me the still higher courtesy of suggesting that I do not know anything. [Laughter.] And I presume he knows all about it. He says and says that no well-informed lawyer would make such a suggestion as I made.

Mr. Chairman, in the simple suggestion that I desired to make my object was that no gentleman on the floor of the House should be misled. Of course it is quite possible for us to put into an appropriation bill—and sometimes we do so—something that becomes, by force of the language used, permanent law; and then it is binding until repealed. Again, the language put into an appropriation bill and the connection of that language may show that the provision applies simply and only to the appropriations then and there made.

Now, the mere fact in the present case that the committee saw fit to object to putting the language used last year in the present bill shows that some of them at least believe that it is best to omit it and leave this an open question for the construction of the courts hereafter. If this House is in favor of having this provision in the law, why not say so by an amendment that will make it absolutely certain.

Mr. PITNEY. The gentleman has misunderstood the position of the committee; but I will pass that point for the moment. The question being whether a given provision in an appropriation bill is or is not a part of the permanent law, and supposing that the language in question is not to take effect until after the expiration of the year for which the appropriations are made, has the gentleman any doubt whether such a provision is permanent law? The fact is that this is a provision which is not to take effect until the 1st of July, 1897. Therefore it can not by any stretch of construction be construed as limited to the appropriations in the bill containing the provision.

Mr. RAY. Now, Mr. Chairman, that is mere assertion.

Mr. PITNEY. That is the language of the law.

Mr. RAY. Oh, no; the gentleman has not recited any law nor has he recited the language of any law. He has merely recited what he believes to be a proper construction or interpretation of the law.

Mr. PITNEY. I am reciting the exact language of the provision in question, that it takes effect the 1st day of July, 1897.

Mr. RAY. So far as that goes, the gentleman may be correct that the provision is to take effect at a given time. But that does not bind or conclude this Congress, and it does not have any force in the interpretation of the law. When we come to an appropriation bill we must take the language contained in it, and when we undertake to say whether or not it is affected by the appropriation bill of last year we must take that law as it reads; and if that law is fairly open to the construction that it is intended as an independent enactment, and is not to apply solely and alone to the appropriation as then made, then it would be a permanent enactment.

Mr. PITNEY. The provision was not intended to be limited to that appropriation bill at all.

Mr. RAY. There is the question.

Mr. PITNEY. There is no question about it. Let the gentleman read the language of the act.

Mr. RAY. I do not care to open now the discussion of this question, and I will not. I did not rise for any such purpose. It would divert the gentleman having charge of this bill from the proper and orderly consideration of the bill. I simply rose to make a suggestion in order that this matter might come up at a future time in the debate. But I desire now to say, Mr. Chairman, that my only purpose was to call attention to this feature, and to suggest that this matter be dropped until we reach that portion of the bill where the consideration of the question will necessarily arise under the five-minute rule.

Mr. GROUT. If the gentleman from New York has concluded, I will call his attention to the provision of the law of last year, and I think he will see that it has all the characteristics and peculiarities of a permanent law. This is the language of the provision that was embodied in the appropriation bill of last year:

> And it is hereby declared that it is the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding, by payment for services, expenses, or otherwise, of any church, religious denominations, or any institution or society which is under sectarian or ecclesiastical control—

Now here is the language that gives significance to the enactment—

> and it is hereby enacted that on and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denominations, or to any institution or society which is under sectarian or ecclesiastical control.

So I think the gentleman from New York will see that the language is a little more specific than he supposed. It has the essential earmarks of a permanent enactment. It was not a mere limitation upon the appropriation made in that particular bill, but it is a provision that applies to the policy to be pursued by the Government in reference to these matters hereafter, and refers to future appropriations, and not to the one then made.

Nevertheless, sir, we are considering an appropriation bill now, and what that may mean when it becomes a law is an entirely different question. It is a question by itself whether it may not so modify this provision—for the two must be read together—that those who are called upon to administer the law may be in doubt about it.

I will say in reply to the gentleman from Kansas [Mr. Blue] that no one in the committee proposed, nor is it suggested here, to reenact the provision in the appropriation bill of last year, but only to refer to it in this act as the law under which the disbursement of this money for charities is to be made.

That is all I have heard proposed by anyone; and it can certainly do no harm, and it will make certain what all would accomplish, namely, not to repeal or annul, but to keep on the statute book the enactment in the last bill and observe its provisions.

But, Mr. Chairman, that will be a proper matter to be discussed when the bill is read for debate and amendment under the five-minute rule, and when this particular provision is reached. It is, however, it seems to me, proper to discuss that matter now in general debate, if any gentleman desires to do so, and so far as I am concerned I do not propose to cut off such debate.

Now, as to further general debate, I will say that my colleague on the committee from New Jersey [Mr. Pitney], a member of the subcommittee, desires to be heard, and unless there is some proposition to limit the debate, we will let it run for the present at the pleasure of the committee.

I reserve the remainder of my time.

Mr. PITNEY. Mr. Chairman——

Mr. JOHNSON of California. Before the gentleman from New Jersey proceeds, will he permit me to ask a question?

Mr. PITNEY. Certainly.

Mr. JOHNSON of California. I will be much obliged if the gentleman in the course of his remarks will call attention to and explain the reason why the committee have cut down the appropriation for the public schools.

Mr. PITNEY. I will say to the gentleman from California that I prefer any inquiries of that character should be deferred until we reach the provisions of the bill in its consideration, or the gentleman may take the floor in his own right for the general debate hereafter. I shall address myself to a different part of the bill.

Mr. GROUT. If the gentleman from New Jersey will permit me, I will say to the inquiry of the gentleman from California that the amount appropriated for schools is not cut down, but is actually larger than it was last year. The estimates submitted by the Commissioners have been reduced by the bill, but that is not the standard. The Commissioners estimate what they want, and if we were to follow their estimates implicitly, as the gentleman's question implies that we should, this bill would carry nearly three millions of dollars more than it does now; in fact, would carry more than the revenues of the District would meet for the year 1898. It would have carried an appropriation that would have frightened you all, and frightened the Commissioners, too. The Commissioners do not fail to ask enough, and they get what in the judgment of Congress ought to be given.

Mr. DOCKERY. Mr. Chairman, I desire to suggest to the gentleman from New Jersey [Mr. Pitney] and others interested in this bill the propriety of deferring by agreement the general debate in respect to charities until we reach the paragraph relating to that subject. It seems to me we can have a more orderly, effective, and intelligent discussion by pursuing that policy which has frequently been pursued—deferring the discussion of this paragraph until we reach it in the bill.

Mr. GROUT. Mr. Chairman, since that suggestion is made, I ask unanimous consent that general debate concerning the paragraph relating to charities be deferred until we reach that paragraph in reading the bill. Will the gentleman fix the time now, or leave it to be fixed then?

Mr. DOCKERY. I think that could be very well left open.

Mr. MORSE. Would it be under the five-minute rule?

Mr. GROUT. No; general debate. It seems to me, Mr. Chairman, we ought now to agree on some time that should then be devoted to general debate.

Mr. DOCKERY. Well, I would suggest not to exceed an hour on a side.

Mr. GROUT. I think that is a fair proposition.

Mr. HENDERSON. I think thirty minutes on a side will be plenty. We spent a great deal of time on this subject in the last session, and I think we are pretty well posted on it.

Mr. DOCKERY. I am willing, as far as I am concerned. We should still have an opportunity for debate under the five-minute rule after general debate is concluded.

Mr. HENDERSON. Oh, yes.

Mr. GROUT. Unless some gentleman wants more time, I ask unanimous consent that general debate on this paragraph be deferred until it is reached in the reading of the bill, and that then it be limited to thirty minutes on a side.

The CHAIRMAN. Unanimous consent is asked that general debate on the paragraph relating to charities be postponed until that paragraph is reached in the reading of the bill, and that the general debate shall then be limited to thirty minutes on a side. Is there objection?

There was no objection.

Mr. PITNEY. Mr. Chairman, the remarks which I shall submit to the committee at this time will be in the line of a justification and vindication—I will not say defense—of the Commissioners of the District of Columbia with regard to their action in providing for the electric-lighting service of this District for the current fiscal year.

Gentlemen of the committee will remember that when the District appropriation bill was reported to the House a year ago, statements were made in general debate concerning the investigations of the subcommittee having charge of the making up of the bill relative to the cost of the electric-lighting service and what that cost ought to be, and gentlemen will remember that the Committee on Appropriations reported a provision requiring expressly that the Commissioners of the District should let the electric lighting to competition, and providing that subway privileges should be given to the successful competitor. That last provision was struck out on a point of order, and other provisions were subsequently put in as the result of a conference between committees of the Senate and of the House, and finally the perfected bill passed both Houses in the form in which it now stands upon the statute book. It is doubtless also within the knowledge of members of the House that the Commissioners of the District, under the terms of that appropriation act, advertised for proposals for the electric-lighting service of the District; that in response to those advertisements they received proposals; that they let a contract to a new company, a competitor of the old established company; that litigation has ensued since that time; that that litigation has been decided in favor of the action taken by the Commissioners, and that they have thereupon proceeded to make a contract and to give permits for the construction of underground conduits to contain electric wires to serve the purposes of the public electric lighting.

Since the excavations were commenced for these underground conduits, the newspapers have at frequent intervals contained sensational reports, criticising the action of the Commissioners and denouncing them in unmeasured terms, and suggestions have been made that the President ought to remove them and that Congress ought to impeach them. They have been charged with violations of the law; they have been charged with a wanton exercise of the discretion reposed in them by law, and have been charged with almost everything except the performance of their duty.

Now, my position as one of the subcommittee which had charge of these investigations has given me certain information on the points involved, and has given me some knowledge of the law, which does not seem to be possessed by the representatives of the newspapers, or by some members of Congress who have submitted to be interviewed for the newspapers. I therefore desire to take some time in explaining what the Commissioners have done and why they have done it, and to say that in my opinion, instead of being properly subject to adverse criticism, they are entitled to the praise of Congress and of the people of this District for carrying out their plain duty under the law and for using the powers reposed in them to introduce competition into the electric-lighting service of this District, from motives of economy and from motives which tend to the public welfare.

Gentlemen will remember that at the time the appropriation bill was reported last year attention was called to the fact that under laws already existing, and under the appropriation bill as we reported it, it was unlawful to light the public electric lights of the city by means of overhead wires. The language of the appropriation bill then reported and of all appropriation bills during a series of years was that the public lighting should be done by means of underground wires, and at the same time the gross amount allowed in that appropriation bill, as first reported and as afterwards enacted into law, and the prices limited for payment for each electric light showed that it was the intention of Congress to authorize and direct the Commissioners to extend the public electric-lighting service.

It became necessary for them to provide for additional electric lights not theretofore allowed, and under the law it was necessary for them to light them by means of underground wires. Gentlemen may also remember that in the sundry civil appropriation act for the current fiscal year a provision was made for the lighting of some public parks in this city not previously lighted by electricity, and it was provided that it should be done by means of underground wires; and it was known——

Mr. BAKER of New Hampshire. Does the gentleman care to be interrupted now?

Mr. PITNEY. Not unless the gentleman is afraid he will forget the point he desires to inquire about; but I will yield, provided the gentleman does not take up too much of my time.

Mr. BAKER of New Hampshire. I propose to ask the gentleman in what part of the law that provides for an extension of electric lighting as distinguished from gas light is that particular appropriation carried? It provided for the diminution of the price of both gas and electric lights, but it did not provide for an extension of electric lighting as distinguished from gas lighting. Did it?

Mr. PITNEY. The gentleman is quite in error. I will call his attention to the language in a moment. I will premise that in the annual appropriation bills for this District for several years this language was contained, in respect to electric arc lighting, viz, for "maintaining existing service and necessary extensions of such service;" and that language, "existing service," taken in connection with the other language and other provisions of the law, was held by the then existing electric light company as supporting its claim to a monopoly of the public and private lighting in this city. Therefore, one year ago, in making up this bill, your Committee on Appropriations, desiring to do away with the existing monopoly and introduce competition into the service of electric lighting, changed the language of the appropriation bill. As gentlemen will remember, in general debate on the appropriation bill, I called attention to that change in the language. We left out the words "for maintaining existing service," and put into the bill this language:

> For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington, and for necessary extensions of such service, $43,600.

Mr. BAKER of New Hampshire. Then, if the gentleman pleases, it was simply left to the judgment of the Commissioners, as you will maintain, I presume, as to the ratio to be lighted by electric light or by gas. Is that the gentleman's contention?

Mr. PITNEY. Not at all. The bill also contained a provision appropriating a certain amount of money for gas and other illuminating material, and the presumption was that the Commissioners were to expend it all. They did recommend a much larger amount, and we gave them only a part of their recommendation. It was submitted by them that the public service required such and such extensions. We cut down the appropriation below the amount they recommended, but we still increased the appropriation above what previous laws had given. It was saying that Congress gave so much of their recommendation and a plain direction to the Commissioners that they should proceed to expend that much money in lighting the city, should use so much in gas lighting and other material and so much in electric arc lighting. In addition to giving the appropriation of $50,000 for electric arc lights and for necessary extensions, Congress limited the amount to be paid to 30 cents each per night for electric arc lights.

Now, what was done in the appropriations previous to that time? The appropriation for the fiscal year which expired on the 30th of June, 1896, for electric arc lighting was $47,600, and the limit permitted for each lamp per night was 40 cents; and with that appropriation the Commissioners had maintained 338 arc lights at 37.42 cents per night, amounting to about $136.50 per year, which for the 338 lights amounted to $16,164; and the little overplus of about $1,400 or $1,500 was used by the Commissioners for the inspection and maintenance of the lights. Then Congress at its last session appropriated $50,000 for the fiscal year 1897, and limited the price to 30 cents per night, which makes $109.50 per year for each lamp, so that the appropriation at that price would pay for 456 lights, an increase of 118 lights, or more than one-third of the whole service over and above the lights theretofore maintained. Now, the Commissioners advertised for proposals, and they were able to increase the service even more than the limit price would do, because they knew before they advertised, and they were well assured when the proposals came in, that the limit price would not be reached, that they could get proposals at a lower price, and so they did, and they managed to make contracts for 472 electric-light arc lamps instead of 338, an increase of 134.

Further, the Commissioners of the District, when they appeared before the subcommittee of the House Committee on Appropriations a year ago with their recommendations for the lighting service for the fiscal year 1897, laid before the subcommittee a schedule of the streets they proposed to light with the increased appropriation. That schedule may be found by any gentleman who will refer to page 177 of the hearings of last year. It showed that the Commissioners desired to light the rapid-transit electric lines on which the cars are now traveling at a very high rate of speed, and on which they will hereafter travel, I presume, at the rate of 12 miles an hour. The Commissioners specified the streets and parts of streets they desired to light, and we allowed them sufficient money to provide for a part of that schedule, but not the whole of it. The Commissioners, using the money that we did allow them, advertised for the very same streets and parts of streets that were named in the schedule they had submitted to the Committee on Appropriations.

Now, Mr. Chairman, it is no new thing for the Commissioners to advertise for proposals for electric lighting or gas lighting. They have been doing it for years, inviting competitors to come into this field and relieve the people of this District and the Government from paying exorbitant rates for the service. They had not only been doing that, but they had been required by three separate acts of Congress to do it.

Mr. BAKER of New Hampshire. Will the gentleman allow a question there?

Mr. PITNEY. Yes.

Mr. BAKER of New Hampshire. If the Commissioners were required in that manner to advertise, as the law now provides that there shall not be more than so much paid for the service, why could they not have just as well gone on with the old company as, by their direct action, to raise a new company to cut up streets where the conduits of the old company were already laid?

Mr. PITNEY. The gentleman has asked me three or four questions at once, but I want to answer them all, and if I do not, I ask him to call my attention to the fact. The Commissioners are required, under the organic act of the District, to advertise for proposals for any public work costing more than $1,000, and they have done so for years without any more express provision of law; and the judge of the supreme court of the District, who has recently decided this electric-lighting litigation, has held that that provision bound them to advertise for this very service now in question. But, more than that, in the appropriation bills for the years 1890, 1891, and 1894—the intervening period between 1891 and 1894 having been covered by a three-years contract, so that advertisement would have been absurd, there being no new contracts to be made—in the three years I have named the appropriation bills specifically required the Commissioners to advertise for both gas and electric lighting, and specifically declared that they were not to be limited to any one system, and in one case, that of the act for the fiscal year 1894, the law specifically declared that they were not to be limited to any one company. The Commissioners have followed regularly that very proper practice of inviting proposals. But the gentleman from New Hampshire says: "Invite proposals, but take them only from one company!"

How absurd that would be, Mr. Chairman, to invite proposals under a law that says, "You are not to be restricted to any one company or any one system," and to sweep out of the way all proposals unless they come from this dear and cherished monopoly! I will tell the gentleman, further, why the Commissioners did not accept proposals from the United States Electric Lighting Company, which seems to be so sacred in this District. It was because that company would not submit any proposals, but wrote to the Commissioners protesting against their action, saying that they had no right to take that action, and also because that company then went into court and tried to get an injunction against the Commissioners, prohibiting them from contracting under the plain and express provision of the appropriation bill, which required that extensions of service be made according to the judgment of the Commissioners and within a limit as to cost.

But the fact is that that old company has been given the benefit of the doubt by the Commissioners instead of being unjustly discriminated against, as is claimed, for they are now supplying under a temporary arrangement a large number of lights (324) at $109.50 per lamp per year, although the new company has offered to do the same lighting at $100 per lamp per year.

Mr. BAKER of New Hampshire. Will the gentleman permit me a moment? I care nothing for the old company or the new company——

Mr. PITNEY. I am very glad to hear it.

Mr. BAKER of New Hampshire. The question here is, What is best for the city and for the people of the District of Columbia? If the line of the gentleman's argument should be carried out, would it not require all the streets to be dug up again for the benefit of some new gas company that may be formed?

Several MEMBERS. That would be a good thing.

Mr. PITNEY. That might be a very good thing, as gentlemen suggest; but I will come to that point in a moment. The cases are not parallel. Let me say to the gentleman, however, that this District has been afflicted with a gas monopoly for so long a time that I do not know when it began—some time before the war, I believe. The people who have suffered under that monopoly have tried to get rid of it. Congress, at their instance, has put in the appropriation bills, at least in the three years I have mentioned, a provision commanding the Commissioners to invite proposals to see if they could not get rid of this gas monopoly. But that gas monopoly has its pipes in every street of the city. Practically, they have already occupied the ground. Perhaps a competitor could not make any headway against them unless it had the right to occupy the same streets already occupied by the existing monopoly. But with the electric lighting of the city the case is different. This old company, so called, although it has existed in this District since 1883, although it has been favored by acts of Congress and by appropriations, although it has been in the enjoyment of a practical monopoly, though not a legal one, yet it has not exercised enterprise to a reasonable degree; it has not extended its lighting system so as to cover any material part of the District up to the present time; it has not introduced new improvements. It has not reduced the price of lighting, except under compulsion, and hardly then. The field is open. We can authorize a new company to come in and get within striking distance of the old company without unduly disturbing the sacred asphalt pavements of Washington. The fact is that the privilege granted to this new company for lighting the city of Washington east of Rock Creek does not cover one foot of the streets now lighted by the United States Company, and for which the United States Company has the subways necessary to do the lighting.

Mr. BAKER of New Hampshire. Is it not true that the United States Company—if that is the old company—I do not know which is the old and which is the new, and I care less—but is it not true that the old company has conduits already laid in the streets here; that they have asked authority from the Commissioners to put their wires in those conduits, and can not get that authority?

Mr. PITNEY. The gentleman is wrong; and he is very wide of the question now under discussion. I do not care to follow him in that line of remark.

Mr. BAKER of New Hampshire. I want to get at the facts.

Mr. PITNEY. If the gentleman will bring up that matter later, I will answer him so far as I have information. But the point, as suggested by the gentleman's former inquiry, is whether the Commissioners have not allowed a great lot of subways to be laid unnecessarily. I answer, absolutely not a foot. Every inch of public lighting that has been let by the District Commissioners to the new company is in streets or avenues, or parts of streets or avenues, where the United States Company has not any subways or conduits underground, nor any overhead wires. That is the truth, whatever the gentleman may think. And there is no conduit now being constructed by the new company under these permits in any streets where the United States Company has any subways, excepting only two blocks on New York avenue and two short blocks on Pennsylvania avenue along Lafayette Square, where, however, the new subway is on the opposite side of the broad avenue from the old subway, and in these places the conduits are paralleled because it is necessary that the new company should be allowed to get from its power station to its lighting territory.

Moreover, the United States Company would have been obliged to construct just as many conduits as the Potomac Company is now under permit to construct if the United States Company had been successful in its proposals—except only as to a distance of less than 2 miles necessary to reach the center of the city from the plant of the new company west of Rock Creek—a distance of 1.8 miles, according to the certificate of the Commissioners. All this cry about digging up the sacred soil, and all that sort of thing, is intended to blind the eyes of members of Congress and other persons concerned as to the real issue.

I will say further, however, to the gentleman from New Hampshire that with regard to so much of the conduits or subways now under construction by the new company as are intended for lighting the public parks, notably Lincoln Park on East Capitol street, the Commissioners had nothing in the world to do with authorizing the construction of those subways, except to carry out a duty which the court had held devolved upon them. Those parks are lighted by the Secretary of War under a provision in the sundry civil appropriation law, after the publication of an advertisement and the receipt of proposals by him from both companies. The United States Company did bid for the lighting of the parks, and in so bidding that company admitted the right of the Secretary of War to ask for bids and admitted the propriety of the competition. If the United States Company had been successful, it would have been obliged to lay a part of the same subways and of the same conduits that the Potomac Company is now laying for that service.

Moreover, there are some subways now being constructed where there are no lights to be put along the line of the subways. That is true; but they are being constructed under permits which limit them to streets and avenues which the Commissioners have recommended to Congress as streets and avenues that should be lighted because they follow the lines of the rapid-transit street railroad companies. I may say that the Commissioners recommended the electric lighting of those same avenues and streets before the Potomac Company was ever heard of; it is no new recommendation. I repeat, the subways, so far as they go where no lights are now allowed, are placed on streets and avenues upon which the Commissioners have been recommending repeatedly, since the rapid-transit lines were projected, the introduction of electric lights. So there is absolutely no unnecessary construction of conduits.

I do not pose here as the special champion of the Commissioners of the District of Columbia. I have not been asked by them, or by anybody else, to stand here and explain this matter or champion their cause on the floor of the House. But I have seen them accused of actions of which I think they are absolutely guiltless. I have heard them accused of misconduct concerning their course in reference to these matters. I have seen them libeled and vilified for carrying out what they believed to be the plain letter of the law. And because they have no opportunity for a hearing in this presence, I propose to explain the matter according to the facts, according to the law, and according to my understanding of the needs of the case.

Let us see, then, for a moment how it was with the United States Electric Lighting Company. This old company claimed and still claims a monopoly of the electric lighting within the limits of the District of Columbia. It began to light a few streets with electric arc lamps under the provisions of the bill making appropriations for the fiscal year 1887, and by the end of that year they had a very large amount of overhead wires stretched in the city of Washington which were dangerous to life and property; and there was an outcry on the part of the people, and consequent action taken by Congress, which required the wires to be put under the ground. In the appropriation bill which passed on the 18th day of July, 1888, it was enacted that from and after the 15th day of September of that year the Commissioners should grant no further permits for overhead construction of wires. So that since then it has been unlawful for any electric-light company to stretch a foot of wire in the streets of Washington, except I think—and there may be even no exceptions—where it was necessary to reach a house from where the wires terminated in an alley. I will not be sure, however, about the exception.

Mr. BAKER of New Hampshire. Before the gentleman proceeds to the next point, I would like to ask him a question. If I understand this matter correctly, the old company, the United States Company, as the gentleman calls it, would have been required to lay its conduit to Lincoln Park, for a distance of two blocks, while the Potomac Company had to build several miles of conduit.

Mr. PITNEY. The gentleman is absolutely and entirely incorrect in his statement. The truth is quite otherwise.

Mr. BAKER of New Hampshire. I understand that to be a fact.

Mr. PITNEY. The gentleman is quite mistaken in his understanding.

Mr. BAKER of New Hampshire. I think the facts are that this company had to lay conduits for two blocks only, while the other company had to go several miles.

Mr. PITNEY. The gentleman does not know the facts evidently. The United States Company has no conduits within two blocks of the Lincoln Park, or anywhere near that.

Mr. BAKER of New Hampshire. How near is the nearest part of the line to the park?

Mr. PITNEY. The nearest, I think, is at the Capitol.

Mr. BAKER of New Hampshire. Oh, no.

Mr. PITNEY. But, whether that be so or not, I am standing here to vindicate the action of the Commissioners, who had nothing whatever to do with the contract for lighting Lincoln Park. The Secretary of War made that contract, and the company having the contract applied to the Commissioners for a permit, and then another company got out an injunction against the Commissioners, restraining them from granting the permit, and after a hearing the injunction was dissolved, and the court held that it was right for the Commissioners to grant the permit.

Mr. BAKER of New Hampshire. Can the gentleman inform us whether the Secretary of War is the owner of any stock in the Potomac Company?

Mr. PITNEY. I have no acquaintance with the Secretary of War and no knowledge of his holdings. I have no stock myself in any electric-light or any other company in the District of Columbia, and, so far as my action is concerned, it is without any personal interest whatever in this regard.

Now, let us see how this monopoly grew up. I say that by the act of July 18, 1888, the Commissioners were prohibited from giving any further permit for the stringing of overhead wires. There were overhead wires already in existence at that time, and that act did not expressly require the taking of them down, and therefore the company which had already erected these wires was privileged to use them and enjoy the benefits of them for lighting purposes in the streets of the city. In the annual appropriation bill for the fiscal year 1890 the public lighting was authorized only by underground wires. This provision inured to the benefit of the United States Company. Again, by a provision in the appropriation bill for 1892, additional conduits were prohibited beyond an aggregate of 5 miles until report should be made by the subway commissioners, appointed pursuant to the act of August 6, 1890, or until April 1, 1892, if that report should not have been made by that date. This again prevented competition before and after that date, although not evidently so intended, while by the construction of the law which has been adopted, by way of giving the benefit of the doubt to the company already in the field, permits have been given to the United States Company for subways since April 1, 1892.

And that brings me to the inquiry made a moment ago by the gentleman from New Hampshire [Mr. BAKER] and which I then declined to answer, as to whether recently the United States Company have not applied to the Commissioners for underground permits and been refused.

Mr. BAKER of New Hampshire. No; that was not exactly my question. My question is whether, in conduits already laid, they have not been denied the privilege of laying their wires.

Mr. PITNEY. Absolutely no, according to my information.

Mr. BAKER of New Hampshire. My best information is that they have.

Mr. PITNEY. Very well; I will tell you what has happened. The United States Company, while enjoying these special privileges which it had managed to get by construction of the appropriation bills, has applied repeatedly to the Commissioners of the District to put overhead wires underground, has obtained this permission, has constructed the conduits, and then has put new wires in the conduits, leaving the overhead wires where they were, and leaving them in use. Having got permits to construct subways for the avowed purpose of putting those very wires underground, it has used the subways for another purpose, in fraud of the permits granted to them by the Commissioners.

Mr. BAKER of New Hampshire. Would there be any objection to putting newer and better wires down there instead of the old wires?

Mr. PITNEY. Not if they removed the old wires; but they did not remove the overhead wires, and do not claim to have done it.

Mr. BAKER of New Hampshire. The Commissioners ought to make them do it, then.

Mr. PITNEY. The representative of the United States Company appeared before our subcommittee two weeks ago and said the Commissioners did not have any right to make them take these overhead wires down.

Now, I say it is not true that the Commissioners refused any proper permit for subway construction to the United States Company until that company went into court and managed to get a decision from the court a year ago which was construed to mean that the Commissioners did not have any right to grant such permits.

Mr. BAKER of New Hampshire. The gentleman a few moments ago extolled the court when they found the other way. Now, it seems to me his language is very peculiar when he says that the company "managed" to get a decision. I do not understand such a thing as that is capable of performance in the courts of the District of Columbia.

Mr. PITNEY. I absolutely disclaim any intention of casting any reflection on the court.

Mr. BAKER of New Hampshire. Very well.

Mr. PITNEY. If my language admitted of such construction, I withdraw it. The fact is, that the decision to which I referred, which was announced on the 1st day of February, 1896, by Judge Bingham, proceeded on a different line from what I understood it to proceed upon. I remember very well that the gentleman from New Hampshire [Mr. BAKER] now interrogating me paraded that decision before us, not the opinion, but the fact of the decision having been made, as a conclusive answer to a contention that I was making on the floor in Committee of the Whole on that day. My contention was to the effect that Congress had the right to authorize these appropriations, and that that carried with it the incidental right to put the wires underground. The gentleman quoted the decision against me. In point of fact, the decision was on an entirely different point, and did not touch that point at all. The decision prevented them from laying down subways for private consumers. I understood it to prevent them from laying down subways for public lighting. Subsequently, and about the 1st or 10th of December, 1896, the express point having been raised, was decided by Judge Cole, of the supreme court of the District, in accordance with the contention that I made on the 1st of February of last year, which I repeated subsequently, and which I made at the commencement of my present remarks, namely, that the authorization of expenditures for extensions of electric-lighting service, which also required that those extensions should be by underground wires, carried with it the implied authority to the District Commissioners to give permits for subway construction. But the decision of February 1, 1896, was laid hold upon as the basis of a claim for monopoly, and I will say that that claim was partly based on the language that I have already referred to, contained in the annual appropriation bills for a number of years, "maintaining existing service and necessary extensions."

Your Committee on Appropriations last year struck out that language, so that we now provide service simply for those streets where the service is now maintained and the necessary extension of that service. However, all the legislation for years—that is, previous to the appropriation bill of a year ago—was such as to give a virtual though not a legal or express monopoly to this electric-light company, and if these several blind and "fragmental statutes," as they have been called, had been framed for the very purpose of perpetuating the sole control of that company in the District, while keeping Congress in the dark as to the situation and as to the purpose and effect of the laws, they could not have been better devised.

But I say again that in this year's appropriation for the maintenance of the service and the extension of the service we provided that it must be done by underground wires. The Commissioners therefore had no option but to make a contract which must carry with it the permission to build the underground conduits. The question as to whether they violated the law is, it seems to me, too plain for debate. At any rate, the question has been fully litigated in the courts and adjudicated by a court of competent jurisdiction, and it has been decided that the Commissioners not only did not do a wrong thing but did their plain duty under the appropriation bill.

But the claim is often heard here, and the gentleman from New Hampshire has made it in my hearing, that the policy of Congress is not to allow competition, but to establish and maintain these monopolies, and to regulate the rates and charges of the monopolies.

Mr. BAKER of New Hampshire. I beg the gentleman's pardon. I am not in favor of any monopoly whatever. My contention and purpose are that the Commissioners should be required to exercise such ordinary diligence and supervision as would justify them in extending the lights, and whatever company may have the special territory under contract, it is not right that they, in pursuance of any of their discretionary powers, should go so far as to pick out one company and give it a permit to tear up the streets for miles when another company could have rendered the same service and not have disturbed the streets for more than a couple of blocks.

Mr. PITNEY. In reply to the gentleman, I will say that I have already shown that the Commissioners have not exercised any discretion in the direction of increasing the subways. They have exercised their discretion in the direction of giving service to the United States Company where it was qualified to fulfill the service, and they are paying them a little more money for it. They are paying them $109.50 per lamp per year when they had an offer of $100 per lamp, and that on 321 lamps. The gentleman from New Hampshire has forgotten that the organic law of the District provides that in all matters in excess of $1,000 the Commissioners shall advertise for bids; and while it gives the Commissioners the right to reject all bids, it does not give them the right to reject one bid and take another that is higher. If they do not reject all bids, they are absolutely required to accept the lowest bid; and Judge Cole has held, and it is not disputed by the representatives of the United States Company, that that provision was binding upon the Commissioners of the District with reference to this very contract, and therefore it is not a question of giving it to this company or to that company. But so far as my personal feeling is concerned, if the Commissioners had any discretion they might better authorize the tearing up of a few blocks more of the sacred pavements of Washington, in order to break up this controlling monopoly that has been here for so many years. It has not held itself under the laws, as I will show to the gentleman later——

Mr. BAKER of New Hampshire. I wish to say that the District Commissioners and the heads of every Executive Department of this Government have exercised their authority time and again, even where lower bids were offered, to refuse the bid of the lower bidders because they had not the proper facilities for carrying out their bids.

Mr. PITNEY. This is not a question of whether they should have rejected the lower bid. They accepted the only bid. It is not a question of taking this bid out from other bids. The Potomac Company were the only bidders. The gentleman is misinformed and does not know the simplest facts concerning the controversy. I have here a copy of a letter from the United States Electric Lighting Company to the Commissioners of the District, dated June 26, 1896, in which the company expressly declined to enter into any competition. They never made a bid for any of the District lighting, and where they now render any service it is done under a temporary arrangement and without any security being given for the faithful performance of the service.

Mr. BAKER of New Hampshire. Have they ever declined to furnish the service at the reduced rates?

Mr. PITNEY. Again the gentleman is misinformed in the matter——

Mr. BAKER of New Hampshire. They would not accept a given amount.

Mr. PITNEY. Very well; that is a very different question—the prescribed amount.

Mr. BAKER of New Hampshire. And they have not asked to be paid more.

Mr. PITNEY. Of course they would know enough about the law to know that it would do no good to ask for more, but they have asked to be paid the very last penny, when another company can make plenty of money by charging $10 or $20 a lamp less per year.

But it is claimed—and if the gentleman from New Hampshire does not claim it I am glad to hear the disavowal from his lips—it is claimed that we have adopted a sort of Congressional policy of monopoly for the District of Columbia, to which I may answer that if Congress has adopted that policy it is time for Congress to depart from it, because the people of this District and the public Treasury have suffered a great deal by reason of the policy of monopoly, so far as it has been pursued here, and Congress has shown a very proper disposition to get rid of it, and has manifested that disposition in the appropriation bills that I have already referred to for the years 1890, 1891, and 1894, in which they expressly commanded the District Commissioners to invite proposals, and that from different companies.

With regard to gaslighting there is a monopoly. With regard to telephones there is a monopoly, and it is partly a matter of necessity, because the company which controls the telephone patents will not license more than one company in a given territory, and it is necessary, also, perhaps, from the fact that every telephone user wants to be in communication with every other telephone user, and that can be done only by having a single central telephone station.

With regard to street railroads, there is absolutely no such policy. We have here, I think, half a dozen street railroad companies, and while the lines do not run on the same streets, except for a block or two here and there where it is necessary, just as these subways will run for a block or two on the same routes, the railroads do parallel each other, and they do compete in rates, in speed, in improvements, in accommodations, in everything that the patrons of the roads are interested in.

With regard to electric lighting, there has been no policy of monopoly inaugurated. In the first place, there is no express grant of any monopoly, and Judge Cole, in his recent decision, points out and lays stress upon the very significant fact that during all the years when, as the old company claims, a monopoly was given to it by Congress, the name of the company is nowhere mentioned in the appropriation acts. No monopoly has been given, and the practice of the Commissioners of advertising for electric lighting has been almost constant, and has been known to Congress all the time. The subway investigation that has been in progress from 1890, seeking to get some system of subways to be used by all the companies on paying rental to the public, is an evidence that the policy of Congress is against monopoly in these matters.

But there is another reason which ought to have some influence in deciding the question whether it is good policy to allow a single company to control. The gentleman from New Hampshire asked awhile ago whether this United States Electric Lighting Company had not tried to put its wires underground. If he will listen now to what I say, I will enlighten him on that subject. It is claimed at the present time by the official representative of the United States Electric Lighting Company that when the prohibitory act of 1888 was passed they had 250 to 400 miles of overhead wires in the District of Columbia. The claim is so widely in divergence not only from the facts as they appear from the official record, but from the statement of the same representative and of the counsel of the same company before the same subcommittee at another time, that I am unable to believe that a mere mistake of statement has been made. A year ago, and again this year, the statement was made that instead of 250 or 400 miles of overhead wires, as they now claim, they had in 1888 only 50 miles of overhead wires. But even this was a gross exaggeration.

What is the fact? I happen to have with me a copy of an official publication of Congress entitled Senate Miscellaneous Document No. 15, second session Fiftieth Congress, which contains a report of the Engineer Commissioner of the District of Columbia to Congress on the subject of removing electric-light wires and placing them underground. That report contains a statement by the Engineer Commissioner of the quantity of overhead and underground wires of every company in the District in the fall of the year 1888, just after the prohibitory law was passed. On page 18 of that report is a table, made up in part from information furnished by the company, which shows that at that time the United States Electric Lighting Company had but 4 miles of conduits underground, and in those conduits but 16 miles of wire, and that the company had only 10 miles of overhead wires. They now claim to have had 50 miles; and when more convenient they have claimed 250 to 400 miles. The official record shows that at that time they had but 10 miles; and that does not mean miles of streets; it means 10 miles of individual wires. The table shows this, and, besides, if you will turn to the map entitled "Plate 3," appended to this same report, you will find the mileage of streets covered by the underground and overhead construction of the United States Electric Lighting Company laid down in blue and red, respectively. On applying the scale to the red lines, which show the overhead construction, you will see that the mileage of streets covered by the overhead construction at that time was but 4 miles; and on those 4 miles of streets they had 10 miles of wire.

What is the fact to-day? Since that time the Commissioners have had no power to grant authority for a single mile of overhead construction, and not a single mile has been lawfully constructed. But the fact is that to-day, instead of there being 4 miles of streets covered by the overhead electric-light wires of the United States Company, they have 8 miles of streets covered by them; and instead of 10 miles of wires involved in overhead construction, there are now 60 miles of overhead electric-light wires maintained by that company. At the very least, 50 miles of those wires were erected and are now kept up in violation of law.

Mr. BAKER of New Hampshire. Will the gentleman explain how that was done?

Mr. PITNEY. They did it in the night, without permit.

Mr. BAKER of New Hampshire. Why did not the Commissioners compel the company to take down those overhead wires?

Mr. PITNEY. The discovery has only been made since this controversy was raised. And I desire here and now to praise the Commissioners for having instituted a suit in court to require that company to take down those unlawful wires. But when they begin to take down the wires, you will find sensational headlines in the newspapers, and the champions of this dear old monopoly will be rising up all over Washington and denouncing the Commissioners for depriving citizens of their electric lights.

I say again that neither this company nor any other company that has the full control in a matter of this sort can be trusted to care for the public interests. And it is very remarkable that when an inquiry is on foot before a committee of either branch of Congress, if there is anything in it that can form a basis of criticism against the Commissioners, the newspapers will have great headlines, and sensational language will be used about it. But when a serious charge is made against the United States Company, showing that they are trying to use the power of a venal press to coerce the Commissioners and Congress into working their will, the newspapers do not say a word about it.

On the 7th of January, 1897, when this matter of electric subways was under investigation by a Senate committee, the president of the competing company laid before that committee a written statement showing upon good evidence that within six months previous to the 1st of December, 1896, the United States Electric Lighting Company had paid to a certain newspaper in the city of Washington $18,000 for 18,000 lines of reading matter to advance its interests before Congress. The offer was made to this new little company to go into some arrangement of that sort, but the offer was declined. In order, however, to draw out the manager of the newspaper, the president of the company appointed an interview at a prominent bank in this city and had a stenographer behind a screen, and had also present prominent citizens whose integrity could not be questioned. And there the proposition was made by that newspaper manager to sell them for $10,000 the use of the columns of the newspaper to influence Congress to give them the legislation that they wanted in opposition to this old company. At the same interview the statement was repeated that the old company had paid to the newspaper $18,000 for publishing 18,000 lines of matter in opposition to the new company.

Mr. PEARSON. Would the gentleman be willing to name that paper, or would it be indiscreet?

Mr. PITNEY. The Washington Times. And since the name of the newspaper has thus been brought out, I want to say that I understand that since the date in question the control of the newspaper has passed into other hands. I am not now attacking the newspaper as at present owned. But so far as I am aware, no denial of that charge has been made by the United States Electric Lighting Company, and, so far as I am aware, no denial of the charge has been made by the newspaper or by any newspaper. I understand that a disavowal has been put in; and the present proprietor says mellifluously that he is not concerned in the old quarrels of the former management. But I do not understand it is denied that the United States Electric Lighting Company has paid that newspaper $18,000 for having articles printed that would conduce to its sole control of the electric lighting of this city.

I can tell the gentleman something more. At the close of the last session of this Congress, while I had the honor of serving as one of the conferees on the District appropriation bill, it was brought to our attention by a distinguished citizen (and it was not news to me) that under what was understood to be the decision of Judge Bingham the new company would be absolutely unable to string a single wire in the District unless relief should be given by an amendment to be ingrafted upon that bill by means of the conference report; and this Senator, the senior Senator from Tennessee—there is no secrecy about his name—appealed to the conferees to put on that bill by way of amendment a clause which would give the Potomac Lighting Company the power to maintain its system in little Georgetown, west of Rock Creek, for the purpose of private lighting, they having, as was claimed, no power at that time to do it. I undertook to look into this matter, to investigate it; and while I did not tell anybody that I was going to introduce that amendment, it was known that I was considering the matter, and that it might be brought up on a certain Monday, the 8th day of June.

I was called upon either on Saturday or Sunday, and which day it was I can not now recall, by a man who was my friend, and who gave me warning in a friendly way, from information he had received, that if I dared to put anything into the bill then pending that would interfere in the slightest degree with the United States Electric Lighting Company, I would be attacked in the Washington Times. On Monday I offered the amendment on the floor of the House, which, after full discussion, was adopted by a vote of 178 in the affirmative to 1 in the negative, and on the following day the Washington Times contained two long articles, covering some three or four columns of its space, devoted largely to a personal attack on me for having had, as they doubtless considered it, the audacity to offer an amendment that interfered with the sole control of the United States Company.

Mr. MORSE. It did not hurt you.

Mr. POWERS. Did not that fact, let me ask the gentleman, contribute largely to your election in a close district?

Mr. PITNEY. I think not at all. I knew perfectly well the motive underlying it. The purpose was to contribute to my defeat. These men knew that my district was a close district at best, a district that was usually Democratic. This article was sent into my district with the hope that it would contribute to my defeat.

I did not attach much importance, Mr. Chairman, to that proceeding then, and I do not propose to do so now. I relied for my justification simply upon the merits of the proposition, upon the fact that the amendment—that the proposition—met the approval of this House by an enormous majority, and I relied upon the language of my distinguished friend and colleague from Missouri [Mr. DOCKERY] who praised me in the debate and commended the amendment as conducive to the public interests.

Mr. POWERS. But did not this attack upon you, as a matter of fact, contribute to your success in that election?

Mr. PITNEY. Well, something did; I do not know what it was.

Mr. ANDREWS. Votes.

Mr. PITNEY. Now, I should like to go a little further in this matter, but it seems hardly necessary. I thought then that I should like to make a personal explanation. I actually sought to gain the floor at the time for the purpose of making a personal statement with reference to the matter; but the House was very busy in the closing work of the session and I was extremely busy in conference committee, and I had no opportunity to take the floor.

But the important question now, Mr. Chairman, is not whether the newspaper told some falsehoods about me. The question is, who paid for the publication of them? I think there is no doubt that the United States Electric Lighting Company paid for it. I will not dignify the articles in question by going into them in detail. That, I think, is unnecessary. I shall not dignify them except to say that they were absolutely and entirely without foundation or excuse so far as I am concerned. The same articles, I may say in passing, attacked also the distinguished gentleman from Pennsylvania [Mr. DALZELL], who then happened to be in the Speaker's chair, and this attack was just as absolutely without foundation as in my case. All I am concerned in now, therefore, beyond a mere denial, is to make plain, if I can, the danger that lies in giving to any company a control, or a chance to claim control, of so important and valuable a matter as the exclusive privilege of lighting in the District of Columbia.

I presume the same subsidized newspaper, from that time to this—for I do not have the privilege of reading the Washington Times, except very rarely—they may have used the opportunity all last summer and fall to continue their attacks upon me. I have no doubt that the Washington Times has vilified and maligned the Commissioners during that whole period—at $1 a line; has denounced the Potomac Company during the same time—at $1 a line; has no doubt impugned the motives of the Secretary of War for his action in the premises—at $1 a line; and I know that in the latter part of November or early in December, Mr. George Truesdell, one of the Commissioners of the District, was charged with being personally and pecuniarily interested in the public work—at $1 a line; and I may say in passing that the then manager of that newspaper is now under indictment for libel in that particular case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I ask unanimous consent that my colleague may proceed——

Mr. PITNEY. I only want five minutes longer——

Mr. DOCKERY. I ask that my colleague have five minutes longer.

There was no objection.

Mr. PITNEY. But, Mr. Chairman, the old company claims to be a home company. It says the people here are interested in it; that it is one of their pets. Well, in point of fact, it is a West Virginia corporation, not organized or incorporated under the laws of the District of Columbia, although the laws are open to such incorporation. But it avoids taking a charter here, for that would subject it to local taxation and judicial control in the District, both as a going concern and as to its assets in case of insolvency. The competing company, on the contrary, is a District company, locally controlled and taxed. But the United States Company seem to think that outsiders ought not to come in here, and they treat this city of Washington as if it belonged to some favored few. My view of it, Mr. Chairman, is that the city of Washington is the people's city, and that all the people of the country ought to have an equal opportunity to come in here with their capital, their enterprise, and their wealth, and aid in beautifying and building up and benefiting the city. The theory of the free-corporation law is that wherever any number of persons are willing to embark a given amount of capital in a given enterprise, they ought to have the right to do it in the form of a corporation, the same as they would have a right to do in the form of a partnership, subject to proper limitations and restrictions and control, set forth in the laws for that purpose. That kind of a charter the competing company has taken out. That kind of a charter the old monopoly has refused to take out.

I want to say in all frankness that one year ago, as a member of the subcommittee, I had some hesitation in recommending a provision that would require the building of additional subways for the purpose of lighting the streets. Since then my investigation of the matter, my knowledge of the facts and the law, have convinced me that it is the only way of dealing with this electric-lighting question; and passing entirely by—for it is entirely aside—the question as to whether we shall have public subways, owned and controlled by the municipality and rented out, I say that until we get them there is no way of securing good service and cheap service for the public and for the citizen except by having some such competition as this.

Kill it off, if you choose. Drive the competing company out of existence, as you would do if you followed the line of argument that is laid down for you, and you then give notice to all the world that nobody's money is desired to come in here if it infringes upon any concern which happens already to be owned by the favored few.

Competition in electric lighting is necessary as to price. That is a matter of history. This old company charged 60 cents a night, and said that they could not do it for less. Congress at last compelled them to come down to 50 cents, and they said they could not do it for less. But the moment that a new competitor appeared on the horizon, the United States Company said before our committee, last year, that they would do it for 28 cents a night, amounting to $100 a year; and then, when the provision which we had put in expressly providing for competition was knocked out on a point of order urged by the gentleman from New Hampshire [Mr. BAKER], and the danger of competition became less, when next the Senate put in its amendment that struck out the provision expressly requiring the Commissioners to advertise for bids, when the old monopoly thought its grip was going to be renewed upon the electric lighting, immediately an amendment was put on the bill raising the price from 28 cents—as the House left it—to 40 cents, the then existing price. But finally, as a result of conference, it was reduced to 30 cents; and now the old company say, "We can not do it for 30 cents; there is no money in it; but we are obliged to submit." The new company say they can do it at a profit for 28 cents. I should want to look at the books of the old company and find out what the cost of electric lighting is. I should want to know how much of the $18,000 and other sums spent for like purposes has been charged to the electric-lighting account. I should want to know whether they have used half of the appropriation for subsidizing the newspapers and the other half for paying for the light.

Competition would be beneficial also to private consumers, not only as to price, but as to extension of the lines. This old company has been in this District, with all this control that it has had—accidental control, and not intentional—it has been here for fourteen years, and yet that company is lighting a comparatively small section of the city. Whether there is an understanding between them and the gaslight fellows, that they shall not tread too much upon their preserves, I do not know; but the new company is a new enterprise—I have not a bit of interest in it, any more than I have in the other, I do not know who the stockholders are, any more than the gentleman from New Hampshire [Mr. BAKER] does—and I say it should be our policy to encourage that kind of an enterprise in coming here.

Competition has proved beneficial with regard to the character of the subway construction. These subways of the old company have provision for only one or two wires or at the most six wires, and on their own showing they are unsuited for the work that they have to do and have not sufficient capacity to take the overhead wires which the company are now maintaining, either lawfully or unlawfully; whereas the new subways are built on the most approved plan, and are certified by the Commissioners to be in exact accordance with the report of the experts who have been investigating the matter; so that if municipal subways are adopted we can take these very subways, either by condemnation or otherwise.

Competition is necessary in order to give improved processes of manufacture. It appeared in our hearings last year that since this old plant was introduced the manufacturing processes have been so improved as to furnish electric light and permit it to be manufactured for a fraction—I do not know exactly how much, but say one-half—of the former cost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I would like about ten minutes more.

Mr. GROUT. I ask that the time of my colleague be extended until he shall complete his remarks.

The CHAIRMAN. The gentleman from Vermont asks that the time of the gentleman from New Jersey may be extended until he completes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. PITNEY. But now what is the trouble with some people? The supposition is that "our friends" are in the United States Company. I have received a letter myself—I do not say that there is any impropriety in it; it has no effect upon me—I have received a letter from the counsel of the United States Electric Light Company asking me to be easy with them, because my friends are stockholders in the United States Electric Company and because the stock is largely held in the banks as collateral security for loans. And so it appears that a large portion of the loanable capital of the banks of this city is tied up in the stock of the United States Electric Light Company, and therefore each lender has quite a little motive in seeing that the domain of the old company is not trenched upon by the new company. I do not know what friends of mine are interested in the United States Electric Light Company. The counsel of the company does not furnish me a list of their names, and hence I can not communicate with them. I have no knowledge of the management of this company or why it is improperly trying to influence Congress, but I will say to my friends who are in that company, if they are responsible for it, that they are engaged in a very discreditable business. [Applause.] The sooner they change the management of that company and the policy it has adopted toward Congress and toward the Commissioners the better.

Now, I do not want to spend any further time on this matter; but there is one other thing that I ought to go into. That is, the claim that the action of the Commissioners in granting a subway permit to any other company than the United States Company is a violation of some understanding that is stated to have been arrived at at the time when the District bill was in conference last year. That is a subject which I ought to know something about if it is true.

Mr. GROSVENOR. Some verbal or private agreement?

Mr. PITNEY. Yes; some verbal or private agreement. Well, if so, the parties to it would be whom? Would it be the United States Company, or the Potomac Company, or the Senate conferees, or the House conferees, or the Commissioners?

I am speaking at the present time, Mr. Chairman, in vindication, as I said at the outset, of the action of the Commissioners in this matter. I want to say that so far as I remember, subject to correction by the recollection of some other member of the committee, the Commissioners of the District were not consulted at all in regard to the conference report so far as it affected electric lighting.

Was there an understanding on the part of the Potomac Company? Why, the representatives of the Potomac Company came before the committee of conference and simply said: "We are in this fix; we are in this trouble. We will accept anything that you will give us at your hands." They did not agree that because the bill had been amended in conference so as to authorize them to do private and public lighting west of Rock Creek they would not avail themselves of any rights to bid for public lighting east of Rock Creek.

The United States Company, did they have any understanding in this matter? From seeing what had been the effect of the provisions in former appropriation bills, were they satisfied that they were going to get all this work? Did they expect that by the express enactment giving to the Potomac Company a charter west of Rock Creek it would by implication be debarred from competing with the United States Company for the public lighting east of Rock Creek? The United States Company may have had such an understanding. If so, they were caught in their own snare, and, like the fox who said, "This is a trap; I'll lightly come and lightly go," they perhaps were "caught by the light, fantastic toe."

So far as the House conferees are concerned, and I think I can speak for my colleagues as representatives of this House, standing in advocacy of the views of this House and knowing that the views of this House were against monopoly in that or any other similar matter, we did not intend to consent expressly or impliedly to any perpetuation of the control of a monopolistic company. But the company may have understood it so. I think possibly there may have been a misunderstanding on the part of some persons. They may have misunderstood the effect of the previous decision of Judge Bingham. They may have supposed that that was meant to prevent permits for public lighting. If so, that was their mistake. The fact is, the opinion did not touch the question of public lighting. It went simply to prevent the extension of lines for private lighting.

But the law is upon the statute book, as you will find it. There is such an expenditure for public lighting, calling for such a number of lamps, authorizing that to be spent not for maintaining existing service, but for maintaining service in streets where service then existed and for necessary extensions. And inasmuch as there was an obligation to light only by subways, it followed that it could not be done in any other way than by granting subway permits to the party with whom the contract was to be made.

Mr. STEWART of New Jersey. If my colleague will permit me, with reference to the letter of the counsel of the United States Company, does not my colleague think it proper that that letter should be given for publication in the RECORD? For I believe, and I think he believes, that these men in high places who attempt unduly to influence legislation should not go unwhipped of justice. I think the letter of the counsel should be given for publication in the RECORD.

Mr. PITNEY. I have no objection to that; but I will state for myself that I am not so easily influenced that a letter of that sort would have the slightest effect on either my official or my private conduct.

Mr. STEWART of New Jersey. I know that as well as anybody can know it, but my object in making the suggestion is that the writer of that letter may be punished.

Mr. PITNEY. Oh, I do not think the letter contained anything that would render the writer punishable. It did contain an intimation that "my friends" were interested in the United States Electric Lighting Company. That may be true. If so, I have served notice on them to the best of my ability as to my opinion of the conduct of that company.

The following is the letter:

WASHINGTON, D. C., *January 21, 1897.*

MY DEAR PITNEY: A letter similar to the following was sent by Col. A. T. Britton, representing the United States Electric Lighting Company, to Hon. W. W. GROUT on the 18th instant, and I have taken the liberty of reproducing the most of it, and send it to you in this form, simply requesting, as a friend, that you will carefully read it and weigh the statements therein contained—which, I can assure you, are borne out by the facts in the case. I know you are familiar with this matter, and that it may be a work of supererogation for me to rehearse what this letter contains, and may be regarded as somewhat presumptuous on my part, inasmuch as I have just been employed by the United States Electric Lighting Company—owing to Mr. Britton's severe illness, which precludes the possibility of his acting further in the matter at present:

"The United States Electric Lighting Company is purely a local institution. Not more than 3 per cent of its stock is owned outside of the citizens of Washington. It commenced in 1884 with a small capital of $54,000, and when electric lighting and power were entirely experimental, and when royalties and excessive charges for plant absorbed everything. For years its operation was dead loss, and when it was beginning to be remunerative Congress forbade further extension of its overhead wires and compelled it to construct underground conduits. That system was then wholly untried, and experts contended that it could not be made a success. Nevertheless, the company loyally obeyed the will of Congress, and made a success of its underground work. It has gradually taken down all its wires, except about 4 miles in the aggregate, and would have had those under ground by this time if the Commissioners had not refused the necessary permits. The company has spent $1,300,000 upon its plant and underground work, and until 1896 has paid 8 per cent dividends and no surplus. In 1896 it was forced to reduce its dividends to 6 per cent. That is all the present profit in its operations, both public and private. Naturally, as a local institution, its stock has gradually been purchased by our citizens, until it is (except 3 per cent) wholly owned by individuals and estates resident here. Its stock has been a favorite collateral in our banks and trust companies, and it is probably fair to say that in the aggregate at least $500,000 have been and are to-day loaned upon it by our various financial institutions. You can readily understand how large a percentage of our local capital is invested in this institution when I say that the aggregate capital of all our national banks and trust companies only equals $5,500,000. Many of your warmest friends here are deeply interested in the continued prosperity of this company, and would exceedingly regret to see you unadvisedly aid in impairing its standing, or in lending your strong support to its competitor.

"The Potomac Electric Light and Power Company is a corporation of very recent creation, and almost wholly owned outside of the District. Captain Crosby, formerly of the United States Engineer Corps, and his partner, Lieb, together with certain New York parties, whose names they decline to disclose, the Cramps, of Philadelphia, and Mr. F. C. Stevens, of this city, constitute the company. The Cramps furnished the electrical machinery in the Georgetown power house, upon which there is still due them $120,000, for which notes were given but not paid at maturity. To recover that indebtedness constitutes the interest of the Cramps, who are not believed to be taking any further active part in the operations of the company. Pretty much all the money being expended now, and for some time past, is supposed to be advanced by Mr. Stevens. This company first secured possession of the Georgetown and Tennallytown Railroad by purchase of a bare majority of the stock at very low figures, part of which was paid for, and part wholly bought upon credit and never since paid for. It then secured possession of the Bethesda road, connecting at the District line with the first-named road, by purchasing a note of $13,000 secured by mortgage upon the Bethesda road and property, and by buying up a judgment lien of $9,000. Then it secured foreclosure of the Bethesda road, and bought it in at the foreclosure sale. Prior to that time, to operate the Georgetown and Tennallytown, the Bethesda and the Glen Echo roads, the power had been supplied on contract with the Georgetown and Tennallytown road from its power house, which was amply able to do the work. Having got possession of above two roads, these new owners have operated them in a most unsatisfactory way. Their cars are filthy and full of disease; their roadbed and equipment has not been kept up, and the operation is so poor that one never knows when he starts upon a trip whether he will reach the end of the route or not. Then, in total disregard of the rights of their mortgages, the power has been transferred to a new plant, in which the railroad has no interest and entirely removed from its line. It is situated upon a tract south of the canal, and near the Aqueduct Bridge. The ground is leased, and, as aforestated, the machinery thereon has not been paid for. It was undoubtedly the expectation of Crosby and Lieb (Potomac Company) to utilize their plant to supply to the three railroad companies above named, and to the Metropolitan, and to the Capital Traction Company, and to all other parties desiring electric power, even including the United States Electric Lighting Company. Their theory was that a naked manufacturer of the power, backed by a purely modern plant, could make and deliver the fluid at much less cost than parties to whose business its manufacture was only an incident. Crosby and Lieb did not realize their expectations. The large railroad companies declined to consider a plan which would leave the operation of their roads in the hands and at the mercy of an outside corporation.

"Thereupon, and to try to find some way to utilize their plant, Crosby and Lieb turned their attention, with the aid of the District Commissioners, to getting into the territory of the United States Electric Lighting Company for purposes of both public and private lighting and power. It is beyond question that the House Appropriation Committee in the District bill, reported by you in February, 1896, intended to authorize that competition so far as the public lighting was concerned; but it is equally beyond question that, after five different conferences, the Senate declined to accept that provision, and that finally a compromise was adopted which gave a limited authority to the Potomac Company to extend its overhead poles and conduits west of Rock Creek only; and to the United States Company authority to extend its conduits east of Rock Creek, and as far north as Mount Pleasant, Washington, and Columbia Heights.

"I do not intend to weary you with any analysis of all the things which have since been done by way of litigation, contracts, permits, or wild scramble to open the public highways in the dead of winter. The Cockrell resolution does not affect, nor attempt to affect, anything done before the date of its approval. It simply prohibits after its enactment further opening of the streets by any company, except in case of public necessity, within prescribed limits, and at discretion of the Commissioners, until Congress has acted definitely upon the general subway proposition. Unless stopped by further legislation, the Commissioners can quite as lawfully continue to make contracts, and to parallel existing conduits, and to tear up street after street without limit, and it is that sort of thing which this resolution will stop, and which it ought to stop.

"Of course, the idea of competition in a general way in the affairs of life strikes one as the correct thing. But is it so in relation to the use of either the surface or the subsurface of the streets of a city by these quasi corporations? Except in cases of necessary outlet for a few squares in the center of a city, you restrict the use of a street to one railroad, and even discountenance new lines on parallel streets, rather requiring extensions by existing companies. You have for fifty years restricted one gas company to the west of Rock Creek and another to the east of Rock Creek, and so on with similar corporate uses of the public streets for other purposes. The policy, and the wise policy, of Congress has always been to retain with an iron grip the regulation of these corporations, but to forbid their duplication. You have regulated their equipment, determined their motive power, fixed their charges, etc.; but you have thus regulated one company, rather than to have stimulated the growth and competition of speculative rivals, who simply tore up the sidewalks and roadways, poisoned the public health, and inconvenienced everybody in their wild scramble for a freeze out or a sell out.

"Consider for a moment the necessary result of a general authority for competition between these two electric-lighting companies. It will be a struggle for existence. The present contract of the Potomac Company expires next June, and most of that contract year will have expired before the company will be in position to light a lamp. The gross pay under their contract for a whole year is only $12,500, and they can not complete in time to earn more than three or four thousand dollars at the most. The net of that sum will clearly not pay them for putting down more than $10,000 of underground work; and they must necessarily expect to find a future profit of competition everywhere with the United States Company in both public and private lighting. Then it comes to this, that on June 30 next, and similarly each other year thereafter, these two companies must bid against each other for the public lighting, and all through each year, from day to day, for private lighting. One will get it this year, the other will get it next year. One gets A's house or store this month, the other offers greater inducements and gets it the next month. Each will be willing to do it for less and for less, finally for nothing, and then with a chromo. Is there any good to public interest out of this wild and unbusinesslike competition? Streets constantly torn up, public health impaired, everybody inconvenienced, and finally one or the other company goes into bankruptcy or sells out, consolidation occurs, and the public is left to pay a fair profit upon the cost of the duplicate plant. These are not imaginary results. They have been experienced over and over again in the cities of this country, and the public has always finally paid the bills and endured all the annoyances.

"I hope that you will give this subject careful consideration. I have said before that your friends are interested in the success of the United States Electric Lighting Company. I do not for a moment imagine that this fact would in the slightest degree influence your legislative action against your clear judgment as to the requirements of public interest; but in a case where all other things are not only equal, but where the preponderance of equities is clearly with the United States Electric Company, such consideration may properly have weight with you. We do not have many local stocks or bonds, and we naturally feel that when it comes to lighting our own houses, stores, and streets, we ought to be permitted to do so with our own local company, equipped with our own moneys, rather than to be forcibly turned over to a set of outside speculators."

The only thing I would add to the foregoing is that it seems to me a totally unnecessary and wanton defacement of the beautiful streets of this city, without any adequate return to the people, inasmuch as it is absolutely the province and within the power of your committee to fix the rate for electric lighting which must be observed by this company, and it is entirely competent for you to fix as low a rate as could possibly be obtained as the result of healthy competition or any other kind of competition that would not result in the ruination of both companies, and that is not "good public policy."

Sincerely, W. W. DUDLEY.

Hon. MAHLON PITNEY,
[illegible] Eighteenth street NW., City.

Now, Mr. Chairman, I give fair notice that the appropriation bill reported here contains an increased appropriation for electric lighting; that it contains a limitation of cost to 25 cents per light per night, and that that increased appropriation and that limit of cost will provide for a large additional number of lights which are to be put upon streets that are not now lighted by electricity. I want to say also, and I think the House will agree with me, that it will be the duty of the Commissioners of this District to pursue the same line of conduct as last year, and to invite proposals for this work in obedience to the organic law. Whether they have discretion to accept proposals from one company or from another company, as the case may be, is another question; but I suppose it to be their duty to accept the proposals of the lowest bidder. Returning again to the recommendations of the Commissioners, last year they submitted to us a schedule which designated certain streets to be lighted by electric lights, and, generally speaking, those were the streets occupied by the lines of rapid transit. This year they have submitted a schedule of the same streets, with a few others, and if we accept their recommendations, it will be their duty, as I understand it, to provide for the completion of that service.

The appropriation of this year will take care of the Metropolitan north-and-south line. Last year they recommended us to take care of the east-and-west line also. The appropriation was not sufficient for all, but I understand they are going to take care of a part of the streets on which that rapid-transit system runs. I think the Commissioners ought to advertise for proposals, and I hope that when they do advertise there will be no misunderstanding on the part of anybody as to the law under which they do it.

I have said thus much, Mr. Chairman, in explanation of the law and of the facts which led the Commissioners to advertise and to grant contracts, in pursuance of the decision of the court, which sustained their action in advertising, and said it was lawful and proper for them to give permits not only for the lights for the District of Columbia provided for in this bill, but for the lights in the public parks provided for in the sundry civil bill.

I think that so much was due to the Commissioners. They have been denounced and abused and vilified, and not one-tenth of the statements contained in the newspapers and made elsewhere about them have been founded upon facts. The facts are as I have stated them.

Mr. BAKER of New Hampshire. Mr. Chairman, I wish to address the committee for some five minutes.

Mr. GROUT. I yield the gentleman five minutes.

Mr. BAKER of New Hampshire. Mr. Chairman, we have listened to a very peculiar statement and argument from the gentleman from New Jersey [Mr. PITNEY]. I presume that nine-tenths of us do not care anything about the particular complaints he has aired before us. In our minds there is no purpose to favor one company or another. I do not suppose there are three people in this House who know a single stockholder in either of these electric-lighting companies. It is to be noted, however, that one company has been subjected to vituperation and the other to compliment. I do not care which has received the compliment or which has received the vituperation.

The question for the members of this House is over and above all that. It is the question of the service which is rendered to the people of the District of Columbia; the question whether or not the pavements of this city have been cut up and rendered less valuable by giving the service to this new company, which, the gentleman says, is a competing company; and whether the people of the District and the people in the District have not been put to great inconvenience, loss, and danger by the cutting up of these new pavements. These are the questions to which we should devote ourselves in considering this proposition. No one, I suppose, has ever found any fault with the Commissioners for permitting either company to extend its line in the proper order in which those lines would naturally be extended.

The complaint has come because the one company has been given privileges and powers over and beyond those of the other company. The complaint has come because the one company, having already its underground conduits laid in the streets, has not been permitted to run wires through those conduits. The complaint has come because when conduits have been laid and wires laid in them by one company, the other company has been given powers which naturally would have gone to the company having already its wires laid, and, I presume, vice versa. But in any event, I do not understand that this House or the Commissioners, or any person connected with either company, can justify the digging up of miles of concrete pavement to permit one company to render a service which the other could have rendered without being obliged to disturb the pavements for over three blocks; and all this when this House, by power which it has exercised for years and years, controls the limit of price at which electric lighting shall be furnished. If the limit of last year was not low enough, it is within the power and the policy of this House to make it low enough. I do not care how low you go, if you do not destroy the lighting. For these reasons one company or the other company is or ought to be as good to this House, to the Commissioners, and to the people of the District of Columbia as the other. Personally I do not know, so far as I am aware, one stockholder in either company, except one individual, and I have not seen him or heard from him for over a year.

But there is general complaint from one end of this city to the other—not in the newspapers alone, but from all the people—that the Commissioners have committed an outrage upon the people of the District in exercising the power which they have exercised in this city. And I take it that the newspapers of this city have done nothing in the world except to voice the sentiments of the people of the District. If the gentleman knows of their being bribed in one connection or another, I have no objection to his airing it upon this floor or anywhere else. I have no such knowledge. But it is generally understood in this city that there was a trade by which certain public lighting and certain electric companies were turned over to another company; that it was done in pursuance of an understanding which has culminated in the digging up of the streets, as I have suggested. That is what is complained of. And whether the Commissioners have been in it or whether they have not been in it, is not a matter that concerns me except so far as I would criticise any man, whether a Commissioner or not, who is false to his pledge.

Mr. PITNEY. I understood the gentleman from New Hampshire [Mr. BAKER] to intimate that the Commissioners had some interest in what is known as the competing company. I only want to say that the subcommittee of the Committee on Appropriations took pains to make some inquiry a year ago in reference to that matter, because a rumor of that sort had been suggested, and the result of our inquiry was that the charge was shown to be absolutely without foundation. It was shown that the Commissioners, or any of them, had no interest whatever in the Potomac Electric Lighting Company. I wish to say this in justice to the Commissioners.

Mr. BAKER of New Hampshire. I do not know whether they have any direct pecuniary interest in the Potomac Electric Lighting Company or whether they have not. But I do know that if they had such pecuniary interest in the Potomac Electric Lighting Company, they could not have been any more subservient to its interests than they have been.

[Here the hammer fell.]

Mr. GROUT. If no gentleman desires to be heard further——

Mr. MAHON. I should like to occupy a few minutes.

Mr. GROUT. How long a time does the gentleman want?

Mr. MAHON. About ten minutes.

Mr. GROUT. I yield the gentleman ten minutes.

Mr. MAHON. Mr. Chairman, what the gentleman from New Jersey [Mr. PITNEY] says may be true, and what the gentleman from New Hampshire [Mr. BAKER] says may be true, about these competing companies. But I want to say that in the part of this city where I have resided during the last four years the streets have been constantly dug up, in season and out of season. I believe the time has come in the history of this city when Congress should take into its own hands the business of lighting the streets and parks, as well as furnishing water to the people of the District. I believe that the city of Washington, under the control of this Congress, ought to put in its own plant for lighting the streets and the parks. I believe that this city should establish and maintain its own waterworks. I stand ready to vote in favor of ousting all these corporations that are undertaking to do this kind of work for the citizens of the District.

This city is not like other cities. This is a city of parks. I am satisfied we can light this city at one-half the expense now incurred by doing the work through these corporations. And these magnificent streets, which have been laid out at a cost of millions of dollars, should be under the absolute control of the city, and when once they have been dug up and conduits laid for the conveyance of electric lights, that should be an end of the matter.

The legislature of my own State, Pennsylvania, passed some years ago an act authorizing municipalities to put in their own plants for electric lighting and for supplying water. In pursuance of the authority thus given, the city in which I reside owns its own electric-lighting plant; it owns its own waterworks. We can furnish arc lights to the citizens there at their residences and in the great stores for $42 a year. We can furnish them at one-half the cost which has to be paid in other cities. And we light our city free. All because we make the light ourselves and furnish it for commercial purposes and on a commercial basis.

We furnish the very best water also in the State. The city gets its water free of all charge. The water taken by our citizens and the light furnished them by the city meet all of the expense of carrying on the waterworks and the lighting establishment, and gives the city free both its light and water.

Now, if you are going to let this company in, and tear up the streets, all right. I know nothing about either the Potomac Company or the United States Company. I do not take any stock one way or the other. They are all "tarred with the same stick," and they are all after a franchise; all want this monopoly. But we ought to stop, Mr. Chairman, this everlasting digging up of the streets of this city. Have you given a new company the right to come in and tear up the streets? When will the streets be let alone? When may we walk through the streets and find them not dug up in some place or another by this eternal operation?

Mr. PITNEY. I will say to the gentleman that for my own part I would not trust any company as a monopoly. I would not intrust any such interest to the control of any one company, unchecked by competition, as far as the interests of the city are concerned. I have no desire, as far as I am individually concerned, to give them a monopoly.

Some years ago we passed a law providing for a report on the conduit system for a subway for all of these electric wires. That matter has been before the committee for a long time, and no satisfactory report has been made, but it is progressing, and we have gone far enough to know that it will cost from $3,000,000 to $5,000,000. Congress has so far not seen fit to authorize such an expenditure.

Mr. MAHON. I want to give my friend from New Jersey a little bit of information that comes from a man who is slightly older than he is, as to the way these corporations work. He may go on with this system, and what will be the result? He will find both of these corporations sleeping in the same bed, and covered by the same blanket, within a very few years. That is generally the history of their transactions.

Mr. GROUT. Mr. Chairman, if no further debate is desired, I ask for the reading of the bill by paragraphs.

The Clerk proceeded to read the bill, and read as follows:

For assessor's office: For assessor, $3,500; three assistant assessors, at $2,000 each; two assistant assessors, at $1,800 each; two clerks, at $1,400 each; three clerks, at $1,200 each; draftsman, $1,200; three clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; clerk to board of assistant assessors, $1,200; clerk, $900; license clerk, $1,200; inspector of licenses, $1,200; messenger and driver for board of assistant assessors, $600; in all, $33,300.

Mr. HENDERSON. I move to strike out the last word for the purpose of asking if this is a change in the existing law.

Mr. GROUT. You refer to the personnel of the office?

Mr. HENDERSON. Yes.

Mr. GROUT. No; no change whatever.

Mr. HENDERSON. I withdraw the amendment.

The Clerk read as follows:

Street sweeping office: For superintendent, $1,800; assistant superintendent and clerk, $1,000; clerk, $900; chief inspector of streets, $1,200; three inspectors, at $1,200 each; ten inspectors, at $1,100 each; three assistant inspectors, at $900 each; foreman of public dumps, $900; messenger and driver, $600; in all, $24,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the gentleman in charge of this bill.

I would like to ask the necessity of this number of twenty-two employees, at a cost of $20,000, simply to inspect the work, as I understand it, of street sweeping, for which there is a total appropriation of more than $100,000?

Here is for inspection and superintending a sum nearly or fully 20 per cent of the whole cost of the work done. It seems as if the appropriation of "bread to sack" was exceedingly small, and I would like to have an explanation from the chairman as to the necessity for this large expenditure in this regard.

Mr. GROUT. Is it the size of the inspecting force that the gentleman objects to, or the smallness of the appropriation?

Mr. HEPBURN. The objection is as to the diversity between the two.

Mr. GROUT. Well, I will say that this provision was for the first time put on in the last bill, these officials being placed upon a salary at that time. Previously they had been paid in a lump sum for the work, but the same force has been employed for years in the work. It requires careful and thorough inspection, and if the proposition of some can be carried into effect—that is, the doing of the work by day labor instead of under contract—the force will have to be still further increased.

In the last appropriation bill these persons specified here were given the same pay in the shape of a salary that was paid to them before in the lump sum, and that amount was deducted from the general appropriation. But they are carried in the bill in the same form now as last year.

The committee are not informed that the work is overinspected. On the contrary, there was a year ago, as I remember it, an application for a larger number to be put on salary. I do not recollect that any claim was made before the committee that this force could be decreased. If other gentlemen on the committee had such information I would be very glad to yield to them for a statement. But no such information came to me.

Mr. PITNEY. They wanted an increase of salary.

Mr. GROUT. Yes; they wanted an increase of salary, as the gentleman from New Jersey suggests; there is no doubt about that.

Mr. HEPBURN. Mr. Chairman, the committee will observe that this paragraph makes provision for the pay of employees in the street-sweeping force. I take it for granted that their duties are confined solely to the sweeping of the streets. If you turn to page 16 of the bill, you will find an appropriation there for sprinkling, sweeping, and cleaning: "For sprinkling, sweeping, and cleaning the streets, avenues, alleys, and surburban streets, $130,500," and "for cleaning snow and ice from cross walks and gutters, etc., under the act approved March 2, 1895, $1,000." All that this work of cleaning the streets amounts to is, in its total, $131,000. Now, in order to see that that work is properly done, that that money is properly expended, the sum of $24,000 is paid to officers who have surveillance of the matter. It does look to me as if there was a very marked disproportion, that it is better to have some other contractor who will do the duty properly without this expensive watching.

Mr. NORTHWAY. The gentleman will observe that while the words "street cleaning" occur above there, they very likely are misleading, for it says: "Chief inspector of streets." I take it that does not mean inspection of sweeping alone, but inspection of all street matters.

Mr. PITNEY. I will say to the gentleman from Ohio [Mr. NORTHWAY] that he is mistaken about that.

Mr. HEPBURN. It must apply to cleaning the streets.

Mr. NORTHWAY. Then the language is misleading.

Mr. HEPBURN. Because we have already read the paragraph that provides for general superintendence. That is in the engineer's office, and in that there are fifty-nine comparatively high-priced officers. This, I think, refers solely to seeing to it that the contract of the street sweeper is properly attended to.

Mr. GROSVENOR. I will suggest to the gentleman that the police force might give a little attention to that.

Mr. HEPBURN. I think there might be other methods. This is certainly a very extravagant one.

Mr. PITNEY. There is some street sweeping that is not done by the contractor. There is a street force which is engaged in the work of sweeping by day labor, although this is perhaps only experimental. The Commissioners deemed that it would probably be more suitable, because the contractor only goes over the streets at night, and the day laborers can work in the daytime without interfering with traffic.

Mr. HEPBURN. This appropriation is expended, is it not, in supervising the sweeping of the streets?

Mr. PITNEY. It is the office work of the street-sweeping department, and I will say to the gentleman that previous to the now current appropriation bill the salaried force was paid out of the lump appropriated for cleaning the streets; but by reason, I think, of a Senate amendment, placed on the bill last year, which is the current law, there was a special appropriation for the payment of the force, leaving the whole amount appropriated for the sweeping of the streets to be available for that work itself, irrespective of supervision. I will say to the gentleman that if he will find out a way to reduce this item we shall be with him.

Mr. HEPBURN. If the gentleman will permit me, I will move to strike out the words in the eighth and ninth lines, "three inspectors, at $1,200 each." And then I will move, later on, to strike out the word "ten," in the ninth line, and insert "five." If, before the bill gets through Congress, the Commissioners can satisfy the committee, or the conference committee, which will undoubtedly have charge of this bill, that this large number of high-priced inspectors is necessary, of course there will be no objection to the item being restored.

Mr. PITNEY. Mr. Chairman, the gentleman is aware that the conference committee would have no jurisdiction over the matter unless it were made the subject of a Senate amendment. I suggest that the motion be deferred, and the debate on it be deferred until the close of the bill, so that we may have an opportunity to inquire.

Mr. HEPBURN. Then I withdraw the pro forma amendment.

The CHAIRMAN. Does the Chair understand that the gentleman's amendment is pending?

Mr. HEPBURN. The amendment may be pending, if you please; yes.

The CHAIRMAN. The request is that this paragraph be passed over, to be referred to later, with the gentleman's amendment pending. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Board of examiners, steam engineers: For compensation for board of examiners of steam engineers in the District of Columbia, three, at $300 each, $900.

Mr. DOCKERY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That chapter 87, page 664, of volume 28, Statutes at Large of the United States, be, and the same is hereby, repealed.

Mr. DOCKERY. Mr. Chairman, in my judgment, that is a very wise amendment.

Mr. RICHARDSON. Mr. Chairman, I will reserve a point of order until I know what this is. The gentleman is repealing a statute, and I do not know what it is.

Mr. DOCKERY. The act of February 13, 1895, authorized contractors to be paid what are called "board rates," notwithstanding they may have contracted to do public work at a less rate. The sum involved in that legislation, in claims already filed against the District of Columbia, amounts to $753,526.75, and the interest thereon will probably carry the amount up to $1,300,000.

Mr. MEREDITH. Do you offer this as an amendment?

Mr. DOCKERY. Yes, to repeal it. This is in the interest of the taxpayers of the District.

Mr. MEREDITH. I make the point of order that it is new legislation. The gentleman is seeking to repeal the statute, as I understand it.

Mr. DOCKERY. The gentleman does not want to raise the point of order, I hope.

Mr. MEREDITH. Yes; I make the point of order that it is new legislation.

Mr. DOCKERY. I say now, Mr. Chairman, there never was a law placed upon the statute books of this country more inequitable and unjust than the act of February 13, 1895, which is sought to be repealed. The act gives to certain contractors under the old board of public works what were called "board rates," when they themselves had agreed to accept compensation at lower rates. Now, then, this act was passed, as I understand, without the indorsement of the Commissioners of the District, and we seek to repeal it, in harmony with their views, and in harmony with the views of the auditor of the District.

Mr. MEREDITH. The gentleman is mistaken. I understand the Commissioners recommended its passage. It has been passed, and these people, if they are justly due anything from the Government, ought to be paid. The Commissioners held the view that it was a proper act when it was passed.

Mr. DOCKERY. The gentleman is mistaken.

Mr. MEREDITH. No; I am not mistaken.

Mr. DOCKERY. We will get the act.

Mr. MEREDITH. The point of order I made is well taken.

Mr. DOCKERY. Certainly, Mr. Chairman, I concede that the point of order is well taken; but I insist that the gentleman from Virginia ought not to raise this question of order until he has given it a thorough examination, because I am satisfied from the statement which has just fallen from the gentleman's lips that he is not fully advised as to the facts.

Mr. MEREDITH. If my friend will permit me, I will make the statement to him that I believe I remember the facts thoroughly. I have examined into it, and if these people are justly due certain sums by the Government of the United States, and if the people of Washington are owing them, they ought to be paid, and they ought to have an opportunity to go into the courts to ascertain what is due. The gentleman is seeking by the amendment to cut them off, and the Government is undertaking to do a dishonest act. I will oppose that as vigorously as I can.

The CHAIRMAN. The Chair is ready to rule on the question of order. The point of order is sustained.

Mr. DOCKERY. I simply wanted to explain the circumstances under which this bill was passed.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri.

Mr. DOCKERY. Very well; this is not the last of this amendment, and I desire to be heard. I move to strike out the last word.

Mr. MEREDITH. I think the Chair has sustained the point of order.

Mr. DOCKERY. Yes, sir; I concede that the point of order is well taken. There is no contention between the gentleman from Virginia and myself on that question.

The act of February 13, 1895, as it passed the House, provided that these claimants should have the right to go into the Court of Claims and should be allowed such prices as are reasonable, just, and equitable. The bill as amended by the Senate changed that provision and required that the court shall allow the rates established and paid by the board of public works. The board of public works in 1874 was of unsavory memory and unenviable reputation. Their acts, I may say, are largely responsible for the fact that the people of this District were deprived of local self-government. This board did not let contracts for public works to the lowest bidder, as the law now requires.

The work was apportioned out to various contractors. Now, then, under that system, to illustrate, my friend from Texas [Mr. SAYERS] might have secured a contract to do certain work for $100,000, a contract just, equitable, and fair, which he consented and agreed to. Subsequently this board of public works came in and established what they called "board rates."

Mr. Chairman, under these "board rates" $150,000 might have been allowed for the same work, work which Governor SAYERS agreed to perform for $100,000. Under the administration of the law which is sought to be repealed the gentleman from Texas can secure an allowance of $50,000 additional, the difference between the contract price and "board rates."

Mr. Chairman, this bill involves, as heretofore stated, according to the report of the auditor of this District, claims already filed aggregating $753,526.75, which, with interest, now amount to $1,300,000.

I can not believe that my friend from Virginia, whom I know to be an able and efficient Representative, will, after examination, insist upon the point of order.

Mr. SAYERS. Mr. Chairman, I wish to say a few words as to the passage of the bill referred to by the gentleman from Missouri [Mr. DOCKERY], and which was reported from the Committee on the District of Columbia. In the last Congress Mr. Cobb, of Alabama, who, I believe, was a member of the Committee on the District of Columbia, asked unanimous consent for its consideration. I objected and held the bill up for several days, but finally Mr. Cobb came to me and assured me that the bill to which I had objected had received the indorsement and approval of the Commissioners of the District.

Now, I desire to acquit Mr. Cobb of all blame in this matter, for I believe him now and I believed him then to be an honest man, incapable of knowingly doing a wrong thing. Upon his statement, I withdrew objection to the bill. After it had passed, however, I was informed by the auditor of the District of Columbia that instead of the bill involving an expenditure of $30,000 or $40,000, it involved an amount probably exceeding a million dollars. I said to the auditor, "Why, then, did the Commissioners of the District indorse and recommend the bill?" He assured me they had not done so, but that they had indorsed and recommended a different bill, which had been introduced, but not the one that had passed. Thereupon I went to see the President to get him to veto the bill, but I found that he had approved it under the supposition that it had been indorsed and recommended by the Commissioners of the District.

My judgment is that the amendment proposed by the gentleman from Missouri ought to be put upon the pending bill, because the House in the last Congress would never have passed the bill, nor would I ever have waived my objection so as to enable it to come before the House, if I had not been assured in the most positive terms that it did not involve an expenditure of over $30,000 or $40,000, and that it had received the indorsement and approval of the Commissioners. That is the way, as I remember it, this bill passed the House in the last Congress, and I do think my friend from Virginia ought, under the circumstances, to withdraw his point of order and allow the House to consider the amendment.

Mr. NORTHWAY. Do not the very facts which the gentleman has just stated in relation to how this bill was put through the House suggest that we ought not again to legislate hastily in the matter in any direction? Ought we not to have a bill introduced for the repeal of this act, referred to the proper committee, and reported upon by that committee before we take action?

Mr. SAYERS. My impression is that such a bill has been introduced and sent to the District Committee.

Mr. RICHARDSON. I do not think, Mr. Chairman, that any such bill is pending before the District Committee.

Mr. SAYERS. I know nothing about the matter myself, and only what I have heard from the auditor of the District of Columbia.

Mr. MEREDITH. Mr. Chairman, the discussion of ancient history here, after the point of order has been sustained, can be of no moment. The only point of objection which the gentleman presents to the bill seems to be based upon the fact that the amount which is probably owing to these people is much larger than was supposed at the time of the passage of the bill. Now, if it was right to pass the bill for a smaller amount, the fact that the amount is found to be greater than the gentleman supposed it to be does not change the principle at all. If it was right to pass this bill for a less amount, the fact that the amount due turns out to be more than the auditor of the District or the District Commissioners thought to be due does not change the principle. The principle still holds good, that if the money was due to these people they ought to be paid.

Mr. SAYERS. That is not the only point involved in this case. There is also the point that the bill was passed through the House upon the supposition that it had received the approval of the Commissioners of the District, whereas, in fact, it was another bill and not this one that had received their indorsement.

Mr. MEREDITH. I do not know whether that be true or not, Mr. Chairman, but this I do know to be true, that these people can not get one cent unless they prove their claim, and if they can prove that this District or this Government owes them money, whether $1 or many thousands of dollars, in good conscience they ought to be paid. They will have to present and prove their claim before they can get anything, and if they have been kept out of their money for thirty years the criticism of the board of public works, which comes from my friend from Missouri [Mr. DOCKERY], can have no weight in a question of this kind. The real question that presents itself to me is, Is this money due to these people? If it is, the Government, as it expects its citizens to be honest, ought to be honest itself in paying what it owes to its citizens.

Mr. PITNEY. The gentleman from Virginia is mistaken in two or three points. In the first place, it is not true that the only objection to the act rests upon the fact that it was passed by reason of the gentleman from Texas [Mr. SAYERS] having been misled. The act of 1895 in itself has no merits. It is not true that it was ever recommended in its present form by the Commissioners. The Commissioners recommended, or rather they acquiesced in, the passage of the original bill, but the bill that was really passed was a substitute, striking out all after the enacting clause and striking out every guaranty that the original Senate bill contained for any really equitable ascertainment of the amount that might be found due on these contracts.

It is not a question whether these men can recover fair amount or not. The act as passed requires the Court of Claims to reopen this case, and to give these men the "board rates," and this in spite of the fact that it has been adjudicated over and over again that they were not entitled to board rates, either under their contracts or by reason of any equitable consideration. I will read for the information of the committee the bill as the Commissioners were willing to have it passed. It provided that the court should allow the claims "so far as the prices allowed and paid were reasonable, just, and equitable," and that a rehearing might be had, provided a motion should be made within ninety days after the approval of this act; "and no rehearing shall be granted upon any other point."

The substitute struck out those guaranties, and provided that there should be a rehearing whether the "board rates" had been claimed in the original claim or not, and that the contractor should have judgment for the board rates, whether there was anything in his contract or in the equities of the case to entitle him to the board rates or not.

Mr. HENDERSON. What were these claims?

Mr. PITNEY. I will explain to the gentleman.

Mr. GROSVENOR. This is very interesting.

Mr. PITNEY. I have taken some pains to investigate this matter, because the auditor of the District comes and pleads with the Committee on Appropriations to grant this relief to the Treasury. The claims involved aggregate, with interest, $1,400,000.

Mr. TALBERT. If the amounts are due they ought to be paid.

Mr. PITNEY. There is not a particle of merit in any one of these claims. There is not one of them that is less than twenty-three years old; there is not one of them that has not already had its day in court; there is not one of them that has not been passed upon by an auditing board and by the Court of Claims, and a finding had upon it. The present proposition is to reopen those old claims.

Mr. HENDERSON. What kind of claims are they?

Mr. PITNEY. I will give the gentleman that information.

An act passed February 21, 1871, organized the District government, providing for a governor and a legislative assembly. Under that act we had a governor. Gentlemen may remember something of the history. Section 15 of that organic act prohibited the legislative assembly from granting or authorizing any extra compensation to any contractor over and above the terms of his written contract. By an act passed in 1874 the previous form of District government was abolished, and a government by commissioners was established. Subsequently the act of June 11, 1878—what is now known as the "organic act"—took the place of the act of 1874. Every one of these claims originated during the period between 1871 and the date of the passage of the act of 1874. During the interim there was under the then form of government what was known as a board of public works, to which was given control of the improvement of the city, with power to make contracts.

That board did make hundreds of contracts. They were in writing, and were signed by the parties who were to do the work. After the contracts were made, in many instances—in other instances, before the making of the contracts—the board placed on its minute book a resolution that 30 cents per cubic yard should be allowed for excavation, we will say, and $6.50 per cubic yard for the construction of mason work. Those were, in fact, two of the resolutions. But before the 30-cent rate was fixed some contractors had agreed to do certain work for 20 cents per cubic foot for excavation; and before the $6.50 rate had been fixed for building masonry, some contractors had agreed to do such work for $5 per cubic yard. Those claims are involved here.

Again, after those rates had been fixed—after the board had said that 30 cents was a fair price—and I will admit that for any work done without written agreement, without the measure of compensation being prescribed in the contract, that might be taken as a reasonable rate because it had been fixed by public resolution; yet, in the light of that announcement written on the minute book, that 30 cents per cubic yard was a fair rate, in the face of that resolution, contractors came and agreed to do the work for 20 cents—one-third less than the board rate. They entered into this agreement by reason of special circumstances connected with the character and convenience of the work, etc.

[Here the hammer fell.]

Mr. DOCKERY. I ask that the gentleman be allowed to proceed.

Mr. HENDERSON. I move to strike out the last word, and will yield my time to the gentleman from New Jersey [Mr. PITNEY].

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New Jersey be extended for five minutes.

Mr. SAYERS. We want to hear this whole explanation.

The CHAIRMAN. The Chair hears no objection.

Mr. PITNEY. Under the act of 1874—that is, under the new government—there was an auditing board established to audit these very claims, and that board proceeded to do the work. During the following six years they audited and adjusted hundreds of these claims, and the money was paid. Then, inasmuch as after the passage of the act of 1878 there were still large numbers of claims remaining unadjusted, Congress passed the act of 1880, of which, I believe, I have a copy here, but it is not necessary to read it. It conferred jurisdiction on the Court of Claims to examine claims against the District of Columbia arising out of contracts made by the board of public works or by the Commissioners; that is, by the board of public works from 1871 to 1874 and by the Commissioners subsequently to 1874, including these claims. The claims now in question all arose during the operations of the board of public works, are based on what is known as the "board rates," and originated prior to 1874.

Under the act of 1880, 398 suits were brought in cases where contracts had been made and on prices varying in amount, and in almost every case those suits were tried and adjudicated and disposed of.

Mr. HENDERSON. And the parties held to their contracts?

Mr. PITNEY. The parties were held to their contracts in some cases, but equitable considerations were allowed to intervene in others. The auditing board and the court itself gave potency to such considerations where they seemed just. In some cases judgments were rendered against the contractors; in some cases their claims were allowed, and in some cases counterclaims were set up on the part of the District for overpayment to contractors by reason of these advanced rates in violation of the law. For in many cases, in spite of the law prohibiting rates in excess of the contract price, the work had been paid for at board rates in express violation of the statute, and it was regarded by the court as a claim on the part of the District against the contractor; and the District was allowed to set this claim up in the hearings. Judgments for $382,000 principal and $161,000 interest were rendered, and were settled under the organic act by delivery to the judgment creditors of the 3.65 bonds.

Now, the act of 1895 was introduced for the purpose of providing for the reopening of these old claims against the District, and it conferred jurisdiction on the Court of Claims for that purpose. And I am not now finding fault with the Commissioners for recommending it in the original form.

Mr. SAYERS. May I ask the gentleman what committee reported the bill?

Mr. PITNEY. It was reported by the District Committee in the Senate.

Mr. NORTHWAY. Was that bill, as reported in the Senate, recommended by the Commissioners?

Mr. PITNEY. Not at all. They did not recommend that bill. The bill they did recommend is as different from this as day is from night. This is the original bill of the Senate.

It provides:

> That in the adjudication of claims heretofore brought under the provisions of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1880, no sum in excess of the sum named in the written contract allowed by the late board of public works or the late board of audit of said District, and paid to said claimants for work done or materials furnished for said District, at the rates established and allowed by said board of public works and known as "board rates," shall be pleaded or allowed as a set-off or counterclaim—

That is to say, that if he was paid the value that must be allowed—

> against any claim for work done or materials provided for said District, so far as the prices allowed and paid were reasonable, just, and equitable.

That was intended to allow the contractor the board rate if there were reasonable grounds for such allowance; but it does not compel the court to allow it when the man agreed for a different amount of compensation and accepted it.

> And in all cases where such set-off or counterclaim has been allowed against such claim, in cases heretofore brought as aforesaid, the claimant shall in such cases be entitled to a rehearing of his case: *Provided*, That a motion therefor shall be made within ninety days after the approval of this act, and no rehearing shall be had or granted upon any other point.

Now, the amendment struck out all of the bill after the enacting clause and put in this language:

> That in the adjudication of claims brought under the provisions of an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1880 (21 Statutes at Large, page 284), the Court of Claims shall allow the rates established and paid by the board of public works—

Whether reasonable or not, or whether equitable or not—

> and whenever said rates have not been allowed—

Whether claimed or not—and men did not always claim them—

> the claimant or his personal representative shall be entitled, on motion made within sixty days after the passage of this act, to a new trial of such cause.

That is, whether the claim was made or not, or whether the contractor demanded such allowance or not, this was construed to mean that they could have a retrial on the question of the board rates, and also on any and all other questions, however fully litigated and justly settled on the previous trial.

Mr. NORTHWAY. If that is a correct history of the situation—and I doubt not that it is absolutely correct, because the gentleman makes the statement—why did the Commissioners recommend what they did recommend?

Mr. PITNEY. The bill that the Commissioners recommended would not have done any damage, for it would have simply allowed the Court of Claims to make inquiry into the reasonableness of the compensation to be allowed to these contractors, and to grant them a rehearing on that point only.

Mr. NORTHWAY. They ought not to have done that.

Mr. PITNEY. Very well; but this is so much worse that the other is trifling in comparison. Now, let me give you some few samples: Here is the case of Peter P. Little, administrator of Michael Shiner. Shiner, on the 16th and 20th days of September, 1871, made two contracts in writing, by the terms of which he was to receive 20 cents per cubic yard for the grading of Eleventh street east from Pennsylvania avenue to H street north. By the contracts it was stipulated that the work should be commenced on or before the 21st and 25th days, respectively, of September, 1871. It was also provided that unless the work was suspended by order of the officers of the District it should be completed within ninety days from the date fixed for its commencement. There was a contract binding him to complete it at 20 cents per cubic yard before the 1st day of January, 1872. He was behindhand in the doing of the work, but he did it and accepted compensation at 20 cents per cubic yard. On the 8th of January, 1872, after the contract was made and after it ought to have been completed, the board of public works made the following order:

> "*Ordered*, That the prices of grading be fixed at 30 cents per cubic yard, including hauling, etc."

This order was not made until the month following the date fixed by the contract for the completion of the work.

Mr. HENDERSON. Did that refer to that particular contract?

Mr. PITNEY. No; it did not say so.

Mr. HENDERSON. It was general.

Mr. PITNEY. If there was any honesty in the resolution, it did not refer to that contract. It simply meant that where no other price was stipulated, where work was employed to be done at a reasonable price, this should be deemed a reasonable price. It was not on its face an abrogation of that contract.

Mr. HENDERSON. Is there any light on the reasons that led the board to this action?

Mr. PITNEY. Oh, the scandals were very great, I will say to the gentleman.

Mr. HENDERSON. Were any new requirements placed on the contractors or anything of that sort?

Mr. PITNEY. No new requirements whatever. The scandals were very great, and resulted in piling up $20,000,000 of indebtedness upon this District, and this was a part of the occasion of it.

Now, let me give you another instance. Here was a case where two contractors agreed to grade—and I hope the gentleman from Iowa [Mr. HENDERSON] will listen to this.

Mr. HENDERSON. I have heard enough to satisfy me.

Mr. PITNEY. A contractor agreed to do certain grading at 20 cents a cubic yard, including hauling. Thereafter, when a measurement was made, he was allowed payment at the rate of 30 cents per cubic yard, nothwithstanding his contract. He also was allowed for hauling away material, in addition to the price for grading, 15 cents a yard for 30,640 cubic yards of earth. He receipted for this amount in full on the 2d of June, 1873. Afterwards, when the board of public works had ceased to exist, on September 23, 1875, he presented to the board of audit a claim for additional compensation for depositing this earth in the canal. The board of audit were induced to allow him 15 cents per cubic yard for earth deposited in the canal, in addition to the price for hauling.

Now, I say that in law, in decency, and in equity the District of Columbia should set that up as a counterclaim against any other claim arising on the part of the same contractors, and the courts have so decided. This act that we are now proposing to repeal says that a man, although he never claimed it before, shall have a rehearing, and the court shall allow him the board rates, whether he ever claimed them or expected to get them or not, however fraudulent and however unlawful they may have been. Now, I could give you a dozen such instances, but this is a sample.

Mr. HENDERSON. That is enough.

Mr. PITNEY. This act went through in the closing hours of the Fifty-third Congress, under a total misapprehension on the part of my distinguished friend from Texas [Mr. SAYERS].

Mr. SAYERS. Not only a misapprehension but misinformation.

Mr. PITNEY. Which I attribute to a misapprehension on the part of the gentleman from Alabama who is absent, and I would not insinuate anything else.

Mr. TALBERT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. As I understand it, the gentleman from Missouri [Mr. DOCKERY] offered an amendment to a paragraph of this bill. The gentleman from Virginia [Mr. MEREDITH] raised the point of order that it was new legislation, and the Chair sustained that point of order, ruling it out, and yet, as I understand it, gentlemen are still discussing that amendment.

Mr. SAYERS. It is by unanimous consent.

The CHAIRMAN. The gentleman from New Jersey is discussing a motion to strike out the last word.

Mr. TALBERT. I did not understand that. I thought he was still discussing the amendment of the gentleman from Missouri [Mr. DOCKERY].

Mr. PITNEY. Now, I will close by saying that these claims now pending are claims in which the law compels the court to allow a certain measure of compensation, although the contractor deliberately agreed to take a less compensation, and got his contract at a lower rate and accepted payment on that basis. It gives a rehearing upon the whole case, although other points may have been and were adjudicated contrary to the contractor, after a full and fair hearing. It gives him the board rates, whether he ever claimed them or not. It involves claims aggregating at the present time, with interest, $1,400,000, every one of which claims arose before 1874, and every one of which has been heretofore heard and determined in an equitable jurisdiction.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments House concurrent resolution relative to printing and binding 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant, etc.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee again resumed its session.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word, in order that I may say a word upon this amendment, for I raised the point of order. In raising it I did so not because I felt any particular interest in the matter myself, but because of the fact that the gentleman from Virginia had a moment ago stated to me he would raise the point of order, and his attention not being called at the time, I raised the point of order for him.

Mr. Chairman, if this law which the amendment of the gentleman from Missouri [Mr. DOCKERY] proposes to repeal is so exceedingly objectionable, offensive, and improper as we would be led to believe by the remarks of the gentlemen, members of the Appropriations Committee, who have preceded me, it seems to me the attention of the Committee on the District of Columbia, which has jurisdiction and charge of a repealing measure, should have been called to it. There has been no bill introduced, so far as I am at present informed, during this Congress, or at any time since it was ascertained that this law was so offensive, to repeal it; and if the officers of the District government have gone before the Committee on Appropriations and made their complaints against this law, they simply went to the wrong place, because under the rules of the House the Committee on Appropriations can not originate provisions repealing this law, and they should have gone to the District Committee.

Mr. PITNEY. If the gentleman will permit me to interrupt him, it was stated before us, on the part of the Commissioners of the District of Columbia, that a recommendation and request was sent a considerable time ago to the Committee on the District of Columbia of the House and to the Committee on the District of Columbia of the Senate concerning this bill, and that no action or suggestion of any action has been taken by them during this session.

Mr. RICHARDSON. In reply to the gentleman, I will say that it is not customary for simple recommendations to be sent by the District Commissioners to the District Committee. When they desire to call the attention of the committee to any matter, they prepare a bill and send it to the committee, or some member of the House, and it is introduced and then referred to the District Committee.

Mr. PITNEY. I give the gentleman notice that I will this evening or to-morrow introduce such a bill and call his particular attention to it.

Mr. RICHARDSON. I am very much obliged to the gentleman, but I inform him that he need not call my special attention to it. I imagine when the bill is introduced it will receive proper attention. The Commissioners, and no other person representing the District government, so far as I am informed, has been before the Committee on the District of Columbia in connection with this law. A great many bills are introduced and referred to the committee that are never fully considered by the committee, as we all know. The District Committee, however, has not ignored any bill repealing the law complained of. They have not acted adversely on any such bill, nor considered any such bill during the present session of Congress that I know of. I want to say, Mr. Chairman, that I do not think it is proper under our rules to have a motion made here, as this is now, to repeal a section of law of the Revised Statutes, or the Statutes at Large in this case, without having it considered by some committee of this House. This is an unsafe way to legislate, and is forbidden by the rules, and it will result, if we follow it up, in as much unwisdom as it seems that we were guilty of in the enactment of the law which we did pass. It is in the interest of good order and sound legislation that I insist that the repealing measure should be referred to the proper committee and be properly considered.

Mr. SAYERS. I will ask the gentleman if this bill which was passed was not reported favorably by the Committee on the District of Columbia?

Mr. RICHARDSON. Why, I take it that the point the gentleman makes is true, and that it was reported by the gentleman from Alabama, Mr. Cobb, who was a very careful legislator, as we all know, an able lawyer, and a conscientious member of the District Committee and of this House.

Mr. SAYERS. Certainly.

Mr. RICHARDSON. And if a mistake was made, the proper way to correct it would be to have a bill introduced and have it properly referred to the District Committee, have it considered and acted upon first in committee, and then here. We have no difficulty in getting measures from the Committee on the District of Columbia considered in this Congress. We have a day every two weeks, and up to this time this House has been exceedingly generous and kind to the District Committee. We have been able to have all our measures considered, if not passed. I speak for the Committee on the District of Columbia in saying that they endeavor to pay attention to all bills that are introduced and referred to that committee; and if any member of this House will introduce a bill repealing this law we will give the subject full and fair consideration.

I do not know whether all the facts have been stated by gentlemen of the Appropriations Committee who have spoken. We all know this, Mr. Chairman, that there is an effort by them to cut down appropriations. That may be commendable, to save a dollar. We all know that the members of the Committee on Appropriations are exceedingly zealous to see that side of the question, and they do not always see the other side, as suggested by my friend from Virginia [Mr. MEREDITH]. It seems to me that the best way would be to have this bill considered by the District Committee, where both sides can be heard; and if this law should be repealed, I have no doubt the District Committee will report the repealing bill, and next Monday it can be considered, and if the law is objectionable, as it is stated to be, it can be gotten rid of.

Mr. DOCKERY. Mr. Chairman, I desire to say a word. It is only within the last two or three days that this matter was brought to my attention. I examined it, in connection with the gentleman from New Jersey [Mr. PITNEY], and determined, to my own satisfaction at least, that there was no reason why the law should not be repealed; but, on the contrary, every reason why it should be repealed forthwith. After reaching that judgment, the accomplished clerk of the House Committee on Appropriations prepared, at my request, an amendment which I have offered. That amendment has gone out on a point of order, and we will try to find some other way to reach the question, so that the House shall have an opportunity to vote upon it at an early day.

Mr. SAYERS. They will be a long time getting their money.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. PAYNE, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill H. R. 10167, the District of Columbia appropriation bill, and had come to no resolution thereon.

COUNTING THE ELECTORAL VOTE.

Mr. HENDERSON. Mr. Chairman, I rise to present a privileged report from the Committee on Rules.

The report was read, as follows:

Resolved, That on Wednesday, February 10, the whole of the gallery, except that which is designated as Executive, diplomatic, and reporters' galleries, and two sections of the east end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and their visitors.

The Doorkeeper shall strictly enforce this order.

The Speaker shall issue to each Senator, Member of the House of Representatives, and Delegate two cards of admission, and only persons holding these cards shall be admitted.

Mr. HENDERSON. I ask for the previous question on the resolution.

The previous question was ordered, and the resolution was adopted.

Mr. HENDERSON. I also present another privileged report, which I send to the desk.

I demand the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. HENDERSON. I reserve my time, Mr. Speaker.

The report was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. GROSVENOR. Mr. Speaker, the election of President and Vice-President of the United States is always, in this Republic, under all circumstances, a matter of momentous consequence and importance to the people and to the perpetuity of the Government itself. Never in time of peace, perhaps, has a question arisen along the line of our historical pathway that has made more unpleasant feeling in the minds of American citizens than did the controversy that grew out of the unfortunate complication in the electoral count of 1876–77. It has not been very important, however, hitherto that some gentleman or some set of gentlemen have raised doubts as to how certain States of the Union may have actually voted. Going back in the history of our country, I find that it was claimed by a most distinguished editor, as long ago as 1844, that certain States of the Union voted one way and were certified the other; but most of the talk of that character has grown out of exceptional facts and circumstances, has been attributed largely to partisan zeal in the midst of partisan conflict, and has ultimately passed away.

I hold in my hand, however, a document published by very high authority, a document known as Senate Document No. 56, in which it is claimed, and purports to be shown with whatever force is given to the showing by the publication of this document by the Senate of the United States, that at the last election, in sixteen States of this Union, a vast body of illegal voters were admitted to the polls and a vast amount of illegal voting took place, enough to have changed the entire result of the election. I have looked into this subject-matter very carefully and have had prepared by a most capable gentleman certain tables which I have here and the contents of which I desire to state to the House in a very few words. There is not a partisan suggestion in them. There is simply a review of the votes given by every State in the Union as compared with the census returns of men above voting age in 1890.

I have taken a great deal of pains with these tables—I say "I," but the work has been accomplished in large part by more skillful hands than mine. I have gone into a complete analysis of the votes cast in the several States, only four of which cast more votes than there were men of voting age in 1890. I may say that there were four States of the Union—Iowa, West Virginia, Indiana, and Illinois.

A MEMBER. Ohio.

Mr. GROSVENOR. Not at all. Iowa, West Virginia, Indiana, and Illinois. Ohio did not vote within 5,000 of her voting strength, as returned by the census of 1890. I do not care to be led aside in that way.

Mr. MEREDITH. Will the gentleman allow me one question?

Mr. GROSVENOR. Yes, sir.

Mr. MEREDITH. I suppose the object of the gentleman is that the minds of those who are to witness the Presidential count may be prepared for the result.

Mr. GROSVENOR. I am placing in enduring form (if I can have the opportunity) a complete showing of the vote of the country, upon a nonpartisan basis, as given to each of the candidates for President, as given by the agricultural States, as given by the manufacturing States, and as given by the New England States. And I pledge my word that there is nothing here——

Mr. MEREDITH. Does it go into the question of the money expended?

Mr. GROSVENOR. That would be partisan. [Laughter.]

Mr. Speaker, I ask unanimous consent that upon my statement that these documents contain no reflection upon any party or any party management or any candidate I may be permitted to publish with my remarks these tables and statements.

The SPEAKER. The gentleman asks unanimous consent to publish certain tables with his remarks. Is there objection?

Mr. PERKINS. I should like to ask whether these documents will occupy more pages of the CONGRESSIONAL RECORD than those figures which were submitted the other day?

Mr. GROSVENOR. Oh, no; they do not amount to one-fourth or one-tenth part as much, so far as the figures go.

Mr. PERKINS. I do not propose to object.

Mr. TERRY. We had the RECORD almost filled the other day with statistics of this kind.

Mr. GROSVENOR. Those related only to the vote of a single State that had been specially assailed.

Mr. RICHARDSON. If the gentleman will accept a suggestion, I suggest that instead of his printing these figures as a part of his remarks—to which I shall not object—they be printed as a document. The document to which he referred in his opening remarks is a document of the Senate. If it is desired that these figures be preserved in permanent form, so as to be valuable for reference, the object will be much better accomplished by printing them in document form than by simply printing them in the RECORD.

Mr. GROSVENOR. I should have no objection to printing these figures in the form suggested, but certainly if they are valuable—and I would have no hesitation in submitting that question to the judgment of the gentleman from Tennessee himself——

Mr. RICHARDSON. I accept the gentleman's statement on that point.

Mr. GROSVENOR. They will be much more accessible to the general public in the CONGRESSIONAL RECORD than in a document, which will be laid away in the document room.

Mr. RICHARDSON. I question that very much. I think they will be more accessible as a document, because they can then be put on file and can be had at any time. In my opinion, the RECORD would be about as good a place to hide them as any that could be found.

Mr. GROSVENOR. If after the matter appears in print the gentleman should find that it ought not to be hidden in the RECORD, he can then make a motion to print it in document form.

Mr. TERRY. I think it ought to accompany Agricultural Bulletin No. 3. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. MAGUIRE. I do not care to object. If this document has actually been prepared by the gentleman from Ohio, and is really nonpartisan, I think it should be printed wherever the gentleman asks to have it printed. [Laughter.]

The SPEAKER. The Chair hears no objection; and the request of the gentleman from Ohio is granted.

Mr. GROSVENOR. I am indebted for the tables and comparisons which will follow to Mr. O. P. Austin, a newspaper man of remarkable ability in the line of investigation and compilation such as follows.

The Senate document is as follows:

	Vote returned.	Maximum legitimate vote.	Fraudulent excess.	For McKinley.	For Bryan.	Majority.	Harrison.	Cleveland and Weaver.
Uncontested sure States.								
Massachusetts	401,968	418,000	....	278,796	105,711	173,085	202,814	180,017
New York	1,423,219	1,500,000	....	819,838	651,369	268,469	609,459	671,450
New Jersey	371,014	377,200	....	221,367	133,075	87,692	156,068	172,011
Pennsylvania	1,188,354	1,094,400	94,000	728,300	427,127	301,172	516,011	460,978
Virginia	294,653	315,000	....	135,294	154,785	19,491	113,256	176,251
Arkansas	147,615	216,000	....	37,512	110,103	72,600	46,974	98,665
Uncontested doubtful States.								
Nebraska	223,267	223,500	....	102,564	115,624	13,060	87,213	108,077
Kansas	331,911	350,000	....	158,541	171,810	13,269	157,241	163,111
Washington	92,435	98,400	....	39,153	51,646	12,493	36,460	46,898
Successes of Mark Hanna.								
Maryland	240,866	232,152	8,700	136,978	104,745	32,231	92,736	114,068
West Virginia	198,221	189,875	8,300	104,414	92,927	11,467	80,293	88,633
Ohio	1,011,576	920,000	94,500	527,945	478,547	49,400	406,187	418,987
Michigan	544,278	514,528	29,700	293,327	237,251	56,076	222,708	222,088
Indiana	637,284	597,600	39,700	323,719	305,771	17,948	255,615	284,948
Illinois	1,091,166	954,000	137,000	607,130	466,708	140,427	399,288	448,487
Kentucky	445,934	402,600	43,300	218,171	217,890	281	135,441	198,961
Iowa	521,551	444,000	77,500	289,293	223,741	74,552	219,688	216,871
Wisconsin	448,106	416,650	81,400	269,135	185,528	104,607	187,244	170,791
Minnesota	341,590	328,400	12,100	193,501	139,626	53,875	122,736	100,977
Oregon	96,848	89,600	7,200	48,711	46,739	1,972	35,002	41,308
California	294,000	272,000	22,000	146,588	144,776	1,812	118,174	143,485
Failures of Mark Hanna.								
Tennessee	321,999	291,600	30,400	148,774	168,176	20,000	99,973	160,100
Missouri	674,726	633,600	41,100	304,940	363,652	58,712	226,824	309,224
Texas	540,000	493,800	46,100	164,886	368,299	203,413	74,475	338,836

The figures, it will be seen, amount to a charge made in an official document that there was a "fraudulent excess" of votes in the States of Pennsylvania, Maryland, West Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, Iowa, Wisconsin, Minnesota, Oregon, California, Tennessee, Missouri, and Texas in the recent election, aggregating about 750,000 votes. From whence came the alleged facts? I do not know. I do not believe that any Senator has given the sanction of his own statement to this compilation, but it is interesting, in view of this official publication and the legitimate inference that might be drawn therefrom, to examine the figures with some care. The States in which the charges are made that there was "fraudulent excess" of votes cast, and the excess of votes in each case, are as follows:

Pennsylvania	94,000	Iowa	77,500
Maryland	8,700	Wisconsin	81,400
West Virginia	8,300	Minnesota	12,100
Ohio	94,500	Oregon	7,200
Michigan	29,700	California	22,000
Indiana	39,700	Tennessee	30,400
Illinois	137,000	Missouri	41,100
Kentucky	43,300	Texas	46,100

Let us see how this will bear scrutiny and investigation. The United States census of the year 1890 gives the total number of males in each State above 21 years of age, or, as it is usually called, the voting age. It is reasonable to assume that in every one of these States there has been a very considerable increase in population, and consequently in the voting population, in the six years since the census was taken. Take Pennsylvania, for instance. Her population increased 22.77 per cent in the decade from 1880 to 1890, and it is reasonable to assume that it increased 15 per cent from June, 1890, to November, 1896, and that the voting population would increase in about the same proportion. Pennsylvania's voting population according to the census was in 1890, 1,461,869. The actual vote of the State in 1896 was 1,188,354. Thus it will be observed that the vote of 1896 was 273,515 below the number of males above 21 years of age in the State in 1890. If the population of Pennsylvania has increased since 1890 at the rate which it increased between 1880 and 1890, the male population above 21 years of age in November, 1896, must have been 1,680,000, or practically a half million greater than the number of votes actually cast. Yet this official statement charges that the vote which amounted to 1,188,354 was 94,000 in "fraudulent excess."

Take the State of Maryland as another instance. The vote cast according to the official document was 240,866. The total number of males of voting age in Maryland in 1890 was 270,738, or 30,000 greater than the number of votes cast in 1896; yet the charge is made that there was a "fraudulent excess" of votes amounting to 8,700.

In Ohio the charge is that the "fraudulent excess" of votes was 94,500. Let us see. Ohio, according to these figures, gave 1,011,576 votes. There were in Ohio, in 1890, according to the census, 1,016,464 males of voting age, or more than 5,000 in excess of the number of votes cast in 1896. Ohio increased her population 11.83 per cent in the decade from 1880 to 1890, and it is reasonable to assume that, with the great prosperity which has attended her development of manufactories in the natural-gas region in the past few years, the increase of population from 1890 to 1896 has been, at a very low estimate, 10 per cent, which would bring the male population of 21 years and upward to 1,117,000, or 105,000 in excess of the number of votes cast.

In Indiana and Illinois the total number of votes cast in 1896 slightly exceeds the total number of males above 21 years of age shown by the census of 1890 in those States. In Illinois the excess of votes in 1896 above these of voting age in 1890 in that State is less than 19,000. Illinois gained in population in the decade from 1880 to 1890 21.32 per cent. In view of the great number of people drawn to Chicago during the World's Fair period, many of whom remained there, it is reasonable to suppose that the rate of gain since 1890 has been quite as rapid and that the increase of population and in the number of persons of voting age is fully 16 per cent. This would bring the number of males of voting age in the State up to 1,243,000, or 232,000 in excess of the number of votes actually cast. In Indiana the increase of population has been much more rapid, probably, than in Illinois, because of the wonderful development of the natural gas region of that State, where industries have been extremely active and prosperous even while there was depression and absolute inactivity in nearly all other parts of the country. The total male population of Indiana above 21 years of age in 1890 was 595,066, but with the phenomenal growth of population which it has had since that time it has probably increased 100,000, so that there is every reason to believe that the total number of voters in the State was in 1896 nearly or quite 700,000, while the total number of votes cast was only 637,284.

It is unnecessary to pursue in detail the investigation of the relation of the votes cast to the voting population in all the States charged with a "fraudulent excess" of votes in this official paper. The following table gives the number of males of voting age in each of the States in question in 1890, and beside it the number of votes cast in 1896. When it is remembered that the natural growth of population in these States in the six years since the census of 1890 is from 10 to 15 per cent, it will be seen that in no case was the vote actually cast in 1896 nearly as large as the number of males over the age of 21 years which must have been in these States on November 3, 1896.

Table showing the number of males of voting age in 1890 and the number of votes cast in 1896.

State.	Males above 21 years of age in 1890.	Votes cast in 1896.
Pennsylvania	1,461,869	1,188,354
Maryland	270,738	240,856
West Virginia	181,901	198,221
Ohio	1,016,464	1,011,576
Michigan	617,455	544,278
Indiana	595,066	637,284
Illinois	1,072,663	1,091,193
Kentucky	450,792	445,931
Iowa	530,762	521,551
Wisconsin	461,722	448,106
Minnesota	376,152	341,529
Oregon	111,744	98,846
California	462,289	291,000
Tennessee	402,476	321,996
Missouri	755,718	674,123
Texas	535,942	540,000

The student of the above table should bear in mind constantly that it is entirely proper to add from 10 to 15 per cent to the figures of the first column in order to obtain approximately the number of male persons of voting age in the States in question at the time of the vote on November 3, 1896.

There is another way of looking at it. Apparently the assumption is made that the number of votes to which each State is entitled is based in some way upon the number of votes cast in 1892, for in this table of charges the figures of the election of 1892 are included and compared with those of 1896. But if you take the trouble to examine the figures of the Presidential elections during the past twenty years, you will find that the vote of 1892 was the lightest, in proportion to the population, that has been cast in a Presidential election for many years—perhaps the lightest at any time since the close of the war.

Certainly the percentage of gain in the total vote in 1892 over the preceding Presidential election is lighter than has been the case in any Presidential election since 1872. The following table gives the number of votes cast in each Presidential election since 1868, the increase in the number of votes, and the percentage of increase.

Table showing the total vote cast in each Presidential election since 1868, the gain in the number of votes in each election, and the percentage of gain in the number of votes cast.

Year.	Total vote cast.	Gain over preceding Presidential election.	Per cent of gain.
1872	6,466,165	741,679	12.9
1876	8,412,733	1,946,568	30.1
1880	9,209,406	796,673	9.4
1884	10,044,985	835,579	9.1
1888	11,380,860	1,335,875	13.3
1892	12,059,351	678,491	5.9
1896	13,951,283	1,891,932	15.6

It will be seen by a study of the above table that the vote of 1892 was an unusually light one, being a gain of but 5.9 per cent over that of the preceding Presidential election. This is the lowest gain made at any time in the quarter of a century which this table covers. The vote of 1892 was evidently the lightest, in proportion to the voting population, that has been given within the period in question.

It would not be surprising, therefore, if the increase in 1896, compared with 1892, should be an unusually large one, especially in view of the fact that the interest in the election was more intense than was perhaps ever felt before, at least in the memory of the present generation. An examination of the percentage column, however, will show that the actual increase over 1892 was only 15.6 per cent, while in 1876 the increase over the preceding Presidential election was 30.1 per cent, and the increase in 1888 over that in 1884 was 13.3 per cent—nearly as much as 1896, on which occasion the interest in the campaign was unusually great and the efforts to rally every vote by both sides were exceptional. A study of this table will show to those who examine it that it can not be successfully charged that the total vote of the nation in 1896 was excessive or out of proportion in its increase, especially when it is remembered that the vote of 1892 was unusually light, and that the percentage of gain is estimated upon that light vote.

In order to give, however, those who assume an excessive vote in certain States the full advantage of every fact, let us examine the votes in the States of which complaint is made and compare them with the vote of 1892, confessedly a light vote. Pennsylvania increased her vote in 1896, 18.4 per cent as compared with the vote of 1892, and it is said that there was a "fraudulent excess" of 91,600 in Pennsylvania's vote. No complaint, however, is made of the fact that the State of Montana, which was as earnest for the free coinage of silver as was Pennsylvania against it, increased her vote 21.9 per cent

Indiana increased her vote 14.7 per cent in 1896 as compared with 1892, yet no complaint is made of the fact that South Dakota increased her vote 17.1 per cent, nor does this document refer to the fact that Indiana in the election of 1876, when she went Democratic, increased her vote 26.3 per cent. Iowa increased her vote 17.6 per cent, and it is charged that 77,500 "fraudulent excess" of votes were cast, but no comment is made of the fact that North Carolina increased her vote 17.8 per cent, nor is reference made to the fact that Iowa in 1876 increased her vote 35 per cent.

California increased her vote 9.1 per cent in 1896 as compared with 1892, and the charge is made that 22,000 "fraudulent excess" of votes were cast; but no reference is made to the fact that the State of Nebraska increased her vote 11.1 per cent in the same election.

Maryland increased her vote 12.9 per cent in 1896 as compared with 1892, and although the charge is made that a "fraudulent excess" of 8,700 votes was cast, no objection is made to the fact that ten States giving their votes to the Populist-Democratic candidate increased their votes in a much greater ratio than did Maryland, nor is the fact referred to that Maryland herself in 1888, when she went Democratic, gained 15.5 per cent over her own Presidential vote in the preceding election.

Ohio, of which complaint is made as casting 94,500 "fraudulent excess" of votes, increased her vote 19.1 per cent in 1896 over 1892; yet the fact is contemplated with entire calmness that Wyoming, a State as ardently for the free coinage of silver as was Ohio against it, increased her vote 25.8 per cent in the same election.

It is also said that Minnesota cast 12,100 "fraudulent excess" of votes in the election of 1896, but no attention is called to the fact that Minnesota's vote in 1896 was actually 8.9 per cent less than her own vote in the Presidential election of 1892. Her vote in 1892 was 374,807, and that of 1896 341,529, a falling off of 33,000 votes; but as 107,000 of the votes of 1892 were cast by the Union Labor party, which afterwards merged with the Populists, no complaint is made of the vote of 1892, which was a gain of 42.1 per cent over that of 1888, while the 1888 vote was a gain of 38.4 per cent over that of 1882.

Illinois increased her vote in 1896 24.9 per cent over 1892, and the charge is made of a "fraudulent excess" of votes amounting to 137,000. Yet no complaint is made over the fact that Mississippi increased her vote 31.9 per cent, or that Florida increased her vote 30.5 per cent in 1896, as compared with 1892, nor the fact that Illinois also gained 25.8 per cent in 1876. The highest percentage of gain of any State in which these charges are made of "fraudulent excess" of votes was in Kentucky, where the gain was 31.1 per cent as compared with 1892, and the "fraudulent excess" charged is 43,800. But no one offers any objection whatever to the fact that Idaho increased her vote in 1896 52.5 per cent as compared with 1892, nor do we hear that Kentucky herself gained 36.1 per cent in the year 1876 and 24.7 per cent in 1888, and also it is not stated that Nebraska gained 50.7 per cent in 1888.

It may be interesting to see some of these figures side by side, as follows:

Table showing the percentage of gain in 1896, compared with 1892, in votes cast in Presidential election.

State.	Republican gain.	State.	Democratic gain.
	Per cent.		*Per cent.*
California	9.1	Nebraska	11.1
Maryland	12.9	South Dakota	17.1
Indiana	14.7	North Carolina	17.8
West Virginia	16.3	Tennessee	20.2
Iowa	17.6	Montana	21.9
Michigan	18.8	Wyoming	25.8
Ohio	19.1	Missouri	24.8
Wisconsin	20.4	Florida	30.5
Illinois	24.9	Mississippi	31.9
Kentucky	30.1	Idaho	52.5

It will be seen by the above table that if Congress were to enter upon an investigation of the vote in the recent election, it would be well enough for it to inquire into the Democratic States as well as those which gave their electoral votes to McKinley, since in many of them the increase over the last preceding election was very much greater than was the gain in the Republican States in which fraud is charged.

The following tables, prepared with great care, show the percentage of the total vote given to the Republican candidate in each of the last four national elections. By this term is meant the election for President in a Presidential year and members of Congress in the other years named. They will repay a careful study by every student of the political questions of the day and of the disposition of the American voters with reference to the great questions now before them. In the first table is given a full list of the States, alphabetically arranged, showing the percentage of the total vote given to Republican candidates in each of the national elections since and including 1890. In the tables which follow, the States are grouped according to the occupation of their people and their geographical location, the same figures as to percentage of total votes given to Republican candidates being presented.

It is also to be observed that in the footnotes accompanying each table the "percentage of the total vote cast" is given; also the "average number of votes for each elector" and the "percentage of electors for McKinley." It is proper to explain that the term "total vote" relates to the total number of persons above 21 years of age shown by the census of 1890; also that the term "average number of votes for each elector" is intended to draw attention to the fact that in certain sections of the country a much larger number of votes is required to obtain an elector than in other sections. For instance, in the agricultural States there is an average of but 1 elector for 36,371 votes cast, while in the mining States 1 elector is obtained for each 19,741 votes cast. The term "percentage of electors for McKinley" is intended to show the proportion of the total number of electors of each section which was given to the Republican candidate. It will be observed that the agricultural States gave 78 per cent of their electors to McKinley; that the border Southern States gave 100 of their electoral votes to McKinley, and that the manufacturing States also gave all of their electors to the Republican candidate. It is also interesting to observe that in the agricultural and border Southern States, owing to the intense interest felt in the campaign, 95 per cent of the total male population above 21 years of age, as shown in 1890, voted; that in the manufacturing States, where Republican success was practically assured, the vote was but 76 per cent; that in the extreme Southern States, where Democratic success was certain, the vote was but 65 per cent, and in the mining States, where the Democratic ticket was clearly certain of election, the vote was but 64 per cent.

Table showing the percentage of the total vote in each State given to the Republican candidates in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Alabama	30	4	2	28	Nebraska	34	43	49	46
Arkansas	38	31	19	25	Nevada	55	26	27	19
California	51	43	41	49	New Hampshire	48	51	57	69
Colorado	51	41	50	14	New Jersey	45	46	55	59
Connecticut	47	47	55	63	New York	40	45	55	57
Delaware	49	48	51	51	North Carolina	41	36	25	47
Florida	33	.....	.....	24	North Dakota	58	48	55	55
Georgia	19	21	.....	37	Ohio	49	47	54	53
Idaho	56	44	43	21	Oregon	55	45	47	50
Illinois	46	45	52	56	Pennsylvania	51	51	61	61
Indiana	46	46	51	51	Rhode Island	45	50	58	68
Iowa	47	49	55	55	South Carolina	19	19	22	13
Kansas	42	48	51	48	South Dakota	44	49	52	48
Kentucky	27	39	45	49	Tennessee	41	37	38	46
Louisiana	17	.....	19	21	Texas	18	19	13	30
Maine	56	54	64	68	Utah	.....	33	51	17
Maryland	43	43	44	54	Virginia	33	38	41	46
Massachusetts	47	51	58	69	Vermont	68	68	76	80
Michigan	45	49	57	56	Washington	53	41	46	42
Minnesota	41	32	53	56	West Virginia	46	46	53	52
Mississippi	22	3	1	8	Wisconsin	42	45	54	60
Missouri	42	42	46	45	Wyoming	50	51	52	48
Montana	49	43	47	19					

Table showing the percentage of the total vote given to the Republican candidates in each of the agricultural States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
California	51	43	41	49	Missouri	42	42	46	45
Illinois	46	45	52	56	Nebraska	34	43	49	46
Indiana	46	46	51	52	North Dakota	58	46	55	55
Iowa	47	49	55	55	Ohio	49	47	54	53
Kansas	42	48	51	48	Oregon	55	45	47	50
Michigan	45	49	57	56	South Dakota	44	49	52	48
Minnesota	41	32	53	56	Wisconsin	42	45	54	60

Total voting population in 1890*	6,787,738
Total vote in 1896	6,437,684
Percentage of total vote cast	95
Average number of votes for each elector	36,371
Percentage of electors for McKinley	78

Table showing the percentage of the total vote given to the Republican candidates in each of the manufacturing States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Connecticut	47	47	55	63	New York	40	45	55	58
Maine	56	54	64	68	Pennsylvania	51	51	61	61
Massachusetts	47	51	68	69	Rhode Island	45	50	58	67
New Hampshire	46	51	67	68	Vermont	68	68	76	80
New Jersey	45	46	55	59					

Total voting population 1890*	5,055,229
Total vote 1896	3,841,199
Percentage of total vote cast	76
Average number of votes for each elector	32,850
Percentage of electors for McKinley	100

Table showing the percentage of the total vote given to the Republican candidates in each of the border Southern States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Delaware	49	48	51	54	West Virginia	46	46	53	53
Maryland	43	43	44	54	Kentucky	27	30	45	49

Total voting population 1890*	959,489
Total vote 1896	911,460
Percentage of total vote cast	95
Average number of votes for each elector	30,381
Percentage of electors for McKinley	100

*These figures compare the vote of 1896 with the census figures of 1890, showing the number of males above 21 years of age.

Table showing the percentage of the total vote given to the Republican candidates in each of the extreme Southern States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Alabama	30	4	2	27	North Carolina	41	36	25	46
Arkansas	38	21	19	25	South Carolina	19	19	22	13
Florida	38	.....	.....	24	Texas	18	19	13	33
Georgia	19	21	.....	37	Tennessee	41	37	38	46
Louisiana	17	.....	19	22	Virginia	33	38	41	46
Mississippi	22	3	1	7					

These States contain three-fourths of the colored voters of the United States.

Total voting population 1890*	3,480,775
Total vote 1896	2,253,578
Percentage of total vote cast	65
Average number of votes for each elector	20,121
Percentage of electors for McKinley	0

Table showing the percentage of the total vote given to the Republican candidates in each of the mining States in each national election since and including 1890.

States.	1890.	1892.	1894.	1896.	States.	1890	1892	1894	1896.
Colorado	51	54	50	13	Utah		33	51	16
Idaho	56	44	43	27	Washington	53	41	46	42
Montana	49	43	47	19	Wyoming	50	51	42	41
Nevada	55	26	27	18					

Total voting population 1890*	769,241
Total vote 1896	454,620
Percentage of total vote cast	64
Average number of votes for each elector	19,741
Percentage of electors for McKinley	0

*These figures compare the vote of 1896 with the census figures of 1890, showing the number of males above 21 years of age.

Table showing by industrial and geographical groups the percentage of electors given to McKinley, the percentage of voters who voted, and the average number of voters (of all parties) represented by an elector.*

Groups.	Percentage of electors for McKinley.	Percentage of total votes cast.	Average number of votes for each elector.
Agricultural States	78	66	30,371
Manufacturing States	100	76	32,830
Border Southern States	100	95	30,381
Extreme Southern States	0	65	20,191
Mining States	0	64	19,741

Table grouping the States giving their electoral votes to McKinley and Bryan, respectively, and showing the average number of inhabitants (of all parties) represented by each electoral vote.

	Number of States.	Population of group in 1890.	Electors chosen.	Population represented by an elector.
McKinley States	23	39,624,035	271	146,214
Bryan States	22	22,492,776	176	127,799

A careful perusal of the foregoing statement will satisfy the mind of any loyal American who loves his country and is jealous of her name that the election of 1896 was a fair election, honestly conducted, and properly reported.

Mr. HENDERSON. I now demand a vote.

The question being taken on the adoption of the resolution, it was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. VILAS, and Mr. LINDSAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3318) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers;

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States;

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894;

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas;

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army; and

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called was taken from the Speaker's table and referred to the Committee on Ways and Means.

INAUGURAL CEREMONIES.

Mr. RICHARDSON. Mr. Speaker, House resolution No. 214 was referred this morning with the amendments of the Senate to the Committee on the District of Columbia. The members of that committee have examined the amendments and think that the resolution as amended by the Senate ought to pass.

The Clerk proceeded to read the following joint resolution:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1897, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable overhead conductors, with sufficient supports, wherever necessary, and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after March 6, 1897, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1897: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further*, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

SEC. 3. That $8,250, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 9th of March, 1897, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and fixing fares by public conveyances during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

SEC. 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc. (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service; such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use.

SEC. 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company to extend overhead wires into the Pension Building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1897.

Mr. RICHARDSON (before the reading was concluded). The resolution, with the amendments of the Senate, was read this morning; and unless it is particularly desired, I presume there is no necessity for a rereading.

The resolution and the amendments refer simply to arrangements for the inaugural ceremonies—the policing of the city and the preservation of life and property during the eight or ten days preceding and following those ceremonies. Provision is also made for lighting the Pension Office during the night of the inaugural ball, also for the construction of certain stands on public reservations. All the arrangements are to be under the direction and supervision of the District Commissioners. I think the resolution as amended ought to pass. We are assured by gentlemen in charge of the inaugural ceremonies that there is very great necessity for its passage at once, inasmuch as contracts are being suspended until legislation of this character can be had.

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. HARTMAN. Does this resolution provide for a separate stand for the convenience of Senators and Representatives and their families?

Mr. RICHARDSON. No, sir; it provides that these stands are to be constructed under the direction of the District Commissioners, but it does not provide for any use of them by Members or Senators.

Mr. HARTMAN. Is there any provision for a separate stand for Senators and Representatives?

Mr. RICHARDSON. None that I know of.

Mr. HARTMAN. Would the gentleman be willing to accept an amendment to that effect?

Mr. RICHARDSON. Well, we could not very well amend this bill now. There may be a separate resolution introduced for that purpose, if the gentleman desires it.

Mr. HARTMAN. I would not like to interfere with the passage of this resolution, but would be glad if this appropriation were made for the erection of a stand for the convenience of Senators and Representatives.

Mr. RICHARDSON. If the gentleman will introduce a resolution, the committee will give it careful consideration and make prompt report upon it. But this being a House resolution with Senate amendments, my motion is to concur in the Senate amendments.

Mr. HEPBURN. I would like to ask if there is a provision in the resolution that interferes in any way with or disturbs the present controversy between the electric-light companies?

Mr. RICHARDSON. None whatever.

Mr. HEPBURN. Nothing that bears on that question?

Mr. RICHARDSON. No, sir; nothing for either company. And it provides that this work shall be taken down and removed within ten days after the inauguration.

Mr. DOCKERY. I was about to make the suggestion, in response to the inquiry of the gentleman, that this resolution provides, as he will find, that for this purpose the construction of any additional underground conduits is expressly prohibited.

Mr. HEPBURN. Then there is no provision that affects or touches this controversy?

Mr. RICHARDSON. No, sir; none whatever. I submitted it to the gentleman from New Jersey [Mr. PITNEY] and have read it carefully myself, and am sure there is no such provision in it.

The SPEAKER. Is there objection to the present consideration of the Senate amendments?

There being no objection, the Senate amendments were considered, and agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS SULPHUR RIVER.

Mr. HEPBURN. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment, and agree to the bill as passed the Senate.

W. P. HEPBURN,
ANDREW PRICE,
Managers on the part of the House.
KNUTE NELSON,
J. H. BERRY,
Managers on the part of the Senate.

The statement furnished by the House conferees is as follows:

The House of Representatives amended S. 1722 by adding the fifth section. This action was undoubtedly the result of inadvertence. The general purpose of the bill was to validate the construction of a bridge across the Sulphur River in the State of Arkansas by the Texarkana and Fort Smith Railway Company. The bridge has been already completed, and is in daily use. The amendment of the House in the form of a fifth section simply provided for the commencement of the work of construction within one year, and its completion within three years from date of approval. The above amendment is entirely unnecessary, and the committee therefore recommend that the House recede from its amendment and agree to the passage of the Senate bill.

W. P. HEPBURN,
Conferee on the part of the House.

Mr. HEPBURN. This is a bill, Mr. Speaker, to ratify and approve the construction of a bridge across the Sulphur River, a small stream down in Arkansas. That was the whole purpose of the bill. The bridge had already been constructed, on some authority or assumed authority by the Secretary of War, and the bill of the Senate, to which the conference report applies, was intended to validate that construction. By inadvertence of some kind or by some person, an additional section was added to the bill in the form of an amendment providing, as usual in such bills, that the construction should be begun within one and completed within three years. It was unnecessary, and ought not to have been there. It was an oversight, as the bridge is already constructed, and the amendment of the Senate was to strike that out, in which the committee concurred.

The conference report was agreed to.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair will submit some personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COBB, for this day, on account of sickness.

To Mr. HICKS, for three days, on account of important business.

To Mr. CLARDY, indefinitely, on account of sickness.

To Mr. CUMMINGS, on account of sickness.

The motion of Mr. PAYNE was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the Capital Railway for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of Clearwater Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of harbor at Cedar Keys, Fla.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of the inside passage from Puntarasa to Charlotte Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of Orange River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of Jupiter Inlet, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of New York Harbor from the Narrows to the sea, with a view of obtaining a channel 35 feet deep at mean low-water mark, and 1,000 to 2,000 feet wide—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of the west side of the Mississippi River near Hannibal, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, together with a report concerning the commerce passing through the canals at Sault Ste. Marie during the season of 1896—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations required by the several Departments of the Government to complete the service for the year 1897 and prior years, and for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Metropolitan Railroad Company of the District of Columbia, transmitting a statement of the receipts and disbursements for the eighteen months ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2287) entitled "An act providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia," reported the same without amendment, accompanied by a report (No. 2769); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUCK, from the Committee on War Claims:

The bill (H. R. 10212) for the relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood. Reported in lieu of House bill No. 10206. (Report No. 2747.)

A resolution (House Res. No. 519) to refer the bill (H. R. 10151) for the relief of Mrs. Matilda M. Fairex, administratrix of Daniel Fairex, deceased, together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 10151. (Report No. 2767.)

By Mr. COOPER of Texas, from the Committee on War Claims:

The bill (H. R. 1378) for the relief of L. D. Sugg. (Report No. 2748.)

The bill (S. 544) entitled "An act for the relief of Warren Hall." (Report No. 2749.)

By Mr. GIBSON, from the Committee on War Claims:

A resolution (House Res. No. 513) to refer the claim of John Bronder, of London County, Tenn., to the Court of Claims. Reported in lieu of a petition for relief of said John Bronder. (Report No. 2750.)

The bill (S. 1623) entitled "An act for the relief of Cumberland Female College, of McMinnville, Tenn." (Report No. 2751.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 10161) for the relief of the heirs of Catharine Gillin. (Report No. 2752.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 514) to refer to the Court of Claims, together with all accompanying papers, the bill (H. R. 633) for the relief of the estate of Charles Labell. Reported in lieu of said bill. (Report No. 2753.)

By Mr. OTJEN, from the Committee on War Claims:

The bill (H. R. 8393) for the relief of Mark Guyton. (Report No. 2754.)

The bill (S. 2538) entitled "An act for the relief of the Portland Company, of Portland, Me." (Report No. 2755.)

The bill (H. R. 7659) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill. (Report No. 2756.)

By Mr. PUGH, from the Committee on War Claims:

A resolution (House Res. No. 515) to refer the bill (H. R. 960) for the relief of A. T. Sands, together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 960. (Report No. 2757.)

A resolution (House Res. No. 516) to refer the bill (H. R. 3299) for the relief of C. S. Lobdell, of Parkersburg, Iowa, together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 3299. (Report No. 2758.)

A resolution (House Res. No. 517) to refer the bill (H. R. 5615) for the relief of the legal representatives of Nathaniel and William Offutt, deceased, late of the parish of St. Martin, La., together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 5615. (Report No. 2759.)

A resolution (House Res. No. 518) to refer the bill (H. R. 3879) for the relief of the legal representatives of Patrick Elliott, deceased, to the Court of Claims. Reported in lieu of House bill No. 3879. (Report No. 2760.)

By Mr. GILLETT of Massachusetts, from the Committee on the Judiciary:

The bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms. (Report No. 2762.)

The bill (S. 2746) entitled "An act to remove the political disabilities of Col. John Taylor Wood. (Report No. 2766.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 3329) entitled "An act to increase the pension of George W. Smith, late a captain, Seventh Regiment New Jersey Infantry Volunteers." (Report No. 2763.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6972) granting an increase of pension to David J. Neuman. (Report No. 2764.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8422) granting a pension to John W. Hartley. (Report No. 2765.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (S. 3319) entitled "An act to increase the pension of Alice DeK. Shattuck, widow of Lucius H. Shattuck." (Report No. 2768.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. COOPER of Texas, from the Committee on War Claims, reported adversely (Report No. 2761) the bill (H. R. 9550) for the relief of Mrs. Margaret Hagan, widow of John C. Hagan; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEILL: A bill (H. R. 10211) to reorganize the judicial districts of Arkansas, and for other purposes—to the Committee on the Judiciary.

By Mr. BAKER of Kansas: A bill (H. R. 10213) selling to the State of Kansas part of the abandoned Fort Hays Military Reservation in said State, for the purpose of establishing western branches of the Kansas Agricultural College, and of the Kansas State Normal College thereon, and for a public park—to the Committee on the Public Lands.

By Mr. SCRANTON (by request): A bill (H. R. 10214) authorizing the funding of indebtedness in the Territories of the United States—to the Committee on the Territories.

By Mr. HYDE (by request): A bill (H. R. 10215) to define and regulate fraternal beneficiary orders or associations in the District of Columbia, and all North American Territories—to the Committee on the District of Columbia.

By Mr. HATCH: A bill (H. R. 10216) to amend "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A resolution (House Res. No. 520) making a certain amendment in order on an appropriation bill—to the Committee on Rules.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 242) authorizing the Secretary of the Treasury to make experiments to determine the best material for minor coinage, and to submit to Congress new designs for coins—to the Committee on Coinage, Weights, and Measures.

By Mr. FARIS: A memorial of the legislature of the State of Indiana, in favor of the passage of an amendment to the civil-service law restoring all soldiers discharged without charges and exempting them from civil-service examinations for positions in the Government service—to the Committee on Reform in the Civil Service.

Also, a memorial of the legislature of the State of Indiana, in favor of the passage of Senate bill 3058—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of Indiana, in favor of the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

Also, a memorial of the legislature of the State of Indiana, praying passage of House bill No. 3273, relative to employees and clerks in the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of North Dakota: A memorial of the legislature of the State of North Dakota, asking Congress to grant land in aid of a school of forestry in said State of North Dakota—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BEACH: A bill (H. R. 10217) to relieve Henry Kolliker from the charge of desertion—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 10218) for the relief of Thomas J. Lynch—to the Committee on Military Affairs.

By Mr. STAHLE: A bill (H. R. 10219) to increase the pension of Charles C. Bunty, late of Company C, Two hundred and second Regiment Pennsylvania Volunteers, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10220) granting a pension to Charles H. Allen—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Thomas M. Carnegie Post,

No. 625, Department of Pennsylvania, Grand Army of the Republic, urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., indorsing House bill No. 8354, to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. ADAMS: Petition of citizens of Philadelphia, Pa., favoring the passage of House bill fixing the standard of weights and measures according to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. AVERY: Petition of the Michigan Maple Lumber Company, of Traverse City, Mich., in favor of a duty of $2 per thousand on maple lumber—to the Committee on Ways and Means.

By Mr. BREWSTER: Petition of Curtis Wheeler and 55 other business firms of Rochester, N. Y., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protest of citizens of Rochester, N. Y., against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of 19 business firms of Chattanooga, Tenn., favoring the passage of House bill No. 10090, known as "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Woman's Christian Temperance Union of Rhode Island, Mary A. Babcock, president, favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on the Judiciary.

By Mr. CROWLEY: Petition of 300 citizens of the Tenth Congressional district of Texas, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Resolutions of the Iowa State Horticultural Society, of Des Moines, Iowa, in favor of the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

Also, petition of the presidents of the Society for the Prevention of Cruelty to Animals, of Hackensack, N. J.; Norfolk, Va.; Morristown, N. J.; Mount Holly, N. J.; Syracuse, N. Y.; Ravenna, Ohio; Poughkeepsie, N. Y.; Augusta, Ga.; Portland, Me.; Indianapolis, Ind.; Port Huron, Mich.; Chattanooga, Tenn., and Jacksonville, Ill., for the humane regulation of vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the Eighth Iowa district Woman's Christian Temperance Union, of Des Moines, Iowa, in relation to the persecution and outrages in Armenia—to the Committee on Foreign Affairs.

By Mr. FARIS: Petition of W. N. Kramer and 41 other citizens of Terre Haute, Ind., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the publisher of the Valley Register, of Nelsonville, Ohio, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON: Petition of 101 business firms of Dubuque, Iowa, advocating the passage of House bill No. 10090, known as "antiscalpers bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petitions of the Woman's Christian Temperance Union, Queen Esther Society, Women's Up-to-Date Club, and Ladies' Aid Society, of the Christian Church, all of Bridgewater, Iowa, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, the Queen Esther Society, the Up-to-Date Club, and the Ladies' Aid Society of the Christian Church, all of Bridgewater, Iowa, favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILBORN: Proceedings of the tariff conference held at San Francisco, Cal., January 7, 8, and 9, 1897, containing proposed tariff legislation and indicating its effect upon the State of California—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Paper of M. N. Goss, of St. Paul, Minn., secretary of St. Paul Division of Railway Conductors, favoring the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Woman's Christian Temperance Union and the Women's Missionary Society of Washington, Iowa; also petition of the United Brethren church, of Letts, Iowa, favoring the passage of a bill prohibiting the sale of liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Albion, Iowa, praying for the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of W. Q. Irwin and 20 other citizens of the State of Indiana, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. STAHLE: Resolutions of Captain Colwell Post, No. 201, Grand Army of the Republic, praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension to Charles C. Bunty, late of Company C, Two hundred and second Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition of the heirs of William G. Webber, deceased, late of Norfolk, Va., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Susan Booth, deceased, late of Nansemond County, Va., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

SENATE.

WEDNESDAY, *February 3, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

EXPLORATION OF ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, a letter from the Director of the Geological Survey on the progress and result of the Geological Survey exploration of Alaska during the season of 1896; which, with the accompanying papers, was referred to the Committee on Mines and Mining, and ordered to be printed.

AGRICULTURAL COLLEGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1897, made in the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," approved August 30, 1890, as required by section 5 of that act; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

The message further announced that the House had passed a bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the counting of the electoral vote for President and Vice-President of the United States, in the Hall of the House of Representatives, on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteers;

A bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 1675) to prevent the carrying of obscene literature for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas;

A bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (S. 3328) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes;"

A bill (S. 3401) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894;

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States;

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army; and

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Storer Post, No. 1, Grand Army of the Republic, Department of New Hampshire, of Portsmouth, N. H., praying for the renewal and preservation of the U. S. frigate *Constitution*, and that it be transferred to the national capital as a patriotic trophy and permanent naval museum; which was referred to the Committee on Naval Affairs.

He also presented a petition of the New Hampshire Christian Endeavor Union, of Claremont, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Union Young People's Society of Christian Endeavor of North Weare, N. H., and the petition of L. H. Osborne, of North Weare, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Plymouth, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of H. Gilliss, publisher of the Hanover, of Hanover, N. H., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANTLE presented the memorials of N. Y. Hoss, publisher of the Silver State; of E. G. Proutt, publisher of the Montana Churchman, of Deer Lodge; of Oliver M. Holmes, publisher of the Great Falls News; of Waldemar Stein, publisher of the Montana Herald, of Great Falls; of L. A. Robertson, publisher of the Sentinel, of Boulder City; of C. E. Mitchell, publisher of the Democrat, of Missoula, and of Local Assembly, No. 1222, Knights of Labor, of Lewiston, all in the State of Montana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of G. W. Jenkins, Amos Buck, Chris. Hightower, and sundry other citizens of Montana, praying for the adoption of the proposed amendment to the Constitution of the United States recognizing the Deity; which were referred to the Committee on the Judiciary.

He also presented the petitions of E. M. Williamson, M. R. Griffin, William H. Kennedy, and sundry other citizens of Great Falls, Mont., praying for the passage of House bill No. 6851, in aid of the Wilberforce University, located in Greene County, Ohio; which were referred to the Committee on Education and Labor.

Mr. MORRILL presented a petition of the Methodist Episcopal church of Montpelier, Vt., and a petition of the Garden Memorial Presbyterian Church, of Anacostia, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquor in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Woodstock, Vt., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented the petitions of William T. Comstock, publisher of the Architecture Building, of New York City; of M. H. Clark, secretary of the Tobacco Board of Trade of Clarksville, Tenn.; of the Trades League of Philadelphia, Pa., and of the Merchants' Exchange of Memphis, Tenn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Merritt & Ewing, of Lewisburg, Tenn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented a petition of sundry citizens of Louisville, Ky., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a memorial of sundry citizens of Webster, Mass., and a memorial of sundry citizens of Hingham, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry sailors and their friends assembled at the Sailors' Home, Charlestown, Mass., remonstrating against the passage of the so-called seaman's bill with the amendments thereto as reported from the Committee on Commerce; which was ordered to lie on the table.

He also presented a petition of the East Baltimore Station, Methodist Protestant Church, of Baltimore, Md., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. HOAR. I present a petition of the National Convention of Clothing Manufacturers, a representative body, praying for the passage of the so-called Torrey bankruptcy bill. It is a very brief petition, and I move that it lie on the table and be printed as a document.

The motion was agreed to.

Mr. SHERMAN presented the petitions of M. M. Sullivan, editor of the Journal, of Middletown; of J. A. Gulley, publisher of the Valley Register, of Nelsonville; of George W. Barren, publisher of the News-Herald, of Hillsboro; of Walter Hartpence, publisher of the News, of Harrison; of the Paddock Overmeyer Company, of Columbus; of Ford & Willett, publishers of the Enterprise, of Montpelier; of E. C. Lampon, publisher of the Jefferson Gazette, of Jefferson; of J. I. Brittain, publisher of the Reveille Echo, of East Palestine, and of B. Dannemiller & Sons, of Canton, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ROACH presented a petition of the legislature of North Dakota, praying Congress to grant 30,000 acres of land in aid of the school of forestry in that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION.

For a memorial to Congress for the granting of 30,000 acres of land in aid of the school of forestry of the State of North Dakota.

Be it resolved by the house of representatives (the senate concurring), That a copy of the following memorial, signed by the speaker of the house, and president of the senate, and attested by the chief clerk of the house and secretary of the senate, be sent to the Hons. HENRY C. HANSBROUGH and WILLIAM N. ROACH, representing this State in the Senate of the United States, and Hon. MARTIN N. JOHNSON, representing this State in the House of Representatives of the Congress of the United States, who are hereby respectfully requested to present the following memorial in the respective Houses to which they belong, and to urge the passage of an act of Congress in accordance with such memorial, to wit:

To the honorable the Congress of the United States:

The people of the State of North Dakota, in legislative assembly convened, respectfully represent that whereas it has heretofore been the policy of the Federal Government to lend all encouragement possible in the establishment and maintenance of such schools as will be conducive to the dissemination of knowledge that will aid in the upbuilding of the several States; and

Whereas Congress, recognizing the great good to be accomplished by the granting of public lands in aid of the establishment and maintenance of schools of learning, did grant, by the terms of the enabling act, which provided for the formation of the State of North Dakota, South Dakota, Montana, and Washington, certain lands for the establishment and maintenance of agricultural colleges and other schools and institutions; and

Whereas one of the most needed schools for the State of North Dakota is a school of forestry, which has been established and located by the State of North Dakota at Bottineau, Bottineau County, in said State; and

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State, and granted to the State of North Dakota for the same purpose only 90,000 acres of land; and

Whereas a school of forestry will be of great benefit to the entire Northwestern States: Therefore,

The people of the State of North Dakota do respectfully petition your honorable body to grant to the State of North Dakota 30,000 acres of land (being the number of acres of land heretofore granted to the State of South Dakota in excess of that granted to the State of North Dakota for the establishment of agricultural colleges in such States), for the use and support of the school of forestry of the State of North Dakota, located at Bottineau, Bottineau County, N. Dak.

E. A. WILLIAMS,
Speaker of the House.

Attest:
H. E. LAVAYEA,
Chief Clerk.

J. M. DEVINE,
President of the Senate.

Attest:
J. C. GILL,
Secretary of the Senate.

Mr. SEWELL presented memorials of the Central Woman's Christian Temperance Union, of Camden; of the Union Methodist

Episcopal Church, of Camden; of the Tabernacle Methodist Episcopal Church, of Camden; of the Linden Baptist Church, of Camden; of the Wiley Methodist Episcopal Church, of Camden; of the Wynn Memorial Baptist Church, of Camden; of the Emanuel Baptist Church, of Camden; of the North Baptist Church, of Camden; of the Third Baptist Church, of Camden; of the First Methodist Episcopal Church, of Camden; of the Broadway Methodist Episcopal Church, of Camden; of the First Baptist Church, of Camden; and the memorial of Rev. Thomas Tyack and 32 members of the Young People's Christian Endeavor Society of the Hightstown Presbyterian Church, of Hightstown, all in the State of New Jersey, remonstrating against the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Wynn Memorial Baptist Church, of Camden, N. J., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PASCO presented the memorial of Fred. L. Robertson, editor of the Hernando News-Register, of Brooksville, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of Brotherhood Union, Jackson Circle, No. 4, of Camden, N. J., praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

He also presented a memorial of the Sarsfield Club, of Jersey City, N. J., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Monmouth Grange, No. 92, Patrons of Husbandry, of Freehold, N. J., praying for the restoration of the McKinley rates concerning all farm products; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions, in the form of letters, from Dr. Henry Lyman, of Chicago; Robert L. Hughes, of Chicago, and J. F. Laubender, of Chicago, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Vermont, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorials of C. A. Stuck, publisher of the Odell Gazette and Reporter, of Odell; of Justin V. Beatty, publisher of the Nunda Herald, of Nunda, and of Bryce P. Smith, publisher of the Moweaqua Call-Mail, of Moweaqua, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of New York, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of Salisbury, Vt., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of South Londonderry, Vt., and a petition of the Christian Endeavor Society of North Bennington, Vt., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. TURPIE presented the petition of Clifford Thomson, vice-president of the Spectator Company, of New York, N. Y., and the petition of E. Bierhaus & Sons, of Vincennes, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of members of the Methodist Episcopal Church of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. GORDON. I present telegraphic communications, in the nature of petitions, from Hon. W. Y. Atkinson, governor of the State of Georgia; Hon. Hoke Smith, ex-Secretary of the Interior, and sundry bankers and business men of Atlanta, Columbus, and Rome, Ga., praying for the enactment of legislation prohibiting the present system of railway-ticket brokerage. I move that the communications be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. GORDON presented a petition of the Ministers' Union, of Macon, Ga., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CAMERON presented a petition of the Philadelphia Board of Trade, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BRICE presented the memorials of S. M. Jones and other officers of the National Malleable Castings Company, of Toledo; of the Eberhard Manufacturing Company, of Cleveland; of Charles F. Thwing, president of the Western Reserve University, of Oberlin; of the Men's Club and the Presbyterian church of Ada, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of L. O. Whitcomb, of Toledo; of the officers of the North Lucas Christian Endeavor Union; of Henrietta L. Moore, on behalf of the Woman's Christian Temperance Union of Sylvania; of the Woman's Christian Temperance Union of Oberlin; of the Christian Endeavor Society of Plymouth; of the Christian Endeavor Society of Cleveland; of the Nonpartisan Woman's Christian Temperance Union of Mansfield; of the faculty of Oberlin College, Oberlin; of J. S. Fitterer, of Butler; of Rev. James Brand, pastor of the First Congregational Church of Oberlin; of the First Baptist Church of Oberlin; of the Young Peoples' Society of Christian Endeavor of the First Presbyterian Church of Toledo; of the Christian Endeavor Society of the Church of Christ, of Glenville; of Charles L. France, of Toledo, representing 75,000 young people, members of the Ohio Christian Endeavor Union, and of Mrs. Ellen J. Phinney in behalf of the Nonpartisan National Woman's Christian Temperance Union of Cleveland, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the memorial of Edward Colston, on behalf of the committee on judiciary and legal reform of the Cincinnati Bar Association, of Cincinnati, Ohio, and a memorial of the Cincinnati Board of Trade and Transportation, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of Henrietta L. Moore, on behalf of the Woman's Christian Temperance Union of the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; and also for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of 22 business firms and citizens of Cincinnati, Ohio, remonstrating against the enactment of legislation to destroy the present system of railway-ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of 29 citizens of Akron, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alexis Cope, secretary of the Ohio State University, of Columbus, Ohio, praying for the appointment of a director of the scientific bureaus of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Dayton Ministerial Association, of Dayton, Ohio, remonstrating against the appropriation of public moneys for sectarian purposes; which was referred to the Committee on Education and Labor.

He also presented the petition of Mrs. Esther T. Silver, of Cleveland, Ohio, praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Cincinnati Council, No. 24, American Protective Association, of Cincinnati, Ohio, praying for the passage of the so-called Cameron resolution relating to Cuba; which was ordered to lie on the table.

He also presented petitions of the Ohio Wholesale Grocers' Association Company, of Cincinnati; of John L. Perkins & Co., of Cincinnati; of Feilbath & Co., of Toledo; of Hildreth & Barber, of Akron; of the Cleveland Wholesale Grocers' Board, of Cleveland; of the publishers of the Ohio Farmer, of Cleveland; of Weaver & Shulze, of Circleville; of E. P. Breckenridge, of Toledo; of the Cincinnati Board of Trade and Transportation, of Cincinnati; of Walter Hartpence, publisher of the News, of Harrison; of E. C. Lamping, publisher of the Jefferson Gazette, of Jefferson; of the Paddock-Overmyer Company, of Toledo; of J. I. Brittain, publisher of the Reveille-Echo, of East Palestine; of George W. Barrere, publisher of the News-Herald, of Hillsboro; of R. Dannemiller & Sons, of Canton; of Westerfield Bros., wholesale grocers, of Greenville; of Babcock, Hurd & Co., of Cleveland; of Ulrick & Cline, of Columbus; of the D. O. Fox Company, of Springfield; of Vaughters, Kramer & Co., wholesale grocers, of Chillicothe; of the Frechtling Wholesale Grocery Company, of Hamilton; of the Harper & Cosgrave Company, wholesale grocers, of Zanesville; of M. B. Gilbert & Co., wholesale grocers, of Portsmouth; of the Moore Bros. Company, wholesale grocers, of Lima; of Ford, Eaton & Co., wholesale grocers, of Cincinnati; of the F. Ware Coffee Company, of Dayton; of Isaac Eberly & Co., wholesale grocers, of Columbus; of the Yost Manufacturing Company, of Toledo, and of A. M. Damarin, of Portsmouth, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, praying Congress to grant 30,000 acres of land in aid of the school of forestry in that State; which was referred to the Committee on Public Lands.

He also presented a petition of the members of the Methodist Episcopal Church of Drayton, N. Dak., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 7115) granting a pension to James Warbrook, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Interstate Commerce, to whom was referred the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, reported it with amendments.

Mr. TILLMAN, from the Committee on Public Lands, to whom was referred the bill (S. 635) for the relief of Albert E. Redstone, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Agriculture and Forestry, to whom was referred the amendment submitted by Mr. THURSTON on the 1st instant, intended to be proposed to the Agricultural appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ACCEPTANCE OF MEDALS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government, to report it without amendment. I ask for the immediate consideration of the bill by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3643) relating to the writ of mandamus from the United States court in reference to certain land contests; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3644) relative to the entry of public lands in cases where prior entry has been canceled for fraud; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN introduced a bill (S. 3645) to correct the military record of James P. McGee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 3646) granting an increase of pension to Elisha M. Luckett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3647) for the erection of a public building at the city of East St. Louis, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 3648) for the prevention of smoke in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BACON introduced a bill (S. 3649) to increase the pension of Elizabeth Wellons; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 3650) granting the right of way through the Chickamauga and Chattanooga National Park; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment proposing to appropriate $100,000 to be expended by the Secretary of War for the improvement of the entrance of Pearl Harbor, Hawaiian Islands, according to the report of Rear-Admiral J. G. Walker; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTION LAWS IN THE DIFFERENT STATES.

Mr. GALLINGER. On the 26th of January last I presented a table showing the provisions of the election laws in the different States, which was ordered printed as a document. There are numerous calls for the document, in one instance a call for a large number of copies, and I ask unanimous consent that the document may be reprinted to the number of 500.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BARZILLA C. HUDSON.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 2253) for the relief of Barzilla C. Hudson. I will state that a similar bill passed both Houses at the last session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion from the military record of Barzilla C. Hudson, late of Battery D, Fourth United States Artillery, and to grant him an honorable discharge to date May 26, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. L. WILLIAMS.

Mr. THURSTON. I ask unanimous consent for the present consideration of the bill (H. R. 9199) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes. It is a House bill which has been favorably reported by the committees of both Houses, and it ought to be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to sell at $1.25 per acre, to A. L. Williams, the southeast quarter of the southeast quarter and lot 5 of section 9, township 14 south, range 68 west, sixth principal meridian, in the county of El Paso, Colo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HOAR. I rise to a parliamentary inquiry. What is the pending order of business?

The VICE-PRESIDENT. Concurrent or other resolutions are in order.

Mr. HOAR. I object to unanimous consent being given to take up any special measure until the regular morning business is over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 30th ultimo approved and signed the following acts:

An act (S. 350) granting an increase of pension to George C. Abbey;

An act (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton;

An act (S. 1505) granting an increase of pension to Rufus H. Paine;

An act (S. 1511) granting a pension to Mrs. Jane Stewart Whiting;

An act (S. 1888) granting an increase of pension to William T. Walker; and

An act (S. 3381) granting pension to Lena D. Smith.

The message also announced that the President of the United States had on the 1st instant approved and signed the act (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex.

BILLS BECOME LAWS.

The message further announced that the bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, was presented to the President January 18, 1897, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

The message also announced that the bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor, was presented to the President January 21, 1897, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

HOUSE BILL REFERRED.

The bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

Mr. THURSTON addressed the Senate. After having spoken for some time,

The VICE-PRESIDENT. The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. ALLEN. I hope my colleague will be permitted to continue his discussion of the resolutions.

Mr. LODGE. I want to say one word before that is agreed to. I have not pressed the conference report on the immigration bill this morning because I knew the Senator from Nebraska [Mr. THURSTON] desired to speak; nor is it my intention to oppose the Senator from Alabama [Mr. MORGAN] with the unfinished business. The conference report is in its last stage, and I desire to give notice that to-morrow, after the call for the reports of committees, bills, concurrent and other resolutions, etc., I shall ask the Senate to go on with the consideration of the report. I shall call it up as a privileged matter and ask the Senate to proceed with it, in order to reach a decision as soon as possible.

Mr. ALLEN. I ask unanimous consent that the unfinished business be informally laid aside that my colleague may proceed.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the unfinished business be laid aside temporarily, in order that his colleague may proceed with his remarks.

Mr. ALDRICH. I think that had better be done in the morning hour.

Mr. WHITE. Unless the Senator from Nebraska would very much like to continue his remarks now, I suggest that the resolution go over.

Mr. THURSTON. No; I do not care to take up further time this morning.

Mr. WHITE. I think the resolution had better go over, then.

Mr. ALLEN. I do not know what my colleague wants to do, but it is important that the resolutions should be disposed of. Of course passing them over from morning to morning brings the termination of the present Congress nearer and may make it impossible to do anything with them.

Mr. THURSTON. I should like the morning hour to continue my presentation of this matter.

[Mr. THURSTON's speech will be published entire after it shall have been concluded.]

Mr. ALDRICH. It seems to me the matter has already been effectually disposed of so far as the present is concerned, and I think the future will take care of itself.

Mr. LODGE. I understand the resolution goes to the Calendar. Does it not, Mr. President?

Mr. ALDRICH. I ask for the regular order.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. If the Senator from Rhode Island wants to insist on a technicality, I desire to say to him now that he will gain nothing by it.

Mr. ALDRICH. I am not making——

Mr. ALLEN. So far as I am concerned, I propose to discuss this question, and discuss it thoroughly, when the proper time comes. If I do not discuss it on this resolution, I will discuss it upon a facsimile of it, or upon some bill.

Mr. ALDRICH. I do not object to anything, except to taking up the time.

Mr. LODGE. I am perfectly willing that the Senator shall, as is his right, discuss the resolution at any time he sees fit.

Mr. ALLEN. The Senator from Rhode Island knows there is not the slightest purpose to do anything at the present Congress. Then let it be understood by both sides of the Chamber that nothing is to be done except to pass the appropriation bills. Here is the bankruptcy bill that is in the last stages of consumption. The Nicaraguan Canal bill is about ready to be nailed up and put in its coffin. There is no purpose to determine anything at the present Congress. Now, why not discuss this resolution and let it go to the committee, and let us have the information, so that it can be used at the opening of another session of Congress?

Mr. GEAR. I will state to the Senator from Nebraska that as soon as the immigration conference report and the Nicaragua Canal bill and the bankruptcy bill are disposed of, and I give notice now, I am going to call up the bill providing for the settlement of the debts of the Pacific railroads.

Mr. ALLEN. Then the Senator had better fix about the first Monday in December next to call up the bill.

Mr. GEAR. That is a matter of opinion. I am advised by gentlemen in charge of the bankruptcy bill that they will give way at a proper time in the consideration of that measure to allow me to call up the railroad bill.

Mr. ALLEN. I do not doubt that at all.

Mr. GEAR. I do not think the resolution will be prejudiced by a delay of a day or two, and I hope the Senator from Nebraska will not press it unduly.

Mr. MORGAN. I call for the regular order.

Mr. ALLEN. I ask that the resolutions be passed over, and that they be taken up to-morrow morning during the morning hour.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. ALLISON. What is the request?

Mr. ALLEN. That the resolutions which have been discussed be passed over until to-morrow morning, to be taken up in the morning hour.

Mr. ALDRICH. The Senator from Massachusetts [Mr. LODGE] has given notice that he will call up the conference report to-morrow morning.

Mr. LODGE. I have already given notice that I shall to-morrow morning feel it incumbent to call up the conference report on the immigration bill, which is privileged, and which ought to be disposed of. It is in its last stage, and I think we ought to reach a vote on that measure. I am certain the Senator from Nebraska would not mind postponing his remarks in order to give us a chance to finish the immigration bill.

Mr. ALLEN. That does not necessarily interfere with the Senator from Massachusetts. I am perfectly willing when the resolutions come up, if the Senator's bill is so much more important than the resolutions, to give way to him, but I want the resolutions in a shape where they can be disposed of, and where it will not be necessary for me to duplicate them and introduce them over again.

Mr. LODGE. Oh, certainly not.

The VICE-PRESIDENT. The Chair submits the request of the Senator from Nebraska to the Senate. Is there objection?

Mr. ALDRICH. As I understand the request, it is that the resolutions shall retain their place without prejudice.

Mr. ALLEN. Yes, sir.

Mr. ALDRICH. I have no objection to that, of course.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. The Senator from Colorado [Mr. TELLER] yesterday offered two amendments to the pending bill. I rise for the purpose of stating that he and I have agreed on the form of those amendments and I accept them.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Alabama desire to have the amendments accepted by him read?

Mr. MORGAN. They were read yesterday, except that there is a change in form.

Mr. DANIEL. I ask that they be read.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

> Insert as additional sections the following:
>
> "SEC. —. That the bonds hereinbefore mentioned shall not be guaranteed, and no money shall be expended in the construction of the canal until a survey has been made by a competent board of engineers, to be appointed by the President of the United States, and a complete plan prepared for the entire work, and such plan shall be approved by the President of the United States.
>
> "SEC. —. That should it appear from the report of said board of engineers that the cost of said canal will be more than [illegible], the President shall report the plan to Congress. The bonds herein provided for shall not be guaranteed, and the Government of the United States shall not assume any liability in the construction of said canal unless Congress shall otherwise direct."

Mr. VILAS. Mr. President, I had proceeded to consider two of the reasons which have been suggested why the United States should undertake alone this work, and I think I satisfactorily showed that the theory that the Government could undertake it as an investment of money for profit is entirely indefensible. I think also the argument against the idea that the canal should be constructed by us as a military auxiliary is entirely satisfactory, and that upon that basis we can not for a moment entertain the proposition.

The third proposition, upon which alone there may rest a seeming force to move our judgment toward this project, that our commercial interests demand it, I partly discussed yesterday, and in the course of my remarks I submitted tables showing the commercial advantages which the committee proffer to the Senate as probable to arise from this waterway, and by their own tables I demonstrated that Great Britain would enjoy five-eighths of the commerce of that canal; perhaps, estimating it more closely, six-eighths or three-fourths; that the United States would enjoy not more than one-fifth by their own exposition of probabilities; and that Germany had about 15 per cent, or very nearly as much as the United States, of interest in its construction.

Now, sir, when we look at these most important facts, does not the question seem a very pertinent one to the Congress of the United States, Why should this nation alone and at its own cost undertake an enterprise in which our interest, by every just measure of it, in comparison with other nations, is so small? Why should we not proffer to the world at large, especially, I mean, to the great commercial countries who send their ships abroad upon the ocean—Germany, France, and particularly England—a readiness on our part to unite with them in such measures as would secure for the world this great communication between the oceans? But why should we not say to them, "You are more interested in it than we, far more; the obligation, so far as it can be a national obligation at all, to create this great work of civilization for the benefit of commerce is an obligation incumbent upon England and Germany as much and more, especially more upon England, than upon the United States?" Why should we do this thing alone from which Great Britain is to derive three times the gain which we can possibly expect?

Sir, even Nicaragua perfectly comprehended this idea and this theory upon which that canal was to be constructed, and carefully stipulated in the articles of this very concession by which we are to undertake, if this bill be adopted, to construct the canal for such a recognition of the interest of the world. Let me read from the second article:

> The canal shall be of sufficient dimensions for the free and commodious passage of vessels of the same size as the large steamers used for ocean navigation in Europe and America.

And from Article IV:

> The duration of the present privilege shall be for ninety-nine (99) years, to be counted from the day the canal shall be opened to universal traffic.

And then the sixth article, which provides:

> The Government of the Republic declares, during the term of this concession, the ports at each extremity of the canal, and the canal itself, from sea to sea, to be neutral, and that consequently the transit through the canal in case of war between two powers or between one or more and Nicaragua shall not be interrupted for such cause; and that merchant vessels and individuals of all nations of the world may freely enter the ports and pass through the canal without molestation or detention.
>
> In general, all vessels may pass through the canal freely, without distinction, exclusion, or preference of persons or nationality, provided they pay the dues and observe the regulations established by the grantee company for the use of the said canal and its dependencies. The transit of foreign troops and vessels of war will be subjected to the prescriptions relating to the same established by treaties between Nicaragua and other powers or by international law. But entrance to the canal will be rigorously prohibited to vessels of war of such powers as may be at war with Nicaragua or with any other of the Central American Republics.
>
> Nicaragua will endeavor to obtain from the powers that are to guarantee the neutrality that in the treaties that shall be made for that purpose they shall agree also to guarantee a zone of land parallel to the canal and also a maritime zone in both oceans, the dimensions of which will be determined in such treatise.

Those three articles of the concession demonstrate that Nicaragua contemplated that this company, which had not then been chartered by the United States, but which was a company dealing directly with the State of Nicaragua and in no manner under liability, as it was thought, to become the creature of any foreign government, against which they expressly stipulated, should procure subscriptions to its stock in the capitals of the world, manifesting as perfectly as words can the clear view of that country that the obligation to build this canal, growing out of the advantages which would ensue to commerce from it, was an obligation which rested not on any one country, but upon those countries and peoples of the world whose commerce is to derive the advantages which may be expected to ensue from it.

Why, I say, sir, should the United States, in the face of these facts, that its commercial interest is not more than one-fifth—not one-fifth—that of this and the other nations, England, Germany, and France, in this canal—why should the United States undertake alone all the burden and charge of the enterprise? For what reason should we go forth quixotically to do the work of the world in the construction of the Nicaraguan Canal?

Sir, we have heard one answer to this idea, and but one. There has been a deft phrase proffered to the Senate, and often falling from the lips of the distinguished and able chairman of the special committee—a sentence which, I think, was first delivered to Congress over the signature of President Hayes—that "the policy of this country is a canal under American control." Unless that be a sound declaration, I have never heard any reason given to warrant this extravagant volunteering on the part of the United States to do a work only for the benefit of other commercial nations who must derive far more gain from it than we.

It is most important, then, that we examine this alleged policy of the United States. I declare, sir, in the beginning that the assertion of policy is untrue as matter of history; it is unsound in statesmanship or common sense. There is no such American policy; there never has been.

Sir, we are apt in our self-sufficiency, casting a view over some project which captivates the mind, to fancy that our vision and understanding far outstrip the men who have lived before us in the world, and it would often seem when this matter has been under debate as if there never had been before anybody to whom we could allow compass of mind or imagination adequate to an understanding of this question; but if we look into the records of the past, we shall find that the subject of an isthmian canal to connect the Atlantic and Pacific oceans is no novelty; we shall find that minds as able as any this country ever produced have grasped it with perfect understanding; and I think it will be easy to demonstrate that, so far from the great men of this country having ever considered such a policy as this to be the true policy of America, they took a far more generous, a far wider, and broader view; and I propose to ask the attention of the Senate for a few moments to some of the points of history in respect to this important question.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. Certainly.

Mr. TURPIE. I suggest that there is not a quorum of the Senate present in the Chamber.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Caffery,
Call,
Cannon,
Chandler,
Chilton,
Cockrell,
Cullom,
Dubois,
Faulkner,
Gallinger,
Gear,
Gordon,
Gorman,
Gray,
Hawley,
Hoar,
Irby,
Jones, Nev.
Lindsay,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pritchard,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum of the Senate is present. The Chair recognizes the Senator from Wisconsin.

Mr. VILAS. Mr. President, after the successful revolt of the Spanish colonies on this continent from their mother country and the establishment of a number of new republics, it will be remembered by Senators that there was an invitation issued by the Republics of Colombia, of Mexico, and Central America to the United States, among others, to join in a congress to be held in 1826 at Panama, to consider together the great interests of the Western World under the guidance of liberty. The United States accepted that invitation, as it had from the beginning of their movement toward independence testified the liveliest sympathy in their purposes and expectations; and an American, who, whatever may have been the differences and political controversies in his time, will now be recognized as entitled to a degree unsurpassed by any other of our illustrious countrymen to the name of a great American,

Henry Clay, was our Secretary of State. He said then, in his instructions to the plenipotentiary sent by the United States to that congress at Panama, some things upon the subject of an isthmian canal that was but one of the possible topics of debate in that approaching congress, and the instructions which he gave to the envoys covered a great stretch of ground of a different character. I shall read, however, a few words from what he said to those ministers in respect to this possible topic of consideration, an isthmian canal. I read from those instructions as they are found in the Appendix to the fifth volume of the Congressional Debates, on page 47:

> A cut or canal for purposes of navigation, somewhere through the isthmus that connects the two Americas, to unite the Pacific and Atlantic oceans, will form a proper subject of consideration at the Congress. That object, if it should ever be accomplished, will be interesting, in a greater or less degree, to all parts of the world. But to this continent will probably accrue the largest amount of benefit from its execution; and to Colombia, Mexico, the Central Republic, Peru, and the United States, more than to any other of the American nations. What is to redound to the advantage of all America should be effected by common means and united exertions, and should not be left to the separate and unassisted efforts of any one power.

Then, after some further discussion, he proceeds to this point, to which I particularly invite attention—the point of the American policy:

> If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls. What is most desirable at present is to possess the data necessary to form a correct judgment of the practicability and the probable expense of the undertaking on the routes which offer the greatest facilities.

Thus, in effect, in what is the earliest official deliverance of this country on this subject, the true policy of the United States was foreshadowed that a canal joining those two oceans must necessarily be not the exclusive property or devoted to the exclusive use of any power, but be rightfully enjoyed by the commerce of all the world.

A few years afterwards, in 1835, the subject came up for debate in this Senate what was the true policy of the United States in respect to such a canal, and enjoyed discussion by such men as Daniel Webster, John Forsyth, and John M. Clayton, and the Senate came to a resolution upon it. I will read that resolution. On the 3d of March, 1835, in executive session:

> *Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

Thus, upon debate in this body, the ideas of Mr. Clay as Secretary of State found acceptance here, and the policy of this country was declared that as it was for all nations, so should all nations take part by common accord and universal agreement in guaranteeing forever the use of that waterway to mankind.

I have heard the distinguished chairman of the special committee speak also as if by the card of the sentiments of another illustrious American, Andrew Jackson, as if he were one who would have most readily put away anything but the idea of exclusiveness. I shall next draw your attention to his opinions on that subject as they were stated to the Senate by Mr. Clayton in 1853. I read from a speech by that great Senator which was delivered in the special session of the Senate in the Thirty-second Congress. It is found in the Appendix to volume 27 of the Globe, page 251. Mr. Clayton says:

> I introduced the resolution—

Which I have read—

> just eighteen years ago last Friday, and on the next day Congress adjourned, and John Forsyth entered upon the duties of Secretary of State, under the Administration of President Jackson. The suggestion contained in the resolution met with a warm and hearty approval from the President, and on the 1st day of May, 1835, Charles Biddle was charged with the duty of making inquiries, with a view to enable the Executive to comply with it. Mr. Forsyth's instructions to Mr. Biddle directed him to proceed by the most direct route to Lake Nicaragua, to explore the contemplated communication by canal or railroad in that quarter, for which purpose every facility was granted to Mr. Biddle. He was afterwards directed to proceed to examine the Panama route and such other points on the Atlantic side of the isthmus as would probably be fixed on for the termination of a road. I was anxious at the time that William Ratcliff, the former consul at Chagres, who had devoted much of his life to the examination of the subject, should receive the appointment. But, unfortunately, he was no politician. Mr. Biddle disobeyed his instructions—never visited Nicaragua; and after having procured from the Government of New Granada an exclusive grant of the right of way across the Isthmus of Panama, vesting in citizens of the United States the monopoly of the route, in direct opposition to the resolution of the Senate, he returned home, and then for the first time fully informed Mr. Forsyth that it "appeared to him unnecessary at present to enter into negotiations with foreign nations upon the subject."
>
> His idea of an exclusive grant to our citizens of the right of way was in accordance with the opinion of Mr. Hise, subsequently appointed by Mr. Polk. Both negotiated for a monopoly of the passage in our own citizens. But there was this difference between them: That the grant negotiated by Mr. Biddle provided that two-thirds of the stock created by it should be "the property of Charles Biddle and such citizens of the United States as he might associate with him, the office of the company to be in Philadelphia, and all installments to be paid there, and the number of directors to be in the same proportion as the quantity of stock." President Jackson was highly displeased with the result; and Mr. Forsyth, on the 23d of September, 1836, immediately after ascertaining the facts, in a dispatch to Robert B. McAfee, our chargé d'affaires at Bogota, disavowed and censured the whole proceeding, and directed him "to disclaim all connection with the project on the part of this Government, to prevent any misunderstanding with the Government of New Granada." The whole object of the Senate and the President was thus frustrated by the incompetency of the agent. President Jackson shortly after went out of office.

So much for the opinions of that great American on the question of the alleged policy of the United States of exclusive control of the canal.

The subject came up again in Congress in 1839, in the House of Representatives, and I read from Report No. 322, made at the third session of the Twenty-fifth Congress by Mr. Mercer, from the Committee on Roads and Canals, upon the subject of a canal from the Atlantic to the Pacific. But to spare the time of the Senate, after calling attention to the report, I shall read only the resolution which they proposed to the House:

> *Resolved*, That the President of the United States be requested to consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the Isthmus; and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations, on the payment of reasonable tolls.

Thus stood the declaration of policy by the foreign office and the two Houses so far as any had been made until the time when a treaty was made between this country and Granada in 1847, and the question of the true American policy here presented was then directly involved in that convention; and that convention, as is well known, recognized and proceeded upon the idea of the neutrality to all mankind of any route of traffic upon the Isthmus.

Sir, I wish to read the message of the President of the United States submitting that treaty to the Senate, in order that it may be seen how perfectly this question of policy was then comprehended.

Mr. MORGAN. What is the date, if you please?

Mr. VILAS. The 10th of February, 1847.

> *To the Senate of the United States:*
>
> I transmit to the Senate, for their advice with regard to its ratification, "A general treaty of peace, amity, navigation, and commerce, between the United States of America and the Republic of New Granada," concluded at Bogota on the 12th of December last, by Benjamin A. Bidlack, chargé d'affaires of the United States, on their part, and by Manuel Maria Mallarino, secretary of state and foreign relations, on the part of that Republic.
>
> It will be perceived by the thirty-fifth article of this treaty that New Granada proposes to guarantee to the Government and citizens of the United States the right of passage across the Isthmus of Panama, over the natural roads and over any canal or railroad which may be constructed to unite the two seas, on condition that the United States shall make a similar guaranty to New Granada of the neutrality of this portion of her territory and her sovereignty over the same.
>
> The reasons which caused the insertion of this important stipulation in the treaty will be fully made known to the Senate by the accompanying documents. From these it will appear that our chargé d'affaires acted in this particular upon his own responsibility and without instructions. Under such circumstances it became my duty to decide whether I would submit the treaty to the Senate; and after mature consideration I have determined to adopt this course.
>
> The importance of the concession to the commercial and political interests of the United States can not easily be overrated. The route by the Isthmus of Panama is the shortest between the two oceans; and from the information herewith communicated, it would seem to be the most practicable for a railroad or canal.
>
> The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.
>
> The communication across the Isthmus has attracted the attention of the Government of the United States ever since the independence of the South American Republics. On the 3d of March, 1835, a resolution passed the Senate in the following words:
>
> "*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the Isthmus which connects North and South America; and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."
>
> No person can be more deeply sensible than myself of the danger of entangling alliances with any foreign nation. That we should avoid such alliances has become a maxim of our policy, consecrated by the most venerated names which adorn our history, and sanctioned by the unanimous voice of the American people. Our own experience has taught us the wisdom of this maxim in the only instance—that of the guaranty to France of her American possessions—in which we have ever entered into such an alliance. If, therefore, the very peculiar circumstances of the present case do not greatly impair, if not altogether destroy, the force of this objection, then we ought not to enter into the stipulation, whatever may be its advantages. The general considerations which have induced me to transmit the treaty to the Senate, for their advice, may be summed up in the *following* particulars:
>
> 1. The treaty does not propose to guarantee a territory to a foreign nation in which the United States will have no common interest with that nation.

> On the contrary, we are more deeply and directly interested in the subject of this guaranty than New Granada herself or any other country.
>
> 2. The guaranty does not extend to the territories of New Granada generally, but is confined to the single province of the Isthmus of Panama, where we shall acquire by the treaty a common and coextensive right of passage with herself.
>
> 3. It will constitute no alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.
>
> 4. In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution, to which I have already referred, is to secure to all nations the free and equal right of passage over the isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not well be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.
>
> Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign states nor individuals would expend their capital in the construction of the expensive works without some such security for their investments.
>
> The guaranty of the sovereignty of New Granada over the isthmus is a natural consequence of the guaranty of this neutrality, and there does not seem to be any other practicable mode of securing neutrality of this territory. New Granada would not consent to yield up this province in order that it might become a neutral state; and if she could, it is not sufficiently populous or wealthy to establish and maintain an independent sovereignty. But a civil government must exist there, in order to protect the works which shall be constructed. New Granada is a power which will not excite the jealousy of any nation. If Great Britain, France, or the United States held the sovereignty over the isthmus, other nations might apprehend that, in case of war, the Government would close up the passage against the enemy; but no such fears can ever be entertained in regard to New Granada.

The vote on that treaty was 29 for ratification to but 7 opposed.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. With pleasure.

Mr. TURPIE. I have been very much interested with the statement of the research which the Senator from Wisconsin has made into the international arrangements regarding an isthmian canal, and I hope the Senator from Wisconsin, who has devoted so much time and ability to the research, will still continue in it. I feel also extreme anxiety that the friends of the pending measure should have the opportunity of hearing the honorable Senator upon that subject. I therefore suggest that there is not a quorum of the Senate in the Chamber.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Baker,
Bate,
Blackburn,
Blanchard,
Brice,
Brown,
Burrows,
Cameron,
Carter,
Chilton,
Cullom,
Daniel,
Faulkner,
Gallinger,
Gordon,
Gray,
Hale,
Hawley,
Hill,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Lindsay,
Lodge,
McBride,
McMillin,
Martin,
Mills,
Morgan,
Morrill,
Murphy,
Palmer,
Pasco,
Peffer,
Perkins,
Pugh,
Roach,
Sewell,
Sherman,
Smith,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wilson.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum of the Senate is present.

Mr. VILAS. That treaty has remained in force from that day to this, and under it the United States have guaranteed Granada in the integrity of her territory. Granada has since taken a new form and is now embraced within the United States of Colombia, but the obligation resulting from the adoption of that policy is as it was then agreed to be.

We have seen how, from the very first mention of this canal in the foreign office, the real policy and the true policy of the United States was declared by the greatest Americans. At last, sir, when one of them occupied the post of Secretary of State, there arose a necessity for a particular consideration of what course should be taken by the United States with reference to the possible claims of England, and then the ideas of the resolution of the Senate were carried into execution, and the policy of the United States in respect to an isthmian canal was enacted by the treaty making power of the United States into the paramount law of this land by the Clayton-Bulwer treaty of 1850.

When we talk of what is the policy of the United States, why do we not turn at once to that explicit written law which is obligatory upon this country not only as an engagement with a great foreign nation, but as the law of the land, binding upon our citizens, a written expression of agreement internationally and of law here which has never been abrogated, and which in my opinion is just as much in force to-day as it was on the day when ratifications were exchanged?

Let me read what the Governments of the United States and Great Britain settled by that treaty as declaratory, historically and legally, of the policy of the United States upon the point under discussion:

ARTICLE I.

> The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Then observe Article III:

> In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal and their property used or to be used for that object shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

And the fourth article:

> The contracting parties will use whatever influence they respectively exercise with any state, states, or governments, possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

And particularly observe Article VI, which I wish to add at this point:

> The contracting parties in this convention engage to invite every state with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other states may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American states as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the states or governments of Central America, and such differences should in any way impede or obstruct the execution of said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. Certainly.

Mr. TURPIE. Before the honorable Senator leaves the text of the treaty I should like to inquire of him the date of the Clayton-Bulwer treaty.

Mr. VILAS. It is April 19, 1850.

Mr. TURPIE. I should like also to inquire of the honorable Senator whether the treaty does not contain a limitation of the time.

Mr. VILAS. None whatever, and I shall by and by call attention to that with particularity.

Mr. TURPIE. It has been represented here that it had a limitation.

Mr. VILAS. I shall call attention to that presently.

When we are talking of an American policy, let us remember that the Clayton-Bulwer treaty was the direct and natural consummation of every consideration of the question of policy which had ever preceded it and had found expression in Congress or with any of the great officials of the United States. And, sir, that treaty was eagerly ratified by the Senate of the United States. When the distinguished and honorable chairman of the special committee again recapitulates to us the names of the persons of character and distinction in this country who are connected with the project of the Maritime Canal Company, let me ask him to recall the names of the men who sat in this Senate when that policy of the United States was declared and enacted into law. Here were then such Americans as Daniel Webster, Henry Clay, Stephen A. Douglas, Dickinson and Seward from New York, Benton

from Missouri, Salmon P. Chase and Thomas Ewing of Ohio, Houston of Texas, Cass of Michigan, Hunter and Mason of Virginia, Clemens and King from Alabama, Hannibal Hamlin of Maine, Hale of New Hampshire, and Dayton of New Jersey. No Senate that ever convened had probably greater or even so great an average of illustrious, able, and powerful men; none were ever better fitted to declare what true Americanism should be in our treatment of other countries.

Sir, this question was not misunderstood. We do not come to its consideration as men who have had opened to our vision a scope of perception, and who possess a power of understanding so much greater than was enjoyed by our fathers. It was thoroughly comprehended; it was distinctly looked in the face; and this agreement was made in order that there might be established an American policy which should contemplate, as America ought always to contemplate, with generous grasp, the fraternity of interests of all mankind.

Let me note on the question of policy, upon this particular question of exclusiveness or neutrality, Article II, which I did not read:

> Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

Note, sir, that in that engagement for neutrality the most advanced ideas which have since found as concerns the Suez Canal acceptance from all the great powers of the earth but Russia were incorporated, namely, that even though Great Britain and the United States were at war, their vessels of war should there pass to and fro at peace, although the moment they were loosed from the protected zone their guns might open upon one another in hostile conflict.

Mr. MILLS. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from Texas having suggested the want of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Burrows,
Caffery,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Cullom,
Daniel,
Davis,
Faulkner,
Gallinger,
Gear,
Gordon,
Hale,
Hawley,
Hoar,
Jones, Ark.
Jones, Nev.
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Morgan,
Morrill,
Murphy,
Palmer,
Pasco,
Peffer,
Perkins,
Roach,
Sewell,
Sherman,
Stewart,
Thurston,
Tillman,
Vilas,
Walthall.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, I wish next to emphasize the clearness with which this policy was understood and foreseen by drawing attention to the fifth article of that treaty:

> The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles.

So, in Article VIII they declare the general principle:

> The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

There stands not only our solemn international contract; there stands the law, obligatory upon us as well as upon other citizens of the United States. It may be, sir (as I intimated in the discussion the other day might be one of the conceivable theories upon which we were to crawl into the hide of this corporation instead of going out in our own sovereign capacity), that Great Britain will wink at our being there as a corporation instead of a sovereignty, under the dominion of Nicaragua, if we can put ourselves into that humiliating attitude; and recognizing, as she can not help but recognize, the enormous superiority of advantages which will accrue to her from the construction of this canal over what the United States may receive, she may permit us to spend our money and build this great work for mankind without objection or protest.

Sir, I doubt it. I am not one of those who believe that that would be her course. She has had yet no opportunity to protest. Great Britain perfectly understands that no stage of progress has yet been reached in the consideration of this subject by the United States which would warrant her foreign office in saying to us, "You are going beyond your engagement." She will wait until we shall have resolved upon, perhaps begun, a step in contravention of the obligation we have assumed to her. I should expect that at that time she will protest, and, sir, when she protests, we shall heed it. Whatever we may enact into law at the solicitation of the Maritime Canal Company for their relief, when our great engagement with England is brought home to us, we shall respect it. The people of this country will not break their solemn promise to any nation on earth.

Mr. MORGAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. VILAS. Assuredly; with pleasure.

Mr. MORGAN. I wish to ask the Senator, as he is commenting upon the treaty, whether he thinks that the Democratic platform adopted in 1856 is in violation of the Clayton-Bulwer treaty?

Mr. PUGH. I hope my colleague will read it.

Mr. MORGAN. I will read only two clauses of it:

> 2. *Resolved*, That our geographical and political position with reference to the other states of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe doctrine; their bearing and import admit of no misconstruction; they should be applied with unbending rigidity.
>
> 3. *Resolved*, That the great highway which nature, as well as the assent of the States most immediately interested in its maintenance, has marked out for a free communication between the Atlantic and the Pacific oceans constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our Government and the governments of the states within whose dominions it lies. We can under no circumstance surrender our preponderance in the adjustment of all questions arising out of it.

I merely wanted to inquire whether the Senator thought that exposition of Democratic doctrine made in 1856 was in conflict with the Clayton-Bulwer treaty?

Mr. VILAS. The sentiment is in contravention of the Clayton-Bulwer treaty; it is not Democratic sentiment, nor any part of the policy of the Democratic party. It is not a breach, as the Senator first asked me, of the Clayton-Bulwer treaty, for the reason that every idle expression introduced into party platforms or adopted by boards of trade does not infringe our solemn obligations with foreign nations.

Mr. MORGAN. But the Senator fails to remember that the platform on which Mr. Cleveland was first nominated for the Presidency had a similar provision in it in favor of the building of the Nicaraguan Canal, and under that platform the Senator took office at the hands of the Democratic party.

Mr. VILAS. I have participated in making those platforms, and I know as well as many another man in this Chamber that such resolutions as those in regard to the Nicaraguan Canal are put in after nights have been spent in wrestling over great questions which have caused differences among the zealous men of a party, and are put in without the least consideration. To illustrate how utterly wanting in political significance they are, I will call the attention of the distinguished Senator from Alabama to the fact that the Republican convention put such a provision into their platform also, under similar circumstances and at like solicitation, most probably of agents or somebody scheming to press upon the Congress of the United States in the end a subsidy for their benefit. They are utterly without binding obligation upon the persons who vote for the candidates of the party, who follow its banner and profess its general principles, and they are utterly without significance as to our relations with foreign countries.

Mr. MORGAN. Then I am glad that I never was a member of one of those conventions.

Mr. VILAS. Well, Mr. President, perhaps if the Senator had been a member of a convention and had sat sometimes for forty-eight hours in continual wrestling upon the committee on resolutions until his strength was nearly gone, he would understand how much easier it is in the dawning light of morning to let a Nicaraguan Canal resolution go in than to fight any longer upon trivialities.

Mr. MORGAN. I would still hope I should come out of that convention an honest man.

Mr. VILAS. I hope the Senator from Alabama does not for a moment suppose that anybody would impute to him a probable change of character by going to a convention, or that any apprehension he might lose it is the reason that he has never been a member.

Mr. HOAR. I should like to ask my friend from Wisconsin if in his experience he has not sometimes helped to nominate a candidate for the Presidency in the same way?

Mr. VILAS. Never, to my knowledge. Candidates are sometimes nominated under excitement, but in no convention in which I ever participated was a candidate nominated whom I did not cordially support and favor, except one.

Now, sir, suppose we shall proceed to construct that canal—and I have pointed out carefully in the beginning that the proposal of this bill is that the United States shall do the entire business—suppose when we do enact it into law—if that monstrous thing were ever to happen—that Great Britain should say to us, "We hold your solemn covenant that neither of us will ever obtain or maintain any exclusive control, that neither shall ever put a fortification on that coast, that we shall join together that this canal shall be open to our ships of war as well as yours, even though it is with you we are engaged in war,"—if she points out to us the numerous particulars in which our separate undertaking would be a violation of this treaty, with what answer shall she be answered?

Sir, this question stares us in the face; it has lain before this project all the time, and the committee which first reported in 1891 a bill looking to the United States coming into such relations to this canal company, though in many respects a different bill from this, undertook to deal with this question. They undertook to tell us why the United States might break both the letter and the spirit of her solemn engagement; and what were the reasons? I will not do the committee the injustice to even state them myself, but will give them and the Senate the benefit of their exact language in presenting them. Their first reason is that the treaty was obsolete, or, as it should be interpreted, not now, in their opinion, agreeable to our interests. Here is their language:

> We think it can be justly affirmed that the convention of 1850 has become obsolete, for the convention was based upon the idea of an immediate prosecution of the enterprise of creating this great international water highway, and that neither Government would be found, so far as it regarded the particular question, apart from other considerations, to consider its stipulations as longer binding.
>
> Not only this consideration is to be taken into view, for the course of events in the enterprise and operations of nations has changed entirely the grand commercial situation of the world. The Suez Canal has been constructed, and the Government of Great Britain has become in substance and effect its dominant and controlling proprietor, thus securing to that Government in a very large degree the control of the east and west commerce of the world between the southern and eastern shores of Asia and the whole of Europe, and to a considerable degree the eastern shores of the United States and the other American Republics.
>
> We think it may be safely affirmed that had the Government of Great Britain, in 1850, been in possession of the Suez Canal, the United States would never have consented that any canal across the American isthmus should be under the joint control of Great Britain and the United States or under any other European control. In this respect, therefore, the immediate declarations and engagements of 1850 between the two Governments in regard to an isthmian canal have become entirely inapplicable, and justly entitle the United States to give its separate aid and encouragement to the construction of such a canal.

That is the proposition, that it has become obsolete, because the particular enterprise which it then had in view has failed. It will be observed that, instead of the Clayton-Bulwer treaty mentioning any particular enterprise, it took great pains to avoid the mention of a particular enterprise, and it begins by declaring in the preliminary clause:

> The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, etc.

Then follow the articles. The first article is that neither the one nor the other Government will ever obtain or maintain for itself, etc., agreeing that neither will ever erect, etc., using like words from the beginning to the end of that treaty—and I need not spend more time to point them out—to testify the solemn purpose of both those Governments to fix forever, so long as their good faith could be relied upon to observe and execute their engagements, the absolute neutrality of that canal. For us to pretend that any agreement becomes obsolete for the reason that our interests change, when the terms of that engagement were that it should abide forever, without our taking any steps to denounce that treaty or bring it to any termination within our power, is simply to say that a treaty is binding upon us when we conceive that its provisions are pleasant and agreeable and favorable, and loses its obligation whenever our interests cease to follow. That is the theory of the obsoleteness which the committee maintains of this obligation of the agreement which we have entered into with Great Britain.

Let me illustrate by another thing touching that point the observation I made a little while ago, that it often transpires that our wisdom is not nearly so great as in our self-sufficiency it may appear to us to be; for, so far from its being true that the United States has now for the first time observed a new condition of things in respect to the Suez Canal, I will show to the Senate that long before the Clayton-Bulwer treaty was enacted the entire contemplation of the Suez Canal had been laid before our Government in one of the ablest dispatches that ever came into the office of the Secretary of State—the dispatch of Mr. Wheaton in 1845. I can not justly claim the time of the Senate to read the entire dispatch, but I will take occasion to say that if any Senator will snatch from the laborious duties that press upon him time enough to peruse that document, he will find high gratification in observing that not only was the isthmian canal between the Atlantic and Pacific oceans then under consideration, with a full perception of its character and its influences, but so also was the Suez Canal, and both were taken into view together. It was no new thing subsequently turned out upon the world to alter our relations with Great Britain under our covenant with her, as the committee seem to think.

I will just read a few words from the beginning of that dispatch. It is one of the most interesting discussions of the whole subject of canals from almost the beginning of time, and especially as to their political effects and relations, which has ever fallen under my eye, and does infinite credit to the intelligence and ability of that long-deceased minister to Berlin. He writes from Berlin December 17, 1845, to Mr. Buchanan, then Secretary of State, as follows:

> SIR: The application of steam power to facilitate the social and commercial intercourse between the different quarters of the globe has recently acquired a vastly increased importance, as connected with other great changes which may certainly be anticipated as about to take place in respect to the channels of that intercourse. The object of this dispatch is to present to the Department some views which have occurred to me respecting this subject as being of paramount importance to the commercial and political interests of the United States, and to the future prospects of human improvement in every quarter of the globe.
>
> The principal revolutions which are believed to be impending in the communications between the continents of the Old and the New World are the following:
>
> First. The reopening of the ancient water communication between Europe and the East Indies by Egypt and the Red Sea, which must inevitably result either from the permanent establishment of the new Mohammedan dynasty, founded on the banks of the Nile, or from the future colonization of Egypt by some European nation.
>
> Second. The opening a new route from the United and Europe to the East Indies by the construction of a ship canal between the Atlantic and Pacific oceans, across some part of the isthmus which connects the two continents of North and South America.
>
> The improvement of both these communications by the above mentioned means would encircle the globe with a continued line of navigation, carried on by steam power, throughout the Northern Hemisphere, between the equator and the parallel of the fortieth degree of north latitude, thus avoiding, in the passage both from west to east and from east to west, the immense detour caused by the projection of the two great promontories by which the continents of Africa and America are terminated in the Southern Hemisphere. The vast importance of both these routes to the world in general is self-evident, and the peculiar importance of the second to the United States in particular will not be in any degree diminished by the increased facilities which the reconstruction of the ancient water communications between the Red Sea and Mediterranean would give to the commercial intercourse between Europe and Asia.

Sir, that is but a step into that interesting dispatch which I shall not take the time of the Senate further to read; but I submit it shows at once that this idea which seems to be almost flippantly put into this report, that because Great Britain has since, as this report mistakenly says, become the controller of the Suez Canal, therefore the interests of the United States no longer run in accordance with the engagement which was then made. That engagement was made with this dispatch of Mr. Wheaton in the office of the Secretary of State; it was made by Mr. Clayton, who in his speech in the Senate spoke in high terms of that dispatch of Mr. Wheaton, who knew all the interesting information which it contained, and the broad-minded, statesmanlike views in regard to the water communications of the earth which it set forth.

But the proposition of fact upon which the committee based the theory that our interests have become so different from what they were when we made the treaty, therefore we can call it obsolete, is a mistake. The distinguished chairman of the special committee himself is aware of the fact that it is a mistake. Instead of Great Britain owning a majority of the stock of the Suez Canal, she owns but one-fifth of it, and though of all the nations of the earth the greatest in interest in that canal, her contribution of money to its construction was but by the purchase of one-fifth of the stock after the canal was constructed.

She did another thing, the same thing that she has done with the United States with reference to the isthmian canal. She guaranteed forever the neutrality of it, as I shall presently show, and thus, by that fact, this theory of obsoleteness, which the committee proffers as a reason for disregard of our engagements, that by express terms was to last forever is entirely done away with; for if that canal is as much open to us as to England; if England has no rights there which any other nation on earth, our own as others, may not enjoy; if no ship of hers has even precedence of advantage of ours in those waters, by what right can we say that we shall disregard our engagement that the same thing shall be true of the isthmian canal when it shall have been constructed?

Sir, let us look at the second reason proffered by the committee as to why the Clayton-Bulwer treaty should be regarded as no longer obligatory; and I read again from the language of the committee in order that there may be no misconception.

Mr. MORGAN. From what report does the Senator read?

Mr. VILAS. I am reading from the report of the Committee on Foreign Relations made on the 10th of January, 1891; renewed in the Fifty-second Congress on the 22d of December, 1892; and, if I am not mistaken, appended to some report which the distinguished chairman of the select committee has at some time made, but I do not say that I am right in respect to that.

Mr. MORGAN. The report of the committee which is now in charge of the bill does not go upon the ground which the Senator states, that the Clayton-Bulwer treaty is obsolete, but that both Great Britain and the United States are estopped by the fact that they each have a treaty from Nicaragua in identical terms authorizing the construction of this canal.

Mr. VILAS. Can the Senator point that out in any of his reports?

Mr. MORGAN. Yes, sir; the last report contains quite an extensive argument upon that proposition.

Mr. VILAS. I will deal with this other argument now, for this was the one the Committee on Foreign Relations put forward as their best argument why the Clayton-Bulwer treaty might be disregarded.

Mr. MORGAN. That report was made by the Senator from Ohio [Mr. SHERMAN].

Mr. VILAS. Well, it was the report of the Committee on Foreign Relations submitted by the Senator from Ohio as chairman of that committee, I believe.

Mr. MORGAN. I suppose the Senator from Ohio would adhere to it yet. I do not know.

Mr. VILAS. Then it is necessary to discuss this reason, which I am about to do. I am very glad, however, and I thank the Senator from Alabama for his courteous acknowledgment that the argument which I have made in respect to the point that the Clayton-Bulwer treaty is obsolete seems to have force in his mind, because he says he has not put any reason for a disregard of it upon that basis.

The next reason given by the Committee on Foreign Relations is:

> One of the provisions of the convention of 1850 most important to the United States and to the preservation of the republican governments on this continent was that which declared that neither party to the convention should "occupy or fortify or colonize or assume to exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."
>
> At that time the "settlement" of British subjects, as it was called, at the Belize, on the coast of Central America, was of the smallest dimensions, and had no substance or form of a territorial dominion. British woodcutters were there under an ancient Spanish license of timber cutting, and nothing more. These settlers in a country not belonging to the British Crown had, off and on, attempted to form a kind of local government for preserving order among themselves, and, after going through various phases, had reached a point, in 1850, of some local magistrates and an imperial superintendent, merely and clearly for the purpose of preserving internal order among the English adventurers engaged in the lumber trade in that foreign country.
>
> This was substantially the condition of things when the convention of 1850 was entered into.

Now, observe the point upon which they hold the treaty invalid:

> The next step taken, after the convention of 1850, was in 1853—

Only three years—

> when a legislative assembly was constituted to manage the affairs of the settlement. This was followed by a convention between Great Britain and Guatemala in 1859 for the establishment of the boundaries between what the treaty chose to call "Her Britannic Majesty's settlement and possessions in the bay of Honduras" and the territories of Guatemala. The country, or the largest part of it, belonged to Guatemala as the successor to all the sovereign territorial rights of Spain in that region; but by this treaty that which was before a licensed industrial establishment became instantly a possession of the British Crown.
>
> The settlement government continued until 1862, when the settlement was declared a colony of the British Crown and a regular colonial establishment was set on foot; and so from that time to this the form and substance of a regular colonial government as a part of Her Majesty's dominions has continued. It is understood that its geographical dominion has been vastly enlarged from the licensed wood-cutting limitations and boundaries that existed in 1850. All this has taken place systematically and persistently, notwithstanding the declaration of Her Majesty's Government that it should not "colonize or assume or exercise any dominion over * * * the Mosquito Coast or any part of Central America."
>
> If these proceedings of Her Majesty's Government, in respect of one of the most important subjects of the convention and in absolute opposition to it, do not discharge the United States from all and every of their declarations and engagements stated in that convention, it is impossible to conceive what could.
>
> In view of all these considerations, the committee is of opinion that the United States is at present under no obligation, measured either by the terms of the convention, the principles of public law, or good morals, to refrain from promoting, in any way that it may deem best for its just interests, the construction of this canal, without regard to anything contained in the convention of 1850.

That, sir, is the statement, and the whole of it, in the words of the committee. It consists simply in this, that in 1853 Great Britain broke her engagement that she would not colonize in Costa Rica, Nicaragua, and the Mosquito Coast, or Central America. Suppose she did break it; that is to say, that she did not keep the engagement on her part. What, then, was our right? Is there any person read in international law who will say that that alone avoided the treaty? Sir, it gave us the right of electing to avoid it. If it were all true—and I will presently show that there is not a particle of foundation for it—as stated in that report, then it invested this Government only with the right to avoid the treaty. It became voidable at our election, not void. We had still a right to say, "This treaty is obligatory, and we hold you to account for this breach of it and every other breach which you may hereafter make." That is the doctrine and principle of international law which governs a question of the kind.

But, sir, was there any violation by Great Britain? Let me call your attention first to the fact that directly after that treaty was made, when the two plenipotentiaries were to exchange ratifications of it, they exchanged notes with one another lest there should be misunderstanding on this very point, and Sir Henry L. Bulwer made this declaration at the Department of State June 29, 1850, prior to the exchange of ratifications:

> In proceeding to the exchange of the ratifications of the convention, signed at Washington on the 19th of April, 1850, between Her Britannic Majesty and the United States of America, relative to the establishment of a communication by ship canal between the Atlantic and Pacific oceans:
>
> The undersigned, Her Britannic Majesty's plenipotentiary, has received Her Majesty's instructions to declare that Her Majesty does not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras, or to its dependencies.
>
> Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned.
>
> Done at Washington the 29th day of June, 1850.
>
> H. L. BULWER.

Upon it was written:

> The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply, I wrote him my note of the 4th of July, acknowledging that I understood British Honduras was not embraced in the treaty of the 19th day of April last, but at the same time carefully declining to affirm or deny the British title in their settlement or its alleged dependencies. After signing my note last night, I delivered it to Sir Henry, and we immediately proceeded, without any further or other action, to exchange the ratifications of said treaty. [The blank in the declaration was never filled up.] The consent of the Senate to the declaration was not required, and the treaty was ratified as it stood when it was made.
>
> JOHN M. CLAYTON.

Mr. Clayton was then Secretary of State.

Let me show in one word, without stopping to go into elaborate argument, that the reason why the British occupation of Balize or Honduras was not within the Clayton-Bulwer treaty as understood by either of those plenipotentiaries who negotiated it, is that at that time Balize was not a part of Central America, and nobody pretends that it is on the Mosquito Coast. It was neither Nicaragua, Costa Rica, Mosquito Coast, nor a part of Central America. In that speech of Mr. Clayton, which he made in 1853, and to which I acknowledge my indebtedness for much of the information I have mentioned here, Mr. Clayton demonstrates by various evidence in the completest manner that the British Honduras was no part of Central America.

Mr. HOAR. I desire to ask the Senator from Wisconsin if the exchange of opinions by the plenipotentiaries was communicated to the Senate before the action of the Senate?

Mr. VILAS. As I have said, it was not. They were simply notes expressive of the understanding of the two plenipotentiaries that the British Honduras was not within the terms of the treaty.

Mr. HOAR. I understand that. Of course it is a very important and grave document; but I wish to know whether or not the Senate was aware of that understanding. Is there anything to show that the Senate participated in the understanding?

Mr. VILAS. As I have already explained, the understanding was subsequent to the Senate's ratification.

Mr. HOAR. That is what I desire to ask about.

Mr. VILAS. It took place upon the exchange of ratifications, and necessarily, therefore, it was after the Senate had acted. The Senate acted with great promptness upon the treaty.

Mr. CHILTON. Will the Senator from Wisconsin pardon me for a question?

Mr. VILAS. Certainly.

Mr. CHILTON. Is it not true that it was contended by the United States that the Mosquito Coast and also some islands, which were mentioned and claimed by Great Britain afterwards, did not fall within the exception which was made by the British ambassador at the time of the exchange of ratifications?

Mr. VILAS. As to some of it, that is true. It was contended and claimed by some of our officials that the Honduras was within the terms as well, and that, though excepted by those notes of the plenipotentiaries, they could not be operative upon the treaty. There might be serious discussion about that still, sir, if it were not for another fact which I am about to mention, and that is that after we had made these contentions Great Britain receded and yielded the point in respect to her possessions that were complained of.

Let me now draw attention to some information on that subject. I will read from a message by President Buchanan, who had taken ground against Great Britain upon some of these points. In his fourth annual message, of 1860, he uses the language which I will quote and simply adopt, without further collection of evidence, as a complete and controlling proof of the existence of the fact upon which I am predicating this feature of my argument.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. VILAS. With pleasure.

Mr. LINDSAY. I suggest the absence of a quorum.

Mr. VILAS. I hope the Senator will not do that.

The PRESIDING OFFICER. The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Baker,
Berry,
Blanchard,
Brice,
Caffery,
Call,
Chilton,
Cockrell,
Cullom,
Daniel,
Faulkner,
Gallinger,
Gray,
Hale,
Hansbrough,
Hawley,
Hoar,
Irby,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Morgan,
Palmer,
Pasco,
Peffer,
Perkins,
Pugh,
Roach,
Shoup,
Smith,
Stewart,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. A quorum of the Senate is not present.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. GRAY. I move that the Senate adjourn.

Mr. HOAR. I hope the Senator from Delaware will not insist upon his motion.

The PRESIDING OFFICER. Pending the motion of the Senator from Rhode Island, the Senator from Delaware moves that the Senate adjourn. The question is on agreeing to the motion of the Senator from Delaware.

Mr. HOAR and Mr. ALDRICH called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were in his seat, I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote if present.

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. McMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. SMITH (when his name was called). I am paired with the Senator from Idaho [Mr. DUBOIS].

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. PASCO. I wish to announce my pair with the Senator from Washington [Mr. WILSON].

Mr. CAFFERY. I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not seeing him in his seat, I withhold my vote.

Mr. CHILTON. I was requested to announce that the Senator from Tennessee [Mr. BATE], who is absent, is paired with the Senator from Utah [Mr. BROWN].

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. As he is not here, I withdraw my vote.

Mr. SHOUP (after having voted in the negative). I have a general pair with the senior Senator from California [Mr. WHITE], but as I am informed that, if present, he would vote as I have voted, I will allow my vote to stand.

The result was announced—yeas 12, nays 25; as follows:

YEAS—12.

Allen,
Baker,
Cockrell,
Daniel,
Gray,
Jones, Ark.
Lindsay,
Martin,
Mills,
Palmer,
Thurston,
Tillman.

NAYS—25.

Aldrich,
Allison,
Chilton,
Cullom,
Faulkner,
Frye,
Gallinger,
Hale,
Hansbrough,
Hawley,
Hoar,
Irby,
McBride,
Mantle,
Morgan,
Nelson,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Sewell,
Shoup,
Stewart,
Teller.

NOT VOTING—52.

Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Brice,
Brown,
Burrows,
Butler,
Caffery,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Clark,
Davis,
Dubois,
Elkins,
Gear,
George,
Gibson,
Gordon,
Gorman,
Harris,
Hill,
Jones, Nev.
Kyle,
Lodge,
McMillan,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Pasco,
Platt,
Pritchard,
Proctor,
Quay,
Sherman,
Smith,
Squire,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Warren,
Wetmore,
White,
Wilson,
Wolcott.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs upon the motion of the Senator from Rhode Island that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. ALDRICH. I withdraw the motion, as it is evident there is a quorum present. I ask that there may be a call of the Senate, the yeas and nays having disclosed the fact that there is no quorum.

The PRESIDING OFFICER. The roll call having developed the absence of a quorum, the Chair will direct a call of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Berry,
Blanchard,
Brice,
Burrows,
Caffery,
Call,
Chilton,
Cockrell,
Cullom,
Davis,
Faulkner,
Frye,
Gallinger,
Gray,
Hale,
Hansbrough,
Hawley,
Hoar,
Irby,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Sewell,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Vilas,
Walthall,
White.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present. The Chair will ask the indulgence of the Senator from Wisconsin that he may lay before the Senate a resolution from the House of Representatives.

Mr. VILAS. Certainly.

COUNT OF ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

> *Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. HOAR. That is a precise copy of the resolution adopted four years ago and eight years ago, and I presume in previous years on like occasions. I ask the Senate to concur in it.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the concurrent resolution of the House of Representatives. Is there objection? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. TURPIE. Mr. President, I concur entirely with the resolution of the House of Representatives with the exception of the declaration of the election of President. The Constitution provides in express terms that the person receiving a majority shall be the President; it does not provide for any announcement by the Houses. The words in the resolution, as far as they relate to the declaration of the election of President, are words of supererogation; they are not sustained by any words in the Constitution of the United States, and they are not sustained by any precedent in the action of Congress.

Mr. MILLS. The Houses refused it in 1877.

Mr. TURPIE. They have always refused it. There is no power to declare it, but it is declared by the Constitution that the person receiving the majority shall be the President of the United States.

Mr. HOAR. That objection was taken by, I think, the Senator from Vermont, Mr. Edmunds, eight years ago. It was considered, and I think the Senate almost unanimously agreed to abide by this language. At any rate, it is the customary language. I have the Journal here containing a resolution of which this is a copy.

Mr. COCKRELL. Is the resolution in the same language that was used eight and four years ago?

Mr. HOAR. It is in the same language. I have the Journal here. It has been carefully compared not only by me, but by the Journal Clerk at the desk.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. HOAR, it was

> *Ordered*, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral votes for President and Vice-President of the United States be appointed by the Vice-President.

REPRINTING OF A DOCUMENT.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. TELLER. Will the Senator from Wisconsin yield to me?

Mr. VILAS. Certainly.

Mr. TELLER. I wish to ask that House Document No. 279, first session Fifty-fourth Congress, which is the report of the special board sent to examine the Nicaragua Canal, may be reprinted. I have, I am assured, the last copy that can be obtained at the document room, and there is quite a demand for it. I therefore ask that it may be reprinted.

Mr. COCKRELL. Reprinted for the use of the Senate?

Mr. TELLER. For the use of the Senate.

The PRESIDING OFFICER. The Senator from Colorado asks that the usual number of copies be reprinted of the report of the commissioners sent to examine the Nicaragua Canal, being House Document No. 279, Fifty-fourth Congress, first session.

Mr. VILAS. I should like to ask the Senator from Colorado if this is a part of it? [Exhibiting.]

Mr. TELLER. It is; but it contains a good many other things, and there is a demand for this special report. I have one of those myself.

Mr. VILAS. This document has only just been printed.

Mr. TELLER. I do not care about the maps.

Mr. COCKRELL. Let the order for printing be without maps, because with the maps it would cost over $500.

Mr. TELLER. That printing would be expensive. What I ask, however, will be inexpensive.

The PRESIDING OFFICER. The motion of the Senator from Colorado, the Chair understands, does not include the reprinting of the maps.

Mr. TELLER. Not the reprinting of the maps.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, let me recall attention to the fact that, when interrupted by the concurrent resolution and other procedure a few minutes ago, I was pointing out that the reason given by the Committee on Foreign Relations to sustain their proposition that the Clayton-Bulwer treaty is not obligatory, dependent upon their assertion that the British Government had violated that treaty by retaining a protectorate over what was claimed to be a part of the Mosquito Coast of Central America, had lost whatever efficacy it ever might have possessed because of the fact that, after all the discussion between our Government and Great Britain in respect to the interpretation of the treaty, Great Britain had receded and surrendered the disputed claim of protectorate, which I purpose to show by an extract from the message of President Buchanan to Congress in 1860, for which convenient proof I am indebted to my learned friend from Virginia [Mr. DANIEL]:

> Our relations with Great Britain are of the most friendly character. Since the commencement of my Administration the two dangerous questions arising from the Clayton and Bulwer treaty, and from the right of search claimed by the British Government, have been amicably and honorably adjusted.
>
> The discordant constructions of the Clayton and Bulwer treaty between the two Governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this Government. In my last annual message I informed Congress that the British Government had not then "completed treaty arrangements with the Republics of Honduras and Nicaragua in pursuance of the understanding between the two Governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished." This confident expectation has since been fulfilled. Her Britannic Majesty concluded a treaty with Honduras on the 28th November, 1859, and with Nicaragua on the 28th August, 1860, relinquishing the Mosquito protectorate. Besides, by the former, the Bay Islands are recognized as a part of the Republic of Honduras. It may be observed that the stipulations of these treaties conform in every important particular to the amendments adopted by the Senate of the United States to the treaty concluded at London on the 17th October, 1856, between the two Governments. It will be recollected that this treaty was rejected by the British Government because of its objection to the just and important amendment of the Senate to the article relating to Ruatan and the other islands in the Bay of Honduras.—*President Buchanan*, fourth annual message, 1860.

Thus, Mr. President, we have the solemn declaration to Congress in 1860 by the President of the United States that the very facts alleged to have taken place in 1858, and upon which the committee base their objection to the Clayton-Bulwer treaty, had been entirely obliterated so far as they might furnish a foundation of objection; and the United States not only had not exercised its right to claim an avoidance of the treaty by reason of the alleged breach of it on the part of Great Britain, but had maintained it, and finally Great Britain had receded from the particular obnoxious fact upon which the complaint had been based. And thus the treaty was left not even longer voidable, because nobody can pretend that unless the right of election was exercised while the cause of offense continued, the right of election departed from us when, at our own remonstrance, the cause of offense was withdrawn.

Mr. President, I wish to allude to another thing. I am indebted to my friend the Senator from Louisiana [Mr. CAFFERY] for another convenient statement. He put in my hand a moment ago a reference to the dispatch from Mr. Cass, when Secretary of State, to Lord Napier, in November, 1858, and in reading this paragraph I am returning to the other point of objection to the treaty, that it was obsolete, as claimed by the Committee on Foreign Relations, because of the fact that it related to a particular project by a particular concern, a proposition which I think I have already sufficiently demolished by showing that so far from relating to a particular project it was by its words, employed ex industria to convey that meaning, directed to any possible route of communication between the seas over the Isthmus, and to continue not for the term of any particular project, but forever.

In this connection I recall again the eighth article of that treaty in order that I may point out, although I have once read it, some significant words. The eighth article of that treaty, as will be remembered, was:

> The Governments of the United States and Great Britain having not only desired, in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, etc.

When it was proposed on the part of Great Britain to entertain negotiations for an abrogation of it or a change of it, Mr. Cass said in 1858, at the very time when we were contending over the question of interpretation whether the Balize was within its terms or not:

> While the declared object of that convention had reference to the construction of a ship canal, by the way of San Juan and the lakes of Nicaragua and Managua, from the Atlantic to the Pacific Ocean, yet it avowed none the less plainly a general principle in reference to all practicable communications across the Isthmus, and laid down a distinct policy by which the practical operation of this principle was likely to be kept free from all embarrassment.

Mr. GRAY. The Senator is reading from Mr. Cass?

Mr. VILAS. I am reading from Mr. Cass's dispatch. He proceeds:

> The principle was that the interoceanic routes should remain under the sovereignty of the states through which they ran, and be neutral and free to all nations alike. The policy was that in order to prevent any government outside of those states from obtaining undue control or influence over those interoceanic transits no such nation should "erect or maintain any fortifications commanding the same, or in vicinity thereof, or should occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

Mr. MITCHELL of Wisconsin. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wisconsin suggests the want of a quorum. The Secretary will call the roll.

The Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. DANIEL. I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the roll call and before an answer to the call, the Senator from Virginia moves that the Senate adjourn.

Mr. ALDRICH. I call for the yeas and nays.

Mr. HOAR. I suggest that an adjournment can not be moved until after the call.

The PRESIDING OFFICER. The Chair will hold that a motion to adjourn is always in order, whether a quorum is present or not, and therefore it is not necessary to call the roll to ascertain the presence of a quorum.

Mr. HOAR. I understand, if the Chair will pardon me, that when the want of a quorum is suggested, by the rule the roll must be called, and while the Senate is executing its order a motion to adjourn can not be entertained. You can not move to adjourn in the middle of a call of the yeas and nays, or in the middle of the execution of any other order of the Senate.

The PRESIDING OFFICER. The Chair would hold that if the Secretary had proceeded to call the roll and the first name had been answered to, that then the motion would be too late.

Mr. MORGAN. I ask unanimous consent——

Mr. ALDRICH. I ask that the vote on the motion to adjourn be taken by the yeas and nays.

The PRESIDING OFFICER. The Chair can not entertain any business, not even a request for unanimous consent, until after the suggestion of a want of a quorum has been acted upon. The question is on the motion to adjourn.

Mr. DANIEL. The roll call had begun, but no one had answered.

The **PRESIDING OFFICER.** The Chair so ruled, and therefore the motion of the Senator from Virginia is in order.

The question is on the motion of the Senator from Virginia that the Senate do now adjourn, upon which the Senator from Rhode Island demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MANTLE (when his name was called). I am paired with the Senator from Virginia [Mr. MARTIN].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence I withhold my vote.

Mr. VILAS (when his name was called). I will for the day announce my general pair with the Senator from Oregon [Mr. MITCHELL].

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON]. I ask that this announcement may apply to all the votes during the day.

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. As he has not voted, I withdraw my vote.

The result was announced—yeas 17, nays 24; as follows:

YEAS—17.

Allen,
Caffery,
Chilton,
Cockrell,
Daniel,
Gray,
Hill,
Lindsay,
Mills,
Mitchell, Wis.
Palmer,
Pettigrew,
Roach,
Smith,
Teller,
Thurston,
Turpie.

NAYS—24.

Aldrich,
Allison,
Brice,
Burrows,
Cullom,
Davis,
Dubois,
Faulkner,
Frye,
Gallinger,
Hansbrough,
Hawley,
Hoar,
Lodge,
McBride,
Morgan,
Peffer,
Perkins,
Pugh,
Sewell,
Sherman,
Shoup,
Stewart,
White.

NOT VOTING—48.

Bacon,
Baker,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Butler,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Clark,
Elkins,
Gear,
George,
Gibson,
Gordon,
Gorman,
Hale,
Harris,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
McMillan,
Mantle,
Martin,
Mitchell, Oreg.
Morrill,
Murphy,
Nelson,
Pasco,
Platt,
Pritchard,
Proctor,
Quay,
Squire,
Tillman,
Vest,
Vilas,
Voorhees,
Walthall,
Warren,
Wetmore,
Wilson,
Wolcott.

So the Senate refused to adjourn.

The **PRESIDING OFFICER.** A quorum not appearing on the vote, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators responded to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Berry,
Brice,
Burrows,
Caffery,
Carter,
Cockrell,
Cullom,
Daniel,
Davis,
Dubois,
Faulkner,
Frye,
Gallinger,
Gray,
Hansbrough,
Hawley,
Hoar,
Lodge,
McBride,
Mantle,
Morgan,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Sewell,
Sherman,
Shoup,
Teller,
Thurston,
Vilas,
Walthall,
White.

The **PRESIDING OFFICER.** Forty-one Senators have answered to their names. A quorum of the Senate is not present.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. ALLEN. I move that the Senate adjourn.

The **PRESIDING OFFICER.** The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators, pending which the Senator from Nebraska moves that the Senate adjourn. The question is on the motion of the Senator from Nebraska.

The motion was not agreed to.

The **PRESIDING OFFICER.** The question recurs on the motion of the Senator from Rhode Island that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The **PRESIDING OFFICER.** The Sergeant-at-Arms will execute the order of the Senate.

Mr. SEWELL. Pending the execution of the order, I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. That can not be done.

The **PRESIDING OFFICER.** There being no quorum, no motion can be entertained except a motion to adjourn.

Mr. ALDRICH. I am not sure whether it would be in order to ask that the Senator from Wisconsin [Mr. VILAS] might be allowed to continue his speech.

Mr. COCKRELL. That would not be in order.

Mr. ALDRICH. I am very sorry to see the Senator from Wisconsin cut off in this untimely way. [Laughter.]

The **PRESIDING OFFICER.** The Chair will state that, pending the execution of the order of the Senate by the Sergeant-at-Arms, nothing is in order but a motion to adjourn.

Mr. VILAS. What was the request of the Senator from Rhode Island [Mr. ALDRICH]?

The **PRESIDING OFFICER.** The motion of the Senator from Rhode Island was to direct the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. VILAS. I understood that the Senator from Rhode Island desired that I should have leave to proceed. I should like to engage him long enough in hearing what there is in objection to the pending bill to assure him that he would not vote for it——

Mr. GALLINGER. I rise to a point of order.

The **PRESIDING OFFICER.** The Chair will state that, pending the execution of the order of the Senate, nothing can be done, and no motion can be entertained except a motion to adjourn.

After some little delay,

Mr. CULLOM. May I inquire what is before the Senate, Mr. President?

The **PRESIDING OFFICER.** Nothing is before the Senate except the execution of the order of the Senate, and no motion is in order except a motion to adjourn.

Mr. CULLOM. I think I shall make that motion pretty soon. [Laughter.]

Mr. LINDSAY entered the Chamber and answered to his name.

Mr. HOAR. I inquire how many are lacking of a quorum, Mr. President?

The **PRESIDING OFFICER.** The Senate lacks three of a quorum.

Mr. LINDSAY. I move that the Senate adjourn.

Mr. ALDRICH. It is very evident that we shall not get a quorum to-night, so I have no objection to the motion.

The **PRESIDING OFFICER.** The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 4, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 3, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF AGRICULTURAL BULLETIN ON THE COTTON PLANT.

The **SPEAKER** laid before the House a concurrent resolution providing for the printing of additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, etc., with a Senate amendment thereto.

The Senate amendment was concurred in.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" and

A bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin.

PRINTING OF CONSULAR REGULATIONS, 1896.

Mr. PERKINS. Mr. Speaker, I ask for the present consideration of House joint resolution 241, providing for the printing of the Consular Regulations of 1896.

The joint resolution was read, as follows:

Resolved, etc., That there be printed for the use of the members of the two Houses of Congress 1,000 copies of the Consular Regulations of 1896, and 500 copies of the same to be delivered to the Superintendent of Documents, to be sold by him at their cost of printing.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration House joint resolution No. 241, "Providing for the printing of the Consular Regulations of 1896," report the following substitute for the same and recommend that the substitute be agreed to:

"Joint resolution providing for the printing of the Consular Regulations of 1896.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be printed of the Consular Regulations of 1896 1,400 copies, 300 copies for the use of the Senate, 600 copies for the use of the House of Representatives, and 500 copies to be delivered to the Superintendent of Documents for sale."

The Secretary of State recommends this action, stating that there is a demand for these volumes on the part of members of Congress, merchants, and applicants for consular positions, which can not be supplied by the Department, as the Department has merely enough copies for its own use and for distribution to the consular and diplomatic officers and to members of the diplomatic corps in Washington.

The Public Printer estimates the cost of printing under this resolution at $1,050.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There was no objection.

Mr. PERKINS. Mr. Speaker, I call attention to the substitute.

Mr. CANNON. How many copies are provided for in the substitute?

Mr. PERKINS. Fourteen hundred.

Mr. CANNON. I move to make it 3,000.

Mr. PERKINS. Mr. Speaker, the Secretary of State has only requested 1,000. That is his recommendation, and the committee made it 1,400, giving the Senate 300 copies, the House 600, and 500 copies to be placed with the Superintendent of Documents for sale. The committee has no information of any larger number being required.

Mr. CANNON. I move to strike out "1,400" and insert "3,000," and if the gentleman will give me a minute, I will tell him why.

Mr. PERKINS. Certainly.

Mr. CANNON. I have seen a copy of this book. The work has been very thoroughly done, and I understand, now that the type is set up, the cost of printing will be very slight. I will ask the gentleman how much the printing of the 1,400 copies will cost?

Mr. PERKINS. The cost for the printing of 1,400 copies will be $1,050.

Mr. CANNON. That is less than a dollar a volume, about 75 or 80 cents. Now, 1,400 copies of the Consular Regulations is a very small number. It seems to me that 3,000 would be a small number for the use of the House and Senate. I want to say to my friend that this is one book that a great many people are inquiring about, and I think the people of the United States are more able to pay this trifling expense than are the respective members of Congress to purchase the volumes to send to worthy people who ask for them.

Mr. TERRY. Do you not know that this will get you into a heap of trouble?

Mr. CANNON. I think very likely that this is about all that most of the gentlemen who are inquiring about it will get.

Mr. TERRY. I suggest to the gentleman that every one of your people who gets a copy of the book will find an office in it, and then begin to write to you about it.

Mr. PERKINS. Mr. Speaker, the resolution introduced by the gentleman from Illinois, chairman of the Committee on Foreign Affairs [Mr. HITT], calls for 1,000 copies. So far as I am concerned, I have no objection to the House increasing this number, if it so desires. The gentleman in making his amendment should state how he desires this additional number of copies distributed.

Mr. CANNON. I want all the increase to go to the House and Senate.

Mr. PERKINS. It will have to be stated in the resolution.

Mr. CANNON. Precisely. Let us first adopt this amendment, and then I will trust to my friend to fix the other.

Mr. PERKINS. How many additional copies does the gentleman suggest?

Mr. CANNON. Three thousand copies altogether.

Mr. PERKINS. Say you make it 1,500 additional. That will be 500 for the Senate and 1,000 for the House.

Mr. CANNON. That is satisfactory to me.

The **SPEAKER.** Will the gentleman from Illinois state his amendment?

Mr. PERKINS. I ask that the substitute be read, Mr. Speaker.

The Clerk read as follows:

Resolved, etc., That there be printed of the Consular Regulations of 1896 1,400 copies, 300 copies for the use of the Senate, 600 copies for the use of the House of Representatives, and 500 copies to be delivered to the Superintendent of Documents for sale.

Mr. PERKINS. The gentleman from Illinois, as I understand, desires to strike out "three hundred for the use of the Senate" and insert "eight hundred," and strike out "six hundred for the use of the House" and insert "sixteen hundred."

Mr. CANNON. That is satisfactory.

The **SPEAKER.** The Clerk will report the amendment.

Mr. PERKINS. That will increase the whole number to 2,900.

The Clerk read as follows:

In line 2 strike out the word "fourteen" and insert the words "twenty-nine;" so as to read, "twenty-nine hundred copies;" and strike out "three" and insert "eight," and strike out "six" and insert "sixteen."

The amendments were agreed to.

The substitute as amended was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ANNIE E. NOLAN.

Mr. WOOD. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 2129, "An act granting an increase of pension to Annie E. Nolan," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert $40; and the House agree to the same.

BENSON WOOD,
S. S. KIRKPATRICK,
Managers on the part of the House.

J. H. GALLINGER,
JNO. L. MITCHELL,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House of Representatives make the following statement upon the disagreeing votes of the two Houses:

The bill as originally passed the Senate carried a pension of $50 per month. This was reduced by the action of the House to $25. The effect of the conference report is to give the beneficiary a pension of $40 per month.

The managers on the part of the House have been led to make this concession from the fact that the soldier died of disease contracted in the service after an honorable career of over thirty-one years. He entered the Regular Army as a private, and by good conduct was promoted through the several grades to that of major of the Third United States Cavalry.

BENSON WOOD,
S. S. KIRKPATRICK,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I move that the conference report be agreed to.

The motion was agreed to.

CONTESTED-ELECTION CASE—CORNETT VS. SWANSON.

Mr. McCALL of Massachusetts. Mr. Speaker, several days ago my colleague upon the Committee on Elections No. 3 gave notice of his desire to call up to-day the contested-election case of Cornett against Swanson, from the Fifth district of Virginia; and notice having been given, and there being a general understanding that it is to come up, I now call up that case for consideration.

The **SPEAKER.** The Clerk will report the resolutions of the committee.

The Clerk read as follows:

Resolved, That George W. Cornett was not elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia.

Resolved, That Claude A. Swanson was duly elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia, and is entitled to his seat.

Mr. THOMAS. Mr. Speaker, I offer the minority resolution as a substitute.

The **SPEAKER.** The Clerk will report the minority resolution.

The Clerk read as follows:

Resolved, That neither Claude A. Swanson nor George W. Cornett was elected a member of the House of Representatives from the Fifth Congressional district of Virginia for the Fifty-fourth Congress of the United States, and that neither of them is entitled to the seat.

The **SPEAKER.** The question is on agreeing to the substitute.

Mr. McCALL of Massachusetts. Mr. Speaker, I will say just one word to the House at this moment in order to state precisely what the issue is. The record shows that the contestee was elected by about 2,300 majority over the contestant. The contestant attacked about 12 precincts out of 144 in the district. If we exclude every one of those precincts that are attacked, it still leaves the contestee elected by something over 1,500 majority. There is no way possible in mathematics by which it can be figured out that the contestant has a majority, and his case is abandoned; and the case presented to the House to-day, or which will be presented by my friend from Michigan [Mr. THOMAS], my colleague upon the committee, is this: He claims that the election law of Virginia is unconstitutional, and therefore there was no valid election, and that the sitting member is not entitled to sit here. That question I shall not take the time of the House to discuss now, except simply to say that the House has already seated two members in contests who were elected under the same law, and that the rest of the delegation from Virginia who sit here uncontested sit here under that law. I think it may be well, perhaps, to have stated more particularly the questions of fact raised by the record. I will yield to my colleague from Virginia upon the committee [Mr. JONES], who prepared the report of the majority, for a statement of the facts in the case. Otherwise, I reserve my time.

Mr. McCALL of Tennessee. Will the gentleman yield to me for a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. McCALL of Tennessee. Do I understand the gentleman to state that, excluding all the precincts that are attacked in the district, it still leaves the contestee a majority of 1,500?

Mr. McCALL of Massachusetts. The gentleman has a correct understanding. Excluding every one of the precincts concerning which any evidence whatever is adduced, it still leaves the contestee with a plurality of 1,539 votes. I now yield to my colleague.

Mr. JONES. Mr. Speaker, in presenting to the House the views of the majority of the committee which examined and reported this case, I shall not attempt to go to any considerable length into a discussion of the numerous legal and constitutional questions which are raised in the briefs of counsel and which are elaborately argued in the report of the minority. It is enough to say to the House now that the contestant in this case assails the election law under which this election was held. Assails it in the first place because, as it is alleged, the secrecy of the ballot, which is secured to the voter by the constitution of Virginia, is invaded by this law, and that in addition thereto numbers of voters qualified under the constitution of Virginia to vote were hindered and prevented from voting by those who conducted the election under this law.

As has already been stated to the House by my distinguished colleague on the committee, the gentleman from Massachusetts [Mr. McCALL], this election law has stood the test of a decision of the supreme court of the State of Virginia. As has also been stated to the House, every member of this House from Virginia holds his seat upon this floor under a law which is now for the first time assailed. Already this House has seated my colleague, Mr. THORP, from the Fourth Virginia district, thereby declaring that the election law of Virginia is both constitutional and valid. Already this House, in the case of Yost *vs.* Tucker, has decided that my colleague, Mr. TUCKER, is entitled to a seat upon this floor. If, Mr. Speaker, the then election law of Virginia was unconstitutional, if the law under which this election was held was fraudulent, invalid, and inoperative, as is maintained in the minority report, then, as a matter of fact, neither my colleague, General WALKER, from the Ninth district, nor myself, nor any other Representative from Virginia is entitled to a seat upon this floor.

The committee, however, have found in their examination of this case that even if the provisions of the Virginia election law which are assailed in the report of the minority are invalid, inoperative, and unconstitutional, as they are alleged to be—even in that event, they would have no difficulty in finding that the contestee, Mr. Swanson, was legally elected, and therefore entitled to retain his seat.

Mr. STEWART of New Jersey. May I ask the gentleman whether the courts of Virginia have declared the election law to be unconstitutional?

Mr. JONES. On the contrary, the supreme court of Virginia, by a unanimous decision, has declared that this election law is constitutional; and let me say further to the gentleman that the objection urged by the contestant to this law is that it is obnoxious to certain provisions of the constitution of the State of Virginia, not of the Federal Constitution. Mr. Speaker, I repeat, the committee, after carefully investigating all these legal and constitutional questions, have come to the deliberate conclusion that even if those provisions of the election law which are assailed were inoperative and unconstitutional, there would still remain enough of the law under which the election was held to leave no question as to the fairness and legality of the contestee's election.

The Fifth Congressional district of the State of Virginia is composed of 7 counties and 2 cities. In that district there are 144 election precincts, and the evidence which has been taken in this case applies to and affects only 12 of those 144 precincts. The notice of contest only informs the contestee that the vote in 5 of these 144 precincts will be drawn in question. The committee has carefully gone into the vote in each one of these 12 precincts as to which any testimony has been taken, although as to 7 of them no notice was given in the notice of contest, and we have found that, giving to the contestant the full benefit of every claim set up by him, either in his notice of contest or in the briefs of counsel, he still lacks more than 1,500 votes of enough to elect him. The first precinct assailed in the notice of contest is the Third Ward of the city of Danville. In that city there are three wards.

The third is the only one with reference to which any testimony has been taken, and nearly one-half of the record in this case is taken up with testimony bearing upon and related to that particular precinct. I may say, by way of preface, that this precinct is known to be the largest Democratic precinct in the Fifth Congressional district. It embraces within its limits the resident portion of the city of Danville, and within that precinct the wealthiest and most intelligent people of the city reside. There are in that precinct, upon the poll books, as this record discloses, 280 more white voters than there are colored voters, and it is established by the testimony of the witnesses for the contestant that in this precinct the white people as a rule vote the Democratic ticket, and the colored people as a rule vote the Republican ticket. According to the returns of the commissioners of election, although the white voters outnumber the colored voters by 280, the contestee's majority in this precinct was only 228.

Now, without going into this mass of testimony, which, as I have said, covers nearly one-half of the record in this case, I will merely state that the committee in dealing with this case, and knowing that it would make no difference as to the result, have thrown out this entire precinct and taken from Mr. Swanson every one of his majority in the largest Democratic precinct in the Fifth Congressional district. Mr. Swanson's returned majority is 2,333. Subtracting from that his majority of 228 at this precinct will leave him still 2,105 majority.

The next precinct attacked by the contestant in the notice of contest is that of Design, in the county of Pittsylvania. The contestant claims in his notice of contest that this precinct should be thrown out, because there were not provided by the election officers sufficient booths to accommodate all those offering to vote. If we grant this claim without going into an analysis of the testimony, because, as I have already said, to make this admission does not affect the result in this case—if we concede, merely for the sake of argument, that the contention of the contestant is a just one and disfranchise every legal voter at this precinct, the result would simply be to take from Mr. Swanson 52 additional votes, which would still leave him a majority of 2,053.

The third precinct assailed in the notice of contest is that of Stokesland, also in the county of Pittsylvania. There were rejected at that precinct for certain imperfections and irregularities 111 ballots. But the contestant claims in his brief that a certain witness of his proved that there were 157 votes cast for him in that precinct. This would hardly be regarded as convincing testimony by anybody in the face of the official returns. It would therefore be showing the greatest liberality toward the contestant if we had said that every one of those 111 votes which were rejected on account of imperfect marking ought to have been counted for the contestant. But we go further than that, and we give to him, in order to show the absurdity of his claim, the 157 votes which one of his witnesses says ought to have been counted for him. To do this will leave the contestee still a majority of 1,896.

The fourth precinct mentioned in the contestant's notice is that of Dry Fork, in Pittsylvania County. The contestant claims that a list of those who said they voted for him was kept at this precinct, and that he was entitled to 65 votes, and not 43, as the returns gave him. He also claims that the contestee actually received 46, instead of 68 votes returned for him. Concede this to be true—allow both claims—and he would be entitled to 44 additional votes. Deduct those 44 votes, and the contestee still has a majority of 1,852.

The fifth and last precinct as to which there is any mention or charge in the notice of contest is that of Martinsville, in the county of Henry. As to this precinct there is considerable testimony; but the contestant fails to state what he claims is due him at this precinct, or what disposition the committee or this House ought to make of the vote of the precinct. There were rejected as illegal at this precinct 38 votes. The contestant's majority at the precinct was 40. If we were to give to him every one of those rejected votes, it would be all that he could claim; but inasmuch as it would be more favorable to him to throw out the entire poll, we do that, and instead of deducting 38 votes from the contestee's majority we deduct 40, leaving the majority of the contestee 1,812.

I have now briefly gone over the 5 precincts that are mentioned in the notice of contest. There are 7 other precincts, not mentioned in the notice of contest, but as to which testimony was taken. I will take up each one of those precincts one by one. Let us first take Young's precinct, in Franklin County. There the contestee's majority was 7. The contestant failed to make in his brief any specific claim as to this precinct. The best claim that could be made for him from his testimony is to deduct 2 votes from Swanson and to give Cornett 28, making a difference of 30. If we threw out the whole precinct, it would take only 7 votes from Swanson. As it would be more favorable to the contestant to give him the 30 additional votes, the committee in its computation have given them to him, and therefore I deduct them from the contestee's majority. To do this will leave the contestee a majority of 1,782.

Rocky Mount is another precinct concerning which testimony was taken, although not mentioned in the notice. The returned vote for the contestee at that precinct was 241; that for the contestant, 147; rejected ballots, 38. The most advantageous thing for the contestant being to throw out this precinct, instead of counting for him the 38 rejected ballots, we throw it out, and thus take from the contestee's majority 94, leaving his majority 1,688. In that county, containing 19 precincts, these are the only 2 precincts concerning which any testimony at all was taken.

The next precinct is Stuart's, in the county of Patrick. The white registered voters in that county numbered 2,459; the colored voters, only 340. There are witnesses for the contestant who

swear that there was no fraud or unfairness in the election anywhere in this county. No specific claim is made by the contestant in his brief as to this precinct. The contestee's majority there was 32, and there were rejected 20 votes. In our computation we throw out the entire precinct; and though the contestant himself does not ask for it, we take those 32 votes from the contestee, leaving him still 1,656 majority over the contestant.

Ridgeway precinct, Henry County, is also drawn in question by reason of certain testimony having been taken in regard to it. The contestant makes no specific claim as to this precinct. The contestee's vote at this precinct was 152, the contestant's 105, giving the contestee a majority of 47. The committee, without going into the evidence in regard to this precinct, and with the sole purpose of showing that the contestant has no case according to his own showing, throw out this poll and take this majority away from the contestee. It will leave him 1,609 majority.

At Scotts Tanyard precinct the contestant's vote was 73 and the contestee's 48. The contestant's majority at this precinct was 25, the rejected ballots 15. There was no specific claim made as to this precinct by the contestant, but to throw out the poll would be to take from him 25 votes. So, instead of throwing out the poll in this case, as the committee has done in the other cases where the contestee had the majority, we have counted every rejected vote for the contestant. This would reduce the contestee's majority to 1,594. But lest it should be thought that on account of the alleged misconduct of the constable at this precinct more than that should be done for the contestant, we have concluded to give the contestant every vote he received, and every ballot which was rejected but not counted, no matter for whom intended, and to take from Swanson, the contestee, every single vote that was cast for him at this precinct. When we have done this, there is still left to Swanson a majority of 1,546.

Jacksonville precinct, Floyd County, is the next precinct drawn in question. This is the only precinct in that county concerning which there is any testimony. The contestant fails to specify in his brief what he claims as to this precinct, and the committee was left in doubt as to what he desired it should do.

One Sowder, a lawyer and a Republican, testifies that 42 ballots were rejected, and all the witnesses agree that 26 of them were illegal; and it was found that of the 16 that it was thought should be counted, 3 were for Swanson and 13 for Cornett, the contestant. If the difference between 3 and 13 of the ballots rejected, namely 10, is added to the contestant's vote, the contestee would still have a majority of 1,536.

At Independence precinct, in Grayson County, testimony was also taken, and this is the last of the 12 with reference to which any testimony whatever was taken. At this precinct the judges rejected 30 ballots. In this number only 4 votes could have been affected, as shown by the testimony. We have deducted these 4 votes from the contestant's majority and leave him still a clear majority of 1,532 votes over the contestant, after counting and allowing every single claim that is made on his part either in notice of contest or in briefs of counsel and after giving him the benefit of all doubts. The committee did not believe, and I do not believe, that any of these claims were established.

Now, Mr. Speaker, I desire to call the attention of the House to another matter that may be deemed of some importance by some members of this body. In the last contested-election case from Virginia determined by this House a great deal of discussion was had and a great deal said about ballots rejected on account of improper marking. In the county of Carroll no testimony was taken affecting a single vote; but there is a certificate in the record from the county clerk of that county which merely shows that there were rejected as improperly marked 124 ballots in that county. There were cast in that county 2,568 votes, so that according to this certificate less than 5 per cent of the total vote polled in the county of Carroll was rejected on account of improper marking. There is no claim in the notice of contest, there is no evidence taken to show that one single one of these rejected votes was improperly rejected. There is simply that isolated fact in the record that there were that many rejected votes. Take every one of these votes and give them to the contestant, and, as I have already shown, it would not materially affect the contestee's majority.

A great deal was also said in that contested-election case from Virginia to which I have just alluded in regard to the alternation of the names upon the ballots which where used at the election. In two of the counties in this district—the counties of Henry and Grayson—the names on the ballots were alternated. In Henry County there were rejected 177 ballots, and in Grayson County the judges rejected 103 ballots, or a fraction over 7 per cent of the vote polled in the one county and a fraction over 4 per cent in the other. If the entire polls of the two counties be rejected—if instead of counting these rejected ballots for contestant this House should deem it proper on account of the alternation of names to declare the election invalid in these two counties and thus deprive thousands of voters of their right to have their legal votes counted—the result would not affect the contestee but to the extent of 126 votes, because the majority of the contestee in one county was 48 and in the other 78.

But, Mr. Speaker, I have already shown that in one of these counties, that of Henry, the 74 votes which were rejected at Ridgeway and the 15 at Scotts Tan Yard have been already counted for contestant. So, also, contestant has been given the benefit of the 88 votes rejected at Martinsville, in the same county.

From the figures which I have thus given the House it must be apparent to every member that if the entire polls of the two counties where the names upon the ballots were alternated were thrown out and disregarded, the contestee would still have remaining between 1,300 and 1,400 uncontested and unassailed majority.

Now, Mr. Speaker, it is not seriously contended on the part of the contestant that he received a majority of the legal votes in this district. It is not asserted in any brief. On the contrary, it is admitted in the briefs that the contestant has not made any tabulated statement showing that he was elected, and that he bases his claim that Mr. Swanson should be unseated upon the sole ground that the Virginia election law is unconstitutional. He does not ask to be given a seat on this floor. He does not claim to have been legally elected. The report of the minority of the committee does not make any such claim for him, and the resolutions which that minority have offered, as a substitute, simply declare that there was no election in the district. It seems to me, sir, that at this late date in the Fifty-fourth Congress, when scarcely a month of its life remains, this House will scarcely be guilty of the injustice and the inconsistency of declaring a law unconstitutional when it has upheld the validity of that law upon three former occasions.

Mr. Speaker, I do not believe this House will thus stultify itself. If this law is unconstitutional now, it was equally so when this House seated one member elected under it and confirmed the title to their seats of two other members. What could possibly be gained by such a course? Between now and the 4th day of March this district would remain unrepresented on this floor. It would be impossible to hold a special election in this limited time, and to send here another Representative from this district. No good could be accomplished by declaring that this election was invalid, and that the law of Virginia under which it was held was unconstitutional.

I may add, Mr. Speaker, in this connection, that the Walton law, under which this election was held, was tried for the first time in this election in 1894. I may also add that since that time those features of that law which have been most vigorously assailed in this case have been altered or repealed by a subsequent act of our legislature. The law now being considered by this House is not the present election law of Virginia, so that in no sense could any good be accomplished by declaring that law to be unconstitutional.

Mr. Speaker, this district is not a Republican district, as some people count Southern districts. This is a white district. There are more than twice as many white voters in this district than there are colored voters. For twenty-two years prior to this election, with only the exception of one Congress, this district has been represented by a Democrat, and the vote which my colleague, the contestee [Mr. Swanson], received at the election which preceded this, and before the enactment of the Walton law, resulted in a larger majority for him than he received at the election which we are now considering. So it seems to me that no argument can be advanced by anybody which would justify this body declaring this law unconstitutional.

I have already said, Mr. Speaker, that I would not go into any extended discussion of the law of this case. It is the Virginia constitution which this law is supposed to be obnoxious to. The highest judicial tribunal in my State has declared that it violates no provision of that State constitution, and this House will not undertake, I think, to override that decision, which I hold to be sound and just in every particular. It would be a useless consumption of time for me to undertake to read to this House the numerous authorities bearing upon this subject, and which hold that the decisions of a supreme court of a State interpreting and construing the laws of that State should be respected by every other tribunal in our land. For the sake of the argument, and because it was the easiest way to dispose of the contestant's pretensions and claims in this case, we have allowed him everything and more than he claimed. Let it be distinctly understood, however, that the committee does not believe that the testimony in this case warrants this computation we have made, and which has only been made in order to show how utterly groundless is the claim that the contestant makes to a seat in this House.

With this brief opening, I leave the case in the hands of my colleagues upon the committee.

Mr. THOMAS. Mr. Speaker, four questions arise upon the record in this case to which the attention of the House will be called in order.

The first is as to the sufficiency of the notice of contest; the second is as to the right of appeal to this House; the third is as to the validity of the Virginia election law known as the Walton law; and the fourth is the effect of its operation upon the elective franchise as known to our system of popular Government.

Before entering upon the discussion of this case it will be well to take a comprehensive view of the election law of Virginia, called the Walton law, with which we are to deal.

For this purpose I will recapitulate the summary contained in the minority report (Report 1473, part 2), which not only brings out the salient features of the law, but throws much light upon the evident intent which led to its adoption and the obvious effect of its operation.

It is claimed by its supporters to be an adaptation of the Australian system. This in itself at first is enough to recommend the law; but upon examination it will be found to be a strange adaptation and the source of great danger. It has been said there is nothing more dangerous than a half truth. It has enough of right in it to allure and attract and enough of wrong to deceive and ruin.

The Walton law of Virginia is in the nature of one of these half truths. It has adopted the form of the Australian ballot, but stripped it of its essential features and destroyed its spirit and life. For example, the necessary complexity of a single ballot which must contain all the names of the various candidates is guarded against in other States, such as Pennsylvania, New York, Ohio, Massachusetts, New Hampshire, Kentucky, Vermont, and Maryland, where wholesome restraints are provided against a long list of needless candidates. By the Walton law any number of names can be placed on the ballot, and as was done in this election, names which appeared to be the same, but which slightly differed in spelling were placed on the ballot. Other States provide such safeguards against fraud as results from requiring that the several political parties shall be represented among the election officers. Under the Walton law they may all belong to one party, as they did in this election. In other States provisions are made for acquainting all voters with the form and substance of the ballot by requiring it to be published in the newspapers and posted at the voting precincts on and before the day of the election. By the Walton law this is not only prohibited, but the two or three officials who print and have the custody of the ballot are prohibited by penal enactments from exposing them or from divulging their contents. In other States the names of the several candidates must be placed on the ballot in a certain order well known to the public and in plain roman type. By the Walton law they may, as was done in this election, print the names in six different orders and in the confusing type of the German text.

In other States separate booths for every fifty and at least for every hundred voters must be provided. By the Walton law there need be but one booth for hundreds of voters, so that it might be a physical impossibility for all to vote, as was true in some precincts at this election.

In other States the illiterate elector is qualified to vote because every customary avenue of knowledge is open to him and the assistance of his friends, neighbors, and educated children is available. Under the Walton law all these avenues of knowledge are closed and the illiterate voter disqualified by being deprived of the assistance of any friend of his choice.

In other States the mode of election is such that every man is satisfied that his ballot is cast for the candidates of his choice. Under the Walton law the illiterate man casts a vote prepared by a political enemy, with nothing to satisfy him that it was not cast for the man he desired to defeat.

In other States no man but the voter can know for whom he voted and his ballot is absolutely secret. Under the Walton law he must tell a special constable, even if he be a political adversary, whom he intends to vote for, and must either reveal the secrecy of his ballot or be disfranchised, whereby it clearly appears that the Walton law repels men from the ballot box.

Now, our contention is that this law disqualifies every illiterate voter by compelling him to vote through another person: that it destroys the secrecy of the ballot by compelling the voter to disclose the name of his candidate, and that it repels and discourages citizens from voting by making it possible for the political party which conducts the election to appropriate the illiterate vote to its own use.

The first question raised in this case by the contestee is as to the sufficiency of the notice.

The notice is, in substance, as follows:

> First. That the operation of the law known as the Walton election law, under which said election was held, was unjust, fraudulent, and illegal, in that no ballots nor samples thereof, nor information nor advice as to contents and the position and order of names thereon, was given or published, or allowed by said law to be given or published, to any elector in said district, but contestant alleges the fact to be that said ballots were kept in the secret and exclusive possession of said officers of said election, consisting of three judges and special constable, sworn to secrecy as to the contents of the same, and that each elector was compelled, after entering a private apartment or booth, to only use in voting a ballot in form as aforesaid by said judges furnished; and in expressing a choice for said candidates were required to draw a horizontal line covering at least three-fourths of the printed names of three of the candidates, leaving unmarked the name of the candidate for whom elector desired to vote, and that every voter unable to read, or physically incompetent to prepare his ballot, was thus compelled and required to call upon the special constable to aid in preparing the same; and that the said special constable appointed in every precinct in said district was a Democrat and member of contestee's party, and supporting contestee in said election.
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> Second. That there were four names of candidates for Congress, including the names of contestee and contestant, on all tickets used in voting at said election, all of said names being printed, as required by law, on the same piece of paper, and that the Democratic authorities and supporters of contestee having sole charge of and direction of printing of said ballots, wrongfully, fraudulently, unlawfully printed and directed and caused to be printed the name of contestant in alternate and various positions on said tickets used at each voting precinct in said Congressional district; that is to say, contestant's name was, as aforesaid, arranged and printed on said ballots first and second and third and fourth, in relation to the names of the said other contestants, by reason of which the said contestant was unable to assist and instruct as to the true position of his name on said tickets, all voters not able to read desiring to vote for said contestant, whereby said electors were unlawfully deprived of the exercise of their lawful franchise and contestant deprived of 50 ballots, more or less, meant to be cast for contestant by such illiterate voters; and that the same were unlawfully manipulated and cast or procured to be cast and counted for contestee.
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> Third. That the officers required by law to appoint the judges of election and special constable in the cities of Danville and Neapolis and Pittsylvania County were furnished by the chairman of the Republican committee of said county with a list of orderly and discreet Republican electors, being of the different political faith of that of contestee, and who favored the election of contestant, and were requested by said chairman and required by the laws of said State to select one or more of said electors to act in said trusts, but contestant alleges the fact to be that the said appointing authorities wrongfully and unlawfully neglected and failed and refused so to do, that is to say, such authorities with intent to prevent a free ballot and an honest count in said election, appointed in the several voting precincts in said places only 5 of said electors, and that the remaining 103 of said officers so appointed were of the same political party as contestee and in favor of contestee's election, and that at 31 out of 42 voting places in said precincts there were so appointed either a postmaster or a Federal revenue officer, or both, said Federal officials owing their respective positions to the patronage and procurance of contestee.
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> Fourth. That one of the judges of election at Design precinct, in Pittsylvania County, appointed as aforesaid, was at the time of appointment and at the time of said election under indictment in a Federal court for alleged fraud and violation of the election laws of Virginia, of all which the said appointing authorities were fully advised.

That, in addition to the above, said notice contains twelve other specifications relating to insufficiency in number of booths, to the invasion of voting precinct by crowds, to the destroying of ballots, to the rejection of Republican witnesses to the count, to frauds of special constables, to the manipulation of ballots, to the counting of fraudulent votes, to limiting the hours of voting, to bribery, and to the invasion of the booths.

That this notice is abundantly sufficient to raise the question as to the constitutionality of the law there can be no doubt. Certainly the simple statement of the point without any specification whatever would be enough to apprise the contestee of the nature of the issue he would be called upon to try.

As to allegations of fraud practiced at the election and growing out of the operation of the law, the particularity of the specifications would depend upon the nature of the fraud. If, for example, the evidence of fraud was in the possession of an adverse party whose interests would be to hinder and obscure investigation, then a general charge would suffice; whereas in other cases more specific charges might be necessary.

THE RIGHT OF APPEAL.

The next question in order relates to the right of the House of Representatives to inquire into the validity of the Walton law.

It is apparent from what has been said that a system has been adopted by the legislature of Virginia by which a large body of her citizens are disfranchised, or, what is worse, compelled to vote through another person known as the vote fixer, with no possible means of verifying the vote so cast; that such a system necessarily repels the voters from the ballot box, destroys the secrecy of the ballot, and disqualifies every illiterate voter by withholding from him the ordinary means of knowledge.

It now remains to be stated that an attempt is being made by the contestee to overawe the House of Representatives and silence criticism and close the doors of investigation by reenforcing this law with a decision of the supreme court of Virginia affirming its constitutionality.

As to the political rights of American citizens, let me say the House of Representatives is preeminently the people's tribunal. It is familiarly known as the popular branch of the Government. In its representative character it is very near the people. It not only has original jurisdiction as to the right of a person to a seat in its Hall, but is also a tribunal of last resort. The most that could be claimed for the supreme court of Virginia in any case would be a concurrent jurisdiction. But after all the election law of a State has a twofold relation—first, as it applies to the State officials, and second, as it applies to the United States officials. It would seem, therefore, that the supreme court of a State would have exclusive jurisdiction as to the election of State officers and that the House of Representatives would have exclusive jurisdiction as to the election of its members, and that there is really no concurrent jurisdiction between them. If this be true, then the decision of neither would be a plea in bar to the other.

But let us suppose the jurisdiction concurrent, and apply the

rule by which one court is governed by the decision of another in judicial practice.

It is contended that the decision of the supreme court of Virginia in the case of Pearsons et al. *vs.* Board of Supervisors, etc., having upheld the Walton law, the House of Representatives is concluded thereby.

The contestee says:

> The committee might have had some difficulties confronting it but for the fact that recently the supreme court of appeals of Virginia, the highest court in the State, has passed upon this question after full argument and by a unanimous court.

I have therefore carefully examined the case cited for two reasons, first, to ascertain whether the supreme court of Virginia has legally passed upon the question, and secondly, whether the question is of such vital national interest as to challenge the attention of the House of Representatives whether the State court has passed upon it or not. It appears that a suit in chancery was commenced, that the bill was taken as confessed in the lower court, that there was no appearance or opposition by the defendant, and on the hearing the case was dismissed for want of jurisdiction: and from this judgment the petitioners appealed to the supreme court, which in turn refused the appeal for the reason, as they state, that the petitioners had a plain and adequate remedy at law under section 836 of the Code of Virginia, without resorting to the court of chancery.

While, therefore, the existence of this suit was of short duration and barren of real results, a trifling incident, which at first appeared of no significance, unexpectedly assumed gigantic proportions. That incident was the excuse which the petitioners set forth in their bill for trying to collect a common-law debt in the court of chancery, namely, that the election law of Virginia, called the Walton law, was unconstitutional. The court, with a judicial penetration worthy of its exalted position, perceived that the reference to the Walton law was wholly irrelevant to the case; but still desiring for some reason to deal with this question, made this explanation, as follows:

> Accompanying the petition is a brief filed by counsel for petitioners, in which the many interesting questions of law arising upon the record are thoroughly discussed. We feel, therefore, that upon the part of the petitioners at least we are in possession of all the means of information which would be accessible to us were the appeal allowed and the case set down for argument. We feel, too, that the questions presented are of the utmost interest to every citizen of the State. We are upon the eve of an election in which many important offices are to be filled, and it is much to be desired that all uncertainty as to the law under which these elections are to be conducted should be removed, and it is therefore a matter of congratulation that the plaintiffs have, in presenting their case to us, thrown sufficient light upon it to enable us to dispose of it without delay and with entire confidence.

At the close of their decision the court further said:

> If, however, we had come to a different conclusion as to the constitutional questions involved in the record which accompanies the petition in this case, we should still be obliged to refuse the appeal asked for, as the plaintiff had a plain and adequate remedy at law under section 836 of the Code of Virginia without resorting to a bill in chancery. For the foregoing reasons we deny the appeal asked for by the petitioners.

It therefore appears from the statement of the court itself that it had no jurisdiction in the case over either the process or the subject-matter; that the constitutional question did not grow out of the petition, but out of a brief that accompanied the petition; that but one side of the case was presented and discussed, and that the case was never set down for argument. The further statement that "the plaintiffs have thrown sufficient light upon the case to enable us to dispose of the case with entire confidence" is a frank confession by the court that the above grounds for assuming jurisdiction of the question might not be perfectly satisfactory to everybody when the magnitude of the question involved should be realized, and that a criticising public might need the further assurance from them that they were not acting in total darkness.

Mr. JONES. May I ask the gentleman a question?

Mr. THOMAS. Certainly.

Mr. JONES. Does the gentleman mean to assert that from the opinion of the court of appeals it is apparent that this constitutional question was raised in the argument of counsel, and was not raised in the bill and in the petition?

Mr. THOMAS. I stated very clearly what the court said. The court said that they acted in confidence because of the presentation made in the brief.

Mr. JONES. I understood the gentleman to use this language:

> It therefore appears from the statement of the court itself that it had no jurisdiction in the case over either the process or the subject-matter; that the constitutional question did not grow out of the petition, but out of a brief that accompanied the petition.

Mr. THOMAS. I mean to say that, certainly.

Mr. JONES. Is it not a fact that the bill in chancery of which you have spoken raises this constitutional question? Is it not a fact that the petition of which you have spoken raises this question and assigns eleven different reasons why this law is unconstitutional?

Mr. THOMAS. If the gentleman will be patient, I will reach that in a moment.

Mr. JONES. I ask the gentleman if that is not the fact; if the petition does not set forth eleven distinct grounds?

Mr. THOMAS. I will come to that.

In addition to this lack of authority of the court, I would call attention to some facts which tend to show that the case was to some extent a collusive one, a fact which in itself, if true, would invalidate the judgment. The plaintiff is said to have had a bill to collect for work and labor against Brunswick County, for which he had a plain statutory remedy. Instead of pursuing this course he did the extraordinary and singular thing of filing a bill in chancery. The lower court immediately dismissed the case for want of jurisdiction. It is not clear from the record but that this was on the motion of the plaintiff himself, for it appears that the defendant paid no attention to the case; that the bill was taken as confessed, and that then the court, on its own motion or that of the plaintiff, dismissed the bill; that the plaintiff then, instead of bringing his suit in the proper court, appeals to the supreme court. In the supreme court the defendant again takes no part in the case. What is most remarkable is that in all of this proceeding the plaintiff is ostensibly an enemy of this Walton law, seeking to have it declared null and void. So far as this record goes the Walton law had not a friend in all Virginia. As a matter of common knowledge, at least four contested-election cases were pending in the State, all depending on the validity of the Walton law. But this humble laborer, trying to collect his bill for work and labor, had neither the help of the contestants nor the opposition of the contestees. And when the plaintiff succeeds finally in persuading the court to defeat him, he seems perfectly resigned and satisfied, enters no motion for a rehearing, pays the costs in both courts, and utterly disappears.

In Black's Treatise on Judgments, volume 2, section 699, it is stated:

> In order to make a valid judgment the suit must not be collusive or simulated; there must be a real interest, a real argument, a real prosecution, a real defense, and a real decision.

In Elliott's Appellate Proceedings, page 101, it is said:

> If the court is satisfied that the question presented is not actually in controversy, but that the case is brought merely to obtain the decision of the court on an abstract or hypothetical question, the appeal will not be entertained.

I would also call attention to the fact, clearly admitted by the court in their decision, that the question of the constitutionality of the Walton law was wholly immaterial to the case before them.

In Black on Judgments, volume 2, section 611, it is stated that—

> A point that comes up incidentally and is not necessary to the disposition of the case is obiter dictum and not entitled to the weight of precedent.

Such decisions are declared to be without the force of adjudication. (17 S. & R. Penn., 292.) A want of jurisdiction makes a judgment a nullity, and it may be so treated by any court in any proceeding, direct or collateral. (Wade et al. *vs.* Hancock, 76 Va., 620.)

We are, therefore, of the opinion, in view of the magnitude of the question, involving the political rights of more than 100,000 of the voters of Virginia, the irregular character of the suit, the strange and one-sided manner in which it was conducted and the suddenness with which it was abandoned, the irrelevancy of the Walton law to the controversy, and because the constitutional rights of American citizens are directly involved, that the House of Representatives may inquire into the validity of the Walton election law of Virginia in this case.

The next question in order is: Is the election law of Virginia, known as the Walton law, valid?

(*a*) The constitution of Virginia, Article III, section 1, provides that every male citizen of the United States 21 years old, residing in the State, is entitled to vote; and section 2 of the same article provides that all elections shall be by ballot. It is clear, therefore, that every illiterate elector in Virginia had a constitutional right to vote by ballot on the 6th of November, 1894.

(*b*) The vote by ballot ex vi termini implies a secret ballot. The secrecy of the ballot is a right which inheres in the voter, and of which he can not, against his will, be lawfully deprived. "All devices by which party managers are able to distinguish ballots and determine whether an elector is voting for particular persons are opposed to the spirit of the constitution." (6 Am. & Eng. Ency. of Law, page 343.)

> The right to vote in this manner has usually been considered an important and valuable safeguard—

Says Chief Justice Denio—

> of the humblest citizen against the influence which wealth and station might be supposed to exercise. (People *vs.* Pease, 27 N. Y., 81.)

A statute which requires the placing of a number of the ballot on the poll-book opposite the voter's name and a corresponding number on the back of the voter's ballot is unconstitutional as a violation of the right of secrecy. (Williams *vs.* Stein, 38 Ind., 39.)

Courts have gone so far as to hold that a witness in a judicial proceeding can not be compelled to disclose for whom he voted. Public policy requires the veil of secrecy to be impenetrable, unless the voter himself voluntarily determines to lift it. (Cooley's Const. Limitations, pages 604–606.)

In the present case one of the witnesses, Mr. John H. Johnson, ex-mayor of the city of Danville, testifies:

> I have heard hundreds of good citizens of this town, both merchants and mechanics, say they would not support the Democratic party if they could live and make a support for their families against the heavy pressure that would be brought against them by party leaders. It is a known fact that the Democratic party had what is known as the "black list" in Danville, and when you were put upon that list you could not get any employment. I have had men come to me and tell me that if I expected to live in Danville I had better affiliate with the Democratic party.

So it will be seen that the necessity for a secret ballot would seem to be as essential in Virginia as it was in Indiana at the time of the decision we have cited above.

(c) The Walton law invades and destroys the right of secret voting.

No one will deny this. The supreme court of Virginia in their dictum admit it when they say:

> A man unable to read must in the nature of things so far compromise the secrecy of his ballot as to invoke and obtain the aid of others in the preparation of his ballot.

Now, I am unable to see that it is or ever has been necessary for the illiterate voter of Virginia to compromise the secrecy of his ballot by invoking the aid of others in the preparation of it. That the aid of others to some extent under any possible system will be necessary to the illiterate voter is admitted, but not to the extent of compromising the secrecy of his ballot. Let us examine this question very carefully, for it lies very near the core of the controversy. How was it under the old election law? Under that law each party had separate ballots. Having determined which party to support, all the preparation necessary was to secure the right ballot. This every illiterate voter could do by relying upon any friend of his choice, a neighbor, an educated son or daughter, or a well-known member of his own party. But even then his informant could not know what ballot he finally voted. How is it under the new law? Separate ballots are abolished, and the names of rival candidates are all placed on one piece of paper. The law provides that this paper shall contain only the names of the different candidates with the title of each office, and on the back the official seal, to prevent forgery. The order in which the names are to be printed is not provided for. This one fact is veiled in secrecy, and made absolutely inaccessible by official oaths and penal enactments. Since all rival candidates are on the same ticket, it becomes necessary for each voter to know where on the ballot the name of his candidate is placed. This law provides that the voter shall not know this fact until he is shut out from the world in a secluded booth 40 feet away from any spectator, and that it shall be a crime for anyone, by either word, sign, or gesture, to give him any information, and that in this situation he is given a ticket just two and one-half minutes before he is required to vote it.

If the law stopped here, it would disfranchise every voter who could not read, and there would be no question of its unconstitutionality, but it goes one step further and offers the voter one single opportunity for gaining a knowledge of this one essential fact, viz, where to find the name of his candidate. It provides that he may ask one man, but no other, and he is designated as a special constable. This man may be a stranger or may belong to the party which the voter desires to defeat, or the voter may know him personally and have no confidence in him; there is no witness in sight or hearing, he has no means of knowing whether the information is right or wrong, no way of correcting an error, mistake, or fraud, and can never know by any means that would satisfy the heart or conscience of any rational man whether he voted for or against his own candidate. But this is not the worst of it. Before he can gain even this unsatisfactory assistance he is compelled to compromise the secrecy of his ballot by informing the constable who he intends to vote for. When the transaction is ended, the illiterate voter is sure of but one fact, and that is that he has revealed the nature of the vote he intended to cast to one he did not wish to make a confidant of. What wonder, then, that the record contains such evidence as the following:

W. H. Hale, 32 years old, an agent and operator (record, page 14):

Q. What effect did the operation of the Walton election law have upon the voter; whether or not a free and unrestrained ballot as the Constitution guarantees to every voter, or a tendency to deter, hinder, prevent, and keep away from the polls on election day, thus being afraid their ballots would be unfairly counted or illegally cast?

A. I think the effect was to keep a great many voters away from the polls, believing that their votes would not be counted as cast when in the hands of a special constable. This opinion is based upon conversation with people throughout the country.

L. W. Morgan, 44 years of age, a farmer (record, page 19):

Q. Was the operation of the election law such as to deter and prevent men from voting?

A. As a matter of fact, a great many did not vote at certain precincts in the county, notably, at Dickenson precinct, urging as a reason want of confidence in the special officer of election. I refer to the illiterate voters.

L. S. Thomas, 36 years old, student at law (record, page 39):

I think a number of voters failed to appear at the election because of the new law.

Dennis Hairston, colored, 60 years old (record, page 40):

Q. Did you vote at last election for Congressman?

A. No, sir. * * *

Q. Weren't you advised by some of your Republican friends not to vote?

A. No, sir; they wanted me to vote, but I couldn't see how I could vote and be justified in it, voting through some other man.

Q. Did you ever vote unless you were told by some one how you voted?

A. I had some friends out I could rely upon to show my ticket from one to another and be satisfied.

George L. Gravely, 36 years old, lawyer (record, page 49):

Q. Please state the effect of the Walton law upon the illiterate voters of your section in reference to deterring them from voting under the operation of said law.

A. I think from conversations which I had with Republican voters that the Walton law had the effect of deterring a great number of illiterate voters of that party from voting at the late Congressional election.

In marked contrast with this Walton law, which purports to be an adaptation of the Australian system, is the adaptation of the same system in the State of Michigan. Every reasonable precaution is taken to guard against fraud and to secure the rights of citizens to a free and untrammeled ballot. To do so they have exactly reversed that feature of the law we have been considering. Instead of suppressing the knowledge of the place on ballots for each candidate, it is provided that an enlarged copy of the official ballot shall be displayed at voting precincts before the time and at the election for the purpose of educating the voters and instructing them how to prepare their ballots. If such facilities for instructing voters are only reasonable and proper in a State where not more than 4 per cent of the voters are illiterate, can less facilities and opportunities be regarded as reasonable in a State where every third voter can neither read nor write?

The supreme court of Virginia in their dictum confess that the whole question of the legality of the election law turns upon its reasonableness.

This law, therefore, which compels a voter to enter the voting precinct ignorant of every fact essential to be known, and but for which he would be qualified to cast a free, independent, and secret ballot, disqualifies the voter and is null and void.

The voter must know where on the ballot the names of his candidates are. If he is permitted to gain this knowledge by ordinary means, he can cast an independent and secret ballot. If he is compelled to seek this information from a single individual against his will, the freedom and secrecy of the ballot is destroyed.

I feel warranted, therefore, in the conclusion that where the organic law of a State confers the right to vote by secret ballot, any mode of election provided by the legislature must, to be valid, provide methods of voting which are within the capacity of those thus enfranchised.

A mode of election which compels such an elector to reveal to anyone the nature of his ballot would defeat such a constitution. Under the Walton law only those electors who can read can cast a secret ballot. Therefore the Walton law defeats the constitution by disfranchising those who can not read.

PARTISANSHIP UNDER THE WALTON LAW.

Another test of the unreasonableness of the Walton law in providing this mode of election is the arbitrary power it gives to the party in ascendency. Interpreted in the light of the recent election, with 110,000 illiterate voters in the State, every one of whom must cast his vote through a special officer appointed by the party in power, and who knows the character of every ballot before it is cast, it is morally certain that while human nature remains as it is the party in power can never be defeated at the polls. It is a truth of history that power never voluntarily abdicates. A just law, it has been said, is one that makes it easy to do right and hard to do wrong. Indeed, by this standard the Walton law, which surrounds the constable with temptation, clothes him with arbitrary power, and shields him from exposure, is unjust. The two leading parties of Virginia are the Democratic and the Republican. The party in power is Democratic. So far as the evidence goes in this case, there was not a single Republican special constable appointed in the district. We call attention to the moral impossibility for any partisan, through whom a large proportion of the votes are to be cast, to act without bias. He can never be indifferent to the fact that his appointment was not an accident. Passion never rises higher than during a political campaign. Men are willing to risk their lives for success. Carriages are pressed into service and invalids are taken from their beds in inclement weather and driven miles away to the voting precinct. The value of a single vote is emphasized by every tongue, and men are reminded that Jefferson was made President by a single vote. Let us, in imagination, visit the polls at the supreme moment of an election in Virginia under the Walton law.

The storm has been gathering for weeks and months, and now its unruly waters break like a sea around the ballot box. Crowds of men, those who have voted and those who are eager to vote, gather like a raging tempest. In the center of this maelstrom

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stands the special constable, the one central figure. The spot he occupies is the Gibraltar of the situation. The path of every illiterate voter leads up to him. Between the elector and the ballot box stands this omnipotent sentinel, and the first word of challenge is, "Who do you intend to vote for?" If he refuses to answer, he can go no farther, and he is disfranchised. If he answers, and votes, he can never know whether his vote was for or against his own candidate. In truth, he has not voted, but another has. If any mistake is made, it can never be corrected; if any fraud is practiced, it can never be detected; for the same law that compels the voter to divulge his secret secludes both him and his confessor from the eyes of the world, and leaves them alone while the clumsy hand of the bewildered man blindly executes the will of his master. One hundred and ten thousand Virginia voters depend upon the competency, integrity, and honor of the special constable, and above all upon his strength of character to be unmoved by his irresistible surroundings. But we are not left alone to the imagination, or rather to the obvious import of the law, however clear its light may be, for we can go to the Virginia polls in person and view the workings of this law in the light of the evidence in this case.

The evidence will show—

1. That the "special constable" tried to influence voters.
2. That persons who voted were not sure for whom they had voted.
3. That the constable failed to perform his duty.
4. That many would not vote because they had to vote through another man.
5. That the constable marked ballots so they would be thrown out.
6. That the constables and boards were Democrats.

J. A. Burnett, of Patrick County, 31 years of age, a farmer (record, page 26):

Q. Did anyone try to influence you to vote in the last election?

A. On the last election here I walked up and got my ticket to vote and came out with it and was looking at the ticket for or against the amendment to the constitution, and while I was fixing it he (the special constable) took the other one and filled it out for Swanson without asking me anything about it, and offered it back to me to vote, and I asked him why he had fixed my ticket. His answer was, that he thought I voted the Democratic ticket. I turned and walked back to Dr. Via and asked him for another ticket.

Q. Why do you suppose the constable or vote fixer thus treated you, if you knew?

A. Well, I suppose it was because he thought I could not read or write.

Steve Anderson, says 58 or 59 years, long in there somewhere; live over here this side the standpipe, this side of Henry Cousins (record, page 46):

4. Q. Did you vote in the election between Cornett and Swanson last fall? If so, where did you vote?

A. I did; in Martinsville here at the precinct.

5 Q. For whom did you intend to vote?

A. Mr. Cornett.

6. Q. Did you actually vote for him?

A. I don't know whether I voted for him or not; I didn't know which was his name and the other two candidates; and the man that gave me the ticket I told him that my aim was to vote for Mr. Cornett, and I asked him to mark out the other two candidates' names, and he marked out two, and I put my finger and asked him whose name was that, and he said it was Mr. Cornett's. I told him he was the one I was going to vote for, and that was one of the names; and he said he misunderstood me, and he says: "Take that ticket and carry it back and get you another," and I done so. Well, I asked him then to mark out all of the names there but Mr. Cornett's. There was some other gentleman back at the ballot box says: "Let him do his own marking; you has no right to mark out for no one." And I says: "Show me Mr. Cornett's name and I will mark out the others." And he says: "Do your own marking." Well, I done so, but who I voted for I can not tell for certain.

Wall Starling, 73 years old (record, page 47):

2 Q. Did you vote at the election for Congressman last fall? If so, where? And go on and tell where you voted and just what occurred to you at the election.

A. Yes, sir; here at the court-house; I went in; Mr. Dyer he told me to go to Mr. Penn Watson and git my ticket, and Mr. Penn Watson gave me two and said, "Which one will you take?" and he handed me one to carry back, and say, "See, talk fast, Uncle Wall; you haven't got long to stay," and where he put the ticket I can't tell; I told him I wanted to vote a Republican ticket out and out.

3 Q. Did anyone mark any names of the candidates on the ticket?

A. Not as I knows of.

4 Q. Did you see anyone mark on it after it came into your sight?

A. Nor, sir.

5 Q. Did you mark out any of the names on the ticket?

A. Nor, sir.

6 Q. Did you hand it back to the judges without any of the names on it being marked out?

A. Had no names marked at all.

Riley Parker (record, page 48):

Riley Parker, being duly sworn, deposes and says:

Examined by Attorney for Contestant:

1 Q. Your age and where do you live?

A. About 59 years old, and live in Martinsville, Va.

2 Q. Can you read and write?

A. No, sir.

3 Q. Where are you a registered voter?

A. At Martinsville, Henry County, Va.

4 Q. Did you vote at the election for Congressman last fall, November 6, 1894?

A. No, sir.

5 Q. Why not?

A. I was not here; I went to hauling wood in the morning, and as I come on back I met several of them colored—Dennis Haiston was one that I knowed; they was a telling me how they was a voting; kept on hauling all day, till the evening I went up to where they went into the court-house—the door—and Sam Travis was there. I asked him what way did he vote; he said it was Mr. Dyer was there, and I says, "Well, did you know how you voted?" He says, "Nor, I didn't, I didn't." I spoke to him, "Come on and lees go down, cause I can't read, and I ain't satisfied to vote that way."

6. Q. What was it that made you dissatisfied with that way of voting?

A. Well, I couldn't read, and I didn't know whether they would mark out the right one or not.

7 Q. For whom did you wish to vote?

A. Cornett.

W. P. Adkins, 53 years old, a carpenter (record, pages 90, 91, and 63). All the officers of election at Dry Ford precinct were Democrats. They used for a ballot box an old cigar box. The number of votes polled was 111.

Q. How many voted for Cornett?

A. There were 64 men came to me and asked me to set their names down, that they had voted for Cornett, which with myself made 65. I file the list, Exhibit Adkins.

(Answer is objected to as being hearsay and not competent to contradict the election returns, by contestee.)

290 Q. Please state how it was you came to keep this tally sheet.

(Objected to as irrelevant by same.)

A. The Republicans in that vicinity had become dissatisfied at the returns from that precinct; they didn't think they were getting justice, and came to me and asked me to keep account of all Republican votes that day. I would not put a man's name down until he voted. I told them to go and vote and come and tell me, and I put their names down as they told me.

(Answer objected to as hearsay, and otherwise illegal, by same.)

291 Q. What majority and for whom were the returns from that precinct by the judges of election?

(Objected to; the best evidence is a duly authenticated copy from the returns, by same.)

A. I have seen an official copy of the poll books; they gave Swanson 68 and Cornett 43; that gives Swanson a majority of 25 votes.

(Answer objected to by same.)

"Exhibit Adkins," referred to above (see record, page 63):

EXHIBIT ADKINS.

1. W. T. Adkins.
2. J. W. Elliott.
3. H. J. Richerson.
4. B. L. Hutcherson.
5. C. H. Price.
6. Joseph Motley.
7. W. C. Fowler.
8. W. A. Wells.
9. W. B. Dickson.
10. Robert Carter.
11. Frank Coles.
12. James Carter.
13. Ugene Dickson.
14. William Jefferson.
15. Green Thompson.
16. Samuel Adams.
17. Albert Jones.
18. Clopton Carter.
19. George Younger.
20. Cahill Waller.
21. Joseph Carter.
22. A. J. Hardy.
23. R. T. Stowe.
24. Dock Price.
25. Joseph Terry.
26. Daniel Medly.
27. Thomas Carter.
28. Wash Carter.
29. Junious Jiggets.
30. George Tapley.
31. Albert Jones.
32. Bidney Lipford.
33. W. H. Echolds.
34. Dock Shelton.
35. John W. Hardy.
36. William Jones.
37. Thomas Elliott.
38. W. C. Elliott.
39. J. A. Fowler.
40. J. W. Hutcherson.
41. Coalman T. Barker.
42. Jas. B. Hardy.
43. Jessie Hutchings.
44. D. A. Herndon.
45. Ben Hacket.
46. John D. Carter.
47. Daniel Carter.
48. Thos. Carter.
49. George L. Hardy.
50. William Lipford.
51. Edward Scot.
52. Fountain Cardwell.
53. Robt. Coalman.
54. Isaac Easly.
55. William Tunstal.
56. Oliver Rison.
57. Granvil Hutchings.
58. G. S. Dickerson.
59. Charles Walton.
60. Joseph Carter.
61. Harrison Lipford.
62. G. W. Johnson.
63. W. R. Adams.
64. Charles Hutchings.
65. William Carter.

B. L. Hutchinson, 49 years old, a farmer (record, page 92):

303 Q. Where and for whom did you vote at the November election, 1894?

A. At Dry Fork; for Cornett.

304 Q. Examine Exhibit "Adkins" I now hand you, and state whether or not the men whose names appear on that tally sheet you saw approach Mr. Adkins and request him to take down their names, they having voted for G. W. Cornett.

(Objected to as asking for hearsay and not pertinent to any issue here.)

A. Yes; they are correct. I saw them when they came to him. I was standing by his side.

305 Q. For whom did these men tell Mr. Adkins they voted?

(Same objection.)

A. They told him they voted for Mr. Cornett. I know all these men, and can call them when I see them face to face, except one or two colored men.

(Answer objected to by contestee.)

307 Q. Please state whether it was the request of a great number of Republicans of Dry Fork precinct that a list of names should be kept of the Republicans voting for G. W. Cornett, by Mr. Adkins, they fearing that they would be defrauded of their ballots, and that they would be counted contrary to the way they were cast.

(Objected to as asking for hearsay, and immaterial to any matter in issue, and otherwise illegal, by contestee.)

A. Yes, sir; he was so requested.

B. W. Jackson, 70 years old, minister of the gospel (record, pages 94 and 95):

333 Q. What position, if any, did you hold at the election, November, 1894, at the Stokesland precinct?

A. I was one of the judges.

334 Q. How many ballots were thrown out as being improperly marked at that precinct?

A. About 150; that's what I counted.

335 Q. Please state how these rejected ballots were marked and whose names were marked, if you know.

A. The charge was that they wasn't marked over three-fourths of the name; the names marked or scratched were Mr. Swanson, Mr. Hale, and Mr. Shelton.

336 Q. Was Cornett's name left unmarked on about all of these ballots?

A. Yes; on every one.

337 Q. What was done with these ballots thus rejected?

A. They were destroyed.

338 Q. At whose request?

A. At the instance of the other two judges. I asked them not to do it.

339 Q. Why did you not want it done?

A. The reason I didn't want them destroyed at once, because the constable marked them all, and I thought he ought to be held responsible, and I told them we might need them for reference.

340 Q. What were the politics of the officers of election at that precinct?

A. Two of the judges were Democrats and all the other officers of the election were Democrats except me.

34 Q. Who is the registrar, and his politics, at Stokesland precinct?

A. Mr. Paul Chatelin; a Democrat.

W. T. Thomas; aged, 31; farmer (record, page 95):

32 Q. Did you vote at the November election, 1894? If so, for whom and where?

A. I did; for Cornett, at Design.

33 Q. State whether or not anyone tried to influence you in casting your vote then and there.

A. As I went to the polls to vote Mr. Emerson asked me who I wanted to vote for. I told him Mr. Cornett. He (the constable) asked me did I want him to scratch for me. I told him yes, and when he scratched he scratched all the names off the ticket except Swanson's, and he (the constable) handed me my ticket. I looked at it and I found he didn't scratch it right. He left Mr. Swanson on there instead of Mr. Cornett, and I says, "I want you to correct this," and he took it and looked at it and said, "Oh, yes; I will correct it," and tore it in two and put it down on the ground under his feet. I tried to pick it up to show the people I was not mistaken in what he tried to do. He said: "You can't carry any tickets out from here," and he gave me another ticket.

R. E. Keen, aged 36, floor manager in tobacco factory (record, page 97):

83 Q. State the politics of all the officers, including judges, constable, and clerks of the election at that precinct at November election, 1894.

A. Democrats.

84 Q. Did you vote at that precinct at that election?

A. Yes, sir.

85 Q. Was T. H. McDearman a judge at that precinct at that election?

A. Yes, sir.

86 Q. Is he the same T. H. McDearman who stands indicted in the United States district court in Danville, Va., for frauds in previous elections?

A. Yes, sir.

87 Q. Go on and tell the manner fully in which the election at Design precinct at November, 1894, was conducted.

A. That morning myself and T. H. McDearman stretched a line 40 feet from the poll; that all had to go over that line to vote. After about three-quarters of an hour the white people goes around the house and come to the poll. I called the constable's attention to it; as the line was struck I thought it was right that white and colored both should divide by that line. Sometimes there was 4 and 5 at the polls. He, the constable, then marks the tickets wrong. I called his attention to the fact that they were wrong. He then told me that he would not mark them. I then told him if he would allow me I would scratch them in his presence and give every voter a ticket which he wanted. The constable says he would go in the house and see the judges; he left and came back and said all was willing but T. H. McDearman. I then told him that the majority, I thought, ruled. He, the constable, says to me that T. H. McDearman was the boss over them. He, the constable, also stated that the tickets which he marked wrong were through mistake. I then told the constable that I was afraid his mistakes had been going on all day; and at night when the poll was closed I was called in the house to see the ballots counted and we found 38 tickets folded two together, making 76. I also asked T. H. McDearman what objection did he have in my marking the tickets. He said, "None." I then told him that the constable said that he objected. He then spoke in the house, in the presence of the other judges, that it was a "damned lie;" that there was nothing said about me marking tickets to him; so far as he cared "he didn't give a damn who marked, Swanson would go to Congress."

88 Q. How many colored men voted there that day, and how many white men?

A. One hundred and seventy-nine colored and 123 white.

89 Q. In whose favor was the majority of ballots returned there that day?

A. In Swanson's, 52 majority over Cornett.

90 Q. For whom did the colored voters at that precinct vote that day, and how do you know?

A. For Cornett; they would call for Cornett as soon as they got over the line, and when they voted they told me so, and I put it down.

91 Q. Did all the colored men get to vote that day that were there?

A. Yes, sir; I think so.

From the contestee's evidence we note the following:

Walter Coles, jr., chairman of the electoral board of Pittsylvania County (record, page 118):

1 Q. State who compose the electoral board of Pittsylvania County.

A. Walter Coles, jr., chairman; J. H. Bolanz, secretary, and G. W. Ramsey.

2 Q. What are their political affiliations?

A. I am a Democrat, the others are both Democrats, also.

3 Q. In appointing judges of election, how many Democrats were appointed at a precinct?

A. We aimed to appoint two at each precinct. In many cases we did not know what the politics of the ones appointed were. We also took some names from the lists furnished us by the Republicans and Populists, and afterwards found that they were Democrats.

4 Q. What was the political faith of the constables appointed at each precinct?

A. They were Democrats.

J. H. Bolanz, a member of the electoral board, says (record, page 119):

Q. What was the political faith of the constables appointed for each precinct to act at said election?

A. Democratic, with the exception of about eight.

What the political faith of those eight was he does not state.

George W. Ramsey, a member of the electoral board, says (record, page 120):

Q. What was the political faith of the constables appointed at each precinct?

A. I can not tell you.

John G. Friend, member of the electoral board of the city of Danville (record, page 126):

Q. What was the political faith of the electoral board of the city of Danville which appointed officers to hold the election on the 6th of November, 1894?

A. Democrats.

Q. What was the political faith of the special constables appointed for the several wards at said election?

A. Democrats.

J. T. Orgain (record, page 131) says two of the judges were Democrats and the other, Mr. Johnson, belongs to the negro party, and that the special constable was a Democrat.

B. F. Jefferson, member of the electoral board of Neapolis (record, page 141):

Q. What was the political faith of the electoral board who appointed judges and special constables for the city of Neapolis?

A. They were sound, pure Democrats.

And, lastly, to close his proofs, the contestee brings one Moore, apparently the only special constable in the entire district who was willing to place himself in a position to be cross-examined.

J. E. Moore, aged 30, a special constable (record, page 145):

Q. Please state whether or not you refused or failed in any way, so far as you know, to help any illiterate voter who asked for your assistance.

A. In every case I discharged my duties in accordance with the law.

In addition to the above, Mr. Young says (record, page 101):

Twenty-seven ballots were thrown out in my precinct because they were blotted in folding.

Mr. Hale says (record, page 14):

Every constable in my county was a strong Democrat.

Mr. Morgan says (record, page 19):

It was the general belief that the Walton law was intended to keep the present party in power.

C. H. Ross, chairman of the county Democrats, says (record, page 27):

Most constables were Democrats; some had no politics.

Mr. Sowder (record, page 107) says:

Forty-two ballots were not counted because they had other marks than the lines.

Mr. Speaker, it is the policy of this Republic to extend and encourage the use of the elective franchise. Any law that deters, discourages, and hinders its use is destructive of the democratic principles of government. The Walton law, by clothing an officer of election with arbitrary power, by destroying the secrecy of the ballot, and by establishing a qualification in contravention of the constitution of the State, can not be upheld and enforced without the most serious consequences to our free institutions. A law which enables an officer to mislead voters, to falsely prepare ballots, to change the vote of a whole precinct, and to know the contents of ballots before they are cast is too dangerous to be upheld and too destructive to constitutional rights to be tolerated in American statute books.

By comparing the Walton election law with the law which it was intended to supersede, it will be observed that the supreme object of the new law had reference to the illiterate voters. It is true the law by its terms applied alike to the literate and illiterate, but in its application and effect it was radically different. The two laws were alike in veiling with profound secrecy the order in which the names of candidates were placed on the ballot; they were alike in providing the booth where the elector was to prepare his ballot; they were alike in limiting the time for voting to two minutes and a half, and they were alike in permitting the voter to deposit his ballot in the presence of the judges. Had all the voters been literate, there would have been no distinction as to parties in the application of the later law. But each ballot contained the names of all the rival candidates, and this new feature made it necessary for each voter to know where on the list the name of his candidate was to be found. Every educated voter acquired this knowledge by simply reading his ballot; every illiterate voter was helpless in the presence of a sudden necessity. The law which created this necessity compelled the illiterate voter to surrender his constitutional right to cast a secret ballot or be disfranchised.

What created this necessity? If it was the ignorance of the man, then it was his misfortune, of which he had no right to complain. But it did not exist under the old law; therefore it was not his ignorance, but the operation of the law which created the necessity, and this destroyed a constitutional right. The old election law permitted each political party to have a separate ballot containing only the names of its party candidates. Every illiterate elector could provide himself with one of these ballots before the day of election; could counsel with any person or friend he chose with reference to it, and finally cast a vote which he had every reason to believe expressed his political wish and which at least was absolutely secret. If he voted the ballot without change, he had the assurance that it was for the party of his choice. If he made any changes on the ticket, he had the satisfaction of knowing that in its preparation he had admitted no one to his confidence except the friends he was willing to trust.

Let us, then, consider in what manner this Walton law made it necessary for a legal voter to divulge to a stranger the name of the candidate for whom he desired to vote. It was done by withholding from him a fact the knowledge of which could have done no possible harm; a fact which every voter in Virginia had a right to know before he entered the voting booth; a fact which every illiterate voter must know in order to cast an intelligent and secret ballot; a fact which in Michigan and in other States is by law

posted in public places for the information of all voters, namely, the locality of every candidate on the official ballot. Why did Virginia withhold from her voters this essential information? Was it to guard against forgery? There were other means more effective than this which invaded no man's rights.

The quality and size of the paper and type, the art of lithographing, and, above all, the official seal, which by this law was stamped on the back of each official ballot, rendered successful forgery impossible.

There could have been but one reason for this provision, and that was to have the illiterate voter bound hand and foot and cast into the hands of a partisan official who was clothed with the power to do with his vote as he saw fit. The Virginia court, in their dictum, say with great plausibility:

> The general scheme of the law is to secure the independence of the voter by secluding him within an isolated booth, surrounded by a neutral zone, within which none may enter save those charged with conducting the election. * * * The object is to relieve the voter from influences inimical to a free and deliberate exercise of the right of suffrage, to free him from all solicitation and annoyance, and to leave him a perfectly free agent to vote as to him seems best.

The question which this reasoning inevitably suggests in every mind is, How would this zone of neutrality, this ideal seclusion, this refuge of independence, have been disturbed if the voter carried with him into the voting booth a knowledge of the order of the names on the ballot? This, we think, would be a difficult question for either the legislature or supreme court of Virginia to answer. On the other hand, it would have increased his security by destroying even the constable's excuse for entering, and it certainly would have enveloped the zone of neutrality in an atmosphere of independence.

We are therefore of the opinion that this law is unreasonable, and therefore unconstitutional, because it withholds from the voter a timely and necessary knowledge of the arrangement of the names of candidates on a mixed and consolidated ballot.

The illiterate voters of the State were intelligent enough to prepare their own ballots if they were left with the ordinary means of learning for themselves where the names of their candidates were on the official ballot. The effect of the law was to deprive them of this right. Certainly the ability to count and understand numbers well enough to buy and sell and make change in business, which the illiterate universally possess in this land, is not a qualification to be ignored, and can not be made unavailable by a State legislature. A just law should always supplement and assist, but never hinder and defeat a citizen.

That this law is calculated to disqualify the illiterate citizen is manifest in the recent election, and is made plain by the evidence in this case.

W. L. Penn, aged 60 years, and member of the electoral board of Henry County, testifies (record, pages 41 and 42):

I superintended the printing of the tickets for Henry County; some of Swanson's friends suggested it would be better to print the names of the candidates on the ticket in varied and alternate positions. They thought it would be preferable in order that the voters might not get them by rote. Swanson's friends suggested to have the tickets printed this way to me individually when I went to have the tickets printed.

Ed. H. Davis, printer and publisher of the Grayson Gazette (record, page 110), says:

Q. State whether you set the type and made up the form from which the tickets were printed under the supervision of the electoral board of Grayson County, which said tickets were used in Grayson County in the election held the 6th day of November, 1894, for Congressman, Fifth district of Virginia.

A. I did.

Q. Please state how many candidates' names were printed on said tickets, the order in which they were printed, and describe said tickets fully.

A. Four names: C. A. Swanson, G. W. Cornett, G. W. B. Hale, and —— Shelton. I can't give the order in which they come on the tickets, but they were not all in the same order.

Q. In how many different forms were said tickets printed?

A. I set six different forms, and the names were alternate in each form; that is, as I now remember it, the names did not come in the same order on any of said six forms.

Q. How many tickets were printed for Grayson County?

A. Five thousand.

Q. Then, as I understand it, there were about 833 tickets on which the names of the candidates appeared in the same order, and six lots of tickets of about that number; is that correct?

A. The statement is correct except that the different forms were not kept separate after being printed.

Q. Were they or not mixed up before being distributed to the different precincts of the county so as to include in the lot for each precinct tickets of the six different forms?

A. They were. The six different forms of tickets were printed on a single sheet at a time, and after all the tickets were printed they were counted out in sheets for each precinct, and then cut separate, making the required number of tickets for each precinct.

Q. By whose direction or by what authority did you set up and print said tickets in six different forms?

A. I don't know; the chairman of the board, E. F. S. Cox, was present and knew that they were being printed in six different forms. I also read a letter from the secretary of the Commonwealth to the chairman of the board, giving to said chairman the names of the candidates for Congress, from which letter I gathered that there was no special form required by law for said tickets.

Q. How came you, then, to set up and print said tickets in different forms with the names of the candidates in alternate positions thereon?

A. I had been told that it could be done, and I wanted to set six forms anyway, and really did not notice which names came first on the different forms.

Q. Who had told you this?

A. G. C. Porterfield, for one; I don't now remember any others certainly.

Q. According to your best recollection at the present time, who else suggested it to you?

A. I think perhaps J. A. Dickey did.

Q. What position did he at that time hold in the Democratic party of Grayson County?

A. County chairman.

Q. Was not G. C. Porterfield at that time editor of the Grayson Gazette, and a warm supporter of C. A. Swanson, the Democratic nominee at said election?

A. He was.

Q. Was it or not from the information obtained from the reading of the letter from the secretary of the Commonwealth or by the direction of the electoral board that caused you to set up six different forms for printing the tickets?

A. I can not say that it was either; if the chairman had directed me to change them I would have done so.

Q. You having decided to set up six different forms, why did you not set them all alike?

A. As I said before, I had gathered from what I had heard that it did not make any difference, and I did not try to get them alike.

Q. From this information received, did you or not set up these different forms suggested to you by C. A. Swanson's supporters in order that he might profit by the same?

A. If there could be any profit derived from it, I did, but I could not see that there would be any in it.

J. A. Dickey, merchant, Democratic chairman for Grayson County (record, page 111):

Q. For what reason was it that the tickets printed for use at said election in this county had the names of the four candidates for Congressman in varied and alternate positions thereon?

A. I thought if there was any advantage in it that the Democrats would be gainers by it, and I did not suppose there was any law against printing the tickets as stated.

John C. Taylor, aged 51 years, farmer (record, page 112), lives in Grayson County:

Q. For whom did you vote at said election?

A. I voted for Geo. W. Cornett.

Q. What was the position of his name on the ticket you voted?

A. Last, or at the bottom.

Q. Did you advise any illiterate voter after you voted as to the place Cornett's name occupied on the ticket and instruct him to mark his ticket according to the position you found the names on the ticket you voted?

A. I told Bob and Dave Day how my ticket was, and that if the tickets were all alike for them to mark out the three top ones—that Cornett's name was at the bottom.

Q. For whom did they wish to vote?

A. They said they wanted to vote for Cornett.

Q. At that time did you know that the names on the tickets varied?

A. I did not.

John H. Carrico, aged 25, law student, of Independence, Grayson County (record, page 113):

Q. State whether or not you have read and studied the Walton election law.

A. I have.

Q. Taking into consideration that all the constables appointed were Democrats, under the operation of the Walton law, under which the Congressional election in 1894 was held, could an illiterate Republican vote intelligently without letting the Democratic constable know for whom he voted?

A. Don't think he could.

Q. What is the politics of the electoral board of Grayson County?

A. Democratic.

Q. What is the political faith of the special constables appointed by that board for this county?

A. They are all Democrats that I know, and I know all but two.

Q. For whom did you vote at the election on November 6, 1894, and what position did his name occupy on the ticket?

A. For G. W. Cornett, and his name was third on the ticket.

Q. Please state whether or not you advised illiterate voters that they would find G. W. Cornett's name third on the ticket.

A. I did.

L. S. Thomas, judge of election, Henry County (record, page 37):

5 Q. State the order in which the names of the candidates occurred on the tickets furnished by the judges to the electors at said precinct under the terms of the law under which the election was held, known as the Walton law.

A. Mr. Swanson's name appeared first; I don't recall the order in which the others appeared.

6 Q. State whether the names of the other three candidates appeared in regular order on the ticket, or did they appear in alternate and varied positions?

A. On many of the tickets they were in regular order, and on many they alternated and appeared in irregular order.

J. B. Dunn, judge of election, Henry County (record, page 41):

4 Q. What was the vote polled at your precinct, and what counted?

A. Three hundred and forty-five was polled and 74 thrown out.

5 Q. State whether the names of the candidates appeared in regular order on all the tickets handed out to electors at that place on that date, or did the names appear in varied and alternate positions? Please describe the tickets fully in that respect.

A. The names were irregular on the tickets; they all didn't occupy the same position on the ticket.

6 Q. Please describe the tickets that were not counted, and declared invalid by the judges.

A. They was marked different ways; scratched different ways.

7 Q. How did the vote at that precinct stand in reference to the different candidates? Please give the number counted for each of the different candidates.

A. I disremember the exact number of each candidate's tickets. I think there was over 200 for Swanson and a hundred and some odd for Cornett, and a few for each of the other two candidates.

8 Q. Prior to this, had that precinct usually given Republican or Democratic majority; which?

A. It had usually given a majority for the Republicans, I think.

9 Q. What was the cause, then, of a majority being returned for the Democratic candidate at the last election; to what do you attribute the same?

A. I don't know as I know.

10 Q. State whether the result would have been the same had the vote been taken under the old law?

A. I don't think it would.

11 Q. Who was the loser at that precinct by the operation of the Walton law at the last election?

A. If it was left for me to decide, I should say Cornett was the loser.

Mr. Speaker, it is evident that the secrecy attending the printing and sealed distribution of the ballots would have been valueless if the order of the names had been uniform, for any man who voted first in the morning could communicate his knowledge to all succeeding voters. Every illiterate colored man in Virginia could learn in five minutes how to prepare his own ballot if he knew the number of his candidate on the list. But the Walton law meant that he should not know this fact, and the Democratic party in power meant to make it absolutely unknowable by mixing up the names in different order. A very natural question arises, Why this anxiety? The only rational answer is, To drive the illiterate voter to the special constable.

This law is a new departure in American legislation. The Australian ballot system, of which the Walton law is claimed to be an adaptation, had for its object, first, to secure the secrecy of the ballot; second, to secure a free and untrammeled vote; and third, to secure a correct return of the ballots cast; and in all of the States of the Union, from Michigan, which was the first, to Pennsylvania, which is the last to adopt the system, it has invariably been regarded as essential, in placing all candidates on one ballot, to afford electors unusual facilities and advantages to learn before the election the exact order of the names on the ballot. Some States require that the names shall be printed in alphabetical order; some that the candidate of the party having the largest majority in the preceding election shall come first, and so on through the list, and that this ballot shall be published in two newspapers of opposing parties. Can it be possible that the opposite of what is essential in all other States can be deemed reasonable in the State of Virginia? And since the nation at large is interested in these State election laws, not only so far as the members of this House are concerned, but in the executive branch, which is to be chosen by electors who are voted for by the people, it becomes of momentous importance to the nation that all forms of election laws should be just and reasonable.

One fact must be kept constantly in mind in this discussion, and that is, the right of secrecy in voting is as much a constitutional right as the right to vote itself. Therefore an election law which trenches upon one is as void as though it trenched upon the other. Suppose a law provided that the ballot box should be kept in a room into which no man should enter but the judge of election, and that when the voter handed in his ballot the judge was to immediately retire and deposit the ballot, out of the presence of the voter; this would certainly be unconstitutional as infringing upon the right of the voter to personally cast his ballot. This personal right can not be limited or qualified. So it is with reference to the right of secrecy. The moment it is communicated to one person it is no longer a secret. The right is destroyed as completely as though it was communicated to a hundred or a thousand. It is a secret only while it is locked in the chamber of a man's own consciousness. Before the law a secret admits of no degree of comparison. As Judge Cooley has said, the right of secrecy is an impenetrable veil which can not be raised save by the voter himself.

But it is said that the illiterate voter must confide his secret to some one. This is not true. The difficulty with this proposition is that it assumes that because a man is compelled to ask for information concerning his ballot that he necessarily discloses the contents of the ballot. It would not in law raise even a presumption that because I inquired about a ticket I therefore voted it.

The SPEAKER pro tempore (Mr. LACEY). The time of the gentleman has expired.

Mr. McCALL of Massachusetts. Mr. Speaker, I understand that my colleague has nearly concluded his remarks. I ask unanimous consent that he may have leave to finish them.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the gentleman from Michigan may be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMAS. Mr. Speaker, but suppose an illiterate man was obliged to disclose the secret of his ballot in order to vote, is it a matter of indifference whether he selects the confidant or whether the law appoints one? Is this true of any of the secrets which the law in its mercy permits a man to keep or bestow between husband and wife, physician and patient, or lawyer and client? If it is, then the right of secrecy which is intended to nurture confidence and insure protection is indeed a snare and a delusion. No; the right to keep or bestow a secret is a personal prerogative. It is an inalienable right for which there is no substitute and no equivalent. Divorced from the will of man, it can have no existence. No oath of another is sacred enough to guard it; no bond strong enough to indemnify it. To say it shall be surrendered to a constable is to destroy it.

THE EFFECT OF THE UNCONSTITUTIONAL PROVISIONS OF THE WALTON LAW.

It is claimed that the unconstitutionality of certain provisions of the Walton law are not so essential as to invalidate the election.

Let us consider the essentiality of these provisions. In the first place, every illiterate voter is directly affected by them, for every one, without a single exception, is compelled to vote through another person appointed by this law.

According to the United States census of 1890 there were 378,000 voters in Virginia, of which 247,000 are white and 138,000 are colored. Of the colored voters 57 per cent, or more than one-half, are illiterate, and of the white voters 14 per cent, or about one-seventh, are illiterate, making in round numbers not less than 110,000, or about one-third, of the voters of Virginia who are illiterate. By this law every one of these voters is kept in total ignorance of the character of the ballot until two and one-half minutes before he is required to deposit it, and during these two and a half minutes he is shut out from all communication with the world, with no possible means of preparing his ballot save through the assistance of one person appointed by the law, and who may or may not be trustworthy, in the opinion of the voter, and who was in every instance, as disclosed by the evidence in this case, a political enemy, whose information and assistance no man living can assail or impeach or in any manner inquire into.

And yet we are told this is not essential, and is immaterial. Perhaps some gentleman will be kind enough to inform us what provisions of the law are essential.

But we are told that testimony in this case was taken only in 12 out of the entire 144 precincts of the district, and that although the injustice of the law is shown in these 12 precincts, the presumption must be that in the remaining 132 precincts the election was fairly conducted and that the unimpeached returns must be taken as conclusive. This will not do. In the first place, it appears that the election in all the precincts was conducted under the same law which worked the injustice in the precincts which were investigated.

In the next place, this evidence was taken not in one only, but in five out of the entire seven counties of the district.

In the third place, the object of this testimony was not to impeach the returns, but to show the inherent character and nullity of the law.

For these reasons the presumption which arises is that what is known to have happened in one precinct happened in all, since like causes produce like results. Moreover, it is a safe inference in every department of human investigation from a part of a homogeneous whole to infer the nature of the whole.

And yet we repeat what we have already said, the object of the evidence was to show the nature and workings of the law and its inherent nullity, not to impeach the election of actual fraud.

Mr. STEWART of New Jersey. Will the gentleman permit me to ask him a question?

Mr. THOMAS. Certainly.

Mr. STEWART of New Jersey. Does the gentleman think that it is within the purview of the House of Representatives to set aside the statute of a State on the ground that it is unconstitutional when the courts of that State have decided that it is constitutional?

Mr. THOMAS. I have so argued in my remarks. I am satisfied in my mind that I am right that they have the right; in fact, not only the right, but it is their duty.

Mr. Speaker, I champion to-day the cause of 100,000 Virginia voters, bound hand and foot in political bondage, with no outlook or hope for the future. If my contention shall fail, a republican form of government will cease to exist in Virginia.

Startling as this statement is, it is but half the truth, for if voters can be disfranchised in one State with impunity, they may be disfranchised in all States, and thus a destructive precedent may overthrow liberty itself.

If a mode of election can be contrived that will embarrass and disqualify one class of voters, then it is possible for some mode of election to be devised that will disqualify any class to whom the Constitution has extended the right of suffrage.

It was well that this contest should take place on Virginia soil. Here where the first English settlement in America was planted; here where a Henry sounded the first notes of liberty; here where the author of the Declaration of Independence lived and died; where Washington and Lee were born, the former to exemplify the love for a nation, the other to exemplify the love for a State, and both to exemplify their devotion to the cause of mankind and to a republican form of government.

It is well, I say, that on the historic soil of the Old Dominion State this new and novel and portentous issue in the cause of popular government should be fought and settled.

Perhaps no State of inferior rank would have attempted this master stroke of ingenuity to establish the supremacy of a minority. Nor would I directly or even by innuendo disparage this minority. If it were possible for me to believe in the supremacy of any minority, it would be in the illustrious descendants of the pioneers of civil liberty who have for centuries made the banks of

the James, the Rappahannock, the Shenandoah, and the Potomac sacred to home, to Christianity, to liberty, and to civilization.

But my faith is pledged for humanity, not for heredity.

The morning light is breaking not for the few, but for the many. The humblest descendant of the menial slave who was never blessed with a surname is to-day invested with the royal title of manhood and bears in his right hand the scepter of sovereignty. The new order may and doubtless does embarrass some. Traditions commend the past and apprehensions overcast the future. But standing in the midst of these new conditions it is not hard to perceive the inevitable trend of evolution. A wise statesmanship must be content to shape and direct, not to destroy that which is irresistible.

He, therefore, who stands by the least of American electors stands by the greatest. In the defense of the whole no part will be neglected or injured.

It would have been both an honor and a pleasure to have presented my report as the judgment of the majority of the committee. Such a hope might naturally have been indulged in in view of the history, principles, and traditions of the Republican party. It was this party which presided over the infancy of the New South, that was instrumental in shaping its organic laws, and is to-day rewarded by that universal evidence of prosperity which spreads from the Ohio to the Gulf and from the Atlantic to the Rio Grande.

When responsibility is once assumed, there is no safe point for cessation or abandonment.

The Committee on Elections No. 3 is composed of 9 members, 6 Republicans and 3 Democrats. When the vote was taken in the committee, the majority was composed of the 3 Democrats and 2 Republicans. Mr. JONES, a Democratic member from Virginia, prepared the majority report.

Mr. STEWART of New Jersey. Will the gentleman permit me another question?

Mr. THOMAS. Certainly.

Mr. STEWART of New Jersey. I will ask the gentleman, if the argument he has made were followed out, would not such a policy destroy a republican form of government? Is it not a matter that the judiciary are to decide whether the election law of a State is constitutional, and after it has been ascertained and decided by the judiciary, can the gentleman cite a precedent in former Congresses that this House, either expressly or impliedly, declared the law of a State unconstitutional that had been declared constitutional by the State courts?

Mr. THOMAS. If the gentleman had shown me the courtesy to follow my remarks, he would have gone over this ground with me. I have hardly time to go back over it at the present time.

Mr. JENKINS. I desire to ask the gentleman a question——

Mr. THOMAS. I am nearly through.

Mr. JENKINS. And that is, by virtue of what right does he appear upon the floor here speaking in reference to the private matters that took place in the committee? And inasmuch as the gentleman has seen fit to mention me by name, I desire to say that he entirely and totally misrepresents me.

Mr. THOMAS. Well, Mr. Speaker, it is not a private matter. In the first place, the report of the minority is signed by three Republican members. It goes without saying, that all the rest of the committee assent to the majority report. If this was a secret, why, I beg the gentleman's pardon. I supposed that was a matter of general notoriety and was perfectly proper.

That this report is acquiesced in by all the Democratic members may be pardonable, but it is a matter of regret that prominent Republicans, whose political education and local environments would naturally have led them to espouse the cause of the weak and illiterate, have not been able to see through the thin gauze of Democratic methods which has persuaded them to array themselves against the disfranchised thousands of the State of Virginia. Massachusetts and Pennsylvania, as well as Michigan, were among the first to place in the hands of the emancipated South the ballot of American freemen; and Massachusetts and Pennsylvania and Michigan should be the last to stand unmoved when artful diplomacy seeks by indirection to do that which if directly attempted would arouse universal indignation.

For Michigan let me say that when 90,000 of her sons bore the Union flag through the valleys and over the mountains of the South, when, on the march and in the field and in the hospital, they sorely needed a friend, the friend of the hour, the one who could be trusted even with life itself, who often took the place of brother and sister and father and mother, was the emancipated slave. [Applause.]

And standing here to-day, the least of her Representatives in this House, I voice the sentiments of her people, Democratic and Republican alike, when I say that in the struggle for a free ballot between the voters of Virginia and the political machine that disfranchises them Michigan is for the inviolability of the ballot.

A secret ballot is the palladium of civil liberty. It gives to suffrage at once its glory and its power. Around it gathers the peace and security of society. Before it opens the grand perspective of our elective system. The Walton law of Virginia is the first legislative attempt to invade and overthrow it. Let it be the last. [Loud applause.]

Mr. GIBSON. Mr. Speaker, I rise not for the purpose of participating in the particular matters involved in the controversy arising out of the present contested-election case, but to advert briefly to some remarks from the gentleman from Massachusetts [Mr. MCCALL] while discussing the case of Yost against Tucker a few days ago. On that occasion the gentleman said:

> We have for years here attempted to build up the Republican party in the South by seating this man and that man and by patronage; and the result is that they display their chief vitality and strength in our national Republican conventions, where they generally appear with as many different delegations as there are candidates for the Presidency. I say, what the Republicans of the South now need is to be treated upon robust principles. They have been coddled to the point of destruction.

Now, Mr. Speaker, in the first place, allow me to say that there is nothing in the record of the case of Yost against Tucker that called for these animadversions upon the Republicans of the South. There was no excuse and no provocation for this assault. In that very case the Republicans of the South seemed to divide somewhat, one of the Republicans from the State of Maryland [Mr. COFFIN] having voted for the majority report to deny a seat to Mr. Yost, the contestant. The fact is, upon all these contested-election cases from the South, the Southern Republicans have divided more or less, and in at least one case a number of them refused to vote, not being satisfied that the Southern Republican contestant was entitled to the seat. We do not come here like a clan, ready always to vote for the Southern Republican contestant, right or wrong. We have displayed a large amount of liberality and impartiality in voting upon these Southern contested-election cases, as an examination of the record will attest. The Republicans of the South want no "coddling." They want no partiality. They want no special favors. All they want is to have justice done them. [Applause on the Republican side.]

I am grateful for the argument made by the gentleman from Michigan [Mr. THOMAS] who has just taken his seat, because he has portrayed to this House the perils, the difficulties, the obstructions, and the hindrances through which a Republican of the South must pass before he has a chance to deposit in the ballot box the verdict of his heart upon a political contest pending. In many cases it is a surrender of social privileges; in many cases it means probable bankruptcy in his business; in some cases it means danger of bodily injury; and in almost all cases it means a frown from those who stand highest in social and business circles; and yet, in spite of all these things, in spite of adverse surroundings, in spite of business dangers, in spite of social proscription, in spite of ostracism, the Republican party has held to its organization in the Southern States; and in the election just gone by we have rolled up an increase in the Republican vote greater than in several other sections of our country, as some figures which I will now read will demonstrate:

	Republican vote (1896).	Republican vote (1892).	Republican gain.	Per cent of gain.
Kentucky	218,171	135,441	82,730	61
Maryland	136,959	92,736	44,223	47
Missouri	304,940	226,918	78,022	34
North Carolina	155,222	100,342	54,880	54
Tennessee	148,773	100,331	48,442	48
Virginia	135,368	113,262	22,106	19
West Virginia	104,414	80,293	24,121	30
Total	1,203,847	849,323	354,524	*41

* Average, 41 per cent.

Consider these figures, Mr. Speaker. In Kentucky, a gain of over 82,000; in Maryland, a gain of over 44,000; in Missouri, a gain of over 78,000; in North Carolina, a gain of over 54,000; in my own State of Tennessee, a gain of over 48,000; in Virginia, a gain of over 22,000, and in West Virginia, a gain of over 24,000—a total gain in these seven States of 354,000, more than one-third of a million, and all in four years. [Applause.] And in the contest last fall, Mr. Speaker, the Republicans of the South in many places had nothing to sustain them except their devotion to principle. The general tendency in the South was to believe that there was something in the suggestion that we needed more money.

The gospel of free silver was proclaimed on the hilltops and in the valleys, on the right hand and on the left, and many a Republican in the South, thousands and thousands of them, had some indefinite misgiving that there might be something in the gospel of free silver; but they preferred to plant themselves upon the Republican platform and rely upon the Republican party and Republican doctrines, believing the Republican party to be the business man's party and the patriot's party and the only party able to bring prosperity to the people of the United States through legitimate business channels. [Loud applause on the Republican side.] And it took the heroism of a hero; it took the faith of a saint, and it took the nerve of a martyr in many portions of the South to vote the Republican ticket on the 3d day of last November. And after we have fought these battles, after we have incurred these dangers, after we have encountered these obstacles—after all this, to be told upon the floor of the Congress of the United States that we want to be "coddled" like a puling baby in the arms of its nurse! I hurl back that word as an insult to the Republican party of the South [applause], and I am glad to know, Mr. Speaker, that the Republicans of no part of our country, North, East, or West, sympathize with the sneer or the contumely conveyed in that word "coddled."

Mr. Speaker, all that the Republicans of the South want is a fair show. That is all we ask, and when it is once given us, whether as the result of the evolution of right or as the result in part of the action of the Congress of the United States in properly dealing with these contested-election cases, when once we are given a free ballot and a fair count in those States of the South where they are denied, you may rest assured that every State in the South will roll up a Republican majority. [Applause.] For, Mr. Speaker, I say here in my place this day there is not a State south of Mason and Dixon's line that would not to-morrow give a pronounced Republican majority if every male citizen within its borders over 21 years of age were allowed to go freely to the ballot box and deposit his ballot for the choice of his heart and have his ballot counted exactly as it is cast. [Applause.] And yet we are told that the Republicans of the South want to be "coddled!"

After we have made our fight, after we have overcome obstacles which you men of the North and you men of the East and you men of the West know nothing about; obstacles of which the election laws of Virginia as they have been laid before you this day are but a small sample—after we have overcome these obstacles, after we have fought the good fight and kept the faith, when we come here expecting the crown of glory, we are told that all we want is to be "coddled;" and that the time has arrived when the Republicans of the South need to be treated upon "robust principles!" What is meant by "robust principles" I do not know, Mr. Speaker, unless the gentleman means to serve notice upon us that in the future whenever a Republican from the South contests a seat on this floor, he is to be kicked out by the Committee on Elections. I suppose that is what is meant by treating us on "robust principles," and I am free to admit that those are very robust principles. [Laughter.]

Mr. Speaker, it was said of Aristides of old, who was banished by the Athenians, not because of any offense of his own, but because people had grown tired of hearing him called "The Just," that as he passed out through the gates of Athens he raised his hands to heaven and prayed to the gods that Greece might never need the help of his strong right arm. So, sir, I pray here to-day that the Republicans of the East, and the Republicans of the North, and the Republicans of the West may never need the help of the Republicans of the South. I hope, gentlemen, you will always be strong enough to maintain a majority in the Congress of the United States, and to keep a man of your choice in the White House at the other end of the Avenue. But as Greece did require the aid of Aristides in the dark days of her national danger, so I say to you men who talk about "coddling" the Republicans of the South, that the day may come when you will turn your hands toward the Republicans of the South and cry, like Cæsar of old, "Save us, or we perish!" [Applause.]

Mr. Speaker, was I recognized for the full hour?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman was recognized for twenty minutes.

Mr. GIBSON. I repeat, Mr. Speaker, all that we Republicans of the South ask is justice. Now I want to give this House a sample of the sort of justice that is accorded us here. Two or three days ago we had before this body two claims. One was called a Cayuse claim, a claim for $850 compensation for the killing of some cattle by our troops in the year 1847, fifty years ago, out in the Indian country. That claim was fifty years old, but it was the claim of an Iowa man and that was enough: it was paid. As soon as the Iowa gentleman had taken his seat, having got his claim allowed, a Kentucky member here, my friend from the Eleventh district of Kentucky, rose and presented a Kentucky claim for two mules that had done service in the Union Army, for these identical mules are shown by the record to have been used in the Union Army during the war for the suppression of the rebellion. The owner claimed compensation for those two mules that the Union troops had taken for their own purposes, had taken to assist them in putting down the rebellion, but he was denied payment, and yet these two mules had helped to save our country. That is a sample of how the Republicans of the South are being "coddled."

Mr. LEWIS. Yes; that is a sample.

Mr. GIBSON. Yes, sir; that is a small sample of it. Again, the Court of Claims has passed upon a hundred and more claims by due process of law, and decided that that number of persons living south of Mason and Dixon's line are each entitled to be paid the amount of his claim, but we have been unable, either during this Congress or during the last Congress, to call up a single one of those claims, much less the whole of them, and have it paid. And yet, Mr. Speaker, on the events which gave rise to those claims was based the salvation of our country, because I say here, and I say it knowingly, that had it not been for the Union men of the South, the rebellion would never have been suppressed. It was their strong arms, their heroism, their faith in their country, their valor on the battlefield, that turned the scales of victory.

The Union armies could never have subsisted in the South in some of the most perilous periods of the war had it not been for the provisions and the forage that the Union people of the South voluntarily poured into the Union camps to support the men and feed the horses and save the army from being forced to retreat to the Ohio River for subsistence and forage. And yet, notwithstanding the sacrifices we have made, notwithstanding the patriotism displayed, notwithstanding the heroism exhibited, we have had pitiful and scant justice on this floor. And when a Republican out of many (for nearly all the men seated at the last session were Populists)—when a Republican comes here asking to be seated, we are told he is to be dealt with "on robust principles," and that the mere asking of the right to a seat is asking to be taken up into the arms of this House and "coddled" like a baby in its swaddling clothes.

Now, Mr. Speaker, let me allude to the vote in the Yost case. There were 119 Republicans voting to seat Mr. Yost and only 53 Republicans voted against seating him, the balance of the votes against him being Democratic. The Republicans in favor of Mr. Yost were more than 2 to 1. And that very fact—the fact that a large majority of the Republicans of this House were in favor of seating Mr. Yost—satisfies me that the gentleman from Massachusetts, when he spoke of "robust principles" and "coddling," did not represent the Republican majority in this House. I am glad to know it. I will take that fact home with me to my people, and when they ask me what was said about "coddling"—what was said about treating the Republicans of the South on "robust principles"—I shall be able to stand up and say to them: "My friends, that was the utterance of a man who was not backed by the Republican majority in the House of Representatives. He was not sustained. One hundred and nineteen Republicans voted against him and only 53 Republicans voted with him."

In his speech the gentleman referred to the Hall of Ulysses. He says that the slaughter of the Democratic Congressmen at the last session reminded him of the slaughter of the lovers of Penelope. Now, that was a remark not at all complimentary to our Democratic colleagues here, because the lovers of Penelope were wrongfully in that house. They had no right to be in that house. They were trespassers there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GIBSON. I ask for five minutes longer.

Mr. McCALL of Tennessee. I ask unanimous consent that my colleague be allowed five minutes more.

There was no objection.

Mr. GIBSON. The lovers of Penelope had no right in the Hall of Ulysses. They were there as interlopers; they were there as trespassers; they were there devouring the substance of the grand old hero then wandering on sea and wandering on land, fighting the stars in their courses, and with the fates arrayed against him. And so, when the gentleman speaks of their slaughter, he speaks of the slaughter of men who were in the wrong. And his simile is not at all complimentary to the Democratic members on this floor. The lovers of Penelope ought to have been slaughtered according to the ethics of those rude times. And so the man that comes here to take a seat to which he is not justly entitled—I care not whether he be Republican or whether he be Democrat—should be denied that seat. But I say this to Republican members here: That whenever a Republican in a Presidential election in any of the Southern States comes within a thousand votes of a majority, it is absolutely certain that if a fair election had been held and a fair count of the result made he would have had a thousand majority. [Derisive laughter on the Democratic side.] There is no question about that.

Mr. MEREDITH. I deny it.

Mr. GIBSON. Of course you deny it. That is part of your platform.

Mr. MEREDITH. The gentleman when he makes that statement knows it is not true.

Mr. GIBSON. I know it is true.

Mr. MEREDITH. I deny it.

Mr. GIBSON. You are paid to deny it. You are sent here for the purpose of denying it.

Mr. MEREDITH. That is absolutely false.

Mr. GIBSON. Your State and every one of these negro States—I would not live in one of them. So far as I am concerned, I want to say here that I represent a white constituency. There are only about 4,300 colored voters in my whole Congressional district. I represent one county that has only seven colored voters born in it. I am proud of the constituency I represent. And I ask nothing for it. We are able to take care of ourselves. I was sent here by a majority of 18,664.

Mr. MEREDITH. God help the majority, then!

Mr. GIBSON. In every section of the South where the whites are in a majority, there the Republicans are in a majority. [Applause on the Republican side.] It is only by the infamous Democratic election laws that the negro vote is turned against the party of their choice. [Applause on the Republican side.] And when ever that negro vote is voted as the Constitution of our country intended it should be, and as Republican liberty requires it to be, then Democratic domination in the South will have come forever to an end. [Applause.] And then we shall no more have men rising on the floor here and saying they deny it. Those men will be left forever in the rear, and so far in the rear that the most improved telescope will be utterly unable to discover their existence politically. [Applause.]

Now, Mr. Speaker, having been given this opportunity to represent the views and the condition of the Republicans of the South, thanking the House for its courtesy in extending my time, I bring my remarks to an end. [Applause.]

Mr. McCALL of Massachusetts. Mr. Speaker, I would like to inquire how much time is remaining to me?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman has fifty-seven minutes remaining.

Mr. McCALL of Massachusetts. I yield twenty minutes to my colleague on the committee, the gentleman from Wisconsin.

Mr. JENKINS. Mr. Speaker, as a member of the Committee on Elections, reporting the case now pending before the House, it will be my duty in the brief time allotted to me to present simply the facts in the case. I have not time, in the twenty minutes accorded me, to go into any extended or detailed inquiry into the validity of the claims presented by the gentleman from Tennessee [Mr. GIBSON] who has just taken his seat, but shall confine myself to the great question as to whether or not the gentleman whose seat is contested on this floor is entitled to retain that seat. That is the question before us. And therefore I shall be compelled to confine myself to the law and evidence in the case that is now pending. Because the House has to consider this matter, it is sitting in a judicial capacity; and it ought to determine this question in a judicial manner. The ordinary questions of politics, the rights and wrongs of the Republicans of the South, or any other people, ought not, it seems to me, to be intruded here, where we are sitting as judges to determine correctly a grave constitutional question.

Now, Mr. Speaker, when we look at the facts before the committee, we find that the contestee in this case comes to the House with a certificate of election based upon a plurality of 2,333. The gentlemen who make the minority report hunted long and faithfully in order to find some fraud, or other means, by which to oust the contestee from his seat. But after diligent search it was impossible for them to find any element of fraud in connection with the matter, and so they reversed their prior course and reported to the House that the law of the State of Virginia, under which the contestee holds the seat, is unconstitutional, and therefore that there was no election.

Now, I think, sir, that the House should be most thoroughly advised as to its own record on this identical question, because it has established during this Congress, and notably at the last session, a large number of precedents that certainly ought to be considered as the rule of the House in determining another case of the same character.

As far as the facts are concerned immediately connected with the election, it seems that there are 144 election precincts in this Congressional district. In only 12 of these precincts was any testimony taken, and there are only 5 of the precincts referred to in their notice of contest. But we took proof with reference to 7. Now, sir, if we throw out every one of these precincts, conceding that the votes therein cast were fraudulent and ought not to be counted, still the contestee would hold his seat by a plurality of over 1,600 votes; and it seems to me that this is a very important matter, and that the House should thoroughly understand it.

If I understood my colleague on the committee, the gentleman from Michigan [Mr. THOMAS], he said that there were four cases from Virginia already pending, and all depending on the validity of this law, and he further followed up the statement by another statement, wherein he said that the law of Virginia was unreasonable—he did not say that the law of Virginia was unconstitutional, but that the law was unreasonable—and therefore on account of its unreasonableness it was unconstitutional.

Now, as a lawyer, I can not subscribe to such a doctrine as that, that because the law is unreasonable it is therefore necessarily unconstitutional. It does not follow by any means. If the law is unconstitutional, it is because it violates one provision of the Constitution. In the language of the learned and labored argument read here by the gentleman from Michigan this morning, which is based practically upon his minority report of the case, he nowhere cited a single provision of the Constitution in order that the House might determine judicially whether the law of Virginia is in violation of the Constitution or not.

But, Mr. Speaker, I call the attention of the House to the precedents established by this House itself upon this identical question. Assuming, for the sake of argument, that the law of Virginia is unconstitutional, there is not a single particle of evidence here, sir, that anyone was deprived of his right by reason of the unconstitutionality of the law, but everybody there seems to be proceeding on the theory that it was a valid law, and that an election was held under it, and everybody there was permitted to participate in that election. I call the attention of the House particularly to the fact that in the resolution offered here there is no evidence that any man was complaining of the unconstitutionality of the law, or that he was denied any right by reason of its unconstitutionality; but, on the contrary, that everyone who was an elector of the State was permitted to exercise his political right. Therefore I say that you will not find in the record appended to the case anything to show that any elector of the State of Virginia was deprived of his legal right by reason of that law. It therefore was a de facto election.

Now our contention is, and was in the committee, as a matter of law——

Mr. STEWART of New Jersey. Will the gentleman allow me to ask him a question?

Mr. JENKINS. Certainly.

Mr. STEWART of New Jersey. Is it not a well-established principle of law that the de facto officer holds his office until the de jure officer shall have been duly appointed and qualified?

Mr. JENKINS. I so understand it; that would be my view of the law.

Now, I want to say, Mr. Speaker, that in this long, learned, and elaborate report submitted by the minority and in the long speech read here by the gentleman from Michigan [Mr. THOMAS] there was no claim made that the contestant in this case has a majority. There is no suggestion that an elector was denied the right to vote or that there was any fraud. No such charge was made, nor is there any claim that for any reason the contestant is entitled to his seat or that, if the law had been constitutional, a different result would have been reached.

Now, Mr. Speaker, at the last session of this Congress there were 9 cases decided by this House and at this session 2 cases decided by this House—11 in all—where this constitutional question was raised, and this House subscribed to the doctrine that, even conceding the law to be unconstitutional, yet if an election was held under that law—a de facto election, as I have said—then the contestant was not entitled to his seat by virtue of the unconstitutionality of that law, but that he must go further, and show by competent evidence that in fact enough electors were deprived of their legal rights by virtue of the unconstitutionality of the law to change the result.

Now, those cases arose in three of the States of this Union. There was the case of Thorp *vs.* McKenney, a case arising under this very same law. There were twenty-two pages of the report in that case, and not a single word was said therein against the law. There was the celebrated case of Yost *vs.* Tucker, to which reference has been made, in which case there were thirty-eight pages of report; but not a single word was said against this law. Then, again, there was the case of Hoge *vs.* Otey. Now, Mr. Speaker, it seems to me that these gentlemen are very inconsistent in coming before this House to-day and saying that the contestee is not entitled to retain his seat on account of the unconstitutionality of this law, when in three prior cases these same gentlemen have reported in favor of one party or the other holding his seat, and maintaining that that law was valid.

Now, it is begging the question to say that the constitutional question was not raised in those cases. That is a question for this House to determine without any allegation whatever, because, if a gentleman can not retain his seat in this House on the bare fact that he is holding it here under a law that is unconstitutional, then of course that gentleman is not entitled to membership in this House, and it would be the duty of the House on its own motion to exclude him. Therefore, we can not dodge this question by saying that that question was not particularly called to the attention of the House.

Mr. STEWART of New Jersey. Will the gentleman yield for one more question?

Mr. JENKINS. Yes.

Mr. STEWART of New Jersey. Does not Judge Bigelow lay down in his work on estoppel the doctrine that where two persons participate in an election, both are estopped from denying the validity of the law under which the election is held?

Mr. JENKINS. If my friend from New Jersey says that that is the rule, I will accept it as correct. I am not familiar with Bigelow on election cases. I would admit it if I knew it to be the fact; but at the same time I call the attention of the House particularly to the report that was made in the Mississippi cases. This same committee had three cases before it from the State of Mississippi, and my learned friend from Michigan [Mr. THOMAS] subscribed to the majority report. I want to invite the careful attention of the House to the report that was made in all three of those cases. A part of the report, as I take it from the case of Newman *vs.* Spencer, reads as follows:

> As the committee is of the opinion that a decision that the constitution of the State of Mississippi was invalid would not necessarily deprive the State of representation in Congress, it does not attempt to decide that question, and in the absence of any testimony on behalf of the contestant it recommends the adoption of the following resolutions.

Which resolutions were in favor of the contestee.

Now, Mr. Speaker, that doctrine was correctly set forth that in the absence of evidence the fact that the law was unconstitutional would not affect the case.

Those Mississippi cases were followed by four cases from the State of South Carolina. Let me call the attention of the House to the statement that in all four of those cases the committee, as shown by their reports, were unanimous in favor of the unconstitutionality of the law; and yet, upon the recommendation of that committee, three gentlemen were seated under that unconstitutional law. Therefore I say that it is too late for this House at this time to turn down and reverse all of those precedents and to hold that, on account of the unconstitutionality of the law, the contestee is not entitled to his seat.

Now, Mr. Speaker, there was one thing suggested here this morning by a question asked by the gentleman from New Jersey [Mr. STEWART] which is very important here for our consideration. It is the identical doctrine that was so bitterly opposed by the gentleman from Michigan [Mr. THOMAS], when he spent so much time in attacking the supreme court of the State of Virginia: that is, the doctrine that we are bound by the decision of the supreme court of Virginia upon the constitutionality of this law. The attention of the House in other cases has been called to authorities sustaining that position. Now, I was a little surprised at the language used and the position taken by my learned colleague on the committee [Mr. THOMAS], because, if I understood him correctly—and I do not desire to misquote him—he terribly misrepresents the supreme court of the State of Virginia, and misrepresents the facts in that case. If I understood him, he said that it was an action for the collection of a debt, and though, in response to a question addressed to him by the gentleman from Virginia [Mr. JONES], he said that before he got through he would state whether or not the constitutional question was raised by the pleadings, I do not remember that he said anything further on the subject; but I did understand him, as far as his argument went, to say that that action was brought by a person in the State of Virginia for the purpose of collecting a debt, and that it was a collusive action, and that the plaintiff disappeared from the court soon after the bill was taken as confessed in the court below.

Now, I want to say, Mr. Speaker, that those statements, if I understood them correctly, are not correct. I have that case in my hand, and I have very carefully considered it. I want to say that as far as that case is concerned it was an action brought directly by electors of the State of Virginia for the express purpose of testing the constitutionality of that law, and that was really the only question that was involved in that case. I think that that case was well decided.

Now, it is stated, Mr. Speaker, in the opening of the case, and referred to by the judge who read the opinion, that the case was brought by electors of Virginia for the purpose of preventing the proper officers from doing certain duties in regard to that law. It seems that there were some things done under the law by some of the election officers of the State of Virginia, and that they applied for payment for their services; that orders were drawn and they were going to be delivered, and the case was brought by these electors to prevent the payment of these orders. The supreme court, I think, properly held that they had not proven an equitable action, and their remedy was later on. The constitutionality of the law was directly raised in the case, and that necessarily, for they pleaded specially that the law was unconstitutional; and that they had no right to create any liability under a law which was unconstitutional. The court held that this very law which is attacked by the minority of this committee was unconstitutional; and now I think it is a very unfair thing to come before this House and say that the plaintiff dropped out of the case. He did not drop out of the case until after the supreme court had passed upon it, and it would naturally follow for one to drop out of a case then. But when his case was decided by the court below he took steps to have the case passed upon by the supreme court of the State of Virginia. He could do nothing more. He did all he could to bring it to the attention of the court, and in a very elaborate and learned argument the question of the constitutionality of the law was presented to the court, and, as I said, the court unanimously held that the law was constitutional. Therefore I say, Mr. Speaker, that we are absolutely bound by that law, and to look also to the decisions of this House, this House having decided in this Congress eleven separate cases, that even admitting that the law is unconstitutional, it does not affect a member's right to a seat.

We are asked now to reverse that action and hold contrary to all these precedents overwhelmingly created in this House, and to say that this gentleman is not entitled to his seat because that law is unconstitutional.

If that is correct, Mr. Speaker, there is not one of the gentlemen sitting upon this floor to-day from the State of Virginia entitled to his seat in this House. If this House can go so far as to exclude the contestee from his seat, it is their plain duty to go further—because we take judicial notice of this case—and exclude the other nine members upon the ground that they have no right to sit here in this House. It seems to me that we would be occupying a very inconsistent position to say that this one gentleman is not entitled to a seat here because the law is unconstitutional, and that the other gentlemen should be entitled to their seats.

Now, Mr. Speaker, I want to go further and say that I do not believe that there is any lawyer upon this floor who will carefully examine this law who will say for a moment that the law is unconstitutional. It merely provides that in the case of an illiterate voter a constable appointed for the express purpose, and who takes an oath to properly discharge his duties, shall point out to the illiterate voter and mark for him as asked the names on his ticket. But that does not disclose for whom he wants to vote. Now, it seems to me it is not sufficient to say that it is unconstitutional. As a lawyer, after careful examination, I agree with the chairman of this committee that this provision of the law of the State of Virginia is not unconstitutional, but it is constitutional, Mr. Speaker, and we are backed up in that opinion by the decision of the supreme court of the State of Virginia, the only proper tribunal to pass upon that question.

But, Mr. Speaker, I am informed by a creditable gentleman who has examined the law of the State of Michigan that they have a law somewhat similar there. I am told by this same gentleman that the law of the State of Michigan does not provide that the election officers shall be divided between the two political parties, or appointed from the two political parties, but that the law is silent in reference to that, leaving it, as under the law of Virginia, for them to select them from any one party that they see fit; but there is still further in that law a provision that the illiterate must call upon two gentlemen of opposite politics——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILNES. I would like to say to the gentleman who has just taken his seat that the law of Michigan does provide for a nonpartisan board.

Mr. THOMAS. I yield fifteen minutes to the gentleman from Tennessee.

Mr. McCALL of Tennessee. Mr. Speaker, as I understand the case before the House, the Committee on Elections is unanimous in reporting that there are but 12 precincts attacked by the contestant, and that, eliminating those 12 districts from the election returns entirely, the contestee is still elected by something like 1,500 majority. That being so, it removes the question of fact from the consideration of the House, and the only question left to be determined is, Shall the sitting member be continued in his seat or shall he be ousted? As I understand from the discussion, the only way to oust the sitting member would be to hold that the election laws of the State of Virginia are unconstitutional.

Now, sir, I do not intend to go into the question of the constitutionality of the election laws of the State of Virginia, nor to discuss the pending case at length one way or the other, but rather to speak of election laws in a general way and for a few moments only. Within the last eight years the election laws in all or nearly all the States have been modified and changed in the name of "reform," and the Australian ballot system is the one that has been most generally adopted by the Northern, the Western, and the Eastern States. Those States have adopted the Australian ballot law almost in its purity, while the Southern States, under guise of adopting the Australian ballot law, have given us a system of election law that is for the most part a corruption of the Australian system. They have twisted and modified that system until now it is with difficulty that a man who is not educated can vote at all in the South. I have arisen on this occasion merely to ask unanimous consent to have printed in the RECORD as a part of my remarks a tabulated statement of the election laws of the several States of the Union, tabulated only a few days ago by an ex-member of this body, Hon. John C. Houk, of Tennessee. This statement gives the election laws of every State in the Union, and shows that they are all framed more or less after the Australian ballot system. The Virginia law which applies in the pending case is given here among the others, and I now ask consent to print this tabulated statement in the RECORD.

There was no objection, and it was so ordered.

Mr. McCALL of Tennessee. I thank the House. I believe members will find this statement a treasury of information clearly and intelligently arranged and correct in the main. I will not detain the House longer, but will yield the remainder of my time back to the gentleman from Michigan [Mr. THOMAS].

The statement presented by Mr. McCALL of Tennessee is as follows:

Table showing the provisions of the election laws in the different States.

[Compiled by John C. Houk.]

State.	Prepayment of poll tax.	Registration.	Official ballot.	Party column or group.	Politics opposite candidate.	Party emblem.	One mark for straight ticket.
NEW ENGLAND.							
Maine	No	Limited	General	Column	No	No	Yes.
New Hampshire	No	No	do	Group for electors	Yes	No	Electors only.
Vermont	No	No	do	Column	Yes	No	Yes.
Massachusetts	No	General	do	Group for electors	All except electors	No	Electors only.
Rhode Island	No	Limited to persons not paying a tax.	do	do	do	No	Do.
Connecticut	No	General	do	Official ballot each party.		No	
MIDDLE.							
New York	No	General	General, except for schools.	Column	No	Yes	Yes.
New Jersey	No	do	General	Official ballot each party.		No	
Pennsylvania	Yes; State or county tax.	General, but avoidable.	do	Column	No	No	Yes.
Delaware	Yes; county tax	General	do	do	No	Yes	Yes.
Ohio	No	Limited	do	do	No	Yes	Yes.
Indiana	No	No	do	do	Yes	Yes	Yes.
Illinois	No	Limited	General, except for schools.	do	No	No	Yes.
Michigan	No	General	General	do	No	Yes	Yes.
Wisconsin	No	Limited	do	do	No, except individual nominations.	No	Yes.
WESTERN.							
Minnesota	No	General	General	Group for electors	Yes	No	No.
Iowa	No	Limited	General, except for schools.	Column	No	No	Yes.
Missouri	No	do	General	do	No	No	No.
Kansas	No	do	do	do	No	No	No.
Nebraska	No	do	do	Group for electors	Yes	No	No.
South Dakota	No	No	General except for schools.	Column	No	No	Yes.
North Dakota	No	Limited	General	do	No	No	No.
Montana	No	General	General except for schools.	do	No	No	Yes.
Wyoming	No	do	General	Group for electors	Yes	No	No.
Colorado	No	General except for schools.	do	Column	Yes	Yes	Yes.
Utah	No	General	do	Group for electors	Yes	Yes	Yes.
Idaho	No	do	do	Column	No	No	No.
Washington	No	Limited	General except for schools.	Group for electors	Yes	No	Yes.
Oregon	No, except for schools.	No	General	do	Yes	No	No.
Nevada	No	General	do	do	Yes	No	No.
California	No	do	do	Column	Yes	No	No.
SOUTHERN.							
Maryland	No	General	General	Column	No	Yes	Yes.
Virginia	No	do	do	Group for electors	No	No	No.
West Virginia	No	General, but avoidable.	do	Column	No	No	No.
Kentucky	No	Limited	do	do	No	Yes	Yes.
Tennessee	Yes	do	Limited	Group for electors	No	No	No.
North Carolina	No	General	Unofficial ballot for each party.			Optional	Do not mark.
South Carolina	All polls due	do	Unofficial (2¼ by 5 inches).			No	Do.
Georgia	All taxes since 1878	do	Unofficial ballot for each party.			No	Do.
Florida	Yes	do	General	No	No	No	No.
Alabama	No	do	do	No	No	No	No.
Mississippi	All taxes for two years.	do	do	No	No	No	No.
Louisiana	No	do	do	Group for electors	All except electors	No	No.
Texas	No	Limited	Limited	Column	No	No	No.
Arkansas	Yes	No	General	No	Yes	No	No.

State.	Vote by scratch or X.	Mark each name voted.	Poll-tax receipt or registration certificate presented.	Instruction or sample ballot.	Voter assisted.	Primary laws.
NEW ENGLAND.						
Maine	X	Optional	Neither	Both	If can not read, etc	Limited.
New Hampshire	X	Except for electors	do	do	do	Do.
Vermont	X	Optional	do	do	If "physically or mentally," etc.	Do.
Massachusetts	X (stamp)	Except for electors	do	do	If physically disabled, etc	Yes.
Rhode Island	X	do	do	do	If can not read, etc	No.
Connecticut	Do not mark except to scratch.	Scratch those not voted.	do	Official ballot given out.	Only to envelope tickets	Yes.
MIDDLE.						
New York	X	Optional	Neither	Both	If illiterate, etc	Yes.
New Jersey	Do not mark except to scratch.	Scratch those not voted.	do	do	If physically disabled, etc	Yes.

Table showing the provisions of the election laws in the different States—Continued.

State.	Vote by scratch or X.	Mark each name voted.	Poll-tax receipt or registration certificate presented.	Instruction or sample ballot.	Voter assisted.	Primary laws.
MIDDLE—cont'd.						
Pennsylvania	X	Optional	Neither	Both	For "any disability"	Yes.
Delaware	X (stamp)	do	Tax receipt	do	If can not read, etc	Limited.
Ohio	X	do	Neither	do	If physically disabled, etc	Yes.
Indiana	X (stamp)	do	do	do	If can not read, etc	Yes.
Illinois	X	do	do	do	do	Yes.
Michigan	X (stamp)	do	do	do	do	Yes.
Wisconsin	X	do	do	do	do	Yes.
WESTERN.						
Minnesota	X	Yes	Neither	Both	If can not read, etc	Yes.
Iowa	X	Optional	do	do	do	Limited.
Missouri	Scratch	Scratch those not voted.	do	Instructions	do	Yes.
Kansas	X	Yes	do	Both	do	Limited.
Nebraska	X	Yes	do	do	do	Yes.
South Dakota	X	Optional	do	do	do	Yes.
North Dakota	X	Yes	do	do	do	Yes.
Montana	X	Optional	do	do	If physically disabled, etc	Yes.
Wyoming	X	Yes	do	do	If can not read, etc	Yes.
Colorado	X	Optional	do	do	do	Limited.
Utah	X	do	do	do	do	Do.
Idaho	X	Yes	do	do	If physically disabled, etc	Do.
Washington	X	Optional	do	Full instructions	If can not read, etc	Yes.
Oregon	X	Yes	do	Both	do	Yes.
Nevada	X	Yes	do	do	If physically disabled, etc	Yes.
California	X (stamp)	Yes	do	do	If can not read, etc	Yes.
SOUTHERN.						
Maryland	X (indelible pencil)	Optional	Neither	Both	If can not read, etc	Limited.
Virginia	Scratch	Scratch those not voted.	do	Neither	do	No.
West Virginia	do	do	do	Both	do	No.
Kentucky	X	Optional	do	do	do	Yes.
Tennessee	X	Yes	Both	Instructions	If physically disabled, etc	Limited.
North Carolina		No	Neither	Unnecessary	Unnecessary	No.
South Carolina			Both	do	do	Yes.
Georgia		No		do	do	
Florida	X	Yes	Neither	Instructions	If blind or disabled	Limited.
Alabama	X	Yes	do	Neither	If can not read, etc	
Mississippi	X	Yes	Proves payment taxes.	Instructions	do	Yes.
Louisiana	Obliteration by stamp.	Yes	Registration certificate.	do	If physically disabled, etc	Limited.
Texas	Scratch	Yes	do	Candidates can print	If can not read, etc	No.
Arkansas	do	Scratch those not voted.	Neither	Full instructions	do	Limited.

EXPLANATION.

The foregoing table has been carefully compiled, mainly from pamphlets containing the election laws furnished by the respective secretaries of state.

Every State in the Union, except Rhode Island, Georgia, Alabama, Mississippi, and Tennessee, has published its election laws in special form. On some few points the general statutes or codes of States have been consulted, and questions have been propounded to and answered by secretaries of state through the mail.

While it is not insisted that the tabulation is perfect, it is claimed to be substantially correct, so far as it goes, most of it having been verified with special care.

The tabulation has been arranged by grand divisions, so as to more readily show, as far as they may be indicated by the table, the development of the election laws in each general section of the country.

The election laws of each State have, with just or unjust intention, been materially amended, almost without exception, since 1888, the year what is known as the "Australian law" began to gain permanent foothold in this country. Michigan led the way in the direction of the Australian system in the United States.

The table shows about 585 points in relation to the election laws of the various States, or about 13 points for each State.

1. In the column headed "Prepayment of poll tax" is indicated what States require prepayment before a voter can vote.

2. In the column headed "Registration" the word "general" means that registration prevails throughout the State, while the word "limited" means that registration is confined to certain counties or cities.

3. In the column headed "Official ballot," the word "general" means that the ballot is printed by the State or county, throughout the State, while the word "limited" means that the State or county prints the ballot only in certain counties.

4. In the column headed "Party column or group," the word "column" means that the ballot contains a column for each party, in which only the names of the candidates of a certain party are printed. The words "group for electors" mean that only the electors are arranged by party groups, while all other candidates for all other positions are arranged, irrespective of party, under the name of the office.

5. In the column headed "Politics opposite candidate," it is shown whether the politics of each candidate is printed opposite his name on the ballot.

6. In the column headed "Party emblem" is indicated whether the law authorizes or permits one column or ballot to be distinguished from another by a party device or emblem.

7. In the column marked "One mark for straight ticket" is indicated whether the voter can vote for each candidate for each office on a certain party ticket by making a single mark at the head of his party column or elsewhere on the ballot.

8. In the column headed "Vote by scratch or X" is indicated whether the voter votes by scratching out the name of the candidate he desires not to vote for, or whether he votes by marking an X opposite the name of each man he votes for.

9. In the column headed "Mark each name voted" is indicated whether the voter shall mark each name voted for (or scratch each name not voted for)—the word "optional," wherever it appears in that column, meaning that the voter can either mark each name or vote for all candidates of a given party by a single mark (X).

10. In the column headed "Poll-tax receipt or registration certificate presented" is indicated whether the voter shall present either or both at the polls before voting. In the same column the words "proves payment taxes" mean that the voter must furnish the judges with satisfactory evidence that he has paid his taxes.

11. In the column headed "Instructions or sample ballot" is indicated whether official printed instructions are furnished before or during the balloting, or whether the law authorizes or permits the posting or distribution among the electors of a sample ballot before or during the voting. In the same column the words "official ballot given out" mean that the State or county distributes official ballots among the voters before the election.

12. In the column headed "Voter assisted" is indicated under what circumstances the voter can receive assistance in voting, and what States in effect have an educational qualification.

13. In the column headed "Primary laws" the word "yes" means that the State has laws regulating primary elections and conventions, at least to the extent of prescribing penalties for committing fraud in the same, etc., while the word "limited" means that the State only goes so far as to prescribe the manner of certifying to the officials printing the ballots the names of the nominees, etc., as in Tennessee.

MISCELLANEOUS.

(a) In the "Registration" column the words "general, but voidable" mean that registration is required throughout the State, but that no elector can be deprived of his vote by reason of not being registered if he presents himself at the polls and proves that he is otherwise qualified, etc.

(b) In the "Official ballot" column the words "Unofficial ballot for each party" mean that each party prints its own ballots throughout the State, limited by the law in certain cases only as to size and color, etc., as in Tennessee, with respect to the "uniform" ballot.

(c) In the column headed "Party column or group" the words "Official ballot for each party" mean that the State either prints a separate ballot marked on the back "Official ballot" for each party, or furnishes blank ballots stamped on the back "Official ballot" to the committees or candidates of each party, by them to be completed by printing the names of the candidates of their party on the face of the official blanks.

(d) In the column "Vote by scratch or X" the words opposite Louisiana, "Obliteration by stamp," mean that an elector votes by obliterating with a rubber stamp a circular white spot in the black square put to the right of the name of each candidate. The name of a candidate preceding a white spot that is not marked or blotted out is not voted for. In the same column, where the word "stamp" appears in parenthesis, the authorities of the State or county furnish a stamp and ink pad, which the voter must use in marking his ballot.

(e) Wherever the word "unnecessary" occurs in the table, its use can be accounted for by the fact that the ballot is unofficial and is furnished by the respective party committees.

(f) In Connecticut and New Jersey only, the elector votes by placing his ballot in an envelope. This was once done in Massachusetts.

(g) Of the New England States, Massachusetts has a constitutional provision that the voter shall read and write before he can vote, unless he was a voter prior to 1857, and Connecticut by her constitution requires that an elector shall read.

(h) Of the Southern States, South Carolina's constitution requires that the voter shall be able to read or construe the constitution in 1898, and the constitution of Mississippi has the same provision, which is now in effect.

(i) The constitution of Ohio prohibits the requirement to prepay a poll tax.

(j) The constitution of Arkansas prohibits registration.

(k) In South Dakota registration is optional with the counties, but none of the counties have adopted it.

(l) In Oregon registration was declared unconstitutional ten years ago.

(m) In South Carolina the voter has to either pay "all" polls due or all taxes on $300 or more of property before he can vote.

Mr. McCALL of Massachusetts. Does the gentleman from Michigan desire to consume his time now?

Mr. THOMAS. No, sir.

Mr. McCALL of Massachusetts. Mr. Speaker, I regret very much that the discussion of this question should have departed from the facts presented to the House in the record. I think it is necessary, if we desire to do justice in these cases, that we should decide each one absolutely upon its own merits. If we decide each time as best we may upon the record which is presented, even then we shall sometimes go wrong; but if we decide upon general principles or upon our ideas of what should be done for the party here or there, we shall rarely go right.

I do not care to follow the gentleman from Tennessee [Mr. GIBSON] in the course of his remarks, but I will say that I do not propose to let his noisy intrusion into this debate put me in a false position. I said nothing in the speech to which he alluded which can fairly bear the construction which he puts upon it, although I entered upon that portion of my argument as my time was expiring and could only express myself very imperfectly. I think that the time has come for us to cease to divide the people of the North, or of the South, or of any part of this country into sheep and goats. I think that where you divide men into large masses upon whatever issue, whether it relates to the tariff, or to the free coinage of silver, or to the single gold standard, those masses of people will average about equally in honesty. Certainly neither will have a monopoly of that article. We have been decorating the Southern Democrats with every vice that deforms human nature, and we have at the same time been unjust to the Southern Republican, have almost deified him and put him in a place where no mortal should stand. I believe that, take the Southern Democrats and Southern Republicans as a whole, they are not either greatly worse or greatly better than each other. I simply ask for the Southern Republicans that they shall have the same treatment as people in other parts of the country, and that we shall no longer make them the inmates of a hothouse and subject them to the application of special theories and special principles which we apply to nobody else.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. McCALL of Massachusetts. I will yield for a question.

Mr. LEWIS. The gentleman from Massachusetts, in his speech on the Yost-Tucker case, used this language:

> Now, Mr. Speaker, I think we ought at this late day to do justice by the people of Virginia. We have for years here attempted to build up the Republican party in the South by seating this man and that man and by patronage; and the result is that they display their chief vitality and strength in our national Republican conventions, where they generally appear with as many different delegations as there are candidates for the Presidency.

I desire to ask the gentleman from Massachusetts if he intended, by that language, to embrace the Republicans of the State of Kentucky?

Mr. McCALL of Massachusetts. Mr. Speaker, I do not intend that language to apply to the Republicans of Kentucky, as it has been quoted and misapplied to the people of the whole South. For that matter, I had no thought of Kentucky.

Mr. LEWIS. I simply desire to say, Mr. Speaker, with the permission of the gentleman from Massachusetts, that I know of no contest by Kentucky Republicans in any Republican national convention except in one district in 1880. I am the only Republican who ever represented the district I have now the honor to represent on this floor, and I want to state that this is the only office I ever held, and I state further that I was not assisted to that office by any patronage or by any "coddling" whatever. I was sent here by the people of that district, and I tried to do my duty as their Representative.

Mr. Speaker, I have seen a disposition upon this floor to assume that Southern Republicans are inferior in respectability or in social standing to Democrats. My ancestors before me, sir, were Virginians, but they have always been loyal. [Applause.] And if the men in Kentucky who fought the battles of the country when the country needed their support, if the men in Kentucky who in 1861 decided that Kentucky should stay in the Union and not go out of it—and my people were among them—if those men are not as good and as respectable and as honorable and as much entitled to consideration by the nation as any other people in Kentucky, or elsewhere, I have never been conscious of it and never will be. [Applause.] And I want to say to the gentleman from Massachusetts, further, that they are men who never have been "coddled" by the people of Massachusetts, or by any other people. They have never asked to be coddled, and they can take care of themselves without coddling. [Laughter and applause.]

Mr. McCALL of Massachusetts. Mr. Speaker, I do not dispute a single word that the gentleman from Kentucky has said here, although I did not yield for a speech, but what I said will apply exactly to this case. I believe that if you will trust the Republicans of the South to act as a party and to act from the strength of the innate principles of the party, instead of taking them under a guardianship which is insulting to them, they will grow stronger and achieve a better standing before the country than they have had heretofore. What the Republicans of certain portions, at least, of the South need is justice. And I am glad to say, Mr. Speaker, that during the last half dozen years when they have been little embarrassed by the treatment to which I have referred, when they have breathed the free and fostering air of our institutions, they have grown greatly in strength, as the statistics of the gentleman from Tennessee so amply show.

I do not know as the word coddling has an adjudicated meaning, but I say this particular case will illustrate what I meant by "coddling" the Republicans of the South. Examine the proposition made here by the gentleman from Michigan. Here is a district of 160,000 people, casting about 22,000 votes for Representatives in Congress at an election when no other officer was to be chosen, when that office alone was to be filled. I say that vote for that population at an election for a single office is as great as we would have in a district in Massachusetts with an equal population.

Now, the contestant has appeared here and has alleged certain things against that election. We examine the record. We find that in only 12 precincts in the 144 precincts of that district has he introduced a particle of evidence.

Mr. THOMAS rose.

Mr. McCALL of Massachusetts. I have yielded for one speech already——

Mr. THOMAS. I wish only to call the gentleman's attention to the fact that I stated very explicitly that this evidence was taken in five out of the seven counties of the district: that the evidence was taken for the purpose of showing the inherently wrong quality of the law itself, and not for the purpose of impeaching the returns by showing fraud. I desire to have the House understand that explicitly. And it is begging the question to say that only 12 out of the 144 precincts were investigated. The remarks of the gentleman from Virginia [Mr. JONES] admitted fraud in every one of them. The statement I have made has not been controverted. The gentleman from Wisconsin [Mr. JENKINS] conceded the same thing.

Mr. McCALL of Massachusetts. I can not yield further. The gentleman has already occupied an hour and a half of the time of the House. But I say the contestant who assailed this election has produced evidence as to only twelve precincts; and I do not believe that the evidence would justify the rejection of two of those precincts. I do not believe that either the gentleman from Virginia or the gentleman from Wisconsin has admitted fraud.

The gentleman from Michigan now says that those precincts were taken as samples. I never before knew that theory to be applied to the decision of a contested-election case—that when the contestant fails in making out his case, he may take two or three precincts of the district and say that they are to be accepted as samples of the whole district. It seems to me that is a novel method of procedure.

Now, Mr. Speaker, to return to my proposition. There were only twelve precincts here that were assailed. I do not believe the evidence would justify the exclusion of two of them. But you may reject the whole twelve; and the contestee still stands here elected by 1,539 majority.

At this point the gentleman from Michigan proposes to do what I call "coddling." He proposes to apply to the Republicans of the South a principle that he would never apply in the Northern States. He says that this election law, solemnly adopted by the legislature of Virginia, is unconstitutional; that, the law being unconstitutional, there can be no valid election held under it, and therefore upon that ground alone (for the whole argument of the gentleman is based upon it) the gentleman from Virginia [Mr. Swanson] must be taken from his seat. Now, let us look at the argument. In the first place, if that law was unconstitutional as to the contestee, it was unconstitutional as to the other three parties in contested-election cases which this House by vote has already seated. It is unconstitutional as to the six members from that State who are here without any contest. And it is an extraordinary proposition at this day—thirty days before the close of the session—that we shall throw this gentleman out upon an argument or assumption which would turn out the whole Virginia delegation.

Furthermore, this law has been passed upon by the highest judicial tribunal in the State of Virginia. That tribunal has unanimously held that the law is constitutional. The gentleman from Michigan proposes, in violation of all the precedents, to have this House sit here as a supreme court of appeals, overrule the court of appeals of Virginia, and declare that the law is unconstitutional.

Now, the cases are very clear upon this point. I will read first from McCrary on Elections a statement of the law which every lawyer will recognize as elementary. He says:

> The House of Representatives of the United States in construing a State law will follow the construction given it by the authorities of the State whose duty it is to construe and execute it. When a given construction has been adopted and acted upon by the State authorities, the Federal Government should abide by and follow it.

And the same doctrine is laid down in many cases. I do not believe that any authority to the contrary can be found anywhere.

The American and English Encyclopedia of Law, quoting a recent case, says:

> The House when adjudicating upon any matter affecting the seats of its members must be governed by the laws of the State in which the election was held upon questions of the qualifications of the voters; and where there is no act of Congress providing for the method of conducting the election the House is compelled to follow the State law upon that subject. It follows as a necessary conclusion, as the courts of a State are the proper tribunals to construe its statutes, that when the highest court of a State has given a construction to a provision of the State constitution or statute, such construction should be followed by any other tribunal called upon to pass upon the same question.

Mr. HENDERSON. Will the gentleman yield for a question?

Mr. McCALL of Massachusetts. With pleasure.

Mr. HENDERSON. Has the unconstitutionality of the election laws of Virginia necessarily to be held as established in order to seat the contestant?

Mr. McCALL of Massachusetts. Why, it is admitted that the contestant has no case. It is not claimed that he has any case in the report of the minority, and they only allege the unconstitutionality of the law——

Mr. HENDERSON. You mean that no claim is set up by those representing him?

Mr. McCALL of Massachusetts. No claim is set up by those representing him that he has a right to a seat here, and no resolution is reported to seat him.

Mr. HENDERSON. Unless the election laws are held to be unconstitutional, then the sitting member is entitled to the seat, as I understand the gentleman?

Mr. McCALL of Massachusetts. There is no question of that. But there is no report which provides that the contestant was elected. The antagonistic proposition is that the election laws of Virginia are unconstitutional, and therefore that no valid election was held, and that being the allegation, the minority provide in their resolution that the sitting member shall be unseated. That is the proposition advocated by the gentleman from Michigan [Mr. THOMAS].

Mr. HENDERSON. And, as I understand the gentleman, it is admitted that the constitutionality of the election law of the State of Virginia has been settled by the decision of the supreme court of the State?

Mr. GROSVENOR. That question is in dispute as to whether it was or not.

Mr. McCALL of Massachusetts. I hear it suggested, Mr. Speaker, that, as a matter of fact, there is a dispute on the question as to whether the supreme court of the State of Virginia held the law to be constitutional. I will suggest to the gentleman and to the members of the House the nature of the dispute, in order that they may determine this question for themselves. It seems to me that it is even more ridiculous than the contention that the House ought to find that the laws are unconstitutional if the supreme court of the State held them to be constitutional.

Here is the entire decision: The case came before the supreme court of Virginia on an appeal, and the court took jurisdiction of the case and pronounced an opinion upon it, though the gentleman from Michigan [Mr. THOMAS] declares that the supreme court did not have jurisdiction, and therefore that the decision has no binding weight, force, or effect.

Mr. HENDERSON. Was the question fully in issue with reference to the jurisdictional point?

Mr. McCALL of Massachusetts. I will read just what the record discloses on that point, and the gentleman can determine for himself. I read from the decision:

> The plaintiff further alleges that the act under which these expenses were incurred—

That is, with reference to certain expenses incurred in the operation of the election law of the State—

> is unconstitutional and void, and that they can not therefore be paid under the general county levy.
>
> The bill states many particulars in which it is supposed that the act is repugnant to the Constitution of the United States and to that of the State of Virginia.

The decision then goes on to cite eleven grounds of unconstitutionality.

It then proceeds:

> The petition alleges "that the said act is unconstitutional and void; that the costs of conducting the said election, incurred by putting in operation the provisions of the said act, are illegal charges upon the county levy, and the payment thereof should be enjoined; and that the said decree of the circuit court is erroneous for the following reasons, which reasons are assigned as errors in the said decree"—

Mr. NORTHWAY. Is the gentleman reading from the syllabus of the decision?

Mr. McCALL of Massachusetts. I am reading from the decision itself of the court. The court further said:

> Accompanying the petition is a brief filed by counsel for petitioners, in which the many interesting questions of law arising upon the record are thoroughly discussed. We feel, therefore, that upon the part of the petitioners at least we are in possession of all the means of information which would be accessible to us were the appeal allowed and the case set down for argument. We feel, too, that the questions presented are of the utmost interest to every citizen of the State. We are upon the eve of an election in which many important offices are to be filled, and it is much to be desired that all uncertainty as to the law under which these elections are to be conducted should be removed, and it is therefore a matter of congratulation that the plaintiffs have, in presenting their case to us, thrown sufficient light upon it to enable us to dispose of it without delay and with entire confidence.

And the court goes on and expressly considers the question of constitutionality.

Further on it says:

> The vote by ballot ex vi termini implies a secret ballot. The secrecy of the ballot is a right which inheres in the voter and of which he can not, against his will, be lawfully deprived. It must be, however, in some degree subordinate to the right to vote by ballot, of which it is but a part; and the main object, which is the right to vote, must not be defeated by a too rigid observance of the incidental right, which is that of secrecy. A blind man, or a man unable to read, must, in the nature of things, so far compromise the secrecy of his ballot as to invoke and obtain the aid of others in the preparation of his ballot; but as it would be a violation of confidence, were he to seek of a friend assistance on such an occasion, for that friend to betray the secret and disclose the vote, so it is a violation not only of confidence but of official duty for the constable to lift the veil of secrecy, which should be impenetrable, and violate the confidence which the law requires the voter to repose in him. The oath of office of the constable binds him to the performance of the duties imposed upon him not only by statute but by the constitution.

I trust that gentlemen who listened to the argument of the gentleman from Michigan will apply the reasoning of the court to that argument. The court then proceeds to hold, as plainly and as unequivocally as any court in the world has ever held anything, that the so-called Walton election law was constitutional. But the gentleman says they might have dismissed the case on another ground, and that the court says they might. That is true. The court says that it might have dismissed it on another ground. But it considered it on this point, and gave a direct opinion with reference to it. I will read the clause, in order to put the whole question before the House to which the gentleman alludes:

> If, however, we had come to a different conclusion as to the constitutional questions involved in the record which accompanies the petition in the case, we should still be obliged to refuse the bill asked for, as the plaintiffs have an adequate and complete remedy at law.

But the court clearly took jurisdiction. It clearly passed on the validity of the laws, and it distinctly held that those laws were valid; and I would say to my friend from Ohio [Mr. GROSVENOR] that one of the most famous judicial decisions ever rendered in this country, the so-called Dred Scott decision, was rendered in a case in which the court held that the court below had absolutely no jurisdiction and to which it could not have remanded that case for a further trial.

Mr. GROSVENOR. I thought the days of Dred Scott decisions had gone by.

Mr. McCALL of Massachusetts. Yes; but no one questions that the decision was rendered.

Mr. STEWART of New Jersey. In the face of that decision of the supreme court of Virginia, if this House should decide otherwise, would it not be in effect to deny to that State a republican form of government?

Mr. McCALL of Massachusetts. If this House should decide that those laws were unconstitutional, it would directly overrule the laws that were held by the highest judicial tribunal in Virginia to be constitutional.

Mr. STEWART of New Jersey. And would deny to that State a republican form of government.

Mr. McCALL of Massachusetts. I think so, and I think it would be revolutionary. I want to say further that I think it would hold unconstitutional the laws of a majority of the States in this Union.

If I remember correctly, the constitution of Michigan provides for an election by ballot, and on the reasoning of the gentleman from Michigan [Mr. THOMAS], ex vi termini, the word "ballot" means a secret ballot; and if there is any provision in that law which requires that any voter should disclose to anyone the name of the person for whom he desires to vote, then the law of Michigan is contrary to the constitution of Michigan, as much as the law of Virginia is contrary to the constitution of Virginia. Illiterate voters, men who are mentally or physically blind and unable to prepare their ballots, under the Michigan law have to be assisted by sworn officers of the law. I think you will find this provision in the constitutions of many States, that there shall be an election by ballot, and under every Australian system which we have in this country, so far as I am aware, there is a provision for some public officer aiding a man who can not see, who is physically or educationally unable to cast his vote.

Mr. JONES. If my friend will allow me, I will say that I hold in my hand the election law of the State of Michigan, and it provides that an illiterate voter or a blind voter who can not prepare his ballot shall disclose his wish to an inspector who is appointed for that purpose by the board. He does it in the presence of a challenger, but he must disclose it to this inspector and have it prepared by him.

Mr. MILNES. He does it in the presence of two challengers, one from his own party.

Mr. McCALL of Massachusetts. He may have two, if he wants.

Mr. MILNES. He must have two.

Mr. McCALL of Massachusetts. If my friend will not consume my time, I will say that precisely the same principle is involved, no matter if another challenger is present. The man is compelled to disclose the name of the person or persons for whom he desires to vote to a sworn officer of the law, and that infringes on the secrecy of the ballot; and if the reasoning of the gentleman from Michigan [Mr. THOMAS] is correct with regard to this case, then the election law of his own State is absolutely unconstitutional. So I say the gentleman proposes a course for Virginia which he would apply to no Northern State. The word "coddling," which so disturbs the sensibilities of gentlemen, is a feeble term. It is a rank outrage, and you never can establish a party upon such injustice.

Now, Mr. Speaker, I think I have presented this case as clearly as I can to the House. If we are to respect this law, there is absolutely no doubt that the contestee was elected by at least 1,500 majority. The only way in which you can disturb him in his seat is to overrule the solemn adjudication of the highest court in Virginia, and hold that that law is unconstitutional, and thereby adopt a principle which would make unconstitutional the election laws of many other States in this country.

This is the last case coming from this committee, I am glad to say——

Mr. GROSVENOR. So am I.

Mr. McCALL of Massachusetts. These are not agreeable cases. I should be very glad to decide, with my friend from Ohio [Mr. GROSVENOR], uniformly in favor of Republicans; but I would say that if the gentleman desires to get somebody who is going to violate the law, and to seat men here who were not elected, then he will have to get some one else than myself to do it. We have, as he has said, had fifteen cases before us, and it is said we have only decided in favor of three Republicans.

Mr. GROSVENOR. Two.

Mr. McCALL of Massachusetts. Well, then, two, if you will have it so. I do not care how bad the record is made out.

Mr. GROSVENOR. It could not be much worse.

Mr. McCALL of Massachusetts. But in one of those cases the vote of one side was in round numbers 40,000, and on the other side it was only a few hundred. In at least three others there was no evidence taken. In some cases the pleadings were not even complete. And I venture to say that any lawyer, carefully looking at those records, would not find that there were more than four, or at the most five, cases that were fairly contestable, in which Republicans were interested, and out of those five three Democrats have been unseated. The total record of this House is twelve Democrats unseated, which is a record difficult to parallel.

Mr. HARDY. May I ask the gentleman a question for information?

Mr. McCALL of Massachusetts. Yes.

Mr. HARDY. I ask the gentleman as a lawyer if he maintains that the State of Virginia or any State of this Union has the right to enact election laws relating to the election of members of Congress, and, under a construction of those election laws by the supreme courts of those States as to the constitutionality of those laws, can in any manner impair or abrogate the right of this House under the Constitution to judge of the election, qualifications, and returns of its own members?

Mr. McCALL of Massachusetts. In the absence of a Federal statute, of course Virginia must enact election laws. The question here is whether this particular law is unconstitutional. I believe that the House will say that it is constitutional as a matter of its own construction, and I believe further in this general principle of law, that when a State supreme court has passed upon the validity of a State statute, this House will ordinarily follow its construction.

Mr. Speaker, I do not question the power of this House to decide differently, although I question its right; we have the absolute power, the same as the Supreme Court of the United States has the absolute power to decide any question that comes before it wrongly and in violation of law. We have the giant's strength, but I say we should not use it as a giant does.

Mr. HARDY. But will the gentleman permit me to add: Is it not a fact that there being a great many contested-election cases filed, and about one-third of this House being Democrats, the Speaker, in his wisdom, thought it necessary to have three Election Committees; therefore he appointed one for the benefit of the Democrats, and named the gentleman from Massachusetts very appropriately as the chairman of that committee? [Laughter.]

Mr. McCALL of Massachusetts. Well, Mr. Speaker, I do not think that question deserves any attention. The gentleman is evidently in a judicial frame of mind and will doubtless vote upon this question in that way. [Laughter.] I demand the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the substitute, which the Clerk will report.

The Clerk read as follows:

> *Resolved*, That neither Claude A. Swanson nor George W. Cornett was elected a member of the House of Representatives from the Fifth Congressional district of Virginia for the Fifty-fourth Congress of the United States, and that neither of them is entitled to the seat.

Mr. THOMAS. On that I demand the yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER pro tempore. On this question the ayes are 21, the noes 127—not a sufficient number, and the yeas and nays are refused.

The question was then taken on the substitute; and it was rejected.

The SPEAKER pro tempore. The question now recurs on the resolutions reported by the majority of the committee, which the Clerk will report.

The resolutions were read, as follows:

> *Resolved*, That George W. Cornett was not elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia.
>
> *Resolved*, That Claude A. Swanson was duly elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia, and is entitled to his seat.

The resolutions were agreed to.

On motion of Mr. McCALL of Massachusetts, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I submit a privileged report from the Committee on Rules:

> *Resolved*, That it shall be in order to offer and consider as an amendment to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, the following:
>
> "That the act approved February 13, 1895, entitled 'An act to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes," approved June 16, 1880,' be, and the same is hereby, repealed.
>
> "And all proceedings pending shall be vacated, and no judgment heretofore rendered in pursuance of said act shall be paid."
>
> Which amendment shall be subject to amendment under the rules of the House.

Mr. HENDERSON. I demand the previous question.

The previous question was ordered.

Mr. HENDERSON. Mr. Speaker, this rule has relation to a matter which came up in discussion last night on the District of Columbia appropriation bill. The Committee on Rules have heard patiently considerable discussion this morning on the subject, and felt it to be their duty to bring in a rule making the proposed amendment in order—that is to say, that the House may take it up and discuss it, and determine whether they want to adopt the amendment. It is not to be understood by reason of our bringing in this rule and permitting the amendment to be in order that it is any indication from the Committee on Rules as to what the final action of the House may be. Of course, we do not attempt to trench upon the prerogatives of the body of which we are individual members; but we have heard enough to satisfy us that it was our duty to bring it before this House, so that it may be considered as an amendment to the appropriation bill for the District of Columbia. You will observe, also, that the rule provides that if this amendment is offered to the District of Columbia appropriation bill, it will still be subject to amendment under the rules of the House, so that the House can then deal with it as they think proper, voting for it, or voting it down, as suggested by my friend from Ohio [Mr. NORTHWAY]. With this explanation, I reserve the balance of my time.

Mr. McRAE. Before the gentleman takes his seat, will he tell us what it is that he wants to repeal? He tells us the effect of the rule, but in this part of the Hall we have not understood what the law is that he wants to repeal.

Mr. HENDERSON. The resolution can be reported again in the gentleman's time, if he desires. I do not want it reported again in my time, as it has been read once.

Mr. McRAE. I have no time.

Mr. MEREDITH. Mr. Speaker, I desire that the House shall understand what they are called upon to do in this matter. I undertake to say that by the report just presented it is proposed that the House shall reverse itself and change a rule which has been in vogue not only in this Congress, but through all the different Congresses as far as my memory goes back, and for how many years more I do not know. There is a rule of the House, well defined and well established, which prohibits upon an appropriation bill any amendment making new legislation. In the discussion yesterday on the bill making appropriations for the District of

Columbia an amendment was offered proposing to repeal a law which was passed by the Fifty-third Congress. That amendment was held to be out of order, and this new rule is brought in for the purpose of carrying out the ideas of some gentlemen of the Committee on Appropriations in respect to the repeal of that law.

Now, sir, the rule just brought in by the gentleman from Iowa not only changes a rule which has been in existence and operation here for years and years, it not only calls upon this House to reverse itself in that respect, but it does it for the simple purpose of repealing a law which some gentlemen at least think was a just and proper law, which should have been passed as it was passed by the Fifty-third Congress. Certain gentlemen here have seen fit to take into their own hands the keeping of the conscience of this House, and they propose to run this rule through in order to secure in this summary way the repeal of a law which these gentlemen who constitute themselves the guardians of this Government think ought to be repealed.

Now, let us see exactly where we stand and what we are doing. In the discussion which took place yesterday gentlemen were pleased to say that the act to which I have referred, and which was passed by the Fifty-third Congress, was not proper, and ought not to have been passed; that the bill which was passed on that occasion was not a bill that had been approved or authorized by the District Commissioners. In answer to that, Mr. Speaker, let me say that the Commissioners of the District of Columbia do not make the laws of this country. The lawmaking power is the Senate and House of Representatives, the Congress of the United States, and the act complained of, which passed in the Fifty-third Congress, was the act of the lawmaking power of this country.

As to the question whether it was a proper law or not, I will say to my friends who are insisting upon this rule that there is before the Committee on the District of Columbia a resolution in relation to this very subject, which will be passed upon by that committee to-morrow morning. When it was suggested that that resolution should be passed upon to-day I myself, for the purpose of getting such information about this matter as could be had, asked that there might be a hearing on the subject before the committee to-morrow morning, so that gentlemen interested in it might have an opportunity to come before the committee and explain it. I had supposed that that would satisfy the Committee on Rules; that when they were informed that the Committee on the District of Columbia, which properly has jurisdiction over matters of this kind, had before it a resolution looking to the repeal of this law, and when they learned that it was determined by the Committee on the District of Columbia that the question should be passed upon to-morrow and reported for action by the House on the next District day—I had supposed, I say, that when they had that information the Committee on Rules would have been satisfied, and I think they ought to have been satisfied, and ought to have waited to see what would be done by the District Committee, having jurisdiction of the matter.

Mr. Speaker, I am opposed to the repeal of any law in this hurried way, by a special rule which may be brought in at any moment to permit the tacking on to an appropriation bill of a repeal of any act upon the statute book. I undertake to say, sir, that if it has ever been done before it has been seldom. The principle of it is vicious. This proposition ought to be considered by the proper committee having jurisdiction of the matter, and I repeat, for the information of the House, that the committee having jurisdiction over the subject, the District Committee, has now before it a resolution in relation to the repeal of this law, which resolution the committee will act upon to-morrow.

Mr. Speaker, a good deal was said on yesterday to prejudice the minds of members of this House in order that they might be the more easily dragooned into the repeal of an act which stands upon our statute books. It was stated that the amount involved would be perhaps a million or over a million dollars. I understand, sir, that some of the objections which were made by gentlemen on yesterday to that law are not correct, and I understand, furthermore, that a statement will be made before the Committee on the District of Columbia to-morrow which will justify the passage of that law by the Fifty-third Congress and will show that gentlemen are incorrect in their statements here and have been misinformed as to the facts. For these reasons, Mr. Speaker, I do ask that the House proceed in this matter in an orderly and legitimate way. The subject being before the proper committee now, should be considered and reported upon by that committee before gentlemen seek to run through this repeal under a special rule which reverses the order of business in this House and the precedents of this House for many sessions of Congress.

I now yield two minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, on yesterday, when this proposition was offered as an amendment to the District of Columbia appropriation bill, I did not think it ought to be adopted. It was an effort to repeal by an amendment on a general appropriation bill an act passed in the Fifty-third Congress. I was not familiar then, and I am not now familiar, with the merits of that act, passed by the Fifty-third Congress, but I did not believe that the rules of this House ought to be violated by an effort to put a repealing act upon a general appropriation bill by way of amendment. For that reason I thought yesterday that the rules ought to be observed and the point of order sustained, and it was sustained. In the Fifty-second and Fifty-third Congresses the so-called obnoxious measure could have been repealed on the appropriation bill, as its repeal would reduce expenditures, etc. But under the rules of this Congress such amendment is not in order.

Now, the Committee on Rules propose to change the rules of the House so that it shall be in order to move the repeal of that general law on a general appropriation bill. That is the object of the present resolution. Mr. Speaker, I yesterday made the statement that no effort had been made, so far as I knew, to have the appropriate committee (that is, the Committee on the District of Columbia) consider the repealing resolution or measure. I stated the truth. I did not know at that time that any bill had been introduced or was pending before that committee contemplating the repeal of the obnoxious measure, so called, passed in the Fifty-third Congress. I was mistaken, however, when I created the impression, if I did create it, that such a measure had not been introduced. As a matter of fact, last summer or last spring such a bill was introduced, and it has been pending for some time before the District Committee—how long I can not now undertake to state. But the main statement which I made is true—that neither the District Commissioners nor the assessor of the District, nor any other person speaking for the District government, has sought to have the attention of the District Committee called to this repealing measure.

Mr. Speaker, it seems to me—and I say this in the absence of the chairman of the Committee on the District of Columbia, who, I think, would say it if he were here, because he told me this morning that he would—that it is not treating the District Committee fairly to come in here now and oust them of the jurisdiction to consider further this measure which they are considering, and which, as stated by the gentleman from Virginia, they have had a special call to consider, notice having been given to the District Commissioners, the parties in interest, the gentlemen representing these claims, and other persons, to appear before the committee to-morrow morning for a full hearing. It seems to me it is treating that committee rather cavalierly—it is treating them with more or less disrespect—to oust them of jurisdiction of a matter which under the rules belongs exclusively to that committee. If the House sees fit to do it, all right.

I have not had time to examine the merits of the proposition, and I do not say I favor payment of the claims referred to. The bill which was passed in the Fifty-third Congress was in charge of a Representative from Alabama, Judge Cobb, a careful legislator.

Now, gentlemen come here and undertake to override the rules of the House, which do not permit this repealing matter to be ingrafted upon an appropriation bill. They undertake to provide by a special rule that it shall be in order to make this repeal on an appropriation bill. It seems to me, Mr. Speaker, that they ought to have waited at least until the District Committee had declined or refused in some way to bring about the relief which these gentlemen so earnestly seek. It may be right to grant the relief, but I think it ought to come in the regular way. We ought to have given the District Committee—which has jurisdiction of this measure, which has entered upon its consideration, and has given notice of a hearing to-morrow morning—an opportunity to complete its hearing and report all the facts to this House.

I undertake to say, Mr. Speaker, that in a few moments after this resolution is agreed to (if it should be adopted) the House will go into Committee of the Whole on the state of the Union; will take up this general appropriation bill; immediately the gentleman from Missouri or some other gentleman will propose this amendment, and we shall be called upon to vote upon it without the information that this House is entitled to have in considering a measure of this importance. It occurs to me that the orderly way to transact this business would be to let the District Committee report upon it; and I say without hesitation I do believe that if these claims are unjust and ought not to be paid the District Committee to-morrow morning will agree upon such a report and submit all the information to the House.

[Here the hammer fell.]

Mr. POWERS. Will the gentleman from Tennessee [Mr. RICHARDSON] yield for a question?

Mr. RICHARDSON. My time has expired.

Mr. POWERS. I ask unanimous consent that the gentleman may have two minutes more.

Mr. DOCKERY. And let there be two minutes extension on the other side.

Mr. HENDERSON. Whatever additional time may be given to that side, I shall ask be given also to this.

Mr. STEELE. I think the rules provide enough time. I object.

Mr. MEREDITH. I reserve the balance of my time.

The SPEAKER. The gentleman from Virginia [Mr. MEREDITH] has eight minutes left.

Mr. HENDERSON. I yield four minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, let me state the situation in which the House finds itself. Under the old rule of the House—section 3 of Rule XXI—it would have been in order on an appropriation bill to offer an amendment reducing the expenditures of the Government or cutting down appropriations. That clause of the rule has been left out of the present code of rules.

Now, it turns out that two years ago there was passed, upon the statement that the probable obligations to be incurred by the Government thereunder would be about $75,000, a bill under which there have been banked up before the Court of Claims claims to the amount of $1,400,000. Those claims arose in this way: Under the régime existing here from 1870 to 1874, known as the Shepherd régime, the old board of public works undertook to go beyond the contracts of the parties and to give larger amounts for excavating and improving the streets of this city than the written contracts called for. The bill I have just mentioned provided that parties who had been contracted with at rates beyond the contracts which they had originally entered into might go before the Court of Claims and establish their claims. As I have stated, the amount which those claims would probably reach was placed at $75,000. It turns out that the claims amount to over $1,000,000. How much of this would be allowed by the court we can not know now.

Now, the only question involved here—and one upon which the Committee on Rules is unanimous—was, Shall the House of Representatives have an opportunity, by means of an amendment to be proposed to the District appropriation bill, to consider whether it will go on with the payment of these claims or whether it will say that the action taken in the Fifty-third Congress on this subject was injudicious? I will not go into a discussion of the merits of these claims at present. Whatever my individual notions may be upon it I will reserve. Let the House determine that question for itself. But the question now presented involves the freedom of the House to act. Will you give to the House jurisdiction? Will you let the House have an opportunity to repeal this law if, in the opinion of the majority, it ought to be repealed? In this resolution we fix no limitation upon debate; we fix no time for a vote. We propose no hampering rules under which this question is to be considered. But we say, let the House have an opportunity to consider an amendment on this subject which, under the old rules of the House, it could have considered. This and nothing more. If the House concludes to consider an amendment providing for a repeal or change of the law named, that proposition will be subject to amendment, and the entire subject can be treated.

I might state that I think it was always wise to allow amendments on appropriation bills which authorized reductions of expenditures or retrenchment of the amounts carried by the bill. This rule simply applies that principle to this District bill. So far as I am concerned individually, I am in favor of the fullest liberty in the House with regard to such matters. I have always thought, and I believe now, that the House is able to take care of itself if it is only allowed to act and is let alone.

In reference to the remarks of my colleague from Tennessee [Mr. RICHARDSON], I wish to say simply this: That the bill referred to by him, now pending before the District Committee, was never moved in until to-day, and that committee propose now to consider to-morrow a proposition that has been pending before them for many months. And I wish to say further, Mr. Speaker, that the Committee on Rules heard every element for and against the measure that wanted to come before them this morning. We had a session lasting for half an hour or an hour at first, and afterwards another session lasting for an hour, where all of these elements had an opportunity of being heard. All suggestions with regard to the question were heard, and the committee determined, without expressing any opinion as to what the House of Representatives ought to do in the premises or as to the merits of the proposition, to give the House an opportunity to do what it sees fit to do in the consideration of this matter as an amendment to the pending bill. If the House wants to act, this is the only way that it can act, for in no other way can it be brought to the consideration of the House and legislation had upon it during the present session, in my opinion. If an independent bill is reported, I think it will be buried on the Calendar, without a chance for final passage to the statute book.

[Here the hammer fell.]

Mr. HENDERSON. I yield now three minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, I wish to say that I heartily concur in the pending motion for the adoption of the resolution reported from the Committee on Rules.

Referring to the plea of the gentleman from Tennessee [Mr. RICHARDSON], that the Committee on the District of Columbia ought to have time to consider the matter, I will call his attention to the fact that a joint resolution was presented to the House on the 15th day of December last, and referred to the committee of which he is a member—the Committee on the District of Columbia—asking the Congress to do the very same thing that is provided for in the amendment to be submitted to the District appropriation bill, and is covered by the resolution before the House.

From the 15th day of December, Mr. Speaker, until now, the Committee on the District of Columbia, with every opportunity before them to consider that resolution, have taken no action whatever respecting it: and yet the House is asked by the gentleman from Tennessee [Mr. RICHARDSON], at this late stage in the session, when it will be manifestly almost impossible to get an independent measure through Congress, to delay action and that nothing be done except through the Committee on the District of Columbia. But, sir, let me ask, how was the bill which we desire to repeal passed in the last Congress? It passed the House through a misconception of its provisions in consequence of misinformation to the House. I happened, Mr. Speaker, to be present when the bill was called up and unanimous consent asked for its consideration. I objected to its consideration. I was then assured by the gentleman in charge of the bill, and by others, that only thirty or forty thousand dollars was involved in it, and further that the measure had the approbation of the Commissioners of the District of Columbia. I am now assured by these Commissioners that they never gave their approbation to the measure, but to one that was essentially and entirely different.

This resolution, if adopted, will afford to the House the most ample opportunity to consider the amendment to be offered by the gentleman from Missouri [Mr. DOCKERY]. The gentleman in charge of the bill will allow the utmost latitude of discussion, and if the gentleman from Tennessee [Mr. RICHARDSON] or the gentleman from Virginia [Mr. MEREDITH] can show any reason why it should not be incorporated in the appropriation bill, the House will undoubtedly give it due weight.

Mr. RICHARDSON. I have not undertaken to say that these claims are well founded; I do not know. That was not the point of my objection.

Mr. SAYERS. But I find the gentleman contending for further time, and for an opportunity to have the bill considered by the Committee on the District of Columbia, and thus apparently for delay.

Mr. RICHARDSON. Not at all. It can be reported to-morrow morning.

Mr. SAYERS. I repeat, Mr. Speaker, if he can show any reason why the amendment should not be incorporated upon the pending appropriation bill, I take it the House will hear the reason, and if it be a valid one, will refuse the adoption of the amendment.

[Here the hammer fell.]

Mr. MEREDITH. Mr. Speaker, I do not desire or propose to follow the example of my friend from Texas [Mr. SAYERS] in his criticism of any committee of this House. If I desired to do so, I should simply say that the Committee on Appropriations, in my judgment, have seen fit year after year and session after session to constitute themselves the custodians and guardians of this Government against the interests, whatever they may be, right or wrong, of every citizen of the United States who has a claim against the Government. It is a fact well known, sir, to all, and one that I have observed since I have been a member of this body, that if the Government can by any pretext prevent the payment of any claim of any of its citizens, it can find a strong and faithful ally in the Committee on Appropriations to carry out that intention without any reference to the justice of the claim.

There is but one set of people paid by the Government promptly, and that is the employees. There is another set just as deserving, possibly more so, to whom the Government has been indebted for years and years, and they have been knocking year after year and session after session at the doors of Congress, but have been prevented by the gentlemen on the Appropriations Committee from recovering that which is justly due to them, and has been due for generations. It is in line with this idea that the Committee on Appropriations have to-day, by their instigation, secured the bringing in of this rule from the Committee on Rules for the purpose of speedily repealing a law which, in my judgment, gives some of the people of this city, and of the outlying country, men who believe that they have just claims against the Government, an opportunity of having those claims adjudicated, passed upon, and determined by the courts appointed by the Government to ascertain whether they are right or whether they are wrong.

Now, I ask this House, in common fairness, if there is any injustice toward the Government in allowing these people who have claims against the Government to have them considered by a court appointed by the Government to determine as to their equity, and as to whether they are just or not. That is the milk in the cocoanut. That is the whole thing.

I understand, Mr. Speaker, that this act was passed with the understanding on the part of my friend from Texas [Mr. SAYERS] that only about $75,000 or $80,000 was involved. I undertake to say that if it was right to pass this act by which people having claims amounting to seventy-five or eighty thousand dollars could have their claims adjudicated in the courts, the principle is the same, even though it may turn out that a larger amount is involved. These people are entitled to have their claims adjudicated, although they may exceed that sum.

Now, Mr. Speaker, I understand that contracts were made for work under the old régime in the District government, and I understand that the board of audit fixed the rates for which these people were to perform the labor and to carry out their contracts. In many cases the contractors abandoned their contracts before that was done, but by an agreement with the District government they resumed their work and many of them have since been paid. But there are a number who claim, under the rate fixed by the government in this city, that they are justly entitled to certain sums of money from the Government, and I understand that that bill was passed for the purpose of giving these people an opportunity to go into the courts and have their rights determined.

I understand further, Mr. Speaker, that the Government of the United States has been assessed at what were known as board rates, that citizens have been assessed at board rates, and that any man owning a piece of property along a certain street which was improved had to pay into the treasury of the city these board rates; in other words, has been compelled to pay to the city government for the work done in reference to his premises the very amounts which were fixed by this board of audit. After they have received the money from the taxpayers and from the Government, these gentlemen come forward and say that by reason of the fact that these claims are old and stale the claimants ought not to have an opportunity of doing what the law which was passed in the last Congress gives them the right to do—that is, to have their claims passed upon and the question determined as to whether there is anything due to them or not.

Now, Mr. Speaker, I understand that these claims do not amount to that vast sum of $1,400,000; that many suits were brought, but that many of these claims have been dismissed; that about 12 per cent of them have been sustained by the courts, and therefore, upon a reasonable estimate, there will not be more than $200,000 involved. But whether the amount be small or whether it be large, the only thing which this law gives these claimants the right to do is to go into the courts; and every man ought to have the right to go into court and have the merits of his claim determined. That is the reason why I have contended that the committee having jurisdiction over this matter should hear statements concerning this matter.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. MEREDITH. Yes.

Mr. BAKER of New Hampshire. Under this statute, can claims be filed now?

Mr. MEREDITH. I am not advised as to that, and it is for this reason, among others, that the Committee on the District of Columbia are seeking light. We want to ascertain from the people who know the facts what is the condition of affairs with reference to these claims.

Mr. BAKER of New Hampshire. If the gentleman will allow me, I will say that I have just examined the statute, and that under it every single one of these claims must have been filed within sixty days from the date of the passage of the act, and that, therefore, every case has been filed that can be filed under the statute.

Mr. MEREDITH. That is a greater reason why it should not be repealed.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. MEREDITH. Yes.

Mr. WILLIAM A. STONE. Is there any dispute about the fact alleged by the gentleman from Texas [Mr. SAYERS], that this bill was passed under the allegation that there was not over $25,000 or $30,000 in claims that would be affected?

Mr. MEREDITH. I think he said $75,000 or $80,000. I do not know whether——

Mr. SAYERS. No; $30,000 or $40,000.

Mr. MEREDITH. Mr. Speaker, I will answer my friend frankly that I do not know; but I insist in all fairness, and I appeal to gentlemen in all frankness and in all fairness, that, whether the amount be $25,000 or whether it be $1,400,000, the principle is not altered.

[Here the hammer fell.]

Mr. HENDERSON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Speaker, the rules of this House prevent any amendment being offered to an appropriation bill changing existing law, if objected to by any member of the House, and if this rule is to be changed it can only be done by adopting a resolution reported by the Committee on Rules. The Committee on Rules, in their discretion, report such a resolution only in urgent cases. I undertake to say, sir, that this is an urgent case. The report of the Committee on Rules shows that they consider it an urgent case. They consider it an urgent case, not necessarily for the passage of a bill, but for consideration by the House in Committee of the Whole of a bill to repeal this statute which was put upon the statute book in the closing days of the Fifty-third Congress, without consideration and without debate, without an understanding of the bill even by the gentleman who had it in charge.

The gentleman from Virginia [Mr. MEREDITH] says that this act of 1895 is intended only to give these claimants a day in court and an opportunity to get their fair demands.

Mr. Speaker, every one of these men has had day after day in court. They have had an opportunity for a hearing, have had a hearing before the board of audit, and have had a hearing before the Court of Claims under the act of 1880, and every one of them has availed himself of his opportunity. The effect of the act of 1895 is limited to those who did have those hearings, is limited to those who have accepted pay for their work and who are now claiming pay at rates over and above the lawful rates allowed by the contracts which they themselves signed, in pursuance of which they did the work, and in pursuance of which they accepted pay and signed receipts for it.

But the gentleman says the District Committee want to have an opportunity for investigation, and that it is ignorant of the merits of these claims. Why, Mr. Speaker, in the second session of the Fifty-third Congress the gentleman from Virginia himself, who is a member of that committee, introduced a bill—House bill 3134—to reopen these old, dead, and rotten claims, and to refer them to the Court of Claims, which had already considered and decided every one of them, or at least had decided every disputed point, so that those suits which had not been brought to a hearing were abandoned and dismissed by the claimants themselves. And what became of the bill? That bill, as it appears, contained at least some guaranties that the claimants should not be paid more than what was justly and equitably their due. The bill was referred to the District Commissioners for their report, and they made a report in writing, which I have before me. It was embodied in full in the House committee's report. The District Commissioners submitted to the House a substitute for the measure introduced by the gentleman from Virginia.

Mr. MEREDITH. A Senate bill.

Mr. PITNEY. No; a House bill. The Commissioners sent with it a letter saying they had looked into the bill H. R. 3134 and that they found it needed safeguards in certain directions; that it ought not to permit a rehearing except upon certain points. With the consent of the gentleman, I will embody that part of the report in my remarks:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 11, 1894.

DEAR SIR: The Commissioners have the honor to make the following report on the general subject of H. R. bill 2901, "for the relief of James Walsh and others," and H. R. bill 3134, "to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,'" which were transmitted to them, at your instance, for their views thereon.

After having given a number of hearings to representatives of the parties interested in the legislation intended by these bills, and a full consideration of the subject, the Commissioners have embodied their conclusions in a substitute bill, which they herewith submit and recommend for enactment.

The proposed substitute contemplates relief in cases only which have already been filed under said act, in which set-offs against claimants for the difference between the rates specified in their written contracts and rates paid them were ordered by the Court of Claims, or the cases withdrawn by claimants in anticipation of such allowance. It would enable that court to do justice to such claimants by making exemption from such counter claim in cases where the prices allowed and paid were "reasonable, just, and equitable," regardless of informalities.

The history of these claims is substantially as follows, etc.

The SPEAKER. The time of the gentleman has expired.

Mr. PITNEY. I ask for one minute more.

Mr. HENDERSON. I yield the gentleman one minute more.

Mr. PITNEY. The Senate committee to which the Commissioners' substitute was referred reported in place of it a substitute bill of their own, striking out every guaranty that the Commissioners recommended and commanding the Court of Claims to give unlawful compensation to these contractors who had once accepted their pay in full. The report of the Senate committee contained what purported to be a copy of the Commissioners' letter, but left out the part which I have quoted, wherein the Commissioners asked for these safeguards.

Mr. MEREDITH. Who did it?

Mr. PITNEY. It was done in preparing the report of the Senate committee. I do not blame any Senator, for I do not know that it was done intentionally.

Mr. MEREDITH. I understood the gentleman to say that I had done it.

Mr. PITNEY. Oh, no. But, as I was saying, the Senate substitute, which afterwards passed both Houses and became a law, left out every guaranty, and made it mandatory upon the Court of Claims to allow to these people the "board rates," although they

were always more than and sometimes two or three times as much as they were entitled to.

The SPEAKER. The time of the gentleman has expired.

Mr. HENDERSON. I yield one minute to the gentleman who introduced the resolution, the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, the unanimous report submitted by the Committee on Rules upon the proposition now pending simply gives the opportunity to this House to determine whether or not it will repeal a bill under which about $1,300,000 of unworthy claims are to be imposed upon the taxpayers of this District and of the United States.

This proposition involves no discourtesy to the Committee on the District of Columbia. It simply looks to speedy and effective action, recognizing that at this late hour in the session it is impossible to pass a separate and independent remedial measure. Mr. Speaker, the act the repeal of which the House will be called upon to consider, in the event the report of the Committee on Rules is adopted, was reported adversely to this body in the Fifty-first Congress by the gentleman from Ohio, Mr. BURTON, and in the Fifty-second Congress it was reported to the Senate unfavorably by Senator McMILLAN——

Mr. PITNEY. A much less harmful bill.

Mr. DOCKERY. That is true, and I may say, in the moment of my time remaining, and after an experience of fourteen years on this floor, that in my judgment no more unjust and inequitable claims have ever challenged the attention of this House or of the American Congress.

Mr. HENDERSON. I yield the remainder of my tima to the gentleman from Texas [Mr. BAILEY], a member of the Committee on Rules.

Mr. BAILEY. Mr. Speaker, the method of procedure proposed by the Committee on Rules is not unprecedented, but I am very frank to say to the House that it is unusual. It is so unusual, indeed, that I would not consent to it except to meet some unusual situation. The only way to certainly protect this District from the payment of claims which are grossly unjust is the adoption of this resolution, and an emergency like that, it seems to me, amply justifies this rather extraordinary procedure.

Mr. Speaker, it has been said that the act which it is sought to repeal was passed under a misapprehension, and I feel absolutely certain that that is true. It was presented to the House by Judge Cobb, of Alabama, than whom a more honest man never occupied a seat on this floor; and the colloquy which took place between him and my colleague from Texas [Mr. SAYERS] plainly discloses the fact that Judge Cobb had been imposed upon by somebody. The whole colloquy reveals the fact that he was not advised as to the character of these claims. The bill was passed by unanimous consent, whereas I undertake to say that if the House had been familiar with the character of the claims the bill would have been defeated by an almost unanimous vote. So far as I am concerned, I never in my life was more certain of the iniquity and injustice of a set of claims than I am in this case.

Mr. MEREDITH. One word——

Mr. BAILEY. I can not yield. I have but a moment in which to complete my statement. I feel so confident, Mr. Speaker, that the District of Columbia ought to be protected against the payment of these claims, and that this is the only way to effectually protect it, that I am not only willing, but I am anxious to resort to even this unusual proceeding.

Mr. MEREDITH. Without hearing the other side?

Mr. BAILEY. We heard the other side in the Committee on Rules before we ever consented to this report.

Mr. PITNEY. And we can hear its advocates on the floor of the House.

The resolution was adopted.

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2253) for the relief of Barzilla C. Hudson; and

A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes.

The message also announced that the Senate had passed the bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.; and

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAMBLE, for five days, on account of important business.

To Mr. WASHINGTON, for ten days, on account of important business.

To Mr. DOOLITTLE, for one week, on account of sickness.

To Mr. MONEY, indefinitely, on account of sickness.

To Mr. BROMWELL, for the remainder of the week, on account of sickness.

The House then, on motion of Mr. HENDERSON (at 4 o'clock and 30 minutes), adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Rahway River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Missisquoi River, Vermont—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Ship Island Harbor, in the Mississippi Sound—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," reported the same without amendment, accompanied by a report (No. 2773); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 824) entitled "An act to require patents to be issued to land actually settled under the act entitled 'An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida,' approved August 4, 1842," reported the same with amendment, accompanied by a report (No. 2774); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILNES, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2784); which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, reported the same with amendment, accompanied by a report (No. 2785); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BROMWELL, from the Committee on Pensions: The bill (H. R. 1742) granting a pension to Elizabeth M. Tumy. (Report No. 2772.)

By Mr. BLACK, from the Committee on Pensions: The bill (H. R. 1380) to pension Sarah Wharton, a daughter of a deceased Revolutionary veteran. (Report No. 2775.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 5298) granting a pension to certain East Tennesseeans engaged in the secret service of the United States during the war of the rebellion. (Report No. 2776.)

The bill (H. R. 7291) granting an increase of pension to Ross Karger. (Report No. 2777.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 1538) entitled "An act granting a pension to Joseph M. Waddell." (Report No. 2778.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7591) granting an increase of pension to Lovema Bayles. (Report No. 2779.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (H. R. 9880) granting an increase of pension to Charles W. Brown. (Report No. 2780.)

The bill (H. R. 9522) granting an increase of pension to Isaac B. Vail. (Report No. 2781.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 2975) entitled "An act granting a pension to John Amrein." (Report No. 2782.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HARRISON: A bill (H. R. 10221) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—to the Committee on Pacific Railroads.

By Mr. STEWART of Wisconsin: A bill (H. R. 10222) to better protect the lives and property of persons against the violence of mobs—to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights—to the Committee on Patents.

By Mr. TRUMAN H. ALDRICH: A bill (H. R. 10224) to provide for the appointment and compensation of a district judge for the northern district of Alabama—to the Committee on the Judiciary.

By Mr. TRACEY: A bill (H. R. 10225) to authorize the Secretary of War to detail a regiment of artillery, a regiment of infantry, and a regiment of cavalry to take part in the Wilson Creek reunion—to the Committee on Military Affairs.

By Mr. SOUTHARD: A joint resolution (H. Res. 244) for printing the Annotated Laws Relating to Pensions, with a Treatise on Practice in Pension Cases, by Frank E. Anderson—to the Committee on Printing.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 522) for the relief of Frank E. Wanser and John W. Herndon—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (House Res. No. 523) fixing February 16 for the consideration of House bill 10080—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FISCHER: A bill (H. R. 10226) granting an increase of pension to George A. Reade—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 10227) granting pension to Milton Iserman, of Thirty-third New Jersey Volunteers (unassigned)—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 10228) granting a pension to Benjamin F. Moulton—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 10229) granting a pension to Anna B. Lewis—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10230) granting an increase of pension to Simon Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10231) granting an increase of pension to Francis Shaeffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting an increase of pension to Cornelius Rappleyea—to the Committee on Invalid Pensions.

By Mr. RINAKER: A bill (H. R. 10233) to remove the charge of desertion from the record of Charles E. Roberts—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 10234) to pension Cathrine Moon—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Duncan Post, No. 165, Grand Army of the Republic, of Dunbar, Pa., approving of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of the Woman's Christian Temperance Union of Rhode Island, Mary A. Babcock, president, for the humane regulation of vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRODERICK: Petitions of Dr. G. S. Williams and 3,000 other citizens of the United States, praying for the enactment of the House bill to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

By Mr. CLARK of Iowa: Petition of the Iowa Horticultural Society, favoring the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

By Mr. HATCH: Petition of residents of Porter County, Ind., for the increase of the pensions of soldiers' widows, to accompany House bill No. 10216—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolution of the State Horticultural Society of Iowa, favoring the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., representing 40 members, urging the passage of Senate bill No. 2485, recognizing Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL: Petition of the Woman's Christian Temperance Union of Fairfield County, Conn., urging the passage of House bill No. 7341 and Senate bill No. 2846, for the prevention of gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. JOY: Petition of Joseph Weber and others, of St. Louis, Mo., for a correction of their military record—to the Committee on Military Affairs.

Also, petition of T. S. Bowman, publisher, relating to postal rates on trade papers—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolutions of the Iowa State Horticultural Society, of Des Moines, Iowa, in favor of the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

By Mr. MILES: Letter of Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, Washington, D. C., urging the passage of sundry bills for the promotion of morality in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER of West Virginia: Petition of D. E. Abbott, E. M. Campbell, and 32 other citizens of Huntington, W. Va., protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions adopted at a mass meeting of citizens of Metropolis, Ill., January 15, 1897, in behalf of the Cuban insurgents and favoring their independence—to the Committee on Foreign Affairs.

By Mr. STAHLE: Petition of Corporal Skelly Post, No. 9, Grand Army of the Republic, of Gettysburg, Pa., praying for the passage of the Pickler pension bill—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 4, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PRIVATE LAND CLAIMS IN LOUISIANA.

The VICE-PRESIDENT laid before the Senate the amendments of the House to the bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana. The amendments were, on page 2, line 18, to strike out "as hereafter directed;" and to strike out all of section 3, down to and including all of section 9, on page 6, and in lieu thereof insert:

> SEC. 3. That the Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant as appears in the list or schedule aforesaid, and when issued shall be held to be for the use and benefit of the true and lawful owners, as provided in sections 1 and 2 of this act.

Mr. BLANCHARD. I move the concurrence of the Senate in the House amendments.

The motion was agreed to.

COURTS IN UTAH.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

Mr. HOAR. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. VILAS, and Mr. CANNON were appointed.

CREDENTIALS.

Mr. ELKINS presented the credentials of JETER C. PRITCHARD, chosen by the legislature of North Carolina a Senator from that State for the term beginning March 4, 1897; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House to print and bind 6,000 additional copies of Bulletin No. 33, Department of Agriculture, entitled The Cotton Plant, etc.

The message further announced that the House had passed a joint resolution (H. Res. 253) providing for the printing of the Consular Regulations of 1896; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers; and

A joint resolution (H. Res. 241) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry American citizens, officers of Polish-American organizations and representatives of the Polish-American press of the United States, praying Congress to amend the bill purporting to regulate the immigration of foreigners into the United States so that it will not exclude the Poles, whose country was confiscated by Russia, Germany, and Austria one hundred years ago, from admission to the United States; which was ordered to lie on the table.

Mr. GALLINGER. I present a petition of the Methodist Episcopal Church of Plymouth, N. H., somewhat numerously signed, in favor of the ratification of the arbitration treaty between this country and Great Britain, accompanied by a letter from the pastor of the church, in which he expresses the hope that my colleague and myself will not descend to a narrow partisanship in the consideration of such an important matter, concerning not only the continuance of peaceful relations between two great nations, but also of great weight in preserving peace among the nations of the earth.

Mr. President, speaking for myself, and I think I can equally speak for my colleague, there is not any danger, I think, of our descending to narrow partisanship in connection with this most important matter.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. GALLINGER presented the petition of F. W. Prindle, publisher of the Granite State News, of Wolfeboro, N. H., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GRAY. I present a petition of the Clerical Brotherhood of Delaware, composed of Bishop Leighton Coleman and the clergymen of the diocese of the Episcopal Church of Delaware, praying for the ratification of the pending arbitration treaty with Great Britain. I move that the petition lie on the table.

The motion was agreed to.

Mr. TURPIE presented petitions of sundry citizens of East Chicago, Flora, and Columbia City, all in the State of Indiana, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Charles H. Fish, of Washington, Ind., and a memorial of sundry citizens of Washington, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of Plymouth Church, Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PEFFER presented a petition of the Methodist Preachers' Association of Kansas City, Mo., and Kansas City, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CLARK presented the petition of N. S. Bristol and 44 other citizens of Wyoming, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. BAKER presented the petition of Otis L. Atherton and 116 other citizens of Kansas, praying for the passage of a uniform bankruptcy law for the relief of insolvent debtors; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of Division No. 192, Order of Railway Conductors, of East Saginaw, Mich., praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Escanaba, Mich., and a petition of sundry citizens of Morenci, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS. I present the petitions of R. E. Wallace and 85 other citizens of Kent County; of Charles H. Atkins and 37 other citizens of Milton, Sussex County; of Ephraim J. West and 39 other citizens of Dagsboro, Sussex County, and of E. R. Williams and 22 other citizens of Bowen, Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CAMERON presented a petition of the Philadelphia Board of Trade, and a petition of the National Board of Trade, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Woman's Christian Temperance Union of Decatur, Ill., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of Plate Printer's Union, No. 4, of Chicago, Ill., remonstrating against the enactment of legislation reducing the pay of employees and officials of the Government; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petitions of Edward S. Ely, of Chicago, Ill.; of Edwin M. Fulcher, of Chicago, Ill., and of C. A. Highfield and 15 other citizens of Waterman, Ill., and of the faculty of the Northwestern University Law School, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Paris, Ill., and the memorial of A. H. Smith, of Earlville, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Upham & Gordon, of Quincy, Ill., praying for the passage of the so-called Torrey bankruptcy bill, and remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of Thomas H. Haley, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented petitions of the Order of Railway Conductors, Division No. 97, of Roodhouse, Ill.; of the Merchants' Association, of Boston, Mass.; of A. B. Stone and sundry other citizens of the State of New York; of C. E. Patterson and sundry other citizens of the State of New York; of W. J. Arnall and sundry other publishers of New York City, and of F. E. Briggs and sundry other citizens of the State of New York, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of Bowen, Amboy, Chicago, Hampshire, Lagrange, Palatine, Pinckneyville, Quincy, Raymond, Richmond, and Sheldon, all in the State of Illinois, praying for the passage of House bill No. 4568, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of 81 members of the Young People's Society of Christian Endeavor, Epworth League, of Richmond, Me., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorial of J. E. Jewett and 50 other citizens of North Vassalboro, Me., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of H. A. Shorey, publisher of the Bridgeton News, of Bridgeton, Me., and the petition of the Enterprise Publishing Company, C. F. Mann, president, publisher of the Lisbon Falls Enterprise, of Lisbon Falls, Me., praying for the passage of House bill No. 4568, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of Ottumwa Division, No. 216, Order of Railway Conductors, of Ottumwa, Iowa, praying for the passage of Senate bill No. 3515, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Baltimore, Md., and a petition of the Board of Trade of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Nashua, Monroe, Yearing, Anamosa, and Marion, all in the State of Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Young People's Society of Christian Endeavor of the First Westminster Church, of Keokuk, Iowa; of 800 members of the Society of Christian Endeavor of Dallas County, Iowa; of the Christian Endeavor Society of Oakgrove, Iowa, and of the First Presbyterian Church, of Corning, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the First Presbyterian Church, of Corning, Iowa, praying for the enactment of legislation raising the age of protection to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented a memorial of sundry citizens of Allentown, N. J., remonstrating against the passage of House bill No. 4598, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of George W. Day, publisher of the Weekly Call, of Dunellen; of the Board of Trade of Camden, and of James S. Yard & Son, publishers of the Monmouth Democrat, of Freehold, all in the State of New Jersey, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Kaighn Avenue Methodist Episcopal Church, of Camden; of the United African Methodist Episcopal Church, of Camden; of the Calvary Presbyterian Church, of Camden; of the Centenary Methodist Episcopal Church, of Camden, and of the Wiley Methodist Episcopal Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. COCKRELL. I present a petition to Congress praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class mail matter, introduced by Mr. Loud of California; also praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, introduced by Mr. Smith of Illinois; also praying for legislation making it the duty of the Post-Office Department to require the publication of actual paid circulation of certain newspapers and periodicals in cases where advertising frauds are evidently being perpetrated on the business public by false representations made in newspapers, directories, or otherwise. The petition is signed by citizens of Wheeling, in Livingston County, Mo., and is sent to me by the secretary, I believe, of the Credit Company of Chicago, Ill. It is one of those patent petitions gotten up in printed form and sent out all over the United States to be signed and returned. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. I present a petition of the members of the bar of Muscogee and of the northern district of the Indian Territory, praying for the appointment of an additional judge in that Territory. The petition is accompanied by a letter of Judge Springer. I move that the petition and letter be referred to the Committee on the Judiciary, and trust that prompt action will be taken upon the matter.

The motion was agreed to.

Mr. COCKRELL. I present a petition of sundry citizens of Memphis, Scotland County, Mo., praying for the passage of the bill prohibiting the sale of intoxicating liquor in the Capitol building or grounds. That bill has been reported from the committee and is now on the Calendar, and I move that the petition lie on the table.

The motion was agreed to.

Mr. WALTHALL presented a petition of sundry citizens of Biloxi, Miss., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of members of the Christian Endeavor Society of Muscatine, Iowa, praying for the enactment of legislation to abolish the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Seymour, Iowa, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the eighth district of the Union Christian Temperance Union, of Des Moines, Iowa, praying that steps be taken to secure satisfaction for damages to American citizens by the outrages in Turkey, etc.; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia Board of Trade, and a petition of the National Board of Trade, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the State Horticultural Society of Iowa, praying for the passage of House bill No. 119, to protect and administer public forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HAWLEY presented the memorial of E. W. Bidwell and 29 other citizens of Unionville, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BACON presented a petition of the Ministers' Union of Macon, Ga., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of sundry bankers and business men of Macon; of H. A. Jenkins, speaker of the house of representatives, of Atlanta; of J. M. Terrell, attorney-general of Georgia; of sundry bankers and business men of Columbus; of T. M. Trammell, chairman of the Georgia railway commission, and of sundry bankers and business men of Atlanta, all in the State of Georgia, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. BRICE presented a petition of the faculty and students of the University of Wooster and sundry citizens of Wooster, Ohio, and a petition of 49 citizens of Waynesville, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of 16 citizens of Forest, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 13 citizens of Oberlin, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Frank Geiger, publisher of the Herald, of Mendon, Ohio, and the petition of A. C. Buss, publisher of the New Bremen Sun, of New Bremen, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-roads.

He also presented a memorial of Bohm Bros. & Co., of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill and praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Cincinnati Credit Men's Association, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

He also presented the memorials of A. B. Voorhees; of Voorhees, Miller & Co.; of Louis Stix & Co.; of Stewart Shillito, and of the National Lead Company, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which were ordered to lie on the table.

Mr. MORGAN presented the petition of E. H. Anderson, publisher of the Utah Mirror, of Utah, Ala., and the petition of George R. Cather, publisher of the Southern Ægis, of Ashville, Ala., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Utah, Ala., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Board of Trade of North Adams; of the Oil Trade Association of Boston, and of Julia J. Irvine and 157 others, teachers and students of Wellesley College, all in the State of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Oil Trade Association of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the sailors of Charlestown, Mass., remonstrating against the proposed amendments to the so-called seamen's bill in regard to corporal punishment; which was ordered to lie on the table.

He also presented petitions of the Northampton Board of Trade, of Northampton; of Charles S. Parker, publisher of the Advocate, of Arlington; of Pratt & Pratt, publishers of the Bee, of Braintree, and of William E. Brigham, publisher of the Somerville Citizen, of Somerville, all in the State of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Barnstable, Mass., and a memorial of sundry citizens of Reading, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented a petition of sundry business men of Columbus, Ga., praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3396) to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire, reported it without amendment.

He also, from the same committee, to whom was recommitted the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Minnesota and Wisconsin," reported it without amendment.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. Cockrell on the 28th ultimo intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 27th ultimo intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1733) for the relief of Capt. W. J. Kountz, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island bridge shall not be occupied by any street railway company without paying a reasonable rent therefor, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," reported it without amendment.

Mr. COCKRELL. On February 2, day before yesterday, I submitted an amendment intended to be proposed to the sundry civil appropriation bill, and supposed that I had it referred to the Committee on Military Affairs. It appears from the printed amendment that it was referred to the Committee on Appropriations. I move that the Committee on Appropriations be discharged from the further consideration of the amendment and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs to report back the amendment favorably, with a written report, and I ask that it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. It will be so ordered.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 25th ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (H. R. 9790) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge, reported it without amendment.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. Gallinger on the 1st instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5532) to increase the pension of Josephine Glover, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes; which was read twice by its title.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 2d instant intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band, reported it without amendment.

He also, from the same committee, reported the amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 3144) granting a pension to Samuel Shaffer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2910) granting a pension to Mrs. Essie E. Powell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 355) granting a pension to Rhoda A. Van Numan, reported it with an amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. WETMORE on the 26th ultimo intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado, to ask to be excused from its further consideration. That reservation has been turned over to the Interior Department, and the bill belongs to the Committee on Public Lands.

The report was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3715) for the relief of Capt. W. J. Kountz, asked that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

HIRAM T. CORUM AND SILAS W. DAVIS.

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon, to report it favorably without amendment, and I ask consent for its immediate consideration.

Mr. HOAR. I should like to have the object of the bill stated.

Mr. PETTIGREW. I will say to the Senator that this is a bill which passed the House, the amount of the claim being $300 for seed wheat and potatoes furnished the Indians at the Warm Springs Indian Agency in Oregon.

Mr. HOAR. Very well.

Mr. PETTIGREW. The claim has been audited and allowed by the Department, and the reason why it was not paid was——

Mr. MILLS and others. All right.

Mr. PETTIGREW. Because the fund out of which it was to be paid had been covered back into the Treasury.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS P. KELLER.

Mr. BLANCHARD. I hold in my hand a bill (S. 361) for the relief of Silas P. Keller. The bill passed the Senate, went to the House, and that body amended it in one particular only, by striking out the word "Indians" and writing in "Indian band." With that amendment the bill was referred to the Committee on Indian Affairs. I am instructed by that committee to report it back favorably and recommend the concurrence of the Senate in the House amendment.

Mr. FAULKNER. I ask unanimous consent that the Senate now concur in the amendment.

The VICE-PRESIDENT. The amendment of the House of Representatives will be stated.

The SECRETARY. In line 6, strike out the word "Indians" where it occurs the second time and insert "Indian band."

The amendment was concurred in.

IMPROVEMENT OF WATERWAY IN ALABAMA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, to report it with an amendment, I call the attention of the Senator from Alabama [Mr. MORGAN] to the joint resolution.

Mr. MORGAN. I ask unanimous consent for the present consideration of the joint resolution.

The VICE-PRESIDENT. It will be read for information.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out section 2 and insert:

> SEC. 2. That the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SURVIVORS OF THE WAR OF 1812.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812, to report it favorably with an amendment. I desire to call the attention of the senior Senator from Texas to this bill. The Senator from Texas intended to ask for its consideration when reported. I will state to the Senator that I have reported favorably the bill in which he is interested concerning the increase of pensions to the survivors of the war of 1812.

Mr. MILLS. I hope the chairman of the Committee on Pensions will make some statement about the bill to the Senate.

Mr. GALLINGER. In behalf of the Senator from Texas I ask unanimous consent for the present consideration of the bill. I will simply state that from a letter on file and included in the report, written by the Commissioner of Pensions, it appears that there are 12 survivors of the war of 1812. Eighteen months ago ago there were 21. The survivors range from 90 to 104 years of age, and in the natural order of things the last one will soon pass away. The bill proposes to increase the pensions of these 12 old men from $12 to $30 a month, and I trust it will be done.

Mr. MILLS. I will state in addition that there is only one of them in Texas, a very old blind man, who has to be led about wherever he goes, and is dependent upon other people for help. I trust we will for the next year or two take care of the old heroes of the war of 1812. They are rapidly passing away, and in a very few years none will be left.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

> That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pensions of all surviving soldiers and sailors of the war of 1812 to $30 per month in lieu of the pensions they are now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SULPHUR RIVER BRIDGE.

Mr. NELSON submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows.
>
> That the House recede from its amendments, and agree to the bill as it passed the Senate.
>
> KNUTE NELSON,
> J. H. BERRY,
> *Managers on the part of the Senate.*
> W. P. HEPBURN,
> ANDREW PRICE,
> *Managers on the part of the House.*

The report was concurred in.

DAVID GIBSON.

Mr. SHERMAN. I move that the Committee on Naval Affairs be discharged from the further consideration of the bill (S. 3639) for the relief of David Gibson, of Cincinnati, Ohio, and that it be referred to the Committee on Claims.

The motion was agreed to.

SALE OF LIQUORS IN CAPITOL BUILDING.

Mr. MORRILL. I ask unanimous consent to call up the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes. I will state that the Senator from New York [Mr. HILL] has examined the bill and has withdrawn his objection thereto. Therefore I ask for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HILL. I do not desire to object to the present consideration of the bill, at least not at this time, but I wish to enter a

motion, on which I shall say a few words, to commit the bill to the Committee on Rules. Has the bill been read through?

Mr. MORRILL. It has been read heretofore.

Mr. HALE. If the bill gives rise to any debate whatever, I object to its being considered now, while the routine business is going on.

Mr. MORRILL. The routine business is through, I understand.

Mr. GALLINGER and others. It is not through.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3652) to establish a department of public health; which was read twice by its title.

Mr. GALLINGER. I will state that the bill is recommended by the Pan-American Medical Congress which recently convened in the City of Mexico. In introducing the bill I do not necessarily give my assent to it, but simply present it, so that it may be given consideration by the Committee on Public Health and National Quarantine. I move that the bill be referred to that committee.

The motion was agreed to.

Mr. GALLINGER. In the same connection I present a report of the committee of the Pan-American Medical Congress on the department of public health for the United States. They recommend the enactment of national and State laws which are very comprehensive in regard to matters of health, and which are included in this report.

I noticed the other day that President Cleveland, in addressing a medical association, suggested that if we went on improving medical matters as we had been doing of late years the only exit from this world to the next would be through the medium of old age. It occurs to me that if all the laws were enacted relating to health that the Pan-American Medical Congress has suggested in this document no man would ever be able to reach mature manhood, because we would be hampered by so many medical restrictions that we would die in self-defense. I move that the paper be referred to the Committee on Public Health and National Quarantine, and that it be printed as a document.

The motion was agreed to.

Mr. GEAR introduced a bill (S. 3653) to create the sixth judicial district in the Territory of New Mexico, the appointment of an additional associate justice of the supreme court of the Territory of New Mexico, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 3654) granting an increase of pension to Juliet Gregory; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3655) to restore Mrs. Elizabeth T. Anderson to the pension roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3656) to admit the foreign-built steamer *Soledad* to American registry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HILL (by request) introduced a bill (S. 3657) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McMILLAN submitted three amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WHITE submitted two amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States; which was ordered to lie on the table and be printed.

SECOND-CLASS MAIL MATTER.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896 was read twice by its title, and referred to the Committee on Printing.

ACCOMMODATIONS FOR THE GEOLOGICAL SURVEY.

Mr. BAKER (for Mr. DAVIS) submitted the following resolution; which was referred to the Committee on Mines and Mining:

> Whereas the mining and quarrying interests of the country demand recognition by the Government;
>
> Whereas the establishment of a well-equipped museum of practical geology will be of great assistance to both the producer and consumer of mining and quarry products;
>
> Whereas the Geological Survey is occupying inadequate quarters at a large annual rental:
>
> *Resolved*, That the Committee on Mines and Mining be instructed to examine and report on the best method for providing proper accommodations for the Geological Survey and for a museum of practical geology.

PACIFIC RAILROADS.

Mr. MORRILL. I move to take up House bill 7083, to which I have already referred.

The VICE-PRESIDENT. The Senator from Vermont asks unanimous consent for the present consideration of a bill which will be read by title.

Mr. MORRILL. No; I make a motion to take it up at the present time.

The VICE-PRESIDENT. The Chair will entertain the motion when the morning business is concluded. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

Mr. MORRILL. The Senator from Nebraska [Mr. ALLEN] kindly consents that I may call up the bill for action this morning.

The VICE-PRESIDENT. The Senate will be in order. The Senator from Vermont is recognized.

SALE OF LIQUORS IN CAPITOL BUILDING.

Mr. MORRILL. I call up House bill 7083, to which I have already referred.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

Mr. MILLS. I desire to know if it is the intention of the Senator from Vermont to press that bill for consideration or to refer it?

Mr. MORRILL. It has already been referred and reported. I call it up for immediate action.

Mr. MILLS. I object to its consideration.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the bill.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Vermont.

Mr. MORRILL. Mr. President, I wish merely to say that I want a direct vote upon this bill. I would not like to have it sidetracked by a motion to refer it to any committee. Undoubtedly the public are under a great misapprehension as to a saloon being at either end of the Capitol building, but there is an opportunity for visitors here to obtain ardent spirits and wines. This morning I had a letter from a gentleman of the city here stating that he recently noticed a visitor coming out from one end of the Capitol drunk.

As this bill has passed the other House, if they want it I think the Senate should not object to it. I hope that there will be no delay on the part of the Senate by a long discussion or anything of the kind, but that we shall have a vote and pass the bill. If there is a majority against it, let it be so recorded.

Mr. HILL. Mr. President, I myself did not object to the present consideration of this measure, and I had previously informed the Senator from Vermont that I should not. If the bill is before the Senate for any proper purpose, then I desire to make a motion to commit the bill to the Committee on Rules.

Mr. MILLS. But it is not before the Senate. I have objected to its consideration, and it can only be brought before the Senate by a vote.

The VICE-PRESIDENT. The Chair will state the condition of the bill. The Senator from Vermont asked unanimous consent for its present consideration. An objection was interposed, when the Senator from Vermont entered a motion to proceed to the consideration of the bill.

Mr. MILLS. That motion is not debatable.

The VICE-PRESIDENT. That motion is pending. The debate thus far has been proceeding by unanimous consent.

Mr. BLACKBURN. Mr. President, I simply desire to say a few words in all deference, because no member of this Chamber fails in deference to the Senator from Vermont. The bill is not before the Senate, but there is a motion to bring it before the Senate, made by the Senator from Vermont, and I do not intend to oppose it. I am perfectly willing to allow the bill to come before the Senate, but I want to serve notice now that in my judgment it will not be properly before the Senate coming from the committee that the Senator from Vermont represents.

This bill, under every application of a rule, under every precedent known, should have been sent to the Committee on Rules. What the Committee on Public Buildings and Grounds has to do with this bill passes human comprehension. The bill relates directly to the culinary establishment of the Senate, and what the Committee on Public Buildings and Grounds has to do with the kitchen I am not informed. The Committee on Rules is charged with everything involved in the measure. The reference of the bill to the Committee on Public Buildings and Grounds seems to have been an omission upon the part of the Senate. I am sure that the venerable Senator himself will not claim jurisdiction for his committee of a question like this. It is a question for the Committee on Rules to determine, and whenever the bill shall be brought before the Senate—and I repeat I have no objection to its coming here—I shall support the motion of the Senator from New York to commit it to the only committee of the Senate that has any proper jurisdiction of the matter.

Mr. SHERMAN. Mr. President, I wish to say a few words about this matter. It seems to me that my friend from Kentucky is wrong. A Committee on Rules means only a committee in regard to the mode and method of conducting the business of the Senate, nothing less and nothing beyond.

Mr. BLACKBURN. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Certainly.

Mr. BLACKBURN. Is not every committee room in the Senate wing under the exclusive jurisdiction of the Committee on Rules, and does not every order that governs and controls the Senate wing of the Capitol building come from the Committee on Rules?

Mr. SHERMAN. All the Committee on Rules have to do is to devise rules to govern this body and regulate its procedure, and also to provide for the various committees of the body and assign different places for them. It is a mere technical objection that is made. The bill was without objection referred to the Committee on Public Buildings and Grounds. It relates to the use of a public building. The question is, Shall we allow any portion of this great public building to be devoted to the sale of spirituous liquors? That is all there is about it.

Upon the subject there is a general feeling throughout the country. I believe it is founded upon false ideas, because I believe there are no such irregularities practiced in this building as are alleged. I believe that they do not exist. I know myself that liquors are not sold anything like what is supposed in the various petitions sent to us. But at the same time we ought to meet this popular objection that comes to every Senator in the body. I have letters by the score and petitions by the score asking us to pass this bill upon the ground, the false ground, the foolish ground, that there is liquor sold here as at an ordinary bar. No such thing as that occurs.

But if there is any abuse of the kind, I think myself that every Senator here ought to be willing to defer to the general public opinion of the country that this building is no place where liquor should be sold or drunk or used. If people want liquor they can go outside anywhere in the city of Washington and get whisky or any kind of drink they want; but it does seem to me that it is only a fair deference to the opinion of good people in this country that here in this building liquor should be neither bought nor sold, nor used to any extent.

I hope therefore that this bill will be passed, which was reported by my honorable friend, the Nestor of this body, and who asks us to pass it. I think we ought to give him the vote to pass the bill, and not bother him with technical questions about rules or as to what particular committee the bill ought to have been sent, instead of to the committee of which he is chairman.

Mr. ALDRICH. Mr. President, I am not especially anxious, as a member of the Committee on Rules, to consider this question, but it must be very evident to the Senate from the remarks of the Senator from Ohio that he has not recently read the rules of the Senate. Clause 2 of Rule XXXIV reads as follows:

> It shall be the duty of the Committee on Rules to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer.

Ever since I have been a member of the Senate the Committee on Rules has had control and charge of the Senate wing of the Capitol and the rules regulating the restaurant have been adopted by that committee, and it never has before been questioned during my service in the Senate. The keeper of the restaurant is appointed by the Committee on Rules and discharges his duties under the direction of the Committee on Rules.

While I am on my feet, I perhaps ought to say that there is a great misapprehension apparently in the public mind regarding this question, caused, I have no doubt whatever, by statements emanating from the Capitol itself and sent to various temperance organizations throughout the country as to what is the condition of affairs here in the Capitol. The Senate has now a rule of its own, and has had for a long time, prohibiting the sale of intoxicating liquors in the Senate wing of the Capitol building. If the House of Representatives desires to adopt a similar rule, it is certainly within its power to do it. If there are abuses existing in the House wing of the Capitol, that body certainly could look up the matter and apply the proper remedy. But so far as I am aware——

Mr. GALLINGER. I rise to a point of order, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. GALLINGER. I make the point of order that a motion to proceed to the consideration of a bill is not debatable.

The VICE-PRESIDENT. Objection being interposed, the Chair will submit the motion of the Senator from Vermont [Mr. MORRILL] to the Senate, that the Senate proceed to the consideration of the bill indicated by him, which has been read from the desk.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

Mr. HILL. I move to refer the bill to the Committee on Rules.

The distinguished Senator from Ohio [Mr. SHERMAN] says that technically, and therefore properly, this bill should have been referred to the Committee on Rules. There is no doubt about that proposition. When the bill passed the House of Representatives and was brought to the Senate, my attention had been called to it. It was hailed as a triumph of reform (?), and I was naturally looking after a reform measure. It was not referred to the Committee on Public Buildings and Grounds on motion, but was referred in the ordinary course of business and inadvertently to that committee. I was watching it, but at the time it was referred I did not happen to be present. If any Senator had then suggested to the Chair that the bill properly belonged to the Committee on Rules, unquestionably it would have gone to that committee. There is no doubt about that whatever. It is a question for the kitchen, not for the garden; it is a question for the caterer, not a question for the general superintendent of grounds; it is a question for the kitchen committee—if I may use that expression, with all due respect to the Rules Committee—rather than for the committee which has charge of all the grounds around this Capitol. Therefore we are strictly right, and it is no disrespect to the Committee on Public Buildings and Grounds to question their jurisdiction of this matter. As a question of propriety, the bill ought to go to the Committee on Rules.

In addition to the rule which the Senator from Rhode Island [Mr. ALDRICH] called to the attention of the Senate, I call attention to Rule X of the "Rules for the regulation of the Senate wing," where there are some provisions applicable to this question, declaring that the restaurant shall be under the control of the

Committee on Rules and providing that certain things shall be done, all of which are to be under the direction of that committee. The rule concludes with this extensive and broad clause:

> The management of the restaurant and all matters connected therewith shall at all times be subject to such further directions as the Committee on Rules may give.

The whole jurisdiction of the management of the internal affairs of the Senate restaurant belongs to the Committee on Rules, and therefore the motion I have made is perfectly legitimate and proper, and the bill ought to go to that committee.

Mr. President, I do not intend to discuss at any length the merits of the bill, because they are not now properly before the Senate, but I am in receipt of letters, as other Senators are, from people living way up in the North, some in my own State, calling my attention to the abomination of a bar, so called, existing here in the Capitol. Such letters have no effect upon me. There is no bar, as such, maintained here in the Capitol. There is a House restaurant and there is a Senate restaurant. The public should know that we are obliged to come here in the forenoon to attend our various committee meetings, and that we are obliged to take one meal here in the Capitol every day, and our visitors, our guests, our witnesses, and employees are obliged to get some meals here in the Capitol building, naturally so and appropriately so, and it is a question, therefore, for the Committee on Rules as to what extent and in what manner the restaurant shall be conducted.

The rules already provide upon this subject that "spirituous" liquors shall not be sold, furnished, or kept in the restaurant. It is a question of construction as to the effect of that provision. Does it mean that in this Capitol, where Senators are obliged to take one meal a day in order to transact the public business, no Senator shall have a glass of wine or a glass of beer? The language is:

> No spirituous liquors shall be sold, furnished, or kept in the restaurant.

It is for the Committee on Rules to interpret this provision; it is for the Committee on Rules to give direction to the caterer in the Capitol and to regulate this whole business. It is not a subject to be dealt with by a penal statute. What is the sense of our providing a penal statute that if our servant in this Capitol, subject to our removal, violates this act, he shall be fined $500 and shall be guilty of a misdemeanor, when all we have to do is to remove him? Have we not the courage to remove him; or must we pass a statute to punish our servant, our hired man, our own employee? No, Mr. President; it is a silly statute which is proposed; it is an unwise statute; it is an unnecessary statute. The wisdom of this action is very questionable.

I have received some letters on this subject, and I only desire to read one. I trust I am not to be influenced by such letters. The gentleman who writes me—and this is from my own State, too—says:

> Senator DAVID B. HILL, *Washington, D. C.:*
>
> DEAR SIR: I see in the newspapers that a bill prohibiting saloons in our National Capitol has been passed by the House with only 7 dissenting votes.

So much the worse for the House.

> I hope that you will not only vote for this measure when it comes before the Senate, but also use your influence in the meanwhile to secure its passage and thereby raise the standard of our national honor.

[Laughter.]

Is our national honor to depend upon the fact whether we take a glass of ale or beer with one of our meals? We heard a great deal flippantly said during the recent campaign about national honor. Every time an æsthetic question or a mere question of finance, or a question of the regulation of our meals arises, some good, but misguided citizen starts the question of the national honor. Of course, you can not more effectually touch an American than when you appeal to his sense of respect for the national honor. No, there is no question of national honor involved in this proposed legislation. We say that this legislation is unnecessary. In truth and in fact there is no drunkenness in this Capitol. I have never seen in the corridors or anywhere in this Capitol a drunken man. I have not been around looking for them particularly, but I have gone in and out of the halls and corridors of this Capitol, I have been in the committee rooms. I have been all around it—not so much in the House of Representatives, but still I occasionally go over there—and I say here for the benefit of those agitators up North, in my own State and elsewhere, that it is a libel upon Congress to say that there are "saloons" maintained here in the Capitol, in the proper sense of that term, and that drunkenness prevails here. It does not.

I am not speaking so much for myself upon this question, Mr. President, because I can get along without anything to drink, except cold water, but it is a question of principle which is involved; it is a question of right; it is a question of decency; it is a question of propriety which is involved here.

I recollect we had this same question in New York when I was chief executive of that State. We had a large capitol and a large legislature, and the legislature authorized a restaurant. I suppose that probably the keeper of the restaurant sold some beer and ale, and possibly occasionally a glass of wine with the meals to our legislators. Immediately certain active, pestiferous men, anxious to regulate the morals of other people, started a crusade, crying, "What, a saloon in the capitol of the Empire State! A State disgrace." They raised again the question of honor—State honor.

I recollect I had some experience with the legislature. It first passed a law to provide that there should not be any selling of any spirituous or malt liquors, ale, wine, or beer in the capitol; and then, in order to make it perfect, they said "in any public building belonging to the State." They sent that bill to me as the chief executive. I vetoed the bill upon the broad ground that it was useless and unnecessary legislation, and upon the further ground that not only would it prohibit any drinking in the capitol, but in the executive mansion it would prevent the governor of the State on state occasions from treating his guests to a glass of wine, because that was a "public building belonging to the State;" it would prevent our soldier boys in the Soldiers' Home from having a glass of beer; it would prevent the wardens of the prisons, public officials, giving a glass of wine, or of ale, or of beer to a single guest. My veto of that bill was unanimously sustained.

Next year the legislature passed another bill. The height of the ambition of some people is to raid a restaurant in the interests of the public honor and in the interest of the public morals, which at that time were said to be involved. They are busybodies meddling with other people's business. The next bill struck out the broad provision covering all the public buildings of the State and applied only to the capitol. Then, with that fatality which often attaches to that kind of legislation—they were going to make it broad, they were not going to put in anything that could be evaded, and therefore they said there should not be sold or given away any intoxicating liquors, wines, ales, or "any other beverage containing alcoholic ingredients." They sent that bill to me, and I referred it to the State chemist to have an analysis made as to what drinks contain alcoholic ingredients. He reported that lemonade, pop, cider, small beer, ginger ale, and all the well-known and well-recognized temperance drinks contained some alcoholic ingredients; and in the interests of temperance I vetoed that bill. [Laughter.]

Mr. President, that ended the raid upon the "State saloon" kept in the capitol, kept there even under a Democratic administration, and that alleged saloon is to-day in full blast under the administration now in possession of the Empire State, and those people, instead of directing their attention to the capitol at Albany, are firing upon us letter after letter and petition after petition about the terrible disgrace that is going on here in this Capitol. Senators and Members of the House of Representatives may sometimes take a glass of beer, or a glass of ale, or a glass of wine with their meals in our restaurant, but it is very rarely that that even is done. I think that the right to have it should be protected; I think the right to have it with one's meals, if one wants it, should be accorded us. Can not we trust ourselves? Have the American people lost confidence in their Representatives and Senators that they can not trust them on the question of eating their meals? Mr. President, there is no wholesale or retail selling over bars here. The whole matter is exaggerated. There is nothing to it. This talk is simply for the purpose of getting up an agitation.

I have been diverted into making these remarks when the real question now involved is that arising on my motion, and nothing else. Where does this bill belong? Has there been any hearing before the Committee on Public Buildings and Grounds? I think not. Have the Committee on Rules been asked to appear before that committee to state the existing regulations? I think not. I have not seen it in the newspapers anywhere, and they usually keep track of such things. Has the keeper of the restaurant been called before the committee to state how the matter is now regulated? I think not. Is there a report accompanying the bill giving any reasons for this action? No.

In justice to ourselves, in justice to public decency, would it not be well, when a favorable report or any report is made in regard to this bill, to have a written report stating just what is done here, just what is tolerated, so as to show how senseless these cries are? I think it would be well to have such a report as part of our archives, and then let the people living hundreds of miles away from here, who are lying awake nights because they think there is some wrong being perpetrated in regard to the taking of something intoxicating with our meals, be pacified; and let them understand that there is nothing in all this clamor.

My motion to refer ought to prevail; it ought to prevail substantially by unanimous consent. This bill, concededly improperly referred in the first place, should be referred to the Committee on Rules. Let us trust that committee, who have charge of the matter under the rules of the Senate. That is where this bill should be referred.

Mr. CHILTON. Mr. President, I did not intend to say anything about this matter, but I shall vote for the bill and vote against its reference now to the Committee on Rules. It seems to me that this is a very simple question. It is not a question of prohibition. I myself am an antiprohibitionist. It is not a question of teetotalism. I myself am not a teetotaler. I make no pretensions in either direction. The bill involves no theories regarding governmental interference with private property; but it involves alone the management of a public building. It is not even a question as to the abstinence or nonabstinence of United States Senators; for United States Senators are not the only persons who have admission to this building, and the House and Senate restaurants are open to every visitor. Crowds of persons of every age, sex, and condition come to this Capitol. Every day hundreds of ladies from different parts of the Union throng the precincts of this great building.

I shall vote for this bill just as I should vote for one protecting a schoolhouse or protecting a church or protecting any other special building from the supposed evil of the use of intoxicating liquors.

Sir, it has been said that there is a rule of this Senate which forbids the sale or use of intoxicating liquors in this building. If so, it is the first time I ever heard of it. I have personal knowledge that, if such be the rule, it is violated constantly.

I do not expect any extraordinary results from the passage of this bill. It is not expected that any great revolution in the morals of Senators, or in the morals of the people, will be created by it; but it is a deference which we ought to extend to the views of a large portion of our people, who think that the public buildings of the country, at least, ought to be protected from the annoyances of the liquor traffic. I think they are right to that extent.

It is only a few steps to places where gentlemen can buy intoxicating liquors if they desire. This bill does not involve anything except possibly a matter of convenience, and on account of the numbers who come here, women and children and people of that kind. I think this bill ought to pass.

It is not a complex proposition, which needs to be considered time and again by any committee of this body. It is simply a bill to prohibit the sale of intoxicating liquors in this Capitol and on the public grounds surrounding this building. Why should that question be considered by a committee so seriously and so long? I see no reason for it, sir. It is now before us. Perhaps in the first place it might have been referred to the Committee on Rules; but it was not so referred—it went to another committee. I am not much of a stickler anyway regarding the jurisdiction of these committees. They are but auxiliary to the business of this Senate. This bill has come back to the Senate, reported favorably by the Committee on Public Buildings and Grounds. Everybody understands it, and we can dispose of it in fifteen minutes. I think we ought to take a vote without further delay.

Mr. MORRILL. I merely desire to say in regard to the reference of this bill to the Committee on Public Buildings and Grounds that I had no part in sending it to that committee. I do not know who had. So far as I am concerned, in moving it at the present time, it is by mere accident. On account of the chairman of the Committee on Public Buildings and Grounds, the Senator from Pennsylvania [Mr. Quay] being absent, it simply devolved on me as a duty to present the bill, and I felt it incumbent upon me to discharge that duty. Therefore I shall ask a vote on the question of reference.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. Hill] to refer the bill to the Committee on Rules.

Mr. PEFFER. Mr. President, just a word before the Chair puts the question.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas.

Mr. PEFFER. Mr. President, I conceive that the sensitiveness of Senators to get rid of this bill is undue. The Committee on Rules has a certain jurisdiction conferred upon it, but that does not oust the jurisdiction of the Congress; it does not do away with the jurisdiction of the Legislature of the United States. This is a public building belonging to the people of this country. The Committee on Rules of the Senate is the medium through which the Congress of the United States exercises jurisdiction by way of enforcing rules in this body; and surely the jurisdiction of the Committee on Rules of the Senate does not extend beyond the enforcement of order and the enforcement of rules established by the Senate. It does not extend to the House wing; it does not extend to the grounds outside of this building. What the Committee on Rules is expected to do is to enforce whatever the Senate or the Congress may determine ought to be enforced.

Now, there is a standing rule of this body, I understand—I think I have read it—which prohibits, or pretends to prohibit, the sale of liquor in the Senate restaurant. I think that is true. But here comes along a proposition to pass a bill. Congress, exercising its jurisdiction over one of its public buildings, proposes to prohibit the sale of intoxicating liquors in the Capitol building of the United States, in the Capitol Grounds, and in other public buildings of the District of Columbia; it is a bill general in its character so far as jurisdiction over the District of Columbia is concerned; and it seems to me that it is futile, almost childish, if that is a parliamentary term, for Senators to insist that a bill of this character must go to the Committee on Rules and have the opinion of that committee before the Senate can take jurisdiction or before Congress can take jurisdiction. It is preposterous to begin with. Who supposes we should ever have any report from the Committee on Rules with respect to this measure?

What rule of the body is there, what act of Congress is there, what rule of parliamentary procedure is there, that we are required to refer any of our bills to a committee? One of our rules, the third paragraph of Rule XIV, provides:

> No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

There is no rule requiring that a bill or joint resolution shall be referred to a committee except by a vote of the Senate. I remember a short time ago that after discussing a joint resolution, which had been read twice, I asked that it might be placed on the Calendar, and the Senator from New York [Mr. Hill] objected to that proceeding and desired to have it referred to a committee. Simply to accommodate that Senator, who has always been so respectful and courteous to me, I yielded to him; but there is nothing in the rules of the Senate which requires a bill to go to any committee. When a question comes before the Senate in which the people of the United States in large proportion are interested, not only quiescently and receptively, but actively, and while petitions are coming in here by the hundred day after day, week after week, month after month, session after session, and year after year, asking for such legislation as this—when such a question comes face to face with the American Senate, it seems to me we ought to be willing to accord that much to the temperance sentiment of the United States and to the Christian sentiment of the United States. This is a Christian country, Mr. President. Our people are a moral people, and whenever they are brought face to face with a question of this kind, they are invariably upon the right side of it. Here in the Capitol building, where the laws of the country are made, where the strongest and best men of the country are presumed to be sent by a wise and considerate constituency, we are asked not to prohibit men and women from drinking their liquors when they want to, not asked that men and women shall be prohibited from having beer or wine or whisky or gin at their meals when they desire, but that no intoxicating liquors shall be sold in the Capitol building of the United States of America.

I hope, Mr. President, that this motion to refer will be defeated, and that, like men, as well as like Senators, we shall meet this question face to face.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. Hill] to refer the bill to the Committee on Rules.

Mr. MORRILL. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. CHANDLER. I should like to ask the Senator from Vermont whether he is prepared to amend the bill?

Mr. MORRILL. I have no objection to amending it.

Mr. CHANDLER. If the Senator is not prepared to amend it, I shall vote to refer it, for the very simple reason that I always vote for the restriction of the sale of intoxicating liquors. I am willing to vote to prohibit the sale of intoxicating liquors within the Capitol building or on the Capitol Grounds, but I can not vote for the bill in its present language. I wish sometimes that our temperance reformers would consult lawyers before they draw bills to make crimes. The language of the bill is:

> That hereafter it shall be unlawful * * * to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building or upon any part of the public grounds.

Now, what does "dispense intoxicating liquors" mean? What does "dispose of intoxicating liquors" mean? There are three objectionable acts. There is the sale of liquor; there is the giving away of liquor, and there is the drinking of liquor, and a bill which makes it a penal offense to do a thing in the Capitol building should be specific. A bill that authorizes the constables of Washington to come up here and take individuals from the Capitol and take them before the police court of the District of Columbia should be specific.

If we mean to punish the selling of liquor, let us say so. If we mean to punish the giving away of liquor, let us say so. If we mean to punish the drinking of liquor, let us say so. Or, if we mean that no medical prescription with liquor in it, and certainly a medical prescription calling for alcohol as an ingredient is covered by the language, "any compound or preparation thereof," shall, under any circumstances, be administered within the precincts of the Capitol without its being a crime, then let it be so stated in the bill. But do not let us have, under the guise of temperance reform or as impediments upon a wise law to exclude the sale of liquor from the Capitol, a badly drawn bill voted upon which does not mean what we say, for I do not believe it is the intention or desire of Senators that under no imaginable circumstances shall a physician's prescription which contains alcohol be given or used in this building. The only physician on this floor is my respected colleague, the Senator from New Hampshire [Mr. Gallinger], and if any of us should be taken sick to-day and he were called upon to prescribe for us on this floor, he would be guilty of a crime if he put any alcohol in the prescription.

In all seriousness, Mr. President, it seems to me that the Senator from Vermont, representing the Committee on Public Buildings and Grounds, or possibly the able Committee on Finance, or if not either of those committees, then the Committee on Rules, ought to take this bill and make it a bill which does what it professes to do, what its framers want it to do—prohibit the sale of liquor within the Capitol and the Capitol Grounds—and then I will vote for it, but I will not stultify myself by voting for it in this shape.

Mr. GALLINGER. I suggest to my colleague that if he were to call upon me for a prescription and I should write one, I would not send him to the chef of the restaurant, the Sergeant-at-Arms, or the keeper of the restaurant, but to a licensed pharmacist to fill his prescription.

Mr. CHANDLER. The Senator does me an injustice. Would the Senator, if anyone should be taken sick in the Capitol, have him wait to have a restorative drop administered until he sends out to the nearest drug store? I do not believe that the Senator, any more than myself, wants to make it a crime to administer, within the limits of the Capitol, a physician's prescription with alcohol in it.

Mr. GALLINGER. I merely suggest to my colleague, in addition, that in my opinion the average United States Senator, even though he comes from the prohibition State of New Hampshire, if he wants a restorative drop, will not find it necessary to go to a physician to get it.

Mr. GRAY. Mr. President, I have been in doubt as to how my vote should be cast upon this important bill, but the observations of the senior Senator from New Hampshire [Mr. Chandler] have caused me to reflect, and the picture that has risen in my mind upon his suggestion of what might be the possible state of affairs in the Senate if the bill should be adopted as a part of the law has decided me to vote against the bill. That picture would be of this kind: At noon hour there would be a string of Senators passing in front of the seat of the junior Senator from New Hampshire [Mr. Gallinger], each one receiving his little billet-doux that authorized him to partake of that liquid refreshment which could not be partaken of without such authorization, and I do not believe that the annoyance to which the Senator from New Hampshire would be subjected should be considered for a moment in view of the importance of the exigency.

The VICE-PRESIDENT. The question is on agreeing to the motion to refer the bill to the Committee on Rules, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called.) I am paired with the senior Senator from Louisiana [Mr. Caffery].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. Proctor]. I do not know how he would vote, and therefore withhold my vote.

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. George]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. Quay]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired generally with the senior Senator from Tennessee [Mr. Harris]. I take the liberty of transferring my pair to the Senator from Connecticut [Mr. Platt], and I will therefore vote. I vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. Dubois]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. Mitchell]. I do not know how he would vote on this question. I should like to ask his colleague if he is able to inform me?

Mr. McBRIDE. I will say to the Senator from Wisconsin that I am not informed as to how my colleague would vote on this question.

Mr. VILAS. I will therefore withhold my vote.

The roll call was concluded.

Mr. BERRY. I am paired generally with the Senator from Connecticut [Mr. Platt]. I do not know how he would vote on this question——

Mr. BLACKBURN. The pair has been transferred, I will say to the Senator from Arkansas.

Mr. BERRY. Then I will vote. I vote "nay."

Mr. MORRILL (after having voted in the negative). I withdraw my vote, as I understand the Senator from Connecticut [Mr. Platt] is otherwise paired.

Mr. BERRY. Is the Senator from Connecticut paired with any other Senator?

Mr. HAWLEY. My colleague is paired with the Senator from Arkansas who is speaking.

Mr. BERRY. Very well. The Senator from Connecticut is paired with me.

Mr. HAWLEY. Did not the Senator from Arkansas so understand it?

Mr. BERRY (after having voted in the negative). He is paired with me. I withdraw my vote. I would vote "nay" if he were present.

Mr. MORRILL. I have withdrawn my vote.

Mr. BERRY. If my pair has been transferred, I have not been informed in regard to it. Does the Senator from Connecticut know how his colleague would vote?

Mr. HAWLEY. He would vote "nay," I have no doubt.

Mr. BERRY. If the Senator is sure of that, I will cast my vote.

Mr. HAWLEY. I have no doubt about it.

Mr. BERRY. Then I will vote "nay."

Mr. BLACKBURN. I should like to have the authority for that statement.

Mr. BERRY. I withdraw my vote, if any question is raised about it.

Mr. MORRILL. I have withdrawn my vote, as I understand the Senator from Connecticut [Mr. Platt] is paired. I am paired with the Senator from Tennessee [Mr. Harris].

Mr. PASCO. I wish to state that the Senator from Connecticut [Mr. Platt] asked me to see that he was paired, and I had arranged the matter with the Senator from Vermont [Mr. Morrill], supposing it was in accordance with his views.

Mr. BATE (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. Brown]. He gives me liberty upon motions like the pending one, not political in their nature, to vote as I please. I have voted "nay," and I will let my vote stand, but I desired to explain it.

Mr. BACON (after having voted in the affirmative). I am paired generally with the junior Senator from Rhode Island [Mr. Wetmore]. I am informed by his colleague that if he were present he would vote in the affirmative. Therefore I will allow my vote to stand, although the junior Senator from Rhode Island is absent.

Mr. BERRY. The Senator from Florida [Mr. Pasco] has announced that he arranged another pair for the Senator from Connecticut [Mr. Platt] by his direction, and I therefore vote "nay."

Mr. ALDRICH. The Senator from Connecticut [Mr. Platt] informed me before he went away that he was paired with the Senator from Arkansas [Mr. Berry]. I think he so understands it.

Mr. PASCO. He very likely made the arrangement after he saw me, then, and I will withdraw the action I have taken.

Mr. COCKRELL (to Mr. Pasco). You have a right to pair the Senator from Connecticut with any other Senator. That right is always exercised in the Senate, and it has never before been denied.

Mr. TELLER. Let it stand.

Mr. PASCO. I think it is a matter which his colleague ought to determine.

Mr. COCKRELL. Let it stand.

Mr. BERRY. I wish it specifically understood how it is. I desire to keep faith with the Senator from Connecticut. If he authorized the Senator from Florida [Mr. Pasco] to arrange a pair for him with another Senator, I want to let my vote stand. If he is not otherwise paired, I will withdraw my vote and announce that I would vote "nay" if he were present.

Mr. HAWLEY. There is no doubt that the absent Senator from Connecticut considers himself paired with the Senator from Arkansas. He told me so distinctly not long before he left town.

Mr. SHERMAN. How would he vote on this question?

Mr. HAWLEY. I only know his general principles on that question. I do not know how he would vote on the motion to refer.

Mr. BERRY. In view of the statement made by the colleague of the Senator from Connecticut, I withdraw my vote. I want to observe the pair.

Mr. FAULKNER (after having voted in the affirmative). I have already voted, but I am paired with the Senator from West Virginia [Mr. Elkins], and in order to enable my vote to stand, I transfer my pair to the Senator from Indiana [Mr. Voorhees].

Mr. BLANCHARD (after having voted in the negative). I have already cast my vote, but I observe that the Senator from North Carolina [Mr. Pritchard], with whom I have a general pair, has not voted. I ask leave to withdraw my vote.

Mr. SMITH. I transfer my pair with the senior Senator from Idaho [Mr. Dubois] to the Senator from South Carolina [Mr. Irby], and wish to vote. I vote "yea."

Mr. NELSON. I am paired with the Senator from Missouri

[Mr. VEST]. I transfer my pair to the Senator from North Carolina [Mr. PRITCHARD], and vote "nay." I understand that that Senator has not voted.

Mr. BLANCHARD. The Senator from Minnesota [Mr. NELSON] being paired with the Senator from Missouri [Mr. VEST] who is absent, and I being paired with the Senator from North Carolina [Mr. PRITCHARD], we have arranged to transfer our pairs, which pairs the Senator from North Carolina [Mr. PRITCHARD], with whom I am paired, with the Senator from Missouri [Mr. VEST], with whom the Senator from Minnesota [Mr. NELSON] is paired. That permits the Senator from Minnesota and me to vote.

Mr. ALDRICH. Does the Senator from Louisiana know how either of the Senators who are absent would vote?

Mr. GALLINGER. A half dozen transfers have been made on the other side without any question——

Mr. BLANCHARD. I ask, under the transfer of pairs, that my name be called. I vote "nay."

Mr. ALDRICH. I suggest that two absent Senators are being paired, without knowing how either would vote upon this question, and the Senator is getting two votes against this proposition. It is not a matter of any consequence to me, but it is obvious that if the two absent Senators should happen to vote the same way, they would lose their votes by this arrangement.

Mr. GALLINGER. I suggest, in response to the Senator from Rhode Island [Mr. ALDRICH], that at least a half dozen pairs have been made with Senators upon the other side whose opinions could not have been known.

Mr. BLACKBURN. Right here I protest against transfers of pairs with absent Senators unless some Senator in his place will state how the absent Senator would vote if present.

Mr. CULLOM and Mr. SHERMAN. That is right.

Mr. BLACKBURN. I protest against counting any votes so cast.

Mr. NELSON (after having voted in the negative). If any objection is made to the transfer, I am willing to withdraw my vote. I do not want to have any question about it.

The VICE-PRESIDENT. Does the Chair understand the Senator from Minnesota to withdraw his vote?

Mr. NELSON. I withdraw my vote.

The VICE-PRESIDENT. It will be so noted.

Mr. BLANCHARD (after having voted in the negative). It is a very common occurrence in the Senate of the United States for one Senator to transfer his pair, but since the Senator from Minnesota [Mr. NELSON] has withdrawn his vote, it forces me to do the same. I ask leave to withdraw my vote. I stand paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "nay."

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Aldrich,
Bacon,
Blackburn,
Brice,
Cameron,
Cannon,
Carter,
Chandler,
Faulkner,
Gibson,
Gorman,
Gray,
Hale,
Hawley,
Hill,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Murphy,
Palmer,
Smith,
Tillman,
Turpie,
Walthall,
White.

NAYS—30.

Allen,
Allison,
Baker,
Bate,
Chilton,
Clark,
Cockrell,
Cullom,
Davis,
Frye,
Gallinger,
Gear,
Gordon,
Hansbrough,
Hoar,
Jones, Nev.
Lindsay,
Lodge,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Sewell,
Sherman,
Stewart,
Teller,
Thurston,
Wilson.

NOT VOTING—32.

Berry,
Blanchard,
Brown,
Burrows,
Butler,
Caffery,
Call,
Daniel,
Dubois,
Elkins,
George,
Harris,
Irby,
Jones, Ark.
Kyle,
McBride,
Mitchell, Oreg.
Morgan,
Morrill,
Nelson,
Platt,
Pritchard,
Proctor,
Quay,
Shoup,
Squire,
Vest,
Vilas,
Voorhees,
Warren,
Wetmore,
Wolcott.

So the motion to refer was rejected.

Mr. HILL. Mr. President, this great moral (!) question is now clearly before the Senate. It will be in order now for Senators who have voted for prohibition to proceed to their lunches and take a glass of beer. The theory upon which this bill is framed, if it has any theory at all, is a most vicious one. It would not be parliamentary for me to say that it is a cowardly bill, and therefore I do not say it. I would not say that "conscience does make cowards of us all." Neither would I say that an alleged public opinion makes cowards of us all.

There is not a single Senator here who does not know that drinks are to be obtained in the Capitol hereafter as they have been heretofore, and it is expected. But we are to satisfy our consciences, we are to satisfy an alleged public opinion, by putting a very strict law upon the statute book and then do as we please as to obeying and enforcing it.

Mr. President, I am opposed to that sort of proceeding. I am opposed to that sort of hypocrisy. I am opposed to that sort of legislation. I am opposed to the proceedings which are witnessed in some States where strict prohibition laws are passed to satisfy an alleged public sentiment, and the laws not enforced and not intended to be enforced. And men go to bed and sleep easy after they have passed those bills.

Mr. President, what is the situation presented here? Who sells liquor in the Capitol? Nobody except the caterer of either the Senate or the House of Representatives. You are not legislating for anybody around the corner of the grounds. There are no places that sell liquor there. You are not legislating for committee rooms. Nobody sells there.

Nobody pretends that there has ever been any liquor sold there. The only sort of pretense is that in the restaurants of the two Houses Senators in getting their dinners, or guests who visit the Capitol occasionally, may purchase liquors with their meals. That is all. To stop it, what do you propose to do? The manly thing, the proper thing, would be to summon before the appropriate committee the caterer and ask him, "By what right do you violate—if it is a violation—the rules of the Senate?" and dismiss him. Oh, no. Where is the Senator who proposes to do that? If Senators are so wrought up over this question, filled with this sentiment, filled with this narrowness that seems to prevail, are they going to carry out their conscientious convictions by proceeding to make a complaint against the caterers? No. Nobody will do it. Not a man around this circle proposes to do it. It seems that they prefer that we should pass a strict statute that the caterer shall be arrested; that the caterer shall be fined; that the caterer shall be punished—unloading everything on our servant.

Mr. President, with all due respect to Senators, I say it is hypocrisy. I say it is unwise and vicious legislation, because it is not proposed to meet the difficulty. In the first place, no matter what committee reported the bill (that question has been disposed of), the Senate has seen fit to decide that the provisions of the rules that give jurisdiction to the Committee on Rules to dispose of this question do not mean anything. They have seen fit to decide that the Committee on Public Buildings and Grounds has jurisdiction of this question, properly so, and I bow with all due respect to the decision of the Senate. There is something about this question that seems to impel Senators to ride over rules. The distinguished Senator from Vermont [Mr. MORRILL] seems to be crouching for fear of a great cyclone of public opinion which he can not resist. A Senator who can not stand up in an emergency in reference to a foolish, silly, unjust clamor ought not to take refuge in passing a statute to expose his own servant to prosecution, and protecting himself.

Mr. President, what are the rules of this body? What has been intended to be done?

"No spirituous liquors shall be sold, furnished, or kept in the restaurant," is the language of the Senate rule.

That does not exclude malt liquors. It never was intended to—never since these old moss-covered rules were first enacted. It was always expected that you could take beer—malt liquors—with your meals or otherwise. Who objects to it? Is there a great moral question involved? It is ridiculous, absurd, preposterous.

Let me analyze the argument of my good temperance friend from Texas. He says the Capitol belongs to the people of the country. That is true. The District belongs to the people of the country. This little 10 miles square—not exactly square after all, but they call it square—belongs to the country. Upon the same principle we ought to have a prohibition District. How prohibition would diminish the crowds on inauguration day, for which we have made such great preparations! I heard it argued a year or two ago that there should be no liquor sold in the District of Columbia. Some people propose to set the District apart as the model town of the country; put in force here prohibition laws, the narrow prohibition laws under which they fine people in some States three or four thousand dollars and send them to prison for a violation of the excise or prohibition laws. Before this debate is over I will send for that case in the State of Vermont, decided afterwards by the Supreme Court a few years ago. I have no sort of respect for a public sentiment that sanctions such laws.

A man living in New York State sent over into Vermont to be sold a few kegs of beer by the express company under a C. O. D. receipt, and the express company collected the money and forwarded it to New York. It was claimed that this was a violation of the excise laws of prohibition Vermont. Not supposing it was—supposing it to be permitted by the interstate-commerce laws—not supposing he had violated any law, a citizen of my State went on a Fourth of July celebration, I think, to celebrate over in Vermont, and they arrested him under an indictment which had been found there. The authorities from Vermont proceeded to try him, convicted him, sentenced him to pay a fine of a certain amount—I believe about a thousand dollars—and if the fine (the precise amount I do not now recollect) was not paid it would keep him in the penitentiary for thirty or forty years for a violation of the excise laws

or the prohibition laws of the State of Vermont. Perhaps Senators would like to have some such laws in this District, so that we should have a model government. Murder in some States is nothing compared with a violation of excise laws. I recollect what occurred after the case had gone to the Supreme Court of the United States. I will get the volume, for I want to read the opinion of Justice Field. Although I think he dissented, while the other judges held that possibly the conviction would have to be sustained under the theory of State rights, yet he denounced such a decision as an outrage upon the individual liberty of the citizen, and declared such a sentence to be unworthy of an American court. Justice Field expressed his opinion of such sort of laws. Murder is respectable compared to the violation of the excise laws. Burglaries amount to nothing. All sorts of crime are nothing compared with the selling or taking of drinks contrary to the excise laws or contrary to the prohibition laws of some States.

Mr. President, I am opposed to such sort of narrow legislation. I believe in the personal liberty of the citizen. I believe in the right of a man to drink and eat and wear whatsoever he pleases, subject only to such reasonable regulations as the welfare of the whole community may demand. All else is tyranny; all else is oppression; all further is an exhibition of intermeddling unworthy of an American legislator.

Your rules, your written rules, never contemplated but that you could sell lager beer. But now, by this statute, you propose to prevent ale and you propose to prevent beer being sold or drunk. I am not so certain but that under some constructions your proposed statute would prevent cider from being sold.

Dispose of intoxicating liquors of any kind, or any compound or preparation thereof—

In cider there are ingredients of alcohol—

or any compound or preparation thereof.

I am prepared to say, as a lawyer, if the Senator from New Hampshire [Mr. GALLINGER], the physician of this body, should prescribe for a sick Senator here by giving him a glass of wine, under the terms of the bill, if it should become a law, he could be successfully prosecuted and fined $500. The very words "otherwise dispense" are used. That prevents a dispensary—prevents a liquor prescription. They do not propose to have Senators taken sick. Senators must always be well. They put in the very words to stop a prescription of any kind of liquor for a Senator.

Mr. President, this is ridiculous legislation; it is unnecessary and puritanical legislation. It comes from where? From this District. Who is demanding it here? Nobody especially. This District can kick up a muss as quick as any 10 miles square in the United States that I know of, but nobody especially here is demanding it. Where are they? Why, people are sending letters, telegrams, and petitions here, people who have never visited the capital in their lives and never expect to. They are the people who are lying awake nights, always for fear of the Pope. There are lots of them all over the country. They begin to talk to you when you meet them in some rural portions of our country and tell you about what a fearful thing the power of the Pope is. The next time you meet other people they begin to tell you about the great dangers to the American people because lager beer is sold in the saloons of the Capitol. The saloons of the Capitol! What rubbish!

Mr. President, you propose to make it a crime "to sell, dispense, or otherwise dispose of."

I have listened with great attention to the remarks of the junior Senator from New Hampshire, who, although a Prohibitionist as he is, tinctured with prohibition, brought up with prohibition, covered all over with prohibition sentiment inground in him, yet says he can not vote for this proposed legislation. He has some sense, and a good deal of sense. When he says he can not support the measure, hailing from a prohibition State, I think that Senators who represent liberal communities, noted for their liberal views, certainly should stop long enough to criticise the bill; they should stop long enough to examine it; they should stop long enough to see whether it expresses their real sentiments or not.

Pass the bill if you can, if you wish to do so, but what prevents a constable of the District of Columbia from walking in here and seizing the person of the venerable Senator from Vermont on a charge of violating this law and taking him to the police court of the District of Columbia? You have in this measure surrendered the privileges guaranteed to you by your Constitution, granted to you by the common law, granted to you by what is called parliamentary rule, namely, the exemption of the person of Senators from arrest. Your parliamentary exemption privilege is gone.

What a fine spectacle it would be some morning when my distinguished friend from Indiana [Mr. TURPIE], at some time in the distant future, on the Nicaraguan Canal bill, shall suggest the absence of a quorum, to discover that half of the Senators are in the police court for a violation of the excise law. You are exempt now. There is no law that can take you upon any sort of charge from this Chamber when you are engaged in legislation—your persons are sacred—but you propose to pass a law that enables the constable of this city, in the interest of public morality (!), to deplete the Senate, to do away with your majority, and virtually dissolve your Congress—a power never before surrendered by legislators, by members of Parliament, or any other body possessing the same powers that we possess. Even in cases of treason and felony and breaches of the peace the privileges of members of Parliament extend, and the same rule applies to us. They could not take us for treason out of this body, they could not take us for felony, they could not take us for a breach of the peace. But it is proposed that they can take us from here for a violation of the excise law of the District. Of course the reason for the exemption is that you could break up a majority of Parliament or a majority of Congress under false pretenses.

Mr. MILLS. You could in that way deprive the people of any community of the right of representation.

Mr. HILL. There are a dozen reasons upon which this personal privilege of Senators has been sustained from the foundation of the Government, but we must surrender it because of the great moral (!) pressure away back a hundred, two hundred, a thousand miles from here.

Mr. President, this sort of unreasonable legislation will not answer. It has not been well conceived, as I said in my opening remarks. Who drew this bill? Nobody knows. What lawyer is responsible for it here? What Senator has given us an exposition of what you can do under it? There is no report accompanying it. It was drawn up, possibly, by some society somewhere or other whose members have very vague and crude notions of law.

Mr. President, beyond all this is the hypocrisy involved in this sort of thing. The remedy is in our own hands. If we want to accomplish what we pretend we do, it is easy enough to pass a resolution here instructing the Committee on Rules to dismiss the keeper of your restaurant. That is one way to proceed. Oh, no; nobody proposes to do it, but by this sort of legislation it is proposed to escape responsibility for ourselves.

I care nothing personally about this question. Whether I am ever here or not in the future (and I do not expect to be here), your restaurant will keep on just the same; and when I shall visit my fellow-Senators in the years to come, to pay you a friendly visit, this same old restaurant will be in full blast as now. I would rather state frankly what we intend. You intend that matters shall continue as they are. This statute, if enforced at all, will be enforced against your servant. It will not remedy the evil. This same question was raised years ago. I have read of it in the reports of the proceedings of Congress. It always results in the same way. A spasmodic effort was made to do something, and in the end it resulted in nothing. It failed because it ought to fail.

Now, I oppose this measure, not that I ever took a drink of liquor in this Capitol, or ever expect to do so, but I oppose it from principle. It is said the people will be contaminated if they come here. Why, on all your public thoroughfares, on your lines of conveyance, on your palace cars, they sell wines and ales. They sell wine and ale and beer on your steamboats. They sell them in your hotels. They sell them in your restaurants, at your depots, throughout the country. Why draw the line here, except that there is a clamor for it upon the part of men who do not stop to think what they demand?

The VICE-PRESIDENT. The Senator from New York will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. GALLINGER. I rise to a question of privilege and present a conference report.

The VICE-PRESIDENT. The Senator from New Hampshire is recognized for that purpose.

ANNIE E. NOLAN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2129) granting an increase of pension to Annie E. Nolan, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$40;" and the House agree to the same.

J. H. GALLINGER,
JNO. L. MITCHELL,
Managers on the part of the Senate.
BENSON WOOD,
S. S. KIRKPATRICK,
Managers on the part of the House.

The report was concurred in.

PACIFIC RAILROADS.

Mr. LODGE. I rise to a privileged question. I desire to go on with the consideration of the conference report upon the immigration bill.

Mr. ALLEN. I wish the Senator from Massachusetts would yield to me merely that I may make a request.

Mr. LODGE. Certainly.

Mr. ALLEN. I ask that the resolutions I submitted relative to the Pacific railroads may be passed over without losing their place.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. THURSTON. If the Senator from Massachusetts will excuse me a moment, in connection with the Pacific railroad resolutions, which are to go over by unanimous consent, I give notice that I shall ask unanimous consent to-morrow morning immediately after the transaction of the routine business to continue my remarks upon the resolutions. I should like to complete what I have to say without a greater intermission between parts of my remarks.

GASPAR BETANCOURT.

Mr. MORGAN. I desire to offer a resolution on which I will ask unanimous consent that present action may be taken.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution, as follows:

> *Resolved*, That the President is requested, if it is not, in his opinion, incompatible with the public interest, to inform the Senate whether Gaspar Betancourt, a citizen of the United States, is held in prison by the Spanish authorities in Cuba, and the grounds of the arrest and detention.
>
> And that he will also inform the Senate whether the release of said Betancourt has been demanded, and when and how often such demand has been repeated, and what answer has been made to the same.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I should like, if the Senator from Alabama would have no objection, to have the resolution first go to the Committee on Foreign Relations, and I will state my reason. I am quite sure the Senator would not move any such resolution without grave reasons, and my reason relates rather to a general policy and not at all to this particular resolution.

A practice has grown up in the Senate, when complaints come of the treatment of our citizens abroad, to move resolutions of this kind of inquiry and to pass them as a matter of course. I happen to know that in one very important instance the State Department had nearly effected the release of an American citizen abroad when a resolution of inquiry passed by the Senate disturbed the foreign government, thinking that they seemed to be yielding to some menace, and prevented the accomplishment of what otherwise would have been done.

I am sure that what I say does not apply in the least to the pending resolution; but it seems to me, unless there be some very pressing exigency, these matters which relate to diplomacy should always go to the committee of which the Senator is so distinguished a member, and that the committee should have an opportunity of some formal inquiry of the Department of State before public action is taken by the Senate.

I will not interpose an objection to the resolution, but I thought it proper to make this observation, for I am sure that sometimes such resolutions have disturbed the action which was going on to a successful issue.

Mr. MORGAN. If I should be required to state the sources of my information about this business, they would not be in the slightest degree discredited by the Senate of the United States. I do not believe that I am permitted to give the name of the gentleman who has made to me a very important communication on this subject, which included a statement that this old gentleman, who is seventy-odd years of age, who has been twenty-five years of his life in New Orleans, and is a merchant there, has been arrested and committed to prison. The Government of the United States, through its consul-general, has made three or four demands for his release and also for information in respect to the grounds of the accusation, etc., but he is incommunicado; that is, they will not allow anyone to approach him at all to find out what he was arrested for or what condition he is in.

I thought it was my duty to present the resolution in this form, leaving it to the President of the United States to give us the information according to his judgment as to whether it would be injurious to the public service. If such arrests have been made, I desire to call attention to the fact that we have a statute, the number of which is 2001 in the Revised Statutes, which requires the President of the United States, of his own motion, in cases of the kind suggested in the resolution, to give immediate information to the Congress of the United States. I have two or three times called attention to that statute and predicated resolutions upon it. I tried to get information in regard to the *Competitor* affair more than a year ago based upon that statute. It is simply a dead letter on the law book; that is all of it. The object, of course, in communicating such information to Congress is disclosed in the latter clause of the statute, which prohibits the President of the United States from using any force for the purpose of releasing a person thus imprisoned, as that would amount to an act of war, and requires him to make presentation immediately of all the facts to Congress, so that the war-making power of this country may determine what its duty is.

I am conscious of the fact that that statute has affirmed in favor of Congress the proposition that it is the sole war-making power, and I think it is the duty of every Senator here who has information he believes to be correct upon a case of this kind, finding that the Executive does not act, does not refer the facts to us, makes no mention of it at all, to offer his resolutions in order to gain that information and, if possible, get the executive branch of the Government to move in the direction of discharging its ordinary statutory duty in the matter. That is the reason why I moved the resolution.

I can only say that the gentleman who made this communication to me is a man of very high character, a citizen of New Orleans, and I have no doubt but that his statement is true. If the Senate thinks it best to refer the resolution, of course let it go to the Committee on Foreign Relations. At the same time, there is a great deal of suffering going on now upon the part of American citizens, some at Ceuta, some at Habana, some in the fortress at Cabanas, some at Pine Island, some at various other places. A great many Americans are suffering unjustly and suffering torture under the Spanish persecutions in Cuba. I am a little restive about it, and very desirous to be somewhat active in bringing this subject to public attention, and especially to the attention of the Executive.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I desire to call up now the conference report on the immigration bill. I do not wish, as the Senator from Alabama knows, to do anything to interfere with the consideration of the Nicaragua Canal bill, but this measure being in its last stage, I am very anxious to dispose of it at the earliest possible moment. Of course it does not displace the unfinished business, as it is a conference report; and I am in hopes that we may be able to get action upon it very soon and get it out of the way not only of the Nicaragua Canal bill, but of all the business of the Senate.

Mr. MORGAN. Mr. President, I know that the Senator from Massachusetts will occupy probably but a few moments of the attention of the Senate on the conference report, and I therefore ask unanimous consent that the regular order be laid aside informally for the purpose of enabling the Senator to have that subject taken up and disposed of.

The VICE-PRESIDENT. Is there objection?

Mr. MILLS. If it requires unanimous consent, as I am opposed to the bill, I can not give it.

Mr. LODGE. It does not require unanimous consent. I will say a conference report is privileged.

Mr. MILLS. A conference report is privileged in the other House, both to be presented and considered; but I am informed that in this body it is different—that it is only privileged for presentation.

Mr. LODGE. A conference report is a privileged one, and I move to take it up.

Mr. CHANDLER. I want to again utter my protest against the idea being entertained for a moment that a conference report loses its privilege at any stage or under any circumstances.

Mr. HALE. It never has in the business of the Senate, that I know of, been considered that a conference report is not privileged until it is completed; otherwise we should be unable to do business in the last thirty days of a session.

Mr. DANIEL. After such a report is taken up it is privileged.

Mr. HALE. Yes.

Mr. CHANDLER. I understand the Senator from Alabama, [Mr. MORGAN] to be willing that the conference report shall be taken up without regard to this question; but that must not be taken as an admission that a conference report can ever cease to be a question of privilege.

Mr. LODGE. Of course a conference report can not lose its privilege; but I do not desire to bring about an argument as to the very large question of privileged reports. There is no question in my mind that you can not divest the question of its privilege at any time. The Senator from Alabama in charge of the bill which is the unfinished business made no objection, and I supposed it was not necessary to go to a vote upon it.

Mr. MILLS. Do I understand that the Senator from Massachusetts wishes the Senate to recommit the report?

Mr. LODGE. I may desire to recommit it or not, but I am not at liberty to say at present.

The VICE-PRESIDENT. The Chair understands that objection is interposed to unanimous consent.

Mr. LODGE. I think the objection has been withdrawn, Mr. President.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. LODGE. I understood the Senator from Texas [Mr. MILLS] to withdraw the objection.

The VICE-PRESIDENT. The Chair will again submit the

question. Is there objection to the request of the Senator from Massachusetts?

Mr. LODGE. I made no request for unanimous consent. The request was made by the Senator from Alabama [Mr. MORGAN].

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. VILAS. What is the request, Mr. President?

The VICE-PRESIDENT. Will the Senator from Alabama please restate his request?

Mr. MORGAN. I asked unanimous consent that the regular order pending before the Senate, the Nicaraguan Canal bill, might be laid aside informally without prejudice, to enable the Senator from Massachusetts to call up and have disposed of the conference report on the immigration bill, I understanding that he intended to be very brief about it.

The VICE-PRESIDENT. Does the Chair understand the Senator from Texas to object to the request?

Mr. MILLS. I do.

The VICE-PRESIDENT. Objection is interposed.

Mr. LODGE. Then I move to take up the conference report.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts, to proceed to the consideration of the report of the committee of conference on the bill (H. R. 7861) to amend the immigration laws of the United States.

Mr. GORMAN. If that motion succeeds, Mr. President, do I understand that it will displace the regular order, the Nicaraguan Canal bill?

The VICE-PRESIDENT. The Chair understands that for the time being it would.

Mr. LODGE. It would during its own consideration, of course; but it would not displace it as the unfinished business. A conference report can not do that, because it can be moved to be taken up at any time.

Mr. GORMAN. That is the very question I raise now with the Chair, and we ought to have it decided at this time. I differ very decidedly with the Senator from Massachusetts, and I raise the point, so as to have the decision of the Chair upon it.

Mr. LODGE. If I may be heard on that point of order——

Mr. HOAR. That point of order does not come up now, but will come up after the measure in charge of my colleague is up.

Mr. GORMAN. I submit the point to the decision of the Chair, whether, if the motion of the Senator from Massachusetts be adopted, it will displace the regular order?

Mr. LODGE. May I be heard upon that point of order, if the Senator from Maryland is through?

The VICE-PRESIDENT. The Chair will hear the Senator.

Mr. LODGE. Of course, if we take up the conference report now, while we are considering it this afternoon we are not considering the Nicaraguan bill, that is obvious; but in the sense that the Senator makes the question, I suppose it is as well known to him as it is to me that a privileged matter like a conference report, if it is not finished to-day, does not displace the unfinished business to-morrow; because, being a privileged matter, it can always come up on motion, and a motion is always in order to take it up. It would not put an end to the unfinished business. You can not, as I understand, make a conference report the unfinished business of the Senate because you can move at any time to take it up.

Mr. CHANDLER. So that it does not displace the Nicaraguan bill.

Mr. LODGE. It does not displace that bill from its position as unfinished business.

Mr. CHANDLER. As would a motion to proceed to the consideration of another bill.

Mr. LODGE. It does not displace that bill from its position as would the adoption of a motion to proceed to the consideration of another bill, as the Senator from New Hampshire suggests.

Mr. HALE. Put it in another way. A conference report being a privileged matter, and this report having been presented yesterday and considered as a privileged matter, it did not then displace the unfinished business. To-day, it having gone over, the Senator from Massachusetts in charge of the report makes his privileged motion to proceed to its consideration, and it will no more displace the unfinished business to-day, Mr. President, than did the presentation of the report yesterday—it is only for the time being, like a motion to proceed to the consideration of executive business or whatever it may be. It is in the nature of privileged matter, not coming within the ordinary business of the Senate.

Mr. ALDRICH. It seems to me if the rule is read in regard to conference reports it may elucidate this whole question. I ask that the rule may be read from the desk.

Mr. GORMAN. If the Senator will permit me for a moment, I think the Senator from Massachusetts, if he will examine the rule, upon a moment's reflection, will understand that a conference report is privileged to be made at any time without displacing the current business; but, after being made and laid upon the table, if a motion is subsequently made and adopted to proceed to its consideration it displaces whatever is then pending in the Senate.

Mr. ALDRICH. I think the Senator from Maryland is wrong in regard to that.

Mr. GORMAN. Here is the rule.

Mr. STEWART. Let us hear the rule.

Mr. GORMAN. The rule is as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

So that it takes a motion to consider a conference report.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. GORMAN. I wish to say——

Mr. ALDRICH. I think I have the floor, Mr. President, have I not?

Mr. GORMAN. I do not know how the Senator obtained the floor. The Chair recognized me.

The VICE-PRESIDENT. The Chair will state that the Senator from Maryland addressed the Chair, and yielded to another Senator, who subsequently addressed the Chair.

Mr. GORMAN. I will yield to the Senator if he is desirous to be heard at this time, as he is chairman of the Committee on Rules.

Mr. ALDRICH. All I was about to say was that it requires no motion at all to take up a conference report. I think the trouble is in regard to the technical method in which this matter has been approached. The Senator from Massachusetts having the conference report in charge can undoubtedly at any time call it up for consideration. If objection is raised and the question is put to the Senate by the presiding officer, "Will the Senate proceed to the consideration of the conference report?" it is not a motion to displace the unfinished business or to make the conference report the unfinished business. It is simply a particular method prescribed by the rules to get a privileged question before the Senate.

Mr. LODGE. That is the whole thing, Mr. President. I called up the report as a privileged matter.

The VICE-PRESIDENT. The Chair will state the status of this motion as the Chair understands it. The request of the Senator from Alabama [Mr. MORGAN] for unanimous consent was denied. The Senator from Massachusetts [Mr. LODGE] then entered a motion to proceed to the consideration of the conference report. That is the pending motion now before the Senate. A question is raised as to the effect of that motion upon what is known as the unfinished business, being the Nicaraguan Canal bill.

Mr. ALDRICH. If the Senator from Massachusetts, instead of making the motion, had asked the Senate to proceed to the consideration of the report——

Mr. LODGE. That is precisely what I at first did.

Mr. ALDRICH. Then, as a matter of course, the Senate would have proceeded with it unless objection was raised. If objection is raised, then it is the duty of the presiding officer, without any motion on the subject——

The VICE-PRESIDENT. The Chair so understands, and the Chair has so stated, and that is now the pending motion. The Chair, of course, will hear any remarks Senators desire to make. The Senator from Maryland [Mr GORMAN] was recognized.

Mr. GORMAN. I do not desire to say anything further, but simply to again read Rule XXVII, which is as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The conference report was made about a week ago. It came here as a privileged report, was received by the Senate, and at the suggestion, I take it, of the chairman of the committee, went over and was printed. Two or three days afterwards it was called up for consideration in the morning hour, and at the expiration of the morning hour it went over because the Senate had an unfinished matter before it, the Nicaragua Canal bill, which displaced the conference report at 2 o'clock day before yesterday, after discussion. Now it is lying upon the table precisely as all other matters are lying there, to be taken up on motion, not as a matter of right—it has passed that stage—and the motion is made after 2 o'clock to proceed to the consideration of the subject. I desire only to be informed of the opinion of the Chair, and I submit it to the Chair whether, if that motion prevails, it does not permanently dispose of the Nicaraguan Canal bill, unless the Senate afterwards take it up by a vote. I contend that it does.

The VICE-PRESIDENT. The Chair will determine that question when it arises. The question is upon the motion of the Senator from Massachusetts.

Mr. GIBSON. I ask what is the motion before the Senate, Mr. President?

The VICE-PRESIDENT. The motion of the Senator from Massachusetts [Mr. LODGE] to proceed to the consideration of the conference report on the immigration bill.

Mr. LODGE. My motion was to take up the conference report.

The question of consideration is raised, to be determined, I suppose, without debate.

Mr. GIBSON. I object.

Mr. LODGE. The Senator can not do that.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. VILAS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. Otherwise I should vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], which I transfer to the Senator from Kentucky [Mr. LINDSAY], and vote "nay."

The roll call was concluded.

Mr. TURPIE. I ask whether the Senator from Minnesota [Mr. DAVIS], with whom I am paired, has voted?

The PRESIDING OFFICER. The Chair is advised that the Senator from Minnesota has not voted.

Mr. TURPIE. Then I withhold my vote for the present.

Mr. BATE. I ask if the Senator from Utah [Mr. BROWN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BATE. Then I withdraw my vote, as I am paired with that Senator.

Mr. BLANCHARD. I desire to inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BLANCHARD. I am paired with that Senator, and therefore withhold my vote.

Mr. McBRIDE. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. McMILLAN (after having voted in the affirmative). Has the Senator from Kentucky [Mr. BLACKBURN] voted?

The VICE-PRESIDENT. He has not.

Mr. McMILLAN. I am paired with that Senator, and withdraw my vote.

Mr. BACON. I have a general pair with the Senator from Rhode Island [Mr. WETMORE]. He being absent, I withhold my vote.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. Not knowing how he would vote, I withhold my vote.

Mr. NELSON. I am paired with the Senator from Missouri [Mr. VEST], but I transfer that pair to the Senator from Washington [Mr. WILSON] and vote "yea."

Mr. PASCO. That arrangement has been made with myself and the Senator from Minnesota. So the Senator from Washington [Mr. WILSON] will stand paired with the Senator from Missouri [Mr. VEST], which will enable the Senator from Minnesota and myself to vote, as the Senator from Minnesota has already done. I vote "nay."

The result was announced—yeas 35, nays 13; as follows:

YEAS—35.

Aldrich,
Allison,
Baker,
Brice,
Burrows,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cullom,
Daniel,
Faulkner,
Frye,
Gallinger,
Hale,
Hansbrough,
Hawley,
Hoar,
Lodge,
Mantle,
Martin,
Nelson,
Peffer,
Perkins,
Pettigrew,
Sewell,
Sherman,
Shoup,
Stewart,
Teller,
Thurston,
Tillman,
Walthall.

NAYS—13.

Allen,
Caffery,
Cockrell,
Gibson,
Gorman,
Mills,
Mitchell, Wis.
Morgan,
Pasco,
Pugh,
Roach,
Vilas,
White.

NOT VOTING—41.

Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Butler,
Call,
Davis,
Dubois,
Elkins,
Gear,
George,
Gordon,
Gray,
Harris,
Hill,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
McBride,
McMillan,
Mitchell, Oreg.
Morrill,
Murphy,
Palmer,
Platt,
Pritchard,
Proctor,
Quay,
Smith,
Squire,
Turpie,
Vest,
Voorhees,
Warren,
Wetmore,
Wilson,
Wolcott.

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. HILL. Mr. President, as a member of the Committee on Immigration, I assented to the report of the original bill. I voted for the bill when it passed the Senate. I am in favor of a reasonable restriction of immigration. The bill, however, has been changed in two particulars by the conference committee, to which I object. Those two particulars are, first, the provision which substantially excludes the wife although the husband is a competent immigrant; and, second, the provision which substitutes the words "resident country" instead of the words "or any other language." In my opinion, the bill ought to be changed in those particulars, and I appeal to my friend the Senator from Massachusetts [Mr. LODGE] to allow the bill to be recommitted to the committee of conference, without further objection on his part, in order that those two changes may be made. If that can be done, I think the bill ought to meet the approval of the Senate; at least, so far as I am concerned, I shall have no further objection to it.

Mr. CHANDLER. Will the Senator from New York allow me to ask him a question?

Mr. HILL. Certainly.

Mr. CHANDLER. The Senator from New York is a member of the Committee on Immigration, and was chairman of the committee in the last Congress. I ask whether or not he did not assent to the original provision of the bill by which the illiteracy test was applied to males and females alike?

Mr. HILL. I did not sign the report. I told the Senator from Massachusetts he might make the report and I would not dissent from it. That particular point involved was not, however, called to my attention.

Mr. CHANDLER. Did the Senator, after the vote of the Senate was taken by which the provision was made as to the wife, feel that the conference committee ought not to have interfered with that provision?

Mr. HILL. That is my idea.

Mr. CHANDLER. Mr. President, I wish to be allowed to say a word, if the Senator will permit me.

Mr. HILL. Certainly.

Mr. CHANDLER. The subject of restricting immigration commenced by the organization of immigration committees in the two Houses some eight years ago. It was soon found to be a subject of delicacy to secure the passage of laws restricting immigration. There was always the danger that the subject would run into party politics, and the moment any immigration bill was suggested that seemed likely to encounter party opposition, of course that bill was doomed, because no one party could pass an immigration bill.

What has been the result of these eight years of agitation? Simply this: There have been passed two administration bills, the act of March 3, 1891, and the act of March 3, 1893. They have made the administration of the existing exclusions of immigrants more strict and rigid, but have not added to the existing exclusions except in one particular, and that a nominal one. In one of the two laws the word "polygamists" was added, but, with that exception, the existing laws do not exclude any class of immigrants that was not excluded eight years ago when these committees were constituted and the agitation upon this subject began. The reason is that everybody who has investigated the subject, everybody who has taken part in framing legislation on the subject, has felt that it was necessary to have substantial unanimity in order to put any law upon this subject upon the statute book. So that we now, for the first time, approach the question of adding to the existing exclusion, and public sentiment and the efforts of the advocates of legislation have been directed toward an illiteracy test.

Mr. President, I realize now, as I have during the period of which I have spoken, that it is very desirable that there shall be substantial unanimity upon this question. I think, upon a review of the whole subject, in order to secure some approach to that unanimity, the chairman of the committee should assent to the objections of the Senator from New York, who was formerly the chairman of the committee, who has taken part in the deliberations of the committee, and who is entitled to have some regard paid to his judgment upon this question, and allow the report to be recommitted, so that the words "or some other language" may take the place of "the language of the native or resident country," and so that I may be allowed an opportunity, against my serious judgment on this question, to assent to the retention in the clause proposing a new exclusion of the word "wife," so that an illiterate wife may accompany her husband or be sent for by her husband, provided that husband is a qualified immigrant. I join in the request that the Senator from New York makes.

Mr. LODGE. Mr. President, the two objections which have been made to the conference report by the Senator from New York are obviously the two objections around which all the serious opposition to the bill, both in the House of Representatives and in the Senate, assemble. To myself one of them seems to involve a forced interpretation of the language of the bill, and the other I do not regard as an improvement of the bill—in fact, I am opposed to it; but I have no desire to endanger the legislation by involving it in needless opposition and delays on one or two points which are not absolutely vital. I am still more anxious that this conference report, which I am obliged by my position and by the stage which it has reached in legislation to press, should not be where it is going to block other important measures and add to the confusion now existing in regard to them.

I do not wish to be unreasonable, although I feel very strongly on the subject, and I will consent to the proposition made by the Senator from New York, and will move that the Senate nonconcur in the report of the conference committee and ask for a further conference with the House of Representatives.

Mr. GIBSON. Do I understand that the proposition of the Senator from Massachusetts to withdraw the conference report involves a request for recommittal?

Mr. LODGE. The Senator does not understand that at all. I have moved to nonconcur in the conference report and ask for a further conference.

Mr. GIBSON. Then, impliedly, as I understand it, that does involve a recommittal of the conference report to the committee.

Mr. LODGE. Of course it does. It involves asking the other House for a new conference. We can not refer it to a conference committee. We can only ask the other House to agree to another conference.

Mr. CHANDLER. In other words, if the Senator from Maryland will allow me, we are on his side just for the moment. We are with him just now.

Mr. GIBSON. I prefer to be the judge as to how far that is the case. I submit an amendment to what I conceive to be the recommittal of the conference report, and that amendment is that the report shall be recommitted with instructions.

Mr. SHERMAN. You can not instruct the conferees, if it is to be a free conference.

Mr. GIBSON. I am ready to suggest what those instructions shall be.

Mr. SHERMAN. It seems to me that if we are to have a free conference we can not instruct the conferees. There must be a free conference between the two Houses. If one House undertakes to instruct its conferees, it would not be a free conference. That is the difference between a free conference and a limited one.

Mr. GIBSON. With the most profound respect for the Senator from Ohio, for whom I have the highest regard, I am obliged to differ with the views he has suggested in reference to a free conference. The free conference applies to the first conference between the two Houses, where a free conference is absolutely required. If the conferees should subsequently report to the House that they had not a free conference, or if the conferees should report to the Senate the result of the conference, which results in a point of order being made upon the report, and in the face of the point of order the committee voluntarily withdraws the report and necessarily asks that it be recommitted to the conference whence it came, it is different. Therefore the suggestion as to a free conference applies in the first instance, and has not the power and effect, I respectfully suggest, that the Senator from Ohio has stated.

Mr. SHERMAN. I think there is nothing clearer in the ordinary course of legislation. Either House asks for a conference. It is always a free conference, because if the Senate should limit its conferees it would not be a free conference. The House might and would, according to the ordinary course, decline to enter into a conference which is not free and open. It is true that we may instruct our conferees to insist upon certain amendments, but those and all others must be submitted to the House on a free conference. We can not limit the action of the conferees except by expressing our opinion upon a particular subject-matter.

Mr. GIBSON. I will not insist upon the point which I have made in this connection, save to impress upon the Senate the views which I originally had in suggesting it.

Mr. SHERMAN. I wish to say also to the Senator from Maryland that I agree with him in many respects, and was not at all prepared, as I stated to the chairman of the committee, to vote for the report of the committee of conference. But if there is to be another conference, it ought to be free and unlimited.

Mr. GIBSON. I accept the suggestion of the Senator from Ohio, and waive any further suggestions.

Mr. PASCO. Mr. President, when the bill was first presented to the Senate, I was unable to vote for it. I was opposed to it until the amendment which was originally suggested by the Senator from New Jersey [Mr. SEWELL] was agreed to. I then gave it my support, and I regretted very much when the conference report came in with that amendment omitted. It is the amendment which appears on page 9 of the text in the bill before us, in the following language:

> All persons over 16 years of age who can not read and write the language of their native country or some other language; but an admissible immigrant over such age of 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild notwithstanding the inability of such relative to read and write as aforesaid.

If that clause had not been put into the original bill, I am satisfied it could not have passed in the Senate. It was understood when the Senator in charge of the bill accepted this amendment that the committee would stand by it, and it was a disappointment to the friends of the amendment when the conference report came in without it. It is a great hardship, as has already been suggested by the Senator from Maryland, that an immigrant coming into one of our ports with a wife or minor child over the age of 16 years who can not read and write should be obliged to leave his wife or child and come in by himself, and it is a very poor consolation to him to know that he can bring his illiterate grandfather along, although he is obliged to leave his wife and his child to be sent back to their former residence deprived of his protection. Before the bill is recommitted I hope it will be clearly understood that the original clause or one like it is to be put back into the bill. I should have been glad if the course suggested by the Senator from Maryland had been adopted, and the instruction given to the committee to restore the omitted provision to admit the illiterate wife and minor children of an admissible immigrant. But although he has not insisted upon his motion, I trust that when the bill comes back again to the Senate this clause will be restored, and that an immigrant who comes into the country possessed of the proper qualifications will not be obliged to leave part of his family to be shipped back on some returning vessel in case they do not understand how to read and write.

That is all I have to say in reference to the matter. I trust the committee of conference will fully restore this provision. If it does, I shall then be willing to vote for the bill, but I can not vote for it in the shape in which it stands before the Senate.

Mr. GORMAN. Mr. President, I wish to say a few words in addition to what the Senator from Florida [Mr. PASCO] has so well stated about its provisions to the Senators who have charge of this measure. I understand perfectly that it is very desirable to have some restriction upon immigration, and to a fair bill I would have no serious objection. The bill as it passed the Senate was not altogether satisfactory to me, but in the main I made no special objection to it. When, however, the conference committee undertook to change, as they did change, for the first time since I have had the honor of a seat upon this floor, the provisions that had been agreed to by both Houses of Congress, which were material, which went to the very substance of the bill itself, in my judgment they exceeded their authority. When they added to it a new section which had never been considered by either House, they went way beyond the authority of a conference committee.

When objection was raised to the conference report upon these material grounds, and for these reasons alone, so far as I am concerned, the distinguished chairman of the committee, in a very warm and ill-tempered speech, defending his report, made statements that he ought not to have made upon this floor. He said that, with the exception of one or two gentlemen who have considered the question, the opposition to the bill was from a corporation.

Mr. LODGE. I said the outside opposition, and I am glad to repeat it.

Mr. GORMAN. What does the Senator mean by "outside opposition?"

Mr. LODGE. Outside of these Chambers.

Mr. GORMAN. What has that to do with the attitude of any Senator on this floor in the consideration of this question?

Mr. LODGE. I can not conceive that outside pressure would influence any Senator, Mr. President.

Mr. GORMAN. The Senator from Massachusetts should be the last to make such a speech as was made upon that occasion. He intended to convey the impression to the country that the opposition here is from steamship companies, from one great concern especially, a German line of steamers. If the Senator did not intend to convey that impression, then I do not know what the English language means. Mr. President, if the bill goes back to a conference again, to the same committee or with a chairman who believes that the demand for the insertion of a provision to permit a wife, an ignorant wife of a man, to come in, as was agreed to by both Houses in substance, is backed up only by one great steamship company, I fear the next conference.

What I desire to say to the Senator from Massachusetts now is that unless the bill as it comes from the conference next time has the provision in it as it passed the other House, applying only to males, or the provision as the bill passed the Senate, admitting the wife as well as the grandparents, the antagonism will be to the end of this session, for there is a great principle involved. It would be a great hardship if the bill passed in that shape, and it will not prevent opposition because a member on the other side of this Chamber talks about the influences of corporations and steamship companies.

If the House of Representatives will agree to the bill substantially as it passed here and as they passed it, then I shall have no serious opposition to it. But I would not be content to send it back to the conferees with such a statement as that made by the chairman of the conference committee, without making this statement at least, Mr. President.

Mr. LODGE. Mr. President, I certainly did not speak in any ill temper whatever when I spoke the other day; and I find on looking at my remarks, which I have not looked at since they were delivered, that, as I supposed, I took the utmost pains to say that no opposition in this Chamber or in the other House of Congress was included in what I had to say about corporate influence. But I did say that corporate influence was exerted against the bill, and I repeat it, and, what is more, I proved it by the telegrams of the great corporation. I have never seen such circulars used before; I have never seen such telegrams used before, and I call it an utterly improper interference on the part of that corporation. They have used all their machinery to arouse feeling outside, and in telegrams and circulars, which I have had printed, they have threatened Congressmen with defeat. I do not mean to say they influenced a human being, but they have made the threats with the intention of influencing them.

Of course, no one in this Chamber would be influenced by a corporation, but that does not make it any better that a corporation comes here with its threatening telegrams and its threatening circulars, telling members of the other House that they will be defeated if they vote in a certain way. I cast no reflection on anybody in either House. I had no right to do so, even if I had desired, and I had no desire to do it.

But I stand by every word that I said about that corporate influence. I produced on this floor the proofs of what that corporation has been trying to do. I published them in the newspapers before I spoke. Then I said that I thought such an exhibition of corporate influence and such attempts on the part of a corporation to influence members of the House or the Senate by threats in that way were something greatly to be deprecated. By that opinion I stand, and I am perfectly willing to leave it to the judgment of our constituents and of the voters of this country whether that sort of corporate influence is desirable or decent.

Mr. CHANDLER. Will the Senator from Massachusetts read the last clause in the telegram, to have telegrams sent to members of Congress?

Mr. LODGE. It says:

> Wire your Congressman, our expense, protesting against proposed exclusion and requesting bill be defeated, informing him that vote in favor means defeat next election.

Mr. CHANDLER. That means necessarily his own defeat at the polls?

Mr. LODGE. Of course. It is signed "Claussenius & Co., North German Lloyd agents in Chicago." All I did was to speak against that corporate influence, and I know that no Senator would agree with me more cordially than the Senator from Maryland in that objection to attempts of corporate influence to threaten Representatives or Senators.

Mr. GORMAN. Mr. President, I am delighted to have the Senator from Massachusetts raise his voice against corporate influence to control Congress. I hope he will often in the next year raise his voice in Congress against the power of corporations in attempting to take from the people just rights or to impose upon them greater burdens of taxation or to give to corporations greater power to make money through the national banks and other mediums through which they act. I am glad to see the Senator from Massachusetts fearing the result that is to follow from corporate influence.

The country has just passed through a scene where corporate wealth and corporate power probably controlled. At least, it was the balance of power which selected our rulers in this country for the next four years. I am delighted that the structure which has been built up and used is now beginning to trouble gentlemen on the other side of the Chamber. When, however, you invoke it, when you bring it in here simply because there is an attempt to vote down a conference report which excludes the honest wife of an honest immigrant merely because she can not read the Constitution of the United States in some language, and tell us that this foreign corporation is at the door of Congress throttling Senators and Members, and that it is the power which is standing up for these poor women, the wives of these immigrants, the Senator from Massachusetts will permit me to say it is begging the question. It has nothing to do with it. The number of immigrants, the women we propose to let in, who would come upon the North German Lloyd steamers would be insignificant. You can not hide behind the corporation this shameless attempt to prevent a man from bringing his wife with him to this country. No picture of corporations, which is distasteful to every man on this side of the Chamber, and would be, I have no doubt, on the other side, so far as the attempt to influence legislation is concerned, can deter us from doing our duty in preventing a committee from violating the rules of this body and the general parliamentary law by excluding from the bill two features which both Houses have agreed to.

The Senator from Massachusetts ought to know that the German Lloyd Company and all the other steamship companies have no special influence on this side of the Chamber. I could quote to the Senator the statements of members of his own party who frankly admit that but for the influence of the German Lloyd Company and the balance of the steamship companies and the corporations and the immigrants of the very class whom it is proposed to exclude, your party would now be in the minority. Of the votes of Americans, the Democratic party stands representing very much more than half, almost two-thirds. It was the Germans scattered from Maine to the Pacific and this class of voters whom you now propose to exclude who gave you your majorities in all the States of the West which you carried, and nearly all of the States in the East. The understanding, growing out of political emergencies, with that large body of American citizens who are intensely American demanded some restriction in immigration, that the mechanics of this country could be more thoroughly protected hereafter. And yet under the provisions of this bill there is not to be excluded a single man of genius or a mechanic of any ability.

There is no relief to the industrial people of this country even under the bill as it stands, except for the laborers who go into the cotton fields in the South and in the trenches to work on railroads and canals, the most subordinate positions in the country. There is no relief in this bill, as it passed the Senate or the other House or as it is proposed to be amended by the committee, which amounts to anything. A blacksmith, or a mason, or a machinist, or a man in nearly any of the other trades can read and write. It is relief only to that class who, as I say, are downtrodden, who have not had the opportunity and never will have to learn anything on the other side, and who would come here to perform the most menial service. But in enabling them to come in, or whoever does come in, what we contend for and what I trust the committee of conference will take note of when they come to consider the matter again, is that the provision which excludes women, which makes war upon an honest but unfortunately an ignorant wife, can not pass through the Senate at this session. It ought not to pass it at any time. The conference committee must take notice that they have no right to frame a bill by adding a section that was never considered by either House of Congress.

The Senator from Massachusetts has had the matter long under consideration. The bill has been long under consideration in both Houses of Congress. If it was not a perfect bill, one which could be executed, it is the fault of both Houses. It is a misfortune, possibly. But the committee of conference had no right to add to it another section that had never been submitted here for discussion, that we had not been permitted to look at, which, coming under the rule as it does as to conference committees, could not be amended, for there is no vote but one to concur in the report or to send it back. The report can not be amended. It must be voted on as a whole, and hence the strict rule which prohibits you from putting new matter in a bill in conference or changing materially the matters that have been considered by both Houses and a determination reached.

Now, that is all I desire to say, reserving careful consideration of the report when it comes back hereafter.

Mr. GRAY. May I ask the Senator from Maryland before he takes his seat, as he is a good parliamentarian, whether a vote to recommit the bill to the conference committee does not carry with it impliedly an instruction to insist upon the Senate amendment? If it does not, that ought to be incorporated in the language of the resolution for recommittal.

Mr. GORMAN. Of course, very much depends upon the conferees. It is very seldom that a case ever arises in the Senate when the conferees do not desire to carry out the will of the body, and I have never known a contested case where the conferees were not selected with a view to carrying out the will of the Senate. They ought to adhere to it, but not to the extent of preventing an agreement. Some gentleman who is favorable to the position of the House he is to represent ought to be on the conference committee, as a matter of course. I do not believe that it goes to the extent——

Mr. HOAR. I rise to a question of order, if the Senator from Maryland will pardon me. What is the pending question?

The VICE-PRESIDENT. The pending question is on agreeing to the motion of the Senator from Massachusetts [Mr. Lodge] to nonconcur in the report of the committee of conference and ask for a further conference.

Mr. HOAR. The Senator from Maryland has spoken of it always as a motion to recommit, which, I understand, is not the pending motion. That motion would not have been in order.

Mr. GRAY. It is practically that.

Mr. GORMAN. I understand the Senator from Massachusetts says it is not a motion to recommit. Practically it is that. It means that. The bill goes back to the same conferees.

Mr. FRYE. The proper motion would be that the Senate nonconcur in the report of the committee, insist upon its amendments, and ask for a further conference.

Mr. HOAR. That motion has been made.

Mr. LODGE. That is the precise motion which I made.

Mr. GORMAN. I understand the Senator from Massachusetts [Mr. Lodge] made that motion.

Mr. LODGE. Precisely.

The VICE-PRESIDENT. That is the pending motion, upon which the Senator from Maryland addressed the Chair.

Mr. CHANDLER. Mr. President, there are two extraordinary things in the speech of the Senator from Maryland. There is no need, I will say to the Senator from Delaware, of any instructions to this conference committee. They have been instructed by the Senator from Maryland, who has notified the Senate and the country that if the bill comes back from the conference and does not suit him, every method is to be resorted to to prevent its passage.

Mr. GORMAN. I did not make any such statement.

Mr. CHANDLER. We understand what that means. That means that this conference——

Mr. GORMAN. I want to stop the Senator right there to say that I made no such statement.

Mr. CHANDLER. The language of the Senator will be read in the Record.

Mr. GORMAN. Yes; it can be read at any time.

Mr. CHANDLER. The Senator's statement was something like this, that all means would be resorted to to prevent the passage of the bill, which I understood to mean then, and I understand it now to mean, that filibustering methods will be resorted to to defeat the conference report if it does not come back here to suit the Senator from Maryland. If he did not mean that, of course he will disclaim that meaning; but I certainly so understood it. I say that was an extraordinary speech for the Senator from Maryland to make upon a measure of this kind, the conferees of which have been endeavoring to so arrange it, to so amend it, as to make it acceptable to the great bulk of Senators upon this floor and to the great mass of the members of the House of Representatives.

Mr. President, there is another extraordinary thing in the speech of the Senator from Maryland. He has made the first political speech that has ever been made in the Senate in the discussion of the immigration question. So far as I know, there has not been an attempt in all these years to introduce party politics into the subject. I supposed that the Senator from Maryland was as desirous, as I supposed the distinguished Senator from New York, a member of the Committee on Immigration, former chairman of the Committee on Immigration, was desirous, of framing a bill which, in accordance with the platforms of the two parties, the Senator's party and my party, should limit and restrict the growing evil of injurious immigration. No; the Senator is not content with that, and he has gone on here and has undertaken to introduce a political discussion at this time, a discussion which will be entirely fit when a tariff bill comes to be considered, or when any question that ought to be brought into politics or can by human device be brought into politics is under discussion in this Chamber. The Senator is the first to try to take advantage of the pendency of a bill of this kind, which the friends of the measure and the friends of the country are trying to put into shape, if they possibly can, so as to obviate all objections and secure unanimity in its passage.

The Senator from Maryland undertakes to drag party politics into the discussion of the subject. I regret that the Senator has done that. I regret that the falling fortunes of the Senator's party have required him, in his opinion, to seek to take a political advantage of the pendency of a beneficent bill of this kind, which has nothing partisan in it, which has had everything eliminated from it which by any possibility could give either party an advantage or have a party argument made to rest upon it.

The Senator has taken advantage of the pendency of this bill to renew political discussions. Mr. President, I deprecate it. I shall be glad to discuss with the Senator, when the next report comes in, the question whether the conference committee has exceeded its authority. I trust when that report is made the Senators on both sides of the Chamber will refrain from an attempt to introduce political questions in connection with immigration, because if they are introduced all attempts to restrict the undesirable immigration and to protect the laborers of this country will come to naught.

Mr. CARTER. Mr. President, I voted for this bill as it passed the Senate, and I hope it may be put in such form in conference as to merit my vote again. I do not now wish to present any instructions to the committee of conference, nor do I rise to hinder or delay action; but I do desire to call attention to one peculiarity of the bill as presented by the conferees, which seems to me very seriously objectionable.

It will be observed that section 3 of the bill as it passed the House and section 4 of the bill as adopted by the conference committee are practically identical sections. Section 3 was stricken out by the Senate from the House bill, and is embodied neither in principle nor in phraseology in any form in the Senate bill. That section provides, if agreed to—

> That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

This provision of the bill was manifestly intended to apply in practice to citizens of the Dominion of Canada. It must be borne in mind that the entire population of Canada does not exceed 5,000,000 souls. The population of the United States equals about 70,000,000 to-day. There are fifty citizens of the United States engaged in useful and lucrative business occupations in the Dominion of Canada to one Canadian finding employment within the limits of the United States.

Mr. LODGE. Will the Senator from Montana let me ask him a question on that point?

Mr. CARTER. Certainly.

Mr. LODGE. I understand the Senator to say, then, that there is fifty times the opportunity in Canada for employment that there is in the United States?

Mr. CARTER. The proportion of population being considered, I say that there are fifty citizens out of our 70,000,000 employed in Canada where there is one citizen out of the 5,000,000 Canadians employed on this side of the line.

Mr. LODGE. There is more of opportunity to get employment in Canada than there is here?

Mr. CARTER. There is a broader country undeveloped in Canada than there is in the United States, and we have over 70,000,000 as against their 5,000,000. We have an aggressive and progressive people in invading an undeveloped country all over this continent; we have an irrepressible population. West of the main range of the Rocky Mountains, in the Kootenai country and all through that vast, magnificent mining region, extending thence to the Pacific Ocean, there must be to-day of the citizens of Montana alone fully 10,000 miners engaged in useful work, making good wages in that country. Those people are treated with the same consideration which is accorded a resident of Canada or a citizen or subject of Great Britain. They are required to take out a miner's license, for which they pay the usual fee, and no discrimination in that behalf is made against a citizen of the United States. On the other hand, there are a few individuals on the Eastern coast who come down from Canada every year to chop wood in winter and to pick hops, possibly, in the summer season. If we incorporate this proposed section in the law, we will constrain the Dominion of Canada or the local parliament of British Columbia to initiate retaliatory legislation. We invite it; we put them upon their manhood to enact it as an ordinary vindication of common self-respect. I do not wish any measure to be incorporated in this or any other law which will justify the Dominion of Canada in resorting to drastic measures to drive the laborers of the State I have the honor in part to represent out of the lucrative employment they find at the present time in British Columbia.

I think this part of the proposed act should be stricken out in conference. I do not wish to indulge in any threat or menace if such action should not obtain, but I express the sincere hope that the conference committee will take into consideration the injurious effects that would follow the retention of this particular feature of the measure as it now stands.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. Lodge].

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. Lodge, Mr. Chandler, and Mr. Faulkner were appointed.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. VILAS. Mr. President, at the time when the Senate adjourned last night I had considered the two reasons which were given by the Committee on Foreign Relations to sustain their opinion that the Clayton-Bulwer treaty is no longer of obligation upon the United States.

A third reason was suggested by the Senator from Alabama [Mr. Morgan], the distinguished chairman of the select committee, to the effect, as I understand it, that because this country independently and Great Britain independently had made treaties with Nicaragua since the Clayton-Bulwer treaty was ratified, therefore the Clayton-Bulwer treaty was no longer obligatory upon us.

It will be recognized at once that any treaty which the United States could have made independently with Nicaragua could in no manner discharge the obligation which the United States had assumed and contracted to observe by the Clayton-Bulwer treaty with England. If, then, there is any force whatever in the suggestion of the Senator from Alabama, it must find that force in the terms of a treaty made by England with Nicaragua to which we could rightfully take exception. If any such treaty as would operate to discharge the United States from her obligation to Great Britain has been made by England with Nicaragua, I should like to have it pointed out and the terms of it submitted, so that we could form a judgment upon it with due consideration. But no such treaty is brought before us, and never in any other report or argument which I have been able to find, in which this subject has been in anywise considered, has any such point been taken against the validity and binding obligation of the Clayton-Bulwer treaty upon us.

The language used in the report made to this Congress by the select committee I will read, in order that it may appear from those words that evidently no such contention can be successfully maintained. Indeed, I would not have supposed that it would have been urged from what the report says, or that it was intended to mean that.

The question as to the Clayton-Bulwer treaty—

I read from page 12 of the report made at the first session of the present Congress, Senate Report No. 1109—

> in its relation to this canal, whether it exists or is liable to revocation or denunciation for any cause, can not prevent either of the treaty powers from the enjoyment of rights acquired from Nicaragua by later treaties, both Governments having affirmed by unequivocal acts in obtaining such rights that each had the separate right to secure them by treaty with Nicaragua.
>
> An inquiry into the questions, if there are any, as to the rights of the two Governments under the Clayton-Bulwer treaty is entirely apart from the rights of each country under their respective treaties with Nicaragua, which were concluded at a later period.

Mr. President, if the theory of invalidity is to be based upon the assertion that because the United States have made a separate treaty with Nicaragua, then the proposition would be simply that we could discharge our obligation to Great Britain under the Clayton-Bulwer treaty by making a treaty with some other country in violation of it. If there be anything which Great Britain has done to discharge our obligation to that country under the Clayton-Bulwer treaty, then that action of that Government should be presented to us. Though we might by some treaty with another power break our treaty with Great Britain, we could not release ourselves from its obligation. The point is so obvious that it hardly needs discussion.

But, sir, I suppose the transaction to which the Senator from Alabama alludes was one which took place prior to the time when the President of the United States, Mr. Buchanan, by his message of December, 1860, advised the Congress that the complaints which had been urged against Great Britain had been removed by her action. So that, so far as that is concerned, there is and can be nothing in the point that we could now dismiss ourselves from the undertakings into which we had entered because of the action of Great Britain then.

But, sir, I wish to call attention to one other fact which is in complete denial, in utter extinction, of any right on our part to say that the Clayton-Bulwer treaty is either voidable or has become avoided altogether. We have, long since the time when these supposed acts of infringement took place, insisted upon the Clayton-Bulwer treaty in communication with Great Britain, and claimed its binding obligation upon that country. I will point to but two or three dispatches which fix our acknowledgment of the validity of the Clayton-Bulwer treaty beyond all reasonable doubt or contradiction. I call attention, first, to the dispatch of our Secretary of State, Mr. Fish, to our minister to England, General Schenck, under date of the 26th of April, 1873, which will be found in the document called "Correspondence in relation to the proposed interoceanic canal between the Atlantic and Pacific oceans, the Clayton-Bulwer treaty and the Monroe doctrine." The document is not numbered except as it is declared to be a "Reprint of Senate Executive Documents No. 112, Forty-sixth Congress, second session; No. 194, Forty-seventh Congress, first session; and No. 26, Forty-eighth Congress, first session."

Mr. GRAY. When was it reprinted?

Mr. VILAS. It was reprinted in 1885. That dispatch, of which I will only read the beginning and conclusion, directed our minister to England as follows:

> DEPARTMENT OF STATE, *Washington, April 26, 1873.*
>
> SIR: You are aware that a main object of the Clayton-Bulwer treaty, so called, of the 19th of April, 1850, was to provide against obstruction by either party to a ship canal to the Pacific through Nicaragua. A work of that kind was then deemed specially necessary and desirable for us, as California had recently been acquired, the only practicable way to which was across the Isthmus of Panama or around Cape Horn. For some time previously to date of that instrument, and especially during the considerable period when the United States were without a diplomatic representative in Central America, it seemed to be the policy of the British Government to avail itself of what was called its protectorate of the King of Mosquitos to wrest from Nicaragua that part of its territory claimed on behalf of that Indian chief, including, of course, the mouths of the San Juan River, by the way of which it was supposed the proposed ship canal must pass. The Clayton-Bulwer treaty effectually checked this pretension. It also, in terms, forbade either party to occupy or fortify in any part of Central America. The British Government, probably actuated by an apprehension that this stipulation might be construed against their claims at Balize, Honduras, instructed Sir H. L. Bulwer to make the declaration of 29th of June, 1850, when the ratifications were to be exchanged, to the effect that they did not understand the engagements of the convention to apply to Balize and its dependencies. In a note to Sir Henry of the 4th of July, 1850, Mr. Clayton acknowledged that it was not the purpose of the convention to apply to Balize and its dependencies.

Then follows other discussion of that treaty and of certain points of objection to supposed recent action of Great Britain, which I shall not weary the Senate by reading, but I note the concluding part. Speaking of the representations of a minister of Guatemala here, Mr. Dardon, Mr. Fish directs the minister to England, first, to ascertain the correctness of the representations of Mr. Dardon as to the cause of the discontinuance of the demarcation of the boundary complained of, and then adds this instruction:

> If the statement of that gentleman should prove to be correct, you will then formally remonstrate against any trespass by British subjects, with the connivance of their Government, upon the territory of Guatemala as an infringement of the Clayton-Bulwer treaty which will be very unacceptable in this country.
>
> I am, etc.,
>
> HAMILTON FISH.

But we have a much more recent acknowledgment of the validity of the Clayton-Bulwer treaty. There have been several in the course of our correspondence. On the 19th of November, 1881, Mr. Blaine, being then our Secretary of State, addressed Mr. Lowell, our minister to England, in a dispatch which will be found as No. 338 of the communications with Great Britain in the document called Foreign Relations, volume 1, of 1881 and 1882. In that dispatch Mr. Blaine called attention to the increase of our interests in that region as rendering some change necessary in the terms of our treaty with Great Britain, called the Clayton-Bulwer treaty. He says in the early part:

> The respect due to Her Majesty's Government demands that the objections to the perpetuity of the convention of 1850, as it now exists, should be stated with directness and with entire frankness; and among the most salient and palpable of these is the fact that the operation of the treaty practically concedes to Great Britain the control of whatever canal may be constructed.

Then he proceeds to further discussion, which I do not wish to take up time——

Mr. HOAR. When was that?

Mr. VILAS. That was November 19, 1881.

Now let me turn to what Mr. Blaine desired with reference to this treaty in a later part of the same dispatch:

> It is earnestly hoped by the President that the considerations now presented will have due weight and influence with Her Majesty's Government, and that the modifications of the treaty desired by the United States will be conceded in the same friendly spirit in which they are asked.
>
> The following is a summary of the changes necessary to meet the views of this Government:
>
> First. Every part of the treaty which forbids the United States fortifying the canal and holding the political control of it in conjunction with the country in which it is located to be canceled.
>
> Second. Every part of the treaty in which Great Britain and the United States agree to make no acquisition of territory in Central America to remain in full force.

I forbear to read the argument added to that second proposition.

> Third. The United States will not object to maintaining the clause looking to the establishment of a free port at each end of whatever canal may be constructed, if England desires it to be retained.
>
> Fourth. The clause in which the two Governments agree to make treaty stipulations for a joint protectorate of whatever railway or canal might be constructed at Tehuantepec or Panama has never been perfected. No treaty stipulations for the proposed end have been suggested by either party, although citizens of the United States long since constructed a railway at Panama and are now engaged in the same work at Tehuantepec. It is a fair presumption, in the judgment of the President, that this provision should be regarded as obsolete by the nonaction and common consent of the two Governments.
>
> Fifth—

And the most important of all to our present discussion—

> Fifth. The clause defining the distance from either end of the canal where in time of war captures might be made by either belligerent on the high seas, was left incomplete and the distance was never determined. In the judgment of the President, speaking in the interest of peaceful commerce, this distance should be made as liberal as possible, and might, with advantage, as a question relating to the high seas and common to all nations, be a matter of stipulation between the great powers of the world.

In the concluding paragraph, after expressing the points of change that were desired, the minister was instructed to acquaint Lord Granville with the purpose of the United States, etc., in his own way.

Sir, just think of that dispatch, were we to answer Great Britain, if she insisted upon the obligation of the Clayton-Bulwer treaty, that it was in 1853 practically abrogated, or that it had become obsolete, or that anything she has done has operated to discharge the United States from the obligations assumed by it! Is it not so obvious that no Senator in this Senate could pretend such a thing for a moment, after such insistence upon that treaty long posterior to the events spoken of as affecting its obligation, and when our minister to England was instructed by this Government to insist upon its terms to restrain and prevent some action of England, and when again, eight years later, our minister was instructed to lay before England a proposition for some modification of it? Is it possible that any Senator here could pretend for a moment that were our dealings with a great power, or with any state, whether great or small, of such a nature as that the United States could be less than dishonored if we did not recognize our obligation?

In another dispatch on the 29th of November from the Secretary

of State, Mr. Blaine, to our minister, Mr. Lowell, in which he referred to the former and made some further discussion in regard to it, he speaks thus of this treaty of which we have been talking as if it were of no account as concerns this bill:

> In perusing—

Says Mr. Blaine—

> the voluminous correspondence, unprinted as well as that printed and submitted at the time to Congress and to Parliament, I am more than ever struck by the elastic character of the Clayton-Bulwer treaty, and the admirable purpose it has served as an ultimate recourse on the part of either Government to check apprehended designs in Central America on the part of the other, although all the while it was frankly admitted on both sides that the engagements of the treaty were misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious. I am, as I must confess, strengthened in this impression by the circumstance that in his response to my dispatch of the 24th of June last, Earl Granville takes the ground that the position of Great Britain and the United States toward the projected Panama Canal is determined by the Clayton-Bulwer treaty.

I do not need to read more to illustrate the point.

Mr. President, let us pause a moment to sum up the evidences in respect to the declared policy of the United States upon the subject of this canal. I showed upon yesterday that from the first moment when it became a matter of official discussion in our Department of State the statesmanlike, wise, and farseeing policy of a complete neutralization of that canal was foreshadowed by Mr. Clay. From that time on, by resolution adopted in the Senate, by report of committee in the House, by message of the President of the United States transmitting the treaty of Granada, which was based upon a similar policy, and promptly ratified, and finally by the negotiation and ratification of the Clayton-Bulwer treaty, every line of official action by executive and legislative departments of the Government had declared our policy to be one of neutralization in war as in peace of that canal.

Sir, let us go a step further. I wish to consider next whether this policy is not so obviously the right policy that if now, for the first time, we were to consider what should be adopted to guide our national action, we should not be driven by force of reason to the same conclusion which has found continuing expression in all our public action.

Let us see, sir, what is this theory that by a taking phrase has been laid down to the people of America for our true national line of action, as "an American canal under American control." What is meant by "American control?" Does it mean control of that canal exclusively by the United States, or in such conjunction with the state upon whose territory it shall be built as that practically the dominance of the United States is complete and the exclusiveness as much hers as if she owned the territory? If so, sir, what is the significance of that control? Is it that we shall say whether vessels of other countries shall pass through the canal between the two oceans at our pleasure? That question has two branches. First, as it relates to the ships of commerce in time of peace or of war—not the ships of belligerents—and, second, as it relates to ships of war either in time of peace or in time of war.

Suppose the first, and that we were to enact this bill by which the United States Government incorporates itself, and in a corporate capacity goes forth under this concession from the State of Nicaragua to build that canal, and then as owner or proprietary, with the assent of Nicaragua, denies to the vessels of commerce of other nations of the world the right to pass through on payment of the fixed tolls. Mr. President, think of the posture in which that would place the canal toward England and Germany and France, whose commercial vessels seek to use it in order to escape the long and stormy passage around Cape Horn. They would deal with Nicaragua. The United States would not be there as a sovereign, but as a corporation. Nicaragua is the sovereign upon whose territory this junction of the oceans will have been built. England would say to Nicaragua: "The United States enjoy the right to pass their ships at will through that canal on payment of tolls. Are we to exist with you under the least-favored-nation arrangement?" Would not England, Germany, France, all the naval powers of the world, say to Nicaragua at once: "You will hold no exclusive control over the waters of that strait which has been moved northward from the Straits of Magellan;" and their representation would be so potential, so absolutely irresistible, that Nicaragua would in an instant recognize the obligation to treat those countries as she treats the United States.

More than that, Mr. President, this very concession, under which it is suggested to us that we should go there to build a canal as a corporation, provides for the very thing, as I read to the Senate on yesterday, and by the terms of that concession it would be necessary for this poor Government of ours, in its corporate capacity, to admit the vessels of other nations to pass on payment of the tolls.

Mr. TURPIE. Mr. President, I suggest that there is no quorum present.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from Indiana raises the question as to the presence of a quorum. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Caffery,
Carter,
Chandler,
Chilton,
Clark,
Cullom,
Faulkner,
Gallinger,
Gibson,
Gordon,
Gray,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Morgan,
Palmer,
Pasco,
Peffer,
Perkins,
Pugh,
Roach,
Sewell,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
White,
Wilson.

Mr. BATE. The name of my colleague [Mr. HARRIS] has been frequently called during the various roll calls which have been had. I wish to state that my colleague is sick and unable to attend the sessions of the Senate. I desire to have that fact recorded.

The PRESIDING OFFICER. Forty-six Senators having answered to their names, a quorum of the Senate is present.

Mr. VILAS. Mr. President, suppose another theory of our control of vessels of commerce. Is it meant that the United States can fix different rates of toll for the vessels of different nations? How long, think you, sir, would England, Germany, France, the nations of the earth who send their ships abroad, permit Nicaragua to allow her corporation to charge one toll for the passage of an English, German, French, or other ship through that canal and a lesser toll for the passage of a ship of the United States? How long, think you, would they tolerate the Republic of Nicaragua in discrimination against their commerce on the high seas in order to throw an advantage to the United States? How long, if either we undertook to exclude—we in our corporate capacity, I mean—the vessels of other nations or to impose discriminating tolls upon them, would it be before the guns of England resounded on the coast of Central America? We saw but a little while ago how quick she was to seize upon a port there for indemnity because merely some injury had been done to one of her citizens by officials of that State. And if those powers were to unite in such demand upon Nicaragua, is it then that the United States would show herself in her sovereign capacity and come out of the skin of the corporation to say, "Lo, here is the ally of Nicaragua"? How should this Government then appear? Not after the old fable of the ass braying in the lion's skin, nor perhaps as the lion roaring in the ass's skin, but to the eye of the world it would probably seem the ass was there in his own proper person and apparel. It is obvious at once that to establish that canal in this manner or to assert that control over it would be to invite war with the nations of the earth. Our country would tolerate no such injury. If any nation undertook so to deal with the United States in respect to such a waterway as that, it would be the signal of war unless the pretension were withdrawn.

Let us think of it for another moment, to put it on the lower plane. How would the United States derive these golden showers of dividends if it were to exclude the vessels of commerce of other nations from passing through the canal? The theory of the distinguished chairman of the select committee is that great gains can be derived by the corporation which shall build the canal from the tonnage dues it will levy upon the vessels of other countries. No, sir; if we refuse to them the right to pass; not if we put discriminating duties upon them, for they would not pass. It could only be made useful if it were perfectly certain that whenever any vessel of commerce put into Grey Town or Brito its right of passage through the canal was assuredly foreknown, because its voyage must have been directed with reference to that expectation. It is hardly open to question then for an instant. I do not believe that any man upon this floor can argue that the United States as a corporation, Nicaragua as a sovereign, or Nicaragua and the United States in alliance could maintain exclusiveness in that canal.

But let us pass to the other branch. How would it be in case of war? Could Nicaragua or the Maritime Canal Company of Nicaragua undertake to maintain the canal on a different footing from that which has been adopted by the civilized nations of the earth with others? What is demanded in respect to such a water with reference to a state of war? That question has been presented to Europe. It has been presented to the United States with reference to this very canal, and, as I showed by the Clayton-Bulwer treaty, there stands now our explicit agreement obliging us to permit England to send her vessels of war through the canal at her will, even though we were her antagonist, and the accompanying and supplementary engagement that we will endeavor with her to extend a similar arrangement to the other powers of Europe. Unless that were done in every war that might occur, in which the vessels of either belligerent were excluded from the canal, the fact would constitute at once a provocation to destroy it. If the vessels of one belligerent should enjoy it while the vessels of another were excluded, at once the canal becomes the scene of hostile conflict. All that has been fully considered by the statesmen of Europe in a similar case—the Suez Canal. They have had these questions before them and they have met them in that broad, strong, understanding way in which the great men of the world look upon questions of this kind.

I shall show the story in a very clear and direct narration given in an interesting article a year or two ago by Mr. Woolsey. I read from the Yale Review of November, 1895, an account of the way in which the Suez Canal was built, and how the great powers of Europe have dealt with its use:

> The Suez Canal was dug by a French company under a concession from the Khedive of 1856, confirmed by the Sultan, his suzerain. Article XIV of this concession embodied a formal declaration that the canal should be always open as a neutral passageway to merchant ships of every nationality. But this was clearly insufficient, for Egypt, even with the possible backing of Turkey, was too weak to make the declaration good. A much stronger guaranty was needed for its effectiveness. Moreover, nothing prevented Turkey, in case of war, from blocking the canal, or even breaking it. The world's commerce was not guaranteed against the guarantor. For the security of this commerce a European concert was needed. What shape should this take?
>
> Twenty years before a spade was struck into the sands of Suez, Prince Metternich had answered this question. In 1838 Mohammed Ali had asked his opinion in regard to a Suez Canal project, and received this reply: That if he wished to secure the accomplishment of his plan he should look to a neutralization of the canal by a European treaty. On this line the solution of the problem has been worked out, not without difficulties. The first step was taken in 1873. At Constantinople, in December of that year, was signed an agreement that the Suez Canal should be open to transports and ships of war of all signatories alike. Accepted by Turkey and the canal company, this act was acceded to by nearly all the European powers, including Russia. Thus the principle of European control was initiated.
>
> In 1877 came the war between Russia and Turkey. It was of the greatest importance to commerce that the canal should be free from its operations. To this end Great Britain issued a declaration that any attempt to blockade the canal or its approaches would be regarded as a menace to India and an injury to the commerce of the world, which would compel the abandonment of British neutrality. This threat drew from Prince Gortschakoff the announcement that Russia desired neither to interrupt nor threaten the canal's navigation; but, on the contrary, considered it an international enterprise affecting the world's commerce, which must remain free from all attack.
>
> The Arabi outbreak in 1882 threatened the security of the canal still more seriously, and proved even more forcibly the insufficiency of a merely Egyptian guaranty—the necessity of European control. France timidly declined the responsibilities of joint occupation, and thereby lost her share in the dual control. Great Britain shelled the insurgents out of Alexandria, occupied the canal as a base, and defeated Arabi's forces, acting throughout at the request of the Khedive. Her subsequent occupation of Egypt, without the urgent solicitation of the Khedive, is another matter having a bearing upon the protection of the canal, but not upon its international status. It was induced rather by the English ownership of Egyptian bonds and by the threatening rise of a fanatical invader out of the deserts. By those who are always suspicious of England's good faith, her renunciation of sole control of the canal while occupying Egypt is a fact to be pondered.
>
> Nor did the purchase of canal shares by the British Government give it additional political rights.

Let me remark that the ownership of all the shares of the Maritime Canal Company would give the United States no political rights.

> Were the Emperor of Germany to own a thousand square miles of land in Texas, it would none the less be subject solely to the sovereignty and jurisdiction of the State and the nation. So in the Suez Canal the jurisdiction of the sovereign was not qualified by English financial control. The relations of state and corporation were laid down by the concession—

As they would be here—

> under which the English Government enjoyed rights in common with other shareholders. And this would be true in our own case were the United States to lend its credit to a Nicaragua canal. Rights in the line of management would be gained thereby, but the political status would not be affected.
>
> In the case of Suez this status was not yet definitely and satisfactorily determined. By force of circumstances Great Britain has assumed, single handed, responsibilities which properly belonged to Europe and which she desired Europe to assume. An invitation to the powers with this end in view in 1883 remained unaccepted for two years. Then, in 1885, a commission representing ten States met in Paris to draw up for consideration an international act, which should offer a definite form of control capable of guaranteeing at all times and for all powers the free use of the Suez Canal.
>
> This was the basis upon which was built up the convention of Constantinople of 1887. Its conditions are briefly these:
>
> The Suez Canal shall forever be free and open, in time of war as well as in times of peace, to the vessels, whether merchantmen or men-of-war, of all nations.
>
> Neither it nor its approaches to the distance of 3 marine miles shall ever be blockaded.
>
> The canal itself, the various works connected with it, and the Sweetwater Canal, which furnishes its fresh water supply, shall ever be inviolable.
>
> No act of war shall take place upon it, though belligerent ships may be using it, and a twenty-four hour's interval shall elapse between the departure of hostile ships from either terminal.
>
> No troops or material of war shall be landed along it, and no ships of a belligerent shall be stationed in its ports, but neutral states may maintain not to exceed two ships of war each for its protection.
>
> When, in the opinion of the representatives of the powers in Egypt, the security of the canal is threatened, the Government of the Khedive shall first be called upon for its protection. Failing this, the Porte shall have the duty of treaty execution laid upon it, and if Turkey should prove unequal to the task the signatory powers shall act in concert with her.
>
> No permanent fortifications are permitted.
>
> No contracting power shall enjoy special territorial or commercial advantages in it.
>
> The sovereignty shall reside, as before, in Turkey.
>
> The accession of as many powers as possible shall be secured to this treaty.
>
> These stipulations have been agreed to by Austria, France, Great Britain, Germany, Holland, Italy, Spain, and possibly others. Russia and Turkey held aloof, but in 1888 Turkey yielded to pressure and acceded. The present status of the Suez Canal, therefore, is that of neutrality guaranteed and protected by the leading powers of Europe with the exception of Russia.

That is what statesmanship has provided for the first of the two great waterways which Mr. Wheaton foresaw in his dispatch of 1845 were to be built between the equator and 40° north latitude, so as to enable a passage round the world of ships of commerce or of war; and that policy which we have agreed to execute with Great Britain, and which the countries of Europe have established with reference to the Suez Canal, is inevitably to become the governing policy of an isthmian canal, if ever one shall be constructed, wherever it may be, between the waters of the Pacific and the Atlantic oceans. There must be neutralization complete, and in addition to it sufficient zones of adjacent ocean water on the Pacific side and on the Gulf side to guarantee and insure the impossibility that a hostile naval conflict could occur at any point where it might put in jeopardy the continuance of the canal.

Mr. LINDSAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Burrows,
Caffery,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Davis,
Faulkner,
Gordon,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lindsay,
McBride,
McMillan,
Martin,
Morgan,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
White.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. VILAS. If I am right in the views which I have just presented, and to which but for the time I have engaged the attention of the Senate I should be glad to urge other reasons to impress them more firmly, then it follows that the isthmian canal between the waters which bound our continent must be like the canal which leads from the Mediterranean to the seas of India, an open, free canal, which all the powers of the earth will join to give the same right of passage through that nature has given to the straits of Magellan or of Gibraltar. With that conclusion there dissipated at once all this froth and spume gathered about the idea of an American canal under American control, words which appeal to a petty, seeming selfishness of patriotism, but can bear no scrutiny when subjected to the just view of reason, of science, of the enlightenment that guides and rules the progress of humanity.

Sir, canals are instruments of commerce, and the project of this canal is to me most alluring and delightful, because it is another harbinger of peace. Commerce can not exist with war. It is a constant antagonist of war. It must have law, justice, fairness, and all the guaranties which advance humanity in order to its prosperity. Never has Christianity had an ally such as commerce has been; and commerce is now a necessity to the life of man on the globe. We can not dispense with it; we can not cripple it. The breath of a rumor of war is like a lightning blast upon the great avenues of trade and business. Let but the dread story sound of a mere threat of war, and suffering follows through the thousand ramifications of business down to the homes and hearthstones of the meekest and the poorest of the land.

The distinguished and honorable Senator who is in charge of the pending bill has intimated to us that there is something wrapped up in it which is antagonistic to the treaty of arbitration.

Mr. HAWLEY. I should like to make a suggestion to the distinguished Senator.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. VILAS. With great pleasure.

Mr. HAWLEY. The Senator says that commerce and war are inconsistent. It would seem to be so, but I hold in my hand a book entitled The Expansion of England, by J. R. Seeley, a professor of modern history at Cambridge, in which he says:

> It seems to me to be the principal characteristic of this phase of England that she is at once commercial and warlike. A commonplace is current about the natural connection between commerce and peace.

But he goes on to say that this is the law:

> The law, namely, of the intimate interdependence of war and trade, so that throughout that period—

A century or so—

> trade leads naturally to war and war fosters trade.
>
> * * * * * * *
>
> England, indeed, grew ever more warlike at that time as she grew more commercial.

She made war for the sake of getting a chance to sell things. She wants a treaty of peace now.

Mr. VILAS. I shall indulge the Senator from Connecticut in reading that observation from Professor Seeley, and spend no time in regard to it.

You propose war to England with a power fit to cope with her and see whether commerce is antagonistic to war.

Mr. HAWLEY. But, begging pardon, most of her wars are with small people, and generally end by her taking possession.

Mr. VILAS. Precisely. She does not have war. The wars that the Senator talks about are such as would be the effort of a mouse under the paw of a lion.

Mr. HAWLEY. I know that she fights weak people frequently, but she has had more than forty wars in less than fifty years, mostly, however, with weak people.

Mr. VILAS. I do not desire to make any observations here that might carry an injurious import to another country, but, sir, think you that the commercial interests of England will tolerate a war with a power like the United States unless the degradation of avoiding it was such as of itself to be more perilous to her trade? The man who argues in this day and generation that war is the acolyte of commerce has but a pitiful and insignificant conception of the great agencies which are carrying forward the evolution of man upon this globe. No, sir; so far from the distinguished Senator from Alabama being justified in the intimation that there can be anything hostile in that great treaty of peace to the interests of the project of an isthmian canal there could be nothing that would be more advantageous to it, nothing more conducive to its construction or to its effecting the great purposes for which it should be created.

We ought to rejoice in the promise which such an engagement, putting a discontinuance to war on earth, gives to such projects as this for the enlargement of the great instruments of commerce and peace. And it is a strange misconception, in my poor judgment, sir, that the United States can, in any aspect of consideration, find their interests, their prosperity, the promotion of the happiness of their people in any other course than that which shall keep our country where for a century she has been—the noble leader in the great movement of liberty and enlightenment and human advancement traveling around the globe.

Now, sir, let me pause to review for a moment the effect of the arguments which I have been making.

Mr. BACON. Mr. President, I suggest the absence of a quorum.

Mr. VILAS. I hope the Senator from Georgia will not raise that point now.

The PRESIDING OFFICER (Mr. CANNON in the chair). The absence of a quorum having been suggested, the Secretary will call the roll.

Mr. BACON. I will state that I am perfectly willing to remain here as long as a quorum is present; but I do not think half of the body ought to be required to remain here when the rest are away.

Mr. VILAS. I shall detain the Senate but a very few moments.

Mr. BACON. Very well; I will withdraw the suggestion.

The PRESIDING OFFICER. The Senator from Georgia can not withdraw it. The absence of a quorum having been suggested, the roll must be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Butler,
Caffery,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Davis,
Faulkner,
Frye,
Gallinger,
Gordon,
Hale,
Hawley,
Hill,
Hoar,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Morgan,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Roach,
Sewell,
Sherman,
Shoup,
Stewart,
Teller,
Thurston,
Vilas,
Walthall,
White.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The Senator from Wisconsin will proceed.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. VILAS. For what purpose?

Mr. HILL. I rose to suggest an executive session.

Mr. VILAS. Will the Senator from New York give me about ten minutes before submitting such a motion?

Mr. HILL. Very well; I will not make the motion now.

Mr. VILAS. Mr. President, I think I have demonstrated by the argument submitted, first, that the United States is under binding, unescapable obligation of good faith to Great Britain to provide for a guaranty with her of neutrality in war and peace, to vessels of war as well as of peace at all times, if this canal should be constructed. Further, I have shown that without that guaranty we should be simply one step short of what we must seek for the canal in any case: that it must be a neutral water, a part of the oceans which it will connect, with all the rights and privileges of an ocean strait, and with the guaranty of the great powers of the earth for the preservation of peace there forever and, as such, to be welcomed, as the world welcomes the Suez Canal, as a spot on earth where by common consent of man war can no more be waged, whatever the fury of hostile nations.

If that be so, then there is a complete demolition of the supposed answer, and the only plausible answer ever offered, to the demand that they should build this canal whose commercial interests are to receive the benefits of it. This canal ought to have for its sponsors and controllers, and as well for its constructors, the great nations of the earth whose commerce shall pass through it.

Now, sir, a word or two with reference to what the duty of the United States is in view of these considerations.

First, let me say that I acknowledge without hesitancy the desirability of that canal to the human race. I acknowledge its desirability to the United States, albeit our share of expectation from it must be so much less than that of other nations of the world, as our commerce is at present, at least, existing.

I shall answer now the suggestion frequently made by the distinguished chairman of the select committee to the objectors to this particular scheme, "What will you do for this canal?" Sir, I conceive the United States have a high duty in reference to it. I acknowledge that duty. It is not, sir, to shoulder upon our citizens all the cost, at all the risk, of the canal, to take all the chances of war and trouble that may flow from it, but it is that same duty which nature seems to have assigned to the United States among the kingdoms of the earth. It is the duty of leadership.

It belongs to us, sir, to take the flag in our hands, but as a messenger of peace, good will, commercial prosperity, and increased welfare. As such a leader in this great enterprise we have some things to consider. First, it is due to the other nations of the earth—a debt of mutual intercourse which was recognized in the Clayton-Bulwer treaty—that we do not declare absolutely all the law and methods that shall govern this project, but proffer to them the open hand of fair conference, invite their reasonable suggestions, and unite with them in reasonable provision for its construction and maintenance. And, sir, as a leader among the nations of the earth, I conceive that it belongs to us to do what I have proposed in the amendment offered as a substitute for the bill, not to go on with a half-understood, perilous, uncertain project which every business man must condemn when asked to engage in it, but to begin as any wise man begins when he intends to invite capital to contribute effort to a great scheme; to begin by acquiring the accurate and sufficient information which will enable an intelligent determination as to the probabilities of the proposed project and the availability of the plan upon which it should be executed.

We have seen by the report of the commission which we sent there to examine this scheme of the Maritime Canal Company of Nicaragua that, from one end to the other of it, it is utterly untrustworthy. That board of intelligent, patriotic engineers has declared that there should be no such thing as work upon that plan until observations and examinations and surveys and borings should determine the safety of the proposed works. They have negatived by their professional advice the possibility of the construction of one of the great dams which is the key to the whole canal project. They say that the La Flor Dam can not be built as it is projected, and as to the other at the other end of the 154 miles of elevated water, the Ochoa Dam, they say upon the evidence before them it is probably untrustworthy, at least it is so insufficiently demonstrated as to be unworthy of the expenditure of money upon it until further examination shall have enabled the perfection of the plan and warranted trust in it.

What is the first duty of the United States? It is to make the most thorough, adequate, and careful survey of all the routes which may be available for an isthmian canal, to prepare a plan for the construction of a canal upon that route which shall in the end be deemed most eligible, a plan which does carry with it all the evidence of engineering skill, of completeness of examination, thoroughness of observation, to justify the United States in laying it before the world as fit to base an invitation to the nations of the earth to share in the project.

When that shall have been done, or when, in the course of the work to attain it, it can be seen that that thing will be accomplished, and that we shall be enabled to present to mankind proof, reasonably satisfactory, of the eligibility of the best route, and a plan, with details complete, and specifications elaborately and safely drawn up for the execution of it, then our next step should be to confer with Great Britain, in accordance with our treaty obligations, observing the good faith which ought to bind the United States after entry into an engagement; to confer with Germany, whose interests are equal to ours; to confer with France, who is herself greatly interested in the canal, and our ancient ally and friend, as well as imitator in republican pursuit of liberty. We should confer with those nations of the earth in the grand way of a sovereign, fit as the United States are fit, in strength, in power, in intelligence, in their aspiration for the freedom and happiness of mankind, and seek to establish that canal upon such a foundation as that peace will bless it forever as a great agency of commerce flowing around the globe.

At the same time, and as part of it, our negotiation should extend not with cruel epithets and harsh expletives whenever they choose to assert the dignity that belongs to them not less than to greater governments. Next, our intercourse should embrace with kindliness, with generous favor, with the manliness of the great, the republics of Central America, and in concert with them and the commercial nations of the earth, the leadership of the United States may establish that canal, and never, I believe, in any other way can it be created. Peradventure, it may then seem fitting for the United States, if we shall find constitutional authority for it, even to construct the canal, but I believe the true course—that is my own opinion, both as a matter of constitutional obligation and of highest wisdom and expediency—will be for all commercial nations to unite so as to attract, under the security of their protection, the necessary capital for its construction and operation.

Mr. WHITE. Will it interrupt the Senator if I ask him a question?

Mr. VILAS. It will not.

Mr. WHITE. Do I understand the sum and substance of the Senator's argument to be that he does not favor the plan proposed in the Frelinghuysen-Zavala treaty, that he does not consider it feasible?

Mr. VILAS. I do not consider the Frelinghuysen-Zavala treaty such an arrangement for the execution of this work as the United States ought to undertake, but I would, if I had not already occupied so much time, set forth why, and distinguish easily, as I think I could, the true method of procedure from that which governed the terms of that treaty. However, at this hour I shall not detain the Senate longer with that consideration.

Mr. HILL. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for the motion of the Senator from New York?

Mr. VILAS. In one moment. I should like to add just one idea before that motion is made, and that is that the plan which I have suggested—rather the general idea which I have suggested—is not one which will delay the consummation of this great project. In my judgment, it will forward it. For more than two hundred years these half-fledged schemes have been under consideration, until, as the distinguished Senator from Indiana [Mr. TURPIE] has said, the project for a canal on Lake Nicaragua is "blacklisted by the capitalists of the world." There have been twenty concessions given by the Government there which have failed. This is the fourth American concession. Americans have been trying it for eighty years. Here have been ten wasted by this very company in futile pretense of promotion of the project. If we want speed, let us remember the old maxim that slow haste quickest reaches its goal.

I shall not ask the Senator from New York to longer delay the motion he wishes to make.

EXECUTIVE SESSION.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and nineteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 5, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1897.

PROMOTIONS IN THE NAVY.

Maj. Robert. W. Huntington, to be a lieutenant-colonel in the Marine Corps, from the 2d day of February, 1897, vice Lieut. Col. McLane Tilton, retired.

Capt. Charles F. Williams, to be a major in the Marine Corps, from the 2d day of February, 1897, vice Maj. Robert W. Huntington, promoted.

First Lieut. Harry K. White, to be a captain in the Marine Corps, from the 2d day of February, 1897 (subject to the examinations required by law), vice Capt. Charles F. Williams, promoted.

Second Lieut. Elisha Theall, to be a first lieutenant in the Marine Corps, from the 2d day of February, 1897 (subject to the examinations required by law), vice First Lieut. Harry K. White, promoted.

REGISTER OF LAND OFFICE.

Benjamin F. Shaw, of Vancouver, Wash., to be register of the land office at Vancouver, Wash., vice George H. Stevenson, resigned.

POSTMASTERS.

David C. Hyer, to be postmaster at Susanville, in the county of Lassen and State of California, in the place of Noble S. McKinsey, whose commission expired July 29, 1896.

A. C. Wood, to be postmaster at Suisun City, in the county of Solano and State of California, in the place of Asa Crocker, whose commission expired December 14, 1896.

Anna R. Moses, to be postmaster at Carrollton, in the county of Carroll and State of Georgia, in the place of Richard N. Moses, deceased.

A. J. Brundage, to be postmaster at Nora Springs, in the county of Floyd and State of Iowa, in the place of George E. Moore, whose commission expired January 7, 1897.

John M. Topper, to be postmaster at Colfax, in the county of Jasper and State of Iowa, in the place of Mrs. Adella V. Weaver, whose commission expires February 18, 1897.

Lester D. Watrons, to be postmaster at Burlington, in the county of Coffey and State of Kansas, in the place of Ebenezer M. Lockwood, removed.

Leonard G. Babcock, to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts, in the place of Leonard G. Babcock, whose commission expired January 7, 1897.

Abial H. Chase, to be postmaster at Concord Junction, in the county of Middlesex and State of Massachusetts, in the place of Loring N. Fowler, whose commission expires February 6, 1897.

Henry J. Dunn, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts, in the place of Frank R. Moore, removed.

Charles J. McGurk, to be postmaster at New Bedford, in the county of Bristol and State of Massachusetts, in the place of Charles S. Ashley, resigned.

J. O. Billings, to be postmaster at Fergus Falls, in the county of Ottertail and State of Minnesota, in the place of Justus Pickit, whose commission expires February 6, 1897.

Smith M. Dockstader, to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota, in the place of Morgan E. Westcott, whose commission expired January 5, 1897.

Albert P. McIntyre, to be postmaster at Warren, in the county of Marshall and State of Minnesota, in the place of A. R. Gordon, removed.

Alexander S. Gillespie, to be postmaster at Glendive, in the county of Dawson and State of Montana, in the place of Hubert C. Clancy, removed.

John G. Cobler, to be postmaster at Everett, in the county of Butler and State of Pennsylvania, in the place of John B. Tobias, whose commission expired February 1, 1897.

Joseph E. McCabe, to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania, in the place of Harry F. Hawkins, whose commission expires February 6, 1897.

Miss Ada L. Davis, to be postmaster at Pilot Point, in the county of Denton and State of Texas, in the place of David A. Wellborn, whose commission expired January 13, 1897.

Susie P. Hyman, to be postmaster at Stephenville, in the county of Erath and State of Texas, in the place of Susie P. Hyman, whose commission expired December 17, 1895.

Jessie L. Reese, to be postmaster at Velasco, in the county of Brazoria and the State of Texas, in the place of Henry W. Chinu, resigned.

John J. Conway, to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia, in the place of C. B. Wentzell, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1897.

CONSUL.

John F. Valls, of Louisiana, to be consul of the United States at Matamoras, Mexico.

APPOINTMENT IN THE ARMY.

Post chaplain.

S. Henry Bell, of Pennsylvania, to be post chaplain in the United States Army.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Michael Vincent Sheridan, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel.

Maj. John Breckinridge Babcock, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel.

Medical Department.

Capt. John Monro Banister, assistant surgeon, to be surgeon with the rank of major.

Subsistence Department.

Lieut. Col. Samuel Tobey Cushing, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel.

Maj. Charles Patrick Eagan, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel.

Capt. Henry Brown Osgood, commissary of subsistence, to be commissary of subsistence with the rank of major.

Corps of Engineers.

Col. John M. Wilson, Corps of Engineers, to be Chief of Engineers with the rank of brigadier-general.

Infantry arm.

Lieut. Col. Charles Augustus Wikoff, Nineteenth Infantry, to be colonel.

Maj. Charles Crook Hood, Seventh Infantry, to be lieutenant-colonel.

Capt. Constant Williams, Seventh Infantry, to be major.

Adjutant-General's Department.

Capt. William Harding Carter, Sixth Cavalry, to be assistant adjutant-general with the rank of major.

Capt. Thomas Henry Barry, First Infantry, to be assistant adjutant-general with the rank of major.

Subsistence Department.

First Lieut. George Burwell Davis, Fourth Infantry, to be commissary of subsistence with the rank of captain.

Pay Department.

Capt. John Lapham Bullis, Twenty-fourth Infantry, to be paymaster with the rank of major.

POSTMASTERS.

C. E. Dingle, to be postmaster at Woodland, in the county of Yolo and State of California.

Benjamin L. Williams, to be postmaster at West Orange, in the county of Essex and State of New Jersey.

John J. Conway, to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia.

Watson S. Menefee, to be postmaster at Union Springs, in the county of Bullock and State of Alabama.

Walter D. Harris, to be postmaster at Olneyville, in the county of Providence and State of Rhode Island.

D. H. Lafferty, jr., to be postmaster at Sanger, in the county of Fresno and State of California.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 4, 1897.*

The House met at 12 o'clock m.

Rev. JAMES J. DOLLIVER, of Iowa, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth! Thou makest the outgoings of the morning and of the evening to rejoice. Thou art high and lifted up; worshiped by angels and all the host of Heaven. What can feeble dust and ashes do, on this Thy footstool, at a remote distance from Thee, for our salvation, without Thy help?

Draw very near to us and bless us. Prepare us for the duties and the labors of the day upon which we have entered.

May we exalt Thy glory in all we say and all we do, and live with reference to eternity. Bless our land and our country, the land we love the best. May our liberties, civil and religious, be still perpetuated, and the God of our fathers still reign over us.

Bless the President of the United States, the outgoing and the incoming President. Bless the Congress of the United States, all these men in their honorable positions; and may they so labor to promote the interests of this glorious country that at last they may meet the Divine approval of "Well done, good and faithful servant."

Bless the poor and the needy, the oppressed and distressed, the fatherless and the widow; and hasten the time when our world shall become a mountain of holiness, blooming all over with the trees of righteousness.

Bless and save us, for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LIGHT-HOUSE, ORIENT POINT, LONG ISLAND, NEW YORK.

Mr. McCORMICK. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor, and the west shore of Shelter Island.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board is hereby authorized and directed to erect a light-house at the site of the beacon heretofore existing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, in the State of New York, and the said Board shall also erect beacon lights or gas buoys at the following points in the county of Suffolk, N. Y.:

First. On Hay Beach Point, Shelter Island.

Second. At the end of the Greenport breakwater, Greenport.

Third. On Conklings Point, about 2 miles west of Greenport.

Fourth. On Rocky or Stearns Point, on Shelter Island.

Fifth. On Hallocks or Paradise Point, on Great Hog Neck, opposite Shelter Island.

Sixth. On Tyndalls Point or Clarks Point, north of Sag Harbor.

Seventh. On the shoal south of West Neck Harbor, on Shelter Island.

Eighth. On the shoal about three-fourths of a mile north of the Sag Harbor wharf, Long Island.

SEC. 2. That the sum of $65,000, to be available immediately, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of constructing and placing the foregoing light-house, beacons, and buoys.

Mr. McCORMICK. Mr. Speaker, I ask leave to substitute for the bill just read the one which I send to the desk.

The proposed substitute was read, as follows:

Amend the bill by striking out all after the enacting clause and inserting as follows:

"That the Light-House Board is hereby authorized and directed to erect a light-house with fog signal at the site of the beacon heretofore standing at Orient Point, or Oyster Point Reef, on the west side of Plum Gut, at the entrance to Long Island Sound, in the State of New York: *Provided*, That the cost of such light-house and its equipment shall not exceed the sum of $30,000."

Mr. BLUE. Mr. Speaker, I would like to hear the report on this bill.

Mr. McCORMICK. Mr. Speaker, I send to the Clerk's desk and ask to have read the report of the Committee on Interstate and Foreign Commerce.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor and the west shoal of Shelter Island, report the same back with an amendment, and recommend that the bill thus amended do pass.

The correspondence from the Department herewith submitted shows the necessity for the proposed legislation.

The committee recommend to amend by striking out all of section 2.

TREASURY DEPARTMENT, *Washington, D. C., February 15, 1896.*

SIR: The letter from your committee of January 6, 1896, inclosing House bill No. 853, providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrance to Greenport and Sag Harbor and the west shoal of Shelter Island, and asking suggestions touching the merits of the bill and the propriety of its passage, has been received.

This matter was referred to the Light-House Board, which has replied that it recommends the establishment of a light-house and steam whistle at Orient Point or Oyster Pond Reef, at the entrance of Plum Gut, Long Island, and gas beacons on eight points or shoals on the course to Greenport Harbor, and thence to Sag Harbor.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. McCORMICK. Mr. Speaker, the bill H. R. 853 was favorably reported from the Committee on Interstate and Foreign Commerce, and has been upon the Calendar since the 3d of March, 1896.

On the 29th day of April last, I asked unanimous consent for its consideration, and after an exciting debate, wholly unlooked for, and covering the whole range of national expenditures, objection was made by the gentleman from California [Mr. LOUD] to the provision in the bill for gas buoys. He insisted that it was unnecessary, as buoys, if needed, could be provided by the Light-House Board from the general fund for that purpose. I declined to withdraw the provision until I had time for consultation with the Board. I now, by the consent of the committee, present a substitute for the bill, which asks simply for a light-house with fog signal, with the restriction that the total cost of the light-house and equipment shall not exceed $30,000. I also send to the desk a letter from the Light-House Board stating that if the classification formerly made by the Board were still in use this light would be defined as "indispensable."

The letter was read, as follows:

TREASURY DEPARTMENT, *Washington, D. C., May 11, 1896.*

SIR: Your letter of May 11, 1896, asking that the Light-House Board classify the proposed light-house at Orient Point, Long Island, N. Y., has been received.

In reply, I have the honor to state that the practice of classifying proposed light stations as "indispensable," "necessary," and "desirable," is no longer followed. Had this classification still been in use, Orient Point light and fog-signal station would have been classed as "indispensable."

Respectfully, yours,

S. WIKE, *Acting Secretary.*

Hon. R. C. McCORMICK, M. C.,
House of Representatives, Washington, D. C.

There being no objection, the House proceeded to the consideration of the bill.

The SPEAKER. The question is on the amendment offered in the nature of a substitute.

The amendment was agreed to.

Mr. DOCKERY. I was under the impression that the gentleman offered a new bill as a substitute for the original bill.

The SPEAKER. The amendment just agreed to was the substitute.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended so as to conform to the recommendation of the committee.

There was no objection.

On motion of Mr. McCORMICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

HUDSON RESERVOIR AND CANAL COMPANY.

Mr. MURPHY of Arizona. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 9020) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation was read, as follows:

Be it enacted, etc., That the Hudson Reservoir and Canal Company, a corporation created and existing under and by virtue of the laws of the Territory of Arizona, be, and the said corporation is hereby, authorized and empowered to locate, construct, own, maintain, and operate its main line of canal through and across the Indian reservation situated in the Territory of Arizona, known as the Gila River Reservation, occupied by the Pima, Maricopa, and Sacaton Indians, from a point on the northerly line of said reservation, running thence by the most practicable route to the southerly line of said reservation, and to construct, own, maintain, and operate such aqueducts, flumes, siphons, bridges, and other structures as may be necessary for the conveyance of water where the same can not be conveyed in the canal itself, and the development, utilization, and transmission of any power derived from the water so carried.

SEC. 2. That a right of way 30 feet in width on each side of said main canal is hereby granted to said Hudson Reservoir and Canal Company: *Provided*, That no part of the lands granted shall be used except in such manner and for such purposes only as shall be reasonably necessary for the construction and convenient operation of said canal and said other structures; but when any portion thereof shall cease to be so used, such portion shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That when any such lands shall be taken for the purposes aforesaid the consent of the occupants thereof shall be obtained in a manner satisfactory to the President of the United States.

SEC. 3. That before said canal or other structures shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian tribes through which the same may be constructed, full compensation shall be made to such occupants for all property taken or damage done by reason of the construction of such canal or other structures, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

SEC. 4. That said company shall cause maps showing the route of its located line through said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction upon any section or part of said located line shall be begun: *Provided*, That said canal and other structures be located and constructed with a due regard for the rights of the Indians and especially so as not to interfere with their irrigating ditches.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction, maintenance, management, and operation of the structures hereby authorized shall be allowed to reside while so engaged upon the lands herein granted, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

SEC. 6. That said company shall have the right to survey and locate its canal immediately after the passage of this act.

SEC. 7. That in connection with the said canal and its appurtenances said company shall have the right to erect, maintain, and use a telegraph or telephone line, or both, and other appliances reasonably necessary or convenient for the construction, maintenance, and operation of the said canal and its appurtenances, but only within and upon the limits of the right of way hereby granted.

SEC. 8. That the said Hudson Reservoir and Canal Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided.

SEC. 9. That Congress may at any time amend, alter, add to, or repeal this act.

SEC. 10. That this act shall be in force from its passage.

The amendment reported by the Committee on Indian Affairs was read, as follows:

At the end of section 8 insert the following:

Provided, That the rights herein granted are upon the express condition that the grantee thereof, its successors or assigns, shall at all times during the continuance of the grant furnish the Indians located under its canal along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation on such just and reasonable terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Mr. DOCKERY. Let us have the report read.

Mr. McMILLIN. I should like the gentleman from Arizona [Mr. MURPHY] to state whether this bill has been submitted to the Secretary of the Interior.

Mr. MURPHY of Arizona. The amendment which has been reported by the committee in connection with this bill was suggested by the Interior Department. The Secretary of the Interior has recommended that with this amendment the bill be passed. I ask that the report be read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. The gentleman from Arizona has indicated his willingness to have the report read, which I ask may be done, reserving the right to object.

The report (by Mr. FLYNN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9020) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation, having had the same under consideration, make the following report:

The grantee, the Hudson Reservoir and Canal Company, proposes to construct a storage reservoir in the Tonto Basin, in Arizona, for the purpose of impounding and storing the surplus and flood waters of the drainage basin of the upper Salt River, the same to be used in irrigating the Salt River and Gila valleys. To utilize all the waters of this reservoir the grantee finds it advisable to construct an irrigating canal across the Gila River Indian Reservation, so as to reach the public lands south thereof. This canal will likewise be available, under proper arrangement, for a supply of water to the Indians on the reservation for irrigation purposes—a fact of much importance. This reservation is known as an "Executive order" reservation, but the honorable Secretary of the Interior holds that the act of March 3, 1891, granting to reservoirs the right of way over the public lands, does not apply to this reservation; hence the necessity of this bill.

The committee having referred the bill to the honorable Secretary of the Interior for his opinion thereof, with a request that he make suggestions as to any desirable amendment, the honorable Secretary has transmitted to this committee, with his approval, a recommendation of the honorable Commissioner of Indian Affairs that the bill be amended by inserting at the end of section 8 the following proviso:

"*Provided*, That the rights herein granted are upon the express condition that the grantee thereof, its successors or assigns, shall at all times during the continuance of the grant furnish the Indians located under its canal along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation on such just and reasonable terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior."

The committee recommend that the bill be amended as suggested, by the insertion of the said proviso, and that it do pass.

The correspondence on the subject had with the Department of the Interior is appended.

Mr. DOCKERY. How much land does this convey?

Mr. MURPHY of Arizona. No land except the right of way.

Mr. DOCKERY. What is the width of the right of way?

Mr. MURPHY of Arizona. I think the bill states it. I do not remember the exact width—25 feet, I think.

Mr. DOCKERY. The bill as proposed to be amended has the approval of the Secretary of the Interior?

Mr. MURPHY of Arizona. Yes, sir.

Mr. DOCKERY. In the event that the land should cease to be used for this purpose, it will revert to the United States?

Mr. MURPHY of Arizona. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BLUE, a motion to reconsider the last vote was laid on the table.

ELIZABETH WELLONS.

Mr. CRISP. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8898) to increase the pension of Elizabeth Wellons was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth Wellons, widow of a soldier of the war of 1812, from $12 per month to $25 per month.

Mr. CRISP. Mr. Speaker, this bill has been favorably reported from the Committee of the Whole House on the state of the Union. My anxiety to have it passed at once is because the beneficiary is a lady 82 years old, and because, this being a House bill, it must go through the Senate before she can receive what the bill proposes to grant her. The Committee on Pensions has carefully considered the measure and unanimously recommend that it become a law. As shown by the report, Mrs. Wellons is dependent upon her pension for a livelihood. She can not live very long, for she is very old and feeble. There are very few pensioners of the war of 1812, and they are fast passing away. I sincerely hope no one will object to the present consideration of this bill. It is most meritorious.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the last vote was laid on the table.

CHRISTOPHER ELLIS.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the Senate bill which I send to the desk.

The bill (S. 895) for the relief of Christopher Ellis was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion and grant an honorable discharge in the case of Christopher Ellis, who was a machinist in the United States Navy, and who is charged with having deserted from the U. S. S. *Nipsic* February 7, 1872.

Mr. ERDMAN. Has this bill been considered in the Committee of the Whole House?

Mr. FLETCHER. It has not been; but it is a Senate bill, and its passage is unanimously recommended by the Committee on Naval Affairs. This is the bill which I showed to the gentleman yesterday morning.

Mr. ERDMAN. Let us hear the report.

Mr. FLETCHER. I will state that the bill has been favorably reported upon by the Secretary of the Navy.

The Clerk proceeded to read the report, but was interrupted by Mr. ERDMAN, who said: I withdraw the demand for the reading of the report. I know about this case.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, POINT ARENA, CALIFORNIA.

Several members addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from California [Mr. BARHAM], who desires to bring up a public bill.

Mr. BARHAM. I ask the immediate consideration of the bill which I send to the Clerk.

The bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to establish a life-saving station at or near Point Arena, Mendocino County, in the State of California.

Mr. DOCKERY. Let us have the report read.

The report (by Mr. NELSON) was read, as follows:

This bill was referred by your committee to the Treasury Department, by whom it was referred to the Superintendent of the Life-Saving Service, who has made a favorable report thereon, which is hereto appended. In view of the facts stated in this report, it is evident that a life-saving station is urgently needed at the point proposed in the bill.

Your committee therefore recommend the passage of the bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 15, 1897.

SIR: I have the honor to acknowledge the receipt, by your reference of the 30th ultimo, of bill S. 3320, "to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California," and asking for suggestions touching its merits and the propriety of its passage.

In reply I have to state that the matter was referred to the General Superintendent of the Life-Saving Service for report, which has been received, and is herewith transmitted with my concurrence.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, D. C., January 12, 1897.

SIR: I have the honor to acknowledge your reference of bill S. 3320, "to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California," forwarded by the Committee on Commerce of the Senate for suggestions touching the merits of the bill and the propriety of its passage.

Point Arena is not far from midway between the two nearest life-saving stations—the Humboldt Bay station on the north and the Point Reyes station on the south, which are nearly 200 miles apart—and is the most dangerous place upon this stretch of coast. The dangers are chiefly due to the fact that the point is the extreme western limit of land, and vessels sailing along the coast having to change their courses off this headland—approach it to bring the land in sight by day or the light located upon it by night—and are in danger of being brought within the influence of the strong inshore current and the heavy swells which prevail there.

The records of this office show that since the year 1880 twelve disasters have occurred in this immediate vicinity, in which fifteen lives were lost and property to the amount of $65,840 out of $185,640 involved, seven of the vessels being total losses.

The interests of commerce and humanity would be subserved by the passage of the bill.

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

The SECRETARY OF THE TREASURY.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. What amount of expense will the construction of this proposed life-saving station involve?

Mr. BARHAM. I am informed by the gentleman who reported the bill to the House that the estimated expense is $5,000.

Mr. MILES. Does the bill simply authorize the construction of this life-saving station?

Mr. BARHAM. Yes; it simply authorizes its construction.

Mr. DOCKERY. I shall not object; but I think hereafter in these matters there ought to be some specific estimate as to the amount of expense involved.

Mr. BLUE. Is the estimate included as part of the report?

Mr. BARHAM. No, sir; but it is in the report of the Secretary of the Treasury.

Mr. LOUD. This simply authorizes the establishment of the life-saving station at that point. We appropriate each year a certain amount of money for this purpose, which is handled by the Superintendent of the Life-Saving Service, and it is at his option whether he shall establish the station or not.

Mr. BLUE. But if the authorization is made, you may be very sure that the expenditure will be incurred.

Is there a report from the Light-House Commissioner here?

Mr. LOUD. This is not a light-house matter. It is a life-saving station.

Mr. BLUE. All right.

There being no objection, the Senate bill was considered, read three times, and passed.

On motion of Mr. BARHAM, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

Mr. PAYNE. I wish the gentleman would defer that motion to enable me to call up a bill on the Speaker's table.

Mr. GROUT. At the request of the gentleman from New York, I will withdraw the motion temporarily.

MRS. MARY GOULD CARR.

Mr. PAYNE. Mr. Speaker, I would like to call up from the Speaker's table and ask the House to consider at this time the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, the widow of the late Brigadier and Brevet Major General Carr, United States Volunteers, deceased.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. PAYNE. I would like to say in regard to this bill that a similar one was passed by both the House and Senate at the last session of Congress, and was sent to the President; but the President held the bill during the recess and until the expiration of ten days after the recess had commenced. In other words, it suffered what is called a "pocket veto."

This bill is precisely the same as that which passed the Senate and the House last year. It has now passed the Senate and comes here for our action. Of course the Committee on Invalid Pensions has examined the bill and reported favorably upon it. It has been through the House in Committee of the Whole on the Private Calendar, and has been reported favorably to the House, and passed the House by an emphatic vote.

Mr. HULL. Let me ask the gentleman if the Committee on Invalid Pensions did not report this bill at $50 a month?

Mr. PAYNE. My impression is that the committee reported the bill at $75 a month, and that the House reduced it to $50 per month. It went to the Senate, and the Senate refused to concur in the House amendment, and a committee of conference examined the amendment and reported it back to the House, recommending $75 a month, which report was adopted.

Mr. MILES. My recollection is that the Committee on Invalid Pensions recommended, in the first instance, $75 per month.

Mr. McCLELLAN. That is correct.

Mr. PAYNE. My impression is that it is so reported.

Mr. HULICK. Will the gentleman allow a question?

Mr. PAYNE. Certainly.

Mr. HULICK. This is to pension the widow of a private soldier, I believe?

Mr. PAYNE. No, sir.

Mr. HULICK. Is it for a general officer?

Mr. PAYNE. It is.

Mr. HULICK. Then I think we ought to do something for the widows of general officers. Of course the privates have no right to expect anything. I might illustrate by saying that a few days ago I got recognition from the Speaker to offer a bill in behalf of a private soldier, but the gentleman from New York objected.

Mr. PAYNE. I did not object; the gentleman is mistaken.

Mr. HULICK. I beg pardon, then; I was under the impression that the gentleman had objected.

Mr. PAYNE. I did not object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE. If I understand the parliamentary status of this matter, it will be subject to amendment if the House considers it?

Mr. PAYNE. I will state to the gentleman that I will yield to him to make a motion to amend the bill if he desires to do it, if the House shall take it up for consideration at this time.

Mr. BLUE. With that understanding, I shall not object.

There being no objection, the bill was considered.

Mr. BLUE. Now, Mr. Speaker——

Mr. PAYNE. I yield to the gentleman from Kansas.

Mr. BLUE. Now, I move to amend the bill by making it read $50 per month, instead of $75 a month.

Mr. PAYNE. Mr. Speaker, in regard to that I wish only to say that the House has already considered that very question, and after debate concluded that $75 a month was the correct figure. I hope the bill will be allowed to pass just as it comes from the Senate and as the House fixed the amount after full consideration. I trust, therefore, that the amendment will not prevail.

If the gentleman from Kansas desires to be heard on his amendment, I will yield to him.

Mr. BLUE. I do desire to be heard.

Mr. PAYNE. I yield to the gentleman.

Mr. BLUE. Mr. Speaker, I desire to say in reply to that that if the House made a mistake that is no reason why they should not correct the mistake. These pensions, it seems to me, are all excessive. The full amount to be granted, unless it be an exceptional case, ought never to exceed $50 a month, and this is not an exceptional case. Fifty dollars is amply sufficient, and this disposition to make exceptions in favor of the widows of general officers, and in favor of general officers themselves, is what breeds discontent among the people of the United States, and is one of the important factors in bringing about socialistic conditions everywhere throughout the land. There is no good reason for these large pensions to widows and to general officers, and I trust the House will avail itself of this opportunity to correct the mistake heretofore made by agreeing to this amendment.

Mr. McMILLIN. Mr. Speaker, I have some memory of this case, and if my memory serves me correctly this is the status, that the injuries from which the officer finally died were not received in the service. On the contrary, after he left the service he was for a long time a prominent official and able to discharge public duties at a high compensation in the service of his State.

This is not one of the cases where the soldier was killed in battle or where he received his injuries from which he finally died in battle, or was so disabled by his war service as to prevent him from earning a livelihood after the close of the war. If I remember, also, it is one of those cases that was recommended by the House at a smaller rate than was finally agreed upon. I will not be so positive about that, but my recollection is that it went to the Senate, that the Senate increased the amount, and that the conference committee did what is generally done by conference committees in these cases, gave the highest amount, and then the bill died in the hands of the Executive.

Mr. PAYNE. Mr. Speaker, General Carr was one of the most gallant officers in the war and saw a great deal of hard service. He received injuries in the service for which he was afterwards pensioned, but he did not receive in the service the injury from which he died. He died from the effects of cancer. He died a poor man, and left his widow at an advanced age. It is true he held civil office. He was, at three different times, elected secretary of state of the State of New York, and was elected when no one else upon his ticket was elected, because of the high esteem in which he was held, not only by members of his own party, but by members of the Democratic party.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. PAYNE. Yes.

Mr. McMILLIN. What is the compensation which is given to that officer in New York?

Mr. PAYNE. The compensation now, I think, is $5,000 a year. I think it was less than that at the time that General Carr held it, but I would not be positive about that. I know what the compensation is now.

Now, in regard to this case, it is as meritorious as cases which Congress has heretofore passed at $75 a month, not excluding the case of the general from Kansas, which the gentleman from Kansas [Mr. BLUE] saw fit to advocate at that rate.

Mr. MILES. Is this the war widow of General Carr?

Mr. PAYNE. Certainly; he married her in 1845, and Mrs. Carr herself served during the war as a volunteer nurse, for which service she never received a dollar of pay. The case is certainly a meritorious one, and I hope that the House will not cut down the pension after having on a previous occasion, by an overwhelming majority, voted that the pension should be $75 a month.

Mr. HULL. Will the gentleman yield for a question?

Mr. PAYNE. Yes.

Mr. HULL. When the bill was before the House as an original proposition, is it not true that, after discussion, the House cut it down to $50 a month?

Mr. PAYNE. I think the House cut it down to $50 a month, but not after much discussion, as I remember.

Mr. HULL. My recollection is that there was a very full discussion.

Mr. PAYNE. This widow is an old lady, some 76 years of age at the present time; and after full discussion, on a later occasion, the full House, by an overwhelming vote, fixed the rate at $75 a month.

Mr. HULL. Was not that on a conference report, which carries a great deal of weight with it?

Mr. PAYNE. It was on a conference report, and the same weight ought to attach to the conference report to-day that attached to it when it was presented before.

I move the previous question on the bill and amendment.

The previous question was ordered.

The **SPEAKER.** The question is on the amendment of the gentleman from Kansas [Mr. BLUE], which the Clerk will report.

The Clerk read as follows:

In line 7 strike out the words "seventy-five," and insert the word "fifty."

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 88, noes 65.

Accordingly the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY W. KEEFFE.

Mr. THOMAS. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 96, "An act granting a pension to Mary W. Keeffe," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert "$25;" and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.
FRANK J. CANNON,
GEO. L. SHOUP,
Managers on the part of the Senate.

Mr. THOMAS. Mr. Speaker, I move the adoption of the report of the committee of conference.

Mr. HULL. Mr. Speaker, what is this bill? There is no statement.

Mr. THOMAS. The report of the conference committee was read.

Mr. HULL. Have you got a statement?

Mr. THOMAS. This is simply an amendment.

Mr. HULL. There has to be a statement of the House conferees.

Mr. THOMAS. This bill originally called for $40 a month. That is reduced to $25 a month, and agreed to in conference.

Mr. LOUD. Mr. Speaker, I would ask if there is a statement accompanying the conference report?

The **SPEAKER.** There is no statement.

Mr. LOUD. I think it is a dangerous precedent to pass these bills without a statement accompanying the report.

The **SPEAKER.** The gentleman makes the point of order that there is no statement. The Chair sustains the point of order.

CAROLINE A. HOUGH.

Mr. WOOD. Mr. Speaker, I desire to ask unanimous consent to call up the bill (H. R. 2601) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough. It is in the same condition precisely as the bill of Mrs. Carr, which you have just passed in the House. It is the bill of a widow of a soldier, a war widow. The soldier entered the service as a private and was promoted up as far as brigadier-general and chief of staff of an army corps, and died of wounds received in the service. I ask unanimous consent to call it up.

Mr. BLUE. How much is it to give her?

Mr. WOOD. Fifty dollars a month. It is for the widow of Gen. John Hough.

Mr. BLUE. What was the rank?

Mr. WOOD. Brevet brigadier-general.

Mr. MILES. Will the gentleman allow me to ask him a question?

The **SPEAKER.** Is there objection to the present consideration of the bill, which will be reported?

Mr. MILNES. I suggest that the bill be read before consent is given.

Mr. GROUT. Mr. Speaker, I renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District appropriation bill.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The **CHAIRMAN.** The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10167.

The Clerk read as follows:

To enable the Commissioners to have the plats of subdivisions of the various squares or tracts of land in Washington County photolithographed, $1,966.

Mr. GROUT. Mr. Chairman, I wish to submit an amendment to that paragraph. I have not the draft ready at this moment, and will ask to have the paragraph passed for the time being.

There was no objection, and it was so ordered.

The Clerk read as follows:

For special repairs to market houses, $1,500.

Mr. DOCKERY. Mr. Chairman, under the permission of the House, given yesterday, upon the report of the Committee on Rules, I offer the following amendment.

The Clerk read as follows:

That the act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," be, and the same is hereby, repealed, and all proceedings pending shall be vacated and on judgment heretofore rendered in pursuance of said act shall be paid.

Mr. MEREDITH. I want to understand whether there is to be discussion over this matter or not.

Mr. DOCKERY. Go ahead.

Mr. MEREDITH. Mr. Chairman, I entered my protest on yesterday——

Mr. HULICK. I ask where that comes in?

Mr. DOCKERY. It comes in on page 11, after line 2.

Mr. MEREDITH. I was about to say, Mr. Chairman, I entered my protest yesterday against legislation of this kind; and I very well understand this morning I would be leading a forlorn hope to oppose it after what was done yesterday by the Committee on Rules. I say I appreciate that any opposition now would be simply leading a forlorn hope. The House under a misapprehension of facts have made up their minds that this amendment shall be passed, and that a law which was passed by the Fifty-third Congress shall be repealed by the passage of this amendment. I stated yesterday evening that the Committee on the District of Columbia, which are being criticised by some gentlemen, had this matter before them; and I state here to-day for the first time. I knew yesterday that a resolution which was first discussed and about which a hearing had been granted, had been introduced and sent to the committee. It reached the committee on the 15th of December, and the House adjourned on the 22d of December. It was about three weeks after that before any work was done. I simply make that statement, Mr. Chairman, to put the Committee on the District of Columbia in its proper light before this House, and to show that they have not been negligent in their duty.

I say, further, that since the resolution was called to the attention of that committee, which was yesterday, the committee has been engaged in hearing gentlemen interested in that matter who have come before the committee, and we consumed the entire time; in fact, twenty minutes after the House adjourned we were still hearing those gentlemen, and I undertake to say, Mr. Chairman, that if this House could have heard the statements of gentlemen who are interested in this question, both for the Government and in the interest of the people whose cases are now being determined by the Court of Claims, they would halt in this proceeding, because they would see that gentlemen who have discussed this measure on the floor and who have sought to run through this repeal in this hurried manner, have been misinformed as to the merits of these cases.

Mr. Chairman, if I correctly understand from the statements of its advocates and from the statements of the advocates of its repeal, the District Commissioners and their officials, including the law officer of the District government, the gentlemen employed by the Commissioners to fight these cases in the Court of Claims—if I understand them correctly, this law was passed for the purpose of letting a set of claimants have adjudicated by the Court of Claims their rights under contracts which were made with the old form of District government and extended by the Commissioners when the form of government was changed, and which were known as the "extended contracts," most of them being of that character.

Objections have been urged that these claims are "stale," but, Mr. Chairman, according to the statements of the gentlemen who have appeared before the District committee, these parties have reason to complain that the Government has withheld from them what is actually, equitably, and justly due them. It is stated that these contracts were made with the old form of city government, and that afterwards a board was organized which fixed the rates of compensation, and it is in evidence before the District committee that those rates were advertised to the world, and that contracts were entered into by parties who signed them in blank, with the understanding that they were to be filled out at the board rates.

Now, if it is urged that the board rates were greater than the rates at which persons first took contracts, I urge as a set-off that when the old government found itself unable to carry on the work and pay the contractors in money, it made an arrangement with them by which they were to be paid in 3.65 bonds, which were worth upon the market as low as 50 cents on the dollar, and if the board fixed rates higher than had previously been contracted for, it was a separate and distinct understanding and agreement with the parties engaged in the work that they were not to be paid in money, but were to be paid in bonds worth about 50 cents on the dollar.

Further, Mr. Chairman, I am informed this morning that many of the contractors—nearly all of them, indeed—failed and were ruined by the contracts which they had entered into with the District government. The Commissioners were before the committee this morning—the law officer of the District was before the committee, and also a representative of these claimants. It was stated here yesterday by a gentleman, a member of the Committee on Rules, that they had had a full hearing and investigation of this matter by that committee. I put the question to my friend from Texas [Mr. BAILEY], and he said that they had had a full hearing.

Now, Mr. Chairman, I am informed by a gentleman who stands as high in this community as any man, a gentleman who stands as high as any man who treads this earth, that he, on his way to his office yesterday, was informed for the first time that this matter was coming up before the Committee on Rules, and that, without any opportunity of going and getting his papers or collecting the necessary information to convince the chairman of the service of the same——

Mr. BAILEY. Mr. Chairman, the gentleman might have saved himself the trouble of misstating what I said if he had looked at the RECORD. I did not say that we had heard the matter fully; I said that we had heard it.

The **CHAIRMAN.** The time of the gentleman from Virginia has expired.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia be allowed to proceed for five minutes longer.

There was no objection, and it was so ordered.

Mr. MEREDITH. Mr. Chairman, I accept the explanation of the gentleman from Texas, and if I used the word "fully," I did not mean to misrepresent him. I understood him to say yesterday that the committee had heard this matter, and, as I have just said, a gentleman made a statement this morning that he was on his way from his office, and that, without the opportunity of going fully into this measure, he had been called to appear before the committee.

Now, I repeat, I know I lead but a forlorn hope in this case, but I believe that I am right in principle, and it is a matter of supreme indifference to me whether this House shall stand by me or not, or whether a single gentleman here will agree with my view. Believing that I am right, if every man here should vote against me, I shall still regard it as a duty to enter my solemn protest against this repeal being rushed through in such a manner and in such a way as is here proposed upon a rule brought in by the Committee on Rules. I say to my friend from Texas, who is a member of that committee, that this is a dangerous precedent.

I say that when Congress has passed a law and that law has received the sanction of the President of the United States and stands upon the statute books of the country, it is a dangerous precedent to let the Committee on Rules, or any other committee, come in here and change our regular methods of procedure, and, by a simple amendment upon an appropriation bill, in this extraordinary way, repeal a law which was passed by a previous Congress and signed by the President. From the testimony which was given before our committee, I am satisfied that if anything should be done about this act now there might perhaps be a modification of any provisions of it which work hardship to the Government, and if gentlemen of the House would acquaint themselves with the facts, and the evidence which establishes those facts, while they might be willing to modify the rule so as to protect the Government's interest in every conceivable way, I do not believe they would go to the extent that they are asked to go here and crush down these people who are right in their charges against the Government—some of them admitted to be right by the District Commissioners—because whatever may have been said about the bill, the Commissioners, when they wrote to the District Committee in reference to the bill then pending before the committee a letter, every line and syllable of which was printed in the report made by Judge ABBOTT, practically agreed that there were outstanding claims against the District government which should be paid; and I do protest, Mr. Chairman, against this law being changed in the manner suggested in the amendment of the gentleman from Missouri.

I do not desire to detain the House. I am satisfied that many gentlemen of the House concluded yesterday, acting under a misapprehension, that this law should be changed, let the consequences be what they may. I believe that the majority of the House will do this; but they will do it, Mr. Chairman, against my protest, if it is the only protest made in this body.

Mr. GROUT. Of course, the proposition before us to repeal upon an appropriation bill an act already upon the statute books is unusual, and it has seemed to members of the committee, as it seems certainly very clear to me, that there ought to be larger liberty for debate than can be had under the ordinary five-minute restriction. Requesting the attention of the gentleman from Virginia [Mr. Meredith], who seems specially to represent the opposite view of this question, I will ask him what time will be accepted by that side as reasonable for the discussion of this proposition?

Mr. MEREDITH. Suppose you say fifteen minutes.

Mr. McEWAN. Say twenty minutes. I want five minutes.

Mr. MEREDITH. Well, twenty minutes.

Mr. GROUT. The committee has no desire to suppress discussion.

Mr. RICHARDSON. I think half an hour ought to be allowed on each side.

Mr. DOCKERY. Say half an hour on each side for general debate.

Mr. GROUT. Then, Mr. Chairman, I ask unanimous consent that the amendment proposing to repeal the act of the former Congress be further discussed (without taking account of what has already been said) for one hour, thirty minutes to a side; the gentleman from Virginia [Mr. Meredith] to control the time against the amendment, and the chairman of the subcommittee or the member in charge of the bill to control the time on the other side.

Mr. PITNEY. I do not think this debate ought to be limited to even one hour. It has been charged or insinuated here that it was proposed to put this amendment through without adequate discussion or a proper understanding of the measure. Although I think I understand the proposition pretty well, I have no doubt that there are many members who do not. I think we ought not to limit the discussion to an hour. Let the opponents of the proposition have all the time they want.

Mr. GROUT. It was the proposition of the other side that the debate be limited to an hour. I think we ought not to act on this question with any unseemly haste. It is really a serious proposition. If the original bill when passed had been deliberately acted on by the House, which it seems was not the case, I should be opposed (however much I might be inclined to repeal that bill) to considering the proposition for its repeal on an appropriation bill. But I am entirely satisfied from my knowledge of these claims that the law ought to be repealed. So I am ready to act upon it with very little discussion. But my acquaintance with the matter extends over a longer time than that of some other gentlemen. I feel that there ought to be the amplest discussion of this proposition, because the repeal of existing law in this way is a practice that ought not to be followed every day. We should not proceed with unseemly haste. What does the gentleman from New Jersey [Mr. Pitney] suggest as the limit of time?

Mr. PITNEY. My only purpose was to give the advocates of these claims and the opponents of the amendment the fullest opportunity to explain themselves. I submit the suggestion that an hour be allowed on each side.

Mr. HENDERSON. What say those gentlemen who are opposed to the adoption of the amendment? What do they want?

Mr. MEREDITH. I think half an hour on a side will be satisfactory.

Mr. SAYERS. Those who favor the adoption of the amendment offered by the gentleman from Missouri will want an hour for the purpose of fully explaining the character of this measure.

Mr. PITNEY. I think so, too.

Mr. HENDERSON. Well, I ask that an hour be allowed to those who oppose the amendment and an hour to those who favor it. Let there be full discussion.

Mr. DOCKERY. I shall not object, although I hardly think so much time will be necessary.

The CHAIRMAN. It is proposed that the discussion on the pending amendment be limited to two hours, one hour on each side.

Mr. RICHARDSON. Before that request is acted on, I wish to say only a word. As one member of the District Committee, I hardly feel prepared to discuss this question as fully as it ought to be discussed; and for that reason I consented to the short limit of thirty minutes, asking only ten minutes for myself. We had a hearing in the District Committee this morning on this proposition, lasting about two hours, but the subject was not exhausted. Therefore I say the members of the District Committee are not all prepared to speak. If the House wants to cut down the discussion to thirty minutes, or to an hour, I shall be content, confining myself to ten minutes; and then when the District Committee shall report a measure, as I think they will, with reference to this matter we can discuss the question more fully. For myself I think that one hour will be enough. But if the committee wishes to extend the time to two hours, I will consent to that.

Mr. HENDERSON. Mr. Chairman, has not the proposition for two hours been agreed to?

The CHAIRMAN. Unanimous consent is asked that debate on the pending amendment be limited to two hours, one hour to be controlled by the gentleman from Vermont [Mr. Grout] and one hour by the gentleman from Virginia [Mr. Meredith]. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOCKERY. I understand, then, that the vote on this proposition will be taken about 3 o'clock.

Mr. RICHARDSON. You mean that members will absent themselves in the meantime. [Laughter.]

Mr. DOCKERY. No; but I do not want the members to go away under a misapprehension, or a misunderstanding as to when the vote will take place.

The CHAIRMAN. The debate, by order of the committee, is limited to two hours, one of which will be controlled by the gentleman from Vermont [Mr. Grout] and the other by the gentleman from Virginia [Mr. Meredith]. The Chair recognizes the gentleman from Vermont.

Mr. GROUT. I yield twenty minutes to the gentleman from Texas [Mr. Sayers].

Mr. SAYERS. Mr. Chairman, in order that the House may thoroughly understand the manner in which the law which is sought to be repealed by the amendment to this appropriation bill passed the House, I will send to the Clerk's desk the Congressional Record of the Fifty-third Congress, third session, and ask to have read on pages 1738 and 1785 the marked portions bearing upon this question.

The Clerk read as follows:

[From the Record of February 4, 1895.]

SETTLEMENT OF OUTSTANDING CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

The Speaker laid before the House the bill (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1890.

Mr. Cobb of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The Speaker. The gentleman from Alabama asks unanimous consent for the present consideration of the bill, which the Clerk will report, after which the Chair will ask if there be objection.

The bill was read at length.

Mr. Sayers. I would like to have an explanation of that bill.

The Speaker. Without objection, the gentleman will make a short explanation of the bill.

Mr. Cobb of Alabama. This bill is intended to adjust certain claims now pending against the District of Columbia. These claims originated in this way: During the period of time when the board of public works had charge of improvements in the District of Columbia they established what were known as "board rates," under which these improvements were made. There were a great number of contracts made under this arrangement.

Mr. Sayers. Mr. Speaker, is this bill before the House by unanimous consent?

The Speaker. The gentleman is asking unanimous consent that it be considered.

Mr. Sayers. I ask the gentleman to let it lie over for a day or two until I can look into it. Otherwise I shall be compelled to object.

Mr. Cobb of Alabama. There is no appropriation made.

Mr. Sayers. That makes no difference. It probably will entail on the Government a very heavy expenditure.

Mr. Cobb of Alabama. I have no objection to letting it lie on the Speaker's table.

Mr. Sayers. No. Withdraw it for the present.

The Speaker. This is a bill which the Chair has laid before the House for reference.

Mr. Sayers. Then I object to its present consideration, Mr. Speaker.

Mr. Cobb of Alabama. Would the gentleman be satisfied if the bill should lie on the Speaker's table for the present until I can get an opportunity to examine it, and should then be again laid before the House, so that I may have an opportunity to get the Senate bill passed, if possible? Can not the Chair retain it on the Speaker's table?

The Speaker. With the consent of the House, the Chair will do so with pleasure.

Mr. Cobb of Alabama. Then I ask unanimous consent that that course be taken.

The Speaker. The gentleman from Alabama asks unanimous consent that this bill lie on the Speaker's table for a few days.

There was no objection, and it was so ordered.

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[From the Record of February 5, 1895.]

SETTLEMENT OF CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

The Speaker again laid before the House the bill (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1890.

Mr. Cobb of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of this bill. The bill was laid before the House yesterday, and was allowed to lie on the table so as to permit the gentleman from Texas [Mr. Sayers] to have an opportunity to look into it. He has done so.

The Speaker. The bill will again be reported.

Mr. Sayers. Let us have an explanation of the bill to the House.

The bill was read, as follows:

"*Be it enacted, etc.*, That in the adjudication of claims brought under the provisions of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1890 (21 Statutes at Large, page 284), the Court of Claims shall allow the rates established and paid by the board of public works; and whenever said rates have not been allowed the claimant or his personal representative shall be entitled, on motion made within sixty days after the passage of this act, to a new trial of such cause."

Mr. Sayers. Let us have an explanation of the bill.

Mr. Cobb of Alabama. When the board of audit, which was the board which succeeded to the board of public works in the District of Columbia, and to whom was referred quite a number of claims pending against the District, expired by limitation, there were many of these claims that were unadjusted and were referred to the Court of Claims. The law required that these contracts made under the board of public works should be made in writing; but as matter of fact that law was not obeyed. A great many of the contractors are persons who did work and performed service by oral contracts with the board of public works. It came to pass in time that the Congress of the United States proposed to make some investigation into these matters, and it was thought desirable then that the contracts should be put in writing.

It was left with the clerk of the board to draw up the contracts in proper form for signature by these persons who had been employed by the board of public works. In some instances he made a mistake as to the rate of pay these parties were entitled to. Therefore, when they went before the Court of Claims, although they showed that the contract was different from that stated in the written instrument, the court held the parties to their contract as expressed in the writing, and refused to allow all proof of what the real contract was. Now, the object of this bill is simply to allow these parties to go back to the Court of Claims and recover such amount as they actually contracted to receive from the board of public works.

Mr. Sayers. Does that bill contain any appropriation?

Mr. Cobb of Alabama. It contains no appropriation. The appropriation has heretofore been made to pay them by act of Congress, and certain bonds were authorized to be issued; and those bonds are held in the Treasury for the payment of these claims.

I ask for a vote.

The Speaker. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SAYERS. Mr. Chairman, this fully explains to the committee, so far as the Record shows, what transpired in the House when the bill was passed. I had the assurance of Judge Cobb, of Alabama, that at the most this bill would involve an expenditure of only thirty or forty thousand dollars; and also that it had received the approval and indorsement of the Commissioners of the District of Columbia. Having received that assurance from him, and the explanation made by him that it would involve but a limited amount, I withdrew my objection to the unanimous consent asked.

Now, I wish to call the attention of this committee especially to the explanation given by Judge Cobb, and to show how widely at variance it is from the facts as they have developed under the enforcement of the law. Judge Cobb says:

> The object of this bill is simply to allow these parties to go back to the Court of Claims and recover such amount as they actually contracted to receive from the board of public works.

This was the statement of the gentleman in charge of the bill, that the only effect of the bill would be to allow these parties to go back to the Court of Claims for the purpose of recovering such amounts as they had actually contracted to receive from the board of public works. If I understood the gentleman from New Jersey [Mr. Pitney] correctly on yesterday, and I believe the day before, when speaking upon this subject, he said that these contracts called for a certain amount of expenditure, and that the object of this law and the result of its enforcement would be to enable parties interested to go outside of their positive contracts and obtain the higher prices for their labor and material that had been allowed by the board of public works to other contractors. That the men who were to be the beneficiaries of the law, having received payment from the Government according to their contract, which had been actually entered into for the performance of the work, had given their receipts and thereby discharged the Government from all obligations for further payment on account of the service rendered. It does seem to me, if the statement by the gentleman from New Jersey [Mr. Pitney] be true—and I have no doubt whatever that it is true, because the gentleman would not have otherwise made it——

Mr. RICHARDSON. Will the gentleman allow an interruption just there?

Mr. SAYERS. Certainly.

Mr. RICHARDSON. I do not think the gentleman from New Jersey stated that that condition applied to all persons holding claims of this character.

Mr. SAYERS. I can not recall the number of claims specified, if they were specified——

Mr. RICHARDSON (continuing). It applies to some, undoubtedly, but not to all.

Mr. SAYERS. But I have been informed, Mr. Chairman, that under the operation of this law parties have been enabled to secure judgments utterly at variance with the explanation of the provisions of the law as given by Mr. Cobb, of Alabama, on the occasion to which I have referred. I would never have consented that the bill should come before the House for consideration by unanimous consent if I had thought for a moment that any other interpretation of the law would be given to it except as stated when the bill was presented by the gentleman from Alabama, in whom I had then, and have now, the greatest confidence.

But there is something more connected with the matter. It was stated to me by the gentleman from Alabama that this special bill had received the indorsement and approval of the Commissioners of the District of Columbia. He so believed. Taking the report of the Senate upon this bill, which assumed to quote verbatim et literatim the letter of the Commissioners, and upon which Mr. Cobb made probably that statement, it was literally true. But the committee will find during the course of this debate that, for some cause or other, and by some hand or another, the vital and essential portions of the letter of the Commissioners had been stricken out. All the safeguards the Commissioners recommended to be attached to the bill to protect the Government were omitted.

Mr. RICHARDSON. Will the gentleman allow another interruption? I know my friend would not desire to create a wrong impression.

Mr. SAYERS. Certainly not.

Mr. RICHARDSON. That entire letter is printed in the report of his colleague, Judge Abbott, who made the report on the bill. The entire letter to which he refers is there quoted, and the gentleman's colleague is present who will verify that statement.

Mr. SAYERS. I do not refer——

Mr. RICHARDSON (continuing). And that is the only letter of the Commissioners. The gentleman is laboring under a mistake in the statement he makes.

Mr. SAYERS. I think the gentleman is referring to another subject. Does the gentleman seek to controvert the statement I have made in regard to the report from the Senate?

Mr. RICHARDSON. No.

Mr. SAYERS. What then?

Mr. RICHARDSON. I say that a part of the letter only was printed in the report of the Senate, but the entire letter was submitted to this House in the report of the gentleman from Texas [Mr. Abbott].

Mr. SAYERS. I am referring to the letter that was incorporated as a part of the Senate report.

Mr. RICHARDSON. What I mean to say is——

Mr. SAYERS. And that was what may have deceived Judge Cobb.

Mr. RICHARDSON. There is no difference between us, except that the Senate report did not contain the whole letter; but the entire letter of the Commissioners was submitted in the report of the gentleman from Texas [Mr. Abbott] to this House, so that there was no advantage taken of the House, and I know my friend would not want to create the impression that a part of the letter was suppressed for any bad effect, because the entire letter was submitted by the gentleman from Texas [Mr. Abbott] in his report on this bill.

Mr. SAYERS. I am stating to the committee, as I believe, the grounds on which the House permitted the bill to pass and to become law: first, that the expenditure would not involve over $30,000 or $40,000; second, that it had received the approval of the Commissioners of the District of Columbia, and lastly, that the proper interpretation of the bill was given by the gentleman from Alabama, Mr. Cobb.

I repeat that the amendment offered by the gentleman from Missouri [Mr. Dockery] should be adopted. There should be no mere suspension of this very objectionable law, but this House should put the seal of its condemnation, not only on the measure itself, but also on the manner in which it was passed through the House.

Now, Mr. Chairman, I will yield the remainder of my time, if I have any, back to the gentleman from Vermont [Mr. Grout].

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. GROUT. Now, will the other side occupy the floor?

Mr. RICHARDSON. Mr. Chairman, in the brief time that I shall occupy the floor, I shall not assert that all of these claims should be paid. If my friend from Texas [Mr. Sayers] will listen to me for a moment or two, I think we shall not disagree.

It seems that the object contemplated in the act passed in the Fifty-third Congress was a good one, and the District Commissioners recommended it. There is no controversy about that.

Mr. SAYERS. No; they did not recommend it. Does the gentleman mean to say that the Commissioners recommended the bill which was passed by the House?

Mr. RICHARDSON. No; I did not say anything of the kind.

Mr. HULICK. I understood the gentleman to make that declaration, that it was on the approval of the Commissioners.

Mr. RICHARDSON. I did not say that. I said that the object had in view in the legislation was a good one, and that the District Commissioners recommended the object in view, at first, which was the passage of a bill which would authorize persons holding these claims to go to the Court of Claims and ascertain if anything was justly due to them.

Mr. HULICK. But let us understand. They did not recommend this specific act.

Mr. RICHARDSON. Well, I have not said so, and I do not say so.

Mr. HULICK. I want the committee to understand that.

Mr. RICHARDSON. I say they did not recommend this act, and I hope I may be understood. They did not recommend this act, but they favored the object of the legislation, which was the submission of some of these claims to the Court of Claims, that there might be an ascertainment if there was anything fairly due to the claimants. That is what they favored, and they say so this morning.

Now, Mr. Chairman, I want to say that this morning the Committee on the District of Columbia had before it the two Commissioners of the District, the president of the Board, Mr. Ross, and Mr. Truesdell, and the auditor of the District, and one or two other officers representing the District, and two Assistant Attorneys-General of the United States, representing the Government of the United States, and also had the gentleman whose name has been mentioned here, Mr. Hemphill, as the attorney representing some of these claims. Now, we listened for two hours to the debate pro and con, endeavoring to get at the real facts in respect to these claims. The hearing was not completed when the time came for us to come upon the floor of this House at 12 o'clock.

It is an intricate question, Mr. Chairman, and while it is intricate it is easy to understand; but there is difficulty in the position of my friend from Texas [Mr. SAYERS], and of my friend from Missouri [Mr. DOCKERY], and of my friend from New Jersey [Mr. PITNEY], who are conscientious legislators, seeking to do right in this case, and to prevent the Government from being robbed. The difficulty with them is that they combine and bring together the just claims—and there are some of these claims which are just—with the unmeritorious claims which are presented. Now, what we ought to do as legislators, if we can, is to provide some remedy by which those having honest claims can get to the Court of Claims and get them allowed, and the dishonest ones be rejected.

I am frank to say that the bill which we are now considering, and which we are seeking to repeal, goes too far. It does provide on its face, absolutely, that the Court of Claims shall allow "the board rates" in every case. I did not think it was subject to that construction. The gentleman from Texas [Mr. ABBOTT] who made the report upon it did not think possibly that the law which was passed would admit of that construction. But the Court of Claims has placed that construction upon it, and has held that it has no discretion and that it must allow the entire sum fixed by what is known as "the board rates;" and that, not having any discretion, it must allow all of these claims, and therefore gentlemen have now come forward, as suggested by the gentleman from Texas [Mr. SAYERS]—who have been paid, as they once thought, in full, and paid as the Government supposed, in full, and for which they executed their receipts in full, but not as much as "board rates"—have now come in under this act and presented new claims, based on the language of this act, and they say that they are arbitrarily to be allowed "the board rates," because this act, passed in the Fifty-third Congress, says so.

I tried to state that yesterday, and I am trying to state it here this morning. What does the committee find? It finds these facts developed this morning. You are going to repeal the law. And when you do so, what do you do? You shut out meritorious claims, but you also shut out those which the District Commissioners admit are equitable and just and some of which ought to be paid. Are you going to do that? You will if you pass this amendment. You say, "Oh, well, let the meritorious ones go, in order to get rid of the unmeritorious claims." I do not think we ought to legislate in that way. I do not think that the amendment ought to pass. I think that the Committee on the District of Columbia ought to report a bill repealing this act, and substituting in place of it a proper bill; and that is one that will allow these parties that admittedly have just claims to present them to the Court of Claims, under proper restrictions, and have them adjudicated properly and fairly. Is there anybody who objects to that? If so, I have offended him. I do not think we ought to go to the broad extent of absolutely and unconditionally repealing this act.

Mr. MILES. What is the difficulty about your committee doing that after this law has been repealed?

Mr. RICHARDSON. It can be done that way. I suppose we will go on with the hearings; but I am speaking about the real situation. I say that the better way is to let the Committee on the District of Columbia report upon it. A bill was introduced in December for the repeal of this act, and our attention was called to it by the District Commissioners in a pro forma way. Gentlemen must remember that it is not possible for the District Committee to consider more than one-third or half of the measures that are presented to them. We take them up in order and dispose of them in a business way under our efficient chairman, and if it had been specially called to our attention we would have taken it up, as we are in the habit of taking up bills that our attention is especially directed to. I do not think that this committee or this House ought to repeal this bill that will shut off persons who have meritorious claims from having them adjudicated in the Court of Claims. Now, the gentleman from Texas [Mr. SAYERS] says that he was misled by the gentleman from Alabama, Mr. Cobb, unintentionally. We would all exonerate Judge Cobb, and I know my friend would.

Mr. DOCKERY. He did.

Mr. RICHARDSON. He did so. I said he would do it. Judge ABBOTT, of Texas, a member of the committee, made the report. Judge Cobb did not make the report, but it was made by the gentleman from Texas [Mr. ABBOTT]. Judge Cobb simply had charge of the bill on the floor. My friend from Texas [Mr. SAYERS] says that Judge Cobb misled him in stating that the claims were only $30,000 or $40,000. I may be mistaken in the hasty reading of the statement of Judge Cobb. I do not think he intimated that. If the gentleman from Texas is on the floor, will he look at it?

Mr. DOCKERY. He is not in the House at this time.

Mr. RICHARDSON. Here is what Judge Cobb said. I have read it hastily. Will my friend from Missouri look at it here. [Offering the RECORD.] I do not think Judge Cobb said that.

Mr. DOCKERY. I do not think the gentleman from Texas [Mr. SAYERS] assumed that he made that remark on the floor.

Mr. RICHARDSON. That may be. I was about to say that Judge Cobb may have made a remark to him off the floor about that. But be that as it may, it does not reach the merits of the question. The statement made by the gentleman, Mr. Hemphill, who presented it to the District Committee, was that the claims would amount to $70,000 or $75,000; and his attention being called to that this morning, he stated it was that amount, and not $1,400,000, as claimed by my friend from New Jersey [Mr. PITNEY]. Mr. Hemphill very promptly stated, in reply to the question, that the proper and just claims, which he supposed would be all that would be presented, would be about $70,000 or $75,000. But he said that other parties, taking advantage of this act, have rushed in and have filed claims amounting to a million and a quarter.

Mr. PITNEY. Will the gentleman permit me one moment?

Mr. RICHARDSON. Certainly.

Mr. PITNEY. Will the gentleman inquire of Mr. Hemphill whether he was not before the Committee on Rules yesterday morning, accompanied by a client of his for whom a single judgment has been rendered by the Court of Claims for $122,000, which is now under appeal simply on the question of interest, and this for only one of these claims?

Mr. MILNES. That question was up this morning in the committee, and I never heard any statement of any such judgment. The referees in one case had rendered a decision in favor of one claimant for $70,000, and not $122,000.

Mr. RICHARDSON. The suggestion of the gentleman from Michigan is——

Mr. MILNES. There was no judgment rendered.

Mr. PITNEY. If the gentleman will pardon me, my statement was made that there was a judgment, and the auditor of the District is in the gallery and he can be called to the lobby if necessary to satisfy members upon the question of fact as to whether a judgment has been rendered. An appeal is now pending, and the principal point relied upon by the appellant is simply a question of interest, but there is no doubt that a judgment has been rendered by the Court of Claims.

Mr. MILNES. The gentleman is mistaken. The United States attorney of this government says there has been no such judgment rendered. The referee in this case has recommended that this party be paid $70,000.

Mr. PITNEY. Plus interest.

Mr. MILNES. And the question of interest is now before the Supreme Court of the United States.

Mr. MAHON. I hope they will make them pay it.

Mr. RICHARDSON. It may be, Mr. Chairman, that both these gentlemen are correct. I am not sure but there has been a judgment rendered in one case, as suggested by the gentleman from New Jersey [Mr. PITNEY], for $70,000; at any rate, for an amount considerably larger than Mr. Hemphill thought these claims would amount to.

Mr. BABCOCK. If the gentleman will permit me, the auditor stated this morning that the total amount for which judgment was rendered was $81,660.

Mr. GROUT. Were the names of the parties in whose favor those judgments were given stated before your committee?

Mr. BABCOCK. No, sir.

Mr. MILNES. That is to say, out of over $400,000 claims passed upon, four-fifths were dismissed entirely.

Mr. PITNEY. No; only twenty-six were dismissed.

Mr. MILNES. Four-fifths of the claims considered by the court were dismissed. Claims amounting to over $400,000 were acted upon, and over four-fifths were dismissed, and out of that total of over $400,000 judgment was given for some $80,000.

Mr. PITNEY. I make my statement upon the authority of the auditor, and upon the authority of the auditor's official report to the Commissioners, which I have before me, that these claims which were pending on the 11th of January, 1897, after dismissing those to which the gentleman refers, amounted, with interest, to about $1,400,000.

Mr. RICHARDSON. The gentleman is correct about that. Claims have been piled up amounting to about $1,400,000.

Mr. MILNES. The attorney for the United States said to the District Committee this morning that in the greater part of these cases now pending the claims were for the difference between the par value of the 3.65 bonds in which payment had been made and the amount the bonds actually sold for, and that the court had already decided that that difference could not be considered, so that those cases, or a very large part of them, have gone by the board.

Mr. RICHARDSON. I was about to state that. Claims of the kind described by the gentleman from Michigan have gone out of the count entirely, but such claims had been piled up and are counted in making up this total.

Mr. DOCKERY. When I take the floor, I will state in my time the items of the cases now on the docket remaining unadjudicated. They amount to $851,440.52 without interest.

Mr. RICHARDSON. There is no controversy about that.

Mr. DOCKERY. Mr. Chairman, the gentleman from Texas is now in the Hall, and I will ask the gentleman from Tennessee to repeat what he said a while ago about the statement of the gentleman from Texas as to what had been said to him by Judge Cobb about the amount of these claims.

Mr. RICHARDSON. What I said was that I did not think the gentleman from Texas would be able to find in Judge Cobb's remarks in the RECORD any statement that the claims under that proposed legislation would amount to only thirty or forty thousand dollars.

Mr. SAYERS. I never claimed that. What I said was that Judge Cobb told me, and that others interested in the passage of the bills told me, that these claims would not amount to more than that.

Mr. RICHARDSON. I have no doubt the gentleman is correct in his statement. Mr. Chairman, there is no controversy but that these claims have piled up to the amount of $1,400,000. There is no controversy either but that, under the law prescribed by the Court of Claims, 70 per cent of all those claims will be eliminated. That was stated this morning before the Committee on the District by gentlemen for and by gentlemen against these claims. Therefore the whole amount which will go before the court will not exceed three or four hundred thousand dollars, and the court can reject such of the claims included in that amount as it finds to be improper. Whether the court will do right or not I do not know. I assume that it will, and I believe it will. But some portions of these claims it can not reject under the present law because that law says that the court shall allow "board rates," which we do not think ought to be allowed, and which probably the court will not think ought to be allowed, but the law is mandatory. For that reason I think that instead of striking the law absolutely from the statute book it should be so modified and limited as to give the court some discretion in its finding and not direct it arbitrarily to make a certain finding.

The trouble with the pending proposition is that this Committee of the Whole is not in a condition to act with full knowledge upon this question. In the Committee on the District we spent two hours this morning listening to both sides—and that is the only way to get at the facts; to hear both sides face to face. I believe that in an hour longer the committee could have reported a measure which would be absolutely satisfactory to the District Commissioners, who are guarding the interests of the people of this District and of the United States as well as honest and efficient men can guard them. The Commissioners are seeking to do right; the District Committee is seeking to do right. I believe this Committee of the Whole House on the state of the Union wishes to do right about this matter, but unfortunately I am not in a position to give them all the facts. I wish I were, but there are some facts in the case that I do not understand myself, because our hearing was cut off arbitrarily by the meeting of the House.

Mr. MILES. After all, however, can any injustice come from the repeal of the existing law?

Mr. RICHARDSON. Yes; the denial of a hearing to persons whose claims are admitted to be just.

Mr. PITNEY. They are not admitted to be just.

Mr. MILES. But I assume that the District Committee will go on and discharge its duty to these claimants, and when it finds, as the gentleman thinks it has found, that the existing law is wrong, that committee will probably propose an amendment.

Mr. RICHARDSON. We probably could amend the law so as to make it satisfactory. I say frankly, however, that if, after full investigation, I should change my opinion, I would not be in favor of any modification; but I think there ought to be a full hearing before we are called upon to undo what has been done by a previous Congress. I think the law might well be modified; I think it goes too far; but at the same time I do think that some of these claims are meritorious, and that an opportunity for the consideration of them ought to be given.

Now, it seems to me it would have been better to let the District of Columbia Committee formulate a proper measure, giving relief to these parties who have honest claims, and have it considered under the rules of the House. I agree with the gentleman from Vermont [Mr. GROUT], who says that this method of legislation is one that we ought not to enter upon hastily. It is not a kind of legislation that we ought to encourage, one evidence of which is that the rules of this House, adopted by a majority of its members, prohibit us from considering measures of this kind in this way. In the last Congress, if I may so say, and in the Fifty-second Congress, the rules of this House permitted this kind of legislation. But in this Congress the majority in its wisdom said, "It is not right thus to consider this kind of legislation;" therefore they put in the rules a provision that we should not do so. The consequence of waiving the rule in the present case is, as members must see, to precipitate a discussion here upon a question on which there has been no full hearing. I know that my friend from Texas, and other members, did have a partial hearing before the Committee on Rules yesterday morning. That committee had before them the attorney, Mr. Hemphill, who, I understand, was before the Committee on the District of Columbia two years ago, when the bill now in question was passed. But this morning, as I have stated, the Committee on the District of Columbia had before them the District Commissioners; they had before them two assistant United States district attorneys; they had before them other attorneys, officers of the District of Columbia—wide-awake and honest—sincerely endeavoring to serve the interests of the District and of the people of the United States. It seems to me we ought to have been allowed to complete that hearing before action is taken by the House. This is all I have to say, Mr. Chairman. I surrender the remainder of my time to the gentleman from Virginia [Mr. MEREDITH], who yielded it to me.

Mr. GROUT. Will some gentleman on the other side now occupy further time?

Mr. MEREDITH. We prefer to wait until somebody else has been heard, if it be agreeable to gentlemen on that side.

Mr. GROUT. Does the gentleman from Missouri [Mr. DOCKERY] wish to proceed now?

Mr. DOCKERY. No. I wish to be heard for five minutes at the close of the discussion.

Mr. GROUT. I yield five minutes to the gentleman from Ohio [Mr. HULICK].

Mr. HULICK. Mr. Chairman, this matter can be determined upon some very simple propositions of law, and I think if they are properly understood this Committee of the Whole can have no hesitancy in voting in favor of this amendment.

The act of 1880 conferred upon the Court of Claims legal and equitable jurisdiction with reference to these claims. The act of 1895, which it is now proposed to repeal, limited the jurisdiction of that court so that in rendering judgment it could not exercise equitable jurisdiction, but must obey the mandates of the statute, thereby accomplishing injustice to the Government through judgments of the court amounting to over $851,000. All this trouble has grown out of the act of 1895. Let me read a part of the language of that act:

> The Court of Claims shall allow the rates established and paid by the board of public works; and whenever said rates have not been allowed, the claimant, or his personal representative, shall be entitled, on motion made within sixty days after the passage of this act, to a new trial in such cases.

Under that provision judgments to the amount of over $800,000 were rendered in conformity to the provisions of the statute, the Court of Claims being forbidden to go into the equities of the case. Parties whose claims had once been determined under the act of 1880 came in there with additional claims and obtained under the act of 1895 judgments which helped to swell this amount of $800,000. When in answer to those claims the attorney representing the Government said, "You are estopped now from coming in and claiming judgment at the hands of this court," the court was obliged to say, "No; our hands are tied." Thus, notwithstanding these claims had been adjudicated before the proper tribunal under the act of 1880, these same parties came into the Court of Claims under the act of 1895 and obtained judgment, in spite of the defense that they had under their written contracts agreed to receive a less amount for their services than they were claiming. In this way these claims, amounting to $800,000, have been recognized, and the present perplexity and trouble have arisen.

Mr. MILNES. Will the gentleman state in what form these men were paid?

Mr. HULICK. They were paid under the act of 1880 in 3.65 bonds.

Mr. MILNES. What were those bonds worth at the time?

Mr. HULICK. That does not make any difference. They entered into their contract under that statute——

Mr. MILNES. The statute did not provide that they should be paid in 3.65 bonds worth 50 cents on the dollar, did it?

Mr. HULICK. The act provided that they should be paid in these 3.65 bonds. Those were the express terms of the statute, which time will not permit me to read.

Mr. PITNEY. It has already been conceded, as I understand, that the value of those 3.65 bonds could not be taken into consideration even under the act of 1895.

Mr. HULICK. No one has made any such claim.

Mr. MILNES. So I understand; yet in equity——

Mr. HULICK. It does not lie in the mouths of these people to talk about equity when they are proceeding under this act of 1895, which says that the Court of Claims shall not inquire into the equity of the claims presented, but must proceed upon the fact simply that these claimants have not been allowed for the difference between the price as fixed in their contracts and the price fixed by resolution of the board; in other words, upon that fact being made evident to the satisfaction of the court, that court must listen to their claims and give them judgment for the difference.

For instance, there was one claim of this kind: A maintaining wall extending some two or three miles was built by a contractor who agreed to do the work for $5 per square yard, or whatever the rate may have been. He was paid the price stipulated in the contract. But after the enactment of this act of 1895, he commences his proceeding in the Court of Claims, and notwithstanding his written contract he obtains judgment for $1.50 in addition to the $5 he had already received under his contract. This is the way the hands of the court were tied, and the way in which those $800,000 of judgments were swelled up.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. HULICK. Certainly.

Mr. BAKER of New Hampshire. It has been stated that judgments have been rendered under the act of 1895 for the amount of $81,000. That, I believe, is the correct amount.

Mr. DOCKERY. The judgments are $81,000 in round numbers; but there are claims aggregating $851,000, for interest and so on, pending.

Mr. BAKER of New Hampshire. Claims already filed?

Mr. DOCKERY. Yes.

Mr. HULICK. But, Mr. Chairman, instead of there being that amount rendered as judgments by the court, there would not have been 75 per cent of that amount if it had not been for the passage of the act of 1895, practically compelling the court to render judgment.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. HULICK. I should like to proceed for a little while longer.

Mr. GROUT. I will yield five minutes more to the gentleman from Ohio.

Mr. MEREDITH. I would like to ask the gentleman one question before he proceeds. The case you have referred to has gone up, as I understand it, on appeal on the part of the attorney representing the Government?

Mr. HULICK. Yes, sir.

Mr. MEREDITH. And he makes the point that we can not vary from the written terms of the contract. And further, if I understand this matter correctly, he claims that it has not yet been decided as to the constitutionality of the proceedings, which will be inquired into.

Now, let me ask the gentleman if it is his judgment that a law would be constitutional that permits variations in a written contract at the will of either party?

Mr. HULICK. Emphatically no; and I think every lawyer here who has ever given any consideration to the subject would make that same declaration. It is in direct violation of a principle that we all recognize for the Government to undertake to change or vary the terms of a contract after it had been entered into. And this matter has gone up to the court of appeals from a decision rendered by the lower court. But would any gentleman say on that appeal that any court of this country would decide differently from what the District court has already decided? They say that it is imperative that they should decide as they did, and the question goes up on the appeal, not only as to the constitutionality of the law, but as regards the question of interest——

Mr. POWERS. If the gentleman will permit an interruption, I understand him to say that judgments have been rendered to the extent of some $800,000?

Mr. HULICK. No, sir; $81,000, I think.

Mr. POWERS. And the indebtedness, if it be an indebtedness, was against the District of Columbia before the act of union in 1878, was it not?

Mr. HULICK. It grew out of a contract that had been determined by the court, and otherwise, between the Government and the claimants themselves, under the provisions of the act of 1895.

Mr. MEREDITH. But the contracts were extended by the Commissioners, and in that way jurisdiction was obtained.

Mr. HULICK. They were extended by the Commissioners of the District, that is true.

Mr. PITNEY. Oh, no; not all of them.

Mr. HULICK. No, not all of them; but a great many were. Those claims that had been incorporated in the judgment were extended by the Commissioners, and under the extension, under the act of 1895, they get the claims taken up, and then they come in and claim a judgment for the difference in money adjudicated and settled the case where the parties had received 3.65 bonds under the act of 1880, and sold the bonds for less than par.

Mr. POWERS. I understand the point the gentleman is making. My inquiry was whether it would not result in landing upon the Government of the United States one-half of an old debt contracted by the District and due from the District before the act of union was passed?

Mr. HULICK. I do not know whether it was one-half or not, but it is a considerable sum. And the claims have not only been "landed," as the gentleman says, if the act remains in force, but hundreds of thousands of dollars more will be involved, as we understood in the hearings before the committee this morning that some $1,400,000 were involved in this question.

Mr. POWERS. And the people of the United States will have to pay one-half of the total amount allowed?

Mr. HULICK. The Government will have to pay its one-half, of course.

Mr. MILNES. What! Out of the 3.65 bonds?

Mr. MEREDITH. If the gentleman will permit me, the citizens of the District have already paid their amount. The property owners have been assessed, and they paid at what are known as "board rates."

Mr. HULICK. Now, Mr. Chairman, the gentleman from Tennessee says not to repeal this law. We have a resolution before the Committee on the District of Columbia considering this very matter. But let us settle this thing before the adjournment of Congress. It is late now in the session. Let us act now and untie the hands of the court, and if we desire to modify or amend it, giving the court equitable jurisdiction in the premises, that can be done.

This act was passed without the approval of the Commissioners, as they told me no longer ago than this morning. It does not meet their approval, and did not meet it at the time it was enacted, but, on the contrary, it met their entire condemnation. They say that not only the District, but the Government is legally swindled out of a great amount of money if the bill remains on the statute books, and it ought to be repealed at this moment by the House.

I yield back to the gentleman the remainder of the time.

Mr. GROUT. How much time have I remaining?

The **CHAIRMAN.** The gentleman has thirty-five minutes remaining.

Mr. GROUT. Will gentlemen on the other side occupy some time now?

Mr. MEREDITH. I yield such time to the gentleman from Texas [Mr. ABBOTT] as he may desire to occupy.

Mr. ABBOTT. Mr. Chairman, it happened to be my good fortune or bad fortune to report this bill from the Committee on the District of Columbia to this House in the Fifty-third Congress. I was simply the mouthpiece of the committee. The bill was under discussion there at several sessions of the committee, and after it had been agreed to—I believe unanimously by the committee—I was instructed to make the report. I made that report.

When that bill came up for consideration in the House I was not present. Circumstances had compelled me to return to my home in Texas, and I was not here during the debate on the passage of that bill. I do not know what took place on the floor of the House, and simply know that I acted on behalf of the committee in making the report.

The report is too long to be read in the short time that I have, but I founded every statement in that report upon a letter from the District Commissioners, which is printed in company with my report. That letter is here. It is signed by John W. Ross, District Commissioner, and addressed to the Hon. John T. Heard, chairman of the Committee on the District of Columbia, and dated June 14, 1894.

The report simply reiterates and restates the facts and the legislation of Congress upon the subject of these claims against the Government.

Mr. HULICK. Will the gentleman allow me?

Mr. ABBOTT. Yes.

Mr. HULICK. I want to set myself straight. I made the declaration here that this act was enacted without the approval of the Commissioners. Now, the gentleman states that this report was based upon a letter from the Commissioners.

Mr. ABBOTT. Yes.

Mr. HULICK. Approving it?

Mr. ABBOTT. Yes.

Mr. HULICK. Now, one of the Commissioners told me this morning that that was not all of the letter that was written by the Commissioners to the committee, but that a portion of it was left out; or if it was not that letter, it was some letter upon which the committee acted.

Mr. ABBOTT. There may have been another letter.

Mr. SHANNON. That is the Senate report which he refers to.

Mr. ABBOTT. I will simply say that the whole of this letter is printed, the District Commissioners to the contrary notwithstanding. But I will corroborate the gentleman thus far——

Mr. PITNEY. Will the gentleman permit me to make an inquiry?

Mr. ABBOTT. Certainly.

Mr. PITNEY. The point is this, if the gentleman will permit: Since he reported this bill in the Fifty-third Congress, I should like to call his attention to this fact, that the letter of the Commissioners to Mr. Heard, dated June 14, 1894, was in response to a reference by the committee to the Commissioners of House bill 3134, which had been introduced by the gentleman from Virginia [Mr. MEREDITH].

Mr. ABBOTT. Yes.

Mr. PITNEY. The Commissioners, in the letter published there, say that they returned a substitute bill containing certain safeguards that the Meredith bill did not contain.

Mr. ABBOTT. Yes, certainly; and I want to say to the gentleman right now that I hold that bill in my hand. He is anticipating me.

Mr. PITNEY. Will you permit me to ask you a question?

Mr. ABBOTT. Yes, but not to make a speech.

Mr. PITNEY. I can not ask my question until I state the facts.

Mr. ABBOTT. I can not yield my time.

Mr. PITNEY. Very well; I will wait until I have my own time, and I hope the gentleman will remain here until the end of the discussion, so that he may be present when I have the floor.

Mr. ABBOTT. Very well. I want to state, Mr. Chairman, that I hold in my hand the substitute bill offered by the Commissioners and the bill which I was instructed to report.

Mr. ABBOTT, from the Committee on the District of Columbia, reported the following bill in lieu of H. R. 7453.

Now, if my friend will give me his attention, that is the bill which the Commissioners brought here.

Mr. PITNEY. No. 7453 was?

Mr. ABBOTT. No. 7453 was. That is the bill that they brought here.

Mr. PITNEY. Yes.

Mr. ABBOTT. And that is the bill they asked us to pass.

Mr. PITNEY. Yes; because it contained certain safeguards mentioned in their letter.

Mr. ABBOTT. Well, I have the bill here and will read it for the benefit of the committee.

Mr. PITNEY. Why did not the committee report that bill, instead of reporting another bill which left out every safeguard?

Mr. ABBOTT. I do not concur with you. Now, if the committee will give me their attention, I will read the bill which the Commissioners themselves presented to us, and which they asked us to pass, and then in lieu of that the Committee on the District of Columbia directed me to recommend this bill.

The bill which the Commissioners prepared and requested our committee to pass and to present to this House is as follows:

That in the adjudication of claims heretofore brought under the provisions of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1880—

I want my friend to listen to the provisions of this bill, so that he will understand the reasons why we reported a different bill—

no sum in excess of the sum named in the written contract allowed by the late board of public works or the late board of audit of said District, and paid to said claimants for work done or materials furnished for said District at the rates established and allowed by said board of public works and known as "board rates"—

I want you gentlemen to listen—

and known as "board rates," shall be pleaded or allowed as a set-off or counterclaim against any claim for work done or materials provided for said District so far as the prices allowed and paid were reasonable, just, and equitable. And in all cases where such set-off or counterclaim has been allowed against such claim, in cases heretofore brought as aforesaid, the claimant shall in such cases be entitled to a rehearing of his case.

In the bill we not only provided to cut off these counterclaims, but prevented the board of audit and the Court of Claims from allowing a greater sum than that which had been allowed heretofore. We not only approved the bill, but we thought that under the provision in the District Committee bill they could come in here and before Congress and before the Court of Claims, and although they had been allowed "board rates" they might in addition thereto make claims in addition to the contract price and in addition to the "board rates;" and therefore we did cut that provision out of the bill. We did right; and neither the District Commissioners nor any member of the House can defend the measure the District Commissioners presented to us to pass.

Now, I want, for one, to say that since I have had the honor to be a member of that committee I have not been governed by the District Commissioners. They are not the representatives of the people of this great nation. I have always been willing to hear their suggestions. I have always been willing to listen to their advice, because they are more familiar with the details of this city government than I am; but I have not surrendered to them the right to legislate for this country or the District of Columbia. I do not intend to surrender that right to them. I have never yet passed or voted for a bill in the committee that I did not ask and seek their advice and their counsel, but when I have to surrender the position I occupy as a representative of the people in order to listen to the District Commissioners, and say that I am but the mouthpiece of that concern, I want to repudiate the idea, and I do it here.

I want to say that if you will examine the report which I made in that case, and which is founded absolutely upon the report and upon the letter of Commissioner Ross, you will find I restated the facts substantially as he gave them in that letter. I gave further the history of the legislation upon this subject, showing that in 1871, when the board of public works was created in this District, when this District was given a governor and a legislature—and subsequently the Congress of the United States in its wisdom repealed that form of government for the District and assumed control of it—these contracts had been made by the board of public works with hundreds and hundreds of contractors here who were improving and beautifying the streets of this grand city to an extent which Congress thought was extravagant, and therefore they took their jurisdiction and power away from them and confided it to Congress. These contracts were unexecuted. These contracts which had been made by the board of public works had not been executed at the time of this change in the government of the District of Columbia. What was to be done? Most of these contracts were renewed by the District Commissioners themselves, and many of these contracts were entirely new.

Let me call your attention to another fact—that during the existence of the board of public works the contract system had been altered more than once, and changes in the amount allowed for the improvement upon the streets of this city had been made. These contractors had to comply with the requirements of that board of public works, because they had the contractors directly in their power. Many of these contracts are shown not only by the evidence before the committee, but fully shown in the report which I made, to have been signed in blank. Hundreds and hundreds of these contracts that were made for the improvement of the city were signed by the contractors in blank, and in many cases the clerks never filled out the provision of the contract, but they were turned over under the change of government without any act upon the part of the board of public works or upon the part of anybody else representing the Government or the District of Columbia. The question then came up as to what terms of settlement should be made. Existing contracts were outstanding. There was no measure of damages provided for in the contracts, because they were not existing legal contracts; yet many of these men went on fulfilling the undertakings they had entered into with the board of public works. When the change of government came about, their contracts were not renewed, and the question was, how should the rights of those parties be settled?

Now, the bill which the committee reported and which became a law provided substantially that those contractors should be settled with at the rates which had obtained here under the old régime. The committee modified the bill so as to secure to the parties who had performed services for the District the same compensation which all others had received under the contract system. This is the sum and substance of that bill.

Mr. HULICK. Let me ask the gentleman a question. Would the gentleman insist for a moment that if he had known the interpretation that was going to be given to that act by the Court of Claims he would have reported it?

Mr. ABBOTT. I will say to the gentleman that I would not have reported it. I do not believe that the Court of Claims has given to that law the proper interpretation. I stand on the floor as a lawyer—and I have been one all my life—and say to you, sir, that I do not concur in the judgment of the Court of Claims on that question; but the right of appeal exists, and if the Supreme Court of the United States ever passes upon the question, I predict that it will not uphold the decision of the Court of Claims.

Mr. HULICK. But the gentleman recognizes the principle that as long as that decision stands it is the law?

Mr. ABBOTT. No; because it is appealed from now. It is already suspended by an appeal. Every man has the right to appeal, and as long as that right exists there is nothing settled.

Mr. HULICK. But many of the cases are not in court.

Mr. ABBOTT. Well, if they are not in court, that is their fault, not mine. But to hold that the courts in any civilized land would set aside a written contract, where the parties are bound by the terms of the contract according to every principle of law—to hold that the court would set aside the contract and construe a statute to the benefit or to the detriment of a claimant, is not law and never will be law, and no court of respectability will ever sanction that view.

Mr. HULICK. I think the gentleman is right about that. But when there is a question raised about the meaning of the law, ought not we to make it so plain that there will be no question about the interpretation of it?

Mr. ABBOTT. I will answer my friend in this way: I would not make it plain by such a proceeding as this—by an amendment on an appropriation bill. I would come up like a man and face the question.

[Here the hammer fell.]

Mr. GROUT. Mr. Chairman, I yield ten minutes to the gentleman from New Jersey [Mr. Pitney].

Mr. PITNEY. Mr. Chairman, I would like to have unanimous consent that I may occupy fifteen minutes.

Mr. RICHARDSON. I shall not object, provided we can have an understanding that if any gentleman on the other side desires five minutes additional time he shall have it.

Mr. PITNEY. There will be no objection to that.

There was no objection, and it was so ordered.

Mr. PITNEY. Mr. Chairman, I see the gentleman from Tennessee [Mr. Richardson] and the gentleman from Texas [Mr. Abbott] both present, and I hope they will do me the honor to remain until I have concluded my remarks.

I want to say to the gentleman from Texas [Mr. Abbott] who has just taken his seat, that I have a very high admiration for his innocence, because, after all his years of life, after all his years of service in this House, after all his experience as a lawyer, he is not able to detect a gross fraud when it is right under his nose. [Laughter.]

The gentleman says the contracts were signed in blank. That is true. The gentleman says they were not signed until some time after the agreements were made. That is true. When were they signed? The work in question was done without the scratch of a pen upon paper; done in violation of a statute which rendered it absolutely unlawful to have work done in that way, and after the work was done and paid for at unlawful and fraudulent rates, when the joint Congressional investigating committee, headed by Senator Allison, commenced its investigation of these affairs in the year 1874, they called on "Boss" Shepherd to furnish copies of all these contracts. No such contracts had been made in writing, and the clerks in the departments of the District government were set to work scudding about the District to find these fraudulent jobbers who had fattened off the District treasury, to get them to sign contracts which should show an apparent compliance with the law, years after the work had been fully performed.

Mr. ABBOTT. Mr. Chairman——

Mr. PITNEY. Before the gentleman interrupts me, let me give him the evidence of that.

Mr. ABBOTT. I do not require any evidence; I know that to be true.

Mr. PITNEY. I hope you do. If you do not, you have forgotten it, because I have the evidence of it here in a printed report headed by your name.

Mr. ABBOTT. Admitting those facts, I now ask you this question: If this labor was performed without a written contract, although the law required a written contract, are you willing for that reason to deprive men of the quantum meruit that they would be entitled to? Are you willing to deny them justice?

Mr. PITNEY. Everyone of them has had his quantum meruit. They had their legal remedy on their contracts.

Mr. MILNES. What remedy did they have?

Mr. PITNEY. They had a right of action under the original law against the District government, a legal right of action in the Supreme Court. But they were not satisfied with their legal right of action, and the act of 1874 was passed to create a board of audit, and it provided that they should have these same remedies which the gentleman from Michigan [Mr. Milnes] says they are now claiming. They were not only given these remedies by the act, but they have had them. They have had their suits in court; they have had their judgments; they have had their money.

Mr. Milnes rose.

Mr. PITNEY. I will not yield to an inquiry on the point which the gentleman wishes to bring up—the payment in bonds instead of money—until I get to it. My time is short, and I want to answer the gentleman from Texas [Mr. Abbott].

That gentleman in his own report—Report 1659 of the Fifty-third Congress, third session—shows, I say, his entire innocence of the affairs of this world and his entire ignorance that the unsavory Shepherd régime ever existed in the city of Washington, because he says—I do not know who prepared it for him——

Mr. ABBOTT. I will say to my friend that the report does not show my ignorance on that point; the report does show the existence of "the Shepherd régime." The gentleman, in the statement he now makes, shows his ignorance of what the report contains.

Mr. PITNEY. Not at all——

Mr. ABBOTT. It would so appear, at any rate.

Mr. PITNEY. I am going on to remind the gentleman of what the report contains:

> In a large number of cases where "board rates" were allowed, the modification of the contract was made in writing, in conformity with the statute which required all such contracts to be in writing.

That modification was made after the work was done, and was unlawful—absolutely prohibited by the organic act of 1871. Yet those men have been paid. They have received the "board rates," and are not among the class to be benefited by the act of 1895. But here is what the gentleman was getting at:

> On account of the large number of contracts in existence and the immense proportions of the improvements in progress, all these contracts were not made in due form, and after the work had progressed two or three years Congress, becoming dissatisfied with the extensive outlay of money, proposed an investigation. When this became known, the contract clerks in the office of the board of public works sought out a number of the contractors and had them sign contracts in blank to be filled out at the office at the regular "board rates."

Yes; irrespective of whether that had been the understanding between the parties or not; in spite of the fact that the understanding was contrary to that; in spite of the fact that those men had taken work at prices below the board rates——

Mr. ABBOTT. Does the gentleman deny that the statement he has just read is a correct statement? Is not that a correct statement?

Mr. PITNEY. I am reading the language and explaining it.

Mr. ABBOTT. I ask whether it is not correct?

Mr. PITNEY. Yes; and something more is correct. The statement itself discloses the condition of rottenness that now calls peremptorily for the repeal of the act of 1895. It says:

> Through mistake upon the part of the clerks in the said office there were inserted in some of the contracts rates which had prevailed before the "board rates" were finally established in place of the regular "board rates," under which these parties and all others doing similar work were carrying out their contracts, and in accordance with which they had been paid from time to time certain proportions of the amounts due to them.

What does that really show? It shows that the "board rates" were simply fraudulent increases of compensation in violation of law, the rates being increased from time to time without any consideration paid by the contractors, and that the alleged contracts were mere fictions and shams, made out years after the work had been done and the money paid; and the clerks who made out those contracts, for the purpose of dodging a Congressional investigation, could not in their hurry make the fictitious contracts agree with any of the surrounding evidence. The gentleman's report proceeds:

> These contracts were in printed form upon several separate sheets of paper, and were intended to be filled out with the regular "board rates."

This was long after the work was done and paid for.

> As a matter of fact, only the last sheet of these contracts was ever presented to or signed by the contractor, and even this was not done until two years after the contract had actually been made and the work begun, and in some cases after the work was finished.

Yes; and as a matter of fact, not merely was the last sheet only presented to or signed by the contractor, but no sheet at all was ever presented to or signed by any person or officer who had the power under the law to bind the District government.

What is the history of this matter? Let me go over it a little. The gentleman from Tennessee [Mr. Richardson]—and I hope he is present——

Mr. RICHARDSON. I am present.

Mr. PITNEY. The gentleman from Tennessee said that he only wanted to provide for just claims. I answer him—and the evidence upon the statute books will sustain me—that there is not a bit of justice, of equity, or of decency in any one of these claims.

Mr. MEREDITH. That statement is contrary to the opinion of the Commissioners.

Mr. PITNEY. It is not contrary to the opinion of the Commissioners.

Mr. RICHARDSON. I ask my friend to yield a moment. I know that he does not intend——

Mr. PITNEY. Mr. Chairman, how much time have I remaining? When I learn that I will decide about yielding.

Mr. RICHARDSON. I am not prepared to name any claim that is just, but I will state——

The CHAIRMAN. The gentleman from New Jersey [Mr. Pitney] has five minutes remaining.

Mr. PITNEY. I can not yield unless the gentleman will name some claim that is just.

Mr. RICHARDSON. I am not prepared to do that, because I do not know the name of a single claimant; but I will say——

Mr. PITNEY. I will yield to the gentleman, if the House will indulge me with a few minutes' extension of my time.

Mr. RICHARDSON. I think it will do so. The gentleman makes a statement which I think is entirely too broad, because the District Commissioners in their statement this morning conceded that some of these claims might be just. I think that is conceded.

Mr. PITNEY. I did not hear their statement this morning, but I have read the written statement of the Commissioners, dated June 14, 1894, and it does not so show to my mind. Mr. Commissioner Truesdell appeared before the Committee on Rules yesterday and said he had never made that admission.

Mr. RICHARDSON. He has so testified before the committee this morning.

Mr. MEREDITH. He made that admission this morning.

Mr. PITNEY. Mr. Commissioner Truesdell is simply a public official, acting according to the best of his judgment——

Mr. RICHARDSON. I believe that.

Mr. PITNEY. And when Mr. Commissioner Truesdell and Mr. Commissioner Ross sent that letter of June 14, 1894, assenting to this more innocent form of bill, they were unaware that the matter had been investigated by committees of Congress and two adverse reports made after full examination and hearing of evidence.

Mr. RICHARDSON. I want to do justice to the Commissioners. I want to say that the Commissioners stated this morning, in direct reply to my question, that while some of these claims might be just, and but for the piling up of the enormous amount of claims, many of which are unjust, the present law might properly be continued in force, yet, in view of all the circumstances, they would not now repeat the recommendation which they made in favor of the passage of any bill giving them relief.

Mr. PITNEY. I was going to say—and I thank the gentleman for his frankness—that the Commissioners now state that so far as they made any recommendation it was based upon a complete misapprehension, and they now recommend the absolute and unconditional repeal of the act of 1895.

Mr. BOATNER. Will the gentleman from New Jersey allow me to ask him a question for information?

Mr. PITNEY. Certainly.

Mr. BOATNER. In the opinion of the gentleman from New Jersey, does the existing law provide for the payment of claims that are not just or legal?

Mr. PITNEY. Yes, sir. The law puts an iron rule upon the Court of Claims, and makes it mandatory upon the court to do iniquity. It says that these men shall be allowed "board rates," whether board rates were in contemplation of the parties at the time they entered into the agreement and did the work or not.

Mr. BOATNER. You mean to say that it compels the Court of Claims to pay a rate different from the rate fixed in the contract?

Mr. PITNEY. Absolutely so. And I am glad to have the gentleman from Louisiana aroused to the importance and the iniquity of the thing. I am going on to show that every man connected with the matter had his legal remedy, that every man had his equitable remedy, and every man has had his pay according to the terms of the contract, and many of them at rates over and above the contract rates. That occurred in this manner: That in case one man received a higher rate or a different rate from that paid to the others, and was placed on a different footing, then the men who had not been able to get such preferred rates would come in and make a claim for the difference between the amount of compensation they had received and the amount paid to the other contractors, and in many cases these claims were allowed and paid.

Mr. BOATNER. Does the proposed amendment provide a right of suit for whatever may be due to such parties?

Mr. PITNEY. There is nothing due, and I am coming to that point shortly, and hope the gentleman will give me his attention. I trust the committee will pardon me if I have occasion to repeat a little of what I stated on the day before yesterday, when this matter was pending.

The organic act—the original organic act of 1871—expressly provided, by section 15, as follows:

> That the legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor after service has been rendered or a contract made, nor authorize the payment of any claim or part thereof hereafter created against the District under any contract or agreement made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

Mr. RICHARDSON. What is that the gentleman is reading from?

Mr. PITNEY. I am reading from section 15 of the act of February 21, 1871, the original organic act.

Section 37 of the same act provided for the creation of the board of public works, and provided that said board—

> Shall have entire control of, and make all regulations which they shall deem necessary for keeping in repair, the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress.

It also declared that—

> All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District.
>
> And said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made.

Now, Mr. Chairman, the legislative assembly of the District of Columbia, under that act, appropriated $4,000,000 for street improvements and other public works, and, in spite of the limitation of the law, the fraudulent contractors and jobbers, in and out of office, went ahead and made improvements for which they claimed $18,872,565.76, or more than $12,000,000 beyond the appropriation of $4,000,000. This had the effect of saddling on the District a debt of $20,000,000, largely for this unlawful work.

Mr. BOATNER. Does the gentleman mean to state that an act of Congress has been passed which directed or commanded the Court of Claims to give judgment for those parties at a certain rate, regardless of the amount of the contract?

Mr. PITNEY. Absolutely and unquestionably so. That is the simple case. It is astounding, I know, but it is true, and we are here now seeking to repeal it. I do hope that the committee will be unanimous in its vote upon this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I ask an extension of ten minutes longer.

The CHAIRMAN. Is there objection to the extension of time requested by the gentleman from New Jersey?

There was no objection.

Mr. MEREDITH. I suppose of course there will be an equal extension of time on this side?

Mr. PITNEY. Certainly; there will be no objection to that.

Now, Mr. Chairman, why were some of the contracts not in writing? Why was it that in violation of the express letter of the law some of these contracts were not in writing? On September 1, 1871, the board of public works advertised for bids, and they got bids for the public works, but did not award a single contract to the lowest bidder: not one. They wiped out all bids at one sitting, and authorized certain favorite contractors to go on and do the work, stating to them—I do not know the words used—"Come around in a few days and we will fix it up under a special contract." And even these very contracts, although in violation of the principle as well as the letter of the law, were held lawful in and of themselves when executed, and the work was performed under them and the money paid.

But next, the contractors wanted compensation over and above the contract rate, on the ground that the board of works had passed a resolution to pay some one in excess of the contract, or had actually paid some other fellow more than they had received for doing the same work; and these claims were allowed, because the claimants established what they called a "customary payment," and hence a "board rate." But in many cases there were no contracts made in writing at all. This was in violation of the law, of course. They went on and did the work, and the board of public works, or some of its members, caused to be entered upon the minute book resolutions raising the price all over the city, irrespective of whether the workmen required it or ought to have it, or whether it was just or not, a sweeping resolution, for instance, "that the price of excavation shall be 30 cents per yard." They raised it again from time to time, and there is not an instance on record where they reduced the rate. But the customary board rate is now claimed, and is held by the Court of Claims, under this mandatory act of 1895, to be the highest rate that was allowed for any similar work.

But how did these resolutions come upon the minutes? I read one of them to the House day before yesterday, and I have now alluded to its substance. The Allison investigation showed that there seldom or never was a legally held meeting of the board of public works, with minutes lawfully entered and approved. The testimony of the clerk who kept the minutes was given before the Allison investigating committee, and he says he simply entered the minutes according to the understanding of members of the board of public works as to what ought to be done. There never was such a honeycomb of iniquity in any city in the Union as that.

Well, but these contractors, having done the work, had a right to sue the District on their contracts, written or oral. If oral, then they were in violation of the law; but even so, after the work was accepted by any lawful authority, they could recover the quantum meruit; that is, what it was reasonably worth. They availed themselves of that. But it was not necessary for them to do so, because during that time the officials were in sympathy with the contractors and paid them not only what their contracts allowed, but paid them more.

The gentleman from Mississippi [Mr. Williams], who I see is honoring me with his attention, was perhaps not present on the day before yesterday, when I gave that little sample case, out of the numbers that are to be found here in the books, where a man solemnly agreed in writing to do certain grading, including hauling, at 20 cents per cubic yard. Afterwards the board of public works passed a resolution that grading should be paid for at the rate of 30 cents per cubic yard. He went and got the 30 cents, notwithstanding his contract. Afterwards they passed a resolution or established a "custom" that hauling should be paid for at 15 cents a yard.

Mr. PEARSON. Extra?

Mr. PITNEY. They did not say extra, but he collected it extra—15 cents per cubic yard for hauling 30,000 cubic yards. He receipted for this in full June 2, 1873; and more than two years afterwards, after the board of public works had expired, and the work had been done and paid for and receipted for, he came before the board of audit, created under the act of 1874—to which I shall further refer—and claimed and received pay at the rate of 15 cents a cubic yard for the same dirt, because he had dumped his carts and let the dirt fall into the canal at the end of his haul. That man's claim is justified by the act of 1895.

Now, I say that originally these contractors, all of them, had their legal remedy in the supreme court of the District against the District government. But they did not want that. What they wanted was an equitable remedy. The law gave it to them, not only once, but twice. The act of June 20, 1874, was passed creating, by section 6, a board of audit "to examine and audit for settlement all the unfunded or floating debt of the District," including the following:

> Fourthly, claims existing or hereafter created, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works.

That validated every one of those oral contracts, according to the proof by parol evidence, of the agreement actually made.

> Fifthly, claims for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia.

That is, contracts subsequent to the abolishment of the board of public works. The claimants have therefore been given their day before the board of audit for these claims, whether they were in writing, according to the original act, or whether they were oral, in violation of the original act. They have had these claims allowed under that act, every one of them.

But gentlemen say these men were paid in the 3.65 bonds, and that they were worth less than par. Gentlemen of the committee, the act of 1874 was a pure gratuity to these men, and coupled with it was the condition that they should take the pay for these judgments, or the amount ascertained by the board of audit, in the 3.65 bonds. But the very same statute contained this clause:

> And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

The bonds they took were backed by the credit of the United States Government, and to all intents and purposes were at least as good, if not better, than payment in the legal-tender money of the United States at that time in use.

Under that provision hundreds of these claims—indeed, all of them—were reopened and settled at the equitable price, because it did not restrict the contractors to their legal remedy, and the men went forth from the board of audit with their money or their bonds.

But still they appealed for further relief, and not being satisfied to go into the lawful tribunal, the supreme court of the District, they persuaded Congress to pass the act of 1880, enacting—

> That the jurisdiction of the Court of Claims is hereby extended to, and it shall have original legal and equitable jurisdiction of, all claims now existing against the District of Columbia arising out of contracts made by the late board of public works, and extensions thereof made by the Commissioners of the District of Columbia, and such claims as have arisen out of contracts made by the District Commissioners since the passage of the act of June 20, 1874, and of all claims for work done by the order or direction of the said Commissioners and accepted by them for the use, purposes, or benefit of the said District of Columbia, and prior to the 14th day of March, 1876.

This act provided that these judgments of the Court of Claims should be paid in the same 3.65 bonds; but in the meantime the act of 1878 had been passed—the present organic act—whereby the United States Government assumed those bonds and made them as good as gold, so that I have no doubt that in 1880 they sold at par. The act of 1880 was a pure gratuity to these men. Every one of them has availed himself of the benefit of it, for the act of 1895, which we are now proposing to repeal, by its terms applies only to the men who had such claims adjudicated in the Court of Claims under the act of 1880.

Now, complaint is made that we are legislating on an appropriation bill. I undertake to say, gentlemen, that not in one case in a hundred where an act is passed by this House is there one-half so full an understanding of it by members as we have of this proposed amendment at the present time. The gentlemen of the Committee on the District of Columbia seem to be a little touched because the amendment was suggested by members of the Appropriations Committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. May I have five minutes more?

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PITNEY. On the 16th of December, 1896, the gentleman from Tennessee [Mr. RICHARDSON] says, a joint resolution to suspend the act of 1895 was sent to the District of Columbia Committee by the District Commissioners, and shortly afterwards they sent to the committee an urgent letter in its favor. An urgent recommendation for the absolute repeal of the act is contained in the latest report of the auditor of the District of Columbia, made, it is true, to the Commissioners, but printed with their report and referred by them to Congress. I should suppose it ought to be examined, and has been examined, by those gentlemen who are in charge of the interests of the District of Columbia as members of that committee.

In the auditor's report for 1896, on page 4, early in the little report, which a man could read in a few minutes, is this language:

> I feel constrained to invite your attention to the act of February 13, 1895, providing for the payment to contractors under the late board of public works of the difference between the rates stipulated in their contracts and the schedule of prices afterwards adopted and known as "board rates," which is singularly lacking in precautions for safeguarding the interests of the Government. The Commissioners are familiar with its history, and will doubtless recall their own earnest but unavailing efforts to engraft upon it, while on its way through Congress, such restrictions as, had they been enacted, would have lessened its power for evil and left no occasion for the criticism which I feel impelled by a sense of duty now to make.

In that report, Mr. Chairman, the auditor called attention to two of the most flagrant cases out of all the old "jobs" which have been presented here under the guise of claims. I will print them in the RECORD, without consuming the time of the House to read them.

> As justifying this criticism, I mention two cases in point:
>
> During its incumbency the board of public works fixed the price and from time to time apportioned the work to be done among the various contractors of the city instead of letting to the lowest bidder, as the law now requires. On one of these occasions, it is said, a contractor for a certain class of improvements, not satisfied with his allotment, represented that, having a more extensive plant and greatly superior facilities, he could afford to work lower than his competitors, and agreed that if the board, instead of parceling the work among them, would give it all to him in one large contract, he would willingly take less than "board rates." This offer was accepted and the work given to him on his own terms, but years afterwards he set up a claim for the difference between his contract prices and "board rates." The Court of Claims decided against him in 1887, holding as follows:
>
> "The court orders, adjudges, and decrees that the contract between the claimant and the defendant referred to in claimant's petition * * * correctly and truly sets forth the understanding and intention of the parties, and has not by accident, inadvertence, mistake, or clerical error failed to set forth the same, and ought not to be reformed."
>
> In the light of these facts it may seem incredible, and yet it is true, that this contractor now claims the difference between the prices he agreed to take and "board rates," and the referee appointed by the court has recently allowed him $70,272.50, amounting, with interest, to nearly $122,000, because the act of February 13, 1895, requires that in adjudicating claims which were presented under the act of June 16, 1880, the Court of Claims shall allow "board rates."
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> The second case is that of a contractor who, having completed his work, received a full and final settlement therefor, but years afterwards, averring that the certificates in which he was paid were sold by him at less than their face value, he brought suit under the act of June 16, 1880, to recover the difference. The court held that as the sale was his own voluntary act, he, and not the District, must lose the discount. The question of "board rates" did not enter into the case at all, for the reason that the contractor had received his quittance long before their establishment. Because, however, the act of February 13, 1895, declares that "board rates" shall be allowed to all contractors who sued under the act of June 16, 1880, this contractor now, regardless of the fact that his suit had no relation whatever to these rates, sets up a claim therefor, and has been awarded by the referee $8,664.19, amounting, with interest, to nearly $15,000, and constituting an absolute gratuity for which no justification exists outside the technicalities of this unique statute.
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> When this act was under consideration, Congress was advised that the claimants were few in number, and the amount involved about $70,000, but the docket of the Court of Claims shows 98 petitioners, whose claims aggregate $758,728.75, amounting with interest to $1,300,000. These figures are startling, but they are also official, and bring us face to face with an issue that must soon be met. For myself I do not hesitate to say that the only proper solution of the question is the prompt and unconditional repeal of the law.

But, again, the gentleman says that the Committee on the District of Columbia do not know the circumstances of these claims. Why, I called attention yesterday to the fact that the gentleman from Virginia [Mr. MEREDITH], a member of the committee, introduced a bill in the Fifty-third Congress in one form and had it referred to the Commissioners, who reported it back with their letter of June 14, 1894, acquiescing, perhaps, in the passage of some bill, but submitting safeguards which were absolutely necessary to protect the public interests. Yet the gentleman from Texas [Mr. ABBOTT] who recently spoke reported from the Committee on the District of Columbia an entirely different bill, not only taking away all the safeguards, but making it mandatory upon the Court of Claims to do an inequitable thing.

Yet now they say that the matter was entirely unknown to the gentlemen of the Committee on the District of Columbia. How, then, did it happen that the day before yesterday, when my friend the distinguished gentleman from Missouri [Mr. DOCKERY] moved his amendment, the gentleman from Tennessee [Mr. RICHARDSON] was quickly on his feet, before the gentleman from Missouri had given one word of explanation of the purpose of the amendment, to interpose the point of order? He did not do it by accident, or by way of mere precaution, but he did it because the gentleman from Virginia [Mr. MEREDITH] had intended to do it, and was temporarily absent. So the gentleman from Tennessee himself explained it, in his remarks subsequently on the same day.

If they did not know anything about the claims, why did they not know something about them after all this time? Is it because they are so busy and so overburdened with work in the Committee on the District of Columbia that they are unable to take up and consider so urgent a case as this?

Mr. MEREDITH. I have been out and have just come in, and did not catch what the gentleman said about "the gentleman from Virginia." Will you please repeat it?

Mr. PITNEY. I said that although the gentlemen of the District of Columbia Committee seem to be unaware of the merits or demerits of the proposition, they were careful to have a point of order opposed against the proposition.

Mr. MEREDITH. I am responsible for the point of order, Mr. Chairman, and do not seek to shirk any responsibility in the matter.

Mr. PITNEY. Very well; I am glad the gentleman has the courage of his convictions.

Mr. MEREDITH. I have that here or elsewhere.

Mr. PITNEY. Now, I have said enough. Gentlemen, it may be I show too much heat upon this question. But it seems to me that this is a matter which ought to arouse a little heat; and I am not going to apologize for the earnest interest I have taken in it. Gentlemen criticise the Committee on Appropriations for the interest they take in such matters, and sneeringly say that we seem to consider ourselves the special guardians of the public Treasury. Mr. Chairman, it is not a pleasant thing for the Committee on Appropriations to do. Do gentlemen suppose that it is any pleasure for us? The gentleman is very much mistaken if he thinks it is a pleasant duty to stand here and have to protest against such things as this.

Mr. RICHARDSON. Will the gentleman yield to me for a moment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I believe we have a little time upon this side, and I would like the gentleman to yield me a minute.

Mr. MEREDITH. I yield the gentleman a minute.

Mr. RICHARDSON. The gentleman from New Jersey [Mr. PITNEY] has made the insinuation, not a direct charge, that I was not frank when I said that I had not heard of this matter until the motion was made by the gentleman from Missouri [Mr. DOCKERY] to repeal this bill by this amendment. I stated to the Chair I had not heard of it until a moment before, when the gentleman from Virginia [Mr. MEREDITH] called my attention to it. Now, does the gentleman mean to say that I was not entirely frank in that statement?

Mr. PITNEY. I do not think my language is such as to admit of that construction. I said that the point of order was not made accidentally, by way of general precaution, but was made at the request of the gentleman from Virginia.

Mr. RICHARDSON. I stated that I had not heard of it until that moment.

Mr. PITNEY. So I stated, on your authority.

Mr. RICHARDSON. Then the gentleman makes no insinuation to the contrary?

Mr. PITNEY. None at all.

Mr. MEREDITH. Mr. Chairman, I will say to the gentleman from New Jersey that I take the responsibility of making this point of order. I want to deal with the House frankly and honestly, and any criticism that the gentleman from New Jersey has to make upon me I am willing to hear, either in this Hall or elsewhere. I have acted in perfect good faith with the House, and when I stated this morning that the Committee on the District of Columbia was investigating this subject and that I had not known of it until yesterday, I stated the exact fact. I have been perfectly frank with the gentleman from New Jersey and with the House, and any insinuations to the contrary are utterly without foundation.

Mr. PITNEY. Mr. Chairman, I have made no insinuation of any lack of frankness on the part of the gentleman from Virginia. I have simply given the gentleman credit for the utmost vigilance in attempting to prevent the repeal of this law.

Mr. MEREDITH. And I give the gentleman from New Jersey credit for the utmost vigilance in appearing here, not as a lawmaker, but as an advocate for the repeal of this law.

Mr. PITNEY. For my position in advocacy of that repeal I do not apologize. If I have done anything in this House to be proud of, it is that, and I do not take it back, and I never will. [Applause.]

Mr. MEREDITH. I do not ask the gentleman to take it back. I am proud of the position I have taken in this matter, because I think I am right, and I do the gentleman from New Jersey the justice of believing that he thinks he is right. Now I yield to the gentleman from Michigan [Mr. MILNES].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

> *Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The message also announced that the Senate had passed without amendment the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana; and

A bill (S. 361) for the relief of Silas P. Keller.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee again resumed its session.

Mr. MILNES. Mr. Chairman, I am in full sympathy with what this amendment is trying to do—that is, to protect the Treasury of the United States of America—but I do believe that this is a contemptible way to do it. I believe that if the Committee on Appropriations had devoted one hundredth part of the time they have occupied upon this floor in discussing this measure to bringing it to the attention of the Committee on the District of Columbia, a resolution would have been reported by that committee months ago, and would have passed here by unanimous consent, settling the whole question. Together with the gentleman from Tennessee [Mr. RICHARDSON], as a member of the Committee on the District of Columbia, I never heard of this matter until it came up upon this floor. It is true that there was a resolution in our committee providing for the repeal of this law, but, like scores of other resolutions and bills, it never was considered or reached by the committee, because, as every gentleman knows, a great many bills and resolutions are never reached unless they are called up by somebody who desires to have them considered and passed. That is true of the Committee on the District of Columbia, and I presume that the same is true of almost every committee in this House.

Now, as to what the gentleman from New Jersey has said with regard to the old board which controlled the District of Columbia previous to 1874, I think he has probably stated the truth. I believe, Mr. Chairman, that much worse things could be said of them than anything the gentleman from New Jersey has said. They were a board that did business outside of the law, but, because the board did that is surely no reason why innocent men who performed work for the District of Columbia should not be paid for their work. I desire now to call attention to a fact——

Mr. BOATNER. Will the gentleman permit a question right there?

Mr. MILNES. Yes, sir.

Mr. BOATNER. It has been said by the gentleman from New Jersey that if this law be repealed there will still be, as there was before the law was enacted, an ample remedy in the courts of the District for the enforcement of any legal or equitable claims that may exist against the District government. Does the gentleman from Michigan concur in that view?

Mr. MILNES. I will come to that in a moment. These men had the right to go into court on certain contracts said to have been signed by them, but those contracts were signed in blank and the men were working under another provision, made by a resolution of the board of control.

Mr. PITNEY. Does not the gentleman remember that so far as those contracts were signed in blank they were signed years after the work was done, and that the oral contracts were validated by the act of 1874.

Mr. MILNES. I do not know when those contracts were signed; but, as I was saying when interrupted, I know that worse things might have been said of that old board than anything that has been said by the gentleman from New Jersey, because I remember that during the period of their power that board took a hundred men, in the dead of the night, and tore down a public market in the District of Columbia which was occupied by three or four hundred market men, who had paid their ground rent and paid their license fees. I remember that between daylight and dark that building was absolutely pulled down and every dollar's worth of property in it was destroyed. Yes, not only was property destroyed, but two men were killed. All that was done, and yet from that day to this not a single dollar has ever been paid to the men who suffered the destruction of their property, and my friend from New Jersey might say that they, too, had a right to go into court.

But what are the facts as we understand them? As I said a moment ago, I never heard of this case until yesterday. But, although the law required this board to let this work by contract, they went on outside of the law and let it without any contracts. They passed a resolution which declared a certain price for removing dirt; they passed a resolution fixing a price for certain kinds of mason work. Then they went on and employed these men to do this work. Under these resolutions, and without any contract, these men went on in the performance of that work. But when Congress came to investigate the transactions of this board, what then happened? This old board of public works immediately began to "hustle around"—began to place contracts before these men who were doing the work——

Mr. PITNEY. Who had done the work.

Mr. MILNES. Who had done some of the work—not all of it—not even any very great portion of it. But the board said to these men, "We have got into a hole; you must sign these contracts." And they did sign those contracts in blank; and when those contracts were filled out, they were filled out not at the board rates——

Mr. BOATNER. At this point will the gentleman permit a question? Did these contractors, the parties who did the work for the District, have an adequate remedy in any court of the District for the enforcement of whatever rights they may have had?

Mr. MILNES. Yes; under the contracts which they had signed in blank and which had been filled out at rates other than those which they understood they were to receive.

Mr. BOATNER. If they did have an adequate remedy, and if that remedy still exists, what hardship or injustice is done to them by the repeal of a law which directs a decree in their favor for an amount different from what they contracted to receive?

Mr. MILNES. I said that these men went on and did the work under resolutions passed by the board of public works fixing prices—for instance, 30 cents per yard for removing dirt—and without any contract whatever. They were obliged afterwards to come in and sign contracts in blank. And when those contracts were filled out, instead of being filled out at 30 cents per yard for removing dirt, they were filled out at 20 cents per yard.

Mr. HULICK. Is it not true that they not only had the right to go into court originally, but that most of these claimants did go into court and have their rights adjudicated, and that their claims were paid out in bonds, as provided by the statute of 1880?

Mr. MILNES. Paid at the rate which appeared in contracts which they had signed in blank and which were filled out at a different figure from that at which they undertook to do the work.

Mr. PITNEY. The gentleman is mistaken about that entirely.

Mr. MILNES. That is the information which the committee got this morning.

Mr. HULICK. Is it not true that the parties did go into court and have their rights adjudicated, and that now the act of 1895, which is sought to be repealed——

Mr. MILNES. I can not yield for so long a question. The gentleman has had his own time.

Mr. BOATNER. I am asking my question for information.

Mr. MILNES. I say to the gentleman from Louisiana that these parties did have the right to go into court, and that some of them did so; but, as I understand from information which we received this morning in committee, they were held strictly to the written contracts which had been signed by them in blank.

Mr. BOATNER. Does the gentleman state that those contracts were filled up for less amounts than those at which the work had been undertaken?

Mr. MILNES. That is the information of the Committee on the District of Columbia. Whether that be true or not I do not know; but that is the information that we were allowed to get in the short time that we were permitted to investigate the question this morning. We have had only a couple of hours to investigate the whole question.

Mr. SMITH of Michigan. Was settlement made, so far as made at all, upon the basis of the contract figure?

Mr. MILNES. At the contract figure in those contracts which were signed in blank.

Mr. SMITH of Michigan. Then are not the parties estopped from repudiating the figure stipulated in the contract, unless they repudiate the contract altogether?

Mr. MILNES. That would have been so if this act had not been passed by Congress.

Mr. SMITH of Michigan. They have the right to collect damages upon the quantum meruit.

Mr. MILNES. They have a right under existing law to go before the Court of Claims and collect the difference between the price named in the written contract and the price fixed by the resolution of the board of public works.

Mr. SMITH of Michigan. Then is not the court the proper place for them?

Mr. MILNES. Certainly it is. But it is now proposed to repeal that law. That is what we are fighting over.

Mr. SMITH of Michigan. They have had their day in court.

Mr. MILNES. It is proposed here by an amendment to an appropriation bill to repeal the law allowing them to recover this difference. This amendment not only attempts to repeal the existing law on this subject, but it goes further and says:

> And no judgments heretofore rendered in pursuance of said act shall be paid.

It proposes not only to repeal the law and say you shall not go before the Court of Claims any more, but it goes even further than that and says that any judgment heretofore rendered by the Court of Claims shall not be paid, no matter how just the claim may be.

Much has been said, Mr. Chairman, of the enormity of the amount of the claims involved. But I contend, sir, here, that if a claim is a just one, if the Government owes the claimant, if the debt is justly due, no matter how much the amount, it makes no shade of difference. The principle established by the House is simply this: Is the claim just and proper? Does the Government owe the man a certain sum? If it does owe him, it should be paid, just as any honest man would pay his own individual debts.

Again, the claims are not so enormous as the gentleman from New Jersey would leave us to understand. It is true that about $800,000 in round figures have been presented. Over $400,000 of these have been adjudicated by the Court of Claims, and out of that $400,000 more than four-fifths have been rejected and dismissed by the court, leaving only about $80,000 allowed. Of the $400,000 now before the court, as stated by the attorneys of the United States before the Committee of the District of Columbia to-day, a very large proportion is for the difference in the price of the bonds in which the contractors were paid and the prices at which they were compelled to be sold—that is, the difference between their selling price and their par value. But the courts have decided this question, that that can not be taken into consideration, and that dismisses a large amount of the pending claims.

Under the law as it stands, I am opposed to it; and, if I could do nothing better, I would vote for the entire repeal of the law. But in my judgment it should not be repealed in this way. In my judgment it should be amended, and with such safeguards thrown around it as will protect the United States of America and do justice to every individual citizen.

Mr. MEREDITH. Will the gentleman from Vermont proceed now to consume the remainder of his time?

Mr. GROUT. We propose to close the debate on this side. If the gentlemen wish to occupy further time, I hope they will proceed now.

Mr. MEREDITH. I will yield three minutes to the gentleman from Texas [Mr. ABBOTT].

Mr. ABBOTT. Mr. Chairman, I would not rise to address the committee again but for the fact that the gentleman from New Jersey [Mr. PITNEY], when occupying the floor a few moments ago, saw proper to accuse the District Committee, and myself especially, of being extremely innocent and entirely ignorant in regard to the affairs of the District and the affairs of the country as involved in the pending proposition. Of course I regard such charges as they should be regarded, coming from the source they do. I hurl back to the gentleman the statement that his stupidity is so intense that he can not comprehend or understand the report I made in this case. He took it for granted that I was relating in the report I made to this Congress my views of the controversy, when I was simply stating the facts—simply reiterating that which had been stated by the Commissioners of the District of Columbia. He took it for granted, as he could not discriminate between the recitation of the facts and my own position, that I was giving in the report my own views.

I want to say to the committee and to the gentleman that I was not responsible for the legislation which gave rise to these claims. I was not then a member of Congress. I was not responsible for any of that legislation: and the gentleman attributed to me ignorance because I simply recited the facts of the legislation that had been had in the past.

He recites facts for which, and I do not make the assertion in any offensive sense, his party was responsible and not mine. I was not responsible, I repeat, for any of this legislation that led to the causes which gave rise to these claims, and these claims, whether they are just or unjust, do not present a question for me to pass upon.

On the strength of the report of the District Commissioners, the committee—not I, but the committee—substituted a bill which resulted in the legislation of 1895, and I was requested by the chairman to make the report. That is my whole connection with the matter; and the stupidity of the gentleman from New Jersey could not comprehend the position I occupied as a mere member of the committee, reporting the action of the committee upon the proposition, and not undertaking in any way to state my own views upon it, which has induced him to assert that I was acting from innocence or ignorance of the fact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEREDITH. I will yield to the gentleman another minute.

Mr. ABBOTT. Clear out your own mind; remove the clouds that hover over your own mind like a pall; clear them away and let the bright sunshine of God Almighty enter that brain once, and I will be satisfied.

Mr. MEREDITH. I yield three minutes to the gentleman from New Jersey [Mr. MCEWAN].

Mr. MCEWAN. Mr. Chairman, I desire to amend the pending resolution by striking out the words in the next to the last paragraph, as follows:

> And no judgment heretofore rendered in pursuance of said act shall be paid.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from New Jersey.

The amendment was again reported.

Mr. MCEWAN. Mr. Chairman, conceding all that has been said about the iniquity of these claims, I yet say that the most important part of this discussion has not been referred to at all. To allow these words to remain in this resolution is to make a conflict between the legislative and the judicial branches of this Government. The amount involved is but $70,000, as I am told; only that amount has gone to judgment: and it seems to me that we might very well strike out these words in order to avoid starting on a road that will ultimately bring the legislative branch into conflict with the judicial. There is no justification whatever for doing this. It will end in allowing the legislative branch to coerce the judiciary. From the foundation of the Government to the present time I know of no action in any legislative body such as that which is sought to be accomplished here. The proper way, probably, is to pass this entire resolution with the exception of those words. I expected that some of the great constitutional lawyers of this body would dwell upon the importance of striking out these words. I do beseech you all not to start upon this path. Think well before you make this conflict between coordinate branches of the Government.

Mr. PITNEY. If the gentleman will recall the history of the case, he will remember that there is no conflict between the legislative and judicial branches of the Government. The same Court of Claims has given its decree that there is neither law nor justice nor equity in these claims. That court would not have given a different decree if Congress had not arbitrarily commanded them to do injustice. Now, we ought to wipe out the whole thing.

Mr. MCEWAN. Mr. Chairman, I not care to discuss any branch of this matter at all except the one that here is a conflict between the legislative and the judicial officers of this Government, and that should not be. I see a gentleman for whom I have the greatest respect shaking his head, but I tell you this is the beginning of the time when the legislature can coerce the judiciary. We ought to have those words stricken out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEREDITH. I ask unanimous consent that the gentleman be allowed five minutes more time.

Mr. MCEWAN. I have said all that I want to say. I merely want to urge the point that this is very dangerous legislation, and I want to go on record as protesting against it.

Mr. MEREDITH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. MEREDITH. Mr. Chairman, I wish to say to my friend from New Jersey [Mr. PITNEY], who has talked about my connection with this case, that I assume the responsibility. I made the objection to the amendment which was offered, and if the gentleman is proud of his position, I am also proud of the position that I have taken here, because I believe that I am right; and I want to say to the gentleman—who I see is throwing kisses at me now, so that I can not say what I intended to say—that I consider that the committee to which I belong have acted in good faith, and with as much honesty and as much sincerity as the committee to which the gentleman belongs, who has, I must say in conclusion, appeared here as the advocate and not as the lawmaker, in my judgment.

Mr. GROUT. Mr. Chairman, I have had some knowledge of these claims for the last twelve years. I was assigned to duty on the Committee on the District of Columbia in the Forty-ninth Congress, and served on that committee through that Congress, the Fiftieth, and the Fifty-first. In the Fifty-first I had the honor to be chairman of that committee. In the Forty-ninth Congress these claims were presented. They reappeared in the Fiftieth Congress and in the Fifty-first. The District Committee of the Fifty-first Congress took especial pains to investigate these claims. I presume they had been before the committee prior to the Forty-ninth Congress, but there had been no report by the committee before the Fifty-first.

There is a subcommittee of that committee known as the judiciary subcommittee, which is ordinarily composed of the chairman and one Republican and one Democrat. Mr. THEODORE E. BURTON, the gentleman who then represented the Cleveland district of Ohio, and who now represents that district—and I am sorry he is not present—was the Republican member of that subcommittee with the chairman. These claims went to that subcommittee, and it was decided, after a thorough investigation, to report against them. It seems by the letter of the auditor, dated May 29, 1892, that as early as January 16, 1890, he was called upon by that subcommittee for information concerning these claims, which was furnished by the Commissioners. But not being satisfied with that report, there being only a rough estimate of the total amount, on the 9th day of January, 1891, the Commissioners were called upon by that committee for a specific statement of the names of the persons and companies with which the contracts were made and the amount claimed by each.

The auditor furnished a statement to the committee, under date of January 9, returning the reply on the same day. In that he made an estimate of $57,070 as the amount called for by all claimants, giving a list of their names, which I will not stop to read. But it seems this was not all that the committee had heard of. The committee in their report, written by the gentleman from Ohio [Mr. BURTON], which is printed in the volume of Reports of the House of Representatives for the second session of the Fifty-first Congress, say that other claims still have come to their knowledge. I remember the Committee on the District of Columbia in the Fifty-first Congress were satisfied that the District office did not have full information as to the number of claimants nor the amount claimed. We, at all events, decided to report against them, and determined to present the matter fully and exhaustively to the House.

The gentleman from Ohio [Mr. BURTON] was authorized to draw the report. In doing so, he recited by name the different claimants named in the bill. There were eight of them in that bill, but it seems from the report that there were outside a large number asking for a general bill, so that they might be included also. All the claims named in the bill are carefully reviewed in the report. One was in favor of Andrew Gleeson. He was the first in the list. I can not stop to read the full report, but his claim was found by the committee to be utterly without equity or justice. Nevertheless, I find in the list of judgments already rendered under the law which this amendment proposes to repeal, one in favor of Andrew Gleeson for $7,695.

I will ask at the close of my remarks to have this report printed in full; and will now stop to read from it only here and there a sentence. In that report in the Fifty-first Congress the committee said:

> The second claim, that of Peter P. Little, administrator of Michael Shiner, against the District of Columbia, seems to us to have no possible basis of equity.

That report shows that it had been rejected by the Court of Claims; and this was the language used by Chief Justice Drake in delivering the opinion:

> We are not able to discover any foundation for such a claim. Every fact in the case is against it. The grading was all done before claimant's contracts were canceled, and at a time when there was not the least ground for claiming it to have been done under any other contracts.
>
> The order of January 22, 1872, increasing the rates for grading, was not retrospective in its operation; did not refer to contracts previously entered into on other rates; did not mention Shiner or his contracts.

As I say, the Court of Claims had rejected this claim in the foregoing very strong language, and yet I see in this list of judgments already rendered Peter Little is allowed $1,275.80 under the provision in the law of 1895 directing the court to allow the board rates.

I also find in this report of the District Committee in the Fifty-first Congress a description of the claims of Owen O'Hara, Frank H. Finley, William Schooler, John J. Shipman, and of one Lipscomb, whose Christian name does not appear in the report, and on turning to the list of claimants now before the Court of Claims under this law I find all these names pushing in that court for this arbitrary allowance of 30 cents per yard, though their contract was to do the work for 20 cents per yard.

Mr. Chairman, let it be remembered that these men have all once had their day in court; all had a chance to establish their claims and recover every cent they were entitled to under their contracts. This was expressly so declared in Gleeson's case by Chief Justice Drake, and the others are precisely like this one.

But now, under this law of 1895, directing the court to allow 30 cents a yard for grading, these men reappear before the Court of Claims, and two of them have actually obtained judgments for considerable sums.

Now, let me refer for a moment to three certain letters of the auditor. There is in his last letter, the one of May, 1892, a revision of his former statements as to number of claimants and amount claimed. He says those statements were made upon the authority of a trusted clerk in his office of the name of Donovan, I think; that he trusted implicitly on him for the information, he having been long familiar with them. But in this letter of May, 1892, to the Senate committee, he says he wishes entirely to recall those former statements as not being correct. Those former letters were the ones he sent the District Committee in the Fifty-first Congress. In this letter of the auditor in 1892 he refers to the Burton report as an exhaustive presentation of the matter, and Mr. McMILLAN, in reporting against these claims in the Senate in the Fifty-second Congress, incorporates the Burton report into his as the substantial ground for disallowing them.

Mr. Chairman, I said at the outset that I would not be in favor of repealing an act of Congress upon an appropriation bill if I were not entirely satisfied that the act ought never to have been passed in the first place. In this case the act certainly never ought to have been passed. Another point, Mr. Chairman, is that it was not fully considered by the House when it was passed. It went through in one of those peaceful, but active hours when the courtesy of unanimous consent prevails and all are happy but those who fail of recognition. We are told that "Senatorial courtesy" exists at the other end of the Capitol, and when "unanimous consents" are on in this Hall, Representative courtesy prevails here, and we do not generally inquire very carefully as to the merits of the measures presented. It seems that in this case the gentleman from Texas, Governor SAYERS, thought there might be something amiss in the bill and inquired about it, but was quieted by the replies he received. The bill was passed in my absence. If I had been present, I am quite certain that I should have recognized these old claims which the District Committee in the Fifty-first Congress had tried to bury, and supposed they had buried beyond resurrection. I feel sure if I had been present, I should have recognized these old acquaintances, though it is true no names were given in the bill of 1895.

Mr. Chairman, it is said that the District Commissioners recommended the bill that became a law in 1895. I have been allowed to see a copy of the bill which they did approve and their letter of recommendation sent to the committee in the Fifty-third Congress. In that letter the Commissioners do not expressly recommend any bill. They say they send a draft of a bill, and that if it is passed these claims can be settled, and that no appropriation to pay them will be necessary, because they will settle themselves by certain offsets that should be allowed against them, which I have no time to describe in full.

Mr. WATSON. May I ask the gentleman a question?

Mr. GROUT. Yes, sir.

Mr. WATSON. I understand you to say now that in your opinion the bill which passed the Fifty-third Congress, and under which suits were brought and judgments obtained in the Court of Claims, was an absolute fraud upon the Congress of the country.

Mr. GROUT. No; I do not mean to say that anybody intended to practice fraud. The District Committee has a world of work to perform, as I know from my own experience as a member of it.

The members of that committee can not examine every proposition as fully as they would desire. I am not imputing any dishonorable motives or acts to the District Committee, but it was evidently a mistake for them to report that bill. To-day I asked the gentleman from Texas [Mr. ABBOTT] who reported the bill whether he would have reported it if he had had knowledge of the report of the District Committee in the Fifty-first Congress, and he said frankly he would not. Why, Mr. Chairman, if the gentlemen of the committee had had that report before them, I know they would never have reported the bill that it is now proposed to repeal. I am sure they would not, for it would have set them to looking into the matter, and I believe investigation would have decided them against it.

Mr. WATSON. Another question. Suppose, now, that under that law which was passed by the Fifty-third Congress some man went into court and obtained a judgment, a meritorious one——

Mr. GROUT (interposing). I do not think any of them were meritorious—not intrinsically meritorious—but of course, under the law of 1895, they had at least a legal standing.

Mr. PITNEY. All the meritorious claims had been adjudicated before and paid.

Mr. GROUT. I want to say, Mr. Chairman, that in the light of the full history of these claims there is not a meritorious one among them; not one. It has been said the Commissioners recommended them as proper to be allowed. That claim is fully disposed of by the Commissioners in their letter to the Senate, dated February 4, 1893, upon which Senator FAULKNER'S report was made, and which has been seen here on the floor by certain members. They say in that letter:

> With reference to your inquiry whether, in the judgment of the Commissioners, the proposed legislation should be enacted, the Commissioners have to state that if the equities are considered some careful remedial legislation might be proper. At law the claimants have had their day in court and been defeated.

That is the strongest recommendation of the Commissioners that I have been able to find. And everbody knows that it will never answer to go back and dig up stale claims which have either been adjudicated or at least have had opportunity for adjudication, and then talk about the equities of such a proceeding.

Mr. WATSON. Now, let me finish my question.

Mr. GROUT. Certainly.

Mr. WATSON. When interrupted, I was about to put this question: Suppose that under the act passed by the Fifty-third Congress judgments had been obtained, meritorious ones: does the gentleman think that we now ought to provide in this bill that those judgments shall not be paid?

Mr. GROUT. If they were really meritorious judgments, of course not; but the trouble is they are not meritorious judgments——

Mr. WATSON. One other question. There is a large number——

Mr. GROUT. Will the gentleman let me answer his question?

Mr. WATSON. You have answered it.

Mr. GROUT. No, sir.

Mr. WATSON. You have answered it satisfactorily to me.

Mr. GROUT. Mr. Chairman, I deny that a single meritorious judgment has been rendered under this act. If you take the act as a just and proper one, some of the judgments rendered under it might be considered as meritorious under the act. The trouble is not so much with the judgments as with the act under which they are rendered. These claimants all had their day in court, all had an opportunity to appear and present their claims to the Court of Claims and to the board of audit and to have every equitable right there considered, and they failed to present them, or, when they were presented, the decision was against them. Then they got a law passed—the law of 1895—which gave them a right of action where they had no right before. Now, who can fairly talk about a meritorious judgment under such a law? Both the law and the judgment are tainted with injustice—injustice to the people who have to pay judgments that had no cause of action on which to rest until one was created by statute twenty-four years after any just and meritorious cause of action could have accrued.

Mr. BOATNER. Does this amendment propose to invalidate judgments already rendered by the Court of Claims?

A MEMBER. As I understand it, it does; and says, practically, we will not pay any of the judgments that have been rendered under it.

Mr. BAILEY. Let me say to the gentleman it does not. It simply vacates pending proceedings, recognizing the distinction between a proceeding and a judgment.

A MEMBER. Is not that the same thing?

Mr. BAILEY. It may have the same effect practically, but Congress has no power to invalidate a judgment of a court.

Mr. BOATNER. My next question is this: Is it the opinion of the gentleman that we can lawfully and rightfully destroy the legal effect of any judgment which has been rendered in accordance with law?

Mr. MEREDITH. This amendment undertakes to do that.

Mr. GROUT. If the amendment is unconstitutional, the court will, of course, have authority to set aside the act to the extent of its interference with the judgments. The repeal of this law would not in strict terms invalidate the judgment, but it would provide authority for refusing to appropriate the public money in payment of it. There has already been $63,000 paid on these claims, and I think it high time further payment should be stopped. Sixty-three thousand dollars already paid, and how much lies beyond no man can tell. The auditor in his letter of 1892 to the Commissioners, to be sent to the Senate committee, said very prudently that he would not undertake to venture upon that field of wild conjecture. He had trusted his accountant and clerk to do so and had twice confidingly signed estimates which he found utterly unreliable and which he then recalled, saying, "No one knows what it will amount to." He then made a personal examination of these claims and became satisfied that they had no merit and ought not to be paid, as expressly stated in that letter.

Now, Mr. Chairman, I desire to yield five minutes to the gentleman from Missouri [Mr. DOCKERY] to close the debate.

Mr. BOATNER. Before the gentleman takes his seat, I trust he will answer this question, which I am asking for information, because I want to understand what the real effect of this proposed legislation is. Is it proposed by this legislation to deny to parties who have obtained judgments under the law the remedies which that law gave them? In other words, does this amendment propose to operate retroactively and to invalidate judgments which have been rendered in accordance with the provisions of existing law?

Mr. GROUT. I have already answered the gentleman as fully as I can. I call for the reading of the amendment, which will best explain the matter. That will show that we do not propose to make any further payments on the judgments rendered under that law.

The Clerk read as follows:

> That the act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," be, and the same is hereby, repealed.
>
> And all proceedings pending shall be vacated, and no judgment heretofore rendered in pursuance of said act shall be paid.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] is entitled to the floor for five minutes.

Mr. DOCKERY. Mr. Chairman, this question has been so thoroughly and ably discussed that I do not propose to detain the Committee of the Whole——

Mr. MEREDITH. Before the gentleman from Missouri proceeds further, I ask unanimous consent that the gentleman from Louisiana [Mr. BOATNER] be allowed to occupy the floor for two or three minutes.

Objection was made.

Mr. DOCKERY. I was about to say, Mr. Chairman, that this matter has been so fully discussed that I am persuaded the House is in possession of all the material facts, and therefore I shall not detain members by any extended remarks. After all, this is a very simple proposition. I am not a lawyer, but I think I can comprehend the issue. Certain contractors under the board of public works in 1874 agreed to do certain work for the city of Washington. They entered into contracts in writing; they performed the work, and they were paid in full pursuant to the terms of their contracts. Subsequently the board of public works provided that contractors should be allowed what were called "board rates," notwithstanding they had entered into contracts in writing with the city to perform the service at lower rates.

Now, then, Mr. Chairman, the effect of the act of the last Congress was to give to these contractors a sum estimated at $1,400,000, being the difference between the contract price and the "board rates." The contractors had contracted with the city at certain rates. The "board rates," as a pure gratuity, gave to these contractors, in most cases, higher rates. The law which the present amendment seeks to repeal allows the Court of Claims no discretion. The language of the act of February 13, 1895, is mandatory, and compels the court to allow the contractors "board rates;" and in doing this it involves the city, as heretofore stated, in an additional liability estimated at about $1,400,000.

Mr. WATSON of Ohio. Will the gentleman state, if he knows, in what way the board was influenced to do that? What information has the gentleman on that subject?

Mr. DOCKERY. My information is a matter of history. Corruption was rampant here at that time; scandals were prevalent. A Congressional investigation developed the fact that improper influences in the main secured the allowance of "board rates," and substantially the entire administration of the city was tainted with suspicion.

Mr. BOATNER. Will the gentleman yield a moment? Admitting all that has been said—that these judgments did not represent any real indebtedness—where does the gentleman find any authority to invalidate by an act of Congress judgments which have been rendered by a competent court, pursuant to law, and which have passed into the domain of property? How can we declare that the District of Columbia shall not pay those judgments without directing and commanding the District to commit an act of repudiation?

Mr. DOCKERY. In answer to that question, Mr. Chairman, I desire to say, from the standpoint of a layman, not being learned in the law, that by this amendment we propose not only to repeal the law, but forbid the payment of judgments, because they were obtained under a mandatory statute which, in effect at least, is fraudulent.

It it is right—and I may say if it is equitable—to pay the judgments, then all the claims that are pending should, in equity and fair dealing, be paid.

Mr. BOATNER. It is not a question of equity, but a question of absolute legal right.

Mr. DOCKERY. Well, the gentleman must discuss that issue with the lawyers. I speak now only from the standpoint of a layman.

Mr. ABBOTT. Will the gentleman yield to me for an inquiry?

Mr. DOCKERY. Certainly.

Mr. ABBOTT. I ask the gentleman—he says this is a mandatory law—on what does he base that opinion? I say to him that every case that has been passed upon by the Court of Claims is now under appeal.

Mr. DOCKERY. But the language of the law is absolutely mandatory.

Mr. ABBOTT. It has not been passed upon.

Mr. DOCKERY. Mr. Chairman, in my judgment, there is not a meritorious case pending before the court, and there could not be, because the claims in every instance are based on the difference between the contract price and "board rates." The contractors entered into an agreement with the District to perform the service at certain rates, and there can be no justice in permitting them to go before the Court of Claims and secure additional compensation over and above the contract price.

Mr. MILNES. I am amazed at the statement made by the gentleman from Missouri in regard to these claims.

Mr. DOCKERY. What is the gentleman's suggestion?

Mr. MILNES. I would ask the gentleman this question: Does he make the statement that if these claims, or judgments, are paid, then that all claims now pending of this character should be paid? Does not the gentleman know that four-fifths of the claims that the court acted upon were rejected?

Mr. STEELE. Then they are not pending.

Mr. DOCKERY. I do not know it. I am advised by a statement of the auditor of the District, which I will incorporate at this point in my remarks——

Mr. MILNES. The attorney of the District said it was so.

Mr. DOCKERY (continuing). I am advised that on January 11, 1897, there were pending $851,844.53 of claims, exclusive of the interest claimed upon these amounts. So that if the claims are allowed—the court is compelled to allow board rates under the act of February 13, 1895—the interest and principal combined will swell the aggregate to about $1,400,000.

I insert at this point a complete tabular exhibit of these claims, prepared by Auditor Petty:

Cases standing for trial under the act of February 13, 1895.

No.	Claimant.	Amount.	Interest.	Judgment.
3	Frank H. Finley (Thos. A. Brown)	$8,814.80	$7,185.50	....
5	J. V. W. Vandenburgh	24,980.82	20,059.58	....
20	Steep & Follansbee	300.00	240.00	(*)
21	Gallaher, Loane & Co	7,500.60	6,113.75	....
24	Owen O'Hare	11,595.28	9,452.06	....
25	Ann E. Smith	9,840.96	7,872.76	....
32	Matthew J. Laughlin	8,139.82	2,292.00	(†)
33 34	....do	3,139.82	2,418.00	$3,139.82
41	Andrew Gleeson	7,695.00	5,227.46	7,695.00
45	Campbell & Eslin	3,682.68	2,822.77	....
46	Wm. H. Adams	103,774.80	84,593.78	(*)
47	Elias E. Barnes	31,754.67	24,339.87	....
48	Chas. H. Moulton	7,566.38	6,075.80	....
49	Albert McIntosh	2,787.90	2,274.84	....
51	Thomas W. Steep	1,345.73	1,081.50	879.78
58	George Semmes	10,728.76	8,004.60	....
59	James A. Nelson	450.49	307.22	....
68	Henry Birch	6,967.66	5,680.00	....
69	Birch & Fletcher	20,000.00	16,303.33	....
70	William Fletcher	20,000.00	16,303.33	....
72	Wm. H. Adams	23,496.00	18,422.00	(*)
73	Chas. E. Creecy	6,514.02	5,129.96	(*)
75	James Alman	217.96	159.65	217.96
78	William Schooler	5,090.13	4,149.30	....
84	J. K. Murphy (Morris Murphy)	2,126.00	1,733.04	....
88	Thos. Betts	4,344.53 4,921.44	3,900.00	....
90	Neal T. Murray	3,312.66	2,589.86	3,312.66
96	William Dayton	3,877.66	3,053.24	....
97	James Finnegan	6,000.00	3,750.00	....
98	Charles Stewart	3,773.64	3,018.91	1,005.18
99	Jonathan Taylor	11,561.68	9,440.97	....
100	....do	11,932.20	9,385.76	(*)
101	Patrick Brennan	11,647.37	9,494.57	....
103	Geo. Neitzey	4,480.12	3,651.94	....
104	Wm. M. Ritchie	6,000.00	4,800.00	3,877.66
106	Richard Rothwell	369.87	301.60	369.87
108	Lewis Filbert	68,918.99	....	....
114	Geo. W. Goodall	16,161.34	12,989.07	(*)
122	John J. Shipman	96,589.48	71,448.41	....
125	Dennis McNamara	253.53	189.56	253.53
127	Job Barnard	4,286.28	3,351.02	2,127.21
128	Isaiah Stewart	739.80	589.66	(*)
135	Walsh & Gleeson	7,282.70	5,926.42	....
136	O'Hare, Himber & Groat	7,569.98	6,170.70	....
142	Patrick Doyle	219.98	158.45	219.98
144	Mary A. Gibbons	1,068.07	864.45	....
146	William H. Adams	42,500.00	34,000.00	....
150	Samuel J. Ritchie	9,372.14	7,028.09	5,839.30 4,769.85
155	Geo. H. Boston	2,196.45	1,790.46	....
162	Dan'l H. Connelly	2,327.91	1,862.32	2,027.01
167	Sam'l C. Wroe	3,469.80	2,802.86	....
169	John M. Carusi	757.13	605.70	(*)
170	Wm. Becket	419.80	334.10	....
177	Dillard & Moulton	440.19	342.82	....
179	Bartlett & Williams	92,223.63	75,177.57	....
180	Andrew Lipscomb	12,513.12	9,705.51	....
183	Danl. A. Connolly	5,000.00	4,075.83	....
184	Wm. Hussey	1,269.94	1,015.95	(*)
185	Birch & Fletcher	2,000.00	1,600.00	....
186	Wm E. Vermillion	3,561.26	2,649.00	(*)
187	William Hussey	1,374.02	1,090.21	(†)
188	Fletcher & Birch	5,000.00	3,650.00	....
201	Henry P. Saunders	459.49	367.16	....
207	Thomas Kirby	9,129.02	6,997.41	....
214	Old Dominion Granite Co	1,829.55	1,365.39	1,293.60
219	Thomas Kirby	4,400.52	3,219.25	4,480.88
224	Jos. T. H. Hall	12,341.25	9,873.00	8,684.19
231	John B. Davis	20,000.00	16,303.00	....
232	John Lyons	2,000.00	1,630.30	....
239	Ann M. Stafford	20,000.00	16,303.00	....
241	Thomas Lucas	19,553.51	15,909.80	....
242	Geo. Follansbee	18,507.21	15,088.39	....
245	Allen Chappell	130.04	104.00	(*)
255	Thomas Joyce	2,479.35	1,819.36	2,479.35
270	Childs & Neville	1,000.00	815.16	(*)

* Dismissed. † Dismissed; judgment for defendant.

Cases standing for trial under the act of February 13, 1895—Continued.

No.	Claimant.	Amount.	Interest.	Judgment.
292	Hugh McGinniss	$770.17	$618.20	
290	Downman & Green	10,100.00	8,080.00	$1,250.76
297	Theodore Sheckels	6,932.15	5,545.72	7,596.25
286	Vandenburgh & Crawford	882.17	719.13	
295	John F. Acker			
310	Henry Birch	10,000.00	8,151.00	
316	Wm. Dickson (consolidated 161, 223, 399)	7,124.80	5,699.04	1,586.30
324	J. V. W. Vandenburgh			
334	Hinder & Stetson	6,300.00	5,151.03	
331	Chas. H. Moulton	28.50	23.22	
332	Peter P. Little	2,403.00	1,840.00	1,275.80
330	Crawford & Hoffman	7,392.60	5,410.94	7,392.60
336	William Fletcher	10,000.00	8,151.00	
337	Jonathan Taylor	1,000.00	800.00	
371	William Murdock	3,797.02	3,097.61	(*)
375	Columbus J. Eslin	50,000.00	40,000.00	4,861.26
388	James Nelson	4,385.22	3,562.61	
389	do	10,062.16	8,171.10	
63	Hinder & Great	2,000.00	1,600.00	
81	Delaware Hudsell	10,345.08	8,276.04	
82	Stephen Talty	11,881.34	11,882.06	
109	John B. Wickersham	3,110.24	2,488.19	
251 252 253	Johanna McNamara	6,185.42	5,205.02	6,085.42
263	Silas Merchant	2,912.00	2,332.60	
275	Geo. W. Goslal	144.20	115.91	
285	Stephen Talty	50,000.00	40,000.00	
358	Allen C. Clark	101.69	81.75	
372	E. E. Barnes & Co.			
374	Chas. H. Moulton			
382	Peter P. Little			(†)
	Total	1,041,535.47	828,609.45	81,690.76

* Dismissed. † Second trial; judgment for defendant.

In addition to these cases, there are three or four cases in which the amounts are not definitely stated but which, by reference to the original cases, would be in the neighborhood of $40,000. The cases which have already gone to judgment embrace some $250,000 of claims, although judgments were for a little in excess of $81,690.76.

168 cases amount to		$1,041,535.47
Interest on same		828,609.45
Total principal and interest		1,870,144.92
January 11, 1897. Amount of claims filed		1,041,535.47
Dismissed	$174,807.57	
Judgments	81,690.76	
Disallowed in claims where judgments were rendered	25,008.26	
		281,506.59
Balance to be tried		760,028.88
Add general docket, to be tried		91,815.65
On docket January 11, 1897		851,844.53

Cases remanded to general docket and still pending.

No.	Claimant.	Amount.
22	Joseph Smolinski	$5,047.42
61	Hinder & Great	2,000.00
74	Robert M. Johnson	15,181.48
76	Robert S. Hulse	180.03
91	Samuel Barber	9,000.00
132	W. H. Brainard	6,290.00
164	Patrick Crowley	2,258.94
201	Andrew Gleeson	3,000.00
278	Sperry, Ritchie & Co.	6,873.10
281	T. E. Brown	8,178.18
284	John S. Baldwin	33,223.78
335	Stephen Talty	50,000.00
	Total	113,845.65

Statement of cases dismissed.

No.	Claimant.	Amount.
20	Steep & Follansbee	$500.00
29	Lawrence Cavanaugh	988.00
46	Wm. H. Adams	103,774.80
72	William H. Adams	23,496.00
73	Chas. E. Creasey	6,511.62
82	Stephen Talty	11,881.34
100	Jonathan Taylor	11,932.20
110	John B. Wickersham	3,110.24
114	Geo. W. Goslal	16,161.34
128	Isaiah Stewart	520.20
153	James R. Cole	5,518.27
162	John M. Carusi	752.13
184	William Hussey	1,328.94
186	Wm. E. Vermillion	3,561.26
187	William Hussey	1,351.02
245	Allen Chappel	130.04
250	John Brennan	534.21
260	Isaac P. Childs	600.00
263	Silas Merchant	2,992.00
270	Childs & Neville	1,000.00
371	Wm. C. Murdock	3,797.02
332	Peter P. Little	*2,403.00
	Total	36,604.63

*Second trial; judgment for defendant.

Now, Mr. Chairman, in conclusion, let me say that I do not care whether the amount involved is fourteen hundred thousand dollars or $10,000. There is no equity, there is no justice, and no fair dealing in allowing any of these unworthy claims, and the House ought to support the amendment which repeals the law and prohibits further payment of judgments.

[Here the hammer fell.]

The CHAIRMAN. The time for debate has expired under the order of the committee, and the question is on the amendment to the amendment proposed by the gentleman from New Jersey [Mr. McEWAN], which the Clerk will report.

The Clerk read as follows:

Strike out the following words, "and no judgment heretofore rendered in pursuance of said act shall be paid."

Mr. PITNEY. That amendment should be voted down by the committee, if we are to adopt the amendment of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment proposed by the gentleman from Missouri [Mr. DOCKERY].

The Clerk read as follows:

Insert on page 11, after line 2, the following:

"That the act approved February 13, 1895, entitled 'An act to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes," approved June 16, 1880,' be, and the same is hereby, repealed; and all proceedings pending shall be vacated and no judgment heretofore rendered in pursuance of said act shall be paid."

The amendment was agreed to.

Mr. GROUT. Mr. Chairman, when we passed the preceding paragraph I asked the privilege of returning to it, and I will do so now, for the purpose of offering a substitute for the provision incorporated in the bill at that point.

I send to the desk an amendment, which I ask to have adopted.

The Clerk read as follows:

Strike out, commencing with line 22, up to and including line 25, on page 10, and insert:

"To enable the Commissioners to have the numerical books for the city of Washington and county photolithographed, $1,980, to be immediately available."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

For work on streets and avenues named in Appendix "Bb," Book of Estimates, 1898, $100,000, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Georgetown schedule: Nine thousand one hundred and sixty-six dollars.

Mr. BAKER of New Hampshire. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 15 and 16, page 12, the words "nine thousand one hundred and sixty-six" and insert "forty thousand five hundred."

Mr. BAKER of New Hampshire. Mr. Chairman, the purpose of this amendment is to make it conform more nearly to the estimates of the Commissioners of the District of Columbia. The Commissioners have certified to the House thirteen different streets for improvement in the old city of Georgetown, and have asked $55,000 for the purpose of making these improvements. I have offered an amendment which provides only $40,500, which is exactly the amount this bill provides on page 16 for the improvement of three streets only, in the country. Those three streets in the country will accommodate perhaps 500 people, not more than that, and in the city of Georgetown, which, according to this bill, is to receive only $9,000 in appropriations for this purpose, there are some 10,000 inhabitants. More than this, the amount given in the bill, $9,166, can not be made up in any way from the schedule submitted by the Commissioners. It is not the amount necessary to improve one street, two streets, three streets, or any other number of streets, and the same remark applies to all the other schedules mentioned on this page. For instance, in the northwest section the Commissioners estimate for four items, aggregating $170,500; in the southwest section they estimate for sixteen items, aggregating $82,000; in the southeast section for twenty items, aggregating $130,000, and in the northeast section for eighteen items, aggregating $155,400. In all of these cases little more than one-tenth of the amount which the Commissioners have asked for is granted by this bill, an amount which is entirely inadequate.

The whole amount as provided in this bill is not one-third of the amount carried by the bill last year. In fact these items are so meager that the whole appropriation might as well be omitted as to grant these miserable small items. Then, again, there are two provisions on this page and the following page providing how this money shall be expended. The first one, in lines 12 and 13, says that it is—

To be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely.

Mark you, to be expended in the discretion of the Commissioners. But there is a proviso at the bottom of the page covering every one of these proposed appropriations, which says:

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable.

Now, it is impossible for the Commissioners to use the discretion which is granted to them at the top of this page and still be bound by the requirements of the bill itself, if they have any discretion at all.

Then, again, as I have said, these items that are proposed to be appropriated for are such items that it is impossible to complete any one of the works for which the Commissioners have asked an appropriation. The whole amount is entirely inadequate. As I said, it is only about one-third of the amount carried by the last appropriation bill. It is entirely unsatisfactory to the people of the District of Columbia, and is in marked contrast with the appropriation to which I call the attention of the committee in relation to three streets up in the northwest section, where the entire property is owned by about three people, or very few owners at least; while in the city of Georgetown some 10,000 people will be benefited, as against a few dozen in the other section.

Mr. GROUT. Mr. Chairman, I have only a word to say in reference to this matter. The Commissioners estimated $600,000 for improvements and repairs of streets. The committee thought they could allow but $100,000, and they have apportioned pro rata to these different schedules, the Georgetown schedule, the northwest section schedule, the southwest section schedule, the southeast section schedule, and the northeast section schedule, according to the sums estimated for those schedules respectively by the Commissioners. As to the discretion of the Commissioners, I will say there is a list of streets prepared in the order of their importance, that list having been submitted by the Commissioners. This money is to be expended on the streets in the order given in the list as nearly as practicable.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BAKER of New Hampshire. How can you justify the appropriation, on page 16, of $40,500 for the improvement of three streets, and grant only $9,000 for the improvement of all the streets in the city of Georgetown?

Mr. GROUT. What streets does the gentleman refer to?

Mr. BAKER of New Hampshire. I refer to the following items, to be found at the top of page 16:

For paving Connecticut avenue and Columbia road between Florida avenue and Eighteenth street extended, $39,000: *Provided*, That the owners thereof shall dedicate the spaces for widening said Columbia road within the limits named, for conformity with the recorded plans of highway extensions:

For grading, regulating, and paving Roanoke street from Thirteenth street to Fourteenth street, $1,500; in all, $40,500.

Mr. GROUT. Well, that is new work, Mr. Chairman, and it necessarily requires much money to complete it. The amount allowed is less than the estimate, as I remember it, or certainly not more. It was thought by the committee that the work on these streets could be entered upon. The amount which the gentleman refers to is simply for improvements and repairs. That is all. A very different thing from building new streets.

Mr. BAKER of New Hampshire. A very different thing, Mr. Chairman; but, notwithstanding all that, there are twenty streets in Georgetown unimproved to one on the Hill, on which this $40,500 is to be expended.

Mr. GROUT. I did not yield for a speech. The gentleman has time in which to submit his remarks.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the chairman of the committee to the proviso in line 25 of page 12, in connection with the four preceding paragraphs, for instance, "northeast section schedule, $25,900." The proviso reads:

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable.

Referring to that schedule, I find in the northeast section a list of some twenty or more streets for which there are estimates; but the two streets first named require an appropriation amounting to $32,000, and here is a total of appropriations provided of $25,900, not a sufficient sum to provide for the work of two of those streets. Now, at that rate, if this proviso is to be continued, and if this method is to be continued, it will be at least six years before the last street already in the schedule of the Commissioners can receive attention. I submit that that is not a wise provision in the bill.

Mr. GROUT. Mr. Chairman, I will say to the gentleman from Iowa that hereafter we hope to be able to appropriate larger sums for the improvement and repair of streets. This is all the committee could carve out of the revenues for this bill, and with the increased speed with which, it is hoped, we may hereafter provide for these streets, the streets the gentleman has in mind may be reached inside of six years. I hope that they will be, as I believe they ought to be.

Mr. BAKER of New Hampshire. Will the gentleman yield to me for a question?

Mr. GROUT. Certainly.

Mr. BAKER of New Hampshire. What reason exists now why there can not be more than one-third of the amount appropriated last year in regard to this matter?

Mr. GROUT. I think this is about the same sum the committee brought into the House last year. Wait till we are through with the Senate.

Mr. BAKER of New Hampshire. That is all very true; and I hope that when we get through the Senate we will get back to the old figures.

Mr. GROUT. Just a word, so that there may not be a misunderstanding about the provision for the improvement of streets. In my opening remarks upon this bill I called attention to the large expenditure for sewers—amounting to almost three-quarters of a million of dollars. Everything which it seems necessary to be done in this city can not be done in a single bill. The committee have thought it better to make ample provision for the sewers, which looked to the health of the city, and that if anything must suffer it better be streets; and proceeding upon that principle, they reduced considerably, as you have seen, the estimates of the Commissioners in regard to street improvements and repairs.

Mr. HENDERSON. Will the gentleman allow me to ask him a question?

Mr. GROUT. Certainly.

Mr. HENDERSON. What is the total amount estimated for by the Commissioners in Georgetown and the four sections?

Mr. GROUT. For the four sections they call for $600,000, and for Georgetown $55,000.

Mr. HENDERSON. So they estimate for half a million?

Mr. GROUT. More than half a million; $600,000 for street improvements in the four sections.

Mr. HENDERSON. The committee felt that all they could do in the present condition of the revenues was to give $100,000?

Mr. GROUT. We think we have done the best we could, under all the circumstances, for repair of streets. We were asked to enter upon many new projects, but selected only two—the two said by the Commissioners to be the most urgent.

Mr. HENDERSON. One further question, if the chairman has it in mind. What are the estimated revenues for the District for the next fiscal year? You may have stated it in your report; and what amount is covered and carried in this bill?

Mr. GROUT. The total estimated revenues for the year 1898 is $3,359,858.33. The total amount carried by this bill is $5,642,856.93, one-half to come out of the District revenues——

Mr. HENDERSON. Making $2,500,000 or $3,000,000 less than the estimated revenues?

Mr. GROUT. A little over $500,000 will be left in the District revenues by this bill as it stands now——

Mr. HENDERSON. Leaving half a million for the Senate?

Mr. GROUT. That is right.

Mr. HENDERSON. It strikes me the committee are acting with wisdom in the matter, from our experience in the past.

Mr. BAKER of New Hampshire. Can the gentleman tell us how far that is changed from preceding years?

Mr. GROUT. What?

Mr. BAKER of New Hampshire. The revenues. Are they less or more; and if so, how much?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROUT. This whole subject is presented on page 43 of the bill. The revenues for 1897 were $3,225,081.56, about $100,000 less than for 1898.

Mr. BAKER of New Hampshire. And, Mr. Chairman, these estimated revenues show an annual increase. For 1895 they were $3,469,740.51; for 1896 they were $3,061,688.96; for 1897, $3,225,081.56, and for 1898, $3,359,858.33. So that they go on increasing each year; and as the United States duplicates these almost entirely, in the face of that the committee come in here with a meager appropriation of $100,000 for all the streets inside of the city and for one-half of them, for a little bit of a section, just outside of the city, where some favored people happen to own property.

Mr. GROUT. The gentleman wants to make good that statement, of course, and he will have an opportunity to do so before the bill is concluded.

Mr. HENDERSON. I move to strike out the last word, and I desire to say briefly, in reply to the gentleman from New Hampshire, that while the people outside of the boundary have been heavy taxpayers for many years and have never yet had their proportionate share of the appropriations for improvements, I am glad that the committee have begun to give attention to the taxpayers outside of the city boundary, and to give them fair recognition as taxpayers in this District.

Mr. PITNEY. And the allowances that we are making are on streets built at private expense in a large measure.

Mr. GROUT. I move to strike out the last word. The gentleman complains about this bill. It is really the largest ever reported to the House from the Committee on Appropriations. It is larger than the bill of last year by some $300,000.

Mr. BAKER of New Hampshire. But the gentleman will admit that it is not larger in these items.

The amendment was rejected.

The Clerk read as follows:

For paving Connecticut avenue and Columbia road, between Florida avenue and Eighteenth street extended, $36,000: *Provided*, That the owners thereof shall dedicate the spaces for widening said Columbia road within the limits named, for conformity with the recorded plans of highway extensions.

Mr. BAKER of New Hampshire. Mr. Chairman, in the interest of economy, I move to strike out, before the word "thousand," in line 3, page 16, the words "thirty-six," and insert "ten," so that it will read "$10,000," etc. The provision in the bill grants for two streets several hundred dollars more than it grants for the whole city of Georgetown. It seems to me that this amendment must, by its fairness and justice, commend itself to every member of the House.

The amendment was rejected.

The Clerk read as follows:

Bathing beach: For the care and repair of the public bathing beach on the Potomac River, in the District of Columbia, $1,000.

Mr. TALBERT. Mr. Chairman, I move to strike out, on page 18, the paragraph beginning with line 13 and ending with the line 15. I see no use in this expenditure for the purpose of keeping in repair this bathing beach. It seems to me to be utter nonsense, and I hope the paragraph will be stricken out.

The amendment was rejected.

For sixty-one teachers at $600 each; in all, $36,600:

Mr. BAKER of New Hampshire. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After line 24, page 21, insert: "For the establishment and maintenance of free kindergartens in the District of Columbia under the control of trustees and superintendent of public schools, $10,000."

Mr. DOCKERY. Mr. Chairman, I reserve the point of order on that.

Mr. BAKER of New Hampshire. Mr. Chairman, the purpose of this amendment is evident upon its face. In these modern times it has come to be a necessity in public school education to start with the kindergarten. I think it will be admitted by the gentleman from Missouri [Mr. DOCKERY] and by every gentleman here present that the best educators of our land favor these primary institutions. This amendment is intended merely to make a commencement in the District of Columbia under the proper authorities. Heretofore these institutions have been conducted as private schools, and families in this city and in this District who should have been served by the public schools have been compelled to spend their own money for the education of their little children. This amendment, if adopted, will enable the trustees and superintendents to make a commencement in this line and to give the system a fair trial and report upon it next year, so that, having expended only the sum of $10,000 for this purpose, the committee can receive from them a full report as to the necessity or the advisability of continuing the appropriation.

Mr. Chairman, the amendment does not seem to me to be subject to the point of order, because it is in line with appropriations in this bill and is simply an additional item for the support of such other teachers as the amount appropriated will justify the employment of. I hope the gentleman in charge of the bill will accept the amendment, as he knows that it is very deeply in the interest of the poorer people of the District, even of those who live in the slums. This is a start in the right direction. It is advocated by nearly all the women of the District who are engaged in charitable work, and I trust it will pass.

Mr. GROUT. Speaking for the committee, I must say I can not accept the amendment.

Mr. BAKER of New Hampshire. Have you any objection to it?

Mr. GROUT. Yes; I have this objection: The committee, some of them at least, thought that possibly at another time we might appropriate for schools of this kind. At some future time it may be wise to provide the kindergarten as a department of our public school system, for the benefit of children below the age of 6 (which I believe is the age at which children are admitted to the public schools, though I am told that rule is not always enforced)—the committee, I say, thought that at some future time it might be advisable to establish these small children's schools. But it seems to me it ought to be postponed until some future time, when prosperity shall have returned and everybody will feel a little freer to expend the money which we shall then have in the Treasury, instead of appropriating, as now, that which we have not in the Treasury. This object was estimated for by the Commissioners of the District, but the committee thought it wise to postpone it; I can not, therefore, accept this amendment.

Mr. HEPBURN. It may be that this sum is too large, and that so much as $10,000 ought not to be appropriated at this time for this purpose, but it does seem to me that we ought to begin this branch of education now. It is the very foundation of our system. I have known of a number of kindergarten schools in Washington maintained by private charity. There is one that I have heard spoken of as a model of its kind, the expenses of which are borne by one lady in this city. There is a multitude of little ones from 4 to 6 years of age who can not get into the public schools and who might be cared for in these kindergarten schools and might receive great benefit from them. Other cities are taking steps in this direction, and this city ought not to be behind. This subject has received the careful attention of the Commissioners of the District. The establishment of these schools meets their approval, and I think it meets the approval, individually, of a large majority of the Committee that have reported this bill. They have seen fit, for economical reasons, to withhold their favorable official action, but I hope the House will take the responsibility of starting this work, if not with $10,000, with $5,000, or an amount sufficient to make a beginning.

Mr. BLUE. Mr. Chairman, so far as this work is to be regarded as an experiment, it would seem that an appropriation of money for the purpose at this time is wholly impracticable.

I think it is usually conceded everywhere throughout this country—in the larger cities at least—that it is meritorious. The whole effect of this proposition is to make an appropriation for the purpose of experimenting. Kindergarten schools have gone beyond the experimental stage. Their usefulness and efficiency are recognized throughout the nation. When the Treasury is in better condition—when times are more propitious—this House will doubtless make an appropriation, not to experiment in this matter, but to carry out some general plan upon the subject. At this time, with the Treasury in its depleted condition, it would be bad policy to make an appropriation for the purpose suggested by the amendment.

Mr. NORTHWAY. Did I or did I not read some time in December last that the President and the Secretary of the Treasury said that we did not need any more revenue; that we had $128,000,000 of surplus in the Treasury?

Mr. BLUE. Yes, Mr. Chairman; but the gentleman from Missouri [Mr. DOCKERY], who is usually very cautious and prudent in protecting the Treasury, remarked that that was a borrowed surplus. That is not the kind of surplus that gentlemen on this side favor. It is not the kind that we expect to use in dealing fully and sometimes even charitably with the necessities of this District. When a surplus shall have reached the Treasury in the regular way, by taxation—a surplus that will be maintained without borrowing and without selling bonds—it will be time enough to venture upon these additional educational propositions. Mr. Chairman, the committee at the present time have treated with extreme liberality the educational institutions of this District. They have provided in this bill for 2 new schools and for 36 additional teachers. The District ought to be satisfied. I do not understand that the parties having in charge the educational institutions of this District and answerable for them are pressing this matter. It is more a question of sentiment now than one of absolute necessity. We have done what we could consistently with proper economy. In this bill we have sought in every way to give to the District the most liberal appropriations that the condition of the Treasury would permit. I hope the amendment will not prevail.

Mr. KIEFER. Will the gentleman state just what amount of money is now claimed by the United States Treasurer to be in the Treasury?

Mr. BLUE. I do not remember the exact amount. I did not examine the report this morning. But so far as that is concerned, I suppose that one hundred millions of the amount there is for a special purpose; and the Treasury, even upon the reports of the present Secretary, is not showing any very healthy condition, unless it has changed materially within the last few days.

The CHAIRMAN. Does the gentleman from Missouri [Mr. DOCKERY] insist on the point of order?

Mr. DOCKERY. No.

The question being taken, the amendment was rejected.

Mr. BAKER of New Hampshire. I now renew the amendment, with $5,000 inserted instead of $10,000.

The CHAIRMAN. The Clerk will read the amendment as now submitted.

The Clerk read as follows:

Insert after line 24, page 1, the following:

"For the establishment and maintenance of free kindergartens in the District of Columbia, under the control of the trustees and superintendent of the public schools, $5,000."

Mr. BAKER of New Hampshire. Mr. Chairman, I propose to say merely a word in reply to the remarks of the gentleman from Kansas [Mr. BLUE]. Nowhere in this country, and certainly nowhere in Europe, are kindergartens any longer experiments, unless such may be the case in the State of Kansas. They are well known in the District of Columbia; they are well known everywhere, and the trustees of the public schools——

Mr. BLUE. That is just what I stated. I stated that they were no longer an experiment.

Mr. BAKER of New Hampshire. I understood the gentleman to say that they were.

Mr. BLUE. No, sir.

Mr. BAKER of New Hampshire. Then I stand corrected so far as the gentleman's remarks are concerned, and will include Kansas in the statement that kindergartens are nowhere an experiment.

I was about to say that the trustees and superintendent of the schools in the District of Columbia are ready now to take hold of these kindergartens and put such number of them as the appropriation may justify in immediate use in Washington, Georgetown, and the surrounding country. There is no way in which the poor children of this city can be kept out of the streets and out of pollution so easily and so cheaply and with so much benefit to themselves as by the establishment of kindergartens. I hope that this small appropriation of $5,000 will be allowed for that purpose.

The question being taken, the amendment of Mr. BAKER of New Hampshire was rejected.

The Clerk read as follows:

For constructing second story, and for heating plant of school building at Congress Heights, to be immediately available, $12,000.

Mr. BLUE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 13, page 25, insert:

"For purchase of additional ground and for additional building of two rooms, near line of Connecticut avenue, south of Chevy Chase Circle, to be immediately available, $8,000."

Mr. BLUE. Mr. Chairman, I present this amendment on behalf of the Subcommittee on Appropriations because it was overlooked in part, there having been an appropriation made in the former bill for a two-room building in the locality named. The committee regarded it as economical that this amendment be adopted at this time, so that a building may be constructed of this capacity to meet the demands in that vicinity. I ask that the amendment be adopted.

The question being taken, the amendment of Mr. BLUE was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOLLIVER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. VILAS, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States, had further insisted upon its amendments, asked a further conference with the House on the bill and amendments, and had appointed Mr. LODGE, Mr. CHANDLER, and Mr. FAULKNER as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Increase fire department: For one new engine, $4,200;

For one hose carriage, $900;

For house, lot, and furniture for one engine company, to be located in Anacostia, $16,200; in all, $21,300.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of this bill a question. If I understand it correctly, it provides for the purchase of one new fire engine?

Mr. GROUT. Yes.

Mr. RICHARDSON. One engine, at a cost of $4,200.

Now, Mr. Chairman, that, I take it, is not a sufficient increase for the needs of this city. I think instead of providing for one new engine there ought to be a provision for at least five. I have recently seen a statement made by the chief of the fire department of the city of Washington alleging that the number of engines in this city is not sufficient and that the facilities for fighting fires are not adequate. If I am not mistaken, in that statement it is shown that in every other city in the United States—possibly not in all of them, but nearly all—of a population equal to that of the city of Washington, they have at least five engines more than we have in service here. If I do not mistake, we have but ten engines in service.

I will ask the chairman if that is not so? I believe there is no other city in the United States having a population equal to this city that has less than fifteen, and some as high as twenty engines.

Mr. GROUT. I am not able, just at the moment, to state the exact number of engines, but will give the gentleman the information in a few minutes.

Mr. RICHARDSON. I understand that to be the number; but I will not pretend to be accurate or exact. It is, however, somewhere in that neighborhood. I am accurate, though, in the statement that we have at least five engines less than any other city of the size of the city of Washington; and the statement is made by the chief of the fire department of the city that the number is totally inadequate for the service required.

I think the Government of the United States ought to have in this the capital city of the nation the most efficient fire department that can be found anywhere in the United States. I think we ought not to be economical in this particular respect beyond proper limits; and I hope the gentleman will not resist an amendment which I shall offer, increasing the number to five instead of one. We ought to have five additional engines provided.

The statement to which I have referred was made a few weeks ago as the result of a very disastrous fire which occurred (I refer to the statement of the chief of the fire department) near the Government Printing Office, when a large lumber mill and considerable property were destroyed, and during the time the fire was in progress a general alarm was sounded for a fire at some other point, the exact location of which I do not now recall. He said that his opportunity for fighting a fire was greatly hampered, limited, and impaired because of the want of a sufficient number of fire engines, and suggested that there ought to be at least five more added to the service here.

I move, therefore, Mr. Chairman, in the paragraph now pending, to strike out "one" and insert "five," so as to increase the purchase of fire engines to five, and increase the sum of the appropriation to correspond.

Mr. GROUT. Mr. Chairman, there is a good fire department in this city, and I think the House will take judicial notice of the fact that fires are well and thoroughly handled here. The unsurpassed streets and their paving in the city of Washington furnish facilities for engines assembling at a fire which are furnished by no other city in the world, according to population and area. We therefore really need fewer engines, because the streets are so wide and so little occupied by traffic and travel that the engines can go and do go at breakneck speed to a fire. Really, there is no city in the world where the assembling of the fire force on an alarm is so thrilling as in this city. And for the reasons stated I say we have a good fire department. And now a word as to the number of engines. Turning to a letter written to the committee by the chief engineer of the fire department, it seems that there are 12 engines in the city, 10 in service and 2 in reserve; 13 hose carriages, 10 in service, 2 in reserve; 2 fuel wagons in service; 2 supply wagons in service; 5 trucks, 4 in service and 1 in reserve; 1 chemical engine, capacity 160 gallons, in service; 1 chemical engine, capacity 170 gallons, in service; 1 buggy for the use of the engineer of the fire department, and so on.

The committee wanted full information, so that we might deal fairly with the fire department, and called upon the chief for these particulars. They are furnished in a letter found on page 101 of the hearings.

Let me also call your attention to the steady increase in the expense of the fire department in this city, which is fairly commensurate with its needs. In 1893 we appropriated $36,320 for its increase; in 1894, $2,640; in 1895 we appropriated $42,720; in 1896, $68,000; in 1897, $51,700, and the amount carried in this bill is a further increase of $21,300.

This engine that the bill provides for is supposed to take the place of some old engine in the populous part of the city, which older engine will go to Anacostia, there to be housed in the place provided for by this paragraph of the bill.

A new hose carriage was deemed necessary, and that has been provided, at $900. The situation at Anacostia is peculiar. The fire department can only reach it by the bridges across the river, and the bulk of the suburb is reached only by the Navy-Yard Bridge. There is a draw in that bridge. It is an old and weak bridge, across which a fire engine could not be taken at full speed, and if the draw were up not at all without perhaps dangerous delay. To meet the necessities of that growing suburb it was thought by the committee that this fire engine might well be provided, a large new one being purchased for the city of Washington to take the place of one of less capacity to be moved to Anacostia.

Now, I say, Mr. Chairman, that fairly liberal provision has been made by this bill for the fire department.

Mr. RICHARDSON. I will not insist on the amendment if the committee do not consent. I wish to ask the gentleman if he has the annual report of the Commissioners, and if that report itself does not include a request of the chief of the fire department for additional service, and if the Commissioners themselves have not recommended that additional facilities be afforded by an increase in the number of engines? I will state to the gentleman that I cut out of a newspaper a letter, which I have no doubt was authentic, from the chief of the fire department, in which he states that it is absolutely necessary, in order that he may render efficient service in fighting these fires, that he have an additional number of engines; and my impression is that he said he had appealed to Congress to give him additional engines.

Mr. GROUT. Mr. Chairman, I infer that the gentleman has been visiting with the chief engineer of the fire department.

Mr. RICHARDSON. No; I will say to the gentleman that I have not been visiting him. I do not know him, and never saw him in my life.

Mr. GROUT. The gentleman asks me if we have the report of the Commissioners here. It is not before me. It is true the Commissioners asked for additional engines. Last year we provided for two new engines, and this year we have provided in this bill the men to man those engines, twenty in number; and next year we shall have to provide ten additional men for this new engine, when the house is completed for it and the engine in it.

[Here the hammer fell.]

Mr. RICHARDSON. If the gentleman will not agree to the amendment, I shall not insist on it, and I withdraw it.

And then, on motion of Mr. GROUT, the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2253) for the relief of Barzilla C. Hudson;

A bill (S. 1621) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana;

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

A bill (S. 2129) granting an increase of pension to Annie E. Nolan;

A bill (S. 361) for the relief of Silas P. Keller; and

A bill (H. R. 9480) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes.

RESTRICTION OF IMMIGRATION.

Mr. DANFORD. Mr. Speaker, the immigration bill is on the Speaker's table. I move that the House insist upon its disagreement to the amendments of the Senate, and agree to the further conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. DANFORD, Mr. WILSON of South Carolina, and Mr. BARTHOLDT.

MARY W. KEEFFE.

Mr. THOMAS. Mr. Speaker, I present the conference report which I send to the Clerk's desk.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 96, "An act granting a pension to Mary W. Keeffe," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert $25; and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

FRANK J. CANNON,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $30 per month, which sum the House reduced to $20. The effect of the conference report is to grant the beneficiary $25 per month, being in the nature of a compromise, the Senate making a concession of $5 and the House conceding a like amount.

The soldier died of disabilities contracted in the line of duty, and the beneficiary named in the bill is now drawing a pension of $20 per month.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers of the conference on the part of the House.

The conference report was agreed to.

ADELAIDE MORRIS.

Mr. THOMAS. I also present another conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 757, "An act granting an increase of pension to Adelaide Morris," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert $35; and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

J. H. GALLINGER,
W. N. ROACH,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As it passed the Senate the bill carried $50 per month, which was reduced to $25 by the House. The effect of the conference report is to grant the beneficiary $35 per month, a concession of $15 by the Senate and $10 by the House.

The managers on the part of the House have been led to make this concession because the soldier had a very gallant record, particularly distinguishing himself at the battle of Antietam, on which account he was given the rank of brevet captain, though but 19 years of age. He was in many battles, and after the close of the war participated in the Indian campaigns. He died from disabilities contracted and incurred in the line of duty.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers of the conference on the part of the House.

The conference report was agreed to.

MARION M'KIBBEN.

Mr. THOMAS. Mr. Speaker, I present another conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 681, "An act granting an increase of pension to Marion McKibben," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As it passed the Senate the bill carried $50 per month, which was reduced by the House to $40. The effect of the conference report is to recede from the House amendment and grant the beneficiary $50 per month.

The managers on the part of the House have been led to make this concession because of the unusually long and gallant services of the soldier. He served during the war with Mexico, and was several times promoted for gallant conduct during the late war. He rose to the rank of brevet brigadier-general, and died from disabilities contracted in the line of duty. The beneficiary named in the bill is now receiving $30 per month under the general law.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers of the conference on the part of the House.

The conference report was agreed to.

CAROLINE A. HOUGH.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take up the bill (S. 3622) that was under consideration when the House went into Committee of the Whole.

The Clerk read as follows:

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, subject to the provisions and limitations of the pension laws, and grant her a pension of $50 per month, in lieu of the pension of $17 per month which she is now receiving.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, I should like to know something about this. I ask for the reading of the report, reserving the right to object.

Mr. WOOD. This bill has already passed the House and passed the Senate. It was considered in Committee of the Whole. It was not signed, having reached the President just a short time before the recess. I hope the gentleman will not object. It is in precisely the same condition as the bill of Mrs. Carr.

Mr. ERDMAN. I would like to know something about the bill. I know nothing about it.

Mr. WOOD. I can make a statement concerning the bill, if that would be satisfactory.

Mr. MILES. Is this one of the cases that was considered or not considered last Friday night in Committee of the Whole?

Mr. WOOD. It was considered by Committee of the Whole and in the House, and passed.

Mr. MILES. But not last Friday night?

Mr. WOOD. It was not passed last Friday night. It was passed in December. It passed both branches.

The SPEAKER. The gentleman means that the original bill, which failed to be signed by the President, was passed, and this is identical with that bill.

Mr. WOOD. This is identical.

The SPEAKER. It is identical with the original bill; but not this bill.

Mr. WOOD. But a bill identically like it. There would be no good purpose in referring it to the Committee on Invalid Pensions and having it considered in the Committee of the Whole. It has been before both and has been well considered. It is in precisely the same condition as the bill of Mrs. Carr, and it ought to pass. The beneficiary is a very worthy and very feeble old lady. The service of this officer was distinguished; and I hope the House will consent to its being taken up and passed.

Mr. BLUE. This is only for $50?

Mr. WOOD. That is all.

Mr. BLUE. The same as the other?

Mr. WOOD. The same as the other.

Mr. BAILEY. This bill has not been considered in Committee of the Whole?

Mr. WOOD. A bill precisely like this has.

Mr. PAYNE. A bill exactly like this one passed last session both the House and the Senate, and went to the President just before the recess, and the ten days expired during the recess.

Mr. BAILEY. My question was, if *this* bill had been considered in the Committee of the Whole?

Mr. PAYNE. This bill has not been, but one that is precisely like it went to the President and failed to be signed. This bill has passed the Senate and came from the Senate over here, so that the same subject-matter has been considered in Committee of the Whole.

Mr. BAILEY. But my question referred to this particular bill.

Mr. PAYNE. This particular numbered bill has not been considered; but I want to say to the gentleman that a bill under precisely the same circumstances passed this House this morning by unanimous consent.

Mr. BAILEY. This House has gone absolutely mad on the pension question.

The SPEAKER. Is there objection?

Mr. RICHARDSON. I want to ask the gentleman why this woman can not be pensioned under the law?

Mr. WOOD. She is pensioned under the general law at $17 a month.

Mr. RICHARDSON. That is all she is entitled to under the law?

Mr. WOOD. She is pensioned at the rate of $17 a month, that being based on the rank her husband had at the time when the wound was received. That would be the highest rate that she could get at the Pension Bureau.

Mr. MILES. His rank was such that she could get no more?

Mr. WOOD. His rank at the time was such she could get no more.

Mr. CROWTHER. Mr. Speaker, the Chair asked the question of the gentleman from Illinois, whether or not this was the identical bill that had passed the House previously and had failed to receive the signature of the President. I will say in explanation that the bill that passed the House in December last called for $50 per month, and the Senate has repassed the bill. The original bill having failed to become a law at the figure that has been agreed upon as the amount that should be allowed to the widows of general officers of the Army, $50 per month, this bill proposes to give the beneficiary that amount.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARIS, for four days, on account of important business.

To Mr. MILES, for two days, on account of important business.

To Mr. MARTIN, for five days, on account of sickness in his family.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Postmaster-General, submitting an estimate of appropriation to meet the expenses of the Congress of the Universal Postal Union—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of certain judgments rendered against the Government by the circuit and district courts of the United States, for which the records have been received at the Department since May 22, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a list of the disbursements for the fiscal year ending June 30, 1897, under the act for the endowment of colleges for the teaching of agriculture and the mechanic arts—to the Committee on Agriculture, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3603) entitled "An act to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota," reported the same without amendment, accompanied by a report (No. 2787); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House resolution No. 505, reported in lieu thereof a resolution (House Res. No. 525) requesting the Secretary of the Navy to furnish certain information to the House relative to promotions of meritorious warrant officers of the Navy, accompanied by a report (No. 2788); which said bill and report were referred to the House Calendar.

Mr. QUIGG, from the Committee on the Library, to which was referred the bill of the House (H. R. 10079) for the erection of a monument to Peter Charles L'Enfant in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2789); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, reported the same with amendment, accompanied by a report (No. 2790); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia, to which was referred sundry bills of the House, reported the same, accompanied by reports; which said bills and reports were referred to the House Calendar, as follows, to wit:

WITH AMENDMENT.

The bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia. (Report No. 2791.)

WITHOUT AMENDMENT.

The bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia. (Report No. 2792.)

The bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department. (Report No. 2793.)

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894, reported the same without amendment, accompanied by a report (No. 2802); which said bill and report were referred to the House Calendar.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the resolution of the House (No. 511) requesting of the Secretary of the Interior certain information relative to the enforcement of the treaty or agreement with the Navajo Indians, entered into June 1, 1868, reported the same without amendment, accompanied by a report (No. 2803); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 950) entitled "An act granting increase of pension to Franklin C. Plantz." (Report No. 2794.)

The bill (S. 2702) entitled "An act granting an increase of pension to Samuel A. Smith." (Report No. 2795.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5424) granting a pension to Robert A. McKee. (Report No. 2796.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (S. 3613) entitled "An act granting a pension to

Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers. (Report No. 2797.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9788) granting a pension to Bethiah H. Rollins. (Report No. 2798.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 4954) to grant Mary Chamberlin, of Chelsea, Vt., a pension. (Report No. 2799.)

The bill (H. R. 9552) granting an increase of pension to Joseph Monteith. (Report No. 2800.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 9915) granting a pension to Sarah F. Smith. (Report No. 2801.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 3408) entitled "An act granting a pension to Ann King, widow of Samuel King, deceased." (Report No. 2804.)

The bill (S. 3612) entitled "An act granting a pension to Mrs. Martha Frank." (Report No. 2805.)

By Mr. COLSON, from the Committee on Pensions:

The bill (H. R. 4472) for the relief of Isaac Whitenberg, of Bledsoe County, Tenn. (Report No. 2806.)

The bill (H. R. 5326) to grant a pension to Sarah A. Blazer. (Report No. 2807.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHARLES W. STONE: A bill (H. R. 10235) to fix the rate of pension of sailors and soldiers in certain cases—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 10236) to amend section 4440 of the Revised Statutes, authorizing the licensing of mates on river and ocean steamers—to the Committee on the Merchant Marine and Fisheries.

By Mr. CULBERSON: A bill (H. R. 10237) authorizing the judge of the eastern district of Texas to hold special terms of the courts—to the Committee on the Judiciary.

By Mr. LIVINGSTON: A bill (H. R. 10238) to amend the act of July 16, 1894, providing for the entry to the second class of mail matter of periodical publications—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A bill (H. R. 10239) to authorize Lieut. Commander Raymond P. Rodgers, United States Navy, to accept the medal presented to him by the Russian Government—to the Committee on Foreign Affairs.

Also, a bill (H. R. 10240) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

By Mr. CORLISS: A joint resolution (H. Res. 245) proposing an amendment to the Constitution providing for the election of Members of the House of Representatives of the United States every four years—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: A joint resolution (H. Res. 246) to print additional copies of Messages and Papers of Presidents—to the Committee on Printing.

By Mr. BENNETT: A joint resolution (H. Res. 247) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York—to the Committee on Rivers and Harbors.

By Mr. HICKS: A concurrent resolution (House Con. Res. No. 69) providing for the printing of additional copies of the report of the Assistant Secretary of the Interior, 1896—to the Committee on Printing.

By Mr. HILBORN: A memorial of the legislature of the State of California, favoring the establishment of a republican form of government in the Hawaiian Islands—to the Committee on Foreign Affairs.

By Mr. MONDELL: A memorial of the legislature of the State of Wyoming, favoring the passage of any resolutions which will tend to secure to the people of Cuba belligerent rights as revolutionists or their independence as a republic—to the Committee on Foreign Affairs.

By Mr. JOHNSON of California: A memorial of the legislature of the State of California, relative to the establishment of a republican form of government in the Hawaiian Islands—to the Committee on Foreign Affairs.

By Mr. CRUMP: A memorial of the legislature of the State of Michigan, in favor of the passage of House bill No. 4339, to establish a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BULL: A bill (H. R. 10241) granting an increase of pension to Mrs. Margaret F. Joyce, widow of William H. Joyce, late a captain in Company F, Seventh Regiment Rhode Island Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10242) granting a pension to Louisa Pasquet—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 10243) for the relief of Edward W. Coberly—to the Committee on Military Affairs.

Also, a bill (H. R. 10244) granting an increase of pension to Sarah M. Hadley—to the Committee on Invalid Pensions.

By Mr. McCLELLAN (by request): A bill (H. R. 10245) to increase the pension of Margaret Madden—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: A bill (H. R. 10246) to pay the findings of the Court of Claims in the case of Frederick C. Grosh, administrator of Lewis Grosh—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN: Papers to accompany House bill No. 4472, for the relief Isaac Whitenberg, of Bledsoe County, Tenn.—to the Committee on Pensions.

By Mr. CONNOLLY: Protest of J. C. Klaholt and 145 other business men of Springfield, Ill., against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Resolutions of the Iowa State Horticultural Society, of Des Moines, Iowa, in favor of the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

Also, resolutions of the Woman's Christian Temperance Union, of Albion, Iowa, protesting against the passage of the bill to establish a bureau of military education, etc.—to the Committee on Military Affairs.

By Mr. CRUMP: Petition of H. L. Foote and 104 other citizens of Bay City, Mich., protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HART: Resolutions of Lafayette Post, No. 217, Grand Army of the Republic, of Easton, Pa., approving of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of O. W. Stephens, Charles N. Bellamy, and 19 others, in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of C. L. Rundell and 10 other soldiers of Earlville, Iowa, in favor of the passage of House bill No. 9209, for a service pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, paper from Branch No. 257, of the National Association of Letter Carriers, of Dubuque, Iowa, favoring the passage of the letter-carriers' bill—to the Committee on Rules.

Also, paper from President King, of Cornell College, Mount Vernon, Iowa, favoring increased provisions for the Bureau of Education—to the Committee on Appropriations.

By Mr. HEPBURN: Petition of the First Presbyterian Church, of Corning, Iowa, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church, of Corning, Iowa, favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of A. F. Shapleigh Hardware Company and others, of St. Louis, Mo.; the Minneapolis Dry Goods Company and others, of St. Paul, Minn.; Charles R. Skinner, president of the National Educational Association, Albany, N. Y.; J. W. Baer, secretary Christian Endeavor Society; F. B Wilkins, secretary Baptist Young People's Union; Irwin Sherpard, secretary National Educational Association; J. D. Lang, second vice-president West Shore Railroad, and A. B. Hepburn, of New York City, favoring the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of North Dakota: Petition of the Methodist Episcopal church, of Drayton, N. Dak., praying for the enactment of the House bill to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

By Mr. LEONARD: Petition of citizens of Elkland, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE (by request): Memorial by J. B. Jackson and G. W. Dukes, delegates from the Choctaw Nation, and E. N. Wright, member of the commission of Choctaws to treat with the Dawes Commission, asking for a modification of the late agreement—to the Committee on Indian Affairs.

By Mr. LIVINGSTON: Sundry petitions from various cities in the State of Georgia, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER: Petition of J. C. Morris and others of New Orleans, La., favoring the passage of House bill No. 10090, known as "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Papers relating to the claim of John Christie—to the Committee on War Claims.

Also, papers relating to the claim of Eliza Piggott—to the Committee on War Claims.

By Mr. SHERMAN: Sundry petitions of American Merchants' Manufacturing Company, of Chicago, Ill.; F. E. Briggs and others, of New York City; Brewer & Lanlefter and others, of Griffin, Ga.; W. L. Dawson, president of Shepard Bank, and others, of Opelika, Ala., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions of the Mississippi Valley Cottonwood Association, to restore the tariff on lumber—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of members of Branch No. 293 of the National Association of Letter Carriers, in favor of the bill to classify and fix the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL: Papers in support of House bill No. 3519, relating to the claim of John R. Watson, of Harrison County, Ind.—to the Committee on Pensions.

By Mr. UPDEGRAFF: Petition of the members of the bar of Muscogee, Ind. T., favoring the passage of Senate bill No. 3513, authorizing an additional judge for the Indian Territory—to the Committee on the Judiciary.

Also, petitions of L. J. Palda, of Elgin, Iowa, and Dimmick & Wrate, of Mason City, Iowa, for a uniform specific rate on imported leaf tobacco—to the Committee on Ways and Means.

Also, petition of the Iowa Seed Company, of Des Moines, Iowa, in relation to House bill No. 9532, regulating the sale of agricultural seeds—to the Committee on Agriculture.

Also, petition of the Iowa Horticultural Society, favoring the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

Also, petition of G. F. McFarlan, of State Center, Iowa, for the passage of the bill raising the age of consent, and the bill for the prevention of gambling—to the Committee on the District of Columbia.

By Mr. WELLINGTON: Petition of citizens of the State of Maryland, asking the appropriation of money to pay depositors who lost by the failure of the Freedman's Bank, July, 1874—to the Committee on Appropriations.

Also, petition of the heirs of W. Stone, deceased, late of Frederick County, Md., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

SENATE.

FRIDAY, *February 5, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 895) for the relief of Christopher Ellis;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; and

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 684) granting an increase of pension to Marion McKibben.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 757) granting an increase of pension to Adelaide Morris.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 905) granting a pension to Mary W. Keeffe.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States, agrees to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DANFORD, Mr. WILSON of South Carolina, and Mr. BARTHOLDT managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons; and

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 361) for the relief of Silas P. Keller;

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana;

A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes;

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

A bill (S. 2129) granting an increase of pension to Annie E. Nolan; and

A bill (S. 2253) for the relief of Barzilla C. Hudson.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of South Dakota, praying that Fort Meade, in that State, be made a permanent military reservation; which was read, and referred to the Committee on Military Affairs, as follows:

OFFICE OF SECRETARY OF STATE, *Pierre, S. Dak.*

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade a permanent military reservation.

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring), Whereas there is but one military post of any importance within the State of South Dakota, to wit, Fort Meade, located in Meade County, S. Dak., in the eastern part of the Black Hills, adjacent to the Sioux Indian Reservation in this State, and with rapid railroad connection to the Crow Indian Reservation in Montana, which said post is conceded by the military authorities to excel all other Western posts as a strategic point, and has now permanent features, to wit, a large brick hospital and a permanent connection with the water system of Sturgis, S. Dak.; and

Whereas the Federal Government has allotted lands to the Indians and by other acts has made the several Sioux Indian reservations apparently permanent in their character, we deem it necessary for the protection of the people of the western part of this State that such military post should be made permanent: Therefore,

Be it resolved, That we favor and hereby urge the Congress of the United States, by statute if necessary, to make said Fort Meade a permanent military post; and

Be it further resolved, That we request the Senators and Representatives from this State in Congress to use their best endeavors to accomplish this result.

[Indorsed.]

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade a permanent military reservation.

DANIEL T. HINDMAN,
President of the Senate.

Attest:
T. M. SIMMONS,
Secretary of the Senate.

JOHN COLVIN,
Speaker of the House.

Attest:
JONAS H. LIEN,
Chief Clerk.

I hereby certify that the herein joint resolution and memorial originated in the senate and was known in the senate as senate joint resolution No. 7.

T. M. SIMMONS,
Secretary of the Senate.

Received at the office of the secretary of state this 30th day of January, A. D. 1897, at 3.30 p. m.

WILLIAM H. RODDLE,
Secretary of State.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, William H. Roddle, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of a joint resolution and memorial requesting the Congress of the United States to make Fort Meade a permanent military reservation, as the same appears on file in this office, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 1st day of February, 1897.

WILLIAM H. RODDLE,
Secretary of State.

The VICE-PRESIDENT presented a petition of the legislature of South Dakota, praying for the enactment of a free-homestead law; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, *Pierre, S. Dak.*

A joint resolution memorializing Congress for a free-homestead law.

Be it resolved by the house of representatives (the senate concurring), That the legislature of South Dakota hereby petition and memorialize the Congress of the United States to enact a law, as speedily as possible, permitting settlers upon Government lands in this State to make final proof upon their homestead claims and acquire title thereto without the payment of any specific price per acre, as required under the present law. The demand for such a law has been emphasized in the various platforms of the political parties of this State and of this nation, and is the universal wish of the people.

The settler who endures the hardships and privations necessary to make settlement upon and improve 160 acres of unbroken prairie, being, as a rule, poor and without means, pays enough for the land by the toil and sacrifice he must make, without the payment of the price exacted by the Government under the present law.

And for the passage of such a law your memorialists will ever pray.

Approved this 29th day of January, A. D. 1897, at 2.30 p. m.

ANDREW E. LEE, *Governor.*

[Indorsed.]

A joint resolution and memorial memorializing Congress for a free-homestead law.

JOHN COLVIN,
Speaker of the House.

Attest:
JONAS H. LIEN, *Chief Clerk.*

DANIEL T. HINDMAN,
President of the Senate.

Attest:
T. M. SIMMONS,
Secretary of the Senate.

I hereby certify that the within resolution originated in the house of representatives and was known as house joint resolution No. 7.

JONAS H. LIEN,
Chief Clerk of the House.

Received at the executive office this 28th day of January, A. D. 1897, at 4.40 p. m.

ANDREW E. LEE, *Governor.*

STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE.

Filed January 29, 1897, 2.30 p. m.

PHILIP LAWRENCE,
Assistant Secretary of State.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, William H. Roddle, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of a joint resolution memorializing Congress for a free homestead law, as the same appears on file in this office, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 1st day of February, 1897.

WM. H. RODDLE, *Secretary of State.*

The VICE-PRESIDENT presented a memorial of the Napper-Tandy Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of T. L. Cockrell, publisher of the Alexandria Times, of Alexandria, Va., and the petition of Edward Frey, publisher of the Long Island Freie Presse, of College Point, Long Island, N. Y., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the memorial of Alfred R. Hall and 16 other citizens of Oakland, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Maine Woman's Christian Temperance Union, of Portland, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Napper-Tandy Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CULLOM presented sundry petitions of citizens of Knoxville and Sycamore, in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Woodstock and Cobden, in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Commercial Club of Chicago; of the Warder, Bushnell & Glessner Company, of Chicago, and of E. E. Witt, of Kappa, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Chicago, Oakland, and Evanston, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of New York, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Napper-Tandy Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Christian Endeavor Union of Mansfield, Ohio, and a petition of the Christian Endeavor Society of the Memorial Presbyterian Church, of Dayton, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Ohio, praying for the defeat of any measure which may cause the destruction of the ticket-brokerage business; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of London, Bellaire, Lisbon, St. Marys, and Ottawa, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Dr. C. M. Goheen, publisher of the Union, of Continental; of W. J. McMurray, publisher of the Anglaize Republican, of Wapakoneta; of Sam Knesthardt, publisher of the Ottawa County Zeitung, of Port Clinton; of W. H. Althoff, publisher of the News-Democrat, of Port Clinton; of H. E. Soule, editor of the Vinton County Republican, of McArthur; of the C. L. Bailey Grocery Company of Marietta; of the Ohio Wholesale Grocers' Association Company, of Columbus; of the Board of Trade of Columbus, and of A. C. Russ, publisher of the New Bremen Sun, of New Bremen, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorial of Ernest F. Werner, publisher of the Herald, of Crab Orchard, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Western Nebraska Wool Growers' Association, of Willey, Nebr., praying for the enactment of a tariff schedule on wool such as has been asked for by that association; which was referred to the Committee on Finance.

He also presented a petition of the members of the First Presbyterian Church, of Auburn, Nebr., and a petition of the members of the First Congregational Church, of Crawford, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. HAWLEY presented the memorial of Joseph Mills and 27 other citizens of Westport, Conn., and the memorial of George S. Fuller and 22 other citizens of North Canaan, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WALTHALL presented a memorial of sundry citizens of Canton, Miss., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of P. K. Mayers, publisher of the Pascagoula Democrat-Star, of Scranton, Miss., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON. I present a brief paper prepared by Mr. Daniel Pennie, of Minnesota, giving practical hints for the preservation of the forests of that State. I move that the paper be referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

Mr. NELSON presented a petition of sundry lumbermen of Duluth, Minn., praying for the restoration of the tariff on lumber; which was referred to the Committee on Finance.

He also presented petitions of the legislature of Minnesota, of the Presbyterian churches of Rushford and Fremont, and of the First Unitarian Church, of Duluth, all in the State of Minnesota, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Fergus Falls, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of A. F. Gosslee and sundry other citizens of Tracy, of A. W. Freeman and sundry other citizens of Adrian, and of J. W. Bleevett and sundry other citizens of Detroit City, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition, in the form of a letter, from Sarah P. Nichols, superintendent of the department of peace and arbitration of the New Hampshire Woman's Christian Temperance Union, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the legislature of the State of Minnesota, praying for the ratification of the pending arbitration treaty with Great Britain; which was read and ordered to lie on the table, as follows:

ST. PAUL, *January 28, 1897.*

SIR: I have the honor to transmit to you the following concurrent resolution of the senate and house of representatives of the State of Minnesota.

S. A. LANGUM,
Secretary of the Senate.

Hon. C. K. DAVIS,
United States Senate, Washington, D. C.

RESOLUTION.

Whereas there is now pending before the Senate of the United States for ratification a treaty between Great Britain and the United States, providing for the arbitration of differences which otherwise might result in war between the two countries; and

Whereas, believing that war, independent of the sacrifice of invaluable human lives, is a great burden to the people and should be avoided when possible to do so without the sacrifice of national honor: Therefore,

Resolved by the senate of Minnesota (the house of representatives concurring), That we favor the general principle of international arbitration, and commend its adoption by our Government as a wise and humane method of settling international disputes, and we believe it is a step in the direction of a higher civilization and a broader statesmanship which reflected credit upon the United States as a nation: *Provided,* That this is not to be considered as an indorsement of the arbitration treaty pending before the United States Senate, and that matter is left to the discretion of our Senators.

Resolved further, That this treaty should not be concurred in unless territorial questions involved in the Monroe doctrine are expressly excepted therefrom.

Resolved, That the secretary of the senate is hereby instructed to forward copies of this preamble and resolution to Senators DAVIS and NELSON at Washington.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying for the enactment of a bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the minister and trustees of the First Unitarian Church, of Duluth, Minn., praying for the ratification without amendment of the treaty of arbitration between the United States and Great Britain; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Hastings, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of St. Paul, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN presented a memorial of sundry citizens of South Carolina, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of G. M. Harman, publisher of the Lex Dispatch, of Lex, S. C., and the petition of Frank Carter, publisher of the Times, of Lake City, S. C., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WHITE presented a petition of sundry citizens of Los Angeles and San Bernardino counties, Cal., praying that the placer and quartz mines within the San Gabriel and San Bernardino Government preserves be opened to settlement; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of James M. Brown and sundry other citizens of Placerville, Cal., and the petition of J. A. Cook and sundry other citizens of San Jacinto, Cal., praying for the passage of the so-called Loud bill, relating to second-class mail matter, and for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented a memorial, in the form of resolutions, adopted by the Commercial Travelers' Protective Association of Pittsburg, Pa., remonstrating against the passage of Senate bill No. 3545, to prohibit the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of Erie, Wrightsville, Carlisle, and Weatherly, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Samuel J. Randall Council, No. 418, Junior Order United American Mechanics, of Reading, Pa., and a petition of Star Castle Lodge, No. 141, Ancient Order Knights of the Mystic Shrine, of York, Pa., praying for the passage of the so-called Cameron resolution, in relation to Cuba; which were ordered to lie on the table.

He also presented the petitions of John M. Miller & Son, of Philadelphia; of Lippincott, Johnson & Co., of Philadelphia; of William R. Nicholson; of Nye & Tredick, of Philadelphia; of David Camek & Co., of Philadelphia; of Bodenstein & Kuemmerle, of Philadelphia; of Strousethanhauser & Co., of Philadelphia; of Joseph May and other citizens, of Philadelphia; of Thomas Walstenholme Sons & Co., of Philadelphia; of the Board of Trade of Bradford; of R. B. McKee, publisher of the Journal, of Freeport; of the Blizzard Publishing Company; of Benjamin F. Haines, publisher of the Wayne Independent, of Holmesdale; of George W. Brown, publisher of the Wayne Times, of Wayne; of P. F. Murphy, of Philadelphia; of the Enterprise Publishing Company, of Cambridgeboro; of J. B. McFadden, publisher of the Leader-Courier, of Osceola Mills; of P. C. Boyle, publisher of the Oil City Derrick, of Oil City; of Joseph Parker, publisher of the Daily Leader and Weekly Telegraph, of Corry, and of the Master Builders' Exchange of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Washington County, Pa., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia; to prohibit the sale of intoxicating liquors in the Capitol building; for a Sunday-rest law for the District of Columbia, and remonstrating against interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. MORRILL presented the petition of Cook & Humphrey, publishers of the Poultney Journal, of Poultney, Vt., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the memorial of Charles M. H. Scott and 27 other citizens of Millers Falls, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Inman L. Willcox and 34 other ministers, members of the Worcester (Mass.) Central Association of Congregational Ministers, of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of sundry citizens of Dryden, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE presented the memorial of F. C. Moore and sundry other citizens of Ashtabula, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Ohio Wholesale Grocers' Association Company, of Columbus, Ohio; of the Board of Trade of Columbus, Ohio; of H. F. Soule, editor of the Vinton County Republican, of McArthur, Ohio; of W. H. Allholf, publisher of the News-Democrat, of Port Clinton, Ohio, and of Sam Kresthardt, publisher of the Ottawa County Zeitung, of Port Clinton, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of William H. Baldwin, secretary of the Ohio Steel Company, of Youngstown, Ohio; of Mrs. Abigail J. Hadley, State superintendent of the department of peace and arbitration, of Clarksville, Ohio, and of the congregation of the Pilgrim Church, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of Bert P. McKee, vice-president of the Christian Endeavor Society of the First Baptist Church, of Toledo, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the passage of Senate bill No. 1552, to provide for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the memorial of G. F. Lyons and sundry other citizens of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fox River Valley Division, No. 373, Order of Railway Conductors, of Green Bay, Wis., praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

Mr. TURPIE presented the memorial of E. V. Johnston, of Alexandria, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of Bierhaus Bros., of Vincennes, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Tuckerton, N. J., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Eighth Street Methodist Episcopal Church, of Camden, N. J.; of the Second Presbyterian Church, of Camden, N. J., and of the Mount Zion Baptist Church, of Camden, N. J., praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on table.

He also presented petitions of the Wynn Baptist Church, of Camden; of the First Presbyterian Church, of Camden; of the Mount Zion Baptist Church, of Camden, and of the North Baptist Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of the Boston Druggists' Association, of Boston, Mass., praying for the appointment of a tariff commission to whom tariff matters shall be referred and reported on before any action by Congress is taken; which was referred to the Committee on Finance.

He also presented the petition of W. H. Twombly & Sons, publishers of the Chronicle, of Rendig, Mass., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York Central Labor Union, indorsed by the New York Protective Labor Union, remonstrating against any attempt by steamship companies to defeat the bill to restrict immigration; which was ordered to lie on the table.

Mr. GORDON presented the petition of R. M. Martin, publisher of the Liberty County Herald, of Hinesville, Ga., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented a petition of the legislature of South Dakota, praying that Fort Meade, in that State, be made a permanent military reservation; which was referred to the Committee on Military Affairs.

He also presented a petition of the legislature of South Dakota, praying for the enactment of a free-homestead law; which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Sioux Falls, S. Dak., remonstrating against the enactment of legislation to divide the southern division of the district of South Dakota and to establish a place for the holding of the district and circuit court of the United States at the city of Yankton; which was referred to the Committee on the Judiciary.

Mr. JONES of Arkansas presented a memorial of the delegates of the Choctaw Nation, remonstrating against the ratification of the treaty made and entered into at Muscogee, Ind. T., on the 18th day of December, 1896, and praying for the adoption of certain modifications to that treaty; which was referred to the Committee on Indian Affairs.

Mr. GEAR presented a petition of the Epworth League of the Chatham Square Methodist Episcopal Church, of Keokuk, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the Napper-Tandy Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BURROWS presented the petition of M. Louis Ferris and 80 other members of the Christian Endeavor Society of the First Congregational Church, of Saginaw, East Side, Mich., and the petition of E. C. Worriner and 11 others, teachers in the high school of Saginaw, East Side, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of E. T. Orr, president of the Agricultural Press League of Pittsburg, Pa.; of J. E. Dennie, publisher of the Hillsdale County Gazette, of Jonesville, Mich.; of Scarritt & Stuenvald, publishers of the Post, of Hudson, Mich.; of Edwin W. Mason, publisher of the Lapeer County Enterprise, of Otter Lake, Mich.; of E. T. Kellogg, publisher of the Durand Express, of Durand, Mich.; of C. F. Lawrence, publisher of the Grove City Telephone, of Grove City, Pa.; of James Slocum, publisher of the Oakland County Advertiser, of Holly, Mich.; of L. E. Buell, State secretary of the Young Men's Christian Association of Alabama, of Birmingham, Ala.; of William T. Comstock, publisher of Architecture and Building, of New York City; of Willard F. Levings, general secretary of the Young Men's Christian Association, of Paris, Ill.; of Cobbs & Mitchell, of Cadillac, Mich., and of Rev. J. M. Barkley, pastor of the Forest Avenue Presbyterian Church, of Detroit, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of sundry citizens of Corvallis, Oreg., praying for the enactment of legislation amending the postal laws relating to second-class mail matter, and to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. JONES of Arkansas presented the memorial of John F. Brown, principal chief of the Seminole Nation, Indian Territory, remonstrating against the passage of Senate bill No. 3514, to secure to the citizen Indians in the Indian Territory the equal use of their tribal lands and to extend the jurisdiction of the United States courts therein, and for other purposes; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 174) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3589) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred two amendments submitted by himself on the 4th instant intended to be proposed to the District appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PETTIGREW December 14, 1896, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3517) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

Mr. THURSTON, from the Select Committee on International Expositions, to whom was referred the bill (S. 3189) to amend an act entitled "An act to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898," approved June 10, 1896, to repeal certain portions thereof, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ALLEN December 9, 1896, intended to be proposed to the general deficiency appropriation bill, the amendment providing for carrying out the provisions of the act to encourage the holding of a transmississippi international exposition in 1898, submitted a report thereon, which, with the accompanying amendment, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists, reported it without amendment, and submitted a report thereon.

CONSULAR REGULATIONS.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896, to report it without amendment, and I ask that it be put on its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole. It proposes to print 2,900 copies, 800 copies for the use of the Senate, 1,600 copies for the use of the House of Representatives, and 500 copies to be delivered to the Superintendent of Documents for sale.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STEWART.

Mr. SHERMAN. I should like to have passed a little bill, the bill (H. R. 897) for the relief of James Stewart. It will take but a moment. It is a House bill favorably reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Is the bill on the Calendar?

The VICE-PRESIDENT. The bill is on the Calendar.

Mr. SHERMAN. There is a brief report which will explain the whole matter. It is simply the case of an old soldier who desires to sue in the Court of Claims for what he claims to be due him. It simply gives him authority to sue.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. BURROWS January 20, 1897, as follows:

> The Committee on Claims, to whom was referred the bill (H. R. 897) for the relief of James Stewart, have examined the same and submit the following report thereon:
>
> This claim received favorable reports from the Committee on Military Affairs of the Senate and the Committee on War Claims of the House during the Fifty-third Congress, and was passed by both Houses, but failed to become a law on account of its reaching the President too late to receive his signature.
>
> It has been favorably reported by the Committee on War Claims in the Fifty-fourth Congress, which report your committee adopt as part of their report, and recommend the passage of the bill.
>
> The report referred to is as follows:
>
> The Committee on War Claims, to whom was referred the bill (H. R. 897) for the relief of James Stewart, submit the following report:
>
> This claim was presented in the Fifty-third Congress, and was favorably reported upon by the Committee on War Claims of the House and the Committee on Military Affairs of the Senate, to whom it was referred.
>
> After a careful investigation of the facts involved, your committee adopt the report of the Fifty-third Congress, a copy thereof being hereto attached and made a part of this report.
>
> Your committee report back the bill and recommend its passage.
>
> [Senate Report No. 970, Fifty-third Congress, third session.]
>
> The principle upon which this bill is based has been repeatedly established in cases to which this one pertains, particularly in the case of Captain Pullman, and in an omnibus bill, now on the Calendar, for the relief of many officers designated by name.
>
> The claim is for longevity pay on account of length of service, being one additional ration for each five years of service.
>
> The present bill merely allows Captain Stewart to bring suit in the Court of Claims.
>
> The report of the House committee is hereto appended.
>
> The passage of the bill is recommended.
>
> [House Report No. 426, Fifty-third Congress, second session.]
>
> The Committee on War Claims, to whom was referred the bill (H. R. 5224) for the relief of James Stewart, report:
>
> James Stewart served continuously as an enlisted man in the United States Regular Army from October 29, 1851, to November 15, 1861, when he was commissioned second lieutenant in the Fourth Artillery, United States Army, and served as a commissioned officer in the United States Army from then till June 18, 1878. During the time he served as such commissioned officer the following provisions of law were, respectively, in force:
>
> "That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States. (5 Stat. L., section 15, page 258, act of July 5, 1838.)
>
> "There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service." (Act of July 15, 1870, now section 1262 of the Revised Statutes.)
>
> He was paid for his services in the said interval of time from November 15, 1861, to June 18, 1878, merely what other officers of his grade were generally paid; and he was paid or allowed nothing whatever in this interval of time on account of his said prior length of service in the United States Army as an enlisted man. For this reason he alleges he was short paid for his services rendered during the said interval of time from November 15, 1861, to June 18, 1878, partially in the suppression of the late rebellion, and requests the passage of this bill, the sole object of which is to remove any statutable limitation bar that exists, or may exist, to prevent the Court of Claims from hearing and determining his demand in the premises as if it accrued within six years.
>
> The commutation value or price thus put in controversy of the one additional ration per diem for every five years of prior service computes to about the sum of $4,391, and your committee, having fully considered the matter, can see no reason why the question involved should not be heard and determined, as this officer requests, in the Court of Claims.
>
> The committee recommend that the bill do pass.

Mr. COCKRELL. I suggest a little amendment which the House will doubtless concur in, and with that I have no objection to the bill. In line 6, after the word "wages," I move to insert "alleged to have been;" so as to read "wages alleged to have been earned." I do not want any admission that he has earned wages for the time he is calling for pay.

Mr. SHERMAN. I have no objection to the amendment except that it might create delay in the House.

Mr. COCKRELL. There will be no trouble. The House will concur in the amendment as soon as the bill goes back.

Mr. SHERMAN. Very well, if the Senator thinks so.

Mr. COCKRELL. I move to insert those words in the sixth line; so as to read "wages alleged to have been earned by him."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SENATOR FROM DELAWARE.

Mr. GRAY. I rise to a privileged question, Mr. President, and ask leave to present the credentials of Richard R. Kenney as a Senator from the State of Delaware.

The VICE-PRESIDENT. The credentials will be read.

The Secretary read as follows:

> STATE OF DELAWARE, EXECUTIVE DEPARTMENT.
>
> *To the President of the Senate of the United States:*
>
> This is to certify that on the 19th day of January, in the year of our Lord 1897, Richard R. Kenney was duly elected by the legislature of Delaware a Senator to represent said State in the Senate of the United States to fill a vacancy existing in the representation of said State for the term ending the 3d day of March, A. D. 1901.
>
> Witness his excellency our governor, Ebe W. Tunnell, and our seal hereunto affixed at Dover this 21st day of January, in the year of our Lord 1897, and of the independence of the United States of America the one hundred and twenty-first.
>
> EBE W. TUNNELL.
>
> By the governor:
> WM. H. BRYCE,
> *Secretary of State.*

The VICE-PRESIDENT. The credentials will be filed.

Mr. CHANDLER. I ask the Senator from Delaware what action he proposes, if any, to have taken at this time?

Mr. GRAY. I was about to state, and will now state, that Mr. Kenney is present and ready to be sworn in. I ask that the oath may be administered to him.

Mr. CHANDLER. Before the Senator-elect is sworn in, I desire to make a brief statement.

I shall not object to his being sworn in upon those credentials; but I believe that the vacancy in this body should be filled by Henry A. Du Pont, who was lawfully elected and ought to be here according to law and justice, as I understand the case. If, however, Mr. Du Pont is not entitled to the seat, I believe that the legislature of Delaware which chose Mr. Kenney was a legislative body fraudulently created and not entitled to elect a Senator.

These matters, Mr. President, will doubtless be brought before the Senate in due time in contest of the right of Mr. Kenney to retain his seat in this body.

Mr. HOAR. Mr. President, I desire to make a brief statement also before the Senate admits this gentleman to a seat.

At the last session of the Senate, the Senate determined by a majority of one, I think (I was not present when the final vote took place, being absent in consequence of illness), that Mr. Henry A. Du Pont was not entitled to a seat in the Senate. The result necessarily involved in that determination was the decision of the Senate that a vacancy existed from the State of Delaware.

I suppose it is unnecessary to say that I dissented from the opinion on which that vote of the Senate was based. The question was whether the acting governor, formerly speaker of the senate and formerly a member of the senate, was disqualified from voting under the Delaware constitution by his accepting and entering upon the then vacant office of governor. I thought then and think now that it was just such an act of usurped authority when he undertook to vote as it would have been if President Johnson or President Arthur had come back to the Senate here and undertaken to preside as Vice-President and to give a casting vote on some important question. I never have changed that opinion, and I have no great doubt about it. But the Senate adjudged otherwise.

The Senate is made by the Constitution the judge of the election and qualification of its members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by one majority as it is when it is unanimous. I remember very well what I think was one of the most admirable public utterances of the late James G. Blaine. The year after his own party had nearly lost the State government by an attempted fraud and usurpation on the part of their antagonists there was a contested election, that party then being in power. It was very close, and Mr. Blaine declared that one majority for Plaisted was as good as a thousand in entitling Mr. Blaine's opponent, Governor Plaisted, to the seat.

Now, what was the effect of that judgment of the Senate? It seems to me that it was the same as a judgment of a court would have been fixing the rights of parties. It may be undoubtedly reviewed for newly-discovered evidence; it may undoubtedly be vacated for an error in the record, as if we should discover that one or two Senators who were recorded as voting one way in fact voted another way. I suppose it could be vacated if it should turn out, to use an illustration that some one else made in my hearing recently, that that governor, when it was supposed he voted in the Delaware legislature, was falsely impersonated by some one else and was not there at all. But, although parliamentary proceedings differ in form from those of courts, the great rule on which the safety of all human property and transactions depend, established in courts of justice, ought in substance to govern us here.

There has been an application on the part of Mr. Du Pont—whom I respect personally, whom I eagerly desire should have a seat in this body, and who I think ought to have had one on the merits of his case—to reopen that case. No newly-discovered evidence is suggested; no fraud or mistake is suggested. The reopening of the case would merely be a reconsideration of a question of constitutional law which this great constitutional court has decided once. That is all he asks, and that is all he would obtain if his prayer for a reopening of the case were granted.

That petition was referred to the Committee on Privileges and Elections, and after a very able and interesting argument in favor of Mr. Du Pont by Mr. Garland, late Attorney-General—and it is not necessary to say that any argument that gentleman makes will be able and interesting—the committee unanimously decided this morning that there had been an adjudication by the Senate and that nothing further remained to be done. It was unanimously decided with the exception of one member, who was not prepared to determine what was his duty at the particular time.

Mr. President, I propose to act upon that doctrine. I think it is very important for constitutional government, very important to the dignity and authority of the Senate, very important for the peace of the country that we should stand by these principles.

It is a very unpleasant thing to me that Mr. Du Pont is not to take his seat, and that some one else is to take it But it would be a very bad thing for every citizen of this country unless the Senate of the United States could act and could be known to act upon great questions where right and righteousness are involved in pursuance of a law other and higher than its own desire.

If it be true that Mr. Du Pont was not legally elected, or if it be true that that question has been settled by a judgment of the Senate, it follows that there is a vacancy, and that there was a vacancy at the time of the alleged election of Mr. Kenney, in the office of Senator from the State of Delaware; and there being a vacancy under the Constitution and statute of the United States, the credential in due form, signed by the executive of that State, gives the gentleman who now applies for the seat a prima facie title to the seat, subject, as has been suggested by my honorable friend from New Hampshire, to reexamination on the merits hereafter, if that reexamination shall be desired.

I therefore assent to the request of the Senator from Delaware that the oath be administered.

Mr. TELLER. I should like to ask the Senator, before he sits down, whether in this case the committee have filed a written report?

Mr. HOAR. I will state that the committee came to that conclusion this morning, and it will take some little time to prepare a report.

Mr. TELLER. The committee will present a report?

Mr. HOAR. I have been instructed as acting chairman to prepare and present a written report. Of course I could not have it ready now. It will be filed in a week or two.

Mr. TELLER. All I want to say is that I thought we ought to have a report from the committee, and that it ought to be filed.

Mr. HOAR. There will be such a report.

Mr. GRAY. Mr. Kenney, whose credentials have just been read in the hearing of the Senate, is present in the Chamber and ready to take the oath of office.

The VICE-PRESIDENT. In the absence of objection, the Senator-elect will come forward and receive the oath of office.

Mr. Kenney was escorted to the Vice-President's desk by Mr. GRAY, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3658) granting an increase of pension to Alexander Swallow, of Platte County, Nebr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3659) to remove the charge of desertion from the name of Thomas Blackburn, of Keith County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN (by request) introduced a bill (S. 3660) designating the national patriotic song; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

Mr. BACON introduced a bill (S. 3661) for the relief of Abner Abercrombie; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TURPIE (by request) submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 1128) granting a pension to Isabella Morrow.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

Mr. THURSTON. Mr. President——

Mr. MORRILL. I hope the Senator will allow me to move that the Senate shall proceed to the consideration of House bill 7083.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. THURSTON. Day before yesterday I had partially addressed myself to the pending resolution. I should like very much to go on this morning.

Mr. MORRILL. I think the bill will not take many minutes, but I do not know whether it will or not. I very much desire to have it disposed of.

Mr. THURSTON. I should like to yield to the Senator from Vermont, but yesterday morning his bill took the entire time, and I have every reason to believe that it will take the time of several morning hours if it is again placed before the Senate. However, if the matter can be disposed of without consuming any considerable time, I have not the slightest objection. I am very anxious to go on this morning with my discussion of the resolution.

Mr. MORRILL. I understand that there will be an amendment offered to the bill, and I hope it will be taken up now.

The VICE-PRESIDENT. The Senator from Nebraska having yielded the floor, the Chair recognizes the Senator from Vermont, who moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. HILL. What is the motion, Mr. President?

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to proceed to the consideration of the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

Mr. HILL. That bill will take considerable debate, Mr. President. I understood that yesterday the Senator from Nebraska gave notice that he would ask to be heard upon the resolution this morning. I informed several Senators to that effect, and we did not expect the bill to come up to-day. In fact, I left at home my papers in relation to the bill. Still I think I could make a few brief remarks on the question. A large number of amendments are to be offered by several Senators, which will lead to a discussion and a lengthy debate. The Senate is pretty closely divided, I should judge from the vote, on the bill, and to take it up now and crowd out the Senator from Nebraska is hardly a proper thing, I think.

Mr. MORRILL. I suppose the Senator from New York could take the floor and occupy it from now until the 4th of March, but I hardly think he will be disposed to do that. Therefore I prefer to have the bill brought before the Senate and amended, and passed, if possible.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion.

Mr. HILL. Does the Senator from Vermont make the motion now?

The VICE-PRESIDENT. The motion is pending.

Mr. HILL. Is not the resolution a part of the morning business?

The VICE-PRESIDENT. It is a part of the morning business.

Mr. HILL. Then, Mr. President——

The VICE-PRESIDENT. The Chair will state that the Chair laid before the Senate the resolution of the Senator from Nebraska on the right of the Chair coming over from a previous day, and upon the resolution the Senator from Nebraska on the left of the Chair was entitled to the floor. The Senator from Nebraska has yielded the floor.

Mr. HILL. The morning business is here. The Senator from Nebraska can not give way the morning business. It is properly here.

Mr. BERRY. The motion is in order, nevertheless.

The VICE-PRESIDENT. It is a matter for the Senate to determine. The Chair will submit to the Senate the motion of the Senator from Vermont.

Mr. HILL. The Senator from Nebraska can himself, of course, give away his right to speak, but the resolution is here as a part of the routine morning business coming over, and any other Senator has a right to speak on that morning business.

The VICE-PRESIDENT. Unquestionably that is correct.

Mr. HILL. Then I raise the point of order——

Mr. THURSTON. Mr. President, I think I made a very explicit statement that I would yield to the Senator from Vermont if the matter that he desired I should yield for would not lead to debate and consume time. I did express a very earnest desire to proceed with my remarks during the morning hour to-day. I am in the middle of what I believe to be an important discussion, and I should like very much to conclude. I have not sought opportunities to occupy the time of the Senate during this session. It is the first matter that I have undertaken to speak upon at any length.

Mr. MORRILL. I will no longer press the bill, out of consideration for the Senator from Nebraska, who desires to finish his speech. I think he ought to have an opportunity to conclude what he has to say.

The VICE-PRESIDENT. The Senator from Nebraska is recognized upon the pending resolution.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. The Senator from Nebraska kindly yields for me to make a request. At least a score of Senators have been urging me to ask consideration for the few pension bills on the Calendar. I ask unanimous consent that at the hour of 4.30 o'clock this afternoon the Senate proceed to the consideration of the pension Calendar.

The VICE-PRESIDENT. Is there objection?

Mr. MILLS. What is the request?

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at the hour of 4.30 to-day the Calendar of pension bills be taken up and considered by the Senate.

Mr. MILLS. Unobjected cases?

Mr. GALLINGER. Unobjected cases.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. DANIEL. I should like to hear the request again, please. Is it for unobjected bills?

Mr. GALLINGER. Unobjected bills on the pension Calendar. I will say to the Senator from Virginia that I have made this request at the suggestion of at least a score of Senators, mostly on his side of the Chamber.

Mr. DANIEL. I beg leave to say that I have no objection at all, but I should be glad if unobjected bills of another class, House bills, might also be taken up. There are a number of them. There will be no difficulty about passing the pension bills.

Mr. GALLINGER. It will take only a few minutes to clear the pension Calendar.

Mr. DANIEL. Very well. I ask leave to add to the Senator's request, that unobjected House bills may then be taken up.

Mr. GALLINGER. On the general Calendar?

Mr. DANIEL. Yes, sir.

Mr. GALLINGER. That they shall follow the consideration of the pension bills?

Mr. DANIEL. Yes, sir.

Mr. GALLINGER. I have no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire and the Senator from Virginia?

Mr. HILL. What is the precise request?

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at 4.30 to-day unobjected pension bills be taken from the Calendar for consideration, to which the Senator from Virginia adds a request that House bills, as the Chair understood, be then considered.

Mr. GALLINGER. After the pension Calendar has been cleared.

The VICE-PRESIDENT. After the pension bills have been considered.

Mr. GALLINGER. Unobjected cases on the general Calendar.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PACIFIC RAILROADS.

The Senate resumed the consideration of the resolution submitted by Mr. ALLEN January 28, 1897, instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific Railroads, etc.

Mr. THURSTON resumed the speech begun by him on Wednesday. After having spoken for some time,

The PRESIDING OFFICER (Mr. PASCO in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. CAFFERY. Mr. President——

Mr. THURSTON. I ask that the pending resolutions may go over without prejudice, and I give notice that to-morrow morning, after the usual routine business, I shall ask unanimous consent to continue the discussion.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Nebraska? If there is no objection, the resolutions will go over without prejudice, as requested by the Senator from Nebraska.

[Mr. THURSTON's speech will be published entire after it shall have been concluded.]

ADELAIDE MORRIS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 757) granting an increase of pension to Adelaide Morris, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the amount proposed to be inserted, insert "$35;" and the House agree to the same.

J. H. GALLINGER,
W. N. ROACH,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

MARION M'KIBBEN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 684) granting an increase of pension to Marion McKibben, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

And the House recedes from its amendment.

J. H. GALLINGER,
GEORGE L. SHOUP,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

MARY W. KEEFFE.

Mr. CANNON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keeffe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert "$25;" and the House agree to the same.

FRANK J. CANNON,
GEO. L. SHOUP,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, was read twice by its title, and referred to the Committee on Commerce.

The bill (S. 8896) to increase the pension of Elizabeth Wellons, was read twice by its title, and referred to the Committee on Pensions.

HUDSON RESERVOIR AND CANAL COMPANY.

The bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation was read twice by its title.

Mr. PETTIGREW. A bill exactly like this one in words and terms has been reported to the Senate by the Committee on Indian Affairs, and is upon our Calendar. I ask unanimous consent that the House bill be substituted on our Calendar for the bill reported by the Senate committee, that immediate consideration be given to the House bill, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from South Dakota asks that the bill which has just come from the House of Representatives, to which he has referred, be substituted for the Senate bill of the same language, and that it be now considered, temporarily suspending the unfinished business. Is there objection?

Mr. MORGAN. I object to any temporary suspension of the unfinished business.

The PRESIDING OFFICER. Objection is made to the request of the Senator from South Dakota.

Mr. PETTIGREW. Then I will ask, not that the bill be considered, but that it be substituted upon the Calendar for Senate bill 3167, as it is the same as the Senate bill which has been reported unanimously from the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It will be so substituted, and the bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation will be indefinitely postponed.

WORLD'S COLUMBIAN COMMISSION REPORT.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. Sewell, referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

The World's Columbian Commission has delivered to me certain documents and exhibits which they desire should constitute the final report required by section 12 of the act of Congress passed April 25, 1890, providing for the celebration of the four hundredth anniversary of the discovery of America, and the holding of an international exhibition in the city of Chicago.

The documents referred to embrace the reports of the president and secretary of the Commission and a report of the executive committee on awards, with exhibits relating to the same. They are contained in five boxes of considerable size, which, instead of actually transmitting with this communication, I have deposited in the State Department subject to the action and direction of the Congress.

I am informed that the Director-General of the Exposition has made a report directly to the Congress and that no report of the lady managers has yet been made.

The selection of such part of the material mentioned as may be considered necessary to constitute a final exhibit of the action of the Commission and the results of the Exposition is submitted to the discretion of Congress.

GROVER CLEVELAND.

Executive Mansion, *February 5, 1897.*

MRS. MARY GOULD CARR.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, the widow of the late Brigadier and Brevet Major General Carr, United States Volunteers, deceased.

The amendment was, in line 7, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. The bill passed both Houses of Congress prior to the late holiday recess, at $75 per month, and was sent to the President of the United States. It is held that the bill failed to become a law because of the fact that the recess intervened. The Senate again passed the bill at $75, but the House, in its wisdom, has reduced the amount to $50, notwithstanding they had passed the bill previously at $75 a month. I move that the Senate nonconcur in the amendment made by the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. Gallinger, Mr. Hill, and Mr. Shoup were appointed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. Caffery] is recognized as entitled to the floor on the unfinished business.

Mr. DANIEL. Will the Senator from Louisiana yield to me a moment?

Mr. CAFFERY. Yes, sir.

Mr. DANIEL. I desire to move to proceed to the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States. This bill has already passed the House. If it can get the consideration of the Senate at this time, it is hoped that before the session ends——

Mr. MORGAN. I object to any debate on the motion.

Mr. DANIEL. Let me finish my sentence.

Mr. MORGAN. No; I object to any debate.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Bate,
Berry,
Brice,
Burrows,
Caffery,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Daniel,
Faulkner,
Gallinger,
Gear,
Gordon,
Gray,
Hale,
Hansbrough,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew.
Pugh,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Sixty Senators have answered to their names; a quorum is present, and the motion made by the Senator from Virginia will be entertained.

Mr. DANIEL. I beg leave to withdraw my motion. There is a disposition to move later to take up the bill, when I hope it will pass. I therefore withdraw the motion for the present.

The PRESIDING OFFICER. The motion is withdrawn.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL. I ask that there may be incorporated in the Record a letter addressed to me by Lieut. Col. William Ludlow, Corps of Engineers, United States Army, who was at the head of the Board of Engineers appointed by the President to survey the line of the Nicaragua Canal.

I only desire to say in reference to the letter that I quoted from the remarks of Colonel Ludlow in a statement made before the House committee that had the Nicaragua Canal bill in charge. It was a statement that the Board of Engineers, of which he was a member, constituted, without exception, the only engineers who had ever gone over the entire route. My distinguished friend the Senator from Alabama [Mr. Morgan] quoted a part of the testimony that appears in the report of the select committee that reported this bill in response, and made remarks from which the inference might be drawn that Colonel Ludlow was inaccurate in his statement. I have not replied to the statements made by the Senator from Alabama, but I desire to call attention to the fact that the letter which I submit seems to furnish a very sufficient reply to that element of controversy.

The PRESIDING OFFICER. In the absence of objection, the letter will be incorporated in the Record.

The letter is as follows:

Light-House Establishment, General Depot,
Office of Engineer, Third District,
Tompkinsville, N. Y., January 29, 1897.

Dear Sir: I have but to-day the opportunity to read in the Congressional Record the discussion in the Senate on Wednesday relative to the Nicaragua Canal bill.

Referring to my statement to the House committee in May last, that the late United States Nicaragua Canal board were the only engineers who have ever been over the entire route as laid down, and to Senator Morgan's quotations from Mr. Menocal's testimony before the House committee in opposition to that statement, I beg to invite your attention to Mr. Menocal's final admission before the committee that, as a matter of fact, he had not been over the San Francisco embankment line as located through the hills between Ochoa and the East Divide, and also had not been over the line of the San Carlos Ridge embankments since either of these important lines had been laid down, thereby confirming in categorical terms the fact stated by me to the committee, and which Mr. Menocal at an earlier stage sought to deny.

The statements to which I refer are found on page 357, lines 14 and 15 and 26 and 27 of Senate Document No. 315.

These admissions by Mr. Menocal, occurring almost at the close of the hearing, doubtless escaped the attention of Senator Morgan, but not that of the committee to which they were made.

I may be permitted to add a few words as to the nature of the investigation and report made by the late canal board.

We were forty-two days in Nicaragua, and with the exception of a single day taken for the trip to the capital, to pay our respects to the Nicaraguan Government, in recognition of the numerous official courtesies shown us, we were constantly on and about the canal route and actively engaged in the study of its physics and conditions. We went carefully over the entire route from ocean to ocean, making a study of every material feature. Important surveys were made and vital data obtained for our better information and to supplement the deficiencies in the company's data. The report shows this.

We then proceeded to Costa Rica and to Colombia to examine the physics and conditions of the railroad and canal work in those two States and examine the effects of climate and rainfall. We then returned to New York and devoted three months to a thorough exploration of the engineering data and material that were contained in the company's records.

Our report, therefore, represents three months of arduous and persistent investigation on the Isthmus and three months more of still more difficult and laborious exploration and study of the entire mass of the company's data in New York.

In formulating our report in conformity with the act of Congress, it was inevitable that we should note and correct the errors and deficiencies in the company's project, which was the special task intrusted to us.

While omissions and shortcomings had to be stated and corrections made, the report itself was prepared as a conscientious, painstaking, impersonal, and conservative statement of facts, which we are confident will commend itself to the judgment of all professional engineers of standing and capacity as an intelligent and faithful contribution to the solution of the problem, when they shall have had an opportunity to study it. In its entirety and with the maps and other data necessary for an understanding of it, it has not yet been available for distribution.

It was sought before the House committee to offset the effect of our technical discussion and conclusions, based upon a thorough study of all the materials available, and a laborious and widespread search for outside information, by a fallacious attempt to show that the investigation was trifling; that but fourteen days were spent in or near the canal route; that our study of the subject was entirely superficial, and that therefore our opinions and judgment were destitute of weight or value.

This was Mr. Menocal's task before the committee, in his endeavor to meet the statements in our report of the numerous errors, omissions, and misstatements made by him in his official papers that in fact constituted the company's project, and in a futile endeavor to substantiate the fallacious and misleading estimates of cost to which the enterprise has been committed. The attempt resulted in seriously prejudicing the enterprise itself and hampering the endeavors of its legitimate advocates to secure action by Congress.

Incidentally it has had another result, which the members of the board particularly deplore—of putting us in a seeming attitude of antagonism to the success of a project which every one of us was heartily and unqualifiedly in favor of as an engineering matter of world-wide interest and commanding importance.

This position is one which we strongly object to, but which is the logical result of an unwise and insincere endeavor to break the force of our professional criticisms of Mr. Menocal's engineering work, which in effect does not constitute a valid or defensible project, and is hopelessly defective in several vital particulars, and which is a single and unfortunate aspect only of a grand engineering enterprise in which the American people and American engineers are deeply interested, but which no one can wish to further upon deceptive and fallacious data either of construction or estimate.

With reference to the estimated cost of the work as stated in our very moderate and conservative schedule, it is proper to say that the proffers and statements that have been made by responsible contractors, and which have been quoted as substantiating the entirely inadequate estimates by Mr. Menocal, do in very fact fully sustain and confirm the estimates as prepared and submitted by the board pursuant to the duty imposed upon it by Congress, and with a full consciousness of its responsibility, both individual and official.

All of which is susceptible of ready and conclusive demonstration.

Your obedient servant,

WILLIAM LUDLOW.
Lieutenant-Colonel, Corps of Engineers, United States Army.

Senator John W. Daniel,
United States Senate, Washington, D. C.

Mr. ALLEN. Mr. President, I do not underestimate the importance of the construction of the Nicaraguan Canal. That the agricultural and commercial interests of the country demand it I do not think can be successfully denied. By cutting a channel 168 miles long, the Atlantic and Pacific oceans will be brought together and 10,000 miles of ocean voyage around the Horn will be saved to our ocean carrying trade. But the Government should own and control it, and should not, by subvention or in any other manner, pledge the credit of the nation to a private corporation for money with which to carry on the work, thus taking upon itself responsibility for the success or failure of a private enterprise. It is quite safe to say that the construction of the canal, before it will have become completed and made perfect, will cost in round numbers $300,000,000, and the experience of the people in granting aid to the Pacific railway systems by means of bonds affords a valuable lesson we must not now ignore.

Nor will the financial condition of our country admit of entering upon this colossal undertaking at this time. The people were never in worse financial plight than at this moment. All business is at a standstill. Within the last four years the value of property has fallen 50 per cent. There is poverty and bankruptcy in the land, and suicide following as a sequence. Conditions are constantly growing harder, and it would be as unwise as it would be unpatriotic to now tax the people and the resources of the country to secure money to build this canal; and for the time being, at least, it must be laid aside.

The first and most imperative duty for us to perform is to determine on a definite financial policy; one that will increase the resources of the people, energize business in all directions, restore confidence—of which we have heard so much in recent months—and after this has been accomplished we can well afford to turn our attention to the dazzling and important enterprise of building and owning the Nicaraguan Canal.

I will not, for one, vote for the issuance of bonds in any form, or for anything. We have reached the limit; the country has become bond crazy and bond weary, and no form of property, except gold and bonds, is at par at this time. We must retrace our steps speedily and conscientiously if we would not engulf our country in lasting ruin and bring our people to a condition of perpetual poverty.

Mr. CAFFERY. Mr. President, after the distinguished and honorable Senators from Indiana [Mr. Turpie], from Wisconsin [Mr. Vilas], and from Virginia [Mr. Daniel] have reaped so bountiful a harvest of logic, of eloquence, and of exhaustive analysis in regard to the provisions of the pending bill, there may be perhaps left but a few sheaves for me to garner or to glean of argument or statement in regard to the bill.

Mr. President, when the minister plenipotentiary of the Greater Republic of Central America, through the Secretary of State, communicated to this body his protest against the pending bill it occurred to me that then and there we should have called a halt. That protest was virtually directed to the Government of the United States acting through its legislative branch so as to affect the rights of Nicaragua, one of the States of this Greater Republic which this minister plenipotentiary represents. That protest set out in effect that some of the vital provisions of the cession under which the Maritime Canal Company of Nicaragua had the right to construct this canal were violated and impinged upon; and inasmuch as in my opinion the United States represents the Maritime Canal Company of Nicaragua in all of its rights, and stands in lieu of that company so far as the cession from Nicaragua and Costa Rica is concerned, I thought that virtually this protest was directed to the proceeding in the legislative branch of this Government, and I thought that the courtesy and amity and good-fellowship that ought to obtain, and does obtain, among civilized nations would indicate to us the propriety of treating that protest with all deference and due consideration; but, in spite of that protest, courteous, dignified, couched in the most polite and diplomatic language, we are proceeding to consider this bill, affecting as it is alleged the vital interests of Nicaragua, as if it were not made.

I think that an investigation of the provisions of the bill will justify the averment set up in this protest of Mr. Rodriguez, the minister plenipotentiary of the Greater Republic of Central America; and in the course of my argument I shall attempt to make that point plain.

In the consideration of this bill very important and grave considerations present themselves to the Senate of the United States. The first question presented is as to the constitutionality of the bill in two aspects; the second question is as to whether or not this bill affects, injuriously and detrimentally to the interests of Nicaragua, the concessions under which the canal in question is to be constructed; the third question, and one of great moment, is whether or not this bill does not affect and violate the provisions of the Clayton-Bulwer treaty; and a fourth, a most important material question, is whether or not the bill does not contemplate the construction of the canal on a plan impracticable, unsafe, and uncertain.

In every direction this bill presents difficulties of a very serious character, and it will not do to hurry through a measure of this importance without the gravest and calmest deliberation. Any bill which involves $100,000,000 as a subsidy, whether by way of guaranty of the bonds of the subsidized company or by a direct subsidy, will necessarily gather to its support very powerful influences. All the difficulties in the way are brushed aside as mere cobwebs, and a rosy picture of connecting the Pacific and the Atlantic oceans, captivating to the imagination, deluding to the judgment, is presented to the Senate of the United States as a set-off, as an argument, against the exceeding great difficulties presented by the provisions of this bill.

Those of us, Mr. President, who oppose this bill do not do so in any captious spirit. We do not oppose this bill because we do not desire these great oceans to be linked together by the artificial work of this Government; we do not do so because we do not desire the Pacific Coast to be linked to the Atlantic, and the interchange of products between those two portions of our country to be made at the lowest possible cost of transportation; we do not do so because we think in the nature of things this route is impracticable; but we do so because we think that $100,000,000, to be derived by taxation from the people, will be recklessly squandered if appropriated according to the provisions of this bill; the concession violated; the Clayton-Bulwer treaty set aside.

Sir, personally—and I believe I can voice the judgment of all those of us who oppose this bill—I am most earnestly in favor of the construction of an interoceanic waterway between the Pacific and the Atlantic at or about the locality where this canal is proposed to be constructed; but a work of this magnitude, the most colossal, gigantic piece of civil engineering which was ever heard of in the world, encountering difficulties which nowhere else exist even in its mechanical and engineering aspects, requires at our hands a very patient and industrious investigation.

Mr. President, what are the points made by Mr. Rodriguez in regard to the provisions of these bills—this bill, if you choose—especially as affecting the concessions of Nicaragua to the original Construction Company? There were three companies. They are or were all composed of the same individuals. The original concessions of 1887 were made to a voluntary association of individuals, called the Canal Association of Nicaragua. That association transferred over its concessions, obtained by and through Mr. Menocal, to the Nicaragua Canal Construction Company, a corporation of the State of Colorado. That corporation in due time transferred its rights, derived by the original concessionaire, to the present Maritime Canal Company of Nicaragua, incorporated under an act of Congress. So we have a chain of title as thus stated.

Going back to the protest, I will read what Mr. Rodriguez says, under date of January 15, 1897:

> The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address His Excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them and to make, under certain conditions, suitable representations to His Excellency the Secretary of State.
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> The undersigned has consequently examined said bills, which are five in number, to wit:
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> Three introduced in the House of Representatives, one by Mr. Mahon, December 3, 1895, another by Mr. Doolittle, and the third by Mr. Barham, both the latter having been introduced December 6, 1895.
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> Two introduced in the Senate, one by Mr. Perkins, December 30, 1895, and the other by Mr. Morgan, June 1, 1896.
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> All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.
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> Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence, and which is the basis of its enterprise.
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> That contract stipulates in its eighth article that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United

> States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Mr. President, that is as clear and as lucid a statement of the case against this bill as anyone can possibly make. Under the eighth article of the treaty of cession, referred to in the protest, he says the concessionaire company or association is absolutely inhibited from transferring over their franchises and rights and immunities, which they enjoy under the cession, to any foreign power whatever. What does this bill provide? It provides that 70 per cent of the stock shall be held by the United States. It provides that the majority of the directors shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States. There could be no higher evidence of the character in which this bill is viewed by its drafters as a governmental enterprise than by appointing these directors as officers of the United States, to be confirmed by the Senate of the United States.

No one can conceive of any greater ownership of a corporation than to own the majority of its stock. But, Mr. President, besides stipulating for seven-tenths of the stock to be held by the United States, there is in one of the sections of this bill, to which I need not refer particularly now, a right upon the part of the United States to have a mortgage upon the canal and all its appliances and appurtenances, and that this mortgage shall be executed and foreclosed by the Attorney-General without the necessity of resorting to judicial proceedings before a court. Here is a majority of the stock held, here is a mortgage given to indemnify the United States on its guaranty of these bonds which covers the whole canal and all its franchises. It goes without saying, Mr. President, that if this enterprise were pushed to completion and this canal were finally constructed this mortgage would have to be foreclosed and that the property would fall into the hands of the United States, if such were permitted, or if such could be done under the terms of the stipulations between Nicaragua and the original concessionaires.

So here we have the full indicia of ownership; we have the whole panoply of a full-armed and complete authority and jurisdiction on the part of the United States over this canal. The United States, to all intents and purposes, according to the provisions of this bill, is the owner of the Nicaraguan Canal to be constructed. Can there be two opinions, therefore, as to whether the provisions of the bill are antagonistic to and in violation of the prohibition contained in the cessions from Nicaragua, that no foreign power can ever have the ownership of this canal by transfer?

Why, Mr. President, the mere formality of a transfer is set aside in this bill. What is the use of going through the empty formality of a transfer? Take it out of hand, gobble it all up, do not wait for any cession from the Maritime Canal Company of Nicaragua, but just simply by a bill envelop the canal and take all its franchises. Can anybody say, in the teeth of these cessions, in the teeth of the provisions of this bill, which are diametrically and clearly opposed to the cession, that the United States has not by undertaking to pass this bill, put itself in an attitude of violating the contracts between Nicaragua and the original concessionaires?

It was entirely proper, entirely just, in accordance with the rights of Nicaragua, in accordance with diplomatic usage, that the minister of Nicaragua should make this courteous protest against the action of the United States as contemplated in this bill. Wherefore, then, was it that this minister was arraigned before this Senate as misrepresenting Nicaragua?

I was charmed, Mr. President, by the expressions which fell from the lips of the venerable Senator from Ohio [Mr. SHERMAN], who is soon to be the first dignitary in the Cabinet of the incoming Administration. I was glad to hear fall from his lips those conservative words, which look toward maintaining the entente cordiale that ought to exist between the United States and this weak Republic to the south of us.

He said as follows:

> The minister of the Greater Republic of Central America sends us a friendly message; he delivers it to the proper authority, the Secretary of State. The President has acknowledged him as the minister plenipotentiary from those powers; he communicates in due form with the Secretary of State, and that statement made by him has all the marks of friendship and of honesty. There is no such sign about it as my friend the Senator from Alabama thinks there is. I see nothing in the communication but what is friendly. The minister himself says that the work can not be completed by the corporation, but that it must be completed, if at all, by the United States of America, and he comes here and submits the matter to us. The communication came in the ordinary course of business transactions. It came to me as the chairman of the Committee on Foreign Relations from the Secretary of State, and the very first thing I did was to show it to the Senator from Alabama, because, having charge of this bill, I felt he ought to know about it. We consulted and talked about it, and the Senator made no objection at all to the communication, so far as I could see, but advised that it be presented to the Senate. It was right that it should be presented in open session; it did not relate to any matter of foreign negotiation; it was not executive business; it was simply in relation to a bill pending before us and under debate, and therefore, although I disliked very much the aspect of it and some of the minister's objections to the bill, I considered it my duty to present it here in open session, and it was properly here. The considerations therein stated by the minister of the Greater Republic of Central America ought to have been treated with kindness and forbearance; it ought to have been and was printed and considered in our debates.
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> But my honorable friend drew England into the controversy; and whenever there is a bugaboo to be presented, England is brought before us. The Senate of the United States does not fear England or any other power, and the people of the United States do not fear England. We have had two wars with England, long since past, and I hope that war with England will never occur again. The two nations ought never to fight each other. They ought always to be friendly. Great Britain is more and more following the example of the American people of having a government for the people, of the people, and by the people, and I believe the time is not far distant when the people of Great Britain will be as free as we are. In many of their late proceedings they have been approaching nearer and nearer to the rule of the people in their country, and, but for the Irish question, I have no doubt that they would approach much nearer. That, however, is a question that we have not to deal with.
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> I think, under all the circumstances, although I will vote for this bill in any form in which it is likely to be presented—I think the better course for my honorable friend to pursue would be to allow the bill to rest. It can not pass during the present session of Congress. Everybody knows, without going into details, that even if the bill should pass the Senate, in all probability it would not be taken up in the House of Representatives. It can be taken up and considered at the next Congress whenever it shall meet.
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> I would not take advantage of the company which have undertaken to build this canal. I would pay back to them every dollar they have expended in advance for improvements made in the harbor, in the towns adjoining the canal, and in all parts of the work.
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> I should be very glad to see another treaty made between Nicaragua and the United States which would provide for the completion of the canal, something that would be acceptable to the United States Government, and that we should proceed to deal with that canal precisely as we have dealt with the great canal upon Lake Superior and the other public works of our country.

Now, Mr. President, I consider that statement of the distinguished Senator from Ohio as embodying not only a correct perception of the proper course to be pursued in a matter of that sort, highly honorable to him in relation to the exalted position which he is to assume, but as embodying other statements and other facts equally pertinent to the consideration of the provisions of this bill. I am very glad to hear the honorable Senator say that all this talk about the interference of England, about the sinister designs of England, about her land-grabbing and canal-grabbing capacity, upon any and every occasion, is altogether extraneous, altogether out of place in any proper issue before the Senate of the United States.

Let the matter be tariff, the English free traders are at work. Let the matter be finances, the English goldbugs are at work. Let the matter be whether or not a company ought to be subsidized by the United States to the enormous extent of $100,000,000 without any sort of guaranty, England is at work. I am very glad to see that the honorable and distinguished Senator from Ohio has got on a plane of thought and feeling elevated above all such petty arguments and considerations.

Another statement that he made in the extract from his speech, which I have quoted has with me, and it always had with me, very great weight and consideration as connected with this enterprise, and that is that it ought to be constructed under another cession from Nicaragua on the lines of the Zavala-Frelinghuysen treaty, and that it ought to be constructed by the Government, if it is constructed at all, and not by and through the intervention of a private corporation. I am very glad to be in accord with the distinguished Senator on this ground, and I yield to him my hearty thanks for the dignified manner in which he stated that he did not think the representations of the minister plenipotentiary of a nation with which we are at peace ought to be treated in other than the most kindly and courteous manner.

Mr. President, I have said that the terms of the cession of Nicaragua to the original canal association were violated by the provisions of this bill providing for the holding by the United States of a majority of the stock, and providing for the foreclosure of a mortgage which would, if foreclosed, inevitably bring to the United States the full ownership of this property, for they necessarily would be at the foreclosure sale the purchaser of the property mortgaged. In order to cover not only the defects in the bill in regard to the inhibition of transferring the franchises of the canal company to a foreign power, but in all other respects where the bill violates the provisions of the cession from Nicaragua, the distinguished Senator from Alabama has offered a number of amendments. The amendments are in the shape of additional sections to his amended bill, and I will read section 18:

> That of the $100,000,000 of capital herein provided for, at least 5 per cent shall be reserved for Central American Governments and citizens that may desire to subscribe for the same within a time to be fixed by the Maritime Canal Company of Nicaragua.
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> That there shall be delivered to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act as they, or either of them, are entitled to receive by virtue of the concessions now existing from such States, or either of them, to said Maritime Canal Company of Nicaragua.
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> Nothing in this act contained shall be construed as empowering the Maritime Canal Company of Nicaragua to accept any rights or privileges or to do any act or thing inconsistent with the terms of the concessions made to it by the Nicaraguan Government or the Government of Costa Rica; and the Government of the United States admits the right of Nicaragua and Costa Rica to interpose any objections to the acceptance of this act by the Maritime Canal Company of Nicaragua which they, or either of them, may deem just, subject to the right of the United States to participate in the examination, discussion, and settlement of such objections by diplomatic correspondence or by arbitration under the provisions of the concessions made by said Governments to said company, if that method of settlement is preferred by said Governments.

If there were any proof needed beyond the terms of the original bill to show that the United States has absorbed the Maritime Canal Company, that that company has virtually disappeared and the great Government of the United States is substituted for it, it is these amendments. They direct that the company shall do so and so. In the first place, they direct that 5 per cent of the securities provided for shall be allowed to be subscribed for by the citizens of Nicaragua and Costa Rica. That is an obligation on the part of the Maritime Canal Company. Not only has the United States absorbed all the power and privileges and franchises of this corporation, but it now comes in as a custodian, as a guardian, as a tutor of the company, and directs what it shall do. It takes virtual control not only of the original franchises of the canal but of the Maritime Canal Company itself in what it ought to do.

In trying to escape from the attack of Minister Rodriguez that a certain percentage of the securities which Nicaragua and Costa Rica were entitled to had not been given to them or they had not been permitted to subscribe to them by the Maritime Canal Company, the United States comes in and assumes to do that, and in trying to escape from the attack of the minister in this regard in the matter of the violation of the cession on the part of this company in respect to the stock, it does what? It falls into the other violation, and a greater violation, of assuming absolute control, absolute dictation, absolute ownership not only of the canal, but of the Maritime Company itself. The honorable Senator from Alabama was between Scylla and Charybdis. When he dodged or attempted to dodge or to evade the force of this attack in regard to certain provisions, he fell into its hands in regard to the more vital and important attack made as to the ownership by the United States of the franchises of the canal. There shall be delivered from the United States to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act. It is mandatory, authoritative; the language of a dictator; the language of a powerful government. What right has the United States to intervene as a Government between Nicaragua and a party with whom she has contracted for the construction of the canal?

When the United States intervenes in this manner in this authoritative way, the United States becomes amenable, becomes directly liable to the charge of ownership and possession which the minister makes against the United States in this first and most vital attack that he has made. Sir, we are proceeding as if neither Nicaragua nor the Maritime Canal Company, for that matter, had any rights in the matter. Either one of two things in regard to this matter is true. Either the United States is proceeding in the matter with its full power and force, or it is merely giving advice. If the United States is proceeding with full authority and power and force, compelling obedience to what it says, then the United States is not only the owner of the franchises of the canal company, but the dictator to Nicaragua and the Maritime Canal Company alike, and this amendment very kindly says that if any matters of difference between Nicaragua and the Maritime Canal Company of Nicaragua arise and are submitted to arbitration under a certain article of the cessions, the United States will come in, and, if Nicaragua or either of the parties prefers it, she will act as arbitrator and she will undertake to carry on the diplomatic intercourse as a nation.

There can be and there has not been any answer to the charge of Minister Rodriguez that the bill violates the provisions of the cession from Nicaragua to this company when that cession says that no transfer of the franchises and the canal shall be made to a foreign government. Right here I can stop and give a good reason why Nicaragua made this stipulation. In reading the articles of this cession or agreement one is struck with the sedulous care that Nicaragua takes to neutralize the canal. One is struck with the sedulous care that it takes even with regard to itself, for it is stipulated that the shares or securities, in whatsoever shape they may be, that Nicaragua is to receive in consideration of the cession are to be nontransferable by herself. She stipulates that she herself will not put it into the power of a foreign government, so far as she is concerned, and so far as her shares in the enterprise go, to have any control over the canal. It is not necessary to point out at the present moment the particular article in which the statement is made that Nicaragua herself shall not transfer her shares. Later on in the discourse, if occasion demands, I will refer to it.

Mr. President, these cessions provide that the books shall be open for the subscription of stock in the enterprise, so that all people and all nations may participate in the construction of this great work, and in other provisions Nicaragua guarantees that the canal, so far as she is concerned, so far as her jurisdiction goes, shall be neutralized. I have referred to one particular, but there are other clauses and stipulations of the cessions which point in the same direction. The neutrality of the canal was amply provided for and securely guarded in the clause which prohibits the transfer of the canal and its franchises to a foreign government. That was evidently put in there for the purpose of making the canal a grand international waterway. It was put in there for the purpose of preventing any powerful nation or any combination of nations from taking exclusive control and jurisdiction of the great waterway, and in the teeth of this safeguard, which the prudence and wisdom of Nicaragua dictated, the pending bill provides for the virtually exclusive ownership and control of the canal by the Government of the United States. And I consider that the most vital point in this enterprise.

I was instructed and impressed with the powerful argument made by the Senator from Wisconsin [Mr. VILAS] yesterday in regard to the absolute necessity for the neutrality of the canal. I believe it is an international necessity that the canal shall be neutralized, and I believe that this very important inhibition against a transfer of the canal to a foreign power was placed in there by Nicaragua with a full view and apprehension of the great necessity that the great waterway, opening the secrets of the straits, a great waterway which ought not to be embarrassed or impeded in any way by the exclusive control of any nation, should be absolutely neutral, absolutely free to every nation, to every ship that sails the oceans.

Right at the inception of this argument we are met with an insuperable objection, one that I think is absolutely condemnatory of the bill and absolutely destructive of its provisions. No one can read the provisions of the bill and come from the reading of them without saying that not only are the provisions designed, but they effectually accomplish the work of transferring the cession from Nicaragua to construct the canal from the Maritime Canal Company to the United States.

This minister goes on, after referring to the first vital point, to allude to Article XLVII of the cessions, as to which I will frankly say I do not entirely agree in the criticisms of the representative from Nicaragua, and he says:

> Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

There have been a great many surveys of the canal. The chief engineer of the company purports to have made, I think, two exhaustive surveys. The first survey of the route, so far as it appears in any statement of an authoritative character, was made by a celebrated and competent engineer in 1851, for the benefit of Mr. Cornelius Vanderbilt, who at that time contemplated making a waterway across the Isthmus for the benefit of his California trade. Mr. Menocal made, under the direction of the United States, a survey of this route in 1885. He again made a survey in 1889. He purports to have made other surveys or continual surveys in the interim between 1889 and 1890. But, sir, it occurs to me that while the bill provides for the surveillance by the United States Engineer Corps of the construction of the canal, it does not provide for the survey and location of the route. If the survey and location of the route has not been made, the canal company has no standing in court at all. It is stated by and on behalf of the Maritime Canal Company that a full plan and profile map and drawings of the survey of 1889, made by Mr. Menocal, have been deposited with the Nicaraguan authorities, in compliance with this provision of the concession.

Sir, it is one of two things. If no survey has been made, if the statements of the Maritime Canal Company and Mr. Menocal are not true, we are wasting our breath in talking about this enterprise. But I rather suppose that the minister of the Greater Republic of Central America, representing Nicaragua, has made a mistake between the survey of the route and the survey that is necessary in the construction of that route by a corps of engineers.

However that may be, that is a point which might have been condoned by the Nicaraguan Government by acquiescence. These bills have been pending for a long time. The report of the engineers has been made public. The report of the survey is authentic so far as anything can be made authentic of a character of this kind. It has the stamp of being official. It has been published by the Secretary of the Interior according to the provisions of the original bill, and I rather think this point, although it appears upon its face to have some merit, is not very strong.

Then the minister goes on and says:

> The people of all nations shall be invited to contribute—

Quoting from the concessions—

> The people of all nations shall be invited to contribute the necessary capital to the enterprise.
>
> Of the capital with which the company shall organise, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least 5 per cent for the Central American Government and citizens that may desire to subscribe.

Who shall reserve them? The Maritime Canal Company of Nicaragua, not the United States. The Maritime Canal Company of Nicaragua has not reserved the 5 per cent stipulated to be reserved in this clause of the article of the concession; and in that particular I think the criticism of the minister of the Greater Republic of Central America is well made. They have no right to look to the United States for the performance of the contract upon the part of the Maritime Canal Company holding these concessions by transfer. They must look to the company bound, legally bound, to them, with whom they contracted either directly or indirectly. They contracted with the officers of this company, and as a matter of course this company taking the concession takes all the obligations of the original concessionaires. Here is an obligation that has not been complied with. Here is a reservation of 5 per cent of the stock that would have to be made, and they have distributed the stock in utter disregard of this stipulation.

Mr. DANIEL. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. DANIEL. I beg leave to ask the Senator if he has discovered in any of the documents the charter of the Nicaragua Canal Association or the resolution or action of that body transferring their concession from Nicaragua to the Maritime Canal Company? If he will allow me to explain my question, it will be observed that the concession of Nicaragua is to Mr. Menocal, as representing the Nicaragua Canal Association, but I have not been able to discover in the documents which are laid before us any charter of the Nicaragua Canal Association, or to deduce title by any finding of the documents or resolutions of that association to the Maritime Canal Company.

Mr. CAFFERY. I will answer the Senator from Virginia by stating that I have never seen, although I have diligently searched, any written transfer or any other transfer from the original company or association to the Nicaragua Canal Construction Company, and from that company to the present company; but I have seen in the testimony of the then president of the Maritime Canal Company of Nicaragua, taken before a House committee and lately published in a House document, in the oral testimony of the then president, who was Mr. Hitchcock, that the original association had transferred over its franchises to the Canal Construction Company, and that the Canal Construction Company had, by a resolution of its board, which I did not see, transferred here all its rights to the present company. That is all I know about it. But I have seen nowhere any transfer of an authentic or a private character.

Now, how does the amendment of the bill get over this criticism of the minister of the Greater Republic of Central America?

> "The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient."
>
> This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be, according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

This criticism is well directed. The article referred to mentions provision for the capital stock of this enterprise which may be used in the construction of the canal, and the provisions of the bill transfer the stock over to the United States, to Costa Rica, to Nicaragua, to such persons as may be indicated by the Maritime Canal Company, and to no others. They make distribution. There is no provision whatever in the pending bill to distribute any of these bonds to Nicaragua. The bill contemplates that the construction of the canal shall be by the proceeds derived from the sale of bonds. Not one single one of these bonds is to be given to Nicaragua. Now, sir, what are the plain directions of this contract?

> The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient. The issue and transfer of these obligations shall be exempt from stamp dues and from any other imposts or taxes established, or that may be hereafter established, in the Republic.
>
> Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe.

What do you call the capital of this company? What is the capital that is to be used in the construction of this canal? Ordinarily, when a joint stock company is organized, the loans of money are made upon a pledge of stock, or upon such other securities as the company may possess or may derive, but the stock issued to the United States, the stock distributed around by the provisions of the bill, is to be nonassessable. That is not the capital stock. That represents nothing. No money can be raised on it, nor can the canal be constructed out of it.

As the minister says, when this per cent is stipulated for all the shares, bonds, stock, or other securities that the company has, what does it mean? The Senator from Alabama the other day said that if there were five different sorts of securities, and you have got 6 per cent of each one of the securities, you have 30 per cent of the whole, when under the concession you were entitled to only 6 per cent. Is that true? Nicaragua ought to have, under the terms of the concession, 6 per cent of all the stock, shares, bonds, or obligations, of whatever character they may be. Where is the 6 per cent of the bonds? The company takes the whole $100,000,000 of bonds, sells the bonds with the guaranty of the United States on them, and uses that money for the construction of the canal. The canal is, at the lowest estimate ever put upon it, to cost over $100,000,000. That is the lowest estimate ever put upon it by impartial men. In the matter of the estimates of Mr. Menocal, I have to take them with many grains of allowance. He has estimated too much; he has estimated too often; and his estimates differ from one another too much to be the foundation of any clear judgment as to the cost of the construction of this canal.

But be that as it may, sir, 6 per cent of the bonds, the capital with which the company is to construct this work, is to be set over to the Republic of Nicaragua. Has it been done? Does not the bill in terms almost provide that it shall not be done? When these bonds are to be delivered over to the Maritime Canal Company they do not make a solitary provision for the transfer of one of them to the Republic of Nicaragua.

And what about these amendments? Can the Government of the United States coerce the Maritime Canal Company? The bonds of the United States will be given to the company with the guaranty of the United States on them. They will dispose of the bonds at not less than par. I suppose they will go to a premium. They ought to go as high as bonds sold to get gold to replenish the Treasury. They ought to go to 117; they ought to go higher. When these bonds get into the possession of the Maritime Canal Company, unless it is acknowledged here and now in the course of this debate that the United States and the Maritime Canal Company are one and the same, that the United States has absorbed and swallowed up and digested the Maritime Canal Company of Nicaragua, then there is no guarantee whatever that the stipulation made in the contract with Nicaragua, the original concessionaire, will be carried out and performed.

It is hard enough, Mr. President, for the United States to comply with its own contracts. It is rather a novel departure from the ordinary course of affairs and business relations of the United States that she will not only guarantee the bonds of a private corporation, but that she will undertake stipulations in regard to the performance of the duty of that corporation and its legal liabilities in every quarter and in every direction, in every shape and form that they may take. We not only come in and guarantee these bonds, but here is an amendment proposed by the Senator from Alabama which undertakes in a mild, pleasant kind of a way, in a persuasive kind of a way, to make the Maritime Canal Company of Nicaragua do its duty in regard to transferring these bonds; but I see no power that the United States could exercise in this regard except the power of main force—the main force which is talked of here in the concessions later on in regard to another matter. I see no power by and on behalf of the United States except a persuasive power, an advisory power, to compel the performance of the stipulation between the United States and the original concessionaires. So if that point is well taken and the canal company has violated this provision, in the language of the minister, this violation conduces to the forfeiture of this contract.

Here is a criticism which I think, taken in connection with the surveys and estimates of the chief engineer of that company, has great weight and significance. I think it will disclose very clearly in such a way that even the most devoted adherent to the construction of the canal under and according to the terms of the bill will halt a while before he will give his vote for the passage of the pending measure:

> The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct at its own expense within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length.

Mr. President, there has been no estimate made for the construction of the canal here referred to. It has been entirely disregarded. In the report of the Ludlow commission it is not adverted to. Mr. Menocal himself fails to state in his estimate what the canal will cost. It is made a very important part of the concession from Nicaragua to the original company and association. Managua is the capital city of that Republic. In the construction of this great work that Republic took care that its capital city should be in direct water communication with the canal to be constructed, and therefore it was that this provision was inserted. No one can say it is not of vital importance and necessity, in view of the construction and completion of this canal, that this city of Managua, which I am told is a very beautiful city, should not be in direct communication with it.

The three years have long since passed. Not a single effort has been made even in the direction of estimating the cost of this enterprise, and the minister from Central America draws the attention of the United States to the fact that in this important

particular concerning his Government, concerning the Government of Nicaragua, the canal company has failed in the performance of its duty.

Mr. President, when such a statement as that is made, when it is made one of the conditions upon which the existence of this contract of cession depends, I ask, Does it become the Senate of the United States to be undertaking to pass a bill, or even to discuss a bill, which looks toward the construction of a work the time for the completion of which depends upon the performance of such a stipulation as this, and the stipulation has not been performed? Are we, as a nation self-respecting, honoring other nations and claiming their honor in return, claiming to be irreproachable in all of our obligations of an international character—are we to take up this violated treaty of cession—call it a treaty—are we to take up a contract violated in almost every important part, and undertake its execution by our own instrumentality, by our own great power and resources, in the face of a protest of this kind and in face of a violation of this kind? It occurs to me that the Senator from Ohio was entirely correct and met the decencies and proprieties of the situation when he said we ought to stop.

Mr. CARTER. Mr. President, I suggest the want of a quorum in the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Bate,
Berry,
Blanchard,
Burrows,
Butler,
Caffery,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cullom,
Faulkner,
Gallinger,
Gear,
Gordon,
Gorman,
Hawley,
Hill,
Hoar,
Lindsay,
Lodge,
McMillan,
Mantle,
Martin,
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pugh,
Sherman,
Shoup,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum of the Senate is present. The Senator from Louisiana will proceed.

Mr. CAFFERY. Mr. President, there are two other points to which the minister of the Greater Republic of Central America has directed the attention of the Senate. This bill provides for 11 directors, 8 of whom are to be appointed by the President of the United States, by and with the consent of the Senate. He says that in the concessions there is a stipulation that 6 of the directors of the company to be formed for the construction of this canal shall be taken from the promoters, and that this provision has been set aside by the pending bill. Upon the face of the bill his criticism is correct. The President is allowed unlimited discretion as to the selection of the directors; he is not to be bound by these cessions; in fact, the bill itself utterly ignores the cessions. The President is, therefore, to take these directors from any body of men or from any locality in the United States that he sees fit. This is made by the minister a very serious criticism.

What the particular purpose or motive of Nicaragua may have been in inserting this provision I am not aware; but here is the provision. I understood the Senator from Alabama to say that a provision of like character was in the cession from Costa Rica, but that the cession from Costa Rica only made provision that the first board should be chosen from the promoters; that this cession from Costa Rica had some sort of effect, I believe he stated, upon the subsequent cession from Nicaragua, and that Nicaragua was presumed to have intended that these promotors should only form the directorate for the first board. But, at all events, it is upon the face of the papers in the cession from Nicaragua that the directorate for the canal, for the company of execution, which is this Maritime Canal Company, shall be taken largely from the promoters, six of the directors, and that provision has been ignored, has been evaded, has been set aside, as if it did not exist.

Every single one of these stipulations of Nicaragua in this cession is to be observed to the letter. It can not be set up that this, that, or the other condition or stipulation made by Nicaragua in her own behalf, for her own purposes, should be considered immaterial. We are not to sit in judgment upon the motives of a State in the matter of her concessions. We are not to say that it is immaterial to inquire whether a canal construction company would be better off with a directorate taken from the promoters rather than from a body of citizens of the United States. That is not the question. The question is, Did Nicaragua insert in her concession such a clause as that, and has that clause been observed? If it has not been observed, it is a cause of forfeiture of the contract.

Mr. TURPIE. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. TURPIE. I regard the clause inserted in respect to the appointment of promoters to be in addition to the clause preventing the transfer to foreign governments. I ask the opinion of the honorable Senator on that point. I wish to know whether he does not think that this section in the original treaty of cession is provided in addition to and in aid of that section which prevents the transfer of these rights to any foreign government or public state?

I regard the provisions respecting the conditions of the cession in relation to the promoters to be in aid of that, and to prevent also perpetually the transfer of it from the original promoters for all time, keeping it in the hands of the corporators, and preventing it from going into the hands of any government or public state.

Mr. CAFFERY. I am very much obliged to my friend for the suggestion he has made. It is very pertinent, and it lays down the very motive, in my opinion, of the Republic of Nicaragua in requiring that at least six of this board of directors should be the promoters of the canal company.

Mr. MORGAN. What would be the state of affairs fifty years from now, when all the promoters may be dead?

Mr. CAFFERY. Well, I find that in this world it is as much as we can do to take care of the present. In matters that can regulate themselves in fifty years, or as to what may occur in fifty years, I do not think we should concern ourselves. Some of these gentlemen may be then octogenarians, or they may live one hundred and fifty years, for aught I know; but whether they do or not, this is a stipulation in præsenti; it relates to the present; it relates to the formation of this board of directors. Therefore, so far as the limits of human life are concerned in this generation of living men now, the Republic of Nicaragua has taken care that these franchises shall not be transferred to a foreign country by this clause. What may occur in the future I do not know; but it is to be hoped that the purposes of Nicaragua in this requirement will be followed out in future boards if this canal is ever to be built. It is to be hoped that any future directorate which may be appointed in after times will be appointed in pursuance of the same spirit which prompted Nicaragua to require that six of the directorate of this company should be taken from the promoters.

But there is another stipulation in my opinion of equal moment. It is a stipulation of time. It is stated that from and after the date of these cessions, some time in April, 1887, in ten years after the date of the cession if the canal were not completed then the cessions lapsed and the grant fell. I understood, in a colloquy which occurred between the honorable Senator from Alabama [Mr. MORGAN] and my friend from Wisconsin [Mr. VILAS] when he was addressing the Senate on this question, that the honorable Senator from Alabama said that the time of the limit of ten years was extended two years; that instead of commencing from April, 1887, the ten years commenced from October, 1889.

It is stated by the chief engineer of this canal company that it can not be possibly constructed under six years. If the United States, in view of this time limit, which will expire before the six years run out, undertook to construct this canal, and about the time they have it half completed, or nearly completed, the Republic of Nicaragua were to demand a compliance with this forfeiture condition, how would the United States answer it? The Republic of Nicaragua has filed its protest, which was sent to the Secretary of State and communicated by him to the chairman of the Committee on Foreign Relations, who communicated it to the Senate. We go on to construct this canal in the teeth of the protest; and whether the construction of the Senator from Alabama is correct or not, whether the time limit of ten years commences to run from April, 1887, or October, 1889, taking into consideration that this canal can not be finished under six years, the protest is equally fatal to any attempt on the part of the United States to undertake its construction. Nay, more, Mr. President, it would be infinitely wiser to do nothing in the matter of the construction of this canal, to spend no money upon it, than to undertake its completion and to lose our money when we were half through with it.

Could we by "main force," spoken of in this time limit, disregard the rights of Nicaragua in the premises and undertake to hold the canal? I think not. I do not predicate the action of the United States upon any resort to force or violence of any kind.

In the testimony delivered before the select committee of the House of Representatives, called the Interstate and Foreign Commerce Committee of the House, it was stated that this time limit would not give opportunity to build the canal if the financial panic of 1893 was not considered a matter of "main force." It is prudently and wisely stipulated in connection with this time limit that if matters of "main force" intervene, the time of the intervention of this force shall not be calculated in the ten years' limit; but who ever heard of a financial panic being a matter of "main force?" Financial panics have occurred in this country at various periods. Did anybody undertake before to hold that an industrial depression or a financial panic was a matter of "main force?" A matter of main force is some physical violence that can not be resisted. It does not refer to the silent but powerful action of economic forces. Whether the panic of 1893 was due to the demonetization of silver, as our silver friends urge, or whether it was due purely to industrial causes, no one can say that there was any consideration of any element of "main force" or physical obstacle.

Sir, the very terms of this concession stipulate only for "main force," and it would be exceedingly strange for the ingenious gentlemen who stand behind this great enterprise to interpolate as "main force" a mere matter of the silent, powerful, unseen action of economic forces. Financial panics have nothing to do with it. We had a panic in 1837, when we had too much money; we had a panic in 1857—we had too much speculation; we had a panic in 1873—we had too much speculation; we had a panic in 1893—some say we had too much money and some say too little, but there was no question of "main force."

Mr. MORGAN. Where does the Senator find the statement about main force?

Mr. CAFFERY. In the time-limit stipulation.

Mr. MORGAN. In what article?

Mr. VILAS. The forty-eighth article.

Mr. MORGAN. I should be glad if the Senator would read it.

Mr. CAFFERY. I will read it. It is as follows:

> A term of ten years is also granted to the company for the construction, completion, and opening of the canal for maritime navigation. However, should events of main force arise, duly justified and sufficient to impede the regular progress of the works during the period of the said ten years, an extension shall be granted equal in duration to the time that may have been lost by such delays.

Here is another part of the article which I did not advert to:

> If, at the expiration of the ten years aforesaid, the works should not be completed so as to have the maritime communication between the two oceans opened, in consideration of the great capital the company may have invested in the enterprise, and of the good will and ability it may have shown, and the difficulties encountered, the Republic binds itself to concede a new extension.

"In consideration of the great capital the company may have invested in the enterprise." Here is an enterprise, which their own engineer states will cost $65,000,000, that the consulting board of engineers in New York called the Bogart board, called in to supervise the estimates made by Mr. Menocal, placed at $87,000,000. The estimates made by the Ludlow commission are one hundred and thirty-three and a half million dollars, or thereabouts, and here is a company which has constructed this canal to an extent and to an outlay the present value of which is estimated at about $500,000. According to their own testimony they have not spent on this canal over $3,000,000, and we have now, here in 1897, the term of this contract to expire in April next, with a mile and a half of canal constructed, with a railroad with rotten ties and grown over with weeds, bramble, and wild cane, the cars of which are propelled by poles, the harbor that they attempted to dredge out filled up—here is the great capital invested and the great work done, in consideration of which the State of Nicaragua says they may concede an extension of time.

Mr. VILAS. The Ludlow board says it is three-quarters of a mile.

Mr. CAFFERY. I think it is stated by the engineer of the company that they dug a mile and a half of the canal on the sea level; but that canal was to be dug, I remind my friend the Senator from Wisconsin, to the depth of 28 feet, and it is only 17 feet. It has not been done much more than half. You may call it, if you please, three-quarters of a mile, because it is a mile and a half half done. I do not believe that the Maritime Canal Company, as modest as it is, as coy as it is, would have the audacity to say that in consideration of the great capital invested they ought to have an extension of time from the Republic of Nicaragua.

The canal company started out with a great many rosy anticipations. They have constantly said that they were not applying to Congress; and the other day, in the discussion of a part of this subject, I heard the venerable and honorable Senator from Ohio [Mr. SHERMAN] say that we had run after the Maritime Canal Company, or we had sought them. Oh, sir, what an elusive company it is that we can only catch with $100,000,000 of bonds! They do protest too much. They are a little too coy. They have never asked the United States for anything, they say, and whatever is given is thrust upon them as an unsought gift by the United States.

When it comes to the time limit, can anybody say, when the facts are so well known and established, when there has been comparatively nothing done in the construction of the canal, that there can be any extension of time granted upon the part of Nicaragua? No, sir; it can not be said. If, therefore, there is no ground for an extension in consideration of the great capital invested and the great works constructed or the good will and ability that this company has displayed, would it not be the height of folly upon the part of the United States to embark on an enterprise to sink twenty, thirty, forty, fifty—a hundred million dollars—to have it swallowed up by a forfeiture legally demandable under the terms of the time-limit concession? I think there is no sort of doubt on that question.

Mr. President, I stated a while ago that the Republic of Nicaragua has in terms stipulated for the neutrality of the canal. I argued that the stipulations in other respects warranted the conclusion that the main purpose of Nicaragua in making these reservations in her behalf was the neutrality of the canal. I will read Article VI.

Mr. NELSON. Will the Senator from Louisiana yield to me?

Mr. CAFFERY. Certainly.

DULUTH AND WINNIPEG RAILROAD COMPANY.

Mr. NELSON. I ask unanimous consent for the present consideration of the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth reservations, in the State of Minnesota. It is a local matter, and will provoke no debate.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Minnesota asks unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of the joint resolution indicated. Is there objection?

Mr. MORGAN. At the hour of half past 4 the Senate has consented, I believe, to take up all unobjected matters, and it is very near that time now.

The PRESIDING OFFICER. The agreement, the Chair will state, is to consider House bills and House joint resolutions.

Mr. NELSON. I will say to the Senator from Alabama that this is a local matter, and will provoke no discussion.

Mr. MORGAN. I will not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Indian Affairs with amendments, in line 9, after the word "five," to insert "and inserting the words 'or its legal successor, the Duluth, Superior and Western Railroad Company;'" and in line 13, after the word "company," to insert "or its legal successor, the Duluth, Superior and Western Railroad Company;" so as to make the joint resolution read:

> That section 5 of an act entitled "An act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota," approved August 27, 1894, be, and the same is hereby, amended by striking out the word "three" and inserting the word "five," and inserting the words "or its legal successor, the Duluth, Superior and Western Railroad Company," so that the bill will read:
>
> "SEC. 5. That the right herein granted shall be forfeited by said company or its legal successor, the Duluth, Superior and Western Railroad Company, unless the road shall be constructed through the said reservations within five years after the passage of this act."

The amendments were agreed to.

Mr. VILAS. The purport of the joint resolution is simply to extend the time two years.

Mr. NELSON. To extend the time for building a road through an Indian reservation.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA.

Mr. BATE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. CAFFERY. Certainly.

Mr. BATE. I ask permission of the Senate to call up the bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge. It will lead to no debate. It merely extends the time within which a railroad may build a bridge. It is a bill similar to the joint resolution just passed.

Mr. MORGAN. It is a House bill?

Mr. BATE. Yes, sir; and it will take but a moment.

Mr. MORGAN. House bills will be the regular order at half past 4.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. ISAACS & CO.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Virginia?

Mr. CAFFERY. Certainly.

Mr. DANIEL. I ask the courtesy of the Senate to call up and put on its passage the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co. It is a bill which, according to my recollection, was objected to the day when unobjected bills were called up, because it would have

given rise to debate, perhaps. I do not think there can be any substantial objection to the bill. I ask that it may now be taken up.

Mr. COCKRELL. The bill is included in the unanimous-consent agreement for half after 4.

Mr. DANIEL. I did not advert to that fact. If there is objection, I will let it go until then. It might be briefer to pass it now.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the unfinished business may be temporarily laid aside and that the bill he has indicated may be considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. I wish the Senator from Virginia would explain the bill.

Mr. DANIEL. After the war certain banks in Virginia sent their coin to the town of Washington, in Georgia. About $100,000 in gold was among their assets. The Union generals commanding in the South and in Virginia had given to the claimants protection and safe conduct of their money from Washington to the city of Richmond, and en route about the sum named was taken possession of by the Federal troops, and it was covered into the Treasury. A controversy afterwards arose as to the ownership of the coin. Congress passed a joint resolution directing the Court of Claims to ascertain and report who were the owners of the coin in question. They reported that the bank, whose assignees the claimants are—

> Was the equitable owner of a part of the fund in the Treasury proportionate to the amount which it contributed thereto, such proportionate part being the sum of $16,987.88. The claim therefor and the right of property therein passed to and is now owned by the claimants in this suit, who are equitably entitled to the same.
>
> The remainder of the fund, being the sum of $78,276.40, is the property of the United States, the title never having passed to said banks and the claimants not having derived any claim or title in and through said judicial proceedings.

Mr. CULLOM. How do William B. Isaacs & Co. happen to be the beneficiaries?

Mr. DANIEL. They are the assignees of the bank.

Mr. CULLOM. Does the Senator know what they paid for the assets?

Mr. DANIEL. No, I do not. I was once upon the Committee on Claims, and I think I drew the original report in the case and had the matter submitted to the Court of Claims. I know the firm very well. I know the members of it. They are very highly reputable people of the city of Richmond, and my impression is that the bank was sold out after the war, and the assets were probably sold at public auction. The money that goes to the United States Government was money which had probably been deposited, if my memory is correct, by the State government of Virginia, and the idea of the court, no doubt, was that it was the money of an enemy. I presume that was it. The court does not say. There is no claimant for the rest of the $100,000. But this money was under the safe conduct of the United States.

Mr. CULLOM. Has all the money been turned into the Treasury?

Mr. DANIEL. All of it has been turned into the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DANIEL. I move that the bill (S. 2058) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co. be indefinitely postponed.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS.

The PRESIDING OFFICER. The hour of half past 4 having arrived, under the unanimous consent given by the Senate the Calendar of pension cases will be called. The first pension case on the Calendar will be stated.

Mr. CARTER. I ask the Senator from New Hampshire to yield for the consideration of a Senate bill the passage of which is important, in view of certain legislative proceedings pending in Colorado.

Mr. GALLINGER. I will yield for that purpose, if no one else objects, but then I shall insist upon proceeding under the agreement.

Mr. COCKRELL. I insist upon the regular order.

Mr. GALLINGER. That settles it.

Mr. COCKRELL. We have a unanimous-consent agreement, and we can not afford to set it aside. Wait until we get through.

Mr. TELLER (to Mr. CARTER). Withdraw it.

Mr. CARTER. I withdraw the request.

The PRESIDING OFFICER. The first pension case on the Calendar will be stated.

FRANCES M. ROBERTS.

The bill (H. R. 3494) granting a pension to Frances M. Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Roberts," to insert "daughter of Levi M. Roberts, express rider in the war of 1812;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of said Frances M. Roberts, daughter of Levi M. Roberts, express rider in the war of 1812, upon the pension roll and pay to her the sum of $8 per month.

Mr. MITCHELL of Wisconsin. I move a mere verbal amendment to the amendment.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be stated.

The SECRETARY. In line 4, strike out the word "said" before the words "Frances M. Roberts," and in line 5, after the word "Roberts," where it occurs the first time, insert the words "sick and destitute;" so as to read:

> Frances M. Roberts, sick and destitute daughter of Levi M. Roberts, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The Committee on Pensions reported an amendment to strike out the preamble; which was agreed to.

MILTON T. BEDFORD.

The bill (S. 3191) granting a pension to Milton T. Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton T. Bedford, late of Company B, One hundred and fifty-first Regiment Ohio National Guard Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 146) granting an increase of pension to Samuel C. Towne;

A bill (S. 638) granting an increase of pension to John Nichols;

A bill (S. 1017) granting a pension to Robert Kiracofe;

A bill (S. 1310) granting an increase of pension to Shubael Gould;

A bill (S. 1311) granting an increase of pension to Dudley F. Brown;

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

A bill (S. 1787) granting a pension to Nancy T. Duncklee;

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight; and

A bill (S. 2133) granting a pension to Mary E. Ely.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The message further announced that the House had passed a bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8886) for the relief of Hiram T. Cornum and Silas W. Davis, of Oregon, and it was thereupon signed by the Vice-President.

WILSON S. HULSE.

The bill (S. 2752) granting a pension to Wilson S. Hulse was announced as next in order on the Calendar.

Mr. GALLINGER. I move that the bill be indefinitely postponed, and in this connection I wish to put on record a simple statement. The case is now under consideration in the Pension Bureau, and it is a rule of the pension committees of Congress not to consider cases that are under investigation by the Pension Department or that have not been rejected there.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire that the bill be indefinitely postponed.

The motion was agreed to.

LEMUEL J. ESSEX.

The bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex was considered as in Committee of the Whole. It proposes to pension Lemuel J. Essex, late of Company B, Eighty-seventh Indiana Infantry, at the rate of $24 per month, in lieu of the pension that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD C. ENRIGHT.

The bill (H. R. 6539) to increase the pension of Richard C. Enright was considered as in Committee of the Whole. It proposes to pension Richard C. Enright, late colonel of the Sixty-third New York Volunteer Infantry, at the rate of $30 per month, in lieu of the pension now being paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. M'KINNEY.

The bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars was considered as in Committee of the Whole. It proposes to pension James L. McKinney, of Capt. W. W. Chapman's Company I, Second Regiment Oregon Mounted Volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL GILES.

The bill (H. R. 3869) to pension Daniel Giles for services in Oregon Indian wars was considered as in Committee of the Whole. It proposes to pension Daniel Giles, of Capt. Samuel Gordon's Company H, Oregon Volunteers, and thereafter also in Capt. Edward Sheffield's Company A, of said volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY A. FREEMAN.

The bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman was considered as in Committee of the Whole. It proposes to pension Mrs. Mary A. Freeman, widow of Andrew V. Pritchard, late a private in Company H, Second Regiment Pennsylvania Volunteers, Mexican war, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. HIGGINS.

The bill (H. R. 4099) to increase the pension of Mary S. Higgins was considered as in Committee of the Whole. It proposes to pension Mary S. Higgins, widow of Jacob Higgins, who was a Mexican veteran of Pennsylvania and colonel of the One hundred and twenty-fifth Pennsylvania Volunteer Infantry and the Twenty-second Pennsylvania Volunteer Cavalry in the war of the rebellion, at the rate of $30 per month, in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURETTA L. PRINCE.

The bill (H. R. 2620) granting a pension to Lauretta L. Prince was considered as in Committee of the Whole. It proposes to pension, at $20 per month, Lauretta L. Prince, dependent daughter of Henry Prince, late a private in Company D, One hundred and forty-third Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. TWOMEY.

The bill (H. R. 2257) to increase the pension of Charles H. Twomey, was considered as in Committee of the Whole. It proposes to place the name of Charles H. Twomey, late a private of Company H, One hundred and thirty-ninth Regiment Indiana Infantry Volunteers, upon the pension roll, and to pay to him a pension of $30 per month in lieu of any pension that may now be paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARTHA L. BOHANNON.

The bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha L. Bohannon, widow of Private Miles R. Bohannon, of Capt. E. W. Paul's battalion of Missouri Volunteers in the Mexican war, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS KEISER.

The bill (H. R. 7740) granting an increase of pension to Lewis Keiser was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Lewis Keiser, late a private of Company B, Ninety-third Regiment Illinois Infantry Volunteers, at $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE A. RICE.

The bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Rice," to strike out the letter "A" and insert the letter "M;" and in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise M. Rice, widow of Brig. Gen. and Bvt. Maj. Gen. Samuel A. Rice, at the rate of $50 per month, in lieu of the pension of $30 per month she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice."

CLARA L. NICHOLS.

The bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols, of the United States Army, be, and it is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior is hereby authorized and directed to place the name of the said Clara L. Nichols upon the pension roll at the rate of $50 per month, subject to the provisions of existing pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSIAH P. HILL.

The bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, was considered as in Committee of the Whole. It proposes to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SLAUGHTER.

The bill (H. R. 2725) granting increase of pension to Henry Slaughter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Slaughter, late private in Company A, Fourteenth Regiment of Indiana Volunteer Infantry, and to pay him a pension of $24 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. LAW.

The bill (S. 617) granting an increase of pension to Mary E. Law was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Law, widow of Capt. Richard Law, United States Navy, at $50 per month.

Mr. COCKRELL. Is that the usual rate for the widows of naval captains?

Mr. GALLINGER. The usual rate, I will say to the Senator, is $30 for captains in the Navy. The Senator from Indiana [Mr. VOORHEES] introduced the bill, but I do not find a written report. I presumed one had been filed, but I fail to find it. Perhaps a written report was not made. There was some good reason for the increase in the minds of the committee. Perhaps the Senator from Indiana will make a statement about it.

Mr. COCKRELL. I am not objecting. I simply wanted to know what is the rule.

Mr. GALLINGER. It is an increase beyond the usual rate, I will say to the Senator.

Mr. COCKRELL. Of course it is not beyond the legal rate?

Mr. GALLINGER. Oh, no; it is not beyond the legal increase.

Mr. COCKRELL. It is not such an increase for the widow of a captain in the Navy as has never been made before?

Mr. GALLINGER. Not at all; there are various precedents for it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINNIE PARKER.

The bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WALDRUP.

The bill (H. R. 4001) to reinstate William Waldrup on the pension roll was considered as in Committee of the Whole. It proposes to reinstate William Waldrup, of Maddox, Tenn., late of Company F, Sixth Regiment Tennessee Cavalry, on the pension roll of the United States at the rate he was drawing when dropped from the roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA POWERS.

The bill (H. R. 5031) to pension Ira Powers, of Henderson County, Tenn., was considered as in Committee of the Whole. It proposes to place the name of Ira Powers, late of Company A, Seventh Tennessee Cavalry, of Henderson County, Tenn., on the pension roll of the United States, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE SCHIFIRLI.

The bill (H. R. 7821) granting a pension to Annie Schifirli was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Schifirli, widow of John E. Schifirli, late private Company M, First Regiment United States Reserve Corps, Missouri Volunteer Infantry, and to pay her a pension of $20 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARLTON W. MUZZY.

The bill (S. 3556) granting a pension to Carlton W. Muzzy was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlton W. Muzzy, landsman, U. S. S. *Minnesota*, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase pension to Carlton W. Muzzy."

MRS. VIRGINIA E. TURTLE.

The bill (H. R. 3261) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Virginia E. Turtle, of Washington, D. C., widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, and to pay her a pension of $40 per month, the same be in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. MERCHANT.

The bill (H. R. 3166) granting a pension to George B. Merchant was considered as in Committee of the Whole. It proposes to place upon the pension roll George B. Merchant, late sergeant Company K, Fourth Ohio Volunteer Infantry, and to pay him a pension of $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWELLYN D. KING.

The bill (H. R. 7319) to pension Lewellyn D. King was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Lewellyn D. King, late a private in Company E, Eighty-first New York Volunteers, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. WING.

The bill (H. R. 3481) granting a pension to James L. Wing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, James L. Wing, of Mount Vernon, Ohio, late private Company G, Forty-third Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. E. S. KELLY.

The bill (S. 1394) granting an increase of pension to Mrs. E. S. Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. E. S. Kelly, widow of James R. Kelly, late a captain in the Third Artillery, United States Army, on the pension roll at the rate of $30 per month, in lieu of the rate of pension she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MELLISA ADAMS.

The bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mellisa Adams, of Liberty, Casey County, Ky., widow of Silas Adams, deceased, late colonel of the First Kentucky Cavalry, and pay her a pension of $12 per month.

Mr. GALLINGER. I will state that that amendment on the part of the committee was made under a misapprehension, and I trust it will be rejected and the bill allowed to stand as it passed the other House.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI R. LONG.

The bill (S. 2674) granting a pension to Levi R. Long was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi R. Long, late private of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, at the rate of $40 per month, in lieu of the pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEN. JAMES W. M'MILLAN.

The bill (S. 3509) to increase the pension of Gen. James W. McMillan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Infantry," to insert "and brevet major-general, United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to place the name of Gen. James W. McMillan, colonel of the Twenty-first Indiana Volunteer Infantry and brevet major-general, United States Volunteers, upon the pension roll, and allow and pay him a pension of $50 a month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. THORNTON.

The bill (H. R. 1064) for the relief of Henry F. Thornton was considered as in Committee of the Whole. It proposes to issue to Henry F. Thornton, late of First Virginia Volunteers in Mexican war, a certificate of pension of $16 per month, in lieu of the certificate now held by him as a survivor of that war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE CUNNINGHAM.

The bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jane Cunningham, widow of James Cunningham, late of Company B, Seventh Wisconsin Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY A. VIEL.

The bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mrs. Mary A. Viel, formerly widow of Maj. W. D. Sanger, of the Fifty-fifth Regiment Illinois Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MIRIAM V. KENNEY.

The bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 3, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

> *Be it enacted, etc.*, That a pension of $12 per month be, and the same is hereby, granted to Mrs. Miriam V. Kenney, widow of Samuel W. Kenney, during the term of her natural life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS MADDEN.

The bill (S. 1302) granting a pension to Thomas Madden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws" and insert "at the rate of $8 per month;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, the name of Thomas Madden, late of Company H, Thirty-second New York Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELNORA SHUMAN.

The bill (H. R. 10085) for the relief of Elnora Shuman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman, late of Company K, One hundred and seventh Regiment Pennsylvania Infantry Volunteers, and James F. Shuman, late of Company D, Eleventh Regiment Pennsylvania Cavalry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN A. PADDOCK.

The bill (S. 3350) granting a pension to Susan A. Paddock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan A. Paddock, widow of Joseph W. Paddock, late a major and assistant adjutant-general of volunteers, First Division, Fifteenth Army Corps, and pay her at the rate of $25 dollars per month.

The amendment was agreed to.

The bill was reported to the senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES R. PACK.

The bill (H. R. 6234) to restore the name of James R. Pack to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll of the United States the name of James R. Pack, who was a private in Company D, of the Webster County (Missouri) Home Guards, and acting assistant surgeon of the United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA H. SILVEY.

The bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws, the name of Isabella H. Silvey, widow of William Silvey, deceased, late of the United States Army, and pay her a pension at the rate of $40 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM EDWARDS.

The bill (H. R. 7331) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Edwards, of Company D, Tenth Vermont Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH ANDRICKS.

The bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Uriah Andricks, late private of Company H, Fifty-fourth Illinois Volunteer Infantry, at $14 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HELEN A. FUNKHOUSER.

The bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Helen A. Funkhouser, widow of John J. Funkhouser, late colonel, Ninety-eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of $30 per month.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Hampshire to the fact that the Calendar suggests that there is an amendment to the bill. The Chair is informed that there is nothing in the report to indicate an amendment.

Mr. GALLINGER. No; there is no amendment proposed by the committee to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WARBROOK.

The bill (H. R. 7115) granting a pension to James Warbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Warbrook, late private in Company K, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE GLOVER.

The bill (H. R. 5532) to increase the pension of Josephine Glover was considered as in Committee of the Whole. It proposes to increase the pension of Josephine Glover, widow of Capt. E. V. Glover, Company A, Thirty-fourth New Jersey Volunteers, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL SHAFFER.

The bill (S. 3144) granting a pension to Samuel Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Shaffer," to insert "late a private in Company D, Third Ohio Infantry Volunteers, and pay

him a pension of $20 a month, in lieu of the pension he is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shaffer, late a private in Company D, Third Ohio Infantry Volunteers, and pay him a pension of $20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ESSIE E. POWELL.

The bill (S. 2910) granting a pension to Mrs. Essie E. Powell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Essie E. Powell, widow of William A. Powell, captain Company G, One hundred and twenty-fourth Ohio Volunteer Infantry, at the rate of $20 per month, in lieu of any pension she may now receive.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RHODA A. VAN NIMAN.

The bill (S. 355) granting a pension to Rhoda A. Van Niman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteers," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rhoda A. Van Niman, widow of Enoch I. Van Niman, late of Company F, Forty-second Regiment Ohio Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH E. VANTINE.

The bill (H. R. 7969) to increase the pension of Joseph E. Vantine was considered as in Committee of the Whole. It proposes to place the name of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, on the pension roll at $72 per month, in lieu of his present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 5761) granting an increase of pension to Elizabeth A. Marthon was read twice by its title, and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. CULLOM. Mr. President——

Mr. COCKRELL. I call for the regular order, according to the agreement.

Mr. CULLOM. What was the agreement?

Mr. COCKRELL. To take up unobjected House bills favorably reported.

Mr. CULLOM. I rose to call up an unobjected House bill.

Mr. COCKRELL. Then the bill will be reached in its order.

Mr. CULLOM. It is away back in the first part of the Calendar.

Mr. COCKRELL. We shall soon run through with the House bills. There are only a few cases.

Mr. CULLOM. I have been trying to get the bill passed for a month.

Mr. COCKRELL. I must insist on the agreement.

Mr. CULLOM. It comes within the agreement, if there is no objection to the bill.

Mr. COCKRELL. We can not set aside the agreement.

The PRESIDING OFFICER. Unobjected House bills on the Calendar will now be considered.

Mr. COCKRELL. And Order of Business 1192, House bill 7469, is the first case on the Calendar.

Mr. PETTIGREW. I will state that the first case on the Calendar is Order of Business 1184, House bill 9029, the Senate bill having been indefinitely postponed to-day and the House bill put in its place upon the Calendar.

Mr. COCKRELL. Very well; let that bill be proceeded with.

HUDSON RESERVOIR AND CANAL COMPANY.

The bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALLISON. I suggest one amendment, which is that the last section, which says "that this act shall be in force from its passage," should be striken out. I move to strike out that section.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 10, as follows:

> SEC. 10. That this act shall be in force from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REMOVAL OF SNOW AND ICE IN THE DISTRICT.

The bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

Mr. McMILLAN. I move wherever the word "owner" occurs in the bill that the word "agent" be inserted after it.

Mr. CULLOM. That is right.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. In section 1, line 3, after the word "owner," it is proposed to insert "agent;" in line 11, after the word "owner," to insert "agent;" and in line 12, after the word "owner," to insert "agent;" so as to make the section read:

> That the owner, agent, or tenant of each house or other building or lot or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, shall, within the first four hours of daylight after every fall of snow, cause the same to be removed entirely from off the paved sidewalks opposite each house, building, lot, or land under the penalty of $1 for each lot for every such neglect, to be paid by the said owner, agent, or tenant; and such owner, agent, or tenant shall, under a like penalty, within five days after a notice to do so by the Commissioners, clean off and remove, or cause to be cleaned off and removed, all dirt, sand, gravel, or other refuse matter that may fall or be washed upon any paved sidewalk, roadway, or alley inside the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate.

The amendments were agreed to.

Mr. COCKRELL. The same amendment should be made in section 2 and the following sections.

Mr. McMILLAN. I desire the amendment to be inserted wherever in the bill the word "owner" occurs.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. In section 2, line 2, after the word "owners," it is proposed to insert "agent;" and in line 11, after the word "owner," to insert "agent;" so as to make the section read:

> SEC. 2. That in case the sidewalks are covered with ice the owner, agent, or tenant of any building, lot, or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of the said District shall from time to time designate, shall promptly cause the paved sidewalks or paved portions of the sidewalk opposite his, her, or their premises to be strewn with ashes, sand, sawdust, or some other suitable substance that will insure or contribute to the safety of pedestrians, under the penalty of $1 for each lot for every neglect, to be paid by the said owner, agent, or tenant.

The amendments were agreed to.

The PRESIDING OFFICER. The remaining amendments will be stated.

The SECRETARY. In section 3, line 1, after the word "owner," it is proposed to insert "agent;" and in line 10, after the word "owner," to insert "agent;" so as to make the section read:

> SEC. 3. That in case the owner, agent, or tenant of any house, lot, building, or land shall neglect to comply with any of the provisions of the preceding sections of this act, it shall be the duty of the Commissioners of the District of Columbia to cause the removal of snow and ice, or any dirt, sand, or gravel from all paved sidewalks and alleys in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, wherever there has been a failure on the part of the owner, agent, or tenant as aforesaid to remove the same; and the cost of such removal, by order and under the direction of the said Commissioners, shall be assessed as a tax against the property to which the sidewalks in question belong, for the purposes of this act, and the said tax so assessed shall be carried to the regular tax roll of the District aforesaid, and shall be collected in the manner provided for the collection of other taxes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McMILLAN. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate: and Mr. McMILLAN, Mr. FAULKNER, and Mr. BAKER were appointed.

DISTRICT TAX-SALE CERTIFICATES.

The bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, was announced as next in order.

Mr. COCKRELL. That is quite a lengthy bill, and may lead to some discussion. Let it be passed over temporarily.

Mr. FAULKNER. I hope the Senator will not object to that bill.

Mr. COCKRELL. Let it be passed over temporarily. I want to examine it.

Mr. FAULKNER. I have been sitting here all evening waiting to answer any question which might be asked in relation to that bill, which has been indorsed by all the officials of the District of Columbia.

The PRESIDING OFFICER. Does the Senator from Missouri insist upon his objection?

Mr. COCKRELL. I made the objection once, and I have not withdrawn it, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

H. C. HERNDON.

The bill (H. R. 3787) for the relief of H. C. Herndon was considered as in Committee of the Whole. It proposes to pay $201.30 to H. C. Herndon, of Catlettsburg, Ky., for the loss of a registered package containing that sum which he had placed in the post-office at Webbville, Ky., as deputy collector of internal revenue, on November 21, 1892, addressed to Thomas C. McDowell, collector for seventh internal revenue district of Kentucky, and which was stolen from the said post-office on the night of the 24th of November, 1892.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

The joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, was announced as next in order.

Mr. COCKRELL. Let that be passed over without losing its place.

The PRESIDING OFFICER. The joint resolution will be passed over.

IMPROVEMENT OF PUBLIC ROADS.

The joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads was announced as next in order.

Mr. COCKRELL. Let that joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ARKANSAS RIVER BRIDGE.

The bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TONNAGE TAX.

The bill (H. R. 2672) concerning tonnage tax was announced as next in order.

Mr. COCKRELL. Let that bill be passed over without losing its place, the Senator reporting it not being present.

The PRESIDING OFFICER. It will be so ordered.

AMERICAN REGISTER FOR BARK VILA.

The bill (H. R. 6776) to provide an American register for the bark *Vila* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN REGISTER FOR BARK E. C. MOWATT.

The bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METROPOLITAN RAILROAD COMPANY.

The bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in line 17, before the words "as will provide," to strike out "bonds" and insert "capital stock;" and in line 18, after the word "such," to strike out "bonds" and insert "stock;" so as to make the bill read:

> *Be it enacted, etc.*, That the Metropolitan Railroad Company be, and it is hereby, authorized to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said extension be completed within six months from the date of the passage of this act, and the said company is hereby authorized and empowered to increase its capital stock for the purpose of making and equipping the extension of its route authorized by this act, but the amount of the capital stock so to be issued as aforesaid shall not exceed the cost of the making and equipment of the extension herein provided for: *Provided further*, That the Metropolitan Railroad Company is hereby authorized to issue such an additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, amounting to $250,000, heretofore issued for the completion and equipment of its road.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGES ACROSS RED RIVER OF THE NORTH.

The bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota, was considered as in Committee of the Whole.

Mr. CARTER. I wish to inquire if anyone knows of any navigation on the Red River of the North by steam craft or any other sort of vessel?

Mr. COCKRELL. The Senator from Minnesota [Mr. NELSON] can probably tell. There is no doubt but what the bill is all right.

Mr. NELSON. There are steamboats regularly plying every summer from Grand Forks to Winnipeg, and even up to Moorhead, up the Red Lake River, to and through Red Lake. There is quite a bit of navigation there. This bill has been indorsed by the War Department, and is intended to protect navigation.

Mr. CARTER. I have no objection to the bill. I only desired to know whether it was necessary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE MONONGAHELA RIVER.

The bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN REGISTER FOR THE BARK CERES.

The bill (H. R. 8190) to provide an American register for the bark *Ceres* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER COOK.

The bill (H. R. 2741) for the relief of Peter Cook, of Arkansas, was considered as in Committee of the Whole. It proposes to pay to Peter Cook, of Lonoke County, Ark., $801, being the amount found by the Court of Claims to be due to him for stores and supplies taken and used by the Federal Army during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROAD COMPANIES IN THE INDIAN TERRITORY.

The bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds and to correct alignments," was considered as in Committee of the Whole. The bill was reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill the following additional proviso:

> *And provided further*, That the right to add to, alter, amend, or repeal this act is hereby expressly reserved to Congress or to any State which may hereafter be established in the Territory through which the lines of said railroad companies are constructed.

The amendment was agreed to.

Mr. BERRY. I offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 28, after the word "stations," it is proposed to insert:

> *Provided further*, That any railroad company which shall avail itself of the privileges of this act shall not charge more than 3 cents per mile for carrying each passenger through said Indian Territory.

Mr. CHILTON. I shall vote for the amendment if it is insisted upon. The bill was reported from the Committee on Indian Affairs. I will ask that it may be passed over until I can communicate to the gentlemen who have the management of the bill the fact that such an amendment is pending.

Mr. BERRY. Before the bill goes over, I wish to say a few words, if the Senator from Texas will permit me.

Mr. CHILTON. Certainly.

Mr. BERRY. I desire to state that all the railroads which pass through the territory of the Five Civilized Tribes are allowed to charge only 3 cents a mile with the exception of the Missouri, Kansas and Texas. That road was granted its charter many years ago, and there was no provision of the kind inserted in the original act granting it the right of way through that Territory. All the charters which have since been granted to various railroads have contained provisions that the roads shall not charge a passenger more than 3 cents a mile. The result is that the Missouri, Kansas and Texas charges 3 cents a mile in Missouri and Texas, but the moment it strikes the Indian Territory it charges the inhabitants and citizens there and all persons who pass through the Territory on its road 5 cents a mile.

It is an injustice to those people, and it ought to be remedied. The railroads come here and ask additional privileges of Congress, and I think when they are asking them, they ought to be required to be placed upon the same footing with all other railroads in the Territory.

Mr. CHILTON. There is a great deal of force in what the Senator from Arkansas says. The Missouri, Kansas and Texas Railroad has an attorney in this city, and I will ask that the bill may be passed over, in order that I may communicate to him the fact that such an amendment has been offered.

The PRESIDING OFFICER. The amendment offered by the gentleman from Arkansas will be considered as pending, and the bill will go over.

SUBMARINE CABLE LINES.

The bill (H. R. 9149) to regulate the establishment of submarine telegraph cable lines or systems in the United States was announced as the next business in order on the Calendar.

Mr. WALTHALL. I think two Senators objected to the consideration of the bill the other day. The Senator from Minnesota was one, I think, and the Senator from Kentucky [Mr. BLACKBURN] the other.

Mr. CULLOM. Let the bill go over.

Mr. ALLISON. It can go over without prejudice.

Mr. WALTHALL. I do not object.

Mr. ALLISON. It had better go over.

Mr. CULLOM. The Senator from Maine [Mr. FRYE], who is interested in the bill, is not present.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

GEORGE W. WATSON.

The bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia was considered as in Committee of the Whole. It provides that the United States shall quitclaim and release in favor of George W. Watson, his heirs and assigns, any and all claim or title which it has in lots 7 and 8, in square 996, in Washington, D. C.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE EASTERN BRANCH IN THE DISTRICT.

The bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF PATENT LAWS.

The bill (H. R. 3014) revising and amending the statutes relating to patents was announced as the next business in order on the Calendar.

Mr. COCKRELL. The Senator who reported the bill not being present, I ask that it may be passed over.

The PRESIDING OFFICER. The bill will go over.

ADAM HAND.

The bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LIQUORS IN CAPITOL BUILDING.

The bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, was announced as the next business in order on the Calendar.

Mr. HILL. I fear some Senators may desire to debate the bill.

The PRESIDING OFFICER. The bill will be passed over, under the objection of the Senator from New York.

JOHN LONG.

The bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

> That John Long, who was duly enlisted and rendered service as a private in Company H, Thirty-first Regiment of Missouri Volunteers, shall be held and considered to have been mustered into the military service of the United States as a private of said company and regiment on the 22d day of August, 1862, to have served continuously as such private in said service until the 30th day of November, 1862, and to have been honorably discharged on the date hereinbefore last named, on account of disabilities incurred while in line of duty in said service, company, and regiment, and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Long a certificate of discharge in accordance with the terms of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment wss ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SETTLERS ON PUBLIC LANDS IN MISSISSIPPI.

The bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, in line 9, after the word "right," to striko out—

> of entry for one year from the passage of this act, either under the homestead law or by purchase at private entry, at $1.25 per acre; and the fact that persons affected by this act have heretofore made entry of lands under any law or laws shall not work a disqualification to make entry as herein provided.

And insert:

> For one year from the passage of this act to enter under the homestead laws of the United States not exceeding 160 acres of the lands so purchased by them from the State of Mississippi and to purchase not exceeding 160 acres additional of such lands at $1.25 per acre, or, if they elect not to avail themselves of the homestead law, to purchase 320 acres of such land: *Provided, however*, That this act shall not affect the rights of homestead claimants who, between the 16th day of February, 1895, and the 27th day of May, 1895, made settlements and entries or filed with the local land officers applications to enter in good faith, under the homestead laws, any of the lands included in the provisions of this act not occupied or actually and substantially improved by such purchasers from the State.

So as to read:

> That all persons who, prior to January 19, 1895, purchased in good faith from the State of Mississippi any lands within the 6 miles or granted limits of the Mobile and Ohio Railroad, and which lands were included in approved swamp-land list No. 7, Augusta series, their heirs or assigns, shall have the preference right for one year from the passage of this act to enter under the homestead laws of the United States not exceeding 160 acres of the lands so purchased by them from the State of Mississippi, etc.

The amendment was agreed to.

The next amendment was to add, as a new section:

> SEC. 2. That all persons who have legally purchased any of the lands aforesaid at tax sales shall be considered assigns within the meaning of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was the next in order on the Calendar.

Mr. TURPIE. I move that the Senate adjourn.

Mr. COCKRELL. I suggest to the Senator to wait a few moments before moving an adjournment.

Mr. ALLISON. I hope the Senator from Indiana will withdraw his motion for a moment. There are only two or three unobjected House bills left on the Calendar, and I think we can dispose of them.

Mr. CHANDLER. It is understood that the next bill is to go over.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his motion?

Mr. TURPIE. I do.

The PRESIDING OFFICER. The motion is withdrawn.

The bill (H. R. 8582) to allow the bottling of distilled spirits in bond was announced as the next business in order on the Calendar.

Mr. COCKRELL. We do not want to consider the bottling bill to-night.

Mr. CULLOM. I object to its consideration at this time. Let it go over.

The **PRESIDING OFFICER.** The bill will be passed over.

KANSAS, OKLAHOMA CENTRAL AND SOUTHWESTERN RAILWAY.

The bill (H. R. 9868) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, was considered as in Committee of the Whole.

Mr. CULLOM. This seems to be a very long bill and somewhat important, and I suggest that it go over.

Mr. BAKER. It is a very important bill, and I hope the Senator from Illinois will withdraw his objection.

Mr. CULLOM. Very well.

The **PRESIDING OFFICER.** The Senator from Illinois withdraws his objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT GREAT BOARS HEAD, NEW HAMPSHIRE.

The bill (H. R. 8456) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE.

The bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," was announced as the next business in order on the Calendar.

Mr. NELSON. The Senator from Wisconsin is opposed to the bill, and I agreed not to call it up in his absence. Let it be passed over.

The **PRESIDING OFFICER.** The bill will be passed over.

ROCK ISLAND BRIDGE.

The bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF INSPECTORS OF STEAM VESSELS.

Mr. CARTER. I suggest that the next two bills on the Calendar, House bill 10067 and House bill 9790, go over. They seem to be important matters.

Mr. NELSON. House bill 10067 is a very short bill, reported from the Committee on Commerce. I wish the Senator would allow it to be proceeded with.

Mr. CARTER. I have no especial objection to the bill.

The **PRESIDING OFFICER.** Is the objection withdrawn?

Mr. CARTER. I withdraw the objection.

The bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," was considered as in Committee of the Whole. It proposes to amend the last paragraph of section 2, page 399, Supplement to Revised Statutes, volume 2, so as to read:

> Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of 5 cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF EASTCHESTER CREEK, NEW YORK.

The bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York, was considered as in Committee of the Whole. It authorizes the Secretary of War to expend the whole or any portion of any appropriation heretofore made for the improvement of Eastchester Creek, in the State of New York, in accordance with the surveys and report for such improvement, upon that portion of the improvement included in recent surveys extending the improvement to the head of tide water.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLDIERS' HOME IN COLORADO.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado, to report it without amendment, and I ask unanimous consent for its present consideration. The bill is unanimously reported from the committee.

Mr. TELLER. The bill was first referred to the Committee on Military Affairs and reported back from that committee and sent to the Committee on Public Lands, and it is now reported favorably. I hope it will be put on its passage.

The **PRESIDING OFFICER.** The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TURPIE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 6, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 5, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Speaker, I spoke yesterday of having a report, which was made by the Committee on the District of Columbia in the Fifty-first Congress, printed in the RECORD, and I supposed from what I said that it would be printed this morning, although I did not make a formal request to that effect. I now do so; and accompany that request with notice that to-morrow morning, immediately after the reading of the Journal, I shall move to go into Committee of the Whole for further consideration of the District appropriation bill.

Mr. RICHARDSON. Mr. Speaker, I could not hear the gentleman's request.

The **SPEAKER.** The gentleman from Vermont asks unanimous consent to have printed in the RECORD a report made by the Committee on the District of Columbia in the Fifty-first Congress, with regard to the claims which were under discussion in Committee of the Whole yesterday. Is there objection?

Mr. RICHARDSON. I do not object to printing that report as a document, but I do object to encumbering the RECORD with it.

The **SPEAKER.** Objection is made.

BENOIT VS. BOATNER.

Mr. JOHNSON of Indiana. Mr. Speaker, I desire to submit to the House the report of the Committee on Elections No. 2, in the case of Alexis Benoit *vs.* Charles J. Boatner. The report is unanimous, and I will not call it up for consideration at the present time.

The **SPEAKER.** The report will be printed and placed on the House Calendar.

Mr. BAILEY. Mr. Speaker, I desire to say in reference to that case that the chairman of the Committee on Elections No. 2 notified me that a meeting of the committee was to be held for the adoption of the report, and I intended to be present, but overlooked it. I have not had an opportunity to examine the report, but knowing that I agree in the conclusions, I merely reserve the right, if I find I do not assent to any of the statements made, to say so.

Mr. JOHNSON of Indiana. I suppose there is no objection to that; at least, not upon my part. The gentleman says that he was notified to attend the meeting.

Mr. BAILEY. I was notified.

Mr. JOHNSON of Indiana. One other gentleman of the minority was notified of the meeting and appeared, and another member, the gentleman from California [Mr. MAGUIRE] came to the committee room and suggested that the report be made to-day, and that he could hereafter dissent from the reasoning if he cared to do so.

Mr. BAILEY. I perfectly understood that it was to be made at this time.

HOPKINS VS. KENDALL.

Mr. DANIELS. Mr. Speaker, I desire to submit a report on the contested-election case of Hopkins *vs.* Kendall, from the State of Kentucky. Seven members agree in this report. Two desire to make a minority report, and ask to be allowed until Wednesday next to file their views.

Mr. ROYSE. That is correct, Mr. Speaker. We expect to be able to file the views of the minority by Wednesday.

The **SPEAKER.** Is there objection to the request of the gentleman from Indiana [Mr. ROYSE]?

There was no objection, and it was so ordered.

Mr. DANIELS. Mr. Speaker, I ask that the report be printed.

The **SPEAKER.** Without objection, the report will be printed and referred to the House Calendar.

Mr. ROYSE. I ask that the views of the minority also, when filed, be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I demand the regular order.

The **SPEAKER.** The regular order is the unfinished business which has passed through the Committee of the Whole. The Clerk will read the first bill.

GEORGE L. BENNER.

The first unfinished business on the Calendar was the bill (H. R. 6841) granting a pension to George L. Benner.

The bill was read, as follows:

> *Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department; said pension to be rated according to the degree of disability existing as the result of said injury.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

Mr. McMILLIN. Mr. Speaker, I will ask the gentleman from Michigan if he has any objection to having the report in that case read to the House before he demands the previous question? This seems to be a bill to pension a civil employee.

The **SPEAKER.** It is a proposition to pension a civilian.

Mr. THOMAS. Very well, Mr. Speaker. Pending the motion for the previous question, I ask that the report be read.

The report (by Mr. MILES) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without amendment:
>
> This is a bill enacting that the Secretary of the Interior be authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of the right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department, to be rated according to the degree of disability existing as the result of said injury.
>
> George L. Benner was a teamster during the war of the rebellion, employed by the United States under Captain Dana, United States Army, an assistant quartermaster; also under a wagon master named Lyles, and was accidentally injured while performing his duties by being caught between the front wheel of an army wagon and a tree, about November 7, 1861, incurring a fracture of the right thigh.
>
> Dr. N. S. Lincoln, surgeon of quartermaster's hospital, testified February 28, 1886, that George L. Benner was admitted to the quartermaster's hospital, under his (Dr. Lincoln's) charge, on the 7th of November, 1861, on account of a bad fracture of the thigh; that he suffered severely many weeks, and has never completely recovered from the effects of the injury.
>
> Dr. James T. Young, medical assistant, quartermaster's hospital, testifies (February 29, 1896) that George L. Benner was admitted to the quartermaster's hospital November 7, 1861, with a fracture of the thigh, and that he was discharged therefrom in March, 1862. He has never recovered from the effects of the injury. The fracture was treated by Dr. N. S. Lincoln with Dr. Young's assistance.
>
> Your committee believe the bill is meritorious, and precedents having been set by previous action of Congress in pensioning the employees in Quartermaster's Department for injuries received in line of duty, earnestly recommend the passage of the bill without amendment.

Mr. TERRY. Mr. Speaker, I hope that the House will understand fully the proposition involved in this bill. There may have been cases in which a civilian employee of this Government during the late war, in an emergency, took a musket in his hands, went into the fight, and was wounded by some weapon of war, but if I understand the report just read, this man received no such honorable wound as that. From all that is disclosed here, this man may have been jammed against a tree by an obstreperous mule. And now it is proposed to put him upon a roll which should be a roll of honor. I trust that this House, with a due regard for men who bear upon their persons honorable wounds, will not go into the business of pensioning civil employees of this Government. I desire that the House shall understand the nature of this case.

Mr. DOCKERY. Is it understood that this bill proposes to pension a civil employee of the Quartermaster's Department?

Mr. TERRY. This man seems to have been a teamster, and according to the report, as I caught the reading, he was shoved up against a tree, and thereby suffered injuries. On this account it is proposed to put him upon the pension roll, where properly only soldiers belong.

I have always said to my people in regard to pensions that my attitude was this: If our side—and in so speaking I mean the Southern side—had won, we would have pensioned all our soldiers who were disabled through honorable wounds or incurred disabilities in the line of duty; and that therefore no Southern man ought ever to object to that being done on the Union side. But I do protest that the roll of our American soldiery should not have put upon it a man who presents no better claim than is presented here. I will only add that if this bill be pressed I shall ask for the yeas and nays upon the proposition.

Mr. McMILLIN. Mr. Speaker, I called for the reading of this report because I saw from the bill that it proposed a new departure as to the pension list—that it proposed to place upon the list of pensioners a civil employee of the Government. I have nothing to say as to the arduous work of one who was engaged in the class of labor that this man performed during the war. But we have always drawn a distinction between the man who, having enlisted, took his life in his hands, his gun on his shoulder, and incurred the dangers of battle, and the man who preferred to go into the civil service of the Government and took employment there without incurring the dangers of military life. I believe that to depart from that distinction now is not wise, and for many reasons. In the first place, there was not in the civil service the same care taken in keeping up the list of persons rendering service, in looking after them, and ascertaining how any injuries received may have been incurred. In regard to these civil employees, we have in general no proper means of ascertaining whether a man who acted as a teamster or a laborer did anything more than simply take his pay, exercising at the end of the month his right to leave that employment if he chose.

I do not care to speak at length against this measure. It strikes me it is so obviously wrong that to mention the nature of the claim is sufficient to defeat it. I know how ready the people of the United States are to give the benefit of the doubt in favor of the soldier wherever injuries have been received. But we have a civil list embracing over 100,000 employees, including our postmasters and all others, and I think we ought not to enter either now or hereafter on the policy of pensioning civil employees.

Mr. STEELE. The gentleman is probably not aware that we have already entered on that policy. We have in some cases pensioned telegraph operators. I do not think there is any justification whatever for such pensions. Civil employees of the Government receive higher pay than an ordinary soldier, yet they take no risk whatever. By entering upon a policy of this kind we endanger the pension roll:

Mr. McMILLIN. I agree fully with the remarks of the gentleman from Indiana [Mr. STEELE]. If we have departed in any instance from the sound principle on this question, the more quickly we decline to extend the pension list in this way the better.

Mr. STEELE. I hope this bill will not receive favorable consideration from the soldiers of this House.

Several MEMBERS. Let us vote the bill down.

Mr. ERDMAN. I move that the bill lie on the table.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. I rise to call up the conference report on the disagreeing votes of the two Houses upon the Military Academy appropriation bill.

The conference report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendments numbered 7 and 8.
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.
>
> N. M. CURTIS,
> M. GRIFFIN,
> D. G. TYLER,
> *Managers on the part of the House.*
>
> R. F. PETTIGREW,
> GEO. C. PERKINS,
> *Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

> The Senate amendments numbered 1, 2, 3, and 6 merely effect immaterial changes in the phraseology of the bill, and neither increase nor diminish the amount of the appropriations.
>
> Senate amendment numbered 4 increases the appropriation specified in the House bill $5,000. Senate amendment numbered 7, from which it is recommended in the report that the Senate recede, proposed to increase the amount appropriated by the House bill $15,000. Amendments numbered 5 and 8 were designed to state the total appropriations for certain purposes to correspond with the increases proposed by amendments numbered 4 and 7.
>
> Accordingly the bill will, in case the conference report be adopted, appropriate $5,000 more than the House bill and $15,000 less than the amount proposed by the Senate amendment.
>
> The changes effected by the Senate amendments, to which it is recommended the House agree, are in detail as follows:
>
> No. 1: On page 3, line 23, strike out "six" and insert "one sergeant and five."
>
> No. 2: On page 4, line 1, strike out "six" and insert "two corporals and four;" so as to make the clause read as follows:
>
> "For pay of the Military Academy Band: One sergeant and five enlisted

musicians, at $34 per month, $2,448; two corporals and four enlisted musicians, at $20 per month, $1,440; twelve enlisted musicians, at $17 per month, $2,448; additional pay for length of service, $1,164; clothing on discharge, $240; retained pay on discharge, $60."

No. 3: On page 9, line 10, strike out "fourteen" and insert "one corporal and thirteen," so as to make the clause read as follows:

"For pay of field musicians: One sergeant, $216; one corporal and thirteen privates, $2,184; additional pay for length of service, $84; clothing on discharge, $120; retained pay on discharge, $30."

No. 4: On page 16, after line 11, insert "for the purchase of one Maxim semiautomatic 3-pounder quick-firing gun mounted on field carriage complete and ammunition therefor, $5,000."

No. 5: On page 16, line 15, strike out "sixty-eight" and insert "seventy-three," so that the clause will read as follows:

"In all, for current and ordinary expenses, $73,502.50." This amendment merely changes the aggregate amount for the expenses mentioned to cover the increase of $5,000 for the Maxim gun.

No. 6: On page 19, lines 16, 17, and 18, reading as follows: "Total for Military Academy, $462,328.81" are stricken out.

The paragraph thus eliminated merely stated the aggregate of the appropriations made by the preceding provisions of the bill, and hence is of no practical consequence.

The foregoing are the amendments in detail to which it is recommended the House agree.

Amendments numbered 7 and 8, from which it is recommended the Senate recede, were respectively designed to effect the following changes, viz:

No. 7: To add $15,000 to the amount proposed to be appropriated by the House in lines 18, 19, 20, and 21 on page 20: "For constructing a set of filter beds and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available," thus increasing the original amount named in the bill to $40,000, in lieu of $25,000, as adopted by the House.

This item will be retained at $25,000, if the report be adopted.

No. 8: On page 21, line 12, the Senate amendment proposed to strike out "eighty-two" and insert in lieu thereof "ninety-seven," so that the paragraph would read: "In all, for public buildings and grounds, $97,241," in place of $82,241.

It is recommended in the report that the Senate recede from this amendment, and hence the amount remains as fixed by the House, viz, $82,241.

N. M. CURTIS,
M. GRIFFIN,
D. G. TYLER,
House Conferees.

Mr. McCLELLAN. As I understand, this conference report makes an increase of $5,000 over the amount of the bill as passed by the House?

Mr. CURTIS of New York. Yes, sir; and a decrease of $15,000 upon the bill as amended by the Senate.

Mr. McCLELLAN. The additional $5,000 is for the Maxim gun?

Mr. CURTIS of New York. Yes, sir.

The conference report was agreed to.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. THOMAS. I ask that the next bill on the Calendar of unfinished business—Calendar number, 18—be passed over without prejudice, and that we proceed to the next bill.

There was no objection.

EMILY M. TYLER.

The next unfinished business on the Calendar was the bill (H. R. 6560) to increase the pension of Emily M. Tyler.

The bill was read.

The SPEAKER. This bill was reported from the Committee of the Whole House with an amendment.

Mr. CROWTHER. Mr. Speaker, I offer an amendment to the amendment fixing the amount at $50, instead of $75.

Mr. TALBERT. Mr. Speaker, I ask that the pending amendment be read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, strike out "75," and insert "50;" so as to read "at the rate of $50 per month."

Mr. TALBERT. I understand that that is the pending amendment, to strike out "seventy-five" and insert "fifty."

The SPEAKER. That is the amendment to the amendment proposed by the gentleman from Missouri, which is the pending motion.

Mr. BLUE. Mr. Speaker, this bill is precisely the same in amount (as it will stand if amended) as the bill which we passed on yesterday, which was changed from $75 to $50 a month.

I do not care to discuss it, but trust the House will stand by its action of yesterday, and sustain the amendment.

The question being taken, the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IRA H. SWEATT.

Mr. THOMAS. Mr. Speaker, I ask that the bill we just passed over on the Calendar of unfinished business, the bill (H. R. 1323) for the relief of Ira H. Sweatt, be now taken up for consideration. I asked that it be passed over a few moments ago under the impression that the gentleman from Maryland [Mr. MILES] who is now absent desired to be heard upon it. I have been informed, however, that he does not care to be heard, and ask that it be taken up and disposed of.

The SPEAKER. Without objection, the bill will be now considered.

There was no objection.

The amendment reported from the Committee of the Whole was agreed to.

Mr. THOMAS. I ask that the report be also read in connection with the bill.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1323) providing for the payment of a pension already granted to Ira H. Sweatt, of Company I, Thirteenth New Hampshire Volunteers, submit the following report:

Ira H. Sweatt enlisted January 1, 1864, and was discharged December 19, 1865. On September 10, 1870, he applied for a pension, alleging that while in front of Petersburg, Va., in July, 1864, he contracted dumb ague and malarial fever, and that as the result he had lost the use of both legs and his right arm, and that he could not walk with crutches. The pension was allowed, and he was granted a pension at the rate of $8 a month from the date of his discharge, in 1865, to May 10, 1871, and $20 a month from that date to June 3, 1872, and $24 a month thereafter.

On the 30th of June, 1882, he was dropped from the rolls on the ground that the disability for which pension was granted was not contracted in line of duty, but while absent without leave.

On July 25, 1890, Ira H. Sweatt made application for a pension under the act of June 27, 1890, alleging paralysis, which pension was allowed October 19, 1892, at $12 per month, from date of the application, with a proviso that all payments under that certificate should be withheld until the Government could be reimbursed for all payments made under the first certificate.

The evidence examined by your committee shows that Ira H. Sweatt twice appealed to the Secretary of the Interior against the order dropping him from the roll, but without success. The present disability of the claimant is beyond dispute, and is acknowledged by the Pension Bureau in granting him the largest amount of pension provided for under the act of 1890; but the trouble is that while the pension certificate says that he shall receive $12 per month, all payments will be withheld until in all probability this man will be in his grave.

The committee are satisfied that the claimant has no resources; is absolutely helpless; that all moneys heretofore received by him as a pension (and which he claims he was honestly entitled to) have been expended in his support. In view of the facts set forth, the complete paralysis of the claimant, his poverty, and present age, your committee believe that justice will be done by passing this bill that provides that the pension granted Ira H. Sweatt by certificate dated October, 1892, be continued, and they recommend the passage of the bill, with an amendment striking out all of the printed bill after the word "Volunteers," in line 5, and in place thereof inserting "a pension of $12 per month from the passage of this act, under certificate No. 121863, issued October 27, 1892, and no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

Mr. ERDMAN. Mr. Speaker, General Bussey took action with reference to this bill, and what he thought of it and what he said I would like to have the House understand. I therefore ask to have read a communication from him on the subject, which I send to the desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., January 19, 1897.

Hon. JOSHUA W. MILES,
House of Representatives.

DEAR SIR: In response to your request of the 18th instant, I have the honor to state that Ira Sweatt, late private Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, pensioned by certificate No. 121863, is shown to have enlisted January 1, 1864, and served until September, 1864, when he was admitted to hospital at Point of Rocks, Md., for treatment for "fever," and was furloughed October 31, 1864. He never returned to his company, but was mustered out on an individual muster-out roll dated Boston, Mass., December 19, 1865, having been absent, sick, when regiment was mustered out.

He was pensioned in 1874 at $8 per month from December 20, 1865; $20 per month from May 10, 1871, and $24 per month from June 4, 1872.

His name was dropped from the roll December 3, 1882, on the ground that the disability for which he was pensioned, viz, paralysis of both legs and right arm, was not contracted in line of duty, but while absent without leave.

He made an appeal to the Secretary of the Interior in 1884, but the action of this Bureau was affirmed by the Secretary in the following language:

"Although the appellant has a hospital record of 'fever' in 1864, the evidence is not sufficient to show that he was permanently affected thereby. On the other hand, the weight of evidence tends to show that his present disability was incurred while in Canada, absent from his command without authority."

He entered a second appeal in September, 1890, and under date of October 2, 1890, Assistant Secretary Bussey affirmed the action of the Bureau in this language:

"From the appellant's own statements to the special examiner, it appears that soon after he arrived home on furlough he went to Canada, and never returned to his command nor to the Army, and was reported absent when his regiment was mustered out."

It is shown from the evidence procured by the special examiner in Canada that appellant, when he first came to that country, worked upon a farm, receiving the usual wages and performed the usual amount of labor required of men in that business.

That while in Canada he took a contract to put in water pipes, and worked at the same until his health failed, when he procured another to complete the contract; that some time in July, 1865, he was digging a grave, when he was overcome by the heat, and sat down upon the ground and took cold, and was immediately taken sick, and the next day called in a physician; that when he recovered from such sickness he was partially paralyzed. Some of his neighbors say he had a sunstroke while digging the grave referred to. "In my opinion, the evidence clearly shows that the appellant's present disability is not due to his army service, but was contracted while laying pipe and digging a grave in Canada, while he was absent without leave, and your action in refusing to restore him to the pension rolls is approved and adhered to, and the appeal is dismissed."

In the statement made by the claimant to the special examiner in September, 1881, he admitted that he went to Canada about a week after he returned to Colebrook, N. H., on his furlough, and remained there doing work for several persons until he was taken down sick with a fever; but he claimed that he had not been well a day from the time he left the Army; that the first he ever noticed any trouble with his limbs was early in the summer of 1865, while still in Canada.

Mr. DOCKERY. I hope, Mr. Speaker, that there is no disposition to press that bill after the report which has just been read.

Mr. HULL. If the gentleman in charge of the bill has anything to say in its favor, I would like to hear some reason given why the House should pass it.

Mr. KNOX. Mr. Speaker, I dislike very much to take up the time of the House on that bill, having already, on two separate occasions, at considerable length, gone into a discussion of the case with gentlemen who opposed the bill in the Committee of the Whole.

The report read was taken from the remarks of my friend from Maryland [Mr. MILES], who opposed the bill in the Committee of the Whole, and afterwards before the House at an evening session.

Mr. LOUD. Will the gentleman deny that this report which has been read is a report from the Department?

Mr. KNOX. Not at all.

Mr. LOUD. Then it can not be a part of the remarks of the gentleman from Maryland.

Mr. KNOX. Not at all. It was read by him in connection with his remarks, as a communication from the office.

Mr. LOUD. But it is the Secretary's report?

Mr. KNOX. Certainly. The suggestion I made was that it was read at the Friday night meeting in the remarks of the gentleman from Maryland, and was placed before the House at that time.

This bill, Mr. Speaker, presents as meritorious a pension case as has ever been presented in this House, and if it is now passed, very scanty justice only will be done to the pensioner. He stands to-day on the rolls of the Pension Office for $12 per month, and this bill simply directs and authorizes the payment of the pension which the office itself, after a full investigation, in 1892 granted to him, in lieu of a pension of a larger amount which I think they have unjustly deprived him of. This pensioner in 1892 was granted a pension of $12 per month.

Mr. McCLELLAN. Was he not pensioned under the act of June 27, 1890, under the general law, and in 1892?

Mr. KNOX. He was.

Mr. McCLELLAN. And under that law in 1892?

Mr. KNOX. I am going on to state the fact that he had a pension under the act of 1890 and 1892. When he went with the certificate to receive the small pension, he was told to call around some time after he had paid back the three or four thousand dollars he had already received from the Government, some thirty or forty years, if he could secure that privilege from the abode of shades, and receive the pension the Government had granted to him. Why did they not pay him his $12 a month, as they had granted him the pension? It was upon the following ground: This man is totally disabled, paralyzed in both legs. He could not cross this Hall in five minutes. One arm is entirely paralyzed. He has not the full use of the other arm. He has not a dollar in the world. He enlisted and served for almost one year. He then was taken sick, and these facts are not denied by anybody. He was taken sick with fever and dumb ague before Petersburg. He went to the hospital. The testimony is full and uncontradicted as to what his disease was, that it was malaria and dumb ague.

After he had recovered sufficiently to travel he went to his home by permission. He went to Colebrook, N. H. Where is Colebrook? That, Mr. Speaker, is the source of the charge that he went to Canada, which is sought to be used to do an injustice to this man. Colebrook is on the line between New Hampshire and Canada. When he went to the Army, he left his wife with his brother-in-law, who resided just this side of the line in New Hampshire. His brother-in-law, before he returned, had taken a farm in Canada, just across the line. The town of Eaton, which adjoins Colebrook, is just across the line in Canada, and all this talk about his going to Canada and doing some work there is based upon that. It is the same as a man living in Washington doing some work in Alexandria.

His testimony, which is corroborated by the physicians, is that he never recovered sufficiently to return to the Army, and that is what is meant by his being absent without leave. He says that he never recovered from that disease, and the testimony is full on that point, that he was not able to go back. As far as it was known in the Army at the time, he was absent without leave; but I submit to the gentleman from Missouri [Mr. DOCKERY] that subsequent to this, when the facts were investigated, this man was honorably discharged, and he stands with a perfectly clear record. He was not put down as a deserter, but when it was seen that he had not recovered, and was not able to return to the Army, he received an honorable discharge. While at home he was taken sick in the summer with paralysis of both legs and paralysis of his arm.

Now, he claimed that that paralysis resulted from the fever and dumb ague contracted at Petersburg, and I will say to the gentleman that every physician who examined him so testified. The pension examiners, every one of them, and other physicians without exception, testify that this man is a hopeless wreck, solely on account of the disease contracted in the Army while before Petersburg, and I wish to say further that, on a subsequent investigation, every physician who has examined this man, from that time until now, has said that he is a helpless wreck, solely on account of the disease that he contracted in the trenches before Petersburg. What did the Government do with him? He applied for a pension in 1872. He was granted one in 1873, allowing him $8 per month, and then running up to $24 per month, the amount allowed to a man totally disabled. He drew that pension for about ten years, until 1882. Then somebody wrote a letter to the Pension Office, saying that somebody else told him that Ira H. Sweatt did not contract his disease in the Army, but contracted it while he was in Canada, without leave. Now, I have explained what the "without leave" means, and I have explained what being in Canada means.

Thereupon the Pension Office sent a detective, as I call him, or somebody, to look up the facts. Now, the testimony was very conflicting. Look over this report. It contains the statement that this man contracted his disease while laying a pipe, while digging a grave, while digging a well, and while out in the hay field. Now, which was he doing? Was he digging a grave or was he trying to pipe somebody to the other world? All four of the grounds which I have mentioned are testified to by these witnesses.

Mr. ERDMAN. How do you get over the admission to the pension examiner?

Mr. KNOX. Will you kindly indicate to me what admission you mean?

Mr. ERDMAN. As set forth in the report just read, he admitted that he contracted these disabilities in the way there stated.

Mr. KNOX. I get over it in precisely this way: That the man never admitted any such thing, and the evidence in the Pension Office is not to that effect. The admission was that he never was paralyzed until he had returned to his home, and that we fully admit; but it is a contemptible misapplication of testimony to say that this man, after he had sworn that he was paralyzed, after he had sworn that he was a well man when he went into the Army, then admitted that he never had had any disease previous to being in Canada.

Mr. ERDMAN. Do you challenge the accuracy of the report from the Bureau as read?

Mr. KNOX. I challenge the inference. I make no charges against anybody, but I challenge the inference that is drawn from it. I say it is unfair, when a private detective goes to this man and asks him if he had paralysis previous to being in Canada, to have him report that the man contracted his disability somewhere else than in the Army.

Mr. ERDMAN. It is not an inference; it is an admission that I would like to have explained.

Mr. KNOX. Of what? He had never admitted except to the extent that I say—that he never had paralysis except in Canada.

Mr. ERDMAN. The report of the Pension Bureau says that he admitted that he had contracted the disability in the manner specified.

Mr. KNOX. What disability?

Mr. ERDMAN. The fever and ague.

Mr. KNOX. No, no—paralysis; and every particle of medical testimony was that the paralysis resulted, and naturally resulted, from the disease which he contracted before Petersburg. Now, when this man found that his pension was taken away from him, he took other evidence. He had the evidence of every physician of Lowell, where he resided, who examined him; and every man who knew him testified that he was a well man when he went into the Army.

Mr. SPALDING. Will the gentleman allow me to ask him a question?

Mr. KNOX. Certainly.

Mr. SPALDING. This is a soldier who has an honorable discharge?

Mr. KNOX. Yes, sir.

Mr. SPALDING. And he is drawing a pension of $12 a month?

Mr. KNOX. That is the rate at which he is on the roll.

Mr. SPALDING. That is the rate at which he is on the roll. He has a certificate; and the only question is whether the Government will allow him to draw that until he has repaid what he drew at a higher rate, and it would run that way until after he died, and that is where the pinch comes.

Mr. KNOX. I am only asking that he be allowed to draw the amount for which he is on the roll.

Mr. SPALDING. There is no question as to whether he went to Canada or not, nor as to his drawing a pension of $12 a month.

Mr. STEELE. However, it may be stated that he received his honorable discharge long since the war, under a provision of law allowing him to make certain proof.

Mr. MILNES. He was discharged in 1865.

Mr. STEELE. His discharge was dated 1865, but procured along in 1880.

Mr. KNOX. No, no; the discharge——

Mr. STEELE. His discharge was given him in 1880, after the law had passed——

Mr. KNOX. Oh, no.

Mr. STEELE. To enable him to get a discharge.

Mr. SPALDING. You are mistaken.

Mr. STEELE. I do not think so.

Mr. KNOX. It is not true. The Pension Office decided that the man was not entitled to the large rate of pension which he had. He failed to get it restored at that amount, and he has lost that pension. I am not here claiming it, although I could make a very strong case before this House or before the Committee on Invalid Pensions in favor of restoring him to that rate. But I give it up. I let it go. I simply ask that this man may be paid at the rate at which he is borne on the roll, so that he may receive it during the few more years he has to live. He is left a helpless cripple. The Pension Office says he can not be paid until he shall have repaid the money which he thus received. Now, that practice of making a soldier repay money which has been received upon a pension erroneously granted is very doubtful in its legal authority. The furthest extent that it has been carried by the decisions of the Department of the Interior is this: That where a pension has been granted through fraud of the pensioner or through a mistake of fact by the Pension Office, then that the amount formerly taken may be set off against the pension which he receives.

Now, no fraud has been found in this case. Fraud is never presumed against anybody. There is no finding of fraud in the Pension Office against this man. What is the mistake of fact? Not a mistake of collateral fact; not a mistake in one of a number of facts that come before the findings of the Pension Office, but a mistake in some material fact upon which the pension rests—for instance, pensioning a man as major when his real rank turns out to have been only that of captain; pensioning a woman for a minor child when it appears on looking again at the fact that the child was of age. It is only these grounds on which the pension can be set off.

Now, Mr. Speaker, I conclude these remarks by saying that there is not a particle of evidence in this case that this man is obnoxious to either of these two grounds; and I am willing to rest this case upon the simple proposition and submit it to every lawyer in the House that with no finding of fraud on the part of this man, with no mistake of material fact, it is not only unjust, but it is illegal, to deprive him of the pension the Government has already granted him. [Applause.]

Mr. LOUD. Mr. Speaker, I would like to offer one or two suggestions in regard to this case. This pensioner's case has been twice adjudicated by Republican administrations.

Mr. KNOX. Not the facts of the case, but that he should not receive a pension of $12 a month.

Mr. LOUD (continuing). Once, in 1884, permit me to say, the pensioner was stricken from the rolls of the Pension Office. Again he made application, after 1890, under, I believe, one of the most liberal pension administrations that this country ever had. He was placed on the roll—at what rate? At the rate of $12 per month, under the act of 1890. Now, then, under that Republican administration, they emphatically stated, so far as they could, that this pensioner's disability was not the result of his service. What we have, so far as the evidence is concerned, from the Executive Departments is conclusive. I would take the testimony of the Pension Department, at least when it is under a Republican Executive, as readily as I would take the ex parte statement of the gentleman from Massachusetts. Now, I do not object to placing this man upon the pension roll, but I do object to singling out individuals and making exceptions. The House has established an unwritten code of its own, and I wish to quote here certain language which was used on the floor yesterday to show what position the House assumes in pension cases. The gentleman from Missouri [Mr. CROWTHER] said, speaking of the Hough case:

> The original bill having failed to become a law at the figure that has been agreed upon as the amount that should be allowed to the widows of general officers of the Army, $50 per month, this bill proposes to give the beneficiary that amount.

Now, I think it would be much more becoming this House, instead of having an unwritten law or an agreement applicable to special classes of cases and accepted by unanimous or by almost unanimous consent, if members would have the manhood of their convictions and would say by law that the widows of general officers shall receive $50 a month without discrimination. Why not enact into law what you say day after day is the policy that you follow in your pension committees?

Mr. Speaker, as regards this case, I venture to say there are five or ten thousand individuals in the country who have obtained pensions by fraud, and the amounts paid them under such conditions are being deducted from them now. If that is right in those cases, it is right in all, and should be carried out uniformly. If it is wrong, if by general consent of this House you propose to revise your pension laws, then, I repeat, have the manhood of your convictions and say that any pensioner, having obtained a pension or an increase of pension by fraud and having been restored to the rolls, shall not suffer a deduction. Do that, instead of forcing men to come here and appeal for special bills. If it is right to withhold pension money obtained by fraud from one, it is right to withhold it from everyone else. These are my objections to this bill. I do not approve and I never can approve of this system of special legislation by which a great representative body like this has an unwritten law or rule for those who appeal to it through its pension committees, giving them higher rates of pension than they would receive under the general law. If you desire to give to the widows of officers $50 a month, enact that into statute, and do not attempt to do it by an unwritten law. If you do not desire to deduct money obtained by pensioners by fraud, then enact that policy into law and make it applicable to everybody.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The amendment was adopted.

The question being on ordering the bill to be engrossed and read a third time, there were—ayes 83, noes 35.

Mr. ERDMAN. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were refused, only 21 members voting therefor.

The bill was read a third time.

The question being on the passage,

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Chair is informed that the Clerk has not the engrossed copy in his possession. The Clerk will report the next bill.

ISAAC HOLBROOK.

The next unfinished business on the Calendar was the bill (H. R. 2396) granting a pension to Isaac Holbrook.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARGARET KIRKPATRICK.

The next unfinished business on the Calendar was the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick.

The bill was read.

Mr. THOMAS. Mr. Speaker, I demand the previous question on the bill to its passage.

Mr. RICHARDSON. Mr. Speaker, I trust the gentleman will not insist on having this bill passed without a word of debate. It appears to be a bill to pension a nurse.

Mr. THOMAS. If the gentleman desires, I am perfectly willing that the report shall be read.

Mr. RICHARDSON. I should like to hear the report.

Mr. THOMAS. Very well. Mr. Speaker, I ask that the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick, beg leave to submit the following report:
>
> The Pension Office records show that Margaret Vincent served and was paid as matron of the post hospital at Macon, Mo., from November 1, 1864, to April 6, 1865, five months and six days; and that service was of a character and under authority recognized by the War Department and recognized by the Pension Office as pensionable under the act of August 5, 1892, provided it were six months in duration. The service of which there is record commenced November 1, 1864, and lacks twenty-four days of the six months prescribed, but the evidence shows that her service as nurse really commenced in the summer of 1864 and was of sufficient length to bring her within the law if her earlier service had been rendered under authority recognized by the War Department.
>
> An affidavit of Surg. A. B. Castle, of the post hospital at Macon, Mo., on file in the Pension Office, shows that Margaret Vincent was employed as nurse and matron in that hospital from some time in the summer of 1864 until the spring of 1865, but he can not give the precise dates. While this perhaps does not meet the technical requirements of the law, it does show that the claimant actually rendered more than six months' service as nurse and matron in a United States post hospital.
>
> The evidence shows that the claimant is over 62 years of age, is unable to earn a support by reason of age and physical infirmity, and has no means or income from any source.
>
> The passage of the bill is recommended.

Mr. THOMAS. Now, Mr. Speaker, I demand the previous question on the bill to its passage.

The previous question was ordered.

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 28, 1897:

An act (H. R. 9901) to detach the county of Andrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

An act (H. R. 2941) granting increase of pension to Alfred P. Buss.

On January 30, 1897:

An act (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887;

An act (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;

An act (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

An act (H. R. 8413) to confirm certain cash entries of public lands:

An act (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

An act (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes; and

Joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

On February 1, 1897:

An act (H. R. 9935) to authorize the construction of a bridge across the Rio Grande River at El Paso, in the State of Texas;

An act (H. R. 2618) granting an honorable discharge to Andrew V. Sende;

An act (H. R. 505) for the relief of Rev. Edwin Warriner;

An act (H. R. 2048) for the relief of Rufus Betz;

An act (H. R. 5127) for the relief of Abraham O. Wancop;

An act (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis; and

An act (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers.

On February 2, 1897:

An act (H. R. 6546) granting a pension to Samuel Holliday;

An act (H. R. 6556) granting a pension to Jacob Brown;

An act (H. R. 8683) granting a pension to Frederick Lierman;

An act (H. R. 5938) for the relief of Pricilla R. Burns;

An act (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50; and

An act (H. R. 4298) granting an increase of pension to Annie Thompson.

On February 3, 1897:

An act (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

An act (H. R. 5855) granting a pension to Emily Elliott;

An act (H. R. 8053) granting a pension to Alice Gard;

An act (H. R. 2231) for the relief of Bluford Reeder;

An act (H. R. 6282) to increase the pension of Alexander McBride;

An act (H. R. 6900) increasing the pension of Mary T. Young;

An act (H. R. 1171) to pension Hannah Yazell;

An act (H. R. 8289) relating to mortgages in the Indian Territory; and

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896.

On February 4, 1897:

An act (H. R. 7781) to provide an American register for the barge *Black Diamond;*

An act (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

An act (H. R. 6483) granting an increase of pension to Thomas D. Walker;

An act (H. R. 7212) to increase the pension of Melita E. White;

An act (H. R. 4853) for the relief of John Duncan;

An act (H. R. 9306) granting a pension to Amanda Woodcock; and

An act (H. R. 717) granting a pension to Mary Ann Lafferty.

THE WORLD'S COLUMBIAN COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The World's Columbian Commission has delivered to me certain documents and exhibits which they desire should constitute the final report required by section 12 of the act of Congress passed April 25, 1890, providing for the celebration of the four hundredth anniversary of the discovery of America and the holding of an international exhibition in the city of Chicago.

The documents referred to embrace the reports of the president and secretary of the Commission, and a report of the executive committee on awards, with exhibits relating to the same. They are contained in five boxes of considerable size, which, instead of actually transmitting with this communication, I have deposited in the State Department subject to the action and direction of the Congress.

I am informed that the director-general of the exposition has made a report directly to the Congress, and that no report of the lady managers has yet been made.

The selection of such part of the material mentioned as may be considered necessary to constitute a final exhibit of the action of the commission and the result of the exposition is submitted to the discretion of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 5, 1897.*

ANNIE M. ERMEH.

The next unfinished business on the Calendar was the bill (H. R. 9095) granting a pension to Annie M. Ermer.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELLA HATFIELD.

The next unfinished business on the Calendar was the bill (H. R. 1066) granting a pension to Ella Hatfield.

The bill was read.

Mr. THOMAS. I ask the previous question on the bill to its passage.

Mr. ERDMAN. I hope the gentleman will allow the report to be read.

The report (as already published) was read.

The previous question was ordered.

The amendment reported by the Committee of the Whole House was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the proposed amendment to the title will be considered as agreed to.

There was no objection.

EDWARD C. SPOFFORD.

The next unfinished business on the Calendar was the bill (H. R. 6730) granting a pension to Edward C. Spofford.

The bill was read.

The amendment reported from the Committee of the Whole House was read.

Mr. THOMAS. I ask the previous question on the bill to its passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HANNAH E. RODGERS.

The next unfinished business on the Calendar was the bill (H. R. 1832) granting a pension to Hannah E. Rodgers.

The bill, with the amendment reported by the Committee of the Whole House, was read.

Mr. LOUDENSLAGER. I move the previous question on the bill to its passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, there being on a division—ayes 35, noes 1.

JAMES CHARLES CRAMER.

The next unfinished business on the Calendar was the bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer.

Mr. THOMAS. I move that this bill lie on the table, in accordance with the recommendation of the Committee of the Whole House.

The motion was agreed to.

JULIA D. BEEBE.

The next unfinished business on the Calendar was the bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers.

The bill, with the amendment reported by the Committee of the Whole House, was read.

Mr. THOMAS. I call for the previous question on the bill to its passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. In the absence of objection, the proposed amendment to the title will be agreed to.

There was no objection.

SHUBAEL GOULD.

The next unfinished business on the Calendar was the bill (S. 1810) granting an increase of pension to Shubael Gould.

The bill was read.

Mr. McMILLIN. Let us have the report read.

The report (as already published) was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to a third reading, read the third time, and passed.

JOHN NICHOLS.

The next unfinished business on the Calendar was the bill (S. 638) granting an increase of pension to John Nichols.

The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

Mr. McMILLIN. Has the gentleman any objection to the reading of the report?

Mr. THOMAS. Pending the call for the previous question, I ask that the report be read.

The report (as already published) was read.

Mr. TALBERT. I wish to ask the gentleman, in regard to this bill, why it is that this soldier could not have applied to the Pension Bureau in the regular way and obtained a pension? His disabilities seem to have been ratable, and there would have been no difficulty in his making application in the regular way and obtaining possibly a higher rate of pension than this bill proposes to allow. According to the statement of the report, the man is wholly incapacitated for manual labor.

Mr. THOMAS. Mr. Speaker, all I know of this case is embodied in the report of the committee. It seems that this soldier did apply at the Pension Department, and was refused a pension. He was shot through the shoulder, and his arm was perfectly disabled, although he did not lose the arm. Had he lost it entirely, he would receive the pension of $36 a month; and the report, in consequence of his condition, finds that he is entitled to the same amount that he would have been entitled to had it been a total loss of the arm.

I demand the previous question.

The previous question was ordered, under the operation of which the bill was read three times, and passed.

GEORGE B. CUSTER.

The next unfinished business on the Calendar of was the bill (S. 1806) granting a pension to George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry, reported from the Committee of the Whole with amendments.

Mr. THOMAS. I move the previous question on the adoption of the amendments and passage of the bill.

Mr. TALBERT. I would like to hear the report read in this case.

Mr. THOMAS. I will say to the gentleman from South Carolina that the report is quite a lengthy one, and perhaps I can make a statement that will obviate the reading.

This man was a soldier in the Mexican war, as well as in the late war. The bill does not carry much, considering the disabled condition of the man and the services he rendered. I hope the gentleman will not insist upon the reading of the report.

Mr. TALBERT. I make no objection, on the statement of the gentleman.

The previous question was ordered, under the operation of which the amendments were agreed to; and the bill as amended was read three times, and passed.

The title of the bill was amended to conform to the amendments recommended by the Committee of the Whole.

HENRY MACKRILL.

The next unfinished business on the Calendar was the bill (H. R. 8690) restoring a pension to Henry Mackvill, alias Henry Mackey, reported from the Committee of the Whole with amendments.

Mr. THOMAS. I demand the previous question on the bill and amendments.

Mr. DOCKERY. I ask that the report in that case be read.

Mr. THOMAS. I will withdraw the demand until the report is read.

Mr. DOCKERY. I hope the House will give its attention to the reading of the report in this case.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8690) granting a pension to Henry Mackrill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

"Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the *Princeton* January 23, 1864, and served to March 3, 1864; on the *Ticonderoga* to May 4, 1865, as landsman; on the *Princeton* as ordinary seaman to May 11, 1865, and was discharged from the *Sabine* as ordinary seaman August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army."

The War Department records show:

"Henry Mackrill, private, Company D, Ninth Mississippi Infantry, C. S. A., enlisted April 11, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, 'present.' October 31, 1863, 'absent, sick since October 20, 1863, by order Surgeon Williams.' December 31, 1863, 'absent, missing in action since day after Missionary Ridge, November 25, 1863. Reported as deserter.' Name not found on rolls of later date. Nature of disability not stated. Prisoner of war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 26, 1863. Confined at Rock Island, Ill., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, Ill., January 25, 1864."

Claimant alleges that at breaking out of the war he was a British subject and engaged in cutting wood on the Lower Mississippi; that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackey; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at $12 per month from July 25, 1890, for "catarrh, disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 24, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delhi, Ind., July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post-nasal catarrh, two-eighteenths for disease of eyes, four-eighteenths for kidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that ninety days' service and an honorable discharge, without regard to previous loyalty, were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having faithfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate" in line 1; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month" in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

Mr. DOCKERY. Mr. Speaker, I want the House to understand that this is a bill to pension a gentleman of divers, sundry, and innumerable aliases——

Mr. LOUD. And services.

Mr. DOCKERY. And services, as suggested by my friend from California; a soldier of fortune, a British subject, who voluntarily served, as shown by the report, on both sides during the late struggle, having served more than a year and a half in the Confederate army and then deserted. I simply want to challenge the attention of our friends on the other side to the conditions presented by this case, to know whether or not it is their purpose to enter upon this line of pensions.

This gentleman was a British subject who served, as I have stated, in the Confederate army, having voluntarily entered it, and basely betrayed the cause, according to the report, and then for a brief time served in the Army of the Union. He now comes to Congress and asks a pension of $12 per month.

It seems to me, Mr. Speaker, that the case is wholly without merit, and the House ought not to pass it.

I move that the bill be laid upon the table.

Mr. THOMAS. I yield to the gentleman from Indiana [Mr. HATCH].

Mr. DOCKERY. The motion is not debatable; but I will withdraw it temporarily.

Mr. HATCH. Mr. Speaker, I simply wish to state for the information of the House that this man came from England just before the beginning of the war, and was at work on the Lower Mississippi cutting wood when the war broke out. It soon became a question whether he should enlist in the Confederate army or starve. He had to enlist, and served a little over a year. At the first opportunity he deserted to the Union Army, and served a year and a half on a Union gunboat. Afterwards he became naturalized and made application for a pension under the act of 1890, which was granted.

Under the construction put on the law by a Republican administration, he received a pension and drew that for five years. At the time he made the application for pension he also made an affidavit that he had been in the Confederate army, which affidavit is on record. He is identified in the Department; he has a record; he served a year and a half as a gallant Union soldier, and he is disabled to the extent specified in the report. I know the man well; he is a good citizen; I know his condition, and that he is

disabled as shown in the report. He drew a pension, as I say, under a Republican administration of the office, but was deprived of it a little over a year ago by the present Democratic administration.

I am not standing here, sir, for the purpose of asking a pension for a Confederate soldier, but a pension for a Union soldier, a man who served a year and a half in the Army, and is entitled to a pension as much as any other man who ever served in it and was disabled to the extent that he is disabled.

Mr. THOMAS. Mr. Speaker, in behalf of the committee, I desire to say that under previous administrations prior service in the Confederate army did not bar applicants for pensions, if those applicants had a status under the law of subsequent service of ninety days and an honorable discharge from the Union Army. Upon that basis the committee passed upon this bill and restored this pension of $12 a month.

Mr. LOUD. I should like to ask the gentleman if he assumes that the proper interpretation of the present law would give this applicant a pension?

Mr. THOMAS. Yes.

Mr. LOUD. Well, then, if the Executive Departments are failing to properly administer the law, would it not be well for us to remind them of it in some way, so that they can apply it to everybody alike?

Mr. THOMAS. Certainly; but the condition is this: It has been decided in both ways by the Department, and under this administration this pension was taken from this man who was already drawing it. The House has already passed on this question, on what is known as the Pickler bill.

Mr. WILLIAMS. How long did this fellow serve in the Confederacy?

Mr. DOCKERY. A year and a half.

Mr. THOMAS. The committee looked over the facts, and based their report upon them. I ask for the previous question.

Mr. LOUD. It does not seem to me——

The SPEAKER. The gentleman from Michigan [Mr. THOMAS] asks for the previous question.

Mr. THOMAS. I am perfectly willing that the gentleman from California [Mr. LOUD] be heard.

Mr. LOUD. Of course, if this House intends to pension every person who served in the Union Army, regardless of service in the Confederate army, why let him go to the Pension Office and get his pension; but if we have a law which is interpreted in such a manner that this man is not entitled to a pension, I do not think this Congress ought to review it.

As the gentleman from Missouri [Mr. DOCKERY] aptly stated, this man is a soldier of fortune, or a citizen of fortune, or a fellow of fortune, whatever you may term him. He is what we used to term in the Army—and you who were there know well what it means—a floater, liable to turn up anywhere where it was safe to be. I suppose very likely that was the gentleman's record in the Confederate army. He says that eight of them surrendered to one Union soldier. He says further that he enlisted with the firm determination to get away as soon as he could. Yet it took him a year and seven or eight months to get away from the Confederate army. Then he went into the Navy—on the rivers, I suppose. None of his record is given here. Some gentleman says he has a very gallant and meritorious record in the Navy. I never have known a committee yet, when they could dig up, from any possible recess, any gallantry or meritorious service that a man, even in his wildest moments, might have imagined that he rendered to his country, or any other, to fail to set forth the service in their report. I tell you, Mr. Speaker, when an applicant comes to this body to receive its beneficence his case appears in at least the best possible form in which he can draw it up.

This applicant was a Confederate soldier. Probably he served in the Confederacy until he got tired. I am willing to admit that. He enlisted in the Navy, went onto a ship, and probably could not get away. That was a good, safe place for a man who desired to desert. If this soldier is entitled to any pension, he ought to receive a double pension. You ought to do equity and pension him for his service in the Confederacy and then pension him for his service in the Union Army, because he really is entitled to two pensions under the two services he has rendered to different portions of the United States.

Then this gentleman, as well as having several services, has several names. His name is Macrill and Mackeral, which is the name of a fish——

Mr. DOCKERY. Well, if he is willing to accept a pension under the name of "Mackeral," I have no objection. [Laughter.]

Mr. LOUD. And again, his name appears as Mackey. He has three names and two services, but nothing that I believe should entitle him to the consideration of this body. I should like to know why he should receive any pension. I should like to have any gentleman show to this House why a man who voluntarily entered the Confederate service and served a year and six or seven months should be entitled to a special act of the greatest legislative body, as we often term it, on the face of the earth.

Mr. WILLIAMS. Mr. Speaker——

Mr. THOMAS. I ask for the previous question.

Mr. DOCKERY. I move to lay the bill on the table.

The question was taken on the motion to lay the bill on the table; and on a division (demanded by Mr. THOMAS) there were—ayes 48, noes 31.

Accordingly the bill was laid on the table.

PETER J. CLAASSEN.

The next unfinished business on the Calendar was the bill (H. R. 2221) granting an increase of pension to Peter J. Claassen.

The bill was read.

Mr. THOMAS. I move that the bill lie on the table.

The motion was agreed to.

MARY FORWARD.

The next unfinished business on the Calendar was the bill (H. R. 4930) granting a pension to Mary Forward.

The bill was read.

The amendments recommended by the Committee of the Whole were read.

Mr. TALBERT. I ask for the reading of the report in this case, Mr. Speaker.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4930) granting a pension to Mary Forward, respectfully report:

This claimant was married December 24, 1855, to Charles Branch, who served in Company I, Tenth Veteran Reserve Corps, and who died March 24, 1865. She was pensioned as his widow until October 7, 1866, when she was again married, this time to Joseph Forward, who died December 22, 1891. The claimant is now old, disabled, and needy. She was the wife of the soldier during the war, and cared for their three children during his absence in the service.

In view of these facts your committee are of opinion that this woman should not be left to suffer in her age and decrepitude. In consequence of her remarriage the Government was relieved from the payment of about $2,300, the amount she would have received as pension from date of her remarriage to the present time had she not remarried.

Your committee are of opinion that she should be again pensioned, and recommend the passage of the bill with an amendment striking out the words "of Allegan, Mich.," and inserting in lieu thereof the words "formerly the."

Mr. TALBERT. Mr. Speaker, here is a case presenting a claim for pension to which the beneficiary is clearly not entitled under the law. She asked for a pension under the act of June 27, 1890, and she was not married to this soldier until in July, 1891. The law especially says that the widow must have been married to the soldier prior to the passage of the act of June 27, 1890, before she is entitled. So that she is clearly not entitled to a pension under a strict construction of the law. Again, she has remarried. She is a remarried widow; and the law expressly says that a widow who remarries voluntarily relinquishes all her right, title, and claim to pension. I submit that we should not, in direct violation of the plain letter of the law, grant this claim. I move that it lie on the table.

Mr. THOMAS. Mr. Speaker, the lady whom this bill proposes to pension is the war widow of a soldier. It is true that she afterwards married, and it is also true that the Government from that marriage has been saved something over $2,000. I know this woman personally. She is aged and dependent, and as she was the war widow, remaining at home and taking care of a large family of children while her husband was in the war, I think it is nothing but just that this bill should pass. That is all I desire to say, and I move the previous question on the bill to its passage.

Mr. LOUD. One of these statements is incorrect. There is a great discrepancy between the statement of the gentleman from Michigan and that of the gentleman from South Carolina.

Mr. TALBERT. She was the widow of a soldier, and received a pension up to the time of her remarriage.

Mr. THOMAS. Up to the time of her remarriage, after the death of her first husband, she did receive a pension.

Mr. TALBERT. But when she remarried she relinquished her right to a pension under the law; and, then, she was not married to this soldier until July, 1891, and the law expressly states that the marriage must have taken place prior to the passage of the act of 1890. It is alleged also by the gentleman that this lady is poor, needy, and deserving. That is no doubt true. But is that any reason why this House should grant the claim of a woman for a pension? There are hundreds and thousands of others who are poor and needy, just as much so as this woman.

Mr. LOUD. There seems to be a great discrepancy between the statements of the gentleman from South Carolina and the gentleman from Michigan. I understand the gentleman from South Carolina to say that this woman did not marry this soldier until after 1890, and then the gentleman from Michigan——

Mr. THOMAS. The second marriage——

Mr. LOUD (continuing). Says that the second marriage was in July, 1891.

Mr. THOMAS. Oh, no. Her second marriage was prior to that, many years—in 1866.

Mr. TALBERT. I understand she remarried——

Mr. THOMAS. She married the soldier in 1855.

Mr. TALBERT. I am not speaking of that marriage. I am speaking of the second marriage. I understand she has been drawing a pension as the widow of her first husband up to the time of her remarriage. Then she claims pension——

Mr. THOMAS. The second husband died in 1891.

Mr. TALBERT. Then she remarried a year after the passage of the act in 1890. I think it is so stated in the report.

Mr. LOUD. These are very material statements. I will state to the gentleman from Michigan the statement as I understand it. This widow did not marry the soldier on account of whose service she claims a pension until after 1890. That is the statement.

Mr. THOMAS. That is not true.

Mr. LOUD. These statements should be corrected.

Mr. TALBERT. The report shows that. I will ask that the report be again read.

Mr. THOMAS. The report is short; let it be read again to the House.

The report was again read.

During the reading of the report,

Mr. THOMAS said: I think that is all that is necessary.

Mr. TALBERT. I was mistaken. I took the date 1891 to be the date of her remarriage. Anyhow, she is a remarried widow. It is a little better case than I thought it was, but still I do not think it is a meritorious case.

Mr. THOMAS. I thank the gentleman for his first statement. I demand the previous question on the bill to its passage, Mr. Speaker.

The previous question was ordered: and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading.

Mr. TALBERT. I demand the reading of the engrossed copy.

The SPEAKER. The gentleman demands the engrossed copy, and that not being present, the bill will go over.

ELIZABETH A. MARTHON.

The next unfinished business on the Calendar was the bill (H. R. 5764) granting a pension to Elizabeth A. Marthon.

The bill was read.

Mr. McMILLIN. Mr. Speaker, I ask that the report in that case be read.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5764) entitled "A bill granting a pension to Elizabeth D. Marthon," beg leave to submit the following report, and recommended that said bill do pass with amendments:

The claimant is the widow of Joseph Marthon, late a lieutenant-commander, United States Navy, whose service began as a seaman September 30, 1861. He was subsequently promoted through the several grades to the rank of acting master, which he held when honorably discharged December 31, 1865. He was reappointed acting master April 19, 1866, and was subsequently promoted for valuable and meritorious service, until he finally attained the rank of lieutenant-commander July 1, 1882. His death occurred while still on the active list, and from causes originating in the service, at Shanghai, China, November 19, 1891, and his widow is now receiving the pension of $30 per month allowed by the general laws to the widows of lieutenant-commanders who die from caused of service origin.

The following statement of Hon. S. L. MILLIKEN, member of Congress, shows the facts upon which your committee bases its favorable recommendation:

WASHINGTON, D. C., *March 9, 1896.*

Mrs. Marthon is a native of Belfast, Me., the city in which I reside. I have known her since she was a girl, and knew her family, which was one of the prominent old families of Belfast. I knew her husband, Lieut. Commander Joseph Marthon, when he was alive. Since his death the little property which he left has suffered such losses that she is dependent almost entirely upon her pension for the support of herself and her husband's mother and maiden sister, also.

S. L. MILLIKEN, *Member of Congress.*

The following amendments to the bill are recommended:

Change the title so as to read: "A bill granting an increase of pension to Elizabeth D Marthon;" and strike out the initial "A." where it appears in claimant's name in the body of the bill and substitute therefor the initial "D.;" also strike out the word "seventy-five," in line 6, and substitute therefor the word "fifty," so as to fix the rating at $50 per month.

Mr. LOUDENSLAGER. Mr. Speaker, I demand the previous question upon the bill to its passage.

The previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HANS JOHNSON.

The next unfinished business on the Calendar was the bill (S. 1495) granting a pension to Hans Johnson.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question upon the bill to its passage.

The previous question was ordered.

Mr. McMILLIN. Mr. Speaker, I ask that the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1495) granting a pension to Hans Johnson, adopt as their own the annexed Senate report, and recommend the passage of the bill.

[Senate Report No. 173, Fifty-fourth Coogress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1495) granting a pension to Hans Johnson, have had the same under consideration and report:

Hans Johnson, late corporal of Company I, Twenty-seventh Regiment Iowa Infantry, enlisted August 15, 1862, and was honorably discharged by reason of surgeon's certificate of disability June 14, 1865, at Montgomery, Ala. The claimant has drawn a pension, in sums varying from $5.33⅓ a month to $8, from the date of his discharge to July 28, 1890, when his application under the dependent pension law of June 27, 1890, was approved by the Pension Bureau at $12 a month for disease of the eyes and gunshot wound of the right thigh.

The testimony in the claim, too voluminous for detailed presentation, is clear and ample as to the following facts: That Johnson was a sound man when he entered the service, and continued so until attacked by dysentery, and the incurrence of the gunshot wound in his thigh, and the disease of the eyes which developed while in the service.

These facts are substantiated by the affidavits of the captain of his company, who enlisted him, and of the comrades who served with him, as well as by the surgeon's certificate of disability on which he was discharged. Since the war the continuance and increase of his disabilities are testified to by twelve physicians of the best repute, residing in the claimant's city and county, and covering all the years between 1865 to 1896, such physicians having either attended him professionally or certified to his condition as members of pension examination boards. His disabilities since the war and their progressive character are also testified to by the claimant's neighbors and associates, among whom is the name of ex-Governor Lucius F. Hubbard. The Hon. C. K. DAVIS, Senator, has also stated to the committee his personal tribute to the high character of the claimant, and of the progress of his disabilities within his observation. The sum of all this testimony is that the disease of the eyes now amounts practically to total blindness; or, in the language of N. Juell, M. D., of the claimant's city, Red Wing, Minn.:

"N. Juell, being duly sworn, on oath says that he is a duly licensed and practicing physician in the said State and residing at the city of Red Wing, in said State; that he has examined the eyes of Hans Johnson (late of Company I, Twenty-seventh Iowa Regiment Volunteers), and that he finds a central atrophic coroido-retinitis involving both eyes; the central field of vision is entirely obliterated, so that he can not see the sun. In the marginal field he can see objects when placed in a strong light, but not sufficiently clear to count his fingers; as a consequence he is almost totally blind, and has to guide himself with a stick when walking. The disease is gradually progressing."

This affidavit is dated January 7, 1896, and represents the claimant's present condition. It is a condition of utter helplessness, and entitles the claimant to a substantial increase beyond that which he is now receiving.

Your committee therefore approve the bill and recommend its passage, after being amended by striking out the word "seventy-two," in line 8, and substituting therefor the word "fifty."

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT KIRACOFE.

The next unfinished business on the Calendar was the bill (S. 1017) granting a pension to Robert Kiracofe.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLEN DAY.

The next unfinished business on the Calendar was the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The bill was read.

Mr. TALBERT. Mr. Speaker, I ask to have the report in that case read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day, having carefully considered the same, report as follows:

The soldier, Albert L. Day, enlisted and was duly enrolled as a private of Company I, First Regiment Ohio Volunteer Infantry, April 20, 1861, and was killed in battle at Cedar Mountain August 9, 1862. He was never married.

The claimant, Ellen Day, was duly married to Berry Day, the father of said soldier, on the 17th day of August, 1847, at which time the said soldier was but 18 months old. From this time until the day of his enlistment she always treated him with the utmost kindness, the same as if he was her own son, and he always exhibited the greatest fondness and affection for her.

Said Berry Day, the father of said soldier, filed an application for pension as the dependent father June 17, 1885, but his claim was rejected March 1, 1886, on the ground of nondependence. Subsequently, by special act of Congress approved June 4, 1888, he was granted a pension of $8 per month, which he continued to draw until his death, which occurred April 19, 1889.

The claimant never remarried. She is now aged and without any property whatever. She is in feeble health and has no income except what she is able to make by sewing for others. The foregoing facts are fully shown by the official records and the sworn testimony of persons having personal knowledge of the facts.

Your committee is therefore of the opinion that this stepmother should, in the spirit of the pension laws granting pensions to mothers of soldiers, be regarded and treated as the mother of said soldier, Albert L. Day, and does therefore recommend the passage of the bill, with the following amendment:

Insert after the name "Ellen Day," in the fifth line thereof, the word "dependent."

Mr. TALBERT. Mr. Speaker, I want to call the attention of the House to the fact that this is another violation of the law. There is no law for pensioning stepmothers.

Mr. BROMWELL. Mr. Speaker, in response to the gentleman from South Carolina, I will say that this is not the first instance of the House granting a pension to a foster mother or a stepmother. In the present session of this Congress the Senate has passed a bill for the relief of Mary T. Young——

Mr. TALBERT. Oh, the Senate will do anything.

Mr. BROMWELL. But this was a House bill which was passed here at the last session, granting a pension of $12 a month to a

dependent foster mother. Now, the facts in this case, as shown by the report, are these: The mother of this boy married the father when the child was only 18 months old. She had the care of him all through his infancy and until he grew to be a lad of 15 years of age, when he went into the Army. Within a year after entering the service he was killed. The husband had no other children. He himself afterwards, by the action of Congress, drew a pension of $8 a month. He left his widow without any support whatever and without any other children, either of her own or of his, to whom to look for aid. This boy was, to all intents and purposes, the same as her own child.

Mr. McMILLIN. I call the gentleman's attention to the fact that the report shows that the father was not dependent upon the son, and that it took a special act of Congress to get him on the pension roll.

Mr. BROMWELL. That is true. By the action of Congress he was granted a pension of $8 a month. Now, Mr. Speaker, this bill is in the line of several precedents that have been set by Congress, the case is a just and proper one, and I ask for the previous question on the bill to its passage.

Mr. ERDMAN. Will the gentleman permit me to ask him a question?

Mr. BROMWELL. Certainly.

Mr. ERDMAN. Does not the gentleman think that every other stepmother similarly situated ought to be pensioned?

Mr. BROMWELL. I most certainly do.

Mr. ERDMAN. And does not the gentleman think that pensioning one and leaving the others unpensioned is an injustice to them?

Mr. BROMWELL. I should be in favor of granting a pension in every similar case, where it is shown that the woman is old and dependent, and that she took care of the child, clothed him, tended him in his infancy and in his tender years as a mother would have done. In all such cases, I say, the dependent foster mother has the same claim upon the beneficence of this Government as if she had been the actual mother of the deceased soldier.

Mr. ERDMAN. But does not the gentleman think that picking out a case here and there to the exclusion of others is an injustice to the others?

Mr. BROMWELL. It is not if the others as they come are treated in the same way.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Chair is informed that the engrossed copy is not at the desk, and the Clerk will report the title of the next bill.

MAJ. GEN. JULIUS H. STAHEL.

The next unfinished business on the Calendar was the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage, but pending that, I will yield to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, I move to strike out the words "one hundred" and insert in lieu thereof "fifty;" so as to make the pension $50 per month.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas. The Chair understands that the previous question is moved, subject to this amendment?

Mr. THOMAS. Yes, sir.

The amendment was read.

Mr. BLUE. I wish merely to say that this House within the last few days has fixed the pension of Mrs. General Carr at $50 a month; of Mrs. General Hough at $50; of Mrs. General Tyler at $50; and also, as the gentleman from Oregon suggests, the pension of Mrs. Morrow at the same rate. I hope the House will adhere to the rule which it has thus established, and not increase this pension beyond $50.

The question being taken, the previous question was ordered on the bill to its passage.

The SPEAKER. The question is now on agreeing to the amendment of the gentleman from Kansas [Mr. BLUE].

Mr. THOMAS. This is a pension to the general himself—not a pension to his widow. The cases mentioned by the gentleman from Kansas are cases of widows' pensions. General Stahel is now receiving a pension of $50 a month.

Mr. BLUE. And he has been in the public service a long time.

The question being taken, the amendment was agreed to; there being—ayes 46, noes 8.

The bill was then ordered to a third reading, read the third time, and passed; there being on a division (called for by Mr. TALBERT)—ayes 45, noes 1.

The SPEAKER. In the absence of objection, House bill No. 4534, identical in its provisions with the bill just passed, will be laid on the table.

There was no objection.

BETSEY J. WEBBER.

The next unfinished business on the Calendar was the bill (S. 178) granting a pension to Betsey J. Webber.

The bill, with the amendments reported by the Committee of the Whole, was read.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

RICHARD WILCOXTON.

The next unfinished business on the Calendar was the bill (H. R. 4901) to pension Richard Wilcoxton for services in the late war.

The bill and the amendments reported from the Committee of the Whole House were read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

Mr. GROSVENOR. I should like to hear the report read in this case.

The SPEAKER. The report may be read by unanimous consent.

There being no objection, the report (as already published) was read.

Mr. GROSVENOR. Mr. Speaker, I believe debate on this question is cut off by the previous question, unless I am entitled to fifteen minutes under the rule. I do not want to occupy that much time. I believe, however, this bill may have been debated in the Committee of the Whole.

The SPEAKER. It is understood to have been debated in the Committee of the Whole.

Mr. GROSVENOR. I ask unanimous consent that the gentleman in charge of the bill may explain to the House upon what grounds it is necessary to have a special act passed to pension this soldier, as it has been found that his disabilities are sufficient to entitle him to a pension under the existing general law.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. GROSVENOR]? The Chair hears none.

Mr. GROSVENOR. I do not want to discuss this question myself——

Mr. THOMAS. The gentleman from Ohio [Mr. KERR] made the report in this case; and I suppose he is familiar with the facts. I am not.

Mr. KERR. Mr. Speaker, I do not understand exactly the foundation of the objection of the gentleman from Ohio to this bill.

Mr. GROSVENOR. The report shows that this soldier had made an application under the old law; and while it was pending he made application under the new law. No disability was discovered which under this law entitled him to relief. It appears that then, upon an examination under the old law, disabilities were disclosed sufficient to entitle him to a pension of $12 a month. Now, I ask why is it necessary that a special act should be passed for his relief?

Mr. KERR. Let me explain to the gentleman the ground on which the Committee on Invalid Pensions founded their decision. This soldier had applied to the Pension Office for pension under the law of 1890, and had been rejected upon the ground that some medical board had decided that he had no disability. He then prepared an application under the old law for service disability, and that application was pending at the time this bill was introduced in the House. After that time he was examined on application for pension under the old law, and the medical board found him to be disabled and entitled to a full rating under the law of 1890.

The only question before the Committee on Pensions was, therefore, whether they should send this soldier back to the office and there make his application under the law of 1890, or whether it should do simple justice, inasmuch as the bill was pending, and make a favorable recommendation of $12 a month. That was the only question about it. He is entitled to a pension, there is no doubt of the fact; and it was simply whether we would allow it in this expeditious manner or send him back. I believe the committee were unanimous in the recommendation.

Mr. GROUT. Would it be necessary to make another application under the act of 1890?

Mr. ANDREWS. Yes; under the rules of the Department.

Mr. KERR. He had made application under that law, the law of 1890, and was rejected. Afterwards, as I have said, on an application under the old law, it appeared on examination that he was disabled and entitled to the pension.

Mr. WOOD. Mr. Speaker, I ask a vote.

The amendments recommended by the committee were agreed to,

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendments reported from the Committee of the Whole.

JAMES EGANSON.

The next unfinished business on the Calendar was the bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.

The bill was read at length.

Mr. TALBERT. I ask for the reading of the report.

The report was read at length.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. ELIZABETH T. ANDERSON.

The next unfinished business on the Calendar was the bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll, reported from the Committee of the Whole with amendments.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—BEATTIE VS. PRICE.

Mr. TAYLER. Mr. Speaker, by instructions of the Committee on Elections No. 2, I report the findings of the committee in the contested-election case of Taylor Beattie *vs.* Andrew Price, from Louisiana, and ask that it be printed and appropriately referred.

The SPEAKER. The report will be placed upon the House Calendar, and printed.

Mr. JOHNSON of Indiana. Mr. Speaker, in that case I desire to present a brief statement of the views of the minority, and ask to have it printed with the report of the Committee.

There was no objection, and it was so ordered.

FRANCIS M. ROSS.

The next unfinished business on the Calendar was the bill (H. R. 5986) granting pension relief to Francis M. Ross, reported from the Committee of the Whole with amendments.

The bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendments reported from the Committee of the Whole.

JOHN BEAIRD.

The next unfinished business on the Calendar was the bill (H. R. 7457) granting an increase of pension to John Beaird, reported from the Committee of the Whole with an amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALPHONSO O. DRAKE.

The next unfinished business on the Calendar was the bill (H. R. 7205) granting a pension to Alphonso O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers, reported from the Committee of the Whole with amendments.

Mr. WOOD. Mr. Speaker, I move the following amendment to the amendments recommended by the committee:

The Clerk read as follows:

> Strike out the word "twelve" in line 8 and insert the word "twenty;" and add the words "in lieu of the pension he is now receiving."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendment reported from the Committee of the Whole.

NANCY T. DUNCKLEE.

The next unfinished business on the Calendar was the bill (S. 1787) granting a pension to Nancy T. Duncklee.

The bill was ordered to a third reading; and being read the third time, it was passed.

DUDLEY F. BROWN.

The next unfinished business on the Calendar was the bill (S. 1311) granting an increase of pension to Dudley F. Brown.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

DAVID N. THOMPSON.

The next unfinished business on the Calendar was the bill (H. R. 6765) to increase the pension of David N. Thompson.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

CAROLINE WILKINSON.

The next unfinished business on the Calendar was the bill (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read.

Mr. SPALDING. Let us have the report, Mr. Speaker.

The SPEAKER. The Clerk will read the report.

The report (by Mr. LOUDENSLAGER) was read, as follows:

> The Committee on Pensions, to whom was referred the bill (H. R. 1513) entitled "A bill granting a pension to Caroline Wilkinson," beg leave to submit the following report, and recommend that said bill do pass without amendment:
>
> The claimant is the daughter of John Spears, who served as a private for fifteen months in the regiment commanded by Colonel Goode, Virginia Line, war of the Revolution. The service is a matter of record, and he was a pensioner on account of same until his death, in 1842. His widow, Susanna Spears, was also a pensioner until her death.
>
> Mrs. Wilkinson, the claimant, is a widow, 75 years old, in indigent circumstances, and dependent upon others for support.
>
> The relationship of the claimant to the soldier is shown by the sworn statements of John S. Sims, William Phaup, and other aged citizens of Chesterfield County, Va.
>
> The claimant resides at Pilkinton, Chesterfield County, Va.
>
> There are several precedents for the proposed legislation, and in view of the claimant's great age and dependent circumstances, your committee believe that such precedents may very properly be followed in this case.

The SPEAKER. How old would the father of this beneficiary be if he were now alive?

Mr. COFFIN. Mr. Speaker, I ask that this bill go over without prejudice?

The SPEAKER. The gentleman asks that the bill go over without prejudice. Without objection, it will be so ordered.

There was no objection.

CAPT. BRADBURY W. HIGHT.

The next unfinished business on the Calendar was the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

MARY E. ELY.

The next unfinished business on the Calendar was the bill (S. 2133) granting a pension to Mary E. Ely.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

NETTIE A. CHEEKS.

The next unfinished business on the Calendar was the bill (S. 2913) granting an increase of pension to Nettie A. Cheeks.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSE DURNELL.

The next unfinished business on the Calendar was the bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora*.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WOOD, the title of the bill was amended as recommended by the committee.

ELIZABETH L. LARRABEE.

The next unfinished business on the Calendar was the bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

WILLIAM G. BUCK.

The next unfinished business on the Calendar was the bill (H. R. 8388) for the relief of William G. Buck.

The bill was read, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DANIEL E. DE CLUTE.

The next unfinished business on the Calendar was the bill (H. R. 9689) for the relief of Daniel E. De Clute.

The bill and the amendments recommended by the Committee of the Whole were read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARIA SOMERLAT.

The next unfinished business on the Calendar was the bill (S. 1823) granting a pension to Maria Somerlat, widow of Valentine Somerlat.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCES P. TRUMBULL.

The next unfinished business on the Calendar was the bill (H. R. 5435) for the relief of Frances P. Trumbull, widow of Mathew M. Trumbull.

The bill and the amendments recommended by the Committee of the Whole were read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time: and it was accordingly read the third time, and passed.

RACHEL WADDELL.

The next unfinished business on the Calendar was the bill (H. R. 9684) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Rachel Waddell, daughter of John Waddell, sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Cols. Robert Lawson and Thomas Elliott, Revolutionary war, at the rate of $20 per month, subject to the provisions and limitations of the general pension law.

The amendment recommended by the Committee of the Whole was read, as follows:

> Strike out the word "twenty," in line 8, and substitute therefor the word "twelve," so as to fix the rating at $12 per month.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the bill be laid aside without prejudice.

Mr. ANDERSON. Mr. Speaker, there is no doubt about this being the widow of a Revolutionary soldier, nor is there any doubt of its being a meritorious case. She is an old woman, about 73 years of age. This House has passed a number of bills of this character, and I trust this bill will pass and not be laid aside.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to correct the gentleman in one statement, and that is that this is not the widow of a Revolutionary soldier, but she is the daughter of a Revolutionary soldier.

The SPEAKER. How old is this beneficiary?

Mr. ANDERSON. I think the record shows she is about 71 or 72 years of age.

Mr. LOUDENSLAGER. She is 70 years old.

Mr. ANDERSON. Seventy years old.

The SPEAKER. How old would the father have been if he were alive?

Mr. DALZELL. When did this Revolutionary soldier cease to take care of this daughter.

Mr. ANDERSON. There is no doubt of this being a Revolutionary soldier. He was wounded at Kings Mountain. There are affidavits showing his service.

Mr. JOHNSON of Indiana. This is extending the pensioning power of the Government down to the lineal descendants of Revolutionary soldiers pretty far.

Mr. LOUDENSLAGER. This is simply following the precedents of the Fifty-third Congress in this Congress by the passage of numerous bills of this character, all of which I believe are wrong in principle. The precedent has been established, but in my judgment it should be overruled; and if any pension of this character is to be given it should be under a general law. It is best not to take up and defeat this bill at the present time, and I think it is impossible to pass a general bill, but I think that we ought to lay these bills aside for the present and until the House is ready to act advisedly on the whole question; because I do not believe it is the purpose or the policy of this House or the duty of this Government to pension the daughters, the granddaughters, the great-granddaughters, and the great great-granddaughters of any who may have been in the service of the Government. It is wrong in principle. As a member of the committee, I have fought the passage of these bills until the precedent has been established, and the consequence of fighting them seems to be simply to select a few and pension those, and leave the others out; so that they have brought it down to a specified amount of $12 a month and proof of the record of the soldier, and have left the House itself to judge whether it was wise to pass it. The question has never been raised.

Mr. JOHNSON of Indiana. Certainly this would appear to be a good opportunity to overturn a bad precedent.

Mr. LOUDENSLAGER. I do not know why this particular beneficiary should be singled out as the object of opposition. I appreciate the fact suggested that it may be very much more meritorious and very much better than others, and that is why I think we should pass a general law on the subject if there are to be pensions of this kind granted.

Mr. ANDERSON. Will the gentleman yield to me for a question?

Mr. LOUDENSLAGER. With pleasure.

Mr. ANDERSON. Is it not a fact that the record shows that this is a meritorious case, if any of these cases ought to pass?

Mr. LOUDENSLAGER. It is, perhaps, as meritorious as many others of this kind.

Mr. ANDERSON. This old lady is 70 years of age. She is now supported by the charity of her neighbors. We have a number of precedents of cases like this.

The SPEAKER. The gentleman from New Jersey asks that the bill be laid aside without prejudice. Is there objection? [After a pause.] The Chair hears none.

GEORGE W. FERREE.

The next unfinished business on the Calendar was the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The bill was ordered to be engrossed for a third reading.

Mr. ERDMAN. I demand the reading of the engrossed copy of this bill.

Mr. ANDREWS. Mr. Speaker, I hope the gentleman will withdraw that demand. This is a very urgent case, and I earnestly hope it will pass; and, while the engrossed copy will only delay the passage of the bill a short time, I hope the gentleman will withdraw his objection.

Mr. ERDMAN. I withdraw the demand in this case.

The bill was accordingly engrossed, read a third time, and passed.

HANNAH E. RODGERS.

Mr. DALZELL. Mr. Speaker, in view of the action just taken by the House with reference to the last Revolutionary widow bill, I move to reconsider the vote by which a bill was passed a little while ago in the case of Hannah E. Rodgers (H. R. 1832), so that it may be put in the same category with the others that are being passed over.

The SPEAKER. Without objection, the vote in regard to that bill will be reconsidered, the action of the House vacated, and the bill will take its place on the Calendar. [After a pause.] The Chair hears no objection.

WILLIAM N. WELLS.

The next unfinished business on the Calendar was the bill (H. R. 6268) to increase the pension of William N. Wells.

The bill was read.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Clerk has not the engrossed copy in his possession, and the bill will go over.

MRS. LAURA A. NELSON.

The next unfinished business on the Calendar was the bill (S. 2126) granting a pension to Mrs. Laura A. Nelson.

The bill was read.

The amendments from the Committee of the Whole were adopted.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL LOCHARD.

The next unfinished business on the Calendar was the bill (H. R. 7627) granting a pension to Michael Lochard.

The bill was read.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The engrossed copy is not at the desk. The bill will go over.

SAMUEL C. TOWNE.

The next unfinished business on the Calendar was the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read.

Mr. TALBERT. Mr. Speaker, I ask for the reading of the report.

The report was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY O. H. STONEMAN.

The next unfinished business on the Calendar was the bill (S. 206) granting a pension to Mary O. H. Stoneman.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN L. NOLAN.

The next unfinished business on the Calendar was the bill (H. R. 3745) granting a pension to Benjamin L. Nolan.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ABNER ABERCROMBIE.

The next unfinished business on the Calendar was the bill (H. R. 4076) for the relief of Abner Abercrombie.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT of Georgia, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATRICK CLABBY.

The next unfinished business on the Calendar was the bill (H. R. 5499) for the relief of Patrick Clabby.

The bill was read.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LAURA C. DODGE.

The next unfinished business on the Calendar was the bill (S. 2347) for the relief of Laura C. Dodge.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MRS. LUCY ALEXANDER PAYNE.

The next unfinished business on the Calendar was the bill (S. 1501) to increase the pension of Mrs. Lucy Alexander Payne.

The bill was read.

Mr. TALBERT. Mr. Speaker, I would like to hear the report in that case.

The report (by Mr. COFFIN) was read, as follows:

> The Committee on Pensions, to whom was referred the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, have considered the same, and report:
>
> The claimant in this case, Mrs. Lucy Alexander Payne, is the widow of Capt. J. Scott Payne, Fifth United States Cavalry, who graduated from the United States Military Academy and was appointed second lieutenant, Fifth Cavalry, June 18, 1866; promoted first lieutenant May 23, 1867; resigned September 12, 1868. Appointed second lieutenant, Sixth Cavalry, February 3, 1873, and first lieutenant September 8, 1874. Promoted to captain June 4, 1875, and retired as of that rank April 24, 1886, on account of disability originating in the line of his duty.
>
> Captain Payne's record is a very honorable one, and he rendered very brilliant and gallant service in the campaign against the Utes, especially in what is known as the Milk River fight, wherein the gallant Major Thornburgh lost his life. After the fall of Major Thornburgh the command devolved upon Captain Payne, who made a gallant and successful resistance against overwhelming numbers of Indians, bringing his command out of the dangerous position with great credit. He was particularly mentioned by his commanding officer for his conduct in this affair, and was recommended for promotion, which, for some reason, never came to him.
>
> He was twice wounded during the fight referred to, and was a great sufferer before his death. His widow is now in feeble health, suffering from the strain brought on by her faithful attendance on her husband during his last illness. She is without means and dependent upon her pension for the support of herself and two minor children.
>
> Captain Payne died December 19, 1886, from disease originating in the service, and his widow is now receiving the pension of $30 per month provided by the general law.
>
> In view of the conspicuous and valuable service rendered to his country by the deceased officer, and in the light of the widow's invalid condition and pressing necessities, your committee recommend the passage of the bill, amended, however, by fixing the rate of pension at $40 per month.

Mr. LOUDENSLAGER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

AMANDA M. WAY.

The next unfinished business on the Calendar was the bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse.

The bill was read.

Mr. TALBERT. Mr. Speaker, let us hear the report.

The report was read in part.

Mr. TALBERT (during the reading). Mr. Speaker, I do not insist on the further reading of the report. I simply wanted to know whether this nurse had served the time required by law, and I am satisfied.

An amendment reported from the Committee of the Whole was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES A. NAZRO.

The next unfinished business on the Calendar was the bill (H. R. 6671) for the relief of Charles A. Nazro.

The bill was read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN J. CROSS.

The next unfinished business on the Calendar was the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Chair is informed that the Clerk has not the engrossed copy in his possession. The bill will go over.

ANDREW J. MALDER.

The next unfinished business on the Calendar was the bill (H. R. 6757) granting a pension to Andrew J. Malder.

The bill, with the amendments reported from the Committee of the Whole House, was read.

Mr. TALBERT. I should like to have the report read in this case.

The report (as already published) was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment proposed to the title will be agreed to.

There was no objection.

MALACHI SALTERS.

The next unfinished business on the Calendar was the bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry.

The bill and the amendment reported from the Committee of the Whole House were read.

Mr. TALBERT. Let us hear the report.

The report (as already published) was read.

The SPEAKER. The question is on agreeing to the amendment.

Mr. LOUD. Mr. Speaker, upon this bill or some other I desire to occupy a moment or two in order to submit a suggestion. I wish to call attention to a case on which this House has already passed, and on which, of course, no further action can be taken at present. But I wish to bring the subject to the attention of the Committee on Invalid Pensions, which, as I know, aims at all times to deal out equal and exact justice to all pensioners.

In a case which the House has just passed, the widow of the late General Stoneman is an applicant for a pension, and that bill, in accordance with the recommendation of the committee, fixes the pension at $30 a month. Yesterday there was brought up for consideration here a bill to pension the widow of General Carr. The Senate had passed the bill at $100 a month; the House passed it at $50 a month. Of course, we know that in the "shuffle" that pension will come out at the rate of $75. The members of the Committee on Invalid Pensions have repeatedly stated that they think the widows of general officers should receive pensions at the rate of $50 a month. That seems to be the generally expressed sentiment.

Now, permit me to say that General Stoneman was as gallant a soldier as any person whose case has ever come before this body for consideration; and while I do not appear here as the advocate of large pensions, while I would not, if I had been present, have offered an amendment to that bill to make the pension $50, yet I want to call the attention of the committee to the fact that if they want to do equity in these cases, then when this bill gets into conference the same measure of justice should be extended to the widow of General Stoneman that has been extended to the widow of many a general officer of whom none of us ever heard.

It was my fortune, Mr. Speaker, to serve under General Stoneman. As many of you remember, he was not during the war an ordinary brigadier-general, commanding a brigade, but he had intrusted to him separate commands of great importance. He served with great distinction during the war in the Army of the Potomac, and subsequently he was sent to the West.

Now, when that case goes into conference, I hope—I do not state this as a request on my own part, but submit it as a matter of equal justice—I hope the members of that committee who may be on the conference committee will see fit to equalize these pensions along the whole line.

General Stoneman, it is true, was at one time the Democratic governor of the State which I have the honor in part to represent on this floor. I hope that fact had no influence whatever in prompting the committee to reduce the pension of his widow to $30 a month. I repeat the hope that the conference committee may mete out to this woman the same measure of justice that is meted out to others.

Mr. THOMAS. I wish to say to the gentleman from California [Mr. LOUD] that I indorse every word he has said. While there was some disagreement in our committee on this subject, I was personally in favor of amending the bill referred to so as to give Mrs. Stoneman a pension of $50 a month. I knew General Stoneman in the same relation as did the gentleman from California, having served under his command; and I hope the conference committee will, as suggested by the gentleman from California, fix this pension at $50.

Mr. LOUD. I am satisfied that if the House understands the case it will sustain that position.

The question being taken on the amendment, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon; when the Speaker signed the same.

ANNA G. VALK.

The next unfinished business on the Calendar was the bill (H. R. 7055) increasing the pension of Anna G. Valk, reported from the Committee of the Whole with amendments.

The amendments were read.

Mr. ERDMAN. Mr. Speaker, I would like some gentleman to explain something of this bill, and tell us why the widow of a surgeon in the Army is to have $40 a month, nearly what the widow of a brigadier-general gets. If there is any reason for it, I should like to know it, for it does not appear in the report; and why this large pension is granted I have no means of ascertaining.

I move to strike out "forty" and insert "twenty" in the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ANDREWS. I am informed, Mr. Speaker, that the beneficiary of this bill is receiving now a pension of $25 a month. The amendment makes this bill $20 a month.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

NANCY ROBERTS.

The next unfinished business on the Calendar was the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.

Mr. SPALDING. I ask for the reading of the report in that case.

The report was read at length.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RECONSIDERATION.

On motion of Mr. THOMAS, a motion to reconsider the several votes taken was laid on the table.

QUESTION OF PRIVILEGE.

Mr. WILLIS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. During the debate on last Monday on the bill for the relief of Joseph E. Vantine, a bill having been presented for the increase of his pension, it seemed to me, from the remarks of the gentleman from California [Mr. LOUD], that a sort of insinuation was dropped that for the sake of getting my bill through the House I was willing to pervert the facts of history.

The report on that bill asserted that Joseph Vantine was the first one who ever suggested the use of chain armor over the sides of a ship to protect it from the missiles of the enemy. The gentleman from California rose and said that that honor belonged to Admiral Farragut. Now, I wish to read to the House a letter from Admiral Farragut which I think will explain itself. He says:

> Mr. Moore—

Meaning Chief Engineer John W. Moore—

> is the gentleman whom I mentioned in my official letter as the originator of the cladding of ships with chain cables, and has always been spoken of by his commander as a man of great merit, both in and out of his profession.
>
> D. G. FARRAGUT.

In order to set myself right, I would refer the House to pages 322 and 323 of Bennett's Steam Navy of the United States, which gives a pretty full history of this affair. This is an able volume, which is considered authority, and which I have in my desk, so that any gentleman can refer to it who is pleased to take the trouble.

Mr. John W. Moore, chief engineer, reported to Admiral Farragut, or suggested to him, the use of chain cables to protect ships from the missiles of the enemy. The officers of the *Richmond* claim that the idea originated on that ship, and that Assistant Engineer Eben Hoyt suggested the idea in the first instance to Mr. Moore; and the same officers claimed that Joe Vantine, the man whose name was embodied in the bill I offered in the House, was the first to suggest it to Eben Hoyt.

One thing is certain, Mr. Speaker, that Admiral Farragut did not claim the honor, and those who honor his history have never claimed it for him.

Mr. DOCKERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOCKERY. I do not desire to raise any question of order, but simply to call the attention of the gentleman from Delaware to the fact that the gentleman from California [Mr. LOUD] is not now present.

Mr. WILLIS. Well, he was present five minutes ago. What am I to do? Cork up and hush? [Laughter.] It is not my business to keep him here. I do not intend to say anything to traduce the character of Mr. LOUD, or to reflect upon him in any manner whatever. It is a matter of contest between the gentleman from California [Mr. LOUD] and myself as to the facts of history, that is all. I do not want to appear before this House as adopting a subterfuge, and thereby perverting the facts of history for the sake of getting a pension bill through here, for anybody. The man who suspects me of anything like that, does not know his man, that is all. [Laughter and applause.]

What I want to say is this, Mr. Speaker: My feelings, my sentiments, are so much involved in a matter of this kind that I wish it known that I would be the last man in this world to tear a single leaf from the laurel crown which binds the brow of that great naval officer, Admiral Farragut. He needs no defense from me. He needs no apology or defense from the gentleman from California [Mr. LOUD]. In his lifetime and after he had passed away from this scene of action neither he nor his friends demanded that his fame should be plastered over with the veneering of any man's achievements. He was great in himself. His fame is secure, his name is immortal, and I glory in it, and I glory in the ladder by which he climbed to fame. I would decorate every rung of that ladder with oriflamme of victory, and when he had ascended to the apex I would stand and shout while they crowned him before the eyes of an admiring world. But, sir, if I knew the man that built the ladder I would bow in homage before him, and when he died I would cover his grave with flowers and bedew it with the tears of holy devotion.

Sir, what I protest against is the seeming disposition to deny to the humble and obscure the honor which justly belongs to them. I am reminded of a little story in ancient history which you and I have both read. There was once a great general who was a leper, and not a great many miles away was a certain prophet, dwelling in the hills of Samaria. In the household of this great general there was a slave Jewess, a little maiden who sympathized with the sufferings of her lord, who went to her mistress and suggested that if her master would only go down to Samaria and appeal to that great prophet he would be healed of his leprosy. The wife suggested it to her husband and persuaded him to go down. He went, and the prophet came to the door and told him to go and wash in the Jordan, which he did and was healed.

Now, if the gentleman from California [Mr. LOUD] had had the writing of that story he would have covered the prophet and the general with glory, and with grudging forgetfulness would have put out of sight the little slave Jewess, who started the wheels to turning and brought prophet and general together. I am not one of that kind. [Applause and laughter.] I want it remembered that God in His great wisdom and power sometimes chooses the weak things of the earth to confound the mighty, and the things that are not to bring to naught the things that are.

> Let not ambition mock their useful toil,
> Their homely joys, their destiny obscure;
> Nor grandeur hear with a disdainful smile
> The short and simple annals of the poor.

[Applause.]

I assert here to-day that the first suggestion for chain armor for ships of war came out of the fire hole of the ship *Richmond*, and the first lips that uttered it were the lips of old Joe Vantine. [Applause.]

Mr. THOMAS. I move, Mr. Speaker, that the House take a recess until 8 o'clock this evening.

LEAVE OF ABSENCE.

Pending the announcement of the vote, leave of absence was granted as follows:

To Mr. PITNEY, for this evening's session, on account of important business.

To Mr. VAN HORN, for this evening, on account of sickness.

To Mr. WILBER, indefinitely, on account of sickness.

To Mr. STAHLE, indefinitely, on account of sickness.

To Mr. COBB, for this day, on account of sickness.

To Mr. GILLET of New York, for four days, on account of important business.

To Mr. LINNEY, for three days, on account of important business.

To Mr. CODDING, for four days, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. RUSK, leave was granted to withdraw from the files of the House the petition filed with the bill to grant a pension to H. Frederick Fisher, a soldier in the Mexican war, there being no adverse report on said bill.

The motion of Mr. THOMAS was agreed to; and accordingly (at 8 o'clock and 54 minutes p. m.) the House took a recess until 8 o'clock p. m., the Speaker announcing that the evening session would be devoted to the consideration of business in order at Friday evening sessions under the rule, and that the gentleman from New York, Mr. PAYNE, would occupy the chair as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. PAYNE as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule.

The Clerk read as follows:

> The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar under the rule.

Mr. LOUDENSLAGER. Pending that, I offer the following resolution:

The Clerk read as follows:

> *Resolved*, That House bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it, and upon his failure to respond "Present," the bill to be passed without prejudice and the next bill to be called in the same way; Senate bills to be called in regular order as they appear on the Calendar.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan.

COL. JOHN TAYLOR WOOD.

Mr. TERRY. Mr. Speaker, pending that, I would state that I have a bill here for the removal of the political disabilities of a grandson of old Zachary Taylor, and the chairman of the Committee on the Judiciary instructed me to take the first chance to call it up in the House. I ask unanimous consent for the present consideration of the bill. It will take but a moment.

The Clerk read as follows:

> A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood.
>
> *Be it enacted, etc. (two-thirds of each House concurring therein)*, That all political disabilities imposed by the third section of the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Col. John Taylor Wood.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

Mr. WATSON of Ohio. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WATSON of Ohio. I want unanimous consent to consider a bill.

The CHAIRMAN. That is not in order. The Clerk will report the first bill.

Mr. WATSON of Ohio. Let me make a statement to the House. [Cries of "Regular order!"]

The CHAIRMAN. The committee is doing business under a special order of the House. The House has directed the order of the business.

MARY L. TWEDDLE.

The first business on the Private Calendar was the bill (H. R. 5793) granting a pension to Mary L. Tweddle.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Mary L. Tweddle, widow of William Tweddle, late captain of Company K, Tenth Kentucky Volunteers, and to pay her a pension, subject to the provisions and limitations of the general pension laws.

Mr. EVANS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. ERDMAN. I desire that the report be read.

The CHAIRMAN. The report will be read in the time of the gentleman from Pennsylvania.

The report (by Mr. ANDERSON) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5793) granting a pension to Mary L. Tweddle, submit the following report:
>
> William Tweddle, the husband of this petitioner, served as captain of Company K, Tenth Kentucky Volunteer Infantry, from November 2, 1861, until August 7, 1862, when his resignation, tendered by reason of having contracted rheumatism, affecting the back and lower extremities, was accepted.
>
> He was pensioned by the Pension Office at the rate of $5 per month from discharge; $15 from May 13, 1882, and $20 from March 24, 1886, on account of lumbago and chronic diarrhea, and, as will be seen by the foregoing rates, his disability gradually increased until he was allowed the total of his rank as a captain.
>
> He died August 22, 1892, of congestion of the brain.
>
> The petitioner applied to the Pension Bureau for a pension under the general laws, furnishing medical testimony that Captain Tweddle's death was due to the lumbago or rheumatism for which he was pensioned, and also the certificate of the board of health, made upon the return of the attending physician, showing that the primary cause of death was congestion of the brain and the remote cause rheumatism and diarrhea, but the claim was rejected in the Pension Bureau upon the ground that it was not shown from a medical standpoint that the cause of death was due to the disabilities for which this officer was pensioned.
>
> Both the officer and the petitioner had been previously married, and the fact of death of the former consorts was duly shown in evidence on file in the Pension Office.
>
> The petitioner married the officer on January 5, 1891, and consequently can have no status for pension under the act of June 27, 1890, which act requires that a widow of a soldier shall have been married to such soldier prior to the passage of such act.
>
> The medical testimony furnished by Drs. Mannakee and Muncaster, of this city, physicians of high standing, shows that the congestion of brain was no doubt a result of the heart trouble from which the officer had suffered as a result of the rheumatism, which for a period had only affected the lumbar muscles, but became general thereafter.
>
> Medical authorities admit that congestion of the brain, the result of impeded return of the blood from the head, may be caused by impediments within the circulation, such as disease of heart.
>
> While the connection of the death cause with the pensioned disabilities may not have been sufficiently shown by the testimony of the attending physicians, your committee believe that the case from all its surroundings is such a one as to present equitable features, and do recommend that the bill be passed.
>
> The petitioner is old and dependent upon the assistance of friends and a daughter, who is hardly able to assist her by reason of having a large family of her own to support.

Mr. EVANS. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

ANTON ERNST.

The next business on the Private Calendar was the bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862.

Mr. GRIFFIN. Mr. Chairman, that is not my bill; but I introduced the bill.

Mr. PAYNE. I suggest that the Clerk call the title of the bill, and that a member may move that the bill be considered, otherwise that the bill be passed. I think that will be correct under the order. [Cries of "Oh no!"]

Mr. HULICK. Let the Clerk read the name of the member who introduced the bill.

Mr. FLETCHER. A parliamentary inquiry. I want to know what becomes of the Senate bills that come from our Senators.

The CHAIRMAN. The Clerk will report the order again to the committee, as a number of members have come in since the order was adopted.

The order was again read.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that the bill appears to have been introduced by him. Does he desire to have it passed without prejudice?

Mr. GRIFFIN. I ask, Mr. Chairman, that the bill be considered.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862.

Mr. McCLELLAN. I ask that the report of the Committee on Military Affairs be read.

The report (by Mr. GRIFFIN) was read, as follows:

> The Committee on Military Affairs, to whom was referred the bill (H. R. 4300) for the relief of Regina Ernst, having had the same under consideration, would report thereon as follows:
>
> It appears that Regina Ernst is the widow of Anton Ernst, who, according to the report of the War Department, was enrolled September 5, 1861, as a private in Company K, Second Regiment Maryland Infantry, to serve three years, and appears to have served faithfully until August 31, 1862. The muster roll for September and October, 1862, reports him "Deserted from October 15, 1862." He never rejoined his company, although he owed service to September 5, 1864. The medical records furnish no information concerning him. In applying for a removal of the charge of desertion from the record by the War Department, Regina Ernst, on June 22, 1891, testified that in 1862, when she brought her husband home from the Army "under a furlough," he was an invalid, suffering from asthma, heart affection, and the effects of the hardships of the service; that he was never thereafter in a fit condition to return

> to the Army, and was an invalid on her hands for ten years after she brought him home, she having to support him during that time by her daily toil.
>
> Under date of June 22, 1891, Comrade Boettger testified that he was second lieutenant of Ernst's company; that the said Ernst was a good, brave soldier, and never showed the slightest disposition to shirk his duty, always doing it manfully, and further corroborated so much of the widow's testimony as went to show that the soldier was suffering from a severe illness and was taken home "under a furlough."
>
> On July 7, 1891, Angeline Wennig and Wendelin Kessler testified that they saw the soldier when he was brought home from the Army; that he was in very bad condition and seemed to be suffering from asthma and lung trouble, being hardly able to get his breath at all; that they were his neighbors and saw him frequently, and that he was never able to return to the service, being almost entirely helpless.
>
> Philip Engerd, Daniel Cooper, and John Luber, on July 18, 1890, testified that they were members of the Second Maryland Infantry; that Ernst became very sick in the service, having a bad cough and difficulty in catching his breath—a wheezing way of breathing that was extremely noticeable on account of his unusual height; that his efforts to breathe caused him to bend over in a peculiar manner, and that he continued in this way "until discharge."
>
> John Gerhard, on September 9, 1890, declared under oath that he served with Ernst, who, during the latter part of his service, suffered from a severe hacking cough and cold, brought on by exposure in the service.
>
> George Lintenberger, on July 16, 1891, testified that he served with Ernst, and corroborates the statement of Gerhard.
>
> John Luber again, on July 17, 1891, corroborates the statements, substantially, of the witnesses Angeline Wennig and Wendelin Kessler.
>
> On August 29, 1891, Boettger, who also testified on June 22, 1891, stated, in reply to a letter from the War Department, that after the battle of Antietam, Md., September 17, 1862, when the regiment was encamped at Pleasant Valley, Ernst received a pass from First Lieut. F. W. Heck, then commanding the company, to go through the lines, he remembering the incident distinctly on account of the soldier's sickness. He further stated that he was not able to "diagnose fully" the nature of the soldier's ailment, but was impressed at the time with the fact that he was a very sick man; that he seemed to be suffering from asthma, lung affection, and general debility.
>
> In reply to a letter addressed by the War Department to Louis Fleckenstein, late a lieutenant of Ernst's company, he stated, under date of September 5, 1891, that at and after the time said Ernst is shown by the records to have deserted he was an able-bodied man, and that he was charged with desertion according to the rules and discipline of war.
>
> On July 17, 1891, Regina Ernst again testified that her husband was a well man before his enlistment; that he was taken very ill while in the service and sent for her; that he was suffering from asthma in a bad form and bad treated himself, using anything that was suggested to him, hoping to obtain relief; that after he went home he was treated by affiant with "home remedies," as it was thought that a physician "would not be of much use;" that the spells would come on suddenly, and he would suffer terribly; that he had no intention of deserting, and had he been able would have returned to the service, but was not fit for any work after he went home, and that it was impossible for her to furnish medical testimony.
>
> Hannibald Gutman and Henry Freund testified, under date of October 12, 1891, that this soldier was completely incapacitated from performing the duties of a soldier from the time he arrived home until the day of his death, in October, 1875, and that his wife supported him during this time; that Ernst was in good health when he enlisted, but was in wretched health after his return from the Army.
>
> On October 18, 1888, Regina Ernst, then being 62 years of age, made an affidavit, which has been presented to your committee, wherein she stated that after the battle of Sharpsburg, or Antietam, she went to the battlefield to see her husband, who had been sick, but participated in the engagement, and that he carried the company colors; that when she got to the camp, about September 20, 1862, she found her husband very poorly, so she went to Captain Seelsburg and got a pass to go home, and her husband was so much worse next day that Lieutenant Heck went to the captain and talked to him, and the captain told Heck to give a furlough to her husband, with a pass for eight days, which he did, and then said if he was no better at the end of eight days tell him to stay till sent for; that she and her husband came to their home in Baltimore. When his eight days' furlough expired he was no better, nor did he ever get much better; that his disease soon developed into a severe case of asthma, and he never was able to go but a few blocks from their home or to do any work, and for twelve years was an invalid, and died of the disability in 1875; that he never did desert in any way, but came away with his furlough, accompanied by her, and with full consent and knowledge of his superior officers, and never was able to go back or do any duty again during the remainder of his life.
>
> On September 15, 1894, Wanobatl Gutman, John H. Hoeck, and John Luber each testified of their personal knowledge that Anton Ernst was treated by one Dr. Troutman for several years after said Ernst returned home in September, 1862, until the death of Dr. Troutman, and corroborates the statement of the widow as to her husband's ill condition of health until his death, and the witness Gutman also corroborates the widow as to the fact that she supported her husband and family by her own labors until the time of his death.
>
> Your committee, after a careful review of the testimony, has arrived at the conclusion that the failure of the soldier Anton Ernst to return to his command and serve out the term of his enlistment and receive an honorable discharge was due to his serious illness, which so disabled him as to render him incapable of returning to his regiment.
>
> All the sworn testimony supports this conclusion, and the only statement which militates against the same is the one made by Louis Fleckenstein, late a lieutenant of Ernst's company, which is not, in the report of the War Department, stated to have been under oath, and hence your committee are unwilling that such statement should outweigh all the sworn statements supporting the conclusion at which the committee has arrived. It appears to your committee that the soldier left his command by permission, and hence no intention of deserting existed at that time, and during the remainder of the term of his enlistment his condition was such as to excuse him from returning to his command.
>
> Your committee therefore submit the following as a substitute bill, and recommend that the same do pass:
>
> "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862."

Mr. McCLELLAN. May I ask my colleague on the committee a question? Is the captain who is referred to in this report dead?

Mr. GRIFFIN. I did not hear the gentleman.

Mr. McCLELLAN. Is the captain who is referred to in that report dead? A comrade says that that captain told the husband of the claimant, the beneficiary in this bill, to go home for eight days, and that if he was not better, to stay until sent for. Now, there is nothing to show this from any of the company's officers. Is the captain dead? If he is living, it would be a very simple thing to get an affidavit from him. Nothing appears here from the officers of the company.

Mr. GRIFFIN. As this is a favorable report, there is no question, from the habits and custom of the committee, to believe other than that it is a meritorious case. I think the very points which the gentleman from New York calls attention to were abundantly covered by the proof in this case. It will be observed that there are a number of affidavits, and the points to which reference is made are material, and the committee came to the conclusion that a favorable report should be made. I think the report was drawn a long time ago, and I have no personal recollection respecting it. I am satisfied that the question was abundantly supported by proof.

Mr. McCLELLAN. If my colleague is satisfied, that is sufficient, as I know he investigates all cases before his subcommittee very carefully.

Mr. GRIFFIN. I am satisfied.

The bill was ordered to be laid aside with a favorable recommendation.

HARRIET M. KNOWLTON.

The next business on the Private Calendar was the bill (S. 719) to restore a pension to Harriet M. Knowlton.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Knowlton, widow of the late Major Knowlton, of the Twenty-ninth Maine Volunteer Infantry, at the rate of $25 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. THOMAS) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (S. 719) to restore a pension to Harriet M. Knowlton, adopt as their own the attached Senate report (No. 194) and report the bill back with the recommendation that it do pass.
>
> SENATE REPORT.
>
> The claimant in this case, Harriet M. Knowlton, widow of Major Knowlton, of the Twenty-ninth Maine Volunteer Infantry, asks to be restored to the pension rolls, and supports her claim by the following statement of facts: Harriet M. Knowlton, married at Lewiston, Me., on January 29, 1854, to William Knowlton, who was afterwards major of the Twenty-ninth Regiment Infantry, Maine Volunteers, and was killed at the head of his regiment September 19, 1864.
>
> Mrs. Knowlton received a widow's pension of $25 per month until her second marriage, to Albin B. Stinchfield in November, 1867. On May 25, 1889, she obtained a divorce from said Stinchfield on the ground of desertion, he having left her and not having furnished her any support for more than twelve years. The judgment and decree of divorce authorized her to take and resume her former name of Harriet M. Knowlton. Mrs. Knowlton is now in her sixty-fourth year, and her only means of support is by nursing, which employment has furnished her only support for the past twelve years.
>
> The statement as to the divorce is fully and properly proved, as is shown by a certificate from C. B. Terrell, clerk of the district court, which shows that the case was placed on the calendar May 25, 1889, at special term, and that it came on for trial the same time, and judgment was rendered in her behalf that plaintiff resume her former name of Harriet M. Knowlton.
>
> In view of the honorable record of her former husband, his gallant services during the war, and his death while in active service at the head of his regiment, and the fact that she was in receipt of a pension after his death and prior to her second marriage, and ample proof of her release from her second husband by the divorce proceedings, and the further fact that she is now poor and unable to earn a full living, the committee therefore deem it proper that she be restored to the rolls and granted a pension of $25 per month, and that the bill be passed.

Mr. McCLEARY of Minnesota. Mr. Chairman, I move that that bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PETER ANDERSON.

The next business on the Private Calendar was the bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Peter Anderson, of Strong City, Kans., late of Company C, Sixtieth United States Colored Infantry, and pay him a pension of $50 per month, in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. KIRKPATRICK) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans., submit the following report:
>
> Peter Anderson, for whom an increase of pension is asked by this bill, is now drawing a pension of $12 a month. It is shown by the records of the War Department that he served in Company C, Sixtieth United States Colored Infantry.
>
> It is shown by the affidavits on file that while working in a stone quarry at Ottawa, Kans., July 18, 1887, by a premature blast he lost both his arms—one at the elbow and the other above it. He has no means of support but his pension and what he receives from selling apples at trains. He carries the apples in a basket suspended from his shoulders by a strap. He has a large family depending on him for support, and frequently is compelled to ask the county for aid.

He is a sober, honest, trustworthy colored man of good moral character. In view of his condition and his service, we recommend the passage of the bill with the following amendment:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. THOMAS. Mr. Chairman, it is very necessary that some formal amendment be made in this bill in order to perfect it, and I offer them for that purpose.

The amendments were read, as follows:

Line 4, strike out "increase the pension" and insert "place upon the pension roll, subject otherwise to the provisions and regulations of the pension laws."

Line 5, strike out "Strong City, Kans."

Line 5, after the word "late," insert "private."

Line 8, strike out all after the word "him."

Amend the title so as to read: "A bill granting an increase of pension to Peter Anderson."

Mr. ERDMAN. Mr. Chairman, it seems to me that this is a bill that ought not to be reported favorably by this committee. The applicant is receiving now $12 a month. Twenty-two years after the war he lost his arms by a premature explosion. There is no pretext anywhere that that was the result in any way of disability incurred in the service. It was simply a misfortune, and if this poor unfortunate man can not get along in the world it is the duty of the community in which he resides to take care of him. It is not the duty of the American nation, and it is not to the credit of that community that they let him come here to ask the charity of the nation. I move that this bill be laid on the table.

Mr. McCLELLAN. Will the gentleman who introduced this bill [Mr. CURTIS of Kansas] let me ask him a question?

Mr. CURTIS of Kansas. Certainly.

Mr. McCLELLAN. Is there any claim made that this disability is the result directly or indirectly of the man's service in the Army?

Mr. CURTIS of Kansas. None whatever: but there are quite a number of precedents for bills of this character. We have passed half a dozen of them in this Congress.

Mr. McCLELLAN. I do not doubt that. I am asking simply for information. It appears, then, Mr. Chairman, that this is pure gratuity.

The question was taken on the motion of Mr. ERDMAN, to lay the bill on the table; and the Chairman declared that the noes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided: and there were—ayes 9, noes 84.

The amendment recommended in the last paragraph of the report was adopted.

The amendments offered by Mr. THOMAS were then agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON BAKER.

The next business on the Private Calendar was the bill (H. R. 4517) granting a pension to Washington Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Washington Baker, of Girard, Kans., late of Company H, Eighty-sixth Regiment of Indiana Volunteer Infantry.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4517) granting a pension to Washington Baker, having had the same under consideration, report as follows:

The soldier, Washington Baker, was late a private in Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and was enrolled on the 11th day of August, 1862, and discharged January 6, 1865. The soldier is now drawing a pension of $12 a month under act of 1890. His claim for pension under act of June 14, 1862, was rejected for the reason, as alleged, that the soldier's disability (that of total blindness) was not due to his military service; that his eyes were defective when he entered the Army. The soldier alleges that at Murfreesboro, Tenn., in the month of January, 1863, he contracted a severe cold, resulting in pneumonia, followed by a diseased condition of the eyes. He also alleges that subsequently, while in an engagement soon thereafter, he was standing behind a brick chimney and firing therefrom, when a cannon ball passed through the chimney, filling his eyes with sand and lime dust, which added very much to their already diseased condition.

These allegations are abundantly supported by his comrades, two of these testifying that they were with him in the hospital at the time of the diseased condition of his eyes and subsequently, and that he was compelled to wear goggles a great portion of the time. The testimony, which is voluminous, satisfies your committee beyond question that the claimant's eyes at the time he entered the service were perfectly sound and free from disease, and remained in that condition until he contracted pneumonia, and that subsequent to that time his eyes were continually in a diseased condition. The disease progressed until the eyeballs were swollen and protruded from the lids of the eyes; and while in this condition the claimant was working in his field and received an injury to one of his eyes by a cornstalk, but did not regard the matter as serious and continued his work for a day or so. Soon thereafter he was forced to abandon the same and send for a doctor. His physician, on examining his eye, found it filled with pus, and, there being no hope of restoring it, decided to remove it for the purpose of saving the other eye. This was done. The other eye improved apparently for some time, but again grew worse, until the ball burst, leaving the claimant totally blind.

Your committee believe, from the testimony on file in the Pension Office, and in fact the physician who removed the eye gave it as his opinon, that the injury received to the eye in the cornfield was due to its swollen and inflamed condition and the inability of the claimant to see objects, and that the accident would not have occurred had the claimant's eyes been sound; that the loss of claimant's eyes is directly traceable to his army service, and that no fair-minded man can read the testimony and reach a different conclusion. Your committee therefore report the bill back to the House with the recommendation that it do pass.

Mr. THOMAS. Mr. Chairman, some formal amendments are required to perfect this bill also, and I send them to the desk.

The amendments were read, as follows:

In line 7, strike out the words "of Girard, Kans."

In line 7, after the word "late," insert "a private."

Mr. ERDMAN. Mr. Chairman, in this case the applicant lost his eye by its coming in contact with a cornstalk many years after the war. The principle here is in line with that involved in the last bill—the principle of pensioning, not for disabilities contracted in the service, but for injuries incurred long after the war. It is quite apparent, from the recommendation of bills of this character, that the committee is willing this evening to let anything and everything go through.

Mr. McCLELLAN. Will my colleague on the committee, the gentleman from Kansas [Mr. KIRKPATRICK], answer a question?

Mr. KIRKPATRICK. Certainly.

Mr. McCLELLAN. Is it not a fact that the present Commissioner of Pensions has recently held that when a soldier was accepted during the war, the Government is estopped from setting up the defense that he was unsound at the time he entered the service? Has not the present Commissioner modified the former rule in that respect?

Mr. KIRKPATRICK. I do not know. That has not been the rule heretofore.

Mr. McCLELLAN. It was not the rule under the previous Commissioner, but my impression is that the present Commissioner has modified the rule in that way.

Mr. KIRKPATRICK. I do not know about that, but he ought to have done so.

Mr. McCLELLAN. He ought not to have done so, but he has.

Mr. TALBERT. Mr. Chairman, in addition to what has been said by the gentleman from Pennsylvania [Mr. ERDMAN], I desire to call attention to the fact that under the management of the Pension Bureau the regularly organized board of examiners in that Bureau, sworn officers, have found that this soldier's disability of total blindness is not due to his military service, but that his eyes were defective when he entered the Army. Further down, as stated by the gentleman from Pennsylvania, the fact is set forth that this man was plowing in his field one day, when his eye was struck by a cornstalk, which injured his eyesight still more. He was not in the Army at that time, of course.

Mr. STEWART of New Jersey. Will the gentleman permit a question?

Mr. TALBERT. Yes, sir.

Mr. STEWART of New Jersey. The Government took this man and put him into the Army. Even if he had defective sight, they accepted him to fight for his country, and, with his defective sight, he served three years, I believe.

Mr. TALBERT. I do not dispute that.

Mr. STEWART of New Jersey. In view of that fact, is there any equity in denying him relief now that he is totally disabled?

Mr. TALBERT. That is another question entirely, which I am not now discussing.

Mr. McCLELLAN (to Mr. TALBERT). The question of the gentleman from New Jersey is in line with the plank in the platform adopted at Chicago last summer. [Laughter.]

Mr. TALBERT. Oh, well, the gentleman knows, I guess, that that platform was made to get in on, and not to stand on afterwards. [Laughter.] But, Mr. Chairman, as I was saying, there is a regularly organized medical board in the Pension Bureau, composed of sworn officers, who find, under the responsibility of their oaths, that this man's disability can not be traced to service origin. That is not gainsaid. That is the record of the Pension Department. Again, it is shown by the man's own evidence that his eyes were further injured by being struck by a cornstalk, and the physician who examined him gives it as his opinion—does not swear to it, does not even certify to it—merely gives it as his opinion that the injury done by the cornstalk was owing to the swollen and inflamed condition of the eye at the time.

Now, it seems to me that any statements which should influence the committee to vote for a claim of this kind ought to be backed up by sworn evidence, and should not be the mere ipse dixit of any man, especially when that testimony is used to rebut the finding of a sworn court specially organized to examine these matters and find the facts upon oath. I have given you the finding of the medical board of the Pension Office, and that is contradicted only by the mere statement of, you may say, a layman, not a Government officer at all. It does seem to me that that is insufficient evidence to justify the passage of this claim. These are my views, and I feel it my duty to state them and to enter my protest against the passage of this claim.

Mr. KIRKPATRICK. One word, Mr. Chairman. The testimony on file in the Invalid Pensions Committee room abundantly

shows that this man's sight was sound when he entered the Army. There is no sort of question in my mind that this disability was incurred originally in the service, and no man can read the testimony and doubt that fact.

The amendments proposed by Mr. THOMAS were adopted.

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The committee divided; and there were—ayes 82, noes 2.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M. LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 7688) for the relief of John M. Laughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Laughlin, late a private of Lieut. George Melick's detachment, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension of $20 per month.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "and pay him a pension of $20 per month."

Mr. ERDMAN. Let us have the report read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7688) for the relief of John M. Laughlin, having carefully considered the same, respectfully submit the following report:

Said soldier duly enlisted and was duly enrolled, examined, and sworn in as a private of Lieut. George Melick's detachment, Twentieth Regiment Ohio Volunteers, on the 1st day of October, 1862, at Columbus, Ohio, and actually served as such soldier in said detachment until the 31st day of January, 1863, when he was discharged at Cairo, Ill., by reason of surgeon's certificate of disability, and a certificate of honorable discharge was duly issued and delivered to him. No records of the actual muster of said soldier can be found.

The records of the Auditor for the Treasury Department state that the soldier, John M. Laughlin, was paid from enlistment, October 1, 1862, Sidney, Ohio, to discharge, January 31, 1863, Cairo, Ill., four months; and twenty-one days' travel; 420 miles travel from place of discharge home. He received $71.44 on account of the aforesaid service.

Said soldier never reenlisted.

On the 23d day of January, 1865, this soldier was granted a pension of $2.66 per month, commencing from January 31, 1863, the date of his discharge (certificate 37290), by reason of aphonia, complicated with chronic bronchitis, contracted in the service. He continued to draw this pension until the 4th of March, 1867, when he voluntarily relinquished the same and returned his pension certificate and blank voucher to the Pension Bureau. Soldier states he did so because he had partially recovered from his disabilities, and because of the smallness of the pension allowed him.

On the 22d day of October, 1890, said soldier filed an application for the restoration of his pension and increase of same, and also an application under the act of June 27, 1890. Both of these claims were rejected on the 13th day of April, 1893, on the grounds that the records of the War Department fail to show that the name of said soldier is borne on the rolls of any company of the Twentieth Ohio Volunteer Infantry. The Commissioner of Pensions further states to said soldier, as a further cause for the rejection of his claim, as follows:

"There being no record of your muster in, you can not be recognized as having been properly in the service of the United States."

All of the foregoing facts are clearly shown by the official records and sworn testimony now on file in the Pension Office.

Inasmuch, therefore, as said soldier was duly enlisted and enrolled, and actually served as such soldier for four months, and received an honorable discharge, your committee are clearly of the opinion that he is justly and equitably entitled to a pensionable status the same as if he had been actually mustered, and do therefore recommend the passage of the bill with the following amendment:

Strike out the words "and pay him a pension of $20 per month."

Mr. TALBERT. Mr. Chairman, it appears that the records of the War Department do not show that this soldier was ever in the Army. But there is another record showing that he was in the Army and rendered good service.

The records of the Auditor of the Treasury Department state that the soldier, John M. Laughlin, was paid from enlistment, October 1, 1862, Sidney, Ohio, to discharge, January 31, 1863, Cairo, Ill., four months; and twenty-one days' travel; 420 miles travel from place of discharge home. He received $71.44 on account of the aforesaid service.

It thus appears that this man rendered service and was paid therefor: so that the technical objection that his service does not appear in the records of the War Department ought not to defeat what appears to be a just claim.

Mr. McCLELLAN. I call my friend's attention to the fact that this soldier, as it appears, was honorably discharged, and that the State from which he came was Ohio.

Mr. TALBERT. Yes, he was honorably discharged; and although the records of the War Department do not show that he was ever mustered in, yet the fact is shown otherwise that he was mustered in and rendered service; that he was once granted a pension, which he surrendered because he had recovered from the disability, thus showing that he is an honest and upright man. I think this is a just claim and should receive the favorable consideration of this committee. This is one of those honest claims which I think ought to be granted. It appears that the man can not obtain a pension by going to the Pension Bureau—that the only place where he can obtain justice is this House. I am in favor of the bill because it is proper and right; and a bill of this kind is the only method by which the soldier can receive the relief to which he is entitled. I hope the bill will pass.

Mr. MEREDITH. Will the gentleman let me ask him a question?

Mr. TALBERT. I hope the gentleman from Virginia will sit down and let this just bill pass before the man dies.

Mr. MEREDITH. I wanted to ask my friend a question.

Mr. TALBERT. I will answer the gentleman's question if I can, though some people can ask questions which others can not answer.

Mr. MEREDITH. Did my friend observe that the gentleman who introduced this bill is the one who makes the report in its favor? What does my friend think of that?

Mr. TALBERT. The records of the Auditor for the Treasury Department show that this soldier rendered service and was paid for it; and even if the report was written by the gentleman who introduced the bill, that gentleman is an honorable and distinguished member of this House, who would not report anything that he did not believe to be true and right. I am willing to vote for the bill upon his responsibility.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

HENRY O. HYRE.

The next business on the Private Calendar was the bill (H. R. 7079) to increase the pension of Henry O. Hyre.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Henry O. Hyre, late a private in Battery E, First West Virginia Light Artillery, from and after the passage of this act, a pension at the rate of $20 per month, in lieu of the pension now allowed to him.

The amendment reported by the committee was read, as follows:

Strike out, in line 6, the word "twenty" and insert in lieu thereof the word "twelve."

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7079) to increase the pension of Henry O. Hyre, having carefully considered the evidence, report as follows:

This soldier enlisted as a private in Battery E, West Virginia Volunteer Light Artillery, August 4, 1862, and was honorably discharged June 28, 1865. He is now drawing a pension of $6 per month under act of June 27, 1890. He filed in 1884 an application under the general law, which was rejected in January, 1886, on the ground of claimant's inability to prove origin in service of alleged injury of left knee, chronic diarrhea, piles, rheumatism, and disease of heart, and of no ratable disability from alleged injury of left ankle and deafness since filing claim. This action, rejecting the claim under the general law, appears to have been proper, but it appears from the evidence that claimant is entitled to a higher rate under the act of June 27, 1890, than he is now receiving.

The examining board at Lima, Ohio, under date of March 13, 1895, concluded the report of their examination of him as follows:

"This claimant is disabled in a degree equivalent to the loss of a leg at the knee."

M. L. Johnston, M. D., of Harrod, Ohio, in affidavit dated February 5, 1896, testifies that he has known claimant eleven years; has known him to have nasal catarrh and deafness of left ear; has treated him for same. He also has rheumatism, heart disease, and chronic diarrhea; knows this by observation and examination as neighbor and physician. He is not able to do any amount of manual labor. His wife has been bedridden for five years.

Under date of February 7, 1896, J. H. Huntley, M. D., of Lima, Ohio, testifies to treatment of the claimant, describes his disabilities, and concludes:

"I consider his disability for manual labor total. He is both an invalid and a cripple. He has no property or means of support."

In the opinion of your committee, the condition described warrants an allowance of $12 per month under act of June 27, 1890, and they therefore recommend that the bill be amended by striking out the word "twenty," in line 6, and inserting in lieu thereof the word "twelve," and that as amended the bill do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

SOLOMON KLINE.

The next business on the Private Calendar was the bill (H. R. 7078) to increase the pension of Solomon Kline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Solomon Kline, late of Company I, Forty-sixth Indiana Infantry, upon the pension roll at the rate of $50 per month from and after the passage of this act.

The amendment reported by the committee was read, as follows:

Strike out all after the word "month," in line 6, and insert "in lieu of the pension which he is now receiving."

Mr. ERDMAN. Let us hear the report.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7073) to increase the pension of Solomon Kline, having thoroughly examined the evidence on file, beg leave to report:

Solomon Kline enlisted in Company I, Forty-sixth Indiana Volunteer Infantry, November 30, 1861, and was discharged therefrom October 7, 1863, on surgeon's certificate of disability. The medical records show that he was treated for malarial fever from October 16 to October 23, and from December 11 to December 28, 1862; that he was wounded at Champion Hill, Miss., May 16, 1863, and was treated May 16, 1863, for gunshot wound, severe, flesh, of both thighs; again June 10 to 13, 1863, gunshot, left thigh, and June 11 to July 10, 1863, gunshot wound of thigh.

The certificate of disability on which he was discharged shows that the surgeon found him incapable of performing the duties of a soldier because of gunshot wound of both hips, the ball entering the middle of the left natis, passing obliquely to the right and front, passing through the pelvis, and coming out on the front of the right thigh 2 inches below the inferior anterior spinous process of the ileum; not able for field duty, and not physically suitable to enter or reenlist in the Invalid Corps; disability total; paralysis of right limb.

Affidavits recently filed with this committee show condition as follows:

Mrs. A. Sperling testifies that she has seen Kline almost daily, and his condition is such that he is confined to the house and needs attendance most of the time.

Charles J. Brindley testifies that he has known Kline ten years, and that he is now and has been confined to his house for the greater portion of five years, and that he requires the assistance of another person, by reason of gunshot wound in both hips, and that when he is around the house has always needed crutches to walk with.

Dr. L. A. Bassett, of Swanton, Ohio, testifies that he has known claimant about twenty years; that he is totally unable to do any manual labor whatever, and is confined to the house, unable to dress or get along without assistance most of the time, on account of gunshot wound in hip, paralyzing one limb, rendering it useless.

This man is now pensioned at $30 per month for gunshot wound of both hips and chronic diarrhea and resulting disease of rectum. He was examined August 7, 1895, at Wauseon, Ohio, by the board of United States examining surgeons in a claim for increase, and in their report they say:

"He is evidently unable to walk without crutch and cane; * * * evidently needs the assistance of another person part of the time. In our judgment this claimant is permanently disabled for the performance of any manual labor, and requires the frequent and periodical, though not regular and constant, personal aid and attendance of another person."

In spite of this report of the local examining board, the claim for increase was rejected on the ground that the claimant was receiving the full amount to which entitled for the disabilities for which pensioned.

Your committee are of opinion that this report of the Wauseon (Ohio) board, corroborated as it is by the testimony of the claimant's near neighbors, who see him every day, and by that of his physician, who knows his condition from personal observation and treatment, shows that he requires the frequent and periodical aid and attendance of another person, and that he is therefore entitled under the law to the rate of $50 per month; and they recommend the passage of the bill with an amendment striking out all after the word "month," in line 6, and adding "in lieu of the pension which he is now receiving."

Mr. TALBERT. This is another bill introduced by the same patriotic and distinguished gentleman [Mr. LAYTON]. It appears that the claim is supported by certain affidavits which are recited in the report. In addition to these affidavits we have a certificate from the examining board of the Pension Bureau which states that the soldier "is evidently unable to walk without crutch and cane—evidently needs the assistance of another person part of the time." I think this is a highly meritorious claim. It should be passed without objection.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM C. ESTILL.

The next business on the Private Calendar was the bill (H. R. 6497) granting a pension to William C. Estill.

Mr. CONNOLLY. I ask that House bill No. 4184 (No. 989 on the Calendar) be substituted for the bill just called, and that the bill just reached be substituted on the Calendar for the one I desire to call up.

Mr. STEELE. I object.

Mr. CONNOLLY. I hope the gentleman will not object. This arrangement does not postpone any bill in which any other gentleman is interested. I am simply asking that one bill take the place of the other. This arrangement will not interfere with the rights of any gentleman.

Mr. STEELE. I withdraw my objection.

Mr. CONNOLLY. I ask unanimous consent for the arrangement I have just stated.

The CHAIRMAN. It is the opinion of the Chair that would not be in order under the special rule.

Mr. CONNOLLY. This arrangement does not postpone any other bill or interfere with the rights of any other member.

The CHAIRMAN. In the opinion of the Chair the order of the House under which the Committee of the Whole is acting can not be changed in Committee of the Whole.

Mr. CONNOLLY. Can it not be done by unanimous consent? The proposition is simply that one bill be put in the place of another.

The CHAIRMAN. The Chair thinks that, as the House has directed the Committee of the Whole in regard to the order of business to be pursued this evening, that order must be followed. When the gentleman first made the request the Chair understood that it was the same beneficiary in each bill, but now ascertains that it is an entirely different bill.

Mr. CONNOLLY. Can we not as well take up No. 989 on the Calendar by unanimous consent as to make the order we have made about the manner of calling them up?

Mr. HICKS. I object.

The CHAIRMAN. Objection is made, and the Clerk will proceed with the reading of the bill.

The bill was read, as follows:

Be it enacted, etc., That William C. Estill, disabled and dependent son of the late William J. Estill, deceased, who was captain of Company F, Twenty-eighth Illinois Volunteers, and a private in Company A, Sixteenth United States Infantry, in the Mexican war, be, and he is hereby, granted a pension at the rate of $12 a month, payable quarterly as other pensions.

Mr. ERDMAN. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6497) granting a pension to William C. Estill, submit the following report:

William C. Estill is the disabled son of William J. Estill, late captain Company F, Twenty-eighth Illinois Volunteers. He is 34 years of age. By reason of the premature discharge of a cannon at Petersburg, Ill., in 1868, at a public celebration, he lost both arms at elbow and his right eye. He has to be fed and waited on by an attendant. He has no property or means whatever, and no relatives able to support him. He is dependent on charity.

Petitioner's father, William J. Estill, was a private in Company A, Sixteenth United States Infantry, in the Mexican war. He was wounded in the battle of Shiloh so severely as to compel his discharge on or about June 10, 1863. For this wound he was pensioned up to the time of his death, in 1891. Petitioner's mother died in 1874.

Petitioner's great-grandfather, William Estill, was a soldier in the Revolutionary war from the State of New Jersey.

His grandfather, William Estill, was a soldier in the war of 1812, in Captain Gosden's Company, Kentucky Militia, and drew a pension under law of 1871, certificate No. 8346.

His uncle, Isaac Estill, was a soldier in the Mexican war, Company F, Fourth United States Infantry, also lieutenant, Company F, Twenty-eighth Illinois Volunteers. Was wounded in battle of Hatchie, Tenn., and died at Bolivar, Tenn., in December, 1862.

His uncle, David F. Estill, was a soldier in Company K, One hundred and fourteenth Illinois Volunteers, and died in the service at Camp Sherman, Miss., in 1863.

His uncle, Samuel Estill, was captain Company K, One hundred and fourteenth Illinois Volunteers, in the war of the rebellion.

His father, William J. Estill, was a soldier in both the Mexican war and the war of the rebellion, as above shown.

The above facts appear from the petition of claimant, and the affidavits of Hon. T. W. McNeely, a member of this House from 1869 to 1873, and P. S. Scott, both of whom have lived at Petersburg for periods of fifty and thirty-eight years, respectively, and who have personal knowledge of the facts.

Petitioner has no pensionable status. He was over 16 years of age at the time of his father's death.

On the above facts the committee recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I wish to offer an amendment in order to perfect this bill. It is hardly in shape as it reads now, and the amendment would be virtually a substitute for the bill.

The CHAIRMAN. The Clerk will report the proposed substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and is hereby, authorized to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of William C. Estill, permanently helpless son of William J. Estill, late private in Company A, Sixteenth United States Infantry Volunteers, and pay him a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, this is a bill that ought to be laid upon the table. There is no justification whatever for its passage.

The report gives the genealogy of the applicant. It appears that his great-grandfather was a soldier, his grandfather was a soldier, his uncle and another uncle, and still another were soldiers; his father, too, and possibly his cousins, his sisters, and his aunts, were nurses in the war. But that is the only reason assigned for pensioning him. He never was in the Army, never was in the war; he is only 34 years old——

Mr. MEREDITH. He was not born when the war was going on.

Mr. ERDMAN. He lost his arms by an explosion of a cannon, firing a celebration——

Mr. STEELE. Does the gentleman say that the records show that this man never was a soldier?

Mr. ERDMAN. Why, he is only 34 years old now.

Mr. MEREDITH. Of course he could hardly have been in the Army at that early age.

Mr. ERDMAN. Mr. Chairman, I have come across an article in the Forum of May, 1896, on the "Anomalies of our private pension system," that I think would be of benefit, if the House would hear it read. If the House, however, prefers to have it in the RECORD, I shall not object; otherwise I will read it.

The CHAIRMAN. If there be no objection, the gentleman will be permitted to print the article in connection with his remarks.

There was no objection.

The article in question is as follows:

[The Forum, May, 1893.]

ANOMALIES OF OUR PRIVATE PENSION SYSTEM.

There are two distinct methods of granting pensions in the United States. Through the medium of the Pension Bureau, by virtue of a complex system of general laws, the growth of a century, the adjudication of pension claims goes forward ceaselessly, and at the present time 2,000 employees of

that Bureau dispose of about 1,000 original and increase claims a day. Congress has equipped this great machine and, aside from annual supplies of fuel, gives it only occasional attention.

To this great mill, grinding not slowly, nor, indeed, exceeding fine, the granting of pensions by special act of Congress bears only remote relation. To secure a special act, the person who for any reason whatsoever surmises that he may be able to obtain a benefit not afforded by the general laws seeks to secure the introduction by a member of Congress of a private bill for his relief. The basis of his application may be the fact that his claim has been rejected by the Pension Bureau, or that for some technical rather than material reason he can not secure a pension under the general laws. It may be that he already receives a pension at a rate less than he conceives desirable or that, because of conspicuous services, he aspires to an extraordinary rate. Be the pretext what it may, such bill is referred to a committee, by whom it is considered and reported to the House or Senate, favorably or adversely, or permitted to expire with the Congress. If reported favorably, passed by the House of Representatives and the Senate, and signed by the President, such bill becomes a law, and the party named therein, and he alone, is benefited thereby.

Formerly the initial step was not usually, as now, the introduction of a bill setting forth the action proposed, but the presentation of a petition for relief, which was referred to a committee for consideration. If their decision was favorable, a bill suited to the case was reported by the committee; if adverse, a resolution was submitted suggesting that "the petitioner have leave to withdraw his petition," a privilege by no means so valuable in effect as benignant in expression.

The early reports of the Committees on Pensions show that the stalwart statesmen of the past were called upon to deal with the same perplexing and sometimes trivial problems as are their successors of the present. In April, 1818, the Senate Committee on Pensions reported on a petition setting forth that the petitioner "in June last, while firing a salute in honor of the President of the United States, who was passing in a steamboat," lost both his arms, and therefore asked to be pensioned. The committee, however, "resolved that the prayer of the petitioner ought not to be granted." In January, 1820, the Senate committee stated that "the pension list already amounts to between three and four millions of dollars, and the committee can not believe it expedient at this time to open the doors to a new and very numerous class of applicants" (referring to those persons who had not served the requisite nine months in the military establishment), and that they found it "impossible to extend pecuniary reward to all who deserve well of their country." The same committee recommended that a petitioner who, while serving under General St. Clair in 1791, had been "wounded slightly in the little finger," should have "leave to withdraw his petition."

Many so-called petitions for pension are still received by each Congress, but they are not usually in such form as to receive or merit careful consideration. A statement signed by admiring neighbors, setting forth the personal virtues of the applicant, does not raise any presumption that he is entitled to a pension. On the other hand, the indiscriminate introduction of private bills, which, however little the member may intend it, bear his constructive indorsement and implied certificate that in his opinion each represents a meritorious claim, is an unmixed evil.

It is not to be supposed that these bills are all introduced by members of Congress with a full knowledge of the facts or an expectation that they will become laws. On the contrary, it is unfortunately the exception when a member has any definite knowledge of the circumstances of the case which he, in a measure, makes his own by the introduction of the bill. It is easier to hand such a bill to the Clerk when requested than to investigate the merits of the matter; and thus the records of Congress are needlessly cumbered, the files are inordinately burdened, the labors of committees are enormously augmented, and many deserving cases are crowded to the rear by less worthy but more aggressive claimants. Not only do members present bills without deliberation or investigation, but they have fallen into a custom of culling out early in each Congress all the bills introduced by themselves in the previous Congress which failed of passage, and of again introducing them as a matter of course, without inquiry as to whether the conditions remain such as to justify it.

This custom has resulted in the introduction in one day by one member of as many as seventy private pension bills. In the Fifty-second Congress an energetic Western member introduced a bill to pension a widow, and zealously sought a favorable report from the Committee on Invalid Pensions, who on investigation found that precisely the same bill, introduced by the same member, had passed the Fifty-first Congress, and that the beneficiary thereof had been in comfortable receipt of her pension for more than a year. In 1892 a very prominent Southern member introduced a bill to restore pension to a soldier's widow. Inquiry developed the fact that an exact duplicate of this bill had become a law in February, 1891, and that the intervening year had been spent by the Pension Bureau in a fruitless endeavor to ascertain her post-office address, in order that the pension might be paid to her. The member, being made acquainted with these facts and asked for information as to the whereabouts of the beneficiary, blushingly admitted that he did not know her and had no recollection of the matter; and this is why the pension granted by the Fifty-first Congress to Sarah A. Phelps still awaits a claimant!

The remedy for this evil lies in a change of rules, already in contemplation by members of the Fifty-third Congress, so as to prohibit the introduction of private pension bills and the needless printing and expense attending them, and requiring that all such claims be presented by petition only, which petition shall be referred to the proper committee for consideration. This petition should be not a numerously signed, indefinite, and irrelevant statement, but the sworn affidavit of the petitioner, setting forth specifically the grounds on which the claim to relief is based, and supported by the properly executed testimony of disinterested parties. If the facts presented in any case warrant favorable action, the committee should then report a bill in proper form and clearly worded, calculated to afford an adequate relief and not liable to misconstruction by the Pension Bureau.

The number of private pension bills introduced in recent Congresses is truly enormous. In the Fifty-first Congress the total number was 6,499, the Senate furnishing 1,545 and the House 4,954. Of the bills originating in the House 4,098 were referred to the Committee on Invalid Pensions, which has jurisdiction of all matters relating to pensions growing out of the late war, and 856 to the Committee on Pensions, having jurisdiction of bills relating to the Revolutionary war, the war of 1812, the war with Mexico, the various Indian wars, and to service in the Regular Army or Navy prior to or subsequent to the war of the rebellion. Of these six and a half thousand bills exactly fourteen hundred were enacted into laws. The methods of recent Congresses in dealing with these great numbers of private pension bills will appear from a brief table prepared from the dockets of the House Committee on Invalid Pensions. This table shows that in the Forty-eighth Congress (1883-1885) 2,783 bills were received, 555 were favorably and 448 adversely reported, and 1,780 were not acted on. In the Forty-ninth Congress (1885-1887) the proportions were 4,357, 768, 610, and 2,979; in the Fiftieth Congress (1887-1889), 4,236, 1,134, 298, and 2,808; in the Fifty-first Congress (1889-1891), 4,098, 853, 96, and 3,149. In the Fifty-second Congress (1891-1893) 2,100 bills were received; 227 were favorably and 80 adversely reported. Of that Congress it can not be said, as of those preceding, that the bills not reported were not acted on, for the reason that this committee in the Fifty-second Congress made an effort to give some consideration to all the private bills coming before them, and they have left a docket record of the merits or demerits of fully 90 per cent of the 2,100 received.

These figures show a very striking and increasing disinclination to take the responsibility of making adverse reports; but it should be borne in mind that while only 96 adverse reports were made in the Fifty-first Congress, the passage of 3,149 bills was quite as effectually prevented by refusing or failing to report them as if they had been reported adversely, and the same is proportionately true of the action of other Congresses.

It is obvious that in these five Congresses it was a physical impossibility to consider fully all these bills and that the time consumed in their consideration must have resulted in detriment to interests of a public and general character, and, furthermore, that the consideration given to such bills as were reported could not possibly have been so thorough as to import such infallibility in the conclusions as to justify the President's signature without examination.

The object of the special-act pension is, in theory at least, to give relief in such exceptional and meritorious cases as, for some good reason, technical or perhaps unique, the general laws do not include in their beneficent scope. That this is the theory of special acts is clearly indicated by a joint resolution of Congress approved May 29, 1830, as follows:

"*Resolved*, That the heads of departments who may severally be charged with the administration of the pension laws of the United States of America be, and they hereby are, respectively directed and required, as soon as may be after the opening of each session of Congress, to present to the Senate and House of Representatives a several list of such persons, whether Revolutionary, invalid, or otherwise, as shall have made application for pension or an increase of pension, and as, in their opinion, ought to be placed on the pension roll or otherwise provided for, and for doing which they have not sufficient power or authority, with the names and residences of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same."

To assume, however, that this resolution, which is still in force, gave rise to the custom of granting pensions by special act would be as erroneous as to suppose that it is responsible for the numerous private acts which have emanated from recent Congresses. That such is not the case is shown by the fact that while nearly 4,000 private pension bills were introduced in the Fifty-second Congress, only two cases were received from the Secretary of the Interior, in pursuance of the resolution quoted, recommending that relief be granted by special act, while two others were received suggesting the repeal of former special acts on the ground that they were secured by fraud.

The private pension act is coexistent with our constitutional Government. The First Congress enacted 22 such measures, of which the very first, the prototype of nearly 7,000 which have followed, was enacted June 4, 1790, granting an annuity of $2,500 during life, commencing January 1, 1790, "in order to make full and adequate compensation to Frederick William de Steuben for the sacrifices and eminent services made and rendered to the United States during the late war." It will be remembered that Baron Steuben had come to America in 1777 and volunteered his services without stipulation as to reward, and had served as inspector-general of the Army with rank of major-general, introducing and perfecting the discipline of the Army; and his services were so conspicuous and their value was so much appreciated that as early as April, 1784, a resolution to pay him the sum of $45,000 was considered in the Continental Congress, but defeated, as were sundry subsequent propositions of a similar nature.

In this First Congress there were also allowed to Sarah, widow of Major-General Earl-of-Sterling, who had died in the service of the United States, a sum equal to the half pay of a major-general for seven years, and to Frances E., daughter of Lieut. Col. John Laurens, a sum equal to seven years' half pay of a lieutenant-colonel. This latter action had been recommended by a resolution of the Continental Congress as early as March 1, 1785. In the private pensions allowed by the First Congress the prevailing rate a month was $5, with some as low as $2, these corresponding to the rates in vogue under the Continental Congress. Three reasons for the very early ingrafting of this feature of private-pension acts upon our legislative system are here suggested:

First. The exceptional occasion growing out of the then recent war of the Revolution for acknowledging and rewarding the distinguished and often gratuitous services of citizens, and more especially of titled foreigners who had fought in the American armies.

Second. The absence of any adequate system of general pension laws.

Third. The very moderate rates of pension which had been granted under the provisions adopted by the late Congress. The Continental Congress made provision on August 26, 1776, for half-pay pensions for life to soldiers and sailors for loss of limbs and other disabilities. In August, 1780, provision was made for the payment for seven years of half-pay pensions to the widows and minor children of such officers as had died or should thereafter die in the military service of the United States, and in April, 1782, it was resolved that sick and wounded soldiers should be discharged and should receive a pension of $5 a month in lieu of all pay and emoluments.

These provisions had not, of course, the force of statute law, as the body that was responsible for them had no means of raising revenue or of enforcing its resolutions; but the first Congress under the Constitution hastened to assume responsibility for the payment by the United States from March 4, 1789, of such pensions as had been formerly granted and paid by the several States in pursuance of acts of the late Congress. But it was not until March 23, 1792, that general pension legislation of any considerable scope was enacted, and this provided that the applicant for pension should present his evidence to the circuit court of the district where he resided, which court should determine the rate of pension to be allowed, and should certify the case to the Secretary of War, who should place the name on the pension roll. In less than one year (on February 28, 1793) a large portion of this act was repealed on the ground that it had been "found by experience inadequate to prevent the admission of improper claims to invalid pensions," and provision was then made for taking evidence in invalid claims by the judge of the district, or by three persons commissioned for that purpose by the judge, and for the examination of the applicant by two physicians appointed by the judge; for the transmission of the claims and evidence to the Secretary of War, to be compared with the records of his office, and then reported to Congress for such action as might seem proper.

From this date, it is interesting to note, the Secretary of War was vested with no authority to place any name on the pension roll without first submitting each particular case to Congress for its action, and this prevailed until the last day of the Fifteenth Congress, when the Secretary of War was empowered to place on the rolls, without reporting the same to Congress, the names of such persons as were found entitled under existing laws. During this interval of twenty-six years, from 1793 to 1819, all pensions granted were allowed by what was, in form, a special act of Congress, each pensioner being mentioned by name and his rate being fixed by the act. As the reasons heretofore cited account for the introduction of the "special act," so do these twenty-six years of personal and individual legislation account for its thorough intrenchment in our legislative system.[*]

The more important general pension laws were enacted in 1793, 1806, 1813, 1818, 1832, 1836, 1862, 1871, 1887, and 1890. A comparison of these dates with the table of special acts discloses no possible relation of cause and effect. It is to be expected, perhaps, that the number of special acts should increase rather than decrease with increasing population and increasing numbers of beneficiaries under the general laws, for many a person is prompted to seek a pension or increase of pension either under the general laws or by special act, less by a positive sense of legal title and desert or of injustice suffered than by a comparison of his own status with that of some one who is in receipt of something which he has not. The prevailing formula in applications for increase is that the "rate is not proportionate to that received by other persons for similar disabilities," and it is probable that there would be more contentment among the pensioners if a uniform, even though small, rate of pension were allowed to all than with the present innumerable recognized rates, varying from $1 to $100 a month.

Herein lies the chief argument against the allowance of pension or increase of pension by special act, as well as the reason for the enormously increasing demand for that species of benefaction. The special act is, of necessity, personal, discriminating, and partial, and as such provokes a feeling of resentment in the minds of those who, equally deserving, have not the acquaintance, the influence, or the knowledge of "ways and means" requisite to secure similar benefits. Probably the most meritorious cases have not received the promptest attention in the private legislation of the past; and as merit is proverbially modest, the most deserving perhaps never come to the attention of Congress at all, and hence the feeling which is unquestionably growing among the soldiers and worthy beneficiaries of the general pension laws especially, that every increase of pension allowed by special act of Congress is a mark of personal favoritism and an unjust discrimination against every pensioner who is not so fortunate as to have his cause espoused by some influential man.

One interesting fact appears from the table given in the footnote, namely, that during the late war, and to some extent during the war of 1812, the granting of special pensions was noticeably reduced. From 1811 to 1815, covering the period of the war of 1812, there were only 3 special acts; from 1861 to 1863, only 15, and from 1863 to 1865, only 29, to be followed at once by 139 and 292. During these great crises the attention of Congress was necessarily centered on matters of public interest to the exclusion of those personal and private. Can it be that private legislation is a form of mischief found for idle hands to do?

An extreme position on any disputed question is likely to prove untenable, and here it must be admitted that there is a legitimate, but limited, field for the allowance of pension by special act. The statement that all rules have their exceptions is true, though trite, and it is obvious that no general law could be framed which would invariably give relief to the deserving and exclude the unworthy. Recognizing this fact, after an experience of nearly forty years, Congress passed the joint resolution of May 29, 1830, already quoted, in order that the worthy persons excluded might, in a systematic manner, be brought to the attention of Congress, rather than that the claimant's whim or failure of satiety should transfer the adjudication of his claim for pension from the proper bureau to a most inadequate tribunal. That the proper field of the special act is a limited one may well be assumed from the fact that the first twenty Congresses, legislating for those who had borne the hardships of two great wars, enacted only 107, an average of 5 for each Congress. The next twenty Congresses show an average of 90. For the next ten Congresses the average is 400. What is the cause of this enormous increase? Is it that the general laws for this period were mean and niggardly or strict and technical, so that few could get their deserts through the regular channels and many were thus forced to appeal to Congress? Let the 489,725 pensioners on the rolls on June 30, 1889, following the adjournment of the Fiftieth Congress, answer. And what shall we say of the 1,400 bills passed by the Fifty-first Congress, about three times the average of the ten preceding Congresses, and that, too, in face of the fact that before its legislative days had half expired the act of June 27, 1890, had become a law, extending to hundreds of thousands by general enactment new or additional benefits?

Were the provisions of the general laws from June 27, 1890, to the close of the Fifty-first Congress so circumscribed that worthy claimants by the thousand were forced to seek relief through other channels? Let the 676,160 pensioners on the rolls on June 30, 1891, together with the 876,068 names on the rolls on June 30, 1892, and the $165,000,000 appropriated by the last Congress for the ensuing year be the answer.

Existing laws are so ample that one may well wonder what kinds of pension claims are presented in these private bills; what meritorious service done or what peculiar hardships undergone the claimants urge to justify the benefits invoked. Of 2,100 bills before the Committee on Invalid Pensions in the Fifty-second Congress, 332 asked for increase of pension to soldiers already pensioned; 320 were to pension civilian employees and others not regularly mustered into the military service of the United States; 146 contained no sufficient data to identify the claims in the Pension Bureau; 131 sought to interfere with claims not yet adjudicated by the Pension Bureau; 117 were erroneously referred to that committee; 110 were to grant pensions to soldiers' mothers not pensionable under the general laws; 104 to grant pensions to women who had by remarriage forfeited the pension once granted them as widows; 102 to increase the pension of widows already pensioned. Besides these, there were bills for army nurses, stepmothers, stepfathers, foster mothers, children over 16 years of age, soldiers who had deserted, women not legally married to soldiers, women who had been divorced from their soldier husbands, soldiers who had served less than ninety days, and soldiers not disabled from any cause.

In two instances where a bill was introduced to pension the supposed widow of a soldier who had long since disappeared and long been mourned as dead, it was discovered that the elusive consort was still living and had applied for pension, and his post-office address was accordingly furnished to his erstwhile disconsolate widow!

THOMAS FLETCHER DENNIS.

Mr. CONNOLLY. Mr. Chairman, it is because of the facts which have been stated that I asked permission to postpone the consideration of that bill on the Calendar and take up a bill for one who had been actually in service, but the gentleman from Indiana [Mr. STEELE] and the gentleman from Pennsylvania [Mr. HICKS] objected.

Mr. STEELE. As we had a perfect right to do.

Mr. CONNOLLY. As you had a perfect right to do. You have always a right to be discourteous.

Mr. STEELE. And some people always seem to have a right to grumble without cause.

Mr. MEREDITH. I want the House to understand what they are doing in legislation of this character. It does seem to me, and I speak seriously, that the House can not understand the position in which we are placing ourselves by undertaking to adopt such a measure as this.

I am not here to oppose pension legislation; I am not here to oppose the granting of a pension to any man who was injured in the service of his country; but we have just passed a bill to increase the pension of a man who was hurt twenty years and more after the war, and almost the very next bill that comes up is to grant a pension to a man who was not born until after the war was over, and upon no other ground in the world, as shown by the report, than the fact that his ancestors had been soldiers.

Now, Mr. Chairman, if these are just and sufficient grounds upon which to give a man a pension, there is not a man in the House who is not entitled to a pension; and it is an absurdity to my mind, when we are the custodians of the people's money, and represent the Government, that we should, upon such frivolous pretexts, pay out that money to special beneficiaries or to any man simply and solely because his grandfather or his great-grandfather or his uncles had been soldiers in the Revolutionary war or the war of 1812. It is an absurdity, I repeat; and I desire to call the attention of the House to the fact, and let it go to the country, that we are coming here on Friday nights to pass bills of this character—bills which are an outrage upon the people.

There are bills, I have no doubt, on the Calendar that are strictly meritorious and which present an equitable right to a pension—bills for the relief of people who saw service, and were injured in the service of the country, and I have never raised my hand or my voice against one of them. But, Mr. Chairman, when we come to pension people who were not born until after the late unpleasantness, who have no claim upon the Government except the fact that their ancestors were soldiers in the war of the Revolution and in the war of 1812, it seems to me every right-thinking man in this House will come to the conclusion that we should call a halt on bills of that kind.

Now, Mr. Chairman, so far as I am concerned, it does not matter a particle whether this bill is passed or not. I merely desire to call the attention of this House to this class of bills, and it seems to me that they ought to meet with the condemnation of this body.

Mr. HULICK. I should like to ask the gentleman from Illinois what kind of a celebration it was that this man was attending when he met with this accident?

Mr. CONNOLLY. Well, a Democratic celebration over a Democratic victory.

Mr. SPALDING. Mr. Chairman, I raise the point of order that this bill does not come within the rule of the House.

The CHAIRMAN. Will the gentleman state the point of order?

Mr. SPALDING. That it does not come within the rule for Friday night sessions, granting pensions to soldiers or removing charges of desertion. This man was not a soldier, and consequently this bill can not come up at this time.

The CHAIRMAN. The point of order is overruled.

Mr. TALBERT. Mr. Chairman——

Mr. CONNOLLY. Mr. Chairman, inasmuch as I introduced this bill for a constituent of mine who is a party friend of the gentleman from Virginia [Mr. MEREDITH]——

Mr. MEREDITH. That does not change the principle at all.

Mr. CONNOLLY. I want to say that while he insists there is no ground at all for the passage of pension bills of this kind, I have a recollection that not many days ago the gentleman from Virginia [Mr. MEREDITH] voted for a pension to a daughter of a Revolutionary soldier. She had never been in the Army.

Mr. ELLIS. And was born long after the war.

Mr. CONNOLLY. She was born long after the Revolutionary war closed, but she lived in Virginia, and therefore I presume she ought to be a pensioner. [Laughter.] Now, Mr. Chairman, if this man's father had died one day before the boy was 16 years of age, he would have been entitled to a pension of $12 a month, but he did not die at that time. The lead that was fired into his body, which kept him an invalid for years, enabled him to draw a pension out of which he maintained this helpless crippled son for twenty years. That father finally succumbed to the lead that was fired into him, but, unfortunately for the boy, the latter had passed his sixteenth birthday, and hence, under our general pension law, the father lived a little too long to enable the son to draw a pension.

Now, I protest that the gentleman from Virginia [Mr. MEREDITH], who is ready to vote for pensions for the sons and daughters of Revolutionary soldiers, if they live in Virginia, although those sons and daughters were born long after the Revolutionary war, ought not to come here now and attempt to throw contempt on a son of the war of the rebellion, because, forsooth, his father died a little too late to enable the boy to come and get a pension under the general law. His father was a soldier, and a good one. He served both in the war of the rebellion and in the war with Mexico. His grandfather fought in all the wars which the country had during the time he was on earth, and his great-grandfather did, too; but this boy, who was maintained by his father for years out of the little pension that he drew, upon the death of the father became a charge upon kinsmen who were as poor as he, and unable to maintain him at all. It is for reasons of this kind that I introduced this bill here, believing that he had as good a right to be maintained now for the remaining years of his crippled life as the grandson or granddaughter of a Revolutionary soldier should now be maintained by the Government. Hence, I protest against the attempt to sneer this case out of court on the part of the gentleman from Virginia [Mr. MEREDITH], because, forsooth, this man does not live in the State that once was the mother of Presidents, but which ceased bearing long ago. [Laughter.]

Mr. MEREDITH. Mr. Chairman, the little fling which the gentleman makes at old Virginia needs no reply from me. I would say to him that the people of Virginia appreciate and honor her Presidents of the past; but we appreciate another fact, Mr. Chairman. The time has not yet come when Virginians can again hold that position—although she has many sons who would worthily fill that exalted station—because the very unpleasantness to which my friend has alluded has caused party lines to be so strictly drawn that it would be impossible for any man who deserves the name of man and who lives in that grand old State to obtain sufficient votes to elect him to that high office until the feeling to which my friend has alluded is dispelled by time.

My friend says that I have attempted to sneer this case out of court. He is mistaken. It is a matter of supreme indifference to me whether this House grants this pension or not. It is a case which perhaps ought to appeal to the sympathies of this House as it appeals to mine. But, sir, we stand here as Representatives, to do justice to the Government as well as to the unfortunate citizens of the country. In reference to the statement made by my friend that I voted recently to pension the daughter of a Revolutionary soldier, I want to say to him that I may have done so, although I have no recollection of the case; but if I did, I followed a precedent which has been established in the past; and if the gentleman will turn to the statutes he will find that a goodly number of the daughters of the Revolution have been pensioned. If there was one such beneficiary from Virginia who received my vote in the present Congress, although I have now no knowledge of the case, I was simply following a precedent which had been already set, and I am sure that my friend has just such cases in his own State.

If there is any cause why this young man should be pensioned, I say we have a right to pension thousands and tens of thousands of people who have been unfortunate, whose ancestors were in the Revolutionary war or the war of 1812. It is not a question of sentiment, but a question which addresses itself to the sound discretion of this House and of the country that by our votes we are to say whether we are to be controlled by sympathy and by the eloquence of the gentlemen, or whether we are to be guided by what seems to be honest and just to the Government and to the people, as well as by the rules of common sense. [Cries of "Vote!" "Vote!"]

Mr. BLUE. Mr. Chairman, I want to say a word about this, and only one. This is the establishment of a principle that I do not believe has ever been practiced in the pension legislation of this nation. We have pensioned the imbecile children of soldiers of the late war; but this is not an imbecile. This is a child that lost his arms years after the war. He is now only 34 years of age, and if this is to be used as a precedent, there will be no end of this matter of pensioning. I heartily concur in the opinion of the distinguished gentlemen here that this whole business of pensioning the granddaughters of soldiers of the Revolution is infamous and bad.

There is no principle of pensioning upon which it can be based. I stand here now to say to this House that I am ready to vote at any time to repeal every bill of this kind. [Applause.] It is wrong in principle, and if it is to be followed up, the time will soon come when the pension rolls of this nation will be so enormous that the people will rise up and destroy it and do great wrong to meritorious pensioners. And so, Mr. Chairman, I do not wish to make any motion in this case. I very much dislike to antagonize this measure, coming from the gentleman from Illinois [Mr. CONNOLLY], whom I respect so much; but this is wrong in principle, and the bill ought to be beaten.

Mr. AVERY. Will the gentleman answer a question?

Mr. BLUE. Yes, sir.

Mr. AVERY. Upon what theory does the law pension the imbecile child of a soldier?

Mr. BLUE. The theory, as I understand it, is this: That the imbecile child is not able to support itself.

Mr. AVERY. That is very true. Is not the same theory true of the infirm child, absolutely incapable?

Mr. BLUE. That may be so. But, if the gentleman will permit, if this is to be established and followed as a rule, every time the child of a soldier of the late war loses his arm, or loses a hand, or is seriously maimed, in principle it follows on the same line that this House would be bound by its action to give him a pension. And I am not ready to open the door that wide, and shall vote against this bill.

Mr. AVERY. You would confine it to the imbecile, and not give relief to the helpless.

Mr. TALBERT. Mr. Chairman, I do not propose to make any speech about this pension. I can not speak like the gentleman from Virginia [Mr. MEREDITH] or the distinguished gentleman from Illinois; but I want to call the attention of the committee to some of the reasons why this claimant should be entitled to a pension, and see if they are based upon justice, right, and principle. I think certainly that must be a joke attempted to be played upon the Committee of the Whole to-night. Certainly the distinguished gentleman from Illinois [Mr. CONNOLLY], with his open, honest face can not be in earnest in his advocacy of this claim. He is certainly not looking at it in the proper light, if he is in earnest in the advocacy of this claim. If so, I must say he certainly is laboring under a tremendous optical delusion, if he looks at it seriously. Now, what are some of the reasons why you are asked by the committee here to grant this claim? In the first place the report says:

> By reason of a premature discharge of a cannon at Petersburg, Ill., * * * he lost both arms at elbow.

Has this Government anything in the world to do with that? Was not that after the war was over? Was he in the service of the United States? Another reason is:

> His father, William J. Estill, was a private in Company A, Sixteenth United States Infantry, in the Mexican war.

Possibly you can find a number of others who had just as distinguished fathers as this gentleman had. So that seems to me to be no reason for pensioning this man. The report goes on to say that his great-grandfather, William F. Estill, was a soldier in the Revolutionary war from the State of New Jersey. Well, what of that? That has nothing in the world to do with the question of this committee recommending this claim. It is totally irrelevant. It does not touch the question at all, and it is no reason whatever why this man should receive a pension. There is no sense in it, there is no decency in it, there is no justice in it, there is no principle in it.

Another reason assigned is that his uncle was a soldier in the Mexican war and another uncle was a soldier in another war! I am astonished that the committee has not gone on to speak of his aunts and his cousins—his first and second and third cousins—has not told us where they are all "at," and brought them in as extra and additional reasons why this man should receive a pension at the hands of the United States Government. [Laughter.] I am astonished, Mr. Chairman, that the Committee on Invalid Pensions, composed as it is of able and distinguished men, should bring such a claim in here, and I am glad that the name of the distinguished gentleman from Ohio [Mr. LAYTON] is not attached to this report, and I can not believe that he is going to vote for this bill. [Laughter.]

Here is what the committee say after what I have already quoted: "Petitioner has no pensionable status whatever." That amounts to saying that he is not entitled to a pension under any conditions or under any circumstances. That is what this committee themselves say, and yet they recommend that this man be given a pension!

Again, they say that he was over 16 years of age at the time of

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[*] Following is a list of special pension acts of the various Congresses from the First to the Fifty-second, excluding, of course, those above referred to, pensioning by name those persons whose claims were certified by the Secretary of War:

Congress.	Years.	Number.	Congress.	Years.	Number.
I	1789-91	22	XXVIII	1843-45	37
II	1791-93	15	XXIX	1845-47	77
III	1793-95	2	XXX	1847-49	97
IV	1795-97	....	XXXI	1849-51	31
V	1797-99	1	XXXII	1851-53	58
VI	1799-1801	....	XXXIII	1853-55	103
VII	1801-03	....	XXXIV	1855-57	75
VIII	1803-05	5	XXXV	1857-59	62
IX	1805-07	1	XXXVI	1859-61	49
X	1807-09	....	XXXVII	1861-63	15
XI	1809-11	....	XXXVIII	1863-65	29
XII	1811-13	2	XXXIX	1865-67	139
XIII	1813-15	1	XL	1867-69	292
XIV	1815-17	7	XLI	1869-71	84
XV	1817-19	8	XLII	1871-73	177
XVI	1819-21	2	XLIII	1873-75	178
XVII	1821-23	1	XLIV	1875-77	97
XVIII	1823-25	12	XLV	1877-79	229
XIX	1825-27	24	XLVI	1879-81	95
XX	1827-29	4	XLVII	1881-83	194
XXI	1829-31	214	XLVIII	1883-85	512
XXII	1831-33	39	XLIX	1885-87	798
XXIII	1833-35	78	L	1887-89	1,027
XXIV	1835-37	116	LI	1889-91	1,400
XXV	1837-39	74	LII	1891-93	211
XXVI	1839-41	23			
XXVII	1841-43	97	Total		6,814

his father's death, thus putting him in another aspect entirely outside the pale of the law, which provides that no child over the age of 16 shall be pensioned unless an imbecile or an idiot. This man is not an imbecile; this man is not an idiot. He is disabled, it is true, and all such pitiful objects have my sympathy. They ought to be dealt with and cared for—ought to be put into some poorhouse and taken proper care of—but it is not right or proper that the Government of the United States should be asked to provide for them.

Mr. Chairman, it is not the pitiful little sum that would be given in this case that I am opposing; it is the principle—the precedent that you would establish, by which you would open the flood gates so that thousands of others just as needy and just as deserving would be coming here and asking pensions upon the same plea. I can not believe, Mr. Chairman, that this committee will seriously consider this case. I hope the claim will not be granted. I move that the bill be reported to the House with the recommendation that it do lie on the table.

Mr. HICKS. Mr. Chairman, I desire to say a word on this bill. I trust that my friend from Illinois [Mr. CONNOLLY] will not insist upon its passage. I dislike to take up the time of the committee, but I really think that if we pass this bill, we take a step that we shall regret hereafter.

Mr. CONNOLLY. I am glad to see the House think of making a halt somewhere, even if I have to suffer by it. [Laughter.]

Mr. HICKS. This man has no pensionable status.

Mr. CONNOLLY. No; if he had, he would not be here asking a pension by special bill.

Mr. HICKS. I can pick out a large number of worthy persons in my district, children of honorably discharged soldiers, who are crippled for life by reason of disabilities or accidents incurred since the war, and if we pass this bill, I really think we shall take a step in the wrong direction, which will excite the attention of the country and invite disapproval. I believe in a pension for every honorably discharged soldier, and for the widow of every such soldier who is unable to earn a livelihood.

Mr. CONNOLLY. Or for the imbecile child of a soldier?

Mr. HICKS. Or for the imbecile child of a soldier.

Mr. CONNOLLY. Or for the daughter of a Revolutionary soldier?

Mr. HICKS. Or for the daughter of a Revolutionary soldier.

Mr. CONNOLLY. Or for a soldier of the war of 1812? [Laughter.]

Mr. HICKS. I will even agree with my friend on that proposition, but when we undertake to pension the child of a soldier for a disability resulting from some infirmity contracted since the war, or from some accident, we are certainly setting a precedent that will come to plague us in the future. It is a new departure, as has just been remarked by the gentleman from Washington [Mr. HYDE].

Mr. CONNOLLY. Does not the gentleman know that we have passed a half dozen bills of this kind in this very Congress?

Mr. HICKS. If we have I do not remember them. I certainly would not have voted for them had I known their character, and I trust that this bill will be voted down. If we passed the bills, as stated by the gentleman, the principle suggested in this bill is wrong, and we can not afford to establish a precedent such as is proposed by the pending measure.

The question being taken on the motion of Mr. TALBERT that the bill be laid on the table, the Chairman declared the ayes seemed to have it.

Mr. CONNOLLY. I ask for a division.

The committee divided; and there were—ayes 80, noes 23.

So the motion was agreed to; and the bill was laid on the table.

GEORGE F. MILLER.

The next business on the Private Calendar was the bill (H. R. 2153) to amend the military record of George F. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the record of George F. Miller, who enlisted under the name of George F Young on the 10th day of May, 1861, in Company G, Seventy-first Regiment New York Volunteers, and that an honorable discharge be granted.

Mr. TYLER. Mr. Chairman, I ask that the report be read.

The report (by Mr. TYLER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2153) to amend the military record of George F. Miller, after careful consideration, report the same back to the House with the recommendation that it do pass.

It appears from the records of the War Department that this soldier, under the name of George F. Young, jr., enlisted at the age of 14, on the 9th day of May, 1861, as a private in Company G, Second Regiment Excelsior Brigade, subsequently designated Company G, Seventy-first New York Infantry Volunteers, and was mustered into service June 28, 1861, to serve three years. It appeared that he served faithfully until March 18, 1862, when he is reported deserted. From the evidence of comrades corroborating the statement under oath of the applicant it further appears that the said George F. Miller, while stationed with his regiment at Sandy Point, Maryland, in March, 1862, was placed on the sick list because of an injury or sprain to his ankle received while at drill in the line of duty, and so remained until May 2, 1862, when his regiment was ordered to the peninsula of Virginia. The said Miller was then sent home as unfit for duty, where he remained until the close of the war.

The soldier further states that his furlough and discharge were to follow on his return home, but this was never done. The testimony further shows that Miller was never fit for duty again at any time prior to the expiration of his term of enlistment; that, indeed, he has always been a sufferer more or less from the injury received and is still at times forced to use a crutch or cane.

The committee believe that there is nothing in this soldier's record to show that he intended to desert, but that he was prevented from completing his term of enlistment by reason of disability contracted in the service. The extreme youth of the soldier alone, being a mere child of 14 years when he entered the military service, ought of itself to relieve him of the stigma resting on his name. His present reputation as a citizen is excellent.

The committee, in view of all the facts of this case, recommend the passage of the bill for his relief with this amendment:

Line 8, after the word "granted," insert "*Provided*, That no pay, bounty, or other allowance shall become payable by reason of the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

NATHAN MITCHELL.

The next business on the Private Calendar was the bill (H. R. 5612) granting a pension to Nathan Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Nathan Mitchell, a soldier in the Mexican war, at the rate of $8 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5612) entitled "A bill granting a pension to Nathan Mitchell," beg leave to submit the following report, and recommend that said bill do pass without amendment.

The claimant's statement as to his service is as follows:

In the spring of 1846 he accompanied General Taylor's army from Corpus Christi, Tex., to the Rio Grande, in the capacity of forage master, under Major McRea, United States quartermaster, and that soon after this he was appointed as secretary and interpreter (he being conversant with the Spanish language) to Colonel Cross, of the Quartermaster's Department, and served with him until the Colonel was assassinated by the Mexicans. About that time he was mustered into the service as a private in Capt. Sam H. Walker's company of scouts, specially ordered into service by General Taylor, and he served as a member of said company until it was merged into Hays's regiment Texas Mounted Volunteers.

When the army left the fort on the Rio Grande he was specially ordered by General Taylor to remain as interpreter to Major Brown, the commander of the fort. On May 1, 1846, the enemy began a bombardment of the fort, and Major Brown at once ordered every man unattached to the army then in the fort to organize into a company and assist in the defense of the garrison. Of this company the claimant was elected captain, and with it participated under arms in the defense of Fort Brown (so named in honor of the gallant commander, who was killed during the engagement) during the eight days' bombardment which followed.

The claimant further states that upon the relief of the garrison by General Taylor the company disbanded and the members thereof returned to their former duties.

Mr Mitchell made application for a pension under the Mexican war service pension act of January 29, 1887, but the same was rejected because of the inability of the War Department to find a record of the service as a soldier, although the Pension Bureau had, in 1857, issued a land warrant to the claimant upon his furnishing incontestible proof of his service as above set forth.

Among the papers on file is a letter of F. V. Britton, late an officer in the United States Army, dated Rancho near Corpus Christi, Tex., January 7, 1859, in which he certifies that Mr. Mitchell was reported to him (Britton) at Fort Brown as having been placed in command of all unattached teamsters, convalescents, etc., for service in the defense of the fort, and that he (Mitchell) served faithfully in battle as well as in every other situation his duties to the Government placed him.

Gen. D. E. Twiggs, late of the Army, also certifies, under date of December 18, 1858, to the fact of claimant's participation in the defense of Fort Brown. There is other evidence of the service, including the following certificate.

"The undersigned, formerly an assistant surgeon, United States Army, and veteran of the Mexican war, certifies that he served with the garrison in defense of Fort Brown in 1846, and was personally well acquainted with Mr. Nathan Mitchell, who remained with the garrison when the army under General Taylor marched to Point Isabel. Mr Mitchell was given by Major Brown the command of a squad of civilians, employees of various departments of the Army, and unquestionably rendered as brave and efficient service in the defense of the fort as any of the other members of the garrison, for which reason I do not hesitate to declare that he has as clear a right to receive a Mexican war pension as any of the veterans who are now enjoying one.

"GRAYSON M. PREVOST.

"FACABECAS, *March 5, 1886.*"

The testimony shows that Mr. Mitchell is now 78 years old and totally blind. He has some interest in Texas lands, but nothing that produces an income, and he stands in need of the relief provided by the bill.

The bill was laid aside to be reported favorably to the House.

MRS. JULIA JONES DUNCAN.

The next business on the Private Calendar was the bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan, at the rate of $50 per month.

The bill was laid aside to be reported favorably to the House.

WESLEY A. PLETCHER.

The next business on the Private Calendar was the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Wesley A. Pletcher, late of Company K, One hundred and sixty-first Regiment of Ohio Volunteers, a pension of $30 per month from the passage of this bill, in lieu of the pension now drawn by him of $8 per month under certificate 56227.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher, having carefully examined and fully considered all the facts presented in this case, respectfully report as follows:

Wesley A. Pletcher enlisted May 2, 1864, as private in Company K, One hundred and sixty-first Ohio Volunteer Infantry, and was honorably discharged September 2, 1864. He filed claim for pension February 24, 1880, alleging that at Martinsburg, W. Va., July 15, 1864, he was attacked with sunstroke which resulted in heart disease and asthma. The claim was rejected July 24, 1885, on the ground of no record of any disability in service and no evidence of origin in service. He filed claim under act of June 27, 1890, on July 28, 1890, for sunstroke, asthma, heart disease, and paralysis of right arm. Claim was admitted March 26, 1891, at $12 per month for "paralysis and disease of heart."

The claimant furnished testimony of soundness at enlistment, and the testimony of Michael D. Pletcher, his half-brother, who was a comrade, and who testifies to being an eyewitness to claimant receiving sunstroke while working in the trenches near Martinsburg, W. Va., on or about June 11, 1864, and that he fell down in the ditch, and affiant and others lifted him out and took him to a shade tree; that after a while he got better and went to quarters; that affiant lived on same farm with him up to 1876, and knows that he suffered from pain in his head and pain in his heart, and when walking had sick spells and was short of breath, and from discharge to 1876 was fully three-fourths disabled for manual labor.

Claimant says Dr. Kennedy, who treated him from discharge to 1878, is dead, and that Dr. Raines, who treated him up to 1884, then went to California, and he is unable to secure the medical testimony required, or that of other comrades or officers.

Claimant is wholly disabled for performing any kind of manual labor. The board of surgeons at Fowler, Ind., February 18, 1891, rated him eighteen-eighteenths for paralysis, eighteen-eighteenths for enlarged heart, and one eighteenth for asthma. They report paralysis of both sides, most marked in arms and vocal organs; applicant unable to talk, except a few words, so as to be understood, and is unable to use his hands to help himself; heart enlarged, area of dullness increased 1½ inches, sounds irregular, and impulse weak.

In view of his deplorable condition, your committee recommend the passage of the bill, with an amendment striking out all after the word "month," in line 6, and inserting in lieu thereof "in lieu of the pension now drawn by him."

Mr. TALBERT. I should like some explanation in regard to this bill, either from the gentleman who introduced it or from the gentleman who reported it. The report states, "The claimant furnished testimony of soundness up to his enlistment." What kind of testimony was that? Was it sworn testimony?

Mr. HANLY. It was sworn testimony, as I understand.

Mr. TALBERT. Further on, the report says: "The claimant is wholly disabled from performing any kind of manual labor." What kind of evidence is produced to show that fact? Is it some unsworn statement of somebody, or is it sworn testimony?

Mr. HANLY. That fact was established by affidavit. I will add that I know this man myself. I know he is in a deplorable condition. I know that the facts are in truth as set forth in the report.

Mr. TALBERT. The report states: "Dr. Raines, who treated him (the applicant for pension) up to 1884, then went to California, and he is unable to secure the medical testimony required or that of other comrades or officers." There seems to be some contradiction here.

Mr. HANLY. He was unable to furnish the medical testimony.

Mr. TALBERT. But I understood the gentleman to say the testimony had been sworn to.

Mr. HANLY. The testimony as to his present condition has been sworn to: it is in the form of affidavits.

Mr. TALBERT. That is the evidence, I understand, which goes to establish that the disability was of service origin. The pension first granted to the claimant was $12 a month for paralysis and disease of the heart. But he now seeks an increase of pension; and I am anxious to know upon what kind of evidence he bases this claim. Apparently, as he states, he is unable to produce the necessary testimony. I do not think an increase of pension should be granted upon any mere informal statement. Now, if the gentleman knows of his own knowledge that this man is disabled from the performance of manual labor, I have nothing to say.

Mr. HANLY. I know of my own knowledge his exact condition, and it is established by testimony piled mountains high.

Mr. TALBERT. That is satisfactory to me.

The question being taken, the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT BROWN.

The next business on the Private Calendar was the bill (H. R. 7647) granting a pension of $30 per month to Albert Brown, late of Company D, One hundred and Fourteenth Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Albert Brown, late of Company D, One hundred and fourteenth Regiment New York Volunteers, at the rate of $30 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7647) granting a pension to Albert Brown, late of Company D, One hundred and fourteenth New York Volunteers, submit the following:

Albert Brown enlisted in Company D, One hundred and fourteenth New York Volunteers, August 13, 1862, and was discharged June 17, 1865. The records and the evidence on file show that he was wounded in both thighs, the ball remaining in the right thigh; also in the hand and in the mouth, knocking out a part of his teeth, in battle while in the service. He is now pensioned at $12 per month for wound of both thighs and wound of mouth. Application for increase for same and resulting broken health was rejected February 21, 1896.

In an affidavit dated November 9, 1894, D. D. Chase, M. D., says:

"He has known claimant for twenty-five years; that in September, 1869, he examined claimant at biennial examination as examining surgeon for pensions. He was pensioned for and was suffering from gunshot wound of left and right thighs. A minie ball had passed through middle of left thigh from outside, leaving inner surface a little below middle, passing into right thigh at junction of middle and lower thirds, inner surface. The ball struck femur, lodging, and evidently gravitating subsequently into popliteal space and remaining. There was a discharging wound 2½ inches, about 1 inch outside perpendicular line to popliteal space, leading to the ball, which was firmly impacted. The open wound was discharging offensive pus.

"In September, 1871, soldier again appeared for examination. The conditions were not materially changed, except that pus was now excoriating the wound and lameness and debility of soldier aggravated. About May or June, 1872, affiant was solicited to extract the ball. By applying compressed sponges repeatedly, by August, 1872, was enabled to seize the ball, which was extracted at opening above referred to. The ball showed pieces or spiculæ of bone, and was split about one-half its diameter and presented three parts, upon which were the spiculæ of bone. Affiant kept the wound open and treated cavity with carbolized solutions, and pronounced wound healed permanently by December, 1872; but Brown did not entirely recover health, and affiant has seen him at least once each year since then and always found him in poor health, which was attributed by affiant to the disability accompanying the long continuance of ball in thigh and its resultant discharges."

The foregoing affidavit clearly shows the condition of this soldier from discharge to 1872 and at intervals ever since. He is now totally disabled for manual labor, and from the affidavit quoted and other medical and lay testimony, your committee are satisfied that such inability to labor is due to the wounds which he received in the service and their results, and therefore they recommend the passage of the bill.

Mr. POOLE. In line 7, Mr. Chairman, I move to amend the bill by striking out the words "at the rate," and insert "and pay him a pension." Also amend the title to read: "A bill granting an increase of pension to Albert Brown."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HELEN A. DE RUSSY.

The next business on the Private Calendar was the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Helen A. De Russy, of Washington, D. C., widow of Col. Rene E. De Russy, Corps of Engineers and brevet brigadier-general, United States Army, and pay her a pension of $100 per month, the same to be in lieu of the pension now drawn by her.

The Committee on Invalid Pensions recommend the adoption of the following amendment:

Strike out, in line 9, the words "one hundred" and insert "fifty;" so that it will read "50 per month."

The amendment was agreed to.

The bill as amended was laid aside, to be reported to the House with a favorable recommendation.

GROTIUS N. UDELL.

The next business on the Private Calendar was the bill (H. R. 3605) granting a pension to Grotius N. Udell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grotius N. Udell, late of Company B, Sixth Regiment Iowa Infantry, and pay him a pension of $50 per month from and after the passage of this act, in lieu of the pension he is now receiving, for total inability to perform manual labor.

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3605) granting a pension to Grotius N. Udell, late a private in Company D, Sixth Iowa Volunteer Infantry, having carefully examined all the facts and circumstances in evidence, submit the following report:

Soldier served from July 17, 1860, until January 6, 1863. He filed claim and was pensioned from January 6, 1863, at $8 per month, for seven gunshot wounds in right shoulder, right lung and arm, and results. His pension was increased to $18 per month from April 15, 1874, and increased to $24 a month from March 3, 1883, and increased to $30 a month commencing September 7, 1892. His claim for $50 a month was rejected January 23, 1896, for failure to show a degree of disability which would entitle him to $50 a month.

The evidence shows that the injuries from which the claimant suffers were received at the battle of Shiloh April 6, 1862.

Drs. John W. Webb, A. W. Coleman, and W. A. Boyden, reputable citizens and excellent physicians of Denver, Colo., testify that claimant is totally disabled and helpless, and that he requires the constant attention of one person; and the board of examining surgeons, under date of September 7, 1892, say, after describing the wounds: "The claimant is so disabled from his three gunshot wounds and other injuries described as to be incapacitated for any manual labor. He requires the aid of another person in feeding and dressing himself. He requires frequent and periodical, though not regular and constant, aid and attendance of another person, and we recommend a rating of $30 intermediate between first and second grade."

In view of all the facts, we believe him entitled to a pension of $[illegible] per month. We therefore recommend that the bill be amended by inserting the word "private" between the words "late" and "of," in line 6, and by striking out the words "from and after the passage of this act," in line 8, and by striking out all words after the word "receiving," in the ninth line of said bill, and as so amended that the bill do pass.

The amendments recommended by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA CRAIG HECKMAN.

The next business on the Private Calendar was the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, on the pension roll at the rate of $50 per month.

Mr. ERDMAN. I call for the reading of the report.

The report (by Mr. McCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, having carefully examined and fully considered all the facts presented, respectfully adopt the report of the Senate Committee on Pensions as its own, and earnestly recommend the passage of the bill.

The report of the Senate Committee on Pensions is as follows:

[Senate Report No. 416, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, having had the same under consideration, submit the following report thereon:

General Heckman entered the service as major in the Ninth Regiment New Jersey Volunteers, was promoted through the several grades to brigadier-general, and commanded a brigade or a division subsequently during the larger part of the war. His military record, as reported by the War Department, is appended hereto.

When the Mexican war broke out General Heckman, then a young man of 24, raised a company and was elected lieutenant, but was afterwards appointed an officer in Company H, First United States Voltigeurs, and took part in all the battles in General Scott's campaign from Vera Cruz to the City of Mexico. At the conclusion of the war he made his home in Phillipsburg, N. J., but returned afterwards to Easton, where he became captain of a militia company known as "The National Grays," which became one of the most noted companies in Pennsylvania.

When President Lincoln made his first call for 75,000 men, Captain Heckman took his command to Harrisburg, and it was mustered in as Company D, First Pennsylvania Volunteers.

He afterwards became major of the Ninth New Jersey Regiment and shortly lieutenant-colonel, and led the regiment at the battles of Roanoke Island and Newbern, after which he became colonel. He was appointed a brigadier-general in November, 1862, for signal ability and meritorious services.

General Heckman died on January 24, 1896, having been in ill health for some years, and was in straitened circumstances, so that his widow is left without any support. The General's death was hastened on account of a painful operation he recently underwent for a wound he received in battle. His widow is 66 years of age, and quite unable to provide by her own efforts for her maintenance.

In view of the brilliant record made by General Heckman in two wars, and the almost destitute circumstances of his widow, your committee are unanimously of opinion that the bill should pass, and accordingly report it back to the Senate with a favorable recommendation.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 14, 1895.

SIR: Referring to your letter of the 12th instant, received yesterday, addressed to the Adjutant-General of the Army and by him forwarded to this office, to which the subject pertains, in which letter you request to be furnished with the military record of Charles A. Heckman, late brigadier-general of volunteers, for the use of the Senate Committee on Pensions in connection with Senate bill No. 707, I have the honor to inform you that the official records show as follows:

Charles A. Heckman is regarded by this Department as having been mustered into service as major Ninth New Jersey Infantry Volunteers to date September 26, 1861, to serve three years; was mustered in as lieutenant-colonel to date October 8, 1861, and is regarded as having been mustered in as colonel, same regiment, to date February 10, 1862.

He appears to have served with his regiment until December 24, 1862, when he was appointed brigadier-general of volunteers, to rank from November 29, 1862. He accepted the appointment December 27, 1862; was immediately assigned to the command of a brigade, and continued on duty commensurate with his rank until May 16, 1864, when he was captured at the battle of Drewry Bluff, Va. He remained a prisoner of war in the hands of the enemy, being confined at Richmond, Va., Macon, Ga., and Charleston, S. C., respectively, until August 3, 1864, when he was paroled and directed to repair to his home at Phillipsburg, N. J., to await orders.

He was again assigned to duty commensurate with his rank September 17, 1864, and continued on such duty until March 23, 1865, when he was ordered to proceed to his place of residence, thence to report by letter to the Adjutant-General of the Army.

He was honorably discharged the service in special orders from this Department to date May 25, 1865, on tender of resignation.

Very respectfully,

F. C. AINSWORTH,
Colonel, U. S. A., Chief Record and Pension Office.

Hon. JOHN M. PALMER,
United States Senate.

The bill was laid aside to be reported to the House with a favorable recommendation.

BENJAMIN F. YOUNG.

The next business on the Private Calendar was the bill (H. R. 2395) granting a pension to Benjamin F. Young, late a private of Company G, First Regiment Ohio Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Young, late a private in Company G, First Regiment Ohio Volunteer Cavalry.

Mr. ERDMAN. I call for the reading of the report.

The report (by Mr. LAYTON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2395) granting a pension to Benjamin F. Young, late private Company G, First Ohio Volunteer Cavalry, having carefully examined and considered all the facts and circumstances presented, respectfully report as follows:

Benjamin F. Young enlisted September 30, 1861, as private in Company G, First Ohio Cavalry Volunteers, and faithfully served until January 4, 1864, when he reenlisted in same company and was given a veteran furlough for thirty days, but was taken sick at home and was reported "absent sick" on the muster roll of March and April, and afterwards discharged by special order of Department of Ohio, to take effect February 4, 1864.

He applied for pension May 4, 1876, for "rheumatism, from which he has lost his kneecap, some of the bones of his feet and bones of his head." His claim was rejected August 24, 1876, on the ground that his disability was not contracted in line of duty.

He filed a claim under act of June 27, 1890, on July 17, 1890, alleging rheumatism, disease of heart, and scrofula. This was rejected February 27, 1891, on the ground that all disabilities alleged are due to vicious habits.

He appealed to the Secretary of the Interior on both claims, who affirmed the decision of rejection September 6, 1894, saying:

"The preponderance of the evidence is in favor of the view that appellant's disability is due to vicious habits."

Your committee examined all the evidence in the claim and is truly surprised at the unwarranted decision. The testimony of comrades shows he contracted rheumatism in service in Tennessee in November, 1863. His attending physician, Dr. E. B. Fee, of Georgetown, Ohio, testified that he commenced treating him February 16, 1864, and continued treatment until September 23, 1864, and occasionally prescribed for him since; that he "treated him for syphilis and gonorrheal rheumatism, and that he is now suffering (June 12, 1876) from necrosis of the bones of the head and face and other parts of the body."

The same physician filed affidavits September 10, 1880, and April 15, 1882, in both of which he contradicts his former testimony and says his "books" and "notes" say he treated him for "chronic rheumatism." He also wrote a letter to the Commissioner and says his former affidavit was a mistake, and that he made it when he did not have access to his books, and says: "In examining my books I find that I did not treat him for syphilis, but chronic rheumatism," and asks the Commissioner, "Can you not correct the error?"

The board of surgeons at Hillsboro, Ohio, examined him April 2, 1884, and after describing his symptoms say:

"The skin of arms, legs, and hands, as also other parts, the conjunctiva and throat, all indicate to us, as above described, the result of latent syphilis."

Opposed to this, the only testimony tending to show vicious habits and immoral disease, are the sworn affidavits of eleven reputable physicians, who testify that after careful examination they are unable to find any indications that claimant suffered from the immoral disease mentioned, and some of them testify from personal knowledge that he never had it. Dr. R. B. Fee testifies that his father, Dr. E. B. Fee, was mistaken in his first diagnosis and affidavit, and so stated publicly and had made affidavit to that effect; and affiant states most positively that claimant never had the disease referred to. The board of examining surgeons at Georgetown, Ohio, December 18, 1889, say:

"The scaly-skin disease, in our opinion, may be psoriasis and not sequela of syphilis. The differential diagnosis between syphiloderma and psoriasis would incline to psoriasis. The ulcers may have been strumous. The loss of vomer and the blotches could be due to other causes than syphilis. It is quite probable that the disability was incurred in the service, as he claims, and that it has not been prolonged or aggravated by vicious habits."

The testimony shows clearly that applicant was of a scrofulous diathesis, that his mother, two sisters, and four brothers were more or less scrofulous from infancy, and some of them almost blind at times, and (eliminating Dr. E. B. Fee's first affidavit, which he tried to eliminate by two subsequent affidavits and a personal letter) there remains not a scintilla of proof but that claimant's present deplorable condition could arise from rheumatism and scrofula, and your committee believe it did, and that a great injustice has been done this soldier.

We submit as an appendix the decision of the Secretary of the Interior, believing that any fair-minded reader will arrive at our conclusion.

Your committee therefore earnestly recommend the passage of the bill with an amendment, adding, after the word "cavalry," in line 7, the words "and pay him a pension of $30 per month."

APPENDIX.

DEPARTMENT OF THE INTERIOR,
Washington, September 6, 1894.

[Docket 21720. Appeal in the pension claim of Benjamin F. Young, Company G, First Ohio Cavalry, No. 218776. Rejection affirmed. The preponderance of the evidence is in favor of the view that appellant's disability is due to vicious habits.]

SIR: Benjamin F. Young was enrolled and mustered into the service on the 30th of September, 1861. He reenlisted January 4, 1864. On the roll for March and April, 1864, he is reported absent sick at Cincinnati, Ohio. A special order directed his discharge to date from February 4, 1864, as he was absent from that date without proper authority.

On the 4th of May, 1876, he filed an application for pension in which he alleged that while in the line of duty in the service he contracted rheumatism from which he had lost his kneecap and some of the bones of his feet and head.

On the 17th of July, 1890, he filed an application for pension under the act of June 27, 1890, in which he alleged disability from rheumatism, disease of the heart, and scrofula. His claim under the act of June 27, 1890, was rejected on the ground that his disability is due to vicious habits. The claim under former laws was rejected in August, 1876, on the ground that the disability was not contracted in the line of duty. From the action rejecting both claims an appeal is taken.

Applicant testified that he could not present the testimony of the regimental surgeon or a commissioned officer of his company, as he could not ascertain the whereabouts of any one of them. He presented the testimony of a member of Company G and two members of Company H, First Ohio Cavalry, with a view to prove that he contracted rheumatism in November, 1863.

Dr. E. B. Fee, of Georgetown, Ohio, testified July 12, 1876, that Benjamin F. Young came under his charge February 16, 1864, and that he had prescribed for him occasionally since that time. Affiant treated him for syphilis and gonorrheal rheumatism. He is now suffering from necrosis of the bones of the head and face and other portions of the body. His disease appears to be steadily marching onward with periods of amelioration and aggravation.

Dr. E. B. Fee, in an affidavit made on the 15th of April, 1882, stated that he knew the applicant from childhood. "After he veteranized he was furloughed and returned home. I was called to see him on the 16th of February, 1864. My notes say that he had gonorrhea and rheumatism. I think the gonorrhea was perhaps produced from continued horseback exercise, thereby bruising the urethra which resulted in urethral discharge. I continued to treat him to

September 23, inclusive, during which time he had ostitis of the os frontis, malar bone, humerus, ulna, carpus, metacarpus, and phalanges of both arms and hands. He lost a portion of all these bones and all of some of them. I have treated him occasionally since, of which I have no data, because I considered my treatment gratuitous."

Dr. W. A. Bivins testified, October 7, 1889, that to the best of his recollection he had known Benjamin F. Young since January or February, 1864, at which time he was called to render him medical aid. He was severely afflicted with rheumatism, principally of the large joints, but many of the smaller joints were also affected. He is afflicted with scrofula, for which affiant has given him medicine several times. A very careful examination did not reveal any evidence of syphilis. Affiant can not give dates of treatment, for the reason that he never kept any account against applicant and has to rely altogether on his memory.

Dr. Thomas Robinson testified, November 27, 1888, that about 1869 he treated Benjamin F. Young for some scrofula sores on the scalp and arm. There was nothing of a syphilitic nature about him at that time, or before, or since, that affiant had any knowledge of. He has had rheumatism since 1869, and is yet troubled with the effects of the same, but affiant did not treat him for that disease.

Dr. Robert B. McCall, in his testimony taken October 14, 1889, after describing the scars on the applicant's forehead, on the radial border, and anterior surface of right forearm, and on the right arm at outer border of deltoid muscle, says he is not prepared to state the precise character of the ulceration which produced these lesions.

Dr. M. Stoup testified, December 28, 1891, that he had examined B. F. Young and found him affected with rheumatism and scrofula. He had known him for thirty years and never knew him to be affected with syphilis.

Dr. M. W. Hayes testified, January 5, 1891, that he had examined Benjamin F. Young and found him suffering from scrofula and rheumatism. He found no indication of syphilis.

Dr. J. B. McClain testified, October 2, 1882, that he had on that day examined Benjamin F. Young and found him to be of scrofulous diathesis and laboring under articular rheumatism and disease of the heart. He found nothing to indicate that he ever had syphilis.

Dr. W. J. Snofe testified, October 14, 1882, that he had known Benjamin F. Young more than forty-five years. Said Young is suffering from chronic articular rheumatism and cardiac disease and scrofula. The former diseases resulted from exposure in the Army; the scrofula is hereditary. He was intimately acquainted with said Young when he came from the Army, and knows that he was not affected with syphilis.

Dr. C. H. Mathews testified, May 15, 1883, that he had recently examined Benjamin F. Young and found him suffering from chronic rheumatism, scrofula, and disease of heart. Said Young's disabilities are not the result of vicious habits, but of hard labor and exposure.

Dr. S. Guthrie testified, November 24, 1888, that he had examined claimant and found him afflicted with chronic rheumatism, affecting his whole body. He states that he found no evidence of "any immoral disease."

The board of surgeons at Hillsboro, Ohio, in their certificate of medical examination, made April 2, 1884, state:

"We have very carefully examined this man, and find two small cicatrices on frontal region of scalp, adherent, the bony structure having been involved. Also find a large, depressed, and contracted cicatrix, 3 inches long, 2 inches above the right knee joint, the osseous structure of the femur having been involved in ulceration, leaving some deformity, but no loss of patella, as alleged. We find the metatarsal bone of second toe of right foot has a loss of a portion of bony structure by ulceration, and there is eversion of the large toes of each foot and deformity. He has also cicatrices on each forearm, depressed, adherent, contracted, producing some deformity of wrists and hands. The skin of arms, legs, and hands, as also other parts, the conjunctiva and throat, all indicate to us, as above described, the results of latent syphilis. He acknowledges to us that these sores occurred some several years after his discharge."

The board of surgeons at Georgetown, Ohio, in their certificate of December 18, 1889, describe eschars from abscesses and ulcers on various parts of the body, and copper-colored or liver-brown stains or blotches upon the skin. They say "the vomer is absent." They state:

"Applicant has strumous family history. The scaly skin disease, in our opinion, may be psoriasis and not sequela of syphilis. The differential diagnosis between syphiloderma and psoriasis would incline to psoriasis. The loss of vomer and the blotches could be due to other cause than syphilis."

Dr. E. B. Fee, in a letter to the Commissioner of Pensions, dated December 12, 1883, stated:

"In relation to Benjamin F. Young, a private of Seventh Ohio Volunteer Cavalry. If I said in my affidavit that his disease was gonorrheal rheumatism, I think I was mistaken. My affidavit was made when I did not have access to my books. In examining my books I find that I did not treat him for syphilis, but for chronic rheumatism. My impression is that in my affidavit I said gonorrheal rheumatism. If I did, my memory was at fault, for my books show chronic rheumatism. I have this day examined my books and they say chronic rheumatism, and my treatment was for that disease. If I did him a wrong, can you not correct it?"

The statement in this letter is not sworn to, and is therefore not of sufficient weight to controvert the testimony to which it refers, given more than seven years before.

Under the circumstances of this case, the evidence is not sufficient to show that the disability on account of which pension was claimed was contracted in the line of duty in the service. The preponderance of the evidence is that it is due to vicious habits.

The action rejecting the claim under the act of June 27, 1890, and that under former laws is therefore affirmed.

Very respectfully,

JNO. M. REYNOLDS,
Assistant Secretary.

The COMMISSIONER OF PENSIONS.

Mr. TALBERT. Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie on the table. It is an outrageous bill. I do not care to discuss it. The reading of the report is sufficient to show the character of the bill. I make that motion.

The question was taken on the motion of Mr. TALBERT, and on a division there were—ayes 10, noes 49.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). One hundred and ten members are present, a quorum.

So the motion was rejected.

The question recurring on the amendment of the committee, on a division (demanded by Mr. TALBERT) there were—ayes 74, noes 2.

Mr. TALBERT. No quorum.

The CHAIRMAN. The Chair overrules the point of order, a quorum being present.

So the amendment was adopted.

The question recurring on the motion to lay aside the bill with a favorable recommendation, on a division (demanded by Mr. TALBERT) there were—ayes 72, noes 3.

Mr. TALBERT. I make the point of no quorum.

The CHAIRMAN. The Chair overrules the point, a quorum being present.

So the bill was laid aside to be reported to the House with a favorable recommendation.

CATHARINE HARRIS.

The next business on the Private Calendar was the bill (H. R. 6922) to pension Catharine Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Catharine Harris, as the mother of Mathias Harris, late of Company I, Seventeenth Ohio Volunteer Infantry.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, between the words "the" and "mother," insert the word "dependent;" and insert after the word "Infantry," in line 7, the following: "and pay her a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, let us have the report in this case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6922) to pension Catharine Harris, submit the following report:

The facts show that the soldier, Mathias Harris, was a private in Company I, Seventeenth Ohio Volunteer Infantry, served his time, and was honorably discharged at Columbus, Ohio, with his regiment. He was given Government transportation to his home, and when a few miles out of Columbus on his way home a railroad accident occurred, and he, with another member of the company, was killed and several others injured.

Catharine Harris is the mother of soldier, destitute, and a widow. She is a very old woman, and has no relative upon whom she can depend for support.

The committee are of the opinion that the case comes within the spirit of the pension laws. While the soldier was discharged, he had not yet reached his home and was still to all intents and purposes in service when he was killed.

The committee recommend the passage of the bill with the following amendments, viz:

In line 6, between the words "the" and "mother," insert the word "dependent," and insert after the word "Infantry," in line 1, the following: "and pay her a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, I should like to know whether this soldier left a widow. Does the gentleman in charge of the bill know whether he left a widow?

Mr. WATSON of Ohio. I am not able to state more than the report says, but I should like to address the committee later with reference to the merits of this bill.

Mr. KERR. This bill was introduced by the gentleman from Ohio [Mr. WATSON], but I reported it from the committee. There is no direct evidence that I recollect on the question raised by the gentleman from Pennsylvania; but this fact appeared in the evidence, that he was a very young man—I think between 19 and 20 years old. He had been in the Army for two or three years before that time, and was killed on his way home. The presumption is that he was not married.

Mr. WATSON of Ohio. Mr. Chairman, I wish to address the House for a moment on this bill. It recalls an incident which occurred more than thirty years ago. One of my brothers had just returned from the war, after the declaration of peace. Almost the first thing he said to us was that the pleasure of getting home was greatly marred by a sad accident which had occurred a few miles from the city of Columbus, in which two of his comrades had lost their lives and in which he came very near losing his. He spoke with deep feeling of the brave boys who had been with him through the war, who had followed Sherman to the sea and through the Carolinas, who had taken part in the great, grand review, and who were a part of the mighty hosts who had established the perpetuity of the Union and whose martial tread as they swept down the Avenue had shaken this Capitol, and whose lives went out almost in the shadow of their homes. It was a touching story and impressed me deeply.

Mr. Chairman, the pensioner in this case is the mother of one of those soldiers who lost their lives in that unfortunate accident, almost in the embrace of their loved ones, and when I introduced this bill I thought how strange it was that I should play a part in the tragedy I had heard of so long ago. I hope, sir, this bill will pass this House without a dissenting vote.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recomendation.

EDWARD VUNK.

The next business on the Private Calendar was the bill (H. R. 3842) to increase the pension of Edward Vunk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Edward Vunk, formerly a member of Company D, Twelfth Regiment Wisconsin Infantry, to $50 per month, in lieu of the pension now paid him; said increase to take effect on and after March 1, 1896.

The Committee on Invalid Pensions recommended the following amendments:

In line 6, strike out the word "fifty" and insert in lieu thereof "forty-five," and strike out all after the word "him" in line 7.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ZOLMAN TYRRELL.

The next business on the Private Calendar was the bill (H. R. 4539) granting a pension to Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers, on the pension roll and pay him a pension of $50 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, strike out the word "imbecile" and insert in lieu thereof the word "idiotic."

In line 7, strike out the word "fifty" and insert in lieu thereof the word "twenty."

Add, after the word "month," in line 7, the words "to be paid to a duly appointed guardian."

Strike out section 2.

Strike out all of the title after the word "Tyrrell."

Mr. ERDMAN. Mr. Chairman, let us have the report.

Mr. RAY. Mr. Chairman, would it be in order to amend the amendment?

The CHAIRMAN. That motion would be in order.

Mr. RAY. Under the laws of the State of New York, idiots, instead of having guardians to take care of their estates, have what we call committees, and I therefore move to insert, after the word "guardian," in the amendment to line 8, the words "or committee."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, after the word "guardian," add the words "or committee."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. ERDMAN. Let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] is recognized and asks for the reading of the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4539) granting a pension to Zolman Tyrrell, having had the same under consideration, report as follows:

Lewis R. Tyrrell, father of the beneficiary of this bill, served from September 1, 1864, to July 3, 1865, when he was honorably discharged. He applied for pension and was pensioned under the general law for hemorrhoids following typhoid fever, and was receiving $12 per month in 1894, when he died, leaving neither widow nor minor child. It is probable that his death was due to causes arising in the service, though it is not shown; and no one has pensionable status under existing law on account of his service.

The son, Zolman Tyrrell, is now 35 years of age, is utterly helpless, can not speak a word, can not dress or feed himself, and is idiotic, his idiocy having been caused by spasms in infancy. He has no property, no income, and is dependent on and supported by a brother who works by the day for his living and is not able to care for this helpless son of a soldier. This is a meritorious bill, and the committee recommend that it do pass with the following amendments:

In line 5 strike out the word "imbecile" and insert in lieu thereof the word "idiotic."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty."

Add after the word "month," in line 7, the words "to be paid to a duly appointed guardian."

Strike out section 2.

Strike out all of the title after the word "Tyrrell."

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAROLINE A. GROSHON.

The next business on the Private Calendar was the bill (H. R. 7489) granting a pension to Caroline A. Groshon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Groshon, daughter of William Groshon, late a private in Captain Messeroe's company of New York Militia in the United States service, and pay her a pension of $8 per month from the 14th day of October, 1885, in lieu of the pension which her late mother, Catharine Groshon, was entitled to and received under the act of Congress approved February 14, 1871.

The Committee on Pensions recommended the following amendments:

Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month" in line 9.

The amendments recommended by the committee were agreed to.

Mr. CONNOLLY. Mr. Chairman, I should like to hear the report in that case read.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7489) entitled "A bill granting a pension to Caroline A. Groshon," beg leave to submit the following report, and recommend that said bill do pass, with amendments.

The claimant is the unmarried daughter of William Groshon, who served from September 2, 1814, to December 3, 1814, in Captain Missine's company of New York Volunteers in the war of 1812.

Miss Groshon swears that she was born January 19, 1827, and that she is the only surviving child of the soldier. She further swears that she is dependent entirely upon her daily labor for support, and that her mother, the soldier's widow, who was a pensioner, died October 14, 1885.

The claimant's allegations are fully corroborated by the affidavits of J. W. Hatsey and A. B. Russell, citizens of New York City, who have known her for more than thirty years.

There are several precedents for the proposed legislation, and the House has at this session passed a bill granting a pension to an old and needy daughter of a soldier of the war of 1812.

The following amendments are recommended: Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month" in line 9.

Mr. CONNOLLY. Mr. Chairman, I hope the committee will be consistent for one night at least. This bill is precisely on all fours with the one we were talking about some time ago, concerning which the gentleman from Virginia [Mr. MEREDITH] and my excellent friend from Kansas [Mr. BLUE] boiled over with indignation, that the House should be passing that kind of pension bills. Here is a woman born fifteen years after the close of the war in which her father served.

Mr. LOUDENSLAGER. Mr. Chairman, I should like to ask unanimous consent that this bill lie over without prejudice, which was the action taken by the House to-day in all bills of this character.

Mr. FAIRCHILD. Well, Mr. Chairman——

Mr. CONNOLLY. Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie on the table.

Mr. MEREDITH. Mr. Chairman, consistency is a jewel. My friend [Mr. CONNOLLY] was advocating a similar bill a while ago, but now he wants us to be consistent and vote this down. I am willing to vote with him to satisfy him. He says "the gentleman from Virginia [Mr. MEREDITH] was boiling over." He is mistaken about that.

Mr. CONNOLLY. It was the gentleman from Kansas [Mr. BLUE] who boiled over.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. CONNOLLY] that the bill be reported to the House with the recommendation that it do lie on the table.

Mr. LOUDENSLAGER. I hope the Chair will put my request first.

Mr. FAIRCHILD. Mr. Chairman, I hope this bill will receive the favorable consideration of this committee. This is a bill that I refused to introduce in the House until I had first personally investigated the matter, both as to the merits of the case and also as to the precedents in such cases.

Mr. CONNOLLY. That was my fix, too.

Mr. FAIRCHILD. So far as the merits of the case are concerned, this lady is an elderly maiden lady, gray haired, without many years to live, living alone, with no means of support, in poverty, and is the sole surviving daughter of an officer of the war of 1812 with a great record.

Mr. BLUE. Will the gentleman permit me a question?

Mr. FAIRCHILD. One moment and I will. As to precedents: Before introducing this bill I discovered that there were numerous precedents for passing bills pensioning the daughters of soldiers of the war of 1812.

Mr. THOMAS. I move that the committee rise.

Mr. FAIRCHILD. One moment. It is not 10.30, and there is already a resolution before the committee. It will not take one moment to vote upon this bill.

Mr. CONNOLLY. I insist upon my motion that the bill be reported with the recommendation that it lie on the table.

The motion of Mr. THOMAS was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. LACEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry House bills, part of which were reported back with amendments, and part without amendments. With amendments—the bills H. R. 2035, H. R. 4517, H. R. 7688, H. R. 7079, H. R. 7073, H. R. 2153, H. R. 5183, H. R. 7617, H. R. 6159, H. R. 3605, H. R. 2395, H. R. 6922, H. R. 3842, and H. R. 4539. Without amendments—the bills H. R. 5793, H. R. 8075, S. 719, H. R. 5612, S. 1975, S. 7816. To lie on the table—the bill H. R. 6497; and also the bill H. R. 7489 without any resolution thereon.

Mr. THOMAS. I move that the House do now adjourn.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes p. m. having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting supplementary estimates of deficiencies in appropriations, was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred bills of the House of the following titles, reported the same without amendment, accompanied by reports, which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 10008) to improve and remodel the old post-office building and erect a bonded warehouse upon the grounds of the United States located at the corner of Larned and Griswold streets, in the city of Detroit, Mich. (Report No. 2810.)

The bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885. (Report No. 2811.)

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported the same with amendment, accompanied by a report (No. 2813); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. Res. 226) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., reported the same without amendment, accompanied by a report (No. 2814); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2487) entitled "An act providing for the establishment of a quarantine station at or near Astoria, Oreg.," reported the same without amendment, accompanied by a report (No. 2815); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 10124) for the relief of James Y. Lilley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 10175) to pension Mrs. Martha Frank—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Evidence to accompany House bill No. 10192, granting a pension to Martha A. De Lamater—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RUSK: A bill (H. R. 10247) authorizing and directing the Commissioner of Navigation to cause the steamer *Lonaconing* to be registered as a vessel of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEWART of Wisconsin: A bill (H. R. 10248) providing for the disposition of certain lands in Minnesota which have been or may be damaged by the United States in the construction of dams and reservoirs in aid of navigation, and for other purposes—to the Committee on Indian Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10249) to regulate interstate transportation of property owned or manufactured by unlawful combinations—to the Committee on the Judiciary.

By Mr. BURTON of Missouri: A bill (H. R. 10250) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. MEREDITH: A bill (H. R. 10251) to regulate the service and fix the hours of labor for persons employed as policemen in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARTMAN: A joint resolution (H. Res. 248) appropriating $500 for the erection of a stand for the accommodation of Senators and Representatives and their families on March 4, 1897—to the Committee on Appropriations.

By Mr. HULL: A joint resolution (H. Res. 249) for appointment of a member of Board of Managers for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. OTJEN: A memorial of the legislature of the State of Wisconsin, asking the passage of House bill No. 4339, relative to the establishment of a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. JENKINS: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 10252) for the relief of Verona E. Pollock—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 10253) granting pension to Elam Allen, late of Company E, Thirty-third Iowa Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. McCLURE: A bill (H. R. 10254) to increase the pension of Catharine McClain—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 10255) to remove the charge of desertion from the military record of Edward Johnston, of Harrison, N. J., and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McRAE: A bill (H. R. 10256) for the relief of J. H. Langston—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 10257) to remove the charge of desertion against William Katon—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 10258) granting a pension to Susan McElwain—to the Committee on Invalid Pensions.

PIONSETIT, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petition of the Young People's Union and the Epworth League of Wickford, R. I., praying for the enactment of the House bill to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

Also, petition of the Young People's Union and the Epworth League of Wickford, R. I., urging the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph or other agency—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Communications from Gen. James S. Graham and other citizens of Rochester, N. Y., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of S. Rosenberger & Son, of Cincinnati, Ohio, concerning tariff on tobacco—to the Committee on Ways and Means.

Also, letters of Joseph S. Peeble's Sons, of Cincinnati, Ohio, and of the Live Oak Distillery Company, of Cincinnati, Ohio, concerning amendments of tariff and internal-revenue duty on whisky—to the Committee on Ways and Means.

Also, resolutions of the Cincinnati Board of Trade, concerning the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of Cincinnati Council, No. 24, American Protective Association, concerning Cuban independence—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of General Alex. Hays Post, No. 3, and of Colonel James H. Childs Post, No. 230, Grand Army of the Republic, of Pittsburg, Pa., approving of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of the Evanston Press Company, Evanston, Ill., favoring House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Petition of F. M. Hoskins and 18 others, of Menlo, Iowa, favoring the passage of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Sundry petitions of the Baptist church of Hickman, Ky.; the Baptist church of Poplar Grove, Ky.; the Epworth League, Methodist Episcopal church, St. Paul Episcopal Church, Woman's Christian Temperance Union, Young Woman's Christian Temperance Union, and of the Christian Church, all of Hickman, Ky., urging the passage of House bill No. 7441 and Senate bill No. 2846, to prevent interstate gambling by telegraph, mail, or express—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., urging the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. HEPBURN: Sundry petitions of E. H. Lockwood and other citizens of Irvington, N. Y.; Frank R. Webb and others, of Yonkers, N. Y.; J. B. Joseph and others, of Peekskill, N. Y.; C. Copmn and others, of Poughkeepsie, N. Y.; W. J. Wood and others, of Garrison, N. Y.; George E. Bontecon and others, of Duchess Junction, N. Y.; William Ross and others, of Hastings upon Hudson, N. Y.; E. H. Penson and others, of Hudson, N. Y.; Rev. J. E. Crane and others, of Schodack Landing, N. Y.; W. W. Hoit and others, of Albany, N. Y.; W. E. Phillbrook and others, of New York City; W. J. McKean and others, of Dobbs Ferry; H. D. Hunted and others, of Brooklyn, N. Y.; R. L. Calkins and others, of Yonkers, N. Y.; J. W. Burdett and others, of New York City; Charles J. Lanig and others, of New York City; C. A. Ewing and others, of Tarrytown and other cities of the State of New York; E. E. Patterson and others, of New York and other cities of the State of New York; W. J. McKlee and others, of New York City; C. W. Henry and others, of North Farmington, N. Y.; William Johnson and others, of Sing Sing, N. Y.; also letters of Charles R. C. Kinnert, of Albany, N. Y.; Dennis Courneen, of Lima, N. Y., and Beverly K. Moore, secretary of the Merchants' Association of Boston, Mass., recommending the passage of House bill No. 10060, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Resolutions of the Chamber of Commerce of Sacramento, Cal., relating to a tariff upon imports of fresh and table grapes—to the Committee on Ways and Means.

Also, paper relating to the beet-sugar industry—to the Committee on Ways and Means.

By Mr. HITT: Petitions of F. S. Greenleaf, of Savanna, Ill., and of J. W. Clinton, of Polo, Ill., favoring the passage of House bill No. 1566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Salem, N. J., comprising 100 members, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. McCALL of Massachusetts: Petition of George W. White and 85 others, of Winchester, Mass., praying for Government control of the Pacific railroads—to the Committee on Pacific Railroads.

Also, petition of the New England Sabbath Protective League, urging the passage of Senate bill No. 2485, recognizing Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Charles S. Parker, of Arlington, Mass.; also of citizens of Somerville, Mass., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of C. F. Lleberg and other fourth-class postmasters of Yellow Medicine County, Minn., favoring the passage of House bills Nos. 3343 and 3351, known as the Cummings and Hardy bills—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAURIN: Petition of E. W. Nolley, of Conway, S. C., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of William Katon, of Company C, Twenty-ninth Regiment Maine Volunteers, to remove the charge of desertion against him—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of Susan McElwain, of Wayne County, N. Y., for increase of pension—to the Committee on Invalid Pensions.

By Mr. RUSK: Petition of the Maryland Historical Society, of Baltimore, Md., for the removal and preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. SNOVER: Petition of Edwin W. Mason, of Otter Creek, Mich., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Sam. Knesthardt, of Port Clinton, Ohio, favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of Wisconsin: Resolutions of the Wisconsin National Guard, relative to the use of the American flag—to the Committee on the Judiciary.

Also, resolutions of the common council of the city of Superior, Wis., indorsing resolutions adopted by the bar association of the city, and mass meeting, relative to certain amendments to the Duluth and Superior Bridge law now pending in Congress—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Resolution of H. Clay Beatty Post, No. 73, Grand Army of the Republic, of Bristol, Pa., in favor of the passage of House bill No. 9209, for a service pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, resolutions of Colonel Edwin Schall Post, Camp No. 93, Division of Pennsylvania, Sons of Veterans, U. S. A., of Lansdale, Pa., urging the immediate recognition of Cuba as an independent nation, declaring their conviction of the justice of the war in which the Cuban patriots are engaged and of its early success, and that all Grand Army posts, camps of Sons of Veterans, and business men of the United States use their influence toward checking the slaughter of innocent Americans and Cubans, now the daily exercise of the Spanish army—to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *February 6, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

COUNTING OF ELECTORAL VOTE.

The VICE-PRESIDENT appointed Mr. BLACKBURN and Mr. LODGE as tellers on the part of the Senate under the concurrent resolution providing for the appointment of tellers at the counting of the electoral vote for President and Vice-President of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood.

The message also announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 178) granting a pension to Betsey J. Webber;

A bill (S. 205) granting a pension to Mary O. H. Stoneman;

A bill (H. R. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 1495) granting a pension to Hans Johnson;

A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

A bill (S. 1691) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (S. 1805) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry;

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

A bill (S. 2347) for the relief of Laura C. Dodge; and

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1066) granting a pension to Ella Hatfield;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 2321) to increase the pension of John J. Cross;

A bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry;

A bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington;*

A bill (H. R. 3745) granting a pension to Benjamin L. Nolan;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 4901) to pension Richard Wilcoxton;

A bill (H. R. 5435) to increase the pension of Frances P. Trumbull, widow of Matthew M. Trumbull;

A bill (H. R. 5499) for the relief of Patrick Clabby;

A bill (H. R. 5898) granting a pension to Amanda M. Way, an army nurse;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 6039) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6569) to increase the pension of Emily M. Tyler;

A bill (H. R. 6671) for the relief of Charles A. Nazro;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 7055) increasing the pension of Anna G. Valk;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 7205) granting a pension to Alphonso G. Drake;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 7457) granting an increase of pension to John Beaird;

A bill (H. R. 7627) granting an increase of pension to Michael Lochard;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 9689) for the relief of Daniel E. De Clute; and

A bill (H. R. 10010) granting an increase of pension to George W. Ferree.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 146) granting an increase of pension to Samuel C. Towne;

A bill (S. 638) granting an increase of pension to John Nichols;

A bill (S. 684) granting an increase of pension to Marion McKibben;

A bill (S. 757) granting an increase of pension to Adelaide Morris;

A bill (S. 895) for the relief of Christopher Ellis;

A bill (S. 905) granting a pension to Mary W. Keeffe;

A bill (S. 1017) granting a pension to Robert Kiracofe;

A bill (S. 1310) granting an increase of pension to Shubael Gould;

A bill (S. 1311) granting an increase of pension to Dudley F. Brown;

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

A bill (S. 1787) granting a pension to Nancy T. Dunckleo;

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;

A bill (S. 2133) granting a pension to Mary E. Ely;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California;

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislature of Michigan, remonstrating against the passage of House bill No. 10060, for the purpose of abolishing ticket brokerage; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Lansing, Mich., February 2, 1897.

Mr. Gillam offered the following:

Whereas a bill has been introduced in the National House of Representatives, known as H. R. 1060, for the purpose of abolishing ticket brokers, and entitled "A bill to amend the act entitled 'An act to regulate commerce;'" and

Whereas the provisions of this proposed act, if carried into effect, would not only wipe out ticket brokerage, but deny to every citizen the right to dispose of his own property in the open market respecting railroad transportation, and in case of such disposal would be branded a felon, punishable by fine and imprisonment; and

Whereas the passage of such a bill or act would, in effect, be in violation of the recognized rights of the people, and is, in effect, a grab at the public purse for the benefit of railroad corporations and to the injury of the traveling public: Therefore,

Be it resolved by the house of representatives of the State of Michigan, That we denounce the measure as unjust and one that tends rather to protect corporate interests than to benefit or in any manner favor the rights and privileges of the mass of American citizens; and

Be it further resolved, That we recommend to our representatives in Congress that they use all honorable means in their power to defeat any such measure; and

Be it further resolved, That a copy of these resolutions be forwarded to our representatives in Washington, to the Speaker of the House, President of the Senate, to the President of the United States, and to the chairman of the Interstate Commerce Commission.

Which was adopted.

WILLIAM D. GORDON,
Speaker of the House of Representatives.

LEWIS M. MILLER, *Clerk.*

The VICE-PRESIDENT presented a petition of the American Anti-Saloon League, of Washington, D. C., praying that in case certain Indian reservations within the bounds of the United States are opened to white settlement, a law be enacted prohibiting the carrying on of the liquor traffic within the limits of these reservations; which was referred to the Committee on Indian Affairs.

Mr. VILAS presented a petition of the legislature of Wisconsin, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was read, and referred to the Committee on Military Affairs, as follows:

UNITED STATES OF AMERICA, STATE OF WISCONSIN.

Joint resolution No. 4, S, asking the members representing the State of Wisconsin in the Congress of the United States to vote in favor of bill H. R. 4339.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the great epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Wisconsin has an especial interest in this bill for the reason that of her gallant soldiers 11 regiments of infantry, 2 of cavalry, and 3 batteries of artillery participated in the operations it is intended to commemorate: Therefore,

The legislature of the State of Wisconsin, by this concurrent resolution, asks that the above-named bill (H. R. 4339) be passed during this session of Congress, and requests the Senators and members of the House of Representatives in Congress from Wisconsin to labor earnestly for its passage; and the secretary of state is hereby directed to send a copy of this resolution to the Senators and members of the House of Representatives from Wisconsin, to the Hon. THOMAS B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. F. HULL, chairman of the House Committee on Military Affairs.

L. W. THAYER,
President of the Senate.
G. A. BUCKSTAFF,
Speaker of the Assembly.

Given under my hand and official seal at the capitol in the city of Madison this —— day of February, A. D. 1897.

HENRY CASSON,
Secretary of State.

Mr. TURPIE presented a memorial of the Napper-Tandy Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Third Christian Church, of Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry American citizens, officers of Polish-American organizations, and representatives of the Polish-American press of the United States, praying Congress to amend the bill purporting to regulate the immigration of foreigners into the United States so that it will not exclude the Poles from admission to the United States; which was ordered to lie on the table.

He also presented the petitions of J. M. Baker, publisher of the Commercial, of Columbia City; of L. L. Burke, publisher of the American, of Brookville; of Reub Williams & Sons, publishers of the Daily Times and Weekly Northern Indianian, of Warsaw; of H. A. Strohm, publisher of the Newton County Enterprise, of Kentland; of G. R. Harmant, publisher of the Clarion, of Princeton; of A. A. Holmes, publisher of the Union, of Sullivan; of O. B. Hass, publisher of the Sullivan Times, of Sullivan, and of M. C. Garber, secretary and treasurer of the Courier Company, of Madison, all in the State of Indiana, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented a memorial of sundry citizens of West Dallas, Tex., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented sundry petitions of citizens of Providence, Newport, Millersburg, Vanceburg, and Bardwell, all in the State of Kentucky, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Paducah, Ky., and a memorial of sundry citizens of Burgin, Ky., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Hickman; of members of the St. Paul Episcopal Church, of Hickman; of members of the Christian Church of Hickman; of members of the Baptist Church of Hickman, and of the Young Woman's Christian Temperance Union of Hickman, all in the State of Kentucky, praying for the passage of the so-called Shannon bill, raising the age of consent to 18 years in the District of Columbia and Territories; which were referred to the Committee on the District of Columbia.

Mr. CALL. By request, I present correspondence between the

Cherokee and Dawes commissions, signed by S. H. Mayes, principal chief, and G. W. Benge and W. W. Hastings, Cherokee delegates, relative to an erroneous impression as to the unwillingness of the Cherokee Nation of Indians to enter into negotiations with a commission appointed on the part of the Government of the United States, etc. I move that the paper be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MILLS presented a memorial of sundry citizens of Victoria, Tex., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented the memorial of E. S. Lawrence and 26 other citizens of Des Moines, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Charles E. Sinclair, publisher of the Britt News, of Britt, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young People's Christian Union of the United Presbyterian Church, of Keokuk, Iowa, and a petition of the Woman's Christian Temperance Union of Bridgewater, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of the Master Car Builders' Association, remonstrating against the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

Mr. CAMERON presented the petition of Hon. Robert E. Pattison and other prominent citizens of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Reflector Publishing Company, of Payne, Ohio, and the petition of E. S. Arnold, publisher of the Dunkirk Standard, of Dunkirk, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the memorial of C. H. Draper and sundry other citizens of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Spring Valley, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregations of the Presbyterian churches of Rushford and Fremont, in the State of Minnesota, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BURROWS. I present a memorial of the legislature of Michigan, remonstrating against the passage of House bill 10090, for the purpose of abolishing ticket brokerage; which I ask be referred to the Committee on Interstate Commerce, and ordered to be printed in the Record.

The VICE-PRESIDENT. The Chair has presented a similar memorial, which was ordered to be printed in the Record.

Mr. BURROWS. Very well.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Interstate Commerce.

Mr. McMILLAN presented the memorial of John F. Sughrow and 32 other citizens of Detroit, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented the petitions of R. M. Chilcott, publisher of the Times, of Wamego; and of sundry citizens of Onogg, Kansas City, and Wakeeney, all in the State of Kansas, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD. I present a memorial of 350 residents of the Cherokee Nation, in the Indian Territory, relative to the rolls of citizenship of the Five Civilized Tribes in that Territory, and indorsing and sustaining the report of the Dawes Commission. I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BLANCHARD presented the memorial of Charles S. Miles and 20 other citizens of Alexandria, La., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Fergus Falls, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry bankers, merchants, manufacturers, and representatives of commercial interests of New Orleans, La., praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

Mr. SMITH presented the petition of James D. Flynn, publisher of the Register, of Bordentown, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State board of health of New Jersey, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. HOAR presented the petition of C. J. McPherson, publisher of the Tribune, of South Framingham, Mass., and the petition of W. H. Trumbly & Sons, publishers of the Chronicle, of Reading, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the memorial of E. W. Wallace and 73 other citizens of Millbridge, Me., and a memorial of 26 citizens of Oldtown, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WALTHALL presented the petition of N. P. Bonney, publisher of the Summit Sentinel, of Summit, Miss., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of C. J. McPherson, publisher of the Tribune, of South Framingham, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Yearly Meeting of Friends of New England, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of the Christian Endeavor Union of Bridgeport, Conn., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Plantsville, Conn., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Plantsville, Conn., praying for the passage of the so-called Phillips bill, providing for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

Mr. PASCO presented the petitions of Fred S. Hodges and 20 other citizens of Madison, of W. Jackson and 9 other citizens of Fort Meade, of L. L. J. Nieuwenkamp and 20 other citizens of Lakeland, and of J. N. Hooker and 12 other citizens of Bartow, all in the State of Florida, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the First Congregational Church of Tampa, Fla., favoring the principle of international arbitration and requesting that it may receive the earnest and favorable attention of the Senate; which were ordered to lie on the table.

Mr. COCKRELL presented the petitions of W. E. Crow, publisher of the Facts, of De Soto; of F. W. Ranchenstein, publisher of the St. Louis County Watchman, of Clayton; of J. M. Wright,

publisher of the Ray County Republican, of Richmond; of W. B. Cochran, publisher of the Daily News, of Aurora; of W. B. Cochran, publisher of the Weekly Argus, of Aurora; of W. S. St. Clair and W. B. Boynton, publishers of the Sentinel, of Lockwood; of J. E. McKesson, publisher of the Republican, of Lebanon; of the National Board of Trade and of G. K. Wathney, publisher of the Republican Pilot, of Maysville, all in the State of Missouri, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Mrs. Judge Fryer, president of the local Woman's Christian Temperance Union; of Mrs. Mary T. Evans, president of the County Woman's Christian Temperance Union; of Dr. Joe Graves, president of the Young People's Society of Christian Endeavor of Kingsville, Mo.; of the township Sunday-school convention of Green, Mo., signed by James A. Kerr, president, and Ross McCleary, secretary; and of the faculty and students of Central College, in convention assembled, February 1, 1897, of Fayette, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Kings City, Mo., praying for the enactment of legislation raising the age of protection to 18 years in the District of Columbia and the Territories, for the enactment of a Sunday-rest law for the District of Columbia; and remonstrating against interstate gambling by telegraph, telephone, or otherwise; and prohibiting the sale of liquor in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM presented the petitions of Fred. E. Harding, of Springfield, Ill.; of E. D. Sweeney, of Rock Island, Ill.; of F. C. Donald, chairman of the mass meeting of the general passenger and ticket agents in the territory east of Chicago and St. Louis and north of the Ohio and Potomac rivers, held at Buffalo, N. Y.; of W. F. Hynes, representing the Brotherhoods of Railway Engineers, Firemen, Conductors, Trainmen, and Telegraphers, of Washington, D. C.; of J. F. Hayes and 68 other citizens of New York, and of James Heming and 117 other citizens of New York and New Jersey, praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented the petitions of John Lynch and sundry other citizens of New York, praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented the memorials of J. J. Starke, of Momence; of John Edmonds, editor of the Courier, of Lincoln; of A. W. Glessner, president of the Galena Gazette, of Galena; of sundry citizens of Momence, Peoria, Waverly, and Metropolis, all in the State of Illinois, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Brighton, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of B. G. Whitehead, publisher of the Casey Gleaner, of Casey; of John Ruf, publisher of the Union Banner, of Carlyle, and of J. W. Clinton, publisher of the Ogle County Press, of Polo, all in the State of Illinois, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of W. M. Hoyt, president of the W. M. Hoyt Company, wholesale grocers, of Chicago; of Lapp & Flersham, of Chicago, and of the Irwin Paper Company, of Quincy, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of G. W. Minier, of Minier, Ill., and the petition of Elizabeth G. Halsey and sundry other members of the Coterie Club, of Lake Forest, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. JONES of Arkansas. I present a memorial of the Creek delegates in relation to their rejection of the agreement submitted to them by the Dawes Commission. I move that the memorial, together with the appendix, be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WETMORE presented the memorial of George W. Foster and sundry other citizens of Westerly, R. I., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. From the Committee on Appropriations I report back the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, with sundry amendments, and a written report accompanying it, which I ask may be printed. I give notice that I shall try to call the bill up on Monday.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. HALE. At the suggestion of several Senators, I wish to make a proposition about the order of business to-day.

The Senator from Nebraska [Mr. Thurston] has announced that he desires to continue his remarks, beginning at the close of the routine morning business to-day. At 3 o'clock to-day the Senate has ordered that memorial resolutions in relation to a late Representative from Massachusetts shall be taken up.

I ask unanimous consent that upon the conclusion of the remarks of the Senator from Nebraska the Senate proceed to take up the Calendar under Rule VIII and consider unobjected cases until the hour of 3 o'clock arrives. That will give us one of the last opportunities of finishing the unobjected cases upon the Calendar.

Mr. HOAR. The order of business not to be disturbed otherwise, but to remain the same as now?

Mr. HALE. Such an arrangement would not of course in any way disturb the order of business.

Mr. WHITE. Is it the design of the Senator from Maine that the order of which he speaks shall proceed at once? I make the inquiry, as I wish to offer a resolution which I think will not be objected to.

Mr. HALE. No; I bring it in now because I was on the floor. The routine morning business will go on, and when that is completed I understand the Senator from Nebraska will take the floor. All there is in my proposition is that the time which elapses after the Senator from Nebraska shall have concluded and 3 o'clock shall be devoted to the consideration of unobjected cases on the Calendar under Rule VIII.

Mr. TELLER. Including Senate bills?

Mr. HALE. Including Senate bills. Nothing but House cases were considered yesterday.

Mr. TELLER. I wish to suggest to the Senator from Maine that there is not much use at this period of the session in passing Senate bills. There are some House bills which have been passed over that were not really objected to; but in some cases bills were passed over because the Senators who had them in charge were not present. Some of us would like to call up a bill on the Calendar that would not be reached to-day in regular order.

Mr. FAULKNER. I understand that under the suggestion of the Senator from Maine all those cases will come up, unless objected to when reached.

Mr. HALE. My proposition covers all bills on the Calendar.

Mr. FAULKNER. Both House bills and Senate bills.

Mr. HALE. The remnant of House bills unfinished yesterday, and the Senate bills also.

Mr. TELLER. Is it the intention that we shall begin at the commencement of the Calendar?

Mr. HALE. At the commencement.

Mr. TELLER. And take up all unobjected cases?

Mr. HALE. All unobjected cases.

Mr. TELLER. Having gone some distance on the Calendar, I do not understand that the Senator means we shall commence where we left off yesterday.

Mr. ALLISON. We went through it yesterday.

Mr. TELLER. But we are to go back to the beginning of the Calendar and commence there?

Mr. HALE. Precisely.

Mr. TELLER. If that is the understanding, the order is entirely acceptable to me.

Mr. HALE. We can clear up a dozen or perhaps twenty cases, or more, and I do not know of anything else that it is desired shall be brought forward.

Mr. FAULKNER. I suggest to the Senator from Maine that there might be a misunderstanding there. Some cases have been passed over under Rule VIII, and others under Rule IX. Of course when one of the cases passed over under Rule IX is reached, a Senator who desires to call it up will be allowed to do so. It is not the intention, I understand, to start in on the Calendar where we left off yesterday.

Mr. ALLISON. We finished the Calendar yesterday.

Mr. FAULKNER. No; we finished the Calendar only as to the House bills.

Mr ALLISON. Very well; but we went through with the Calendar yesterday as to the House bills. Therefore we will commence with the Calendar at the beginning, under Rule VIII.

Mr. HALE. Under Rule VIII?

Mr. FAULKNER. That is right; under Rule VIII.

Mr. HALE. Is that in order, Mr. President?

The VICE-PRESIDENT. The Chair will submit——

Mr. TILLMAN. I should like to have the attention of the Senator from Maine. I have an important bill in charge affecting the interests of our State, especially at this time, and of all the States. I do not think it will excite any debate; I hope it will not, and I desire an opportunity to call it up and see whether we can pass it or not. Of course, I will consent to anything which will expedite the business of the Senate.

Mr. HALE. The Senator understands, of course, that there are a good many Senators who have bills in charge that they desire to call up. This proposition of mine can not go through unless everyone consents. The object is to avoid being thrown into a scramble as to who shall get the floor, when the result would be that not much could be done. I have simply made the proposition in the interest of doing the most business during the time at our disposal.

Mr. WHITE. I ask the Senator from Maine whether it will be understood also that the Nicaragua Canal bill goes over until Monday as the unfinished business?

Mr. HALE. The Nicaragua Canal bill will undoubtedly be laid before the Senate at 2 o'clock as the unfinished business, and then it will be temporarily laid aside.

Mr. TILLMAN. I ask the Senator from Maine to please give me the benefit of his experience here. I am a new member, and I do not know exactly how to work this thing. I want to get my bill up and see whether it will create a fight or not, and if it does we can discuss it for a while, or a majority can lay it aside.

Mr. HALE. I do not know where the Senator's bill is on the Calendar. When we reach it, if it is not objected to, it will be considered and passed. If objected to, it will go over and come up again, holding its place on the Calendar. I do not know where the Senator's bill is; I do not know what it is; but he loses no right, I will say, in this agreement to take up the cases in their order.

Mr. TILLMAN. What am I to understand by the expiration of the routine business? Is it that as soon as we get through with the presentation of petitions and memorials, resolutions, etc., the Senator from Nebraska will continue his speech, and when he gets through then we shall go to the Calendar?

Mr. HALE. That is it, until 3 o'clock, when the memorial resolutions will be taken up. It is utilizing the time the Senator from Nebraska leaves to the Senate; that is all.

Mr. BATE. Mr. President, while I do not object to the agreement proposed, it does seem to me it is a very great hardship upon some of the cases that are back on the Calendar. We called over the docket under Rule VIII, and some cases went over which are important and full of merit. When a Senator objects to a bill, it is laid aside. We ought to have some rule by which we would have a right to give every case a trial when we reach it. We pass those simply which are not objected to. The most important cases, of course, are those which are controverted, yet such a proceeding shelves them all and puts them out of the way for this session. I want to call the attention of the Senator to the fact that I have some bills in charge, and other Senators have bills in charge that they desire shall be heard, and although there may be objection to the measures, let us test the merits and give the bills a day in court, and see whether the Senate will pass them or not.

Mr. HALE. I do not desire to take any more time. My proposition can not be entertained unless every Senator here thinks it is best to proceed in this way. If any Senator objects, that is the end of it.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Maine. Is there objection?

Mr. VILAS. I ask that the request be stated by the Chair, so that the Senate may understand it.

The VICE-PRESIDENT. The Senator from Maine will please restate his request.

Mr. HALE. It is that for to-day the Senate shall proceed with the Calendar on the conclusion of the remarks of the Senator from Nebraska, who, I understand, proposes to take the floor after the routine morning business is completed to conclude his remarks.

Mr. ALLEN. I suggest to the Senator from Maine that probably my colleague will desire to occupy the attention of the Senate after the morning hour.

Mr. HALE. Undoubtedly. My proposition gives him all the range that he desires. Whenever he closes, the order will apply. I will state my request, Mr. President. It is that at the conclusion of the remarks of the Senator from Nebraska the Senate shall proceed to consider the Calendar under Rule VIII—unobjected cases.

Mr. TILLMAN. Will the Senater permit me to ask him whether we are to begin at the back of the Calendar or at the front at the point reached under Rule VIII when last under consideration?

Mr. HALE. We will begin at the beginning of the Calendar under Rule VIII.

Mr. TILLMAN. In other words, you propose to go back over all that straw that has been thrashed and passed over on objection, and leave us who have our bills at the tail without the opportunity to pass them that others have had to pass their bills.

Mr. ALLISON. Allow me to make a suggestion to the Senator from Maine, and then I think we will know specifically what we are doing. There are certain bills which were passed over without prejudice under Rule VIII, beginning on page 4. I suggest to the Senator from Maine that in his request for unanimous consent he propose that we begin on page 4 of the Calendar, which covers all the cases under Rule VIII which have been passed over without prejudice.

Mr. HALE. That is where I propose we shall begin.

Mr. ALLISON. As the Senator will observe, there are two points under Rule VIII on the Calendar. If that is what he proposes, then I hope it will be made clear.

Mr. BATE. If those cases were objected to, I suppose the same objection will obtain when they are again reached, and it would simply be, as was said by the Senator from South Carolina, thrashing over old straw. It seems to me that as we go along every case ought to have a status, and that we ought to have a right to try it on its merits and the justice of it in some way. The session is nearly at a close; of course the appropriation bills will soon be pressed; and, as I said, many cases will be shelved, some of which have merit in them.

Mr. TILLMAN. It seems to me, to give a homely illustration, that you are passing around the plate twice to some before you get to others at all. I should like to begin, say, on page 14, and go on through to the end, and then go back to the beginning and come down again. Then all will have an equal advantage, and nobody will feel that it is not perfectly fair.

Mr. HALE. I think the best way is for me to withdraw the proposition, and let the Senate go on under its rules. Perhaps later in the day we can agree upon something of this kind, but I withdraw the proposition for the present.

The VICE-PRESIDENT. Reports of standing and select committees are in order.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3549) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line into and within the District of Columbia, reported it with amendments.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 2d instant, providing for the purchase of Analostan Island, intended to be proposed to the District appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3585) to refer certain claims for Indian depredations to the Court of Claims, reported it without amendment.

Mr. BURROWS. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3715) for the relief of Capt. W. J. Kountz, to report it without amendment.

I will state that a Senate bill for the relief of the party named was favorably reported by the Committee on Claims on the 4th instant. When the House bill reached the Senate, it was referred to the Committee on Military Affairs. Subsequently that committee was discharged from the further consideration of the House bill and it was referred to the Committee on Claims. I shall be glad to have the House bill take the place of the Senate bill on the Calendar, which is Order of Business 1532, being the bill (S. 1733) for the relief of Capt. W. J. Kountz.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

Mr. BURROWS. To complete the record, I move that the Senate bill be indefinitely postponed.

The motion was ageed to.

BILLS INTRODUCED.

Mr. LINDSAY introduced a bill (S. 3662) for the establishment of a light and fog-signal station near Homer, Kachemak Bay, Cook Inlet, Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ROACH introduced a bill (S. 3663) to grant public lands to the State of North Dakota for the use and maintenance of the School of Forestry of that State; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CALL introduced a bill (S. 3664) to provide an American register for the steamer *Jacksonville;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES of Arkansas introduced a bill (S. 3665) for the relief of Daniel T. Tollett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a joint resolution (S. R. 197) providing for the printing of the report of the Joint Committee of Congress upon the Ceremonials at the Celebration of the One hundredth Anniversary of the Laying of the Corner Stone of the Capitol of the United States; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

THE BOTANIC GARDENS, ETC.

Mr. HOAR. I move that House Report No. 385, Forty-sixth Congress, third session, be reprinted for the use of the Senate. It is a brief report proposing new arrangements in regard to the Botanic Gardens, etc. I am not prepared to express any opinion as to the merits of the proposition advanced, but it is an interesting report and it ought to be in the possession of the Senate. The copy that I hold in my hand is, I understand, the last one to be obtained.

The motion was agreed to.

BONDED WAREHOUSES.

Mr. WHITE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether an order has been issued discontinuing general bonded warehouses established under the provisions of the act of Congress of August 24, 1894; and if so, the authority and reasons for the issuance of such order.

ACCEPTANCE OF GIFTS BY OFFICERS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be, and they are hereby, directed to inquire and report if it is lawful for an officer of the Regular Army of the United States, while holding his official position and receiving compensation from the Government therefor, to receive from private citizens valuable presents in compensation for services performed by him in the line of duty; and if so, the said committee be, and they are hereby, directed to report to the Senate a bill prohibiting the acceptance of such a gift during the time such officer is in the actual service of the Government.

WATERWAYS FROM THE GREAT LAKES.

Mr. VILAS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed in addition to the usual number 5,000 copies of the message of the President of January 18, 1897, and of the report of the Commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the Commissioners.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1323) for the relief of Ira H. Sweatt; and

A bill (H. R. 4930) granting a pension to Mary Forward.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8190) to provide an American register for the bark *Ceres;* and it was thereupon signed by the Vice-President.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has by existing law authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

The VICE-PRESIDENT. The junior Senator from Nebraska [Mr. THURSTON] is entitled to the floor.

Mr. ALLEN. Before my colleague begins his remarks, I should like to ask that at the conclusion of his remarks the resolutions be passed over, retaining their place, that I may address the Senate upon the subject on Monday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURSTON resumed the speech begun by him on Wednesday. After having spoken for some time,

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. ALDRICH. I suggest——

Mr. VILAS. I ask that the unfinished business be informally laid aside to enable the Senator from Nebraska to conclude his remarks.

Mr. ALDRICH. That is the request I was about to make.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. I object.

The PRESIDING OFFICER. The Senator from Alabama objects to laying aside the unfinished business.

Mr. MORRILL. I suggest the lack of a quorum.

The PRESIDING OFFICER. The Senator from Vermont suggests the lack of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen.
Allison,
Bacon,
Bate,
Berry,
Blanchard,
Butler,
Call.
Cameron,
Chilton,
Cockrell,
Cullom,
Daniel,
Gallinger,
Gear,
Gibson,
Gorman,
Hale,
Hawley,
Hill,
Lindsay,
McBride,
Mantle,
Martin,
Mills,
Morgan,
Morrill,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Roach,
Sherman,
Shoup,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum of the Senate is present. The Senator from Louisiana [Mr. CAFFERY] is entitled to the floor on the unfinished business.

Mr. CAFFERY. Mr. President——

Mr. HILL. I was going to ask, with the permission of the Senator from Louisiana, whether the Senator from Nebraska would not like to continue his remarks.

Mr. THURSTON. I would have preferred to have concluded this morning, but I understood objection was made.

Mr. HILL. I hope that objection will be withdrawn so as to allow the Senator from Nebraska to complete his remarks.

Mr. MORGAN. I am entirely willing that the Senate shall consider the Calendar of business, but I am unwilling that any Senator shall occupy five days arguing a question in order to defeat it.

The PRESIDING OFFICER. The Senator from Alabama objects.

Mr. HILL. I move that the Senate adjourn.

Mr. WHITE. If the Senator from New York will permit me, I think it was the unanimous consent this morning that after the Nicaragua Canal bill had been informally laid aside we might go to the Calendar.

Mr. HALE. That proposition was withdrawn.

Mr. ALDRICH. Three o'clock has been fixed as the time when the resolutions of the House will be called up for the purpose of delivering eulogies upon a deceased Representative.

Mr. HILL. There seems to be a universal desire that my motion should be withdrawn, and I will withdraw it.

The PRESIDING OFFICER. The Senator from New York withdraws the motion to adjourn.

Mr. MORGAN. I have no objection to laying aside the Nicaragua Canal bill informally if the Senator from Louisiana does not object.

Mr. CAFFERY. I do not object.

Mr. MORGAN. Let it be laid aside without prejudice, so that the Senate may go on with the Calendar. I understood that was agreed to under some general arrangement this morning.

Mr. WHITE. It was withdrawn.

The PRESIDING OFFICER. The objection is withdrawn, and the Senator from Nebraska will proceed.

Mr. MORGAN. The Chair did not understand me, I am sure.

The PRESIDING OFFICER. The Chair misunderstood the Senator from Alabama.

Mr. MORGAN. I said I was willing to lay aside temporarily the Nicaragua Canal bill, in order that the Senate might proceed to consider the Calendar.

The PRESIDING OFFICER. The Chair misunderstood the Senator from Alabama.

Mr. ALLEN. I want to appeal to the Senator from Alabama to withdraw his objection. My colleague will be able to close his remarks in the course of half an hour or so.

Mr. THURSTON. I will not ask leave to go on at the present time. The Senator from Alabama objects.

The PRESIDING OFFICER. The Chair does not understand——

Mr. THURSTON. I give notice now that I shall ask unanimous consent to proceed on Monday morning, immediately after the expiration of the routine business.

Mr. HILL. I ask unanimous consent that the two pending resolutions go over without prejudice.

Mr. MORGAN. I object to that.

Mr. HILL. That does not affect the unfinished business.

Mr. ALLEN. That consent was given this morning.

Mr. THURSTON. I also wish to suggest——

The PRESIDING OFFICER. The Senator from Nebraska will suspend a moment. The Senator from New York asks unanimous consent——

Mr. HILL. The Senator from Nebraska [Mr. ALLEN] says that consent was given this morning, and so I withdraw the request.

Mr. ALLEN. Consent was given this morning.

Mr. THURSTON. I wish to suggest that I have refrained from claiming the attention of the Senate for this entire session, except with respect to this one matter. I have patiently sat and listened to arguments that seemed unending and unceasing at times when an objection might have been interposed. I now suggest that the same courtesy I have extended to others I shall ask for myself on future occasions, and as I receive it so shall I give it.

[Mr. THURSTON'S speech will be published entire after it shall have been concluded.]

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. ALDRICH. I suggest that we take up the Calendar under Rule VIII, the Senator from Alabama having consented to lay aside the unfinished business temporarily, as I understood him.

Mr. MORGAN. For that purpose.

Mr. ALDRICH. For that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOAR. Before the Senate proceeds with the Calendar, I desire to make a motion which I think will be very much for the convenience of the Senate. It is that our Calendar, which contains a list of subjects on the table, the unfinished business, special orders, etc., shall also have added to it a list of all the bills that are in conference, so that a Senator can find where a particular matter is by a glance at the Calendar. I make that motion.

The PRESIDING OFFICER. Is there objection to the motion? The Chair hears none, and it will be so ordered.

Mr. ALDRICH. I suggest that we commence at the point left off when the Calendar was last under consideration.

The PRESIDING OFFICER. The Calendar will be proceeded with; but the Chair will first lay before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1066) granting a pension to Ella Hatfield;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1323) for the relief of Ira H. Sweatt;

A bill (H. R. 2321) to increase the pension of John J. Cross;

A bill (H. R. 2396) granting a pension to Isaac Hollbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry;

A bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington;*

A bill (H. R. 3745) granting a pension to Benjamin L. Nolan;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 4901) to pension Richard Wilcoxton;

A bill (H. R. 4930) granting a pension to Mary Forward;

A bill (H. R. 5435) to increase the pension of Frances P. Trumbull, widow of Matthew M. Trumbull;

A bill (H. R. 5499) for the relief of Patrick Clabby;

A bill (H. R. 5898) granting a pension to Amanda M. Way, an army nurse;

A bill (H. R. 5966) granting a pension to Francis M. Rose;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 6671) for the relief of Charles A. Nazro;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 7055) increasing the pension of Anna G. Valk;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 7205) granting a pension to Alphonso G. Drake;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 7457) granting an increase of pension to John Beaird;

A bill (H. R. 7627) granting an increase of pension to Michael Lochard;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 9689) for the relief of Daniel E. De Clute; and

A bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The bill (H. R. 5499) for the relief of Patrick Clabby was read twice by its title, and referred to the Committee on Military Affairs.

BETSEY J. WEBBER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 178) granting a pension to Betsey J. Webber.

The amendment was in line 6, after the word "Webber" where it occurs the first time, to insert the word "dependent;" so as to read:

Betsey J. Webber, dependent mother of Otis Webber, jr.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

MARIA SOMERLAT.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1323) granting a pension to Mary Somerlat, widow of Valentine Somerlat.

The amendment was, in line 8, before the word "dollars," to strike out "eight" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

HANS JOHNSON.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1495) granting a pension to Hans Johnson.

The amendments were, in line 8, after the word "Johnson," to insert the words "a pension;" and to amend the title so as to read: "An act granting an increase of pension to Hans Johnson."

Mr. GALLINGER. I move that those amendments be concurred in.

The motion was agreed to.

MRS. LAURA A. NELSON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2126) granting a pension to Mrs. Laura A. Nelson.

The amendment was, in line 6, to strike out the words "of the" where they occur the second time and in lieu thereof to insert "Company E."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

LAURA C. DODGE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2347) for the relief of Laura C. Dodge.

The amendment was, in line 7, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. GALLINGER. I move concurrence in that amendment.

The motion was agreed to.

NETTIE A. CHEEKS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2913) granting an increase of pension to Nettie A. Cheeks.

The amendment was, in line 5, to strike out the letter "O" and insert the letter "C."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

MAJ. GEN. JULIUS H. STAHEL.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The amendment was, in line 6, before the word "dollars," to strike out "one hundred" and insert "fifty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment made by the House of Representatives, and that a conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PALMER, and Mr. PRITCHARD were appointed.

MARY O. H. STONEMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The amendment was, in line 9, before the word "dollars," to strike out "seventy-five" and insert "thirty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. MITCHELL of Wisconsin, and Mr. CANNON were appointed.

GEORGE B. CUSTER.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1806) granting a pension to George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry.

The amendments were, in line 7, beginning with the word "month," to strike out all down to and including the word "date," in line 9, and to insert "in lieu of the pension he is now receiving;" and to amend the title so as to read: "An act granting an increase of pension to George B. Custer."

Mr. ROACH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MRS. LUCY ALEXANDER PAYNE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The amendment of the House of Representatives was, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. ROACH. I move that the Senate nonconcur in the House amendment and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ROACH, Mr. HANSBROUGH, and Mr. PEFFER were appointed.

The PRESIDING OFFICER. The Calendar will be proceeded with under the agreement.

MOBILE MARINE DOCK COMPANY.

The bill (S. 1968) for the relief of the Mobile Marine Dock Company was announced as the first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Mobile Marine Dock Company, or to its authorized agent or attorney, $86,202.65, in full payment for the use and occupation of and damage to property taken of that company from April 16 to November 15, 1865, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN LOUISIANA.

The bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies was announced as next in order.

Mr. GALLINGER. I am very sure that we legislated on that subject a few days ago, and I ask that the joint resolution go over. I think I am not mistaken about the matter.

The PRESIDING OFFICER (Mr. HILL in the chair). The joint resolution goes over.

Mr. GALLINGER subsequently said: At my suggestion, the joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies was laid over. I said I thought the Senate had legislated on the subject, which I find to be true. I desire to move the indefinite postponement of the joint resolution.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

DISABLED VOLUNTEER SOLDIERS' HOME AT HOT SPRINGS, S. DAK.

The bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The bill has heretofore been read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT TAX-SALE CERTIFICATES.

The bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, was announced as next in order.

Mr. ALDRICH. The Senator from West Virginia [Mr. FAULKNER], who reported that bill, is not in the Chamber, and I suggest that it go over without losing its place.

The PRESIDING OFFICER. The bill will be passed over.

COMMODORE WILLIAM P. M'CANN.

The bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list was considered as in Committee of the Whole. It proposes to transfer Commodore William P. McCann, United States Navy, from the retired list of commodores to the retired list of rear-admirals from May 4, 1892, the date of his retirement in his present rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBMARINE TELEGRAPH CABLE LINES.

The bill (S. 3010) relating to the landing of any new submarine telegraph cable line or system in this country was announced as next in order.

Mr. ALDRICH. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

PAINTING OF THE FRIEZE IN CAPITOL ROTUNDA.

The joint resolution (S. R. 152) appropriating $6,000 for completing the painting of the frieze in the Rotunda of the United States Capitol was announced as next in order.

Mr. WALTHALL. Let that joint resolution go over, Mr. President.

The PRESIDING OFFICER. The joint resolution will be passed over.

MARITIME CANAL COMPANY OF NORTH AMERICA.

The bill (S. 3049) to incorporate the Maritime Canal Company of North America, and for other purposes, was announced as next in order.

Mr. NELSON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SALARIES OF SKILLED WORKMEN IN THE GOVERNMENT PRINTING OFFICE.

The bill (S. 3243) regulating the salaries of printers, bookbinders, and other skilled workmen employed in the Government Printing Office was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DANIEL DRAWBAUGH.

The bill (S. 1453) for the relief of Daniel Drawbaugh was announced as next in order.

Mr. ALDRICH. That bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

SALES IN SUBSISTENCE DEPARTMENT.

The bill (S. 2009) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army was announced as next in order.

Mr. COCKRELL. The Senator reporting that bill is not present, and the matter has been heard again in the Committee on Military Affairs. I think the bill had better be passed over for the present, without losing its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over.

EFFICIENCY OF THE MILITIA.

The bill (S. 2849) to promote the efficiency of the militia was announced as next in order.

Mr. COCKRELL. Let that be passed over without prejudice.

The PRESIDING OFFICER. It will be so ordered.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

The bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPTURE OF THE COMPETITOR.

The Senate proceeded to consider the resolution submitted by Mr. MORGAN June 3, 1896, relative to the capture of a vessel of the United States called the *Competitor* by a Spanish ship of war.

The PRESIDING OFFICER. This resolution has been heretofore read at length. The question is on the passage of the resolution.

The resolution was agreed to.

JOHN A. FAIRFAX.

The bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 4, after the word "pay," to strike out "out of any money in the Treasury not otherwise appropriated;" so as to read:

> That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John A. Fairfax, of the District of Columbia, [illegible], being the amount found due the said Fairfax by the Court of Claims of the United States April 9, 1894, from the United States, for work and labor in building roads and streets in said District under the late board of public works therein, the said sum to be taken and accepted by the said claimant as in full for said services.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following:

> *Provided*, That the said sum shall be paid from the unexpended balance of the amount appropriated by the act approved June 20, 1878, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," to pay the workingmen employed in the public improvements under the late board of public works of the District of Columbia, or the contractors of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REORGANIZATION OF THE LINE OF THE ARMY.

The bill (S. 2202) to reorganize the line of the Army, etc., was announced as next in order.

Mr. COCKRELL. Let that be passed over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

PEACE MONUMENT AT APPOMATTOX.

The bill (S. 3251) to procure a site and erect a peace monument at Appomattox was announced as next in order.

Mr. WALTHALL. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

IMPROVEMENT OF PUBLIC ROADS.

The joint resolution (S. R. 157) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads was announced as next in order.

The PRESIDING OFFICER. The Chair calls attention to the fact that on the next page, Order of Business 1257, seems to be a joint resolution of the same character and scope as the one which has just been read, which was rejected, and afterwards reconsidered and placed on the Calendar.

Mr. WALTHALL. The Senator who reported that joint resolution is absent, and I think it had better go over.

The PRESIDING OFFICER. The joint resolution will go over without prejudice.

INDIAN DEPREDATION CLAIMS.

The bill (S 2726) to amend an act entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," approved March 3, 1891, was announced as next in order.

The Secretary proceeded to read the bill; and, after reading some time, was interrupted by

Mr. WALTHALL. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. MILLS. It seems to me that as we have begun to consider the bill it is too late now to enter an objection.

Mr. COCKRELL. It has never been so held. It has always been held that an objection may be made at any time.

Mr. PETTIGREW. This is a bill of considerable importance, and has been on the Calendar some time. I hope the Senator will not object to it.

Mr. MILLS. It is a bill in which the people of Texas are considerably interested.

Mr. COCKRELL. I must protest that when a Senator makes objection to the consideration of a bill, time shall not be consumed by other Senators in begging that he withdraw the objection. I take it for granted that no Senator makes an objection unless he has a reason for having a bill passed over. I know when I make an objection it will stand, and I certainly hope the time of the Senate will not be consumed in this way.

Mr. MILLS. But there is a time within which an objection should be made, and that is when the bill is first called up, before the Senate proceeds to its consideration, and not afterwards.

Mr. COCKRELL. The rule is that the objection can be made at any time during the consideration of a bill, and when objection is made, the bill must go over. That has been the rule from time immemorial.

Mr. HOAR. I hope the Senator from Missouri will not insist on so strict and harsh a rule as that, for sometimes a very just and humane measure may be objected to under a misapprehension, which would cause it to be dismissed without a hearing, when a word of explanation would cause the objection to be withdrawn.

Mr. WALTHALL. I made the objection, Mr. President. This is a very important measure, and the Senator who reported it is not in the Chamber. I insist upon the objection, if it is not too late, and I do not think that it is.

Mr. PETTIGREW. I should like to ask if, under the unanimous-consent rule, it is proper to move to take up a bill which has been objected to?

The PRESIDING OFFICER. The Chair understands that it is not.

Mr. MILLS. No; we are proceeding under a unanimous-consent agreement.

The PRESIDING OFFICER. The bill will be passed over.

MARY A. SWIFT.

The bill (S. 2071) for the relief of Mary A. Swift was considered as in Committee of the Whole. It appropriates $12,000 for the relief of Mary A. Swift, widow of the late John F. Swift, envoy extraordinary and minister plenipotentiary to Japan, that being the salary allowed by law for one year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INDEFINITELY POSTPONED.

Mr. COCKRELL. I move that the next two bills on the Calendar be indefinitely postponed, as there is a general law covering the question involved in those bills.

The PRESIDING OFFICER. The titles of the bills will be stated.

The SECRETARY. A bill (S. 3257) donating condemned cannon and cannon balls to the Idaho Soldiers' Home, Boise City, Idaho; and

A bill (S. 3234) donating condemned cannon and cannon balls to the Ohio Soldiers and Sailors' Home, Erie County, Ohio.

The PRESIDING OFFICER. The bills the titles of which have just been read will be indefinitely postponed, in the absence of objection.

REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

The joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad was announced as next in order.

Mr. COCKRELL. That joint resolution has never been referred to any committee of the Senate. Let it be passed over for the present.

The PRESIDING OFFICER. The joint resolution will be passed over.

IMPROVEMENT OF PUBLIC ROADS.

A joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads was announced as next in order.

The PRESIDING OFFICER. The joint resolution will be passed over under the objection raised to the Senate joint resolution on the same subject.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

The bill (S. 3227) to provide a home for aged and infirm colored people was announced as next in order.

Mr. COCKRELL. The Senator from Maryland [Mr. GORMAN] at one time made objection to that bill. I do not know whether he has any objection to it now or not, but I have sent for him.

Mr. VILAS. The Senator from California [Mr. PERKINS], who reported the bill, is not here.

The PRESIDING OFFICER. The bill will be passed over.

TONNAGE TAX.

The bill (H. R. 2672) concerning tonnage tax, was announced as next in order.

Mr. BERRY. I think the Senator from Missouri [Mr. VEST] is opposed to that bill. I do not see him in the Chamber, and, therefore, on his behalf, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

INDEPENDENCE OF CUBA.

The joint resolution (S. R. 163) acknowledging the independence of Cuba was announced as next in order.

Mr. VILAS and Mr. GEAR. Let that go over.

Mr. MORGAN. I move to proceed to the consideration of that joint resolution, notwithstanding the objection.

Mr. COCKRELL. That is not in order. I hope the Senator will not undertake to violate the agreement which was made, which was that we should consider unobjected cases only.

Mr. MORGAN. I did not so understand the agreement.

Mr. COCKRELL. That was the express agreement.

Mr. MORGAN. No, sir. I consented on this floor to consider the Calendar. I had my eyes open and looking at the subject when I consented that we should consider the Calendar. We are on it now, and I move to consider that joint resolution notwithstanding the objection.

The PRESIDING OFFICER. If the accuracy of the statement of the Senator from Missouri is challenged, the Chair will have to ask the reporter to read precisely what was the agreement. The Senate has been acting thus far only in the consideration of unobjected cases.

Mr. MORGAN. I remember very distinctly, Mr. President, that when the question was put I waived the bill that was then under consideration, that it might be laid aside informally for the purpose of proceeding with the Calendar.

Mr. HOAR. The Senator from Alabama is not heard on this side of the Chamber.

Mr. MORGAN. I asked that the Nicaraguan Canal bill might be laid aside informally for the purpose of proceeding with the Calendar. There can be no doubt about that.

Mr. COCKRELL. The unanimous-consent agreement was made earlier in the day, as I understand.

Mr. MILLS. That was refused.

Mr. COCKRELL. Let the question on the motion of the Senator from Alabama be put to a vote.

The PRESIDING OFFICER. The Chair was first endeavoring to ascertain whether the motion was in order.

Mr. COCKRELL. I make no point of order on it.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] was understood to make the last suggestion about proceeding with the consideration of the Calendar. The Chair asks the Senator to state his recollection of the request he made.

Mr. ALDRICH. The Nicaraguan Canal bill having been laid aside informally for the purpose, I asked the Senate to proceed to the consideration of the Calendar under Rule VIII.

The PRESIDING OFFICER. Did the Senator limit his request to unobjected cases?

Mr. ALDRICH. I think I stated "unobjected cases." Of course it included that. It was my intention that only unobjected cases should be considered.

Mr. MORGAN. But you did not say so.

Mr. COCKRELL. Let us take a vote on the motion.

Mr. ALDRICH. Certainly proceeding under Rule VIII means considering unobjected cases.

The PRESIDING OFFICER. The Chair will rule as it has been construed all along up to this time, that it was the consideration of unobjected cases that was meant when unanimous consent was asked; and as the Senator from Rhode Island states that was his idea, the Chair feels compelled to rule that the motion of the Senator from Alabama is not now in order.

Mr. MORGAN. May I be allowed, by unanimous consent, to say a word?

The PRESIDING OFFICER. The Chair will hear the Senator, if there be no objection.

Mr. MORGAN. I do not wish to force this joint resolution on the consideration of the Senate when it appears the Senate is so thin; but I want it understood that whenever the joint resolution comes in contact with the Senate I am going to insist upon its consideration, and I do not intend, so far as my privileges and powers as a Senator are concerned, to give way to anything at all, if I can get the question of Cuba considered.

I now submit to the ruling of the Chair, of course.

The PRESIDING OFFICER. The joint resolution will be passed over.

ST. JOHNS RIVER, FLORIDA.

The joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river, was considered as in Committee of the Whole. It directs the Chief of Engineers, United States Army, to report to Congress without delay an estimate of the cost of improving the St. Johns River, Florida, for seagoing steamers from its mouth to Palatka and for river steamboats from Palatka to Lake Winder, and above that point as far as practicable to give transportation to the level now being desired on the highest levees of the river; also to report an estimate of the amount of money necessary for immediate expenditure for the prevention of the channels made by the jetties over the St. Johns Bar at the mouth of the river from closing up or diminishing in the depth of water, and also the amount necessary for obtaining a depth of 30 feet of water over the bar at the mouth of the river.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE S. SIMON.

The bill (S. 2588) for the relief of George S. Simon was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 8, after the date "1864," to strike out "amounting at that date to about $8,000;" so as to make the bill read:

> *Be it enacted, etc.*, That the Court of Claims is hereby empowered to hear and adjudicate the claim of George S. Simon, of Darke County, Ohio, for goods and merchandise taken from his store at Versailles, Darke County, Ohio, and used or destroyed by the United States troops on the 13th day of January, A. D. 1864.

The amendment was agreed to.

Mr. MILLS. If it be in order to have the report of the committee read, I ask that it be read.

Mr. GALLINGER. Oh, yes; that is in order.

Mr. ALLEN. I can state to the Senator the facts in the case. Some Pennsylvania troops on their return home, and before they were discharged, stopped in the town of Versailles. Whilst there they looted the store owned by this man Simon, destroying and carrying away goods to the amount of several thousand dollars. He now desires to go to the Court of Claims to see whether he has a just and equitable claim against the Government. There is no appropriation or anything of that kind in the bill. It is simply to permit him to go to the Court of Claims under the Bowman Act.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR STORES AND SUPPLIES.

The bill (S. 2433) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

CAPT. WILLIAM N. TISDALL.

The bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major, was announced as next in order.

Mr. ALLEN. I see that the chairman of the Committee on Military Affairs is not here, and not knowing what particular merit there may be in a special act to promote this gentleman, I think the bill ought to go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

PORTRAIT OF DANIEL D. TOMPKINS.

The bill (S. 1499) to purchase a portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis in 1812, was announced as next in order.

Mr. WETMORE. I ask that that bill may go over without prejudice.

The PRESIDING OFFICER. It will be so ordered.

ELECTRIC SUBWAYS IN THE DISTRICT.

The joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia was announced as next in order.

Mr. ALLEN. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over without prejudice.

TERM OF OFFICE OF POSTMASTERS.

The bill (S. 3514) to regulate the term of office of postmasters was announced as next in order.

Mr. ALDRICH and Mr. GEAR. Let that go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

PUBLIC BUILDING AT JOPLIN, MO.

The bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri, was announced as next in order.

The bill was read.

Mr. MILLS. Is there a report accompanying the bill? If there is, I should like to have it read. I desire to know whether there is a court at that place.

The PRESIDING OFFICER. There is no report.

Mr. MILLS. The Senator from Missouri [Mr. VEST] who reported the bill is not present. It seems to me he ought to be here and tell us something about it; about the size of the city, and whether there is a court there. I object to the bill for the present.

The PRESIDING OFFICER. The bill will go over without prejudice.

Mr. MILLS subsequently said: I desire to withdraw the objection which I made a while ago to the bill which was passed over for the erection of a public building at Joplin, Mo. I take it for granted that the Senator from Missouri [Mr. VEST] who is not present knows all about it, and while there is no written report, I will withdraw my objection. The bill has been read.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF MAIL SERVICE.

The bill (S. 1811) to extend the uses of the mail service was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was, in section 1, line 12, after the word "deliver," to insert:

> And the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable suspend its operation altogether.

So as to make the section read:

> That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable suspend its operation altogether.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "dollars," to insert:

> Or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe.

So as to read:

> That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery.

Mr. ALLEN. I think the bill calls for an explanation from the Senator who reported it.

Mr. VILAS. This is a plan to enable persons to send out letters and provide for a reply for the convenience of tradesmen. It has been recommended by the Post-Office Department, examined by the committee, and the committee believe it is an experiment which the Post-Office Department ought to make with a view to facilitating the use of the postal service by tradesmen and merchants. Great care has been taken to guard the Department against the slightest risk in respect to the experiment. It is all left to the discretion of the Postmaster-General, and it so provided that he may, if he choose, try it in only one city in the country. I believe that the proposed act will prove a successful experiment and greatly facilitate the use of the mails.

Mr. ALDRICH. Mr. President——

Mr. VILAS. Of course, if we are to go into an elaborate discussion of the bill, it would take some time.

Mr. ALDRICH. I should like to have the report read.

Mr. VILAS. If the Senator from Rhode Island desires to have the report read, I suggest that it will be more convenient to have the House report read, because it sets forth the merits of the bill with illustrations. Instead of repeating it and reprinting it, our committee thought it best simply to refer to the House report with a general statement such as I have made from the floor.

Mr. ALLEN. I should like to ask the Senator from Wisconsin one or two questions. As I gathered from the reading of the bill, it provides that a particular corporation may have the privilege of manufacturing and sending out these cards.

Mr. VILAS. Let me say to the Senator from Nebraska that that is because it is a patented device belonging to this corporation. The bill provides explicitly that the United States shall under no circumstances pay anything for royalty or for the patent.

Mr. ALLEN. I understand that very well.

Mr. VILAS. It is the only way in which the plan can be made available at all.

Mr. ALLEN. But why give to a particular individual or a particular corporation a right that you do not extend to all other corporations or persons?

Mr. VILAS. Because they have already secured, under other laws, the patent. We do not interfere with that at all. We leave it where it is.

Mr. ALLEN. There ought to be in the same bill provision that other persons or corporations having similar patents may have the like privilege.

Mr. VILAS. But there is no other patent of that kind.

Mr. ALLEN. There may be.

Mr. VILAS. Then, if there should be, it should be opened at once. There is no difficulty on that score, I am sure. The Senator will see, if he will look at it.

Mr. ALLEN. It is so manifestly unfair to have special legislation in favor of one particular corporation in this respect that I shall object to the present consideration of the bill.

Mr. VILAS. The Senator objects on that ground.

The PRESIDING OFFICER. The bill will go over.

PAYMASTER JAMES E. TOLFREE, UNITED STATES NAVY.

The bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It proposes to pay to James E. Tolfree, paymaster, United States Navy, $4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

Mr. PERKINS. I was in a committee room when the bill (S. 3227) to provide a home for aged and infirm colored people was temporarily passed over. The committee unanimously reported in favor it, and I think if the report of the committee is read to the Senate the bill will meet with no objection.

Mr. CHANDLER. I will say to the Senator from California that there is no time to have the report read now. I wish he would let me get up a bill.

Mr. PERKINS. If the Senator from New Hampshire does not object to the bill, we will not consume any time.

Mr. CHANDLER. I shall not object, but we will not have time to have the report read.

Mr. PERKINS. The bill has been read, and its passage would please a great many people who are interested in a very just measure. However, I will not talk any more.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. ALLEN. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

DISTRICT WATER SUPPLY.

Mr. CHANDLER. I ask the Senate to go back to Order of Business 717, being the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The PRESIDING OFFICER. The Senator from New Hampshire asks that the Senate go back to the bill he has indicated. Is there objection?

Mr. CHANDLER. I suppose that is in the regular order.

Mr. PERKINS. I supposed my request was in the regular order.

Mr. CHANDLER. I thought so.

Mr. PERKINS. I should like to have the Senator from Nebraska——

The PRESIDING OFFICER. The Chair will be obliged to hold that where a bill has been passed over it requires unanimous consent to return to it and take it up.

Mr. CHANDLER. Where did the execution of the order begin? Did it take in Order of Business 717?

The PRESIDING OFFICER. The Senate began on page 14 of the Calendar, Order of Business 1186, being the bill (S. 1968) for the relief of the Mobile Marine Dock Company, and is proceeding in order.

Mr. CHANDLER. How did the Senate happen to begin with Order of Business 1186?

Mr. COCKRELL. There is where we left off the last time we had the Calendar up.

Mr. ALDRICH. There is where we left off.

The PRESIDING OFFICER. The regular order having been demanded, the next case on the Calendar will be announced.

PAY CLERK CHARLES BLAKE, UNITED STATES NAVY.

The bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, $700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, Yokohama, Japan, February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTINENTAL FIRE INSURANCE COMPANY.

The bill (S. 567) for the relief of the Continental Fire Insurance Company and others was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

EULOGIES ON THE LATE REPRESENTATIVE COGSWELL.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, the Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 18, 1896.*

> *Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM COGSWELL, late a Representative from the State of Massachusetts.
>
> *Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.
>
> *Resolved*, That the Clerk communicate these resolutions to the Senate.
>
> *Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. LODGE. I submit the resolutions which I send to the desk.

The resolutions were read, as follows:

> *Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM COGSWELL, late a Representative from the State of Massachusetts.
>
> *Resolved*, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.
>
> *Resolved*, That a copy of these resolutions be transmitted by the Secretary of the Senate to the family of the deceased; and that as a further mark of respect the Senate will, at the conclusion of these ceremonies, stand adjourned.

The PRESIDING OFFICER. The resolutions are before the Senate.

Mr. HOAR. Mr. President, Gen. WILLIAM COGSWELL, member-elect from the old Essex district of Massachusetts, one of the bravest and ablest soldiers she ever sent into battle, a statesman who had been gaining and growing in a large national fame for four terms in the House of Representatives, until it had been expected that by the general desire of the House he would have been assigned the place which carries with it the leadership of that body on the floor, died in Washington, May 22, 1895. He raised and commanded one of the first companies—he thought the very first—enlisted in the country for the war. He was in many battles, was with Sherman in the march to the sea, was three times wounded, and came home a general when the war ended. He was beloved by his soldiers, and had the confidence and affection of General Sherman.

The detail of this brilliant service, as of the lesser but important work which he did for his native Commonwealth in many other honorable places of trust, has been stated in the other House, especially in the admirable eulogy by his successor. Those proceedings will be printed with ours. So I need not repeat them here.

Mr. President, what I have said already would seem to be enough. To have been loved and trusted by as noble a constituency as ever made a part of a free people; to have been of the very first and of the very last in the great struggle for the country's life; to have gained a foremost place in that great Assembly which now as ever represents what is best and most trustworthy in American character; to have steadily grown in power and in honor until the boy who offered his life for his country at 22 was borne to his grave amid the lamentations of a whole people who honored him as one of the foremost among the statesmen of America in America's best and greatest day, would seem to make the language of ordinary eulogy alike ridiculous and superfluous.

One or two traits I will speak of for which General COGSWELL was specially remarkable: He was an example of what we so often find to be true, that the bravest men are the gentlest and most affectionate in their own households. He was a lover of home, of wife, of family, of children. The men who loved him best, where everybody knew him, were his near neighbors, and his townsmen, and the people of his district.

He was a man who grew constantly. The faults which he had when his public service began wore off and disappeared with life's discipline and experience. His intellectual powers developed and strengthened from year to year; so you could almost see the difference from year to year in the quality of his work and speech. When he entered the House of Representatives he was an able man. When he died, six years after, he was a great man. He had laid aside weaknesses and infirmities; he had burst and outgrown limitations; he had put under his feet faults and bad habits; so that if his life had been spared we should have looked upon him as one of our brightest and most shining models of what is excellent both in public and in private character. I think in these days, when there is so much well-founded and so much ill-founded criticism of the public life in this country, that it is well to point out to the people what an intellectual and what a moral education is service in these Halls for the men, and they are the large majority, who perform that public service faithfully to the best of their ability.

I believe I have been longer in continuous national legislative service in this country than any other man, with the single exception of my honored and venerable friend the senior Senator from Vermont. I declare as the result of my observation that the character of our national legislators is, on the whole, growing better from year to year and from generation to generation. Life in Washington is becoming purer and sweeter and simpler.

General COGSWELL grew in the confidence and esteem of his constituency. He was nominated by a majority of 1 and elected by a plurality only, being in a minority of near 1,400 of the total vote. At his last election he was nominated by acclamation and chosen by a majority in his district of 8,600 over all competitors, having a majority in every town, city, and ward in his entire district. He grew also, as I have said, in the love and affection of his associates.

He was as brave a man as ever went into battle. When his commanding officer had given him an order, there was no occasion for any further anxiety if the order was one which could be executed by human courage and skill. The men under his command felt sure that he would lead them in the path of glory, and, if any man could lead them in that path, in the path to victory.

He was a stanch friend, a trusty companion, and a wise counselor; a dauntless and unflinching champion of any cause in which he enlisted. If I were to sum up his quality by a single word, it would by the word manliness.

General COGSWELL had some very original and racy qualities of intellect and character. They were disclosed to his friends and companions more freely as he grew older. He was a man who mellowed with years. But yet his peculiarities remained. He had a certain gruff independence and originality which made every man like to know what he was thinking of and to listen to what he would say. He had a gift of pithy, sententious speech, a shrewd common sense, and sharp wit. He was a man whom Dr. Johnson would have liked for a companion. While he grew kindlier as he grew older, and was tolerant of human infirmities and liked men when he came to know them well, he was a good hater, and was especially impatient of cant and affectation and pomposity and the varnish and veneering of behavior.

Mr. President, my words of praise will seem feeble to those who have heard or who shall read the eloquent tributes of my colleagues in this and the other House. They will seem poor and inadequate as an expression of the feeling of the Commonwealth for the brave son she has lost and of the great constituency who mourn for their loved and honored Representative. He sleeps in her holy Pilgrim soil with the great men who for nearly three hundred years have adorned her annals. Massachusetts has given to the service of the country her full share of patriots, of benefactors, of statesmen, of orators, of poets, and of sages. It is no time for boasting when we are mourning for our dead. Certainly I would arrogate for Massachusetts no superiority of merit, especially in the presence of the representatives of the great Commonwealth of Virginia. And still it almost seems as if we might say of the little State what one of her poets said of our mother England—

> One-half her soil has walked the rest,
> In heroes, martyrs, sages.

To that honorable company WILLIAM COGSWELL is gathered. The men who loved him and whom he loved have laid him to sleep within the limits of old Essex, where Winthrop landed, where Endicott dwelt, where Putnam was born, where Whittier sang, where Dane and Cutler planned the great ordinance of 1787, which stands with the Declaration and the Constitution as one of three great title deeds of American liberty, and where the sailors put to sea for the great sea fights of the war of 1812.

General COGSWELL's services in civil life alone would have given him a high place in the grateful memory of the people. But it is as a soldier that his countrymen will remember him, and it is as a soldier that he would wish to be remembered. Whatever may be said by the philosopher, the moralist, or the preacher, the instincts of the greater portion of mankind still lead them to award the highest meed of admiration to the military character. Even when the most selfish of human passions, the love of power, or the love of fame is the stimulant of the soldier's career, he must at least be ready for the supreme sacrifice—the willingness to give his life, if need be, for the object he is pursuing. The great apostle of the Gentiles, in his loftiest passages, illustrates the highest Christian character by comparing it to that of the soldier. And surely, when the end is unselfish, when the love of country or the desire to save her life by giving his own has entire mastery of the soul, when all the ends he aims at are his country's, his God's, and truth's, all mankind are agreed to award to the good soldier a glory which it bestows nowhere else.

Mr. President, more than the full allotted time of a generation has passed since the splendid youth of 1861 sprang at the call of their country to the defense of Washington. Men have reached mature middle life who were born since the sound was heard of the first shot at Fort Sumter. The great majority of the soldiers of the great war for the Union have gone. Their eyes will never again flash with triumph as they follow the flag to victory, or kindle with affection when they gaze on comrades' faces. Their ears are cold in death—

> They list no more the tuck of drum,
> No more the trumpet hear.

They will never again answer to the general's summons, to the thunder of the captains, and the shouting. They sleep with the great leaders—with Grant, and Sherman, and Sheridan, with Devens, and Hooker, and Shaw.

The majority have gone. The few survivors who remain with us are entering upon an honored old age, crowned with the love of their countrymen. But their fame and honor shall abide. It shall abide when the walls of this Capitol shall have crumbled, eternal and imperishable as the liberty they loved and the Union they saved.

Mr. MILLS. Mr. President, I knew General COGSWELL as a member of the House of Representatives, where it was my fortune to serve with him several years. He was a gentleman of the highest character, modest and retiring in his disposition, and kind and courteous in his intercourse with his fellows. While he was well informed on all the subjects which come before Congress for consideration, he very rarely took part in the debates of the body. He was not a ready debater. He shrank from the arena. He had no taste for the controversial part of the consideration of subjects. He left that for others who were better adapted to it and whose tastes inclined them to share in the intellectual combat. He had his convictions, the result of intelligent consideration, and by them his conduct was controlled.

It takes nothing from the character of General COGSWELL to say that he was not a skilled and ready debater. This is not a faculty which can be acquired by labor, however intense and long continued. It is a gift of the Creator, and one that does not always accompany the mind of man, however largely it may be stored with knowledge. Its absence does not mean that character is wanting in moral force, or that intelligence is destitute of usefulness. Every day's experience proves to the contrary. Many of the greatest statesmen whom this country has ever produced were conspicuously deficient in the power of debate. The author of the Declaration of Independence immortalized himself with his pen. No man of his day possessed such power to arouse the world through the point of his pen as he. Yet when that great instrument was assailed in the Continental Congress by men whose names did not outlive their generation, he was utterly powerless to defend it. Benjamin Franklin was confessedly one of the greatest philosophers of the Revolutionary era and a very accomplished diplomat, but he could not debate a proposition like Hamilton or Adams. Nor was he a match for men below them in the gifts of debate. Andrew Jackson was strong with the pen and still stronger with the sword, and notwithstanding the fact that he was a trained lawyer and of ability enough to grace the supreme bench of his State, to represent her in the Senate of the United States, and to preside over the destinies of the nation, yet he could not debate. When he was in the Senate of the United States, during the Administration of the elder Adams, the Vice-President who presided over that body, and who was conscious enough of his own deficiency in that respect, formed a very unfavorable opinion of the man who, in after years, proved himself the great general, and as President of the United States so indelibly stamped his opinions on public questions on the minds of the people of the Republic.

To know General COGSWELL one had to be in close contact with him socially. In the committee room or in the abandon of social conversation at the fireside he showed himself the man of intelligence and thought. He could not be drawn into a heated controversy about anything. His whole nature was averse to it. He was not born for storms, but for sunshine. He was affable, gentle, and kind. His convictions and conduct were the product of reason, not of passion. In his intercourse with his fellows he sought to do right to them and to deserve right from them, and when he finished his career I do not suppose he left an enemy on the earth. His was, indeed, a massive, a splendid character. It stood out like a monumental stone, not adorned by fretted work, but plain, clean, powerful, and ponderous as it rested on its imperturbable base. Everywhere in the world of humanity character stands for a certain quantity of force—a force that is not perceptible to the sight or tangible to the touch. But it is a force nevertheless. It exists and exerts itself beyond the sphere of sensuous cognition. The elements in the character of an upright man impress themselves upon the moral and intellectual world just as light, heat, and moisture do upon the material world. They are among the silent forces which quicken with life the latent germs and cause them to grow and mature and bring forth their harvests in their season.

Such was the character of the distinguished son of Massachusetts around whose bier we are gathered to-day. I have spoken of him as he appeared to me, the representative of his people in the councils of the nation. But there was another theater where he appeared as an actor in the earlier days of his life. He was his country's soldier in a great war where hundreds of thousands gave their lives for the land they loved. To one who has borne arms in such a war, who has seen and felt all which that one word means, it would be more acceptable that almost all the other virtues he possessed should be forgotten than that crowning virtue of true manhood. He was a brave soldier, an intelligent officer and leader, tried on many fields and measuring up to the duties of every station which he was appointed to fill. His record as a soldier gave Massachusetts just cause to be proud of him, and imposes upon her the duty of cherishing his memory and carving his name in the list of those who in peace and war have made her name immortal.

In the conflict of which I have spoken he and I were on opposite sides. Each fought for the cause he loved. Each fought with those among whom he was born—he for Massachusetts and I for Texas. For four long and troubled years our armies were striking at each other's lives and the lives of the governments whose standards they bore. The arbitrament of the sword declared the United States victor and the Confederate States vanquished—that the Union of the States should be an indissoluble union, and that each citizen should be a member of the great commonwealth of States as it was established by a common ancestry. The wise counsels that dominated the policy of the conquerors soon restored fraternity, and a union of "hearts and hands" as well as of "lakes and lands." Soon Union and Confederate soldiers met and mingled in the national councils, and soon the estranged people were brought together and mingled in peace and patriotic devotion in all the relations of private life. Having by the consent of our people been sent to the House of Representatives, we met here as friends, not as foes, and began our labors for the advancement of our country, each in the way he thought wisest and best. As intimately as I knew him, I never heard him speak of his military career until I met him one evening at a lecture delivered on the battle of Missionary Ridge, which was some years after he had been elected to Congress. When the lecture was over some questions were asked about certain commands that took part in the battle, and during the colloquy I learned that we had been confronting each other from Chattanooga to Atlanta. That campaign has gone into history, and those who shared in it are rapidly passing away. Most of them, like General COGSWELL, have stacked arms on this side the river, and have crossed over and are now "resting under the shade of the trees." Those of us whom the roster has designated for duty with the rear guard are still on the march, and soon shall reach the rendezvous on the farther bank of the shining river, where the blue jacket and the gray are both faded into white, and where Grant and Lee, and Jackson and Sheridan, and Thomas and Hood, and Burnside and Johnston, and the thousands whom they led, are standing round the same bivouac fires, citizens of the same great commonwealth and soldiers in the armies of the Prince of Peace.

Mr. HAWLEY. Mr. President, I am glad to give my testimony to the excellencies of Gen. WILLIAM COGSWELL. The addresses made in the other House and the one made by the senior Senator from Massachusetts, however, leave very little to be said by anyone. There are some bare facts, and the facts that I venture to mention of his life alone are a sufficient eulogy.

His descent was that which we in New England think is honorable. From a Puritan who landed in a shipwreck on the coast of Maine in 1635, in the fifth generation that family illustrated the character of the people who had a belief, recognized a duty, and never flinched from it. Eight brothers of the Cogswell name were in the Revolutionary war, their aggregate service counting thirty-eight years. We may judge from that where the young man was likely to go when the long roll sounded. He enlisted as soon as he heard of the trouble of a Massachusetts regiment in the streets of Baltimore.

He was a gentleman of education, and had entered upon a professional life, but he dropped everything. He enlisted April 19, 1861. He became a captain of the Second Massachusetts Infantry on the 25th of May. We may be assisted in estimating the character of the man by looking at the history of his regiment. At Cedar Mountain it lost 35 per cent of its force; at Antietam, 25 per cent; at Chancellorsville, 33 per cent of those who were in action; at Gettysburg, 44 per cent of all who entered into that great battle. During the war that regiment on its rolls bore the names of 843 soldiers killed, injured, and disabled in action or by accident or disease.

On the 25th of September, 1862, he was detailed to duty as a major. He was made lieutenant-colonel shortly afterwards, on the 23d of October. He became a colonel of his regiment in June, 1863, at the age of 24. His regiment reenlisted in December, 1863, becoming the Second Regiment of Massachusetts Veteran Volunteers. During the furlough of thirty days to which they became entitled, he took the remnant of the regiment to Massachusetts. Of the 1,046 who had left Boston thirty months before, 222 returned. When they were welcomed by Governor Andrew, General COGSWELL felicitously replied:

> When I say to your excellency that these men, with the experience they have had, with the hardships, sufferings, and dangers that they have seen and dared, have reenlisted, I have said enough for a lifetime in their praise.

He was in the famous Atlanta campaign. He was put in command of Atlanta for a time, and to this day he is remembered with kindliness and respect in that region.

In April, 1865, when Sherman was about closing his great campaign, General COGSWELL was wounded at Averysboro, N. C. The second day after that he was again wounded, the third wound he received in the war. The last two, though more or less painful, did not keep him from continuing on duty.

In civil life he was adequate to every task imposed upon him,

and the good will of his constituency is shown by the fact that, coming from the war, he was three times elected mayor; he was once a senator of his State; he was five times a representative in the Massachusetts assembly; he was five times elected to Congress, and had his life not been cut off untimely he would probably have continued in the public service, even to a great old age. He was elected, as has been stated, to the present Congress by a majority of over 8,000, but the plurality was 10,000.

While General COGSWELL was a stanch Republican and commanded the respect of everybody having a creed and living up to it, he was a generous friend of his Southern brethren, as is shown by a short and eloquent speech that he delivered in the House when Georgia was asking Federal aid for an exposition which she was about to hold.

In the private relations of life he was without a fault. In public life he was a man of absolute integrity. He was diligent, faithful, honorable, lovable. He was emphatically a patriot, a soldier, and a gentleman.

The tribute to his character paid by his colleagues in the two Houses of Congress from East, West, North, and South abound in the strongest terms of respect, friendship, and sorrow. It was a very noble life. There never was a duty that he did not fully discharge. There never was a place which he did not fill with a fidelity and a capacity more than satisfactory to his constituents and all others who knew him.

The bare facts of his life, I say, are a sufficient eulogy. His fellow-citizens and neighbors of Washington remember him with more than affection. Massachusetts will honor him from generation to generation.

Mr. BLANCHARD. Mr. President, I esteemed Gen. WILLIAM COGSWELL too highly to permit this occasion to pass without adding my own testimonial, however brief, to his worth as a man and his value as a citizen. My acquaintance with him was not a long one, but I knew him well. This acquaintanceship with him began when he entered the House of Representatives of the Congress of the United States. I served with him as a member of the House of the Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses, and during the two years of the Fiftieth Congress he was associated with me in membership upon the Committee on Rivers and Harbors of that body. This association led to close acquaintanceship, aye, to more than that, to good will, high esteem, and a friendship which existed up to the time of his death.

General COGSWELL was a high type of a man. His disposition was genial, his manner and address courteous and attractive, his presence magnetic. The qualities of his heart indicated the broad-minded, liberal, philanthropic, sympathetic man; while the qualities of his mind denoted high capacity, the constituent parts of which are discernment, clearness of intellectual vision, analytical power, and strength of grasp of a question. In the consideration of questions that came before him for decision or action he was at once fair and just, accurate and able.

Mr. President, the Commonwealth of Massachusetts has been represented in the two Houses of Congress by many sons who have honored her trust and shed luster upon her name. The great Webster stands out like an Eiffel Tower or Washington Monument in American history, while over the names of the Adamses, Winthrop, Rufus Choate, Charles Sumner, Edward Everett, and others, the student of American biography loves to linger. Some of her sons who figure in contemporaneous history are most worthy of honorable mention in this regard.

But while paying this tribute to the statesmanship of the Bay State, it may be said with equal truth that not all of her public men have always been tolerant of judgment of the opinions and actions of other men. Too often have we seen the reverse. But this can not be said of him whose life and character form the theme which now occupies the attention of the Senate. General COGSWELL was a man whose opinions, while strong and forceful, were tempered with a just regard for and consideration of the opinions of others. He was tolerant of judgment. Bigotry had no place in his make-up or composition. He believed that good could come out, and does come out, of "every Nazareth" in the land, whether it be situated in the Northern or Southern, Eastern or Western portion of this great country of ours. His heart was broad and catholic in its sentiment. It embraced the whole of this country and included in a common brotherhood all who bore the insignia of his country's citizenship.

A gallant soldier in the war between the States, who won rank in arms and distinction in the field, General COGSWELL exemplified in his career after the war the truth of the maxim that "Peace hath her victories no less renowned than war." He won civic victories as great as those he had achieved as a soldier. He served his State with distinction in both houses of her legislature, and as one of her Representatives in Congress he occupied an enviable position among the legislators of his time.

Mr. GALLINGER. Mr. President, on occasions like this we are forcibly reminded of the fact that—

> Man's home is in the grave!
> Here dwell the multitude.

Death is an inseparable condition of life—inexorable and sure. It has been said that there is nothing so momentous, so imminent, so certain, so universal. "It is appointed unto men once to die." There is no exemption, no reprieve, for "dust to dust" was the sentence pronounced on all humanity.

> Earth to earth, and dust to dust!
> Here the evil and the just,
> Here the youthful and the old,
> Here the fearful and the bold,
> Here the matron and the maid,
> In one silent bed are laid;
> Here the vassal and the king
> Side by side lie withering;
> Here the sword and scepter rust—
> Earth to earth, and dust to dust!

We are here to-day to speak loving words of eulogy to the memory of a friend and associate. WILLIAM COGSWELL impressed me as a man of broad sympathies, profound convictions, and generous impulses. He was genial, kind, companionable, and sincere. Brave and fearless on the field of battle, he was in private life as gentle as a woman and as sweet as a child. If he ever did a mean thing, those of us who associated with him in the other House of Congress knew it not. He was a strong debater, a tireless worker, and an indomitable antagonist, but he was always a fair and open opponent. The idol of his city and his district, he enjoyed in the House of Representatives the distinction of being one of the most popular men of that body. On leading committees and charged with grave duties, he was always equal to the requirements of the position, acquitting himself with distinguished ability and with an integrity and fidelity questioned by none. His record is one of conspicuous merit, without a spot or blemish to mar its symmetry or cloud its horizon.

General COGSWELL was withal a man of intense earnestness. How well I remember him at the Republican national convention of 1892, in the city of Minneapolis. In the contest before that convention he differed from some of us, but no arguments or entreaties moved him in the least. Early and late he sought the accomplishment of his purpose, and when finally the candidate of his choice was nominated, he resumed his wonted composure, as though nothing unusual had engaged his attention. He had made a great fight and had won a conspicuous victory, but in the moment of triumph humility rather than pride possessed him. That was like the man. An earnest opponent, but never a bitter or revengeful antagonist.

Others have told the story of General COGSWELL'S career as soldier, civilian, and legislator. That I need not repeat. It is sufficient for me to recall him as a friend and an associate in the service of the Government. I knew him well, and to know him well was to admire and love him. Large-hearted, generous, and sympathetic, his companionship was an inspiration and his friendship a benediction. Through all the weary months of his sickness and suffering my heart went out to him in sympathy and affection. At last death came as a respite, and the soul of this great and good man took its flight to the abode of the blessed, where suffering, sorrow, and death are unknown.

He passed away gently and quietly, and joined the majority on the shores of the Great Beyond.

But why should we mourn for our departed friend, for is not death a necessary result, to be welcomed rather than repelled after the strifes and toils and struggles of a busy and eventful life? Let us, as we contemplate death, adopt the words of Addison:

> When I look upon the tombs of the great, every emotion of envy dies in me; when I read the epitaphs of the beautiful, every inordinate desire goes out; when I meet with the grief of parents upon a tombstone, my heart melts with compassion; when I see the tomb of the parents themselves, I consider the vanity of grieving for those whom we must quickly follow; when I see kings lying by those who deposed them, when I consider rival wits placed side by side, or the holy men that divided the world with their contests and disputes, I reflect with sorrow and astonishment on the little competitions, factions, and debates of mankind; when I read the several dates of the tombs, of some that died yesterday and some six hundred years ago, I consider that great day when we shall all of us be contemporaries and make our appearance together.

Mr. President, I bring to the memory of my friend a tender and loving tribute. The place he so well filled on earth is forever vacant, but I believe that his earnest spirit is enjoying the delights, the joys, and the labors of a better world than this. This belief reconciles one to death, and prepares our minds for the great change that awaits us all. On the grave of the distinguished dead I would plant sweetest flowers, and in my heart of hearts cherish his memory in loving kindness and tenderest affection. A good man left the world when WILLIAM COGSWELL died, and the world was the better because he lived in it. Let us, in appreciation of his virtues, emulate his example, and strive to so live that it can be said of us, when the end comes, that we left behind us a legacy of good deeds and of honorable achievement.

Mr. LODGE. Mr. President, he who comes last in a field where so many eloquent speakers have reaped can only hope to glean among the already garnered sheaves. Coming from the same county, a friend of many years, I can not, however, fail to express the affection I felt for the distinguished man to whose memory we do honor to-day. To that memory I wish to pay my tribute and recall once more the deeds and honors of a distinguished life.

WILLIAM COGSWELL was born at Bradford, Mass., on the 23d of August, 1838. The family were of English origin and came to this country in 1635. Family history records that John Cogswell, the first of the name in the New World, was wrecked with his wife and eight children on the Maine coast. Notwithstanding this disastrous termination of a perilous voyage, the family found their way to the town of Ipswich, in Essex County, Mass., and there settled. WILLIAM COGSWELL was the seventh in descent from John Cogswell, the original Puritan settler. The family appears to have been a prominent one in England, where they owned and conducted woolen mills through successive generations; and the American branch soon made themselves felt in the neighborhood in which they dwelt. The grandfather of General COGSWELL rose to be chief medical officer in the Continental Army and seven of his brothers likewise served their country in various capacities in the war of the Revolution. Dr. George Cogswell, the father of WILLIAM COGSWELL, is a well-known man, and was one of the founders of the Republican party. In 1860 he was a delegate to the convention which nominated Abraham Lincoln. His life has been a long and eminently useful one, and he is still living, at an advanced age, at the family home in Bradford. His wife, who was a Miss Abigail Parker, died when her son was only about 7 years of age.

WILLIAM COGSWELL's early education was secured at various academies in Massachusetts and New Hampshire. He was a pupil of the Atkinson Academy, Atkinson, N. H.; Phillips Academy, Andover, Mass., and Kimball's Union Academy, Meriden, N. H. In 1855 he entered Dartmouth College. His collegiate training, however, was brief, and in 1856 and 1857 he became a sailor before the mast, visiting in this way many of the principal ports of the world. Returning to his native State, he entered the Harvard Law School for a course of study, and on September 8, 1860, was admitted to practice at the Essex County bar. His first legal experience was obtained in the office of William D. Northend, who is an eminent lawyer, and a little later, in April, 1861, he opened an office for himself. COGSWELL was at this time 22 years of age, and the exciting events of that period were little calculated to hold the young lawyer at his desk. The drudgery of professional toil would hardly commend itself to a man who came of a race of soldiers when the land was filled with rumors of war. During the winter which preceded the inauguration of Lincoln he enlisted in a local militia organization and entered with enthusiasm upon the performance of his military duties. In a statement which he left can be found an accurate and a concise history of the brilliant military career of which this enlistment in a militia company was the beginning. The attack of the mob on the Sixth Massachusetts in the streets of Baltimore roused the heart and conscience of the loyal North. Within twenty-four hours from the time when the news first reached Salem, young COGSWELL had recruited a full company of 100 men. His office was turned into a recruiting station, and it is worthy of remark that so successful was the work of enlistment that the company was, if not the first, one of the very first raised in the country for the war. The work of organization went on rapidly, and in the May following Captain COGSWELL's company became Company C of Gordon's famous Second Massachusetts. On an occasion like this it is impossible to do more than allude briefly to some of the leading incidents of a military career filled with deeds of conspicuous gallantry. In the winter and spring of 1861–62 COGSWELL was attached to Banks's command in the Shenandoah Valley, and on several occasions opposed an effectual resistance to Jackson's operations in that region. After the battle of Antietam, where his company and regiment were engaged all day with signal success, COGSWELL was promoted to be lieutenant-colonel of the regiment. In this battle he was slightly wounded, but he quickly recovered sufficiently to be able to lead an expedition under the cover of darkness across the river into Virginia, which ended in the capture of a band of guerrillas and in the death of their notorious captain, Burk. COGSWELL participated at the head of his regiment in the bloody conflict at Chancellorsville. On the second day of the engagement he was wounded severely in the left arm. This obliged him to retire from the field of battle, and he was unable to rejoin his regiment until after the battle of Gettysburg. In the following month of June he was made colonel of the regiment, being at that time but 24 years of age. His next conspicuous service was in connection with the draft riots in New York City. The discharge of this duty called for unusual coolness and discretion, but COGSWELL proved equal to the emergency. When comparative quiet had been restored, the regiment rejoined the Army of the Potomac, and a little later became a part of the Army of the Cumberland. His most conspicuous service, however, was probably rendered before Atlanta. He was actively engaged in the campaign which resulted in the evacuation of Atlanta, and was mentioned for distinguished conduct at the battle of Resaca. When Sherman entered the city, on September 3, 1864, one of his first acts was to make Colonel COGSWELL post commander, a position which he held until the 17th of November, when the Union Army began its famous march to the sea. It is worth remembrance here that when, thirty years later, the people of Georgia were asking for national aid for the Atlanta Exposition, they found no more effective advocate than the former military commander of Atlanta, then serving his native State with distinction in the halls of Congress. Both in the Appropriations Committee, of which he was a member, and on the floor of the House, General COGSWELL did zealous service for the city which he left a heap of smoldering ruins in November, 1864. Shortly after the fall of Atlanta, on December 12, 1864, Colonel COGSWELL was brevetted brigadier-general, and just a month later was assigned to the command of the Third Division of the Twentieth Army Corps. This command he continued to hold until he was mustered out of the service in July, 1865. In one of the last engagements of the war, at the battle of Averysboro in April, 1865, General COGSWELL was wounded for the third time. The injury did not prove serious, however, but the one received at Chancellorsville continued to harass him until the end of his life.

With the close of the war General COGSWELL returned to Salem and to the practice of the law. Two years later he was elected mayor of Salem, and served three years in that capacity. In 1873 and 1874 he was again mayor. From the time he was first summoned to public office he never for a moment forfeited the confidence of his adopted city. Five times he represented it in the Massachusetts house of representatives, and during the years 1885–86 was State senator. In 1876 he was made inspector-general of fish for the State of Massachusetts, a post he continued to enjoy until he was elected to the Fiftieth Congress in 1886 from the old Essex district. He was reelected to the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. His committee assignments were varied and important. He served, among others, on Appropriations, Rivers and Harbors, and the District of Columbia. His work on Appropriations and Rivers and Harbors was most exacting, but he discharged it with unusual ability and fidelity.

In the fall of 1894 he was selected by the Republican State committee to preside over the convention of that year. His speech had been prepared and had been given out to the newspapers in accordance with custom. There had been no intimation of declining health, and the report, which was first given out on the morning of the convention, that he could not preside over its deliberations, came, therefore, as a painful surprise to his friends and the public generally. His indisposition was at first thought to be but temporary, but it soon became evident as the campaign progressed that he was stricken with an incurable malady. In the November election his constituents rallied to pay him one last tribute of affection and regard. The plurality he received was the largest given any candidate for Congress in Massachusetts that year. When Congress convened for the short session in December, he was unable to take his seat, but in a few weeks he insisted on coming on to Washington to resume his public duties. Attendance upon the sessions of the House, however, only aggravated his malady, and he soon afterwards journeyed southward to Jamaica, in a vain search for health. But the skill of physicians and the loving and tender care of wife and friends were alike hopeless. He succeeded in getting as far as Washington on his return journey, and here, after lingering for a number of weeks, he died on the 22d of May, 1895.

Such in bare cold outline are the incidents of an honorable and distinguished life. But there is much more than this to be said. He was not only a good soldier, who rose at a very early age to a high command, but he was conspicuous for personal gallantry. He had a warm and impetuous temperament that carried him to the front of battle in his youth and which gave him the energy and the power which marked his career in later life. We speak of him here in the Capitol as the soldier and the public man, and it is not fitting perhaps to go further. Yet to those of us who knew him well and whose affection he possessed, the qualities of mind and heart which made him beloved by his constituents and which endeared him to those nearest to him are very present. He was a loyal friend and a frank and open foe. He was warm-hearted and affectionate, vigorous in speech, and full of sympathy and humor. He had strong convictions and was always earnest in expressing them. He showed a strength of will and a power of self-control which commanded the admiration of everyone who understood the manner in which he had displayed these fine and manly qualities. Those who were associated with him in Congress understood and appreciated his high value as a public servant and grieved for his death because it was the loss of a companion and friend. The State which he had represented, the famous county and the old Puritan town which he had served so long, mourned with deep and genuine sorrow when he was brought back to his last resting place in the land where his people had lived for seven generations, and which he loved with all the strength of his heart.

If we reckon length of life by the number of days, that of General COGSWELL was short indeed, but if we take for our measure the words of Stevenson that "to the bold and the busy life is always long," then this life, whose end we mourn to-day, was far longer than that of many which outrun the psalmist's span. It was filled with work which any man might have been proud of, with deeds which not only brought fame and honor to the doer, but which served country and State in the day of battle and in the time of peace. What he did may have fallen short of what he desired to do, as is always the case with strong men of action. The outward rewards that he received, distinguished as they were, may well have seemed to him, as they certainly often did to others, not always to equal the deserts. But now that the book is closed and the last account made up, we can fairly say that he had, whatever else might have been lacking, the best of all rewards—the consciousness that he had played a man's part in the life of his time, and left a memory which his children and his children's children will reverence and cherish. He not only served with distinction in public life, performing with faithful diligence arduous duties, many of which brought no compensation except the knowledge of duty done, but he also served his country on the great field of the civil war. In that mighty trial he had had his share. What an opportunity it was to men like COGSWELL, who tasted it to the full! With such a life as his in that war time, I always think of the splendid and familiar lines of Scott, in which we may find the secret of the great romancer's life and art:

> Sound, sound the clarion! fill the fife:
> To all the sensual world proclaim,
> One crowded hour of glorious life
> Is worth an age without a name.

It was given to a man like COGSWELL to be able to say this, and I think we may well ask ourselves whether any man who can say it of himself truthfully has much need to desire more.

The PRESIDING OFFICER. The question is on the adoption of the resolutions which have been read.

The resolutions were unanimously agreed to; and (at 4 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, February 8, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 6, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ENGROSSED BILLS PASSED.

The SPEAKER. On the following bills the reading of the engrossed copy was demanded, and the previous question having been ordered, the Clerk will read the engrossed bills.

The Clerk read as follows:

A bill (H. R. 4931) granting a pension to Mary Forward.

The bill was read at length.

The SPEAKER. The question is on the passage.

The question was taken, and the bill was passed.

The Clerk read as follows:

A bill (H. R. 1323) for the relief of Ira H. Sweatt.

The bill was read at length.

The SPEAKER. The question is on the passage.

The question was taken, and the bill was passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10167.

Mr. RICHARDSON. I desire to renew the amendment which I offered the other evening and withdrew just at the conclusion of the day's labor.

The CHAIRMAN. The Clerk will report the amendment.

Mr. RICHARDSON. It was to strike out "one" and insert "five."

The Clerk read as follows:

Page 29, line 1, strike out "one" and insert "five;" so as to read "for five new engines."

Mr. GROUT. Mr. Speaker, we have passed that paragraph, have we not?

Mr. RICHARDSON. If you will refer to the RECORD, you will find that just as I withdrew my amendment the gentleman from Vermont [Mr. GROUT] moved that the committee rise, and there were no further steps taken. That will be found in the RECORD on page 1552.

Mr. GROUT. The reading of the paragraph for the increase of the fire department was finished reading, and the reading of the bill this morning would be resumed after that paragraph.

The CHAIRMAN. What page of the RECORD does the gentleman refer to?

Mr. RICHARDSON. Page 1552. I call the attention of the Chair to the top of the page, first column. The Chair will find that immediately, as I withdrew my motion, it reads: "And then, on motion of Mr. GROUT, the committee rose." That was immediately after I withdrew my amendment. I did not have the report of the District Commissioners at the time and I did not have the interview to which I referred. I have them now, and I desire briefly to call attention to those matters. If you refer to the RECORD, you will find that the statement is as I have made it, at the top of page 1552, first column.

Mr. GROUT. Mr. Chairman, I would like to inquire where the Clerk understands the reading is to begin this morning. I do not know what the RECORD may show, but my recollection is that the reading ended at telegraphs and telephones——

The CHAIRMAN. The last reading seems to be on page 1551.

Mr. RICHARDSON. At the top of page 1552 of the RECORD the Chair will see the action of the committee.

The CHAIRMAN. The Clerk had concluded the reading of line 6 of that page, and then the gentleman from Tennessee offered his amendment, and no point was made against it at that time. After some discussion, the gentleman from Tennessee withdrew his amendment, and then the gentleman from Vermont moved that the committee rise. The Chair thinks that the gentleman can renew the amendment this morning if he desires to do so.

Mr. RICHARDSON. I desire to renew the amendment, Mr. Chairman, for the purpose of calling the attention of the Committee of the Whole to the recommendation of the District Commissioners. I mentioned it the other afternoon, but did not have the report of the Commissioners.

The CHAIRMAN. The Chair, however, finds on reading page 1551 that the amendment offered by the gentleman from Tennessee was simply a pro forma amendment, and not this amendment, and the amendment was to line 7 and not line 1.

Mr. RICHARDSON. The amendment I offered, the real amendment, was to strike out "one," before the word "new," and insert "five."

Mr. GROUT. But, Mr. Chairman, as I understood it, that amendment was made to line 1 in page 29 of the bill. Then, after that, discussion was continued upon a motion to strike out the last word, and the Clerk read down to "Telegraph and telephone service."

The CHAIRMAN. The Chair will entertain the amendment.

Mr. RICHARDSON. Now, Mr. Chairman, I ask the Clerk to read the extract from the Commissioners' report which I have marked.

The Clerk read the extract, as follows:

THE FIRE DEPARTMENT.

During the fiscal year 1896 the engine house on M street, between New Jersey avenue and First street NW., for the use of Truck D, was completed, and the engine house on D street, between Thirteenth and Fourteenth streets NW., was nearly completed.

With the growth and development of the city and the populous suburbs an equivalent extension of the fire service becomes indispensable. The recent report of the assessor of the District of Columbia, modified by more recent information from United States officers, shows that the value of buildings in the District aggregates about $190,241,921. Of this amount, buildings of the value of $108,528,100 are owned by the United States of America. For the protection of all this vast investment in buildings from destruction or injury by fire the entire equipment of the fire department of the District consists of 10 fire engines, 4 hook and ladder companies, and 2 chemical-engine companies.

The Commissioners have appended to their estimate of appropriations for the fiscal year 1898 a table showing the population of the principal cities of the Union and the equipment of each of said cities for protection against fire. Of these cities, San Francisco, Cleveland, Buffalo, and Pittsburg approximate the District in population. The other cities named in the following table do not equal in population the District:

City.	Population.	Engine companies.	Hook and ladders.	Chemical engines.	Members.
San Francisco	298,997	19	8	7	404
Pittsburg	283,312	19	6	2	[illegible]
Cleveland	261,353	25	[illegible]	4	257
Buffalo	255,664	23	9	4	245
New Orleans	242,039	25	6	9	273
Detroit	205,876	20	10	6	306
Milwaukee	204,468	15	7	7	[illegible]
Minneapolis	164,730	18	5	8	[illegible]
St. Paul	133,156	13	10	6	[illegible]
Washington (estimated)	280,000	10	4	2	169

It not unfrequently happens that when a general alarm has called the entire fire department to one section of the city other fires have occurred in parts of the District remote from the scene of the first alarm, and it may well be expected that such a concurrence of fires may exist as to divide the available resources of the department so as to render it, as it now consists, incapable of meeting the demands upon it. A better equipment of the District fire department is, therefore, imperatively demanded by the common-sense precautions which would govern any business man in regard to his own affairs.

Mr. RICHARDSON. Mr. Chairman, I desire to call attention to the fact that several other cities of above 200,000 population have as many as 20 fire engines, while Washington, with a population of 280,000, has only 10. The additional one which this gives will make the total number 11. I call attention further to the statement of the Commissioners in their report, that "it not unfrequently happens that when a general alarm has called the entire fire department to one section of the city other fires have occurred in parts of the District remote from the scene of the first alarm, and it may well be expected that such a concurrence of fires may exist as to divide the available resources of the department so as to render it, as it now exists, incapable of meeting the demands upon it."

I certainly think, Mr. Chairman, that with that statement of the Commissioners before us, we ought to pass an amendment giving 5 additional engines. If we do that, Washington will then have only 15 engines, while the city of New Orleans, with a population of 242,000, has 25, and Detroit, with a population of 205,000, has 20.

[Here the hammer fell.]

Mr. RICHARDSON. I would like to have five minutes more.

There was no objection, and it was so ordered.

Mr. RICHARDSON. In this connection, I desire to have read from the Clerk's desk the interview with Chief Parris on this subject which I referred to the other day. It was published in the Star of December 20, 1896, just a day or two after the big fire which destroyed the lumber yard down near the Government Printing Office.

The interview was read, as follows:

> That the facilities of the fire department of this city are wholly inadequate to cope with a conflagration of any size is readily recognized upon a comparison of the force of the department in this city and the forces in other cities of the same size throughout the country. The danger from a number of fires breaking out at the same time is especially great from this cause, and it is safe to say that the city is constantly placed at great risk because of the very limited facilities that Congress has given to the fire department.
>
> Chief Parris, of the fire department, talked at some length to-day to a Star reporter regarding the lack of facilities with which he is supplied to cope with fires that may break out in the city.
>
> "Take the cities of Cincinnati, San Francisco, Cleveland, Buffalo, Pittsburg, and New Orleans," said Mr. Parris, "and compare the force of the fire departments there with the force in this city. The population of these cities range from 242,000 to 298,000, while the population of this city is placed at 280,000, which is a very low estimate and probably considerably below what the actual figures should be.
>
> "Our fire department consists of 169 members, with 10 engine companies, 4 hook and ladder companies, and 2 chemicals, and there are 1,757 fire plugs scattered throughout the city. Comparing this force with other cities, we find that we have scarcely more than half the facilities that are given elsewhere to cope with fires.
>
> "In New Orleans, for instance, where the population is 242,000, there are 25 engine companies, 8 hook and ladder companies, and 9 chemicals, with 273 men on the force. In Pittsburg, with a population of 253,000, there are 19 engine companies, 6 hook and ladder companies, 2 chemicals, and 229 men. In Buffalo, with a population of 255,000, there are 23 engine companies, 9 hook and ladder companies, 4 chemicals, with the additional facilities of 1 water tower and 1 fire boat, with 245 men. Cleveland, Ohio, has a population of 261,000, yet its fire department consists of 287 men, organized in 25 engine companies, 9 hook and ladder companies, 4 chemicals, and 2 fire boats. San Francisco, with a population of 298,000, has a fire department organized into 19 engine companies, 6 hook and ladder companies, 7 chemicals, with 1 water tower and 1 fire boat, and with a total force of 401 men. Cincinnati has a population of 296,000, and it has 26 engine companies, 10 hook and ladder companies, 3 chemicals, and 298 men in the department.
>
> POOR SHOWING FOR WASHINGTON.
>
> "This is a very poor showing for a city like Washington, where the improvements are exceedingly costly and where, if a destructive fire should break out, there is possibility of tremendous loss of property. Now, take the cities that are much smaller than is Washington. Detroit, Mich., with a population of only 255,000, has a fire department with 330 men, organized in 20 engine companies, 10 hook and ladder companies, 8 chemicals, with 1 water tower and 1 fire boat. This force is about twice as strong as that in Washington, where the population exceeds Detroit's fully 25,000. There is Milwaukee, with a population of only 254,000, yet they have 15 engine companies, 7 hook and ladder companies, 7 chemicals, with 1 water tower and 1 fire boat, and 253 men. Even Minneapolis, with only 164,000 population, has a fire department nearly twice as strong as that existing in Washington. It has 18 engine companies, 5 hook and ladder companies, 8 chemicals, and 298 men. St. Paul, with only 133,000 population, but little more than one-half the population of Washington, has a force of 30 more men than we have, organized in 13 engine companies, 10 hook and ladder companies, and 8 chemicals. Kansas City, with but 132,000 population, has 18 engine companies, 5 hook and ladder companies, with 1 water tower. Even Indianapolis, with but 105,000 population, considerably less than one-half of the population of this city, has a larger fire department than have we. That city has 14 engine companies, 4 hook and ladder companies, and 3 chemicals. I think that these facts are strong enough to indicate a pressing demand for additional facilities for the fire department of this city without comment.
>
> NO RESERVE FORCE.
>
> "Should a very large fire occur and a general alarm be sent in," continued Mr. Parris, "there would be no reserve force to protect the lives and property of citizens left wholly unprotected by the necessity of calling out all the companies to one fire. This was demonstrated last evening. While the fire at the Rink was burning another alarm was sounded, and the one engine not in use was sent out on the Brentwood road. It would have been exceedingly unfortunate if another fire had broken out at that time, because I do not see how we could have sent anything to it.
>
> "Another forcible example of this condition was had at a recent fire on Louisiana avenue and B street, between Ninth and Tenth streets. It will be remembered that a large fire started there about 8 o'clock in the evening, and in less than ten minutes it had spread to such proportions that it was absolutely necessary to call upon the entire fire department to subdue the flames. The fire occurred immediately after a severe electric storm, and had another fire started in another section of the city it would have been necessary to send aid from this fire. As it was, with the entire department doing service at this fire, we experienced the greatest difficulty in confining the flames, and not until twenty-three buildings had been completely gutted was the fire gotten under control. Had there been ten more companies at that fire, they could have been used to the best advantage.
>
> DANGERS THAT THREATEN.
>
> "The great success we have had in handling this department seems to have led some of our legislators to believe that it is impossible for a fire to get away from us in this city. This is far from the case. At any time, with our present limited force, we are liable to sustain losses that would partially paralyze the business of the city. In addition to the property owned by the people of this city, we have to contend with the many public buildings and their valuable contents, which are being increased year by year. Another thing of much importance to us, which makes the handling of fires in this day a hazardous and perilous undertaking, is the manner in which business and dwelling houses are erected. Houses are erected in rows after rows, and instead of being two stories, as in former times, they go up four, five, and six stories in height.
>
> "In my estimates I have asked Congress to give us an engine company to be located in Anacostia, and one in the section bounded by Eighth and Tenth and D and E streets NW. There are over 1,100 buildings in Anacostia, scattered over 1 square mile and inhabited by 6,000 persons, and this does not include the churches, schools, and outbuildings, yet this suburban town is without any protection from fire whatever. An engine company is located on North Carolina avenue between Sixth and Seventh streets SE., and that is the nearest company to that suburb, which is 1½ miles from the nearest fire-alarm box. Then there is the St. Elizabeth Asylum for the Insane and the German Orphan Asylum, which receive but slight protection from our department. The bridge across the Eastern Branch at Eleventh street can not always be depended upon, and it is easy to see that if a fire should break out in Anacostia much damage might be done before a company could reach it.
>
> "The business portion of our city is constantly increasing, and there is great necessity for another fire company in the center of the city. The buildings going up are larger and more costly than have ever been erected and are stocked with valuable inflammable goods.
>
> "While this is what I have asked for, because we have to be pretty modest in making requests of Congress, I think there should be a very material increase in the strength of our fire department before the people of this city can feel perfectly safe. We are far behind other cities in the strength of our department, and I hope we will not wait to learn this fact by any experiences in addition to those we have had. This question should awaken the people and cause them to work hard in order to give this city proper fire protection."

During the reading of the extract the time of Mr. RICHARDSON expired; and, on motion of Mr. PITNEY, it was extended to permit the reading to be completed.

Mr. GROUT. Mr. Chairman, just a word with reference to this amendment. I stated the other day that the fire department of this city could not properly be compared with that of other cities because of the much greater facilities which the streets here afford for the assembling of the forces of the department. Washington is unparalleled in that respect.

Now, I ask the gentleman from Tennessee if he intends to follow this amendment with another, making an appropriation of $100,000 at least, to provide houses and hose carriages to accompany these five new engines which he wants us to give. That should follow logically, and also a provision for manning those engines, which would increase the fire force to the number of 20 men for every 2 engines, and would call for a further large appropriation. I want to ask him, also, why he persists in saying that there are but 10 fire engines in this city, when I informed him on Saturday, and if he had looked at the hearings before the committee he could have learned for himself, that there are 12 engines in the city of Washington—10 in service and 2 in reserve—and this bill carries an appropriation for manning the 2 additional engines provided for last year, which will make the number in service 12. Not only that, but this bill provides for still another engine, making a total of 13. Last year the Commissioners estimated for 3 new fire engines. The committee gave them 2, and we are now providing for manning those engines, so as to make them effective. They have asked for 2 new engines in this year's estimate, and only 2. Why, sir, the gentleman outruns the estimate of the Commissioners. The Commissioners asked for only 2 new engines. We have given them 1. We thought that under the present circumstances they would be able to get along with what we proposed to allow them. I believe that the fire department in this city is really much better provided for than certain other departments are. I hope we shall vote down this amendment without further discussion.

Mr. RICHARDSON. Mr. Chairman, the gentleman from Vermont asks why——

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. RICHARDSON. I move, then, to amend the amendment by striking out the last word. The gentleman asks why I persist in the proposition I have submitted on this subject. I do so because the District Commissioners in their annual report for the year ending June 30, 1896—the last report we have from them—put down the number of engines at 10; hook and ladders, 4; chemical engines, 2. Now, I grant that, counting the chemical engines, we have 12. But I have asked the committee to make a comparison of the equipment of the fire department of this District with that of other cities. Detroit, for instance, with 205,000 population, against 280,000 in Washington, has 20 engines and 6 chemical engines, making 26. I did not count the chemical engines in referring before to the city of Detroit.

Mr. GROUT. And we do not count the chemical engines in making the 12. There are 12 fire engines——

Mr. RICHARDSON. The District Commissioners in their report say——

Mr. GROUT. But have I not told the gentleman that the Commissioners report 10 fire companies, and this bill provides for two additional companies to man two other engines.

Mr. RICHARDSON. Let it be conceded, then, that there are 12 fire engines here, as against 20 in the city of Detroit. I am informed at this moment by a gentleman on my left that in a little town of Georgia, with 30,000 inhabitants, they have 4 engines. Then, again, Minneapolis, with 164,000 people, has 18 engines.

But, Mr. Chairman, passing over that matter, I call attention to the statement of the chief of the fire department of this city, who says that the facilities for fighting fires here are utterly inadequate and that he can not with the present equipment successfully fight the fires that are likely to occur. He refers to the immense loss of hundreds of thousands of dollars' worth of property in the late fire at or near the Center Market. He refers also to the fire at the Lansburgh establishment, about the first of the year, and the fire at the lumber yard, which I have already mentioned, about the 19th or 20th of December. The District Commissioners say that they need more engines; the chief of the fire department says that they need more engines. These official statements are what govern me in my action.

The gentleman said the other day in his closing remarks that perhaps I had visited with the chief of the fire department. I want to say that I do not know that gentleman. If I have ever seen him in my life, it was when he was passing rapidly in his buggy, chasing a fire.

But regardless of any such question as that, I have read the report of the District Commissioners. I have read in an evening paper, the Star, the striking and startling interview with the chief of the fire department, saying that he has not the proper facilities for fighting fires, and having seen also the statement that in almost all the cities of the Union of anything like a population equal to Washington the facilities for fighting fires are almost twice as great as they are in this city, it occurred to me that the Government of the United States, owning $200,000,000 worth of property in this city in public buildings, ought to make a better arrangement for fighting fires than now exists. That is the reason I offered the amendment. I do not personally know any man connected with the fire department, nor do I own any property in Washington that can burn. I have no personal interest in this matter in the world. I am simply urging that we should heed the demands of the District Commissioners for additional facilities for extinguishing fires.

If the gentleman asks me what I would do in the way of manning the five additional engines, I reply that I presume the Committee on Appropriations could report an appropriation of $100,000, if that amount were required, to provide for this extra expense. There is no difficulty about that. If it requires $100,000 of additional appropriation in order to give Washington City the best and most efficient fire department in the United States, I think Congress ought to make such an appropriation. I believe we ought not to hesitate a moment in taking proper measures to make the fire department of this, the capital city of the nation, the most efficient in the country. The idea of permitting a little city like Detroit, with one-third less population than the city of Washington, to have better facilities for the extinguishment of fires is, it seems to me, neither right nor reasonable.

Mr. GROUT. I wish to say a word, and only a word, in reply to the gentleman from Tennessee [Mr. RICHARDSON]. The gentleman has referred to the extent of the fire department in the city of Detroit. I believe that if we had full information on that subject it would be found that there are in that city more old and second or third class engines than in the city of Washington. The engines on duty here are good engines.

Mr. CORLISS rose.

The CHAIRMAN. Does the gentleman from Vermont [Mr. GROUT] yield to the gentleman from Michigan [Mr. CORLISS]?

Mr. GROUT. Yes, sir; for a question.

Mr. CORLISS. Mr. Chairman, I can not sit here and allow the city of Detroit——

Mr. GROUT. Wait a moment. I did not yield for a speech. The gentleman can make his speech in his own time if he has something to tell us about the engines in the city of Detroit. I do not claim to have any knowledge as to the engines in the older cities of this country. But the city of Washington having attained its present proportions mainly within the last few years, the engines here are probably of more modern construction than they are generally in the older cities. Without having any personal knowledge on the subject, I venture to affirm that in the older cities of the country the engines will not compare in efficiency with those in this city to-day. Now, then, the gentleman says he would have $100,000 provided for manning the engines. But $100,000 would not do it, I can tell him.

Mr. RICHARDSON. I say whatever is necessary.

Mr. GROUT. But $100,000 will be entirely insufficient. And then there is an increase in the fire force to be provided for; and the engines and all will cost over $200,000. Why, the Commissioners ask for only two: and yet the gentleman in his extravagance proposes five new fire engines.

Mr. RICHARDSON. Let me ask the gentleman a question. Do not you appropriate, or propose to appropriate, $4,290 to buy the new engine?

Mr. GROUT. Certainly.

Mr. RICHARDSON. Then how is it that five would cost as much as $200,000? They would cost only $20,000.

Mr. GROUT. If I said that would be the cost of the engines, of course it is a mistake. I intended to refer to the entire expenditure. I say that it will cost over $200,000 to meet the entire expense of the amendment—the increase of the department, the purchase of the engines, and the preparation of houses, the hose carriages, and so on.

Mr. RICHARDSON. The expense of providing the engines would be only $20,000.

Mr. GROUT. Yes; but to equip and serve them would very materially increase the expense. You must have engine houses, costing not less than $100,000; the engines, new hose carriages, and the help to man the increase; in all, surely over $200,000.

Now, if I really thought that the House was seriously contemplating agreeing to this amendment, I would submit a statement of the estimated receipts and expenditures, showing the total revenues of the District for the coming year, and would show where we would be left if even the estimates of this bill were carried into effect. And yet the gentleman proposes to run far beyond them. It seems to me unnecessary, however, to discuss the proposition. Members generally know that we have got a reasonably large and very efficient fire department here. It is sufficient to meet all the requirements of the city at the present time. It should be increased, as it is being increased by the bill, as occasion warrants, for the purpose of meeting in a reasonable way the growth of the city. Beyond that it should not be increased, not even on the fancied necessities of the chief engineer of the fire department. You never knew of a commander of an army who did not want more men, whether he was to fight a great battle or not. So it is with the chiefs of the fire departments. They want, necessarily, more engines and men. It is in the very nature of things the province of the head of a department like this to magnify his own work and ask for more, so as to increase the size of his force; but it becomes necessary for prudent men—and I hope the House will exercise prudence in dealing with this matter—to consider the matter and appropriate according to what the reasonable wants of the city require.

Mr. CANNON. Will the gentleman allow a question?

Mr. GROUT. Certainly.

Mr. CANNON. Am I correct in supposing that the estimates as they come to Congress provide for but two new engines, and that the committee recommend one?

Mr. GROUT. That is correct, sir.

Mr. CANNON. And this amendment proposes five new engines?

Mr. GROUT. Yes, sir.

Mr. CANNON. Well, why not vote it down?

Mr. GROUT. We are going to do so.

Mr. RICHARDSON. I would ask the gentleman who has just come on the floor, and who is the protector of the Treasury, if he heard the argument that was submitted in favor of increasing this to five engines?

Mr. CANNON. Mr. Chairman, when we meet the estimates of the District Commissioners, and sufficiently, it strikes me that it is not the part of wisdom to go far beyond that point.

Mr. RICHARDSON. The Commissioners ask for more engines. Does the gentleman understand that they say the fire department in its present form is inefficient; and that the chief of the fire department says he has not enough force?

Mr. CANNON. The committee deals only with official sayings.

Mr. RICHARDSON. This is an official saying. It is in the annual report of the Commissioners.

Mr. CANNON. But it is not in the estimates. That is the point that we are to consider.

Mr. RICHARDSON. But it is in the reports.

Mr. CANNON. Oh, well, there are reports and reports, prayers and sermons——

Mr. RICHARDSON. The gentleman evidently does not know what is in the report.

Mr. CANNON. Oh, well, we have the estimates to show what is required. There is no official estimate submitted for this work.

[Here the hammer fell.]

Mr. RICHARDSON. I will withdraw the pro forma amendment.

Mr. CORLISS. I move to strike out the last word.

The CHAIRMAN. That is, to the amendment pending.

Mr. DOCKERY. I hope my friend from Michigan will be permitted to rise to a question of privilege. [Laughter.]

Mr. RICHARDSON. I have withdrawn the amendment I have offered.

The CHAIRMAN. The Chair then recognizes the gentleman from Michigan.

Mr. CORLISS. Mr. Chairman, it seems to me that the discussion here has developed a considerable degree of ignorance on the part of the members of the District Committee with reference to the subject-matter now under consideration, and in their ignorance they have attempted to slander and belittle the fair name of my city.

Mr. MEREDITH. You refer now to the Appropriations Committee, not the District Committee.

Mr. CORLISS (continuing). The gentleman from Tennessee refers to my city as the "little city of Detroit" having but "two-thirds the population of the capital city." The gentleman from Vermont [Mr. GROUT] refers to the fire department of Detroit as composed of a lot of "old and broken-down engines."

Now, Mr. Chairman, I want to say to the House and to these gentlemen that the beautiful city of Detroit surpasses in population the capital city of the nation, surpasses in beauty and grandeur in every way this city, and it is managed at an expense to the people of less than one-half of the money that is expended in the District of Columbia. [Applause.] I want to say that the city of Washington, in all of its departments, in my judgment, needs to be investigated by this House. The fire department of my city surpasses in every possible way the fire department of Washington, and I think it is maintained at half the expense. The city of Detroit is lighted by a plant which costs but one-quarter as much per light as is paid in this city.

Mr. RICHARDSON. Will my friend yield for a question?

Mr. CORLISS. Certainly.

Mr. RICHARDSON. The gentleman says that the city of Detroit is maintained at a much less expense. I will ask him if the fire department of the city of Detroit does not cost about $1,000,000 a year?

Mr. CORLISS. It does not, Mr. Chairman.

Mr. RICHARDSON. How much?

Mr. CORLISS. It costs less than half a million.

Mr. RICHARDSON. Does not the last census show that it is a city of only about 200,000 inhabitants?

Mr. CORLISS. It has greatly increased in population since that time. It has the most efficient fire department of any city in this Union, and its equipment is perfect. I want to say that there has not been a large fire in that city for many years, because of the efficiency of that department, maintained at a much less expense than the fire departments of most cities in the Union. I hope that the committee, in considering measures for this District, will take into consideration many other improvements, which, it seems to me, are manifestly necessary in this city.

Mr. POWERS. Will the gentleman yield?

Mr. CORLISS. I will if my time can be extended.

Mr. POWERS. I understand that your city has been under the administration of Governor Pingree.

Mr. CORLISS. It has been under the administration of a reform mayor who is now a reform governor, and I want to say to you that, while eccentric in many things, he has done that for the people of the city of Detroit for which they have honored him repeatedly by overwhelming majorities.

Mr. POWERS. Could his services be procured in Washington?

Mr. CORLISS. I think they might, and I think with benefit to the people of the District. [Laughter and applause.]

Mr. HULL. Will the gentleman yield for a question?

Mr. CORLISS. Certainly.

Mr. HULL. I should like to ask if you have any statistics as to the amount of potatoes raised in Detroit?

Mr. CORLISS. Yes; and I have no doubt that the gentleman and other members have received the statistics of the Pingree potato patch for the last year, an industry which gave employment and food to thousands of people, and such an industry as should be developed in every section of our land while we are under the present unfortunate Administration, which has driven people into want, idleness, and misery. [Applause on the Republican side.]

Mr. MEREDITH. Are these potatoes raised in the streets of Detroit?

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman withdraw the pro forma amendment?

Mr. CORLISS. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I should like to have it stated from the desk.

The Clerk read as follows:

On page 29, in line 1, strike out the word "one" and insert "five."

The amendment was rejected.

The Clerk (proceeding with the reading of the bill) read as follows:

TELEGRAPH AND TELEPHONE SERVICE.

For superintendent, $1,600; electrician, $1,200; 3 telegraph operators, at $1,000 each; 3 telephone operators, at [illegible] each; expert repairman, $900; 2 repairmen, at $720 each; 2 laborers, at $480 each; in all, $10,840.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of harness, washing, blacksmithing, forage, extra labor, new boxes, and other necessary items, $11,000.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert, after the word "dollars," in line 23, page 29, the following:

"That hereafter it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than $50 per annum for the use of a telephone on a separate wire; $40 for each telephone, there being not more than two on a wire; $30 for each telephone, there being not more than three on a wire, and $25 for each telephone, there being four or more on the same wire."

Mr. RICHARDSON. Mr. Chairman, I think that changes existing law, and I make that point of order against it.

Mr. BAKER of New Hampshire. It was admitted in the last bill.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. RICHARDSON] make the point of order?

Mr. RICHARDSON. I do.

The CHAIRMAN. Does the gentleman from New Hampshire [Mr. BAKER] desire to be heard on the point of order?

Mr. BAKER of New Hampshire. I presume it is subject to the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk (proceeding with the reading of the bill) read as follows:

Writs of lunacy. To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia, under the provisions of the act approved March 3, 1877, $2,000.

Mr. CORLISS. Mr. Chairman, my attention was occupied at the time when the preceding paragraph was reached. I ask unanimous consent to make a motion to strike out the clause at the top of page 31, line 2.

The CHAIRMAN. The gentleman from Michigan [Mr. CORLISS] asks to return to line 2, page 31, for the purpose of offering an amendment.

Mr. GROUT. I do not think we had better go back at this time.

The CHAIRMAN. The gentleman from Vermont objects; and the Clerk will read.

The Clerk read as follows:

FOR CHARITIES.

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,500, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1898, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder.

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000.

For the Freedmen's Hospital and Asylum, as follows:

For subsistence, $22,500;

For salaries and compensation of superintendent, who shall reside at the hospital, not to exceed $3,000; assistant superintendent, $600 (this position to be filled by a nonmedical graduate or student); five internes, at $120 each; superintendent of nurses, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000;

For rent of hospital buildings and grounds, $4,000;

For fuel and light, clothing, bedding, forage, transportation, medicine and medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, $11,500;

In all, $54,000.

Mr. MORSE. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts.

Mr. GROUT. I ask unanimous consent that this paragraph—because this is the one to which amendment has been proposed and on which some discussion may arise—be passed until the reading of the bill be finished.

The CHAIRMAN. The gentleman from Massachusetts desires to offer an amendment to the paragraph. That amendment can be offered.

Mr. DOCKERY. But the gentleman from Vermont desires to pass the entire paragraph and return to it after the completion of the reading of the bill.

Mr. MORSE. I desire to offer an amendment.

Mr. GROUT. There is no objection to offering the amendment now, and then let the paragraph go by with the amendment pending.

Mr. DOCKERY. The amendment will keep.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 38, at the end of line 6, insert:

"*Provided further*, That the sum hereby appropriated shall be expended under the conditions and limitations imposed in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1897, page 411, volume 29, Statutes at Large of the United States."

Mr. MORSE. I do not desire to discuss the amendment at this time, but simply say that this amendment reaffirms existing law.

Mr. GROUT. I ask unanimous consent, Mr. Chairman, that this paragraph, with the amendment, be passed over until we complete the reading of the bill, and then we will return and consider it.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the amendment be passed over for the present. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Reform School for Girls: Superintendent, $1,000; treasurer, $300; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $240; in all, $4,725;

For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $6,000;

In all, $10,725.

Mr. HAINER of Nebraska. Mr. Chairman, I move to strike out the last word, for the purpose of eliciting some information from the gentleman in charge of the bill. I find there is here an appropriation for this school of $10,725. I understand, also, there are only 21 inmates in that school, 3 of whom are upward of 20 years of age. There seems to be 9 persons to take care of that small number of girls that are supposed to be undergoing the process of reformation.

Mr. HENDERSON. This is for the Reform School for Girls of the District.

Mr. HAINER of Nebraska. Yes; and I also understand that while there is a capacity for 27, yet only colored girls are admitted. It does seem to me this appropriation is quite extravagant, and I would like to have information from the gentleman showing the necessity for this large force in connection with this institution. Mr. Chairman, the expense of this institution exceeds the cost of such institutions as Vassar, Wellesley, Smith, and other first-class boarding schools of the highest character in the United States. For board, lodging, and tuition in the highest collegiate courses the cost in those institutions is only $400 per capita, while here, saying nothing of the cost of the buildings and repairs, the per capita cost is over $500. Certainly this is an extraordinary state of facts, which requires some explanation from the gentleman in charge of the bill.

Mr. GROUT. Mr. Chairman, I hardly see the force of the comparison by the gentleman of this school with Vassar and other equally fine boarding schools. This is a boarding school of a compulsory order that requires gratings on the windows and a police force to guard it. It is true there is a large expense per capita incurred for the number of inmates in this institution. That is a fact. It ought to be obviated; and this is the way to obviate it: To increase the capacity of the institution, because the force that is there now is requisite for the number of inmates, and it would be quite sufficient for a larger number if the building were completed as the Commissioners estimate. This ought really to be done; and by an appropriation of $50,000 the capacity of the institution would be increased so that the expenses per capita would be largely reduced. It would provide then for 100 inmates, and the per capita cost would be just about cut in two.

Mr. HAINER of Nebraska. If the gentleman will allow me, before passing from that, I will say they are not utilizing the capacity they now have. You have a capacity for 27 inmates, while there are only 20 or 21 inmates, and 3 of those are upward of 20 years of age, and have been there ever since the institution was started.

Mr. GROUT. I would like to know the source of the gentleman's information. The president of the institution was before the Committee on Appropriations on the investigation of the matter and urged this enlargement and a reduction of the consequent per capita expense. He said the number of inmates is 27. He was before the committee only a few days ago.

Mr. HAINER of Nebraska. I think the gentleman will hardly find that given in the report. The capacity is 27. I am credibly informed that there are only 21 inmates, and of these 3 are upward of 20 years of age.

Mr. GROUT. Then, Mr. Chairman, one further thought in connection with this. A committee is investigating this whole subject of charities, and it is thought we may get light from them as to what it is wise to do. The gentleman says that only colored girls are put in this institution. There is no legal prohibition against white girls being placed there. It is only a question of some official discrimination on the part of the court in sending these girls to this school, while some other institutions in the city are allowed to care for white girls. The institution is open to white and colored alike, and when it is enlarged as is proposed, by the addition of a wing to cost $50,000, there will be room for a ward that will be separated from the colored portion of the building, so as to satisfy the fastidious taste of the women who may be sent there or of those who are interested in them and in the administration of the law.

Mr. HAINER of Nebraska. Will the gentleman explain the necessity for a treasurer and for two teachers to take care of these few girls, and also the necessity of an engineer and overseer in addition to a laborer? There are too many officers and salaried people for a small institution which cares for only colored girls.

Mr. GROUT. We must have an engineer whether there are 20 or 200 inmates in the building. We must have a matron and an entire outfit, and the gentleman knows it. Mr. Chairman, the gentleman has made no motion, and unless he desires to do so, I shall ask that the Clerk proceed with the reading of the bill.

Mr. HAINER of Nebraska. Mr. Chairman, I withdraw the formal amendment, and move to strike out, in line 5, the words "treasurer, $300."

Mr. HENDERSON. Mr. Chairman, I rise to oppose the amendment. I feel sure that the gentleman offering it has not looked sufficiently into this matter. I introduced the bill establishing this school. The school is still in its infancy, and I believe it to be one of the best institutions in the District of Columbia. Before it was created we had a reform school for boys, but none for girls, and when girls, for petty crimes or for other causes, were brought before the courts, they had to be sent to the common workhouse, where they were surrounded by every kind of evil influence. I remember visiting the workhouse with a subcommittee of the Committee on Appropriations, and when Mr. Breckinridge (now our minister at St. Petersburg) and I went through the building we were greeted from behind the bars with the most brutal and loathsome remarks from the low creatures who were imprisoned there.

That condition existed until the civilization of the District cried out for a reform school for girls, and I introduced the bill at the instance of that element in this District, and, after one or two sessions, it was passed. Efforts have been made before to cripple this school, but never in this House, and I am sure that no such effort would be made here now if my friend from Nebraska had considered the delicacy of the blow that he was about to strike. There is no discrimination in the school against any class of women, but I am sorry to say that it so happens that colored girls are those who appear most frequently in the courts and who have to be sent to the reform school. I have visited this school. The last time I visited it there were thirty-four inmates, a number greater than the capacity of the school. It is not merely a prison, but a school. They teach the girls industrial work. I have been all through the building and I have seen them teaching the girls to make dresses, simple garments, and to do other such work.

Mr. HAINER of Nebraska. Does the gentleman speak from information?

Mr. HENDERSON. I speak from personal knowledge, having been in the school.

Mr. HAINER of Nebraska. I want to say to the gentleman that only a few days ago I talked with one of the teachers, and there is no teaching of that kind being done there.

Mr. HENDERSON. I speak whereof I personally know. I have not been there for two years.

A MEMBER. Where is this school situated?

Mr. HENDERSON. Above Georgetown, on the road to the Great Falls. After great trouble we found a Government reservation there, which was appropriated for the purpose. I have visited the school and I have seen the sewing machines at work, the girls sitting in rows and being taught to sew, and they are also taught to read and write. Those girls are taken from the purlieus of sin and crime, and are surrounded by the influences of Christian civilization in this school, and if gentlemen striking at these institutions in the District would personally visit them and see what orphans and unfortunate girls are having done for them there, they would go slow before proposing to strike a blow at any of these institutions.

This school is still in its infancy, and we ought to be giving it greater facilities instead of less. The establishment of this school was a move in the direction of the Government taking charge of this work. It is not in any sense a private institution. It is under Government supervision, and I hope to see the time when the Government will take charge of all the unfortunates in this community, and when public money will be appropriated only to institutions belonging to the Government and controlled by it. Give us more money for these institutions. You have got to equip them properly in order to secure efficiency. A treasurer for this school is needed. The salary is petty. This lady is the widow of Mr. Mills, the real founder of the institution, who died only within a year. This woman, carrying in her heart the inspiration of her husband for good, works for a petty compensation and devotes her heart and her life to this work. I never saw her but once, when she was brought and introduced to me by some Christian women of the District. I regret that the committee has not seen fit to recommend an appropriation for increased facilities for this school. There is not an officer of the institution who can be spared, and I want to see the time come, as soon as the condition of the Treasury will permit, when a hundred girls can be sent there and cared for by those who would lift up humanity and not allow it to go into the purlieus of the slums or of the common prisons of our city.

Mr. BAKER of New Hampshire. Is the ownership of this property in the United States?

Mr. HENDERSON. Yes, sir, it is; and the whole thing (unless the direction has been changed—the gentleman in charge of the bill is more familiar with the facts than I am now) is under the charge of the Attorney-General's Office.

Mr. GROUT. No; the institution is in charge of the Interior Department.

Mr. HENDERSON. It is under the Interior Department, as the gentleman from Vermont now informs me.

Mr. DOCKERY. The amendment proposed by the gentleman from Nebraska [Mr. HAINER] does not raise any question as to the usefulness of this institution.

Mr. HAINER of Nebraska. Of course not.

Mr. DOCKERY. The amendment simply proposes to strike out the provision for a new office which this bill proposes to create. The proposition here is to pay a salary of $300 for disbursing a little more than $9,000. This disbursement, as I understand, has been made heretofore by the District Commissioners.

I will not pursue this matter further, because I understand the pressure in favor of this appropriation. But I do not think the appropriation for this salary is a proper one to be made. The expenditure is too large for the service rendered. I believe that the appropriations we make for institutions in this District should go to the benefit of the people for whom they are intended, and not be expended along the lines of an expensive administration.

Now, I do not think this institution is successful. I am in sympathy, however, with the object which was in view in the introduction of the bill creating this school. I shall not support any motion to cripple the institution at this time, inasmuch as it is understood that this, with similar questions, will be reviewed by a joint commission of Congress. By means of such an examination we may be able to arrive at some conclusion in respect to this and other institutions so as to enlarge the scope of their operations, while at the same time decreasing the cost of administration. Hence, I repeat, I shall not at this time support any proposition to cripple the institution.

But the office which the amendment of the gentleman from Nebraska seeks to strike out is entirely new. The amount to be disbursed by this treasurer is about $9,000. Heretofore the disbursement has been made, I believe, by the Commissioners of the District.

Mr. GROUT. I wish to correct the statement of my colleague on the committee, the gentleman from Missouri [Mr. DOCKERY], that this office is wholly new. Let me remind him that the deficiency bill of last year carried an appropriation for the payment of this salary to the amount of $600. That appropriation was made on the ground that this woman had a vested right in this salary. She had been appointed by the Commissioners to discharge this duty.

I said a moment ago that this institution was under the charge of the Interior Department. I was wrong in that statement. It is under the control of the Commissioners of the District. The officers of the institution desire that it be placed under the control of the Attorney-General along with the other reformatory institutions of the District.

But this woman is rendering this service under appointment of the Commissioners of the District, and she is entitled to the salary. The law creating the institution expressly authorizes the appointment of the officer. This lady holds the appointment. In the District bill a year ago an appropriation for this salary was refused; but in the deficiency bill we properly made the amount good. The present bill cuts down this salary from $600 to $300. I repeat, that the office is not new, as this House a year ago appropriated $600 for the payment of this lady. In my opinion, she is entitled to that sum, which was in fact the compensation stipulated between herself and the Commissioners. I think she has a legal right to that amount; I believe she could go into the Court of Claims and recover it. The incidents which I have stated will remind the gentleman from Missouri that this appropriation is not wholly new.

Mr. DOCKERY. The gentleman in charge of this bill [Mr. GROUT] is correct in the statement he has just made. I had forgotten that an appropriation for this salary was made in the deficiency bill of last year. At the same time the appropriation, if made at all, should have been carried in the District appropriation bill.

Mr. GROUT. One word more. I admit that the expenditure for the support of this institution is large in comparison with the small number of persons cared for. The trouble is that the institution is not as large as it ought to be. It is held back in its work by a refusal of adequate appropriations for buildings. There is where the trouble lies. Enlarge this institution so that it will accommodate 100 persons, as an appropriation of $50,000 would enable it to do, and then the proportion of expense would be reduced nearly one-half.

A MEMBER. Why did you not propose such an appropriation?

Mr. GROUT. I have brought in this bill as the representative of the opinion of the committee. Since the matter has been brought before the House, however, I will say that personally I resolutely favored in the committee an appropriation of $50,000; but I was voted down. I shall not now propose an increase of the appropriation. But when a proposition is presented to cut out this salary, I am simply astonished. I can not believe such a proposition would have been offered if the facts had been fully in possession of the gentleman offering the amendment.

Mr. HAINER of Nebraska. Mr. Chairman, my purpose in proposing this amendment was to call attention to a very vital fact connected with this matter of charities. I especially invite the attention of the gentleman from Iowa [Mr. HENDERSON], who, with his big heart bubbling over with sentiment (too often at the expense of practical judgment), has gone wide of the mark.

The fact is, there has grown up in the District of Columbia a custom of ladies (of both sexes, dilettante very largely) gossiping over their little cups of tea and organizing societies to dispense so-called charity at the expense of the Government. They organize themselves into boards of high-sounding names, but whose power and effectiveness for the accomplishment of good are very small indeed; and practically the bulk of the evidences of it we have in connection with carefully prearranged visits to the particular institution by some influential and big-hearted Congressman like the gentleman from Iowa.

Here we have in this institution twenty-one girls—all of them colored. No white girl is permitted to remain in the institution. The white girls are sent to other institutions, also thus far in large part sustained by the Government. I have already called the attention of the committee to the fact that three of these inmates are more than 20 years of age. Just think of it; keeping them there at this expenditure! Children may well be taken for reformation, but is it a wise or even proper expenditure of money to keep them at $500 per annum after they are full grown and over 20 years of age? Do not the facts tend at least to prove that a few inmates are kept to maintain a useless force in positions? It seems to me one might well say the institution is for the purpose of supplying places, and not for the purpose of reforming erring children. The administrative features of this school are most in need of reformation. Where is the practical judgment of gentlemen?

Now, as to the expense of keeping up that school. We buy the property, keep it in repair, and appropriate $10,000 and over annually for its maintenance, or an amount equal to an expenditure of $500 per annum for each inmate; and of that we expend $1,725 for the administrative branch of the school. Do you not see that the District of Columbia has gone mad on this board management?

This tender-hearted lady, the treasurer, "who bears in her heart the mighty work," sits in her comfortable parlor in the city of Washington, doing what? Simply signing checks. Does she audit the accounts presented to her? Not one of them. That is done by others. When the accounts come in, she simply charges herself with the gross appropriation of $10,000, and then signs the checks for the payment of the various expenditures that have been incurred, and for that duty is appropriated the sum of $300 as a salary, and the gentleman from Vermont in charge of the bill wants to make it $600. Her work is perfunctory. The institution has no more need of a salaried treasurer than a wagon has for five wheels.

Now, I know that the treasurer of this institution is doing just about as much work as the average treasurer on the various boards of these institutions in Washington. We ought to abolish all of these little subboards and put the entire matter in the hands of some special board, to take charge of all the charitable institutions of the District and make them capable of accomplishing the great good so eloquently described by the gentleman from Iowa a few moments ago.

Mr. Chairman, this appropriation accomplishes nothing: it is simply wasting the money of the District and of the United States in pretending to accomplish something that is not accomplished in fact. This is not a reform institution in the real sense of the term. It is an inefficient attempt, well meant, doubtless, to do a needed work; but nothing worth mentioning will come of this and kindred efforts until the entire subject of the charities of the District is reorganized and put upon a solid, businesslike, and sensible foundation.

Now, having said this much, I have accomplished all that I desired to accomplish. I withdraw my amendment, hoping that the committee which will investigate the entire subject of charities, under the legislation already had, will have their attention directed especially to the abuses, which, in my judgment, have grown up, and in their wisdom present some proper remedy which will provide the necessary correction; and that, too, in the near future.

The Clerk read as follows:

That the joint select committee, authorized by the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, to make inquiry and report concerning the charities and reformatory institutions of the District of Columbia, are hereby continued during the Fifty-fifth Congress, with all the powers and duties imposed upon them by said act. And any vacancies which may occur in the membership of said committee by expiration of service or otherwise of any Senator shall be filled by appointment by the presiding officer of the Senate, and any vacancies which may occur by reason of the expiration of service of any House members of said committee shall be filled by appointment to be made by the Speaker of the present House of Representatives from members-elect to the House of Representatives of the Fifty-fifth Congress; and any vacancies which may occur by reason of death or resignation of any House member shall be filled by appointment to be made by the Speaker of the House of Representatives for the time being; and said committee shall have authority to sit during the recess, and shall make report as soon as practicable after the beginning of the first session of the—

Mr. STEWART of New Jersey. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 41, in the fourteenth line, after the last word in said line, amend by adding:

"And the said committee shall pursue such inquiries with diligence and expedition, to the end that a full and complete report may be prepared at the opening of the Fifty-fifth Congress."

Mr. STEWART of New Jersey. Mr. Chairman, I understand that the joint committee appointed at the close of the last session of Congress has held no meetings and have done absolutely nothing in pursuance of the inquiry intrusted to them under order of the Congress; and to the end that the work of the committee shall be of utility, it is absolutely necessary that they shall pursue their inquiries with diligence and dispatch.

The amendment I have proposed imposes upon them the mandatory duty of pursuing the investigation with such energy and diligence that the matter which is intrusted to them may be prepared and ready for consideration at the opening of the Fifty-fifth Congress.

Mr. PITNEY. Mr. Chairman, I will not complain of the motive of that amendment, but simply desire to say, being one of the members of the joint commission selected for the purpose of making the investigation referred to, that the reason why nothing has been done up to this time is this: The provision of law which established the commission was passed on the last day, I think, of the first session of the Fifty-fourth Congress. It provided for the appointment of a joint commission consisting of three Senators and three Members of the House of Representatives. The Vice-President made the selection of the three Senators after the Senate had adjourned for that session. The senior Senator of the three declined to enter upon the discharge of the duties of the commission, and therefore the Senate committee could not organize, and of course the joint committee could not organize.

Since the opening of the present session the vacancy referred to has been filled and the joint committee has organized and is ready now to proceed with the investigation contemplated. But it would be a perfect farce, Mr. Chairman, to adopt an amendment requiring them to make a report on that investigation at the opening of the Fifty-fifth Congress.

Mr. DOCKERY. You mean in the event of an extra session of that Congress?

Mr. PITNEY. I am taking it for granted that there will be an extra session, for I do not know of any suggestion from any responsible quarter which would seem to controvert that idea.

Mr. STEWART of New Jersey. Well, make it for the regular session.

Mr. PITNEY. But the amendment does not say so.

Mr. STEWART of New Jersey. I will modify the amendment——

Mr. PITNEY. I have the floor at present.

I will say, Mr. Chairman, that the joint committee have organized and are ready to carry out the duties assigned to them under the law, and for the purpose of enabling them to do so, the provision is carried in the present bill, which has been read and adopted, to fill the vacancy on the House side, occasioned, I regret to say, by reason of the failure of our friend from Kansas [Mr. BLUE] to be reelected. But we do not like to be put under peremptory orders, when the committee have not been guilty of delay or negligence in the matter. I hope the amendment will be voted down.

Mr. STEWART of New Jersey. Mr. Chairman, I am not complaining about the committee appointed by this House. I know that there is no member more diligent than my colleague [Mr. PITNEY] and the fault lay with the committee appointed by the Senate. I ask to modify the amendment, so that it will read:

At the opening of the regular session of the Fifty-fifth Congress.

Mr. DOCKERY. Let me suggest to the gentleman from New Jersey [Mr. STEWART] that the provision would be unwise, because if we are to have an extra session of Congress, which seems to be generally conceded, I assume that this joint committee would proceed with its work with all due diligence, and probably be able to report to the Fifty-fifth Congress in extra session.

Mr. STEWART of New Jersey. I will leave the amendment as it is.

Mr. GROUT. I would suggest that the amendment, as the gentleman proposes it, would really defer the report, because the language of the bill, as it now reads, is:

And shall make report as soon as practicable after the beginning of the first session of the Fifty-fifth Congress.

Mr. STEWART of New Jersey. I will leave the amendment as I originally offered it.

Mr. PITNEY. I hope the amendment will be voted down.

Mr. DOCKERY. Let the amendment be reported as it is now offered. Has it been modified in any way?

The CHAIRMAN. The Chair understands that the gentleman withdrew his modification.

Mr. DOCKERY. I would be glad to have the amendment reported as it now stands.

The amendment as originally offered was again read.

Mr. PITNEY. Mr. Chairman, this amendment having been referred to as "the amendment of the gentleman from New Jersey," I wish it understood that I am not the member who offered it. I am opposed to it, and hope it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. STEWART].

The amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. DOCKERY. Mr. Chairman, I offer the following amendment, to come in as section 3 of the bill.

The Clerk read as follows:

That hereafter the United States Electric Light Company, or any other electric-light company doing business in the District of Columbia, shall not charge or collect from the United States or any other consumer of electric arc or incandescent lights, or electricity for power, prices exceeding 75 per cent of the prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

Mr. PITNEY. What is the percentage of reduction?

Mr. DOCKERY. It provides for a reduction of rates to 75 per cent of what they were on the 1st day of January, 1897.

Mr. PITNEY. That applies to private consumers as well as public?

Mr. DOCKERY. It does. This is in the interest of the people.

Mr. PITNEY. It applies to private consumers, does it?

Mr. DOCKERY. It does.

Mr. PITNEY. Throughout the District?

Mr. DOCKERY. Certainly.

Mr. PITNEY. It applies to all companies?

Mr. DOCKERY. It does.

Mr. PITNEY. That is all right. I am in favor of the amendment.

Mr. BLUE. Let me suggest to the gentleman from Missouri [Mr. DOCKERY] that there may be some question as to whether that would reach a company that was not in business, and not therefore charging consumers anything on the 1st day of January. If we wish to adopt this amendment, let us put it in such form that it will catch them all.

Mr. PITNEY. I think the gentleman from Missouri [Mr. DOCKERY] will accept the modification of the amendment which I now suggest. I ask the Clerk to read the amendment as modified.

The Clerk read as follows:

That hereafter no electric-light company doing business in the District of Columbia shall charge or collect from the United States or any other consumer of electric arc or incandescent lights, or electricity for power, prices exceeding 75 per cent of the prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

Mr. DOCKERY. Mr. Chairman, I do not want to lose any parliamentary advantage, but I will accept the amendment to the amendment offered by the gentleman from New Jersey [Mr. PITNEY]. We have been making some reduction in electric lighting for the benefit of the Government, and we ought to make a corresponding reduction now for the benefit of the people of this District.

Mr. PITNEY. The amendment in the form in which it is now offered is satisfactory to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. I accept it.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The CHAIRMAN. This completes the reading of the bill.

Mr. GROUT. Mr. Chairman, the paragraph on page 7 of the bill, relating to street sweeping, was passed for the time being at the request of the gentleman from Iowa [Mr. HEPBURN], whom I do not see present now. But there is one other paragraph which has been passed which we can recur to, on page 37, relating to charities.

Mr. MORSE. Will the gentleman yield to me for a few minutes, that I may explain my amendment?

Mr. GROUT. Wait just a moment.

The CHAIRMAN. The gentleman from Vermont desires to recur to pages 37 and 38, on the subject of charities.

Mr. GROUT. I yield to the gentleman from Massachusetts.

Mr. MORSE. Mr. Chairman, I ask that the amendment which I have offered to this section may be read.

The Clerk read as follows:

On page 38, at the end of line 6, insert:

"*Provided further*, That the sum hereby appropriated shall be expended under the conditions and limitations imposed in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1897, page 411, volume 29, Statutes at Large United States."

Mr. MORSE. Mr. Chairman, I will say for the information of the House that this amendment simply reaffirms the existing law; but in order that there may be no mistake or misunderstanding about it, it is desirable to take the matter out of the domain of construction and make the prohibition and use of any money appropriated by this bill for sectarian charities clear and positive. That matter was fought out here last year, and I believe fought to a successful issue, and I believe and hope that the appropriation of public money for sectarian charities will never be again raised or entertained. Such use of public money is against the genius of our institutions that divorce church and state and against public policy. As I understand, Mr. Chairman, the gentleman in charge of the bill offers no objection to this amendment, I do not think I shall take the time of the House any further.

Mr. BLUE. Mr. Chairman, at this time it is not my purpose to object to this amendment or to raise a point of order; but I wish to say in this connection that in my opinion there is no more necessity for this than there is for a fifth wheel to a wagon. It is mere surplusage, is an incumbrance to this bill, and necessarily in that respect it is vicious in its character. It is not entitled even to the respect to say that it is placed there in the abundance of caution. If that were true, then it would be necessary, practically, in legislation upon appropriation bills to continue this upon every measure to which there might be objection made. These provisions that have become permanent law can not be considered as applying to the appropriation of last year alone, because by their very terms they show that they are for all time, for the future, declaring what shall be and what is the settled policy of this Government, and further providing in regard to future appropriations. Hence I say that this is not only mere surplusage, but it is bad in its character, and ought not to go upon this bill. Still, for the purpose of avoiding discussion on this bill, I will not make any question upon it.

Mr. GROUT. The gentleman says he does not object. I do not object, and I hope we may have a vote upon it without further discussion.

The question was taken; and the amendment was agreed to.

Mr. GROUT. Now, Mr. Chairman, on page 7 there was a paragraph passed over. The gentleman from Iowa [Mr. HEPBURN] does not seem to be present. I will submit, in that connection, to be printed in the RECORD, a letter from the superintendent of the street-sweeping department, which will explain the matter fully, and with which I think the gentleman from Iowa will be entirely satisfied when he sees it.

Mr. MORSE. I ask the gentleman from Vermont to yield to me for the purpose of making a request to have the section of the law of last year printed in the RECORD. I ask unanimous consent that I may print, in connection with my remarks, a quotation from the law of last year—a single paragraph.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the matter that he sends to the Clerk's desk may be printed in the RECORD in connection with the paragraph on page 7. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

STREET AND ALLEY CLEANING DEPARTMENT,
DISTRICT OF COLUMBIA,
Washington, February 5, 1897.

SIR: I have the honor to report, in reference to the proposed reduction in the number of inspectors in this service, that to reduce to the extent proposed would be false economy and simply in the interest of the contractors. There are four inspectors in charge of cleaning the paved streets and avenues, and every one of them is needed. Each day or night when work is done we sweep about 55 miles of streets, or an area of about 1,400,000 square yards. There are 17 machines, divided usually into four gangs. Can that work be properly looked after by less than two men, who must necessarily travel not less than 30 miles each during a day or night? They not only note the sweeping, but all obstructions, barricades, etc., in order to make the proper deductions. There are 50 hoe and broom men, divided into 8 gangs, and 36 carts, into 9 gangs. These are at work in various sections of the city covered by that particular route. Can this work be looked after as it should be by any less than 2 more men? The cost of inspection for this branch of the work is about 6¾ per cent. That is to say, we pay out on this contract about $85,000 annually, and inspection costs $5,900—including pay for horse keeping. I earnestly request that no reduction be made on this branch of the force, as the present men not only earn their pay, but save the District annually all they are paid.

I have four gangs of laborers, one for each of the four sections of the city, cleaning the unimproved streets, keeping the gutters clean, free of weeds and grass, and attending to all complaints in their respective sections. Would it be economy to work these men without some one in charge to lay out the work for them and see that they rendered a day's service? Rather than reduce their numbers it would be better to stop the work entirely if there is not to be direct supervision over each gang. The territory these gangs cover is large; for instance, the southeast gang, all that portion of the city south of Maryland avenue east, to the river on the south, east to the boundary, and west to First east.

The northeast gang, all north of Maryland avenue, east to the boundary, and west to Seventh street road as far as Whitney avenue, including Le Droit Park and West Eckington. The southwest gang, all south of Pennsylvania avenue to the river, east to New Jersey avenue, and west to Thirty-sixth street, including Anacostia. The northwest gang, all north of R street to Columbia road, east to Seventh street road, and west to Thirty-sixth street, including Washington Heights and a portion of Mount Pleasant. Could any one man properly supervise more than one of these sections? A fifth gang has all the cobble and rubble paved streets in the city, that are so rough and broken that they can not be machine swept—amounting to about 270,000 square yards. This work is scattered from Georgetown to the Navy-Yard, and from the river to the boundary. It would seem that one inspector was needed upon this work.

There is one gang engaged on unimproved alley work, cleaning away the filth that so naturally finds its way to these out of the way places. The area of these alleys is about 250,000 square yards and scattered throughout the entire city, many of them small shafts and arms that receive all the refuse that can not well be thrown into the improved alleys adjacent. We get round once in about eight days, averaging about 32,000 yards per day. Eight men and 2 horses and carts do this work, at a cost of $11.47 per day. Inspection costs $6, or 50 per cent—1 inspector and assistant. That seems pretty high, but how can it be avoided; can the gang be permitted to roam at will? To get round and to expedite the work, a couple or three men, with a horse and cart, are often detached to catch up the small shafts, etc. Without this thorough inspection the work would be slighted and many of the worst places left untouched.

The improved alleys are in charge of 3 inspectors; the area of those alleys is about 92,000 square yards, divided into 18 routes, 3 cleaned each day; average area each route, about 31,500 yards; work done under contract, 40.9 cents per 1,000 yards; cost of work per day, about $41; inspection, including pay allowed for horses, about $12.18, or 28 per cent of cost. Without reflection, this looks high; but in what other way can the work be properly supervised? The three separate routes require separate inspection; without such inspection it is hardly supposable that the contractor's men would clean them as they should be, or clean them all. Pennsylvania avenue and other streets, now cleaned under a patrol system during the day, cost for work $22 per day. Inspection costs $8, about 37 per cent, there being 1 inspector in charge, with 2 assistants.

With every desire to conduct the work as economically as possible, I can not spare one of these inspectors. Work of this kind must be watched closely by competent and efficient men or else the work will be slighted and contractors often paid for work they did not do. The work in this city is beyond question done much cheaper, and I believe as a whole much better, than in any other city. The percentage for inspection is not a correct guide in this case. If the work cost more to do it, it would not take any more inspectors, but the percentage of cost for supervision would be less. The average cost of supervision is 20 per cent, including pay for horses. I think it much better to pay good prices for inspection than to pay contractors for bad work.

Respectfully,

A. G. McKENSIE,
Superintendent Street and Alley Department.

Gen. WILLIAM W. GROUT,
Chairman Subcommittee District of Columbia Appropriations.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that a paragraph of the law of last year may be printed in the RECORD in connection with his remarks. Is there objection?

Mr. HOWARD. I object, Mr. Chairman.

Mr. MORSE. Since the gentleman from Alabama [Mr. HOWARD] objects, I think the gentleman from Vermont will allow me to read it in my own time, and I will thus get it in the RECORD. I ask the gentleman to give me a minute to read this paragraph.

Mr. GROUT. Yes; I yield a minute to the gentleman.

Mr. MORSE. I ask the Clerk to read the paragraph I send to the desk, and to which I referred in my remarks as passed in connection with the District bill of last year and reaffirmed by the amendment I offered a few moments since and which the House has adopted.

The Clerk read as follows:

And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

Mr. GROUT. Mr. Chairman, I ask unanimous consent that the report of the Fifty-first Congress upon these old claims against the District be printed in the RECORD, in explanation and justification of the amendment added yesterday to the bill repealing the law under which they are being allowed.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the report made in the Fifty-first Congress in reference to the statute repealed by this bill be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The report is as follows:

[House Report No. 3727, Fifty-first Congress, second session.]

The Committee on the District of Columbia, to which was referred Senate bill 3011, would respectfully report:

This bill seeks to refer to the Court of Claims, for rehearing, ten claims against the District of Columbia. The claimants did work and furnished materials for divers public improvements in this city, under contracts made with the board of public works, which was established by the act of 1871 (16 U. S. Stats., 419 et seq.). Under this act the board had control, in accordance with the provisions set forth in the statutes, of improvements of the streets, avenues, etc., in the District of Columbia, and the making of contracts therefor.

These claims are based upon different grounds. Some of the claimants contend that work was done by them under oral contracts, or which was necessary for the completion of improvements specified in written agreements, but not included therein; and although this work resulted in a substantial benefit to the city, their claims were denied by the Court of Claims because their contracts were not in writing, in accordance with section 37 of the statute referred to. Others claim that they received a price for the work done lower than certain so-called board rates which had been fixed by the board as a fair payment for the different kinds of improvements made. Others aver that conclusive proof was brought forward on their behalf, showing them entitled to larger compensation than they received, but that this proof was disregarded by the Court of Claims.

Numerous cases besides those included in this bill have been recently brought to the attention of the committee, the owners of which allege that they have similar valid claims against the District and that their names should be included in this bill, or a general bill be substituted for it, by which all persons who had contracts with the board of public works, under which claims exist similar to those of the parties referred to, can be again heard by the Court of Claims.

The auditor of the District of Columbia, in a list prepared, estimates the amount of these claims at $116,000, but large amounts of additional claims not included in the list have been brought to the attention of the committee.

Nearly all of these claimants brought suit in the Court of Claims under the act of June 16, 1880 (21 U. S. Stats., 284), by which it was provided that persons having claims against the District of Columbia should have the right, within six months from the passage of the act, to bring suit in the Court of Claims. The act further provided that unless suit was brought within that time claims arising from transactions with the board of public works should be forever barred. In some of these cases decisions were rendered. In most of the decisions a small balance was found due to the claimants, which they accepted. In others the suits, although brought, were never pressed to trial, but were dismissed by the claimants on the ground, as it is now alleged, that the Court of Claims had, in similar cases, made adverse decisions, and that the further prosecution of these suits would have been useless. It is, however, maintained by the claimants, and this point is important in its bearing upon the merits of this bill, that in later decisions the Court of Claims reversed its former rulings and made decisions the principles of which would, if applied to these claims, have compelled their payment.

These claims arise under contracts made and performed in the years 1871, 1872, and 1873. It will be conceded that unless it appears that material injustice has been done to the claimants by the rulings of the Court of Claims, these controversies should not again be submitted to the court.

In order to ascertain the merits of this question, members of the committee have given considerable time to the arguments of counsel on behalf of the claimants, and have examined the printed records of testimony in all of those cases but one, which was not furnished by counsel.

The first claim, that of James W. Walsh and Andrew Gleeson, is for the removal of the material constituting the old pavement or sidewalk on East Capitol street, between the Capitol Grounds and Lincoln Square. Walsh and Gleeson made a written contract, under date of July 8, 1872, by which they were to make the grade and lay the foot pavement along the street referred to, between First and Eleventh streets east; also, to make the parking, and set the curb at the line of the roadway. In order to do this it was necessary to take up and haul away a large amount of material included within the limits of the proposed improvement, which had been used for pavement, curbstone, etc. No question of board rates can arise in this claim, except in fixing the rate of compensation to which they are entitled, if they are entitled to any.

The contractors wish to present to the Court of Claims their demand for the removal of the old material which had to be displaced in order to complete the improvement described in their contract. The contract has been presented to the committee and is somewhat voluminous, including a large amount of printed matter in which the blanks are not filled. It is, however, distinctly stated in the contract "that the said parties of the second part (namely, Walsh and Gleeson) shall receive the following prices as full compensation for furnishing all the materials and labor which may be required in the prosecution of the whole of the work to be done under this agreement, and in all respects completing the same."

Then follow the prices for the grading and other work.

While there is some ambiguity as to the meaning of the contract, arising from the number of provisions included in it which do not seem to have been fully considered at the time, we think this provision is sweeping, and precludes all compensation for the claim for the removal of the old material.

One of the claimants, in a deposition taken on the 7th of May, 1881, admits that this material was in his way and he could not have complied with his contract without removing it. It does not appear that any demand was made for compensation for the removal until years after the work was done and pay had been accepted, in which no compensation was made for taking away the old material. In reply to the contention that the Court of Claims in later cases allowed pay for the carting away of this old material, we think the claimants are in error. In two or three cases, which were intrusted to referees to find the facts and the law, such compensation was allowed, but the court merely confirmed the referees' report, apparently without any consideration of the legal principles involved in it. Also in one or two cases settlements made by the board of public works and the board of audit, in which a similar allowance was made, were not interfered with; but whenever the question was presented to the court and argued, the decision was against any such allowance.

The claimants are equally in error in asserting a uniform rule of the board of public works making allowance for such work. In an order upon this subject, issued January 25, 1873, we find the following:

JANUARY 25, 1873.

SIR: Referring to the letter of R. C. Phillips, esq., late chief engineer, asking whether accounts for taking up materials, such as pavements, curb, etc., preparatory to laying new work or constructing sewers, etc., are generally to be accepted as proper charges against the board, and stating that some accounts of this nature have already been paid; and in reference also to your indorsement on said letter, stating that the practice of allowing for removing old material obtained in August last, and expressing the opinion that for all such work done since that time, and which can be clearly established, this allowance will have to be paid, but not on any such work done prior to that date, and that in future the practice should be stopped altogether, I have to instruct you to stop this practice entirely. Those claims that have already been paid must of course stand; but you will allow no more accounts of this description, whether the work was done prior or subsequent to the date referred to.

By order of the board.

CHARLES S. JOHNSON,
Assistant Secretary.

Hon. A. CLUSS,
Engineer in Charge.

The claimants voluntarily dismissed their suit in 1884. Their intention at that time clearly was to abandon their claim. It would be carrying the right to prosecute claims against the District too far to give again the right to litigate a claim after it is barred by the statute of limitations when the claimants, anticipating the decision would be adverse to them, declined to further prosecute; this, too, when, if the decision had been against them, they would have still retained the right of appeal to a higher court. If they have suffered injustice, it was because of their own omission to take advantage of the provisions of the statute by which the rights of all parties were carefully guarded.

The second claim, that of Peter P. Little, administrator of Michael Shiner, against the District of Columbia, seems to us to have no possible basis of equity. The claimant intestate on the 16th and 20th days of September, 1871, made two contracts in writing, by the terms of which he was to receive 20 cents per cubic yard for the grading of Eleventh street east from Pennsylvania avenue to H street north. By the contracts it was stipulated that the work should be commenced on or before the 21st and 25th days, respectively, of September, 1871. It was also provided that unless the work was suspended by order of the officers of the District it should be completed within ninety days from the date fixed for its commencement. Of the work required to be done by this contract, 6,833 cubic yards were finished before the 8th day of January, 1872, and 12,758 cubic yards after January 8, 1872. For the work done after January 8, 1872, it is claimed 30 cents per cubic yard should be paid, because on the 22d of January, 1872, the board of public works made the following order:

"*Ordered*, That the prices of grading be fixed at 30 cents per cubic yard, including hauling, etc."

This order was not made until the month following the date fixed by the contract for the completion of the work.

It is alleged that on the 6th of September, 1872, Mr. Shiner received a note from the assistant secretary of the board directing him to cancel his two contracts and to prepare a new one dated after the adoption of prices under the above order and in accordance therewith. This contract, however, it seems, was never made. We can hardly understand the conduct of a board an officer of which would invite a contractor to cancel subsisting contracts and invite him to prepare a new one dated months after the work was to have been finished under his agreement, and in which a much higher price was to be paid. What was the reason for this very material advance in price we are not informed, but it can not be denied that if the price of grading had been diminished the contractor would have received the benefit of his contract, which, by this change, would be a favorable one. We can see no reason for the application of a different rule when the price had been increased. This case was carefully considered by the Court of Claims, and in the opinion Chief Justice Drake says:

"We are not able to discover any foundation for such a claim. Every fact in the case is against it. The grading was all done before claimant's contracts were canceled, and at a time when there was not the least ground for claiming it to have been done under any other contracts. The order of January 22, 1873, increasing the rates for grading, was not retrospective in its operation; did not refer to contracts previously entered into on other rates; did not mention Shiner or his contracts."

The claim of Owen O'Hara is based upon an alleged error in the measurement of the excavation in sewer trenches. This case was fully considered by the Court of Claims and a decision rendered adverse to the claimants. In this case, also, a balance was found due to O'Hara, which he accepted, presumably in full settlement of all his claims.

The case of Frank H. Finley and T. A. Brown, his assignee, presents a question of the validity of the action of the Court of Claims in detaining on final settlement certain overpayments by the board of audit. Finley made his contracts for grading at 20 cents per cubic yard. Thereafter, when a measurement was made, he was allowed payment at the rate of 30 cents per cubic yard, notwithstanding his contract. He also was allowed for hauling away material, in addition to the price for grading, 15 cents a yard for 20,640 cubic yards of earth. He receipted for this amount in full on the 2d of June, 1873. Afterwards, when the board of public works had ceased to exist, on September 23, 1875, he presented to the board of audit a claim for additional compensation for depositing this earth in the canal. The board of audit were induced to allow him 15 cents per cubic yard for earth deposited in the canal in addition to the price for hauling.

On this subject the Court of Claims say:

"The claim was also presented long after the authority of the board to receive claims had expired, and its action thereon was ultra vires, and voidable, if not void. Besides, the claim had no foundation in fact. The board of public works never did agree to pay 15 cents or any other price for depositing earth in the canal, the hauling of which they were to pay for according to distance hauled. Such an agreement was not expressed in any of the writings or facts set forth in the findings, and it is not to be presumed, so closely would it border upon absurdity. When a contractor agrees to excavate earth and haul it away, and prices are expressly fixed for the excavation and for the haul, it is hardly to be conceived that it could be understood that he was to have extra compensation for emptying his carts. And yet such was Finley's claim, and the board of audit fell into the mistake of accepting it."

On trial of the case in the Court of Claims this erroneous payment was set up by the District as a counterclaim. The court, on full consideration of the facts and circumstances, allowed the counterclaim and gave to Brown, the assignee of Finley, a judgment for the balance found due on all his accounts, namely, $2,422.71.

Upon another claim made by Finley for extra sewer work, the Court of Claims say:

"On the 13th of June, 1874, the board of public works stated a final account with Finley for sewer work on K street, under contract No. 796, allowing him the increased prices named in the extension of June 9, 1874, and the previous correspondence upon which it was founded. (First finding.) This showed the amount due him to be $14,395.02.

"Of this sum the board of public works paid him part, and he receipted on the back of the account without objection to the prices. After that board was abolished the board of audit paid him the balance, and he receipted for the same on the account 'in full settlement of the above-stated claims.'

"Finley never claimed anything more, but by some means, not explained, the board of audit, without any demand or presentation of claim by him, allowed to Finley $1,741.66 for extra excavation, on account of quicksands and other matters, upon an old bill which somebody other than Finley had exhumed from the archives of the board of public works, and which had been compromised, settled, and abandoned long before the board of audit came into existence. The facts about that old bill seem to be these:

"In April, 1874, he had sent his claim for extras to the board of public works. Soon afterwards, on the 23d of May following, he wrote to the board, appealing for better rates of compensation than his contract specified, on account of the difficulties that beset him in accomplishing the work. The board took into consideration his appeal and the bill for extras which he had presented, and they very largely increased the prices for work under his contract, No. 796. These prices were allowed for all work included in the final settlement, and were intended to cover all the items of the bill which the board of audit afterwards allowed, and were a discharge and satisfaction thereof. Finley so understood it, for he never thereafter claimed the same as due him, and never presented any such demand to the board of audit. He took the money not because it was due him, nor because he had set up any claim to it, but merely for the reason that the board had mistakenly allowed it to him. It was, in fact, forced upon him.

"It would be a perversion of justice, when he comes into court and asks for a final settlement of his accounts and for payment of the balance due him, if he could retain money of the District thus wrongfully obtained from it. We can not do otherwise than hold that the allowance and payment being made in mistake of fact, the defendant may set up the same against Finley by way of counterclaim."

We see no possible reason why these claims should be opened at this late day. Indeed, if either party was the sufferer by the adjustment of the accounts, we think it was the District, rather than Finley or his assignee.

The claim of William Schooler, as originally filed in the Court of Claims on the 30th of September, 1890, was for the removal of old material and excavation. The rules which should govern in determining the validity of this claim have been already sufficiently set forth in the mention heretofore made of other claims in which similar demands are made. It is true that he now in a petition filed with the committee lays claim to higher compensation for work done under his contracts. No mention whatever of any additional compensation being due him was made in his petition filed more than ten years ago. There does not seem to be any merit in this claim.

The claim of Patrick Brennan was for damages suffered in the construction of work at the intersection of T and Eighteenth streets. It was claimed by him that, notwithstanding his contract made him responsible for all damages from the action of the "elements," the refusal of the engineer in charge of the work to allow him to put in a culvert caused him damage to the amount of $2,508.44. He demanded this amount because of alleged arbitrary interference of the engineer. It was proved that by the engineer's refusal he was not prevented from adopting such measures of precaution as might have avoided the loss. He also presents other claims to the committee, which were set forth in a suit brought in the Court of Claims in 1890, but were abandoned by him on trial of the case. The Court of Claims gave him a judgment for the amount due him on his accounts, namely, $1,495.56, with interest from June 1, 1875. He received this sum, and we regard that as a full settlement of all his claims.

The claim of John J. Shipman was tried with a degree of thoroughness seldom exhibited in lawsuits. A very large amount of testimony was taken, and the court elaborately reviewed the facts and law pertaining to the claim. The claimant filed his original petition, and later filed two separate amendments thereto, and his case was carefully presented by counsel; so that evidently nothing was left undone to secure the full compensation due to him. Allowances were made by the Court of Claims on counterclaims by the District for certain overpayments which were probably mistakes of fact made by the board of public works or the board of audit in measurements. There is no reason which would apply in favor of a reopening of this case which would not apply to any lawsuit thoroughly tried, carefully examined, and decided ten years ago.

The claim of Lipscomb, administrator of Eslin, is for an alleged overcharge made by the officers of the District for certain material furnished to Eslin and used by him in performing his contracts. It is maintained that Eslin was charged 75 cents per yard for a quantity of blue rock, when the charge should have been 75 cents per load, each load containing about 3 yards. Payment was received by Eslin's attorney on a basis of 75 cents per yard, and no complaint made, nor does it appear that the decedent during his lifetime objected to the adjustment of his accounts on that basis. An effort was made during the trial to establish by testimony that the rate charged in other cases was 75 cents per load. We think this effort signally failed.

Three witnesses were examined, two of whom testified that 75 cents per yard was charged, and the other 75 cents per load; but, aside from the comparative credibility of the witnesses, the memoranda taken at the time decidedly favored the price of 75 cents per yard. It appears that the price allowed for paving was $1.50 per yard when the contractor furnished both the labor and material, and 75 cents per yard when the District furnished the material. This would leave the difference between the two 75 cents per yard for material, and would apparently establish that as the price charged in transactions between the District and contractors.

Several general considerations seem to be conclusive of the merits of these claims. First, every one of the claimants had opportunity to obtain his just dues. The work was done under the supervision of the board of public works. Later the statute of June 20, 1874, created a board of audit, composed of the First and Second Comptrollers of the Treasury, aided by skillful accountants, and directed that they should promptly investigate and settle these similar claims. Afterwards, in 1880, the statute referred to was passed, giving the right within six months to bring suit in the Court of Claims and providing that claims not presented during that time should be forever barred. In this statute the right of appeal to the Supreme Court of the United States was also given. In most of the claims included in this bill a judgment was entered in favor of the plaintiffs, which they accepted, and in several cases the judgment specified that unless the claimants accepted the amount named therein judgment should be entered against them. In these cases the amount was accepted. The aim of the two statutes creating the board of audit and giving the jurisdiction to the Court of Claims is manifest. It was to adjust and finally dispose of transactions which had been marked by an unusual degree of looseness and haste.

There is nowhere any evidence of any lack of vigilance on the part of claimants in asserting their claims, or of unwillingness on the part of the tribunals in question to give to them all their just dues; second, there is not such a preponderance of evidence in favor of the claimants in any of the cases as to justify a court to reopen the case, even if the application for a new trial or rehearing had been made at the time; third, all the objections which apply to the reopening of controversies and the investigation of transactions long remote apply with special force to these cases. It would now be practically impossible for any court to examine these claims and ascertain their merits with that degree of accuracy which was possible at the time jurisdiction was given to the board of audit and the Court of Claims. In making a defense the District of Columbia would be subjected to a very great disadvantage, as not only have the officers having the matter in charge been changed for the most part, but the form of government has also been changed.

The contention of the claimants is that they should have the most favorable terms in making settlement which were granted to any parties making contracts with the District, so that even if a material mistake were made, and too much was allowed to anyone, everyone should have the same advantage in obtaining compensation. This intention is clearly set forth in a bill introduced in the Forty-eighth Congress (H. R. 7489), in which section 2 provides that—

"Whenever the board of public works or the Commissioners of said District by general orders or rules have fixed or established higher or increased prices or rates for work or labor performed or material furnished under such written or oral contracts than the price mentioned, such higher rates shall be deemed and taken to be the rates of compensation applicable to said contract, with like effect as if inserted therein."

We can not approve a bill which seeks to ignore the written contracts made by the parties, and gives the option of claiming a higher rate of compensation for the work than that for which it was agreed to be done. The decisions indicate that the Court of Claims examined these cases with care and marked ability, and if there is any evidence of insufficient consideration it is rather in the cases which the claimants seek to establish as precedents than in the decisions upon the claims in controversy.

The committee accordingly recommend that Senate bill 3061, together with House bill 2448, which is of similar import, be laid on the table.

Mr. GROUT. Now, Mr. Chairman, I believe the bill is completed. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, and had directed him to report the bill back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The SPEAKER. The question is on agreeing to the amendments.

Mr. GROUT. Mr. Speaker, I move the previous question on the amendments and the bill to its passage.

The previous question was ordered, and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

Joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga;"

A bill (H. R. 1521) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 6539) to increase the pension of Richard C. Enright;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser;

A bill (H. R. 1168) to increase the pension of Joseph P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

A bill (H. R. 4001) to reinstate William Waldrup on the pension roll;

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 7821) granting a pension to Annie Schifirli;

A bill (H. R. 3261) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 4811) granting a pension to Mellisa Adams, widow of Silas Adams;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 10085) for the relief of Elnora Shuman;

A bill (H. R. 6231) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;

A bill (H. R. 3787) for the relief of H. C. Herndon;

A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River;

A bill (H. R. 6776) to provide an American register for the bark *Vita;*

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota;

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

A bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.;

A bill (H. R. 8190) to provide an American register for the bark *Ceres;*

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;

A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River, in line with Massachusetts avenue extended eastward;

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers;

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes;"

A bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;

A bill (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;

A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;"

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York; and

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a Soldiers' Home by the State of Colorado.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3028) granting a pension to Mrs. Mary Gould Carr, the widow of the late Brigadier and Brevet Major General Carr, United States Volunteers, deceased, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. GALLINGER, Mr. HILL, and Mr. SHOUP as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 757) granting an increase of pension to Adelaide Morris;

A bill (S. 684) granting an increase of pension to Marion McKibben; and

A bill (S. 905) granting a pension to Mary W. Keeffe.

The message also announced that the Senate had passed with amendments the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. BAKER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 897) for the relief of James Stewart;

A bill (H. R. 3494) granting a pension to Frances M. Roberts;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney widow of Samuel W. Kenney;

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation;

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers; and

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnepeg Railroad Company a right of way through the Chippewa and White Earth reservations, in the State of Minnesota;

A bill (S. 3191) granting a pension to Milton T. Bedford;

A bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va.;

A bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice;

A bill (S. 617) granting an increase of pension to Mary E. Law;

A bill (S. 3556) granting a pension to Carlton W. Muzzy;

A bill (S. 1394) granting an increase of pension to Mrs. E. S. Kelly;

A bill (S. 2674) granting a pension to Levi R. Long;

A bill (S. 3509) to increase the pension of Gen. James W. McMillan;

A bill (S. 1302) granting a pension to Thomas Madden;

A bill (S. 3350) granting a pension to Susan A. Paddock;

Joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River.

A bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased;

A bill (S. 3144) granting a pension to Samuel Shaffer;

A bill (S. 2910) granting a pension to Mrs. Essie E. Powell;

A bill (S. 355) granting a pension to Rhoda A. Van Niman; and

A bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3191) granting a pension to Milton T. Bedford—to the Committee on Invalid Pensions.

A bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va.—to the Committee on Pensions.

A bill (S. 2674) granting a pension to Levi R. Long—to the Committee on Invalid Pensions.

A bill (S. 3509) to increase the pension of Gen. James W. McMillan—to the Committee on Invalid Pensions.

A bill (S. 3350) granting a pension to Susan A. Paddock—to the Committee on Invalid Pensions.

A bill (S. 1302) granting a pension to Thomas Madden—to the Committee on Invalid Pensions.

A bill (S. 2910) granting a pension to Mrs. Essie E. Powell—to the Committee on Invalid Pensions.

A bill (S. 3144) granting a pension to Samuel Shaffer—to the Committee on Invalid Pensions.

A bill (S. 355) granting a pension to Rhoda A. Van Niman—to the Committee on Invalid Pensions.

A bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812—to the Committee on Pensions.

Joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth reservations, in the State of Minnesota—to the Committee on Indian Affairs.

Joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River—to the Committee on Rivers and Harbors.

A bill (S. 3239) for the relief of the estate of Richard Lawson—to the Committee on War Claims.

JAMES STEWART.

The SPEAKER laid before the House the bill (H. R. 897) for the relief of James Stewart, with an amendment of the Senate thereto.

Mr. CANNON. Mr. Speaker, I would be glad if some gentleman would tell us what there is in this bill.

The SPEAKER. The bill can be referred to a committee, if that is the will of the House.

Mr. CANNON. I move that it be referred.

Mr. MAHON. Mr. Speaker, I move that the House concur in the Senate amendment, which is a mere correction of the phraseology of the bill.

Mr. BROMWELL. Mr. Speaker, I understand that the gentleman from Illinois [Mr. CANNON] has moved to refer this bill to a committee. I hope that will not be done, because the Senate amendment is merely formal. The bill as it went to the Senate from this body contained the words "for wages he has earned."

The Senate amended that so as to read, "for wages which he is alleged to have earned."

Mr. CANNON. What are the facts about the bill?

Mr. BROMWELL. It is the Stewart case that passed through the House a short time ago. The gentleman from Illinois took part in the debate upon it. It is a longevity pay claim. The bill passed the House and went to the Senate containing the language I have stated, and the Senate has amended it so as to read, "for wages which he is alleged to have earned." It is a merely formal amendment.

Mr. CANNON. Well, Mr. Speaker, I made my fight against that bill with as much vigor as I could command when it was under consideration here, but the House passed the bill, and I have nothing further to say.

The SPEAKER. Does the gentleman withdraw his motion to refer the bill to a committee?

Mr. CANNON. I withdraw the motion.

The Senate amendment was concurred in.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. POWERS. I rise to ask unanimous consent for the consideration of a bill.

The SPEAKER. The Chair desires to dispose of the public business which is on the Speaker's table.

HUDSON RESERVOIR AND CANAL COMPANY.

The SPEAKER laid before the House the bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company a right of way through the Gila Indian Reservation, with an amendment of the Senate thereto.

Mr. MURPHY of Arizona. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. McMILLIN. Mr. Speaker, I understand that this is a bill which was up for consideration in the early part of this week, when the statement was made that it had been recommended by the Secretary of the Interior.

Mr. MURPHY of Arizona. It is.

Mr. TERRY. What effect does the Senate amendment have?

Mr. MURPHY of Arizona. The Senate amendment strikes out section 10, providing that "the provisions of this act shall be in force from its passage." The Senate evidently regarded that as surplusage.

The amendment of the Senate was concurred in.

REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 7469) providing for the removal of snow and ice from the sidewalks, cross walks, and gutters of the District of Columbia, and for other purposes, with amendments of the Senate thereto.

Mr. RICHARDSON. Mr. Speaker, I do not see the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Committee on the District of Columbia, in his seat, but I think he wishes to have that bill referred to his committee, and I move that it be so referred.

The motion was agreed to; and the bill was referred to the Committee on the District of Columbia.

MRS. MARY A. VIEL.

The SPEAKER also laid before the House the bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel, with an amendment of the Senate thereto, reducing the pension from $25 to $12 per month.

The amendment was concurred in.

CLARA L. NICHOLS.

The SPEAKER also laid before the House the bill (H. R. 6528) to increase the pension of Clara L. Nichols, with an amendment of the Senate striking out $75 and inserting $50, making the pension at the rate of $50 per month.

The amendment was concurred in.

MIRIAM V. KENNEY.

The SPEAKER also laid before the House the bill (H. R. 3927) granting a pension to Miriam V. Kenney, with an amendment striking out $25 and inserting $12, making the pension at the rate of $12 per month.

Mr. LOUD. Mr. Speaker, I would like to inquire if the reading clerk is not making some mistake. Is the Senate really reducing these pensions? [Laughter.]

The SPEAKER. The Chair is informed that the Clerk is reading correctly. [Laughter.]

Mr. LOUD. It seems impossible.

The SPEAKER. Well, it may seem so.

Mr. BLUE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to; and the amendment was concurred in.

FRANCES M. ROBERTS.

The SPEAKER also laid before the House the bill (H. R. 3494) granting a pension to Frances M. Roberts, with an amendment of the Senate thereto.

On motion of Mr. OTJEN, the Senate amendment was concurred in.

JAMES L. WING.

The SPEAKER laid before the House the bill (H. R. 3481) granting a pension to James L. Wing, with an amendment of the Senate.

The amendment of the Senate striking out "thirty" and inserting "twenty," to make the rate of pension $20 a month, was read.

Mr. BLUE. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

JOHN LONG.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

The amendment of the Senate was read.

Mr. STEELE. Is not this a case where the House bill provided that the amendment of the soldier's military record should carry no additional pay or emolument?

Mr. LOUD. Let us have the House bill read.

The bill as passed by the House was read.

Mr. TRACEY. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

TITLE TO PUBLIC LANDS IN MISSISSIPPI.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The amendment of the Senate was read.

Mr. LACEY. I move the reference of this bill, with the amendments of the Senate, to the Committee on Public Lands. These amendments are very voluminous, and we have had no opportunity to examine them.

Mr. KYLE rose.

Mr. LACEY. If the gentleman from Mississippi [Mr. KYLE] prefers it, the bill might, by unanimous consent, remain on the Speaker's table until the amendments can be examined.

The SPEAKER. The gentleman from Iowa moves that the bill, with the amendments of the Senate, be referred to the Committee on Public Lands.

Mr. KYLE. Mr. Speaker, my colleague [Mr. WILLIAMS], who introduced this bill, is not present just now. I ask unanimous consent that the bill be allowed to remain on the Speaker's table.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill, with the amendments, be permitted to remain on the Speaker's table. Is there objection? The Chair hears none.

MRS. MARY GOULD CARR.

The SPEAKER laid before the House the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; which was read.

The SPEAKER. This bill has been returned from the Senate with the amendment of the House nonconcurred in, and the request of that body for a conference.

The amendment of the House striking out $75 and inserting $50 as the amount of the proposed pension was read.

Mr. PAYNE. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON as conferees on the part of the House.

FRANCES M. ROBERTS.

Mr. BLUE. Mr. Speaker, a few moments ago the House agreed to an amendment of the Senate to a bill pensioning the dependent daughter of a soldier of the war of 1812—House bill 3494, to pension Frances M. Roberts. When the amendment was concurred in, I did not catch fully its purport. I desire to make a motion to reconsider the vote by which the House concurred in that amendment.

The motion to reconsider was agreed to.

Mr. BLUE. I now move that the bill, with the amendment of the Senate, be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. PAYNE. I move to reconsider the several votes by which bills on the Speaker's table have been disposed of, and also move that the motion to reconsider be laid on the table.

The motion was agreed to.

TERMS OF UNITED STATES COURTS IN UTAH.

The SPEAKER laid before the House the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah; which was read.

The SPEAKER. This bill, having been amended by the House, has been returned from the Senate with the amendment disagreed to and a request for a conference.

The amendment of the Senate was read.

Mr. HENDERSON. I move that the House insist on its amendment and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BRODERICK, Mr. BURTON of Missouri, and Mr. BAILEY as conferees on the part of the House.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. EVANS], who wishes to bring up a matter of public business.

Mr. LOUD. I do not desire to disturb any arrangement which may have been made, but I call for the regular order.

Mr. EVANS. I desire to call up a privileged report.

The SPEAKER. This is the regular order.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8190) to provide an American register for the bark *Ceres;*

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898;

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

A bill (S. 638) granting an increase of pension to John Nichols;

A bill (S. 1017) granting a pension to Robert Kiracofe;

A bill (S. 1310) granting an increase of pension to Shubael Gould;

A bill (S. 1311) granting an increase of pension to Dudley F. Brown;

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough;

A bill (S. 895) for the relief of Christopher Ellis;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California;

A bill (S. 146) granting an increase of pension to Samuel C. Towne;

A bill (S. 905) granting a pension to Mary W. Keeffe;

A bill (S. 757) granting an increase of pension to Adelaide Morris;

A bill (S. 684) granting an increase of pension to Marion McKibben;

A bill (S. 2133) granting a pension to Mary E. Ely;

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight; and

A bill (S. 1787) granting a pension to Nancy T. Duncklee.

SALE OF FORFEITED OPIUM.

Mr. EVANS. Mr. Speaker, I desire to call up for present consideration a report from the Committee on Ways and Means on the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

The SPEAKER. The bill will be read.

The Clerk read as follows:

> *Be it enacted, etc.*, That section 40 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, be amended by adding at the end of said section the words "and may be sold to the highest bidder."

The Committee on Ways and Means recommend the adoption of the following amendment:

> Add to the bill: "Pursuant to the provisions of section 3460, Revised Statutes, if not valued as therein provided at over $500; but if valued at more than $500, the sale shall be made pursuant to the judgment of the court in the proceedings for condemnation or forfeiture."

The SPEAKER. This is a bill, the Chair will state, that is before the Committee of the Whole House on the state of the Union.

Mr. EVANS. I think if the report is read there will be no objection to its consideration in the House as in Committee of the Whole.

Mr. DOCKERY. Is it a unanimous report from the committee?

Mr. EVANS. It is the unanimous report of the committee.

The SPEAKER. If there be no objection, the bill will be considered in the House as in Committee of the Whole.

There was no objection.

The report (by Mr. EVANS) was read, as follows:

> The Committee on Ways and Means, having carefully considered the bill (H. R. 10203) to amend section 40 of the act of October 1, 1890, to reduce the revenue, etc., recommend that the same be passed when amended by adding thereto the words following, viz:
>
> "Pursuant to the provisions of section 3460, Revised Statutes, if not valued as therein provided at over $500, but if valued at more than $500 the sale shall be made pursuant to the judgment of the court in the proceedings for condemnation or forfeiture."
>
> They do so upon the recommendation of the Secretary of the Treasury and the Acting Commissioner of Internal Revenue in the letters which are appended, as follows:
>
> TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> *Washington, D. C., January 21, 1897.*
>
> SIR: I have the honor to transmit herewith a copy of a letter from the Acting Commissioner of Internal Revenue, dated the 18th instant, stating the embarrassment under which that office labors from the absence of specific statutory authority permitting the sale by a collector of internal revenue, to the highest bidder, of forfeited domestic prepared smoking opium, similar to the authority given collectors of customs by sections 3074 and 3077, Revised Statutes, in the case of imported smoking opium or other goods seized as forfeitable under the customs laws.
>
> As a remedy the Acting Commissioner suggests an amendment of section 40 of the act of October 1, 1890 (26 Stat. L., 621), relating to opium, by the addition of the words "and may be sold to the highest bidder."
>
> I respectfully recommend the passage of the proposed amendment.
>
> Respectfully, yours,
>
> W. E. CURTIS, *Acting Secretary.*
>
> Hon. NELSON DINGLEY,
> *Chairman Committee on Ways and Means,*
> *House of Representatives, Washington, D. C.*
>
> TREASURY DEPARTMENT,
> OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
> *Washington, D. C., January 18, 1897.*
>
> SIR: Your attention is called to an embarrassment under which this office labors from the absence of specific statutory authority permitting the sale by a collector of internal revenue, to the highest bidder, of forfeited domestic prepared smoking opium, similar to the authority given collectors of customs by sections 3074 and 3077, Revised Statutes, in the case of imported smoking opium or other goods seized as forfeitable under the customs laws.
>
> Under section 3334, Revised Statutes, amended, and other sections, goods taxable under the internal-revenue laws, sold by order of court or by the collector, under warrant of distraint or under section 3460, Revised Statutes, are required to be sold subject to tax. Usually in the case of spirits, tobacco, cigars, etc., the sale can be effected for an amount at least equal to the tax. In the case of domestic smoking opium, however, the tax of $10 per pound is prohibitory of such sale. The duty on imported smoking opium being but $6 per pound, it is impossible to sell the domestic article for $10.
>
> Crude opium is on the free list, and it was no doubt anticipated, when the internal-revenue tax of $10 was imposed on domestic smoking opium, that there would be some lawful production of the domestic manufactured article. Such has proved, however, not to be the case. Not a single lawful manufactory of domestic smoking opinion has ever been established, nor an ounce of the article produced. The unstamped smoking opium seized (on the Pacific Coast almost exclusively) is said often to be made from a small portion of the foreign article mixed with yen she, or the ashes of opium from pipes. It is of course inferior, but this office understands that it might, notwithstanding, be usually depended upon to sell for $3 or more per pound.
>
> There are now in the hands of Collector Welburn several thousand 5 tael cans of domestic smoking opium liable to forfeiture, if it could be disposed of under the law. There is no specific authority for destroying it in case it will not bring a price equal to the tax. And it would seem that it would not be good policy to require such destruction. Its discovery and seizure have been attended with considerable expense which it is desirable should be reimbursed out of the proceeds. In my opinion no valid objection can be urged to a specific provision of law authorizing the sale of such property to the highest bidder in view of the situation. The goods so sold will not take the place of lawfully manufactured domestic smoking opium, there being none.
>
> I therefore suggest that an act of Congress be sought amending section 40 of the act of October 1, 1890, relating to opium, by the addition of the words "and may be sold to the highest bidder."
>
> If such amendment should be enacted by Congress, it would be practicable to use the opium stamps heretofore prepared (none of which have ever been used) with a proper indorsement across the face of each stamp used upon a box of forfeited opium by the collector, showing the facts and date of the forfeiture, sale, etc.
>
> Respectfully, yours,
>
> G. W. WILSON,
> *Acting Commissioner.*
>
> The SECRETARY OF THE TREASURY.

The SPEAKER. The question is on agreeing to the amendment recommended by the Committee on Ways and Means.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. EVANS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. JOHNSON of Indiana. Mr. Speaker——

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The regular order has been called for, which is the call of committees for report. The Clerk will proceed with the call.

The Committee on Elections No. 2 was called.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent to take up and consider at this time in the House, as in Committee of the Whole House, the Report No. 1974, reported from Committee on Elections No. 2——

Mr. McMILLIN. Will the gentleman indicate the nature of the report?

Mr. JOHNSON of Indiana. It is a bill to repeal the statutory limitation of $2,000 allowed to contestants and contestees in election cases.

Mr. SAYERS. Mr. Speaker, let us have that bill read.

Mr. LOUD. This is on the Union Calendar?

Mr. PAYNE. If it is on the Union Calendar, it will require unanimous consent.

Mr. LOUD. Then, Mr. Speaker, I insist on the regular order.

Mr. SAYERS. I object to its consideration.

Mr. JOHNSON of Indiana. I ask that the gentleman from Texas will hear the reading of the report.

Mr. McMILLIN. I ask for the reading of the bill first, and then we can have the report, reserving the right to object.

Mr. LOUD. The Speaker has uniformly suggested that during the call of committees for reports we should confine ourselves to the consideration of measures on the House Calendar, and has invariably suggested to members who asked unanimous consent that it was not desirable to interrupt that order.

The SPEAKER. The Chair understands this is not a proposition to interrupt the order. The Chair understood the gentleman from Indiana to rise before the call of committees was commenced. The Chair, of course, does not like to interrupt either the business on the Speaker's table or the call of committees. But between them, as this is a matter of public business, the Chair thought it might be submitted to the House if there was no objection.

Mr. JOHNSON of Indiana. I had risen, Mr. Speaker, before the call of committees was commenced.

Mr. SAYERS. Well, Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. Objection is made, and it could only be considered now by unanimous consent.

DISTRIBUTION OF THE RECORD.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a report from the Committee on Printing, which I think is privileged.

The SPEAKER. The gentleman submits a privileged report.

Mr. RICHARDSON. It relates to the RECORD, and I think is privileged.

The SPEAKER. The Clerk will report the matter presented by the gentleman from Tennessee.

The Clerk read as follows:

Joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

The resolution was read, as follows:

Resolved, etc., That the Public Printer be, and is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, one copy of the daily CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct.

Mr. RICHARDSON. Mr. Speaker, this is a proposition to furnish a copy of the RECORD to the paper or papers represented by the newspaper men in the gallery here.

The SPEAKER. The Chair does not think this is privileged, but will submit the matter to the House. Is there objection?

Mr. RICHARDSON. It relates to the RECORD, and I thought it was privileged.

Mr. LOUD. If it is not privileged, I hope the gentleman will allow it to go over.

Mr. RICHARDSON. It is quite late in the session, as the gentleman knows, and if any action on this is to be taken at all, it should be taken promptly.

Mr. LOUD. That is true, but it will break the rule that we have adopted with reference to unanimous consents. If it is given in one case it would have to be given in other cases, and I feel called upon to object.

Mr. RICHARDSON. Will you hear my statement?

The SPEAKER. The Chair will hear the gentleman from Tennessee on the question of privilege.

Mr. RICHARDSON. It must be in the nature of a privileged matter, because it refers to the publication of the RECORD. But I ask its present consideration.

Mr. LOUD (continuing). I think there should be no exceptions. I will state to the gentleman from Tennessee, in unanimous consents. If it be granted to the gentleman from Tennessee, it should be granted to all other gentlemen who desire it. If it is extended to one, it should be extended to all. I think we had better proceed with the regular order first, and then go on with unanimous consents afterwards.

Mr. RICHARDSON. I only want to say a word, then. I think this is a privileged report.

The SPEAKER. If the gentleman will state his ground, the Chair will be glad to hear it. The Chair had the impression that these reports were privileged when they related to printing to be done for the members.

Mr. RICHARDSON. When they relate to printing for the two Houses or for either House or for the members, but not under that provision of the rules. Mr. Speaker. I think it is privileged under the provision of the rules that matters relating to the proceedings of the House, to the integrity of those proceedings, and questions of that kind, are privileged. This resolution relates to the printing of the daily RECORD of the proceedings of the House, and my idea was that inasmuch as the resolution disposed of the daily RECORD, directed where it should be sent, it would be in order for the House to decide at any time when presented.

The SPEAKER. The Chair hardly thinks it could come up as a question of privilege, but the Chair will recognize the gentleman later, as the objection is only as to the time. The Clerk will call the committees.

The Committee on Military Affairs was called.

Mr. HULL. Mr. Speaker——

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation to pay the Chesapeake and Ohio Railroad for the transportation of Indian pupils—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, together with the papers in the case, an additional claim under the act of July 4, 1864, and calling attention to sundry other claims transmitted—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a further reply to the House resolution of June 6, 1896, in relation to the payment of certain State bonds and stocks now belonging to the United States, under the provisions of the Indian appropriation act of August 15, 1894, with documents accompanying—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting schedules of claims amounting to $111,876.81, allowed by officers of the Treasury Department under appropriations which have been exhausted—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred bills of the following titles, reported the same with amendment, accompanied by a report; which said bills and reports were referred to the House Calendar, as follows, to wit:

The bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes. (Report No. 2816.)

The bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company. (Report No. 2817.)

Mr. PERKINS, from the Committee on Printing, to which was referred the concurrent resolution of the House (House Con. Res. No. 66) to print the chronological list of battles, reported the same without amendment, accompanied by a report (No. 2818); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred a bill and joint resolutions of the following titles, reported the same, accompanied by reports; which said bill, joint resolutions, and reports were referred to the House Calendar, as follows:

The joint resolution (S. R. 158) to amend an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes. (Report No. 2819.)

The bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia. (Report No. 2820.)

The joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C. (Report No. 2821.)

Mr. CATRON, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 9926) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant, reported the same with amendment, accompanied by a report (No. 2825); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILNES, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. Res. 212) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," reported the same without amendment, accompanied by a report (No. 2826); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5927) granting a pension to Henry A. Thoburn, of Newport, Ky. (Report No. 2822.)

The bill (H. R. 10125) for the relief of Mrs. Mary A. Dennis. (Report No. 2823.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 8596) granting a pension to William Washburn. (Report No. 2824.)

By Mr. DENNY, from the Committee on Claims:

The bill (H. R. 984) for the relief of the administrators of Isaac P. Tice, deceased, and others. (Report No. 2827.)

The bill (H. R. 9849) for the relief of J. R. Eggleston, of Hinds County, Miss. (Report No. 2828.)

The bill (S. 1336) entitled "An act for the relief of John Mellifont and Ellen Riordon." (Report No. 2832.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9918) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry. (Report No. 2829.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 2362) for the relief of Miss Eliza A. White. (Report No. 2830.)

By Mr. COX, from the Committee on Claims: The bill (S. 6) entitled "An act for the relief of P. S. Corbett." (Report No. 2831.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TATE (by request): A bill (H. R. 10259) to provide for the construction of a macadamized roadway from the town of Fort Gibson, Ind. T., to the United States national cemetery near Fort Gibson—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 10260) requiring all partnerships doing business in the District of Columbia to record with the recorder of deeds of said District the full name of each member composing the firm, etc.—to the Committee on the District of Columbia.

By Mr. CANNON: A bill (H. R. 10267) to provide for the location and erection of a branch home for disabled volunteer soldiers—to the Committee on Military Affairs.

By Mr. BABCOCK: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. McCREARY of Kentucky: A bill (H. R. 10261) for the benefit of H. S. Brannaman—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 10262) for relief of Calvin Johnson, late first lieutenant Company D, Forty-second Missouri Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 10263) for the relief of Jacob A. Paulk, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10264) for the relief of the estate of W. W. McCrary, deceased, late of Madison County, Ala.—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 10265) for the correction of the military record of Capt. Joseph H. Richards—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 10266) for the relief of William L. Jones, of Pittsburg, Pa., and others—to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of B. A. Hathaway and 158 others, doing business at the Union Stock Yards, at Chicago, Ill., protesting against the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Memorial of Storer Post, No. 1, Grand Army of the Republic, Department of New Hampshire, praying for the renewal and preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. BELKNAP: Petition of C. W. Baker, C. H. Gentry, R. C. Edwards, and other citizens of Chicago, Ill., protesting against the passage of the Sherman bill, with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of the Iowa State legislation board, Order of Railway Conductors, of Clinton, Iowa, favoring the passage of House bill No. 10090, known as "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Nicola and 15 other citizens of Nichols, Iowa, urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, resolutions of Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CURTIS of Kansas (by request): Correspondence between the Cherokee tribe of Indians and the Dawes Commission—to the Committee on Indian Affairs.

Also (by request), memorial of the Seminole Nation of Indians in regard to House bill No. 7907 and Senate bill No. 3544, to secure to the citizen Indians in the Indian Territory the equal use of their tribal lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. DANIELS: Petition of E. G. Reisterer, of Tonawanda, N. Y., praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Sundry petitions of W. J. Candlish, Percival Steel, Leo Austrian, N. M. Platke, F. F. Gazzolo, Sigmund Zeisler, C. H. Gentry, Arnold Tripp, National India Rubber Company, Prussing Cider Company, Kahn Bros., Monituck Silk Company, Cahn, Wampold & Co., and 138 other business firms and private individuals of Chicago, Ill., protesting against the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Memorial of Mrs. Fannie A. Drew, of St. Johnsbury, Vt., president of the Woman's Christian Temperance Union of Caledonia County, Vt.; also memorial of Mrs. L. D. Dyer, of Salisbury, Vt., president of the Woman's Christian Temperance Union of Addison County, Vt., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. D. Dyer, of Salisbury, Vt., president of the Woman's Christian Temperance Union of Addison County, Vt., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, petition of L. E. Humphrey, of Brattleboro, Vt., corresponding secretary of the Rutland County Woman's Christian Temperance Union, favoring the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also, petition of W. T. King and 68 others of St. Johnsbury, Vt., protesting against the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Resolutions of Master Car Builders' Association of Cedar Rapids, Iowa, in opposition to the compulsory use of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., representing 40 members, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Sundry petitions of C. W. Fisk, of Tilly Foster, N. Y.; H. L. Weed and 110 others, of Copake Iron Works, N. Y.; W. G. Monk, Henry Hitter, and others, of Fayetteville and Minoa, N. Y.; D. J. Churchill and 15 others, of Greenway, N. Y.; W. Y. Wilson and 11 others, of Geneva, N. Y.; George W. Higgins and 15 others, of Montclair, N. J.; Daniel Kent and 11 others, of Paterson, N. J.; A. E. Tregott and 9 others, of Tupper Lake, N. Y.; Frank A. Smith, of Seneca Falls, N. Y.; Charles E. Sinclair and 9 others, of Conestoga, N. Y.; A. Kelsey, of Alexander, N. Y.; Daniel Sweeney, of Attica, N. Y., and 14 others; John L. Benjamin and 12 others, of New York City; Thomas N. Harvey and 24 others, of Brooklyn, N. Y.; J. M. Cummings and others, of Hyde Park, N. Y.; G. B. Smith and others, of Cold Spring, N. Y.; M. J. Whalen and others, of Millertown, N. Y.; E. H. Sturgis and other citizens of New York City; E. J. Miller and others, of Tonawanda, N. Y.; W. C. Hoytt and others, of Yonkers, N. Y.; Levi Brownell and others, of Northville, N. Y.; J. Carroll and 20 others, of Williams Bridge, N. Y.; Gilbert W. Hoff and 22 others, of Croton, N. Y.; C. F. Campbell, of Verona, N. Y.; C. O. Baker, jr., and 21 others, of New York City; George T. Higgins and others, of Broomville, N. Y.; Joseph R. Fournils and others, of New York City and Bedford Park, N. Y.; W. O. Phelps and 9 others, of Fordham, N. Y.; H. E. Brown and 29 others of Kings Bridge, N. Y.; Willis A. Ganong and 9 others, of

Lake Mahopac, N. Y.: Edwin R. Coles and 11 others, of Yonkers, N. Y.; T. P. Wheeler and 9 others, of Mount Vernon, N. Y.; Albert K. Haynes and others, of Pauling, N. Y.; W. Deacon and 8 others, of Mount Kisco, N. Y.; J. D. Beckwith and 21 others, of Fort Plain, N. Y.; R. A. Ferguson and others, of Niagara Falls, N. Y.; W. H. Winants and 60 other merchants and jobbers, of Kansas City, Mo., and the Kansas City Transportation Bureau, praying for the passage of House bill No. 10090, known as the "antiscalpers bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Protest of F. B. Gregg and 20 other citizens of West Superior, Wis., against the passage of the Sherman bill, with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Memorial and resolutions of Pontotoc County Alliance, No. 90, Indian Territory, praying for the formation of a government for the Five Tribes of Indians—to the Committee on Indian Affairs.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Woodbury, N. J., praying for the passage of House bill No. 9515, to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Woodbury, N. J., urging the passage of the bills for the prevention of gambling (H. R. 7446 and S. 2817)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Woodbury, N. J., favoring the passage of a bill prohibiting the sale of liquors in any Government building (H. R. 7083)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Woodbury, N. J., favoring the passage of House bill No. 9676 and Senate bill No. 2485, protesting against Sunday traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCREARY of Kentucky: Papers to accompany House bill for the relief of H. S. Brannaman, of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. McDEARMON: Sundry petitions of R. W. Barton, Elias Wallis, Robert Holmes, Joseph C. Cooper, E. N. Pierce, and J. F. Peck, all of Gibson County, Tenn.; James Croman, William Warren, and Eliza McWhirter, administratrix of Charles E. McWhirter, late of Crockett County, Tenn., asking reference of their war claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. MEYER: Petition of J. C. Morris, G. W. Nott, George Q. Whitney, President Wright, and others, of New Orleans, La., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON: Sundry petitions of Nathaniel C. Comstock, Jane Carrol, Patrick Sherry, Samuel J. Stailey, Milton P. Smith, Effie Brown, Mary A. Behr, and James A. Orr, all of Shelby County, Tenn.; of Lewis Beadley, Willim Simpson, and James McMinn, all of Hawkins County, Tenn.; of Thomas B. Clifton and John Vaughn, of Hardeman County, Tenn.; of G. T. Tate, of McNairy County, Tenn.; and of Alex M. Owen, of Tipton County, Tenn., asking reference of their war claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. RICHARDSON: Sundry petitions of Lewis Parker, Ruth Owensby, Narcissa Guy, Malinda E. McGill, Henry N. Godloe, Robert D. Block, and Henry V. Savage, all of Cannon County, Tenn.; Thomas Barley, and Eli Barnes, of Lincoln County, Tenn.; John G. Anthony, Miles Bagant, John R. Speas, and Robert H. Harvey, all of Lawrence County, Tenn.; W. G. F. Underwood and Thomas Bryan, of Madison County, Tenn.; James M. Smith, of Hardin County, Tenn.; Jesse Taylor, of Perry County, Tenn.; Stephen Easton, of Decatur County, Tenn.; J. W. Croon, of Henderson County, Tenn.; Sarah Dunlap, William B. Pelant, John C. Bentley, Martin G. Williams, John Renfro, Herman M. Franklin, J. J. Shat (administrator of Margaret Kirnes, deceased), James W. Tooley, John Humes, and Mary J. Mitchell, all of Lincoln County, Tenn., and William G. McCall and Susan A. Snow, both of Giles County, Tenn., asking reference of their war claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. SHERMAN: Petition of I. F. Hayes and others, of New York City; also petition of W. F. Hynes, representing the Brotherhoods of Locomotive Engineers, Locomotive Firemen, and Railway Trainmen, and Orders of Railway Conductors and Railway Telegraphers, favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TYLER: Petition of Ross I. Leary, of Franklin, Pa., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of P. C. Van Gelder, of Lima, N. Y., favoring the bill H. R. 4566, known as the Loud bill, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Tonawanda and Niagara Falls, N. Y., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 8, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of GEORGE GRAHAM VEST, chosen by the legislature of Missouri a Senator from that State for the term beginning March 4, 1897; which were read and ordered to be filed.

MONUMENT TO GEORGE WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Col. John M. Wilson, Corps of Engineers, United States Army, dated January 28, 1897, reporting the completion of the work with which he has been intrusted, concerning the erection of the monument to mark the birthplace of Gen. George Washington at Wakefield, Va.; which, with the accompanying paper, was referred to the Committee on the Library, and ordered to be printed.

LINCOLN MEMORIAL ASSOCIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Memorial Association of the District of Columbia, Chief Justice Melville W. Fuller, president, relative to the house, No. 516 Tenth street NW., in which Abraham Lincoln died, and requesting that the sum of $5,000 be appropriated for the care and maintenance of the building, and for the appointment of a custodian, and that the building be placed in the charge of that association; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

GRAIN RATES AT MISSOURI RIVER POINTS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 18th ultimo, the oral testimony taken by that Commission in the investigation of grain rates at Missouri River points; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 897) for the relief of James Stewart;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation; and

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

The message also announced that the House insisted upon its amendments to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRODERICK, Mr. BURTON of Missouri, and Mr. BAILEY managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at a convention of the National Defense Association, held at Tampa, Fla., January 20, 1897, favoring the enactment of the so-called Lamont bill, providing for a reorganization of the Army of the United States; which were referred to the Committee on Military Affairs.

Mr. SHERMAN presented a memorial of sundry citizens of Shawnee, Ohio, and a memorial of sundry citizens of Amesville, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of 242 residents of Fenton, Genesee County, Mich.; a petition of the Christian Endeavor Society of the First Congregational Church of Laingsburg, Mich., and a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of Park Davis & Co., manufacturing chemists, of Detroit, Mich., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of Mrs. Bellé C. Bowley, State superintendent of the Loyal Temperance Union, of Wyandotte, Mich., praying for the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of J. W. Babson, president, and other members of the East Washington Citizens' Association, of the District of Columbia, praying that the Library of Congress be opened to the public from 9 a. m. to 10 p. m., Sundays and legal holidays excepted; which was referred to the Committee on the Library.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of Rev. John J. Carman, representing the Ministers' Conference, of Sault Ste. Marie, Mich.; of E. C. Warriner, principal, and 17 teachers of the high school of Saginaw East Side; of the Froebel Study Club, of Grand Rapids, Mich., and of the Literary Club of St. Louis, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of E. L. Bates, publisher of the News, of Pentwater; of Edwin W. Mason, publisher of the Lapeer County Enterprise, of Otter Lake; of Scarritt & Sternewold, publishers of the Post, of Hudson; of E. T. Kellogg, publisher of the Durand Express, of Durand; of Frank S. Neal, publisher of the Record, of Northville, and of Axel G. Burman, publisher of the Michigan Advance, of Cadillac, all in the State of Michigan, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Eugene H. Swain and 17 other citizens of Bad Axe; of J. T. Crosby and 23 other citizens of Milford, and of D. Swinton and 26 other citizens of Saginaw, all in the State of Michigan, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the legislature of Minnesota, praying for the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.; which was read, and referred to the Committee on Military Affairs, as follows:

A joint resolution memorializing the Congress of the United States to establish a new national military park at Vicksburg, Miss.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Minnesota has an especial interest in this bill for the reason that of her gallant soldiers three regiments of infantry and one battery of artillery participated in the operations it is intended to commemorate: Therefore

The legislature of the State of Minnesota, by this concurrent resolution, asks that the above-named bill (H. R. 4339) be passed during this session of Congress, and requests the Senators and Members of the House of Representatives in Congress from Minnesota to labor earnestly for its passage; and the secretary of state is hereby directed to send a copy of this resolution to the Senators and Members of the House of Representatives from Minnesota; to the Hon. THOMAS B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. T. HULL, chairman of the House Committee on Military Affairs.

J. D. JONES,
Speaker of the House of Representatives.
JOHN L. GIBBS,
President of the Senate.

Approved this 5th day of February, 1897.

D. M. CLOUGH, *Governor.*

STATE OF MINNESOTA, *Department of State:*

I, Albert Berg, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original act in my office, H. R. No. 59, a joint resolution memorializing Congress to establish a new national military park at Vicksburg, Miss., duly approved February 5, 1897, and that said copy is a true and correct transcript of said original act and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol in St. Paul, this 5th day of February, A. D. 1897.

ALBERT BERG,
Secretary of State.

Mr. PETTIGREW presented a petition of the Woman's Christian Temperance Union of the Congregational and Christian churches of Carthage, S. Dak., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of the Congregational and Christian churches of Carthage, S. Dak., praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of the Philadelphia Maritime Exchange, of Philadelphia, Pa., remonstrating against the passage of Senate bill 3232, known as the discriminating-duty bill; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

THE PHILADELPHIA MARITIME EXCHANGE.

Protest against the passage of the bill (S. 3232) known as discriminating-duty bill.

To the honorable the Senate of the United States:

The Philadelphia Maritime Exchange respectfully and most earnestly memorialize your honorable body against the passage of a certain bill, to wit, S. 3232, known as the discriminating-duty bill.

This bill provides that a duty of 10 per cent ad valorem, in addition to the duties now imposed by law, shall be levied on all goods imported in ships not of the United States, and that any and all clauses in existing treaties in contravention thereto be abrogated and repealed.

In the opinion of the Philadelphia Maritime Exchange the provisions of this bill, if enacted into law, would be disastrous to American shipping, and, instead of having the effect sought to be accomplished, would destroy rather than build up the American merchant marine. The discriminating duty would encourage importations into the United States by rail, and thus not only build up foreign lines running to Canadian and Mexican ports, but also, by shutting out foreign steamers at San Francisco, drive traffic from the American transcontinental railways to the Canadian Pacific Railway.

The abrogation of some thirty-seven treaties with foreign nations, for it is reasonable to assume that no government would consent to strike out one section and allow the balance of the treaty to remain in force, would disrupt our trade relations with the maritime powers of the world, and the disastrous effect of such disturbance can not be overestimated. Should foreign governments retaliate, which seems not unlikely, by putting a tax, say, of 10 per cent on all goods imported into their countries in vessels of the United States, the loss on outward cargoes, now carried by American vessels, would more than offset the gain on any probable amount of homeward cargo, as it is well known that the most profitable freights to the shipowner are the eastward, and not the westward ones. Many steamers come to this country in ballast, depending entirely upon the eastward-bound cargo for their voyage earnings.

The protection sought to be given to the American shipowner by the proposed tax of 10 per cent on the value of the merchandise carried would be most unequally distributed. On a cargo of iron ore the tax would amount to about 20 per cent of the freight, while on a cargo of sugar or tobacco it would be fully 30 per cent; on corn it would be 50 per cent; on provisions, 200 per cent, and so on, discriminating between shipowners in the first instance to the extent of giving fifteen times as much protection to one as to the other. In high-valued merchandise, such as silks, etc., this unjust discrimination would be still more appalling.

For reasons set forth, the Philadelphia Maritime Exchange believes that the proposed legislation would inure to the detriment of American shipowners and work harm to American commerce, and therefore most earnestly petitions your honorable body against the passage of bill S. 822.

By order of the board of directors.

GEO. E. EARNSHAW, *President*.

Attest:
W. S. HARWOOD, *Secretary*.

PHILADELPHIA, *February 3, 1897*.

Mr. CAMERON presented a petition of the Woman's Christian Temperance Union of West Chester, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Bucks Quarterly Meeting of Friends, of Newtown, Pa., and a petition of the Christian Endeavor Society of the Presbyterian Church of Claysville, Pa., praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of Sedgwick Post, No. 42, Department of Pennsylvania, Grand Army of the Republic, of Lebanon, Pa., and a petition of Lieutenant S. C. Potts Post, No. 62, Department of Pennsylvania, Grand Army of the Republic, of Altoona, Pa., praying for the passage of House bill No. 9209, granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion; which were referred to the Committee on Pensions.

He also presented the memorial of Mrs. C. Frank and sundry other citizens of Erie, Pa., and the memorial of George S. Owens and sundry other citizens of Greensburg, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Fink & Stockberger, publishers of the Advance, of Latrobe; of Pooley Bros., of Philadelphia; of Charles H. Fischer, of Philadelphia, and of the National Board of Trade of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Young People's Society of Christian Endeavor of Claysville; of Robert McLaughlin and sundry other citizens of Allegheny County; of the Philanthropic Labor of Bucks Quarterly Meeting of Friends, of Newtown; of Charles H. Brown and sundry other citizens of Pittsburg; of the Methodist Episcopal Preachers' Meeting of Pittsburg; of Charles E. St. John and sundry other citizens of Allegheny County; of William J. Skillman, of Philadelphia; of the Conference of Baptist Ministers of Philadelphia; of the faculty and students of the Moravian Seminary and College for Women, of Bethlehem, all in the State of Pennsylvania, and of the Thomas Davis Club, of New York, N. Y., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of John A. McCann and sundry other citizens of Newcastle Hundred, Newcastle County, Del., praying for the appointment by Congress of a joint commission to inquire into the existing political conditions in Delaware; which was referred to the Committee on Privileges and Elections.

Mr. GEAR presented a petition of the Young People's Society of Christian Endeavor of the Congregational Church of Keokuk, Iowa, and a petition of 58 members of the Young People's Society of Christian Endeavor of Troy, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petitions of C. J. Wonser, publisher of the Tama Herald, of Tama; of J. H. Pearson, publisher of the Clipper, of Ainsworth; of J. C. Adams, publisher of the Howard County Times, of Cresco; of S. L. Lewis, publisher of the Patriot, of Chariton; of S. W. Young, publisher of the Herald, of Henderson, and of D. W. Butts, publisher of the Independent, of Little Sioux, all in the State of Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Montezuma, Iowa, and a memorial of sundry citizens of Hedrick, Iowa, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a memorial of the board of health of New Jersey, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of James D. Flynn, publisher of the Register, of Bordentown, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Richard Hering and 27 other citizens of South River, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Woodbury, N. J., and a petition of the Woman's Christian Temperance Union of Brigantine, N. J., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Woodbury; of members of the Second Presbyterian Church, of Camden; of members of the Ferry Avenue Methodist Episcopal Church, of Camden; of members of the Seventh Baptist Church, of Camden; of members of the Linden Baptist Church, of Camden, and of members of the Emmanuel Baptist Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Woodbury; of members of the Seventh Baptist Church, of Camden; of members of the Centenary Methodist Episcopal Church, of Camden, and of members of the Kaighn Avenue Methodist Episcopal Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Woodbury; of members of the Second Presbyterian Church, of Camden; of members of the Kaighn Avenue Methodist Episcopal Church, of Camden, and of the Woman's Christian Temperance Union of Burlington County, all in the State of New Jersey, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Citizenship Union of Camden, N. J., and a petition of the Woman's Christian Temperance Union of Burlington County, N. J., praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were ordered to lie on the table.

Mr. PEFFER presented the petition of R. M. Chilcott, publisher of the Times, of Wamego; of Matt. Thomson, publisher of the Signal, of Alma; of Clinton J. Moore, publisher of the Oketo Herald, of Oketo; of W. D. Wilkinson, publisher of the Advocate, of Ellsworth, all in the State of Kansas, and a petition of the M. T. Richardson Company, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Union of the Pilgrim Congregational Church, of Paola, Kans., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Rev. Christian Krehbiel, elder, and sundry other members of the First Mennonite Church of Halstead, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. LODGE presented a petition of the First Congregational Church of Hyde Park, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of members of the Bar Association of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain without amendment; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Salem, Mass., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Thomas Davis Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BURROWS presented petitions of the First Baptist Church of Detroit, of the Ministers' Conference of Sault Ste. Marie, and of members of the St. Louis Literary Club, of St. Louis, all in the State of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry Christian Endeavorers and Temperance Workers of Richmond, Mich., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of L. X. Goulet & Son, publishers of the Osceola County Democrat, of Reed City; of Byron C. Armstrong, publisher of the Vidette, of Homer; of Charles F. Gee, publisher of the Imlay City Times and Dryden Review, of Imlay City; of E. L. Bates, publisher of the News, of Pentwater; of A. B. Smith, publisher of the Leader, of Milan; of Mrs. L. T. Tuttle, on behalf of 100 representative women of Lapeer; of Axel G. Burman, publisher of the Michigan Advance, of Cadillac; of J. Howard Edwards, proprietor of the Colon Express, of Colon; of Leo E. Palmer, publisher of the Copemish Courier, of Copemish, all in the State of Michigan, and a petition of the Fergus Falls Chamber of Commerce, of Fergus Falls, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS. I present the petitions of J. T. Stevens and 30 other citizens of Lockwood, Kent County; of E. R. Sipple and 26 other citizens of Clayton, Kent County; of William H. Moore and 27 other citizens of Kenton, Kent County; of John Moore and 14 other citizens of Cheswold, Kent County, and of F. A. Raynard and 27 other colored citizens of Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. NELSON presented a petition of the Minnesota State Woman's Christian Temperance Union, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Minneapolis Methodist Preachers' Meeting, of Minneapolis, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry publishers of Minneapolis and St. Paul, in the State of Minnesota, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Minnesota, praying for the enactment of legislation to establish a new national military park at Vicksburg, Miss.; which was referred to the Committee on Military Affairs.

Mr. THURSTON presented a petition of the Commercial Club, of Omaha, Nebr., praying for the passage of House bill No. 10090, to amend the interstate-commerce law, providing for the redemption by common carriers of unused tickets; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., praying for the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., praying for the passage of Senate bill No. 2846, prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of Charles K. Ott, publisher of the Burt County Herald, of Tekamah; of J. D. Stein & Son, publishers of the Daily and Weekly Journal, of Superior; of H. H. Campbell, publisher of the Osceola Record, of Osceola, and of J. C. Newsom, publisher of the Republican, of North Bend, all in the State of Nebraska, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of George A. Howe and sundry other citizens of York, of W. H. Sheppard and sundry other citizens of Rising City, and of Capt. A. Pearson and sundry other citizens of Pawnee City, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the petition of Rev. Judson B. Bryant, pastor of the Baptist church, and 68 other members of the Baptist Christian Endeavor Society of Wayne, Me., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin. I present a petition of the legislature of Wisconsin, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg. A copy of this joint resolution was presented by my colleague [Mr. VILAS] on Saturday last and was read at the desk. I move that the copy I now present be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. MITCHELL of Wisconsin presented petitions of Carl Fehlandt, publisher of the Zeitung, of Fort Washington; of H. L. Brome, publisher of the Darlington Journal; of C. N. Johnson, publisher of the Advocate, of Merrill; of H. E. Zimmermann, publisher of the Standard-Democrat, of Burlington, and of J. H. Waggoner, publisher of the Oconto County Reporter, of Oconto, all in the State of Wisconsin, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of P. H. Barry, adjutant-general of the Nebraska National Guard, of Lincoln, Nebr., praying for the enactment of legislation for the relief of Miles F. Durkee, late private of Company B, First Battalion Twelfth United States Infantry, from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the passage of House bill No. 10090, to amend the interstate-commerce law, providing for the redemption by common carriers of unused tickets; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of E. S. Cloyer and sundry other citizens of Schuyler, Nebr., and the memorial of J. C. Barnes and sundry other citizens of Dawson County, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. S. Brown and sundry other citizens of Hamilton County, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the officers of the Polish-American organizations and representatives of the Polish-American press of the United States, praying that the immigration bill be so amended as to admit Poles into the United States; which was ordered to lie on the table.

He also presented the petition of Robert Kittle, of Fremont, Nebr., praying for the passage of Senate bill No. 3278, for the relief of the Samburn Town Site Company, of Fremont; which was referred to the Committee on Public Lands.

He also presented the petition of Bigheart, ex-chief of the Osage Indians, of Pawhuska, Ind. T., praying that the Indian appropriation bill be so amended as to repeal that portion of the clause granting citizenship to the Osage Indians; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Commercial Club of Lincoln, Nebr.; the petition of Harpoolsky, publisher of the Pritel Lidu, of Wilber, Nebr., and the petition of J. D. Stern & Son, publishers of the Daily and Weekly Journal, of Superior, Nebr., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of the Wisconsin Cranberry Growers' Association, praying that the European cranberry be included in our next tariff schedule, and that a reciprocity trade with Canada be opened up by a treaty providing for the importation of our berries free into that country; which was referred to the Committee on Finance.

Mr. VEST presented a petition of the Engineers' Club of St. Louis, Mo., praying for the adoption of an amendment to section 2 of House bill No. 9492, so as to provide for surveys, examination, and investigations, topographical, hydrographical, and hydrometrical, from Cubitts Gap to the Gulf of Mexico, with a view to selecting the best route for improvement as a deep-water channel and the best form of construction thereof; which was referred to the Committee on Commerce.

Mr. PALMER presented a memorial of the College Chronicle, of Naperville, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Peoria County Pomona Grange, of Dunlap, Ill., praying for the establishment of Government postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Palestine News, of Palestine, Ill., and the petition of Cad Allard, publisher of the Evening Star and Star of the West, of Beardstown, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented the petitions of the publishers of the Howard County Times, of Casco; the Times, of Vinton; the Britt News, of Britt; the Eureka, of Anomora; the Times, of Kingsley; the Montgomery County Call, of Stanton; the Independent, of Humboldt; the Independent, of Little Sioux; the Tama Herald, of Tama; the Osceola County Tribune, of Sibley; the Herald, of Henderson, and the Patriot, of Chariton, all in the State of Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club, of Omaha, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of American citizens, members of Polish-American organizations and representatives of the Polish-American press, praying for the adoption of certain amendments to the immigration bill as passed by the House before final action is taken upon the bill by the Senate; which was ordered to lie on the table.

He also presented a petition of Clinton Division, No. 33, Order of Railway Conductors, of Clinton, Iowa, praying for the passage of the so-called antiscalping bill; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of Waterloo, Oakland, and Belmont, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN presented a petition of the legislature of South Carolina, praying Congress to recognize the independence of Cuba; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION.

Whereas it is proper that this State, founded in revolution and owing its liberties to the devotion and sacrifices of rebels against foreign and royal rule, should declare itself upon the struggle of an American people for relief from oppressions far greater than those against which Marion, Sumter, and Rutledge contended:

Resolved by the house of representatives (the senate concurring), 1. That the general assembly of South Carolina expresses its hearty sympathy with the people of Cuba in their gallant contest for independence.

2. That in the opinion of this body the successful maintenance of the cause of the republic for two years, resulting in its present practical control of the entire island outside of the heavily garrisoned cities and towns, warrants its recognition as a sovereign power, holding the territory it claims and administering its government.

3. That copies of these resolutions be forwarded to the Senators and Representatives of South Carolina in Congress.

LEGISLATIVE DEPARTMENT, HOUSE OF REPRESENTATIVES,
Columbia, S. C., January 28, 1897.

SIR: I have the honor herewith to transmit to you the inclosed concurrent resolution adopted by the general assembly of South Carolina at its present session.

Very respectfully,
J. W. GRAY,
Clerk of the House.

Hon. B. R. TILLMAN,
Senate Chamber, Washington, D. C.

Mr. PASCO presented the memorial of Charles H. Walton, editor of the Indian River Advocate, of Titusville, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the senior and junior branches of the Christian Endeavor societies of Marlboro and Troy, and of the Epworth League and the Young People's Union of Marlboro, all in the State of New Hampshire, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Portsmouth, N. H., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. WALTHALL presented the petitions of M. C. Haynie, publisher of the Brooksville Pioneer; of J. J. Haynie, manager of the East Mississippi Tribune, and of M. C. Haynie, publisher of the Mashulaville Gazette, all in the State of Mississippi, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present sundry petitions of citizens of Missouri in favor of the passage of the Loud bill. They are all in the usual stereotyped, printed form, with one or two signatures to each. I move that the petitions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. I also present a memorial quite numerously signed remonstrating against the passage of the Loud bill. It is the memorial of W. A. Russell, Samuel E. Thompson, and others, of Tarkio, Atchison County, Mo. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. I also present a petition of Ozark Division, No. 30, Order of Railway Conductors, of Springfield, Mo., in favor of Senate bill 3544, amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. MURPHY presented petitions of sundry members of the Methodist Episcopal church, of Albany; of the Association of the Methodist Episcopal Ministers of Rochester, and of sundry citizens of Keeseville, all in the State of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Sag Harbor, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Lakewood; of M. J. Madigan, editor of the Catholic News, of New York City; of Victor Dworsak, editor of the Katholisches Volksblatt, of New York; of publisher of the Catholic News, of New York; of the Catholic News Publishing Company, of New York; of William T. Comstock, publisher of Architecture and Building, of New York; of W. E. Churchill, publisher of the Republican, of Weedsport; of Thomas J. Blain, publisher of the Enterprise, of Port Chester; of George F. Darrow, publisher of the Advance, of Ogdensburg; of Judson Howden, publisher of the Observer, of Fillmore; of J. R. McCormick, publisher of Giddes-Solway Mail, of Solway; of James L. Taylor, publisher of the Dobbs Ferry Register, of Dobbs Ferry; of the Brewers' Journal, of New York City; of F. W. Shepperd, publisher of the Contract News, Fire and Water, etc., of New York City; of the New York Lumber Trade Journal; of M. T. Richardson & Co., publishers of the Boots and Shoes Weekly, the Blacksmith and Wheelwright, and the Amateur Sportsman, of New York; of W. J. Johnston, publisher of the Electrical World, of New York City; of Walter B. Sheppard, publisher of the Democrat, of Penn Yan; of E. M. Lansing, publisher of the Weekly News, of Chester; of J. E. Seward, publisher of the Coal Trade Journal, of New York; of David Williams, publisher of the Iron Age, of New York, and of G. Harry Abbott, publisher of the Cloak and Suit Review, of New York, all in the State of New York, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAFFERY presented sundry petitions of citizens of New Orleans, La., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. ALDRICH presented a petition of the Rhode Island Woman's Christian Temperance Union, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Pawtucket Business Men's Association, of Pawtucket, R. I., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Hope, R. I., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist Young People's Union and the Epworth League, of Wickford, R. I., and a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Baptist Young People's Union and the Epworth League, of Wickford, R. I., and a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the appointment of an impartial, nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union, of Rhode Island, and the Epworth League and the Baptist Young People's Union of Wickford, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Epworth League and the Baptist Young People's Union of Wickford, R. I.; of the Woman's Christian Temperance Union of Rhode Island, and a petition of the Baltimore Yearly Meeting of Friends, of Baltimore, Md., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the District of Columbia; which were ordered to lie on the table.

Mr. GRAY presented a petition of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HAWLEY presented the petition of Mrs. A. H. Hurd and other members of the Literary Club of New Haven, Conn., favoring the arbitration treaty; which was ordered to lie on the table.

He also presented the memorial of O. B. Morgan and 26 other citizens of Stamford, Conn., remonstrating against the passage of the so called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 65 members of the Woman's Christian Temperance Union of Stonington, Conn., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Pawcatuck, Conn., and a petition of the Woman's Christian Temperance Union of Plantsville, Conn., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. BAKER presented the petitions of Clinton J. Moore, publisher of the Oketo Herald, of Oketo; of Matt. Thomson, publisher of the Signal, of Alma; of F. E. Young, publisher of the Western News, of Stockton; of J. M. Cavaness, publisher of the Chitopa Advance, of Chitopa; of W. D. Wilkerson, publisher of the Advocate, of Elmwood; of I. J. C. Guy, proprietor of the Syracuse Republican, and of W. D. Guarom, publisher of the Republican, of Paota, all in the State of Kansas, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Cherryvale, Kans., and a memorial of sundry citizens of Cawker City, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of J. K. Morgan, publisher of the Register, of Neodesha; of Arthur Copper, publisher of the Mail and Breeze, of Topeka; of L. S. Roby, publisher of the Kansas Endeavorer, of Topeka; of N. H. Harmon, C. B. Harmon, and J. P. Zimmerman, publishers of Farmers' Vindicator, of Valley Falls; of W. P. Morrison, publisher of Central Kansas Democrat, of Sterling; of F. W. Arnold, publisher of Empire, of Alton; of Mark Cromwell, editor and publisher of Cromwell's Kansas Mirror, of Kansas City; of George Harman, publisher of the Times, of Oskaloosa; of J. W. Somers, publisher of the New Era, of Spring Hill; of A. F. McCarty, publisher of the Enterprise, of Elsmore; of the Southwestern Farmer Company, publishers of the Southwestern Farmer and American Horticulturist, of Wichita; of C. B. Walker, publisher of Educational Echo, of Norton; of H. J. and C. A. Calnan, publishers of the Courier, of Fairview; of Galen R. Hickok, publisher of the Globe, of Wellsville; of Levi L. Alrich, publisher of Public Record, of Cawker City; of O. O. Outcalt, publisher of the Burlington Courier, of Burlington; of Frank H. McIvor, editor of the Sentinel, of Hoxin; of D. E. Sanders, publisher of the Normal Journal, of Fort Scott; of T. B. Murdock, publisher of Daily and Weekly Republican, of El Dorado; of James M. Jones, publisher of the Seneca News, of Seneca; of C. G. Price, publisher of Severyite, of Severy; of C. E. Moore, publisher of the Republican, of Cherryvale; of H. W. Young, publisher of Star and Kansan, of Independence; of Sanford Topping, publisher of Assembly Herald, of Ottawa; of Ed. F. Haberlein, publisher of Game and Shooting, of McPherson, and of George C. Armstrong, publisher of the Republican, of Moline, all in the State of Kansas, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Channon-Emery Stove Company, of Quincy, Ill., and a petition of Nichols & Sinnock, of Quincy, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of Walter J. Miller, publisher of the College Chronicle, of Naperville, Ill., and the memorial of E. G. Metlack, of Red Bud, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Rockford, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Peoria County Pomona Grange, No. 33, of Peoria, Ill., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Modern Woodmen of America, of Greenville, Ill., and a petition of the Order of the Supreme Tribe of Ben Hur, of Crawfordsville, Ind., praying for the passage of the so-called Linton bill, regulating fraternal beneficiary societies; which were ordered to lie on the table.

He also presented a memorial of the Thomas Davis Club, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Presbytery of Chicago; of the pupils of the Brookfield district school, of Lasalle County, and of sundry citizens of Monmouth and Wheaton, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of R. S. Russell, publisher of the Leader, of Kirkwood, Ill.; of Cad Allard, publisher of the Evening Star, of Beardstown, Ill.; of the Galena Gazette, A. W. Glessner, president; of C. A. Whitney, publisher of the Suburban News, of Lagrange, Ill.; of B. J. Beardsley, publisher of the Telephone, of Princeville, Ill.; of H. W. Jones, publisher of the Independent, of Ipava, Ill.; of John R. Marshall, publisher of the Kendall County Record, of Yorkville, Ill.; of A. W. Ambrose, editor of the Palestine News, of Palestine, Ill., and of H. S. Rich & Co., publishers of the Western Brewer, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Edward Snyder and sundry other citizens of Urbana, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of O. R. Brouse, editor of the Golden Censer, of Rockford, Ill., praying for the adoption of certain amendments to the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of C. E. Brown and sundry other citizens of Bloomington, Ill., praying for the enactment of legislation reclassifying railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Odell, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, and for the enactment of legislation regulating the sale of intoxicating liquors in the District of Columbia; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Maysville, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. BLANCHARD presented the petitions of W. G. Kentzel, publisher of the St. Tammany Farmer, of Covington; of H. A. Garrett, publisher of the Tensas Gazette; of I. Jaupt, and of Wilbur H. Kramer, publisher of the St. Mary Optic, of Patterson, all in the State of Louisiana, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Erin, Tenn., and a petition of the Young People's Society of Christian Endeavor of Troy, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. HOAR presented the petition of C. O. Prescott and sundry other citizens of Milton, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of East Brookfield, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the two amendments submitted by himself on the 2d and 4th instants, intended to be proposed to the

District appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893, reported it without amendment.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. CANNON on the 5th instant, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. THURSTON, from the Select Committee on International Expositions, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COURTS IN TEXAS—VETO MESSAGE.

Mr. DANIEL. I am instructed by the Committee on the Judiciary, to whom were referred the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for holding the terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, and the objections of the President thereto, to report it back with the recommendation that the bill do pass, the objections of the President to the contrary notwithstanding. I submit a written report thereon. It is a privileged matter, and I ask that the question be now taken.

Mr. MILLS. It is a question of privilege, and I ask that it may be submitted to the Senate.

The VICE-PRESIDENT. The question is, Shall the bill pass——

Mr. GALLINGER. I should like to hear the veto message read.

The VICE-PRESIDENT. The Chair will first state the question. Shall the bill now pass, the objections of the President to the contrary notwithstanding? The bill and message will be read at length.

The Secretary read the bill.

The VICE-PRESIDENT. The message of the President will be read at length.

The Secretary read as follows:

To the House of Representatives:

I return herewith without my approval House bill No. 9469, entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court."

It appears that terms of court are now held at four different places within the eastern judicial district of Texas, and that parties having business in the courts are not seriously inconvenienced under present arrangements.

Both the Federal judge and district attorney in this district express themselves in opposition to the bill as unnecessary and an interruption to the transaction of the large volume of business now pending and constantly coming before the court.

I have before me certificates of the clerks of the present divisions of the courts showing that during the last five years the counties which it is proposed shall constitute the new division have contributed but forty-two cases to the calendars of the court.

Conclusive proof is also before me that the additional terms of court provided for in this bill would so interfere with the terms already appointed in the existing divisions that the proper administration of the civil as well as the criminal law would be impracticable.

The criminal docket of the terms held at Paris is so large that under present arrangements and with the utmost industry trials can not now be as promptly disposed of as the ends of justice require. This condition would be further aggravated if terms of the court should be held at Beaumont on the dates proposed in this bill, since they are fixed at such times as to necessarily curtail the period now devoted to the Paris terms.

On the grounds stated, and because I am unable to discover how the public interests can possibly be promoted by the proposed legislation, I am constrained to withhold my approval of the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 12, 1897.*

Mr. MILLS. Let the report be read. There is a report submitted by the Senate Committee on the Judiciary.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report this day submitted by Mr. DANIEL, as follows:

The Committee on the Judiciary have had under consideration House bill 9469, "To constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court," and report the same to the Senate with the recommendation that it do pass, the objections of the President to the contrary notwithstanding.

This bill was passed by the House of Representatives after a unanimous report in its favor by the Judiciary Committee of that body. It was sent to the Senate and referred to the Judiciary Committee, from which it was reported favorably and passed the Senate. It was then presented to the President for his approval and returned to the House with objections. It was again referred to the Judiciary Committee of the House for reconsideration; and having been reconsidered, was again reported favorably, and the House on reconsideration passed the bill by the constitutional majority of two-thirds. It again came to the Senate with the objections of the President, and was again referred to the Judiciary Committee of the Senate for reconsideration; and the committee report that they have carefully considered the objections of the President and report the bill back to the Senate with the recommendation that it do pass, the objections of the President to the contrary notwithstanding. Beaumont, the point at which the court is to be held, is in the southeastern part of the State. It is in the eastern judicial district of Texas. There are now four places of holding courts in that district—one at Paris, on the northern border of the State; one at Jefferson, on the eastern border in the northern part of the district; one at Tyler, in the central portion of the north half of the district, and one at Galveston, in the southwestern part of the district. There are nine counties of the district where process is now returnable to Galveston, and the persons who may be required to attend that court—from most of them—must go through Beaumont to reach Galveston either by land or water. Two of the eleven counties are returnable to Tyler under existing law, and they would be accommodated by the change proposed. The committee believe that, among other considerations, the convenience of the people who are compelled to attend the courts, either as parties, witnesses, or jurors, ought to be consulted, and while it may be true that up to the present time there has not been a large amount of litigation arising in the counties made returnable to Beaumont, it would be a convenience to the people of those counties. Besides, within a few years there has grown up a very considerable industry at Beaumont and in its vicinity. The removing of obstructions to the navigation of Sabine Pass has opened a way to market for the product of the immense pineries of southeast Texas, and that section of the State is increasing in population and wealth as a consequence of the improvement of its commercial facilities. The people in the locality of Beaumont who now have to attend court must go either to Tyler or Galveston. The first is 175 miles and the other 135 miles distant. There can be none, or a very trifling additional expense incurred, and the committee think that the convenience of the people interested outweighs the objections interposed by the President.

Mr. MILLS. Mr. President, I wish to have the attention of the Senate for a few moments, and for only a few moments. I will state that this is a bill authorizing the judge of the eastern district of Texas to hold a term of court at Beaumont. The bill when introduced in the House of Representatives was referred to the Judiciary Committee, indorsed by that committee, reported to the House, and passed by the House of Representatives. It was sent here. It was referred to the Judiciary Committee of this body, and was reported favorably by the Judiciary Committee. It passed this body, and was sent to the President.

The President returned the bill to the House of Representatives with his objections. The House referred his objections and the bill again to the Committee on the Judiciary of that body. The bill was reconsidered with the President's objections, reported back favorably, and notwithstanding those objections the House by the constitutional majority passed the bill. It was again sent to the Senate, and the Senate referred it again to its Judiciary Committee for reconsideration. The Senate Judiciary Committee this morning, after having reconsidered it, report it back with the recommendation that the bill should pass, notwithstanding the President's objections.

Mr. President, the burden of the President's objection is that the judge of the court, the marshal, the district attorney, and the clerk are opposed to the bill. When I first came to Congress, twenty-four years ago, there were three Federal courts in the State of Texas, with 274,000 square miles of territory in the State. I began to ask Congress to pass bills to distribute the courts, to place them nearer to the people. I think in every single instance where I and the other Representatives of Texas asked that that should be done we met the opposition of the judge, the marshal, the district attorney, and the clerk, who think that their convenience ought to be consulted instead of the convenience of the people. It is strange to me that the President does not consult the fifteen members sent here by Texas, thirteen in the other branch and two in this, but consults alone the interests of the people of Texas as they are represented to him by the judge, the district attorney, the marshal, and the clerk.

I hope that the Senate will pass the bill.

Mr. HOAR. Mr. President, I think the Senator from Texas does great injustice to the President in stating that the President's reason for opposition to the bill is that the judge, the district attorney, and the clerk do not like it. The President's reason for opposition to the bill is a very strong one indeed. It is that in the district where the court is to be held there have been but forty-two cases in five years for decision in the United States court. I think that is a good, strong, honest reason, which ought to be considered, and considering it as a good, strong, honest reason, I propose to support the bill, and why? I propose to support the bill because, while there is not a great deal of business, there is a rapidly growing community where there must be a great deal more. There are important railroads now starting; there are business interests arising under United States laws, and there are controversies likely to come up there of importance, where the impartiality which the Constitution secures in the interests of citizens of the different States ought to be preserved.

I think also, as the Senator from Texas has said has been his own action, that it is very important indeed, as a matter of public policy, that the United States courts should be multiplied within reasonable bounds; that they should be brought close to the people. I understand (the Senator from Texas will correct me if I am wrong) that the nearest place to this town where a United States court is now held is about 130 miles off.

Mr. MILLS. One hundred and thirty-five miles.

Mr. HOAR. It is 135 miles off.

Mr. MILLS. And the next one is 175 miles.

Mr. HOAR. Now, it is not wise to compel persons charged with small offenses, it is not wise to compel persons who are accused of violating patents, it is not wise to compel persons who, if we have a bankruptcy law, will be interested in bankrupt estates, to have to travel that distance from their homes to get justice. The United States ought, within reasonable limits, to carry its justice to every man's door, as we carry the mails to every man's door.

The prejudice against the great constitutional power and the prejudice against the great constitutional rights created by the United States Constitution in many quarters and in many parts of the country, when you come to find out its origin, arises from the fact that the people do not like to be dragged for justice, especially by their antagonists, over great spaces to places that are strange to them. The United States ought to have its trials in the vicinage.

And so, not sharing the objection of the Senator from Texas to the President's reasons, I think the President's reasons are outweighed by better and stronger reasons on the other side, and I shall earnestly support the bill.

Mr. MILLS. The Senator from Massachusetts has supported what I said. The President did make his objections to the bill because the judge was opposed to it, because the marshal was opposed to it, because the district attorney was opposed to it, and because the clerk was opposed to it; and he did add the additional reason which the Senator from Massachusetts speaks of. But the Senator from Massachusetts has shown that he knows more about that part of the country than the President, and that the President's objection was not a very strong one.

I hope we shall have a vote.

Mr. HOAR. I do not want to take the time of the Senate, but my only reason for rising was because I thought it was fair that the fact as to the small number of cases there should be understood by the Senate, and that the Senate should understand that in spite of it there were good reasons for the passage of the bill.

The VICE-PRESIDENT. Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. Understanding that he would vote "yea" on this bill, I will vote. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with my colleague, the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote if present, and therefore I withhold my vote.

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON], and withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. As he is absent from the Chamber, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. Not knowing how he would vote, I withhold my own.

The roll call was concluded.

Mr. CALL (after having voted in the affirmative). As I have no direct information as to how the Senator from Vermont [Mr. PROCTOR] would vote if present, I withdraw my vote.

The result was announced—yeas 57, nay 1; as follows:

YEAS—57.

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Brown,
Burrows,
Cameron,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Davis,
Gallinger,
Gibson,
Gray,
Hansbrough,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Murphy,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Quay,
Roach,
Sewell,
Sherman,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vest,
Voorhees,
Walthall,
Wetmore,
Wilson.

NAY—1.

Caffery.

NOT VOTING—32.

Blanchard,
Brice,
Butler,
Call,
Cannon,
Dubois,
Elkins,
Faulkner,
Frye,
Gear,
George,
Gordon,
Gorman,
Hale,
Harris,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lindsay,
Mitchell, Oreg.
Morrill,
Platt,
Pritchard,
Proctor,
Shoup,
Smith,
Squire,
Vilas,
Warren,
White,
Wolcott.

The VICE-PRESIDENT. The bill is passed, two-thirds of the Senators present having voted in the affirmative.

UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.

Mr. HOAR. I am directed by the Committee on the Judiciary to report a bill to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia, for which I ask immediate consideration.

The bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in case of a vacancy in the office of attorney of the United States for the District of Columbia the supreme court of said District may fill the same, and the person appointed by said court shall serve until an appointment is made by the President and the appointee is duly qualified, and no longer.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTESIAN WATERS OF THE DAKOTAS.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PETTIGREW on the 23d ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

EMPLOYMENT OF STENOGRAPHER.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back with an amendment a resolution submitted by the Senator from Illinois [Mr. CULLOM] on January 12, 1897, and I ask unanimous consent for its consideration at this time.

By unanimous consent, the Senate proceeded to consider the following resolution:

Resolved, That the stenographer reporting the hearings before the Committee on Interstate Commerce under the resolution of the Senate of December 9, 1896, and also the hearings pending before the Committee on the Census, be paid out of the contingent fund of the Senate.

The amendment was, in line 4, after the date "1896," to insert "and in relation to bills pending before said committee."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 3667) to enable individual bondholders to increase the volume of national-bank notes of a special form, without charge, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEAR introduced a bill (S. 3668) granting an increase of pension to Maj. John H. Geurkee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3669) relating to the landing of foreign submarine telegraph cables within the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN introduced a bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3671) to provide for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 3672) granting a pension to John Deming; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROACH (by request) submitted an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

On motion by Mr. COCKRELL, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

INVESTIGATION BY JUDICIARY COMMITTEE.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be authorized in the case of Charles F. Amidon to send for persons and papers, to administer oaths, and to employ a stenographer; and that the expenses thus incurred be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

FOREIGN RELATIONS, 1896.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

RECALL OF A BILL FROM THE PRESIDENT.

Mr. TILLMAN. I ask unanimous consent for the consideration at this time of the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

Mr. PETTIGREW. I rise to morning business. I have a concurrent resolution to offer.

The VICE-PRESIDENT. The Senator from South Carolina submitted a request, which the Chair will state.

Mr. PETTIGREW. Before that is done, I wish to submit a concurrent resolution, which I ask to have considered at this time.

The VICE-PRESIDENT. The concurrent resolution submitted by the Senator from South Dakota will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill No. 3528, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. HILL. What is the ground for that resolution, Mr. President?

Mr. PETTIGREW. The resolution refers to a bill which has passed both Houses and gone to the President, but which contains an error which I think will defeat the purpose of the bill. I therefore offer the resolution for the purpose of recalling the bill and correcting the error.

Mr. HILL. I simply suggest to the Senate whether it is customary to recall a bill from the President of the United States for the correction of a substantial error. An error of engrossment is one thing, but an error of fact or the amendment of a bill is an entirely different thing. What is the exact fact in this case?

Mr. PETTIGREW. It is customary, I am informed by the older members of the Senate, to pass such resolutions, and it has been done very many times, both for the purpose of amending a bill and correcting an error in its enrollment.

Mr. HILL. I, of course, will bow with respect to the statement of the Senator, if he is correctly informed, but I was not aware that it had been customary in the Congress of the United States to ask for the recalling of a bill sent to the President and in his hands for approval or disapproval, in order to have the bill amended, but it has been customary, where it was alleged that an error had been made in the enrollment of a bill, to ask to have it returned, simply to correct the error of enrollment.

Mr. HOAR. If the Senator will pardon me, I think he will find that there is a rule of the Senate on the subject, and that the resolution is in accordance with the custom.

Mr. HILL. Can the Senator refer me to the rule?

Mr. SHERMAN. There can be no doubt of the power of the House which has originated a bill to recall it from the President at any time before he has actually approved or disapproved it.

Mr. CULLOM. For any reason.

Mr. SHERMAN. I have known several cases of that kind where, in the enrollment or in the preparation of a bill for the President, some mistake had been made by inadvertence. It is certainly within the power of the Senate to recall a bill originating in this body.

Mr. HILL. As to any mistake in enrollment, any mistake in printing, any mistake per se, I agree with the Senator. The only query I start is whether, when there is an allegation of a mistake of that character, it is proper to recall a bill from the President of the United States in order to amend it in the matter of substance. If that is so——

Mr. SHERMAN. That is not only so, but when a bill has been recalled motions to bring it back to the condition in which it was when reported from the committee are usually put—motions to reconsider the vote by which the bill was ordered to a third reading and passed and all the other motions which are proper in the ordinary course of procedure on a bill, until we reach the stage when it is open to amendment.

Mr. HILL. Will the Senator from Massachusetts call my attention to the rule to which he has just referred?

Mr. HOAR. I find I was wrong about the rule.

Mr. HILL. Is not the Senator from Massachusetts also wrong as to the fact?

Mr. HOAR. I find the rule applies only to bills sent to the House of Representatives, and not to bills sent to the President. I was wrong in my recollection of the rule.

Mr. HILL. I have no doubt that it would be a very agreeable practice at times, and very beneficial in order to prevent a veto to recall a bill, and the President in the last stages of a session, if a bill could be amended, might desire to approve it; but I am not aware that it has been the practice of the Congress of the United States to recall a bill once sent under the Constitution to the President of the United States simply and solely for the purpose of amending it in a matter of substance, and not to correct an enrollment, a typographical error, or anything of that kind; and I suggest the question as to the power of Congress to do it. If there is no rule providing for the recall of a bill for amendment, it can not be done, it strikes me.

Mr. ALLISON. I suggest to the Senator from South Dakota to let the resolution go over.

Mr. PETTIGREW. I am perfectly willing that the resolution shall lie on the table until the Senator from New York has gained the information he desires upon this very important subject.

The VICE-PRESIDENT. The resolution will go over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the act (S. 878) granting a pension to Jared S. Chamberlain.

The message also announced that the President of the United States had on the 6th instant approved and signed the following acts:

An act (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin; and

An act (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

BILL BECOME A LAW.

The message further announced that the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet, having been presented to the President on January 26, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

INTERSTATE REGULATIONS CONCERNING LIQUORS.

Mr. TILLMAN. I now renew my request for unanimous consent that the Senate proceed to the consideration of the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

Mr. SHERMAN. Pending that request, I rise to submit a privileged motion.

The VICE-PRESIDENT. Objection being interposed to the request of the Senator from South Carolina, the bill will go over.

HOUSE BILLS REFERRED.

The bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 10203) to amend section 40 of an act to reduce the revenue and equalize duties on imports, and for other purposes, approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, was read twice by its title, and referred to the Committee on Finance.

PASSPORT REGULATIONS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, referred to the Committee on Printing, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State and accompanying reports from diplomatic and consular officers of the United

States on the passport regulations of foreign countries. In view of the evident value of the information contained in these reports, especially to American citizens going abroad and sojourning or traveling in foreign lands, I approve the recommendation of the Secretary that Congress authorize the printing of a special edition of 3,000 copies of the work, to be distributed by the Department of State as indicated in the Secretary's report.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 8, 1897.

CIVIL SERVICE COMMISSION REPORT.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, and ordered to lie on the table and to be printed, as follows:

To the Senate and House of Representatives:

I herewith submit the Thirteenth Annual Report of the Civil Service Commission, containing a detailed statement of its important work, and exhibiting the present condition of the classified service of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1897.*

NOTE.—The report accompanying this message has been sent to the House of Representatives.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 9, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1897.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. Edward Moale, Third Infantry, to be colonel, February 4, 1897, vice Crofton, Fifteenth Infantry, retired from active service.

Maj. Francis Edmond Lacey, Seventeenth Infantry, to be lieutenant-colonel, February 4, 1897, vice Moale, Third Infantry, promoted.

Capt. Augustus Whittemore Corliss, Eighth Infantry, to be major, February 4, 1897, vice Lacey, Seventeenth Infantry, promoted.

WITHDRAWAL.

Executive nomination withdrawn February 8, 1897.

Jacob P. Criss, to be postmaster at New Wilmington, Lawrence County, in the State of Pennsylvania. Information has been received of the decease of Mr. Criss on the 2d instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1897.

ASSISTANT ATTORNEY-GENERAL.

Isaac H. Lionberger, of Missouri, to be Assistant Attorney-General.

POSTMASTERS.

James A. Boyd, to be postmaster at Lancaster, in the county of Dallas and State of Texas.

Albert J. Smith, to be postmaster at Northville, in the county of Fulton and State of New York.

John R. Mackessy, to be postmaster at Waverley, in the county of Middlesex and State of Massachusetts.

Henry G. Ellsworth, to be postmaster at Barron, in the county of Barron and State of Wisconsin.

Edward F. Douglass, to be postmaster at Dysart, in the county of Tama and State of Iowa.

James R. Crowe, to be postmaster at Sheffield, in the county of Colbert and State of Alabama.

James Rennil, to be postmaster at Pauls Valley, in Chickasaw Nation County, Ind. T.

W. J. Semmons, to be postmaster at Primghar, in the county of O'Brien and State of Iowa.

Stephen C. Maynard, to be postmaster at Grand Junction, in the county of Green and State of Iowa.

E. Duke Naven, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa.

John M. Topper, to be postmaster at Colfax, in the county of Jasper and State of Iowa.

Alexander Devine, to be postmaster at Anaconda, in the county of Deerlodge and State of Montana.

Clara L. Lawyer, to be postmaster at Belt, in the county of Cascade and State of Montana.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 8, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

COPIES OF ELECTORAL CERTIFICATES.

The SPEAKER laid before the House letters from the Secretary of State, transmitting, in accordance with the provisions of the act of Congress approved February 3, 1887, copies in full of certificates of the ascertainment of the electors appointed in the following States: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Indiana, Illinois, Kentucky (two certificates), Kansas, Massachusetts, Missouri, Maryland, Minnesota, Montana, Michigan, Maine, North Carolina, Nevada, New York, New Hampshire, New Jersey, Nebraska, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wyoming, West Virginia, and Wisconsin.

The SPEAKER. Without objection, these documents will remain on the Speaker's table, as that seems to be the only accessible point.

Mr. TERRY. Mr. Speaker, I will inquire if that is the usual course.

The SPEAKER. The Chair thinks it is the usual course. The Chair supposes that the object of the copies is comparison, as one set is sent to the Senate and one set to the House.

CHANGE OF REFERENCE.

The SPEAKER announced that the Committee on Invalid Pensions would be discharged from the further consideration of the bill S. 3004, and that it would be referred to the Committee on Pensions.

ADMINISTRATION OF THE PENSION LAWS.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing, I ask for the present consideration of House concurrent resolution No. 69.

The resolution was read by the Clerk, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The resolution was agreed to.

NAVAJO INDIANS.

Mr. MURPHY of Arizona. Mr. Speaker——

The SPEAKER. The gentleman from Arizona [Mr. MURPHY] has a privileged report.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the House of Representatives what action is being taken, or has been taken, if any, to enforce the terms of the treaty or agreement with the Navajo Indians, entered into June 1, 1868, under which treaty or agreement said Indians are required to remain within the limits of their reservation.

The report (by Mr. FISCHER) was read, as follows:

The Committee on Indian Affairs, to whom was referred House resolution No. 51, after having had the same under consideration, report back said resolution and recommend it be adopted.

The resolution was agreed to.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

CUBAN INSURRECTION.

Mr. TALBERT. Mr. Speaker, I ask that a resolution of the legislature of the State of South Carolina, which I send to the desk, may be read, placed in the RECORD, and referred to the Committee on Foreign Affairs.

The SPEAKER. The Chair understands that this is not a resolution addressed to Congress.

Mr. TALBERT. It is a resolution adopted by the legislature of South Carolina, and I will ask to have read the letter of the clerk of the house transmitting it, which will explain itself. I ask that the letter and resolution be read.

The SPEAKER. That can be done by unanimous consent.

Mr. PAYNE. What is the request?

The SPEAKER. It is a request to read a resolution directed to the Representatives of the State of South Carolina.

Mr. PAYNE. I object.

Mr. TALBERT. In regard to the Cuban insurrection.

Mr. BABCOCK. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, demands the regular order.

Mr. TALBERT. I ask to have it referred to the Committee on Foreign Affairs and printed in the RECORD.

The SPEAKER. Without objection, it will be referred to the Committee on Foreign Affairs.

There was no objection.

Mr. TALBERT. I ask unanimous consent that it be printed in the RECORD also.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the resolution be printed in the RECORD. Is there objection?

Mr. PAYNE. I object, Mr. Speaker.

The SPEAKER. Objection is made.

FRATERNAL BENEFICIARY SOCIETIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That a fraternal beneficiary association is hereby declared to be a corporation, society, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system, with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident, or old age: *Provided*, That the period in life at which payment of physical disability benefits on account of old age commences shall not be under 70 years, subject to their compliance with its laws. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this act, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein.

SEC. 2. That all such associations coming within the description as set forth in section 1 of this act, organized under the laws of the United States relating to said District, or any State, province, or Territory, and now doing business in said District, may continue such business: *Provided*, That they hereafter comply with the provisions of this act, regulating annual reports and the designation of the assessor of said District as the person upon whom process may be served as hereinafter provided.

SEC. 3. That any such association coming within the description as set forth in section 1 of this act, organized under the law of any State, province, or Territory, and not now doing business in said District, shall be admitted to do business within said District when it shall have filed with the assessor a duly certified copy of its charter and articles of association, and a copy of its constitution and laws, certified to by its secretary or corresponding officer, together with an appointment of the assessor of said District as the person upon whom process may be served as hereinafter provided: *Provided*, That such association shall be shown to be authorized to do business in the State, province, or Territory in which it is incorporated or organized, in case the laws of such State, province, or Territory shall provide for such authorization; and in case the laws of such State, province, or Territory do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of this act; for which purpose the assessor may personally, or by some person to be designated by him, examine into the condition, affairs, character, and business methods, accounts, books, and investments of such association at its home office; which examination shall be at the expense of such association, and shall be made within thirty days after demand therefor; and the expense of such examination shall be limited to $50.

SEC. 4. That every such association doing business in said District shall, on or before the 1st day of March of each year, make and file with the assessor of said District a report of its affairs and operations during the year ending on the 31st day of December immediately preceding, which annual report shall be in lieu of all other reports required by any other law. Such report shall be upon blank forms to be provided by the assessor, or may be printed in pamphlet form, and shall be verified under oath by the duly authorized officers of such association, and shall be published, or the substance thereof, in the annual report of the assessor, under a separate part entitled "Fraternal beneficiary associations," and shall contain answers to the following questions:

First. Number of certificates issued during the year or members admitted?

Second. Amount of indemnity effected thereby?

Third. Number of losses or benefit liabilities incurred?

Fourth. Number of losses or benefit liabilities paid?

Fifth. The amount received from each assessment for the year?

Sixth. Total amount paid members, beneficiaries, legal representatives, or heirs?

Seventh. Number and kind of claims for which assessments have been made?

Eighth. Number and kind of claims compromised or resisted, and brief statement of reasons?

Ninth. Does association charge annual or other periodical dues or admission fees?

Tenth. How much on each $1,000, annually or per capita, as the case may be?

Eleventh. Total amount received, from what source, and the disposition thereof?

Twelfth. Total amount of salaries paid to officers?

Thirteenth. Does association guarantee in its certificates fixed amounts to be paid, regardless of amount realized from assessments, dues, admission fees, and donations?

Fourteenth. If so, state amount guaranteed and the security of such guaranty.

Fifteenth. Has the association a reserve or emergency fund?

Sixteenth. If so, how is it created, and for what purpose, the amount thereof, and how invested?

Seventeenth. Has the association more than one class?

Eighteenth. If so, how many, and the amount of indemnity in each case?

Nineteenth. Number of members in each class?

Twentieth. If voluntary, so state, and give date of organization.

Twenty-first. If organized under the laws of said District, under what law and at what time, giving chapter and year, and date of passage of the act?

Twenty-second. If organized under the laws of any State, province, or Territory, state such fact and the date of organization, giving chapter and year, and date of passage of the act.

Twenty-third. Number of certificates of beneficiary membership lapsed during the year?

Twenty-fourth. Number in force at beginning and end of year; if more than one class, number in each class?

Twenty-fifth. Names and addresses of its president, secretary, and treasurer, or corresponding officers?

The assessor is authorized and empowered to address any additional inquiries to any such association in relation to its doings or condition, or to any other matter connected with its transactions relative to the business contemplated by this act, and such officers of such association as the assessor may require shall promptly reply in writing, under oath, to all such inquiries.

SEC. 5. That each such association now doing or hereafter admitted to do business within said District, and not having its principal office within said District, and not being organized under the laws of the United States relating to said District, shall appoint, in writing, the assessor and his successors in office to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in said District. Copies of such certificate certified by said assessor shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against such association is served upon said assessor, he shall immediately notify the association of such service by letter, prepaid and directed to its secretary or corresponding officer, and shall, within two days after such service, forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process so served shall pay to the assessor at the time of such service a fee of $3, which shall be recovered by him as a part of the taxable costs, if he prevails in his suit. The assessor shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

SEC. 6. That the assessor of said District shall, upon the application of any association having the right to do business within said District, as provided by this act, issue to such association a permit in writing, authorizing such association to do business within said District, for which certificate and all proceedings in connection therewith such association shall pay the said assessor the fee of $5.

SEC. 7. That any nine or more persons, at least one-third of whom shall be residents of the District of Columbia, being desirous of forming a fraternal beneficiary society, order, or association for the purpose set forth in section 1 of this act, may associate themselves together and effect such organization as hereinafter prescribed, and not otherwise. Such persons shall make, sign, and acknowledge, before any officer authorized to take the acknowledgment of deeds in this District, and file in the office of recorder of deeds of said District, a certificate or declaration in writing, to be recorded in a book kept for that purpose and open to public inspection, in which shall be stated the name or title by which said institution shall be known to law; the mode and manner in which the corporate powers granted by this act are to be exercised; the name and official title of the officers, trustees, representatives, or other persons, by whatever name or title designated, who are to have and exercise the general control and management of its affairs; the place of doing business defined; the limit as to age of applicants for beneficiary membership, which shall not exceed 55 years, and that medical examinations are required of applicants for life benefits, together with the sworn statement by three of said corporators that at least 100 persons, eligible under the proposed laws of such society, order, or association to membership therein, have in good faith made application in writing for membership. The recorder of deeds, upon the filing of said declaration, shall deliver to such society, order, or association a certified copy of the papers so filed and recorded in his office, together with a certificate to such association, order, or society, stating that the provisions of this act relative to incorporation have been complied with and that said society, order, or association becomes thereby authorized to carry on the work of a fraternal beneficiary society. Upon filing the certificate or declaration, as aforesaid, the persons who shall have signed and acknowledged the same and their successors and associates shall, by the provisions of this act, be a body politic and corporate by the name and style stated in the certificate, and by that name and style shall have perpetual succession, and may have and use a common seal, and the same may alter and change at pleasure, and may make and alter at times or from time to time such laws, not inconsistent with the Constitution of the United States or the laws in force in said District, as they may deem necessary for the government of said association. And they and their successors, by their corporate name, shall, in law, be capable of creating, maintaining, and disbursing a reserve or emergency fund, in accordance with its laws, and of taking, receiving, purchasing, and holding real and personal estate necessary for the purpose of said society, and may let, place out at interest, or sell and convey the same, as may seem most beneficial for said association. The association shall elect from its members trustees, directors, or managers, by whatever title known in its laws, at such time and place and in such manner as may be specified in its laws, who shall have the control and management of the affairs and funds of said association, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors, or managers, by death, resignation, or otherwise, such vacancy shall be filled in such manner as shall be provided by the laws of said association.

SEC. 8. That the officers, trustees, directors, or governing body of any existing fraternal beneficiary society may, by conforming to the requirements of the several provisions of this act, reincorporate themselves or continue their existing corporate powers under this act, or change their name, stating in their certificate the original name of such corporation as well as their new name assumed, and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued.

SEC. 9. That any subordinate body of any fraternal beneficiary society, order, or association incorporated under the provisions of this act, or of any such society, order, or association now doing business or may hereafter be admitted to do business in this District under this act, where the laws of the governing body of said society, order, or association do not prohibit the incorporation of their subordinate bodies, may become a body corporate in the manner following: At some regular meeting of such subordinate body a resolution, expressing the desire of such subordinate body to be incorporated and directing its officers to perfect such incorporation, shall be submitted to a vote of the members present, and if two-thirds of the members present and voting therefor, the president and secretary of such subordinate body, or the officer holding relative offices therein, shall prepare articles of association under their hands and the seal of such subordinate body, setting forth, first, the number of members of such subordinate body then in good standing; second, the name by which said subordinate body is known; third, the date of its organization and the period for which it is to be incorporated, not exceeding thirty years. A copy of such articles of association shall be filed with the recorder of deeds, and shall by him be recorded, together with the affidavit hereafter named, in a book to be kept for that purpose. On the execution of said articles of association, and before the filing thereof with the recorder, the secretary of such subordinate body shall annex thereto his

affidavit stating that he is a member in good standing in such subordinate body and occupies the position of secretary, or the office corresponding therewith, therein, and that the resolution, a copy of which shall be set forth at length, was regularly passed at a regular meeting of said subordinate body and received the vote of two-thirds of the members present and voting, and that, to the best of his knowledge and belief, the statements made in the articles of association are true, and that such subordinate body is organized and acting under the laws of its respective society, order, or association, giving the name by which such society, order, or association is incorporated. When the foregoing requirements are complied with, such subordinate body shall be a body corporate by the name expressed in such articles, and by that name shall be a person in law capable of suing and being sued in the courts and taking and holding property of every kind the same as natural persons, and a copy of said articles of association, duly certified to by the recorder of deeds, in whose possession they are, shall be prima facie evidence in all courts and places of the existence and the due incorporation of such subordinate body.

SEC. 10. That no contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them.

SEC. 11. That the money or other benefit, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this act shall not be liable to attachment by trustee, garnishee, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

SEC. 12. That any such association organized under the laws of said District may provide for the meetings of its legislative or governing body in any State, Province, or Territory wherein such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects, as if such meetings were held within said District; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any State, Province, or Territory shall be valid, as if cast within said District.

SEC. 13. That any person, officer, member, or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining any money or benefit in any association transacting business under this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $500, or imprisonment in the United States jail in said District for not less than thirty days or more than one year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of the United States in relation to the crime of perjury.

SEC. 14. That any such association refusing or neglecting to make the report as provided in this act shall be excluded from doing business within said District. Said assessor must, within sixty days after failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this act, give notice in writing to the attorney for said district, who shall immediately commence an action against such association to enjoin the same from carrying on any business. And no injunction against any such association shall be granted by any court except on application by the attorney for said district at the request of the assessor. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violations complained of shall have been corrected, nor until the costs of such action be paid by it: *Provided*, That the court shall find that such association was in default, as charged, whereupon the assessor shall reinstate such association, and not until then shall such association be allowed to again do business in said District. Any officer, agent, or person acting for any association or subordinate body thereof, within said District, while such association shall be so enjoined or prohibited from doing business pursuant to this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $25 nor more than $500, or by imprisonment in said jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. That any person who shall act within said District as an officer, agent, or otherwise for any association which shall have failed, neglected, or refused to comply with, or shall have violated any of the provisions of this act, or shall have failed or neglected to procure from the assessor a proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

SEC. 16. That nothing in this act shall be construed to apply to any corporation, society, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and shall only apply to fraternal beneficiary societies, orders, or associations as defined by section 1, and nothing in this act contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficiary societies, order, or association which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand, subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount $100.

SEC. 17. That the provisions of this act shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated body in the District of Columbia.

SEC. 18. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MILNES] who reported this bill.

Mr. MILNES. Mr. Speaker, this is quite a lengthy bill, and is a bill to regulate and define the duties and powers of fraternal beneficiary societies doing business within the District of Columbia. It defines how such organizations shall be formed and their powers. This, or a similar law to this, has already been adopted in the States of Michigan, Illinois, and Iowa and with some slight variations in the States of New York, Massachusetts, Wisconsin, and Minnesota. It is asked for by over forty of the leading beneficiary societies of the United States of America. I understand it is exactly similar to laws already upon the statute books of the States of Michigan, Illinois, and Iowa. Unless some debate is asked upon the bill, I shall ask for the previous question.

Mr. BAKER of New Hampshire. Mr. Speaker, I would like to ask the gentleman from Michigan a question. On the top of page 5 the tenth question to be submitted by the assessor is as follows:

> How much on each $1,000, annually or per capita, as the case may be.

The question in itself does not seem to be complete. I presume it refers to the preceding question. If that is what is intended, I think the words "if so" should be put in before the word "how." I repeat the question in itself does not seem to be complete.

Mr. MILNES. I think the words "if so" would be very proper there, and the committee will accept that amendment if the gentleman desires to offer it.

The SPEAKER pro tempore (Mr. PAYNE). The Clerk will report the amendment.

Mr. BAKER of New Hampshire. I move, Mr. Speaker, to insert at the top of page 5, line 29, after the word "tenth," the words "If so."

The Clerk read as follows:

> Page 5, line 29, after the word "tenth," insert the words "If so."

Mr. MILNES. That is entirely satisfactory, Mr. Speaker.

The amendment was agreed to.

Mr. BAKER of New Hampshire. Then, Mr. Speaker, on page 6 I find that there is a requirement that each of these associations shall appoint the assessor of the District of Columbia its attorney. That seems to be a very peculiar provision—that the association shall appoint as their attorney the officer who, by the bill, is to supervise them and to see that they exercise their various duties under the bill.

Mr. MILNES. I would like to say to the gentleman that that officer is named simply for the purpose of having some person upon whom process can be served, and the District Commissioners designated the assessor as the proper person for that purpose.

Mr. BAKER of New Hampshire. I think the general statutes of the States and of the United States in this regard generally require that the company shall designate an attorney and report his name and residence to the officer. It seems to me to be much more advisable than the way it is in this bill. I simply make this suggestion to the committee.

Mr. MILNES. The duties of the assessor as the attorney of the company are expressly limited. He has nothing to do with the process except to notify the grand secretary of the society. That is about the only duty it requires him to perform as attorney.

Mr. BAKER of New Hampshire. I do not insist upon anything in that regard. Then, on page 14, in lines 10, 11, 12, and 13, there is this provision:

> And no injunction against any such association shall be granted by any court except on application by the attorney for said District, at the request of the assessor.

Mr. MILNES. On what page is that?

Mr. BAKER of New Hampshire. On page 14, lines 10, 11, 12, and 13. It seems to me that is a provision which would work injustice. Supposing two-thirds of the members of the beneficiary association should serve an injunction——

Mr. MILNES. The gentleman must be mistaken about the page and line. I can not find any such language in the bill I have before me.

Mr. BAKER of New Hampshire. Look at the bottom of page 14, in section 14, where it says:

> And no injunction against any such association shall be granted by any court except on application by the attorney for said District, at the request of the assessor.

Now, suppose that two-thirds of a beneficiary association should have just cause for getting an injunction, and the assessor or some of his friends should happen to belong to the other one-third, and he should therefore refuse to make the request, this bill by its terms would in that way work an injustice.

Mr. Speaker, I move to strike out the words which I have just quoted, beginning on line 10 and ending on line 13, on the fourteenth page of the bill.

Mr. MILNES. Let me suggest to the gentleman from New Hampshire whether it would not be better to amend it so as to read in this way: "And an injunction against any such company shall be granted by any court on application by the attorney for said District."

Mr. BAKER of New Hampshire. Well, I will leave it to the gentleman to frame the amendment.

Mr. MILNES. Mr. Speaker, I move to strike out, in section 14, page 14, line 10, the word "no," and insert the word "an;" so as to make the sentence read: "And an injunction against any such association shall be granted by any court," etc.

Mr. RICHARDSON. Mr. Chairman, I suggest to the gentleman that the provision amended in that way would not make good sense. The amendment would interfere with the sense of the paragraph, as the gentleman will see if he reads it through. The bill says now: "And no injunction against any such association shall be granted by any court except on application by the attorney for said District, at the request of the assessor;" and it seems to me that there ought to be no objection to the language as it stands.

Mr. BAKER of New Hampshire. As the provision stands in the bill, it takes away the right of each member of any of these associations to have legal process, and that does not seem to be a proper thing to do.

Mr. RICHARDSON. That provision is in the interest of all persons who may have benefit certificates, and it is not to be supposed for one moment that an officer of the District, the assessor, for instance, designated by the District Commissioners, will be partial in the administration of the law in connection with these fraternal societies. I do not see any objection whatever to the text of the bill as it stands.

Mr. MILNES. Mr. Chairman, I do not think there will be any difficulty in administering the law as the statute now reads. The assessor's duties are specifically prescribed. He is an officer who stands between the corporation and the beneficiaries.

Mr. BAKER of New Hampshire. Yes; and as this bill reads he stands between the officers of the association and its members. This provision as it stands takes away a legal right to which each member of such associations is certainly justly entitled. That seems to be wrong.

Mr. MILNES. Well, I do not think there would be any trouble in getting the permission of the assessor of the District, an officer who would be entirely disinterested.

Mr. BAKER of New Hampshire. It is very true that he may be disinterested, but very frequently officers who are entirely disinterested neglect the performance of their duties, and this provision says that an injunction shall not be granted except upon the affirmative action of the assessor; that is, upon his request to the attorney of the District.

Mr. RICHARDSON. I submit to the gentleman from New Hampshire that if any public officer refuses to do his duty the remedy is perfectly plain; it is simply to get a writ of mandamus to compel him to do his duty. The gentleman is assuming that an officer of the District is going to fail to do his duty. He can make the same objection to all laws and regulations prescribing the duties of public officers if he will assume in each case that public officers will not do their duty. I assume that this officer will do his duty; but if he does not, then, as I have said, a writ of mandamus will lie to compel him to do it, and such a writ can be issued on the application of any party in interest.

Mr. MILNES. Furthermore, the assessor, being entirely disinterested, would have no object in refusing.

Mr. BAKER of New Hampshire. But this bill goes beyond the point made by the gentleman from Tennessee, which applies in ordinary matters. The gentleman says a mandamus may issue to require the assessor to request the attorney to apply for an injunction. That is, if this bill should become a law and the assessor should neglect or should refuse to request an injunction, the complaining member must first apply for a mandamus and have a hearing upon that application, and then, if he succeeds in that, he must proceed to apply for an injunction, a right to which he is entitled as a citizen of the United States without having to encounter such obstacles.

Mr. RICHARDSON. The point of this provision is that the assessor must request the attorney of the District to take this action. The object is evidently to prevent vexatious litigation, and if it becomes the duty of the assessor to ask the attorney to apply for an injunction and he refuses to make that request, then a writ of mandamus will lie, at the instance of any party in interest, to compel him to do his duty. That is all there is in it.

Mr. BAKER of New Hampshire. But it puts upon a man's hands two lawsuits to get his rights, when he should be able to get them by one.

Mr. RICHARDSON. The gentleman is assuming that the man is not going to do his duty. I am assuming that he will. I do not think there ever will be the necessity for a mandamus.

Mr. MILNES. Let me ask the gentleman from New Hampshire whether he would be satisfied with an amendment making the bill read in this way:

> An injunction against any such association may be granted by any court on application by the attorney for said District at the request of the assessor.

Mr. BAKER of New Hampshire. Well, I will accept that.

Mr. MILNES. I think that would obviate entirely the objection raised by the gentleman from New Hampshire. Mr. Chairman, I move the amendment which I send to the desk.

The Clerk read as follows:

> In line 10 of section 14 strike out the words "and no" and insert the word "an;" in line 11 strike out "shall" and insert "may;" in the same line strike out the word "except;" so as to make the clause read:
>
> "An injunction against any such association may be granted by any court on application by the attorney for said District at the request of the assessor."

The amendment was agreed to.

Mr. BAKER of New Hampshire. I should be glad if the gentleman in charge of this bill would explain section 17. What purpose is it intended to accomplish?

Mr. MILNES. The section to which the gentleman refers reads as follows:

> SEC. 17. That the provisions of this act shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated body in the District of Columbia.

I suppose, Mr. Chairman, the object is to prevent the duplication of corporate names and to insure that corporations already incorporated and doing business in the District of Columbia shall not be disturbed in their rights by this act.

Mr. BAKER of New Hampshire. That purpose is an entirely proper one; but it seems to me that this section would not accomplish it. It does not prohibit any company from adopting a corporate name already in use, but it says that if any company should do so the provisions of this bill shall not apply to them; in other words, they would be entirely outside the laws. I suggest to the gentleman that this section needs considerable amendment.

Mr. MILNES. They would not be outside the law, because the corporation would be left in existence as it is now.

Mr. BAKER of New Hampshire. That is very true; but the second corporation—the one assuming the name of an existing corporation, a name which it ought not to be permitted to use—would find itself, under the language of this section, entirely outside the provisions of this bill. Consequently such a company would go scot-free from the requirements herein provided. I suggest to the gentleman in charge of the bill that there should be some amendment to improve this defective phraseology.

Mr. MILNES. As I understand, if such a company should be formed it would have no standing whatever in the District; it would be entirely outside of the law, and it could not do business in the District.

Mr. BAKER of New Hampshire. That could not be so, because there is now no law to prevent it from doing business. The only law which would prevent such a company from doing business is the pending bill.

Mr. MILNES. But in the case supposed the new company would not comply with the provisions of this bill.

Mr. MILLER of Kansas. There is another matter to which I wish to direct the attention of the gentleman from Michigan [Mr. MILNES]. I ask his attention to the language in line 20 of page 2, "affianced husband or affianced wife." This language occurs in the recital of the beneficiaries under a policy which may be taken out under this act. Now, I wish to inquire of the gentleman whether he does not think that this language might lead to very great difficulty in determining who should have the benefit of a policy? What would be the status of an affianced husband or an affianced wife under this provision, supposing that the deceased should leave a father or mother, or brothers and sisters? Would all these parties share alike?

Mr. MILNES. I suppose that by this language the parties referred to are intended to be made beneficiaries.

Mr. MILLER of Kansas. But suppose the deceased party who was insured should leave no affianced wife or affianced husband. Does the gentleman think that this language is clear enough to indicate who would be the beneficiaries in such a case? Would that matter depend upon the statements of the persons themselves?

Mr. MILNES. I think that it would depend altogether upon the language of the certificate. The persons named in the certificate would be the beneficiaries, and no others.

Mr. MILLER of Kansas. But the bill does not so provide, does it?

Mr. MILNES. It provides that the claim for the death benefits shall be made by these persons named.

Mr. MILLER of Kansas. Suppose that the father should be named in the certificate, and at the time of the insured party's death the father had died, then would the affianced husband or wife be entitled along with the other heirs to the benefits of the policy?

Mr. MILNES. I do not think so, unless so specified in the certificate.

Mr. MILLER of Kansas. But in the event that the person mentioned in the certificate is dead, the insurance must go to the heirs or legal representatives, or some other person. Why would not the affianced husband or wife, as the case may be, become the beneficiary under this provision of this bill? That is the point.

Mr. MILNES. They would not be the beneficiaries unless the other heirs were dead.

Mr. MILLER of Kansas. But the point is that the bill itself in this provision puts them in precisely the same category and makes them successors to the insurance.

Mr. MILNES. I will state to the gentleman from Kansas that this is precisely the same provision that is found in the laws of several of the States of the Union, notably in the State of Michigan, the State of Illinois, the State of Iowa, and several other States, upon this subject.

Mr. PITNEY. What is the provision in the exact terms as appears in the bill? Let us hear the provision read.

Mr. MILLER of Kansas. It is suggested that I read the provision as it appears in the bill. It is as follows:

> The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, or affianced wife of, or to persons dependent upon the member.

Now, all of these persons mentioned in this paragraph of the bill are placed in the same order, and all would be entitled to participate in the benefits, provided that the person named in the policy was actually dead.

Mr. MILNES. I think the gentleman will find on a close examination that this covers precisely the ground that is sought to be covered by these associations in such matters.

Mr. RICHARDSON. If I understand the language——

Mr. MILNES (continuing). And this is the shape that these associations desire the provision to be placed in.

Mr. RICHARDSON. As I understand the language, Mr. Speaker, in the limitation placed here, it would provide that the beneficiary would be any one of that class named——

Mr. MILNES. Precisely.

Mr. PITNEY. But if the beneficiary is not of that class?

Mr. RICHARDSON (continuing). And is simply a limitation upon a class of persons who shall have the benefit of the policy or certificate. That is to say, it is practically a provision against what may be termed speculative insurance. But the classes of persons who can have the benefit of the policy or certificate are expressly named in this provision, that is to say, the family, the heirs, blood relatives, affianced husband or affianced wife, or to persons dependent upon the member. And any of these persons would become beneficiaries under the provision of this section.

Mr. MILNES. That is the intention.

Mr. RICHARDSON. But of course that would not deny to the person holding the beneficiary certificate the right to name any person or persons of this class or in this class who should have the benefit of the policy.

Mr. PITNEY. Ought not the bill to provide in terms who shall have the benefit if the person named as beneficiary dies before making such disposition of it?

Mr. AITKEN. As a rule, this is regulated by the by-laws of the association itself. These fraternal associations all provide in their laws who shall take if the beneficiary named dies before the insured. But the member is compelled to name some one in the first instance who is entitled to be a beneficiary under the law.

Mr. PITNEY. But should it not prescribe some one who shall become the beneficiary in direct succession in the event of the death of the party who takes out the certificate?

Mr. AITKEN. It provides, as a rule, that it shall go in the rotation named in the law. But they are required to name some person in the first instance, because otherwise it might be in the nature of a speculative insurance.

Mr. PITNEY. But unless the act enables the association to specify to whom the benefit shall go in the event of the death of the original beneficiary, ought there not to be some fixed rule to determine that question of succession?

Mr. AITKEN. They have a right to provide and do provide for that under their laws.

Mr. PITNEY. How?

Mr. BARHAM. The charters of the associations authorize them to provide by-laws for such contingencies.

Mr. AITKEN. The laws of the association would enable it to do that; but of course they can not go outside of the law that limits this provision.

Mr. RICHARDSON. Besides, Mr. Speaker, this provision is now in the shape as recommended by the fraternal congress which is composed of forty-two of these organizations. They were united in this particular measure, and I can not see that it would work injustice or injury to anybody. I hope it will not be amended in this respect.

Mr. MILNES. As stated by the gentleman from Tennessee, it is exactly in the shape provided by these associations themselves, and there is no danger of working any harm to them. Besides, these associations number some 1,000,000 persons, and they have agreed on this particular provision.

If there be no further question, I ask the previous question.

The previous question was ordered, under the operation of which the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MILNES, a motion to reconsider the last vote was laid on the table.

PUNISHMENT FOR IMPERSONATION OF CERTAIN OFFICERS.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia.

The bill was read as follows:

> *Be it enacted, etc.*, That it shall be unlawful for any person in the District of Columbia to falsely represent himself or herself as being an inspector of the health department of said District, or an inspector of any department of the District government; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction in the police court of said District shall be punished by a fine of not less than $10 nor more than $50 for the first offense, and for each subsequent offense by a fine of not less than $50 nor more than $100, or imprisonment in the jail of the District not exceeding six months, or both, in the discretion of the court.

Mr. CURTIS of Iowa. Mr. Speaker, let the report be read.

The SPEAKER pro tempore. The report will be read in the time of the gentleman from Iowa [Mr. CURTIS].

The report (by Mr. CURTIS of Iowa) was read, as follows:

> The Committee on the District of Columbia, to whom was referred the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, having had the same under consideration, beg leave to report the same to the House, with the recommendation that the bill do pass without amendment.
>
> The bill makes the impersonation of inspectors of the District a misdemeanor, punishable by a maximum fine of $50 and a minimum fine of $10, and providing severer penalties in the way of fines or imprisonment, or both, for subsequent offenses.
>
> The bill is recommended by the health department of the District and by the Commissioners.
>
> The need for such legislation has frequently been demonstrated, recently in a case where a veterinary surgeon represented himself to a certain dairyman as the official veterinarian of the health department, examined the cattle on the premises and charged a fee therefor, which he collected.

Mr. BABCOCK. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

TRANSCRIPTS FROM RECORDS OF HEALTH DEPARTMENT, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to collect a fee of 50 cents, to be paid to the collector of taxes, for each transcript from the records of births, deaths, and marriages in the health department of said District: *Provided*, That no one transcript shall be made so as to apply to more than one birth, death, or marriage: *And provided further*, That no fee shall be charged for transcripts furnished the various Departments of the United States Government for official purposes.
>
> SEC. 2. That this act shall take effect thirty days after its passage.

Mr. DOCKERY. I should like to ask the gentleman from Wisconsin [Mr. BABCOCK] if the fees carried in this bill are covered into the Treasury?

Mr. BABCOCK. Yes.

Mr. BAKER of New Hampshire. I should like to ask the gentleman in charge of the bill if the fee of 50 cents does not seem exorbitant? These transcripts are made out on printed blanks. They do not, ordinarily, occupy the attention of a clerk for ten minutes. There are a great many of them issued for purposes that are semipublic, and it seems to me that 25 cents ought to be ample.

Mr. CURTIS of Iowa. Mr. Speaker, the sum of 50 cents was recommended by the health officer, approved by the Commissioners of the District of Columbia, and accepted by the Committee on the District of Columbia as the proper amount. The Commissioners in their letter fully set forth the advisability of this legislation, and if any gentleman desires to hear the letter read it may be read by the Clerk.

Mr. BAKER of New Hampshire. There is no doubt about the advisability of the legislation. The only question is as to the exorbitance of the fees which we are called upon to authorize.

Mr. BABCOCK. I call for a vote on the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IMMIGRATION BILL.

Mr. DANFORD. Mr. Speaker, I desire to present a conference report on the immigration bill.

The Clerk began the reading of the conference report on the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. RICHARDSON. I hope the gentleman will not insist upon considering the conference report at this time. He has the floor at all times, and the Committee on the District of Columbia have the floor only to-day.

Mr. DANFORD. Upon the suggestion of the gentleman, I am entirely willing to yield.

The SPEAKER pro tempore. Does the gentleman withdraw the report?

Mr. DANFORD. I withdraw the report for the present.

Mr. RICHARDSON. It is privileged and can come in at any time.

Mr. DANFORD. I will call up the conference report immediately after the Committee on the District of Columbia surrender the floor.

GRACELAND CEMETERY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

The bill was read, as follows:

> *Be it enacted, etc.*, That section 2 of the act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894, is hereby amended as follows:
>
> "The said board of officers are hereby authorized and empowered to convey the said property by mortgage or deed of trust to secure a loan, which they are hereby authorized to make, at such time and at such rate of interest as may be practicable, not exceeding 6 per cent per annum, which money so raised shall be used by them for the purposes of carrying out the provisions of the said act, and for which they shall be accountable as for other moneys coming into their hands as such officers under the said act."

Mr. BABCOCK. Mr. Speaker, this bill simply authorizes the cemetery association to borrow money and to mortgage their property for the purpose of removing the bodies now interred there. They have exhausted all of their means and still have some 6,000 bodies to remove. They have no other way of getting the money to do it.

Mr. DOCKERY. Is the bill approved by the District Commissioners?

Mr. BABCOCK. Oh, yes. There is a long report here in favor of it.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

POTOMAC FLATS RESERVATION.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 9770) providing that the Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park.

The bill was read, as follows:

> *Be it enacted, etc.*, That the entire area known as the Potomac Flats, in the District of Columbia, and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

Mr. DOCKERY. I make the point of order that that bill must be considered in Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, if the point of order is sustained by the Chair, I suggest that the bill be laid aside. It has not been put on the Union Calendar.

Mr. DOCKERY. It disposes of public lands.

Mr. BABCOCK. Oh, no; it is just to change the name.

Mr. DOCKERY. Oh, well, Mr. Speaker, it dedicates certain land within the District of Columbia for use as a park.

Mr. RICHARDSON. Oh, no; if the gentleman will read the bill, it says:

> That the entire area known as the Potomac Flats, in the District of Columbia, and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

Mr. BLUE. That is a dedication of it.

Mr. RICHARDSON. It is not a dedication of it.

Mr. DOCKERY. It is a dedication of public property in the District to park uses. The Government has spent several million dollars in the reclamation of these flats, and now it is proposed to give them away.

Mr. RICHARDSON. It is to be kept from being used for anything else.

The SPEAKER pro tempore. In the opinion of the Chair, the bill is subject to the point of order. The Chair understands that the gentleman from Wisconsin withdraws the bill for the present.

Mr. BABCOCK. I withdraw it for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 178) granting a pension to Betsey J. Webber;

A bill (S. 1323) granting a pension to Mary Somerlat, widow of Valentine Somerlat;

A bill (S. 1495) granting a pension to Hans Johnson;

A bill (S. 2126) granting a pension to Mrs. Laura A. Nelson;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks; and

A bill (S. 1806) granting a pension to George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, asked a conference with the House on the bill and amendments, and had appointed Mr. GALLINGER, Mr. PALMER, and Mr. PRITCHARD as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 205) granting a pension to Mary O. H. Stoneman, asked a conference with the House on the bill and amendments, and had appointed Mr. SHOUP, Mr. MITCHELL of Wisconsin, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 1591) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, asked a conference with the House on the bill and amendments, and had appointed Mr. ROACH, Mr. HANSBROUGH, and Mr. PEFFER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1968) for the relief of the Mobile Marine Dock Company;

A bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota;

A bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list;

A bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;"

A bill (S. 2071) for the relief of Mary A. Swift;

A joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river;

A bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri;

A bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy;

A bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy;

A bill (S. 1601) for the relief of John A. Fairfax, of the District of Columbia;

A bill (S. 2588) for the relief of George S. Simon; and

A bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia.

The message also announced that the Senate had passed with amendments the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed 2000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

The message also announced that the President of the Senate had appointed Mr. BLACKBURN and Mr. LODGE tellers on the part of the Senate, authorized by the concurrent resolution relating to the counting of the electoral votes for President and Vice-President of the United States.

The message also announced that the Senate, having reconsidered the bill (returned by the President without his approval) (H. R. 9169) to constitute a new division of the eastern judicial district of Texas and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, had repassed the same, two-thirds voting in favor thereof.

RELIEF OF FARMERS AND TRUCKMEN.

Mr. BABCOCK. Mr. Speaker, I present for consideration the Senate joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

The joint resolution was read, as follows:

> *Resolved, etc.*, That the provisions of the ordinance of the city of Washington approved May 27, 1857, requiring the clerks of the several markets to lay off and mark in convenient spaces the several pavements adjoining and bordering on the market squares, which spaces may be used for the sale or exposure for sale of vegetables or other country produce, and extending the powers of the clerks to 15 feet of the streets, measuring from the curb line on which said squares front, shall apply to the south front of Center Market, and to the clerk of the said market; that the law passed in 1871 by the District legislative assembly exempting from license "persons bringing marketing to the District" shall be and remain in full force; and that the said ordinance and law shall be applicable to farmers and truckmen raising produce doing business on the north side of B street north along the south front of the Center Market in said city of Washington.

Mr. SHANNON. Mr. Speaker, I ask for the reading of the report which accompanies the joint resolution.

The report (by Mr. SHANNON) was read, as follows:

> The Committee on the District of Columbia, to whom was referred the resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, after carefully considering the same, beg leave to submit the following report:
>
> The original cause of this measure was the action taken by the District Commissioners in November, 1895, when they sought, by an order issued to the superintendent of the Metropolitan police, to forcibly remove the farmers, gardeners, and truckmen from the north side of B street north, between Seventh and Ninth streets west—a place where on market days they had always been allowed to bring "produce of their own raising" and station their wagons, backing them up to the curb, and making sales from both the wagons and the sidewalk.
>
> This privilege the farmers have always enjoyed without paying any license fee whatever, upon the theory, evidently, that they were rendering to the community an important public service and should be encouraged in it.
>
> The custom, it appears, is an ancient one, having existed since the establishment of public markets in this city; that is, since the beginning of the present century. Being, therefore, so to speak, a part of the common law of the District, it is not surprising that the farmers themselves had come to look upon it as somewhat in the nature of a vested right, and that they vigorously resisted the attempt of the Commissioners to deprive them of it.
>
> As numerously signed petitions by the patrons of the market and the farmers and gardeners had been presented to the Commissioners, asking that the order be rescinded, and as the Commissioners in their report made no reference to these petitions, your committee thought it advisable to give the farmers a special hearing, at which they might freely express their sentiments in regard to the matter. Of this they eagerly availed themselves, and 75 persons of both sexes attended the hearing, giving their testimony as to the old time privilege they had so long enjoyed, and protesting against the order of removal, which they claimed would, if carried out, practically deprive them "of their only means of livelihood." Representatives of the Washington Market Company were also heard, since they claimed that the threatened order of eviction would impair the completeness of their market, and so injure, if it did not seriously cripple, their business. The Commissioners also were heard several times upon the subject, and their statements and explanations had full and careful consideration.
>
> Thus, after a thorough investigation and inquiry into the matter, your committee are of the opinion that the action of the Commissioners in ordering the removal of the farmers and gardeners from the place where they had been so long and so satisfactorily serving their patrons, and with so much advantage to themselves, was not only unjust, but very impolitic and ill advised.
>
> The committee therefore report favorably S. R. 148, for the relief of farmers and truckmen in the city of Washington, D. C., and unanimously recommend that it do pass, with, however, the following amendments:
>
> Strike out, in line 12, the words "the clerk of the said market," and insert in lieu thereof the words "a clerk who may be designated by the Commissioners of the District of Columbia."
>
> Amend by adding at the end of the resolution the following:
>
> "*Provided*, That nothing in this resolution shall be construed as extending the boundaries of the grounds occupied by the Washington Market Company beyond the limits defined in the charter of said company, or as affecting the issues in any pending litigation in the courts of the District of Columbia: *And provided further*, That no charge, license fee, or assessment of any kind for occupancy of a space on a market day and the evening previous thereto shall be levied upon any farmer or producer of vegetables or provisions bringing the same to market, except 10 cents for a single team and 15 cents for a double team; nor shall any fine or fee be assessed or punishment imposed upon any farmer or producer for selling at any time within the District during market hours any article of provision or vegetables grown or produced by him and sound and fit for use."

Mr. SHANNON. Mr. Speaker, the views of the committee, expressed in the report just read, of the action taken by the Commissioners in November, 1895, do not materially differ from those expressed in the report of the Senate District Committee. Their report concludes as follows:

> After full and careful consideration of the subject, and a visit of a subcommittee, during market hours, to the locality in question, your committee do not deem it necessary to discuss the matters more especially in litigation between the District and the Washington Market Company. From the evidence before us we are satisfied that the usage in the District of Columbia of allowing farmers and gardeners selling produce of their own raising to sell without license or license fee during market hours, at or near the markets, from wagons backed up to the sidewalks, is too ancient to be disturbed without better reasons than appear in the present case; also, that there is no existing necessity for the expulsion of these classes from B street north, between Seventh and Ninth streets. We recommend, therefore, the adoption by Congress of the accompanying joint resolution, S. R. 148, "For the relief of farmers and truckmen in the city of Washington, D. C."

While thus in accord with the general purpose and object of the resolution, and after hearing the District Commissioners several times upon the subject, since they claimed that no hearing had been granted them elsewhere, your committee were of opinion that the resolution ought to be amended.

For instance, the ordinance of 1857, referred to in the resolution, was passed at a time when every market in this city was a public market. Of the seven markets now existing three only are public markets, and the other four are private markets—the Washington Market being one of them. It was considered of doubtful propriety to give to the clerk of a private company or corporation powers that were originally intended to be executed only by an official of the municipality. Hence the amendment suggested in line 12 makes that portion of the ordinance cited apply to "a clerk who may be designated by the Commissioners of the District of Columbia."

One of the provisos also suggested by way of amendment appeared necessary to your committee in view of the litigation now pending between the Washington Market Company and the District, while another proviso is suggested as a further protection to the farmers, by which they shall only be charged a reasonable fee, to cover the necessary expense of policing, sweeping, and cleaning up the sidewalk and street after the market is closed.

With these explanations of the report submitted by the committee, I now move the previous question.

Mr. BLUE. I trust that that will not be done until a further opportunity for debate is given.

Mr. SHANNON. I withdraw my motion.

Mr. BLUE. I desire to be heard a moment on this matter.

Mr. SHANNON. I yield to my friend from Kansas.

Mr. BLUE. This seems to be an effort, Mr. Speaker, to restore a very ancient custom in this city. The Commissioners have been clothed with power to make and execute proper sanitary regulations within the limits of this capital. Under a wise discretion they made such regulations as have been adopted by them for the better protection of the streets and the cleanliness of the city. This resolution is intended to override the regulations of the Commissioners, simply because there existed here an ancient and hoary custom which gave to them who produced vegetables and other wares of that character the right to stall room which occupied a part of the streets of the city. As I recall this matter, when it was before the Subcommittee on Appropriations, the custom carried with it a demand for the farmers to clear away the débris that was left by them in the sale of their wares at their expense. Out of that regulation had grown up an abuse to the effect that they used some of the parties who were required to clean the market place in the discharge of a duty that had been thrust upon them, and paid those employees of the District for that duty of also clearing the streets which they had left littered and obstructed.

The whole business is irregular. It is unworthy of the sanitary conditions of this city, and it appears to me that this resolution is simply in the interest of those who desire to sell their wares upon the streets. It has sprung from the plea that they have made and the prayer that they have offered urging that this abuse might be restored. I am not able to gather from this resolution as I have heard it read whether these parties are required to pay into the Treasury the fees that are charged or not. If they are not, they should be placed there, if the resolution is to become a law. But I trust the House, interested in the cleanliness, sanitary condition, and welfare of this great city, will vote down this proposition. If those producers of these commodities desire to sell them upon the market, that is all right. Let them be sold under civilized, modernized, and liberalized regulations. There are too many things already in the laws of the District that have no other claim on earth than that they are hoary and ancient. There are too many relics of bygone days in the laws upon the statutes of this District. I am told that there are some laws upon the statute books of this District that fix the fines in some misdemeanors to be paid in tobacco. This is a new enactment to revive a custom as old and as effete as that.

Mr. MILNES. It is a custom that now prevails and always has prevailed.

Mr. BLUE. It is a custom, as I understand, which does not now prevail and has not prevailed since the regulations made by the Commissioners. If it does prevail, what is the necessity of this resolution?

Mr. MILNES. Let me ask the gentleman from Kansas if he does not know now that these people have been allowed to stand there all this time, do stand there now, and have from time immemorial?

Mr. BLUE. I do not so understand it. They have been removed to another place. If such is not the case, Mr. Speaker, there is no necessity for the resolution, so far as they are concerned, and the only purpose it can have is to extend still further this ancient custom to other portions of the sidewalk. I may be mistaken, but if I remember the action of the Commissioners correctly, they had taken steps to abrogate this custom, and if that has not been done, it certainly is what I understood to be the wish of the Commissioners at the time when they were before the Subcommittee on Appropriations.

Mr. MILNES. That is correct.

Mr. BLUE. This resolution appears to be chiefly in the interest of the revival and extension of an effete custom in this great metropolitan city, in which we all delight so much and take so much pride, and I trust that we shall not permit the revival of a custom that belongs to a past condition of things when this country was half slave and half free.

Mr. DOCKERY. Mr. Speaker, I confess that I have not been able so far to understand just what this joint resolution proposes, and I desire to ask the gentleman from Kansas what is intended to be accomplished by it.

Mr. BLUE. I have merely heard it read here, but from what I gathered from the reading I understand that this resolution attempts to override a regulation adopted by the Commissioners and to revive and extend this effete custom to other portions of the sidewalk north of Market Square.

Mr. STEELE. May I ask the gentleman a question for information? My understanding is that the Commissioners have sought to move the people who bring in country products to another part of the city, so that persons going to the city market will be compelled to go also to the place, the ultimate object being to establish another market on a Government reservation. That is my understanding, and I shall be glad if the gentleman from Kansas will tell me whether it is correct.

Mr. BLUE. The gentleman from New York [Mr. SHANNON] has charge of this matter, and can probably answer the gentleman's question.

Mr. SHANNON. Mr. Speaker, with the permission of the House, I will make a brief statement in reply to my friend the gentleman from Kansas, who says that this joint resolution proposes the revival of a hoary custom that has too long prevailed and should in his opinion be discontinued. I would say to the gentleman that the joint resolution does not propose the revival of any custom whatever; it simply provides for the continuance of a custom which has prevailed in this city during the whole of the present century, and under the conditions and for the reasons mentioned in the report of the committee.

Mr. BLUE. Is it not true that the Commissioners have sought to regulate that custom, and that you are seeking by this joint resolution to modify their regulation?

Mr. SHANNON. I was about to state briefly the history of this matter. On November 2, 1895, the Commissioners of the District issued an order to the superintendent of the Metropolitan police instructing him to move the farmers and truckmen from the place which they had always occupied to another point farther west. Immediately there were protests from the farmers and others, and finally, upon the opening of Congress in December, 1895, the matter was referred to this House by a resolution introduced by the gentleman from Michigan [Mr. Linton]. The Committee on the District of Columbia were instructed to investigate the matter and to report by bill or otherwise. At the same time a similar resolution was introduced in another place and a report by resolution made thereon. That resolution is now under consideration by the House.

The conclusion reached by our committee after hearing the Commissioners, the farmers, and all parties who were in any wise interested in the matter, was that the order for the removal of the farmers which the Commissioners had issued was unjust, impolitic, and ill advised. The same conclusion was reached by the Senate committee, and I may say that there is nothing in what the gentleman from Kansas has said that would seem to affect that point.

As to the necessity of securing proper sanitary conditions, the proviso that the committee propose to insert at the close of the joint resolution by way of amendment is for the very purpose of securing such conditions, and therefore, for my part, Mr. Speaker, I am unable to discover on what ground the opposition of the gentleman from Kansas is based. We simply propose to continue a state of things which has existed here for years to the manifest advantage of the farmers and of the patrons of the market, and which the District Commissioners themselves now have no disposition to alter, for they distinctly stated before your committee that, in view of what had occurred, they should not insist upon the enforcement of their order. The joint resolution, therefore, seems to be satisfactory to all concerned, and I trust the gentleman will withdraw his opposition.

Mr. BLUE. Is it not true that this business obstructs the streets at certain hours of the day?

Mr. SHANNON. No, sir. A subcommittee was appointed to go there and inquire into that very question, and there is no obstruction or congestion of traffic at these hours, none whatever, because the work of the market is over at 11 o'clock. This whole measure refers to the south front of Center Market, on B street north, between Seventh and Ninth, a locality where the farmers have been accustomed to go almost from time immemorial to sell their products. As I have already said, the custom has existed for a great many years, and it has also the sanction of the laws of 1871. It seems to me, Mr. Speaker, that this House ought to be the last body to do anything to restrict these small farmers, gardeners, and truckmen in their opportunities for gaining a livelihood, especially in this city.

Mr. GROSVENOR. Will the gentleman allow me a question? Is it not a fact that if these farmers were driven to seek places in the market house, it would be impossible for them to find accommodations there because the market house is now crowded to its utmost capacity? And does not this licensing of farmers to sell on the outside lessen the pressure for accommodations in the market house?

Mr. SHANNON. I will say in reply to my distinguished friend from Ohio [Mr. Grosvenor] that this does not refer to the interior of the market; that is occupied by stalls.

Mr. GROSVENOR. So I understand; but the gentleman does not understand me. My proposition is that if these farmers were driven from the places they now occupy, they would have no other places to go and would practically be driven out altogether.

Mr. SHANNON. Quite right; but the proposition was to remove them to another point farther west.

Mr. GROSVENOR. Is it not a fact that the rentals of market stalls are so high that many dealers who wish to dispose of the products of their farms in a small way would find it impossible to pay those rentals if they were required to do so?

Mr. SHANNON. Those are very just considerations.

Mr. BLUE. Mr. Chairman, in conclusion, let me say that while the gentleman from New York [Mr. Shannon] has given some light upon certain phases of this matter, I am utterly at a loss to understand why this resolution is necessary if the law of 1871, in connection with the custom which has grown up, is ample. If that is the fact, this resolution would seem to be mere surplusage, unless the Commissioners still refuse to rescind the order they have heretofore made in reference to this business. If the object of this resolution is to abrogate the order of the Commissioners and direct their action in this matter, it appears to me it would be much wiser to leave the responsibility with the men who have been chosen to perform the executive duty of governing the city than it would be for Congress to undertake to regulate matters about which members in general can know but little. What the gentleman states proves either that there is some need for a resolution overriding the action of the Commissioners, or that there is no sufficient law upon the statute books to authorize what it is sought to accomplish. In either view, the matter is one appealing to this House for examination and careful consideration.

I have not gathered from the statements of the gentleman from New York where these people now sell their wares. I have a recollection of what the evidence before the Appropriations Committee showed.

The argument made by the gentleman from Ohio [Mr. Grosvenor] falls short of the mark. If the disposition of these wares by these people in the manner in which it has been carried on is not in the interest of good government and proper sanitary regulations—if it disturbs the proper arrangements, the good government, the cleanliness of this city—then it is no argument to come here after the existence of this custom for nearly a century and say that the stalls in the market house cost too much, and that the sidewalks, the approaches to the market house, should be devoted to the use of people who pay practically no license for such use, and whose operations are prejudicial to the welfare, the cleanliness, the beauty, and the good government of the city.

Mr. DOCKERY. Mr. Chairman, I wish to indorse the position of the gentleman from Kansas [Mr. Blue]. I do not know whether the Commissioners are right in respect to this controversy, or whether the Committee on the District of Columbia is right. But I believe it to be unwise, and a mistake on the part of Congress at any time to attempt to exercise administrative functions. And that is what is proposed by this legislation.

Now, it may be that the judgment of the Committee on the District of Columbia and of this body is superior to that of the Commissioners of the District; but the fact is that by this resolution, as stated so ably by the gentleman from Kansas [Mr. Blue], you are raising solely and purely an administrative question—a question which ought to be left to the discretion of the Commissioners of the District.

Mr. HULICK. Will the gentleman allow me a question?

Mr. DOCKERY. Certainly.

Mr. HULICK. Is it not the special object of this bill to confer jurisdiction upon the Commissioners as to the appointment of the clerk who shall assign these places to these farmers?

Mr. DOCKERY. That brings up another issue.

Mr. HULICK. That is the point; there is where the trouble has originated between the farmers and the market people.

Mr. DOCKERY. That brings me to the second proposition. I am obliged to the gentleman for the interruption. Possibly the committee is right; I do not say that it is not right; but by the enactment of this legislation we not only seek to exercise administrative functions, but also to create a new office.

Mr. HULICK. No, sir.

Mr. DOCKERY. You provide for a clerk to be appointed by the Commissioners; and my friend from Colorado [Mr. Shafroth] has an amendment prepared, I understand, which he will offer in due time—I see by the smile on his face that he is intending to do so——

Mr. SHAFROTH. The gentleman is right.

Mr. DOCKERY. An amendment providing that the salary of this official shall not exceed $1,000. So that the proposition is that we shall perform executive functions and at the same time create a new office, the salary of which, if the amendment of my friend from Colorado prevails, will not exceed $1,000.

Mr. BABCOCK. The gentleman is mistaken. It is not proposed to create any new office. The duty to be performed by this officer may not occupy more than one hour in the whole year. The Commissioners can designate a policeman or any other existing officer to perform the duty.

Mr. DOCKERY. If the chairman of the committee [Mr. Babcock] is right, I am clearly in error. It seems to me that a new office was to be created, and I knew that my friend from Colorado had an amendment prepared to limit the salary. But, Mr. Speaker, the fact remains, and that is really the grave defect, that Congress by joint resolution is going to take upon itself executive duties which ought not to be done. We ought not, Mr. Speaker, to do that even if we knew that we were absolutely right and the Commissioners were in error, because the remedy lies with the executive department and not with the Congress.

Mr. BLUE. Mr. Speaker, a moment more and I will yield the floor.

Mr. MILLER of Kansas. Will my colleague allow me a moment?

Mr. BLUE. I will yield for a question.

Mr. MILLER of Kansas. I wish to ask, Mr. Speaker, whether it is not a strange condition of affairs that my colleague from Kansas [Mr. Blue], who is a lawyer, and the gentleman from Missouri [Mr. Dockery], who is a doctor, should assume to instruct the House as to what ought to be done to the farmers surrounding the capital? Now, I have understood that there were a great many farmers of the farmers in Washington, but this is the first time I have ever understood that there were real, genuine farmers here, and I submit to the House if there are any such, they should have every advantage that is possible accorded to them, and if they wish to use the streets around the capital for the display of their products, they ought to be permitted to do so. As a representative of the farmers, I claim and insist that this bill should go through.

Mr. BLUE. Mr. Speaker, I am very much obliged to my colleague from Kansas for the suggestion that he has made in reference to the gentleman from Missouri [Mr. Dockery] and myself. Coming from the great metropolis of Kansas City, Kans., a Representative of the State of Kansas, and being a lawyer, he is doubtless qualified to speak on this subject. [Laughter.]

But I have no other purpose, so far as I am individually concerned, than simply to see that this legislation is thoroughly understood by the House. The gentleman from Missouri has well stated the condition. He is right, in my judgment, about it, as he is so many times when it comes to questions of this character.

I wish to say further, Mr. Speaker, in this connection, that the very fact that this is a resolution, instead of a bill, is in itself an argument going in the direction of indicating that it was thought best to give instructions by this character of legislation rather than the establishment of some permanent provision of law.

Mr. BABCOCK. You think it is suspicious on its face?

Mr. BLUE. Well, the gentleman suggests—and he is from the committee that framed the resolution—that it is suspicious on its face. Perhaps he ought to know; it comes from his committee. I have not said so; I have not charged anything of the kind. I did not say that it was a suspicious circumstance. But it is the usual form of legislation, if it is designed to redress a wrong or establish something that is good law for the upholding of right, or providing for a condition with reference to which the legislative power must take action—the regular way for the accomplishment of such legislation is by a bill, and not by a resolution, unless there is some hasty and inconsiderate action to be taken.

Mr. MILNES. What is the difference and effect between a joint resolution and a bill?

Mr. BLUE. Oh, I understand that the effect of their operation is the same. Practically the same thing is accomplished. But it has been the practice, as I understand it—I am new here and not so old as some other gentlemen in this business—but it has been the practice where a matter is to be accomplished in the way of a direction to an executive officer, in the correction of an irregularity, in the expression of a legislative policy, or something of that character, to accomplish it largely by resolution and not take the regular and orderly way of a bill. Of course, a resolution has the same effect, but it is not the practical way of legislation.

Mr. WILLIAM A. STONE. Will the gentleman yield for a question?

Mr. BLUE. Certainly.

Mr. WILLIAM A. STONE. I simply want to derive information in reference to this matter, and I know the gentleman from Kansas has given it very much consideration.

Mr. BLUE. No; I have not given it full consideration. [Laughter.]

Mr. WILLIAM A. STONE. I supposed that I was asking a question of some one who had information. But, as I understand it, in the resolution, or under the legislation heretofore adopted in 1857, an ordinance was passed permitting hucksters, so called—small farmers—to bring vegetables, chickens, and produce of various kinds to the city for sale, and they were permitted to occupy certain defined spaces, and parts of the sidewalks in some places, for the display of their wares, for which privilege they paid 10 cents for a single wagon and 15 cents for a double, and were allowed to sell their wares on the sidewalk. The people who desired to purchase direct from the farmers could do so, while at the same time the farmer paid only this small amount, paying no market tax, did not have to hire a stall, and did not even have to use a counter. In 1895 the Commissioners made an order to vacate the sidewalks, driving the farmers away from the stands they had theretofore been allowed to occupy. The object of this provision is simply to restore the old conditions, as I understand it.

Mr. BLUE. In reply to the gentleman from Pennsylvania, who suggested that I had given a great deal of consideration to this matter, I can only say that I have about the same opportunity as other members on the floor to give these questions careful study. We all know what our opportunities in that regard are—that they are very limited when the measures do not come from the committees upon which we serve. I have sought to understand the questions that are presented here in the restricted opportunity given.

I have somewhat the same view as the gentleman from Pennsylvania, as he has stated it, and I think it will be found that that at least is the essence of the measure, going a little further and directing the Commissioners to do that which will bring back this antiquated condition after the Commissioners have taken certain steps, as I stated, to change or modify it for the better government of the city, and that is all I have to say with reference to the matter.

I am simply speaking upon this question from the standpoint of what I regard to be proper legislation. I think it ought to be very carefully considered, and that we ought to have appropriate legislation in a matter involving so much, as far as the interests of the city of Washington are concerned.

Mr. SHAFROTH. Mr. Speaker, I have heard the discussion concerning this bill, but it seems to me that there is one important element which has not been considered. I take it that the real intention of this bill is to provide competition in the sale of market produce, so that the people who desire to buy food can have an opportunity of purchasing the same from the farmers direct, and so that the farmers can sell their products without having to pay a large amount for stall rent. In other words, it authorizes the purchase of food from the producer direct, and thus saves the large amount that usually goes to the middleman.

Now, Mr. Speaker, I think the bill is clearly in the interest of the people. The farmer raises his produce and brings it here, and he has a right to have a market for it. The privilege of selling from his wagon on the street adjoining the Center Market has been enjoyed by him for years. For a limited time he has been deprived of that right. It is a matter of justice to him that the right should be restored, and a matter of economy to the people of the District. There can not be any question of sanitary regulation in this matter. I am informed by the Committee on the District of Columbia that the Commissioners are perfectly content with this bill. It is true that it requires a clerk to provide where these farmers' wagons shall stand, but that, as has been explained by the gentleman from New York [Mr. Shannon], is simply to prevent the clerk of the market, which is a private market, from placing these farmers in a disadvantageous position.

Mr. BABCOCK. This simply takes from the clerks of the private market the control over a certain space in the street and puts it under the control of a clerk to be designated by the District Commissioners.

Mr. SHAFROTH. The present arrangement has a tendency to place these farmers at a disadvantage in the location which they occupy. For that reason, some disinterested person, to be designated by the Commissioners, is the proper one to do it. It seems to me that it is nothing but fairness and justice to these farmers, and at the same time it is a proper measure of economy in the interest of the people who buy food. It prevents combinations to raise prices in the market, and the bill should be passed.

Mr. WILLIAM A. STONE. Then you think this resolution is favorable to the farmers?

Mr. SHAFROTH. Yes, I do.

Mr. McCORMICK. The gentleman from Kansas [Mr. Blue] should be the last man on the floor to interfere with the time-honored rights of the farmers of this District and vicinity. I had no idea that he, the representative of farmers, would take such a position at any time. He talks about an "antiquated practice." It may be ancient, but, at the same time, it is honorable and advantageous to the people. Nor is it so much out of fashion as the gentleman thinks, for in the city of New York and in the city of Brooklyn it is to-day largely followed, and the custom is liked by the people. The farmers are permitted to come into the cities with their wagons and to sell in certain streets, and to stay for a number of hours. Many people in those cities are in the habit of buying directly from the wagons, and the practice is greatly favored, as the vegetables and fruits are bought at first hands, without paying tribute to middlemen. Let the honest and worthy farmers have the privileges in Washington which they have so long enjoyed and seldom, if ever, abused.

Mr. SHANNON. And in all the great cities of the Union the farmers have the same consideration.

Mr. McCORMICK. Yes; in all the great as well as in the smaller cities of the United States. Hundreds of wagons enter New York City and Brooklyn from my own district, and are at the markets early in the morning. They furnish supplies which are known to be fresh and good in every particular.

This practice of selling from wagons has been followed in this District for a great many years, as the gentleman says; but that is no reason why it should be abolished now. It is a good custom, and the District Commissioners have found that the people do not want it prohibited. The farmers occupy the streets for but a few hours, and do no harm. If the streets are soiled in any way, they can be quickly cleaned. I repeat, the coming of the farmers is a good thing and in the interest of the people of Washington.

Mr. SHANNON. Mr. Speaker, there are many more friends of the farmer here who desire to speak on the question, and perhaps they should be allowed to be heard before the discussion is closed. I yield to the gentleman from Massachusetts [Mr. Morse].

Mr. MORSE. Mr. Speaker, the attitude of my friend from Kansas [Mr. Blue] makes me think of a minstrel show which I once attended. One of the minstrels came out in the rôle of a lecturer, and proposed to give an address on "Civil-service reform and the currency." After announcing his subject he said that he perceived that the audience did not know anything about the subject, and he did not either, and therefore he would bring his address to a close. [Laughter.] Now, my friend from Kansas [Mr. Blue], when asked if he had considered this question, said he had not, and I was fain to come to the same conclusion after listening to his speech. [Laughter.]

Mr. Speaker, we have in this city the strangest anomaly known in all human history. Here is a city of 250,000 or 300,000 inhabitants, the capital of a great Republic, and yet the inhabitants of this city do not have the opportunity to vote, and they have no voice in the management of their own municipal affairs.

The gentleman from Missouri [Mr. Dockery] says this matter should not be considered by Congress, because it is a matter of administration.

Now, suppose the Commissioners of the District should fail to administer the affairs of this District as the people wish them to do. For instance, suppose there is such a lax enforcement of the liquor law [laughter] in this city that practically it amounts to free rum, and the residents of this city, who have the welfare of this city at heart, who have the welfare of young men, reformed men, who are exposed to temptation, at heart, are not satisfied with the administration of the Commissioners of the District, what do they do then? They come here to Congress and to the Committee of the District of Columbia and ask that this law may be made more stringent; they ask that the law may be made operative, and may be so amended as to be enforced, and thus protect the people of this city from the awful saloon curse.

Well, now, the Commissioners of this District have made an odious and offensive ruling in regard to these market men, and I am for the market men, because, for one thing, they do bring fresh butter here. They do not make prepared soap grease, called oleomargarine, and bring it into competition with butter. As they have no other method of redress, I submit it is unfair, as the gentleman from Missouri [Mr. Dockery] suggests, to deny them the privilege of coming before the different Congresses and the committee of this House to make known their wrongs and grievances and to ask for redress, as they have in this matter. I submit there ought to be some different provision for the government of this city, and I hope that Congress and wise statesmanship will in the fullness of time devise a different and better method for the government of this city than asking Congress to sit here as a common council or a board of aldermen two days in the month for this one city of many in this great country, neglecting the affairs of 60,000,000 people for the little affair of regulating city matters, such as the markets of the city. It is beneath the dignity of the House of Representatives to legislate upon such trivial and unimportant matters. But while existing conditions prevail, while these people have no other redress, no other appeal from the decisions of the Commissioners of the District, I submit that it is unfair to deny to these men this relief. The Commissioners have made an odious rule or regulation in regard to these farmers. It is a grievance to them, and it is injurious to the people of the District, who desire competition, in order, as my friend from the other side said, that they may buy as cheaply as possible; and so I trust the House will see its way clear to adopt this very just and reasonable bill which has been brought in here by the Committee on the District of Columbia.

Mr. SHANNON. I move the previous question on the bill and amendments.

The previous question was ordered, and under the operation thereof the amendments recommended by the committee were agreed to, and the joint resolution as amended was ordered to a third reading; and it was read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SALE OF POISONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person except a registered pharmacist, or under the personal supervision of such, from and after the passage of this act, to retail any poisons enumerated in Schedules A and B, as follows, to wit:

Schedule A: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric when sold in quantities of not more than 1 ounce.

Schedule B: Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid.

Nor without first labeling the vial, box, or paper containing the poison with its name, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any registered pharmacist, or his assistants, to sell or deliver any poison enumerated in Schedules A and B, unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist or his assistants to sell any poison included in Schedule A without first placing said poison in a three-cornered container, and before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years. The provisions of this section shall not apply to the dispensing of poisons upon the prescriptions of practitioners of medicine, except as provided for in the following clause: That it shall not be lawful for a registered pharmacist or his assistants to compound or dispense more than once a prescription containing opium, morphine, cocaine, or chloral, when such prescription has written or printed upon its face the words "not to be repeated."

SEC. 2. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than $5 nor more than $100, in the discretion of the court, for each and every offense.

Mr. SHANNON. Mr. Speaker, I call for the reading of the report which accompanies this bill.

The report (by Mr. Shannon) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia, respectfully submit the following report:

The chief object of this bill is to limit to registered pharmacies the sale of poisons, and thus prohibit their sale by irresponsible parties to the detriment of the public at large, especially of innocent people, and also prohibit their sale to evil and designing persons for improper uses.

In requiring that the poisons shall be sold in a three-cornered container the aim is to distinguish the poison in such a manner as will protect the handler from making mistakes in administering the same to innocent people, which so frequently happens. The mere grasp of a three-cornered container will warn the handler of the poisonous and dangerous, if not fatal, properties of these drugs, and so protect him from the impending mistake.

It is thought that while this simple device may not always prevent mistakes, it will accomplish much toward that result.

Another object of the bill relates to the protection of innocent people from the formation of the opium, morphine, cocaine, and chloral habits. Sometimes a person who has experienced the beneficial effects of these drugs, as prescribed by physicians, will seek to have the prescription repeated without the consent or knowledge of the physician, and without any suspicion on the part of the pharmacist that it is to be used improperly; and this method will be continued—the prescription being repeated again and again without the suspicion or knowledge of either pharmacist or physician—until the habit has been so firmly established that it can no longer be concealed and the person has become the incurable victim of some one of these habits.

While it is not contended that this legislation will arrest the formation of such habits, it is believed that it will go far in protecting many well-meaning and innocent people from such danger.

As House bill 10038 thus appears to be a measure solely in the interest of good health and good morals, the committee, after careful consideration, favorably report the same, and unanimously recommend that it do pass with the following amendments:

In section 1, line 21, strike out the words "and place of business of the seller" and insert in lieu thereof the words "of the owner of the pharmacy and the address of the place where sold."

In section 1, line 27, strike out the word "reistered" and insert in lieu thereof the word "registered."

In section 1, line 38, strike out the words "practitioners of medicine" and insert in lieu thereof the words "persons authorized by law to practice medicine and surgery in the District of Columbia."

Mr. SHANNON. Mr. Speaker, the main features of this bill, and almost the very words in which it is expressed, are similar to those in section 13 of the existing law, approved June 15, 1878, regulating the practice of pharmacy in the District of Columbia. Where the bill proposes to change the present law is in requiring that certain poisons shall be dispensed in characteristic containers, so as to prevent the disastrous effects which too often result from an accidental administration of poisons.

The bill also forbids the unauthorized repetition of prescriptions containing certain specified drugs, with a view to diminishing somewhat existing facilities for acquiring the drug habit.

As the bill originated with the Medical Society of the District of Columbia, and is approved by the District Commissioners, the committee recommend its passage by the House, with the amendments suggested in the report.

The first amendment seeks to indicate with more definiteness the authorized seller of poisons; the second amendment is merely the correction of a typographical error, and the third amendment is suggested in view of a possible doubt as to who is a practitioner of medicine in the District of Columbia, inasmuch as certain persons authorized by law to practice medicine are not actively engaged in their profession.

With this explanation of the bill, I will now move the previous question, unless some gentleman desires to make an inquiry or suggestion regarding the measure.

Mr. BAKER of New Hampshire. Mr. Speaker, I want to make

an inquiry, and possibly to offer an amendment. I wish to ask the gentleman in charge of the bill how, under Schedule B, the ordinary homeopathic pharmacists of the city can sell their medicines that have heretofore been sold without harm to anybody and without criticism? Has the gentleman given attention to that matter?

Mr. SHANNON. I will have to ask the gentleman to specify more definitely what he refers to in the schedule?

Mr. BAKER of New Hampshire. I refer principally to aconite, belladonna, colchicum, and nux vomica. These are well-known homeopathic remedies, and are sold either in liquid or as absorbed by pellets, and are generally used by the community. In the quantities in which they are sold they are not in the least degree poisonous; on the other hand, they are held by hundreds of people to be the best kind of medicine, and it does not seem that the bill should include such sales as those which I have mentioned. I wish to ask the gentleman what his construction of the bill is in that particular?

Mr. SHANNON. In reply to the gentleman, I will say that while it may seem to him important that the exceptions he mentions be incorporated in the bill, it is proper and right for me to state for the information of the House that this bill came before the committee with the distinct understanding that it had been carefully prepared by competent parties; that it originated with the Medical Society of the District of Columbia, and had the approval and recommendation of the District Commissioners. Under these circumstances your committee have given it as careful consideration as we could. We regret, of course, that the membership of our committee does not include gentlemen who, like the distinguished gentleman from Missouri [Mr. Dockery] or the gentleman from Michigan [Mr. Thomas], have the advantage of special professional knowledge of the subject, but I can assure the gentleman from New Hampshire that the bill has had the careful consideration and approval of the medical profession of the District of Columbia.

Mr. BAKER of New Hampshire. Mr. Speaker, it is unquestionably true that this bill is recommended by one school of medicine in the District of Columbia, and so far as it applies to these preparations as used by that old school—as it is popularly known—I presume no one objects to the provisions of the bill. But there is another school of medicine which should not be forgotten in this legislation, and in order to cure the defect which I have suggested I send to the Clerk's desk an amendment which I think the gentleman in charge of the bill will accept.

The amendment was read, as follows:

After the word "medicine," in line 2, page 2, insert "all articles enumerated in Schedule B, under the strength of 'mother tinctures,' as usually prepared and sold in any homeopathic pharmacy."

Mr. BABCOCK. Mr. Speaker, that amendment is entirely useless. I desire to inform the gentleman from New Hampshire that, as I understand, the Homeopathic Society have fully considered both measures that are brought before the House by the committee to-day, and are not only in favor of this bill, but also of the pharmacy bill. We have taken their amendments as suggested and added them to the pharmacy bill.

Mr. BAKER of New Hampshire. Well, is there any objection to this amendment?

Mr. BABCOCK. Yes.

Mr. BAKER of New Hampshire. Why?

Mr. BABCOCK. I object to any amendment where a bill has been carefully prepared by the health officer, agreed upon by the Medical Society, and approved by the Commissioners of the District and by the committee. There are two branches of homeopaths here, who do not agree with each other, and——

Mr. BAKER of New Hampshire. Who have been before the committee representing the Homeopathic Society?

Mr. BABCOCK. I can not tell the gentleman's name, but he represented the society, and we took his amendment and incorporated it in the pharmacy bill. Now, Mr. Speaker, after a measure has been carefully prepared—has been gone over and approved by the medical societies, by the health officer of the District, by the Commissioners of the District, and by the committee—I think it is very dangerous to accept any amendment that is offered in this way unless there is a great and obvious necessity for it.

Mr. MEREDITH. Mr. Reddington, representing the Homeopathic Society, agreed to the bill.

Mr. McCORMICK. Mr. Speaker, I introduced this bill, and the very point raised by the gentleman from New Hampshire was made to me. A few days ago I went to medical gentlemen who aided me in the preparation of a bill, and they told me that they had the hearty cooperation of the Homeopathic Society. My information is that at every step in the progress of this bill the homeopathic physicians of this District have been consulted as much as those who belong to other schools of medicine.

Mr. BAKER of New Hampshire. But, Mr. Speaker, there are two grades of strength of these preparations—the grade known to the United States Pharmacopœia and the grade of strength known and used by the homeopathists. There is no distinction made between them in this bill, and the purpose of the amendment I have offered is to permit these homeopathic pharmacies, against whom there never has been any complaint, and probably never will be, in relation to the sale of the articles included in Schedule B, to go on doing business as they do it now. Certainly there can be no objection to the amendment, either as matter of fact or as matter of principle, and it is not necessary that this bill should pass without amendment, while it is necessary that it should be so perfect that it will not interfere with the rights of these people who are doing business in the District of Columbia or of those who wish to deal with the pharmacies where these inoffensive articles are sold. The amendment is offered in entire good faith, for the purpose of making the bill better and stronger than it now is, and to protect the rights of people who do not believe in the old school of medicine.

Mr. BABCOCK. Mr. Speaker, I think the amendment is entirely unnecessary, and I hope it will be voted down. I ask for a vote.

The question being taken on the amendment of Mr. Baker of New Hampshire, it was rejected.

Mr. MORSE. Mr. Speaker, on page 2, line 18, after the words "oxalic acid," I move to amend by adding "any prescription containing over 2 per cent of alcohol."

Mr. RICHARDSON. What per cent?

Mr. MORSE. Two per cent.

Mr. RICHARDSON. Would not that include cologne?

Mr. MORSE. Wait till you hear me. [Laughter.] Mr. Chairman, chemistry ranks alcohol among the deadly poisons. This bill recites the names of poisons. Why should it not include alcohol? Alcohol is the fruitful source of pauperism, crime, insanity, disease, and death. It is a matter susceptible of proof that in our country, in consequence of the use of the poison alcohol, over 60,000 men annually go down to drunkards' graves. Five hundred ghastly suicides are annually committed in consequence of alcohol; 500 murders are annually committed; 100,000 men crowd our almshouses and swell our taxes in consequence of alcohol. I do not see, therefore, any reason why the committee should not consent to my amendment.

Alcohol is a poisonous, dangerous drink. It is the devil's own drink. Of all the engines the devil ever invented to destroy the bodies and souls of men and the peace of families, alcohol beats them all. I believe not a few of the appalling suicides which have recently taken place under the very shadow of this Capitol are directly traceable to the poison known as alcohol in some one of its various forms. Surely, Mr. Chairman, alcohol is a poison, a deadly poison, a brain poison that turns man into a beast and a brute, a criminal, a murderer, and a suicide. It should be labeled "Poison!" and its sale interdicted. It should certainly be included in this bill with these other poisons.

Without occupying further the time of the House, I trust the committee will consent to my amendment and include in the bill preparations containing over 2 per cent of alcohol.

Mr. DALZELL. Does not almost everything that comes out of a drug store in the shape of tinctures, etc., contain at least 2 per cent of alcohol? The amendment would cover, for instance, as a gentleman here suggests, cologne.

Mr. PITNEY. I move to amend the amendment of the gentleman from Massachusetts [Mr. Morse] by adding at the end of it these words: "And any of the compound known as MORSE'S RISING SUN STOVE POLISH." [Laughter.]

Mr. MORSE. Mr. Chairman, I desire to be heard upon the amendment to the amendment. Seriously, my friend from New Jersey [Mr. Pitney] knows that it is against the parliamentary usage of any deliberative body on the face of the earth to refer to the private business of any member. I submit therefore that the amendment offered by the gentleman——

Mr. RICHARDSON. Is it any more out of order to refer to the private business of manufacturing stove polish than to that of manufacturing and selling alcohol?

Mr. MORSE. The gentleman from Tennessee [Mr. Richardson] is not serious in his inquiry. [Laughter.] I am sure that my friend from New Jersey [Mr. Pitney] on a little reflection will see that, seriously, his amendment is in exceeding bad taste; and certainly it is very improper for a gentleman to offer such an amendment on this floor. I will say for the benefit of the gentleman from New Jersey that I do not think he needs any blacking. I think, in the light of this amendment, he had better spend his money for whitewash and soap. [Laughter.]

Mr. PITNEY. I really think the gentleman from Massachusetts ought to accept this amendment. I presume that the compound named in my amendment is poisonous. And whether it is so or not, it is an article of manufacture the sale of which the gentleman from Massachusetts [Mr. Morse] is largely interested in promoting; and he ought to give me a commission upon all sales of the article in the District of Columbia which may be made by reason of the advertisement which this amendment will give.

Mr. MILLER of Kansas. I should like to ask the gentleman a question. As various evils are spoken of as following the sale of alcoholic liquor, does the gentleman think that that line of business has anything to do with creating the people called "cranks?"

Mr. PITNEY. I do not know what the effect of stove polish may be.

Mr. SHANNON. I move the previous question.

The previous question was ordered.

Mr. PITNEY. In view of the sensitive nature of my friend from Massachusetts, I will withdraw my amendment.

The SPEAKER pro tempore. By unanimous consent, the amendment of the gentleman from New Jersey will be withdrawn.

The question being taken on the amendment of Mr. MORSE, it was rejected.

The question recurring on the amendments of the committee, they were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the last vote was laid on the table.

ADULTERATION OF FOODS AND DRUGS.

Mr. BABCOCK. I desire to call up the bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall, within the District of Columbia, by himself or by his servant or agent, or as the servant or agent of any other person, sell, exchange, or deliver, or have in his custody or possession with the intent to sell or exchange, or expose or offer for sale or exchange, any article of food or drug which is adulterated within the meaning of this act; and the courts shall construe the provisions of this act liberally, so as to prevent the mischief intended to be guarded against.

SEC. 2. That the term "drug," as used in this act, shall include all medicines for external or internal use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, shall include confectionery, condiments, and all articles used for food or drink by man.

SEC. 3. That an article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: First, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein; second, if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work or materia medica, it differs from the strength, quality, or purity laid down in such work; third, if, when sold as a patented medicine, compounded drug, or mixture, it is not composed of all of the ingredients advertised or printed or written on the bottles, wrappers, or labels of or on or with the patented medicine, compounded drug, or mixture.

(b) In the case of food: First, if any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength; second, if an inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable constituent has been wholly or in part abstracted from it; fourth, if it is an imitation of or is sold under the name of another article; fifth, if it consists wholly or in part of a diseased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not; sixth, if it is colored, coated, polished, or powdered whereby damage is concealed, or if it is made to appear better or of greater value than it really is; seventh, if it contains any added poisonous ingredient or any ingredient which may render it injurious to the health of a person consuming it; eighth, in the case of milk, if it contains less than 3½ per cent of fat, less than 9 per cent of solids not fat, and contains more than 87½ per cent of water; ninth, in the case of butter or cheese, if it is not made exclusively from milk or cream, or both, with or without common salt; the butter, if it contains more than 12 per cent of water, more than 5 per cent of salt, and less than 83 per cent of fat; tenth, in the case of coffee, if it is not composed entirely of the seed of the *Coffea arabica*; eleventh, in the case of lard, if it is not made exclusively from the rendered fat of the hog; twelfth, in the case of tea, if it is not composed entirely of the genuine leaf of the tea plant not exhausted; thirteenth, in the case of all kinds of vinegar, if it contains an acidity equivalent to the presence of less than 4 per cent of absolute acetic acid; and cider vinegar, if it is not made from the legitimate product of pure apple juice and contains less than 1.5 per cent of total solids; fourteenth, in the case of cider, if it is not made from the legitimate product of pure apple juice and free from salicylic acid or other preservatives; fifteenth, in the case of glucose, if it contains less than five one-hundredths per cent of ash; sixteenth, in the case of flour, if it is not composed entirely of ground wheat, free from bran, perfectly white or having a faint yellow tinge, and contains more than six-tenths per cent of ash, less than 10.5 per cent of albuminoids, and more than 12 per cent of moisture; seventeenth, in the case of bread, if there is any addition of alum, sulphate of copper, borax, or sulphate of zinc, and contains more than 31 per cent of moisture, more than 2 per cent of ash, and less than 6.25 per cent of albuminoids; eighteenth, in the case of olive oil, if it is not made exclusively from the olive berry (*Olea europea*), and its specific gravity at 15.5° centigrade (60° Fahrenheit), "actual density" to be not more than .917 nor less than .911: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say, first, where the order calls for an article of food or drug inferior to such standard or where such difference is made known or so appears to the purchaser at the time of such sale; second, where the article of food or drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight, or measure or conceal its inferior quality if at the time such article is delivered to the purchaser it is made known to him that such article of food or drug is so mixed; third, where the standard of strength or purity concerning any drug has been raised since the issue of the last edition of the United States Pharmacopœia.

SEC. 4. That it shall be the duty of the health officer of the District of Columbia, under the direction of the Commissioners of said District, to adopt such measures as may be necessary to facilitate the enforcement hereof, and prepare rules and regulations with regard to the proper method of collecting and examining drugs and articles of food in said District.

SEC. 5. That it shall be the duty of every inspector to investigate a complaint for a violation of any of the provisions of this act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

SEC. 6. That every person offering for sale or delivering to any purchaser any drug or article of food included in the provisions of this act shall furnish to any analyst or other officer or agent of the health department who shall apply to him for the purpose and shall tender him the value of the same a sample sufficient for the purpose of analysis of any such drug or article of food which is in his possession.

SEC. 7. That in all cases where any drug or article of food shall be taken as a sample to be examined and analyzed, such analysis shall be done in the presence of the owner or his agent, if he so requests, and the person making the analysis shall reserve a portion of the sample, which shall be sealed, and in case of a complaint the reserved portion alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney.

SEC. 8. That no person shall hinder, obstruct, or in any way interfere with any inspector, analyst, or other person of the health department in the performance of his duty in carrying out the provisions of this act.

SEC. 9. That all prosecutions under this act shall be in the police court of said District, on information brought in the name of the District of Columbia, and on its behalf, and any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $5 nor more than $100.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Section 2, line 5, add after the word "man," the following:

"and if there be more than one quality of any article of food or drug known by the same name the best quality thereof shall be furnished to the purchaser, unless he otherwise requests at the time of making such purchase, or unless he be notified at such time of the inferior quality of the article delivered."

Section 3, line 6, strike out the word "therein" and insert "in the edition thereof at the time official."

Section 3, line 10, strike out the words "in such work" and insert "therein."

Section 3, line 14, after the word "mixture," insert the words:

"*Provided*, That if the defendant in any prosecution in respect to the sale of any such patented medicine, compounded drug, or mixture shall prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution."

Section 3, line 48, strike out the word "and" and insert "in the case of wines and fruit juices, if not made from the legitimate product of the pure fruit, as represented, and in the case of cider, wines, fruit juices, and malt liquors, if not."

Section 3, line 52, after the word "of" and before "flour," insert "wheaten."

Section 3, line 57, insert after the word "bread" and before "if" "(which term shall be held to mean wheaten bread unless otherwise specified)."

Section 7, lines 3 and 4, strike out the following: "such analyses shall be done in the presence of the owner or his agent, if he so requests and."

Section 7, line 6, insert after the word "sealed" and before the word "and" the following: "for a period of thirty days from the time of taking such sample."

Section 10, line 2, after the word "repealed," insert:

"*Provided*, That nothing in this act contained shall be construed as modifying or repealing any of the provisions of 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, or of 'An act defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese,' approved June 6, 1896."

Mr. CURTIS of Iowa. Mr. Speaker, this bill may, perhaps, be considered the most important in the interest of the public health that has yet been presented by the District Committee. It relates wholly to the adulteration of foods and drugs in the District of Columbia. It is of vital importance to the public health. It seeks to prevent the perpetration of frauds, and at the same time to protect the honest producer and dealer as well as the consumer. The bill may be considered as amendatory or supplementary to "An act to prevent the manufacture or sale of adulterated foods or drugs in the District of Columbia," approved March 12, 1888. The sections of that act chiefly affected by this bill are those numbered, respectively, 11, 12, and 16. Section 11 reads as follows:

> That the analysis provided for in this act shall be under the control of the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Under the authority of this section the Secretary of the Treasury has promulgated certain regulations concerning the analysis of foods and drugs in the District of Columbia, which are set forth at length in "Series 7, No. 15, Revised," entitled "Regulations concerning analysis of foods and drugs in the District of Columbia." Under these regulations the responsibility of making the analysis is placed upon the health department by this language:

> The chemist of the health department of the District of Columbia, or such person as shall be lawfully acting in that capacity, is hereby designated as the analyst contemplated by section 12 of this act.

But neither by the act itself nor by the regulations is any particular officer charged with the enforcement of the legal obligations established by the act. Any private party may, as a matter of course, make the complaint and set the machinery of the law in motion; but by reason of the complications surrounding the law prosecutions, I am informed, by private parties have—I think I am warranted in saying—not been made to any extent under that law.

Now, to what extent the adulteration of food and drugs is practiced in this District it is impossible for me to state definitely from the fact that owing to the comparatively small force of men at the command of the health department it has been impossible to make the necessary investigations to determine that fact. All of the investigations have thus far been made under the supervision of the health officer. The present law has been practically a dead letter until quite recently, when investigations were commenced under the supervision of the health department, and the investigations were made, I am informed, by Mr. J. D. Hurd, the District chemist. A part of the results attained by him I will refer to now for the information of the House. Of 37 samples of vinegar which were examined by him, 24 were found to be adulterated, the percentage of adulteration being 64.8; evaporated cream, 2 samples examined, both of them adulterated 100 per cent; olive oil, 10 samples tested, 6 adulterated to the extent of 60 per cent; precipitated sulphur, 8 samples, 2 adulterated to the extent of 25 per cent; cream of tartar, 7 samples examined, 2 adulterated 28.5 per cent; cider, 2 samples, both adulterated up to 100 per cent; mince meat, 1 sample only analyzed, adulterated 100 per cent; smoked sausage, 1 sample examined, adulterated to the extent of 100 per cent.

I am advised that out of 40 grocery stores 36 were selling acetic vinegar, even below the standard of that kind, for pure cider vinegar. Fifteen stores were found to be selling cotton-seed oil for pure olive oil, and of 4 candy stores 4 were selling a composition of brick dust for chocolate drops.

Now, under the prosecutions instituted by the health officer the court, I am informed, disregarded the so-called "standard" laid down by the Commissioner of Internal Revenue, supposed to have been established, as I have stated, and in these cases determined the question of adulteration solely on the testimony submitted. I can not state definitely to the House the reason given by the court. But I believe I am correct in stating that the making of the regulations, so far as they were intended to fix the standard, was held to be unauthorized by the court.

This bill, as will be seen, definitely fixes the standard of strength and purity of drugs and other articles. It also fixes the responsibility for its enforcement, which the present act does not do, by placing the same upon the health officer of the District of Columbia instead of on the Commissioner of Internal Revenue, as is the case under the present law. Its provisions, I may say, will not inflict, as far as I am informed, any hardships upon those engaged in the sale of food or drugs, since the standard to be fixed follows very closely those previously established by the Secretary of the Treasury under the present law. Where there is a variation, the standard has almost invariably been reduced, there being but few cases where the standard has been raised.

Now, in the case of food articles, patent medicines, drugs, etc., an effort has been made to prevent, as far as practicable, the common practice of selling an article under a fraudulent name. Provision is made, however, to enable the dealer who is found to have been innocently made a party to the fraud to protect himself against liability.

It is represented that a large majority of the States have laws in conformity with the one here suggested; but Ohio, New York, and Massachusetts were taken as examples, and I am informed by the authorities that this proposed law follows very closely the Massachusetts law, which is considered by the authorities to be as nearly perfect as possible.

I believe this legislation to be absolutely essential in the interests of the public health and for the protection of the people against all species of fraud in which the people are powerless to protect themselves. It is more important and dangerous because of its results, not alone in the loss of money, but the possible loss of life or great injury to the public health.

I may say, Mr. Speaker, that this bill has been unqualifiedly indorsed by the prominent physicians of the District of Columbia. I have here the indorsement of Dr. George M. Kober, in a personal letter to myself, the chairman of the committee on public health, Civic Center (Good Government Club), District of Columbia. He says:

> 1819 Q STREET NW., *Washington, D. C., February 5, 1897.*
>
> HONORED SIR: I have carefully examined H. R. 9842, a bill relating to the adulteration of foods and drugs in the District of Columbia, and trust that this timely and much-needed measure in the interest of public health may become a law.
>
> Respectfully,
>
> GEO. M. KOBER, M. D.,
> *Chairman Committee on Public Health,*
> *Civic Center (Good Government Club).*
>
> Hon. GEORGE M. CURTIS,
> *Committee on the District of Columbia.*

I also have a personal letter from Dr. Samuel C. Busey, who signs himself president of the Medical Society of the District of Columbia, indorsing this bill in very strong terms. I will consume a little of the time of the House in reading this letter, so that it may appear in the RECORD.

Dr. Busey says:

> 1515 I STREET NW., *Washington, D. C., February 6, 1897.*
>
> SIR: I have the honor to acknowledge the receipt of bill H. R. 9842, entitled a bill relating to the adulteration of foods and drugs in the District of Columbia. I have given the bill careful consideration, and it meets with my unqualified approval, because no single measure relating to the District of Columbia during the present session of Congress will go further toward promoting public health than this bill in question. After a professional experience of over forty-eight years, I am rejoiced to think that the importance of pure drugs is about to be emphasized by an effective law, and it needs no argument of mine to indicate that any legislation which is aimed to correct the adulteration of food would be incomplete without dealing with the question of adulterated drugs, as there is more danger to life and health from the latter than from adulterated food.
>
> Every practitioner of medicine must recall instances of untoward effects of certain drugs due to poisonous impurities, and every physician has time and again been disappointed in his remedial efforts, simply because some unscrupulous dealer has placed an adulterated article on the market. In spite of these sad experiences, it is a fact that the first movement toward securing comprehensive legislation against the adulteration of foods and drugs in this country was made only in 1881 by three States, viz, New Jersey, New York, and Michigan, followed in 1882 by the States of Massachusetts and Louisiana. Other States have doubtless enacted similar laws, but the limited time at my disposal will not permit a more extended search for authorities. The actual work in the enforcement of the law in the State of New York commenced in the summer of 1882. Of the first 119 samples of food submitted to the public analyst of the State board of health for examination 50 were found adulterated, while of 75 samples of drugs, 32 were adulterated. In December, 1882, prosecutions were commenced in 24 cases for violations of the law. These included 17 cases for selling cream of tartar adulterated with terra alba, starch, etc., to the extent of from 37 per cent to 95 per cent; 2 cases of coffee adulterations with chicory and burnt pease; 4 cases of mustard adulterations with from 40 per cent to 71 per cent of flour, and 1 of precipitated sulphur containing 80 per cent of sulphate of lime.
>
> The records of the chemical laboratory of the health department of this city reveals the existence of fraudulent adulterations of many articles of food, and the records of the police court show the total inadequacy of the present ordinance on the subject.
>
> Assuming that the vital importance of pure and unadulterated drugs of a given standard of strength and quality is self-evident, I beg to refer to section 3, line 25, and believe the instances of prosecutions cited from the State of New York sufficiently illustrate the importance of a law which prevents the admixture with food stuff of any substance so as to reduce or lower or injuriously affect its quality or strength. The necessity for the second, third, and fourth provisions, in lines 27 to 31, is apparent from the fact that ground coffee as found in the stores is not infrequently sophisticated with the grounds of coffee previously used, the roasted root of chicory, acorns, rye or barley, carrots, sunflower seeds, caramel. Artificial coffee beans have been made of clay, dough, or extract of chicory colored to imitate the natural bean, while tea is adulterated with leaves of various plants, such as willow and poplar leaves or tea leaves which have already been exhausted, and then dried, mixed with gum, and rolled up. The fifth provision, on line 31, so far as it relates to putrid or rotten animal or vegetable substance needs no special comment. The use of partially decayed food has often been the cause of serious or fatal illness. Meat and fish in a partial state of putrefaction are especially injurious and have given rise to wholesale forms of poisoning, especially after public gatherings. At a musical festival in Switzerland, of 700 participants 444 were suddenly attacked by violent gastroenteric and nervous symptoms; 10 of the patients died. The illness was traced to roast veal which had been kept in a warm place for two days after roasting, and was in a state of partial decomposition. The severe attacks of vomiting and diarrhea frequently observed as having occurred after eating sausages, canned meats, and some kinds of mince pies are due to the action of a poison evolved during the decomposition of animal matter.
>
> Meat may be unfit for food because the animals suffered at the time of death from splenic fever, pleuro-pneumonia, tuberculosis in its advanced stages, and septic diseases, while certain parasites, as the trichina spiralis, echinococcus, and cysticercus, which frequently infest the flesh of animals, may give rise to serious or even fatal diseases in persons consuming such meat, unless the life of the parasite is first destroyed by boiling or roasting. There is also good ground for believing that the flesh of animals which have been drugged with arsenic or antimony may contain a sufficient amount to prove injurious to the consumer.
>
> In regard to the sixth and seventh provisions, line 34, the addition of picric acid and chrome yellow as coloring matter in vermicelli has been repeatedly demonstrated. Pickles are frequently colored with copper, all of which are injurious, and some of the aniline dyes used for coloring confectionery have been known to contain arsenic.
>
> In the case of milk, line 39, a lower standard than 3½ per cent of fat and 9 per cent of solids not fat would virtually legalize dishonest manipulations of the milk, or place a premium on indifferent care of the animals. The introduction of the "cream separators" affords an opportunity of removing almost the whole of the fat from milk, and the sophisticator, who is generally the middleman, not satisfied with his immense margin, has thus the power of reducing its cream to the lowest salable standard without exposing himself to any such risk of detection as would attend the process of "watering," a process by which the total nonfatty solids might be so reduced as to lead to the detection of the fraud.
>
> In reference to butter, it is a well-known fact that this article of food is frequently adulterated by the addition of an excess of salt water or buttermilk, or by starch, flour, lard, suet, or oleomargarine, and while this sophistication does not injure the health, it certainly affects the palate and pocketbook of the consumer.
>
> The most common forms of adulterations of coffee and tea have already been referred to.
>
> The nutritive value of lard is of course lowered by the addition of water, salt, or foreign fats, which are sometimes substituted in part for that of the hog.
>
> The most common form of adulteration in vinegar is the substitution of sulphuric acid for acetic acid, which is injurious from its tendency to form insoluble sulphates in the body.
>
> A good-sized volume might be written on the sophistication of wines and fruit juices which are not the legitimate product of the pure fruit as represented; logwood, blackberries, elderberries, and bilberries are the chief coloring matters used in imitation wines. Lime salts, tannin, alum, lead, and copper are among the injurious ingredients employed, while of course many wines are manufactured from distilled spirits; and the bulk of imported port wine is stated to be a mixture of true port, Marsala, Bordeaux, and Cape wines with brandy. Inferior kinds are adulterated with the coloring matters referred to, or with catechu, prune juice, and a little sandalwood and alum.
>
> The manufacture of artificial fruit juices and flavoring extracts has become a refined art, and is of course a fraudulent procedure, not wholly free from danger, since many poisonous substances are used.
>
> In reference to beer, I respectfully recommend that the following amendment be inserted in section 3, line 62, after the word "preservatives." "And in the case of malt liquors, if not free from picric acid, cocculus indicus, colchicine, colocynth, aloes, and wormwood." These dangerous adulterants are used sometimes as substitutes for hops.
>
> In the case of wheaten flour, line 65, it is known that flour has been adulterated with inferior grades, such as potato, beans, pease, oats, maize, etc. These additions are, however, quite uncommon. The dangers from damaged flour, especially to the digestive tract, have been recognized for a long time. Dr. Mann, in his Medical Sketches, enumerates among the active causes which led to the production of disease among the troops along the Niagara frontier during the war of 1812, "bad bread." "It was notorious," he remarks,

"that the bread on the Niagara was made of damaged flour, such as was either not nutritious or absolutely deleterious." It was believed, also, that the flour contained in some instances an earthy substance, like plaster of paris.

Sometimes alum, sulphate of copper, zinc, or borax are added by the baker to prevent the formation of butyric and lactic acids, and to impart a fine white color to the bread; these articles tend to produce dyspepsia and constipation, and their addition is fraught with danger to the public health.

The most common adulterant for olive oil is the addition of other vegetable oils, notably of cotton-seed oil.

Respectfully submitted.

SAMUEL C. BUSEY, M. D.,
President Medical Society District of Columbia.

Hon. GEORGE M. CURTIS,
Chairman Subcommittee, House of Representatives.

Mr. Speaker, I am informed that the leading pharmacists of the District of Columbia also indorse this bill. I have in my hand a letter from the health officer, also indorsing the bill in the strongest possible terms. The bill has the approval of the Commissioners of the District of Columbia, and it is presented to this House with the unanimous approval of the Committee on the District of Columbia.

Mr. BAKER of New Hampshire. I desire to ask the gentleman a question. On page 9, line 1, I read:

And the courts shall construe the provisions of this act liberally, so as to prevent the mischief intended to be guarded against.

I should like to have an explanation as to the kind of construction that language calls for.

Mr. DOCKERY. A liberal construction.

Mr. BAKER of New Hampshire. Is it to be construed liberally against the person accused or in his favor?

Mr. CURTIS of Iowa. The language may not be as clear as it should be——

Mr. RICHARDSON. In the interest of the law.

Mr. CURTIS of Iowa. It is intended to impress, as far as possible, the importance of the enforcement of the act, so as to prevent the mischief intended to be guarded against. If the language is imperfect, why the committee will cheerfully consent to an amendment.

Mr. BAKER of New Hampshire. Mr. Speaker, I believe it is a rule of criminal law that a statute shall be construed liberally toward the accused. Here is a bill which provides that certain things shall be misdemeanors and punished accordingly, and yet the evident intent of the bill is that this liberal construction which is spoken of shall be contrary to the ordinary construction of courts of justice. I suggest that this needs amendment, and there I leave it with the committee.

Again, on page 2, section 3, under subdivision *a*, we read:

First, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down in the edition thereof at the time official.

These bills, all of them, have good purposes in view, but they seem to have been hastily drawn, or drawn by people who did not consider all the branches of the subjects with which they deal. That statement in itself would be a good statement, if it were not for the fact that there are medicines or drugs named in that pharmacopœia which are also named in others that are standard in their several schools of medicine. For instance, take aconite, podophyllin, and so forth, which are mentioned in the United States Pharmacopœia, and which are sold in the old-school drug stores in a different strength from that which they are sold in homeopathic pharmacies. Yet under this act, if a regularly registered homeopathic pharmacist shall sell the articles which he has in store, conforming literally to the requirements of his pharmacopœia, made by those who are recognized throughout the United States of America as honest dealers, that person will be subject to the penalties of this act; yet I presume that it was not the intention of the committee that that should be so. With that suggestion, I leave that to the committee.

Again, on page 3, under subsection *b*, referring to food and not drugs, lines 31, 32, and so forth, I find the following:

Fifth. If it consists wholly or in part of a deceased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not.

I presume it is known by the members of this committee and this House that a great many things are manufactured from exactly such substances which come out absolutely pure, sweet, and wholesome. Take glycerin, for example. Under this bill if the person selling it can not show that the pure glycerin which he sells was manufactured from articles not enumerated herein, he will be subject to punishment for a misdemeanor, although he is selling a perfectly honest commercial product. The same would be true of ammonia and other articles which I will not take the time of the House to enumerate. A little further along the bill contains provisions which might subject a perfectly innocent party to many penalties; for instance, in the sale of oysters, lobsters, and a great many common products. We find in the case of milk that the seller is liable to punishment if it is found that the milk which he sells contains—

Less than 3½ per cent of fat, less than 9 per cent of solids not fat, and contains more than 87½ per cent of water.

Now, it is known to everyone in this House who is at all familiar with the subject that no two cows give the same quality of milk, and that at different seasons of the year the quality varies. Now, how is an honest farmer or dealer to know whether the milk that he is selling on any particular day contains more or less than 87½ per cent of water?

Mr. CURTIS of Iowa. Will the gentleman allow me?

Mr. BAKER of New Hampshire. I shall be very glad.

Mr. CURTIS of Iowa. I will state, for the information of the gentleman from New Hampshire as well as a number of members upon the floor, that the standards enumerated in this bill are copied very largely from the standards submitted by the Secretary of the Treasury, and wherever a change has been made, with very few exceptions, that standard has been lowered.

Mr. BAKER of New Hampshire. That is probable——

Mr. MILNES. Let me call the attention of the gentleman from New Hampshire to the fact that the standard of milk is precisely as it is now fixed, and there is no change made by the bill.

Mr. BAKER of New Hampshire. The United States standard?

Mr. MILNES. Yes, sir.

Mr. BAKER of New Hampshire. But so far as that standard is concerned, the gentleman from Iowa has informed us that it is not enforced, and because it is not enforced by any law of Congress the difficulties which I have pointed out have not been practically met. The same is true as to lines 44, 45, and 46, in principle, so far as butter is concerned, where it is provided that there shall "not be more than 5 per cent of salt in any butter," and any person having more than 5 per cent of salt in the butter shall be guilty of a misdemeanor. There are many people who require and desire a much greater quantity of salt than others, and if a farmer should provide, for those who are not satisfied with 5 per cent, 5½ per cent of salt on a special order, would he be guilty of a misdemeanor?

Mr. RICHARDSON. He can salt his own butter.

Mr. BAKER of New Hampshire. And I presume the gentleman from Tennessee, who now makes the suggestion that a man should salt his own butter, would be very glad to go into that process in his own family. If so, we leave him to do it. Then, down on the same page, 4, in the lines of the amendment 58 and 59—

And in the case of wines and fruit juices, if not made from the legitimate product of the pure fruit as represented—

That is good so far—

and in the case of cider, wines, fruit juices and malt liquors, if not free from salicylic acid or other preservatives.

I wish some gentleman here would inform me whether a man can sell his cider if he has happened to put into a barrel half a dozen pounds of fresh beef or raisins to preserve it, or if it had been preserved by the well-known process of making it into champagne cider? In the last lines of the same page—

In the case of wheaten flour, if it is not composed entirely of ground wheat, free from bran, perfectly white or having a faint yellow tinge—

And yet there can be pure flour when its shade is more than a faint yellow tinge, and as sweet and as nutritious as if it had only a faint tinge. I could give a number of other like instances in the bill, which I will not consume the time of the House to point out. But I wish to ask the attention of the committee in charge of this bill especially to sections 4 and 5, on page 6:

SEC. 4. That it shall be the duty of the health officer of the District of Columbia, etc.

Then in section 5 the provision is made—

That it shall be the duty of every inspector to investigate a complaint for a violation of any of the provisions of this act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

I wish to submit to the committee that as the execution of this bill is in the hands of the health officer, that it should be made the duty of the health officer and not the inspector, who is a subordinate of the health officer, to investigate all complaints, and that the inspector should investigate them only upon the instruction of the health officer. Therefore I would suggest that the words "every inspector," in line 1 of section 5, be stricken out and the words "health officer" be inserted. With these suggestions, while I might make many others in the same line, I leave the bill to the committee and the House.

[Mr. McCORMICK addressed the House. See Appendix.]

Mr. CURTIS of Iowa. Mr. Chairman, in response to two or three of the questions propounded by the gentleman from New Hampshire [Mr. BAKER], referring to a letter from the health officer of the District of Columbia, which I hold in my hand, I find the following:

In the case of milk, the standard, while somewhat lower than that fixed by the regulations—

Meaning the regulations established by the Secretary of the Treasury—

is slightly above that fixed by the act to regulate the sale of milk in the District of Columbia, and for other purposes, approved March 2, 1895. The standard fixed by that law was, however, the lowest recognized in this country. The other changes in the standards are as follows: In the case of vinegar the required equivalent of acetic acid is reduced from 5 per cent to 4 per cent, and in the case of fruit juices, including cider and glucose, standards are established, none being fixed by the preceding law or regulations.

In the matter of bread, referred to by the gentleman from New Hampshire, the health officer says:

In the case of bread, the permissible ash is increased from 1½ to 2 per cent.

So it will be seen that there are very few variations from the standards previously established by the Secretary of the Treasury.

Mr. Speaker, I call for a vote upon the amendments to the bill.

The amendments were adopted.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to offer another amendment, which I send to the desk.

The amendment was read, as follows:

In section 3, line 62, after the word "preservatives," insert "and in the case of malt liquors if not free from picric acid, cocculus indicus, colchicine, colocynth, aloes, and wormwood."

The amendment was agreed to.

Mr. CURTIS of Iowa. I desire to offer also another amendment, which I send to the desk.

The amendment was read, as follows:

In section 5, page 6, line 1, strike out the words "of every inspector" and insert "the health officer."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABANDONED STREET RAILWAY TRACKS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That whenever the track or tracks or any part thereof of any street railway company in the District of Columbia shall not have been used for railway purposes for a period of three months, the Commissioners of said District may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks after such notice, the president of said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of $5 for each and every day during which said tracks are permitted to remain upon the street or streets; and after such tracks shall have been removed, in accordance with the requirements of this act, such railroad company shall repair the roadway upon which such tracks were situated upon notice issued by the Engineer Commissioner of said District so to do; and if such company shall neglect or refuse to make such repairs after notice as aforesaid, said company shall be liable to a further fine of $5 for each and every day during which said roadway shall remain out of repair, as herein provided, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Mr. RICHARDSON. Mr. Speaker, this bill was reported by myself. Its object is to compel the street railway companies to remove abandoned tracks. It is a fact that in certain portions of the city some of the old lines have tracks which they have not used for years, and remain there an eyesore and a nuisance. This bill requires these tracks to be removed from the streets within a certain time after reasonable notice, and requires the companies to put the streets back in good condition, failing which they are to be subject to a fine of $10 a day while the tracks remain unremoved or the streets continue in disorder. That is all there is in the bill, and I think it ought to pass.

Mr. BAKER of New Hampshire. Mr. Speaker, after the committee amendments are disposed of, I desire to offer an amendment.

The amendments recommended by the Committee on the District of Columbia were adopted.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the desk. It is intended to be a new section.

The amendment was read, as follows:

SEC. 2. Any street railway company in the District of Columbia refusing or neglecting to use any part of its existing lines or tracks shall, upon the direction of one Commissioner of the District of Columbia, immediately renew its service thereon, and for every day after such notification or direction that any such company shall fail to render proper service on said lines or tracks, it shall be subject to a fine of $50, to be recovered in the police court in the name of the District of Columbia, as other fines and penalties are now recovered in said court.

Mr. BAKER of New Hampshire. The bill as reported by the committee covers one horn of the dilemma. It provides that tracks which are not in use may by permission of the Commissioners be torn up. My amendment, which I proposed to insert as section 2, requires the companies to execute service upon their existing tracks, if the Commissioners shall so direct. That is all there is of it. Under the provisions of the bill, if the tracks are not used for a period of three months they may be torn up under the direction of the Commissioners. My amendment provides, on the other hand, that if any company wishing to get rid of a part of its line shall for that purpose cease to render service, the Commissioners, if in their opinion it is not proper the line should be discontinued, may order the company to continue service upon that line. I do not apprehend that anyone will object to the amendment.

Mr. BABCOCK. Mr. Speaker, I am very sorry to object to the amendment of the gentleman from New Hampshire; but it practically nullifies the provision which the committee has reported, and it is not germane to anything in the bill. The object of the bill, as reported, is to compel railroad companies to take up tracks that are not used and to repair or put in order the streets. It provides that when railroad tracks have been abandoned for three months the Commissioners may give notice that those tracks be removed, and within sixty days from such notice the tracks must be removed and the streets repaired or put in order, under a penalty of $10 per day for failure to comply with this requirement. The amendment offered by the gentleman from New Hampshire practically nullifies the bill and says that these companies must operate cars upon tracks that have been constructed or pay a fine. If the gentleman wants that provision of law adopted, he should offer a bill for that purpose. It is an entirely different subject from the present bill.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BABCOCK. Yes, sir.

Mr. BAKER of New Hampshire. Without this amendment, what power have the Commissioners to compel any of these companies to run their cars over lines which may be necessary for the comfort and convenience of the people of the District?

Mr. BABCOCK. This bill provides practically a method of forfeiting the charter of a company if it fails to comply with its obligations. No one knows better than the gentleman from New Hampshire where these abandoned tracks are and the constant annoyance they cause in the streets in different parts of the city.

Mr. BAKER of New Hampshire. The gentleman from Wisconsin is laboring under a misapprehension. I do not in the slightest degree object to the bill so far as it goes. My objection is that it does not go far enough: that it does not empower the Commissioners, when they believe that service should be rendered over any particular line of roads, to compel the company to render that service. That is all there is of it. If there are tracks anywhere for which there is no necessity and which in the opinion of the Commissioners should be taken up, there is nothing in my amendment to compel service on those tracks. But if a company should, for the purpose of getting rid of a certain portion of its line, abandon service on it for a period of three months or any other considerable period, then it is proper and just that the Commissioners be authorized to compel that company to render service if such service be required in the public interest.

It should not be assumed that the street railway companies of the District of Columbia exist simply for their own benefit. They should be required to render service for the accommodation of the people of the District and persons visiting here. They are created for the public service, not solely for private gain. My amendment, as an additional section, goes exactly to that point, and provides that these companies shall render service on whatever portion of their lines, in the opinion of the Commissioners, the public convenience may require such service.

Mr. RICHARDSON. I hope a vote will be taken. This amendment ought to be voted down. It amounts almost to making null and void the provisions of the bill.

Mr. BABCOCK. I ask for a vote.

The question being taken, the amendment of Mr. BAKER of New Hampshire was rejected.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WASHINGTON AND GETTYSBURG RAILWAY COMPANY.

Mr. BABCOCK. I call up for present consideration the bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company.

The Clerk was proceeding to read the bill, when

Mr. BABCOCK said: Mr. Speaker, this is quite a lengthy bill, and when I have stated its object I think consent will be granted that the reading of it be dispensed with. This bill provides merely for the construction of a line of road from Washington to Gettysburg. The legislatures of Maryland and Pennsylvania have already chartered this line. The company asks simply to come into the District of Columbia and make connections on the borders of the District with the systems here. That is all there is in this proposed legislation. I ask that the reading of the bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the bill be read by title only. Is there objection? The Chair hears none.

The bill was read by title.

Mr. RICHARDSON. Mr. Speaker, there are some amendments recommended by the District Commissioners and also one recommended by the District Committee. Those recommended by the Commissioners are all embodied in the bill. We ask that the amendments be voted upon in gross.

Mr. DOCKERY. I hope we shall have the amendments read.

I feel that I am subject to criticism for permitting this bill to be considered without being read.

Mr. RICHARDSON. We accept the gentleman's apology.

Mr. DOCKERY. It is a precedent which I hope will not be followed.

Mr. BABCOCK. The bill is in the usual form of street railway bills.

The amendments recommended by the committee were read at length.

Mr. TERRY. Mr. Speaker, I would like to ask the gentleman in charge of this bill if he is not trying to make regulations and grant concessions in respect to a railroad and its operations outside of the District of Columbia?

Mr. BABCOCK. Not at all.

Mr. RICHARDSON. We do not undertake anything of the kind. This applies only to that part of the road that is in the District.

Mr. TERRY. It gives the right of way through the national cemetery at Gettysburg, as I understand the reading of the amendment.

Mr. RICHARDSON. No; that is proposed to be stricken out of the bill by an amendment recommended by the Commissioners.

Mr. TERRY. I wish the gentleman would give us some explanation of the bill.

Mr. RICHARDSON. The bill, I will state to the gentleman, did provide, originally, that the line should run through the national cemetery at Gettysburg. But that has been stricken out, and it stops now at the line of the national park. That, of course, is in the State of Pennsylvania, and that part of the road is chartered by the State.

Mr. TERRY. But this is the District of Columbia, and this road, as I understand it, is wholly outside of the District.

Mr. RICHARDSON. It is partly in the District, but that part of it that is in Pennsylvania and Maryland is, of course, wholly outside of the District, and is chartered by those States.

Mr. TERRY. Then, what jurisdiction have you over it?

Mr. RICHARDSON. None on the earth, and we do not assume any.

I was going on to say that this road has a charter from the State of Pennsylvania, or so much of it as lies within the limits of that State, and also a charter from Maryland for so much as lies in the State of Maryland. Now, so much as we charter lies in the District of Columbia solely and simply. It is only a short distance, and enables this Pennsylvania and Maryland road, after striking the District of Columbia, to make proper connections here with existing lines.

Mr. HEPBURN. Does it not permit this company to locate its line through, or in, the national park at Gettysburg?

Mr. RICHARDSON. No, sir; that was in the bill originally, but has been stricken out on the recommendation of the Commissioners.

Mr. HEPBURN. What provision is there with reference to overhead trolleys in the District?

Mr. RICHARDSON. No change in existing law. They are not allowed to use the overhead trolley within the city limits. They are allowed to connect outside of the city limits with lines using overhead wires.

Mr. BABCOCK. This is simply in accordance with the charters heretofore granted to such roads.

Mr. RICHARDSON. This bill, I will state, is indorsed by the District Commissioners, and is drawn in accordance with their suggestions, and so far as we know there is no objection to it. It is intended to afford a short and expeditious route to the national park at Gettysburg, and a very cheap one, as I understand the rates are to be very much lower than by the ordinary railroad lines. It is nearly an air line, for with the use of the overhead trolleys they shorten the distance very materially. I ask a vote.

The question being taken on the amendments recommended by the Committee on the District of Columbia, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question recurred on the passage of the bill; and on a division (demanded by Mr. Williams) there were—ayes 40, noes 11.

Mr. WILLIAMS. No quorum, Mr. Speaker.

The SPEAKER. The gentleman raises the point that no quorum is present. The Chair will count the House. [After having counted the House.] One hundred and sixty members are present; not a quorum.

Mr. RICHARDSON. I demand the yeas and nays.

The SPEAKER. By the rules of the House the yeas and nays are ordered, and at the same time a call of the House is directed.

The Clerk will call the roll, and members will answer either for or against the proposition, and those who desire simply to be recorded without voting will answer "present."

The Chair desires to say to the members of the House that under this rule the doors of the House are closed, and the doorkeepers and Sergeant-at-Arms are not authorized, neither the one nor the other, to allow members to go out. Of course every convenience will be afforded to members, but all are expected to remain in the House or in the adjoining rooms.

The Chair has deemed it proper to make this statement, as there seems to have been some misunderstanding or misapprehension heretofore as to the operation of the rule. Those members here are expected to remain, and those who are not here are expected to be brought in.

The Clerk will call the roll.

The Clerk proceeded to call the roll; and there were—yeas 132, nays 52, not voting 171; as follows:

YEAS—132.

Adams,
Aitken,
Aldrich, Ill.
Allen, Miss.
Andrews,
Avery,
Babcock,
Baker, Md.
Barham,
Belknap,
Bennett,
Berry,
Bingham,
Bishop,
Bromwell,
Brown,
Buck,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Chickering,
Clark, Iowa
Cobb,
Cook, Wis.
Crowther,
Crump,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dayton,
De Witt,
Dolliver,
Dovener,
Eddy,
Ellis,
Erdman,
Evans,
Fletcher,
Foote,
Foss,
Gamble,
Gibson,
Graff,
Griffin,
Grosvenor,
Grow,
Henry, Conn.
Henry, Ind.
Hermann,
Hilborn,
Hitt,
Hooker,
Howe,
Huff,
Hull,
Hunter,
Hurley,
Jenkins,
Johnson, Cal.
Kerr,
Kirkpatrick,
Lacey,
Latimer,
Leonard,
Lewis,
Linton,
Livingston,
Long,
Lorimer,
McCall, Mass.
McClellan,
McClure,
McCormick,
McCreary, Ky.
Mercer,
Meredith,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Mozley,
Murphy,
Murray,
Noonan,
Northway,
Otjen,
Payne,
Pearson,
Perkins,
Pitney,
Poole,
Price,
Prince,
Pugh,
Quigg,
Reeves,
Reyburn,
Richardson,
Rinaker,
Settle,
Shannon,
Smith, Ill.
Smith, Mich.
Snover,
Sorg,
Sperry,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stokes,
Strong,
Sulloway,
Tawney,
Towne,
Tracewell,
Tracey,
Treloar,
Turner, Ga.
Turner, Va.
Van Horn,
Walker, Va.
Warner,
Wheeler,
Wilson, S. C.
Wood,
Woomer.

NAYS—52.

Acheson,
Bailey,
Baker, Kans.
Bell, Colo.
Bell, Tex.
Black,
Blue,
Catchings,
Clardy,
Cooke, Ill.
Cooper, Tex.
Corliss,
Cox,
Culberson,
Danford,
De Armond,
Dinsmore,
Dockery,
Grout,
Hendrick,
Hepburn,
Howard,
Kem,
Kleberg,
Layton,
Little,
Maguire,
Mahany,
Mahon,
McCulloch,
McDearmon,
McLaurin,
McRae,
Money,
Neill,
Otey,
Robertson, La.
Sayers,
Shafroth,
Shuford,
Skinner,
Stallings,
Strait,
Strowd, N. C.
Sulzer,
Talbert,
Tate,
Terry,
Updegraff,
Wanger,
Williams,
Yoakum.

NOT VOTING—171.

Abbott,
Aldrich, T. H.
Aldrich, W. F.
Allen, Utah
Anderson,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Baker, N. H.
Bankhead,
Barney,
Barrett,
Bartholdt,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Boatner,
Boutelle,
Bowers,
Brewster,
Broderick,
Brosius,
Brumm,
Bull,
Cannon,
Clark, Mo.
Clarke, Ala.
Cockrell,
Codding,
Coffin,
Colson,
Connolly,
Cooper, Fla.
Cooper, Wis.
Cousins,
Cowen,
Crisp,
Crowley,
Cummings,
Dalzell,
Daniels,
Denny,
Dingley,
Doolittle,
Draper,
Ellett,
Fairchild,
Faris,
Fenton,
Fischer,
Fitzgerald,
Fowler,
Gardner,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Griswold,
Hadley,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Hanly,
Hardy,
Harmer,
Harris,
Harrison,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hicks,
Hill,
Hopkins,
Howell,
Hubbard,
Hulick,
Huling,
Hutcheson,
Hyde,
Johnson, Ind.
Johnson, N. D.
Jones,
Joy,
Kendall,
Kiefer,
Knox,
Kulp,
Kyle,
Lawson,
Lefever,
Leighty,
Leisenring,
Lester,
Linney,
Loud,
Loudenslager,
Low,
Maddox,
Marsh,
Martin,
McCall, Tenn.
McCleary, Minn.
McEwan,
McLachlan,
McMillin,
Meiklejohn,
Meyer,
Miles,
Miner, N. Y.
Moody,
Morse,
Moses,
Newlands,
Odell,
Ogden,
Overstreet,
Owens,
Parker,
Patterson,
Pendleton,
Phillips,
Pickler,
Powers,
Raney,
Ray,
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Scranton,
Shaw,
Sherman,
Simpkins,
Southard,
Southwick,
Spalding,
Sparkman,
Spencer,
Stahle,
Stone, W. A.
Strode, Nebr.
Swanson,
Taft,
Tayler,
Thomas,
Thorp,
Tucker,
Tyler,
Van Voorhis,
Wadsworth,
Walker, Mass.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
White,
Wilber,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Woodard,
Woodman,
Wright.

So the bill was passed.

The following members not voting were recorded present:

Mr. Arnold of Rhode Island, Mr. Baker of New Hampshire, Mr. Brosius, Mr. Brumm, Mr. Clarke of Alabama, Mr. Cockrell, Mr. Cooper of Florida, Mr. Cooper of Wisconsin, Mr. Dalzell, Mr. Draper, Mr. Fenton, Mr. Gillett of Massachusetts, Mr. Hall, Mr. Hopkins, Mr. Howell, Mr. Kendall, Mr. Leisenring, Mr. Loud, Mr. McCall of Tennessee, Mr. McMillin, Mr. Moody, Mr. Morse, Mr. Parker, Mr. Phillips, Mr. Ray, Mr. Russell, Mr. Scranton, Mr. William A. Stone, Mr. Tyler, Mr. Wright. Total, 30.

The Clerk announced the following pairs:

Until further notice:

Mr. Warner with Mr. Bartlett of Georgia.
Mr. Hanly with Mr. Moses.
Mr. Dingley with Mr. McMillin.
Mr. Pickler with Mr. Miner of New York.
Mr. Simpkins with Mr. Fitzgerald.
Mr. Henderson with Mr. Abbott.
Mr. Linney with Mr. Clarke of Alabama.

For this day:

Mr. Russell of Connecticut with Mr. Cowen.
Mr. Scranton with Mr. Ogden.
Mr. Codding with Mr. Cummings.
Mr. McCleary of Minnesota with Mr. Jones.
Mr. Heatwole with Mr. Spencer.
Mr. Wadsworth with Mr. Swanson.
Mr. Wellington with Mr. Tucker.
Mr. Tayler with Mr. Sparkman.
Mr. Taft with Mr. Russell of Georgia.
Mr. Wilber with Mr. Rusk.
Mr. Raney with Mr. Owens.
Mr. Meiklejohn with Mr. Kyle.
Mr. Hubbard with Mr. Hutcheson.
Mr. Huling with Mr. Meyer.
Mr. Joy with Mr. Crowley.
Mr. Kulp with Mr. Hart.
Mr. Hicks with Mr. Maddox.

The result of the vote was announced as above recorded.

IMMIGRATION.

Mr. DANFORD. Mr. Speaker, I wish to present a conference report on the immigration bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) "An act to amend the immigration laws of the United States" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill as follows: Strike out the first section all after the words "admission to the United States the following" and insert:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come to join the husband or parent similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"Sec. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out the present section 3 and insert a new section, as follows:

"Sec. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out the present sections 4, 5, and 6 and insert as follows:

"Sec. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"Sec. 5. That it shall be unlawful for any person, partnership, company or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"Sec. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"Sec. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section, as follows:

"Sec. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Strike out the present section 7 and insert as follows:

"Sec. 9. That this act shall take effect July 1, 1897."

L. DANFORD,
STANYARNE WILSON,
Managers of the Conference on the part of the House.

H. C. LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers of the Conference on the part of the Senate.

Mr. DANFORD. I ask that the conference report be printed in the Record, and that it lie over until to-morrow morning, when I shall call it up, immediately after the reading of the Journal.

The SPEAKER. The gentleman asks unanimous consent that the matter be set down for the action of the House immediately after the reading of the Journal. Is there objection?

Mr. DOCKERY. Is there a statement accompanying this report?

Mr. DANFORD. There is no written statement.

Mr. DOCKERY. I do not object to the printing of the report——

The SPEAKER. The gentleman makes the point of order that there is no written statement accompanying the report.

Mr. DOCKERY. I shall waive that point, however, with the understanding that a written statement shall be submitted in the morning, when this matter is called up. Otherwise I shall insist on the point of order.

Mr. DANFORD. I can have the statement ready in the morning.

Mr. DOCKERY. The rules require a written statement, and on an important matter like this the House ought to be advised.

The SPEAKER. The gentleman can make the point of order, and the report can be retained by the gentleman from Ohio [Mr. Danford] and he can present it to-morrow morning.

Mr. PAYNE. I ask unanimous consent that the report be printed in the Record, if that course is taken, so that members can see it.

The SPEAKER. The gentleman asks unanimous consent that the report of the conference committee be printed in the Record. Is there objection?

Mr. BAILEY. Mr. Speaker, the printing of the report, unless there is some statement, will not help the members very much. I should be glad to have it printed, if there were a statement with it.

Mr. PAYNE. I understand that the report shows just what the substitute is that is proposed, and if that can be printed in the Record, and then a statement presented to-morrow morning, I think that will be satisfactory.

Mr. BAILEY. With that understanding, I shall be glad to have it printed.

The SPEAKER. Is there objection?

There was no objection.

RELIEF OF FARMERS AND MARKET MEN.

Mr. BABCOCK. Mr. Speaker, I ask that the joint resolution (H. Res. 189) for the relief of farmers, gardeners, and truckmen selling produce of their own raising in the markets of Washington, D. C., lie on the table. The House has to-day passed a Senate resolution relating to the same matter.

The SPEAKER. The gentleman from Wisconsin [Mr. Babcock] asks that the joint resolution (H. Res. 189) lie upon the table, the House having already passed a similar Senate resolution. In the absence of objection, it will be so ordered.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed the bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia.

EXTENSION OF LINES OF THE METROPOLITAN RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill (H. R. 9647) to authorize an extension of the lines of the Metropolitan

Railroad Company of the District of Columbia, which has come over from the Senate with Senate amendments, for the purpose of making a motion in regard to it.

The bill and Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. BABCOCK. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint the following conferees: The gentleman from Wisconsin, Mr. BABCOCK; the gentleman from Iowa, Mr. CURTIS, and the gentleman from Tennessee, Mr. RICHARDSON.

WATER SUPPLY OF WASHINGTON, D. C.

Mr. BABCOCK. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10133.

Mr. DOCKERY. Let us have the bill reported, Mr. Speaker, so that we may know what it is.

The SPEAKER. The gentleman calls up the following bill.

The Clerk read as follows:

A bill (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

Be it enacted, etc., That the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, be so amended as to enable the Attorney-General and the Secretary of War, in the exercise of the authority therein and hereby conferred on them, to obtain title for the United States, by right of eminent domain or otherwise, to all the water rights not now owned by the United States at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all public purposes, and also such lands as may be necessary for these purposes: *Provided*, That the property, water rights, and franchises of the Chesapeake and Ohio Canal Company shall be exempt from the operation of this act. Within three months after the approval of this act the Secretary of War and the Attorney-General shall make a written statement, specifying by metes and bounds the lands and water rights, if any, they may deem necessary to take for the purposes of this act, excluding the lands already purchased by the United States and paid for, and shall file triplicate originals of said statement in the offices of the register of deeds for the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively; and said filing of said statement shall be a taking for the United States by right of eminent domain of the lands and waters specified in said statement and of the water rights appertaining thereto, and shall vest the title to the same absolutely in the United States: *Provided*, That additional or amended written statements specifying any other lands and water rights deemed necessary to be taken under this act, not included or properly described in the statement above provided for, may be filed as aforesaid and with like effect at any time after said three months and within one year after the approval of this act. If said statement shall include any lands or water rights heretofore taken or attempted to be taken under authority of the act to which this is an amendment, or otherwise, and not heretofore paid for, the taking of the same shall be treated as done as aforesaid under this act.

SEC. 2. That if the Secretary of War and the Attorney-General shall agree with any of the owners of the land and water rights taken, or with any of the owners of any lands damaged by said taking, or by maintaining the Government dam at Great Falls at its present height, or by raising the dam to any height that may be deemed necessary for the future supply of the District of Columbia and other public purposes, upon the amount to be paid therefor, they shall give such owner their certificate, specifying the sum to which he is entitled.

SEC. 3. That the Secretary of War and the Attorney-General, in their discretion, may appoint three commissioners to appraise the value of the land and of the water and of the water rights taken, and of the damages to any property by reason of the taking, or by reason of maintaining said Government dam at its present height, or by reason of raising the dam to such height as may be necessary for the purpose of this act. In making the valuations the appraisers shall consider only the present values of the land and water rights, and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act. Said appraisement shall be for the guidance and information of the Secretary of War and the Attorney-General.

SEC. 4. That in case the Secretary of War and the Attorney-General shall not agree with any of the owners of the land and water rights taken, or with any of the owners of any land damaged by said taking, the Attorney-General shall, within six months after the filing of the statement provided for in section 1, cause proceedings to be commenced by petition in the name of the United States in the supreme court of the District of Columbia, making all such owners of land and water rights with whom no agreement has been made parties defendant, to determine the amount of compensation and damage to be paid such owners. Said court shall prescribe rules of procedure, conformable to the practice in like cases, necessary and proper to secure a speedy determination of the rights of the parties. Said court shall forthwith summon a jury to hear and determine, under its instruction, the amount of compensation and damage. The Attorney-General may appoint special counsel to represent the United States in such proceedings conspicuous for known familiarity with and experience in the laws regulating riparian rights and in hydraulics.

SEC. 5. That judgments shall be entered against the United States for the amount of compensation and damages ascertained, as provided in the proceeding section; and as said lands, water rights, and waters are taken for the use of the District of Columbia, said judgments and the certificates that may be issued by the Secretary of War and the Attorney-General, provided for in section 2, together with the certificates of the Secretary of War and the Attorney-General for the costs and expenses incurred by them in executing the provisions of this act, and for the fees of the Commissioners provided for in section 3, and for the fees of special counsel, experts, and witnesses on behalf of the United States and for the jury shall be paid by the Secretary of the Treasury of the United States as judgments against the District of Columbia are paid.

SEC. 6. That appeals may be taken by either party from the judgments rendered in such proceedings as are allowed in other cases in said court.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill already reported to the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill H. R. 10133. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. PAYNE. I suggest to the gentleman from Wisconsin that he ask to dispense with the reading of the bill.

Mr. DOCKERY. I think it is a very important proposition, and we ought to have the bill read again.

The CHAIRMAN. The Clerk will read the bill, unless its reading is dispensed with by the action of the committee.

The Clerk again read the bill.

Mr. BABCOCK. Mr. Chairman, I would like the attention of the committee for a few moments, and I will detain it a very short time.

This is a bill which has been unanimously reported by the Committee on the District of Columbia, and not only of the House, but of the Senate. It has met the approval of the War Department, the District Commissioners, and all who have considered the subject. It is, Mr. Chairman, I think, the most important piece of legislation that has been reported to the Fifty-fourth Congress by the Committee on the District of Columbia. It provides for the acquisition by the Government of all the rights at Great Falls that are not now owned by the Government.

Mr. McMILLIN. Right there, will the gentleman state what rights the Government owns and what relative right, as compared to the whole right that is involved here, is owned by individuals?

Mr. BABCOCK. I understand, so nearly as it can be reached without judicial inquiry, that the Government owns a one-half interest in a large portion of the territory there and the Butler estate the other half. The rights of the Chesapeake and Ohio Canal Company really cut but a very little figure as far as power is concerned, as in most cases the Government owns an undivided interest in a strip of land between the canal and the river. Now, as to this property——

Mr. RICHARDSON. I would like to ask my colleague, if it does not interrupt him, if the part that is not owned by the Government is not owned by an incorporated company; therefore that incorporated company lays claim to so much of the water rights as do not belong to the Government itself?

Mr. BABCOCK. I so understand; and when I said Butler estate I should have said this incorporated company, because it represents the heirs of the Butler estate in that interest.

Mr. McMILLIN. That is what I was about to ask the gentleman—whether the Butler heirs had put their interest into an incorporated company.

Mr. BABCOCK. Yes, sir.

Mr. McMILLIN. Then, if I understand the gentleman, this incorporated company is in the condition of asking more than it is appraised for?

Mr. BABCOCK. Yes, sir.

Mr. McMILLIN. What have they demanded for their rights?

Mr. BABCOCK. The only information in regard to the point as to what they demand for the property there was the refusal of an offer made by New York parties a short time ago of $275,000 in cash. This the incorporated company refused and made a counter proposition to accept $500,000.

Mr. McMILLIN. What amount of land is involved?

Mr. BABCOCK. That can not be told until a survey is made by the Secretary of War as to how much the Government will require.

Mr. McMILLIN. And this bill puts no limit upon the amount that the Secretary may acquire there?

Mr. BABCOCK. No, sir.

Mr. McMILLIN. He may go out and under this bill obtain the watershed as well as the contiguous land.

Mr. BABCOCK. I will read a portion of the bill which explains that:

> Within three months after the approval of this act the Secretary of War and the Attorney-General shall make a written statement, specifying by metes and bounds the lands and water rights, if any, they may deem necessary to take for the purposes of this act, excluding the lands already purchased by the United States and paid for, and shall file triplicate originals of said statement in the offices of the register of deeds for the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively—

And so on.

Mr. McMILLIN. Does the Government lay no claim to the portion of the property that is claimed by this incorporated company?

Mr. BABCOCK. I think there is no question as to the rights of the incorporated company to certain parts of the territory. As to other parts, there is no question that the Government owns one-half and the company the other half; but there are different properties, different titles, coming from different sources. The property was not all originally under one patent.

Mr. McMILLIN. Is it only riparian rights that are sought here, or does this company claim that, by any proceedings heretofore taken by it or by purchases made, it has come to own water rights independently of the riparian rights?

Mr. BABCOCK. The company claim water rights.

Mr. McMILLIN. Does the Government concede that ownership of water rights on the part of the company?

Mr. BABCOCK. The Government has been paying a certain sum of money for water taken, and there are suits pending for additional water taken by the Government amounting to $778,000. Those suits are now before the Court of Claims, and are for water only.

Mr. McMILLIN. What has the Government paid heretofore for water?

Mr. BABCOCK. I am unable to state. The first estimate was based upon 25,000,000 gallons per day. Later an additional dam was built, which was expected to supply 50,000,000 gallons per day.

Mr. RICHARDSON. Has not the company sued the Government for the additional 25,000,000 gallons?

Mr. BABCOCK. I was just stating that fact. Suit is now pending before the Court of Claims for this additional 25,000,000 gallons per day. Later the Government raised the dam 2 or 3 feet, which the engineers estimate will give a capacity of 75,000,000 gallons per day, and upon that the company have filed suit for $272,000 damages, and are taking testimony.

Mr. DOCKERY. Has the Government given this company the right to bring suit?

Mr. BABCOCK. The suits are now pending before the Court of Claims.

Mr. NORTHWAY. Mr. Chairman, I wish that we could hear this colloquy that is going on so that we might understand this measure.

Mr. BABCOCK. Mr. Chairman, I will ask to have the report of the committee read, which explains this subject quite fully.

The report (by Mr. BABCOCK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," have had the same under consideration, and your committee recommend unanimously that the bill do pass.

The bill entitled "An act to increase the water supply of the city of Washington, and for other purposes," provides for the acquirement by the United States, by right of eminent domain or otherwise, of the title "to all the water rights at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all purposes, and also such land as may be necessary for these purposes."

The Great Falls are located about 14 miles above the city of Washington. In 2,000 feet the river falls 76 feet, as shown by the report of the Engineering Department of the United States. At the head of the falls is the dam of the Washington Aqueduct, 2,867 feet long, extending across the river from the Maryland to the Virginia shore. The Aqueduct connects with the waters above the dam and furnishes the city of Washington with its supply of water. Under the present improvement it is estimated by the Engineering Department 75,000,000 gallons of water per diem is the maximum amount of water that can be carried through the Aqueduct, and this constitutes the present provision for water for domestic use in the District of Columbia. It can not be long before this amount of water for domestic purposes will be insufficient, and further diversion for this purpose will be necessary. As claims are now pending against the United States for the water already diverted, and the subject of the purchase of the entire water rights is now proposed, we review the principal reasons presented in support of these claims and this bill.

1. *Water power.*—The amount of water that can be diverted for domestic purposes under the present improvement is equal to 116 cubic feet per second, and reduces the available power at the falls that amount, and for this diversion damages have been claimed by the owners of the power at Great Falls. A record of the amount of water passing over the Government dam has been kept since the completion of the dam, in 1886, and from this and other data the minimum effective power at the falls is estimated to be about 10,000 horsepower. Taking 85 per cent as the efficiency of turbines, the power of a series of turbines below the falls at the lowest stage of the river would be about 8,500 horsepower. This power, transformed into electrical power, can be readily transmitted from the Great Falls to Washington.

It is believed to be very desirable that the United States should acquire this entire water right, and thereby secure for all time a sufficient water supply for the District of Columbia, and use the surplus water as power to generate electricity for lighting the Government buildings and the streets of the District of Columbia and for power to run the elevators, printing presses, and other machinery in the Government buildings and at the navy-yard.

2. *Water supply.*—The water supply for the District of Columbia was first provided for under various acts and appropriations prior to 1882, the maximum supply being about 25,000,000 gallons of water daily. In the year 1882 the dam was extended across Conns Island to the Virginia shore, and thereby the maximum quantity of water provided for was increased 25,000,000 gallons per day, and in 1885 provision was made to increase the height of the dam about 3 feet, thereby making the present maximum amount of water available for domestic use 75,000,000 gallons per day, as above stated. It is estimated in the report compiled by Col. George H. Elliott upon the subject that "other increases of the amount of water required for the supply of Washington will be necessary from time to time, and it is estimated that not less than 200,000,000 gallons per day will ultimately be required." These diversions are, and further diversion will continue to be, subjects of claims and litigation on the part of the owners of the water power at Great Falls, unless the entire water rights are acquired.

Already suits for the value of the water diverted by the increase in the length of the dam and the height of the dam are pending in the Court of Claims, the claims aggregating $778,000. These claims are based upon the theory that the permanent diversion of water above the falls reduces the available waterpower at the falls, and thereby injures the property rights of the Great Falls Power Company. These claims are estimated by taking a principal sum, which, at 4 or 5 per cent, will produce a yearly income equal to the value per annum per horsepower of the water so diverted. It can readily be seen that, figuring upon such a basis—and we believe this to be the rule adopted in similar cases—the damages for the diversion of the water under the present improvement and the further diversion which will be necessary in the future, estimated by Colonel Elliott, will amount to very large sums of money—more, possibly, if private developments of the water-power are proceeded with, than it will now require to condemn the whole water right. It is, therefore, a wise and economical policy to condemn all the water rights at the Great Falls, thereby giving the United States the entire control of all the water, rather than to pay for the water diverted from time to time as it shall be taken.

3. *Electric light and power.*—If the entire right to the water is secured the surplus water can be used by the Government in generating and transmitting to the District of Columbia electricity, to be used for illuminating and power purposes. A very careful estimate has been made by the Government engineers of the cost of putting up a plant sufficient to utilize the power at the Great Falls and light the public buildings, the streets of the District, and furnish power for the Government buildings. These estimates, together with the estimate for maintenance, show that the lighting and power can be furnished by using the surplus water at the Great Falls, at much less than can be done by the use of steam power, and a much more desirable result obtained. The use of electricity for power purposes will also dispose of the smoke caused by the increased use of coal, already a subject of complaint and threatening injury to the beauty of public buildings and works of art in this District.

4. As stated, it is believed that all the water rights and land necessary to carry out this plan can be condemned for a sum much less than the claims already made and which will be made for the diversion of water for domestic purposes, leaving the surplus water for use as power in generating electricity; and by the condemnation of the whole the Government will be rid of the litigation and claims for damages for the water diverted and will own and control for all time the entire water rights at the Great Falls. The improvements outlined can be made whenever it shall be deemed best.

The bill presented does not provide for any present appropriation of money, but does provide for the immediate condemnation of the entire water rights and lands required, the amount to be taken to be ascertained within three months by the Secretary of War and Attorney-General. It also provides for the ascertainment of the value of these water rights and lands, together with the settlement of all existing claims, by the Secretary of War and Attorney-General, these officers being given the power to appoint three disinterested persons to ascertain and advise them in reference to the values. If the Secretary and Attorney-General can not agree with the owners, then the Attorney-General shall, within six months, bring suit in the supreme court of the District of Columbia and have the value ascertained by the court. This is believed to be a fair and just method of ascertaining the value of the property condemned.

Mr. BABCOCK. Mr. Speaker, I ask that the letter of the District Commissioners, attached to the report, be printed in the RECORD.

There was no objection, and it was so ordered.

The letter is as follows:

OFFICE OF COMMISSIONERS OF DISTRICT OF COLUMBIA,
Washington, January 15, 1897.

DEAR SIR: I had expected to be present at the meeting of your committee this morning, and to show by my presence the interest which the Commissioners of the District of Columbia have in the proposed legislation embodied in the bill entitled "An act to increase the water supply of Washington, and for other purposes." I know of no measure before the Congress of more importance to the present and prospective best interests of the capital.

As is well known to your committee, there are important interests belonging to the Great Falls Manufacturing Company and to the Chesapeake and Ohio Canal Company at the Great Falls of the Potomac. The proposed legislation, as I understand it, is to empower the supreme court of the District of Columbia to ascertain the value of these respective interests, and to provide by said legislation for the acquisition of the said rights by the United States. It would seem to be important to acquire these interests before any improvements shall be made, which may increase the cost of the condemnation.

As may be seen by the report of Col. George H. Elliott, of the Corps of Engineers, the amount of water flow at the Great Falls during low-water periods is about 700,000,000 gallons per diem, and the amount diverted from the river for the supply of Washington is about 50,000,000 gallons per diem; that the raising of the dam at Great Falls would permit to be diverted from the river for the supply of Washington about 75,000,000 gallons per diem, and that 200,000,000 gallons per diem will ultimately be required for the uses of the people of the District of Columbia. He then shows that after this amount shall have been diverted for the water supply, there will still run to waste at low-water periods a water power of about 7,500 horsepower, of which about 6,400 horsepower could be used for generating electrical power, which would be more than sufficient, in his opinion, to light all public buildings and grounds of Washington and replace all of the gaslights of the city with electric lights. He estimates also that this would furnish sufficient electric power for pumping water to the high-surface areas of the city, for running the elevators in the public buildings, for heating these buildings, and for other public purposes.

He also says that the rights of the United States, but a fraction of which have ever been utilized, have for many years been disputed, and they are now disputed, and that large amounts of claims for damages are now pending against the Government. His conclusion is that the rights of the respective owners should be settled now and forever, and that the bill under consideration furnishes not only the best means of doing this fairly and with full justice to all parties; and that it is also a means for acquiring the remainder of the water rights at the Great Falls not now owned by the Government.

The Commissioners therefore earnestly beg that your committee give to this important measure early and favorable consideration.

Very respectfully,

JOHN W. ROSS, *President.*

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. GILFRY, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary request the House of Representatives to return to the Senate the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia.

WATER SUPPLY OF WASHINGTON, D. C.

The committee resumed its session.

Mr. DOCKERY. Mr. Chairman, I understand from the gentleman in charge of this bill that it is not his purpose to press it to a vote this evening, and in view of that fact I desire to ask him one or two questions. The bill as drawn authorizes the Secretary of War "To obtain title to all the water rights not now owned by the United States at and in the vicinity of Great Falls on the Potomac River; the water so taken to be used for any and all public purposes, and also such land as may be necessary for these purposes." That is a general grant of authority without any limitations unless they may be found in the word "necessary," which is very indefinite. I have read the bill very hastily, but I believe there is a provision further on authorizing a survey to determine what lands are necessary to be taken.

Mr. BABCOCK. Yes.

Mr. DOCKERY. It occurs to me, Mr. Chairman, that in view of the fact that we are to have an extra session of Congress (which seems to be conceded), it might be well to substitute for this bill certain provisions which the committee, if they favor them, can prepare for submission to the House when the Committee on the District of Columbia is again recognized under the rule. First, authorize a survey to be made to determine the lands necessary to be acquired for this purpose; and second, an inquiry as to the value of those lands. That information having been secured, the committee can, at the first session of the Fifty-fifth Congress, more intelligently draft a bill which will fix proper limitations, and the lands having been surveyed and their value estimated by the Secretary of War, then, if it is thought wise, we can authorize condemnation proceedings.

Mr. BABCOCK. In the first place, I will state to the gentleman one fact of which he is well aware, that the fall of the river is so great at the point now under consideration that no large body of land would be necessarily embraced in this purchase. The ground that is flooded is known as well as the ground that is not flooded. So that there is no question in the minds of those who are familiar with the location as to the amount of ground which it will be necessary to acquire. In making this survey, the officers are not going back 10 miles, or 20 miles, or 10 miles. As the report states, the river falls 76 feet in a distance of 2,000 feet.

Mr. McMILLIN. Will the gentleman allow me a single word? There has been a good deal of agitation as to the propriety of this purchase.

Mr. BABCOCK. The watershed?

Mr. McMILLIN. Yes, sir; but I will not enter into discussion of the general policy. The gentleman, however, I think, will agree with me that there is nothing in this bill as drawn to prevent the officers to whom this matter is intrusted from going 10 miles out if they choose.

Mr. DALZELL. I should like to ask a question of the gentleman in charge of this bill. Has he any idea of the amount of property which the passage of the bill might eventually require the Government to appropriate for?

Mr. BABCOCK. In reply to the gentleman, I can only state that I know the price which was put on the property by the owners, and I know the price which was offered for it by the New York parties. The New York parties offered $275,000. Their offer was refused, and a counter proposition was made, offering for $500,000 all the rights of this incorporated company.

Mr. DALZELL. Is this bill in such a shape that if it be passed the officers of the Government would be authorized to proceed so far as to have a value fixed upon the property for which the Government would have to appropriate?

Mr. BABCOCK. The bill provides for condemnation proceedings before the court in case the Secretary of War and the Attorney-General should fail to agree with the parties as to the value of the property.

Mr. DALZELL. So that there is involved in the passage of this bill the possible appropriation at some future time of from $250,000 to $500,000 by the Government?

Mr. BABCOCK. Yes, sir.

Mr. DALZELL. Then it strikes me we ought to spend a little more time on it.

Mr. BABCOCK. Oh, I do not expect to have the bill finally considered this evening.

Mr. DOCKERY. One further suggestion. According to the report here—I have not had an opportunity to read the bill carefully—

> The bill presented does not provide for any present appropriation of money, but does provide for the immediate condemnation of the entire water rights and lands required, the amount to be taken to be ascertained within three months by the Secretary of War and Attorney-General.

In other words, as I understand, the survey is to be made within three months.

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. That is to determine the amount of lands necessary; and that under the terms of the bill will require three months. According to the report the bill—

> Also provides for the ascertainment of the value of these water rights and lands, together with the settlement of all existing claims, by the Secretary of War and Attorney-General, these officers being given the power to appoint three disinterested persons to ascertain and advise them in reference to the values. If the Secretary and Attorney-General can not agree with the owners, then the Attorney-General shall, within six months, bring suit in the supreme court of the District of Columbia and have the value ascertained by the court.

So that we have two propositions. One is for the survey of the land——

Mr. BABCOCK. For which three months' time is allowed.

Mr. DOCKERY. Yes, sir. The other proposition looks to making terms with the owners through the Secretary of War and Attorney-General, if that can be done; and if not, then within six months suit is to be entered in the surpeme court of the District of Columbia to obtain a judicial ascertainment of the value of the land.

Now, in view of the fact that the Fifty-fifth Congress is to meet in extraordinary session, it does seem to me that a simple and direct method of dealing with this question would be to authorize a survey of the land, to be reported to Congress with a statement of the amount of land necessary, and to require the officers named to endeavor to ascertain what sum will be needed for purchasing the land. With these facts ascertained and reported to Congress at its next session, we shall be prepared to pass a bill containing all necessary and proper provisions.

Mr. DALZELL. I wish to inquire of the chairman of the committee whether this water power is owned by a corporation?

Mr. BABCOCK. It is.

Mr. DALZELL. What is the capital stock of that corporation?

Mr. BABCOCK. I certainly can not answer that question.

Mr. DALZELL. This corporation owns, as I understand, not only the lands and water power, but also certain franchises connected therewith, so that to render the condemnation proceedings effectual it would be necessary, under a decision of the Supreme Court, for the Government to pay not only the value of the actual, tangible property, but also the value of those franchises.

Mr. BABCOCK. Let me call the gentleman's attention to this provision of the bill:

> In making the valuations the appraisers shall consider only the present values of the land and water rights, and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act.

Mr. DALZELL. Let me call my friend's attention to the fact that a precisely similar provision, which was embodied in the bill for the condemnation of the works of the Monongahela Navigation Company, was declared by the Supreme Court of the United States to be unconstitutional. In that bill provision was made against payment for franchises; and the provision was declared by the Supreme Court of the United States to be ineffective—beyond the power of Congress to enact.

Mr. RICHARDSON. Was not that because the State of Pennsylvania had made no concession?

Mr. DALZELL. It was because the State had conferred a franchise on that corporation, just as the State of Maryland and the State of Virginia have conferred franchises upon this corporation at the Great Falls.

Mr. RICHARDSON. But I understand that in this case the State of Virginia, and possibly Maryland, both of them, have passed statutory enactments which concede the control of Congress over this water supply. If there are such legislative enactments, that might make a difference in the conditions.

Mr. DALZELL. That, of course, might make a difference, if such action was ever taken.

Mr. GROUT. As a matter of fact, did not the Monongahela Company enter upon the exercise of its franchise before the condemnation proceedings were had?

Mr. DALZELL. That is correct; it had done so.

Mr. GROUT. Would not that make a difference?

Mr. DALZELL. Of course that would make a difference.

Mr. BABCOCK. Now, Mr. Chairman——

Mr. TURNER of Georgia. I would like to ask the gentleman from Tennessee a question.

Mr. RICHARDSON. Certainly.

Mr. TURNER of Georgia. Is it not a novel proposition to require these proceedings, by condemnation, in the court of the District of Columbia, when the property involved is entirely outside of the District? And in that connection I would ask how the District of Columbia court could enforce a judgment against property lying outside of its territorial jurisdiction?

Mr. BABCOCK. I will yield to the gentleman from Tennessee, Mr. Chairman, who will answer the question.

Mr. RICHARDSON. As I understand it, and as I stated a few moments ago, legislative enactments have been had in Virginia and Maryland with reference to this matter. It was stated before the District Committee in the public hearings, in response to a question propounded to the attorney of this power company at Great Falls and other parties in interest, that the States of Virginia and Maryland had, through their legislatures, passed such laws as conceded to the United States the control over the water rights and adjacent grounds at Great Falls; so much as lies in the

State of Virginia having been conceded by that State and so much as lies in the State of Maryland having been conceded by the legislative enactments of that State.

Mr. TURNER of Georgia. Does my friend from Tennessee mean to say that the marshal of the District of Columbia could be sent out into this territory to execute the process of the court and put the Government in possession of the property?

Mr. RICHARDSON. I do understand——

Mr. TURNER of Georgia (continuing). And thus complete the condemnation proceedings?

Mr. RICHARDSON. I understand that the State of Virginia has already given that authority. But the gentleman from Virginia [Mr. MEREDITH] is more familiar with it than I am, and he can state the conditions of the acquisition of that property by the United States and the District of Columbia. He can also state the legislation which will authorize the steps to be taken suggested by the gentleman from Georgia.

Mr. TURNER of Georgia. The gentleman himself can not cite the statute or refer us to it?

Mr. RICHARDSON. I can not; but the gentleman from Virginia no doubt can.

Mr. TURNER of Georgia. I doubt very much whether such a transaction could have occurred at all.

Mr. RICHARDSON. I have no doubt from the information before the committee that they have undertaken to do it.

Mr. MEREDITH. I will state to the gentleman from Georgia—I do not know the exact facts, but this I do know—that some forty or fifty years ago General Butler or his friends obtained from Virginia a charter granting a franchise to the Great Falls Power Company. Some two or three years ago they got another charter, but what its provisions are I am unable to say——

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. MEREDITH. Certainly, sir.

Mr. PAYNE. Mr. Chairman, we would like to hear what is going on in this private colloquy.

Mr. BABCOCK. I believe I have the floor, Mr. Chairman; and I will now occupy the attention of the committee but one moment in answering the gentleman from Missouri [Mr. DOCKERY]; then I shall move that the committee rise and let this matter go over.

In reference to the necessity for the passage of the bill, I will state that all of the members of the House are familiar with the questions relating to the electric lighting of the city, the cost of this service, the abuses that have been alleged to exist, and also the resolution before our committee in reference to the conduit system. Now, this is the first step to solve that whole question—the acquisition of the water power at the Great Falls and the rights of this power company. There is sufficient power there developed by the falls in question to light every public building, every street, and every park in the city of Washington. It can be purchased for very much less now than it can be purchased within a few years hereafter.

We do not claim by any means that the bill we have offered is perfect. We do not propose to urge its speedy passage, but simply call it to the attention of the House for its consideration. It ought to be considered, however, by this Congress, and got into some definite shape that will meet the approval of the House.

I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10133 had come to no resolution thereon.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to submit one more matter to the House, which will take perhaps only a moment. It is House resolution 212, to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880."

The joint resolution was read, as follows:

> *Resolved, etc.*, That all proceedings and payments under the provisions of the act approved February 13, 1895, amending an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," be, and the same are hereby, suspended until further action thereon by Congress.

Mr. DOCKERY. Mr. Speaker, I desire to raise the question of consideration against that resolution, and pending that, I desire to submit a point of order. I am not sure that the point of order is well taken. The facts are that the issue involved in this resolution was decided by the House on Thursday last, and instead of agreeing to a proposition to suspend the act the House decided to repeal it and to prohibit the further payment of judgments. That was the action of the House, taken after much discussion, on last Thursday.

Mr. PITNEY. Taken in the House on Saturday and in the Committee of the Whole on Thursday.

Mr. DOCKERY. The bill finally passed the House on Saturday. The vote was taken Thursday in Committee of the Whole on this proposition and after a three-hours debate. Now, then, the Committee on the District of Columbia raise the same question, and instead of repealing the law and prohibiting further payments of judgments, as the House decided to do last Thursday, this committee propose to suspend the law. I do not know that the point of order would lie against the proposed action, because I find on page 267 of the Digest this statement:

> If an amendment be proposed, inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress it, as if it were against order.

Now, Mr. Speaker, reasoning by analogy, although the proposed resolution is inconsistent with the action of the House already taken, I assume that perhaps the point of order may not be well taken, but I submit it to the judgment of the Chair. I think the House is by this time fully advised as to the pending question.

Mr. DALZELL. Mr. Speaker, the House has already, by its action, repealed this law. The proposition now is to suspend its operation, assuming it to be still in existence. Surely no such action can be taken by the House without first a reconsideration of the action by which the law was repealed.

The SPEAKER. The Chair would suggest to the gentleman from Pennsylvania [Mr. DALZELL] that the action taken by the House was on an amendment to the appropriation bill. It might very well be that the House might desire to amend the appropriation bill, or, failing in that, it might desire to suspend the act. The action of the House on last Thursday can only be made effective by the action of the Senate. It might well be that the Senate would prefer not to have it on an appropriation bill, either for technical reasons or because of its modification of the appropriation bill. The action now proposed is entirely different. The former action of the House can not become effectual except by the action of the Senate. If the House is satisfied with its action, and thinks that that disposed of the question, the present proposition can be met by raising the question of consideration or by finally disposing of the bill after discussion.

Mr. DOCKERY. I have raised the question of consideration against it.

Mr. DALZELL. I would suggest to the Chair that while of course it can not be finally effective until the Senate has acted, yet, so far as the House was concerned, it had the option to do one of two things, by way of amendment, either to repeal this law, so far as the House could act, or to suspend its operation. Now, it exercised this option by deciding that, so far as the House was concerned, it would repeal the law.

The SPEAKER. No; it decided that, so far as the House was concerned, it would put an amendment on an appropriation bill repealing the law; but the House might think it was desirable to have a provision passed which had no reference whatever to the appropriation bill, and it could not be precluded by any action of the Speaker from taking that course. The matter is fully in charge of the House, and if the question of consideration is raised and consideration is refused, why, the House expresses its opinion in that way. If, on the contrary, it considers the bill, its expression may take another form.

Mr. DOCKERY. I raise the question of consideration.

The SPEAKER. The question of consideration is raised.

Mr. BABCOCK. Mr. Speaker——

Mr. DOCKERY. That question is not debatable.

Mr. PAYNE. Pending that, I move that the House do now adjourn.

TELLERS TO COUNT THE ELECTORAL VOTE.

The SPEAKER. The Chair asks the gentleman from New York [Mr. PAYNE] to withhold his motion. The Chair is not entirely certain that he has authority to appoint the tellers on the part of the House to count the electoral vote, but in accordance with what seems to be the custom, he will make the appointment and submit it to the House. The appointment which the Chair will make, if the House does not object, will be the gentleman from Ohio, Mr. GROSVENOR, and the gentleman from Tennessee, Mr. RICHARDSON. If there be no objection, these will be considered as the tellers to count the electoral vote.

There was no objection.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred as follows:

A bill (S. 2071) for the relief of Mary A. Swift—to the Committee on Claims.

A bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia—to the Committee on the Public Lands.

A bill (S. 1968) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

A bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota—to the Committee on Military Affairs.

A bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list—to the Committee on Naval Affairs.

A bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

A joint resolution (S. Res. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river—to the Committee on Rivers and Harbors.

A bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri—to the Committee on Public Buildings and Grounds.

A bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy—to the Committee on Claims.

A bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

A bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

A bill (S. 3121) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased—to the Committee on Pensions.

A bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia—to the Committee on Claims.

A bill (S. 2588) for the relief of George S. Simon—to the Committee on War Claims.

A bill (S. 3556) granting an increase of pension to Carlton W. Muzzy—to the Committee on Invalid Pensions.

A bill (S. 3584) granting a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice—to the Committee on Invalid Pensions.

A bill (S. 1391) granting an increase of pension to Mrs. E. S. Kelly—to the Committee on Invalid Pensions.

Concurrent resolution—

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

Joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896;

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation;

A bill (H. R. 3491) granting a pension to James L. Wing;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 4841) granting a pension to Melissa Adams, widow of Silas Adams;

A bill (H. R. 10085) for the relief of Elnora Shuman;

A bill (H. R. 8787) for the relief of H. C. Herndon;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 6539) granting a pension to Richard C. Enright;

A bill (H. R. 6776) to provide an American register for the bark *Vila*;

A bill (H. P. 10012) relating to the improvement of Eastchester Creek, State of New York;

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

A bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;

A bill (H. R. 9775) to amend so much of chapter 189 of the statutes of the United States of America passed at the third session of the Fifth-third Congress and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying reasonable rent therefor;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota;

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers;

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893;

A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;

A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;

A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser;

A bill (H. R. 4001) to reinstate William Waldrup on the pension roll;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7821) granting a pension to Annie Schitirli;

A bill (H. R. 4279) to cure the title of certain real estate in the District of Columbia;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 3261) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 897) for the relief of James Stewart;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood;

A bill (S. 1495) granting an increase of pension to Hans Johnson;

A bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks;

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

A bill (S. 1806) granting an increase of pension to George B. Custer; and

A bill (S. 178) granting a pension to Betsey J. Webber.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HICKS, for this day, on account of important business.

To Mr. LINNEY, for one week, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. SWANSON, leave was granted to withdraw from the files of the House the papers in the case of John S. Burwell, administrator of A. L. Burwell, no adverse report having been made thereon.

And then, on motion of Mr. PAYNE (at 5 o'clock and 15 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, inclosing a letter from Col. John M. Wilson reporting the completion of the monument to mark the birthplace of Gen. George Washington, at Wakefield, Va.—to the Committee on the Library, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting the draft of a proposed act relating to changes in the plans of public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chapel Point Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Memorial Association of the District of Columbia relative to the house, No. 516 Tenth street NW., Washington, in which Abraham Lincoln died, and recommending an appropriation for its care and maintenance—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments in favor of claimants in Indian depredation cases made since December 7, 1896—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bills and joint resolution of the following titles, reported the same, accompanied by reports; which said bills, joint resolution, and reports, were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 9932) to provide for removing obstructions to navigation from the St. Johns River, Florida, and its tributaries. (Report No. 2834.)

The bill (S. 3494) entitled "An act providing for an examination of the improvement at the Pass of Aransas, Texas." (Report No. 2841.)

The joint resolution (H. Res. 224) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut. (Report No. 2835.)

Mr. PERKINS, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (Senate Con. Res. No. 48) to print extra copies of the report of the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Park, reported the same without amendment, accompanied by a report (No. 2836); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the House (H. Res. 240) concerning the construction of the public building at Racine, Wis., reported the same without amendment, accompanied by a report (No. 2840); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8086) granting a pension to Mary E. Herd, widow of Lieut. Col. A. J. Herd. (Report No. 2837.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 7202) for the relief of Mrs. Anna Dorsey Weaver. (Report No. 2838.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 1161) granting a pension to Thomas Joyce, late drummer in Company D, Second Regiment of New York Infantry, in the Florida war. (Report No. 2839.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MEREDITH (by request): A bill (H. R. 10268) to enable individual bondholders to increase the volume of national-bank notes of a special form without charge, and for other purposes—to the Committee on Banking and Currency.

By Mr. HARTMAN: A bill (H. R. 10269) relating to the application of deposits of money for the survey of lands within railroad grants—to the Committee on the Public Lands.

By Mr. LACEY: A bill (H. R. 10270) providing for the selection of lands in lieu of swamp lands included in forest reservations—to the Committee on the Public Lands.

By Mr. KNOX: A bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States—to the Committee on the Territories.

By Mr. CATCHINGS: A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Florida: A bill (H. R. 10273) to provide an American register for the steamer *Jacksonville*—to the Committee on the Merchant Marine and Fisheries.

By Mr. DANIELS: A bill (H. R. 10274) authorizing an additional story to the public building now being erected in the city of Buffalo—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10275) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

By Mr. FENTON: A joint resolution (H. Res. 250) relative to the practice of granting permits for the occupancy or use of military reservations for nonmilitary purposes—to the Committee on Military Affairs.

By Mr. ARNOLD of Rhode Island: A joint resolution (H. Res. 251) directing the Secretary of War to submit estimates of the cost of completion of harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. TATE: A resolution (House Res. No. 530) requesting the Secretary of the Navy to furnish to the House the reasons for the adoption of small arms of different calibers by the Navy and Army of the United States—to the Committee on Naval Affairs.

By Mr. TOWNE: A resolution (House Res. No. 531) calling on the Secretary of the Interior for report as to investigation of certain examinations of pine and agricultural lands—to the Committee on Indian Affairs.

By Mr. TATE: A resolution (House Res. No. 532) requesting the Secretary of War to furnish the House with the reasons for the adoption of small arms of different calibers by the Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. KIEFER: A memorial of the legislature of the State of Minnesota, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. EDDY: A memorial of the legislature of the State of Minnesota, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. GRIFFIN: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. McCLEARY of Minnesota: A memorial of the legislature of the State of Minnesota, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. McLAURIN: A memorial of the legislature of the State of South Carolina, relative to Cuba and Cubans—to the Committee on Foreign Affairs.

By Mr. STEWART of Wisconsin: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. GAMBLE: A memorial of the legislature of the State of South Dakota, asking that Fort Meade be made a permanent military reservation—to the Committee on Military Affairs.

Also, a memorial of the legislature of the State of South Dakota, asking the passage of a law to permit settlers upon Government lands in that State to make final proof upon their homestead claims and acquire title thereto without the payment of any specific price per acre, as required by the present law—to the Committee on the Public Lands.

By Mr. CHICKERING: A memorial of the legislature of the State of New York, relative to increase in the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HERMANN: A bill (H. R. 10276) to pension M. B. Belieu for services in the Oregon Indian wars—to the Committee on Pensions.

By Mr. HOOKER: A bill (H. R. 10277) granting a pension to Marvin Older—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of H. S. Rich & Co., of Chicago, Ill., for favorable action on House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of the East Washington Citizens' Association, asking that the Congressional Library be opened from 9 a. m. to 10 p. m., Sundays and legal holidays excepted—to the Committee on the Library.

Also, petition of John V. B. France and 24 others, of Boscobel, Wis., favoring the passage of House bill No. 9269, granting a service pension to the soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of Rodick J. Becker, William Voltman, J. J. Hammond, D. Steirnke, H. Tellmeyer, and 101 other citizens of St. Louis, Mo., in favor of the coinage of legal tender to authorize the construction of public works—to the Committee on Ways and Means.

By Mr. BERRY: Petition of Charles Abert, of Homewood, Md., for the purchase by Congress of a bust of Franklin—to the Committee on the Library.

By Mr. BISHOP: Petition of Citizens' Development Company, A. E. Cartier, George Goodsell, and 38 other citizens of Ludington, Mich.; also petition of Dovel & Smith, Edward Buckley, Louis Sands, and 28 other citizens of Manistee, Mich., praying for the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petition of H. C. Bayles and others, of Paris, Ill., favoring the passage of a special act increasing the pension of Henry C. Elliott in accordance with his disabilities—to the Committee on Invalid Pensions.

By Mr. CHICKERING: Petition of citizens of Antwerp, N. Y.; also of citizens of Clayton, N. Y.; also of citizens of Carthage, N. Y.; also of citizens of Philadelphia, N. Y., in favor of the bill to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Petition of the Western Plaster Works, of Detroit, Mich., asking that plaster of paris be protected against foreign competition—to the Committee on Ways and Means.

Also, petition of Theo. Meyers and 52 residents and chicory growers of Bay County, Mich., asking that a duty be placed upon chicory—to the Committee on Ways and Means.

By Mr. CURTIS of Iowa: Resolutions of Clinton Division, No. 83, Order of Railway Conductors, of Clinton, Iowa, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of Thomas B. Martin and others, of Grand Junction, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

Also, petition of D. M. Burns and others, of Humboldt, Iowa, protesting against the passage of a bill pending before Congress relating to patents—to the Committee on Patents.

By Mr. FISCHER: Papers to accompany House bill No. 4382, for the correction of the military record of Abraham Lewis—to the Committee on Military Affairs.

By Mr. FOSS: Resolutions adopted by the Colored Republican Club of Chicago, Ill., urging the reduction of representation in Congress from certain Southern States—to the Committee on the Judiciary.

By Mr. HENDERSON: Petition of J. D. Easton and 81 other citizens of Waterloo, Iowa, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, paper from E. E. Clark, grand chief conductor Order of Railway Conductors, Cedar Rapids, Iowa, urging consideration of the Erdman arbitration bill—to the Committee on Rules.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz, James McDermott and 17 others, M. F. Golden and 9 others, all of Troy; D. A. Smith and 19 others, James F. Mee and 11 others, all of Auburn; Hugh MacLachlan and 13 others, Paul Kalb and 19 others, O. R. Seymore and 11 others, all of Brooklyn; A. H. Latz and 10 others, of Sanborn; T. F. Gilte, of Phelps; David Pechannes, of Caledonia; D. Hitchcock, of Knowlsville; H. S. Teed and 9 others, of Goldens Bridge; James E. Marshall and 6 others, of Aiken; M. Wing and 17 others, of Carthage; D. Quackenbush and 16 others, of Sprakers; S. E. Crowell and 19 others, of LeRoy; Edward Clark and 21 others, of Waterloo; Harry S. Tinlock and 21 others, of Frankfort; William Farrand and 10 others, of Frankfort; J. McM. Huelton and 9 others, of West Rush; N. H. Stanton and 23 others, of Buffalo; J. D. Brenan and 22 others, of Medina; Chauncey Brainard and 13 others, of Shreveport; R. Laty and 12 others, of Gasport; B. Harman and 12 others, of Highland Station; E. J. Bevan, of New York City; Henry Bernard and 16 others, of New York City; N. F. Keck and 10 others, of Buffalo; S. W. Weat and others, of Weedsport; Thomas H. Dowd and others, of Batavia; William A. Morrill and others, of East Greenbush; A. V. Van Eps and others, of Schenectady; J. W. Blood and others, of Rome; M. H. Hart and others, of Catskill Station; C. Haas and 12 others, of Shortsville; W. P. Coruk and 17 others, of Yonkers; Patrick O'Rourke and 10 others, of South Byron; J. W. Quick and 17 others, of Rhinebeck; J. J. Costello and 9 others, of Cayuga; W. H. Weston and 11 others, of Newburgh; George D. Van Vin and 21 others, of Palatine Bridge; Charles Thomas and 20 others, of Little Falls; B. Carpenter and 17 others, of Elbridge; John Dunning and 15 others, of Oneida; George W. Boughton and others, of Macedon; Daniel E. Johnson and 25 others, of Sing Sing; O. Olcott and 11 others, of Albany; B. L. Myers and others, of Clarence; O. W. Timberman and 22 others, of New York City; N. A. Gims and 22 others, of Rondout; W. P. Willis and others, of Castleton; John H. Lee and others, of Tarrytown; L. V. D. Smith and 12 others, of Martindale; A. E. Barrett and 10 others, of Colman; Joseph A. Titus and 5 others, of South Dover; Frank Hitchcock and 17 others, of Syracuse; William E. Golf and 8 others, of Albion; E. L. Green and others, of Gabriels; O. Weaver and 5 others, of Lake Placid; S. S. Black and 5 others, of Spuyten Duyvil; L. H. Clark and 5 others, of Storm Lake; W. H. Arnold and 9 others, of Whitson; J. H. Hennarty and 12 others, of Mahopac; Ward Golf and 12 others, of Lockport, H. J. Degan and 15 others, of Mount Vernon; J. J. Rice and 2 others, of East Syracuse; J. N. Howe and 19 others, of Utica; M. M. DeWitt and 12 others, of Oriskany; Warren H. Easton and 23 others, of Herkimer; W. L. Cole and 18 others, of Amsterdam; S. L. Allen, James Reese, and 20 others, of New York City; William Cross and 12 others, of Fairmont and Amboy, and resolutions passed by the General Passenger and Ticket Agents' Association in convention assembled at Buffalo; also of H. K. Halsey and 12 others, of New Jersey, favoring the passage of House bill No. 10090, known as the "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for an appropriation for the erection of a public building in the city of Eureka—to the Committee on Public Buildings and Grounds.

Also, petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for the construction of the Nicaragua Canal under American control—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. P. Preble, of Oakland, Cal., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of N. C. Colby, of Pecatonica, Ill., favoring the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of S. P. Selden and other citizens of Port Huron, N. Y., praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. J. Giles and others; also petition of J. P. Clark and others, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of White & Fenton, of Cattaraugus, N. Y.; also of Mrs. M. L. Rumpff, of Angelica, N. Y.; also of Judson Howden, of Fillmore, N. Y., favoring the bill H. R. 4566, known as the Loud bill, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: petition of James E. Shepard and others, of Lawrence, Mass., praying for the passage of Senate bill No. 3589 and House bill No. 10108, regulating fraternal beneficiary societies, orders, and associations—to the Committee on the District of Columbia.

By Mr. LINTON: Petition of S. Abrams and other citizens of the State of New York; also of Rev. H. E. Thygeson, of Chesterfield, Mass.; also of E. A. Johnson and others, protesting against appropriations for sectarian institutions, and favoring an amendment to the Constitution of the United States prohibiting sectarian appropriations—to the Committee on the Judiciary.

By Mr. LORIMER: Petition of F. T. Clybourn and 210 other business men at the Union Stock Yards, Chicago, Ill., protesting against the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of Fred A. Wright, of Springfield, Minn., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McDEARMON: Petition of T. W. Neal, of Dyersburg, Tenn., and Cora M. Wade, of Milan, Tenn., favoring the Loud bill (H. R. 4566), amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of the Little Bay Lumber Company, of Calhoun County, Ark., asking for a tariff duty on lumber—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: Resolutions of the Commercial Club of Omaha, Nebr., also of the Omaha Board of Trade, favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the Builders and Traders' Exchange of Omaha, Nebr., favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the Board of Trade, also of the Commercial Club, of Omaha, Nebr., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Builders and Traders' Exchange of Omaha, Nebr., favoring the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MURRAY: Memorial of the Colored Republican Club of Cook County, Ill., praying for an investigation of the methods whereby a republican form of government has been overthrown in several States of the Union, and for a restoration of the same—to the Committee on the Judiciary.

Also, memorials of R. P. Scott and 36 others, of Florence, S. C.; of S. H. Nix and 49 others, of Columbia, S. C.; of H. Stokein and 100 others, of Charleston, S. C., and of Martin Fludd and 53 others, of Charleston, S. C., praying the rejection of what purports to be the electoral vote of South Carolina, and for a restoration of a republican form of government in South Carolina—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SHERMAN: Petitions of B. B. Paddock, mayor of Fort Worth, Tex., and others, and of L. M. Knepfly, president Texas Fair Association, and others, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOVER: Petition of the publisher of the Times, Imlay City, Mich., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petition of Rev. D. A. McBurney and Rev. George M. Tourtelotte, of Dows, Iowa, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. A. McBurney and George M. Tourtelotte, protesting against Sunday traffic in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of D. A. McBurney and George M. Tourtelotte, for the suppression of the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of D. A. McBurney and George M. Tourtelotte, urging the prohibition of the transportation of obscene matter from State to State by United States mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of McIntire, Iowa, Mrs. S. M. Kimball, president, also of Henry White, of Volga City, Iowa, praying for the passage of House bill No. 9515, to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of Dr. F. A. Cogswell, of Swaledale, Iowa, urging the passage of the bill for the prevention of gambling (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, sundry petitions of Rev. D. A. McBurney and Rev. George M. Tourtelotte, of Dows, Iowa, urging the passage of bill to raise the age of consent—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Dows, Iowa, Mrs. Minnie B. Allen, secretary, favoring the passage of the anti-interstate gambling act; for raising the age of consent; for the suppression of Sunday traffic in the District of Columbia, and the sale of intoxicating liquors in Government buildings—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Dora Foster, of Mount Vernon, Iowa, in favor of the Anglo-American arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of Mrs. M. E. Curtis, of Mount Vernon, Iowa, in favor of the bill raising the age of consent—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *February 9, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1896; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

Mr. STEWART presented the credentials of JOHN P. JONES, chosen by the legislature of Nevada a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. GROSVENOR of Ohio and Mr. RICHARDSON of Tennessee tellers on the part of the House, authorized by the concurrent resolution relating to the counting of the electoral votes for President and Vice-President.

The message also announced that the House had passed the joint resolution (S. R. 118) for the relief of farmers and truckmen in the city of Washington, D. C., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 178) granting a pension to Betsey J. Webber;

A bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 1495) granting an increase of pension to Hans Johnson;

A bill (S. 1806) granting an increase of pension to George B. Custer;

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood;

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks;

A bill (H. R. 897) for the relief of James Stewart;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 3787) for the relief of H. C. Herndon;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 4001) to reinstate William Waldrup on pension roll;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;

A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;

A bill (H. R. 4841) granting a pension to Melissa Adams, widow of Silas Adams;

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

A bill (H. R. 6539) to increase a pension to Richard C. Enright;

A bill (H. R. 6776) to provide an American register for the bark *Vila:*

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser:

A bill (H. R. 7821) granting a pension to Annie Schifirli;

A bill (H. R. 7905) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers;

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

A bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota;

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation:

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers;

A bill (H. R. 9775) to amend so much of chapter 189 of the statutes of the United States of America passed at the third session of the Fifty-third Congress and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying reasonable rent therefor;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township:

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893;

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York;

A bill (H. R. 10085) for the relief of Elnora Shuman; and

A joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented the petition of A. H. Perfect & Co., wholesale grocers, of Fort Wayne, Ind., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Thomas Davis Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented memorials of W. J. Huff, publisher of the Press, of Monticello; of J. B. Harper and sundry citizens of Fort Wayne and Summitville; of E. W. Miner, of Garrett; of S. E. Haigh, president of the Republican News Company, of Columbus, and of L. O. Bishop, of Clinton, all in the State of Indiana; and the memorial of A. Y. Hubbell, of Tottenville, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of A. L. Laushe, publisher of the Journal, of Converse; of W. C. Binckley, publisher of the Herald, of Jasper; of J. O. & H. E. Henderson, publishers of the Dispatch, of Kokomo; of J. Gregory, publisher of the Republican, of Williamsport; of John W. Surran, publisher of the Republican, of Warren; of J. B. Van Buskirk, publisher of the Herald, of Monticello; of Julian B. Hogate, publisher of the Hendricks County Republican, of Danville; of Will D. Gorrell & Co., publishers of the News, of New Haven; of the Nordyke & Marmon Company, of Indianapolis, and of F. E. Babco, publisher of the Remington Press, of Remington, all in the State of Indiana, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Indiana Society of the Sons of the American Revolution, praying for the enactment of legislation to provide for the collection, indexing, and publication of documents, maps, and records relating to the war of the American Revolution; which was referred to the Committee on the Library.

Mr. MILLS presented the petition of Will A. Halford, publisher of the Garland News, of Garland, Tex., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Frank J. Murphy and sundry other citizens of San Antonio, Tex., and the memorial of Max Elser and sundry other citizens of Fort Worth, Tex., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented a petition of sundry United States Government employees, residents in the State of Kentucky, praying for the passage of House bill No. 8820, for the improvement of the public service by optional and compulsory retirement of certain Government employees, and for the creation of a fund for the benefit of such employees, and for other purposes; which was referred to the Committee on Civil Service and Retrenchment.

He also presented sundry memorials of citizens of Lexington, Ky., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of members of the Poplar Grove Baptist Church, of Hickman; of members of the Methodist Episcopal Church, of Hickman, and of Epworth League No. 2689, of Hickman, all in the State of Kentucky, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

Mr. PALMER presented petitions of R. J. Beardsley, publisher of the Telephone, of Princeville; of C. A. Whitney, publisher of the Suburban News, of Lagrange; of H. S. Rich & Co., publishers of the Western Brewer, of Chicago, and of F. S. Greenleaf, publisher of the Journal, of Savanna, all in the State of Illinois, praying for the passage of House bill No. 4566, to amend the postal laws relating to second class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of members of the First Baptist Church of Detroit, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Judge C. B. Grant and 204 other citizens, including the Christian Endeavor societies, Epworth League, and Baptist Young People's Union, of Lansing, Mich., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of C. H. Bement, publisher of the News, of Laingsburg, Mich., and the petition of Charles F. Gee, publisher of the Imlay City Times and the Dryden Review, of Imlay City, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of San Francisco, Cal., praying for the enactment of legislation to better the condition of American seamen; which was referred to the Committee on Commerce.

Mr. PEFFER presented petitions of J. C. Guy, publisher of the Syracuse Republican, of Syracuse; of Thomas W. Morgan, publisher of the Democrat-Messenger, of Eureka, and of Hendry & Humphrey, publishers of the Nickerson Argosy, of Nickerson, all in the State of Kansas, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL presented the memorial of J. L. Bacon, Wilson Bros., and sundry other citizens of White River Junction, Vt., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Weare Monthly Meeting of Friends, of Weare, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the North Star Branch League of Fourth-Class Postmasters, of Minnesota, praying for the enactment of legislation to include fourth-class postmasters in the classified civil service, and providing that vacancies shall be filled hereafter by civil-service examination; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Engineers' Club of Minneapolis, Minn., praying for the adoption of an amendment to House bill No. 9492, providing that exhaustive surveys be made of the several passes and their deltas from the upper limits of Cubitts Gap to the Gulf of Mexico; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented a petition of the executive committee of the State Woman's Temperance Union of Minnesota, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Methodist Episcopal Preachers' Meeting of Minneapolis, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Thomas Davis Club, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Minneapolis and St. Paul, in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Chamber of Commerce of Fergus Falls; of L. L. Quimby, publisher of the Leaflet, of Brownsdale; of H. A. Smith, publisher of the Mantorville Express, of Mantorville; of T. J. Catlin, publisher of the Buffalo Gazette, of Delano; of H. F. Pfeifer, publisher of the Murray County Independent, of Avoca; of John Woolstineroft, publisher of the Jackson County Times, of Huron Lake; of Joseph Gunn, publisher of the Wilkin County Gazette, of Breckinridge; of George E. Kirkpatrick, publisher of the Star, of Rushford; of Fred. A. Wright, publisher of the Springfield Advance, of Springfield; of W. G. Graham, publisher of the Leader, of Long Prairie; of H. S. Rearick, publisher of the Times, of Grove City; of H. S. Saylor, publisher of the Howard Lake Herald, of Howard Lake, and of John T. Heck, publisher of the Waseca Journal, of Waseca, all in the State of Minnesota, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Woman's Indian Association of Maine, praying that an adequate appropriation be made for the secular education of all Indians of school age, etc.; which was referred to the Committee on Appropriations.

He also presented a petition of the faculty of Colby University, of Waterville, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of Stanford Mitchell and 49 other citizens of Caribou, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Walter F. Marston, publisher of the Hallowell Register, of Hallowell, Me., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Thomas Davis Club of New York City; of the Sarsfield Club of New York City, and of the Napper-Tandy Club of New York City, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Reflector Publishing Company, of Payne, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alfred A. Wright, chairman of the faculty of Oberlin College, Oberlin, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit interstate transportation of obscene matter by any agency; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented the memorial of J. W. Nelson and sundry other citizens of Duluth, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. E. Black and sundry other citizens of the Red Lake Reservations, in Minnesota, praying for the enactment of a free-homestead law; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Ulen, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the North Star Branch League of Fourth-Class Postmasters of Minnesota, praying that fourth-class postmasters be included in the classified civil service and that vacancies be filled hereafter by civil-service examinations; which was referred to the Committee on Civil Service and Retrenchment,

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation to improve the condition of American seamen; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of the Woman's Christian Temperance Union of Foristell, Mo., and a petition of the Woman's Christian Temperance Union of Bethany, Mo., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, to raise the age of consent to 18 years in the District of Columbia and the Territories, to prohibit the sale of intoxicating liquors in the Capitol building, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Epworth League and of the Methodist Episcopal Church South, of Fayette, Mo., and a petition of the officers and members of the Methodist Episcopal Church South, of Fayette, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Seneca, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented the petition of John D. and John R. Doff, publishers of the Atchison County Journal, of Rockport, Mo., and the petition of H. F. Lincoln, publisher of the Chariton County News, of Brunswick, Mo., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of L. T. Moulton, editor of the King City Chronicle, of King City, Mo., praying for the adoption of certain amendments to the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of M. B. Clarke and sundry other citizens of West Plains, Mo., remonstrating against the passage of the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented the memorial of W. H. Johnson and 81 other citizens of Punta Gorda, Fla., remonstrating against the passage of the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John M. Jolly, editor of the Halifax Journal, of Daytona, Fla., praying for the passage of the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of the Fort Madison Business

Men's Association, of Fort Madison, Iowa, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Cedar Rapids, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Forest City, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Disciples' Church, of Corning, Iowa, praying for the enactment of legislation to raise the age of protection to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of members of the Disciples Church of Corning; of members of the Seventh Day Baptist Church of Adams Center, and of the Christian Endeavor Society of Smyrna, all in the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petitions of A. M. & M. L. Adams, publishers of the Independent, of Humboldt; of J. F. Allen, publisher of the Times, of Vinton; of E. Booth & Son, publishers of the Eureka, of Anamora; of W. P. Groesbeck, publisher of the Times, of Kingsley, and of William F. Stipe, publisher of the Call, of Stanton, all in the State of Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BAKER presented the petitions of W. R. White, publisher of the Herald, of Geneseo; of Hendry & Humphrey, publishers of the Argosy, of Nickerson; of Thomas W. Morgan, publisher of the Democratic Messenger, of Eureka, and of James C. Humphrey, publisher of the Telescope, of Bellevile, all in the State of Kansas, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post Roads.

Mr. CAFFERY presented a petition of sundry citizens of New Orleans, La., praying for the ratification of the pending arbitration treaty with Great Britain, without amendment; which was ordered to lie on the table.

Mr. VOORHEES presented memorials of H. J. Day, publisher of the Hagerstown Exponent, of Hagerstown; of J. K. Langdon and sundry other citizens of Greencastle; of John W. Warner and sundry other citizens of Lafayette; of Dr. C. B. Van Horn and sundry other citizens of Frankton, and of E. W. Miner, editor of the Garrett Herald, of Garrett, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the National Malleable Castings Company, of Indianapolis; of J. I. Vestal, cashier of the Citizens' State Bank, of Knightstown; of Joseph Strong & Co., of Terre Haute; of Kramer & Sons, of Laporte; of R. P. Shanklin & Co., of Frankfort; of J. C. Perry & Co., of Indianapolis; of W. M. Shafer & Co., of Frankfort; of J. D. Hogate, publisher of the Republican, of Danville; of the executive committee of the Young Men's Christian Association of Indiana; of E. G. Niklaus, of Madison; of A. H. Perfect & Co., of Fort Wayne; of W. H. Hood, of Portland; of the John C. Croub Company, of Seymour; of Elmer E. Scott, of Madison; of the Wholesale Grocers' Association of Indianapolis; of Schnull & Co., of Indianapolis; of J. Zinsmeister & Bro., of New Albany; of E. Bierhaus & Sons, of Vincennes; of the C. Callahan Company, of Lafayette; of L. L. Burke, publisher of the American, of Brookville; of Reuben Williams & Son, publishers of the Daily Times and Weekly Northern Indianian, of Warsaw; of M. C. Garber, publisher of the Secretary and Treasurer, of Madison; of F. E. Babcrch, publisher of the Remington Press, of Remington; of the Nordyke & Marmon Company, of Indianapolis; of Will D. Gorrell & Co., publishers of the News, of New Haven; of J. Gregory, publisher of the Republican, of Williamsport; of Julian D. Hogate, publisher of the Hendricks County Republican, of Danville, and of A. L. Laushe, publisher of the Journal, of Converse, all in the State of Indiana, and a petition of the Spectator Company, of New York, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented petitions of James S. Yard & Sons, publishers of the Monmouth Democrat, of Freehold; of William O. Allison, publisher of the Oil, Paint, and Drug Reporter, of the Druggists' Circular, and of the Painters' Magazine, of Englewood, in the State of New Jersey, and a petition of the National Board of Trade, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of William A. Summerill, publisher of the Penns Grove Record, of Penns Grove, N. J., and the memorial of Hummeld Tillyer, publisher of the Dover Index, of Dover, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Bridgeboro, N. J., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of members of the Original Church, of Wrentham, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Sarsfield Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SEWELL presented a petition of the representatives of the Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HOAR presented a petition of the legislature of the Commonwealth of Massachusetts and a petition of sundry citizens of Metheun, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 1101) granting a pension to Isaac N. Williams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1474) granting a pension to John J. Copley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon, reported it with an amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1323) for the relief of Ira H. Sweatt, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington*, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8388) for the relief of William G. Buck, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5880) granting an increase of pension to Greenville Puckett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2832) for the relief of Daniel T. Tollett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5981) granting a pension to Elihu Jones, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army, reported it without amendment, and submitted a report thereon.

He also (for Mr. Brice), from the same committee, to whom was referred the bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner, reported it with amendments, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 1811) granting an increase of pension to Charles W. Sentman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5986) granting a pension to Francis M. Ross, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4519) granting a pension to John Zellers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6039) granting a pension to Margaret Kirkpatrick, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States; which was read twice by its title.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4655) granting a pension to Frederick A. Driscol, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt., reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892, reported it without amendment.

Mr. ALDRICH. I am directed by the Committee on Finance to report back adversely the bill (S. 2172) to authorize a reliquidation of certain entries of merchandise. At the suggestion of the Senator from Massachusetts [Mr. Hoar] who introduced the bill, I ask that it be placed on the Calendar with the adverse report of the committee.

The VICE-PRESIDENT. It will be so ordered.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 5th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 4518) granting a pension to Mary L. Arnold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10040) granting an increase of pension to George W. Ferree, reported it with an amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Immigration, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM, from the Committee on Appropriations, to whom was referred the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, reported it with amendments, and submitted a report thereon.

MRS. DAISEY JOHNSON.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Cockrell January 14, 1897, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

> *Resolved*, That the Secretary of the Senate be, and hereby is, authorized and directed to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate to Mrs. Daisey Johnson, widow of the late Thomas R. Johnson, deceased, a laborer and acting watchman under the Architect of the Capitol, the sum of $390, being an amount equal to six months' salary as such laborer and acting watchman, and including all funeral and other allowances.

INVESTIGATION BY JUDICIARY COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. Hoar, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

> *Resolved*, That the Committee on the Judiciary, or any subcommittee thereof, be authorized in the case of Charles F. Amidon to send for persons and papers, to administer oaths, and to employ a stenographer; and that the expenses thus incurred be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

TOPOGRAPHIC AND GEOLOGIC MAPS.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey, to report it without amendment, and I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

> *Resolved, etc.*, That the Director of the Geological Survey be, and is hereby, authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and that a number of copies of each map or atlas, not exceeding 500, shall be distributed gratuitously among foreign governments and Departments of our own Government, to literary and scientific associations, and to such educational institutions as may be designated by the Director of the Survey and approved by the Secretary of the Interior.
>
> SEC. 2. That one copy of each map and atlas shall be sent to each Senator and to each Representative and Delegate in Congress, if published within his term; and that a second copy shall be placed at the disposal of each such Senator, Representative, and Delegate.

Mr. HOAR. I suggest to the Senator that in line 13, after the words "educational institutions," the words "or libraries" be inserted.

Mr. HALE. A library is always considered as being an educational institution. The documents go to the libraries almost entirely. However, I have no objection to the amendment if the Senator thinks it is needed.

Mr. HOAR. I think it would be well to put in the words "or libraries."

Mr. HALE. Very well.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 3674) to authorize the public building in the city of Buffalo to be built an additional story; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. THURSTON introduced a bill (S. 3676) granting a pension to George W. Field, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3677) to increase the pension of Edward W. Nortoni; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE (by request) introduced a joint resolution (S. R. 198) to pay to employees of the Government Printing Office accrued and unpaid leaves of absence; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHERMAN. I submit an amendment intended to be proposed to the District appropriation bill, which I ask to have read and referred to the Committee on the District of Columbia.

The amendment was read, as follows:

> Amendment intended to be proposed by Mr. Sherman to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.
>
> SEC. —. So much of the money as is appropriated by this act for public works in the District of Columbia may, at the discretion of the Commissioners of said District, be made available from and after the 4th day of March, 1897.

Mr. SHERMAN. I wish simply to say that the condition of the laboring men in this District is such that I think this provision ought to be added to the appropriation bill, so that, without any further delay after the adjournment of Congress, work may be given within the limits of the appropriation.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on the District of Columbia, and printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. VEST submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BROWN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That the papers in the case of R. H. Lee be withdrawn from the files of the Senate under the rules of the Senate.

COUNT OF THE ELECTORAL VOTES.

Mr. HOAR. I ask for the present consideration of a privileged resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Ordered, That at ten minutes before 1 o'clock on Wednesday, February 10, 1897, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice-President of the United States.

RECALL OF A BILL FROM THE PRESIDENT.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

Mr. PETTIGREW. A resolution was introduced by me yesterday, recalling a bill that had been sent to the President. I should like to have that resolution considered.

The VICE-PRESIDENT. The resolution indicated by the Senator from South Dakota will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill No. 3328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business——

Mr. HILL. I rose and sought recognition not upon the resolution of the Senator from Nebraska, but upon the resolution of the Senator from South Dakota.

The VICE-PRESIDENT. The Chair did not so understand the Senator. That resolution will be considered as pending. The Senator is now recognized for that purpose.

Mr. HILL. I raised the question yesterday as to the propriety of that resolution. No precedent for such a resolution had been shown to me, and I was endeavoring to find out whether resolutions which have heretofore recalled bills from the President related to errors of engrossment or whether they were resolutions for the purpose of amendment. I have not yet finished the examination. Is there any special hurry about the resolution, I will ask the Senator from South Dakota?

Mr. PETTIGREW. I will say to the Senator from New York that unless the resolution is passed at once it will be useless to pass it, as the bill has already been in the hands of the President for nine days.

Mr. HILL. I will not at this time, under those circumstances, offer any objection, because the question can be brought up again. If the bill shall be returned by the President to the Senate all the question can be raised then. Therefore the resolution may pass at this time, so far as I am concerned.

The VICE-PRESIDENT. The resolution is agreed to.

PACIFIC RAILROADS.

Mr. THURSTON. Mr. President——

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], which will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has by existing law authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads.

Mr. THURSTON. I understand that the Senator from Ohio desires to proceed with the consideration of matters before the Senate in executive session. I have no wish to occupy the floor to conclude my remarks on the pending resolution at any time when my doing so will interfere with other more important matters. If the resolutions can go over without prejudice, I have no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. SHERMAN. I then submit a motion that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Mr. President——

Mr. SHERMAN. Several Senators have appealed to me to allow them to call up bills that are urgent, and I will yield.

INTERSTATE REGULATIONS CONCERNING LIQUORS.

Mr. TILLMAN. I ask the Senator from Ohio to allow me to put a bill on its passage. I do not think it will excite any debate. If it does, of course I will withdraw it.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. Does the Senator from Ohio yield?

Mr. SHERMAN. I yield if the bill does not give rise to debate.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary read the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SEWELL. It seems to me that that bill would give rise to considerable debate. I object.

Mr. SHERMAN. Then I——

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

Mr. CAFFERY. Mr. President——

Mr. SHERMAN. I also yield to the Senator from Louisiana.

CREVASSE IN PASS A LOUTRE.

Mr. CAFFERY. I ask for the present consideration of the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $250,000 to close the crevasse in Pass a Loutre of the Mississippi River, to be expended under the direction and according to the plan and specifications of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEWART COLLEGE, CLARKSVILLE, TENN.

Mr. BATE. I ask the Senator from Ohio to allow me to call up a bill simply for amendment and passage.

Mr. SHERMAN. If it gives rise to no debate, I will yield.

Mr. BATE. Oh, no; and under the circumstances I shall not press it if it gives rise to debate.

Mr. SHERMAN. Very well.

Mr. BATE. I ask unanimous consent for the present consideration of the bill (S. 1618) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,019.96 in order to reimburse Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn., for the injury to its buildings, apparatus, cabinets, and other property injured or destroyed by troops of the United States during the late war.

Mr. BATE. In line 5, after the word "Tennessee," I move to insert "for the use and occupation of the buildings and grounds and for consumption of materials."

The amendment was agreed to.

Mr. BATE. In line 11, after the word "destruction," I move to insert "use, occupation, and consumption of the buildings and grounds of said college."

The amendment was agreed to.

Mr. BATE. I merely desire to state that the amendments have the assent of the chairman of the committee and the Senator from Louisiana [Mr. CAFFERY] who reported the bill, and that a majority of the committee have recommended the measure.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE REGULATIONS CONCERNING LIQUORS.

Mr. TILLMAN. I again ask permission to call up the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases. The Senator from New Jersey has withdrawn his objection.

Mr. MILLS. I think that bill is of too much importance to be passed in this way. We ought to consider the bill a little before we vote on it.

Mr. TILLMAN. Will the Senator from Texas allow me to explain it?

Mr. MILLS. Yes.

Mr. SHERMAN. I think the bill will lead to debate, and I hope the Senator from South Carolina will not press it now.

Mr. TILLMAN. All right.

EDITION OF PENSION LAWS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

HOUSE BILL REFERRED.

The bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company was read twice by its title, and referred to the Committee on the District of Columbia.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and fifty-seven minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 185) entitled "An act granting a pension to Rachel Patton," with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same, and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9812) relating to the adulteration of foods and drugs in the District of Columbia:

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department;

A bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia;

A bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia;

A bill (H. R. 10131) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; and

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until to-morrow, Wednesday, February 10, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1897.

CONSUL.

Frederick W. Kickbusch, jr., of Wisconsin, to be consul of the United States at Stettin, Germany.

RECEIVER OF PUBLIC MONEYS.

George B. Cosby, of Sacramento, Cal., to be receiver of public moneys at Sacramento, Cal.

REGISTER OF THE LAND OFFICE.

Silas Penry, of Jackson, Cal., to be register of the land office at Sacramento, Cal.

POSTMASTERS.

Katherine I. Merritt, to be postmaster at Pelham, in the county of Westchester and State of New York.

James F. Hunt, to be postmaster at Croton on Hudson, in the county of Westchester and State of New York.

George A. Van Atta, to be postmaster at Clay Center, in the county of Clay and State of Kansas.

William H. Smith, to be postmaster at Newark, in the county of Newcastle and State of Delaware.

Miss Augusta B. Berard, to be postmaster at West Point, in the county of Orange and State of New York.

John C. McEldowney, to be postmaster at New Martinsville, in the county of Wetzel and State of West Virginia.

Barney O'Neil, to be postmaster at Howard, in the county of Miner and State of South Dakota.

Charles W. Blackman, to be postmaster at Caledonia, in the county of Livingston and State of New York.

Mary A. S. Kavanagh, to be postmaster at Lawrence, in the county of Queens and State of New York.

Eugene Gardner, to be postmaster at Philmont, in the county of Columbia and State of New York.

Henry Miller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania.

Meserve M. Getchell, to be postmaster at Silver City, in the county of Owyhee and State of Idaho.

Alexander A. McPhee, to be postmaster at Wagoner, in the Creek Nation and Indian Territory.

Henry J. Dunn, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts.

A. C. Wood, to be postmaster at Suisun City, in the county of Solano and State of California.

Charles F. Belt, to be postmaster at Dallas, in the county of Polk and State of Oregon.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 9, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

IMMIGRATION.

Mr. DANFORD. Mr. Speaker, I desire to call up the conference report on the immigration bill.

The SPEAKER. The gentleman from Ohio rises to a privileged question.

Mr. HULL. Will the gentleman from Ohio yield for just a minute?

Mr. DANFORD. I can not yield for anything now.

Mr. HULL. One of the members of the Board of Managers of the National Home for Disabled Soldiers is now deceased, and it is necessary to fill the place by the election of another before this session closes. If the gentleman will yield, I will ask unanimous consent for the present consideration of this resolution.

Mr. LOUD. Will the gentleman from Ohio yield to me to make a request on behalf of the Committee on the Post-Office and Post-Roads?

Mr. DANFORD. I call up for consideration the conference report on the bill H. R. 7864, and in connection with that I submit a statement of facts to accompany the report.

The SPEAKER. Will the gentleman give his attention to the gentleman from California?

Mr. LOUD. I would like to ask, if the gentleman will permit me, permission for the Committee on the Post-Office and Post-Roads to sit during the sessions of the House to complete its appropriation bill.

Mr. DANFORD. I will yield that the gentleman may make that request.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on the Post-Office and Post-Roads may sit during the session of the House. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read the statement.

The statement of the House conferees was read, as follows:

The House conferees on the disagreeing votes of the two Houses on the amendments to the bill H. R. 7864 respectfully submit to the House the following statement of facts to accompany the report of the conference committee:

The report of the conference committee having been submitted to the House and printed in the RECORD, thus enabling members to compare the report now presented with the report adopted by the House January 27 last, the statement required by the rule may be brief.

The report now presented differs from the report previously adopted in this, that instead of requiring the intending immigrant to read and write the "English language or the language of their native or resident country," the requirement of the present report is, that they be able to read the "English or some other language."

Again, in the same section, in addition to those exempted from the test provided for in the report, the wife of an intending immigrant (said immigrant being acceptable under the law)—his wife may accompany her husband even though she is not herself eligible. Also all minor children of an intending qualified immigrant, if such immigrant be admissible, may accompany such parent even though illiterate. The same exemption is made in behalf of the wife and minor children of immigrants already here. The former report admitted only such illiterate children as were under 16 years of age.

No other changes are made in the provisions of the report of January 27 last, except that section 9 of former report is omitted from the present report.

All of which is respectfully submitted.

L. DANFORD.
STANYARNE WILSON.

Mr. DANFORD. I now ask for the previous question on the adoption of the conference report.

The SPEAKER. The gentleman demands the previous question.

Mr. MAHANY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DANFORD. I insist upon the demand for the previous question, except to answer a parliamentary inquiry.

Mr. KIEFER. I desire to make an inquiry, so that I may be informed fully as to how I shall vote. I want to ask the gentleman from Ohio whether this report now does not practically give the original Bartholdt bill?

Mr. DANFORD. Oh, it differs from the Bartholdt bill. I demand the previous question.

Mr. MAHANY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHANY. I rise to ask that the House do not agree to the motion of the gentleman from Ohio.

The SPEAKER. That is not in order.

Mr. MAHANY. This is a most important question, involving a change in the entire immigration statutes of the United States.

Mr. DANFORD. Very well; the House can vote down the previous question.

Mr. MAHANY. We ought to have some debate upon the report.

Mr. MILES. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILES. Perhaps it has to be answered by the gentleman who is calling for the previous question; and that is, Whether or not the educational test of this bill is the same as in the House bill?

The SPEAKER. That is hardly a parliamentary inquiry.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. MAHANY. Division!

The House divided; and there were—ayes 94, noes 13.

So the previous question was ordered.

Mr. MAHANY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAHANY. I understand that we have under the rule twenty minutes on a side for debate.

The SPEAKER. There are twenty minutes on each side for debate. The gentleman is correct.

Mr. MAHANY. I desire to claim it.

The SPEAKER. The previous question is ordered; and the gentleman from Ohio has twenty minutes in favor of the proposition and the gentleman from New York twenty minutes in opposition.

Mr. DANFORD. The gentleman can proceed, and we will reply if we want to.

Mr. BARTHOLDT. Mr. Speaker——

Mr. MAHANY. Mr. Speaker, the intemperate zeal, as it seems to me, of the advocates for restriction in immigration has led them to adopt, in dealing with this question, a policy which was illustrated in the remark of one of the leaders on that side to the chairman of the House conferees last evening. As I understood him, he said: "Do not have the report printed in the RECORD because if the members sleep over it, they will be likely to discover flaws in it. Demand the previous question now."

Mr. McCALL of Massachusetts. Who said that?

Mr. MAHANY. It was a distinguished member from Pennsylvania. That statement was in line with the whole policy that has characterized the advocates of this measure from the inception of this proposed legislation. The House adopted the preceding conference report (which was afterwards nonconcurred in by the Senate) notwithstanding the fact that the report, as submitted, tore asunder families, separated husbands and wives, parents and children. And now we find that this measure, which involves a sweeping change in the immigration laws of the United States, is to be rushed through this House under a motion for the previous question, which chokes off adequate debate and prevents the opponents of this legislation from pointing out in detail its manifold faults and absurdities.

The bill as now framed fulfills practically none of the conditions for which its framers profess to have labored. With a single exception it does not exclude anyone whom the great body of American citizens desire to exclude. There is unquestionably a sentiment in this country in favor of better and closer safeguards in the administration of our immigration laws, and though American labor is interested in this question, it is not interested in this bill. The vast majority of American wage earners are liberal, broad-minded, sympathetic men, and they have no desire to close the doors against those who come from Old World oppression with clean mind and healthy body and sturdy patriotism to cast in their lot with this new Republic of the West. Those whom it is the universal sentiment to exclude are the paupers, imbeciles, criminals, and other off scourings of Europe, together with alien-contract laborers, and the "birds of passage," who, retaining domicile and citizenship in other lands, fatten on the substance of our own.

But whom does this law exclude? Under its provisions every anarchist, every communist, every socialist who comes here to war upon established social order, has triumphant entry. The very fact that these men are anarchists and communists and socialists indicates that they have thought; and, to a certain degree, have been educated up to their thought. There is not one of them who could not pass the requirements of this bill. The measure strikes simply at those people who, under the oppressive laws of Old World governments, are—no matter what their aspirations—absolutely unable to obtain, nay, are debarred by iron social conditions from obtaining, the necessary education to meet the test of this bill. It shuts out honest, God-fearing, virtuous people, whose descendants would make patriotic citizens and strong pillars of this Republic. It is a crime against civilization. It is a bar against the educational advancement of the world.

Why, Mr. Speaker, the absurdity of the proposition is manifest. The members of this House who, by an overwhelming majority, will, in all probability, pass this bill, would—and I say it with due deliberation—the great majority, I repeat, of the men now occupying seats in this Chamber would not only not be Representatives on this floor, but would not even be citizens of the United States if this bill had been in operation a hundred or a hundred and fifty years ago. Why, sir, this bill is not only a wrong in theory, but it is a monstrosity so far as its practical operation is concerned. A year ago, when the Committee on Immigration visited Ellis Island, I took particular pains to test the working of the so-called Lodge restriction bill. Standing by the side of Dr. Senner, the able and experienced administrator of that immigration office, I took out of the line of Italian immigrants that were passing before the inspector one whom I asked, through the interpreter, whether he could read or write. He replied that he could. I then had brought to me an Italian testament, a small book printed in double columns, and selected a passage occupying five lines, equivalent to about a line and a half of ordinary newspaper print. I asked the immigrant to write a copy of the indicated passage. From the moment his pen touched the paper, we timed his effort. He wrote the verse, and his chirography was legible and beautiful. He copied carefully and accurately that line and a half, and from the time his pen touched the paper until the copy was made he had consumed something over four and a half or very nearly five minutes.

Now, Dr. Senner told me that frequently at Ellis Island as many as 10,000 immigrants land in a single day. Granting that under the provisions of this bill at least three-fourths of those people by operation of the clause exempting women and children would be permitted to pass regardless of their ability to read or write, there would be left at least one-quarter of the 10,000 to be examined by the immigration officers. The man that I picked out of the line was a man of unusual intelligence for one in his condition in life, and he consumed almost five minutes in fulfilling the requirements or rather a very slight part of the test imposed by the Lodge immigration bill. It needs but a simple mathematical calculation to show how this law would work. Ten thousand immigrants at five minutes apiece would entail fifty thousand minutes. A quarter of that time would be twelve thousand five hundred minutes—equivalent to over eight days, counting twenty-four hours to the day; or counting eight hours a day, equal to about twenty-five ordinary working days.

If we make a liberal discount of time owing to the increased number of examiners that will necessarily be employed, it will take at least one-fifth of that period to pass a single day's arrival of immigrants at Ellis Island. Now, where and how are you going to provide for the immense expenditures that will be entailed by the practical operation of this law?

The House has given no thought to these considerations. In passing this legislation it is acting from a blind impulse to cater

to a public sentiment that is as absolutely undefined in its desires as the ideas that prevail here seem vague and empirical.

But, Mr. Speaker, that is not all. Suppose this bill is passed, what then will have to be done? We must build immense barracks—enormous lodging places—as temporary abodes for the immigrants at Ellis Island and at other landing stations. How will these people be fed? How cared for when sick? You will have to double, treble, quadruple the force of employees that are now in charge of the various immigration entry ports throughout the United States. And I wish to point out that the test I made was simple as compared with the Australian voting-booth system set forth in this bill. You will find the proposed test embodied in section 2 of this bill published in the RECORD of this morning on page 1751. This is the language of the report:

> SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon.

Now, that test, in the very briefest possible time in which it can be applied in order perfectly to carry out the purpose of the section, will occupy, as I have shown, a space of not less than five minutes under the most favorable conditions.

Mr. HENDERSON. Will the gentleman allow an interruption?

Mr. MAHANY. Most assuredly.

Mr. HENDERSON. My friend suggests that the number of immigrants reaches as many as 10,000 a day on occasions. If that proportion were kept up throughout the year, it would be 3,650,000 per annum, whereas the entire number which entered the ports of the United States during the last year was but about 340,000. Hence I ask, is not my friend alarming the House and the country a little unnecessarily by taking this great and extreme figure and basing his calculations upon it?

Mr. MAHANY. My friend from Iowa draws an unjust inference from what I said. My statement was to the effect that the inspectors at the Ellis Island station reported that often as many as 10,000 had landed during a single day at that island. I am simply pointing out the difficulties with which our immigration officers would be confronted on the adoption of this provision of law.

Mr. BARNEY. Is it not true, I would ask the gentleman from New York, also, that only about one out of five would be subjected to this delay?

Mr. MAHANY. I have already stated, Mr. Speaker, that probably three-fourths of the number would be exempt from this test.

Now, I regret to say that I can not yield further, as my time is limited. I am not occupying the floor or addressing the House from any personal feelings. Certain provisions, the adoption of which I have especially championed, have been incorporated in the bill. The "birds of passage," so called, along the Canadian frontier are excluded under the terms of this act, and in addition to that the section against aliens being employed on Government work is also included in the measure.

But, sir, I stand here to protest against the passage of this legislation in its general scope. It is not only unjust to the immigrant, but it is injurious to the people of the United States. My friend the gentleman from Minnesota [Mr. KIEFER] has in his hand a paper in which the cry comes from the vast regions of the Northwest for more immigration to fell the forests and to plow the soil. What we want is not restriction of immigration so much as the regulation of it that shall take these voyagers from foreign shores away from the crowded cities of the Union and place them where they can win prosperity for themselves and add to the glory and progress of the great Republic.

And I desire to say to the members of the Republican party here that it was the foreign-born vote in the last election that gave you your great majorities in the States of the West and the Commonwealths of the East. In the spirit of nonpartisanship that should characterize this discussion, I compliment the Democratic party, which, with all its faults, has rarely used its victories for the purpose of proscription or oppression. I wish to say to you, members of this House—and while it may be the voice of youth and inexperience, it may eventually prove to be the voice of prophecy—that if you enact this legislation every man who votes for its passage will in the future find that, like Banquo's ghost, that vote will never down.

As a member of this committee, I warn Republicans especially, that in the plenitude of our victory we should use our power wisely, not illiberally; that we should so administer this vote of confidence that both the future of the United States and the civilization of the world shall be benefited thereby. Let me tell you also not to mistake the meaning of the last election. I am not unconscious of the fact that many of my Republican brethren are prone to consider that triumph, not as a repudiation (as it was) of unsound finance, but as an indorsement of plutocracy, as an indorsement of monopoly, as an indorsement of everything that distrusts the conscience and the common sense of the plain people.

I feel deeply on this subject. I believe I understand the sensibilities of the foreign-born voters in the United States. This bill is a blow at the Polish immigration, which has as much right to the fruits of liberty as any other nation upon the face of the earth. It is an indirect reflection upon the German element, which gave us to a very large extent our splendid majorities in the last election. I will not speak of the particular nation from which my forefathers came, for fear I may be considered as animated in this address by individual prejudice. But I warn you, my friends, that if you enact this measure you will have reason hereafter to remember these words—that on the ruins of your theories and upon the destruction of your party victories a more liberal policy will march to success. [Loud applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. DANFORD. I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I regard to-day's action on this bill as a mere formality, and I shall therefore occupy but little of the time of the House. But in view of the profound interest that I have heretofore taken in this matter, and in view of my position as chairman of the Committee on Immigration, it is probably expected of me to say a few words.

Mr. Speaker, I can not refrain from expressing my extreme gratification at the turn things have taken. The very features of this bill which I was obliged to oppose a week ago on this floor as objectionable and inhuman have been eliminated in conference, and the very amendments which I offered in conference, and which were so stubbornly resisted not only in conference, but on this floor as well, have now been incorporated in the bill. This I regard as a complete vindication——

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. BARTHOLDT. Certainly.

Mr. WILLIAM A. STONE. Does not the circumstance to which the gentleman has just referred imply that his arguments had more influence with the Senate than with the House?

Mr. BARTHOLDT. It is unnecessary and useless to discuss this question now; but I am satisfied, Mr. Speaker, that if it had not been for one speech which was made when this matter was last under discussion—the speech made by the gentleman from Iowa [Mr. HEPBURN], who talked on the general subject of immigration, and not on the question under discussion—if it had not been for that speech I am satisfied the House would have refused to sanction the conference report last week. For the wisdom shown by the Senate I not only desire to compliment the Senators, but I wish to congratulate the members of the House for having been thus afforded another opportunity to modify and improve the bill.

I may be pardoned for saying that to-day's proceedings are a complete vindication of my course and that of the 117 members of this House who voted with me against the adoption of the original conference report. The bill is now infinitely better, Mr. Speaker, than it was when it left us the last time, and its provisions now closely approach those of the House bill as originally passed last summer. I should have preferred, of course, to see females entirely exempted from the educational test; but I am firmly convinced that the country, relying as it must for its domestic servants upon the foreign supply, will compel Congress at a very early day to make that exemption by law. This, Mr. Speaker, is all I have now to say on the subject.

Mr. MILES. Before the gentleman closes his remarks, will he allow me to ask him a question?

Mr. BARTHOLDT. With pleasure.

Mr. MILES. I was one of the 117 members who voted with the gentleman last week, and I hope he will indulge me and those of us on this side who are not fully informed on this question by telling us how the conference report in detail now stands as to the educational test and as to the admission of married women, who by the bill as last voted on were excluded if uneducated. I have not a copy of the conference report, and am unable to get one.

Mr. BARTHOLDT. I am glad that this question is asked, Mr. Speaker, and I will gladly give the desired information. The bill as it passed the House last week included in the test married women and also children between the years of 16 and 21, so that when the father of a family came here with his wife and his children it might have happened that his wife would have to be sent back under the provisions of the bill, and not only his wife, but also such of his children as were between the ages of 16 and 21. As the bill now reads, Mr. Speaker, it lets in the wife and lets in all minor children, provided the husband is acceptable and passes successfully the educational test. Thus the threatened separation of families, which I objected to, is carefully guarded against.

Mr. MILES rose.

The SPEAKER. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired.

Mr. BARTHOLDT. May I have a few minutes more?

Mr. DANFORD. I yield to the gentleman a few minutes more.

Mr. BARTHOLDT. The other feature of the original report to which I raised objection was the language clause of the bill, which would have excluded the friends of the gentleman from Buffalo [Mr. MAHANY], the Poles. It would have excluded the Jews who were unable to speak Polish or Russian. It would have excluded the Germans of the Baltic provinces. It would have excluded the Mennonites. It would have excluded the French of Alsace-Lorraine who are unable to speak the German language. For these reasons I objected to that provision of the bill. And this provision, too, has been modified to my entire satisfaction. The bill now provides that every newcomer shall be able to read and write English or some other language, living or dead. That means that anybody who can speak any language at all will be admitted to this country, if he can read and write in that language.

Mr. MILES. The phrase, then, is not "some other recognized language," but "some other language"?

Mr. BARTHOLDT. "Some other language."

Mr. HENDERSON. That is corrected now in this conference report?

Mr. BARTHOLDT. Yes.

Mr. BOATNER. And a man can still bring in his grandfather, as before?

Mr. MERCER. If you are satisfied with this report, why did you not sign it?

Mr. BARTHOLDT. I had signed the report, but took exception to one feature of the bill, namely, the one which subjects females to the educational test. After giving my signature I was informed that in the case of a conference report it is inadmissible to sign with a condition or a proviso: that one must either withhold his signature or sign without condition. For that reason my name does not appear on the conference report.

Mr. MILES. Do I understand that to that extent you still object to the bill?

Mr. BARTHOLDT. I should have preferred, as I have said, to see females exempted from the test entirely; but since the House has passed the bill, even with its harsh and objectionable features, I do not see how I can serve any practical purpose by opposing it any longer. I have made my fight in this matter. I made it openly and honestly, and to some extent against the traditions of the House, being chairman of the committee which had the bill in charge, and I am glad to say that while I did not get all I wanted, I accomplished, in the matter of modifying the bill, what I hoped to accomplish under the circumstances.

Mr. MAHANY. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. MAHANY. I yield two minutes to the gentleman from Minnesota [Mr. KIEFER].

Mr. KIEFER. Mr. Speaker, upon the question before the House I desire to read a few lines from one of the largest and most influential daily newspapers of the great Northwest. The Pioneer Press, of St. Paul, Minn., under date of February 4, 1897, says:

IMMIGRATION FOR MINNESOTA—ANNUAL CONVENTION OF THE STATE ASSOCIATION—A LARGE ATTENDANCE OF DELEGATES AND A LIVELY INTEREST IN THE CAUSE IS MANIFESTED—THE IMPORTANCE OF STATE AID IN THE WORK WAS URGED AND A BILL TO THAT PURPOSE INDORSED.

Minnesota should be up and stirring in the interest of a larger immigration to her fertile plains and mighty forests, and the time is at hand when the State should take up the work and carry it along under a comprehensive system looking to the greatest possible results. Things have reached the stage when it is no longer possible for the citizens, individually or through organizations, to do the work and do it properly. The necessities of the situation demand aid and direction by the State.

These were the sentiments expressed and espoused at the meeting of the State Immigration Society, which was in session all day yesterday at the Commercial Club rooms. This was the first State convention held, and was the logical outcome of the Northwestern Immigration Convention, held in St. Paul in November, 1885. At the close of that convention the Minnesota State Immigration Association was organized, and a citizen's movement inaugurated to promote new settlements in the State. An executive committee, consisting of one member from each of the seven Congressional districts, was appointed, with instructions to arrange a systematic plan for carrying on the work. Eight days after the adjournment of the convention the executive committee met at St. Paul and organized the State association, elected a president and secretary, and commenced practical work. The association has been maintained wholly by voluntary contributions from public-spirited citizens. The State has made no appropriation for immigration purposes during the past twelve years. The association feels its inadequacy to carry on the work longer without assistance, and this convention was called with the idea of stimulating interest in the immigration movement and enlisting the aid of the State in the work.

Now, Mr. Speaker, I am informed that my State, or rather its legislature, is about to make an appropriation to aid in the matter of immigration. Mr. Speaker, I am speaking for Minnesota. The great North Star State can readily support in prosperity four times the inhabitants it now contains. More than two-fifths of the area of this great agricultural State is almost entirely unsettled, the undeveloped area covering nearly 6,000,000 acres of the best lands in America. We want immigrants with willing arms and honest hearts, men and women who are willing to work and love our country. For such people Minnesota has room; let them come. Let the law now upon the statute book touching immigration be enforced as all laws should be enforced and you will keep every undesirable person away from our shores.

The SPEAKER. The gentleman from Minnesota [Mr. KIEFER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAM A. STONE. Unless that is extended to all who wish to print remarks on this bill for five days, I shall have to object.

The SPEAKER. The gentleman objects.

Mr. WILLIAM A. STONE. I suggest to the gentleman from Minnesota [Mr. KIEFER] that he make his request to cover all who wish to print.

Mr. KIEFER. I make that request, that the same privilege be extended to all members who desire to print speeches on this subject within five days.

The SPEAKER. The gentleman asks unanimous consent that everybody may print on this subject within five days.

Mr. PERKINS. Mr. Speaker, I am compelled to object.

Mr. WILLIAM A. STONE. I withdraw my objection to the gentleman's request that he be allowed to print the extracts from a newspaper.

The SPEAKER. The objection is withdrawn. Is there further objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I desire to call attention to the fact that leave to print was given on a previous occasion for five days, and I suppose that every gentleman availed himself of that privilege who desired to do so.

RETURN OF A BILL FROM THE PRESIDENT.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill numbered 328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

Mr. GAMBLE. I ask unanimous consent to concur in the resolution which has just been received from the Senate.

The SPEAKER. If there be no objection, the resolution will be concurred in.

The resolution as above set forth was read, and concurred in.

IMMIGRATION.

Mr. MAHANY. I yield two minutes to the gentleman from California [Mr. MAGUIRE]. I ask, as a special concession to the opposition, that, even if the House has made up its mind, it will pay attention to the gentleman.

The SPEAKER. The gentleman from California [Mr. MAGUIRE] is recognized.

Mr. MAGUIRE. Mr. Speaker, the whole theory of the legislation recommended in this report is, in my opinion, false. It departs from all the principles upon which restriction of immigration has heretofore proceeded. It proposes to exclude immigrants from this country solely because they are laborers, and are therefore likely to invade what is called the American labor field. It is assumed in support of this legislation that the resources of this country are insufficient to support its present population, or at any rate to support any large addition to it. That is absolutely untrue—so untrue as to be ridiculous. I endeavored to demonstrate the fallacy of this proposition in my remarks upon the former conference report on this bill.

If the theory of this legislation is correct, then its advocates should go to its logical conclusion and pass laws prohibiting the use of labor-saving inventions and devices that, more than immigration, "invade the labor field." If work, instead of the results of work, is the thing that is needed for the happiness and comfort of the American citizens who are now suffering privations in enforced idleness, then, instead of presenting this miserable and inadequate subterfuge, let us make plenty of work for all by doing away with the use of steam and electricity in production and transportation. Have the courage of your convictions, if you are acting on convictions; do away with inventions, and put a stop to all material progress, and you will thus make plenty of work for all; but it will not relieve the distress of the laboring classes so long as monopolies are permitted to limit their opportunities and to strip them of the fruits of their toil. The bill does not represent a correct view of either the evils oppressing labor or the remedies by which they must be relieved, if they are ever relieved. The curse of the American laborer is monopoly, not immigration; and in this legislation you are proceeding not only upon a false theory, but in a false direction.

The SPEAKER. The time of the gentleman has expired.

Mr. DANFORD. I yield five minutes to the gentleman from Massachusetts [Mr. MCCALL], after which I will ask for a vote.

Mr. MCCALL of Massachusetts. Mr. Speaker, I am very glad that this measure resumes again very nearly the same form it had when it passed the House about one year ago. I was not present when the conference report was agreed to by the House some days ago, but if I had been here, I should have voted for some of the features of that report very reluctantly, if at all.

The present conference report permits a man to bring with him his wife, although she can not read or write. It also removes what I regarded as a very unfortunate piece of phraseology from the former report, and defines clearly and without any ambiguity the language which the immigrant shall read. So that, Mr. Speaker, the question presented by the bill to-day is substantially the question that was presented by the bill when it was originally before the House, with this exception—that the bill as it was originally before the House permitted illiterate women to come in. This bill does not pay what I think would be a very scanty tribute to American women and enact into law that it is important that the male citizens of this Republic should be intelligent, but that it is immaterial whether the mothers of our future citizens shall know anything or not. I think that was a blemish upon the original bill which the report now before the House removes.

So, Mr. Speaker, I do not think it material to discuss the principles of this legislation, which were so fully discussed in former debates. I want simply to say that if you will study the statistics of illiteracy among the races you will find that this bill has little, if any, application to the Scandinavian, to the German, to the British, and to the other races which are kindred with ours and which have been nurtured in the principles of self-government, and it does exclude races which have never been trained in those principles, and from which come large masses of men who either fester in the slums of our great cities or make predatory incursions into industrial centers, where they do work for wages upon which American workingmen can not live. The evidence abundantly shows that they habitually live in shanties, that they eat the rudest food, that they do not have even the most common sanitary appliances, that they expose themselves to all the diseases that are generated by filth. The American workingman can not support churches and decently clothe his children and send them to school and enjoy any of the comforts of civilization so long as he must come into this degrading competition.

Now, the gentleman from New York [Mr. MAHANY] says that the Republican party should be very moderate after it has achieved victory, and the moderation which he suggests is that we should proceed to violate to-day one of the principles laid down in our platform which declares for the passage of this very bill.

Mr. MAHANY. This bill? A bill.

Mr. McCALL of Massachusetts. It declares for a bill embodying an educational test, which the gentleman will see by looking at the platform.

Mr. MAHANY. The argument hinges on the article.

Mr. McCALL of Massachusetts (continuing). Which the gentleman from New York says he totally disapproves of, and every word in it is in favor of such a bill.

Mr. MAHANY. Did the Republican platform declare for an educational test?

Mr. McCALL of Massachusetts. Mr. Speaker, I understand the Republican platform did declare for an educational test.

Mr. MAHANY. I did not so understand it.

Mr. McCALL of Massachusetts. Then the gentleman and I do not agree. I want to say further that the platform of the other party, adopted while this measure was pending, and after it had passed this House by an enormous majority so that any declaration made upon the subject would be presumed to be upon the pending practical measure, the other party declared for a measure restricting immigration.

This matter, Mr. Speaker——

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MAHANY. Division!

The House divided; and there were—ayes 102, noes 14.

Mr. MAHANY. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 217, nays 36, not voting 102; as follows:

YEAS—217.

Acheson,
Adams,
Aitken,
Aldrich, Ill.
Allen, Miss.
Anderson,
Avery,
Babcock,
Bailey,
Baker, Md.
Baker, N. H.
Barney,
Bartholdt,
Bell, Colo.
Bennett,
Bingham,
Bishop,
Black,
Blue,
Boatner,
Bowers,
Brewster,
Broderick,
Bromwell,
Brosius,
Brown,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Cannon,
Chickering,
Clardy,
Clark, Iowa
Cobb,
Coffin,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Crisp,
Crowther,
Crump,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Dayton,
De Armond,
Denny,
De Witt,
Dinsmore,
Dockery,
Dolliver,
Dovener,
Draper,
Ellett,
Ellis,
Erdman,
Fairchild,
Fenton,
Foote,
Foss,
Fowler,
Gamble,
Gardner,
Gibson,
Gillett, Mass.
Graff,
Griffin,
Grosvenor,
Grout,
Grow,
Hager,
Hall,
Halterman,
Hanly,
Hart,
Hartman,
Hatch,
Heatwole,
Hemenway,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Huling,
Hull,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Joy,
Kerr,
Kirkpatrick,
Knox,
Lacey,
Latimer,
Layton,
Lefever,
Leonard,
Lewis,
Linney,
Linton,
Little,
Loudenslager,
Low,
Mahon,
Marsh,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClellan,
McClure,
McCulloch,
McDearmon,
McLachlan,
McRae,
Meiklejohn,
Mercer,
Meredith,
Miles,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Minor, Wis.
Mitchell,
Moody,
Morse,
Neill,
Northway,
Ogden,
Otjen,
Overstreet,
Parker,
Patterson,
Pearson,
Perkins,
Phillips,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Quigg,
Ray,
Reeves,
Rinaker,
Royse,
Scranton,
Settle,
Shafroth,
Sherman,
Shuford,
Simpkins,
Smith, Ill.
Smith, Mich.
Snover,
Sorg,
Southard,
Spalding,
Sperry,
Stahle,
Steele,
Stewart, N. J.
Stewart, Wis.
Stokes,
Stone, W. A.
Strong,
Strowd, N. C.
Sulloway,
Sulzer,
Talbert,
Tate,
Tawney,
Tayler,
Terry,
Thomas,
Towne,
Tracewell,
Tracey,
Treloar,
Turner, Va.
Tyler,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Va.
Warner,
Watson, Ind.
Wheeler,
White,
Wilber,
Williams,
Wilson, Idaho
Wilson, Ohio
Wilson, S. C.
Wood,
Woodman,
Woomer,
Wright.

NAYS—36.

Bartlett, Ga.
Bell, Tex.
Berry,
Buck,
Calderhead,
Catchings,
Clarke, Ala.
Cockrell,
Cox,
Culberson,
Cummings,
Harrison,
Hendrick,
Hurley,
Kiefer,
Kleberg,
Lawson,
Long,
Loud,
Maguire,
Mahany,
McLaurin,
Meyer,
Money,
Murray,
Noonan,
Otey,
Owens,
Pendleton,
Richardson,
Robertson, La.
Sauerhering,
Sayers,
Sparkman,
Stallings,
Strait.

NOT VOTING—102.

Abbott,
Aldrich, T. H.
Aldrich, W. F.
Allen, Utah
Andrews,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Baker, Kans.
Bankhead,
Barham,
Barrett,
Bartlett, N. Y.
Beach,
Belknap,
Boutelle,
Brumm,
Clark, Mo.
Codding,
Colson,
Connolly,
Cook, Wis.
Cowen,
Crowley,
Daniels,
Dingley,
Doolittle,
Eddy,
Evans,
Faris,
Fischer,
Fitzgerald,
Fletcher,
Gillet, N. Y.
Goodwyn,
Griswold,
Hadley,
Hainer, Nebr.
Hardy,
Harmer,
Harris,
Heiner, Pa.
Howard,
Hunter,
Hutcheson,
Hyde,
Jones,
Kem,
Kendall,
Kulp,
Kyle,
Leighty,
Leisenring,
Lester,
Livingston,
Lorimer,
Maddox,
Martin,
McCormick,
McCreary, Ky.
McEwan,
McMillin,
Miner, N. Y.
Mondell,
Moses,
Mozley,
Murphy,
Newlands,
Odell,
Payne,
Pickler,
Price,
Raney,
Reyburn,
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Shannon,
Shaw,
Skinner,
Southwick,
Spencer,
Stephenson,
Stone, C. W.
Strode, Nebr.
Swanson,
Taft,
Thorp,
Tucker,
Turner, Ga.
Updegraff,
Walker, Mass.
Wanger,
Washington,
Watson, Ohio
Wellington,
Willis,
Wilson, N. Y.
Woodard,
Yoakum.

Mr. HAINER of Nebraska. Mr. Speaker, I was present in the Hall during a part of the roll call, but I am not certain that I was present when my name should have been called.

The SPEAKER. The only theory on which the Chair has permitted members to vote who did not respond on the roll call is that possibly, by some accident, their names may have been omitted in the call. The rule is very strict.

Mr. HAINER of Nebraska. Well, I have been busy on some matters of appropriation, and I am not certain that I was in the Hall when my name should have been called. If permitted to vote, however, I should vote "aye."

The following pairs were announced:

Until further notice:

Mr. DINGLEY with Mr. MCMILLIN.

Mr. PICKLER with Mr. MINER of New York.

Mr. COOK of Wisconsin with Mr. MOSES.

For this day:

Mr. RUSSELL of Connecticut with Mr. COWEN.

Mr. TAFT with Mr. RUSSELL of Georgia.

Mr. KULP with Mr. FITZGERALD.

Mr. RANEY with Mr. KENDALL.

Mr. LEISENRING with Mr. WASHINGTON.

Mr. DOOLITTLE with Mr. PRICE.

Mr. BRUMM with Mr. JONES.

Mr. CHARLES W. STONE with Mr. ABBOTT.

Mr. **WILLIAM F. ALDRICH** with Mr. **CROWLEY**.
Mr. **HARMER** with Mr. **BANKHEAD**.
Mr. **MOSLEY** with Mr. **SHAW**.
Mr. **STEPHENSON** with Mr. **HUTCHESON**.
Mr. **WELLINGTON** with Mr. **TUCKER**.

On this question:

Mr. **CODDING** with Mr. **MCCREARY** of Kentucky: Mr. **MCCREARY**, if not paired, would vote against the bill.

The result of the vote was then announced as above recorded.

On motion of Mr. DANFORD, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

ORDER OF BUSINESS.

Mr. HOOKER and Mr. WOOD addressed the Chair.

The SPEAKER. The gentleman from Illinois [Mr. WOOD] has the right of way.

Mr. HOOKER. I ask the gentleman to yield to me for a moment to have a short bill considered.

Mr. WOOD. I yield to the gentleman from New York, Mr. Speaker.

DEEP-WATER HARBOR, SOUTHERN CALIFORNIA.

Mr. HOOKER. Mr. Speaker, I ask for the consideration of the bill (S. 3583) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by the House of Representatives June 2, 1896, and by the Senate June 3, 1896, notwithstanding the objections of the President, be, and the same is hereby, amended by inserting on page 215 of the Statutes at Large, Fifty-fourth Congress, first session, after the word "War" and before the word "Provided," on the thirty-ninth line of said page, the following language: "The officer of the Navy detailed to serve on this Board shall receive from said appropriation, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. Reserving the right to object, I shall be glad to hear an explanation.

Mr. HOOKER. Mr. Speaker, the report explains the matter fully, and I ask that it be read.

The report (by Mr. HOOKER) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred the bill (S. 3583) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896, submit the following report:

In the river and harbor act of June 3, 1896, provision is made for creating a board for locating a deep-water harbor on the coast of southern California, and for the expenses of the board and the pay of the civilian members $50,000 is appropriated. It was the intention of the law to put all of the members of the board on an equal footing with regard to the expenses, but the Comptroller of the Treasury has ruled that the member chosen from the Navy can receive mileage only as a naval officer traveling under orders, and that all other expenses he must pay himself.

This act provides that the officer of the Navy detailed to serve on such board may, in common with the other members of the board, as provided for in the act of June 3, 1896, be paid such a per diem allowance for subsistence as the Secretary of War may deem proper.

The committee therefore recommend that the bill do pass.

Mr. DOCKERY. I desire to ask the gentleman in charge of this measure what limitations, if any, are placed on the allowances. As I understand it, the compensation is left to the discretion of the Secretary of War.

Mr. HOOKER. It is left to the Secretary's discretion by the river and harbor bill, and this makes no change in that respect, but simply places Admiral Walker on the same footing with the other members of the board.

Mr. DOCKERY. What is the customary mileage that is allowed to these officers?

Mr. HOOKER. I do not remember. The gentleman is probably more familiar with that than I am, but this bill simply places this officer on the same footing with the others.

Mr. DOCKERY. Is it recommended by the Secretary of War?

Mr. HOOKER. Certainly. The bill was drawn at his suggestion.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

RACHEL PATTON.

Mr. WOOD. Mr. Speaker, I desire to call up from the House Calendar the bill (H. R. 1185) granting a pension to Rachel Patton, which has been vetoed by the President. I ask that the veto message be read, and also the report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, the name of Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

The veto message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1185, entitled "An act granting a pension to Rachel Patton."

John H. Patton, the husband of the beneficiary, was a captain in an Illinois regiment, and was killed in action June 25, 1863.

In December, 1863, the beneficiary was pensioned as his widow at the rate of $20 a month.

She received this pension for thirteen years and until 1876, when she married one William G. Culbertson. Thereupon, because of such marriage, her name was dropped from the pension rolls pursuant to law.

In 1889, thirteen years after her remarriage and the termination of her pension, she procured a decree of divorce against her second husband on the ground of desertion.

She has a small income, but it does not appear that alimony was allowed her in the divorce proceedings.

It is proposed by this bill to pension her at the same rate which was allowed her while she remained the widow of the deceased soldier.

It can not be denied that the remarriage of this beneficiary terminated her pensionable relation to the Government as completely as if it never existed. The statute which so provides simply declares what is approved by a fair and sensible consideration of pension principles. As a legal proposition the pensionable status of a soldier's widow, lost by her remarriage, can not be recovered by the dissolution of the second marriage. Waiving, however, the application of strictly legal principles to the subject, there does not appear to be any sentiment which should restore to the pension rolls as the widow of a deceased soldier a divorced wife who has relinquished the title of soldier's widow to again become a wife, and who, to secure the expected advantages and comforts of a second marriage has been quite willing to forego the provision which was made for her by the Government solely on the grounds of her soldier widowhood.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 21, 1896.*

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the foregoing bill, have carefully considered the same, and report:

The facts are substantially set forth in the message. Rachel Patton was the wife of the soldier during the period of his service. He was a captain in the Seventy-ninth Regiment of Illinois Volunteers. He was killed in battle. His record was honorable. His widow, the proposed beneficiary in this bill, was pensioned at $20 per month until her remarriage in 1876. Her second husband basely deserted her, refusing to provide for her support. A court of equity severed the bonds of matrimony that bound her to this worthless person and at the same time restored to her the honored name of her dead husband. She is now his widow. Her age is 65 years, her health poor, and she is unable to labor. The little income she has is insufficient for her support.

Whether she should now be restored to the pension roll is simply a matter of policy—a question to be decided by the lawmaking power of the Government in whose service her husband lost his life.

The committee, or at least the writer of this report, do not regard private acts of a similar kind as evidences of the policy of the nation. The fact that the Executive has heretofore approved, or has allowed to become laws without his approval, bills of a like character does not necessarily, in the judgment of the committee, establish any precedent for this case. The only result of enumerating such instances would be to show former inconsistent action by the President with his present position. By so doing the House could get no light to aid it in the discharge of present duty.

One private act is neither in law nor reason a precedent or a justification for another. Much less should private laws be regarded as indicating a policy in legislation. The policy of the Government should be sought in its public laws; not in its private enactments.

The committee have therefore made some examination of the public statutes of the United States to ascertain whether there has been any general legislation that justifies the passage of this bill.

By the act of July 4, 1836, approved by President Andrew Jackson, five years' half pay was granted to the widows of certain soldiers who died during their service or since from wounds received during such service. By the third section of the act certain pensions were granted to the widows of Revolutionary soldiers whose marriage to them took place before the last period of their service. The pension provided by this section, while not continuing longer than during widowhood, recognized a class of widows as entitled to especial recognition in the matter of pensions—those whose marriage to soldiers "took place before the last period of service."

On the last day of his term of office, March 3, 1837, President Jackson gave his approval to another act, which declared that no widow should be deprived of the benefits of the act of July 4, 1836, by reason of her having married since the death of her husband. The only limitation made was that she should be a widow at the time of the passage of the act.

These general laws are precedents in the true sense of the word. They are "authoritative examples." They declared a policy. It was to the effect that the widow who was the soldier's wife during his service should be especially recognized, and also that she might still be upon the pension roll notwithstanding her subsequent marriage.

Other acts might be cited, notably that approved by President John Tyler, August 23, 1842, which provided that the marriage of a widow after her husband's death should not be a bar to her claim under the act of July 7, 1838.

By the joint resolution of July 1, 1848, approved by President Polk, in the case of soldiers of the Revolution, "any widow or woman who may have been the widow of such soldier" was placed upon the pension roll "upon proof by her that she was married to said soldier and that she is a widow."

The committee therefore feel justified in saying that it is not against either precedent or policy to restore to the roll a woman who was the wife of a gallant soldier during his service, and who is now a widow, notwithstanding she may have married since the soldier's death.

The time for the exercise of this policy, either in any individual case or in any class of cases, is properly in the will and discretion of the Congress.

In the present case there is the record of the gallant and meritorious service of the soldier, John Patton, his death on the field of battle, and the age, feebleness, and need of his widow.

By her remarriage there was saved to the United States $4,800. A court of conscience has given her back her former name. The committee believe the Government ought to be as generous as a court of chancery has been just to the widow of so gallant an officer. There is no suggestion by the President that the act is unconstitutional. In view of the passage of so many similar acts in the past, it can not be said to be hasty or inconsiderate legislation. It is neither opposed to precedent nor to the policy of the Government.

The people, through their chosen representatives, have seen fit to grant this pension, and the committee recommend that this manifest will of the people be made effective by passing this bill over the objections of the President.

Mr. WOOD. Mr. Speaker, this is a pension bill carrying $20 per month. The facts in the case are quite generally, but not unfairly, stated by the President in his veto message.

The House will note that the veto is not put upon the ground that the act is unconstitutional. Nobody has ever claimed upon this floor, in this Congress or heretofore, that such acts are beyond the power of Congress to pass. It is not put upon the ground that this is hasty or inconsiderate legislation. The large number of such bills that have been passed, some of them having become laws by the approval of the present Executive, is evidence of the fact that Congress understood the case and knew what it was about when it passed this bill. There is but one ground upon which this veto rests, and that is that there does not seem to be any sentiment favoring the pensioning of persons belonging to this class. I think, Mr. Speaker, that the President is mistaken in regard to this sentiment. The House ought to deal fairly with the President: but it ought to be just to itself. I would not invoke as a justification of this bill at least thirteen private acts pensioning remarried widows which the President himself has approved. I would not invoke the aid of seventeen cases in which remarried mothers, two of whom had husbands then living, were pensioned by bills which received the approval of the present Executive. It might show that he is inconsistent now with his action then: but it would not decide whether he was in the right then or in the wrong now.

The question is whether there is a sentiment in favor of pensioning this class of claimants. In 1836, sixty years ago, the Congress of the United States by an act declared that the widows of such Revolutionary soldiers as had then died should receive the pensions and annuities which the law of 1832 gave to the husbands while living. It limited the benefits of the act to those widows who had been married prior to the expiration of the last period of service of the soldier. It was the first step, so far as I am informed, in the recognition of a very deserving class of beneficiaries—the soldier's wife, or the war widow, the woman who was the soldier's wife during his period of service. This wise and patriotic measure was approved on a patriotic day, the 4th of July, 1836, and by a patriot President, Andrew Jackson.

In the following year, 1837, another act was passed by Congress which provided that the pensions authorized by the act of 1836 should not be withheld from any widow in consequence of her having married after the decease of the husband on account of whose services she made claim. The law of 1836 limited the relief to such women as were widows at the time—such as had not remarried; but this act declared that its benefits should not "be withheld from any widow in consequence of her having married after the decease of the husband for whose services she may claim."

This bill was passed during the closing session of the Congress. It reached the Executive near the close of the term and near the close of his official life. It did not receive a pocket veto; it was not disapproved: but on the last day of his long and distinguished official career President Andrew Jackson found time to sign that bill, which placed upon the pension roll the woman who had been the wife of the soldier during his term of service, although she had subsequently remarried. It recognized that class of people, and at the same time it recognied the fact that the pension roll—the roll of honor—was not an improper place on which to place the name of the widow of a gallant soldier, notwithstanding her remarriage.

I say that that indicated a sentiment that the woman who had remarried was not to be shut out from the benefits of a pension, if she had married the soldier before the period of his service expired. And I appeal to that act in justification of the sentiment which has existed for sixty years. My friends on the other side may safely appeal from the language of the Executive of 1896, whose Democracy has been open to suspicion, to the Executive of 1836, whose loyalty to party faith was never questioned.

One swallow does not make a summer; and perhaps it might be said that one or two public acts are not sufficient to indicate the sentiment of the nation upon this question. In 1838, the year following the passage of the act just stated, Congress enacted a law declaring that the benefits of the act of July 4, 1836, should not be withheld "from any widow whose husband has died since the passage of the act, or who shall hereafter die." The act of 1836 limited its benefits to the widows of those who had then died. This act enlarged the class of such beneficiaries, and it received the approval of President Martin Van Buren July 7, 1838. A joint resolution declaring that the benefits of the act of 1836 should not be withheld from any widow whose husband died after the act of June, 1832, and prior to the act of July 7, 1838, received the approval of President John Tyler August 16, 1842. And this was almost immediately followed by the act approved August 23, 1842, which received the approval of President John Tyler, declaring the marriage of a widow after her husband's death should not be a bar to her claim under the act of 1838.

Sometimes some of our friends on this side stumble and halt over the pensioning of the widow of a gallant soldier if she has happened to remarry. They may properly appeal from the mugwumpery of to-day to the original of the species—to John Tyler, the Mugwump of 1842.

These measures were followed by that other sweeping joint resolution of 1848, approved by President James K. Polk, which declared, in regard to the widows of Revolutionary soldiers, "that any widow or woman who may have been the widow of such soldier" should be placed on the pension roll "on proof by her that she was married to said soldier and that she is his widow."

Mr. LOUD. As I understand, the existing law excludes a remarried widow from receiving a pension. Am I correct as to that?

Mr. WOOD. Yes, sir.

Mr. LOUD. I should like to ask the gentleman this question: In view of the very strong and effective argument he has made for the enacting of a law permitting remarried widows to have pensions, what special reason is there in this case for appealing to this House to override, in an individual instance, the general law?

Mr. WOOD. In the language of my friend from Michigan, "if the gentleman will wait," I am coming to that shortly.

Now, Mr. Speaker, here are no less than six joint resolutions and public laws, all of them receiving Executive approval and bearing directly upon this controversy.

Mr. LOUD. Would not that be a strong reason why we should enact a general law, rather than to single out special instances?

Mr. WOOD. It would be a strong reason if such a general law were now up for discussion and consideration before the House.

Mr. LOUD. I would like to ask the gentleman why he does not introduce a bill of that character, have it appropriately referred, and try to get it before the House for its consideration, rather than take up these specific cases and make exceptions of them?

Mr. WOOD. I will inform the gentleman from California that if he will follow my remarks, he will get some reason for the action taken before I get through.

Mr. Speaker, I beg the House to note one thing in regard to all of these public acts and resolutions, except the first, which created the class, the widow of the soldier whose marriage took place before the period of his service, and the last sweeping one, which declared that remarriage should not be a bar. The language of three of them is that the benefit of the acts "should not be withheld." The men of those days were in the habit of using words to express, rather than to conceal, their meaning; and the very terms used indicate that there was a sentiment behind these laws, that they were right and just and proper, and that the object they had in view was entirely appropriate, to grant pensions to the widows under such circumstances. It would seem, further, to appear that somebody connected with the execution of the laws had been withholding their benefits from the persons entitled thereto. And so the language is explicit that the benefits of the act "shall not be withheld" from any widow "in consequence of her remarriage" since the death of her husband.

The men in 1836, 1837, 1842, and 1848—and this in answer to my friend from California—went further than I would be willing to go at this time. They did not fix any limit to the period of the service of the soldier, nor as to the meritorious character of that service. The woman might have been married to him the day before the period expired; she might have been wealthy, without need of the bounty of the Government, and yet she would come under the provisions of the pension law. I would limit it to those who were the wives of the soldiers during the entire period of their service. I would also limit it to such widows as were both needy and worthy, and whose deceased husbands had performed gallant and meritorious service.

I say, then, that there is a sentiment, as embodied in the public laws, that authorizes the placing of women of this class on the pension rolls. There ought to be something more than that. There ought to be a worthy and a needy claimant—not in the possession of a large income, but one that needs the pension and the bounty of the Government.

The President of the United States says with reference to this bill that, "waiving the application of strictly legal principles to the subject," there does not appear to be any sentiment in favor of pensioning a remarried widow. Now, we must waive the application of such principles in all such cases. The pension that comes under the private-pension law is a gratuity, pure and simple. There is no legal principle to be invoked in support of an unexecuted gift.

The beneficiary under this bill, Rachel Patton, was the wife of the soldier at the time of his enlistment. She remained his wife during the period of his service. She received back his dead body when it was brought from the honored field of battle. She remained his widow for thirteen years. At about the age of 45, when with her the shadows began to lengthen, feeling the need of support and companionship, she remarried. It was but a broken reed upon which she leaned. The second husband was ungrateful: he neglected and finally basely deserted her. In the State in which she lived was the old-fashioned chancery court, a court of equity jurisprudence that not only searches the conscience of the parties, but appeals to the conscience of the chancellor himself. It took jurisdiction of the case and dissolved the bonds of matrimony existing between them. It delivered her from the body of that death. And then, following that other maxim of equity jurisprudence—doing full and complete justice between the parties when they come under its jurisdiction—while yet short of doing full justice to her, it restored to her the honored name of her dead husband.

True it is, as the President says, it did not restore her pensionable relations. The court was unable to do that. It was as powerless in that matter as the Federal court would have been to have made a decree in regard to the marriage contract existing between the parties. But if the United States had submitted itself to that jurisdiction, if it could have been a party to the suit, that court of conscience would have restored the pension, because it was right and just and equitable—the proper thing to do; and there would have been the sentiment and the precedents of these public laws that authorized the doing of it. And, Mr. Speaker, neither did it bring her back those long and wasted years. That was an impossibility also.

Mr. CROWTHER. I should like to ask my colleague a question.

Mr. WOOD. My colleague surely shall have the privilege.

Mr. CROWTHER. You are not in favor of pensioning deserters?

Mr. WOOD. There is no deserter in this case.

Mr. CROWTHER. Very well, then, why should you advocate in this House the pensioning of a deserter to the memory of a dead soldier?

Mr. WOOD. There is a great deal of speculation about that, and I will leave my friend from Missouri [Mr. Crowther] to work it out in his own mind while I continue the thread of my remarks.

Some one may say on this floor—I hope it will not be said—that she lost her pension by her own act. Nobody knows that better than she. I hope if any argument is used it will be something new. I hope she will not be reminded of what she has thought of a thousand times in bitterness and tears—the evil consequences of that second marriage. All its hardships and misery have been hers; all the benefits have inured to the Government, of which her former husband was a faithful soldier. In the beginning of this session the President sent his message here informing us that there was "a comfortable surplus" in the Treasury of $128,000,000. There would have been $4,800 less but for that second marriage. And I do not think it well becomes any officer of that Government to remind her that the money is there on account of her own act.

This claimant is now about 65 years of age. She remained the wife of her second husband for thirteen years. She did nothing hastily. She bore all as long as she could, and then did what the law gave her the right to do, and had the marriage contract broken.

There is something more needed to make a justifiable private pension bill than sentiment, authorized by public rather than private law, and a worthy and needy beneficiary—there ought to be gallant and meritorious service on the part of the soldier.

At the outbreak of the war John Patton was a young lawyer, with bright prospects before him. When the call came from good Father Abraham for 300,000, and 300,000 more, he laid down his books, shut his office door, and went to the front with some of his neighbors. They made him captain of the company. It was assigned to one of the new regiments, the Seventy-ninth Illinois. The exigencies of the service at that time would not permit these men to go into a camp of instruction. They were perfected in drill and discipline in the midst of an arduous campaign in Kentucky in the autumn of 1862. They met their first ordeal of battle at Stone River. On the first day the Union right was broken and sent to the rear in disorderly retreat. That regiment was led into that scene of carnage and disaster the only organized body of troops on that part of the field.

It was a splendid sight to see those country boys—the dust of the farm hardly blown from their locks—as they faced foes four or five times their number and engaged in glorious battle. Their commander fell dead at almost the first fire, but a Methodist circuit rider, just from the pulpit, assumed the authority of his fallen chief, and by the aid of the officers of the line and of the men they held their ground for a time, while the disordered fragments of Johnson's and Davis's divisions rallied upon them, and Sheridan had an opportunity to change his front. And although the battle raged until nightfall, and that regiment left its dead and wounded thickly covering the ground, the day and the battle were saved. In the campaign in middle Tennessee in the summer of 1862 that regiment was in the front. A bold and gallant and vigorous charge carried Liberty Gap and held it; but John Patton fell dead in the very moment of victory.

That was the soldier on whose services this pension is based. This woman is his widow. She is not maid; she is not wife; she is the widow of that soldier, recognized as such by the courts of her State, and also by the public laws of the United States. He was the sacrifice that she laid upon the altar of her country; not a very great one, you say; only a country lawyer, not as great as that of women who furnished judges and Congressmen and Senators who became generals, but he was her all, and there is very high authority that might justify us in the belief that her gift, out of want and poverty, was more perhaps than some of the gifts of these, from their abundance. He was only a company officer, but it was the influence and the example of company officers like him, who marched and bivouacked with their men, who mingled with them, who shed their blood with them, and died with them on the front line of battle, that made the Army of the Cumberland the invincible organization that it was.

If this widow, in the few years left to her, should suffer for shelter or raiment, or food, if for a single day she should be dependent upon charity, it would be a lasting shame and disgrace upon the great Government for whose life the husband of her youth gave his.

We have here all the elements to make a good private-pension bill, a sentiment as old as sixty years that will justify it, a needy beneficiary and a gallant soldier killed on the field of battle.

Mr. Speaker, the highest honor ever conferred upon me, or that will ever be, was the opportunity given me, more than a third of a century ago, of serving, a humble soldier of the line, in the same brigade with this gallant officer. I have endeavored to discharge a duty to the memory of a comrade and to his widow which he would have done, more ably, for me and mine, had the conditions been reversed. In so doing I feel I have not left undischarged a duty to the country. We are told that the nation is to learn war no more; that we are no longer to settle questions by the arbitrament of the sword; that we are to have a policy of arbitration; a kind that when any question involving our territory is in controversy neither party is to be bound by the award if dissatisfied after it is made. In questions of a pecuniary nature, which may involve the national honor as well, a crowned head of Europe was to select the umpire to decide between the monarchy and the Republic. That treaty of arbitration, whether or not amended, or any other, will be a stupendous failure if behind it we have not a navy that ship to ship and man to man and gun to gun can meet the navy of any nation on earth. It will not be a success if there is not a confidence throughout the civilized world that the Republic can again change its citizens into soldiers; that it can put into the field its farmer boys and its mechanics with the same celerity that it did in 1861 and 1862. And that confidence will not exist without that other confidence—that the Republic will be as just and generous to the men who man the guns and stand in the line of battle as it is to the officers of high rank who command them. When I shall have given my vote to make this bill a law over the veto of the President my duty will be performed; the duty of gentlemen of this House is before them, and I appeal to them to discharge it with patriotism and justice.

Mr. DOCKERY. As I understand it, this is a bill to pension a remarried widow.

Mr. WOOD. Certainly.

Mr. DOCKERY. Is it reported by the Committee on Invalid Pensions unanimously, asking the House that it shall pass this bill over the veto of the President?

Mr. WOOD. There is no minority report. I believe it is unanimous. There may be some members of the committee who do not indorse it, but there is no minority report.

Mr. DOCKERY. The question which was propounded by a member of the committee led me to believe that the committee were not unanimous in recommending the passage of the bill over the veto.

Mr. WOOD. I think the gentleman from Missouri [Mr. Crowther] and two or three others are not in accord with it.

I wish further to say, in reply to the gentleman from Missouri [Mr. Dockery], that since this bill passed at least one other bill passed this House by unanimous consent in which the report was read, and it disclosed the same circumstances as in this case, except that the widow had been married to the soldier during his term of service and not prior, as here. [Applause on the Republican side.]

Mr. ERDMAN. Mr. Speaker, I regret that I can not become eloquent over a rehabilitated and galvanized widow, but I have heretofore in a minority report expressed my whole argument on the subject, and I send it to the Clerk's desk to have it read as my remarks in this case.

The Clerk read as follows:

> The purpose of this bill is to restore her to the pension roll the same as if she were still the widow of the soldier whose name she voluntarily surrendered years ago.
>
> To pass this bill is to nullify for the benefit of this one individual the substantial limitation of the general laws that the pension of soldiers' widows who have remarried shall cease.
>
> The objections to be urged against such bills as this are numerous. In the first place, it makes an exception of a case which is in no wise exceptional. There may be varying degrees of destitution in different cases, but it may be fairly stated that all cases of widows who have remarried and again become husbandless, by reason of death or divorce, present the same substantial conditions.
>
> If any widow so situated should be restored to pension, all widows so situated should be restored, and this by general enactment and not by individual private bills, whereby those who may happen to have a friend to espouse their cause secure a benefit which the modest and the unknown never think of seeking. Special pension acts are justifiable only in cases which are essentially exceptional and should not be used to grant to one that which is denied to the many whose situation is precisely the same. But aside from this consideration, however, the soldier's widow who remarries voluntarily relinquishes her pension because she prefers to do so.
>
> The Government can not become an insurer against an unfortunate termination of this second matrimonial venture either by divorce or death. To restore pension in case of divorce is to encourage remarried widows to seek divorces, and, in any event, it is to give them an ostensible claim upon the soldier's death and memory which they have long since renounced by preference.
>
> Furthermore, it is not to be assumed that legislation of this character is in the line of justice or of honor to the soldiers themselves, or that it is necessarily desired or favored by the soldier classes. A contribution from the public Treasury to the support of the widow of the soldier, so long as she remains his widow, every soldier, perhaps, desires, and the common consent of the nation for thirty years has sanctioned this; but that each soldier looks forward to and desires that his services and his memory shall be the basis of a pension to his wife at some remote day, beyond an intervening period of matrimonial alliance with some other husband, is by no means self-evident or fairly to be presumed.

Mr. CUMMINGS. Mr. Speaker, I feel it a duty which I owe to my comrades, and to the widows and orphans of men who have been comrades, to say one word in favor of the passage of this bill over the veto of the President. This poor woman, Mr. Speaker, gave her husband to the Government of the United States. The Government of the United States returned his dead body to her. She buried him at her own expense; she cared for the children for thirteen years. After the usual delay, she received a pension from the Government. Then she remarried, thus voluntarily relinquishing the pension. The Government of the United States is to-day, by her act, $4,800 to the good. She has lost her husband; she has saved the Government $4,800 by her remarriage; and now, instead of being credited with the amount, she is to be sneered at and accused of being untrue to the memory of her first husband. Had he lived, she might have been in affluence; to-day she is again a widow in dire want.

Is this the House that voted the widow of a Chief Justice of the United States a pension of $1,200 a year because her husband had been appointed a Chief Justice by the President? Can it, in the face of such action, refuse to do justice to this poor woman, the dead body of whose husband has been returned to her from the battlefield? Will it refuse the pittance to which she is entitled because thirteen years after his burial she remarried, relieving the Government from responsibility for her support? She merits praise and not condemnation for her action. I do not know how the House may look at it, but I say, Mr. Speaker, in view of these facts, that I prefer to stand by the precedent made by Andrew Jackson rather than to stand by the precedent sought to be made by Grover Cleveland. [Loud applause.]

Mr. WOOD. If no gentleman desires to be heard, I ask for a vote.

The SPEAKER pro tempore (Mr. Hull). The question is, Will the House, upon reconsideration, pass the bill, the veto of the President to the contrary notwithstanding? And the Constitution requires that a yea-and-nay vote shall be taken on the question.

The question was taken; and there were—yeas 137, nays 60, not voting 158; as follows:

YEAS—137.

Acheson,
Aitken,
Aldrich, Ill.
Anderson,
Andrews,
Avery,
Baker, Kans.
Barham,
Bartholdt,
Belknap,
Bell, Colo.
Bowers,
Brosius,
Bull,
Burrell,
Burton, Mo.
Chickering,
Clark, Iowa
Coffin,
Cooke, Ill.
Cooper, Wis.
Corliss,
Cousins,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
Dayton,
De Witt,
Dolliver,
Dovener,
Eddy,
Ellis,
Fairchild,
Fenton,
Fitzgerald,
Fletcher,
Foote,
Foss,
Gamble,
Gibson,
Gillet, N. Y.
Graff,
Griffin,
Grout,
Grow,
Halterman,
Hanly,
Hardy,
Hartman,
Hatch,
Heatwole,
Hemenway,
Henderson,
Henry, Ind.
Hepburn,
Hilborn,
Hill,
Hitt,
Hopkins,
Howe,
Huling,
Hull,
Hunter,
Hurley,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Kem,
Kerr,
Kirkpatrick,
Knox,
Lacey,
Layton,
Lefever,
Leonard,
Lewis,
Linton,
Long,
Lorimer,
Low,
Mahany,
Marsh,
McCall, Mass.
McCleary, Minn.
McLachlan,
Mercer,
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Morse,
Mozley,
Northway,
Otjen,
Overstreet,
Payne,
Pitney,
Powers,
Prince,
Pugh,
Quigg,
Ray,
Rinaker,
Royse,
Sauerhering,
Shafroth,
Smith, Ill.
Smith, Mich.
Snover,
Southard,
Spalding,
Stahle,
Stephenson,
Stewart, N. J.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strowd, N. C.
Sulloway,
Sulzer,
Tawney,
Thomas,
Towne,
Tracey,
Updegraff,
Van Horn,
Van Voorhis,
Warner,
Watson, Ohio
Wilber,
Wood,
Woodman,
Woomer,
Wright.

NAYS—60.

Bailey,
Baker, N. H.
Bankhead,
Berry,
Blue,
Broderick,
Brown,
Buck,
Clardy,
Cobb,
Cockrell,
Crowther,
Culberson,
Denny,
Dinsmore,
Dockery,
Erdman,
Evans,
Hager,
Harrison,
Hart,
Hendrick,
Henry, Conn.
Kleberg,
Latimer,
Lawson,
Little,
Livingston,
Maddox,
Maguire,
McClellan,
McCreary, Ky.
McCulloch,
McRae,
Meredith,
Meyer,
Money,
Moses,
Neill,
Noonan,
Otey,
Owens,
Patterson,
Pendleton,
Richardson,
Sayers,
Scranton,
Shuford,
Skinner,
Stokes,
Strait,
Talbert,
Tate,
Terry,
Tracewell,
Turner, Ga.
Turner, Va.
Williams,
Wilson, S. C.
Yoakum.

NOT VOTING—158.

Abbott,
Adams,
Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Allen, Utah
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Babcock,
Baker, Md.
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Bingham,
Bishop,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brumm,
Burton, Ohio
Calderhead,
Cannon,
Catchings,
Clark, Mo.
Clarke, Ala.
Codding,
Colson,
Connolly,
Cook, Wis.
Cooper, Fla.
Cooper, Tex.
Cowen,
Cox,
Crisp,
Crowley,
Crump,
Curtis, Iowa
Danford,
De Armond,
Dingley,
Doolittle,
Draper,
Ellett,
Faris,
Fischer,
Fowler,
Gardner,
Gillett, Mass.
Goodwyn,
Griswold,
Grosvenor,
Hadley,
Hainer, Nebr.
Hall,
Harmer,
Harris,
Heiner, Pa.
Hermann,
Hicks,
Hooker,
Howard,
Howell,
Hubbard,
Huff,
Hulick,
Hutcheson,
Hyde,
Johnson, N. Dak.
Jones,
Joy,
Kendall,
Kiefer,
Kulp,
Kyle,
Leighty,
Leisenring,
Lester,
Linney,
Loud,
Loudenslager,
Mahon,
Martin,
McCall, Tenn.
McClure,
McCormick,
McDearmon,
McEwan,
McLaurin,
McMillin,
Meiklejohn,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Moody,
Murphy,
Murray,
Newlands,
Odell,
Ogden,
Parker,
Pearson,
Perkins,
Phillips,
Pickler,
Poole,
Price,
Raney,
Reeves,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Settle,
Shannon,
Shaw,
Sherman,
Simpkins,
Sorg,
Southwick,
Sparkman,
Spencer,
Sperry,
Stallings,
Steele,
Stewart, Wis.
Strong,
Swanson,
Taft,
Tayler,
Thorp,
Treloar,
Tucker,
Tyler,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Woodard.

The following additional pairs were announced:

For this day:

Mr. Kulp with Mr. Woodard.

Mr. Codding with Mr. Cox.

On this vote:

Mr. Curtis of Iowa with Mr. Crisp.

Mr. Hicks with Mr. Hermann.

Mr. Linney with Mr. McLaurin.

Mr. Wellington with Mr. Lester.

Mr. HALL. Mr. Speaker, I was attending a committee meeting by leave of the House when the roll call began, and did not come in until the Clerk had got past my name on the second call.

The SPEAKER pro tempore. If the gentleman was not in the Hall of the House when his name was called, he can not vote.

Mr. HALL. Then, Mr. Speaker, I ask to be marked present. If allowed to vote, I would vote "no."

Mr. CRISP. Mr. Speaker, I would like to be marked present. I was attending a meeting of the Committee on the Post-Office and Post-Roads, but if I had been here when my name was called, I should have voted "no."

Mr. OGDEN. Mr. Speaker, I also was attending a meeting of the Committee on the Post-Office and Post-Roads. Had I been in the Hall when my name was called I would have voted "no." I desire to be recorded as present.

[The announcement of the result of the vote as above recorded was received with applause.]

CAROLINE D. MOWATT.

Mr. SULLOWAY. Mr. Speaker, I desire to call up for present consideration the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, with the veto message of the President. I ask that the bill be read.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

The veto message was read, as follows:

> *To the House of Representatives:*
>
> I return herewith, without approval, House bill No. 1139, entitled "An act granting a pension to Caroline D. Mowatt."
>
> The beneficiary mentioned in this bill was married in 1858 to Alfred B. Soule, who served as major of a Maine regiment of volunteers in the war of

the rebellion from September 10, 1862, to July 15, 1863, when he was mustered out of the service. He died in February, 1864, and in 1866 a pension was granted to the beneficiary, as his widow, at the rate of $25 a month, dating from the time of her husband's death—two years before.

The widow continued to receive the pension allowed her until June 17, 1869, when she was married to Henry T. Mowatt, which, under the law, terminated her pensionable right. It appears, however, that a small pension was allowed two minor children of the soldier at the time of their mother's remarriage, which continued until 1876, more than seven years after such remarriage, when the youngest of said children became 16 years of age.

In 1878, nine years after he became the second husband of the beneficiary, Henry T. Mowatt died.

Though twenty-seven years have passed since the beneficiary ceased to be the widow of the deceased soldier, and though she has been the widow of Henry T. Mowatt for eighteen years, it is proposed by the bill under consideration to again place her name upon the pension roll "as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers."

Of course, the propriety of the law which terminates the pension of a soldier's widow upon her remarriage will not be questioned. I suppose no one would suggest the renewal of such pension during the lifetime of her second husband. Her pensionable relation to the Government as the widow of her deceased soldier husband, under any reasonable pension theory, absolutely terminated with her remarriage.

If she is to be again pensioned because her second husband does not survive her, the transaction has more the complexion of an adjustment of a governmental insurance on the life of the second husband than the allowance of a pension on just and reasonable grounds.

Legislation of this description is sure to establish a precedent which it will be difficult to disclaim, and which, if followed, can not fail to lead to abuse.

GROVER CLEVELAND.

Executive Mansion, *May 19, 1896.*

The report (by Mr. Sulloway) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1130) granting a pension to Caroline D. Mowatt, having carefully considered all the facts, respectfully submit the following report:

Prior to 1850 the claimant was married to Alfred B. Soule, who served as major of the Twenty-third Regiment Maine Volunteers from September 10, 1862, to July 15, 1863, when he was discharged for disability contracted in the service and in line of duty. On February 7, 1864, the disabilities mentioned resulted in the death of the soldier. He left no property, and was buried by the Masonic order, to which he belonged. His widow, the claimant, was pensioned at $25 per month from the date of his death, and two minor children were pensioned at $2 each.

On June 17, 1869, the claimant married Henry T. Mowatt, who died in 1878. He left no property to the claimant and had no children by her.

Mrs. Mowatt is now between 71 and 72 years of age and is unable to perform manual labor to any extent. She is supported by her daughter (a child of the deceased soldier), who teaches in the public schools, and is obliged to labor night and day in a commercial house during her vacation in order to support her aged and dependent mother.

Your committee, after considering the case carefully, and in view of all the facts, respectfully report the bill back to the House with the recommendation that it do pass.

Mr. SULLOWAY. This bill, Mr. Speaker, is of the same character as the one that has just passed the House. It has as deserving and meritorious a beneficiary as ever existed. It was my fortune to first make her acquaintance when, with three children toddling by her side, she followed the remains of this great soldier to his last resting place. I have known the lady from that day to this. She is as good a mother as any child ever had, and as loyal a wife as any man ever had the good fortune to have. Major Soule died from exposure incurred in the service of his country. His widow was pensioned at $25 a month, as the widow of a major. The children that were left to her she educated and reared as a good Christian mother would. Two of them have been unfortunate in life. There is but one on whom she can rely to-day, an unmarried daughter. That daughter supports this old lady, who is tottering in physical second childhood at this end of her life and unable to do anything for herself. The daughter, by teaching school in the daytime and working in mercantile houses in the evening keeping books, supports her. The question is whether this daughter should be relieved of the support of this widow whom I regard as a ward of this nation (as I do all such widows), or whether the daughter should be compelled to pay a penalty because her father gave his life to keep the United States of America on the map of the world.

The President in his veto says that this would be a dangerous precedent to establish. Of short memory is this President of ours. I looked into his record a little in that direction and I found, as is stated in the report, that during his Presidential career he has signed thirteen bills of precisely this character, and he has signed a greater number of pension bills for mothers who had remarried, and some of whom had husbands living at the time. Therefore, Mr. Speaker, there is nothing in that suggestion of the President. If there is any question of precedents in this case, he has set them twelve or thirteen times.

Now, as the principle involved in this bill has already been discussed upon the bill just preceding, I do not care to take up the time of the House further unless some gentleman wishes to debate this question, but I wish to yield a little time to the gentleman from Pennsylvania [Mr. Grow], who desires to make some suggestions on the subject.

Mr. GROW. Mr. Speaker, this bill, vetoed by the President, restores a pension of $25 a month to a widow over seventy years old. Her husband enlisted in the Union Army, was honorably discharged, and died of disease the result of army service. She received a a pension of $25 a month as his widow, which she continued to receive till her second marriage, in 1869. She lived with her second husband until his death. But for this second marriage she would now be receiving a pension of $25 a month, and which pension she would have received since 1869. By reason of her second marriage the Treasury is the gainer of an amount of money greater than she could possibly receive, unless she should live to be over a hundred years old. This bill simply restores her to the pension roll at the same rate she was receiving as the widow of the soldier whose wife she was during his term of service.

The President interposes a veto on this discretion of Congress, for the only reason that the passage of the bill would be a bad precedent. The precedent for this kind of legislation began, as the House has just heard from the speeches of the gentleman from New Hampshire [Mr. Sulloway] and the gentleman from Illinois [Mr. Wood], in 1836, by an act of Congress, signed by President Jackson, pensioning the widows of honorably discharged soldiers of all wars prior to that time. The only thing about this bill had as a precedent is that it does not include all the widows of honorably discharged Union soldiers who were married before the close of the war and who are widows at the time of their application for a pension. It is a disgrace to the statute book of this country that it places a ban upon the widow for her second marriage. The service she rendered her country as the wife of the soldier in the field is no less meritorious because of her second marriage, after the death of her first husband.

Mr. Speaker, The beginning of war is merriment, music, and thoughtless hilarity; its end numberless headstones bearing the single word "Unknown," tears, and desolation, followed by long years of sorrow by the widow and the orphan mourning at disconsolate firesides the unreturning brave. The Government grants bounties for meritorious service rendered in the times of its imperiled existence. In the calendar of acts of heroic, self-sacrificing fortitude developed by war, there is none greater than that of the young mother standing in the doorway of her humble cottage, with a tender infant in her arms, and bidding its father go forth to the battlefields of his country in defense of the inalienable rights of mankind. Then retiring to her lonely fireside, there to wait and watch through weary years, in alternate hope and fear whether that father will return with his shield or upon it, thus leaving her homeless and that child fatherless to grope their way in sorrow along life's thorny pathways. But should he return from victorious battlefields wounded and maimed, thus adding to her daily labor and care through lingering years, and when death lays his cold hand on the sharer of her joys and sorrows, why should the Government in that time of her greatest need withhold the bounty promised for meritorious service rendered the country in the hour of its direst peril? With the exception of the bayonet charge, the forlorn hope, and the clash of arms in battle, the trials, the toil, and the privations of the wife at home are scarcely less than those of the soldier on the tented field. A nation owes a debt of lasting gratitude and enduring obligation to the men who peril their lives amid shot and shell in its defense, and it owes a like debt to the wives and the mothers of its brave defenders.

At the domestic fireside is inculcated the patriotism and love of liberty which, when the times of trial come, inspires the great deeds of heroic self-sacrifice in their behalf. The last injunction of the Spartan mother, with her parting kiss, to her darling boy going to battle, was to return with his shield or upon it. Thus was instilled into the youth of Sparta at their mother's knee the manly sentiment, nobly to live or bravely to die. Under such influence Sparta through the ages of its renown reared a race of invincible warriors, when war consisted of single combats, man to man, armed only with spear, broadsword, and shield. The shield a breastplate of defense for the soldier while living: and should he fall bravely in battle, it was the bier upon which he was borne back to his home, there to sleep forever beside his country's honored dead.

The war widows of the Union Army in this mightiest conflict of arms in the history of the race are a class of meritorious pensioners not large in number, the youngest of whom must now be over fifty years old, and the last of whom will, with the frosts of a few more winters, be gathered to their earthly companions in the bivouac on "fame's eternal camping ground." This Spartan mother named in this bill, caring for and watching over the home of the soldier while periling his life on his country's battlefields at the end of each day, with her little ones around her, closed her eyes in sleep for the night with a shuddering doubt whether their earthly protector would be numbered in the coming morn with the living or the dead. And the President would have her close her eyes in her last sleep on earth with gaunt poverty sitting at her fireside and sorrowing want surrounding her deathbed. It may well be said the Republic is ungrateful to its brave defenders if its lawmakers permit such injustice to the living and wrong to the dead. [Loud applause.]

Mr. SULLOWAY. Unless something is to be said on the other side, I ask for a vote.

[Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore (Mr. Hull). The question is, Will

the House on reconsideration pass this bill, the objections of the President to the contrary notwithstanding? On this question the yeas and nays must be taken in accordance with the requirement of the Constitution.

The question was taken; and there were—yeas 143, nays 55, not voting 157; as follows:

YEAS—143.

Acheson,
Adams,
Aitken,
Anderson,
Andrews,
Avery,
Babcock,
Baker, Md.
Barham,
Barney,
Belknap,
Bell, Colo.
Bingham,
Bowers,
Broderick,
Brosius,
Burton, Mo.
Calderhead,
Chickering,
Clark, Iowa
Colson,
Cooke, Ill.
Cooper, Wis.
Corliss,
Cousins,
Cummings,
Curtis, Kans.
Dalzell,
Daniels,
Dayton,
Dolliver,
Dovener,
Draper,
Eddy,
Fenton,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gibson,
Gillett, Mass.
Griffin,
Grosvenor,
Grow,
Hainer, Nebr.
Halterman,
Hanly,
Hardy,
Hartman,
Hatch,
Heatwole,
Henderson,
Henry, Ind.
Hepburn,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Howell,
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hurley,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kem,
Kerr,
Kiefer,
Kirkpatrick,
Knox,
Lacey,
Layton,
Lefever,
Lewis,
Linney,
Long,
Lorimer,
Low,
Mahany,
Mahon,
Marsh,
McCall, Tenn.
McLachlan,
Miller, Kans.
Miller, W. Va.
Minor, Wis.
Mitchell,
Morse,
Mozley,
Murray,
Northway,
Otjen,
Overstreet,
Parker,
Payne,
Perkins,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Quigg,
Ray,
Rinaker,
Royse,
Sauerhering,
Shafroth,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Smith, Mich.
Southard,
Spalding,
Stahle,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Sulzer,
Tayler,
Tracey,
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Warner,
Wilber,
Willis,
Wilson, Idaho
Wood,
Woodman,
Woomer,
Wright.

NAYS—55.

Bailey,
Bankhead,
Bartlett, Ga.
Bell, Tex.
Bishop,
Blue,
Buck,
Clardy,
Cobb,
Cockrell,
Cooper, Fla.
Crisp,
Culberson,
Denny,
Dinsmore,
Dockery,
Erdman,
Evans,
Hall,
Harrison,
Hart,
Hendrick,
Kleberg,
Latimer,
Lawson,
Livingston,
Maddox,
Maguire,
McClellan,
McCreary, Ky.
McDearmon,
McLaurin,
McRae,
Miles,
Moses,
Neill,
Otey,
Owens,
Patterson,
Pendleton,
Richardson,
Scranton,
Shuford,
Stallings,
Stokes,
Strait,
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Turner, Ga.
Turner, Va.
Tyler,
Wilson, S. C.

NOT VOTING—157.

Abbott,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Allen, Utah
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Baker, Kans.
Baker, N. H.
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Bennett,
Berry,
Black,
Boatner,
Boutelle,
Brewster,
Bromwell,
Brown,
Brumm,
Bull,
Burrell,
Burton, Ohio
Cannon,
Catchings,
Clark, Mo.
Clarke, Ala.
Codding,
Coffin,
Connolly,
Cook, Wis.
Cooper, Tex.
Cowen,
Cox,
Crowley,
Crowther,
Crump,
Curtis, Iowa
Curtis, N. Y.
Danford,
De Armond,
De Witt,
Dingley,
Doolittle,
Ellett,
Ellis,
Fairchild,
Faris,
Fischer,
Gamble,
Gardner,
Gillet, N. Y.
Goodwyn,
Graff,
Griswold,
Grout,
Hadley,
Hager,
Harmer,
Harris,
Heiner, Pa.
Hemenway,
Henry, Conn.
Hermann,
Hicks,
Howard,
Howe,
Hubbard,
Hutcheson,
Hyde,
Jones,
Joy,
Kendall,
Kulp,
Kyle,
Leighty,
Leisenring,
Leonard,
Lester,
Linton,
Little,
Loud,
Loudenslager,
Martin,
McCall, Mass.
McCleary, Minn.
McClure,
McCormick,
McCulloch,
McEwan,
McMillin,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Milliken,
Milnes,
Miner, N. Y.
Mondell,
Money,
Moody,
Murphy,
Newlands,
Noonan,
Odell,
Ogden,
Pearson,
Phillips,
Pickler,
Price,
Raney,
Reeves,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sayers,
Settle,
Shaw,
Skinner,
Snover,
Sorg,
Southwick,
Sparkman,
Spencer,
Sperry,
Steele,
Stone, C. W.
Taft,
Tawney,
Thomas,
Thorp,
Towne,
Tracewell,
Treloar,
Tucker,
Walker, Mass.
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Williams,
Wilson, N. Y.
Wilson, Ohio.
Woodard,
Yoakum.

So (two-thirds voting in favor thereof) the bill was passed.

The following additional pairs were announced:

For this day:

Mr. Ellis with Mr. Little.

Mr. Mercer with Mr. Allen of Mississippi.

On this vote:

Mr. Snover with Mr. Clarke of Alabama.

Mr. Wilber with Mr. Williams.

Mr. Curtis of Iowa with Mr. Spencer.

Mr. McMILLIN. Mr. Speaker, I voted in the negative, but find that I am paired with the gentleman from Maine, Mr. Dingley, and therefore withdraw my vote.

The result of the vote was then announced as above recorded.

PASSPORT REGULATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, with accompanying reports from diplomatic and consular officers of the United States, on the passport regulations of foreign countries.

In view of the evident value of the information contained in these reports, especially to American citizens going abroad and sojourning or traveling in foreign lands, I approve the recommendation of the Secretary that Congress authorize the printing of a special edition of 3,000 copies of the work, to be distributed by the Department of State as indicated in the Secretary's report.

GROVER CLEVELAND.

Executive Mansion, *February 8, 1897.*

CIVIL SERVICE.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

I herewith submit the Thirteenth Annual Report of the Civil Service Commission, containing detailed statement of its important work, and exhibiting the present condition of the classified service of the Government.

GROVER CLEVELAND.

Executive Mansion, *February 8, 1897.*

MARY O. H. STONEMAN.

The SPEAKER also laid before the House the bill (S. 205) granting a pension to Mary O. H. Stoneman, with House amendment disagreed to by the Senate, and request for a conference on the disagreeing votes of the two Houses.

Mr. DOCKERY. Mr. Speaker, what disposition has been made of the request for a conference?

The SPEAKER. None as yet. The Chair is waiting for some motion.

Mr. BARHAM. I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

GEN. JULIUS H. STAHEL.

The SPEAKER also laid before the House the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, with House amendment disagreed to by the Senate, and request for a conference on the disagreeing votes of the two Houses.

Mr. BLUE. Mr. Speaker, I move that the House adhere to its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

MRS. LUCY ALEXANDER PAYNE.

The SPEAKER also laid before the House the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, with House amendment disagreed to by the Senate, and request for a conference on the disagreeing votes of the two Houses.

Mr. TATE. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

TITLE TO PUBLIC LANDS IN MISSISSIPPI.

The SPEAKER also laid before the House the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands, with amendments of the Senate thereto.

The bill was read.

The amendments of the Senate were read, as follows:

Line 9, strike out all after "right" down to and including "provided," line 14, and insert: "For one year from the passage of this act to enter under the homestead laws of the United States not exceeding 160 acres of the lands so purchased by them from the State of Mississippi and to purchase not exceeding 160 acres additional of such lands at $1.25 per acre, or, if they elect not to avail themselves of the homestead law, to purchase 320 acres of such land: *Provided, however,* That this act shall not affect the rights of homestead claimants who, between the 16th day of February, 1895, and the 27th day of May, 1896, made settlements and entries or filed with the local land officers applications to enter in good faith, under the homestead laws, any of the lands included in the provisions of this act not occupied or actually and substantially improved by such purchasers from the State."

After line 14 insert:

Sec. 2. That all persons who have legally purchased any of the lands aforesaid at tax sales shall be considered assigns within the meaning of this act.

Mr. WILLIAMS. Mr. Speaker, this is a House bill which passed the Committee on Public Lands unanimously and went to the Senate, where it was amended in the manner in which the Clerk has read. I move that the Senate amendments be concurred in.

Mr. PAYNE. Is not this the bill which came up on Saturday, and which, on the objection of the gentleman from Iowa [Mr. Lacey], chairman of the Committee on Public Lands, was not then considered?

Mr. WILLIAMS. This is the bill that came up on Saturday, and the chairman of the Committee on Public Lands requested that it lie on the table until he could look into it, and also because I was not in the Hall. He now unites in the request for concurrence in the Senate amendments.

Mr. PAYNE. There certainly ought to be some explanation of the amendments of the Senate.

Mr. WILLIAMS. I will make an explanation, Mr. Speaker. This bill as it passed the House simply gave a preference right of entry for one year to all those people in the State of Mississippi who had purchased from the State of Mississippi these lands included in Augusta series No. 7, which had been entered by the State as swamp lands under the swamp-land act. This was approved by the Secretary of the Interior; but subsequently the approval was revoked, and these lands became part of the public domain, involving some 15,000 acres. When the land became part of the public domain, people proceeded to homestead portions of it. Then the House passed this bill, giving a preference right of entry for purposes of homesteading and for purposes of purchase to those people in the State of Mississippi who had purchased these lands from the State of Mississippi. Now the bill has gone to the Senate and the Senate has put on it two amendments. One of them limits the quantity of land which may be homesteaded to 160 acres, as the law is already, of course, and the next one restricts the amount which may be purchased to 160 acres, to be added to the 160 acres homesteaded; or if a person desires to purchase instead of homesteading any, then it restricts the amount which may be purchased to 320 acres. In other words, the Senate amendment restricts the right of purchasers to a certain amount of land.

The next amendment made by the Senate was to protect the rights of those who had already filed homestead entries prior to the order issued by the Secretary of the Interior, in accordance with the request made to him. The amendments adopted by the Senate restrict the operation of the bill as passed by the House. The chairman of the Committee on Public Lands is here now, and, as I have made an explanation of the bill, I call upon him for concurrence.

Mr. LACEY. I was called out a moment, and do not know how far the gentleman from Mississippi [Mr. WILLIAMS] has explained this bill.

Mr. PAYNE. I hope the gentleman from Iowa [Mr. LACEY] will explain it. I do not yet understand it.

Mr. LACEY. The situation is this: There was some swamp land selected in Mississippi by mistake which was not subject to selection, and after it had been selected and part of it sold, the selection was set aside. Settlers have taken possession under purchases from the State, and now control the land. If they were excluded from the land it would be thrown open to other settlers. So this bill was passed at the request of these settlers, and under the approval of the Department of the Interior and the Land Office, allowing these parties to buy from the General Government the land that they had already bought from the State. The bill has been so amended in the Senate that it limits purchasers to 320 acres, as they are limited under the forfeited grants in Oregon and other Western States, where, under similar circumstances, grants had been sold by railroad companies whose title had failed, and afterwards Congress confirmed the title, limiting it, however, to 320 acres. The same limitation has been put in now by the Senate. There is no substantial difference between the Senate bill and the House bill. This limitation, however, has been placed in the bill, and the right to take 160 acres as a homestead and to buy another 160 acres is preserved by the Senate amendments.

Mr. WILLIAMS. One other amendment was made by the Senate.

Mr. LACEY. There is one other amendment, which provides that purchasers at tax sales shall be deemed assignees within the meaning of the law. A portion of this land had been sold by the State for taxes, and the persons who paid the taxes have obtained titles in that way.

Mr. PAYNE. I should like to ask the gentleman whether this bill includes any other lands than those which are opened up to actual settlers?

Mr. LACEY. No; it includes simply what is known as Augusta series selection No. 7.

Mr. PAYNE. It opens up no lands except to actual settlers either in the original bill or in the bill as amended?

Mr. LACEY. Possibly it might open up some lands to parties not actual settlers. A portion of these lands that will be bought at $1.25 an acre under this law may be bought by persons not actual settlers, but they have already bought them once in good faith from the State after the United States had certified the lands as being the property of the State.

Mr. PAYNE. Then it does not open the land except to actual settlers or purchasers?

Mr. LACEY. It does not open them up except to actual settlers or purchasers.

Mr. BRODERICK. Is the land situated in one State?

Mr. LACEY. It is all in one State, and in one locality of that State.

Mr. WILLIAMS. I renew my motion to concur in the Senate amendments.

The amendments of the Senate were concurred in.

Mr. STEELE. I call for the regular order.

The SPEAKER. This is the regular order.

On motion of Mr. WILLIAMS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

The SPEAKER. The regular order is the call of committees.

APPOINTMENT OF MEMBER ON BOARD OF MANAGERS OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I call up the joint resolution that I send to the desk.

The Clerk read as follows:

A joint resolution (H. Res. 249) for appointment of a member of Board of Managers for Disabled Volunteer Soldiers.

Resolved, etc., That John Marshall Brown, of the State of Maine, be, and is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed George L. Beal, deceased.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred House resolution 249 for the appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers, having considered the same, recommend that the resolution do pass.

Mr. McMILLIN. I ask the gentleman if this is a unanimous report of the committee?

Mr. HULL. Yes, sir; it is simply to fill a vacancy caused by death.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that the title needs amendment.

Mr. HULL. I ask that the title be amended so as to read for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. Without objection, the title will be amended in accordance with the request of the gentleman.

There was no objection, and it was so ordered.

COMMISSIONS FOR ASSISTANT SURGEONS OF THE NAVY.

Mr. HALL (when the Committee on Naval Affairs was called). Mr. Speaker, I call up for consideration the bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon.

The bill was read, as follows:

Be it enacted, etc., That passed assistant surgeons now borne upon the Navy Register shall be commissioned as such by the President, such commissions to bear the dates upon which said passed assistant surgeons, respectively, received their appointments as such; and hereafter assistant surgeons shall be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons, subject to such examinations as may be prescribed by the Secretary of the Navy: *Provided, however*, That no examination of passed assistant surgeons shall be ordered until the expiration of six months from the passage of this act, during which time promotions shall be made as now provided by law.

Mr. HALL. I will explain, Mr. Speaker, that this is a bill that passed the Senate and passed the Committee on Naval Affairs of the House. I was instructed by the committee to report it; and it embodies two ideas. There are no commissions now issued to passed assistant surgeons, nor any means requiring a passed assistant surgeon to pass any examination after becoming a passed assistant surgeon before he becomes a surgeon in the Navy. I have here a letter from the Secretary of the Navy asking urgently that the bill be passed. I will ask that this letter be read. The bill carries with it no appropriation and there is no expense connected with it. It is just to commission men who ought to be commissioned and who have passed thirty-one years without examination.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, January 7, 1897.*

SIR: I have the honor to invite the attention of the Committee on Naval Affairs to the bill (S. 1296) to commission passed assistant surgeons in the United States Navy and to provide for their examination preliminary to their promotion to the grade of surgeon, which bill passed the Senate March 2, 1896, and was referred to your committee on the 4th of that month.

The interests of the service urgently demand that the above-mentioned bill be speedily enacted into a law. The principal necessity for such enactment arises from the fact that passed assistant surgeons are not now commissioned as such, and are not examined, upon their advancement to the grade of surgeon, as to their physical, mental, moral, or professional qualifications for promotion. They thus pass through the grades of passed assistant surgeon and surgeon, the periods of service in these grades averaging thirty-one years, without any examination whatever as to such qualifications. Moreover, the Department has, in some instances, been constrained to recommend the promotion of passed assistant surgeons to the grade of surgeon

concerning whose fitness for such advancement there appeared from its records to be considerable doubt. Under the provisions of the law in force, however, it had no recourse except to recommend such promotion, as it could not bring them before examining boards for the purpose of inquiring into their qualifications.

In view of the foregoing, the bill in question is earnestly commended to the favorable consideration of the committee.

Very respectfully, H. A. HERBERT,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

Mr. PAYNE. Is this a unanimous report of the committee?

Mr. HALL. Yes, sir.

Mr. McMILLIN. I understand from the gentleman who reports it, and who was not present when it was called up the other day, that it does not increase these officials nor cause any additional expense?

Mr. HALL. None whatever.

Mr. McMILLIN. That was the question that was up the other day, and I suppose there is no objection to it.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT DETROIT.

Mr. MORSE (when the Committee on Public Buildings and Grounds was called). Mr. Speaker, I am directed by the Committee on Public Buildings to call up the bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site, and the erection of a public building thereon, at Detroit, Mich.," approved March 2, 1885.

The SPEAKER. The bill is on the Union Calendar.

Mr. MORSE. It is a bill, Mr. Speaker, calling for no appropriation of money.

The SPEAKER. It is not on the House Calendar, and therefore can not be called up on a call of the committees.

COPYRIGHTS.

Mr. DRAPER (when the Committee on Patents was called). Mr. Speaker, I am directed by the Committee on Patents to call up the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The bill was read, as follows:

Be it enacted, etc., That section 4963 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph bearing such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of $100, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or any other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation."

SEC. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are hereby, repealed.

SEC. 3. That this act shall go into effect on the 1st day of July, 1897.

Mr. DRAPER. I call for the reading of the report.

The report (by Mr. DRAPER) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 10223) "To amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," have had the same under consideration, and report it favorably, with the following amendments:

Strike out section 3, on page 2.

This bill is intended to prevent the fraudulent use of the word "copyright" in certain cases not fully covered by the present law.

The wording of the present section of the statute is retained, with the following additions:

In line 9 of the bill the words "whether such article be subject to copyright or otherwise" are inserted. This is intended to prevent the use of the word "copyright" on articles that are not subject to copyright.

In line 11 the words "or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph bearing such notice of copyright, or words of the same purport, which is not copyrighted in this country" are inserted. This addition is intended especially to prevent the importation of books or other articles on which a fraudulent notice of copyright is placed; and your committee are informed that the extent of this fraudulent practice has been large.

After the words "United States," in line 19, the rest of the paragraph is an addition to the present section. It provides that no book, chromo, lithograph, photograph, or other article bearing notice of copyright, when there is no existing copyright thereon in the United States, shall be imported.

Your committee have given an extended hearing, and have communicated with representatives of various leagues and other parties interested in copyright legislation (on which there is generally a diversity of opinion), and they have found a universal sentiment that this bill, which is an act against fraud, should become law.

Your committee therefore recommend its passage, with the amendments above noted.

Mr. DRAPER. Mr. Speaker, the report fully explains the bill, and I will explain it further if desired. If not, I ask for a vote upon the bill and amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On February 4, 1897:

An act (H. R. 9619) granting a pension to Mirum C. Peck;

An act (H. R. 6378) for the relief of Eliza J. Holman;

An act (H. R. 5712) granting increase of pension to John W. Hines;

An act (H. R. 7240) granting a pension to John W. Bruner;

An act (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

An act (H. R. 1616) for the relief of Dolly S. Brown;

An act (H. R. 4547) granting a pension to Silas S. White;

An act (H. R. 4941) to pension Hester A. Bostwick;

An act (H. R. 6590) granting a pension to William Greer;

An act (H. R. 6472) granting a pension to Olive M. Lewis;

An act (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

An act (H. R. 939) for the relief of Cogswell & Co.;

An act (H. R. 6247) to grant a pension to Miss Jennie E. Moore; and

An act (H. R. 4363) to increase the pension of Joseph J. Hudson.

On February 6, 1897:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

On February 8, 1897:

An act (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city;

An act (H. R. 1256) for the relief of Henry A. Webb;

An act (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes; and

An act (H. R. 8190) to provide an American register for the bark *Ceres*.

The following bills were presented to the President on January 25, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 3075) for the relief of John A. Lynch; and

An act (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 617) granting an increase of pension to Mary E. Law was taken from the Speaker's table and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10067) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels, approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;"

A bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; and

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.

PAYMENT OF PENSIONS.

Mr. ANDERSON (when the Committee on Invalid Pensions was called). I am directed by the Committee on Invalid Pensions to call up the bill (H. R. 7539) to facilitate the payment of pensions.

The bill was read, as follows:

Be it enacted, etc., That along with the quarterly pension vouchers transmitted by the pension agents to each pensioner belonging to their respective agencies each pension agent shall inclose a return penalty envelope, addressed to himself, and each pensioner may use such envelope free of postage in forwarding his executed voucher, but for no other purpose; and the Secretary of the Interior shall cause the necessary number of suitable return penalty envelopes to be printed and distributed to the various pension agents.

Mr. ANDERSON. Mr. Speaker, I ask that the report be read.

The report (by Mr. ANDERSON) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7330) to facilitate the payment of pensions, having carefully considered the same, respectfully report:
>
> It has ever been the policy of the Government to remove every possible obstacle that prevents the pensioner from receiving the true amount awarded, and with as little delay and expense as compatible. It often occurs that pensioners are very poor writers, and many mistakes are made and their letters miscarried; small envelopes are often used instead of those of official size, and mail clerks do not give them the same care as official mail.
>
> This bill is designed to avoid all delay and all trouble of deciphering the address by having a printed envelope inclosed by the pension agent for the return of the voucher. In addition, the bill will save the pensioner the cost of the envelope and the postage, and your committee believe this should be done, and therefore urgently recommend the passage of the bill.

Mr. DOCKERY. Mr. Speaker, is that bill on the House Calendar?

The SPEAKER. It is.

Mr. PAYNE. Mr. Speaker, I think the bill is improperly on the House Calendar. It gives the franking privilege to pension agents. I make the point of order that it is not properly on the House Calendar.

The SPEAKER. The Chair sustains the point of order. The bill has been placed on the House Calendar, but there is a rule of the House which provides that a point of order may be made as to the reference of a bill at any time before consideration; and, while the charge upon the Treasury made by the bill is a small one, nevertheless it is a charge, and the question is one not of amount, but of principle.

CONGRESSIONAL RECORD FOR MEMBERS OF THE PRESS.

Mr. RICHARDSON (when the Committee on Printing was called). Mr. Speaker, I am directed by the Committee on Printing to report back the joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press.

The joint resolution was read, as follows:

> *Resolved by the Senate, etc.*, That the Public Printer be, and is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, one copy of the daily CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct.

The report was read, as follows:

> Mr. RICHARDSON, from the Committee on Printing, submitted the following report:
>
> The committee, having considered the House joint resolution 237, to furnish the daily CONGRESSIONAL RECORD to members of the press, direct me to report same with the recommendation that it do pass, with an amendment adding, after the word "therefor," in line 6, the words "for his personal use and that of the paper or papers he represents."

Mr. RICHARDSON. Mr. Speaker, this was the law or rather the custom until the passage of what is known as the printing bill. At that time, in the effort to economize, we put in the knife a little too deeply and cut off the press gallery. This joint resolution is intended simply to restore to the members of the press the privilege which they had previously enjoyed.

The amendment recommended in the report was adopted.

The joint resolution as amended was passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ELECTORAL COUNT.

Mr. HENDERSON. Mr. Speaker, is the call of committees finished?

The SPEAKER. It is.

Mr. HENDERSON. Then, I offer the resolution which I send to the desk.

The resolution was read, as follows:

> *Resolved*, That during the count of the electoral vote on Wednesday, February 10, one bench in the executive gallery be reserved for the use of the Vice-President.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I understood the Chair to say a moment ago that the call of the committees had been completed.

The SPEAKER. The list has been finished.

Mr. LOUD. Did not the call begin back of the Judiciary Committee?

Mr. DOCKERY. It began with the Committee on Military Affairs.

The SPEAKER. The other committees were called on the previous call, and the list was finished on this call.

Mr. HENDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the adjournment, leave of absence was granted as follows:

To Mr. JOY, for two days, on account of important business.

To Mr. YOAKUM, for two days, on account of sickness.

The House then (at 4 o'clock and 6 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting the report of the Inspector-General of the Army of the annual inspection of the several Branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of harbor of Holland (Black Lake), Mich.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate of appropriation, for inclusion in the deficiency appropriation bill, of a sum to pay for supplies, etc., furnished the crew of a wrecked American vessel in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, requesting an appropriation for the construction of an extra story on the Butler Annex Building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting a change in the language of the estimate of appropriation for protecting the interests of the United States in suits affecting the Pacific railroads—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Anacostia and Potomac Railroad, of the District of Columbia, transmitting the report for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Ludington Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting, in response to the House resolution of June 5, 1896, a statement as to the changes in employees in the Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting draft of proposed legislation in relation to the new mint at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ROYSE, from the Committee on Elections No. 1, submitted the views of the minority in the contested-election case of W. T. Hopkins *vs.* Joseph M. Kendall, from the Tenth Congressional district of the State of Kentucky, recommending the adoption of House resolution No. 533 as a substitute for resolution reported by the committee; which said views (Report No. 2809, part 2) and resolution were referred to the House Calendar.

Mr. RAY, from the Committee on the Judiciary, to which was referred House bills Nos. 9732, 9751, and 10211, reported in lieu thereof a bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes, accompanied by a report (No. 2842); which said bill and report were referred to the House Calendar.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 9836) to correct a clerical error found to exist in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed June 3, 1896, reported the same without amendment, accompanied by a report (No. 2846); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 247) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York, reported the same with amendment, accompanied by a report (No. 2847); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1862) entitled "An act to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes," reported the same with amendment, accompanied by a report (No. 2849); which said bill and report were referred to the House Calendar.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States, reported the same without amendment, accompanied by a report (No. 2850); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10267) to provide for the location and erection of a branch home for disabled volunteer soldiers, reported the same without amendment, accompanied by a report (No. 2866); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10225) to authorize the Secretary of War to detail a regiment of artillery, a regiment of infantry, and a regiment of cavalry to take part in the Wilson Creek reunion, reported the same with amendment, accompanied by a report (No 2870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the estimates of appropriations for the Bureau of Animal Industry, in connection therewith report a bill (H. R. 10285) providing a scale of fees and method for collecting same for Government meat inspection, accompanied by a report (No. 2868); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from Committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 3786) for the relief of Charles Speare. (Report No. 2843.)

The bill (H. R. 10279) for the relief of Josiah C. Ury. Reported in lieu of House Document No. 52. (Report No. 2844.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 10229) granting a pension to Mrs. Anna B. Lewis. (Report No. 2851.)

The bill (H. R. 5248) for the relief of James O. Hill. (Report No. 2852.)

By Mr. BAKER, from the Committee on Invalid Pensions: The bill (H. R. 9543) granting a pension to Roswell Harris, Company C, Tenth Kansas Infantry. (Report No. 2853.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 3330) to pension Samuel Akins. (Report No. 2854.)

The bill (H. R. 9577) granting a pension to George W. Barnes. (Report No. 2855.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 2674) granting a pension to Levi R. Long. (Report No. 2856.)

The bill (H. R. 2407) granting a pension to Jesse L. Bartoo. (Report No. 2857.)

The bill (H. R. 3586) granting a pension to Sarah R. Burrell. (Report No. 2858.)

The bill (H. R. 4530) granting a pension to Barney Smith. (Report No. 2859.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 8303) to increase the pension of Lorenzo Thomas. (Report No. 2860.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions:

The bill (H. R. 8923) granting a pension to Annie Fowler. (Report No. 2861.)

The bill (H. R. 9215) granting a pension to Martha Jennie Freer. (Report No. 2862.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 9685) granting a pension to Abraham Park. (Report No. 2863.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 9478) granting a pension to Mary I. Valentine. (Report No. 2864.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3726) to restore to the pension roll Lycurgus Q. Parkhurst. (Report No. 2865.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (H.R. 7604) for the relief of I. Winslow Ayers. (Report. No. 2845.)

By Mr. RAY, from the Committee on the Judiciary: The bill (S. 687) entitled "An act to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns." (Report No. 2848.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10280) to require flagmen at rapid transit street railroad crossings in the city of Washington—to the Committee on the District of Columbia.

By Mr. BINGHAM: A bill (H. R. 10281) to amend the act approved March 2, 1867, and sections 4756 and 4757 of the Revised Statutes of the United States, so as to confer the benefits thereof upon clerks to pay officers of the Navy—to the Committee on Naval Affairs.

By Mr. MEYER: A bill (H. R. 10282) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band—to the Committee on Naval Affairs.

By Mr. FLYNN: A bill (H. R. 10286) legalizing the construction of a certain bridge across the Arkansas River opposite the town of Blackburn and the Osage Indian Reservation—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY: A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city—to the Committee on Military Affairs.

By Mr. SHAFROTH: A joint resolution (H. Res. 253) proposing to open the Library of Congress to the use of the permanent and temporary residents of the District of Columbia—to the Committee on the Library.

By Mr. BAKER of New Hampshire: A joint resolution (H. Res. 254) providing for estimate of cost of certain improvements of Portsmouth Harbor, New Hampshire—to the Committee on Rivers and Harbors.

By Mr. SIMPKINS: A memorial of the legislature of the State of Massachusetts, in favor of an arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. McCALL of Massachusetts: A memorial of the legislature of the State of Massachusetts, relative to a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HEATWOLE: A memorial of the legislature of the State of Minnesota, in favor of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. MORSE: A memorial of the legislature of the State of Massachusetts, in favor of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. PICKLER: A memorial of the legislature of the State of South Dakota, urging the establishment of a permanent military reservation at Fort Meade, S. Dak.—to the Committee on Military Affairs.

Also, a memorial of the legislature of South Dakota, favoring the passage of a free-homestead law—to the Committee on the Public Lands.

By Mr. BARRETT: A memorial of the legislature of the State of Massachusetts, relative to a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: A memorial of the Massachusetts legislature, relative to an arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. GIBSON: A bill (H. R. 10283) granting a pension to Ann E. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10284) increasing the pension of John F. Williams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of C. N. Sutherland, C. H. Clark, and 20 other citizens of Clare, Mich., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: Resolutions of the Boston Stationers' Association, in favor of the establishment of a dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. BELKNAP: Petition of the Colored Republican Club of Chicago, Ill., urging the reduction of representation in Congress from certain Southern States on account of the disfranchisement of voters by the State constitutions, not in conformity with the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BINGHAM: Petition of employees in the customs service in Philadelphia, Pa., praying for an appropriation of $25,246, to reimburse them for the reduction of their salaries—to the Committee on Appropriations.

Also, resolutions of the Commercial Exchange of Philadelphia, favoring liberal appropriations for Delaware River improvements—to the Committee on Appropriations.

Also, petition of F. M. Boram & Bro., of Philadelphia, favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gold, Silver, and Metal Beaters of the United States, in the matter of duty on gold, silver, aluminium, and composition leaf or Dutch metal—to the Committee on Ways and Means.

By Mr. BOWERS: Petition of 68 citizens of the State of California, to be allowed use of their lands in parks and reservations, now prevented from having any use of same by United States troops—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: Petition of F. H. Griggs and 24 other citizens of Davenport, Iowa, in favor of the bill to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of New York: Petition of A. D. Heath and 41 others, praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Young People's Christian Endeavor Society of the Presbyterian Church, of Deersville, Ohio, in favor of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building—to the Committee on Public Buildings and Grounds.

By Mr. EDDY: Petition of Stevens Bros., of Marshall, Minn., recommending the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: Sundry petitions of citizens of Yonkers, White Plains, Mount Vernon, and Scarsdale, N. Y., and Plainfield, N. J., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of the Woman's Christian Temperance Union of South Dakota, representing 1,500 members, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of South Dakota, urging the passage of the bill to raise the age of consent—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of South Dakota, urging the passage of the bill to prohibit the sale of intoxicating liquors in the Capitol—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of South Dakota, favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union, in favor of the passage of the McMillan bill (S. 2485)—to the Commitee on the District of Columbia.

By Mr. GROSVENOR: Remonstrance of L. M. Harvey and 70 other citizens of Pomeroy, Ohio, against the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. D. Robinson and other citizens of Meigs County, Ohio, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. HAGER: Sundry petitions of W. F. Stipe, of Stanton, Iowa; D. W. Butts, of Little Sioux, Iowa, and S. W. Young, of Henderson, Iowa, favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of F. E. Babcock, of Remington, Ind., favoring the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON: Sundry papers from Rev. T. S. Bailey, of Cedar Rapids, Iowa; Myron Wood, of Youngstown, Ohio; R. M. Barber, of Albany, N. Y., and W. H. Baxter, of Minneapolis, Minn., urging consideration of the bill to increase the pensions of those having lost an arm or a leg—to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Worcester, Mass.; also of the Methodist Episcopal and Presbyterian churches of Dows, Iowa, praying for the passage of the House bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, resolutions adopted by the Methodist Episcopal and Presbyterian churches of Dows, Iowa, urging legislation for the suppression of the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Worcester (Mass.) Woman's Christian Temperance Union and resolution adopted by the members of the Methodist Episcopal and Presbyterian churches of Dows, Iowa, urging the passage of the bill for the prevention of interstate gambling (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Worcester, Mass., and resolution adopted by the members of the Methodist Episcopal and Presbyterian churches of Dows, Iowa, urging legislation to restore the former law of the District of Columbia on Sunday traffic—to the Committee on the District of Columbia.

Also, resolutions adopted by the Woman's Christian Temperance Union of Iowa, urging legislation, first, to raise the age of consent in the District of Columbia to 18 years; second, urging the passage of the antigambling bill (H. R. 7441); third, urging the passage of a Sunday-rest law; fourth, urging legislation to prohibit the sale of intoxicating liquors in Government buildings; and fifth, urging the passage of the Vilas bill, to prevent the transportation of obscene matter from State to State—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., favoring the passage of House bill No. 3263, known as the Broderick bill—to the Committee on the Judiciary.

By Mr. HILBORN: Resolution of the San Francisco Labor Union, urging the passage of the Southwick bill, for the proper identification of prison-made goods—to the Committee on Labor.

Also, resolutions adopted at a mass meeting of citizens of San Francisco, Cal., asking for the passage of House bills Nos. 2663 and 6389, relating to the rights of American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz: M. L. Fanch and 10 others, of Malone; George J. Wolf and 10 others, of Getzville; William J. Moore and 11 others, of Geneva; A. Stowell and 40 others, of Fancher; John E. Hawkins and 20 others, of Newport; H. L. Beecher and 22 others, of Canandaigua; J. W. Andrews and 9 others, of Buffalo; D. C. Moore and 12 others, of Dunkirk; E. H. Potter and 18 others, of Fredonia; W. H. Taylor and 10 others, of Canandaigua; Richard Campbell and 5 others, of Halfway; J. E. Hammond and 9 others, of Oaks Corners; P. M. Schwartz and 10 others, of Charlotte; F. J. Doyle and 13 others, of Corfu; C. E. Truax and 12 others, of Amsterdam; William B. Sanders and 6 others, of Stafford; S. Finley and 16 others, of Newark; J. W. Wires and 6 others, of Tribeshill; Daniel H. Woodbeck and others, of Glenville; E. H. Adams and 9 others, of Poland; W. B. Sutton and 6 others, of Chappaqua; John J. Nethaway and others, of McKeever; O. Hays and others, of Echota, Niagara Falls; W. E. Camp and 6 others, of Amenia; P. M. Waite and 15 others, of Oswegatchie; George Davis and 12 others, of Dover Plains; J. D. Owen and others, of Pembroke; E. M. Bailey and others, of Miller Corners; J. D. Shultz and 6 others, of Holley; R. W. Wright and 13 others, of Dunkirk; W. F. Otis and 6 others, of Lake Clear; Eugene Eiesert and 21 others, of New York City; J. J. Allen and 20 others, of Memphis; R. C. Shumaker and 13 others, of Chapinville; George Rundell and 10 others, of Peach Ridge; P. H. Corey and 13 others, of Green Island; Richard England and 10 others, of New York City; Peter Dobbs and others, of Hartsdale; Thomas McCall and others, of Yonkers; Albert Weeks and 5 others, of Mount Vernon; Joel Parsons and 16 others, of New York City; E. H. Burnett and 18 others, of New York City; Henry C. Smith and 12 others, of New York City; Henry C. Foster and 16 others, of Yonkers; also of J. A. Buck and others, of North Warren, Pa.; E. R. Andrews and others, of Garland, Pa.; also of Charles Smith and 21 others, of White Plain, N. J.; Alfred M. Byrnes and 8 others, of Riverdale, N. J., favoring the passage of House bill No. 10090, known as the "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of members of Washington Camp, No. 29, Patriotic Sons of America, of Merchantville, N. J., urging the passage of the Cameron Cuban resolution—to the Committee on Foreign Affairs.

By Mr. KLEBERG: Petition of E. A. Hellmann and others, of Marion, Tex., also of J. J. Griffin & Son of Kingsbury, Tex., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of the First Baptist Church; also of the Third Baptist Church; also of the North Baptist Church; also of the Emmanuel Baptist Church; also of the Wiley Methodist Episcopal Church; also of the Trinity Methodist Episcopal Church; also of the First Presbyterian Church, all of the city of Camden, N. J., urging the passage of the bill prohibiting interstate gambling through any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of H. F. Pfeifer, of Avoca, Minn., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MURRAY: Memorials of Thomas W. Poinsette and others, Daniel E. Hymes and others, James Sinklee and others, and J. J. Pringle and others, all of Charleston County, S. C.; also of L. C. Chamberlin and others, of Union County, S. C.; George E. Herriot and others, of Georgetown County, S. C., and R. H. Richardson and others, of Sumter County, S. C., praying the rejection of what purports to be the electoral vote of South Carolina, and for a restoration of a republican form of government in South Carolina—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. PICKLER: Twenty-five petitions and resolutions by various posts of the Grand Army of the Republic, praying for the passage of House bill No. 9209, known as the service-pension bill—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorials of citizens of Syracuse, N. Y., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS: Petition of the Young People's Society of Christian Endeavor of the First Baptist Church, of Chester, Vt., praying for the passage of House bill No. 7083, forbidding the sale of intoxicating drinks in the national Capitol—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHERMAN: Petitions of George E. Dunham and others, of Utica, N. Y., and T. F. Hanrahan and others, of Oneida, N. Y., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petitions of W. H. Althoff, of Port Clinton, Ohio, and George Gosline, of Oak Harbor, Ohio, favoring the Loud bill (H. R. 4566), amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STRODE of Nebraska (by request): Resolutions of the Omaha Board of Trade; also of the Commercial Club, of Omaha, Nebr.; also communications from representatives of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Brotherhood of Railway Trainmen, Order of Railway Conductors, and Order of Railway Telegraphers, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Young People's Society of Home and Foreign Missions of Plymouth Congregational Church, Lincoln, Nebr., favoring House bill No. 3263, known as the Broderick bill—to the Committee on the Judiciary.

Also, petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of A. J. Hunter and 12 other citizens of Paris, Ill., for an increase of pension to Ira Bacon, late of Company A, Fifty-second Indiana Volunteers, to accompany House bill No. 6235—to the Committee on Invalid Pensions.

By Mr. WOOMER: Resolutions of Sedgwick Post, No. 42, Grand Army of the Republic, Department of Pennsylvania, in favor of the bill granting per diem service pension to all soldiers who served during the war and have an honorable discharge—to the Committee on Invalid Pensions.

SENATE.

Wednesday, *February 10, 1897.*

Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. Irby, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of George C. Perkins, chosen by the legislature of California a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. IRBY presented the credentials of Joseph H. Earle, chosen by the legislature of South Carolina a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments in the District of Columbia;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department;

A bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia;

A bill (H. R. 10131) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; and

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery in the District of Columbia," passed August 3, 1894.

The bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia was read twice by its title.

Mr. GALLINGER. I ask that the bill lie on the table for the present.

The VICE-PRESIDENT. The bill will lie on the table.

RACHEL PATTON—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 1185) granting a pension to Rachel Patton, which had been reconsidered by the House and passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. GALLINGER. I move that the bill be referred with the veto message to the Committee on Pensions.

The VICE-PRESIDENT. The message of the President will first be read.

Mr. GALLINGER. Oh, certainly.

The Secretary read the President's message.

Mr. GALLINGER. I now move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

DISTRICT MARKET REGULATIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

The amendments were, on page 1, line 12, to strike out "the clerk of the said market" and insert "a clerk who may be designated by the Commissioners of the District of Columbia;" and on page 2, line 19, after "Washington," to insert:

> *Provided*, That nothing in this resolution shall be construed as extending the boundaries of the grounds occupied by the Washington Market Company beyond the limits defined in the charter of said company or as affecting the issues in any pending litigation in the courts of the District of Columbia: *And provided further*, That no charge, license fee, or assessment of any kind for occupancy of a space on a market day and the evening previous thereto shall be levied upon any farmer or producer of vegetables or provisions bringing the same to market, except 10 cents for a single team and 15 cents for a double team; nor shall any fine or fee be assessed or punishment imposed upon any farmer or producer for selling at any time within the District during market hours any article of provision or vegetables grown or produced by him and sound and fit for use.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives to the joint resolution.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference and requesting a further conference upon the amendments of the House to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

Mr. HILL. I move that the request of the House of Representatives for a further conference be granted.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. Hill, Mr. Platt, and Mr. Clark were appointed.

SYSTEM OF BIMETALLISM.

Mr. CHANDLER. I give notice that on Monday next I shall ask the unanimous consent of the Senate, at the conclusion of the routine morning business, to read a few remarks on bimetallism, in support of the resolution introduced by me the other day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same, and

> *Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had passed the bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights;

A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.; and

A joint resolution (H. Res. 240) for the appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 9731) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; and

A bill (H. R. 10067) to amend "An act to amend section 4400 of Title LII, of the Revised Statutes of the United States, concerning the regulation of steam vessels, approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Farmers' Institute of Lee Park, Nebr., praying for the enactment of legislation providing for the establishment of seed-controlling stations, and also that all seeds offered for sale throughout the United States in interstate-commerce trade shall be equal to the standard adopted by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented resolutions of the legislature of Massachusetts, relative to the treaty of arbitration between the United States and Great Britain; which were read, and ordered to lie on the table, as follows:

Commonwealth of Massachusetts. In the year 1897. Resolutions relative to a treaty of arbitration between the United States and Great Britain.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, desire to express their deep satisfaction at the prospect of a treaty which shall establish a tribunal of international arbitration between this country and Great Britain, and join in the acclamation of joy and hope with which the enlightened men of both hemispheres receive this deliberate declaration of two of the foremost nations of the world that the principles of justice and the common methods of reasonable discussion shall henceforth supplant as far as possible in their relations the inhumanities of war. It is upon the common people that the unspeakable sufferings of war have always fallen, and it is the irresistible sentiment of the people in these two great countries of popular government that accomplishes this great advance toward a lasting and honorable peace among all nations.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our Senators and Representatives in Congress.

In the house of representatives, adopted January 28, 1897.
In senate, adopted, in concurrence, February 2, 1897.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of the Boston (Mass.) Stationers' Association, praying that an appropriation be made for the construction of a dry dock in Boston Harbor; which was referred to the Committee on Commerce.

He also presented petitions of members of St. Mark's Church, of Brookline; of members of the Congregational Church, of New Bedford; of six masters of Milton Academy, of Milton, and of the Life Underwriters' Association of Western Massachusetts, all in the State of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Grand Lodge, Ancient Order of United Workmen, of Massachusetts, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. MILLS presented the petition of W. D. Ward, manager of the Citizen-Democrat, of Calvert, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS. I present a joint resolution of the legislature of California, relative to the fruit industry. The resolution has already been printed, and I ask that a copy be placed on the desk of each Senator and that it be referred to the Committee on Finance.

The VICE-PRESIDENT. It will be so ordered.

Mr. SHERMAN presented a petition of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of George E. Reed, publisher of the Observer, of Prairie Depot, Ohio, and the petition of Ray Davis, editor of the Hamler Independent, of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petition of W. D. Ward, manager of the Citizen-Democrat, of Calvert, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of W. O. Bass, W. A. Newsom, W. J. Johnson, and other citizens of Yoakum; and of Barclay Martin, J. H. Tucker, J. M. Adams, and other citizens of Coleman, all in the State of Texas, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented the petitions of W. B. Reed, publisher of the East Tennesseean, of Kingston; of Cora M. Wade, publisher of the Milan Exchange, of Milan, and of Benjamin Haynes, of Tazewell, all in the State of Tennessee, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of Joseph P. Steele and sundry other citizens of Clarksville; of W. W. Barksdale, proprietor of the Daily Leaf-Chronicle, of Clarksville; of W. L. Johnson, of Clarksville; of Richard H. Hill, jr., and 62 other citizens of Chattanooga, and of J. E. Auldridge and 23 other citizens of Chattanooga, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the memorial of W. L. Mason & Co., manufacturers, of Keene, N. H., remonstrating against the enactment of legislation to prohibit the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Congregational Church, of Merrimac, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Sarah P. Osborne, of Tilton, N. H., and petitions of the Woman's Christian Temperance Union, of the Epworth League, of the Young People's Society of Christian Endeavor, and of the lodge of Good Templars, of Tilton, N. H., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Grand Lodge, Ancient Order of United Workmen, of Massachusetts, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. PALMER presented a petition of sundry citizens of Maysville, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of William H. Taylor, publisher of the Times, of Roseville, Ill., and the petition of J. W. Clinton, publisher of the Ogle County Press, of Polo, Ill., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of the Young People's Society of Christian Endeavor of the Congregational Church and sundry citizens of New Bedford, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of members of the North Congregational Church, of New Bedford, Mass., and a petition of members of the Trinitarian Church, of Concord, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CLARK presented the memorial of R. B. Wheat and 25 other citizens of Greenriver, Wyo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the Board of Trade of

Newark, N. J., praying for the enactment of legislation to prevent frauds upon travelers by restricting the sale of railroad tickets to the regularly authorized ticket agents of the various transportation lines of the United States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Fortnightly Club of Haddonfield, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of John T. Blake and 47 other citizens of Cape May, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the First Presbyterian Church, of Camden; of the Woman's Christian Temperance Union of Clarksboro; of the Friends First Day School, of Mickleton, of members of the Methodist Episcopal Sunday School of Clarksboro; of the Epworth League of the Clarksboro Methodist Episcopal Church; of members of the German Church, of Clarksboro, and of the Presbyterian churches of Swedesboro and Billingsport, all in the State of New Jersey, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. GEAR presented a petition of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. TURPIE presented the petition of R. McNeill, publisher of the Owen County Democrat, of Spencer, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. ALDRICH presented petitions of members of the First Baptist Church, of the Young People's Society of Christian Endeavor, and of members of the Methodist Episcopal Church, of Hope Valley, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds, and also for the appointment of an impartial nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were ordered to lie on the table.

He also presented a petition of members of the First Baptist Church, of the Young People's Society of Christian Endeavor, and of members of the Methodist Episcopal Church, of Hope Valley, R. I., praying for the enactment of legislation prohibiting the transmission of gambling matter by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the First Baptist Church, of the Young People's Society of Christian Endeavor, and of members of the Methodist Episcopal Church, of Hope Valley, R. I., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of North Dakota, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of members of the Methodist Episcopal Church, of Drayton, N. Dak., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GRAY presented a petition of Milford Grange, No. 6, Patrons of Husbandry, of Milford, Del., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. TILLMAN. I move that the Senate proceed to the consideration of Senate bill 3550.

Mr. SHERMAN. I think we had better go on with the morning business.

The VICE-PRESIDENT. The Chair will state to the Senator from South Carolina that he will be recognized to make the motion after the completion of the morning business. Reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. FRYE on the 3d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. CAMERON on the 26th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. VEST on the 9th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BACON, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 4th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 3300) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La., reported the following resolution:

Resolved, That the bill (S. 3300) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La., together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims under the provisions of the act of Congress "to provide for the bringing of suits against the Government," approved March 3, 1887.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 3463) for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La., reported the following resolution:

Resolved, That the bill (S. 3463) entitled "A bill for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 3621) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3624) for the relief of Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, Miss., as found due by the Court of Claims under the act of March 3, 1883, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 8808) to increase the pension of Elizabeth Wellons, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 2418) for the relief of the legal representatives of Mrs. A. Shirley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1095) granting a pension to Annie M. Erner, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 1475) for the relief of Basil Moreland, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 3533) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, reported it without amendment.

FORFEITED RAILROAD LANDS.

Mr. McBRIDE. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3 of the act of September 29, 1890, and the several acts amendatory thereof, so as to extend the time within which persons entitled to purchase lands forfeited by the act shall be permitted to purchase the same in the quantities and upon the terms provided in the third section and the amendments thereto at any time prior to January 1, 1899.

Mr. WHITE. I should like to inquire of the Senator from Oregon what land the bill refers to?

Mr. McBRIDE. The bill affects particularly the lands within the grant of the Northern Pacific Railroad forfeited by the act of September 29, 1890. It merely extends the time within which the lands may be purchased for two years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. DALZELL.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell, to report it without amendment, and I ask unanimous consent that the bill be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the records of the War Department in the case of William M. Dalzell, late fifth corporal in Company B, Second Regiment Iowa Infantry, so as to give him an honorable discharge dating to the end of the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. WETMORE introduced a joint resolution (S. R. 199) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes; which was read twice by its title, and referred to the Committee on Finance.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I move that the bill (H. R. 7864) to amend the immigration laws of the United States be printed as recently agreed to by the House of Representatives, on the report of the conference committee.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., was read twice by its title, and referred to the Committee on Printing.

The joint resolution (H. Res. 249) for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

PACIFIC RAILROADS.

The VICE-PRESIDENT. As a part of the morning business, the Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], which will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads.

Mr. THURSTON. I ask that this matter may go over without prejudice at this time.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

INTERSTATE REGULATIONS CONCERNING LIQUOR.

Mr. TILLMAN. I move that the Senate proceed to the consideration of the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. PLATT. I wish there might be some explanation made of this bill. I do not think the Senate knows what it is.

Mr. TILLMAN. I will give an explanation of it. Any Senator who has read the bill will understand what its purpose is. It simply intends to give to each State and Territory the right to control the liquor traffic within its own borders in its own way without interference from the Federal judiciary or any outside source.

The recent decision of the Supreme Court in the South Carolina dispensary cases has annulled, in the opinion of one of the judges who delivered the dissenting opinion, the Wilson Act passed here in 1890 to give relief to the States of Iowa and Kansas on this very matter, after the original-package decision of that court had taken it from them. I will read a brief extract from the dissenting opinion of Mr. Justice Brown in the case of Scott *vs.* Donald, in South Carolina, decided about two weeks ago. He says:

> If a State can not prohibit her own citizens from importing liquors, as well as buying them at home, the "Wilson bill" is set at naught, and the prohibitory laws of the several States rendered inoperative in a vital particular. The fact that these liquors were imported for complainant's own use and consumption, instead of for sale, raises no question under the Federal Constitution. Both are under the ban of the statute.

I send the Wilson Act to the desk to be read, so that those of you who choose may follow the amendments which I offer to the bill.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.
>
> *Be it enacted, etc.*, That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.
>
> Approved, August 8, 1890.

Mr. TILLMAN. Any reasonable construction of that language, to anyone who is not a hair-splitting lawyer, those words, "for use, consumption, sale, or storage therein," must mean that the State has absolute control. But the Supreme Court has declared otherwise, and therefore we are bound to ask Congress to give us additional legislation, amplifying and clarifying this language so as to make it undoubted, and let that court and the courts below it leave each State free to exercise its rights to police, manage, and control liquor as it desires to do. That is all this bill proposes to do.

The first amendment or change in the language of the bill is where it says "upon arrival within the limits." The words "within the limits" have been inserted by me because a judge in our State has already enjoined the police force of the State from seizing liquor, on the ground that liquor does not arrive within the State until it has been delivered out of the hand of the public carrier. In other words, the public carrier, the medium of interstate commerce, is left free to bring as much liquor into the State as he chooses, and we can not seize it until he has delivered it to some consignee. I have put in the words "within the limits" so as to clarify the meaning of the word "arrival."

The other amendments are intended to cover special decisions which have been rendered by the Federal judiciary in our State, because we have been in litigation on this question ever since we enacted the dispensary law. If any gentleman desires any explanation as to each amendment, I will cheerfully give it. I simply try to amplify the law and make it cover the entire ground as shown to be necessary in the recent opinions of the Supreme Court and of the courts below.

The VICE-PRESIDENT. The amendments of the Committee on Interstate Commerce will be stated.

The SECRETARY. In line 4, after the word "Territory," strike out "or" and insert "and;" in line 12, after the word "original," insert "or other;" in line 13, before the word "States," strike out "such" and insert "the," and after the word "States," insert "and Territories;" in line 14, before the word "control," strike out the word "absolute;" in line 16, after the word "imported," insert "and without regard to the manner of sale provided by the State or Territory;" and in line 19, after the word "laws," insert "or liquors or liquids in transit through a State or Territory;" so as to make the bill read:

> *Be it enacted, etc.*, That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory and remaining therein for use, consumption, sale, or storage therein shall upon arrival within the limits of said State or Territory be subject to the operation and effect of the laws of such State or Territory enacted for the control and policing of the liquor traffic, absolutely, to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original or other packages for private use or otherwise, and the States and Territories shall have control of such liquors or liquids within their borders by whomsoever produced and for whatever use imported and without regard to the manner of sale provided by the State or Territory: *Provided*, That nothing herein contained shall be construed as affecting the internal revenue laws, or liquors or liquids in transit through a State or Territory.

The VICE-PRESIDENT. Without objection, the amendments will be considered as agreed to.

Mr. SEWELL. I should like to ask the Senator from South Carolina, for information, whether he proposes to stop liquors in transit on the border of each State?

Mr. TILLMAN. From one State to another through our State?

Mr. SEWELL. Yes; do you expect to stop the internal-revenue States with revenue business?

Mr. TILLMAN. No, sir; we do not propose it. The amendment at the bottom provides expressly that this bill does not affect the internal-revenue laws of the United States, nor does it affect liquor in transit from a State outside of ours to another State outside of ours, but going through.

Mr. SEWELL. Is there anything in the bill to prevent the seizure of liquor just as soon as it crosses the line in a train? Is it not intended to stop it there and seize it?

Mr. TILLMAN. It is intended to seize any liquors shipped to a point within a State and designated on the package as being for that State.

Mr. SEWELL. How are you going to find out in a railway train of 10,000 packages whether there is any liquor that is to stop in the State, except——

Mr. TILLMAN. We can not get in the railroad car——

Mr. SEWELL. Except by stopping the interstate commerce of the country to pick out a few barrels of liquor that may be in one car?

Mr. TILLMAN. We can not get into a railroad car under the dispensary law without a search warrant.

Mr. SEWELL. But I take it for granted that you will get a search warrant.

Mr. TILLMAN. We can get a search warrant if we have reason to believe that liquor is in a car for delivery within the State.

Mr. SEWELL. I do not like to object to the consideration of the bill, but if the proposed act stops the interstate commerce of the country from crossing the border of any State and subjects it to investigation and seizure and the delay of everybody else's goods, I shall object to the bill.

Mr. MILLS. The bill is up for consideration, I will say to the Senator from New Jersey. It has been taken up by a majority vote.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. MILLS. Mr. President, this bill, like the law the Senator from South Carolina had read at the desk, is a step backward in the policy adopted by our Government when the Constitution was framed. As is known to every Senator who has thought on the subject, the main feature that originated the Government of the United States was to prevent each separate State from interfering with interstate commerce. Every State prior to 1789 enjoyed and exercised the right to prohibit and restrict and tax and do just what it pleased with the commerce of every other State entering its territories or passing through its boundaries. The object of the Constitution, and the object of those who called the convention to frame the Constitution, was to remove that very impediment to the movement of interstate commerce. A convention was called at Annapolis for the purpose of making all commerce moving through the territory of the United States free from restrictions and interruptions by State authorities.

The act that my friend referred to a while ago is the first step in the direction of going back to the Continental days, and now we are invited to take the second step, to go back to that same policy, and a great many are voting for it because it is liquor. The consumption of liquor is unpopular, and a great many people think it is a great evil. Undoubtedly its excessive use is a great evil; but when you once establish the precedent, why can it not be applied to woolen goods, and cotton goods, and iron, and steel, and anything else within the province of the State to impose its tax upon or to make its restrictions upon? I think it is a very dangerous step, and, as far as I am concerned, I shall vote against the bill.

Mr. VEST. Mr. President, I am compelled by my deliberate convictions on this subject to vote against the bill as it is now before the Senate. I voted against the Wilson bill, but this measure is far beyond the Wilson bill and goes a step in advance of any legislation that has ever been had or proposed in this country in restriction of the right of Congress to regulate commerce among the States.

I call the attention of Senators to the eleventh and twelfth lines of the first section of the bill, the effect of which is to prohibit any traveler, any citizen, and any resident in the State of South Carolina from purchasing and bringing into that State any liquor of any sort not manufactured in the State.

Mr. TILLMAN. Will the Senator allow me for a moment?

Mr. VEST. Certainly.

Mr. TILLMAN. I can not go into the details of the dispensary law here, but I will say for your benefit and for the benefit of others that the dispensary law expressly provides that liquors can be carried into the State by anyone as personal baggage. What we are after is the importation of whisky for sale. The recent opinion of the court that persons have a right to import for personal use simply lays a conduit or underground railway, or rather an open railway aboveboard, by which people can bring it in pretending that it is for private use, when they intend to sell it.

Mr. VEST. I do not propose to go into the question as to how the law could be abused or how far the dispensary law in South Carolina may be evaded. I take the bill upon its face. It has this provision, commencing at the middle of line 8: "Enacted for the control and policing of the liquor traffic absolutely, to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original or other packages for private use or otherwise." Now, no language can be broader than that, and I take it that the act of Congress, no matter what might be the provision of the domestic statute of South Carolina, prevails. This absolutely prohibits any man from carrying into that State, whether he be a resident, citizen, or traveler, these liquors or liquids in original package or otherwise, and as I take it——

Mr. TILLMAN. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. TILLMAN. Is it not the law now that you may not send in original packages liquor into a State which forbids its importation?

Mr. VEST. No; I do not understand that to be the law.

Mr. TILLMAN. What was the decision in Iowa in the case of Leisy *vs.* Hardin and in the case of Bowman *vs.* The Chicago Railway? I have the opinions here.

Mr. VEST. If the Senator will find me any decision of the Supreme Court of the United States which says that I can not take into any State or import into any State of which I am a citizen liquor or liquids from a foreign State in original packages or otherwise, I shall be obliged to him. I know how far the Supreme Court has gone in this direction—a great deal further than I think it ought to have gone against the Constitution. That court decided in the case of Mugler *vs.* The State of Kansas—and that is the very limit of its decision as to restrictive legislation—that the State of Kansas had the right to prohibit a citizen of Kansas from taking the fruit which he had raised in his own orchard, peaches or apples, carrying it into his own cellar and distilling it, and then using that liquor himself, not offering it for sale or giving it away to anyone. I believe that that was prohibition run mad. I believe now, with great respect to the Supreme Court officially, that that law was in violation of the Constitution.

Mr. HOAR. I ask the Senator what provision of the Constitution of the United States the decision which he has described violates?

Mr. VEST. I think it violates the great constitutional principle that there are reserved personal rights in the shape of personal liberty that no State and no government can invade. I have a right to control my own body, providing I do not interfere with the police laws of the State, and provided I do not propose to give or to sell to any other human being what I produce for my own use.

Mr. HOAR. May I ask the Senator this question: Suppose that to be true, and that the Constitution of the United States, and not the State constitution, has protected the right of which he speaks, how does this proposed law affect it in the least?

Mr. VEST. I am not talking about this proposed law, but I am talking about the decision of the Supreme Court of the United States as to that Kansas statute, and I simply state as a matter of legal history that the Supreme Court has gone to the very verge of invading, and I believe it did invade, the personal liberty of the citizen in making that decision. This proposed law also does it. The Supreme Court of the United States has never declared that any State has the right to do it. I do not believe that any State has the right to do it, and I believe—although it is a very bold thing for anybody so say now—that the Supreme Court of the United States will so decide, and decide that no State has the right to say that its citizens shall not purchase foreign liquors. The effect of this proposed statute is to confine every citizen and resident of the State of South Carolina to liquors manufactured in that State.

Mr. TILLMAN. If it is the will of three-fourths of the people of South Carolina that that shall be the law for their own internal government, I want to know whose business it is?

Mr. VEST. It is the business of the people of the whole country when the products of one State which are not illegal shall be declared to be so by another State.

Mr. TILLMAN. Then the rule of the majority, of local self-government, is a farce?

Mr. VEST. Oh, Mr. President, that is a mere platitude, and amounts to nothing. I am talking in regard to the principles of the Constitution, as I understand them, that the products of one State which are not noxious and which do not come within the police power of the State——

Mr. TILLMAN. Do you deny that this comes within the police power?

Mr. VEST. The State of South Carolina, as the Supreme Court of the United States said in passing upon this very subject, recognizes these liquors as legitimate products, because they make them themselves. The dispensary law gives South Carolina the monopoly of selling liquor to its citizens, and this bill is intended to maintain that monopoly.

Mr. TILLMAN. I confess that openly.

Mr. VEST. Very good. That is a principle which I shall not by my vote indorse.

Mr. GRAY. Mr. President, I should like to ask the Senator from South Carolina whether the bill which he has introduced, and which is now before the Senate for consideration, is not identical with the bill that was passed in August, 1890, known as the Wilson bill?

Mr. TILLMAN. Except that this clarifies the language and goes a little further.

Mr. GRAY. Does not the real difference commence at line 13, on the first page of the pending bill? After having almost quoted the language of the Wilson bill—it seems to me substantially the same—the only difference, then, is that after providing that all liquors that come into a State, after they have arrived and remain there, shall be subject to the police power of the State—which I think is right and ought to be—this bill undertakes to provide:

> The States and Territories shall have absolute control of such liquors or liquids within their borders, by whomsoever produced and for whatever use imported.

What is the meaning of the words "absolute control" as there used? Is it that the State shall forfeit the property in these liquors brought into the State and remaining there, which, under the Wilson law, are made subject to the police power?

Does this bill pretend to go further and by Congressional legislation transfer the property in these liquors to the State of Delaware or South Carolina? I want to understand the scope of the bill. There are some things in it of which I am very much in favor.

Mr. TILLMAN. I will take pleasure in explaining the whole matter when we get more time. The hour has now arrived for the Senate to proceed to the House of Representatives.

THE ELECTORAL COUNT.

The VICE-PRESIDENT. The hour of ten minutes to 1 o'clock having arrived, the Sergeant-at-Arms will proceed to execute the order of the Senate relative to the joint session of the Senate and the House of Representatives for the purpose of opening and counting the votes of the electors for President and Vice-President of the United States.

The Senate, preceded by the Vice-President, the Secretary, and the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives, for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 1 o'clock and 55 minutes p. m., and the Vice-President resumed the chair.

Mr. BLACKBURN, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, said:

Mr. President, the two Houses of Congress have met in joint convention to ascertain and count the electoral vote for the offices of President and Vice-President of the United States, in pursuance of the concurrent resolution. Thereupon the certificates of the electors of the various States of their votes for those officers were opened by the President of the Senate and delivered to the tellers: and on being examined it appeared that the votes of the several States had been cast in accordance with the list as hereinafter stated. From those votes it appeared that the whole number of electors appointed to vote for President and Vice-President of the United States for the term of office beginning on the 4th day of March, 1897, was 447, of which a majority was 224.

The state of the vote for President of the United States appeared to be:

For William McKinley, of the State of Ohio, 271.

For William J. Bryan, of the State of Nebraska, 176.

The state of the vote for Vice-President of the United States appeared to be:

For Garrett A. Hobart, of the State of New Jersey, 271.

For Arthur Sewall, of the State of Maine, 149.

For Thomas E. Watson, of the State of Georgia, 27.

Which result having been ascertained and counted by the tellers, was delivered by them to the President of the Senate: whereupon the President of the Senate announced the state of the vote to be that William McKinley, of the State of Ohio, had received 271 electoral votes, and that William J. Bryan, of the State of Nebraska, had received 176 electoral votes, for the office of President of the United States; and that Garrett A. Hobart, of the State of New Jersey, had received 271 electoral votes, that Arthur Sewall, of the State of Maine, had received 149 electoral votes, and that Thomas E. Watson, of the State of Georgia, had received 27 electoral votes, for the office of Vice-President of the United States.

The VICE-PRESIDENT. The report of the tellers on the state of the vote for President and Vice-President of the United States will be entered in the Journal.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes.

William J. Bryan, of the State of Nebraska, has received for President of the United States 176 votes.

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes.

Arthur Sewall, of the State of Maine, has received 149 votes.

Thomas E. Watson, of the State of Georgia, has received 27 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that William McKinley, of the State of Ohio, is elected President of the United States; and that Garrett A. Hobart, of the State of New Jersey, is elected Vice-President of the United States, each for the term beginning March 4, 1897.

The report of the tellers of the state of the vote for President and Vice-President of the United States will be entered in the Journal.

The report of the tellers as entered on the Journal is as follows:

> The undersigned, JOSEPH C. S. BLACKBURN and HENRY CABOT LODGE, tellers on the part of the Senate, and CHARLES H. GROSVENOR and JAMES D. RICHARDSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1897:

Number of electoral votes to which each State is entitled.	State.	For President.		For Vice-President.		
		William McKinley, of Ohio.	William J. Bryan, of Nebraska.	Garrett A. Hobart, of New Jersey.	Arthur Sewall, of Maine.	Thomas E. Watson, of Georgia.
11	Alabama		11		11	
8	Arkansas		8		5	3
9	California	8	1	8	1	
4	Colorado		4		4	
6	Connecticut	6		6		
3	Delaware	3		3		
4	Florida		4		4	
13	Georgia		13		13	
3	Idaho		3		3	
24	Illinois	24		24		
15	Indiana	15		15		
13	Iowa	13		13		
10	Kansas		10		10	
13	Kentucky	12	1	12	1	
8	Louisiana		8		4	4
6	Maine	6		6		
8	Maryland	8		8		
15	Massachusetts	15		15		
14	Michigan	14		14		
9	Minnesota	9		9		
9	Mississippi		9		9	
17	Missouri		17		13	4
3	Montana		3		2	1
8	Nebraska		8		4	4
3	Nevada		3		3	
4	New Hampshire	4		4		
10	New Jersey	10		10		
36	New York	36		36		
11	North Carolina		11		6	5
3	North Dakota	3		3		
23	Ohio	23		23		
4	Oregon	4		4		
32	Pennsylvania	32		32		
4	Rhode Island	4		4		
9	South Carolina		9		9	
4	South Dakota		4		2	2
12	Tennessee		12		12	
15	Texas		15		15	
3	Utah		3		2	1
4	Vermont	4		4		
12	Virginia		12		12	
4	Washington		4		2	2
6	West Virginia	6		6		
12	Wisconsin	12		12		
3	Wyoming		3		2	1
447		271	176	271	149	27

JO. C. S. BLACKBURN,
H. C. LODGE,
Tellers on the part of the Senate.
C. H. GROSVENOR,
JAMES D. RICHARDSON,
Tellers on the part of the House of Representatives.

The VICE-PRESIDENT thereupon announced the state of the vote, as follows:

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes; and

William J. Bryan, of the State of Nebraska, has received 176 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes;

Arthur Sewall, of the State of Maine, has received 149 votes; and

Thomas C. Watson, of the State of Georgia, has received 27 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that William McKinley, of the State of Ohio, is elected President of the United States, and that Garrett A. Hobart, of the State of New Jersey, is elected Vice-President of the United States, each for the term beginning March 4, 1897, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

ORDER OF BUSINESS.

Mr. HOAR. I suppose the regular order is the unfinished business, which will be laid before the Senate; and I then desire to make a motion.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President——

Mr. HOAR. I thought I had the floor. I will give way to the Senator from Alabama, of course.

The VICE-PRESIDENT. The Chair recognizes the Senator from Alabama upon the Nicaragua Canal bill.

Mr. MORGAN. I desire to address myself to that proposition.

Mr. HOAR. Will the Senator from Alabama allow me to give a notice? At the conclusion of his remarks, I shall move to take up House bill 8110, being the House bankruptcy bill.

MRS. DAISEY JOHNSON.

Mr. JONES of Arkansas. The Committee to Audit and Control the Contingent Expenses of the Senate reported yesterday a resolution proposing to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate to Mrs. Daisey Johnson, widow of the late Thomas R. Johnson, deceased, a laborer and acting watchman under the Architect of the Capitol, the sum of $300. The committee recommended the passage of the resolution, and it was adopted. I move to reconsider the vote by which the resolution was adopted for the purpose of recommitting it to the Committee on Contingent Expenses of the Senate. There was an error in the facts that makes it necessary that it should go back to the committee.

The motion to reconsider was agreed to.

Mr. JONES of Arkansas. I move that the resolution be recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 1083) for the relief of George H. Plant, of the District of Columbia;

An act (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

An act (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

An act (S. 3308) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas; and

An act (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894.

The message also announced that the President of the United States had on the 9th instant approved and signed the following acts:

An act (S. 666) to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers;

An act (S. 895) for the relief of Christopher Ellis;

An act (S. 2129) granting an increase of pension to Annie E. Nolan; and

An act (S. 2931) granting an increase of pension to Silas M. Stevens.

BILL BECOME A LAW.

The message further announced that the bill (S. 646) granting a pension to Francis Brown, having been presented to the President on January 28, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, the pending bill was brought before the Senate some three weeks or more ago, at the request of some of the leading members of this body, believing that we would be able after a fair discussion of it to get a vote directly upon the bill. The bill was antagonized from the moment when, at the Clerk's desk, the title was read, and upon a yea-and-nay vote it was taken up. On the first effort to get it up a quorum was not present, and on the second effort it was taken up soon after the reassembling of the Senate by a strong vote of this body. Nothing has indicated to my mind from that time to this that there was not a strong majority of the Senate in favor of the bill. After various offerings, repeated by myself and by other Senators on frequent occasions, the bill has been denied a period for voting by the objections interposed by the gentlemen who oppose it. I do not deny their right to make such objections and to consume the time of the Senate if they desire to do so in obstructing the passage of the bill, notwithstanding I feel quite assured that a very great majority of the American people earnestly and anxiously desire the passage of the Nicaragua Canal bill.

I believe in leisure in legislation. I believe it is the conservative feature of our institutions, which has heretofore led to a great deal of good and hereafter perhaps will do no harm. I have always congratulated myself that in the Senate of the United States there was no previous question, because this body, organized in a conservative way under the Constitution, has a duty of resisting doubtful legislation, which sometimes produces the delay which is necessary for a serious and thorough consideration of any great proposition.

Now, no greater proposition than this, as it concerns the material welfare and the political power of the United States, was ever brought to the consideration of the Senate of the United States, or perhaps ever will be, unless it involves a question of peace and war. All who have spoken upon this bill have indicated that they desire a communication between the Atlantic and the Pacific Ocean. No man has ventured on the floor of the Senate now or heretofore, in either House, so far as I have heard, to raise the objection that it was impolitic, or unwise, or improper in any sense that we should have this great waterway communication between the waters of the Atlantic and the Pacific Ocean through Nicaragua.

The explorations which have attended this subject, now covering a period of more than two centuries at intervals, and conducted by many governments, most of them abroad, across the Atlantic Ocean, the explorations conducted by our own Government, paid for by the Government, and the maps recorded in the archives of the Government, have demonstrated that amongst all the routes across the Isthmus of Darien which have been suggested, proposed, or considered possible for a waterway, Nicaragua has very decidedly the preference. It is the final conclusion of the most enlightened engineers of the world that this is the only available waterway across the Isthmus.

It has been demonstrated also by the testimony of all the engineers who have surveyed this route, commencing with General Childs, when he was employed by Mr. Vanderbilt to make the pioneer surveys, that it is entirely practicable, and it has been demonstrated that a certain sum of money will build it. I claim that sum of money to be even less than $80,000,000. Upon a proposition as to the cost of a canal of the magnitude of this one, and going through a country of the peculiar characteristics of Nicaragua, there is necessarily a wide divergence of opinion even among better informed men than is the ordinary Senator upon the subject of engineering. But making allowance for all of that divergence of opinion, the maximum cost of the canal will not exceed $150,000,000. The evidence is that it will scarcely exceed the half of that sum.

The Government of the United States is, therefore, easily in reach of the means for the completion of the canal, and it has occurred to me, Mr. President, very often and in a very vivid way, I will say, that it is the duty of the men of the present generation to avail themselves of this fortuitous advantage which they have in respect of credit, capital, and forces of every sort to construct this great waterway. I look upon the postponement of it as a dereliction of duty on the part of the representatives of the United States Government in Congress and on the part of the Executive of the United States to the extent that he has any control of such matters.

But other Senators differ with me, and they want more time. They want a longer period for reflection. They do not claim to desire to break down the canal, but they do seem to desire to postpone its construction until some indefinite time when they have become better satisfied as to what its cost will be and as to the nature and extent of the difficulties of an engineering sort that we are to encounter in its construction. I did not enter upon this proposition with any view at any time that the canal could be constructed very rapidly or very suddenly. I have always supposed naturally that there would be resistance to the promotion of the canal in the direction I have already indicated, not for the purpose of destroying it entirely, but for the purpose of delaying it until the Congress of the United States might become absolutely satisfied as to its practicability and as to its cost.

We hesitate to take the first step in this matter because we do not know when we will take the last one, or what the last step is going to cost. But, Mr. President, in that connection it is well worthy of consideration that until the first step is taken the last one never can be possible, and I must say that I think there is a want of confidence in our own convictions and an apprehension of responsibility that causes unreasonable delay in undertaking this great enterprise. Yet delays are dangerous, because embarrassments increase with every delay that invites the interference of other governments.

The Government of the United States, however, has connected itself with this subject in a way that is irrevocable. When I say irrevocable, I mean irrevocable with due respect for the honor of this nation. The first movement to get the concessions upon which this bill is based was stimulated—in fact, it was initiated—by the Executive of this Government through the Navy Department. The officers of the Government of the United States were sent out as such to make the survey and report, which was necessary as a preliminary part of the construction of the canal. The survey to which I refer now immediately was the third one that had been made. One had been made through the private enterprise of Mr. Vanderbilt by General Childs. Another one had been made—by the authority and direction of the Government of the United States—by Commodore Lull, an officer of the Navy, accompanied by a corps of engineers, who surveyed not merely the Nicaragua route, but also the Panama route. In this survey Mr. Menocal was really the chief. The third survey was still more complete and perfect, based upon the knowledge which had been acquired in the two that had preceded it, and it was made by the Government of the United States for the purpose of ascertaining and informing our citizens as to the practicability of this route, its cost, and the difficulties of every kind and character that might attend it.

That third survey was mentioned in a message of the President of the United States; the name of the engineer was given by Mr. Cleveland in his first message to Congress, and having gone by the instruction of the Government, and having made his report, against which no objection was stated, and none was supposed to be possible, citizens of the United States, thus encouraged, stepped forward for the purpose of obtaining concessions from the Government of Nicaragua for the building of the canal. The circumstances, Mr. President, were extremely promising that they, in taking this step, would have every facility afforded to them that the Government of the United States could give, and that at all events and under all circumstances and conditions they would have the care and the protection of this Government.

Nicaragua and the United States, as governments, were delighted with the opportunity afforded of building this canal based upon the report of A. G. Menocal, the Government surveyor, who mapped it and measured it, calculated its cost and all the difficulties surrounding it, and filed his maps and full report in the archives of the Government of the United States. A number of very worthy citizens of this country stepped forward, under this approval and encouragement of the Government of the United States, to obtain this concession from Nicaragua, and their attitude, Mr. President, was all the more striking, all the more peculiar because of the fact that the President of the United States had reversed the policy of his predecessor as to the authority under which this work should progress and the circumstances and conditions under which it should be conducted. The previous Administration and other Administrations antecedent to that had desired that this work should be conducted under a treaty to be concluded between Nicaragua and the United States. A treaty was negotiated, called the Frelinghuysen-Zavala treaty. Under that treaty we acquired what I have often in this debate denominated as almost sovereign power over a belt of country 12 miles wide, reaching from the Atlantic to the Pacific, through which this canal was to run.

We had agreed in that treaty to pay Nicaragua $4,000,000 for the privileges that we were to acquire under it. The President of the United States, Mr. Cleveland, in his first term, immediately upon his accession to office, found this treaty pending in the Senate, and withdrew it from the Senate, expressing his disapprobation of the treaty upon the ground, first, that it was an entangling alliance, and next, that it was a possible interference with the Clayton-Bulwer treaty. Having reversed the whole policy of the previous Administration in respect of the powers under which and the manner in which this canal should be built, that Administration set about to encourage private citizens to put their money in the enterprise, and there was no set of men in the United States who ever entered upon an enterprise of a public sort with better assurances of the protection and faithful guardianship of the United States in all of their rights. The men who entered upon this project were men of large ability financially, and men of the highest character. There was not an individual connected with it who had not some valuable public reputation, not perhaps official reputation, but reputation for integrity and public spirit among the people of the United States, which is better than an official reputation, because it has been won without respect to the advantages of party affiliation and entirely upon personal merit.

These excellent gentlemen obtained that concession from Nicaragua. They paid for it in gold, $150,000, and they had come under obligation to make the survey within a certain time, complete it, and file the charts with Nicaragua, subject to her approval. A further obligation into which they entered was to commence the work within a certain time; a further obligation was that they should complete the canal within a certain time. As to these last two conditions I have mentioned, the time had been enlarged by the consent of Nicaragua, as these gentlemen contend, and no cause of forfeiture has ever arisen in favor of the Government of Nicaragua against that canal. Some efforts at forfeiture have been made by the Government of Nicaragua and abandoned—not only abandoned, Mr. President, but abandoned in pursuance of diplomatic intercourse or exchange of notes between the Government of the United States and the Government of Nicaragua, and upon our demand.

So these men entered upon this field of enterprise with the most positive assurances that the United States would abide by and perform in their favor all of the duties of this great Government to citizens of the United States who had been thus encouraged to spend their money and bestow their time and labor upon this immense public enterprise.

Following the line of the concession, and in obedience to one of its express requirements, this company came to the United States and sought here a corporate charter under which it would have the powers necessary to construct this canal. The concession expressly provided for such an arrangement, and went further and located the seat of office of this company of construction in the city of New York, and they named it in the charter the Maritime Canal Company of Nicaragua. Thereupon they asked a charter from Congress in pursuance of this concession, Nicaragua being one of the petitioners, and Congress, exercising its power justly and within the limits of its authority, and with the sanction of Nicaragua, granted the charter, and put into it a number of restrictions, one relating to the amount of the capital stock, and another relating to the amount of bonds and the conditions under which the bonds might be issued.

The company accepted the charter as it was granted by Congress, organized under it, and Nicaragua, as a Government—not merely as a stockholder in that corporation, but as a Government—acting under the concession and in pursuance of a reservation of a right of that sort in the concession, appointed her minister to the United States a director in the Maritime Canal Company and participated in its organization. This director, Mr. President, represented the sovereign State of Nicaragua, and Nicaragua has continued to keep a director all the time in office in the Maritime Canal Company, he having been required by the by-laws of the company to take an oath of office, which he took, and was sworn into office regularly as one of the directors of that company.

After progress had been made and $2,000,000 or more had been spent in the actual construction of this canal, after the surveys had been accepted by the Government of Nicaragua, then a question arose between Nicaragua and Costa Rica as to whether Nicaragua had the right to grant this concession without intrenching upon the rights and border line of the State of Costa Rica. Nicaragua knew of this difficulty when that concession was made; she did not disclose it; she made no mention of it; and this company found themselves in a situation where they were compelled to get a concession from the Government of Costa Rica or else abandon their plan entirely and give up the canal, for Costa Rica and Nicaragua divided the right of navigation of the San Juan River between them, and that river was the point across which the dam had to be constructed at Ochoa for the purpose of backing the water up and making slack-water navigation into Lake Managua.

When this was discovered, Nicaragua was consulted about it,

and she objected to this company getting any concession from Costa Rica. Those two Republics had ill blood between them, and have yet. The company had to set about in such way as they could, with the assistance and advice of this Government, to get the Government of Nicaragua to consent to a concession from Costa Rica in the same terms with the concession that had been made by Nicaragua to this company. In the effort to negotiate with Costa Rica this company was beset by Nicaragua's objections to Costa Rica having anything to do with it, and thereupon the conclusion was reached, very naturally and unavoidably, indeed, that Nicaragua had determined to avail herself of the quarrel between that State and Costa Rica to prevent the consummation of these concessions and to take all the money that had been paid and all the surveys that had been made, so as to appropriate them to herself without recompense to these men. The Government of the United States intervened and the question of the boundary between Nicaragua and Costa Rica was submitted to the President of the United States as arbitrator, and he decided in favor of Costa Rica—that she had the joint right of navigation of the San Juan River, and that her boundaries lay upon the line that she had suggested and claimed. Thereupon it became entirely obvious, beyond all question, that Costa Rica must be consulted and a concession must be obtained from her. The concession was so obtained, and these two concessions are the basis upon which this bill is founded.

After this award by the President of the United States, and after this concession by the Government of Costa Rica, Nicaragua still protested and objected, and this company had to explain to Nicaragua that she had not asserted the supremacy of the sovereignty of Costa Rica over that line, although our own President had so decided in an arbitration; but that they had merely taken a quitclaim title from Costa Rica. That was not satisfactory to Nicaragua, and when her director appointed to this company came here to take his seat on the board in New York the director from Costa Rica was there also, and objection was made on the part of Nicaragua to the director from Costa Rica taking his seat. They were both ministers of their respective Governments accredited to this Government. That difficulty, however, was composed between these delegates in the presence of that company, and record of it was made, which I have read here in the course of this debate. The minister from Costa Rica and the minister from Nicaragua, representing their respective Governments as directors on that board, took the oath of office in the presence of each other, and we—I say "we;" I mean the people and the Government of the United States, including Mr. Blaine—supposed that all these difficulties had passed away and that there would be no longer any interference on this technical question of supposed national pride between the Governments of Nicaragua and Costa Rica.

It will be seen that this company has had embarrassments that it was not entitled to have, and has been interrupted and obstructed by Nicaragua in a way that ought not to have been done, in an unjust way. But by continual solicitation and constant exertions it has overcome these difficulties and finally united these two States in the board of directors, acting with directors appointed under the laws of the United States. Now we have a situation. Here are the laws of the United States on the one hand, made by the actual consent of Costa Rica and Nicaragua. The laws of three Republics united in harmony in establishing the same rights. There are laws upon the statute books of both of those Republics recognizing the validity of this act of Congress and all the powers which are conferred under it. Here is the frequent intervention of the Government of the United States through its ministers, as late as Mr. Gresham, to reconcile and compose the troubles and difficulties which arose between these different States in respect of the validity of those concessions, of the fact that this company had fully complied with all of its obligations under it, and so on.

Mr. President, grouping all of these facts together—I have not stated them all by many—but grouping these facts together, they constitute a situation between the Government of the United States and the Governments of Nicaragua and Costa Rica which is as explicit, as serious, as solemn, and as obligatory upon those two States as if every word that had been uttered by them, every law enacted by them, and all these historical facts to which I have referred, which are recorded in the books of legislation here in this Congress, had been embodied in a treaty, and set forth, signed, and sealed, and ratifications exchanged between these different Governments. This is a situation from which we can not be driven, nor can we surrender it without dishonor.

While this has been going on Great Britain, if she has an interest under the Clayton-Bulwer treaty which is in the slightest degree adverse to anything that has been done in the Congress of the United States, by this Maritime Canal Company, by Nicaragua, or by Costa Rica or Nicaragua, has had full opportunity to protest. Nothing has been kept in concealment; no light has been hid under a bushel; everything has been open and patent, and the Government of Great Britain has made no obstruction and no objection of any kind whatever in respect of any part of this transaction. Upon that ground alone she would be estopped from now interposing to break up a relation that has been thus created between Nicaragua and Costa Rica and the United States. That is a plain fact that I think no one will undertake to deny.

But beyond that, as is explained in the report of the Senate committee made to the present session of Congress, it is demonstrated—I will say demonstrated to the satisfaction of our State Department, and I have authority for saying that—it is demonstrated that we have, lying at the basis of this concession, continuing and attending it all the way through, a treaty with Nicaragua which justifies every step that we have taken and every step we propose to take, every provision that is in the bill which is now before the Senate. So the rights of this Maritime Canal Company and of the United States, its creator, its friend, and its protector, as it ought to be, are based not merely upon the doctrine of estoppel, operating against Great Britain, but they are based also upon positive treaty guaranties between Nicaragua and the United States.

I will remark, as I pass along, that British subjects might have acquired the same rights by concession and under a treaty which Nicaragua made with Great Britain ten years before she made her treaty with us. They would have had precisely the same rights that our citizens have under the treaty with Nicaragua made in 1868—I believe that is the date of it.

Here, then, we have an assemblage of authorities based upon concessions, based upon the doctrine of estoppel as applied between governments, and based upon our actual treaty obligations and engagements with Nicaragua and Costa Rica, on which this action of the Senate of the United States is now predicated.

After this brief statement, I must say that there has been intervention for the purpose of preventing the execution of this contract, not by the British Government in name, but by British subjects. They are doubtless emissaries, and they have been operating all the time, and are operating to-day, to prevent us from the consummation of this great duty we owe to our own people. When we are in the executive sessions of this body I shall feel perfectly at liberty to make these statements upon authority that I think no Senator will question. I can not make them in the open Senate, I can not give my authority in the open Senate and the statement of facts which has been communicated to me, because I am under confidence not to do it; but there is not a Senator in this body who shall not have full access to the means of information which I possess when I state in my place that I am thoroughly satisfied that up to this hour British intervention is continually operating to prevent us from availing ourselves of the benefits we have acquired the right to establish under these concessions.

Stating it in that view, and assuming for the nonce that the Senate will at least suppose that there is something of substance in the statement I make in regard to this interference, I wish to ask this question of the Senate—and I regret that the honorable Senator from Ohio [Mr. SHERMAN] who is soon to be Secretary of State is not here to hear the question which I want to propound to the Senate—I ask the question whether or not the Government of the United States, under these circumstances, can afford to withdraw its support from these concessions and yield the ground that we have thus gained, lay it all aside, detach ourselves from it, disaffirm it as well as disregard it, and trust the future of the United States in respect of this great canal to the opportunity which may occur, or which may exist hereafter, for creating an agreement between Nicaragua and Costa Rica and ourselves by treaty, under which agreement we shall be able to consummate this great work?

We have now reached a crisis in this case, we have reached a diplomatic crisis in this matter, which is to be determined for or against our country by the vote of the Senate. If we vote that these concessions are not a sufficient basis for our assistance in this canal, and if we vote, as has been stated here, that no canal can be built by private enterprise, as it is called, or by a corporation, but that the canal, if built, must be built by the Government of the United States, we detach ourselves from those concessions absolutely, and we destroy them. After having gone as far as we have, after having committed ourselves as a Government as far as we have, after having involved the rights of our people as far as we have, innocent and honest men, who have spent four and a half millions of money out of their own pockets in that country, and who have left there, for whomsoever shall succeed to these rights of ours, very valuable property—if we shall take that course, disconnect ourselves from this establishment entirely, and leave these concessions to perish, then, Mr. President, we must turn our eyes to the future and see what we can do to reclaim the situation we have thus thrown away by a new endeavor to create diplomatic arrangements with those two Republics by which we shall be enabled to complete this canal. When the probability of completing this canal became serious, as I will say, imminent, when by a vote given here two years ago the Senate of the United

States affirmed everything that I affirm here to-day, by 10 majority, and this body concluded that these rights should be enforced, the Governments of Nicaragua and Costa Rica made the heavens bright with their rejoicings because we had done that thing two years ago, then we all supposed that the difficulties had passed, that obstruction had disappeared, except such as might naturally result from so great an undertaking requiring so great an amount of money.

Now, suppose that we depart from all this, that we reverse our action or throw away what we have done, and we surrender our attitude upon this question, what next? We have then got to treat with Nicaragua and Costa Rica, who are in the immediate possession of the line of transit, the only line in the world that is worth a cent for a waterway between these two oceans. Then another party appears upon the field. They do not attempt in Central America a political union, but three of those States attempt a diplomatic union, a union for foreign purposes, and they constitute what they call a diet. That diet sends a minister here, and the first thing, and the only thing that he does—and it is the only thing for which he came here, I feel quite certain—is to work into the Senate of the United States a protest and an argument against the passage of this bill; and Senators of the United States are required to get up here and answer his arguments, and the arguments of other Senators based entirely upon his statements, every one of which is proven to be untrue.

But that intervention comes from this political organization in Central America, and it gives us a foretaste of what we may expect when we throw away our present rights and undertake to negotiate with Central America. Instead of having to deal with the two States which are directly and materially interested in this canal, we then shall have as many of the Central American States as choose to participate with a view of disturbing relations between the United States and Nicaragua and Costa Rica, as they are fixed in this concession, in these laws, breaking them up, hindering and obstructing any further step on our part. The Secretary of State who would step deliberately out upon that sort of field from the ground of security and repose we occupy now might be compared to a man who would strip his stockings from his feet and step on a red-hot gridiron from a cool floor.

It is not far to see in the future; it will not be long until we shall have realized the disaster of the course that we are invited to take to-day; and unless, Mr. President, all the manhood has been leeched out of us by contracts to keep the peace, or in some other way, it will not be two years until we find ourselves appealed to to exert our utmost power for the purpose of reclaiming the attitude in those States that we now idly throw away.

That has been the chief cause of my solicitude for urging a vote of the Senate upon this bill at this session. I might say it has been the only cause, because I have been informed that in the other House nearly 300 of the membership of that great body have petitioned the Committee on Rules to give a day to the hearing of this bill, reported in the identical words contained in the bill on our desks to-day, and that has been refused.

In view of that fact, I had very little expectation that I should be enabled to press the bill into the form of a legislative enactment through both Houses at this session of Congress, and hence my reluctance in bringing this bill forward. I should never have done it at this session of Congress, in view of the difficulties which I anticipated and the shortness of time in which we have got to consider it, but for the fact that I was urged to do it by some of the most able men in this body, some of the most influential, men who have such position here as to give great significance, if not absolute authority, to their request.

Considering this subject, Mr. President, in the light of political affiliation and history, I should have felt warranted in pressing the bill before this body as a Democratic measure but for the fact that for the last two or three Administrations of this Government the persons in authority and the people of the United States in their political conventions on both sides have espoused the Nicaragua Canal. The Republican party has been particularly emphatic in its espousal of the canal and in its effort also to get legislation on the subject. The last message which President Harrison sent to the Congress of the United States was a powerful argument in favor of the building of the canal, and I was even censured by some of my Democratic friends because the President of the United States did me the honor to refer to me by name in his annual message in respect to some opinions that I had advanced on the subject. I felt no embarrassment from that source, because the Nicaraguan Canal question is entirely outside American lines, and I have no party politics that run beyond our territorial bounds, and will never have. No man can suggest to me a political question that goes outside of our political boundaries in respect to our foreign relations that will cause the least bias in my opinions.

But as a Democrat I have had occasion to quote, and I will do it again, the Democratic authority, if any authority is needed, for the attitude that I have taken upon this question, because I desire to have it understood by the people whom I represent here in connection with my honored colleague, who is listening to me and whose retirement from the Senate is a personal affliction to me and will be a loss to this country of no light character. In 1856, in the convention that named James Buchanan for President of the United States, the following resolutions were adopted:

> 1. *Resolved*, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example.
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> 2. *Resolved*, That our geographical and political position with reference to the other States of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe doctrine: their bearing and import admit of no misconstruction; they should be applied with unbending rigidity.
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> 3. *Resolved*, That the great highway which nature, as well as the assent of the states most immediately interested in its maintenance, has marked out for a free communication between the Atlantic and the Pacific oceans constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our Government and the governments of the states within whose dominions it lies. We can, under no circumstances, surrender our preponderance in the adjustment of all questions arising out of it.

I have thought that as a Democrat that was quite authority enough for me to advocate the bill without incurring the displeasure or the censure or the criticism of any man in this body who claims to be a Democrat. Moreover, I thought so because the first convention that nominated Mr. Cleveland and the second—I think I am correct in the statement as to the first—expressly indorsed and approved the Nicaraguan Canal and made it a public question among the people of the United States.

Now, whatever hopes I might have had of conveying in behalf of my party an impression that it was not antagonistic to the canal and to American interests have been somewhat dampened, if not dissipated, by the situation in which we are found in respect of this great measure. But still I think I have room to appeal to my Democratic brethren that they will not coolly place this country in the attitude of destroying rights which have accrued under our laws in favor of our own citizens, destroying obligations which Nicaragua and Costa Rica have accorded to us under circumstances quite as solemn as if they had been embodied in a treaty, and throwing away the opportunity of building this canal under the existing situation, which, Mr. President, will never be improved by any treaty that even the honorable Senator from Ohio [Mr. SHERMAN] who is now here will be able to negotiate with those people.

I said to that honorable Senator the other day, and I will repeat it now, that if he were rolled into Metternich and Talleyrand he would find himself overmatched by these little Republics down there, which will conspire all the time, in connection with British people and British advocates in the United States, to break up and to beat him in any effort he may make to negotiate a treaty for this canal. He will never make one. When he gets it into the Senate, if he should make one, it will meet a worse fate than the Zavala treaty, because of the one-third of this body who may be found here to oppose American interests. The railroads in the United States have power enough to break down their great competitor, the waterway through the Nicaraguan Canal, and they will have it for the next twenty years, and if they have it for twenty years they will have it forever. Their peculiar friends are not likely to be absent from the lobby when their selfish greed is seeking to feed upon the products of industry. They are about the Capitol now, and will surely return to dictate legislation as to the canal.

We are not dealing with impotent forces, unorganized forces, but we are dealing with men of enormous power, who control Presidents, Senates, Houses of Representatives, in respect to the railroads, with an absolute and despotic will which the Government of the United States has not even the ability to resist, and that power will appear here. Mr. President, to break down the treaty that the honorable Senator the other day spoke of so hopefully, and which he expects to negotiate with those Republics, so as to get the control of this subject into our hands as a nation. But when you try to do that you will have still another controversy before you. You have a contestant who has never ceased to oppose a canal through the Isthmus except under its own control. What meant the stringing out of that band of Indians, so-called, the Mosquito Indians, across the mouth of the San Juan River, under the protectorate of Great Britain, at the close of the Mexican war, when we had acquired our possessions on the Pacific Coast? What did it mean? Childs and Vanderbilt saw what it meant when they went together for the purpose of getting the money from Barings, and made the arrangement with them to get the money to execute the first concession that Nicaragua ever made to American citizens. The Barings consented, and were perfectly able to advance the money, then only $29,000,000.

They looked over Childs's plans and examined them, and they had them examined by British engineers, and determined that they would accept them and would advance the money. One of the agents of Mr. Vanderbilt, who was then familiar with the facts, and is now a great lawyer in California, wrote me a letter, which I read in the Senate, to inform me that the negotiation with the Barings was broken up by the express intervention of the authorities of the British Government.

Commencing then, step by step, time after time, in every effort that has been made, in all the negotiations that took place, beginning with the Clayton-Bulwer treaty and the negotiations that followed it in every step that has been made from that day down to this hour, the Government of Great Britain, represented by its diplomatic agents or else by her people, has been upon the Isthmus for the purpose of obstructing and preventing the people of the United States from going through there. Mr. President, I would be a coward not to say this, and yet I do not say it in a spiteful or disparaging way, because Great Britain would be untrue to her history if she did not pursue methods of this kind in respect to that canal as she has in respect to every commercial advantage in this world which she has ever thought would be of benefit to her. But she is there and has been there on all occasions and is there now. Her vigilance and energy are unceasing. The honorable Senator from Ohio, when he comes to look over the field, to touch the influences that are to prevent his action, which doubtless he will exert most patriotically in behalf of the people of the United States, will find himself absolutely circumvented—absolutely.

Under existing circumstances, if my conceptions of this situation are true and my conjectures have the color of truth in them at all, let me ask, What is the reason or the excuse for our yielding the attitude we have now? Why shall we throw all of these rights to the dogs and with them the honorable duties that we owe to these honorable American citizens? What is persuading us or deterring us from taking this necessary course in respect to the matter? I will not undertake to characterize what I think is the motive, but I will say that there is a feeling of indifference on the part of the representatives of the United States in Congress, and there has been for years, toward the rights of American citizens, doubtless borrowed from the inefficiency of our Executives in the enforcement of the rights of our citizens in foreign countries; doubtless a shadow that has fallen upon this great assemblage from the White House, creating an indifference toward the rights of American citizens in foreign parts, which, to say the least of it, is not creditable to our Government. If we meet our duties to the people of the United States, their just demands upon us, sir, we will step out and do something for these people, to take care of them and their rights when they are unjustly assailed and impeached by foreigners.

Now, the minister from the Greater Republic of Central America, as they call the new organization, in the message he has sent here, so applauded by Senators on this floor, has openly and boldly announced through the Secretary of State that these concessions are now forfeited—not merely that they are forfeitable or that grounds of forfeiture exist, but he asserts in the names of those Governments that the concessions are forfeited. Mr. President, that subject has undergone investigation by our Secretaries of State upon the identical facts and the identical points stated by the minister, and they have announced that they are not forfeited, and the Governments of Nicaragua and Costa Rica have consented that they are not forfeited. Yet he comes here, after all this, and through his message to the Senate declares that the rights of the United States and of our citizens are already gone; that they are lost.

It was upon that proposition that I desired to have a vote of the Senate. I can not get it directly. I can not get a straight vote upon it. But the length of time that the bill has been before this body and the votes that have been recorded here on the question of taking up the bill, on the question of considering it, the various opportunities which have been offered in the kindliest possible spirit to get a vote upon it, stand here as a record that can not be impeached; and I assail the impeachment of it now in advance and say that the Senate of the United States now, as it did two years ago, stands by the rights of the Government and the rights of these people under the concessions. We do not abandon them. Neither, sir, will we put it in the power of Nicaragua or Costa Rica to take any advantage of these unjust conditions. Neither will we submit to any injustice to be done to this Government or the people of this Government, citizens engaged in this great enterprise, because the minister has come here and has found advocates on this floor to assert his proposition that the concessions are absolutely forfeited. I bring up the issue straight and square. The Senate of the United States and the Administration whose President was announced to-day in the House of Representatives will have to meet it. It can not any longer be concealed. There is no doubt about it now. The issue is presented to us and presented in the very presence of the incoming Government, whether or not we shall abandon all we have got here lawfully and, by the consent of Nicaragua and Costa Rica, throw it away and, having wiped out the record of all our rights, enter upon a new negotiation with them for new rights to build the canal.

I desire to give notice, Mr. President—we are informed that there is to be an extra session of Congress—that at the earliest possible day in the coming session I intend to offer this bill again, and I intend to do what in me lies to try to have the bill enacted into law. If the glory and the honor of this magnificent work in the closing days of the century shall fall into the hands of a Republican President, I for one shall say, "Thank God, we have a Republican President who is willing to go step by step with his fellow-citizens of the United States in the advancement of the power and the glory of this great Republic."

Before I take my seat, which I will do in a few moments, in justice to an honorable man who has been maligned and abused as honorable men often are, merely because he has been efficient and courageous, I desire to put into the RECORD as a part of my remarks a statement made by Mr. A. G. Menocal, which I will not stop to read, but which the reporters will find on pages 334 to 337 of the report, in respect of a matter where his veracity has been impugned. That matter is as to whether this man, who, personally, has spent days and months in the exploration of every foot of the line of this canal, has ever actually been over the line. The statement has been made that he has never actually been over the line. The statement would amount to nothing, perhaps, except that a man, who is an engineer officer of the Army, Colonel Ludlow, and who, in a spasm of vanity and self-sufficiency when he went before a committee of the other House, after his functions as commissioner had expired and he had made his report, with a view of casting odium, distrust, and a shadow upon the reputation of Mr. Menocal, stated and adhered to it that Mr. Menocal had never been over a certain part of this line which is described in Mr. Menocal's response to him, which I have asked to have put into the RECORD.

Colonel Ludlow described himself on that occasion, when he got into antagonism with a member of the House through his supercilious conduct, as being there representing the Government of the United States. While I knew that he had represented the Government of the United States as an engineer officer here in the District of Columbia, while I knew that he had represented the Government as an ornamental attaché to the embassy at London, while I knew that he had been flitting about in these nice positions from place to place and from time to time, I did not know that as a commissioner, after he had made his report and the President had sent it in, he still represented the Government of the United States, and that it was the Government of the United States who was accusing Menocal of falsehood when Ludlow got up and made the statement. I did not know that.

This is Mr. Menocal's reply to that gratuitous misrepresentation, and as to some other statements, quite as unfounded, that Colonel Ludlow, in a spirit of jealous injustice, volunteered before the House committee.

WEDNESDAY, *May 6, 1896*.

The Committee on Interstate and Foreign Commerce this day met, Hon. WILLIAM P. HEPBURN in the chair.

STATEMENT OF MR. A. G. MENOCAL.

The CHAIRMAN. Mr. Menocal, we will now hear you.

Mr. MENOCAL. Mr. Chairman and members of the committee, I have been directed by the Secretary of the Navy to report to the chairman of the committee, which I now have the honor to do, and I will be very glad to comply with your wishes in any matter you may desire.

The CHAIRMAN. I suppose the order was made for the purpose of giving you an opportunity, if you desire to avail yourself of it, to make any statement to the committee in connection with the subject under inquiry.

Mr. MENOCAL. A great deal has been said before this committee which I have not had an opportunity to read or to hear. I have heard certain statements which have been made here by Colonel Ludlow, however, and upon those statements I would like to make a few remarks, and afterwards, if the members of the committee who have heard the whole of the testimony desire to ask me any questions in regard to Colonel Ludlow's statement, I will be very glad to reply to them to the best of my ability. I stated when I was before the committee but a few days ago that the Nicaragua Canal board had spent two weeks, more or less, in the examination of the line of the canal. When I made this statement, I had in view only the line of the canal as located by the Nicaragua Canal Company, and which I supposed this board had been called upon to examine. I was not considering at the time the whole country of Nicaragua.

You hear frequently travelers who have been through Nicaragua, having landed on the Pacific coast, traveled across the country and come out at Grey Town, tell you they have been over the country and that the canal route is thoroughly practicable, that they have been all over it, over every foot of the ground, and that there can be no doubt as to its practicability; but it was not that kind of examination I had in mind when I said the board had spent only two weeks, more or less, in the examination of the line. I had in view such an examination as an engineer would have to make of the physical conditions on the spot, so as to be able to ascertain and to weigh the difficulties and facilities that those conditions would present in the construction of such a work as this, and this examination, I know from the nature of the ground, can only be made and this information can only be obtained by going over every foot of the ground.

I said in my statement that two weeks, more or less, had been spent in the examination of the canal route and its vicinity. When I said its vicinity, I meant such parts of the country as will be more or less affected by the construction of the canal—that is to say, such points along the canal route where embankments were to be built. They are not on the axis of the canal, but nevertheless form a part of the project of the canal itself. Now, I will read, for the information of the committee, and in order to vindicate myself as to the statement I made before, a concise synopsis of the movements of the board while in Nicaragua, and then I will leave it to the committee to decide whether I was correct or not in my statement. The board arrived at Nicaragua on the 13th of May, and remained at Grey Town until the 21st. They left Grey Town on the 21st for the lake and river, taking the steamer at Grey Town and going up the river to the lake. They arrived at the lake on the 23d of May, having spent two days in going up the river, of which one day was spent on that portion of the river which is not affected by the construction of the canal.

The 24th was employed by the board in making a trip up the Rio Frio, which empties into the lake, for a distance of perhaps 6 or 10 miles—the exact distance is immaterial—and then they went about 5 miles into the lake and returned to Fort San Carlos. The steamer which was to take the board across the lake was not there, and it was repeatedly stated by the members of the board in my presence and in the presence of those who were around that the time from the evening of the 24th until the evening of the 25th, when the steamer arrived at San Carlos to take them across the lake, was absolutely wasted time; so they were two days there which were declared by the members of the board to be a loss of time to them. They left Fort San Carlos on the evening of the 25th. On the morning of the 27th they arrived at San Jorge, on the west shore of the lake, and the assistants of the board landed there with certain provisions, utensils, etc., and the board continued on their way to the capital, at Managua. They made a visit to Granada and Managua and returned on the following day, in the evening, to Rivas.

When I was before the committee previously, I had no notes with me. I did not know at the time what was the nature of the investigation to be made by the committee and did not come prepared to answer certain questions which were put to me. I had been seriously ill for ten days, having left my bed to come here, hardly able to stand up; my memory, perhaps, was not quite clear, and as I had no opportunity to correct my notes they were printed containing numerous errors, as I had the honor to report to the chairman of the committee soon after I saw the printed testimony. I said then that the board returned from Granada to Rivas and spent two or three days in hunting for horses or other means of transportation to go to Brito to commence the examination of the canal line. That was a mistake. They did not spend two or three days in Rivas at the time; but that is immaterial, because I will show by the records that they were in Rivas five days instead of three.

Mr. DOOLITTLE. During what time?

Mr. MENOCAL. I will let you know. I am going to follow it up, so there will be no misunderstanding about this. My veracity has been questioned, and I want to show the committee what foundation I had for making the statement, and will then leave it to the committee to say whether I was correct or not. They left Rivas on the morning of the following day and arrived near Brito about 4 or 5 o'clock in the afternoon and went into camp. Up to that time nothing had been seen of the canal route. We had crossed the line at one point on horseback and traveled by roads entirely away from the line of the canal to this camping place, and spent the night there. On the following day, in the morning, they started for Brito. They arrived at the harbor of Brito at, I believe, 8 or 9 o'clock, and the examination of the canal route was commenced there.

It is useless to follow the board step by step; but I will say—and if I am mistaken I hope to be corrected right here—that the examination was commenced on the 30th and that the board returned to Rivas on the evening of the 1st of June, having spent three days between Brito and the lake in the examination of that portion of the canal route. Some portions of the line were not examined. That section running through the proposed basin of Tola was not examined by the board. They traveled by the road on the hills; but that is of no consequence, so I will call that the vicinity of the line, and I count those three days as spent in the examination of the canal route.

The board, as I said, returned to Rivas on the 1st of June, and remained there until the 6th. They started on the evening of the 8th, arriving at Ochoa on the afternoon of the 9th of June. Immediately after arriving there they started to make some examination of the surroundings. On the following day they went up the ridge lines of the proposed basin of the San Carlos, and spent two days there. They came back to camp late in the afternoon of the second day, the 11th, and on the 12th they started on the examination of the route from Ochoa to Grey Town. Six days were spent in the examination of that portion of the line from Ochoa to Grey Town, arriving at Grey Town on the afternoon of the 18th. The board left Grey Town for the United States on the 24th.

Mr. DOOLITTLE. The 24th of what month?

Mr. MENOCAL. Of June. Consequently, you will see——

Mr. DOOLITTLE. For the United States, or Panama?

Mr. MENOCAL. I mean on their way, practically, to the United States. They touched at Costa Rica and went to Panama, but I understood they were on their way home, touching at other places. I had nothing to do with that, and it is immaterial where they went, and I do not know. Now, if you look over these different dates and add the time spent on the route of the canal, you will find they arrived at Nicaragua on the 13th of May, and leaving on the 24th of June the board was forty-one days in the country. Of those forty-one days, fourteen days were spent in Grey Town and five days in Rivas. That makes nineteen days; one day visiting the capital makes twenty days; one day traveling from Rivas to Brito to commence the examination of the canal route makes twenty-one; three days traveling over the portions of the country not affected by the construction of the canal makes twenty-four days, and two days at San Carlos makes twenty-six. If you deduct that from forty-one days, I think you find that the board devoted to the examination of the canal line from the Pacific to the Atlantic, or vice versa, as one may call it, fifteen days, including the examination of such portions of the axis of the canal as were gone over, and also the sites of the dams, embankments, etc. That is all I have to say in that regard, and I think my diary is correct in every respect.

There is another question in which my veracity has also been questioned here. It has been stated here that the engineer members of this board were the first engineers who visited a certain portion of this line.

Mr. SHERMAN. The only engineers, it was stated.

Mr. MENOCAL. I am glad you correct me, because I only get this from hearsay, as I have not seen the testimony sufficiently to enable me to pick out from it what is essential and deserves consideration. I have been told that the statement has been made here that this board are the only engineers who have visited some section of the Nicaragua Canal line, that section being between the Danta and Nicholson streams, along the line of the embankments of the San Francisco.

Now, with a view of further meeting the statement of Colonel Ludlow, not by any arrangement, but by the merest accident, I came across a gentleman here whom I happen to know, and whom I have known for several years, Mr. Charles E. Kern. Mr. Kern was secretary to Mr. Menocal at the time he was making this survey for the company. That was the fourth survey of the canal which has been made. He addressed to me a letter on the 6th day of January, 1897, in which he says:

UNITED STATES SENATE, PRESS GALLERY,
Washington, D. C., January 6, 1897.

DEAR SIR: Referring to my conversation with you yesterday in regard to the statement made by Colonel Ludlow, in effect that Mr. Menocal had not been over the embankment line of the San Francisco basin, I would say:

I was present in the room of the House Committee on Commerce last spring when Colonel Ludlow said that he and the other members of the Commission of which he was chairman were the only ones who had ever gone over the entire line of the canal, and when questioned as to this statement, pointed to the map of Nicaragua, at a place on the San Francisco line of embankments, near the mouth of the San Francisco River, as the place where Mr. Menocal had never been.

I was at once struck by this statement, because I had a clear remembrance of the time when Mr. Menocal had gone out frequently from the headquarters of the company on San Francisco Island to direct the surveying work on that particular line of embankment. I was in the employ of the company, stationed at that time (winter of 1887-88) on San Francisco Island, which is at the mouth of the San Francisco River. I remember the period of time when Mr. Menocal was paying especial attention to an examination of the San Francisco embankment line. Parties were at work there and he, on numerous occasions, left camp to direct their work, which was carried on in the locality referred to by Colonel Ludlow.

The embankment line, being the keynote of the "upper route," was the subject of much careful work, and I remember the great amount of personal attention that Mr. Menocal gave to it. You may well imagine my surprise when Colonel Ludlow stated that Mr. Menocal had never been over that line. The statement seemed still more remarkable because it was Mr. Menocal's preliminary surveys in that vicinity made previous to 1887 that had resulted in his causing a thorough examination of that line in order to demonstrate whether the range of hills forming the groundwork of that embankment were of a character to make the "upper route" practicable, and it was on the existence of such a range of hills that the practicability of the "upper route" rested.

When Colonel Ludlow claimed credit of having gone over that ground in his flying visit in a manner more thorough than was that of Mr. Menocal, it appeared to me quite as absurd as would have been an attempt on his part to claim the discovery of America, and to belittle Columbus and take from him the credit for that feat, because he (Colonel Ludlow) might believe he had rested his feet on parts of the American Continent which had never been pressed by the feet of Columbus. As you are aware, Mr. Menocal was the first man to suggest the practicability of what is known as the "upper route," and that practicability rested upon the existence of the chain of hills forming the groundwork of the San Francisco embankment. I have never seen this fact called in question, and never heard anyone attempt to belittle Mr. Menocal's credit for that discovery until Colonel Ludlow claimed to have gone over places never traversed by Mr. Menocal. Perhaps every man who has gone on the line of the Nicaragua Canal may claim the distinction of having placed his feet where no other human feet have trod, and for any one man to claim that he has materially and in detail covered every foot of ground would be to confess extraordinary feet. But with my remembrance of the great attention Mr. Menocal was paying to the embankment line and of the numerous occasions when he left camp to go over it, the idea that Colonel Ludlow, in the few days he was in that vicinity, had in any way gone over that line more thoroughly than did Mr. Menocal seemed to me the height of absurdity.

Very truly, yours,

CHAS. E. KERN.

Hon. JOHN T. MORGAN,
United States Senate.

Mr. DANIEL. Who is the gentleman who writes the letter?

Mr. MORGAN. Mr. Kern, a very reputable gentleman, living here in the city.

Mr. Menocal, having seen that he had been arraigned on the floor of the Senate by the statement of Mr. Ludlow, which has been brought in here, also wrote me a letter on the same subject. He is a modest gentleman. He does not indulge in strong expressions about anybody or anything; but he denies in this letter absolutely the correctness of Mr. Ludlow's statement.

NAVY-YARD, *New York, February 5, 1897.*

DEAR SIR: I have just seen in the CONGRESSIONAL RECORD of February 5, page 1652, under the heading "Maritime Canal Company of Nicaragua," a letter from Lieut. Col. William Ludlow relative to certain statements made by him to the House Committee on Interstate and Foreign Commerce in May last, to the effect that the United States Nicaragua Canal board were the only engineers who have been over the entire route as laid down, and to my testimony before the same committee in opposition to that statement, in which it is claimed by Lieutenant-Colonel Ludlow I admitted the correctness of the above statement, inasmuch as I had not been over the San Francisco embankment line as located through the hills between Ochoa and the east divide, and also had not been over the line of the San Carlos ridge embankments since either of these important lines had been laid down.

I beg to quote the testimony referred to as the San Francisco embankments. I stated:

"I explored that region. I pointed out on every one of those hills where embankments should be built, and put the engineers to work developing the topography. Its development was finally concluded about 1891. I was rearranging the line of embankments just before I left, in order to conform it to the topography as developed by the engineers, and some slight changes were made from one hill to another in order to get a better location; and I will add that since that final development of the topography by the engineers I have not been over the line finally located over those hills, but I have been over every individual hill, and I selected the line of embankments."

As regards the San Carlos Ridge line, I stated in my testimony:

"If he (referring to Lieutenant-Colonel Ludlow) refers to the San Carlos region, I have explored the San Carlos and all those hills, commencing in 1873 and again in 1885. I have examined that region and those hills in the valley of the San Carlos, and placed engineers there to develop the topography, and from the developments of the engineers the embankment line was laid down. Since that embankment line was laid down, I have not been over the line myself. There was no necessity for doing so. That is a statement of the facts. I selected the line for the embankments over those hills, and while there may have been slight changes in the final location of these embankments from one hill to another, that strikes me as rather immaterial, as I have been over the ground, every foot of it."

In view of the above plain statement of facts, Lieutenant-Colonel Ludlow's assertion that the Nicaragua Canal board are the only engineers who have been over the entire route of the canal, on the ground that I had not visited a portion of the line laid down by me after the engineers had measured it with a tape and put the pegs in the ground, seems to be a disingenuous misrepresentation of the facts.

Had I known at the time I gave my testimony that the lieutenant-colonel intended to be so precise in his statement, I would certainly have reminded him of what he well knew to be a fact when he appeared before the committee. He knows quite well that the board did not go over many miles of the route as laid down, in some places not approaching it by thousands of feet, and that the only knowledge the board possess of the advantages and disadvantages for construction of the canal presented by the topography over that distance has been obtained from an inspection of the plans of the company. This is particularly true of those sections of the route between Grey Town and Lock No. 2, and from the western end of the divide cut to the crossing of the Chanchos on the east side, and through the valley of Tola west of the lake, in all a distance of about 20 miles of the canal route as laid down, which the board did not go over. Yet it is in these sections of the canal where the board propose radical changes in location.

There are other portions of the route, between Ochoa and the San Francisco and between the eastern end of the divide cut and Lock No. 2, where the examination made by the board was limited to crossing the located line where it met the paths of travel or at the sites of locks, where only a few minutes were spent.

It has not been my purpose nor my province to criticise in any way the distribution by the board of the time at its disposal while in Nicaragua. If I have stated that they spent but about fifteen days in the actual examination of the canal route between Grey Town and Brito, it was to show that the examination of 170 miles of canal route, including the sites of numerous important works, such as locks, dams, embankments, etc., extending over many miles of hilltops, in a country covered by dense tropical growth and without roads or convenient means of transportation, had, necessarily, to be in a great measure superficial.

That the board was forty days in Nicaragua, and that a portion of this time was spent in examining Grey Town and its surroundings, and in obtaining a general knowledge of the country, has not been questioned, nor does it in any way disprove my statement as to the time actually spent in examining the canal location.

As to Lieutenant-Colonel Ludlow's assertions as to errors and omissions in the plans of the company, and to what he chooses to call fallacious estimates of cost, I beg to refer to my written statement submitted to the House committee, in which I endeavored to meet the objections to the plans raised by the board and to show that its recommendations were based on lack of information and insufficient consideration of all the features of the problem, and not on the line of either economy or of good engineering.

Respectfully, yours,

A. G. MENOCAL,
Civil Engineer, United States Navy.

Hon. JOHN T. MORGAN,
United States Senator, Washington, D. C.

Now, the truth is just this: Those forests in Central America are so dense that you could not see to the wall across the Chamber here except under very extraordinary circumstances. Even from the top of a tree you could not see. You can not see the contour of the country by climbing to the tops of the trees, because your vision is obstructed by vegetation until it does not reach out, unless the hills are very high. Mr. Menocal, after there had been two surveys made in that part of the world, conceived that there was a route between the Ochoa Dam or a place at the mouth of the San Francisco River, just above Ochoa Dam (I think it is the mouth of the San Francisco River), and Grey Town, where by going straight through with his canal he would save many miles of route, and would save the canal from overflow, which is a great danger in that very rainy country, by throwing it upon ground that was entirely above the line of overflow. Mr. Menocal, at great personal labor and exposure—exposure of which I suppose very few gentlemen on this floor have any conception, because they have never been thrown in contact with such work—went out for the purpose of exploring this upper route, as it is called, across the divide.

What is the divide? A great stone barrier, about 2½ or 3 miles across, lying between Grey Town and the Ochoa Dam. He conceived the idea that there was a range of hills in there, the foothills of which he could see from the bank of the San Juan River at places, behind which we could construct a basin that would enable him to pour the water of San Juan River, which is nothing but a lake outlet, through that outlet and across this divide, which is rocky and had to be cut through, of course, and carried to Grey Town, and without any sort of danger of flooding and at great saving of distance, which, of course, meant a very great saving of expense. Having conceived the idea, he prosecuted it personally under the circumstances I have referred to. He verified by actual demonstration, by measurement, that the line was possible, that possibility including a continuance of a range of hills lying on what I will call the south side of his canal project, and, by some of them being embanked upon and others being filled in between, he could construct there embankments which would hold the waters of the lake as they came down and form an estuary of perhaps 9 or 10 miles in length through which there would be no canalization at all, a vast inland flow of lake water which he would dam up and hold in that position.

I can suppose that an engineer who would make a discovery of that kind would necessarily be very much elated by the character it would bring him and by the fact that he was making such a discovery in respect to such a great enterprise. So he went to work after he had located his parties and instructed them where to find these hills. He then came back to his work in Washington, where he built the gun shop and various other works for the Government of the United States. He was notified that Mr. Peary, of Greenland fame, who was the chief of the engineers left in charge when he was not there, had made his explorations and could not find these foothills, and he reported that they were not there. That of course struck a deathblow at Menocal's reputation as a man of truth. Being sick at the time, he immediately, however, got a leave of absence from the Secretary of the Navy and started the next day to Nicaragua. He there found Mr. Peary and his companions at work. He went out with these companions and again relocated the line and pointed out the hills, took the survey, mapped it, and measured it perfectly; and from that moment to this there never has been a doubt about the existence of the hills there. Colonel Ludlow refers to that ridge as the hills over which Mr. Menocal had never been.

Now, there is a reason for all this, an unfortunate one, and that is in those professional jealousies which sometimes occur in all professions, and in the further fact that this commission had recommended a search through that country to continue for three or four years, long enough to absorb an enormous appropriation—I believe $300,000 is what they claimed—so that a great deal of surveying and a great deal of work might be done there for the purpose of merely proving, merely reestablishing what Mr. Menocal had done. For when these gentlemen got through with their dashing tramp over this proposed line of canal, in the twenty days, we will say (it was not more than seventeen days that they devoted to the investigation of it; not having passed actually over many parts of the line, they could not do it of course), they came back and went into the office at New York where Menocal's calculations and his maps were; the company freely yielded them up to them; and it was upon Menocal's measurements and bases of calculations that they came to a different conclusion, not as to the practicability of this route, but as to the cost of it. As I said before, that is a subject about which men might very well differ; but, after all, their entire report is based upon Menocal's measurements in the field, and they never put a line upon the earth or stuck a peg in the ground.

They used Menocal's survey to ascertain all they knew about the canal line, and then attempt to build up a reputation for superior knowledge of the canal and its proper location by a series of unfounded criticisms, of a very caustic sort, upon his work.

So we have here Mr. Menocal's statements as torn to pieces and criticised by a set of men who, through professional jealousy, have found it necessary to make some assault upon some other engineer's work. I say professional jealousy, for the reason that Colonel Ludlow could not in sincerity and in justice have indulged in the remarks he made about Mr. Menocal in the statement that he made to the committee unless he had been incited by some feeling of professional jealousy toward Mr. Menocal.

Now, in closing my remarks upon the bill, I could not afford to drop this subject without doing justice to that honorable man. Mr. President, there is no man who has ever done a great work in the world who did not receive scurrilous lashing from men who were not as good as he. Columbus left the Island of Cuba with chains on his legs, arrested, and sent back to Spain for punishment; and so with every man, it seems, who has accomplished any great work; he is bound to pass through that ordeal. But I think that we ought to be somewhat generous toward men who have done these great things when they are set upon by men who seek to find some opportunity to criticise and tear down their reputation. Fortunately in this case the heedlessness of the attack was such as that the man who made it had to first ensconce himself behind Mr. Davis, who, he said, told him so. Mr. Davis is not accessible; we do not know where he is. Then he adhered to his statement after he had made it, and here it is entirely refuted.

This is a matter of no concern to this canal at all; but in dealing with a subject of this kind, and in acting as this Government has acted time and again upon Mr. Menocal's statement, and as this commission has acted upon his measurements, I think it is a privilege I ought to employ to defend an honest gentleman and a great engineer against an assault that is entirely untimely, unnecessary, and unsustained.

Mr. President, before I leave the floor, in part support of some things I have said here, I desire to read a letter from a distinguished man in California, addressed to one of the honorable Senators from that State, parts of which I will necessarily omit because they have personal references which it would be improper to lay before the world. The writer of this letter is Capt. William L. Merry, president of the Board of Trade of San Francisco, who has been its president for many years. He is now and has been for seven or eight years the consul of Nicaragua in San Francisco, and therefore he knows about the Government and much of what it is doing. There are Senators here who know him, who know his merit and his high standing. For many years he was a sea captain, and has conducted and sailed his ships around Cape Horn in many voyages. He understands commerce in all its relations connected with navigation. He is a friend of this canal and has always been, and writing a confidential letter to his friend Senator PERKINS he says:

> I wired you yesterday as follows: "Rodriguez's action probably unauthorized. Think President Zelaya holds concession valid. Suggest cabling."
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> The reasons for the opinion expressed are based on the following facts: About four months since Hon. Lewis Baker, minister to Nicaragua, called to see me en route homeward on leave. I asked him plainly how the Nicaraguan Government regarded the lapse of the canal company respecting the Tipitapa Canal and the general delay of the work. He assured me positively that "President Zelaya had told him just before he left to tell the United States Government that whenever it actively aided the canal company the Nicaraguan Government would grant all additional time needed; that it wanted the canal, and would do everything possible to aid it."
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> * * * * * * *
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> I have here a letter from Gen. Joaquin Elizondo, of Managua, a friend since 1885, and formerly secretary of the treasury (ministro de hacienda) in Nicaragua. I had written him to see Zelaya about the Nicaraguan Government policy in relation to the canal, suggesting a line of action favorable to the company and to American interests. Elizondo replied under date of November 1, 1896, that he had consulted with the Government officers, and that they had decided to instruct Rodriguez about on the lines I had suggested; also that he would do all he could at Washington to aid the prompt construction of the canal. For these reasons, unless Zelaya has had a very recent radical change of heart, I can not think he would have authorized Rodriguez to send such a letter to Olney as he did, especially when, by application to the company, he could have obtained anything fair and reasonable. That the writer of that letter is not sincere or knows very little about the canal question is proven by his suggesting to Mr. Olney the renewal of the Zavala-Frelinghuysen treaty, which Cleveland has already condemned as "an entangling alliance."
>
> As to British influence, I am confident it is constantly at work in Nicaragua against us, and will give you an instance where it came to my notice straight. Last year a Mr.—

A gentleman whose name is stricken from this letter—

> formerly of Chicago, called on me with excellent letters. He had been examining Nicaragua and Guatemala in a business way, and had spent several weeks at Managua. The gentleman is an American of fine appearance and address. At Managua he had become well acquainted with the British minister. Meeting him frequently at dinner, one day when in confidence he told him that he had to remain at Managua more than at the other two Republics to which he is accredited, on account of the canal; that his people had instructed him to do this and to watch the canal matter very closely, acquiring all the benefits possible for his country, and full control of the canal if by lapse of the company such a thing became possible.
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> * * * * * * *

That came from the British minister.

> Another Managua correspondent—

Whose name is given here—

> a gentleman of European birth, but an American citizen, known to me for thirty years, wrote me from Managua two or three times during 1895 and 1896 that England was making stringent efforts to get a foothold in Nicaragua through various agencies, one of them the English bondholders of the Nicaraguan debt in London, about £500,000. I have written particulars to Senator MORGAN of the deal they have made with the Nicaraguan Government by which they have secured an export tax of 1 cent per pound on all coffee for their benefit, and are authorized to send a resident agent to Nicaragua to collect it; really, I believe, a political agent of the British Government. I have also written Senator MORGAN of concessions given to Englishmen for a railroad from San Ubaldo (on Lake Nicaragua) to the Atlantic, at the same time passing a law permitting the Zelaya Government to sell the Government railway from Corinto to Granada, on the same lake, for $1,000,000 gold, thus aiding the English syndicate in obtaining an interoceanic transit near the canal, using the same lake—

I will remark here that these concessions expressly prohibit Nicaragua from making any such grant to any other company for any railroad that by any means would interfere with the business of this canal and its earnings.

> In fact, the matter was presented to me with the idea that I could checkmate the English interest by getting American interests to take it up. There are large land grants and special privileges with these railway franchises. And, furthermore, why should there be any doubt of this when we know very well that England has used every effort to obtain control of the Nicaragua Canal route for many years? I have no doubt that the proposed five-year arbitration treaty has this object in view. Recognizing that the Nicaragua Canal question has reached a stage where construction is certain in the near future, it is England's purpose to open a dispute with the United States on the Clayton-Bulwer treaty, and then submit it to arbitration. You can foresee the result with dead certainty. Joint control with England of the canal, or, if we are quiescent, as France was, about joining England in occupation of the Suez Isthmus, England would leave us out and build the canal herself. I consider the arbitration treaty a danger we should now avoid, unless all possible questions affected by the Monroe doctrine could be eliminated—not an easy task.
>
> I believe Nicaragua without protest will grant that time and extensions of articles on the canal concession which are now the basis of Rodriguez's note. In any event, although the company has not complied with all the requirements, none of the clauses named as forfeiting the contract (articles 8, 46, 47, 48, and 49) have been violated. The claim that the company has transferred its concession can not be maintained. The Government is to obtain control, as demanded by the American people, but the franchise remains in the company precisely as the franchise of the Panama Railroad Company remains in the company, with its American charter, although the control is at Paris. In fact, the Panama case is a more rigorous control, as it involves the purchase of the entire railroad by the French Company. But I hear no complaint of the conditions there, or that the Panama Railroad Company has lost its rights as an American corporation, because owned in France, although, for obvious international reasons, not owned by the French Government. It is still an American corporation managed in New York.
>
> A difficulty we now encounter is this new "Republica Mayor de Centro America," composed of Nicaragua, Salvador, and Honduras. It is a deal made to keep each of the parties in power, and is avoided by Guatemala and Costa Rica, possibly a short-lived nationality, to be ended by another "revolution." One of my Managua correspondents writes that the people are very much dissatisfied with the Government, and the authorities have to be constantly on the alert to avoid active hostilities. In Honduras also revolution is imminent. But in the canal matter I suppose we must now deal with this new Government, although Nicaragua has made treaties which she must regard.

The rest of the letter relates to other matters. Here is a man who has had this official connection with the Government of Nicaragua for more than seven years as its consul. I suppose he knows something about what is going on down there. We flatter ourselves that because Great Britain holds an olive branch out to us she has thrown her sword away. What right have we to flatter ourselves with any such nonsense as that? How can we be supposed to have retained our reasonable common sense when we refuse to judge of the future by the experience of the past? What has occurred here to give us this sublime and reliant confidence that the great lion of England will not crunch the bones of your arm, Mr. President, when you put it in his mouth? What has come over the people of the United States and the Congress of the United States that they are clamorous for British favors? No, Mr. President; I say in the presence of the honorable Senator who is going to be Secretary of State, if he blinds his eyes to the truth and takes the anodynes of flattery that are to be fed to him like spoon victuals from Great Britain, he will find that the people of the United States will not sustain his administration.

Those are not words, Mr. President, that I utter in defiance or criticism or in any other spirit but in that American sense which I trust I feel in common with all my fellow-Senators, that it is the duty of the Senate and of the Representatives in the Congress of the United States to feel at least some of the throbs of the great American heart that pulsates always for justice, for right, for independence, and for truth.

Now, having said this much about the canal, Mr. President, I announce my intention not to press the final vote on the pending bill at this session. I yield to those gentlemen who have exercised the power to obstruct its passage. They take the responsibility. I have done according to the poor ability I possess, faithfully and firmly, the duty that has been devolved upon me, not as a matter of choice. When I first came in contact with this canal subject I was ignorant of what the Senate of the United States had done about it. I did not know that a resolution had passed in executive session here to have the canal investigated and its relations to the United States ascertained. I stepped into the committee room and found the Senators engaged in its discussion after I had been absent from Washington with a sick child. But at once I saw the importance of it, and when I asked for the explanation, that splendid man whom the Senate could not forget if it would, George F. Edmunds, explained to the committee what was the purpose of this movement.

It was to prevent the capitalization of the canal at such a sum of money as that the tolls upon it would be an excessive and exorbitant burden upon the commerce of the United States that might pass through it. He thought it was better, and it was and is better, that the Government of the United States should lend the encouragement of its credit to these men to build the canal rather than to throw them upon the markets of the world, where they would have to make great sacrifices of stock and bonds and percentages of interest in order to get the money to build it. He thought it was a patriotic duty that he owed to the people of the United States, and especially to the agricultural and industrial classes, that the tolls upon that canal, which no man here doubts will be built by somebody, should be placed at a figure that was somewhat just toward American enterprise. That was his motive, his only motive, and in the persistency of it, in a way that is characteristic of the man, who is an upright and a just man in his dealings, but a strong man in his convictions, he laid his hand upon this company and brought them into executive session and examined them against their will, and promised to keep their secrets, and he did keep them until they consented that they should be laid before the world.

Here are their statements all printed and laid before the Senate precisely as they were taken down by a stenographer. Whoever examines them will never more say, at least without blushing, that this company came to Congress seeking aid. Time and again, and in every form that was necessary to contradict that statement, it has been contradicted, by personal letters of Mr. Edmunds, personal letters of Mr. Warner Miller, the personal statement of Mr. Hiram Hitchcock, made before that committee, which is here printed, and also that of Mr. Miller; personal statements made by the honorable Senator from Maine [Mr. FRYE], and by Mr. Dolph and myself. We have all stated that this company never came before the Congress of the United States asking assistance; and when the Senator from Ohio the other day, by a lapse of the tongue, falling into the common current of wrong that has been done to these people, said they appeared here to seek our assistance, I called his attention to the fact, and he corrected himself and said they had not come here seeking our assistance, and that is true. Now, let Senators reiterate it as much as they please; the man who does it simply has to stand against the testimony of a number of honorable gentlemen, and he has to be a very great man, very pure, before he can venture to try to break that down.

That fact, Mr. President, being now stated and the error now corrected, it ought to stand corrected. Senators ought to have

enough respect for the fact to admit it in debate, and they should not cast contumely and reproach upon a set of men as bankrupts and beggars and mendicants and all that, and as men who come here seeking the aid of the Government of the United States to get them out of difficulties. The difficulties they have encountered, Mr. President, have been of our own making. They were prosperous when we called them. They raised more than $1,000,000 and expended it, after they were called before our committee. They were going on; and but for those troubles in the financial world, which seem to have sprouted, if I may use that expression, in Argentina, and scattered themselves like a baneful influence all over Christendom, those men would have gotten through with an enterprise which has been compared with the Suez Canal, which history has established is so profitable and successful. Now, we have drawn them within the reach of our power, and, as they stated then and have stated frequently since, after the Government of the United States had indicated a purpose to take charge of this canal, they had no more credit with bankers, for the reason that they expected the Government to build it, they thought the Government ought to build it, everybody thinks the Government ought to lead it and build it. By reason of that fact private enterprise will not go into it, because they expect that, whenever they might establish the canal, the Government of the United States would find political reasons of sufficient importance to go there and take it out of their hands and appropriate it to the public use, to their great detriment. Men will not venture upon such an enormous scheme as this with such difficulties staring them in the face. So that is the situation.

I asked Mr. Hiram Hitchcock a question—and there is not a more honorable man on this floor than Hiram Hitchcock—before the committee recently, and reported it to this Senate, and here it is in print: "It has been stated that your company, Mr. Hitchcock, is bankrupt." He said: "That is not the fact. We do not owe a cent in the world that we can not pay—not a debt. This confusion has arisen out of the fact that the construction company which had a contract from us to build this canal went down in the cramp of the times, and under the fact that Congress is legislating here and proposing to take this business out of our hands. There is where the confusion has arisen. We are not bankrupt. On the contrary, we have money to pay every debt we owe; and we do not owe but a very few hundred dollars, and that for ordinary current expenses which are not yet matured."

The other view of the question has been put here time and again, to the great disparagement of these gentlemen. There are men amongst them who, out of their own pockets, have established institutions of charity for the people of this country—hospitals and charities of that kind—broad-minded, splendid Americans. Such men as those are hauled up in the Senate of the United States because they are not willing to come here and yield $6,000,000, to which they are entitled under this concession, absolutely in the stock of this company, and submit their property into the hands of the Government of the United States; because they are patriotic and willing to help through with this canal they are hauled up here and denounced clamorously before this Senate as a set of mendicant bankrupts who are besieging these corridors for the purpose of getting money from Congress. It is untrue, unjust, and extremely wrong.

Now, Mr. President, so far as I am concerned, I will give way with this bill as a special order, not taking it off the Calendar, and I will consent that the Senator from Massachusetts [Mr. HOAR] may bring in the bill in which he is so much interested and in which we are all so much interested. I thank him for his kind indulgence in this matter.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business 982, being the House bankruptcy bill.

Mr. MORGAN. The Nicaragua bill is merely displaced as the regular order. It takes its place on the Calendar, I understand.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Chair understands from the statement of the Senator from Alabama that the bill loses its place as the unfinished business and takes its place on the Calendar.

Mr. TURPIE. I did not understand whether the statement of the Chair was a ruling as to the parliamentary status of the bill or not. I do not understand that the bill keeps its place on the Calendar if another bill is taken up without unanimous consent.

Mr. HOAR. I have moved to take up Order of Business 982, which is the House bill known as the bankruptcy bill, reported by the Committee on the Judiciary with an amendment in the nature of a substitute.

Mr. TURPIE. I remind the Senator from Massachusetts that I am not objecting to the bill moved by the honorable Senator; but just before the honorable Senator made his motion the Chair declared that the bill laid aside keeps its place on the Calendar, and I rose to a point of parliamentary order to ask whether that is a parliamentary decision, or whether it depends on the consent of the Senate? In my judgment the bill loses its place on the Calendar when another bill is taken up.

Mr. HOAR. I did not understand by the announcement of the Chair that the bill kept its place in the Order of Business which it now occupies, but that it went to the General Calendar like any other bill.

The PRESIDING OFFICER. The Chair understood the Senator from Alabama [Mr. MORGAN] to state that the bill would not be pressed and would lose its place as the unfinished business and take its place on the Calendar. The Senator from Massachusetts [Mr. HOAR] moves to proceed to the consideration of the bankruptcy bill, and if his motion prevails, that would, as the Chair understands, displace the Nicaraguan Canal bill as the unfinished business.

Mr. TURPIE. The Senator from Indiana understood the Chair to say that the bill would hold its place in the regular order.

The PRESIDING OFFICER. Oh, no; the Chair did not so state.

The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of the bill indicated by him.

Mr. HOAR. I ask that the bill be laid before the Senate by title.

Mr. PASCO. Before the motion is submitted, I desire to state that I think the Senator from Wisconsin [Mr. VILAS] wishes to be heard before that motion is put, and he is temporarily absent.

Mr. ALDRICH. I suggest that debate is not in order upon the pending motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

The motion was agreed to.

Mr. CULLOM. Mr. President——

Mr. HOAR. Will the Senator from Illinois allow me one moment?

Mr. CULLOM. Yes, sir.

Mr. HOAR. I do not propose to ask a vote of any kind upon the bankruptcy bill this afternoon, as it is now so late, and I shall not even urge a formal reading of the bill if there are other matters which Senators prefer to take up, like appropriation bills. Let the bankruptcy bill be the order of business at 2 o'clock tomorrow, and if there be anything else which Senators now want to attend to it can be done.

Mr. CULLOM. I desire to state that there are two or three appropriation bills awaiting the consideration of the Senate, and I have now one before me, the consideration of which I desire to ask.

Mr. HOAR. I will agree to lay the bankruptcy bill aside temporarily.

Mr. CULLOM. I ask, if the Senator from Massachusetts has concluded his remarks, that the bankruptcy bill, so called, be temporarily laid aside and that the Senate proceed to the consideration of the appropriation bill relating to the Agricultural Department.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the bill taken up on motion of the Senator from Massachusetts be temporarily laid aside, and that the Senate proceed to the consideration of the bill indicated by him. If there be no objection, it will be so ordered. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

ESTATE OF GEORGE M'DOUGALL.

Mr. STEWART. If the Senator will give way for a moment, there is a bill here in which several Senators feel a great interest, particularly my friend from Indiana [Mr. VOORHEES], which has been passed through the Senate three times, I think, and has been favorably reported many times in the House of Representatives. It was laid over the other day because there was not a full attendance of the Senate. It is a very short bill, and I ask that it be taken up. It is Senate bill 621.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. CULLOM. As the Agricultural appropriation bill has been taken up, if the bill of the Senator from Nevada takes no considerable time, I am willing to yield.

Mr. GALLINGER. What is the bill?

Mr. STEWART. It is the bill (S. 621) for the relief of the legal representative of George McDougall, deceased.

Mr. TELLER. We have passed a similar bill several times.

Mr. CULLOM. If there is to be no discussion on the bill, I have no objection to its consideration.

Mr. STEWART. I do not propose to discuss it. It is an honest claim and has been already passed by the Senate three times.

The PRESIDING OFFICER. The bill will be stated by title.

The SECRETARY. A bill (S. 621) for the relief of the legal representative of George McDongall, deceased.

Mr. HOAR. I desire to suggest that if the bankruptcy bill is now up as the unfinished business, as there are quite a number of Senators, like the Senator from Nevada [Mr. STEWART], who have bills they wish to have considered, I am willing——

Mr. CULLOM. The Agricultural appropriation bill is now before the Senate.

Mr. HOAR. I understand that, but the bankruptcy bill has been only informally laid aside. What I desired to suggest was that, by unanimous consent, the bankruptcy bill go over until to-morrow at 2 o'clock and be taken up then as the unfinished business. Of course, it will then have first place. Meantime Senators may have the floor without having to ask my consent every time they wish to have a bill considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HILL. What is the request?

Mr. HOAR. Merely that the bankruptcy bill may now go over until 2 o'clock to-morrow as the unfinished business, as there are a number of bills which Senators wish to call up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HILL. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM. If objection is made to the consideration of the bill——

Mr. STEWART. There is no objection made.

The PRESIDING OFFICER. Objection was made to the request of the Senator from Massachusetts [Mr. HOAR].

Mr. STEWART. There is no objection to the request I made.

The PRESIDING OFFICER. The request of the Senator from Nevada [Mr. STEWART] is before the Senate. Is there objection to the consideration of the bill indicated by him?

Mr. CULLOM. I yield for the purpose of action upon that bill, provided it occupies no time in its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 621) for the relief of the legal representative of George McDongall, deceased. It directs the Secretary of the Treasury to pay to the legal representative of the estate of George McDongall the sum appropriated in the general deficiency bill of August 4, 1886, to pay the judgment of the Court of Claims in favor of John Paul Jones, administrator, in the same manner as though the judgment had been affirmed on appeal to the Supreme Court of the United States, to wit, the sum of $81,250, but without interest or costs.

Mr. ALLISON. I think that bill should be amended so that the sum appropriated shall be accepted in full for both principal and interest of that claim.

Mr. STEWART. I accept that amendment.

Mr. ALLISON. So that we shall not have next year a claim for interest on that amount to run for thirty years.

Mr. STEWART. Let there be added to the bill the words "which said sum shall be accepted in full for all claims of principal and interest."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ALFRED W. GREEN.

Mr. CAFFERY. I ask for the present consideration of the resolution reported by me this morning from the Committee on Claims referring a claim to the Court of Claims.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That Senate bill 3100, for the relief of the estate of Alfred W. Green, late of Carroll Parish, La., together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims under the provisions of the act of Congress to provide for the bringing of suits against the Government, approved March 3, 1887.

Mr. ALLISON. I give notice that after the pending resolution shall have been disposed of I shall object to any other business until the Agricultural appropriation bill is disposed of.

The PRESIDING OFFICER. The question is on agreeing to the resolution which has been read.

The resolution was agreed to.

CAROLINE D. MOWATT—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing that the House had passed by a two-thirds vote over the veto of the President of the United States the bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

Mr. GALLINGER. I presume the message will be read.

The PRESIDING OFFICER. The message will be read.

Mr. CULLOM. As that is a vetoed bill, I hope the bill, with the accompanying message of the President, will be referred to the Committee on Pensions, and I make that motion.

Mr. GALLINGER. I think the veto message should be read.

Mr. CULLOM. Oh, no. I move that the bill, with the accompanying message, be referred to the Committee on Pensions.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. CAFFERY. Mr. President——

Mr. CULLOM. I decline to yield.

Mr. ALLISON. I object to everything but the appropriation bill.

The PRESIDING OFFICER. The Agricultural appropriation bill having been taken up by unanimous consent and informally laid aside, it is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask unanimous consent that the first formal reading of the bill be dispensed with and that the amendments of the Committee on Appropriations be acted upon as they are reached.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, on page 5, line 20, before the word "thousand," to strike out "eight" and insert "ten;" and in the same line, before the word "thousand," where it occurs the second time, to strike out "fifteen" and insert "seventeen;" so as to make the clause read:

Division of Chemistry: One chemist, who shall be chief of division, $2,500; one assistant chemist, $1,800; one assistant chemist, $1,000; one clerk class 1, $1,200; employment of additional assistants in Division of Chemistry when necessary, $10,000; in all, $17,100.

The amendment was agreed to.

The next amendment was, on page 7, line 10, after the word "dollars," to strike out "one assistant in Pathological Division, $1,200," and insert "two assistants in Pathological Division, at $1,200 each;" and on page 8, line 12, before the word "hundred," to strike out "sixty-seven thousand four" and insert "sixty-eight thousand six;" so as to make the clause read:

Salaries, Bureau of Animal Industry: One chief of Bureau, $4,000; one assistant chief, $2,500; one chief clerk of Bureau, $2,000; one chief of Inspection Division, $2,500; one assistant chief of Inspection Division, $1,800; one chief of Dairy Division, $2,500; one assistant chief of Dairy Division, $1,800; one chief of Pathological Division, $2,250; two assistants in Pathological Divisions, at $1,200 each; one assistant in Pathological Division, $840; one chief of Bio-chemic Division, $2,250; two assistants in Bio-chemic Division, at $1,200 each, $2,400; one assistant in bio-chemic laboratory, $720; one chief of Miscellaneous Division, $2,000; one zoologist, $2,000; two veterinary inspectors, at $1,800 each, $3,600; two veterinary inspectors, at $1,400 each, $2,800; one assistant at veterinary experiment station, $1,000; one clerk class 4, $1,800; one clerk class 3, $1,600; one clerk class 2, $1,400; five clerks class 1, $6,000; seven clerks, at $1,000 each, $7,000; one clerk, at $840; two firemen, at $720 each, $1,440; four messengers, at $720 each, $2,880; two skilled laborers, at $660 each, $1,320; for employment of artists, laborers, and charwomen, $5,000; in all, $98,640

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to strike out:

Total salaries Department of Agriculture, $316,100.

The amendment was agreed to.

The next amendment was, on page 9, line 22, to increase the appropriation for "botanical investigations and experiments, Division of Botany" from $15,000 to $17,500.

The amendment was agreed to.

The next amendment was, on page 10, line 2, after the word "arboriculture," to insert "including an investigation into the ravages of the gypsy moth;" so as to make the clause read:

Entomological investigations, Division of Entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture, including an investigation into the ravages of the gypsy moth; ascertaining the best means of destroying those found to be injurious; chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; freight and express charges and necessary traveling expenses; compensation of additional temporary assistants, investigators, and agents, and preparing, illustrating, and publishing the results of the work of the division, $30,000.

The amendment was agreed to.

The next amendment was, on page 11, line 11, to increase the appropriation for "the biological survey, Division of Biological Survey," from $17,500 to $20,000.

The amendment was agreed to.

The next amendment was, on page 11, line 17, to increase the appropriation for "pomological investigations, Division of Pomology," from $6,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "charges," to insert "and for repairing roadways and walks;" so as to make the clause read:

Experimental gardens and grounds, Department of Agriculture, Division of Gardens and Grounds: Cultivation and care of experimental gardens and grounds, including the keep of the lawns, trees, roadways, and walks; management and maintenance of the conservatories, greenhouses, and plant and fruit propagating houses; employment of foremen, gardeners, laborers, carpenters, painters, plumbers, and other mechanics; machinery, tools, wagons, carts, horses, harness, plows, lawn mowers, sprinklers, hose, watering cans, tubs, pots, and other implements required in cultivation; lumber, hardware, glass, paints, tin, stone, gravel, and other material required for repairs; fertilizers, insecticide apparatus, and chemicals; blacksmithing, horseshoeing, and repairs to implements and machinery; seeds, plants, and bulbs for propagating purposes; labels, potting, and packing materials, feed for horses, freight and express charges, and for repairing roadways and walks, $25,000.

The amendment was agreed to.

The next amendment was, on page 15, line 2, before the word "thousand," to strike out "fifty" and insert "fifty-five;" and in line 6, after the word "eighty-seven," to insert "and $5,000 of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska, with special reference to the desirability and feasibility of the establishment of agricultural experiment stations in said Territory, as has been done in other States and Territories, and the selection of suitable locations for such stations;" so as to read:

Agricultural experiment stations, Office of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $755,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of the said act of March 2, 1887, and $5,000 of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska, with special reference to the desirability and feasibility of the establishment of agricultural experiment stations in said Territory, as has been done in other States and Territories, and the selection of suitable locations for such stations.

The amendment was agreed to.

The reading of the bill was continued to line 14, on page 17.

Mr. CULLOM. I move that the item on page 17, from line 3 to line 14, in reference to fiber investigations, be stricken out, as I desire to look into it in conference.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out from line 3 to line 11, inclusive, on page 17, as follows:

Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000: *Provided*, That no more than $3,000 shall be used for salaries.

Mr. ALLISON. I understand the Senator from Illinois to move to strike out the clause in order that we may have further inquiry as respects the utility of the investigation?

Mr. CULLOM. That is the reason. I have some statements in my pocket in reference to the matter that lead me to doubt whether the committee ought not to consider it more fully, and it is for the purpose of doing so that I have moved that it be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois, to strike out the clause which has been read.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Publications, Department of Agriculture, Division of Publications," on page 18, line 9, before the word "thousand," to strike out "sixty-five" and insert "seventy;" so as to read:

For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, $70,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 18, line 10, before the word "thousand," to strike out "forty" and insert "forty-five;" in line 16, after the word "Congress," to insert "as each Senator, Representative, or Delegate shall direct;" in line 24, after the word "title," to strike out "and character;" and on page 19, line 7, before the word "thousand," to strike out "sixty-five" and insert "seventy;" so as to read:

Of which sum $45,000 shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of two-thirds of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as each Senator, Representative, or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin and also of any other publication of the Department of Agriculture, not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of tools, instruments, and artist's material; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; and for labor, paper, envelopes, gum, twine, and other necessary materials, $25,000; in all, $70,000.

The amendment was agreed to.

Mr. VEST. My attention was called away for a moment. Has the amendment, found on page 18, increasing the appropriation for publications from $65,000 to $75,000 been agreed to?

The PRESIDING OFFICER. It has been.

Mr. VEST. I ask that the vote by which it was agreed to may be reconsidered, in order that I may obtain some information about it.

Mr. CULLOM. There is no objection to that request.

The PRESIDING OFFICER. Will the Senator from Missouri indicate what amendment it is?

Mr. VEST. It is the amendment in line 9, on page 18, under the head of "Publications for the Department of Agriculture."

The PRESIDING OFFICER. The Senator from Missouri asks that the vote by which the amendment was agreed to may be reconsidered. If there is no objection, it will be so ordered. The question recurs on agreeing to the amendment of the committee.

Mr. VEST. I should like to know why that increase is proposed to be made.

Mr. CULLOM. The Assistant Secretary of the Department regards it as important that the amount specified here should be given, and the Committee on Appropriations concluded, after hearing him, that it was perhaps a proper sum to allow. It is the same amount that was appropriated last year for this purpose.

Mr. ALLISON. Will the Senator from Illinois allow me for one moment? The Senator from Missouri will see that under the phraseology employed here an additional expenditure will be necessary for the distribution of the bulletins, for printing, and for paper, envelopes, etc. If they are of any utility whatever, they should be distributed as provided for in this arrangement, and if so, it will necessarily require a larger sum than is proposed to be appropriated by the House.

Mr. VEST. Mr. President, this is an appropriation for the preparation, printing, illustration, publication, and issuing of bulletins for the information of farmers and the advancement of agriculture.

Mr. President, I think if there has been an abuse in any Department of this Government more flagrant than any other, it has been that accompanying the publications of the Agricultural Department. If the money of the people has been perverted from its legitimate purpose in any bureau or Department of this Government, the example has been most conspicuous in the Agricultural Department. I have before me a bulletin published recently, immediately after the Presidential election, by the Department of Agriculture, entitled The Farmer and Finance, in which there is not one word about any agricultural product, any agricultural process, any agricultural interest, unless it be that indirect interest which every citizen of the United States has in everything that appertains to this country. In this publication the Secretary of Agriculture undertakes to prove that the twenty-two States which voted for Bryan are States in which illiteracy prevails, and that the twenty-three States which voted for McKinley are paragons of educational refinement and advancement.

Mr. GALLINGER. Was the document printed at the expense of the Government, I will ask the Senator from Missouri?

Mr. VEST. It was printed by the Agricultural Department.

Mr. BATE. Out of this fund?

Mr. VEST. Out of this fund, I suppose. He has no other fund. It was printed with the statement that he considered it necessary that the farmers of the country should know from what direction came the votes that supported Bryan; that it was the vote of ignorance and illiteracy, and that the vote which supported McKinley represented the refinement and educational advancement of this country. No Senator will say that this is a legitimate use of public money by the Secretary of Agriculture when he publishes a bulletin discussing the financial question.

Mr. GALLINGER. I will state that I think it was an utter perversion of the power of the Secretary of Agriculture, and that he ought to be rebuked for issuing a publication of that kind at the expense of the Government. I agree with the Senator from Missouri in that view.

Mr. VEST. Very good. That is not all. I have here a bulletin published by the Secretary of Agriculture entitled Arbor Day, and I find in it an address—a most eloquent rhetorical production—delivered in 1887, before the University of Nebraska, by the

Hon. J. Sterling Morton, long before he assumed the duties of his present position. In the middle of that address is the picture of a palatial country residence, surrounded by exotics, with a magnificent piazza, on which are found luxurious rocking-chairs and all the appurtenances of wealth and intellectual refinement. This is the country seat of the Secretary of Agriculture, and this is a costly illustration paid for by the tax money of the people of this country. In front of the villa is a tree, surrounded by palings, brought from Pikes Peak and planted in front of this humble agricultural retreat. This cut, I take it, was placed here at the expense of the people of the United States to show the prosperous farmers, of whom the Secretary of Agriculture speaks, to what intellectual and luxurious refinement they might reach if they followed in the footsteps of the illustrious Secretary of Agriculture. This farmer's home ought to have been seen by Bulwer before he painted his picture of the palace by the Lake of Como, "where the rosy light stole through the perfumed air of marble halls."

This is the home of a farmer, and the illustration is paid for by the people of the country, and our committee wants to increase the appropriation for similar objects from sixty-five to seventy thousand dollars. Banish the thought that I would detain so illustrious a tribunal as the Senate to save even $5,000: but I must enter my protest against spending one other cent in the direction pursued by the Secretary of Agriculture as to what he calls his farmers' bulletin.

I will ask permission to expend a few more dollars of the public money, as the example is set by so illustrious a source, by having the picture of this farmer's home placed in the RECORD, in order that the farmers of this country may see how this eminent preserver of their interests is by day and night sweating and toiling in order to improve their condition and to introduce economical methods in his Department.

He has told us repeatedly of the amount of money he has saved by cutting off seeds from the farmers of the country and reducing the publications that are gratuitously distributed by the Government. If he has been eloquent in anything, it has been upon the utter recklessness with which Congress appropriates money for gratuitous bulletins to the farmers of the United States; and yet he finds ample room in his bulletin on Arbor Day to insert an old speech which he made before the University of Nebraska in 1887, and to place in the bulletin this expensive woodcut of his magnificent home in Nebraska. I am opposed to giving 5 cents more for that purpose. I ask to have the illustration reproduced in the RECORD.

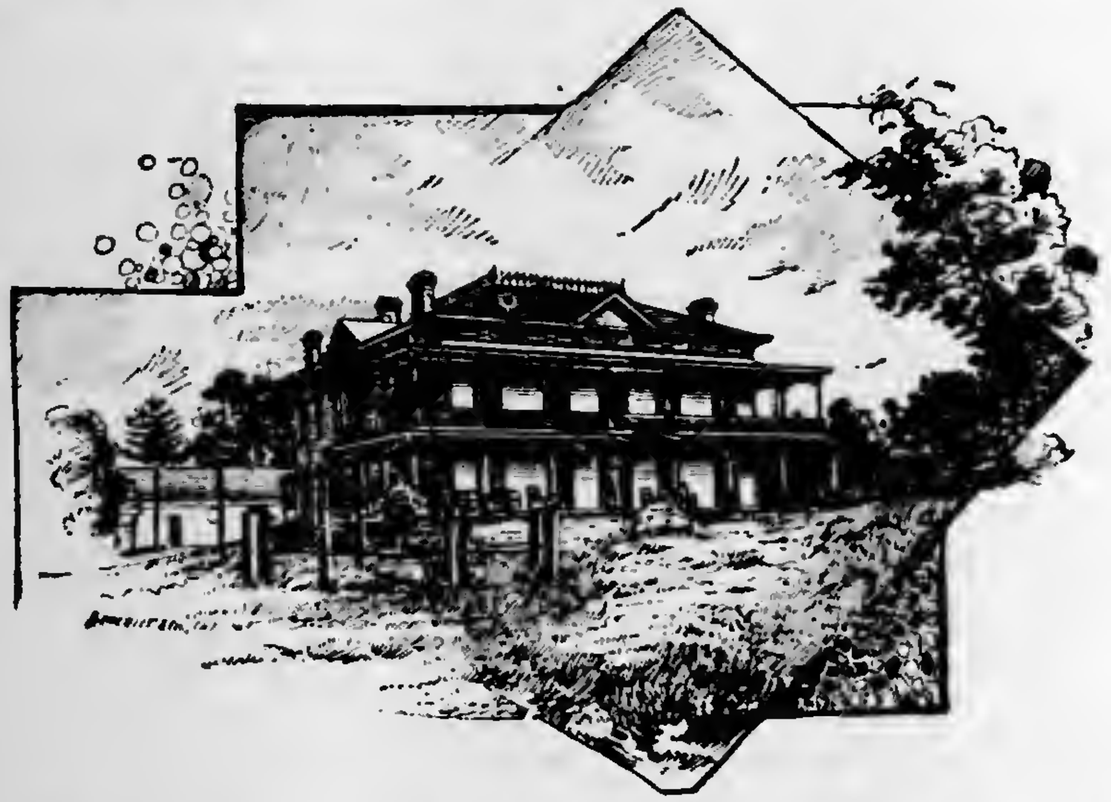

Mr. CHANDLER. Mr. President, I hold in my hand a circular issued from the Department of Agriculture which I think deserves the notice of the Senate. I intend to call attention to it again on Monday next, when I shall speak in behalf of bimetallism. I find myself confronted with a circular from the Department of Agriculture, which should naturally confine itself to the subject of agriculture, but which seems to have been issued for what I should call under the circumstances a political purpose. At any rate, it could not have been issued for the principal purpose of promoting agriculture. It was issued on the 23d day of November, after the clouds of the election had rolled by and the peaceful citizens of this country were supposed to have settled down to their ordinary avocations. The circular of the Secretary first asks Mr. Henry A. Robinson, his chief of the Division of Statistics, to obtain certain useful information on subjects connected with agriculture, and then comes this paragraph. I ask for it the attention of the Senator from Missouri:

> A large number of citizens have contended that the relative value of a silver dollar to a gold dollar depends upon an enacted ratio; in short, upon a law of Congress. But a larger number of American citizens have contended that the relative value of gold coins and silver coins is entirely dependent upon the relative commercial value of the bullion contained in those coins.

I suppose that the Secretary concluded that the larger number of citizens made this contention on account of the pronouncement of the election of November 3. He continues:

> It is desirable, therefore, in this connection, to show also what relation, if any, exists between the prices of either of the money metals and the price of any farm staple, like wheat, for instance.

There the Secretary strikes an agricultural subject: he tries to make his gold monometallist tendencies take hold of agriculture in some appropriate way. Then he adds:

> And the reply, taken as a whole, ought to show whether the mint value of a money metal can be made by statute greater than the bullion value thereof.

There he again disconnects himself absolutely from agriculture. I ask why, upon any pretext, the Secretary of Agriculture instructed his Statistician to write to him a letter or deliver to him a paper which, as a whole, should show "whether the mint value of a money metal can be made by statute greater than the bullion value thereof?" Yet that is the preposterous instruction he gives to his agricultural Statistician.

Mr. COCKRELL. A subordinate officer under him.

Mr. CHANDLER. Certainly. His own Chief of his Bureau of Statistics, to whom he is giving directions to prepare crop statistics; and he winds up by ordering him to enter into a discussion of a monetary question, and to show "whether the mint value of a money metal can be made by statute greater than the bullion value thereof," which is a controverted point in monetary science.

Mr. President, here is Mr. Robinson's reply. I shall have occasion to allude to it on Monday next. I will content myself now by saying that it does not show anything that the Secretary expected and asked for. The tables connected with it are a powerful argument in favor of the remonetization of silver, but when Mr. Robinson closed his circular, as if conscious that he had utterly failed consistently with fact and reason to make the reply which his superior required, in despair on that account, the whole tenor and effect of report having been the other way, he tries to hold out a little hope and adds:

> It may be that in a supplement to this circular some additional facts bearing upon the subject may be presented for consideration.

This was certainly a lean haul of fish for a very large net, and so far as I know, the agricultural Statistician of the Department has not yet reported to the Secretary whether or not by law the mint value of a metal can be made greater than the commercial value thereof.

Mr. President, it is a belittling of an office which ought to be of great value to the country in the exercise of its legitimate functions when the Secretary of Agriculture sets the subordinates of the Department to the work of gathering political statistics prearranged to vindicate a political position previously taken by the head of the Department.

Mr. CULLOM. If I thought the gentleman who it is announced in the papers is to be the next Secretary of Agriculture, and who I suppose will be appointed by the distinguished gentleman who this afternoon was declared to have been elected President of the United States, would pursue the same course that has been pursued by the present Secretary of Agriculture, I myself would feel very much like striking this item out of the bill. I confess what is known to everybody connected with either branch of Congress, that there has been great difficulty, great confusion, great embarrassment in reference to agricultural matters and appropriations therefor since the present incumbent has occupied that position. But after the 4th of March we are going to have a Secretary of Agriculture who is a real farmer, and who knows what it is to be a farmer, to live as a farmer, and to think as a farmer.

Mr. VEST. Will my friend the Senator from Illinois permit me ask him one question?

Mr. CULLOM. Certainly.

Mr. VEST. Does not the Senator think if political publications, publications on financial questions, and illustrations of magnificent private residences should be left out of the subsequent reports of the Secretary of Agriculture, $65,000 would be enough?

Mr. CULLOM. I should certainly be in favor of leaving out that kind of material.

Mr. VEST. Then I submit that this appropriation, which covers those extravagancies, certainly ought to be ample to meet the economical administration so eloquently portrayed by the Senator from Illinois.

Mr. CULLOM. I have no doubt that the real interest of the farmers in receiving these publications and bulletins has been neglected to the extent of the amount that those extraneous items cost the country. What I want to do, and what the Committee on Appropriations who have had charge of the bill desire to do, is to give the next Secretary of Agriculture money enough so that the real interests of the farmers will be promoted by the proper administration of the affairs of the Agricultural Department.

Mr. STEWART. Is there a deficiency in the appropriation of last year for printing?

Mr. CULLOM. I think not. There is no deficiency.

Mr. VEST. No; this is an increase of $5,000.

Mr. CULLOM. These bulletins and farmers' publications, etc., for distribution to the farmers are greatly sought after. They are of great value to the farmers if properly edited and issued and distributed, and the agricultural interests of the country ought to have substantially what they ask for in the conduct of that branch of the public service. So I hope the Senate will not reduce the amount. The Committee on Appropriations put the amount back just as it was last year, believing that the new Secretary would bring about reforms in the administration of the office which would result in Congress knowing in the end exactly what we ought to appropriate; and I confess it is difficult to know exactly the amount that should be appropriated at this time.

Mr. STEWART. Is this appropriation the same as it was last year?

Mr. CULLOM. The appropriation proposed is the same as it was last year.

Mr. VEST. It was $65,000 last year.

Mr. CULLOM. No; $70,000, exactly as we propose to amend it. I hope the Senate will allow it to stand in that way. I would not hesitate to guarantee that the next Secretary of Agriculture, who is a farmer and an intelligent gentleman, and is not engaged, as a hobby, in writing upon the question of gold or silver, will administer the office in the way that will be satisfactory to the Senate and to the farmers of the whole country.

Mr. STEWART. If the appropriation is the same as it was last year, I do not know that I have any special objection to it: but I desire to remark in this connection that it is a growing custom in various Departments to take jurisdiction of politics, financial questions, and nearly everything else with which the Department has nothing to do. I think if all the reports made by subordinates and by heads of Departments were scrutinized, and the printing confined to the jurisdiction of subjects within their respective Departments, much money would be saved and much scandal would be avoided.

I think there is nothing more scandalous than for a subordinate in a Department to obtrude his views on all political questions and assume to instruct the people in matters with which he has nothing to do any more than a private citizen, and stuff those instructions in the various reports. There is entirely too much of it. It not only costs the Government a great deal, but it is offensive to those who receive the reports, looking for information on a particular subject. The readers ought not to be burdened with the conflicting views of subordinates when they are looking for information on some topic of agriculture or on the subject of what the banks have done. The legitimate report of the Comptroller of the Currency ought not to be mixed up with essays on finance, nor should the mint reports be loaded with arguments pretending to be official when the officer has no authority to speak on those subjects. It is his duty to report, but his report should be a report connected with that business and not with all the sciences of the country and the politics of the country. Great abuse has grown up in this direction.

I have never felt called upon to indulge in any criticism of the Secretary of Agriculture, because it is too peculiar a subject for ordinary comment. Really, I have been restrained because the thing is so absurd. His whole proceedings have seemed so laughable that I could not induce myself to make an assault upon him or to criticise him in any serious way. He is the most picturesque specimen of any animal I have ever known. He beats them all in his peculiarities. The man who undertakes to reduce him or his thoughts or his actions by any rule of common sense would make a failure. So I have never undertaken it. I am glad he will not be able to stuff another edition of the agricultural reports with his peculiar notions, and I hope that his successor will be such a man as is described by the Senator from Illinois, and that he will give the people of the United States information in regard to agriculture and kindred subjects, and leave some room for discussion to the world at large on other subjects.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. CULLOM. I hope the Senate will not reduce the amount. It is exactly the sum which was appropriated during the last session. Let us give the new man who is coming in a chance to do something for the farmers.

Mr. VEST. It is very evident that more than $5,000 has been expended on these illustrations and this political essay; I undertake to say $10,000 at least, including franking. Sixty-five thousand dollars is an ample sum.

Mr. TILLMAN. Mr. President, I hope the Senators who voted a moment ago in the negative will not press that matter. As a farmer I know that the bulletins issued by the Agricultural Department on the subject of agriculture are valuable. Our farmers get little enough consideration in this Chamber and the other, and the appropriation should not be cut down because we have had a man in charge of that Department who is unworthy and who has prostituted the power given him to promulgate his peculiarities on finance under the guise of agricultural bulletins. I hope the Senate will give the new Secretary of Agriculture, the one who is to succeed this man, the usual appropriation, and if he should then follow the bad example that has been set him, it will be time enough for us to take this matter up next year and cut down the appropriation.

Mr. CULLOM. Yes; that is right.

Mr. CALL. Mr. President, I can not agree with the position taken here that because Mr. Morton has published matters which are personal to himself, therefore the farmers shall not have the amount necessary to disseminate information for their benefit. What kind of connection is there between those two matters? The question is, What is the amount that is needed for the information of the farmers? Is it wise to disseminate correct information among the farmers? Can it be done? What does the Senator from Missouri know about the amount required? The Secretary of Agriculture and Mr. Dabney, the Assistant Secretary of Agriculture, have informed the committee, of which I am a member, that this amount is needed, and that there is a great deal of demand for the dissemination of purely agricultural information. Mr. Morton is not going to be the Secretary again. What he has done that was improper has nothing to do with the probability of the future application of the money. It is appropriated for the dissemination of necessary information in regard to improved processes and to increase the intelligence of the agricultural classes. The item has been carefully considered by the committee, and good, substantial reasons have been given for this increase.

Mr. VEST. I will simply answer the Senator from Florida by stating that the House of Representatives, which is considered as being as near the people as the Senate, investigated the question and fixed the amount at $65,000.

Mr. TILLMAN. Will the Senator from Missouri allow me one minute?

Mr. VEST. Yes, sir.

Mr. TILLMAN. The other day the Senate passed a resolution for the printing of a book on cotton, and provided that 20,000 copies should be struck off. I know that that book is very valuable and will add to the information which the cotton planters need. But the House, which is so near the people, reduced the number to one-third of what we agreed to give them. It does not follow, therefore, that the House is any nearer to the people than we are.

Mr. VEST. As I know nothing about the facts of that case, I would rather have them before I bring in a verdict. The Senator from South Carolina doubtless, in his honest way, states his side of it. He thought there ought to be 20,000 copies printed. The House reduced it, he says, to one-third the number. I do not know anything about the matter, but I assume, by way of legislative comity, that the House was trying to do what it thought to be right. It takes the two branches of Congress to make a law.

Now, the House had the officials of the Agricultural Department before it when it fixed the amount of the appropriation at $65,000. The same officials then appealed, you might say, legislatively, to the committee of the Senate and obtained an increase of $5,000. It is not a matter of life and death, but I wanted to express publicly my opinion of the way in which the appropriation for publications and illustrations has been abused by the Department of Agriculture. That was my principal object.

Mr. ALLISON. Mr. President, I do not wish to prolong the debate on this question, but the amount appropriated for this purpose, in the nature of things, must be somewhat flexible, depending upon the judgment, sense, discretion, and intelligence of the Secretary of Agriculture and the various divisions and bureaus under his charge. Here are several divisions constantly engaged in making investigations supposed to be for the benefit of agriculture. If the investigations are of value, they should be printed, and if they are printed from time to time they should be distributed among those who are benefited by the instruction given in them.

These bulletins have hitherto been issued in small editions of 1,000 or 1,500, I believe, though perhaps sometimes in larger editions. They have been distributed by the Agricultural Department according to the will and caprice, if you please, or the judgment of the Secretary of Agriculture or the particular divisions that publish the bulletins. Now, for the first time in the history of this distribution, we have provided here that two-thirds of the publications shall be delivered to members of the Senate and House of Representatives, and shall be distributed according to our judgment and discretion, in order that we may judge of their value and of the necessity of their distribution, and also as to any additional copies that may be ordered printed.

So with this appropriation of $70,000; after we have eliminated from the bulletins the pictures which the Senator from Missouri shows us, they may be in some sense cheaper than they are now, but it may be possible that the new Secretary of Agriculture will think that some other subject which has been investigated by him or his subordinates will be of value to the agriculturists of the country. I take it for granted that he will not authorize publications unless they are useful. I do not suppose that we are likely to have all the time Secretaries who will deal with economic questions in the sense of the ratios between silver and gold or in the sense of the bullion value as compared with the mint value of money, but that as a rule the Department of Agriculture will confine itself to the general topics relating to agriculture.

The Senator from Illinois has been kind enough to allude to the gentleman who is to occupy that office, if the reports in the newspapers are true, after the 4th of March. This appropriation bill will not take effect until the 1st day of July next. It is my fortune to know the gentleman whom rumor fixes as the future Secretary of Agriculture. He is, as the Senator from Illinois has stated, a practical farmer, having lived on a farm for more than forty years. He is not only that, but he is a man of affairs, having been a member of the other House of Congress for a good many years. He has occupied public stations in our own State. But in addition to that, and most of all, for the last six years he has expended his time and his ability, which is great, in investigation, experimentally and scientifically, of the identical subjects that are embraced in the bill. I am willing for one to trust these appropriations, having them general in their character and flexible in their nature, to his intelligence and judgment for their expenditure. So they will not be extravagantly expended, but they will be utilized for the benefit of the agriculturists of this country in disseminating the useful information which in this bill we have appropriated large sums of money to collect through the scientific divisions and bureaus of the Agricultural Department.

I hope the Senator from Missouri, who like myself represents a large agricultural State, will not, simply because there has been one mistake made as respects a single bulletin, undertake to strike down or diminish this valuable appropriation relating to the dissemination of information to the farmers of our country.

Mr. VEST. The Senator from Iowa is right. My State is one of the largest agricultural States in the Union; and I am the last Senator to cut off my constituents from any information of a useful kind in regard to their pursuits. With the assurance of the Senator from Illinois and the Senator from Iowa that we are to have no more financial nor pictorial bulletins from the Department of Agriculture, I will withdraw the opposition to the amendment.

The PRESIDING OFFICER. The amendment of the committee will be agreed to, in the absence of objection.

Mr. DAVIS. I ask the attention of the Senator in charge of the bill to the item for fiber investigations on page 17. I was not in the Chamber when something was done with it. I understand that that appropriation of $5,000 has been stricken out.

The PRESIDING OFFICER. The paragraph from line 3 to line 14, on page 17, was stricken out.

Mr. CULLOM. The committee, or some members of it, rather, since the consideration of the provision referred to by the Senator from Minnesota in committee, came to the conclusion on representations made and some facts given to them that perhaps we ought further to consider it, and therefore I asked that it be stricken out, so that we might consider it in conference later.

Mr. DAVIS. I trust that that item will not be prejudiced by such a mode of proceeding. I only have this to say, that my own State and South Dakota and Iowa produce about five-sevenths of the flax produced in this country, and it was largely through the instrumentality of the members from those States that this small appropriation of $5,000 was put into the bill. I understand that in another place the question was fully investigated and all sorts of representations pro and con were made.

Mr. CULLOM. Can the Senator from Minnesota state as a matter of information on his part what has been done by the use of that appropriation by the parties who had charge of the work?

Mr. DAVIS. There has been considerable done in the past. I can not state it in detail, but I can state that the results have been very gratifying to my constituency and undoubtedly to that of the Senator from Iowa. I wish the paragraph may be restored. It is a small matter.

Mr. CULLOM. There seemed to be some evidence given to me to the effect that there was nothing done except for the parties in charge of it to draw their salaries; that they made out in some way or other to draw all but about $150, and there is no evidence of any actual work done.

Mr. DAVIS. I think that is an error. But, under the happy auspices that are going to prevail, according to my friend from Iowa, in the course of a few weeks, I move that that item be restored.

Mr. CULLOM. I suggest to the Senator to let it go over for the present.

Mr. CAFFERY. I hope the Senator from Illinois will yield to the motion of the Senator from Minnesota. There have been of late years very exhaustive experiments made in the fiber of decorcative plants, for instance, of the ramie. If a decorticating machine can be invented to separate the fiber, to make the fiber ready for the purpose of manufacturing cloth, it would very largely revolutionize a large portion of the crops of the Gulf States. Ramie makes a fiber of most excellent character.

Mr. CULLOM. Has the Senator from Louisiana information that there has been actually any work done by the parties employed in that business under the former appropriation?

Mr. CAFFERY. I do not know whether any work has been done under the authority of the Agricultural Department, but I know that experiments are constantly going on in my State in regard to the invention of a machine that would properly decorticate the fiber of the ramie plant. It is confidently said——

Mr. CULLOM. If the Senator will allow an amendment to be made as to the amount of the appropriation, so that we can have the matter in conference and confer about it and get further information, if there is any, I will agree that the vote striking out the paragraph shall be reconsidered, so that we can keep control of it in conference if we find it is important that it should be left in the bill.

Mr. CAFFERY. Very well.

Mr. DAVIS. Then I move that the word "three" before "thousand," in line 13, be stricken out and "two" inserted; so as to read:

> That no more than $2,000 shall be used for salaries.

Mr. PASCO. Can not we retain the amount in the bill without submitting it to the risk of a conference? All the Senators from the Gulf States are interested in the matter, and I hope the appropriation will not be stricken from the bill.

Mr. CULLOM. Very well. I have no objection to the amendment of the Senator from Minnesota. Let the vote be reconsidered and an amendment agreed to striking out "three" and inserting "two," in line 13.

The PRESIDING OFFICER. If there be no objection, the vote by which the paragraph from lines 3 to 14 on page 17 was stricken out will be reconsidered. The question is upon the amendment proposed by the Senator from Minnesota, to reduce the appropriation for salaries from $3,000 to $2,000.

Mr. DAVIS. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PASCO. Now I ask that the amount be kept as it was before, then it will not be subject to the risks in conference. We are very anxious to have the investigation proceeded with.

Mr. CULLOM. I am unwilling to allow the action to be reconsidered unless I can either have the total amount reduced from

$5,000 to $4,000, or limit the salaries to $2,000, so that we can consider it further in conference. I am willing to agree to either proposition.

Mr. PASCO. The matter will be in the hands of the new Secretary, in whom the Senator from Illinois has entire confidence. All that the Senator has said with reference to the other subject will perhaps be applicable here, and I hope he will trust the new Secretary with that amount, so that these very valuable experiments may be carried on, if they have not been done so as fully as should have been the case in the past.

Mr. CULLOM. Is the Senator aware that anything has been done under that provision except to draw salaries? I have not been able to find out that there has been anything else done.

Mr. PASCO. I do not know how much has been done in the past, but let us hope that in the future, under the new Administration, there will be great results accomplished.

Mr. CAFFERY. Mr. President——

Mr. CULLOM. I do not care to spend time upon this small item. There seems to be a very great desire that the paragraph shall be retained in the bill, and I am willing to let it stand.

The PRESIDING OFFICER. The Senator from Illinois withdraws the motion to strike out the paragraph. If there be no objection, the amendment will be withdrawn and the paragraph will stand as reported. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill at line 8, on page 19. The next amendment of the Committee on Appropriations was, on page 21, line 12, to increase the appropriation for contingent expenses, Department of Agriculture, from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Division of Seeds, purchase and distribution of valuable seeds," on page 21, line 21, before the word "thousand," to strike out "twenty" and insert "fifty," and on page 22, line 2, before the word "thousand," to insert "and thirty;" so as to make the clause read:

> Division of Seeds, purchase and distribution of valuable seeds: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $150,000. And the Secretary of Agriculture is hereby authorized, empowered, directed, and required to expend the said sum in the purchase, propagation, and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and is authorized, empowered, directed, and required to expend not less than the sum of $130,000 in the purchase at public or private sale of valuable seeds, the best he can obtain, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States.

Mr. LODGE. I wish to ask why it was considered necessary at this time, when the revenues of the country are certainly not excessive, to add $30,000 to the House appropriation for seeds? The usual appropriation for many years has been $120,000, sometimes $130,000, but never over that, I think, until last year, when there was so much sympathy aroused by the Secretary of Agriculture in his attack on the seed matter that the House raised the appropriation to $150,000. This year they put it back again to about the usual sum. Under the present methods of purchase, if I am not misinformed, we get about twice as many seeds as we used to get under the appropriations formerly made. The appropriation of last year was an exceptional one, and the House recognized the fact that it was an exceptional one and fixed the amount at $120,000.

It is stated that it is for the purchase of valuable seeds. We all know that this appropriation started for the purchase of valuable seeds, rare seeds, etc., with a view of giving the Government assistance to encourage the planting and development of rare seeds and bulbs. We know that that has degenerated into a mere wholesale distribution of the commonest kinds of vegetable and flower seeds. I think myself that it has become a great abuse and a great waste of the public money in the way in which it is at present done; but certainly it seems to me that we might be content this year to stand by the House appropriation of $120,000, which is the usual appropriation, and not increase it by $30,000.

This does not interfere with the Secretary of Agriculture in the least. It is not like cutting down the appropriations for publications, which I agree have been greatly abused under the existing system. This is merely for seeds for our own distribution. I think it is a mistake in the present condition of the revenues to add $30,000 and carry up the usual appropriation to $150,000, which never reached that point except under the exceptional circumstances of last year.

Mr. CULLOM. I was just going to state what the Senator said in his last remark—that the item as the Senate committee has amended it carries the same appropriation that was made during the last session.

Mr. LODGE. The Senator will excuse me. I stated that in the very beginning of my remarks, and said that it was owing to the fact that last year the Secretary of Agriculture undertook to reform this abuse, and he caused so much sympathy by the method in which he did it that the House lifted the appropriation to a higher point than it had ever been lifted to before; and this year the House put it back. I am aware of the facts in the case.

Mr. CULLOM. It is true that the Secretary of Agriculture is not in favor of any appropriation for agricultural seeds to be scattered over the country, and has persistently refused to recommend such an appropriation, as he has refused to do this year. The two Houses last year made an appropriation of $150,000, and the committee on the part of the Senate, notwithstanding the House this year reduced the amount to $120,000, concluded to restore it in view of the change which was going to take place in the administration of that office. I presume I ought to say that I have no especial dislike to the present incumbent of that office. He has undertaken to administer it according to his views, which have not been according to mine. I therefore have not much confidence in him in connection with that business, but I have great faith that we are going to turn over a new leaf, and that we shall have the business of that Department so administered in the interests of the agriculturists of the country as that they will be benefited thereby. In view of my confidence, I have been in favor of the appropriation of the same sum we appropriated last year, and I think the Senate had better allow the $150,000 to be retained in the bill, and that a part of it, $130,000, which is the same appropriation as was contained in the bill of last year, be expended for the purchase at public or private sale of valuable seeds, etc.

It is simply a question of judgment as to what amount ought to be appropriated, but I have not felt that, as the representatives of the agricultural people of the country, we ought to be parsimonious in our disposition to make appropriations for their benefit. They do not get much out of this Government, they say, whatever we do. Now, let us give them information, especially with regard to their own great interest, which is the controlling interest of the country. I hope the amount will be allowed to stand.

Mr. CALL. Mr. President, it seems to me there is nothing in the consideration which has been suggested here which is pertinent to the reduction of the amount appropriated in this bill. Suppose this has degenerated into an abuse. Is the abuse of a thing any reason for abolishing its proper and reasonable use, or is it a reasonable use that rare and valuable seeds should be distributed, such as may be acclimatized and may improve the products of agriculture throughout the country? Is there anything unreasonable in that? Is it not a wise thing to do to improve the products of agriculture and to improve them by the cultivation of superior kinds? That is the law. If you can not find an executive officer to execute it, you must only amend those provisions which are pertinent to him and bear upon him.

I say, in my own judgment and observation, that there is no appropriation in this bill which is more useful to the people of this country, when properly used, than this for introducing rare and valuable and improved seeds, plants, and shrubs. In my own State it has been the cause of a great deal of advantageous production of new things, acclimatizing them, and but for the frosts which have occurred in the last few years there would have been added to the commerce of this country some very valuable contributions from new and rare plants acclimatized in that section of the country. We may take as a specimen the orange, which has been greatly improved beyond any other part of the world.

This appropriation is more in touch with the people of the country, with the farmers, than any other. In my judgment, the appropriation in this bill to the great farming interests ought to be twice what it is, because upon that interest, upon its progress and its improvement, depends the whole prosperity of this country. Those things which are added to it in manufacture and inventions must rest upon the substratum of agricultural prosperity. The farmers of this country are exceedingly poor. The pressure of the times bears upon them more severely than upon any other class in the country. There is an absolute want of money throughout the whole farming region of the country, and there is a necessity that they should have this assistance from the Government, not of the ordinary seeds, but of the kinds which are required to be purchased for the improvement of the present productions of agriculture.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. CALL. Mr. President, I have the consent of the committee for an amendment which I propose to offer, on page 22, after line 8. I propose to insert what I send to the desk:

> Of which $1,000 shall be expended in the purchase of an extra supply of tobacco and other seeds for the sufferers by cyclones and frosts in the State of Florida who are unable to purchase them.

I only wish to say that for the last three or four years there has been a succession of disasters in the State of Florida, commencing with the great frost three years ago, which destroyed the orange groves of the country, and the growers lost many millions of dollars. That has been succeeded by a cyclone in the present year.

Mr. CULLOM. If the Senator will reduce the amount to $500, I shall make no objection to the amendment.

Mr. CALL. I will do that; but the amount ought not to be reduced.

Mr. CAFFERY. I move to amend the amendment proposed by the Senator from Florida by including the State of Louisiana and enlarging also the scope of the seeds he proposes to distribute by adding corn to the list.

I will state that a very large portion of my State was visited last year by a most severe drought. Some ten or twelve parishes were absolutely burned up and their whole crop destroyed, so much so that the people of that State are now engaged in charitable contributions to relieve the sufferings of the people in the drought-stricken districts. I do not know that this will be acceptable to them, inasmuch as their wants are being relieved by the efforts of their fellow-citizens.

Mr. CALL. Then they need not take it.

Mr. CAFFERY. But at all events, when an amendment of this sort is included for Florida, I think the condition of the State of Louisiana, of which I can speak knowingly, where the people are absolutely in a starving condition, deserves as much consideration at the hands of the Senate as the State of Florida.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. CALL. I submit to the chairman of the subcommittee that the amount named in my amendment should stand at $1,000.

Mr. CAFFERY. That is right.

The PRESIDING OFFICER. The first question will be on the amendment reported by the Committee on Appropriations, which has been stated.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida [Mr. CALL] will now be stated.

The SECRETARY. At the end of line 8, on page 22, it is proposed to insert:

> Of which $500 shall be expended in the purchase of an extra supply of tobacco and other seed for the sufferers from cyclones and frosts in the State of Florida who are unable to purchase them.

Mr. CAFFERY. I move to amend the amendment by inserting the word "corn" after "tobacco," and after the word "Florida" by inserting "and the drought-stricken regions of Louisiana."

Mr. ALLISON. I am very glad to see our friends from Louisiana and other Southern States, who are such sticklers about the jurisdiction of Congress in appropriating money for these general purposes, offering such amendments as those now proposed. I suggest to the Senator from Louisiana that his amendment enlarges the scope of the amendment proposed by the Senator from Florida by inserting "drought." We have made appropriations heretofore for overflows of the Mississippi and other rivers; we have made appropriations for cyclones. Now the Senator from Florida adds "frosts" and the Senator from Louisiana proposes to add "droughts." We have some very severe frosts in the Northwest, and I should be willing to allow that appropriation of $500 for frosts, but I submit to the Senator from Louisiana that he is widening the scope of this appropriation by adding droughts. I should be glad if he would change that portion of his amendment.

Mr. CALL. I suggest to the Senator from Iowa that it is not droughts, or cyclones, or frosts that we are appropriating money for, but we are appropriating money for the suffering which can not otherwise be relieved, and for the improved production of the country which will be created by these appropriations. It is not the thing that caused the suffering, but what results from it.

Mr. ALLISON. Then I was misled by the phraseology of the amendment. I understood the Senator in his amendment to state the reasons why it was offered.

Mr. CALL. That is the reason, undoubtedly, but it is the result for which we are appropriating.

Mr. CULLOM. I did not notice whether the amendment of the Senator from Florida proposes to appropriate so much money from the sum already appropriated.

Mr. CALL. That is all. I do not propose to increase the amount.

Mr. CULLOM. If that is so, very well.

Mr. CALL. That is all.

Mr. CULLOM. Then I make no objection to the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana [Mr. CAFFERY] to the amendment of the Senator from Florida [Mr. CALL] will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "tobacco" the word "corn," and after the word "Florida" the words "and the drought-stricken regions of Louisiana."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. JONES of Arkansas. Let the amendment be read as it will stand if amended.

The PRESIDING OFFICER. The amendment as proposed to be amended will be stated.

The SECRETARY. It is proposed to amend the amendment in line 8, on page 22, so as to read:

> Of which $500 shall be expended in the purchase of an extra supply of tobacco, corn, and other seed for the sufferers from the cyclones and frosts in the State of Florida and the drought-stricken regions of Louisiana, who are unable to purchase them.

Mr. JONES of Arkansas. There will have to be a yea-and-nay vote on that amendment if it is to go into the bill.

Mr. CULLOM. If a yea-and-nay vote is to be called for, I hope the Senator will withdraw the amendment. We are appropriating $150,000 to buy and distribute seeds. The chances are that the regions referred to in the amendment, which seem to be in a suffering condition, can be supplied out of the appropriation without any special legislation. I hope, therefore, the Senator will not embarrass the bill by urging the adoption of the amendment.

Mr. CALL. I will submit to the suggestion of the Senator, though I should be very glad to have a yea-and-nay vote on this amendment, because I think what it proposes is a very important and proper thing to do; but in the present condition of the Senate I shall not press the amendment.

Mr. CULLOM. All right.

The PRESIDING OFFICER. The amendment is withdrawn.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 14, after the word "represents," to strike out:

> And in determining the number of packets of flower, vegetable, and other seeds, respectively, which shall be placed in the quota of each Senator, Representative, or Delegate, the Secretary shall be controlled by the written instructions filed with him by such member at any time prior to the 1st day of May each year, indicating the relative proportions of the flower, vegetable, and other seeds which said member desires in his quota. And the Secretary shall furnish to each such member either his entire quota or such part thereof as he may desire in sealed packets containing the names of the seeds contained therein printed upon the cover, together with a sufficient number of unsealed envelopes with properly printed blank frank slips attached thereto for inclosing and mailing said seed packets. If any member shall fail to express his wish in regard to the various kinds of seeds to be apportioned in his quota before the 1st day of May, the Secretary may apportion the same to said member according to his own judgment. The provisions of this amendment shall apply to the distributions succeeding the 1st day of May, 1897.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to strike out:

> Total miscellaneous, Department of Agriculture, $1,955,900.

The amendment was agreed to.

The next amendment was, under the head of "General expenses, Weather Bureau," on page 28, line 15, after the word "inspector," to insert "at a salary not to exceed $2,000;" and in line 18, after the word "Washington," to insert "who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, $352,195;" so as to make the clause read:

> Salaries of one inspector, at a salary not to exceed $2,000, thirty local forecast officials, section directors, observers, operators, repairmen, messengers, laborers, and other necessary employees, outside of the city of Washington, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, $352,195.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "expenses," to strike out "$717,162" and insert "$364,967;" so as to make the clause read:

> All other expenses, itemized as follows: Maps, bulletins, and stationery for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for special observations and pay of observers of West Indian, Mexican, and Central American stations during the hurricane season; for supplies for climate and crop services; and for investigations on climatology, including assistance and all necessary expenses, $364,967.

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to strike out:

> Total, Weather Bureau, $883,702.

The amendment was agreed to.

The next amendment was, at the top of page 30, to strike out:

> Total, Department of Agriculture, $2,272,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to strike out:

> Total, $3,155,702.

The amendment was agreed to.

Mr. THURSTON. I propose an amendment which I understand the committee is willing to accept.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska will be stated.

The SECRETARY. On page 17, after line 14, it is proposed to insert:

> Domestic sugar production: To enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available lands adapted thereto, by irrigation or otherwise, and to investigate all other matters concerning the same; for cost of labor, traveling, and other expenses, $5,000.

Mr. CULLOM. I make no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

IRA H. SWEATT.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 1323) for the relief of Ira H. Sweatt.

Mr. COCKRELL. Let the bill be read for information, subject to objection.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Ira H. Sweatt, late of Company I, Thirteenth New Hampshire Volunteers, a pension of $12 per month, under certificate No. 121863, issued October 27, 1892, and that no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF J. W. TUCKER.

Mr. BATE. I move that the Senate adjourn.

Mr. CAFFERY. I ask the Senator from Tennessee to yield to me for a moment.

Mr. BATE. Very well.

Mr. CAFFERY. I ask unanimous consent to call up a resolution reported this morning from the Committee on Claims.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw his motion?

Mr. BATE. I withdraw the motion to enable the Senator from Louisiana to call up the resolution to which he refers.

Mr. CAFFERY. I ask unanimous consent for the consideration of a formal resolution reported from the Committee on Claims this morning to refer Senate bill 3463 to the Court of Claims.

Mr. COCKRELL. Let the resolution be read for information, subject to objection.

Mr. CAFFERY. It is a resolution reported from the Committee on Claims to refer to the Court of Claims the bill (S. 3463) for the relief of the estate of J. W. Tucker, of Lafourche Parish, La.

The PRESIDING OFFICER. The Chair is informed that the resolution has gone to the Public Printer, and is not now in the possession of the Senate.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 11, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 10, 1897.*

The House met at 12 o'clock m. The Chaplain offered the following prayer:

Almighty and most merciful Father, in whose sacred presence we dwell and under whose divine guidance we have been led as a nation through prosperity, through adversity, through sunshine and through storm, unto the present hour, continue, we beseech Thee, to thus guide us. Thou hast taught us in Thy revealed word and through many experiences that righteousness exalteth a nation, that sin is a reproach to any people. Help us, therefore, we beseech Thee, to do justly, to love mercy, and to walk humbly with Thee, O God, that the genius of our nation may more and more obtain until we become the beacon light of all the world, leading on to peace and prosperity in all the earth; through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTIONS.

Mr. ANDREWS. Mr. Speaker, on page 1677 of the RECORD the yea-and-nay vote on the immigration bill appears. Understanding that I was paired on that bill, I was engaged in some urgent committee work. The RECORD, however, does not show that I was paired. If I had been present, I should have voted "yea."

Mr. DANIELS. Mr. Speaker, I desire to have it appear by the RECORD that I was absent when the vote was taken on the immigration bill by reason of necessary attendance on a joint committee of the House and Senate, of which I am a member. If I had been present, I should have voted "yea."

UNITED STATES DISTRICT ATTORNEY FOR DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on the Judiciary to ask unanimous consent to take from the Speaker's table Senate bill No. 3666 and ask for the immediate consideration thereof. When the bill, which is brief, is read, I will make a statement to the House explaining this request.

The bill was read, as follows:

> *Be it enacted, etc.*, That in case of a vacancy in the office of attorney of the United States for the District of Columbia, the supreme court of said District may fill the same, and the person appointed by said court shall serve until an appointment is made by the President, and the appointee is duly qualified, and no longer.

The SPEAKER. Is there objection to the present consideration?

Mr. TERRY. Mr. Speaker, I would like to ask the gentleman if there was any contest in the Senate over the passage of the bill?

Mr. HENDERSON. None whatever. The bill was considered in the Senate and passed by unanimous consent.

Mr. TURNER of Georgia. Mr. Speaker, may I ask the gentleman from Iowa what is the emergency that makes the passage of this bill necessary?

Mr. HENDERSON. Mr. Speaker, in reply to the gentleman from Georgia, I will say that there is a vacancy for the time being in the office of the United States district attorney for this District. Criminal cases are called and there is no one to represent the Government. There is doubt as to the right to fill the vacancy pro tempore, and this bill is for the purpose of giving that power to the supreme court of the District.

Mr. TURNER of Georgia. I would inquire whether the body which originated this bill might not very easily dispose of the matter by confirming the nomination for this office that is now pending?

Mr. HENDERSON. There is no doubt about that. They could fill it in that way, but they have not done so, and that is not a matter for us to inquire into. The vacancy exists, the public business is suspended, and this bill is proposed as the remedy.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HARRISON. I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I move that the House take a recess until 12 o'clock and 55 minutes p. m.

The question being taken, the motion was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following order:

> *Ordered*, That at ten minutes before 1 o'clock on Wednesday, February 10, 1897, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice-President of the United States.

The message also announced that the Senate had passed with amendments joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in Mississippi River; and

A bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

COMMITTEE EXPENSES, ETC.

Mr. ALDRICH of Illinois. I desire to present a report from the Committee on Accounts.

Mr. HENDERSON. I demand the regular order.

The SPEAKER. This is the regular order. This is a privileged report, as the Chair understands.

The report sent to the desk by Mr. ALDRICH was read, as follows:

> The Committee on Accounts, to whom was referred sundry resolutions, beg leave to report as follows:
>
> The resolution providing that the "Doorkeeper of the House of Representatives be directed to transfer to the 'soldiers' roll' of the employees of the House the name of W. H. Grimshaw, disabled soldier of the late war, vice John Ryan, deceased," is hereby reported adversely.
>
> The resolution directing that the "Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House, to Kendall Lee, the sum of $100, for caring for the room of the Committee on Accounts during the past session and recess," is approved.
>
> The resolution authorizing the "chairman of the Committee on Enrolled Bills to appoint two additional assistant clerks for the Committee on Enrolled Bills, the pay of said clerks to begin on January 6 and to continue during the remainder of the session," has been amended by your committee so that the pay of said clerks shall be $6 per day and begin on February 1, 1897, and in that form is approved.
>
> The resolution authorizing the "chairman of the Committee on Banking and Currency to expend not to exceed $120 as compensation for the employment of stenographers and typewriters" for the balance of this session is approved.
>
> Your committee, therefore, beg leave to report and recommend the adoption of the following, to wit:
>
> RESOLUTIONS.
>
> *Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Kendall Lee, the sum of $100 for caring for the room of the Committee on Accounts during the past session and recess.
>
> *Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional assistant clerks for the Committee on Enrolled Bills, the pay of said clerks to begin on February 1, 1897, and to continue during the remainder of the session, said clerks to be paid by the Clerk of the House of Representatives out of the contingent fund of the House, and at a rate not exceeding $6 per day each.
>
> *Resolved*, That the chairman of the Committee on Banking and Currency be authorized to expend not to exceed $120 as compensation for the employment of stenographers and typewriters in addition to the $100 covered by resolutions passed during the first session of the present Congress, the same to be paid out of the contingent fund of the House.

Mr. McMILLIN. I observe that one of these resolutions provides two additional assistant clerks for the Committee on Enrolled Bills. I believe a resolution for additional assistance in the enrollment of bills has been usual heretofore toward the close of a Congressional session; but have we not changed the method of enrolling bills? Are they not now printed instead of being enrolled on parchment, as formerly?

Mr. ALDRICH of Illinois. I believe they are.

Mr. McMILLIN. Then what is the necessity for this increase of clerical force?

Mr. ALDRICH of Illinois. I have been informed by the chairman of that committee that the adoption of this resolution is absolutely necessary for furthering the work before the committee from the present time until the end of the session. That was the statement of the chairman of the committee. I do not know whether he is here now or not. [A pause.] I move the adoption of the resolutions.

The question being taken, the resolutions favorably reported by the Committee on Accounts were adopted.

The SPEAKER. Without objection, the remainder of the report of the committee will be adopted. The Chair hears no objection.

CLAIMS OF KNOXVILLE WHIG.

Mr. McCALL of Tennessee. I ask unanimous consent for the consideration of Senate bill No. 21.

The Clerk read the bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due.

Mr. DOCKERY. Reserving the right to object, I should be glad to hear the report read.

The report of the Committee on Claims (by Mr. COLSON) was read.

Mr. SAYERS. Mr. Speaker, does this matter require unanimous consent?

The SPEAKER. It does.

Mr. SAYERS. Then I object.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska, from the Committee on Appropriations, reported the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. I reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BAILEY. I desire to reserve all points of order on this bill.

The SPEAKER. All points of order are reserved.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. CORLISS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read the bill (H. R. 1091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885.

Mr. BAILEY. I reserve the right to object, pending the reading of the report.

The report was read.

Mr. McMILLIN. Mr. Speaker, I remember that when the public building at Detroit was provided for a large appropriation was made for that purpose; and one of the inducements in obtaining that appropriation was the statement that by reason of the central location of the old site the proceeds of its sale would go very far toward paying for the new building. I do not see in this report any sufficient excuse for stopping the return of that money to the Treasury and retaining a building which, so far as we now see, the Government does not need. Therefore I must object to the bill.

Mr. CORLISS. Will the gentleman allow me to explain? The bill appropriating money for the purchase of a new site and the erection of a new public building was passed fourteen years ago.

Mr. McMILLIN. This bill proposes to stop the sale of the old building.

Mr. CORLISS. The old site is not valued at over $100,000. The Government is now paying $6,000 a year for the use and occupation of private property.

Mr. HICKS. I object to the consideration of the bill.

MINING CLAIMS.

Mr. LATIMER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1632) to permit owners of mining claims on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes.

The bill was read at length.

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right of objection until I can hear some explanation of this matter.

Mr. LATIMER. Mr. Speaker, I will yield to the gentleman from Colorado [Mr. SHAFROTH], who will explain fully the necessity for this legislation.

Mr. SHAFROTH. Mr. Speaker, the purpose of this bill is simply to give a right of way for the construction of tramways or railways from mines that are situated in forest reservations. At present there is no mode of acquiring such right of way by mine owners; and the purpose of this bill is to enable the owners of the mines under these circumstances to construct tramways or railways, so as to market their ores. The Government's interest is guarded in every particular. The Secretary of the Interior prescribes the manner in which the lines shall be located and requires the filing of maps of location. The owners of mines situated within forest reservations ought to have the right to market their ores, and it can be only done by granting them the right of way for the construction of tramways or railways in some such manner as is contemplated in this bill.

Under the circumstances it seems to me that there ought to be no objection to the consideration of the bill or to its passage.

Mr. LOUD. I would like, with the consent of the gentleman, to ask him a question for information.

Mr. SHAFROTH. Certainly.

Mr. LOUD. I would ask the gentleman if the effect of the first section of the bill is not to establish a right to perfect title where the title is not good?

Mr. SHAFROTH. I will state to the gentleman from California that that section in the bill is surplusage. Whenever a man locates and works a mine, he has a vested right in the mine and he has a right to perfect his title thereto even if it be within a forest reservation afterwards set apart by the proclamation or order of the President.

Mr. LOUD. But even if he had only made a filing, this would enable him to perfect the title.

Mr. SHAFROTH. The act giving the President the right to

declare and establish forest reservations gives to the miner the right to perfect his title when he has once filed his location certificate as prescribed by law.

Mr. BARTLETT of New York. If that be the case, I would ask the gentleman why not strike out this first section of the bill altogether?

Mr. SHAFROTH. Because the Senate has passed the bill in this form, and to amend it now and send it back at this time of the session would mean the absolute loss of the bill.

Mr. STEELE. Oh, no.

Mr. BARTLETT of New York. This grants a right to perfect title; and if that be not the purpose and is not necessary, why was it put into the bill?

Mr. SHAFROTH. I do not know why it was put in the bill, except possibly that it was drawn by some one who did not understand that provision of the law. It is the law now; but even if it were not the law, miners should have the privilege of perfecting their titles. The person who discovers and locates a mine under the general laws of the United States ought to have the privilege of perfecting his title at any time. But under the present law my contention is that the right is preserved to him.

Mr. BRUMM. There is no land grant here?

Mr. SHAFROTH. Nothing of the kind. Only a right of way for a tramway or railroad.

Mr. MILNES. Mr. Speaker, this is a matter of considerable importance, apparently, and may be a very meritorious bill. But it is impossible to find out exactly what it does, and therefore I object to its consideration.

CIRCUIT COURT OF APPEALS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent to take up at this time for consideration the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes, which has been considered and reported favorably by the House Committee on the Judiciary.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

> *Be it enacted, etc.*, That the second section of an act to establish circuit courts of appeals, passed March 3, 1891, be amended so that the clause therein which now reads, "The costs and fees in the Supreme Court now provided for by law shall be costs and fees in the circuit court of appeals," shall read, "The costs and fees in each circuit court of appeals shall be fixed and established by said court in a table of fees, to be adopted within three months after the passage of this act: *Provided*, That the costs and fees so fixed by any court of appeals shall not, with respect to any item, exceed the costs and fees now charged in the Supreme Court." The senior justice of each circuit court of appeals shall, within three months after the fixing and establishing of costs and fees as aforesaid, transmit the same to the Chief Justice of the United States, and within one year thereof the Supreme Court of the United States shall revise said table, making the same, so far as may seem just and reasonable, uniform throughout the United States. The table of fees, when so revised, shall thereupon be in force for each circuit.

The SPEAKER. Is there objection to its present consideration?

Mr. McCREARY of Kentucky. I ask for the reading of the report accompanying the bill.

The report (by Mr. BROWN) was read, as follows:

> The Committee on the Judiciary has had before it the bill (S. 1862) entitled "An act to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes," and recommend the passage of said bill with the following amendments:
>
> In lines 13 and 14 strike out the words "the senior justice of," and in line 16 strike out the words "the same" and insert instead thereof the words "said table."

Mr. BROWN. Mr. Speaker, in connection with the report, I desire to have read a letter from the Attorney-General in regard to this bill.

The letter was read, as follows:

> DEPARTMENT OF JUSTICE,
> *Washington, D. C., February 10, 1897.*
>
> SIR: Referring to your inquiries at the Department, I have to say that I have examined the bill passed by the Senate (S. R. 1862) for the purpose of enabling each of the circuit courts of appeals to fix its own table of fees and costs, instead of charging the same fees and costs as the Supreme Court.
>
> The latter plan is undoubtedly burdensome to litigants, and seems to me unbusinesslike. I had the honor of preparing myself the bill in question, to carry out the recommendation made in my annual report. (See report, 1896, page xix.) I regard its passage as very important.
>
> JUDSON HARMON, *Attorney-General.*
>
> Hon. FOSTER V. BROWN, M. C.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAWNEY. I object, Mr. Speaker, pending an explanation by the gentleman from Tennessee.

Mr. BROWN. Mr. Speaker, I wish simply to say that under the act of 1891, establishing our circuit courts of appeals, it was provided that the costs and fees of these courts should be the same as in the Supreme Court of the United States. Now, it has been found that the costs and fees charged in the Supreme Court of the United States are too high, and are burdensome to litigants. That fact was called to the attention of Congress in the annual report of the Attorney-General, which will be found on page 19 of the document of December of last year, and he recommended the passage of such a bill as this.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. BROWN. Certainly.

Mr. TAWNEY. Will not the effect of the bill be to give to the judges of the circuit courts of appeals absolute power in the matter of fixing the fees?

Mr. BROWN. The purpose of the bill is to allow the courts of appeals to reduce the costs and fees in those courts.

Mr. TAWNEY. Yes; but you do not require it, do you? The bill does not require the judges to reduce the fees, does it? There is no doubt about the necessity for the reduction——

Mr. BROWN. I do not understand the question.

The SPEAKER. The gentleman from Tennessee [Mr. BROWN] will suspend for a moment. The House will please be in order. The attendants in the gallery will see that conversation ceases.

Mr. TAWNEY. I say to the gentleman from Tennessee [Mr. BROWN] that there is no doubt about the necessity for the reduction of fees in the circuit courts of appeals. The only question is whether this bill requires the courts to reduce the fees, or whether it gives the judges discretionary power to allow the fees to remain as they are at the present time.

Mr. COOPER of Florida. Or to increase them.

Mr. BROWN. If the gentleman will read further on in the bill, he will see that it provides that each circuit court of appeals shall make out a table of fees. That table of fees from each circuit court is to be submitted to the Supreme Court of the United States. The language of the bill is as follows:

> Each circuit court of appeals shall, within three months after the fixing and establishing of costs and fees as aforesaid, transmit said table to the Chief Justice of the United States, and within one year thereof the Supreme Court of the United States shall revise said table.

The bill further provides that, so far as may seem just and reasonable, the Supreme Court may make the fees uniform throughout the United States. There is no question about the necessity for the passage of this law; but the Judiciary Committee thought it not advisable to set out in the statute a bill of fees, but thought it would be more advisable to pass this law to allow the courts to fix the fees.

Mr. TAWNEY. Does not the law at the present time fix the rate of fees to be charged in the Supreme Court of the United States?

Mr. BROWN. It certainly does.

Mr. TAWNEY. Why is it not practicable, then, for the Judiciary Committee to report a bill fixing a reasonable rate of fees for the circuit courts of appeals, as it has been in the past to enact a law respecting the rate of fees in the Supreme Court of the United States?

Mr. BROWN. Well, perhaps it would be better to do that, but it is not thought practicable to do that now, and we thought that to follow the recommendation of the Attorney-General and present the best bill which could be presented under the circumstances was the wise thing to do.

Mr. TAWNEY. I should like to ask the gentleman if he does not believe that the only effect of this bill will be to perpetuate the present system, the present rate of fees charged in the circuit courts of the United States?

Mr. BROWN. I do not think so.

Mr. TAWNEY. In other words, is it not a fact that the Supreme Court of the United States will, in all human probability, merely ratify the recommendations made by the circuit courts of appeals, and that those recommendations will be exactly in accordance with the suggestions made by the clerks of the several circuit courts of appeals of the United States?

Mr. BROWN. I do not think so, because the clerks have no interest in the rate of fees. The fees of the circuit courts of appeals go into the Treasury of the United States, and the judges of the circuit courts of appeals have urged the passage of this bill because they say that the cost charges in the circuit courts of appeals are too high.

Mr. TAWNEY. There is no doubt about that.

Mr. BROWN. I know that the judges in our circuit, which is the sixth circuit, have urged the passage of this bill, because they say that the fees are too high and ought to be reduced. That is the object and purpose of this bill, to allow the judges to fix a scale of fees lower than the present scale, which is the same as that in the Supreme Court of the United States.

We hope to have good results from this bill, and I hope the gentleman will not interpose an objection. The bill has the indorsement of the Department of Justice and the unanimous approval of the Judiciary Committee, who thought it was the best bill that could be presented under the circumstances.

Mr. TAWNEY. If I thought that the bill would result in a reduction of fees in the circuit courts of appeals, I certainly should have no objection. My only object in calling attention to the matter was in the hope that the committee might possibly report a bill which would, as a matter of fact, reduce the fees, rather than leaving the reduction to be made by the courts in their discretion.

Mr. BROWN. I should have been glad myself to report such a bill. That was my idea; but we can not get everything that we want in this world, and I think this is the best that can be done under the circumstances.

Mr. TAWNEY. In the hope of a reduction, I will not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments recommended by the Committee on the Judiciary.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BROWN, a motion to reconsider the last vote was laid on the table.

LYING-IN STATION FOR NAVAL VESSELS AT FOOT OF PALISADES OF THE HUDSON RIVER.

Mr. STEWART of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to appoint a board of naval officers to report upon the advisability of locating a lying-in station for naval vessels, or as the permanent anchorage, with dock and supply store, and also naval magazine, at the foot of the Palisades of the Hudson River.

Mr. DOCKERY. Has this been reported by a committee?

The SPEAKER. The Chair understands not.

Mr. DOCKERY. I think such a proposition had better be considered in the usual way.

The SPEAKER. Objection is made.

RIGHT OF WAY THROUGH PUBLIC LANDS FOR TRAMROADS, CANALS, AND RESERVOIRS.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9697) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, be, and the same is hereby, amended by adding thereto the following: "That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within limits of any park, forest, military or Indian reservations, for tramways, canals, or reservoirs, and 50 feet on each side of the marginal limits thereof, by any citizen or association of citizens of the United States, or corporation, for the purposes of furnishing water for domestic, public, and other beneficial uses; and all rights of way heretofore granted, or the applications for which have been made under the act approved March 3, 1891, and entitled 'An act to repeal timber-culture laws, and for other purposes,' may be used for said purposes."

The amendments recommended by the committee were read, as follows:

Amend by striking out the words "and 50 feet on each side of the marginal limits thereof," in line 13, on page 1, and inserting the words "to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad."

On page 2 strike out, in line 15, the words "or corporation."

On same page strike out of line 16 the words "and all rights of way," and also strike out all of lines 17, 18, 19, and 20.

Amend by adding a new section, as follows:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature. And said rights of way may be used for purposes of water transportation for domestic purposes or for the development of power, as subsidiary to the main purpose of irrigation."

Mr. BLUE. Reserving the right to object, I would like a little explanation about this.

Mr. McMILLIN. Let us have the report read.

Mr. McCREARY of Kentucky. Let the report be read.

Mr. BOWERS. The report is very short, and will give an explanation.

The report (by Mr. BOWERS) was read, as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. 9697) to amend "An act to permit the use of right of way through public lands for tramroads, canals, and reservoirs, and for other purposes." The bill was referred to the Interior Department, and the opinions of the Commissioner of the General Land Office and the honorable Secretary of the Interior are herewith printed as a part of this report, and the bill amended in accordance with their recommendations.

The purpose and effect of this bill is to allow the use of the right of way through the public lands for the purpose of furnishing water for domestic purposes. The right of way is now allowed by law for furnishing water for irrigation, mining, and reservoir purposes, and your committee can not conceive of any better or higher purpose for the use of the right of way than for furnishing the water for domestic and public use.

We therefore recommend that the bill be amended by striking out the words "and 50 feet on each side of marginal limits thereof," in line 13, on page 1, and inserting the words "to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof; or 50 feet on each side of the center line of the tramroad."

On page 2 strike out, in line 15, the words "or corporation."

On same page strike out of line 16 the words "and all rights of way," and also strike out all of lines 17, 18, 19, and 20.

Amend by adding a new section, as follows:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled: 'An act to repeal timber-culture laws, and for other purposes,' approved March 3 1891, may be used for purposes of a public nature. And said rights of way may be used for purposes of water transportation for domestic purposes or for the development of power, as subsidiary to the main purpose of irrigation."

And as so amended the committee recommend that the bill do pass.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1897.

SIR: I have the honor to hand you herewith a report from the Assistant Commissioner of the General Land Office, dated the 29th ultimo, upon House bill 9697, entitled "A bill to amend an act to permit the use of the right of way on public land for tramroads, canals, reservoirs, and for other purposes." I concur in the suggestions and recommendations made in the report of the Assistant Commissioner so far as they relate to that portion of the bill which seeks to amend the act approved January 21, 1895; but I would strike out from the bill all that portion of it after the word "uses," in line 16 thereof, which portion refers to the rights of way heretofore granted under the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes."

Sections 18 to 21, inclusive, of the act of March 3, 1891 (26 Stat. L., 1095), grants a right of way through the public lands for reservoirs and canals under the regulations of this Department, and maps filed for the approval of this Department are required to contain a certificate that the right of way is desired for irrigation purposes only.

I do not believe that it would be for the public benefit to have the rights of way granted under that act to be subject to the uses contemplated in the act in question, but that it would tend to confuse the right-of-way acts now in existence.

Very respectfully,

D. R. FRANCIS,
Secretary.

Hon. W. W. BOWERS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 29, 1897.

SIR: I am in receipt, by reference from the Department, for report in duplicate and return of papers, of a letter of Hon. W. W. BOWERS, of January 27, 1897, inclosing a copy of a bill (H. R. 9697).

The bill provides that the act of January 21, 1895 (28 Stat. L., 635), be amended by adding thereto the following:

"That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within the limits of any park, forest, military or Indian reservation, for tramways, canals, or reservoirs, and 50 feet on each side of the marginal limits thereof, by any citizen or association of citizens of the United States, or corporation, for the purpose of furnishing water for domestic, public, and other beneficial uses; and all rights of way heretofore granted, or the applications for which have been made under the act approved March 3, 1891, and entitled 'An act to repeal timber-culture laws, and for other purposes,' may be used for said purposes."

So far as this bill proposes to extend the scope of the act of January 21, 1895, there seems to be no objection except as to the language used. The width of the right of way is given as "50 feet on each side of the marginal limits" of the "tramways, canals, or reservoirs." This language is indefinite, and I would recommend that for the words in line 13, "and 50 feet on each side of the marginal limits thereof," there be substituted the words used in the act of 1895 above, viz, "to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad." The bill allows such applications "by any citizen or association of citizens of the United States." The act of 1895 uses the same language, which has been held by the Department to include corporations organized under the laws of the United States or of any State or Territory. But the present bill adds "or corporation," which, in view of the construction adopted by the Department, would add nothing to the language used in the act of 1895 except to admit applications by corporations organized under the laws of a foreign country. I would therefore recommend that the words "or corporation" be omitted from the fifteenth line.

The last clause permits the rights of way granted or those for which applications are pending under sections 18 to 21, act of March 3, 1891 (26 Stat. L., 1095), to be used for "furnishing water for domestic, public, and other beneficial uses." The effect would be to destroy all distinction between the acts of 1891 and 1895 above noted. The act of 1891 grants an easement, irrevocable so long as it is used for the purposes provided by the act, held by the Department to include irrigation purposes only, while the act of 1895 authorizes merely a license to use the public land, which is revocable, and which terminates with the disposal of the land by the United States, for the purposes of "mining or quarrying or cutting timber and manufacturing lumber," the easement for irrigation under the act of 1891 being of the nature of a public benefit, the license under the act of 1895 being of the nature of a private benefit. By allowing the easement granted under the act of 1891 to be used for "other beneficial uses," it would permit the right of way to be used for mining, quarrying, or lumbering, and would open the grant of the easement to all sorts of private uses, under the well-settled rulings of the courts of the Western States in construing the words "beneficial use" in the local laws. This would be contrary to the spirit of the acts of 1891 and 1895 as understood by this office, in distinguishing between public and private uses, and appears, therefore, very objectionable.

I am of the opinion that if it were allowable to use the right of way for domestic or public purposes or for certain other purposes, which will not diminish the amount of water available for irrigation, as subsidiary to the main purpose of irrigation, the act of 1891 would be much more satisfactory in its operation, and the intention of the act as conferring a general benefit would be fully subserved. I would therefore recommend that all after the word "uses," in line 16, be omitted and the following added:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature. And said

rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation."

A copy of this letter and the papers are herewith inclosed.

Very respectfully,

E. F. BEST,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. BLUE. Mr. Speaker, this measure is of too much magnitude to pass at this time without proper consideration. It should go to the Committee of the Whole, in my opinion, and I therefore object.

Mr. BOWERS. Will the gentleman withhold his objection a moment?

The SPEAKER. Objection is made.

Mr. PITNEY. Mr. Speaker, I move that the House take a recess until five minutes to 1 o'clock.

The SPEAKER. Before putting the motion, the Chair desires to state to the House that the seats from the main aisle on the right to the side of the House and the rows back to the seat of the gentleman from Kentucky [Mr. EVANS] will be cleared by members of the House for the use of the Senate. The gentleman from New Jersey moves that the House take a recess until five minutes to 1.

Mr. PAYNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. I understand from the reading of the resolution that the Senate would come to the House at ten minutes to 1 o'clock, and it might involve the House being in recess when the Senate arrived if this resolution were adopted.

Mr. DOCKERY. I think the gentleman from New Jersey had better withdraw the motion.

Mr. PITNEY. I withdraw the motion.

The SPEAKER. The motion is withdrawn. Gentlemen will please vacate the seats indicated.

COUNTING OF THE ELECTORAL VOTE.

At three minutes before 1 o'clock the Doorkeeper announced the Vice-President and the Senate of the United States.

The Senate entered the Hall, preceded by its Sergeant-at-Arms, and headed by the Vice-President of the United States and the Secretary of the Senate, the members and officers of the House rising to receive them.

The VICE-PRESIDENT took his seat as presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

Senators BLACKBURN and LODGE, the tellers appointed on the part of the Senate, and Representatives GROSVENOR and RICHARDSON, the tellers appointed on the part of the House, took their places at the Clerk's desk.

The VICE-PRESIDENT. The Senate and House of Representatives are now in joint session, pursuant to law, for the purpose of opening and counting the votes of the electors for President and Vice-President of the United States. The certificate of the State of Alabama will be read by the tellers.

Mr. BLACKBURN (one of the tellers) read at length the certificate of the vote of the State of Alabama, giving 11 votes for William J. Bryan, of the State of Nebraska, for President of the United States, and 11 votes for Arthur Sewall, of the State of Maine, for Vice-President of the United States.

Mr. SHERMAN of Ohio. Mr. President, I move that the formal reading of these credentials be omitted, and that the result only be announced.

The VICE-PRESIDENT. Unless demanded, the reading of the certificates will be omitted, when the tellers are satisfied they are in due form and properly certified, and the result will be announced.

The tellers then proceeded to announce the electoral votes of the several States in the alphabetical order.

The VICE-PRESIDENT. This completes the roll of the States. The tellers will announce the result.

Mr. LODGE (one of the tellers). The state of the vote for President of the United States, as found by the tellers and now delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes;

William J. Bryan, of the State of Nebraska, has received 176 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes;

Arthur Sewall, of the State of Maine, has received 149 votes, and

Thomas E. Watson, of the State of Georgia, has received 27 votes.

The report, as officially certified by the tellers, is as follows:

The undersigned, JOSEPH C. S. BLACKBURN and HENRY CABOT LODGE, tellers on the part of the Senate, and CHARLES H. GROSVENOR and JAMES D. RICHARDSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1897:

Number of electoral votes to which each State is entitled.	State.	For President.		For Vice-President.		
		William McKinley, of Ohio.	William J. Bryan, of Nebraska.	Garrett A. Hobart, of New Jersey.	Arthur Sewall, of Maine.	Thomas E. Watson, of Georgia.
11	Alabama		11		11	
8	Arkansas		8		5	3
9	California	8	1	8	1	
4	Colorado		4		4	
6	Connecticut	6		6		
3	Delaware	3		3		
4	Florida		4		4	
13	Georgia		13		13	
3	Idaho		3		3	
24	Illinois	24		24		
15	Indiana	15		15		
13	Iowa	13		13		
10	Kansas		10		10	
13	Kentucky	12	1	12	1	
8	Louisiana		8		4	4
6	Maine	6		6		
8	Maryland	8		8		
15	Massachusetts	15		15		
14	Michigan	14		14		
9	Minnesota	9		9		
9	Mississippi		9		9	
17	Missouri		17		13	4
3	Montana		3		2	1
8	Nebraska		8		4	4
3	Nevada		3		3	
4	New Hampshire	4		4		
10	New Jersey	10		10		
36	New York	36		36		
11	North Carolina		11		6	5
3	North Dakota	3		3		
23	Ohio	23		23		
4	Oregon	4		4		
32	Pennsylvania	32		32		
4	Rhode Island	4		4		
9	South Carolina		9		9	
4	South Dakota		4		2	2
12	Tennessee		12		12	
15	Texas		15		15	
3	Utah		3		2	1
4	Vermont	4		4		
12	Virginia		12		12	
4	Washington		4		2	2
6	West Virginia	6		6		
12	Wisconsin	12		12		
3	Wyoming		3		2	1
447		271	176	271	149	27

JO. C. S. BLACKBURN,
H. C. LODGE,
Tellers on the part of the Senate.
C. H. GROSVENOR,
JAMES D. RICHARDSON,
Tellers on the part of the House of Representatives.

The VICE-PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes; and

William J. Bryan, of the State of Nebraska, has received 176 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes;

Arthur Sewall, of the State of Maine, has received 149 votes; and

Thomas E. Watson, of the State of Georgia, has received 27 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that William McKinley, of the State of Ohio, is elected President of the United States, and that Garrett A. Hobart, of the State of New Jersey, is elected Vice-President of the United States, each for the term beginning March 4, 1897, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The count of the electoral votes having been completed and the result declared, the joint meeting of the two Houses is dissolved, and the Senate will now return to its Chamber. [Loud applause on the floor and in the galleries.]

The Senate then retired from the Hall (at 1 o'clock and 55 minutes p. m.), when the Speaker resumed the chair, and the House was again called to order.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 56 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 7251) to fix the standard of weights and measures by the adoption of the metric system of weights and measures, reported the same with amendment, accompanied by a report (No. 2885); which said bill and report were referred to the House Calendar.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 254) providing for estimate of cost of certain improvements of Portsmouth Harbor, New Hampshire, reported the same without amendment, accompanied by a report (No. 2886); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city, reported the same with amendment, accompanied by a report (No. 2888); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 2683) for the relief of J. D. Golden. (Report No. 2873.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 10250) for the relief of Joseph P. Patton. Reported in lieu of a petition for said relief. (Report No. 2874.)

The bill (S. 663) entitled "An act to remove the charge of desertion against Philip Pfineger, late of Company G, Twenty-fourth Wisconsin Infantry." (Report No. 2875.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 9917) to grant an increase of pension to Nathaniel Haughton, late colonel Twenty-fifth Ohio Volunteer Infantry. (Report No. 2876.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 3350) entitled "An act granting a pension to Susan A. Paddock." (Report No. 2877.)

The bill (S. 1302) entitled "An act granting a pension to Thomas Madden." (Report No. 2878.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (S. 3191) entitled "An act granting a pension to Milton T. Bedford." (Report No. 2879.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 2910) entitled "An act granting a pension to Mrs. Essie E. Powell." (Report No. 2880.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 10231) granting an increase of pension to Francis Shaeffer. (Report No. 2881.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 2005) granting a pension to Sarah Potter, dependent daughter of Andrew Potter, deceased. (Report No. 2882.)

The bill (S. 3509) entitled "An act to increase the pension of Gen. James W. McMillan." (Report No. 2883.)

The bill (H. R. 4385) granting an increase of pension to William Taylor. (Report No. 2884.)

By Mr. COOKE of Illinois, from the Committee on Patents: The bill (H. R. 9740) to extend certain patents. (Report No. [illegible].)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. CANNON, from the Committee on Appropriations, to which was referred the joint resolution of the House (H. Res. 248) appropriating $500 for the erection of a stand for the accommodation of Senators and Representatives and their families on March 4, 1897, reported the same adversely, accompanied by a report (No. 2887); which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAHON: A bill (H. R. 10287) to authorize the readjustment of the accounts of certain army officers—to the Committee on War Claims.

By Mr. GROUT: A resolution (House Res. No. 535) for the printing of 5,000 copies of the work known as Hawks and Owls—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. RUSSELL of Connecticut presented a bill (H. R. 10291) to remove the charge of desertion against Robert Burnett; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Billingsley Post, Grand Army of the Republic, Department of Pennsylvania, approving of House bill No. 6118, for a service pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of the First Baptist Church, the Young People's Christian Endeavor Society, and of the Methodist Episcopal Church, all of Hope Valley, R. I., for the passage of House bill No. 9515, to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the First Baptist Church, the Young People's Christian Endeavor Society, and of the Methodist Episcopal Church, of Hope Valley, R. I., favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. CHICKERING: Petition of citizens of Oswego, N. Y., in favor of passage of House bill No. 10090, known as the anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of the Christian Endeavor Society of Smyrna, Iowa, urging the passage of the bill to prohibit the sale of intoxicating liquors in the Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Christian Endeavor Society of Smyrna, Iowa, to raise the age of protection for girls in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, sundry petitions of the Asbury Methodist Church, the Pilgrim Congregational Church, the East Side Christian Church, and the Willard and Brookmiller unions of the Woman's Christian Temperance Union, all of Des Moines, Iowa, first, to forbid the sale of intoxicants in any Government building; second, to protect State antigambling laws against nullification; third, to raise the age of protection for girls to 18 in the District of Columbia and the Territories; fourth, to restore the former law of the District of Columbia, invalidated by a clerical error—to the Committee on the Judiciary.

By Mr. CURTIS of Iowa: Petitions of American Humane Society, Chicago, Ill., and humane societies of St. Cloud, Minn.; Aurora, Ill.; Memphis, Tenn.; Tacoma, Wash.; South Bend, Ind.; Sing Sing, N. Y.; Baltimore, Md.; Columbus, Ohio; Louisville, Ky.; Bristol, Vt.; Tiffin, Ohio; Salem and Newark, N. J.; also of presidents of Brooklyn Polytechnic Institute, Harvard University; Williamstown (Mass.) College, and Leland Stanford University, bishop of Pennsylvania; also Elizabeth Stuart Phelps Ward and 7 others, in favor of the bill restricting vivisection in the District of Columbia—to the Committee on the District of Columbia;

Also, petition of Herbert Osborn, of Iowa Agricultural College; surgeon in chief Chicago, Rock Island and Pacific Railroad, and Walter Bierring, of Iowa State University, against the passage of the bill to restrict vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Resolution of Colonel O. H. Rippey Post, Grand Army of the Republic, of Pittsburg, Pa., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of J. W. Straight, of St. Paul, Minn., urging consideration of House bill No. 8354, to increase the pensions of those having lost an arm or a leg—to the Committee on Rules.

By Mr. McCALL of Massachusetts: Resolutions of the Central Labor Union of Boston, Mass., favoring the passage of immigration laws—to the Committee on Immigration and Naturalization.

Also, resolution of the Boston Stationers' Association, favoring a dry dock at Boston, Mass.—to the Committee on Naval Affairs.

Also, petition of F. Stanhope Hill, of Cambridge, Mass., favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAURIN: Petition of S. H. Brown, of Bennettsville, S. C., favoring the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Sundry petitions of George L. Warren and 44 other citizens of Cortland; Ira Carl and 65 others, of Weedport; O. L. Bacon and 43 others, of Canandaigua; A. L. Foote and 10 others; Charles T. Saxton and 45 others, of Clyde; T. J. Meade, of Victor; C. H. Bingham and 20 others; D. S. Chamberlain and 40 others; William H. Seward and others, all of the State of New York, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petition of the Woman's Christian Temperance Union of Pawtucket, Conn., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Pawtucket, Conn., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, resolutions of the Middletown (Conn.) Scientific Association, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUSK: Memorial of the Supreme Lodge of the Improved Order B'nai B'rith, of Baltimore, Md., relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. SORG: Resolutions of the San Francisco Labor Council, for the proper identification of all prison-made goods—to the Committee on Labor.

By Mr. CHARLES W. STONE: Remonstrance of citizens of Polk, Pa., against the passage of the bill, H. R. 4566, known as the Loud bill, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Alfred Paschall & Co., of Doylestown, Pa., favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOODARD: Petition of James Davis, of Lenoir County, N. C., asking reference of his war claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

SENATE.

THURSDAY, *February 11, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. STEWART, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Boston (Mass.) Marine Society, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Association of the Sons and Daughters of Maine, praying that the Library of Congress be opened to the public from 9 a. m. to 10 p. m., Sundays and legal holidays excepted; which was referred to the Committee on the Library.

He also presented a petition of the Nine Partners Quarterly Meeting of Friends, in session at Poughkeepsie, N. Y., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the appointment of an impartial nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation protecting the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a petition of sundry citizens of Mount Clemens, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Henry C. Hamill, publisher of the Alpena Pioneer, of Alpena, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented the petitions of Robert Good, publisher of the Democrat, of Valentine; of F. M. Kimmell, publisher of the McCook Tribune, of McCook, and of F. T. Pierce, publisher of the Jefferson County Record, of Diller, all in the State of Nebraska, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petitions of Frank T. Pierce, publisher of the Jefferson County Record, of Diller; of Francis M. Kimmell, publisher of the McCook Tribune, of McCook; of Robert Good, publisher of the Democrat, of Valentine; of Clark Perkins, publisher of the Republican, of St. Paul, and of the Builders and Traders' Exchange, of Omaha, all in the State of Nebraska, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club, of Omaha, Nebr., and a petition of representatives of the Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Neligh, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Neligh, Nebr., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Omaha, Nebr., praying for the passage of House bill No. 10090, to abolish ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Sarsfield Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BERRY presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a petition of sundry citizens of Columbus, Ohio, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Findlay, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George Gosline, publisher of the Press, of Oak Harbor, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Union City, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MORRILL presented a petition of the Woman's Christian Temperance Union of Delta, Ohio, and a petition of sundry citizens of Massachusetts, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. CULLOM. I present 155 petitions, all numerously signed by citizens of Illinois, praying for the passage of what is known as the ticket-scalping bill. The petitioners very urgently favor the passage of the bill. I move that the petitions be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. CULLOM presented a petition of Selig & Kauffman, of Philadelphia, Pa., praying for the enactment of legislation abolishing the ticket-scalping business; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Wheaton, Ill.; of J. W. Whitcomb, of Farmingdale, and of the Baptist Young People's Union of Harvey, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the George Bohner Company, of Chicago; of the Garden City Wire and Spring Company, of Chicago, and of Theodore Schrader & Co., of Chicago, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of Morgan & Wright and employees, of Chicago; of members of the Third Unitarian Church, of Chicago; of the First Unitarian Church, of Evanston; of the Preachers' Association of Danville; of Dr. Samuel Willard, of Chicago, and of the Ministers' Union of Plymonth, all in the State of Illinois; of the State Bar Association of New York, and of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Mound City and Prophetstown, in the State of Illinois, remonstrating against the passage of the so-called Lond bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Wilson, publisher of the Leader, of Walnut, Ill., and a petition of the G. H. Abbott Company, of New York City, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the representative officers of labor organizations of New York and Brooklyn, N. Y., praying that the services of John Pope Hodnett, claimed to have been rendered under the direction of Congress, be properly recognized and remunerated; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Society of Christian Endeavor of the Congregational Church, of Jacksonville, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; for the enactment of a Sunday-rest law for the District of Columbia; to raise the age of protection to 18 years in the District of Columbia and the Territories, and to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. VOORHEES presented a petition of the legislature of Indiana, praying for the enactment of legislation prohibiting the sale of cigarettes; which was referred to the Committee on Education and Labor.

He also presented a petition of the officers of the Mennonite Book Concern of the General Conference of North America, of Bern, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Richmond, Ind., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; to raise the age of consent to 18 years in the District of Columbia and the Territories; to restore to the national capital its law against Sunday traffic; to suppress the sale of intoxicating beverages in all Government buildings, and to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of R. McNeill, publisher of the Owen County Democrat, of Spencer, Ind.; of Charles B. Jamison, general secretary of the Young Men's Christian Association, of Terre Haute, Ind., and of the G. H. Abbott Company, publishers of the Cloak and Suit Review, of New York, N. Y., praying for the passage of the so-called Lond bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Shamrock Club, of Fort Wayne, Ind., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of members of the First Mennonite Church of Berne, Ind.; of the faculty of Wabash College, Crawfordsville, Ind.; of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, and of the State Bar Association of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Park Street Church Young People's Society of Christian Endeavor, of Boston, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of John B. Wright, publisher of the Evening Gazette, of Haverhill, Mass., and the petition of Henry G. Rowe, publisher of the North Adams Transcript, of North Adams, Mass., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cape Ann Assembly, No. 74, Royal Society of Good Fellows, of Gloncester, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. TURPIE presented a memorial of the Shamrock Club, of Fort Wayne, Ind., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Henry B. White and sundry other members of the Western Grove Church, of Hancock, Ill., and a petition of the German Temperance Union of Bern, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the legislature of Indiana, praying for the enactment of legislation prohibiting the sale of cigarettes; which was referred to the Committee on Education and Labor.

Mr. GEAR presented the petition of C. N. Marion, publisher of the Sentinel, of Shenandoah, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Springdale Quarterly Meeting of Friends, of West Branch, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Monthly Meeting of Friends, of Smyrna, Iowa, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petitions of Mrs. F. A. Field McCanley; of members of the Bear Creek Monthly Meeting of Friends, of Dexter; of the Christian Endeavor Society of the Stark Congregational Church, of Stark, and of the Young People's Society of Christian Endeavor of the First Presbyterian Church, of Council Bluffs, all in the State of Iowa, and a petition of the Christian Endeavor Society of East Fishkill, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of members of the Asbury Methodist Church; of members of the Pilgrim Congregational Church; of members of the East Side Christian Church, and of the Willard and Brookmuller unions of the Woman's Christian Temperance Union, all in the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in any Government building; to prevent the nullification of State antigambling laws; to raise the age of protection to 18 years in the District of Columbia and the Territories, and to restore the former Sabbath law of the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the Board of Trade of Okland, Cal., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. BACON presented a memorial of sundry citizens of Augusta, Ga., remonstrating against the passage of the so-called Gront bill, prohibiting the importation of oleomargarine; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the petitions of John F. Cavaugh, publisher of the Weekly Courier, of Clear Lake; of Ingram & Goodrich, publishers of the Entering Wedge, of Durand, and of A. S. Roethe, publisher of the Highland Press, all in the State of Wisconsin, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Milwaukee, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the ratification of the pending treaty with Great Britain; which was ordered to lie on the table.

Mr. NELSON presented the petition of L. Erickson and sundry other citizens of Isante County, Mich., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. VEST. I report back from the Committee on Commerce, with the recommendation that it be indefinitely postponed, the bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River in the State of Washington. I wish to state that this identical bill, word for word, was passed by both Houses

of Congress and approved by the President. The House of Representatives again passed the same bill and sent it here.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent, reported it with an amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 3294) for the relief of officers and crews of the U. S. gunboats *Kineo* and *Chocura*, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. DAVIS on the 29th ultimo, reported it with amendments, and moved that it be printed and referred, with the accompanying report, to the Committee on Appropriations; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. PASCO on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893, reported it with an amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 446) to increase the pension of Julia H. H. Crosby, reported it without amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 2599) to amend section 5399 and section 5406 of the Revised Statutes of the United States, in relation to unlawful interference with justice, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3926) to correct the war record of David Sample, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 588) for the relief of William H. Hugo, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6417) to complete the military record of Caleb L. Jackson, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States, reported it with an amendment.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 1st instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

COURTS IN OKLAHOMA TERRITORY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States, to report it favorably without amendment, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGES IN INDIAN TERRITORY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3518) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes, to report it favorably without amendment, and to ask its immediate consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. HALE. I ask the Senator from Massachusetts to let the bill lie over a day, because another committee has been considering the proposition and perhaps an amendment will be proposed.

Mr. HOAR. They are ready to move the amendment.

Mr. HALE. Very well, if the committee are ready to move it.

Mr. HOAR. Let the bill be read for information.

Mr. HALE. Is the Senator ready to move the amendment this morning?

Mr. PLATT. Yes; it is simply to provide for two additional judges.

Mr. HALE. That is all right. I do not object to that. I did not know the Senator was ready to propose the amendment.

The PRESIDENT pro tempore. The reading will be proceeded with.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BERRY. I should like to ask the Senator from Massachusetts a question, as I did not catch the reading exactly. Does the bill designate the point where the judge shall hold court in the Territory?

Mr. HOAR. That is to be determined by the court of appeals.

Mr. PLATT. There ought to be two additional judges there instead of one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. I move to amend the bill, in line 4, by striking out, after the word "Senate," the word "an" and inserting the word "two," and after the word "additional," in the same line, by striking out the word "judge" and inserting the word "judges;" so as to read "two additional judges."

Mr. HOAR. I think that ought to be done. There are 400,000 inhabitants, or thereabouts, to be dealt with.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Connecticut.

Mr. HILL. I hope the Senator from Connecticut will not insist upon that amendment. We had this question before the Judiciary Committee this morning, and the committee decided upon an increase of one judge. Some suggestions were made about another judge. It strikes me that if the amendment is pressed the matter should go before the Judiciary Committee.

Mr. HOAR. The Senator will pardon me.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. HILL. Certainly.

Mr. HOAR. The Committee on Indian Affairs have considered this matter carefully, and they think, and I entirely agree with them, that there should be two additional judges, although the Judiciary Committee determined upon but one. But that will make some delay necessary, and my plan was, after the Senator had made his amendment or proposed it, to have the bill laid aside for further consideration and call it up at a later day.

Mr. HILL. I would rather have it laid aside before the amendment is made.

Mr. HOAR. Very well; let the amendment be moved and pending.

Mr. HILL. Yes; that is all right.

Mr. HOAR. Then let the bill be laid aside for the present.

Mr. PLATT. I wish to say one word, if the Senator from New York will give me his attention, because, being a member of the Committee on the Judiciary, it seemed perhaps strange that I should come here and move this amendment. I happened to be called away from the committee this morning when the bill was under consideration. I desired to present, and if I had been present I should have presented, the reasons which to my mind seem imperative why there should be two additional judges there. I wished to make that explanation of the reason why I moved the amendment under these circumstances.

Mr. CULLOM. The bill is to be laid aside temporarily, I understand.

Mr. HILL. It is to go over without prejudice.

Mr. HOAR. It goes to the Calendar, to be called up again.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. A vacancy occurred in the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States by the death of General Beal. The House of Representatives passed a joint resolution (H. Res. 249) for appointment of a member of Board of Managers of the National Home for Disabled

Volunteer Soldiers, appointing to the vacancy Gen. John Marshall Brown, of the State of Maine. He is entirely acceptable to the Senators from Maine and to everybody, and I report back the joint resolution favorably from the Committee on Military Affairs, and ask the Senate to concur in it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HILL. I should like to ask whether the joint resolution shows who are the other members of this Board?

Mr. HAWLEY. No; it is a mere recital that John Marshall Brown be appointed to fill the vacancy in the Board, and so forth, to succeed General Beal. It is the mere formal appointment of a member of the Board.

Mr. HILL. Who are the other members of the Board?

Mr. HAWLEY. I could not name them now to save my life. I know that General Franklin is the president of the Board and that it is composed of a number of other very active and prominent citizens, some of whom have given twenty years of very faithful devotion to the work.

Mr. HALE. This is simply the appointment of a Maine soldier—a gallant officer in the war—to take the place of another Maine soldier who died.

Mr. HAWLEY. It is merely to fill a vacancy.

Mr. HILL. I suppose in making these appointments we should equalize them over the country, so that all portions of the country would be represented, and therefore I desire to know where the others are located.

Mr. HAWLEY. I will explain that to the Senator. The members of the Board are scattered about the country. Each one of them has a particular Branch Home under his charge, in his parish or bishopric, but they altogether control the Home so far as possible. General Brown, who is put in the place of General Beal, will have special care of the large Soldiers' Home at Togus, in Maine. The Senator from New Jersey [Mr. SEWELL] gives his paternal supervision to the Home down at Hampton, and so forth. There is an Ohio man who looks out for the Home at Dayton, Ohio. The thing is as well managed as possible.

Mr. HILL. How many are there in all?

Mr. MITCHELL of Wisconsin. There are eleven active members of the Board.

Mr. HAWLEY. There are two members of the Board present, the honorable Senator from Wisconsin [Mr. MITCHELL] and the honorable Senator from New Jersey [Mr. SEWELL]. There are eleven active members of the Board.

Mr. SEWELL. Will the Senator from Connecticut allow me?

Mr. HAWLEY. I shall be very glad to have the Senator from New Jersey make an explanation.

Mr. HALE. If the joint resolution gives rise to debate, I shall have to object.

Mr. HAWLEY. There will be no debate.

Mr. SEWELL. I wish to satisfy the Senator from New York in relation to these appointments.

Mr. HILL. We simply ought to have a list of them.

Mr. SEWELL. The appointments have been made generally from among prominent officers of the late war who live, where possible, near Branch Homes of which they have supervision. In this case the appointment is to take the place of a gentleman who died recently, and he lives near the Home which he is expected personally to look after. There is no salary and there are no emoluments connected with the appointment. It is a pure labor of love.

Mr. HILL. Has the Senator with him a list of the Board, so that he can tell us their names and residences?

Mr. SEWELL. The president of the Board is Gen. W. B. Franklin, of Hartford, Conn. The next on the list are the Senator from Wisconsin [Mr. MITCHELL] and myself as vice-presidents. Gen. Martin T. McMahon, of New York, whom the Senator knows very well, is the secretary of the Board. The next on the list is Gen. A. L. Pearson, of Pittsburg, Pa. Then follow Col. GEORGE W. STEELE, of Marion, Ind.; Gen. A. W. Barrett, of Los Angeles, Cal.; Gen. C. M. Anderson, of Greenville, Ohio; Col. S. G. Cook, of Herington, Kans., and Gen. Thomas J. Henderson, of Princeton, Ill., with the President of the United States, the Chief Justice of the United States, and the Secretary of War as members ex officio. The vacancy on the Board was caused by the death of Gen. George L. Beal, of Norway, Me., for which place General Brown has been named, who is eminently qualified and was a distinguished soldier.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COST AND PRICE OF ARMOR.

Mr. CHANDLER. In pursuance of the resolution of the Senate adopted December 31, 1895, I submit a report from the Committee on Naval Affairs in relation to the prices of armor for vessels of the Navy.

I move that the usual number of copies of the report and appendix without the testimony, and that the same number of additional copies of the report and appendix with the testimony, be printed.

The motion was agreed to.

Mr. HALE. I ask for the regular order.

The PRESIDENT pro tempore. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3678) to fix the salaries of the several district judges of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 3679) to extend certain patents; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. VEST introduced a bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; which was read twice by its title, and referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin introduced a bill (S. 3681) to amend an act entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880,' approved February 13, 1895;" which was read twice by its title, and referred to the Committee on Appropriations.

Mr. ALLEN introduced a bill (S. 3682) granting an increase of pension to Alexander Boltin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3683) to amend the river and harbor act of August 18, 1894; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a joint resolution (S. R. 200) for the prevention of the introduction and spread of contagious and infectious diseases into the United States; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HILL (by request) submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

SALARIES OF DISTRICT JUDGES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3678) to fix the salaries of the several district judges of the United States, reported it without amendment.

PERRINE GRANT INVESTIGATION.

Mr. PETTIGREW. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

> *Resolved*, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers, and to administer oaths.

Mr. BERRY. The resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The resolution does not in terms provide for an expenditure, but indirectly of course there would be an expenditure.

Mr. SHERMAN. I think the resolution should go over, at any rate, until to-morrow.

Mr. HALE. It had better go to the Committee on Contingent Expenses.

Mr. CULLOM. Let it be referred to the Committee on Contingent Expenses.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BERRY. Let it go over until to-morrow morning. I want to look at it.

The PRESIDENT pro tempore. There is objection, and the resolution goes over.

THE MISSISSIPPI CHOCTAWS.

Mr. WALTHALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the following information:
>
> First. A copy of the memorial of the Choctaw Nation of December 24, 1889, relative to the Mississippi Choctaws.
>
> Second. Deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, of February 21, 1843, before United States Commissioners Clayborne and Graves relative to importance of the fourteenth article of the treaty of 1830.
>
> Third. Whether or not the Choctaws entitled to remain in Mississippi by the fourteenth article were reported by United States Commissioners Murray and Vroom to the President of the United States on July 31, 1838, as having been in a great number of cases forced to remove from the reservations granted them by the fourteenth article.
>
> Fourth. Whether or not the Mississippi Choctaws were parties to any subsequent Choctaw treaty, or have ever executed a relinquishment of their rights of Choctaw citizenship.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private-land claims in the State of Louisiana.

METROPOLITAN RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMILLAN. I move that the Senate agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. FAULKNER, and Mr. GALLINGER were appointed.

GASPAR A. BETANCOURT.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

> *To the Senate of the United States:*
>
> In response to the resolution of the Senate of February 4, 1897, I transmit a report from the Secretary of State, submitting copies of correspondence relative to the arrest and detention of Gaspar A. Betancourt, a citizen of the United States, by the Spanish authorities in Cuba.
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION,
> *Washington, February 11, 1897.*

KILLING OF SEGUNDO N. LOPEZ.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

> *To the Senate of the United States:*
>
> In response to the resolution of the Senate of February 2, 1897, I transmit a report from the Secretary of State, relative to the killing of Segundo N. Lopez, son of M. F. Lopez, at Sagua la Grande, in Cuba.
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION,
> *Washington, February 11, 1897.*

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. JONES of Arkansas. I appeal to the Senator from Maine——

Mr. HALE. Let the Senator wait until I get the bill up.

Mr. JONES of Arkansas. Very well.

Mr. THURSTON. Will the Senator from Maine yield, that I may make a suggestion?

Mr. HALE. Certainly.

PACIFIC RAILROADS.

Mr. THURSTON. I ask that the resolutions which are before the Senate as a part of the morning business, on which I have been addressing the Senate, may go over without prejudice as a part of the morning business and without losing their place until Monday morning next. I expect to be absent from the city until that time. I wish at some time to conclude my remarks.

The PRESIDENT pro tempore. The junior Senator from Nebraska asks unanimous consent that the resolution submitted by the senior Senator from Nebraska [Mr. ALLEN], instructing the Committee on Pacific Railroads to inquire and to report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien upon the Union Pacific and Kansas Pacific railroads, etc., may be laid aside informally until Monday morning, holding the place it now occupies.

Mr. JONES of Arkansas. The Senator from Nebraska [Mr. ALLEN] is not in his seat at this time. I suggest to the Senator from Nebraska that he wait until his colleague is in the Chamber before he asks consent.

Mr. HALE and others. There will be no objection.

Mr. JONES of Arkansas. I withdraw the suggestion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

The motion was agreed to.

Mr. HALE. The Senator from Pennsylvania [Mr. CAMERON] has a short bill that he wishes to have considered, and I yield to him, reserving the right to object if it gives rise to debate.

RETIREMENT OF ENLISTED MEN.

Mr. CAMERON. I ask the Senate to take up the bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act approved September 30, 1890, so as to read:

> That when an enlisted man has served thirty years in the United States Army or Marine Corps, or as an enlisted man or appointed petty officer in the United States Navy, he shall, by making application to the President, be placed on the retired list with 75 per cent of his pay and allowances of the rank or rate upon which he was retired: *Provided*, That all active service in the United States Army, Navy, or Marine Corps during time of war, insurrection, or rebellion shall be computed as double time in computing the thirty years necessary to entitle the applicant to be retired: *Provided further*, That all honorable service in the United States Army, Navy, and Marine Corps shall be computed as within the period necessary to entitle the applicant to retire under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HILL. I suggest to the Senator from Pennsylvania whether the title ought not to be amended so as to give some idea of what the amendment of the law is. The title simply states that it is an amendment to a certain chapter of the Statutes at Large of the United States.

Mr. CAMERON. The bill is as it came from the Navy Department. It was proposed by the Department.

Mr. HALE. The suggestion is in regard to the title. The title ought to state what the bill is.

Mr. CAMERON. Very well; let the title be amended.

Mr. HOAR. I think the title should be amended so as to show the subject to which it relates. What is the subject?

Mr. HALE. It relates to the time of enlisted men in the Navy.

Mr. HOAR. Then add to the title "relating to the retirement of enlisted men."

Mr. CAMERON. "The time of enlisted men in the Navy."

The title was amended so as to read: "A bill to amend chapter 67 of volume 23 of the Statutes at Large of the United States, and to further provide for the retirement of enlisted men in the United States Army and Marine Corps and enlisted men and petty officers of the United States Navy."

DANIEL T. TOLLETT.

Mr. JONES of Arkansas. I ask the Senator from Maine to yield to me to call up a pension bill which I should like to have considered by the Senate.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. If it gives rise to no debate, but after this I can not yield to any further bills.

Mr. JONES of Arkansas. I ask the Senate to proceed to the consideration of the bill (S. 2832) for the relief of Daniel T. Tollett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Daniel T. Tollett, of Centerpoint, Howard County, Ark., late a private in Captain Moore's company, Arkansas Mounted Volunteers, Sabine Indian war, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRATERNAL BENEFICIARY SOCIETIES.

Mr. GALLINGER. I ask the Senator from Maine to permit me to make a motion simply, which will not lead to debate.

Mr. HALE. It is only a formal motion, I understand.

Mr. GALLINGER. Yesterday at my suggestion the bill (H. R. 10106) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia was laid upon the table. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. I can not yield for anything that will take any time. I am under pressure to go on with the diplomatic and consular appropriation bill, which is before the Senate. I have told several Senators that I could not yield for any more bills.

Mr. PETTIGREW. Then I shall not call up the matter now, but I wish to state that it refers to a bill which was recalled from the President, and as soon as the pending appropriation bill is disposed of I shall ask the Senate to dispose of that matter.

Mr. SHERMAN. I wish to give notice that after the appropriation bill is disposed of I shall move that the Senate proceed to the consideration of executive business.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

The Secretary proceeded to read the bill, and read to line 15, on page 2, the last clause read being as follows:

> Envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, $10,000.

Mr. MORGAN. I desire to make an inquiry of the Senator from Maine having this bill in charge as to the item of this bill which has just been read. It has been alleged on the floor of the Senate, by what authority I do not know, that the President has given us information of a change in the diplomatic relations of Central America of some kind, which would make the sending of a minister to these three States inappropriate, and I should like to have some explanation about that.

We have been informed here in some irregular way of the fact that a diet has been established in Central America, which has jurisdiction of international affairs. We are informed that that diet is represented here by a minister plenipotentiary, who represents three States—Honduras, Salvador, and Nicaragua. Two of those States are embraced in this clause, and the third is omitted; the State of Costa Rica is put in here in place of Honduras.

That leads, Mr. President, to a very awkward complication there. I have information of an unofficial sort, derived through newspapers and through some statements made on the floor of the Senate here by other Senators who may have better advices than I have about it, that the foreign offices in the States of Nicaragua, Honduras, and Salvador have been closed; that they have no foreign offices now, and our ministers sent to these respective States can have no communication through any foreign office there with the Governments to which they are accredited. That leaves a very awkward complication, it seems to me. We accredit a minister to Nicaragua, and when he goes there he finds no foreign office; we accredit another to Salvador, and he goes there and finds no foreign office; he can not hold communication with the Republic of Salvador; but somewhere amongst the three States of Nicaragua, Salvador, and Honduras there is an establishment, a foreign office, which does hold official communication with the Government of the United States.

Mr. President, if this arrangement has been made, and if it has been duly notified to the Senate of the United States, then of course the passing of a bill here to recognize that diet as the true representative of the official relations of these three Republics would be a very important matter to them and to us; but a bill passed here now which entirely overlooks that arrangement, which the President has submitted in his message to the Congress, would be not only a very awkward business, but it would discredit the diplomatic functions of the diet. Notwithstanding we are informed here that this diet exists, that it represents all of the foreign relations of these three Republics in some way or other, we send a minister to two of these States and another State of Central America, without taking the slightest notice of the powers and authority conferred by this internal arrangement between these three Republics upon the diet and its representative at this capital.

I wish to hear from the Senator from Maine who has this bill in charge why it is that this awkward lapse occurs in the bill, and why we should not reform this bill so as to accommodate it to the arrangement suggested in the President's message?

Mr. HALE. I see the force of the inquiry of the Senator from Alabama, and I am very glad he has made the inquiry. This appropriation deals not with the question of the ministers sent from those countries to us, but with ours sent to them. We have now ministers, under the old subdivision, to Nicaragua, Costa Rica, and Salvador upon one side, and Guatemala and Honduras on the other. Those ministers are there. Their pay will cease unless we appropriate, and in dealing with them it has not been thought advisable to change that basis for the present, as they are there and they need their salaries. But in the meantime, if any new arrangements are made and the two other countries which have not sent a joint minister here do not, the Department will have to arrange the matter at the end of the fiscal year; but it can not now, as the Senator will see, arrange what shall be done in the way of sending ministers. It is not well to disturb this order until it is all adjusted. I do not think any better way can be found than to continue the old arrangement, as we have ministers there now—one to Nicaragua, Costa Rica, and Salvador, and one to Guatemala and Honduras—until the Department can see whether there is anything further to be done in the way of a change of our ministers there. That is all the explanation, I suppose, that is necessary.

Mr. MORGAN. Mr. President, of course that is a very candid explanation, but it leaves us still in a very difficult situation toward these Republics. Our minister goes there accredited to three Republics.

Mr. HALE. He is there now.

Mr. MORGAN. And he is there now accredited to three Republics, with whom we can not hold any communication at all, except with a diet, which represents two of them and does not represent the third: that is to say, it is supposed to represent two of them. It certainly does not represent Costa Rica. Costa Rica has nothing to do with it; and I have information that Costa Rica is quite stirred up about it, and is not at all agreeable to this diet arrangement.

Here comes a minister from the Greater Republic of Central America: he is accredited here and received by the President of the United States; his credentials are said to be in due form, and he is placed amongst the class of ministerial representatives to this capital. We have even gone so far here as to get an official communication from that minister before the Senate, which has been debated here for days together, and upon his statement there have been made some very strong and earnest appeals to the Congress of the United States not to proceed upon a certain very important matter that we are connected with by our legislation as well as historically.

Now, I think, Mr. President, in view of the facts which are known, for us to accredit our minister now to these three Republics under the old régime, without taking any notice of this official change in their diplomatic relations toward us, must have the double effect of denouncing and discarding any recognition of that Greater Republic of Central America, and also of placing our ministers who are there, and those who may be sent there under this appropriation, in such a position as that they can hold no diplomatic intercourse with either of these States. Our minister, Mr. Baker, who is there now—and a very excellent minister he is, too, and a very able man—could have no communication at all with this diet under this act of appropriation or under any other act of Congress of which I have any knowledge. He could have no authority at all to address the Government of Honduras, for instance, because he is not accredited to that Government; he is accredited to Salvador, Nicaragua, and Costa Rica. He can not possibly have any diplomatic relations with the Government of Honduras. So it leaves this matter in a very awkward shape.

Mr. President, this has all arisen from the fact that the President of the United States has not considered it worth his time to inform the Senate of the United States of the actual state of diplomatic relations between this Government and foreign governments. He seems to have the idea that he can regulate it all by himself, and that it is not necessary to call upon the Senate of the United States or the Congress of the United States to do anything at all in respect of the recognition of the existence and the authority or the integrity of any foreign country.

Now, that is a new Government, entirely new, as entirely new as the Government of the Republic of Cuba would be if that Government were to appear here, as it has appeared, with a minister and we should undertake to recognize him. That Government has a minister now in the United States—that is to say, a diplomatic agent, with supreme diplomatic powers and functions rising above those of an ordinary minister—but we pay no attention to that. Well, perhaps that is all right. At the same time this other minister, if we fail to recognize him, stands upon no better ground than a minister from Cuba. He comes here now with his credentials from an entirely new Government, not one that is known to this Government—one that is ignored in this bill, one that has no provision of law in the United States in the slightest degree to sanction his existence, or the regularity of his appointment, or the value of his credentials. It is perfectly new; and here we are left floundering about in this condition, with the Executive recognizing a minister from a foreign Government here, representing the States of Honduras, Salvador, and Nicaragua, and we are making an appropriation to send a minister to Nicaragua, Costa Rica, and Salvador, who can not find access there to a public office of foreign affairs where he can present his credentials and have himself recognized and through which he can hold any intercourse with either of those Republics. His credentials, his powers, his duties there as a diplomatic agent are confined entirely to the Greater Republic of Central America, if there is such a thing as that, because we are informed that the Greater Republic, consisting of three States, two of which are in this bill and the other is not, has accredited a minister to this Government who is said to have full diplomatic power and recognition.

It is time, Mr. President, that we should do one of two things: We should either proceed, as this bill is proceeding, to ignore entirely the whole of the operations of the President of the United States on this subject, pass them by as if they had not existed, or as if they were the idle wind, or else proceed in conformity with some suggestion of his, if we had such a suggestion, to send a minister to the Greater Republic down there, that seems to have a diplomatic organization, at least for the purpose of being represented in foreign governments.

Mr. BACON. Will the Senator from Alabama permit me to inquire whether the President of the United States has ever communicated to Congress the fact that he has received a minister from the Greater Republic of Central America?

Mr. MORGAN. I understand that the fact is stated in his annual message.

There is another very important matter arising out of this to which I think the attention of the Senate ought at least to be called as we pass along. I do not propose to change this appropriation at all; I want to let it stand there, because it is exactly in accordance with the laws of the United States and its political and diplomatic history, and corresponds precisely with the actual legal diplomatic situation in the United States; the appropriation is all right. But while we are doing that we can not avoid the conclusion that we are ignoring the existence of the Greater Republic of Central America as a diplomatic establishment entitled to hold intercourse with this Government. After we pass this bill, I do not see what the President of the United States can do with Mr. Rodriguez except to say he has no further use for him. How can he represent a republic here, a new republic with a new name and new powers, while we are acting in our votes in the House of Representatives and in the Senate upon appropriation bills on the line of the old policy, in which that Republic has no recognition; on the contrary, in which we recognize distinctly the existing régime, the existing arrangement, and make appropriations to supply it and provide for it? It is a very awkward situation, to say the least of it, and the Congress of the United States and the Senate of the United States are not in the slightest degree responsible for it.

I have called attention to this because I should like to see corrected, if it can be, amicably and without raising a fuss in the family, this condition of embarrassment and distrust that seems to obtain between the Executive and the Congress of the United States upon a question of great importance like this. Here we are left in the dark; here we are with a minister, recognized here at this capital, who sends messages actually through the Secretary of State into the Senate, and they are here received and debated and commented upon, and yet, when we come to pass an appropriation bill, instead of accrediting the minister we sent out there to that Government, we accredit a minister to an entirely different set of States—not entirely different, but two of those States and another, Costa Rica, which is not included in the programme at all.

I do not know what can be done about it. I have no motion to make, because I have no facts upon which to make a motion. If we had a communication here from the President of the United States that he had recognized that Republic, and that it was an existing entity as a government, and had some description of the powers of that Greater Republic of Central America, then I should be prepared in good faith to make a motion to respond to their overtures in sending a minister here by returning a minister to that tribunal, to that court, or to that diet, or whatever you please to call it.

I understand, but from the newspapers—I do not know whether the President's message refers to the fact I am about to state or not; I do not remember—but I understand that Nicaragua, Honduras, and Salvador, in forming this diet, have not created between themselves any political union for any internal affairs, but that their relations are entirely those which concern foreign intercourse.

Mr. HALE. For purposes of negotiation.

Mr. MORGAN. And, I suppose, of concluding treaties. That is a curious state of affairs, Mr. President, and very awkward and very embarrassing, because we do not know how far we can go or in what direction really in making negotiations with that minister here. For instance, if a dispute should arise—as disputes have arisen and have been reconciled and settled between the Governments of Costa Rica and Nicaragua on the one hand and the Government of the United States upon the other in respect of the Nicaraguan Canal—what right would this minister have to represent the Government of Nicaragua and the Government of Costa Rica—he does not pretend to any right to represent Costa Rica; but to represent the Government of Nicaragua—in a diplomatic arrangement of some question which concerns the internal polity of Nicaragua as connected with its obligations and rights toward the United States? He can not do anything of that sort, so far as I know. On the contrary, the brief and very imperfect intimations we have had, even through the newspapers, in regard to the scope of his authority show that he can not do anything of the kind. He can not negotiate a question of that kind; he can not arrange between the United States and Nicaragua even, which he represents as the minister from the diet, any questions which concern the separate individual policy and obligations and rights and duties of the State of Nicaragua. He could not do it as to Costa Rica, with whom we have the identical relations that we have with Nicaragua upon that important subject; he could no nothing at all.

I thought I would get before the Senate and before the country all that we know about this matter. Having effected that purpose, I have no further suggestions to make, and I hope the bill will be passed.

Mr. BACON. I want to call the attention of the Senator from Alabama to the fact that he was mistaken in suggesting that the President had communicated to Congress in his annual message the fact of the reception of the minister from the Greater Republic of Central America. That minister was received on the 24th day of December last, long subsequent to the date of the President's annual message. It may be that the fact of the reception of that minister has been communicated to Congress in some special message, but if so, it has escaped my attention.

Mr. MORGAN. I do not think it has been.

Mr. BACON. Unless it has been by a special message, the fact has never been officially communicated to Congress that that minister has presented himself and been received.

Mr. MORGAN. Then I stand corrected, Mr. President, and I do it with cheerfulness, because it seems to show still more fully that the welcoming of this minister here is a mere perfunctory affair, a piece of politeness, which does not amount to anything in law.

The PRESIDENT pro tempore. The reading of the bill will proceed.

The reading of the bill was resumed, beginning at line 16 on page 2. The first amendment of the Committee on Appropriations was, under the head of "Salaries of secretaries of embassies and legations," on page 5, line 7, before the word "Germany," to insert "and;" in the same line, after the word "Germany," to strike out "and Mexico;" and in line 8, before the word "thousand," to strike out "eight" and insert "six;" so as to make the clause read:

> Second secretaries of embassies to Great Britain, France, and Germany, at $2,000 each, $6,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

> Second secretary of legation to Mexico, $2,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

> PAYMENT TO LEGAL REPRESENTATIVES OF LATE PIERCE M. B. YOUNG.
>
> To pay to the legal representatives of Pierce M. B. Young, who died while envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, six months' salary of said officer subsequent to the date of his death, $5,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

> DIGEST OF INTERNATIONAL LAW OF THE UNITED STATES.
>
> For revising, reindexing, and otherwise completing and perfecting, by the aid of such documents as have become available since 1886, the second edition of the Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys-General, the work to be done under the supervision of the Secretary of State, $10,000, said sum to be immediately available.

Mr. MORGAN. I should like to inquire of the Senator from Maine what is the necessity for inserting the restriction in these words, on line 14, page 12, "available since 1886?"

Mr. HALE. That is the time of the old edition.

Mr. MORGAN. I know it is; but there is a good deal of matter which is referred to in the old edition which ought really to be incorporated in the text.

Mr. HALE. Then let it be amended so as to read, "by the aid of such documents as may be useful."

Mr. MORGAN. Yes.

Mr. HALE. In lines 13 and 14, on page 12, I move to strike out the words "have become available since 1886" and to insert "may be useful."

I think the Senator from Alabama is right in his suggestion. There may be other documents beyond those.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine to the amendment of the committee will be stated.

The SECRETARY. After the word "as," in line 13, on page 12, in the committee amendment, it is proposed to strike out the words "have become available since 1886" and insert "may be useful;" so as to read:

> DIGEST OF INTERNATIONAL LAW OF THE UNITED STATES.
>
> For revising, reindexing, and otherwise completing and perfecting, by the aid of such documents as may be useful, the second edition of the Digest of the International Law of the United States, Taken from Documents Issued

by Presidents and Secretaries of State and from Decisions of Federal Courts and Opinions of Attorneys-General, the work to be done under the supervision of the Secretary of State, $10,000, said sum to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Salaries, consular service," on page 13, line 20, before the word "thousand," to strike out "six" and insert "five;" so as to make the clause read:

Total, $165,000.

The amendment was agreed to.

The next amendment was, to increase the appropriation for salaries of consuls, vice-consuls, and commercial agents from $425,000 to $432,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 23, to insert:

Brazil:
Consul at Santos.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

Belgium:
Consul at Ghent.

The amendment was agreed to.

The next amendment was, on page 17, line 16, after the word "Dunfermline," to insert "Newcastle on Tyne;" so as to read:

Great Britain and British Dominions:
Consuls at Barbados, Cardiff, Chatham, Cork, Dublin, Dunfermline, Newcastle on Tyne, etc.

The amendment was agreed to.

The next amendment was, under the head of "Switzerland," on page 18, line 17, to strike out "Consul at Zurich" and insert "Consuls at Horgen and Zurich."

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

Brazil:
Consul at Santos.

The amendment was agreed to.

The next amendment was, under the head of "Great Britain and British Dominions," on page 19, line 18, after the word "(Canada)," to strike out "Newcastle-on-Tyne."

The amendment was agreed to.

The next amendment was, on page 20, line 19, after the word "at," to insert "Alexandretta;" so as to make the clause read:

Turkey:
Consuls at Alexandretta, Harpoot, and Sivas.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to strike out:

Belgium:
Consul at Ghent.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to insert:

Greece:
Consul at Patras.

The amendment was agreed to.

The next amendment was, under the head of "Allowance for clerks at consulates," on page 24, line 4, after the word "Huddersfield," to insert "Horgen;" and in line 7, before the word "hundred," to strike out "seven thousand eight" and insert "eight thousand four;" so as to make the clause read:

Cairo, Cologne, Constantinople, Huddersfield, Horgen, Mayence, Munich, Nottingham, Odessa, Para, Pernambuco, Tampico, Vera Cruz, and Zurich, at $600 each, $8,400.

The amendment was agreed to.

The next amendment was, on page 24, line 23, to increase the total appropriation for allowance for clerks at consulates from $105,170 to $105,770.

The amendment was agreed to.

The next amendment was, on page 27, line 5, after the word "dollars," to insert:

And of this sum the Secretary of State is authorized to use not exceeding $3,120 for services of employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing such reports, and not exceeding $250 in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports.

So as to make the clause read:

PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparation, printing, publication, and distribution, by the Department of State, of the diplomatic, consular, and other commercial reports, $25,000; and of this sum the Secretary of State is authorized to use not exceeding $3,120 for services of employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing such reports, and not exceeding $250 in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports.

The amendment was agreed to.

Mr. HALE. After the word "copies," in line 18, page 27, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "copies," in line 18, on page 27, it is proposed to insert the following additional proviso:

And provided further, That the Secretary of State be, and he is hereby, authorized to change the name of the Bureau of Statistics to the Bureau of Foreign Commerce, and that the foregoing provision shall apply with the same force and effect to the Bureau of Foreign Commerce as to the Bureau of Statistics.

The amendment was agreed to.

Mr. HALE. I will put in the RECORD as a part of my remarks a letter from the Secretary of State explaining it.

The letter referred to is as follows:

DEPARTMENT OF STATE, *Washington, February 10, 1897.*

SIR: I observe that the diplomatic and consular appropriation bill as reported by you to the Senate contains the paragraph relating to the publication of diplomatic, consular, and other commercial reports in the form which I had the honor to submit with the estimates, with the exception of the final clause, viz:

"*And provided further*, That the Secretary of State be, and he is hereby, authorized to change the name of the Bureau of Statistics to the Bureau of Foreign Commerce, and that the foregoing provision shall apply with the same force and effect to the Bureau of Foreign Commerce as to the Bureau of Statistics."

Upon the assumption that the omission of this paragraph was accidental or that the committee was not fully informed on the subject, I deem it proper to call your attention to the practical need of some permission of this character. You will observe that the language is not mandatory, but merely authorizes the Secretary of State to change the name of the Bureau of Statistics to the Bureau of Foreign Commerce. The reasons for this change are found in the embarrassment caused the Department by the confusion arising from the fact that there are three Bureaus of Statistics in the different Departments, viz, those of the Department of State, the Treasury, and the Department of Agriculture. The name Bureau of Statistics, moreover, does not properly designate the functions of the Bureau for this Department. It is, in point of fact, a bureau of foreign commerce, and, if designated as such, would have a more distinct individuality and would attract more general attention in the business community. Notwithstanding the greater publicity which has been secured in recent years for this feature of the Department's work, there is still a regretable lack of information among our manufacturers and exporters as to the practical value of the commercial reports of diplomatic and consular officers. The proposed change of name is, in my judgment, an important step in the direction of placing the Bureau in closer touch with the business interests of the country and enabling it to develop on purely industrial and commercial lines.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

Hon. EUGENE HALE,
Committee on Foreign Relations, United States Senate.

The next amendment of the Committee on Appropriations was, on page 27, line 18, to strike out:

And provided further, That a sum not exceeding $250 of this appropriation may be expended in the purchase of such books, maps, and periodicals as may be necessary to the editing of the consular and commercial reports.

The amendment was agreed to.

The next amendment was, on page 28, line 20, after the word "Bureau," to insert the following proviso:

Provided, That the provisions of the fifth and sixth sections of the act entitled "An act establishing post routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended and made applicable to all official mail matter of the Bureau of the American Republics established in Washington by recommendation of the International American Conference, representing the International Union of American Republics.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I desire now to present and have considered the conference report on the act to amend the immigration laws.

Mr. FAULKNER. Before that is done, I suggest to the Senator from Massachusetts that the junior Senator from Maryland [Mr. GIBSON] informed me a few minutes ago that he had received a telegram from Lexington, Va., stating that the brother-in-law of Mrs. Gibson, Hon. John Randolph Tucker, is at the point of death. The Senator from Maryland had to leave the Senate to inform Mrs. Gibson of that fact and to make arrangements for her to leave the city. He requested me to ask that the bill should not be taken up for action to-day.

Mr. LODGE. Of course I have no desire to press the matter under such circumstances; and if I can have an agreement as to taking a vote on the report at any reasonable time, I will very gladly let it go over to accommodate the Senator from Maryland. I ask unanimous consent that the vote on the conference report may be taken at 4 o'clock on Saturday.

Mr. HALE (to Mr. LODGE). Make it 3 o'clock.

Mr. FAULKNER. I suggest that the Senator do not fix the time for a vote before Monday.

Mr. LODGE. Well, on Monday, then, at 4 o'clock.

Mr. HALE. That is right.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that a vote may be had on the conference report relating to what is known as the immigration bill on Monday next at 4 o'clock. Is there objection?

Mr. PALMER. For the moment, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. In the presence of objection, I feel it my duty to ask the Senate to go on with the report to-day.

Mr. SHERMAN. Mr. President——

Mr. LODGE. Will the Senator from Ohio allow me for one moment?

Mr. PALMER. If I can speak without interruption for a minute, I will say that I objected for the moment. I desire to address the Senate on the report, and the junior Senator from Maryland also wishes to speak. When he will return, I am unable to say.

Mr. FAULKNER. The Senator from Maryland expects to be here to-morrow. He is not going to leave the city, but he had to go to inform his wife of this sad occurrence.

Mr. PALMER. In his absence, I do not see how we can make an agreement.

Mr. LODGE. I have gone over two days beyond the time asked by the Senator from Maryland. This is a conference report in its last stage. It has been debated at every point. I desire to be as reasonable about it as possible. The bill has been amended to suit the wishes of the Senate; it comes back in the form the Senate desires, and I think it is not unreasonable for me, if I do not press it to-day——

Mr. HALE. Or to-morrow.

Mr. LODGE. Or to-morrow, to ask that a time shall be fixed for taking a vote on Monday.

Mr. HALE. That is fair.

Mr. LODGE. I think it is a perfectly fair request. If it is objected to, I shall feel it my duty to force the consideration of the report to-day, which I am most reluctant to do. I ask the Presiding Officer again to submit the request, and ask if there is objection.

The PRESIDENT pro tempore. The Chair will again submit to the Senate the request of the Senator from Massachusetts.

Mr. PASCO. I wish to suggest to the Senator from Massachusetts that he let his request go over until to-morrow morning. If he fails then to secure an agreement, I will assist him in taking up the bill. But under the circumstances, when this request comes from the Senator from Maryland who is absent——

Mr. LODGE. If the Senator from Florida will allow me, I will state that all that the Senator from Maryland asked was that I should put the matter over until to-morrow, and I propose to put it over until Monday.

Mr. PASCO. I understand this is a request to take a vote on the report?

Mr. LODGE. The final vote.

Mr. PASCO. I think the Senator from Maryland ought to be here.

Mr. LODGE. I have made it as liberal as possible. I do not want to press the report to-day.

Mr. PASCO. I suggest that the Senator let it go over until to-morrow morning.

Mr. LODGE. I am perfectly willing to let the report go over until Monday, but I think that if I am asked to make such a concession, I may ask in return for an agreement. If Monday is not agreeable, I will make it Tuesday.

Mr. FAULKNER. Suppose the Senator from Massachusetts makes it Wednesday?

Mr. LODGE. Very well. I will make it Wednesday, which will give everybody an opportunity to speak.

Mr. PALMER. I have no objection to that.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that at 4 o'clock on Wednesday the vote on the conference report may be taken. Is there objection? The Chair hears none.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 12, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 11, 1897.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Jared Augustine Smith, to be colonel, February 5, 1897, vice Wilson, who vacated on accepting commission as Chief of Engineers.

Maj. Charles Julius Allen, to be lieutenant-colonel, February 5, 1897, vice Smith, promoted.

Capt. Smith Stallard Leach, to be major, February 5, 1897, vice Allen, promoted.

First Lieut. William Edward Craighill, to be captain, February 5, 1897, vice Leach, promoted.

Second Lieut. James Bates Cavanaugh, to be first lieutenant, February 5, 1897, vice Craighill, promoted.

Quartermaster's Department.

Maj. Edwin Byron Atwood, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, February 11, 1897, vice Rockwell, retired from active service.

Capt. George Enoch Pond, assistant quartermaster, to be quartermaster, with the rank of major, February 11, 1897, vice Atwood, promoted.

Lieut. John M. Carson, jr., to be assistant quartermaster, with the rank of captain, February 11, 1897, vice Pond, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1897.

TERRITORIAL ASSOCIATE JUSTICE.

James R. Keaton, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTER.

B. R. Doody, to be postmaster at Canton, in the county of Norfolk and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 11, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

JOHN M. GUYTON.

Mr. STRAIT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (S. 1860), for the relief of John M. Guyton, late postmaster at Blacksburg, S. C.

The bill was read, as follow:

Be it enacted, etc., That the sum of $484.79 be allowed to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 20th day of January, 1890, without blame or fault on the part of the said John M. Guyton, and that a sum sufficient to pay the allowance now made is hereby appropriated out of any moneys not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HULL. Before objecting, I would like to ask the chairman of the Committee on the Post-Office and Post-Roads and the gentleman from South Carolina if it is customary for the Government to make good the embezzlement of employees in post-offices? Is not the postmaster responsible for such a thing on his bond?

Mr. STRAIT. From the opinion of the Attorney-General, it does not seem that the postmaster would be responsible; but he paid the money, and now he asks to be reimbursed, and there is no provision made for reimbursement.

Mr. BARTLETT of New York. Mr. Speaker, with the permission of the gentleman from South Carolina, I will say to the gentleman from Iowa that at the instance of a gentleman from New York on his side of the House a defalcation of this kind of five or ten or fifteen thousand dollars was provided for by Congress only a few weeks ago.

Mr. HULL. That may be; but I think it is very bad policy for the Congress of the United States to pass bills here to reimburse postmasters whose own appointees have defaulted, and I think I must object.

The SPEAKER. Objection is made.

Mr. BAILEY. If the gentleman from Wisconsin will permit me——

Several members addressed the Chair, and Mr. EDDY was recognized.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota.

Mr. BAILEY. I object. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Alabama [Mr. CLARKE] has a privileged motion, which will be submitted.

BIRMINGHAM AND WARRIOR RIVER WATERWAY.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate engrossed copy of the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, the same having been lost or misplaced.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the fortifications appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole. Mr. HULL in the chair.

All points of order on the bill were reserved.

Mr. HAINER of Nebraska. Mr. Chairman, I move that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HAINER of Nebraska. Mr. Chairman, in presenting the annual budget for fortifications, I desire to call attention to some of the salient points of the bill. The bill carries on its face $9,178,325. At the proper time I will yield to the gentleman from New York [Mr. BARTLETT], my colleague on the committee, to move an amendment of $75,000 for a sea wall at Sandy Hook, which, through inadvertence, was omitted, so that gentlemen in considering the bill may deem it one for $9,253,000, in round numbers. I desire further to call the attention of the committee to the fact that the estimates submitted to us from the Department aggregated $18,390,256. During the Forty-ninth Congress, for the fiscal year 1887-88, no appropriations whatever were made on account of fortifications, and for the twelve fiscal years from 1875 to 1886, inclusive, the appropriations made by Congress for this purpose averaged only about $540,000 per annum, while the average for the fourteen years, including 1887 and 1888, was only $463,000 per annum. Last year it was decided, after full consideration that the time had arrived when Congress should take a new departure in the matter of fortifications.

Your committee recognized a fact which had been patent to every observer, that our seacoast was practically undefended, and that we were, as I stated on a previous occasion, in the same situation as a wealthy man who, with full knowledge of the facts, seeks unfrequented paths which are beset by footpads and deliberately exposes himself to assault, blackmail, and robbery. We recognized the fact that although a competent board, which had been organized in 1885, known as the Endicott board, had submitted approved plans for fortifications estimated at that time to require an expenditure of $120,000,000 and now estimated to require about $80,000,000, fortifications which would satisfactorily protect our seacoast, yet, during the lapse of all these years, less than $20,000,000 in the aggregate had been expended for the purpose of fortifications, and this money had been expended mainly for purposes which may appropriately be termed "housekeeping" in connection with the work of fortifications, the real work not having been really entered upon. So that the appropriations made at the last session of Congress, aggregating $7,414,000 in cash and making provision for more than $4,200,000 of contracts, practically did more for the fortifications of this country than had been done in all the years since the war.

Encouraged by this action of Congress, the Department made its estimates for $18,390,000 for the next fiscal year. This estimate was less than one-fifth of 1 per cent of the destructible property located at our harbors within the range of the guns of any hostile fleet which may now, without much hindrance, ravage our coast. One per cent of the value of this destructible property would make our coast impregnable. We would be provided with an excellent defense with an expenditure equal to one-half the appropriation we have made during the past fifteen years for our Navy. Is it wise, I ask, to appropriate $30,000,000 per annum for a navy and less than one-third as much for fortification? I submit it is not. Every dime we expend for fortifications yields us as effective defense as a dollar appropriated for a navy. This is a stubborn fact well known to every military man or one who has examined the subject. I make this statement to show that the estimates submitted to us, $18,000,000, have merit, and I make not the slightest quarrel with the Department.

I think that every gentleman familiar with this estimate can see that such amount of money could be judiciously expended in fortifications; that the only reason for not making the appropriation is the lamentable condition of the Treasury. I make no question, and, in fact, no intelligent question can be made, but that if the financial stress of the country is left out of consideration, economy would demand that we give the full amount of the estimate, $18,390,000. But your committee, after careful consideration, felt that we must ex necessitate take into consideration the condition of the Treasury, and we must make a reduction, however strong the economical argument for larger appropriations.

Now then, bearing that in mind and still desiring to keep in the appropriation bill such an amount as would allow the Government to proceed in the matter of fortifications, keeping its several items so happily correlated as that no branch of the service shall be injured more than its fellow, we have arranged on the basis of taking out of the estimate its contract features and such items as do not admit of curtailment, aggregating about $4,600,000, leaving of the estimate practically $13,000,000 upon which we could play, to use that expression.

These contract items are as follows:

Authorized contracts for gun and mortar batteries, act of 1896	$2,500,000
Gun steel	555,038
Gun carriages	364,500
12-inch mortars	510,000
Mortar carriages	178,000
Mortar shells	54,600
Steel shots	32,938
Bethlehem contract	156,184
Total contract provisions carried by this bill	4,351,260

To this must be added the following items which do not admit of abatement:

Preservation and repair	$100,000
Preparation of plans	5,000
Sea walls and embankments	33,000
Torpedoes for harbor defense	150,000
Chemist	1,500
Expenses connected with Sandy Hook Proving Grounds	38,000
Improvements at Watertown Arsenal	17,000
Improvements at Watervliet Arsenal	51,500
Board of Ordnance and Fortification	150,000
Total	546,000

Adding these totals, we have an aggregate of $4,897,260, which is beyond the domain of argument, and only the remaining items of the bill may be considered, which latter items of estimate aggregate $13,417,996.

Thereupon we requested the Department to take of this $13,000,000 two-thirds, one-half, one-third, and one-fourth, respectively, and recast the estimate, having in view the aggregate appropriation corresponding to the several fractions I have already enumerated. I desire to print as a part of my remarks the adjustments made on these several bases by the Department; and in the absence of objection I will, without reading them at length, incorporate them.

Item.	Original estimates.	Estimates reduced one-third.	Estimates reduced one-half.	Estimates reduced two-thirds.	Estimates reduced three-fourths.
Authorized contracts for gun and mortar batteries, act of 1897	$2,500,000	$2,500,000	$2,500,000	$2,500,000	$2,500,000
Batteries	5,000,000	3,070,667	2,300,000	1,341,333	859,000
Sites	500,000	500,000	300,000	300,000	300,000
Preservation and repair	100,000	100,000	100,000	100,000	100,000
Preparation of plans	5,000	5,000	5,000	5,000	5,000
Sea walls and embankments	33,000	33,000	33,000	33,000	33,000
Torpedoes for harbor defense	150,000	150,000	150,000	150,000	150,000
Gun steel	1,117,326	1,117,326	744,884	558,663	261,830
Carriages	908,000	908,000	506,000	454,000	454,000
12-inch mortars	1,728,000	1,152,000	960,000	768,000	576,000
12-inch carriages	772,800	515,200	429,400	343,464	257,600
Gun steel[a]	555,038	555,038	555,038	555,038	555,038
Gun carriages[a]	364,500	364,500	364,500	364,500	364,500
12-inch mortars[a]	510,000	510,000	510,000	510,000	510,000
Mortar carriages[a]	178,000	178,000	178,000	178,000	178,000
Mortar shells[a]	54,600	54,600	54,600	54,600	54,600
Steel shot[a]	32,938	32,938	32,938	32,938	32,938
Reserve ammunition	1,567,698	676,793	439,516	169,868	100,000
Rapid-fire guns	517,023	172,343	142,343	....	....
Finishing and assembling at Army Gun Factory	306,142	306,142	204,092	204,092	204,092
Bethlehem contract	156,184	156,184	156,184	156,184	156,184
Field guns	85,750	28,585	28,585	....	....
Field-gun carriages	206,854	68,952	68,952	....	....
Field mortars	15,040	15,040	15,040	....	....
Field-mortar carriages	6,060	6,060	6,060	....	....
Siege guns	45,225	15,075	15,075	....	....
Siege howitzers	45,555	15,355	15,355	....	....
Siege-gun carriages	57,705	19,235	19,235	....	....
Howitzer carriages	65,296	21,765	21,765	....	....
Siege mortars	60,100	20,300	20,300	....	....
Siege-mortar carriages	47,820	15,940	15,940	....	....
Sights	15,418	15,418	15,418	10,300	8,100
Fuses and primers	7,500	7,500	7,500	5,000	4,000
Instruments, etc	2,000	2,000	2,000	1,500	1,000
Powder for issue	$33,585	$33,585	$33,585	$16,790	$12,000
Projectiles, including shrapnel	47,965	47,965	47,965	24,000	20,000
Proof of 8-inch, etc., guns	13,300	13,300	13,300	6,650	6,650
Proof of mortars	46,385	30,925	30,925	23,385	20,600
Armor plates	80,000	40,000	40,000	28,000	26,000
Armament chests	39,500	36,500	36,500	27,420	27,420
Carriages for machine guns	51,500	51,500	51,500	....	....
Chemist	1,500	1,500	1,500	1,500	1,500
Sandy Hook Proving Ground:					
Current expenses	27,000	27,000	27,000	27,000	27,000
Per diem of officers	8,000	8,000	8,000	8,000	8,000
Repair of railroad tracks	3,000	3,000	3,000	3,000	3,000
Watertown Arsenal:					
Improvement of plant	15,000	15,000	15,000	15,000	15,000
Extension of foundry shed	2,000	2,000	2,000	2,000	2,000
Watervliet Arsenal:					
New machinery, etc	46,500	46,500	46,500	46,500	46,500
Filing and grading	3,000	3,000	3,000	3,000	3,000
Repairs of sea wall	2,600	2,600	2,600	2,000	2,600
Board of Ordnance and Fortifications	150,000	150,000	150,000	150,000	150,000
Total	18,315,256	13,821,391	11,429,155	9,178,325	8,006,212

[a] To meet authorized contracts.

Now, taking these items as they were thus furnished us by the Department, your committee felt that they could not reduce the aggregate appropriations to the lowest amount, because it would cripple the service. The several amounts corresponding to the fractions are as follows: Should we reduce the reducible estimate by one-third, we would have $13,821,391. If we reduce the same items by one-half, we would have $11,429,155. If we reduce them two-thirds, we would have $9,178,325, not including the Sandy Hook item to which I have already referred. And if we reduce the estimates three-fourths, we would have an aggregate of $8,036,212.

The lowest estimate makes the following cuts under the next lowest estimate, to which I desire to call attention: In the matter of batteries, it would reduce the item from $1,341,333 to $859,000. This would cripple two branches of our service—first, the engineering work; second, the mortars. Gentlemen will recall the fact that these fortifications are now being erected at various ports along our seacoast. A reduction from $1,341,333 to $859,000, if apportioned among these various ports, would leave the amount so small at many of these places that it would be only a shocking waste of funds to carry on the work at those places at all. Money should be expended in such a way as to provide as many completed emplacements as the sum at our disposal will permit. In other words, to avoid the waste we all discountenance, any material reduction of this item will work an abandonment of the work at important points. Let me call attention to some of the places which must be neglected entirely if we do that. There would necessarily be abandoned all engineering work at Portsmouth, N. H.; Baltimore, Md.; Washington, D. C., the capital of our country; Charleston, S. C.; Savannah, Ga.; Key West, Fla.; Mobile, Ala.; Galveston, Tex., and Puget Sound, Washington. I can not believe that any gentleman who studies the facts which are comprehended in the statement I have made will consent to a reduction in this appropriation involving the consequences to which I have called attention.

Then, too, I ask gentlemen to observe the fact that the mortar branch of our service is one of the most effective and at the same time most inexpensive branches of our fortification works; and unfortunately it is one which has been least regarded thus far. Never for ten years past, until the last year, has any reasonable provision been made for mortars. Under our adopted plans, mortars being necessary adjuncts of direct-fire guns, we must in the orderly prosecution of the project provide a due complement of this arm. We can not with safety reduce this item.

Let me call the attention of the House to the fact that at the eleven great ports of our country where it is proposed to utilize 710 of these mortars, we have but 121 of them. If it is the purpose of gentlemen to fortify our coasts; if we are not making a dress parade of this matter; if we wish to resolve this question as men of business resolve questions, looking to results; if it is our policy to get the most possible for our money, then we do not want to cripple this branch of our service.

Another thing: If we further reduce this appropriation below the point which has been recommended by your committee, we reduce the item for gun steel from $558,000 to $261,830. What does that mean, gentlemen? It means that you will take away from the great arsenals of this country, which are doing the best work done by any arsenals in the world (thanks to the efficient conduct of the War Department)—you rob them of working materials and prevent them from carrying on their work; you leave practically the expense of carrying on those institutions at the points where they are now, with the sole exception of the labor item, but impotent to produce results, for without steel you can make no guns. Under the appropriation recommended we can procure only ten sets of forgings for 10-inch guns, and the same number for 12-inch guns, while a reduction to the fourth schedule would procure for us only five sets of forgings for each of the two calibers. But you must keep those factories running, and business men well know the waste which is involved in keeping a factory running which is not turning out product. That is waste; that is not economy.

Again, the capacity of the Government Gun Factory for assembling these forgings into guns, working eight hours per day, is able to absorb in one year the forgings which the original estimates would procure, and it is therefore plain that a reduction of one-half, which is contemplated by this bill, goes to the utmost verge of safety. No amount of appropriations can hasten the production of these forgings beyond the capacity of a few private plants, and we must face the fact that even the reduction made by the committee compels a serious delay in the procurement of forgings sufficient to enable our shops to carry on their works at their normal capacity.

Further than that, gentlemen, there is a large amount of this work which is necessarily done by contract. These great arsenals of our Government are the most efficient guards against extortion on the part of contractors. Having those great arsenals, and doing this work ourselves at those arsenals, we can determine within reasonable limit what the cost of the manufacture of these heavy seacoast guns, of mortars, and of gun carriages ought to be; and thus we have in our possession information which will enable us advantageously to place contracts required in this service.

The other items of possible further reduction admit of similar analysis; and I may say in general that any reduction of this bill puts a stop to the work of intelligent coast defense, cripples the War Department in its work, so auspiciously commenced, and works material disadvantage, and places it in the power of contractors to extort from the Government. I have discussed at this length, Mr. Chairman, for two reasons: First, for the reason that the facts are of general interest in the discussion of this bill, and, second, because it has been suggested in another place that an effort would be made to reduce the items contained in this bill to the fourth schedule set out in the tables to which I referred, and which I have made a part of my remarks.

In connection with this matter, Mr. Chairman, which I am discussing, I desire to incorporate in my remarks at this point the tables which appear on page 75 of the hearings before the Fortifications Subcommittee.

The tables are as follows:

The approved plans call for the following numbers of 8, 10, 12, and 16 inch guns and 12-inch mortars at the following places:

Port.	Guns.				Mortars, 12-inch.
	8-inch.	10-inch.	12-inch.	16-inch.	
Portland, Me	10	10	16	....	48
Boston	5	15	17	6	128
New York	9	24	55	14	150
Philadelphia	....	5	14	....	16
Baltimore	4	....	7	....	32
Washington	3	6	4	....	....
Hampton Roads	....	10	10	4	32
Charleston	....	4	6	....	16
Savannah	4	....	2	....	16
New Orleans (Endicott board)	10	....	20	....	....
San Francisco	19	28	33	8	144
Columbia River	4	11	2	....	48
Puget Sound	8	18	5	....	80
Total	76	131	193	32	710
	78	136	92	1	146
	+2	+5	−101	−31	−564

Does not include eastern entrance to Long Island Sound.

Emplacements provided in the foregoing ports are as follows:

Port.	Guns.				Mortars, 12-inch.
	8-inch.	10-inch.	12-inch.	16-inch.	
Portland, Me	....	5	2	....	16
Boston	....	7	....	....	16
New York	....	16	2	....	32
Philadelphia	....	3	3	....	....
Baltimore	3	....	1	....	8
Washington	3	3	....	....	....
Hampton Roads	....	3	....	....	16
Charleston	....	3	....	....	16
Savannah	4	....	....	....	....
New Orleans	....	2	....	....	....
San Francisco	....	3	9	....	16
Columbia River	8	4	....	....	....
Puget Sound	....	6	2	....	....
Total	18	55	19	....	120

Emplacements are provided as follows at other ports than those named above:

Port.	Guns.				Mortars, 12-inch.
	8-inch.	10-inch.	12-inch.	16-inch.	
Portsmouth, N. H	2				
Narragansett Bay		5			16
Eastern entrance to Long Island Sound			2		
Wilmington, N. C	3				
Key West	2	3			8
Pensacola		4			
Mobile	4				
Galveston		2			8
San Diego		2			
Total	11	16	2		32

I also desire to submit some tables in connection with the original estimates of the Department and the reduction contemplated by the subcommittee, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On the basis of the original estimate of $5,000,000 for guns and mortar batteries, it was proposed by the War Department to build 25 emplacements for 12-inch guns, 24 emplacements for 10-inch guns, 13 emplacements for 8-inch guns, and 144 emplacements for 12-inch mortars.

On the basis of the reduction contemplated by the third schedule, namely, $1,341,333, only the following number can be constructed: six emplacements for 12-inch guns, 5 emplacements for 10-inch guns, and 84 emplacements for 12-inch mortars.

On the basis proposed by the fourth schedule, the number that can be constructed will be reduced still further to 5 emplacements for 12-inch guns, 4 emplacements for 10-inch guns, and 76 emplacements for 12-inch mortars.

In addition to the foregoing, there would be constructed a few emplacements for rapid-fire guns—on the basis of the fourth schedule only 3 and on the basis of the third schedule only 15.

Thus it will be seen that even on the basis of the third schedule nearly all of the construction work on the new defenses, except for mortar batteries, will have to be discontinued, and continuance of work even on the mortar batteries will be very seriously crippled.

	8-inch.	10-inch.	12-inch.
Guns completed and on hand August 30, 1896	65	63	22
Carriages completed and on hand August 30, 1896:			
Barbette	8	5	6
Disappearing	5	23	
Gun-lift			2
Casemate			1
	13	28	9
Guns to be completed and on hand June 30, 1897 (estimated)	89	78	42
Carriages to be completed and on hand June 30, 1897 (estimated):			
Barbette	8	5	11
Disappearing	17	48	1
Gun-lift			2
Casemate			1
	25	53	15
Guns to be completed and on hand June 30, 1898 (estimated)	88	115	60
Carriages to be completed and on hand June 30, 1898 (estimated):			
Barbette	25	5	31
Disappearing	39	65	1
Gun-lift			2
Casemate			1
	64	70	35

Emplacements provided for, including act of June 6, 1896.

Twelve-inch lifts, No. 2.—Completed, guns mounted.

Twelve-inch disappearing, model 1896, No. 9.—1 to be ready February 1, 1897; 4 to be ready July 1, 1897; 2 to be ready September 1, 1897; 2 to be ready October 1, 1897.

Twelve-inch nondisappearing, No. 10.—3 completed, guns mounted; 3 completed; 2 to be ready February 1, 1897; 2 to be ready December 1, 1897.

Ten-inch disappearing, model 1894, No. 34.—7 completed, guns mounted; 26 ready for armament; 1 to be ready July 1, 1897.

Ten-inch disappearing, model 1896, No. 35.—8 ready for armament; 2 ready February 1, 1897; 4 ready July 1, 1897; 5 ready August 1, 1897; 6 ready September 1, 1897; 4 ready October 1, 1897; 3 ready November 1, 1897; 3 ready December 1, 1897.

Ten-inch disappearing c. p. model 1896, No. 1.—1 ready for armament July 1, 1897.

Ten-inch nondisappearing, No. 3.—To be ready December 1, 1897.

Eight-inch disappearing, model 1894, No. 25.—5 completed, guns mounted; 3 now ready for armament; 3 ready July 1, 1897; 12 ready August 1, 1897; 2 ready October 1, 1897.

Eight-inch disappearing, model 1896, No. 4.—2 ready for armament June 1, 1897; 2 ready for armament July 1, 1897.

Five-inch rapid-fire, No. 13.—12 ready July 1, 1897; 1 ready December 1, 1897.

Six-pounder rapid-fire, No. 4.—4 now ready.

Twelve-inch mortars, model 1894, No. 84.—72 completed, mortars mounted; 12 ready now.

Twelve-inch mortars, model 1896, No. 68.—16 ready now; 20 ready July 1, 1897; 16 ready September 1, 1897; 16 ready October 1, 1897.

It is expected that all of the above emplacements will be completed by the end of the calendar year 1897.

	Provided for by all acts, including June 6, 1896.	Estimates for 1898, $5,000,000.
12-inch:		
Lift	2	
Displacement	9	25
Nondisplacement	10	
10-inch:		
Displacement	70	21
Nondisplacement	3	2
8-inch displacement	29	13
5-inch R. F	13	50
6-inch R. F		1
6-pounder R. F	4	63
Machine guns	139	45
Mortars	152	144

Comparison of emplacements to be provided for by all appropriation acts to date and by estimates for 1898, with total number required under approved projects.

	Guns.					Mortars.
	16-inch.	12-inch.	10-inch.	8-inch.	R. F.	
Total emplacements required under approved projects	32	203	181	103	361	1,066
Total emplacements provided for, including estimates for 1898		46	96	42	131	286

Guns provided for by Ordnance Department, including act of June 6, 1896.

[Taken from report of Secretary of War for 1896, page 28.]

Guns.					Mortars.
16-inch.	12-inch.	10-inch.	8-inch.	R. F.	
1	92	136	78	18	146

COMPARISON OF HIRED LABOR AND CONTRACT WORK.

The following tabulated statements show the relative cost of emplacements by hired labor and contract under the act of June 6, 1896. They are based on the best data now obtainable, but accurate comparisons can not be made until after the working season of 1897, when all or the greater portion of the contract work will have been completed. Owing to the greater number of emplacements compared, the average cost of the 12-inch nondisappearing, 10-inch and 8-inch disappearing class is entitled to more weight than the cost of the 12-inch disappearing, in which the limited number available for comparison prevents the elimination of specially favorable or unfavorable conditions.

Cost of emplacements by hired labor under act of June 6, 1896.

TWELVE-INCH DISAPPEARING.

Locality.	Number.	Cost.
Finns Point	3	$137,000
Fort Winfield Scott	1	50,068
Total	4	187,068

or $47,767 per emplacement.

TWELVE-INCH NONDISAPPEARING.

Fort Winfield Scott	2	$48,358

TEN-INCH DISAPPEARING.

Portland Head	2	$68,000
Long Island Head	3	120,000
Fort Schuyler	2	71,000
Fort Hamilton	2	70,000
Fort Wadsworth	4	160,000
Fort Hancock	2	74,000
Finns Point	2½	75,111
Fort Washington	1	50,000
Fort Pickens	2	80,000
Fort St. Philip	1½	90,000
Galveston	2	100,000
Point Adams	4	159,000
Total	29	1,117,111

EIGHT-INCH DISAPPEARING.

Fort Morgan	8	$119,500
Chinook Point	2	88,000
Total	8	207,500

Thirty-five emplacements. 12-inch nondisappearing, 10-inch and 8-inch disappearing, cost $1,372,969, or $39,227 per emplacement.

Cost of emplacements by hired labor under act of June 6, 1896—Continued.

FIVE-INCH RAPID-FIRE (ESTIMATED COST).

Locality.	Number.	Cost.
Fort Hancock	1	$10,000
Long Island Head	3	82,200
Willets Point	1	4,000
Point Adams	1	5,500
Chinook Point	1	5,500
Fort Winfield Scott	2	20,000
Total	9	77,200

or $8,577 per emplacement.

TWELVE-INCH MORTARS.

Fort Monroe	8	$100,000
Fort Preble	16	125,000
Fort Adams	16	125,500
Sullivans Island	8	112,000
Total	48	462,500

or $9,635 per emplacement.

Estimated cost of emplacements by contract, act June 6, 1896.

TWELVE-INCH DISAPPEARING.

Locality.	Number.	Amount of bid.	Amount to be set aside for settlement with contractor.	Amount required for supervision and engineering expenses.	Total.
Great Gull Island	2	$106,628.80	$115,000.00	$17,000.00	$132,000.00
Hawkins Point	1	40,000.00	46,500.00	3,500.00	50,000.00
Total	3				182,000.00

Average cost per emplacement, $60,667.

EIGHT-INCH AND TEN-INCH DISAPPEARING.

Fort Constitution	2, 8	$55,372.52	$60,000.00	$5,000.00	$65,000.00
Dutch Island	8, 10	85,450.50	100,000.00	8,000.00	108,000.00
Fort Hancock	3, 10	78,202.00	90,000.00	3,690.00	93,690.00
Hawkins Point	3, 8	82,064.46	87,800.00	6,000.00	93,800.00
Sheridans Point	8, 8	90,898.10	100,000.00	8,000.00	108,000.00
Wilmington	8, 8	99,947.17	119,900.00	8,000.00	127,900.00
Charleston, S. C	3, 10	153,270.50	167,000.00	10,000.00	177,000.00
Savannah	4, 10	142,222.72	150,000.00	12,000.00	162,000.00
San Diego	2, 10	103,038.36	109,000.00	9,000.00	118,000.00
Total	26				1,053,390.00

Average cost per emplacement, $40,515.

TWELVE-INCH MORTARS.

North Point	8	$91,613.31	$109,900.00	$10,500.00	$120,400.00
Galveston	8	98,491.80	111,000.00	8,000.00	119,000.00
Total	16				239,400.00

Average cost per emplacement, $14,962.

Comparative cost of emplacements.

	Hired labor.	Contract.	Difference in favor of hired labor.
12-inch disappearing	(4) $47,767	(3) $60,667	$12,900
12-inch nondisappearing, 10-inch and 8-inch disappearing	(35) 39,227		1,288
10-inch and 8-inch disappearing		(26) 40,515	
12-inch mortars	(48) 9,635	(16) 14,900	5,265

Corrected to January 23, 1897.

Statement showing disposal of appropriation for "Sites for fortifications and seacoast defenses," act of June 6, 1896.

Purchase of tract at—	
Boston, Mass., Peddocks Island	$33,130.00
Narragansett Bay, Conanicut Island	105,259.88
East entrance Long Island Sound, Plum Island	25,000.00
Charleston, S. C., Sullivans Island	3,782.36
Key West, Fla., Martello Tower No. 2	4,600.00
Galveston, Tex., city front	35,000.00
San Diego, Cal., Coronado Beach	2,500.00
Puget Sound, Washington:	
Admiralty Inlet	7,200.00
Marrowatone Point	3,480.00
Expenses incurred in making above purchases	2,474.92
Total	222,427.18

I have little further to add to the remarks already submitted. Gentlemen will understand that this bill has been constructed symmetrically, with a view to carrying on this important work most advantageously. I have assumed in these remarks, what must be conceded, that no expenditure made by this Congress has been more generally commended than that made for fortifications. We cultivate the arts of peace, but can have assurance of amity with all only as we are prepared to resist unjust encroachment. There must always be, in the case of every self-respecting nation, a manifestly fair relation between assertion and ability to maintain. We propose no conquests, and hence have no need for a great Navy, already too expensive; but we should on every consideration of prudence and patriotism properly guard the great ports on our borders. This is a matter of great national concern, and, with due regard to the condition of our Treasury, should be prosecuted, not spasmodically, when baleful war fever sweeps over the country, but each year, until completed in a businesslike, economical fashion. Last year we appropriated $7,400,000; this bill carries about $9,250,000, making over $16,500,000 for this Congress. At this rate eight years more will finish the work. This rate I favor, and along this line this bill is drawn.

And now, sir, unless some other gentleman desires to address the committee, I ask unanimous consent that the general debate be considered as closed.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. HAINER of Nebraska. Certainly.

Mr. BAKER of New Hampshire. Will the gentleman please explain specifically the difference between the estimates and the amount carried in the bill, which I see is about $9,000,000? I think we would all be glad to know wherein the difference lies, between the estimates of the Department and the amounts recommended in the bill.

Mr. HAINER of Nebraska. I have already asked to have made a part of my remarks the several estimates covering the amount of $18,000,000 estimated by the Department, showing the various items and also indicating the percentages of reduction proposed by the committee. I have explained the most important of them. If the gentleman has in mind any particular item in the bill, I would be very glad to explain it.

Mr. BAKER of New Hampshire. I am satisfied if it goes into the RECORD.

Mr. HAINER of Nebraska. And now, Mr. Chairman, for the purpose of allowing another important appropriation bill to be reported, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 10288, had come to no resolution thereon.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I desire to report the bill (H. R. 10292) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

I ask that this bill be printed and appropriately referred.

Mr. MCMILLIN. I desire to reserve all points of order.

The SPEAKER. The bill will be printed and referred to the Committee of the Whole House on the state of the Union. All rights are reserved.

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. I move that the House resolve itself into Committee of the Whole House on the state of the Union to resume consideration of the fortifications appropriation bill.

Mr. BARTLETT of Georgia. Will the gentleman withdraw that for a moment, to enable me to make a report?

Mr. HAINER of Nebraska. Certainly.

CONTESTED-ELECTION CASE—WATSON VS. BLACK.

Mr. BARTLETT of Georgia. Mr. Speaker, by direction of Committee on Elections No. 1, I submit the unanimous report of that committee in the contested-election case of Thomas E. Watson against James C. C. Black, from the Tenth Congressional district of Georgia, and ask that it be printed and appropriately referred. I will state that the committee will, at such time as suits the convenience of the House, call it up for consideration; at which time the contentions of the contestant may be presented to the House, if desired by the House.

The SPEAKER. The report will be printed and referred to the House Calendar.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota.

The SPEAKER. The bill will be read, subject to the right of objection.

Mr. BAILEY. How does that come up, Mr. Speaker?

The SPEAKER. The gentleman asks unanimous consent. It requires unanimous consent.

Mr. BAILEY. I demand the regular order.

The SPEAKER. Objection is made.

FORTIFICATION APPROPRIATION BILL.

Mr. HAINER of Nebraska. I now renew my motion, Mr. Speaker, that the House resolve itself into Committee of the Whole to further consider the fortification appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. HAINER of Nebraska. If no other gentleman desires to be heard generally on the bill, I ask that general debate be now closed.

The CHAIRMAN. The gentleman from Nebraska [Mr. HAINER] asks that general debate be now closed. If there be no objection, it will be so ordered.

There was no objection.

The Clerk (proceeding with the reading of the bill by paragraphs) read as follows:

Sites for fortifications and seacoast defenses: For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, $40,000.

Mr. FISCHER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert in line 13, page 2, after the word "dollars," the following:

"For defraying the expense necessary for an investigation of the feasibility of erecting and constructing a fortification and seacoast defense, consisting of revolving turrets or other defense, upon Romer Shoals at the entrance to the harbor of New York, $1,000."

Mr. HAINER of Nebraska. Mr. Chairman, I reserve the point of order on that amendment for the purpose of allowing the gentleman to be heard.

Mr. FISCHER. Mr. Chairman, briefly stated, the facts in connection with this amendment are these: I caused to be introduced a bill known as H. R. 10080, calling for the same legislation. Romer Shoal, in New York Harbor, at the point indicated in the bill which I introduced, is the best point for defense in the harbor of New York, and is so admitted by army and navy officers who have been interviewed since the introduction of this measure. The three channels entering New York Harbor are known as the Main Ship Channel, Gedney Channel, and Swash Channel. Romer Shoal is situated exactly in the center, so that any vessel entering the harbor of New York must of necessity pass around this shoal. The greatest distance from the shoal to the main channel at any given point does not exceed 2,000 feet, and by reason of the formation of these channels no vessel could enter the port of New York without presenting to any fortifications erected on this shoal a broadside fire for almost the entire distance it is compelled to sail from the time it reaches Sandy Hook light-ship until it reaches the Narrows, at which point we have Forts Wadsworth and Hamilton.

This amendment calls for only a slight appropriation, asking only for a sufficient sum of money to defray the expense of investigation and report as to the feasibility of this project.

I was informed by the chairman of the subcommittee having charge of this bill that by the report of the Endicott board, filed some years ago in the War Department, this scheme had already been taken up and plans for this project had been filed. I have spent some time at the War Department, and have investigated the Endicott report, but I am sorry to say that I can not find anything in it relative to this particular improvement.

Now, no harm can come from this proposition, and much good can; and I want to say, in further explanation of it, that if this project were authorized, the cost of cribbing and filling, turrets and ordnance, everything complete, would not exceed the cost of the machinery alone on a battle ship, and here we should have a fortification in the center of the three channels absolutely unsinkable, requiring no dry docking two or three times a year, requiring no crew, officers, or engineers at an enormous expense per month, a work that might be left in the charge of a small detail of troops from the regular force, and would afford a protection equivalent, so far as armament is concerned, to two monitors, with none of the liabilities of sinkage and none of the dangers of travel by sea.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 1323) for the relief of Ira H. Sweatt; and

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the constructon of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof.

The message also announced that the Senate had passed with amendments the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, in which the concurrence of the House was requested.

The message also announced that the Senate had further insisted upon its disagreement to the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILL, Mr. PLATT, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. HAINER of Nebraska. Mr. Chairman, the remarks of the gentleman from New York [Mr. FISCHER] illustrate anew a peculiarity of human genius. From many different sources we learn of inventions and discoveries. Each inventor and each discoverer believes himself to have a monopoly of whatever credit is due for his invention or discovery. The fact is that the Romer Shoal has not escaped the observation of men who have given their lifetime in study of the fortification of our seacoast, and the detailed plans appear in the War Department for making this fortification. There has been a survey of every single foot of the Romer Shoal, and the locality and use of it have been fully determined by the proper Department.

I suggest also to my friend that there is an inherent vice in undertaking in any event, even if it were in order, to saddle appropriations for any particular point upon this bill. I desire further, in this connection, to urge upon the committee generally, and entirely apart from the amendment offered by the gentleman from New York [Mr. FISCHER], but simply taking that as a text, that the general plan of coast defense involves twenty-eight principal points. I may safely say that nine-tenths of the dangers under which this country is resting center about five or six points at the farthest. Unfortunately, no Congress has had the courage to make provisions in appropriations for these points in the order of their importance, and it would be asking too much of the War Department to concentrate these appropriations at these pivotal points. If they do so, we might with truth say that with the appropriations already made and those contained in this bill the great danger to our seacoast would be provided against. But it is not so. These fortifications are scattered along the entire coast, here and there, to meet the importunities of the public—each locality urging its special dangers upon the Department. The Department has in good faith and with rare tact responded to these numerous and diverse calls as well as it could within the limits of the Endicott board plan. Hence we would simply increase that trouble, making these expenditures uneconomical and unnecessarily great by inserting in the bill provisions for beginning work at any particular point. Having said this much, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from Nebraska on the point of order. In what does it change any existing law? The Chair understands there is a Board of Fortifications which has the power now of determining the question of making this very investigation, if the Board so desires.

Mr. HAINER of Nebraska. The Endicott board made a general plan which has since been followed. The law places all discretion in the War Department, where it properly belongs, to determine the details. It is a change of the law to that extent. It takes away the discretion that is invested in the War Department.

Mr. DOCKERY. If it does not change existing law, why is it here?

The CHAIRMAN. Is it not simply directory? The law creating the Board of Fortifications gave it discretionary power over the entire seacoast defense, and, if that be true, wherein does it change any law to make a specific appropriation for one place?

Mr. HAINER of Nebraska. Anything, Mr. Chairman, that changes existing law from either directory or discretionary is a change of existing law. The Board of Ordnance and Fortification have nothing to do with surveys or with making plans for defense at any point.

The CHAIRMAN. The Chair will ask the gentleman from Nebraska, Would it not be in the power of the Congress in this bill to make a specific appropriation for each particular place where-ever they wanted to expend the money; and if so, would that change any existing law?

Mr. HAINER of Nebraska. I think it would. The entire policy and term of the present law is to leave this matter in the hands of the War Department—that branch of our Government trained for this purpose. This amendment would take it away from the hands of the expert branch and put it in the hands of those who are untrained in the matter. It seems to me it would be a startling innovation on both the law and policy to allow an amendment of this kind to be ingrafted in the bill.

Mr. FISCHER. Mr. Chairman, I understand the gentleman to say that it is an offense to suggest an idea to the War Department. If it is an offense, I may be excused. The only point that I can see in the gentleman's remarks is, this is a change of existing law in that it makes an appropriation for a particular place. I would like to call attention to the bill, wherein you will find many specific appropriations are made in the very line of this amendment—for Watertown Arsenal, for Watervliet Arsenal, for Sandy Hook. Are not these special and particular appropriations? There is no other way by which you can arrive at it.

Mr. HAINER of Nebraska. My friend is not a novice in matters of legislation. He knows that those are establishments of the Government and are regularly estimated for. They certainly do not stand on the same basis as his amendment; and my friend recognized that when he introduced his bill for making this survey which is now pending before the Appropriations Committee. If it made no change of existing law, my friend would certainly not have wasted his work or wasted his midnight vigil in preparing for introduction that bill.

Mr. FISCHER. I am sorry if I disturbed my friend.

The CHAIRMAN. The Chair thinks this amendment is in order. The desirability of such legislation can be passed upon by the committee.

Mr. HAINER of Nebraska. Then I ask for a vote.

Mr. HOWE. Mr. Chairman, I hope this amendment will pass or receive favorable consideration. The harbor of New York, the great entrance to the city of New York, needs protection, and if this proposed amendment shall pass it will make it possible to increase the defense of this great harbor. It would be sensible and reasonable that this amendment should be favorably considered. My friend has stated that it is unfortunate that these great bulwarks of defense should have been delayed and gone without notice so long. It is high time, Mr. Chairman, for that defense to be considered. This amendment simply calls for a preliminary survey and an appropriation to pay the expense. I hope this amendment will be adopted.

Mr. HAINER of Nebraska. Mr. Chairman, I simply desire to say that this survey of these shoals has already been made. This would be a waste of expenditure. Further than that, no estimate has been made by any officer for this; no request has come from the War Department for this. It is just simply a request of the gentleman, who is an amateur yachtsman and has been grounded on this particular shoal. I ask for a vote.

Mr. FISCHER. Will the gentleman permit a question?

Mr. HAINER of Nebraska. I yield to my colleague on the committee [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman——

Mr. FISCHER. Will my colleague allow me to ask the gentleman a question?

Mr. BARTLETT of New York. You can ask him afterwards.

Mr. FISCHER. I will try to remember after the gentleman has finished.

Mr. BARTLETT of New York. Mr. Chairman, I represent the lower district of New York, the district that would be most affected by the expenditure of this thousand dollars, and I am opposed to this appropriation for two reasons. In the first place, it would be a waste of public money. It is unnecessary to expend this sum of $1,000 for this purpose, because the work has already been done. The survey has been made, as has been stated by the chairman of the subcommittee in charge of this bill. But, Mr. Chairman, there is another reason. We have a competent Secretary of War, and we have under him engineer officers who are competent to discharge their duties. Have they come to the subcommittee and asked for this appropriation? No, gentlemen; because they realize that it would be a mere waste of public money. It is all very well for gentlemen who represent the city of Brooklyn or some other part of the State of New York to rise and talk about "the great harbor of New York" and the "great bulwarks of defense." I believe in the largest and fullest appropriations that are necessary for the protection of the harbor of New York, but I do not believe in taking a dollar of the public money for a purpose which is absolutely futile.

Mr. DOCKERY. Mr. Chairman, I desire to congratulate my colleague on the committee, the gentleman from New York [Mr. BARTLETT], on what seems to be a new-born zeal for economy and retrenchment, but still I am very glad that he stands in opposition to this amendment. In my view, and with perfect respect for the decision of the Chair, this proposition does change existing law, because we have now a board which is clothed with general powers to determine such questions as the one raised by this amendment. The amendment is a limitation on this discretion, and directs the board to investigate this particular point. I suppose it is offered under an apprehension, or rather a misapprehension, that there is some danger to this country from foreign invasion. I trust the House will vote down the amendment, for, in my judgment, there is no danger whatever from foreign invasion. There are no enemies in sight, except the enemies of the Treasury of the United States, and this amendment is one expression of their hostility. [Laughter.]

Mr. BENNETT. Mr. Chairman, I desire to say to my colleague from New York [Mr. BARTLETT] that this is not a matter which concerns Brooklyn alone. It concerns the defense of the entire harbor of New York; and Staten Island, which is a portion of the district that my friend represents, would be benefited by it, at least as much as any other locality. The matter is of national importance. This amendment simply proposes an appropriation of $1,000 for a survey, and it is a reasonable proposition——

Mr. HAINER of Nebraska (interposing). But the survey has been made. Why does the gentleman insist that this is a reasonable proposition when the survey has been already made and every fact determined?

Mr. BENNETT. I am given to understand that the survey has not been made.

Mr. HAINER of Nebraska. But I have made careful examination of that question and have seen the detailed sketches of the survey.

Mr. BENNETT. But has a survey been made of this particular point?

Mr. HAINER of Nebraska. Yes, of this particular shoal. I have explained that three or four times.

Mr. BENNETT. Then, if the survey has been made, the expenditure of this thousand dollars would be unnecessary, and then this amendment would virtually carry no appropriation?

Mr. HAINER of Nebraska. Of course it is unnecessary, and the whole scheme of it is vicious.

Mr. BENNETT. Then does the gentleman say that, the survey having been made, all that would be required would be a recommendation from the War Department to bring it properly before Congress?

Mr. HAINER of Nebraska. I say that if you should pass this amendment you would compel the expenditure of $1,000 for work that has been already done, and in addition to that you would establish a vicious precedent, so that any gentleman here might, by a little log-rolling, have an appropriation made for a survey at any particular point in which he took an interest, thus taking this business out of the competent hands in which it now rests (the War Department) and putting it into the hands of novices.

Mr. BENNETT. Will the gentleman accept the amendment if it turns out that the survey has not been made?

Mr. HAINER of Nebraska. No, I will not, because I think the general scheme of such amendments is vicious, and I do not want to see such a precedent established on any bill with which I have anything to do.

Mr. BENNETT. I do not see what objection there can be to this amendment, either on the part of the gentleman from Nebraska or of any other member of the Appropriations Committee, if the survey has not been made.

Mr. GROUT. Mr. Chairman, I move to strike out the last word. The point of objection to this amendment seems to lie particularly in this view; but first let me say, by way of distinguishing this from some other bills, that this is not a river and harbor bill. We have provided for the defense of our coast under the direction of skillful engineering officers, who make surveys and plant fortifications and batteries where they think they will do the most good. Now, this House knows nothing about the propriety of planting a fortification at the point indicated in this amendment, or even of making a survey for that purpose. To pass such an amendment here would be firing absolutely in the dark. If any gentleman thinks the engineering officers are overlooking an important strategic point in New York Harbor or elsewhere, the proper thing to do is to go to the Engineer Department, or to the Secretary of War, and have the matter brought to the attention of the House in an official way, with the sanction of the men who are supposed to know all about such matters. It seems to me very unwise to adopt an amendment of this kind, and I hope it will be voted down.

Mr. BENNETT. Mr. Chairman, we believe this to be such a reasonable proposition that we beg that it be not voted down. The gentleman in charge of this bill states that the survey has been made. If it has been made, there will be no necessity for the expenditure.

Mr. CANNON. Mr. Chairman, against an expenditure of $1,000, more or less, where it is necessary, I have, of course, no word of objection to submit; but I want to call the attention of the committee to a few facts. This work of fortifications proceeds under the Endicott plan. When completed, it is to cost a very large sum of money. It is progressing in a very satisfactory way; and I may say, considering everything, it is speedily progressing in accordance with well-defined plans under the direction of the Secretary of War, the Board of Ordnance, utilizing the Chief of Engineers, and the Chief of Ordnance. The plan is comprehensive, and unless gentlemen have given much attention to it, they do not understand how thoroughly the work is being done.

Now, I wish to say another thing: There is no trouble about the Department proceeding fast enough and about expenditures being made fast enough and in the proper places. More than that, at Sandy Hook this scheme of fortification has fructified to such an extent that large expenditures are being made in the erection of posts for the accommodation of soldiers to guard the property of the United States and to operate the guns; and quite properly. The work is progressing more speedily perhaps than most gentlemen realize. I think we had better not undertake to authorize any special matter such as is now proposed, because under the general scheme the authority covers every point, including New York.

One further remark: During this Congress, if this bill should be passed as reported, we shall have appropriated almost $17,000,000 for emplacements and for the making of guns—extraordinary appropriations if we stop and consider a minute as to the progress of the work from the adoption of the Endicott plans down to the commencement of the present fiscal year. I wish to add that when the money authorized by this bill shall have been expended, Portland, Boston, New York, Baltimore, Washington, Charleston, San Francisco, New Orleans, and Puget Sound will be practically well fortified. So that we can rest upon the assurance that the blocks of population at the principal of these ports can not have blackmail levied upon them by a hostile fleet in the event of war. I make this statement after inquiry; and it is not only my opinion, but the opinion of experts, some of whom are in part charged with the administration of these appropriations.

I think that while a thousand dollars amounts practically to little, yet, with all due respect to the gentleman from New York [Mr. BENNETT], there is no necessity for the appropriation proposed; and as this whole recommendation is harmonious and there is now abundant authority to carry on the work as may be required, I trust the amendment will not prevail.

The question being taken, the amendment of Mr. FISCHER was rejected; there being—ayes 34, noes 60.

The Clerk (resuming the reading of the bill) read as follows:

Sea walls and embankments: For construction of sea walls and embankments, $33,000.

Mr. HAINER of Nebraska. At this point the gentleman from New York [Mr. BARTLETT] wishes to offer an amendment.

Mr. BARTLETT of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 21, page 2, insert:

"For construction of riprap wall for protection of the eastern beach of United States lands at Sandy Hook, N. J., $75,000."

Mr. HAINER of Nebraska. That amendment is acceptable to the Committee on Appropriations.

The amendment was agreed to.

The Clerk (resuming the reading of the bill) read the following:

Armament of fortifications: For oil-tempered and annealed steel for high-power coast-defense guns of 13-inch, 10-inch, and 12-inch caliber, $558,663.

Mr. STEELE. I observe that the item embraced in lines 3 to 6, on page 3; the item included in lines 17 to 20, on page 3, and also the item in lines 5 to 8, on page 4, all provide for purchasing oil-tempered and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber. There seems to be some repetition, as the several appropriations seem all to cover the same object.

Mr. HAINER of Nebraska. The gentleman is mistaken. The item embraced in lines 17 to 20 refers to contracts which have already been made. The language is:

To provide for payments that may become due in the purchase or manufacture of oil-tempered and annealed steel.

Mr. STEELE. The item does not say anything about contracts.

Mr. HAINER of Nebraska. But the language is: "To provide for payments which may become due."

Mr. STEELE. These appropriations made in previous paragraphs will also "become due."

Mr. HAINER of Nebraska. No; those are absolute appropriations. If the gentleman will turn to the first line of page 4, he will find this language:

Contracted for under the provisions of the fortifications act approved June 6, 1896, said payments being in excess of the money therein appropriated for these objects.

The Clerk resumed and concluded the reading of the bill.

Mr. HAINER of Nebraska. I move that the committee rise and report the bill as amended to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union, having had under consideration the fortification appropriation bill, had directed him to report the same to the House with the recommendation that as amended by the Committee of the Whole the bill do pass.

Mr. HAINER of Nebraska. Mr. Speaker, I move the previous question on the bill and amendment to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 249) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the Senate had passed the bill (S. 2832) for the relief of Daniel T. Tollett; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, in which the concurrence of the House was requested.

SENATE BILLS AND HOUSE BILLS WITH AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and House bills with amendments were taken from the Speaker's table and referred as follows:

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898—to the Committee on Agriculture.

A bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898—to the Committee on Foreign Affairs.

A bill (S. 2832) for the relief of Daniel T. Tollett—to the Committee on Pensions.

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia—to the Committee on the Judiciary.

A bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River—to the Committee on Rivers and Harbors.

A bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896;

A bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon;

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands; and

Joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

MAPS AND ATLASES OF THE GEOLOGICAL SURVEY.

The SPEAKER laid before the House the joint resolution (H. Res. 234) providing for the distribution of maps and atlases of the United States Geological Survey, with an amendment of the Senate thereto.

The Senate amendment was considered, and concurred in.

FUNDING TERRITORIAL INDEBTEDNESS.

Mr. KNOX (when the Committee on the Territories was called). I am instructed to call up the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of liquidating and providing for the payment of the outstanding and existing indebtedness of the Territories of the United States, and such future indebtedness as may be or is now authorized by law, the governor of each Territory, together with the Territorial auditor and Territorial secretary, and their successors in office, shall constitute a board of commissioners for the Territory in which they hold office, to be styled the "loan commissioners of the Territory," and shall have and exercise the powers and perform the duties hereinafter provided.

SEC. 2. That it shall be, and it is hereby, declared the duty of the loan commissioners of each Territory to provide for the payment of the existing indebtedness of such Territory due and to become due, or that is now or may be hereafter authorized by law, except such indebtedness as has been recognized or covered by reason of an act of the legislative assembly of New Mexico, approved January 28, 1867, entitled "An act to amend an act entitled 'Militia' and acts amendatory thereof," and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest, or either, of the legal indebtedness hereby provided to be paid, and also that which may at any time become due, or is now or may be hereafter authorized by law, the said commissioners shall from time to time issue negotiable coupon bonds of the Territory when the same can be done in harmony with this act.

SEC. 3. That said bonds shall be issued as nearly as practicable in denominations of $1,000, but bonds of a lower denomination, not less than $250, may be issued when necessary. Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold or its equivalent, in lawful money of the United States, on the 15th day of January and the 15th day of July in each year, at the office of the Territorial treasurer, or at such bank in the city of New York, or in the city of San Francisco, in the State of California, or at such places as may be designated by said loan commissioners, at the option of the purchaser of said bonds, the place of payment being mentioned in said bonds. The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue. Said Territories reserve the right to redeem at par any of said bonds, in their numerical order, at any time after twenty years after the date thereof.

They shall bear the date of their issue, state when, where, and to whom payable, rate of interest, and shall be signed by said loan commissioners and shall have the seal of the Territory affixed thereto and countersigned by the Territorial treasurer and bear his official seal, and shall be registered by the Territorial auditor in a book, to be kept by him for the purpose, which shall state amount sold for, or, if exchanged, for what; and the faith and credit of the Territory is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

SEC. 4. That coupons for the interest shall be attached to each bond, so that they may be removed without injury to or mutilation of the bond.

They shall be consecutively numbered and bear the same number as of the bond to which they are attached, and shall be signed by the Territorial treasurer.

The said coupons shall cover the interest expressed in said bond from the date of issue until paid; but in no case shall bonds bear interest, nor shall any interest be paid thereon, for any time before their delivery to the purchaser, as hereinafter provided; and the issuance of the bonds by the loan commissioners shall be conclusive evidence as to the regularity of the issue and of the recitations in such bonds set out.

SEC. 5. That whenever the said loan commissioners may be authorized by law to issue bonds, or shall have decided to refund or redeem all or any part of the existing indebtedness of the Territory, they shall direct the Territorial treasurer to advertise for a sale of the bonds to be issued for that purpose by causing a notice of such sale to be published for the period of one month in some daily newspaper published at the capital of the Territory, and at least one insertion in a newspaper published in the city of New York, in the State of New York, and in the city of San Francisco, in the State of California. Such notice shall specify the amount of bonds to be sold, the place, day, and hour of sale, and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication, and at the place and time named in said notice. The said treasurer and loan commissioners shall open all bids received by him and shall award the purchase of said bonds or any part thereof to the bidder or bidders therefor bidding the lowest rate of interest: *Provided*, That said loan commissioners shall have the right to reject any and all bids: *And provided further*, That they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for compliance with the terms of their bids.

SEC. 6. That when the sale of said bonds shall be awarded by the loan commissioners, they shall provide and procure the necessary bonds as in this act provided, and any expense incurred by them therefor, and for the publication of notices, cost of remitting funds for the payment of interest or money on said bonds, and all other necessary and incidental expenses of said commissioners in carrying out the provisions of this act shall be paid out of the general fund of the Territory, upon the order of the Territorial auditor, countersigned by the governor; and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said fund.

They shall, from time to time after signing said bonds, deliver them to the Territorial treasurer, taking his receipt therefor and charge him therewith. The said treasurer shall give to the Territory an additional official bond, with two or more securities, in a sum equal to the amount of bonds delivered to him by the said loan commissioners, which bond shall be approved by the governor and deposited and filed with the secretary of the Territory and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon his official bond for the faithful performance of the duties required of him under this act.

SEC. 7. That the Territorial treasurer shall sell said bonds for cash, or exchange them for any of the indebtedness for the redemption of which they were so issued, but in no case shall said bonds be sold or exchanged for less than their face or par value and the accrued interest at the time of disposal, nor must any indebtedness be redeemed at more than its face value and any interest that may be due thereon.

That said treasurer shall indorse, by writing or stamping in ink on the face of the paper evidencing the indebtedness received by him in exchange for said bonds, the time when and the amount for which exchanged.

SEC. 8. That moneys received by said treasurer shall be applied by him to the redemption of the indebtedness for the redemption of which bonds were issued; and the treasurer shall give notice, as is provided by law in case of payment and redemption of Territorial warrants, of his readiness to redeem such indebtedness, and thereafter interest on all the indebtedness due and outstanding shall cease.

Before any such indebtedness shall be paid the Territorial auditor shall indorse on each certificate the amount due thereon, and shall write across the face of each the date of its surrender and the name of the person surrendering, and shall keep proper record thereof.

SEC. 9. That there shall be levied annually upon the taxable property of the Territory, and in addition to the levy for other authorized taxes, a sufficient sum to pay the interest on all bonds issued and disposed of in pursuance of the provisions of this act, to be placed in the Territorial treasury, in the fund to be known as the "interest fund;" and forty years after such bonds shall have been issued such additional amount shall be levied annually as will pay 10 per cent of the total amount issued until all the bonds issued under the provisions of this act are paid and discharged.

The Territorial board of equalization, or, on the failure of said board, the Territorial auditor, shall determine the rate of tax to be levied in the different counties in the Territory to carry out the provisions of this act, and shall certify the same to the board of supervisors in each county and to the municipal and school authorities; and the said board of supervisors, or authorities, are hereby directed and required to enter such rate on their assessment rolls in the same manner and with the same effect as is provided by law in relation to other Territorial, county, municipal, and school taxes. Every tax levied under the provisions and authority of this act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid.

All moneys derived from taxes authorized by the provisions of this act shall be paid into the Territorial treasury, and shall be applied:

First. To the payment of the interest on the bonds issued hereunder.

Second. To the payment of the principal of such bonds: *Provided*, That all moneys remaining in the interest fund after the payment of the interest, and all moneys remaining in the redemption fund after all said bonds shall have been paid and discharged, shall be transferred by the Territorial treasurer to the Territorial general fund.

SEC. 10. That whenever, after the expiration of the forty years from the date of issuance of any bonds under this act, there remains after the payment of the interest, as provided in the preceding section, a surplus of $10,000 or more, it shall be the duty of the Territorial treasurer to advertise, as in the manner of advertising by the loan commissioners, for bids for the sale of bonds, which advertisement shall state the amount of money in the said redemption fund and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bonds shall be paid they shall be presented to the Territorial auditor, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering. The Territorial auditor shall keep a record of all bonds issued and disposed of by the Territorial treasurer, showing their number, rate of interest, date, and amount of sale, when, where, and to whom payable, and, if exchanged, for what, and, when presented for redemption, the date, amount due thereon, and person surrendering.

The board of supervisors of the counties, the municipal and school authorities, are hereby authorized, directed, and required to report to the loan commissioners of the Territory their bonded and outstanding indebtedness; and said loan commissioners shall, on written demand of any taxpayer or holder of said indebtedness, require an official report from the board of supervisors of counties, the municipal or school authorities, of their bonded and outstanding indebtedness; and said loan commissioners shall have the same power to enforce said order and compel the production of evidence as a court of competent jurisdiction; and said loan commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, and shall refund said indebtedness in the same manner as other Territorial indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be hereafter allowed by law, to said county, municipality, or school district; the county, municipality, or school district to pay into the Territorial treasury, in addition to all other taxes authorized by law, such amounts as may be directed by the Territorial board of equalization, or, on the failure of said board, by the Territorial auditor, to be levied for the purpose of providing a sinking fund for the payment of the principal of the bonds issued in redemption, refunding, or other bonds issued to each county, municipality, or school district when the same shall become due, and, in addition, a rate of interest paid by the Territory on such bonds.

SEC. 11. That whenever any of the holders or owners of any bonds, warrants, or other evidence of indebtedness of the kind and description in this act authorized to be funded, bearing a higher rate of interest than 4 per cent, desire to surrender the same to the loan commissioners on or before the maturity of said indebtedness and exchange such bonds, warrants, or other evidences of indebtedness for the lower interest-bearing bonds by this act authorized to be issued, it shall be the duty of the loan commissioners to receive and cancel the indebtedness so surrendered and issue in lieu thereof to said holders or owners of said surrendered obligations 4 per cent Territorial bonds, as in this act provided, in full for the principal and interest thereof, subject to the exception as to the rate of interest contained in section 3 of this act: *Provided*, That the loan commissioners shall, at the time of said exchange, reserve the right, on behalf of the Territory, to redeem, pay in full, and cancel all bonds issued in exchange for unmatured indebtedness at the time such indebtedness would have matured had not the exchange herein authorized been made.

SEC. 12. That when the treasurer pays or redeems any indebtedness, he shall indorse, by writing or stamping in ink, on the face of the paper evidencing such indebtedness so paid or redeemed, the words "redeemed and canceled," with the date of cancellation. He shall keep a full and particular account and record of all his proceedings under this act, and of the bonds redeemed and surrendered, and he shall transmit to the governor of the Territory an abstract of all his proceedings under this act with his annual report, to be by the governor laid before the legislature at its meeting. All books and papers pertaining to the matter provided in this act shall at all times be open to the inspection of the parties interested, or to the governor or a committee of either branch of the legislature, or a joint committee of both.

SEC. 13. That it shall be the duty of the Territorial treasurer to pay the interest on said bonds, when the same falls due, out of the said interest fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the general fund: *Provided*, That the Territorial auditor shall first draw his warrant on the Territorial treasurer, payable to the order of said treasurer, for the amount of such deficiency out of the general fund.

SEC. 14. That it shall be the duty of said loan commissioners to make a full report of all their proceedings had under the provisions of this act to the governor of the Territory, on or before the 1st day of January of each year; and said reports shall be transmitted by the governor to the Territorial legislative assembly.

SEC. 15. That no bond issued under the provisions of this act shall be taxed within the Territory where issued.

SEC. 16. That the provisions and requirements of this act shall apply to and be in full force and effect in all the Territories of the United States; and all outstanding bonds, warrants, and other evidences of indebtedness of said Territories, and the counties, school districts, and municipalities within said Territories heretofore authorized by legislative enactments of said Territories, or by Congress, and which said bonds, warrants, and other evidences of indebtedness have been sold, donated, or exchanged in good faith, and which are now held by innocent purchasers by purchase, donation, or exchange, shall be funded as in this act provided; and all of said bonds, warrants, and other evidences of indebtedness so authorized, issued, sold, donated, or exchanged as aforesaid are hereby confirmed, approved, and validated, and shall be funded as in this act provided.

SEC. 17. That nothing in this act shall be construed to authorize any future increase of any indebtedness in excess of the limit prescribed by the act of Congress approved July 30, 1886, known as the Harrison Act: *Provided, however*, That the present existing and outstanding indebtedness, together with such

> warrants as may be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school governments for the year ending December 31, 1896, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the Harrison Act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. DOCKERY. Mr. Speaker, we would like to find out something about this matter.

Mr. McMILLIN. I desire to call the attention of the House to the fact that this bill appears, upon its face, to make it possible to force upon the Territories a policy which Congress has not seen fit heretofore to require of the people of the United States generally, and that is a provision for the issuance of gold bonds or bonds the interest on which is payable in gold. As I understand the bill, by a hasty reading, it provides, not that the interest may be paid in gold, but that it must be so paid, or in its equivalent.

I do not think it is wise at this time, when we have declined to issue gold bonds when called upon to do so by the Government of the United States—I do not think we ought to force on the Territories a rule or policy that we refused to require of the States of the Union for which we directly legislate. I am unalterably opposed to monometallism.

I would call the attention of the committee to the provision itself to which I refer. I take it from the reading of a portion of the third section that the result I have suggested would be accomplished if this bill becomes a law. It provides that—

> Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold or its equivalent, in lawful money of the United States, on the 15th day of January and the 15th day of July in each year, at the office of the Territorial treasurer, or at such bank in the city of New York, or in the city of San Francisco, in the State of California, or at such places as may be designated by said loan commissioners, at the option of the purchaser of said bonds, the place of payment being mentioned in said bonds.

What I desire to know of the gentleman in charge of the bill is whether that does not commit us to the policy, as a rule for the Territories, which is there prescribed for the Territory of Arizona? If that is not the intention of the provision, it seems to be rather loosely drawn, and such may be the result.

Mr. KNOX. Mr. Speaker, my understanding is that the provision to which the gentleman refers relates to bonds already issued by the Territory of Arizona, which, by the terms of the act authorizing their issue, were made gold-bearing bonds. I have not the slightest idea, nor was such an idea in the mind of the committee, to require the refunding of the bonds of the Territories of the United States in gold or its equivalent. But if the gentleman thinks the language is not specific enough, or is not sufficiently clear to indicate just what the intention of the committee was, I have no objection to making an amendment to cover the point.

Mr. McMILLIN. I wish to call the attention of the gentleman to what I think has been the policy of Congress heretofore in the administration of the affairs of the Territories with regard to this matter. We have never sought to impose upon the Territories legislation of a character which would not be properly applicable, under like conditions, to the States or Government.

Mr. KNOX. I fully agree with the gentleman; but I do not think that the language of the bill warrants the conclusion drawn. If he will read carefully the second part of the section of the bill to which he refers, I think he will find that it does not bear out his construction. It provides:

> Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold or its equivalent, in lawful money of the United States, on the 15th day of January and the 15th day of July in each year.

Mr. McMILLIN. The question is whether that would not apply to the whole bill, for it is all embraced in that period; and the semicolon, the first semicolon in the paragraph, comes before the description of the kind of money in which the interest shall be paid; and coming just after what seems to be the comment upon the Arizona bonds, it strikes me it might be construed to apply to all bonds authorized in the bill.

Mr. KNOX. I have no objection to adding an amendment at the end of the section that all bonds issued by refunding under this act shall be payable in coin.

Mr. McMILLIN. Shall be payable in the lawful currency of the United States.

Mr. KNOX. I have no objection to that.

Mr. McMILLIN. I move, then, an amendment which I will prepare and submit later, providing for the payment of both principal and interest in lawful money of the United States, without allowing it to be confined to gold.

Mr. PAYNE. Mr. Speaker, I do not see that there would be any wrong committed if the language of this bill were allowed to remain as it is. I do not know why the other Territories should not be permitted to issue gold-bearing bonds as well as the Territory of Arizona, which was authorized to do so by a former Congress. I do not remember whether it was the last Congress or a preceding Congress.

Mr. TERRY. I want to suggest to the gentleman from New York that in the case of Arizona, of which it speaks, it did not come to the attention of Congress and members of the House were not aware of the fact that gold was named in the contract at the time the bill originally passed through the Fifty-second Congress, as I recollect.

Mr. PAYNE. Why, Mr. Speaker, I think that if the gentleman will turn to the debate on the Arizona bill he will find that the very question of inserting the word "gold" was debated for some time in the House, and finally it was decided to retain the word in the bill.

Mr. TERRY. It came up later on an amendment, after the bill had passed the House, as I remember it.

Mr. PAYNE. And it was done at the request of the gentleman who represented the Territory of Arizona, Mr. Smith, of Arizona, who was supposed to be in favor of the free and unlimited coinage of silver as a part of the basic money—I believe that is the term—of the United States, and he said he was in favor of a gold bond because he could save a large percentage in selling the bonds.

This bears no relation to the question whether we should put the word "gold" into the bonds of the United States, although I did vote for an amendment to put the word "gold" into a certain issue of bonds of the Government of the United States, because the Administration had forced us into such a position that if we did not put the word "gold" there we should have to forfeit some ten or twelve millions of dollars to a certain syndicate. The House refused to put the word "gold" in, and the taxpayers will have to pay the ten or twelve millions additional on the bonds that have been issued because the word "gold" was not put into those bonds.

Mr. TERRY. Why, you claim that those bonds are payable in gold now, after we have paid out $16,000,000 for the privilege of paying them off in silver.

Mr. PAYNE. Nearly everybody contends that the bonds of the United States are payable in gold and are to be paid in gold. I did not care to vote to put the word "gold" in, unless under compulsion, because I believed that the bonds were to be paid in gold anyway, and that it was just as emphatic upon us and just as imperative to pay them in gold as though that word were put in, and I did not want to do anything to throw any doubt on the previous issues of the bonds of the United States. That is the only reason why I was reluctant to vote for gold bonds to be issued by the Government. But this is a different question. This is a question of allowing the Territories to issue the kind of bonds that they want to issue in order that they may negotiate them. They know how it is down there in the Territories; and in all the silver States they know that in order to borrow money, they must put in the word "gold," and it does not make any difference whether it is a Territorial bond, or a bond issued by a Senator of the United States, or a bond issued by a leading light in the free-silver party. In order to borrow money, they are obliged to put in the word "gold." And not only that. When these gentlemen who believe in this same doctrine want to loan money, they see to it that the word "gold" is written in the contract. Why, the gentleman who in this Hall yesterday received the second largest vote for the Vice-Presidency of the United States, although he ran upon a silver platform, yet when he wrote a contract, where money was to be paid to him, he nominated it in the contract, as his fellows had nominated in the bond, that gold must be paid, both principal and interest.

Now, what man is there, whether he represents a constituency in the far West, or whether he represents a constituency of which the late governor of Illinois was one of the constituents—what man is there who should refuse to vote to allow the word "gold" to be put into these bonds to be issued by the Territories?

Mr. DOCKERY. Will the gentleman allow me?

Mr. PAYNE. Oh, just one minute, until I can finish a sentence. Of course, we believe in different theories, but when we come to practice, in our individual private transactions, no matter what we profess to believe on the stump, when we are loaning money or borrowing money, and trying to get it at the lowest rate, we are sure to have the word "gold" nominated in the bond. I think if it was a new question——

Mr. HARTMAN. Mr. Chairman——

Mr. DOCKERY. Mr. Chairman——

Mr. McMILLIN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. I yield first to the gentleman on my right.

Mr. McMILLIN. I yielded to the gentleman from New York. I do not want to take him off the floor, but I want him to know in whose time he is speaking.

Mr. PAYNE. I supposed I had taken the floor in my own right.

Mr. McMILLIN. You are in error. You asked me to yield, and I yielded.

The SPEAKER pro tempore (Mr. HOPKINS). To whom does the gentleman from New York yield?

Mr. PAYNE. I yield to the gentleman from Montana, with the permission of the gentleman from Tennessee.

Mr. McMILLIN. I will yield to the gentleman for that purpose.

Mr. HARTMAN. Mr. Chairman, I know that the gentleman from New York has no desire to misstate the situation; but when he does make the statement that in the silver States money is not loaned except where the obligation given in exchange therefor is made payable in gold, he does make a misstatement. It is unintentional on the part of the gentleman, and it is probably founded on the information furnished this House and the country by the distinguished gentleman from Massachusetts [Mr. WALKER] who sits on my right, who has repeated it for perhaps three times to my own personal knowledge, and for which he never had a single word from anyone engaged in lending money in any one of the silver States.

Mr. PAYNE. If the gentleman has concluded his inquiry——

Mr. HARTMAN. I did not ask the gentleman to yield for an inquiry. I asked him to yield for an interruption.

Mr. PAYNE. If the gentleman has concluded his interruption, I desire to state that I do not know whether the gentleman from Massachusetts has made that statement or not. I do not make it on information received from him; but if he did state that money is loaned in the Western States, in the silver States, and the creditors are compelled to have the word "gold" written into the instrument, he did not make any misstatement.

Mr. HARTMAN. But he did.

Mr. PAYNE. I do not mean to say of every obligation there it is written in the instrument that it must be paid in gold; not at all; but I do mean to say that millions upon millions of dollars are loaned in the Western States, and in the silver States, where it is nominated in the bond that the principal and interest are to be paid in gold.

Mr. WILLIAM A. STONE. Is it not a fact that where it is not provided that the interest and principal are to be paid in gold that the money is lent at 12, 15, and 18 per cent?

Mr. PAYNE. I was about to state that, if gentlemen will allow me to make this little speech.

Mr. DOCKERY. I have been waiting for the gentleman to conclude his sentence.

Mr. PAYNE. I was about to state, Mr. Chairman, what I say now, as the gentleman from Arizona knew, that in order to get money at a respectable rate of interest it was necessary to agree to pay principal and interest in gold; and so they inserted in the contract, just as they seek to insert it now, or when they bring it before this House. Now I will yield to my friend from Missouri, with the permission of the gentleman from Tennessee.

Mr. DOCKERY. I believe I have his permission for a moment. I regret that the gentleman from New York should have precipitated this discussion, inasmuch as I am afraid that the "agitation" of this monetary question may retard somewhat the growth of the McKinley "prosperity" which seems now to be sweeping over the country and imperiling all our industries. Inasmuch as the gentleman from New York [Mr. PAYNE] advocates the granting of authority to the Territories to issue bonds payable, principal and interest, in "gold," I desire to refresh his memory by recalling the occasion in this House, during the last Congress, when the proposition came to this body from the Executive asking authority to "nominate," as he expresses it, "gold in the bond." If I remember aright, only twenty-seven gentlemen on this floor cast their votes in favor of that proposition.

Mr. PAYNE. "Of whom I was one of which," as I said a moment ago. [Laughter.]

Mr. DOCKERY. The gentleman is consistent and in accord with the declaration of his party adopted at the St. Louis convention. He is entirely in harmony with the Republican "logic of the situation." The continuance of the "existing gold standard" of course logically involves the "nomination of gold in the bond" not only in the Territories, but also in the States. The St. Louis platform, if pursued to its last analysis, necessarily requires the retirement of the greenbacks and the Sherman notes, and the circulation of silver in an inferior relation to gold, and the consequent contraction of the volume of our circulating medium. I am pleased to find the gentleman from New York in such thorough accord with his platform. I am opposed to the gold clause of this bill. The "parity" between the two metals can best be maintained by dealing with them upon terms of absolute equality and the coinage of both, free and without limit, at the old tried ratio.

Mr. PAYNE. Now, Mr. Chairman, if I may resume the floor for a moment.

Mr. DOCKERY. Certainly.

Mr. PAYNE. I have already stated, as the gentleman from Missouri well knew, that I had voted for that gold clause.

Mr. DOCKERY. My attention was diverted for the moment and I did not hear the gentleman.

Mr. PAYNE. And my reason for doing that was in order to save $10,000,000 or $15,000,000 to the taxpayers of this country. I said also, with equal frankness, that the only reluctance I had in voting for putting the word "gold" in the bond was not because it created any new obligation on the part of the people of the United States, because I believe that every bond of the United States will be paid in gold and ought to be paid in gold, but I did not want to throw any discredit upon the previous issues of bonds of the United States by voting for a mere "gold" bond, and only voted for it because, by the action of the executive department, we were compelled to do it to try and save a little money—a few millions, $10,0000 or $15,000,000—for the people of this country.

I did not intend, Mr. Speaker, to get off into a discussion of politics. I was simply trying to reconcile the other side of the House to the use of the word "gold" in these bonds, so that the people of those Territories might be able to refund their debt at a lower rate of interest by reason of their agreeing to pay these bonds in gold and not in some other currency that might be depreciated. I did not know but they might want to borrow money of some distinguished silverite who would require bonds payable in gold, and I wanted them to have that opportunity. [Laughter.] I was in sympathy with the Delegate from Arizona when he advocated the former bill. It was in the interest of those poor people out there that I spoke, and not for the purpose of starting a general discussion of the money question, when I rose to call attention to the fact that that was what those people wanted. I wished to have the word retained in this bill, so that they might be left on a par with the people of Arizona, and that the other Territories might have the privilege of going into the money markets of the world, whether located in Maine, in Chicago, in California, or in Nevada, and borrowing money at the lowest rates of interest.

Mr. McMILLIN. Mr. Speaker, I indicated my purpose to offer an amendment because I was satisfied that the section, as drawn, applied this principle not simply to the Territory of Arizona, but generally, and the gentleman in charge of the bill thinks that that would be the effect of the section as it stands. All admit that it was not the purpose of those who drew the bill that it should have that effect, and I have therefore prepared a proviso to be added at the end of the first paragraph of section 3, line 25, in these words:

> *Provided*, That the principal and interest of the bonds funded under this act shall be payable in lawful money of the United States, except the Arizona bonds above described, heretofore issued.

I do not propose to interfere with any contract made by the issue of bonds heretofore by Arizona; but when the indebtedness of these Territories is turned over to a board, without any legislative power on the part of the Territorial governments—bear in mind that the funding is done not by act of the Territorial legislature, but by a board of three officers, one the governor, being appointed by the President and he appointing the other two—I do not think they ought to be directed to fund in gold bonds, and I think the gentleman in charge of the bill agrees in that opinion. I therefore offer this amendment, and I now yield to the gentleman from California [Mr. MAGUIRE].

Mr. MAGUIRE. Mr. Speaker, the gentleman from New York [Mr. PAYNE] attempts to cast discredit upon the advocates of the restoration of the free and unlimited coinage of silver by stating that silver men, or some of them, who have money to loan make the contracts for its repayment and for the interest in gold. That may be perfectly true, but it is not at all inconsistent with their absolute honesty in advocating a return to a free, elastic, and constitutional system of currency. They may fairly and consistently conform, in their business dealings, to the preferences given by existing law, while conscientiously advocating the abolition of the money monopoly established by the present gold standard. Under and by reason of our existing currency laws, and the similar laws of other countries, gold is constantly appreciating in value. Under the artificial conditions created by those laws, the demand for gold increases more rapidly than its supply, and there is consequently a great commercial advantage to the creditor, whether he be a gold monometallist or a bimetallist, in having his contracts payable in gold.

Legislation has made it advantageous to the man who lends money to compel its payment in gold rather than in silver, because silver has been deprived by legislation of its function as money. Its present use is not as money of redemption, but as token money. Does the gentleman think that none should avail themselves of monopoly privileges created or granted by the existing laws of their country save those who favor the continuance of such laws? Must none but the advocates of monopoly be its beneficiaries when it is established by law? Must those who oppose monopoly forever consent to be crushed beneath that juggernaut, when established, and never seek safety within it? Common business prudence—the very instinct of self-preservation—must forever prompt silver men, as well as gold men, to make their contracts with a view to the advantages or disadvantages resulting from existing laws. I do not know to what extent contracts in the silver States are made payable in gold, nor to what extent silver Senators, or silver leaders, take advantage of the existing law; but, while the law, unjust as it is, exists and gives an advantage to the man who secures the payment of his contract in gold in preference to any other kind of currency, I see no reason why a man who is opposed to that law should be criticised for taking advantage of its provisions. The creators of the privilege take advantage of it while the law is permitted to remain on the statute books, and their suggestion that others should not do so is refreshing. I yield back the remainder of my time to the gentleman from Tennessee [Mr. McMillin].

Mr. McMILLIN. Mr. Speaker, I yield as much time as he desires to my friend from Texas [Mr. Bailey].

Mr. BAILEY. Mr. Speaker, I favor the amendment proposed by the gentleman from Tennessee, because I think that no man ought to be permitted to contract against receiving any money that is made legal tender by the United States. I regret that the dissenting opinion of Mr. Justice Miller was not the decision of the court when it originally held that men could contract for a specific kind of money. The lawyers of this body will recall that that decision was by a divided court, and that the greatest lawyer then upon that bench dissented from the decision of the court. He held that whenever the Congress of the United States declared anything to be a legal tender, then every man in the country holding a contract payable in "dollars" must accept the legal-tender dollars. There can be no more important policy than that which establishes the legal-tender laws of a country, and I believe that the court ought to have held that a contract against any legal-tender money was a contract against public policy and therefore void. If I make a contract with any person in any State of this Union that contravenes its well-established public policy, and we go into court to enforce that contract, the judge will turn us from the door and tell us that, having made a contract against the public policy of that sovereignty, he will aid neither of us in the enforcement of it.

Yet, sir, we are asked here in this high place to legalize a contract against the highest public policy known to our law. If this House, by refusing to adopt the amendment or by express permission, as it did in the Arizona case, consents that anybody shall contract for a particular kind of money, it abdicates pro tanto its power to declare the legal-tender policy of the country.

Mr. McMILLIN. I yield five minutes to my friend from New Mexico [Mr. Catron].

Mr. CATRON. Mr. Speaker, as the representative of New Mexico on this floor, I wish to say that this bill, when it shall be amended in the mode proposed, is acceptable to the people of that Territory. The bill was drawn upon the model of the bill which had formerly been passed by this House to aid the people of Arizona in regard to their indebtedness. By the reduction of interest and by securing for all the subordinate municipalities of that Territory a better credit, Arizona saves, under the act referred to, many thousands of dollars each year. By means of the present act, should it become a law, the Territory of New Mexico will save from $25,000 to $30,000 annually in interest upon the indebtedness of the Territory and of its county and other municipalities.

By mistake there has been incorporated in the bill a clause, which, by its terms, appears to be applicable to all the Territories, providing for the payment of interest in gold. That was not the intention of the bill when it was considered before the Committee on Territories. It was supposed that this clause would apply solely and only to the Territory of Arizona, whose bonds had been already issued payable in gold. It was the purpose of the bill not to change the character of any bond already issued, but to allow outstanding bonds to be payable in the same kind of money in which they were payable when issued. By the insertion of a semicolon, or by error in punctuation, this bill has been made to read somewhat differently from what was the intention of the Committee on Territories and of the parties who drafted the bill. For my own part I will say on behalf of the Territory of New Mexico that we favor the amendment which has been proposed. With that amendment the bill is acceptable to us.

Mr. COX. I should like to propound to the gentleman this question: Suppose a bond is issued payable, principal and interest, in gold, and suppose suit is brought upon that bond in any court, what character of judgment would the gentleman, if he were sitting as a judge, render on that bond?

Mr. CATRON. The judgment, of course, would be a judgment payable in gold, as I understand. But I am not advocating anything of that kind in this case.

Mr. COX. I understand the gentleman is not; but the point I want to draw out is this: Under the construction which the gentleman adopts, a judgment of that kind, if rendered in one court, must be discharged in gold, while in another case it might be dischargeable in legal-tender money.

Mr. CATRON. So far as New Mexico is concerned, we are not asking for any bond on which a judgment could be rendered payable in gold. On the contrary, the amendment which the gentleman from Tennessee has proposed provides that these bonds shall be payable only in lawful money of the United States.

Mr. COX. I am in accord with the amendment.

Mr. CATRON. And the amendment is acceptable to us; we agree to it.

Mr. COX. But the point I wish to bring out is this: Suppose a bond is by its terms payable in gold, and suit is brought upon that bond, what kind of a judgment is the court going to render in such a case?

Mr. CATRON. As I said before, my opinion is that the court would have to render a judgment payable in gold, if the bond is by its terms so payable. That is my understanding of the decision of the Supreme Court of the United States.

Mr. COX. I do not agree with the gentleman.

Mr. KNOX. Mr. Speaker, in bringing forward this bill permitting the refunding of the indebtedness of New Mexico and other Territories, and providing the necessary machinery for that purpose, I did not suppose that it would precipitate in any way a discussion upon the standards of value at present or in the past. This bill proposes simply to permit New Mexico and other Territories to refund already existing bonded indebtedness running at various rates of interest and for various periods. The bill does not authorize the issuing of a single new bond or an increase of the indebtedness of any Territory. Nor does it undertake to legalize any bond heretofore issued. It simply permits the refunding by the Territories of already existing bonds into bonds running for a long term and at low rates of interest. The rate of interest at which these bonds can be refunded by the Territories is the lowest rate at which any single issue of bonds has been made by New Mexico or any any other Territory. In this refunding no bond can be issued bearing a rate of interest higher than 4 per cent.

The advantage to be enjoyed from this bill is that if it be passed there will be one uniform refunding law for those Territories; the bonds will have greater credit for refunding; they can be refunded at this low rate of interest; all the machinery is provided by which the refunding can take place, and provision is made for the imposing and collecting of taxes for the payment of the principal and interest. The bonds may run fifty years; the bill provides that after they have run forty years, at which time it is presumed the Territory will be in condition to pay them off, then payment shall be provided for the principal by paying one-tenth of the principal each year, which, at the expiration of the ten years, will liquidate the whole amount and pay off the bonded indebtedness of the Territory.

The committee in the preparation of the bill fully and closely and carefully followed the provisions of the bill that passed Congress and was approved on the 25th day of June, 1890, authorizing the refunding of the Territorial, county, municipal, school, and district indebtedness of the Territory of Arizona. The provisions of the bill are substantially the provisions of that bill, which was then discussed in Congress and approved; and I am authorized to say by the representative of the people of Arizona on this floor that the practical workings of this piece of legislation in Arizona has been for the benefit of the people. This allows the negotiation of bonds at a lower rate of interest than ever before; but there was, of course, one provision in the bill for Arizona which had to be regarded, because the bonds had already been refunded and the refunding bonds issued. It is provided in the act to which I have referred that such bonds should bear interest at a rate to be fixed by said loan commission, "not exceeding 5 per cent per annum, which interest shall be paid in gold coin or its equivalent in lawful money of the United States."

Now, it was impossible, as far as Arizona is concerned, in the preparation of this bill, not to make an exception, in view of the legislation already had, without repudiating or declaring void the contracts which have already been entered into. Outside of that, it was the intention of this bill that the bonds should be paid in the lawful money of the United States; and the lawful money of the United States to-day rests upon the single gold standard, which the people of the United States have established, and which we may say at least will not be disturbed for another period of four years.

Mr. BOATNER. Unless there be an international monetary conference.

Mr. KNOX. Unless there be an international monetary conference, as the gentleman from Louisiana suggests. I do not hesitate to say, sir, that I am more of a gold man than perhaps my friend from Louisiana. I do not believe in an international monetary conference. I do not believe that it is possible, by international agreement or otherwise, to create or to maintain the value of any

commodity by law. Neither do I believe that it is within the power of one government, or the governments of the whole world, to maintain the relative value of one commodity with another.

Mr. MEREDITH. Let me suggest to the gentleman that we will not need an international monetary conference. We will have one four years from now to determine that question for ourselves, and settle it for all time.

Mr. KNOX. Possibly; but I say seriously to my friend from Virginia that the question is one of a single standard. If it could be demonstrated that gold, by its appreciation, by the scarcity of its production relative to the growth of property and relative to the increase in the volume of business, had become, by reason of that scarcity, unduly appreciated in reference to the value of other commodities, so that private indebtedness was largely increased, or doubled, then I say the time has come when it is proper to provide that gold shall no longer be the standard of value, and the people of the country must look elsewhere for such a standard. But believing, as I do, that there is abundant gold in the world to serve as the basis of an abundant, sound, stable, and elastic currency, I am uncompromisingly in favor of the single gold standard, not only for the United States of America, but for every country of the world that regards the commercial prosperity of the people and the welfare of its citizens, as well as the progress of civilization itself.

Mr. COX. Will the gentleman now yield to me for a question?

Mr. KNOX. Certainly.

Mr. COX. I want to hear how you are going to work out that process. You issue a gold bond——

Mr. KNOX. Who issues a gold bond?

Mr. COX. The Territories.

Mr. KNOX. Not at all. On the contrary, the bill provides that they shall not be issued.

Mr. COX. But the interest is payable in gold.

Mr. KNOX. No, sir; but in the lawful money of the United States, which is gold, and which will be gold for at least four years to come, with certainty.

Mr. COX. Well, let me see, now, how you are going to work out this question. You say that the interest on these bonds——

Mr. KNOX. Bonds already issued, you mean?

Mr. COX. I mean one of the refunding bonds; that the interest on these bonds is to be paid in gold or its equivalent. Now, let us suppose a suit; how will you render judgment?

Mr. KNOX. Of course a judgment will be rendered for the money value of the bond.

Mr. COX. How many dollars?

Mr. KNOX. That would depend upon circumstances. It will be according to whatever the figures are.

Mr. COX. Well, here is a bond that promises to pay $10,000 in money, and you say upon the face of it that the interest shall be paid in the lawful money of the United States. Now, what is to be your judgment in a suit for recovery?

Mr. KNOX. You are going to get your judgment for the amount of it in money.

Mr. COX. Ten thousand dollars in lawful money?

Mr. KNOX. In money; yes.

Mr. COX. Ten thousand dollars?

Mr. KNOX. Yes.

Mr. COX. Then you do not want to pay it in gold?

Mr. KNOX. We do not provide that it shall be paid in gold. Our bill is to pay in the lawful money of the United States, which is gold.

Mr. MAGUIRE. I understand the gentleman to say that he is in favor of gold monometallism for this country and for all countries.

Mr. KNOX. Gold monometallism for this country and for all countries, under the existing situation to-day. I am in favor of that.

Mr. BOWERS. Is not silver lawful money in the United States to-day—$500,000,000 of it?

Mr. KNOX. Yes, because the Government of the United States is behind it to guarantee that it shall be kept on a parity with gold, and for no other reason. [Applause on the Republican side.]

Mr. MAGUIRE. I understand that the gentleman is opposed to international bimetallism, and predicts that his party will prevent its establishment during the next four years.

Mr. KNOX. I predict that the great wisdom of the Republican party in arranging for the extended use of silver will probably take some other form than the calling of another convention of the nations, in view of the fact that those conventions of the nations have proved repeated failures in the past. The Republican party is wise enough and has in its ranks statesmen enough to provide for an enlarged use of silver upon a true basis which will give an enlarged use, and which can never be provided by the free coinage of both metals together.

Mr. COX. As I understand the gentleman's answers to my questions, his ideas and mine are the same——

Mr. KNOX. I am glad if we agree.

Mr. COX. But, now, wait a minute. You issue these bonds, payable in dollars?

Mr. KNOX. Yes.

Mr. COX. And then the judgment is discharged by legal-tender money?

Mr. KNOX. Yes.

Mr. COX. That is all right.

Mr. KNOX. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has fifty minutes.

Mr. KNOX. I will yield to my colleague from Massachusetts [Mr. Walker] ten minutes, and reserve the balance of my time.

Mr. WALKER of Massachusetts. Mr. Speaker, it is true that I said some months since on the floor of this House that there were certain States of this Union whose monetary system was beyond the reach of Congressional legislation, and it is a matter as notorious as the fact that the sun shines or that water runs, if my information is correct. But I have noticed that there is nothing that is susceptible of such abundant proof that it will not be denied by those who are infatuated with the free coinage of silver.

There are seven States in this Union where, I am informed, there is scarcely an obligation that is not payable in gold; and not only that, but where the currency in circulation among the people is largely gold, and no one finds any fault about it. Those States are California, Colorado, Idaho, Montana, Nevada, Oregon, and Washington. But it is a curious circumstance that the representatives on this floor and in the Senate who come from those States would not only compel the rest of the Union to take a 50-cent dollar, but they would throttle all legislation unless the rest of the Union will permit them to force it on us. That is as notorious as any truth that any man can utter.

I do not propose to make any political speech at this time; but I do say that I remember very distinctly when the gentleman from Arizona [Mr. Smith] pleaded on this floor and made a speech which first and last occupied about an hour, that the Territory of Arizona might be allowed to issue its bonds payable in gold. Has it come to this, Mr. Speaker, that the Congress of the United States propose to deny to any citizen the right of free contract, to say that he can not make a contract to be paid in anything he chooses for any obligation he takes, whether it be payment in cotton, or wool, or gold, or silver, or lead, or iron? What does this House propose? Has it come to this, that this House proposes to exercise a tyranny over the States and Territories and individuals, to say that they shall not be permitted to make contracts for the payment of any obligations that they choose to take in anything whatever they choose to agree to accept? Mr. Speaker, it is against public policy to interfere with private contracts. If the States that I have mentioned and the citizens thereof choose to make gold a currency among their own people, who shall say them nay? What we object to is that they should force on us a standard of value which is debased when they themselves are abundantly protected, and our legislation can no more reach them than it can reach the Empire of Great Britain.

Now, these States not only have their obligations payable in gold, but in their banks they have about $13,000,000 of coin; and of this coin only about $850,000 is in silver. They have only $5,000,000 in currency. And they are right and prudent in so keeping their money as to be provided against all contingencies, even the action of their own representatives; and when these things are denied on this floor they must be denied in a Pickwickian sense. There is some substance in their denial that every obligation in those States is not expressed in gold, but the percentage not expressed in gold is so small that it does not materially affect the general results.

I certainly hope that this House will defeat the amendment, for these Territories begged and pleaded that they might be allowed to issue their bonds payable in gold. They were permitted to issue them payable in gold, and they ought to have the right, and it ought to be embodied in the bill that they should have the right, to refund them in gold.

Mr. KNOX. I yield ten minutes to the gentleman from New York [Mr. Bartlett].

Mr. BARTLETT of New York. Mr. Speaker and gentlemen, as one of the few sound-money Democrats in the House of Representatives, I propose to say a few words about the amendment which has been offered by the distinguished gentleman from Tennessee [Mr. McMillin]. The State of New York, a part of which I have the honor to represent, has already declared that it is for sound money. The Democratic party of the State of New York in June last, at its State convention at Saratoga, declared itself for the maintenance of the existing gold standard; and under the instructions then and there given I was sent as a delegate to the national convention at Chicago. It matters not what took place at Chicago. I do not propose to discuss the platform of that misguided convention before this House to-day.

Mr. TERRY. What did your State do at the State convention in September?

Mr. BARTLETT of New York. At the so-called State convention held at Buffalo, in September, the Democratic party of the State of New York repudiated or rejected the sound-money principles which it had advocated for fifty years anterior; but if a party chooses to go back upon its principles, it is my view that those who belong to that party can not be bound by the national convention.

Now, I ask members of the majority, the men who control this House, to vote down this amendment, because I say if you tolerate it, it will be considered by the country at large as a declaration in favor of silver or of soft money. It will be held to be a declaration against the maintenance of the existing gold standard. Why, gentlemen, look at the report of the committee and see what they tell us. That this is a measure to make the funding laws, or the laws providing for the refunding of the debts of the various Territories, conform to the law of 1891, passed by Congress in reference to the Territory of Arizona. These are the words in the report:

> This bill adapts generally to all the Territories the funding act of Arizona, passed by Congress in 1891.

That is the statement of the committee. They tell us that this general law is drawn in conformity to the law of 1891: and what has the law of 1891 provided for? It provides for the payment of these bonds, the bonds of the Territory of Arizona, in what? In gold or its equivalent. Not in gold alone, but in the equivalent of gold. And thank God, to-day, gentlemen, the silver and the paper of this country remain the equivalent of gold. Now, the gentleman from Tennessee proposes to insert an amendment. He can not change the law about Arizona. He can not deprive the people of Arizona of the right to have gold bonds, to have bonds payable, principal and interest, in gold or its equivalent; but he proposes to take from the other Territories the right to have any gold bonds at any time; not leaving it optional whether they shall have gold or its equivalent.

Mr. BOATNER. Will the gentleman yield to me for a question there?

Mr. BARTLETT of New York. In one moment——

Mr. BOATNER. Will the gentleman yield to me for a question there?

Mr. BARTLETT of New York. I will yield to the gentleman.

Mr. BOATNER. When the bill recites that the bonds shall be payable in lawful money of the United States, does not that mean gold or its equivalent, at least so long as the present party is in power?

Mr. BARTLETT of New York. My answer to that, Mr. Speaker and gentlemen, is that these words "interest shall be paid semiannually in gold or its equivalent in lawful money" mean that it can be paid either in gold or in any form of money that is the absolute equivalent of gold. Why insert this amendment if it is not for an insidious purpose? Why provide that the principal and interest of the bonds funded under this act shall be payable in any lawful money of the United States, except the Arizona bonds heretofore described? They are payable in gold or its equivalent, and after providing for their payment in gold or its equivalent, we provide for another class of bonds which shall not be payable in gold or the equivalent of gold. What does that mean, gentlemen? It means repudiation in the future, if it be possible. It means to deprive these people and these Territories of the right to issue gold bonds; and I say to you, gentlemen of the majority, that if you do not vote down this amendment, you will adopt a very hazardous course, a course which will not be satisfactory to the sound-money people of this country.

Mr. KNOX. I now yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I regret that this financial question should have been injected into this debate. These Territories desire the privilege of refunding their bonds. By a clerical error a provision has been inserted in this bill which was not intended by the committee or by the framers of the bill, by which the interest on all of the bonds is required to be paid in gold, the principal being payable in "lawful money." It is simply a matter of getting a punctuation mark in the wrong place.

Now, we have seen too many good bills run ashore and wrecked on the silver coast to be willing to send another bill out of this House into that same rocky and dangerous sea, and there is no need whatever of our embarrassing the Territories in that way. I recollect very well that in 1891 the gentleman then representing Arizona, who was a very radical free-silver man, explained to this House that his Territory was paying 10 per cent on its warrants and wanted to borrow money to pay them off, and found that it could borrow at 8 per cent on currency bonds or at 5 per cent upon gold bonds, and he insisted upon Congress granting his Territory the privilege of issuing $75,000 of gold bonds, so as to get the benefit of the lowest rate of interest. The bonds of these Territories are now out, and the question is simply about refunding them. It was the intention of the committee that the Arizona bonds, the interest of which is payable in gold, should continue to be payable in gold, but by an error the bill now provides that the interest on the bonds of New Mexico, which is payable in "lawful money," shall also be payable in gold. At present neither principal nor interest is being paid upon most of those bonds, and the holders are glad to refund them for bonds payable in "lawful money." They prefer to do that and get 4 per cent rather than to have the bonds nominally drawing 8 per cent and get nothing.

Now we, by going into the financial question on this bill, are placing these Territories where they will be unable to get the simple relief they ask for. The only question here is whether we shall allow Arizona to refund her gold-interest bonds with like bonds, and allow New Mexico to refund her lawful-money bonds with lawful-money bonds at a lower rate of interest; and if she can get the money at 4 per cent—and the bill expressly provides that not more than that shall be paid—certainly she could not get it at a lower rate if the bonds were payable in diamonds. So, by insisting on retaining this clerical mistake, we shall defeat the object of this legislation. The amendment of the gentleman from Tennessee [Mr. MCMILLIN] will simply conform to the wishes of the people of the Territory and enable them to refund their bonds at about one-half the present rate of interest; and they should not be embarrassed in that work by any views that we may entertain upon the silver question, which is not involved here at all, and should not be.

Mr. COX. Under this proposed bill, if it becomes a law will the character of the bonds of the Territories be changed at all as to their payment?

Mr. LACEY. If the amendment proposed by the gentleman from Tennessee is adopted, then the new bonds will be currency bonds to replace old currency bonds, and the new gold-interest bonds will replace the old gold-interest bonds, and the status quo will be precisely maintained, except that the rates of interest will be reduced about one-half.

Mr. COX. Take, for instance, the New Mexico bonds, which are payable in legal-tender money. When you refund them, what point is gained?

Mr. LACEY. I will explain. Those bonds were issued under various laws, and for a variety of purposes, and questions of form have arisen and other questions, and by adopting a uniform system of bonds to be issued by a commission, all being carefully drawn in the same form, the bonds will be given currency. At present they are not current and can not be sold. At present the Territories have ceased to pay interest upon them, and by this legislation they will be relieved of the necessity of paying 7 or 8 per cent, and it will be better both for the Territories upon the one hand and for the holders of the bonds upon the other, to give authority to the Territories to make these contracts. Now, as I have already said, we ought not to embarrass this question by bringing up the issues of the campaign of 1896 and fighting them over here again, and sending the same question to the other end of the Capitol to be there debated, to the prevention of the relief asked for by these Territories, which are already loaded with all that they can bear.

Mr. COX. Is there any question as to the legality of these bonds?

Mr. KNOX. None at all.

Mr. LACEY. I do not understand that there is any question as to the legality of the bonds, but the Territories have lain down under the weight of the interest. It is like the case of a landlord who has his land rented at $5 an acre and gets no rent because it is more than his tenant can pay, but changes the rate to $2.50 an acre and afterwards gets his rent every year. The burden of the existing rates of interest is more than the Territories can bear, but they will be able to pay the amount that these reduced rates would impose upon them.

Mr. OGDEN. As a matter of information, I should like to know what is approximately the amount of the indebtedness of the Territories of Arizona and New Mexico—what is the amount that will be involved?

Mr. LACEY. I prefer that the Delegate from New Mexico [Mr. CATRON] or the gentleman in charge of this bill [Mr. KNOX] should answer the gentleman's question, as they doubtless have more accurate information than I have.

Mr. OGDEN. We have had no statement as to whether this indebtedness is $100,000 or a million dollars or $10,000,000. We should like to know something as to the amount.

Mr. LACEY. I yield back my time to the gentleman who kindly yielded to me.

Mr. KNOX. The indebtedness of Arizona at the present time, as appeared in the report filed here upon the admission of Arizona as a State, is about $3,000,000, about half of which, as I understand, has already been refunded. The indebtedness of the Territory of New Mexico is between $800,000 and $900,000; and if we include the indebtedness of the different counties and cities, there must be added about $900,000 more. The indebtedness of Oklahoma is very small. The bonded indebtedness of that Territory is now less than $50,000. There were, however, outstanding at the time the report was filed, during this session of Congress, different warrants to the amount of about $150,000, which will probably have to be provided for by the issue of bonds.

Mr. McMILLIN. But the figures stated by the gentleman do not indicate the limit of the amount which this bill may possibly involve, because it provides for refunding not only existing indebtedness, but also future indebtedness.

Mr. KNOX. Certainly. I am simply answering the question of the gentleman [Mr. OGDEN] who wanted to know the present indebtedness.

Mr. BOATNER. Does not this bill provide additional remedies for the collection of taxes to secure the payment of these bonds?

Mr. KNOX. As the gentleman from New Mexico has stated, the bill includes the same provision which in 1890 was enacted with reference to Arizona, creating the auditor and other officers, a board of equalization, and providing the necessary machinery for refunding. The machinery provided in this bill is not different from that authorized by Congress for Arizona, where, I am informed, it has worked well in practice, saving the people there a great deal in interest.

Mr. BOATNER. Does this bill supersede the existing laws of the Territory providing for the assessment and collection of taxes for the payment of these bonds?

Mr. KNOX. Not at all. Mr. Speaker, I now yield five minutes to the gentleman from Arizona [Mr. MURPHY].

Mr. MURPHY of Arizona. Mr. Speaker, in 1891 it was deemed advisable by the officers of Arizona to come to Congress to secure, if possible, a funding law whereby the indebtedness of the Territory—Territorial, county, municipal, and school district—could be funded into a general bond bearing a lower rate of interest than the bonds previously issued. Congress upon our application passed a law which in its original form made the principal of the bonds payable in lawful money and the interest payable annually in gold coin. When the negotiation of those bonds was undertaken, some question was raised in regard to the interest being payable annually, and our people applied to Congress to have the interest made payable semiannually. An amendatory bill being introduced for that purpose, the question arose whether this interest should be made payable in gold coin or in lawful money. The original law required that the interest be paid in gold coin.

The bill as passed by the House—the passage of the measure being advocated by my predecessor—followed in this respect the language of the original law, it being believed that with a provision for the payment of the interest in gold coin we could negotiate the securities more easily than otherwise. The bill as passed by the House went to the Senate, where it created a great deal of discussion; and having been amended by the Senate, it went into conference. The advocates of silver money claimed that the interest should be made payable in lawful money; that the provision of the original law making the interest payable in gold was a mistake. I came here at that time as a representative of the Territory; and going before the conference committee, of which Senator FAULKNER was chairman, I pleaded that the amendment did not in any sense change in this respect the provision of the original law, which required the interest to be paid in gold coin; that our application had been simply to make the interest payable semiannually instead of annually, as we believed that in this form the bonds could be more easily negotiatied. Senator FAULKNER then said that if the amendatory act did not change the original law in this respect, there was no reason for insisting upon the amendment of the Senate; so that, as the bill then passed, the only change which it made in the original law was the change from annual interest to semiannual interest. From that day to this the law has remained in that form.

This bill proposes to adapt the Arizona law to all the Territories, making its provisions general. That law has worked very well in Arizona. It has resulted in saving annually $15,000 to $70,000. Whether the interest on these bonds be made payable in gold or in lawful money makes no difference to me. But as the House has drifted into this monetary discussion, I take the floor for the purpose of stating that the original law with respect to Arizona, passed in 1891 without discussion or opposition, made the principal of our bonds payable in lawful money, and the interest payable in gold coin annually; and the amendatory act made no other change in the original law than to make the interest payable semiannually instead of annually. If at this late day it be deemed necessary by the House to change the law so as to make both the principal and the interest of these bonds payable in lawful money, I have personally no objection. My only object was to correct a misunderstanding as to the provision of the law with respect to our Territory. I think that the law, which we have found to work well, would operate very advantageously if applied to the other Territories.

Mr. KNOX. If the distinguished gentleman from Tennessee [Mr. MCMILLIN] will now use his time, I will, at the close of his remarks, say what little I wish to say in conclusion.

Mr. McMILLIN. I yield six minutes to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Speaker, in this discussion gentlemen on this side of the House, as on the other side, who do not believe in making contracts payable in gold have been subjected to more or less ridicule. I wish to state distinctly what animates us in objecting to the provision of this bill and in opposing a proposition to make, so far as the power of this Government is concerned, any obligation in this country payable in gold. It is plain, Mr. Speaker, why the silver men are opposed to this policy. It seems to me that you gentlemen on the other side, and those of you on this side who believe in a gold standard, and who believe, or claim to believe, in keeping up the present greenback circulation, the silver notes, and the silver certificates already in circulation on a uniform basis, so that every dollar shall be equal to every other dollar, should also be opposed to the Government ever giving its approval to a contract payable absolutely and solely in gold.

Our currency is at present composed of the greenbacks, the Sherman notes, the silver certificates, and silver. You people have promised to keep all of that at a parity. But, Mr. Speaker, it is manifestly utterly impossible to do so, if you make renewed demands for gold coin, or make your obligations and contracts payable exclusively in gold. Suppose for a moment you allowed all of the municipal bonds of the country, the railroad bonds, the State bonds, and the Federal bonds to be made payable solely in gold, and the interest also in gold, then it is evident that to that extent you create a demand for gold, and you must provide that much more of gold to meet your obligations. Consequently you keep up and make higher the premium which is already existing upon gold. So, if you gentlemen are determined not to retire the greenbacks or destroy them, or if you are determined to keep silver and silver certificates in circulation, and to utilize the national banking currency, and use all of them as money upon an equality, then the obligation of the Government is to treat all this money exactly alike, and permit no discrimination, so far at least as the contracts of the Government and its legislation are concerned.

Now, we silver people are determined to do what we can to put silver on a parity with gold—to remonetize it—and to maintain it there. The gentleman from New York [Mr. BARTLETT] has seen proper, in the limited time accorded to him, to criticise the silver Democrats as having abandoned the previous policy of that party. But who are the judges as to what is Democracy and what is the policy of the party? This Administration, backed by the gentleman from New York and others, appealed to the great toiling, laboring masses of the Democracy of the Union, and we met at Chicago to determine who represented Democracy in the United States; and what was the result? Mr. Speaker, he met there his Waterloo. For the honor of the Democracy I may assert that it has taken a determined, a courageous, and an advanced stand on the financial and the silver question, and it proposes, Mr. Speaker, to beat no retreat. We are determined, so far as we are concerned, to do nothing to increase the demand for gold by making contracts payable in gold, if we can prevent it.

As we look at the question, we believe that the low prices prevailing result from the great demand for gold the world over. We believe that prices can not be restored to their normal condition if gold is not cut down—the demand for it reduced—and it is brought to its proper condition. Whenever you make a contract payable in gold, to that extent you simply create a new demand for gold, and the price is increased the world over, and to that extent, of course, you increase the premium on gold and mark the depreciation of other property in the exact proportion.

These views, Mr. Speaker, briefly stated, animate us and make us consistent in our determination, so far as we are concerned, to give no countenance as members of this Government to gold contracts, thus creating the demand for it and making that demand greater than it is.

How can you who believe in the greenback circulation, who believe in silver certificates and notes and in the national banking system, lend your countenance to a Government contract that tends to depreciate or degrade silver, greenbacks, or silver certificates? If you are honest in your declarations that you will keep up the present currency at a parity, the only way to prove that fact is to create an equal parity, and not give a preference to any one character of money now in circulation in the United States. And the policy, the course that this Administration has pursued, creating a greater demand for gold, has succeeded in putting it at times at a premium over greenbacks, silver certificates, and silver notes. That has been done in the three or four years since the Administration limited the sale of bonds absolutely for gold. People who wanted to get into the bond syndicates, who wanted to secure their bonds cheap, had to procure gold prices in order to enable them to do so, and there never was a bond sold by the Administration in which you have not seen gold at a premium in New York—persons paying a premium on the gold in order to get the bonds at the reduced price the Government had to sell them for.

Mr. Speaker, I am opposed to that policy. I am opposed to any policy which proposes to separate our currency by promoting one and discrediting the other, and for that reason I am in favor of the amendment of the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. I yield five minutes to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, I regret that the gentleman from Massachusetts [Mr. WALKER]—who I see now enters the Chamber and therefore my regrets on that score are withdrawn—I notice the question of alleged fact that was asserted by the gentleman from Massachusetts in his speech of a few moments ago, which is but a repetition of a similar misstatement of fact made by that gentleman in a speech delivered in this body on the 7th day of last February, and which is found on page 1472 of the CONGRESSIONAL RECORD. At that time I called his attention to the misstatement in the following language. I read from the RECORD. The gentleman from Massachusetts [Mr. WALKER] gave utterance to these words, referring to the "silver States:"

> There is not a single one of those States in which every time obligation is not practically written in gold; principal and interest are made payable in gold.

To that statement I made the following reply:

> I desire to interrupt the gentleman. I can not speak for California, but I say that the gentleman's statement is absolutely incorrect as to the State from which I hail. Our notes are not made payable in gold; they are payable in lawful money of the United States.

Upon the repetition of his misstatement by the gentleman from Massachusetts [Mr. WALKER], I rose to again deny it, but was denied the right by the gentleman, as appears upon that page. Some two or three days afterwards an interview appeared in the New York Commercial Advertiser, in which the following language was used by the gentleman from Massachusetts [Mr. WALKER]:

> There is not an obligation of any name or nature made in these seven States that is not payable in gold; and if merchants, manufacturers, and traders the country over will adopt the same plan in all the obligations they receive or give, and in all other transactions, it would be the most practical solution of the whole matter.

Those who heard the gentleman from Massachusetts [Mr. WALKER] a moment ago know that he reiterated the same statement, nearly twelve months having elapsed since he had notice that it was at least questioned.

Mr. Chairman, the gentleman from Massachusetts [Mr. WALKER] suggests that that denial is made in a Pickwickian sense. I want him to distinctly understand that it is not; but I submit, and I think I will demonstrate before I get through, that his statement was made in a Gulliverian sense.

Mr. Chairman, after that statement was made, I wrote to fifteen or sixteen of the leading banks of my State, stating that the gentleman from Massachusetts [Mr. WALKER] had made this statement, and asking them what the truth was. I hold in my hand fifteen letters, signed by the cashiers or presidents of fifteen of the largest banks in my State, transacting the greatest amount of business, and I will read one or two of them. I can not read all of them, and I think that even this House, gold standard as it is, will admit that the cashiers of those respective banks know almost as much about the character of their obligations as the gentleman from Massachusetts [Mr. WALKER], who has furnished more misinformation to the world on this question than all the rest of the House of Representatives put together. [Laughter.] I read the first letter that I happen to pick out from this bundle of letters which I have:

O. K. LEWIS, *President.* CHARLES C. RUEGER, *Vice-President.*
FAYETTE HARRINGTON, *Cashier.*

[4283.]

THE SILVER BOW NATIONAL BANK
OF BUTTE CITY.
[Capital, $100,000.]

BUTTE CITY, MONT., *March 9, 1896.*

DEAR SIR: In reply to your favor of February 28, as to obligations in this State being payable in gold, I would say I have been in the banking and loaning business in Montana over twenty years and never saw a note written in the State payable in gold.

I inclose herewith one of our blank notes, which we use constantly.

Yours, truly,
FAYETTE HARRINGTON, *Cashier.*

Hon. CHARLES S. HARTMAN, *Washington, D. C.*

The blank note referred to in the letter is appended, as follows:

$——— BUTTE CITY, MONTANA, ——— ——, *189*–.

——— ——— after date, we, or either of us, promise to pay

THE SILVER BOW NATIONAL BANK OF BUTTE CITY,

or order, ——— dollars for value received, negotiable and payable without defalcation or discount at The Silver Bow National Bank of Butte City, with interest at the rate of — per cent per month from date until paid.

Interest payable ——— ———. ——— ———.
No. ———. ——— ———.
Due ——— ——. ——— ———.

Now, Mr. Speaker, I will only read one or two others. It makes no difference which one I pick up, for they are all the same in effect:

P. A. LARGEY, *President.* C. H. PALMER, *Vice-President.*
T. M. HODGENS, *Cashier.*

STATE SAVINGS BANK.
[Paid in capital, $100,000.00.]

BUTTE, MONT., *March 9, 1896.*

DEAR SIR: As requested in your favor of the 28th ultimo, I inclose herewith form of notes used by this bank.

Yours, respectfully,
T. M. HODGENS, *Cashier.*

Hon. CHAS. S. HARTMAN,
Washington, D. C.

$——— BUTTE, MONTANA, ——— ——, *189*–.

——— ——— after date, without grace, for value received, we, or either of us, promise to pay to the

STATE SAVINGS BANK OF BUTTE, MONTANA,

or order, ——— dollars, negotiable and payable at the State Savings Bank of Butte, Montana, with — per cent interest per month from date until paid, both before and after judgment, and five per cent attorney's fees if suit be instituted on this note. Interest payable monthly.

——— ———.
——— ———.
——— ———.
No. ———. Due ——— ——, 189–. ——— ———.

Mr. Speaker, I will ask permission to print in the RECORD the letters and notes, in substantiation of my statement that not a single one of the obligations in that State is made payable in gold, and therefore that the statement of the gentleman from Massachusetts [Mr. WALKER] falls to the ground.

The SPEAKER pro tempore. The gentleman asks unanimous consent to print with his remarks the documents to which he has referred. Is there objection?

There was no objection.

The letters referred to are as follows:

AARON HERSHFIELD, *President.* PIERRE WIBAUX, *Vice-President.*
LEO. C. HARMON, *Cashier.*

THE STATE NATIONAL BANK.
[5015.]

MILES CITY, MONT., *March 11, 1896.*

DEAR SIR: Complying with your request of the 28th ultimo, I hand you herewith one of our blank notes, such as we use in the general course of business.

We make none of our obligations payable in gold.

Very respectfully,
LEO. C. HARMON, *Cashier.*

Hon. CHARLES S. HARTMAN, M. C.,
Washington, D. C.

MILES CITY, MONTANA, ——— —— *189*–.

$———

——— ——— after date, for value received, —— promise to pay to the order of the STATE NATIONAL BANK, of Miles City, Montana, the sum of ——— dollars, payable at said bank, with interest at the rate of — per annum from ——— ——— until paid, and with attorney's fees, in addition to costs, should the holder be obliged to enforce payment at law.

——— ———.
No. ———. When due ——— ——. ——— ———.

E. H. TALCOTT, *President.* W. D. ELLIS, *Vice-President.* J. C. VILAS, *Cashier.* D. A. McCAW, *Assistant Cashier.*

THE NATIONAL PARK BANK.
[Capital, $100,000. Surplus, $13,000.]

LIVINGSTON, MONT., *March 4, 1896.*

DEAR SIR: Your favor of the 28th instant, relating to statement of Congressman WALKER regarding obligations in this State being made payable in gold, is received. This statement is absolutely false. In my experience of twelve years in this State I have yet to see the first obligation, made by a person residing in the State, demanding and expressing in such obligation or contract its payment in gold. I herewith inclose blank form of note used by this bank in its general course of business. With kind regards,

Very truly, yours,
E. H. TALCOTT, *President.*

Hon. C. S. HARTMAN, *Washington, D. C.*

No. ———.

Amount,

$———.

Due,

——— ———

LIVINGSTON, MONTANA, ——— ——, *189*–.

——— ——— after date, for value received, we jointly and severally promise to pay to the order of the National Park Bank, at

THE NATIONAL PARK BANK, LIVINGSTON, MONTANA,

——— dollars, with interest at one — per cent per month from date, until paid, and with $——— attorney's fees, in addition to other costs, in case the holder enforces payment at law.

——— ———.
——— ———.
——— ———.

G. H. ADAMS, *President.* FRED LANGERMAN, *Vice-President.* W. C. WHIPPS, *Cashier.* R. E. WEBSTER, *Assistant Cashier.*

[No. 4586 Capital, $50,000.]

THE FIRST NATIONAL BANK.

KALISPELL, MONT., *March 5, 1896.*

DEAR SIR: Replying to your favor of the 28th ultimo, I beg to state that so far as my observation has gone the facts are that in local loans the stipulated money payment is simply "lawful money," but on Eastern money put out here the stipulation has almost generally been for "gold" payment. I inclose sample of note used by us, as requested. Stay with them.

Yours,
W. C. WHIPPS, *Cashier.*

Hon. CHAS. S. HARTMAN,
Washington, D. C.

$———. KALISPELL, MONTANA, ——— ——, *189*–.

——— after date ——— promise to pay to the order of ——— ——— dollars, for value received, payable at the FIRST NATIONAL BANK of KALISPELL, MONT., with interest from maturity at the rate of — per cent per annum until paid.

☞ And further agree that in the event of a suit to enforce the collection of this note, a reasonable counsel fee, to be fixed and determined by the court, shall be added to and form a part of the judgment as damages.

No. ———. ——— ———.
Due ——— ——. ——— ———.

W. A. CLARK. J. ROSS CLARK.

W. A. CLARK & BROTHER,
Bankers.

BUTTE CITY, MONT., *March 5, 1896.*

DEAR SIR: Your favor of the 28th ultimo received and all noted. I have been cashier of this above bank since 1887, and have been with the house since November, 1878, and never, to my knowledge, has a note or a legal instrument for this firm of any kind been made in which the words "payable in gold" appeared. In all mortgages, notes, etc., wherein nature or kind of money to be paid is mentioned, it has been, and is at present, the custom to use the words "lawful money of the United States."

You will please find herein a blank note that we are using every day in our business; in fact, it is practically the same form used since the establishment of this bank, in March, 1877.

I beg to congratulate you on your position on bimetallism, and hope you may win.

Respectfully, yours,
ALEX. J. JOHNSTON, *Cashier.*

Hon. CHARLES S. HARTMAN,
House of Representatives, Washington, D. C.

$———. BUTTE CITY, MONTANA, ——— —— *189*–.

——— ——— after date, without grace, for value received, we or either of us, promise to pay to the order of W. A. CLARK & BROTHER, a copartnership composed of W. A. Clark and J. Ross Clark, ——— dollars, negotiable and payable at their banking house in Butte City, Montana, with — per cent interest per month from date until paid, both before and after judgment, and five per cent attorney's fees if suit be instituted on this note. Interest payable monthly.

——— ———.
——— ———.
No. ———. Due ——— ——, 189–.

HIRAM KNOWLES, *President.* JAMES A. TALBOTT, *Vice-President.*
ANDREW J. DAVIS, *Cashier.*

THE FIRST NATIONAL BANK OF BUTTE.

BUTTE, MONT., *March 6, 1896.*

DEAR SIR: Your letter of the 28th received. We inclose copy of note used by this bank. We have always accepted payment in current funds or whatever kind of money is rendered. We have never taken a note payable to the bank reading "Payable in gold coin." We pay all of our certificates of deposit in current funds.

Yours, truly,
ANDREW J. DAVIS, *Cashier.*

Hon. CHARLES S. HARTMAN,
Care House of Representatives, Washington, D. C.

$———. BUTTE CITY, MONT., ——— ——, *189*–.

——— ——— after date, without grace, ——, or either of us, promise to pay to THE FIRST NATIONAL BANK OF BUTTE, or order, the sum of ——— dollars, for value received, with interest at the rate of — per cent per month from date until paid. And —— further agree that in the event of a suit to enforce collection of this note a reasonable attorney's fee, to be fixed and determined by the court, shall be added to and form a part of the judgment.

——— ———.
No. ———, ——— ———.
Due ——— ——. ——— ———.

B. F. WHITE, *President.* HOWARD SEBREE, *Vice-President.*
OTHO KLEMM, *Cashier.*

[3120.]

FIRST NATIONAL BANK.
[Capital and surplus, $100,000.]

DILLON, MONT., *March 4, 1896.*

MY DEAR SIR: Referring to your circular letter of February 28 ultimo, I herewith inclose the blank form of note used by this bank in making loans, and also one used by an "Investment company" which we run in connection with the banking business, and doing business in Montana and Idaho.

Permit me to say, in connection with the subject-matter of your letter, that we are willing, always, to accept any kind of money in payment of these obligations which the Government recognizes as such, whether it be gold, silver, legal-tender notes, national-bank notes, or the at present discredited silver certificates. Under existing laws, or rather the interpretation placed upon them by the present "hoodoo" Administration, these obligations would no doubt call for gold in payment, but if we were to exact the payment in that metal, with the whole world scrambling for it and our own Government paying a premium on it, not one in ten of them would ever, in fact, be paid, for it would be impossible for creditors to do so. I do not believe a single bank in Montana or Idaho uses the word "gold" in any of the obligations taken for money loaned.

Very truly,
B. F. WHITE, *President.*

Hon. CHARLES S. HARTMAN, *Washington.*

The Idaho Investment Co., Limited.

$——— ———, ——— ——, *189*–.

On or before ——— ——— after date, I, we, or either of us, promise to pay to the order of THE IDAHO INVESTMENT CO., LIMITED, ——— dollars, value received, negotiable and payable at the First National Bank of Dillon, Montana, with interest from ——— until paid, at the rate of — per cent per month, and also a reasonable attorney's fee for collection, in case suit shall be commenced to enforce the collection of this note.

No. ———. ——— ———.
Due ——— ——. ——— ———.
P. O. ———.

$——— DILLON, MONT., ——— ——, *189*–.

——— ——— after date, I, we, or either of us, promise to pay to THE FIRST NATIONAL BANK, of Dillon, Montana, or order, ——— dollars, for value received, negotiable and payable at said bank in Dillon, with interest thereon from date until paid, both before and after maturity, at the rate of — per cent per month.

No. ———.
Due ——— ——. ——— ———.
P. O. ———. ——— ———.

GOLD. T. CURTIS, *President.* J. T. ARMINGTON, *Vice-President.*
H. H. MATTESON, *Cashier.*

THE FIRST NATIONAL BANK OF GREAT FALLS.
[Capital, $200,000. Surplus, $25,000.]

GREAT FALLS, MONT., *March 12, 1896.*

DEAR SIR: We have received your letter of February 28, and beg to say that the statement made by Mr. JOSEPH H. WALKER, of Massachusetts, that obligations made in the seven Western States referred to is false in every particular—at least so far as Montana is concerned. The facts in the case are that there is no stipulation as to what kind of money notes and mortgages in the State of Montana shall be paid in. We inclose herewith a blank note used in this bank, and also generally in use all over the State.

Very truly, yours,
G. T. CURTIS, *President.*

Hon. CHARLES S. HARTMAN,
House of Representatives, Washington, D. C.

$———. GREAT FALLS, MONTANA, ——— ——, *189*–.

——— ——— after date, we, or either of us, promise to pay to the order of the FIRST NATIONAL BANK, ——— dollars, for value received. Negotiable and payable at the First National Bank, in Great Falls, Montana, with interest at the rate of — per cent per month from maturity until paid, and reasonable attorney's fees.

The makers and endorsers hereby waive presentment, demand, protest, and notice thereof.

No. ———. Disc't ———. ——— ———.
Due ——— ——, 189– ——— ———.
P. O. ———

JOHN POTTER, *President.* A. HERSHFIELD, *Vice-President.* JAS. T. WOOD, *Cashier.* HUGH CAMERON, *Assistant Cashier.*

[No. 3375.]

FIRST NATIONAL BANK.
[Capital and surplus, $280,000.]

WHITE SULPHUR SPRINGS, MONT., *March 6, 1896.*

DEAR SIR: Replying to your request of the 28th instant, we inclose a sample of the instruments that we both give and accept as evidences of debt or obligation, in none of which is the kind of money in which they are to be paid stipulated, nor have we noticed anything other than as above stated in any matters passing through our hands.

Respectfully,
JAS. T. WOOD, *Cashier.*

Hon. CHARLES S. HARTMAN, M. C.,
Washington, D. C.

$——— WHITE SULPHUR SPRINGS, MONTANA, ——— ——, *189*–.

——— ——— after date —— promise to pay to the order of James T. Wood, cashier, ——— dollars, for value received, payable at the FIRST NATIONAL BANK, WHITE SULPHUR SPRINGS, MONTANA, with interest from maturity at the rate of twelve per cent per annum until paid.

——— ———.
No. ———. Due ——— ——. ——— ———.

FIRST NATIONAL BANK,
$——— *White Sulphur Springs, Montana,* ——— ——, *189*–.

——— ——— ha– deposited in this bank ——— dollars, in current funds, payable to the order of ——— ——— on the return of this certificate properly endorsed.

Certificate of deposit not subject to check.

——— ———,
No. ——— *Cashier.*

A. B. HAMMOND, *President.* A. G. ENGLAND, *Vice-President.*
JOHN M. KEITH, *Cashier.*

[No. 2106.]

THE FIRST NATIONAL BANK OF MISSOULA.
[Capital stock, $150,000. Surplus and profits, $150,000.]

MISSOULA, MONT., *March 6, 1896.*

DEAR SIR: Yours of the 28th ultimo has been received.

As requested, I inclose herein the form of note which is now and has been used by this institution for the last eight years or more since I have been cashier, and I am satisfied a similar form was used prior to that time. In my experience in banking I fail to recall having seen at any time a note or negotiable paper, drawn in the State of Montana, which called for the payment of same in gold. You will notice the inclosed form does not stipulate the kind of money which shall be used in the payment of same.

Hoping that you will be successful in your efforts, and believing that you can readily secure such evidence from the residents of this State as will refute the statement made by Mr. WALKER, I remain,

Yours, truly,
J. M. KEITH, *Cashier.*

Hon. CHARLES S. HARTMAN, M. C.,
Washington, D. C.

$———. MISSOULA, MONTANA, ——— ——, *189*–.

——— ——— after date, for value received, —— promise to pay to the order of the cashier of THE FIRST NATIONAL BANK of Missoula ——— dollars, at the First National Bank of Missoula, with interest at — per cent a month from ——— —— until paid. Interest payable semiannually.

——— ———.
——— ———.
No. ———. Due ——— ——. ——— ———.

THOMAS CRUSE, *President.* FRANK H. CRUSE, *Vice-President.* W. J. COOKE, *Secretary and Assistant Treasurer.* W. J. SWEENEY, *Treasurer.*

[Capital $100,000.]

THE THOMAS CRUSE SAVINGS BANK.
(Incorporated.)

HELENA, MONT., *March 7, 1896.*

Hon. CHARLES S. HARTMAN,
Washington, D. C.

DEAR SIR: I have your valued communication of the 28th of February, and same is fully noted. Complying with your request, I take pleasure in handing you herewith a blank note form used exclusively by this institution. You will observe it contains no gold clause, and we would willingly accept silver coin in payment of obligations due us. As a matter of fact, for some considerable time the mutilated currency that we have forwarded to the United States Treasury at Washington for redemption, with the accompanying request that its equivalent be remitted to our Eastern correspondent at New York or Chicago for our credit, has met with no success, and instead the Treasury Department has forwarded to our institution Treasury notes and greenbacks of the denomination of $1 and $2. Why this should be done is evident. As a matter of fact, at the present time silver coins are not by any means a drug in this part of the country, and it becomes necessary at times to express them into the State in order to meet the demand for change. As you are no doubt aware, our president, Thomas Cruse, is largely interested in mines in this State. At the present time he is operating three mining properties and running a mill, and will in the near future operate another mill. To make it understood clearly by those that are skeptical regarding his position on the money question, you will please find herewith copy of a telegram that he sent to the New York World prior to the last issue of bonds by the Government, and in reply to the World's telegram as to how he stood on the sound-currency system.

"HELENA, MONT., *January 11, 1896.*

"The WORLD, *New York City, N. Y.:*

"I favor home loans; question of rate of interest undecided on bonds; can not say, therefore, about investing; I will furnish the Government gold bullion over five hundred fine (the product of my mines), Helena delivery, in exchange for silver coin delivered here, and believe the majority of the mine owners of Montana will do likewise, and the probabilities are that all other mining States would do the same, and keep the reserve intact for the Government; if you advocate this principle and mine owners cooperate, it will put a stop to bond issues.

"Respectfully, yours, W. J. SWEENEY, *Treasurer.*"

$——. HELENA, MONTANA, —— ——, 189-.

—— —— after date —— promise to pay to the order of W. J. Sweeney, treasurer, —— dollars, for value received, payable at THE THOMAS CRUSE SAVINGS BANK AT HELENA, MONTANA, with interest from —— —— at the rate of — per cent per —— until paid.

And further agree that in the event of a suit to enforce the collection of this note a reasonable counsel fee, to be fixed and determined by the court, shall be added to and form a part of the judgment as damages. All rights and benefits conferred by the statute of limitations are expressly waived, it being expressly agreed that suit may be maintained to enforce collection hereof at any time after maturity, the provisions of the statute of limitations to the contrary notwithstanding. All rights and benefits under the homestead and exemption laws of the State are also hereby expressly waived and relinquished.

No. ——. —— ——.
Due —— ——. —— ——.

[Established 1873.]

HENRY ELLING, BANKER.

VIRGINIA CITY, MONT., *March 6, 1896.*

DEAR SIR: In answer to your favor of 28th ultimo, only four of the notes held by this bank are payable in gold, and they cover a loan to the Manhattan Company of $40,000 for a term of years. As they are an Eastern corporation, I deemed it proper to measure out to them some of their own medicine.

In all other transactions in this bank no stipulation is made other than lawful money of the United States.

I inclose herewith samples of our notes as used at all times.

Yours, truly,

HENRY ELLING.

Hon. CHARLES S. HARTMAN,
Washington, D. C.

$——. BANKING HOUSE OF HENRY ELLING.
Virginia City, State of Montana, —— ——, A. D. 189-.

—— —— after date, for value received, —— promise to pay to the order of HENRY ELLING the sum of —— dollars, with interest upon same, both before and after maturity of this note, at the rate of — per cent per month, the interest payable monthly.

No. ——. —— ——.
—— ——.

$——. BANKING HOUSE OF HENRY ELLING.
Virginia City, Montana, —— ——, 189-.

—— —— after date, for value received, —— promise to pay to the order of HENRY ELLING, at his banking house at Virginia City, Montana, the sum of —— dollars, with interest on same, both before and after the maturity of this note, at the rate of — per cent per —— until paid, interest payable —— ——; and, if the interest on said principal sum is not punctually paid, it shall become a part of the principal, and thereafter bear the same rate of interest as the principal —— ——.

No. ——. —— ——.
—— ——.

HENRY ELLING, *President.* JOSEPH KOUNTZ, *Vice-President.* GEO. L. RAMSEY, *Cashier.* GEO. COX, *Asst. Cashier.*

COMMERCIAL EXCHANGE BANK.

[Succeeded by Commercial National Bank. Capital, $50,000. Incorporated under the State banking laws. Paid-up capital stock, $40,000.]

BOZEMAN, MONT., *March 5, 1896.*

DEAR SIR: In refutation of the statement of Congressman JOSEPH H. WALKER, of Massachusetts, we beg to hand you herewith a copy of the note used by this bank in the transaction of its business.

In our judgment, it is not the custom for money lenders in this country to insert a gold clause in their money contracts.

Yours, respectfully,

GEORGE L. RAMSEY, *Cashier.*

Hon. CHARLES S. HARTMAN,
Washington.

$——. BOZEMAN, MONT., —— —— 189-.

—— —— after date, —— promise to pay to the COMMERCIAL EXCHANGE BANK, or order, —— dollars, value received; payable at the Commercial Exchange Bank, with interest at the rate of — per cent per month from —— —— until paid —— ——.

—— ——.
—— ——.
No. ——. Due —— ——. —— ——.

AMOS C. HALL (Estate). ALDEN J. BENNETT.

HALL & BENNETT, BANKERS.

VIRGINIA CITY, MONT., *March 6, 1896.*

DEAR SIR: Replying to your favor of the 28th ultimo, I beg to say that during the seventeen years in which our firm has been engaged in the banking business at this place we have never in a single instance discriminated in favor of gold in any business transaction.

I inclose blank note, and add that we have used this form for at least fifteen years. If your quotation from Hon. Mr. WALKER is intended to apply to us, it is absolutely false.

With highest regard, I am, yours, truly,

ALDEN J. BENNETT.

$—— VIRGINIA CITY, MONT., —— ——, 18—.

No. —— —— —— after date, for value received, —— promise to pay HALL & BENNETT, or order, —— dollars, at their office in Virginia City, with interest thereon from date, both before and after maturity of this note, at the rate of — per cent per month, interest payable monthly.
Due ——

—— ——.
—— ——.

Hon. CHARLES S. HARTMAN,
Washington, D. C.

Mr. McMILLIN. I yield to the gentleman from Colorado [Mr. SHAFROTH] five minutes.

Mr. SHAFROTH. Mr. Speaker, I want to testify to the fact that in the State of Colorado, classed as one of the silver States, the great mass of the obligations are not payable in gold. I do not believe that there is a single bank in the State of Colorado that has an obligation payable in gold. But, Mr. Speaker, I want to say something concerning the statement made by the gentleman from Massachusetts [Mr. KNOX] who has this bill in charge. He has made the statement that he believes in the single gold standard, because he believes that the production of gold is sufficient. If it is sufficient to form a basis for the money of the world, there might be some logic in his position; but, Mr. Speaker, although there has been an increase in the production of gold, the gentleman seems to forget that the uses of gold are multiplying. He seems to forget that to-day we are using millions and millions of dollars in gilding, in dentistry, in medals, in charms, in watches, and jewelry, where we used a very small amount a few years ago.

Why, Mr. Speaker, when a person contrasts the use of gold at the present time with the use of gold twenty or twenty-five years ago, he is appalled at the enormous increase of its use in the arts. Robert Giffen, the statistician of the London Board of Trade and a gold monometallist, declared three or four years ago that there was not a single dollar of the annual product of gold that went into coin. He did not mean that there were no new coins made, but he meant that as many coins found the melting pot of the goldsmith as there were coins made from the annual production. Sir Lyon Playfair a few years ago estimated that 75 per cent of the gold product went into the arts. He is a gold monometallist and a member of the British Parliament. Professor Fawcett, another gold monometallist, has stated that of the gold product of 1892, which was $138,000,000, the sum of $110,000,000 went into the arts. Why, when we look around us and see this beautiful Library building across the way, and find that they are using gold leaf in such quantity that they even spread it upon the dome of that building, and we find that in the interior it is used in large quantities in decorations, we can readily see that this increased production can not keep pace with the use of it in the arts.

Mr. Speaker, the best evidence of the fact that gold is not produced in sufficient quantities to act as a base for the monetary systems of the world is the declaration of the Secretary of the Treasury as compared with former declarations from that Department. Senator SHERMAN in 1876 made the statement that there were $3,500,000,000 of gold in the world. No better authority can be produced on the gold side of this question, and yet I find the statement made by the Treasury Department in the year 1896 that there are $4,000,000,000 of gold in the world. In other words, there has been an increase of only $500,000,000 of gold to the basic money of the world in the past twenty years. And that means what? It means simply $25,000,000 a year. That is all that has been added per annum in the past twenty years. Is that sufficient to add to the basic money of the world to keep pace with the progress of commerce and the increase in the credits of the world?

Mr. Speaker, when we see these facts, it seems to me that no one who looks at them carefully can come to any other conclusion than that the production of gold has not kept pace with the increased use of it. The increased use in the arts is enormous.

The SPEAKER pro tempore (Mr. HENDERSON). The time of the gentleman has expired.

Mr. McMILLIN. I yield four minutes to the gentleman from North Carolina.

Mr. SKINNER. Mr. Speaker, I desire simply, as a Populist, to protest against the making of any contracts, either by individuals or by corporations, which state they are solvable otherwise than in the lawful money of the country. In other words, I take the position that Congress should not give its countenance and sanction to any contract that can not be solvable in the lawful money of the Government. To take any other position is to destroy at once the legal-tender quality of all money. Now, what you shall make lawful tender must be based upon the present and the future. If it is gold, then the contract will be solvable in gold; if it is gold, silver, and legal-tender paper, then it is solvable in those classes of money; but, Mr. Speaker, I am opposed to trying to accomplish by indirection what neither party in this country to-day is willing to

accomplish directly—that is, to put us upon a single gold standard. The Republican party is committed to international bimetallism, and it has its commissioner abroad to-day to see if this can be accomplished. The Democratic party and the Populist party are committed to the free coinage of silver at 16 to 1. Only the Palmer party of this country is committed to the gold-standard policy.

Mr. Speaker, this may be an ingenious method to put upon the country the Palmer Democrats and its policy to execute contracts to the detriment of the great masses of the American people. Let me suggest this. It may be that the Territories have made gold contracts for the future. To extend a contract is to make a new contract; and if our brethren have been so unwary, as the gentleman from Iowa suggested, that if the contract called for dynamite, it ought to be kept. Now, I believe gold is next to dynamite to the best interests of the common people and the institutions of this land. Yet in our sovereign body, as the great House that represents the people, we should relieve them from any such contracts as those.

Then, Mr. Speaker, there is another thought that ought to be suggested, and it ought to be impressed upon the minds of Federal legislators. On page 3, line 12, of the pending measure or bill, I find this language:

> Which interest shall be paid semiannually in gold or its equivalent in lawful money of the United States, on the 15th day of January and the 15th day of July of each year, etc.

The amendment of the distinguished gentleman from Tennessee [Mr. McMILLIN], through whose courtesy I am permitted to address the House, adds, at the end of line 25, on page 3:

> *Provided,* That the principal and the interest of the bonds funded under this act shall be payable in lawful money of the United States, except the original bonds above described heretofore issued.

The gentleman from Tennessee is adroit and patriotic in presenting his amendment. It meets the hearty approval of all Populists, of all true silver men of all parties, and will, as it should, be adopted overwhelmingly. This amendment presents squarely the issues involved in the great battle begun in 1896, and which will be finished in 1900, in the interest of human rights and human existence. If I can read and interpret the English language, and if party platforms mean anything, all three of the great parties, to-wit, Democratic, Republican, and Populist, are committed to free silver—the Populist and Democratic party by independent action 16 to 1, and the Republican party by international agreement. The only gold party in existence to-day is the Palmer or so-called National Democrats. The sooner these and the gold wing of the Republicans get together the better for the great battle of 1900, which is inevitable and irresistible.

The Republican party, I repeat, is committed in its platform to free silver; true, by international agreement. If they fail to obtain it in this way, then, since they are committed to the principle, they are obligated and will prove cowards if they fail to act independently to secure this boon to the country. I want to make this prediction, if they fail to do so as an organization the great mass of their followers will act independent of the party and strike for the common weal.

I believe the true policy of all parties and individual citizens is to assist and facilitate the incoming Administration to bring to this country prosperity. This is more desirable than the success of any political party, and the political party that throws obstructions in the way to prevent a return of prosperity to the country and people for the purpose of obtaining a partisan advantage for the future will not deserve and will not receive further countenance or trusts from the people; and the individual who pursues this course to advance his own ambition will find that by such actions he forfeits the confidence of his constituents.

The plain, patriotic duty of the hour is to hold the Republican party to a strict account of the voluntary trust they have assumed to bring prosperity, and if they succeed they will and should be their own successors.

If they fail, then they must give way to the people who are determined that this country shall not be sacrificed upon the altar of the single gold standard and corporate power. The financial independence and individuality of the American people must be established in the interest of civilization and humanity. Hence it is, Mr. Speaker, that I protest against making or countenancing by legislation contracts for the Territories, for the States, for the Union or the individual that is solvable in gold. I do not mean to be understood that I would restrain individual rights so as not to permit private or public contracts payable in commodities, such as iron, copper, cotton, wool, corn, wheat, silver, or even gold, if you will reduce gold to a commodity, and take from it all its monetary functions and restore these where they belong—to the Government, as the representative and agent of the people, from whom it has been purloined by wicked and corrupt legislation of the past twenty-five years.

The propositions contained in this bill were fully carried out by Congressional legislation in the refunding of our national debt, and I venture to say that a more disastrous or costly piece of legislation was never placed on our statute books. The object sought by this bill is to make the debt of New Mexico payable in gold only. By direct legislation and the arbitrary rulings of the Treasury Department the public debt of the United States has been placed in precisely that condition. In order to accomplish this result unjust legislation was secured through questionable, if not disreputable, methods. The original public debt growing out of the war was payable in the lawful money of the United States, which at that time consisted of gold, silver, and paper. There are some at this late day who refuse to believe that the bonded debt as originally contracted could have been paid in legal tender paper money. As proof that such was the fact, I will quote from Senators JOHN SHERMAN and B. F. Wade in support of my statement. I will add that these letters were written during the earlier stage of the refunding scheme.

In a speech delivered in the Senate February 27, 1867, JOHN SHERMAN said:

> Equity and justice are amply satisfied if we redeem these bonds at the end of five years in the same kind of money, of the same intrinsic value it bore at the time they were issued. Gentlemen may reason about this matter over and over again, and they can not come to any other conclusion; at least that has been my conclusion after the most careful consideration. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of saying that this is repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly.

In 1868 he wrote to a friend as follows:

> DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would confirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal tenders. I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by the law, I am right; if it is to be tested by Jay Cook's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets. If, under the law as it stands, the holders of the five-twenties can be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.
>
> Truly, yours,
>
> JOHN SHERMAN.

Senator Wade in answer to a letter from a friend said:

> VICE-PRESIDENT'S CHAMBER,
> *Washington, December 21, 1867.*
>
> Yours of the 8th instant is received, and I must cordially agree with every word and sentence of it. I am for the laboring portion of our people. The rich can take care of themselves. While I must scrupulously live up to all the contracts of the Government, and fight repudiation to the death, I will fight the bondholder as resolutely when he undertakes to get more than the pound of flesh. We never agreed to pay the five-twenties in gold; no man can find it in the bond; and I never will consent to have one payment for the bondholders and another for the people. It would sink any party, and it ought to. To talk of specie payments or a return to specie under present circumstances is to talk like a fool. It would destroy the country as effectually as a fire. And any contraction of the currency at this time is about as bad. But I have not time to give my ideas in full.
>
> Yours, truly, BENJAMIN F. WADE.

Hon. Thaddeus Stevens also declared at the same time that—

> If I knew that any party in this country would go for paying in coin that which is payable in money, thus enhancing it one-half; if I knew there was such a platform and such a determination this day on the part of any party, I would vote for the other side, Frank Blair and all. I would vote for no such speculation in favor of the large bondholders, the millionaires who took advantage of our folly in granting them coin payments of interest.

I could continue this line of evidence, but enough has been given to disclose the fact that our national debt was originally payable in lawful money. Through the false pretense of strengthening our national credit, what is known as the "public credit strengthing act" was passed March 18, 1869. I will quote it in full:

> That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

This act by indirection changed the conditions of the bonded debt and made it payable in coin. Also under the guise of a plea for less interest, precisely as in the case of this bill, Congress passed the refunding act of July 14, 1870, which declared the bonds payable, principal and interest, in coin. Not satisfied with this, a bill was passed surreptitiously through both Houses of Congress in 1873 which dropped the coinage of the standard silver dollar and thereby made these bonds payable in gold alone. These several acts made our bonded debt, which was bought at the average rate of about 58 cents in gold on the dollar, worth par in that same metal and cost the people many millions, as I will show by a computation of Senator JONES of Nevada, found in his great speech of January 22, 1894. He says:

From 1862 to 1868 United States interest-bearing bonds were sold to the amount of	$2,049,975,700
Amount received for said bonds, discount on coin considered	1,371,424,238
Profit to purchasers	678,551,462
There has been paid as interest	2,538,000,000
Premiums for bonds not due	58,000,000
Paid on principal of bonds	1,756,000,000
Total paid	4,352,000,000
Add profit to purchasers	678,551,462
	5,030,551,462

For the $1,371,424,238 received for the sale of bonds the people have paid $5,030,551,462.

Up to the present time there has never been anything but gold paid on the public debt, notwithstanding the fact that the contract on the face of every bond declares it payable in coin.

Such, in brief, is the history of our national debt, which shows the vast amount of treasure the changes that have been made in its terms have cost the toiling masses of the nation.

This attempt to change the terms of the contract in the debt of New Mexico would, no doubt, cost the people of that Territory as much in proportion as the same scheme has cost the people of the nation at large. As a matter of fact, however, it is not gold payments in New Mexico that the real authors of this measure seek. It is simply another effort in the line of many attempts to have Congress pass a bill directing gold payments somehow or somewhere. A precedent of this kind is eagerly and persistently sought in order to be used to force legislation of a similar character regarding our national bonded indebtedness. I predict that this bill will be defeated, but even this will not prevent further efforts from being continued in that direction with the hope and expectation that Congress will at last be foolish enough to succumb to such relentless importunity. In my opinion, gold payments in our national finances will never obtain, save, as now, by indirection and absolute violation of law. If the trend of public sentiment be a guide, it is safe to predict that the near future will bring legislation of an opposite character that will force those in authority to obey the law, and silver, as well as gold, will be used in liquidating Government obligations.

The matter of funding is going on to-day in all the ramifications of public and private business. The bondholder of the nation, State and municipal, and the mortgagee are offering to fund—in some instances as an inducement is a lower rate of interest, in some instances a composition of the debts; but invariably they hold on to all their securities and get as much more as possible, and always want the principal and interest payable in gold or its equivalent in lawful money.

The unfortunate debtor reaches for all in sight that offers any hope, but he will find the mortgagee and bondholder, instead of lessening his burden, is adding to and perpetuating his load and fixing the status of himself and children as chattels and slaves to the gold and corporate power of the world. And thus, Mr. Speaker, we drift from worse to worse, and so it will be until a deceived and oppressed people will rise like a mighty giant and, regardless of all parties, their present or future, strike through some political medium to bring back the prosperity that has been again and again promised.

It is certainly my desire that Mr. McKinley's Administration shall prove successful—not to him personally or as a partisan, but as the Chief Executive of a great country—in bringing prosperity to the people, and I shall take pleasure in facilitating him along protection lines, and shall strive to make this protection equitable from the light before me. I can not see how this is possible without free silver 16 to 1 and supplemental financial legislation. Protection can not and will not bring prosperity unless it is made equitable. All sections of the country, and all industries and conditions, including agriculture, must receive as near as practicable the same ratio of protection. If not obtainable by an import tax, then statecraft must provide means to secure this measure of protection to the field that an import tax secures to the shops. This is common justice, and the measure of this is what the agriculturists of the country are demanding.

I think the South has made a great mistake in antagonizing a protective tariff. A wiser and more patriotic course would have been to devise methods for the cotton fields and its great scepter of power, cotton, to receive such protection as would have enabled us to dictate the price of cotton above the cost of production, and thereby bless, prosper, and make happy our people, and add to the aggregate wealth of the country by increasing our balance of trade, raising, as the Southern States do, eight-tenths of all the cotton in the world. We ought not to sacrifice such a power, when another course would be of such a service to a great section, to the great mass of human beings engaged in the cultivation of cotton, and to the nation and every other industry. The South is rich, rich in minerals, iron, coal, lumber, cotton, and other raw material. Give them the same measure of protection that is extended to the shops and manufacturer, and we will show you a land and section responding quickly to a return of prosperity, and ready to contribute its share to every responsibility imposed by law, and will prove a blessing to the nation.

I desire to repeat, in conclusion, that I do not believe this equitable protection can be obtained unless we shall have free silver at 16 to 1 and supplemental financial legislation; and the Republican party would be wise in accepting conditions as they find them, and as the great champion of protection they would rise to a full measure of their patriotic duty and give this measure of relief to the people under the broad ægis of equitable protection, utterly exemplifying "America for Americans" and a living chance for all classes of Americans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKINNER. I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from North Carolina asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. KNOX. Mr. Speaker, may I inquire what time I have remaining?

The SPEAKER pro tempore. The gentleman has twenty-one minutes remaining.

Mr. KNOX. I yield five minutes to my colleague from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, I am rejoiced as much as any man in this House to find that Montana is in the Union, as it certainly is if what my friend says is true—and I have no disposition at all to question his statement—but I wish to say that I consulted a dozen gentleman here from nine Western States and only used seven, only one of whom I now see, before I made my statement with reference to those States. However, I may have made a mistake as to Montana. There are two gentlemen on the floor who have put gold notes from two of those States into my hands since the gentleman spoke. I presume there are hundreds in this city. One reads as follows:

[No. 1.]

SALT LAKE CITY, UTAH, *March 10, 1896.*

On the 1st day of May, 1896, after date, without grace, for value received, I promise to pay to the order of G. S. Holmes eleven and 20/100 dollars ($11.20) in United States gold coin, negotiable and payable at the First National Bank of Fort Wayne, Indiana, without defalcation or discount, with interest at the rate of 8 per cent per annum from maturity until paid, both before and after judgment, and if suit be instituted for the collection of this note I agree to pay reasonable dollars attorney's fees.

The California note is for $252.65, and is as follows:

$252.65. SAN DIEGO, *December 15, 1896.*

Ninety days after date, without grace, for value received, I promise to pay to the order of Frank J. Connolly the sum of two hundred and fifty-two 65/100 dollars, with interest thereon, from this date until payment at the rate of ten per cent per annum, payable quarterly, and if not so paid, then to become part of the principal of this note, and to bear like rate of interest till paid. Both principal and interest to be paid in United States gold coin. And I further agree that in the event of suit brought against me then there shall be added to any judgment against me rendered in said suit, as counsel fees, an additional sum of ten per centum, in like gold coin, upon the amount of the principal and interest hereof accrued, at the time of the entry of such judgment; or if paid before judgment and after action commenced, then on the amount at the date of payment.
No. ——.

If I made a mistake in enumerating the proper States, I exceedingly regret it. I am very sure that there are seven States in this Union, leaving out Montana, to which my statement applies, and there are two others where scarcely an obligation is made that is not payable in gold. The notes that I have here are upon printed forms. Furthermore, this practice, having grown up during the war on the Pacific Coast, has extended nearly all over the country, so that a very large proportion of the obligations everywhere are now made payable in gold. I accept the gentleman's correction as to Montana, but my statement was made upon what I believed to be solid information. One gentleman went over the list with me, Mr. JOHNSON of California, and he said that he might be mistaken as to some of the States. There were nine States in the list, and I cut it down to seven.

Let me say, Mr. Speaker, that if I have been caught in a mistake in this case, I challenge that gentleman or any other gentleman on this floor to find that I have been in error upon any statement I have made to the House—any other.

Now, a word on the bill.

Mr. JOHNSON of California. Will the gentleman yield to me for a moment, as he has used my name?

Mr. WALKER of Massachusetts. I said that I went over a list of nine States with you, and you said you thought my statement was true as to most of them, but as to one or two you could not tell.

Mr. JOHNSON of California. I said that I could only tell certainly as to California, and that so far as California was concerned you were correct.

Mr. WALKER of Massachusetts. Now, Mr. Speaker, a word as to the bill. The United States Government, the maker of all forms of money, can not specify that any one of its obligations shall be payable in anything but "lawful money" or "coin." To do so would be to discredit every other money except the money named. That can not be done by the Government without disgracing the country and depreciating every other form of money except the form that is named. Having promised in the body of the law that all our money shall be kept at a parity, while we use gold at all the statement is a promise that all obligations shall be paid in gold, and therefore we can not mention gold in a new obligation at this late day. But there is no reason why any city, corporation, or individual may not mention any kind of money whatever, without detriment to itself or to the money of the country. The distinction is as wide as it can possibly be between the users of money doing so and its maker doing so. I can not specify that one of my notes, if I make a dozen different kinds, shall be payable in a more valuable thing than another without depreciating all the other notes that I have issued, and that is the position in which the United States stands. But, so far as any State, any Territory, any city, any corporation, or any individual is concerned, we do them wrong, we violate their natural rights, if we forbid them doing so, if one man, or one corporation, or one State, or one city desires to make such an obligation. I despise and hate and contemn the doctrine that "the greatest good to the greatest number" is to control. It is one of the most damnable propositions ever put forth. The right of one individual is as valuable and as sacred to him as that of each one or all the other seventy million. "A wrong to the meanest citizen is an injury to the whole community," is the doctrine of humanity.

Mr. McMILLIN. I yield to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I merely wish to say, with reference to notes in California being made payable in gold, that that was not because of opposition to silver. The law was passed in 1862 or 1863—I have forgotten which—at the time when greenbacks were fluctuating. Ours was a gold community and the law was passed then with reference to greenbacks, and silver was not taken into account at all.

Mr. McMILLIN. I yield the remainder of my time to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, what I desired to say when I asked for time has just been said by the gentleman from California [Mr. JOHNSON], namely, that the gold contracts of the West were not made as against silver. The gold contracts of California, the gold contracts of the country farther east and west of the Rocky Mountains generally, were made when the greenbacks came into use in the United States. The people out there were producing gold and they were unwilling at that time, when greenbacks were fluctuating, to exchange their gold for greenbacks at par. But take the States of Colorado, Idaho, and the silver States generally, and it is a fact beyond dispute that no bank in any one of those States ever uses a gold clause in any note.

It is true, on the other hand, that sometimes on the negotiation of long loans, such as school bonds or something of that kind, the money lenders demand that the obligation be made payable in gold. Money lenders of the East demand that; but in the West, where I have resided for twenty-five years, I have never known a resident of the State of Colorado to demand any note payable in gold. On one occasion within my knowledge the largest merchants of the city of Denver, Daniels & Fisher—the Wanamaker of Denver—had sent to them from their importers of New York City a large order for French gloves for their approval. The order which they were to give was sent to them in a form which embraced the clause "payable in gold." They marked out those words and immediately returned it to their importer, saying, "If United States money is not good enough for French gloves, then we will use American gloves in this establishment." With all deference to our friend from Massachusetts [Mr. WALKER], I do not believe that there has ever been any general use of gold contracts among the citizens of any of the Western States, except gold contracts which originated when the greenback was fluctuating in value. Those contracts are what have misled some of our friends—the old contracts which were drawn payable in gold so as to exclude payment in greenbacks; not for the purpose of excluding payment in silver, but to exclude the payment in fluctuating greenbacks during war times, and the form has continued to some extent.

[Here the hammer fell.]

Mr. KNOX. Mr. Speaker, I wish to say a few closing words in support of this bill, which the committee desires very much to pass and the passage of which is desired by the people of all the Territories so far as their opinion has been expressed by their duly accredited representatives here. Its passage has not been objected to by creditors of the Territories who have appeared before the committee—the men from the commercial centers who are the holders of the indebtedness of the Territories and who represent generally the holders of such indebtedness.

In order that gentlemen on this side of the House may not be influenced in any way to vote against the passage of this bill by reason of the amendment which has been offered, I wish to state that it was the intention of the committee in framing this bill to make these refunding bonds payable in lawful money of the United States. That intention is distinctly expressed on the third page of the bill, in lines 20 to 22:

> The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue.

How, then, has any difficulty arisen with reference to this question? How has it come to be supposed that the bill provided for the issuing of gold bonds? It is because of the clause beginning on line 4 of section 3:

> Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold—

It will be observed that the clause "which interest shall be paid semiannually in gold" is preceded by a semicolon. This should have been a comma, because the clause was intended to apply simply to bonds issued by the Territory of Arizona, those bonds having previously been issued under the refunding provision of the act of Congress of 1890, which especially provided that those bonds so issued by Arizona should be paid, principal and interest, in gold. Because of that provision of the act of 1890 we were obliged to except from the bill those bonds issued by Arizona unless we would undertake to repudiate bonds already issued and contracts already made. Because of this misunderstanding of the language of the bill, this controversy has arisen in the House as to the payment of these bonds in gold or in lawful money of the United States.

All the Territorial bonds except those of Arizona are payable in lawful money, and the whole effect of this bill is simply to give the people of the Territory free opportunity to refund their bonds at a lower rate of interest and to create the necessary machinery for so doing.

Mr. CUMMINGS. Why not change the semicolon to a comma?

Mr. KNOX. I am willing to offer such amendment as the gentleman suggests. I am authorized by the committee to say that so far as we have the power we accept the amendment of the gentleman from Tennessee, and I shall also move to amend the bill by changing the semicolon to a comma.

Mr. McMILLIN. I hope the gentleman will move that amendment now. There will be no objection to it, I believe.

Mr. KNOX. I move, then, to amend by striking out the semicolon in line 12 of section 3 and inserting a comma.

Mr. LACEY. Does the gentleman think that change will be sufficient?

Mr. KNOX. I think so. Still, the amendment of the gentleman from Tennessee is simply an additional safeguard; it is in accordance with the intention of the committee, and we have no objection to its adoption.

It seems to me, Mr. Speaker, that the desire of the people of the Territories and of the creditors of the Territories in favor of this bill ought not to be interfered with by the discussion which has been precipitated here in regard to free silver and the gold standard. I agree with a good deal that the distinguished gentleman from New York said in reference to the amendment to make the bonds payable in gold; but my position is that the money of the United States to-day is gold; that all our money is upon a gold basis; that the authority of the Government is pledged to maintain sacredly all our money upon a parity with gold; and that we stand assured that such will be the policy of the Government for the next four years.

The gentleman from New York asked why this bill was not drawn in conformity with the act of 1891. My answer to that is that the condition of things in 1891 was entirely different from the condition at present. At that time we were purchasing 4,500,000 ounces of silver every month and issuing Treasury certificates upon that silver, payable in gold. It was doubted in this country and it was doubted the world over whether the United States could maintain the parity of its various forms of currency in gold with such a provision of law in operation. I think most men believed that that could not be done. It was therefore a matter of great consideration at that time to authorize the Territories or any corporations under the power of Congress to issue bonds which should be in terms gold bonds, so as to prevent those bonds bringing the low price which would otherwise be received in view of the doubt which then existed as to the ability of this Government to maintain its promises payable in gold.

But, Mr. Speaker, all that has passed away. The Sherman law has been repealed. We stand now upon the establishment of the single gold standard in this country and the power of the United States behind all our currency. I submit to the distinguished gentleman from New York that there is no occasion at the present time to say in any contracts made by authority of the American Congress that the word "gold" must be inserted or may be inserted. You want to do away with the distinction of the words "gold" or "silver." Money under our laws to-day, under the acts of Congress, means gold. The policy of 1891 had the same qualification, and the issue of Government bonds, when authorized, did not make them payable in gold, but all of them were issued payable in the coin of the country. Under the declared policy of the Government at that time they were issued for coin; but at the same time it was also the declared policy of the Government that the silver of the country should be maintained on a parity with gold.

Now, the gentleman from Colorado [Mr. Bell] has talked of the scarcity of gold and the quantity of gold in circulation. If we take the example of every commercial nation in the world as a criterion, we have in the United States to-day enough gold in the vaults of the banks, in the Treasury of the United States, and in the hands of the people to maintain for ourselves a sound, abundant, and stable currency based on the standard of the whole world—the single gold standard, the standard of civilization, the standard of progress, the standard of wealth, and the standard of commercial progress the world over.

I said, Mr. Speaker, and I repeat, that I deprecate at this time the further agitation of the question of the currency of this country. I think it leads to nothing but doubt and disturbance in business affairs, and that the disturbance arising from such a cause is unavoidable. I think it will retard the progress we all hope to see in the near future. It is the question of the prosperity of this country that we are to deal with. We upon this side of the House believe that the prosperity of the country was lost when the country was robbed of its revenues and when the manufacture of goods we made here was transferred to Europe, and when the farmers and the lumbermen of Canada were given charge of the supply of the great home markets of the United States instead of the American farmers.

We believe the day has come for a change. We believe the day is at hand when we can restore the prosperity of the country by enacting wise and adequate protective tariff laws, and that that is the duty which the Republican party and the Republican members of this Congress have no choice but to discharge. I think it injures our chances of doing that, I think it puts back, retards, and possibly lessens the great prosperity we hope to see result, to complicate this question with the further disturbance and further discussion of the question of currency. I do not care whether it be in the form of discussing the silver standard alone or the gold standard, or silver and gold, or in the form of discussing another monetary conference, we are here for business, or soon will be, and the business intrusted to us is to give back to the country the conditions of former prosperity, which I hope we shall soon accomplish.

Mr. CLARDY. If the gentleman will allow an interruption, he has just stated that there is an ample supply of gold in the world as a metallic basis for our money——

Mr. KNOX. No; I beg the gentleman's pardon.

Mr. CLARDY (continuing). And I would be glad if the gentleman would state now the amount of gold per capita in the world.

Mr. KNOX. Mr. Speaker, I am not to be catechised, for I see what that would lead to. The gentleman, however, is mistaken in my statement.

Mr. CLARDY. I hope the gentleman will state, then, the amount of gold per capita in the United States.

Mr. KNOX. I have stated that there was sufficient gold in the United States to serve as a basis for an abundant, sound, and elastic circulation.

Mr. CLARDY. But the gentleman must remember that gold is the money of the world, as he says himself, and not of the United States alone, and you must have enough gold for the world's supply.

Mr. KNOX. I repeat, that it is easy to see why, if I submitted to a catechism on that question, there would be no end to this discussion.

When interrupted, Mr. Speaker, I was simply concluding my statement, in answer to what has been said by the opponents of this measure, that this is not, in my judgment, the time or place to enter upon the question of the currency or what shall be our standard. We have a different business to perform, and, whatever may be our differences of opinion on that question, it has nothing to do with the pending bill, which I say is a meritorious measure, one that is in the interest of the people of the Territories, and one which ought to be passed by the House.

I ask for a vote.

Mr. McCALL of Tennessee. Will the gentleman allow me to ask him a question?

Mr. KNOX. Certainly.

Mr. McCALL of Tennessee. I understood the gentleman from Massachusetts to submit a motion that a semicolon in section 3 of the bill be changed to a comma. I wish to ask if that has been agreed to?

The SPEAKER. It can only be agreed to by the House. It will be voted on after the previous question is ordered.

Mr. KNOX. I ask a vote.

Mr. BARTLETT of New York. I hope the gentleman will not object to a vote on the suggestion or amendment of the gentleman from Tennessee [Mr. McMillin].

Mr. KNOX. I did not undertake to object to the vote on the amendment of the gentleman from Tennessee. I have already stated that so far as the committee is concerned we were ready to accept it.

Mr. McCALL of Tennessee. I would like to ask the gentleman from Massachusetts a question, with his consent.

Mr. KNOX. I ask the previous question.

Mr. McCALL of Tennessee. Will the gentleman yield for a simple question in regard to the amendment already offered?

Mr. KNOX. Very well; what is it? I will yield for a question.

Mr. McCALL of Tennessee. Does the changing of a semicolon to a comma meet the objection to the bill which has precipitated this discussion?

Mr. KNOX. It does; but as a matter of security out of abundant caution there is no objection to the amendment of the gentleman from Tennessee.

Mr. McCALL of Tennessee. I only desired to call the attention of the country to the slight difference which produced two hours' discussion and demonstrate upon what a slender thread momentous events may depend. The question was, Should a semicolon be a comma.

Mr. KNOX. I ask the previous question.

The previous question was ordered, under the operation of which the amendment striking out the semicolon and inserting a comma in section 3 was agreed to.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

> Page 3, line 25, insert:
>
> "*Provided*, That the principal and interest of the bonds funded under this act shall be payable in lawful money of the United States, except the Arizona bonds above described, heretofore issued."

The question was taken; and on a division (demanded by Mr. Bartlett of New York), there were—ayes 119, noes 7.

Accordingly the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BAILEY. Mr. Speaker, I desire to make a motion to recommit this bill with instructions to strike out the sixteenth section. I did not observe it until it was too late to raise the question, before the consideration of the bill was ended.

The SPEAKER. The gentleman from Texas [Mr. Bailey] moves to recommit the bill to the committee with instructions to strike out section 16. The Clerk will report the section proposed to be stricken out.

The Clerk read as follows:

> SEC. 16. That the provisions and requirements of this act shall apply to and be in full force and effect in all the Territories of the United States; and all outstanding bonds, warrants, and other evidences of indebtedness of said Territories, and the counties, school districts, and municipalities within said Territories heretofore authorized by legislative enactments of said Territories, or by Congress, and which said bonds, warrants, and other evidences of indebtedness have been sold, donated, or exchanged in good faith, and which are now held by innocent purchasers by purchase, donation, or exchange, shall be funded as in this act provided; and all of said bonds, warrants, and other evidences of indebtedness so authorized, issued, sold, donated, or exchanged as aforesaid are hereby confirmed, approved, and validated, and shall be funded as in this act provided.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. Bailey] to recommit the bill with instructions to strike out the section which has been read.

The question was taken; and on a division (demanded by Mr. Bailey) there were—ayes 51, noes 96.

Accordingly the motion to recommit was rejected.

The bill was passed.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. LOUD, the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. Hull in the chair, for the consideration of the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The CHAIRMAN. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. EVANS. Does the gentleman desire the bill read through at this time?

Mr. LOUD. Mr. Chairman, inasmuch as the bill will be read

through by paragraphs later, I will ask that the first reading be dispensed with.

The CHAIRMAN. The gentleman from California [Mr. Loud] asks that the first reading of the bill be dispensed with. If there is no objection, it will be so ordered.

There was no objection.

Mr. LOUD. Mr. Chairman, it is not my purpose to make any extended statement in relation to this appropriation bill. It carries the usual appropriations, substantially as recommended by the Department, but revised in some particulars on a few items where we thought the increase asked for was more than should be appropriated.

The Post-Office appropriation bill is growing in amount, as members of the House will ascertain—rather more rapidly than I should personally prefer. The estimates for this year are, in round numbers, $97,000,000, and the bill carries an appropriation of $95,000,000 in round numbers, or $1,903,000 less than the estimate. The sum recommended by the committee, however, is $3,040,000 more than the appropriation for the current fiscal year. The question has been asked whether this is an ordinary increase. The estimates have been kept down by the Department for the past three years, to my certain knowledge, to the lowest figure possible under existing law.

Mr. McMILLIN. Will the gentleman allow me to ask him a question right there?

Mr. LOUD. Yes.

Mr. McMILLIN. Whether there is any means by which, by a change of the law, the gentleman thinks we might economize in this branch of the service. It is an exceedingly expensive branch of the service, to which no one will begrudge a proper appropriation, and yet it strikes me that it is very heavy.

Mr. LOUD. Mr. Chairman, there are a number of avenues by which the expense in the Post-Office Department could be very materially reduced. I think one of the greatest abuses existing to-day would be corrected by the passage of the bill H. R. 4566, which is now in the Senate. I believe that would put us on a paying basis and would lead to a comfortable surplus every year.

Mr. BELKNAP. Would that have any effect for the coming fiscal year?

Mr. LOUD. If that bill had become a law, I think we should have been justified in keeping the appropriation down below the amount carried in the bill for the coming year. I think we should have been amply justified in cutting off, in round numbers, between $2,500,000 and $3,000,000 this year. Of course, the benefits of the bill to which I have referred will not be fully felt for some time.

Mr. BELKNAP. Not for over a year.

Mr. LOUD. Probably not for four or five years. We could not reap the full benefit from transportation on railroad lines until the reweighings had taken place.

Mr. BELKNAP. That is just the point that I am trying to bring out, because I understand that these weighings last for three years.

Mr. LOUD. Four years.

Mr. BELKNAP. Therefore we should derive no benefit from the passage of the bill during the coming fiscal year.

Mr. LOUD. We should have derived the benefit of the weighing in one-fourth of the country, and we should derive the benefit each year that these weighings occurred. Until we had completed its circuit of the country, I do not suppose that we could have cut down the present force of the Post-Office. I do not suppose that we could have cut off any of the railway mail clerks. I do not suppose it would be possible to cut off any of the letter carriers. Yet, if that bill became law, the present force employed in the Post-Office Department would be amply sufficient to meet the legitimate growth of that Department for the next five or six years.

Mr. McMILLIN. What saving does the gentleman estimate would ultimately grow from that branch when it should have reached four years of weighing?

Mr. LOUD. I have said before, Mr. Chairman, $10,000,000. I suppose that is a conservative estimate. I am satisfied that it would ultimately save us $15,000,000 a year. I am satisfied that the country does not at present even—neither does this House—anticipate the enormity of what I will term an offense. This Government to-day is subsidizing printed matter—I will not say the press, but is subsidizing printed matter to the extent of nearly $50,000,000 a year. This Government loses each year on the transmission and handling of second-class matter nearly $50,000,000 a year. Quite a respectable subsidy, if gentlemen will stop to contemplate—$50,000,000 that has to come from the great mass of the American people to support the Post-Office Department.

I think, Mr. Chairman, that the question of railroad transportation has grown to such an enormous proportion that the day is not far distant when this body will be compelled to take some action. Twice or three times since I have been a member of this House an effort has been made to reduce the mail pay, and yet this House from year to year has given the railroad companies an additional subsidy above the amount of the most liberal mail pay now given to railroad companies. Of course this question is misunderstood by the great mass of our people. Of course Postmasters-General have complained to Congress that they had no power to remedy the existing evil in that direction. Postmasters-General have appealed here in report after report, stating to us that the amounts paid to railroad companies were enormous and too large. Yet permit me to say that the power is vested to-day where it properly belongs, in the chief executive officers of the Post-Office Department. That seems to be generally unknown to the great mass of the membership of this House; unknown to Postmasters-General until within a very short period.

Congress very properly fixes the maximum rate which may be paid. Congress is not a competent body to legislate in detail for the payment of those railroad companies in mail pay. Let me illustrate to you why it is not a competent body. There are a a great many incidental questions connected with railroad mail pay. Some of the smaller railroad companies of this country extend over a distance of 30 and 40 miles. Under the present maximum they are not paid an exorbitant price, and yet on the great trunk lines, where the concentration of the mails pass over the lines, the amount of money received for the transmission for mail is to a great extent out of proportion to the amount paid for the transmission of anything else in the country. The railroad companies are compelled to pay for mail-messenger service; and the unjust criticism—I say unjust on the part of the great press of the country—in condemning Congress and in condemning the Post-Office Committee for not regulating and reducing, as they say, to 1 cent a pound the payment for the carriage of mails—they are discussing a question of which they know nothing whatever.

I can give you one illustration to show and to convince you why this body should never deal with railroad transportation. While I am willing to condemn, and do say that in some cases the maximum amount paid to-day is exorbitant, yet in others it is insufficient. The matter was strongly called to my attention a year ago on a little road running out 35 miles. They made a proposition to the Post-Office to carry the mails up to the 1st of July, 1898, at the rate of $1,000 a year. It was a new service to be established. The Post-Office Department came back to the railroad company and said, "We will give you $650 a year to take up this mail service." I carefully investigated the matter. That railroad company was compelled to pay for mail-messenger service, and the mail-messenger service, as you understand, is for messengers to carry the mails within a distance of a quarter of a mile from where it is received to where it has to be delivered.

This service of mail messengers in the case of that company, a road over 35 miles, amounted to $450 a year; so that it would leave but $200 for the carriage of the mails. So you may see the power is vested where it properly belongs, in the executive officers of our Government, just the same as the executive officer of any corporation is the party to deal with questions of like character in detail. No board of directors of a corporation could arrange the details of all matters that are connected with its business. They can not do it. It must emanate from the mind of one person. I had hoped, Mr. Chairman, that the time would come when we would have a Postmaster-General who would take up this question and deal with it, and I believe we have one now who would do it if the time before him were sufficiently long—so I will put the proposition this way: I hope the time may come when we shall have a chief executive officer of the Post-Office Department competent and strong enough to deal with this question in an intelligent manner. I am not what is termed a radical antirailroad or anticorporation man. I believe in doing justice to every interest, whether individual or corporate. I do not desire to inflict injustice upon any company or corporation in this country, but this question of pay for railroad transportation can only be justly settled by an executive officer, and he now has the power to regulate it.

Mr. QUIGG. Will the gentleman say whether he thinks that the present scheme of payment is the proper one?

Mr. LOUD. I will say, Mr. Chairman, in good faith, that I do not believe that Congress can wisely go beyond the point of simply fixing a maximum limit, as it has done.

Mr. QUIGG. Neither do I.

Mr. LOUD. And the power to apportion the pay of the railroad companies, that is, to pay so much to this road and so much to another and so much to a third, can only be justly or intelligently lodged where it is now, and I want the responsibility placed upon the Postmaster-General, where it properly belongs.

Mr. QUIGG. If the gentleman will permit me, I want to say that I agree with him that the existing law enables the Postmaster-General to make the reform which the gentleman pleads for, if he will just go ahead and do it. Is not that so? In other words, if I understand the gentleman—and that is what I want to agree with—no new legislation is necessary on this subject of railroad pay to enable the Postmaster-General to make a much cheaper arrangement than that which now exists?

Mr. LOUD. There is nothing in the law to prevent it; and I believe the intent of Congress was to lodge this power in an executive officer, where it should be lodged; but, Mr. Chairman, it is a question whether there is a man strong enough in this country to successfully carry out a reform of this character.

Mr. QUIGG. That is the only question.

Mr. LOUD. If the strongest man in the country was Postmaster-General, and he should attempt to inaugurate these reforms and to pay for the service only what is just and equitable, we would probably see the great press of the country up in arms, pointing out to the people that we had a Postmaster-General who was seeking to disorganize the great and beneficent postal service that we now enjoy. But in that connection let me call attention to one thought. We have upon the statute book a provision of law that the land-grant railroads carrying the mails shall be paid only 80 per cent of the amount paid to other railroads. That may have been in its inception a just provision, although I believe this Government gave those railroad companies flat out the land grants conveyed to them, and we all know that the Government charged for the remaining sections $2.50 an acre, so that it received just as much money as though it had retained and sold the whole of the land at the lower price. But here is the thought that I want to present to this House. I am powerless to remedy any evil that may exist in this matter, but I think Congress should be in possession of the facts.

The total amount paid for the transportation of the mails by railroads in eighteen years is $308,232,193.89. The total amount paid for mail transportation on land-grant railroads and by land-grant portions of roads during the same period is $30,648,572.89. The total amount paid for the transportation of the mails by the nonaided companies for the same period is, in round numbers, $277,000,000. The land-grant railroad companies would have received, had they been paid the usual rates paid to other railroads, $38,355,000. Now, the point I make is this: These railroads have paid back to the Government, under this law, in eighteen years, nearly $9,000,000. They have suffered this deduction year after year to the extent of nearly $9,000,000.

These roads are for the most part not the best paying routes in this country. They are not the lines upon which and over which go the great concentrations of mail matter. Yet, let me say to this House, in perfect candor, that even with that 20 per cent reduction which these land-grant railroad companies now suffer, the transportation of the mails is found to be so profitable that they seek it, and in order to get concentrations of mail they put on exclusive fast mail trains, which run through almost the entire West. Now, if this class of railroad companies in the West are satisfied with 80 per cent of the price that is at present paid to railroad companies in the East, would it not seem reasonable at least that the time has arrived when all railroads should be brought down to that basis? And let me say, in connection with the suggestion made by the gentleman from Tennessee, that if the roads other than land-grant roads were paid the same rate now paid to land-grant roads, we would make a net saving of from $5,000,000 to $6,000,000 a year in the transportation of our mails.

Mr. KYLE. Will the gentleman yield for a suggestion?

Mr. LOUD. Certainly.

Mr. KYLE. Is it not a fact that these land-grant railroads, which receive 20 per cent less compensation than the other roads, get a much less tonnage of mail matter for transportation than those roads receiving the full rate?

Mr. LOUD. Oh, yes; I think I so stated. The best roads, of course—the roads on which there is the greatest concentration of mail matter—are in the East. It is these roads which carry the foreign mails from New York City and distribute it westward. The land-grant roads, as gentlemen are aware, are of course west of Chicago, and when the mail gets to that section of the country, it of course begins to decrease.

Now, Mr. Chairman, unless some gentleman desires to ask me some further questions, I will yield the floor, reserving the balance of my time.

Mr. TERRY. I should like to ask the gentleman a question. I did not have the pleasure of hearing his entire remarks.

Mr. LOUD. The gentleman does not know how much he lost.

Mr. TERRY. Doubtless I have lost a great deal.

Mr. LOUD. The gentleman can, however, read my remarks in the RECORD.

Mr. TERRY. I desire to ask whether there has been provided in this bill any machinery by which the Government may get lower rates from the railroad companies for transportation of the mails than it is now getting. Are not the railroad companies now charging the Government generally twice as much for carrying mail matter as is charged by them for carrying freight or express matter?

Mr. LOUD. Let me say to the gentleman that there is in justice no comparison between the transportation of freight or even express matter, if you please, and the transportation of mail matter. Let us be conservative on this question, but let us be just.

Mr. TERRY. I simply want to find out about the matter.

Mr. LOUD. The press of the country is discussing this question from a radical standpoint, and I have seen an article in one of the leading journals of the country saying that as milk is brought into Jersey City at so much per ton, the writer can not understand why the railroad companies can not bring in mail matter just as cheaply. Why, sir, in the transmission of the mails you can not carry over 5 tons with safety in a car. It is bulky matter. Let me say further that the Government is entitled to space in a car up to 30 feet without paying anything outside of the weight of the mail matter; and in many instances a car is occupied to the extent of 20 or 30 feet without transporting day after day as much as 500 pounds of mail.

Mr. TERRY. Leaving out of consideration the matter of the milk cans, and confining ourselves to other freight transported in packages similar to mail matter, are not the railroads charging nearly twice as much for carrying the mails as they are charging for matter in some respects similar to mail matter?

Mr. LOUD. Possibly that is true. I am sorry the gentleman was not here when I went over that question. Yet he will ascertain by looking at the rates paid that the rates vary—so much for 200 pounds, so much for 500 pounds, so much for 1,000 pounds, so much for 2,000 pounds, so much for 5,000 pounds, and so forth. And permit me to say that we are now paying on these land-grant railroads only $17.25 per ton for 365 miles of mail transportation where the amount is more than 5,000 pounds per day. So that the matter to which the gentleman refers is not so enormous as some people suppose.

Mr. TERRY. Even at the 80 per cent rate which is now paid to the land-grant roads, it would appear from the remarks of the gentleman from California and the gentleman from Mississippi that this business is so profitable that the roads are now getting for this service about twice as much from the Government as they ought to receive

Mr. LOUD. Mr. Chairman, I think that all the railroads of this country should to-day be put upon the same basis. I believe that the land-grant roads have now paid for their land. But I think that every railroad in this country to-day can well afford to carry the mails at the same rate of compensation made to the land-grant roads.

Mr. WILLIAMS. Why not, then, put in this bill an amendment to that effect?

Mr. LOUD. The gentleman from Mississippi asks me why not insert in the bill an amendment to that effect. Sir, it has been stated on this floor that the chairman of the Post-Office Committee never consults the committee about any of its actions; yet there are times, Mr. Chairman, when even the chairman of the Post-Office Committee can not do as he desires. Let me say further to the gentleman from Mississippi that such an amendment as he suggests could only go upon this appropriation bill by the unanimous consent of this body, because it would be a change of existing law. And two or three times, perhaps, since the gentleman from Mississippi has been a member here has he seen this question brought to a vote in the House upon a reduction of 5 per cent, and has seen the proposition defeated. And it is a question—and an eminently practical question, too—whether we can get unanimous consent to put an amendment of that character on the bill. I would like to see some gentleman try it.

Mr. WILLIAMS. I will try it.

Mr. BARTLETT of New York. Will the gentleman from California allow an interruption?

Mr. LOUD. Certainly.

Mr. BARTLETT of New York. Is the distinguished gentleman from California of the opinion that the railroads of this country are unduly prosperous in the present condition of things? Does he think that they are making too much money?

Mr. LOUD. I do not think so. I will say emphatically, no, in answer to the gentleman from New York, for I desire to do no injustice to any railway company in any part of the country.

Mr. BARTLETT of New York. Does the gentleman think we have the power to force the companies to take any terms that we may choose to prescribe?

Mr. LOUD. Well, I will not answer that question. It is unnecessary at this time. I think, if the gentleman will permit me, if the Eastern roads were offered the same amount that is paid to the land-grant railroads, that rather than lose the Government service on the roads they would accept the offer. I do not think we would have to force them. I think if you call it force at all it would be a kind of force with their consent.

Mr. BARTLETT of New York. You think, then, that, being a quasi public corporation, we can force any terms upon them that we may see proper to offer?

Mr. WILLIAMS. We might offer them terms that they will be glad to take.

Mr. BARTLETT of New York. What answer has the gentleman from California to make to that suggestion?

Mr. LOUD. That is entirely foreign to the question pending. I do not see, as I have said before, that it is necessary to answer now.

Mr. DOCKERY. Will the gentleman from California state the amount the bill carries for the mail service on railroads?

Mr. LOUD. Twenty-nine million dollars in round numbers. The amount asked for was $30,200,000, which we reduced, as it has been the custom of Congress heretofore. When we first took up the bill we found a deficiency of $2,000,000. We have it now within $1,200,000 of the estimates.

Mr. DOCKERY. I only wish to suggest to the gentleman from New York [Mr. BARTLETT] that perhaps the lack of prosperity to be found in railway circles does not arise altogether from the insufficient compensation offered by the United States Government for carrying its mails.

Mr. BARTLETT of New York. That is entirely possible.

Mr. DOCKERY. It is probably true; and therefore it is hardly necessary for the gentleman from New York to exercise himself unduly on this phase of the railroad question.

Mr. LOUD. Mr. Chairman, if there is no further question with reference to the bill, I will reserve the balance of the time. The gentleman from Ohio [Mr. BROMWELL] desires to be heard on some points in connection with this bill.

Mr. BROMWELL. Mr. Chairman, as a member of the Committee on the Post-Office and Post-Roads, I regret to state that there are certain provisions in the bill that I can not indorse. I refer more particularly to that provision of the bill which provides for a continuation of the subsidy which has been granted year after year to the lines of railroad from New York City, originally to Tampa, Fla., and afterwards changed to New Orleans.

I am satisfied that a large proportion of the membership of the House does not understand the conditions under which that subsidy is granted. I am satisfied that many members of this body are of the opinion that this subsidy is the total amount that is given to these railroads for the transportation of the mails on these particular roads, and that gentlemen do not understand fully that it is actually an addition to the regular transportation rate paid to these companies, the same as to the other railroads, for the carriage of this mail by weight and for the rental of the postal cars in which the service is transacted.

On page 35 of the report of the Postmaster-General for this year, referring to this subject of special facilities on railroads—and I want to state that there is only one special-facility line in the United States, only one that receives any subsidy at the present time—he says:

> There has been a difference of opinion as to the necessity for making this appropriation; but inasmuch as Congress has seen proper to follow the action of former Congresses, the Department, while not recommending the appropriation, has thought it advisable to apply the funds for the purpose indicated.

Mr. PEARSON. I do not wish to seem impertinent, but does not the gentleman from Ohio recognize the fact that the appropriation, or its expenditure, depends solely upon the discretion of the Postmaster-General? It is in the bill in that form.

Mr. BROMWELL. I understand that. But, as the gentleman from California [Mr. LOUD], the chairman of the Committee on the Post-Office and Post-Roads, said a while ago, the strongest man in the United States as Postmaster-General would probably not resist the pressure brought to bear upon him to continue the expenditure of the money as long as Congress sees fit to provide it. It is left nominally as discretionary with the Postmaster-General; but when year after year Congress puts into the appropriation bill this sum of $196,000, to be given as a free gift over and above the amount that is paid to the other railroads for the work performed, and the Postmaster-General may spend the money if he desires or thinks proper, the strongest man in the position of Postmaster-General would probably yield to the pressure brought to bear upon him and expend the money, as they have been doing for the past fifteen or twenty years, for this service.

Now, the place to stop the abuse is in this House by cutting off this appropriation, so that the option shall not be left to the Postmaster-General and this pressure be brought to bear upon him, stronger than he can stand.

Now, let us see what the facts are. This particular subsidy was originally granted for the purpose of expediting the delivery of the mails between New York and the Island of Cuba or other foreign countries. The line that was selected started at Boston, Mass., and went by way of Springfield, through New York, Philadelphia, Baltimore, Washington, and other points along the seaboard, and terminated at Tampa, Fla. The object was to deliver the mail at Tampa, Fla., by rail more quickly than it could be delivered by vessel. Thus, having the mail made up at Tampa and shipped by vessel to Cuba, many hours of time would be saved between New York and other Northern points and that island.

But several years ago sufficient influence was brought to bear upon this House to divert this subsidy from its original purpose, to take it away from a fast-mail service to the Island of Cuba, South America, and other points, and divert it to the benefit of the Gulf States by changing its course from Tampa, Fla., as a terminus to New Orleans, La. The amount appropriated was something over $196,000.

On page 36 of the report of the Postmaster-General for this year is an itemized statement showing how this money has been expended. I propose to read that statement in order that it may appear in the RECORD for the guidance of those who will vote on the amendment striking out this item, which I shall offer to-morrow to this bill. It is as follows:

No. of route.	Termini.	Name of railroad company.	Miles.	Subsidy allowance.	Pay for railway postal cars.	Pay for transportation on weighings.	Total paid.
10004	New York to Philadelphia	Pennsylvania	90.65	$11,331.25	$58,272.50	$285,686.19	$355,289.94
11001	Philadelphia to Washington	Philadelphia, Wilmington and Baltimore	137.53	17,191.25	27,506.00	238,587.04	283,284.29
11012	Washington to Lynchburg	Southern *	173.13	21,755.00	25,927.50	120,938.23	168,620.73
11016	Lynchburg to Danville Junction	do	65.52	8,217.50	9,786.00	39,437.79	57,441.29
11038	Danville to Charlotte	do	142.29	17,850.00	21,300.00	82,363.14	121,513.14
12001	Charlotte to Atlanta	do	287.71	33,463.75	26,719.00	124,289.72	184,472.47
12008	Atlanta to West Point	Atlanta and West Point	86.32	10,790.00	6,896.00	28,635.79	46,321.79
12401	West Point to Montgomery	Western Railway of Alabama	86.40	10,800.00	6,850.40	27,775.87	45,426.27
12412	Montgomery to New Orleans	Louisville and Nashville	318.72	39,840.00	23,360.85	89,993.05	153,193.90
			1,368.27	171,238.75	206,618.25	1,037,706.82	1,415,563.82

* Total compensation to Southern Railway, $532,047.63.

Average per mile to above lines, nearly $1,035 per year.

Now, Mr. Chairman, I find that some points——

Mr. CRISP. I just want to ask the gentleman if he did not advocate last year a subsidy to facilitate fast mails to Cincinnati?

Mr. BROMWELL. I am coming to that, and will show you that I am entirely consistent.

Mr. SIMPKINS. May I ask the gentleman if this includes any payment to any of the lines from Boston, Mass., to New York?

Mr. BROMWELL. Yes; it commences at line 21 on page 6 of the bill.

Mr. SIMPKINS. What amount is paid by the Government under this appropriation for mails from Boston to New York, and by what line of railroad is it now carried?

Mr. BROMWELL. I will say to the gentleman that the lines running from Boston to New York have declined to come in under the subsidy arrangement, and while over $196,000 is appropriated, as a matter of fact $171,000 is used, and no part of it is used between the city of Boston and the city of New York.

Mr. SETTLE. I will inform the gentleman from Massachusetts that the reason, I understand, why the roads from Boston to New York have declined to come into this arrangement and accept any part of this subsidy is that before doing so they must concede to the Post-Office Department the right to fix their schedules so as to connect with other railroads in the system, in order to facilitate the transmission of these mails; and these roads thought that would injure their passenger traffic, and declined to accept this arrangement, because it did give the Government the right to fix their schedules.

Mr. BROMWELL. Now I desire to have my own time.

Mr. SIMPKINS. May I ask the gentleman one further question?

Mr. BROMWELL. Certainly.

Mr. SIMPKINS. I would like to ask the gentleman if the mail facilities are not as good from Boston to New York at present, by the companies that will not come into this agreement, as they were in past years when they were parties to the agreement?

Mr. BROMWELL. I understand they are fully as good, if not better, and also that they are fully as good, if not better, than any mail facilities offered by these subsidized lines.

Mr. SWANSON. I would like to say to the gentleman——

Mr. BROMWELL. The gentleman is a member of the committee and will have his own time. I do not care to yield for an argument, but I will answer a question.

Mr. Chairman, I want to impress upon this House the fact that these companies are paid the regular rates for transporting this mail that every railroad in the United States is paid. The weights

are fixed by law, and, as the chairman has said, usually the utmost maximum rate is allowed. These railroad companies get that maximum rate for transporting the weight they carry. In addition to that they are allowed compensation for the car space of the postal cars that they furnish, and they are paid full rates for them. In addition to all that they get this one hundred and seventy-one thousand and odd dollars as a free gift from this Government.

Now, just why these particular lines of road should be subsidized to the exclusion of every other road in the country is one of those things that I for one can not understand. The gentleman from Georgia [Mr. CRISP] asked me whether I did not last year, in an argument on the appropriation bill, support an amendment looking to subsidize other lines. I will say to the gentleman that I stand to-day just where I did then. I am in favor of facilitating the carrying of mails by all proper methods, and if necessary I am in favor of subsidizing railroads for the purpose of giving special trains for that purpose; but I am not in favor of subsidizing three or four lines of railroad on the pretense of carrying fast mails through one section of the country, and then, when an attempt is made to equalize things by giving the same facilities over another line of country, to be met by gentlemen on the floor, when an amendment is offered, with the statement that this is new legislation which can not come into an appropriation bill.

Mr. GARDNER. I would like to ask the gentleman if, during his service as a member of Congress he has ever introduced a bill or made any other effort to get a provision for the facilities he desires except his attempt to ingraft it on an appropriation bill contrary to present rules?

Mr. BROMWELL. That might be a very good question to put if this were the beginning of a new Congress, made up entirely of new members; but in this House, in the closing days of its closing session, when it is composed of many members who have been here many years longer than I have. I want to say from my short experience of this House that it would be utterly and absolutely futile to undertake to introduce a single bill to accomplish any such purpose, and the gentleman knows it who asks the question. The only way in which these subsidies could be put upon their passage in this House would be by ingrafting them upon appropriation bills.

That is the way this subsidy got on, not as a separate act, but as a rider on an appropriation bill, and once on, it is like the Old Man of the Sea—it hangs on forever and forever. Not only that, but those who are interested in having it hold on are the most alert to see that it has no rivals in its line and that nothing else gets on that would interfere with its staying. Last year it was proposed by an amendment on an appropriation bill to give these special fast-mail facilities to other sections of the country. Gentlemen from Illinois introduced bills looking to provide fast mail trains out of Chicago. Other gentlemen had an amendment providing for fast mail facilities from Kansas City. I offered an amendment providing for fast-mail facilities from the city of Cincinnati eastward and westward. Every one of those propositions went out on a point of order; properly, I think, so far as the law was concerned; unjustly, so far as the merits were concerned.

Now, when it comes to the question of subsidizing an American line of steamships to carry American mail, and American passengers and American freight to and from foreign countries, I believe in being as liberal as this Government can afford to be. When it comes to subsidizing lines of railroad in this country to obtain the facilities that are necessary to our business interests, I believe in being as liberal to them as we can be in justice to other interests. But this is not a question of the general policy of Government subsidies. This is a question whether we shall grant a special favor, a particular subsidy, to this one series or set of connecting railroads for a service that is no better rendered than the service on other roads running through sections just as important as that through which these roads run. I will insert in my printed remarks the table which I have read; and I give notice that when the reading of the bill has progressed to line 21 on page 6 I shall move to strike out all of that paragraph relating to special facilities. I also give notice that I shall move to strike out the paragraph on page 8 beginning with line 12 and ending with line 16, unless the Chair shall rule that it goes out on a point of order, which I shall raise when the proper time comes.

I reserve the balance of my time.

Mr. SWANSON. Mr. Chairman, I desire to state clearly, so that the House may understand it exactly, the position which the gentleman [Mr. BROMWELL] occupies and the reasons that animate him in opposing this provision. I take the gentleman's own remarks, from which it seems to be clear and conclusive that this appropriation is just, fair, and reasonable. The gentleman has **shown that he is not opposed to this extra compensation in general. He has told you that last year he had offered an amendment to facilitate the fast mail from Cincinnati (to the South, I think he said), but that it went out on a point of order. I think at that time the gentleman favored this provision, provided he could get his amendment upon the bill. Now, I am going to show by the very statistics which the gentleman himself has read** that this provision of the bill is just and fair. He has endeavored to leave an impression upon the House that this is paying for services that are not rendered. What is the provision? It is this:

> For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.23.

Then comes this proviso, to which I call attention:

> *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, let us see whether this is necessary. Let us see whether the Government is getting proper returns for the expenditure of this money. Remember that this line extends from Boston to New York, from New York to Washington, from Washington to Atlanta, and from Atlanta to New Orleans. The gentleman's objection to this provision is simply that these railroads are already paid so much per pound for carrying the mails. That is true, and the returns of the Department and the statistics show that more mail matter goes over these lines than over any other lines in the United States. In other words, there is more mail matter passing from Boston to New York, from New York to Washington, from Washington to Atlanta, and from Atlanta to New Orleans than passes over any other line of railroad in the country, and therefore it follows that that is the most important trunk line of railroad in the United States. The statistics which the gentleman himself presents prove that fact. It is a vast pipe from which the mail lines of all the other States are fed like the main pipe of a water system.

Mr. BROMWELL. Will the gentleman permit a question?

Mr. SWANSON. Yes, sir.

Mr. BROMWELL. I merely wanted to ask the gentleman whether, if this is such a great trunk line, the New York Central and the lines running in connection with it from New York to Chicago should not, on the same argument, be subsidized?

Mr. SWANSON. I do not know the conditions there, but I show you the conditions which make it necessary and which have for seventeen years past made it necessary on this main line, and every Postmaster-General has used this discretion—for it is only discretion that we give the Postmaster-General by this provision. I prove it by the very objections which the gentleman urges. He says we do not appropriate money for the service from Boston to New York. Why? Because, as the Postmaster-General says, the railroad from Boston to New York would not make proper arrangement with the Department so as to facilitate the transportation of the mails at the expense of the passenger traffic; and as the Postmaster-General could not secure any additional facilities, any additional services from Boston to New York, he did not use the $24,000 which the law allowed him to use if such facilities could be obtained.

But when we reach New York, what are the conditions with which we are confronted? In order to make proper connections here in Washington, it is necessary that the train shall leave New York at 4 o'clock in the morning. The Department has always had difficulty in securing a train which would leave New York at that hour and make the Southern connection here at Washington. When no arrangements were made for that train leaving New York at 4 o'clock in the morning, all the mail from Boston and other Northern points and from the different parts of New York State accumulated in New York City and waited there quite a while before it could be started Southward.

The Atlantic Coast Line undertook to perform this extra service for years. Their train left New York at 4 o'clock in the morning, connected here at Washington, and the mail went on to the South. But that line found that it was losing more on its passenger traffic than it was making by the extra compensation it received from the Government. A gentleman on the other side has alluded to the fact that this mail service was formerly done over the Atlantic Coast Line. Why? Because that line agreed with the Government to start a fast train from New York City at 4 o'clock in the morning, loaded with nothing but mail matter. That train, arriving here at Washington, made connection with the Southern line, carrying the mail to Texas, Tampa, Mexico, and Cuba. But that line found its bargain with the Government unprofitable. It lost more on its passenger traffic by having its train leave at 4 o'clock in the morning than it could make by doing this extra service for the Government. So that line refused to renew its agreement with the Post-Office Department. No member of this House, if he were in New York City, would be willing to get up early in the morning and go across the ferry to take a 4 o'clock train at Jersey City. A train which leaves at 11 o'clock in the morning can secure the patronage of passengers, but not one leaving so early as 4 o'clock in the morning. So the Atlantic Coast Line changed its train from 4 o'clock in the morning to 11 o'clock in the morning and refused to take this compensation. So the appropriation was not used.

Then there followed a complete derangement of all the mail connections of the Southern people with New York, with Boston, and the entire North. Chambers of commerce in the different

cities met and requested that the mail connections which had been enjoyed be restored. So the Southern Railroad agreed to put on a train which would restore the mail facilities from the North as they had existed. Having a train starting from New York at 11 o'clock in the morning with Southern connections, they agreed with the Post-Office Department that if this compensation were given them they would start a train from New York at 4 o'clock in the morning and make with it all Southern connections. The Southern Railroad agreed to make the arrangement, which the Atlantic Coast Line had refused to make because it was unprofitable. The Southern people had been disturbed in all their mail connections with the North. The Richmond and Danville road, or the Southern system, agreed to do this service only when it became evident that the withdrawal of the service would operate as a complete derangement of mail matters in the South. Under this arrangement the train which formerly left New York at 11 o'clock in the morning leaves at 4 o'clock in the morning; it leaves frequently without passengers and carries nothing but mail matter. This railroad company says to the Department, "If we surrender our train practically to the use of the Post-Office Department, if we give you the privilege of fixing our schedule, of determining at what points we shall stop and when we shall leave—between New York and New Orleans—we can not surrender in this way our passenger train without fair compensation."

Let me say here, in addition, that if this company should at any time fail to make connection at Washington or Atlanta or New Orleans, then it does not receive a cent for that trip. In order to entitle it to compensation, it is compelled to make a complete connection between New York and New Orleans.

This railroad renders this service for the small sum of about $170,000. It runs a fast mail from New York to New Orleans. It permits the Government to control its schedule. It agrees to start its train from New York at 4 o'clock in the morning without passengers, instead of starting a train at 11 o'clock. If it should start at 11 a. m., at that hour it would miss the connection at Washington; for, mark you, unless the train leaves New York at 4 o'clock in the morning it makes no connection at Washington. Why? The Southern Railroad formerly had its train leave Washington at 8 o'clock, carrying passengers from this city to Lynchburg and various points in the South. To render the service required by this bill, it was obliged to put on an additional train. It still continues the 8 o'clock train. In order to make the connection with the New York train, it is obliged to put on another train, leaving at 11 o'clock, in order to carry this vast reservoir of mail to which the gentleman from Ohio has just alluded.

Mr. BROMWELL. The mails are made up in New York before midnight, are they not?

Mr. SWANSON. I presume they are—some of them. The mail collected in New York City might be. But there are trains coming from Boston, as appears by the schedule—trains coming from northern New York and other points. These mails come in at different hours.

Mr. BROMWELL. May I finish my question?

Mr. SWANSON. Certainly.

Mr. BROMWELL. The regular New York mail is made up, we will say, at midnight. Now, the gentleman says that the Southern train, taking that mail from Washington south, leaves here at 11 o'clock in the morning. In other words, the New York mail, made up at midnight, does not leave the city of Washington until noon the next day. Is that the gentleman's idea of "special mail facilities" or of fast-mail service?

Mr. SWANSON. No. But in New York the papers and mail that come into that city from 1 to 2 or 3 o'clock would have to stay in New York until 11 o'clock the next day before being started on the Southern route if it were not for the special facilities afforded by this particular mail train, and in order to accommodate the Department the railroads have allowed this train to be run by the Department as a mail train rather than a passenger train. They receive little revenue on account of the passenger service on that part of the line.

I submit to any man here who has any information or acquaintance with railroad business; I submit this proposition to any member here, and ask if he would consent to give an entire line—an entire train from New York to New Orleans—to be controlled and run by the Post-Office Department itself, fixing its stopping places and the time of leaving, without receiving an appropriate compensation for yielding such a service? I take it for granted that there is not a man here who would agree to that.

This railroad could get about as much money without the appropriation as they get with it. Why? I will take the suggestions made by the gentleman from Ohio himself. He says that they pay $1,000,000 a year from New York to New Orleans for the purpose of carrying the mails. That amount is paid to the railroad companies by weight. Now, this company could get just as **much for carrying its portion of the mail by weight as it gets now, and it would make more on its passenger service than the amount here granted. If you had letters written in New York on Monday, and this road had to carry it out on Wednesday, they would get just as much for carrying it on Wednesday as they would if they carried it on Monday morning immediately after it was written. This provision simply pays a small extra compensation, if the Postmaster-General thinks advisable, to hurry up and deliver earlier these letters.**

Upon the other lines of road alluded to by the gentleman, they fix their schedule for the purpose of suiting the convenience of passengers and for the accommodation of that train and not to facilitate mail. But they can not apply that rule in the running of this particular mail train. In this matter the Department issues its orders as to the time of departure. It says, "In view of the importance of conducting this mail service from New York to New Orleans without delay, we do not propose to allow you to fix your own schedule to suit your passenger traffic, but you must give it up for the purpose of facilitating the mail service." For this small extra compensation this privilege is granted.

Take, for instance, the fast mail train now running from Washington to Danville. They have but two places, I think it is, from Danville to Washington—that is, at Charlottesville and at Lynchburg—where they can stop. They can not take up passengers at any other point anywhere between these stations. They are anxious to do it if permitted, but the Department says, "No; if you do not run this train for the purpose of facilitating the mail and not to accommodate passengers, we will not give this extra compensation to you; we will withhold it from you;" and so they require of the road a schedule in which they can take no passengers at all between Washington and Danville except at these two places. And, Mr. Chairman, it is the same for the entire train on its route from New York to New Orleans. They are compelled to put this entire system at the disposal of the Government and make all of the schedules, their times of departure, and where they shall stop, to suit the Government requirements, and all for the small sum of $171,000 a year.

Now, is that too much? I will take the remarks of the gentleman from Ohio himself to prove that it is not. Why, he has just stated that the Atlantic Coast Line had the contract at one time, and it decided that it lost more than it made from the contract and gave it up. The entire mail matter was then transferred to this other line. I could not get a newspaper the day it was published in New York until after this facility was accorded. When the Southern Railroad took up the contract and complied with the regulations of the Department as to these special facilities, then the New York mail to all my section of the country came the same day that it was mailed.

Now, Mr. Chairman, the question to be determined is this: Is the amount of mail carried on this road and facilitated sufficient to pay for the small sum of money that is given to the company for running this train? I say that it is. I say that the service more than pays for itself. Here is a road that supplies mail to a vast section of this country. There are some routes in the West to which we give a thousand dollars to furnish mail to a hundred or one hundred and fifty people. Yet here are fifteen or twenty States, all of them vitally interested in special mail facilities, and depending on this small appropriation for continuing this service which has proved so useful to them. The Southern and the Pennsylvania railroads will go back, if the appropriation is not given, to their fixed schedules, leaving New York at 11 o'clock in the morning, and not at 4 o'clock, as they do now, and will take up passengers, and will make more by starting at that hour than by leaving at 4 o'clock in the morning, at such an untimely hour, when the passengers will not take the train. I have been told by people who travel on that train occasionally that frequently between New York and Philadelphia and Washington there is not a single passenger carried. It is simply and absolutely a mail train.

But what other advantages do we get from this appropriation? Connections are made at Tampa, Fla., with the steamer that carries the mail to Cuba. Connections are made at New Orleans with the Texas mails. The first time that has been done is within the last two years, since this contract was given. This train connects with the train for Houston, and going on down to Mexico, thus making connection from New York to Mexico and Cuba.

Mark another thing in this bill to which no objection is raised. This bill carries from $1,000,000 to $2,000,000 to facilitate the carrying of mails to foreign countries. You pay steamers so much per pound, just as you pay railroads; but then, in addition to that, these steamers that go out—one of them, I believe, from San Francisco, where the chairman of this committee [Mr. LOUD] lives—I think some of them get nearly a million dollars.

Mr. LOUD. What is that?

Mr. SWANSON. Steamers carrying foreign mails, by the provisions of this bill.

Mr. LOUD. No; I do not think they get anywhere near as much as that. The whole foreign service only costs about $1,500,000.

Mr. SWANSON. A million and a half.

Mr. PEARSON. I see on page 7 of the bill an item of additional

compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, and all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean.

Mr. SWANSON. Why, these steamship people get paid by the pound, just as the railroads do, and then for additional facilities they get extra compensation, and $1,800,000 is given for such purposes.

Now, everybody concedes that 95 per cent yearly of our business is interstate business. That is, our traffic among ourselves is far in excess of all our foreign trade, commerce, and business. The trade from New York to New Orleans is the most important, the most immense, the most far-reaching of any trade which exists in this entire country. Yet when we seek to facilitate that which is more, I am sure, than all that is carried by these foreign steamers, and for which they receive $1,800,000, the gentleman says that a little appropriation of $170,000 to facilitate the carrying of the mails through fifteen States is a useless and extravagant expenditure.

This item has been in this bill for seventeen years. The gentleman from Ohio [Mr. BROMWELL] is mistaken in supposing that he is the first person to discover these facts about the amount of compensation, and perhaps to enlighten the House on this question. Why, for seventeen years before he was a member of the House this question has been considered, has been presented to the House, has been argued, and the House has acted upon it, and has left it discretionary to five Postmasters-General, I believe, and every one of them has used it, as a necessary and useful expenditure of public money from which a public benefit was received.

Mr. SIMPKINS. I should like to ask the gentleman from Virginia why he urges leaving in the bill the wording—

> On trunk lines from Boston, Mass., to New York—

when none of the money is expended between Boston and New York?

Mr. SWANSON. I will tell the gentleman why.

Mr. SIMPKINS. And I should like to ask him another question.

Mr. SWANSON. All right; one at a time.

Mr. SIMPKINS. Very well.

Mr. SWANSON. I will answer the gentleman's first question. We do that because sometimes the Department has been able to make arrangements with railroads that would give extra facilitation for the carrying of the mails——

Mr. SIMPKINS. Between Boston and New York?

Mr. SWANSON. Between Boston and New York.

Mr. SIMPKINS. I should like to ask the gentleman when was the last time that was done?

Mr. SWANSON. Five or six years ago, I think.

Mr. SIMPKINS. It is five or six years since it has been done?

Mr. SWANSON. I think so; and to show that this is not simply a gift of money to the railroads, I will state to the gentleman that the Department would give this money to the railroads between Boston and New York if they could secure extra service for so doing, but they do not now use it because they get no extra service.

Mr. SIMPKINS. I should like to ask the gentleman if, in his opinion, it is a sensible thing to appropriate money which is not used, year after year? The gentleman acknowledges that it has not been used for four years, and now I find in this bill, on page 8, that it is necessary to add extra words, saying that—

> In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

I want to ask the gentleman if, under cover of that provision, something is not being appropriated, apparently for Massachusetts, which is not so used, but which can be used for some other purpose?

Mr. SWANSON. I will answer the gentleman fairly. It is evidently shown that nothing has been lost by the appropriation, because no money has been drawn. No money has gone into the pockets of anybody who did not have a right to it, so no evil has resulted from the language which the gentleman complains of. I should like to have the gentleman point out where any evil has resulted. Now, this language is kept there for the reason that if matters should so shape themselves as to make it necessary to use that extra pay for the running of trains between Boston and New York, it could be so used.

Mr. BROMWELL. I know the gentleman desires to be perfectly sincere and candid with this House.

Mr. SWANSON. I do.

Mr. BROMWELL. Is it not a fact that that particular language is used and continued year after year because the gentleman is afraid that if it is left out, and this section provides for a line starting from New York, it will be subject to a point of order and the whole thing will go out?

Mr. SWANSON. That is one reason. Will the gentleman be equally frank?

Mr. BROMWELL. Certainly.

Mr. SWANSON. Is not the reason why the gentleman objects to this appropriation to be found in the fact that he can not get another one for another part of the country?

Mr. BROMWELL. That is one reason. I will be perfectly frank with the gentleman. I object to this because I do not believe in favoring one section of the country to the exclusion of the rest of the United States.

Mr. SWANSON. Well, then, let us come to that point. Now, the gentleman, as I understand, my good friend from Ohio [Mr. BROMWELL], objects to this because a rule of this House would not let him get in an appropriation for facilitating the mails from his city to the South, because it would be obnoxious to the rule in that it would be a change of the existing law. Then, I understand you are not fighting it because it is wrong, but because you can not get something of the same kind and character.

Mr. SIMPKINS. That does not apply to me nor to any remarks I have made.

Mr. SWANSON. Now, to my good friend from Massachusetts I will state that at one time it did facilitate the mail from Boston to New York.

Mr. SIMPKINS. Are you accurate in that? Was it not for only one-half of the distance, and that several years ago?

Mr. SWANSON. It was for half, if not the whole; and I know that this appropriation has been kept there to some extent, from what the gentleman may say, "because it might be obnoxious to the rule," and we are not willing to jeopardize the mails of fifteen great States in their commerce and business by making an alteration.

Mr. SIMPKINS. I would like to ask the gentleman another question. I do not wish to jeopardize the postal service of this country, but I would like to know who asks in behalf of the people for this service. Has the Postmaster-General at any time ever asked for this appropriation?

Mr. SWANSON. The last two or three Postmasters-General have not asked for it. But it has been left discretionary with the Postmaster-General to say whether it facilitates mail or not. He can refuse to give it if he wishes. He can stop it to-morrow. He can refuse to use it. We leave it to his discretion entirely and to his judgment to say whether this Government gets a quid pro quo or not before he is justified in using it. The best proof that the Postmasters-General favor it and get benefits from it is the fact that they have used it for seventeen years.

I reserve the remainder of my time; and, Mr. Chairman, I ask to have incorporated in my remarks the schedule of these different trains, which will explain to any man who will read it that this railroad does not get a cent of extra compensation for the service it renders beyond what is reasonable and just.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to print certain tables with his remarks. Is there objection? [After a pause.] The Chair hears none.

The schedules are as follows:

SOUTHERN RAILWAY COMPANY,
OFFICE OF GENERAL PASSENGER AGENT,
1300 PENNSYLVANIA AVENUE,
Washington, D. C., February 10, 1897.

SIR: Referring to your request, I beg leave to respectfully invite your attention to the benefits resulting to the public through the establishment of the fast-mail service between New York, Atlanta, and New Orleans, with special reference to that portion from Washington south, and the situation under which the service is rendered.

On January 1, 1893, the Richmond and Danville system, now the Southern Railway Company, maintained a train service that met the requirements of its general business, and afforded a good mail service as an item of such general business. The train service was as follows:

Train No. 9 left Washington at 8.30 a. m., arrived in Atlanta in twenty-three and a half hours, at 8 a. m. the next day, and had no connection whatever south of Montgomery. Train No. 11 left Washington at 11 p. m., and was run at a slow rate of speed, without postal car, to Lynchburg, and with postal car from Lynchburg to Atlanta, arriving at Atlanta at 10 p. m. the following day. Train No. 37, the Southwestern Vestibuled Limited, left New York at 4.30 p. m., Washington at 10.43 p. m., and arrived at Atlanta at 3.55 p. m., Montgomery at 9.20 p. m., and New Orleans 7.25 a. m. This, in brief, was the situation in the early months of 1893.

Congress, desiring to meet the postal needs of the greatest States of the South and dependent regions, made appropriation, effective from July 1, 1893, for a special mail service from New York and Washington to Atlanta and New Orleans and the great country and large population of the States of Texas and Arizona, and beyond. The advantages to be reaped from the closer mail connections between the greatest commercial metropolis of the East and the principal centers of business and population of the South are so obvious to all that comment thereon would be out of place.

The Richmond and Danville system, now the Southern Railway Company, and its connections, appreciating the purpose of Congress, and desiring to contribute as much as possible to the great contemplated postal improvements, heartily cooperated by establishing a special fast mail between New York and New Orleans, beginning May 14, 1893. The fast-mail train, No. 35, left New York 4.30 a. m., Washington 11.01 a. m., arriving in Atlanta at 5.20 a. m. the following day. This train received at New York a Boston connection that left that city at 7.30 p. m., after the arrival of all post-office rail lines from all parts of New England, and left New York with a very large mail for the Southern States. It gathered in the mail from Philadelphia, Baltimore, rail post-office lines arriving at that point, and Washington, and delivered it throughout the South far in advance of all former schedules.

The Richmond and Danville system, now the Southern Railway Company,

arranged the schedules of its auxiliary lines, and put an extra train between Charlotte and Columbia, by which mail was delivered at Columbia at 1.35 a. m., Savannah at 4.30 a. m., Jacksonville at 9.30 a. m., being twenty-nine hours from New York, which was the shortest time ever made between these two points. The arrival in Jacksonville was in time for distribution to the whole State of Florida. This was the situation until November, 1894, at which time the Southern Railway Company established an additional train, known as the "New York and Florida Short Line Limited," No. 31, which left New York at 3.20 p. m., Washington 10.05 p. m., Danville, Va., 5 a. m., and Charlotte, N. C., 8.34 a. m., thence branching off, arriving at Columbia, S. C., at 12.14 p. m., Savannah, Ga., 3.20 p. m., Jacksonville, Fla., 7.30 p. m., where connection was made with lines for southern Florida, thus making three daily fast trains between New York and Charlotte, N. C., two going through to New Orleans, one of which making connection at Charlotte with a through train for Florida points, and one solid through train New York to Florida. This was the situation up to the middle of the year 1895.

The schedules were further improved upon on the 1st of February, 1896, at which time the schedule of the New York and Florida Short Line Limited was quickened to a considerable extent, although the same leaving times at New York, 3.20 p. m., and Washington, 10.05 p. m., were observed, the train reaching Charlotte, N. C., at 8.30 a. m., instead of 8.34, as in 1894; Columbia at 11.35 a. m., instead of 12.14 p. m.; Savannah, Ga., 2.36 p. m., instead of 3.20 p. m.; Jacksonville, Fla., 6.30 p. m., instead of 7.30 p. m.; St. Augustine, Fla., 7.45 p. m., instead of 9.20 p. m.

Commencing January 18, 1897, the New York and Florida Short Line Limited was changed to leave New York at 12.10 noon; Philadelphia, 2.36 p. m.; Baltimore, 5 p. m.; Washington, 6.20 p. m., arriving at Charlotte at 5.05 a. m. the following day; Columbia, S. C., 8.17 a. m.; Savannah, Ga., 11.22 a. m.; Jacksonville, Fla., 3.30 p. m., and St. Augustine, Fla., 4.40 p. m., thus reaching Savannah, Ga., and Jacksonville and St. Augustine, Fla., during business hours the following day after leaving New York, a considerable item in the saving of time as compared to all previous schedules.

In this connection it will be noted that the service of the United States fast mail No. 35, and Washington and Southwestern Limited No. 37, between Charlotte, N. C., Jacksonville, Tampa, and other Florida points, has been and is now maintained, which, with the New York and Florida Limited, give three fast trains, from New York and Washington to the entire State of Florida, as against only two trains in 1896.

United States fast mail, No. 35, leaves New York at the same hour that it did in 1895-96, 4.30 a. m.; Washington, 11.15 a. m., and arrives at Atlanta 5.20 a. m.; Montgomery, Ala., 10.31 a. m., instead of 10.45, as in 1896; Birmingham at 11.45 a. m., instead of 12.20 p. m., as in 1896, and makes through connection for Memphis and Kansas City, arriving at Memphis, Tenn., at 9.40 p. m., instead of 10.30 p. m., as in 1896, and at Kansas City, Mo., at 5.20 p. m. the following afternoon. Here I would call your attention to connection from Memphis to Kansas City having been maintained from the date of its commencement, the early part of 1893, to date, thus giving a permanent service where heretofore the mails had to lay in Birmingham from 1 p. m. until 12.20 at night before departure for points beyond Memphis in the direction of Kansas City. I would also call attention to the fact that since 1893 the service of the United States fast mail between New York and New Orleans has been augmented by the substitution of solid through trains instead of requiring changes of equipment at Montgomery, Ala., and the arrival time at New Orleans has been quickened to 8.10 p. m. the following day after leaving New York and Washington, instead of 8.30 p. m., as heretofore, thus continuing to give the people of New Orleans the opportunity of getting their mail that night, when previously it was not distributed until the following morning. The connection with the Southern Pacific for Houston, Tex., San Antonio, Tex., and Mexico, leaving New Orleans 8.20 p. m., immediately upon the arrival of the United States fast mail, and arriving Houston the following morning at 8.45 and San Antonio 4.25 p. m., has been maintained.

Also, the local stops heretofore made by the United States fast mail, No. 35, between Danville, Va., and Charlotte, N. C., have been eliminated, and this train is now operated as a fast through train between these respective points and a local train substituted to accommodate the passenger traffic, thus reducing time of arrival of mail at Charlotte, N. C., from 10.50 p. m. to 10 p. m., and an additional train has been put in operation between Salisbury, N. C., and Chattanooga, Tenn., through Statesville, N. C., Asheville, N. C., and Knoxville, Tenn., connecting with said United States fast mail train, No. 35, leaving Salisbury at 8.55 p. m., arriving Asheville, N. C., 12.20 the same night, Knoxville, Tenn., at 4.35, and Chattanooga, Tenn., at 8 o'clock the following morning. By the addition of this train, mail leaving New York at 4.30 a. m. and Washington 11.15 a. m. arrives Asheville and other points in western North Carolina—a considerable territory within itself—the same night, and at Knoxville and Chattanooga the following morning in time for early delivery.

At Charlotte, N. C., a connecting train of the United States fast mail leaves at 10.20 p. m., upon the arrival of said train, reaching Columbia, S. C., at 1.37 a. m.; Savannah, Ga., 4.50 a. m.; Jacksonville, Fla., 9 a. m., the day after departure from New York and Washington. Connection is there made with the Florida East Coast Railway system, having a train leaving Jacksonville, Fla., at 9.20 a. m., arriving St. Augustine, 10.20 a. m.; Palatka, Fla., 11.48 a. m.; Ormond, Fla., 12.48 p. m.; Rockledge, Fla., 3.30 p. m.; Palm Beach, Fla., 8.25 p. m.; Miami, Fla., 11.05 p. m., from which latter point a line of steamers is now operated to Nassau and Key West, Fla., thus giving exceptional facilities to the entire east coast of Florida and islands of Nassau and Key West. This train also connects at Yulee, Fla., with train of the Florida Central and Peninsular Railroad, leaving at 8.25 a. m. the morning after departure from New York and Washington, arriving Waldo, Fla., 11.40 a. m.; Ocala, Fla., 1.32 p. m., and Tampa, Fla., 5.30 p. m., where connection is made with the Cuban steamships to Habana. It will thus be seen that this train gives exceptional mail facilities to the entire State of Florida, Key West, Nassau, and Habana, Cuba.

It will not be amiss to draw a comparison between the time made to Florida points in 1893 and now. The mail which left New York at 4.30 a. m. arrived at Jacksonville, Fla., at 11 a. m., and Tampa, Fla., at 8 p. m. It now reaches Jacksonville at 9 a. m., Tampa 5.30 p. m., connecting there with Cuban steamships, and also has direct connection at Jacksonville for the entire east coast of Florida, Nassau, and Key West.

The schedule of the Washington and Southwestern Limited, leaving New York at 4.30 p. m., Washington 10.43 p. m., arriving Charlotte, N. C., 9.25 the following morning, Atlanta, Ga., 3.55 same afternoon, New Orleans, La., and Memphis, Tenn., 7.40 the second morning, has scarcely varied or been changed in any respect. Connection with that train is still maintained with diverging lines at New Orleans and Memphis for Texas, Mexico, Arizona, and with the Sunset Limited at New Orleans for San Francisco and points in California. Connection of this train has also been continued at Charlotte, N. C., for Columbia, S. C., Jacksonville, and all Florida points, leaving Charlotte at 9.35 a. m., arriving Columbia, S. C., 12.50 p. m., Savannah 4.25 p. m., Jacksonville, Fla., 9.12 p. m., Tampa, Fla., 7.30 a. m.

It will be seen that while the leaving time at New York is the same as heretofore, the arrival time in the cities of the South and Southwest has been brought nearer to the departure from New York, the decrease in the time meaning an increase in the speed of these trains.

To be more explicit, and point out specially the advantages of the service in comparison with that given in 1893, I will give you briefly the number of hours the mails have been facilitated:

The New York letter and paper mail, the Boston and New England mail, the central and western New York and Pennsylvania mail which left New York at 4.30 a. m. in 1893 reached Washington after the departure of the train for Atlanta, Montgomery, and New Orleans, and was delayed until 10.43 p. m. before leaving Washington. Under the present fast-mail service the New York mail, together with the mail from all parts of New England, Pennsylvania, and New York of the previous day, is put into Danville, Va., at 6 p. m.; Greensboro, N. C., 7.37 p. m.; Salisbury, N. C., 8.50 p. m.; Charlotte, N. C., 10 p. m.; Atlanta, Ga., 5.20 a. m. the following morning; Montgomery, Ala., 10.35 a. m.; Mobile, Ala., 3.50 p. m.; New Orleans, La., 8.10 p. m.; Memphis, Tenn., 9.40 p. m.; Birmingham, Ala., 11.45 a. m.; Houston, Tex., 8.45 a. m.; Macon, Ga., Albany, Ga., Tifton, Ga., and points between Atlanta, Ga., and Chattanooga, Tenn., before 1 p. m.

Thus, by this increased facility between New York and the South, the mails are expedited about twelve hours to Danville, Va., Greensboro, N. C., Salisbury, N. C., Charlotte, N. C., Atlanta, Ga.; fourteen hours to Montgomery, Ala.; about fifteen hours to New Orleans and Birmingham; twelve hours to Memphis; fourteen hours to Houston, and from twelve to fifteen hours to all points in the Southwest.

It will be seen that in expediting the mails between New York and the inland and far South and Southwest the Southern Railway has materially decreased the time over previous years to points in Florida, to say nothing of making double daily service to points in Texas, and expediting the Mexican mails, and reducing considerably the time of arrival of the double daily service at practically all points in the South east of the Mississippi River.

You are doubtless aware that the schedules of our train No. 37 (the Washington and Southwestern limited) and train No. 35 (the United States fast mail) are controlled almost absolutely by the Post-Office Department, and under our contract with them for handling the special mail the schedules can not be changed without the approval of that Department; and by reference to the schedules of those trains it will be seen that they make very few stops between Washington and Atlanta, or between Charlotte, N. C., and Jacksonville and Tampa, Fla.

In order to facilitate to a greater extent the movement of the United States fast-mail train on its schedule time, the local stops of that train which have heretofore been made between Danville, Va., and Charlotte, N. C., have been obviated by the operation of a local passenger train between those points, as indicated above in this letter. It is, therefore, easily understood that these trains are run to a great extent for the mails, as scarcely any local passenger traffic is handled on the same, and the hours of the trains are to the disadvantage of such business, and the hours of leaving New York to the disadvantage of through passenger traffic desiring to leave on the United States fast mail.

I beg to call your particular attention to the ruling of the Post-Office Department in that our failing to accomplish a connection or trains being delayed they can cut off the special allowance and deduct our pay, and we are not paid for this delayed service. Besides, we are required to hold the Southwestern Limited, as well as the United States fast mail, indefinitely for trains from the north.

The service performed, owing to the limited stops and the very fast time made, is exceedingly costly; and, in addition thereto, other expense has been incurred by the operation of local trains to handle the local passenger traffic, which can not be accommodated on the fast trains; and also by the addition of new connecting trains from Salisbury, N. C., through western North Carolina, to Asheville, N. C., Knoxville, and Chattanooga, Tenn.; and unless some compensative allowance for this is made it will hardly be possible for this company to maintain this exceptional service, which expedites in so large a degree the mails between the North and the South.

The train service northbound is very fast and has proven entirely satisfactory to the Post-Office Department. The United States fast mail northbound, No. 36 (a similar train to No. 35 southbound) is also operated as a solid through train, New Orleans to Washington, taking up the connection of the "Sunset Limited" from California, and completing, with the Southwestern Limited northbound, double daily fast service from the South as well as from the North.

In order to facilitate the movement of the United States fast-mail train, northbound, No. 36, between Charlotte, N. C., and Danville, Va., local service is also operated between these points, northbound, as has heretofore been explained in connection with No. 35, southbound.

Additional train service between Chattanooga, Tenn., and Salisbury, N. C., is also operated, northbound, leaving Chattanooga at 5.55 p. m., connecting with United States fast-mail train, No. 36, northbound, at Salisbury, N. C., the following morning.

It will doubtless be clear to you, and all others who may consider the subject, that it would be impossible to maintain such extraordinary service without substantial recognition on the part of the Government, and I feel satisfied that it is not the desire of this Congress to diminish in any manner the facilities now afforded for the transaction of the business between the North and the South and Southwest.

With sentiments of high respect, I am, very respectfully,

A. B. ANDREWS,
First Vice-President.

FEBRUARY *10, 1897.*

SCHEDULE OF TRAIN NO. 35, THE UNITED STATES FAST MAIL, FROM NEW YORK, PHILADELPHIA, BALTIMORE, AND WASHINGTON TO POINTS NAMED BELOW.

Leave New York (P. R. R.) daily	4.30 a. m.
Leave Philadelphia (P. R. R.) daily	7.20 a. m.
Leave Baltimore (P. R. R.) daily	9.37 a. m.
Leave Washington (So. Rwy.) daily	11.15 a. m.
Arrive Manassas, Va. (So. Rwy.), daily. (Junction point with Manassas branch to Front Royal, Riverton, Strasburg, Woodstock, and Harrisonburg, Va.)	12.19 p. m.
Arrive Calverton, Va. (So. Rwy.), daily. (Junction for Warrenton, Va.)	12.40 p. m.
Arrive Orange, Va. (So. Rwy.), daily. (Junction for Potomac, Fredericksburg & Piedmont R. R., and C. & O. Rwy. for Gordonsville and east)	1.44 p. m.
Arrive Charlottesville, Va. (So. Rwy.), daily. (Junction with C. & O. Rwy. east and west)	2.24 p. m.
Arrive Lynchburg, Va. (So. Rwy.), daily. (Junction with C. & O. Rwy. and connection with N. & W. R. R. for Roanoke, Salem, Christiansburg, Wytheville, Bristol, Knoxville, Chattanooga, etc.)	4.05 p. m.
Arrive Danville, Va. (So. Rwy.), daily. (Junction with Atlantic & Danville and Danville & Western railroads)	6.00 p. m.

Arrive Greensboro, N. C. (So. Rwy.), daily. (Connection for all points in eastern Carolina, including Durham, Raleigh, Goldsboro, and also points on C. F. & Y. V. R. R., east and west, and Northwestern North Carolina R. R. to Winston-Salem, Elkin, and Wilkesboro, N. C.)	7.57 p. m.
Arrive High Point, N. C. (So. Rwy.), daily. (Junction with High Point, Randleman, Ashboro & Southern R. R. for Ashboro, N. C., which is junction point with Aberdeen & West End R. R.)	8.00 p. m.
Arrive Salisbury, N. C. (So. Rwy.), daily. (Junction with Western North Carolina Division, making close connection for Asheville and Hot Springs, N. C., Knoxville and Chattanooga, Tenn., and connecting at Chattanooga with diverging lines)	8.50 p. m.
Arrive Charlotte, N. C. (So. Rwy.), daily. (Junction lines diverging to Statesville, Mooresville, Columbia, Charleston, Savannah, Jacksonville, and all points in Florida; Aiken and Augusta)	10.00 p. m.
Arrive Gastonia, N. C. (So. Rwy.), daily. (Junction with C. & L. N. G. R. R.)	10.50 p. m.
Arrive Blacksburg, S. C. (So. Rwy.), daily. (Junction with Charleston, Cincinnati & Chicago R. R.)	11.32 p. m.
Arrive Spartanburg, S. C. (So. Rwy.), daily. (Charleston and Western Carolina R. R.)	12.26 a. m.
Arrive Greenville, S. C. (So. Rwy.), daily. (Junction for C. & G. division, east and west, and Carolina and western Carolina)	1.20 a. m.
Arrive Seneca, S. C. (So. Rwy.), daily. (Junction with Blue Ridge R. R.)	2.26 a. m.
Arrive Toccoa, Ga. (So. Rwy.), daily. (Junction for Elberton)	3.15 a. m.
Arrive Cornelia, Ga. (So. Rwy.), daily. (Junction with Blue Ridge & Atlantic R. R.)	3.47 a. m.
Arrive Lula, Ga. (So. Rwy.), daily. (Junction with N. E. R. R. of Georgia, for Athens, Ga.)	4.09 a. m.
Arrive Gainesville, Ga. (So. Rwy.), daily	4.35 a. m.
Arrive Atlanta, Ga. (So. Rwy.), daily. (Junction with Georgia R. R., Central of Georgia, for Macon and Albany; W. & A. R. R.; A. & W. P. R. R., and Georgia, Carolina & Northern R. R.; N. C. & St. L. Rwy., and Georgia Pacific for Birmingham, Columbus, Winona, and Greenville, Miss.; Eastern Tennessee division for Macon, Hawkinsville, Cochran, Helena, Lumber City, Jesup, Everett, and Brunswick)	6.10 a. m.
Arrive Opelika, Ala. (A. & W. P.), daily. (Junction with Central of Georgia Rwy.)	8.40 a. m.
Arrive Montgomery, Ala. (W. of Ala.), daily. (Connection with Alabama Midland R. R.; Selma Division Western Railway of Alabama, Louisville & Nashville, and Central of Georgia Rwy.)	10.31 a. m.
Arrive Pensacola, Fla. (L. & N.), daily	7.30 p. m.
Arrive Mobile, Ala. (L. & N.), daily	3.50 p. m.
Arrive New Orleans, La. (L. & N.), daily	8.10 p. m.
Arrive Houston, Tex. (So. Pac.), daily	8.45 a. m.
Arrive San Antonio, Tex. (So. Pac.), daily	4.25 p. m.

Leave Charlotte, N. C. (So. Rwy.), daily	10.20 p. m.
Arrive Rock Hill, S. C. (So. Rwy.), daily. (Junction with Ohio River & Charleston Rwy.)	11.06 p. m.
Arrive Chester, S. C. (So. Rwy.), daily. (Junction with Georgia, Carolina & Northern and C. & L. N. G. rrds.)	11.37 p. m.
Arrive Columbia, S. C. (So. Rwy.), daily. (Junction with A. C. L., C. N. & L., F. C. & P., South Carolina & Georgia rrds.)	1.37 a. m.
Arrive Trenton, S. C. (So. Rwy.), daily. (Connection with Carolina & Cumberland Gap R. R. for Aiken)	6.15 a. m.
Arrive Graniteville, S. C. (So. Rwy.), daily. (Connection with South Carolina & Georgia R. R.)	6.57 a. m.
Arrive Augusta, Ga. (So. Rwy.), daily. (Junction with Georgia R. R., Central of Georgia, and C. & W. C.)	7.45 a. m.
Arrive Charleston, S. C. (S. C. & G.), daily	11.00 a. m.
Arrive Savannah, Ga. (F. C. & P.), daily	4.50 a. m.
Arrive Jacksonville, Fla. (F. C. & P.), daily	9.00 a. m.
Arrive Tallahassee, Fla. (F. C. & P.), daily	3.35 p. m.
Arrive Ocala, Fla. (F. C. & P.), daily	1.32 p. m.
Arrive Orlando, Fla. (F. C. & P.), daily	4.17 p. m.
Arrive Tampa, Fla. (F. C. & P.), daily	5.30 p. m.
Arrive St. Augustine, Fla. (F. E. C. Rwy.), daily	10.20 a. m.
Arrive Ormond, Fla. (F. E. C. Rwy.), daily	12.48 p. m.
Arrive Rockledge, Fla. (F. E. C. Rwy.), daily	3.30 p. m.
Arrive West Palm Beach, Fla. (F. E. C. Rwy.), daily	8.19 p. m.
Arrive Miami, Fla. (F. E. C. Rwy.), daily. (Connecting with steamships to and from Key West and Nassau)	11.05 p. m.

SCHEDULE OF TRAIN NO. 37, THE WASHINGTON AND SOUTHWESTERN LIMITED, FROM NEW YORK, PHILADELPHIA, BALTIMORE, AND WASHINGTON TO POINTS NAMED BELOW.

Leave New York (P. R. R.), daily	4.30 p. m.
Leave Philadelphia (P. R. R.), daily	6.55 p. m.
Leave Baltimore (P. R. R.), daily	9.20 p. m.
Leave Washington (So. Rwy.), daily	10.43 p. m.
Arrive Manassas (So. Rwy.), daily. (Junction point with Manassas branch to Front Royal, Riverton, Strasburg, Woodstock, and Harrisonburg)	11.48 p. m.
Arrive Calverton, Va. (So. Rwy.), daily. (Junction for Warrenton, Va.)	12.06 a. m.
Arrive Orange, Va. (So. Rwy.), daily. (Junction for Potomac, Fredericksburg & Piedmont R. R. and C. & O. Rwy. for Gordonsville and east)	1.08 a. m.
Arrive Charlottesville, Va. (So. Rwy.), daily. (Junction point with C. & O. Rwy. east and west)	1.50 a. m.
Arrive Lynchburg, Va. (So. Rwy.), daily. (Connection with C. & O. Rwy. east and west, and N. & W. R. R. for Roanoke, Salem, Christiansburg, Wytheville, Bristol, Knoxville, Chattanooga, etc., and eastward to Farmville, etc., and with Lynchburg & Durham R. R.)	3.40 a. m.
Arrive Danville, Va. (So. Rwy.), daily. (Junction with Atlantic & Danville, and Danville & Western Railroads)	5.40 a. m.
Arrive Greensboro, N. C. (So. Rwy.), daily. (Connection for all points in eastern North Carolina, including Durham, Raleigh, and Goldsboro, and also points on C. F. & Y. V. R. R. east and west and Northwestern North Carolina R. R. to Winston-Salem, Elkin, and Wilkesboro, N. C.)	7.05 a. m.
Arrive High Point, N. C. (So. Rwy.), daily. (Junction point with High Point, Randleman, Ashboro & Southern R. R. for Ashboro, N. C.)	7.27 a. m.
Arrive Salisbury, N. C. (So. Rwy.), daily. (Junction with Western N. C. division for Asheville and Hot Springs, N. C.; Morristown, Knoxville, and Chattanooga, and at Chattanooga with lines diverging)	8.17 a. m.
Arrive Charlotte, N. C. (So. Rwy.), daily. (Junction lines diverging to Statesville, Mooresville, Columbia, Charleston, Savannah, Jacksonville, Aiken, and Augusta)	9.25 a. m.
Arrive Gastonia, N. C. (So. Rwy.), daily. (Junction with C. & L. N. G. R. R.)	10.10 a. m.
Arrive Blacksburg, S. C. (So. Rwy.), daily. (Junction with Ohio River & Charleston R. R.)	10.49 a. m.
Arrive Spartanburg, S. C. (So. Rwy.), daily. (Junction with Charleston & Western Carolina R. R. and with S. U. & C. and A. & S. branches Southern Railway)	11.37 a. m.
Arrive Greenville, S. C. (So. Rwy.), daily. (Junction with C. & G. east and west, and with Charleston & Western Carolina R. R.)	12.26 p. m.
Arrive Seneca, S. C. (So. Rwy.), daily. (Junction with Blue Ridge R. R.)	1.35 p. m.
Arrive Toccoa, Ga. (So. Rwy.), daily. (Junction for Elberton, Ga.)	2.15 p. m.
Arrive Cornelia, Ga. (So. Rwy.), daily. (Junction with Blue Ridge & Atlantic R. R.)	2.54 p. m.
Arrive Lula, Ga. (So. Rwy.), daily. (Junction with N. E. R. R. of Georgia for Athens, Ga.)	3.13 p. m.
Arrive Gainesville, Ga. (So. Rwy.), daily	3.31 p. m.
Arrive Atlanta, Ga. (So. Rwy.), daily. (Junction with Ga. R. R., A. & F., Central of Georgia Rwy., for Macon and Albany, W. & A. R. R., A. & W. P., Georgia, Carolina & Northern, and Eastern Tennessee Division for Macon, Jesup, Everett, and Brunswick, Ga.; Chattanooga; Georgia Pacific Division for Anniston, Birmingham, Winona, and Greenville, Miss.)	3.55 p. m.
Arrive Opelika, Ala. (W. of Ala.), daily. (Connection for Central of Georgia Rwy., east and west)	7.25 p. m.
Arrive Montgomery, Ala. (L. & N.), daily. (Connection with Alabama Midland R. R.; Selma Division, Western Railway of Alabama, L. & N., and Central of Georgia Rwy.)	9.20 p. m.
Arrive Pensacola, Fla. (L. & N.), daily	5.50 a. m.
Arrive Mobile, Ala. (L. & N.), daily	3.05 a. m.
Arrive New Orleans, La. (L. & N.), daily	7.40 a. m.
Arrive Houston, Tex. (S. P.), daily	10.20 p. m.
Arrive San Antonio (S. P.), daily	7.25 a. m.
Arrive Galveston, Tex. (G. C. & S. F.), daily	9.05 a. m.

Leave Atlanta, Ga. (So. Rwy.), daily	4.15 p. m.
Arrive Anniston, Ala. (So. Rwy.), daily	7.50 p. m.
Arrive Birmingham, Ala. (So. Rwy.), daily. (Junction with A. G. S. R. R., Louisville & Nashville, and K. C. M. & B. R. R.)	10.10 p. m.
Arrive Memphis, Tenn. (K. C. M. & B.), daily	7.40 a. m.
Arrive Kansas City, Mo. (K. C. M. & B.), daily	7.40 a. m.

Leave Salisbury, N. C. (So. Rwy.), daily	8.35 a. m.
Arrive Asheville, N. C. (So. Rwy.), daily	2.05 p. m.
Arrive Hot Springs, N. C. (So. Rwy.), daily	4.21 p. m.
Arrive Morristown, Tenn. (So. Rwy.), daily	6.05 p. m.
Arrive Knoxville, Tenn. (So. Rwy.), daily	7.25 p. m.
Arrive Chattanooga, Tenn. (So. Rwy.), daily. (Junction with A. G. S.; N., C. & St. L.; C., N. O. & T. P.; W. & A.; C. R. & C., and M. & C. railroads)	11.20 p. m.
Arrive Nashville, Tenn. (N., C. & St. L.), daily	6.45 a. m.

Leave Charlotte, N. C. (So. Rwy.), daily	9.35 a. m.
Arrive Rock Hill, S. C. (So. Rwy.), daily. (Junction with Ohio River & Charleston R. R.)	10.20 a. m.
Arrive Chester, S. C. (So. Rwy.), daily. (Junction with Georgia, Carolina & Northern R. R., and Chester & Lenoir Narrow Gauge R. R.)	10.55 a. m.
Arrive Columbia, S. C. (So. Rwy.), daily. (Junction with S. C. & G., A. C. L., C. N. & L., and F. C. & P.)	12.50 p. m.
Arrive Trenton (So. Rwy.), daily. (Junction with Carolina & Cumberland Gap R. R., for Aiken)	3.08 p. m.
Arrive Graniteville, S. C. (So. Rwy.), daily. (Junction with South Carolina & Georgia R. R.)	3.38 p. m.
Arrive Augusta, Ga. (So. Rwy.), daily. (Junction with Central of Georgia, S. C. & G., and Ga. C. & W. C.)	4.15 p. m.
Arrive Savannah, Ga. (F. C. & P.), daily	4.20 p. m.
Arrive Brunswick, Ga. (So. Rwy.), daily	7.50 p. m.
Arrive Jacksonville, Fla. (F. C. & P.), daily	9.12 p. m.
Arrive Ocala, Fla. (F. C. & P.), daily	2.20 a. m.
Arrive Tampa, Fla. (F. C. & P.), daily	7.30 a. m.
Arrive Charleston, S. C. (S. C. & G.), daily	8.00 p. m.

SCHEDULE OF THE FLORIDA SHORT LINE LIMITED FROM NEW YORK, PHILADELPHIA, BALTIMORE, AND WASHINGTON TO POINTS NAMED BELOW.

Leave New York (P. R. R.) daily except Sunday	12.10 p. m.
Leave Philadelphia, Pa. (P. R. R.), daily except Sunday	2.38 p. m.
Leave Baltimore, Md. (P. R. R.), daily except Sunday	5.00 p. m.
Leave Washington, D. C. (So. Rwy.), daily except Sunday	6.20 p. m.
Arrive Charlottesville, Va. (So. Rwy.), daily except Sunday. (Junction with C. & O. Rwy. east and west)	9.25 p. m.
Arrive Lynchburg, Va. (So. Rwy.), daily except Sunday. (Junction with C. & O. Rwy. and connection with N. & W. R. R. east and west)	11.05 p. m.
Leave Danville, Va. (So. Rwy.), daily except Monday. (Connection with A. & D. and D. & W. railroads)	1.07 a. m.
Arrive Greensboro, N. C. (So. Rwy.), daily except Monday. (Connection for all points in eastern North Carolina, including Durham, Raleigh, Goldsboro, etc.; also points on C. F. & Y. V. R. R. east and west, and Northwest North Carolina R. R. to Winston-Salem, Elkin, and Wilkesboro, N. C.)	2.33 a. m.
Arrive High Point, N. C. (So. Rwy.), daily except Monday. (Connection with H. P., R. A. & S. R. R. for Ashboro and Randleman, N. C.)	2.58 a. m.
Arrive Salisbury (So. Rwy.), daily except Monday. (Connection with Western North Carolina division for Asheville and Hot Springs, Knoxville and Chattanooga)	3.55 a. m.
Arrive Charlotte, N. C. (So. Rwy.), daily except Monday. (Junction with lines diverging to Statesville, Mooresville, Columbia, etc.)	5.05 a. m.
Arrive Chester, S. C. (So. Rwy.), daily except Monday. (Connection with Seaboard Air Line, and junction with Chester and Lenoir narrow-gauge R. R.)	6.26 a. m.
Arrive Columbia, S. C. (So. Rwy.), daily except Monday. (Junction with Atlantic Coast Line, Columbia, Newberry, and Laurens, Florida Central and Peninsula, and South Carolina and Georgia)	8.17 a. m.
Savannah, Ga. (F. C. & P.), daily except Monday	11.22 a. m.
Brunswick, Ga. (S. Rwy.), daily except Monday	2.10 p. m.
Arrive Jacksonville, Fla., (F. C. & P.), daily except Monday	3.30 p. m.
Arrive St. Augustine, Fla. (F. E. C. Rwy.), daily except Monday	4.40 p. m.

FEBRUARY 10, 1897.

TABLE B.—*Distance in miles and time in hours between points named via the Pennsylvania Railroad and Southern Railway and their connections.*

To—	From— New York.		Philadelphia.		Baltimore.		Washington.	
	Miles.	Hours.	Miles.	Hours.	Miles.	Hours.	Miles.	Hours.
Lynchburg, Va	400	11	312	8½	217	6½	174	5
Danville, Va	467	13	377	10½	282	8½	239	7
Greensboro, N. C	515	14½	425	12	330	10	287	8½
Raleigh, N. C	597	19	507	16½	412	14½	369	13
Salisbury, N. C	565	15½	475	13	380	11	337	9½
Charlotte, N. C	608	16½	518	14	423	12	380	10½
Columbia, S. C	718	20	628	17½	533	15½	490	14
Charleston, S. C	848	27	758	24½	663	22½	620	21
Savannah, Ga	860	21	770	20½	675	18½	632	17
Augusta, Ga	790	23½	698	21	614	19	571	17½
Spartanburg, S. C	683	19	593	16½	498	14½	455	13
Greenville, S. C	715	19½	625	17	530	15	487	13½
Atlanta, Ga	876	24	786	21½	691	19½	648	18
Macon, Ga	964	27½	874	25	779	24	736	21½
Albany, Ga	1,071	32½	981	30	886	28	843	26½
Jacksonville, Fla	1,236	28	1,146	26½	1,051	23½	1,008	22
Tampa, Fla	1,344	40	1,254	37½	1,159	35½	1,116	34
Columbus, Ga	1,018	29½	928	27	829	25	786	24½
Montgomery, Ala	1,051	29½	961	27	866	25	823	23½
Mobile, Ala	1,231	35½	1,141	33	1,046	31	1,003	29½
New Orleans, La	1,371	40	1,281	37½	1,187	35½	1,144	34
Houston, Tex	1,733	55	1,643	52½	1,548	50½	1,505	49
San Antonio, Tex	1,912	64	1,822	61½	1,757	59½	1,714	58
Anniston, Ala	979	28	889	25½	794	23½	751	22
Birmingham, Ala	1,044	30	954	27½	859	25½	816	24
Meridian, Miss	1,196	34½	1,106	32	1,011	30	968	28½
Jackson, Miss	1,292	41½	1,202	39	1,107	37	1,064	35½
Vicksburg, Miss	1,336	44	1,246	41½	1,151	39½	1,108	38
Shreveport, La	1,508	52½	1,418	50	1,323	48	1,280	46½
Holly Springs, Miss	1,250	38	1,160	35½	1,055	33½	1,012	32
Memphis, Tenn	1,295	39½	1,205	37	1,110	35	1,067	33½
Little Rock, Ark	1,430	47	1,340	44½	1,245	42½	1,202	41
Columbus, Miss	1,167	41½	1,077	39	982	37	939	35½
West Point, Miss	1,184	42	1,094	39½	999	37½	956	36
Winona, Miss	1,251	44½	1,161	42	1,066	40	1,023	38½
Greenville, Miss	1,335	49½	1,245	47	1,155	45	1,112	45½

Mr. LOUD. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10289, and had come to no resolution thereon.

Mr. LOUD. I move that the House do now adjourn.

The question was put.

The SPEAKER. Before announcing the result, the Chair lays before the House the following personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCLEARY of Minnesota, for two days, on account of important business.

To Mr. DOOLITTLE, indefinitely, on account of sickness.

To Mr. CORLISS, for two weeks, on account of important business.

To Mr. MILES, for this day, on account of important business.

To Mr. PARKER, for two days, on account of important business.

To Mr. LEISENRING, indefinitely, on account of sickness.

To Mr. SAUERHERING, indefinitely, on account of important business.

APPOINTMENT OF CONFEREES.

The following conferees were also announced on the bill (S. 205) granting a pension to Mary O. H. Stoneman, the bill (S. 1694) increasing the pension of Maj. Gen. Julius H. Stahel, and the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow Capt. J. Scott Payne, Fifth United States Cavalry: Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of an appropriation for the Branch Home for Disabled Volunteer Soldiers at Marion, Ind.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to an appropriation for the payment of a judgment in favor of Margaret LaBone, rendered in the United States circuit court for the eastern district of Wisconsin—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Oak Orchard Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers in reference to certain disallowances against Colonels Comstock and Mendell, and requesting certain legislation in regard thereto—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the mouth of the Cumberland River, Kentucky—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Forked Deer River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of South Haven Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bayou Grossetete, Louisiana—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 2893); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MITCHELL, from the Committee on Patents, to which was referred the bill of the House (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent, reported the same without amendment, accompanied by a report (No. 2905); which said bill and report were referred to the House Calendar.

Mr. HARRISON, from the Committee on Pacific Railroads, to which was referred House bill No. 10221, reported in lieu thereof a bill (H. R. 10294) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, accompanied by a report (No. 2906): which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 3614) entitled "An act to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River," reported the same with amendment, accompanied by a report (No. 2907); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 10104) for the relief of Marcus Bain. (Report No. 2894.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 355) entitled "An act granting a pension to Rhoda A. Van Niman." (Report No. 2895.)

The bill (S. 1269) entitled "An act granting an increase of pension to John S. Hall." (Report No. 2896.)

The bill (S. 2813) entitled "An act granting an increase of pension to Joseph Brown." (Report No. 2897.)

The bill (S. 2883) entitled "An act granting an increase of pension to Isaac Harbaugh." (Report No. 2898.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 3144) entitled "An act granting a pension to Samuel Shaffer." (Report No. 2899.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9941) granting an increase of pension to James Parsloe. (Report No. 2900.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3311) entitled "An act to increase the pension of Arabella V. Washburn." (Report No. 2901.)

The bill (H. R. 9554) granting a pension to Mary E. Taylor. (Report No. 2902.)

The bill (H. R. 8907) granting a pension to John W. Channing. (Report No. 2903.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 1264) increasing the pension of Henry G. Bigalow. (Report No. 2904.)

By Mr. WANGER, from the Committee on Interstate and Foreign Commerce: The joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich. (Report No. 2908.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MADDOX: A bill (H. R. 10293) to provide for the purchase of a site and the erection of a public building thereon at Dalton, in the State of Georgia—to the Committee on Public Buildings and Grounds.

By Mr. CRISP: A bill (H. R. 10295) to provide for the purchase of a site and the erection of a post-office building thereon at Hawkinsville, in the State of Georgia—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10296) to provide for the purchase of a site and the erection of a post-office building thereon at Cordele, in the State of Georgia—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10297) to provide for the purchase of a site and the erection of a post-office building thereon at Fort Valley, in the State of Georgia—to the Committee on Public Buildings and Grounds.

By Mr. GROW: A resolution (House Res. No. 539) asking that Saturday, February 13, 1897, after the reading of the Journal, be set apart for the consideration of House bill No. 3656, known as the homestead bill—to the Committee on Rules.

By Mr. POOLE: A resolution (House Res. No. 540) to set apart Monday, February 15, and Tuesday, February 16, for the consideration of such Senate pension bills as are in order at the Friday night sessions—to the Committee on Rules.

By Mr. FLETCHER: A memorial of the Minnesota legislature, in favor of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. MINOR of Wisconsin: A memorial of the legislature of the State of Wisconsin, in favor of House bill No. 4339, to establish a national military park at Vicksburg—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Rhode Island: A bill (H. R. 10298) granting an increase of pension to Bridget Fallon, widow of Richard Fallon, late of Company F, Fifteenth United States Infantry—to the Committee on Pensions.

By Mr. BLUE: A bill (H. R. 10299) for the relief of Joseph C. Ury—to the Committee on War Claims.

By Mr. HILBORN: A bill (H. R. 10300) granting a pension to Leota K. Gutierrez—to the Committee on Pensions.

By Mr. KIEFER: A bill (H. R. 10301) to amend an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," being chapter 80 of the private acts of the twenty-seventh United States Statutes at Large, approved February 10, 1893—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 10302) granting an increase of pension to Isaac P. Markham—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 10303) granting a pension to Elizabeth A. Scrivener—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Brotherhood of Railway Trainmen, Order of Railway Conductors, and Order of Railway Telegraphers, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Memorial of the Concord (N. H.) Division, No. 335, of the Order of Railway Conductors, asking the enactment of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, memorial of W. L. Mason & Co., manufacturers, of Keene, N. H., remonstrating against the passage of House bill No. 10090, to prevent brokerage in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. BARNEY: Petition signed by various tanners in the State of Wisconsin, relating to the duty on degras or cod oil—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the Trades League of Philadelphia, Pa., favoring a survey of the canals between Chesapeake Bay and Long Island Sound, with a view to their purchase by the Government—to the Committee on Rivers and Harbors.

By Mr. BREWSTER: Petition of prominent firms and clergymen of Rochester, N. Y., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce

By Mr. BULL: Resolutions of the Woman's National Indian Association for 1897, for legislation for the protection of the Indians—to the Committee on Indian Affairs.

By Mr. COOPER of Texas: Petitions of W. S. Jones and others, of Liberty, Tex.; J. Boutrone, E. A. Hayne, and others, of Sabine Pass, Tex.; Mark Wiess, J. D. Polk, and others, of Beaumont, Tex., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARKE of Alabama: Petition of the Alabama Land and Development Company and others, of Mobile, Ala., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of Dr. J. S. Bruce and other citizens of Eagle Lake, Tex., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of C. A. Beake, of Wessington, S. Dak., favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of St. Johnsbury, Vt., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. A. Ballou, of Chester, Vt., secretary of the Young People's Christian Endeavor Society of the First Baptist Church, favoring the passage of a bill prohibiting the sale of liquors in any Government building (H. R. 7083)—to the Committee on Public Buildings and Grounds.

Also, petition of Mrs. A. A. Wyman, of Cambridgeport, Vt.; Mrs. Mary A. Brackett, of St. Johnsbury, Vt., and 50 citizens of Chelsea, Vt., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, petition of Mrs. Mary A. Brackett, president of the St. Johnsbury Woman's Christian Temperance Union, favoring the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also, petition of Mrs. J. H. Drew, of St. Johnsbury, Vt., and Mrs. Mary A. Brackett, president of the Woman's Christian Temperance Union of Caledonia County, Vt., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, protest of Hollis Thrasher and 26 others against the passage of House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HART: Petition of O. L. Fehr, of Northampton, Pa., favoring the Loud bill (H. R. 4566) amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: Remonstrance of citizens of Cannon Falls, Minn., against House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL: Petition of Elijah Stevens, of Somerville, N. J., requesting a 60 per cent ad valorem duty on harness in the new tariff schedule—to the Committee on Ways and Means.

Also, petition of W. L. Chadwick and other citizens of Red

Bank, N. J., requesting favorable consideration in the matter of gold, silver, and other metals—to the Committee on Ways and Means.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz: E. Stevens and 27 others, of Albany; J. H. Gose and 10 others, of Dobbs Ferry; W. Hawks and 6 others, of New York City; Joseph T. Powers and others, of Somers Center; William Sherwood and 6 others, of New York City; Paul Bremer and 10 others, of New York City; J. C. Dixon and 14 others, of Niagara Falls; John Williams and 22 others, of Niagara Falls; Hugo Miller and 10 others, of Schodack Landing; William Shepard and others, of Brewster; George Tripp and others, of Palmyra; J. W. Worden and others, of Coxsackie; J. B. Martin and others, of Niagara Falls; R. C. Shumaker and others, of Chapenville; C. J. Reed and others, of Laona; M. S. Barton, of Fentonville; John Sullivan and others, of Lake Pleasant; J. R. Reynolds and others, of Montrose; A. C. Smith and others, of Buffalo; J. Lawton and others, of Rochester; R. W. Gilbreth and others, of Batavia; L. M. Edwards and others, of Forestport; C. H. Mowers and others, of White Lake; A. R. Williams and others, of Utica; A. V. Smith and others, of Marcellus; W. C. Noxon and others, of Crescent; Peter C. Doyle and others, of Buffalo; Winslow Trott and others, of Niagara Falls; C. C. Howard and others, of New York City; E. B. Avery and others, of Coldwater; E. L. Lewis and others, of Niagara Falls; H. J. Sullivan and others, of Niagara Falls; Z. E. Cole and others, of Canaseraga; W. Bodine and others, of East Clarence; Benjamin Wing and others, of Brighton; Nathan Briggs and others, of Sprakers; William Hanley and others, of Batavia; H. C. Wilson, of Crafts; O. J. Hall and others, of Pittsford; C. W. Brown and others, of West Batavia; W. H. Sanford and others, of Depew; T. J. Walker and others, of Niagara Falls; Frank W. Stevens and others, of Jamestown; W. Flewellin and others, of West Somers; W. J. Sparks and others, of Warren, Pa.; H. E. Miles and others, of Lyons, N. Y.; F. J. Keys and others, of West Rush; J. H. Quackenbush and others, of Fishers; William Randall and others, of Orleans; O. H. Wende and others, of Wende; D. Edwards and others, of Fredonia; H. E. Longstaff and others, of Troy; William Heyer and others, of Kings Bridge; F. Whitcomb and others, of Mount Endicott; John Tempest and others, of Fox Ridge; C. E. Wygant and others, of Tuckahoe; William H. Goodstreet and others of Philmont; James Downing and others, of Ghent; James Quinn and others, of Troy and Albany; Edward Cushing and others, of Fonda; C. C. Gunnison and others, of Mertensia; T. Robinson and others, of Clyde; T. E. Ryan and others, of Aurelius; C. D. Lucas and others, of Remsen; E. E. Fish and others, of Amherst; J. T. Webb, of Batavia; Fred T. Oakes and others, of Oskawana; L. Bluestone and others, of Syracuse; C. S. Jackson and others, of Hoboken, N. J.; P. T. Fitzgerald and others, of Memphis and Warners; Fred Post and others, of New York City; James Eaton and others, of Chauncey; R. L. Cannon and others, of Hillsdale; Charles A. White and others, of Buffalo; M. H. Lowler, of Hinkleyville; Frank Seymore and others, of Owls Head; R. L. Lawrence, of Craryville; R. T. Jewett and others, of Brooklyn, and resolutions of the general passenger and ticket agents in the territory east of Chicago, praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Monthly Meeting of Friends of Smyrna, Iowa, urging the passage of the bill to prohibit the sale of intoxicating liquors in the Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Monthly Meeting of Friends of Smyrna, Iowa, to raise the age of protection for girls in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. HENDERSON: Petition of George J. Williams, of Youngstown, Ohio, urging consideration of House bill No. 8354, to increase the pensions of those having lost an arm or a leg—to the Committee on Rules.

By Mr. HENDRICK: Sundry petitions of the Christian church, the Baptist church, the St. Paul Episcopal Church, the Woman's Christian Temperance Union, and the Young Woman's Christian Temperance Union, all of Hickman, Tenn., favoring the passage of Senate bill No. 2485, to restore the former law of the District of Columbia against Sunday traffic, invalidated by a clerical error—to the Committee on the District of Columbia.

By Mr. HILBORN: Papers to accompany House bill granting a pension to Leota K. Turner Gutierrez—to the Committee on Pensions.

By Mr. HUNTER: Petition of the citizens of Butler County, Ky., asking that a pension be granted to Francis M. Berry—to the Committee on Invalid Pensions.

By Mr. KLEBERG: Petition of Robert Law, of Beeville, Tex., and O. F. Pridgen, of Thomaston, Tex., praying for the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. S. Booth, of Alice, Tex., favoring the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petitions of the Methodist Episcopal and First Congregational churches, of Redland, Cal.; also of the Methodist Episcopal church, Epworth League, and the Woman's Christian Temperance Union, of North Pasadena, Cal., asking the passage of the bill raising the age of protection for girls to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: Petition of W. W. Holmes, of Billingham, Minn., in favor of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAURIN: Petition of F. H. McMaster, of Charleston, S. C., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, of the Charleston Chamber of Commerce, praying for an appropriation to complete the United States court-house and post-office at Charleston, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. MURRAY: Memorials of James Thorpe and others, of Williamsburg County, S. C.; R. B. Wallace and others, of Charleston County, S. C., praying the rejection of what purports to be the electoral vote of South Carolina, and for a restoration of the United States constitutional guaranty of a republican form of government in said State—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition by M. Drake & Sons and 25 other business men of Charleston, S. C., praying for the defeat of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NOONAN: Petition of D. Alarcon and other citizens of Marfa, Tex., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Remonstrance of A. B. Martin and 50 other citizens of Geneva, Ohio, against the passage of the Sherman ticket brokerage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of C. A. Harvey and M. Howell, of Sterling, N. Y., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Letter of F. H. Helsell, banker, of Sioux Rapids, Iowa, giving his views on required legislation from the standpoint of a country banker—to the Committee on Banking and Currency.

By Mr. RAY: Petition of Commercial Travelers and Business Men of the Twenty-sixth Congressional district of New York and citizens of Tompkins County, N. Y., protesting against the passage of the so-called Sherman antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Dairymen's Association of Delaware County, N. Y., protesting against appropriations for irrigation, free homesteads, etc., in the West—to the Committee on the Public Lands.

By Mr. RUSSELL of Connecticut: Petition of Robert Bornett, to accompany House bill No. 10291, for his relief—to the Committee on Military Affairs.

By Mr. SHERMAN: Sundry petitions of citizens of the State of New York, viz, Avery D. Andrews, police commissioner, New York City, and others; Charles C. Schon and others, and Reuben M. Shutts and others, all of New York City; J. C. Hogeboom and others, of Hudson; F. M. Johnston and others, of Poughkeepsie; Patrick Kerley and others, of Mount Vernon; Frank Wells and others, of Brewster; A. M. Lowrie and others, of White Plains; Charles R. Stephenson and others, of Mount Vernon; H. A. Kinports, of New York City; Bartlett Arkell, E. H. Sturgis, and others, of New York City; N. Best and others, of Millertown; C. W. Bradley and others, of New York City; C. W. Whipple and others, of McConnellsville; T. J. Lewis and others, of Trenton; A. G. Miller and others, of Boonville, and Joseph M. Stover, of East Orange, N. J., favoring the passage of House bill No. 10090, known as the "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPKINS: Petitions of the Mercury Publishing Company and of the Evening Standard, of New Bedford, Mass., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOVER: Petition of W. H. Carey and other citizens of Badaxe, Mich., favoring the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. T. Murphy, J. A. Wood, and 148 others, of Marine City, Mich., for marine post-office service at Detroit, Mich.—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of W. F. Hynes, representative of various labor organizations, viz, Locomotive Engineers, Locomotive Firemen, Railway Trainmen, Railway Conductors, and Telegraphers, recommending the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Resolution of J. H. Mullen Post, Grand Army of the Republic, of Duke Center, Pa., in favor of service-pension bill (H. R. 9209)—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: Petition of Mattie Lyons Fay, of Rockford, Iowa, in favor of the bill raising the age of consent and the bill prohibiting interstate gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of citizens of Genesee and Niagara counties, N. Y., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Resolution of General Robert L. Bodine Post, No. 306, Grand Army of the Republic, of Doylestown, Pa., urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: Memorial of J. H. Culbertson and others, of Columbus, Ohio, praying for the passage of Senate bill No. 3589 and House bill No. 10108, regulating fraternal beneficiary societies, orders, and associations—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 12, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CHANDLER, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of John C. Spooner, chosen by the legislature of Wisconsin a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PROPOSED SITE FOR HALL OF RECORDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in relation to the matter of site for the proposed hall of records, certain inclosures in reference to the site at the intersection of Ohio and Louisiana avenues and Tenth street, in the city of Washington, and also transmitting, without recommendation, certain drawings and a proposal submitted to the Department by Mr. R. H. Hood, in which he offers to sell to the Government as a hall of records the circular "Panorama Building" at the intersection of Ohio avenue and Fifteenth and C streets NW.; which, on motion of Mr. MORRILL, was, with the accompanying papers, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAN CARLOS INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, recommending that a part of the San Carlos Indian Reservation in Arizona be separated and created an independent reservation, to be known as the Fort Apache Indian Reservation, and put in charge of a separate agent, and recommending that an item proposed by the Commissioner be inserted in the Indian appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House the following bills:

A bill (H. R. 2321) to increase the pension of John J. Cross; and

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The message also requested the Senate to furnish the House a duplicate engrossed copy of the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, the same having been lost or misplaced.

The message further announced that the House insisted upon its amendment to the bill (S. 205) granting a pension to Mary O. H. Stoneman, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States; and

A bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills and joint resolution; and they were thereupon signed by the President pro tempore.

A bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon;

A bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896;

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands; and

A joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of 85 citizens of Vinalhaven, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alice May Douglas, State superintendent of the department of peace and arbitration of the Woman's Christian Temperance Union of Maine, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Maritime Association of the port of New York, praying for the passage of House bill No. 6399, to amend the laws relating to American seamen; which was ordered to lie on the table.

He also presented a petition of the Maritime Association of the port of New York, praying for the adoption of certain amendments to House bill No. 2664, to amend the laws relating to navigation; which was ordered to lie on the table.

He also presented a petition of members of the New York State Bar Association, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of W. & W. F. Senn, publishers of the Demokrat, of Sandusky, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Association of Manufacturers, of Cincinnati, Ohio, praying for the enactment of legislation authorizing distillers to bottle distilled spirits in bond; which was ordered to lie on the table.

He also presented petitions of members of the Grace Methodist Episcopal Church, of Bethany, Ohio; of the Christian Endeavor Society of Oak Hill, Ohio, and a petition of the State superintendent of the department of peace and arbitration of the Woman's Christian Temperance Union of Maine, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Ohio, praying for the passage of the antirailroad ticket-scalping bill; which were referred to the Committee on Interstate Commerce.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the Woman's Christian Temperance Union of Maine, and a petition of members of the Central Congregational Church, of Bangor, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Atlee Hart, editor of the North Nebraska Eagle, of Dakota City, Nebr., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of S. R. Leiter, George Hunt, and sundry other citizens of Chicago, Ill., praying that Emma M. Elliott, widow of David B. Elliott, deceased, late captain in Company D, Seventy-ninth Illinois Volunteers, be granted a pension; which was referred to the Committee on Pensions.

He also presented the memorial of Blosser & Ross, editors of the Pioneer Daily of Macoupin County, of Carlinville, Ill., and the memorial of E. L. Tobie and sundry other citizens of Keithsburg, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the members of the Reformed Presbyterian Church (Old Style), of Sparta, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry cigar manufacturers of Canton, Ill., praying that a specific duty of 50 cents a pound be placed upon imported unstemmed leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the tea act prohibiting the importation of impure teas; which was referred to the Committee on Finance.

He also presented a petition of the faculty of Monmouth County College, Monmouth, Ill., and a petition of sundry citizens of Clinton and Monmouth, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of members of the Church of God, of Butler, Pa., of members of the Methodist Episcopal Church, the United Presbyterian Church, and the Lutheran Church of Butler, Pa., praying for the enactment of legislation prohibiting the transportation of obscene matter from State to State; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of George E. Loring and sundry other citizens of New York; of W. M. Haigh and J. B. Thomas, of Chicago, Ill.; of J. H. Napier and sundry other citizens of New York; of A. N. Hitchcock and sundry other citizens of Chicago, Ill.; of A. M. Collins and Leslie Collins, of Shelbyville, Ill.; of John M. Farrington and sundry other citizens of Kitchawan, N. Y.; of C. H. Rogers and sundry other citizens of Harrisville, N. Y., and of W. Cummings and sundry other citizens of Staatsburg, N. Y., praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. CAFFERY presented sundry petitions of citizens of New Orleans and Baton Rouge, in the State of Louisiana, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. VEST presented a memorial of sundry citizens of Kansas City, Mo., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Lancaster, Mo., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. MURPHY presented the petitions of Edward Freeman and 17 other citizens; of George S. Prince and 16 other citizens; of H. F. Whitaker and 19 other citizens; of H. F. Roesser and 15 other citizens; of W. Telsohon and 10 other citizens; of Edward Lent and 17 other citizens; of Warren F. Leland and 15 other citizens; of George C. Boldt and 15 other citizens, and of George D. Beck and 15 other citizens, all of New York City, N. Y., praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. DANIEL presented petitions of the Tide Water Christian Endeavor Association, of Norfolk, Va.; of the Board of Trade of Philadelphia, Pa., and of representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of the board of directors of the Norfolk and Portsmouth Cotton Exchange; of Ross J. Leary, publisher of the Blackwater Courier, of Franklin; of R. P. Rothwell, president of the Scientific Publishing Company, the Engineering and Mining Journal, and the Mineral Industry, and of the Floyd Times Company, of Floyd, all in the State of Virginia, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Woodstock, Va., and the memorial of G. W. Ross, T. M. Broadus, and sundry other citizens of Gordonsville, Va., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Thomas Davis Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry American citizens, officers of Polish-American organizations and representatives of the Polish-American press of the United States of America, praying that the immigration bill be amended so that it will not exclude the Poles from admission to the United States; which was referred to the Committee on Immigration.

Mr. MITCHELL of Wisconsin. I present a statement prepared by Hon. William T. Harris, Commissioner of Education, on the subject of free kindergartens, to accompany an amendment to House bill No. 10167, to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes. It is a very interesting paper, and I move that it be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SMITH presented the petition of George W. Day, publisher of the Weekly Call, of Dunellen, N. J., and the petition of Robert J. Killgore, publisher of the Hunterdon County Democrat, of Flemington, N. J., praying for the passage of House bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Burlington County, N. J., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. VOORHEES presented a petition of the Indianapolis Trade Journal, of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter, with amendments; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of William Mitchell, publisher of the Hancock Democrat, of Greenfield; of Charles L. Ewin, publisher of the Pennville Gazette, of Pennville; of C. E. Lockhart, publisher of the Albany Journal, of Albany; of Edward Welty, publisher of the Daily and Weekly Videtto, of Valparaiso; of G. W. Klare, publisher of the Daily and Weekly Tribune, of Wabash; of N. H. Motsenger, publisher of the Referendum, of Shoals; of the Western Farmer Publishing Company, of Lafayette; of J. P. Stech, publisher of the Press, of Milroy; of Edward C. Schnetz, publisher of the Carbon Chronicle, of Carbon; of Charles Scott, publisher of the Waveland Independent, of Waveland; of John R. Simpson, publisher the Paoli News, of Paoli; of J. C. Colby, publisher of the Herald, of Kewanna; of the Reporter Publishing Company, publishers of the Daily Reporter, of Indianapolis; of the Laporte Printing Company, publishers of the Daily and Weekly Herald, of Laporte; of Wilson Myers, publisher of the Elnora Tribune, of Elnora; of E. K. Burkett, publisher of the Echo, of Darlington, and of J. E. Naden, publisher of the American, of Rushville, all in the State of Indiana, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Trade Press Association, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES. I present the petition of Charles Abert, praying for the purchase by Congress of an original bust of Benjamin Franklin, by Cerrachi. I move that the petition and accompanying papers be referred to the Committee on the Library.

The motion was agreed to.

Mr. MILLS presented a memorial of sundry citizens of El Paso, Tex., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of W. T. Youngman, publisher of the Populist Herald, of Myrtle Springs; of A. W. Crockett, publisher of the Graphic, of Granbury; of Tom B. Lusk, publisher of the Herald, of Italy; of George P. Barber, of Seymour; of Myron Williams, publisher of the Texas Panhandle, of Miami, and of Robert Penniger, publisher of the Fredericksburger Wochenblatt, of Fredericksburg, all in the State of Texas, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of Henry Koehler, of Nebraska, praying for the passage of House bill (H. R. 4566) relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3682) granting an increase of pension to Alexander Boltin; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany an amendment heretofore submitted by him intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Board of Trade of Mankato, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Minnesota, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented a memorial of sundry citizens of Clyde, Kans., and the memorial of T. G. Ellbury, publisher of the Turon Press, of Turon, Kans., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. D. Wilkinson, publisher of the Advocate, of Elwood, Kans., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANTLE presented the petitions of W. C. Kester, publisher of the Opinion, of Chinook, Mont., and a petition of the Standard Publishing Company, publishers of the Anaconda Standard, of Anaconda, Mont., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented petitions of Kelton B. Miller, publisher of the Eagle, of Pittsfield; of the Mercury Publishing Company, publishers of the Daily Mercury, of New Bedford; and of Edmund Anthony, jr., president of the E. Anthony & Sons Company, Incorporated, publishers of the Evening Standard, of New Bedford, all in the State of Massachusetts, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented the petition of D. M. C. Gault, publisher of the Hillsboro Independent, of Oregon, praying for the passage of House bill No. 4565, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the Baptist Church, of Newberg, Oreg., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Cottage Grove, Oreg., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the Baptist Church, of Newberg, Oreg., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of 22 churches and societies of Lebanon, Albany, and Halsey, and of members of the Baptist Church, of Newberg, all in the State of Oregon, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of 22 churches and societies of Albany, Lebanon, and Halsey, all in the State of Oregon, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of 22 churches and societies of Lebanon, Albany, and Halsey, all in the State of Oregon, praying for the enactment of legislation to protect the State antigambling laws from nullification by interstate gambling by telegraph; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 19 churches and societies of Lebanon and Albany, in the State of Oregon, praying for the appointment of a nonpartisan industrial commission; which was ordered to lie on the table.

Mr. GEAR presented a petition of members of the Congregational Church, of Corning, Iowa, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Congregational Church, of Corning, and a petition of the Smyrna Monthly Meeting of Friends, held in Clark County, all of the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Young People's Society of Christian Endeavor of Pleasant Prairie, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Hartley Herald, of Hartley, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a memorial of the Fort Wayne Electric Corporation, of Fort Wayne, Ind., and the memorial of Arthur C. Fraser & Co., Temple Court, New York, remonstrating against the passage of House bill No. 3014, to amend the patent laws; which were referred to the Committee on Patents.

He also presented the memorial of Theo. Rickrich, publisher of the Chronicle, of Lynnville; a memorial of sundry citizens of Indianapolis, in the State of Indiana, and a memorial of the Printers' Ink publication, of New York, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of members of the New York State Bar Association, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. BACON presented a petition of the pastors of the Methodist Episcopal Church, the African Methodist Episcopal Church, and the Baptist Church, and of the Woman's Christian Temperance Union, of South Atlanta, Ga., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented the memorial of Stewart Shillito, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of James Leffel & Co., of Springfield, Ohio, and the petition of Louis Stix & Co., of Cincinnati, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the Central Labor Council, of Cincinnati, Ohio, praying for the adoption of certain amendments to House bill No. 2663, relating to the laws of navigation; which was ordered to lie on the table.

He also presented a memorial of the Freeman Perfume Company, of Cincinnati, Ohio, remonstrating against the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Franklin, Ohio, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Portsmouth, Ohio, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; to protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of W. H. Lovekin, of Toledo, Ohio, of sundry citizens of Toledo, Ohio, and of the Young People's Christian Union of the United Brethren Church, of Union City, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the memorial of M. J. Barry and 30 other citizens of Columbus, Ohio, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Conneaut; of Louis N. Allen, of Cleveland; of the Woman's Christian Temperance Union of Warren County, and of the ministers of the Methodist Episcopal Church of Cleveland, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented memorials of 113 citizens of Ashtabula; of 28 citizens of Sharonville; of the Reform Club of Youngstown; of 22 citizens of Bellefontaine, and of 25 citizens of Berea, all in the State of Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of the faculty of Oberlin College, Oberlin; of Mrs. Antonette H. Clevenger, vice-president at large of the Ohio Woman's Christian Temperance Union, of Wilmington; of the People's Savings, Loan and Building Company, of Toledo; of the National Milling Company, of Toledo; of the Reflector Publishing Company, of Payne; of E. S. Arnold, publisher of the Dunkirk Standard, of Dunkirk; of the Spring Lane Distillery Company, of Portsmouth; of Mrs. A. W. Clark, corresponding secretary of the Ohio Woman's Christian Temperance Union, of Columbus; of George Goshine, publisher of the Press, of Oak Harbor; of the M. I. Wilcox Company, of the Bissell, Dodge & Erner Company, of the Toledo Traction Company, of Southworth & Co., and S. W. Flower & Co., of Toledo, and of the Ministerial Association of Xenia, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Improvement of the Mississippi River and its Tributaries, to whom was referred the petition of the Engineers' Club of Minneapolis, Minn., praying for an amendment to the bill providing for exhaustive surveys of the several passes and their delta, from the upper limits of Cubitts Gap to the Gulf of Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant intended to be proposed to the District appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 114) for the relief of Anna W. Osborne, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Appropriations, to whom was referred the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, reported it with amendments, and submitted a report thereon.

THE DAILY CONGRESSIONAL RECORD.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., to report it favorably without amendment, and I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATERWAYS FROM THE GREAT LAKES.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. VILAS on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in addition to the usual number 5,000 copies of the message of the President of January 18, 1897, and of the report of the Commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the Commissioners.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. SHERMAN. I am directed by the Select Committee on Inaugural Ceremonies to report a joint resolution and to ask for its immediate consideration.

The joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1897, in accordance with the programme adopted by the committee of arrangements appointed under resolution of the Senate of the 10th day of December, 1896, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $5,000, or so much thereof as may be necessary, the same to be immediately available.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NORTH CAPITOL STREET.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes. The bill was passed over the other day upon the request of the Senator from Missouri [Mr. COCKRELL]. It is a short bill, and will take but a moment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PEFFER. I will object just long enough to suggest to the Committee on the District of Columbia that I think it is time, when they are proposing to open North Capitol street, that they apply a part of the proceeds to the street immediately between the Capitol Grounds and the Baltimore and Ohio Railway tracks and the crossing there.

Mr. McMILLAN. We have that matter under consideration.

Mr. PEFFER. I am very glad to hear it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. What is the request?

The PRESIDENT pro tempore. The request is for the present consideration of the bill called up by the Senator from Michigan.

Mr. HALE. After that I shall ask for the regular order.

Mr. McMILLAN. This bill was passed over the other day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN THE INDIAN TERRITORY.

Mr. HOAR. A bill was read yesterday at this point in the routine business, it was reported, and consent was given for its consideration then. It is the bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes. The Senator from Connecticut [Mr. PLATT] moved an amendment providing for two judges, and that led to some discussion. I am authorized to withdraw that amendment by the Senator from Connecticut, and to withdraw any objection to the bill on his part. I trust the bill may be passed. It does not require to be read again. I ask unanimous consent that the bill may be taken up and put on its passage.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BRICE introduced a bill (S. 3684) to pension Catharine C. Goodrich according to the military rank of her husband; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAFFERY introduced a bill (S. 3685) granting a pension to Jane M. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 3686) granting an increase of pension to Hiram T. Coffman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE (by request) introduced a joint resolution (S. R. 202) providing for the participation of the cadets of the Naval and Military academies in the inaugural parade; which was read twice by its title, and referred to the Committee on Military Affairs.

THE CLAYTON-BULWER TREATY.

Mr. MORGAN introduced a joint resolution (S. R. 203) declaring the Clayton-Bulwer treaty abrogated; which was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the treaty known as the Clayton-Bulwer treaty between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is hereby declared to be abrogated.

Mr. MORGAN. I ask that the resolution may be printed and go over until to-morrow.

The PRESIDENT pro tempore. It will be so ordered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SEWELL submitted three amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ROACH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

IMPRISONMENT OF SYLVESTER SCOVEL.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas Sylvester Scovel, a native of the State of Ohio, and a citizen of the United States, has been arrested and is now held prisoner by the Spanish military authorities in Cuba upon no specific accusation of crime; and

Whereas the said Scovel is imprisoned in a disturbed part of the Island of Cuba, namely, in Santa Clara Province; and

Whereas it is creditably reported that the said Scovel is in imminent danger of death through disease or by possible violence at the hands of lawless persons, notwithstanding the best efforts that local Spanish authorities may make to prevent such event; and

Whereas it is represented that the Spanish authorities in Cuba, after consenting, now decline to bring said Scovel to Habana, where his rights may be protected by the consul-general of the United States: Now, therefore,

Be it resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to use his good offices with the Spanish Government in said Scovel's behalf, and strongly to represent to the Spanish authorities in Cuba the imperative necessity of removing him from his present perilous place of confinement to Habana, and to insist that he shall have all the rights and privileges secured to American citizens by treaty between Spain and the United States.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the following acts:

An act (S. 2746) to remove the political disabilities of Col. John Taylor Wood; and

An act (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

HOUSE BILLS REFERRED.

The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PERRINE LAND-GRANT INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which comes over from yesterday. The resolution will be stated.

The SECRETARY. A resolution (by Mr. PETTIGREW) authorizing the Committee on Public Lands to investigate the issue of patents for the lands embraced in what is known as the Perrine land grant, in the State of Florida.

Mr. PETTIGREW. I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Chair would be inclined to think that the resolution ought to go to the Committee on Contingent Expenses. While it does not directly involve an expenditure, it certainly does indirectly.

Mr. PETTIGREW. I ask unanimous consent for the adoption of the resolution.

Mr. GALLINGER. I should like to hear the resolution read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers and to administer oaths.

Mr. GALLINGER. I make the point of order that the resolution manifestly carries an appropriation, and that it must go to the Committee on Contingent Expenses.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I ask unanimous consent that the resolution may lie on the table, as I wish to submit some remarks with regard to it in the morning.

Mr. GALLINGER. I have no objection to that course.

The PRESIDENT pro tempore. Without objection, the resolution will lie on the table.

ESTATES OF INSANE PERSONS.

Mr. FAULKNER. From the Committee on the District of Columbia I report back favorably without amendment the bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia or any court in said District having general equity jurisdiction to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes. I am instructed by the committee to ask unanimous consent for the consideration of the bill. It is a bill in accordance with all the laws of the different States on the same subject, and is admirably drawn. It has passed the House, and it is a matter of pressing necessity that this jurisdiction should now be vested in the court of equity in this District.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHERMAN. I rose to move that the Senate proceed to the consideration of executive business, but if there is any further morning business to be transacted I will yield to it, of course.

RECALL OF A BILL FROM THE PRESIDENT.

Mr. PETTIGREW. I wish to call up a matter which is on the table. It is the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," which has been returned by the President to the Senate, where it originated.

The PRESIDENT pro tempore. The Senator from South Dakota calls up the bill indicated by him. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 9th instant (the House of Representatives concurring), I return herewith Senate bill No. 3328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 10, 1897.*

Mr. PETTIGREW. I ask unanimous consent that the Senate reconsider its action agreeing to the House amendments to the bill.

The PRESIDENT pro tempore. The amendments will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 1, 1897.*

Resolved, That the bill from the Senate (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," do pass, with the following amendments:

On page 2, line 19, after the word "apply," insert the word "only."

On page 2, line 21, after the word "in," insert the words "North Dakota."

On page 2, line 21, after the words "South Dakota," insert the words "and Nebraska."

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the votes by which these amendments were agreed to shall be reconsidered. Is there objection?

Mr. HILL. I do not now raise any objection to this matter, but before it is disposed of I suppose the Senator from South Dakota is going frankly to tell the Senate precisely what question is involved in this proceeding. I will give way to allow him to do that first, and then I desire to make a reply.

Mr. PETTIGREW. Mr. President, that is proper. I will say that I desire the Senate to disagree to the amendments of the House of Representatives and ask for a conference upon the amendments made by the House. The House inserted the word "only," which seems to repeal the law now on the statute books allowing people who have made homestead entries outside of the reservations especially designated in the bill to commute after fourteen months' residence. I had the bill recalled for the purpose of securing a conference with the House so as to disagree to the insertion of the word "only," which seems to defeat the object of the proposed law.

Mr. HILL. Mr. President, I regard the question involved in this proceeding as a very important one. In brief, it involves the question of the right of Congress to recall a bill from the President after it once has been passed by Congress and sent to him for his approval or disapproval in order to amend the same in a matter of substance in which no engrossment or enrollment error is involved. That is the question now presented.

I have no objection to this bill. It is to the principle which is herein invoked that I object. I think the question should be

examined. In regard to this matter, I will offer the following resolution, which I will read myself, because I wrote it myself:

Resolved, That the pending bill be referred to the Judiciary Committee, with instructions to examine and report whether, under the Constitution, Congress has the power to recall a bill from the President for amendment, after the same shall have duly passed Congress, and been received by the President for his action thereon, and in regard to which bill no engrossment or enrollment error is alleged.

The PRESIDENT pro tempore. The Senator from New York offers the resolution which has been read by himself.

Mr. HILL. The Constitution requires——

Mr. PETTIGREW. I should like to hear the resolution read. I could not hear the Senator from New York.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Dakota?

Mr. HILL. Certainly.

Mr. PETTIGREW. I am perfectly willing that the resolution should pass and the bill should go to the Committee on the Judiciary for the purpose of investigating this question.

Mr. ALLISON. Why delay the bill, if that is an important question? We have frequently recalled bills from the President without stating the reason why. It may be that it is a bad precedent, but this particular bill——

Mr. SHERMAN. There is no objection to the bill at all.

Mr. ALLISON. I think it is proper for the Judiciary Committee to make a report upon this subject, or the Committee on Rules, or some other committee of this body; but I do not see why the bill should necessarily be delayed if it is a proper bill to pass.

Mr. HILL. It is executing a prisoner and then looking up the law afterwards. It might prove to be right, of course; but to act upon the bill, and then look up the question whether you have a right to recall it is not the way.

As I said, I have no objection to this particular bill. Probably it is a good bill and ought to pass. But I have examined the question a little, and I find that bills have been recalled from the President, and then, in order to evade the Constitution, resolutions have been passed requiring the Committee on Enrolled Bills or the Committee on Engrossed Bills to report it with an error corrected, thereby implying that the error was in the engrossment or enrollment. That farce has been gone through with on several occasions. I concede the right of Congress to recall a bill from the President to correct such an error, for the reason that the bill which Congress passed has not absolutely and accurately been sent to the President. The wrong bill is there.

Mr. HOAR. It is to correct the record.

Mr. HILL. To correct the record, of course. That was done in the First Congress of the United States, or at least during the first four years of President Washington's Administration. A committee of three was appointed to wait upon the President and inform him of the error and ask him to return the bill, which the committee brought back to Congress. That is a different question. It is an inherent right which Congress must possess to correct a bill, so as to make the bill in the hands of the President the precise counterpart of and perfectly accurate with the bill that has been passed. But I do not think we have the power to recall a bill from the President which has once been sent to him, for the purpose of making an amendment. It has not been done in Congress, except when the bill has been recalled to go through the farce of referring it to the Committee on Engrossed Bills, and then that committee pretending—that is the effect of it in plain words—that there was an error in the engrossing or enrolling of it.

Mr. CAFFERY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Louisiana?

Mr. HILL. Certainly.

Mr. CAFFERY. I desire to ask the Senator from New York whether the amendment in question involves a matter of substance or is the mere correction of a clerical error?

Mr. HILL. It involves matter of substance. It is not pretended that it does not.

Mr. CAFFERY. I think the bill ought to be referred to the Committee on the Judiciary.

Mr. HILL. Every bill——

Mr. SHERMAN. I think it my duty to object to the further consideration of the resolution. If the Senator wants to have it passed, it must pass nem. con. If he does not, I would rather hear him to-morrow.

Mr. HILL. The matter is properly before the Senate.

Mr. SHERMAN. It is subject to objection. A single objection carries it over.

Mr. HILL. I was simply answering the objection of the Senator from Iowa, that he thought the pending bill ought not to be delayed; that it should be passed and the question looked at afterwards.

Mr. ALLISON. I withdraw the suggestion if the Senator from Louisiana prefers that it should go to the committee.

Mr. HILL. The matter should be acted upon promptly by the Committee on the Judiciary.

Mr. PETTIGREW. I am afraid that the proposed action will result in the defeat of the bill. It seems to me the committee will do its duty by investigating this matter and let me have the bill passed. The precedents are clear.

In the matter of the bill for a public building at Cedar Rapids, Iowa, which was exactly similar to this case, the bill was recalled by the Senate; the Senate reconsidered its action in agreeing to the House amendments, disagreed to them, appointed a conference committee; and it will take but a moment to read the conference report. They did there exactly what I want to have done, and it covers every question in this case.

Mr. HILL. Of course I do not object to the Senator from South Dakota discussing the question, but he is discussing it on his side, and I desire to reply to him. That is all.

Mr. PETTIGREW. The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 86) for the erection of a public building at Cedar Rapids, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment, to wit: Strike out of the part proposed to be inserted the words "and fifty;" and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same with an amendment as follows: After the word "sum," in line 24, page 1 of the bill, insert the words "when appropriated;" and the House agree to the same.

That bill had gone through exactly the stages followed by the bill now under consideration. It had been sent to the conference committee; the conference committee reduced the amount appropriated from $150,000 to $100,000, and added the words "when appropriated." Then the conference report was agreed to. The bill again went to the President and was signed by him. So that this case is absolutely, in every particular, the same as the one then under consideration. It seems to me that under the circumstances the Senator from New York ought to be willing to have the resolution go to the Committee on the Judiciary and to let the bill be passed.

Mr. VILAS. I should like to suggest to the Senator from New York that it seems to me, under the rules, the objection made by the Senator from Ohio to his resolution is not well taken. The resolution is only in another form a motion to commit the pending bill to the Committee on the Judiciary with instructions, a motion which could be made orally; it need not necessarily be in writing, and it is directly applicable to the pending measure. I suggest that, since everybody has agreed to it pretty nearly, it would be well to send the bill to the Committee on the Judiciary, as the Senator from New York moves.

Mr. HILL. I desire to say just one word further. The difficulty with the situation is that if this sort of proceeding is to be sanctioned, when a bill is recalled from the President by a majority vote of the two Houses and comes back, a single objection kills the bill here. If a single Senator objects to the reconsideration of the vote by which the bill was passed, as he has a right to do under the rules, the time having passed, it can not be done, and the bill is dead.

If this proceeding is to be sanctioned under the Constitution, your rules must be amended, because there must be an opportunity when the bill comes back to proceed with it, to act upon it, and no one Senator should be able to defeat a bill. The difficulty is that your rules are not framed for any such proceeding. The rules are framed upon a different idea—that a bill can not be recalled from the President for amendment in matter of substance, but may be recalled simply for the purpose of correcting an error in engrossment. There are plenty of cases to be found where they have gone through that farce of calling it an error. The Senator from South Dakota says he has a case in which they did not call it such a clerical error. The question should be examined. There is no special hurry about this bill. I do not raise the technical objection to the consideration, although I offer my resolution that the bill be referred to the Committee on the Judiciary, and so far as I am concerned, I assure the Senator from South Dakota we will have a prompt report upon this important question.

Mr. PETTIGREW. In view of the fact that the motion to reconsider is made at a time when it requires unanimous consent, and in view of the further fact that the Senator from New York insists upon its going to the Committee on the Judiciary, I shall offer no further objection to his resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from New York.

The resolution was agreed to.

STEWART & CO.

Mr. GEAR. By the courtesy of the Senator from Ohio, who has agreed to give way to me, I ask for the consideration of the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent.

Mr. SHERMAN. When this bill is disposed of, I shall decline to yield further.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioner of Internal Revenue to audit and adjust the claims of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected on Government cotton between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded. The amount, when ascertained, and not heretofore refunded, shall be paid out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 13, 1897, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate February 12, 1897.

COMMISSIONER OF LABOR.

Carroll D. Wright, of Massachusetts, to be Commissioner of Labor, his commission having expired February 10, 1897.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1897.

COMMISSIONER OF LABOR.

Carroll D. Wright, of Massachusetts, to be Commissioner of Labor.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. Edward Moale, Third Infantry, to be colonel.

Maj. Francis Edmund Lacey, Seventeenth Infantry, to be lieutenant-colonel.

Capt. Augustus Whittemore Corliss, Eighth Infantry, to be major.

PROMOTIONS IN THE NAVY.

Maj. Robert W. Huntington, to be a lieutenant-colonel in the Marine Corps.

Capt. Charles F. Williams, to be a major in the Marine Corps.

First Lieut. Harry K. White, to be a captain in the Marine Corps.

Second Lieut. Elisha Theall, to be a first lieutenant in the Marine Corps.

POSTMASTERS.

Samuel J. Nicoles, to be postmaster at Walkerton, in the county of St. Joseph and State of Indiana.

William C. Lee, to be postmaster at Wynne Wood, in the Chickasaw Nation and Indian Territory.

William Grier, to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 12, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

PRELIMINARY REPORT ON ARTESIAN WATERS OF A PORTION OF THE DAKOTAS.

Mr. PERKINS. Mr. Speaker, I present a report from the Committee on Printing.

The Clerk read as follows:

> *Resolved by the Senate (the House of Representatives concurring),* That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

The report (by Mr. PERKINS) was read, as follows:

> Your Committee on Printing, having had under consideration Senate concurrent resolution No. 55, to provide for the printing of 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled, "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey, recommend that the same be agreed to.
>
> The Public Printer estimates the cost of the work called for under this resolution at $465.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I understand it is a privileged report. Is it? I demand the regular order, Mr. Speaker.

The SPEAKER. The Chair understands that this is not a privileged report.

Mr. PERKINS. It is not privileged.

Mr. BAILEY. I demand the regular order.

The SPEAKER. The regular order is demanded. The Chair submits the following resolutions to correct error.

The Clerk read as follows:

> *Resolved,* That the Senate be requested to return to the House of Representatives the bill of the House (H. R. 2821) to increase the pension of John J. Cross.
>
> *Resolved,* That the Senate be requested to return to the House of Representatives the bill of the House (H. R. 6888) granting a pension to Ellen Day, stepmother of Albert L. Day.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10289) making appropriations for the postal service. The Clerk will report the title of the bill.

The Clerk read as follows:

> A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

Mr. LOUD. Mr. Speaker, I would like to see if we can not make some arrangement whereby we can close general debate. I would like to ask the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Virginia [Mr. SWANSON], who represent the contending sides here, about how much time they think will be necessary to close this matter?

Mr. BROMWELL. I would like to inquire how much time I have left?

The CHAIRMAN. The gentleman from Ohio has thirty-five minutes remaining.

Mr. LOUD. Has the gentleman from Ohio any suggestion to make?

Mr. BROMWELL. I would like to have the entire thirty-five minutes of my hour for use.

Mr. LOUD. What does the gentleman from Virginia say?

Mr. SWANSON. I have thirty-five minutes. The gentleman from Ohio has thirty-five minutes, and we have thirty-five minutes on our side.

The CHAIRMAN. The gentleman from Virginia has thirty-five minutes remaining.

Mr. SWANSON. It would be perfectly agreeable to me to have thirty-five minutes on each side.

Mr. LOUD. What suggestion has the gentleman to make? Would one hour—thirty minutes on a side—be agreeable to him?

Mr. BROMWELL. I am perfectly willing to assent to that arrangement.

The CHAIRMAN. The gentleman from California asks unanimous consent that general debate on this bill be closed in one hour. Is there objection?

Mr. SETTLE. How is it proposed that the time be divided?

Mr. LOUD. Thirty minutes on each side, to be controlled by the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Virginia [Mr. SWANSON].

Mr. SETTLE. That is agreeable to me.

The CHAIRMAN. In the absence of objection, the order proposed by the gentleman from California to limit debate will be agreed to.

There was no objection.

Mr. BROMWELL. I ask the gentleman from Virginia [Mr. SWANSON] whether he cares to go on now?

Mr. SWANSON. The last speech made was on this side. I believe the two sides have occupied about equal time. I believe that the right to conclude is with this side.

Mr. BROMWELL. Mr. Chairman, I regret that an attack of the prevalent disease, the grippe, has put my voice and throat in such a condition that it will be difficult for me to make myself heard. But I shall do the best I can to present to the House the reasons why I think the amendment which will be offered, striking out the provision for fast-mail facilities, ought to be adopted.

In addition to the remarks which I made yesterday, I have a few salient facts which I wish to present. In the first place, the gentleman from Virginia [Mr. SWANSON] attempted to impress upon this House the fact that this Southern Railway and its connections between New York and New Orleans carry a very large

proportion of the mails of the United States, and he has given that as a reason why this special subsidy should be granted. He claims that this is a great trunk line; and, if I remember aright, he made the statement that it carries more mail and distributes more matter through the territory it traverses than any other trunk line in the United States. Why, sir, such a statement is utterly absurd. It is not borne out by the facts and the figures. As a matter of fact, the mail which passes over this section will not compare in quantity with that carried on any of the great trunk lines. Upon inquiry at the Post-Office Department this morning, I was informed that there are twenty or twenty-five lines which carry more mail per day than this entire system. To substantiate this, I secured from the Department a statement of the daily weight now being carried by this Southern system and that carried by two or three of the leading trunk lines. On this Southern system between Washington and Lynchburg there is now being carried and paid for an average weight of only 54,876 pounds per day; between Lynchburg and Danville Junction, 45,396 pounds; between Danville Junction and Atlanta, 55,636 pounds. The mail matter dwindles down when you get to West Point to only 27,975 pounds. When it reaches Montgomery, Ala., it is cut down to 26,661 pounds, and when it gets to New Orleans it has been reduced to only a little more than 25,000 pounds. Now, compare those figures with the mail carried daily out of New York by the New York Central road between New York and Buffalo—231,201 pounds per day; in other words, over four times the heaviest amount of mail matter carried on any part of this Southern system.

Take the Pennsylvania Railroad between New York and Philadelphia. The weight of the mail carried over that line is nearly 284,000 pounds, or over five times what is carried on any branch of this Southern system. Between Philadelphia and Pittsburg the amount carried is 183,795 pounds, or over three times as much as is carried on any part of this Southern system. Yet none of these great trunk lines, neither the New York Central, nor the Pennsylvania road running west, nor the Baltimore and Ohio, nor the Baltimore and Ohio Southwestern, nor any of the great roads that lead out of Chicago in all directions, get one dollar of sudsidy for carrying these mails. But the gentleman will say that these roads do not furnish fast-mail facilities. I say they furnish not only equally good fast-mail facilities, but better by far than those furnished by this Southern system.

The gentleman from Virginia published in the RECORD this morning, with a great flourish, the schedule of the Southern road, together with a letter from the vice-president or manager or some other officer of that road, showing how these trains are run in order to expedite the mails. I invite the attention of the House to that portion of the RECORD. I call attention to the fact that the so-called "fast mail" train out of New York to the South and West leaves New York at 4 o'clock and 45 minutes in the morning; it gets to Washington at 8 o'clock in the morning, and it does not leave this city until 11.15. The real business mail of New York is made up in the post-office in that city before 10 o'clock at night; yet that mail, made up prior to 10 o'clock at night and sent on here by the regular train—not by this so-called "fast mail" train—has to lie in the city of Washington until 11 o'clock the next day before it starts south. In other words, twelve hours are consumed before starting that mail southward from Washington. We all know that the passenger travel between New York and Washington does not take over five and a half hours; yet this mail is held for twelve hours in order to make connection with the Southern line of railway leaving at 11.15 in the morning.

I also call attention to the fact that this so-called "fast mail" train, if its schedule be followed up, is actually a slower train than the ordinary train over this mail line. In order to catch the New England votes for this measure, in order to get Massachusetts and the Representatives from that vicinity to support it, there is carried every year in the appropriation providing for fast-mail facilities this language:

> For necessary and special facilities on trunk lines from Boston, Mass., by way of New York, etc.

As a matter of fact, I have looked over the records of the Post-Office Department for the last six or seven years, and there has been at no time any portion of this fund consumed in the delivery of the Boston mails between Boston and New York. There was, for one year, a small allowance made for mail between Springfield, Mass., and New York. That was kept up, however, for only one year.

How, then, does this fast-mail service on this line benefit even the business men of New York? Their mails are made up at the close of the daily business, by 6 or 7 o'clock in the evening, and the mail is sent to the post-office by 7 or 8 o'clock, where it is distributed and ready to go to its destination. It leaves New York City before midnight, and it comes down to Washington on other trains, not on the 4.45 so-called "fast mail" in the morning, and lies here for three hours, to give this fast-mail-facility train the opportunity to take it up and carry it South.

Who are the real beneficiaries of this appropriation? It is not difficult to understand, Mr. Chairman, who the beneficiaries are. This train starts from New York at 4.45 in the morning for the benefit of the New York morning papers. They are the real beneficiaries of this fast-mail service. Have we not done enough for them already, without giving $196,000 annually to distribute their papers throughout the Southern States? Are we not carrying their papers in the mails at thousands and millions of dollars less than the actual outlay—carrying them at rates far below what they ought to pay for their transportation?

But how does this fast-mail service benefit Philadelphia or Baltimore, which are thus furnished with rivals in the newspaper business coming in competition with their own local papers for distribution? Why, then, should the papers of the great city of New York or any other city receive this special favor from the hands of the Government? In the city of Cincinnati we have a morning train that carries the early morning mail and papers. That train leaves Cincinnati for St. Louis at 3.45 a. m. There is another train from Cincinnati out to Toledo about the same hour, and another train from Cincinnati to Columbus about the same time. Do they get a special subsidy for this purpose? Do these roads that take our morning papers and scatter them all over that portion of the country supplied by Cincinnati get any special appropriation? None whatever; not a cent. The railroads carry precisely the same character of mail as this special train going south, and get no extra compensation for it whatever. The roads put on this train for the accommodation of the newspapers and their subscribers, and they supply the early morning mail without getting a dollar for it, except the pay that is given to the railroads regularly for the mere transportation of the mails.

The city of Chicago in the same way sends out trains to the great Northwest, and the West, and the Southeast, and in all directions. Do they get any extra compensation for it? Not a cent.

Then why should this special privilege be granted to this particular system of roads? As I stated on yesterday, the original object of the subsidy was to expedite the delivery of the New York and Northeastern mails to the Island of Cuba. It was intended to send overland the mails to Tampa, Fla., where they should be shipped to Cuba and South America, thus effecting the saving of a few hours' time in their delivery; and for a few years that subsidy was applied for that special purpose. But some three or four years ago, upon the strength of statements made by the Postmaster-General that instead of expediting the mails to Cuba, instead of its being a service in behalf of fast mails, that the subsidy was really retarding this mail between New York and Cuba, the gentleman dropped Tampa as the terminus, and switched the road around to the Southern States and finally landed at New Orleans.

The gentleman from Virginia was asked on yesterday, during the course of the debate, whether the Postmaster-General had recommended the appropriation. With great emphasis the gentleman answered that the strongest recommendation that could be made was that although the subsidy was left optional, that though it was placed entirely within the discretion of the Postmaster-General himself whether or not it should be applied, they had invariably used it. I want to call the attention of the committee, in this connection, to the language which has been used for the last four or five years by the various Postmasters-General and also their Second Assistants in reference to this subject and touching this very subsidy question, and that will show clearly whether or not they are in favor of the recommendation it contains.

In 1891, in the report of the Second Assistant Postmaster-General, on page 345, this language is found:

> No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both ordinary and special transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.
>
> The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and, to some extent, paralleling the roads which receive the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowance for ordinary mail and car transportation, independent of the special service, has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation added together ten years ago; and as most of the special-facility routes will have their compensation readjusted commencing with July 1, 1892, when their pay, it is estimated, will be increased still further at least 20 per cent, this office has not felt satisfied in recommending the continuance, after June 30, 1892, of any portion of the special-facility allowance.

The same thing is found in the report of the Postmaster-General for 1891, on page 59, where he says:

> In 1879, when railroad facilities and train service were slow, Congress appropriated $295,000 in extra allowances for such railroad companies as could not afford to make schedules sufficiently numerous or fast. These sums were to

be in addition to the payments of ordinary rates for railroad transportation. The quantity of mail matter was then perhaps one-half of what it is now, so that each of the companies, by the natural growth of mail transportation, has, since 1879, doubled its revenue from mail pay. At each weighing, moreover, there is a further increase of pay according to the increase of service. In view of this fact, and because abundant facilities were to be had without granting extra pay, and because of the frequent charge by railroad companies giving similar service without extra pay that the Department was discriminating against them, I have concluded henceforth to remove the embarrassment, so far as lies in my power, by not including in the budget in the next year any estimate for special facilities. This course, if approved, places all the transportation companies on exactly the same basis of pay.

In 1892 the Postmaster-General put it in the same way. He says:

I have not included in the estimates for next year any sum for special railroad facilities. I am stronger than ever in the belief that the continuance of the preferential method of compensating railroads is injurious to the general service and an injustice as well to the roads who do not receive equal pay. There will be less justification than ever before for continuing the special payments next year, because many of the railroads sharing in this year's allowance on July 1, 1892, had their ordinary compensation advanced more than 20 per cent under the quadrennial weighing, and a corresponding advance in ordinary compensation will be given to all the remaining special-facility routes, commencing with July 1, 1893. In point of fact, there is no such thing now as the West India mail, nor is there any such thing as fast mail along the Southern coast, as anyone who travels on these roads well knows—at least what is known in the North and West as fast mail.

I also quote from the reports of the Postmaster-General for other years, as follows:

[Report of Second Assistant Postmaster-General, 1892, page 280.]

In the report of a year ago I stated my reasons for declining to recommend further appropriations for so-called "special facilities," and I feel it a duty both to the Government and to the service to again decline making such a recommendation. I believe the granting to a few and refusing to extend like compensation to the many who are performing as good or better mail schedules is a source of injury to the mail service.

The preferential method should cease, or all who expedite the mails should be granted the same benefit.

The impression that the special-facility compensation allowed the lines extending to Port Tampa, Fla., advances the Cuba mails is incorrect. It practically retards those mails, because it prevents the enforcement by the Department of the twenty-five-hour schedule provided for in the contract for the ocean service between Port Tampa and Habana.

The Richmond and Danville Railroad, operating south and southwest via Atlanta; the East Tennessee, Virginia and Georgia Railway system, operating south and southwest from Cincinnati; the Norfolk and Western Railroad, in conjunction with the East Tennessee, Virginia and Georgia lines operating west, south, and southwest from Washington, D. C., and Norfolk, Va., via Bristol and Chattanooga, Tenn., and the Illinois Central Railroad, operating south from Chicago, via Cairo, Ill., have each created an extent of expedited mail schedules within the past year that is much superior to those termed "special-facility" trains via Jacksonville, Fla., to Port Tampa; and some of these railroad systems have asked the Department to tell why it is that they ought not to be given the same consideration that has been accorded the lines via Jacksonville. There is, besides, far less reason for granting the special compensation hereafter than a year ago, as the ordinary compensation to the railway mail carriers which drew the special-facility allowance was on July 1, 1892, because of a reweighing, advanced more than 20 per cent, so that an extension of the special-facility allowance after June 30, 1893, means that it shall supplement an advance to the same lines of more than 20 per cent in the ordinary compensation allowed for the year closing June 30, 1892, and which continues thereafter.

Your letter of February 25, 1892, in reply to the inquiry from the chairman of the Committee on Post-Offices and Post-Roads, House of Representatives, furnishes in detail the views of the Department concerning special facilities, and I have therefore thought it proper to make it a part of my annual report, as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 25, 1892.

SIR: In reply to your inquiry of the 18th instant concerning the appropriation for special facilities, I have thought it worth while to invite your attention first of all to that portion of my last annual report appearing on page 69, headed "No railroad bonus needed."

In 1879, when railroad facilities were few and train service slow, Congress appropriated $28,000 in extra allowances for such railroad companies as could not afford to make schedules sufficiently numerous or fast. These sums were to be in addition to the payments of ordinary rates for railroad transportation. The quantity of mail matter was then perhaps one-half of what it is now, so that each of the companies by the natural growth of mail transportation has, since 1879, doubled its revenue from mail pay. At each weighing, moreover, there is a further increase of pay according to the increase of service. In view of this fact, and because abundant facilities were to be had without granting extra pay, and because of the frequent charge by railroad companies giving similar service without extra pay that the Department was discriminating against them, I have concluded henceforth to remove the embarrassments, so far as lies in my power, by not including in the budget for the next year any estimate for special facilities. This course, if approved, places all the transportation companies on exactly the same basis of pay. In the same connection it is proper to submit the following table and accompanying explanation taken from the last report of the Second Assistant Postmaster-General, as I believe it will, in comprehensive form, convey to you the information desired in relation to the manner in which the appropriation was expended in 1891. The expenditures of the amount estimated as necessary for the current fiscal year will, it is expected, be made pro rata to the same railroads to which the allowances were made in 1891.

[Here follows the table of the roads and the subsidy allowed to each, aggregating $295,421.79.]

No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both special and ordinary transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation. The continuance of the special facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and to some extent paralleling the roads which receive the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowances for ordinary mail and car transportation, independent of the special service, has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation, added together, ten years ago; and, as most of the special-facility routes will have their compensation readjusted commencing with July 1, 1892, when their pay, it is estimated, will be increased still further at least 20 per cent, this office has not felt satisfied in recommending the continuance, after June 30, 1892, of any portion of the present special-facility allowance.

The appropriations for special-facility service appear to have been started in 1879, and each year the expenditures have been as follows:

1879	$23,887.43
1880	49,314.64
1881	125,984.70
1882	202,478.30
1883	185,121.24
1884	184,821.24
1885	230,617.72
1886	251,340.84
1887	$265,372.81
1888	294,568.80
1889	280,012.87
1890	293,714.29
1891	291,565.73
1892 (estimated)	196,614.22
Total	2,928,695.68

The practice of compensating a few railroads upon a higher basis than others rendering the same or more satisfactory service has been the source of much annoyance, which year after year becomes more perplexing to the Department and hurtful to the general service, because it acts as a check to the extension of the fast-mail system in sections where it would work great benefits.

From the report of Postmaster-General Dickinson for the year 1888 I quote as follows, bearing upon the subject of special compensation to railroads:

"I do not venture an opinion as to whether or not the rate of compensation allowed by law is sufficiently liberal to secure for the Government adequate and the best service. It is certain, however, that the dissatisfaction caused by extra compensation to some and not to others has prevented, in some instances, cordial cooperation with the Department to secure much-needed improvement."

Postmaster-General Dickinson outlined in the above his strong belief that the appropriation for special facilities ought to be made sufficiently large to be applied all over the country, or that it should be cut off altogether; and had he continued in office it is reasonable to believe he would have ceased to make recommendation for any allowance of the kind after the quadrennial readjustment in 1889.

To your inquiry for the history of the special-facility appropriation I would reply:

The Department records do not explain its origin; but it is well understood that in connection with the establishment of a continuous service between New York and Cuba the railroads were asked to fix a continuous-service schedule. The permanency they were reluctant to guarantee until they had ascertained the extent to which the schedule could be used for general traffic. There is no doubt but that it was well understood by all interested, both in and outside of the Department, that the occasion for the special allowances was not likely to exist for more than a year or two, and that its termination would be satisfactory to the railroads as soon as the increase of the ordinary compensation made it apparent to the Department that the exceptional payments were no longer justified. The only reason I can give for its continuance so long is that each year the railroads have urged its retention for a little while longer, and it may be that intimation had been given that perhaps its discontinuance would be followed by the adoption of arbitrary train schedules that would disarrange the mail service.

In order that you may appreciate the extent to which the ordinary compensation of the railroads interested in the transportation of the West India mails has grown, I call your attention to the following table showing their payments by adjustment periods:

1879. $226,234.99 per annum.
1880. $270,233.54 per annum (increase $43,998.55, 20 per cent).
1884. $349,881.50 per annum (increase $79,647.96, 29 per cent).
1888. $476,386.36 per annum (increase $126,504.86, 36 per cent).
1892. (Estimated) $595,097 per annum (increase $118,710.64, 25 per cent).

FOR ORDINARY COMPENSATION ALONE.

The increase in 1892 over 1880 will exceed 117 per cent.

The increase of $118,710.64 in 1892 over 1888 is likely to be exceeded; but should it be no more, it carries with it an increase for the adjusted period of $475,842.56.

In addition, the allowance for special facilities to the same railroads in 1891 was $257,461.17.

It is in place for me to add at this point that the schedule to which the special-facility allowance now applies really possesses no marked advantages at this time for the advancement in either direction of the West India commercial mail, while it is believed it operates to the disadvantage of the commercial mails between the North and South, as will be explained further along.

More than 90 per cent of the business mail with Cuba is associated with New York; and, as between New York and Boston, including New England, 90 per cent is with New York. Practice has demonstrated that going out of New York the bulk of the mail is in readiness for dispatch by 8 p. m. Into New York nothing is accomplished in the way of the delivery of the letter mails arriving between 7 p. m. and 5 a. m. The largest and by far the most important mail for the South via the Coast Line route starts from New York at 9 p. m., and at 4 a. m. it has reached Washington, D. C. At 4.30 a. m. it leaves Washington, D. C., for Richmond and beyond, or as far as the regular schedules will advance it.

The so-called fast mail for which a subsidy is paid and that which is supposed to advance the West India mail leaves Jersey City at 4.45 a. m., and it need carry only such letter mail as comes into the New York post-office after 8 p. m. the night before, which is less than one-third of that ready to be dispatched at 9 p. m. The starting time from Jersey City, you will observe, is fifteen minutes later than the most important mail of the day before from New England, New York, Philadelphia, and Baltimore for the Coast Line route as far as South Carolina has passed Washington, and the natural conclusion is that the p. m. schedule out of New York has not been carried all the way through Georgia and Florida at a modern rate of speed, because doing so, primarily for mail purposes, would have rendered valueless the subsidized schedule.

In like manner the so-called fast-mail train north bound does not accomplish anything in the way of promoting the delivery of the West India mails at New York, because it reaches New York at 7.30 p. m., and the mail matter can not be made available for business purposes until after 8 a. m. of the day following.

Explaining more fully the statement that it is believed the continuance of the special payments operates to the disadvantage of the commercial mails between the North and the South, I would say: So long as the Department

continues payments for schedules that in point of time have practically remained stationary for years, the roads getting the allowances are guarded in so adjusting their through schedules generally as shall prevent the Department from fully utilizing the regular schedules and then abandoning, except for purely local service, the subsidized train. Ten years ago the commercial interests in some sections of the country did not fully appreciate the importance of starting the letter mails out of large cities in the evening and moving in the other direction into trade centers early in the day; and while ten years ago the so-styled fast-mail train may have had its advantages throughout Florida, it has not progressed as have train schedules generally, including a few other schedules upon this particular route, and the advancement of the mails by other routes between the North and South which are receiving ordinary pay alone has been much greater than upon the coast-line route. What I desire to emphasize is that the mail service between the chain of Northern cities, starting in New England and extending via Washington into those portions of South Carolina, Georgia, and Florida as are tributary to the coast line, is not such as the natural development of trade and population associated with railroad progress warrants. Because natural conditions have been permitted to prevail in other sections of the South allied to railroads not subsidized, the mail service with Atlanta, Macon, Mobile, New Orleans, and other cities of like importance has advanced.

The principal railroads have learned to value the liberality of the ordinary compensation for mail transportation, and praiseworthy consideration is being given to the adjustment of schedules that shall expedite primarily the most important of commercial mails. The distance between Washington and New Orleans via Atlanta is 1,144 miles. The time for the most important mail train averages 35 miles per hour. Between Cincinnati and Jacksonville via Chattanooga the most important mail service requires less than twenty-nine hours, the distance being close to 850 miles. Between Chicago and New Orleans the fast mail occupies less than twenty-nine hours; the distance is 925 miles. These and many other expedited schedules have been the result of conferences with the Department, and the railroads will be content to continue them for the ordinary compensation if they have the assurance of the Department that they are being paid upon as favorable a basis as is allowed other lines. The fast-mail service over the Iron Mountain system between St. Louis via Little Rock and Texarkana, and thence throughout Texas, from the Texarkana standpoint is not what it ought to be; nor is the continuous fast mail service deflecting at Sedalia, Mo., through Missouri, Kansas, Arkansas, the Indian Nation, and Texas via the Missouri, Kansas and Texas system what it should be. Again, the fast-mail service from a Louisville, Ky., standpoint into Kentucky, Georgia, and Alabama is not as complete as the Department aims to have it; but we can not look for hearty cooperation from all the railroads operating North and South so long as they can point to the special payments made to a few roads; and to many of our applications for expedited schedules the reply comes back that upon the promise of the Government that they shall be paid in like manner as the most favored they will cheerfully respond to requests for improved schedules.

Turning again to the mail service throughout the South via the subsidized Coast Line route, it will, I believe, be of interest to know that the subsidized fast mail beyond Washington does not average 32 miles per hour. Of course, over some portions of the route the speed is much faster than the average; but the Department, in dealing with the schedules upon a continuous route, must consider it as one interest, the respective managements comprising the line deciding which portions of the through route shall occupy more than its proportion of the time assigned between termini. That you may know the necessity of this train for other than mail purposes at this time, you should be told that it carries from Washington six coaches and sleepers, besides a baggage and a mail car. En route there occur some changes in the make-up of the train, but ordinarily it goes into Jacksonville with four coaches and sleepers, besides the mail and baggage cars. The section through which this route operates needs a fast-mail service corresponding with that of the Air Line Railroad system and others I have mentioned, and corresponding with those it is our earnest desire to have established. I mean a continuous schedule that shall leave New York, say, at 9 p. m., and at an average speed of 35 miles per hour beyond Washington could certainly reach—

	Subsidized train now arrives at—
Richmond, Va., at 7.56 a. m., instead of 8.48 a. m.	2.38 p. m.
Wilmington, N. C., at 3.10 p. m., instead of 6 p. m.	9.55 p. m.
Charleston, S. C., at 8.29 p. m., instead of 1.29 a. m.	5 a. m.
Savannah, Ga., at 12.56 a. m., instead of 5.29 a. m.	9.44 a. m.
Jacksonville, Fla., at 6 a. m., instead of 11.35 a. m.	12 noon.
Port Tampa, Fla., at 1.19 p. m., instead of 9.40 p. m.	9.40 p. m.

This schedule would practically make a large quantity of the Florida mail available one day earlier than it is now by the West India fast-mail train.

Coming north, a continuous schedule as slow as 30 miles per hour, leaving Port Tampa right after the arrival of the West India mails, would enable the through mails to leave Jacksonville at 3.30 a. m., now 8.30 a. m.; Savannah at 9.30 a. m., now 2.19 p. m.; Charleston at 1.34 p. m., now 7.01 p. m.; Wilmington, N. C., at 8 p. m., now 2.10 a. m.; Richmond, Va., at 4 a. m., now 9.51 a. m. Arrive at Washington at 7.40 a. m., now 1.31 p. m.; arrive at New York at 3.20 p. m., now 7.50 p. m.)

This schedule would, at New York, advance the through mails one day over present West India fast-mail schedule.

Coming north, 35 miles per hour would of course be better still, as it would advance the mails all along the route and bring them into New York ready for delivery about 10 a. m.

As I have already stated, the indications all tend to the belief, for the fear of jeopardizing the subsidy has acted as a check to continuous regular schedules at hours corresponding with through schedules prevailing elsewhere in the South. It is true, the subsidized service leaving New York at 4.30 a. m. carries out the morning newspapers, the advancement of which the Department would regret to see checked; but, as compared with the importance of the letter mail for the territory south of Richmond, Va., newspaper mail should not be permitted to delay the letters; in fact, there ought to be no occasion for retarding the newspaper, because the regular passenger business by itself calls for this train, and the extent of the mails, the growth of the ordinary mail compensation, and the requirements of the communities and commercial interests upon and contiguous to the Coast Line route have become such that without subsidy the railroad interests should not hesitate to respond to any reasonable schedules the Post-Office Department may request. If this is done, and schedules approximating those mentioned are enforced, and advantage is taken of the saving in distance caused by the construction of the Wilson cut-off, it will be possible within a year to revolutionize much important mail service associated with the route between New York via Washington, and Wilmington, N. C., Charleston, S. C., Savannah, Ga., Jacksonville, Fla., and into Florida, and as well promote the West India mails. This route will truly become then a fast-mail route in the sense that similar unsubsidized service exists elsewhere. It will fulfill all the requirements of the West India mails, and besides practically make available one day earlier than at present the mails of a wide section of Southern country. Until the people experience the changed conditions which will then exist they can not fully realize the great importance that will result from having their letters leave the North at the close of each day's business, and coming north, be delivered to correspondents sufficiently early in the day to be made available for the same day's business.

In this communication I have not deemed it necessary to dwell particularly upon the merits of a continuance of the subsidy to the two routes operating out of New York and that between Baltimore and Hagerstown, Md., principally because they have received but a small part of the special-facility payments. The general grounds, however, upon which the Department deprecates allowances of this kind, as explained in connection with the West India fast-mail route, can be applied with equal force to the remaining items of the last fiscal year's payments.

JOHN WANAMAKER,
Postmaster-General.

[Report of Postmaster-General, page xix, 1893.]

The fast-mail service between the North and South has recently been much enlarged. Following the coast line, its extent and rapidity will (commencing with December) be more complete than heretofore; and by means of the interior lines, it has recently been made possible to inaugurate a double daily fast-mail service connecting the great business centers of the North with New Orleans, by way of Atlanta and Montgomery. The hours of these trains are those most preferred by the Department, and it has thereby been rendered possible to accomplish connections which provide equally well for both letter and daily newspaper mails.

[Page 149, Report of 1893.]

SPECIAL FACILITIES.

The annual rate of expenditure for this service on June 30, 1893, was $196,614.16. This sum was expended as shown in the following statement:

No. of route.	Terminals.	Railroad company.	Miles.	Pay per annum.
108005	New York, N. Y., to Springfield, Mass.	New York, New Haven and Hartford.	135.73	$11,431.34
107011	4.35 a. m. train, New York to New Albany, N. Y.	New York Central and Hudson River.	144.00	16,066.06
113000	Baltimore to Hagerstown, Md.	Western Maryland	86.10	10,475.50
113001	Philadelphia, Pa., to Bay View, Md.	Philadelphia, Wilmington and Baltimore.	92.00	13,333.00
113013	Bay View to Quantico, Va.	Baltimore and Potomac.	80.01	14,000.00
114001	Quantico to Richmond, Va.	Richmond, Fredericksburg and Potomac.	81.50	11,612.84
114008	Richmond to Petersburg, Va.	Richmond and Petersburg.	23.07	2,806.85
114009	Petersburg, to Weldon, N. C.	Petersburg	63.54	7,730.70
118002	Weldon to Wilmington, N. C.	Wilmington and Weldon.	161.47	19,694.18
120002	Wilmington to Florence, S. C.	Wilmington, Columbia and Augusta.	110.00	13,383.34
120005	Florence to Charleston Junction.	Northeastern	95.00	11,556.33
120004	Charleston Junction to Savannah, Ga.	Charleston and Savannah.	108.00	13,140.00
121009	Savannah to Jacksonville, Fla.	Savannah, Florida and Western.	171.50	20,873.14
123018	Jacksonville to Sanford, Fla.	Jacksonville, Tampa and Key West.	128.18	15,244.83
123007	Sanford to Tampa, Fla.	South Florida	116.39	14,063.45
				195,614.16

The appropriation for the current fiscal year is $196,614.16.

As illustrating some of the roads which have, without any subsidy whatever, placed fast-mail trains at the service of the Government, I quote the following from the report of the Postmaster-General:

[Report of Postmaster-General, 1894, page 28.]

A number of very notable improvements in the way of expediting the delivery of mail matter have taken place within the past year.

In March last the Chicago and Northwestern Railroad put on a train due to leave Chicago at 3 a. m. for Milwaukee, Wis., Escanaba, Mich., Marquette, Mich., Houghton, Mich., and Ashland, Wis. This train, running as it does in connection with the fast mail from New York and all Eastern points, arriving in Chicago at 12.45 a. m., advances mail practically one day for a large section of Wisconsin and all of northern Michigan. It also places the Chicago morning papers in the hands of subscribers throughout all that section early on the day of issue.

The Chicago and Northwestern Railroad also, on April 11, 1894, put on a fast train from Chicago to Omaha, leaving Chicago at 3 a. m. and advancing mails for all points on the line of that road through Illinois and Iowa. This was supplemented, under date of October 28, by a change of schedule, which practically affords direct through fast-mail service, leaving Chicago at 3 a. m. and running to Deadwood, S. Dak. You can imagine that the benefits to the people along this line of road, in consequence of this expedited service, are very thoroughly appreciated.

On April 29 the Chicago, Rock Island and Pacific Railroad also put on a fast-mail train, leaving Chicago at 3 a. m., expediting mails for all points along that road and connecting lines through Illinois and Iowa.

While these three are probably the most important improvements in the way of expedited service that have occurred during the past year, it may be well to remark that the usual number of extensions and improvements have been made on smaller lines. These improvements, either in the way of new service, extension of old service, or frequency of service on old lines, aggregate about 8,000 miles of service—a very material advance.

[Report of Postmaster-General, 1894, page 173.]

SPECIAL FACILITIES.

In submitting the estimates for the fiscal years of 1893, 1894, and 1895, this office declined to include the item of "special facilities," for reasons heretofore stated.

Appropriations were made, however, for each of those years.

The annual rate of expenditure for this service on June 30, 1894, was $171,238.75, and the sum was expended as shown in the following statement:

[Here follows statement.]

The appropriation for the current year is $196,614.22.

No estimate is submitted for the next fiscal year.

This was the first year in which the subsidy was allowed to the lines now receiving it.

[Report of Postmaster-General, 1895, page 174.]

SPECIAL FACILITIES.

In submitting the estimates for the fiscal years 1893, 1894, 1895, and 1896, this office declined to include the item of "special facilities," for reasons heretofore stated.

Appropriations were made, however, for each of those years.

The annual rate of expenditure for this service on June 30, 1895, was $171,238.75, and the sum was expended as shown in the following statement:

[Here follows statement.]

The appropriation for the current year is $196,614.22.

No estimate is submitted for the next fiscal year.

So it will be seen by going through the reports of the Postmasters-General and of the Second Assistants, year after year to the present time, with but a single exception, that of the report of the Postmaster-General in 1895, every one of these reports discountenances the further allowance of this subsidy.

There is another point which is alluded to in this report which I have just read to which I wish to call the attention of the House, and that is that every four years there is a new weighing of these mails. With each new weighing there is an increase in the allowance for the ordinary transportation. This increase averages between 20 and 30 per cent. So that if these railroads, with the compensation which they had ten years ago and the subsidy which was then given to them gratuitously, could afford to carry these mails, they can surely now far better afford to carry them on the ordinary compensation. Let me read to you the figures of some of these increases since the last weighing.

On the Southern Railroad between Washington and Lynchburg the present weighing shows 54,376 pounds per day. The last weighing before showed 39,071 pounds per day, or an increase of over 15,000 pounds per day.

Between Lynchburg and Danville Junction the increase was from 30,736 pounds to 45,396 pounds, or an increase of 50 per cent. Between Danville Junction and Atlanta there was an increase from 32,453 pounds to 55,636 pounds, or an increase of 23,000 pounds between the two weighings. From Atlanta to West Point the increase was from 20,000 pounds to 27,975 pounds. Between West Point and Montgomery the increase was from 19,000 pounds to 26,661 pounds. Between Montgomery and New Orleans the increase was from 17,577 pounds to 25,469 pounds.

Now, here was an average of about 30 per cent increase in the weighing, and therefore an increase to that extent in the compensation. I showed to you yesterday that the ordinary compensation paid to these roads was over $1,000,000 a year under their last weighing. An increase of 20 per cent means $200,000 that they will get more than their last weighing, which will more than make up the entire subsidy that they have heretofore been allowed.

Gentlemen on the other side have attempted to make some point because of the fact that, in the consideration of the appropriation bill last year, I recommended and tried to secure an amendment to the bill appropriating for fast-mail facilities out of my city. I stand, as I said yesterday, just where I did then. I believe that if a fund can be placed at the disposal of the Postmaster-General, to be used by him judiciously and with discretion for favoring particular fast mail trains which could not otherwise be run, and if the benefit to be derived from that fast-mail service would be sufficient to warrant the expenditure of that money, I believe that to be a perfectly proper expenditure. I believe, too, that this fast-mail fund could be distributed through the country to do a good deal more good than this special subsidy which has stood upon the statute books for the last twenty years.

I have shown you that the amount of mail which is carried by this Southern road is insignificant compared with that carried by the great trunk lines of the country, which receive no subsidy. I appeal to you whether it is fair that this road, or this system of roads, after being paid the full maximum compensation for the carriage of the mails, after being paid the regular rate for the transportation of the mail cars, should, in addition to that, be given a bonus or gratuity which is given to no other road in the country, when other roads perform equally good, if not better service than this road. It is not that I am opposed to subsidies; it is that I am opposed to special favoritism and the granting of this particular subsidy to the exclusion of other roads performing equally valuable and meritorious service.

Now, Mr. Chairman, I want to reserve the remainder of my time. How much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. SWANSON. I yield five minutes to the gentleman from New Jersey [Mr. Gardner].

Mr. GARDNER. Mr. Chairman, it seems to me that the standing of this question, in more than one aspect, before the committee at the present moment, is more extraordinary than anything of the kind I have noticed during the time I have been a member of this House. The gentleman from Ohio in his closing sentences announces, as he has before, that he is in favor of what he erroneously calls subsidies to expedite the mails. Consistent with that belief, the gentleman himself, and others who are opposing this item in this bill, have from time to time offered amendments and made efforts to get items which they wanted in appropriation bills. The result is that we are here listening to gentlemen making bitter onslaughts upon an item in an appropriation bill who do not object to it, but whose quarrel is with the rules of the House. Favoring general subsidies, as they call them, as they admit, they have attempted to get them by only the single method of ingrafting them on appropriation bills, contrary to the rules, and now have a quarrel with the rules, attacking a bill and an item that has been habitually placed in it.

That is the position of the gentlemen, if I understand them. The gentleman from Ohio [Mr. Bromwell] yesterday piled up a mass of figures and printed them in the Record this morning. It is a formidable array, but permit me to say, Mr. Chairman, with due respect, that his figures are as meaningless as formidable. Isolated figures taken from one corner, if I may so express it, of a great system of mail transportation and printed in the Record mean just as much as if they had been extracted from the report of the Secretary of the Navy or the Secretary of War, or from any other source, and not connected with the whole system under discussion, so as to give a view of it that would enable members of the House to understand their significance. These figures as to a portion of the system, the whole magnitude of which is not brought into view, the different parts of which are not exposed in the argument to our observation, I repeat, have no significance as placed in the Record.

Now, permit me again to say (and it may not be the gentleman's fault) that I am unable to understand him in his presentation of this case. These figures seem to be directed at the Pennsylvania Railroad, without showing what proportion of the mail service of the country it performs. This morning, however, the gentleman continues his travel south, and tells us how insignificant is the southern end of this service as compared with other lines, in which he includes the Pennsylvania Railroad, between New York and Philadelphia. In other words, he attacks one end of the system on one day and on the following day another end, and attempts to belittle it by showing the magnitude of the end which he attacked the day before. It may be my fault that I can not understand that method of comparison.

Now, these gentlemen—or the gentleman from Ohio, and I might say the chairman of the committee, in his remarks yesterday—tell us how much the mails ought to be transported for; wherein we are paying too much; how they are unnecessarily delayed at certain points, and what railroads might do in the way of schedules. In other words, for the purposes of this discussion, they turn railroad experts and tell us all about possible schedules. Why, sir, if any one of them were appointed to-day to take charge of 38 miles of railroad between Washington and Baltimore he would no sooner undertake to schedule the trains over it than he would deliberately commit murder, because he would feel that if he, in his inexperience, in his absolute want of knowledge in scheduling railroad trains, should undertake to make one and run trains by it, it would be equivalent to wholesale slaughter. But when it comes to making a schedule for the mails, lo and behold, they know all about it! Moreover, Mr. Chairman, it may not have escaped observation that there are two other ends of their argument which do not seem to agree. When these gentlemen are talking about what the railroads between New York and Philadelphia get, and what the railroads between Philadelphia and Washington get, and what the roads from Washington south get, they say they get entirely too much. Then they throw out as a taunt that the item intended to cover transportation from Boston to New York is never used. That is done to catch the New England votes. Why, sir, it is not used because the amount is not enough to induce the railroads between Boston and New York to come into the arrangement. So, Mr. Chairman, the system is condemned by them because on one end it pays too little, and the other end pays too much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANSON. I yield five or ten minutes to the gentleman from North Carolina [Mr. Pearson].

Mr. PEARSON. Mr. Chairman, the gentleman from Ohio [Mr. Bromwell] has undertaken to show that this particular provision is not only exceptional and extraordinary, but that it is singular, as tested by the general tenor of this bill. I desire to call the gentleman's attention to certain other items in the bill, which I dare say will command his support. This bill appropriates $80,000 to expedite mail matter—where? To the islands in the Pacific Ocean. Extra compensation for carrying the news to the South Sea savages! I ask the gentleman from Ohio whether he thinks that the Republicans and the Democrats of the South, or even the Populists, are entitled to less consideration here than the savages in the South Pacific? In the next place the bill appropriates $40,000 for transferring foreign mail from incoming steamships in New York Bay. Does the gentleman not believe that domestic mail is as important to us as foreign mail may be to him? The bill appropriates for horse-hire allowance $370,000; for car-fare and bicycle allowance, $175,000. It appropriates $50,000 for transportation of mail by pneumatic tubes or other similar devices. Now, every one of those items is intended for the same purpose as this; that is, to expedite or hasten the delivery of mail matter.

Mr. Chairman, I wish to say here, not only on behalf of my own people, but in behalf of all other people in that vast stretch of country from the Potomac to the Rio Grande, that every man and woman and child in that stretch of country receives mail earlier by reason of this provision.

Mr. WILLIAM A. STONE. How much earlier?

Mr. PEARSON. I will give the gentleman the exact figures.

Mr. WILLIAM A. STONE. That is what I want to know.

Mr. PEARSON. The statement to which I am about to refer comes from the first vice-president of the Southern Railway, a man thoroughly familiar with the facts, not only as they now are, but as they have been; a man who is of absolutely unquestioned truth and integrity. I will say to the gentleman from Pennsylvania that the mails are so much earlier at different points as is shown by the paper I hold in my hand. By this increased facility between New York and the South the mails are expedited about twelve hours—I am afraid the gentleman does not want this information as much as he supposed—about twelve hours to Danville, Va., Greensboro, N. C., Salisbury, N. C., Charlotte, N. C., and Atlanta, Ga.; fourteen hours to Montgomery, Ala.; about fifteen hours to New Orleans and Birmingham; twelve hours to Memphis; fourteen hours to Houston, and from twelve to fifteen hours to all points in the Southwest.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. PEARSON. Wait a moment. Now, I will say to my distinguished friend from Pennsylvania [Mr. William A. Stone], who is an up-to-date man, that the question is simply whether we ought to get in our mail the news of to-day or the news of yesterday—news that comes in the form of papers from his own section of the country—shall we have that fresh and hot, or shall we get it when it is "stale, flat, and unprofitable?"

I know as a matter of personal experience that at Asheville, where I reside, we get our mail now fourteen hours earlier than we did under the original arrangement. The Government is paying something additional for this service because the railroad is inconvenienced by its performance. But our people of all parties are very much benefited. Now, the gentleman knows that we want intelligence—those of us who support this bill—we want it hot and fresh, and I know he is not inclined to come in here and take from this broad stretch of country such facilities as these.

The gentleman knows something about the internal-revenue laws and about the pension laws. He knows that these people for whom I especially speak pay more money into the Federal service every year than they receive from the Government in any form. We vote here about $140,000,000 for pensions in twenty minutes. We are asking now for what? For the one five-hundredth part of the total amount which this bill carries.

Mr. WILLIAM A. STONE. Let me ask this question: If this provision were stricken out, would you all get your mails from ten to fourteen hours later than you now get them?

Mr. PEARSON. I know of no way of judging the future except by the past. I know that before this fast schedule went into operation we would get the New York papers in our town at 2 o'clock on the day following their publication, whereas now we get them on the night of the day of publication.

Mr. WILLIAM A. STONE. How long has the provision for these fast-mail facilities been carried in this bill?

Mr. PEARSON. So far as the present system of railroads is concerned, I think about three years or four.

Mr. LIVINGSTON. Since 1893.

Mr. PEARSON. The system in operation before the present was by the Atlantic Coast Line.

Mr. WILLIAM A. STONE. And the system has been entirely satisfactory to that portion of the country known as "the South," has it?

Mr. PEARSON. The gentleman's question is now becoming too vague.

Mr. WILLIAM A. STONE. What I ask is whether the operation of this system has been entirely satisfactory?

Mr. PEARSON. Perfectly so.

Mr. WILLIAM A. STONE. And the States that the gentleman has named in reply to my question, or the central portions of them, are now receiving their mail much more promptly by reason of this provision?

Mr. PEARSON. Not only that, but, as the gentleman from Virginia [Mr. Swanson] said yesterday, this system is like a pipe line—like the main line that carries water—its benefits reach portions of the country which are not immediately on that line. For instance, I reside on a branch system 145 miles away from Salisbury, but I get my mail from New York on the day of its date.

Mr. WILLIAM A. STONE. I am entirely satisfied with the gentleman's explanation.

Mr. PEARSON. I want to call the attention of the gentleman from Pennsylvania to certain points stated in the letter of Vice-President Andrews. He says: "We are required to hold the Southwestern limited as well as the United States fast mail indefinitely, for trains from the North." In other words, Mr. Chairman, that railroad company has put this train service at the command of the Postmaster-General, and if I can for a moment reach the left ear of the gentleman from Ohio [Mr. Bromwell] successfully in response to what he has heretofore said about the question under discussion, that the trouble was that the Postmaster-General could not exercise his discretion, does he not know that the Postmaster-General does exercise his discretion in the distribution of this fund, and that he has exercised it in the past? The appropriation for last year, for instance, was $196,000. And yet the gentleman does not seem to have observed that the amount expended was but $153,000.

Mr. BROMWELL. One hundred and seventy-one thousand dollars.

Mr. PEARSON. If you will refer to the report of the Postmaster-General, you will find that the amount is $153,000.

Mr. BROMWELL. I have the report before me showing the amount.

Mr. PEARSON. But, however that may be, it shows that there is an exercise of discretion in the Postmaster-General with reference to the expenditure of the funds; and it may be in a short time the Postmaster-General will himself be an Ohio man, and in that case, of course, he will be heroic enough to withstand all importunities on the part of people who would tempt him to act against the public interest.

But, Mr. Chairman, I will not detain the committee longer, and only appeal to my friends from the North on this floor to recognize the fact of this great convenience and advantage to the people of the South, who get but little from the Federal Treasury in proportion to the amounts they pay in.

Mr. PERKINS. Before the gentleman takes his seat, I would like to make an inquiry.

Mr. PEARSON. I yield to the gentleman with pleasure.

Mr. PERKINS. I would like to inquire if it is the judgment of the gentleman from North Carolina that Southern people generally, as interested in this appropriation, are in favor of subsidies?

Mr. PEARSON. The question of the gentleman is vague and indefinite, and would be followed by the subjunctive if propounded in Latin. I leave it to the gentleman to form his own conclusion on the subject.

Mr. AITKEN. Is the object in giving this subsidy to get more rapid mail service through this region?

Mr. PEARSON. That is the purpose and the effect of it.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. AITKEN. I ask if that is the fact? Is the fast mail train to which the gentleman has referred accomplishing this result?

Mr. PEARSON. Nobody can dispute the statement of Vice-President Andrews, to whom I have already referred. There is not a more truthful man in this body, and his statement is worthy of every consideration.

[Here the hammer fell.]

Mr. SWANSON. I hope the gentleman from Ohio will use some portion of his time, as I have but fifteen minutes remaining.

Mr. BROMWELL. I have only seven minutes left, and I think the gentleman should use a part of his.

Mr. SWANSON. I yield to the gentleman from Missouri [Mr. Hall] for five minutes.

Mr. HALL. Mr. Chairman, I did not expect to speak on this matter at all. I am opposed to all subsidies; but I will answer the gentleman from New Hampshire by suggesting that if this were a subsidy, I should certainly be opposed to it. But in the first place this is not a subsidy, being only an additional compensation for service performed by a railroad company, a company doing extra work; therefore there is no element of subsidy whatever that enters into it. While that element may enter into the discussion here, it has no bearing upon the question, although the gentleman from Ohio has succeeded in doing admirably here everything to befog the question in the minds of the Committee of the Whole, which, however, he was not successful in accomplishing in the Post-Office Committee.

That committee, after a full consideration of the matter—and I do not know that it would be proper to state by what overwhelming majority it was carried—but the idea in the minds of the committee was fully embodied in the proviso, to which reference has already been made, in the following words:

> *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

In order to promote the rapid distribution of the United States mail—the interest of the postal service—that was the idea that the committee had in framing this proposition.

Now, Mr. Chairman, can we trust our Postmasters-General? I say we can, and we have trusted them, especially the two who have had control of this matter in the past, General Bissell and Mr. Wilson, and intrusted them implicitly, and I have no fear that we will ever have occasion to entertain doubt on that subject. We will possibly, in a short time, have a Postmaster-General put in by a fellow-citizen of the gentleman from Ohio himself, who opposes this proposition, who will be eminently trustworthy to use the appropriation as provided by law in the best interest of the Government, and will not expend the appropriation at all unless it be expended for the more efficient performance of the postal service of the United States.

For that reason I can not see the element of subsidy claimed to be embodied in this proposition, for it is only additional pay for extra services performed by the railroad company, and it is placed in the hands of the head of that Department, in whom we may implicitly trust, without regard to party, that it will be properly administered.

That is all I desire to say upon the subject.

Mr. BROMWELL. I yield now two minutes to the gentleman from Massachusetts [Mr. Simpkins].

Mr. SIMPKINS. Mr. Chairman, the proposition before the committee is a simple business one. It is to give a certain fixed and definite amount of money to railroad companies for the better transmission of mails between the cities of Boston, Mass., and the city of New Orleans. Now, I think that as business men we should see if this money is really needed, and, if expended properly, what the results will be. What, then, are the facts?

It was brought out yesterday in the course of the debate that no part of this money was used in the New England States between Massachusetts and New York, and because of that fact there is a provision on page 8 of the pending bill which provides that money thus appropriated and not expended may be spent by the Postmaster-General at his discretion anywhere indefinitely throughout the country for other purposes in connection with the mails, showing on the face of it that the committee know that the money is not needed and is not to be spent in New England.

Now, what are the facts with regard to the transmission of mails from New York to Washington, that part of the appropriation which is received by the Pennsylvania Railroad? As I understood him, it was the contention of the gentleman from Virginia [Mr. Swanson] here yesterday that a fast mail train left New York at 4 o'clock in the morning, which would not leave at that time if it were not for this appropriation. Now, what are the facts? If I am correctly informed, that train is essentially a newspaper train. It connects with the Federal and Colonial Express, which is a passenger train from Boston, leaving there at 7 o'clock at night and reaching Washington at 11 in the morning. It stops at Jersey City. It does not take passengers, but takes the New York morning papers, so that they may be delivered early in this city. Those papers would be sent whether this appropriation were made or not. Moreover, there is a train that leaves New York at 12.15 p. m., fully late enough for the New York mails. That train arrives in Washington and connects with this newspaper train which leaves New York at 4 o'clock. No time is saved. They both leave Washington at 11 o'clock in the morning.

I for one do not think that the Pennsylvania Railroad needs this appropriation. I do not know what is the condition of the railroads in the South, but I do know that this appropriation is not asked for by the Postmaster-General. I do know that he does expend a part of the money. I do know that it is necessary for the executive to be in accord with the legislative branch, and that the Postmaster-General may well assume if this House, after debate, deliberately appropriates a certain sum of money, that they do so for a needed purpose, and that he is expected to pay it out. And I do know that the gentleman whom I see standing there wishing to interrupt me [Mr. Livingston], and to whom I have not time to yield, has criticised Mr. Morton, the Secretary of Agriculture, for not expending for seeds money appropriated by this Congress. So I for one do not blame the Postmaster-General if he has spent the money that this Congress has appropriated; but I contend that he has not asked for the money, and that it, or at least a great part of it, is not needed and should not be appropriated.

Mr. AITKEN. Will the gentleman permit me a question?

Mr. SIMPKINS. Certainly.

Mr. AITKEN. Is not this fast mail train four hours slower between Washington and New Orleans than the regular passenger train?

Mr. BROMWELL. Yes; it is.

Mr. SIMPKINS. I have been so informed, Mr. Chairman.

Mr. BROMWELL. Mr. Chairman, just a word or two more. The gentleman from North Carolina [Mr. Settle] quoting from this letter of the first vice-president of the Southern Railroad, makes the statement that by this increased facility, the mails are expedited twelve hours to Danville, Va., and so on, and about fifteen hours to New Orleans. Now, I see by the schedule which is published on the same page of the Record that the train which leaves New York at 4.30 a. m. reaches Danville at 6 p. m. If the mails are expedited twelve hours between New York and Danville, that can only mean that the running time is now twelve hours less than it would be for these mails if it were not for these special facilities. Or, in other words, that the New York mail, leaving at 4.45 in the morning, could not get to Danville, Va., until twelve hours after the present time, which would make it 6 o'clock the next morning. Or, to make it more clear, it would take twenty-six hours for the mail to go from New York City to Danville if it were not for these special facilities. Why, the thing is absolutely absurd on the face of it. He says that the mails between New York and New Orleans are expedited fifteen hours. The running time now between New York and New Orleans by the table published on page 1849 of the Record is thirty-four hours. Add fifteen hours to that and it would make forty-nine hours. I want to say to gentlemen of this House that you can send your mail by way of Washington and Cincinnati and over the Southern Railroad to New Orleans in forty-one hours, and we do not think that is very fast traveling; and yet the gentleman says that it would take forty-nine hours to go from New York to New Orleans if it were not for these special facilities.

Now, I am told by the Post-Office Department that if this subsidy is withdrawn it will not make a minute's difference in the schedule of these trains. They are running these trains not to suit the convenience of the Department, but to suit their own convenience and their power to make money by running the trains as they do.

Mr. LIVINGSTON. May I suggest——

Mr. BROMWELL. If they did not run the trains to suit the Department they would not get the weighings, they would not get the ordinary compensation. The mails would be thrown to other lines that would send them promptly, just as now they are sent out of Chicago on those lines which will handle them most advantageously for the Department.

[Here the hammer fell.]

Mr. SWANSON. I want to say, in conclusion, that this is a recommendation made by the Post-Office Committee. This matter has been fought out in committee, and has been fought out in the House, and, as the gentleman from Massachusetts [Mr. Simpkins] and the gentleman from Missouri [Mr. Hall] said, the simple question is, Is this expenditure a business proposition?

Now, let us determine whether the Government gets sufficient pay in facilitating and expediting the mails from New York to New Orleans by giving this amount. Let us see what mails are concerned in that. As the gentleman from Ohio [Mr. Bromwell] has confessed, the entire foreign mail to Cuba and the West Indies goes from New York to Atlanta, from Atlanta to Tampa, and at Tampa they make connection with a steamer, and the steamer takes the mail to Cuba. This bill gives $1,800,000 to expedite foreign mails, and yet the very schedules which the gentleman has read, which can not be controverted, show that the foreign mails to Cuba alone, which are more important than the foreign mails to the Sandwich Islands, are greatly expedited to Tampa, and there make connections with the steamers, which was never done before. So the gentlemen can not antagonize that and support other provisions in this bill without being open to the charge of inconsistency.

I will go further. They make connections at New Orleans since this provision has been given which were never made before.

Until the last two years the mail used to get to New Orleans at night, after the Houston train had left—the train that carries the mail to Mexico and all down that way. The mail arrives in New Orleans and is distributed and makes connection with the Houston train the same evening, and this expedites it from fifteen to sixteen hours.

Now, let us go further. Let us see what they get. What does this provision say? It says to be used at the discretion of the Postmaster-General. If he is satisfied that the $170,000 is necessary to expedite mail, should he get it he should use it. If it is not necessary and does not expedite the mails, he has got no right under the provisions of this bill to use it. It is discretionary absolutely with him. Why, we give $150,000 here to get bicycles, for what? To expedite mails to people in cities, and yet here in this provision only about the same amount, $150,000, is given to expedite the mails for fifteen States. The gentleman from Ohio [Mr. Bromwell] says it is a useless and worthless expenditure of money.

Now, what does the railroad do, and why do not other railroads do it? Why, if they receive this money for this purpose, they have to allow the Department at Washington to fix the time of their trains leaving, the places where they shall stop, and the connections they shall make. Take the train from Danville to Washington. There is a train leaving at 8 o'clock in the morning. It does the entire local passenger work between Danville and Washington, but they put on an extra train which leaves at 11 o'clock. Why did they do so? Because the 8 o'clock train does not make the connection with the trains from the North. That 11 o'clock train only makes about two stops between Washington and Danville. It is the same way with the New York train, and the train to Atlanta through to New Orleans, and as to all these through trains the Department takes the privilege of controlling these trains, controlling their connections, in order to facilitate the mails, not to facilitate the travel of passengers. The reason why the railroads from Boston to Washington do not use the $24,000 is because the railroads refused to give the Government power to fix their schedules. Why, if a man were running a simple wagon line and he allowed a grocery man for whom he was carrying a lot of groceries to fix the time of his leaving and the stops he should make he would charge something for giving that privilege to the grocery merchant. That is all that this railroad does.

Now, let us see whether they are getting too much or not. The gentleman from Ohio [Mr. Bromwell] in arguing proves they are not. The Atlantic Coast Line once received this appropriation. At that time the schedules of the trains and their connections were controlled by the Post-Office Department. They were compelled to start a train from New York City at 4 o'clock in the morning. In doing so they got no passengers. They were only doing mail work, and they refused to take the appropriation and so got back the control of their own trains. Why, they said that they lost more profit by the loss of passengers than they made by carrying the mail with the extra compensation paid. Now, this so seriously deranged business that business organizations and chambers of commerce met and requested the various roads to try to get these mail facilities like they used to be. Then the Southern road took the contract and facilitated the mails more than they ever had been before. Why did the Atlantic Coast Line give it up? Why did it refuse to let the Department run its trains and fix its schedules and facilitate the mails instead of facilitating the passengers? Because it thought the compensation was too small for the rights and privileges surrendered by the road. It resulted in a loss to the road.

Now, gentlemen, in conclusion, this is a very small sum of money. It facilitates the mails of ten or fifteen States. This bill carries an appropriation of $50,000 for pneumatic tubes, as the gentleman from North Carolina stated; and what for? To give mails quickly to a man—to give it to him a minute or two earlier. Yet when the people of fifteen States seek to have their mails expedited twelve or fifteen hours, gentlemen say it is an expenditure not justified by the benefits that accrue from it.

Now, I ask you gentlemen at the North, you gentlemen at the West, to help us to retain this provision. It is a great deal to us. It means a great deal to us in getting our letters and conducting our business, our commerce and trade. It is a small sum of money, but it would derange our entire railroad mail connections if the railroads should be allowed to fix their schedule of time of giving us our mail, and not the Post-Office Department. Consequently I insist, on behalf of the people from our entire section, that this provision shall be continued, and give us the mail facilities we now have, and not to take them away from us.

The CHAIRMAN. The Clerk will now report the first section of the bill.

The Clerk read as follows:

> For pay of letter carriers in new offices entitled to free-delivery service under existing law, $140,000.

Mr. HARDY. Mr. Chairman, I would like to ask the chairman of the Committee on the Post-Office and Post-Roads to state whether in his opinion this appropriation of $140,000 will be devoted exclusively for the establishment of the free-delivery system in the cities that are now entitled to it. I have consulted with the head of the free-delivery system of the Post-Office Department, and his request was that this appropriation should all be made in a lump sum. It is here segregated, and I am of the opinion that the segregation of the appropriation makes it absolutely binding on the Postmaster-General to use this $140,000 for the establishment of free delivery in the cities now entitled to it.

Mr. LOUD. I offer the following amendment.

The Clerk read as follows:

> In line 1, page 3, strike out "one hundred and forty" and insert "ninety."

Mr. LOUD. In answer to the question of the gentleman from Indiana [Mr. Hardy], I will say that prior to last year the appropriation for the support of the free-delivery service was all made in a lump sum. Last year we segregated the different items. This year the estimates were again submitted in lump; and we have again segregated the items. We have put in a new segregation the amount of money to be used for the pay of letter carriers in offices entitled to free delivery under the existing law. We thought it advisable to insert this provision in order that the service might be extended to towns and cities now entitled to it under the law rather than have a further extension such as has been made in the last few years in the cities. The bill as reported carried $140,000 for this purpose. On consultation with the First Assistant Postmaster-General yesterday morning, I found that he had made a mistake in his new segregation; and he now says that he can put the free-delivery service in every office now entitled to the same under the law for $90,000 during the coming fiscal year.

Mr. HARDY. Mr. Chairman, I understand from the chief of the free-delivery system that there are now over one hundred cities that are entitled to this system. I know that the town in which I reside has been entitled to free delivery for years. But we are unable to get it because of the insufficiency of the appropriations. Now, if there are one hundred and more offices entitled to free delivery, I do not think that $140,000 is too much to appropriate for this purpose. Whatever portion of the appropriation may not be used can be turned back into the Treasury.

I hope the Committee of the Whole will vote down the amendment offered by the chairman of the Committee on the Post-Office and Post-Roads and retain in the bill the appropriation of $140,000, in order that the smaller cities of the country may enjoy the benefits of the free-delivery system as well as the large cities. The tendency of the Post-Office appropriation bills and the policy of the Post-Office Department have been to extend the free-delivery system in the cities of the country to the detriment of the smaller towns. I hope, therefore, the amendment of the gentleman from California will not be adopted.

Mr. HEPBURN. I desire to ask the chairman of the committee [Mr. Loud] whether in his opinion $90,000 will be sufficient to give the free-delivery system to all of the cities of the United States that have the right to it by reason of population or by reason of the amount of postal receipts?

Mr. LOUD. I have already stated that the First Assistant Postmaster-General told me yesterday morning that $90,000 would be sufficient for free delivery in every city and town now entitled to it under the law. Admitting that there are, as the gentleman from Indiana says, 100 towns now entitled to the free-delivery system, I will state that it does not require on an average in these towns over three letter carriers, at $600 a year, to perform this service. It would be impossible to establish all these offices on the 1st of July next. It would require, they tell me, six or seven months before the Department could possibly complete the establishment.

The gentleman from Indiana [Mr. Hardy] has evidently worked himself into a great state of excitement, when in fact the committee has put this bill in such a shape as to make it compulsory to extend the service in the very direction that he is praying for. This is the second case happening within my knowledge in this House when the Post-Office Committee have made possible the accomplishment of a certain object by a segregation of items, and the proposition attacked on the floor of this House and defeated. One year ago the segregation made by the Post-Office Committee with reference to the free-delivery service was for the very purpose of suppressing what we believed to be the illegitimate use of money devoted to what was called "the spy system." Only by the segregation of items, permit me to say in perfect candor, although there were but two Republicans in this House who stood with the committee—only by that very segregation that we made could "the spy system" have been suppressed. Had the Post-Office Committee reported the bill to this House in the form in which it had previously been reported for many years—carrying a lump sum—the House would have accepted it, just as the bill in that form had been accepted year after year; and you could not have made a segregation intelligently on this floor, because it required the work of two men for one month to get the information and prepare the items.

Now, if we had brought into this House in a lump sum the appropriation for the support of this service, you would have accepted it as you had accepted it year after year. But the committee in its wisdom saw fit to segregate the items and to specify the particular amount of money which should be used for this very purpose. Only by this segregation could gentlemen accomplish the purpose they desire. If the amount of increase proposed be given in the general item for the free-delivery service, then the First Assistant Postmaster-General can use this extra amount for such purposes and in such manner as he sees fit.

The committee, as I have stated, thought it advisable to suspend the further extension of the free-delivery service in the cities, because we believed that the cities of this country have already sufficient carrier service to perform free-delivery duty; and we believed that all extra amounts appropriated should be devoted to the extension of the service to cities and towns which are entitled to it under the existing law. And if the First Assistant Postmaster-General says that $90,000 will be sufficient, why should we appropriate $50,000 more than he asks?

Mr. BELKNAP. I observe that the estimate for this branch of the service is $180,000. Now, as I understand, the committee do not propose an extension of this service in the cities at all, and they are convinced that $90,000 will be sufficient to meet the demand in the new offices.

Mr. LOUD. If you leave this item as it is reported in the bill, you will not get one dollar of the amount for the extension of the free-delivery service at the points in the larger cities where you think it ought to be extended, and I assume the gentleman to be specially interested in such localities.

Mr. HENRY of Indiana. Why?

Mr. LOUD. Because the item specifies that the appropriation shall be used for the pay of letter carriers in new offices entitled under the law to this system.

Mr. HENRY of Indiana. You mean, there will be no extension of the service where it now exists.

The question being taken, the amendment of Mr. LOUD was agreed to.

The Clerk read as follows:

> For incidental expenses, including letter boxes, package boxes, posts, satchels, repairs, marine free-delivery service at Detroit, etc., $90,000; in all, $13,274,000: *Provided*, That said marine free-delivery service at Detroit shall be performed by the use of rowboats and not by the employment of a steam launch or boat: *And provided further*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent.

Mr. BURTON of Ohio. Mr. Chairman, I desire to raise the question of order——

Mr. LOUD. If the gentleman will allow me, the committee has two amendments to offer to this paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

> Insert in line 7, page 3, after the word "including," the words "twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum."

Mr. LOUD. I will state, Mr. Chairman, that in the segregation of the items made by us for the Department, they neglected to incorporate this as one of the items of incidental expense. It has been provided for for years past, and the Auditor assumes that if it is not mentioned here specifically they can not be continued, as they are salaried officials at $900 per annum.

I ask a vote on the amendment.

The amendment was adopted.

Mr. LOUD. Now, the other amendment which I ask to have read is to correct the total amount.

The Clerk read as follows:

> In line 10, on page 3, strike out the words "seventy thousand dollars" and insert "twenty thousand dollars."

The amendment was agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I desire to raise the point of order on that part of this paragraph beginning in line 10 with the word "*Provided*" and extending to and including the word "boat," in line 13, being the following language:

> *Provided*, That said marine free-delivery service at Detroit shall be performed by the use of rowboats and not by the employment of a steam launch or boat.

That provision, Mr. Chairman, changes existing law. It is apparent from the last line of the proviso itself that the present method for performing the service is by a steam launch. We may, I take it, go outside of the record and make the statement that this is the manner in which the service has been performed.

Specific appropriation was made for this marine service in the Post-Office appropriation bill that passed the House last session, in these words:

> For marine free-delivery service, $3,500.

From this it appears that the authority given to the Post-Office Department was general in its nature. This proviso makes an essential difference, and imposes a limitation on the methods in which the service can be performed hereafter.

I must say that I am somewhat influenced by the policy of such a change, it being so decidedly a backward rather than a forward step. But I maintain also that this is in violation of parliamentary law, which, I take it, it is scarcely necessary for me to read. The twenty-first rule, second paragraph provides:

> That no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress—

And the last clause is that portion of the rule to which I particularly invite the attention of the Chair in the following words:

> nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Briefly summarizing, then, this provision is so vital a limitation upon the law, as heretofore enforced, that it changes, or rather destroys, the existing law.

Mr. DOCKERY. If the gentleman will allow me to suggest, without going into the merits of the question, clause 2 of Rule XXI provides that no change of existing law shall be made on an appropriation bill, nor shall any appropriation be made for any expenditure not previously authorized except in pursuance of a public work or object already in progress. That is the rule, it is true; but the question would arise whether or not the change of method of accomplishing that object—the object itself being continuous—would be subject to a point of order. The change of a method of accomplishing such an object would not seem to be a change of law.

Now, in one case this object was accomplished by the use of a rowboat, in the other by the use of a steam launch; I do not know which is the better method. But I suggest to the Chair, with all due deference, that it is a very doubtful point of order.

Mr. BURTON of Ohio. It seems clearly to be new legislation. It goes beyond being a mere change in the method. It is a vital difference, and limits the work to be done by the Department.

I submit the question to the Chair.

Mr. BLUE. Mr. Chairman, on the point of order I wish to suggest to the gentleman from Ohio that the use of the word "instead" does not of necessity indicate that there is any existing law requiring the use of the steam launch for this service. It may be that there is legislation on the subject, but if this is not the case the point of order is not well taken; for this does not change existing law. It simply provides a different method of doing the same thing. It seems to me that in the absence of further information than that conveyed by the use of the word "instead," the point of order should be overruled.

Mr. MILNES. Where do you find the word "instead?"

Mr. BLUE. "Instead of a steam launch."

Mr. MILNES. That is not the language of the provision. The provision reads as follows:

> *Provided*, That said marine free-delivery service at Detroit shall be performed by the use of rowboats, and not by the employment of a steam launch or boat.

Mr. BLUE. I misunderstood the remarks of the gentleman from Ohio; I did not catch the exact words; but I think the remarks I have made are equally applicable to the language of the bill.

Mr. SETTLE. Mr. Chairman, in the discussion of the point of order on this paragraph I should not care to detain the committee with a statement of the facts which induced the committee to make this change in the bill as it now stands, except for the fact that my colleague [Mr. CORLISS] who appeared before the committee is not on the floor. The reason which induced the committee to make this change, after investigation and after according a hearing to the gentleman from Michigan [Mr. CORLISS], in whose district Detroit is situated, is that the maintenance of this steam yacht for the delivery of the mail costs the Government about $14.50 a day; that all this yacht does is to tow the rowboat out 1,500 feet and drop it, and that the rowboat then goes to the vessel and delivers the mail, returning to this steam yacht, and is again towed 1,500 feet to shore. The yacht in the meanwhile plays around, awaiting the delivery of the mail by the rowboat. In rough weather the yacht stays at the dock and does no service at all, and the delivery of the mail is accomplished by the rowboat. The sole service to the Government by this yacht, which costs the Government $14.50 a day, is to save the muscle of the oarsman for 1,500 feet out, on his way to the vessel, and as a matter of fact, it was stated by the gentleman from Michigan [Mr. CORLISS], and I understand the declaration is concurred in by the entire delegation of that State——

Mr. AITKEN. I guess you will find that there is nobody else who concurs in it.

Mr. STEPHENSON. He is the only one who concurs in it.

Mr. SETTLE. If there is any exception, I do not know of it.

Mr. LOUD. Let me make the suggestion to the gentleman, in all courtesy, that if the gentleman, who is a member of the committee, had been in the possession of the information which was furnished to the subcommittee which framed this provision, perhaps he would not take the position he does to-day.

Mr. SETTLE. The subcommittee did not favor me with that information, and I only had the information which was given when the entire committee were considering the bill.

Mr. AITKEN. Will the gentleman permit a question?

Mr. SETTLE. Certainly.

Mr. AITKEN. How much do you expect to save to the Government by this provision?

Mr. SETTLE. I understand that it will save to the Government certainly the amount which is now paid for the use of the yacht.

Mr. LINTON. Three thousand dollars a year.

Mr. AITKEN. Does not the same contract——

The CHAIRMAN. The Chair wishes to suggest to the gentleman that the point of order is the matter under consideration.

Mr. SETTLE. The gentleman from Michigan [Mr. CORLISS] made the statement before the committee that this yacht is used by the post-office officials as a pleasure yacht simply, and that it is not essential for the service of the Government. It seems to me, in reference to the point of order, that this limitation placed upon

the discretion of the post-office officials is not a change of existing law.

Mr. WILLIAMS. It is a mere designation of the method.

Mr. SETTLE. A mere designation as to how they shall perform this duty.

Mr. BURTON of Ohio. Mr. Chairman, I do not wish to anticipate any discussion upon the merits of this provision until this point of order is decided. I only wish to say that there is a very decided difference of opinion among the members from the lake region, including the State of Michigan; and while I regret the absence of the gentleman from Michigan [Mr. CORLISS], and feel the greater reluctance to oppose him or his views during his absence, I think it would be impossible to find more than one or two at most who take the same view of this question that he takes.

Mr. LOUD. Mr. Chairman, while personally I sympathize with the position taken by the gentleman from Ohio [Mr. BURTON], I think the Chair will readily ascertain that this provision is not subject to the point of order. If it is determined to be subject to the point of order, of course that would restrict committees in placing any limitation whatever upon any appropriation that might be made. While I do not agree with the amendment which has been injected into the bill, yet if that point of order is to stand it will restrict us in providing how any work may be done and will prohibit us from putting any limitation upon the expenditures of any public money in an appropriation bill.

Mr. DOCKERY. You could not put the steam launch in.

The CHAIRMAN. The rule provides that no provision shall be placed on an appropriation bill which changes existing law or enacts any new legislation: but there has never been any difference of opinion in the rulings of the Chair on appropriation bills heretofore as to the right of a Committee of the Whole House on the state of the Union to place limitation on an appropriation. Under the present law there is no question but this mail service can be performed by rowboats or a steam launch. If the limitation was simply affecting the number of steam launches that could be employed, the Chair thinks there could be no question of its being in order. The only question connected with it is that it shall be performed by rowboats. This provision may be held to be more than a mere limitation. But as it is a very close question of fact whether that is new legislation or not, the Chair feels like allowing the Committee of the Whole to decide it on its merits, and therefore overrules the point of order.

Mr. SOUTHARD. I offer the following amendment.

The Clerk read as follows:

> Amend page 3 by striking out, commencing in line 10, after the word "dollars," the following:
>
> "*Provided*, That said marine free-delivery service at Detroit shall be performed by the use of rowboats, and not by the employment of a steam launch or boats."

Mr. SOUTHARD. Mr. Chairman, this service was established by the Department at Detroit about two years ago. That is a point passed by almost all the ships that traverse the Great Lakes, and is the convenient point at which they can be reached for the delivery of mail. Since the establishment of this service the number of deliveries has increased enormously. The first year there were only about 49,000 deliveries. The second year the Department states it increased to $180,000, and it is expected that this year, if the service keeps up, the free delivery will exceed 300,000 pieces. There should be no more restriction upon the method by which this mail is to be delivered at Detroit than there would be on the method of delivery at any other place.

Mr. Chairman, it would be just as well to say that the free-delivery system in Detroit should be restricted to the use of one-horse carts, but not two-horse carts: that they might be allowed to deliver the mail in carts having two wheels, but not in carts having four wheels. It should be simply a question of what will give the very best service. Now, a short time ago the Grand Lodge of Shipmasters met in the city of Washington. Their membership numbers more than a thousand, as I understand. I visited a meeting which was held at the Ebbitt House in this city, and they were unanimous in the protest against any change in the service of marine free delivery as it now exists at the city of Detroit. I have a telegram here from the vessel owners in my own city of Toledo, protesting against any limit to the service there, for the reason that it will deplete the service, as they say. I understand members from all along the Lakes have protests similar in character to this.

Now, Mr. Chairman, they say $14.50 a day is the expense of this launch. I understand that to be true. But I find out by inquiry at the Department, from the superintendent of the free-delivery service, that the increase in the number of carriers to effect the service should this steam launch be done away with would more than make up the expense now incurred by the employment of this steam launch. I have consulted with captains and masters of vessels employed in the traffic on the Great Lakes, and the unanimous verdict is that the service since the employment of this steam launch is the best they have ever had, and so far as I am able to find out, every one of them is strenuously opposed to any change in the service.

Mr. DOCKERY. Will the gentleman allow me to ask him a question?

Mr. SOUTHARD. Certainly.

Mr. DOCKERY. If your amendment prevails, and this provision of the committee is stricken out, its effect will be to leave the whole question of how this service shall be performed to the discretion of the Postmaster-General.

Mr. SOUTHARD. That is all. He may perform it by a rowboat or he may employ a steam launch, or employ any method which in his judgment will give the best service at the least cost.

Mr. DOCKERY. It seems to me to be a very proper provision.

Mr. SOUTHARD. Now, this $14.50 a day paid for this steam launch provides for twenty-four hours' service on the part of this boat. That is not an exorbitant charge. I have no special interest in this matter, but a good many people whom I represent have a good deal of interest in it. It seems to me that no such change should be made as is involved in this provision.

Mr. BELKNAP. Mr. Chairman, I regret very much that the gentleman from Detroit [Mr. CORLISS], who had this provision inserted in the bill, is not present. I simply wish to say that the marine interests of the city of Chicago, which I have the honor in part to represent, have as much concern in this subject as those who represent the marine interests of Cleveland and the other lake cities, and I believe that it will be very much to the detriment of this service if this provision is kept in the bill. The marine interests of Chicago are opposed to it. I hope the provision will be stricken out.

Mr. MAHANY. Mr. Chairman, I received a telegram to-day from the president of the Lake Carriers' Association, protesting against the provision incorporated in this section, and also a letter in the same vein from the postmaster at Buffalo, who, previous to his appointment to that office, had spent his whole life in the activities of the Lake interests. The communications read as follows:

BUFFALO, N. Y., *February 12, 1897.*

Hon. R. B. MAHANY, *Washington D. C.:*

All Lake interests desire continuance of marine postal service at Detroit, same as last year.

J. J. H. BROWN,
President Lake Carriers' Association.

BUFFALO POST-OFFICE, OFFICE OF THE POSTMASTER,
Buffalo, N. Y., February 11, 1897.

MY DEAR SIR: I am in receipt of a telegram from the postmaster at Detroit, stating that Congressman CORLISS, of the First district of Michigan, is attempting to impair efficiency of the marine postal service at Detroit by opposing appropriation for steam launch used for this purpose.

I consider this service of the utmost importance to the marine interests of the Lakes, and would respectfully ask your hearty cooperation in maintaining this important service. It would be a public calamity to have this service discontinued.

Very respectfully,
HOWARD H. BAKER,
Postmaster.

Hon. ROWLAND B. MAHANY,
House of Representatives, Washington, D. C.

The city of Buffalo, in company with the cities of Chicago, Detroit, Toledo, Cleveland, and, as I understand, Milwaukee—also, as suggested by gentlemen near me, Port Huron and Duluth—in fact, the whole chain of Lake cities unite in a chorus of protest against the enactment of this clause. The only dissenting voice seems to be that of the Representative from Detroit [Mr. CORLISS], who secured the incorporation of this provision in the bill by a purely ex parte statement to the subcommittee having this portion of the measure in charge.

Speaking for the city of Buffalo, I can say that the sentiment of that great Lake emporium, whose marine interests are probably larger than those of almost any other city on the Lakes, with the possible exception of Chicago, is absolutely unanimous, indeed I may say insistent, for the retention of this service.

Mr. KYLE. Mr. Chairman, this is a matter that does not affect any interest in my section of country, but it seems to me that sound judgment would dictate that the amendment should prevail. The subcommittee that had in charge the preparation of this bill decided, after hearing these interests at Detroit, to leave this matter to the discretion of the Postmaster-General. This association of sailors that has been referred to had a delegation before the subcommittee. They stated that heretofore there had been some charges made upon the delivery of their mail to them, and that under the present system they receive their mail without any charge.

To state this matter in plain terms, it would appear that all that is involved in the proposition is simply that, as the business is now conducted at the point under consideration, there is a steam yacht that carries the mail from Detroit out to passing boats and delivers it to them. Some of these gentlemen from Detroit, or from Michigan—I do not know why—opposed the appropriation for this purpose. They came before the committee and said they did not want an appropriation made to pay for the services of this yacht. I confess, Mr. Speaker, that I could not see any good reason for their position. As the matter does not affect my section of country, and is one about which I know but little, I stated to them, as a member of the subcommittee, that personally I cared nothing about it, but that as a business proposition it looked to me that this appropriation ought to be made, and that the particular method of using the money ought to be left to the discretion of the Postmaster-General. So, instead of reducing the item for free delivery at Detroit, $3,500, heretofore used under the discretion of the Postmaster-General for delivering this mail from Detroit to these passing boats, we permitted it to remain.

Mr. OTJEN. Is it not proposed that the delivery of these mails be made by rowboats?

Mr. KYLE. The proposed amendment will strike out the provision for rowboats.

Mr. OTJEN. It should be struck out.

Mr. KYLE. This amendment strikes out all that; and it ought to be done.

Mr. Chairman, I am not a sailor; I am not much versed in seafaring matters; but it seems to me that if we are going to deliver this mail there is no sense in restricting the Postmaster-General by saying that he shall deliver this mail by a rowboat rather than by a steam yacht. If there is any sense in that proposition, I should like to know where it comes in.

With reference to this matter, the information has come to me—I do not know whether I am correctly informed or not—that the Assistant Postmaster-General, when there was a protest made against this matter by some people, made a trip to the scene of operation and conducted a personal investigation of the matter to inform himself what was proper and right to be done; and I understand he came back with the conviction that the delivery of this mail by means of a steam yacht was sensible and business-like and expeditious, and the service was continued in that way after he came back.

Why some of these people want to strike out the provision for the steam yacht and insert a provision for a rowboat is a matter which they must explain. I do not see any good reason for it. I think the weight of the argument is the other way. I feel no interest in it personally; I care nothing about it, except that I should like to see the people of Detroit get as good service as the people in other sections of the country are getting. And the principle involved here is not confined to the city of Detroit; the same idea might prevail in all the cities on the borders of the Lakes.

Mr. OTJEN. Mr. Chairman, in my district is the city of Milwaukee, where there enter and depart every year over 10,000 vessels. I have had telegrams from some of the leading marine men of that city protesting against requiring the Post-Office Department to deliver these mails by rowboats. Gentlemen are aware that the entire marine commerce of the Lakes passes by the city of Detroit. This is the proper place where the mails should be delivered to these vessels. The advantage of making the delivery by steam launch is that it can thus be done quickly. It seems to me it would be ridiculous for this Congress to require the Post-Office Department to deliver these mails by a rowboat. The matter should be left to the discretion of the Post-Office Department, to be managed as the interests of the public service may demand. The marine interests of the city of Milwaukee, and in fact the entire marine interests of the whole Lakes, are against compelling the Government to deliver these mails by rowboat.

Mr. BURTON of Ohio. Mr. Chairman, I do not think the advocates of this amendment ought to occupy further the time of the committee, as it is evident there is a friendly feeling for the change suggested. I desire, however, to ask unanimous consent to have printed in the RECORD some telegrams which several of us have received not only from shipmasters, but from shipowners and marine engineers. If there is anyone here who wishes to study further the grounds upon which this amendment should be adopted, he can consult these telegrams in the RECORD when published.

I include with them a letter from a marine engineer at Cleveland, which I think gives as clear a survey of the situation as anything that I have received. Without occupying further time, I ask unanimous consent to print this letter and these telegrams.

The CHAIRMAN. Without objection, the documents indicated by the gentleman from Ohio [Mr. BURTON] will be printed in the RECORD.

There was no objection.

The documents are as follows:

CLEVELAND, OHIO, *February 11, 1897.*

Hon. T. E. BURTON,
House of Representatives, Washington, D. C.:

Great injustice will be done thousands of men aboard Lake vessels if only rowboat service is provided for mail delivery on Detroit River.

MARINE REVIEW.

—

CLEVELAND, OHIO, *February 11, 1897.*

We believe steam launch necessary for successful operation marine mail service at Detroit.

JOHN CORRIGAN.

—

CLEVELAND, OHIO, *February 11, 1897.*

We favor delivery of mail to ships passing Detroit by Post-Office Department with steam launch. Rowboat inadequate.

C. H. GILCHRIST.
W. H. MACK.
J. C. GILCHRIST.
C. L. HUTCHINSON.
B. L. PENNINGTON.
J. W. MOORE.
MITCHELL & CO.
PALMER & CO.
J. T. HUTCHINSON.
W. D. REESE.
C. R. JONES & CO.
C. C. CANFIELD.

Also a letter of which a portion is given:

MARINE ENGINEERS' BENEFICIAL ASSOCIATION, NO. 2,
Cleveland, Ohio, January 20, 1897.

DEAR SIR: I might here explain, if you are not already familiar with the method used to distribute mail, that it is at present necessary for the ship receiving the mail to check down and take the small boat in tow alongside until the exchanges are made. You can therefore readily see that in the case of a long tow or three or four big boats all going in the same direction, the small boat runs the chance of being carried a considerable distance down the river, and if no boats chance to be going up, it is necessary to tow the boat back to a position near the established cruising point, and hence the tug is a necessity to the system, both to expedite the movements of the small boat and to carry the mail to and from the boat and the post-office at Detroit. The operation of this boat has been in the past highly satisfactory to everyone connected with the inland marine, with the possible exception of two or three reporting agencies along the river at Detroit and Port Huron, who used, previous to the delivery of mail by the United States mail, to hold mail sent in their care as a sort of club to compel men employed upon boats to buy papers (at 10 cents per copy) from them. If the crew of a boat did not take enough papers from this boatman to satisfy his greed, the next trip you got no mail, nor did they hesitate to tell you the reason.

Very truly, yours,
H. T. McAULEY,
For Marine Engineers' Beneficial Association, No. 2.

Hon. T. E. BURTON,
Washington, D. C.

Also telegrams as follows:

CLEVELAND, OHIO, *February 12, 1897.*

Hon. THEODORE E. BURTON,
House of Representatives, Washington, D. C.:

We sincerely trust Post-Office Department will continue delivering mail at Detroit with steam launch as last season. Do not believe rowboat service will be adequate or nearly as satisfactory.

HARVEY H. BROWN & SON.

—

CLEVELAND, OHIO, *February 11, 1897.*

Hon. T. E. BURTON, M. C., *Washington, D. C.:*

Should be pleased to have you oppose discontinuance of steam launch for mail service at Detroit. Think small boats insufficient to do the business.

W. C. RICHARDSON.

—

CLEVELAND, OHIO, *February 11, 1897.*

Hon. T. E. BURTON, M. C.,
Washington, D. C.:

Should be pleased to have you oppose discontinuance of steam launch for mail service at Detroit. Think small boat insufficient to do the business.

HAWGOOD & MOORE.

—

PORT HURON, MICH., *February 11, 1897.*

Hon. H. G. SNOVER,
House of Representatives, Washington, D. C.:

The original of following petition will be mailed to Chairman LOUD to-night:

"We, the undersigned masters and owners of steam and sailing vessels, protest against the Corliss bill, and request that you use your influence to continue the marine post-office at Detroit.

"(Signed) The Jenks Ship Building Company, 7 boats; Thomas Currie, 3; W. H. Hutcheson, 1; L. L. Slyfield, 2; H. E. Runnels, 4; Ed Fitzgerald, 1; H. Zeland, 1; George W. Pierce, 1; D. H. Cooper, 1; H. W. Davis, 1; B. Hutcheson, 1; C. W. Black, 4; A. D. May, 2; Ed Johnson, 3; N. Hutcheson, 2; W. T. Maitland, 3; D. St. Clair, 3; M. A. Budd, 4, and George Telo."

H. B. BURKERIDGE.

—

MILWAUKEE, WIS., *February 11, 1897.*

THEO. OTJEN, M. C.,
200 A street SE., Washington, D. C.:

Please oppose bill for discontinuance of use of steam launch for marine mail service at Detroit. See Barney.

R. P. FITZGERALD & CO.,
DAVID VANCE & CO.

—

BAY CITY, MICH., *February 11, 1897.*

Hon. R. O. CRUMP, M. C.,
201 North Capitol street (Hotel Regent), Washington, D. C.:

Please vote against bill now before Congress that favors abolishing the use of a small steamer for delivering mail to ships passing Detroit. Rowboat can not effectively do this work.

JAMES DAVIDSON.

—

WEST BAY CITY, MICH., *February 11, 1897.*

Hon. R. O. CRUMP, M. C., *Washington, D. C.:*

Please favor the continuance steam launch for marine mail service Detroit.

F. W. WHEELER.

—

BAY CITY, MICH., *February 12, 1897.*

Hon. R. O. CRUMP:

Please use your influence for delivery of mail by steam, not rowboats, to boats passing Detroit.

Thos Cranage; James E. Davidson; McGraw Transportation Company; Bradley Transportation Company; Saginaw Towing Association; Hampton Transportation Company; Boutelle Transportation Company, J. W. McGraw; G. K. Jackson; T. F. Maddan; Michigan Log Towing Company; W. H. Sharp; Young Transportation Company; N. B. Bradley & Sons; Eddy Shaw Fleet; C. A. Eddy.

DULUTH, MINN., *February 11, 1897.*

Hon. C. A. TOWNE:

We trust you can see your way clear to oppose proposition to discontinue steam launch for marine mail service at Detroit. The present system has been very satisfactory.

LA SALLE & CO.

—

TOLEDO, OHIO, *February 11, 1891.*

J. H. SOUTHARD, M. C.:

Please oppose discontinuance of marine mail service at Detroit by steam launch. Service is much better that way than by rowboat or private parties.

A. W. COLTON.

—

TOLEDO, OHIO, *February 11, 1897.*

Hon. JAMES H. SOUTHARD, M. C.,
Washington, D. C.:

Our boat-line interest oppose discontinuing of steam launch for marine mail service at Detroit, claiming service can not be successfully done with rowboats.

F. N. QUALE.

—

DETROIT, MICH., *February 11, 1897.*

Hon. JAMES H. SOUTHARD, M. C.,
Washington, D. C.:

If appropriation for steam launch for marine postal delivery is not granted, the service will suffer severely, as it will require double the number of carriers to handle service, which is constantly growing, and even then it would be impossible to render proper service to Toledo and Lake ports.

JOHN J. ENRIGHT, *Postmaster.*

—

TOLEDO, OHIO, *February 12, 1897.*

Hon. J. H. SOUTHARD,
House of Representatives:

If consistent with your ideas, oppose delivery of mail in Detroit River by rowboat.

CURTIS & BRAINARD.

Mr. BINGHAM. Will the gentleman allow a question?

Mr. BURTON of Ohio. Certainly.

Mr. BINGHAM. What is the proposed amendment of the gentleman—to strike out this provision of the bill?

Mr. BURTON of Ohio. That part is proposed to be stricken out beginning with the word "provided," in line 10, and extending to and including the word "boat," in line 13, the proviso embraced within those lines.

Mr. BINGHAM. Do I understand the gentleman to signify his wish to strike out the entire marine free-delivery portion of the bill?

Mr. BURTON of Ohio. No, sir; merely the restriction that this delivery shall be performed entirely by rowboats. It is our wish to leave it discretionary with the Department whether it shall perform the service by a rowboat or by any other methods which it may deem advisable.

Mr. BINGHAM. Then I would like to ask the gentleman another question.

Mr. BURTON of Ohio. Certainly.

Mr. BINGHAM. What is the necessity of putting this provision into the bill at all?

Mr. WILLIAMS. He proposes to strike it out.

Mr. BINGHAM (continuing). Under your paragraph of incidental expenses in which you give the Postmaster-General qualifiedly discretionary power, and allow him to disburse twelve and a half million dollars in one part of the bill, why introduce here an entirely new character of free-delivery system, and then put it under the head of incidental expenses? Why, the next thing will be the bicycle free-delivery service; the next a compressed-air free-delivery service.

The free-delivery service, the gentleman will understand, is of course under the law. In my city, for instance, it is using to the extent of about 100 wagons, which are employed in part for this purpose. The Postmaster-General employs them in carrying into effect the law under his discretionary power. If it be necessary in Detroit or in Milwaukee or at any other maritime point upon the Lakes to perform this service by a steamboat, or a launch, or a rowboat, the Postmaster-General can do it, unless he comes under the steamboat law or mail-messenger service. Why, then, I ask the gentleman, put this provision in the bill at all, and at the same time put the free delivery or any new character of free delivery under incidental expenses?

A MEMBER. What objection is there to it?

Mr. BINGHAM. Why, it is a confusion. I want the whole paragraph wiped out, because I think in carrying out the law, having given the Postmaster-General this sum of twelve and a half millions of dollars in his discretion and under the law for the free-delivery service, why would you undertake to tie him up if in any section he should find it desirable to use a rowboat or a steam launch in the prosecution of the work? I simply want the general law carried out. That is all. But the gentleman brings in a very different proposition, a marine free-delivery service—or that which is called a free-delivery service—and wants to restrict the Postmaster-General to a certain specific manner of performing it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Briefly, Mr. Chairman, in answer to the suggestion of the gentleman from Pennsylvania, I simply desire to say that this amendment was made to do away with a vicious provision in the paragraph. There is no great objection, perhaps, to striking out the entire paragraph; but I think the House would desire, and possibly the Postmaster-General himself would like to have, affirmative authority for this species of expenditure.

Mr. HENRY of Indiana. Why?

Mr. BURTON of Ohio. The advantage is that the House thereby exercises a closer supervision over the discretionary powers which are conferred upon the Department. Hence it can do no harm.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

It is not my habit, sir, to attempt to talk to the House, especially when it does not want to hear anybody.

But there are some points that ought to be stated in behalf of the committee which voted to put the provision in controversy in the bill. The telegrams which are flooding us are perfectly natural results of the sound of the provision. When it is said to the people of Milwaukee and Buffalo and other Lake ports that there is a proposition before the House to do away with the steam launch and use a rowboat for the free delivery of mail matter at Detroit, naturally people who know little or nothing of the facts would infer that this proposition, if carried into effect, would result in curtailing the service or giving a slower service than they have heretofore enjoyed. That is a natural conclusion of the human mind from the statement, and I would be surprised if there were not telegrams from every port that touches on the Lakes opposing this simple proposition to take a steam launch from the free-delivery service and hereafter conduct the service in a rowboat.

Now, I do not know whether it is proper to say that I was one member of the committee who voted against putting in that proposition; I am speaking, therefore, for those who voted differently from me on that question. The provision is embodied in the bill because the testimony before the committee was conclusive that this boat did not expedite the delivery of the mails in any way whatever. The facts are that they maintain an expert oarsman with rowboats, and on the approach of a vessel the mail is thrown into the boat, and the steam launch takes that boat and tows it out into the stream, the oarsman delivers the mail, and the boat tows him back again.

Mr. BURTON of Ohio. Will the gentleman yield for a question?

Mr. GARDNER. I will make the further statement that the steam launch does this service, when it does it, but the uncontradicted statement is that no steam launch has ever been employed there by the postmaster that was not less seaworthy than the rowboat, and that in all times of rough weather, and all times when there would be any natural difficulty about the delivery of the mail, the steam launch lies safely moored to the dock, and the rowboat does the service alone. If any man will stand up here now and contradict that statement, he will do what no man did during the consideration of this question before the committee. The uncontradicted information goes much further than this, Mr. Chairman, whether I ought to say it here or not. It is to the effect that there is a good deal of the time in fine weather when this boat is seaworthy enough to go out, when she is employed in a service connected with officers of the post-office rather than the mail service, and that then the rowboat does the service alone.

Mr. BRUMM. In other words, she is used in the female service instead of in the mail service. [Laughter.]

Several MEMBERS. "Vote!" "Vote!"

Mr. GARDNER. It is all right to say "Vote, vote," but will some gentleman say that these telegrams which have been received here have not been received on the supposition that to take the steam launch out of the service is to cripple the service? Or will any gentleman stand up and deny the facts as stated—that the steam launch is less seaworthy, less capable of going out in rough weather, than the rowboat? The only time in the natural operation of the elements when a steam launch would be the most serviceable is when this one is unfit to go out and lies behind the dock and does not attempt to go. Those are the facts that led the committee to this action.

Mr. STEPHENSON. Have you ever been in Detroit?

Mr. GARDNER. I have.

Mr. STEPHENSON. Do you know the condition of things there on the river?

Mr. GARDNER. I know they have heavy winds and sea.

Mr. STEPHENSON. There is no time when the launch can not go out.

Mr. BARTLETT of New York. I wish to ask the gentleman if there is any evidence before the committee as to the ownership of this steam launch?

Mr. GARDNER. I have no information to offer on the floor as to that.

Mr. HALL. Will the gentleman allow me to ask him a question?

Mr. GARDNER. I will yield to my colleague on the committee; yes.

Mr. HALL. My colleague has stated, and correctly stated, that the undisputed testimony before the committee was that this steam yacht was unseaworthy as compared with the rowboat. But was not that the statement of one member of the Michigan delegation alone?

Mr. GARDNER. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALL. I move to strike out the last word.

Mr. GARDNER. I only wanted the House to understand the facts.

Mr. AITKEN. You did not tell us who it was that appeared before your committee—from whom you got your information.

Mr. GARDNER. Mr. Chairman, I do not want to ask for more time, but there are a number of gentlemen standing around me here and asking where the information came from. I only want any gentleman to stand up before this committee and risk his personal reputation on the assertion that the facts which I have stated are not true. Let him so state to-day, and come back here to meet that statement. Let one gentleman stand up here and now and assert that that steam launch is as seaworthy as the rowboat which she tows in good weather. Let one of them assert that it is not a fact that the steam launch lies at the dock in bad weather, and that the rowboat goes out without her.

Mr. HALL. I can not say anything on that subject, because I do not know, but I know just as much about it as my colleague does, who has taken his seat.

Mr. AITKEN. Just as much.

Mr. HALL. The statement before the committee was that the use of this steam yacht was condemned by every member of the Michigan delegation, and out of deference to that statement, as I thought the Michigan delegation knew better about a local matter than others did, I was induced to side with the representations made by this gentleman. Now, I am free to say that if this statement is not indorsed by the Michigan delegation, as I am told by a number of them that they do not indorse it, I certainly am in favor of the amendment offered by the gentleman from Ohio [Mr. BURTON]. The gentleman who has just taken his seat [Mr. GARDNER] says that this steam yacht is unseaworthy to go out farther than 1,500 feet from shore, and yet he says that the postmaster and his friends in calm weather go out on pleasure excursions and spend some time in perfect safety on that steam launch. It seems to me there is a contradiction right there.

Mr. LOUD. Mr. Chairman, I do not want to interrupt any gentleman, but I want to say a word about this before the debate closes.

Mr. SOUTHARD. Mr. Chairman, this is the first time I ever heard the argument advanced that a rowboat is more seaworthy than a steamboat or a steam launch. There is one additional statement which I wish to make. I was informed this morning by the superintendent of free delivery that had it not been for this steam launch for many days during last fall the mails could not have been delivered on the many steamers passing this point; that the mails could not have been delivered at all to the steamers passing along that river.

Mr. LOUD. Mr. Chairman, I want to make one statement in regard to the inquiry made by the gentleman from Pennsylvania [Mr. BINGHAM] who is thoroughly familiar with all postal affairs. He says why not strike out this whole provision. Now, let me explain to the gentleman why we have thought it necessary to put this provision in the shape it now appears. We have segregated, as the gentleman well knows, the items for the support of the free-delivery service, so much for carriers, so much for car fare, so much for horse-hire allowance, etc. Last year we made a much closer segregation as to letter bags, pouches, etc., to the free-delivery service, and for the twelve mechanics, and we thought it advisable to put it all into an incidental account, as it only embraced $60,000. We thought it advisable to enumerate, in brief at least, the purposes for which this incidental fund might be used.

Now, then, in regard to the marine free-delivery service there is a question yet whether the Post-Office Department would be permitted to use it. It is a question yet for the Auditor to determine whether the Postmaster-General could use any of this incidental money unless specified here for this free-delivery service at Detroit. This is not an adjunct of the Detroit post-office, and the money for the support of the Detroit office can not be used for this purpose. It is a separate service entirely.

Mr. BINGHAM. Where does the gentleman, in the law, find any such thing as marine free-delivery?

Mr. LOUD. I do not find anything in the law for a marine free delivery; but we provide in our bill, permit me to say, for substantially the same character of service for the city of New York, for a vessel to go out and meet the incoming vessels, and we appropriate $40,000 for the purpose of expediting the mails there. It is not an adjunct of the city post-office of New York, but it is an accommodation to facilitate the mails of the people of the whole country; and we put that special provision in here, otherwise it could not be provided for, because it can not come out of the money given for the support of the New York post-office. This service is of no interest to the city of New York whatever. The mistake the committee has made, and the gentleman who sought to defend the committee made, is that he took the ex parte statement of one gentleman before that committee and accepts that as all the testimony presented to the committee. Now, as members of Appropriations Committees in the House well know, the evidence in the preparation of an appropriation bill is taken before subcommittees.

Mr. SETTLE. Will the gentleman permit me right there?

Mr. LOUD. In a moment. Let me finish my statement. The evidence is taken before subcommittees. They prepare the appropriations on the best evidence that is presented to their minds, and on such they frame the bill. Now, permit me to say, one gentleman made a statement as to this before the full committee, after the chairman and the other members of the subcommittee had fully investigated the subject. It had heard the representatives of the marine engineers, the masters and pilots, the First Assistant Postmaster-General, and had a communication from the postmaster at Detroit. As a result of the examination we made into this whole matter, we presented this provision to the full committee. We could not present to the full committee all the evidence that we had before us in the subcommittee, and it is not customary, I will say, for gentlemen who are on Appropriation Committees to submit to the full committee all the evidence that was before the subcommittee unless called for. The full committee listened to the statement of one gentleman, who came before the committee and made an ex parte statement. The subcommittee, composed of three gentlemen, of whom I, as chairman, am one, the gentleman from Mississippi [Mr. KYLE] another, and the gentleman from Illinois [Mr. SMITH] another, gave to the committee as a result of our calm investigation the opinion that this item which is now sought to be stricken out should not be in the bill. Now, then, I think that the committee should have accepted the evidence and testimony of the subcommittee of three who had carefully gone over this subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I ask for another five minutes.

There was no objection.

Mr. SETTLE. Now, will the gentleman allow me?

Mr. LOUD. Let me finish the sentence. I think the committee, as an act of courtesy if nothing else, should have put as much reliance upon the word and testimony of that committee of three as they would in the unsubstantiated statements of a single member of this House, and that without reflecting on the gentleman at all.

Mr. BINGHAM. If the gentleman will permit me, does he think that this paragraph is properly in the bill?

Mr. LOUD. I think so, except that part which the gentleman from Ohio [Mr. BURTON] seeks to strike out.

Mr. BINGHAM. And that it is good legislation?

Mr. LOUD. I think so.

Mr. SETTLE. Mr. Chairman, I only want to say a word or two in reply to the gentleman, in justice to the committee and in justice to Mr. CORLISS. That gentleman appeared before that committee, and went into a detailed statement as to the necessity for this boat or the nonnecessity of it.

Mr. LOUD. Oh, yes.

Mr. SETTLE. Well, I do not want this connection to indicate any want of confidence in the chairman or the subcommittee having it in charge. I want to state that, in spite of the detailed statement given by the gentleman from Michigan [Mr. CORLISS], a member of this House, the subcommittee offered the full committee nothing but an opinion. That was all.

Mr. LOUD. Now, I want to say, in relation to some claims made before the committee, that they did not represent the city of Detroit. Let me say that the city of Detroit has no more interest in the marine free-delivery service than the city of New York has in the $40,000 we appropriate to expedite the foreign mails, because that service there is of no interest to the city of New York whatever. It is simply a service provided to expedite the delivery of these mails from the incoming steamers to Jersey City and the Union Depot and thence to the rest of the country.

It has nothing whatever to do with the New York service. Detroit is not interested in this service; Detroit has a free-delivery service of its own. This service is of interest to Buffalo, to Cleveland, to Toledo, to Chicago, to Milwaukee, and to every point up and down the Lakes—all over the Lakes—and, as I am credibly informed, there is a vessel passing Detroit every four minutes during the twenty-four hours. On a stream with so swift a current as there is at that point, it is impossible that this service should be performed by rowboats. Furthermore, it would be impossible for a rowboat to carry the immense amount of mail required to be

delivered along these lakes. I am willing to leave to the Post-Office Department the discretion to expend $3,500 out of an appropriation of over $13,000,000 when we insert no provision of the kind in regard to any other section.

Mr. BINGHAM. Does not this service, as the gentleman states it, become either steamboat service or mail-messenger service, rather than free-delivery service?

Mr. LOUD. Well, it is free-delivery service. It is a special service.

Mr. BINGHAM. I am not disposed to criticise the gentleman, but it seems to me he is starting to build up a general appropriation bill in such a way that no one can tell what the result will be in a very few years. The service now under consideration is either mail-messenger service or steamboat service.

Mr. LOUD. I trust the gentleman from Pennsylvania and myself will be here for many years to come, so that we can see that this thing is properly managed. [Laughter.]

The question being taken on the amendment of Mr. SOUTHARD, it was agreed to.

Mr. BINGHAM. Before the Clerk reads further, I desire to make an inquiry of the gentleman in charge of this bill in regard to a clause at the close of the paragraph on page 3:

> *And provided further*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent.

Is not this provision new? Is it not very recent?

Mr. LOUD. A provision similar to this was incorporated in the Post-Office appropriation bill last year by the Senate, and the conferees on the part of the House accepted it because they thought it was necessary in view of the minute segregation that was made of appropriations for the support of the free-delivery service. A provision of this kind is carried in the sundry civil bill. It is not regarded as dangerous at all.

Mr. BINGHAM. I merely wanted the information about it, because it is entirely new to me.

Mr. LOUD. In view of the amendment which has just been adopted, I move to amend by striking out, in line 13, the words "*And provided further*" and inserting the word "*Provided.*"

The CHAIRMAN. Without objection, the verbal amendment suggested by the gentleman from California will be agreed to.

There was no objection.

The Clerk read as follows:

> The Postmaster-General is authorized to apply to the payment of the salaries of letter carriers for the fiscal year 1897 the sum of $23,000, being an unexpended balance of $13,500 of the appropriation for the current fiscal year for street letter boxes, posts, and pedestals, and an unexpended balance of $9,500 of the appropriation for the current fiscal year for package boxes.

Mr. MILLER of Kansas. I desire to raise a point of order on the paragraph just read, and I will state what the point is.

In the appropriation made last year for letter boxes, posts, and pedestals, and for package boxes, more money was appropriated than has been used. In the carrier system there is perhaps a deficiency. The effect of this paragraph, as I understand, is to take this money from the item for which it was appropriated last year and apply it to another item. Now, the question which I raise, and on which I wish the opinion of the Chair (because, as a matter of policy, I do not know that this is wrong), is whether this provision does not change existing law, from the fact that last year this money was appropriated for a specific object, and that the present proposition is to appropriate that money for another object, contrary, as I understand, to the general law, which requires unexpended appropriations to be covered into the Treasury.

The CHAIRMAN. The Chair is of opinion that this is simply in the nature of an additional appropriation for letter carriers. There can be no question as to the authority of the Committee on the Post-Office and Post-Roads to report an appropriation giving an additional amount to letter carriers. The provision in this bill has simply the effect of a new appropriation. It proposes merely to use for this particular purpose an unexpended appropriation in the bill of last year. This appropriation is applied to an object already provided for by law, the payment of letter carriers. The Chair overrules the point of order on the ground that the provision is simply the application of a previous unexpended appropriation to a purpose contemplated by law.

The Clerk read as follows:

> For experimental rural free delivery, under the direction of the Postmaster-General, $50,000.

Mr. TALBERT. I move to amend the paragraph just read by striking out "fifty" and inserting "one hundred;" so as to make the amount of appropriation for this purpose $100,000.

The amendment proposed by Mr. TALBERT was read by the Clerk.

Mr. TALBERT. Mr. Chairman, I offer this amendment in the interest of the great mass of the people in this great country of ours. I offer it in the interest of the farmers of our country, who are the foundation stone of all prosperity and all greatness and all happiness, and who pay at least 80 per cent of every dollar appropriated by Congress after Congress meeting here year after year.

And, Mr. Chairman, I see that in this bill we appropriate for free delivery in the cities and towns of the United States $12,529,000. That appropriation has been passed, and there is no objection to it. I do not object to it, because it seems to be necessary. At least, the Committee on Post-Offices has deemed it proper, and I do not object.

In addition to that, we have a provision for horse hire to the extent of $390,000; for car fare, $175,000, and so on. All of this money is to be expended in the interest of the people who live in the towns and cities. Now, after this, after we have made provision for this expenditure, would it not be an act of simple justice to add at least $50,000 to the small pittance carried in the appropriation merely for the purpose of experimenting in this free-delivery service in the rural regions? Surely the people, the great mass of the people, are entitled to some consideration. In the Fifty-third Congress I think $20,000 was appropriated for this purpose, and the Postmaster-General made some experiments and reported upon the feasibility of the work.

Mr. LOUD. That sum was not expended.

Mr. TALBERT (continuing). Well, it ought to have been expended. A part was expended, and showed that it was practicable.

Mr. CUMMINGS. Will the gentleman allow an interruption?

Mr. TALBERT. Certainly.

Mr. CUMMINGS. I wish to suggest to the gentleman, when he refers to the bicycle, that it would be a very valuable auxiliary if we are to have free delivery in the country districts.

Mr. TALBERT. I am not making objections especially to that. I am merely calling attention to the expenditure for the free-delivery service where it is already established. I only object to it because it does away with the demand for horseflesh, and possibly the demand for that class which we sometimes call jackasses [laughter]—those fellows in charge of the Government.

But, Mr. Chairman, seriously I speak for the farmers of this country, the masses, the toilers, the taxpayers, and hope the House will not object to the little pittance asked for an experiment in this direction of free delivery in the rural districts. Let the people who live in the country districts, the poorer portions, have some way by which their mail matter can be carried to them and delivered at their doors; let the appropriation be increased, so that the poor people will have something of this privilege.

I do not object to the appropriation for the city or town people. There should be no question between the towns and the country on such a matter as this, but let the farmers come in for their share of the Government bounty in this regard. Give them a chance. Provide them some accommodations. The boards of trade, the chambers of commerce, the banking associations, and all others throughout the country have been heard. Now, Mr. Chairman, let the farmers and the taxpayers, let the toilers be heard once, and receive some little consideration.

I hope the amendment will be carried unanimously.

Mr. BARTLETT of New York. Will the gentleman allow an interruption for a question?

Mr. TALBERT. Certainly.

Mr. BARTLETT of New York. What does the gentleman understand by the terms "experimental free delivery?" How is it to be tried?

Mr. TALBERT. Why, in any way that the Postmaster-General shall direct.

Mr. BARTLETT of New York. But do you expect it to be tried in your district only?

Mr. TALBERT. No, sir; everywhere. It can be tried in many ways and in various parts of the country. For instance, there could be boxes placed along the line of the star routes, where mail would be deposited by the companies carrying the mail for the people and mail left by the rural population to be collected. I am not here to suggest the way. That is a matter for those who have charge of the appropriations. Let them devise the best method to attain the purpose desired. The Postmaster-General and the Superintendent of the Mail Service can experiment and test the best manner in which the mail shall be delivered to the poorer people of the country just as well as it is delivered to the nabobs and millionaires who live in the cities, like the gentleman from New York who asked the question. [Laughter and applause.] They are—these people who live in the country, the farmers and the working people—the bone and the sinew of this country. They have made it what it is. They have stood in the front when their services were required to preserve the country from danger. They are the people who stand throughout this country laboring for the welfare of all. They are the producers of wealth, and I stand on this floor as an humble representative of that class, and hope the gentleman with all his wealth will not stand here to object to this little increase. [Applause.]

Mr. BARTLETT of New York. Does the gentleman mean to say that we have no bone and sinew in the cities?

Mr. TALBERT. I am not criticising the cities. I have only said that you have appropriated $18,000,000 to deliver your mail free. I am not opposing that appropriation. It is right; you ought to have it. But is it not right, also, that we who live in the rural districts should give some concern, some consideration, to the people who live among the hedges and byways, and who have contributed so largely to the wealth of the country? Let them have some consideration at our hands.

I hope the amendment will be adopted.

Mr. HALL. Mr. Chairman, partly in addition to what has been suggested by the gentleman from South Carolina, I am satisfied that this experiment of free delivery in the rural districts is being tried to advantage, and it has already commended itself in my own district and State. I selected, at the suggestion of the Postmaster-General, a township that was entirely rural in which the test was made in the State of Missouri. A part of that township extended to and included a place of some 12,000 inhabitants. To this point in the township many of the farmers were in the habit of going at regular intervals for their mails. In the same township is the little town of Cairo, of some four or five stores only, which is more convenient to many of them; and after this experiment of free rural delivery was tried, the mail was taken largely from this town of 12,000 people and was delivered at the town of Cairo, much to the convenience of the people living in that township, and all are delighted with the change.

But the Postmaster-General is in favor of experimenting with the subject until he has ascertained practically its success, and knowing that fact, the committee called on him to know his opinion as to the sum necessary to carry out the work as efficiently and rapidly as possible. The committee thought, acting upon his suggestion, that the sum of $50,000 would be ample for this purpose, and that amount they have recommended in the bill.

Mr. TALBERT. I hope the gentleman will not object to the increase I have proposed. Let him have the $100,000 if he needs it, and if he does not need it he will not expend it. It will not cost anything to the Government if the money is not expended. I hope the gentleman will not interpose any objection. If necessary, I will modify the amendment to say so much as may be necessary.

Mr. HALL. I do not think the gentleman feels any more interest in the prosperity of the agricultural classes than hundreds of men here who never pose in that attitude. The Post-Office Department has asked what they regard as a sufficient sum to carry on these experiments, and they have suggested $50,000 for that purpose, and while I am fully in accord with the idea of carrying the experiment forward, I do not think this increase is necessary, as proposed by the gentleman from South Carolina.

Mr. TALBERT. Let me ask the gentleman would he object to putting in the words "if so much be necessary?"

Mr. HALL. I propose to stand by the bill as reported by our committee, and I propose to stand by the amount that the Postmaster-General said he wanted for this purpose, as he is a friend of rural free delivery, and I propose to support the bill as it is.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. I would like to amend the amendment by adding the words "if so much be necessary." That would put it in better shape, and so, if it is not necessary, the Postmaster-General will not expend it.

Mr. LOUD. Mr. Chairman, when we entered on the consideration of this bill, I had some misgivings in view of the absence of my friend from South Dakota [Mr. PICKLER], and feared that the "common people" had no special defender on the floor; but I see that the common people are all right; so we need have no more fear in that direction.

Now, in regard to this item, these appropriation bills have heretofore carried an item of $20,000, but a new system of experimental free delivery has been inaugurated, which I think will be practical and result ultimately in benefit to the rural districts. But the service has just been established. There is a provision for the expenditure of $50,000. Now, the Postmaster-General, if he had $500,000 or $1,000,000, would not at present extend this beyond the offices in which it is already established. This $50,000 will fully demonstrate whether this system of rural free delivery is practicable or not, and is all that could possibly be used now. I ask the House to vote the amendment down.

The question was taken on the amendment of Mr. TALBERT; and on a division (demanded by Mr. TALBERT) there were—ayes 45, nays 39.

Accordingly the amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

For inland transportation by railroad routes, of which a sum not exceeding [illegible]0,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $29,000,000.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to come in as a proviso at the end of line 7, on page 6.

The amendment was read, as follows:

Provided, That no railroad company shall be paid a higher rate of compensation for carrying the mails than is now paid land-grant railroads, and that section 13 and so much of the rest of the act of July 12, 1876, as requires land-grant railroads to carry the mails for 80 per cent of the compensation paid other railroads is hereby repealed.

Mr. BINGHAM. I make the point of order against that.

Mr. WILLIAMS. I will ask the gentleman to reserve the point of order until I can state the reasons for the amendment.

Mr. Chairman, I am well aware that this amendment is obnoxious to the point of order, but I think that if the gentleman will permit a statement of its nature and character, and the reasons for favoring it, that he will not make the point of order.

Mr. BINGHAM. I have no objection to the gentleman making a statement, but I shall make the point of order.

Mr. WILLIAMS. Very well, Mr. Chairman. When the chairman of the Committee on Post-Offices and Post-Roads was interrogated yesterday as to the possibility of saving money in the administration of the post-office affairs of this country, he called attention to the fact that the land-grant-aided railroads of the country were compelled by the act of July 12, 1876, to carry the mails at 80 per cent of the maximum rate authorized to be paid for railroad transportation of mails. He also stated the fact, and it was undenied and is indisputable, that all of these railroads are very anxious to get this work at the compensation paid them by the Government, which is 80 per cent of the maximum allowed by law to other railroad companies.

It also appears to be a fact undenied and undeniable that the railroads which carry the mail at 80 per cent of what is paid to the others do not receive a large volume of mail, and therefore can less afford to carry it at that rate than these other roads which get 20 per cent more could afford to carry it at the same rate.

So that here is an opportunity to save an amount of money to the Government without paying these railroads one penny less than they ought to have, or one penny less than they would be only too glad to do the work for; and although it is amenable to the point of order, I hope the gentleman will permit the representatives of the people to vote upon an amendment on its merits and bring about this saving, so much to be desired. Economy is a god which is worshiped everywhere except in the city of Washington. [Laughter.] I hope that when there is an opportunity to have a little sincere worship of it here the opportunity for our devotion will not be interfered with by a point of order.

Mr. BINGHAM. I make the point of order under Rule XXI, paragraph 2, that this is new legislation. The statutes are well defined.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $25,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service.

Mr. BINGHAM. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to the paragraph:

For inland transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $25,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service.

I have a communication from Philadelphia this morning, which perhaps has as much of electric mail service as any city in the country, wherein I am informed that this provision will prevent the Department from paying or allowing electric mail-car service that amount which was adjudged fair as compensation by the report of the commission appointed by the Department to make an examination upon this subject. I desire to state to the gentleman that I am wholly unfamiliar with the question. I feel sure that if they have investigated the proposition that fair justice will be done the electric companies that are performing good service in Philadelphia, giving for 20 miles outside of the city quite expeditious service. They feel that they do not receive and are not receiving fair compensation for that service. I would ask the gentleman to give some explanation, as the subject is entirely a novel one to myself.

Mr. LOUD. I will state, Mr. Chairman, that I am glad the gentleman has asked the question, and I must confess that this is a subject on which I am not expert at all. I will explain how the railroad companies are now paid. A year ago, I think, there was a committee appointed by the Postmaster-General to consider this subject. It had been considered, I will say, by a committee the year preceding. But to go over it more carefully, he appointed a new committee which gave this matter careful consideration, and they have made a report which I hold in my hand and which I want to print with my remarks, and also desire to have read, because I want the House to be in possession of as many facts in the case as I am myself. I want the House to act intelligently, fairly, and justly in the proceeding as members shall see it from the presentation made.

I will say further that this committee was a fair committee,

composed of the Second Assistant Postmaster-General, the General Superintendent of the Railway Mail Service, a gentleman by the name of Myers, and one other. After a careful investigation they reported, recommending a certain rate to be paid these companies. Last year the service was established in so many cities that, in view of the amount carried in the appropriation bill, they could not pay the street car companies the full amount agreed upon by this committee. So the street railroad companies agreed with the Post-Office Department to accept, during the present fiscal year, a reduction of 25 per cent below the amount fixed by this committee.

Now, then, as I started out to say, it is an intricate question with which neither myself nor the gentleman from Pennsylvania nor any gentleman here is familiar. We have, however, arrived at the conclusion to insert the provision as we have it in the bill. Last year the Post-Office Department reported to us the result of one investigation, which was somewhat lower—much lower, I may say—than the report of this committee. They submitted to us a maximum rate, which the committee incorporated in the bill at that time. The maximum rate for a full car service, a 16-foot car, was 12 cents per mile. As the gentleman remembers, we had that in the bill. During some performances that went on here when the special defenders of the common people were rampant, points of order were raised and it went out of the bill; and the Post-Office Department did not have a statute of limitations fixed. So this year they went into the matter again, and came to the conclusion, as contained in this report, that a fair basis would be a cent per foot per mile, inside measurement, which would make for a 16-foot car 16 cents per mile—4 cents more than was recommended to this body last year—which I believe would have passed this House either in that form or a reduced form. The chairman of the Committee on Appropriations did suggest an amendment to reduce it; but I think it would have passed the House almost unanimously if it had not gone out on a point of order.

Now, when we come to ascertain what the amount is at 1 cent per foot per mile—when we figured it upon the basis of the pay given for railway post-office car service—and let me remark that severe criticisms have been made by many reformers and by a great portion of the press of the country to the effect that the pay for this railway post-office car service is exorbitant——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I ask for five minutes more—not on my own account, but for the benefit of the House. I wish to go over this subject, so that the House may understand it. I am simply giving the result of our investigations.

The CHAIRMAN. In the absence of objection, the gentleman will proceed.

There was no objection.

Mr. LOUD. As I was saying, the rate paid for railway post-office car service is assumed by many to be exorbitant. Now, at the rate of a cent per mile per inside foot for this car service the Government would pay for a 16-foot car on a street car line $58.40 per mile per annum. The rate we pay for railway post-office cars is, for a 40-foot car, $25 per mile per annum; that is, $25 for 365 miles. Figuring upon the same basis here, you will find that 365 miles at 16 cents in this 16-foot car would cost $58.40. Looking at the question from this standpoint, and in view of the cost of the construction of a 16-foot street car—in view of the cost of operation and in view of the amount of labor required to operate the car in comparison with the service performed on the railroads of the country—it seemed to me an exorbitant price. I may be entirely mistaken, but it does seem to me that we should be able to operate a car in a city at somewhere near the same figure as upon a steam railroad. That is the way the proposition strikes me.

Of course I know that gentlemen who are familiar with the street car service will say, "We are compelled to have the motorman, or the gripman, and the conductor under the requirements of municipal law." Admitting that, I find that under the rates which it is proposed to pay here for a trailer car, which, of course, does not require either a motorman or a conductor—at the rates proposed by this committee for a trailer car——

Mr. BINGHAM. What does the gentleman mean by "a trailer car?"

Mr. LOUD. I mean such as are used in the service in the city of Washington.

Mr. BINGHAM. That is, a trailer only in the sense of being a rear car. It is, in fact, a specially built postal car.

Mr. LOUD. Oh, I admit that. But of course there is no comparison between the first cost of the construction of one of these cars and that of constructing a 60-foot car for service on railroad lines.

Mr. BINGHAM. I merely wanted the gentleman's definition of a "trailer."

Mr. LOUD. I think the House understands that a trailer car is one which does not require either a conductor or a motorman. Now, the rate provided by the committee in this bill would require us to pay $43.80 per mile per annum for a trailer car of 16 feet inside measure; yet we pay but $25 per annum per mile for a 40-foot car operated upon the railroads of the country. This is all the information that the committee or the chairman of the committee possesses on this subject.

Mr. BINGHAM. I am very much obliged to the gentleman for the information.

Mr. LOUD. If the gentleman desires, so much of the report as relates to this subject might be read. I think it would be well that it should appear in the RECORD in order that the House may understand this matter. I may be entirely mistaken. I do not desire to do injustice to any individual or company, but the rates proposed seem to me exorbitant.

Mr. BINGHAM. I have no specific information on this subject, and I thank the gentleman from California for the information which he has given us. But the question I submit is this: Is it not wise, is it not in the interest of good legislation, in view of the gentleman's own declarations, that this question as to compensation of this service should be left to the better judgment of the Department? The provision to which I take exception is this: "That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing such service." I do not think such a provision is good legislation. We are now in an experimental stage in regard to transportation of the mails by the electric car lines. The Department wants to reach a conclusion fair to the Government and fair to the roads. I fail to be convinced—and I think the gentleman fails to be convinced by his own argument as he states it—that he is clear and just in the conclusion that a provision restricting the allowance to be made by the Department should be adopted. I think this provision ought to be omitted from the bill. The amount involved is not great. The question as it may present itself in the future is a large one. The Department has been and is now investigating it. It seems to me desirable that the Department continue to operate on the lines on which it is now operating, so that it may reach a wise conclusion as to the compensation of these roads.

Mr. OGDEN. Let me ask the gentleman this question: In any city of this Union where the Government has proposed to put on these trailer cars, have the companies refused to perform the service at the rates fixed by the Department? I understand not. How, then, can the Department be embarrassed in any manner if this provision remains in the bill?

Mr. BINGHAM. I am asking that we leave the rates to be fixed by the Department. This provision does not allow the Department to fix the rates.

Mr. OGDEN. The Department has fixed certain rates which these companies have accepted.

Mr. BINGHAM. They have been fixed for a year, under certain limitations, and upon the reasons which have been stated here. Between the gentleman from Louisiana [Mr. OGDEN] and myself there is no contention. I am merely seeking good legislation.

Mr. OGDEN. Certainly.

Mr. BINGHAM. Whatever the Department may consider wise I am in favor of; but I do not concur in the wisdom of limiting the discretion of the Department by providing that it shall pay no more than it is now paying for this service. There is no contention between the gentleman and myself.

Mr. OGDEN. With all due deference to the gentleman from Pennsylvania [Mr. BINGHAM], there is a difference between the gentleman and myself. This matter has gone beyond the experimental stage. The Department has already taken into consideration the rate of pay that should be allowed on electric car lines. Under the rates fixed by the Department, this system of transportation is already in operation, and this bill simply continues the existing system.

Mr. LOUD. Mr. Chairman, let us be perfectly fair and frank with reference to this matter.

Mr. BINGHAM. That is all I want.

Mr. LOUD. If this provision passes in the shape that it is embodied here, the railroad companies will be compelled to accept 25 per cent less than is agreed on by the committee, because they would then receive the same amount they are receiving now.

Seldom the gentleman from Pennsylvania and I disagree on any question; and, as I have said before, I may be mistaken about this matter. I do not propose to proclaim that I am absolutely right and other gentlemen absolutely wrong; and yet, when I consider the proposition from the standpoint from which I view it, I assume that even the rate provided by us—25 per cent reduction—is exorbitant for the service rendered. That is the way it strikes me. I repeat, I may be wrong; may be mistaken. I can not make it too strong. I am not an expert, and do not pretend to be; I am only comparing it now with steam railroad service already in operation.

As to the suggestion of the gentleman to leave it to the discretion of the Department—yes. It should be left with the proper executive officer. There is no objection to that. But let me say to the House to-day that whatever rate is made here, or by the regulation of the Department, no incoming Administration, no matter what the conditions, will ever have strength enough to reduce it to its proper proportions again. To try to effect a reduction under such circumstances would be a most difficult proposition to bring to a vote in the House and enact into law.

But the gentleman knows my position on the general railroad question and this service with reference to it. I believe, as I said on yesterday, that the power is vested where it properly belongs—in the executive officer of the Government. And yet he finds himself unable, by surrounding circumstances and conditions, to regulate it in any way whatever.

I told the House on a preceding occasion, when the "special defenders" of the common people were present—defenders who do not seem to be here to-day in such great numbers as special guardians of the wants and desires of the farmers—I told them that the point of order they raised against this provision of the bill would ultimately cost the Government of the United States hundreds of thousands of dollars.

Now, then, if we had adopted the ratio in the bill proposed last year, which was 12 cents maximum and 8 cents on a trailer, the railroad companies would have accepted it with pleasure. There is no question about that. In the absence of any law, therefore, it is a question whether if they did not accept it, and this provision is carried in the bill, they will not, for a time at least, rebel against the rate fixed. And yet I believe the rate provided here is more than a profitable one.

So, Mr. Chairman, in legislation we must meet conditions. While you and I would like to pursue a different course, we have got to meet surrounding conditions and accommodate ourselves to them. We find a sent ment in the country, and you and I have advocated such course as would influence people for a time, hoping that that influence would ultimately get back to what we regarded the point of reason. It is necessary at times to pursue such course. You must meet conditions as they arise, and so, in such a case as this, it is simply necessary to pursue that course. If, then, that becomes the rate, it will be the fixed rate and can not be changed. It will be exorbitant; it can not be modified, and we will find ourselves powerless to remedy it.

I would like the House, after hearing the reading of this part of the report which I send to the desk, to consider this question, and then vote on it without fear or favor.

Mr. HEPBURN. Before the gentleman takes his seat, will he be kind enough to explain to the House the uses to which such appropriation will be applied? For instance, there is to be seen at times on the streets of this city a mail car. Now, what is the purpose of that car? What does it do in the great plan of the operations of the Post-Office Department?

I have heard gentlemen suggest that the use of this car in the cities was a mere fad; that there was nothing in it of benefit to the public generally. I confess I have no knowledge of the subject. I do not know what is done in it, or what it is for. Will the gentleman explain what purposes it serves?

Mr. TERRY. If the gentleman will permit me to give as one reason for the use of this car, it has been intimated that it is for the purpose of getting the Federal bayonets in the event of strikes among the street railway men.

Mr. LOUD. Well, Mr. Chairman, I hope the House will approach the discussion of this proposition calmly and with equanimity, and will not be influenced by outside questions which have no bearing upon the discussion.

In answer to the inquiry of the gentleman from Iowa, I think, in some instances, perhaps, the use of this car may be a "fad," as he calls it. I do not believe that the street car service in this city, or a city located as this city is, can be of very material benefit to the mail service; and yet in some cities it certainly does expedite the mail delivery. You take a city, as an illustration, where the street car lines concentrate at one point, or where there is a system of waterways concentrated, as in some cities; if your mail goes upon street cars thus concentrated, then you have expedited the mail in some instances twenty-four hours, in others perhaps twelve or only six hours, which, of course, is a great advantage in the collection and delivery of the mails.

This mail is gathered from the letter boxes, taken onto this car and distributed there, without going through the main office, and if, as I have suggested, these cars concentrate at the point of debarkation of the mails at a union depot or at a water front, why, then, in many instances letters will be expedited twenty-four hours. It is a very beneficial service. Now, if there are no further questions, I should like to have the Clerk read so much of this report as is marked, and I should like to have members pay attention to it. It will give gentlemen all the information we have on the subject.

The CHAIRMAN. The Chair will suggest to the gentleman that there is no amendment pending.

Mr. LOUD. I ask unanimous consent that it may be read.

The CHAIRMAN. The gentleman asks unanimous consent that the extract to which he refers may be read. If there be no objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

> Our conclusion is that a rate of 16 cents per car per mile for cars not exceeding 16 feet in length, inside measurement, would cover operating expenses and in most cases allow a fair margin of profit. The most notable exception to this would be the West End Street Railway Company of Boston, and even in their case we believe that 16 cents per mile will fully cover the actual additional expense incidental to the service.
>
> Assuming that this rate is adopted, it will be noted that it will form the basis for a very convenient unit of measure, namely, 1 cent per linear foot of car space, full width of car, per mile. This rate of pay, we think, should also apply to apartment space in combination cars. Inasmuch, however, as the cost of operating longer cars does not increase directly with the length, we would suggest that for space exceeding 16 feet the rate should be one-half cent per mile per foot up to and including 20 feet, which would make the rate for a car of 20 feet, inside measurement, 18 cents per mile.
>
> For trailer cars we would recommend the rate of one half cent per car-foot mile for 20 feet or less, and one-quarter cent per car-foot mile for space in excess of 20 feet. While several companies argue that the cost of a trailer car is more than half of that of a motor car, we believe that in cities which do not require a brakeman or conductor to accompany the trailer the cost per car mile for trailers is not much in excess of half of that for motor cars, since the items of wages for conductors and motormen and repairs of motors are saved entirely, and all other expenses, except general expenses, considerably reduced.
>
> These rates of course contemplate that the cars shall be furnished with the necessary fixtures, lighted, heated, painted, and lettered in accordance with plans furnished by the Department, and include transportation of clerks actually engaged in distribution, messengers accompanying registered mail, and post-office inspectors in the discharge of their duties.
>
> In the matter of compensation for carrying the mails in closed pouches the replies of the railroad companies throw little or no light upon the subject. There is no way to arrive at the cost of performing this service. The quantity of mail to be handled is usually small, and, even at a comparatively high rate, the total earnings of the companies from this source would be insignificant, and there is therefore little money inducement to perform the service. On account, however, of the other inducements mentioned above, most companies are willing to handle the mails. We would recommend a rate of 3 cents per car mile for transporting mails in closed pouches, regardless of the space occupied, which, upon most lines, is inconsiderable. This rate, however, on roads of short mileage, having few dispatches, would reduce the present compensation, which is so low as to cause much complaint and dissatisfaction on the part of the companies. To provide for such cases, we would recommend that the minimum compensation allowed such companies shall be as follows: For lines performing 2,000 car miles of service or less, $150 per annum; for lines performing not more than 3,500 miles nor less than 2,000 miles, $175; for lines performing not more than 5,000 miles nor less than 3,500 miles, $200; and for lines performing not more than 8,333 miles nor less than 5,000 miles, $250.
>
> As the committee finds that if the rates herein recommended are adopted the appropriation for street-railway service which was made by the last Congress will be insufficient, it is recommended that the allowance for street-railway post-office cars for the ensuing year be 75 per cent of the amount to which the new rates would entitle them, and that the change in the rate of compensation for carrying the mails in closed pouches be postponed for one year, or until Congress shall have made a sufficient appropriation to put into effect the rates which the committee considers the railway companies to be entitled to.

The Clerk (proceeding with the reading of the bill) read as follows:

> For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. BROMWELL. Mr. Chairman, I move to amend by striking out the entire paragraph commencing with line 21, page 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Strike out the paragraph commencing with line 21, page 6.

The question was taken; and on a division (demanded by Mr. BROMWELL) there were—ayes 53, noes 79.

Mr. BROMWELL. I call for tellers.

Tellers were ordered; and the Chairman appointed Mr. BROMWELL and Mr. SWANSON.

The committee divided; and the tellers reported—ayes 46, noes 107.

Accordingly the amendment of Mr. BROMWELL was rejected.

Mr. SIMPKINS. Mr. Chairman, I move to amend by striking out "Boston, Mass., by way of;" and by substituting, in lines 23 and 24, for the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" the words "one hundred and seventy-one thousand two hundred and thirty-two dollars and seventy-five cents."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> In line 22, strike out the words "Boston, Mass., by way of;" and further amend, in lines 23 and 24, by substituting for the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty two cents" the words "one hundred and seventy-one thousand two hundred and eight dollars and seventy five cents."

Mr. CRISP. Mr. Chairman, I make the point of order against that.

Mr. HALL. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] and the gentleman from Missouri [Mr. HALL] both raise the point of order. If the gentleman desires to be heard on the point of order, the Chair will hear him.

Mr. SIMPKINS. I should like to be heard on the point of order, Mr. Chairman. The purpose of this amendment is not to

change existing conditions in any degree. It has been acknowledged by the committee that no part of this appropriation is expended in New England.

Mr. LIVINGSTON. Then why strike it out?

Mr. SIMPKINS. For years, Mr. Chairman, we have had this appropriation in the bill, and this year, because it has not been expended, it has been necessary to add another paragraph to the bill, by which the Postmaster-General can expend, at his discretion, money not expended under this appropriation. It seems to me very unwise, it seems to me a fraud on the public, for the members of this Congress to appropriate money for a certain purpose year after year when they all know that not one cent of the appropriation is to be used for the purpose for which it is appropriated.

Now, Mr. Chairman, if the gentleman wishes to make a point of order that this changes existing law, I will simply move to amend by striking out, in lines 23 and 24, the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" and substituting the words "one hundred and seventy-one thousand two hundred and thirty-two dollars and seventy-five cents," thus saving to the Government $25,000.

Mr. SETTLE. The gentleman knows that that money is not taken out of the Treasury anyway.

Mr. LOUDENSLAGER. I will ask the gentleman where in the bill is authority given to the Postmaster-General to expend the unexpended balance?

Mr. SIMPKINS. On page 8.

Mr. BINGHAM. I think there had better be an acceptance of the gentleman's latter proposition. The money has not been expended. It is discretionary with the Postmaster-General to expend it, and the discretion has been not to expend it. As it has not been expended, and is not proposed to be expended, I think the gentleman's proposition is a fair one.

Mr. SIMPKINS. I hope the gentleman will not insist on his point of order.

Mr. SWANSON. I wish to say that I have no objection to the adoption of that amendment, if other gentlemen do not object. I want to say this in connection with it, that we have voted for this paragraph. The gentleman's motion would have been in order before the amendment of the gentleman from Ohio had been voted on, because when a motion is made to strike out the entire paragraph, then a motion to amend that paragraph before it is stricken out is in order; but when the House voted that it would not strike out the paragraph, then a motion to amend it is not in order. So I make the point of order that the gentleman's motion comes too late—after the House has voted to retain this paragraph.

Mr. SIMPKINS. There is another suggestion——

The CHAIRMAN. The point of order made by the gentleman from Georgia is now pending.

Mr. SIMPKINS. I hope the gentleman will not insist upon his point of order. It does not seem to me to be fair that gentlemen of the South——

The CHAIRMAN. The gentleman will confine himself to the point of order made by the gentleman from Georgia.

Mr. SWANSON. Now, in addition to that, this is a change of existing law.

Mr. SIMPKINS. I ask the gentleman to reserve his point of order, so that I may be heard for a moment.

The CHAIRMAN. The point of order of the gentleman from Georgia is not the same as the point of order made by the gentleman from Virginia.

Mr. CRISP. I do not care to discuss it. It is evident that it is a change of existing law.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. SIMPKINS. I ask the gentleman if he will not reserve his point of order, so that I may be heard for a minute.

Mr. CRISP. I reserve the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts on the point of order raised by the gentleman from Georgia, and not on the one raised by the gentleman from Virginia.

Mr. SIMPKINS. Will the gentleman reserve his point of order?

Mr. CRISP. I reserve my point of order.

Mr. SIMPKINS. Mr. Chairman, I hope gentlemen of the South and the gentleman from Georgia, now that the House has decided that this appropriation shall be made for their fast mails, will not insist upon voting into this bill a wording which gives a wholly false and erroneous impression to the people. Those gentlemen know that not one dollar of this appropriation is expended or is intended to be expended in the New England States. It is insisted that it shall be kept in the bill in order that the votes of members from New England States may be given to this proposition, under the false impression that this money is needed for their trains, in order that the South may have fast mails.

Mr. LIVINGSTON. May I interrupt the gentleman a moment?

Mr. SIMPKINS. Certainly.

Mr. LIVINGSTON. If this paragraph is left as it is and the road from Boston to New York will accept the Post-Office regulations, this money can be used at any day.

Mr. SIMPKINS. Mr. Chairman, in answer to that I will say that this money has not been used for years.

Mr. BOATNER. Why not?

Mr. SWANSON. Mr. Chairman, I insist on my point of order. All this has been discussed.

The CHAIRMAN. The point of order now being discussed is that made by the gentleman from Georgia. The Chair understands the gentleman from Georgia withheld the point of order until the gentleman from Massachusetts could be heard.

Mr. CRISP. That is correct.

Mr. SIMPKINS. I was trying to answer the question of the gentleman from Georgia, and I will say that already, without appropriating one dollar, the railroads of their own accord have given the very best mail facilities we have ever had between Boston and New York. The facilities will not be improved or increased by reason of this appropriation, and the Department does not seek to increase the facilities between those points. Already the latest mails can leave Boston and arrive at New York at 11 o'clock, in time to catch the fast trains from New York south at midnight as they are now scheduled.

Mr. LIVINGSTON. Will the gentleman allow me one further question?

Mr. SIMPKINS. Certainly.

Mr. LIVINGSTON. You suggest that we want to keep it in here for the purpose of securing the Eastern votes, while you want to strike it out because you want us to lose the Eastern votes next year?

Mr. SIMPKINS. Not at all.

Mr. WILLIAM A. STONE. If the appropriation is not necessary, ought it not to go out?

Mr. SIMPKINS. I want it stricken out, because it is of no use, and it makes a useless appropriation of $25,000, which can as well be saved to the Government as not; and I wish the Southern men in this House would give an example of their Democratic economy in voting for this amendment.

Mr. CRISP. I renew the point of order.

Mr. GARDNER. Will the gentleman allow me to ask him a question?

Mr. SIMPKINS. Certainly.

Mr. GARDNER. I want to inquire whether the gentleman from Massachusetts is authorized to speak for the railroad companies that manage lines between Boston and New York, and to say for them that in the future they will not adapt their schedules to the wishes of the Department and be in a position to accept this money?

Mr. SIMPKINS. I will say that I am not authorized to speak for any railroad company, and I think that from my remarks it must be perfectly plain to the House that I have not been arguing in favor of any subsidy for any railroads in this country—either the Pennsylvania Railroad, or the Southern railroads, or the New England railroads.

Mr. GARDNER. But the gentleman said that no part of this money would be expended in New England. He can not say that unless he is authorized to speak for the companies.

The CHAIRMAN. The Chair is ready to rule on the point of order. In the opinion of the Chair, it is clearly in order to move to strike out the entire paragraph; and if that may be done, it is certainly in order to strike out any part of the paragraph.

The second point of order (raised by the gentleman from Virginia) is that as the Committee of the Whole refused to strike out the entire paragraph, therefore it is out of order to strike out any part of it. On this point the Chair calls the attention of the gentleman to clause 7 of Rule XVI, which expressly provides that—

> A motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

The Chair therefore overrules both points of order, and submits the amendment to the committee.

Mr. MILLER of Kansas. The only suggestion I wish to make is that one portion of this point of order has not been considered, and that is that the rules provide that an amendment shall be in writing. This amendment was not offered in that form.

Mr. SIMPKINS. I have submitted the amendment in writing.

The CHAIRMAN. The Chair understands that the amendment as now in possession of the Clerk is in writing. The question is on the amendment of the gentleman from Massachusetts.

Mr. BINGHAM. Is it understood that the amendment is to reduce the appropriation of $196,614.22 by some $25,000?

Mr. SIMPKINS. By a reduction of $25,000.

Mr. LOUD. The proposition is to dispense with a portion of the appropriation which has not been used for years.

Mr. BINGHAM. I think the amendment of the gentleman from Massachusetts is a wise legislative proposition. This House has determined that, so far as concerns an expeditious mail service, it is in favor of it from the point indicated by the bill, but actually and practically from New York to New Orleans. The expense of fast-mail facilities between these points can be covered by about $176,000. The New England road from Boston to New York, because of the competition in connection with passenger traffic, will not put any one of their trains under the absolute control of the Department as to schedule departure and schedule arrival. It pays that company better to control every train in their own administration than to give any one train to the control of the Post-Office Department. As to the line from New York to New Orleans, the proposition stands. The roads embraced in that line have submitted themselves to the control of the Department, they have said "You may start this fast train at an hour which you may designate: you may make it arrive at Washington at a given hour; you may control the schedule all the way south to New Orleans." This House has approved that as good legislation. It has supported a provision of that kind for almost twenty years. I have voted for it every year when the proposition has come up, whether contested or uncontested.

To-day the appropriation for these fast-mail facilities is not used from Boston to New York. Why, then, appropriate for a service which does not exist? Over that line the necessary expedition is given because of the competition in the passenger traffic. Such competition does not exist from New York to the points southward to New Orleans. The fact that this money is not used on the line between Boston and New York is shown by a paragraph incorporated elsewhere in this bill—a paragraph embodying new legislation, giving to the Post-Office Department a privilege never before given. It is in these words:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

Now, as this money has not been used—as there is no evidence that it will be used—as it is a fact that fast-mail service between Boston and New York can be obtained without the expenditure of a cent by reason of the competition in passenger service, I say the proposition of the gentleman from Massachusetts is wise and economical legislation.

Mr. HALL. I believe the Chair referred to me as having made a point of order against the amendment. I made no such point. I have no objection to the proposition. It seems to me eminently proper.

The CHAIRMAN. The point of order made by the gentleman from Missouri [Mr. HALL] was that there was too much confusion in the Hall. The Chair misunderstood the gentleman in supposing that he made a point of order against the amendment. That error was corrected, and the point of order was attributed properly to the gentleman from Georgia.

The question being taken on the amendment of Mr. SIMPKINS, it was adopted.

The Clerk read as follows:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

Mr. BROMWELL. I make a point of order upon this paragraph. My point is that it embraces new legislation.

Mr. HALL. I desire to be heard on the point of order. This point, as I understand, is made under clause 2 of Rule XXI. I do not believe that any fair construction of that clause will sustain the gentleman's position. The clause reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The appropriation to which the pending paragraph refers is an appropriation for the fiscal year ending June 30, 1897, a portion of which remains unexpended.

Now, the decisions on that question are to be found under the head of "Amendments to, and provision in, changing existing law," on page 281 of the Digest. I will read a kindred proposition to this, which I think is in itself conclusive as to the point of order.

A proposition reported in an appropriation bill, or an amendment proposed thereto, changing existing law for the fiscal year covered by the bill, or suspending existing law, is, pro tanto, new legislation for that period, and is subject to a point of order under clause 2 of Rule XXI.

But, Mr. Chairman, this provision of the pending bill does not come under that provision of law. This shows the idea in the minds of the framers of the bill to apply whatever appropriation there remains unexpended to the continuance of existing law.

Again, on page 282 of the Digest, appears the following:

The failure of Congress to appropriate money in the appropriation act for the current fiscal year, for an object authorized by law, does not repeal such law: and an amendment providing for such object is in order on an appropriation bill, notwithstanding its omission from the previous appropriation act.

That is precisely the same idea embodied in this provision in the pending bill.

Following that citation we find—

An amendment being submitted to the District of Columbia appropriation bill, providing for the erection of buildings for a reform school in the District, and the question being submitted to the Committee of the Whole, it was decided that it was not in violation of clause 2, Rule XXI.

Again, on page 283, we find that—

The Post-Office appropriation act for the current fiscal year containing an item "for necessary and special facilities on trunk lines," a provision in the pending appropriation bill, adding to the words quoted a designation of the routes to which the appropriation should be applied, was held not to be a change of law, but merely a limitation of the discretion of the Postmaster-General: also held, that it was in order as being in continuation of a public object already in progress.

Now, Mr. Chairman, from these words—

also held that it was in order as being in continuation of a public object already in progress—

I do not see how the point of order can possibly lie against this provision.

But, following this citation I have just made, we find—

A provision in the Navy appropriation bill for additional ships was held to be in order, as being in continuation of a public object already in progress, namely, the maintenance of the Navy. There need not, therefore, be any previous legislation authorizing it.

Now, sir, if gentlemen will reflect for a moment, they will find, on page 3 of the bill, beginning with line 18, this provision carried in the bill:

The Postmaster-General is authorized to apply to the payment of the salaries of letter carriers for the fiscal year 1897 the sum of $23,000, being an unexpended balance of $13,500 of the appropriation for the current fiscal year for street letter boxes, posts, and pedestals, and an unexpended balance of $9,500 of the appropriation for the current fiscal year for package boxes.

And the present occupant of the chair has just ruled on this identical question. It seems to me if there can be anything in the doctrine of res adjudicata on the question of a ruling of the Chairman of the committee or of the Speaker of the House it has already been established. For instance, the point of order was made by the gentleman from Kansas [Mr. MILLER] against that provision of the bill, and the Chair ruled, using his own language, as follows:

The Chair is of opinion that this is simply in the nature of an additional appropriation for letter carriers. There can be no question as to the authority of the Committee on the Post-Office and Post Roads to report an appropriation giving an additional amount to letter carriers. The provision in this bill has simply the effect of a new appropriation. It proposes merely to use for this particular purpose an unexpended appropriation in the bill of last year. The appropriation is applied to an object already provided for by law, the payment of letter carriers. The Chair overrules the point of order on the ground that the provision is simply the application of a previous unexpended appropriation to a purpose contemplated by law.

Now, then, this provision of the bill is identical in substance with that, only providing for an unexpended balance, in the following words:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast mail facilities.

There is an unexpended balance here of this appropriation; and on page 3 there is a similar unexpended balance, on which the Chairman of the committee has already ruled. The Chair has declared its opinion that it is in continuation of a work already in progress, and there can be no question as to the authority of the committee to report this proposition, making available this unexpended balance. It proposes, as the Chair held in the other case, merely to use, for this particular purpose, an unexpended balance of appropriation in the bill of last year.

Now, in direct line with the decisions I have already read, in which they state that where the object is to carry out a provision of already existing law it is not open to the objection under clause 2 of Rule XXI—that is, that it is in order as being in continuation of public object already in progress—I will read the law of last year.

The CHAIRMAN. The Chair would like the gentleman from Missouri to point out the law providing for other trunk lines providing this appropriation shall be turned aside from the purposes of last year. The Chair would like to hear what the gentleman has to say as to what other lines now provided by law it could be applicable to, and to know what lines already established by law will be benefited by such a provision of law as this.

Mr. HALL. I would suggest that the appropriation for the year 1897 was reported by our committee, and this provision is in it, the same provision, for facilitating the mails on the trunk lines. That will be found on page 6 of the bill of last year, in the following words:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, it seems to me that when there is a provision of law for the appropriation of this money for trunk lines specified as in that bill, and this unexpended balance remains in the hands of the Postmaster-General, it is on all fours with the rulings heretofore as well as the ruling on the paragraph found on page 3 of the bill made by the Chair to-day.

Mr. BROMWELL. Mr. Chairman, if the Chair is ready to rule, I have nothing to say.

The CHAIRMAN. The Chair is ready to rule. The Chair will call the attention of the gentleman from Missouri [Mr. HALL] to the fact that in the point of order raised by the gentleman from Kansas to the appropriation for letter carriers there was no question as to the letter carriers being provided for by existing law. There was no provision for extending the letter-carrier system to cities not entitled to such privileges under the present law. If there had been a provision in that section on page 3 extending that provision to cities not now entitled to the carrier system, and then appropriating an unexpended balance for that purpose, the Chair would have held it out of order, because it would have been a change of existing law; but it was not a change of existing law in that case to simply make an appropriation for a purpose already provided for by law. It was simply a method of appropriation. The Chair would like to have the gentleman from Missouri [Mr. HALL] point out the law that provides for extending these fast-mail facilities to other trunk lines in the country.

Mr. HALL. I do not know of any express provision.

The CHAIRMAN. The Chair is of the opinion that there is no such law.

Mr. HALL. I do not know of any express provision.

The CHAIRMAN. If the gentleman from Missouri [Mr. HALL] can point the Chair to any law providing fast-mail facilities on other trunk lines in the United States, then the Chair will hold quite differently, but the Chair does not understand the gentleman to point out anything except as provided in the appropriation bill, where a specific line is named and none other.

Now, this amendment gives the power to the Postmaster-General to extend fast-mail facilities on any other trunk line in the country where he may desire to do so, and it would be clearly a change of existing law to do something in that way which the gentleman from Missouri [Mr. HALL] himself would say could not be done by the Committee of the Whole House on the state of the Union, the naming of other trunk lines and starting additional facilities by an appropriation bill, under the present rules of the House. It certainly is not in order to give authority for an officer of the Government to do what the House itself can not do.

The Chair is of opinion that this amendment clearly and unequivocally changes existing law. It is not a question of simply making an appropriation of unexpended balances for purposes now authorized by law, but it is an appropriation of unexpended balances for purposes not authorized by law. In so far as it undertakes to expend unexpended balances for purposes not now authorized by law, or in so far as it undertakes the creation of new obligations upon the Government, the Chair thinks it is clearly out of order. The Chair sustains the point of order raised by the gentleman from Ohio [Mr. BROMWELL]. The provision will be stricken from the bill.

The Clerk (proceeding with the reading of the bill) read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, $175,000.

For pay of agents and assistants to distribute stamps, and expenses of agency, $12,000.

For manufacture of stamped envelopes and newspaper wrappers, $844,000.

For pay of agents and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, $17,800.

For manufacture of postal cards, $197,000.

For pay of agent and assistants to distribute postal cards, and expenses of agency, $7,800.

For registered-package, tag, official, and dead-letter envelopes, $103,000.

For ship, steamboat, and way letters, $1,000.

For engraving, printing, and binding drafts and warrants, $1,000.

Mr. LOUD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out lines 11 and 12 on page 9.

Mr. LOUD. I find on examination, Mr. Chairman, that, while they have estimated for this amount for four or five years, there has not been a dollar of the money used, and it has all been turned back.

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

For mail depredations and post-office inspectors, including salaries of inspectors, etc., and for per diem allowance to inspectors in the field while actually traveling on business of the Department at the rate of $4 per day, exclusive of Sundays, excepting in cases of emergency, $400,000: *Provided*, That post-office inspectors, excepting those receiving salaries of $2,500 per annum, may be paid in excess of the $3 per diem allowed by this act for such items of actual and necessary personal expense incurred in the discharge of their official duties, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the date or dates which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector reciting the objects of, amounts of, and necessity for, such expenditures, may be accepted in lieu of the vouchers: *And provided further*, That post-office inspectors shall be paid, out of any money hereby appropriated, a salary at the rate of not exceeding the following: For first year's service, $1,200; second year, $1,400; third year, $1,600.

Mr. BAKER of New Hampshire. On page 9, line 19, I move to strike out the word "four" and insert the word "three;" and I do this more especially for the purpose of asking a question and submitting a few remarks.

I find by referring to the estimate that this item has been increased from $300,000 to $400,000. I wish particularly to know of the chairman of the committee [Mr. LOUD] whether this covers, or is expected to cover, a further appointment of secret agents of the Post-Office Department, like those who interfered with the rights and duties of mail carriers in the cities during the last few years? I presume that that would not be justified by the present committee, but I send to the Clerk's desk and ask to have read in my time a list of the employees of the Post-Office Department who, within the last few years, have been engaged in the so-called secret service.

The Clerk read as follows:

Secret agents of the Post-Office Department and the places of their payment as such.

Name.	City.
John J. McKiernan	Albany, N. Y.
Stephen M. Pritchard	Baltimore, Md.
R. C. Puryear	Do.
P. A. Allen	Brooklyn, N. Y.
Chas. E. Machen	Do.
Myron M. Ludlow	Buffalo, N. Y.
T. J. Ryan	Do.
I. N. Wakefield	Chattanooga, Tenn.
J. S. Cox	Chicago, Ill.
R. F. Hughes	Do.
William White	Do.
Ed. Hughes	Cincinnati, Ohio.
Walter S. Rockhill	Do.
C. E. Holmes	Cleveland, Ohio.
Frank P. Walsh	Do.
Percival Marshall	Columbus, Ohio.
John B. Shine	Do.
C. A. J. McPherson	Dayton, Ohio.
James Welch	Do.
H. A. Ramstetter	Denver, Colo.
Oscar Austin	Do.
Nicholas Grieser	Detroit, Mich.
Chas. J. Reuscher	Fort Wayne, Ind.
John A. O'Dwyer	Grand Rapids, Mich.
Lafayette Coon	Indianapolis, Ind.
Chas. E. Crawford	Do.
J. M. Thomas	Louisville, Ky.
Jos. M. Campbell	Do.
R. V. Bane	Milwaukee, Wis.
Jos. M. Gardenhier	Nashville, Tenn.
I. H. Henriques (Hen-re-kes)	New Orleans, La.
Benjamin Reade	Do.
John R. Ihrie	Philadelphia, Pa.
Chas. P. Goodacre	Do.
W. L. Rose	Do.
John J. Murphy	Pittsburg, Pa.
Henry L. Lorenz	New York, N. Y.
John Meyer	Do.
M. J. Tierney	Do.
Milton S. Burgess	Do.
Edward Grimes	Do.
William Haw	Do.
Arthur L. Kemper	Richmond, Va.
W. A. Clarke	Do.
Al. Mannassau	Do.
Richard D. Ashford	Rochester, N. Y.
John Underwood	Springfield, Ill.
John A. Seamans	Springfield, Ohio.
Chas. A. Hennessy	St. Louis, Mo.
G. R. Snead	Do.
Geo. W. Lackey	Do.
Wm. F. Yagle	St. Paul, Minn.
Frederick Merrick	San Francisco, Cal.
S. S. Blanchard	Toledo, Ohio.
John H. Dean	Do.
Brooke Cross	Washington, D. C.
Frank S. Machen	Do.
Clayton I. Croft	Do.
Wm. M. Bellman (chief)	Do.

Fifty-nine in all.

Mr. BAKER of New Hamsphire. Mr. Chairman, those are the men who, in the last few years, have been sent around the country for political purposes, under the guise of doing work for the Post-Office Department. It seemed appropriate to me that they should be put on record, so that the people of this country can know who these men are, and for that purpose I rose and offered the amendment, which I now withdraw.

The Clerk read as follows:

SEC. 4020. The Postmaster-General may appoint two agents to superintend the railway postal service, each of whom shall be paid out of the appropriation for the transportation of the mail a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than $5 a day; and the Sixth Auditor shall charge to the appropriation for mail transportation the salary and per diem of the assistant superintendents of the postal railway service, and to the appropriation for the free-delivery system the salary and per diem of the special agent detailed for that service.

Mr. LOUD. I offer the following amendment at line 16.

The Clerk read as follows:

Page 11, lines 16 and 17, strike out the words "Sixth Auditor" and insert "Auditor for the Post-Office Department."

Mr. LOUD. That is required by the change of the title of the office.

The amendment was agreed to.

Mr. DOCKERY. I move to strike out "five," in line 16, page 11, and insert the word "four," so that it shall allow for traveling and incidental expenses while actively employed in the service not more than $4 a day, instead of $5.

Mr. BINGHAM. What is the present law?

Mr. DOCKERY. Five dollars a day.

The Clerk read as follows:

In line 16, page 11, strike out the word "five" and insert the word "four."

Mr. LOUD. I am willing to accept that amendment.

The amendment was agreed to.

The Clerk read as follows:

Section 4048 of the Revised Statutes is hereby repealed.

Mr. LOUD. Mr. Chairman, I have another amendment.

The Clerk read as follows:

Insert as a new paragraph, after line 23, page 11, the following:
"The Postmaster-General shall, for the fiscal year 1899, and annually thereafter, submit in the annual estimates to Congress estimates in detail for expenses of the free-delivery service as provided in this appropriation act."

Mr. LOUD. I move the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June 30, 1898.

Mr. DOCKERY. Mr. Chairman, I desire to offer the following as section 2 of the bill.

The Clerk read as follows:

Amend by adding as section 2:
"Section 4 of the act approved July 16, 1894, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895, is hereby amended by inserting the word 'seven' in place of the word 'ten' wherever it occurs in the section."

Mr. DOCKERY. That is to come in as section 2. The section that is sought to be amended is section 4 of the Post-Office appropriation bill approved July 16, 1894. That section authorizes the Secretary of the Treasury and the Postmaster-General to destroy in such manner as they may deem best the money-order statements and paid money orders and paid postal notes accompanying the same after ten years shall have elapsed from the expiration of the period covered by such statements. The Post-Office Department now asks that this period for the destruction of money order-statements and paid money orders be reduced to seven years. I desire the Clerk to read a letter of Postmaster-General Wilson in this connection, and also a letter from the Auditor for the Post-Office Department.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 11, 1897.

DEAR SIR: In response to your telegram of this date requesting my opinion as to the propriety of a provision by law permitting money-order statements and paid money orders to be destroyed when seven years shall have elapsed from the expiration of the period covered by such statements, I have the honor to transmit to you herewith a letter from the Auditor for the Post-Office Department, accompanied by a copy of a letter addressed to you of the 20th of January, 1897, by the Auditor; and to say that I concur in the opinion expressed in his letter, that changing the limit to seven years instead of ten years would not be detrimental to the interests of the Government or to the payees of such money orders.

I have the honor to be, very respectfully, yours,

WM. L. WILSON,
Postmaster-General.

Hon. A. M. DOCKERY,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 20, 1897.

SIR: In response to your personal inquiry as to the effect of retaining money orders and money-order statements only seven fiscal years from the date of their issue, instead of ten years as required at present, I have the honor to reply that I do not think changing the limit to seven years, instead of ten, would be detrimental to the interests of the Government or to the payees of such money orders.

At present these orders are retained for ten years, and at the beginning of each fiscal year the oldest year of the files is destroyed. This system has been in operation during the fiscal years 1894-95 and 1895-96.

During the fiscal year 1894-95 applications for warrants for 26 invalid money orders which were issued ten years prior to the application, amounting to $257.29, were received.

For the fiscal year 1895-96 21 applications were received, amounting to $121.30.

For the fiscal year 1894-95 applications were received for warrants for 25 invalid money orders more than seven years and less than ten years old, amounting to $128.96. For the fiscal year 1895-96 applications were received for warrants for 13 invalid money orders more than seven years and less than ten years old, amounting to $79.74. Total for the two years, 38 orders, amounting to $208.70.

Of these 38 applications during the two years above specified 19, amounting to $98.94, were accompanied by the original unpaid money orders. There remained 19 applications, amounting to $109.76, which contained only the certification of the payees and issuing and paying postmasters that the orders had never been paid.

If the files for these years had been destroyed, payment would have been made upon these certificates, and of course search could not have been made to see if the original orders had been paid.

The number of money orders issued each year is increasing, as well as the number of money-order offices.

The basement of the city post-office, in which these files are stored, is now so crowded as to interfere with their proper arrangement for reference.

Each year's files stored in this basement is greater in volume than those of the year which is removed to be destroyed. It will therefore be very soon a necessity that additional storage room be provided for them or their volume decreased.

Very respectfully,

GEO. A. HOWARD,
Auditor.

Hon. A. M. DOCKERY,
House of Representatives.

Mr. LOUD. Mr. Chairman, I will say there can be no objection to that amendment. I ask unanimous consent that the amendment be put into the bill after the last amendment that I offered, leaving the last paragraph at the end of the bill, as it should properly be.

The CHAIRMAN. The gentleman from California asks unanimous consent that the amendment shall be considered as coming in just before line 24, on page 11.

There was no objection, and it was so ordered.

The amendment was agreed to.

Mr. DOCKERY. Mr. Chairman, in this connection I desire to pay a just tribute to Hon. George A. Howard, the accomplished Auditor for the Post-Office Department. He has been honest, faithful, and tireless in the discharge of his official duties. Because of his great ability as an executive officer, and the reforms in the system of accounting which have been inaugurated in the Auditor's Office, pursuant to the recommendations of the joint commission of Congress authorized by the act of March 3, 1893, the Auditor has been able to bring up the business of the office so that it is now current.

The House and the country will perhaps better be able to understand the efficient conduct of the office of the Auditor for the Post-Office Department by a perusal of recent reports of the Auditor to the Secretary of the Treasury and the Postmaster-General, which I herewith append:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 5, 1897.

SIR: In compliance with section 4 of the legislative, executive, and judicial appropriation act for the fiscal year 1897, I have the honor to transmit herewith a statement showing the amounts due the United States on accounts of postmasters who retired from office, and from bidders who failed to enter into contracts with the United States for carrying the mails, during the fiscal year ended June 30, 1896. The number of postmasters who were retired from office by death, resignation, or removal during the above-named fiscal year was 11,794.

Their indebtedness on postal account is	$28,370.79
Their indebtedness on money-order account is	12,927.27
There is due from failing bidders	634.95
Total	41,933.01

An examination of the annual reports of this office shows that the last statement, covering only the indebtedness of late postmasters on postal account, appeared in the annual report of this office for the fiscal year ended June 30, 1886, ten years ago.

The balance due the United States on postal account from 2,335 postmasters who retired from office during that year was $253,640.57. This sum does not include the amount due from late postmasters on money-order account, for the reason that the business of the money-order branch of this office has been, until the close of the past fiscal year, so much in arrears that its accounts had never been audited, and the annual balances have never before been stated. Nor does the report of 1886 include balance due from failing bidders for transportation of the mails.

The following is a comparative statement of the number of post-offices and the gross revenues during the fiscal years ended June 30, 1886, and June 30, 1896:

	1886.	1896.	Increase.
			Per cent.
Number of post-offices	53,614	70,228	31
Revenue	$43,948,423.16	$82,499,208.10	88
Number of money-order offices	7,266	19,825	173

Very respectfully,

GEO. A. HOWARD, *Auditor.*

The Honorable SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 6, 1897.

SIR: I have the honor to inclose a copy of the report submitted to the honorable Secretary of the Treasury under the requirements of the act of Congress approved May 28, 1896, as follows:

"The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers and administrative departments and officers of the Government as were, respectively, at any time during the last preceding fiscal year delinquent in rendering or transmitting accounts to the proper officers in Washington, * * * together with such officers, including postmasters and officers of the Post-Office Department, as were found on final settlement of their accounts to have been indebted to the Government, with the amount of such indebtedness in each case, and who, at the date of making report, had failed to pay the same into the Treasury of the United States."

From the inclosed report it will be seen that 11,794 postmasters retired from office during the last fiscal year. Of this number 265 are now indebted to the Government, 192 on postal and 73 on money-order account, in sums varying from 2 cents to $9,343.78.

The last-named amount arises from the embezzlement of postal funds by F. J. Nesbitt, late postmaster at Bozeman, Mont., who is now serving a term of imprisonment for the offense. Suit has been commenced against his sureties, and the entire amount will be recovered.

The next largest amount, $9,186.06, is due from the sureties of Frank Mapes, late postmaster at Kansas City, Kans., who committed suicide when his defalcation of postal funds was discovered. Judgment has been obtained by the very reliable and able United States district attorney in this case, Mr. John R. Walker, and, although it is believed that the sureties have endeavored to cover up their property to defeat collection of the judgment, yet United States District Attorney Walker is likely to reach them by bill in chancery.

The only other large amount due is that from J. H. Cooke, late postmaster at Quinlan, Tex., on money-order account, $1,086.69. Suit has been instituted and collection in this case will be made. Suits have been instituted in a number of other cases, and collection of the smaller balances due, both on money order and postal accounts, are being made daily.

In the annual report for the past fiscal year for this office, under date of October 12, 1896, the balance due from late postmasters and failing bidders for that year was stated at $56,015.98. On page 4 of the report the following statement appears: "A great part of this sum will be collected without suit before the expiration of the calendar year." The report submitted to the honorable Secretary of the Treasury, heretofore mentioned, gives the total amount due the Government on account of the Post-Office Department, from its officials and employees who retired from service during the fiscal year ended June 30, 1896 as $41,933.01, showing the collections to the 1st instant from date of annual report to be $14,082.97.

I do not believe the statement extravagant that nearly every dollar will be collected of the indebtedness recited in this communication.

Very respectfully,

GEO. A. HOWARD, *Auditor.*

Hon. WILLIAM L. WILSON,
Postmaster-General.

Mr. LOUD. I move that the committee rise and report the bill and amendments to the House with the recommendation that as amended it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10289, and had directed him to report the bill and amendments back to the House with the recommendation that as amended the bill do pass.

Mr. LOUD. Mr. Speaker, I will ask the House in good faith to vote down the amendment adopted by the Committee of the Whole, offered by the gentleman from South Carolina [Mr. TALBERT], on page 4. Let me say in perfect candor to the House that that simply increases the appropriation $50,000, and can not possibly accomplish anything in the direction the gentleman seeks to accomplish. So that I ask the House to vote that amendment down. I now ask for the previous question on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. The question is on the amendments. Is a separate vote demanded on any other amendment than that mentioned by the gentleman from California? [After a pause.] The Chair hears none. The question is on the amendments other than the one specified by the gentleman from California.

The question was taken; and the amendments were agreed to.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 4, line 4, strike out the word "fifty" and insert the word "hundred," so as to read "one hundred thousand dollars;" and add in line 4, after the word "dollars," "may use so much thereof as may in the discretion of the Postmaster-General be necessary."

Mr. TALBERT. I demand the yeas and nays on that.

The SPEAKER. The question is on agreeing to the amendment; and on that the gentleman from South Carolina demands the yeas and nays.

The question was taken on ordering the yeas and nays; and the yeas and nays were refused.

The SPEAKER. The question is on agreeing to the amendment.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. TALBERT. Division, Mr. Speaker.

The House divided; and there were—ayes 29, noes 102.

Mr. TALBERT. I make the point of no quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and eighty-one gentlemen present—a quorum. The noes have it, and the amendment is rejected.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Several members called for the regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The Clerk will read the title of the first bill in order.

The Clerk read as follows:

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

Mr. CANNON. Let the bill be read. I desire the first reading of the bill.

The Clerk proceeded with the reading of the bill.

Mr. WILLIAM A. STONE (before the reading was concluded). I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

Mr. WILLIAM A. STONE. I move that the House adjourn.

The motion was agreed to; there being—ayes 53, noes 22.

LEAVE OF ABSENCE.

Pending the announcement of the result of the last vote, by unanimous consent, leave of absence was granted as follows:

To Mr. HALTERMAN, for four days, on account of important business.

To Mr. KNOX, for three days, on account of sickness in his family.

To Mr. DAYTON, for ten days, on account of sickness in his family.

To Mr. BULL, for three days, on account of important business.

To Mr. ARNOLD of Rhode Island, for three days, on account of important business.

To Mr. LEONARD, for three days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States; and

A bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States and to further provide for the retirement of enlisted men in the United States Army and Marine Corps and enlisted men and petty officers of the United States Navy.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the commissioners.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River.

Also:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 2321) to increase pension of John J. Cross.

Also:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 6908) granting a pension to Ellen Day, stepmother of Albert L. Day.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes; and

Joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. FAULKNER, and Mr. GALLINGER as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, joint resolution and bills of the following titles were taken from the Speaker's table and referred as follows:

Joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies—to the Committee on Appropriations.

A bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States—to the Committee on the Judiciary.

A bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States and to further provide for the retirement of enlisted men in the United States Army and Marine Corps and enlisted men and petty officers of the United States Navy—to the Committee on Naval Affairs.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the Commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of Commissioners—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 9491) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof;

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 1323) for the relief of Ira H. Sweatt;

Joint resolution (H. Res. 249) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. Res. 231) providing for the distribution of the maps and atlases of the United States Geological Survey.

MRS. LUCY ALEXANDER PAYNE.

The SPEAKER. Yesterday the Chair, in appointing conferees upon the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, appointed as conferees several members of the Committee on Invalid Pensions, whereas the conferees should have been chosen from members of the Committee on Pensions. If there be no objection, that action will be vacated and the Chair will now appoint new conferees.

There was no objection.

The SPEAKER announced the appointment of Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK as conferees on the part of the House.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, with accompanying statement, showing names, time of employment of, and amounts paid to certain civilian engineers—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the Washington and Marlboro Electric Railway Company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers recommending an appropriation of $72 to Capt. George W. Goethals, to reimburse him for expenses incurred in examining titles and preparing deeds to three tracts of land purchased by the United States at Locks 1, 2, and 3, Muscle Shoals Canal—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for increasing the water supply of Washington, D. C.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of accounts allowed in favor of the Central Pacific Railroad Company—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BINGHAM, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 10064) to provide for the twelfth and subsequent censuses, reported the same with amendment, accompanied by a report (No. 2909); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENDERSON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3686) entitled "An act to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia, reported the same without amendment, accompanied by a report (No. 2920); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10155) amending section 1858 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 2928); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 6178) granting a pension to L. A. Slade. (Report No. 2910.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 748) entitled "An act granting an increase of pension to Helen L. Dent." (Report No. 2911.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5632) granting a pension to Mrs. Diana Clark, widow of Capt. Charles Clark, of Company E, Thirtieth Iowa Infantry. (Report No. 2912.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 10159) granting a pension to Mary Wesley. (Report No. 2913.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6823) to pension Miss Maggie Morris. (Report No. 2914.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 4814) granting a pension to Howard M. Parker, of Lenexa, Kans. (Report No. 2915.)

The bill (H. R. 517) granting a pension to Sylvester Abrams. (Report No. 2916.)

The bill (H. R. 10019) for the relief of William H. Webster. (Report No. 2917.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 10277) granting a pension to Marvin Older. (Report No. 2918.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4372) for the relief of Albert F. Wakefield. (Report No. 2919.)

By Mr. COX, from the Committee on Claims:

The bill (S. 2054) entitled "An act for the relief of Rinaldo P. Smith, of Baltimore, Md." (Report No. 2921.)

The bill (H. R. 1351) for the relief of Merril Denham. (Report No. 2922.)

The bill (S. 289) entitled "An act for the relief of Ames & Detrick, of San Francisco, in the State of California." (Report No. 2923.)

The bill (H. R. 9798) for the relief of F. W. Thomas, postmaster at Dyersburg, Tenn. (Report No. 2924.

By Mr. SNOVER, from the Committee on Claims: The bill (S. 927) entitled "An act for the relief of Chester B. Sweet, of California." (Report No. 2925.)

By Mr. WOODARD, from the Committee on Claims:

The bill (S. 1822) entitled "An act for the relief of W. R. Austin & Co. (Report No. 2926.)

The bill (H. R. 1797) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail. (Report No. 2927.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2832) entitled "An act for the relief of Daniel T. Tollett." (Report No. 2929.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes—to the Committee on Military Affairs.

By Mr. STALLINGS (by request): A bill (H. R. 10305) to provide for the appointment and compensation of three additional circuit judges of the United States, and to limit the judges of the United States courts who shall be competent to sit as judges of the circuit courts of appeals, and to provide for the appointment and compensation of a solicitor for each circuit court of appeals—to the Committee on the Judiciary.

By Mr. MEYER: A bill (H. R. 10306) for the construction and

completion of a dry dock at Algiers, La.—to the Committee on Naval Affairs.

By Mr. BAKER of New Hampshire: A joint resolution (H. Res. 255) providing for the attendance of the officers and cadets of the United States Military and Naval academies at the inauguration of the President-elect, March 4, 1897—to the Committee on Military Affairs.

By Mr. HILBORN: A memorial of the California legislature, relative to asphalt in the new tariff bill—to the Committee on Ways and Means.

Also, a memorial of the California legislature, relating to foreign immigration and proper restriction thereof—to the Committee on Immigration and Naturalization.

By Mr. TAWNEY: A memorial of the Minnesota legislature, favoring a system of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: A memorial of the Minnesota legislature, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of California: A memorial of the California legislature, in favor of restricting foreign immigration—to the Committee on Immigration and Naturalization.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10307) for the relief of Latha J. Sholly—to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 10308) granting an increase of pension to Marx Kunz, sr.—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. TRUMAN H. ALDRICH: Petition of citizens of Hale County; also petition of citizens of beat No. 8, Hale County, Ala., praying that, as their rights as citizens are denied them, they be relieved of all duties required of them as citizens of the United States—to the Committee on the Judiciary.

By Mr. BELL of Colorado: Petition of the Woman's Christian Temperance Union of East Pueblo, Colo., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Pueblo, Colo., favoring the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of East Pueblo, Colo., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, petition of citizens of Grand Junction, Colo.; also of citizens of Aspen, Colo., against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY: Petition of citizens of the State of Kentucky, favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Petition of citizens of Hilton, N. Y., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petition of Margaret Dick and others, of Washington, D. C., praying for relief for depositors who suffered loss by the failure of the Freedman's Bank—to the Committee on Banking and Currency.

By Mr. CLARK of Missouri: Petition of Luther J. Sholly, of Kirksville, Mo., to accompany House bill for his relief—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: Petition of R. D. Lawrence and 50 other citizens of Springfield, Ill., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Sundry petitions of citizens of Flatonia, Bellville, and Glidden, of the State of Texas, in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FENTON: Petition of Rev. N. A. Palmer and other citizens of Waverly, Ohio, urging the passage of House bill No. 10090 and Senate bill No. 3545, known as the antirailroad scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of the Engineers' Club of Minneapolis, Minn., in favor of improving the Upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. GROUT: Memorial of Mrs. Fannie A. Drew, of St. Johnsbury, Vt., president of the Woman's Christian Temperance Union, favoring the passage of the Broderick bill (H. R. 3203)—to the Committee on the Judiciary.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz: M. Cummings and others, of Staatsburg; W. Farmington and others, of Kitchawan; C. S. Rogers and others, of Harrisville; C. G. Stewart and others, of Churchville; M. R. Burns and others, of Valhalla; Fred Brandt and others, of Pocantico Hills; W. H. Gardner and others, of Purdys; George E. Loring and others, of Sprakers; A. B. St. John and others, of Towners; W. Munger and others, of Carthage; J. M. Kilts and others, of Johnsonville; John I. Chamberlain and others, of Morris Heights; J. H. Napier and others, of Batavia, Leroy, Geneseo, Albany, and Lockport; H. A. Beeman and others, of Canandaigua; J. W. Mould and others, of Rondout; G. W. Gould and others, of Looneyville; J. E. Maloney and others, of Crittenden; V. D. Smith and others, of Martindale; F. F. Smith and others, of Loon Lake; H. M. Benjamin and others, of Wampsville; Frank D. Brown and others, of Mount Riga; M. H. Butts and others, of Belle Isle; William E. Goff and others, of Albion; Frank Hitchcock and others, of Syracuse; Joseph A. Titus and others, of South Dover; A. E. Barrett and others, of Coleman; John H. Leo and others, of Tarrytown; J. H. Barrett and others, of Mahopac Falls; E. L. Green, of Gabriels; O. Weaver and others, of Lake Placid; F. F. Slack, of Spuyten Duyvil; L. H. Clark, of Storm Lake; W. H. Arnold and others, of Whitson; I. J. Hinnarty, of Lake Mahopac; Ward Coff and others, of Lockport; W. H. J. Deagan and others, of Mount Vernon; J. J. Rice and others, of East Sycamore; I. N. Howe and others, of Utica; M. M. De Witt and others, of Oriskany; Warren H. Easton and others, of Herkimer; M. L. Cole and others, of Amsterdam; S. L. Allen and others, of New York City; also of the Chamber of Commerce of San Francisco, and of H. K. Halsey and others, of Orange, N. J., in favor of the passage of the Sherman bill (H. R. 10090) to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Congregational church, of Corning, Iowa, praying for the passage of House bill No. 7083, forbidding the sale of intoxicating drinks in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Congregational church, of Corning, Iowa, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. HULL: Petition of A. H. Grover and 18 other citizens of the State of Iowa; also of George H. Harrington and others of the State of Wisconsin, urging the passage of House bill No. 9209, for a service pension—to the Committee on Invalid Pensions.

By Mr. JENKINS: Petition of S. B. Dresser and 30 other citizens of St. Croix Falls, Wis., praying for a tariff on slack barrel cooper stock—to the Committee on Ways and Means.

By Mr. KLEBERG: Petition of Charles G. Levi and others, of Victoria, Tex., favoring the passage of House bill No. 10090, known as the Sherman bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of Paul Morton and other citizens of Chicago, Ill.; also of William McNutt and other citizens of Ottumwa, Iowa; also memorial of the Order of Railway Conductors of Ottumwa, Iowa, asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Sundry petitions of C. H. Fanchen and others, Charles G. R. Vinal and others, Clinton B. Price and others, O. F. Wood and others, Charles Morgan and others, George W. Clayton and others, David J. Dunbar and others, George E. Granniss and others, Walter Shaibly and others, Harry C. Wood and others, Henry C. Rylands and others, Robert M. Gallaway and others, Raymond Hendrickson and others, A. L. Richard and others, Charles A. Milisam and others, all citizens of the United States, protesting against appropriations for sectarian institutions, and favoring an amendment to the Constitution of the United States prohibiting sectarian appropriations—to the Committee on the Judiciary.

By Mr. LITTLE: Memorial of commissioners of the Chickasaw Nation, in regard to their claims, and their relations with the Five Civilized Tribes—to the Committee on Indian Affairs.

By Mr. McCORMICK: Petition of citizens of Stonybrook, Suffolk County, N. Y., for the preservation and improvement of Stonybrook Harbor on Long Island Sound, New York—to the Committee on Rivers and Harbors.

By Mr. MURRAY: Petition of Daniel E. Hymes and others, of Charleston County, S. C.; also of Henry L. Shrewsbury and others, of Chesterfield County, S. C.; also of Syfax Milton and others, of Clarendon County, S. C., praying the rejection of what purports to be the electoral vote of South Carolina and for the restoration of a republican form of government in said State, in accordance with the United States constitutional guaranty of a republican form of government—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. PENDLETON: Sundry petitions of citizens of Belton, McGregor, and Pendletonville, State of Texas, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHANNON: Sundry petitions of citizens of the State of New York, viz. Simeon Ford and others, of New York City; William Leary and Samuel McMillan, secretary and president, respectively, of the board of public parks of New York City, together with a number of others; D. S. Hammond and others, F. A. Hammond and others, H. P. Whitaker and others, H. F. Roesser and others, Warren F. Leland and others, and W. Teleschon and others, all of New York City, favoring the passage of House bill No. 10090, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Sundry petitions of citizens of the State of New York, viz: Edwin R. Palmer and others, of New York City; E. Southard and others, of Chatham; P. H. Smith and others, of Pawling; James Cawley and others, of Woodlawn; William O'Brien and others, of Yorktown; William A. Holton and others, of White Plains; Dennis Reardon and others, of Mahopec; John E. Weir and others, of New York City; A. Hodridge, jr., and others, of White Plains; Patrick H. McGarty and others, of Browster; Robert Burns and others, of Millertown; George E. Chum and others, of Philmont; P. J. Towey and others, of Mount Kisco; John Cotter and others, of Wassaic; Santa Kepler and others, of Boston Corners; S. T. Case and others, of New York City; Peter McGarty and others, of Mount Vernon; W. Murty and others, of Mount Vernon; James Hopper and others, of Pawling; E. F. Richardson, general Eastern agent Chicago, Milwaukee and St. Paul Railroad, New York City, and others; D. E. Brown and others, Brooklyn; Edwin J. Irwin and others, of New York City; Edward D. Edson and others, of New York City; M. F. Berry and others, of New York City; John Condon and others, of Yonkers; Bernard Charles and others, of Sing Sing; Thomas McGarty and others, of Tuckahoe; James McCracken and others, of Martindale; John O'Brien and others, of Dover Plains; William Bowe and others, of Poughkeepsie; Michael Finnerty and others, of Croton; John Shea and others, of Coldspring; William M. Clark and others, of Brooklyn; John Deeley and others, of Tarrytown; J. T. Lee and others, of Boston Corners, and John Branagan and others, of Millwood, in favor of the passage of the Sherman bill (H. R. 10090) to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SORG: Petition of J. K. Chapman and others, of Dayton, Ohio, protesting against the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: Petition of Jacob L. Lusch and others, favoring the passage of Senate bill No. 3589 and House bill No. 10108, regulating fraternal beneficiary societies, orders, or associations—to the Committee on the District of Columbia.

By Mr. WOOD: Petition of J. C. Orr and other citizens of Lawrence County, Ill., favoring the passage of House bill No. 10080 and Senate bill No. 3545, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Petition of Ellis L. Mumma, publisher of the Morning Call, Harrisburg, Pa., favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *February 13, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

COLUMBIA RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Columbia Railway Company of the District of Columbia for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; in which it requested the concurrence of the Senate.

The message also announced that the House had appointed Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK managers on the part of the House at the conference upon the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 1323) for the relief of Ira H. Sweatt;

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof;

A joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey; and

A joint resolution (H. Res. 249) for the appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of House bill No. 6396, to amend the laws relating to American seamen, and also for the passage of House bill No. 2663, to amend the laws relating to navigation; which was referred to the Committee on Commerce.

Mr. MORRILL. I present the petition of the Methodist Book Concern, of New York; of Bishop E. G. Andrews; of Missionary Secretaries A. B. Leonard, D. D., and A. J. Palmer, D. D.; Rev. Dr. J. M. Buckley, editor of the Christian Advocate; Rev. Dr. C. H. Payne, of the Education Society; Rev. Dr. J. L. Hurlbut, Sunday School Union secretary; Rev. Dr. William V. Kelley, editor of the Methodist Quarterly Review; Homer Eaton and G. P. Mains, book agents; Rev. F. Mason North, editor of the Christian City, and 52 other editors and officers, praying for the passage of the so-called Little bill, to forbid the sale of intoxicants in the Capitol. I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of members of the First Congregational Church of Middleboro, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post Offices and Post-Roads.

Mr. MILLS presented sundry memorials of citizens of Denison, Tex., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the petitions of Ed. Eaton, publisher of the Verdon Vedette, of Verdon; of T. H. Pollock, publisher of the Yeoman, and of F. O. Wisner, publisher of the Transcript, of Bayard, all in the State of Nebraska, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Anson Wolcott, of Wolcott, Ind., remonstrating against the passage of House bill No. 8110, to establish a uniform law on the subject of bankruptcies throughout the United States, as proposed to be amended by Mr. HOAR; which was ordered to lie on the table and to be printed.

Mr. VILAS presented the petitions of Michael Pruszka, publisher of the Daily Kuryer Polski, of Milwaukee; of the Board of Trade of La Crosse; of C. F. Ninman, publisher of the Sauk City Presse, of Sauk City; Ingram & Goodrich, publishers of the Entering Wedge, of Durand; A. G. Roethe, publisher of the Highland Press, of Wisconsin; John F. Kavaurth, publisher of the Weekly Courier, of Clear Lake; E. A. Bowers, publisher of the Chronotype, of Rice Lake; the Wholesale Grocers' Association Company, of Columbus; the Althouse Wheeler Company, of Waupun; the Peter L. Kuder Company, of Columbus; Launan, Johnson & Co., of Columbus; the De Con Bros. Company, of Columbus; James A. Palmer and sundry other citizens of Columbus; Carl Fehlandt, publisher of the Zeitung, of Port Washington; H. E. Zimmermann, publisher of the Standard-Democrat, of Burlington; Park & Kenney, publisher of the Independent, of Elkhorn; A. C. Beckwith, postmaster, of Elkhorn; H. L. Brown, publisher of the Darlington Journal, of Wisconsin; C. N. Johnson, publisher of the Advocate, of Wisconsin, and of J. H. Waggoner, publisher of the Oconto County Reporter, of Oconto, all in the State of Wisconsin; of the Operative Builders' Association, of Philadelphia; Max Laib, of Philadelphia; Charles W. Clark & Son, of Philadelphia; F. Middleton & Co., of Philadelphia; Henry Dickel & Son, of Philadelphia; Delaphaine & West, of Philadelphia; the Francis Perot's Sons Malting Company, of Philadelphia; Frederick Hare, of Philadelphia, and R. P. Molten & Co., of Philadelphia, all in the State of Pennsylvania; of the American Newspaper Publishers' Association, of New York, and the American

Trade Press Association of the United States, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Wisconsin News Company, of Milwaukee; of J. E. Riordan and sundry other citizens of Sheboygan; Charles W. Burr and 29 other citizens of Lancaster; C. W. Auth and 14 other citizens of West Superior; Frank E. Noyes, publisher of the Daily and Weekly Eagle, of Marinette; Cassius L. Coward, publisher of the Times, of Waupun; Ant. Novak, publisher of the Domacuost, of Milwaukee; H. J. Desmond, publisher of the Catholic Citizen, of Milwaukee; B. F. Parker, publisher of the International Good Templar, of Milwaukee; Hyeman & Kuyper, publishers of the Brown County Democrat, of Depere; Short & Woolverton publishers of the Brandon Times, of Brandon; C. E. Mears, publisher of the Polk County Press, of Osceola; Ernest Brooks, publisher of the Record, of Bloomington; F. B. Gregg, publisher of the Wave, of West Superior; Ellarson & Berray, publishers of the Waushara Argus, of Wautoma; Robert Schilling, publisher of the Milwaukee Advance, of Milwaukee; C. G. Starks, publisher of the Journal, of Berlin; F. H. Vashardt, publisher of the Chronicle, of Wisconsin; M. A. Coleman, publisher of the Vilas County News, of Eagle River; Grant H. Lawton, publisher of the Gazette, of Whitewater; A. W. Horn, publisher of the News, of Cedarburg; John Smith, publisher of the De Gide, of Depere; F. F. Morgan, publisher of the Advocate, of Cumberland; R. H. Johnson, publisher of the Central Wisconsin, of Wausau; S. W. Brown, publisher of the Journal, of West Salem; Henry E. Voight, publisher of the Der Gefluegel-Zuechter, of Wausau; Grant D. Harrington, publisher of the Enterprise, of Delavan; Frank B. Gesler, publisher of the Independent, of Bangor; Poms & Wood Bro., publishers of the Daily Republican, of Bangor; E. J. Scott, publisher of the Voice, of New Richmond; William Hoffelad & Co., publishers of the Sentinel, of Grantsburg; Sommers & Reynolds, publishers of the Weekly Madisonian, of Madison; A. T. Churchill, publisher of the River Falls Times, of River Falls; Charlton & Hanford, publishers of the Brodhead Independent and Wisconsin Citizen, of Brodhead, and Clarence S. Utter, publisher of the Gazette, of Trempealeau, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Wisconsin presented the petition of A. J. Aikens, general manager of the Evening Wisconsin Company, of Milwaukee, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the petitions of the Vindicator Printing Company, publishers of the Youngstown Vindicator, of Youngstown; of William F. Maag, publisher of the Rundschau, of Youngstown; Gilberg & Chapman, publishers of the Mercer County Observer, of Celina; F. T. Lane, publisher of the Toledo Blade, of Toledo; W. H. Gate, publisher of the Ashlandren, of Ashland, and the Sun Publishing Company, publishers of the Morning Sun, of Springfield, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the pastor and presiding elder of the Methodist Episcopal church, of Wooster; of Rev. J. C. Weidmann, superintendent of the German Methodist Orphan Home, of Berea; of J. L. Oaker and sundry other citizens of Galion; F. S. Latham and sundry other citizens of Plain City; Charles W. Sanburn and sundry other citizens of Berea; W. S. Worrell and sundry other citizens of Toledo; P. E. Salsbury and sundry other citizens of Bryan; Michael Stull and sundry other citizens of Fremont; W. C. Hoch and sundry other citizens of Archbold; C. J. Brindley and sundry other citizens of Swanton; A. T. Phipps and sundry other citizens of Andover; Harry McKay and sundry other citizens of Kinsman; M. A. Brotzman and sundry other citizens of Dorset; W. A. Beates, pastor of the Lutheran church, of Amanda; Rev. John Junkin Francis, pastor of the Presbyterian church, of Cincinnati; Marion Lauraun, general manager of the Ohio Sunday School Association, of Toledo; Rev. W. H. Bucks, of Tiffin; Henry S. Jackson, of Steubenville; Rev. Thomas J. Post, of Youngstown; A. B. Shoer and sundry other citizens of Olmsted Falls; J. W. Hayes and sundry other citizens of Coalburg; James Duffin and sundry other citizens of Collinwood; Rev. J. F. Ohl, of Pomeroy; Rev. A. B. Sniff, of Bremer; John Copper and sundry other citizens of Belmont; Rev. Nelson K. Crowe, of New Hagerstown; C. W. Fenney and sundry other citizens of Clarkson; Rev. W. Elliot and Rev. A. E. Baichly, of Canal Fulton; Rev. Charles H. Powell, of Castalia, and Rev. Henry J. Van Vleck, bishop, and sundry other citizens of Gnadenhutten, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. McBRIDE presented a memorial of sundry citizens of Salem, Oreg., and a memorial of sundry citizens of Roseburg, Oreg., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of the Ladies' Social Union of the Methodist Episcopal Church, of Lancaster, Mo., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and Territories; which was referred to the Committee on the District of Columbia.

Mr. CHILTON presented the petition of A. S. Hornbeck, publisher of the Pottsboro Picayune, of Pottsboro, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the appointment of an impartial, nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. TURPIE presented the petition of Wallace B. Campbell, publisher of the Daily and Weekly Herald, of Anderson, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of H. C. Clippinger, secretary of the New Albany (Ind.) Ministerial Association, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Penrose, Elkhart, Butler, New Albany, and Logansport, all in the State of Indiana, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

Mr. HILL presented resolutions adopted at the annual session of the New York State Bar Association, held at Albany, N. Y., favoring the appointment of an international court of arbitration; which were ordered to lie on the table.

Mr. DAVIS presented a petition of the legislature of Minnesota, praying for the adoption of a system of postal savings banks for the people; which was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

State of Minnesota. Thirtieth session. House of representatives.

ST. PAUL, *February 9, 1897.*

DEAR SIR: I have to announce the passage by the house of the following resolution, in which the senate has concurred, to wit:

"*Resolved*, That the house of representatives, the senate concurring, commend to the favorable consideration of United States Senators a system of postal savings banks for the people, and that a copy of this resolution be transmitted to our Senators and Representatives in Congress."

Yours, very respectfully,

M. J. DOWLING,
Chief Clerk of the House of Representatives.

Hon. C. K. DAVIS,
United States Senate, Washington, D. C.

Mr. DAVIS presented the petition of Stevens Bros., publishers of the Warren Register, of Warren, Minn., and a petition of the Board of Trade of Mankato, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Sarsfield Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union of Hesper, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the Christian Endeavor Society of Pleasant Prairie, Iowa, remonstrating against the adoption of any amendment to the pending arbitration treaty, and praying that it be ratified as it was first submitted; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Minnesota State Historical Society, praying for the restoration and preservation of the frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented the memorial of Charles E. Starkey and sundry other citizens of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the petitions of A. S. Contant, publisher of Isabella County Enterprise, of Mount Pleasant; of George McConnelly & Co., publishers of Northwestern Tribune, of Mount Pleasant; of Hurst & Garner, late publishers of Shepherd News, of Shepherd; W. H. Weilcheiser & Sons, publishers of the Sunday Democrat, of Flint; W. H. Weilcheiser & Sons, publishers of the Genesee Democrat, of Flint; W. H. Weilcheiser & Sons, publishers of the Flint Daily News, of Flint; H. C. Blackman, publisher of the Democrat, of Hillsdale, and George T. Campbell, publisher of Evening Argus, of Owosso, all in the State of Michigan, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 213 citizens of Michigan, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of members of the Forest Avenue Presbyterian Church, of Detroit, Mich.; a petition of sundry citizens of Ann Arbor, Mich., and a petition of sundry citizens of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of members of the Baptist and Presbyterian churches, of Elreno, Okla., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented the petition of J. W. Harsha and 34 other citizens of the city of Washington, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Brightwood Avenue Citizens' Association, and of sundry property owners and residents of Brightwood, in the District of Columbia, remonstrating against the location of a contagious-diseases hospital on the grounds known as the Schuetzen Park, in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., and a petition of sundry tea importers, jobbers, and brokers of Chicago, Ill., praying for the adoption of the proposed amendment to the tea act prohibiting the importation of impure tea; which were referred to the Committee on Finance.

He also presented a petition of the students of Monmouth College, Monmouth, Ill., and a petition of pastors of the churches and officers of the Young People's Societies of Alton, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry business men of Joliet, Ill., and a petition of sundry citizens of Illinois and Iowa, praying that the publication called the Interstate Tracer, of Marshalltown, Iowa, be reinstated as second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Illinois Lumber Dealers' Association, in convention at Chicago; of Carl C. Winter, publisher of the Danviller Zeitung, of Danville, and of Owen Scott and H. C. De Motte, publishers of the Leader, of Bloomington, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Illinois, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the faculty of Wheaton College, Wheaton, and a petition of the Christian Citizenship League of Wheaton, in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Jewelers' Association of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the passage of House bill No. 9561, to prevent the multiplication of suicides; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of the Woman's Christian Temperance Union of Smethport, Pa., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, to protect the first day of the week as a day of rest in the District of Columbia, to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Patterson Memorial Presbyterian Church, of Philadelphia, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Drug Exchange of Philadelphia, Pa., and a petition of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of Captain James S. Thornton Garrison, No. 123, Regular Army and Navy Union of the United States, of Portsmouth, Va., praying that the bill (S. 3633) concerning retirement and promotions in the Navy, be amended so as to include enlisted men who have served in the late civil war, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of members of the bar of Dauphin County, Pa.; a petition of the Bar Association of New York, and a petition of the Yearly Meeting of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the memorial of Hazard Hall and sundry other citizens of Newportville, Pa., and the memorial of C. E. Pease and sundry other citizens of Middletown, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Hardware Association of Philadelphia; of the Board of Trade of Erie; of Alfred Pasco & Co., publishers of the Intelligencer, of Doylestown; M. M. McAlarney, publisher of the Evening Telegraph, of Harrisburg; John L. Morrison and Levi Morrison, publishers of the Advance Argus, of Greenville; John Blakely, publisher of the Evening Star, of Philadelphia; Ellis L. Mumma, publisher of the Morning Call, of Harrisburg, and Robert Bauer & Son, publishers of the Democratic Watcher and Samstag Abend, of Wilkesbarre, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

CLAIM OF DAKOTA INDIANS.

Mr. PETTIGREW presented a brief and argument by C. A. Maxwell, attorney, in the matter of the claim of the Sisseton and Wahpeton bands of Sioux or Dakota Indians, for balance of annuities declared forfeited by the act of Congress approved February 16, 1863; which was ordered to lie on the table and to be printed.

REPORTS OF COMMITTEES.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. COCKRELL on the 11th instant, intended to be proposed to the Post-Office appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. BLACKBURN on the 1st instant, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3585) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, to report it without amendment. I ask that the bill take the place of Calendar No. 1468, being the bill (S. 3498) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3687) to amend and make certain the intent of section 714 of the Revised Statutes of the United States, providing for salaries of judges in certain cases after retirement; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 3688) for the relief of Laura J. Locke; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 3689) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

RELIEF OF SUFFERERS IN INDIA.

Mr. PERKINS. I introduce a joint resolution which I ask shall be read at length.

The joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India, was read the first time by its title, and the second time at length, as follows:

> Whereas a famine exists in India which is daily causing thousands of deaths among the poor, which famine can readily be relieved from the surplus products of other parts of the world; and
>
> Whereas the people of the United States stand always ready to assist the distressed and afflicted wherever found, and California, Oregon, Washington, Nebraska, Iowa, and Kansas have already collected and donated wheat, flour, and corn for relief of the famishing inhabitants of India, which is now being conveyed free of charge by transportation companies to San Francisco for shipment to India: Therefore,
>
> *Be it resolved by the Senate and House of Representatives, etc.*, That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the Chamber of Commerce of San Francisco any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American steamship or vessel, with a cargo capacity of 1,500 to 3,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury heretofore appropriated for the support of the Navy.

Mr. PERKINS. I ask unanimous consent that the joint resolution be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ROACH (by request) submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WILSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

REPORT ON PRICES OF ARMOR.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Printing, and ordered to be printed:

> *Resolved*, That there be printed for the use of the Committee on Naval Affairs 1,000 additional copies of the report on the prices of armor without the testimony, and 300 copies with the testimony.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

Mr. ALLEN. I send to the desk a resolution and ask for its present consideration.

The resolution was read, as follows:

> *Resolved*, That the United States Civil Service Commissioners be, and they are hereby, directed to inform the Senate if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government; and if so, when, and for what reasons; and if they, or any of them, have asked or petitioned the Civil Service Commissioners for an investigation of the charges made against them, and if said request or petition has been denied by the Civil Service Commissioners; and if so, for what reason or reasons the same has been denied; and that the said Civil Service Commissioners be, and they are hereby, directed to accompany their answer to this resolution with full and complete copies of all affidavits, letters, statements, testimony, depositions, reports of examiners, and all other papers or documents in their possession and in any manner bearing on the subject-matter of this resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ALLEN. Mr. President, in the month of December last I received from a reputable firm of lawyers in Omaha, Nebr., a letter charging a very severe and flagrant violation of the so-called civil-service law in consequence of the discharge of certain persons who are named in the resolution. I sent their complaint to the Commissioners of the Civil Service for information as to the charges that had been made against the persons whose names appear in the resolution. I send to the desk and desire to have the letter read as explanatory of the matter to some extent.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary proceeded to read the letter, dated December 16, 1896.

Mr. SHERMAN. I think the resolution ought to be referred or laid over. I object to its consideration. Let it be referred, if the Senator desires.

The VICE-PRESIDENT. The resolution will go over.

Mr. ALLEN. No, sir; I shall not have it referred. I shall ask to have it taken up and considered on Monday morning——

Mr. SHERMAN. All right.

Mr. ALLEN. And I shall debate it at such length as I am permitted to do under the rules——

Mr. SHERMAN. All right; I have no objection.

Mr. ALLEN. If the Senator would prefer that I should take this matter up on Monday morning and discuss it instead of discussing it now.

Mr. SHERMAN. The resolution goes over under objection one day.

Mr. ALLEN. I understand that quite well; but I understood the Senator's objection to be based upon the idea that I would let it be referred without any comment, which I shall not do. I shall either comment on it now or at the next regular session of the Senate.

Mr. SHERMAN. I have no desire to interfere with the Senator at the proper time, but I wish to submit a motion.

Mr. ALLEN. Let the reading of the letter be concluded, or have the RECORD show nothing about it.

The VICE-PRESIDENT. What is the request of the Senator from Nebraska?

Mr. ALLEN. I understood the Senator from Ohio to object.

Mr. SHERMAN. The resolution goes over under objection.

Mr. ALLEN. It goes over under the rule.

The VICE-PRESIDENT. The Chair so understands; but the Chair understood the Senator from Nebraska to make some request.

Mr. ALLEN. The letter has been only partially read.

Mr. SHERMAN. The whole of it may be printed in the RECORD.

Mr. ALLEN. I can not hear what the Senator from Ohio says. I submit, however, that the question was put by the Chair whether there was any objection to the consideration of the resolution, and the Senate by unanimous consent proceeded to its consideration.

The VICE-PRESIDENT. The Chair entertains the objection of the Senator from Ohio, but the Chair was endeavoring to submit to the Senate the request of the Senator from Nebraska. The Chair only desires that the request may be again stated; that is all.

Mr. ALLEN. Then let the letter be printed in the RECORD. I have other letters, however, which I shall read when I get an opportunity on the next legislative day.

The VICE-PRESIDENT. It will be so ordered.

The letter is as follows:

OMAHA, NEBR., *December 16, 1896.*

DEAR SIR: Some days ago we prepared and filed before the Civil Service Commission the protest of Miss Mary A. Dalton against removal from her position as assistant microscopist at South Omaha (Bureau of Animal Industry). The Board acknowledged the receipt of the letter, but so far as we know, have taken no action.

The facts in the case are as follows: Miss Dalton two or three years ago was appointed assistant microscopist in the Bureau of Animal Industry at South Omaha, Nebr. Over a year ago she was placed under civil service. Shortly after election she was handed a letter signed by J. Sterling Morton, informing her that she had been discharged for "neglect of duty."

She was not notified that charges had been preferred against her; her superiors had not complained to her of her neglect of duty; she was given no opportunity to meet the charges filed against her.

Under the rules of civil service she certainly is entitled to know the name of the person preferring the charges, the nature of the charges, and then be entitled to be heard in self-defense. This is all we ask, but fear that the Board is playing us double. Within ten days after the protest was filed J. Sterling Morton had a special agent or spy on the ground, by the name of Sheldon, hunting up evidence.

Couldn't you see the Civil Service Commission and insist that they give this matter prompt attention? During the last campaign Mr. Bryan and the Chicago platform were denounced by Morton, Cleveland, et al., as enemies of civil-service reform, etc. Now, it does seem to us that we have these very same gentlemen in the hole. If they can remove these men, civil service is a farce, and Morton et al. rank hypocrites; if there is a civil-service law, these men and girls must be restored to their places, and Morton et al. again guilty of hypocrisy.

Yours, truly,

HERDMAN & HERDMAN.

W. V. ALLEN, M. C., *Washington, D. C.*

The VICE-PRESIDENT. The resolution goes over under the rule.

Mr. ALLEN subsequently submitted the following letters; which were ordered to be printed in the RECORD:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

SIR: Referring to your communication of December 16, previously acknowledged, with reference to the removal of certain persons from the Bureau of Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know whom any of the persons removed supported for President; that he made no inquiry, nor whom they supported. He has laid before this Commission a number of sworn statements, from which it would appear that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits bearing upon the conduct of Drs. White and Zeller, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

The civil-service rules contain the following provisions respecting dismissals or changes of rank:

"Rule II. * * *

"3. No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

* * * * * * *

"6. In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious affiliations of the offenders."

Where a removal or reduction is made for reasons relating to the internal administration of the service not contrary to clauses 3 and 6 of rule II, cited above, the Commission has no authority to interfere.

In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that, with its limited force and the pressure of work, it can not at this time make an investigation of its own into the matter.

Very respectfully,
JOHN R. PROCTER,
President.

Hon. WILLIAM V. ALLEN,
United States Senate.

SOUTH OMAHA, NEBR., *January 16, 1897.*

DEAR SIR: You will please excuse my writing you, but think you should understand the matter of which I write. I was put in charge of the microscopic department at this town September 1, 1893, and believe it was run properly under my supervision. November 15, 1896, I received a communication from Secretary Morton, saying, "You are hereby discharged for neglect of duty." The date of dismissal notice is November 9, 1896. I wrote the Secretary and asked him to please name one duty I had neglected. Morton's private secretary answered my letter by using the following language, viz:

"I take the liberty of informing you, for your own satisfaction, that the Secretary's recent action in your case was based on what he considered the strongest and most indisputable evidence from several reliable sources as to very decided pernicious political activity upon your part during the recent campaign.

"Very respectfully, yours,
"JOHN NORDHOUSE,
"*Private Secretary.*"

I took no part, virtually, during the recent campaign. My son, a young law student in our State university, and a great admirer of W. J. Bryan, did considerable work for Mr. Bryan, and it is reported that Secretary Morton removed me for my son's actions. I have asked for an impartial investigation, but hear nothing from my petition.

The Secretary sent Ed. Sheldon (you probably know him) out here almost two months after my discharge, hunting up evidence against me and the three others removed at the same time. I have done a little practice outside of working hours, and Secretary Morton said he wanted me to build up a practice. The three others removed with me employed counsel and appealed their cases to the Civil Service Commission, but believe they have concluded there is nothing in civil service. I wrote the Commission and asked if I was not entitled to a hearing. I said to the Commission I felt sure I could prove I had never neglected one duty.

I would like to see the appropriation withheld from that Commission if it will not investigate such removals as have been made here in South Omaha.

The two girls discharged were my most faithful assistants. Their offense was having Mr. Bryan's picture in their windows. Six other of my assistants had McKinley pictures in their windows, but they are all O. K. I understand the Civil Service Commission claims that it has no authority to investigate any removals outside of politics. Every discharged person here was fired for being "a free-silver crank," although the alleged reason is for neglect of duty.

Is there any court in the land that would convict a man and then hunt up evidence after conviction? That is just exactly what has been done here. This man Sheldon has been here twice getting evidence. The first evidence he sent in, I've heard that the Civil Service Commission said to Secretary Morton, was not "specific enough." Then Morton sends him (Sheldon) again, and he sneaks around stock yards, packing houses, and persons whom I've doctored, finding affidavits against those let out "for neglect of duty." The whole thing is outrageous and ought to be shown up. If Ed. Sheldon had not been sent here, I don't think I would have done anything in the matter.

Yours, respectfully,
M. S. WHITE.

P. S.—If I have not made this letter plain, just write me, and I'll take great pleasure in furnishing you, Senator VEST, Senator MORGAN, or Senator COCKRELL any information desired in this matter. I've letters to show that I was all O. K. as long as I was thought to be straight politically. Some of your friends asked me to write you.

Hon. WILLIAM V. ALLEN,
Washington, D. C.

OMAHA, NEBR., *February 8, 1897.*

DEAR SIR: Some time ago there was addressed to the Civil Service Commission at Washington, D. C., a communication stating to said Commission that Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White were discharged from the Bureau of Animal Industry at South Omaha for political reasons, upon the order of the Secretary of Agriculture. The communication addressed to the Commission requested an investigation of the reasons for which said parties were discharged, as we are satisfied that it can be shown that the charge made that they were discharged for political reasons—namely, for supporting Mr. Bryan for President—is absolutely true. The Commission declined to order an investigation in the matter, practically declaring that they had no power to investigate because the Secretary of Agriculture had notified them that the discharges referred to were for the good of the service and not for political reasons. We inclose a letter from the Commission at Washington, dated January 21, 1897, which speaks for itself.

The Commission refers to affidavits taken here (under the orders and direction of the Secretary of Agriculture) for the purpose of proving to the Commission at Washington that the parties referred to were not discharged for political reasons. We desire to again state that we can show by irrefutable testimony that the discharges were not made "for the good of the service," but were made on account of political reasons. We know it to be a fact that affidavits have been made by persons in the employ of the Government, stating certain things of a political character which were alleged as neglect of duty against the person discharged, but which can be shown upon investigation to be untrue. We know that in the case of John Zeller it is charged in the affidavits sent to Washington under Morton's instructions that Zeller attended a meeting of the Democratic county central committee in April, 1896, and in so doing neglected his duty to take part in politics. We charge and can show it to be an absolute fact that the person in charge at South Omaha, under whose orders Zeller was working, instructed him to quit work and attend the said Democratic county central committee meeting in the interest of the bolting Democrats who were seeking to control said central committee meeting, and that, by the orders of said person in charge of said department at South Omaha, another man was put in the place of said Zeller during his absence. Said Zeller was given a proxy by those who represent Morton in this State, and practically compelled by them to vote according to their dictates. This is now charged against him as neglect of duty. We denounce as an outrage upon those discharged the action of Morton in having affidavits secretly taken to substantiate charges against those discharged, when they are not informed as to the specific charges against them, and are given no opportunity to be heard or to meet the testimony submitted against them. If the powers of the Commission are so limited, as they declare in their letter, that they can not order an investigation in these cases, but must accept the statement of the Secretary of Agriculture supported by affidavits secretly taken, when those discharged stand ready to prove that the reason given for their discharge is not true, then it seems to us the Commission has outlived the period of its usefulness, civil service, so called, is a glaring farce, and the Commission itself, instead of drawing a salary from the people, ought, in the interest of good government and public decency, to be abolished.

We desire to call your attention to a letter written to one of the discharged persons by the private secretary of J. Sterling Morton, dated November 16, 1896, which declares that the said White was discharged for pernicious activity in politics during the late campaign. We desire to state that this charge is absolutely false, as can be shown by the testimony of every honest and truthful person who knows Mr. White and knows what his conduct was during the campaign. We can show that those who actually took an active part in the late political campaign are still in the employ of the Government because they spent their time in working for Mr. McKinley, and in spending money, in saloons and other places, furnished them by the postmaster at Omaha to carry on the campaign in the interest of "national honor" and "sound money." While they were thus engaged, and also engaged in the further occupation of spying upon their fellow-workmen, Zeller and others thus employed were doing their own work and the work of those engaged in politics, and who were thereby neglecting the duties for which the Government is paying them. Those who supported Mr. McKinley and opposed Mr. Bryan are still in the employ of the Government, although since election the Department has found it necessary to notify some of them that unless they quit drinking their services would have to be dispensed with. We insist that we can prove every statement made in the foregoing communication, and if this Commission has not the power to give the persons thus discharged an opportunity to be heard to show that they have been unjustly dealt with, that they have been discharged in violation of the rules of the civil service, then we say the lawmaking power ought to give them the necessary authority or abolish it entirely. We ask for those discharged a fair and reasonable investigation, and being unable to secure it at the hands of the Civil Service Commission, our only alternative is to appeal to your lawmaking body and invoke your assistance. If the United States Government has gone into the business of "coercion" and intends to follow out the practice of discharging employees who refuse to vote according to the will of the heads of Departments, we think the matter ought to be investigated.

J. C. DAHLMAN,
Chairman Democratic State Central Committee.
LEE HERDMAN, *Secretary.*

Hon. W. V. ALLEN, *Washington, D. C.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 16, 1896.

DEAR SIR: Your letter of November 14, addressed to the Secretary, is received, and I have to inform you that Mr. Morton left this morning for New York and expects to return to Washington in a few days, when your communication will be brought to his attention. In the meantime I take the liberty of informing you, for your own satisfaction, that the Secretary's recent action in your case was based on what he considered the strongest and most indisputable evidence from several reliable sources as to very decided pernicious political activity upon your part during the recent campaign.

Very respectfully, yours,
JOHN NORDHOUSE,
Private Secretary.

Dr. M. S. WHITE,
Care Bureau of Animal Industry, South Omaha, Nebr.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

GENTLEMEN: Referring to your communication, previously acknowledged, with reference to the removal of Mary A. Dalton and William Holmes from the Bureau of Animal Industry at South Omaha for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know whom any one of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

The civil-service rules contain the following provisions respecting dismissals or changes of rank:

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* * * * * * *

"6. In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious affiliations of the offenders."

Where a removal or reduction is made for reasons relating to the internal administration of the service not contrary to clauses 3 and 6 of rule II, cited above, the Commission has no authority to interfere.

In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that with its limited force and the pressure of work it can not at this time make an investigation of its own into the matter.

Very respectfully,
JOHN R. PROCTER,
President.

Messrs. HERDMAN & HERDMAN,
Creighton Block, Omaha, Nebr.

HOUSE BILL REFERRED.

The bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

PERRINE LAND-GRANT INVESTIGATION.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from South Dakota [Mr. PETTIGREW], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution authorizing the Committee on Public Lands to investigate the issue of patents for the lands embraced in what is known as the Perrine land grant, in the State of Florida.

Mr. PETTIGREW. I ask unanimous consent for the passage of the resolution without a reference.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution submitted on the 11th instant by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers and to administer oaths.

The VICE-PRESIDENT. Is there objection to the adoption of the resolution? The Chair hears none, and the resolution is agreed to.

ORDER OF BUSINESS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. The morning business is not yet completed, I believe.

The VICE-PRESIDENT. The Chair is advised that the resolution introduced by the Senator from Alabama and coming over from a previous day has not reached the desk from the Printer. The Chair will have the resolution read from the RECORD. However, the Chair understands that it is not a part of the morning business, being a joint resolution. Will the Senator from Alabama please repeat his request?

Mr. MORGAN. My request was that the joint resolution be laid before the Senate.

Mr. SHERMAN. Pending the morning business, a motion to proceed to the consideration of executive business is in order.

The VICE-PRESIDENT. Under the rule, the Chair must entertain the motion of the Senator from Ohio pending the request of the Senator from Alabama.

Mr. WILSON. I ask leave to submit an amendment to the sundry civil appropriation bill.

Mr. MORGAN. If I am to be ruled off the floor in this way by the Senator from Ohio, I object to anyone else having it.

Mr. SHERMAN. I can not hear a word the Senator says, there is so much confusion in the Chamber.

The VICE-PRESIDENT. The Senate will be in order.

Mr. MORGAN. I say if, on the joint resolution proposing to declare the Clayton-Bulwer treaty abrogated, I am to be ruled off the floor by the motion of the Senator from Ohio, which he insists upon, then I object to anyone else getting the floor for any other business.

EXECUTIVE SESSION.

Mr. SHERMAN. My motion is pending.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, February 15, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1897.

POSTMASTERS.

Leonard G. Babcock, to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts.

John W. Carroll, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia.

Mildred H. Davies, to be postmaster at Manassas, in the county of Prince William and State of Virginia.

William Graham, to be postmaster at Orange, in the county of Orange and State of Virginia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 13, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. BAKER of New Hampshire. I ask unanimous consent——

Mr. BAILEY. I demand the regular order.

Mr. WILLIAM A. STONE. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the sundry civil appropriation bill.

Mr. HITT. Will the gentleman permit me to make a report from the Committee on Foreign Affairs?

Mr. WILLIAM A. STONE. For that purpose only I withdraw the motion.

PASSPORT REGULATIONS OF FOREIGN COUNTRIES.

Mr. HITT, from the Committee on Foreign Affairs, to which were referred the President's message and accompanying documents of February 8, 1897, relating to the printing of the special edition of the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries, reported a joint resolution (H. Res. 257) providing for printing the reports of diplomatic and consular officers of the United States on the passport regulations of foreign countries; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WILLIAM A. STONE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HULL in the chair), and resumed the consideration of the sundry civil appropriation bill.

Mr. CANNON. I ask consent that the bill may be considered as read a first time.

Mr. HEPBURN. I should like to make an inquiry of the gentleman from Illinois.

Mr. CANNON. Certainly.

Mr. HEPBURN. I understand that there was a purpose on the part of the committee to have this bill read through and then on Monday next to endeavor to pass it under a suspension of the rules. Last year when the sundry civil appropriation bill was passed under a suspension of the rules there was some criticism because of the fact that the bill had not been read; and I understand that the object in the present case is to avoid such criticism. I would like to know from the gentleman if the purpose of passing the bill under a suspension of the rules has been abandoned?

Mr. CANNON. I will say to the gentleman from Iowa that the course touching the passage of this bill, if I have my way about it, will be the course that a majority of this House desires to have pursued. It is now almost the middle of February; within two weeks almost of the close of Congress. The sundry civil bill has not yet passed the House; the naval appropriation bill follows this; the preparation of the deficiency bill is not yet begun—the estimates are just in and printed. The gentleman understands that this is the short session. I suppose it will take from three to five days to pass this bill under the five-minute rule. It will take the best part of a week to prepare the deficiency bill. In my judgment, all of the bills will be passed, or can be passed, before the 4th day of March. This bill has been prepared with very great care. Quite as much labor has been placed upon it as any within my recollection. I believe it to be a good bill, and after we consider it under the five-minute rule it would be substantially as it is now, except possibly as points of order may prevail against certain features of the bill.

Now, then, I think it possible that the consideration may lead here and there to its increase; but as an individual member of the House, I am quite content to pursue either course without committing myself now to any future promise or policy as to the consideration of the bill. I am ready now to press the consideration under the five-minute rule, and let Monday and other days of the session take care of themselves.

Mr. HEPBURN. The gentleman may possibly observe, if he recollects what he has said, that he has not yet answered my inquiry. What I wanted to know was whether the purpose of passing this bill under a suspension of the rules had been abandoned?

Mr. CANNON. There has been no purpose determined to pass it under a suspension of the rules.

Mr. HEPBURN. I think the gentleman from Illinois answers, undoubtedly, totally for himself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to dispense with the first formal reading of the bill?

Mr. HEPBURN. I object.

The CHAIRMAN. Objection is made, and the Clerk will read the bill.

The Clerk resumed the reading of the bill.

Mr. DOCKERY (interrupting the reading). Mr. Chairman, I renew the request that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri [Mr. Dockery] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. DE ARMOND. Mr. Chairman, I should like to know what time will be given for general debate on the bill? I should like to have half an hour.

The CHAIRMAN. There will be no general debate, of course, until the reading of the bill is completed, or until its reading is dispensed with.

Mr. DE ARMOND. I understand that, but I would like to have an understanding about the general debate now.

Mr. CANNON. So far as general debate is concerned, if it seems to be indicated, as the debate progresses, that the day will be consumed in general debate, I shall not seek to close it until about the close of to-day's session; but if there is any disposition manifested to let general debate run beyond to-day, I should like to take the sense of the House, toward the close of to-day's session, on the question of closing general debate.

Mr. DE ARMOND. The gentleman in charge of the bill knows something about the time that will be consumed by the majority. I should like to have half an hour for general debate.

Mr. CANNON. Well, there are remaining about five hours of this session. Of course I have no doubt that the gentleman who represents the minority [Mr. Sayers] or his colleague [Mr. Dockery] will accommodate the gentleman.

Mr. WILLIAM A. STONE. There can be no trouble about that.

Mr. DOCKERY. I think there will be no trouble about accommodating the gentleman from Missouri [Mr. De Armond]. I know I want forty minutes myself, and the gentleman from Texas [Mr. Sayers] wants some time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. Dockery] to dispense with the further reading?

Mr. DE ARMOND. I should like to learn what the course is going to be with reference to general debate, if the Chair will indulge me for a moment. I should like to have half an hour.

Mr. SAYERS. Very well: I will give that.

Mr. WILLIAM A. STONE. There is no objection.

The CHAIRMAN. The Chair hears no objection to dispensing with the further reading, and it will be so ordered.

Mr. SAYERS. Mr. Chairman, I should like to ask the gentleman in charge of the bill if he proposes to ask, at this time, that the committee put a limit on general debate?

Mr. CANNON. No. I have just indicated, in reply to my colleague [Mr. Dockery], that I want general debate closed during the day; but it will be better to let it run a little time. If we can close it by 3 o'clock, or 4, I shall ask to proceed with the bill under the five-minute rule.

Mr. SAYERS. There are gentlemen on this side of the House who desire time, and if the gentleman will agree to let us have two hours and a half, I can parcel out the time. We may not need all that time.

Mr. CANNON. Well, we can agree about it later. I want to say that if general debate can be closed by 3 or 4 o'clock, I propose, if I get my way about it, to commence the reading of this bill under the five-minute rule.

Mr. SAYERS. I want to say to the gentleman in charge of the bill that he can pass his bill much more readily by meeting us half way in this matter.

Mr. DOCKERY. You had better give us two hours and a half.

Mr. CANNON. If I can have a little quiet, I will say to the gentleman from Texas [Mr. Sayers] again, if it should be indicated as the debate progresses that the whole of to-day is required for general debate, I shall not seek to obstruct.

Mr. SAYERS. I want to say to the gentleman, in reply to that, if two hours and a half shall be more than sufficient for the minority, then I am quite confident that the minority will not seek to delay the consideration of this bill by paragraphs for a single moment.

Mr. CANNON. We shall have no trouble, I will say to my friend.

Mr. SAYERS. Let me suggest to the gentleman——

Mr. CANNON. The very moment we agree to close this debate in five hours, all the eloquence of the gentleman from Texas [Mr. Sayers] and myself will not keep one-third of the members here, and if general debate amounts to anything on a business bill like this, the House ought to be full.

Mr. SAYERS. Now I have made my proposition to the gentleman, and I shall not feel constrained hereafter, in representing the minority——

Mr. CANNON. What is it the gentleman wants? I fail to understand.

Mr. SAYERS. Well, I have asked that two hours and a half be allowed the minority, with the assurance to the gentleman that if we shall not consume that time we will not stop the consideration of this bill for one moment. And the reason that I ask it is that I may be able to parcel out the time. Two gentlemen have already asked me for thirty minutes. Another gentleman has asked me for forty minutes. It facilitates the disposition of the time if the gentleman allows me two hours and a half, but if we go on with general debate, each gentleman who arises will be entitled to an hour, and the consequence will be that the time will not be parceled out as it should be.

Mr. CANNON. Very well; that would be so anyhow.

Mr. SAYERS. No, sir; because I will take the responsibility of controlling the time on this side, if such an arrangement can be made.

Mr. CANNON. With that arrangement I am quite content—that the minority shall have two hours and a half and the majority two hours and a half, if it wants to use that much time.

Mr. SAYERS. That is all I ask.

Mr. CANNON. And that the time shall be controlled by the gentleman from Texas [Mr. Sayers] for the minority, and I suppose the gentleman in charge of the bill for the majority.

The CHAIRMAN. The Chair understands the agreement is that the minority shall have two hours and a half, to be controlled by the gentleman from Texas [Mr. Sayers], and that the majority shall have two hours and a half, if they need it, to be controlled by the gentleman from Illinois [Mr. Cannon]. Is there objection to that agreement? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. Chairman, this bill recommends appropriations for $50,664,000, in round numbers, for the service for the coming fiscal year. The estimates upon which it is based amount to $59,000,000, in round numbers, so that the bill is substantially $8,000,000 less than the estimates. The bill is an increase, however, over the corresponding bill passed last session of Congress, for the current year, of $17,500,000, in round numbers. Gentlemen understand that the sundry civil bill is what its name implies. You have the Army, the Navy, the Post-Office, the Agricultural, the Indian, the diplomatic, and the legislative bills, but this is a bill gathering up for the public service the items not carried in the other bills. Therefore it is a bill of much interest to members and the country; and very briefly, if the committee will bear with me, I will refer to the bill from the plain business standpoint.

The increase of $17,500,000 in this bill over the one for the current year is most extraordinary; and yet it is very easy and short of explanation. It is covered substantially by two items. First, in the aggregate the bill carries over $15,000,000, in round numbers—$15,131,000—for the payment of river and harbor improvements, placed or authorized to be placed under contract by the last river and harbor bill. This is an appropriation bill. The legislation was had a year ago. Gentlemen recollect about it. The authorizations of that bill, if I recollect aright, were, in round numbers, $60,000,000. Gentlemen recollect that substantially the general rule underlying that bill was that, commencing on the 1st day of next July, one-fourth of that amount could be expended for four years. Then there were exceptions enough to increase the expenditures over the fourth to make the amount larger than $15,000,000 if it had been inserted in this bill. The policy of that great bill I am not here to discuss. It was discussed a year ago. The bill, vetoed by the President, was passed over his veto, and became and is the law of the land. Let me say one word as to the policy, and one word only. Under proper conditions I believe, and, so far as I know, the Republican party has and does believe, in apt improvement of the great waterways of the country, in apt defense of our seaports, in apt construction of a navy to defend the national honor and national commerce.

Now, if I could have had my way about it, while I firmly believe in internal improvements, including the inland seas and our seacoasts and the great rivers of the country, in the present condition of the Treasury, or its condition a year ago, I would have

let a portion of these improvements await an increase of revenue; but Congress thought differently. There were items in that bill which was enacted into law that in my judgment were improvident. I have never known a river and harbor bill that did not cover improvident items, that if I had the power would have been stricken out, and that bill was not an exception. Yet, I am compelled to say from the standpoint of merit, while that great bill, appropriating and authorizing over $70,000,000, covered a very large amount—yet, considering the amount, I believe, from somewhat of a painstaking examination, that the money and authority therein contained covered less in the aggregate of objectionable appropriations than any river and harbor bill that I have knowledge of which passed in the last twenty years. [Applause.]

I do not mean by this to claim that the passage of that great bill was judicious in the then condition of the Treasury. I think that we would better have waited for $45,000,000 of that appropriation and authorization. But, unfortunately, as I think sometimes, I do not control this country. [Laughter.] My vanity tells me that if I could regulate all things I would perhaps regulate them better than the majority of you gentlemen; but, unfortunately, you do not always agree with me, and you have the most votes. [Laughter.] So much for that. Wisely or unwisely, right or wrong, the last session of this Congress placed upon the statute book great authorizations; and when I say that, it is not necessary for me to add that, under legislation and authorization, this sundry civil bill responds necessarily, and so you have this great increase of more than $17,000,000.

There were other great increases made at the last session of Congress. A great naval bill was passed. It costs money to build battle ships at five millions a ship. A great fortification bill was passed last year, and one has passed this House this year, aggregating $17,000,000; an increase, if I recollect aright, of $13,000,000 for fortifications over the amount appropriated for that purpose by the Fifty-third Congress. We could not help it. The country seemed to demand it. The cry was raised that our great seaports were at the mercy of hostile fleets, and that the diplomatic arm of the Government was weak, because, although we had great wealth and great population, yet in the event of war with any foreign government or governments we should be practically helpless before powers really much weaker than ourselves. The demand came, and came from the people, for this great increase of expenditure in fortifications. If I had had my way about it, I would have gone more slowly than we did, but I think that perhaps no appropriations have been made of late that have received more hearty indorsement than those made for fortifications.

Now, Mr. Chairman, having said that much about appropriations and this bill generally, I come directly to the items in this bill that I apprehend gentlemen are specially interested in. I have already spoken of the increase on account of rivers and harbors, but before I leave that subject, let me say to gentlemen that all the money that seems to be demanded by the river and harbor bill on a cursory reading has not been recommended in this bill, for certain reasons. Let me call attention to these items work by work. Take first Newtown Creek, so called, in New York. The amount estimated for under the river and harbor bill is $400,000. The amount recommended is $183,000; a decrease of $217,000; that decrease being made for the reason that a contract has been entered into for the work at $183,000 instead of $400,000.

Mr. McCORMICK. But the other estimate was the estimate of the engineer himself.

Mr. CANNON. I understand that the other item was the estimate of the engineer himself; but when we came to place the work under contract the competition was such, or the Chief of Engineers had been so "off his base" (if I may be allowed the expression), that that work which had been estimated at $400,000 was contracted at $183,000.

Mr. BENNETT. If the gentleman will permit me, I will say that the work done previously on Newtown Creek had been done at the rate of 39 cents per cubic yard, but under a continuous contract it was found possible to let the same dredging work at 17½ cents per cubic yard.

Mr. CANNON. Oh, yes; I know that contract work, continuous or otherwise, ought to be let now at lower rates than in former years, for two reasons: First, the price of labor is lower. People are out of employment and are so anxious for employment that they work on a closer margin and for less pay. Second, there has been great improvement made in labor-saving machinery for excavation, for dredging, for all that kind of work. Take the digging of that great canal running from Chicago to Joliet, by the use of labor-saving appliances the cost of the work has been reduced to a minimum, so that I understand that that kind of work is done now at from one-third to one-half less than it cost a few years ago and with quite as much profit to the contractor.

Take Delaware Bay: The amount called for on the face of the law was $714,000; the contract is let at $450,000 for the proportion of the work for the coming year.

Take Duluth, Minn.: The amount called for on the face of the law was $790,000, and the work has been contracted for at $500,000.

Providence Harbor: The contract there reduces the amount from an estimate of $400,000 to $125,000.

Take Chicago River: The contract reduces the amount there from an estimate of $400,000 to $113,000, and we have written the amounts in recommendation in the bill for the various items according to the necessities of the service and in compliance with the substance of the law.

Now, Mr. Chairman, there are three or four works that I want to call attention to that are omitted entirely from this bill, and they are omitted advisedly, after the fullest inquiry. The first is Wilmington, Del. Under the last river and harbor act there should be $205,000 carried by this bill for that work. The bill carries nothing in recommendation, for the reason that the last river and harbor act authorized a contract according to projects and plans then in existence, but put a limit on the contract as to cost of $205,000. Now, it appears that the work under the project authorized in the last river and harbor act can not be done for anywhere near that amount.

Now, then, as to Oakland, Cal. On the face of the river and harbor act there should be an appropriation of $100,000 written into this bill. But there is the legislation in the river and harbor bill, "according to the plans and specifications then in existence," and then a limit is placed upon the expenditure necessary to complete the work, as in all the cases covered by the river and harbor bill.

Now, on full inquiry of the Engineer Department, it appears that the amount of money authorized by the river and harbor act will not complete the work at Oakland, according to the project, by (in round numbers) $700,000. The result was that as soon as this fact appeared to your Committee on Appropriations, a letter was addressed to the Secretary of War as to whether he had authority to enter into this contract unless the contract could be entered into within the law and within its limitations. After referring the matter to the Adjutant-General, and upon full inquiry, the Secretary of War, citing in his reply the sections of the law, was clearly of opinion that unless the work could be completed within the limitation (whether the money was appropriated or not) he would have no authority to expend one cent without further legislation in the premises. And I have no doubt that he is entirely correct in this view under the law. Therefore, your committee do not recommend anything to be appropriated at Oakland.

You may say that as Oakland is a city adjacent to San Francisco, close upon the Golden Gate, why not legislate extending the limit $700,000 and make an appropriation accordingly? Purely and simply because there is a great committee of this House which, under our rules, has the power to recommend legislation touching rivers and harbors—namely, the River and Harbor Committee—and we did not believe it was politic for the Committee on Appropriations to even submit an item covering this and other matters not authorized by law touching rivers and harbors.

Now, in addition to Oakland, Cal., the same thing is true of the Kentucky River. The amount called for under contract on the face of the river and harbor bill is $100,000; yet on inquiry we found that under the limitations of that act it would take a million dollars additional to the limitation to complete the work according to the project.

Mr. BERRY. The gentleman will allow me to state that the last River and Harbor Committee, accepting the estimate of the Government engineer, which was $1,380,000, provided for placing the work on that river under contract. Subsequently the engineering arm of the United States Government made a second estimate, $1,000,000 higher. So that the river is in this condition: The work has been commenced at Lock No. 7, and upon that work the Government has expended about $125,000; but now there is no money to continue the work through the coming summer. This virtually stops the improvement of the Kentucky River, although the Committee on Rivers and Harbors had provided that the work should be placed under contract. One million three hundred and eighty thousand dollars expended under the contract system would complete that improvement; but, carried on as it has been by the United States Government, it will require hundreds of thousands of dollars more.

Mr. CANNON. I am not here to discuss the merits of the improvement on the Kentucky River.

Mr. BERRY. But as I should have asked (if I had anticipated the present action) an appropriation to continue the work there, or at least to have it placed under contract, I am placed in the position of having the work discontinued on that river which I represent, because this bill does not contain any appropriation to carry on the work during the coming summer. In this way the opinion of the River and Harbor Committee is set aside; and the Government as well as the people will be losers.

Mr. CANNON. I have failed to make myself understood by the gentleman——

Mr. BERRY. I understand the position of the gentleman and his committee. I have read the report.

Mr. CANNON. Very well; if the gentleman understands this matter, he understands that according to the project referred to in the river and harbor act the Engineer Department has stated that this work can not be done according to the project within $1,000,000 of the amount authorized, and then the Secretary of War says that under the existing law, whether the money is appropriated or not, no dollar can be expended and no contract made without further legislation.

Mr. BERRY. But does not the chairman of the committee understand that the original estimate of the Engineer Department of the United States Government was $1,380,000 for the completion of the improvement on that river, that we acted on that recommendation in the Committee on Rivers and Harbors, and that subsequently the Department came in with an estimate vastly increasing the expected cost of that improvement?

Mr. CANNON. My friend and I can not afford to play upon words. I say again the officers of the Engineer Department testified before the Committee on Appropriations that the project referred to in the river and harbor bill—not the first project, but the project in being at the time the river and harbor bill was enacted—will require over $1,000,000 beyond the authorization.

Mr. BERRY. The gentleman will allow me to state that when these questions came up before the Committee on Rivers and Harbors the last report of the Engineer of the United States Army was read, and in view of that report and of the estimate of $1,380,000 as the cost of carrying out the project, we placed the work upon the river and harbor bill at that figure; but a subsequent estimate made by the Engineer Department increased the amount to $2,400,000.

Mr. CANNON. I do not so understand.

Mr. BERRY. I so understand; and the report of the Engineer Department was read in the committee.

Mr. CANNON. Very well; your Committee on Rivers and Harbors has plenary power to cure any mistake, and to report legislation touching rivers and harbors. Why do they not perform their function?

Mr. BERRY. We endeavored, as I have stated, to follow the estimate of the Engineer Department; we could not anticipate this subsequent and larger estimate.

Mr. CANNON. The Committee on Appropriations, of which I have the honor to be chairman, can answer for a great many things, but we can not answer for a mistake in the estimates of the Engineer Board, or a misapprehension of facts on the part of my friend from Kentucky or his committee.

Mr. McCREARY of Kentucky. I desire to ask the gentleman from Illinois a question, with his consent.

Mr. CANNON. Certainly.

Mr. McCREARY of Kentucky. There has been expended on the Kentucky River in all $1,700,000. The last river and harbor bill put that river under the contract system, but the bill now under consideration makes no appropriation to go on with the work of constructing the locks and dams on the river.

Mr. CANNON. I am aware of that.

Mr. McCREARY of Kentucky. It seems to me that there ought to be in the bill an appropriation to go on with those improvements. We can not afford to lose the full benefits of work that has already been done at an expenditure of $1,700,000; neither should improvements be delayed or impeded which will be beneficial to so many people and to such a large area of the State of Kentucky. It will not require a very considerable sum to finish the work.

I desire to ask the gentleman, therefore, if he thinks it good policy, after spending the amount already stated, to make no appropriation in this bill to continue the work?

Mr. CANNON. Mr. Chairman, I will reply to the gentleman from Kentucky that the committee that makes up this bill makes provision for river and harbor appropriations under existing law, and can not make provision for those that are not under existing law. I have stated plainly, or have endeavored to do so in the report of the committee, the correspondence with the Secretary of War on this subject. We heard testimony, and thoroughly, and the unanimous testimony is that the project legislated about in the river and harbor bill can not be completed within the limit of cost by $1,000,000. Therefore no dollar of money can be legally expended, or will be, until there is legislation on the part of Congress to extend the limit.

Mr. McCREARY of Kentucky. If the gentleman will permit me one moment further. About a year ago, as I understand it, the Chief of Engineers made an estimate that $1,360,000 would be sufficient to construct the locks and dams required to carry slackwater navigation to the Three Forks of the Kentucky River and that amount was provided for in the river and harbor bill. Now it is claimed that $2,400,000 will be necessary to complete the improvement of the Kentucky River, and on this account no appropriation is made in this bill, and work on Kentucky River will be suspended, although the Kentucky River was by law placed under the contract system last year. I protest against this.

Mr. CANNON. I am not combating that statement. I do not know whether it is true or not. But the engineer now comes and says the project referred to in the river and harbor act can not be completed for the $1,000,000 heretofore authorized for that work, and therefore it does not come within the provisions of the pending bill at all.

Mr. BERRY. May not that be a work like some of those the gentleman has already referred to, where a reduction was made when the contracts were let?

Mr. CANNON. Oh, Mr. Chairman, we do not legislate on what may be. We must legislate on facts as they appear before us. If legislation is needed for the Kentucky River, and for these other projects, such as for the dams on the Ohio River from No. 2 to No. 5, or at Wilmington, that committee of which the gentleman has the honor of being a member has full jurisdiction under the rules of the House, and I never knew that committee fail to get consideration for any measure it reported here.

Now, Mr. Chairman, the same is true with reference to dams 2 to 5 on the Ohio River. Under the project legislated about, it takes over a million of dollars more than is authorized to complete them. Therefore, there being no law for the appropriation, we do not recommend it in this bill.

I now come to one other item that is upon an exceptional footing, and that is the Yaquina Bay, Oregon. That work was authorized to cost not exceeding $1,000,000. I am not here to discuss its merits. That has been discussed and set fort fully in the public prints and otherwise. It is not necessary for me, therefore, to discuss its merits now. We had the engineers of the Department before us, and on full inquiry the information came to our committee that no project had been made of any kind for Yaquina Bay. Pencil has not been put to paper in regard to the work. We had a further statement that whether the money was appropriated or not, not one cent of it would be expended during the coming fiscal year. Now, as this bill makes provision for expenditures for the coming fiscal year, under that state of facts we did not recommend anything for the work at that point. So that while we recommend over $15,000,000 in the aggregate for meeting the requirements of the last river and harbor bill, we recommend $4,000,000 less than would seem to be indicated upon the face of the bill for the reasons that I have already stated.

That, Mr. Chairman, is all I care to say about that matter at this time. I would next call the attention of the committee to the question of public buildings. The amount carried in the bill is over four million of dollars—$4,072,000—for this purpose. It is an increase of $1,620,000 for public buildings. If gentlemen will take the report of the committee accompanying this bill, they will find the buildings referred to in detail. For instance, at Newark, N. J., we recommend there an appropriation not authorized by law, and I wish to call the attention of the committee to the fact. There is $187,000 available to add to the site of the public building at Newark. It is a great city, as gentlemen understand. On the site that the Government owns a new public building has been erected, and it is inadequate to meet the wants of the Government, and it has become absolutely necessary to add to that site and to authorize a building on this piece of land to be purchased that can be used in connection with the present building. It requires, in addition to the $187,000 now available for that purpose, $66,000.

We submit the matter to the House. Then there is the court-house and custom-house at Omaha, Nebr. The limit of cost there was $1,200,000. This breaks the limit by $100,000, under the following circumstances and conditions: The Secretary of the Treasury, as I think without authority of law, concluded to put in a granite front, or granite finish on the outside, at a cost of $100,000 more, and went on and put up the building in that way. Now, it can not be finished without the other $100,000; and while we could stand and scold and criticise the Secretary of the Treasury, as I think he ought to be criticised, for proceeding to erect this building in the teeth of the law, nevertheless in that considerable city there is a great building standing unfinished, and can not be finished until this money has been appropriated for this purpose. It seemed to the committee that it was a case that they might safely submit to the House for its consideration and action.

Then we have legislation on the bill in quite a number of instances. One is we provide that the Post-Office Department in this city, on F street, shall be moved into the building, when completed, known as the new post-office building, down on the Avenue.

There is quite enough space there to accommodate the Post-Office Department and the Sixth Auditor's Office. We believe that it ought to be so occupied. If it is not so occupied, this great building, which should accommodate 2,000 clerks, will be occupied by only 800.

Then we provide by the appropriation that the Post-Office Department building shall be turned over to the Interior Department.

I think I have sufficiently referred to the provisions of the bill. No doubt there are various other items to which attention will be called as the reading of the bill progresses, but upon which I do

not feel justified in taking further time, in justice to my colleagues on the committee.

Mr. SAYERS. Mr. Chairman, I should like to have the attention of the committee for a brief time. I am not at all surprised at the aggregate of appropriations carried in this bill. What has occurred is what I confidently expected would occur, and what I stated to the House in the last session would almost inevitably result. The amount of appropriations carried in this bill is the consequence, first, of the failure, which I may call a willful and premeditated failure, on the part of the majority of the Committee on Appropriations to recommend appropriations for public buildings and also for river and harbor works previously contracted for this entire fiscal year.

The sundry civil appropriation bill for the present year contains appropriations for public buildings under contract, and also for old river and harbor contracts, only until the 1st of March, whereas a wise policy would have induced the majority of the committee, and also the majority of this House, to appropriate a sufficiency for such purposes until July 1 next. To-day, therefore, we are confronted with appropriations for sixteen months instead of for twelve months for the construction of public buildings and for meeting river and harbor contracts authorized by previous Congresses.

Secondly, because it carries appropriations for the support of the officials of the Federal courts for twelve months instead of for six months. Heretofore appropriations for the payment of marshals, clerks, commissioners, and United States attorneys have only been made for six months, but in consequence of the passage of the act at the last session of the present Congress paying salaries to these officials, instead of fees, the Committee on Appropriations have recommended an appropriation for the entire year, instead of for six months as heretofore.

Third, because Congress, in spite of the objections and veto of the President, at its first session passed the river and harbor bill which has necessitated appropriations in this bill amounting to the sum of $15,131,996.91, besides a further appropriation of $1,150,000 which will appear in the general deficiency bill.

These are the reasons, and the only reasons, why this bill is so much larger than the one of the first session. Every item in this bill may be subjected to the closest criticism, and I feel quite sure that it will be found that, with the exception of the appropriations to carry out the new river and harbor contracts, such items are entirely defensible.

Mr. LOUD. Are not the river and harbor items defensible, from the gentleman's point of view?

Mr. SAYERS. Some of them are and some of them not.

Mr. LOUD. It depends on where they are located, does it?

Mr. SAYERS. Not at all. That suggestion comes from the mind of the gentleman who is always suspicious of everybody except himself.

Mr. LOUD. Oh, I am suspicious of myself oftener than of anyone else.

Mr. SAYERS. But, Mr. Chairman, I am not prepared to say and will not say that an objection to any particular item in the river and harbor bill arises because of its locality.

Mr. LOUD. It is enormous in amount, is it not?

Mr. SAYERS. I think so, unquestionably.

Mr. LOUD. I should like to ask the gentleman if he thinks it is possible to keep the river and harbor bill down, in view of the policy that we are following?

Mr. SAYERS. That depends pretty much, I think, upon the organization of the River and Harbor Committee. If members are appointed on that committee who would rather not appropriate than appropriate, I think the chances are that the bill would be reduced.

Mr. LOUD. I should like to ask the gentleman another question. Does not the gentleman think it would be a good thing, in view of the condition which now confronts this country, and in view of the enormous pension roll which we must bear for some years, that this Government should stop for four or six years appropriating any money for river and harbor purposes, from an economic point of view?

Mr. SAYERS. I could not say so.

Mr. RICHARDSON. I will ask the gentleman if it is possible to stop with the continuing-contract system?

Mr. LOUD. To stop new river and harbor bills.

Mr. MILLIKEN. Let me ask, in connection with the question of my friend, would it not be a good thing for us to starve, because we can get along cheaper in that way than we can in any other?

Mr. SAYERS. Well, Mr. Chairman, I do not care to have my time occupied with such questions as are pending between the gentlemen.

Mr. LOUD. We may have to starve. We can not help that.

Mr. SAYERS. I would say, Mr. Chairman, that the river and harbor bill of the last session, a part of which we are now forced to appropriate for, carried specific appropriations of $12,659,550, an indefinite appropriation estimated to be about $3,000,000, and authorized contracts to the extent of $59,616,404.91. Every gentleman who voted for that river and harbor bill, whether Democrat or Republican, is to the extent of his vote responsible for the present size of the sundry civil appropriation bill, and to that extent for the character of the appropriations which we are called upon to make.

Now, Mr. Chairman, in all probability the appropriations by this Congress will reach the unprecedented sum of $1,045,000,000, appropriations larger than have ever been made by any Congress for the past twenty-five years. Gentlemen on the other side say——

Mr. COX. Than any Congress.

Mr. SAYERS. During the war larger appropriations were of course made. Gentlemen on the other side of the House are exceedingly fond of twitting the minority and the present Administration with the fact that they have not provided the Government with a sufficient revenue to properly administer the public affairs of the country. Let me admonish gentlemen on the opposite side of the House—our Republican friends—that it is not within their power to enact a law imposing duties upon imports that will meet this or subsequent appropriations unless the next Congress shall reverse the present policy and adopt the old Democratic method of an economical expenditure of the public money. I do not believe that the majority will do this, because it is as natural for our Republican friends to lavishly and extravagantly expend the people's money as it is for the sparks to fly upward. Heavy taxation and extravagant expenditure is the policy which has always characterized them when in power.

Mr. MILLIKEN. I would like to ask the gentleman a question, if it will not interrupt him too much.

Mr. SAYERS. Certainly.

Mr. MILLIKEN. Were not your Congress and your President, when you had the administration in both Houses, as extravagant as the Republican party had been before that time?

Mr. SAYERS. Not at all. We appropriated fully $36,000,000 less in the last Congress than was done in the Fifty-first or will be done in this Congress.

Mr. MILLIKEN. But it had to be made up in deficiency bills afterwards.

Mr. SAYERS. No; no more than usual. The proper deficiencies still to be provided for at this session will be fully as large as the deficiencies of the last session. The general deficiency bill may not show that to be the fact, but if you will take the deficiencies which have been put upon the fortifications bill and do not appear as deficiencies, and which appear in the sundry civil bill, you will find they will reach fully as much as the general deficiency bill which was passed at the first session of this Congress.

Mr. MILLIKEN. Let me ask my friend another question, and that is, if there was not a large majority of the Democratic party in this House that voted for the river and harbor bill of the extravagance of which the gentleman complains?

Mr. SAYERS. That may be so. I have said that every member who voted, whether he be Democrat or Republican, for the river and harbor bill of the last session is responsible to that extent for the appropriations for river and harbor purposes in the pending bill.

Mr. MILLIKEN. Then why make your complaint against the Republican party?

Mr. SAYERS. I will answer. Mr. Chairman, the Republican party have control of the House. The Republican party control the Committee on Rivers and Harbors, the Republican party control the organization of this House, and if the policy adopted by the late Speaker, Mr. Crisp, had been adopted, and as I urged at the commencement of this Congress that it should be adopted—that no contract should be made—this Congress would have adjourned with the knowledge that it had appropriated $40,000,000 less than the preceding Congress, and the next Congress would be able to continue the work of reduction and could reduce the appropriations still lower, and the expenditures of the Government by and under a Republican Administration would be lessened to a normal amount.

Mr. MILLIKEN. Allow me another question——

Mr. HAINER of Nebraska. If the gentleman will permit me.

Mr. SAYERS. My friend is fond of asking questions. He will be allowed time to make his speech.

Mr. MILLIKEN. If my friend would ask more questions of people who know, possibly he would know more than he does.

Mr. SAYERS. I can not be supposed to answer all questions.

Mr. MILLIKEN. Why does not the gentleman point out some particular item in the river and harbor bill of which he complains that is wrong, and which ought not to be appropriated for? It is easy enough to denounce the river and harbor bill in whole; it is easy enough to denounce any bill in whole.

Mr. SAYERS. I have not time enough to do so.

Mr. Chairman, I will now ask the committee to pause for a moment and bear with me in a divergence which should interest every gentleman upon this floor, and that is to contrast the appropriations in 1897 with those made in 1887. I draw this contrast not for party purposes, but in order to show to the House and to the country the great advance which the Congress of the United States, whether Democrats or Republicans have been in control, has been making in the matter of appropriations.

In 1887, when the Hon. Samuel J. Randall was the leader of the House in the matter of appropriations, the Agricultural bill only carried $654,715. At the last session—and I do not charge that there are any items in that bill that were improper—the Agricultural bill amounted alone to $3,255,532, showing an increase in the annual appropriation for one branch of the public service in ten years of $2,600,817. Is the Agricultural Department to-day in its operations more beneficial to the people than it was ten years ago?

Mr. HAINER of Nebraska. If the gentleman will allow me, I will call his attention to the fact that at the time he refers to, 1887, there was no Agricultural Department. It was a mere bureau, and the Bureau of Animal Industry now does more work than the entire Agricultural Bureau did ten years ago.

Mr. SAYERS. I admit the gentleman's statement to be true.

Mr. RAY. I would ask the gentleman from Texas whether it is true that all the matters appropriated for in the Agricultural appropriation bill making this increase were new items?

Mr. SAYERS. Not at all. I did not say so. I expressly stated that this was not intended to be a comparison for political purposes, but that I would give these figures for the purpose only that the House and the country might see the difference between the amounts carried by the present appropriation bills and those of ten years ago. I do not contend that the Agricultural appropriation bill of the last session contained improper items.

Mr. MILLIKEN. Why criticise it, then?

Mr. SAYERS. I am only comparing the bills of the two periods.

Mr. RAY. Let me ask the gentleman whether it is not true that a great many matters appropriated for in the Agricultural appropriation bill of last year were appropriated for in 1887 in other bills?

Mr. SAYERS. I think not. I would say to the gentleman from New York that the increase of expenditures to which I am calling attention has been authorized by both Democratic and Republican Congresses, and one party is just as responsible as the other for this general increase. It has resulted from the enlargement of the sphere of the operations of the Agricultural Department.

Mr. PITNEY. The gentleman said that for the fiscal year 1887 the Agricultural appropriation bill contained the amount which he mentioned; but if the gentleman will pardon the suggestion, I think that bill was not then under the charge of the gentleman from Pennsylvania, Mr. Randall. That was the first year after the appropriation bill for the Department of Agriculture was taken away from the Appropriations Committee.

Mr. SAYERS. Yes; that is correct. Now, Mr. Chairman, I pass to the Army bill, the only one of the general appropriation bills that has been reduced. The Army bill for the present fiscal year carries $474,654.48 less than did the Army bill of 1887.

Comparing the diplomatic and consular bill of 1887 with that of 1897, we find an increase in the latter bill of $278,493.76.

The District of Columbia bill for the years named shows an increase of $2,179,268.49; and the Indian appropriation bill an increase of $1,844,233.95.

The legislative, executive, and judicial bill of 1897 is larger by $864,978.34 than that of 1887.

Mr. BINGHAM. Is the gentleman giving any details?

Mr. SAYERS. No details.

Mr. BINGHAM. He is not giving any reasons for these increases?

Mr. SAYERS. None. The Military Academy bill of 1897 shows an increase of $151,720.61 over that of 1887, and the naval bill an increase of $14,072,753.75. The pension bill of 1897 is greater by $59,253,380 than that of 1887, and the Post-Office bill also shows an excess of $38,205,700.97 for 1897. The river and harbor bill of 1897 is increased over that of 1887 by $1,185,650, with contracts authorized to the amount of $59,616,404.91 in addition.

The sundry civil bill of 1897 shows an increase over that of 1887 of $10,434,399.61. There was no fortification bill for 1887. That for 1897 carried $7,377,888 and authorized contracts for several millions more.

Now, Mr. Chairman, I submit the question to this committee: Has there been such a growth of population, such an earnest demand upon the part of the country, and such a necessity as to justify this vast increase of regular annual appropriations during the ten years between 1887 and 1897? I will append to my remarks a tabular statement, which gentlemen may examine at their leisure.

Mr. COOPER of Wisconsin. I understood the gentleman to say that the contracts authorized by the last river and harbor act aggregate over $75,000,000.

Mr. SAYERS. No. I will restate the exact figures—$59,616,404.91.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN (Mr. Smith of Illinois). The gentleman has occupied twenty-five minutes.

Mr. SAYERS. I have to yield time to other gentlemen, so I will conclude: but before doing so, Mr. Chairman, I will call upon members of the House, without regard to party, to consider well this vast and rapid increase in the annual appropriations made by Congress.

Rich in resources as is our country, and industrious as is our people, this great burden of expense for the support of the Federal Government is too onerous to bear; and if to it we add our State, county, and municipal expenditures, it will surely be found that the cost of public administration in the United States is much greater than that of any other civilized country. Some day the people will awaken to a sense of these vast expenditures supported by an excessive taxation, and will demand a reformation, which will be as sudden as it will be great. The items in the bill under consideration, with the exception of those pertaining to the rivers and harbors, about which I am not so well advised and of which I am not now prepared to speak, can be defended and justified.

For the items appropriating for rivers and harbors the Committee on Appropriations are not responsible. They have not had the time to examine each project appropriated for; nor was it their duty to do so. They found these works provided for by existing law; and under the rules of the House and following the policy heretofore pursued, they called before them an engineer of the Army and interrogated him as to each item, and then allowed, in accordance with existing law, every dollar of appropriation that he thought could be profitably expended during the coming fiscal year. With the policy of the projects they had nothing to do. This Congress, at its first session, determined their propriety.

If this bill is to be censured because of its size—if gentlemen are to criticise it and vote against it because of the vast sum of money which it appropriates—let them turn to the record of the last session and scan the names of those who voted for and against the river and harbor bill on its passage through the House, as well as the names of those who voted for and against it when the Presidential veto was being considered, and upon those voting in the affirmative let the responsibility rest for $15,131,996.91 which appears in this bill, and the further sum of $1,150,000 which will appear in the general deficiency bill for such purposes.

Mr. RAY. Will the gentleman allow me a question right there?

Mr. SAYERS. Certainly.

Mr. RAY. I understood the gentleman to say a moment ago that this bill could be defended upon the ground of the necessity for all these appropriations.

Mr. SAYERS. I meant as to those which I have examined, leaving out the river and harbor items, about which I am not prepared to advise the committee.

Mr. RAY. But, aside from those items, the gentleman thinks the appropriations are all right—are demanded by necessity?

Mr. SAYERS. Certainly I think so—unquestionably. And as to the river and harbor items, permit me to say to the gentleman they may be right or they may not be. The committee had no discretion in the premises. They did not go into any inquiry as to the policy of these projects; they took the law as enacted at the last session of this Congress, and called before them the Chief of Engineers, and upon his advice they recommended the amounts which he said would be necessary to carry on the projects during the next fiscal year.

Bill.	First session Forty-ninth Congress, 1887.	First session Fifty-fourth Congress, 1897.	Increase.	Decrease.
Agricultural	$654,715.00	$3,255,532.00	$2,600,817.00	
Army	23,753,057.21	23,278,402.73		$474,654.48
Diplomatic and consular	1,364,065.00	1,642,558.76	278,493.76	
District of Columbia	3,721,050.99	5,900,319.48	2,179,268.49	
Fortifications		7,377,888.00	7,377,888.00	
Indian	5,506,262.84	7,350,496.79	1,844,233.95	
Legislative, etc	20,654,346.37	21,519,324.71	864,978.34	
Military Academy	297,805.00	449,525.61	151,720.61	
Navy	16,489,907.20	30,562,660.95	14,072,753.75	
Pension	82,075,200.00	141,328,580.00	59,253,380.00	
Post Office	54,365,863.25	92,571,564.22	38,205,700.97	
River and harbor	14,473,900.00	*15,659,550.00	1,185,650.00	
Sundry civil	22,662,310.58	33,096,710.19	10,434,399.61	
Deficiencies	7,866,719.62	15,341,911.07	7,475,191.45	
Total	253,925,203.06	399,375,024.51		
Miscellaneous	9,989,410.19	416,010.06		9,573,400.13
Total regular annual appropriations	263,914,613.25	399,791,034.57		
Permanent annuals	123,416,358.74	119,054,160.00		4,362,198.74
Grand total	387,330,971.99	518,845,194.57	145,924,475.93 14,410,253.35	14,410,253.35
Net increase			131,514,222.58	

* This sum includes an indefinite appropriation for the purchase of the property of the Monongahela Navigation Company, estimated at $3,000,000.

Mr. Chairman, I yield forty minutes to the gentleman from Missouri [Mr. Dockery].

Mr. DOCKERY. Mr. Chairman, I am obliged to the gentleman from Texas [Mr. Sayers], but I do not think I shall require all the time he has so kindly yielded.

The sundry civil bill carries $50,664,743.92, of which the sum of $18,615,996.91 consists of appropriations made in pursuance of contracts authorized by the river and harbor bill for 1896 and prior years. This bill is $17,568,033.73 in excess of the amount appropriated for the current fiscal year for the sundry civil expenses of the Government.

It appears, therefore, that of the amount carried by the bill more than one-third is to meet the obligations of river and harbor contracts. I think, therefore, Mr. Chairman, that if opportunity offers I shall move to amend the title of the bill so that it shall read: "A bill making appropriation for sundry civil and river and harbor expenses for the fiscal year ending June 30, 1898." [Laughter.] I think the title should be accurate, not misleading.

Mr. RAY. Will the gentleman permit me——

Mr. DOCKERY. I hope the gentleman will allow me to discuss somewhat the merits of this question before interrupting me with queries. Later on I will yield to my friend.

Mr. Chairman, this very large appropriation, in connection with others made at this session, comes at a time when the revenues for the current fiscal year are already inadequate by $47,604,313.97 to meet current expenses. Indeed, sir, the revenues during the last three years and eight months have fallen behind current expenses to the amount of $185,416,013.43, while the business interests of the country are stagnant from ocean to ocean.

RIVER AND HARBOR CONTRACTS.

I desire now to refer very briefly to the river and harbor contracts carried in the pending measure. I am constrained to do so because when the river and harbor bill was under consideration at the first session of this Congress, gentlemen on the floor who opposed that measure were allowed but fifty minutes of debate in opposition to the bill with no right of amendment at any time. I am earnestly in favor of just and reasonable appropriations for the improvement of the great harbors and waterways of the country, but I deprecate the waste of public money upon unimportant creeks and log-rolling streams. I advocate these improvements when they promote public purposes. I oppose them when they subserve private interests. I find upon examination that the total appropriations for rivers and harbors for the various Congresses which I shall name have been as follows:

Amounts appropriated in river and harbor appropriation acts, Forty-eighth to Fifty-fourth Congress.

Forty-eighth Congress, first session	$13,949,200.00
Forty-ninth Congress, first session	14,473,900.00
Fiftieth Congress, first session	22,397,616.90
Fifty-first Congress, first session	25,136,295.00
Fifty-second Congress, first session	21,154,218.00
Fifty-third Congress, first session	11,643,180.00
Fifty-fourth Congress, first session	12,659,550.00
Total appropriations	121,413,959.90

In other words, Mr. Chairman, the direct appropriations for the improvement of rivers and harbors since the Forty-eighth Congress amount to $121,413,959.90. In addition to the direct appropriations to which I have adverted, the sundry civil bill has carried at the second session of these several Congresses amounts necessary to meet the requirements of river and harbor contracts aggregating $61,199,061.91. So that if to the direct appropriations made since the Forty-eighth Congress, covering a period of fourteen years, we add the amounts carried in the sundry civil bill during the same period, it is obvious that the total appropriations during this period for river and harbor projects alone amount to $182,613,021.81.

Now, Mr. Chairman, as very much has been said about the contract system, and gentlemen have gone so far as to secure favorable recognition of the system in both of the national platforms, I may say that theoretically the system is all right, while practically it is all wrong. As applied to a given work, it will undoubtedly complete it at a reduced cost as compared with the old system. But when you take into consideration the entire scope of river and harbor improvements, the contract system enormously increases the appropriations and burdens of Government. Whatever the demerits of the old system, it at least did business on a cash basis. The contract system revives the principles of the old discarded "credit system," with its consequent increase of Government obligations to be met at some future time. It mortgages the revenues of the future and fosters Treasury deficiencies. It tends to encourage extravagance, because, forsooth, the payments can be deferred until a more convenient season. It imposes upon the people unjust taxes, and is at war with all the cardinal tenets of a wise, economical administration. It is wanton, wasteful, and profligate in expenditure. The contract system is a constant menace to the resources of the Government, and should be abandoned or limited without delay. Let me illustrate its operations by a statement from official records.

The average appropriation for each one of the six years prior to the inauguration of the contract system by the Fifty-first Congress was $8,470,119.48. The average appropriations for each of the eight years since the contract system was adopted has been $16,474,034.36, or about double the liability imposed by the old system. In other words, while the system, as to a given work, has reduced—and that is not denied—the cost of the work, taken as an entirety, has more than doubled the appropriations for river and harbor improvements. Let us ascertain just how the system operates; and in so doing I do not desire to make an examination from the standpoint of mere partisanship. I recognize the fact that a very large number of the Representatives on this side of the Chamber gave their support to the last river and harbor bill. But I must also recognize, as did the gentleman from Texas [Mr. Sayers], who preceded me, the further fact that these appropriations have always been largely increased when the Republican party controlled the House.

The Fifty-first Congress, which originated the contract system, authorized $13,282,979 of contracts, a modest sum in comparison to the authorization of the last session. The Fifty-second Congress authorized other contracts amounting to $31,760,521. Note the increase! We come now to the Fifty-third Congress, which was Democratic in both branches, this body being presided over by that accomplished legislator from Georgia, the late Speaker Crisp. In that Congress not a single new contract was authorized. The leadership of that Congress did not content itself with paring down appropriations; it did not inaugurate a cheeseparing policy, but under the safe guidance of the distinguished Speaker [Mr. Crisp] and the gentleman from Texas, Governor Sayers, wise laws were enacted and objectionable legislation was not presented to the House for consideration. So much, then, Mr. Chairman, in honor of the Fifty-third Congress, which, as I have said, was Democratic in both branches. At that time the Committee on Rivers and Harbors was presided over, if I am not mistaken, by the able gentleman from Mississippi [Mr. Catchings]. That committee did not then recommend an extension of the contract system. It seems that a different policy is advocated now.

We now come to the first session of the present Congress. The contracts authorized then aggregated $59,616,404.91 and the direct appropriations were $12,659,550, exclusive of $3,000,000 of indefinite appropriations estimated for the Monongahela River; that is to say, the total appropriations and authorized contracts for river and harbor projects reached the stupendous aggregate of $75,275,954.91. This is not all, Mr. Chairman. At the very time this enormous liability was incurred there were existing contract liabilities, together with an unexpended balance in the Treasury appropriated under contracts theretofore authorized, of $16,207,708.16. So that when the bill of last year became a law notwithstanding the veto of the President the river and harbor liabilities stood upon the books of the Treasury at $91,483,663.07.

I will now call attention to another fact——

Mr. COOPER of Wisconsin. Will the gentleman from Missouri yield for a question?

Mr. DOCKERY. Certainly.

Mr. COOPER of Wisconsin. Does not the gentleman from Missouri think, in order to be perfectly fair and to convey a correct impression to the House and to the country, that he ought to state that the maximum amount possible to be expended under the limitations of the last river and harbor act, if every contract or project therein authorized had been entered upon—that the maximum to be annually expended would not exceed $16,000,000 of contracts?

Mr. DOCKERY. The gentleman has anticipated the order of my argument. I will demonstrate further on that the statement of the gentleman is absolutely inaccurate.

Mr. Chairman, the President of the United States in a ringing veto message disapproved the last river and harbor bill. I differ with him upon the money question, but I stand here to-day, as I would have stood then but for the "gag rule" adopted by the House, to say that upon the question of the expenditure of public money President Cleveland is in accord with Jackson and other Democratic statesmen who have filled the great office of President of the United States.

In vetoing that measure he said:

> Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding.

The River and Harbor Committee, in replying to that statement of the message, used this language:

> This is also an error, for the reason that if all the contracts authorized by this bill are promptly entered into by the Secretary of War for the full amounts estimated for the completion of each by the Chief of Engineers the maximum amount that can be expended under the limitations of this bill in any one fiscal year is $16,612,873.91.

That statement of the committee, Mr. Chairman, is doubtless the one upon which the gentleman from Wisconsin [Mr. Cooper] has just rested his interrogatory. Now, let me say in reply to that declaration that this bill carries $15,131,996.91 of appropriations under contracts authorized by the bill vetoed by President Cleveland, and, if all the amounts estimated by the War Department had been allowed, it would have carried $19,129,053.16, thus fully vindicating the statement of the President. Let me give the items not carried in the bill or reduced below the estimates. The original estimate for Newtown Creek, New York, is reduced $217,000. The Delaware Bay estimate is reduced by the Committee on Appropriations $714,332. The appropriation for Wilmington, Del., of $205,846 is omitted. I do not know the special facts relating to this item, but we are told by the chairman of the Committee on Appropriations that some of these amounts are omitted because the Committee on Rivers and Harbors in determining the limit of cost fixed an inadequate amount, and in the opinion of the War Department contracts could not be made in these cases; and so these amounts do not appear in the bill.

Mr. CATCHINGS. Does not my friend know that, while what he says is true, the Committee on Rivers and Harbors was not at fault, but that the increase of probable cost of these works to which he alludes is the result of estimates which have come in since that time? In other words, does he not know that the Committee on Rivers and Harbors provided in good faith for the expenditure of every dollar which was, as they supposed, necessary to complete these works according to the estimates of the engineers which were before us?

Mr. DOCKERY. My friend and I do not disagree as to that statement.

Mr. CATCHINGS. These estimates have come in since that time.

Mr. DOCKERY. My friend and I agree that revised estimates have made an increased limit of cost necessary; but I am now vindicating the statement of the President and also the sixty-one Representatives who sought to debate and amend the river and harbor bill when it was before the House at the last session.

Mr. CATCHINGS. May I ask my friend another question?

Mr. DOCKERY. Certainly.

Mr. CATCHINGS. I will ask him if he was cognizant of the fact that these increased estimates would come in at the time he made the objection and sought to debate this question, when the President's veto came up? In other words, did he know then that these works were to cost more than we supposed they would cost when we reported the river and harbor appropriation bill?

Mr. DOCKERY. Why, certainly not. The truth is, I know very little about river and harbor improvements. That committee is, so far as I am concerned, a "close corporation." All the information in my possession was given by the Chief of Engineers. Now, then, let me proceed, because we agree that subsequent estimates have made it necessary to increase the limit of cost in certain cases.

Mr. CATCHINGS. The only reason why——

Mr. DOCKERY. I agree with the gentleman, and I do not want my time taken.

Mr. CATCHINGS. Very good. I will not interrupt the gentleman further.

Mr. DOCKERY. The estimate for Duluth, Minn., is decreased $270,138.25, and for Oakland, Cal., ($400,000) omitted. The Providence River improvement is reduced from $400,000 to $125,000, a reduction of $275,000; the estimate of $400,000 for the improvement of the Kentucky River is omitted for the reasons just stated by the gentleman from Kentucky [Mr. BERRY]; dams Nos. 2 and 5, on the Ohio River, are also without recognition, their estimated cost being $400,000; the Chicago River improvement is reduced $287,000, and the Illinois and Mississippi Canal is brought below the estimate in the sum of $427,740, while the estimate of $400,000 for Yaquina Bay, Oregon, is entirely omitted. So that these several estimates which have been reduced or omitted, amounting to $3,997,066.25, would have brought the total authorized contracts to $19,129,053.16, or nearly $20,000,000, as stated by the President.

Mr. Chairman, why has the estimate for Yaquina Bay, Oregon, $400,000, been omitted? Has there been a failure of consideration? I call the attention of the House to this project because in the able report of the Committee on Rivers and Harbors, reviewing the veto message of the President, that committee says, referring to a former river and harbor bill:

> That bill was referred by President Harrison to Gen. Thomas L. Casey, then Chief of Engineers—who was noted for his rugged honesty, his great executive capacity, and his superb mastery of all matters coming under his supervision—for his opinion as to the merits of the several projects therein contained.

I concur in the tribute paid by the gentleman from Mississippi [Mr. CATCHINGS] to that splendid public officer who recently passed away. And yet that official who had such "superb mastery" of public affairs reported that Yaquina Bay, Oregon, was unworthy of further improvement by the General Government. But somehow, Mr. Chairman, $1,025,000 found its way into the last bill for its improvement. If the appropriation was made for a public purpose, I insist that the vicissitudes of political fortune, which have left some of our distinguished colleagues at home, should not furnish an excuse for omitting the $400,000 necessary for the improvement. I agree with General Casey in his denunciation of this appropriation, and if I had time would read what he says. There is but little commerce there and it is declining, notwithstanding the appropriations heretofore made. The passenger list is also decreasing, but the appropriation, it seems, goes on with ever-increasing volume despite decreasing commerce.

Mr. Chairman, the committee, in defending the bill against the criticisms of the Executive at the last session, not only resented the charge of extravagance, but also insisted (to quote their language) that—

> Notwithstanding all that has been said against the bill, your committee make bold to assert that if it should become a law it would yield most substantial benefit to the farmers, the producers, the consumers, the merchants, and the business communities of this country, and contribute largely to general prosperity.

I desire to ask in this connection what substantial benefit is possible to be derived by the farmers, producers, consumers, merchants, and business communities of this country by the expenditure of the amount appropriated for Yaquina Bay, Oregon, and the other projects I herewith submit, all of which are condemned by the Chief of Engineers as unworthy of improvement or in other respects not desirable objects of expenditure, as follows:

UNWORTHY ITEMS.

Great Salt Pond	$40,000
Cape Vincent Harbor	25,000
Yaquina Bay	1,025,000
Rancocas River, Lumberton branch	2,000
Nandua Creek	3,000
Yellowstone River	10,000
Nestucca River	6,000
Yamhill River [1]	150,000
Puget Sound and tributary waters [2]	
Cooper Creek, repairing dikes [3]	2,500
Delaware River, repairing dikes [3]	3,000
Goodyear, Outer Brunswick Bar [4]	150,000
Rock Hall Inner Harbor	7,000
Wolf Lake, Indiana	8,000
Cape Charles	10,000
Lemon Creek	5,000
Academy Creek	7,000
Total	1,453,500

[1] Locks and dams.

[2] Some of them reported not worthy, but others desirable.

[3] Personal.

[4] Excess to be paid Goodyear over what Captain Carter says he can do it for.

It may be well also for the advocates of this unprecedented river and harbor bill, which has been condemned with almost entire unanimity by the press of the country, to explain to the House how the producing and consuming classes are to be benefited by the appropriation for the improvement of Cape Charles Harbor, which belongs to the heirs of the late William L. Scott and the Pennsylvania Railroad Company. It might also be well for the committee or some other champion of this bill to cite the taxpayers to the constitutional authority for the appropriation of public money for the improvement of this private harbor. It may be also considered advisable by inquiring taxpayers to raise the question as to the propriety of appropriations for projects which have never been approved by the War Department. It is true that some of the items named in the schedule which I now present have been recommended by local officers; but this list, involving $10,686,096 of expenditures, has never received the sanction of the War Department. It may be that some or most of them are worthy of public consideration, but it seems that wise administration would require the committee to take the opinion of the War Department, charged with the expenditure of the money, before recommending appropriations.

NOT RECOMMENDED.

The list submitted by the Chief of Engineers is as follows:

Rockland Harbor, Maine	$460,500
Portland Harbor, Maine	707,250
New Bedford Harbor, Massachusetts	10,000
Block Island Harbor, Rhode Island	5,000
Bridgeport Harbor, Connecticut	28,000
Cos Cob Harbor and Mianus River, Connecticut	8,000
Newtown Creek, New York	362,000
Oswego Harbor, New York	60,000
Raritan Bay, New Jersey	75,000
Wilmington Harbor and Christiana River, Delaware	225,846
Baltimore Harbor, Maryland	400,000
Savannah Harbor, Georgia	1,086,000
Brunswick Harbor, Georgia	15,000
Ashtabula Harbor, Ohio	50,000
Cleveland Harbor, Ohio	800,000
Fairport Harbor, Ohio	30,000
Conneaut Harbor, Ohio	40,000
Calumet Harbor, Illinois	75,000
Presque Ile, Michigan	20,000
South Milwaukee Harbor, Wisconsin	5,000
Grays Harbor and Bar, Oregon	1,000,000
Sasanoa River, Maine	19,000
Merrimac River, Massachusetts	5,000
Pawcatuck River, Rhode Island	15,000
Providence River and Narragansett Bay, Rhode Island	25,000
Manokin River, Maryland	4,000
Pocomoke River, Maryland	5,000
Nandua Creek, Virginia	3,000
Manatee River, Florida	4,000
St. Johns River, Florida	$200,000
Bayou Courtableau, Louisiana	2,500
Fox River, Wisconsin	37,500
Menominee River, Michigan	15,000
St. Croix River, Wisconsin	15,000
Calumet River, Illinois	50,000
Chicago River, Illinois	700,000
Mississippi River above St. Paul	100,000
Missouri River at Great Falls	15,000
Sacramento and Feather rivers, California	250,000
Lakes Union and Washington, Washington	150,000
Indian River, Negro Cut, Florida	7,500
Brunswick Outer Bar (Goodyear) (first $30,000 not included)	215,000
Yellow Mill Pond	10,000
Santa Monica or San Pedro board	50,000
Brazos board	5,000
Santa Monica and San Pedro work	(1)2,900,000
Jamestown Island, Virginia	15,000
Levee Flint Creek to Iowa River	75,000
Missouri River (special localities)	310,000
Presque Isle (Lake Superior)	20,000
Total	10,686,096

But, Mr. Chairman, I must hurry on. The Committee on Rivers and Harbors, resenting the charge of extravagance, cited the fact that the river and harbor bills have carried an average per annum of $16,700,000 in recent years, and then asserted that "this would involve an expenditure during each of the next six years," and this is one of the years referred to, "of $13,100,000 as against $16,700,000 during each of the past six years;" and yet the committee finds itself confronted with the fact that this bill absolutely carries $18,615,996.91 without counting the works that have been omitted or reduced in amount. It is apparent that the committee are wholly mistaken in this estimate, because we actually appropriate more than eighteen millions instead of the $13,100,000 they estimate. There are other equally glaring mistakes which will be apparent later on.

Now, Mr. Chairman, I want to ask when this continuous-contract system will have a proper check placed upon its wanton assaults upon Uncle Sam's money box? First it asked for $13,282,979, then for $31,760,521; again it demanded $59,616,401.91; and members of the committee stated on this floor at the last session that its exactions should be $100,000,000. I do not know whether any check is to be put upon these unbridled and headlong assaults upon the Treasury. I hardly anticipate a just and proper measure for the improvements of rivers and harbors in the coming Congress. The present committee seems to be enthusiastically committed to large and increasing appropriations. So much, Mr. Chairman, for the items relating to internal improvements. I pass now to a comparative review of appropriations, beginning with the Forty-third Congress.

COMPARISON OF APPROPRIATIONS.

The Forty-third Congress appropriated $653,794,991.21; the Forty-fourth Congress appropriated $595,597,832.28; the Forty-fifth Congress appropriated $701,527,405.98; the Forty-sixth Congress appropriated $727,537,684.22; the Forty-seventh Congress appropriated $777,435,918.51; the Forty-eighth Congress appropriated $655,269,402.33; the Forty-ninth Congress appropriated $746,342,495.51; the Fiftieth Congress appropriated $817,963,859.80; the Fifty-first Congress appropriated $1,035,680,109.94; the Fifty-second Congress appropriated $1,027,104,517.92; and the Fifty-third Congress appropriated $989,239,205.69.

Now, Mr. Chairman, I desire to state again that the Fifty-third Congress was Democratic in both Houses, and, under the leadership of the late Speaker, Mr. Crisp, and of the gentleman from Texas, Governor SAYERS, the appropriations were brought $37,865,312.23 below the appropriations of the Fifty-second Congress, and $46,440,904.25 under those of the "Reed Congress." The appropriations at the first session of this Congress were $515,845,194.57 and the contracts authorized $75,816,480.91, making a total of $591,661,675.48. The appropriations at this session will not be less than $535,000,000. In other words, the appropriations of this Congress will reach the mighty aggregate of not less than $1,050,000,000. The Republican party must be held responsible for these riotous appropriations; but I acquit the honorable Speaker of this House of any share of that responsibility, and I hope that in so doing I shall not in any way impair his political standing with his own party. [Laughter.] He has maintained a consistent and courageous attitude of hostility to those measures which would impoverish the Treasury, and has sought to limit public expenditures to the actual demands of an economical administration. The Republican party can not escape the just censure of the people, because it controls the organization of the House, but it would seem that the Speaker, as a matter of equity, is entitled to exemption from any share of the odium.

COMPARISON OF EXPENDITURES.

Leaving the domain of appropriations, I come now to deal with the expenditures, which after all furnish the best test in respect to the Treasury situation. In submitting this statement of the actual expenditures of the Government, I exclude only the amounts paid upon the principal of the public debt. The exhibit includes all other items of Federal expenditures.

I find that the total expenditures for the fourteen fiscal years from 1875 to 1888 was $4,195,920,817.79, while the average expenditure for each of those years was $299,708,629.89. I further find that the total expenditures from 1889 to 1896 were $3,410,809,950.11, the average annual expenditure being $426,351,243.76, an average annual increase during the last eight fiscal years over each of the fourteen years preceding of $126,642,613.87.

It is also shown by official reports that the actual increase of expenditures during the last eight fiscal years over and above the fourteen prior fiscal years was $785,110,867.68.

Mr. Chairman, I now submit another comparative exhibit, illustrative and instructive. The total expenditures for the fiscal year of 1886 were only $293,487,882.30; the total expenditures for the fiscal year of 1896 were $443,112,115.58, the increase being $149,624,233.28; that is to say, it cost $149,624,233.28 more in actual expenditure to conduct the operations of the Government in 1896 than it did in 1886.

The items of this increase may be briefly summarized. The postal increase of 1896 over that of 1886 is $39,927,925.70. The civil and miscellaneous increase is $13,049,304.77. The War Department increase is $16,506,768.15. Of course, gentlemen will understand that Congress has made no increase in the standing Army, although an effort in that direction has been made, but the increase in the expenditures of the War Department results from putting the river and harbor bill upon a war footing in time of peace [laughter] and from the increased expenditures for fortifications. The Navy Department expenses have increased $13,239,844.64, and the cost of the Indian service has increased $6,066,370.11. For pensions the increase of expenditures is $76,029,136.95, making a total increase of expenditures for 1896 over those for 1886 of $164,819,350.32. Deducting from this total the only item of decrease, the interest on the public debt of $15,195,117.04, we have the result as heretofore stated of $149,624,233.28 increase in the expenditures of the Government in a single decade.

Now, Mr. Chairman, let us try this question of the ever-increasing ratio of expenditures by another test. The average expenditure per capita in 1886 was only $5.11. In 1896 the average was $6.21, or exactly $1.10 more for the cost of government for each one of our population. There has been no expansion in the volume of internal and foreign commerce, in the necessities of government, or the growth of our country to justify this startling and abnormal increase.

M'KINLEY BILL INADEQUATE.

This, then, Mr. Chairman, is the situation: Dwindling revenues, enormous and increasing expenditures. It challenges our attention not simply from a partisan standpoint, for, although we differ upon many questions, upon this issue of public expenditure, a matter affecting all the people, we ought to find common ground upon which to meet.

Mr. Chairman, what is proposed by the legislation pending or contemplated? The Republican party decline to reduce expenditures, but invoke the aid of a tariff bill in course of preparation which seeks to increase the national income so that it will be adequate to meet the existing and increasing schedule of liabilities. Upon this issue, gentlemen, we differ. Upon this side of the Chamber we would accomplish the result of balancing receipts and expenditures by reducing taxation where it can be safely done, and also by cutting down Federal expenditures.

Now, then, if the Dingley tariff bill is to be constructed on the theory announced by the distinguished gentleman from Maine [Mr. DINGLEY] at the outset of this session—that every item of each schedule must illustrate the doctrine of "protection for protection's sake;" that protection must be the chief corner stone of the bill—tell me, Mr. Chairman, how the Treasury will secure sufficient income to meet the actual expenditures of the Government during the coming year, amounting, as they will, to $500,000,000? The McKinley law did not provide sufficient revenue.

The current surplus revenue in the Treasury amounted to $85,040,271.97 at the end of the fiscal year ending June 30, 1890, the year immediately preceding the enactment of the McKinley law, which went into effect October 6, 1890. Upon examination of the official reports at the close of the fiscal year ending June 30, 1891, that law having been in operation but eight months of the fiscal year, it appears that the current surplus had dropped to $26,838,541.96. The current surplus for the next fiscal year, ending June 30, 1892, was still further reduced to $9,914,453.66, while the current surplus at the close of the fiscal year 1893 had dwindled to $2,341,674.29.

Indeed, Mr. Chairman, during the last four months of President Harrison's Administration the revenues under the McKinley law were inadequate by $4,094,021.38 to furnish income sufficient to meet the ordinary liabilities of the Government, and for the fiscal year ending June 30, 1894, the actual deficiency was $69,803,260.58.

Secretary Foster, in his testimony before the Ways and Means Committee, February 25, 1893, insisted that if he was to have the management of the Treasury he would ask an annual increase of $50,000,000 of revenue.

Mr. HOPKINS. Right there, when the gentleman speaks of the revenue-producing qualities of the McKinley Act, I desire to correct him.

Mr. DOCKERY. I have not time to yield to the gentleman for a speech. I have but two minutes remaining.

Mr. HOPKINS. One moment. The gentleman can have more time. I want to correct him on the statement he has made. I undertake to say that during the period that the Republican party was in power, and while the country supposed that its policy was to be the policy of the Government, the revenues every month exceeded by millions of dollars the expenditures.

Mr. DOCKERY. I desire to say, Mr. Chairman, that the figures I have given as to the current surplus revenues for each one of the years immediately succeeding the passage of the McKinley law are absolutely correct.

Mr. HOPKINS. But the revenues never fell——

Mr. DOCKERY. Mr. Chairman, I decline to yield; my time is so limited.

Mr. HOPKINS. But I want the gentleman's statement to be corrected.

Mr. DOCKERY. I hope this interruption will not come out of my time. Mr. Chairman, I have stated the facts correctly; and I challenge the gentleman from Illinois or anyone else to disprove them by the official statements.

Mr. Chairman, let me say that the surplus of $2,341,674.29 at the close of the fiscal year ending June 30, 1893, was apparent rather than real, notwithstanding the trust funds belonging to the holders of national-bank notes had been covered into the Treasury, the disbursing officers' balances reduced $24,000,000, and default made in the payment of bonds maturing September 1, 1891. At that time there were $104,074,092.07 of outstanding obligations of the Government unsatisfied. So that the McKinley law was inadequate to furnish revenue to support and maintain the Government. I do not know whether the Dingley bill will supply ample revenue or not. I do not believe, however, that it can do so if framed along the rigid lines of the protective policy. If so fashioned, it must check importations and thus diminish revenue. I may say, however, that if any gentleman on the other side can frame a protective bill that will replenish the wasted and depleted streams of customs revenue it is the able chairman of the Committee on Ways and Means, Governor DINGLEY.

Now, Mr. Chairman, in conclusion, I may be pardoned for the expression of the conviction that pronounced aggressive and continuous prosperity will not return to this country and abide with our people if the Republican party increases taxation and restricts the volume of our circulating medium. The Democratic party believes that prosperity will return only upon the terms of an ample volume of good, safe, sound money, of gold, silver, and paper, with taxation reduced to the lowest point consistent with a wise, frugal administration of the Government. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CATCHINGS rose.

Mr. SAYERS. I should be glad to yield to the gentleman from Mississippi [Mr. CATCHINGS], but I believe my time is all appropriated.

Mr. CANNON. Does the gentleman from Mississippi desire some time now?

Mr. CATCHINGS. Yes, sir.

Mr. HOPKINS. I should like to occupy three minutes before the gentleman from Mississippi proceeds.

Mr. CANNON. Very well; I yield three minutes to my colleague [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I do not rise for the purpose of making a set speech either upon the bill now under consideration, the proposed tariff bill mentioned by the gentleman from Missouri, nor the McKinley bill. My purpose is simply to correct an impression that the gentleman from Missouri [Mr. DOCKERY] attempted to convey in the misleading figures he has quoted in his speech. He undertook to convey to this House the impression that the McKinley law failed to raise revenue sufficient to pay the expenditures of the Government—that it was a deficiency bill rather than a revenue bill. Now, I undertake to say that the records of the Treasury Department will show that during nearly every month that the Republican party was in power prior to the great election which was determined in favor of the Democratic party, in 1892, the McKinley law brought in revenue not only sufficient to pay the monthly expenditures, but to leave a surplus in the Treasury. It was only——

Mr. McMILLIN. Mr. Chairman——

Mr. HOPKINS. Wait a moment. It was only when the people of the country had decided in favor of the Democratic party, with a platform that declared that if that party came into power that law should be repealed, that importations ceased, and the importers and the manufacturers abroad ceased to bring their products here, waiting for the good Democratic days of free trade promised by the leaders of that party in their campaign speeches. Then it was, and then only, that the bill was found insufficient to produce revenue enough for the needs of the Government. But the records, Mr. Chairman, of this country will show that during the period while it was on the statute books, prior to the Presidential election of 1892, it not only paid on an average all of the expenses of the Government, but created a surplus in the aggregate, as I remember, of nearly $29,000,000.

Every intelligent man in this country, be he Republican or Democrat, knows that if the Republican party had been successful four years ago that instead of there being a deficit under the operation of that law, it would have created a surplus in the Treasury, so that the liquidation of the national debt could have been continued under the second Administration of President Harrison, as it was under his first Administration. Under the laws enacted and maintained by the Republican party all of the expenditures of the Government were paid, and two hundred and fifty-odd millions of dollars were paid also on the national debt during the four years of President Harrison's Administration. That is the record of Republicanism when the laws of the country were administered by a Republican President. I challenge the gentleman's attention to this record and ask him to compare it with the condition of the country under Democratic legislation and Democratic administration.

[Here the hammer fell.]

Mr. CANNON. I now yield twenty minutes to the gentleman from Mississippi.

Mr. CATCHINGS. Mr. Chairman, I had hoped that the precedents heretofore established on this floor would be broken, at least on this occasion, and that the sundry civil bill would pass without evoking the attacks and assaults usually made on all items looking to the improvement of our rivers and harbors. But it seems that whenever a spirit of economy animates a gentleman on this floor, or takes possession in any way of any of our members, he turns his attention directly to an attack and a direct assault on the appropriations proposed for the improvement of rivers and harbors.

I undertake to say, sir, and I believe that such is their judgment and would be their testimony, that no appropriations made by Congress are so acceptable and so useful to the people of this country as those for the improvement of our rivers and harbors. We have embarked on quite an extensive system of fortifications, for which the expenditures are large. I have nothing to say against them. We have embarked upon an expensive system of improving our naval establishment. I have nothing whatever to say against that. But I do say, Mr. Chairman, that we had better dispense with additions to our Navy, we had better let our fortifications remain unconstructed, than to diminish in any material way the appropriations annually made for these important works of internal improvement.

It has long been a serious question as to how this work shall be carried on, and it has been discussed time and again by the members of the Committee on Rivers and Harbors. I have served on that committee for twelve years. I know that every committee of which I have been a member has been composed of faithful, conscientious, and patriotic men, who had no other purpose in view than to suggest those appropriations which in their judgment would be most beneficial to the people of this country as a whole. But it was a question for many years how to make these appropriations in such form as would yield speedy and substantial results to the people and to the Government. Finally, in 1890, after a conference with the Senate Committee on Commerce, that being the committee of similar jurisdiction in that body to the Committee on Rivers and Harbors of the House, we concluded that we would enter upon the system that is now known as the continuous contract system—that is to say, we authorized the Secretary of War to make contracts for the completion of certain important works in advance of the appropriations, to be paid for, however, only as appropriations might be made from time to time by law. We believed it would result in much economy to the people so far as the expenditure of public money was concerned, and that it would also insure a more speedy completion of the works.

Mr. Chairman, if there is any member of this body who is curious to know the result of the operation of that system, he only needs to examine the reports of the Engineer Bureau. It has been demonstrated, sir, repeatedly, that the direct effect of the embarkation upon that new system has been to save the Government an average of 33 per cent on the estimated cost of the works embraced by it if conducted under the old methods. In some instances, indeed, the work has been done under that system for less than 50 per cent of the estimate of the cost under the old methods.

My friend from Missouri of course has assailed these projects. He always assails them. I do not think that he will serve long enough or live long enough ever to become a convert to that system in which I have myself such implicit confidence, and to whose results I confidently ask the attention of all thoughtful men. He wanted to know if the time would ever come when we should

cease to provide for the execution of these works under the continuous-contract system. That contained the imputation that they are harmful, that they are obnoxious to the public welfare, that they involve a wasteful expenditure of money, and therefore that we should abandon them.

Now, let me read to him what the Secretary of War has said upon this subject. I think the Secretary of War, in whose Department all this character of public works belongs, is more qualified to testify upon this subject than my friend from Missouri [Mr. DOCKERY], who is a partisan opponent of river and harbor work. In his last report the Secretary of War made this statement, alluding to the system of continuous-contract work:

> The policy some time ago adopted by Congress in respect to certain of the more important river and harbor improvements, for which fixed projects have been adopted for the completion of the work, results in much economy of money, and, what is more important, secures to the country early and appreciable benefits from the expenditures.

Here is a direct, explicit, and plain indorsement of it. But my friend will be surprised when I read what else he says:

> In the main, the objects for which such provision has been made are those which so eminently promote the enlargement of our commerce as to commend themselves to liberal consideration, and the extension of that policy to embrace other worthy improvements is earnestly commended.

Here we have, upon the one hand, the distinguished gentleman from Missouri [Mr. DOCKERY] deprecating the extent to which we have gone and anxious to know when we are going to discontinue the system. On the other hand, we have the Secretary of War, who knows exactly what he is talking about—because these works are carried on under his Department—testifying not only to the efficiency and economy of the system, but expressing the hope that the policy will be liberally extended.

Mr. SAYERS. Will my friend allow me just one question?

Mr. CATCHINGS. Certainly.

Mr. SAYERS. Is my friend prepared to defend upon this floor every item of the river and harbor bill that was authorized by that bill to be put under contract?

Mr. CATCHINGS. Mr. Chairman, I do not choose to answer that question.

Mr. SAYERS. All right.

Mr. CATCHINGS. There are some things that occur in the committee room which it is not proper that a member of the committee should speak of outside. I do say, though, Mr. Chairman, that I gave that bill as it was reported my hearty and cordial support, and that whatever objections I may have had to any of those projects were far outbalanced by the great good and the great benefit which I was satisfied would come to the country from the passage of that bill.

Mr. SAYERS. If my friend will allow me, he will perceive that in the present bill the Committee on Appropriations have felt impelled to omit some of these projects. Is the gentleman prepared to say that it was the duty of the Committee on Appropriations to provide for them?

Mr. CATCHINGS. Mr. Chairman, I am not complaining of anything that the Committee on Appropriations have done. I am here, on the contrary, prepared to state that it is my purpose to vote for the passage of this bill, to vote for it exactly as they have reported it, because I believe that that committee have discharged their duty conscientiously and with that proper regard for the public interest which should guide them with the light which they had before them. I am not complaining of what the Committee on Appropriations have done at all; I am simply trying, in a general way, to dispel the impression which some gentlemen have sought to create upon this floor, and which some gentlemen always seek to create, that river and harbor appropriations are to be spoken of with bated breath, and as something which can not stand the test of scrutiny and criticism.

Mr. MILLIKEN. Will my friend allow me a question?

Mr. CATCHINGS. Yes.

Mr. MILLIKEN. The gentleman from Missouri [Mr. DOCKERY] stated that the expenditures had increased very largely since the adoption of the contract system, but he did not state how nor why. Now, has the increase in expenditures occurred on account of the adoption of that system, or has it occurred on account of the more extensive operations?

Mr. CATCHINGS. Mr. Chairman, undoubtedly there has been a considerable increase in expenditures since the adoption of this system, because we have authorized the rapid completion of these works. Under the old system a river and harbor bill carried appropriations for two years and in piecemeal, and the result was that it took ten or fifteen or twenty years to complete a work which we now complete in four or five years. But while there has been some immediate present increase, growing out of the adoption of this system, it has been accompanied by the completion of these works, to the great benefit of the commerce and the people of this country.

Mr. WILLIAMS. And also in economy.

Mr. MILLIKEN. Will it cost any more in the end when the work is completed?

Mr. CATCHINGS. I have already stated—and if the gentleman had done me the honor to listen to my remarks he would have heard me say—that it has been demonstrated beyond all question that the adoption of the contract system has resulted in an average saving of 33⅓ per cent to the Government. But I quite agree with Mr. Secretary Lamont when he says that the chief benefit is not so much in the economy, great as that is, as in the speedy completion of these works, so that the commerce of the country may receive the benefit from them.

There has not been a river and harbor bill reported since I have had the honor of a seat upon this floor which I have not felt myself capable as an honest man of advocating and defending, even to the smallest detail. Of course there are some things in all bills which I have not approved: so there are some things in the sundry civil bill which doubtless my friend from Texas, if he had the sole preparation of it, would not have put in. But life is made up of concessions, and when the majority of my committee disagree with me, I accept their judgment as correct and conclusive.

I do repeat again, that there has not been a bill reported since I have been in Congress which I do not believe any member of the committee would have had the slightest objection to maintaining and supporting as an honest, correct, and useful measure. I get a little tired of the perpetual insinuation, if not declaration, that there is something in river and harbor bills which we can not speak of in public; that there is something which somebody seeks to conceal. Why, Mr. Chairman, how are these bills prepared? We have before us the reports of the Chief of Engineers, coming in six or seven large volumes. These contain the opinions of the Chief of Engineers of the various projects and an elaborate statement of the local engineers in charge. They are accompanied by evidence showing whether the works are of commercial value. The proposed works are given in full detail. We read these reports page by page and item by item and consider the different projects submitted to the committee. There is not a committee in this House which puts in more hard, solid, careful, and painstaking work in the preparation of its bills than does the Committee on Rivers and Harbors; and when we bring it out we bring out something with which we can stand in the open sunlight of day, and which we are not ashamed to advocate and defend.

Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] undertook very unjustifiably—for it had no connection whatever with this bill, because it is not a project contained in it—to cast some reflections upon the members of the Committee on Rivers and Harbors who went to New Orleans for the purpose of making an examination of a crevasse in Pass a Loutre, one of the mouths of the Mississippi River. I say he went out of the way to do that, because no appropriation for that work is called for or recommended in this bill. His going out of the way to make this criticism of them was a part of his plan to cast suspicion upon the work of the Committee on Rivers and Harbors. I did not go on that trip, and therefore I am at liberty to speak frankly, because I have no personal interest in his criticism at all. Now, there is nothing which calls for reflection upon those who did go.

Mr. Chairman, that was a great work to which the attention of the Committee on Rivers and Harbors was called. A great crevasse, more than half a mile wide, had occurred in one of the passes of the Mississippi. If nothing was done for its repair it would possibly result in the destruction of the entire entrance to the great harbor of New Orleans. Gentlemen should remember that the port of New Orleans is second only in importance to New York. Its exports and imports follow close and fast upon the heels of those of the city of New York. This Congress can not do too much to maintain ingress to and egress from that port. It can not do too much, even if $50,000,000 or $100,000,000 were necessary to protect the entrance to that port. But there are some things, Mr. Chairman, which can not be explained satisfactorily to the mind by the mere use of words or descriptive language.

The Committee on Rivers and Harbors hesitated as to what their duty was. It was first proposed that a subcommittee of two or three should go and make an inspection personally. Thereupon the people of New Orleans said, "We would be glad to have you all come, and come at our expense." They were satisfied that personal examination would remove the hesitation of the committee. That was not a junketing trip. It was not a trip taken for pleasure. Those gentlemen went down there, and at a time when the weather was intensely cold and bitter, and they did not go as pleasure seekers. They went, Mr. Chairman, for the purpose of making a personal inspection of the work. They did so, making a trip down to the Gulf of Mexico in a ship placed at their disposal. They took a large mass of testimony regarding the crevasse and the necessity for closing it, which will be printed for the examination of members of this House. They took the testimony of the Government engineers, of shipping masters, and others concerned in the commercial, mercantile, and navigation interests of that port of New Orleans. The committee worked as hard and as assiduously in making the investigation as though they had been conducting it in their own committee room.

Now, where is the impropriety in that? The actual fact is, Mr. Chairman, this Government ought to provide a fund out of which the River and Harbor Committee could at least once each year draw on an amount sufficient to pay the expenses of making a personal inspection of our great works of river and harbor improvement. The committee would derive great benefit from such an inspection, and I have no sort of doubt that the Government would be well repaid in the direct personal information as to the character and needs of these great works which the members of the committee would thereby obtain. I think that my friend from Missouri might have left unspoken his criticisms in this regard. I will add that if my official business had been in such condition as to permit it, it would have gratified me very much to have gone on that trip, not for purposes of pleasure, but that I might see the condition of things precipitated upon the people of New Orleans by that great crevasse.

That crevasse ought to be closed. It ought to be closed, no matter how much money may be needed for that purpose. The exports and imports of that city are enormous. They amounted last year to $115,000,000. Thirty million bushels of grain were brought down from the Western States and exported from New Orleans, and I may add that there seems to be little doubt that the exports of grain from that and other ports on the Gulf are destined to increase enormously. They have put up great elevators there, which are crowded now to suffocation. They are filled with wheat and corn, and I have no doubt myself that New Orleans is destined to far outstrip any port in this country in grain exports. In the last twelve months its exports of grain have gone up from 5,000,000 to 30,000,000 bushels, easily leading any port in this country in that respect. Therefore, Mr. Chairman, it will be seen that this is not a local question at all, but one in which all the people of the Western States are concerned, because it means a saving to them of 3 or 4 or 5 cents a bushel upon grain.

No man need be afraid that this Government is going to be cast into bankruptcy by river and harbor legislation. I will make a statement which doubtless will be surprising to some gentlemen. Beginning with 1890—and I take that as the starting point because it was then that we inaugurated the system of contract work—beginning with 1890 and coming down to the present time, we have appropriated an average of $16,700,000 a year for river and harbor work. Is that going to bankrupt the Treasury? Is not that a very small sum for such a purpose? Why, Mr. Chairman, if I had my way I would make it $50,000,000 a year. I would open every harbor and every river for the use of the people of this country, and I would so cheapen their transportation charges that the cost of the improvements would be repaid to them many times over. [Loud applause.] But what have we appropriated for this purpose? Sixteen million dollars a year since these contract works were first inaugurated. That is so small a sum as to be almost contemptible, in view of the magnitude of these works and the necessities of the people, and when I reflect upon the eagerness, the avidity with which Congress has always responded to the suggestions of the River and Harbor Committee in their efforts to advance the welfare of the American people, I am almost ready to say, with Lord Clive, that I stand astounded at our own moderation. [Laughter.]

[Here the time of Mr. CATCHINGS expired, and Mr. CANNON yielded him ten minutes more.]

Mr. CATCHINGS. Mr. Chairman, let us look at some of these works which are railed against here. Take the work at Buffalo. Buffalo, as gentlemen all know, is a great city at the eastern end of the Great Lakes, with an enormous commerce. This appropriation looks to the construction of a breakwater behind which the vessels that navigate the lakes may take shelter in time of storm. Is that an unwise expenditure?

Again, here is a proposition to build a breakwater at the mouth of the Delaware River. Thousands and thousands of vessels pass there annually, and this appropriation is for the purpose of providing a place of shelter for them when they are beset by the storms which often sweep so fiercely along the Atlantic coast.

Take Duluth, at the western end of the Great Lakes. As we all know, Duluth and Superior City are now practically one corporation. Their interests are the same. It is proposed to give them a channel and harbor facilities commensurate with their great and growing business, and will any man say that that is an unwise or improvident expenditure?

Take Cleveland, which perhaps is the chief port upon the Lakes, if we except Duluth at the west end and Buffalo at the east end—is not Cleveland entitled to every facility that her great commerce calls for, and is the money that is expended there wasted? No man will say that it is.

So, Mr. Chairman, I might go through the list, and you would find that we have taken up only useful and valuable projects such as Mr. Secretary Lamont says are eminently entitled to liberal treatment by Congress, because they tend to open up harbors for the use of the people, whereby their commerce may be more expeditiously and economically carried on.

Again, you have an appropriation for deepening the channel through the Great Lakes—the most magnificent and extensive body of internal navigable water on the face of the globe. It is proposed to deepen that channel, so that vessels drawing 21 feet of water can go unvexed from Duluth to Buffalo. Is that wise or unwise? And when it is completed, who will be helped by it? Take the appropriation for the great Mississippi River, which is destined to be the vehicle by which all the great grain and meat products of the West, and all other products which do not require to be rapidly transported, shall find their way to the Gulf of Mexico for shipment to foreign lands.

Will any man say that that is an unwise expenditure? He certainly will not if he is informed that, contemporaneously with increasing the facilities for the navigation of that great river, we are rescuing from its ravages a vast empire. Thirty-two thousand square miles of the most fertile land on the face of the globe are rescued by the prosecution of this great work, and we thus furnish homes for hundreds of thousands of citizens of this country. Will any man say that this is an improper expenditure of money? Every item which we appropriate in continuance of the contract system may be just as well defended.

The Committee on Appropriations have honestly and in good faith complied with the requirements of the last river and harbor bill by making provision for nearly all of the works placed under the contract system.

The question is, Will this House object? I say, gentlemen of this committee, if the time ever comes when the spirit of economy shall so take possession of us that we shall deny to the people the right to make the best use possible of their rivers and harbors, there will be a clamor raised which will leave many a vacant seat upon this floor. If any man wants to know what public sentiment is on this question, let him attend a meeting of the Committee on Rivers and Harbors. Let him sit as I have sat there, day in and day out, week in and week out. Let him see the delegations, 50, 100, 200 strong, coming from all parts of the country, and presenting their claims for our consideration—not delegations of politicians, not ward "heelers," not political "bosses," but merchants, farmers, bankers, shipping masters, and others who are actually concerned personally in the use of these waterways. Why, Mr. Chairman, I have seen that committee room crowded with these great delegations until the atmosphere was stifling, coming even from the State of California, laying their claims before us and insisting, almost with tears in their eyes, that something should be done to furnish relief to their necessities.

The people of this country are in earnest on this subject. Let no man be mistaken about that. You may be parsimonious if you choose in other directions and possibly the people will excuse you. But do not believe that they will excuse Congress for being parsimonious in reference to the only thing which furnishes actual, immediate relief to them in a way which they themselves can realize and of which they can recognize the benefit.

What has been the cause of this increased demand for improvements of this character? There are two reasons. In the first place, as everybody knows, the size of our vessels has greatly increased; they call for deeper water for navigation purposes. This means economy in the transportation of their products. And, Mr. Chairman, in this age of falling prices, when we have seen the price of grain go down to 40 cents a bushel, when we have seen the price of cotton fall to 5 cents a pound, when we have seen the price of other commodities go down in proportion, we can recognize that the cost of transportation becomes a matter to which every man's attention is directed. When he was getting "boom" prices for everything he had to sell, it mattered not to him what the amount of his freight bill was; that was a small item in the expenses of his business. But in this day of falling prices, when the business man must scan closely, as he does, every item of expense, he finds the item of transportation one worthy of his consideration. And that is the second reason why there is this increasing demand for the improvement of our rivers and harbors.

Mr. Chairman, my friend from Missouri [Mr. DOCKERY] made some allusion to the manner in which this bill was passed at the last session of Congress over the President's veto. Mr. Chairman, there was nothing in that veto of the President which the Committee on Rivers and Harbors did not feel itself amply able to respond to. The President was mistaken in much of his information. I accord to him all the honesty of purpose that my friend from Missouri does. Everybody knows what my opinion of the President is. I regard him as a great man and a wise man, and I think I know him to be a perfectly honest man. But his information came to him secondhand. He made no personal investigation of any of these things. He could not have done so. It was impossible for him to have done so. He obtained his information secondhand, and nine-tenths of it was erroneous. If any man doubts this, let him read the report which was submitted by the Committee on Rivers and Harbors, in which they recommended that the bill be passed over the President's veto.

We took up the President's charges item by item. It was a very easy matter to respond to his objections. I was sorry that the President had been led into that veto—I was very sorry, indeed. But there was not a moment's hesitation on my part in suggesting that the bill should pass notwithstanding the veto, because almost my whole Congressional service has been devoted to this sort of legislation. I thought I knew, I think yet that I know, every item of appropriation contained in that bill. I know that the bill was framed by a committee which was assiduous in its efforts to get at the truth—by a committee which was actuated by all the honesty of motive that you can conceive of. It was simply impossible that this intelligent committee could have been induced to report a bill which was worthy of all the criticism which the President heaped upon that measure. I knew without reading his veto message that he had been misinformed. And the splendid response of this House to the suggestion of the Committee on Rivers and Harbors, that the bill should pass notwithstanding the veto, afforded me most gratifying evidence that deep down in the hearts of all the members of this House is a conviction of the solid merits of this system of improving our rivers and harbors. I felt satisfied that they understood and appreciated that the people of the country are behind them and sustaining them in this policy. Members of this House recognized that they would be derelict in their duty to their constituents if they failed to vote to support the Committee on Rivers and Harbors.

Mr. Chairman, I wish that some member of the House had specifically assailed some of these items, so that I could have made specific defense. I think that my honored friend from Iowa [Mr. HEPBURN] will do me the honor to assail a project in which I have some personal concern. I allude to the project known as the Yazoo River Canal. Before taking my seat, therefore, I will make some slight exposition of that work.

In 1876, Mr. Chairman, there occurred at Vicksburg what is called in river parlance a "cut-off." The river at that point described a great bend, directly in front of the city of Vicksburg. It made a contour like the letter "s" in shape. The peninsula inclosed was about 4 miles long, and the river cut its way—"caved"—through the center of this peninsula. The result was that within less than twelve months the river had gone a mile and a half below the city of Vicksburg, leaving a lake where formerly the channel of the river had been. This lake was open at both ends, but closed gradually with sand, so that it became impossible to reach Vicksburg at all by river except in high water, or, say, for about three months in the year.

The Yazoo River, with its numerous navigable tributaries, like the Yallabusha, the Big Sunflower, the Tallahatchie, and other streams, furnished about 700 miles of splendid navigable water, and entered the Mississippi River just above the city of Vicksburg.

The CHAIRMAN. The gentleman's time has expired.

Mr. CATCHINGS. I would like to have about five minutes longer.

Mr. CANNON. I yield to the gentleman five minutes longer.

Mr. CATCHINGS. The mouth of the Yazoo River became obstructed by the new conditions of the Mississippi River created by this cut-off. Before the cut-off occurred at the city of Vicksburg, the Yazoo, which empties into the Mississippi about 10 miles above, had an unobstructed entrance to its mouth, and furnished, as I have already said, including its tributaries, about 700 miles of navigable water. But the cut-off at Vicksburg so altered the shape of the Mississippi River as to throw an enormous sand bar across the mouth of the Yazoo River. The river found itself unable to plow a channel through this sand bar; and now, except in very high water, it is impossible for boats to get into or out of it at all. It may therefore be said that there is an absolute bar to the navigation of about 700 miles of splendid water, well adapted for all transportation purposes, simply because of this obstruction at the mouth of the river, caused by the cut-off at the city of Vicksburg.

The proposition embodied in the bill is to divert the Yazoo River by means of a canal, so that it shall enter the lake to which I have referred and make its exit into the Mississippi River just below Vicksburg, and thus give that city again river connections and navigation, instead of leaving it as it now is, high and dry, for the greater part of the year. The city of Vicksburg would then be placed on flowing water, so that vessels could approach it at all seasons of the year, and at the same time an open, unobstructed entrance into the Yazoo River would be provided, whereby that river and its various tributaries would be accessible to boats. This will restore the navigation of this river and its tributaries. In carrying out the project a canal several miles long will be dug to connect the Yazoo River with the lake created by the cut-off, as already explained. In making this canal the right of way must be cleared of trees and roots, and this work involves the "grubbing" which my friend from Iowa [Mr. HEPBURN] has informed me privately that he will point out when he comes to speak.

In conclusion, Mr. Chairman, I beg to express the hope that no man on this floor will permit himself to be diverted from casting his vote as I know his judgment and inclination would dictate, by anything that has been said or that may be said by anyone in opposition to the river and harbor projects provided for in the pending bill. [Applause.]

[Mr. HEPBURN addressed the committee. See Appendix.]

Mr. SAYERS. I yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. McMILLIN. Mr. Chairman, I shall not enter into a discussion of the features of this bill, which have just been discussed by the gentleman from Iowa [Mr. HEPBURN] and my friend from Mississippi [Mr. CATCHINGS]. But a statement was made by my colleague on the Ways and Means Committee [Mr. HOPKINS] which was so utterly misleading that I think I should be derelict in my discharge of duty were I not to state the real facts concerning the operation of the McKinley Act, which the country got disgusted with and repealed, but which the gentleman from Illinois lauds so highly. It was a failure from the start. It increased the taxes of the people and at the same time diminished the revenues of the Government.

Under the old law which the McKinley Act supplanted the records of the Treasury Department show that during the fiscal year 1888 the receipts were $111,341,273 in excess of the expenditures; in 1889 the receipts were $87,761,080 in excess of the expenditures; in 1890 the receipts were $85,040,271 in excess of the expenditures. Then came the McKinley Act increasing rates of duty. Under it in 1891, the year after its passage, the receipts were only $26,838,541 in excess of expenditures; in 1892, $9,914,453 in excess of the expenditures; in 1893, $2,341,674 in excess of expenditures, and in 1894 the deficiencies created by the McKinley Act amounted to the enormous sum of $69,803,260. So that the McKinley Act, during the first four years of its operation, so far failed to produce the revenues necessary for running the Government that the net deficiency for four years was $30,704,000. How can any gentleman who is informed in regard to the operations of the Treasury Department insist that it was an adequate revenue measure?

Mr. HOPKINS. Will the gentleman allow me an interruption?

Mr. McMILLIN. I will yield to the gentleman after I finish my statement, for a question.

How can any gentleman, with these facts before him, claim that the McKinley Act was a sufficient revenue measure? It is known to all men who are familiar with its operations that its rates were vastly in excess of those of the act of 1883, which it succeeded and supplanted. Yet I have shown that whereas the act of 1883, which itself carried high rates, yielded a surplus ranging from over $100,000,000 a year down to $60,000,000 a year, the McKinley Act, during the first year of its operation, when the people were unacquainted with its provisions, yielded only $26,000,000 surplus; in the second year, about $9,000,000 surplus; in the third year, in the neighborhood of $2,000,000 surplus, while in the fourth year there was an actual deficiency of $69,000,000; that is to say, there was a net deficiency during the first four years of the operation of that law of $30,700,000.

In what condition did these gentlemen of the Republican party find the Treasury when, unfortunately for the country, they took charge of the Administration? When Mr. Cleveland went out of power and Mr. Harrison succeeded him, the total net balance in the Treasury, including $100,000,000 of gold reserve, was $230,348,916. Yet so extravagant were they in the administration of the Government, and so high had they made the tariff rates—excluding imports—that when they went out of power most of this vast sum had been squandered. In order to show any surplus at all they had to scrape up the trust funds that were sacred to other uses. How much did they get from this source? In addition to the ordinary receipts of the Government, there was covered into the Treasury during the Administration of President Harrison $54,207,975.75, which was held in trust as a fund for the redemption of the national-bank notes. That was made an available asset. It was money belonging to note holders and not an asset. That was held by Mr. Harrison's Administration to be money that could be used in the ordinary discharge of the operations of the Government. And even after the appropriation of that fund and other funds for this purpose, and after having received, at the close of the first term of Mr. Cleveland's Administration, $230,348,000, that Republican Administration was enabled to show only a bare surplus over expenditures. They began to prepare to issue bonds. Plates were actually engraved to print the bonds, and only fall from power saved them from exposure.

How is it that my friend from Illinois, with these facts so familiar to him—knowing that the country has the facts within its knowledge—has the audacity to get up here and say that the McKinley Act furnished sufficient revenues to run the Government?

Mr. HOPKINS. Now, will the gentleman yield?

Mr. McMILLIN. With pleasure, for a question.

Mr. HOPKINS. The gentleman is not entirely accurate in stating my position. My position is, that during the time the Republican party was administering the McKinley law——

Mr. McMILLIN. I yielded for a question, not for a speech. The gentleman has had his say; if he wants additional time let him get it from somebody else, who has time to spare. Mine is already too limited.

Mr. HOPKINS. What I desire is that the gentleman should quote me correctly. I said that after the election when Mr. Cleveland was chosen, and the country was committed to free trade——

Mr. McMILLIN. I have not yielded for a speech, but for a question.

Mr. HOPKINS. The importers and the manufacturers abroad ceased to bring in their importations——

Mr. McMILLIN. I can not allow the gentleman to occupy my time with his speech. I can better suit myself with my own speech.

Mr. HOPKINS. If the gentleman declines to be corrected now, I will take time later to correct him.

Mr. McMILLIN. I have but a few moments left. The members of this House heard the gentleman's statement——

Mr. HOPKINS. The gentleman evidently did not understand it.

Mr. McMILLIN. No man in his senses could fail to assume from his statement that he meant, or at least he would leave the impression, that he believed, that that bill had furnished sufficient revenue to run the Government. It did not do it, as I have shown.

Now, Mr. Chairman, I have shown what the aggregate or surplus, as the gentleman calls it, or the receipts for four years of that bill was, so they can not "monkey" with the figures. That bill produced a deficit almost from the very beginning of its operation. The country found that the Treasury had not enough funds to meet its operations, that the McKinley law was a failure, and promptly condemned those who had passed the bill and put into power a new Congress, a new party, to frame a substitute bill. We passed a bill which would have supplied ample revenues to meet the expenditures of the Government, but unfortunately it encountered one other man, who, as supreme judge, has authority to say what the law is; and it turns out to be a greater power than the lawmaking power itself. I do not propose, sir, to try to fix the responsibility of that unaccountable decision where it does not belong. I do not propose either by insinuation or innuendo to charge a whole court with that which really belongs to and is a part of the responsibility of one man. It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him. [Applause.]

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. McMILLIN. I will yield for a question.

Mr. MILLIKEN. Did not my friend from Tennessee condemn the McKinley bill because in his opinion the duties were too high and that it was therefore likely to raise too much revenue?

Mr. McMILLIN. No, sir; I did not.

Mr. MILLIKEN. I so understood the gentleman.

Mr. McMILLIN. I made a speech at the time; I said then, and subsequent history has verified my predictions, that while it raised rates and increased the taxes upon the people, it would yield a diminishing revenue insufficient to run the Government. It has turned out that way. I believe, sir, that you are going to do it again.

Mr. MILLIKEN. Well, we will see about that.

Mr. McMILLIN. For the gentleman [Mr. HOPKINS] who rose and addressed me a moment ago is engaged diurnally and nocturnally, I suppose, is preparing such a measure as that to which I have just referred, which will have about the same effect as its predecessor. But I beg him to remember that, while he can deceive the people for a short time, he can not deceive them all the time. He had better look out, for he is going in the road that leads to destruction. That road led them to destruction before; it will inevitably lead to destruction again. You do not need more taxes to absorb the money, but more money to meet the taxes.

You have torn down by your courts the power to tax the wealth of the country. Now take care of the wreck you have produced. See if you can raise sixty or seventy millions of dollars by increasing the taxation upon the people of this country. You are doomed to failure and to defeat. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. I regret it, because there are matters that I desired to call to the attention of the committee.

Mr. LACEY. I ask unanimous consent that the gentleman from Tennessee may have five minutes longer to explain how the loss of $15,000,000 of revenue annually on incomes makes a difference of $60,000,000 deficiency.

Mr. McMILLIN. I will take the time if you will get it for me.

The CHAIRMAN. Debate has been fixed by order of the House, and can not be extended.

Mr. CANNON. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman has one hour and fourteen minutes and the gentleman from Texas thirty-six minutes remaining.

Mr. SAYERS. I understand the gentleman from Ohio is to be recognized next. As soon as he concludes, I will yield thirty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. CANNON. I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I leave the task of excoriating the Supreme Court of the United States in this case to the gentleman from Tennessee. But if he will look into the personnel of the Supreme Court, he will discover that of the men who held the income-tax law to be unconstitutional the men who belong to the same school of politics as the gentleman from Tennessee belongs—he will find them to be the men who above all others have condemned that law.

Mr. McMILLIN. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly.

Mr. McMILLIN. Was it not Shiras, and he alone, who changed his first opinion, deciding one thing one week and another another week?

Mr. GROSVENOR. I have nothing to do with Shiras, and the gentleman can fight it out with a member of the Supreme Court, who can not answer here. But it will be a novel statement to go to the American people that the McKinley bill was inadequate and the Wilson bill was a splendid production. [Laughter and applause.] I want the gentleman from Tennessee [Mr. McMILLIN] to have the full benefit of that proposition. The McKinley law was producing a surplus year by year until Almighty God, for some purpose that He has never yet made known to the American people, menaced the future of this Government by the election of Grover Cleveland and a Democratic Congress. [Laughter.] Then a revenue law that was producing a surplus became a revenue law that no longer did produce a surplus. But is there any intelligent man in this House who does not know that at the door of the Democratic interference with the McKinley law lies the fault of that condition?

Take the imports into this country; take certain items that we understood were to be destroyed by the hands of the gentleman from Tennessee [Mr. McMILLIN] and his coadjutors. Take the importations of wool. They had come into power with the determination, that being a Northern industry, that they would destroy it, and nobody imported wool upon a tariff of 11 cents a pound, when they looked forward to the immediate future, when the Democratic party would give them free introduction of wool; and so it was along the whole line. The Wilson bill has been in operation now nearly three and one-half years. How does the gentleman from Tennessee [Mr. McMILLIN] like it as far as he has gone? What has been the verdict of the country upon it? Will there be in the coming Congress—the Fifty-fifth Congress—any man except the gentleman from Tennessee who will have the hardihood to ask to ever again return to the faulty system of ad valorem duties and the destructive rates of the Wilson bill? Was there, in all this country, during the recent campaign any distinguished Democrat who opened his mouth in defense of the Wilson bill? If so, what was his name, where was it, and when was it? They gladly got behind a new issue of their own creation and were hoist with their own petard, and rent their own party asunder, so that to-day they stand fighting each other upon every political question on God Almighty's earth. [Applause and laughter on the Republican side.]

The gentleman from Iowa [Mr. HEPBURN] in his great frankness, which he always manifests, assailed the river and harbor bill of a year ago. Now, Mr. Chairman, I rose not for the purpose of answering anything that the gentleman from Tennessee [Mr. McMILLIN] might say, but to point out to the House the importance, in my judgment, of debate on bills carrying the amount of money that that river and harbor bill carried. With a long experience in the River and Harbor Committee, I approved of that bill without qualification. I would not have made it exactly as it was, but it was a wise measure, and the unfortunate feature of it was that which has been so ably and so savagely criticised by the gentleman from Iowa [Mr. HEPBURN], that it was passed here under a suspension of the rules and without debate. Let us see, now, how easy it is to answer the criticism upon a river and harbor bill. I attempted to interrupt my friend from Iowa because I was conscious of the ability of that speech of his. I have heard it a great many times. [Laughter.] It is a very valuable speech. It is revised occasionally, and I must say greatly improved, by the

author, but the foundation is the same that we have heard so often here before.

Now let us see what his frankness is, for he comes at you with such apparent candor that he almost convinces the very elect that they are wrong. He puts in a comparison of the expenditure for the harbor of Cleveland, Ohio, and the expenditure for the harbor of Vicksburg. He might have got a much stronger illustration than that; but let us see how much fairness there is in it. He takes the amount of money now appropriated for the harbor of Vicksburg and the amount for the harbor of Cleveland, Ohio, and then says that Cleveland has a great population—he might have said nearly 300,000—and that Vicksburg, as he says, has only four or five thousand. Well, a little mistake of 66⅔ per cent is not much when you get to going at a gait like that. But what has the population of either city to do with it? That is not the great point. Some years ago, in the Congressional district in which I then lived, a distinguished member of this House, then a candidate for reelection, was assailed because of the aggregate amount of the river and harbor bill (some $21,000,000), and his opponent brought into the arena of debate the expenditures for the current year for the harbor of Liverpool, and pointed out that Liverpool had a population of nearly three-quarters of a million, had a commerce almost unparalled by any city in the world, and yet there was a small appropriation of money for the harbor of Liverpool, while here was an enormous appropriation for the harbor of New York and the harbor of New Orleans, and so forth, forgetting, as my friend has forgotten, that the harbor of Liverpool was a finished harbor upon which hundreds of millions of pounds have been expended, until it was the most complete of all the harbors, perhaps, in all the world in the matter of docks and everything pertaining to a great ocean harbor. The current appropriation was commensurate merely with the necessities of keeping up the harbor during that year.

Now, the same is exactly true in the case mentioned by the gentleman. The harbor of Cleveland has had money expended upon it ever since there was a river and harbor expenditure west of the Alleghany Mountains; and while some of its works have been compelled to be enlarged, and while in that sense it is not completed, nevertheless the appropriation of $400,000 for the harbor of Cleveland can not be compared with any harbor on the basis of the amount of money, unless you take into consideration the long line of appropriations that have already been made.

[Here the hammer fell.]

Mr. SAYERS. I yield thirty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, it would seem that reasonable economy ought to prevail in public expenditures. The old question of how far the powers of the Government extend in reference to internal improvements need not be argued over at this day. But the question of whether particular appropriations are necessary or wise or reasonable is now, as it ever has been and ever will be, a pertinent and pressing question. Too often, it seems to me, in legislation concerning river and harbor improvement, while some items of expenditure are wise and reasonable, others are unwise and unreasonable. Too often, with the valuable improvements that are to be carried forward and perfected by these appropriations, there is a waste of money, to use no harsher expression, for the benefit of particular localities and, may be, incidentally, of course, for the benefit of particular Representatives. I am not now going into the items in the river and harbor bill, because time will not suffice, and because others have done and can do that much better than I.

Notwithstanding all that has been said, however, in favor of the appropriations, it is true that a number of these items, altogether carrying millions of dollars, are worse than waste; little, if any, short of vicious misappropriations. It is one thing to expend money for public purposes, in order to improve rivers and harbors of value to the general public and not merely of local value—for improving the great water courses which are highways of commerce. It is another and far different thing to appropriate money for the purpose of digging somewhere a hole in which to put water, or digging somewhere else a channel through which to pour water. So much of bad has been mingled with the good that the whole thing is getting into disrepute. Rivers and harbors are appropriated for too much upon the plan of pleasing this Representative and that Representative, this Senator and that Senator, this interest and that interest; so that, without reference to the merits or demerits of the bill, enough will find in it special interest to themselves and their immediate constituency to carry the measure through Congress, even over the Presidential veto.

There has been comment already on the manner in which the river and harbor bill was passed during the last session of this House. The facts themselves furnish the strongest and most stinging comment upon that performance. Here was a great bill, carrying millions of money, put through the House without discussion, without opportunity for amendment, without opportunity even (except to those who are most vigilant) to ascertain what the items of expenditure really were. When that bill came back, vetoed by the President, and rightfully vetoed, I think, we were told that the committee carefully considered the veto; that they anticipated that the President's reasons for the veto would be unsound and founded on misinformation; and that the committee in its report furnished a complete answer to the veto message. And, therefore, I suppose it was proper and decorous to hurry through the House a bill carrying millions of dollars, without an opportunity for an average member to get an understanding of it, without hearing for those who, possibly, were able to give reasons why that veto should be sustained, and why the bill ought to be defeated. It is well enough to say, as the gentleman from Ohio [Mr. GROSVENOR] has said, about the eloquent and forceful remarks of the gentleman from Iowa [Mr. HEPBURN], that they are merely repetitions. Aye, there will be this repetition time and time again; there will be more of repetition of arguments against this species of legislation by spur and gag, if persisted in.

Why not bring the bill out into the light, if it could bear the light? Why not have the various items discussed, if reasonable enough to bear discussion? Why not have the purposes of the bill revealed to us, to show whether this man had this job or that man the other job in it; provided gentlemen of the committee or other gentlemen could take care of the bill in the full light of day—in the strong fire of open debate?

It has been suggested by the gentleman from Ohio that there is something indecorous in criticising, upon the floor of this House, as the gentleman from Tennessee [Mr. McMILLIN] has so forcibly done, a decision of the Supreme Court of the United States, upon an important part of the tariff bill which has gone into history as the Wilson bill. I cheerfully give to the decisions of the courts that general respect which lawyers are taught to yield to the law authorities of the United States and of the State; but I belong to a class of Representatives, and represent a kind of people, who believe that there is nothing in this country—none of its institutions, none of those who administer its affairs—so sacred as to be above and beyond the reach of just criticism. One of the dangers of the Republic to-day, a great and menacing danger, lies in the usurpations of the judiciary—in that subtle power, never resting, never stayed, which overturns the will of the people and of legislators. Not only that, but overturns the precedents and decisions of a century, and makes strange law, by strange methods.

There is talk here about whether the McKinley bill yielded enough revenue, and about the Wilson bill not yielding enough. It certainly is pertinent in such discussion, as the gentleman from Tennessee very properly pointed out, if enough revenue has not been produced by the Wilson bill, to inquire why it is so. Everybody knows that the framers of that bill, and those who passed it, relied upon the income tax for a very considerable portion of the revenues that would be required by our Government for the conduct of its affairs. Who could have justly anticipated, who did thus anticipate, who honestly predicted, that that provision of the bill, that important part of it, would be declared invalid, would be overturned by the Supreme Court of the United States? The measure was not a novel one——

Mr. HOPKINS. Will the gentleman yield for a question?

Mr. DE ARMOND. I will yield for a question, but I can not allow a speech.

Mr. HOPKINS. I will not make a speech. I merely wish to say that Senator HILL, the great Democratic leader, questioned the constitutionality of the measure before it was passed.

Mr. DE ARMOND. The gentleman is making a statement which he must know is incorrect, and I can not have that kind of statement interpolated at this point. Senator HILL never was a great Democratic leader. Senator HILL is not now a Democratic leader at all, great or small.

With repeated decisions of the Supreme Court the other way, nobody had reason to anticipate a decision of the same court declaring the income-tax provision to be in contravention of the Constitution of the United States, or that the resource of an income tax is not one upon which the representatives of the people might properly draw to raise revenue for carrying on the Government. So that, as I have said, the framers of the bill and those who passed it justly relied upon the income tax as one great source of necessary revenue. And what would be thought of any body of legislators who would provide for raising more than the needed amount of revenue; for a surplus to be withdrawn from the channels of trade among the people and piled up uselessly in the Treasury?

That Wilson bill—it could be much better, but it was preceded, as it will be followed, by one much worse—that bill would have raised ample revenue if the provision for an income tax had not been destroyed by overturning the decisions of the Supreme Court, long considered to be settled law.

More than that. It was a reasonable and just provision. There has been much said pro and con about the income tax. It was a question in the last campaign. There was a declaration in the platforms of two great parties of this country, the Democratic and the Populist parties, in emphatic approval of it. [Applause.] No more just tax ever was devised by the ingenuity of man than a tax levied upon incomes. What more reasonable way, what more sensible, what more just way, of raising tax money than by taking it in reasonable amount from the full hand of the man who has an income? It is adjusted year after year, according to the ebb and the flow of his affairs. When he is prosperous, he is taxed in a reasonable amount—justly, not burdensomely—for the support of the Government. When harder times visit him, and the taxable income does not add to his stores, the taxgatherer passes him by and goes to his more fortunate neighbor. Yes; the great thing in that tariff law, the best thing in it, the thing that commended it to many who would have been loth to support it otherwise, was the income-tax provision.

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually, and cast it as an additional burden upon poverty and toil!

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions: great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown, in a land of free people under free institutions.

Mr. Chairman, I will advance a step further and say that one of the great reforms now demanded is the limiting of the power of this irresponsible Federal judiciary. There has been a tendency of late—and I wonder that so many are indifferent to it on this floor and at the other end of the Capitol—there has been a tendency of late to minimize the power of the legislative branch of the Government, and to gather additional power to the Executive and to the judiciary. With all our errors here, with all our shifting changes of parties—parties may come and parties may go—here, after all, is the place where the people come nearest to having their will and wishes expressed—come nearest to having their voice heard and their commands obeyed. There is every reason why the legislative power of the land should be strengthened; and there is every reason why the power of the Federal judiciary and the power of the Executive should be curbed.

Speaking of the Executive, Mr. Chairman, I come to a matter upon which I wish to make a few comments, although it does not relate to the bill now before the House. I refer to the attitude of this Government toward those gallant, struggling patriots over in Cuba. [Applause.] Every paper that we read, every word that we get, all the information that we have, bring to us over and over the story of a gallant, heroic struggle near by, almost within sight of our own land, by a body of devoted patriots, for freedom! They bring to us also a story as if drawn from the depths of the blackness of the Middle Ages—a story of cruelty and outrage and wrong, a story of oppression and deviltry. And yet diplomacy is in the field! We are endeavoring to secure, by the "exercise of our good offices," "autonomy for Cuba"—the autonomy of the bird when the snake is about to devour it; the autonomy of the lamb with the fangs of the wolf at its throat; the autonomy of the martyr at the stake with the fagots already lighted! [Applause.]

Talk about autonomy! If we have any right to interfere, if we have the right to do anything—and how ludicrous it would be to say we have not!—we ought to take our course upon the high ground that the people of this great country—free men, the sons of free men—should endeavor, as far as decency and propriety will permit, to aid those struggling for freedom elsewhere.

Why, sir, we lured those people into this rebellion! Every breath that blew from our shores toward theirs carried to them the inspiration of freedom. Everything they read of this great country, everything that those of them who visited it saw of it, lured them, wooed them on, to win their own freedom. And now, with American citizens in Spanish prisons or shot down, with humanity outraged, with civilization disgraced, we are placidly talking about "autonomy" and lending "the good offices" of this Government to Spain, so that the hopeful, though desperate, struggle of the Cubans for liberty shall end in slavery, pleasantly called autonomy!

I had hoped that the present Administration, in some degree responding to the swelling sentiments of the American people for liberty, and against tyranny and brutality, would extend to the devoted sons of Cuba some measure of that justice and humanity which so well might be accorded them. I hope now that the incoming Administration may do better in this respect than that which is soon to depart. [Applause.] If the result of the election of last November had been to place that matchless leader of the American people—William Jennings Bryan—in the Presidential chair [loud applause on the Democratic side], there is no doubt in my mind that there would be something more after the 4th of March than quibbling about "autonomy."

At the least, we ought to recognize the Cubans as belligerents. Are they not belligerents? For months, extended into years, they have defied the power of Spain. Fighting for liberty, they have endured all that mortal man can endure and live. Still, heroically devoted to the cause of freedom, the men of Cuba are in the field, while women and children are butchered at home.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. DE ARMOND. Oh, yes.

Mr. GROSVENOR. The gentleman's criticism is against the Executive——

Mr. DE ARMOND. That is not a question.

Mr. GROSVENOR. I want to ask the gentleman what has been the fate of resolutions seeking to make an expression of the popular sentiment of the country through the House of Representatives? Where are those resolutions?

Mr. DE ARMOND. Mr. Chairman, I am not able to say exactly where those resolutions are, but I feel warranted in saying that there is enough of Americanism, enough of American patriotism, in this body, rising above party and ignoring party, to pass some measure creditable to the United States and just to the Cubans if submitted to this House, if the House were given an opportunity to act. [Applause.]

It is not a question of party. We are partisans in reference to matters internal; matters that concern ourselves and our own people. But in the relations of government with government, in our relations to other people, when they involve human liberty and the redemption of our fellow-men from oppression and tyranny—then we are all Americans, in the full sense of the word. Partisanship is lost, thrown to the winds, forgotten. We forget party lines, party affiliations; we are all Americans. [Applause.]

But it is whispered that even now rigorous measures are to be taken against those who have aided in any manner the patriots in Cuba by carrying to them medicines, clothing, arms, horses, stores of various kinds. It is said that measures are to be taken to punish those Americans who sought to find a market for American products among these brave and patriotic people, struggling to achieve their liberty, to throw off and to keep off the heavy yoke of the oppressor. It is said that the ship known as the *Three Friends* is to be libeled as a pirate, and that the crew are to be treated as pirates.

Is not this, Mr. Chairman, a strange condition of affairs in the greatest Republic on the face of the earth, in these the closing days of the nineteenth century? Since the early dawn of civilization it has been the aspiration of the noblest spirits among men not only to compass their own freedom but to lift up others bending under oppression and tyranny; to help them to rise who have fallen; that the race may ascend to the heights of freedom and bask in the sunlight of liberty. Every noble achievement of the human race has marked its onward, upward march toward greater liberty, the freer exercise of the personal rights of the individual. Yet there seems to be prevailing in the minds of some people an idea that it is a great wrong to rebel against "the powers that be," however bad they be, and that Cuba is wrong, therefore, in rebelling against the harsh rule of Spain. Whence comes that idea? Away with it, for tyrants gave it currency to prop thrones and to blast the hopes of millions.

It has no place in our institutions. It is the doctrine of those who band themselves together for oppression, who always and everywhere are hostile to all who try to get out from under the yoke of the tyrant. Are we still under the traditions of the Dark Ages, in following blindly the behests of tyrants, or are we ready to stand on the high pedestal of American citizenship, and from that point of vantage view the field and determine our course? [Applause.]

I do not know what the result of these prosecutions shall be. It may be that men who deserve to have their names go down honorably in song and story, and to be remembered among the brave and true men of their time, may be branded as pirates, enemies to mankind. But perhaps it shall happen that the *Three Friends*, every sail filled with the breath of freedom, may smoothly float on the tide of popular favor into the secure harbor of fond recollection, while possibly some of the foes, driven by the gale of popular disapproval, may be shattered upon the rocks of a liberty-loving people's condemnation.

History plays strange tricks with individuals and with nations. History brings things out in multifarious and curious ways. And yet I think, Mr. Chairman, it is remarkable that as the representatives of a great Republic we stand here idly, indifferent, while events are progressing over in Cuba which would disgrace the darkest page in the darkest period of human history. Somebody asks what are we to do? I respond, let us do something! Do anything that is American. Recognize the Cubans as belligerants. Intervene to protect our own citizens, and arrest the plague of savagery. Let us take this step for the cause of justice, for liberty and human right, for manhood and all it means. Let us do what our traditions teach us to do, what we ought to do, what we have a right to do.

I believe we ought to welcome these island people with glad hand into the great family of nations. [Applause.] Certainly it ought not to be for us to turn our backs upon those who struggle to be free men, and who are suffering from the tyranny of the Spanish Government, while pure, patriotic women are consigned to Spanish dungeons. It ought not to be for us to devote, as far as we can do it by precept and example and our miserable diplomacy, these Cuban heroes, reenforced by volunteer heroes from these United States, to butchery when captured and to outlawry while in the field as soldiers. Why, only yesterday, in one of the leading newspapers of this country, there was told by a respectable correspondent—I refer to the communication of Richard Harding Davis in the New York Journal—a story of barbarity and outrage such as brings the blush to any cheek, however hardened. Young ladies stripped and searched on board an American vessel by Spaniards, bearded, booted, and spurred! And this after two similar outrages on shore! You may read all the infamous pages of infamous history, and you can not find a line to parallel it.

It may be said that this is only newspaper report. I have far more reliance in these American newspaper men who take their lives in their hands, and, with the American spirit, go down to Cuba to investigate the situation, and then, in the American spirit, report to us what they have seen, and tell us what they believe—I have far more confidence in them, and place far more dependence upon what they say, than upon all the poor, miserable palaver of our foreign office through the agency called diplomacy. Why should we be particularly gentle about this matter? Why should we pretend to favor as a government what our citizens condemn individually? Why should our Government pretend that we wish to bring these rebellious subjects of Spain into amicable relations as subjects with the mother country? Why, on the contrary, should not we, the representatives of the people, speaking the voice of the people, say, rather, that we hope nevermore to hear of the flag of Spain floating over the Island of Cuba, but do hope that the flag of free Cuba may float there forever. [Applause.]

It is too much a habit to do officially or not to do officially the reverse of what individually we consider just and proper. It is quite as well to call some things by their names. Any power, any treaty, any provision, any toleration by which decent, respectable ladies may be subjected to the outrage of being stripped naked and searched by Spanish policemen and soldiers, upon an American vessel, under the American flag, ought to be abrogated, swept away at once, in any way in which it can be done. This ought to be done by the smooth methods of law, or, if those methods are too smooth to be effective, it ought to be done with the sharp edge of the sword. Humanity demands it. Civilization urges it. Liberty will not be satisfied without it. [Applause.]

Mr. CANNON. I yield thirty minutes to the gentleman from New Jersey [Mr. Pitney].

Mr. PITNEY. Mr. Chairman, it is well that the attention of the House and of the country has been called to the exceptionally large appropriation contained in the sundry civil bill now under consideration. I am glad to hear my distinguished friend from Texas [Mr. Sayers] and my equally distinguished friend from Missouri [Mr. Dockery] disclaim any intent to make a partisan criticism. I am sorry that in their remarks they were not entirely consistent with their declaration of intentions. This matter of great appropriations of the public money is not and should not be made a partisan matter. No party has a monopoly of economy and no party has a monopoly of extravagance. Recent history does not indicate that the Republican party is especially chargeable with culpability in increasing the public expenditures.

The Fifty-first Congress was Republican in both branches and held office at the same time with a Republican President, Mr. Harrison. It was that Congress which was first called a "billion-dollar Congress," an epithet that was intended to convey a general accusation of extravagance. The epithet was, in fact, not literally deserved, as the official figures show that the appropriations of the Fifty-first Congress amounted to only $988,417,183.34. The next, or Fifty-second Congress, was composed of a House having more than a two-thirds Democratic majority and a Senate barely controlled by the Republicans. It passed appropriations amounting to over a billion dollars, or, to be exact, $1,027,104,547.92. The Fifty-third Congress was Democratic in both branches, with a Democratic Executive, Mr. Cleveland. The total appropriations were $989,239,205.69. The present, or Fifty-fourth Congress, is composed of a Republican House and a Senate having a majority of Democrats and Populists, there being a Democratic President. Its total appropriations will, I regret to say, amount to much more than a billion dollars, perhaps to as much as $1,045,000,000. A material part of the excess over a billion dollars is due to the increase of the sinking-fund requirements occasioned by the increase of the public debt within the past three years, during which time additional Government bonds have been sold to the extent of $262,000,000, entailing an additional interest charge of $11,500,000 per annum and annual payments upon the principal to the amount of 1 per cent of the new loan, or about $2,620,000, an increase for interest and sinking-fund obligations of over $14,000,000 on that account.

The river and harbor bill passed at the last session of the present Congress—passed by the votes of Democrats as well as Republicans—appropriated directly nearly $13,000,000 for that class of work, and authorized the Secretary of War to make contracts for the completion of works (most of which were already in progress) to an aggregate of about $59,000,000, payments to fall due at the rate of 25 per cent per annum for four years. The sundry civil bill now before the House includes more than $15,000,000 of appropriations for these river and harbor contracts. Without going further into detail, we have already accounted for practically the entire excess of the appropriations of the present Congress over and above the "billion-dollar mark." A careful investigation of the figures I have given and of the whole subject will convince an impartial observer—however much he may regret these vast expenditures—that the responsibility can not be placed upon either political party as a party, and that if the true explanation is to be found and a proper remedy applied, they must be sought for outside the lines of party division. The truth is, there is much more of human nature than of party politics in all these matters of appropriations, and I think I can show, before concluding my remarks, that the explanation of the growing increase of public expenditures is to be sought and found in another direction.

But if there were any real difference between the two great parties upon this question, I will frankly admit, Mr. Chairman—speaking for myself, as a member of the majority party here—that I do not think our present power was given to us by the people with the purpose of increasing the appropriations. There never was a party majority of Representatives in this House who owed their seats so little to mere partisan votes as the members of the Fifty-fourth Congress, with the exception of those who have been reelected to the Fifty-fifth Congress. We Republicans were elected in 1894, and again in 1896, by a union of forces, by men of both parties, and we owe a responsibility to those who supported us and who placed us in power here which we can not shirk.

I am glad, therefore, Mr. Chairman, and because I am obliged to share in the responsibility of reporting this sundry civil bill to the House I am especially glad, that the attention of the House and of the country has been called to the fact that it is the largest bill that has ever been reported under this title. I am glad, also, that the frank admission is made by gentlemen upon the other side of the House that there is nothing in the bill properly subject to criticism, excepting those items which provide payment for river and harbor improvements. I am glad that attention is called to the fact that almost the whole increase in the bill over and above what has been customary in recent years—namely, $15,131,996.91—is due to the passage of the river and harbor bill at the last session of this Congress and to the fact that the Secretary of War, under the authority of that law, has made contracts for public work, under which contracts certain payments will fall due during the fiscal year 1898 to the amount that I have mentioned.

THE RIVER AND HARBOR BILL.

For myself I have no apology to make for my action upon the river and harbor bill. I will not undertake to criticise it or explain it in detail. I have not the necessary knowledge. I was opposed at the last session to the passage of any river and harbor bill, excepting, perhaps, the minimum amount which would have been sufficient to protect from the elements the work that was already in progress and partly unfinished, hoping that the same policy might be continued until the country should be in a condition to warrant further progress in river and harbor improvements. When the bill was pending in the House, I protested against its passage. I voted against it then, and afterwards voted to sustain the Presidential veto when the bill was returned from the White House. And yet, Mr. Chairman, I am not opposed to the proper and reasonable improvement of our principal harbors and waterways. The Republican party is not opposed to it, and the people are not opposed to it. But an extravagant bill, that is passed without debate, and under such circumstances that no man, friendly or unfriendly to the bill, can safely say after it is passed that its several items are just and proper—against such a bill it is the duty, I think, of every Representative to protest.

That river and harbor bill, I believe, was grossly extravagant, and contained many vicious items, as must needs be the case with a bill passed by such methods. And yet the greatest objection to the bill, in my opinion, was not so much in respect to the particular projects of work, some of which have been subjected to severe criticism here, but was owing to the fact that the bill was passed at a time when the country could not afford to have it passed; to the fact that when the bill was passed the income of the Government was less than its necessary expenditures, so that a deficit of $140,000,000 had resulted within three years preceding, and the Government was subsisting largely upon borrowed money; to the fact that when the bill was passed the credit of the country was impaired. And although we had the high authority of the President of the United States for saying that there was "a comfortable surplus" in the Treasury at that time, yet every man knew the "surplus" was not only a borrowed surplus, but that it was made up in large part of the promissory notes of the Government held in the Treasury vaults.

President Cleveland's veto of the river and harbor bill was dated May 29, 1896. On that date the "available cash balance" in the Treasury was $267,000,000, showing an apparent surplus of $167,000,000 above the gold reserve; but of this amount $29,000,000, in round numbers, were silver dollars, $87,688,000 were "greenbacks," and $42,000,000 or thereabouts were composed of Treasury notes of 1890, national-bank notes, fractional silver coin, and similar items, not available for redemption purposes, leaving only about $108,000,000 as the amount of gold in the Treasury—but little above the conventional "reserve fund" of $100,000,000. At the same time there were in circulation among the people about $225,000,000 in "greenbacks," over $33,000,000 of currency certificates, nearly $100,000,000 of Treasury notes of 1890, and over $300,000,000 of silver certificates, besides 50,000,000 or more of silver dollars.

All of this outstanding money was, directly or by indirection, redeemable at the Treasury in gold, either by force of law or by the operation of the very proper practice which is pursued by the representatives of the Government in order to maintain all the people's money upon the basis of gold coin as a standard. Of course there was nothing novel in this situation in the month of May, 1896, when the river and harbor bill was passed, but a series of events and the then existing conditions rendered it important to scrutinize the actual condition of the Treasury when considering increases of appropriations.

And so the nominal "surplus" in the Treasury of $167,000,000 could not properly be regarded as a surplus of such a character as to warrant increased expenditures for public objects. For purposes of bookkeeping it was properly called a surplus, but for purposes of finance it is not proper—at least when the public credit is questioned—to consider any part of the Treasury balance as a surplus or as available assets, except so much of it as is composed of money which may be used as the final redeemer of the outstanding obligations of the Government—that is to say, the gold coin. The necessary result of making expenditures in excess of the current income of the Government, when such expenditures must be paid by the reissue of Government notes, is, to all intents and purposes of true finance, in effect to create a new and additional loan, because the Government notes as they go out constitute an increase of the Government obligations already outstanding.

And whether the situation were the result of inadequate provision of revenues or of unwise and unnecessary appropriations, or in part the result of both of these causes, made no difference with the condition of affairs as it confronted us in the first session of the present Congress. We found the Government receipts running low, so that even the most necessary expenditures would exceed the income. As the House of Representatives was unable to pass a revenue measure to restore the income, owing to opposition in the Senate and in the White House, the only alternative for us was to avoid unnecessary appropriations. I was opposed, therefore, to the passage of the river and harbor bill, not only because it involved extravagant expenditures, but also for the reason that in my opinion it had a decided tendency to further impair the credit of the country. To the best of my ability, and so far as the scope of my influence extended, I endeavored to apply the same rule to all other plans and projects calling for the appropriation of the public money, and to support only such as were so necessary as to warrant us in paying out even borrowed money for their maintenance. Deficiency of revenue being the main cause of our financial difficulties, the obvious remedy was either to increase the revenue or to limit the expenditures.

But, says the gentleman from Mississippi [Mr. CATCHINGS], the universal sentiment of the people of the South sustains these river and harbor improvements. I dare say so; and I do not complain of our brethren of the South for desiring to improve their harbors and waterways. What I do complain of in the gentleman from Mississippi, and other gentlemen who stand with him, is that when they came into power in the Fifty-third Congress they passed an act which not only crippled the industries of the country, but to some extent paralyzed the custom-houses, and then they afterwards came into the Fifty-fourth Congress and persuaded other members to join with them in expending an enormous amount of borrowed money to improve the harbors which lead up to the custom-houses. The gentleman has not ventured to defend the river and harbor bill from this standpoint, and I do not think he can. Nobody objects to reasonable expenditures for digging out sand bars at the mouth of the harbor, provided you do not cripple the custom-house at the head of the harbor. I do not object so much to free ingress and egress for commerce, but I do insist that the same commerce which is admitted into the port ought to pay ample tolls at the custom-house for the purpose of paying for the improvements.

However, in spite of opposition here and elsewhere, the river and harbor bill was passed, and became a part of the law of the land. And so the question came up at the present session as to what the Committee on Appropriations should do with the expenditures authorized in that law when they came to make up the appropriations for the coming fiscal year. Then we were confronted with the fact that after the bill was passed the Secretary of War went forward, as authorized by the act, and made contracts calling for certain payments to fall due during the fiscal year 1898. It is the function and the duty of the Committee on Appropriations to report appropriations required by law. We could not withhold the appropriations without repudiating the contracts, and the American people are opposed to repudiation in that and every other form. Therefore, for these contracts it seemed necessary for us to report the appropriations. Other contracts not yet let are now in the very process of letting. The Secretary of War has adopted the plans, has accepted the bids, and is about to put the pen upon paper to bind the Government for these contracts. We can not, therefore, withhold appropriations to meet the payments under these intended contracts without to that extent nullifying legislation. It would perhaps be improper for the Committee on Appropriations to recommend a bill which would have that effect. If there is any authority to stop the contracts, it is for the Executive, acting through the Secretary of War, to refuse to enter into them. Therefore, Mr. Chairman, it has seemed necessary for your committee to report this unusually great expenditure in the sundry civil appropriation bill in order to provide for the payments made necessary by the river and harbor bill of last year.

It is a good thing to have great improvements if you do not have unnecessary improvements, if you do not have extravagant improvements, and if you do not go into improvements which the people can not afford to undertake at the time. The Committee on Appropriations were practically concluded from objection on these points by the passage of the law at the last session. So much for the river and harbor expenditures.

RECENT INCREASES OF APPROPRIATIONS.

And now I want to say something upon the main subject of the increase of our appropriations in recent years, which the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY] and other gentleman have alluded to. The gentleman from Texas [Mr. SAYERS] called attention to a comparison between the appropriations for the fiscal year 1887 and those of the fiscal year 1897, and the gentleman from Missouri [Mr. DOCKERY] grouped certain years at a former time with the present, but neither of these gentlemen went far enough to discover the cause of the great increases of appropriations in recent years. If the gentlemen had compared the appropriations for ten years preceding 1887 with the appropriations for ten years following after 1887, they would have found during the first period reasonable expenditures on the whole, whichever party had control of the purse strings, and in the second period they would have found very greatly increased appropriations on the whole, whichever party had control of the purse strings. During the second decade these increases have been going forward, whether the Republicans or the Democrats have been in power, either in the White House and the Departments, or in the Senate, or in the House of Representatives, or in all three combined. The expenditures during that period have increased with rapid strides, and if the gentlemen had investigated and ascertained what controlling change had taken place between the first decade and the second decade, they would have had their attention called to a significant event, which, it seems to me, has been of controlling importance in this matter.

That event was the change in the rules of the House of Representatives, made at the opening of the Forty-ninth Congress, in December, 1885—previous to the framing of the appropriation bills for the fiscal year 1887—by which change the House departed from the previous practice of intrusting all the appropriation bills to a single committee, which was held responsible for the sum total as well as for the details, the House then inaugurating the new policy of distributing the appropriation bills and dividing the responsibility among a large number of committees, none of which could really be held responsible. That division of responsibility has continued during all subsequent Congresses to the present time. Perhaps the system is now too firmly established to encourage a proposition to return to the former system, but since we are now calling the attention of the House and of the people to the fact of increased expenditures, it is worth while to inquire into the cause—not to bandy partisan attacks, not to make anything but a fair comparison, but to ascertain, if we can, the real cause of the increased appropriations, and let the people remedy the evil if they desire to remedy it. Speaking for myself, I believe that a change in the direction of economy is called for, and that public sentiment will find expression upon the subject at no very distant day. Let me say at this point that I am not now advocating any increase of responsibility for the present Committee on Appropriations. Nor am I prompted to speak by any personal consideration. I am well aware that if the power and influence and responsibility of the old Committee on Appropriations were restored, no first-term member like myself, nor even any second-term member, would probably find a place upon that honorable committee.

Now, let us reflect for a moment. From the foundation of the Government down to the year 1865 all bills for the expenditure of money, all general appropriation bills, as well as all bills for raising revenue, were in the control of the Ways and Means Committee of the House of Representatives. To go a little further back, the Constitution itself, by a specific declaration, placed in the House of Representatives the same power and prerogative over revenue bills which the British House of Commons had held from time immemorial. The framers of the Constitution put into it a provision that—

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

That provision does not say in terms that all "money bills," including appropriation bills, shall originate in the House of Representatives, but it has been so construed by Congressional action, and the practice of Congress from that time until now, without a single notable exception, has been to allow the House—indeed the House has enforced the practice—to originate not only bills for the laying of taxes and the raising of revenue, but also bills for the expenditure of the money after it is received into the coffers of the Treasury. An attempt was made in the year 1856 by the Senate of the United States to originate certain general appropriation bills. They were passed in the Senate and sent to the House of Representatives, and there they were defeated by being laid upon the table, without reference to a committee. From that time until now, so far as I am aware, there has been no attempt on the part of the Senate to break through the Congressional practice of permitting appropriation bills as well as revenue bills to be originated by the House of Representatives.

And why? The reason is, it seems to me, that it was recognized by the fathers, and by all who have followed after them, that the same arm of the Government—the same branch of the legislature—which was charged with the responsibility of raising revenue should also be charged with the responsibility of proposing its expenditure; or, to put the last matter first, that those who had the privilege of recommending expenditure should at the same time be clothed with the power and responsibility of proposing measures for raising the necessary revenues.

And so, from the earliest days down to the year 1865, the Committee on Ways and Means of the House originated both the appropriation bills and the revenue bills. In that year the separate committee for appropriations was created, and from 1865 to 1885 that committee was charged with all bills for the appropriation of money with but two exceptions, viz, the agricultural bill, reported since the fiscal year 1880 by the Committee on Agriculture, and the river and harbor bill, jurisdiction over which was vested in a separate committee from 1883, if I mistake not.

Now, during the hard times which followed after the panic of 1873, as gentlemen may remember, the Democratic party secured control of the House of Representatives in 1874, upon the cry of "Retrenchment and reform." And for some years thereafter the Democrats did, and the Republicans did also, keep the expenditures down to a very reasonable limit. During that time the Hon. Samuel J. Randall, of Pennsylvania, was an honored leader of the Democratic party on this floor. He was three times chosen Speaker, and he was afterwards for several Congresses chairman of the Committee on Appropriations. Now, if there is any partisan moral to be drawn from this little history, it perhaps comes in here. Samuel J. Randall was one of the greatest practical statesmen that the Democratic party ever sent to this House, and was universally recognized as a leader and as a steadfast economist. But he committed one unpardonable fault. He was the leader of that wing of the Democratic party who believed that the tariff should be laid, not merely for the sole and only purpose of raising revenue, but that in laying the tariff it was not only permissible but proper to make reasonable discriminations in favor of the products of American industry. And so, in the Forty-eighth Congress, when the Hon. John G. Carlisle was Speaker, and the Hon. William R. Morrison, of Illinois, was engaged in his great project of horizontal reduction of the tariff, Mr. Randall opposed him, led the Democratic opposition, and joined with the Republicans in defeating that measure.

Therefore it was determined, on the assembling of the Forty-ninth Congress in the month of December, 1885, to "clip the wings" of Samuel J. Randall for having had the audacity to represent in some degree the protection sentiment of the country. The question arose, how they could do it. Well, Mr. Randall was chairman of the Committee on Appropriations, which gave him too great power, as they thought, and so the Democratic majority in the Forty-ninth Congress, under the leadership of Carlisle, Morrison, Springer, and others who acted with them, revised the rules of the House so that many of the appropriation bills were taken away from the Appropriations Committee and distributed among other committees of the House. In that way they distributed the Army appropriation bill and the Military Academy appropriation bill to the Committee on Military Affairs, the naval appropriation bill to the Committee on Naval Affairs, the Indian appropriation bill to the Committee on Indian Affairs, the diplomatic and consular appropriation bill to the Committee on Foreign Affairs, and the Post-Office appropriation bill to the Committee on Post-Office and Post-Roads.

Since that time the rules have remained unchanged in this respect and the Committee on Appropriations has had charge of but six of the fourteen great annual appropriation bills, namely, deficiency, District of Columbia, fortifications, legislative, pension, and sundry civil, the remaining eight being held by seven other committees. The result has been just what Mr. Randall and others predicted when the change was proposed. Instead of a single committee having entire charge of expenditures, acting without special interest in any particular branch or department of the public service, but desirous simply of doing justice by all, responsible at the same time, not only for the details, but for the total of expenditures, and charged with the duty of keeping the outgo within the income of the Government, there have been numerous committees preparing and reporting bills for expenditures, each committee impressed with the importance of some particular branch of the service and recommending appropriations for that branch without cooperation with the other committees, and necessarily without full knowledge whether extraordinary expenditures required at the same time in other directions might not raise the total of appropriations beyond a reasonable limit or even beyond the total revenues—no committee charged with keeping a proper balance or proportion between the expenditures in the several Departments; none charged with keeping the sum total within bounds, or with seeing that expenses do not outstrip revenues. As a consequence, the annual expenditures have largely increased in the past ten years, quite out of proportion to the increase of population in the country.

Mr. RICHARDSON. Will the gentleman state whether he is in favor of going back to the old rule on this subject and committing all the general appropriation bills to a single committee?

Mr. PITNEY. I will state that I intend to express no final opinion on that subject, for I have not investigated it far enough to form an opinion for which I should like to be held responsible. But I say that, inasmuch as the attention of the House and the country is attracted at this time to the increase of appropriations, I think we should investigate to the very bottom the causes which have produced the increase. If there is a moral to be drawn from the circumstances of the case, either by gentlemen on this floor or by our constituents in the country, they will be able to draw it when they know the full history of the matter.

Mr. GROW. Will the gentleman allow me a moment's explanation on a question of fact? I would not interrupt the gentleman if he had not already been interrupted. I wish to call the gentleman's attention to an occasion when, the House having sent to the Senate the Post-Office appropriation bill, the Senate amended it by increasing the postage on letters and papers; and this House, when the bill was returned to it from the Senate, sent it back to that body with the suggestion that, under the Constitution, revenue measures must originate in this House—that the Senate could not originate a revenue bill.

Mr. PITNEY. I am very much indebted to my distinguished friend from Pennsylvania [Mr. GROW] for his suggestion. It may be that he is referring to a different occurrence from the one to which I have already called attention.

Mr. GROW. The case to which I refer involves precisely the same question.

Mr. PITNEY. I will read from a speech delivered in this House on the 3d of March, 1871, by James A. Garfield, of Ohio, afterwards President of the United States:

> In pursuance of this resolution—
>
> Referring to a Senate resolution, passed, after much debate, on February 7, 1856, directing the Committee on Finance of that body to inquire into the expediency of reporting the appropriation bills for the support of the Government, etc.—
>
> the Senate Committee on Finance reported the general appropriation bill for invalid pensions. It passed the Senate on the 28th of February. Soon afterwards the Senate also passed the general appropriation bill for the repair of fortifications. Both these bills were laid on the table of the House on the 17th of April, 1856, without having been referred or debated, thus ending the attempt of the Senate to change the uniform, unbroken custom of the Government from its foundation to the present time; and it may still be said, as Mr. Seward declared in 1856, that up to this time no general appropriation bill which originated in the Senate ever became a law.

Mr. GROW. I do not wish to take up the gentleman's time; but if he will look up the history of this matter previous to the time he refers to, he will find that the first occasion when this question arose was on a bill making appropriations for the expenses of the Post-Office Department. As I have already stated, the Senate having sent that bill to the House with an amendment increasing the postage on letters and papers, the House sent it back with a suggestion that it was not within the power of the Senate under the Constitution to originate a revenue bill; and when that bill went back to the Senate, Senator Toombs, of Georgia, spoke upon it until the end of the session, so that Congress adjourned without making appropriations for the expenses of the Post-Office Department. The incident to which the gentleman from New Jersey has referred was subsequent to that which I am now stating.

Mr. PITNEY. I am very much obliged to my friend for his suggestion.

Mr. GROW. I only wish to vindicate the truth of history.

Mr. PITNEY. Mr. Chairman, at the time when the House distributed the appropriation bills in the Forty-ninth Congress many able members besides Mr. Randall took the floor and pointed out the consequences which would follow. The distinguished gentleman from Illinois [Mr. CANNON], now the chairman of the Appropriations Committee, objected, and predicted that the result would be greatly increased appropriations. A very able member from New Jersey, now deceased, the Hon. William Walter Phelps, whose district included a part of the district I have now the honor to represent, protested against the measure. And that distinguished leader from Ohio, William McKinley, now soon to be inaugurated President of the United States, stood here and pointed out to the Democratic majority that the necessary consequence of the change would be vastly increased appropriations. Now, I do not say that the change of the rules is necessarily a subject of partisan criticism; but, since a little partisan flavor has been injected into this debate, I may be permitted to allude to the facts of the case.

Mr. SAYERS. If the gentleman is now of opinion that the action of the House of Representatives on this subject in the Forty-ninth Congress was properly subject to criticism, why does he not take advantage of the power of his own party in this House and secure a restoration of the old rule?

Mr. PITNEY. I will say to my distinguished friend from Texas that I have too much modesty to assume to myself a power of control over the majority of this House.

Mr. SAYERS. The gentleman's answer is not sufficient.

Mr. PITNEY. It is quite sufficient, and no one knows it better than my friend from Texas.

Mr. RICHARDSON. Let me ask the gentleman this question: Under existing circumstances, would the gentleman consent to a restoration of the old rule, unless he felt pretty well assured that he was going to be a member of the Appropriations Committee again?

Mr. PITNEY. The personal allusion is inopportune, and is entirely unmerited. If I thought that by declining or losing a place on that committee or on any committee (however much I might prize the honor of belonging to it) I could assist in keeping the expenditures of the Government within reasonable limits, I hope I should not allow my personal interests or feelings to stand in the way.

When this House shall come, if it does come, to act upon a proposition to restore the rule of placing the privilege of reporting appropriation bills, with its accompanying responsibility, in a single committee, it will doubtless be at the opening of the first session of a new House, when the entire body of rules is under discussion; that is to say, before the appointment of any committees. Certainly no new member could hope to increase his chances of being appointed upon a committee having charge of appropriations by advocating a proposition to confine that power and responsibility in a single committee. But when the time comes, I have no doubt that the principal obstacle in the way of a return to the old system or to any system which could be relied upon to produce similar results will be found in the fear of members generally that the privileges and prerogatives of this committee or that committee will be curtailed. And any member advocating a change will be suspected, if not accused, of a purpose to enhance his individual importance by securing a position upon the one committee that would be intrusted with the appropriation bills, if the change were adopted.

My friend from Texas [Mr. SAYERS] and my friend from Tennessee [Mr. RICHARDSON] both understand the springs of human action, which operate upon this floor as well as elsewhere, well enough to appreciate the difficulty of remedying the present system now that it has been established for more than ten years.

But, Mr. Chairman, I desire to call the attention of my friend from Texas [Mr. SAYERS] and my friend from Missouri [Mr. DOCKERY] to the results which have followed from the division of responsibility as to expenditures.

The Agricultural appropriation bills for ten years preceding 1887 amounted in the aggregate to $3,238,740. For the ten years following they amounted to $23,480,347, an increase of 624.98 per cent. The Army bill, being a notable exception to the rule, was reduced from a total of $259,000,000 in the first decade to $240,000,000 in the second decade. The diplomatic and consular bills were increased from a total of $11,879,000 in the first period to a total of $15,870,000 in the second, an increase of 33.59 per cent. In the District of Columbia appropriation bills there was an increase in the annual average of the second decade as compared with the first amounting to 58.48 per cent. In the fortification bills the total for the first ten years, $1,745,000, was increased so that in eight of the next ten years they aggregated $22,489,000, an increase of 375 per cent in the annual average. The Indian appropriation bills increased from a total of $50,000,000 for the first decade to a total of $85,703,000 for the second decade, an increase of 70 per cent, although the Indians are fast disappearing from the face of the earth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I should be glad to have a few minutes longer.

Mr. CANNON. I yield to the gentleman such time as he wants.

Mr. PITNEY. I thank the distinguished gentleman from Illinois [Mr. CANNON] very much for his courtesy, and will endeavor to detain the committee but a short time.

The legislative, executive, and judicial appropriation bills show a total of $178,000,000 in the first decade, and $213,000,000 in the second decade, or an increase of 19 per cent.

And so, Mr. Chairman, without going into details, I may say that the same is true with reference to the other appropriation bills. Without now detaining the committee with their reading, I propose, with the consent of the House, to embody in the RECORD as a part of my remarks, not merely the specific comparisons which I have given, but the tables from which they have been drawn. It seems to me they will be of great interest to the members of this body. At the same time I want to give credit for the very thorough, useful, and able research which produced these tables to the accomplished clerk of the Senate Committee on Appropriations, Mr. T. P. Cleaves, who prepared the tables a year ago for the use of the committee of which he is the clerk, and kindly placed a copy of them at my disposal. I think it will be a very good thing for the House and the country to have these tables before them in accessible form, and therefore I shall embody them in the RECORD, with the consent of the House, as they have not heretofore been published, even as a document.

Mr. BOATNER. Will the gentleman yield to me for a suggestion?

Mr. PITNEY. Certainly.

Mr. BOATNER. While the gentleman is discussing the cause of the increase in the expenditures, does it not occur to him that the rapid extinguishment of the public debt—the great debt incurred during the war—and the increase of revenue, as compared with expenses, which set in about 1883 or 1884, may largely account for this increase in appropriations? The fact that the Government had a large surplus revenue—did it not, in the judgment of the gentleman, have a tendency to rather increase than to diminish these expenditures?

Mr. PITNEY. The gentleman's suggestion is interesting, and there doubtless is such a tendency in times of surplus revenue; but I confess that my investigations do not lead me to believe that that tendency has been sufficient of itself to account for the results which are shown.

I am glad to have the subject investigated by others as well as myself, and have no motive whatever except to ascertain exactly the facts bearing upon the case and the reason for these expenditures, or rather increase of expenditures. I think it will scarcely be doubted that one of the prime causes, if not the principal cause, of the present large appropriations is the fact to which I have

already alluded, viz, the distribution of the appropriation bills among several committees and the consequent absence of responsibility in any committee.

Mr. GROSVENOR. The suggestions of the gentleman from New Jersey are interesting, and I have no desire to question them. But at the same time I would suggest that the Senate Committee on Appropriations, during all the time to which he has referred, had the appropriations emanating from the Senate within their entire control, and I would ask whether it is not a fact that that committee, having charge of all these bills, has largely exaggerated the appropriations of the House? I draw no conclusions, but merely call his attention to the facts.

Mr. PITNEY. The gentleman from Ohio [Mr. GROSVENOR] is, of course, aware of a rule of parliamentary debate which makes it, perhaps, improper for us to refer to the proceedings in the other body——

Mr. GROSVENOR. Oh, no; not in such a way as that.

Mr. PITNEY (continuing). But I will tell the gentleman, in entire frankness, what I understand to be the explanation. For years past the Senate Committee on Appropriations has been annually threatened with the same change which was made in this House in 1885; that is, that they would be deprived of the consideration of these bills, and that the several bills would be passed over to the control of the committees which had charge of the special objects of the appropriation. If my information is correct, the Senate Appropriations Committee have been constrained to submit to a kind of pressure for increasing the appropriations on the part of the committees having charge of the objects for which the appropriations would be expended, and they have yielded to the pressure perhaps more than they would have done if they had not been threatened with the loss of their prerogatives.

Mr. GROSVENOR. Would not the House committee be liable, also, to the same pressure?

Mr. PITNEY. Very likely. I am not now claiming to suggest an adequate remedy. On the contrary, I have expressly disclaimed undertaking to do so. But the inquiry of the distinguished gentleman from Ohio [Mr. GROSVENOR] reminds me of a circumstance which is worth noting in this connection. We are all aware, of course, that the Senate has uniformly exercised to the fullest extent its constitutional prerogative to propose amendments on appropriation bills. The members of the House have often been called upon to oppose what they deemed the too great liberality of the Senate with regard to expenditures. That tendency in the Senate is not, I presume, of recent origin, and it perhaps will account for the fact mentioned by the gentleman from Ohio [Mr. GROSVENOR] without reference to the pressure upon the Senate Committee on Appropriations, from other committees, in the direction of increased appropriations. I am informed—and this is the interesting fact—that previous to the division of responsibility among the House committees the appropriation bills framed at this end of the Capitol were so uniformly and invariably reasonable and economical in amount that the Senate did not in a single instance find occasion to reduce the amount of any of the appropriation bills as passed by the House. During that period all Senate amendments were in the direction of increased appropriations. But since the change of the House rules, to which I have referred, so marked has been the tendency to increase appropriations at this end of the Capitol that in repeated instances even the liberal Senators have felt constrained to propose amendments reducing the appropriation bills as passed by the House. My information is that several instances of this kind occurred so recently as the third session of the Fifty-third Congress. And there was one notable example of it in the first session of the present Congress, when the Senate amended the naval appropriation bill by reducing the provision for the construction of new battle ships, cutting it down from four ships, as passed by the House, and making it provide for only two ships.

It is not necessary to make inquiry whether, in these specific instances, the Senate was right or wrong in reducing the appropriations. Nor is it worth while to inquire whether specific instances of the increase of appropriations, either by the Senate or by the House, have been wise or unwise. It is sufficient for us to know that a given system of legislative work has an inevitable tendency to increase the expenditures of the Government, and that another system has a tendency in the opposite direction. Experience tells us that where public expenditures are unduly increased the unworthy objects will increase out of all proportion, while, if a policy of restricted appropriations is pursued, the unworthy objects are more liable to be excluded. It becomes a question of the "survival of the fittest."

Congress makes appropriations upon the recommendations of the Executive Departments of the Government. If Congress is liberal with the money, the less urgent and less worthy recommendations receive equal treatment with those which are more important; while if Congress is economical, the Departments are constrained to "cut the garment according to the cloth," and omit from their recommendations the unworthy or unnecessary objects.

I will put into the RECORD, Mr. Chairman, in connection with the tables to which I have referred, a summary from which it will be seen that, excluding the pension bill, which of course would largely swell the percentage of the increase—and the increase of the pension bill and the cause of it are well known to the House and to the country—there was a net increase in the appropriation bills for the ten years 1887–1896 over the corresponding appropriations for the preceding ten years amounting to 46.43 per cent on the average.

Mr. PEARSON. Is that including the pension bills?

Mr. PITNEY. No; that comparison excludes them. The percentage would be still greater if you include the pension bills, for they increased 134 per cent.

And now let us consider for a moment how this increase of appropriations compares with the increase of population. In the midst of the first decade the census of 1880 was taken, and in the midst of the second decade the census of 1890 was taken. If you take the figures yielded by these two censuses as a correct basis for the average population in the two periods, you will find that the increase of population was 24.85 per cent, while the increase of appropriations was 46.43 per cent. This is exclusive of the pension appropriations, which, if included, would make the percentage of increase still greater.

Mr. SAYERS. Will my friend allow me to interrupt him?

Mr. PITNEY. In a moment. To complete my statement upon this point, I wish to say that the per capita appropriation for the first decade, that is, from 1877 to 1886, on the basis of the population of 1880, was $29.56 for each man, woman, and child in the country, while the per capita appropriation for the second decade, that is, from 1887 to 1896, upon the basis of the population of 1890, was $34.67, an increase of $5.11 for each man, woman, and child in the country.

Mr. SAYERS. The question I wish to put to the gentleman is this: Does he think that the appropriations should increase in proportion to population?

Mr. PITNEY. Frankly, sir, I do not think they should increase——

Mr. SAYERS. Should not the percentage of population and the percentage of appropriations widen?

Mr. PITNEY (continuing). I think, sir, that the change should be in the other direction, that as the population becomes more dense the proportion of appropriations to population ought to diminish per capita.

Mr. SAYERS. That is the question I put to you.

Mr. PITNEY. I answer it just as the gentleman, perhaps, expected I would answer it, and I think he agrees with the answer.

Mr. SAYERS. Yes.

Mr. PITNEY. Now, Mr. Chairman, I do not want to moralize about this matter any longer, and perhaps I should not have ventured to take the floor if it had not been for some allusions in the remarks of my distinguished friend from Texas [Mr. SAYERS], which it seemed to me had a little partisan flavor about them. I wish to say that I never have any difficulty in cooperating with my friend from Texas [Mr. SAYERS] and my friend from Missouri [Mr. DOCKERY] in their efforts to prevent unnecessary appropriations, nor any difficulty in securing their cooperation in the same direction.

Mr. HOPKINS. The gentleman does not wish to go to the extent of saying that as the population increases the aggregate expenses of the Government should decrease?

Mr. PITNEY. No; I did not say that.

Mr. SAYERS. But that the percentage should decrease.

Mr. PITNEY. As the population increases, the per capita appropriation ought to diminish.

Mr. HOPKINS. Still, the gentleman concedes that it costs more to run a country with 75,000,000 people than it costs to run a country with 50,000,000 people.

Mr. PITNEY. Of course I concede that; but what I say is that it ought not to cost more per capita.

Now, Mr. Chairman, I have little further to say. I did not rise to advocate any change in the rules. I do not know that any change is feasible, but while we are on the subject of the increasing expenses of the Government, it is worth while to consider the history of the matter and ascertain, if we can, the causes of the increase. If the country desires that we shall continue in the policy, the country will have an opportunity to sustain the House of Representatives and the Senate in these increased appropriations. If, on the other hand, the country desires a change in the matter, the country, I believe, will find a way to force an issue and compel Congress, willingly or unwillingly, to reduce expenditures.

Shall we reduce river and harbor improvements? The difficulty at present is that the river and harbor improvements go forward without adequate scrutiny on the part of Congress. I have nothing further to say upon that subject. I leave the whole matter to the attention of the House. I ask you to study the tables which I will introduce into the RECORD, and when you see them in the morning they will repay your careful study.

Gentlemen may inquire. Do not these tables show that the appropriations covered by the six bills now emanating from the Appropriations Committee show an increase in the past ten years, as well as the eight bills reported by the seven other committees? I answer yes; although not to the same extent. Excluding the pension appropriations, the amount of which is the direct result of general legislation, the bills which have come from the single committee increased 32 per cent from the first period to the second; or but little more than the increase of population, which was about 25 per cent. The eight appropriation bills, which have latterly come from seven different committees, have increased nearly 54 per cent from the first period to the second, or more than twice as fast as the increase of the population of the country. This comparison indicates that, even under the present arrangement, where there has been the greatest responsibility there has been the least yielding to the constant pressure for increasing appropriations, and that those committees which have felt less responsibility for the total of expenditures have more easily yielded. This fact may to some extent answer the suggestion of my distinguished friend from Ohio [Mr. GROSVENOR] that any one committee of the House, if charged with the whole responsibility, would be subjected to the same pressure which is now felt, doubtless, by the Senate Committee on Appropriations.

But if the 32 per cent increase shown by the bills that have proceeded from the Appropriations Committee since the change of the rules is objectionable, it does not weaken the point of my observations. The personnel of committees or the names of committees have nothing to do with the question. What I am inquiring about is the system. The Appropriations Committee is not what it was under the old rules; its power is less, its responsibility is less, its functions are different. That committee, like other committees charged with a part only, and an indefinite part, of the entire responsibility, has doubtless found it difficult to tighten the purse strings as well as they.

Mr. Chairman, perhaps I ought not to close without at least suggesting some change of system to remedy the present difficulty. I confess that it seems to me the facts of history carry their own suggestion; and my service in this House has been too brief to give any particular importance to any proposition coming from me, except as enforced by the lessons of experience.

The obvious and thoroughgoing remedy is to restore the system which was in operation from the adoption of the Constitution down to the close of the civil war. Place in the hands of a single committee—Ways and Means—the sole power to recommend any and all appropriations, as well as the sole responsibility, which they now have, of recommending measures for raising the necessary revenues to defray the expenditures. That committee—or any other committee having similar power and responsibility—will always be composed of the ablest, most experienced, and most patriotic members of the House. The Ways and Means Committee is not now overburdened with work, except on the rare occasions when a general tariff bill is under consideration. At such times its membership could be increased and its work divided among subcommittees and still kept within control. With such an arrangement, every motive possible would exist for keeping the total expenditures within reasonable bounds, or at least within the limits of the income of the Government. We should hardly see appropriations exceeding the revenues under such a system; there would either be an addition to the revenues or a reduction of expenditures.

The next best plan would be the one in force from 1865 to 1885, the Ways and Means Committee recommending revenue measures as now and a single other committee framing appropriation bills.

A third plan which suggests itself has more of the appearance of a makeshift, and has never been subjected to the test of experience, viz: Create a new committee—call it, if you please, the Committee on Finance—to be made up of the Speaker of the House and the chairmen of the several committees on Ways and Means, Appropriations, Military Affairs, Naval Affairs, Indian Affairs, Foreign Affairs, Post-Offices, Agriculture, and Rivers and Harbors, comprising all the committees now having charge of either revenue or expenditures. Give this committee adequate control over the whole subject, and perhaps some improvement would result. This suggestion, however, I submit with much diffidence.

But, with all confidence, Mr. Chairman, I do suggest that if the public expenditures are to be limited in the future some different system of legislation will be necessary. When the proposition to divide the appropriation bills was made in the Forty-ninth Congress, Mr. Randall, as a member of the Committee on Rules, submitted a minority report opposing the plan, in which he quoted from language used by himself on a former occasion when a similar project was under discussion in the Forty-sixth Congress, as follows:

> If you undertake to divide all these appropriations, and have many committees where there ought to be but one, you will enter upon a path of extravagance you can not foresee the length of or the depth of until we find the Treasury of the country bankrupt.

Extravagant language, perhaps; and yet the tables which I submit will show that the appropriations for ten years following the division of responsibility which he opposed were $688,000,000 greater, exclusive of pensions, and over $1,400,000,000 greater, including pensions, than for the ten years preceding the change.

Of the $688,000,000, we can attribute only $368,000,000 to the increase of the population of the country, the remaining $320,000,000 being in excess of that growth. This vast sum is greater even than the $292,000,000 realized by the Government as proceeds of the bond issues of the past three years.

Mr. PEARSON. Do I understand the gentleman to say that he proposes to vote for this sundry civil bill just as it is reported by the committee? I ask that question because I have great respect for the gentleman's opinion.

Mr. PITNEY. I propose to vote for the bill just as reported, unless amendments are suggested; and then after debate I may change my mind upon some items. It is a very large bill, and involves a great many items; but the great controversy over the bill, if there is any controversy, is that it is $15,100,000 greater by reason of one single thing, namely, the large increase in expenditures required by contracts authorized by the river and harbor bill passed at the last session. I have sufficiently expressed my opposition to that bill, but since it has become a law, and contracts have been made under it, we are obliged to recognize those contracts and make provision for the payments as called for.

Mr. ANDREWS. Will the gentleman permit a question?

Mr. PITNEY. Yes.

Mr. ANDREWS. Are those expenditures simply authorized, or is the law mandatory upon the Secretary of War to make the contracts?

Mr. PITNEY. I do not think it is mandatory. If my recollection serves me, it gives him the discretion to make the contracts.

Mr. ANDREWS. To make the contracts if he saw fit?

Mr. PITNEY. He could make them if he saw fit, and he could refrain from making them if he saw fit. I repeat what I said in the early part of my remarks, that if any authority is to nullify the act of last year, it ought not to be the Committee on Appropriations. It should be the Secretary of War, who might refrain from making the contracts which necessitate these appropriations.

Mr. ANDREWS. In other words, the House is left to a choice as between making the appropriations and a repudiation of the legal obligations which have been incurred by reason of the fact that the Secretary of War has exercised his discretion.

Mr. PITNEY. Practically so.

Mr. BOATNER. Could we refuse to make the appropriations without repudiating the lawful obligations of the Government?

Mr. PITNEY. We can not refuse to make the appropriations for those contracts which have already been entered into without repudiation. We can not refuse to make the appropriations for those contracts which the Secretary of War is now ready to enter into, and has determined to enter into, without nullifying legislation.

The following are the tables prepared by Mr. Thomas P. Cleaves, clerk of the Senate Committee on Appropriations, and referred to in the foregoing remarks:

COMPARISON OF APPROPRIATIONS, 1877-1886 AND 1887-1896.

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, when all bills except the Agricultural and river and harbor bills were reported by one committee in House of Representatives, and for the fiscal years 1887 to 1896, inclusive, Forty-ninth to Fifty-third Congress, inclusive, when the appropriation bills were reported by eight committees in House of Representatives.

AGRICULTURAL BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	a $165,000.00	1887	$854,715.00
1878	a 199,640.00	1888	1,028,730.00
1879	a 188,400.00	1889	1,716,010.00
1880	a 198,000.00	1890	1,669,770.00
1881	253,300.00	1891	1,799,100.00
1882	335,500.00	1892	3,028,153.50
1883	427,280.00	1893	3,882,995.50
1884	405,640.00	1894	3,223,500.00
1885	480,190.00	1895	3,221,025.00
1886	585,790.00	1896	3,341,750.00
Total	3,238,740.00	Total	23,480,347.00

a This amount for the Agricultural Department, appropriated in the legislative bill, is deducted therefrom and included here.

Increase, 1887-1896 over 1877-1886	$20,241,607.00
Increase, per cent, 1887-1896 over 1877-1886	624.98
Average annual appropriation, 1877-1886	$323,874.00
Average annual appropriation, 1887-1896	$2,348,034.70

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

ARMY BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$27,621,867.90	1887	$23,753,057.21
1878	25,812,500.00	1888	23,724,718.60
1879	25,593,486.01	1889	24,471,300.00
1880	26,797,300.00	1890	24,316,615.73
1881	26,425,800.00	1891	24,206,471.79
1882	26,687,810.00	1892	24,613,529.19
1883	27,258,000.00	1893	24,308,499.82
1884	24,681,250.00	1894	24,225,639.78
1885	24,454,450.00	1895	23,592,884.08
1886	24,014,652.50	1896	23,252,608.09
Total	259,346,506.41	Total	240,465,324.98

Decrease, 1887-1896 under 1877-1886	$18,881,181.43
Decrease, per cent, 1887-1896 under 1877-1886	7.27
Average annual appropriation, 1877-1886	$25,934,650.64
Average annual appropriation, 1887-1896	$24,046,532.49

DIPLOMATIC AND CONSULAR BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$1,187,197.50	1887	$1,354,065.00
1878	1,138,374.50	1888	1,429,942.44
1879	1,067,635.00	1889	1,428,465.00
1880	1,087,835.00	1890	1,980,125.00
1881	1,180,335.00	1891	1,710,815.00
1882	1,192,445.00	1892	1,656,925.00
1883	1,256,655.00	1893	1,604,045.00
1884	1,286,755.00	1894	1,557,445.00
1885	1,219,360.00	1895	1,563,918.76
1886	1,242,925.00	1896	1,574,458.76
Total	11,879,537.00	Total	15,870,104.96

Increase, 1887-1896 over 1877-1886	$3,990,567.96
Increase, per cent, 1887-1896 over 1877-1886	33.59
Average annual appropriation, 1877-1886	$1,187,953.70
Average annual appropriation, 1887-1896	$1,587,010.49

DISTRICT OF COLUMBIA BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877		1887	$3,721,050.99
1878		1888	4,284,520.66
1879	a $3,583,008.46	1889	5,046,410.32
1880	a 3,253,197.56	1890	5,682,409.91
1881	3,425,297.35	1891	5,709,544.15
1882	3,378,617.44	1892	5,597,125.17
1883	3,496,960.47	1893	5,317,973.27
1884	3,507,247.96	1894	5,413,223.91
1885	3,559,835.54	1895	5,545,678.57
1886	3,622,683.20	1896	5,745,443.25
Total	27,837,705.98	Total	52,123,450.20
		Total, 1889-1896	44,117,808.55

a This amount for the District of Columbia, appropriated in sundry civil bill, is deducted therefrom and included here.

Increase, 1887-1896 over 1877-1886	$24,285,744.22
Increase, 1889-1896 over 1879-1886 (eight-year period)	$16,280,102.57
Increase, per cent, 1889-1896 over 1879-1886 (eight-year period)	58.48
Average annual appropriation, 1879-1886	$3,479,713.24
Average annual appropriation, 1889-1896	$5,514,726.06

FORTIFICATION BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$315,000.00	1887	
1878	275,000.00	1888	
1879	275,000.00	1889	$3,972,000.00
1880	275,000.00	1890	1,233,504.00
1881	550,000.00	1891	4,232,935.00
1882	575,000.00	1892	3,774,803.00
1883	375,000.00	1893	2,734,276.00
1884	670,000.00	1894	2,210,055.00
1885	700,000.00	1895	2,427,094.00
1886	725,000.00	1896	1,904,557.50
Total	4,735,000.00	Total	22,489,224.50

Increase, 1887-1896 over 1877-1886	$17,754,224.50
Increase, per cent, 1887-1896 over 1877-1886	374.95
Average annual appropriation, 1877-1886	$473,500.00
Average annual appropriation, 1887-1896	$2,248,922.45

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

INDIAN BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$4,572,702.01	1887	$5,546,292.84
1878	4,829,865.69	1888	5,226,897.06
1879	4,746,275.70	1889	6,261,700.79
1880	4,713,478.58	1890	8,077,453.39
1881	4,657,292.72	1891	7,262,016.02
1882	4,587,866.80	1892	16,386,284.86
1883	5,229,374.01	1893	7,664,047.84
1884	5,358,655.91	1894	7,854,240.38
1885	5,859,402.91	1895	10,659,565.16
1886	5,762,512.70	1896	8,762,751.21
Total	50,317,457.03	Total	85,703,220.18

Increase, 1887-1896 over 1877-1886	$35,385,763.15
Increase, per cent, 1887-1896 over 1877-1886	70.32
Average annual appropriation, 1877-1886	$5,031,745.70
Average annual appropriation, 1887-1896	$8,570,322.01

LEGISLATIVE BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	a $15,252,933.33	1887	$20,654,346.37
1878	a 15,250,705.30	1888	20,745,023.67
1879	a 15,062,851.30	1889	20,758,178.07
1880	a 16,089,457.73	1890	20,843,615.81
1881	16,274,023.59	1891	21,030,752.75
1882	17,678,508.99	1892	22,027,674.75
1883	20,108,000.65	1893	21,900,132.97
1884	20,454,246.22	1894	21,865,802.81
1885	21,383,141.85	1895	21,305,583.29
1886	21,376,708.70	1896	21,891,718.08
Total	178,890,577.66	Total	213,022,828.57

a Agricultural Department appropriations eliminated and carried to agricultural bills.

Increase, 1887-1896 over 1877-1886	$34,132,250.91
Increase, per cent, 1887-1896 over 1877-1886	19.08
Average annual appropriation, 1877-1886	$17,889,057.76
Average annual appropriation, 1887-1896	$21,302,282.85

MILITARY ACADEMY BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$290,065.00	1887	$297,805.00
1878	290,604.00	1888	419,938.93
1879	292,805.00	1889	315,043.81
1880	319,547.33	1890	902,766.69
1881	316,234.28	1891	435,296.11
1882	322,435.37	1892	402,064.64
1883	335,557.04	1893	428,917.33
1884	318,657.50	1894	432,556.12
1885	314,563.50	1895	406,535.08
1886	310,021.64	1896	464,281.06
Total	3,106,490.66	Total	4,505,183.37

Increase, 1887-1896 over 1877-1886	$1,398,692.71
Increase, per cent, 1887-1896 over 1877-1886	45.02
Average annual appropriation, 1877-1886	$310,649.06
Average annual appropriation, 1887-1896	$450,518.33

NAVAL BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$12,742,155.40	1887	$16,489,907.20
1878	13,541,024.40	1888	25,767,348.19
1879	14,152,033.70	1889	19,942,835.35
1880	14,029,968.85	1890	21,692,510.27
1881	14,405,797.70	1891	24,136,035.53
1882	14,566,037.55	1892	31,541,654.78
1883	14,819,976.80	1893	23,543,385.00
1884	15,894,434.21	1894	22,104,081.38
1885	14,980,472.59	1895	25,327,126.72
1886	15,070,837.95	1896	29,416,245.31
Total	144,203,309.27	Total	239,961,109.73

Increase, 1887-1896 over 1877-1886	$95,757,800.46
Increase, per cent, 1887-1896 over 1877-1886	66.40
Average annual appropriation, 1877-1886	$14,420,330.92
Average annual appropriation, 1887-1896	$23,996,110.97

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

POST-OFFICE BILLS.

1877 to 1886, inclusive.		1877 to 1896, inclusive.	
1877	$34,565,701.00	1887	$51,395,861.25
1878	31,584,143.00	1888	55,694,650.15
1879	33,256,373.00	1889	60,860,233.74
1880	36,121,400.00	1890	66,095,344.28
1881	39,033,420.00	1891	72,226,698.99
1882	40,957,432.00	1892	77,907,222.61
1883	44,643,900.00	1893	80,331,276.73
1884	44,489,530.00	1894	84,104,314.22
1885	43,040,400.00	1895	87,259,300.55
1886	53,701,200.00	1896	89,545,997.86
Total	409,473,279.00	Total	728,778,201.38

Increase, 1887-1896 over 1877-1886	$319,304,922.38
Increase, per cent, 1887-1896 over 1877-1886	77.97
Average annual appropriation, 1877-1886	$40,947,327.90
Average annual appropriation, 1887-1896	$72,877,820.13

RIVER AND HARBOR BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$5,015,000.00	1887	$14,473,900.00
1878		1888	
1879	8,201,700.00	1889	22,397,616.90
1880	7,846,600.00	1890	
1881	8,951,500.00	1891	25,136,295.00
1882	11,441,300.00	1892	a1,951,200.00
1883	18,738,875.00	1893	a814,000.00 21,154,218.00
1884			21,968,218.00
1885	13,949,200.00	1894	a14,166,153.00
1886		1895	11,643,180.00 a8,400,000.00
			20,043,180.00
		1896	a11,462,115.00
Total	74,144,175.00	Total	131,598,677.90

a This amount for rivers and harbors, appropriated in sundry civil bill, is included here under river and harbor bill and deducted from sundry civil bill.

Increase, 1887-1896 over 1877-1886	$57,454,502.90
Increase, per cent, 1887-1896 over 1877-1886	77.49
Average annual appropriation, 1877-1886	$7,414,417.50
Average annual appropriation, 1887-1896	$13,159,867.79

SUNDRY CIVIL BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$16,351,474.58	1887	$22,092,310.58
1878	17,133,750.06	1888	22,396,540.98
1879	a24,679,440.26	1889	26,320,804.84
1880	a20,124,241.28	1890	25,297,341.65
1881	22,515,428.91	1891	29,738,282.22
1882	21,984,194.12	1892	b35,459,163.99
1883	25,580,358.08	1893	b26,851,076.93
1884	23,679,575.44	1894	b27,550,148.15
1885	22,259,434.30	1895	b25,853,775.55
1886	26,079,257.49	1896	b35,106,045.40
Total	220,336,123.50	Total	277,225,490.27

a District of Columbia appropriations eliminated and carried to District of Columbia bill.

b River and harbor appropriations eliminated and carried to river and harbor bill.

Increase, 1887-1896 over 1877-1886	$56,889,366.77
Increase, per cent, 1887-1896 over 1877-1886	25.81
Average annual appropriation, 1877-1886	$22,033,612.35
Average annual appropriation, 1887-1896	$27,722,549.03

DEFICIENCY BILLS. a

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$2,908,177.09	1887	$7,893,719.62
1878	2,745,480.97	1888 1889	16,093,383.26
1879	13,672,240.06		
1880	3,163,297.15	1890	8,330,518.30
1881	4,267,220.44	1891	13,225,541.61
1882	5,002,138.12	1892	9,364,148.62
1883	12,992,025.16	1893	8,290,859.50
1884	2,749,941.49	1894	8,127,391.51
1885	7,067,500.00	1895	11,811,104.06
1886	4,926,855.80	1896	9,825,374.82
Total	59,514,861.08	Total	92,914,911.30

a Deficiency appropriations for pensions eliminated and carried to pension bills.

Increase, 1887-1896 over 1877-1886	$33,400,050.22
Increase, per cent, 1887-1896 over 1877-1886	56.12
Average annual appropriation, 1877-1886	$5,951,486.10
Average annual appropriation, 1887-1896	$9,291,491.13

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

MISCELLANEOUS BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$1,012,865.84	1887	$9,989,410.19
1878	1,262,061.31	1888	4,811,961.49
1879	2,049,678.61	1889	10,170,862.55
1880	1,926,029.26	1890	10,255,316.29
1881	5,618,865.22	1891	7,010,905.27
1882	1,072,963.64	1892	4,271,321.10
1883	6,111,540.10	1893	3,298,922.82
1884	1,912,723.88	1894	520,190.18
1885	9,562,308.40	1895	377,876.55
1886	2,177,648.20	1896	296,667.37
Total	35,736,835.46	Total	51,115,541.81

Increase, 1887-1896 over 1877-1886	$15,378,706.35
Increase, per cent, 1887-1896 over 1877-1886	43.03
Average annual appropriation, 1877-1886	$3,573,683.54
Average annual appropriation, 1887-1896	$5,111,554.18

PENSION BILLS. a

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$29,533,500.00	1887	$82,075,200.00
1878	28,533,000.00	1888	81,152,500.00
1879	29,371,574.00	1889	85,258,700.00
1880	56,233,200.00	1890	89,758,700.00
1881	41,644,000.00	1891	123,779,368.35
1882	68,282,306.68	1892	164,350,283.32
1883	116,000,000.00	1893	154,411,682.00
1884	86,575,000.00	1894	180,181,074.85
1885	20,810,000.00	1895	151,581,570.00
1886	60,000,000.00	1896	141,381,570.00
Total	536,982,580.68	Total	1,256,630,748.54

a Include deficiency appropriations for pensions.

Increase, 1887-1896 over 1877-1886	$719,648,167.86
Increase, per cent, 1887-1896 over 1877-1886	134.01
Average annual appropriation, 1877-1886	$53,698,258.06
Average annual appropriation, 1887-1896	$125,663,074.85

RECAPITULATION OF BILLS, EXCLUSIVE OF PENSION BILLS.

Title of bill.	1877 to 1886, inclusive.	1887 to 1896, inclusive.
Agricultural	$3,238,740.00	$23,480,347.06
Army	259,346,503.41	240,465,321.98
Diplomatic and consular	11,879,737.00	15,870,104.96
District of Columbia	a27,837,705.98	a44,117,808.55
Fortification	4,735,000.00	22,489,224.50
Indian	50,317,457.03	85,701,220.18
Legislative	178,890,577.66	213,022,828.57
Military Academy	3,166,490.66	4,595,183.37
Naval	144,293,390.27	239,961,190.73
Post-Office	409,473,279.00	728,778,201.38
River and harbor	74,144,175.00	131,598,677.90
Sundry civil	220,336,123.50	277,225,490.27
Deficiencies (except pensions)	59,514,861.08	92,914,911.30
Miscellaneous	35,736,835.46	51,115,541.81
Total	1,482,760,598.05	2,171,247,974.56

a For eight-year period.

Net increase, 1887-1896 over 1877-1886	$688,487,376.51
Increase, per cent, 1887-1896 over 1877-1886	46.43
Increase, 1887-1896 over 1877-1886, exclusive of Army bills	$707,368,557.94
Increase, per cent, 1887-1896 over 1877-1886, exclusive of Army bills	57.81

INCREASE IN BILLS (EXCEPT PENSION BILLS), PERIOD 1887 TO 1896, OVER 1877 TO 1886, AND DECREASE SAME PERIOD.

Title of bill.	Increase.	Decrease.	Increase.	Decrease.
			Per cent.	*Per cent.*
Agricultural	$20,241,607.06		624.98	
Army		$18,881,181.43		7.27
Diplomatic and consular	3,990,367.96		33.59	
District of Columbia	16,280,102.57		58.48	
Fortification	17,754,224.50		374.95	
Indian	35,383,763.15		70.32	
Legislative	34,132,250.91		19.08	
Military Academy	1,428,692.71		45.02	
Naval	95,667,800.46		66.40	
Post-Office	319,304,922.38		77.97	
River and harbor	57,454,502.90		77.49	
Sundry civil	56,889,366.77		25.81	
Deficiencies	33,400,050.22		56.12	
Miscellaneous	15,378,706.35		43.03	
Total	707,368,557.94	18,881,181.43		

Net increase	$688,487,376.51
Net increase, per cent, on foregoing bills	46.43
Increase, per cent, exclusive of Army bills	57.81

Comparison of the general appropriation bills (except pensions and river and harbor appropriations carried to the river and harbor bills) reported by House Committee on Appropriations and those reported by other House committees.

Total appropriations by District of Columbia, fortification, legislative, sundry civil, and deficiency bills reported by Committee on Appropriations, namely:	
For period 1887-1896	$649,770,263.19
For period 1877-1886	491,314,268.22
Increase	158,455,994.97
Increase, per cent	32.25
Total appropriations by Agricultural, Army, diplomatic and consular, Indian, Military Academy, naval, Post Office, and river and harbor bills reported (during the period 1887-1896) by other House committees than Appropriations, namely:	
For period 1887-1896	1,470,362,169.56
For period 1877-1886	955,709,494.37
Increase	514,652,675.19
Increase, per cent	53.85

SUMMARY OF COMPARISONS.

Total appropriations (except pensions) period 1887-1896	$2,171,247,974.56
Total appropriations (except pensions) period 1877-1886	1,482,760,598.05
Increase, 1887-1896 over 1877-1886	688,487,376.51
Increase, per cent	46.43
Increase, per cent, exclusive of Army bills	57.81
Total of bills (except pensions) in charge of Committee on Appropriations, House of Representatives—	
Period 1887-1896	649,770,263.19
Period 1877-1886	491,314,268.22
Increase	158,455,994.97
Increase, per cent	32.25
Total of bills in charge (during period 1887-1896) of other committees, House of Representatives—	
Period 1887-1896	1,470,362,169.56
Period 1877-1886	955,709,494.37
Increase	514,652,675.19
Increase, per cent	53.85
Population, census 1890	62,622,250
Population, census 1880	50,155,783
Increase, 1890 over 1880	12,466,467
Increase, per cent, 1890 over 1880	24.85+
Per capita appropriation 1887-1896, on basis of 1890 population	34.67+
Per capita appropriation 1877-1886, on basis of 1880 population	29.56+
Increase per capita, 1887-1896 over 1877-1886	5.11−
Increase in appropriations on account of per capita increase, 1887-1896 over 1877-1886	319,939,923.74
Increase in appropriations on account of increase in population on per capita of $29.56+, 1887-1896 over 1877-1886	368,547,452.77
	688,487,376.51

Mr. CANNON. Now, Mr. Chairman, just a word in closing this debate.

Mr. DOCKERY. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD.

Mr. PITNEY. I should like to have similar permission.

Mr. SAYERS. I should like to take the same privilege.

There was no objection, and it was so ordered.

Mr. CANNON. After a day's debate upon this bill, I apprehend there has been imparted much of information, possibly a little of misinformation; but on the whole, I suppose the day has been profitably spent on various questions, and I think they are germane. Evidently if we recognize Cuban independence, whether there is any government there or not, I suppose the Ways and Means Committee ought to take notice and provide an additional block of revenue. Certainly this would be necessary if we propose to dominate that island. However, appropriations should not stand in the way of our duty, if our duty is along that line. But, so far as I am concerned, with the knowledge I have, I am not prepared to recognize Cuba, its independence, or to accord belligerent rights.

When the executive performs its function and we are in possession of facts upon which to intelligently proceed, then I am quite content to take my share of responsibility. I know there is much of sympathy expressed with the downtrodden people of the earth, and properly so. The earth is 25,000 miles around. There are a great many improper things done inside of our borders, and a great many more outside of our borders. Lots of things happen in South America that ought not to, and in the islands of the sea that ought not to happen; and I am told that in the Dark Continent even yet there are multiplied thousands of people being killed and eaten by their brethren. Well, all these things always affect me, strike a chord of sympathy or beget indignation. It is easy to talk. After all, when it comes to the United States reaching out its hands and making all things right, that is quite another question.

Now a word as to this bill in good faith.

Mr. HYDE. Before the gentleman leaves that subject, I want to ask him if the action of this body at the present time upon the Cuban question is meritorious if we adjourn and do nothing more?

Mr. CANNON. Well, sir, I am not in possession of any knowledge that would authorize action on my part. Now, if I could just say in good faith to the gentleman, and meaning what I say——

Mr. HYDE. I have reference to the resolutions we have adopted and what has been done with them.

Mr. CANNON. I say, meaning exactly what I say, and measuring my words, I fear that the population in the Island of Cuba is not very desirable for self-government. There are a good many of them. I am not prepared at this time to say that the United States should, with or without the consent of Spain and the balance of the world, adopt a colonial policy and establish a protectorate and become responsible for the people of that island.

Mr. HYDE. Have not we done that in the case of Venezuela?

Mr. CANNON. Not by any manner of means. I would not be prepared to say it for Venezuela, either. I am not prepared to say, in my judgment, as the United States is without a colonial policy, that we should not at this time seek to acquire Cuba and make it a part of our territory, carving out one or more States. There are a good many things to think about before we enter upon that policy. In other words, while there is a failure of knowledge, I am willing to wait, notwithstanding that frequently people not charged with the responsibility are found to be in favor of conquest and war. Declamation is easy sometimes when performance is difficult. I did not intend to speak about Cuba, if it had not been for what had already been said on that subject.

Mr. PAYNE. Will the gentleman yield to me for a question?

Mr. CANNON. Certainly.

Mr. PAYNE. I have listened to the debate, and tried and have gathered very much knowledge concerning the provisions of this bill; but there are some particular points I would like to have elucidated a little further. I understood the gentleman to say, in answer to the gentleman from Iowa [Mr. HEPBURN] this morning—and it was entirely pertinent to the inquiry of the gentleman from Iowa—that there were some particular things that involved new legislation in the bill.

Mr. CANNON. Yes, sir; that is correct.

Mr. PAYNE. If it will not divert the gentleman from the line of his argument on the bill, would he just give some suggestions to the House as to what this line of new legislation is?

Mr. CANNON. I would suggest to my very good friend, who I know reads readily, a perusal of the very short but terse report accompanying this bill that sets out every item.

Mr. PAYNE. Is it in print?

Mr. CANNON. The report is in print.

Mr. PAYNE. I wanted to get the information right from the fountain head, the chairman of the committee.

Mr. CANNON. If the gentleman says he can not get a copy of it, I am quite ready to explain any point that may occur to my friend's mind.

Mr. PAYNE. My request was to know what new items of legislation were in the bill.

Mr. CANNON. I have already referred to the report, and by a perusal he will find them fully set out, I will say to my friend.

Mr. PAYNE. If we had only known of this report, we might have saved the whole day and avoided all this general debate. [Laughter.]

Mr. CANNON. My friend knows quite well that under the rules of the House a report must accompany each bill, and under the practice of reporting bills from the Committee on Appropriations the reports have always been short and terse and to the point.

Mr. PAYNE. Does it explain this Cuban matter, and all that sort of thing? [Laughter.]

Mr. CANNON. My friend, by his question, criticises my reference to Cuba. My remarks upon that subject were in response to the remarks of the gentleman from Missouri [Mr. DE ARMOND]; but for fear I may not meet the approval of my distinguished friend from New York, for whose judgment I have a great respect, and whose good opinion I am always anxious to secure, I will refrain from making any further remarks upon that question, and will conclude with a word or two directly about this bill. [Laughter and applause.] I thought I would get the applause of my friend from New York. I have labored hard to earn it. [Laughter.]

Mr. Chairman, this bill, as has been stated, is for a large amount. The reasons for the increase have been explained two or three times; yet the question which some gentlemen have asked convince me that they do not all understand just how and why the increase comes. I commend them to the report. [Laughter.]

Mr. JOHNSON of North Dakota. Mr. Chairman, I desire to ask the gentleman a question. On page 48 there is an item of $19,500 for the support of the natives of the Pribilof Islands. The gentleman will remember that when we had this bill up last year I raised a point of order upon that provision that it was not in pursuance of existing law; but I was beaten then for the reason that points of order on the bill had not been reserved. This time the points of order have been reserved by some of our friends on the other side, and when we reach this item in the consideration of the bill I intend to raise the point of order against it. If, however, there is any merit in the item, I do not desire to obstruct the bill, and as we may not hereafter have an opportunity for discussing the merits, I will ask the gentleman if there is any good reason for continuing that appropriation, because if there is I do not care to raise the point of order.

Mr. CANNON. I think my friend is mistaken. I think points of order have always been reserved on the sundry civil bill.

Mr. JOHNSON of North Dakota. Not last year.

Mr. CANNON. I think my friend is wrong about that. However, if he desires to make a point of order, of course he can do so, though in my judgment the item is not subject to the point of order. My friend and I discussed this matter last session, so that it is not necessary to refer to it further at this time.

Mr. JOHNSON of North Dakota. But the situation is different this year. Last year the Indians got pay for catching and cleaning about 8,000 seals. This year the number is about 30,000, so that if $19,500 was the right amount last year, it certainly can not be right this year.

Mr. CANNON. We will discuss that when we reach the item. I have no desire to give them one dollar beyond what is necessary to keep them from starvation.

Mr. JOHNSON of North Dakota. The trouble is that you are not giving it to them.

Mr. CANNON. Mr. Chairman, as to this bill and the increased appropriations made in it, they result largely from legislation for which my good friend from New York [Mr. PAYNE], like many other gentlemen, voted at the last session of Congress. Now, if anybody wishes to repeal that legislation, well and good. If it is repealed, it will not be necessary for the bill to carry these items; but if that legislation is not repealed, then, in pursuance of law, the appropriations should be made.

Mr. PEARSON. I desire to ask the gentleman a question, upon the answer to which will depend my course. Would it be an act of repudiation in this House to vote against any of these river and harbor items? I would like a very careful answer to that question.

Mr. CANNON. I do not think the question of repudiation comes in at all. Congress has authorized certain expenditures, and contracts for the same have been made. Under that legislation these items are reported for the consideration of the House. If the money is appropriated, or if it is not appropriated the Secretary of War, under the law, can make the contracts. If the money is not appropriated, the Secretary of War can make the contracts anyway.

Mr. PEARSON. Then we can honorably refuse to make the appropriation?

Mr. SAYERS. I will say to my friend from North Carolina that none of the appropriations made in this bill can be used before the 1st day of July next.

Mr. CANNON. Certainly not.

Mr. PEARSON. Then we can honorably refuse to vote for them?

Mr. CANNON. Each man must make up his mind as to what is honorable and what is not honorable in the matter.

Mr. BOATNER. If the Secretary of War has made contracts by reason of existing law and under the provision authorizing contracts in advance, can Congress, without repudiation, refuse to appropriate money sufficient to make those contracts good?

Mr. CANNON. I repeat, Mr. Chairman, that each gentleman must make up his mind upon that question for himself. For my own part, where contracts are made, I shall cheerfully vote for appropriations; and where they have not been made, but where it is perfectly patent to Congress that they are to be made, in my judgment the appropriations ought to be made. In my judgment the appropriation should be made. There is a way now to stop all these expenditures where contracts have not been made—that is, to repeal the law. I think that probably a proposition to repeal the law would not receive the hilarious support of a great majority of the House. [Laughter.] But I want to tell gentlemen just how they could practically get at this matter. During the whole of to-day we have had words, words, words; and I guess I have furnished my part of them for the amusement of the House, possibly more than its instruction. The practical way to get rid of all this river and harbor authorization where contracts have not been made is to repeal the law.

Mr. BOATNER. Does the gentleman think that the contract system has worked badly?

Mr. CANNON. I have not said so.

Mr. BOATNER. Does the gentleman think that it ought to be repealed?

Mr. CANNON. I think the contract system has worked well. I think it has procured cheaper service for the United States. Take the great harbor of Galveston, where you now have a depth of water, I believe, of almost 30 feet.

Mr. SAYERS. Twenty-five feet and over.

Mr. CANNON. Twenty-five feet and over; and the jetties are not quite complete. On that great improvement, costing, I believe, something like $5,000,000 under the continuous-contract system and furnishing a great seaport for the Gulf Coast, the money has been, in my judgment, profitably and economically expended under the continuous-contract system. So on the Great Lakes, the improvements at the Sault Ste. Marie, and various other great improvements. I would not abandon the contract system unless I abandoned river and harbor appropriations altogether. I do not want to go back to the old system. Gentlemen who did me the honor when I first addressed the House this morning to follow what I had to say will recollect that my criticisms were not so much upon the items of the bill—some of them are subject to criticism, but upon the whole they are better than those of most river and harbor bills—but my criticism went to the appropriation and authorization of $70,000,000 last session of Congress by the river and harbor act, when the Government is running almost that much of a deficiency. That was the purport of my criticism. But Congress has entered upon this policy, and unless you have the courage to repeal the laws which authorize these river and harbor improvements it necessarily follows that these appropriations will have to be made.

I will say only one word further. I hope that if this bill is to be considered under the five-minute rule until completed, we shall have prompt attention in the Committee of the Whole and shall press the bill to the earliest possible completion. I doubt whether when the bill is completed any item that is now in it will be out. It may be that some items not now in it will be included.

This is the 13th day of the month—almost the middle. Other appropriation bills are to follow this. In my judgment it would be well, if it were in our power, to send this bill to the Senate on Monday next. In my judgment it would be quite proper to pass it under a suspension of the rules. I do not know what the temper of the House may be. I shall try to ascertain that; and if the judgment of any considerable number or anything like a majority of the House is against a suspension of the rules, I should not feel warranted in asking recognition for such a motion.

Mr. SIMPKINS. Is it not a fact that, although the President of the United States vetoed the river and harbor bill last session, he distinctly approved of the particular feature under which these appropriations are being made? That is to say, did he not approve distinctly and specifically the continuing-contract system of appropriation?

Mr. CANNON. I do not recollect how that is.

Mr. DOCKERY. No; he distinctly disapproved the continuous-contract system.

Mr. CANNON. I do not recollect how that may have been.

Now, Mr. Chairman, in the absence of further query, I will move that the committee rise.

The motion was agreed to.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India; and

A bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons, for purpose of reinvestment, and for other purposes;

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes; and

Joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

LEAVE OF ABSENCE.

Mr. MAHON, by unanimous consent, obtained leave of absence for four days, on account of important business.

JOHN H. LANEY.

Mr. CROWTHER. I ask unanimous consent that a bill now on the Calendar, House bill No. 9763, granting a pension to John H. Laney, be recommitted to the Committee on Invalid Pensions.

There being no objection, it was ordered accordingly.

And then, on motion of Mr. CANNON (at 5 o'clock and 35 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Marblehead Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Columbia Railway Company, of the District of Columbia, transmitting the annual report for the year ended December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Homochitto River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Navy, submitting a detailed statement of the expenditures of the contingent appropriations of the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ELLETT, from the Committee on Interstate and Foreign Commerce, submitting his views upon the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;" which said views (Report No. 2586, part 3) were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes, reported the same without amendment, accompanied by a report (No. 2937); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the House (H. Res. 238) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., reported the same without amendment, accompanied by a report (No. 2939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3588) entitled "An act to insure a full bench in the Court of Claims for the hearing of the cases entitled 'The United States against The La Abra Silver Mining Company and others' and 'The United States against Alice Weil and others,'" reported the same without amendment, accompanied by a report (No. 2940); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 3584) entitled "An act granting a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice." (Report No. 2930.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3981) granting a pension to Russell D. Royal. (Report No. 2931.)

The bill (H. R. 7689) to pension Sarah J. Bossert, widow of Henry M. Bossert, as a colonel's widow. (Report No. 2932.)

The bill (H. R. 9399) granting a pension to James Killoran, alias James Smith. (Report No. 2933.)

By Mr. SHAFROTH, from the Committee on the Public Lands: The bill (S. 1938) entitled "An act allowing Isaiah Mitchell, of Denver, Colo., seven years in which to make a final homestead entry upon certain land." (Report No. 2935.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The bill (S. 3340) entitled "An act authorizing Herbert H. D. Pierce to accept a medal from the Russian Government." (Report No. 2938.)

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, adversely reported the bill (H. R. 4229) for the relief of J. Seymour Taylor; which said bill and report (No. 2936) were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BEACH: A bill (H. R. 10309) to authorize the establishment of a military post at or near the city of Cleveland, in the county of Cuyahoga and State of Ohio—to the Committee on Military Affairs.

By Mr. HOWARD (by request): A bill (H. R. 10312) to authorize the issue of full legal-tender money of the United States, and for other purposes—to the Committee on Banking and Currency.

By Mr. FISCHER: A joint resolution (H. Res. 256) calling for report as to feasible fortification of Romer Shoals, harbor of New York—to the Committee on Appropriations.

By Mr. CUMMINGS: A resolution (House Res. No. 541) asking for information in relation to Cuban affairs—to the Committee on Foreign Affairs.

By Mr. BULL: A memorial of the legislature of the State of Rhode Island, for the preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10310) for the relief of Miss Martha Bruce—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10311) granting a pension to Sarah Harlow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BREWSTER: Resolutions of District Assembly No. 36, Knights of Labor, and Central Labor Union, both of Rochester, N. Y., indorsing the Southwick bill establishing $2 per day as the minimum rate of wages to be paid by the Government for unskilled labor—to the Committee on Labor.

Also, petition of citizens of Webster, N. Y., favoring the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of S. C. West and others, of Huntland, Tenn., favoring the passage of the Sherman bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Woman's Christian Temperance Union of Middletown, R. I., and others; also petition of C. H. Smith and others, of Phenix, R. I., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of Portsmouth, R. I., and others; also of C. H. Smith, of Phenix, R. I., urging the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. CHICKERING: Sundry petitions of citizens of Alexandria Bay, Watertown, Pulaski, and of citizens of the Twenty-fourth Congressional district of the State of New York, favoring the passage of House bill No. 10090 and Senate bill No. 3545, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri (by request): Petition of ex-Union soldiers of Unionville, Mo., urging the passage of House bill No. 9209, for a service pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Martha Bruce—to the Committee on Invalid Pensions.

By Mr. CLARDY: Petition of 45 citizens of Henderson, Ky., asking for the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of citizens of Hitchcock, Tex.; also of Altaloma, Tex., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Petition of C. D. Vail & Co. and 48 others, of Bay City, Mich., protesting against the passage of the Sherman bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Rev. Henry S. Jackson, of Steubenville, Ohio; also of Rev. John Cooper and others, of Belmont, Ohio, in favor of the passage of the Sherman bill (H. R.

10090), to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Mitchell Cox and 5 other members of Branch No. 491 of the National Association of Letter Carriers, favoring the passage of House bill No. 4051, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HADLEY: Petition of H. W. Todd and others, of Vandalia, Ill.; of Charles O. McMullen, Truman E. Ames, and others, of Shelbyville, Ill., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Petition of citizens of Logansport, Ind.; also of citizens of Goodland, Ind., favoring the passage of House bill No. 10090, to prevent the illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Petition of W. V. Duke and others, of Evansville, Ind., favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of James Sterling, chief conductor, and W. R. Hammond, secretary, of the Order of Railway Conductors, of Eagle Grove, Iowa, urging consideration of the Erdman arbitration bill—to the Committee on Rules.

By Mr. HILL (by request): Petition of W. E. Jeffries, Herbert L. Bertram, Joel S. Ives, and others, of Stratford, Conn., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of W. E. Jeffries, H. L. Bertram, and others, of Stratford, Conn., in favor of the bill raising the age of consent (H. R. 3203)—to the Committee on the Judiciary.

Also (by request), petition of the Woman's Christian Temperance Union and others, of Stratford, Conn., in favor of the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also (by request), petition of the Woman's Christian Temperance Union of Stratford, Conn., and others, favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

By Mr. HITT: Petition of D. E. Price and others, of Mount Morris, Ill., favoring the passage of House bill No. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Resolutions of Council No. 93 of the American Protective Association, of Chippewa Falls, Wis., against granting to any church, sect, or religious organization the right to erect or maintain any building or buildings upon lands owned or controlled by the United States—to the Committee on Public Buildings and Grounds.

By Mr. KLEBERG: Petition of Walter Kinman and others, of Goliad, Tex., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of Mrs. Jennie M. Pittsman and 115 other citizen of Prescott, Nevada County, Ark., asking for legislation prohibiting the issue of liquor licenses in prohibitive territory—to the Committee on Alcoholic Liquor Traffic.

By Mr NOONAN: Petition of citizens of Valverde County, Tex., favoring the passage of the Sherman bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of Michael Kruszka, publisher, of Milwaukee, Wis., favoring the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of C. E. Fitch and others, of Wolcott, N. Y.; also of citizens of Red Creek, N. Y., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of George H. Miller and 19 other citizens of Newark, N. J., praying for the passage of the McMillan-Linton bills, regulating fraternal beneficiary societies, orders, and associations in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PENDLETON: Sundry petitions of citizens of Crawford, Milano, and Temple, Tex., favoring the passage of House bill No. 10090, known as the Sherman bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of Rev. W. H. Musgrove and others, of Virden and Peoria, Ill., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON: Petition of B. H. Behrends and 332 other citizens and residents of Alaska, praying that the Territory be allowed representation by Delegate in Congress—to the Committee on the Territories.

By Mr. SHERMAN: Petition of J. C. Davies and others, of Camden, N. Y.; O. Cromwell and others, of Chacahoula, La.; J. J. Griffin and others, of Kingsbury, La.; W. J. McCelan, M. D., and others, of Morgan City, La.; Cyrus Cutler and others, of Goldens Bridge, N. Y.; Judson I. Wood and others, of Ilion, N. Y.; also resolution of the commissioners of the New York Board of Trade and Transportation Company, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Petition of the Young People's Christian Union of Dunbar, Nebr., favoring the passage of Senate bill No. 1675, to prevent the carrying of obscene literature from one State to another—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of J. C. Adams, of Cresco, Iowa, favoring the Loud bill (H. R. 4566), amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of the News Publishing Company, North Tonawanda, N. Y., in favor of the passage of House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of J. T. Connor and other citizens of Cumberland County, Ill., urging the passage of House bill No. 10090 and Senate bill No. 3515, known as the antirailroad scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 15, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

LEGATION BUILDINGS ABROAD.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting for the information of the Senate a memorandum showing the estimated cost of official residences of ambassadors and ministers of the United States at the capitals of the more important countries with which this Government maintains diplomatic relations, which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislative assembly of New Mexico, praying that a protective tariff be placed on all wools imported into the United States sufficient in amount and so regulated as to afford the American woolgrowers the protection necessary to preserve the industry; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the legislative assembly of the Territory of New Mexico, in its thirty-second session assembled, would most earnestly and respectfully urge the placing of a protective tariff on all wools imported in the United States sufficient in amount and so regulated as to afford the American woolgrowers the protection necessary to preserve this great industry and to render woolgrowing remunerative to the sheep owner.

We earnestly request that such inferior articles as waste and shoddy, used as adulterants of wool, be excluded by duty on such articles equivalent to the duty on the best and highest quality of wool of similar condition.

And your memorialists will as in duty bound ever pray, and so forth; and,

Be it resolved, That the secretary of the Territory be, and he is hereby, directed to send a copy of this memorial to each the President of the Senate and the Speaker of the House of Representatives, and to Hon. THOMAS B. CATRON, Delegate in Congress for New Mexico, at Washington, D. C.

W. H. H. LLEWELLYN,
Speaker of the House.
W. C. REID,
Chief Clerk of the House.
ANTONIO JOSEPH,
President of the Council.
H. B. HOLT,
Chief Clerk of the Council.

Approved February 9, 1897.

W. T. THORNTON,
Governor.

[Indorsed.]

Filed in office of secretary Territory of New Mexico February 9, 1897.

LORION MILLER, *Secretary.*

TERRITORY OF NEW MEXICO, *Office of Secretary, ss:*

I have compared the preceding copy of substitute for C. J. M., No. 2, of laws of 1897 of the Thirty-second legislative assembly of New Mexico, it being a memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled, with the original thereof on file in this office, and I hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of the secretary of the Territory, at Santa Fe, the 9th day of February, 1897.

[SEAL.]

LORION MILLER,
Secretary of New Mexico.

The VICE-PRESIDENT presented a memorial of the legislative assembly of New Mexico, remonstrating against the passage of the so-called Avery bill, to validate certain outstanding militia

warrants against that Territory; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

Joint memorial.

Whereas there is a large alleged and fraudulent indebtedness known as the "militia warrants" in the Territory of New Mexico; and

Whereas there is now pending in Congress of the United States a bill known as the "Avery bill," for the purpose of validating and legalizing said indebtedness and imposing payment of the same upon the Territory of New Mexico: Therefore,

Be it resolved by the legislative assembly of the Territory of New Mexico, That the Congress of the United States be, and is hereby, earnestly requested to defeat the passage of said bill No. —, for the reason that the passage or enactment of said bill into a law would impose a fraudulent and an unjust indebtedness upon the Territory of New Mexico, and would increase the influential burden of said Territory fraudulently and unjustly; and

Be it further resolved, That the chief clerks of the council and the house of representatives of the legislative assembly of the Territory of New Mexico are hereby directed to transmit to the President of the United States, to the House of Representatives, and to the Senate of the United States a certified copy of this joint memorial as soon as the same is passed by this legislative assembly and properly signed by the president of the council and the speaker of the house and the said chief clerks of the council and house, respectively.

We, the undersigned, president and chief clerk of the council and the speaker and chief clerk of the house of representatives of the Thirty-second legislative assembly of the Territory of New Mexico, do hereby certify that the above and foregoing is a full, true, and correct copy of a joint memorial passed by the respective houses of said legislative assembly.

In witness whereof we have hereunto set our respective hands and seals this 11th day of February, A. D. 1897.

ANTONIO JOSEPH,
President of the Council.
H. B. HOLT,
Chief Clerk of the Council.
W. H. H. LLEWELLYN,
Speaker of the House of Representatives.
W. C. REID,
Chief Clerk of the House of Representatives.

The VICE-PRESIDENT presented sundry petitions of citizens of Illinois, Indiana, and Ohio, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of College Springs, Iowa, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Yarmouth, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the United States Government; which was ordered to lie on the table.

He also presented a petition of the faculty of Wheaton College, Wheaton, Ill., and a petition of the Missouri Woman's Christian Temperance Union, of Kansas City, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. SEWELL presented the memorial of Joseph Shepard and 38 other citizens of Quinton, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Florence, N. J., praying for the enactment of legislation further to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Asbury Park, N. J., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Pemberton, N. J., and a petition of the Young People's Society of Christian Endeavor of Rahway, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of members of the Third Baptist Church, of the Union Methodist Episcopal Church, of the Bethel African Methodist Episcopal Church, of the First Baptist Church, and of the Trinity Methodist Episcopal Church, all of Camden, N. J., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were ordered to lie on the table.

He also presented the petition of E. H. Colyer and 20 other citizens of Newark, N. J., and a petition of Assembly No. 35, Royal Society of Good Fellows, of Jersey City, N. J., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

He also presented sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. PETTIGREW presented a petition of sundry citizens of Canton, S. Dak., and a petition of sundry citizens of South Dakota, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of Turner & Lowry, publishers of the McPherson County Herald, of Leola, S. Dak., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the appointment of an impartial nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation further to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. MORRILL. I present a petition of sundry American citizens, officers of Polish-American organizations and representatives of the Polish-American press of the United States, praying Congress to amend the bill to regulate immigration so that it will not exclude Poles from admission into this country. As the bill on this subject has already been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. DAVIS presented a petition of the legislature of Minnesota, praying for the passage of House bill No. 1, relating to the classification and compensation of clerks in the United States Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

A bill for a joint resolution praying Congress to pass H. R. bill No. 1, relating to the classification and compensation of clerks in the United States Railway Mail Service.

Be it enacted by the legislature of the State of Minnesota, That whereas the United States Railway Mail Service is of inestimable value and increasing importance to all classes of our citizens, and especially to the business classes; and

Whereas it appearing that this branch of the Post-Office Department has not been reorganized nor the clerks reclassified since the year 1882, since which time the mail handled has vastly increased, both in volume and importance, making the service required of its employees arduous and exacting, calling for ability and sacrifice demanded in no other branch of the Government service; and

Whereas according to reports of the Post-Office Department clerks on through runs can stand the physical and mental strain of the work but fifteen years on an average; and

Whereas the continued improvements in the service demand additional requirements in the employees; and

Whereas a bill having been introduced into Congress, in behalf of the National Association of Railway Postal Clerks, which provides for a reclassification of railway postal clerks, and said bill having been indorsed by the honorable Postmaster-General, and reported upon favorably by the House Committee on Post-Offices and Post-Roads: Therefore

Be it resolved, That the legislature of the State of Minnesota does indorse said bill, which bears title as H. R. bill No. 1, and petition our Senators and Representatives in Congress to vote for and by all just means in their power endeavor to secure the passage of said bill; and

Resolved, That a copy of the foregoing preamble and resolution be immediately transmitted to our Senators and Representatives in Congress from this State.

STATE OF MINNESOTA, *Department of State:*

I, Albert Berg, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original joint resolution in my office, Senate file No. 71, being a joint resolution praying Congress to pass H. R. bill No. 1, said Senate file No. 71 duly approved February 11, 1897, and that said copy is a true and correct transcript of said original resolution, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 11th day of February, A. D. 1897.

ALBERT BERG, *Secretary of State.*

Mr. DAVIS presented a petition of the Minnesota State Historical Society, praying that the frigate *Constitution* be restored, and that she be removed from Kittery, Me., to Washington, D. C., or Annapolis, Md.; which was referred to the Committee on Naval Affairs.

He also presented the petition of C. R. McKenney, publisher of the Sentinel, of North St. Paul, Minn., and a petition of sundry publishers of Minnesota, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Jobbers' Union of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the general passenger and ticket agents of the transportation lines east of Chicago, Ill., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Waukeasage, Portage, and Hartford, and of Division No. 45, Order of Railway Conductors, of Milwaukee, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of representatives of the churches of Janesville, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Board of Trade of La Crosse; of J. C. Wilmarth, publisher of the Gazette, of Janesville; of Michael Krurzka, publisher of the Daily Kuryer Polski, of Milwaukee, and of Ellis B. Usher, publisher of the Morning Chronicle, of La Crosse, all in the State of Wisconsin, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of Bloomfield Union, No. 8, Brotherhood of the Union, Grand Circle of New Jersey, of Bloomfield, N. J., praying for the appointment of an impartial, nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented petitions of the Board of Trade of Newark; of Benjamin Atha, of Newark; of the Board of Trade of Asbury Park; of the Society of Good Fellows, of Jersey City, all in the State of New Jersey, and a petition of 500 citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. MILLS presented the petitions of J. A. Goldstein, publisher of the Artesia, of Waco; of James O. Jones, publisher of the Daily and Weekly Light, of Waxahachie; of D. R. Hamilton, publisher of the Tilden Tidings, of Tilden, and of D. S. Booth, publisher of the San Diego Sun, of San Diego, all in the State of Texas, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ROACH presented a petition of the legislature of North Dakota, praying for the enactment of legislation to reclassify and prescribe the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

A concurrent resolution for a memorial to Congress, praying for the passage of the bill (H. R.) to reclassify and presbribe the salaries of railway postal clerks.

Be it resolved by the house of representatives (the senate concurring), That the following memorial be presented to the Senate and House of Representatives of the United States of America in Congress assembled:

To the honorable the Congress of the United States:

Whereas the efficiency of the Railway Mail Service is of great interest and importance to all who have occasion to use the mail; and

Whereas there has not been a reorganization of the service within the past twenty five years; and

Whereas there is, in consequence, great disparity in many cases between the value of the services rendered and the salaries paid therefor, particularly in view of the frequent accidents on railroads, subjecting railway postal clerks to fatal or serious injuries when passengers escape unharmed; and

Whereas the efficiency of the service would be greatly promoted by the payment of salaries commensurate with the value of the services rendered and the risks incurred: Therefore,

We, the representatives of the people of the State of North Dakota, in legislative assembly convened, do respectfully pray for the speedy passage by your honorable body of the bill (H. R.) to reclassify and prescribe the salaries of railway postal clerks, and we will ever pray, etc.

Be it further resolved, That copies of these resolutions, signed by the speaker of the house and the president of the senate, and attested by the chief clerk of the house and the secretary of the senate, be transmitted to Hon. HENRY C. HANSBROUGH and Hon. WILLIAM N. ROACH, representing this State in the Senate of the United States, and to Hon. MARTIN N. JOHNSON, representing this State in the United States House of Representatives.

E. A. WILLIAMS,
Speaker of the House.

Attest:
H. E. LAVATEA, *Chief Clerk.*

J. M. DEVINE,
President of the Senate.

Attest:
J. O. SMITH, *Secretary of the Senate.*

Mr. BATE presented petitions of the American Homes Publishing Company, of Knoxville; of the Gospel Advocate Publishing Company, of Nashville; of Tom W. Neal, publisher of the State Gazette, of Dyersburg, all in the State of Tennessee; and the petition of F. M. Lupton, publisher and bookseller, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter: which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented petitions of sundry citizens of Nebraska City and Winnemucca, Nebr., praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented the petition of L. A. Williams, publisher of the Pilot, of Blair, Nebr., and the petition of N. H. Parks, of Columbus, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK presented a petition of the legislature of Wyoming, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 1, senate, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

Fourth legislature of the State of Wyoming. Enrolled joint resolution No. 1, senate, State of Wyoming.

Joint resolution and memorial to the Congress of the United States, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of the State.

Your memorialists, the Fourth legislature of the State of Wyoming, would most respectfully represent:

That all of the lands within the boundaries of the State of Wyoming are what is known as "arid" lands; the reclamation and settlement of these lands must be accomplished under different conditions from those confronting the settler in the humid portions of this country; that none of the lands now the property of the State can be sold for less than $10 per acre, which is the minimum price allowed by the terms of the act of admission and the State constitution, thus causing unfair competition with United States lands which are sold to settlers under the provisions of the several acts of Congress at prices ranging from 50 cents to $2.50 per acre.

Experience has demonstrated that the present land system is not suited to the conditions which prevail in this State, and as a result many obstacles are interposed to the development of the country.

The reclamation of the agricultural lands imposes upon the settler and upon the State labor and expense not incurred in the humid portions of the country; ditches must be constructed and the lands prepared for the application of water before there is any return to the farmer; in addition to this great labor and expense it is necessary for the State to exercise a supervision over them in order that just distribution of water may be made to those entitled to it.

Thus far the State has borne the entire expense of the investigation of its agricultural resources and the supervision of the public waters.

The efficiency of this work has been greatly impaired by reason of the inability of the State to assist in any way in the reclamation and settlement of the desirable lands or to restrict the diversion of water on the less desirable.

The importance of the pastoral interests of this State makes it desirable that provision be made for the utilization of the grazing land in connection with the contiguous irrigable areas. These grazing lands comprise the greater part of territorial extent.

None of the present land laws make adequate provision for securing possession or management of these lands. In our judgment it is impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. Conditions differ in different sections of the United States, and the people of each section are best calculated to determine the system best suited to their needs. We believe that by giving to the State full control over all classes of land the best results can be obtained.

If the State controlled the lands, it would be possible to connect water rights with land titles of all irrigable lands; that this is desirable is admitted by all familiar with the subject.

The results already achieved are a sufficient guaranty of what can be accomplished under more favorable conditions. Even with the imperfect means at hand the value of lands have not only been enhanced, but its productive capacity has been correspondingly augmented. Such results are of interest and value to the whole nation, and in our opinion entitles the State to generous recognition.

The water laws of this State have been highly recommended. The State constitution and statutes contain provisions requiring the inauguration of the most systematic and complete supervision of its public waters yet undertaken by any Commonwealth in this country.

It is only, however, by uniting the control of both water and land under one authority that our irrigation system can have the fullest measure of stability and success.

We believe that the control of this subject can wisely and safely be intrusted to the State, since the practical knowledge is almost wholly confined to those engaged in the work. By endowing the State with means and placing upon it the responsibility for the development of our resources, a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the success of the undertaking. It will put the solution of this problem in the hands of the people best informed as to its details and most interested in its success.

Because of the facts hereinbefore detailed, your memorialists respectfully pray that Congress will, by suitable legislation, grant to the State of Wyoming the unoccupied and unappropriated public lands within said State.

Resolved, That the secretary of state be, and he is hereby, respectfully requested, on the approval of this memorial, to forward a duly authenticated copy thereof to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of Congress.

GEORGE E. ABBOTT,
President of the Senate.

A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. CLARK presented a petition of the legislature of Wyoming, praying for the ratification of the treaty with the Shoshone and Arapahoe tribes of Indians; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 5, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

ENROLLED JOINT RESOLUTION, NO. 5.

House of representatives, State of Wyoming. Joint memorial to Congress.

Your memorialists, the Fourth legislature of the State of Wyoming, respectfully represent:

That they believe it would be of great benefit to the people of the United States, as well as the people of Wyoming, if the treaty recently made between the United States and the Shoshone and Arapahoe tribes of Indians, whereby said tribes agreed, in consideration of the sum of sixty ($60,000) thousand dollars, to cede to the United States Government a tract of land 10 miles square, situated in the northeast corner of the Wind River or Shoshone Indian Reservation, upon which are the famous Big Horn Medical Springs, were ratified, for the following reasons:

First. Owing to a tribal superstition said springs are never used or frequented by the Indians.

Second. Being on the reservation, no adequate accommodation can be furnished the people who flock there for relief.

Third. If the tract is ceded to the Government, ample accommodations for invalids and visitors will be at once provided, a railroad will certainly be built, and their cession to the United States would result in a great good to afflicted people everywhere.

Fourth. The springs cover a large tract of land and are possessed of the most marvelous curative properties of any waters of the known world. Though remote from railroad transportation, they were visited by nearly 400 afflicted people the past summer, all of whom were either cured or greatly benefited and, without other accommodations than that furnished by tents, at this time no less than sixty people are there, bearing the storms of winter, bathing in the waters.

Therefore your memorialists would most respectfully urge Congress to give the matter of the ratification of said treaty, and the appropriation therefor, immediate and favorable consideration, to the end that afflicted humanity everywhere may have the benefit of this wonderful provision of nature to cure their ills and heal their diseases. And your memorialists will ever pray, etc.

Resolved, That an authenticated copy of this memorial be forwarded by the secretary of state to each Senator and to the Representative in Congress from this State, and they are hereby respectfully requested to bring the matter to the attention of Congress and to use every honorable means to secure favorable action thereon.

GEORGE E. ABBOTT,
President of the Senate.

A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS.

Mr. LODGE presented a memorial of 28 citizens of Plymouth, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Mansfield, Quincy, Boston, and Weymouth, all in the State of Massachusetts, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Assembly No. 121, Royal Society of Good Fellows, of Taunton, Mass., praying for the enactment of legislation regulating beneficial societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the trades and labor unions of Detroit, Mich., praying for the passage of the so-called Lodge immigration bill, with certain amendments; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union and the Epworth League, of Tilton, N. H., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union and the Epworth League, of Tilton, N. H., praying for the appointment of an impartial nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Newport, N. H., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Endeavor Society of the First Evangelical Congregational Society of Seabrook and Hampton Falls, N. H.; a petition of the Young People's Society of Christian Endeavor of Bennington, N. H., and a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PERKINS presented a joint resolution of the legislature of California, urging attention to the necessity of protecting the asphalt interests of the United States by a suitable tariff; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 8. Introduced by Senator Androus, January 15, 1897. Referred to committee on Federal relations.

SENATE JOINT RESOLUTION NO. 8.

Whereas the asphalt business of the United States is becoming one of the important industries of the country and the improvement of streets and highways of the greatest importance to the public health and comfort; and

Whereas the asphalt used in such improvements is obtained principally from foreign lands, amounting approximately to 100,000 tons per annum, paying to foreign countries large royalties and export charges; and

Whereas within the confines of the United States, and particularly in the State of California, there exist inexhaustible deposits of asphalt of the highest quality, and if protection is given to this domestic industry it may be developed to such an extent as to supply a large amount of the asphalt used within the United States: Therefore

Be it resolved by the senate (the assembly concurring), That our Senators be instructed and our Representatives be earnestly requested to use their best endeavors to have adequate protection to the asphalt interests inserted in the new tariff bill now being prepared, and that the secretary of the senate be, and he is hereby, instructed to transmit to our Senators, Representatives, and Representatives elect a copy of these resolutions.

Mr. PERKINS presented a joint resolution of the legislature of California, relative to foreign immigration and the proper restriction thereof; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Senate joint resolution No. 10, introduced by Senator Bulla, January 20, 1897.

Read and adopted.

Senate joint resolution relating to foreign immigration and proper restriction thereof.

Whereas immigration to the United States of the illiterate, pauper, and criminal classes of other countries has grown to such proportions as to seriously endanger the interests of our people and even threaten the perpetuity of our institutions; and

Whereas there is now pending in Congress proposed legislation for the correction of this rapidly growing evil: Now, therefore,

Be it resolved by the senate (the assembly concurring), That our Senators in Congress be instructed, and our Representatives be earnestly requested, to vote for and use all honorable means to secure the passage of such pending measures as they deem best fitted to secure proper and sufficient restriction of foreign immigration, to the end that the interest of our people shall be adequately protected and the blessings of free government maintained and assured.

Mr. PERKINS presented sundry memorials of citizens of California, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of California, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of California, praying for the passage of House bill No. 4566, relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the general assembly of Rhode Island, praying Congress to take such action as will preserve the U. S. frigate *Constitution* as a memorial of the nation's early victories on the sea; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island. In general assembly. January session, A. D. 1897.]

Resolution recommending to Congress the passage of a bill for the preservation of the United States frigate *Constitution.*

Resolved, That the general assembly of Rhode Island respectfully and urgently request the Congress of the United States to take such action as will preserve the United States frigate *Constitution* as a memorial of the nation's early victories on the sea.

Resolved, That the Senators and Representatives in Congress from this State be, and they hereby are, requested to use their best efforts to secure such legislation as will accomplish said project, and to procure the necessary appropriation by Congress for such purpose.

Resolved, That the secretary of state be directed to forward a copy of the above resolutions to each of the Senators and Representatives in Congress from this State.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, February 8, 1897.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 5th day of February, A. D. 1897.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

[SEAL.] CHARLES P. BENNETT,
Secretary of State.

Mr. WETMORE presented the petition of Bishop Thomas M. Clark and sundry other clergy of the Protestant Episcopal Church of Rhode Island, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Carl Huber, publisher of the Correspondent, of Portsmouth, Ohio, praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Glenville, Ohio, and a petition of the Yearly Meeting of the Religious Society of Friends of Wilmington, Ohio, and a petition of the National Board of Trade of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of the Christian Endeavor Society of Youngstown, of the Yearly Meeting of the Religious Society of Friends of Wilmington, of the Woman's Christian Temperance Union of Glenville, and of members of the Second Congregational Church of Oberlin, all in the State of Ohio, praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented 87 petitions signed by sundry citizens of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a memorial of sundry citizens of New Milford, Conn., and a memorial of sundry citizens of Simsbury, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Plymouth, Conn., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the enactment of legislation to protect further the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the Business Men's Club, of Galesburg, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Rock Island, Plainfield, and Lagrange, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented 68 petitions signed by sundry citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. PEFFER presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorial of F. J. Altswager, editor of the School and Fireside, of Hutchinson, Kans., and the memorial of W. H. McClure, manager of the Light, of Greeley, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorials of Frank A. Chapin, of Hackney; of Rev. J. C. Post, of Mulvane; of Byron Tyler, of Winfield, and of Y. A. Wolfe, of Grenola, all in the State of Kansas, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of J. H. Foley and sundry other citizens of Leavenworth, Kans., and the petition of L. S. Dickey and sundry other citizens of Leoti, Kans., praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented the memorials of Oscar Offerle and sundry other citizens of Offerle, of W. F. Bolton and sundry other citizens of Scranton, of Thomas S. Roberts and sundry other citizens of Osawatomie, of A. H. Warner and sundry other citizens of Pierceville, and of L. R. Noel and sundry other citizens of Harper, all in the State of Kansas, remonstrating against the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. HANSBROUGH presented a petition of the legislature of North Dakota, praying for the passage of House bill No. 1, to reclassify and prescribe the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of North Dakota, praying for the enactment of legislation for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations; which was referred to the Committee on Public Lands.

Mr. WILSON presented the memorials of Rogers Bros., publishers of the West Ferndale Clipper, of West Ferndale; of J. A. Hood, publisher of the Weekly Recorder, of Aberdeen; of Bass Bros., publishers of the People's Advocate, of Colfax; of W. J. Story, publisher of the Agriculturist, of Goldendale; of Gibson & Smith, news dealers, of Puyallup, and of sundry citizens of Puyallup, all in the State of Washington, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WHITE presented the memorial of J. C. B. Smith and sundry other citizens of Redlands, Cal., and the petition of F. C. Jenks and sundry other citizens of California, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Thomas Kemp, publisher of the Times, of Palo Alto; of M. J. Smeltzer, publisher of the Daily and Weekly Journal, of Salinas; of T. J. Sherwood, publisher of the Marysville Democrat; of W. F. Vallandigham, editor of the Democrat, of Redding; of J. D. Stanford, publisher of the Shasta County Democrat, of Redding, and of F. C. Nuchalis, publisher of the Monterey Cypress, all in the State of California, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of J. E. Sherrill, of Danville, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Evansville Furniture Company and the Evansville Mattress and Lounge Factory, of Price Bros. & Co., of the Buehner Chair Company, of Sholisky & Co., of the Karges Furniture Company, of the Furniture Manufacturers' Association, and of the E. Q. Smith Chair Company, all of Evansville, in the State of Indiana, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented 40 petitions, signed by sundry citizens of Indiana, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. VEST presented a petition of the Board of Trade of Kansas City, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Boone, Jackson, and Saline counties, and of sundry citizens of Holden and St. Louis, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. TURPIE presented the petition of Hale Clark, publisher of the Advertiser, of Washington, Ind., and the petition of S. B. Boyd, publisher of the Democrat, of Washington, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Richmond, Hanover, Crawfordsville, Fort Wayne, Anderson, and Winchester, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the legislature of Minnesota, praying for the passage of House bill No. 1, providing for the reclassification and compensation of clerks in the United States railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Tham Thompson and sundry other citizens of Lanesboro, Minn., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a memorial of sundry citizens of Wymore, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of F. O. Wisner, publisher of the Transcript, of Bayard; of Clark Perkins, publisher of the Republican, of St. Paul, and of Allen & Brudage, publishers of the Chieftain, of Tecumseh, all in the State of Nebraska, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a memorial of the general assembly of Iowa, remonstrating against the removal of the Des Moines (Iowa) pension agency from that city to St. Louis, Mo.; which was referred to the Committee on Pensions.

He also presented the petition of Rev. Scott W. Smith, of Boone, Iowa, and the petition of D. H. Stuhr and 98 other citizens of Davenport, Iowa, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented the petition of Sam G. Sloane, publisher of the Citizen, of Charles City, Iowa, and the petition of S. E. Zallinger, publisher of the Enterprise, of Defiance, Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Jacob G. Schmidt, publisher of Der Deutsch-Amerikaner, of Waterloo, Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Frank N. White, of Burlington, Iowa, and the petition of W. H. McCue, of Fort Madison, Iowa, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

Mr. PASCO presented the memorial of B. Lester Gladden and 22 other citizens of Green Cove Springs, Fla., and the memorial of S. Boteler Thompson and sundry other citizens of Lake City, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of Pittsford, Vt., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise; for the appointment of an impartial nonpartisan agricultural commission, and to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Troy Conference Academy, of Poultney, Vt.; of members of the Baptist, Methodist Episcopal, Protestant Episcopal, and Welch Presbyterian churches, of Poultney, Vt.; of the Winooski Association of Congregational Ministers, of Burlington, Vt., and of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of the Napper-Tandy Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of members of the Bethany Church, of Montpelier, Vt.; of the Young People's Society of Christian Endeavor of the First Baptist Church, of Chester, Vt.; and of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. BACON presented a petition of sundry citizens of Savannah, Ga., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. BRICE presented the petitions of Rev. Calvin H. Schneider, of Rogersville; of 43 citizens of Millersburg; of 8 citizens of Geneva; of 24 citizens of Wakeman; of 28 citizens of Delta; of S. T. Wynn, of Wauseon; of Joseph Harrison, of Fayette; of 11 citizens of Dayton; of Rev. A. Zimmerman, of Shanesville; of 69 citizens of Clyde; of Rev. F. M. Myers, of Sydney; of Rev. J. N. Barnett, of Belleville; of Rev. W. H. Lehmann and sundry other ministers, of Lima; of 21 citizens of Stryker; of Edwin P. Thomson, of Springfield; of 23 citizens of Cleveland; of 4 citizens of Waverly, and of 4 citizens of Toledo, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 14 citizens of Youngstown, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Troy, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; for the prohibition of the sale of intoxicating liquors in the Capitol building, and for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Cedarville; of the Vindicator Printing Company, publishers of the Youngstown Vindicator, of Youngstown; of William F. Maag, publisher of the Rundschau, of Youngstown; of F. T. Lane, publisher of the Toledo Blade, of Toledo; of W. H. Gate, publisher of the Ashland Press, of Ashland, and of the Sun Publishing Company, publishers of the Morning Sun, of Springfield, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented petitions of members of the Congregational Church of Menasha; of Charles Boucher and 9 other citizens of Fond du Lac; of W. C. Whitford and 25 other citizens of Milton; of F. F. Frawley and sundry other citizens of Eau Claire; of William E. Plummer and sundry other citizens of Durand; of T. H. Rumsey and sundry other citizens of Berlin; of H. T. Bueller and sundry other citizens; of H. E. Knapp and 39 other citizens; of W. H. Iliff and 25 other citizens of Fond du Lac; of W. W. Stevens and 12 other citizens of Fort Atkinson, and of W. T. Pinkerton and 31 other citizens of Mazomanie, all in the State of Wisconsin, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

He also presented the petitions of J. C. Wilmarth, publisher of the Gazette, of Janesville; of Ellis B. Usher, publisher of the Chronicle, of La Crosse, and of Ryan & Bro., publishers of the Evening Crescent, of Appleton, all in the State of Wisconsin; and the petition of William P. Thompson and 11 other citizens of Philadelphia, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of William Gill, of Roberts; of William W. Sleeper, of Beloit; A. E. Smith, of Richland Center; F. Osterheld, of Stoughton; the Pilgrim Congregational Church, of Milwaukee; Alexander E. Matheson and Harry Morris, of Racine; the Methodist Episcopal Church, of Columbus; the board of trustees of Beloit College, Beloit; Alfred S. Badger, of Stevens Point; R. L. Adams, of Omro; the Presbyterian Church of Omro, and Rev. Lucius Smith and 26 other citizens of Darlington, all in the State of Wisconsin; the Evangelical Alliance for the United States of America, and the New York Yearly Meeting of the Religious Society of Friends (Orthodox) of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CALL presented a petition numerously signed by citizens of Florida, praying for the establishment of a life-saving station on the Atlantic coast opposite Daytona in that State, or in the immediate vicinity; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GIBSON. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894, to report it without amendment. I ask that it may take the place on the Calendar of No. 1498, being the bill (S. 3602) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," approved August 3, 1894, and that the latter bill may be postponed indefinitely.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3072) to prevent the spread of contagious diseases in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9142) to regulate privies in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9049) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER. I ask unanimous consent to make a single observation concerning the bills which I have just reported.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. They are four important bills that relate to the health of the District, and I will say that there are on the Calendar at the present time two or three somewhat similar bills. I trust that, notwithstanding we are apparently blocked in the matter of legislation, there may be some way devised to enable the Committee on the District of Columbia to secure the consideration of these bills. I will say to the members of the Committee on Appropriations, which committee will have the right of way very soon, that I am quite sure the chairman of the Committee on the District of Columbia will confer with them with a view of getting a day for the purpose of clearing the Calendar of these very important bills regarding the health of the District, in which we are all so much interested.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3608) setting apart a plot of ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment to the bill (S. 2202) to reorganize the line of the Army, etc., and submitted a report thereon; which was ordered to be printed.

PREVENTION OF FOREST FIRES.

Mr. DUBOIS. I am instructed by the Committee on Public Lands to report favorably the bill (H. R. 9123) to prevent forest fires on the public domain. I ask that it may be put upon its passage. There will be no objection to it. It is a very short bill.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill, which will be read for information.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLIARD TABLES IN THE DISTRICT.

Mr. WETMORE. I move that the bill (S. 1232) to license billiard tables, and for other purposes, now on the Calendar and reported from the Committee on the District of Columbia with amendments on the 11th of February, 1896, be indefinitely postponed, as a House bill relating to the same subject is now in conference.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 3691) for the relief of Catherine Holland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3692) granting a pension to Marvin Older; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3693) granting a pension to Catharine Kelley, widow of John Kelley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3694) granting a pension to Irene M. Chase, dependent sister of Abner W. Chase; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3695) granting a pension to Robert W. Oliver; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3696) granting a pension to Mary A. Arnold, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3697) granting a pension to Michael Evans, of Decatur, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3698) appointing commissioners to revise the statutes relating to patents, trades, and other marks; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WILSON submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SMITH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. QUAY, it was

Ordered, That David S. Taylor be granted leave to withdraw from the files of the Senate the papers submitted by him in support of the bill restoring him to the pension rolls.

AMERICAN INSURANCE COMPANIES.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the Senate copies of all correspondence of the Department of State with the German Empire with reference to American insurance companies.

THE CLAYTON-BULWER TREATY.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution introduced by the Senator from Alabama [Mr. MORGAN], which will be read.

The Secretary read as follows:

A joint resolution (S. R. 206) declaring the Clayton-Bulwer treaty abrogated.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the treaty, known as the Clayton-Bulwer treaty, between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is hereby declared to be abrogated.

Mr. MORGAN. Mr. President——

Mr. CULLOM. Unless the Senator from Alabama is anxious to go on this morning, I should like very much to submit a report from the conferees of the two Houses on the legislative, executive, and judicial appropriation bill. It has been delayed on account of the illness of one of the members of the conference on the part of the House. We have been awaiting his recovery. I have now the report ready to be acted upon by the Senate, and I should be very glad to dispose of it, because the time is getting short.

Mr. MORGAN. I must claim the courtesy of the Senator from Illinois this morning for a short time, that I may present the views I entertain in regard to the necessity of passing the joint resolution. I will not keep the floor long.

Mr. CULLOM. I do not care to disturb the Senator from Alabama if he is anxious to go on, but I should like to have the conference report disposed of.

Mr. CHANDLER. I will say to the Senator from Alabama that I gave notice that I should like to submit some remarks this morning. I am very anxious to go on, too.

Mr. MORGAN. All the Senators here who have morning business or business to be transacted in the morning hour will probably have full opportunity after the very brief remarks which I propose to make on the joint resolution.

Mr. CULLOM. I do not feel like interfering with the Senator from Alabama, although the appropriation bills have the right of way ordinarily. I feel that almost everything ought to give way to the appropriation bills now, as it is getting so late in the session, in order to secure their final disposition.

Mr. MORGAN. Mr. President, we are engaged, as the world knows——

Mr. ALLEN. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. I introduced a resolution on Saturday last which, under objection, went over until this morning. I desire to know if that resolution does not have precedence of the one now before the Senate.

The VICE-PRESIDENT. The Chair has upon his desk the resolution submitted by the Senator from Nebraska. The joint resolution laid before the Senate has precedence in point of time. The Senator from Alabama is recognized.

Mr. MORGAN. Mr. President, the world knows that we are engaged now——

Mr. SHERMAN. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Alabama will suspend. The Senator from Ohio will state his point of order.

Mr. SHERMAN. I raise the point of order that a resolution to repeal a treaty or any law must be a joint resolution, and a joint resolution can not be brought up in the morning hour, postponing all the other business of the Senate. I raise the question of order that if it is a joint resolution its consideration must be moved; there must be a motion to take it up, which must be decided without debate. I do not like to interfere with my friend the Senator from Alabama.

The VICE-PRESIDENT. The Chair requests Senators to refrain from conversation. The remarks of Senators can not be heard at the desk. The Senator from Ohio will please state his point of order again.

Mr. SHERMAN. My point of order is that this is necessarily a joint resolution, which must be taken up or not taken up without debate, on motion, if objection is made. I object to its being taken up.

Mr. CULLOM. I ask leave, then, to submit a conference report.

Mr. MORGAN. I do not think any Senator has a right to take me off the floor, even to make a conference report.

The VICE-PRESIDENT. The Chair will sustain the point of order made by the Senator from Ohio. That is the first thing before the Senate.

Mr. CHANDLER. Will the Chair kindly allow the joint resolution to be again read?

The VICE-PRESIDENT. The Secretary will again read the joint resolution.

The Secretary again read the joint resolution.

The VICE-PRESIDENT. This is a joint resolution. The Chair sustains the point of order made by the Senator from Ohio, and recognizes the Senator from Alabama to make a motion, if he so desires, to proceed to the consideration of the joint resolution.

Mr. MORGAN. I appeal from the decision of the Chair first. I desire to debate that appeal.

The friends of peace in the United States, Mr. President, are——

The VICE-PRESIDENT. The Senator from Alabama will suspend for a moment. The question before the Senate is upon the appeal taken by the Senator from Alabama from the decision of the Chair sustaining the point of order made by the Senator from Ohio.

Mr. MORGAN. The friends of peace in the United States——

Mr. SHERMAN. Is that question debatable? If it is, that is the end of the rule of the Senate.

Mr. MORGAN. Oh, yes; it is debatable.

Mr. SHERMAN. I raise the point of order that it is not debatable.

Mr. MORGAN. It is debatable. The Senator must have forgotten what the rules are.

The VICE-PRESIDENT. The Chair decides that the appeal from the decision of the Chair is not debatable, and the Chair submits to the Senate the question, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. Mr. President——

Mr. SHERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Whenever a matter of this kind is submitted to the Senate I think it becomes debatable.

The VICE-PRESIDENT. The Chair thinks that the appeal from the decision of the Chair in this case is not debatable. The Chair submits to the Senate the appeal of the Senator from Alabama.

Mr. MORGAN. That makes it debatable.

Mr. SHERMAN. Not at all.

Mr. MORGAN. That makes it debatable.

Mr. QUAY. It seems to me the Senator from Alabama ought to be allowed to proceed in this case by unanimous consent, and I make that suggestion to the Senate.

The VICE-PRESIDENT. That is another question. The Chair submits to the Senate the request of the Senator from Pennsylvania that the Senator from Alabama be permitted by unanimous consent to debate the appeal taken from the decision of the Chair. Is there objection?

Mr. SHERMAN. I object, Mr. President. Let us go on with the regular order of business.

Mr. FAULKNER. I hope the Senator from Ohio will not object. I can not understand why this is not a debatable question. An appeal from the decision of the Chair on any question of this sort certainly is debatable when submitted to the Senate.

Mr. MORGAN. There is no question in the world about it. It has always been ruled that way. I am willing to stand here and be victimized by the Chair and the Senator from Ohio upon this question; I am willing to take it; but they will not escape this question.

The VICE-PRESIDENT. The Chair states that he has no disposition to victimize the Senator from Alabama. There is no occasion for his remarks.

Mr. MORGAN. The rulings have always been the other way.

The VICE-PRESIDENT. The Chair has decided the point of order raised. This is not a debatable question.

Mr. CHANDLER. Mr. President——

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Pennsylvania that the Senator from Alabama be permitted to debate the pending joint resolution. Is there objection?

Mr. SHERMAN. I object.

Mr. CHANDLER. I desire to submit a request for unanimous consent that the Senator from Alabama be permitted to withdraw his appeal and proceed with his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. SHERMAN. I object. I insist upon the regular order. I do not think it is within our rule. But I will not debate the matter, because it is not a debatable question.

The VICE-PRESIDENT. Objection is interposed.

Mr. MORGAN. I submit a motion to proceed to the consideration of the joint resolution, on which I ask for the yeas and nays.

The VICE-PRESIDENT. Will the Senator please state his motion so that the Chair can hear it distinctly?

Mr. MORGAN. I submit a motion to proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. Does the Senator from Alabama withdraw the appeal? The appeal is pending now.

Mr. MORGAN. If I have no right to debate it, there is no use for me to say anything about it.

The VICE-PRESIDENT. Unless the appeal is withdrawn, the Chair must submit it to the Senate. The Chair submits to the Senator whether he will withdraw the appeal.

Mr. MORGAN. I withdraw it, not because I believe my position is incorrect, but I withdraw it——

The VICE-PRESIDENT. The appeal is withdrawn. The Chair submits to the Senate the motion of the Senator from Alabama, that the Senate proceed to the consideration of the joint resolution. [Putting the question.] The ayes seem to have it.

Mr. MORGAN. I ask for the yeas and nays.

The VICE-PRESIDENT. The yeas and nays are demanded.

Mr. MORGAN. No; I beg pardon. I withdraw the call, the Chair having announced that the ayes seemed to have it.

Mr. SHERMAN. We may as well have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote on this question.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. McBRIDE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

The roll call was concluded.

Mr. DANIEL. I beg leave to state that I am paired with the Senator from Washington [Mr. SQUIRE].

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Allen,
Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Call,
Cameron,
Chilton,
Gallinger,
Gibson,
Gorman,
Hansbrough,
Mills,
Morgan,
Murphy,
Pasco,
Peffer,
Pettigrew,
Pritchard,
Pugh,
Quay,
Roach,
Smith,
Stewart,
Tillman,
Turpie,
Vest,
Voorhees,
Walthall,
White.

NAYS—31.

Baker,
Burrows,
Caffery,
Cannon,
Carter,
Chandler,
Cullom,
Davis,
Gray,
Hawley,
Hill,
Hoar,
Irby,
Lindsay,
Lodge,
McMillan,
Mantle,
Martin,
Mitchell, Wis.
Nelson,
Palmer,
Perkins,
Platt,
Proctor,
Sewell,
Sherman,
Shoup,
Thurston,
Vilas,
Wetmore,
Wilson.

NOT VOTING—27.

Aldrich,
Allison,
Brice,
Butler,
Clark,
Cockrell,
Daniel,
Dubois,
Elkins,
Faulkner,
Frye,
Gear,
George,
Gordon,
Hale,
Harris,
Jones, Ark.
Jones, Nev.
Kenney,
Kyle,
McBride,
Mitchell, Oreg.
Morrill,
Squire,
Teller,
Warren,
Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. Let the joint resolution be read.

The Secretary again read the joint resolution.

Mr. HOAR. I suggest that under the rule the matter ought to be dealt with in executive session.

Mr. PLATT. It requires secrecy.

Mr. HOAR. It requires secrecy.

The VICE-PRESIDENT. The Senate will be in order. The Senator from Massachusetts will state his motion.

Mr. HOAR. I suggest that under the rule the matter is one that requires secrecy.

Mr. SHERMAN. I second the motion.

Mr. MORGAN. That is not an executive session.

Mr. HAWLEY. I second the motion. The motion requires a second.

Mr. MORGAN. It is to be a secret legislative session.

Mr. SHERMAN. The motion is that the doors be closed.

Mr. MORGAN. For a secret legislative session, not an executive session.

The VICE-PRESIDENT. The Chair was unable to hear the Senator from Alabama.

Mr. MORGAN. I say the motion is not in order if it is an executive session that is asked for. It is to be a secret legislative session.

Mr. PLATT and others. That is it.

Mr. MORGAN. That is what the Senator from Massachusetts desires, I suppose.

The VICE-PRESIDENT. Under the rule, the motion having been seconded, the Sergeant-at-Arms will clear the galleries and close the doors.

The Senate, with closed doors, proceeded to consider the joint resolution; and, after debate, it was referred to the Committee on Foreign Relations.

EXECUTIVE SESSION.

Upon motion of Mr. TURPIE, the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9966) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. CLARDY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia having general equity jurisdiction to decree the sale, lease, or surrender of any lease of real estate in said District, belonging to insane persons, for purpose of reinvestment, and for other purposes; and

A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I ask that the regular order be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 8110.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. I should like to have the bill read, but I shall not ask a vote upon it this afternoon.

Mr. CULLOM. It will take all the afternoon to read it.

Mr. HOAR. I wish to have it read now. I suppose the bill as it came from the House of Representatives should first be read, and then the amendments proposed by the Senate committee.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill will be read at length.

The Secretary proceeded to read the amendment submitted by the Committee on the Judiciary, to strike out all after the enacting clause of the bill and insert a substitute.

Mr. HOAR. That is not the House bill which is being read. I suppose the bill as it came from the House of Representatives should first be read through.

The PRESIDING OFFICER. The Secretary is proceeding to read the amendment submitted by the Committee on the Judiciary.

Mr. CULLOM. I think it is unnecessary to read the House bill. Let the substitute reported by the Senate committee in place of the original bill be read.

Mr. HOAR. But I understand it is necessary that the entire bill shall be read.

Mr. ALLISON. The very reverse of that is the custom of the Senate.

The PRESIDING OFFICER. By unanimous consent, the reading will be confined to the proposed Senate amendment.

Mr. ALLISON. To the House bill?

The PRESIDING OFFICER. To the House bill.

Mr. HOAR. Very well; I have no choice.

Mr. TELLER. I suppose both the House bill and the substitute will have to be read. I do not suppose the matter can be disposed of by simply reading the substitute bill.

Mr. CULLOM. It frequently occurs, where a substitute is reported for another bill, that the substitute takes the place of the original bill and the substitute only is read.

Mr. ALLISON. But that must be done by unanimous consent.

Mr. CULLOM. Yes.

Mr. TELLER. The bill reported by the Senate committee does not meet the approval of some members of the committee, and I do not suppose they would wish to have the reading of the original bill omitted.

Mr. HOAR. There is a difference of opinion to be harmonized in order to determine whether the Senate substitute or the bill as it came from the House shall be passed.

Mr. ALLISON. Allow me to suggest to the Senator from Massachusetts that if any Senator requests the reading of the House bill, it will have to be read, as it has not yet been read; but, by unanimous consent, that can be dispensed with, and the amendment proposed by the Senate committee can be read.

Mr. HOAR. I have no objection to doing that.

Mr. ALLISON. I hope that will be done; and I ask unanimous consent that it may be done.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the reading of the House bill be dispensed with, and that the reading of the proposed Senate substitute may now take place.

Mr. HOAR. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

The Secretary read the amendment reported by the Committee on the Judiciary, which was to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That if any debtor owing $200 or more who is unable to pay his debts shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for. Said assignment or cession shall be duly filed or recorded in the manner and in the offices wherein mortgages and deeds in trust on said property are by law required to be filed or recorded; and the original or a copy thereof shall, within thirty days from the date of its execution, be filed in the office of the court in which the petition of the debtor is hereinafter required to be filed.

SEC. 2. That such assignment shall convey all of the estate of the debtor, except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors, and a schedule of his property exempt and unexempt from execution or seizure for his debts, and the amount due to each creditor, and a statement of the liens or other incumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct, as near as he can make them.

Said assignment shall also contain a provision conveying all his unexempt property, though not specified in said schedule, and shall provide for all his creditors, whether named in the list or not; and the omission of any property or creditor from said list or schedule, or any misstatement as to liens and incumbrances, shall have no effect against the debtor's rights under this act, unless the same be fraudulent; but a creditor whose name has not been returned to the court prior to the decree of discharge of the debtor shall not be bound by such discharge. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

SEC. 3. That such assignment shall contain the following preferences, namely: Debts due to the United States, or to any State or Territory, and the District of Columbia, in which any of the property of the debtor is situated, and debts due to the servants or laborers of the debtor for labor performed or services rendered within one year. Also, if the debtor be the head of a family, he may prefer a debt which is a lien or incumbrance on his homestead; but no more than $1,000 shall be used for that purpose.

SEC. 4. That the fees to be allowed by said assignment to the trustee or trustees, or the person managing the estate, shall not exceed in any case the amount allowed by the laws of the State in which the debtor is domiciled to executors or administrators for the settling of the decedent's estate in their charge; and should any trustee or other person named in said assignment or by a competent court as manager of the said estate be removed or resigned, so that it shall be necessary to appoint another person in his stead, then the fees and allowances shall be divided between them, so that not more than the maximum allowable to one shall be allowed to all.

SEC. 5. That any such debtor, within the period of thirty days from the date of the execution of the assignment, may file his petition in the district court of the United States for the district or the division thereof in which he resides; or if he be a resident of the District of Columbia, then in the supreme court of the said District; or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from his debts; but the petition shall not be filed in any court unless the debtor has resided in said district or division at least six calendar months immediately preceding the making of the assignment. The petition shall state the debtor's inability to pay his debts and contain a prayer for a discharge from the debts of the petitioner and an averment that the list and schedule filed in the court are correct as therein amended, and shall be verified by the oath of the petitioner. It shall also contain a schedule and list of any other property or creditors which he may have since the making of the assignment discovered or remembered; and said petitioner may, from time to time, prior to his discharge, amend and correct said list and schedule of property and creditors, so that the same shall conform to the facts. And he shall deposit with his petition for costs such sum as the court may direct, not exceeding $20.

SEC. 6. That the creditors of the petitioner shall be made parties defendant, and the judge shall, on filing the petition, or as soon thereafter as practicable, make an order declaring the petitioner a bankrupt, and fixing a time and place for the hearing thereof, and directing notice to be given, which time shall be not less than ninety days nor more than six calendar months subsequent to the date of the order, and a copy of such order shall be duly served on each of the creditors named in the list of creditors or otherwise made known to the court, in the manner following: The service of notice of said order shall be made by mailing a copy of the order to each creditor, directed to the post-office nearest to his residence or place of business or to the post-office at which he is accustomed to receive his letters. The notice shall be mailed within thirty days from the date of the order by the clerk of the court, and the petitioner shall pay to the clerk for mailing the notice such reasonable sum as the court may allow, not exceeding 25 cents for each notice. The said order shall also be published once a week for four consecutive weeks in one or more newspapers, to be designated by the court, due regard being had to the general circulation of the same in that portion of the district in which the bankrupt and his creditors reside. The first publication shall be within thirty days from the date of said order. If the publication of notice shall appear to be irregular, the court may order a new publication for such time as the court may decide, and appoint another day for the hearing. But publication in a newspaper shall be dispensed with unless it can be made for such cost as the court shall decide to be reasonable.

SEC. 7. That the creditors, or any of them, may appear and answer said petition on the day named in the order of publication, and if no answer be filed on that day the petitioner shall have a right to an order of discharge from his debts. The answer may contest the petitioner's right to a discharge on the following grounds, and no other:

First. That the debtor has intentionally concealed some of his property by omitting the same from his schedule or assignment, and has also intentionally failed to correct said omission as hereinbefore provided for, or has intentionally refused to give information which may aid and assist in recovering any property which ought to be subject to the payment of his debts.

Second. That he has, since the date of three calendar months prior to the passage of this act, conveyed or assigned or concealed his property, or some part of it, or given or suffered a lien or incumbrance thereon, which assignment, conveyance, concealment, lien, or incumbrance was contrived and devised with the actual intent and purpose to defraud his creditors, in which intent the debtor participated.

Third. That the debtor, being a banker, broker, merchant, trader, manufacturer, or miner, in addition to the foregoing grounds, shall be refused a discharge if, since said date, he, being at the time insolvent, has given any preference to creditors other than such as are allowed to be preferred in the assignment as provided in section 3 of this act, or since said date has, with intent to give such prohibited preference, created or suffered any lien on his property by attachment, judgment, or otherwise. Should a discharge be refused, the same proceedings shall be had in the administration and distribution of the bankrupt's estate as if he were discharged.

SEC. 8. That all preferences by any merchant, broker, banker, trader, manufacturer, or miner given or suffered after the passage of this act and within four months prior to the assignment by the petitioner, he being then insolvent, other than such preferences to creditors as are herein allowed, are hereby made illegal and void as against the creditors of any debtor who shall make an assignment and file his petition under the provisions of this act; and all the money or other property which may have been given or transferred in such prohibited preferences shall be and remain a part of the assets of the said petitioner and shall pass under the general clause conveying all the debtor's unexempt property by this act required to be inserted in said assignment; and all conveyances or transfers of property made at any time by any petitioner, which by the laws of the State or Territory in which the property is situated are illegal and void or voidable by creditors, or if the transfer be of money, then void or voidable by the law of the State or Territory in which the debtor resides, and all liens or other interest in said property which are prohibited by the laws of a State or Territory wherein it is situated, shall be held for all the purposes of this act to be void or voidable by creditors and the property to have passed under said assignment, and it shall be distributed as other property conveyed in the same; and full recovery may be had of the said property so assigned or encumbered within the period allowed by the laws of the State or Territory in which it is situated, or if the property be money, then within the time allowed by the laws of the State or Territory where the receiver resides, and suits in behalf of the creditors for such recovery may be brought by the trustee or other manager of the assignment.

SEC. 9. That if on the hearing of the petition it shall appear that the assignment provided for in the first and second sections of this act has been duly made and filed and recorded as herein provided for, and no valid objection has been presented against a discharge, or, being presented, the same is not sustained by proof, then it shall be the duty of the court to grant to the petitioner a discharge from all his debts to the persons mentioned in his petition, or afterwards disclosed to the court, except the debts excluded by section 10 of this act. But said discharge shall not have the effect in any court to prevent a recovery, by proper proceedings against the property and the persons claiming and possessing the same, of any property which had been prior to the discharge fraudulently or illegally assigned or concealed or encumbered by such debtor, or omitted from his schedule, within such limitation as to time for bringing such suits as is fixed by the laws of the State in which the property is situated. The declaration of the petitioner as a bankrupt shall have the effect, in all courts in which proceedings may be had to subject such property to the payment of the bankrupt's debts, of dispensing with a judgment against the bankrupt as a prerequisite to such proceedings.

SEC. 10. That the discharge of the debtor from his debts shall not include any debt or obligation which shall have been created in consequence of his defalcation as a public officer, or as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity, nor any debt or obligation to any surety of the debtor who has paid or may pay any such fiduciary debt or any part of it, nor any debt or obligation created by the obtaining of money or property under false pretenses. But this exclusion of said debts from the discharge shall take place only when said debts shall be ascertained in the decree of discharge and by the court directed to be so excluded. If the petitioner shall be discharged, property acquired by him after the filing of the assignment or a copy thereof in the clerk's office of the court of bankruptcy shall not be liable for his debts created before that time, nor shall any debt created by him after such filing be barred by such discharge.

SEC. 11. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof; and said courts shall have also full power to cause said petitioner, or bankrupt, his wife, or either of them, to be examined under oath touching any charge of concealment or illegal transfer of any property of said bankrupt and to issue a writ of ne exeat against the bankrupt to continue in force so long as it may be necessary to have such examination. The said courts, for the exercise of every jurisdiction conferred by this act, shall be considered as always open, and the judges of the said several courts may exercise in chambers any jurisdiction conferred on said courts by this act. But the said courts shall not interfere with, in any manner, the administration of the bankrupt's estate by the trustee or trustees or other manager mentioned in the assignment or appointed according to law unless it shall be made to appear to the said court that said trustee, or trustees, or manager is mismanaging the said estate, or the said trustee or manager shall by petition ask the court for directions as to such management. The court shall also have full jurisdiction to enjoin or otherwise manage or control all suits or actions pending against the bankrupt at the time of filing his assignment in the clerk's office of the court of bankruptcy, as hereinbefore required, and to manage and control all suits or actions pending at that time in his favor, and to cause the same to be prosecuted or defended by the trustee or manager of said assignment, and to make all necessary orders and decrees to secure a proper distribution of the assets according to law.

SEC. 12. That partners may jointly make an assignment as provided for in this act for separate and single debtors, but in such case the assignment shall contain a separate list and schedule of the partnership and separate creditors and property; and the preferences allowed by this act shall be for partnership creditors out of the partnership property, and for separate creditors out of the separate assets of the partner giving the preference; and the separate and partnership debts shall be provided for in the assignment in the same way. The petition shall be filed in the district or the division thereof in which the partnership business was carried on, up to a period of six calendar months prior to the assignment. If the business has not been so carried on within said period, then in the district or division thereof where all the partners reside, one of whom at least having resided there for six months prior to the assignment; and if they do not all reside in that district or division, then in the district or division in which a majority of them shall reside, or if a greater number do not reside in the same district or division, then in the district or division in which any one of them resides; but in all cases the residence required must be for six calendar months preceding the making of the assignment. If one or more of the partners be deceased, then the survivor or survivors may proceed as in this section provided, but in that case the legal representatives of the deceased shall have such notice as the court may direct.

SEC. 13. That if some of the partners are unwilling to join in such assignment and petition for discharge, then any of them may separately make an assignment of his separate property and file his petition as is hereinbefore provided for, and in the assignment shall include in general terms, with his separate property, his interest in the partnership property after the partnership debts are paid, and the names and residences of his other partners, specifying those in whose possession and control the assets of the partnership or any part of them may be, and such partners shall have such notice of filing the petition as the court may direct. He shall file with his assignment also a list of the partnership creditors and the amount due each, all of whom shall have notice as in other cases of proceedings under this act. The separate property assigned shall first be applied to the separate debts and the remainder, if any, to the partnership debts.

SEC. 14. That the court, on the hearing of the petition, or as soon afterwards as practicable, shall ascertain whether the partnership property is sufficient to pay the partnership debts. If it be found sufficient, the court shall so adjudge and order the separate property of the debtor to be distributed among his separate creditors; and if found more than sufficient, the court may direct a sale, on such terms as the court may prescribe, of the debtor's interest in the said partnership, and order the distribution of the funds arising from such sale among his separate creditors. But in both these cases the court shall make no further order interfering with said partnership estate. If the partnership property be found insufficient to pay the partnership debts, the court shall make such orders as may be deemed equitable and just, to convert said property into money and to wind up the affairs of said partnership and distribute the assets among the partnership creditors. The court shall direct said winding up to be done by one or more of the partners not petitioning for a discharge and designated by the court for that purpose, and shall hold said partner or partners so designated accountable to the court as a receiver, giving to him or them all the powers of collecting and distributing said partnership estate, as is necessary therefor, and as might be properly vested in a receiver. But if the court shall deem all of said nonpetitioning partners for any cause unfit for designation for such purpose, or if all of them deemed by the court fit to discharge that duty shall refuse to accept it, then the court shall appoint a receiver with full powers to take charge of said partnership estate and wind it up. And the court shall, in case of insolvency of the partnership estate, make all necessary orders and decrees, not inconsistent with the provisions of this act, as may be consonant to the rules of equity, in reference to said estate, as in cases of a dissolution of said partnership and a distribution of the assets by decree of a court of equity.

SEC. 15. That the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act.

SEC. 16. That any person who is unable to pay his debts and owes $200 or more, and who has no property besides what is exempt by law from execution and liability for his debts, may, without making any assignment as provided for in this act, file his petition in the court for the district or division thereof in which he has resided for six months previously, for a discharge from his debts as herein provided for, accompanying the same with a list of creditors: and thereupon the court shall take such proceedings as are provided for in this act for cases where there is an assignment, so far as the same may be applicable. In this case the filing of the petition shall have the operation provided for in the last clause of section 10 as to discharge from debts and the acquisition of property.

SEC. 17. That where any debtor, who, being a banker, broker, merchant, trader, or manufacturer, owing $300, and who is unable to pay his debts, shall make any assignment, transfer, or conveyance of his property, real or personal, or any part thereof, or give or suffer any lien or incumbrance on the same, contrived or devised with the actual intent on his part to defraud his creditors or any of them, such act when found and ascertained as hereinafter provided shall be deemed an act of bankruptcy: and a creditor or creditors having debts against said bankrupt to the amount of $300 may file a petition against said fraudulent debtor in the court of bankruptcy of the district in which said debtor may reside, alleging such fraudulent acts of bankruptcy. The debtor shall have such reasonable notice of the filing of said petition as the court shall prescribe: and on the day fixed by the court, if the debtor shall answer, denying the facts alleged in the petition, the said court shall hear the parties and the evidence, and if it shall be proven to the satisfaction of the court that such actual fraud was committed with the fraudulent intent and purpose aforesaid, and that the said debtor was at the time of committing said act without sufficient property to pay his debts, or if the debtor shall fail to answer, the said court shall adjudge him to be a bankrupt; and if not so satisfied the court shall dismiss said petition with costs to the defendant.

Either party may demand that said issues shall be tried by a jury under the direction of the court, as in other cases at common law.

If the debtor shall be adjudged a bankrupt as aforesaid, then the court shall take such other proceedings by the appointment of an assignee or receiver and by such other and further orders as may be necessary to recover said property and all other property so found to be fraudulently transferred or conveyed, belonging to said bankrupt, not exempt by law from seizure, to pay his debts, and to distribute the same among his creditors, excluding from any participation therein the person or persons for whose benefit said conveyance, assignment, lien, or incumbrance was made or suffered, if such person had actual notice of the fraud of the debtor aforesaid.

Said petition shall not be filed unless within four months next after the commission of said act of bankruptcy.

All the other provisions of this act so far as the same may be applicable shall apply to proceedings under this section.

SEC. 18. That this act shall not be construed to repeal, annul, or suspend the laws of any State or Territory now in force, or which may hereafter be enacted, for the compulsory distribution of an insolvent's estate among his creditors; nor to interfere with proceedings under said laws for that purpose which shall have been commenced prior to the filing of the petition as hereinbefore provided; and said petitioner shall not be permitted to dismiss his petition after filing the same without the consent of the court; but the jurisdiction of the court shall continue and remain after such filing for the purpose of recovering all property liable to the petitioner's debts and distributing the same among creditors until full and complete distribution shall be had: *Provided*, That the court may, if it shall deem the ends of justice will be subserved thereby, with consent of two-thirds of the creditors in amount and number, authorize a dismissal of said proceedings.

SEC. 19. That the court shall have power to appoint a sufficient number of auditors to transact such business as may be committed to them under this act. The auditors shall have power to administer oaths, state accounts, and under orders of the court examine witnesses, and perform such other duties, not of a judicial character, as may be prescribed by the rules of the court. The auditors shall also have power to make the necessary orders declaring the petitioner a bankrupt, and for serving notice of filing the petition of bankruptcy and for fixing the day at which a hearing on the petition shall be had. The fees of the auditor shall be fixed by the court, but in no case shall any fee exceed the sum fixed by the laws of the State in which he holds his office for similar services rendered by State officials.

SEC. 20. That all oaths required to be administered in any proceeding under this act may be taken before and certified by any officer of the State in which they are taken, authorized by the laws thereof to administer oaths.

SEC. 21. That there shall be kept at each place at which said courts of bankruptcy may be held, by the clerk thereof, a docket, in which shall be entered the filing of each petition and schedule and list and other papers, and a short statement of every order or decree of the court and of the auditors in that case, and copy of the decree granting or refusing a discharge; and such entries on the docket, together with the papers filed, shall constitute the record in such case. The cost of such docket shall be paid for as other record books and dockets of the district courts are paid for. The fees of the clerk, when not otherwise specified in this act, shall be fixed by the court, but shall not exceed the sum of $1 for service in any case of bankruptcy.

SEC. 22. That this act shall continue in force two years and no longer, except as to all proceedings commenced under it within that time, and as to them shall continue in full force and effect until they are finally disposed of.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

Mr. TELLER. We are not going to act on that to-night.

Mr. CULLOM. I present a conference report which I desire to have considered.

Mr. NELSON. Mr. President——

Mr. CULLOM. Before doing so, however, I yield to the Senator from Minnesota to offer an amendment to the bankruptcy bill.

Mr. NELSON. I desire to offer an amendment as a substitute for the first sixteen sections of the amendment that has been read. I ask that it may be printed in the RECORD, the reading to be dispensed with.

Mr. HOAR. Let it be received and, by unanimous consent, printed in the RECORD as having been read.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed without reading, if there be no objection.

Mr. HOAR. I asked unanimous consent in a little different way, that the amendment should be received and treated as having been read, and printed in the RECORD.

The PRESIDING OFFICER. The Senator from Massachusetts requests that the amendment may be treated as having been read in the Senate and also printed in the RECORD.

Mr. STEWART. I should like to have it read.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. BATE. We do object. We wish to have it read.

Mr. STEWART. Let it be read.

Mr. CULLOM. It is a pretty long amendment, and there are two conference reports here now.

Mr. TELLER. Let it be read later.

Mr. CULLOM. It may be read later. I have no objection to that. It will be printed in the RECORD.

The PRESIDING OFFICER. Objection is made to the request that the amendment shall be treated as having been read.

Mr. HOAR. I withdraw that request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. NELSON. I understand the amendment is to be printed in the RECORD.

Mr. CULLOM. It will be.

The PRESIDING OFFICER. It will be printed in the RECORD.

Mr. STEWART. It will be in the RECORD and also in the usual form, so that we may have it on our tables.

Mr. HOAR. It has been printed already in the regular way.

The PRESIDING OFFICER. The amendment will be reprinted in bill form, and will also be printed in the RECORD.

The amendment is as follows:

Mr. NELSON proposes the following as a substitute and amendment for sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the substitute reported by Senator TELLER as an amendment to H. R. 8110, entitled "An act to establish a uniform law on the subject of bankruptcies throughout the United States:"

"SECTION 1. That any debtor, other than a railroad corporation, owing $200 or more, who is unable to pay his debts, may file his petition in the district court of the United States for the district or division thereof in which he resides, or if he be a resident of the District of Columbia, then in the supreme court of said District, or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from his debts, and offering to surrender all his property for the payment of his debts, except such as are exempt by the law of his domicile from execution and liability for debts. But the petition shall not be filed in such court unless the petitioner has resided in said district or division at least six calendar months immediately preceding the filing of the petition. The petitioner shall attach to his petition a schedule and list of all his property, exempt and unexempt, and a schedule and list of all his creditors, with the residence and post-office address of each, if known, and shall in his petition state his inability to pay his debts, and that the list and schedule of property and creditors is true and correct, and shall conclude with a prayer for a discharge from the debts of the petitioner, which petition shall be duly verified by the oath of the petitioner. And the petitioner shall deposit with his petition such sum of money with the clerk of the court to pay the cost of the proceedings as the court shall direct, not exceeding in all $25.

"SEC. 2. That as soon as said petition is filed as aforesaid the court shall be deemed to have acquired jurisdiction of the subject-matter of said proceedings, and all the creditors of the petitioner shall be made party defendants. The court shall thereupon make an order fixing a time and place for the hearing and consideration of said petition, which time of hearing shall be not less than thirty nor more than ninety days subsequent to the date of such order. Such order shall be served by the clerk of the court on each of the creditors by mailing a copy thereof, at least thirty days before said hearing, to each creditor in a proper envelope, with postage prepaid, addressed to the creditor at the post-office address specified in the schedule of creditors attached to the petition. A copy of said order shall also, in the meantime, be published once a week for four successive weeks prior to said hearing in a weekly or daily newspaper of general circulation in the vicinity of where the petitioner resides, such newspaper to be designated by the court at the time of issuing the said order. When said order has been served and published as aforesaid, the court shall be deemed to have acquired jurisdiction of the person of the creditors.

"SEC. 3. That the court in which said petition is filed shall be deemed to be always open, sitting, and in session for the consideration of any and all matters pertaining to or connected with the matter of said petition or the proceedings arising therefrom. And material issues of fact arising at any stage of the proceedings shall, on the demand of the petitioner or a creditor, be

tried by a jury, and if a jury is not then in attendance the court may specially summon a jury for such trial, or the trial may be postponed until a regular petit-jury panel is in attendance. Except in the cases where a jury trial is demanded as aforesaid, all issues of fact shall be tried by the court without a jury.

"SEC. 4. That at the time and place fixed in said order for the hearing and consideration of said petition any of the creditors may appear and answer said petition and take issue with any of the matters and facts therein alleged, and may contest the right of the petitioner to a discharge from the payment of his debts upon the following grounds and no other, to wit:

"First. That the petitioner has knowingly concealed or withheld some part of his property by omitting the same from the schedule or list appended to the petition or otherwise, or has in any other manner concealed or withheld any of his property from the knowledge of the court or his creditors.

"Second. That the petitioner has at any time within six months prior to said hearing, or at any time after becoming insolvent and unable to pay his debts, conveyed, assigned, or concealed his property, or some part thereof, or has suffered a lien or incumbrance to be placed thereon, with intent in either case to defraud any of his creditors.

"Third. When the petitioner, being a banker, broker, merchant, trader, manufacturer, or miner, shall have given, at any time after becoming so insolvent, as aforesaid, or at any time within six months prior to such hearing, any preference to any of his creditors, other than such preferences as are allowed by law, or shall have suffered any of his creditors to acquire any such preference by legal proceedings or otherwise.

"Should a discharge be refused by the court upon any of the grounds specified aforesaid, the same proceedings shall be had in the administration and distribution of the petitioner's estate as if he were discharged.

"SEC. 5. That at the time and place set for said hearing the court shall proceed to hear, consider, and try the matter embraced in said petition and any issue made by any answer thereto; and if the court finds that the facts alleged in the petition are true, it shall adjudge the petitioner a bankrupt and make an order assigning and transferring all his property, not exempt by the law of his domicile from execution and liability for debts, to some suitable and competent person termed 'assignee,' with power and authority in such assignee to sell and dispose of such property and convert the same into money, under the direction and subject to the approval of the court, and to distribute the proceeds thereof among the creditors of the bankrupt in the manner hereinafter specified.

"SEC. 6. That said assignee shall, before entering upon the discharge of his duties, give a bond in such sum as the court may direct, with satisfactory sureties, subject to the approval of the court, for the faithful performance of the trust thus conferred upon him. He shall also take and file an oath that he will honestly and diligently, and without fear or favor, duly perform and faithfully discharge all the duties of his trust. As soon as the assignee has qualified as aforesaid he shall proceed, under the direction of the court, to convert all the property of the bankrupt into money and distribute the proceeds thereof among the creditors of the bankrupt, under the direction of the court, in the manner hereinafter specified.

"SEC. 7. That all preferences by any merchant, broker, banker, trader, manufacturer, or miner, given or suffered, within four months prior to the filing of the said petition, the petitioner being then insolvent, other than such preferences as are herein allowed, are hereby declared illegal, null, and void as against the creditors of the petitioner; and all money or other property which has been given, transferred, or assigned by the petitioner for the purposes of making such illegal and void preference as aforesaid shall, if not exempt from execution and liability for debts, be and remain a part of the assets and estate of the said petitioner, and shall pass to the said assignee, whose duty it shall be to reclaim and recover the same by legal proceedings, or otherwise, for the benefit of the creditors. And all conveyances or transfers of property made at any time by the petitioner which, by the laws of the State or Territory or District in which the property is situate, are illegal, void, or voidable, as against the creditors of the petitioner, are hereby declared null and void; and all liens or incumbrances upon the property of the petitioner which are void or voidable as to his creditors, by the laws of the State, Territory, or District where the property is situate, shall, for the purposes of this act, be deemed null and void as against the creditors of the petitioner; and all of the property aforesaid, unless exempt from execution or liability for debts, shall be deemed a part of the estate and assets of the petitioner, and shall pass to the assignee for the benefit of the creditors of the petitioner; and the assignee shall have full authority to institute and prosecute the necessary legal proceedings to recover and reclaim any property so transferred, assigned, or encumbered in fraud of the rights of the creditors as aforesaid.

"SEC. 8. That as soon as the petitioner has been adjudged a bankrupt as hereinbefore specified, all creditors shall, without any other or further notice, be required within thirty days thereafter to make and file, in writing and under oath, due proof of their claims, accompanied with a statement as to any and all securities held for such claims. Creditors holding securities shall only be entitled to an allowance of so much of their claims as exceeds the value of the securities held by them, unless, at the time of making their proof, they filed a due and proper relinquishment and assignment of their securities to the assignee of the bankrupt. No claim shall be paid until it has been passed upon and allowed by the court or under its direction. The claims of the creditors who have obtained undue preferences within the provisions of this act shall not be allowed unless such creditors shall first voluntarily surrender to the court and the assignee, without any legal proceedings, all property acquired by them by way of preference as aforesaid.

"SEC. 9. That the following debts shall have a preference in the distribution of the estate of the bankrupt over other debts, to wit: Debts due to the United States or to any State or Territory or to the District of Columbia, and debts due to the servants or laborers employed by the bankrupt for labor performed or services rendered by them within six months prior to the filing of the petition hereinbefore specified. But none of such debts shall be recognized or paid unless duly proved and allowed, as prescribed in reference to other debts and claims against the bankrupt.

"SEC. 10. That it shall be the duty of the assignee, after he has reduced and converted the estate of the bankrupt into money, to distribute the same, under the direction of the court, among the creditors whose claims have been proved and allowed as aforesaid, and for the expenses and costs of the proceedings and the administration of the estate, as follows:

"First. He shall pay, out of such money, all the costs and expenses of the proceedings and the administration of the estate, to be taxed and allowed by the court.

"Second. He shall next pay the preferred creditors of the bankrupt in full, or if there is an insufficient amount for that purpose, then the claims of the servants and laborers of the bankrupt shall, first of all, be paid in full, and the residue of the proceeds, if any, shall be paid in equal pro rata share to the other preferred creditors of the bankrupt.

"Third. The residue of the money, if any, shall be paid to the other creditors whose claims have been duly proved and allowed, in equal pro rata shares.

"SEC. 11. That after the estate of the bankrupt has been converted into money and distributed among the creditors, as hereinbefore provided, the court shall, upon the application of the assignee or bankrupt, order a final hearing for the purpose of finally determining his condition and status with reference to his creditors. The court shall, by its order, fix the time and place for such final hearing, which time shall be not less than thirty nor more than ninety days subsequent to the date of such order, and notice of such final hearing shall be given to the creditors by serving upon them the said order and publishing the same in the manner prescribed for the service and publication of the order prescribed and provided for in section 2 of this act.

"SEC. 12. That at the time and place fixed for said final hearing the court shall proceed to a final disposition and final determination of the proceedings; and if the court shall find that all the estate of the bankrupt not exempt from execution or liability for debts has been converted into money and distributed among the creditors of the bankrupt as herein prescribed and shall find that all the costs and expenses of the proceedings have been duly paid, and shall also find that the bankrupt is not subject to have his right to a discharge from his debts denied upon any of the grounds upon which his right to such discharge may be contested, as prescribed in section 4 of this act, then, and in that case, the court shall enter a final judgment and decree, discharging and acquitting the bankrupt from all his debts and liabilities due any of the creditors described in the schedule attached to his petition, or to any of the creditors who may, at any time subsequent thereto, become a party to the proceedings. But such discharge shall not include any debts or obligation which shall have been created in consequence of his defalcation as a public officer, or as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity; nor any debt or obligation to any surety of the debtor who has paid or may pay any such fiduciary debt or any part of it, nor any debt or obligation created by the obtaining of money or property under false pretenses; and if it shall appear to the court, at the time of the first hearing upon the petition described in the first section of this act, that the petitioner does not possess or own property of any kind, except that which is exempt by the law of his domicile from execution or liability for debts, and no creditor shall appear to contest the same or claim otherwise, then, and in that case, the court shall adjudge the petitioner a bankrupt, and shall enter a final judgment and decree, discharging him from all his debts and liabilities in like manner and to the same extent, and subject to the same exceptions as provided upon the final hearing, hereinbefore described.

"SEC. 13. That no attorney's fee shall be taxed or allowed, either for the bankrupt or any of the creditors. The assignee shall be entitled to a fee not exceeding $5 a day for every full day actually employed in the performance of his duty, and in no case shall he receive in the aggregate a fee in excess of $100. In case the clerk of the court is paid by a salary instead of fees he shall receive no compensation, but only his actual disbursements, for any of the work done by him in the matter of the proceedings under this act. In case he is not paid by a salary, then he shall receive the like fees for his services under this act that he would be entitled to receive for similar services in other cases, except that for mailing to creditors the copies of the orders herein provided for, he shall receive for each copy mailed a fee of 10 cents, and no more. For publishing the orders herein prescribed a like fee shall be allowed the publisher as is allowed for legal notices and publications in similar cases. All disbursements of the assignee necessarily incurred and expended in taking care of the estate of the bankrupt, and in converting the same into money and distributing the same among the creditors, as herein provided to be taxed by the court, shall also be allowed and paid: but no other costs, fees, and expenses than those aforesaid shall be incurred or allowed in the proceedings.

"SEC. 14. That a firm or partnership, where all the partners concur and join, or in case of dissolution for any cause on the application of any one of the firm may, in like manner and under like conditions and limitations, institute and carry on to a final determination bankruptcy proceedings in the same manner and to the same extent, and subject to the same conditions and limitations as is hereinbefore provided and prescribed in the case of an individual.

"SEC. 15. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof; and said courts shall have also full power to cause said petitioner, or bankrupt, his wife, or either of them, to be examined under oath touching any charge of concealment or illegal transfer of any property of said bankrupt, and to issue a writ of ne exeat against the bankrupt to continue in force so long as it may be necessary to have such examination. The said courts, for the exercise of every jurisdiction conferred by this act, shall be considered as always open, and the judges of the said several courts may exercise in chambers any jurisdiction conferred on said courts by this act. That the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act. The court shall also have full jurisdiction to enjoin or otherwise manage or control all suits or actions pending against the bankrupt at the time of filing his petition in the clerk's office of the court of bankruptcy, as hereinbefore required, and to manage and control all suits or actions pending at the time in his favor, and to cause the same to be prosecuted or defended by the assignee, and to make all necessary orders and decrees to secure a proper distribution of the assets according to law."

Mr. CULLOM. I have sent to the desk the conference report on the legislative bill. Before it is taken up, however, I yield to the Senator from Utah [Mr. CANNON], who wishes to submit a very brief conference report.

UNITED STATES COURTS IN UTAH.

Mr. CANNON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2667) to provide times and places for holding terms of United States courts in Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

GEO. F. HOAR,
WILLIAM F. VILAS,
FRANK J. CANNON,
Managers on the part of the Senate.
CASE BRODERICK,
CHARLES G. BURTON,
J. W. BAILEY,
Managers on the part of the House.

The report was concurred in.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I hope we may now proceed with the conference report on the legislative appropriation bill, which I have sent to the desk.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 31, 32, 46, 48, 62, 68, 69, 70, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 30, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 66, 67, 71, 72, 75, 76, 77, 78, and 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out, in line 5 of the matter inserted by said amendment, the words "to be approved by the Joint Committee on the Library;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Register of copyrights, $3,000, who shall, on and after July 1, 1897, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall, on and after July 1, 1897, give bond to the Librarian of Congress in the sum of $20,000, with approved sureties, for the faithful discharge of his duties."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment, after the word "dollars," insert the following: "And said superintendent shall report to Congress at its next regular session the number of employees and the compensation of each employed hereunder;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: On page 21 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Chief clerk, $2,500; four law clerks revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; three clerks of class 4."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Deadwood, S. Dak.: The Secretary of the Treasury is hereby authorized and directed to use the unexpended balance of the appropriation of $15,000 for establishing an assay office at Deadwood, S. Dak., made by the sundry civil appropriation act approved June 11, 1896, for rent of a suitable building for such purpose, for providing the same with necessary furnaces, fixtures, and apparatus, and for wages of workmen and contingent expenses; and said assay office shall be conducted under the provisions of the act entitled 'An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States,' approved February 12, 1873."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,250;" and the Senate agree to the same.

S. M. CULLOM,
W. B. ALLISON,
F. M. COCKRELL,
Conferees on the part of the Senate.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEX M. DOCKERY,
Conferees on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the conference report.

Mr. CALL. I do not think there is anybody in the Senate who understands anything about the report or what it means except the members of the conference committee. I should be very glad to have some idea of what it is proposed that we shall adopt.

Mr. CULLOM. If the Senate will allow me, I will state that by the report it is proposed that the Senate shall recede absolutely from only nine amendments which we made to the bill in the first place. One of them relates to the increase in the appropriation for the purchase of books for the Library, as to which we were compelled, in order to get an agreement, to accept a reduction from $6,000 to $4,000. Another one is in relation to the compensation of a chief clerk in the office of the Comptroller of the Treasury, where a reduction of $200 is made from the salary as fixed by the Senate. The Senate conferees receded from that amendment.

Another one is the reduction of one clerk of class 3 in the office of the Comptroller of the Treasury from the number fixed by the Senate. We yielded upon that point. Another is in relation to the wages of workmen in the United States mints and assay offices, being a reduction of $5,000, I think, from the amount fixed by the Senate. That was done after very considerable discussion and after the parties directly in interest were heard on the subject.

Another is as to the compensation of the Commissioner of the Bureau of Education. The Senate increased the salary of the Chief of that Bureau to $3,600, the salary being $3,000. After very much conference and delay the Senate conferees felt obliged to yield the proposed increase of the salary of that officer, so that it stands as it is in the law now, at $3,000. Another is the compensation of a statistician in the Bureau of Education, where there is a reduction of $200 from the amount fixed by the Senate. We had to yield the amount of the increase.

Another is the provision relating to the United States courts in the Indian Territory. That was agreed to finally after consultation with the people interested especially in that subject. Those, Mr. President, are the only items as to which the Senate receded absolutely and entirely from its original position on the questions involved.

The House recedes from its disagreement to amendments of the Senate, and agrees to the same with amendments, to which I will call attention. On page 19 of the bill, item 26, we strike out in line 5 of the amendment the words, "to be approved by the Joint Committee on the Library." The Senate undertook to make the rules provided by the Librarian subject to the approval of the Joint Library Committee. The Senate conferees, after a good deal of delay and discussion, and after everything else had been agreed to, concluded to yield that part of the amendment which we had made. So the Librarian will make his rules; and under the bill now there is nothing further to be said about it.

The next item is to insert in lieu of the Senate amendment the following:

Register of copyrights, $3,000, who shall, on and after the 1st of July, 1897, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and the Librarian of Congress; and shall, on and after July 1, 1897, give bond to the Librarian of Congress in the sum of $20,000, with approved sureties, for the faithful discharge of his duties.

The Senate, in the first place, provided that the register of copyrights should deposit his money with the Treasury Department and make reports to the Treasury Department monthly, and so on, but he was not required to report to the Librarian. After consultation with the conferees on the part of the House, we agreed that it would be more harmonious to require the copyright officer, who is to be appointed by the Librarian and is subordinate to him, to report to the Librarian, and to make his reports of money directly to the Secretary of the Treasury and make weekly and monthly statements as to what he has done.

Mr. GRAY. To be audited like the accounts of other disbursing officers?

Mr. CULLOM. To be audited like the accounts of other disbursing officers.

In reference to the superintendent of the Library building and grounds, in line 16 of the Senate amendment, after the word "dollars," we inserted:

And said superintendent shall report to Congress at its next regular session the number of employees and the compensation of each employed hereunder.

In the organization of the Library and grounds we provide for a superintendent and make him the disbursing officer of all the money paid out to employees of all kinds in connection with the Library building and grounds, requiring him to give a bond in the sum of $20,000, with sureties to be approved by the Secretary of the Treasury, I think, for the faithful discharge of his duties.

The next amendment reduces the bond of the Librarian of Congress from $50,000 to $20,000. By mistake, I think, on the part of the committee, we got his bond up to $50,000. It was an enormous bond, as he does not handle a dollar of money except his own salary, and we thought it was only proper to reduce it to $20,000, which is a pretty large bond still.

Then, on page 36, item 47, we provide, in lieu of the Senate amendment, for "chief law clerk, $2,500; four law clerks, revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; three clerks of class 4." That is substantially the law as it is now; in fact, it is almost exactly the same, except as to verbiage.

The next item is a reduction from $7,500 to $5,000 in the appropriation for contingent expenses at the Carson City mint.

The next is a provision in relation to the assay office at Deadwood, S. Dak. It authorizes the use of an unexpended balance of an appropriation of $15,000 for the establishment of an assay office at that town. The original appropriation was made in the sundry civil act of 1896, but none of the money has been expended, and we simply reappropriate that money and nothing more.

The next is a reduction of $500 in the provision for a mathematician in the Nautical Almanac Office.

The next relates to the provision for clerks in the office of the surveyor-general of Oregon, being a reduction from $8,000 to

$7,250. The Senate made the amount $8,000, but afterwards in conference it was impossible for us to keep in the amount as we put it in the bill in the Senate.

Those, Mr. President, are all the amendments which have been made. There is a very large number of recessions by the House, but, with the exceptions I have referred to, the bill stands exactly as it passed the Senate. So I think it is a very plain matter, and that there can be no question as to what the Senate ought to do with the report. I hope it will be concurred in.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM. The Agricultural bill is now upon the desk, and I ask that it may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate agree to the conference asked for by the other House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. QUAY, and Mr. CALL were appointed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that we may now proceed to the consideration of pension bills on the Calendar. I will state that there are very few of them, and it will take but a short time to dispose of them.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of the pension bills on the Calendar. Is there objection? The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I expected to call up the Indian appropriation bill this afternoon, but it is so late now that I give notice I shall try to get it up immediately after the routine morning business to-morrow.

Mr. ALLISON. I understand that a while ago unanimous consent was given to the Senator from New Hampshire who now occupies the chair [Mr. CHANDLER] to make some observations to-morrow immediately after the routine business. I hope the Senator from South Dakota will modify his notice.

Mr. PETTIGREW. I modify the notice, then, and will ask the Senate to take up the Indian appropriation bill immediately after the conclusion of the remarks of the Senator from New Hampshire.

The PRESIDING OFFICER. The first pension bill on the Calendar will be proceeded with.

ISAAC N. WILLIAMS.

The bill (H. R. 1101) granting a pension to Isaac N. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Michigan," to strike out "first;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Isaac N. Williams, Company F, First Regiment Michigan Engineers, and pay him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaac N. Williams."

JOHN J. COPLEY.

The bill (H. R. 1474) granting a pension to John J. Copley was considered as in Committee of the Whole. It proposes to place on the pension roll of the Mexican war veterans the name of John J. Copley, formerly a private in Company E, Fifteenth United States Infantry, and to grant him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH D. MARTHON.

The bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "fifty" and insert "forty:" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to pay to Elizabeth D. Marthon, widow of Joseph Marthon, late a lieutenant-commander in the United States Navy, a pension of $40 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL PHILLIPS.

The bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "Company," to strike out "of" and insert "a sergeant in," and, in line 7, before the word "dollars," to strike out "thirty-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Daniel Phillips, late a sergeant in Company D, Thirteenth Regiment Wisconsin Infantry, and to pay him a pension at the rate of $30 per month, in lieu of his present pension.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Phillips."

CIRCUIT COURT OF APPEALS.

Mr. HOAR. Will the Chair be good enough to lay before the Senate the bill S. 1862, which has come from the House of Representatives with amendments?

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes.

The amendments of the House of Representatives were, on page 1, line 13, to strike out "The senior justice;" on page 1, line 14, to strike out "of" where it first occurs; on page 1, line 14, to strike out "each" and insert "Each:" and on page 1, line 16, to strike out "the same" and insert "said table."

Mr. HOAR. I move that the Senate concur in the amendments.

The motion was agreed to.

JOSIAH P. BRADBURY.

The bill (H. R. 5852) to increase the pension of Josiah P. Bradbury was considered as in Committee of the Whole. It proposes to increase the pension of Josiah P. Bradbury, late private in Company M, First Maine Heavy Artillery, and to pay him $30 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE DURNELL.

The bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington*, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twenty:" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Durnell, late second-class pilot on the gunboat *Lexington*, and pay him a pension of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jesse Durnell."

WILLIAM G. BUCK.

The bill (H. R. 8388) for the relief of William G. Buck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William G. Buck, late of Company E, Fifteenth Regiment Iowa Volunteers, to $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GREENVILLE PUCKETT.

The bill (H. R. 5880) granting an increase of pension to Greenville Puckett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the clause read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Greenville Puckett, late a corporal in Company D, Forty-fifth Regiment Kentucky Mounted Infantry, upon the pension rolls, with an increase of pension to $50 dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ELIZABETH T. ANDERSON.

The bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Mrs. Elizabeth T. Anderson, of Cartersville, Ga., and to pay her a pension of $8 per month as the widow of John Anderson, of Loyal's company, Second Georgia Volunteers, Creek war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIHU JONES.

The bill (H. R. 5981) granting a pension to Elihu Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elihu Jones, late captain Company G, Eighth Illinois Infantry, on the pension roll, and pay him a pension of $30 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elihu Jones."

DR. HARRISON WAGNER.

The bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "forty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harrison Wagner, and pay him a pension of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harrison Wagner."

CHARLES W. SENTMAN.

The bill (H. R. 1311) granting a pension to Charles W. Sentman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Charles W. Sentman, late of Company D, Twentieth Regiment of Indiana Volunteers, and pay him a pension of $20 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCIS M. ROSS.

The bill (H. R. 5986) granting a pension to Francis M. Ross was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Francis M. Ross, late a private in Company B, Forty-second Indiana Infantry, and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ZELLERS.

The bill (H. R. 4519) granting a pension to John Zellers was considered as in Committee of the Whole. It proposes to place on the pension roll, at $30 per month, the name of John Zellers, of Coffeyville, Kans., late of Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company B, One hundred and forty-fourth Regiment of Illinois Volunteer Infantry, in lieu of the pension now received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET KIRKPATRICK.

The bill (H. R. 6069) granting a pension to Margaret Kirkpatrick was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Margaret Kirkpatrick, army nurse, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK A. DRISCOL.

The bill (H. R. 4655) granting a pension to Frederick A. Driscol was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick A. Driscol, late sergeant Company E, Twelfth Regiment Rhode Island Volunteer Infantry, and Company I, Ninth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET WOODBURY.

The bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Woodbury, late widow of Aaron G. Firman, of Company I, Seventh Regiment Vermont Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. ARNOLD.

The bill (H. R. 4548) granting a pension to Mary L. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. FERREE.

The bill (H. R. 10040) granting an increase of pension to George W. Ferree was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ferree, late a private in Company E, Twenty-second, and first sergeant in Company E, Fifty-ninth, Regiments of Ohio Volunteer Infantry, and pay him a pension of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ELIZABETH S. ROBERTS.

The bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army, at $50 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH WELLONS.

The bill (H. R. 8898) to increase the pension of Elizabeth Wellons was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth Wellons, widow of a soldier of the war of 1812, from $12 per month to $20 per month.

Mr. GALLINGER. I move to amend the bill by inserting, after the words "Elizabeth Wellons, widow of," in line 5, the words "William S. Wellons;" so as to read, "Elizabeth Wellons, widow of William S. Wellons, a soldier of the war of 1812."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNIE M. ERMER.

The bill (H. R. 1095) granting a pension to Annie M. Ermer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie M. Ermer, widow of Henry Ermer, late of Company G, Tenth Regiment Maryland Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI T. E. JOHNSON.

The bill (H. R. 2317) to increase the pension of Levi T. E. Johnson was considered as in Committee of the Whole. It proposes to increase the pension of Levi T. E. Johnson, late a private of Company B, Fifty-second Indiana Volunteers, from $10 to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA H. H. CROSBY.

The bill (H. R. 446) to increase the pension of Julia H. H. Crosby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia H. H. Crosby, widow of Freeman H. Crosby, deceased, late a lieutenant in the United States Navy, commanding the U. S. S. *McArthur*, at $35 per month, in lieu of the pension which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. This concludes the Calendar of pension bills.

THE WATER HYACINTH.

Mr. PASCO. I ask unanimous consent that Senate bill No. 3651 be taken up and put on its passage.

The Secretary read the bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CALL. How much money does the bill appropriate?

The PRESIDING OFFICER. Ten thousand dollars.

Mr. PASCO. That is the amount which was recommended by the Secretary of War in order to carry out these experiments.

Mr. CALL. I shall support the bill, and hope that it will pass, but I regret that the Secretary of War did not make a recommendation for a larger amount of money. It is a very important work and ought to be done thoroughly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PASCO. I ask that the report of the Committee on Commerce be published in the RECORD in connection with my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TO INVESTIGATE THE OBSTRUCTION OF NAVIGABLE WATERS OF SOUTHERN AND GULF STATES BY WATER HYACINTHS.

February 4, 1897, Mr. PASCO, from the Committee on Commerce, submitted the following report, to accompany S. 3651:

The Committee on Commerce have had under consideration a letter from the Secretary of War, referred to the committee on the 5th day of January last, transmitting, in response to a Senate resolution adopted on the 15th day of December last, a report of the Chief of Engineers relative to the obstruction of the navigable waters of Florida and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and the report and other papers accompanying the letter, all included in Document No. 36, and submit the following report of their action thereon, with a bill framed to carry out the recommendations of the Chief of Engineers transmitted to the Senate by the Secretary, and the committee recommend that the bill do pass:

The water hyacinth is an aquatic plant that has of late years appeared in our Southern waters, notably in the States of Florida and Louisiana. It is said to be a native of Venezuela, and it appears to have been introduced into the eastern part of Florida to adorn the grounds of some of the large hotel establishments. It thrived and flourished in the little ponds fed by fountains and was valued for its rarity and beauty. The leaves are borne in swollen stems, which are filled with spongy air cells. The blossoms are of a lilac color, produced in large spikes like a hyacinth, and it flowers freely in the summer and fall. Its hairy roots hang down into the water, but do not attach themselves to the soil beneath. The plants were given away and distributed about and in a few years became so abundant that people ceased to care much for them. Later they escaped from cultivation, and as they invaded the fresh-water navigable streams and lakes they became troublesome to the log men and to the small craft which plied the upper waters of the St. Johns and its tributary streams and connections, and still later they often obstructed the passage of steamboats and sailing vessels.

The plant is of quick growth, is moved about by the winds and currents, and as the masses of roots and leaves develop and thicken they form into floating islands, which often conceal logs and other obstructions menacing the safety of any vessel that strikes them. A prevailing wind lasting for some time drives these floating masses against a bridge or some shoal or point in the river, and it is hard to detach or penetrate them. The plants are propagated from seeds and by runners, and when they have once obtained a hold on the river bank or a shoal they grow rapidly and spread toward the middle of the stream, and in some of the tributaries of the St. Johns they have extended from each shore line and met in the channel, and the passage grows more difficult from month to month, and unless a remedy is speedily afforded even steamboat navigation will be impossible.

The following account of difficulties encountered by the steamer *City of Sanford* on one of her trips on the St. Johns early last summer is taken from the Times-Union, published in Jacksonville, Fla., and shows the necessity of speedy action to protect and keep open this great waterway:

"NAVIGATION ALMOST CLOSED—WATER HYACINTHS HAVE ALMOST BLOCKED THE UPPER ST. JOHNS.

"The cold weather this winter has had no effect on the water hyacinths, and unless Congress soon takes some steps to rid the St. Johns and tributary streams of the plant, before next summer navigation of the upper St. Johns will be entirely blocked.

"On the last trip of the steamer *City of Jacksonville* from this city to Sanford great difficulty was experienced in getting through a solid bed of the hyacinths, which extended for 1½ miles south of Volusia Bar at the head of Lake George. The wind has been blowing from the north and northwest, and has caused the plants to be blown out of lakes and streams and into the form of a solid mass across the river.

"Captain Shaw, of the steamer, says that in places the hyacinths roll over and over until a solid bank several feet thick is formed, and when the steamer gets into the floating mass it is with the greatest difficulty that she can be gotten out.

"If the steamer is going at full speed when a bank of the hyacinths is struck, she will soon come almost to a standstill.

"Only a few days ago a small steamer on the upper river was completely stalled in a bed of the hyacinths, and it took several hours for men in rowboats to open up a passage for her to get out.

"At every landing along the river mill men and loggers complain that their business is being ruined by the water hyacinths, and all of them hope that Congress will soon take some action to afford relief."

The Palatka Advertiser furnishes another interesting incident which teaches the same lesson:

"Three men in two rowboats attempted to cross the St. Johns River at Palatka before day Wednesday morning, and were caught in the water hyacinths. The steam tug *Frank* made two unsuccessful attempts to get to them. A rescuing party from the schooner *Russell* went out Wednesday afternoon about 3 o'clock with boards, and, throwing them on top of the hyacinths, succeeded in rescuing two of the men, who were thoroughly chilled and wet through. At 4 o'clock the other man was still in his boat in about the center of the river, calling loudly for help, and working hard to reach the trestlework of the drawbridge, as all efforts to reach him had proved futile. The Pandata mail packet *Alice M.*, after it had left the dock, was also delayed about three hours trying to get through the hyacinths."

The following letter from Maj. James B. Quinn, of the Corps of Engineers, which was among the papers communicated to the Senate by the Secretary of War, shows that a like condition exists in Louisiana, where the same pest obstructs the navigable waters and impedes commerce:

"OFFICE UNITED STATES ENGINEER,
"*New Orleans, La., September 22, 1896.*

"GENERAL: I have the honor to inclose a petition from the citizens interested in the navigation of the tributaries of the Tickfaw River in Louisiana.

"The water hyacinth is a plant that has developed wonderfully within the past few years in the rivers and bayous of Louisiana, and its growth has been so compact in many cases as to completely obstruct the passage of boats. The plants form such a dense mass in the canal which leads into Lake Pontchartrain at West End in this city at one season as to require their removal by means of a tug and a floating rake, the plants being towed out into the lake in large patches. The operation was necessarily an expensive one, although it proved effective.

"I have been informed that in Bayou Plaquemine, Louisiana, an experiment was made with gasoline, the gasoline being pumped into the water in considerable quantities and set fire to, and from all accounts this seemed to destroy the plants and the seeds, but the results were confined to a small space, and I have no idea what might be expected when the method was tried on a large scale. It seems to promise good results and might perhaps be worthy of trial.

"This matter affects the submission of a project for the improvement of these rivers under the appropriation made for the improvement of Tickfaw River and its tributaries, Louisiana, and I therefore request to be informed whether the appropriation which was made when such a contingency as an aquatic growth obstructing navigation was unknown is applicable to the removal of same under the same classification as snags and overhanging trees, etc., the only obstructions considered in the reports relative to the improvement of these streams.

"Very respectfully, your obedient servant,

"JAMES B. QUINN,
"*Major, Corps of Engineers.*

"Brig. Gen. W. P. CRAIGHILL,
"*Chief of Engineers, U. S. A.*"

The rapid growth and spreading of this plant began to excite alarm and cause trouble about four years ago, but it was not called to the attention of the War Department till February, 1895, when Hon. C. M. COOPER, Representative of the Second district of Florida, referred to the Secretary a petition of certain citizens of Palatka, calling attention to the matter and seeking relief. At this time much trouble was experienced by the accumulation of the growth about the bridge across the St. Johns near Palatka.

The petition was referred to Maj. Thomas H. Hanbury, Corps of Engineers, and on the 10th day of April, 1895, he made a report to the Chief of Engineers from which the following extracts are taken:

"It appears from Mr. Crill's communication and from conversation that I have had with him and others familiar with the environments of the bridge across the St. Johns River at Palatka that considerable difficulty was experienced by boatmen in that vicinity last summer and fall on account of the plant called the water hyacinth, mentioned in his letter. At times this would give trouble at other points in the river south of Palatka. This plant has given no trouble until about two years ago, when it commenced to increase rapidly, collect in large patches, and float about upon the surface of the water as wind and current might direct. A long-continued southeast wind would cause large quantities of this to collect on the south side of the bridge in the angle formed by it and the shore. The shape of the deep bend at this point also favors the collection in this locality of floating substances when the wind is from this direction.

* * * * * * *

"The conditions in regard to the accumulations of the water hyacinths above described are such as obtained last fall. Since then the thermometer has twice gone below the freezing point along the St. Johns River, which has resulted in killing off most of this troublesome plant. In the latter part of last February I went down the St. Johns from Sanford to Jacksonville. At that time there was scarcely any of it visible. The only evidence of its existence was an occasional floating bulb or a patch half hidden away under some bushes or in a small bay along the shore. While at Palatka a few days since I noticed only a few bulbs about the wharves and in the vicinity of the bridge.

"Judging from the evidence of the last two years, these small remnants will be quite sufficient to again spread the plant to troublesome proportions. It does not seem to be able to withstand cold below the freezing point, nor will it live in salt or brackish water. It flourishes best in warm, sluggish, fresh water.

"From the information that I can gather, I am inclined to the opinion that it is the same plant that is beginning to give trouble in the bayous of Louisiana. There it is believed to have been brought from Colombia, South America. How it got into the St. Johns River, Florida, I have not been able definitely to ascertain. It certainly threatens to give great trouble to navigation.

"THOS. H. HANDBURY,
"*Major, Corps of Engineers.*"

The opinion expressed by Major Handbury that the remnants of the plants were sufficient to again spread its growth to troublesome proportions was well founded, and last year the people of Palatka and other places on the St Johns again called for relief against this obstruction to the commerce of their river The matter was again referred to the Chief of Engineers, and it was investigated by officers of the corps.

The following extract is taken from the report of J. W. Sackett, assistant engineer to Lieut. Col. W. H. H. Benyaurd:

"UNITED STATES ENGINEER OFFICE,
"*St. Augustine, Fla., October 15, 1896.*

"COLONEL:

* * * * * * *

"The subject has been sufficiently investigated to show that there is no question but that the plant forms a serious obstruction to navigation, and that it is increasing to an alarming extent. In this respect I beg to refer to my report submitted September 8, 1896. To determine the best method of removing the plant from the river it would appear most rational to have a series of experiments undertaken. The subject is a novel one To my knowledge such a condition of affairs has never been the subject of discussion from an engineering standpoint before. I have thought of many plans and have received many suggestions, but most of them seem impracticable. I beg to suggest the following, however, as the best that has presented itself:

"A specially constructed stern paddle-wheel steamer, having a double bow, or outriggers, which, upon being forced into a mass of the plants, would cause them to gather toward the middle of the boat, where an inclined carrier would pick them up and deposit them in front of large rollers driven by machinery that would crush them and force the water from them, thus greatly reducing their bulk. The crushed plants could then be delivered by suitable carriers into barges alongside, which, when loaded, would be used to carry the material and permit it to be deposited at some place on shore to be disposed of as compost material for fertilizer, or burned. A cremator could be arranged on a barge alongside the boat and save further handling. Experiment might show that the plant would not grow again or produce other plants after being crushed. If so, it could simply be thrown overboard from the boat."

The following extract is taken from the report of Lieutenant-Colonel Benyaurd to Brigadier-General Craighill, Chief of Engineers:

"UNITED STATES ENGINEER OFFICE,
"*St. Augustine, Fla., November 9, 1896.*

"GENERAL:

* * * * * * *

"The subject has been sufficiently investigated to show that the plant forms a serious obstruction to navigation and that it is increasing to an alarming extent. The matter of the obstruction to navigation of the St. Johns River by this plant was made the subject of an examination by Maj. Thomas H. Handbury, and his report was submitted April 10, 1895, as fourth indorsement on letter of E. S. Crill, through Hon. C. M. COOPER, M. C.

"At the time of Major Handbury's examination the plant was thought to have been destroyed by the freezing weather that had prevailed in Florida that winter.

"By reason of the obstruction caused by an accumulation of the plant above the railroad bridge of the East Coast Railway Company at Palatka (shown on photographs transmitted), the matter was again brought up and referred to me for report upon letter of George P. Fowler, forwarding petition of mayor of Palatka and others, under date of August 12 last. The report thereon was rendered by me under date of September 18, upon an examination made by Mr. J. W. Sackett, assistant engineer, to which attention is respectfully invited.

"The matter is now brought up again, with request for further investigation and for steps to be taken to remove the plant from the river.

"It might first be stated that there are no funds on hand available for making any attempts toward removing the plant.

"As stated in my letter of September 18, above referred to, the plant is found on all the tributaries of the upper St. Johns. It appears to be extending on all the streams. Under favorable conditions its propagation is so rapid as to keep in advance of any efforts tending to its removal from the areas over which it has already spread. It would appear, therefore, that the first efforts should be directed toward some measures to stop the propagation of the plant. The experiments in this direction would, in my opinion, come properly within the province of the Agricultural Department. The growth of the plant in the swamps and small tributaries might at first seem of no consequence or injury to navigation, but with the rising of the waters large masses of the growth are carried out into the main stream and tend to form the serious obstructions to navigation against which so many complaints have been made.

"Mr. Sackett, assistant engineer, who has long been familiar with the Florida streams and their present condition, due to the presence of the hyacinth, recommends the construction of a light-draft stern-wheel steamer, having a double bow, or outrigger, which, being forced into a mass of the plants, would cause them to gather toward the middle of the boat, when an inclined carrier would pick them up and deposit them in front of rollers driven by machinery which would force the water from them, thus greatly reducing their bulk. The crushed material could be delivered to barges alongside, to be deposited where no injury could again result to navigation, or a cremator could be arranged on a barge alongside of the boat and so save additional handling.

"The first expense for this work would be in the cost of the construction of the light-draft steamer; subsequent expenses would be simply in the running expenses. It is thought that with moderate appropriations the St. Johns River could be kept sufficiently clear to prevent interference with navigation.

"In recent dredging operations at Volusia Bar, the work was delayed beyond the expected time of completion owing to the presence of the plant greatly interfering with the proper working of the machinery.

"As there will probably be no appropriation for rivers and harbors until 1898, it is earnestly recommended that some efforts be made looking to an appropriation for this much-needed work at the coming session of Congress. The plant increases so rapidly that before the end of two years it is feared that it will have spread to such an extent as to seriously endanger the navigation of the lower St. Johns, and any delay in undertaking the needed improvement must materially add to the expense of subsequent operations.

"Very respectfully, your obedient servant,

"W. H. H. BENYAURD,
"*Lieutenant-Colonel, Corps of Engineers.*

"Brig. Gen. W. P. CRAIGHILL,
"*Chief of Engineers, U. S. A.*"

General Craighill, upon receipt of this report, returned the petition with its indorsements to the Secretary with the following communication:

"OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
"*November 12, 1896.*

"Respectfully returned to the Secretary of War.

"The within petition calls attention to the alarming increase in the aquatic plant known as the water hyacinth in the St. Johns River, and requests that an investigation be made and steps taken toward removing the same from the river.

"The matter has been investigated by Lieut. Col. W. H. H. Benyaurd, Corps of Engineers, who states, in report of the 9th instant, that the plant forms a serious obstruction to navigation, and that it is increasing to an alarming extent.

"Previous investigations have demonstrated the same thing, and the interference with navigation by these floating masses has been fully recognized by the Department, but there have been, and are at present, no funds available for making any attempts toward removing the plant. It is possible that Congress at the coming session may take some action in the matter and provide a fund for exterminating the plant. It would seem, as suggested by Colonel Benyaurd, that the first efforts should be directed toward taking some measures to stop the propagation of the plant, and that the experiments in this direction come within the province of the Agricultural Department. It is recommended, therefore, that these papers be referred to the Secretary of Agriculture with request for such suggestions along this line as he may be able to make.

"W. P. CRAIGHILL,
"*Brigadier-General, Chief of Engineers.*"

When the Senate resolution of December 15, 1896, was received by the Secretary of War, it was referred to the Chief of Engineers, and the following extracts are taken from his report, which has been transmitted to the Senate by the Secretary:

"In answer to the reference of this resolution to me for report I beg to submit the accompanying copies of papers relating to the presence of this plant in the St. Johns River, Florida, and also to state that, in the absence of necessary funds, no active measures have been undertaken under my direction looking to the removal or destruction of the plant at this locality. Lieut. Col. W. H. H. Benyaurd, Corps of Engineers, is under instructions to confer with the railroad company with a view to having certain desirable changes made in the bridge across the St. Johns River at Palatka.

"In September last Maj. James B. Quinn, Corps of Engineers, stationed at New Orleans, La., asked whether money on hand from appropriations heretofore made for the improvement of the Tickfaw River and its tributaries could be used for the removal of water hyacinths from those streams (copy of letter herewith), and he was advised October 6 that the money available might be used. This is the only instance where 'efforts have been made to remove such obstruction to commerce,' and I regret that I am not able to report the results of the efforts of Major Quinn in this direction, but time has not permitted the commencement of active operations on his part under the recent authority granted him.

"The legislation I would suggest in this connection is an appropriation of $10,000 to enable a proper investigation of this subject to be made and some experimental work to be carried out, with a view to permitting some definite conclusion to be reached as to the best method of freeing our Southern waters of this pest, which has already become a serious obstruction to several important fresh-water streams of the South Atlantic and Gulf States.

"Some correspondence has been had with the Department of Agriculture on this subject, and a copy of a letter addressed to the Secretary of War by the Secretary of Agriculture is herewith submitted.

"The resolution of the Senate is herewith returned.

"Very respectfully, your obedient servant,

"W. P. CRAIGHILL,
"*Brigadier-General, Chief of Engineers.*

"Hon. DANIEL S. LAMONT,
"*Secretary of War.*"

The committee are satisfied that prompt efforts should be made to remove this obstruction to our commerce and to this end some method of dealing with the evil should be devised. The recommendation of the Department is approved and the accompanying bill has been prepared by the committee to carry out the views of the Chief of Engineers.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I desire to give notice that on Wednesday, immediately after the morning business, I shall call up the conference report on the immigration bill. The Senate has fixed 4 o'clock on Wednesday as the time for taking the vote, and I desire to call up the report immediately after the morning business, because the Senator from Maryland [Mr. GIBSON], who will be unable to be in the Senate to-morrow, wishes to address the Senate; and I shall ask that it be taken up at the earliest moment, so that he can have an opportunity of speaking upon it.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. I move that the Senate proceed to the consideration of the labor-commission bill, being House bill 9188, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. STEWART. I object to that.

Mr. PLATT. If that is a motion, I shall ask for a division of the Senate on it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to proceed to the present consideration of the bill which he has indicated.

Mr. HOAR. I desire to ask the Senator from Pennsylvania if

he will object to allowing me to make a previous request which, I think, will not take any time. I am afraid that the result of his motion may be such as to prevent the Senate from doing any more business this afternoon.

Mr. QUAY. I will yield if it will not take much time.

Mr. HOAR. With the permission of the Senator from Pennsylvania, I request that the bill to which he refers be laid aside informally that I may move to take up the bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States, which ought to come up at once in order that it may go to the other House. Let it be read for information.

Mr. STEWART. The labor-commission bill has not been taken up.

Mr. QUAY. Mr. President, it is likely, as the Senator from Massachusetts has suggested, that if I should press my motion it would disclose the want of a quorum. For that reason I am willing to withdraw the motion for the present, but give notice that I shall renew it on Wednesday at the expiration of the morning business.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is withdrawn.

Mr. PLATT. May I be permitted to say one word with reference to the bill of the Senator from Pennsylvania? I have no desire to object improperly to the consideration of that bill. When it shall be taken up, if it is brought before the Senate, it will excite considerable discussion, and I do not think there ought to be an attempt made to pass it in a very thin Senate. I think there ought to be a fairly full Senate for the consideration of the bill.

Mr. QUAY. I have just stated that I withdrew the motion to proceed to its consideration for that reason, because there is a small number of Senators present.

Mr. PLATT. That is all right.

Mr. QUAY. And I give notice that I shall renew the motion on Thursday, instead of Wednesday, at the conclusion of the morning business.

CRIMINAL AND PENAL LAWS.

Mr. HOAR. I ask that the Senate now proceed to the consideration of Senate bill 3628.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States. It provides that the President, with the advice and consent of the Senate, shall appoint three commissioners, whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

The bill was reported from the Committee on the Judiciary with an amendment, to insert at the end of the bill the following additional section:

SEC. 5. That the work of said commissioners shall be completed and their term of office shall expire on the first day of the meeting of any session of Congress held more than one year after the passage of this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT COURT OF APPEALS.

Mr. HILL. As it will be very easy to take up the next number on the Calendar, I ask unanimous consent to call up the very next bill, also reported from the Committee on the Judiciary, being the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HILL. The object of the bill is simply to place the court of appeals of the District of Columbia on a par with the circuit courts of appeals of the various States, and to correct a manifest error which exists in regard to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. STEWART. I inquire of the Senator from New York if the amount in dispute will have any figure as a jurisdictional question under the amendment?

Mr. HILL. No; it allows the Supreme Court in its discretion to review a case; not otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals."

THE POTOMAC PARK.

Mr. WETMORE. I ask unanimous consent to call up the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 6, before the word "Park," to strike out "Riverside" and insert "Potomac;" so as to make the bill read:

Be it enacted, etc., That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill declaring the Potomac Flats a public park, under the name of the Potomac Park."

ANNA W. OSBORNE.

Mr. NELSON. I ask unanimous consent to call up the bill (S. 114) for the relief of Anna W. Osborne.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Anna W. Osborne $600, the same being the amount of personal property belonging to her and to John W. Osborne, her late husband, of the United State Army, destroyed by fire at the destruction of the post hospital at Fort Ripley, Minn., July 21, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF J. W. TUCKER.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of Order of Business 1590, being a resolution reported a few days ago from the Committee on Claims.

There being no objection, the resolution reported by Mr. CAFFERY from the Committee on Claims on the 10th instant was considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 3463) entitled "A bill for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

CONTINENTAL AND OTHER FIRE INSURANCE COMPANIES.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 567) for the relief of the Continental Fire Insurance Company and others.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill. It directs the Secretary of the Treasury to cause the Commissioner of Internal Revenue to reopen and reexamine the funding claims of the Continental Fire Insurance Company; the Eagle Fire Insurance Company; the City Fire Insurance Company; the Commercial Mutual Insurance Company of the State of New York; the Maryland Fire Insurance Company; the Western National Bank; the Merchants' National Bank; the Chesapeake Bank of the State of Maryland, and the Eastern Railroad Company of the State of Massachusetts, for taxes erroneously paid by them and now on file in his office, and to refund such amounts as he may find those companies and banks have paid as a duplicate tax upon the same identical income or profits, and to transmit his allowances to the proper accounting officers of the Treasury for certification to Congress, in compliance with the second section of the act of Congress approved July 7, 1884.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. WILLIAM N. TISDALL.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

The bill was reported to the Senate without amendment.

Mr. BATE. I ask the Senator from Connecticut if that bill was unanimously reported by the Committee on Military Affairs?

Mr. HAWLEY. So far as I remember, I do not recall any protest against it.

Mr. BATE. The Senator from Missouri [Mr. COCKRELL], who keeps particularly well informed in regard to all such measures, is now absent from the Senate, and, on account of his absence, I think the bill ought to go over.

Mr. HAWLEY. I hope not.

Mr. BATE. I do not desire to oppose the bill, as it is reported from the Committee on Military Affairs, of which I am a member, but I would like the Senator from Missouri to be present when it is considered. I do not know that this is a unanimous report.

Mr. HAWLEY. I do not remember anything in the nature of a protest. The bill was considered in the committee, and it is one of those cases of equity which the committee agrees to report upon once in a while.

Mr. BATE. I understand the bill is reported by a majority of the committee.

Mr. HAWLEY. Yes.

Mr. BATE. I should like to have the bill go over, Mr. President.

Mr. HAWLEY. If the Senator objects, I will let the bill go over.

Mr. BATE. Let the bill go over until the Senator from Missouri is present.

Mr. HAWLEY. Very well.

The PRESIDING OFFICER. The bill will be passed over.

CAPT. W. J. KOUNTZ.

Mr. QUAY. I ask unanimous consent for the consideration at this time of the bill (H. R. 3715) for the relief of Capt. W. J. Kountz.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release and discharge Capt. W. J. Kountz from charges aggregating $22,845.51, resulting from a contract dated the 12th of March, 1878, between him and the quartermaster's department of the United States Army at St. Paul, Minn., for the transportation of troops and supplies on the Yellowstone River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CAMPBELL.

Mr. McBRIDE. I ask unanimous consent for the consideration of the bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Campbell, of the State of Oregon, $1,165, being the amount found due by the Court of Claims for property taken by the Army during the war of the rebellion, as reported to Congress in House Miscellaneous Document No. 132 of the second session of the Fifty-third Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BEQUEST OF PETER VON ESSEN.

Mr. GALLINGER. I ask unanimous consent for the consideration at this time of the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on the District of Columbia with amendments, in line 4, after the word "authorized," to insert "and required;" in line 13, after the words "required to," to strike out "expend" and insert "distribute;" and in the same line, after the word "funds," to strike out "for the use of the white public schools of that portion of the said District formerly included within the limits of the city of Georgetown as they, in their discretion, may determine may be most beneficial for the said schools" and insert "among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship;" so as to make the bill read:

> *Be it enacted, etc.*, That the Commissioners of the District of Columbia be, and they are hereby, authorized and required to accept the bequest of $12,057.24 bequeathed by the will of the late Peter Von Essen to the late corporation of Georgetown for the use of the free white schools of said town, and which sum has been decreed to be turned over to said Commissioners, as the successors of said corporation, by the supreme court of the District of Columbia in equity cause No. 5238; and that said Commissioners be, and they are hereby, required to distribute the said funds among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT ORIENT POINT, NEW YORK.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York; which has been favorably reported from the Committee on Commerce without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not to exceed $30,000 for the erection and equipment of a light-house, with fog signal, at the site of the beacon heretofore standing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, in the State of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ANTISELL.

Mr. BURROWS. I ask unanimous consent for the consideration of the bill (S. 315) for the relief of Thomas Antisell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Claims with amendments, in line 3, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" after the word "taken," at the end of line 9, to strike out "by said troops used," and in line 10, after the word "and," to strike out "destroyed by reason of said occupation" and insert "consumed by the United States for military purposes; said sum to be in full satisfaction for his claim against the Government by reason of such occupation and use;" so as to make the bill read:

> *Be it enacted, etc.*, That the sum of $2,500 be, and is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to Dr. Thomas Antisell, late surgeon and brevet lieutenant-colonel of volunteers, in compensation for the use and occupation of his land near Fort Albany, Va., by the troops of the United States during the war of the rebellion, and for property taken and consumed by the United States for military purposes; said sum to be in full satisfaction for his claim against the Government by reason of such occupation and use.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 16, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1897.

POSTMASTERS.

Edward J. Morath, to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado, in the place of Harry A. Ferguson, removed.

Charles B. Wheeler, to be postmaster at Blackfoot, in the county of Bingham and State of Idaho, in the place of Miss Emma F. Stevens, whose commission expired January 14, 1897.

Mrs. Jeannette W. Beard, to be postmaster at Hutchinson, in the county of Reno and State of Kansas, in the place of Eli Mead, removed.

Stephen Breese, to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas, in the place of William E. Timmons, removed.

Ezra R. Flint, to be postmaster at Carson City, in the county of Montcalm and State of Michigan, in the place of George R. Gibbs, whose commission expired February 9, 1897.

Mary A. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in the place of Thomas M. Ryan, deceased.

J. W. Kelley, to be postmaster at Beaver City, in the county of Furnas and State of Nebraska, in the place of William T. Ayer, whose commission expired January 7, 1897.

William Dempsey, to be postmaster at Malone, in the county of Franklin and State of New York, in the place of Allen H. Fay, removed.

Francis J. Kettner, to be postmaster at Woodhaven, in the county of Queens and State of New York, in the place of Jacob Schnabl, whose commission expired December 14, 1896.

George E. Sweeting, to be postmaster at Dolgeville, in the county of Herkimer and State of New York, in the place of Frank J. Loucks, whose commission expired January 14, 1897.

James P. Wilson, to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee, in the place of Connie P. Priestly, removed.

William T. Anderson, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in the place of William W. Degge, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1897.

COMMISSIONER FOR ALASKA.

John Y. Ostrander, of Juneau, Alaska, to be Commissioner in and for the District of Alaska, to reside at Juneau.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Jared Augustine Smith, to be colonel.

Maj. Charles Julius Allen, to be lieutenant-colonel.

Capt. Smith Stallard Leach, to be major.

First Lieut. William Edward Craighill, to be captain.

Second Lieut. James Bates Cavanaugh, to be first lieutenant.

Quartermaster's Department.

Maj. Edwin Byron Atwood, quartermaster, to be deputy quartermaster-general.

Capt. George Enoch Pond, assistant quartermaster, to be quartermaster.

POSTMASTERS.

Oliver Z. Glenn, to be postmaster at Lebanon, in the county of Smith and State of Kansas.

H. M. Bennett, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania.

William R. Hamilton, to be postmaster at Warren, in the county of Huntington and State of Indiana.

L. Moreton Murray, to be postmaster at Daytona, in the county of Volusia and State of Florida.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 15, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

EVENING SESSIONS FOR PENSION BILLS.

Mr. HENDERSON. Mr. Speaker, I desire to submit the following privileged report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

> The Committee on Rules, to whom was referred the following House resolution—
>
> *Resolved*, That the House shall, on Monday and Tuesday, February 15 and 16, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening sessions such business as is provided for by section 2 of Rule XXVI shall be considered, and said evening sessions shall not extend beyond 11 o'clock and 30 minutes—
>
> have had the same under consideration, and herewith report it back to the House with the recommendation that it do pass.

Mr. HENDERSON. The Committee on Rules, to whom was referred the foregoing resolution, having considered the same, report it back with the recommendation that it be passed.

I demand the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. HENDERSON. I reserve my time.

Mr. BAILEY. Mr. Speaker, I simply desire to say that while I think the resolution devoting nights to the consideration of this class of bills is better than to have given a day, and the nights are intended in lieu of the day, yet I am unable to bring myself to believe that the House ought to be kept in session until 11.30 o'clock, instead of 10.30, as under former rule. But even that, as I have said, is better than giving a day for this work.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. HITT. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back to the House the diplomatic and consular appropriation bill, with Senate amendments, with the recommendation that the Senate amendments be concurred in.

The SPEAKER. The report will be read.

The Clerk read as follows:

> The Committee on Foreign Affairs, to whom was referred the bill (H. R. 10134), with Senate amendments, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, beg leave to report the same back with the recommendation that the Senate amendments be concurred in, and the bill as amended be passed.

Mr. HITT. Inasmuch as the amendments of the Senate are many of them verbal, and none of them objectionable to the House committee—in fact, are mainly such as were desired by us, but which we were prevented from incorporating in the bill by the rules of the House—I ask that the Senate amendments be considered by the House as in Committee of the Whole, in order that I may make a motion to concur in them.

The SPEAKER. The gentleman presents the diplomatic appropriation bill, with Senate amendments, and asks that they be considered in the House as in Committee of the Whole. Is there objection?

Mr. McMILLIN. Reserving the right to object, I would like to ask the gentleman what is the nature of the amendments put on by the Senate?

Mr. HITT. As I have just stated, some are only verbal. Those that are not verbal in their nature are matters which the Committee on Foreign Affairs of the House desired to incorporate in the bill, but could not do so under the rules of the House. There is an increase in three consulates' salaries, and one item is a provision of $10,000 inserted by the Senate for a new edition of the Digest of International Law, a very important work, long since exhausted, and necessary for the Department and for members of the House; and a half year's allowance to Minister P. M. B. Young's heirs, as is the custom in case of ministers dying at their posts.

Mr. DOCKERY. That is all right.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read at length.

Mr. HITT. Mr. Speaker, I will briefly explain the amendments. The amendments from No. 1 to No. 4, inclusive, are merely verbal in their nature and make no change in appropriations. No. 5 is a provision for the heirs of Mr. Young, following the practice heretofore established, but giving the heirs only one-half of the annual salary instead of the salary for a year, as was formerly done in similar cases.

Amendment No. 6 provides the sum of $10,000 for a new edition of the Digest of International Law, a document which is sought for so much by members of the House, and which has become scarce; in fact, the edition was entirely exhausted long ago. The Secretary of State will expend the money, or so much of it as is necessary, to have the work reedited, condensed, and brought down to this time. Amendments No. 7 and 8 are merely to correct the footings. Amendment No. 9 is to raise the pay of the consul at Santos from $1,500 to $2,500. The Secretary asked for $3,000. This is the largest coffee-exporting port in South America, and the consul is overworked and underpaid, and we desire to concur in that amendment. Ghent is similar—that is, the business is large, and the salary is raised from $1,000 to $2,000. The official fees collected there during the past year amounted to $3,457, showing how large is the trade passing through that consul's office. At Newcastle-on-Tyne the salary has been increased from $1,500 to $2,000; the Secretary estimated for $2,500 and we have agreed to $2,000, and Horgen is restored with $2,000, and clerk hire of $600 allowed. Patras, Greece, an important point in the Zante currant trade, has been fixed at $1,000. The fees there last year were $767. The salary we have agreed to is the lowest in the service. At Alexandretta the compensation is $1,500; this is not a change of law; only the appropriation which was last year in the sundry civil bill is now placed in this bill, where it properly belongs. The amount of the bill is $1,695,308.76 now, as against $1,672,708.76, as it passed the House.

I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 9123) to prevent forest fires on the public domain.

CREVASSE IN PASS A LOUTRE, MISSISSIPPI RIVER.

Mr. REEVES. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to move to suspend the rules and pass the bill S. 3614, with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. REEVES], on behalf of the Committee on Rivers and Harbors, presents the bill S. 3614, and moves to suspend the rules and pass it with an amendment. The Clerk will first report the bill and then report the amendment.

The Clerk read as follows:

> *Be it enacted, etc.*, That the sum of $250,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to close the crevasse in Pass a Loutre of the Mississippi River, to be expended under the direction and according to the plans and specifications of the Secretary of War.

SEC. 2. That nothing herein contained shall be held or construed to destroy or impair any right or rights of the United States arising under the acts of March 3, 1875, June 19, 1878, and March 3, 1879, containing the contract or contracts between James B. Eads and such persons as might become associated with him and the United States or to release the legal representatives of said James B. Eads from any obligation, expressed or implied, arising under and from said acts of March 3, 1875, June 19, 1878, and March 3, 1879.

The SPEAKER. The Clerk will now report the amendment which it is proposed to suspend the rules and pass.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the sum of $250,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to close the crevasse in Pass a Loutre of the Mississippi River, to be expended under the direction and according to the plans and specifications of the Secretary of War.

"SEC. 2. That nothing herein contained shall be held or construed to destroy or impair any right or rights of the United States arising under the acts of March 3, 1875, June 19, 1878, and March 3, 1879, containing the contract or contracts between James B. Eads and such persons as might become associated with him and the United States, or to release the legal representatives of said James B. Eads or other persons associated with him, jointly or severally, from any obligation, expressed or implied, arising under and from said acts or other acts pertaining thereto: *Provided*, That nothing herein contained shall be held or construed to release in any wise the executors of the estate of James B. Eads as such executors, or the associates of said James B. Eads, jointly or severally, in whole or in part, from any liability which now exists, if any such liability does exist, for a failure to close said Pass a Loutre crevasse, and the question of such liability shall be referred to the Attorney-General for his decision; and should the decision of the Attorney-General be to the effect that the responsibility for the closing of the said Pass a Loutre crevasse rests upon the executors of the estate of James B. Eads as such executors, and the associates of the said James B. Eads, jointly or severally, under existing laws, then upon the completion of the twenty years' contract for the maintenance of the channel in South Pass outlet of the Mississippi River, as the same now exists, the Secretary of War shall withhold so much of the money then to be paid to the executors of the estate of James B. Eads as such executors, or to the associates of the said James B. Eads, jointly or severally, as shall have been expended under the authority of this act, until the same shall be judicially or otherwise legally determined in favor of such executors as such executors, or said associates of James B. Eads, jointly or severally."

Mr. DOCKERY. Mr. Speaker, I ask for a second.

The SPEAKER. A second is demanded.

Mr. REEVES. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman [Mr. REEVES] asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. SAYERS. Mr. Speaker, one moment. We should like to have——

The SPEAKER. The gentleman reserves the right to object.

Mr. SAYERS. No, I do not object to the second, provided a full explanation of the bill is to be given.

The SPEAKER. The Chair hears no objection to considering a second as ordered. The gentleman from Illinois [Mr. REEVES] has twenty minutes, and the gentleman from Missouri [Mr. DOCKERY] has twenty minutes.

Mr. REEVES. Mr. Speaker, I do not know that the House needs any special information on this bill, and I shall only offer a word in explanation. Of the three outlets of the Mississippi River, only one of them, known as South Pass, is navigable at the present time. A crevasse has occurred within the last few years in one of these passes, and has been constantly enlarging, at a distance of about a mile and a quarter below the head of the pass. The effect of this crevasse has been to draw away from the other two passes of the river a portion of the water that should go through the navigable outlet of the river. The engineers of the Government in charge at this part of the river inform us, and we are also informed by men engaged in business on the river, that if this crevasse is not stopped the entire commerce of the Mississippi River below New Orleans is threatened.

The Committee on Rivers and Harbors, after hearing from the engineers of the Government and others, among them business men from New Orleans, decided to inspect the condition of affairs down there, and twelve of us went to this place and closely examined it. The committee are unanimously of the opinion that unless this crevasse is stopped the entire commerce of the river, which is more than 5,000,000 tons annually, is threatened. I take it that the necessity of keeping this river open is not a question before this House or the country. The only question is as to the necessity for doing this at this time. The best judgment we have been able to obtain is that this crevasse can now be stopped for $250,000, whereas if it is not stopped until the high floods come again and again it will cost the Government a million of dollars to do it. The committee are unanimously of the opinion that an emergency does exist, that it is outside of and away from the functions or duty of the executors of the Eads estate, and that there is nothing left for us to do but to take this course, or jeopardize the commerce of the river.

Mr. DOCKERY. Do I understand the gentleman to express the opinion that the executors of the Eads estate are not liable for the amount that may be necessary to repair this crevasse?

Mr. REEVES. Our committee have not passed upon that question, but have carefully guarded it, as the gentleman will see by reading the bill, in the event that the proper law officer of the Government shall conclude there is any liability or responsibility. If the gentleman will refer to the bill, he will see that that has been most carefully guarded.

Mr. DOCKERY. Is the gentleman able to state in this connection what amount is yet due to the estate of James B. Eads?

Mr. REEVES. Five hundred thousand dollars will be due in about two years and a half, and we direct in this bill that so much of that shall be retained as shall be expended under authority of this bill, provided the Attorney-General concludes that there is any liability whatever on the part of the Eads estate.

I do not care to say anything further, Mr. Speaker, but reserve the balance of my time.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill passed as amended.

Mr. REEVES. I desire to move to change the title so that it shall read:

A bill to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River.

There being no objection, the title was so amended.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill (H. R. 10222) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. PEARSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PEARSON. I desire to ask whether under the rules of the House it is competent for one committee to report a bill of another committee, as in this case I understand the river and harbor bill is reported as a part of another known as the sundry civil bill?

The SPEAKER. The Chair does not understand the gentleman.

Mr. PEARSON. I ask if it is competent for one committee to report a bill which is within the jurisdiction of another committee, that other committee having the right to report at any time? Now, I understand——

The SPEAKER. The Chair thinks that the correct view to be taken of the matter is that if the point had been made at the proper time and on the proper day then it would probably have been sustained.

Mr. PEARSON. May I ask if it is too late now to make the point?

The SPEAKER. The proposition now before the House is on the motion of the Committee on Appropriations to suspend the rules and pass the bill which is about to be reported.

Mr. DOCKERY. I suggest to the gentleman, in view of what was said on Saturday, that the title of the bill might be amended so as to obviate the difficulty.

Mr. PEARSON. I do not catch the gentleman's point.

Mr. DOCKERY. You might change the title, so that it will read "A bill providing for sundry civil and river and harbor expenses," and then you would cover the point. [Laughter.]

The SPEAKER. The Clerk will proceed with the reading.

Mr. WILLIAM A. STONE. The gentleman is not well founded in his facts or in his law.

Mr. PEARSON. I may be confounded by the majority in favor of the measure; but I would like very much to have three minutes to express my opinion of this congeries of horrors.

Mr. CANNON. Well, I ask unanimous consent to have a second considered as ordered.

The SPEAKER. Is there objection to considering a second as ordered? The bill will first be read.

Mr. PEARSON. If the gentleman will allow a yea-and-nay vote on this bill, I will not object.

Mr. HOPKINS. You can have a yea-and-nay vote on the passage, and if a second is ordered there will be forty minutes for debate.

The SPEAKER. There will be forty minutes for debate. The Clerk will proceed to read the bill.

Mr. WILLIAM A. STONE. I ask unanimous consent that the bill may be considered as read. Nearly every member has read the bill. It will take an hour or more to read the bill.

Mr. SAYERS. Mr. Speaker, I think that an explanation is due from myself as to why I should oppose that request. My judgment is that there is no necessity——

Mr. CANNON. I do not care to debate this bill. If the gentleman is not willing——

Mr. SAYERS. Well, if the gentleman will, instead of the usual time allowed for debate on this bill, allow us thirty minutes on this side, I think the minority here will agree to dispense with the reading of the bill, inasmuch as it has been read.

Mr. CANNON. That is, to allow thirty minutes on a side instead of twenty.

Mr. SAYERS. Yes, sir.

Mr. CANNON. All right.

Mr. TURNER of Georgia. Mr. Speaker, I think the bill ought to be read.

The bill was read at length.

The SPEAKER. The question now is on suspending the rules and passing the bill, and there are twenty minutes allowed for debate on either side.

Mr. PEARSON. Has a second been ordered?

The SPEAKER. A second has been ordered.

Mr. SAYERS. Mr. Speaker——

The SPEAKER. The Chair is in doubt about whether a second was ordered.

Mr. PEARSON. I make the point that there has been no demand yet for a second. I have been waiting for the purpose of demanding a second.

Mr. SAYERS. Let a second be considered as ordered.

Mr. PEARSON. I object to a second being considered as ordered, because there is no opportunity for amendment or debate.

Mr. SAYERS. I will give you three minutes.

Mr. PEARSON. I demand a second.

Mr. SAYERS. Then I withdraw the offer.

Mr. PEARSON. Then I accept the situation.

The SPEAKER. A second is demanded. The gentleman from Illinois and the gentleman from Texas will take their places as tellers.

Mr. PEARSON. I demanded a second.

The SPEAKER. The gentleman from Missouri demanded a second.

Mr. SAYERS. It was the gentleman from North Carolina who demanded a second.

The SPEAKER. The gentleman from Missouri demanded a second, and the Chair submitted to the House whether a second should be considered as ordered.

Mr. SAYERS. All right, Mr. Speaker.

Mr. PEARSON. I object to having it decided that a second has been considered as ordered, and demand a second, Mr. Speaker.

The SPEAKER. The gentleman does not demand a second, and a second is considered as ordered.

Mr. SAYERS. Mr. Speaker, if members will give me their attention, I will state very briefly why it is that I am opposed to the passage of this bill under a suspension of the rules. I will not stand in my place here and say that the items in this bill are improper. My judgment is that, with the exception of the river and harbor appropriations, there is scarcely an item in the bill which could not safely undergo the criticism and investigation of this House. The Committee on Appropriations have considered every item carefully, and their recommendations have been in response to estimates from the executive branch of the Government, sustained by the testimony of those who came before the committee. To almost every item in the bill, save and except the river and harbor items (which embrace an appropriation of about $16,000,000), I give assent. If the bill were considered in the ordinary way, I do not believe that the House would upon deliberation reject any of the other items, and if it did, they would be very few, amounting to a very small sum of money. As to the river and harbor items, the committee have not been called upon to judge as to the wisdom or the policy of making those appropriations. They found them in the estimates, and they found that those estimates corresponded with the provisions of the river and harbor act which passed at the first session of the present Congress. All that the committee did, therefore, was simply to call before them the officer in charge of the Engineer Department and examine him as to contracts and advertisements, and also as to the amount of money that would be needed for each work during the coming fiscal year.

Mr. Speaker, the objection that I have to the passage of this bill under a suspension of the rules is this: I believe that the House ought to be afforded an opportunity to pass upon each and every item, and I think I can state for the minority that they would not interpose any captious objection to the prompt consideration of this bill. If the bill were considered regularly and a captious spirit should be manifested, so as to delay its passage within reasonable time, it would be within the power of the majority of this House, through its Committee on Rules, to bring in an order which would force the House to vote upon the bill, and my judgment is that by to-morrow evening, or at latest by the close of our session on Wednesday, this bill will have passed here and gone to the Senate without the necessity for the intervention of an order to bring the House to a vote upon it. This is the reason and the only reason I have for objecting to passing this bill under a suspension of the rules. It is just to the Committee on Appropriations, and especially to the majority of that committee, that I should make this statement as to the character of the bill. I repeat, that with the exception of the river and harbor items the bill has been most carefully prepared, and that the river and harbor items have been included only because we were compelled to do so by the law and by the rules of the House.

Mr. HULICK. May I ask the gentleman a question?

Mr. SAYERS. Certainly.

Mr. HULICK. If I understand the gentleman correctly, he approves of the items in this bill, and my question is, What advantage would it be to have further consideration by discussion?

Mr. SAYERS. I do not approve of the appropriations made in this bill for rivers and harbors to carry out the provisions of the river and harbor act passed at the first session of this Congress.

Mr. HULICK. Do you think that part of the bill ought to be modified?

Mr. SAYERS. I can not say I think it ought to be modified, for the reason that these items are placed in the bill in pursuance of existing law. What I wish to do is to impress upon the House that in the matter of those particular items, aggregating about $16,000,000, the Committee on Appropriations ought not to be held responsible, and for one I desire to avoid the responsibility.

Mr. QUIGG. Suppose there were a failure to pass the bill under a suspension of the rules, does the gentleman mean that he would advise us to reject those items?

Mr. SAYERS. I would not, because I know nothing about them.

Mr. QUIGG. Then what would be the advantage of further consideration of the bill in detail by the House?

Mr. SAYERS. During the consideration of it those members who favor the items in question might be able to give the House reasons why they should pass.

Mr. JOHNSON of Indiana. Is the work provided for in the items referred to in such a state that a failure to appropriate for it at this time would cause damage?

Mr. SAYERS. Some of the works embraced in these items are already under contract: for some of the projects advertisements have already been made, and as to the larger items, for instance, those affecting the Mississippi and Missouri rivers, by the terms of the river and harbor act no contracts are necessary. The War Department is allowed to expend the money for those rivers either by contract or by day work, so that the contract system does not necessarily apply either to the Yazoo River, the Lower Mississippi, the Upper Mississippi, or the Missouri River.

Mr. JOHNSON of Indiana. Suppose that the appropriations for those items should fail, what damage would accrue?

Mr. SAYERS. That is not for me to say, because the committee have not inquired into that question. The committee have confined themselves to complying with the rules of the House and, responding to the provisions of the river and harbor act passed at the first session of this Congress, have therefore brought in these items for the consideration of the House.

Mr. JOHNSON of Indiana. It occurred to me that if no particular harm would come from failing to make appropriation for these items, they might perhaps be properly omitted at this time.

Mr. SAYERS. The gentleman will not understand me as expressing an opinion upon that subject.

Mr. JOHNSON of Indiana. I do not so understand the gentleman; I am merely explaining to him the reason for my question.

Mr. PAYNE. I would ask the gentleman from Texas whether in all probability, if we did not make these appropriations now, we should not have claims for damages here on account of these contracts for the next twenty-five years?

Mr. SAYERS. That is a question I can not answer.

Mr. PAYNE. But has not that been the experience in the past?

Mr. CATCHINGS. There would be great damage to some of these works if the House now failed to appropriate for them.

Mr. SAYERS. Members will understand me as not undertaking to advise the House as to these river and harbor appropriations, because the committee has not been able to examine into them in detail. If there is any other item in the bill excepting those covering the river and harbor appropriations about which gentlemen wish information, I shall be more than pleased in my time to give it so far as it is within my power. I think I understand the character of the bill quite thoroughly, and may be able to satisfy gentlemen who wish to ask questions or have doubts in reference to it.

Mr. MILNES. Will the gentleman allow me a question?

Mr. SAYERS. Certainly.

Mr. MILNES. There is an item, I see, on page 94 of the bill, appropriating $200,000 for the construction of a soldiers' home at Danville, Ill. Can the gentleman give some information with reference to the necessity for that work?

Mr. SAYERS. I will say in regard to that item that the Board which has charge of the Soldiers' Homes throughout the country, with General Franklin at its head, came before the Subcommittee on Appropriations and expressed their opinion that we would have to do one of two things, either to build a new home or to expend fully as much as is appropriated here for the extension of those Homes already in existence. Gentlemen can examine the testimony of General Franklin and others who have expressed an opinion.

Mr. MILNES. But why was it fixed at Danville, Ill., in place of some other point?

Mr. SAYERS. Oh, well, the gentleman can ask some one else that question.

Mr. MILNES. Does any member of the Committee on Appropriations reside at Danville?

Mr. SAYERS. The gentleman need not ask me that. He knows who it is. Why does he not in a bold and direct manner assault the proposition if it be an improper one?

Mr. MILNES. I have not had an opportunity.

Mr. SAYERS. The gentleman will have an opportunity.

Mr. WILLIAM A. STONE. Does the gentleman know of a better place for the construction of this home than Danville?

Mr. MILNES. I do not think it necessary to build it at Danville or anywhere else.

Mr. WILLIAM A. STONE. Were you present at the taking of the testimony with reference to it?

Mr. MILNES. No, sir; I was not.

Mr. WILLIAM A. STONE. Do you not think you ought to have been if you object to this appropriation for that purpose?

Mr. MILNES. No, sir.

Mr. SAYERS. Mr. Speaker, it is immaterial to me what policy the House may adopt in reference to the item in question. Gentlemen will readily perceive why I should not seek to reject an item reported favorably by the Committee on Military Affairs or to criticise an item which concerns the survivors of the Union Army during the late war.

Mr. PAYNE. If this appropriation is made at all, is it not necessary that the home shall be built in somebody's district?

Mr. SAYERS. Undoubtedly.

I yield five minutes to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. Mr. Speaker, I am greatly indebted to the gentleman from Texas for his courtesy, and I desire to say in absolute candor that I know my remarks will be unavailing on this occasion. I know that this bill is going to pass, and my object in rising is simply to express my opposition to the method by which it is to be passed, and to ask, furthermore, if the river and harbor bill or the features of it embodied in this bill are meritorious, why can not they be allowed to stand on their own merit and footing; and, if necessary, why should the bill embodying these items not run the gantlet of a Presidential veto?

The feeling I have with reference to the matter is that it is an improper way of legislating. That there are many meritorious items in the bill I do not pretend to question; that there are many indispensable appropriations embodied in it is beyond all doubt. But the objection I have is that the bad ones and unjustifiable ones are to be dragged through by being tied to the good ones. That seems hardly fair, particularly when we have no opportunity to move to strike out any portions of the bill to which these objections lie. If I had an opportunity, I think I could convince gentlemen of the impropriety of passing certain items in the bill. But I am bound hand and foot, and it is simply by courtesy that I am even occupying the floor for the few minutes now at my disposal.

Mr. Speaker, if I had the opportunity, I would move to strike out the appropriation of $400,000 fixed in the bill for the improvement of the mouth of the very river upon which I was born, because I know that it is a useless and an extravagant appropriation. I have appealed to you on this floor for a measure expediting the mails in my section that I knew to be a wise and a meritorious one. But I certainly would not ask what is proposed by this bill, the sum of $400,000, for the improvement of Winyaw Bay, South Carolina. The collector of customs only takes in $456 a year, and it will be two million years before he will take in enough to pay the amount of the appropriation provided by this bill, which is only a beginning of the outlay.

Mr. COOPER of Texas. Where is Winyaw Bay?

Mr. PEARSON. It is about 3,000 miles from Keweenaw Bay, for which an appropriation of $400,000 is also made [laughter], and about a thousand miles from the Yazoo River, which gets $400,000, and about the same distance from Bayou Plaquemine, in Louisiana, which also gets $400,000 [laughter]. And let me say, respectfully, that I mean no personal aspersion on the members of the Committee on Rivers and Harbors, but it is a strange fact, and will be recognized as a fact by the country, that almost every member of the committee has a $400,000 appropriation for some place, more or less obscure, in his own State or district. If these things are meritorious, why not have the manhood to put them upon their passage on their own merits, and not tie them up in this congeries of enormities, in which you can not separate the good from the bad?

Mr. CATCHINGS. May I ask my friend a question?

Mr. PEARSON. In a moment. Here are sixteen several appropriations of $400,000 each; but I desire to say, in justice to the chairman of the committee, that he is more modest than the others, and takes only $398,258 for a place called Dunkirk, which I suppose is the beginning of indefinite appropriations for an unknown time in the future.

Mr. SAYERS. The gentleman refers to the chairman of the Committee on Rivers and Harbors, of course.

Mr. PEARSON. Yes, sir. There are other things in this bill that I should like to oppose, but I have not time. There is an appropriation here of $50,000 to employ spies in my district. I should like to antagonize that.

Mr. SAYERS. That is about the best appropriation in the bill.

Mr. PEARSON. The gentleman says that because he lives so far to the Southwest that he does not know the needs of the civilized and enlightened community where this moonshine liquor is made. [Laughter.]

Mr. SAYERS. That is the best appropriation in the bill.

Mr. PEARSON. Now, I want to say this: Why not allow this river and harbor bill to go to the President as a separate measure and meet the objections he will make to it? Here it is tied up and bound up in such a way that it means, and is obliged to mean, extravagant appropriations for unworthy places. I would vote for every one of these important points, and for as much money as is required. But it is hard on me to have to vote either against the whole bill——

Mr. WILLIAM A. STONE. Will the gentleman allow a question?

Mr. PEARSON. Why, certainly.

Mr. WILLIAM A. STONE. What particular river was it you were anxious to have an appropriation made for and failed?

Mr. PEARSON. I have never asked for any appropriation for any river. I will say to the gentleman that I live in the Land of the Sky, where we are innocent of harbors and guiltless of rivers.

Mr. WILLIAM A. STONE. I understood the gentleman to say that he tried to get an appropriation and failed.

Mr. PEARSON. On the contrary, I was with the gentleman in asking an appropriation for a deserving facilitation of mails in that country, because I knew that that was worthy and that it would do good.

Mr. WILLIAM A. STONE. Oh, yes.

Mr. PEARSON. But I am opposed to such legislation as this, when it does not stand on its own merits, and will not bear the light of discussion nor the test of examination and amendment.

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Speaker, if the sundry civil subcommittee had given less consideration to the details of this bill, had gone over it hurriedly, as some of the members have who are criticising it, we might have been able to get it into the House much earlier; but the fact is that that committee has been wrestling with that bill ever since the session of this Congress began. I think I am correct in that statement, that very soon after this session began the chairman of the committee called the subcommittee together and submitted this bill to them. We have done the best we could, and made all the speed we could.

Now, in reference to the manner of passing the bill, let me say that we have got only two weeks, practically, of this session remaining. There are other bills that have not been acted upon yet. There are plenty of precedents for attempting to pass this bill under a suspension of the rules. The Fifty-second Congress passed a number of its appropriation bills under a suspension of the rules.

Mr. SAYERS. Only one.

Mr. WILLIAM A. STONE. What one was that?

Mr. SAYERS. That was the legislative, executive, and judicial bill, which is made up simply of salaries.

Mr. WILLIAM A. STONE. Very well—and the Fifty-third Congress——

Mr. SAYERS. Not one.

Mr. WILLIAM A. STONE. The Fifty-third Congress was obliged to pass what is known as the Wilson tariff bill, not under a suspension of the rules, but under an order, where only a majority vote was required, with two hours' debate. I find no fault with that. It became necessary, in order to enact that measure into law, and it is necessary now, in the judgment of the committee, if you want this bill to become a law, to pass it under a suspension of the rules.

There is nothing in the bill that the committee have to fear. We believe that the bill would pass, with all of its present items in it, under the five-minute rule. The only thing that could change it would be some probable additions; but it would consume a week of time, and then it must go to the Senate. The Senate have ever exercised their judgment in reference to additions to the sundry civil bill. Then it would have to come back to the House and be reconsidered here. So that it is not a question of the items or the discussion, or the manner of the consideration of the items in the bill, but it is a question of the passage of the bill.

Mr. QUIGG. Will the gentleman allow me to ask him a question?

Mr. WILLIAM A. STONE. Now I yield to the gentleman for a question.

Mr. QUIGG. I would like to ask the gentleman if there is anything in the bill anywhere that would be amenable to a point of order under the five-minute debate?

Mr. WILLIAM A. STONE. Not in my judgment. I do not think there is.

Mr. QUIGG. I think there is a great deal.

Mr. WILLIAM A. STONE. I do not think so. This bill has been debated under general debate for a whole day. The objectionable items, as a matter of course, were those considered in the discussion on Saturday.

Mr. MILNES. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. WILLIAM A. STONE. Yes.

Mr. MILNES. Do you not think that this item on page 94 for the building of a new soldiers' home is subject to a point of order?

Mr. WILLIAM A. STONE. No; and I will tell you why.

Mr. MILNES. Is it not new legislation?

Mr. WILLIAM A. STONE. General Franklin, of the Board of Managers of Soldiers' Homes, was called before that committee, and if the gentleman had read his testimony he would have found the reason for that item in this bill. He testified that the soldiers in these Homes were so crowded that they had to sleep in the dining room, in the kitchen, and in the corridors—two, three, four, or five thousand men, who are distributed to different places with no accommodation.

Mr. STEELE. The Committee on Military Affairs had considered the matter.

Mr. WILLIAM A. STONE. The Committee on Military Affairs had this matter before them, and fully considered it. The testimony before both of these committees was that either one of two things must be done, or else these old soldiers would have to go into the streets—either we would have to enlarge the present Homes or construct a new one. The testimony before the Board, and the opinion of both these committees, was that it was far more expedient to construct a new home than to expend the same amount of money in enlarging the existing Homes. First, the Committee on Military Affairs deemed this more expedient; and second, the subcommittee, and third, the full Committee on Appropriations, deemed it more expedient to construct a new home. The question of location may be a question open to criticism. The testimony of General Franklin was that it should be located in the Mississippi Valley. This point of Danville was the only point ever suggested or considered. If the gentleman had objected to it, he would have been heard. We would have been glad to hear the gentleman.

Mr. MILNES. I did not know anything about it then.

Mr. WILLIAM A. STONE. The gentleman seems to know a very great deal about it now.

Mr. MILNES. I know more about it since the bill has been printed.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. Give me another minute.

Mr. CANNON. I yield another minute to my colleague.

Mr. WILLIAM A. STONE. The time to object was when the committee was considering the matter; and there was no objection. The sessions of the committee were not secret. We heard everybody who wished to be heard. It seems to be an available place. Danville is a city of from 10,000 to 20,000 people, and they have all the facilities for the accommodation of a soldiers' home. From all the testimony before the committee, and from all the information the committee could obtain, it was supposed to be the best place and the most convenient for this purpose.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman from Texas desire to use all his time?

Mr. SAYERS. You can consume the balance of your time.

Mr. CANNON. The gentleman does not desire to consume any further time?

Mr. SAYERS. No.

Mr. CANNON. Now, Mr. Speaker, if I can have the attention of the House, I think I can say in a very few minutes what I desire. I was pleased to hear my colleague on the committee [Mr. SAYERS] representing the minority bear testimony that he did about this bill. He is on the subcommittee that helped to prepare it and on the full committee that considered it. I do not feel called upon, after his statement, to discuss the matters which he referred to. I agree with him on every item of the bill that he referred to; and I am not now referring to the river and harbor items. I will speak of them in a moment.

I have helped to prepare many appropriation bills, and I undertake to say that, considering the condition of the Treasury and the increase of appropriations, I never helped to prepare any bill that has been so thoroughly and exhaustively examined touching every item as this bill. So that it is not necessary for me to speak of the propriety of the items that the gentleman from Texas indorses, which includes every item except the river and harbor items. We discussed those items Saturday. Gentlemen know about them. The legislation that begat them, that breathed the breath of life into them, gave them vitality, was had almost one year ago, and these recommendations follow as a logical sequence in pursuance of law. Now, we omitted over $3,000,000 that some gentlemen seem to think might well have been put in, because it seems that the works, as I explained on Saturday, can not be completed under the authorization. We omitted Yakima Bay entirely, because, as I have explained, independent of whether we make the appropriation, not one cent of it could be expended during the coming year. Now, I do not care to thrash over old straw. The law is there, and the committee in reporting this $15,000,000, which explains the increase, followed the law under the rules of the House. That is all I desire to say, and having said that, however, I will speak of one other matter. I do not believe there is one item in this bill that, if the Committee of the Whole had considered it under the five-minute rule, would have gone out. Possibly others might have gone on; I do not know.

Mr. PEARSON. Will the gentleman allow me to ask him——

Mr. CANNON. I have not time. The gentleman has had an opportunity to address the House. Now, in view of these facts, why take from three to five days to consider this bill when there is but little over two weeks remaining of the session? It is a great bill. The committee have put two months and a half work upon it, faithful work; the Senate must perform its work upon it in two weeks. We want time for consideration of this bill in detail, not as it stands now, but as it will stand with the Senate amendments when it comes back to this House. Then will be the time for real discussion. Then will be the necessity for consideration, as we may agree with the Senate or disagree with the Senate. If we consume from three to five days in useless discussion now, we shall not have any time to consider the new and important amendments that the Senate may put upon the bill, and the whole matter will have to be disposed of practically without discussion. From every standpoint, therefore, for good legislation, for desirable results, it is wise to suspend the rules and pass the bill.

Mr. LACEY. May I ask a question for information?

Mr. CANNON. Let me complete my statement, and then if I have time I will yield to the gentleman. A word now in answer to the remark addressed by the gentleman from Michigan to the gentleman from Pennsylvania. This bill does contain an item of $200,000 for the construction of a branch soldiers' home. It does locate that home in the State of Illinois, in the county of Vermilion, in "the town of Danville." That was done after full investigation. It was referred to the Committee on Military Affairs, and it came to the House with a favorable and unanimous report from that committee, so that we felt fully justified in putting it in this bill.

What are the facts? For many years the inmates of these Homes have increased in numbers from year to year, and are increasing. A great many die, but, as the years go on, the number of veterans who become disabled is greater than the number who die. They are overcrowded, sleeping in corridors—not good for the health, not good for comfort. Two thousand of them that were entitled to relief under the law had to be turned away during the last fiscal year. The committee believed, following the policy of the Government, that an additional home ought to be authorized. We could, to be sure, add to some of the existing Homes, but they are already completed, and it would be necessary to add to everything, hospitals, barracks, quarters, and the decision of the managers, and of others familiar with the subject, was that there are quite enough inmates—from 2,500 to 4,500—now in the existing Homes, and that it would be better to supply additional accommodations by erecting a new home. That being determined upon, it was decided to locate the home as it appears in the bill, and I suppose if that had not been done, the item would not have provoked attention or criticism here.

This new home, if this bill becomes a law, will be located in the county which I represent and in which I reside. I will put in my remarks in the RECORD the report of the Committee on Military Affairs, which shows the wisdom of that selection. It is a center of soldier population. There is good water, good sanitary sewerage, good railway communication, cheap fuel—all the requisites for maintaining the home at a minimum. If the location is to be criticised, I assume the responsibility of it so far as I am concerned. I say to this House candidly that in a quarter of a century's service in the House of Representatives, coming from an agricultural district which has been kind to me, I have, through all these years, assisted in legislation from the standpoint of an American citizen and an American Representative. Chicago, the Great Lakes, the Mississippi River, the great seaports, whenever appropriations were to be made for the promotion of their legitimate interests, I have, according to my best judgment, in the service of my country, voted for them, and my people have not grumbled. Along the line of the public service, a branch soldiers' home ought now to be constructed, and it is along the line of a wise public service, and the location is as good as any other—aye, in my opinion, better than any other—I did ask that that location be written in the bill. It was approved by two great committees of the House, and if there be sin, I am ready to answer for it. [Loud applause.] That is all I desire to say.

Mr. LACEY. I desire to ask the gentleman a question for information. It is claimed that in the river and harbor part of this bill there are a number of appropriations that are not embraced in the continuing contracts. Can the gentleman state approximately how much is added to this bill over and above the items providing for existing contracts?

Mr. CANNON. Not a cent.

Mr. LACEY. Then every item here is under contract?

Mr. CANNON. Oh, no. There are five works under contract, and nearly all the others are advertised and ready to let. There could be no money expended until the 1st of July, but there is authority to contract whether money is appropriated or not, and these appropriations are available on the 1st of July next for the coming fiscal year.

Mr. WILLIAM A. STONE. And the Secretary of War testified that he would need all this money during the fiscal year.

Mr. CANNON. Yes; the engineer officer testified that he would need during the coming fiscal year every dollar that is recommended for those purposes in this bill.

Mr. LACEY. My point is this: We passed last year a river and harbor act in which a large amount of money was included, covering a period of years, and also providing for contracts. Now, this bill includes those contracts——

Mr. CANNON. The bill is in precise accord with the river and harbor act.

Mr. LACEY. But, in addition to what was provided for in the express terms of the river and harbor act, what has been added?

Mr. CANNON. Not a cent.

Mr. WILLIAM A. STONE. On the contrary, three important projects are left out.

Mr. CANNON. There are four important projects left out.

Mr. WILLIAM A. STONE. Four dams in my own district were cut out that are provided for in the river and harbor bill. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, the gentleman from Texas [Mr. SAYERS] has a few minutes remaining, and in that time I want to ask the gentleman from Illinois [Mr. CANNON] if he has not omitted to speak of what is considered by many wise and discerning persons the best feature of the bill, the provision for the republication of an edition of Messages and Papers of the Presidents. [Laughter.] I think that if the gentleman will call attention to that feature of the bill, it will assist him in passing this measure. [Laughter.] Being the author of that compilation, I feel too modest to speak of its merits myself.

Mr. CANNON. Mr. Speaker, on examination, we approved of the Messages and Documents and put the item in the bill. It is a work of great merit. In addition to that, it is fair that I should say—for I do not quite agree with my good friend from Pennsylvania—that there is no material legislation in this bill. There is some legislation touching the occupation of the post-office building down on the Avenue, and some other matters, but it is all for the benefit of the public service and it is necessary in connection with the proper expenditure of the money appropriated.

And there is also an item of legislation here that gives (from substantially the volumes now in the War Department) the War Records to Representatives who have not received the same a copy. It can be done without very much cost, certainly not exceeding $1,000.

Mr. TERRY. Is there anything in it about the republication of the Horse Book? [Laughter.]

Mr. CANNON. No, sir; we are letting the horse rest now.

Now, Mr. Speaker, I wish to insert the report by the gentleman from Missouri [Mr. TRACEY] on the subject of the Branch Home for Disabled Volunteer Soldiers. It is as follows:

> The Committee on Military Affairs, to whom was referred the bill (H. R. 10267) to provide for the location and erection of a Branch Home for Disabled Volunteer Soldiers, having considered the same, report it back to the House of Representatives with the recommendation that it do pass.
>
> The National Home for Disabled Volunteer Soldiers has seven Branches, located, respectively, at Togus, Me.; Hampton, Va.; Dayton, Ohio; Marion, Ind.; Milwaukee, Wis.; Leavenworth, Kans., and Santa Monica, Cal. The soldiers entitled to admission to the Home have increased steadily in number year by year. The average number cared for in the Home in the fiscal year 1892 was 14,196; in 1893, 14,561; in 1894, 15,601; in 1895, 16,480, and in 1896, 17,454.
>
> The Branch Homes most recently erected are those at Santa Monica, Cal., authorized in 1887, and at Marion, Ind., authorized in 1888. The Homes have not at any time been of sufficient capacity to accommodate the disabled soldiers who are entitled under the law to admission. Many such soldiers have been turned away because lack of accommodation forbade their admission, and all the Homes have been overcrowded in the endeavor to admit those whom it seemed impossible to turn away, with due regard to ordinary humanity and the object for which the Home was established.
>
> Congress has from time to time increased the capacity of the several Branch Homes, until now it is impossible further to increase their capacity unless complete additions are made to one or more of them, which would cost as much as the construction of an additional Branch Home. It is absolutely necessary that additional accommodation be provided for those ex-soldiers who are entitled to relief if the Board of Managers are to meet the obligations resting upon them under the policy which the law seems to dictate. And it seems clear that it is not good policy further to increase the capacity of the present Branch Homes.
>
> Another Branch Home can be constructed for, say, $300,000 that will accommodate 2,500 inmates, and if this is authorized and the money made immediately available $200,000 can be economically expended against the 1st of December next, and accommodations provided for 1,600 inmates; and during the succeeding season, by the expenditure of $100,000 additional, accommodations can be furnished for 900 more inmates, making 2,500 inmates in all.
>
> The public sentiment of the country, in the opinion of the committee, demands that proper and adequate provision be made for the care and comfort of the volunteer soldiers and sailors of the Union who are now no longer able to care for themselves; and such care should be given when it is needed, and it is needed now.
>
> It further appears to the committee that while the per cent of death rate of soldiers of the late war increases from year to year, the per cent of disability of the survivors increases in greater proportion.
>
> The Branch Home at Marion, Ind., was located under an act which provided for its establishment in the county of Grant, Ind., in which Marion is situated. The committee, after inquiry, are of opinion that the provision in the bill locating the proposed new branch in the county of Vermilion, Ill., is apt and proper.
>
> This location is near the center of the ex-soldier population of the Mississippi Valley. It is situated 124 miles south of Chicago, 224 miles east of Quincy, Ill., where is located the Illinois State Soldiers' Home, and 175 miles southwest of Toledo, Ohio. It is in substantially the same latitude as Dayton, where is located the Central Branch of the National Home for Disabled Volunteer Soldiers, and is southwest from the Marion Home. The distance from Vermilion County to Marion is greater than the distance between Marion and Dayton.
>
> Vermilion County is in the center of the best coal field in the West, which is now being largely developed, and cheap fuel is a certainty for a branch home located in that county. The Vermilion River and its tributaries water the county, the former at a depth of 75 to 80 feet below the average level of the country surrounding, thus assuring good drainage. The city of Danville, the county seat of Vermilion County, has a first-class water supply and sanitary sewerage, with all the modern improvements of a well-regulated city, and in addition it is a railway center, whence are thoroughly reached the States of Indiana, Illinois, Missouri, and Iowa. Danville is also in the center of a great agricultural region, and the subsistence and maintenance of a branch soldiers' home in that vicinity doubtless can and would be had at a minimum of expense.

The SPEAKER. The time for debate having expired, the question is, Will the House suspend the rules and pass the bill?

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PEARSON. Mr. Speaker, I demand a division.

The SPEAKER. Those in favor of the motion will rise and be counted.

Before the result of the affirmative was announced,

Mr. PEARSON. Mr. Speaker, I call for the yeas and nays. It will expedite the matter.

Mr. CANNON. Oh, no; take your division first, and then have the yeas and nays.

Mr. PEARSON. No; it is simply a waste of time. The yeas and nays are what we are after.

The yeas and nays were refused, there being only 33 members voting in favor of the demand and 153 against—not one-fifth joining in the demand.

So the motion to suspend the rules was agreed to (two-thirds voting in favor thereof) and the bill was passed. [Applause.]

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to report back from the Committee on Agriculture the Senate amendments to the Agricultural appropriation bill, and move to nonconcur in all of the amendments and ask a committee of conference on the disagreeing votes.

The SPEAKER. The amendments will be read at length.

The Senate amendments to the bill (H. R. 9961) making appropriations for the Agricultural Department, etc., were read at length.

The SPEAKER. What is the gentleman's motion?

Mr. WADSWORTH. That the House nonconcur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. CLARDY.

RIGHT OF WAY THROUGH CHIPPEWA AND WHITE EARTH INDIAN RESERVATIONS, MINN.

Mr. SHERMAN. Mr. Speaker, by direction of the Committee on Indian Affairs, I desire to move to suspend the rules and pass the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

> *Resolved, etc.*, That section 5 of an act entitled "An act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota," approved August 27, 1894, be, and the same is hereby, amended by striking out the word "three" and inserting the word "five," and inserting the words "or its legal successor, the Duluth, Superior and Western Railroad Company;" so that the bill will read:
>
> "SEC. 5. That the right herein granted shall be forfeited by said company or its legal successor, the Duluth, Superior and Western Railroad Company, unless the road shall be constructed through the said reservations within five years after the passage of this act."

Mr. DOCKERY. I ask a second on that motion.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection, and it was so ordered.

Mr. DOCKERY. Will the gentleman please explain the provisions of this resolution?

Mr. SHERMAN. This is simply a resolution extending for two years the right heretofore granted by Congress to this railroad company to construct its road through the Indian reservations therein named. The bill has already passed the Senate, and has been approved by the Department.

Mr. DOCKERY. Is it approved by the Secretary of the Interior?

Mr. SHERMAN. Yes, sir; by the Department.

Mr. PAYNE. Is this in the usual form of such bills?

Mr. SHERMAN. It is, and contains the reservation that is ordinarily provided in legislation of this character.

Mr. BLUE. Will the gentleman permit me a question?

Mr. SHERMAN. Yes, sir.

Mr. BLUE. Is any provision inserted with reference to compensation or the right of way across this reservation?

Mr. SHERMAN. This does not change in the least the original act, but simply extends the time for the construction of the road two years.

Mr. BLUE. Did the original act make any such provisions?

Mr. SHERMAN. I am not able to state its exact provisions in that particular, but they are either identical or substantially so with all bills of this character. They all carry provision for compensation.

Mr. BLUE. If it is not in the original act, I do not think that this provision of law should be passed without such a requirement on the part of this company.

Mr. SHERMAN. This is identical in character, if not in words, with similar bills heretofore passed.

I ask a vote, unless some other gentleman wishes to discuss the matter.

The question was taken on the motion of Mr. SHERMAN; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON], by direction of the Committee on the Judiciary, moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read as follows:

> *Be it enacted, etc.*, That in case of a vacancy in the office of attorney of the United States for the District of Columbia, the supreme court of said District may fill the same, and the person appointed by said court shall serve until an appointment is made by the President and the appointee is duly qualified, and no longer.

Mr. DOCKERY. I ask for a second, Mr. Speaker.

Mr. HENDERSON. I ask that a second be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The question is now open for debate for twenty minutes on a side. The gentleman from Iowa [Mr. HENDERSON] is recognized to control the time on one side and the gentleman from Missouri [Mr. DOCKERY] on the other.

Mr. HENDERSON. Mr. Speaker, I should like first to have the Clerk read the report of the committee, containing a letter from the chief justice of the supreme court of the District of Columbia.

The report (by Mr. HENDERSON) was read, as follows:

> The Committee on the Judiciary, to whom was referred Senate bill 3666, having had the same under consideration, report the same back to the House with the recommendation that it do pass.
>
> Section 792 of the Revised Statutes makes provision for the appointment of district attorneys in case of vacancy, in all the States, but there is no provision made by law for the filling of a vacancy in the District of Columbia. Such vacancy has already occurred in two several cases, and is liable to occur at any time, to the suspension of the public business and to the great injury of the District.
>
> There is now a vacancy in that office in the District of Columbia concerning which the chief justice wrote the following letter:
>
> Hon. DAVID B. HENDERSON,
> *Chairman Judiciary Committee, House of Representatives.*
>
> DEAR SIR: I am informed that the Senate passed an emergency bill yesterday, giving the supreme court, District of Columbia, the power to temporarily appoint a district attorney to fill a vacancy. It is very important that this bill should become a law at the earliest possible date. Could you not take charge of the bill and cause it to be passed by the House to-day, so that it may go to the President this evening for his approval, in order that the trial of criminal cases and the preparation thereof may proceed in this and the police court to-morrow?
>
> Very respectfully,
>
> E. F. BINGHAM, *Chief Justice.*
>
> FEBRUARY 9, 1897.
>
> This illustrates the necessity for action, and we believe that the bill is needed and ought to become a law.

Mr. HENDERSON. Mr. Speaker, I desire simply to add that a gentleman was sent by the chief justice to-day to say to me that there are some fifty prisoners awaiting trial. No one is there to look after their trial. The attorneys for the defendants are preparing writs of habeas corpus for the purpose of moving in the matter. I desire further to say that on Saturday last I had a talk with Mr. Harry Davis, whom I know well, and he said to me that the bill ought to pass promptly. I say this for the information of those who may think that there is a political bearing in it. There is not, I can assure gentlemen. It will have no effect whatever upon the situation of Mr. Davis's confirmation.

Mr. HULICK. Does this bill simply apply to this case, or does it apply to all cases that may possibly arise?

Mr. HENDERSON. It is a general law for the District of Columbia, not for this particular case at all.

I reserve the balance of my time.

Mr. TURNER of Georgia. I did not quite hear the statement which the gentleman from Iowa [Mr. HENDERSON] made. I desire to know to whom he referred when he said that some gentleman stated that this bill should pass by all means.

Mr. HENDERSON. I referred to Mr. Harry Davis, who has been appointed by the President to be United States district attorney, whose confirmation has been favorably recommended by the Senate committee, but which confirmation has not yet been made by the Senate. I met him at the President's reception, and talked freely with him about it, and he said that the bill ought to become a law, and would not interfere with his interests.

Mr. TURNER of Georgia. Can the gentleman state whether the supreme court has considered the question as to who should be appointed?

Mr. HENDERSON. I know nothing about that. I can not speak as to that.

Mr. TURNER of Georgia. Mr. Speaker, I do not know the gentleman who has been nominated for this place, nor do I know the gentleman who was his predecessor. I have been informed, however, in a general way, that the district attorney whose term has just expired, was nominated and confirmed near the end of Mr. Harrison's Administration, and having proved himself to be a very acceptable officer has been allowed to serve out his term. I would therefore have supposed that it would not be an ungraceful thing for the present Senate to confirm his successor, although nominated by the present Executive. I know not the reason why that appointment has been delayed. It is perhaps improper to conjecture the motives or reason for the refusal of the Senate to take up that nomination and confirm it. But in view of the statement which the gentleman from Iowa [Mr. HENDERSON] has just made, that the gentleman who has been nominated for the office of district attorney acquiesces in the propriety of this bill, I perhaps ought not to complain.

Mr. DOCKERY. Mr. Speaker, I desire to yield to the gentleman from Kansas [Mr. BLUE] such time as he desires.

Mr. BLUE. Mr. Speaker, I am opposed to this measure because of the manner in which it comes to us for consideration at this time. It seems that from the creation of this court until now no provision has been made to meet an emergency of this character. A bill is now hastily passed through the other branch of the lawmaking power of this nation and sent to us, when a nomination has been made by the Executive and is pending there, which nomination, I understand, has received the approval of a majority of the committee to which it has been referred, and when there would seem to be no very good reason for delay.

This is a public question and not a private matter. It is a question that ought to be considered above and beyond any party advantage or party motives. The question is not whether Mr. Davis approves of this measure or disapproves of it. It is whether it is best for the lawmaking power to set the example and make a precedent in this matter now. I do not believe in shirking responsibility here or elsewhere. It seems to me that if responsibility was met as it should be met in the dispatch of the public business this measure would not be here at this time. The Executive has performed his part. He has done his whole duty; and this measure would not be here if the matter was treated as the public service demands. I trust that this body, in view of the surrounding circumstances, will put the mark of its disapproval on this measure and refuse to suspend the rules and pass it now.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

RESERVOIR SITES IN ARID LANDS.

Mr. CATCHINGS. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

> A bill (H. R. 1984) providing for the use and occupation of reservoir sites reserved by the Geological Survey.
>
> *Be it enacted, etc.*, That all reservoir sites reserved or to be reserved by the Geological Survey be open to entry and use and occupation under the right-of-way act of March 3, 1891.

Mr. CATCHINGS. Read the report with it, please.

Mr. TERRY. I would like to have a second.

The SPEAKER. Is a second demanded?

Mr. CATCHINGS. I ask that a second be considered as ordered.

Mr. TERRY. I would like to have a statement from the gentleman.

The SPEAKER. The gentleman demands a second.

Mr. CATCHINGS. But, Mr. Speaker, the gentleman says he will be content if I make a statement, which I will do.

The SPEAKER. The question can not come before the House for consideration without a second.

Mr. TERRY. I do not withdraw the demand for a second, but I agree that a second be considered as ordered.

The SPEAKER. The Chair would like to have gentlemen understand that it is necessary that a second should be ordered in order that there should be any debate. If the gentleman from Arkansas desires to have debate, and does not desire to have any action on the part of the tellers, he may get unanimous consent from the House that a second be considered as ordered.

Mr. TERRY. I so understood. The only trouble was the gentleman from Mississippi was in error in stating that I withdrew the demand for a second. I was willing to permit the second to be considered as ordered. That was all.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. A second is therefore ordered; and the gentleman from Mississippi is entitled to twenty minutes for and the gentleman from Arkansas twenty minutes against the bill.

Mr. CATCHINGS. Mr. Speaker, I will ask the Clerk to read the report of the Committee on Public Lands first.

The report (by Mr. BOWERS) was read, as follows:

The Committee on the Public Lands has had under consideration the bill (H. R. 1884) to provide for the use and occupation of reservoir sites reserved by the Geological Survey, and recommends its passage with amendments herewith submitted.

The necessity for the passage of the bill is fully set forth in the letters of the Secretary of the Interior and of the Assistant Commissioner of the General Land Office, which are herewith printed and made a part of this report.

Amend the bill by striking out in line 3 the words "by the," and in line 4 the words "Geological Survey," and insert in lieu thereof the word "shall;" so that the bill shall read as follows:

"That all reservoir sites reserved or to be reserved shall be open to entry and use and occupation under the right-of-way act of March 3, 1891."

Also strike out of title the words "by the Geological Survey."

DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1896.

SIR: I have the honor to hand you a report from the Assistant Commissioner of the General Land Office, dated the 18th instant, on H. R. 1884, entitled "A bill to provide for the use and occupation of reservoir sites reserved by the Geological Survey."

There is now before this Department for determination the question whether or not the act of March 3, 1891 (26 Stat. L., 1095-1101), granting the right of way through the public lands and reservations to any canal or ditch company formed for the purpose of irrigation, authorizes the entry and occupation of reservoir sites recommended for segregation or segregated by the Director of the Geological Survey under the act of August 3, 1890 (26 Stat. L., 371-391).

The question is not free from difficulty, and the passage of the bill in question would remove all doubt on the subject.

I see no objection to the passage of the bill.

Very respectfully,

HOKE SMITH,
Secretary.

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 18, 1896.

SIR: I have the honor to acknowledge the receipt by reference from the Department of a letter from Hon. JOHN F. LACEY, chairman of the House Committee on the Public Lands, inclosing copies of two bills (H. R. 1884 and 1988) for report in duplicate and return of papers.

The bill H. R. 1884 is entitled "A bill to provide for the use and occupation of reservoir sites reserved by the Geological Survey," and reads as follows: "That all reservoir sites reserved or to be reserved by the Geological survey be open to entry and use and occupation under the right of way act of March 3, 1891."

On November 23, 1895, I addressed a communication to the Department in the matter of the Blue Water Land and Irrigation Company, a copy of which is herewith inclosed, in which I expressed the opinion that these sites are now subject to the operation of this act, and set forth my reasons for so ruling, although my predecessor had heretofore held differently. This question is now before you for consideration, and the report on this bill will depend upon the decision thereon. If the Department holds that the act is applicable to these reservoir sites, there will be no need of the bill; but if the Department holds otherwise, or is in doubt on the subject, I would recommend that a favorable report be made upon the bill for the reasons stated in my letter of November 23, 1895, as follows:

"Two objects controlled in the selection of these sites by the Geological Survey: (1) The availability of the site itself and (2) the desirability of the particular lands to be irrigated from the body of lands made susceptible of irrigation by the storage of water in such reservoirs. But these are not the only locations that can be successfully used to store water for the irrigation of these same lands, and if these sites can not be appropriated under the act of March 3, 1891, other sites will be selected for the storage and distribution of the water for the irrigation of the same lands under less economical conditions, which will result in rendering the selection by the Geological Survey absolutely valueless, for the reason that all the available supply of water in that particular region is stored and utilized by the constructed reservoir. In fact, locations for reservoirs have been selected and approved under the act of March 3, 1891, either because the site was supposed to be more advantageous than the site selected by the Government or because the appropriation of such sites was denied under the right-of-way act, which has resulted in rendering the site selected by the Geological Survey of no practical use for the purposes contemplated by its segregation."

The report on the bill (H. R. 1988) will be made in a separate letter.

Very respectfully,

E. F. BEST, *Assistant Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. CATCHINGS. Mr. Speaker, this bill has been favorably reported by the Committee on Public Lands. It was referred by that committee to the Secretary of the Interior, a letter from whom to the committee has been read, from which it appears that he has no objection to the passage of the bill. In October, 1888, Congress undertook to deal to some extent with the arid lands of the Western States by passing a law requiring that—

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows.

And it was provided that—

All the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law.

Under this legislation great bodies of land were reserved.

Congress at that time evidently had an intent to enter upon a great system of irrigation through these reservations in the arid regions. In 1890, however, nothing further having been done—in fact, the original purpose having been abandoned by Congress—a law was passed permitting the lands capable of being irrigated from these reservations to be entered as other public lands are, but still withholding from actual settlement the sites which had been segregated by the Geological Survey. In 1891 another law was passed, by which it was provided that all public reservations might be made use of by corporations, individuals, or associations for the purpose of constructing reservoirs and irrigating ditches. It was known, and is now known, that that act itself is insufficient; that by the terms of the act all these reservoir sites which have been separated and segregated are in a condition that they can not be made use of for the purpose of the construction of reservoirs by private individuals. That matter being in doubt, this bill was introduced. The Secretary of the Interior being in doubt, he declined to approve locations upon these reservoir sites.

This bill simply permits the real intention of Congress, as evidenced by the act of 1891, to be carried into effect. My information is that the people in the Western States are very much concerned in the passage of this bill. Some 138 sites have been selected for reservoirs there. They are sites that the Government proposes not to make use of, and under the construction of the Interior Department no one can make use of them. In addition to that, Mr. Speaker, in many cases——

Mr. TERRY. Let me ask the gentleman right there what particular corporations are seeking to have this concession made—what reservoir company or companies?

Mr. CATCHINGS. This bill was not introduced at the instance of any corporation. It was introduced by the gentleman from California [Mr. JOHNSON] who is the representative of a very large part of this arid country. The Land Office is extremely anxious for the passage of this bill. Judge Best, the Assistant Commissioner, came to see me on Saturday and asked if something could not be done to get this bill passed so as to provide for the irrigation of these lands.

Mr. TERRY. Are there any privileges granted by the bill tending to create a monopoly?

Mr. CATCHINGS. Not at all. The bill simply provides that anybody can make use of these sites for the purpose of constructing reservoirs under suitable regulations to be prescribed by the Interior Department. There is nothing whatever of an improper character in the bill. It simply permits persons who choose to invest their capital in that way to go upon these sites and construct irrigating ditches for the irrigation of these thousands of acres of arid lands.

Mr. TERRY. I have understood that in some instances out West water companies have abused the powers granted to them, and have set up monopolies and shut off people who ought to have access to the water.

Mr. CATCHINGS. That may be; but if so, it must have been done under some State law, because we have never had any Congressional legislation which would permit it to be done. The law as it stands is largely ineffectual. In many instances persons desiring to construct reservoirs, not being able to make use of the identical sites segregated for that purpose, have gone above them on the water courses and constructed reservoirs, thereby rendering useless the sites set apart by the Government, though, of course, that has been done at a great sacrifice of economy. There can be no reasonable objection to the passage of this bill. I have talked with the Assistant Commissioner of the Land Office and he desires its passage. I have no earthly personal interest in it, but I regard it as a great public measure which should be enacted by Congress. I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield now to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for the first time my attention is called to this bill.

The SPEAKER. The gentleman will suspend for a moment. The gentleman from Mississippi [Mr. CATCHINGS] has sent a bill to the desk which has been read. The report upon the bill indicates that certain amendments are proposed by the committee.

Mr. CATCHINGS. My motion was intended to cover those amendments, Mr. Speaker.

The SPEAKER. Then the gentleman's motion is that the bill be amended and then passed?

Mr. CATCHINGS. Yes.

Mr. DOCKERY. Let us hear the amendments.

Mr. CANNON. I would ask in what respect the bill is proposed to be amended?

Mr. CATCHINGS. They are in accordance with the suggestions of the Committee on Public Lands.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend the bill by striking out in line 3 the words "by the" and in line 4 the words "Geological Survey" and insert in lieu thereof the word "shall;" so that the bill will read as follows:

"That all reservoir sites reserved or to be reserved shall be opened to entry, use, and occupation under the right-of-way act of March 3, 1891."

Also strike out of the title the words "by the Geological Survey."

Mr. CANNON. Now, Mr. Speaker, there is the size of this bill [holding it up], and the House has just heard the proposed amendments. They strike out the words "Geological Survey" and make the bill general, throwing open every reservoir site that was selected by that Survey to entry by anybody, without restriction. One would think that so important a bill would deserve a larger report. Now, let me call the attention of the gentleman from Mississippi and of the House to a little bit of history touching this matter, as I recollect it. About the years 1886-87, or possibly 1888, legislation was placed by Senate amendment on an appropriation bill reserving and taking out of the market every acre of land in the arid region.

Mr. CATCHINGS. No; the gentleman puts it a little too strongly. It was "all lands capable of being irrigated from the reservoirs so selected."

Mr. CANNON. Precisely. It took those lands from the market and reserved all reservoir sites. It threw upon the Geological Survey the duty of making surveys and locating the reservoir sites, and, if I recollect aright, many, many hundreds of thousands of dollars were appropriated and expended in those surveys and in ascertaining the reservoir sites. Later on that law was repealed, so as to stop the survey of sites, and all the arid lands except the reservoir sites were thrown open to the operation of the land laws. The contest over that repeal, which had been placed upon an appropriation bill, took a week's time in this House, as members who were here then will remember.

Now, what are the facts? The arid lands are worthless in themselves. Without water they are absolutely worthless. But water is to make them blossom. Where you can put water on the lands, they become valuable. Without the water, I repeat, they are of no value.

Gentlemen understand the trouble that has arisen between the States, and the States and the Territories, with reference to this very question of the use of water on these lands. There are many grave questions that are to be worked out in this matter. But, after all, this enormous expenditure for the reservoir sites, after they had been ascertained and marked out and reserved, here is legislation that will enable anybody, notwithstanding this expense, to locate a homestead.

Mr. CATCHINGS. Oh, no; if the gentleman will permit me. He is entirely mistaken.

Mr. CANNON. Very well, then; to buy the land.

Mr. CATCHINGS. No, sir; not to buy the lands. It simply permits him to enter and use them as reservoirs.

Mr. CANNON. What rights do they get under the bill?

Mr. CATCHINGS. Simply to use the sites for reservoir purposes. They do not acquire any title whatever to the lands.

Mr. CANNON. But they control it practically.

Mr. CATCHINGS. Not for homestead purposes.

Mr. CANNON. Here is the way it reads in your own bill:

Shall be opened to entry and use and occupation under the right-of-way act of March 3, 1891.

Mr. DOCKERY. What does that act do?

Mr. CANNON. What does it do? That is the question. I suppose God knows. I do not. Is it referred to in the report? No. Has any information been given as to it? None whatever. I undertake to say, however, on my belief and on my information, that when you run it down you will find that the man who has been alert can avail himself of this provision, which disposes of this vast amount of Government expenditure, and can practically take the reservoir sites that may be worth a half million or a million of dollars for a nominal price, and levy, in perpetuity, a tax on the people who take the water from that site. I am quite willing, under apt legislation, to give the sites to the States, but I beg of the House to inquire closely and hesitate long before they throw away this work of the Government, done already at such a great expense, and allow this exceedingly valuable property to be had for a song and enjoyed in perpetuity by individuals.

This whole question in the arid regions ought to be intelligently and fairly taken up and exhausted. We ought to be careful how we mortgage the rights of the people who are to come after us, and place them, bound hand and foot, in the power of people who are swift under this generous legislation in obtaining these reservoir sites. Yet here it is gravely proposed, notwithstanding this past history, notwithstanding the condition which we all recognize to exist, by a motion to suspend the rules under twenty minutes' debate, when not twenty men in this House understand what is involved in the proposition—it is proposed to throw open every one of these sites to anyone who chooses to take possession of them at a nominal price.

I repeat, I beg the House to halt. I would ask the gentleman from Mississippi, because I know his great ability and purity of purpose upon the suggestion of the importance of the measure, to withdraw the motion for a suspension of the rules or change his motion to one giving a day for the consideration, when the whole matter can be discussed intelligently and understood.

Mr. CATCHINGS. I would suggest to the gentleman that I have offered the bill at the instance of the Land Office, and with the consent and approval of the Secretary of the Interior. These officers are supposed at least to be governed by the interests of the people and the Treasury.

Mr. CANNON. Oh, Mr. Speaker, all of us have been long enough in the service to understand that the recommendation of the Secretary of the Interior and other bureau officers is often perfunctory, and I never carry out the recommendations of a bureau officer, and, least of all, the head of the Land Office, whoever may occupy that position, touching these great matters of interest, without the most searching investigation, because you will find that while proper in most instances, yet sometimes they are improperly recommended in the history of the legislation of this country, and the most mischievous measures may come to Congress blest with the recommendation of the head of a bureau.

I challenge the attention of the House that we dare not follow blindly in this important matter the recommendation of the head of any bureau.

Mr. DOCKERY. We ought to have time enough at least to read the act sought to be repealed.

Mr. CANNON. Oh, yes; I will beg—no, I will not beg, but I will suggest to the gentleman from Mississippi, and to the able gentleman at the head of the Committee on Public Lands as well [Mr. LACEY], although both of them may be satisfied with this as good policy—I appeal to them to change the motion to a motion to suspend the rules and assign a day for the consideration of this matter. If it is a good measure, it will stand safely upon its merits and endure full discussion and information. If it is a bad one, it ought not to be passed, and I believe, from what little light and knowledge I have gained from the committees to which I have referred, that it ought not to be enacted into law.

Mr. TERRY. Mr. Speaker, how much time is left on this side?

The SPEAKER. The gentleman has ten minutes.

Mr. TERRY. I reserve the time.

Mr. CATCHINGS. I will yield five minutes of my time to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has informed the House that this is an exceedingly important matter, and so it is. He says, among other things, that a vast amount of money has been expended in the survey of these reservoir sites, and that now we propose to turn them over to private individuals without money and without price.

Mr. Speaker, these reservoir sites were surveyed a number of years ago, under legislation looking to the irrigation of the arid West by the National Government.

Mr. CANNON. Oh, no; my friend is mistaken about that.

Mr. MONDELL. When the Geological Survey was under the control of Mr. Powell, about 1890, there was a strong agitation throughout the West for the National Government to take up the great question of irrigation.

Mr. CANNON. My friend will allow me just to correct a misapprehension. I had charge of the bill that carried the appropriation for this survey, and I had charge of the bill upon which it was partially repealed, and I want to say to my friend he is in error. It never was the sentiment of Congress that the Government should undertake irrigation.

Mr. MONDELL. Mr. Speaker, it is possible that the gentleman from Illinois [Mr. CANNON] was never of the opinion that it was the sentiment of Congress that the Government should undertake irrigation; but this very legislation was passed on the recommendation of the Director of the Geological Survey, who favored the carrying out of vast irrigation projects by the General Government.

Mr. CANNON. My friend is again in error. The Director of that Survey opposed that scheme, and I think I speak within the bounds of my knowledge when I say that his head finally fell into the basket on account of that opposition.

Mr. MONDELL. Well, Mr. Speaker, if it is true that the Director of the Geological Survey was not in favor of carrying out these schemes of irrigation for the General Government, then it is all the more important that this legislation should pass. For, under the provisions of the law that the gentleman referred to, there were a number of reservoir sites surveyed in the Western States and Territories. There are none so surveyed in my State, but there are many scattered throughout the Western States and Territories. Those surveys were not made at an enormous cost to the General Government. I do not know just the amount which was used, but I am of the opinion that no great amount was so expended in all the years during which these surveys were being made. The intent was to find those places where reservoir sites could be located on a large scale, so as to best utilize the flood waters of streams. The consequence is that to-day, scattered throughout the Western States and Territories, there are a large number of reservoir sites, and under the present law there is no way in which those reservoir sites can be utilized.

Now, the question simply is whether the Congress intends in the future to spend millions and hundreds of millions of dollars in irrigation enterprises in the West, or whether it intends that the people of the arid West shall themselves furnish the capital for the carrying out of these great schemes. To-day, in a number of places where these reservoir sites have been surveyed by the Geological Survey, private capital has gone in and is seeking to utilize these sites, and if the General Government is not going to utilize the sites, then they should be turned over to the people, so that development may not be retarded. The entire Western country is interested in having these sites utilized.

[Here the hammer fell.]

Mr. CATCHINGS. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. TERRY. Mr. Speaker, when I first heard the reading of this bill, although it was a very short one, it occurred to me that it was making a very radical change in the policy of this Government in regard to the arid lands, a policy which it deliberately entered upon, a policy which it had spent a great deal of money in organizing and arranging for.

Now, there are no arid lands in my State, but I have been away out West at times, and I have heard the complaints of the ranchmen concerning the tyranny, extortion, and monopolistic oppression exercised by corporations controlling the water supply. And when I saw that, in addition to the rights already granted them under the act of 1891, they would be permitted under this law to lay their hands upon what the Government had set apart under and in the line of its established policy toward the arid lands of the great West, it occurred to me that it was not a proper measure to be passed under suspension of the rules.

Mr. CATCHINGS. May I ask my friend one question?

Mr. TERRY. In a moment. I trust that this House will not pass this bill under a suspension of the rules.

Mr. CATCHINGS. I will ask my friend if he is not aware that canal companies and individuals desiring to construct reservoirs can now go upon and use the public lands without exception, save only those reservoir sites which have been reserved under this survey?

Mr. TERRY. That is virtually what I have said, that these reservoir sites which have been reserved under the Geological Survey are all that the Government can now control in this matter. The Government has given away to canal and ditch companies all other rights, and I say, while the Government has got this much left that it can use for the protection of the ranchmen out in the great West, do not let us give that away under suspension of the rules. Let us have more time to consider it.

I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I only desire a moment in which to call the attention of the House to the fact that the bill which is sought to be amended or repealed by the proposition now pending is a bill of twenty-four sections, approved March 3, 1891. I do not know how many sections in that bill are affected by the pending proposition; but it does seem to me that a proposition which seems to be of such magnitude ought to be entitled to debate of more than forty minutes.

But what I wanted to say more especially was this: The gentleman from Wyoming [Mr. MONDELL] stated, as I recall his language, that only about $20,000 had been appropriated heretofore by the Government for the segregation of these reservoir sites. I went at once to the room of the Committee on Appropriations, and was not able, of course, in the few moments I was absent from the Hall, to make any exhaustive examination; but I find the gentleman is wholly in error. In that cursory examination I find the Government appropriated for the purpose of segregating these reservoirs in the fiscal year 1889, $100,000. I find also, Mr. Speaker, that the Government appropriated for this purpose in the fiscal year 1890, $250,000. In other words, from this brief examination, which I do not think is complete, it appears that $350,000 has already been expended by the Government for the survey of these reservoir sites.

Mr. MONDELL. I would like to ask the gentleman was that in 1889?

Mr. DOCKERY. In the fiscal year 1889 the appropriation was $100,000; in the fiscal year 1890 the appropriation was $250,000. From this statement I submit that $350,000 has been appropriated. I do not assume that it covers all the appropriations that have heretofore been made; but I find these two appropriations on the sundry civil bill for those respective years.

Mr. MONDELL. I will say to the gentleman from Missouri that is all the greater reason why these reservoir sites should be utilized if it is not the purpose of Congress to appropriate hundreds of millions for these reservoirs.

Mr. DOCKERY. Mr. Speaker, the Government having expended at least $350,000 for the purpose of segregating these reservoir sites, on a proposition of such a character as this it seems to be but just to this body that there should be more than forty minutes of debate. It may be, Mr. Speaker, on a full examination, possible that this bill will be found to be all right and that we should dispose of the reservations that have been segregated at the expense of the people, but it does seem to me if it is desired to press this bill to passage the motion ought to be changed so as to give the House a reasonable opportunity to examine the law which it is sought to repeal.

Mr. CATCHINGS. Will you take an hour on a side?

Mr. DOCKERY. I do not know anything about the question.

Mr. CATCHINGS. Others do, probably.

Mr. DOCKERY. I suggest to the gentlemen who have knowledge——

Mr. CATCHINGS. Mr. Speaker, if my friend will allow me, I will, with the consent of the House, amend my motion so that it shall provide that on Wednesday, after the Journal is read, this bill be debated for two hours, and then a vote be taken upon it. I have no objection to debate. I believe this to be a perfectly good bill, and will put my motion in that form.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that his motion may be changed so that the bill may be brought up on Wednesday morning after the reading of the Journal, discussed for two hours, and a vote then taken.

Mr. TERRY. It ought to be open also to amendment.

Mr. CATCHINGS. Of course I have no objection to the previous question being ordered on the bill and pending amendments. I want what is fair, and I want such disposition made of the bill as the House thinks best.

The SPEAKER. The Chair thinks that the proposition had better be put in this way, in view of a slight change in the rules in that regard: That this question be taken up on Wednesday after the reading of the Journal, and after two hours of debate, a vote then be had. Does the gentleman contemplate a two-thirds vote or a majority?

Mr. CANNON. Let it be a two-thirds.

Mr. CATCHINGS. I am perfectly willing for it to be considered in that way.

The SPEAKER. By a two-thirds vote, as suggested by the gentleman from Illinois.

Mr. TERRY. Subject to amendment.

The SPEAKER. Open to debate and amendments. Is there objection? [After a pause.] The Chair hears none, and accordingly it will be disposed of in the way mentioned.

CONTESTED-ELECTION CASE—BENOIT AGAINST BOATNER.

Mr. JOHNSON of Indiana. Mr. Speaker, I call up for consideration the contested-election case of Alexis Benoit against Charles J. Boatner, from the Fifth Congressional district of Louisiana.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

> *Resolved,* That Alexis Benoit was not elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 10th day of June, 1896, and is not entitled to the seat.

Mr. JOHNSON of Indiana. Mr. Speaker, the Clerk had better read the other resolution.

The Clerk read as follows:

> *Resolved,* That Charles J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 10th day of June, 1896, and is entitled to his seat.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask the adoption by the House of the resolutions reported by the committee.

The question was taken; and the resolutions were agreed to.

DISTRIBUTION OF RIFLES TO NATIONAL GUARDS.

Mr. MARSH. Mr. Speaker, I am instructed by the Committee on the Militia to move to suspend the rules and pass the bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held.

The bill was read, as follows:

> *Be it enacted, etc.,* That the Secretary of War is hereby authorized to issue to the governors of the several States and Territories such number of Springfield breech-loading rifles, caliber forty-five one-hundredths of an inch, as are now required for arming all of the regularly organized armed and equipped militia (generally known as the National Guard) of each State and Territory that are not already supplied with this arm: *Provided,* That each State or Territory be required on receipt of the new arms to turn into the Ordnance Department, United States Army (without receiving any money credit therefor), an equal number of the arms now in its possession, except its Springfield rifles, caliber forty-five one-hundredths of an inch.
>
> SEC. 2. That each State and Territory shall hereafter make an annual return to the Secretary of War of all the arms issued to them under this or any former act of Congress as provided for in the act of February, 1887, making a permanent annual appropriation for arming and equipping the militia.
>
> SEC. 3. That any State or Territory may, in addition to the stores and supplies issued under the provisions of this act and the act of February, 1887, purchase for the use of its National Guard or reserve militia, at regulation prices for cash at place of sale, such stores and supplies from any department of the Army as, in the opinion of the Secretary of War, can be spared.

Mr. McMILLIN. I demand a second.

Mr. MARSH. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. MARSH. Now, Mr. Speaker, I ask that the report be read in my time.

The report was read, as follows:

> The Committee on Military Affairs, to whom was referred the bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof in exchange for other rifles now held, have had the same under consideration and submit the following report thereon:
>
> According to the statistics obtained by the military information bureau of the Adjutant General's Office in the War Department, and the reports of the United States inspecting officers, the strength of the organized militia of the States and Territories and the District of Columbia, mostly known as the National Guard, is 112,879 men and officers. Of these there are in the infantry, 103,261; in the artillery, 5,045; in the cavalry, 4,362; special corps, 1,003; generals and generals' staffs, 1,422.
>
> These are armed with Springfield rifles of various models from 1873 to 1884, calibers .50 and .45. They have also Peabody rifles of .45 caliber, Marlin rifles, Remingtons, caliber .50, Spencers, and Winchesters. The larger proportion are Springfields, many of which are reported as in bad condition, especially those of old models. So are such other arms as are no longer manufactured and which it is therefore difficult to repair.
>
> There has been a continuous entreaty from many of the States for permission to turn in old rifles and receive in exchange therefor or receive as original issue modern Springfields, caliber .45.
>
> While the question of a new magazine arm for the Regular Army was in suspense, the War Department was unwilling to issue these weapons except so far as they were called for under each State's share of the annual appropriation of $400,000. Now the new Krag-Jörgensen magazine rifle is being furnished to the Regular Army, which will be entirely supplied with it within about two months. This will involve the return to the arsenal of more than 20,000 Springfields, probably nearly all in serviceable condition.
>
> For the purposes of this act there is an ample supply in store.
>
> The total number of enlisted men of the infantry of the National Guard carrying rifles is about 100,000. A very considerable proportion of them have entirely serviceable Springfields, in good order. It is impossible now to state accurately the number of rifles that will be taken from the Springfield Arsenal under this act. The best available estimate says about 50,000.
>
> The Springfield rifle of caliber .45, a single-shot breechloader, has a heavy bullet, which can not take so flat a trajectory nor so long a range as the new rifle of caliber .30, but it is still a very serviceable weapon, easily and quickly loaded, and can be fired very rapidly. It is of great importance that the militia or National Guard should have rifles of uniform model and caliber.
>
> Much the larger proportion of the force is in very good condition, and in many States under excellent drill and discipline. In case of an emergency its ranks could be quickly recruited from men who have been honorably discharged from it within a few years past, and a total of 150,000 men could be put in the field who would rapidly approach a uniform standard of excellence and power.
>
> It is thought best not to permit a return of the Springfields now in the hands of the organized militia. Such as need repairs can be easily put in order and returned to the militia, practically equivalent to new arms. No credit is to be given in money for the old rifles of other styles that may be turned in. Many of them will have no market value and will scarcely be worth transportation, but upon assuming title to them the Bureau of Ordnance might feel at liberty to sell them to anyone who would take them where they are.
>
> The manufacture of the new Krag-Jörgensen magazine rifle will proceed with such rapidity as the appropriations will permit. In the meantime, it seems to be common sense that the superseded Springfield, a very good weapon, as we have said, should be issued to the Guard in accordance with their wishes and their repeated requests.
>
> The military information division reports 9,945,043 as the total of citizens in the whole country liable to military duty in 1895.
>
> The committee recommend the early passage of the bill.

Mr. McMILLIN. Mr. Speaker, I desire to ask the gentleman presenting this bill whether it is contemplated to manufacture any of these guns for distribution to the militia?

Mr. MARSH. My understanding is that there is a sufficient number of these guns now belonging to the Government to meet all the requirements of this bill.

Mr. PARKER. I can speak from knowledge; there are several hundred thousand of them.

Mr. McMILLIN. The report says that only about 20,000 have been turned in.

Mr. MARSH. The report says that upon the arming of the regular soldiers with the new Krag-Jorgensen guns, as the Department is now ready to do, there will be about 20,000 of these old guns turned in. It does not undertake to say how many of these Springfield rifles are now in the hands of the Ordnance Department, nor am I prepared at this moment to state the number.

Mr. McMILLIN. The reason I make the inquiry is this: I think that if this bill is to pass, inasmuch as the Springfield rifle is now obsolete and is being superseded in the Army by this new gun, there ought to be a provision in this bill that no expense shall be incurred for the manufacture of new guns of the Springfield pattern, but that the supply shall come entirely out of the stock now on hand; because if new guns are to be made, they ought to be of the most recent pattern.

Mr. MARSH. There is no authority whatever given in this bill for manufacturing more arms. It simply provides for the distribution of those that the Government now owns and that are not needed for the Regular Army.

Mr. McMILLIN. I listened to the reading and was unable to hear any provision in the bill which would prevent the manufacture of this old type of arms for distribution, and of course there ought not to be any further manufacture of them, as they are obsolete.

Mr. MARSH. I take it that the gentleman will agree with me that the Department would not have any right to manufacture unless there was legislation authorizing it.

Mr. McMILLIN. If the act is mandatory upon the Secretary of War to furnish these arms to the militia, and there is no inhibition against their manufacture, then manufacture would result inevitably from compliance with the law. I suppose the gentleman will have no objection to incorporating a proviso that the distribution contemplated by this bill shall be made wholly out of the arms on hand, or out of those on hand and those to be turned in as the new arms are supplied to the Regular Army.

Mr. MARSH. I certainly would have no objection to an amendment of that kind if it was at all necessary; but if the gentleman will read the bill he will see that there is nothing in it which obligates the Secretary of War to issue these arms. The Secretary is simply authorized to make the issue, and that certainly would not authorize him to expend public money in the manufacture of such arms. The object of the bill is to distribute the Springfield rifles to the militia, inasmuch as the regular soldiers have no longer any use for them. I yield the balance of my time, Mr. Speaker; and if no other gentleman desires to be heard, I ask that the bill be put upon its passage.

The rules were suspended and the bill was passed.

RELIEF OF CERTAIN OFFICERS AND ENLISTED MEN.

Mr. HULL. Mr. Speaker, on behalf of the Committee on Military Affairs, I move to suspend the rules and pass the bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces.

The bill was read, as follows:

> *Be it enacted, etc.,* That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service, shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided,* That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further,* That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further,* That this act shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further,* That the pay and allowances actually received for the period covered by the recognition extended under this act shall be deducted from the sums otherwise to be paid thereunder.
>
> SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.
>
> SEC. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.
>
> SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Is a second demanded?

Mr. PAYNE and **Mr. McMILLIN** demanded a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. HULL. Mr. Speaker, this bill is simply reenacting a law which has been passed four times since the close of the war with a limitation of time. It was enacted for a period of three years, and each time at the expiration of that period it was reenacted by Congress for an additional three years. The War Department now recommends that it be reenacted without any limitation as to time. That is the only object of this bill, and the only change in the old law is the striking out of the limitation. Otherwise it is a reenactment of a law which has been on the statute books from 1884 to 1895. Almost all the men who could take advantage of it have been already remustered under the law. The provisions of the bill are intended to apply to men who were commissioned under the law where a vacancy existed and who performed the duty of the grade, but were not mustered at the proper time on account of being ill in hospital or being in prison. It is not intended to affect, and it does not affect, the very large class who were commissioned by governors of the different States to offices where no vacancies existed, where the companies were reduced below a minimum. The bill, I repeat, with the exception I have mentioned, is in the exact language of the statute which has been heretofore passed four times.

Mr. McMILLIN. Do I understand the gentleman to say that the officers to whom this bill applies have already had four different periods of three years each, aggregating twelve years, within which to avail themselves of the provisions of this law, and have not done it?

Mr. HULL. Yes, sir.

Mr. McMILLIN. Then this statute of limitation has been already annulled four times for their benefit?

Mr. HULL. If the gentleman chooses to call it a statute of limitation.

Mr. McMILLIN. It is a limitation.

Mr. HULL. Yes; and I will say to the gentleman from Tennessee——

Mr. McMILLIN. What reason is there why the Government should go on indefinitely extending this time, when four opportunities of three years each have already been offered to these men?

Mr. HULL. I will say to the gentleman that this provision of relief has been accorded already to nearly all of the officers who are entitled to the benefits of the law. There are some officers, however, who have not been able to avail themselves of it—men who are living on farms or homesteads in the West—a very few of them, who have never availed themselves of the law, and in fact did not know perhaps of its existence until after its expiration. Perhaps there are not over three. I think that is the number on file now. But the Department thinks that no matter when an officer finds that he has slept on his rights, it is only fair and equitable, in view of the way others have been treated, to give him an opportunity to be placed exactly upon the same footing, and that all of them shall have that relief to which they are entitled.

Mr. STEELE. I would like to ask the gentleman a question, with his consent, for information.

Mr. HULL. Certainly.

Mr. STEELE. By the act of March 3, 1863, which provided that under such regulations as the Secretary of War may prescribe, a regiment falling below the maximum should be deprived of its colonel, and companies falling below a maximum limit then fixed should be deprived of a second lieutenant. Now, notwithstanding that law, some of the States continued to commission these officers where vacancies occurred. For instance, if there was a vacancy in the office of colonel when the regiment had fallen below the maximum, a commission was issued; and in certain cases there were vacancies filled in companies by the commissioning of second lieutenants, where the law had expressly provided that in such cases the companies should be deprived of the services of second lieutenants. Some of the States continued to commission officers without regard to that law, while some of the States did not. I would ask the gentleman whether the law now sought to be enacted will be applicable to officers commissioned subsequent to that act of March 3, 1863, under these circumstances?

Mr. HULL. It provides expressly that it shall not be so applied. There is another bill before the committee providing relief in such cases; but this provides that it shall not be applicable where there was no legal vacancy.

On that I ask a vote.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

LIGHT-HOUSES AND OTHER AIDS TO NAVIGATION.

Mr. HEPBURN. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 9703) to provide for light-houses and other aids to navigation as amended by the committee.

The SPEAKER. The bill will be read as proposed to be amended.

The bill was read, as follows:

Be it enacted, etc., That light-houses and other aids to navigation be established and erected as hereinafter set forth, to wit:

Completing the removal of Cape San Blas light station, Florida, to Blacks Island.

Building a light-keeper's dwelling at Egmont Key light station, Florida.

Reconstructing the front beacon of Apalachicola Bay range-light station, Florida.

Establishing a light station at or near St. Joseph Point, in St. Joseph Bay, west coast of Florida.

Establishing range lights to mark the channel over the bar, entrance to Choctawhatchee Bay.

Repairing wharf and buildings of the depot at Key West, Fla.

Mr. DOCKERY. I demand a second. This seems to be an omnibus measure.

Mr. HEPBURN. It carries no appropriation as now amended by the committee. The committee recommend the striking out of all items in the nature of appropriation.

I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. HEPBURN. I yield to the gentleman from Florida, who will explain the measure.

Mr. SPARKMAN. Mr. Speaker, I hope that there will be no objection to the passage of this bill. In my judgment it is a very important measure. It provides for the construction of one or more light-houses, and other aids to navigation, on the west coast of Florida. These projects have been recommended by the Light-House Board as matters that are urgent, and as buildings that should be constructed without delay.

The Committee on Interstate and Foreign Commerce have reported unanimously in favor of the passage of the bill. As was stated by the chairman of the committee a moment ago, the bill carries no appropriation, but provides for the structures to be erected; and I take it no appropriation whatever can now be made for the erection of these light-houses and these other aids to navigation for a year or more from this date. So that there can be no objection on the ground or on account of the apprehension on the part of any individual member of the House that an immediate appropriation is thereby incurred or made necessary. All we desire is to provide for the erection of these aids to navigation, so when the proper bill is presented to the House, in the next Congress, the money necessary to construct either all or a portion, as it may seem proper, may be made.

I repeat, I hope there will be no objection, but that the House will see the importance of the measure and allow its passage at this time.

Mr. DOCKERY. Mr. Speaker, I desire to say a word in reference to this matter. I know nothing whatever of the merits of the several propositions contained in the bill. I assume that the propositions are just and reasonable, inasmuch as the bill comes to the House with a favorable report from the Committee on Interstate and Foreign Commerce. I would ask, however, if it has the approval and indorsement of the Secretary of the Treasury?

Mr. HEPBURN. All these items are estimated for by the Light-House Board. All have been recommended and are found in the report of the Board.

Mr. DOCKERY. I wish only to add a word, Mr. Speaker. I shall not vote against the bill, but will defer to the judgment of the gentleman from Florida and the chairman of the committee who reports it.

Gentlemen will observe that the bill involves an expenditure of some $42,000. Of course, as the gentleman from Florida says, it makes no direct appropriation. But it is in perfect harmony with the policy which seems to have been adopted by the House, not only in reference to light-houses, but with reference to rivers and harbors, improvement of sewers, and other public works that I call to mind. That is to say, the House, contrary to the rules and practices prevailing in all private business enterprises, is turning back the wheels of progress, and reviving the old discarded "credit system." But few bills receive favor if they involve a direct appropriation. But if the mortgage upon the Treasury is projected into the future, whether near or remote, the measure is more likely to secure favorable recognition.

Now, this is a very small mortgage of $42,000 on the revenues of the future, and I do not propose to stand in the way of the measure, but I hope the time will come—and I believe it will very soon—when the credit policy which is being adopted by the Congress of the United States will be abandoned, and we shall return to the business methods which prevail everywhere in private affairs. In railroad circles, in mercantile business, in manufacturing industries, business is transacted upon a cash basis. Credit is not given for a longer period than thirty days. But it seems that the Government, contrary to the business principles that prevail everywhere else, is returning to business methods rejected by the business world.

Mr. SPARKMAN. I have no objection to taking the money now, but the committee think otherwise.

Mr. DOCKERY. I know that; but I want the House to understand that this contemplates an appropriation at a very early day of $42,000. Of course we are simply giving our obligation to be paid at some time when the Dingley bill, I suppose, will have furnished a larger income for the support of the Government than it now receives.

Mr. HEPBURN. I think the gentleman from Missouri [Mr. DOCKERY] is in error about that. There is no appropriation here. This is simply an authorization.

Mr. DOCKERY. That is what I have said.

Mr. HEPBURN. I thought that you were complaining about the money that was appropriated. There will be no expenditure until the matter is brought before the Committee on Ways and Means.

Mr. DOCKERY. I was simply emphasizing the fact that this bill is in harmony with the views the gentleman from Iowa [Mr. HEPBURN] so ably expressed last Saturday in respect to the credit system as applied to the river and harbor bill.

Mr. HEPBURN. Oh, no; not at all. There is no similarity between the two propositions.

Mr. PAYNE. I will ask the gentleman from Iowa [Mr. HEPBURN] whether he will consent to amend the bill so that when we get these light-houses and means of saftey down there along the Florida coast they will cut the pilotage fees in two, or make a great reduction in them?

Mr. HEPBURN. I shall be perfectly willing to refer the subject to the Committee on the Merchant Marine and Fisheries.

Mr. PAYNE. All right. The amendment will go in, then.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

LOAN OF TENTS FOR GRAND ARMY ENCAMPMENT, BUFFALO.

Mr. POOLE. Mr. Speaker, I move to suspend the rules and pass House joint resolution 252, authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city.

The bill was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized, at his discretion, to deliver out of the quartermaster stores to the order of Mayor Edgar B. Jewett, of the city of Buffalo, for the use of said city of Buffalo and its committees on the thirty-first national encampment of the Grand Army of the Republic, to be held at Buffalo August 23, 1897, the following, namely: Sibley tents, common "A" tents, and flood sufferers' tents, with poles, ridges, and pins for each, under such restrictions as is usual in such cases, and with the proviso that no expense shall be caused to the United States by the delivery and return of such property; the same to be delivered to the mayor of Buffalo at such time anterior to the event as may be agreed upon between the War Department and the mayor of the city of Buffalo.

Mr. RICHARDSON. Mr. Speaker, I ask for a second.

Mr. POOLE. I ask that a second be considered as ordered.

The SPEAKER. The gentleman asks that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. POOLE] is entitled to twenty minutes and the gentleman from Tennessee [Mr. RICHARDSON] to twenty minutes.

Mr. POOLE. Mr. Speaker, this bill simply provides for the loaning to the mayor of the city of Buffalo, for the use of the Grand Army of the Republic at their twenty-fourth annual encampment, to be held in that city next August, of "A" tents, Sibley tents, and other tent paraphernalia, to be used by the members of the Grand Army at that encampment.

Such a resolution as this has been adopted by Congress every year for the last fifteen years. The bill provides that the tents shall be delivered to the mayor of Buffalo and returned to the Government without any expense to the Government.

Mr. RICHARDSON. I understand the bill provides that there shall be no expense to the Government in the loaning of these tents.

Mr. POOLE. The bill does so provide. There is no expense of any kind to the Government, and the tents are to be delivered in such number as in the discretion of the Secretary of War can be spared.

Mr. RICHARDSON. I have no objection to the passage of the bill.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

HOMESTEAD LANDS IN FLORIDA.

Mr. COOPER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9191) concerning certain homestead lands in Florida, as amended by the Committee on the Public Lands.

The SPEAKER. The gentleman from Florida moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That all persons actually occupying homesteads in good faith in any of the following-named counties, in said State of Florida, to wit, Alachua, Lafayette, Levy, Suwanee, Bradford, Baker, and Columbia, at the time of the storm on or about September 29, 1896, are hereby granted the right to sell or otherwise dispose of the fallen timber on their homestead entries felled by said storm, and to devote the proceeds of such sale or barter to the improvement of their homesteads or support of themselves or their families.

Mr. LACEY. Mr. Speaker, I demand a second.

Mr. COOPER of Florida. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Florida asks that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. COOPER] is entitled to twenty minutes, and the gentleman from Iowa [Mr. LACEY] to twenty minutes.

Mr. COOPER of Florida. I will ask for the reading of the report.

Mr. LACEY. I suggest that the gentleman from Florida can explain this matter more briefly than the report.

Mr. COOPER of Florida. Mr. Speaker, last fall a great storm prevailed over the country, the same that struck Washington. It passed over several counties of Florida, and felled a great deal of the standing timber upon the lands occupied by homesteaders from the United States as well as other citizens. That country is a mass of fallen timber that can hardly be conceived by persons who have not seen it. These people have suffered great losses and they are now in a very destitute condition. There is imminent danger that forest fires, especially in the spring, will sweep over that whole country and not only destroy the timber, but endanger the homes and the lives of the people occupying those portions of those counties. The bill simply gives them permission to dispose of the fallen timber blown down by the storm, the proceeds to be expended for improvements upon their farms and in support of their families. It is recommended by the Department, and if this leave be not extended the timber would eventually be destroyed by fire, rot, or be eaten by the worms.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. EDDY. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (S. [illegible]) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota.

Be it enacted, etc., That the time for the construction of the St. Paul, Minneapolis and Manitoba Railway through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota, as limited by section 3 of an act of Congress entitled "An act granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota," approved July 18, 1894, together with the rights and privileges granted by said act, be, and the same are hereby, revived and extended for the period of two years from the 18th day of July, 1897.

Mr. DOCKERY. I ask a second, in order to secure a brief explanation.

Mr. EDDY. I ask unanimous consent that a second be considered as ordered.

There was no objection, and a second was considered as ordered.

Mr. EDDY. Mr. Speaker, this is simply a bill reviving an act passed in 1894. The time expires on July 18, 1897. The original act provides compensation for the Indians for this right of way. It has the usual provisions. This recommendation for the extension of time has the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REORGANIZATION OF THE JUDICIAL DISTRICTS OF ARKANSAS.

Mr. NEILL. Mr. Speaker, I move that the rules be suspended and the bill which I send to the Clerk's desk be passed.

The Clerk read as follows:

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes.

Be it enacted, etc., That the State of Arkansas is hereby divided into two districts, which shall be called the eastern and western districts of Arkansas. The western district shall hereafter include the counties of Benton, Washington, Carroll, Boone, Madison, Newton, Crawford, Franklin, Johnson, Logan, Sebastian, Scott, Yell, Polk, Sevier, Howard, Pike, Little River, Hempstead, Miller, Lafayette, Nevada, Columbia, Union, Ouachita, and Calhoun. The eastern district shall hereafter include the residue of said State.

SEC. 2. That the eastern district is hereby divided into three divisions, to be known as the western division, the eastern division, and the northern division. All process, civil and criminal, hereafter issued against persons residing in the counties of Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, St. Francis, and Monroe, which shall constitute the eastern division, shall hereafter be made returnable to the courts, respectively, to be held at the city of Helena; and all process, civil and criminal, against persons residing in the counties of Independence, Cleburne, Stone, Izard, Baxter, Searcy, Marion, Sharp, Fulton, Randolph, Lawrence, and Jackson, which shall constitute the northern division, shall be made returnable to the courts, respectively, to be held at the city of Batesville; and all process, civil and criminal, against persons residing in any of the remaining counties of the eastern district of the State, which shall constitute the western division, shall be made returnable to the courts, respectively, to be held at the city of Little Rock.

SEC. 3. That the terms of the United States circuit and district courts for the eastern district of Arkansas shall be held in each year at the times and places as follows: At the city of Batesville, in the county of Independence, commencing on the second Mondays in June and December; at the city of Helena, in the county of Phillips, on the second Mondays in March and October; at the city of Little Rock, in the county of Pulaski, the district court on the first Mondays in April and October, and the circuit court on the second Monday in April and the fourth Monday in October.

SEC. 4. That all causes, civil and criminal, now pending in the courts, respectively, at Little Rock against persons residing in any of the counties made returnable to the courts to be held at Batesville, as herein provided, shall be determined and disposed of by said courts, and all causes, civil and criminal, now pending against persons residing in the county of Marion, in the courts, respectively, at Fort Smith, shall be determined and disposed of by said courts.

SEC. 5. That the western district is hereby divided into two divisions, to be known as the Texarkana and Fort Smith divisions, respectively. All process, civil and criminal, hereafter issued against persons residing in the counties of Sevier, Howard, Pike, Little River, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Calhoun, and Union, which shall constitute the Texarkana division, shall hereafter be made returnable to the courts, respectively, to be held at the city of Texarkana; and all process, civil and criminal, hereafter issued against persons residing in any of the remaining counties of the western district of the State, which shall constitute the Fort Smith division, shall be made returnable to the courts, respectively, to be held at the city of Fort Smith.

SEC. 6. That the terms of the United States circuit and district courts for the western district of Arkansas shall be held in each year at the times and places as follows: At the city of Texarkana, in the county of Miller, on the second Mondays in May and November; at the city of Fort Smith, in the county of Sebastian, on the second Mondays in January and June. And the causes, both civil and criminal, now pending at Little Rock against persons residing in the counties of Calhoun and Union shall be disposed of in said courts. All causes, process, bonds, recognizances, and other things pending in, returnable, or having relation to the terms of said courts at Texarkana and Fort Smith now provided by law shall be proceeded with in the terms provided by this act with the same force and effect that would have been lawful had the times of holding said courts at said places not been changed.

SEC. 7. That all crimes or offenses hereafter committed in any of the divisions of the said districts shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the districts as heretofore constituted shall be commenced and proceeded with as if this act had not been passed.

SEC. 8. That there shall be appointed in the northern division of the eastern district of the State of Arkansas one additional clerk of the district court and one of the circuit court, who shall reside and keep their respective offices in the city of Batesville.

SEC. 9. That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed; and this act shall take effect and be in force from and after its passage.

Mr. NEILL. I ask to suspend the rules and pass the bill with the amendment that is desired. The amendment has been read.

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. NEILL. I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

Mr. NEILL. Mr. Speaker, this bill is unanimously reported by the Committee on the Judiciary, and it has been agreed upon by the entire Arkansas delegation in the House and Senate. It is to reorganize the judicial districts of Arkansas, which was made necessary by the unequal division of business as the two districts are now constituted. With the taking away of the jurisdiction of the Indian country by the act of February or March, 1895, the work of the Fort Smith district was very largely reduced, and the counties now comprising that district are only about one-fourth of the area of the State, and give to the Federal courts perhaps less than one-fourth of the business of the entire State. This bill seeks to equalize, so far as may be done at this time with convenience, the work of the two judicial districts, and creates a new division in the eastern district, which will carry no expense and no burden whatever. I ask the Clerk to read the report made by the gentleman from New York [Mr. RAY].

Mr. PAYNE. I want to ask the gentleman a question. I understand that this bill involves no new judges or new officers, but simply makes a new division.

Mr. NEILL. It makes no new offices, except a clerk for the northern division of the eastern district, which will involve no extra expense. It is a unanimous report from the Judiciary Committee.

Mr. LACEY. I would ask the gentleman what provision is made for the clerk at Batesville? How is he to be taken care of?

Mr. NEILL. Simply by the fees which the office may yield or earn.

Mr. LACEY. I have been informed that last year the fees were only $228.

Mr. NEILL. However that may be, I have no doubt of our being able to obtain a perfectly competent clerk for the courts provided by this bill to be held at Batesville.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

RELIEF FOR THE POOR OF INDIA.

Mr. LOUD. Mr. Speaker, there is upon the Speaker's table a Senate joint resolution authorizing the Secretary of the Navy to furnish a vessel to transport to India the corn and wheat and other food supplies that have been donated by the States of Iowa, Kansas, Nebraska, Washington, Oregon, California, and other portions of the West, and which the railroad companies have agreed to transport to San Francisco free. I ask unanimous consent that that joint resolution be taken up.

There was no objection, and it was so ordered.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the Chamber of Commerce of San Francisco any ship or vessel belonging to the Navy of the United States best adapted for such service, for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ, under the authority of the United States, a suitable American steamship or vessel, with a cargo capacity of 1,500 to 3,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury heretofore appropriated for the support of the Navy.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CLAIMS OF TENNESSEE AGAINST THE UNITED STATES.

Mr. McCALL of Tennessee. Mr. Speaker, I move to suspend the rules and pass the joint resolution H. Res. 91, with the amendments recommended by the committee.

The joint resolution, with the amendments, was read, as follows:

Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States.

Whereas it is claimed that the State of Tennessee is indebted to the United States for railroad equipments and materials purchased for the Memphis, Clarksville and Louisville Railroad Company and the Edgefield and Kentucky Railroad Company by the receivers of said railroad companies; and also for certain coupon bonds issued by said State and originally purchased and held by the United States in trust for certain Indian tribes; and

Whereas the State of Tennessee claims against the United States certain abatements and reductions of said indebtedness by reason of excessive valuations of said equipments and materials; and also certain set-offs and counter-claims, growing out of the use by the United States Government for military and other purposes, and the deterioration of the property by the use of certain of the Tennessee railroads upon which the said State had an express and prior statutory lien; and for the removal and appropriation of the property, rails, bridges, etc., of the following roads, namely: The Memphis, Clarksville and Louisville Railroad Company, the McMinnville and Manchester Railroad Company, the Winchester and Alabama Railroad Company, the Knoxville and Kentucky Railroad Company, and the Edgefield and Kentucky Railroad Company; and

Whereas said matters are of long standing and it is desirable that the same should be adjusted and settled: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General, the Secretary of the Treasury, and the Secretary of War be, and they are hereby, authorized and required to proceed, by conference with such agents, counsel, or commissioners as may be appointed by said State for that purpose, to compromise, adjust, and settle with the State of Tennessee, through such duly appointed agents, all said matters upon such terms as to amount, allowance of interest, etc., as shall do equal and impartial justice to both parties; and if the result of such settlement shall disclose a balance due to the United States from the State of Tennessee, they shall report such agreement, compromise, or settlement to the governor of Tennessee, to be submitted by him to the legislature of said State at its next regular session, and if the payment of such balance shall not be provided for at the next regular session of the legislature of Tennessee, then the Secretary of the Treasury is hereby authorized and required to proceed to collect the same by appropriate proceedings in accordance with the terms of the bonds held by the United States; and in the event the result of said settlement shall disclose a balance due to the State of Tennessee, they are hereby authorized and directed to report the same to Congress with such recommendation as to an appropriation therefor as may be deemed to be proper and just: *Provided, however*, That nothing herein shall be deemed to be a declaration of priority of right in favor of the State of Tennessee as between it and the Nashville, Chattanooga and St. Louis Railway Company with respect to the claim on account of the McMinnville and Manchester Railroad; but the question of the rights of the State and of said company as to said claim shall be determined as is hereinafter provided: *Provided further*, That the sum for the value of the iron rails, spikes, chairs, etc., taken by the United States military railroad authorities from the McMinnville and Manchester Railroad during the years 1863 and 1864 shall not be used in arriving at a settlement of the accounts between the State of Tennessee and the United States unless the Attorney-General of the United States, the Secretary of War, and the Secretary of the Treasury shall find that the proceeds for amount of said claim belong to the State of Tennessee and are due from the United States: *Provided further*, That the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor shall, by agents, counsel, or otherwise, have the right to appear and have an equal voice with the State in determining all questions relating to the said claim of the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor. And the Attorney-General, the Secretary of the Treasury, and the Secretary of War are hereby authorized and directed to determine the legal and equitable rights, respectively, between the United States, the State of Tennessee, and the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor with respect to said claim; and if they shall find that the proceeds or amount of said claim belong to the State the same shall be allowed as a credit in the settlement of the accounts between the United States and the State of Tennessee; and if they shall find that the proceeds or amount of said claim belong to the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor they shall report the same to Congress for appropriate legislation by Congress; but if they find that the same is not due from the United States to either party they shall so report.

They are authorized to settle all claims and demands of whatever kind or nature, and any compromise or settlement they may make with said State of Tennessee, as aforesaid, shall be fully reported back to Congress, giving the basis thereof, for its further action. The said compromise or settlement is not to be effective or final until approved by Congress.

The SPEAKER. Is a second demanded?

Mr. JOHNSON of California. I demand a second.

Mr. McCALL of Tennessee. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. McCALL of Tennessee. Mr. Speaker, this bill merely provides that the Government shall authorize the Secretary of War, the Secretary of the Treasury, and the Attorney-General to confer with the agents of the State of Tennessee for the purpose of making an adjustment of the claims which the Government holds against the State of Tennessee and the claims that the State of Tennessee holds against the Government of the United States, growing out of certain railroad transactions during the war, which I will briefly explain. The State of Tennessee, prior to the war, issued its bonds in favor of certain railroads mentioned in the bill, reserving a prior lien upon the property. The war came on and the Government of the United States took charge of the railroad property and operated it. At the close of the war the Government sold its equipment and rolling stock to the State. The Government holds $335,666.66⅔ of bonds of the State of Tennessee that were deposited in the Indian trust fund. The State of Tennessee owes the Government those bonds. It owes the Government also for the rolling stock which the State, through its receivers, bought at the close of the war. The State of Tennessee insists that the Government of the United States owes the State for the use of these railroads during the war, and also for a certain lot of rails, sufficient for about 70 miles of road, which they took and carried to other railroads and used. There are two sets of claims, by the Government of the United States and by the State of Tennessee, respectively, the one against the other.

This bill provides that the Secretary of War, the Secretary of the Treasury, and the Attorney-General shall be authorized to confer with the agents of the State of Tennessee and adjust these claims and make report. If they find that the Government owes the State, or that the State owes the Government, then the report comes to Congress for ratification. If it is found that the State of Tennessee owes the Government, then the report is to be made to the governor of Tennessee and is to be by him transmitted to the legislature, and the bill provides that the legislature must make appropriation to pay the sum so found due, or, if it fails to do so, that the Government shall take such steps as may be necessary, and as are authorized under the terms of the Indian bonds which the Government holds, to compel payment by the State of Tennessee. That is all there is in the bill. There is no appropriation. It does not carry one cent. It is not binding or final. The report comes back to this or a succeeding Congress for ratification or rejection, as shall be deemed proper. The matter is an old one and it ought to have been settled long ago. If the State of Tennessee owes the Government, it ought to pay its debt. If the Government owes the State of Tennessee, it ought to pay what it owes. I may add that this bill has the indorsement of the late Attorney-General of the United States, Mr. Olney, and of the Secretary of War.

I now yield eight minutes to my colleague from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, as briefly as I can I will state what is involved in this Senate resolution. There is an interest in behalf of the State of Tennessee, an interest in behalf of the railroads, and an interest in behalf of the Government of the United States. This resolution brings the matter up for settlement. It was drawn by Mr. Olney, who was then Attorney-General of the United States, and the attorney-general of the State of Tennessee. The object was not to reach an appropriaton of money. That was expressly reserved. The object of the resolution is to have this board, composed of the Secretary of War, the Attorney-General, and the Secretary of the Treasury, meet the commissioners appointed by the State of Tennessee, and, as far as they can, adjust the accounts between these different interests and report to Congress. The resolution does not carry any appropriation whatever.

Mr. WILLIAM A. STONE. As I understand it, the State of Tennessee claims that on a settlement the Government will be found to owe the State?

Mr. COX. Yes, sir; and the Government claims that the State of Tennessee will owe it.

Mr. WILLIAM A. STONE. Where are these claims now pending?

Mr. COX. I think I can explain that before I sit down.

Now, Mr. Speaker, in view of this state of facts, the Attorney-General of the United States earnestly recommends that this attempt at settlement be made. These claims grew up in this way: Under the laws of Tennessee in relation to construction of railroads the State indorsed the bonds of the roads and took a prior lien upon the property.

Now, during the war certain of these roads got into the hands of the military authorities and were taken control of, so far as they could control them, and they took up the iron in some instances, as shown by the report of General Thomas and other high officers on that side, and transferred it to other roads for military uses. The State of Tennessee—and I am trying now to give you the claim from a legal standpoint—the State of Tennessee meets the Government and claims that, inasmuch as the Government destroyed to a certain extent the value of the first lien on the property, the State is entitled to compensation to the extent that the property was so taken. That is the principle claimed by the State of Tennessee——

Mr. WILLIAM A. STONE. Of course I think it best that we shall clearly understand these matters as we proceed——

Mr. COX. I want it understood. There is no trouble, I am sure, if the matter is understood.

Mr. WILLIAM A. STONE. As I understand the proposition, it is that inasmuch as during the late war the Government took up the rails upon a part of this road upon which the State had a lien——

Mr. COX. Had a first lien.

Mr. WILLIAM A. STONE (continuing). That therefore the Government should take the place of the railroad and be subject to the lien of the State on the road, and pay the debt which belonged to the State.

Mr. COX. I do not think the gentleman states the proposition exactly or clearly. Inasmuch as the Government took possession of the property that belonged to the State, and by taking up the tracks and other property belonging to the State destroyed the lien upon the property to that extent, the State comes back and says, "Inasmuch as you did that, I make this counter claim against the Government of the United States."

Mr. WILLIAM A. STONE. Now, what is the claim the Government has against the State?

Mr. COX. Now, I have given the claim of the State. I will give now the claim of the Government, if the gentleman prefers it in that order. The Government has, of the State of Tennessee—my memory does not serve me as to the exact amount—a lot of Indian bonds that go behind this transaction. The State, on these bonds, borrowed a certain amount of money from the Government.

Mr. McMILLIN. If my colleague will permit me, I will give the exact amount, as I have the report before me. The amount of the bonds is $335,666.66⅔.

Mr. COX (continuing). Now the Government holds these bonds of the State. The legality of the bonds themselves is a question to be decided in this settlement. They hold not only that; but when the State, under the proceedings in our courts, filed her bill to enforce the first lien on the railroads I have mentioned, the railroads were put up and sold. Different companies became the purchasers, and then they put their bonds into court; and there is a large amount of bonds that are held still in court, for the reason that they must await the decision as to whether they belong to the State or to the Government.

Now, they are owned by one or the other. If under that decision the State holds the bonds, that places the matter in one light, and if, on the other hand, it is held that the United States is entitled to the bonds, although they are held there, that presents another condition. The reason the bonds are held there is for the purpose of getting them to the parties who may be entitled to them under the decision.

Now, another idea as to the claim of the Government. The Government, when the war closed, sold to the State of Tennessee, who was trying to preserve her lien on the road, a large amount of rolling stock. Thereupon the State executed her bonds in payment of the rolling stock. These bonds amounted probably to $75,000 or $100,000—I do not pretend to be correct as to the exact amount. In these bonds it is provided that unless the State of Tennessee shall pay them off and discharge them, then, by a proper proceeding under the authority of the United States, the Government is made to take charge of the railroads and enforce the collection of the bonds executed in payment for the rolling stock to which I have referred.

You see now plainly, as a lawyer, where the point comes in. If the hundred or two hundred thousand dollars' worth of bonds held there, to be decided to whom they belong, whether to the State or the General Government—suppose it is decided that they belong to the State? Well, the United States, holding the bonds for the rolling stock, the State of Tennessee would have to pay them——

Mr. WILLIAM A. STONE. But the point that I am in doubt about, and on which the gentleman can throw light, is this: The claim of the State againt the Government for taking the railroad iron is in doubt as to its legality?

Mr. COX. Yes, sir.

Mr. WILLIAM A. STONE. And the railroads were taken as a war necessity, or supposed to have been so taken, as I understand the gentleman to claim?

Mr. COX. Yes.

Mr. WILLIAM A. STONE. This bill that you now offer, however, takes away any doubts of the claim of the State and legalizes that proposition.

Mr. COX. Oh, no: the gentleman is entirely wrong.

Mr. WASHINGTON. It does not accomplish anything of that kind. It leaves the matter to a settlement by arbitration.

Mr. WILLIAM A. STONE. It recognizes it as a regular claim.

Mr. COX. Oh, no.

Mr. WILLIAM A. STONE. You refer to it as "a claim" against the Government in the bill.

Mr. COX. But whether that be recognized or not is a question to be settled by this arbitration.

Mr. WILLIAM A. STONE. Who is to decide that?

Mr. COX. The Secretary of War, the Secretary of the Treasury, and the Attorney-General on the part of the United States and the commissioners of the State of Tennessee that have been appointed on the part of the legislature of the State will determine that question: but Congress must eventually settle it. I hope you will understand one point. We have had some trouble with this. The State of Georgia had a settlement. There is not a single dollar in the Treasury of the United States that will be touched by this until another Congress approves it.

Mr. McMILLIN. Will my friend permit me right here, in reply to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], to say that at the suggestion of the members of the House who took the view taken by the gentleman from Pennsylvania concerning this same railroad claim the following was added to the Senate resolution:

> But if they—

That is, the Secretary of War, the Secretary of the Treasury, and the Attorney-General—

> find that the same is not due from the United States to either party, they shall so report.

They are to report on that very question.

Mr. WILLIAM A. STONE. Is their report conclusive?

Mr. COX. Oh, no.

Mr. McMILLIN. They report back to Congress.

Mr. WILLIAM A. STONE. For our action?

Mr. COX. For our action.

Mr. WILLIAM A. STONE. Does it in any way, shape, or form bind the Government to the recognition of any claims that it does not now recognize?

Mr. COX. No: not in any way, shape, or form.

Mr. McMILLIN. It does not.

Mr. COX. Now pardon me for another suggestion, and you will see the force and importance of these resolutions. Under these bonds, executed by the State in the purchase of the rolling stock, there was a bond executed to the United States with the power to foreclose it. Now, when you come to consider that matter in that light, the resolutions fully protect the United States, just as do these bonds.

It must be borne in mind that the State bought the rolling stock so as to operate the roads, while the State was trying to protect herself from the liability incurred in indorsing the bonds when issued.

Mr. JOHNSON of California. Mr. Speaker, as I understand this proposition, this resolution ought not to pass. It is an attempt to accomplish indirectly what can not be accomplished directly. It is an attempt to evade the payment of an honest debt to the United States by getting in some shadowy, patent, back-action, double-extension, utterly worthless claims that this State has against the United States.

Mr. COX. I want to say to the gentleman, just in that connection——

The SPEAKER. Does the gentleman from California [Mr. JOHNSON] yield to the gentleman from Tennessee [Mr. COX]?

Mr. JOHNSON of California. If it is not taken out of my time, I will yield; yes.

The SPEAKER. Unfortunately, it will have to be taken out of the gentleman's time.

Mr. COX. There is no back action about this.

The SPEAKER. The gentleman declines to yield. The gentleman from California [Mr. JOHNSON] has the floor.

Mr. JOHNSON of California. As I understand this matter, the State of Tennessee borrowed some money from the United States——

Mr. WASHINGTON. Not a dollar.

Mr. JOHNSON of California. Or got the money from some Indian war bonds.

Mr. WASHINGTON. It did not borrow a dollar and did not get any Indian war bonds.

Mr. JOHNSON of California. The State owes those bonds, but owing to some unpleasantness that existed between 1861 and 1865 they did not pay those bonds, and they have not paid them yet.

Mr. WASHINGTON. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. JOHNSON of California. Just for a question; yes.

Mr. WASHINGTON. Have you read this resolution yourself?

Mr. JOHNSON of California. I have heard the resolution read; yes.

Mr. WASHINGTON. Have you read it yourself?

Mr. JOHNSON of California. Yes, I have read it.

Mr. WASHINGTON. Did you find anything in there showing that the State of Tennessee borrowed a dollar from the Government?

Mr. JOHNSON of California. Well, I know something about this besides what is in the resolution.

Mr. WASHINGTON. I know my friend wants to be absolutely accurate. There was not a dollar borrowed by the State of Tennessee.

Mr. JOHNSON of California. I think I know something about it besides what is in the resolution. The State of Tennessee owes this money. There is not any doubt about it. It owes the money, and when it is called upon by the United States to pay it, it says that during the civil war the United States had some armies in the State of Tennessee, and that when putting down the rebellion they took up some rails of a railroad there which the State of Tennessee did not own, but which it simply had a mortgage on, and that because the United States did take up those rails for the purpose of helping to put down the rebellion the State of Tennessee ought to be paid something for it. Well, now, that claim, of course, could not be made in any court, for there is no court in Christendom that would allow any such claim as that. But this is to be submitted to arbitration. In other words, they want to compromise. My idea of a compromise, when one man has a just debt and the other man has a mere shadowy claim, is that it is like the two men who were trying to settle how much two and two made. One man said two and two made four, and all the arithmetics said so. The other man said, "Two and two make six;" and he said he was willing to fight for that: but finally he said, "Now, I am willing to compromise with you on the proposition that two and two make five. We will settle our differences on that basis."

The United States has a legal and valid claim against the State of Tennessee, amounting, as I understand now, in principal and interest, to over a million dollars, and the State of Tennessee has some vague, shadowy, iridescent dreams of claims which are based upon nothing and exist only in imagination, which are adduced from some metaphysical reason that because they had some sort of a mortgage upon some sort of a railroad, which railroad was used by the United States in putting down the rebellion, therefore they ought not to pay this honest debt. Now, it does seem to me that this sort of claim ought not to be admissible of being referred to anybody for arbitration. If the State of Tennessee or if these railroads have any just claims against the United States, why, there is a Court of Claims, as I understand it, in which they can be presented, and from the limited experience I have had in Congress I never yet have found a man who lived in the South or a State in the South who was at all timid about presenting any claim to the Court of Claims.

Mr. RICHARDSON. Are they worse than California and other States in the West?

Mr. JOHNSON of California. I do not know. California tries to keep up with the procession, but is not able always to keep up with Tennessee.

Mr. LIVINGSTON. We have never been successful in pressing our claims from the South since the war before any Congress or in any of the courts.

Mr. JOHNSON of California. As to that I do not know. I have a distinct recollection of reading a bill that passed appropriating money to pay some claims. I have some recollection of claims which have been urged which our honored presiding officer opposed. I do not know whether they were Southern claims or not. I have a distinct recollection of voting, at the suggestion of my friend from Tennessee [Mr. RICHARDSON], in favor of paying what he called some Bowman Act claims that he said were right and just: and I so voted because he said they were right and just.

Mr. RICHARDSON. And they were.

Mr. JOHNSON of California. And you say you can not get any claims passed here?

Mr. RICHARDSON. They have not passed.

Mr. JOHNSON of California. There are a great many that have passed, if you will search the records.

Mr. RICHARDSON. Oh, no.

Mr. JOHNSON of California. Now, I am informed that they were passed and that your President vetoed them and you could not get enough votes to pass it over his veto.

Mr. RICHARDSON and Mr. WASHINGTON. He did not veto them.

Mr. JOHNSON of California. He vetoed a bill.

Now, Mr. Speaker, as I was saying, if these claims of Tennessee are just and legal they ought not to be afraid of going into the Court of Claims and allowing that court to pass upon them. If the claim of the United States is just and legal, as every member

from Tennessee knows that the claim of the United States is just and legal, why does not the State of Tennessee pay that claim, and then go into the court with clean hands—pardon the expression—after which Congress would do what is right to the State of Tennessee? And if these railroads in the State of Tennessee are of such enormous value, have 70 miles, as I understand the figures given by the gentleman from Tennessee [Mr. McCALL], of rails which were taken up, and they were worth a million dollars, we could pay it.

Mr. McCALL of Tennessee. I have not made that statement. I beg the gentleman's pardon.

Mr. JOHNSON of California. You said there were 70 miles of rails torn up.

Mr. McCALL of Tennessee. But not that they were worth a million dollars.

Mr. JOHNSON of California. The claim of the United States is about a million, and your resolution carries with it the idea that you will bring the United States in debt.

Mr. McCALL of Tennessee. I beg the gentleman's pardon. If he will allow me, I say that, on the contrary, it will bring the State of Tennessee in debt to the United States.

Mr. JOHNSON of California. But your resolution contemplates bringing the Government in debt. There is no doubt, Mr. Chairman, but what if the resolution passes and this matter is submitted to arbitration, the United States will be brought in debt to the State of Tennessee. We have just had a settlement with the State of Arkansas in which the United States had a clear, straightforward claim, and, as I am informed by the Committee on Public Lands, that settlement resulted in bringing the United States in debt: and I am afraid this will do so. I submit it is not a proper way to pass upon a claim of this large amount. Now, it may seem singular that I should object to taking any money from the Treasury, because I have voted for these bills: but it seems to me it is time to stop. It is a little too bitter, even for my taste; and I think we ought not to pass this resolution. I think it is a dangerous precedent. I have been listening attentively, and exerting all my powers of hearing to listen for the voice of the chairman of the Committee on Appropriations, to know why it should not be raised against this resolution. It does carry an appropriation. I prophesy to you that if this resolution passes the United States will be brought in debt and be compelled to pay a large sum.

Mr. WILLIAM A. STONE. I would like to ask the gentleman whether this matter can be adjusted without the passage of this resolution?

Mr. JOHNSON of California. Undoubtedly.

Mr. WASHINGTON and Mr. RICHARDSON. How?

Mr. WILLIAM A. STONE. Do the gentlemen who present the claim admit that it has no legal standing?

Mr. RICHARDSON. The gentlemen do not.

Mr. WASHINGTON. The gentlemen do not: but we have no tribunal in which to be heard. I will inform my friend.

Mr. JOHNSON of California. If this is coming out of my time——

Mr. WASHINGTON. Of course.

The SPEAKER. It is coming out of the time of the gentleman from California, who declines to be interrupted.

Mr. JOHNSON of California. I will proceed for a minute——

Mr. WASHINGTON. You are eliciting information in your time.

Mr. JOHNSON of California. I do not need any information of that kind, because I know enough about this bill: and I am trying to speak very guardedly about it, and am really trying to say nothing except to call attention to it.

If it were desired to go into this matter extensively and trace it from the beginning and see what it is, I would be perfectly ready to go into it if I had the time, and I have no doubt in that case the gentleman would be sorry that he commenced it, because this is not a matter that will bear investigation. The very fact that they are seeking to have this kind of arbitration shows that it is not.

Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, if not in error, I have an indistinct recollection of having voted against this bill away back in the Forty-eighth or the Forty-ninth Congress.

Mr. RICHARDSON. Not at all.

Mr. STEELE. Well, if it was not for this bill, it was a brother to it.

Mr. DOCKERY. As I remember, it was a bill for the relief of the McMinnville Railroad.

Mr. RICHARDSON. That was dealt with in the last Congress.

Mr. DOCKERY. And it is not affected by this bill?

Mr. RICHARDSON. No: it is excepted from it.

Mr. DOCKERY. Well, Mr. Speaker, it strikes me as a peculiarity of this bill that it proposes a board of arbitration composed of the Secretary of War, the Secretary of the Treasury, and the Attorney-General, a tribunal which, so far as my experience goes, is entirely without precedent. We have a Court of Claims to which claims under the Bowman Act are sent and also claims under the Tucker Act. We also have committees of the Senate and of the House who examine claims, and upon their reports Congress determines upon their merits or demerits: but, so far as I have knowledge or recollection, the extraordinary board proposed by this bill is without precedent during the fourteen years of my Congressional experience.

Mr. WASHINGTON. Can the gentleman tell us whether, under the general law, the State of Tennessee could go into the Court of Claims under the Bowman Act, or under the Tucker Act, and have these claims adjusted?

Mr. DOCKERY. I rather think that she could not. [Laughter.]

Mr. WASHINGTON. Then let the gentleman point out to us the way in which we can have these claims adjusted.

Mr. DOCKERY. I would make this suggestion to my good friend from Tennessee: If the State of Tennessee owes the Government, and, on the other hand, the Government owes the State of Tennessee, it seems that it would be proper to send this controversy to some court to have their conflicting claims adjudicated.

But, Mr. Speaker, back of the question of the tribunal is a claim of the State of Tennessee for railroad iron taken by the Army of the United States in its military operations during the late war. Now, I am one of those who believe that the settlement of very many of the claims growing out of that struggle should have been closed some time ago.

Mr. McMILLIN. I am sure my friend does not want to do any injustice——

Mr. DOCKERY. Certainly not.

Mr. McMILLIN. Then let me call his attention to a provision in the bill bearing directly upon the point which he makes. I read it:

> *Provided further*, That the sum for the value of the iron rails, spikes, chairs, etc., taken by the United States military railroad authorities from the McMinnville and Manchester Railroad during the years 1863 and 1864 shall not be used in arriving at a settlement of the accounts between the State of Tennessee and the United States unless the Attorney-General of the United States, the Secretary of War, and the Secretary of the Treasury shall find that the proceeds for amount of said claim belong to the State of Tennessee and are due from the United States.

Mr. DOCKERY. That is what I understood. That was the statement of the gentleman's colleague [Mr. COX], that this claim for railroad iron was to be taken into account. Now, Mr. Speaker, I do not desire the Government to pay for any railroad iron that may have been owned by the State of Tennessee, or even by any individual. If we are to open up the settlements of transactions growing out of the military operations during the late war, I would prefer that our contributions should go to individuals.

Mr. COX. Let me put this question to the gentleman: Here is a State with a lien upon the iron and the rolling stock of a railroad. The Government takes that rolling stock with the State's lien upon it and sells it back to the State, and the State executes its bonds for it. Now, is it just that the Government of the United States shall seize the rolling stock of the State and sell it back to the State——

Mr. DOCKERY (interposing). I think I catch the gentleman's point. I want to say, in answer to my friend, that a great many damages were incident to the movements of the armies of the Confederacy and of the Union, respectively, during the period from 1861 to 1865, and can not properly find a settlement in the courts at this time or by any board of arbitration. The damages in this case resulted from a condition of war. Of course, if this claim had its origin in time of peace, it would stand upon an entirely different footing. This rolling stock upon which the State of Tennessee had a lien was seized in time of war.

Mr. COX. The rolling stock was sold by the Government of the United States and the State executed her bonds in payment for it. Now, the question is, if the Government seized the property of the State in time of war and sold it back to the State in winding up the war, is it not right that a settlement should be made?

Mr. DOCKERY. I think we ought to close up the accounts growing out of the civil war.

Mr. COX. I think so, too.

Mr. McMILLIN. That is the purpose of this bill.

Mr. DOCKERY. During my entire term of Congressional service I have voted against claims of this character incident to military movements, and shall continue so to vote until the end.

Mr. JOHNSON of California. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has two minutes left.

Mr. JOHNSON of California. Has the other side any time?

The SPEAKER. There are five minutes remaining on the other side.

Mr. JOHNSON of California. I think the gentlemen on the other side ought to proceed now.

Mr. McCALL of Tennessee. Mr. Speaker, I believe I am entitled to close the debate.

Mr. JOHNSON of California. All right. I do not care. Now, Mr. Speaker, the report of this committee is enough, it seems to me, to justify every member here in voting against this bill. Here is an enumeration of the bonds in question:

Bonds of the State of Tennessee owned by the United States	$335,666.66⅔
RECAPITULATION.	
5 per cent bonds, registered, $1,000 each; issued under act October 18, 1852; matured January 1, 1863; interest due from January 1, 1861, to January 1, 1866, and from January 1, 1869	125,000.00
5½ per cent bonds, registered, $1,000 each, except last bond, which is for $1,666.66⅔; matured July 25, 1861; interest due from January 25, 1861. Act February 19, 1856	66,666.66⅔
6 per cent bonds, coupon, $1,000 each; issued under act January 30, 1850; matured July 1, 1880; interest due from various dates from January 1, 1861	104,000.00
5 per cent bonds, coupon, $1,000 each; act February 20, 1852; matured January 1, 1870; interest paid to date of maturity	40,000.00

Against this indebtedness they have a claim, according to this report, for something that the United States did during the war to some railroad that they had a mortgage on, and they are endeavoring to make the Government of the United States pay for waste committed upon property on which they had a mortgage. They have no legal claim. They have no equitable claim. They say themselves that, with all the wonderful liberality the United States has shown to its claimants in opening wide the doors of the Court of Claims to every sort and condition of claims, whether by a superannuated grandfather or by a sickly baby, whether for a college or for anything else—they say themselves that, in spite of all this liberality on the part of the Government, they could not go into court with this claim.

Mr. McMILLIN. Mr. Speaker, it strikes me that the fears expressed by the gentleman from California [Mr. JOHNSON] who has just taken his seat are wholly without foundation. It is admitted on all hands that the Government of the United States holds certain bonds of the State of Tennessee for a sum specified in the report. It is claimed by the State of Tennessee that the Government is justly indebted to the State in a sum which is also set out in the report of the committee. These claims have been pending for many years, with no possibility, apparently, of their final adjustment. The Government has clamored for a settlement, and the State has clamored for a settlement, but in vain.

Both parties have expressed their willingness to leave the matter to the three officers of the Governmet named—the Secretary of War, the Secretary of the Treasury, and the Attorney-General—for an adjustment of the disputed points. The Attorney-General has examined the bill that is now before the House, and in a communication addressed to Senator HARRIS, which I will print as a part of my remarks, if there be no objection, stated that the bill is a proper one to be passed, and that the rights of the Government are fully guarded. He says:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 19, 1894.

MY DEAR SIR: I have examined the proposed joint resolution—a copy of which is annexed to this letter—and trust the same will meet the approval of Congress. Its terms seem to me to adequately protect the interests of the United States and its passage will facilitate the settlement of a controversy that ought to be settled without delay.

Very truly, yours,

RICHARD OLNEY,
Attorney-General.

Hon. ISHAM G. HARRIS,
United States Senate.

It is not proposed by this resolution to take a single dollar from the Treasury. It simply proposes to allow these three officers, in connection with the proper representatives of the State, to determine how much, if anything, is due from the Government to the State, or from the State to the Government; and in arriving at a determination we provide here that unless the railroad's claim is a legal one against the Government, and in favor of the State of Tennessee, it shall not be taken into account in reaching the adjustment of the claim.

But, Mr. Speaker, in addition to that, we have changed the Senate bill to force these officers to come to Congress with their report for confirmation. Not a dollar is to be paid out unless a future Congress, passing upon the acts of this commission, shall see fit to confirm their findings, and shall have determined that they not only administered justice, but have decided the law as it should be decided. So that there can be no possible danger from the passage of the resolution, the sole purpose of which is to permit an adjustment of these long-standing and complicated accounts, which it seems impossible to adjust in any other manner.

[Here the hammer fell.]

Mr. McCALL of Tennessee. Mr. Speaker, I regret that some gentlemen seem to have a very incorrect opinion of the effect of this measure. There is not a single word or syllable in the bill that permits the Government to do anything in connection with the report until it shall have been approved by Congress. The Government is bound in no possible manner. It is further provided that if they shall find against the State of Tennessee, as in all probability they will, and the finding is approved by Congress, the legislature of the State must immediately make an appropriation to pay the amount so ascertained, and I am satisfied that the State will do it promptly.

But, sir, this matter has been pending for very many years and a settlement is desirable, and the Executive Departments of the Government have recommended the plan proposed as the proper one by which to arrive at a solution of the problem. It is no effort on the part of the State of Tennessee to gouge the Government, or to make a claim for payment to which it is not entitled. It does not make a dollar of appropriation, but simply allows a statement of the account to be reported to Congress, and if Congress shall be satisfied with the findings, it may take such steps as it sees proper to provide for the settlement, or it can set it all aside. It is bound in no possible way by this action.

Now, is the Government afraid to trust its case to arbitration? Is it unwilling that these Government officers, its own officers, shall examine and report whether or not they believe that there is one dollar due to the State of Tennessee, legally or equitably, and then let Congress take their report and say whether it is proper or not, and whether the debt, if any is found, shall be paid?

Mr. HENRY of Indiana. Is there any question as to the bonds?

Mr. McCALL of Tennessee. None whatever.

Mr. HENRY of Indiana. Then why bring them in at all?

Mr. McCALL of Tennessee. Because they form one of the features which must enter into the settlement.

Mr. WILLIAM A. STONE. But suppose the commission finds that the Government owes the State of Tennessee $10, then the State can pay that amount and wipe out the whole thing.

Mr. McCALL of Tennessee. Not at all; not unless it was ratified by Congress. The gentleman has misunderstood the reading of the bill. The report of this commission is of no force or effect until Congress acts upon and adopts it. It does not permit a settlement in that manner. The gentleman has not read correctly the bill, or he is mistaken in its provisions.

I appeal to the House, Mr. Speaker, to pass this bill, which is only a matter of justice and right. Let the two parties to the controversy have this opportunity of settling their claims. All the commission could do under the resolution would be to gather all the information relating to the controversy, make such recommendations as in its judgment is right, and submit the whole question to Congress in an intelligent way for its information and consideration.

[Here the hammer fell.]

The SPEAKER. The time for debate has expired, and the question is on the motion of the gentleman from Tennessee to suspend the rules and pass the joint resolution as amended.

The question was taken; and on a division (demanded by Mr. McCALL of Tennessee) there were—ayes 59, noes 41.

So (two-thirds not voting in favor thereof) the motion was rejected.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent, was taken from the Speaker's table and referred to the Committee on Claims.

IMPORTATION OF CERTAIN NEEDLEWORK.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes.

The joint resolution was read, as follows:

> Whereas the New York Association of Sewing Schools is collecting, through diplomatic and consular representatives of the United States in Europe, specimens of needlework and similar work done in the public schools of Europe, some of which specimens have already reached this country and are now in customs custody at New York: Therefore,
>
> *Resolved, etc.*, That all articles of needlework and similar articles which have been made by pupils in the schools of Europe, which have or shall be imported from Europe for the sole purpose of exhibition by said New York Association of Sewing Schools, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe for the due exportation thereof at the close of such exhibition.

Mr. LOUD. Is not that pretty broad in its terms?

Mr. DOCKERY. I ask a second.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. PAYNE. Mr. Speaker, this joint resolution has received the indorsement of the Treasury Department, and is drawn in accordance with a letter written by the Secretary of the Treasury. In fact, the form of the joint resolution was suggested by the Secretary of the Treasury. The resolution has received the unanimous approval of the Committee on Ways and Means. It is in the usual form, and this is a concession that Congress has always made in the case of articles imported for exhibition.

Mr. McCALL of Tennessee. Why should the Government of the United States remit the duty on articles imported to be exhibited in some New York enterprise?

Mr. PAYNE. This is hardly a New York enterprise. It is an exhibition that is open to the people of the Union, and which the people of Tennessee are invited to attend. I think it is the concession that was granted to the exposition now going on, or

about to go on, in celebration of the centennial of the State of Tennessee.

Mr. McCALL of Tennessee. How much will the Government be likely to lose in duties on account of this?

Mr. DALZELL. Nothing at all.

Mr. PAYNE. Nothing at all. It would simply stop the exhibition.

Mr. DALZELL. These articles are not for sale. They are to be exported.

Mr. PAYNE. They go back again. They are to be reexported.

Mr. LOUD. Mr. Speaker, I am not a member of the Committee on Ways and Means, but it seems to me that this resolution is drawn in a very loose manner. It seems to me there should be some date stated when this exhibition is to take place. I think if this resolution passes it may continue indefinitely, forever and evermore, amen. It seems to me that you might designate what this exhibition is, when it is to take place, and put some limitation upon it in some way or other.

Mr. PAYNE. The resolution was drawn in accordance with the recommendation of the Secretary of the Treasury. In fact, he transmitted to Congress the form of the resolution. The regulations are to be prescribed by him, and I think we can trust that to the discretion of the Secretary of the Treasury.

Mr. LOUD. I do not refer to the regulations. It says:

> Whereas the New York Association of Sewing Schools is collecting, etc.

Now, that association may continue forever and ever. I have no fear of trusting the Treasury Department to supervise it, but under this act, I assume that this might continue forever, or just so long as this association might continue to want to import these articles. I call the attention of the House to the fact that in my opinion the resolution is very loosely drawn, very broadly drawn, and I hope the Committee on Ways and Means will give attention to this matter.

Mr. WILLIAMS. Do I understand the gentleman from California [Mr. LOUD] to say that we might get free trade by a construction of this bill?

Mr. LOUD. I think so. I know the gentleman from New York [Mr. PAYNE] does not want to pass a law that will remain in force and effect forever. There should be some limitation upon this. Make it one year, or five years, or ten years, or a hundred years, or something. I ask the gentleman's earnest attention to the loose manner in which this resolution is drawn. I have no interest in it, but it seems to me there should be some limitation. I appeal to the gentleman to give attention to the matter.

Mr. PAYNE. I certainly have not the slightest personal interest in this resolution. It came before the Committee on Ways and Means, and we thought that it was in the usual form. These goods are simply admitted free for the purpose of exhibition by this society, and then they are to be exported under regulations prescribed by the Secretary of the Treasury. It seems to me there is no doubt about the propriety of the resolution.

Mr. LOUD. I understand. I am only appealing to the gentleman to put some limitations upon this, or else it will go on forever. The gentleman has just as much interest in it as I have. He wants to see the legislation which is passed here passed in proper form.

Mr. DALZELL. Nobody contemplates having an exhibition which will continue forever. It is an exhibition to be given by a sewing girls' society.

Mr. LOUD. I want to say that it is drawn in such a form that it might continue indefinitely, and the word "pupils" is also a very indefinite word.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. MORSE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

Mr. STEELE. Mr. Speaker, would a motion to adjourn be in order?

The SPEAKER. A motion to adjourn is almost always in order.

Mr. STEELE. I move the House do now adjourn.

Mr. MORSE. I hope the gentleman will not press that motion until this bill is passed. It is a patriotic bill.

Mr. THOMAS. We have an order for a recess until 8 o'clock.

Mr. STEELE. I move we take a recess until 8 o'clock.

The question was taken; and on a division (demanded by Mr. MORSE) there were—ayes 83, noes 11.

LEAVE TO WITHDRAW PAPERS.

Pending the announcement of the vote,

By unanimous consent, on motion of Mr. KENDALL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Thierman & Frost, there being no adverse report thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BLACK, for Tuesday, February 16.

To Mr. NEILL, for this evening, on account of ill health.

To Mr. BUCK, for one week, on account of important business.

To Mr. PARKER, for this evening's session, on account of important business.

To Mr. PITNEY, for this evening's session, on account of important business.

To Mr. MILES, for three days, on account of important business.

And then, the motion of Mr. STEELE having been agreed to, the House (at 4 o'clock and 58 minutes p. m.) took a recess until 8 o'clock p. m., the Speaker announcing that Mr. PAYNE would act as Speaker pro tempore at the evening session.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. PAYNE as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

> *Resolved*, That the House shall on Monday and Tuesday, February 15 and 16, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session such business as is provided for by clause 2 of Rule XXVI shall be considered, and said evening sessions shall not extend beyond 11 o'clock and 30 minutes.

The SPEAKER pro tempore. The Clerk will read clause 2 of Rule XXVI.

The Clerk read as follows:

> The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Calendar under Rule XXVI and the special order.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. ERDMAN. Division!

The House divided; and there were—ayes 64, noes 3.

Mr. ERDMAN. No quorum, Mr. Speaker.

Mr. THOMAS. I move a call of the House.

The SPEAKER pro tempore. The Clerk will read clause 4 of Rule XV.

The Clerk read as follows:

> Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

The SPEAKER pro tempore. Under the rule just read, the Sergeant-at-Arms will close the doors. The Clerk will proceed to call the roll, the Sergeant-at-Arms will bring in absent members, and those present whose names are called who are in favor of the motion that the House resolve itself into Committee of the Whole will say "yea," and those opposed will say "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 160, nays 5, not voting 190; as follows:

YEAS—160.

Aldrich, Ill.
Anderson,
Andrews,
Atwood,
Avery,
Baker, Kans.
Bankhead,
Bartholdt,
Belknap,
Bell, Colo.
Bishop,
Black,
Blue,
Brewster,
Broderick,
Buck,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Clardy,
Clark, Iowa
Clarke, Ala.
Codding,
Colson,
Cook, Wis.
Cooper, Wis.
Cousins,
Cox,
Crisp,
Crowley,
Crowther,
Crump,
Cummings,
Curtis, Kans.
Danford,
Daniels,
De Armond,
De Witt,
Doolittle,
Dovener,
Eddy,
Ellett,
Ellis,
Evans,
Fairchild,
Faris,
Fenton,
Fletcher,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Graff,
Griffin,
Grout,
Grow,
Hainer, Nebr.
Hardy,
Hartman,
Hatch,
Heatwole,
Hendrick,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hilborn,
Hill,
Howard,
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Huling,
Hurley,
Hyde,
Jenkins,
Johnson, N.Dak.
Kem,
Kendall,
Kerr,
Kiefer,
Kirkpatrick,
Kleberg,
Lacey,
Lawson,

Layton,
Leighty,
Lewis,
Linney,
Linton,
Little,
Long,
Lorimer,
Loudenslager,
Mahany,
Marsh,
Martin,
McCall, Tenn.
McClellan,
McCreary, Ky.
McCulloch,
McLachlan,
McRae,
Mercer,
Meredith,
Miller, Kans.
Miller, W. Va.
Milnes,
Mitchell,
Mozley,
Noonan,
Northway,
Otjen,
Payne,
Perkins,
Poole,
Prince,
Pugh,
Ray,
Rinaker,
Royse,
Russell, Conn.
Shafroth,
Shannon,
Sorg,
Southard,
Spalding,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stokes,
Strode, Nebr.
Strong,
Strowd, N. C.
Sulloway,
Swanson,
Taft,
Talbert,
Tate,
Thomas,
Towne,
Tracey,
Treloar,
Turner, Ga.
Van Horn,
Wanger,
Warner,
Watson, Ohio
Wheeler,
Wilson, Idaho
Wood,
Woodman,
Wright.

NAYS—5.

Erdman,
Jones,
Maddox,
McDearmon,
Turner, Va.

NOT VOTING—190.

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Allen, Utah
Apsley,
Arnold, Pa.
Arnold, R. I.
Babcock,
Bailey,
Baker, Md.
Baker, N. H.
Barham,
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Berry,
Bingham,
Boatner,
Boutelle,
Bowers,
Bromwell,
Brosius,
Brown,
Brumm,
Bull,
Cannon,
Catchings,
Chickering,
Clark, Mo.
Cobb,
Cockrell,
Coffin,
Connolly,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cowen,
Culberson,
Curtis, Iowa
Curtis, N. Y.
Daniels,
Dayton,
Denny,
Dingley,
Dinsmore,
Dockery,
Dolliver,
Draper,
Fischer,
Fitzgerald,
Foote,
Foss,
Fowler,
Gillett, Mass.
Goodwyn,
Griswold,
Grosvenor,
Hadley,
Hager,
Hall,
Halterman,
Hardy,
Harmer,
Harris,
Harrison,
Hart,
Heiner, Pa.
Hemenway,
Henderson,
Hicks,
Hitt,
Hooker,
Hopkins,
Hull,
Hunter,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Joy,
Knox,
Kulp,
Kyle,
Latimer,
Lefever,
Leisenring,
Leonard,
Lester,
Livingston,
Loud,
Low,
Maguire,
Mahon,
McCall, Mass.
McCleary, Minn.
McClure,
McCormick,
McEwan,
McLaurin,
McMillin,
Meiklejohn,
Meyer,
Miles,
Milliken,
Miner, N. Y.
Minor, Wis.
Mondell,
Money,
Moody,
Morse,
Moses,
Murphy,
Murray,
Neill,
Newlands,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Patterson,
Pearson,
Pendleton,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Quigg,
Raney,
Reeves,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shaw,
Sherman,
Shuford,
Simpkins,
Skinner,
Smith, Ill.
Smith, Mich.
Snover,
Southwick,
Sparkman,
Spencer,
Stallings,
Stone, W. A.
Strait,
Sulzer,
Tawney,
Tayler,
Terry,
Thorp,
Tracewell,
Tucker,
Tyler,
Updegraff,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Wellington,
White,
Wilber,
Williams,
Willis,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodard,
Woomer,
Yoakum.

Mr. CROWTHER. Mr. Speaker, I desire to ask leave of absence for my colleague, Mr. JOY, who is detained from the House on account of sickness.

There was no objection, and it was so ordered.

Mr. CRISP. Mr. Speaker, I ask that my colleague, Mr. LESTER, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. KLEBERG. Mr. Speaker, I move that my colleague, Mr. COCKRELL, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. GROUT. Mr. Speaker, I ask that my colleague, Mr. POWERS, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. McCALL of Tennessee. Mr. Speaker, I ask that my colleague, Mr. BROWN, be excused on account of the illness of his wife.

Mr. THOMAS. I object.

Mr. TALBERT. I ask that my colleague, Mr. STRAIT, be excused on account of sickness.

The SPEAKER pro tempore. One moment. The gentleman from Tennessee [Mr. McCALL] asks that his colleague [Mr. BROWN] be excused, and the gentleman from Michigan objects.

Mr. McCALL of Tennessee. I ask that he be excused on account of the illness of his wife.

Mr. THOMAS. Mr. Speaker, I desire to say this to members, that after a quorum has been secured I will not object to this procedure of excuses for members, but for the present time I am obliged to do so.

Mr. COX. Mr. Speaker, the ground on which my colleague has asked that Mr. BROWN be excused is not on account of his own sickness, but on account of the sickness of his wife. I now move that he be excused on account of the sickness of his wife.

Mr. THOMAS. Mr. Speaker, I raise the question of order that under the rule excuses are not in order at this time.

The SPEAKER pro tempore. The Chair thinks that it is in order at this time. This rule provides that after the completion of the roll, the call shall still be in operation, that absent members may be brought to the bar of the House and given an opportunity to vote until after further proceedings are dispensed with.

Mr. THOMAS. As the gentleman from Tennessee [Mr. BROWN] is at home with a sick family, I withdraw my objection in this case.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TALBERT. I ask that my colleague, Mr. STRAIT, be excused. He left the Hall this afternoon, and asked me to have him excused on account of sickness.

There was no objection, and it was so ordered.

Mr. MEREDITH. I ask that my colleague, Mr. TUCKER, be excused. The sad circumstances which cause him to be away are so well known that it is not necessary to state them.

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I ask that my colleague, Mr. JOY, be excused.

The SPEAKER pro tempore. The gentleman from Missouri has been excused.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to ask that my colleague, Mr. BERRY, be excused on account of important business.

There was no objection, and it was so ordered.

Mr. BURRELL. Mr Speaker, I ask that the gentleman from California [Mr. BARHAM] who sits by me be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. KIEFER. Mr. Speaker, I ask that my colleague, Mr. McCLEARY, be excused. He was called out of town suddenly, and has not returned.

There was no objection, and it was so ordered.

Mr. TATE. Mr. Speaker, I ask that my colleague, Mr. RUSSELL, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. HOWE. Mr. Speaker, I ask that my colleague, Mr. FISCHER, be excused.

There was no objection, and it was so ordered.

Mr. ATWOOD. Mr. Speaker, I ask that my colleague, Mr. KNOX, be excused on account of sickness.

The SPEAKER pro tempore. The Chair is informed that the gentleman from Massachusetts [Mr. KNOX] is already excused.

Mr. STROWD of North Carolina. Mr. Speaker, I ask that my colleague, Mr. SHUFORD, be excused.

There was no objection, and it was so ordered.

Mr. MERCER. Mr. Speaker, a parliamentary inquiry. Is it in order for this body to excuse so many members that it will be impossible for us to get a quorum under the call of the House?

The SPEAKER pro tempore. The Chair hardly thinks that is a parliamentary inquiry.

Mr. GILLET of New York. Mr Speaker, I ask that my colleague, Mr. CHICKERING, be excused.

Mr. THOMAS. I object, unless it is a case of sickness.

Mr. THOMAS later withdrew the objection, and Mr. CHICKERING was excused.

Mr. STRONG. Mr. Speaker, I ask that my colleague, Mr. WILSON of Ohio, be excused on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. HARTMAN. Mr. Speaker, I ask that Mr. ALLEN of Utah be excused on account of illness in his family.

There was no objection, and it was so ordered.

Mr. GARDNER. Mr. Speaker, I ask that my colleague, Mr. PARKER, be excused.

Mr. HOWARD. I object.

The SPEAKER pro tempore. The Chair is informed that the gentleman from New Jersey [Mr. PARKER] has already been excused.

Mr. DINSMORE. Mr. Speaker, I ask that the gentleman from Mississippi, Mr. ALLEN, be excused on account of important business.

Mr. EVANS. I object. [Laughter.]

Mr. TALBERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House do now adjourn. Under the rule it requires a majority of those present to second the motion. As many as are in favor of seconding the motion that the House do now adjourn will stand until counted. [A pause.] No one rising to second the motion to adjourn, the motion is out of order. [Laughter.]

Mr. WHEELER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEELER. It is evident that there is a quorum present, and I wish to ask the Chair if we can not now proceed to do business.

The SPEAKER pro tempore. According to the report of the Clerk, no quorum is yet present.

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEELER. Is it not in order for the Speaker to now count the House, and, if there is a quorum present, to declare that fact?

The SPEAKER pro tempore. The Chair thinks not, the House being now determining by a roll call whether or not there is a quorum present.

Mr. COX. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COX. Is not the trouble with the House just now that the gentleman from Missouri [Mr. DOCKERY] is not present, and that consequently we can not proceed with business? [Laughter.]

The SPEAKER pro tempore. The Chair does not regard that as a parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, I would inquire how many members are present?

The SPEAKER pro tempore. One hundred and seventy-five members are present.

Mr. DINSMORE. Mr. Speaker, I now move that the gentleman from Mississippi, Mr. ALLEN, be excused on account of important business.

A MEMBER. What is the business? [Laughter.]

The question being taken on the motion of Mr. DINSMORE, the Speaker pro tempore declared that the noes seemed to have it.

Mr. DINSMORE. I ask for a division.

The House divided; and there were—ayes 45, noes 91; so the motion was rejected.

Mr. TALBERT. Mr. Speaker, I move that the House do now adjourn.

Mr. MERCER. Mr. Speaker, I rise to a question of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MERCER. The vote on the last proposition has not been announced by the Chair, as I understand it.

The SPEAKER pro tempore. The gentleman is mistaken; it has been announced.

Mr. MERCER. Then I would like to know what the result was.

The SPEAKER pro tempore. Ten members rose to second the motion of the gentleman from South Carolina, not a sufficient number, and consequently the motion was not seconded.

Mr. TALBERT. I ask that the other side be counted.

The SPEAKER pro tempore. The rule requires that a majority of those present shall second the motion.

Mr. TALBERT. Well, I want to know by a count of the other side whether you have a majority. [Laughter.]

The SPEAKER pro tempore. The record shows that the gentleman did not have a majority.

Mr. STEWART of New Jersey. Mr. Speaker, I rise to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STEWART of New Jersey. I wish to submit a motion, if in order, that the Speaker direct the Sergeant-at-Arms to arrest absent members and bring before the bar of the House all who are absent without excuse.

The SPEAKER pro tempore. The Chair does not think that motion would be in order.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEWIS. I understood the Speaker to rule a moment ago that the motion suggested by the gentleman from New Jersey, to require the Sergeant-at-Arms to arrest absentees and bring them to the bar of the House, would not be in order.

The SPEAKER pro tempore. That was not the motion.

Mr. WATSON of Ohio. If it had been, would it have been in order?

The SPEAKER pro tempore. The Chair will rule on that question when it is presented.

Mr. BLUE. Would it be in order to ask the recapitulation of the roll call?

The SPEAKER pro tempore. The Chair will have the vote recapitulated.

The Clerk read the names of those voting.

Mr. MADDOX. Mr. Speaker, if in order, I move that we send for the Committee on Rules, the gentlemen who brought about this session to-night. I have an impression that they are not here.

The SPEAKER pro tempore. The Chair thinks the motion is not in order.

Mr. WHEELER. I ask unanimous consent to consider this bill. [Laughter.]

The SPEAKER pro tempore. The Chair is informed that the House still lacks one of a quorum, there being a mistake made on the first announcement.

Mr. TALBERT. I move that the House do now adjourn.

The motion was not seconded, fifteen members only rising in favor thereof.

Mr. STEWART of New Jersey. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STEWART of New Jersey. At this stage, there being only one less than a quorum present, would it not be in order that the Speaker be counted as present?

The SPEAKER pro tempore. The present occupant of the chair has been marked as present and voting for some time.

Mr. OTEY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OTEY. I understand that I was excused on account of sickness. I would like to know if it is a fact? [Laughter.]

Mr. WHEELER. Mr. Speaker, I ask unanimous consent——

The SPEAKER pro tempore. The Chair can not entertain a request for unanimous consent. The only question now is the announcement of the vote, a quorum being present.

On this question 160 members have voted in the affirmative, 5 in the negative, and 14 members are recorded as present and not voting, the names of whom the Clerk will now read.

The Clerk read as follows:

Present and not voting: Mr. BARNEY, Mr. BARHAM, Mr. BARTLETT of Georgia, Mr. CLARK of Missouri, Mr. CURTIS of Iowa, Mr. DINSMORE, Mr. DOCKERY, Mr. HART, Mr. LOW, Mr. MINOR of Wisconsin, Mr. OTEY, Mr. SNOVER, Mr. SHERMAN, and Mr. STALLINGS.

The following members reported "present" after the call: Mr. TERRY and Mr. WILSON of Ohio.

So the motion of Mr. THOMAS was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

Mr. THOMAS. Mr. Chairman, I offer the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That House bills, as they are reached on the Calendar, be passed over without prejudice, and that Senate bills only be considered.

Several MEMBERS. Oh, no!

Mr. THOMAS. Mr. Chairman, I desire to be heard on the resolution for a moment. We are within two weeks of the close of the session. Whatever legislation is to be considered by the House should be such as will most likely be enacted into law. If we take up House bills this evening, they will have to go to the Senate, and then to the President. The time is not sufficient for all this, and to give the necessary ten days before the close of the session. Now, in the interest of those who may be benefited by these bills, I think we ought to do that which will accomplish the greatest practical result. I understand that it is desirable for each of us to get our individual bills considered and to secure their passage by the House. While that may be praiseworthy and beneficial to us as individuals, yet we must look upon this matter from the standpoint of the beneficiaries, and for that reason we ought to pass the bills which have passed the Senate, so that they may go immediately to the President.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. THOMAS. Certainly.

Mr. HULICK. Do I understand the gentleman to say that House bills which we may take up to-night can not possibly become laws?

Mr. THOMAS. It is not entirely impossible for them to become laws, but it is improbable that they will, and we should take up the work which will accomplish the most.

Mr. WATSON of Ohio. I hope this resolution will be voted down. We ought not to pass Senate bills to the exclusion of bills relating to our particular friends and constituents. I am opposed to the resolution and hope it will be defeated.

Mr. McCREARY of Kentucky. I am not in favor of the resolution offered by the gentleman from Michigan [Mr. THOMAS]. I understood him to say that he desired to take up Senate bills in order to pass them, and that that would be the best way to expedite business. There are yet some eighteen days of this session remaining. I have seen bills passed in this House on Friday night when Congress adjourned on Monday, and yet those bills passed the Senate and were approved by the President.

Mr. HARDY. Was Grover Cleveland President at that time?

Mr. McCREARY of Kentucky. Yes, he was. Therefore I am in favor of proceeding regularly and taking up the bills that are on the Calendar, so that there will be an equal chance for House bills and Senate bills in the order in which they appear on the Calendar. There is no reason why we should, at this time, give preference to Senate bills, because there is ample time for us to pass 50 or 100 more bills in the House, have them acted on in the Senate, and approved by the President. Therefore I hope the resolution will be voted down.

Mr. McRAE. Mr. Chairman, I want to say one word on that motion.

The CHAIRMAN. This debate is by unanimous consent. No debate is in order except by unanimous consent.

Mr. McRAE. Mr. Chairman, I want to say that I am perfectly willing to assist in facilitating the consideration of all just and reasonable bills. I have tried to attend these meetings when able to do so. I have a House bill that will be reached if you proceed with the Calendar regularly. A similar bill has been passed by the Senate, and I hope that I will be able to get consideration to-night. This is about the third time that the method of procedure here has been changed and the consideration of this little bill defeated. If it is delayed again, if this programme is carried out, the bill will be lost and a great injustice done an honest, worthy old man. On one evening the rule has been to call the roll, and then that was abandoned at the next meeting and the Calendar has been proceeded with. Then you adjourn over another night session. Now you tell us that we can not pass the House bills. I think the Senate can and will take care of all the just bills that you can pass. Now, if there are Senate bills similar to House bills which are upon the Calendar, it has been the custom to substitute them for the House bills when reached. Now, Mr. Chairman, I submit that it is not fair, when we have come here night after night for bills long ago reported, and which ought to be passed, to lay them aside and go to those which are at the foot of the Calendar simply because they have passed the Senate. I ask the committee to adhere to the rule adopted at the last session.

Mr. THOMAS. I understand that there are about four bills—possibly not more than three—which have passed the Senate and are on the Calendar awaiting the action of the House. I should be perfectly willing that, when the House bills are reached in the regular order, the Senate bills should be substituted for them. I have not the least objection to that.

The CHAIRMAN. The question is on the resolution offered by the gentleman from Michigan.

The question being taken, on a division (demanded by Mr. HARDY) there were—ayes 60, noes 79.

Accordingly the motion of Mr. THOMAS was rejected.

Mr. LOUDENSLAGER. I offer the following resolution.

Mr. THOMAS. Regular order, Mr. Chairman.

The CHAIRMAN. This is the regular order.

The Clerk read as follows:

Resolved, That House bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it, and upon his failure to respond "Present," the bill to be passed without prejudice and the next bill to be called in the same way; Senate bills to be called in regular order as they appear on the Calendar.

Mr. LOUDENSLAGER. This is the same order that we had at the last evening session. That gives those present the preference.

Mr. ELLIS. I would like to ask where this call begins, at the head of the Calendar, or where we left off?

Mr. THOMAS. At the head of the Calendar.

The motion was agreed to.

CAROLINE A. GROSHON.

The CHAIRMAN. At the last session the committee was dividing at the time when the hour arrived for the committee to rise and the House adjourn; and the first thing in order will be to take a vote on the motion then pending. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7489) granting a pension to Caroline A. Groshon.

The CHAIRMAN. The Chair is informed that notwithstanding the Calendar says that this bill was disposed of in the House after the committee rose, it appears on the Calendar as unfinished business.

Mr. LOUDENSLAGER. The bill was under discussion when the committee rose.

Mr. FAIRCHILD. The bill just called was introduced by me, was under discussion when the committee rose, and is unfinished business.

The CHAIRMAN. The statement of the gentleman from New York is undoubtedly correct. The question is on reporting the bill back to the House with the recommendation that it do lie on the table.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FAIRCHILD. Division!

The committee proceeded to divide.

Mr. LOUDENSLAGER. Mr. Chairman, I think the committee does not understand the question.

The committee divided; and there were—ayes 10, noes 56.

So the motion was rejected.

Mr. FAIRCHILD. I move that the bill be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, what bill is this?

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7489) granting a pension to Caroline A. Groshon.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Groshon, daughter of William Groshon, late a private in Captain Messeroe's company of New York Militia in the United States service, and pay her a pension of $8 per month from the 14th day of October, 1885, in lieu of the pension which her late mother, Catharine Groshon, was entitled to and received under the act of Congress approved February 14, 1871.

The Committee on Pensions recommended the following amendments:

Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month" in line 9.

Mr. BLUE. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. BLUE. I move that when the committee rise this bill be reported back with the recommendation that it be recommitted to the Committee on Pensions. Upon that I just simply wish to say that if I understand it correctly, this is an attempt to pension either the granddaughter or some remote relative of a soldier of the war of 1812.

Mr. FAIRCHILD. Will you allow me to interrupt you? You do not understand it correctly.

Mr. BLUE. Then let us have the report read, as a part of my remarks, and we will find how it is.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7489) entitled "A bill granting a pension to Caroline A. Groshon," beg leave to submit the following report, and recommend that said bill do pass, with amendments.

The claimant is the unmarried daughter of William Groshon, who served from September 2, 1814, to December 3, 1814, in Captain Missine's company of New York Volunteers in the war of 1812.

Miss Groshon swears that she was born January 19, 1827, and that she is the only surviving child of the soldier. She further swears that she is dependent entirely upon her daily labor for support, and that her mother, the soldier's widow, who was a pensioner, died October 14, 1885.

The claimant's allegations are fully corroborated by the affidavits of J. W. Hatsey and A. B. Russell, citizens of New York City, who have known her for more than thirty years.

There are several precedents for the proposed legislation, and the House has at this session passed a bill granting a pension to an old and needy daughter of a soldier of the war of 1812.

The following amendments are recommended: Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month," in line 9.

Mr. BLUE. Now, Mr. Chairman, I was not mistaken about that after all. Did I catch the statement correctly that this party was born in 1827?

Mr. MILNES. That is correct.

Mr. BLUE. That is the kind of a minor we propose to pension. A case of this kind becomes exceedingly pathetic when it is spoken of as a dependent daughter. How old would the father have been if he had lived to earn the maintenance of this dependent daughter?

Mr. Chairman, this House has recently either laid upon the table several bills of this character or left them on the Calendar without prejudice, and upon one occasion has recommitted the bill. If this matter is to be pursued in the line in which the House in former Congresses has progressed, and we are to pathetically pension a minor born in 1827, what will become of the Treasury of the United States when we come to pensioning orphans of the soldiers of the late war? It is about time that this should stop; and I stand here to antagonize it, because I believe it is wrong and without any principle upon which a pension should be based. I desire to be consistent. I made the motion to recommit a bill the other day, and it was carried. I trust that the House will stand by the action already taken; and that at no very remote period it will repeal all legislation of this kind. Let us pension some of the minor children of the soldiers of the late war; let us pension some of the dependent widows of the late war who are seeking a pension, and not minors who were born in 1827.

Mr. FAIRCHILD. Mr. Chairman, it is an interesting spectacle to see the gentleman from Kansas [Mr. BLUE] come here in the early part of the session and secure the passage of a bill to pension a photographer who had never enlisted in the war of the rebellion or any other war, and then come here at this time and talk about it being time for this thing to stop. We have here a bill, not to pension a photographer; and I say again the gentleman was mistaken in his remarks. This lady was not a granddaughter, and not a distant relative, but the daughter of a soldier, an officer, of the war of 1812.

Mr. BLUE. Will the gentleman permit an interruption?

Mr. FAIRCHILD. I will.

Mr. BLUE. I wish to say, with the gentleman's permission, that at the time I favored the bill of which he speaks I believed that the man had been wounded in the discharge of his duty, and the evidence showed that fact. But even if I was mistaken in that particular, that bill failed to become a law, although it had been passed by a prior House of Representatives. If I had not believed that that soldier, although he was a photographer, had been injured in the line of duty, I never should have urged that bill here, and if I did wrong in that case, I beg pardon of the House, but I insist that this case shall be considered on its merits.

Mr. FAIRCHILD. The gentleman was not mistaken in another thing that he said. It was in 1827 that this old lady was born. She is now 70 years of age. Her father died when she was a minor. If she were the daughter of a soldier of the war of the rebellion

instead of the daughter of a soldier of the war of 1812, she would be entitled to a pension under the general law, and I do not understand that kind of patriotism which confines itself entirely to consideration for the soldiers of the civil war. This is a maiden lady, quite old, in poverty, with no means of support unless this bill shall pass. The widow of the soldier received a pension because of her husband's death. The widow's death left this lady, the daughter of the soldier, with no means of support, and this bill proposes to give to the daughter the pension that was given to the widow of the soldier in her lifetime. [Cries of "Vote!" "Vote!"]

Mr. LOUDENSLAGER. If the committee will bear with me a moment, I desire to say, as chairman of the Committee on Pensions which reported this bill, that it is similar in character to several others that have been reported and have passed the Committee of the Whole at this session, and also similar to bills which have passed in preceding Congresses, but which, in my judgment, are all wrong in principle. As a member of the Committee on Pensions in the Fifty-third Congress I, with others, stood and fought against favorable reports upon bills of this kind, but we were defeated, and those bills being brought before the House in that Congress were passed. Simply in conformity to the precedent then established did the committee report these bills in this Congress; and I desire to say that it would take a very wise man, a man of very keen perceptions and of great industry, to keep up with the incongruities of the Committee of the Whole of the House of Representatives in their legislation on pension matters. [Laughter.] I honestly believe that these cases ought to be rejected, but in my judgment it ought to be done by general law. I can see no real reason why this bill should meet the disapproval of the Committee of the Whole, unless it be that such disapproval is a forerunner of what is to be the judgment of that committee in the future and of the House of Representatives, leading to the repeal of some very bad precedents.

Mr. THOMAS. Can the gentleman tell us how many such cases there are?

Mr. LOUDENSLAGER. Do you mean that have passed at this session?

Mr. THOMAS. Yes.

Mr. LOUDENSLAGER. I can not say exactly, but I should think about seven or eight—not many. I would like to say, further, that within the last week or two it has been the disposition of the Committee of the Whole and also of this House to either lay bills of this character upon the table without prejudice, or else to refer them back to the committee. I make this statement simply that members here present may do as they think fit and proper in regard to this bill, with a full understanding of the position of the Committee on Pensions.

Mr. MEREDITH. Mr. Chairman, I do not desire to antagonize the passage of my friend's bill, but I wish to call attention to a fact within my experience, which I am sure must also be within the experience of nearly every member of the House. I have had at least twenty or thirty letters in cases of this character, making applications for pensions for children of soldiers of the war of 1812, and in each case I have written that the Pensions Committee had never gone so far as to pension children of the soldiers of that war. I did not know until it was mentioned here just now that such a precedent had ever been set; but I do undertake to say that there are thousands, yea, tens of thousands, of cases just as meritorious as the one now under consideration——

Mr. FAIRCHILD. If the gentleman will permit me to interrupt him a moment, I think he confuses this case with cases of another character.

Mr. MEREDITH. No, I do not.

Mr. FAIRCHILD. He confused it the other night with the case just preceding, which was the case of a grandson of a soldier, not of a soldier's child; and I am informed, and I am quite sure correctly informed, that, so far as the daughters of soldiers of the Revolutionary war and daughters of soldiers of the war of 1812 are concerned, there are only seven of each class remaining.

Mr. LOUDENSLAGER. I want to say to the gentleman from New York that he is mistaken when he intimates that any bills have been reported to pension the granddaughters or the grandsons of soldiers of any war.

Mr. FAIRCHILD. I do not mean reported by the gentleman's committee.

Mr. MEREDITH. I repeat, Mr. Chairman, that I do not desire to antagonize my friend's bill, but I say again that I have had dozens of letters making applications in cases of this kind, and I suppose that every member who hears me has had such applications in cases quite as meritorious as the one that is now before us. Now, if we are to pension these people, we ought to pass a general law for the benefit of the soldiers of the war of 1812 and their children. We did undertake to pension the children of Revolutionary soldiers, but that was done upon the theory that by reason of the lapse of time there must necessarily be very few of them. As to the war of 1812, there are thousands and tens of thousands of the children of the soldiers of that war just as poor and needy and deserving as the beneficiary of my friend's bill, but I do maintain upon principle that if they are to be pensioned they all ought to stand on the same footing, and that a general law should be passed giving pensions to the children of the soldiers of the war of 1812, if they are to be given at all.

Mr. FAIRCHILD. There are only seven cases of the daughters of the war of 1812.

Mr. MEREDITH. Oh, my friend, you are entirely mistaken; there are over 7,000.

Mr. TALBERT. Mr. Chairman, I do not propose to take up the time of the committee in discussing the bill. I only wanted to express my gratification at seeing a development here to-night in the Committee of the Whole of a spirit of justice and of a spirit that shows a tendency to return to sound principles. I do hope that the members of this committee will show themselves to-night to be worthy of the issue that they are to meet in voting on this bill.

Now, it has been said by some gentleman here in the debate that there are only a few days more remaining of this session, and that the object was to bring forward only meritorious bills for the benefit of the old soldiers, against whose claims nobody will raise a voice, and let them be passed and go to the Senate and then to the President as speedily as possible. I am glad to see gentlemen on the other side rise to-night and condemn this practice of a violation of our pension law and this practice of following precedents unworthy to be followed by honest, upright, and patriotic legislators.

I do hope, Mr. Chairman, that they are going to conform to the law hereafter, and bring forward only these bills that are for meritorious old soldiers. [Applause.] I hope they will not bring forward any bills of the character we have had heretofore which have created so much discussion on this floor. I hope they will put the old soldiers' claims in the vanguard, and put them forward on every occasion and let them go through. [Applause.] I hope to-night that no bills for the benefit of deserters, or bounty jumpers and coffee coolers [laughter], for camp followers, and all that class, will be brought up here for consideration. I hope also that there will be no bills brought in here for remarried widows, but that the bills that do come up for consideration will be bills that can be passed without anybody saying a word against them; bills for the benefit of those who are entitled to pensions at the hands of this Government, men who supported the flag, and sustained their injuries in the line of duty. [Applause.] Let these old pensioners have their pension before they die.

I hope, therefore, to start with in that direction, that this bill now pending will be covered out of sight, and that the motion that it lie on the table will be carried unanimously. And then let us start out on the broad path of justice and right and not violate our own laws as we have been doing. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Kansas, that the bill be laid aside to be reported to the House with the recommendation that it be recommitted to the committee.

Mr. FAIRCHILD. Is that an amendment to my motion?

The CHAIRMAN. It is a substitute.

Mr. FAIRCHILD. Because I made the motion that it be reported favorably.

The question was taken on the motion of Mr. BLUE; and on a division (demanded by Mr. FAIRCHILD) there were—ayes 68, noes 55.

So the motion was agreed to.

Mr. FAIRCHILD. I demand tellers.

The CHAIRMAN. The Chair thinks it is too late now, the vote having been announced.

WILLIAM SHEPPARD.

The next business on the Private Calendar was the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and grant him a pension at the rate of $50 per month.

Mr. HULING. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, submit the following report:

The soldier was a private in Company A, Sixteenth Regiment Indiana Volunteer Infantry, and was honorably discharged. He was wounded in November, 1862, and taken prisoner. He was shot through the left ankle, and is now drawing a pension of $12 per month for gunshot wound of left ankle.

The evidence shows that upon his return home he was sick for a long time with his wound, and blood poisoning resulting therefrom. An abscess appeared on his left hip, and he was generally very much debilitated.

In 1887 he made application for an increase, assigning as a cause therefor muscular paralysis of left side and increase of disability from gunshot wound.

A medical board in 1887 reported:

"Scar of the left lateral side of buttock, which is tender and probably the result of sympathetic abscess. There is loss of sensation on the left side; is compelled to go with cane and crutch."

In 1890 medical board reported:

"He is entitled, in our opinion, to $50 per month for gunshot wound of left ankle and paralysis."

In 1894 medical board reported:

"He can neither stand nor walk; his condition is one of almost helpless dependence."

The evidence of many witnesses shows the soldier's helpless and dependent condition. He requires the frequent aid and attendance of other persons, and under the law, if his disability is of service origin his rate would be $50 per month.

The evidence satisfies the committee that the paralysis is the result of blood poisoning, and that was beyond question the result of his wound.

The passage of the bill is therefore recommended, with the following amendment:

Insert in line 6, after the word "late," the word "private."

Mr. ERDMAN. Mr. Chairman, may I inquire of the gentleman having this bill in charge why an application has not been made to the Pension Bureau?

Mr. HULING. I will say that I think the application has been made.

Mr. ERDMAN. There is nothing in the report to show that it was rejected.

Mr. KERR. Mr. Chairman, I reported this bill from the Committee on Invalid Pensions, and can answer the inquiry of the gentleman from Pennsylvania. I have no doubt the gentleman, if present when the matter was considered by the committee, has full knowledge of the subject.

The pensioner made application and was examined by a board which reported that he was entitled to $50 a month. Notwithstanding that fact, his application was rejected by the Bureau, and then the gentleman from West Virginia [Mr. HULING] introduced a bill in the House, which was referred to the committee and favorably reported by that committee, largely upon the examination of the medical board. If I recollect right, the evidence shows that three boards passed on the case, each reporting that the disability was from service origin; and the last report declared him entitled to a rating of $50 per month.

So it seems from the evidence that there is no question that the bill ought to pass.

Mr. ERDMAN. I simply desire to remark that this is a very large pension, $50 a month, for a disability which the medical board, in 1887, say amounts to a—

Scar of the left lateral side buttock, which is tender and probably the result of sympathetic abscess.

This is simply on a par with what we have seen the House do—run mad in the granting of enormous pensions; and it is the evidence of that liberal spirit I expected to see developed here when a full quorum appeared.

Mr. THOMAS. Mr. Chairman, the rest of the report to which the gentleman has referred ought to be read for the information of the House. The committee ought not to be put into the ridiculous position it is sought to be placed in by the gentleman from Pennsylvania, and I desire to call your attention to the report that has been already read by the Clerk, and not to the words repeated by the gentleman from Pennsylvania—a mere extract from the report.

The CHAIRMAN. The question is on the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation, there being, on a division—ayes 81, noes 4.

LYDIA W. HOLLIDAY.

The next business on the Private Calendar was the bill (H. R. 7432) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va.; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place Lydia W. Holliday, of Wheeling, Ohio County, W. Va., late army nurse in the army hospitals of the United States Volunteers, in the late war, from 1861 to 1865, on the pension roll, at $12 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 8 strike out the word "twelve" and insert the word "thirty."

Mr. TALBERT. A point of order, Mr. Chairman. As I understand it, the resolution which was adopted provided that the name of the gentleman introducing the bill should be called, and if he was not present it should be passed over.

The CHAIRMAN. The gentleman from West Virginia [Mr. DOVENER] is present and responded.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7432) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va., submit the following report:

The beneficiary of this bill is now 91 years of age and in destitute circumstances, and has no one upon whom she has any claims for support.

She had three sons in the Union Army, one of whom died a few years after the war from army disabilities; another was shot while in the Government service by a rebel spy and killed.

Mrs. Holliday made application to the Pension Office for pension as an army nurse, but her claim was rejected on the ground that she had not been employed as nurse by any person having authority to employ nurses.

She served as volunteer nurse for more than three years. Her services were most faithful, and were rendered without any pay or expectation of pay, but were purely the ministrations of humanity and patriotism.

The committee is of the opinion that the Government should make a reasonable provision for this old woman, and recommend the passage of the bill, with the following amendment: Strike out of line 8 "twelve" and insert "thirty."

Mr. THOMAS. Mr. Chairman, I offer the following amendments, to perfect the bill:

In line 4, after the word "place," insert the words, "the name of."

Amend the title so as to read: "A bill granting a pension to Lydia W. Holliday."

Mr. STEELE. I have a little curiosity to learn how the committee came to raise the amount in this bill from $12 to $30. The member introducing the bill seemed to know his business, and after he introduced it, it was increased $18 by the committee.

Mr. KERR. I can answer the gentleman. I wrote the report on this bill. The matter was brought before the committee, and the facts certainly justified the amendment proposed by the committee. In the first place, this lady is now 95 years old, and it is absolutely certain that she can not draw this pension more than a year or two. It was shown by the evidence that she served faithfully for three years as a nurse without any compensation or any expectation of compensation.

In addition to that, two of her sons were sacrificed in the war upon the Union side.

We thought, taking all these circumstances into consideration, that we ought not to quibble about the amount, but that $30 a month for the few remaining days of this old woman's life was about right.

Mr. STEELE. I wish to apologize for the suggestion that the gentleman who introduced this bill knew his business. It seems that he did not.

Mr. DOVENER. I will not accept the gentleman's apology. I introduced that bill.

Mr. STEELE. Do you still think $12 is enough?

Mr. DOVENER. No; I do not.

Mr. STEELE. Then you owe the House an apology.

Mr. DOVENER. No; I do not, and this House will show you that I do not.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. THOMAS].

Mr. TALBERT. Mr. Chairman, I should like to have this matter considered a little while.

Mr. STEELE. Oh, let the old soldiers, whom you are so anxious about, get their pensions.

Mr. TALBERT. I know that this is an old lady, and there is no doubt about her being helpless. That seems to be the only special reason advanced why she should be pensioned. There are a great many old ladies in this country of ours who are helpless, and some older than she is.

Mr. STEELE. Not many 95 years old, who lost two sons in the Army.

Mr. TALBERT. There is no reason why they should come to the Congress of the United States and get a bonus. She had three gallant sons in the Union Army. That is undoubtedly true. She made application to the Pension Office for a pension as an army nurse, but her claim was rejected on the ground that she had not been employed as a nurse by any person having authority to employ nurses. Now, it seems to me that that fact ought to weigh with this House before we hurriedly pass such a claim as this.

The statement is made here that she served for three years as a nurse. Possibly she did; but where is the testimony? Where is the evidence, except simply the statement in the report of this committee? What information was furnished to this committee? What kind of testimony was brought before the committee? Was there any sworn testimony to show that she served for three years?

Mr. THOMAS. Oh, yes; there is conclusive testimony that she served three years as an army nurse.

Mr. TALBERT. I am asking for information.

Mr. THOMAS. Yes.

Mr. TALBERT. Why is it that the committee have not furnished some sworn statement in their report? If you will examine the form laid down by law, upon which applications are to be made for pensions, you will find blanks on which you are required to make sworn statements of these facts. I see nothing of that kind here. Then, again, this is away above the ratable pension for any army nurse by two and a half times. It seems to me that if you give her a pension at all you have carried it entirely too high. I make no particular fight against this claim; I just make this statement. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The Clerk read as follows:

A bill H. R. 7890, Calendar No. 754, by Mr. PICKLER.

Mr. NORTHWAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. NORTHWAY. The first bill we dealt with to-night was Calendar No. 766. Why are we going back?

The CHAIRMAN. The bill Calender No. 766 was pending before the committee at its last session. It was unfinished business. The committee was dividing upon the bill when the committee rose.

Mr. NORTHWAY. How, then, did we pass down that far?

The CHAIRMAN. It was passed without prejudice and returned to.

JOSEPH S. BUNKER.

The next business on the Private Calendar was the bill (H. R. 6190) granting a pension to Joseph S. Bunker; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joseph S. Bunker, a soldier in the Southern or Sabine war of 1836, and allow him a pension rated at $15 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 649) entitled "A bill granting a pension to Joseph S. Bunker," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant served from September 27, 1836, to March 27, 1837, in Capt. B. G. Clark's company of Arkansas Volunteers in the Sabine Indian disturbances. His service is a matter of record, and has been recognized by the allowance of a bounty-land warrant, but the survivors of the Sabine war being inadvertently omitted from the provisions of the act of July 27, 1892, his claim thereunder was disallowed at the Pension Office.

It is shown by a numerously signed petition on file with your committee that the beneficiary is about 81 years old, in badly crippled physical condition, and in very poor circumstances financially.

The following amendment is recommended: Strike out the word "fifteen," in line 7, and substitute therefor the word "eight."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL T. TOLLETT.

The next business on the Private Calendar was the bill (H. R. 7501) for the relief of Daniel T. Tollett.

Mr. McRAE. Mr. Chairman, I ask to substitute the bill S. 2832, which is identical in terms with the House bill. It is on the Calendar.

The Clerk read as follows:

A bill (S. 2832) for the relief of Daniel T. Tollett.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Daniel T. Tollett, of Centerpoint, Howard County, Ark., late a private in Captain Moore's company Arkansas Mounted Volunteers, Sabine Indian war, and pay him a pension at the rate of $8 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2832) granting a pension to Daniel T. Tollett, have considered the same, and respectfully report as follows:

A House bill of similar import has been before your committee at this term, and the same, having been favorably reported, is on the Calendar awaiting the action of the House. The report accompanying that bill (House report 1301) fully sets forth the facts, and is as follows:

"This is a bill enacting that Daniel T. Tollett be placed upon the pension roll because of his service in the Sabine Indian war.

"The records of the Auditor for the War Department show that the claimant was enrolled September 4, 1836, as a private in Captain Moore's company of Arkansas Mounted Volunteers and served until January 21, 1837, when honorably discharged.

"His claim at the Pension Bureau under the Indian war act of July 27, 1892, was rejected December 20, 1895, on the ground that the act makes no provision for pensions on account of service in the Sabine war. This action was undoubtedly correct as the laws now stand, but it is also true that the Sabine disturbances were left out of the act of July 27, 1892, only through oversight, as it was intended to cover all the recognized Indian wars occurring from 1832 to 1842 in that act, and Congress has acted favorably upon every private act brought forward for the relief of the survivors of that war.

"Mr. Tollett is now about 79 years old and in dependent circumstances. These facts are abundantly shown by the papers filed at the Pension Bureau."

The amount of pension carried by the Senate bill being the same as that recommended by your committee in the House bill, it is recommended that the Senate bill be substituted for the House bill, and that the same be passed.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The bill H. R. 7501 will be reported back to the House with the recommendation that it lie on the table.

LUCINDA ANDREWS.

The next business on the Private Calendar was the bill (H. R. 6954) granting a pension to Lucinda Andrews, of Essex, Vt.

The bill was read.

Mr. LOUDENSLAGER. I ask that that bill be laid aside without prejudice.

Mr. GROUT. Wait a moment. I ask that the bill S. 1105 be substituted for that.

The CHAIRMAN. Without objection, the Senate bill will be substituted.

The bill was read.

Mr. HENRY of Indiana. Is that the same bill?

Mr. LOUDENSLAGER. That is another bill.

Mr. GROUT. It is not the same.

Mr. LEIGHTY. I make the point of order that the Senate bill has to be for the same party as the House bill.

Mr. GROUT. This is not the same as the House bill or for the same beneficiary. I ask to have consideration of it substituted for the other bill.

The CHAIRMAN. That is not in order, unless it is a bill for the same beneficiary coming from the Senate.

Mr. GROUT. But I ask unanimous consent of the committee that it be considered.

Mr. LEIGHTY. I object.

Mr. LOUDENSLAGER. I ask that the bill (Calendar No. 783) be laid aside without prejudice.

The CHAIRMAN. Without objection, it will be so ordered. Does the gentleman from Vermont desire to have the bill H. R. 6954 acted upon?

Mr. GROUT. Mr. Chairman, I will say in reference to that bill. I do not wish to take the time of the House with it. It is one of those bills coming from the Committee on Pensions. The beneficiary is the daughter of a Revolutionary soldier, and also a soldier of the war of 1812; but I presume in the judgment of the House that would not entitle her to consideration, and I am not going to press consideration of that bill.

The CHAIRMAN. The bill will be passed over without prejudice.

CORYDON WINKLER.

The next business on the Private Calendar was the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters; which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on said rolls and records against Corydon Winkler, late a private of the Eighth Company, First Battalion, Ohio Sharpshooters, and issue to him an honorable discharge, to date the 1st of May, 1864.

Mr. TALBERT. Let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters, beg leave to submit the following report, and recommend that said bill do pass with the following amendment:

Substitute the words "War Department" for the words "Adjutant-General of the United States Army."

It is shown by the records of the War Department that Corydon Winkler was mustered into the service on November 10, 1863, as a private in the Eighth Independent Company, Ohio Volunteer Sharpshooters, and that on the 31st day of December following he was detailed as chief sawyer in the steam sawmill in Bridgeport, Ala.

The muster-out roll of company, dated July 19, 1865, reports him as "deserted between January and May, 1864, from Bridgeport, Ala., where he had been detailed as a sawyer."

The above is all that is shown by the record, but the numerous affidavits filed with the committee and with the Department of War indicate clearly the circumstances under which the soldier left the service. Soon after Winkler was detailed on duty in the sawmill his company was ordered to Chattanooga, and he was left in Bridgeport in charge of said mill. He remained in charge of the mill at Bridgeport until some time in the month of April, 1864, when he was completely disabled by having one of his legs crushed between two saw logs. The injury which he thus received was such as to completely disable and disqualify him for military duty or for duty in the sawmill. He was not an educated man, and by said injury was rendered practically incapable of performing work of any kind.

As soon as the soldier was able to travel, at his own request he was sent to Nashville, Tenn., and thence to his home and his family in Ohio. The many affidavits referred to show that ever since his injury was first received his leg has been entirely stiff at the knee, and that he could not have rendered any service to the Government if he had remained at Bridgeport longer.

The evidence satisfies the committee beyond all reasonable doubt that it was not the intention of Corydon Winkler to desert the service of the United States, and that he went home with the full knowledge and assent of the officer in charge of said sawmill, himself and all others believing that his injuries were such that he could no longer remain in the service in any useful capacity whatever.

Mr. TALBERT. Mr. Chairman, the committee have heard the report read, and ought to be satisfied that there is no merit in the case; and I therefore move that the bill be reported back to the House with the recommendation that it lie on the table.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 43.

Mr. TALBERT. No quorum.

The CHAIRMAN. The gentleman makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and ten—a quorum is present: the noes have it, and the motion is rejected.

The question is upon the amendment offered by the committee.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided, and there were—ayes 52, noes 2.

Mr. TALBERT. No quorum has voted.

The CHAIRMAN. The Chair overrules the point—the ayes have it. and the amendment is agreed to. The question is on laying aside the bill as amended with a favorable recommendation——

Mr. TALBERT. I would like to be heard one moment. I want to say——

The CHAIRMAN. The committee is dividing—the ayes appear to have it. the ayes have it, and the motion is agreed to.

Mr. TALBERT. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. I think I rose before the Chair put the motion.

The CHAIRMAN. The gentleman rose to debate the question, and debate is not in order when the committee is dividing.

Mr. TALBERT. But nobody had asked for a division. I just want to say one thing. I am sorry to see the committee have backslidden. We started out very well. and you had better pension every one of the daughters of Revolutionary soldiers than these deserters and bounty jumpers. There is no justice in this claim.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES W. DUNN.

The next business on the Private Calendar was the bill (S. 321) granting a pension to James W. Dunn; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be. and he is hereby, authorized and directed to place on the pension roll the name of James W. Dunn, late private, Company E, Ninety-third Pennsylvania Volunteers, at the rate of $60 per month.

Mr. TALBERT. Let us have the report, Mr. Chairman.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 321) granting a pension to James W. Dunn, beg leave to submit the following report:

It is shown by the records and evidence on file in the Pension Office that this man received gunshot wounds in the head and in the left groin in the battle at Fair Oaks, Va., May 31, 1862; that the bullet remained in the latter wound for fifteen years, causing constant suppuration; that while the ball remained and the wound was still discharging, he had two strokes of paralysis—one in 1869 and another in 1874—and a preponderance of the medical evidence is to the effect that these strokes of paralysis were caused by the wound and its results. The ball came out in 1877, but another stroke followed in 1882, which caused complete paralysis of left side, and claimant has since been totally disabled, and now requires the regular aid and attendance of another person, being unable to walk or even to stand alone.

Your committee consider this a meritorious case, and recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, I think we ought to know a little more than this one paragraph why we should grant this large pension. I would like to know whether this claimant ever made application to the Pension Bureau. No one here seems to be in charge of the bill.

Mr. NORTHWAY. It is a Senate bill.

Mr. ERDMAN. Mr. Chairman, it does not appear that this is a proper claim. There is not sufficient evidence set forth in this report for us to take intelligent action on this bill as it stands. I therefore move that the word "sixty" be stricken out and "twelve" be inserted instead.

Mr. THOMAS. Mr. Chairman, it appears from the report, which has been read to the committee, that this man received a gunshot wound in the head and one in the left groin at the battle of Fair Oaks, that the bullet remained in the latter wound, causing constant suppuration, and that while the bullet remained unextracted and the wound was still discharging he had two strokes of paralysis. That is the evidence in this case. and it is abundant to entitle him to $12 a month. It has been some time since the bill was considered by the committee, and I am not advised as to the case further than what the report shows. but this is a bill that has passed the Senate for this amount, and I think we ought to hesitate before changing it in the manner proposed by the amendment.

Mr. ERDMAN. The acting chairman of the Committee on Invalid Pensions will certainly agree with me that we ought to know whether this man made application to the Pension Bureau and whether his claim was rejected.

Mr. THOMAS. My recollection is that the man did apply and that the paralysis was not recognized as being due to the army service or as resulting from the wounds, and the nature of the wounds make it a doubtful question, as the report states, but there is reason to believe from the condition of one of the wounds that it was the cause of the paralysis.

Mr. ANDERSON. My recollection about this case is that the soldier was drawing $12 per month under the law of 1890, because his disabilities could not be traced back to service origin.

Mr. STEELE. How much pension is he receiving now?

Mr. ANDERSON. My recollection is that he is receiving $12.

Mr. STEELE. I move to amend the amendment by striking out "sixty" and inserting "thirty."

Mr. MILNES. I want to say that I had a very similar case to this before the Committee of the Whole a few days ago, a case in which the applicant was totally helpless, requiring the attendance of another person all the time. his paralysis resulting from a gunshot wound, and the Committee on Pensions cut the pension in that case from $50 to $30 a month, at which rate it passed the House.

Mr. ERDMAN. Mr. Chairman, I want to say to the committee that I think it is about time we stopped these large pensions. They are directly responsible for the great unrest and disquietude which exist amongst the soldiers. The majority of those who are drawing pensions to-day are becoming dissatisfied with the amount they are drawing under the general law, and applications are springing up by hundreds and thousands for increases, and they will come here to trouble you by the hundred thousand if you continue to grant these enormous pensions. I sincerely trust that if the amendment I have offered does not pass, the amendment proposed by the gentleman from Indiana [Mr. STEELE] will pass.

The amendment of Mr. ERDMAN as amended by the amendment of Mr. STEELE was then adopted.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

EUNICE P. BIGELOW.

The next business on the Private Calendar was the bill (H. R. 7548) granting a pension to Eunice P. Bigelow; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Eunice P. Bigelow, widow of John R. Bigelow, late surgeon of the Eighty-third Regiment New York State Volunteers (Ninth Militia), at the rate of $30 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7548) granting a pension to Eunice P. Bigelow, submit the following report:

Claimant is past 78 years of age; is feeble, poor, and destitute. She is the widow of Dr. John R. Bigelow, who served as surgeon of Ninth New York State Militia in the field with the Army of the Shenandoah from June 25, 1861, to August 10, 1861. This regiment was afterwards Eighty-third New York Volunteers. Dr. Bigelow seems to have been commissioned as surgeon of this latter regiment by the governor of New York, but for some reason, unexplained, he was not mustered, nor did he serve as such officer

From January 20, 1863, to December 9, 1865, he served as contract surgeon, excepting a period from February 15, 1864, to April 29, 1864. His service and discharge appear to be alike honorable.

There is no doubt from the evidence but that Dr. Bigelow incurred diseases in the service that followed him to his death. This was malarial poisoning with resultant chronic diarrhea and chills, which affected him in his last illness. He died November 13, 1887, the immediate cause being peritonitis. On October 3, 1887, he applied for the first time for a pension, which was allowed, after his death, at rate of $17 per month. The accrued pension was paid the claimant as his widow, and she has been pensioned at $8 from July 28, 1890, under act of June 27, 1890. Her application under general law has been rejected, and from the decision an appeal was taken to the Secretary of the Interior and the decision of the Pension Bureau affirmed. Three times the case has been reopened by the Secretary of the Interior, but the previous decision has been adhered to.

The Pension Bureau does not accept the cause of death as a result of the disease contracted in the service.

Dr. Bigelow was 79½ years old at the time of his death. His attending physician certified to the cause of his death as peritonitis, cause unknown; subsequently he files affidavit to the effect that, on mature reflection, he regards the cause of his death the diseases of service origin. Other evidence, medical and lay, indicates that the diseases admitted to be contracted in the service had something to do with his death; how much no one knows.

The committee are unable to say that the decision of the Pension Office is erroneous or unjust, or that claimant has not been considerately and fairly treated by the officers in charge of the Pension Office.

But this claimant is very old and poor. She was married to the soldier September 13, 1836. They appear never to have had children. There is no one now upon whom she can lean for a support except the municipality in which she lives or the Government which her late husband faithfully served for nearly three years. The above facts fully appear by the records of the Pension Office, and in view of all the circumstances the committee recommend that the bill do pass with an amendment striking out the word "thirty," in the last line of the bill, and inserting the word "seventeen," and also adding to end of bill "in lieu of pension she is now receiving."

Mr. COX. Mr. Chairman, in a service of six years on this floor I have never said a word about this pension business. I have felt that, having stood on the other side in the great civil contest, I ought not to say much about the pensioning of the soldiers who fought for the Union, and I have not spoken on the subject. I must say now, however, that you are carrying these pensions beyond the bounds of reason. No man in this House feels more kindly toward the soldiers who fought against him than I do. No man is more willing or more anxious to see just and reasonable pensions granted to the Federal soldiers who served honorably in the Union Army during the war.

But, I repeat, you are running this pension business to an extreme, so that before long no honorable soldier can feel respect for the pension roll. There are men on the floor of this House who fought on one side and on the other who are now warm friends, and no man appreciates more highly the friendship of gentlemen to whom I was opposed in that contest than I do; but I want to call attention to the fact that we are approaching a point where to have your name upon the pension roll will cease to be a matter of merit. I rejoice to see reasonable and just pensions granted to the men who faced me on the battlefield, but is it not time that pensions should be confined to those men? Is it not time for you to make a clear distinction in this pension legislation between the men who stood up and bared their breasts to the enemy's bullets and the army nurses, the teamsters, and the camp followers?

Mr. STEELE. Will the gentleman permit me to take the name of the soldier whose case he is discussing? [Laughter.]

Mr. COX. I am talking about them all. There are ten or fifteen members on this floor who were on opposite sides and tried their best to kill each other during the war, and I am sure I have no better friends than the gentlemen who fought against me, nor have they any warmer friends than men who were on my side in that struggle; so that what I say on this subject can not. I am sure, be misunderstood or attributed to any feeling of hostility to the Union soldiers. But I repeat again, gentlemen, you are losing sight of the valor and the honor of the real soldier in this indiscriminate pension legislation. What may be your motives I do not undertake to say, nor do I presume to criticise them. As I have already remarked, I have never said a word on this subject before, and I never will say a word about it again, and what I say now I say in the interest of the gallant soldiers of the Union who bore the brunt of the battle, and I warn you that you are not keeping sufficiently in mind the distinction between them and the teamsters, the army nurses, the camp followers—people who never heard the whistle of a bullet on the battlefield.

Now, I do not want to say a word about it, but do you not think, gentlemen, that it is time to stop? Do you not think we ought to call a halt? Do you not think there is some place where we had better put our mark down? If a teamster is permitted to receive a pension, when he had the option to resign his place and leave the Army whenever he chose to do so, if he is to be placed on the pension roll and on a footing with the gallant soldier who stood in the front line of battle, have you not somewhat lowered the character of the soldier? Where will you stop? Your army nurses, your teamsters, your surgeons, your camp followers, that never heard a bullet whistle—is it not time we should stop? I want to be understood frankly and candidly, for I was on the other side of the question, and I did my best to make pensioners of all of you. I see my friend across the way there, and I am sure he and I had many a good fight, but we are friends.

What I want to do is simply this, and I will, as far as my vote goes: With the gallant soldier that I met on the field of battle I will be liberal; I will be generous to him. I will go further than that—I will be exceedingly liberal to him. But I know where we ought to call a halt. Take your nurses, your physicians, your hospital stewards. I know more than that. I know there was a class in your Army, as there was in ours, that never smelt the scent of gunpowder. Give me the old, honest soldier that fought against me, and no man on that side of the House will go further than I in his behalf. But when you undertake to extend your bounty over to a class that used the Army for the purpose of making a profit, that is a class that I despise, that is a class that I would under no circumstances be willing to support and sustain by the bounty of the Government.

Now, Mr. Chairman, this is the first time, as you know, that I have ever spoken of this subject. I have sat here all these years and never uttered a word on this question. I wish to God the war was blotted from our memory forever: and I wish to conclude by saying that when you put these bills in here I understand very distinctly that personal obligations of members appeal to them to use their best endeavors to secure their passage. They feel that any man from their district is all right. But you are running up the pension roll at a rate that is absolutely astounding. Let us stop. Let us confine it to the straight old soldier, who offered his life. When he receives injuries, I will vote for him as cheerfully as you do; but I will not give to this man, who undertook to make a profit out of the misfortunes of the war, my support for anything. I will not do it.

Now, a single word in conclusion. I am glad to say one thing: I rejoice to see this spirit coming about here. I like it. There is no trouble with the old soldiers understanding each other. There is no trouble about the convictions we had, differing as we did. They were honest differences that ought to appeal to the appreciation and the conscience of everybody else. Now, my trouble lies in this: In my country our boys who went through the war are helpless, with their legs shot off, many others with their arms cut off; we have that population with us; we can not compensate them by appropriations here. But we must take care of them some way or other. When you vote these extraordinary pensions here, while we do not pay as much as you do, still we pay our proportion, and our part is as heavy on us as your larger part is on you. Why not, in the name of common sense, make the old soldiers' roll a roll of honor indeed on both sides? When you do that, I will vote for you and with you every time.

Mr. FAIRCHILD. Mr. Chairman, by way of suggestion to the gentleman from Tennessee and these other gentlemen who seem to consider that their chief mission in life, and who revel in the idea, is to oppose pension legislation when efforts are made here in behalf of worthy applicants, I wish to read an item in a correspondence here, which in itself tells the story of the result of the endeavors to "purge the pension roll," so called, or prevent pensioners going on the roll. The first is a personal letter to Mr. POOLE, requesting him to look after the case of Francis E. Demarest, United States Navy, which, coming from my district, I replied to, and received this answer on January 26:

Thanks for the interest taken in the case of Francis E. Demarest, No 2874, Navy. I wrote to Major POOLE because he was an old comrade, a friend, and was upon the Committee on Pensions.

Over six years had passed since this applicant filed his application for a pension.

On the day following that letter, on January 27, this letter was received:

DEAR SIR: You need do nothing more in the case of Francis E. Demarest claim 2874, Navy, as he died last night.

Another instance of the generosity of the Hoke Smith & Co. administration.

This is all.

Mr. TALBERT. Mr. Chairman, in considering these pension questions, I think we ought to look at them from a business standpoint, and that we ought to lay sentiment and everything of that kind aside. When a bill is brought into this House, accompanied by the report of a committee, it is the duty of each and every one of us to examine the bill, to examine the report of the committee, and to vote upon it according to the merits that we find in the case, considering the matter as business men should consider a business proposition, as representatives of the business people of the country. I think that the time has come when we can put prejudice and feeling and partisanship behind us, when a proposition is made to this House to vote away the money of the people, and to consider it without so much of this hullabaloo about the soldier, and about what he has done, and all that sort of thing. That time has passed. The soldiers deserve all the credit that is given.

But now let us look at this bill a little while from a business standpoint. The committee come here and ask for a pension of $17 a month for this woman.

She is the widow of Dr. John R. Bigelow.

Now, the committee say that he—

Served as surgeon of the Ninth New York State Militia in the field, with the Army of the Shenandoah, from June 25, 1861, to October 10, 1861.

He served in the State militia for a term of almost two long months. Think of it! This man served as a surgeon for almost two long months. Nobody knows whether he was within reach of gunpowder during any portion of the time. The law says that unless a soldier served for a term of ninety days at least he shall not be entitled to a pension.

Mr. ALDRICH of Illinois. Have you read beyond the first paragraph of this report?

Mr. TALBERT. I will come to that, if the gentleman will possess himself in patience, and will discuss it as a business man from a business standpoint, and see if we, as business representatives of the people, should vote this pension. In the first place, he served not quite two months as a surgeon.

Mr. CROWTHER. Will my friend permit an interruption?

Mr. TALBERT. Certainly. I can not object to anything that my affable friend has to say.

Mr. CROWTHER. I am satisfied you do not desire to mislead the committee.

Mr. TALBERT. Not at all, sir.

Mr. CROWTHER. This widow is now receiving a pension of $8 a month under the law of 1890, and unless her husband had served ninety days or longer she could not receive anything under that law.

Mr. TALBERT. I will come to that in a little while. Here is what the committee say further:

> This regiment was afterwards Eighty-third New York Volunteers. Dr. Bigelow seems to have been commissioned as surgeon of this regiment by the governor of New York—

Now, what sort of language is that? This committee, composed of intelligent gentlemen, come in here and say that this man "seems" to have been commissioned. That is very dubious and indefinite language for a committee to come in here and claim a pension upon for anybody—

> but for some unexplained reason he was not mustered, nor did he serve as such officer.

They even say in so many words that he did not serve as such officer. After all this seeming commission they say he did not serve. Well, where was he?

Mr. ALDRICH of Illinois. Read the latter part of the report, please.

Mr. TALBERT. What was he doing? Further, it says here:

> From January 20, 1863, to December 9, 1865, he served as contract surgeon"

Well, now, what sort of a surgeon is that? What kind of a surgeon is a contract surgeon? Who made the contract with him? By what authority was he serving? Could he be called a soldier? Could it be stated that he was in the service of the Army of the United States or anything of that sort? The report says again:

> His service and discharge appear to be alike honorable

They do not state that his discharge was honorable, but they say it appears so. Now, it seems to me that the evidence they bring in here and the report that they make should not only "seem" and "appear" to be so and so, but should be backed up with sworn testimony, as the law requires. What do you think of such a report as that, in considering this case as business men, when they come in here and ask you to vote away the people's money upon such testimony? He seems to have been commissioned and his discharge appears to be honorable. That is very indefinite. I do not wish to do the applicant here any injustice, nor do I wish to do any injustice to anyone else, but it does seem to me that that is a very strange report for this committee to bring in and upon which to ask for a pension of $17 per month.

Then it says here:

> The Pension Bureau does not accept the cause of death as a result of disease contracted in the service.

It is not proved by one scintilla of evidence, except the ipse dixit of some layman, that the disease can be traced to service origin. The report says:

> Her application under general law has been rejected, and from the decision an appeal was taken to the Secretary of the Interior and the decision of the Pension Bureau affirmed.

It says further:

> Three times the case has been reopened by the Secretary of the Interior, but the previous decision has been adhered to.

On three different occasions the Pension Bureau have refused to increase this pension.

Now, as the gentleman says, she had been receiving a pension of $8 a month, but it does not state what was the testimony and how the committee came to know she received it. It seems that her husband was pensioned at the rate of $17 per month, and she had the accrued pension paid her as widow and a pension of $8 a month from July 26, 1890, under the act of June 27, 1890.

Now, "Dr. Bigelow was 79½ years old at the time of his death." I have no doubt of that. [Laughter.] "His attending physician certified to the cause of his death as peritonitis, cause unknown:" but for some reason it appeared to him some time afterwards that he has made a mistake, and he goes back and says it seems to him that the disease could be traced to service origin. Somebody had been working on him, working upon his sympathies, and he goes back and says he was mistaken; he supposed it could be traced to service origin. He does not swear it. There is no testimony of that kind. This distinguished committee—

> Are unable to say that the decision of the Pension Office is erroneous or unjust or that the claimant had not been considerately and fairly treated by the officers in charge of the Pension Office.

They admit, in conclusion, that the Pension Bureau have been just and dealt with her as they ought to have dealt with her, and yet they recommend granting her $17 per month. There are some things that I can understand and some things that I can not. As the traveler said, after traveling all over the world, he understood many things—why rivers flow downhill, why the moon shines by night and the sun by day—but on passing by a tanyard and seeing as the sign of the tanyard a cow's tail in an auger hole, he said he could not see how that cow could jump through that hole and leave her tail. I can not see how this committee, who have signed this report, can ask this House to give a pension of $17 to this lady. She is poor and needy. [Cries of "Vote!" "Vote!"] Be quiet, please, and hear me. I am only making a business argument and stating a business proposition. Now, I submit, is it just, is it common sense, upon the report of a committee here who themselves acknowledge she ought not to have it—are you going to give her $17 a month?

Now, Mr. Chairman, if nobody else wishes to be heard—I do not want to cut off anyone: I think the case ought to be discussed—I will move that the committee report the bill to the House with the recommendation that it lie on the table.

Mr. WOOD. I suggest that the gentleman withdraw that motion until the gentleman who introduced the bill has an opportunity to be heard.

Mr. ALDRICH of Illinois. Mr. Chairman, I do not know that I have any remarks to make. I believed when the gentleman commenced his speech he was going to make an argument against the bill, but I am told by some of my associates that it is the same old speech that he has made every night since this session began. I did not hear it all.

Mr. TALBERT. The gentleman is mistaken. This is the first time I have made a speech of any length this session, and the reason of it is because this is such an unjust, inexcusable, and improper measure. I will speak against all such measures, whether it be Monday night, or Friday night, or any other night, the gentleman from Illinois notwithstanding.

Mr. ALDRICH of Illinois. Precisely. I have no doubt these speeches will read very well down in the gentleman's district. The whole purpose of the gentleman from Tennessee [Mr. COX] and the gentleman from South Carolina [Mr. TALBERT] who have spoken, has been to consume abundance of time in order that worthy bills that have been offered here may be crowded out of consideration. I have no disposition, therefore, to take time to reply to the charges made. The report that has been made by the committee is a very fair and candid one, and I must say has been to some extent misrepresented by the gentleman who has just spoken. I will leave it to the candid judgment of gentlemen on the floor of the House to determine the merits of this bill. The original bill provided for granting a pension of $30. That has been cut down to $17, the old pension allowed to this soldier under the law. This lady has but few more months to live. I do not know that she is living to-night, and I hope that she will be allowed this pension.

Mr. GROW. She is a war widow.

Mr. ALDRICH of Illinois. And she is a war widow, as suggested by the gentleman from Pennsylvania. I trust that the committee will dispose of it without any delay.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COX. Before that motion is put, I want the gentleman to understand me. This is a matter that I want him to understand clearly. On any vote to pension an old soldier you will never find my voice raised against it. I raise no captious opposition to any kind of bill that you present; but what I want to do, if I can do it by my vote, is that the old-soldier roll shall be a roll of honor on either side of the question.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

Mr. TALBERT. Now I renew my motion that the bill be reported back with the recommendation that it lie on the table.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

Mr. THOMAS. Mr. Chairman, if the gentleman from South Carolina will withdraw the motion, I would like to move that the committee do now rise.

Mr. TALBERT. All right.

Mr. THOMAS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. LACEY, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report with amendments the bills H. R. 3402, H. R. 7422, H. R. 649, H. R. 2974, and S. 321; without amendment, the bill S. 2832; with the recommendation that it be recommitted to the Committee on Pensions, the bill H. R. 7489; with the recommendation that it do lie on the table, the bill H. R. 7591; and with no resolution thereon, the bill H. R. 7518.

REBECCA A. KIRKPATRICK.

Mr. KIRKPATRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Rebecca A. Kirkpatrick, widow of William A. Kirkpatrick, late a sergeant and second lieutenant in Company F, Sixty-third Regiment of Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month.

Mr. TALBERT. Mr. Speaker, I would like to hear the report in this case.

The report (by Mr. KIRKPATRICK) was read in part, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick, having had the same under consideration, submit the following report:
>
> The beneficiary in this bill, Rebecca A. Kirkpatrick, is the widow of William A. Kirkpatrick, who enlisted as a private in Company F, Sixty-third Regiment Illinois Volunteer Infantry, on the 5th day of February, 1862, and was honorably discharged at Goldsboro, N. C., on the 9th day of April, 1865. When the company was organized, William A. Kirkpatrick was selected as second sergeant, and was soon thereafter promoted to the position of orderly sergeant, and served in that capacity until the 30th day of July, 1863, when he was commissioned second lieutenant of said company for gallant and meritorious services at the battle of Vicksburg. His commission was received on the field after the surrender and at a time when the regiment was under marching orders, and consequently he was not actually mustered as a commissioned officer. He continued in the service, and through oversight or inadvertence was never actually mustered as lieutenant, although the company possessed the requisite number of men to authorize his muster until a very few weeks before he was finally discharged.
>
> From the time of receiving his commission Mr. Kirkpatrick acted in the capacity of a lieutenant, was recognized as such, and, in fact, commanded the company much of the time from the time of receiving his commission until he was finally discharged. The Sixty-third Regiment went with Sherman from Atlanta to the sea, and after the surrender of Columbia, S. C., the regiment was detailed to destroy a large quantity of powder found in a magazine near that place, and in doing so an explosion occurred, resulting in a loss of more than 25 members of Mr. Kirkpatrick's company, he himself receiving serious injuries from the explosion. He was placed in an ambulance and was carried with the moving army to Goldsboro, N. C., where the regiment was discharged, its term of enlistment having expired some months previous. While Mr. Kirkpatrick was stationed at Memphis, Tenn., he contracted measles, which settled upon his lungs, and being an intimate friend of General Logan, he was furloughed and sent home instead of to the hospital. After an absence of four months he returned to the regiment and remained with it until discharged.
>
> Mr. Kirkpatrick never fully recovered from the results of the measles, which was followed by a distressing cough that continued to harass him until death occurred March 14, 1895. Death resulted from what is known as Hodgen's disease of the blood, the result, as his physicians declare, of a diseased condition of the lungs. Mr. Kirkpatrick, having no hospital record and not being treated for lung trouble in the service, nor for many years after returning therefrom, although afflicted with a severe cough all the while, leaves his widow wholly unable to make the proof required by the rules and regulations of the Pension Office, although his death was undoubtedly the result of the disabilities incurred while in the service of the United States.
>
> The beneficiary in the bill is 56 years of age, in feeble health, and unable to perform manual labor with which to support herself. She possesses no home, with one daughter depending upon her for support. Mr. Kirkpatrick never applied for or received a pension from the Government, although justly entitled thereto during the past thirty years. Neither did he apply to have his muster corrected, as he might have done, declaring that he was able to make his own living, and that he would not burden the Government so long as he was able to take care of himself and family.
>
> In view of all the circumstances of this case, your committee is clearly of the opinion that the widow of this soldier is as much entitled to a lieutenant's pension as though her husband was actually mustered. It therefore recommends that the bill be amended by striking out the word "seventeen" and inserting the word "fifteen;" so as to make it read "and pay her a pension at the rate of $15 per month," and that as amended the bill do pass.

The amendment recommended in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MAJ. JOHN H. GEORKEE.

Mr. CURTIS of Iowa. Mr. Speaker, I ask unanimous consent for the consideration of a bill which will take but a few minutes, House bill No. 6845, granting an increase of pension to Maj. John H. Georkee, Iowa City, Iowa.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Maj. John H. Georkee, late of the Twenty-second Regiment of Iowa Volunteer Infantry, at the rate of $50 per month, said pension to be in lieu of the one he now receives.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. ERDMAN. I think the hour is too late, Mr. Speaker, and I must object.

Mr. CURTIS of Iowa. I am sure the gentleman will not object if I am permitted to make a brief explanation. I ask the gentleman to withhold his objection for a moment.

Mr. ERDMAN. I will do so.

Mr. CURTIS of Iowa. This bill has been read by several gentlemen on the other side. It has been unanimously reported from the Committee on Pensions. I have had the honor to introduce several pension bills in the present Congress, and I have attended every Friday night session except one; but, by reason of this bill being so low on the Calendar, I fear that it can not pass except by unanimous consent. This soldier has a splendid record. He is very thoroughly disabled and requires constant attendance. He was one of the most gallant soldiers from the State of Iowa. I sincerely trust that the House will pass the bill. The Grand Army men of that locality support it unanimously and the citizens as well, and I trust that no gentleman present will object to the bill under the circumstances. I would not ask to have it considered in this way if it were not for the urgent necessity for its passage and the hopelessness of reaching it in the regular way.

Mr. ERDMAN. Well, Mr. Speaker, let the report be printed in the RECORD, so that we may see what the bill is about after it is passed. [Laughter.]

The SPEAKER pro tempore. Is there objection to the present consideration of this bill and to the printing of the report in the RECORD?

There was no objection, and it was so ordered.

The amendment recommended in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House do now adjourn, and the hour of 11 o'clock and 30 minutes p. m. having arrived, the House stands adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting information as to the cost of embassies owned by various nations at national capitals—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey at Palm Beach, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CLARKE of Alabama, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the Senate (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, reported the same without amendment, accompanied by a report (No. 2943); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7313) granting a pension to John W. Porterfield. (Report No. 2914.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 7295) for the relief of Theo. von Bremsen. (Report No. 2945.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOW: A bill (H. R. 10313) to provide a system of national supervision, to secure a revenue for the Government from the corporations organized under this act, and to create a class of securities which may be safely deposited with the Government as a basis of circulation—to the Committee on the Judiciary.

By Mr. GAMBLE: A bill (H. R. 10314) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes"—to the Committee on the Public Lands.

By Mr. HOWARD (by request): A bill (H. R. 10315) to amend the national-bank act—to the Committee on Banking and Currency.

By Mr. LORIMER: A bill (H. R. 10316) authorizing the Secretary of the Navy to enter into a contract for the purchase of armor plate for use of the Government for a period of twenty years, at or not exceeding $240 per ton—to the Committee on Naval Affairs.

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 10317) to authorize the Treasurer of the United States to issue 2 per cent fifty-year bonds, to authorize the issue of currency thereon, to provide for the interchange of bonds for currency and currency for bonds, to fund the bonded debt of the United States, and for other purposes—to the Committee on Banking and Currency.

By Mr. HYDE: A bill (H. R. 10318) granting to the Western Washington Development Company a right of way through the Quiniult Indian Reservation, in the State of Washington—to the Committee on Indian Affairs.

By Mr. MURRAY: A resolution (House Res. No. 543) to authorize the Speaker of the House to appoint a committee of five members of the House to investigate the political affairs of the State of South Carolina—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. CURTIS of Iowa: A memorial of the legislature of the State of Iowa, protesting against the removal of the United States pension office from Des Moines—to the Committee on Appropriations.

By Mr. FLETCHER: A memorial of the legislature of the State of Minnesota, in favor of the bill to reclassify the salaries of railway mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: A memorial of the legislature of the State of Minnesota, in favor of the passage of the bill (H. R. 1) relating to the classification and compensation of clerks in the United States Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: A memorial of the legislature of the State of Iowa, protesting against the removal of the Des Moines pension agency—to the Committee on Appropriations.

By Mr. JOHNSON of California: A memorial of the legislature of the State of California, requesting Congress to impose a tariff on foreign fruits competing with the American product—to the Committee on Ways and Means.

Also, a memorial of the California legislature, requesting Congress to impose a tariff on foreign fresh table grapes competing with the American product—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: A memorial of the legislature of the State of Illinois, asking the passage of the bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. TAWNEY: A memorial of the legislature of Minnesota, favoring the passage of the bill (H. R. 1) providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNE: A memorial of the legislature of Minnesota, praying for the passage of the bill (H. R. 1) providing for reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A memorial of the Illinois legislature, urging the passage of the bill (H. R. 4339) to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petitions of L. H. Prater and others, of Waukesha, Wis.; H. W. Sawyer and others, of Hartford, Wis.; Edwin Hurlbut and others, of Oconomowoc, Wis., favoring the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also petition of Carl Fehlandt, of Port Washington, Wis., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. BRODERICK: Petition of G. H. F. Johnson and 800 other residents of Atchison, Kans., in favor of the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of Emmett Cooper and 53 others, of Franklin County; also of H. T. Patton and 25 others, of South Pittsburg; also of Lindsay Nelson and 20 others, of Jasper; also of S. H. Ingersoll and 19 others, of Estill Springs; also of E. G. Elsey and others, of Coulterville; also of D. S. Layne and 21 others, of Victoria; also of J. V. Rankin and 12 others, of Let; also of R. C. Love and 24 others, of Shellmound and Whiteside; also of John Lipscomb and 12 others of Benns Creek, State of Tennessee, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Tabernacle Methodist Episcopal Church, the First Free Baptist Church, of Olneyville, R. I., and the Brady Baptist Church, of Providence, R. I., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tabernacle Methodist Episcopal Church, the First Free Baptist Church, of Olneyville, R. I., and the Brady Baptist Church, of Providence, R. I., and Rev. C. H. Smith, of Phenix, R. I., favoring the passage of the Shannon bill raising the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of Rev. C. H. Smith, of Phenix, R. I., praying for the passage of House bill No. 7083, forbidding the sale of intoxicating drinks in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Rev. C. H. Smith, of the Methodist Episcopal Church, Phenix, R. I., favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

By Mr. CHICKERING: Petition of E. R. Stockwell and 27 other citizens of Theresa, N. Y., in favor of the bill (H. R. 10090) known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of citizens of Arcadia, Tex., also of citizens of Rosenberg, Tex., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Letter and papers from Dr. F. A. Tousley, of Midland, Mich., regarding placing a duty on chloride of lime or bleaching powder, now being largely imported from England—to the Committee on Ways and Means.

Also, petition of Henry C. Hamill, of Alpena, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petitions of Jean I. Chailonis and 10 others, H. P. Clark and 3 others, J. J. Keefe and 22 others, J. B. Gannon and 15 others, Frank C. Butterfield and 16 others, George Earion and 18 others, James Tucker and 9 others, C. B. Crandall and 4 others, John G. Ghigoski and 18 others, Edward M. Blewett and 15 others, W. B. Stevens and 14 others, favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petitions of G. D. McDald and 65 other business and professional men of Clinton, Iowa; D. H. Stuhr and 32 others, of Davenport, Iowa; Charles Howson and 29 others, of Dewitt, Iowa; S. F. Smith, of Davenport, Iowa, and Neal A. McAuley, of Wilton, Iowa, in favor of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Rev. Russell A. McKinley and others, of Steubenville, Ohio; Rev. J. D. Gowdy and others, of Knoxville, Ohio, and Rev. W. G. Waddell and others, of New Athens, favoring the passage of House bill No. 10090, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DOCKERY: Petition of J. H. Samples and 33 other citizens of Excelsior Springs, Mo., asking for the passage of House bill No. 10090, for the prevention of trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of A. M. & M. L. Adams, of Humboldt, Iowa, asking for the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolutions of the Boston Merchants' Association, in favor of placing on the free list certain materials used in tanning leather—to the Committee on Ways and Means.

By Mr. EVANS: Petition signed by over 2,100 persons, praying for the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of B. M. Nary and 47 other citizens of Deadwood; also of Daniel Donahoe and 67 others, of Sioux Falls; also of O. S. Gifford and 21 others, of Canton, State of South Dakota, recommending the passage of the Sherman bill (H. R. 10090) abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGER: Petition of A. Gardner, of Atlantic, Iowa, and S. E. Zollinger, of Defiance, Iowa, favoring the passage of House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. H. Snyder and other citizens of Missouri Valley, Iowa, asking for the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HAINER of Nebraska: Petition of J. F. Golmer and 53 other citizens of Seward, Nebr., praying for the passage of the antiscalpers bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. M. Street and 61 other citizens of York; also of Rev. R. T. Cross, of York; also of Rev. G. W. Goodale, of Hebron, State of Nebraska, praying for the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HANLY: Petition of citizens of Lafayette and other cities of Indiana, praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Petition of citizens of Monon, Ind., favoring the passage of House bill No. 10090 and Senate bill No. 3545, to prevent the illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of S. C. Platt and 9 other citizens; also petition of J. H. Charlton and 24 others, all of Iowa Falls, Iowa, favoring the passage of the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Frank Caldwell, of Boone; Anna M. Martin, of New Providence; B. L. Saum, of Laurens, and Mrs. J. R. Dosh and 14 other members of the Stuart Woman's Christian Temperance Union, urging the passage of the Shannon bill (H. R. 9516), the Ray bill (H. R. 9563), the Gillet-Platt bill (H. R. 7441), and the Wellington-McMillan bill (S. 2485)—to the Committee on the Judiciary.

By Mr. HITT: Petition of C. R. Henderson, associate professor of sociology, University of Chicago; also of J. A. Cotton and 41 other citizens of Rockford, Ill., urging the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE: Petition of the American Federation of Labor, in relation to Report No. 2270, reported from the Committee on Naval Affairs—to the Committee on Naval Affairs.

By Mr. HOWELL: Petition of James Applegate and others living on the line of the New York and Long Branch Railroad, in the Third Congressional district of New Jersey, urging the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kearny Post, Grand Army of the Republic, and Kearny Camp, Sons of Veterans, of New Brunswick, urging the intervention of the United States to settle the difficulty between Spain and Cuba—to the Committee on Foreign Affairs.

By Mr. HULL: Petition of G. E. Murphy and 16 other citizens of Perry, Iowa; also of Revs. M. and P. A. Flavin, of Des Moines, Iowa, asking for the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of H. E. Knapp and 40 other citizens of Menomonie, Wis., favoring the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California: Petition of the First Methodist Church, the Good Templars, and the Woman's Christian Temperance Union of Pasadena, Cal., representing a total membership of 1,238, to raise the age of protection for girls to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. KEM: Petition of 35 citizens of O'Neill, Nebr., asking for the passage of the Sherman bill relating to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: Evidence in the claim of D. B. Harmon, removing the charge of desertion—to the Committee on Military Affairs.

By Mr. KERR: Petition of W. J. Brokaw and other citizens of Eaton, Ohio; also of W. D. Thompson and others, of East Townsend, Ohio; E. A. Sabin and others of Oberlin, Ohio; John H. Boone and others, of Wakeman, Ohio, and J. N. Barnett, of Belleville, Ohio, in favor of the Sherman bill to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG: Petition of E. W. Dickey and 19 other citizens of Kennedy; also of W. B. M. Campbell and 40 others, of Corpus Christi; also of J. F. Willberd and 19 others, of Runge, Karnes County; also of J. W. Northrup and 23 others, of Giddings, Lee County; also of L. B. Randall and 30 others, of Belleville; also of C. H. Sawyer and 13 others, of Aransas Pass; also of F. A. Taylor and 38 others, of Cuaro; also of J. B. Dodd and 45 others, of Yoakum; also of C. Fromme and 9 others, of Cibola Valley; also of J. O. Dewees and 42 others, of Floresville, Tex., asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Protest of the Commercial Exchange of Des Moines, Iowa, against the removal of the Des Moines pension agency—to the Committee on Appropriations.

Also, petition of H. L. Spencer and 6 other citizens of Oskaloosa, Iowa; also of W. H. Needham and 68 others, of Sigourney, Iowa, favoring the passage of the antiticket scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ottumwa Branch Association of Letter Carriers, No. 417, in favor of the salary bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of K. B. Ringle, H. Whiteside, and W. Y. Morgan, of Hutchinson; also of Oscar Offerle and 8 other citizens of Offerle; also of E. A. Noble and 9 others, of Kinsley; also of G. A. Borthwick and 17 others, of Ness City; also of Ray S. Ligget and 7 others, of Pierceville; also of L. G. Lebrecht and 14 others, of Harper; also of Robert Findlay and 36 others, of Sterling; also of A. L. McMillan and 74 others, of Lyons; also of L. S. Dickey and 26 others, of Leoti; also of Finlay Ross and 75 others, of Wichita, State of Kansas, favoring the passage of House bill No. 10090, to abolish ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of the heirs of Lewis W. Westcott, deceased, late of Brunswick County, N. C., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of R. S. Corrington, of Richmond County, N. C., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. McCALL of Massachusetts: Resolutions of the Boston Merchants' Association, favoring the placing of degras or brown grease on the free list—to the Committee on Ways and Means.

By Mr. McCULLOCH: Petition of W. M. Fenley and others, of Jackson, Ark., remonstrating against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Hon. Paul Jones and 74 other citizens of Texarkana, Ark; also of Hon. John M. Pittman and 18 other citizens of Prescott, Ark., asking for the passage of the Cullom and Sherman bills prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Petition of citizens of Omaha, South Omaha, and Nebraska City, State of Nebraska, favoring the passage of House bill No. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MILNES: Petition of William C. Hughes, to accompany House bill No. 4308, relating to his claim—to the Committee on War Claims.

By Mr. MORSE: Petition of citizens of Amherst, Mass., representing 45 individuals and two organizations of 77 members, for the suppression of the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PENDLETON: Petitions of citizens of Cameron, Moody, Nolanville, and Rogers, of the State of Texas, urging the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 77 business men and companies of Sioux City, Iowa; also 44 citizens of Spencer, Iowa, favoring the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLER: Twenty-two resolutions adopted by various Grand Army posts, favoring the passage of House bill No. 9209, known as the service-pension bill—to the Committee on Invalid Pensions.

By Mr. PRINCE: Petition of Rev. W. H. Mason and others, of Knoxville; Rev. Jos. Costa and others, of Galesburg, Ill., favoring the Sherman bill (H. R. 10090) prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. C. Willerton and others, of Rock Island, Ill., protesting against the passage of the Sherman bill, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of G. W. Stephenson and 26 other citizens of Bedford County; also of D. A. Kimbro and 20 others, of Bedford County; also of J. M. Overall and 28 others, of Rutherford County; also of W. B. Earthman and 25 others, of Rutherford County; also of E. S. Miller and 20 others, of Rutherford County; also of W. P. Prater and 20 others, of Rutherford County; also of R. B. Johnson and 24 others, of Rutherford County; also of J. W. Holt and 20 others, of Bedford County, State of Tennessee, asking for the passage of House bill No. 10090, prohibiting the trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petitions of James O. Emerson, John A. Reichard, and others, of the State of Illinois, urging the passage of House bill No. 10090 and Senate bill No. 3545, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Numerous petitions of citizens of the United States, viz, from the State of Louisiana, as follows: J. L. Campbell and 6 others, of Cheneyville; Aug. Erath and 13 others, of New Iberia; D. B. Hodson and 14 others, of Eola; Lock, Moore & Co., Limited, and 22 others, of Welsake; J. K. Scheoing and 9 others, of Boef; James Ellis and 5 others, of Welsh; D. E. Smyt and 6 others, of Mermenteau; P. Hogan and 7 others, of Schriever; F. V. X. Monton and 33 others, of Lafayette; H. L. Davis and 28 others, of Rayne, and V. E. Dupuis and 17 others, of Carencro. Also, from the State of Texas: W. F. Holcomb and 16 others, of

Luling; J. A. Jackson and 57 others, of San Antonio; R. S. Tanner and 89 others, of Schulenberg; E. C. Sronce and 7 others, of Columbus; M. Dies and 44 others, of Woodville; R. S. Menefel and 24 others, of Flatonia; T. W. Moore and 20 others, of Ellinger; T. W. House and 42 others, of Houston; S. H. Neadams and 16 others, of Colmesneil; C. F. Pridgen and 11 others, of Thomaston; Leon Kubel and 9 others, of Elgin; George W. Littlefield and 28 others, of Austin; Thomas B. Bots and 56 others, of Brenham; James Rooney and 14 others, of Corsicana, and Karner & Phillips and 32 others, of Mexia. Also from the States of New York, New Jersey, and Pennsylvania: Frank W. Smith and 17 others, of Bridgeton, N. J.; W. W. Young and 8 others, of Bayonne; Thos. McDonald and 15 others, of Jersey City; Jos. Budd and 8 others, of Lakewood; W. H. Lane and 11 others, of Asbury Park; Ira E. Whyte and 16 others, of Asbury Park; E. H. Applegate and 18 others, of Asbury Park; George W. Matthews and 18 others, of Asbury Park; M. Van Camp and 13 others, of Roycefield; Daniel Bennett and 18 others, of Belford; Henry Hardy and 4 others, of Marlboro; James A. Smith and 20 others, of Philipsburg; George E. Conover and 9 others, of Chester; Theo. F. Rees and 22 others, of Junction; B. F. Sinclair and 4 others, of South Lakewood; Dr. Max Merx and 16 others, of Jersey City; E. V. Williams and 1 other, of Naughright; Myers M. Hodge and 21 others, of Finderne; R. M. Ricketts and 22 others, of Elizabeth; Charles H. Dodd and 12 others, of Jersey City; William M. Seely and others, of Port Monmouth; W. W. Ramsay and 17 others, of Keansburg; W. J. Brooks and 20 others, of Jersey City; W. Wyckoff and 15 others, of Annandale; Edward A. Lucas and 10 others, of Dover; David H. Snydam and 8 others, of Matawan and Freneau; H. L. Woodruff and 11 others, of Woodruffs; A. W. Thompson and 14 others, of Madison and Newark; E. K. Sutphin and 21 others, of Chatsworth; F. P. Banghart and 17 others, of Bloomsbury; Theo. H. Sickels, of Bradevelt; P. H. Murray and 21 others, of High Bridge; John L. Conover and 11 others, of Wickotack; J. M. Bennett and 17 others, of Long Branch; Thomas H. McNamara and 22 others, of Elizabeth; J. A. Haines and 16 others, of Plainfield; James E. Fleming and 6 others, of Newark; Charles Van Brunt, jr., and 9 others, of Branchport; William Hogan and 16 others, of Newark; I. W. Rushmore and 7 others, of Plainfield; A. A. Holly and 15 others, of Netherwood; Charles B. Long and 12 others, of Bayonne; Charles E. Westervelt and 22 others, of Boundbrook; W. H. Hills and 2 others, of Tremley; R. B. Stryker and 11 others, of Alden; John L. Jones, jr., and 3 others, of Fanwood; William A. Rose and 5 others, of Jersey City; James H. Willever and 7 others, of Valley; D. W. Blake, jr., and 23 others, of Forked River and Waretown; Joseph Grover and 11 others, of Toms River; A. C. Keyser and 6 others, of Jersey City; Fred. Van Liew and 134 others, of Plainfield and vicinity; Theo. N. Sharp and 6 others, of Bartley; C. Vreeland and 22 others, of Cranford; Matthew Brown and 18 others, of Atlantic Highlands; C. L. Wentzell and 10 others, of Asbury; J. B. D. Myers and 18 others, of Raritan; H. A. Ramsey and 18 others, of Lebanon; John Wagg and 3 others, of Oceanport; Charles Malcolm and 18 others, of Morganville; L. G. Cohen and 10 others, of Westfield and vicinity; John Foran and 17 others, of Flemington; A. H. Jacobus and 12 others, of Newark and vicinity; C. R. Rept and 2 others, of Kenvil; W. S. Naughright and 15 others, of Middle Valley; Eugene Latourette and 4 others, of Clover Hill and vicinity; Charles I. King and 6 others, of Succasunna; Walter Chus and 3 others, of East Orange; F. W. Morris, of Jersey City; Wm. P. Dodge and 13 others, of Prospect, N. Y.; James Green and 4 others, of Tarrytown; Judson I. Wood and 18 others, of Ilion; C. C. Adams and 16 others, of Weedsport; John Norton and 6 others, of Fishkill; W. F. Engel and 3 others, of Peekskill; Edward Quigley and 10 others, of Poughkeepsie; Michael Clare and 4 others, of Highlands; J. Dready and 4 others, of Tarrytown; Daniel Kilby and 4 others, of Peekskill; George W. Fonda and 13 others, of Poughkeepsie; Ellis H. Ingalls and 5 others, of Poughkeepsie; William Dakin and 4 others, of Poughkeepsie; Samuel Miller and 4 others, of New Hamburg; William Collbert and 3 others, of Chatham; Thomas McCarthy and 4 others, of Hastings; W. M. Travis and 14 others, of Carmel; Darius Spain and 3 others, of Lake Mahopac; James Monohan and 7 others, of Cold Springs; Daniel Sullivan and 7 others, of Peekskill; Robert Buckley and 4 others, of Croton Landing; J. Kennedy and 4 others, of Dobbs Ferry; R. F. Schaffer and 16 others, of Bangor, Pa.; M. L. Baker and 19 others, of Chapman Quarries; W. E. Stallsmith and 17 others, of Parsons; A. P. Schoonover and 16 others, of Bethlehem; Francis Douglas and 20 others, of Wilkesbarre; W. M. Weitknecht and 15 others, of South Bethlehem; J. H. Guldner and 19 others, of Treichlers; A. W. Bossard and 16 others, of Wind Gap; F. S. Reick and 37 others, of Ashley; Fuller Tucker and 4 others, of Scranton; Frank J. Roethline and 21 others, of Northampton; A. L. MacDonald and 10 others, of Olivers Mills; J. M. Thomas and 13 others, of Lansford; J. G. Stigler and 18 others, of South Bethlehem; J. P. Hartman and 20 others, of Catasauqua; John McKeever and 22 others, of Catasauqua; C. E. Loeser and 22 others, of Mauch Chunk; F. E. Fayne and 17 others, of Wanamie; A. F. Newhart and 12 others, of Walnutport; Thomas Slater and 19 others, of Easton; J. H. Brader and 19 others, of Leighton; Howard Atterman and others, of Bath; John Solomon, jr., and others, of Mauch Chunk (East); H. M. Maidenwald and 8 others, of Bowmans; W. A. O'Neill and 21 others, of Wilkesbarre; C. A. Hills and 21 others, of Siegfried and vicinity; Peter Carroll and 21 others, of Wilkesbarre; C. F. Bower and 15 others, of Coaldale; Samuel Betz and 18 others, of Coaldale; W. B. Finchman and 19 others, of Freemansburg; Walter L. Jones and 21 others, of Allentown; R. M. Keiser and 17 others, of Wilkesbarre; D. P. Ginder and 15 others, of Leslie Run, and George W. Steeles and 18 others, of Rockport, in favor of the passage of the Sherman bill (H. R. 10090) to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPKINS (by request): Resolution of the Royal Society of Good Fellows of Vineyard Haven, Mass., urging the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. SNOVER: Petition of F. W. Bush, the Rev. S. S. Chapin, and 5 other citizens of Port Huron; also of the Rev. Th. Engelder, of Mount Clemens; also of C. Edson Yates and 6 others, of Armada; also of B. F. Lewis and 6 others, of Imlay City; also of 272 other citizens of the Seventh Congressional district of the State of Michigan, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Theo. E. Piper and others, of Effingham, Ill.; L. S. Kilborn and others, of Clark County, Ill.; T. E. Burrows and others, of Jasper County; John A. Sweet and others, of Clark and Edgar counties; J. Murphy, of Coles County; J. R. Parker, of Coles County, Ill.; Marion Lawrence, of Toledo, Ohio; L. C. Bryant and others, of Genoa, Ohio; W. C. Hoch and others, of Archbold, Ohio; A. P. Grisier and others, of Fayette, Ohio; A. Q. Price, of Swanton, Ohio; D. E. Burtree and others, of East Toledo, Ohio; C. J. Brandley and others, of Swanton, Ohio; Fred Helfrich and others, of Swanton, Ohio; Samuel Ward and others, of Fayette, Ohio; W. B. Ganiard and others, of Delta, Ohio; W. C. Worrell and others, of Toledo, Ohio; E. C. Edson and others, of Sylvania, Ohio; V. H. Zulch and others, of Toledo, Ohio; F. E. Calkins and others, of Millbury, Ohio; William Decker, of Port Clinton, Ohio; E. A. Powers and others, of Port Clinton, Ohio; Silas George and others, of Millbury, Ohio; C. R. R. Walts and others, of Delta, Ohio, and W. H. Owen and others, of Delta, Ohio, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. T. Lane, of Toledo, Ohio, favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of Lieutenant R. W. Smith Post, No. 270, Grand Army of the Republic, of Wrightsville, Pa., in favor of the Pickler pension bill—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: Petition of W. T. Tomlinson and C. S. Van Doren, of Hurley; also of Rev. E. F. Van Hoolegen and 28 others, of Merrill, Wis., favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES: Resolution of the Charleston (S. C.) city council, asking for $1,200 to complete approaches to the new post-office building—to the Committee on Public Buildings and Grounds.

By Mr. STRODE of Nebraska (by request): Petitions of citizens of Nebraska City, Nebr.; also of Claude Champion Division, No. 277, Order of Railway Conductors, of Lincoln, Nebr.; also of 84 citizens of Weeping Water, Nebr., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLER: Petitions of citizens of Youngstown, Salem, Pierce, Fairhope, and Bolivar, State of Ohio, praying for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Petition of John Hayes and 31 other citizens of Wabasha, Nebr., also of Thorn Thompson, of Lanesboro, Minn., praying for the passage of the Cullom and Sherman bills for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNE: Petition of Erick Dahlin and 173 other residents of Wright County, Minn., praying for the establishment of a system of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Petition of L. J. Dryden and 43 other citizens of Warrenton, Mo.; also of Louis F. Marten and 64 other citizens of St. Charles, Mo., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of W. V. Clark and 914 citizens, firms, and corporations of Kansas City, St. Louis, and other cities in the State of Missouri; New York, Philadelphia, Chicago, Boston, Cincinnati, Omaha, Milwaukee, Toledo, Columbus, Salt Lake City; Wichita, Leavenworth, and Wyandotte, Kans.; Los Angeles, Cal.; Bridgeport, Conn.; Tampa, Fla.; Leadville, and Trinidad, Colo., and other cities, protesting against the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHINGTON: Petition of C. M. Whittemore and 13 other citizens of Antioch, Tenn., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Inter-state and Foreign Commerce.

By Mr. WOOMER: Resolutions of S. G. Simmons Post, No. 116, Grand Army of the Republic, of Harrisburg, Pa., in favor of per diem service-pension bill, which has been reported favorably by the House Committee on Invalid Pensions and now upon the Calendar—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 16, 1897.*

Prayer by Rev. W. J. B. BROWN, D. D., of London, England.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. JONES of Arkansas, and by unanimous consent, the further reading was dispensed with.

THE MISSISSIPPI CHOCTAWS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th instant, a letter from the Commissioner of Indian Affairs relative to the treaty with the Choctaw Indians in Mississippi; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota;

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia;

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; and

A joint resolution (S. R. 201) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

The message also announced that the House had passed the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A bill (H. R. 9703) to provide for light-houses and other aids to navigation;

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes;

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes;

A joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes; and

A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at the twenty-seventh annual meeting of the National Board of Trade held in Washington, D. C., January 26, 27, and 28, 1897, in favor of the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. TURPIE presented the memorial of J. E. Sherrill, of Danville, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Furniture Manufacturers' Association, of the E. Q. Smith Chair Company, of the Karges Furniture Company, of the Evansville Mattress and Lounge Factory, of J. Shelosky & Co., of Price Bros. & Co., of the Evansville Furniture Company, and of the Buehner Chair Company, all of Evansville, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the W. B. Barry Saw and Supply Company, of Indianapolis, Ind., praying for the adoption of certain amendments to the tariff bill, relative to saw plates and band-saw steel; which was referred to the Committee on Finance.

He also presented 40 petitions, signed by sundry citizens of Indiana, praying for the passage of Senate bill 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were ordered to lie on the table.

Mr. ALLEN presented a petition of the Woman's Christian Temperance Union of Lincoln, Nebr., praying for the passage of Senate bill No. 1552, to provide for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. VEST presented a petition of members of the Christian Church, of Lancaster, Ohio, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of citizens of Marshall, Excelsior Springs, Hermann, Kansas City, Laplata, Lexington, Mexico, Norborne, Pacific, St. Charles, St. Louis, Sedalia, and Warrington, all in the State of Missouri, praying for the passage of the anti-scalping railroad ticket bill; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Milwaukee, Appleton, La Crosse, Menasha, and Darlington, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BATE presented petitions of citizens of Benton County, Memphis, Humphreys County, Shelbyville, Nashville, Belfast, Dresden, Haley, Murfreesboro, Huntland, Rock Island, Doyle, Smartt, Parsons, Fayetteville, Franklin County, Hickman County, Fayette County, Paris, Moscow, Huntington, Winchester, Antioch, Lebanon, Wartrace, Dexter, Woodland Mills, Gardner, Ralston, Union City, South Pittsburg, Darden, Jasper, and Estills Springs, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. McBRIDE presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the appointment of an impartial, nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented the petition of F. D. Wagner, publisher of the Tidings, of Ashland, Oreg., and the petition of E. C. Putland, editor of the West Side, of Independence, Oreg., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS. I am in receipt of resolutions wired me last evening adopted by the house of representatives of the legislature of Michigan, remonstrating against the passage of House bill No. 10090, for the purpose of abolishing ticket brokerage. I ask that the resolutions be read.

The resolutions were read, and referred to the Committee on Interstate Commerce, as follows:

STATE HOUSE, *Lansing, Mich., February 15, 1897.*

Hon. J. C. BURROWS, *Washington, D. C.:*

Resolutions offered by Representative Gillam, February 2:

Whereas a bill has been introduced into the National House of Representatives, known as H. R. 10081, for the purpose of abolishing ticket brokers, and entitled "A bill to amend the act entitled 'An act to regulate commerce;'" and

Whereas the provisions of this proposed act, if carried into effect, would not only wipe out ticket brokerage but deny to every citizen the right to dispose of his own property in the open market respecting railroad transportation, and in case of such disposal would be branded a felon punishable by fine and imprisonment; and

Whereas the passage of such a bill or act would in effect be a violation of the recognized rights of the people and is in effect a grab at the public purse for the benefit of railroad corporations and to the injury of the traveling public: Therefore

Be it resolved by the house of representatives of the State of Michigan, That we denounce the measure as unjust and one that tends rather to protect corporate interests than to benefit or in any manner favor the rights and privileges of the mass of American citizens: and

Be it further resolved, That we recommend to our representatives in Congress that they use all honorable means in their power to defeat the passage of any such measure; and

Be it further resolved, That a copy of these resolutions be forwarded to our representatives in Washington, to the Speaker of the House, President of the Senate, to the President of the United States, and to the chairman of the Interstate Commerce Commission.

Which was adopted.

LEWIS M. MILLER, *Clerk.*

Mr. PROCTOR presented the petition of J. H. Livingston, publisher of the Reformer, of Bennington, Vt., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter: which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL. I present a petition of the pastor and members of the congregation of the Church of the Covenant, of this city, praying for the prohibition of the sale of alcoholic liquors in the Capitol building and grounds. As the bill on this subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. SHERMAN presented the petition of George W. Barron, publisher of the News-Herald, of Hillsboro, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, of Washington, D. C., calling attention to petitions presented in the Fiftieth Congress from the international conventions of the Brotherhood of Locomotive Engineers and the Knights of Labor and other labor organizations: from the Presbyterian General Assembly and many other church conventions, and from Cardinal Gibbons, in behalf of a Sunday-rest law in the District of Columbia, and also introducing new petitions from Archbishop Keane and Rev. Dr. Stafford in favor of the so-called McMillan bill, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CHILTON presented the petition of W. A. Leonard, publisher of the Angleton Times, of Angleton, Tex., and the petition of Aaron Smith, publisher of the Times-Review, of Mount Pleasant, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the petitions of F. Weber & Co., of Philadelphia; of J. F. Hazard & Co., of Philadelphia; of T. J. McCleary, publisher of the Democrat, of Newcastle; of Henry J. Rife, of Philadelphia, and of Ellis L. Mumma, publisher of the Morning Call, of Harrisburg, all in the State of Pennsylvania, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Mechanicsburg, Pa., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Whatsoever Circle of the King's Daughters of the State Normal School, of Westchester, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of the John O. Mahoney Club, of Pennsylvania, and a petition of the Stock Exchange of Pittsburg, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Northeast, Pa., and the petition of C. J. Kephart, of Annville, Pa., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented sundry petitions of citizens of Atchison, Wichita, Salina, and Coffeyville, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SEWELL presented sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. NELSON presented the petition of T. B. Sheldon and sundry other citizens of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. FRYE presented the petition of John Lowell and sundry other citizens of Boston, Mass., praying for the adoption of certain amendments to the bill (H. R. 2663) to amend the laws relating to navigation; which was referred to the Committee on Commerce.

Mr. DAVIS presented the petition of A. W. McKinstry, publisher of the Republican, of Faribault, Minn., and the petition of Ransom Metcalfe, publisher of the Mesaba Range, of Biwabik, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. HOAR presented petitions of Sarah E. Hunt, vice-president, and 12 other members of the General Society of the Daughters of the Revolution, and of members of the Massachusetts Charitable Mechanic Association, and of the New England Historic and Genealogical Society, praying for the permanent preservation of the U. S. frigate *Constitution;* which were referred to the Committee on Naval Affairs.

He also presented a petition of Good Fellows Assembly, No. 187, Royal Society of Good-Fellows, of Vineyard Haven, Mass., and a petition of 30 citizens of New Bedford, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. CULLOM presented a petition of the legislature of Illinois, praying for the establishment of a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented the petitions of L. M. Kelley, of Elgin, Ill., and a petition of Branch No. 171, International Association of Letter Carriers, of Elgin, Ill., praying for the enactment of legislation providing for the reclassification of postal railway clerks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Harvey, Ill., and a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Rev. Watson Thatcher, of Chicago, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building, to raise the age of consent to 18 years in the District of Columbia and the Territories, and to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

He also presented the petition of E. L. Kletzury, principal of the Norwood Park School, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Benjamin Burton, of Geneva, Ill., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. CULLOM. I present a memorial of the Cherokee delegates, remonstrating against the adoption of the proposed amendment of the Senate to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, the amendment providing that the claims asserted against the fund withheld for the distribution to the Old Settlers or Western Cherokee Indians, as provided in the acts of Congress approved August 23, 1894 (28 Statutes at Large, page 451), and June 10, 1896, (29 Statutes at Large, page 344), be referred to the Court of Claims for adjudication and settlement. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WALTHALL presented a petition of sundry citizens of Wesson, Miss., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. VOORHEES presented petitions of Clem Studebaker, of South Bend; of the New Albany Ministerial Association, of New Albany; of members of the Third Christian Church, of Indianapolis; and of the Deer Creek Preparative Meeting of Friends, of Marion, all in the State of Indiana; and the petition of Ellen M. Henrotin and sundry other women of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of the Travelers' Protective Association of Terre Haute, Frankfort, and Lafayette, all in the State of Indiana, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the legislature of Indiana, praying for the enactment of legislation increasing the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Indiana, praying for the adoption of an amendment to the civil-service law, restoring all soldiers discharged without charges and exempting them from civil-service examinations to positions in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the legislature of Indiana, praying for the enactment of legislation placing post-office clerks and carriers in the classified service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Indiana, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented the petitions of S. B. Boyd, publisher of the Democrat, of Washington; of Hale Clark, publisher of the Advertiser, of Washington, and of Walter B. Campbell, publisher of the Daily and Weekly Herald, of Anderson, all in the State of Indiana, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of O. E. Fulghum, of Richmond, Ind., and a memorial of sundry citizens of Wayne County, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented fourteen petitions signed by sundry citizens of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of 32 citizens of Amherst, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in any Government building; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of 10 citizens of North Easton, 19 citizens of Middleboro, 28 citizens of Canton, 11 citizens of Hingham, 11 citizens of Braintree, 10 citizens of North Attleboro, 10 citizens of Milton, 7 citizens of Hyde Park, 18 citizens of Plymouth, 30 citizens of Haverhill, and 18 citizens of Boston, all in the State of Massachusetts, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented the petition of Mrs. B. L. Ogden, of Council Bluffs, Iowa, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Sam G. Sloane, publisher of the Citizen, of Charles City, Iowa, and the petition of R. H. Moore, publisher of the Democrat, of Ottumwa, Iowa, praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 46 citizens of Grundy Center, of 38 citizens of Traer, 20 citizens of Reinbeck, 44 citizens of Dows, and 46 citizens of Ottumwa, all in the State of Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. THURSTON presented sundry petitions of citizens of Omaha, Nebraska City, and Weeping Water, all in the State of Nebraska, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of N. H. Parks, publisher of the Telegram, of Columbus, Nebr., and the petition of L. A. Williams, publisher of the Pilot, of Blair, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of the Grand Army of the Republic Memorial and Benevolent Association, of Denver, Colo., praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of East Pueblo, Colo., and a petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo., praying for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Cripple Creek, Colo., and a memorial of sundry citizens of Newcastle, Colo., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of E. H. Snyder, publisher of the Chief, of Highlands; of the Enterprise Publishing Company, of Rocky Ford; of C. T. Rawalr, publisher of the Gunnison News, of Gunnison, and of W. H. Hirst, publisher of the Independent-Journal, of Alamosa, all in the State of Colorado, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Montrose; of the Woman's Christian Temperance Union of Mesa; of the Woman's Christian Temperance Union of Pueblo, and of the Woman's Christian Temperance Union of East Pueblo, all in the State of Colorado, praying for the passage of a Sunday-rest law in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. VILAS presented sundry petitions of citizens of Madison, Centralia, Fond du Lac, Green Bay, Merrill, Oconto, Ripon, Fort Atkinson, Chippewa Falls, Delavan, Milton Junction, Hurley, Neenah, Richland Center, Whitewater, and Wausau, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Wisconsin Convention of Congregational Churches, of Antigo, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

LOWER BRULE SIOUX INDIANS.

Mr. PETTIGREW. I present testimony taken before the Senate Committee on Indian Affairs in relation to the removal of the Lower Brule Sioux Indians from their lands south of the White River, South Dakota, and their return to them. I move that the testimony be printed as a document for the use of the committee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, reported it with an amendment.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 9689) for the relief of Daniel E. De Clute, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (H. R. 9319) granting a pension to Malachi Salters, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3237) granting a pension to Annie Fowler, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 2689) granting a pension to Charlotte Weirer, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. WHITE on the 4th instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed: which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6757) granting a pension to Andrew J. Molder, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7055) increasing the pension of Anna G. Valk, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. [illegible]) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2450) granting a pension to John C. Filman, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Finance, to whom was referred the bill (S. 3600) to provide for the removal of the Interstate National Bank of Kansas City, Kans., to Kansas City, Mo., reported it with an amendment.

He also, from the Committee on Public Health and National Quarantine, to whom was referred the joint resolution (S. R. 200) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, reported it with amendments.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom was referred the bill (S. 3545) amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof, reported it with amendments.

Mr. PLATT, from the Committee on Finance, to whom was referred the bill (S. 2161) for the relief of Ellen A. Dunn, reported it with an amendment.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 584) to grant a pension to Eli D. Walker, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 5128) to increase the pension of Jere Smith, reported it without amendment, and submitted a report thereon.

Mr. JONES of Arkansas, from the Committee on Finance, to whom was referred the amendment submitted by Mr. CHANDLER on the 14th ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, and associations in the District of Columbia, to report it with amendments. I ask that the bill take the place on the Calendar of the bill (S. 2580) regulating fraternal beneficiary societies, orders, and associations in the District of Columbia, and that the Senate bill be postponed indefinitely.

The PRESIDING OFFICER (Mr. PERKINS in the chair). In the absence of objection, it will be so ordered.

Mr. SHOUP, from the Committee on Public Lands, to whom was referred the bill (H. R. 3703) to better define and regulate the rights of aliens to hold and own real estate in the Territories, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 2571) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite, reported it with amendments, and submitted a report thereon.

REPORT ON PRICES OF ARMOR.

Mr. HANSBROUGH, from the Committee on Printing, to whom was referred the resolution submitted by Mr. CHANDLER on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Naval Affairs 1,000 additional copies of the report on the prices of armor without the testimony, and 500 copies with the testimony.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 3699) to pension the widow of Gen. William J. Landram; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3700) to provide for aids to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAFFERY introduced a bill (S. 3701) providing for a survey and examination of the Passes at the mouth of the Mississippi River, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LINDSAY introduced a bill (S. 3702) granting an increase of pension to Anna E. Pennebaker; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER. I desire to offer a proposed amendment to the sundry civil appropriation bill. It relates to the officers of the Revenue-Cutter Service. I am undecided as to what committee it ought to be referred. I notice that in the other House they refer bills relating to the Revenue-Cutter Service to the Interstate Commerce Committee.

Mr. CULLOM. It ought to go to the Committee on Commerce, I think.

Mr. GALLINGER. I therefore submit the proposed amendment, and move that it be referred to the Committee on Commerce, and printed.

The motion was agreed to.

Mr. DAVIS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE submitted three amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. STEWART submitted two amendments intended to be proposed by him to the fortifications appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

THE REVENUE-CUTTER SERVICE.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following information:

First. All provisions of law touching the Revenue Cutter Service, including acts relating to the Revenue Marine.

Second. Copies of all recommendations made by the several Secretaries of the Treasury in their annual or special reports made to Congress from December, 1869, the commencement of the second session of the Forty-first Congress, down to the present time, relating to the Revenue Marine and Cutter Service.

Third. A statement showing the present condition of the Revenue Cutter Service, including vessels under construction and repair, and the force, including commissioned officers and enlisted men.

Resolved further, That the Secretary of the Treasury be, and he is hereby, requested to make such further recommendation as he may deem proper in respect to the necessity of immediate legislation to promote the efficiency of the Revenue Cutter Service.

MISSISSIPPI RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River.

Mr. FRYE. I move that the Senate disagree to the amendment, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. CAFFERY, Mr. NELSON, and Mr. VEST were appointed.

COURTS IN ARKANSAS.

Mr. BERRY. I ask the Chair to lay before the Senate House bill 10278, just received from the House of Representatives.

The bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes, was read twice by its title.

Mr. BERRY. I wish to state that it is important that the bill should pass at once. I have seen all the members of the Judiciary Committee except, I think, the Senator from Nebraska [Mr. THURSTON]. It is a bill that is unanimously agreed to by the entire delegation. It was reported unanimously by the Judiciary Committee of the House, and under a suspension of the rules it passed the House yesterday. It is a measure of absolute necessity in regard to arranging our courts in Arkansas.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of the bill which will be read for information.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Is there objection to the present consideration of the bill?

Mr. CHANDLER. It is so unusual to pass bills of such length upon coming from the House, without reference to a committee, that unless some member of the Judiciary Committee of this body will vouch for the bill, I shall be compelled to object to it.

Mr. HILL. In the absence of the chairman of the committee, I will state that the bill has been presented to various members of the Judiciary Committee and examined by them, and that there is no possible objection to it.

Mr. PLATT. The Senator from Massachusetts, the chairman of the committee, asked me yesterday, in conjunction with the Senator from Wisconsin [Mr. VILAS], to examine this bill and see if there was any reason why it should not pass, or if there were reasons why it should pass. Of course, in a matter of the revision geographically of the jurisdiction of the courts, where there are two districts, we have to depend quite a good deal upon the Senators from the State. Both the Senators from Arkansas assured us that the bill is right, and for the convenience of the people of the State of Arkansas, and the bill appears to be right in term.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 9494) concerning certain homestead lands in Florida was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 9703) to provide for light-houses and other aids to navigation was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes was read twice by its title, and referred to the Committee on Finance.

PACIFIC RAILROADS.

Mr. THURSTON. Certain resolutions presented by my colleague, the Senator from Nebraska [Mr. ALLEN], are pending, upon which I had nearly completed my remarks. I ask that the resolutions lie over informally until to-morrow morning. I desire to conclude my remarks at the first available opportunity.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. SHERMAN. I hope that no arrangement will be made that will prevent the consideration of the treaty to-morrow. I trust that we may then reach final action upon it.

Mr. THURSTON. I will not stand in the way of the treaty.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Ohio objects to the request of the Senator from Nebraska?

Mr. SHERMAN. I do not object, the Senator from Nebraska stating to me that he will not stand in the way of the treaty.

Mr. PLATT. I desire to state that notice was given yesterday by the Senator from Massachusetts [Mr. LODGE] that he would ask to have the immigration conference report considered immediately after the routine business to-morrow.

Mr. THURSTON. I shall not insist to-morrow morning or any other morning on getting in the way of anything that is more important. I only desire that the resolutions may not lose their place, and that upon the first available opportunity I shall have the right of way to conclude my remarks.

Mr. ALLEN. The resolution to which my colleague refers was introduced by me something like two weeks or more ago. It was discussed during the morning hour on three different days, I think, by my colleague; and while I do not intend to press it with undue haste, it occurs to me that the resolution ought to be disposed of before a great while. I will ask my colleague to fix a time when he can conclude his remarks and when the resolution may be submitted to a vote.

Mr. THURSTON. I should be glad to conclude my remarks the first morning when there is an opportunity. I shall not desire to occupy more than an hour of additional time under any circumstances.

Mr. ALLEN. I do not desire to press the matter at this time more than to say that I want to have the resolutions disposed of before Congress expires. I will be amply satisfied with any hour.

LOAN OF TENTS.

Mr. HAWLEY. There is on the table a joint resolution from the House concerning tents. It is the usual measure which has been passed for fifteen years, loaning tents to annual encampments of the Grand Army. I ask unanimous consent that it be taken up and put on its passage.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution passed by the House of Representatives, and the Senator from Connecticut asks for the present consideration of the House joint resolution. It will be read for information.

The joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city was read the first time by its title and the second time at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER CULTURE.

Mr. PETTIGREW. I move that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," and that the same be immediately considered.

The PRESIDING OFFICER. Will the Senator from South Dakota furnish to the desk a copy of the bill indicated?

Mr. PETTIGREW. I have it here, but I suppose the clerks have it.

The PRESIDING OFFICER. The Chair is informed at the desk that the bill is not to be had at this time.

Mr. PETTIGREW. It is the bill that was recalled from the President.

Mr. PLATT. I think the bill is in the hands of the Judiciary Committee. Is it not?

Mr. PETTIGREW. It is in the hands of the Judicary Committee.

The PRESIDING OFFICER. The Chair is informed that the bill is in the hands of the Judiciary Committee, and it is not at the desk of the clerks.

Mr. PLATT. I suppose a copy of the bill could be substituted for it.

Mr. PETTIGREW. I have a copy of the bill.

Mr. BATE. Let us hear the copy read, so as to know what it is.

Mr. PETTIGREW. I move that the Committee on the Judiciary be discharged from the further consideration of the bill.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Committee on the Judiciary be discharged from the further consideration of the bill that he has indicated, and he asks for the immediate consideration of the bill. Is there objection? The Chair hears none, and the bill will be read.

The Secretary read the bill.

Mr. PETTIGREW. This bill was recalled from the President by a concurrent resolution of the House and Senate. I move to reconsider the vote by which the House amendments were agreed to.

The PRESIDING OFFICER. The Chair would say to the Senator from South Dakota that the bill itself is not before the Senate.

Mr. PETTIGREW. I will ask, then, to have the copy which is before the Senate substituted for the bill.

The PRESIDING OFFICER. The Chair would further state to the Senator from South Dakota that the bill has been sent for. It is in the possession of the Committee on the Judiciary. As the Senator moves to reconsider the vote had upon House amendments, which have not been printed, the Chair thinks that the bill itself should be before the Senate, so that the amendments may be read.

Mr. PETTIGREW. The amendments are printed in the bill which the clerks have.

The PRESIDING OFFICER. The Chair is informed that the amendments are printed in the copy of the bill. The Senator from South Dakota moves to reconsider the vote by which the House amendments were agreed to.

Mr. ALDRICH. I suppose the first thing in order would be to reconsider the vote by which the bill was passed to a third reading.

Mr. PETTIGREW. I simply wish to disagree to the House amendments.

The PRESIDING OFFICER. The Chair would state that the original bill is now before the Senate. The Senator from South Dakota moves to reconsider the vote by which the Senate agreed to the House amendments to the bill indicated, which amendments the Secretary will now read.

The Secretary read as follows:

> Page 2, line 18, after the word "apply" insert the word "only."
> Page 2, line 21, after the word "in" insert the words "North Dakota."
> Page 2, line 21, after the words "South Dakota" insert "and Nebraska."

The PRESIDING OFFICER. The Senator from South Dakota moves to reconsider the vote by which the Senate agreed to the amendments of the House.

The motion to reconsider was agreed to.

Mr. PETTIGREW. I now move that the Senate disagree to the amendments of the House and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. BERRY, and Mr. CARTER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 719) to restore the pension of Harriet M. Knowlton.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas."

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagoner;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 8388) for the relief of William G. Buck; and

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia;

A bill (H. R. 9123) to prevent forest fires on the public domain; and

A bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

SYSTEM OF BIMETALLISM.

Mr. CHANDLER. I ask the Senate to proceed to the consideration of the resolution submitted by me on the 2d instant, which is now on the table, and I ask that it may be read.

Mr. ALLEN. I hope the Senator from New Hampshire will yield to the regular order for a few moments at least.

Mr. CHANDLER. I have been yielding now for half an hour. If the Senator will state what he desires to do and that it will take no time to do it, I will yield again.

Mr. ALLEN. Mr. President, I am in order and the Senator from New Hampshire is out of order. There is unfinished morning business on the Secretary's desk which ought to be laid before the Senate.

Mr. CHANDLER. I understood the Chair had announced that morning business had closed. If so, I am strictly in order.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Chair has not announced the close of morning business. The Senator from New Hampshire asks to have read for information, subject to objection, the resolution which he has indicated.

Mr. ALLEN. However, Mr. President, if not inconvenient——

Mr. CULLOM. The Senator from New Hampshire has given notice two or three times that he desired to submit some remarks this morning.

Mr. ALLEN. I had anticipated the Senator from Illinois. I was simply going to suggest that if it was inconvenient to the Senator from New Hampshire to have the resolution submitted by me considered now, I would gladly consent to have it go over without prejudice until to-morrow morning.

Mr. CHANDLER. The Senator from Nebraska called the subject to my attention before asking that the resolution be taken up, and I was prepared to go on, if he had no objection.

Mr. ALLEN. Very well; let the resolution submitted by me go over without prejudice.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The resolution indicated by the Senator from New Hampshire will be read for information, subject to objection.

The Secretary read the resolution submitted by Mr. CHANDLER on the 2d instant, as follows:

> *Resolved*, That it is the sense of the Senate that the United States should not permanently acquiesce in the single gold standard, and that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both, under a system of bimetallism to be established through international agreement or with such safeguards of legislation as will ensure the parity in value of the two metals at a fixed ratio, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate.

Mr. CHANDLER. Mr. President, this resolution I earnestly favor because I am an advocate of bimetallism and an opponent of monometallism, either a single standard of silver or a single standard of gold. It is the common habit of gold monometallists to say that there is no such thing as bimetallism, that it is impossible to conceive of two money measures of value, any more than of two yardsticks of different lengths.

Honest doubters of this kind should realize that few important subjects in this world are absolutely simple and comprehensible without inquiry and study. The most valuable things of life are complex and to be understood only through careful research and persistent reflection. Persons unwilling thus to labor and to think are unfit to deal usefully or satisfactorily with the complicated subject of monetary science, which is of the highest possible importance to the material welfare of the human race. Prof. Francis Bowen says:

> As a measure of value, then, money is an indispensable agent of commerce, and without it civilization itself would be impossible. (Am. Pol. Econ., 289.)

Chief Justice Chase says in the Legal-Tender Cases (12 Wallace, 583) that the necessity of a standard of value established by government "is indeed universally acknowledged. Without it the transactions of society would become impossible."

WHAT IS BIMETALLISM?

To avoid confusing tender minds, however, bimetallism should not be called the use of the double standard, but should be designated as the system of the bimetallic standard, the use as money of all the gold and silver which may be presented at the mints, to be coined at a fixed ratio and made a legal tender, with the privilege to every debtor to pay his debt in coin of either metal.

It is claimed by the bimetallists that under this system, if adopted by the principal commercial nations of the world, there will be few fluctuations in the value of money, and therefore that neither the prices of property nor the burden of debts will be materially affected by such fluctuations, while it is also asserted by the bimetallists that the contrary system—that of gold monometallism—will, if finally adhered to, furnish an insufficient supply of money, always liable to many and sudden fluctuations, injuriously affecting prices and debts, and will, during the process of its adoption, so lower prices and increase the burden of debts as to paralyze trade and unjustly ruin innumerable debtors. The progress and the final result will be alike harmful and oppressive to mankind.

That gold monometallism is subject to this condemnation seems reasonably clear. Both gold and silver from the beginning of commerce among men have been used as the means of making all exchanges of commodities where trade has advanced beyond the mere barter practiced by savages; and their use as money has given to them their principal value, not their use in the arts or in any other way; and the peculiar and indispensable quality which makes them available as money is their scarcity, the continuing certainty that they will only be found in limited quantities. Professor Bowen says (page 248):

> Money is a mere convenience, and in performing its function as a medium of exchange need not, and generally does not, possess any intrinsic value whatever.

THE QUANTITY OF MONEY DETERMINES VALUES.

Upon the quantity of money existing in the world depend the prices of the world's property, real and personal. There are other forms of money besides gold and silver, namely, paper currency, including checks and bills of exchange; but all money not metallic must at all times be redeemable on demand in the metal money, or it is admitted to be unsound money. If the relation between money and property remains unchanged, that is to say, if the total quantity of money in the world increases only slowly and in exact proportion to the growth of business and population, the prices of the world's property will remain unchanged except by natural causes—changes in the quantities demanded or changes in the supplies which can be provided. But if the quantity of money be largely diminished, all prices will go down; if it be largely increased, they will go up.

These propositions are almost axioms in monetary science.

> That an increase of the quantity of money raises prices and a diminution lowers them is the most elementary proposition in the theory of currency, and without it we should have no key to any of the others. (2 Mill's Pol. Econ., chapter 8, section 4.)
>
> Other things being the same, an increase of the money in circulation raises prices and diminution lowers them. (2 Mill's Pol. Econ., chapter 12, paragraph 1; Ibid, chapter 8, section 2.)
>
> If the whole money in circulation was doubled, prices would be doubled. If it was only increased one-fourth, prices would rise one-fourth.
>
> I apprehend that bank notes, bills, or checks as such do not act on prices at all. What does act on prices is credit in whatever shape given, and whether it gives rise to any transferable instruments capable of passing into circulation or not. (2 Mill's Pol. Econ., chapter 12, paragraph 1.)

But as all credit is based upon obligations to pay money, the quantity of money in existence with which to make final payments still has the controlling influence upon the general range of prices.

The quantitative theory of the relation of money to prices is admitted by all writers and students whose opinions are worthy of respect. In the late political canvass even those editors and orators who vehemently denied that the general fall in prices throughout the world during the last twenty years was owing to the appreciation of gold, caused by the demonetization of silver, one and all stoutly asserted that an unnatural and injurious rise in all prices would follow from the remonetization of silver; from an influx into circulation of cheap or debased money, as they termed it. But if an increase in the quantity of money by opening the mints to the silver bullion of the world would raise the prices of property, necessarily the diminution of the quantity of available money by excluding all the silver bullion of the world would reduce the prices of property.

This argument is confirmed by historical facts. For seventy, even for two hundred and twenty, years before 1873 there had been such a conjoined use of both gold and silver as money by the nations as to amount to practical bimetallism. Estimates differ as to the amount of coined gold and silver in existence in 1873, and doubtless no estimates are wholly reliable, but approximate merely. United States Treasury Circular 123, July 1, 1896:

Gold	$4,068,800,000
Silver	4,070,500,000

Let it be assumed that there was four thousand millions of dollars' worth of coined gold and four thousand millions of dollars' worth of coined silver. All sound paper money was redeemable in gold or silver coins, and gold and silver were the real money which finally paid debts and which there was no obligation to redeem in any other money. These amounts were subject to be increased by presentation at the mints of any gold and silver bullion in existence, whether from old stocks or newly mined from year to year.

HISTORY OF SILVER'S DEMONETIZATION.

In 1873 the demonetization of silver, which had been started by England in 1816, but with no perceptible effect upon the relative value of the two metals, was continued by Germany, enriched by the French war indemnity of one thousand millions of dollars; and in February of that year the United States omitted the silver dollars from coinage. France, in her enfeebled condition, and the Latin Union gradually gave way to the movement for demonetization. After its injurious effects had begun to be apparent, the United States endeavored to check it, and by our purchases and coinage of silver the movement was hindered; but at last, in 1893, our purchases were stopped, and, most fatal blow of all, England closed the India mints which had all this time remained open for silver coinage.

The effect of this progressive demonetization of silver, sometimes halted, sometimes accelerated, was soon seen in the downward tendency of the prices of property. But the effects were slow in developing themselves. It is the custom to say that we have virtually had gold monometallism since 1873, and therefore by this time have experienced all the evil effects thereof, if there have been any. There can be no greater mistake than to say this. Great economic changes are a long time in taking effect. Economic shocks distribute themselves slowly, and so has the shock of demonetization, especially by reason of the resistance made through the relief measures of the United States. Even when the worst seemed to be at hand, owing to the closing of the India mints, there was yet another blow to be struck. Although the mints of the world were closed to new silver bullion, the four thousand millions of the world's coined silver still remained money as surely as gold was money. It was reserved for Secretary Carlisle, on the 12th of September, 1896, to announce that our silver dollars were no longer real money, like gold money, but that they, like the paper dollars of the country, must be redeemed in gold money. By that act, so far as he could do so, Secretary Carlisle struck out of existence as real money not only our six hundred but also the world's four thousand millions of coined silver, transferred the whole burden of sustaining all the paper money of the world to the world's stock of coined gold, increased the appreciation of that gold, and gave his final blow at silver as a money metal, the effects of which are now making themselves felt throughout the business universe. From this low depth into which it has been thrown bimetallism will soon, at the demand of the grievously burdened masses of mankind, begin its toilsome movement to restoration.

THE FALL OF PRICES SINCE 1873.

The regularity and extent of the fall in the prices of property since 1873 have been demonstrated with reasonable certainty by those results of inquiries and painstaking research known as index numbers. The prices during the successive years have been ascertained of certain necessaries of life in appropriate quantities as they enter into ordinary consumption, and the aggregate prices for each year compared with the aggregate prices for each of the other years.

There have been constructed many tables of index numbers made by acute, careful, and painstaking students and writers on the subject of the changes in the prices of commodities whose calculations have varied in details, but have singularly corresponded in the general result.

The principal European series have been those of the London Economist, Dr. Soetbeer's, the Hamburg tables, and Mr. Sauerbeck's, prepared for the Royal Statistical Society. For the purposes of these remarks these last tables will be adopted.

The result of the Royal Statistical Society's numbers, prepared by Mr. Sauerbeck, is as follows:

Year.	Index number.	Year.	Index number.
1875	96	1886	69
1876	95	1887	68
1877	94	1888	70
1878	87	1889	72
1879	83	1890	72
1880	88	1891	72
1881	85	1892	68
1882	84	1893	68
1883	82	1894	63
1884	76	1895	62
1885	72		

If these figures are correct and prove a general fall in prices equal to that shown as to the special commodities included in the calculations, then the property of the world has diminished in money value one-third in the last twenty years, since demonetization began.

I have in my hand, taken from Mr. Wharton Barker's American, of Philadelphia, issued Saturday, January 23, 1897, a table of index numbers, which has been carefully prepared by Mr. Barker, and which I shall insert in my remarks. The tables include prices from January 1, 1891, to January 1, 1897. There are 100 articles—6 articles of breadstuffs, 4 of live stock, 24 of provisions, 4 of hides and leather, etc., and 7 miscellaneous articles. The summary is given of the whole 100 articles for the six years. The index number, which is an average, Senators will understand, of the whole 100 articles beginning with 100 on January 1, 1891, proceeds quarterly during the six years, sometimes rising and sometimes falling, until on January 1, 1897, it was 79.95; and therefore, according to these tables, as Mr. Barker states, within six years prices have in general fallen over 20 per cent.

The table referred to is as follows:

Summary of index numbers.

	Silver.	Breadstuffs, 6 articles.	Live stock, 4.	Provisions, 24 articles.	Hides and leather, 4 articles.	Raw and manufactured textiles, 11 articles.	Metals, 12 articles.	Coal and coke, 4 articles	Mineral and vegetable oils, 7 articles.	Naval stores, 3 articles.	Building materials, 7 articles.	Chemicals, 11 articles.	Miscellaneous, 7 articles.	General index number, 100 articles.
1891.														
Jan. 1...	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Apr. 1...	94.25	118.31	116.98	105.34	100.52	98.57	92.84	98.05	99.34	110.60	97.37	98.70	100.38	101.06
July 1...	98.21	103.10	110.78	100.40	98.23	95.60	95.22	99.89	91.76	111.61	95.24	99.69	100.56	98.23
Oct. 1...	93.42	97.94	112.49	98.00	94.62	96.25	90.10	102.10	87.18	104.41	87.88	89.37	89.63	94.71
1892.														
Jan. 1...	91.62	97.17	104.35	95.68	94.13	96.15	89.01	98.19	83.82	94.19	90.86	88.31	93.93	93.12
Apr. 1...	83.83	89.45	119.13	97.96	91.60	96.20	84.62	99.77	83.17	104.12	92.81	85.64	91.31	92.87
July 1...	84.51	92.58	113.53	97.56	95.28	97.50	81.90	100.02	81.42	88.57	89.74	87.63	90.75	92.85
Oct. 1...	79.76	82.77	104.88	104.21	94.32	95.89	81.93	103.46	84.38	84.17	90.02	88.04	95.82	93.60
1893.														
Jan. 1...	79.52	80.59	119.68	113.45	93.47	105.41	80.21	103.94	92.10	81.24	90.57	90.05	104.70	98.42
Apr. 1...	80	79.80	125.28	115.84	95.28	102.62	81.25	97.72	98.23	81.90	87.91	92.71	109.29	99.75
July 1...	69.94	73.62	110.61	109.32	92.73	90.62	77.09	94.43	90.81	79.61	85.74	89.69	100.69	93.39
Oct. 1...	71.62	74.82	108.34	107.34	90.44	84.41	74.16	92.41	90.19	77.11	83.71	89.52	100.42	91.43
1894.														
Jan. 1	65.87	68.46	101.33	97.45	89.28	86.89	67.93	89.77	90.89	75.87	86.73	88.18	97.63	87.50
Apr. 1	58.21	70.58	97.78	92.97	89.90	79.49	66.11	85.98	92.09	77.34	80.05	80.25	90.76	84.70
July 1	60.50	71.32	92.42	93.70	83.57	78.31	66.13	83.11	92.86	80.90	78.71	85.06	91.45	84.40
Oct. 1...	60.84	69.08	101.57	97.68	86.38	74.32	64.25	79.82	90.46	81.64	75.12	79.89	82.89	82.81
1895.														
Jan. 1	57.51	70.58	84.88	91.70	90.10	69.18	59.09	78.33	91.23	76.32	81.84	77.76	79.62	79.74
Apr. 1	64.67	72.45	104.41	97.31	96.48	69.68	60.26	79.34	100.26	85.65	79.46	76.77	74.51	82.59
July 1...	63.16	75.83	100.54	93.59	131.99	74.53	69.10	81.51	108.18	87.85	80.68	76.78	81.87	86.05
Oct. 1...	64.31	62.53	79.54	86.56	132.36	81.48	75.82	89.36	102.85	88.10	82.40	77.95	86.68	84.88
1896.														
Jan. 1...	63.95	50.59	73.83	85.93	107.07	79.96	67.42	96.97	106.22	81.19	87.40	96.27	91.14	85.29
Apr. 1...	65.29	63.73	68.47	81.60	97.74	73.08	67.25	90.85	99.01	82.08	88.22	82.83	90.15	81.20
July 1...	66.23	56.70	73.20	78.64	101.28	72.34	67.11	93.71	*91.67	91.28	85.67	81.70	82.11	†78.84
Oct. 1...	63.50	50.94	69.23	79.16	95.12	77.88	64.83	90.95	*89.66	91.42	82.38	79.21	82.92	†78.34
1897.														
Jan. 1...	62.16	68.46	77.32	82.63	108.92	75.41	62.60	89.50	*85.07	90.99	86.76	77.64	84.43	†79.95

*Six articles.

†Ninety-nine articles.

It is to be borne in mind that the final estimate made January 1, 1897, includes a rise in three kinds of articles. There is a rise in breadstuffs owing to the rise in wheat; there is a rise in live stock over October 1, 1896, and there is a very heavy rise in the four articles included under the head of hides and leather, that rise having a special cause. There is a rise in building material and a rise also in chemicals, notwithstanding which these carefully prepared tables of Mr. Barker show, as he states, that prices in general have fallen off over 20 per cent during the last six years.

A still more striking table is that to be found in the circular of the Department of Agriculture issued December 4, 1896, which seems to have been issued by Secretary Morton, although his chief of the Division of Statistics, Mr. Henry A. Robinson, had not given him facts which complied with the last request of the Secretary contained in his letter of instructions of November 23, 1896.

And the reply

The Secretary says to his subordinate—

> taken as a whole ought to show whether the mint value of a money metal can be made by statute greater than the bullion value thereof.

The Statistician fails to show that, but he does show the great fall in farm products since 1866. He has taken, as found in the table on page 10, six articles—corn, hay, wheat, cotton, oats, and potatoes—and I insert that table in my remarks.

The total product and total value of the country's six leading staples for the average of eight years ending with 1886 are approximately as follows:

Article	Product.	Value.
Corn..........bushels..	1,783,000,000	$650,000,000
Hay..........tons..	51,200,000	451,000,000
Wheat..........bushels..	470,000,000	322,000,000
Cotton..........pounds..	3,750,000,000	276,000,000
Oats..........bushels..	668,000,000	200,000,000
Potatoes..........do....	197,000,000	90,000,000

He thereupon ascertains the average proportionate production of these other articles for every 100 bushels of corn raised, and reaches the conclusion that the average is 3 tons of hay and 27 bushels of wheat, and then makes a table showing the gold value of farm products and silver, of 100 bushels of corn, 3 tons of hay, and 27 bushels of wheat, and the sum of the three and 37.125 grains of silver and 100 bushels of wheat. This is the result: The 100 bushels of corn, which in 1866 would have produced $40, produced in 1896 $21; the 3 tons of hay, which in 1866 produced $31, produced in 1896 $20; and the 27 bushels of wheat, which in 1866 realized $42, in 1896 realized $20; and the sum of the three, which produced in 1866 $122, in 1896 realized only $61. The quantity of silver which in 1866 was worth $104, in 1896 was worth $52; the price of the 100 bushels of wheat, which in 1866 was $156, in 1896 was $73; and it is to be noted that this last figure takes account of the rise of wheat in 1896, because the figures given for 1895 show that 100 bushels of wheat could then be bought for $51, and in 1896 it was worth $73.

Mr. President, this is a most valuable and important table, and it is of greater value because it comes from the enemy; it comes from the other side. It is a table prepared for a Secretary of Agriculture, all of whose desires and all of whose interests tended to make him wish for a different result, and yet here is the unmistakable evidence of the tremendous fall in farm products since 1866 and since 1873.

Gold values of farm products and silver.

Years.	Gold value of— 100 bushels of corn.	3 tons of hay	27 bushels of wheat.	Sum of three	37.125 grains of silver.	100 bushels of wheat.
1866..........	$40	$31	$42	$122	$104	$156
1867..........	58	31	38	127	103	144
1868..........	45	29	27	101	103	102
1869..........	57	29	19	105	102	71
1870..........	48	35	24	108	103	91
1871..........	43	43	30	116	103	113
1872..........	35	39	30	104	102	110
1873..........	42	33	27	102	100	102
1874..........	58	33	23	117	99	85
1875..........	36	32	24	92	96	88
1876..........	33	26	25	84	89	93

Gold values of farm products and silver—Continued.

Years.	Gold value of— 100 bushels of corn.	3 tons of hay.	27 bushels of wheat.	Sum of three.	37.125 grains of silver.	100 bushels of wheat.
1877..........	$34	$25	$28	$87	$93	$103
1878..........	32	21	21	74	89	77
1879..........	37	28	30	95	87	111
1880..........	39	35	26	100	89	95
1881..........	64	35	32	131	88	119
1882..........	49	29	24	102	88	88
1883..........	42	25	25	92	87	91
1884..........	36	25	17	78	84	65
1885..........	33	26	21	80	79	77
1886..........	37	25	19	81	76	69
1887..........	44	30	19	93	73	68
1888..........	34	26	25	85	73	93
1889..........	28	24	19	71	72	70
1890..........	51	23	22	96	81	84
1891..........	41	25	23	89	76	84
1892..........	39	26	17	82	67	62
1893..........	36	26	15	77	60	54
1894..........	46	26	13	85	49	49
1895..........	25	25	14	64	51	51
1896..........	21	20	20	61	52	73

There is an equally striking table of the fall of American cereal crops to be found in Mr. Wharton Barker's American of February 6, 1897, to which I shall allude later; but the whole result of the European index numbers and of the American index numbers, made with fidelity and with care, is to show, what is now undisputed throughout the civilized world, that within the last twenty years there has been a steadily progressing fall in the prices of all kinds of property.

Mr. President, it is true that about no point in dispute connected with the complex subject of money has controversy raged more fiercely than about this question whether the admitted depreciation of prices since 1873 has been caused by the demonetization of silver. I accept the conclusion of Prof. L. L. Price, of Oriel College, Oxford, contained in his book on Money and Its Relation to Prices, published in 1896, as follows:

> The fall in prices during that period is attested by various index numbers. The general agreement of the results, in spite of differences of detail in the construction of the numbers and of the precise degree of fall, is remarkable, and is adequate to establish the fact of a noteworthy change. (Page 171.)
>
> In the light of these converging lines of evidence, it seems impossible to doubt the existence of a causal connection between the recent fall of prices and the monetary changes of the last twenty years. (Page 199.)

Even the gold monometallist, Mr. Giffen (in his Essays in Finance, second series, page 22, Trade Depression and Low Prices), says:

> Two causes only have been suggested. One is the great multiplication of commodities and diminution of the cost of production, due to the progress of invention, etc. The other is that the precious metal used for standard money, namely, gold, has become relatively scarcer than it was, its production being diminished, on the one hand, and the demand for it, on the other, increased. I am disposed to give greater weight to the latter. (From Bimetallism, a Tract for the Times, by Francis A. Walker, page 9.)

GEN. FRANCIS A. WALKER.

Confirmation of these opinions is given by that careful and instructive writer on political economy, Gen. Francis A. Walker. At the first mention of his name I must turn aside to speak a few words in his deserved praise. He was a Union soldier of zeal, bravery, and renown; a scholar learned and profound, as well as brilliant; a political economist of the highest rank, and a writer on economic questions known favorably to the world of letters; a patriotic citizen, and a courteous gentleman. He had given his whole soul to the new movement for bimetallism, and on the 5th day of January, 1897, he passed away suddenly, almost in the hour of newly engaging in its service. The bimetallists of Europe and America pay loving tribute to his memory.

General Walker, in his recent work on International Bimetallism, says (page 256) that—

> Ever since 1873 there has been an almost continuous fall of prices in terms of gold.

And he proceeds in this book and in the Yale Review for December, 1896, to refute the assertions of Mr. David A. Wells that the saving in the cost of production accounts for the fall of prices.

This claim of Mr. Wells is the principal explanation made by the gold monometallists of the fall in prices in recent years—namely, that it is due to increased facilities of production. That these account for some portion of the fall is not denied by bimetallists. The moot question is whether the total fall is thus accounted for. General Walker says that increased facilities raise the profits of the producers, but do not lower prices until they reach the method of production of that very last portion of the supply which can be profitably produced and which, "as every well-trained economist knows, determines the price of commodities." The point may be difficult to understand, but here it is, as carefully stated by General Walker in the December Yale Review:

> All the movements and inventions in the world, no matter how great, will not reduce the price of any line of commodities merely by being applied, no matter how extensively, to production by the more favored producers. If a steam thrashing machine would thrash, sack, and tie a thousand bushels a second, however much it might enhance the profits of the men who employ steam thrashers on their farms, there would not be the slightest influence exerted upon the price of wheat until the machines began to reduce the cost of production on the poorest or most distant lands contributing to the supply of the market.

In addition to this argument of General Walker, other points are worthy of notice. There was a great saving in the cost of production due to railroads, steamers, harvesters, and the like causes before 1850, so that, according to Mr. Wells's argument, prices ought then to have fallen, yet it is well established that there was a general rise in prices.

Again, there have been no increased facilities in the production of real estate. Although it is the subject of cultivation, it is not a subject of production. Yet it is matter of the commonest observation that in the recent years during which the fall in the prices of commodities has been attributed to the demonetization of silver there has been a general fall in the prices of real estate corresponding to the fall in commodities. In special localities there has been a rise in prices, but the general rule is the other way.

THE LOWEST FALL IN PRICES NOT YET REACHED.

It would require a tedious citation of proofs and many arguments, as well as answers to objections, to demonstrate in detail that the fall in prices has been caused in great part by the rejection of silver as a money metal. Every person called upon to act on this question must satisfy himself and follow his own conclusions. My inquiries have been carefully and conscientiously made, and they lead me to opinions which are exceedingly disturbing to my hopes that business prosperity is near at hand. I do not believe that we have as yet realized the full fall in prices which demonetization is producing. Reverting to a statement previously made, that economic shocks are slow in making themselves felt, I am helped to reach this opinion that prices have not as yet touched bottom.

One of the most felicitous and characteristic parts of General Walker's argument in his book on bimetallism is where he answers those writers who speak of the readjustment of social forces to meet changed conditions as if it were always a speedy movement.

In one part of his work he says that the point against such writers was brought out admirably by Prof. Cliffe Leslie and Professor Cairnes, in their essays dealing with this theme, namely:

> The delay necessarily involved in the propagation of economic forces or economic shocks, from one object to another, from one class in the community to another, from one country to another, even from one city or town to another. It is thoroughly characteristic of the economists of the a priori school to assume that such propagation is instantaneous. If these writers ever admit the fact of "a period of readjustment," it is much as if it were a matter of changing tickets and baggage at a railway junction. Prices will readjust themselves to the new supply of money, be the same greater or smaller. Wages will readjust themselves to the new prices, be the same higher or lower. Industries will readjust themselves to the new prices and the new wages with ease and celerity and without loss. Taxes will diffuse themselves with infallible equity, whatever the original subject of imposition. Readjustment is the shibboleth of this school. (Walker on Bimetallism, pages 48, 49, and 50.)

General Walker proceeds further to deal with this shibboleth as follows:

> No man would now presume to talk in this way before an intelligent audience. It has come to be understood that social and industrial organizations and structures are matters of immense importance; that society and industry can not be reasoned upon as homogeneous and as in a state of continual flux. It is acknowledged that the process of readjustment is not easy, and that its period is not short; that economic shocks are propagated along the lines of least resistance; that burdens and taxes tend to rest upon those individuals and classes who are least able to throw them off upon others, and who are therefore least able to bear these themselves; that economic injuries once inflicted tend to deepen and to become permanent.
>
> It must be admitted, if ever the old-fashioned style of reasoning was applicable to any subject-matter in economics, it was applicable to the influence of alterations in the money supply upon prices. Economists, even the most reasonable, have been disposed to speak of this matter as if the effects were instantaneous, or were produced with scarcely sensible intervals. That the economic movement is more rapid in this field than in any other is due partly to the nature of money and partly to the fact that the trading classes, who are the chief agents in the work, are a selected body, active, alert, and well informed. Yet Professors Cairnes and Cliffe Leslie have shown that, in fact, both after the silver discoveries of America and after the gold discoveries of California and Australia, the distribution of the new money proceeded by distinct steps, with appreciable intervals, extending in the former case to considerable periods, periods measured not by years, but by decades.

General Walker returns to this point in a later portion of his book, where he is treating of the effect of the demonetization of silver upon the industry and trade of oriental nations, and says:

> I have more than once commented upon the rapidity and completeness with which writers of the a priori school in economics are accustomed to assume that readjustment will take place after important changes, whether in the standard of value or in the conditions of production or exchange. I have referred to the writings of Professors Cairnes and Cliffe Leslie to show that after the discovery of America the effects of the new silver extended from land to land, only with long intervals; and in the result were irregularly experienced by different nations, by different classes of economic agents, and even by different commodities. Even after the gold discoveries at the middle of this century, when it might be supposed improvements in trade, in transportation, and in the communication of intelligence would have secured an almost instantaneous propagation of economic forces, Professor Cairnes has

abundantly shown in his Essays on the Gold Question that the influence of the new money proceeded from commodity to commodity, from class to class, and from country to country, with still very considerable intervals; and that this retardation of the forces thus operating produced large, important, and permanent economic effects.

That I may not be suspected of exaggeration, I quote the words of this most authoritative writer:

> "Before this result is attained, a period of time, longer or shorter, according to the amount of the augmentation and the general circumstances of commerce, must elapse. In the present instance, the additions which are being made to the monetary systems of the world are upon an enormous scale, and the disturbances effected in the relation of prices is proportionally great. Under such circumstances it is very possible that the inequalities resulting may not find their corrections throughout the whole period of progressive depreciation, a period which, even with our present facilities of production and distribution, may easily extend over some thirty or forty years. During this transitional term the action of the new gold on prices will not be uniform, but partial. Certain classes of commodities and services will be affected much more powerfully than others. Prices generally will rise, but with unequal steps."
>
> In the light of such facts, the monometallists were clearly not justified in assuming that the readjustment of international values, made necessary by the demonetization of silver in Europe, would be early or easily effected. But their error becomes altogether inexcusable when we consider how well it was understood that changes of any nature are brought about with exceptional difficulty and delay among the people of the East. The force of custom, tradition, and caste there rises to its maximum. So great is the inertia of the Eastern peoples under economic shocks, even the most tremendous, that at times it seems as if those shocks were not felt at all. (Walker on Bimetallism, 243, 244, 245.)

Accepting fully these views of General Walker, and applying them to the progress of demonetization since 1873, and considering the efforts made by the United States to resist that progress, and the fact that the India mints were not closed until 1893, and that Secretary Carlisle did not strike his last deadly blow at silver until September, 1896, I am led to the conclusion that by far the greater share of the effect upon the prices of property produced by the successive steps of demonetization has been realized since the year 1890, when the last census of the United States was taken.

EFFECT OF FALL IN PRICES IN THE UNITED STATES.

Prior to that year, notwithstanding the effects of demonetization of silver had begun to be felt, the nominal growth of wealth in this country had been rapid. Many railroads had been built, much new land opened to settlement, and increased cultivation and abundant foreign immigration had helped to swell our population. By the census of 1890 it appears that the property, real and personal, in the United States was $65,037,091,197, classified as follows:

Real estate with improvements thereon	$39,544,544,333
Live stock on farms, farm implements, and machinery	2,703,015,040
Mines and quarries, including product on hand	1,291,291,579
Gold and silver coin and bullion	1,158,774,948
Machinery of mills and product on hand, raw and manufactured	3,058,593,441
Railroads and equipments, including $389,357,289 for street railroads	8,685,407,323
Telegraphs, telephones, shipping, canals, and equipments	701,755,712
Miscellaneous	7,893,708,821

The indebtedness of individuals and corporations in the United States in 1890, not reckoning $2,027,170,546 of national, State, and local debts, was sixteen thousand millions of dollars, as appears by the estimate of Mr. George K. Holmes, the head of the Bureau of Mortgages, in the Department of Labor Bulletin for November, 1895 (page 48). According to the best of my information and belief, as already stated, the value of the sixty-five thousand millions of property in the United States in 1890 has shrunk 25 per cent since that date, and therefore the same property would not be valued to-day at more than forty-nine thousand millions.

It is to be borne in mind that this amount of sixty-five thousand millions was placed at those figures by the census authorities, acting according to their own judgment, by making additions of $39,563,917,779 to the sum of only $25,473,173,418, which was the value of the same property according to the valuations of the State and other local taxation officers.

Here, then, we have this startling condition of our country: Our sixty-five thousand millions have shrunk sixteen thousand millions, or to forty-nine thousand millions. Our debts of sixteen thousand millions have not shrunk, but remain due, according to the letter of the bonds, and are an inexorable charge upon our property to that full amount, leaving us, deducting our debts, values to the amount of only thirty-three thousand millions. Can this continuous shrinkage of our property and the unyielding burden of our debts be endured without widespread bankruptcies?

Can all this indebtedness be liquidated, or that portion of it which falls due in the near future, with such a fall in values? I am compelled to believe that if the present tendency of prices downward continues the debtors of the world will be unable to meet their engagements, and insolvencies will continue to increase from year to year until almost a revolution will take place in the ownership of the property of the country, which will pass from the control of debtors into the hands of creditors.

It is best to look the actual situation squarely in the face. In 1893, from various causes, about which there is controversy, came the worst business year this country had ever seen. The commercial failures were, in liabilities, $346,779,889. The banking failures were, in liabilities, $210,998,808. The railroad failures were, with indebtedness, $1,212,217,033.

In 1894 there was a recovery, as follows: Commercial failures, liabilities, $172,992,856. In 1895 the commercial failures were $173,196,060. But in 1896 again an increase of failures confronts us as follows, $226,096,834.

These figures are taken from Messrs. R. G. Dun & Co.'s Review, of January 30, 1897, and the editor adds:

> Wheat has declined severely, cotton has scarcely risen enough to pay brokerage, wool holds steady in spite of enormous buying, woolen goods hardly change in price, iron and its products decline, leather is sluggish, hides are lower, * * * the average of railroad stocks is slightly lower than it was December 31, and the advance in trust stocks has been small. To traders in such properties the month has been disappointing. January—

Say Messrs. Dun & Co.—

> has been a month of disappointment—

And then grotesquely add—

> but of real gain.

Where the real gain comes in they do not say, perhaps from complacently contemplating the fortunate balance of trade in favor of the United States against Europe, as shown by the statistics for 1896. Those statistics are stated in Mr. Barker's American of January 23, 1897, under an article headed "The nation's balance sheet," and I will quote the figures, which are taken by Mr. Barker, and have been verified by me, from the Treasury Department's returns.

In 1896 we exported goods to the reported value of $325,322,184 in excess of imports, and on top of this we exported $33,777,884 of silver in excess of imports. Thus by the export of our products we placed to our credit abroad the enormous sum of $359,100,068. This much more we sold than we bought, and yet gold was sent to us in payment to the amount of only $47,777,097. A balance of $311,322,971 was therefore left.

Now, what has become, Mr. Barker pertinently asks, of the $311,000,000? It has gone to pay to Europe what we would otherwise have been obliged to pay her in gold or to borrow from her in new loans. Mr. Barker makes an estimate of what has become of the $311,000,000 balance. He states the account against the United States as follows:

Interest, at 4 per cent, on our foreign indebtedness of $5,000,000,000		$200,000,000
Expenditures of Americans traveling and living abroad		75,000,000
Freights paid foreign shipowners on account of the carriage of, say, $575,000,000 worth of our imports allowing a charge for transportation equal to 8 per cent of the value of the produce imported	$46,000,000	
Less freights paid by foreigners to American shipowners for the carriage of, say, $75,000,000 worth of our exports, allowing a freight charge equal to 12 per cent of the value of produce exported	9,000,000	
		36,000,000
Total account against the United States		311,000,000

That is where the balance of trade has gone. I see no escape from the conclusion that if unfortunately we had not had this balance of $311,000,000 in our favor, we would have been obliged to find in some way $311,000,000 to send abroad in gold, or we would have been obliged to borrow that money in Europe. In other words, if it had not been for this fortunate balance of trade in our favor, there would have been a business cataclysm in this country which would have prostrated all industries and produced infinite misery in our commercial and domestic affairs.

There is a most discouraging exhibit made by Mr. Barker in The American of February 6, 1897, where he gives for 1875, 1885, 1895, and also 1896, the estimated acreage and value of the cereal crops of the United States. I will insert the two tables in my remarks.

Estimated acreage and value of the cereal crops of the United States.

1875.

Crop.	Area.	Value.
	Acres.	
Corn	44,841,371	$555,445,930
Wheat	26,381,512	294,580,990
Rye	1,359,788	13,631,900
Oats	11,915,075	120,499,930
Barley	1,789,902	29,952,082
Buckwheat	575,530	7,166,267
Total	86,863,178	1,030,277,099

Estimated acreage and value of the cereal crops, etc.—Continued.

1885.

Crop.	Area.	Value.
	Acres.	
Corn	73,130,150	$635,674,630
Wheat	34,189,246	275,320,390
Rye	2,129,301	12,594,820
Oats	22,783,630	179,631,860
Barley	2,729,359	32,867,696
Buckwheat	914,394	7,057,363
Total	135,876,080	1,143,146,759

1895.

Crop.	Area.	Value.
Corn	82,075,830	$567,509,106
Wheat	34,047,332	237,938,998
Rye	1,890,345	11,964,826
Oats	27,878,406	163,655,068
Barley	3,299,973	29,312,413
Buckwheat	763,277	6,936,525
Total	149,955,163	1,017,316,936

Cereal crops of 1896 and estimation of what their value would have been at 1895, 1885, and 1875 prices.

Crop.	Area, 1896.	Value, 1896.	What the value would have been at prices realized in—		
			1895.	1885.	1875.
	Acres.				
Corn	81,627,000	$491,007,000	$564,042,570	$700,378,690	$1,011,958,590
Wheat	34,619,000	310,603,000	241,986,810	278,682,950	386,594,290
Rye	1,831,000	9,961,000	11,592,230	10,849,730	19,902,970
Oats	27,566,000	132,485,000	161,812,420	217,220,080	299,642,420
Barley	2,951,000	22,491,000	26,204,881	35,590,040	49,370,230
Buckwheat	755,000	5,522,000	6,862,970	5,983,000	9,648,850
Total	149,349,000	972,069,000	1,012,501,880	1,257,504,220	1,777,117,290

So there has been a loss to the farmers of this country of $777,000,000 by the fall in the price of crops since 1875. And notwithstanding that, if it had not been for the sums realized by these cereal products in 1896, the balance of trade in favor of the United States as against Europe would not have existed; the amount which we owed could not have been paid by our own products, and this country would have been subjected either to the pressure of exporting gold or to the necessity of making several hundred million dollars of new loans abroad.

Mr. President, the country has been saved from these evil effects of the fall in prices, caused, as I believe, by the demonetization of silver only, because, fortunately for us, unfortunately for them, gaunt famine stalks through India, and the starvation of the people of other lands is causing a rise in the value of the cereal crops of America. We are only saved from great misery by the overwhelming misery which has come to the people of the Orient.

It is possible that I have made an erroneous collocation of facts and conclusions, and that optimistic reviewers may find hope in the face of the facts as they may be able to present them, and that they may believe and demonstrate that we are upon the eve of revived agricultural, commercial, and financial prosperity upon the platform laid down by the recent monetary convention at Indianapolis, that the gold standard must be maintained. If they can plausibly make such a prediction, I shall be greatly rejoiced. But as at present instructed, I am imperatively forced to the opposite conclusion. I fear that prices will not rise, that business will not revive, that debtors can not pay, and that bankruptcies will increase, and I believe that the present lamentable condition of the business of this country, and of nearly all countries, is owing, in large measure, to the fact that, as the Iddesleigh Commission of 1885 declared, there has been "a continuous fall of prices caused, in large measure, by the appreciation of the standard of value."

IS THERE A SYSTEM OF BIMETALLISM?

The confidently proposed remedy for the evils to mankind thus described and proved is the restoration of bimetallism. To the system from which we have departed we must return, and I trust that we are already on the road. But the objectors continue to say that there is no such thing as bimetallism, that it did not in fact exist before 1873, and that there is, in truth, no bimetallism to which we can return. This was the idea presented during the debate in the Chamber of Deputies of France, sitting on December 9, 1896, according to the Journal Officiel of Thursday, December 10, 1896 (page 2101).

Mr. Meline, president of the council and minister of agriculture, was replying to the observations made at the previous session by Mr. Joseph Jourdan. When he spoke of the reestablishment of a fixed ratio between gold and silver, he was interrupted as follows:

> Mr. CHARLES GRUET. It is a myth.
>
> The PRESIDENT OF THE COUNCIL. No; it is not a myth, for up to 1873 it was the law that ruled the world.

Mr. Meline's brief but forcible statement seems vindicated by the facts. In the report of the Director of the Mint for 1895, dated October 16, 1896, on page 329, is given "the commercial ratio of silver to gold each year since 1687."

I will insert the table.

Commercial ratio of silver to gold each year since 1687.

[Report of the Director of the Mint for 1896. Fifty-fourth Congress, second session, House Document No. 23, page 329.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1729	14.92	1771	14.66	1813	16.25	1855	15.38
1688	14.94	1730	14.81	1772	14.52	1814	15.04	1856	15.38
1689	15.02	1731	14.94	1773	14.62	1815	15.26	1857	15.27
1690	15.02	1732	15.09	1774	14.62	1816	15.28	1858	15.38
1691	14.98	1733	15.18	1775	14.72	1817	15.11	1859	15.19
1692	14.92	1734	15.39	1776	14.55	1818	15.35	1860	15.29
1693	14.83	1735	15.41	1777	14.54	1819	15.33	1861	15.50
1694	14.87	1736	15.18	1778	14.68	1820	15.62	1862	15.35
1695	15.02	1737	15.02	1779	14.80	1821	15.95	1863	15.37
1696	15.00	1738	14.91	1780	14.72	1822	15.80	1864	15.37
1697	15.20	1739	14.91	1781	14.78	1823	15.84	1865	15.44
1698	15.07	1740	14.94	1782	14.42	1824	15.82	1866	15.43
1699	14.94	1741	14.92	1783	14.48	1825	15.70	1867	15.57
1700	14.81	1742	14.85	1784	14.70	1826	15.76	1868	15.59
1701	15.07	1743	14.85	1785	14.92	1827	15.74	1869	15.60
1702	15.52	1744	14.87	1786	14.96	1828	15.78	1870	15.57
1703	15.17	1745	14.98	1787	14.92	1829	15.78	1871	15.57
1704	15.22	1746	15.13	1788	14.65	1830	15.82	1872	15.63
1705	15.11	1747	15.26	1789	14.75	1831	15.72	1873	15.92
1706	15.27	1748	15.11	1790	15.04	1832	15.73	1874	16.17
1707	15.44	1749	14.80	1791	15.05	1833	15.93	1875	16.59
1708	15.41	1750	14.55	1792	15.17	1834	15.73	1876	17.88
1709	15.31	1751	14.39	1793	15.00	1835	15.80	1877	17.22
1710	15.22	1752	14.54	1794	15.37	1836	15.72	1878	17.94
1711	15.29	1753	14.54	1795	15.55	1837	15.83	1879	18.40
1712	15.31	1754	14.48	1796	15.65	1838	15.85	1880	18.05
1713	15.24	1755	14.68	1797	15.41	1839	15.62	1881	18.16
1714	15.13	1756	14.94	1798	15.59	1840	15.62	1882	18.19
1715	15.11	1757	14.87	1799	15.74	1841	15.70	1883	18.64
1716	15.09	1758	14.85	1800	15.68	1842	15.87	1884	18.57
1717	15.13	1759	14.15	1801	15.46	1843	15.93	1885	19.41
1718	15.11	1760	14.14	1802	15.26	1844	15.85	1886	20.78
1719	15.09	1761	14.54	1803	15.41	1845	15.92	1887	21.13
1720	15.04	1762	15.27	1804	15.41	1846	15.90	1888	21.99
1721	15.05	1763	14.99	1805	15.79	1847	15.80	1889	22.10
1722	15.17	1764	14.70	1806	15.52	1848	15.85	1890	19.76
1723	15.20	1765	14.83	1807	15.43	1849	15.78	1891	20.92
1724	15.11	1766	14.80	1808	16.08	1850	15.70	1892	23.72
1725	15.11	1767	14.85	1809	15.96	1851	15.46	1893	26.49
1726	15.15	1768	14.80	1810	15.77	1852	15.59	1894	32.56
1727	15.24	1769	14.72	1811	15.53	1853	15.33	1895	31.60
1728	15.11	1770	14.62	1812	16.11	1854	15.33	1896	30.66

NOTE.—From 1687 to 1832 the ratios are taken from Dr. A. Soetbeer; from 1833 to 1878 from Pixley and Abell's tables; and from 1879 to 1895 from daily cablegrams from London.

In 1687 the ratio was 14.94 and in 1872 it was 15.63, and during this whole period of one hundred and eighty-six years the number, without fractions, of the ratio is either 14, 15, or 16. The number is 14 during fifty-nine years, 15 during one hundred and twenty-four years, and 16 during only three years. Starting from the year 1803, when France formally adopted a statutory ratio between silver and gold, down to 1874, the ratio, disregarding fractions, was 15 every year except 1808, when it was 16.08.

But when formal demonetization commenced in 1873, up began to rise the number of ounces of silver necessary to equal an ounce of gold. Beginning in 1873 with 15.92, in 1889 it had reached 22.10. In 1890, under the influence of our purchasing law, the ratio fell to 19.76. In 1891 the upward movement again began. In 1893, when the India mints closed, it went in one week from 24 to 30. In 1895 it was 31.60, and in 1896 it was 30.66.

It seems impossible that any candid inquirer should doubt that this remarkable uniformity in the ratio down to 1873, covering nearly two centuries, notwithstanding all the fluctuations in the product of the two metals, was occasioned by some cause acting independently of the quantities of the two metals produced. Those quantities varied greatly during this period, as appears by the following table:

Production of gold and silver in the world since the discovery of America.

Period.	Value of gold.	Coining value of silver.	Percentage of production, by value.	
			Gold.	Silver.
1493-1520	$107,931,000	$54,703,000	66	34
1521-1544	114,205,000	89,986,000	56	44
1545-1560	90,492,000	207,240,000	30	70
1561-1580	90,917,000	248,990,000	27	73
1581-1600	98,095,000	348,254,000	22	78
1601-1620	113,248,000	351,579,000	24	76
1621-1640	110,324,000	327,221,000	25	75
1641-1660	116,571,000	304,525,000	28	72
1661-1680	123,084,000	280,166,000	30	70
1681-1700	143,088,000	284,240,000	34	66
1701-1720	170,403,000	295,629,000	37	63
1721-1740	253,611,000	358,480,000	41	59
1741-1760	327,116,000	443,232,000	42	58

Production of gold and silver in the world, etc.—Continued.

Period.	Value of gold.	Coining value of silver	Percentage of production, by value.	
			Gold.	Silver.
1761-1780	$275,211,000	$542,658,000	34	66
1781-1800	236,464,000	730,810,000	24	76
1801-1810	118,152,000	371,677,000	24	76
1811-1820	76,063,000	224,786,000	25	75
1821-1830	94,479,000	191,444,000	33	67
1831-1840	134,841,000	247,930,000	35	65
1841-1850	363,928,000	324,400,000	53	47
1851-1855	662,566,000	184,169,000	78	22
1856-1860	670,415,000	188,092,000	78	22
1861-1865	614,944,000	225,900,000	73	27
1866-1870	648,071,000	278,313,000	70	30
1871-1875	577,883,000	409,322,000	59	41
1876-1880	572,931,000	509,256,000	53	47
1881-1885	495,582,000	594,773,000	46	54
1886	106,163,900	120,626,800	47	53
1887	105,774,900	124,281,000	46	54
1888	110,196,900	140,706,400	44	56
1889	123,489,200	155,427,700	44	56
1890	118,848,700	163,032,000	42	58
1891	130,650,000	177,352,300	42	58
1892	146,651,500	198,014,400	42	58
1893	157,494,800	213,944,400	42	58
1894	181,567,800	212,829,600	46	54
1895	200,285,700	218,738,700	48	52
1896	215,000,000	215,000,000	50	50
Total	8,966,778,400	10,590,688,700	46	54

[From 1493 to 1885 the above figures are from a table of averages for certain periods compiled by Dr. Adolph Soetbeer. For the years 1886 to 1894 the production is the annual estimate of the United States Bureau of the Mint. The table down to and including 1895 is contained in the report of the Director of the Mint for 1895, House Document No. 25, Fifty-fourth Congress, second session, page 236; and the estimate for 1896 is made by the Director of the Mint.]

Here, Mr. President, are striking facts to be noticed. During the years from 1781 to 1830, about fifty years, the proportion of the production of gold and silver (coining value) was as follows: 24 to 76, 24 to 76, 25 to 75, 33 to 67. Come on down, however, to 1851, and from 1851 to 1870 the conditions were exactly reversed, and the percentage of the production of gold to silver was 78 of gold to 22 of silver, 78 to 22, 73 to 27, 70 to 30; and yet during all these periods practical bimetallism prevailed, as I shall show later, and this enormous disproportion in the relative production of gold and silver did not destroy the bimetallic law.

Mr. President, here is the total of the production of silver and gold in the world since the discovery of America brought down to and including 1896. The total production of gold (coining value) is $9,000,000,000, and of silver, $10,500,000,000, a difference practically imperceptible for the whole period since 1492; and the difference between the coining value of the silver and the coining value of the gold is more than made up, in my judgment, by the larger use of silver than gold in the arts.

I find the most remarkable fact of all, and that is, that in 1896 the world's production of gold was $215,000,000 and the world's production of silver was $215,000,000. It would seem as if good fortune, as if nature, as if perhaps God himself, had interposed here to refute the prediction of those who have demanded the demonetization of silver on the ground of its enormous overproduction, and had shown us in this year 1897, as the result of the production of gold and silver in the world in the year 1896, the exact equality of $215,000,000 worth of each of the precious metals. Yet we are told we can not have bimetallism because the one metal or the other, being produced disproportionately, will drive its associate out of existence. Here the equality of 15 to 1 in the coinage was maintained during the period when gold as to silver was as 25 to 75, and during the later period, when the production of gold as to silver was as 75 to 25.

It is easy, examining the subject historically, to see how the bimetallic system maintained the ratio of 15½ to 1, notwithstanding the variations in the quantities of the two metals produced. France, principally, ran the risk and bore the strain whenever the production of either metal took place in unusual quantities disproportionate to the production of the other metal. In 1848 and 1851 there were enormous discoveries of gold in California and Australia. The bimetallic link of 15½ to 1 was threatened. France, between 1853 and 1860, boldly took $616,000,000 worth of gold and parted to other nations with $293,000,000 worth of silver; and bimetallism was saved. Later, toward 1873, when silver began to be more abundantly produced than gold, France again tried to hold the ratio firmly, and there can be little doubt that, even against nominal demonetization of silver by the United States in 1873 and the continued efforts of England to establish the single standard of gold, France would have continued to maintain the parity of silver with gold at the ratio of 15½ to 1 had it not been for the action of Germany on the 9th day of July, 1873, when, enriched by the French indemnity of one thousand millions in gold, that Government began to sell its silver thalers, and thus joined England in the movement to demonetize silver, which, unfortunately, as Senator SHERMAN said, was brought about because the other nations yielded to the demand of the United States for the single standard of gold, although the Senator manfully acknowledged that this demand was an error in his letter of July 15, 1878, to Hon. W. S. Groesbeck, in which he says:

> But other arguments showing the dangerous effect upon industry by dropping one of the precious metals from the standard of value outweigh, in my mind, all theoretical objections to the bimetallic system.

In the light of the facts which have been recited, and looking carefully at the dates in which the various commercial nations have acted on the subject of standards, the whole argument for bimetallism is revealed to the thoughtful inquirer. Here the dates stand:

In 1785, 1786, and 1792 came the establishment of the double standard in the United States; in 1803 its formal establishment in France, ratio 15½ to 1; 1816, the adoption of the gold standard in England; 1862, the adoption of the French system by Italy; 1865, the formation of the Latin Union by France, Belgium, and Switzerland, ratio 15½ to 1; 1868, the admission of Greece to the Latin Union and the adoption by Spain of the French system; 1871, the adoption by Germany of the gold standard; 1873, suspension by the United States of the coinage of silver dollars and the suspension of silver coinage by France, Belgium, and Holland; 1875, the suspension by Italy and the Dutch colonies; 1892, by Austria-Hungary; 1893, by British India; panic in the silver market in July in London, when the price fell until the ratio was 31.13 to 1. (See United States Treasury Department Circular No. 123, July 1, 1896.)

The learned editors of the Encyclopedia Britannica (9th ed., article "Money," page 720), speaking of the sudden increase about 1870 of the annual product of silver from $45,000,000 to $75,000,000, more than half coming from new mines opened in Nevada, say:

> The increased production of silver was only a minor element in causing its depreciation. The policy pursued by various states—viz: (1) Germany and the Scandinavian States in adopting a single gold standard; (2) the countries composing the Latin Union in limiting the coinage of silver; (3) the Indian Government by adopting a new method of drawing bills—proved to be the really influential causes for the decline in the value of silver as contrasted with gold.

Considering the facts which have been thus set forth, is it possible to assert that bimetallism is a myth? Is it not as clear as light that it was a substantial principle of monetary science, operating silently and powerfully for two hundred years, before it was recognized and studied by the political economists of the nations, and which would have continued to maintain the parity of silver with gold even to this day had it not been for the unwise interference of the great governments of the earth?

Yet gold monometallists continue to say that the parity between the two metals was not maintained prior to 1873. They can only keep themselves from being characterized as censurable deceivers by pointing to the slight fluctuations, between fourteen and a fraction to sixteen and a fraction, shown by the statistics from 1687 to 1873. But those fluctuations were of comparatively little moment, and did not seriously impair the existence during all that period of the bimetallic system.

Prof. Willard Fisher, of the Wesleyan University, in the Quarterly Journal of Economics for January, 1896 (see Walker on International Bimetallism, 109), states the answer to this argument in language which is so apt and so much better than my own that I must here repeat it:

> Professor Laughlin utterly fails to grasp what bimetallists claim for and expect from their system and he makes the same mistake that Mr. Robert Giffen made in his Case against Bimetallism. They both think that if the French law of 1803 had any effect upon the market value of the precious metals, it must have kept the commercial ratio at exactly 15½ to 1, and in citing the familiar fact that the market figures fluctuated up and down, but rarely, if ever, coincided with the mint ratio, they complacently assume that they have refuted the historical argument for bimetallism. But it is absolutely certain that no such identity of ratios could be expected, even by the most confident bimetallist. So long as there are seigniorage charges, freight charges, insurance fees, or any other expenses involved in passing metal through the mint, the nominal legal ratio is never the effective mint ratio. The inefficiency of the French law in steadying the relative values of the precious metals can never be proved by citing differences between the market ratio and the nominal legal ratio, unless it be shown that the differences are greater than can be accounted for by (1) the seigniorage and all other mint charges, (2) the cost of transporting the metal from the market whose ratio is cited to the mint, (3) the fees for insurance during the transit, (4) the agents' commissions, (5) the interest on the capital temporarily locked up, and (6) the exigencies of sudden and urgent demand. But no man has even so much as attempted to examine thus fully the deviation of the London market from the French mint ratio. Let just a simple hint as to the effects of these various charges and expenses suffice. The law of 1803 imposed a seigniorage of 9 francs a kilo on gold and 3 francs a kilo on silver; and if no thought be given to the five other heads, this mint charge alone makes the effective legal ratio not 15½ to 1, but anywhere between 15.736+ to 1 and 15.455 to 1.

General Walker, in International Bimetallism (page 222), speaking of a bimetallic league, says:

> This would not mean that the value of gold and silver would remain absolutely at the ratio fixed by the bimetallic agreement, but that the range of divergence would be always within the cost of transporting metals from monometallist markets to bimetallic mints. If this were so, it would, for all practical commercial purposes, be the same thing as if there were no divergence whatever. A preference for either metal in a monometallist market, which fell short of the cost of transporting the other, the cheapening metal, to a bimetallic mint, would, for all purposes of economic reasoning, be the same as actual indifference. To this case would apply Mr. J. S. Mill's remark made with reference to another subject: "Small means do not merely produce small effects; they produce no effect at all."

In truth, the variations under the bimetallic law prior to 1873 from the French ratio of 15½ to 1 were no greater and quite as immaterial as are the differences between the two eyes and the two ears of the human body, the two pairs of engines of the twin-screw steamship, and the two horses that draw a carriage. The claim that bimetallism never has existed and that there can be no such thing as a permanent system of bimetallism created by the consensus of the nations, involving a bimetallic standard of money which shall determine the value of the property of the world, is a contention that finds no support in reason, and very little countenance from the careful thinkers and writers on monetary science.

All the members of the celebrated Herschell commission declared as to the system of bimetallism prevailing before 1873 as follows:

> So long as that system was in force we think that, notwithstanding the changes in the production and use of the precious metals, it kept the market price of silver approximately steady at the ratio fixed by law between them, namely, 15½ to 1. (Report, end of section 192, part 1, November 9, 1888.)
>
> "It is upon this principle," said Professor Jevons, writing in 1875, "that we must explain the extraordinary permanence of the ratio of exchange of gold and silver. That this fixedness of ratio does not depend upon the amount and cost of production is proved by the very slight effect of the Australian and California discoveries." (Bimetallism: A Tract for the Times, by Francis A. Walker, page 16.)

Here the special attention of that distinguished gold monometallist, the Senator from Wisconsin [Mr. VILAS], ought to be called to these authoritative declarations in such striking contradiction of the views expressed by him in this Chamber on January 29 in opposition to the bill for another international conference. The Senator said:

> The bill is worse than useless. It is highly vicious.

In the same speech the Senator spoke of it as "this vicious and misleading bill."

He also said:

> No such bimetallism has ever existed in fact; in no country of the world does it exist now. * * * The pretense that any such system of bimetallism * * * has ever had existence in the world * * * must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

It is painful to be obliged to impugn the Senator's dogmatic infallibility by contrasting his utterances with those of such eminent men as venture to hold an opposite opinion.

I have in my hand Prof. Charles B. Spahr's review of Giffen's Case against Bimetallism, where he quotes from Professor Foxwell, of Cambridge. The latter describes the condition of scientific opinion in England concerning bimetallism, and, after naming the very eminent men who believe in bimetallism, he adds:

> Whoever refuses to admit that a fixed ratio between gold and silver can be established and maintained by international treaty is no longer considered amongst us an economist.

Therefore, by this authority the Senator from Wisconsin could not be considered as an economist. He certainly can be considered as a vituperator, and, Mr. President, vituperation seems to be a common habit of the advocates of gold monometallism. I find here that Mr. Giffen has fallen into the habit of using expletives like those which are used by the Senator from Wisconsin. Mr. Giffen speaks of bimetallism as "the detestation of men of sense."

Mr. President, the Senator from Wisconsin did not always think that bimetallism is as bad as witchcraft and demonology. The Senator was a member of the convention which nominated Mr. Bryan for President; and the Senator from Illinois [Mr. PALMER] will excuse me for calling that a Democratic convention. I find a declaration of the minority committee on resolutions to that convention, as follows:

> That the efforts of the Government should be steadily directed toward the establishment of international bimetallism.

Now, on the one hand, we have the Senator saying that no such bimetallism has ever existed in fact; that—

> the pretense it ever had existence in the world * * * must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

That was the Senator on the 29th of January, but at the Democratic convention of 1896 we heard him declaring to the convention and to the people of the world—

> That the efforts of the Government should be steadily directed toward the establishment of international bimetallism.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Will the Senator from New Hampshire suspend? Under the rules of the Senate, the Chair is obliged to lay before it the unfinished business coming over from yesterday, which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. FRYE. I ask that that may be informally laid aside, and that the Senator from New Hampshire may be permitted to conclude his speech.

The PRESIDING OFFICER. It is asked that the unfinished business be temporarily laid aside and that the Senator from New Hampshire be permitted to finish his speech. Is there objection? The Chair hears none, and the Senator from New Hampshire will proceed.

Mr. CHANDLER. Mr. President, who signed this report declaring that the efforts of the Government should be steadily directed to the establishment of international bimetallism? The first name is that of the distinguished Senator from New York, DAVID B. HILL; the second, WILLIAM F. VILAS, of Wisconsin; the third, GEORGE GRAY, of Delaware; the fourth, John Prentiss Poe, of Maryland; the fifth, Irving W. Drew, of New Hampshire. My colleague will recognize Mr. Drew as a distinguished member of the convention, who, after declaring against the free coinage of silver by the United States alone and in favor of international bimetallism, went home to New Hampshire and manfully assisted in giving the McKinley Republicans of that State their unprecedented majority of 36,000.

It seems to me that the Senator from Wisconsin ought to allow those of us who still believe that the powers of the Government should be steadily directed to the establishment of international bimetallism to do so without charging that in so doing we are advocating either witchcraft, astrology, demonology, or a kindred superstition. We are only advocating a superstition to which the Senator from Wisconsin affixed his name less than one year ago.

Returning again to the Herschell commission, we find that six of its members, Rt. Hon. Sir Louis Mallet, C. B.; Rt. Hon. A. J. Balfour, M. P.; Rt. Hon. Henry Chaplin, M. P.; Sir D. Barbour, K. C. S. I.; Sir W. H. Houldsworth, Bart., M. P.; Mr. Samuel Montagu, M. P., declared as follows:

> Part III, section 29. In 1873-74 the connecting link disappeared, and for the first time the system of rating the two metals ceased to form a subject of legislation in any country in the world. The law of supply and demand was for the first time left to operate independently upon the value of each metal; and simultaneously the ratio which had been maintained, with scarcely any perceptible variation, for two hundred years, gave place to a marked and rapid divergence in the relative value of gold and silver, which has culminated in a change from 15½ to 1 to 22 to 1.

The chairman of the Holland delegation to the international conference of 1892, Mr. Van Den Berg, made the following striking statement, showing that bimetallism was no myth, but a potent reality, from 1800 to 1873. His language is as follows:

> Our ideal is an international bimetallic agreement. Such an agreement we fully believe to be possible and desirable, both from the theoretical and also from the practical point of view. We in Holland are unanimous in the belief that, should an international bimetallic agreement admit gold and silver to free coinage at a fixed ratio, the union between the two metals would be reestablished and would be maintained on a fixed basis, as in fact it was maintained during nearly three-quarters of a century in spite of the extreme variations in the production of gold and silver, respectively, which took place in that period. I need not remind you, gentlemen, that from 1800 to 1820 silver yielded 75 per cent and gold 25 per cent only of the total value of the precious metals produced. Gradually the production of gold increased, while the production of silver continually diminished relatively to the production of the yellow metal until, after the discovery of the Californian and Australian mines, the two metals arrived at a position exactly the reverse of that which I have just mentioned, for it was gold that now yielded 75 per cent of the world's production, while silver sunk to 25 per cent and took the place which gold had occupied half a century before. Well, notwithstanding this complete inversion of the respective production of the two metals, the ratio between gold and silver remained nearly fixed and steady, and I believe that ratio would have been maintained permanently if the use of silver had not been proscribed by legislative enactments. It must be admitted that the increase in the production of silver, of which we hear so much, has only a very slight importance in comparison with the development in the production of gold toward the middle of the century which is now approaching its close. (Walker on International Bimetallism, 227.)

THE GOLD PANIC AFTER 1849.

General Walker, in his International Bimetallism, page 122, thus graphically describes the gold panic after 1849:

> In 1848 occurred the discovery of gold on the Pacific Coast of North America. Only three years later, on the other side of the globe, gold was discovered in enormous and seemingly inexhaustible amounts in Australia. It is surely one of the most marvelous coincidences of human history, that of the three great "finds" of the yellow metal which have occurred since authentic history began two should have come within so narrow a space. The aggregate effect upon the supply of gold produced by the simultaneous discovery of the California and Australia mines, together with a three or four fold increase in the yield of the alluvial deposits of the Ural Mountains, threatened for the time to be overwhelming. The average production of the world had been twenty or thirty million dollars. In a few years it rose to five times that amount. Within the ten or twelve years succeeding 1851 it is estimated that the stock of gold in the hands of civilized man was literally doubled. During the decade 1841-1850 the production of silver had been to that of gold, by weight, 50.2 to 1; during the decade 1851-1860 it was only 4.4 to 1, a change to the extent of nearly eleven-twelfths. M. Chevalier states the change in production in still higher terms. In 1857 he wrote that the production of gold as compared with silver had increased fivefold since 1851, and fifteenfold in the course of only forty years. A veritable gold panic set in. It hardly seemed to anyone out of France that it would be possible to stem the flood and to save commercial and financial values from such a fall as would amount to the destruction of all individual credit. Few dared to hope that the barrier which France had to this time interposed against fluctuations in the value of the two metals could long withstand the strain. If once that gave way, gold might fall in a succession of plunges, from crag to crag, down to a level which would mean nothing less than universal bankruptcy. Estimates were freely made that, from being worth 15½ to 1 of silver,

> it would soon be worth 12 to 1, 10 to 1, even 8 to 1. In his book on the Probable Fall in the Value of Gold, Chevalier more than once uses the illustration of a fall to one-half its former value. He indeed states that this assumption is not the result of anything like exact computation, and is only used to show briefly and strikingly what might come from the bursting of the great reservoir and the rushing of its mighty waters down upon the marts of trade and the seats of industry; but Chevalier would not have used this illustration so freely had he regarded it as an extravagant statement of the possibilities, and even the reasonable probabilities, of the case.
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> The nations of Europe were prompt to take alarm at the menace to industry, finance, and even the social structure. "Ten years ago," wrote M. Leon Faucher, in 1852, in his work The Production of the Precious Metals, "everyone was frightened at the prospect of the depreciation of silver; during the last eighteen months it is the diminution in the price of gold that has been alarming the public." In June, 1850, Holland demonetized the gold 10-florin piece and the guillaume. Portugal prohibited any gold from having current value except English sovereigns. Belgium demonetized its gold circulation. Russia prohibited the export of silver as the metal likely to become the very stay and staff of the national existence. Austria, which was then on a basis of inconvertible paper, thought that the cheapening of gold offered a favorable opportunity to come to a metallic basis, and called the German States to meet in a monetary conference at Vienna. The other States feared the depreciating gold and insisted on the single silver standard. The most that Austria could do was to secure the concession of the coinage of gold crowns as trade pieces. (Suess, Die Zukunft des Goldes, 11, 12; Soetbeer, Litteraturnachweis über Geld- u. Munzwesen, 77, 78.)
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> In some countries shops sought to attract trade by offering to receive gold at par. M. de Laveleye states (La Mon. et le Bimet., p. xii) that traders hung out the sign, "L'or est reçu sans perte!" "Even in England," wrote Chevalier, "some persons have put forth the advice that the standard should be altered and that silver should be substituted for gold. They ground their opinion primarily upon the plea of principle, in maintaining that, gold having ceased for an interval of time, which may possibly be rather long, to satisfy the essential condition of having a value relatively stable, it thereby loses its aptitude for the functions of money." So respectable an authority as Mr. James Maclaren, author of the History of the Currency, put forth a proposal that life-insurance companies should be established on a silver basis. Certain American corporations in the same period sought to safeguard themselves by similar arrangements, and to this day have the satisfaction of receiving every month a certain number of ounces of fine silver, paid in for rents under contracts then made.

Those are companies at Lawrence, Mass. When I was there last summer making a call upon a friend, I inquired whether the statement of General Walker was correct. I found that it was even so, and that the Essex Company, in Lawrence, at the time when gold was plenty and silver was scarce, had undertaken to safeguard themselves by requiring that certain rents of real estate, leased for a long period of years, should be paid each year in so many ounces of fine silver; and to-day I suppose their tenants must be felicitating themselves that they are, by express contract of the creditor, paying their rents in depreciated 50-cent silver.

Returning to the quotation from General Walker, I read:

> One English financier is quoted as declaring that gold would soon only be "fit for the dustpan."
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> Amid this general alarm, amounting to panic, the statesmen and financiers of France stood firm. The Government, indeed, assembled a commission for the consideration of the question in its new and startling aspects; and some economists, like Chevalier, declared in favor of silver monometallism as the only hope of preserving industry and trade and the social structure. Chevalier proposed to return to the system in force down to 1785, when silver was the standard and gold was rated to it by law or proclamation. He proposed that this rerating should be made every six to twelve months to keep pace with the fall of gold. He even raised the question whether the gold coin thus issued should not be restricted as to the amount for which it could be tendered. And this of gold! The man who could put forward such a proposal should have been prosecuted for lese-majeste. But the hearts of the men who controlled the destinies of France did not fail. Freely that country gave of her silver to all, freely took gold from all, without fear of its becoming worthless on her hands. Year after year the flood of the yellow metal poured in upon her mints; and her moneyers stood at their posts to coin it and give it back, full legal tender, at 15½ to 1. In the eight years between 1853 and 1860, both inclusive, there was imported into France gold to the value of 3,082,000,000 francs, or $616,000,000, or 123,000,000 pounds sterling. Coincidently with this influx of gold began the exportation of silver. In the eight years of which we have just spoken, France sold silver to the amount of 1,465,000,000 francs, or $293,000,000, or 59,000,000 pounds sterling.
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> * * * * * * *
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> Such was the course of the greatest financial storm of two centuries. By the end of 1860 the gale had well-nigh blown itself out, though the waves were still running high. During the decade then closing there had been added to the stock of gold $1,497,000,000, as estimated by Soetbeer; $1,257,000,000, as estimated by Tooke and Newmarch. Even these figures do not fully express the shock which the bimetallic system had to bear during this tremendous crisis. Not only was France without an ally in sustaining the ratio of 15½ to 1, but, in addition to the blows which fell upon her from the enormously increased production of gold, she had to meet the hostile action of other nations in demonetizing that metal, or restricting its use within their own circulation. When it is said that the gale had well-nigh blown itself out by the close of 1860, it is not meant that the production of gold very greatly declined after that period, though, in fact, it fell off considerably, owing to the exhaustion of the richest of the alluvial deposits; the average of the next decade was, according to Tooke and Newmarch, almost precisely 20 per cent below that of 1851-1860. But the storm center had passed by France. The other countries, protected so long by the action of the French bimetallic system, were now experiencing the effects of the increased production of the precious metals, in a not too tumultuous manner, by gradual accessions which exerted an influence on trade, industry, and the social structure, here and there injurious to individuals, but on the whole immensely beneficial to mankind. The French breakwater had beaten off the fury of the waves, but it could not, and indeed it was not desirable that it should, prevent the level of the harbor thus protected from being gradually raised.

Mr. President, after this magnificent historic picture of the success of bimetallism at 15½ to 1, achieved mainly by France, notwithstanding the enormous increase in the production of gold in the decade preceding 1860, he must be indeed a bold man—as bold as the Senator from Wisconsin—who will not admit that a like success would have been gained over the disproportionate production of silver during the last fifteen years if it had not been for the demonetization of that metal by the United States and Germany and the other nations which followed their lead.

I would be willing to end the whole argument for bimetallism before any intelligent American tribunal—and such could be found—if composed of disinterested members—and such it would be difficult to find—by submitting to the tribunal nothing but the documents that I have already introduced into my remarks, and extra copies of which I now hold in my hand, as follows:

I.

The Sauerbeck table (1), showing the fall of the prices of commodities since 1873, supplemented (2 and 3) by Mr. Barker's tables, and (4) those of Secretary Morton.

II.

The table (5) showing the ratios between gold and silver so near 15½ to 1 from 1687 to 1873 and the change since 1873.

III.

The table (6) showing the production of gold and silver, with the variations from 1493 to 1896, at which last date the production of each metal was of the same coinage value, $215,000,000, and the total of each metal for the four hundred and three years was not far from a similar equality—gold $9,000,000,000, silver $10,500,000,000.

IV.

The United States bimetallic laws of 1785, 1786, and 1792 (7), the French law of 1802 (8), and the memorandum (9) showing the successive acts of demonetization committed by the nations since 1873.

The early United States legislation was as follows:

> July 6, 1785: "That the money unit of the United States of America shall be one dollar." August, 1786: "*Resolved*, That the money unit of the United States, being by the resolve of Congress of the 6th of July, 1785, a dollar, shall contain of fine silver 375.64 grains * * * That there shall be two gold coins, one containing 246.268 grains of fine gold equal to ten dollars, and to be called an eagle; one containing 123.134 grains of fine gold, equal to five dollars, and to be called a half eagle."
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> Coinage act of 1792, ninth section, in part as follows:
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> "There shall be from time to time struck and coined at the said mint coins of gold, silver, and copper of the following denominations, values, and descriptions, namely: Eagles, each to be of the value of ten dollars or units, and to contain 247½ grains of pure or 270 grains of standard gold; half eagles, each to be of the value of five dollars, and to contain 123¾ grains of pure or 135 grains of standard gold; quarter eagles, each to be of the value of two dollars and a half a dollar, and to contain 61⅞ grains of pure or 67½ grains of standard gold; dollars or units each to be of the value of a Spanish milled dollar, as the same is now current, and to contain 371¼ grains of pure or 416 grains of standard silver."

The French law of the year 1802 decrees as follows:

> To every person bringing to this mint 1 kilogram of gold nine-tenths fine, this same kilogram shall be given back to him transformed into 155 gold pieces of 20 francs, the total being equal to 3,100 francs. To every person bringing 1 kilogram of silver nine-tenths fine, this same kilogram shall be returned to him coined into forty 5-franc pieces, the total being equal to 200 francs. The debtor may tender these gold or silver pieces at his option, and can obtain for them a full receipt for his debt.

The foregoing nine documents are an impregnable mass of convincing facts which can not be blotted out of sight nor sneered down by the gold monometallists of Europe or America.

I have addressed this package to any gold monometallist, intending to submit it to the Senator from Wisconsin [Mr. VILAS], but, as he is not present, I will venture to ask my respected friend from Illinois [Mr. PALMER] if he will accept it and hand it to the Senator from Wisconsin when he makes his appearance.

Mr. PALMER. With pleasure.

SOME OBJECTIONS TO BIMETALLISM.

Mr. CHANDLER. Mr. President, there are scores of objections not yet alluded to that have been made to the continued agitation for the restoration of bimetallism, which it would not be possible, within any reasonable time to-day, to recite and endeavor to refute, even if I were capable of the task. A few may be profitably alluded to, and a reply stated without elaboration.

THE INCIDENTAL USE OF SILVER NOT BIMETALLISM.

The fact is pointed to that before 1873 we had coined in the United States only about eight millions of silver dollars ($8,031,238), while since the date fixed as the beginning of demonetization we have coined over four hundred millions ($423,289,629). The Senator from Ohio [Mr. SHERMAN] is fond of stating these facts to prove that we now have bimetallism.

There is usually an omission to state that, in addition to the silver dollars, we had coined before 1853 other silver, making the total $79,241,854.50; and also coined between 1853 and 1873, $64,571,744.20, making a total amount in 1873 of $143,813,598.70. (United States Treasury Circular No. 123, July 1, 1896, page 15.) Spanish, Mexican, and South American silver coins were also for a long time legal tender under United States laws.

But the true answer to this argument seems to be that the use of silver coin as token money, or even in considerable quantities as legal-tender money, is not bimetallism so long as the mints are closed to all but limited amounts of silver. When the United States had but little coined silver in actual circulation, yet the

amount of that metal still in use in the world, joined with the gold of the world, measured the values and determined the prices of the world's property. When this Government prohibited the coinage of silver dollars, and Germany followed our decision, the downward movement of the prices of property began, because the real money of the world began to diminish in quantity. The purchases of silver made by our Government retarded the movement and held up for a time the price of silver bullion, but silver was no longer real money. When it came to be authoritatively proclaimed that our silver dollars must be redeemed on demand in gold, they ceased to be money in fact and became only promises to pay money, like the paper dollars, which were just as good money as silver dollars, and it was a waste to use the silver merely to imprint upon it promises to pay gold dollars. In short, the limited use of silver while the mints are closed to the coinage of silver, although it may help for a time to maintain better prices than would otherwise prevail for silver bullion, has but little effect in retarding the fall of the prices of commodities and the increased burdens upon debtors, and is no more bimetallism in principle or permanent effect than is the petty use of silver for dimes, quarters, and half dollars.

BIMETALLISM NOT REPUDIATION.

Attempts are made to discredit the efforts to remonetize silver by saying they are dishonestly intended to relieve debtors from the payment of their debts in full. The charge is unjust. Debtors have the right to have the burden of their debts unchanged by any changes in the currency. If during twenty years the value of the property of the debtors has been reduced, not from natural causes, but by the appreciation of gold caused by the demonetization of silver, that is an unnatural reduction of values, and debtors have the right to ask that the steps of demonetization shall be retraced and the constant increase in the burden of their debts arrested. To yield to this right of the debtors is in no sense assisting them to repudiate their debts.

This kind of argument—the appeal against anything which would look like repudiation—made in the late Presidential canvass was frequently and forcibly made, and was very effective in defeating Mr. Bryan.

Americans are sensitive to any imputation of private or public dishonor, and audiences responded promptly to invocations to maintain what was claimed to be the plighted faith of the nation and not to vote to pay debts in a currency deliberately or purposely depreciated. The argument and the appeal were fair. I think, in dealing with the Bryan proposition for the immediate free coinage of silver by the United States alone, which would have resulted in silver monometallism; gold would have gone to a premium and debtors could have paid their debts in a cheapened dollar.

This would have been contrary to the pledge of the nation to maintain the parity between the two metals, contained in the acts of 1890 and 1893, and would have savored of repudiation; and so it was overwhelmingly rejected by the American voters.

But when the argument is extended in the form of a claim that the United States can not honestly change its present monetary system, it is a false one. Mistaken policy as it would be for this people to adopt silver monometallism, yet it may be honestly done if they so decide. But the change must be made with due fulfillment of all existing express or implied pledges. Not long ago I asked that distinguished statesman of Massachusetts, Hon. George S. Boutwell, whether if the United States were to pay its existing debt, principal and interest, in gold, redeem its existing paper currency in gold, and its existing silver dollars in gold, it would not then be honest, even if unwise, thereafter, in its new issues of bonds and money to base them upon the single silver standard; and Mr. Boutwell did not undertake to maintain that any imputation of dishonor would lie against such a course.

The legal decisions of our highest court leave no doubt as to the right of a nation to change its monetary system, without impairing the obligation of contracts. In the Legal-Tender Cases (12 Wall., 561), Judge Bradley says:

> But the creditor interest will lose some of its gold. Is gold the one thing sacred? Is it worse for the creditor to lose a little by depreciation than everything by the bankruptcy of his debtor?

Mr. Justice Strong says (page 529):

> But the obligation of a contract is to pay that which the law shall recognize as money when the payment is to be made.

In Juilliard and Greenman (110 U. S., 449), Mr. Justice Gray said:

> A contract to pay a certain sum in money, without any stipulation as to the kind of money in which it shall be paid, may always be satisfied by payment of that sum in any currency which is lawful money at the place and time at which payment is to be made. * * * As observed by Mr. Justice Strong, in delivering the opinion of the court in the Legal-Tender Cases, "Every contract for the payment of money, simply, is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is therefore assumed with reference to that power." (12 Wall., 457.)

There are many more dicta in the several Legal-Tender Cases to the same effect. I will make a part of my remarks an extract from the opinion of the court, given by Mr. Justice Strong, in the Legal-Tender Cases (12 Wall., 457), concurred in by Justices Swayne, Davis, Miller, and Bradley; dissented from by Chief Justice Chase and Justices Clifford and Field.

But the proposition that a nation once having established a monetary system, once having been seduced into the adoption of the single gold standard, could never to the end of time return to bimetallism, or adopt even silver monometallism, would have met with no favor from any one of those famous legists. It should not appear in any argument against bimetallism. Here is the powerful utterance of Mr. Justice Strong:

> We come next to the argument much used, and, indeed, the main reliance of those who assert the unconstitutionality of the legal-tender acts. It is that they are prohibited by the spirit of the Constitution because they indirectly impair the obligations of contracts. The argument, of course, related only to those contracts which were made before February, 1862, when the first act was passed, and it has no bearing upon the question whether the acts are valid when applied to contracts made after their passage. The argument assumes two things: first, that the acts do, in effect, impair the obligation of contracts, and second, that Congress is prohibited from taking any action which may indirectly have that effect. Neither of these assumptions can be accepted. It is true that under the acts a debtor, who became such before they were passed, may discharge his debt with the notes authorized by them, and the creditor is compelled to receive such notes in discharge of his claim. But whether the obligation of the contract is thereby weakened can be determined only after considering what was the contract obligation. It was not a duty to pay gold or silver, or the kind of money recognized by law at the time when the contract was made, nor was it a duty to pay money of equal intrinsic value in the market. (We speak now of contracts to pay money generally, not contracts to pay some specifically defined species of money.) The expectation of the creditor and the anticipation of the debtor may have been that the contract would be discharged by the payment of coined metals, but neither the expectation of one party to the contract respecting its fruits nor the anticipation of the other constitutes its obligation. There is a well-recognized distinction between the expectation of the parties to a contract and the duty imposed by it. Were it not so, the expectation of results would be always equivalent to a binding engagement that they should follow.
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> "But the obligation of a contract to pay money is to pay that which the law shall recognize as money when the payment is to be made." If there is anything settled by decision it is this, and we do not understand it to be controverted. No one ever doubted that a debt of $1,000 contracted before 1834 could be paid by 100 eagles coined after that year, though they contained no more gold than 94 eagles such as were coined when the contract was made, and this not because of the intrinsic value of the coin, but because of its legal value. The eagles coined after 1834 were not money until they were authorized by law, and had they been coined before, without a law fixing their legal value, they could no more have paid a debt than uncoined bullion or cotton or wheat. Every contract for the payment of money simply is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is therefore assumed with reference to that power. Nor is this singular. A covenant for quiet enjoyment is not broken, nor is its obligation impaired by the Government's taking the land granted in virtue of its right of eminent domain. The expectation of the covenantee may be disappointed. He may not enjoy all he anticipated, but the grant was made and the covenant undertaken in subordination to the paramount right of the Government. We have been asked whether Congress can declare that a contract to deliver a quantity of grain may be satisfied by the tender of a less quantity. Undoubtedly not. But this is a false analogy. There is a wide distinction between a tender of quantities, or of specific articles, and a tender of legal values. Contracts for the delivery of specific articles belong exclusively to the domain of State legislation, while contracts for the payment of money are subject to the authority of Congress, at least so far as relates to the means of payment. They are engagements to pay with lawful money of the United States and Congress is empowered to regulate that money. It can not therefore be maintained that the legal-tender acts impaired the obligation of contracts.

Moreover, it is pertinent at this point to ask those who contend that it will be dishonest to creditors to remonetize silver: What will you do whenever a great mass of gold is discovered somewhere in the world? Will you then call for silver payments and denounce the advocates of gold as dishonest? It will be impossible, as time passes, as the business world grows, and as trade expands, to base all the other money of the world upon the gold money of the world. You can put the $215,000,000 worth of gold produced in 1896 in an eight-foot cube. Four hundred thousand dollars makes a cubic foot; the two hundred and fifteen millions will make 540 cubic feet. An eight-foot cube is 512 feet; so that will about hold the two hundred and fifteen millions of gold, and 16 such cubes will hold the two hundred and fifteen millions of silver produced in 1896; 20 such cubes will hold all the gold coin in the world, and 320 such cubes will hold all the silver coin in the world; and the 20 eight-foot cubes of gold and the 320 eight-foot cubes of silver can all be put inside this Senate Chamber, and still leave room enough for the Senators now present to transact the business of the Senate.

MONEY IS THE CREATION OF LAW.

Even more common is the argument against bimetallism that it is an attempt to create values by law, which, it is said, can not be done. True it is that law can not of itself create values; but, as General Walker well says, it can set in operation economic forces which will create values; and this is precisely what is done when the law defines what shall be the money of the people, the medium of exchanges, the means of paying debts. Such a law increases the value of gold and silver by adopting them as money and creating a new demand for them. This demand for gold and silver can only be made by law. Law alone can make money. It may be a consensus of the people of one nation, making the money of that nation; or it may be a consensus of all the nations, making one money for all the nations; or it may be express statutes of one country or of all the countries. Chief Justice Chase said, in the Legal-Tender Cases (12 Wall., 583), in connection with an expression already cited:

> We assume as a fundamental proposition that it is the duty of every government to establish a standard of value.

Indeed, it may be truly said that modern money is the creation of the statutes for the collection of debts and the legal-tender statutes, and that these give the value to gold and silver, and that without these their value would be insignificant. Without these, gold and silver would be merely merchandise, and would be used only like other commodities, in barter, and they would be almost the least valuable commodities in barter. Bimetallists could easily confute those who claim that it is the commercial value of the metals that makes them money, and that the intrinsic value of gold is to-day thirty times greater than silver, if the laws making gold a legal tender and providing for its free coinage could be repealed, as those relating to silver have been repealed. Yet more conclusive would be the experiment if all laws for the collection of debts could be abrogated. This would be the destruction of all commerce among men and a return to semi-savagery; but it would place gold and silver upon an equality where, prior to 1873, they stood by force of the laws, written or unwritten, now known to constitute the bimetallic system. Let us go rather in the other direction, and in due time and with proper safeguards remonetize silver by opening the mints to its free coinage at the ratio of 15½ to 1, and it will soon regain its old value, a value created like that of gold, because it is in demand for use as money, which is an artificial instrument of exchange, created, limited, sustained, and made potent for the good of mankind by law, and by nothing else but law.

CAN BIMETALLISM BE SECURED?

Thus having endeavored to show briefly and imperfectly (1) the great evils that have come to this country and the world from an unnatural reduction in the prices of property; (2) that the evils have arisen, not from natural causes, but from a change in the money of the world, which measures the values of property; and (3) that the remedy is to be found in a return to the principles and practice of bimetallism which have been unwisely abandoned, the next question is, Shall that remedy be applied? The answer to this question will depend somewhat on the course of politics in this country and in other lands. The question is an economic one, it is true; but it is equally true, even if it is to be regretted, that economic questions frequently enter into politics and become the subject of controversy between two great political parties, each striving to obtain the control of a nation; and such is the case to-day with the money question. However much this condition may be lamented, it can not be helped and must be endured.

THE POLITICAL CONTROVERSY IN THE UNITED STATES.

What is the situation of the controversy in the United States? During the recent Presidential conflict Mr. Bryan and his supporters contended that an immediate return to the free coinage of silver by the United States alone ought to be ordered by the American people. This contention met with defeat as the result of the election. It came to be clearly seen by the voters that while a return to bimetallism—the use of the two metals maintained at a par with each other, according to the fixed ratio—would be a wise remedy for existing evils, yet that the adoption of immediate free coinage by the United States alone necessarily would result in silver monometallism—the breaking of the parity between the two metals which this Government was pledged by the acts of Congress of 1890 and 1893 not to allow to take place—and would be a joining by the United States of the silver monometallist nations. So the Bryan proposition was rejected.

The Democrats who seceded from the Bryan convention and at Indianapolis nominated PALMER and Buckner, inspired by President Cleveland and his Administration, were patriotic in their opposition to the silver monometallism of the Bryanites, but they committed the mistake of asserting that the Democratic party "practically established by the legislation of 1834 and 1853 the gold standard of monetary measurement" and of declaring as follows: "To this long-established Democratic policy we adhere, and insist upon the maintenance of the gold standard." They also made a mistake when, in connection with opposition to the free coinage of silver, they denounced protection to American industries and American labor by tariff duties as a scheme "for the personal profit of a few at the expense of the masses," and condemned its advocates as "hostile to the people of the Republic, whose food and shelter, comfort and prosperity, are attacked by higher taxes." When they declared thus: "In fine, we reaffirm the historic Democratic doctrine of a tariff for revenue only," it became no wonder that their respectable and respected candidates, bearing the motto "Gold monometallism and free trade," received but 136,000 out of 14,000,000 votes cast. Nevertheless, the assistance of these worthy, old-fashioned gentlemen in the election of Mr. McKinley was gladly welcomed. It was time for the passing of the Democratic party, and they were entitled to perform an honorable part in the interment.

THE REPUBLICAN BIMETALLISTS SAVED M'KINLEY'S ELECTION.

The Republican bimetallists saved the election of McKinley and Hobart. It would not have been thus carried if the Republican party had adopted a money plank similar to that of the Indianapolis convention. While pronouncing against the immediate free coinage of silver without an international agreement, the Republican party declared, by adding concerning bimetallism six potent words, "which we pledge ourselves to promote," that it would equally oppose a permanent acquiescence in gold monometallism. This party therefore stands recognizing the evil consequences which have come from the reduction of the values of the world's property, proclaiming that the cause is the demonetization of silver, and declaring that the remedy is the reestablishment of bimetallism. The great political question of the future, therefore, is, Shall this pledge be kept? If it is kept in letter and in spirit, and the party is wisely conducted, as it is to be hoped it will be, in other essential particulars, the members of that party may not only contemplate with pride its glorious record of past achievements, but may hope to see it win further victories over the Populist party, which has now practically taken possession of the Democratic party and is masquerading under the name of Democracy.

THE HOPES OF INTERNATIONAL BIMETALLISM.

Concerning the prospects of international bimetallism, it must be admitted there can be no safe prediction, yet there is much to give encouragement to its American advocates. France is thoroughly in favor of remonetization.

FRANCE.

Mr. Edward Thery, in the Economiste of July 16, 1896, says:

> On the 6th of March last Mr. Méline, the honorary president of the French Bimetallic League, and now president of the Council of Ministers, deposited at the bureau of the Chamber of Deputies a motion signed by 307 deputies, that is to say, about two-thirds of the habitual voters in the chamber, as follows: "The Chamber of Deputies is of opinion that the establishment of international bimetallism would be a great benefit to the agricultural, industrial, and commercial interests of the country, and urges upon the Government the advisability of doing all in their power to establish and maintain by international agreement a stable monetary par of exchange between gold and silver."

Mr. Thery also says:

> At least two-thirds of the French Senate share this opinion. Furthermore, Mr. Loubet, the president of the Senate, is now the honorary president of the Bimetallic League, after having been acting president [illegible] fourteen months.

GERMANY.

The position of Germany was stated by Count Alvensleben to the Brussels conference of 1892, as follows.

> Germany, being satisfied with its monetary system, has no intention of modifying its basis. The Imperial Government does not, however, fail to recognize that the continual oscillation and the considerable fall of silver are much to be regretted from an economic point of view, and that it would be advantageous to the economic interests of the Empire if these evils could be remedied in a lasting manner.—Walker on Bimetallism, 227.

General Walker (International Bimetallism 232) says that—

> The German Reichstag has declared by a vote of more than 2 to 1 in favor of negotiation for monetary reform, the Imperial Chancellery by a vote of 10 to 4 rejecting the proviso that, in the course of such negotiations, the single gold standard should not be compromised.

The German action here referred to took place on February 16, 1895, when the Reichstag passed the following motion of the bimetallists, submitted by Count Mirbach:

> To request the allied governments to issue, as soon as possible, invitations for a monetary conference for the international settlement of the currency question.

ENGLAND.

The British House of Commons, by unanimous vote, on February 26, 1895, adopted a resolution—

> That this House regards with increasing apprehension the constant fluctuations and the growing divergence in the relative value of gold and silver, and heartily concurs in the recent expressions of opinion on the part of the Government of France and the Government and Parliament of Germany as to the serious evils resulting therefrom. It therefore urges upon Her Majesty's Government the desirability of cooperating with other powers in an international conference for the purpose of considering what measures can be taken to remove or mitigate these evils.

Again, on March 17, 1896, the House of Commons, without a division, resolved that—

> This House is of opinion that the instability of the relative value of gold and silver since the action of the Latin Union in 1873 has proved injurious to the best interests of this country, and urges upon the Government the advisability of doing all in their power to secure by international agreement a stable monetary par of exchange between gold and silver.

Acquiescence in the House of Commons resolution was accompanied by oral declarations that the ministry would not be likely to consent to the abandonment of the gold standard, but it was also intimated that an agreement could be had, whenever an international conference should be held, that the mints of India should again be opened to the free coinage of silver.

The Senator from South Dakota [Mr. PETTIGREW], in the recent debate on the passage of the bill for an international conference, quoted from various utterances of delegates from European countries at the international conference of 1892 who expressed an unwillingness to agree to the full remonetization of silver. The Senator should have investigated further, and he would doubtless have concluded that the later utterances from France, Germany, and England show a change of opinion and a growing feeling in favor of international bimetallism. Changes on such important subjects are frequently made in less time than that which has elapsed during the five years between 1892 and 1897. For illustration, the South Dakota resolutions adopted by the Republican convention in the summer of 1896 reaffirmed the Minneapolis financial plank of 1892 until the St. Louis convention should adopt a later statement. Previous to choosing delegates a resolution was adopted requiring all nominees to go upon the floor and declare for McKinley and sound money; not only to vote but to work to accomplish this end.

The Senator from South Dakota was chosen a delegate, and did go upon the floor and declare that he would work for McKinley and sound money. Within two weeks, however, the Senator gave in his adhesion to Mr. Bryan and a platform declaring (1) in favor of the free and unlimited coinage of silver, without waiting for the aid or consent of any other nation; (2) that the silver dollar should be a full legal tender for all debts, public and private, and (3) that laws should be made preventing private contracts to pay gold. It is unnecessary to add——

Mr. PETTIGREW. Mr. President——

Mr. CHANDLER. In one moment I will yield.

Mr. PETTIGREW. I wish to ask the Senator a question.

Mr. CHANDLER. It is unnecessary to add that the Senator also supported Mr. Bryan.

When the Senator reflects upon his own radical change of opinion and position within one short month, he certainly must admit that possibly there may have been some change of opinion in Europe during the long five years between 1892 and 1897 which will make another international conference not absolutely hopeless. Yet the Senator, by his speech and vote, endeavored to prevent any such favorable consummation, and stamped himself as a needless silver monometallist.

Mr. PETTIGREW. I should like to ask the Senator from New Hampshire if what he was reading was a quotation or his own statement with regard to my attitude?

Mr. CHANDLER. In regard to the Senator's attitude? I do not understand him.

Mr. PETTIGREW. You made the statement just now that I went upon the floor of the convention and declared my adhesion to McKinley and gold. Was that your statement, or was it a quotation?

Mr. CHANDLER. It was my statement, derived from the daily newspapers at the time.

Mr. PETTIGREW. If the Senator will permit me, I brand that statement as wholly and unqualifiedly false in every particular. I will say further that I made the same statement in answer to those newspaper charges and placed it in the RECORD several months ago, previous to the St. Louis convention. Therefore, it hardly seems that the Senator from New Hampshire has any excuse for putting it in his speech to-day.

Mr. CHANDLER. Mr. President, the Senator says the statement is wholly false. I therefore understand him to say that he did not attend the South Dakota convention. Am I correct in that?

Mr. PETTIGREW. Is that the gist of it—the fact that I attended the convention?

Mr. CHANDLER. I said the Senator attended the convention and went upon the floor and declared that he would obey the instructions of the convention. The Senator says my statement is "wholly and unqualifiedly false." I ask whether he attended the convention?

Mr. PETTIGREW. I say that your statement on the whole, and the purpose you intended to convey——

Mr. CHANDLER. The purpose!

Mr. PETTIGREW. Is entirely and absolutely false.

Mr. CHANDLER. I ask the Senator whether he was in the convention or not?

Mr. PETTIGREW. I was at the convention.

Mr. CHANDLER. Did the Senator go upon the floor and accept an election as a delegate, or not?

Mr. PETTIGREW. I was elected a delegate in that convention, but I stated on the floor and I stated in the Senate that I never was asked to support what was called sound money, and if you had taken any pains to ascertain the truth, you could have ascertained it.

Mr. CHANDLER. The Senator will kindly address his remarks to the Chair.

Mr. PETTIGREW. It would be much more agreeable than to address them to you.

The PRESIDING OFFICER. The Senator from South Dakota is speaking by the indulgence of the Senator from New Hampshire.

Mr. PETTIGREW. I will take nothing by his indulgence.

Mr. CHANDLER. I do not know what the Senator means by this action of his. I stated what the newspapers had said—that he was chosen as a delegate, went upon the floor, accepted the nomination. Now the Senator says the statement I made is wholly and unqualifiedly false. He admits that he was upon the floor of the convention, that he accepted the commission then and there given him by the Republicans of South Dakota, and he did go to the McKinley convention. Where have I made any misstatement as to the Senator? The Senator does not pretend that he then and there dissented from the declaration of the South Dakota convention in favor of sound money. He does not say that he made any dissent there.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. CHANDLER. If the Senator will not get angry and sit down in a minute and say he will not say anything by my indulgence, certainly I will yield to him.

Mr. PETTIGREW. The South Dakota convention did not declare for sound money. If they had, they would not have declared for gold. They simply declared that they would refer the question of bimetallism to the St. Louis convention. They passed no resolution, made no declaration in favor of what is called, and wrongfully called, sound money.

Mr. CHANDLER. Did they not declare in favor of the Minneapolis plank on money.

Mr. PETTIGREW. Yes; they declared practically in favor of the Minneapolis plank—the plank of four years ago—and it was a plank, in my opinion, and in the opinion of those who agree with me, in favor of the free and unlimited coinage of silver as the only means of securing and maintaining the parity between the two metals.

Mr. CHANDLER. There is no quarrel between the Senator from South Dakota and myself. If the Senator had heard what I have said, he would have understood that I criticised quotations he made from declarations made in Europe at the bimetallist conference of 1892 as reasons why there should not be another international conference. I did not undertake to criticise the Senator. I ask the Senator's indulgence—I am willing to ask his indulgence when it is needed—for the supposition that these eminent men in five years might possibly have changed their opinions when he changed his opinions in one short month.

Mr. PETTIGREW. With the indulgence of the Senator from New Hampshire, I will say further that I declared in the convention of my State, when elected as a delegate to the St. Louis convention, that I would not support a platform in favor of the single gold standard, and that unless they chose to elect me as a delegate on that declaration I did not desire to go. Mr. President, I do not charge the Senator from New Hampshire with any intention to misrepresent me; he has been misinformed.

I will also state, Mr. President, with the indulgence of the Senator from New Hampshire, that the declarations of all the European advocates of the single gold standard are the same now as they were in 1892. They have not changed their position one particle. Further than that, they all declare, as does Bertrand Currie, who is at the head of the gold-defense association of Great Britain, that there would be a panic which would wreck the industries of the gold-using countries of the world if bimetallism were accomplished; and they picture ruin and disaster as great as that pictured by the advocates in this country of the single gold standard and the opponents of the free and unlimited coinage of silver by this country alone in case we try to coin gold and silver both. Why, then, should we delay the free coinage of silver if we are to have a panic with or without an international agreement?

I do not think there is a single authority in Great Britain who has not taken the position that a bill for international bimetallism could not be passed in Parliament; could not pass the House of Commons; could not reach a stage where it would look as though it would pass, without a panic which would ruin and destroy and bankrupt the financial and manufacturing institutions of Great Britain. I say they make a picture even more doleful and distressing than that painted by the opponents of the free coinage of silver if we should undertake to do it without the assistance of other countries.

Mr. CHANDLER. The Senator, I think, is mistaken. I have seen no such declarations from English gold monometallists as those which the Senator has suggested. I think that when the Senator comes to read what I have already said and what I shall hereafter say, he will conclude that international bimetallism is not only possible but probable, and will regret the vote he gave the other day against the calling of another international conference.

Mr. President, this is a living subject all over the world. I hold in my hand a letter written to the Manchester Guardian of January 14, showing the effect of the closing of the India mints upon the people of India. It is signed by J. P. Haseltine, and is dated London, January 12, 1897:

> SIR: We are rightly engaged in raising a fund for the relief of our fellow-subjects in India now suffering from famine and pestilence. We shall congratulate ourselves if we raise £500,000, or say, roughly, 8,000,000 rupees. How few realize that one letter from Her Majesty's Government to the French premier and one to Mr. McKinley, the President-elect of the United States, stating that Her Majesty's Government were ready to join France and America in restoring the ancient legal-tender ratio of weight between gold and

silver would, by a stroke of the pen, save the Indian taxpayers at least 85,000,000 of rupees per annum. This calculation can be roughly examined with great ease by anyone. To meet sterling obligations the Indian taxpayer has now to buy gold bills on London to the amount of £17,000,000 a year. At 15 rupees to the pound, this costs 255,000,000 of rupees. If we take the old rate at 10 rupees to the pound, the cost will be 170,000,000 of rupees, or a saving of 85,000,000 of rupees per annum, without costing Great Britain or India or anyone else one penny.

Yours, etc.,

J. P. HASELTINE.

LONDON, *January 12, 1897.*

There is in the New York Tribune of Monday, February 8, 1897, a letter of the very acute and able correspondent, Mr. Ford, in which he states the terrible condition of the Indian peasantry on account of the reduction in the value of their silver ornaments. As everyone knows, they have been in the habit of accumulating their savings in silver—silver dollars and silver ornaments. India has been a great market for silver. The estimate of the amount of silver in the possession of the Indian peasantry in the form of ornaments, Mr. Ford says, is thirteen hundred and twelve million ounces. There is no savings-bank system, and the natives have been accustomed to hoard silver in ornaments, worn by men, women, and children. He goes on to give an estimate of the shrinkage in the savings of the peasantry by the demonetization of silver, which he places at $470,000,000.

Mr. President, there is terrible misery in India now because when the peasants, confronted with short grain crops and famine and plague, come forward with their hoarded stores to dispose of them they find that they are reduced one-half in value.

[From the New York Daily Tribune, February 8, 1897.]

LONDON, *January 27.*

A significant letter has appeared in the Times from an expert in Indian finance, Sir Lepel Griffin. It directs public attention to a momentous fact which is seldom discussed by English journals, namely, that the sufferings of the plague-smitten, famine-stricken peninsula are terribly intensified by the depreciation of silver. Sir Lepel Griffin disclaims any intention of criticising current methods of Indian finance, but lays stress upon the monetary conditions in order to impart a fresh impulse to the charitable work which is now in progress throughout the United Kingdom. The results which have followed the depreciation of silver have nowhere else been equally calamitous. For generations the swarming millions of India have been in the habit of investing their savings in silver ornaments. Now, in their hour of direst need, they are finding out that there has been a tremendous shrinkage in the value of their savings and that they can not sell their ornaments without material loss.

Sir Lepel Griffin states, on the authority of Mr. Lesley Probyn, that the amount of silver in the possession of the Indian peasantry in the form of ornaments is 1,312,500,000 ounces. There is no savings-bank system. The natives have been accustomed to hoard silver in ornaments worn by men, women, and children. In former years government rupees were melted down and reworked into ornaments. In time of distress from famine or plague these ornaments were readily sold to the village bankers and rupees given in exchange at full weight. That was when the mints were open and there was a fixed relation between the metal and the coin. Sir Lepel Griffin estimates that the stock of ornaments, which was once worth £350,000,000, now has a value of £225,000,000. This implies a shrinkage of $470,000,000 in the savings of the peasantry. When the ornaments are sold, the natives receive from 35 to 40 per cent less, weight for weight, than formerly. The rupee has an artificial value, owing to the closure of the mints, and the money lender charges from 10 to 15 per cent to cover his risk. The conversion of ornaments into cash, which has been the main resource of the native population in time of famine, is thus attended with ruinous losses. These losses not only aggravate the sufferings of the people, but tend to excite distrust of the Government, which is held responsible for the shrinkage in value of these native savings—the only available reserve of the peasantry.

The gravity of the economic and political situation in India can hardly be overestimated. Here is a great empire with over 300,000,000 subjects whose savings have depreciated to the extent of $470,000,000 through the fall of silver; and millions of them are suddenly confronted with their losses when they attempt to sell their ornaments. It is not strange that veteran Indian officials are haunted with apprehension of the outbreak of another mutiny.

I have referred to the weighty statements of this expert in Indian finance not for the purpose of discussing the burning question of the expediency of reopening the mints as a relief measure, but in order to emphasize the fact that England has a vast empire which has been impoverished by the decline of silver. Not only is silver the only currency circulating in that populous realm, but also the meager savings of the peasantry are invested in silver ornaments, which can not be converted into rupees without enormous loss. Lancashire, with its diminishing cotton trade with India, has been warned year after year that there has been a shrinkage in the purchasing resources of its best market, and the silver question has been recognized by cotton manufacturers as one of supreme importance in relation to British trade; but it was not until the present crisis arose, with the awful visitations of famine and pestilence, that the magnitude of the imperial issues involved in the solvency of India was fully appreciated.

While England has adhered persistently to the single gold standard and shows no signs of abandoning it, the fact that the extreme poverty of the natives of India, who comprise one-fifth of the inhabitants of the globe, has been increased and intensified by the depreciation of silver possesses momentous significance. Theoretically, England has its well-ordered system of finance which, like the laws of the Medes and Persians, can never be changed; but, practically, it has an impoverished Indian empire and a larger commerce with silver countries than any other nation possesses, and the question of the solvency and prosperity of the silver-trading world is one of paramount importance.

This fact is indisputable, even if the House of Commons be emptied whenever an Indian debate comes on. Last night only about forty members listened to the first discussion of Indian affairs which has occurred during the present session. It opened with a keen inquiry from Mr. Maclean respecting the relief which might be afforded by government purchase of silver ornaments at a fixed price per ounce, and drew from the secretary for India, Lord George Hamilton, an expression of incredulity respecting the practicability of the scheme. Not long afterwards, Sir William Wedderburn offered an amendment to the address in favor of a full inquiry respecting the poverty and helplessness of Her Majesty's Indian subjects, and supported it with a well-informed, carefully prepared speech.

For an hour or two the debate dragged along, and finally it was brought to a close by an exchange of compliments between Lord George Hamilton and Sir Henry Fowler on the superior administrative methods of British India, and by the withdrawal of the amendment. The subject under discussion was the fate of 300,000,000 of the Queen's subjects, who are exposed to the appalling horrors of plague, starvation, poverty, and wretchedness; and not more than forty members took sufficient interest in it to listen to the languid debate.

While expert talent and sobriety of judgment are lacking in the Commons for adequate discussion of the Indian question, the financiers of the city and the merchants and manufacturers of the United Kingdom understand the general economic results of the insolvency and degraded impoverishment of the silver empire. They know that the prosperity of the Indian peasantry is dependent upon a satisfactory settlement of the silver question, and that British commerce has an enormous interest in the removal of existing causes of monetary disturbance and industrial stagnation. The British commercial empire has two lungs. One is the agricultural industry of the colonies and dependencies. The other is the manufacturing industry of the mother country. Both lungs must be in full operation if the industrial body is to be maintained in perfect health. British commerce must finally languish, if, through continued depreciation of silver and consequent monetary disturbance and economic disorder, trade with silver-using countries steadily declines.

SENATOR WOLCOTT'S SILVER QUEST.

In this morning's journals I notice a Washington dispatch stating that Senator WOLCOTT has not met with a hearty reception in London, but has been referred by British statesmen to their brethren on the Continent. I am able to contradict without reserve the inference that the Senator has been received with coolness and indifference by public men and financiers in London. His coming was heralded by dispatches in the daily journals from New York correspondents, stating that he had undertaken a mission on behalf of the President-elect. This was unfortunate, because it created an erroneous impression, which had to be removed as soon as he arrived. He was compelled to explain that his task was self-imposed and unofficial, and that it was simply a personal quest for information on the monetary situation. The frankness with which he released Mr. McKinley from responsibility for his tour of investigation, and the eagerness and thoroughness with which he entered upon his study of a complex subject, commended him at once to the good graces and hospitality of the leaders of political, financial, and social London.

Senator WOLCOTT has been literally overwhelmed with social attentions here. He has met Mr. Arthur Balfour several times; he has had a prolonged interview with the chancellor of the exchequer; he has seen Lord George Hamilton, Mr. Chamberlain, and other members of the Government, and he has been in daily communication with the most experienced financiers in the city. Nothing could be further from the truth than the Washington allegation that he has been coolly and cynically received in London.

Senator WOLCOTT, having had an unwelcome and unsolicited advertisement of his journey before he left New York, has been scrupulous in avoiding publicity here. His object was to obtain a free exchange of views with eminent public men, economists, and financiers on the silver question, and the possible conditions under which an international conference may be held. This purpose would not have been promoted by newspaper interviews. He has denied himself to reporters, and has not taken the public into his confidence. This policy, while it has exposed him to the penalty of escaping observation in the daily press, has facilitated his quest for information. The most important Government officials and economic experts have talked with him with the utmost freedom. He has met everyone whom he wished to see. The list of distinguished people with whom he has been conferring on confidential terms would be a long and impressive one. Mr. Bryan and other monometallist silver leaders, if they were in London, would supply more local copy for the press, but they would not promote the interests of international bimetallism. Senator WOLCOTT is a man of distinction, who has inspired confidence and commanded respect by the dignity of his conduct and by the reasonableness of his argument. He has adapted himself to English customs and methods of procedure.

CHANCES OF INTERNATIONAL ACTION.

While Senator WOLCOTT has left London to-day for Paris, his departure is not in consequence of any change of plans nor of any lack of cordiality in his reception here. He made no secret when he arrived in London of the fact that he had important work to do in Paris, and he is now carrying out a prearranged plan. It is not likely that he will go to Berlin or to any other European capital; nor is it probable that his stay in Paris will be longer than a week, nor that his return to America will be deferred many days after his arrival in London. One thing, however, may confidently be assumed, and that is that the Senator will return to Washington with a unique knowledge of the existing status of English and French opinion on the silver question. In that sense his self-imposed mission has been crowned already with success. He will be able to speak with authority on the prospects of international action respecting silver.

If nothing else has been gained through the Senator's conferences in London, a change of temper in the discussion of the monetary problem has been disclosed. When the Brussels conference was held, there was no attempt to conceal England's uncompromising hostility to a double standard and to international action on behalf of silver. I do not believe that there is even a remote probability that England will abandon the single gold standard; but it is certainly true that the tone of inflexible opposition to international action is not as bitter as it was. If an international conference were called, it is probable that the Indian mints would be reopened at once.

That might be the only concession which England would make, but it would be an important one. The Indian situation is a critical one, and under existing conditions the reopening of the mints would prove a relief measure in releasing the peasantry from bondage to the village money lenders and in enabling them to make better terms in disposing of their ornaments—their only reserve and last resource. The ministers of the day might be glad of a pretext for reopening the mints, and their example would not be without effect upon continental nations, like Germany, Russia, and Austria-Hungary, which, in reorganizing their currency systems, have been approaching gold monometallism as the safest basis of finance. No shrewd observer will be beguiled into the belief that the prospect for international action is either hopeful or promising; but India in this calamitous year is an object lesson from which much is to be learned. England has a paramount interest in the restoration of the solvency and prosperity of silver countries.

I. N. F.

Mr. STEWART. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. Certainly.

Mr. STEWART. I understand what is stated in the article is a fact, and it has resulted from the suspension of silver coinage in 1893.

Mr. CHANDLER. I understand so. Up to the suspension of the coinage of the rupee in 1893 the demonetization of silver had but little effect in India, because, as I have already shown, economic changes are very slow in taking effect, particularly among the oriental people. But after 1893 the fall of silver in India began to take place; the consequences to that country now are exceedingly lamentable; and England is beginning, with poverty, pestilence, and starvation in India, to take account whether it is not her duty to do something toward the remonetization of silver. It stands as an absolutely unequivocal promise, so far as it can be made, except by statute, that in the aid of the remonetization of silver England will open the India mints.

Mr. President, the Senator from South Dakota [Mr. PETTIGREW] will, I think, change his mind, and the Senator from Wisconsin also will change his mind, as to the probabilities of the success of international bimetallism if they will read the February (1897) number of the National Review, published in London and New York—edited by Mr. L. J. Maxse, an extremely intelligent English gentleman and writer, who was recently in this country—where there are three articles on bimetallism in Europe: On France, by Mr. Edmond D'Artois, who was the assistant general secretary of the French Bimetallic League; on Germany, by Dr. Otto Arendt, who is a member of the Prussian diet and honorary secretary of the German Bimetallic League, and by Lord Aldenham, president of the British Bimetallic League. I ask not that these three short articles may be printed in the RECORD, but that, in order that I may send out some of them with my speech, they may be printed as a document for the use of the Senate.

The PRESIDING OFFICER. If there be no objection, that order will be made. The Chair hears none.

Mr. CHANDLER. I will read what Lord Aldenham says, if the Senator from South Dakota will listen to me:

Nevertheless—

He says—

I would point out that opinions expressed by distinguished foreigners in 1892 are not a proof that the same opinions are held by other people of the same nations in 1897.

Dr. Arendt, speaking of an international conference, says:

Should such a conference take place, the German Parliament can therefore be relied upon as a strong supporter.

I do respectfully and earnestly request that Senators, whether or not they read my remarks, will take pains to read these three cogent and extremely interesting articles from the National Review.

THE UNITED STATES.

The position of the United States stands recorded in the declaration of the act of November 1, 1893, as follows:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

A minor but equally significant American declaration was the telegram sent to the lord mayor of London and read at the international bimetallic conference at the Mansion House in London May 2, 1894, as follows:

We desire to express our cordial sympathy with the movement to promote the restoration of silver by international agreement, in aid of which we understand a meeting is to be held to-morrow under your lordship's presidency. We believe that the free coinage of both gold and silver by international agreement at a fixed ratio would secure to mankind the blessings of a sufficient volume of metallic money, and, what is hardly less important, would secure to the world of trade immunity from violent exchange fluctuations. JOHN SHERMAN, WILLIAM B. ALLISON, D. W. VOORHEES, H. C. LODGE, G. F. HOAR, N. W. ALDRICH, D. B. HILL, E. MURPHY, C. S. BRICE, O. H. PLATT, A. P. GORMAN, W. P. FRYE, C. K. DAVIS, S. M. CULLOM, J. M. CARY. (Report of the proceedings of the conference, page 18.)

These utterances may be fittingly supplemented by two of the many declarations in favor of bimetallism made by Mr. McKinley, beginning with that in his speech in the House of Representatives on June 25, 1890, when, although he resisted the free coinage of silver independently of international action, he said:

I believe, Mr. Speaker, that we should preserve these two metals side by side. * * * I want both metals side by side, equal in purchasing power and in legal tender quality, equal in power to perform the functions of money with which to do the business and move the commerce of the United States. * * * Whatever money we have, it must be based upon both gold and silver.

And ending with that of his letter of acceptance of August 26, 1896:

The Republican party has declared in favor of an international agreement, and if elected President it will be my duty to employ all proper means to promote it.

Surely it is impossible to doubt that upon this record the movement for international bimetallism has a large chance of success. Much will of course depend upon the course of prices and business during the months that are before us, while the subject is undergoing further discussion. If changes for the better take place, if the downward tendency of prices is arrested and an upward movement begins, if the widespread failures of debtors shall cease, if prosperity shall come to this country and the other countries of the world while the existing gold standard prevails, the efforts of bimetallists may be in vain. If, on the other hand, the present prices of property, the present conditions of trade, the present woeful plight of the debtors of the world remain as now, or grow worse, there will be an irresistible movement against the existing gold standard which it will not be wise for the public men of any country to attempt to arrest.

THE UTTERANCES OF SENATORS AND SECRETARIES SHERMAN AND CARLISLE.

Mr. President, whatever may be the near or the final result, the cause in which the bimetallists of this country are about to engage will be a noble one. No other words can depict its importance so well as those which have been used by two statesmen of the present day, each of whom has been Senator of the United States and Secretary of the Treasury. Fortunate has been the Senate in retaining for so many years in its membership the Senator from Ohio. His long life has been one of patriotic devotion to the interests of his country, and he now stands here with the highest prestige of any member of the Chamber, in full vigor of body and mind, and it is to be hoped that he may long continue in his country's service. His fame is our fame and the nation's fame, and when he goes forward to his new sphere as Secretary of State we shall all recognize in him the appropriate leader of the new movement to save the country and the world from the evils of gold monometallism, so powerfully described by him in his speech in the Senate of April 10, 1876.

Speaking of the German demonetization of silver, he said (CONGRESSIONAL RECORD, volume 4, Part III, page 2341):

It at once begot a struggle for the possession of gold between all the great nations of the world, because everybody could see that if you demonetize $3,500,000,000 of silver coin and make $3,500,000,000 of gold coin the sole standard of the transactions of the world * * * it would enormously add to the value of gold. * * * Therefore what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of demonetizing the whole mass of this silver.

* * * * * * *

To adopt the gold standard alone and demonetize silver would be to deprive the poor people of the world of the money which alone measures the value of their production and their labor. * * * Gold alone is not suitable for a currency, because it will not measure the daily wants of the great mass of mankind. (Page 2341.)

The utter ruin that would come to mankind, especially to the poorer nations, by the entire demonetization of silver can not be estimated by us. Take one-half of the solid money of the world out of existence, take the sole standard of more than two-thirds of the human race, reduce it to a base metal, and the effect upon the commerce of the world would be incalculable. It can not be done; it will not be done. There is no danger of it. These two metals, gold and silver, have traveled side by side from the beginning of time; the records of human history do not go back beyond it. They have varied, sometimes one and sometimes the other higher, but they have gone on, gold the money of the rich, silver the money of the poor, the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of Parliament, although it may disturb for a moment the relation of these two metals to each other, nothing but an act of God, can destroy the use of both these metals among the nations of mankind. (Page 2346.)

Mr. President, three Sundays ago, while these impassioned words of the Senator were running in my mind, I listened to the discourse of a young and eloquent preacher in Washington, who told the story of Micah, the man of Mount Ephraim, and of the Levite priest, who had come to his house while wandering about the earth seeking a sojourning place:

And Micah said unto him, Dwell with me, and be unto me a father and a priest, and I will give thee ten shekels of silver by the year, and a suit of apparel, and thy victuals. So the Levite went in. (Judges xvii, 10.)

And the Levite was content to dwell with Micah.

Then said Micah, Now know I that the Lord will do me good, seeing I have a Levite to my priest. (Judges xvii, 13.)

When I heard this narrative, I imagined that the fervid Senator knew the story of Micah when he made his earnest assertion that silver was "the money of the poor" and predicted that nothing but "an act of God" could destroy its use as money. A silver shekel was equal to the sum of about 70 cents. So Micah hired his priest for $7 per year in money, for a suit of apparel (which in the Hebrew original meant a double suit—one for summer and one for winter), for his food, and for lodging also in his humble house hard by the burial place of Joshua, the son of Nun, on the wooded slopes of Mount Ephraim, which mountain was a part of the lot of the tribe of the children of Judah. Micah, the silverite, lived there with his mother and his sons and his priest in honest poverty, using the silver money which God had provided for him. But his happy condition did not long last. The children of Dan had spied out the land and came with 600 men, appointed with weapons of war, and plundered the house of Micah, and then went away and smote the people of Laish with the edge of the sword and built a city in the land of Laish and dwelt therein, and, alas, the Levite priest, at the bidding of the robbers, laid his hand on his mouth and held his peace, abandoned his benefactor, Micah, and fled to the new city and became a priest of his new employers, the Danites.

Thousands of years have rolled around since Samuel, the prophet, wrote this story of Micah, but human nature remains the same.

Lowly cottagers are benevolent; mendicants are ungrateful; noble men and righteous causes are betrayed by those who, when their fidelity and courage are brought to the test, lay their hands on their mouths and hold their peace; but silver is still the money of the poor, which God gave and nothing but an act of God can destroy, and the faithful Senator from Ohio, more earnestly than ever before, will in his new position of power strive to restore and maintain that bimetallism which begun in the days of the prophets and the priests, the kings and the judges of the tribes of Israel and Judah.

The other Senator and Secretary is a distinguished son of Kentucky, to whom it will certainly ever be a pleasure for me to give the meed of praise which belongs to an honorable and patriotic public servant. There are few limits to my gratitude to him, because in the recent election he showed the full courage of his convictions, broke loose from the party ties of a lifetime, and contributed all in his power to give to Mr. McKinley the electoral vote of the State of Kentucky. No language can be constructed which will more forcibly declare the necessity of the rejection of the single gold standard and the restoration of the bimetallic standard in the monetary system of mankind than his utterances on the 21st of February, 1878. This is what he said:

> According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one half the metallic money of the world is the most gigantic crime of this or any other age. The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the movable property of the world, including horses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money of the world.

THE DUTIES AND DANGERS OF THE REPUBLICAN PARTY.

Surely, in view of these tremendous assertions of two of the greatest and wisest statesmen now living in America, there ought to be universal concurrence in the determination that something shall be done to arrest the evils which they have so luridly depicted. There was much deprecation in the recent political canvass against appeals for the votes of classes as against appeals for the votes of the whole people without regard to classes. In view of the utterances of Senator SHERMAN, such criticism is not well founded. There can not be wise legislation for the whole people that does not take account of classes, at least to the extent of making certain that the legislation does not affect one class more unfavorably than the other: that it does not benefit one class more than it benefits another. The highest authority that ever spoke said: "The poor ye have always with you." Certainly it can not be unwise for the rulers of the people or the members of a national legislature to specially endeavor to protect the poorer classes of society and to lift from them some of the burdens which press them downward into poverty. The hour has struck in this country when there must be a sincere and earnest movement to arrest the injustice that is being done to the masses of the people by the great aggregations of capital, a few great monopolies and many unlawful trusts. In an article written by me on the 14th day of July last, and published in the North American Review of August last, after stating the issues and predicting the result of the campaign, I added:

> The time of trial to the Republican party will come after its approaching victory. It will then be in order to determine whether it is the slave of the rich capitalists, of the promoters of trusts and monopolies, and of the bloated bondholders, as the Bryan Democrats and the Populists will contend.

That time has arrived. The writer of a recent essay on "The present distribution of wealth in the United States," Prof. Charles B. Spahr, sums up his conclusions as follows: That there is constantly going forward in this country a concentration of wealth in the cities to the impoverishment of the country districts, and that in the cities there are forces constantly working toward a yet narrower concentration of wealth—as much more concentrated as it is greater than the wealth in the country. He asserts that, taking the whole country, the great body of the small property holders, embracing seven-eighths of the property-holding families, hold of the national wealth only one-eighth, while the wealthy classes hold five-eighths; that one family out of every hundred holds as much wealth as the other ninety-nine; that the average wealth of the families in the country districts is $3,250, while in the cities it is $9,000; that the wealth of the East, including foreign holdings, with but 30 per cent of the population of the country, amounts to thirty-one thousand five hundred millions of dollars, while the wealth of the West and the South, with 70 per cent of the population, is thirty-three thousand five hundred millions.

He says, in connection with incomes, that two-fifths of the product of industry goes to capital; that one-tenth of the families have as much income as the nine-tenths; that 1 per cent of the families, the richest, at the top, have as much income as 50 per cent, the poorest, at the bottom. In other words, that one-eighth of the families have more than one-half of the whole income of the people.

Referring to taxation, he claims that of the national taxes, including customs, the wealthy classes pay one-tenth, the well-to-do citizens pay one-fourth, and the relatively poorer classes pay two-thirds; while, taking local and national taxes together, the wealthier classes pay less than 1 per cent per year on their property, the masses of the people pay 4 per cent on their property.

If these conclusions are to be relied upon—and they are carefully set forth and gravely defended—while it may not be patriotic to appeal for the votes of the poor against the rich, yet it certainly will be wise for the governing classes of this country to devote themselves, in hard and distressing times, to the alleviation of the burdens of the poorer classes; to preserve as money of the world—in the language of the Senator from Ohio—silver, which is the money of the poor, as well as gold, which is the money of the rich; to lessen as much as possible the taxes of the poor, and to so manage the affairs of the Government that neither in 1898 nor in 1900 shall the country be confronted, in the political contests in which we are next to engage, with any unjust national laws, framed and maintained either in the interest of the money lenders or of the managers of illegal trusts and monopolies of any sort.

The fortunate renaissance of the Republican party ought to give as the first fruits of reascendency not the free coinage of silver by the United States alone, which would be silver monometallism, but—

I.

The restoration of bimetallism, in moderate course, and with due regard to all the honorable pledges of the nation.

II.

The Republican party should also, without interfering with the right of private individuals to accumulate property, so control the exercise of corporation powers as to forbid the payment of excessive salaries or dividends or of interest on fictitious capitalization.

III.

It should, without prohibiting the consolidation of business enterprises into single corporations, prevent the combination of separate companies by trust agreements in restraint of trade and in destruction of competition, which is the life of trade.

IV.

It should, without hindering the use of modern methods of freight and passenger transit, effectually regulate and govern transportation companies, so as to prevent free transportation and all other discriminations for favored classes, and so as to fix, by governmental authority, in the first instance and before they can be lawfully collected, reasonable rates of fares and freights, in order that complaining parties may not be forced to actually pay exorbitant rates and vainly look for a remedy in futile lawsuits to recover them back.

V.

It should readjust the schemes of national and local taxation, so that the burdens shall not weigh unjustly upon the classes in the community least able to bear them, and so that American industries may be developed, while American wages are maintained at the highest possible standard.

VI.

Above all, it should struggle to restore and establish honesty and purity in making political nominations and conducting political elections, thrusting corruption away "from the seats of the mighty;" thus making this country—

> The land of justice, where the poor
>   Shall hold their rights as safe
> As those the rich secure,
>   Where right, not might, shall rule; all men
>   Be equal; while o'er all,
> God's blessing shall endure.

When, forty years ago, the Republican party was formed, it had the noblest possible mission—to resist the extension of American chattel slavery. Its efforts resulted in a war between the North and the South, the greatest conflict in the world in modern times. The Union was saved, a race liberated, and the nation of freemen carried by the Republican party to the highest degree of prosperity ever attained by any country in any age. After a brief exclusion from national power by a combination of Eastern plutocrats, Southern sectionalists, and Western malcontents, typified at one extreme by President Cleveland and at the other by Governor Altgeld, the reins of Government have again been placed in Republican hands. New occasions teach new duties. In repetition and conclusion, I declare my belief that President McKinley and the other leaders of the party, in its present advent to power, may, by wise designs and virtuous deeds, indefinitely prolong its ascendency in the country. This can surely be done by making it the true party of the people, to the final confusion and discomfiture of those pretenders, the blind leaders of the blind, who were so summarily, on the 3d of November last, all thrown into the

ditch together. If, on the contrary, this is not done, and the Republican party shall content itself with seizing and enjoying the spoils of office, surrendering unreservedly to the money power which so effectively contributed to its recent victory, acquiescing permanently in the existing gold standard, and treating bimetallism, according to the advice of the Portland Oregonian, as "a juggling humbug," and the promise to promote it, according to the advice of the New York Sun, as a pledge never intended to be fulfilled, Republicans will speedily find the tide of political battle once more turned against them, and they will soon exchange places with their now sore, bleeding, and prostrate foes.

To the coming triumphant President, hopeful and overconfident, rejoicing as a strong man to run a race, and to his chosen advisers, soon to challenge all the adverse currents of the future, I can not help warningly say concerning the pending world-wide controversy over the burning question of money: Unsettled questions pay no heed to the repose of nations. "Be wise to-day; 'tis madness to defer."

Mr. STEWART. Will the Senator from New Hampshire allow me to ask him one question? I have been much entertained and interested in his very able speech as showing the absolute necessity of bimetallism. I wish to ask him, in case the Republican party fail to secure international bimetallism, what is then to be done? If bimetallism can not be obtained through international agreement, is there any remedy which he would advise?

Mr. CHANDLER. I shall never help fasten the single gold standard upon mankind. I should suppose that inference was pretty easily drawn from what I have said. I have so much confidence that we are to have international bimetallism that I do not have to take up any further question. I only hope that my silver monometallist friends are not so anxious to have their own way about it that they are not willing to have the free coinage of silver adopted in concurrence with the other nations. I sometimes fear that they are so earnest and zealous and persistent that they do not want international bimetallism, but prefer to have this country join the silver nations. I do not wish this country to be compelled to join the silver nations, and I am quite sure we are going to have international bimetallism.

Mr. STEWART. That is not an answer to the question.

The PRESIDING OFFICER (Mr. BACON in the chair). The Chair will state that the unanimous consent which was given extended only to the speech of the Senator from New Hampshire.

Mr. STEWART. I ask unanimous consent to ask a question. I will quit then.

The PRESIDING OFFICER. Without objection, the Senator from Nevada will proceed.

Mr. STEWART. The Senator's reply does not answer the question. My question is, Whether, in case international bimetallism can not be obtained, the Senator from New Hampshire is prepared to say what he would do—what he would advise?

Mr. CHANDLER. I think it is the highest folly in the world to set about any enterprise by making threats——

Mr. STEWART. There is no threat about it.

Mr. CHANDLER. Or by undertaking to define what your future position would be. I am a convinced bimetallist; I am an earnest bimetallist: I believe we are going to accomplish bimetallism, and I am not going to say what I shall do if we do not accomplish it in one way or the other. We will attend to that question when we get to it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 2645) granting a pension to Jane H. Vandever; and

A bill (S. 2832) for the relief of Daniel T. Tollett.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10010) granting an increase of pension to George W. Ferree, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANDREWS, Mr. CROWTHER, and Mr. BAKER of Kansas managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6815) granting an increase of pension to Maj. John H. Gearkee; and

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; and

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. VILAS. Is not the bill to be taken up with the idea that the bankruptcy bill shall not be displaced? If the motion is to be made with the view of displacing the bankruptcy bill, I desire to call for the yeas and nays upon it.

Mr. PETTIGREW. Not at all. I will amend my motion by providing that the appropriation bill shall not displace the bankruptcy bill.

Mr. VILAS. I suggest, then, that instead of being in the form of a motion, there be unanimous consent asked that the bankruptcy bill be temporarily laid aside.

Mr. PETTIGREW. I have no objection to placing it in that form.

Mr. VILAS. And that the appropriation bill be taken up only upon such an arrangement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PETTIGREW. I ask that the formal reading be dispensed with and that the amendments of the committee be disposed of as they are reached.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. VEST. I prefer myself that the bill shall be read.

The PRESIDING OFFICER. Objection being interposed, the bill will be read.

Mr. PLATT. What was the objection of the Senator from Missouri? I want to understand about it before the reading is commenced.

The PRESIDING OFFICER. The Senator from South Dakota asked that the formal reading of the bill be dispensed with, and that each amendment be acted upon as it was reached in the reading. The Senator from Missouri objected, desiring that the bill shall be read through consecutively before action upon the amendments.

The Secretary proceeded to read the bill, and read to line 23, on page 14.

Mr. GORMAN. I ask the attention of the Senator in charge of the bill. The bill is being read through on account of the fact that quite a number of Senators desired that that course should be pursued because they have not had an opportunity to familiarize themselves with its details. I suggest to the Senator that he permit a motion for an executive session, and by to-morrow morning we can dispense with the formal reading of the bill, and go on and consider it as appropriation bills are usually considered. That will give to some Senators who have not had it, an opportunity to read the bill during the night; and, with Senators' consent, I will make that request.

Mr. PETTIGREW. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be taken up to-morrow morning immediately after the routine morning business.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from South Dakota asks unanimous consent that the formal reading of the bill be dispensed with and that it be taken up to-morrow morning immediately after the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I desire to have the bankruptcy bill laid before the Senate before that is done. I suppose in the regular order the Senator will not object to having the bankruptcy bill laid before the Senate.

Mr. GORMAN. No: not at all. I understand that is the order.

Mr. HOAR. Let that be done before the executive session is ordered.

The PRESIDING OFFICER. It is so understood.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. Why should not the Senate now proceed with that bill a little while, instead of going into executive session?

Mr. GORMAN. I only made the motion at the request of some Senators who desire a short executive session.

Mr. HOAR. Then I give notice that after the executive session I shall ask the Senate to proceed with the consideration of the bankruptcy bill.

EXECUTIVE SESSION.

Mr. GORMAN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. VEST. I will ask the Senate to consider a little local measure, which will only take a few moments, without displacing the regular order.

Mr. HOAR. If the Senator will pardon me, I should like to take the floor on the regular order, and then I will yield without proceeding at present.

Mr. VEST. Certainly, as a matter of course.

Mr. HOAR. Mr. President——

The **PRESIDING OFFICER.** The Senator from Missouri asks unanimous consent for the present consideration——

Mr. VEST. I yield the floor to the Senator from Massachusetts, so that he can take it upon the regular order.

The **PRESIDING OFFICER.** The Chair understood the Senator from Massachusetts to yield to the Senator from Missouri.

Mr. HOAR. If I am recognized and have the floor, I yield to the Senator, if that is the understanding of the Chair.

The **PRESIDING OFFICER.** The Senator from Massachusetts is entitled to the floor on the regular order.

KANSAS CITY INTERSTATE NATIONAL BANK.

Mr. VEST. I ask unanimous consent for the consideration of the bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out section 4, in the following words:

> SEC. 4. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. WILLIAM N. TISDALL, UNITED STATES ARMY.

Mr. HAWLEY. With the consent of the Senator from Massachusetts, I ask the Senate to take up the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major. The Senator from Tennessee [Mr. BATE], when the bill came up the other day requested a little delay. I understand he withdraws any objection.

Mr. BATE. I objected yesterday evening, Mr. President, but I have no objection to present now. I understand the bill passed through our committee unanimously, and as I say, I do not object to its present consideration.

By unanimous consent, the Senate resumed the consideration of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. Mr. President, I do not wish to be counted among the number of those Senators who have defeated great measures of legislation by elaborate speeches in their favor. I assume that this body, consisting of experienced statesmen and business men, and so largely of experienced lawyers, understands pretty thoroughly the history of bankruptcy legislation in this country, and the detail of the legislation which we have had in the three bankruptcy laws which have been enacted and repealed in the past. So I wish, in a sort of informal and business way, to take ten or fifteen minutes in simply stating one or two points of this matter which I think ought to be understood and recorded.

The estimates which are generally made are that there are 350,000 bankrupts in this country. A very careful and thorough examination made by the publisher of the great business magazine known as Bradstreet's made the number about 300,000 several years ago. There must be certainly an addition of 50,000 more. I have no doubt myself that that is an underestimate, and that there must be at least a half million of these persons. They are people who have generally been men of activity, energy, and credit. Otherwise they would not, as a rule, be debtors. The great cities on this continent are upon rivers, and the great rivers of this continent are very largely boundary lines of States. Accordingly, these debts, so far as they are contracted by merchants and manufacturers, are apt to be owed by men living in the neighborhood of great cities, or in great cities, to persons who live over their State lines. The great manufacturing and mercantile business of this country and the cotton-raising business of this country depend upon distant parts of the continent for their market and distant parts of the continent for their material. So the number of these bankrupts who can not be discharged from their debts by State laws is very great, and it will be remembered that the State law can not provide for the discharge of a debt between citizens of the same State unless it was contracted after the enactment of the law in reference thereto.

Now, there are three classes of opinion in this country on this subject. First, there is the opinion that there ought to be a law providing for two things: First, the discharge of all the debtors who have committed no crime or fraud and who can not pay their debts, in order that this great mass of American citizens may be restored to citizenship. A bankrupt goes through his life unable to do anything in a natural way for himself or his family and "drags at each remove a lengthening chain" until he goes to his grave. He is compelled to resort to petty shifts and subterfuges, doing business in another man's name, and fraudulent concealment of his interest in what the other man allows him to do in his name.

I think there should be a bankrupt law discharging these people where there is no case of actual and clear fraud, and that it should provide for the equal distribution of a bankrupt's estate among all his creditors without favoritism or preference, unless debts for the actual necessaries of life or to laborers or personal servants for actual wages are preferred to a limited extent.

I do not think any bankruptcy law that does not provide for the rights of creditors also in the case of an attempt to defraud them or in the case of an attempt to grasp the whole estate for one favorite creditor is in spirit constitutional. The word "bankruptcy" used in the Constitution had at the time of the adoption of the Constitution a technical meaning. It meant the distribution of the estate of a fraudulent debtor at the application of the creditors. An insolvent law was a totally different thing.

Mr. STEWART. I think there ought to be a full Senate to hear the statement of the Senator from Massachusetts. I suggest the want of a quorum.

The **PRESIDING OFFICER.** The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Burrows,
Butler,
Caffery,
Call,
Chandler,
Chilton,
Dubois,
Elkins,
Frye,
Gallinger,
Hawley,
Hoar,
Jones, Ark.
Lindsay,
Lodge,
McBride,
Morgan,
Morrill,
Nelson,
Pasco,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Quay,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore.

The **PRESIDING OFFICER.** Forty-six Senators have answered to their names. A quorum is present.

Mr. HOAR. I do not think it was ever intended by the framers of the Constitution, or by the generation that adopted it, that a pure insolvent law without a provision for a distribution on the application of creditors should be enacted. Bankruptcy meant a measure taken on the application of creditors, and nothing else. An insolvent law in legal treatises of that time is a separate and independent measure, treated on under different chapters in the old law books. But very naturally and properly the two things were united, and the insolvent law became an incident of our bankruptcy system. As time went on and a more humane and generous estimate of the relation of debtor and creditor prevailed, very naturally, also, the insolvency application became the principal, and the bankruptcy, the application by the creditors, became, if not the incident, at least the less important feature.

But still it is very difficult, in my judgment, to uphold the constitutionality of a pure voluntary system of insolvency which entirely excludes the bankruptcy proceeding which was contemplated by the Constitution. However, I do not propose to discuss or enlarge upon that consideration, because, practically, I do not think there is any likelihood that a majority of the Senate will be found favoring either of these things without the other. I do not care to waste time, therefore, in that discussion.

Now, the States have at present no sufficient remedy: first, for the reason I have stated already, that they can not take care of debtors owing debts to citizens of other States. In point of fact, there are only thirteen States having voluntary and involuntary

bankruptcy laws. So that in thirty-two States of this Union the poor debtor has no hope, even if all his creditors dwell within the borders of his own State. Then there are ten States, in addition, which have the voluntary insolvent laws, where the debtor can get relief from the debts contracted within his own State with citizens of his own State, if those debts were contracted after the passage of the law. Then there are five States of these which require the assent of a certain proportion of creditors, always, I believe, at least a majority in number and value. In some States I think it is two-thirds; it is one or the other. That is not material, however. So that in those five States the debtor is dependent upon the will of the creditor, even in the limited number of cases where he can get relief at all.

Mr. TURPIE. Mr. President——

The **PRESIDING OFFICER.** Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. HOAR. Certainly.

Mr. TURPIE. I should like to call the attention of the honorable Senator to the words in the Constitution, "uniform laws on the subject of bankruptcies," and especially to the word "subject." I refer the honorable Senator to the English law upon that subject before the adoption of the Constitution.

Mr. HOAR. I can not hear the Senator from Indiana.

Mr. TURPIE. There were, then, two classes of courts formed by the act of Parliament—one the insolvent court and one the bankruptcy court; one which authorized a voluntary surrender of assets and one which contemplated an involuntary surrender of assets. I think it was to combine both into one act of legislation that the phrase in the Constitution is so written. It was not written "uniform law on bankruptcies," but "uniform law on the subject of bankruptcies," thus expressly combining the English insolvency proceeding and the bankruptcy proceeding, and the English courts on both those subjects as well as parliamentary action, so as to include both voluntary and involuntary.

Mr. HOAR. That reenforces, it seems to me, the suggestion which I just made. But I merely made it in passing to show my own view, not intending to predicate any argument now or later in this debate upon that proposition. I only said that the word "bankruptcy" contemplated at the time of the adoption of the Constitution a different thing from insolvency, administered in different courts, in the history of English legislation, and treated of differently in the books.

Mr. TURPIE. Yes, sir; but if the honorable Senator will allow me, the word "bankruptcy" does not give and would not alone indicate what the "subject of bankruptcies" conveys.

Mr. HOAR. That suggestion is a very pertinent one, unquestionably, but I am now coming to another proposition. I wish to hurry this along, so as at this late hour of the afternoon to get rid of what I desired to say in the beginning.

Mr. President, the first class of opinion of which I have spoken is entertained by a class of people who want to unite both, of which I am one. There is another class of persons who want voluntary bankruptcy, but who are very unwilling to have any provision for involuntary bankruptcy unless in case of actual fraud, either in an attempt to cover up and conceal the property of the debtor from the creditor, so that the debtor may keep it himself, or in an attempt to give a preference to a favored creditor, so that the mass of the creditors shall not be taken care of and shall not have their share. That class of persons, who exist in the country and are represented in the Senate, are very unwilling, indeed, to have any provision whatever which will effect the distribution of an estate for the mere reason that the debtor can not pay his debts and is hopelessly insolvent. If he wishes to stagger along, never getting a discharge, with the hope that something will turn up, or for any reason known to himself, they do not desire to interfere with him.

Their reason, however, they would not state in that way, and the reason which they would state—and undoubtedly it is a reason of the very greatest force—is that there are many instances of energetic, honest, capable, and brave men who get into some temporary business difficulty, so that they can not meet their obligations in the course of business, which is the general definition of insolvency, and if they are forced into bankruptcy their whole property is taken from them, their business is gone, the good will is gone, their relations in life which they have established are all destroyed, and very often hope is destroyed, too; that it is not reasonable that such men should not have their chance to go on for months and perhaps sometimes for years; that it is not reasonable that any one creditor should have the power to hang over their heads the threat to put them into bankruptcy from malice or cupidity.

I am very much impressed, speaking for one, with the wisdom and humanity and honesty of that opinion, and I think that this bill if it pass ought to contain in it provisions carefully drawn in the spirit of compromise and in the spirit of an honest endeavor to reconcile different opinions which will take care of that case.

I think the House bill, which is generally known as the Torrey bill, contains such provisions as ought and are likely to meet the reasonable desire of gentlemen impressed by this opinion. If they do not, I hope that in the course of this discussion ground will be found, with the aid of other Senators interested in the matter, to accomplish that purpose to the satisfaction of the people of the country and the satisfaction of the Senate. It would be a great pity if the half million of bankrupts were to go on in sorrow and in despair for the rest of their lives because we have not skill enough to frame a measure which will accomplish the result which every humane man thinks desirable.

Now, the third class of opinion does not want any bankruptcy legislation at all. It does not want these men relieved. It does not want estates of debtors honestly divided among creditors. It wants the possibility of fraud, and the possibility of preference to continue so far, at any rate, as it is to be affected by the interposition of national authority and the exercise of the constitutional power, which it is our right and which Mr. Webster claimed it was our constitutional duty to exercise.

There are undoubtedly reasons, honest and weighty, in favor of that proposition, and it is not for me to undertake to answer them before I hear them, if they are to appear here.

There are persons outside of this Chamber who have been active, earnest, efficient, formidable, and successful for many years in hindering bankruptcy legislation, who do it for a reason that they themselves avow and act upon. I have a fair right to state it, because they state it themselves. It is that they have business arrangements in some cases, firms that have credits by the million, by the tens of million, over the country, who have arrangements with debtors, traders and small manufacturers especially, by which they give them credit on the condition that if they ever get into failing circumstances they shall be preferred by way of mortgage or absolute conveyance of the whole property of the debtor. They say very frankly, "We do not want a bankruptcy act, because when you go into bankruptcy we want your property for ourselves."

Sometimes they are creditors of the class that I have stated, doing business all over the country. At other times they are local bankers, lending money on those terms; and the banker says—to quote a phrase which was used in my hearing not long ago:

> The question is to be between the banker who lives in the neighborhood and the goods man who lives in some other State, and we would rather have it ourselves.

Now, that proposition is one which, it seems to me, will not bear a great deal of discussion. I do not think it is likely to find support in the mind of any member of this body. These men not only lend the money, or set up the debtor in business by the capital that they furnish or the goods they supply him, but the fact that they have done so gives the debtor the very credit that has enabled him to get loans of money or advances of goods elsewhere. The local banker is written to—a man in Alaska. I will not take the name of any existing State or Territory which is likely to be very much affected by the pending bill. The local banker lends him some money. Then a man in New York or Connecticut writes to that banker and wants to know if the man's credit is good. "Oh, excellent." He sends him his goods. Then, the man's business being unsuccessful, the very goods which have been supplied to that man on a credit which the creditor in the neighborhood has furnished him are taken and sold, and the whole proceeds of them go to the man on whose recommendation the distant creditor has made to him the sale.

Now, it seems to me that that reason will not stand fire or bear the light. The idea of keeping these 500,000 poor men in the toils and in the chains forever in order that this class of creditors may get not the lion's share, but the hyena's share, it strikes me is not one which if acted upon would be very creditable to the legislation of a humane, Christian, honorable, or just nation.

Mr. President, this bill, in the course of many years that this matter has been under consideration in Congress, has been constantly modified and ameliorated for the benefit of the debtor. In the first place, there is a very careful provision, such as is not found in the legislation of any single State—if it is, in only one or two at any rate; I have not got the statistics on that point here—that the expenses of the referee and trustee shall never exceed a very small percentage on the assets. There is no eating up, as we have had in the experience in the past, of a bankruptcy estate, so that it goes to lawyers and assignees and referees and court officials.

Mr. PEFFER. And registers.

Mr. HOAR. And registers. In the next place, the debtor gets his discharge; but if he has been honest and fair, without any regard to the assent of any creditor. If he does not pay one cent and owe a million dollars, he is discharged from the million dollars. No proportion of his debts is required to be paid, and no assent of any proportion of creditors.

The scheme of the bill I will now state. I speak now not of the proposed amendment to the bill, but of the original House bill, which is technically before the Senate. The original bankruptcy jurisdiction is conferred upon the district courts of the United States and of the Territories, the supreme court of the District of Columbia, and the United States court of the Indian Territory.

They appoint assistant judicial officers, called referees, in such numbers as may prove desirable in order to secure a prompt administration, and in such localities as may prove desirable in order to bring the proceeding to the door of the debtor and the door of his neighborhood creditors as far as practicable, so that traveling long distances and over great spaces to the United States court is to be avoided as far as possible.

The compensation of the referee is a ten-dollar filing fee in each case and 1 per cent commission on amounts paid in dividends from each estate administered before him.

Then the bankruptcy proceeding may be taken by appeal to the court of appeals. Under a proposed amendment no question is to be carried to the Supreme Court of the United States except such questions as would go up by reason of being what is called Federal questions from a State court under like circumstances—that is, where it is claimed that some State statute is invalid by reason of its being opposed to a law, treaty, or the Constitution of the United States and the decision is in favor of its validity, or where some authority or title is claimed by the Constitution or laws of the United States and the decision is against the title or authority.

That is the substance of the bill. It is the same as in the cases of State courts, except that on application to the Supreme Court the court may grant a certiorari to bring up the decision of any court of appeals in any circuit where such bringing up is necessary to secure uniformity of decision throughout the country. That does exist in cases of all other questions which are in the court of appeals, and it ought especially to exist in bankruptcy proceedings, because the mandate of the Constitution is express that the system of bankruptcy throughout the United States shall be uniform.

Now, all persons or partnerships who owe debts may become voluntary bankrupts on filing their own petitions, except corporations, who are authorized to take the benefit of the act voluntarily, but may be adjudged involuntary bankrupts on the petition of creditors.

The question whether a railroad corporation shall be the subject of bankruptcy in this country is one which has been often raised, and that is left to the general provision of the law saying that corporations may be put into bankruptcy. For myself, and speaking for one, not for the committee, not for the framers of this bill, not for anybody else, I do not believe that if the question were an original one a railroad corporation ought ever to be made the subject of bankruptcy.

The railroad corporation is in all States a corporation which is required to have a particular nature and character. Special provisions are made for the paying in of the stock, for the voting, for proxies, for securing a sufficient capital; and the right of eminent domain is delegated to them. They go across the country, going where they choose, crossing highways, going along highways, and they discharge for the people the great public function of providing public ways—one of the three great functions of the sovereign—and the great public function of carrying freight and passengers.

I do not conceive that such a franchise as that ought ever to be sold to the highest bidder, to be bought by an individual, to be acquired by speculators or by persons who are not controlled in their action in the organization and management of the corporation and ownership of the property without the special consent of the State legislature in each particular case.

I do not think we can constitutionally, as a matter of original principle, provide that a State power of eminent domain granted by the State to a corporation of its own construction can be taken from it by United States authority and set up for sale and given to the highest bidder or wielded under our authority. I do not think that it is either expedient or ought to be held lawful that these corporations can be put into bankruptcy without having sold what is ordinarily their chief and most valuable property, the franchise which they have got from the public.

So if the question had come to me, if I had had the honor to be on the bench, I should have held that a railroad corporation, if insolvent, must have its assets distributed under special provisions of the authority that created it.

But the practice has been otherwise. The Supreme Court of the United States have recently used language, without, I think, very much discussion of the question, which implies that they think otherwise, and I suppose it will be held otherwise in the country. But I have sought, or at least the framers of the bill have sought, and I entirely agree with them, to leave this question to the court. I say framers of the bill. It has come down very much modified and changed, partly in committee, partly out of it, from a former Congress. The framers, I say, have left that question to the exposition of the court, with the bill providing generally that corporations may be put in insolvency on involuntary proceedings, and there it stands. I thought it was proper to make this statement.

Now, farmers and wage earners, like all other classes of the community, of course, may avail themselves of the voluntary proceedings provided for by the bill. The involuntary proceedings, so far as they are provided for in the bill, can only be taken against persons who are found to be actually insolvent, except where actual fraud has been committed in the first place. So they can not be taken against anybody, whatever acts of bankruptcy he has committed, as a threat or to get power over him. They can not be used as a threat or menace against anybody who is not an actual insolvent. In the next place——

Mr. STEWART. How is that question to be determined in the initiation of the proceedings?

Mr. HOAR. It is determined by the court in the first instance, with power of appeal to a jury in every case.

Mr. STEWART. Before any proceedings?

Mr. HOAR. Before any proceedings can be had.

Next, where the man, in the first place—and that applies all through—is actually found insolvent by a jury, and he must have committed an act of actual fraud by either being insolvent, and in contemplation of insolvency having conveyed his property out of his hands to defeat, delay, or hinder creditors, or given a preference to one creditor against the others.

In each of those cases, according to the bill as it came from the House, and as it will stand unless this particular provision may be modified to suit all parties in the Senate, three or four unsecured creditors, having together claims amounting to $500 or over, may file a petition, and if there are less than twelve creditors in all, then any one creditor having a claim of that amount may file a petition, and the defendant may have a jury trial if he sees fit.

In case a final adjudication is secured against the defendant, a trustee shall be appointed, corresponding to the old officer called an assignee, to whom the title of all the property held by the debtor at the date of the adjudication, except such as is exempted, passes.

Now, the statute recognizes and gives effect to the exemption laws of all the States. The circuit court, in Judge Miller's time, when he gave the opinion, have held that that is not an objection; it does not prevent a system of bankruptcy being a uniform system of bankruptcy within the meaning of the Constitution; that it only attaches to and sequesters and distributes the property of the debtor which is liable to his debts wherever it may be found. If there be property—although the State law creates the exemption—exempted from such liability, exempting that property does not prevent the system from being uniform in the constitutional sense. The bankrupt gets his discharge, as I have said, without reference to the consent of anybody, and without reference to the payment of any amount, unless he has committed an offense by giving preference after the passage of the act for the purpose of defeating its operation within one year, which has not been surrendered. If he has given such a preference, and it has been surrendered, that does not interfere, and in ordinary cases, of course, such preference would be set aside by the law. So that if it were established, it would hardly be a practical objection to the bankrupt getting his discharge.

Another provision relates to obtaining property upon credit by false pretenses, which is made a criminal offense in most of the States, or making a fraudulent transfer of his property, which has not been restored, or fraudulently, and in contemplation of bankruptcy, destroying his books of account, or failing to keep proper books of account with fraudulent purpose.

The last provision, I wish to say here, will probably, if the bill shall pass, receive some special attention in the Senate, and very likely some modification of that provision may be thought, on discussion, desirable. It is not of the essence of the bill at all, but that is the way it came from the House of Representatives.

The bankrupt gets a discharge from all his debts except taxes, judgments rendered against him in court, for willful and malicious injuries to the person or property of another, or debts which he does not put in his schedule, and fraudulently omits from his schedule, or such as were created by fraud, embezzlement, or defalcation while acting as a public officer or serving in a fiduciary capacity.

The creditors choose the trustee of the bankrupt. The compensation of the trustee is, first, a filing fee of $5 in all cases; second, 5 per cent commission on the first $5,000 actually paid over in dividends to the creditors, net and not gross; 2 per cent on the second $5,000, and 1 per cent of all amounts so actually paid on dividends over $10,000.

Mr. President, we had great complaints of the administration of the old bankrupt law in some parts of the South immediately after the war, especially in the State of Louisiana. Those complaints were just. The facts on which they were founded were a scandal on the administration of justice; and I am bound to say publicly what I have often said in private, that there was a great and a most reprehensible carelessness in the appointing power of this country of United States judicial officers in the district courts during and immediately succeeding the Administration of President Lincoln. We ought in the disturbed and distracted condition of that country to have sent down there, or selected there from their own material rather than send down at all, men who would have been great and shining models of the judicial character.

Mr. STEWART. Will the Senator allow me?

Mr. HOAR. Pretty soon; when I have got through with this point.

They should have been men who would have represented to the people the authority and the justice of the United States by characters which would have been revered and honored. That was not done. Five judges of the courts of the United States were driven from office during that period by threats of impeachment, which they dreaded.

Mr. STEWART. If the Senator will allow me, there was no bankrupt law in force during President Lincoln's time.

Mr. HOAR. The bankrupt law was enforced by the judges immediately after the war, and by judges who were appointed in his time. I do not want to name them, as everybody knows them.

Mr. STEWART. It was long after that.

Mr. HOAR. Everybody knows them, and I do not think, so long as Louisiana is represented in the Senate of the United States, that I need go very far to find witnesses of the substantial truth of what I am saying. I have had occasion to know something about it in various ways. I presume now, as the Senators from Louisiana are both present, I should not err if I were to say that amongst hundreds and hundreds of bankruptcy cases in that State there was not a single one in which a dollar was paid to a creditor. If I exaggerate, I should like to be contradicted and set right.

Mr. CAFFERY. I did not hear the Senator's statement.

Mr. HOAR. I said that I believed that after the war amongst hundreds and hundreds of bankruptcy cases in the State of Louisiana there was not a single case in which a dollar was paid to a creditor.

Mr. CAFFERY. I think the Senator is probably correct in that statement.

Mr. HOAR. That I supposed. I thought I knew something about it when I stated it. The bankrupt law was passed in 1867.

Mr. BLANCHARD. Will the Senator allow me?

Mr. HOAR. Yes.

Mr. BLANCHARD. I know also that the administration of the national bankrupt law in Louisiana after the war was a disgrace to those who participated in it.

Mr. HOAR. That is just what I said, except that I stated it a little stronger than the honorable Senator has done. I said, instead of sending down to those communities or selecting in those communities men who would represent by their dignity, purity, and authority the character of the United States, we had down there judges, five of whom were driven from office by threats of impeachment, and I regard that history as the scandal, not in the least of those Southern communities, but as the scandal of justice and the authority of the United States. I called the attention of the Senate and of the people of the United States to that fact on a very impressive occasion in this Chamber on an impeachment trial, when I think my honorable friend from Nevada was probably one of the judges of the court.

Mr. STEWART. No.

Mr. HOAR. I was not sure whether he was then in the Senate or not.

Mr. President, this bill has gone to the extreme in the other direction. There never was a bankrupt law, I believe, either in existence or proposed, on the face of the earth which so strictly, carefully, scrupulously, economically guarded and pressed down the possibility of extravagant expenditures in administration, or which provided so low a compensation for the officers, the referee, and the trustee who are provided for by it.

There is one point that we can not guard absolutely, and if any Senator can find an amendment guarding it, I for one will thank him. I have not found myself able to devise a provision by which, if there were lawsuits brought against an estate, where strangers in the transaction are on the other side, it is made impossible to have extravagant fees or large expenditures in the matter of counsel. Experience has shown that the courts are not as strict in those matters as they should be. Of course, the trustee can have no personal interest in it without being subject to prosecution and punishment as an embezzler, and the referee can have no more personal interest in it than can the judge. But if any human being can contrive a way by which these estates can get, in case of litigation, the assistance of eminent and suitable counsel, which they need, and still have any security other than the honor of the counsel themselves, the character of the parties, and the fidelity of the trustee to his estate, the person chosen by the creditors, removable by them—and that, of course, is a great security—I shall be glad to support any amendment in that direction.

There are some matters of mechanism. The bill takes up a good many pages in what, after all, is easily understood, but is necessary to be set out for the safety of the transaction. I believe, however, that I can honestly and fairly and reasonably say that there never existed on the face of the earth, that there never was proposed to a legislative body, State or national, here or elsewhere, a bankruptcy bill so considerate and humane to the debtor and so careful to preserve the just interests of the creditor against embezzlement, waste, or any other description of fraud.

Mr. STEWART. Mr. President, I desire to make some remarks on this subject, but it is too late to-night, and there are not enough Senators here. The Senate is very thin.

Mr. WALTHALL. If it will be agreeable to the Senator, I will move an adjournment.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Nevada yield for that purpose?

Mr. STEWART. I yield for that purpose.

Mr. WALTHALL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 17, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1897.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Francis P. B. Sands, of the District of Columbia, to be a Commissioner of the District of Columbia, vice John W. Ross, whose term expired January 9, 1897.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Col. George Henry Weeks, assistant quartermaster-general, to be Quartermaster-General, with the rank of brigadier-general, February 16, 1897, vice Sawtelle, retired from active service.

Lieut. Col. James Grafton Carleton Lee, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, vice Weeks, appointed Quartermaster-General.

Maj. James M. Marshall, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, vice Lee, promoted.

Capt. John Wesley Pullman, assistant quartermaster, to be quartermaster with the rank of major, vice Marshall, promoted.

Lieut. Alfred M. Palmer, to be assistant quartermaster with the rank of captain, vice Pullman, promoted.

ASSISTANT ENGINEER IN REVENUE-CUTTER SERVICE.

Acting Second Asst. Engineer Samuel M. Rock, of Pennsylvania, to be a second assistant engineer in the Revenue-Cutter Service of the United States, in place of George M. De Reamer, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1897.

PROMOTION IN THE ARMY.

Quartermaster's Department.

Lieut. John M. Carson, jr., to be assistant quartermaster with the rank of captain.

POSTMASTERS.

James J. Davidson, to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey.

John J. Winn, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts.

Charles H. Pierson, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey.

John W. Goddard, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey.

Michael A. Devine, to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey.

Herman J. Kohlhaas, to be postmaster at Paterson, in the county of Passaic and State of New Jersey.

R. Howard Thorn, to be postmaster at Ocean City, in the county of Cape May and State of New Jersey.

Charles W. Scott, to be postmaster at Cramer Hill, in the county of Camden and State of New Jersey.

Luke W. Morris, to be postmaster at Mexico, in the county of Andrain and State of Missouri.

Charles B. Wheeler, to be postmaster at Blackfoot, in the county of Bingham and State of Idaho.

William Gill, to be postmaster at Rockaway, in the county of Morris and State of New Jersey.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 16, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

Mr. TALBERT. Mr. Speaker, I rise to a parliamentary inquiry. Before the Journal is approved, I want to call the attention of the House to a ruling which was made at last evening's session. I read from the RECORD:

> Mr. TALBERT. Mr Speaker, I move that the House do now adjourn.
>
> The SPEAKER pro tempore. The gentleman from South Carolina moves that the House do now adjourn. Under the rule it requires a majority of those present to second the motion. As many as are in favor of seconding the motion that the House do now adjourn will stand until counted. [A pause.] No one rising to second the motion to adjourn, the motion is out of order.

I want to inquire of the Chair if that ruling is embodied in the Journal; and if not, why not; and also to inquire what is the authority for the ruling? I ask for information.

Mr. PAYNE. Mr. Speaker, if the gentleman from South Carolina will turn to the rule under which the call of the House was proceeding he will find that it states that in order to make a motion to adjourn in order at such a time it must be seconded by a majority of those present.

Mr. TALBERT. That is what I am trying to find out—the authority for the ruling.

Mr. PAYNE. Well, it is in the rules of the House and in the particular rule under which we were proceeding at the time.

The SPEAKER. The Chair finds it in the Journal.

Mr. RICHARDSON (to Mr. TALBERT). Read the rule.

Mr. TALBERT. I do not think it is in the rule under which we were proceeding.

Mr. HENDERSON. But the Speaker says it is reported in the Journal.

The SPEAKER. This proceeding is irregular. We can not review a decision at this time. If the Journal states what actually occurred, it is correct.

Mr. PAYNE. If the gentleman will refer to the RECORD, he will find that the rule was read, and, as I am informed, is printed in the RECORD this morning.

The SPEAKER. If there be no objection, the Journal will be considered as approved.

There was no objection, and it was so ordered.

Mr. TALBERT. I simply wanted to call the attention of the House to that ruling, which seemed to be irregular.

The SPEAKER. If the gentleman will turn to his copy of the rules of the House and read the last clause but one of the fourth paragraph of Rule XV, he will find the provision to which reference was made by the gentleman from New York and on which the ruling was based.

Mr. TALBERT. I will state that the roll call had not been completed.

The SPEAKER. Then the gentleman interrupted the roll call by a motion to adjourn?

Mr. PAYNE. I think, Mr. Speaker, the gentleman is mistaken. It had been completed, but a quorum had not been obtained.

Mr. TALBERT. No, it had not been obtained.

The SPEAKER. The Chair sees nothing in the ruling but what was justified by the rule of the House.

Mr. TALBERT. I only wanted the House to understand the matter fully.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, had asked for a conference with the House on the bill and amendments, and had appointed Mr. CULLOM, Mr. QUAY, and Mr. CALL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz; and

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A bill (H. R. 3108) to grant a pension to Jessie Durnell, late second-class pilot on gunboat *Lexington;*

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 1311) granting a pension to Charles W. Sentman;

A bill (H. R. 10040) granting an increase of pension to George W. Ferree; and

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry;

A bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army;

A bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States;

A bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893;

A bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park;

A bill (S. 114) for the relief of Anna W. Osborne;

A bill (S. 567) for the relief of the Continental Fire Insurance Company and others;

A bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell;

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown;

A bill (S. 315) for the relief of Thomas Antisell; and

A bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry—to the Committee on Invalid Pensions.

A bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States—to the Committee on Revision of the Laws.

A bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893—to the Committee on the Judiciary.

A bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park—to the Committee on the District of Columbia.

A bill (S. 114) for the relief of Anna W. Osborne—to the Committee on Claims.

A bill (S. 567) for the relief of the Continental Fire Insurance Company and others—to the Committee on Claims.

A bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell—to the Committee on War Claims.

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown—to the Committee on the District of Columbia.

A bill (S. 315) for the relief of Thomas Antisell—to the Committee on War Claims.

A bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes—to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 9123) to prevent forest fires on the public domain;

A bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

A bill (H. R. 10131) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898;

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia;

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railroad Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon; and

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota.

VETO MESSAGE—NANCY G. ALLABACH.

Mr. KERR. Mr. Speaker, I desire to submit a privileged report from the Committee on Invalid Pensions on the veto message of the President of the United States with reference to Senate bill No. 894, granting a pension to Nancy G. Allabach.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States, returning without approval the bill S. 894, entitled "An act granting a pension to Nancy G. Allabach," having carefully and fully considered the same, respectfully adopt the report of the Senate Committee on Pensions, and earnestly recommend the passage of the bill, the objections of the President to the contrary notwithstanding:

"The Committee on Pensions, to whom the bill (S. 894) granting a pension to Nancy G. Allabach was recommitted, together with the objections of the President thereto, beg leave to report:

"The committee have reconsidered said bill and considered the objections of the President thereto, and recommend its passage, notwithstanding his objections.

"The facts of the case, as found by the committee, are that Peter H. Allabach was a soldier in the Mexican war, and participated in the battles of Palo Alto, Resaca, and the military operations on the line of the Rio Grande. He conducted himself with conspicuous gallantry. He married the proposed beneficiary of this bill on the 30th of September, 1851. She is now 67 years of age, and unable to earn her own support.

"During the late civil war he was colonel of the One hundred and thirteenth Regiment of Pennsylvania Volunteers, and commanded a brigade in one or more severe battles. His conduct won the approbation of Gen. W. S. Hancock, Gen. A. A. Humphrey, and Gen. Henry S. Briggs, his immediate commanders. The letters of General Hancock, General Humphrey, and General Briggs are made part of this report.

"After the close of the war of the rebellion Colonel Allabach returned to and engaged in the pursuits of civil life. He died in this city on the 11th of February, 1892.

"This bill proposes to pay to Mrs. Nancy G. Allabach a pension of $30 per month, which is the pension allowed by the general law to disabled officers of the rank Colonel Allabach held in the services of the United States. All the facts before the committee prove that Colonel Allabach was an officer of great merit, and rendered most valuable services to the country. His conduct as a citizen was exemplary, and he left his widow, the beneficiary of the bill before the committee, without other means of support than the small pension allowed by the general law. Upon these facts the committee reported the bill, 'An act granting a pension to Nancy G. Allabach,' to the Senate, and recommended its passage. It passed both the Senate and House of Representatives, was laid before the President, was disapproved by him, and was returned to the Senate with his objections, and recommitted to the Committee on Pensions for reconsideration.

"Your committee recognizes the constitutional right and the duty of the President to refuse to sign any bill which has passed both Houses of Congress which he does not approve. 'If he approve he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated.'

"Your committee would give emphasis to that provision of the Constitution which makes the President a sharer with Congress in responsibility to the country for all legislation.

"Recognizing this imperative obligation imposed upon the President by the Constitution, your committee proceed to a respectful consideration of the objections of the President to this bill.

"The President, in his message containing his objection to this bill, correctly recites some of the facts which led your committee to recommend its passage, but he does not allude to the eminent and distinguished services rendered by the husband of the beneficiary in the war with Mexico and in the late civil war, in which the integrity of the Union as well as the peace of the continent and the existence of popular constitutional government was involved. He says truly that 'Colonel Allabach did not at any time apply for a pension,' to which it may well be answered that no services rendered to the country, however brilliant or useful, are pensionable.

"General pension laws are passed to make provision for the unfortunate; but the brave and patriotic soldier, who on many occasions imperiled his life in defense of his country or for the maintenance of its just authority, may well have hoped that, though he passed through the perils of the battlefield without personal harm, those who control the Treasury of a grateful country would, when appealed to directly, make provision for the dependent, loved wife whom he left poor and can no longer support or protect.

"It is further stated by the President as a ground of objection to this bill (and the committee quote his language):

"I do not see how the same relief as is contained in this bill can be denied to many thousand widows who, in a similar situation, are now on the pension rolls under general laws.

"Your committee beg to say that if, upon all the facts of this case, Mrs. Allabach is entitled to the relief afforded to her by this bill, it is no objection to its passage that it does not afford equal or ample relief to the many thousands of widows who are on the pension rolls under general laws. If the bill, upon its own facts, is just and proper, it will only be a precedent for like just and proper special legislation.

"Your committee admit without hesitation that the general pension laws are liberal, and make provision for the large class of soldiers and those who are or were dependent upon them; but the committee would regret that a precedent should be established by Executive action which would, in effect, operate to deprive both Houses of Congress of the right, in the exercise of their discretion, to make provision for special cases of exceptional merit."

Mr. BARTLETT of New York. Mr. Speaker, I would ask to have read in this connection the veto message of the President of the United States.

The veto message was read, as follows:

To the Senate:

I herewith return without my approval Senate bill numbered 894, entitled "An act granting a pension to Nancy G. Allabach."

This bill provides for the payment of a pension of $30 a month to the beneficiary named as the widow of Peter H. Allabach.

This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.

He was mustered out of his last service on the 23d day of May, 1863, and died on the 11th of February, 1892.

During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty nine years after his discharge from the Army, was in any degree related to such service.

His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.

It is proposed, however, by the special act under consideration, to give this widow a pension of $30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.

This condition is precisely covered by existing general laws; and if a precedent is to be established by the special legislation proposed, I do not see how the same relief as is contained in this bill can be denied to the many thousand widows, who, in a similar situation, are now on the pension rolls under general laws.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1896.*

Mr. KERR. Mr. Speaker, this bill grants a pension of $30 per month to Nancy G. Allabach, as the widow of Col. Peter H. Allabach. It passed both Houses and was vetoed by the President. It was then passed over the veto by the Senate. The report of the Senate Pensions Committee was written by Senator PALMER, and it sets forth with precision the meritorious service of Colonel Allabach, and combats with reasons which seem conclusive to my judgment the grounds upon which the President predicates his veto.

Colonel Allabach served two years in the Mexican war and nine months in the war of the rebellion. In the Mexican service he was in the battles of Palo Alto and Resaca, and he participated in all the military operations along the Rio Grande.

His service in the war of the rebellion was at a most critical period of that great struggle, and was conspicuous for courage and gallantry. In the battles of Fredericksburg and Chancellorsville he commanded a brigade. In the battle of Fredericksburg he led his brigade in that terrific but impotent charge against the stone wall. For it he received the highest encomiums from his superior officers, Generals Briggs and Humphrey. To sum it all up, he served his country in two wars, and, in all, for a period of thirty-three months.

Now, then, a word about this veto. The President leaves out of consideration altogether the soldier's service. Whether it is long or short, characterized by courage or cowardice, whether in garrison duty, away from danger, or upon the bloody field, is not an important factor in his calculation.

Here is the vice of his logic, and upon it turns his objections to this and all other bills of its character. As it happened, Colonel Allabach did not apply for a pension in his lifetime, and there is no evidence that he died from army disabilities. Neither did Grant nor McClellan nor a hundred more distinguished soldiers whose widows we have pensioned. The ground of these pensions is the service of the husband, a little more distinguished than the ordinary, and the poverty of the widow. Both exist in this case.

The House and the Senate, better acquainted with the patriotic sentiment of the country, nearer, Mr. Speaker, the great American heart, sought to rescue this old woman, 67 years old, a war widow, from the agony of poverty or the humiliation of subsisting upon private charity. The President, exercising a constitutional power, interposed his objection. Let us, exercising an equal power, continue the good work we have begun and pass the bill, the veto to the contrary notwithstanding.

Mr. LOUD. Mr. Speaker, of course I recognize that it is futile for anyone to attempt to stay the mad career—and I measure my words, Mr. Speaker—to stay this House in its mad career regarding pensions. This pension, according to the report made (and I assume that the committee have made as good a report as possible), commends itself to neither the judgment nor the equity of this House. The services claimed to have been rendered by this gentleman were not in the faintest degree, by any reference, either long or distinguished. The late rebellion, as you well know, covered a period of four years of very bitter and sanguine war. Yet this gentleman's service extended over a period, according to the claim of the committee, of but nine months.

It is claimed that he was a soldier in the Mexican war. There are many remaining who were soldiers in the Mexican war. It is claimed that he served with distinguished gallantry in the late war, and that he participated at most in but one battle, and yet the committee have disdained to inform this Congress what that battle may have been.

It seems almost useless, Mr. Speaker, to waste my breath or the time of Congress in endeavoring to stop its mad career, but I say again, that there is nothing in this soldier's service which appeals to the judgment of this House to furnish a reason why it should grant this woman a pension above the amount given by law to three or four or five or six hundred thousand other widows throughout the length and breadth of this land.

Of course our friends on this side of the House, some of them, vote against the action of the President, as I have heard it intimated, because they oppose the President on some other proposition. Our friends upon the Republican side of the House override the veto in all pension cases because they believe in doing what they claim to be an act of justice to the long-suffering widows of the soldiers of the late war. While but $30 a month is involved in this case, and while there may have been many precedents set heretofore, still it never is too late for a legislative body, even in its dying hours, to express one sentiment of reason. For the many acts we have done here we shall receive the condemnation of the people. Can we not afford to leave one shining example that may be pointed out hereafter to our credit?

The gentleman who defends this claim likens this widow to the widow of General Grant, and to the widows of some other distinguished officers whom the mass of our people believe were great instrumental factors in saving this nation from destruction. Compare those cases with that of the widow of a gentleman who served for nine months during the late war, with distinguished gallantry, in one battle, which the committee evidently can not now discover or have forgotten!

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? On this, under the Constitution, the yeas and nays are ordered. Those who favor passing the bill, the objections of the President to the contrary notwithstanding, will, when their names are called, say "aye;" those opposed, "no." The Clerk will call the roll.

The question was taken; and there were—yeas 115, nays 79, not voting 161; as follows:

YEAS—115.

Aldrich, T. H.
Aldrich, Ill.
Anderson,
Andrews,
Babcock,
Baker, Kans.
Baker, N. H.
Barham,
Bowers,
Brewster,
Bromwell,
Burrell,
Burton, Mo.
Calderhead,
Chickering,
Clark, Mo.
Codding,
Coffin,
Colson,
Crowther,
Crump,
Cummings,
Curtis, Iowa
Curtis, Kans.
Daniels,
Draper,
Eddy,
Ellis,
Fenton,
Fischer,
Fletcher,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Graff,
Griffin,
Grout,
Grow,
Hager,
Hanly,
Hardy,
Hatch,
Hemenway,
Henry, Ind.
Howard,
Howe,
Howell,
Hubbard,
Huff,
Huling,
Hurley,
Hyde,
Johnson, Cal.
Kerr,
Kirkpatrick,
Knox,
Lacey,
Layton,
Lefever,
Leisenring,
Lewis,
Linton,
Long,
Loudenslager,
Low,
Mahany,
McCall, Mass.
McClure,
McEwan,
McLachlan,
Meiklejohn,
Mercer,
Miner, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Mozley,
Murphy,
Odell,
Perkins,
Poole,
Powers,
Prince,
Pugh,
Ray.
Royse,
Shafroth,
Smith, Ill.
Sorg,
Southard,
Sperry,
Stahle,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Sulloway,
Tayler,
Thomas,
Towne,
Tracey,
Van Voorhis,
Watson, Ind.
Watson, Ohio
Wellington,
Willis,
Wilson, Idaho
Wilson, Ohio
Wood,
Woodman,
Wright.

NAYS—79.

Abbott,
Adams,
Aldrich, W. F.
Avery,
Bailey,
Bankhead,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Colo.
Bell, Tex.
Bennett,
Bishop,
Blue,
Broderick,
Catchings,
Clardy,
Clark, Iowa
Clarke, Ala.
Cobb,
Cooper, Tex.
Cox,
Crisp,
Culberson,
Danford,
De Armond,
Denny,
Dinsmore,
Dockery,
Erdman,
Hall,
Harrison,
Hart,
Henry, Conn.
Hull,
Jones,
Kem,
Kleberg,
Lawson,
Leighty,
Lester,
Linney,
Little,
Livingston,
Loud,
Maddox,
Martin,
McCreary, Ky.
McDearmon,
McMillin,
McRae,
Meredith,
Milnes,
Money,
Neill,
Ogden,
Owens,
Patterson,
Pendleton,
Rinaker,
Sayers.
Shuford,
Snover,
Spalding,
Spencer,
Stallings,
Strait,
Strowd, N. C.
Swanson,
Talbert,
Tate,
Terry,
Tracewell,
Tyler,
Updegraff,
Wadsworth,
Washington,
Williams,
Wilson, S. C.
Woodard.

NOT VOTING—161.

Acheson,
Aitken,
Allen, Miss.
Allen, Utah
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Baker, Md.
Barney,
Barrett,
Bartholdt,
Beach,
Belknap,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Brosius,
Brown,
Brumm,
Buck,
Bull,
Burton, Ohio
Cannon,
Cockrell,
Connolly,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Crowley,
Curtis, N. Y.
Dalzell,
Dayton,
De Witt,
Dingley,
Dolliver,
Doolittle,
Dovener,
Ellett,
Evans,
Fairchild,
Faris,
Fitzgerald,
Foote,
Foss,
Fowler,
Gillett, Mass.
Goodwyn,
Griswold,
Grosvenor,
Hadley,
Hainer, Nebr.
Halterman,
Harmer,
Harris,
Hartman,
Heatwole,
Heiner, Pa.
Henderson,
Hendrick,
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins,
Hulick,
Hunter,
Hutcheson,
Jenkins,
Johnson, Ind.
Johnson, N. D.
Joy,
Kendall,
Kiefer,
Kulp,
Kyle,
Latimer,
Leonard,
Lorimer,
Maguire,
Mahon,
Marsh,
McCall, Tenn.
McCleary, Minn.
McClellan,
McCormick,
McCulloch,
McLaurin,
Meyer,
Miles,
Miller, Kans.
Miller, W. Va.
Milliken,
Miner, N. Y.
Moses,
Murray,
Newlands,
Noonan,
Northway,
Otey,
Otjen,
Overstreet,
Parker,
Payne,
Pearson,
Phillips,
Pickler,
Pitney,
Price,
Quigg,
Raney,
Reeves,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Scranton,
Settle,
Shannon,
Shaw,
Sherman,
Simpkins,
Skinner,
Smith, Mich.
Southwick,
Sparkman,
Steele,
Stokes,
Stone, W. A.
Sulzer,
Taft,
Tawney,
Thorp,
Treloar,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Wheeler,
White,
Wilber,
Wilson, N. Y.
Woomer,
Yoakum.

The following pairs were announced:

Until further notice:

Mr. RANEY with Mr. RUSSELL of Georgia.
Mr. KULP with Mr. FITZGERALD.
Mr. COOK of Wisconsin with Mr. MOSES.
Mr. CORLISS with Mr. COWEN.
Mr. PICKLER with Mr. MINER of New York.

For this day:

Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.
Mr. MARSH with Mr. RICHARDSON.
Mr. JOY with Mr. MCCLELLAN.
Mr. HITT with Mr. LATIMER.
Mr. HENDERSON with Mr. KYLE.
Mr. MAHON with Mr. OTEY.
Mr. ARNOLD of Pennsylvania with Mr. PRICE.
Mr. ARNOLD of Rhode Island with Mr. MILES.
Mr. OTJEN with Mr. TURNER of Georgia.
Mr. WILBER with Mr. BERRY.
Mr. DINGLEY with Mr. MAGUIRE.
Mr. HICKS with Mr. SHAW.
Mr. HARMER with Mr. HUTCHESON.
Mr. FOSS with Mr. RUSK.
Mr. DALZELL with Mr. TURNER of Virginia.
Mr. PITNEY with Mr. ELLETT.
Mr. HEATWOLE with Mr. KENDALL.
Mr. SMITH of Michigan with Mr. TUCKER.
Mr. BARTHOLDT with Mr. MCLAURIN.
Mr. GROSVENOR with Mr. ALLEN of Mississippi.
Mr. BINGHAM with Mr. SULZER.
Mr. COUSINS with Mr. STOKES.
Mr. DOLLIVER with Mr. YOAKUM.
Mr. TRELOAR with Mr. COCKRELL.
Mr. JENKINS with Mr. BUCK.
Mr. PARKER with Mr. SPARKMAN.
Mr. SIMPKINS with Mr. WHEELER.
Mr. JOHNSON of North Dakota with Mr. BLACK.
Mr. SCRANTON with Mr. MCCULLOCH.

The SPEAKER. On this question the yeas are 115, the nays are 79: two-thirds not voting in the affirmative, the House, on reconsideration, does not agree to pass the bill.

UNITED STATES COURTS OF UTAH.

Mr. BRODERICK. Mr. Speaker, I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2667) to provide times and places for holding terms of United States courts in Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

CASE BRODERICK,
CHAS. G. BURTON,
J. W. BAILEY,
Managers on the part of the House.
GEO. F. HOAR,
FRANK J. CANNON,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement.

Mr. BRODERICK. That is all there is of it. The papers are in the Senate, and the report has been accepted by the Senate and the bill passed.

The SPEAKER. But there should be a statement, under the rules of the House, by the House conferees.

Mr. BRODERICK. The report was sent up. That is all the report that is made.

The SPEAKER. There should be a statement besides the conference report.

Mr. BRODERICK. The statement is that the Senate conferees receded, and that is all the statement that was necessary.

The SPEAKER. This is the conference report, and our rules require a statement.

Mr. BRODERICK. Senator HOAR superintended the matter, and said that was all that was necessary.

The SPEAKER. But this is a House rule. The Chair does not know whether it is a Senate rule or not; but the House rule is that in addition to the conference report there shall be a statement made by the House conferees in writing.

Mr. BRODERICK. If recommitted, perhaps the statement can be made.

The SPEAKER. The gentleman can withdraw the conference report and afterwards submit it with a statement.

Mr. BRODERICK. I withdraw the report.

LUCY ALEXANDER PAYNE.

Mr. COFFIN. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1501, an act granting an increase of pension to Lucy Alexander Payne, widow of Capt. John Scott Payne, Fifth United States Cavalry, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

CHARLES E. COFFIN,
J. C. C. BLACK,
WM. BAKER,
Managers on the part of the House.
W. N. ROACH,
H. C. HANSBROUGH,
W. A. PEFFER,
Managers on the part of the Senate.

The SPEAKER. There is no statement by the conferees.

Mr. BLUE. Does a statement accompany that report?

Mr. COFFIN. There is no statement by the conferees.

The SPEAKER. There is no written statement.

Mr. BLUE. Then I object.

Mr. COFFIN. Will there have to be a written statement?

The SPEAKER. There has to be a written statement under the rules of the House. The gentleman withdraws the report.

ARTESIAN WATERS OF A PORTION OF THE DAKOTAS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following report from the Committee on Printing.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the consideration of the report which the Clerk will read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 55, to provide for the printing of 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey, recommend that the same be agreed to.

The Public Printer estimates the cost of the work called for under this resolution at $465.

The SPEAKER. The question is on unanimous consent. Is there objection? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

CAPT. ALEXANDER M'DONALD.

Mr. WOODMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5880) to correct and amend the military record of Capt. Alexander McDonald, of Company I, Seventeenth Wisconsin Volunteer Infantry.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object, Mr. Speaker.

The SPEAKER. Objection is made.

IMPROVEMENT OF GOVERNMENT RESERVATION, FORT SMITH, ARK.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes. The bill has heretofore been read twice in the House, and I have an amendment that I desire to propose, coming in at line 9, on page 2.

The SPEAKER. The Chair thinks the bill must be read.

Mr. LITTLE. What I want to ask is simply for the bill to be read to where the amendment will come in, or read the entire bill, if gentlemen desire it to be read.

Mr. BARTLETT of New York. Let us have the bill read.

Mr. PAYNE. I understand the gentleman proposes to ask unanimous consent for the consideration of the bill as amended. I suggest that the bill be read as proposed to be amended.

Mr. LITTLE. That was what I was trying to have done.

The SPEAKER. The Clerk will read the bill as the gentleman proposes to have it amended.

The Clerk read as follows:

Be it enacted, etc., That Rogers and Parker avenues, as the same appear on the map and plat of the reserve addition of the city of Fort Smith, Ark., be extended in a northwesterly direction and on a straight line to the right of way of the St. Louis and San Francisco Railway Company; and that Second street, as the same appears on the map and plat of the reserve addition of the city of Fort Smith, Ark., be extended on a straight line from Garrison avenue in a southwesterly direction to the right of way of the St. Louis and San Francisco Railway Company; and that Third street, as the same appears on the map and plat of the reserve addition of said city of Fort Smith, be extended in a straight line from Garrison avenue to the southwesterly line of Parker avenue; that the block of ground included within the boundaries of Rogers and Parker avenues and Second and Third streets, as thus extended by this act, it being a rectangular block 340 feet by 290 feet 2½ inches, and upon which block is located the public buildings, known as the United States jail and hospital, belonging to the United States, be, and the same is hereby, reserved to the United States.

That such part of said ground as shall be occupied for said streets and alleys is hereby donated to the said city of Fort Smith for the purpose of being dedicated to public use.

That said city of Fort Smith is hereby authorized and empowered to remove the old fort walls and buildings attached thereto, and to dispose of the same for its own use.

That the Secretary of the Interior shall cause said lands to be surveyed into lots and blocks, according to the plans and surveys of said city, and shall file a plat showing such survey in his office, and he shall cause the portions thereof not specifically reserved herein to be sold at public auction to the highest bidder, upon such terms and under such regulations as he may direct; and upon the full payment of the purchase money, execute proper conveyances to the purchaser or purchasers thereof.

The funds arising from the sale of said lots shall be kept separate, and so much thereof as is necessary is hereby appropriated for the erection of an iron fence or stone fence around the lot reserved for the jail and hospital, and for the grading and paving of the sidewalks around the same with stone flagging or some other suitable material, and pay the expense thereof out of the fund; and the remainder, if any, to be turned into the Treasury to the credit of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I observe that the amendment turns over all the proceeds for the purpose of building a fence around the jail and hospital and paving the streets around the jail, something that the United States does in no other city. I do not know why it should be done for this city.

Mr. LITTLE. When this old wall is torn down it will leave the jail without any surrounding fence. The objection to the bill heretofore, as I understood, was that it donated certain lots of land to the city, and, for the purpose of meeting that objection, the bill has been changed so that it simply authorizes the erection of this fence around the jail and the flagging on the sidewalk around the jail block.

Mr. PAYNE. Does this jail belong to the city, or is it a county jail?

Mr. LITTLE. It is a Federal jail. That is why I put in this provision. It is quite a costly building, and the bill as originally drawn practically donated these lots to the city on condition that the city should make certain improvements around the Government property. It was thought, however, by some gentlemen here that the value of the lots would far exceed the cost of the improvements, and I am willing, if the gentleman prefers, that the provision for the paving of the sidewalks may be stricken out, leaving simply the provision for the building of the fence.

Mr. PAYNE. I think the gentleman had better strike it all out, and if we are going to build a fence there, let us appropriate a specific sum for that purpose.

Mr. LITTLE. Well, if the gentleman prefers it that way, I will accept the amendment, but it would be much better for the Government's property to have these improvements made at once.

Mr. PAYNE. Now, if the gentleman will amend his bill so as to direct that the proceeds of this sale shall be turned into the Treasury, I shall not object to its consideration.

Mr. LOUD. Mr. Speaker, I would suggest that if the Government has any land, or any claim, left in Arkansas, we ought to turn it over immediately to the State or to the city. If there is anything left, I think Arkansas ought to have it. [Laughter.]

Mr. LITTLE. Arkansas is asking nothing in this case except the removal of an antiquated wall which has been there for fifty years, which blockades travel, and is an obstacle to good sanitary arrangements. Its removal has been recommended by all the court officials as well as by the city officials.

Mr. LOUD. About every week since I have been in Congress some gentleman from Arkansas has been asking for a United States reservation, or something of that kind. [Laughter.]

Mr. LITTLE. This "gentleman from Arkansas" has been asking for this bill quite persistently.

Mr. LOUD. And others.

Mr. LITTLE. No; not any donation.

Mr. LOUD. I think it would be much cheaper for us to turn over every claim the Government has in Arkansas to the State.

Mr. LITTLE. I will vote for that. [Laughter.]

Mr. PAYNE. If that had been done twenty years ago, it might have been the best course, but now it is too late. I have suggested an amendment to the bill, which I ask the Clerk to report.

The Clerk read as follows:

> Amend the last paragraph of the amendment by striking out lines 15, 16, 17, 18, 19, 20, and 21, being the last paragraph, and insert the following:
>
> "The fund arising from the sale of said lots shall be turned into the Treasury to the credit of the United States."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

Mr. RINAKER. Mr. Speaker, does that take out the provision for the paving?

Mr. LITTLE. It takes out the entire matter of improvements.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House bills of the following titles, with amendments of the Senate thereto; which were severally read, and the Senate amendments concurred in:

A bill (H. R. 1104) granting a pension to Isaac M. Williams;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 10040) granting a pension to George W. Ferree;

A bill (H. R. 5981) granting a pension to Elihu Jones; and

A bill (H. R. 5820) granting an increase of pension to Greenville Puckett.

ELIZABETH WELLANDS.

The SPEAKER also laid before the House a bill (H. R. 8898) to increase the pension of Elizabeth Wellands, with an amendment of the Senate thereto.

The bill was read.

The Senate amendment was read, as follows:

> Line 5, after the words "widow of," insert "William S. Wellands."

Mr. CRISP. Mr. Speaker, I move to concur in the Senate amendment. Its effect is merely to better identify the beneficiary.

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. LOUD. If that completes the business on the Speaker's table, I call for the regular order.

The SPEAKER. The regular order is the call of committees for business in the morning hour, and the Clerk will proceed with the call.

The Committee on Patents was called.

INFRINGEMENT OF LETTERS PATENT.

Mr. MITCHELL. Mr. Speaker, I am instructed by the Committee on Patents to call up for consideration at this time the bill (H. R. 10202) defining the jurisdiction of United States circuit courts in cases brought for the infringement of letters patent.

The SPEAKER. The bill will be read.

The bill was read, as follows:

> *Be it enacted, etc.*, That in suits brought for the infringement of letters patent the circuit courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business. If such suit is brought in a district of which the defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought.

Mr. DOCKERY. Mr. Speaker, is that bill reported by the Committee on Patents?

Mr. MITCHELL. It is. I would like to have the report read as a part of my remarks.

The SPEAKER. The Chair will state to the gentleman from Missouri that the bill is reported from the Committee on Patents.

Mr. DOCKERY. I would respectfully suggest to the Chair that the bill should have been considered by the Committee on the Judiciary. Evidently, from its reading, that committee would have had jurisdiction of it.

The SPEAKER. It is reported, however, by the Committee on Patents.

Mr. DOCKERY. Manifestly there was an improper reference of the bill.

The SPEAKER. The Chair has not examined the bill with reference to that fact, but, if the reference is improper, this is not the time to correct it.

Mr. DOCKERY. That may be true under the rule.

But a further query. I would like to ask whether or not this is called up by the direction of the committee?

The SPEAKER. The Chair would ask the gentleman from New York whether this is called up by direction of the Committee on Patents in the morning hour?

Mr. MITCHELL. I was directed at the first opportunity, on the call of committees, to bring the bill up for consideration. It is a bill relating specifically to the patent law.

I ask to have the report read as a part of my remarks.

The report (by Mr. MITCHELL) was read, as follows:

> The Committee on Patents, to whom was referred the bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent, have carefully considered the same and report it favorably.
>
> This bill seeks to define the jurisdiction of the courts in patent suits and to remove the uncertainty which now arises as to such jurisdiction by reason of the conflicting decisions of the various circuit courts. It further facilitates the bringing of suits in the place of business of the parties interested. It is in the interest of all and against the interest of none.
>
> The committee therefore recommend its passage.

Mr. MITCHELL. I yield to the gentleman from Iowa [Mr. LACEY] such time as he may desire.

Mr. LACEY. Mr. Speaker, I introduced this bill at the suggestion of a number of gentlemen who live in the Northwest, and who have interest in patent rights that are frequently infringed in distant localities, and yet the sales of the patented articles so infringed are largely, or mainly, made in the vicinity where the owners of the patent happen to be located. For instance, the manufactory may be established at some distant point and the office where the goods are sold is opened in Chicago or in St. Louis or some other distant city. They have a permanent place of business at either city, and yet no relief can be had in the courts where the infringement is mainly carried on.

The main purpose of the bill is to give original jurisdiction to the court where a permanent agency transacting the business is located, and that business is engaged in the infringement of the patent rights of some one who has such rights anywhere in the United States.

Jurisdiction would be had thus in Chicago, St. Louis, or any Western city if the manufacturer is established there, or if there is a permanent agency there, but not otherwise. It provides that the court shall have jurisdiction in the district of which the defendant is an inhabitant, and that is the existing law now, or—

> In any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business.

That is all there is of it. Isolated cases of infringement would not confer this jurisdiction, but only where a permanent agency is established.

I yield back the remainder of the time to the gentleman from New York.

Mr. MITCHELL. Mr. Speaker, the necessity for this law grows out of the acts of 1887 and 1888 which amended the judiciary act. Conflicting decisions have even arisen in the different districts in the same States as to the construction of these acts of 1887 and 1888, and there is great uncertainty throughout the country as to whether or not the act of 1887 as amended by the act of 1888 applied to patent cases at all.

The bill is intended to remove this uncertainty and to define the exact jurisdiction of the circuit courts in these matters.

The committee have been extremely careful in the investigation of the matter before reporting the bill.

As the bill was referred to me, I wrote to a great many patent lawyers in different parts of the country, in order to get their views and objections, if any, and I find that they are all unanimously in favor of the bill as it is now reported, and state that it would tend not only to define the jurisdiction of the circuit courts not now defined, but also limit that jurisdiction and so clearly define it that in the future there will be no question with regard to the application of the acts of 1887 and 1888.

Mr. PAYNE. I should like to ask the gentleman what conflicting decisions there are that are to be remedied by this bill?

Mr. MITCHELL. We have in New York the case of Halstead *vs.* Manning, Bowman & Co., which was decided April 13, 1888 (34 Fed. Rep., 565), in which Judge Wallace renders a decision that prior to the act of 1887 the defendant could have been sued there "if found." In other words, that the foreign corporation could have been sued "if found" within the jurisdiction, but the defendant can no longer be sued outside of the district of which he is an inhabitant. Then we find, for instance, the case of Smith *vs.* The Sargent Manufacturing Company, May 18, 1895, where Judge Wheeler holds that the acts of 1887 and 1888 do not apply to suits for infringement of patent, and such suits may be brought wherever service can be had.

We also have in the district of Massachusetts decisions by Judge Colt in several cases holding that the act of 1888 applies to patent cases and that a foreign corporation can not be sued is his district,

and we have in the districts of Ohio and California decisions exactly to the contrary, namely, that in patent cases it is no objection to the jurisdiction that one of the defendants is a citizen of another State.

The following tables of cases show the conflict of decisions in detail:

Circuit courts holding that the laws of 1887, as amended by the laws of 1888 (giving jurisdiction to United States circuit courts), apply to patent cases.

FIRST CIRCUIT.

District of Massachusetts:
  National Typewriter Company *vs.* Pope Manufacturing Company. July 5, 1893. 56 Fed. Rep., 849. Colt, circuit judge.
    Holds: Under recent decisions of the Supreme Court, a foreign corporation can not be sued for infringement of patent in this district.
  Donnelly *vs.* United States Cordage Company. March 16, 1895. 66 Fed. Rep., 613. Colt, judge.
    Follows Shaw *vs.* Mining Company.
  Gorham Manufacturing Company *vs.* Watson. May 20, 1896. 74 Fed. Rep., 418. Colt, circuit judge.
    Follows Donnelly *vs.* United States Cordage Company, supra.

SECOND CIRCUIT.

Southern district of New York:
  Halstead *vs.* Manning, Bowman & Co. April 13, 1888. 34 Fed. Rep., 565. Wallace, circuit judge.
    Prior to act of 1887 the defendant could have been sued here, if "found," but * * * defendant can no longer be sued outside the district of which he is an inhabitant.
Northern district of New York:
  Adriance Platt & Co. *vs.* McCormick Harvesting Manufacturing Company. October 13, 1892. 55 Fed. Rep., 287. Wallace, circuit judge.
  Follows ruling Shaw *vs.* Mining Company, 145 U. S., 444.

SIXTH CIRCUIT.

Southern district of Ohio:
  Miller Magee Company et al. *vs.* Carpenter. February 29, 1888. 34 Fed. Rep., 433. Jackson, judge.
    Holds: Neither Revised Statutes United States, section 711 nor section 739, was repealed by act of 1875 nor by act of 1887, which only amends former acts.

SEVENTH CIRCUIT.

District of Illinois:
  Gormully & Jeffery Manufacturing Company *vs.* Pope Manufacturing Company. May 14, 1888. 34 Fed. Rep., 818. Blodgett, judge.
    Holds: No jurisdiction in patent case for infringement by Illinois corporation against Connecticut corporation doing business in Illinois.
  Preston *vs.* Fire Extinguisher Company. November 5, 1888. 36 Fed. Rep., 721. Blodgett, judge.
    Holds: New York corporation doing business in Illinois can not be sued in Illinois.
  Bicycle Stepladder Company *vs.* Gordon. September 11, 1893. 57 Fed. Rep., 529. Jenkins, circuit judge.
    Follows ruling in Shaw *vs.* Mining Company, 145 U. S., 446.

EIGHTH CIRCUIT.

Eastern district of Missouri:
  Reinstadler *vs.* Reeves. December 30, 1887. 33 Fed. Rep., 308. Thayer, judge.
    Holds: Bill to restrain infringements in Missouri against a citizen of Indiana can not be maintained.
Southern district of Iowa:
  McBride *vs.* Grand de Tour Plow Company. October 18, 1889. 40 Fed. Rep., 162. Shiras, judge.
    Holds: Had the defendant company (Illinois corporation), when it was first sued by Iowa complainant, raised the question of jurisdiction, "it may be its contention would have been sustained."

NINTH CIRCUIT.

Northern district of California:
  Cramer *vs.* Singer Manufacturing Company. November 27, 1893. 59 Fed. Rep., 74. McKenna, circuit judge.
    Quotes act of 1888 and follows Shaw *vs.* Mining Company, supra.

Circuit courts holding that the laws of 1887, as amended by laws of 1888 (giving jurisdiction to United States circuit courts), do not apply to patent cases.

SECOND CIRCUIT.

Southern district of New York:
  Smith *vs.* Sargent Manufacturing Company. May 18, 1895. 67 Fed. Rep., 801. Wheeler, district judge.
    Holds: That acts of 1887 and 1888 do not apply to suits for infringement of patents, and such suits may be brought wherever personal service can be had; and quotes In re Hohorst, 150 U. S., 653.
  National Button Works *vs.* Wade. February 1, 1896. 72 Fed. Rep., 298. Lacombe, circuit judge.
    Refers to act of 1887 and to In re Hohorst, 14 Superior Court, 221; 150 U. S., 653; and doubts whether distinction raised In re Hohorst can be sustained in view of later decision of United States court In re Keasbey *vs.* Matheson.
  (Contra. Townsend, district judge, January 23, 1895.)

SIXTH CIRCUIT.

Southern district of Ohio:
  Noonan *vs.* Chester Park Athletic Club. June 23, 1896. 75 Fed. Rep., 334. Sage, district judge.
    Holds: In patent cases it is no objection to the jurisdiction that one of the defendants is a citizen of another State and district than that in which suit is brought, citing In re Hohorst and In re Keasbey.

NINTH CIRCUIT.

Northern district of California:
  Earl *vs.* Southern Pacific Company. August 17, 1896. 75 Fed. Rep., 609. Morrow, district judge.
    Acts of 1887–88 do not apply to patent suits, quoting In re Hohorst and In re Keasbey *vs.* Matheson.

Mr. PAYNE. That would be covered entirely by a law providing that suits might be brought wherever the defendant could be found or wherever he has a residence. In order to get rid of these conflicting decisions it would not be necessary to go further than that, but, as I understand the bill, it not only provides for that, but also that a suit may be brought in any jurisdiction where the defendant has an established place of business, by leaving the subpœna of the court at his place of business.

Mr. LACEY. Not unless the acts of infringement were also committed in that jurisdiction.

Mr. PAYNE. If these two things concur?

Mr. LACEY. Yes.

Mr. PAYNE. Of course that part of it is not necessary in order to avoid the conflicting decisions of the courts, but there seems to be some other object to be obtained by extending it to that class of cases. Now, if my colleague will allow me, I am not able to see why cases of infringement of patents should be taken out of the law and a special rule adopted as to them. I do not see but what the remedy that is good for one citizen in a particular class of cases should be good for all citizens in all classes of cases, so far as jurisdiction and the commencement of the action are concerned. If this bill simply went to the extent of providing that in all cases the courts might obtain jurisdiction by a personal service of the process of the court within the Territory, or in cases of attachment or cases of that kind, in the Territory where the person resided or was an inhabitant, I should not object to it, but the idea of going still further than that and giving the court jurisdiction where a man has a place of business at which it is claimed that he had sold some patented article which infringed the rights of some patentee, it seems to me is going too far and making an exception in patent cases that does not obtain in any other case, and to which it is not proposed to extend it in any other case of the violation of private rights. It seems to me that it is going too far.

Mr. MITCHELL. In answer to the remarks of my learned colleague from New York, I would state that I think he will find, on a careful examination of this bill as it is reported, that it does not extend, but on the contrary that it defines, the jurisdiction of the courts, and places all in the same category and clears an omission in the act of 1887–88.

Mr. PAYNE. Does the gentleman claim that under the present law an action could be brought where the defendant simply had a principal place of business and the act of infringement was committed in the same jurisdiction? Does the gentleman claim that an action would lie or could be brought there against the defendant without personal service of the process upon him within that jurisdiction?

Mr. MITCHELL. I do not think the gentleman clearly understands the effect of this bill. It says:

> That in suits brought for the infringement of letters patent the circuit courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business.

And further provided—

> If such suit is brought in a district of which defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought.

Mr. PAYNE. They could not now commence an action within the jurisdiction named under the last clause.

Mr. MITCHELL. There was an amendment which was suggested, that the word "and," in line 8, should be stricken out and the word "or" substituted for it. We are not in favor of that, because then the reading of this would be that the defendant would be sued either where he committed the act of infringement or where he had a place of business.

Mr. PAYNE. I understand that the two things must concur now.

Mr. MITCHELL. So that in this case you have the party who is charged with committing the wrong sued in the district in which he has committed the act of infringement, and in which he has a place of business. Under the line of decisions which permit his being sued anywhere "if found," this act makes it easier for the defendant, and really limits to that extent the jurisdiction of the court; for instance, Halstead *vs.* Manning, Bowman & Co., Adriance Platt & Co. *vs.* McCormick Harvesting Company, supra.

Mr. PAYNE. In a decision up to date is it not held that he would not be amenable to the jurisdiction of a court in a territory in which he had a principal office and had committed an infringement of patent?

Mr. MITCHELL. Judge Wallace has held in this decision that the defendant may be sued wherever he may be found.

Mr. PAYNE. Certainly; that is a different thing. That is the personal service on him. You are extending it in this case.

Mr. MITCHELL. Well, I do not see that there is an extension of the provisions of the law. The trouble has arisen in this matter that under the act of 1888 some of the courts were uncertain whether or not the law did or did not apply to patent cases, and therefore this special bill relating to patents solely has been brought up because of the indefiniteness and uncertainty arising from different constructions of the act of 1888 as applied to patent cases.

Mr. PAYNE. Why, if you do not mean anything, why not have it wherever a man be found, by serving personal process upon him or in the territory where he resides. You go beyond that, and extend it to territory wherever he is found, not an inhabitant or a resident, but where he has a business office, and has committed, through agents or otherwise, an infringement.

Mr. MITCHELL. At the request of the gentleman from Iowa, I will yield to my friend from Iowa.

Mr. LACEY. Mr. Speaker, I understand the bill does mean something. It means that where there is an established place of business and an infringement——

Mr. PAYNE. I agree with you about that.

Mr. LACEY. Jurisdiction may be had there. That is one of the purposes of the bill. There is no question about that, and there ought to be a law of that character. We have now a law by which, if an insurance company shall have an agency and transact business in some other State, jurisdiction may be had in regard to business growing out of the transactions of that agency; and so as to carriers performing service in any State and having permanent place of business there, they may be sued there. There is no reason why as broad a jurisdiction should not be had in cases of patents, if infringers open up a permanent place of business—commence their business at that place. Why not give the court jurisdiction to try that case where the individual resides, where the witnesses are? Should not the local court have control of the matter, with the strong arm of the law on the one hand and the restraining power of a court of equity on the other? Because this necessity arose we have this bill. Very frequently an infringing agency is the principal place of business. When the party defendant who nominally infringes the patent lives in one place, but the real place where the business is carried on is at another, at present the place of the defendant's residence alone gives jurisdiction. Business is going West, and a little plant on the seaboard often grows into a tremendous institution when it goes to Chicago and the great interior places where the population resides; and to deprive the courts of that community of jurisdiction would work hardship by reason of the expense that it would cause of having to take depositions or transport witnesses a thousand miles in the trial of a case. Why not have the trial where the transaction occurs? The jurisdiction under this bill only applies to the permanent place of business, or where the business is in existence.

Mr. DALZELL. Why not have a man punishable at the place where he commits the wrong?

Mr. LACEY. Why not?

Mr. DALZELL. The same principle applies, precisely.

Mr. LACEY. The principle is the same. I reserve the balance of my time.

Mr. PAYNE. The gentleman from Iowa has withdrawn the principal argument raised by my colleague from New York, and also in the report, that this does not extend the present law, but was simply a little innocent bill, seeking to give right effect to a decision of a court. My friend from Iowa puts this on a higher ground, that this is a great contest of localities, the growing West against the East.

Mr. DALZELL. The "effete East."

Mr. PAYNE. Which is gradually becoming so and dying out, and all that sort of thing. The West is really the equal of the East in this matter.

Mr. DALZELL. You do not controvert that.

Mr. PAYNE. How can I controvert anything said by my friend from Iowa, after he has laid it down in the manner he has. I remember a contest in this House a few years ago, which was also a contest of the West against the East, in reference to patent matters; and there the West was trying to deprive the owner of the patent of any remedy whatever. I think the provision was that, unless the amount of damages awarded should exceed $25 in each case, the unfortunate individual who owned the patent was to be mulcted in costs, so that in most cases the costs would probably be equal to or greater than the amount of damages. It appeared to be held then—I suppose it was a sort of wild Western idea—that a man who owned a patent was a kind of robber who was inflicting injury on his neighbors in the West, collecting money that he ought not to have, and that he ought to be deprived of all legal remedy.

Mr. DALZELL. Does the gentleman recollect whether our friend from Iowa [Mr. HENDERSON] had any part in that movement?

Mr. PAYNE. I think my friend [Mr. HENDERSON] was right in with those who took that ground. [Laughter.]

Mr. HENDERSON. Surely the statute of limitation runs on that. [Laughter.]

Mr. PAYNE. Now, I welcome this bill as evidence of a change of heart. I am glad to see that it recognizes the right of property in patents, and while I think the bill travels, perhaps, a little out of the way and puts the owner of a patent in a little better position than the owner of any other kind of property, yet, when I observe the change that has come over the spirit of our Western friends in this regard, on the whole I welcome this bill, and the last exception of the gentleman from Iowa, showing that this is a sectional matter, induces me to vote against my own section and in favor of his. [Laughter.]

Mr. MITCHELL. Mr. Speaker, I am very glad that I withdrew the demand for the previous question. I now ask for the previous question, and I also ask leave to print further remarks in relation to the cases which I have here.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The call of committees was completed.

ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker, I am requested to ask unanimous consent of the House to consider the bill which I send to the desk.

The SPEAKER. The Chair does not recognize the gentleman for that purpose. [Laughter.] The gentleman from New York [Mr. DANIELS] is recognized.

DIGEST OF ELECTION CASES.

Mr. DANIELS. Mr. Speaker, the Committee on Elections No. 1 have unanimously adopted the resolution which I send to the desk and recommend its adoption by the House. I have here and will send to the desk what is substantially a repetition of it, a resolution to be adopted by the House providing for the publication of a digest of the election cases heard and decided in the Fifty-third and Fifty-fourth Congresses. It is estimated that about two fair-sized volumes will be required to contain all the cases. Some very important questions have been disposed of from time to time by the House in these cases, and such a digest can not fail to be of great value hereafter in the determination of election cases where similar principles will be involved, as they necessarily must be in such contests. I now send to the desk the resolution which I propose to have adopted by the House to carry into effect the resolution of the Committee on Elections.

The Clerk read the resolution, as follows:

Resolved, That the resolution by the Committee on Elections No. 1 for digesting the election cases heard and decided by the House of Representatives of the Fifty-third and Fifty-fourth Congresses, and reported by the Election Committees to the House of Representatives, be, and the same is hereby, adopted.

Mr. DANIELS. Now, I ask the Clerk to read the resolution therein referred to.

The Clerk read as follows:

Resolved, That there be made, printed, and bound, a digest of the election cases heard and decided by the Fifty-third and Fifty-fourth Congresses of the United States, consisting of a concise statement of each case, the report made by the Committee on Elections thereon, and the final action of the House thereon, together with an accurate and complete index of the same, to be prepared by William A. Martin, clerk to the Committee on Elections No. 1, for which, and for the necessary preparation and superintendence thereof, there shall be paid said William A. Martin, by the Clerk of the House, out of the contingent fund, the sum of $2,000; said sum to be paid when the manuscript of the work shall have been delivered to the Public Printer, who shall furnish for the use of the House the usual number, viz, 1,097 copies for each of the above-named Congresses.

This resolution was adopted by the Committee on Elections No. 1, and its adoption by the House was unanimously recommended.

CHARLES DANIELS, *Chairman*.

Mr. BAILEY. Mr. Speaker, I think that would be a complete waste of the public money.

Mr. RICHARDSON. I suggest to the gentleman from New York that his resolution would not accomplish the object anyway. It is a simple House resolution, and the House alone can not order printing to exceed $500 in cost, so that the resolution, if passed, would be void.

Mr. BAILEY. And if the work were done it would be worse than void.

The SPEAKER. Is there objection to the present consideration of these resolutions?

Mr. BAILEY. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

At the request of Mr. ANDREWS, to Mr. HAINER of Nebraska, on account of sickness.

At the request of Mr. MOODY, to Mr. GILLETT of Massachusetts, on account of sickness.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 8 o'clock this evening, to meet then under the special order.

Mr. MILNES. Mr. Speaker, I suppose the motion to take a recess is with the idea of having a pension session this evening.

Mr. PAYNE. Yes.

Mr. MILNES. Well, I believe it will be entirely impossible to do anything this evening. We accomplished nothing last evening. I move, therefore, that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker declared that the noes seemed to have it.

Mr. MILNES. I ask for a division.

The House divided; and there were—ayes 51, noes 72.

So the House refused to adjourn.

Mr. PAYNE. Mr. Speaker, pending the motion for a recess, I ask unanimous consent that the business under special order for this evening commence now and run until 5 o'clock p. m., and that the order for the evening session be vacated.

There was no objection, and it was so ordered.

[Applause.]

The SPEAKER. The regular order is the unfinished business.

HANNAH E. RODGERS.

The first unfinished business was the bill (H. R. 1832) granting a pension to Hannah E. Rodgers.

Mr. CROWTHER. I ask unanimous consent that this bill be passed over without prejudice, retaining its place on the Calendar.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

ELLEN DAY.

The next unfinished business was the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The bill was read.

The SPEAKER. This is a bill laid aside on a previous day upon a demand for the engrossed copy of the bill. The engrossed bill has now been read. The question is on its passage.

The bill was passed.

On motion of Mr. BROMWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAROLINE WILKINSON.

The next unfinished business was the bill (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read.

Mr. LOUDENSLAGER. I ask that this bill be laid aside.

There being no objection, it was so ordered.

RACHEL WADDELL.

The next unfinished business was the bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill, together with the amendments reported by the Committee of the Whole, was read.

Mr. MILNES. This bill belongs to the same class as the one just laid aside. I ask that this also be laid aside.

Mr. ANDERSON. I object.

Mr. LOUDENSLAGER. Then I move that the bill be laid aside.

The motion was agreed to.

WILLIAM N. WELLS.

The next unfinished business was the bill (H. R. 6268) to increase the pension of William N. Wells.

The bill was read.

The SPEAKER. This is an engrossed bill which has been read. The question is on its passage.

The bill was passed.

JOHN J. CROSS.

The next unfinished business was the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read.

The SPEAKER. This is an engrossed bill which has been read. The question is now on its passage.

The bill was passed.

MARY L. TWEDDLE.

The next unfinished business was the bill (H. R. 5793) granting a pension to Mary L. Tweddle.

The bill was read.

Mr. TALBERT. I ask for the reading of the report.

The report was read.

Mr. TALBERT. Mr. Speaker, as has been shown by the reading of the report, the husband of this woman was not considered as having any pensionable rate at the Pension Bureau. Then, again, this woman married after the act of June 29, 1890, which specially provided that no marriage after that act should entitle the widow to a pension. It seems, therefore, that the passage of this bill would be in direct violation of specific and definite law. The question is whether this House will abide by the law in this case or override it. I move that the bill be laid on the table.

The motion was agreed to.

ANTON ERNST.

The next unfinished business was the bill (H. R. 8975) to remove the charge of desertion from the military record of Anton Ernst.

The bill was read.

The SPEAKER. The question is on ordering this bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were, on a division (called for by Mr. TALBERT)—ayes 50, noes 2.

Mr. TALBERT. No quorum.

The SPEAKER proceeded to count the House.

Mr. TALBERT (before the result of the count was announced). Mr. Speaker, I have no disposition to block business. If the gentleman in charge of this bill will allow it to be passed over without prejudice, I am perfectly willing. This is not a meritorious bill.

The SPEAKER. There is a quorum present. The ayes have it; and the bill is passed.

HARRIET M. KNOWLTON.

The next unfinished business was the bill (S. 719) to restore a pension to Harriet M. Knowlton.

The bill was read.

The SPEAKER. This is a Senate bill, and the question is on ordering it to a third reading.

Mr. ERDMAN. I ask for the reading of the report.

The report was read.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. TALBERT. I move that the bill be laid on the table. One similar to this—the case of a remarried widow—was laid on the table.

The question being taken on the motion to lay the bill on the table, it was rejected; there being—ayes 27, noes 49.

The bill was then passed.

PETER ANDERSON.

The next unfinished business was the bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans.

The bill, with the amendments reported from the Committee of the Whole House, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title of this bill, as recommended by the committee, will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes; and

Joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAFFERY, Mr. NELSON, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the President of the United States having returned to the Senate, in compliance with its request, the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," the Senate had proceeded to reconsider said bill, and had resolved that it had disagreed to the amendments of the House of Representatives to said bill, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. BERRY, and Mr. CARTER as the conferees on the part of the Senate.

WASHINGTON BAKER.

The next unfinished business was the bill (H. R. 4517) granting a pension to Washington Baker, reported from the Committee of the Whole with amendments.

Mr. ERDMAN. Mr. Speaker, I ask that the report in that case be read.

The report was again read.

The amendments were concurred in, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN M. LAUGHLIN.

The next unfinished business was the bill (H. R. 7688) for the relief of John M. Laughlin, reported from the Committee of the Whole with an amendment.

The amendment was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HENRY O. HYRE.

The next unfinished business was the bill (H. R. 7079) to increase the pension of Henry O. Hyre, reported from the Committee of the Whole with an amendment.

The amendment was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time: and it was accordingly read the third time. and passed.

SOLOMON KLINE.

The next unfinished business was the bill (H. R. 7073) to increase the pension of Solomon Kline, reported from the Committee of the Whole with an amendment.

Mr. ERDMAN. I ask for the reading of the report in that case.

The report was again read.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAM C. ESTILL.

The next business reported from the Committee of the Whole was the bill (H. R. 6497) granting a pension to William C. Estill, with the recommendation that the bill do lie on the table.

The question was taken; and the recommendation of the committee was concurred in.

The bill was accordingly laid on the table.

GEORGE F. MILLER.

The next unfinished business was the bill (H. R. 2153) to amend the military record of George F. Miller, reported from the Committee of the Whole with an amendment.

Mr. TALBERT. I would ask to have the report in that case read.

The report was read at length.

Mr. TALBERT. I move that that bill lie on the table.

The question was taken; and on a division (demanded by Mr. Talbert) there were—ayes 9, noes 50.

Mr. TALBERT. No quorum.

The SPEAKER (having counted the House). One hundred and seventy-four members are present: not a quorum.

Mr. TALBERT. I am not trying to block legislation. If the committee will withdraw the bill, I will withdraw the point.

The SPEAKER. It is not possible for the gentleman to withdraw it after the count.

Mr. TALBERT. I am only desirous of getting rid of these outrageous bills——

The SPEAKER. The gentleman is not in order.

Under the rules, the previous question will be considered as ordered, and the yeas and nays will be taken. The Clerk will call the roll.

The Chair will state that members who are present and desire to vote either for or against the proposition will be so recorded. Those who desire to be simply recorded as present will so respond. The doors will now be closed, and the Clerk will call the roll.

Mr. TALBERT. I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBERT. I would like to ask if the vote is not now to be taken on the motion to lay on the table?

The SPEAKER. That is the question.

The question was taken; and there were—yeas 51, nays 143, not voting 161; as follows:

YEAS—51.

Abbott,
Adams,
Allen, Miss.
Avery,
Bailey,
Bankhead,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Tex.
Clardy,
Cobb,
Cooper, Tex.
Cox,
Crisp,
Culberson,
Cummings,
Dinsmore,
Dockery,
Erdman,
Harrison,
Howard,
Huff,
Kleberg,
Kyle,
Latimer,
Linney,
Little,
Maddox,
Maguire,
Martin,
McCreary, Ky.
McCulloch,
McLaurin,
McMillin,
McRae,
Money,
Neill,
Ogden,
Owens,
Pendleton,
Richardson,
Robertson, La.
Shuford,
Steele,
Strowd, N. C.
Talbert,
Tate,
Terry,
Williams,
Woodard,
Yoakum.

NAYS—143.

Aldrich, T. H.
Aldrich, W. F.
Anderson,
Andrews,
Apsley,
Atwood,
Baker, N. H.
Barham,
Barney,
Barrett,
Bell, Colo.
Bishop,
Blue,
Brewster,
Bromwell,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Chickering,
Clark, Iowa
Clark, Mo.
Codding,
Connolly,
Cook, Wis.
Cousins,
Crowther,
Dalzell,
Danford,
Daniels,
De Witt,
Dovener,
Draper,
Eddy,
Ellis,
Evans,
Fenton,
Fischer,
Fletcher,
Fowler,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Griffin,
Griswold,
Grow,
Hart,
Hatch,
Heatwole,
Henry, Conn.
Henry, Ind.
Hermann,
Hilborn,
Hill,
Hopkins,
Howe,
Howell,
Hubbard,
Hulick,
Hunter,
Hurley,
Jenkins,
Kerr,
Kirkpatrick,
Knox,
Lacey,
Layton,
Lefever,
Leighty,
Leisenring,
Lewis,
Linton,
Lorimer,
Loudenslager,
Low,
Mahany,
McClellan,
McEwan,
McLachlan,
Meiklejohn,
Mercer,
Miller, Kans.
Milnes,
Mitchell,
Mondell,
Moody,
Mozley,
Murphy,
Murray,
Newlands,
Noonan,
Parker,
Payne,
Pearson,
Perkins,
Phillips,
Poole,
Prince,
Pugh,
Quigg,
Robinson, Pa.
Royse,
Russell, Conn.
Scranton,
Shafroth,
Sherman,
Simpkins,
Snover,
Sorg,
Southard,
Spalding,
Sperry,
Stahle,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Sulzer,
Taft,
Tawney,
Tayler,
Tracey,
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Warner,
Watson, Ohio
Wellington,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wood,
Woodman,
Woomer,
Wright.

NOT VOTING—161.

Acheson,
Aitken,
Aldrich, Ill.
Allen, Utah
Arnold, Pa.
Arnold, R. I.
Babcock,
Baker, Kans.
Baker, Md.
Bartholdt,
Beach,
Belknap,
Bennett,
Berry,
Bingham,
Black,
Boatner,
Boutelle,
Bowers,
Broderick,
Brosius,
Brown,
Brumm,
Buck,
Bull,
Cannon,
Catchings,
Clarke, Ala.
Cockrell,
Coffin,
Colson,
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Corliss,
Cowen,
Crowley,
Crump,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dayton,
De Armond,
Denny,
Dingley,
Dolliver,
Doolittle,
Ellett,
Fairchild,
Faris,
Fitzgerald,
Foote,
Foss,
Gillett, Mass.
Goodwyn,
Graff,
Grosvenor,
Grout,
Hadley,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Hanly,
Hardy,
Harmer,
Harris,
Hartman,
Heiner, Pa.
Hemenway,
Henderson,
Hendrick,
Hepburn,
Hicks,
Hitt,
Hooker,
Huling,
Hull,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kendall,
Kiefer,
Kulp,
Lawson,
Leonard,
Lester,
Livingston,
Long,
Loud,
Mahon,
Marsh,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClure,
McCormick,
McDearmon,
Meredith,
Meyer,
Miles,
Miller, W. Va.
Milliken,
Miner, N. Y.
Minor, Wis.
Morse,
Moses,
Northway,
Odell,
Otey,
Otjen,
Overstreet,
Patterson,
Pickler,
Pitney,
Powers,
Price,
Raney,
Ray,
Reeves,
Reyburn,
Rinaker,
Rusk,
Russell, Ga.
Sauerhering,
Sayers,
Settle,
Shannon,
Shaw,
Skinner,
Smith, Ill.
Smith, Mich.
Southwick,
Sparkman,
Spencer,
Stallings,
Stone, C. W.
Stokes,
Strait,
Swanson,
Thomas,
Thorp,
Towne,
Tracewell,
Treloar,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Wanger,
Washington,
Watson, Ind.
Wheeler,
White,
Wilber,
Wilson, S. C.

So the motion that the bill lie on the table was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. McCall of Massachusetts with Mr. Jones.

For the remainder of this day:

Mr. Huling of West Virginia with Mr. Moses.

The following members were recorded as present:

Messrs. Baker of Kansas, Belknap, Boatner, Broderick, Coffin, Cooper of Florida, Denny, Fowler, Hanly, Hemenway, Johnson of Indiana, Johnson of North Dakota, Kem, Kendall, Lawson, Leighty, Loud, McCall of Massachusetts, McCall of Tennessee, Minor of Wisconsin, Price, Smith of Illinois, Miller of West Virginia, Sparkman, and Washington.

The result of the vote was announced as above recorded.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from South Carolina demands the reading of the engrossed copy. The bill will have to be laid aside, and the Clerk will report the next bill.

NATHAN MITCHELL.

The next business considered was the bill (H. R. 5612) granting a pension to Nathan Mitchell.

The bill was read.

Mr. TALBERT. Let us have the report read.

The report (by Mr. Hardy) was read.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. LOUD. I should like to ask if this is one of those bills to pension a teamster. That is what it seems to be.

Mr. LOUDENSLAGER. Oh, no: I beg the gentleman's pardon——

Mr. LOUD. Well, perhaps there is even some question about his having been a teamster. I will admit that.

Mr. LOUDENSLAGER. He accompanied General Taylor's army from Corpus Christi to the Rio Grande. I will say to the gentleman from California [Mr. Loud].

Mr. LOUD. Of course the records show that this man never had any service, and all that the report claims is that he had charge of a body of teamsters, and some individual states that he served in a battle somewhere, but he does not seem to know where. That is about the substance of the report, is it not?

Mr. LOUDENSLAGER. The report sets forth his service as given by General Prevost, and also other affidavits which are on file. There is a letter of F. V. Britton, late an officer of the United States Army, dated Rancho, near Corpus Christi, Tex., January 7, 1859, in which he certifies that Mr. Mitchell was reported to him (Britton) at Fort Brown as having been placed in command of all unattached teamsters, convalescents, etc., for service in the defense of the fort, and that he (Mitchell) served faithfully in battle, as well as in every other situation his duties to the Government placed him.

Gen. D. E. Twiggs, late of the Army, also certifies, under date of December 18, 1858, to the fact of claimant's participation in the defense of Fort Brown. There is other evidence of the service.

While I can not recall all the affidavits on file, yet I know that the examination was full and satisfactory to the committee, and his war record was clearly made out.

Mr. LOUD. Does it not seem very strange to the gentleman who is chairman of a committee that deals with these cases, that there should be no record of a man who, it is claimed, was regularly enlisted and regularly discharged? Is not that assuming that there is no record of such an event, and that we must come here and present to Congress simply the affidavit of some individual whom nobody knows anything about to testify to the service?

Mr. LOUDENSLAGER. It may appear strange to the gentleman from California [Mr. Loud]——

Mr. LOUD. Well, yes, it does.

Mr. LOUDENSLAGER. The gentleman from Texas [Mr. Noonan] introduced this bill. Perhaps he is more conversant with the facts than I am.

Mr. NOONAN. The bill, as presented, is, in my judgment, a meritorious one. I think the report of the committee can be verified and has been verified in many ways. This man is entitled to the pension that he asks. He really acted as an officer in that campaign. The gentleman from California [Mr. Loud] asks why the records do not show that. Now, I have no personal experience in the matter; but I am told by those who were there that in the time of the Mexican war, and especially on the frontier of Texas, they were not always so particular about the keeping of records. He was at Fort Brown as a clerk in the first instance, and afterwards was designated to perform duty as a ranger, which he did. All those who are familiar with the condition of affairs there at that time verify what I have stated about the difficulty of obtaining precise records. I think gentlemen are hypercritical when they ask that these things be verified at this late day. It is true that he was not upon the muster roll; but he was designated to perform this duty and did perform it as directed by his superior officer, and his action was considered meritorious at that time by the officer in command. I think the House, in its discretion, which we are compelled to exercise in cases of this character, ought to grant what is asked for in this case. It is only $8 a month. The man is now nearly blind, and he performed the duty to which he was assigned by his superior. The man was a soldier and is entitled to this relief.

Mr. LOUD. I have not yielded the floor. I find in the report that in the spring of 1846 this man accompanied General Taylor's army from Corpus Christi, Tex., to the Rio Grande, in the capacity of forage master. Subsequently—and this is the only specially meritorious service that I find referred to in the report—it is stated that he had command of a lot of teamsters somewhere when the Mexican war was going on. Anybody who knows anything about the records of Government service knows that where a man was properly enlisted and properly discharged there must be a record of that event.

Now, even the War Department states emphatically that there is no record as to this man's service. The gentleman assumes to say that is not very strange, because that was a long time ago; yet permit me to say to-day that there is a most perfect record of any man who ever was legitimately in the service during the Revolutionary war. It is true that many cases are presented to Congress where men were called out for five or ten days in some imaginary emergency and that there is no record of their service; but I say it is a matter of impossibility, which the gentleman himself must well know, to erase by time any of the official records of the War Department. I do not know but what this is about as good a case as the average. I think, perhaps, it has a little more merit in the sympathetic line, because the gentleman is old; but that is the only merit—that this man wants it, and is old.

Mr. LOUDENSLAGER. Mr. Speaker, I am sure that the gentleman from California would not desire to mislead the House.

Mr. LOUD. No; I want to be perfectly frank and take the evidence we have.

Mr. LOUDENSLAGER. Still I am inclined to think that the selection by the gentleman of that portion of the report which he has read might mislead the House. It is true the beneficiary was connected with the Quartermaster's Department as forage master, but in the report, and but a few lines below, it makes a statement that he was mustered into the service as a private.

Mr. LOUD. But you can not prove that. That is simply a statement of your committee. You offer no evidence to prove that; and I say if he was mustered into the service, that it is impossible that the records of the War Department should not show that fact.

Mr. LOUDENSLAGER. If the gentleman will pardon me, I was about to show him how much proof was on file in regard to that statement.

Mr. LOUD. That is what I want.

Mr. LOUDENSLAGER (reading):

> He was mustered into the service as private of Capt. Sam H. Walker's company of scouts.

That company was ordered out on the bombardment of Fort Brown and entered into that eight days' engagement. Now, that statement of the committee and the report of the committee as made by the gentleman from Indiana [Mr. Hardy] are based upon the facts set forth in the letters of F. V. Britton, an officer of the United States Army, and are based upon his statement of the fact that that soldier was there.

Mr. LOUD. Do you know this officer?

Mr. LOUDENSLAGER. I do not know him.

Mr. LOUD. That is simply a statement of some individual that you know nothing about.

Mr. LOUDENSLAGER. Not at all.

Mr. LOUD. And you place against the most perfect records of the War Department simply the unsubstantiated statement of a person whom you do not know and have no knowledge of his existence.

Mr. LOUDENSLAGER. This is a declaration that he was an enlisted man. It does say he was mustered into the service at that special time and did perform service for his Government at the bombardment of that fort.

Mr. LOUD. That is, this eight days?

Mr. LOUDENSLAGER. That eight days' engagement.

Mr. LOUD. That would not entitle him to a pension in any event.

Mr. LOUDENSLAGER. I beg leave to state that he did more and longer service than that in that company of scouts.

Mr. NOONAN. Mr. Speaker, I am not familiar with the rules that prevailed at that time or the regulations of the War Department; but I do know, from my association with this man and those who acted with him, that he was a soldier and acted in that capacity. There was at that time an exigent necessity for some man to take command of these troops. This man was specially called upon, and this man did serve and receive the commendation of his officers. Every man who discharges duty of that kind in such an emergency is entitled to consideration when he applies for a pension.

Mr. LOUD. Where are those commendations? They do not seem to appear here.

Mr. NOONAN. The report is probably not as full as it might have been; but I know the man. He is an old, substantial citizen and was a soldier at that time. He discharged many arduous duties on that frontier. Now he is totally blind and he ought to have this pension. To refuse him $8 a month I think is getting hypercritical upon the question of pensions. I know him personally, and saw him.

Mr. LOUDENSLAGER. I desire to say to the gentleman from California that this statement is backed up by Gen. D. E. Twiggs.

Mr. LOUD. Who is he?

Mr. NOONAN. The gentleman, if he is familiar with the military records of the country, ought to know General Twiggs. At one time he commanded that department.

Mr. LOUD. I know, but he died a great many years ago, if I remember correctly.

Mr. LOUDENSLAGER. And his statement was made a great many years ago.

The bill was ordered to be engrossed and read a third time: and it was accordingly read the third time, and passed.

On motion of Mr. NOONAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. JULIA JONES DUNCAN.

The next unfinished business was the bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, reported from the Committee of the Whole.

Mr. ERDMAN. Mr. Speaker, if the report in that case is not very long, I desire to have it read.

The report was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WESLEY A. PLETCHER.

The next unfinished business was the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher, reported from the Committee of the Whole with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALBERT BROWN.

The next unfinished business was the bill (H. R. 7647) granting a pension of $30 per month to Albert Brown, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. HELEN A. DE RUSSY.

The next unfinished business was the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The question being taken on ordering the bill to be read a third time, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. MILNES. I ask for a division.

The House divided; and there were—ayes 41, noes 2.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GROTIUS N. UDELL.

The next unfinished business was the bill (H. R. 3605) granting a pension to Grotius N. Udell, reported from the Committee of the Whole with amendments.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grotius N. Udell, late of Company B, Sixth Regiment Iowa Infantry, and pay him a pension of $50 per month from and after the passage of this act, in lieu of the pension he is now receiving, for total inability to perform manual labor.

Mr. ERDMAN. I call for the reading of the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3605) granting a pension to Grotius M. Udell, late a private in Company D, Sixth Iowa Volunteer Infantry, having carefully examined all the facts and circumstances in evidence, submit the following report:

Soldier served from July 17, 1860, until January 5, 1863. He filed claim and was pensioned from January 6, 1863, at $8 per month, for seven gunshot wounds in right shoulder, right lung and arm, and results. His pension was increased to $18 per month from April 15, 1874, and increased to $24 a month from March 3, 1883, and increased to $36 a month commencing September 7, 1892. His claim for $50 a month was rejected January 23, 1886, for failure to show a degree of disability which would entitle him to $50 a month.

The evidence shows that the injuries from which the claimant suffers were received at the battle of Shiloh, April 6, 1862.

Drs. John W. Webb, A. W. Coleman, and W. A. Boyden, reputable citizens and excellent physicians of Denver, Colo., testify that claimant is totally disabled and helpless, and that he requires the constant attention of one person; and the board of examining surgeons, under date of September 7, 1892, say, after describing the wounds: "The claimant is so disabled from his three gunshot wounds and other injuries described as to be incapacitated for any manual labor. He requires the aid of another person in feeding and dressing himself. He requires frequent and periodical, though not regular and constant, aid and attendance of another person, and we recommend a rating of $50 intermediate between first and second grade."

In view of all the facts we believe him entitled to a pension of $50 per month. We therefore recommend that the bill be amended by inserting the word "private" between the words "late" and "of," in line 6, and by striking out the words "from and after the passage of this act," in line 8, and by striking out all words after the word "receiving," in the ninth line of said bill, and as so amended that the bill do pass.

The SPEAKER pro tempore. The question is on the amendments.

Mr. SHAFROTH. Mr. Speaker, I would like to ask to move that this bill be amended so as to grant a pension of $72 per month instead of $50 per month. Since the bill was reported by the committee this man has been stricken with paralysis so that his body and limbs are paralyzed and he requires the care and attendance of some person all the time. I have here two affidavits which substantiate these facts. Therefore I move that the bill be amended by striking out the word "fifty," in the seventh line, and inserting "seventy-two" in lieu thereof.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "fifty," in line 7, and insert in lieu thereof the words "seventy-two."

The SPEAKER pro tempore. The question is on the amendment.

Mr. RICHARDSON. Mr. Speaker, I would like very much, before the vote is taken, to hear the affidavits read.

The affidavits were read, as follows:

STATE OF COLORADO, *County of Arapahoe, ss:*

On this 10th day of February, 1897, personally appeared before me, R. Lee Bert, clerk and recorder within and for the county and State aforesaid, Joseph Anderson, a resident of Denver, in the county and State aforesaid, who, being duly sworn according to law, declares in relation to Grotius N. Udell, late first sergeant Company D, Sixth Regiment Iowa Infantry, as follows: I have been a regular practicing physician and surgeon during the past forty-four years, a larger portion of which time has been passed in practicing medicine and surgery in the vicinity of Denver, Colo., where I am now a regular practitioner in good standing. I was first called to make a professional examination of the claimant, Grotius N. Udell, on the 15th day of February, 1865, at Denver, Colo. I found a scar between the third and fourth ribs, front, and one back, just at the lower point of the scapula, on right side, with emphysema of right lung. I also found a scar between seventh and ninth ribs, right side, back of the million line, with point of exit, from the appearance, just below the ninth rib on left side, about one-quarter inch from spinal column, said scars said to have been caused by gunshot wounds received at the battle of Shiloh, Tenn. I also found partial paralysis of right arm, with considerable atrophy of the same; also partial paralysis of both legs, being unable to dress or undress himself, or to cut his food, the aforesaid paralysis being the result of said injuries, there being no other apparent cause. I also found two scars in the right nates, only flesh, the bone not being injured. I attended him professionally until on or about the 8th day of November, 1886. I was called and found the patient suffering from total paralysis of body and limbs, with brain badly affected, and totally helpless. He was unable to move, could swallow with extreme difficulty, and scarcely able to articulate. His condition has somewhat improved, but he is still unable to care for himself in any way, and at times his mind wanders and his brain becomes clouded. He requires the constant attendance of other persons, being wholly confined to his bed, except at brief intervals, when he is removed therefrom for sanitary purposes. I have attended him constantly since his last attack, and can say professionally that his case, that has been fully explained, is one that has required my constant attention, and one which seems to me to indicate that the patient will never again be able to use his limbs without the aid of crutches or other assistance, if at all. My post-office address is 317 Race street, and I have no interest direct or indirect in this claim, nor am I in any way related to the claimant.

JOSEPH ANDERSON, *M. D.*

Sworn to and subscribed before me this day, and I certify that the affiant was fully acquainted with the contents of the foregoing declaration before he executed the same, and that I have no interest direct or indirect in the prosecution of this claim.

[SEAL.]

R. LEE BERT,
County Clerk.
By M. HEWITT, *Deputy.*

STATE OF COLORADO, *County of Arapahoe ss:*

In the matter of claim for special pension for Grotius N. Udell, late first sergeant Company D, Sixth Regiment Iowa Infantry, on this 10th day of February, 1897, personally appeared before me, R. L. Bert, clerk and recorder within and for the county and State aforesaid, H. H. Hamer, aged 56 years, a resident of Denver, in the county and State aforesaid, a person whom I certify to be reputable and entitled to credit, who, being duly sworn according to law, declares as follows, to wit: I am a constant daily attendant and nurse to Grotius N. Udell, who was formerly a soldier in the war of the rebellion. He had a stroke of paralysis on or about the 8th day of November, 1886, at which time I was present and assisted in caring for him, I at that time being employed by him to attend to his horse, cow, and chickens; he was perfectly helpless and could not move hand or foot, and unconscious; a physician was called, Dr. Joseph Anderson, under whose care he has since been, sometimes being assisted by another physician, an uncle of the patient; at no time since has he been able to help himself at all, and at times is out of his head; whenever he is moved it is necessary to use the force of another person, as the patient is wholly and entirely helpless, and can not aid himself in any manner. I have been relieved a portion of the time at night by the assistance of another man sent for that purpose by some of the societies to which the patient belongs. I have also been materially assisted by the wife and mother of the patient, as it would be almost impossible for one person to attend him alone. My post-office address is 2150 State street, Denver, Colo., and I am in no way related to claimant, and not interested in his claim in any way.

H. H. HAMER.

Sworn to and subscribed before me this day, and I certify that the affiant was fully acquainted with the contents of the foregoing declaration before he executed the same, and that I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.]

R. L. BERT,
County Clerk.
By J. S. HUGHES,
Deputy.

Mr. SHAFROTH. Under this state of facts this man would be entitled by the general law to a pension of $72 per month, and inasmuch as these increased disabilities have arisen from injuries received during the war and have culminated in paralysis since the report of the committee has been filed, I ask that the amendment be adopted.

Mr. LOUD. If there is any evidence which this applicant can produce to substantiate this state of facts set forth by the gentleman here, why can he not get $72 a month from the Pension Office?

Mr. SHAFROTH. I think he could, but the difficulty is the long delay. This man received seven gunshot wounds, and the office is allowing him at present $36 a month for disability incurred in the service; but where paralysis of both limbs has set in, so that the man needs the constant care and attendance of another person, it seems to me that the case is clear for a pension of $72 a month. This applicant had his claim here, it was reported upon by the committee, and now, since the report of the committee was made, this increased disability has occurred.

Mr. LOUD. I did not pay very close attention to the reading of the affidavits. Do these physicians certify that the paralysis is the result of disability incurred in the service?

Mr. SHAFROTH. There can be no doubt about it from the affidavits.

Mr. LOUD. Oh, there might be. Men are sometimes paralyzed who never were in the service.

Mr. SHAFROTH. There might be, but in this case there seems to be none.

The amendment of Mr. SHAFROTH was agreed to.

The amendments recommended by the committee were then adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZA CRAIG HECKMAN.

The next unfinished business was the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, reported from the Committee of the Whole.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. YOUNG.

The next unfinished business was the bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry.

The bill, with the amendment reported from the Committee of the Whole, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CATHARINE HARRIS.

The next unfinished business was the bill (H. R. 6922) to pension Catharine Harris.

The bill, with the amendment reported from the Committee of the Whole House, was read.

Mr. ERDMAN. I call for the reading of the report.

The report was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EDWARD VUNK.

The next unfinished business was the bill (H. R. 3842) to increase the pension of Edward Vunk.

The bill, with the amendments reported from the Committee of the Whole House, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ZOLMAN TYRRELL.

The next unfinished business was the bill (H. R. 4539) granting a pension to Zolman Tyrrell, late Company A, First New York Engineers.

The bill, with the amendments reported from the Committee of the Whole House, was read.

Mr. ERDMAN. I call for the reading of the report.

The report was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CAROLINE A. GROSHON.

The next unfinished business was the bill (H. R. 7489) granting a pension to Caroline A. Groshon.

The bill was read.

The SPEAKER pro tempore. The recommendation of the Committee of the Whole House is that this bill be recommitted to the Committee on Pensions. The question is on agreeing to that report.

The report was agreed to.

WILLIAM SHEPPARD.

The next unfinished business was the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry.

The bill, with the amendments reported from the Committee of the Whole House, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LYDIA W. HOLLIDAY.

The next unfinished business was the bill (H. R. 7432) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va.

The bill, with the amendment reported by the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER pro tempore. In the absence of objection, the proposed amendment to the title will be considered as agreed to.

There was no objection.

JOSEPH S. BUNKER.

The next unfinished business was the bill (H. R. 649) granting a pension to Joseph S. Bunker.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DANIEL T. TOLLETT.

The next unfinished business was the bill (S. 2832) for the relief of Daniel T. Tollett.

The bill, having been read, was ordered to a third reading, read the third time, and passed.

The next unfinished business was the bill (H. R. 7501) for the relief of Daniel T. Tollett.

The SPEAKER pro tempore. The recommendation of the Committee of the Whole House is that this bill lie upon the table. Without objection, it will be so ordered.

There was no objection.

CORYDON WINKLER.

The next unfinished business was the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES W. DUNN.

The next unfinished business was the bill (S. 321) granting a pension to James W. Dunn.

The bill, with the amendment reported from the Committee of the Whole House, was read.

Mr. ERDMAN. I ask for the reading of the report.

The report was read.

Mr. ERDMAN. I want to call the attention of the House to this extended report. It is drawn in accordance with the principle enunciated years ago and adopted by the committee, that "it is better not to know so many things than to know so many things that are not true." One short paragraph upon a bill granting a pension like this!

The question being taken, the amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed; there being—ayes 56, noes 14.

JANE H. VANDEVER.

Mr. HENDERSON. Mr. Speaker, does that complete the unfinished business?

The SPEAKER. It does.

Mr. HENDERSON. If I may be permitted, I should like to make a brief statement, and to ask unanimous consent for the consideration of a bill.

The SPEAKER. The gentleman will proceed.

Mr. HENDERSON. Mr. Speaker, when the war broke out William Vandever was a member of this body, representing the district I now represent. He resigned his seat in Congress and went to the front, serving until 1865, when he returned a brevet major-general. Subsequently he represented the Los Angeles district in this body for four years. He died, leaving a widow, who is now about 75 years of age, with one daughter, who as a stenographer and clerk, supported her mother. In October this daughter died. Senator ALLISON, who became General Vandever's successor in Congress, presented and secured the passage of a bill granting to the widow of the general $50 per month. That bill has been favorably reported by the House Committee on Pensions, but the amount cut down to $30. I would be glad to see it put back to $50, but will not persist. But I will ask unanimous consent that this woman, without a dollar to support her, with no child or relative to help her, may have this favorable consideration of the House.

The SPEAKER. The Clerk will report the bill, after which the Chair will submit the request for unanimous consent.

The bill was read, as follows:

A bill (S. 2615) granting a pension to Jane H. Vandever.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane H. Vandever, widow of Gen. William Vandever, late of Ninth Regiment Iowa Infantry, and late brigadier-general United States Volunteers, at the rate of $30 a month.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HENDERSON. Mr. Speaker, I thank the House very much for the courtesy.

Now I will ask unanimous consent—I will not make the motion unless it is agreeable to the House—but I ask unanimous consent to make this amount $50 per month. If the Chair will kindly submit that request to the body, I shall be very much gratified. That is the same amount that is fixed in the Senate bill.

Mr. LOUD. Mr. Speaker, I would like to say that I can not anticipate the reason why the gentleman should not make the motion himself; and in this connection I would be glad to make a suggestion—a word or two—in regard to this whole question.

I would not make the motion myself because I oppose the system of granting large pensions. But here is another illustration of either favoritism or persistency. A few days ago I called the attention of the House to the action of the Committee on Pensions, or Invalid Pensions—I do not now recall which, and I do not desire to make any invidious distinction—I called the attention of the House to the case of the widow of General Stoneman, where a bill was reported carrying $30 per month, the widow of a most gallant and meritorious officer, from the standpoint on which you pension the widows of officers—a full general officer. Here comes the case of the widow of General Vandever, a sometime member of this body, having resigned his seat here to go into the service. It comes from the Committee on Invalid Pensions with the recommendation of $30 per month. And yet, permit me to say that this House to-day has passed three or four or five pension bills where I could not see for my part any more special merit than is involved in this case, and allowed $50 a month in each case.

If there be a representative of the Pension or Invalid Pension Committee present, it seems to me that this is a moment, sir, for him to rise and explain to the House what method of procedure they do pursue in that body. If there are reasons why this woman should not have a pension, if there is anything in her life or the record of General Vandever that would debar her from receiving the amount you give to others, the House should be in possession of the information. And the gentleman from Iowa ought not to ask unanimous consent, but to make a motion. He is an advocate of pensions of this character. I am not. If the House is to act on these pension cases, let us endeavor to pursue a course of equity, and along the line that if we are to give a pension of $50 a month to the widow of one brigadier-general or major-general, we should give it to all similarly situated, unless good reason is shown to the contrary.

I hope the gentleman will make the motion and not ask unanimous consent.

Mr. ANDREWS. Mr. Speaker, responding to the suggestion just offered by the gentleman from California [Mr. LOUD], I desire to submit a few words in reference to the rate of pension allowed on private bills coming from the Committee on Invalid Pensions. I understand the nature of this case. I understand the nature of the case of the widow of General Stoneman, to which he refers. I understand many other cases of a similar character that have been under consideration before the committee.

Some of the members of the committee believe that it is proper to recommend pensions ranging from $50 to $75 or even $100 per month in these cases, while others believe that the thirty-dollar pension, as indicated by the general law, should be the rule observed so long as that general law is in force.

Many of these cases have been referred to me as a subcommitteeman for the bills originating in the territory embraced by the States of California, Utah, Idaho, Wyoming, Colorado, and Nebraska. I believed and still believe that these bills should be held within the range of the provisions of the general law, and that outside of these provisions we have no just anchorage for our deliberations.

Very much of the time of the House is worse than wasted in the discussions arising here day after day, but rather than deny these bills a place on the general Calendar, I have reported them to the committee at $30 per month, even in those cases where widows were already receiving that rate directly through the Pension Office. I considered it fair and proper to the Members and Senators in the States named that they should have an opportunity before the House for presenting their cases as they might see proper, and leave the House to decide on the amount. I did not consider it fair that I, a subcommitteeman, should deny consideration of these bills when others were receiving larger ratings than I thought proper. Accordingly, I favored the placing of the bills on the Calendar for such action as the House might deem proper.

Mr. HENDERSON. Mr. Speaker, I would ask my friend from Nebraska [Mr. ANDREWS] if the widow of General Stoneman received $30 or $50?

Mr. ANDREWS. The report from the committee was for $30 a month, and the bill was so passed in the House. It has gone to conference, and I understand that the conferees have not yet reported on that question.

Mr. HENDERSON. Mr. Speaker, I myself have not favored giving the large pensions which have been frequently reported to the House. My friend from California [Mr. LOUD] misstates my position when he classes me as one of those favoring large pensions.

Mr. LOUD. Well, I will use the word "liberal." I do not wish to say anything offensive.

Mr. HENDERSON. Yes, I believe in liberal pensions, but I do not believe in fancy pensions or unjust discriminations. Now, I made this request because I had understood that a great many similar bills had been passed at $50 per month where the claimant had not as much reason for asking it as Mrs. Vandever has. In addition to what I have stated, Mrs. Vandever was one of a band of women who, from 1861 to 1865, stood on the banks of the Mississippi to receive the wounded and furloughed men brought home from the front, taking them to churches and hotels, where they were fed, clothed, and bedded; and while her husband was fighting at the front she was fighting in the rear, looking after those who came home wounded. I myself received her warm grasp when, coming home from Donelson, we crossed the Mississippi at Dubuque. I speak of her with feeling, for I believe she was braver and more noble and deserving even than General Vandever himself. When I asked unanimous consent I stated the situation, and I only ask for unanimous consent now to make it $50 because I would not take advantage of the courtesy of the House, after it has given me unanimous consent for the consideration of the bill.

Mr. CROWTHER. I should like to ask my friend a question. He says he is in favor of equitable pensions. I will ask him if he did not vote for a pension for the widow of General Gibson a few days ago at $100 a month?

Mr. HENDERSON. I do not remember casting any such vote. I have voted against some of these larger pension bills myself during this session. I submit the request for unanimous consent.

The SPEAKER. The gentleman asks unanimous consent that $50 be substituted for $30.

Mr. HENDERSON. Yes, as in the Senate bill.

The SPEAKER. Perhaps the way to get it would be to vote down the amendment.

Mr. HENDERSON. I should like to put it in the form of unanimous consent. I want to treat the House fairly.

The SPEAKER. The gentleman asks unanimous consent that the amendment be considered as disagreed to. Is there objection?

Mr. WILLIAMS. I object.

Mr. HENDERSON. Then, Mr. Speaker, let it go at thirty.

The SPEAKER. The question is on agreeing to the amendment recommended by the committee.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STEELE. Let us have a division on that.

The SPEAKER. A division is demanded.

Mr. MILNES. Mr. Speaker, I do not think the House knows what it is voting on.

The SPEAKER. As the bill has passed the Senate it grants a pension of $50 per month. The House committee recommend that the word "fifty" be stricken out and the word "thirty" be substituted. The question is on agreeing to the amendment.

The House divided; and there were—ayes 31, noes 62.

Accordingly the amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. I want to thank this House as I never did before for this action.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Speaker, a short time ago a message was received from the Senate announcing that it had passed the bill (H. R. 10040) granting an increase of pension to George W. Ferree with an amendment. I failed to catch the number of the bill when it was reported by the Senate clerk. A motion was made by the gentleman from Kansas [Mr. BLUE] to concur in that amendment, and the motion was agreed to. I desire now to move to reconsider the vote whereby the House concurred in the Senate amendment to the bill H. R. 10040. My purpose is to move that a committee of conference be appointed.

The SPEAKER. The gentleman moves to reconsider the vote whereby the House concurred in the Senate amendment.

Mr. STEELE. Let us know what the amendment was.

Mr. ANDREWS. I will state that the bill passed the House at $30 per month. This soldier was totally disabled as the result of disease contracted in the service. The Senate amended the bill to $20 per month. I am satisfied that the case clearly warrants a fifty-dollar rating. The House passed it at $30 a month. My desire is to secure, if possible, concurrence in the House bill.

The question was taken on the motion to reconsider; and it was agreed to.

The SPEAKER. The question now is on concurring.

Mr. ANDREWS. I move that the House nonconcur in the Senate amendment and request a conference.

The SPEAKER. The original motion was a motion to concur. If the House votes in the negative, that will be nonconcurrence, and will reach the same point.

The question was taken on concurring in the Senate amendment, and the motion was rejected.

The SPEAKER. The gentleman from Nebraska moves that the House ask for a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair will appoint as conferees Mr. ANDREWS, Mr. CROWTHER, and Mr. BAKER of Kansas. [Cries of "Regular order!"] The Chair does not know who calls for the regular order.

PATRICK HANLEY.

Mr. COOK of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8706) to correct the military record of Patrick Hanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion standing against Patrick Hanley, late a private in Company H, Twenty-eighth Regiment Wisconsin Infantry Volunteers, and to issue to him an honorable discharge, to date December 19, 1862.

Mr. ERDMAN. Mr. Speaker, let us hear the report in this case.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, having considered the same, would respectfully report such bill back to the House with the recommendation that the same do pass.

The facts upon which your committee rely for the clemency sought to be extended by this bill are briefly as follows: The soldier ran away from home and enlisted, without bounty, in Company H, Twenty-eighth Wisconsin, on the 20th day of August, 1862. He was then about 17 years old. He remained with his company in camp within his own State until December 19, 1862, when he obtained leave to visit his home, and while absent on such leave his regiment was ordered to the front, leaving the soldier behind. When he learned that the regiment had left, he followed them to Chicago. When he arrived there, the regiment had left. Not being able to learn of its whereabouts, he enlisted in the Mercantile Battery, but was rejected on account of physical defects.

On the 10th day of June, 1863, he again tendered his services to his country, and was assigned to the Navy, where he served faithfully for the full term of his enlistment, and was honorably discharged. Had he been accepted when he enlisted in the Mercantile Battery, the soldier could have been relieved under the general law.

It is apparent the soldier never did intend to desert, and although he had to enter the service against the wishes of his parents, when he was fairly in the service and beyond the influence of his parents he served faithfully during his full term.

The total bounty paid him for his entire enlistment was $25.

The record of such soldier, Army and Navy, is hereto attached and made a part hereof.

DEPARTMENT OF THE NAVY, *Washington, D. C., May 7, 1896.*

SIR: Referring to your letter of the 6th instant to the honorable Secretary of the Navy, I have the honor to state that one Patrick Hanley enlisted in the Navy at Chicago, Ill., June 15, 1863, as seaman for one year. Served on board of the *Covington*, *Fairy*, and hospital *Pinckney*, and was discharged June 25, 1864.

Respectfully,

F. M. RAMSAY,
Chief of Bureau.

Hon. S. A. COOK,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 17, 1896.

SIR: * * * It is shown by the records that Patrick Hanley was enrolled August 20, 1862, and was mustered into service October 14, 1862, in Company H, Twenty-eighth Wisconsin Infantry, to serve three years. He appears to have served faithfully to December 19, 1862, when he deserted. He never returned thereafter, although his company remained in service to August 31, 1865. No evidence has been found showing he was a minor at the date of his enlistment or was enlisted without the consent of his parents, or that he was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings.

It does not appear from the files of this office that an application for removal of the charge of desertion has been presented to this Department, and in the absence of testimony the status of the soldier can not be determined under the provisions of the act of Congress approved March 2, 1889, the only law now in force governing the removal of charges of desertion.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. S. A. COOK,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

Mr. TALBERT. Mr. Speaker, I do not care to enter objection to the consideration of this bill, for I objected a while ago and then agreed to withdraw it, but I am opposed to its passage. It seems to me that the time has passed, or at least ought to have passed, when deserters shall come to this House to have charges of desertion removed. It does seem to me they have had ample opportunity to do that in thirty-odd years. Take the legislation that has been passed by Congress in regard to the removal of the charge of desertion. Take the general laws, I mean, that have been passed. In the first place, after the war there was a general amnesty proclamation, issued by President Lincoln at the close of the war, allowing all deserters in such a time to come in and have the charge of desertion removed. As a matter of course, a great many of them availed themselves of that opportunity; and it was right that they should do so. It was an opportunity extended to them that ought to have been extended, because numbers had the charge of desertion entered against them who did not deserve to have such a stigma attached to their names.

I do not recollect the date of a number of the acts passed by Congress opening the door again to these men who had deserted their colors. I think there was a bill passed in 1882, or thereabouts, extending an invitation again to all soldiers who had deserted their flag and whose military record needed correction to come forward and avail themselves of that opportunity and have the privilege of having the charge of desertion removed from their record. Then, possibly, something was done in 1884. When that bill was passed, there was a proviso attached saying that all who did not avail themselves of the provisions of the act within five years after its passage should be forever debarred of the privilege. Then, I believe, in 1886 or 1887 there was another bill passed, after that time had elapsed. Many availed themselves of that opportunity.

The last act passed, according to my recollection, was in 1889, again opening the doors and inviting those men in to have the charge of desertion removed, and attached to that act was a proviso that to all who did not avail themselves of that act within three years the door would again be barred. That was the last act passed by Congress on that subject, if my memory serves me aright.

These are the reasons why the time should cease, when there should be some statute of limitations for these outrageous claims, giving an opportunity to have the charge of desertion removed from men who were not true to their flag, cowards who turned their backs on the field of battle. I am opposed to the passing of any such bill. For these reasons I hope this bill will not pass this House.

Some gentlemen have said to me, "Why not object?" I do not like that way of fighting. I dislike to exercise the authority given one man in that way. I believe that if these bills must come in we should have an opportunity to discuss them. I do not like to take advantage of a man who has introduced a bill by objecting. I do not like to object; but if I can not prevent their passage in any other way, I shall have to do that. I hope this House will set a precedent and show by their votes that there shall not be introduced or considered in this House such outrageous claims. I hope the House will act promptly for once in its life in regard to such measures, and that this bill will be killed. I have great respect for the gentleman who introduced the bill. He has talked with me about it time and again. I have looked over the report of the committee; but I am unwilling as a member of this House to cast my vote at this time to remove a charge of desertion against a soldier unless it is a case with mitigating circumstances, unless it is an exceptional case, and if it can be shown that this is an exceptional case, why, then, possibly it ought to pass.

Mr. WILSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Certainly.

Mr. WILSON of Ohio. I want to refer the gentleman to page 814 of the laws, where the law is named, approved March 2, 1895, whereby the authorization to remove the charge of desertion was extended, and it is now in existence.

Mr. TALBERT. In 1895?

Mr. WILSON of Ohio. Yes, sir. You evidently have not kept up with the legislation on this subject.

Mr. TALBERT. Possibly not. I stated that the act of 1889 was the last, if my memory serves me right. I am like the preacher who sometimes made mistakes. He was asked by a young lawyer if he always corrected them. He said, no, not always; sometimes he did and sometimes he did not. For instance, he said, when he was preaching once, he intended to say that Og was King of Bashan, but by a slip of the tongue he said that "hog was king of bacon," but he did not correct it because it was true. [Laughter.] So, in another case, when he intended to say that the devil was the father of all liars, he happened to say that "the devil was the father of all lawyers," but he let that stand also, because it was correct in a sense. [Laughter.] So, Mr. Speaker, I may be mistaken about the legislation on this subject, but I understand that the act of 1895, to which the gentleman refers, only allowed these claimants to go to the Pension Bureau, not to come here. However that may be, still I have made no mistake, and I am still opposed to these bills removing charges of desertion from the records of men who ran away from their duty. And now, if nobody has anything more to say or wants to ask me to correct any other mistakes, I move that the bill lie on the table.

The question being taken on the motion of Mr. TALBERT, the Speaker declared that the noes seemed to have it.

Mr. TALBERT. I ask for a division.

The House divided; and there were—ayes 30, noes 80.

So the motion was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMMA WEIR CASEY.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 2729, granting a pension to Emma Weir Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Emma Weir Casey, widow of the late Brig. Gen. Thomas Lincoln Casey, Chief of Engineers, United States Army, at the rate of $75 a month.

Mr. ERDMAN. Mr. Speaker, a parliamentary inquiry. Under the order adopted this afternoon, must the House adjourn at 5 o'clock?

Mr. PAYNE. I do not think, Mr. Speaker, that the order requires the House to adjourn at that hour. It simply provides, according to my recollection, that this order of business shall continue until that hour.

Mr. ERDMAN. Then, Mr. Speaker, I demand the regular order until that time arrives, which I believe is to go into Committee of the Whole.

Mr. BLUE. Mr. Speaker, reserving the right to object to the bill presented by the gentleman from Alabama, I will say to him that unless the amount of that pension is reduced to $50, I will object.

Mr. ERDMAN. I withdraw the demand.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

The question being taken, the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 57, noes 41.

So the motion to adjourn was agreed to.

LEAVE OF ABSENCE.

Pending the adjournment, by unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS, for ten days, on account of important business.

To Mr. BAKER of Maryland, indefinitely, on account of sickness.

To Mr. WELLINGTON, for two days, on account of important business.

To Mr. LEISENRING, for one day, on account of important business.

To Mr. BARTHOLDT, indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

Pending the adjournment, Mr. SNOVER, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of J. Seymour Taylor, on condition that copies of the originals be left in the files of the House.

The House then (at 4 o'clock and 53 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Biscayne Bay, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Arkansas River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, inclosing a letter from the Chief of Engineers, transmitting a compilation of the general laws relating to the maintenance, preservation, and protection of the navigable waters of the United States, with a draft of a proposed act embodying such revision and enlargement of said laws as will be advantageous to the public interest—to the Committee on Revision of the Laws, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, reported the same without amendment, accompanied by a report (No. 2951); which said bill and report were referred to the House Calendar.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10213) selling to the State of Kansas part of the abandoned Fort Hays Military Reservation in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal College thereon, and for a public park, reported the same without amendment, accompanied by a report (No. 2962); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MEIKLEJOHN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10314) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," reported the same without amendment, accompanied by a report (No. 2963); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6656) to authorize the Montgomery, Hayneville, and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala., reported the same with amendment, accompanied by a report (No. 2964); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: The bill (H. R. 523) for the relief of Charles V. Neidlinger. (Report No. 2948.)

By Mr. DANIELS, from the Committee on Elections No. 1: The bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie. (Report No. 2949.)

By Mr. RICHARDSON, from the Committee on the District of Columbia: The bill (H. R. 10321) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown. Reported as a substitute for H. R. 8098. (Report No. 2950.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 6707) to remove the charge of desertion against Levi Maxted, Lawrence, Kans. (Report No. 2952.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 9021) to increase the pension of George Gaylord. (Report No. 2953.)

The bill (H. R. 1947) to grant a pension to Margaret Wolverton, child of Jacob Wolverton, Company K, Seventy-seventh Illinois Volunteer Infantry. (Report No. 2954.)

The bill (H. R. 9796) granting a pension to Turner J. Bowling. (Report No. 2955.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 10227) granting a pension to Milton Iserman, of Thirty-third New Jersey Volunteers (unassigned). (Report No. 2956.)

The bill (H. R. 2223) to pension Hiram C. Rogers, of Allerton, Iowa. (Report No. 2957.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 10137) granting a pension to Miss Delphine P. Baker for expenses incurred during the late war and for services performed in originating and founding the National Home for Disabled Soldiers and Sailors of the Army and Navy of the United States. (Report No. 2958.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 3795) granting a pension to Mary Cochrane. (Report No. 2959.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7343) for the relief of the estate of William P. Burrough. (Report No. 2960.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 6386) for the relief of the heirs at law of Edward N. Oldmixon. (Report No. 2961.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Evidence to accompany H. R. 1793, for the relief of Michael Bassett—Committee on Military Affairs discharged, and referred to the Committee on Pensions.

Evidence to accompany H. R. 4952, for the relief of Jubal Grant—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. SCRANTON: A bill (H. R. 10319) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States—to the Committee on the Territories.

By Mr. CLARK of Iowa (by request): A bill (H. R. 10320) relating to practice in the Federal courts—to the Committee on the Judiciary.

By Mr. HOWELL: A resolution (House Res. No. 544) for the relief of William Richardson—to the Committee on Accounts.

By Mr. SOUTHARD: A resolution (House Res. No. 545) providing for survey of Straight Channel in Maumee River and Bay—to the Committee on Rivers and Harbors.

By Mr. ROBERTSON of Louisiana: A resolution (House Res. No. 546) authorizing the Clerk of the House to make certain disbursements out of the contingent fund of the House—to the Committee on Accounts.

Also, a resolution (House Res. No. 547) to print 1,000 copies of the report of the surveyor-general of Louisiana, dated February 19, 1880, to the Commissioner of the General Land Office—to the Committee on Printing.

By Mr. KIEFER: A memorial of the legislature of the State of Minnesota, in favor of the bill (H. R. 1) to reclassify salaries of railway-mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: A memorial of the legislature of the State of Illinois, in favor of the bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. HENDERSON: A memorial of the legislature of the State of Iowa, opposing the removal of the pension agency from Des Moines, Iowa, to St. Louis, Mo.—to the Committee on Appropriations.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, in favor of the bill (H. R. 4339) to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. LEWIS: A bill (H. R. 10322) to remove the charge of desertion against Nathan Stewart—to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 10323) for the relief of the Rev. William J. Larkin—to the Committee on Military Affairs.

By Mr. McEWAN: A bill (H. R. 10324) to remove the charge of desertion from the military record of John J. Waterkeyn, of Jersey City, N. J., and grant him an honorable discharge—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Mechanics, Dealers, and Lumbermen's Exchange of New Orleans, favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. ALDRICH of Illinois: Petition of Thomas Collins and 94 other citizens of Chicago; also of A. N. Hitchcock, secretary of the American Board of Foreign Missions, of Chicago, Ill., favoring the passage of the Sherman bill, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. AVERY: Petition of E. D. Palmer, Robert Bailey, W. A. Strong, Edward Gilmore, H. W. Loomis, and 40 other citizens of Osceola County, Mich., favoring the passage of House bill No. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Petition of Albert B. Woodworth and other citizens of Concord, N. H., and residents of other cities in the State, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BISHOP: Petition of 34 residents of Saginaw and Custer and Chase, Mich., in favor of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BLUE: Petition of citizens of Kansas, protesting against the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Petition of citizens of Rochester, N. Y., in favor of the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: Petition of the Indian Rights Association of Philadelphia, Pa., relating to certain property rights—to the Committee on Indian Affairs.

By Mr. BURTON of Ohio: Resolution of Boiler and Blacksmith Helpers' Assembly, No. 410, Knights of Labor, of Cleveland, Ohio, indorsing bill establishing minimum rate of wages to be paid for manual and unskilled labor of employees of the Government—to the Committee on Labor.

Also, petition of T. A. Giberson and others, of Cleveland, Ohio, protesting against the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Sundry petitions of citizens of Danville, Rankin, and Momence, State of Illinois, asking for the passage of House bill No. 10090, prohibiting the trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of Frank N. White, of Burlington; W. C. Williamson, of Keokuk, and W. L. Byrn, of the State of Iowa, in favor of the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: Petition of citizens of the State of Missouri, asking for the passage of House bill No. 10090 and Senate bill No. 3545, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COOK of Wisconsin: Petition of B. T. Rogers, of Fond du Lac; also of Rev. Samuel Lugg and 15 other citizens of Ripon; also of T. H. Rumsey and 21 other citizens of Berlin; also of Rev. S. T. Kidder and members of the Congregational church of Menasha; also of the Menasha Wooden Ware Company and 12 other business firms of Menasha; also of Rev. J. E. Chapin, representing the members of the First Presbyterian Church of Neenah, State of Wisconsin, in support of House bill No. 10090, to prevent the unlawful traffic in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of E. L. Fowler and 65 other business and professional men of Maquoketa, Iowa, favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Maquoketa (Iowa) High School, protesting against Spanish outrages to the American flag—to the Committee on Foreign Affairs.

By Mr. DANFORD: Petition of Joseph Neigand and others, of Bridgeport, Ohio, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of J. Q. Hennigan and 99 other citizens of the Eleventh Congressional district of Massachusetts, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FENTON: Petition of Rev. John H. Redmon, of South Webster, Ohio, urging the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Petition of J. W. Oliver, of Yonkers, N. Y., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of W. T. Fritts and 26 other citizens of Beresford, S. Dak., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of O. J. Walker & Bros., of Burlington, Vt., objecting to a duty on gypsum rock plaster—to the Committee on Ways and Means.

Also, petition of the wholesale and retail harness and saddle makers of the United States, favoring a duty on harness and saddlery, including harness in either sets or parts, etc.—to the Committee on Ways and Means.

Also, petition of A. F. Roegseau, president of Branch No. 521, National Association of Letter Carriers, Burlington, Vt., favoring the passage of H. R. 2920, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mrs. S. E. Moulton, president of the Woman's Christian Temperance Union of Lunenburg, Vt., urging the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. HAINER of Nebraska: Petition of S. B. Niehaus and other citizens of Fairmont, Nebr., praying for the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. HARTMAN: Petition of George W. Vennum and 260 other citizens of the State of Montana, favoring reduction of fees for public lands—to the Committee on the Public Lands.

Also, petition of Rev. George W. Jenkins and others, favoring an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of S. W. Robertson, of Boulder, Mont., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of 120 citizens of Logansport, Ind., praying for the passage of House bill No. 10090 and Senate bill No. 3545, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of the publisher of Der Deutsch-Amerikaner, of Waterloo, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of Rev. S. E. Martin and 72 other citizens of College Springs, Iowa, and citizens of the United States, praying for an amendment to the Constitution acknowledging Almighty God as the source of all power, authority, etc.—to the Committee on the Judiciary.

Also, sundry petitions of citizens of the State of New York, viz: B. Wood and 10 others, of Rondout; D. Delehaul and 9 others, of Niagara Falls; George Cooley and 14 others, of Niagara Falls; M. Pendergast and 20 others, of Niagara Falls; Albert Culver and 9 others, of Rockland; Rev. B. D. Durbin and 15 others, of Creston; J. E. Carmichael and 22 others, of Corning; Thomas Wilson and 16 others, of New York City; John O. Connor and 3 others, of Saranac Lake; S. W. Levis and 8 others, of Rochester; D. H. Hoffman and 8 others, of Chatham; S. C. Dibble and 9 others, of La Salle; L. M. Weller and 15 others, of Fort Plain; Edward Phillips and 12 others, of Fort Plain; C. B. Briggs and 9 others, of East Titusville; James Pratt, of Moons; G. Roden and 6 others, of South Lockport; A. L. Schofer and 5 others, of Sharon Station; R. D. Wilson and 18 others, of Medina; and D. C. Case and 14 others, of Sennett, and also of S. H. King and 14 others, of Seymour, Iowa; praying for the passage of House bill No. 10090, to abolish ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Indian Rights Association of Philadelphia, Pa., protesting against the rider in the Indian appropriation bill for the coming fiscal year relating to the rights and privileges of children born of a marriage between a white man and an Indian woman—to the Committee on Indian Affairs.

Also, petition of J. B. Parkinson and 65 other citizens of Savannah, Ill.; also of James R. Cowley and 52 others of Freeport, Ill., favoring the passage of the Cullom and Sherman bills, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of E. S. Walling, of Keyport, N. J., and others residing on the line of the New York and Long Branch Railroad and Central Railroad of New Jersey, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Petitions of Rev. J. C. Ely, Rev. A. N. Spahr, W. P. Wolf and others; Rev. G. T. Austin, Prof. J. E. Ockerman and others; Rev. T. T. Carpenter and others; Mechanics, Dealers and Lumbermen's Exchange of New Orleans, in favor of the Sherman bill, abolishing railroad ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of F. M. Hoeye and 60 other citizens of Perry, Iowa, in favor of the bill H. R. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Humphrey Post, No. 81, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HURLEY: Petition of Charles T. Bainbridge's Sons, Brooklyn, N. Y., in relation to duties on imported crepe tissue paper—to the Committee on Ways and Means.

Also, petition of Newark Lime and Cement Manufacturing Company, of Newark, N. J., and other firms in the States of New Jersey and New York, protesting against import duty on gypsum—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of Rev. E. J. Evans and 14 other citizens of Chippewa Falls, Wis., favoring the Sherman bill (H. R. 10090), prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of R. A. Maxey and 23 other business men of Arkansas City; also of J. B. Fogg and 17 other business men of Coffeyville; also of S. Whitlock and 33 other citizens of Howard; also of A. J. Chapel and 14 other business men of Arkansas City, State of Kansas, in favor of the passage of the Sherman bill (H. R. 10090), for the suppression of ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG: Petition of Frank Sobey and other citizens of Karnes City; W. H. Smith and others, of Rockport, and Homer D. Wade and others, of Rockdale, Tex., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of H. W. Thompson and 39 other leading citizens of Sidney, Ohio, protesting against the passage of the Sherman bill, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEISENRING (by request): Petition of the Wilkesbarre Society of Good Fellows, asking for the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

Also, resolution of Robinson Post, No. 20, Grand Army of the Republic, of Hazleton, Pa., indorsing House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, petition of Conyngham Post, No. 97, Grand Army of the Republic, of Wilkesbarre, Pa., in favor of the Pickler pension bill—to the Committee on Invalid Pensions.

By Mr. LESTER: Petition of J. P. Williams & Co. and other merchants of Savannah, Ga., for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Papers to accompany House bill to remove the charge of desertion against Nathan Stewart—to the Committee on Military Affairs.

By Mr. LONG: Petition of R. W. Porter and 17 other citizens of Geneseo, Kans.; also petition of the Commercial Club of Newton, Kans., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL of Massachusetts: Petition of George E. Nelson, of the Indian Territory, presenting the claims of said Territory to representation by a Delegate in the House of Representatives—to the Committee on Elections No. 1.

By Mr. McCALL of Tennessee: Sundry petitions relating to the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of B. C. Simmons, of Jackson, Tenn., favorable to the Loud bill (H. R. 4556)—to the Committee on the Post-Office and Post-Roads.

By Mr. MINOR of Wisconsin: Petition of citizens of Depere, Greenbay, West Greenbay, Centralia, Grand Rapids, and other cities in the State of Wisconsin, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Taunton Assembly, No. 121, Royal Society of Good Fellows, Taunton, Mass., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. NOONAN: Numerous petitions of citizens of the State of Texas, viz: Petition of T. V. Gentry and 27 others, of Port Lavaca; J. W. Allen and 12 others, of Edna; Cliff A. Adams and 9 others, of Bryan; M. Peine and 6 others, of Hungerford; W. I. Moody and 5 others, of Sartartia; Ed de Montel and 17 others, of Hondo; John H. Davis and 8 others, of D'Hanis; D. W. Bamhill, editor Uvalde News, and 8 others, of Uvalde; Henry Klappenbach and 16 others, of Eagle Pass; C. H. Larkin and 4 others, of Marathon; E. A. Burns and 28 others, of Giddings; F. H. Holloway and 25 others, of Llano; S. A. Drewry and 8 others, of Wharton; W. E. Barry and 21 others, of Navasota; C. M. Curtis and 17 others, of Lancaster; N. P. Peterson and 31 others, of Kinney County, favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Sundry petitions of citizens of the State of Ohio, viz: Rev. W. P. Gibson, of Huntsburg; P. H. Dougherty and 22 others and B. C. Ely and 30 others, of Kingsville; H. L. French and 14 others, of Jefferson; W. B. Colson and 2 others, of Conneaut; J. W. Hayes and 15 others, of Coalburg; D. A. Wilson and 41 others, of Trumbull and Mahoning counties; Rev. Elwell O. Mead, of Burton; J. H. Bayless and 7 others, of Geneva; H. A. Davis and 14 others, of Trumbull County; E. S. Bullard and 7 others, of West Williamsfield; Rev. W. Corbyn, of East Plymouth; W. D. Stevens, of Colebrook; A. T. Phipps and 59 others, M. E. Miller and 28 others, A. A. Strong and 56 others, all of Ashtabula County, Ohio, urging the passage of House bill No. 10090 and Senate bill No. 3545, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of E. P. Bacon and 110 other citizens of Milwaukee, Wis., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of W. T. Sopers, of Newark, N. J., and 102 other citizens of New Jersey, praying for the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. PENDLETON: Petition of citizens of Killeen, Tex., in favor of the bill (H. R. 10090) known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petitions of Rev. George H. Kennedy, of Spencer; Rev. J. C. McClintock, of Sioux City; 35 citizens of Mapleton, and 67 citizens of Sanborn, all of the State of Iowa, praying for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of A. E. Redstone, asking for the passage of Senate bill No. 2118, in reference to public lands—to the Committee on the Public Lands.

Also, petition of J. W. Davis and 30 others, citizens of Lincoln County; E. P. Bell and 6 others, and W. W. Wright and 16 others, all of Rutherford County, and R. C. Ogilvie and 20 others, of Bellbuckle, State of Tennessee, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of M. P. Ayers and 50 other citizens of Jacksonville, Ill., favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. SAYERS: Sundry petitions of citizens of Brenham, Caldwell, and Yellow Prairie, of the State of Texas, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of officers and members of the government and of the senate and assembly of the State of California, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPKINS (by request): Petition of citizens of New Bedford, Mass., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. SOUTHARD: Petition of J. L. Pray and others, of Whitehouse, Ohio, in favor of the passage of House bill No. 9209, granting a pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of Rev. Lyman H. Johnson, of Toledo, Ohio; also of B. W. Wilson and other citizens of Port Clinton and Catawba Island, Ohio; also of William G. Roberts and 11 other citizens of Sylvania, Ohio, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska (by request): Petition of 49 citizens of Auburn, Nebr., favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Resolutions of the select and common councils of the city of Bradford, Pa., asking for the passage at this session of the bill for a public building at Bradford, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. TRACEY: Petitions of R. F. Bibb and others, of Centralia, Mo., and T. J. Johns and others, of Sweet Springs, Mo., in favor of the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TYLER: Petition of the publishers of the Public Ledger, Norfolk, Va., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Protest of J. E. Russell and others, of George Brown and others, and of J. R. Bailey and others, against the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of Melford Grange, of the State of Delaware, asking investigation of the election methods in the State of Delaware—to the Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. WILSON of Ohio: Petition of John J. Hopper and 100 other citizens; also of R. N. Lantz and 41 others, all of Springfield, Ohio, protesting against the passage of the Sherman bill, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. E. P. Hickey and 7 other citizens of Piqua, Ohio, favoring the passage of the Sherman bill, relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petitions of J. B. Galway, J. H. Green, and others, of Edgar County, Ill., favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Petition of C. J. Kephart, of Annville, Pa., favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *February 17, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

PROPOSED SITE FOR HALL OF RECORDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to the act of Congress approved June 11, 1896, a report upon the suitableness of the public reservation at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, in the city of Washington, as a site for the proposed hall of records, and stating that the reservation mentioned is conveniently located for the construction of such a building, but that he is not prepared to make a final report upon the subject at this time, etc.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator, and Railway Company for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills and joint resolutions; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 3663) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (H. R. 5761) granting an increase of pension to Elizabeth D. Marthon;

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; and

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Georkee; and

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick.

CREDENTIALS.

Mr. PROCTOR presented the credentials of JUSTIN SMITH MORRILL, chosen by the legislature of Vermont a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislative assembly of the Territory of Arizona, praying that relief be granted the Supai tribe of Indians in the northern part of Coconino County, Ariz., on account of the almost entire destruction of their crops during the months of July and August, 1896; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY, *Phœnix, February 11, 1897.*

SIR: Herewith I have the honor to transmit a certified copy of council memorial No. 1, of the Nineteenth legislative assembly of Arizona.

Respectfully,

CHARLES M. BRUCE,
Secretary of Arizona.

The PRESIDENT OF THE SENATE,
Washington, D. C.

TERRITORY OF ARIZONA, *Office of the Secretary.*

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the council memorial No. 1, of the Nineteenth legislative assembly of Arizona, which was filed in this office the 10th day of February, A. D. 1897, at 2.30 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at the city of Phœnix, the capital, this 11th day of February, A. D. 1897.

CHARLES M. BRUCE,
Secretary of the Territory of Arizona.

Memorial.

To the honorable members of the Senate and
House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That the Supai tribe of Indians, consisting of about 300 souls, in the northern part of Coconino County, Ariz., are in need of assistance by reason of the almost entire destruction of their crops last July and August.

That these Supais are virtuous and industrious, but need help now to tide them over their misfortunes, as a starving time is inevitable in the spring.

Therefore your memorialists earnestly request that immediate steps be taken to provide for these people in their present emergency and for the five years which the game law contemplates. We think that 70,000 pounds of dressed beef and 40,000 pounds of flour would tide over the present emergency and save these people from disease and death.

Resolved, That the secretary of the Territory be, and is hereby, directed to forward copies of this memorial, under seal of the Territory, to the Honorable President of the Senate and the Honorable Speaker of the House of Representatives of the United States, to be by them laid before their respective bodies: and

Be it further resolved, That the secretary of the Territory is hereby directed to forward an enrolled copy of this memorial, duly attested under his hand and seal, to the Hon. N. O. MURPHY, Delegate to Congress for Arizona Territory.

FRED G. HUGHES,
President of the Council.
D. G. CHALMERS,
Speaker of the House.

Approved February 10, 1897.

B. J. FRANKLIN, *Governor.*

Mr. SHERMAN presented a petition of the Cincinnati (Ohio) Furniture Exchange, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Cincinnati, Savannah, Madison, Port Clinton, Brilliant, Cleveland, Wooster, Sandusky, Brownhelm, Bellevue, Plymouth, Oberlin, McComb, Eaton, and Washington Court-House, all in the State of Ohio, and a petition of sundry citizens of Lexington, Mo., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS. I present resolutions of the Detroit (Mich.) Credit Men's Association, in the nature of a memorial, praying for the passage of the so-called Torrey bankruptcy bill, and also giving the action of that organization. I will not ask to have the resolutions read, but I move that they lie on the table and be printed as a document.

The motion was agreed to.

Mr. FRYE presented a petition of the board of managers of the National Temperance Society and Publication House, of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of E. P. Hill Command, No. 20, Union Veteran Union, Department of Maine, praying for the enactment of legislation correcting the military record of John Mooney, of the First Maine Heavy Artillery; which was referred to the Committee on Military Affairs.

Mr. MURPHY presented resolutions adopted by the Association of Presidents and Secretaries of the Republican District Association of the Twenty-third Ward in the city of Brooklyn, N. Y., and resolutions adopted by the Men's Association of the Bethlehem Presbyterian Church, of Buffalo, N. Y., favoring the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry citizens of South Easton, N. Y., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise, and also for the passage of the so-called Loud bill, or such portion of it as relates to indecent publications; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Mayville, N. Y., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Clark Briggs, publisher of the Citizen, of Rome; of S. H. Palmer, publisher of the St. Lawrence Republican and Ogdensburg Journal, of Ogdensburg; William Bryan & Son, publishers of the Hudson Republican, of Hudson; R. P. Rothwell, president of the Scientific Publishing Company, of New York City; M. M. Dayton, publisher of the Ithaca Daily and Weekly News, of Ithaca, and Brockway Sons & Co., publishers of the Times and Reformer, of Watertown, all of the State of New York, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. J. Wood, of Ilion; of George Carson and 19 other citizens, of Lean J. Charlonis and 10 other citizens, of William H. Walberton and 14 other citizens, of F. O. Tupping and 9 other citizens, of Edwin N. Blewett and 15 other citizens, of Frank C. Butterfield and 17 other citizens, of James T. Duffy and 15 other citizens, of John G. Ghigosk and 17 other citizens, of J. J. Keefe and 21 other citizens, of J. B. Gannon and 16 other citizens, of W. B. Stevens and 15 other citizens, of J. H. Breslin and 15 other citizens, of E. F. Johnson and 18 other citizens, of John Fliming and 11 other citizens, of John J. McManus and 8 other citizens, all of New York City; of E. J. Hennessy and 17 other citizens, of Andrew Szmania and 19 other citizens, of Frank Novak and 14 other citizens, of George Gebhardt and 13 other citizens, of William N. N. Lewis and 13 other citizens, of M. Michaels and 15 other citizens, of Harry Williams and 11 other citizens, of Gast Day and 15 other citizens, of Thomas McMahon and 16 other citizens, of Conrad Scheppening and 6 other citizens, all of Buffalo; of Robert J. Round and 17 other citizens, of Jennie B. Brook and 7 other citizens, of W. H. Benedict and 16 other citizens, and of James C. Van Ellen and 16 other citizens, all of Elmira; of J. Clepfer and 16 other citizens, and of Bert Belding and 16 other citizens of Depew, all in the State of New York, and the petition of R. D. Cranford and 14 other citizens of Titusville, Pa., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BATE presented sundry petitions of citizens of Terrell, Bellebuckle, Smyrna, Pegram, Ætna, Tennessee City, Florence, and Whiteville, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of J. D. Miller, of the Miller Sidewalk Paving Company, of Columbus, Ohio, containing certain facts in regard to the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MILLS presented the petition of Fred B. Robinson, publisher of the Item, of Huntsville, Tex., and the petition of W. A. Leonard, publisher of the Angleton Times, of Angleton, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Galveston, Tex., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. PEFFER presented the memorials of J. C. Nicholson, of Newton; of A. J. Chapel and sundry other citizens of Arkansas City; of R. A. Maxen and sundry other citizens of Arkansas City; and of R. W. Porter and sundry other citizens of Geneseo, all in the State of Kansas, remonstrating against the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Paola, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a memorial of representatives of the Religious Society of Friends in Pennsylvania, New Jersey, and Delaware, favoring the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PRITCHARD presented a petition of the general assembly of North Carolina, and a petition of sundry citizens of Whittier, N. C., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Rocky Mount, Asheville, and Statesville, all in the State of North Carolina, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a resolution of the legislature of Wyoming, relative to the recognition of the Republic of Cuba by the United States Government; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 3, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 29th day of January, A. D. 1897.

CHARLES W. BURDICK,
Secretary of State.

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

[Enrolled joint resolution No. 3, house of representatives, State of Wyoming.]

A joint resolution in relation to the recognition of the Republic of Cuba by the United States Government.

Whereas the people of the State of Wyoming are in full sympathy with the efforts of the people of any community to establish a form of free government for the regulation of their own affairs; and

Whereas the people of this State have viewed with deep interest the struggle for independence now being carried on by the inhabitants of the Island of Cuba; and

Whereas we believe that the interests of humanity require friendly and encouraging action on the part of the Government of the United States: Therefore,

Be it resolved by the Fourth legislature of the State of Wyoming, That the Hon. CLARENCE D. CLARK and the Hon. FRANCIS E. WARREN, Senators in Congress from this State, and the Hon. FRANK W. MONDELL, Representative in Congress from this State, and each of them, be, and they are hereby, requested by voice and vote to aid in the passage of any resolution which will tend to secure to the people of Cuba belligerent rights as revolutionists or their independence as a republic.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved, January 27, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. WARREN presented a petition of the legislature of Wyoming praying for the ratification of the treaty between the United States and the Shoshone and Arapahoe tribes of Indians; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 5, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

[Enrolled joint resolution No. 5, house of representatives, State of Wyoming.]

Joint memorial to Congress.

Your memorialists, the Fourth legislature of the State of Wyoming, respectfully represent:

That they believe it would be of great benefit to the people of the United States, as well as the people of Wyoming, if the treaty recently made between the United States and the Shoshone and Arapahoe tribes of Indians, whereby said tribes agreed, in consideration of the sum of $60,000, to cede to the United States Government a tract of land 10 miles square, situated in the northeast corner of the Wind River or Shoshone Indian Reservation, upon which are the famous Big Horn Medical Springs, were ratified, for the following reasons:

First. Owing to a tribal superstition, said springs are never used or frequented by the Indians.

Second. Being on the reservation, no adequate accommodation can be furnished the people who flock there for relief.

Third. If the tract is ceded to the Government, ample accommodations for invalids and visitors will be at once provided, a railroad will certainly be built, and their cession to the United States would result in a great good to afflicted people everywhere.

Fourth. The springs cover a large tract of land and are possessed of the most marvelous curative properties of any waters of the known world. Though remote from railroad transportation, they were visited by nearly 400 afflicted people the past summer, all of whom were either cured or greatly benefited; and, without other accommodation than that furnished by tents, at this time no less than 60 people are there, bearing the storms of winter, bathing in the waters.

Therefore your memorialists would most respectfully urge Congress to give the matter of the ratification of said treaty and the appropriation therefor immediate and favorable consideration, to the end that afflicted humanity everywhere may have the benefit of this wonderful provision of nature to cure their ills and heal their diseases; and your memorialists will ever pray, etc.

Resolved, That an authenticated copy of this memorial be forwarded by the secretary of state to each Senator and to the Representative in Congress from this State; and they are hereby respectfully requested to bring the matter to the attention of Congress and to use every honorable means to secure favorable action thereon.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS.

Mr. WARREN presented a petition of the legislature of Wyoming, praying that all unoccupied public lands within the State of Wyoming be ceded to the control of that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 1, senate, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

[Enrolled joint resolution, No. 1, senate, State of Wyoming.]

Joint resolution and memorial to the Congress of the United States, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of the State.

Your memorialists, the Fourth legislature of the State of Wyoming, would most respectfully represent:

That all of the lands within the boundaries of the State of Wyoming are what is known as "arid" lands; the reclamation and settlement of these lands must be accomplished under different conditions from those confronting the settler in the humid portions of this country; that none of the lands now the property of the State can be sold for less than $10 per acre, which is the minimum price allowed by the terms of the act of admission and the State constitution, thus causing unfair competition with United States lands, which are sold to settlers under the provisions of the several acts of Congress at prices ranging from 50 cents to $2.50 per acre.

Experience has demonstrated that the present land system is not suited to the conditions which prevail in this State, and as a result many obstacles are interposed to the development of the country.

The reclamation of the agricultural lands imposes upon the settler and upon the State labor and expense not incurred in the humid portions of the country; ditches must be constructed and the lands prepared for the application of water before there is any return to the farmer; in addition to this great labor and expense, it is necessary for the State to exercise a supervision over them in order that just distribution of water may be made to those entitled to it.

Thus far the State has borne the entire expense of the investigation of its agricultural resources and the supervision of the public waters.

The efficiency of this work had been greatly impaired by reason of the inability of the State to assist in any way in the reclamation and settlement of the desirable lands or to restrict the diversion of water on less desirable.

The importance of the pastoral interests of this State makes it desirable that provision be made for the utilization of the grazing land in connection with the contiguous irrigable areas. These grazing lands comprise the greater part of the territorial extent.

None of the present land laws make adequate provision for securing possession or management of these lands. In our judgment it is impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. Conditions differ in different sections of the United States, and the people of each section are best calculated to determine the system best suited to their needs. We believe that by giving to the State full control over all classes of land the best results can be obtained.

If the State controlled the lands, it would be possible to connect water rights with land titles of all irrigable lands; that this is desirable is admitted by all familiar with the subject.

The results already achieved are a sufficient guaranty of what can be accomplished under more favorable conditions. Even with the imperfect means at hand, the value of lands has not only been enhanced, but their productive capacity has been correspondingly augmented. Such results are of interest and value to the whole nation, and in our opinion entitle the State to generous recognition.

The water laws of this State have been highly recommended. The State constitution and statutes contain provisions requiring the inauguration of the most systematic and complete supervision of its public waters yet undertaken by any Commonwealth in this country.

It is only, however, by uniting the control of both water and land under one authority that our irrigation system can have the fullest measure of stability and success.

We believe that the control of this subject can wisely and safely be intrusted to the State, since the practical knowledge is almost wholly confined to those engaged in the work. By endowing the State with means and placing upon it the responsibility for the development of our resources, a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the success of the undertaking. It will put the solution of this problem in the hands of the people best informed as to its details and most interested in its success.

Because of the facts hereinbefore detailed, your memorialists respectfully pray that Congress will, by suitable legislation, grant to the State of Wyoming the unoccupied and unappropriated public lands within said State.

Resolved, That the secretary of state be, and he is hereby, respectfully requested, on the approval of this memorial, to forward a duly authenticated copy thereof to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of Congress.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved, February 8, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. WARREN presented a petition of the legislature of Wyoming, praying that the State of Wyoming be included in the examination and classification of mineral lands within the railroad land grants; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of joint resolution No. 1, house of representatives, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 25th day of January, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

Enrolled joint resolution No. 1, House of Representatives, State of Wyoming.

Be it resolved by the senate and house of representatives of the State of Wyoming, That the Congress of the United States be memorialized as follows:

Whereas there is now pending before the Congress of the United States a measure known as the "California mineral-lands bill," which has for its object the examination and classification of mineral lands within the railroad land grants in the State of California and, as amended in the Senate, to include like lands in the State of Oregon; and

Whereas the State of Wyoming is situated under like circumstances, having large areas of mountainous lands within the Union Pacific Railroad land grant known to be mineral in character, and is entitled to the same consideration:

Be it therefore resolved, That we are desirous of securing legislation of like character for the State of Wyoming, and we hereby instruct our Senators and request our Representative in Congress to use all honorable means to secure the passage of the California mineral-lands bill, so amended as to include the State of Wyoming within its operations; and

Be it further resolved, That his excellency the governor of the State of Wyoming be, and he is hereby, requested to transmit to each of our Senators and to our Representative in Congress, to the President of the United States, and to the Senate and House of Representatives of the United States a copy of these resolutions.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved January 22, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. WARREN presented a petition of sundry citizens of Casper, Wyo., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of A. Edward Powell, publisher of the Wyoming Freeman, of Sundance, Wyo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the petition of James B. Stoll, publisher of the Times, of South Bend, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wayne County, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Ossian, Waveland, Huntington, Butler, Delphi, Fort Wayne, Warren, Peru, Jefferson, Richmond, and Auburn, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PALMER presented the petition of B. G. Whitehead, publisher of the Casey Gleaner, of Casey, Ill., and the petition of Owen Scott and H. C. De Motte, publishers of the Leader, of Bloomington, Ill., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Charles A. Morse and 47 other citizens of Evanston; of E. A. Vandeveer; of Truman A. Ames and 500 other citizens of Shelbyville; of Eli Miller and sundry other citizens, and of G. H. Burgess and sundry other citizens, all in the State of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BLANCHARD presented a memorial of sundry citizens of Opelousas, La., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented the petition of C. Menrer, editor of the Arkansas Echo, of Little Rock, Ark., and the petition of J. W. Adams, publisher of the Graphic, of Pine Bluff, Ark., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Ozark, Texarkana, Green County, and Prescott, all in the State of Arkansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rogers, Ark., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. GEAR presented a petition of 17 citizens of Washington, D. C., and a petition of 44 citizens of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. ALLISON presented a petition of the Business Men's Association of Council Bluffs, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the members of the Christian Endeavor Society of the First Presbyterian Church, of Council Bluffs, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Albion, Iowa, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, and also to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of K. A. & J. A. Moore, publishers of the Alexander Advertiser, of Alexander; of M. Miller, publisher of the Boone County Democrat, of Boone; of S. E. Zallinger, publisher of the Enterprise, of Defiance; of G. Gardner, editor of the Cass County Democrat, of Atlantic; of Jacob G. Schmidt, publisher of Der Deutsch-Amerikaner, of Waterloo; of R. H. Moore, publisher of the Democrat, of Ottumwa, and of Charles Reineck, publisher of Der Nord Iowa Herold, of Elkader, all in the State of Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of citizens of Walnut, Manning, Dubuque, Stuart, Grand Junction, Decorah, and Logan, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Hampton, Spencer, Sioux City, Mapleton, Sanborn, Perry, Cresco, Calmar, Cedar Rapids, Elkader, Northwood, Cedar Falls, Greene, Maquoketa, New Hampton, Oskaloosa, Des Moines, Belle Plaine, Emmetsburg, Clinton, Decorah, Corning, Creston, Iowa Falls, Wilton, Monticello, Algona, Dewitt, Marion, Tama, and of the Baptist Young People's Union, all in the State of Iowa; of Rev. William E. Randall, of Valparaiso, Ind., and of Rev. L. A. Hall, of Chicago, Ill., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. COCKRELL presented the petitions of E. T. Browning and sundry other citizens of Lees Summit; of A. C. Millard and sundry other citizens of Independence; T. C. Kelley and sundry other citizens of Wellsville; Henry Cochran and sundry other citizens of Chamois; L. A. Rayton and sundry other citizens of Pleasant Hill; S. Gilkeson and sundry other citizens of Warrensburg; G. D. Kennedy and sundry other citizens of Brunswick; William Potts and sundry other citizens of Salisbury; S. W. Crawford and sundry other citizens of Jefferson County; T. C. Rainey and sundry other citizens of Marshall; R. F. Bibb and sundry other citizens of Centralia; J. B. Williamson and sundry other citizens of Holden; L. J. Dryden and sundry other citizens of Warrenton; T. J. Johns and sundry other citizens of Salt Springs; J. M. Gorduch and sundry other citizens of Norborm; J. M. Logan and sundry other citizens of La Plata; Walker Bros. and sundry other citizens; Charles A. Loomis and sundry other citizens of Chillicothe; Dr. R. Graham Hereford and sundry other citizens of Pacific; W. T. Braid and sundry other citizens of St. Charles; Rev. E. R. Hendrix, of Kansas City; D. A. Ball and sundry other citizens of Louisiana; David W. Howard, of Kansas City; Daniel S. Tuttle, of St. Louis; Dr. Charles Mellies and sundry other citizens of St. Louis; John H. Miller and sundry other citizens of Richhill; Rev. John Wilson and sundry other citizens of Cameron; Rev. John Gillin and sundry other citizens of Memphis; Rev. M. M. Moore, of Springfield; J. F. Rea and sundry other citizens of Sedalia; A. H. Harmon and sundry other citizens of Otterville; John P. Burke and sundry other citizens of California; H. P. Jennings and sundry other citizens of Moberly; H. R. Baumann and sundry other citizens of Washington; W. N. Wicks and sundry other citizens of Glasgow, and R. M. Ringo and sundry other citizens of Kirksville, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of Mitchell Bros., publishers of the Republican, of Canton; of the Implement and Vehicle Board of Trade, of St. Louis; of the Board of Trade of Kansas City, and of E. E. Patterson, publisher of the Searchlight, of Ozark, all in the State of Missouri, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of W. B. Rogers, publisher of the Republican, of Trenton, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of District Assembly No. 4, Order of Knights of Labor, of St. Louis, Mo., and a petition of Local Assembly, No. 1280, Knights of Labor, of St. Louis, Mo., praying for the passage of the so-called Lodge immigration bill, and also for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented a petition of the Old Coon Tobacco Works, of Springfield, Mo.; a petition of the Business Men's League, of St. Louis, Mo., and a petition of the Board of Trade of Kansas City, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Pastors' Conference of Chillicothe; of the Woman's Christian Temperance Union of Albany, and of members of the Christian Endeavor Society of the First Presbyterian Church, of Kansas City, all in the State of Missouri, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Rev. John Henry Hopkins, of St. Joseph; of the Board of Trade of Kansas City; of the board of education of Kansas City; of members of the Westminster Presbyterian Church, of Kansas City; of the Commercial Club, of St. Joseph; of Homer T. Fuller, president of Drury College, Springfield; of the Ministerial Alliance, of Springfield; of the Arbitration Association, of St. Louis; of Daniel G. Tuttle, bishop of Missouri; of the Methodist Episcopal Preachers' Meeting, of Kansas City; of resolutions adopted at a mass meeting of different religious denominations of St. Louis; of Fred. H. Keeife, of St. Louis; of the Ministerial Club, of St. Louis; of the Wear & Boogher Dry Goods Company, of St. Louis, and of the Merchants' Exchange, of St. Louis, all in the State of Missouri, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Maitland, Mo., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Maitland, Mo., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Maitland, Mo., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the official board of the Christian church, of Lancaster; of the Woman's Christian Temperance Union of Lancaster; of the Ladies' Social Union of the Methodist Episcopal Church, of Lancaster; of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Lancaster, and of the Woman's Christian Temperance Union of Maitland, all in the State of Missouri, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Association of Railway Postal Clerks of Sedalia, Mo., praying for a reclassification of clerks in the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the petition of A. H. Polts & Co., publishers of the Chester County Times, of Parkesburg, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Assembly No. 19, Royal Society of Good Fellows, of Wilkesbarre, Pa., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Allegheny County, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. McMILLAN presented the petition of Hon. John Atkinson and 7 other members of the legislature of Michigan, praying that an appropriation be made for the marine-postal service; which was referred to the Committee on Appropriations.

He also presented a petition of the Pharmaceutical Association of Jackson County, Mich., praying for the adoption of an amendment to the tariff bill placing alcohol, as used in the arts and for medicinal purposes, upon the free list; which was referred to the Committee on Finance.

He also presented a petition of the Ministerial Union of Manchester and Richmond, in the State of Virginia, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Burnside Post, No. 8, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of legislation to incorporate the Washington and Gettysburg Railway Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of Assembly No. 230, Royal Society of Good Fellows, of Kings County, N. Y., praying for the enactment of legislation regulating fraternal beneficiary societies and associations in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Branch No. 122, National Association of Post-Office Clerks, of Pontiac, Mich., praying for a reclassification of clerks in the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Shelby, Mich., and the petition of J. C. Bontecon, publisher of the Petoskey Record, of Petoskey, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 36 citizens of Highland; of the Woman's Christian Temperance Union of Bay City, and of Mrs. Anna M. Dimmare and 45 other citizens of Portland, all in the State of Michigan, praying for the enactment of legislation prohibiting the sale of intoxicating liquor in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Bay City; of members of the First Baptist Church, of Ypsilanti, and of members of the First United Presbyterian Church, of Detroit, all in the State of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions signed by 1,184 citizens of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MORRILL. I present a petition of a committee of 30 clergymen appointed by the Ministerial Association of York, Pa., representing a constituency of 35,000, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building. I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of the Drysalters Club of Boston, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Natick, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 34 members of the Christian Endeavor Society of the First Congregational Church, of Millbury, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of the Congregational Church, of Natick, Mass., praying for the enactment of legislation raising the age of consent to 21 years; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Woman's Club of Concord, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Baptist Young People's Society of Christian Endeavor of Hampton Falls, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Division No. 335, Order of Railway Conductors, of Concord, N. H., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BAKER presented petitions of the Commercial Club of Newton; of sundry citizens of Leavenworth, Geneseo, Coffeyville, Salina, Arkansas City, Paola, and Wichita, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. THURSTON presented a petition of sundry citizens of Lincoln, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Auburn, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. VEST presented a petition of sundry citizens of West Plain, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Chamois, Independence, and St. Joseph, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MANTLE presented the petition of S. A. Robertson, publisher of the Sentinel, of Boulder, Mont., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented a petition of the Woman's Christian Temperance Union of New Haven County, Conn., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented the petition of Rev. James Rowe, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the business men of Rockford, Ill., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of William O. Davis, publisher of the Pantograph, of Bloomington, Ill., praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the senate of the State of Illinois and a petition of the city council of Denver, Colo., praying for the enactment of legislation reclassifying railway postal clerks and prescribing their salaries; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Joseph L. Colton, of Mount Carmel, Ill., and a petition of the Union League Club, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented eighteen petitions signed by sundry citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. ALLEN presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BATE. I present "An appeal of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws," in the nature of a memorial, remonstrating against the adoption of the proposed amendment to the Indian appropriation bill "coercing agreements which they are ready to make without coercion," and praying Congress not to press at this time "such an extreme and unnecessary measure." It is an important paper and is very short. I ask that it be printed in the RECORD, and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

AN APPEAL OF THE CHEROKEES, CREEKS, SEMINOLES, CHOCTAWS, AND CHICKASAWS.

To the Senate of the United States:

We represent 70,000 faithful, law-abiding, liberty-loving people who have, perhaps, too blindly trusted in their treaties as sacred and incapable of being violated.

The act of June 10, 1893, declared for the first time that it was the duty of the United States to establish a government in our country. It was the first declaration of a definite policy.

Upon this declaration by Congress each of our five nations immediately authorized negotiations on the lines indicated by Congress, as soon as their legislatures met, as by law provided, beginning in August and ending in November, 1896. Could you have acted sooner?

The Dawes Commission was absolutely engrossed with the settlement of very many thousands of citizenship cases up to December 14, and left for Washington December 19, promising to return immediately after their Christmas holiday.

Our commissions were authorized, ready, and willing to treat, and of this the United States Commission was fully advised (see Senate Ex. Docs. 94, 111, 112, etc.); but these important matters could not possibly be closed up in six days.

It is now proposed (on the erroneous theory that we are not sincere in our purpose to treat) to put drastic legislation on an appropriation act (Indian, page 57), destroying our judiciary, paralyzing our executive departments, emasculating our legislative bodies, partitioning and administering our great estates without our consent, without proper safeguards, and regardless of vested rights, as a measure of coercing agreements we are ready to make without coercion.

We earnestly appeal to your high sense of justice and to your magnanimity against this extreme measure.

First. Because it is unnecessary. The record proves this (Senate Ex. Docs.

94, 111, 112), but, in addition, we here register our solemn declaration that our people are ready and earnestly intend treating on the lines heretofore indicated by Congress; that they have not had sufficient opportunity of negotiating after resolving upon this course last fall.

Second. This measure is unjust, because it puts our people under extreme duress and ruinous conditions, as a manifest and declared preliminary to a proposed negotiation.

We feel that "consent" under such conditions is no consent at all, but the submission of the weak to the impatient violence of the strong, that will give our people a false idea of the great Republic and its citizenship.

It is beneath the dignity of the United States to strike our people to the earth while inviting negotiation. We can not believe that the advocates of this measure would feel justified in pressing it if they should examine the correspondence submitted and realize the sincerity of our purpose to negotiate.

We earnestly trust that this solemn declaration, made on behalf of the sincerity of our people, will suffice to induce the Congress not to press at this time such an extreme and unnecessary measure.

S. H. MAYES,
Principal Chief Cherokee Nation.
G. W. BENGE,
W. W. HASTINGS,
Cherokee Delegates.
JOHN F. BROWN,
Chief Seminole Nation.
P. PORTER,
G. W. GRAYSON,
G. A. ALEXANDER,
WM. A. SAPULPA,
Creek Delegates.

J. B. JACKSON,
G. W. DUKES,
E. N. WRIGHT,
D. M. HAILEY,
Choctaws.
R. M. HARRIS,
Governor Chickasaw Nation.
WM. L. BYRD,
ISAAC O. LEWIS,
WM. M. GUY,
RICHARD McLISH,
Chickasaw Delegates.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. MITCHELL of Oregon December 21, 1896, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 3510) for the relief of Verona E. Pollock, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park, reported it without amendment.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. WILSON on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HILL on the 3d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. GEAR on the 3d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by himself on the 1st instant, intended to be proposed to the Post-Office appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be printed, and referred to the Committee on Appropriations; which was agreed to.

Mr. TELLER, from the Committee on Appropriations, to whom was referred the bill (H. R. 10167) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred a letter from the Acting Secretary of the Treasury, transmitting, in response to resolution of the Senate of December 21, 1896, a report of the Auditor of the War Department relative to the settlement of claims on account of the loss of the steamer *Osceola*, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HOAR on the 11th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (H. R. 610) for the relief of John F. McRae, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CHANDLER, from the Committee on the Census, to whom the subject was referred, reported a bill (S. 3703) to provide for the twelfth and subsequent censuses; which was read twice by its title.

He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 9th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

DETAIL OF ARMY OFFICER.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a joint resolution to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America. If there be no objection, I ask for its immediate consideration.

The joint resolution (S. R. 205) enabling the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America was read the first time by its title and the second time at length, as follows:

> *Resolved by the Senate and House of Representatives, etc.*, That the Secretary of War is hereby authorized to detail an officer of the United States Army, not above the rank of captain, who shall be permitted to accept from the Government of the Greater Republic of Central America the position of instructor in a military school in said Republic and the emoluments pertaining thereto.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FALLEN TIMBER ON HOMESTEAD ENTRIES.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 9491) concerning certain homestead lands in Florida, to report it without amendment and submit a written report thereon. The bill has passed the other House, and the relief, in order to be effective, should be given immediately. The bill is a short one, and I ask for its immediate consideration, if there be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to all persons actually occupying homesteads in good faith in any of the counties of Alachua, Lafayette, Levy, Suwanee, Bradford, Baker, and Columbia, in Florida, at the time of the storm on or about September 29, 1896, the right to sell or otherwise dispose of the fallen timber on their homestead entries felled by the storm, and to devote the proceeds of such sale or barter to the improvement of their homesteads or support of themselves or their families.

Mr. HAWLEY. I suggest to the Senator from Florida a minor criticism upon the bill. The intent of it is to permit certain persons owning homestead rights to take the timber that was thrown down by the cyclone for their own use. That is all quite right.

Mr. PASCO. That is the purpose of the bill.

Mr. HAWLEY. There is no objection in the world to that; but as to the latter part of the bill, which provides that they shall devote the proceeds of such sale to the improvement of their homesteads, etc., I suggest that what they will do with the money is a matter within their own discretion. I have no objection to the bill, but I call attention to this peculiar provision.

Mr. PASCO. That is probably a just criticism of the bill, but it came from the other House in that shape, and I hope the Senator will not delay its passage by amendment.

Mr. HAWLEY. I make no objection to the bill, but why not let a man spend the money in the way he pleases?

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. GUERIN.

Mr. BACON. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 8197) for the relief of John J. Guerin, to report it back favorably without amendment, and to ask the immediate consideration by the Senate of the same.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the record in the case of Corpl. John Grant, discharged as corporal of the Marine Corps at Portsmouth, N. H., December 26, 1888, and to grant him an honorable discharge in his rightful name, John J. Guerin.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GEMMILL.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 8250) for the relief of William Gemmill, to report it without amendment.

Mr. PETTIGREW. I desire to ask the immediate consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to William Gemmill, of Yankton, S. Dak., $75, in full payment for quartering and boarding United States soldiers during a terrific and protracted snowstorm in the month of April, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. SENTZ.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1060) to pay the claim of James H. Sentz, reported the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the bill (S. 1060) entitled "A bill to pay the claim of James H. Sentz," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 3704) to authorize the Secretary of the Treasury to secure payment of certain State bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund; which was read twice by its title, and referred to the Committee on Finance.

Mr. FRYE introduced a bill (S. 3705) for the relief of John Mooney, alias Peter McCabe; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LINDSAY introduced a bill (S. 3706) granting a pension to Mrs. Anna B. Lewis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 3707) granting a pension to Catherine A. Bradley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the District appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. HOAR submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURSTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Finance.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HAWLEY submitted two amendments intended to be proposed by him to the fortifications appropriation bill; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES P. HURLEY.

Mr. GALLINGER. I ask for the adoption of the following order:

> *Ordered*, That the Secretary of the Senate be, and he is hereby, directed to withdraw from the files of the Senate all papers in connection with Senate bill No. 3586, granting a pension to James P. Hurley, and forward them to him at his home, No. 11 Sprague street, Charlestown, Mass.

Mr. COCKRELL. That does not include the files of the Pension Office?

Mr. GALLINGER. Not at all; simply his private papers.

The order was agreed to.

PROTECTION OF FUR SEALS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Secretary of State be, and he is hereby, requested to furnish for the information of the Senate a copy of the reply, if any has been made, to the letter addressed by Mr. Gresham to Sir Julian Pauncefote, dated "Department of State, January 23, 1895" (it appears as No. 128, Senate Executive Document No. 67, Fifty-third Congress, third session, pages 160-161), calling the attention of the British Government to the utter failure of the negotiations of the Paris Tribunal to protect the fur-seal herd of Alaska, and requesting a revision of the same.

THE YELLOWSTONE PARK.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Be it resolved*, That the Secretary of the Interior is requested to communicate to the Senate whether any action has been taken, or is contemplated, to grant to any person or persons the privilege of erecting a steam plant, elevator, or other appliances on the Yellowstone Canyon, in the Yellowstone Park, for the purpose of conveying persons from the top of the canyon to the bottom. And the Secretary of the Interior is further requested to withhold any action in the premises until it can be determined by Congress as to the propriety of the granting any such privilege.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy, having been presented to the President February 4, 1897, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

Mr. LODGE. If the morning business is concluded——

The VICE-PRESIDENT. The morning business has not been concluded. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 13th instant, as follows:

> *Resolved*, That the United States Civil Service Commissioners be, and they are hereby, directed to inform the Senate if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government; and if so, when, and for what reasons; and if they, or any of them, have asked or petitioned the Civil Service Commissioners for an investigation of the charges made against them, and if said request or petition has been denied by the Civil Service Commissioners; and if so, for what reason or reasons the same has been denied; and that the said Civil Service Commissioners be, and they are hereby, directed to accompany their answer to this resolution with full and complete copies of all affidavits, letters, statements, testimony, depositions, reports of examiners, and all other papers or documents in their possession and in any manner bearing on the subject-matter of this resolution.

Mr. ALLEN. Mr. President——

Mr. LODGE. I ask the Senator from Nebraska if he will not be willing to allow the resolution to go over until to-morrow without prejudice? I gave notice that I would call up the immigration bill this morning, on which the Senator from Maryland [Mr. GIBSON] desires to address the Senate; and the time for the vote being fixed at 4 o'clock, I do not wish to trespass on his time.

Mr. ALLEN. I should be glad to accommodate the Senator from Massachusetts, but I will consume but a few moments, and I prefer to go on at this time.

On the 13th of this month I introduced the resolution which is now before the Senate, requiring the Civil Service Commissioners to inform the Senate "if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government; and if so, when, and for what reasons," and calling upon the Civil Service Commissioners for all correspondence, affidavits, and documents in their office pertaining to these persons.

In December last I received information from reliable sources in Nebraska that these persons had been summarily dismissed from the minor positions they held in the Bureau of Animal Industry, and claiming that they had filed the necessary papers with the Civil Service Commissioners for an investigation of the cause of their removal or dismissal. They appealed to the Commissioners to know the nature of the charges made against them. No response was made to their request; in fact, the receipt of their letters was not acknowledged by the Commissioners, as they inform me. I have been furnished with evidence in the form of letters from reliable persons as to some of the alleged causes of the dismissal of these parties, and they are so absolutely puerile, so absolutely devoid of all reason, that I believe it my duty to call the attention of the Senate and the country to them.

On receiving information of the dismissal of these persons, I addressed a letter to the Civil Service Commissioners, asking if requests had been filed with them for an investigation of the charges. After waiting something like thirty-three days, they answered my letter in a communication to be found on page 1792 of the CONGRESSIONAL RECORD of the current month, in which, after calling my attention to a rule which prescribes that persons shall not be dismissed the service for political reasons, they are kind enough to say:

> In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that, with its limited force and the pressure of work, it can not at this time make an investigation of its own into the matter.

They refer in this letter to the fact that the Secretary of Agriculture had furnished evidence that these persons had neglected their duty; but in what respect they do not say. It is evident that when the Commissioners received my letter in the middle of December last they sent it to the Secretary of Agriculture and gave him time to send some person to South Omaha to find or formulate evidence to support the charge of neglect of duty, and they were not kind or courteous enough to reply to my communication, although our offices are not a mile apart, until after a report had been made by the person sent to investigate the charges and after my communication had called their attention to the matter in a way they did not dare neglect it any longer.

I have nothing to say one way or the other respecting that small conception of official responsibility, and official courtesy, and official duty, and official propriety, for that matter, which would prompt officers of the dignity of the Civil Service Commissioners to send my correspondence to the Secretary of Agriculture, or to any other source, without my knowledge and without my consent. It may be that this dignified body—the Civil Service Commission—who are regulating the official roll of this nation, regard that as a proper act to do; but I regard it as a violation of the decencies and proprieties of official life, and I desire to place myself upon record as making that statement.

For what cause were these persons discharged, Mr. President? I call attention of the Senate particularly to some of the beauties of civil-service reform, this panacea for all official evils. Speaking of these ladies, Miss Dalton and Miss Flynn, Dr. White, the superintendent, who himself fell a victim to the system, says in his letter to me of January 16, 1897:

> The two girls discharged were my most faithful assistants. Their offense was having Mr. Bryan's picture in their windows.

That was the only charge made against these girls. Their competency was not questioned; their fitness was not questioned; it was not questioned that the ladies were not discharging their duties during the requisite number of hours, and faithfully. Nothing was said against their character, because they are women of pure character. The only offense they had committed against the Administration and against the Secretary of Agriculture consisted in placing Mr. Bryan's picture in their windows. I suppose that if the placing of these pictures in the windows did not obstruct their vision and did not in any manner impede them in the faithful discharge of their duties, it was a mere matter of choice with them. But, says Dr. White:

> Six other of my assistants had McKinley pictures in their windows, but they are all O. K.

They were not discharged. Two of these women out of the eight were admirers of Mr. Bryan. They were ladies who live in the State in which he lives; they were proud of the State, and proud of its greatness, and proud of the great man it had produced; and with all the enthusiasm and love that women have for the community in which they live, in an unguarded moment, and without consulting the Secretary of Agriculture, they placed the picture of this great man in their windows. But six other women in that department had the picture of Mr. McKinley in their windows, and they were not reprimanded nor discharged for it. There is no pretense, there is no claim, that Miss Dalton and Miss Flynn committed any other offense than in placing these pictures in the windows of the offices where they were at work.

Mr. Zeller's offense consisted in the following fact—and I read from a letter addressed to me by J. C. Dahlman, chairman of the Democratic State central committee, and Lee Herdman, secretary, of February 8, 1897:

> We charge and can show it to be an actual fact that the person in charge at South Omaha, under whose orders Zeller was working, instructed him to quit work and attend the said Democratic county central committee meeting in the interest of the bolting Democrats who were seeking to control said central committee meeting, and that, by the orders of said person in charge of said department at South Omaha, another man was put in the place of said Zeller during his absence. Said Zeller was given a proxy by those who represent Morton in this State, and practically compelled by them to vote according to their dictates. This is now charged against him as neglect of duty.

It seems from the correspondence that Mr. Zeller was an advocate of the free and unlimited coinage of silver at the ratio of 16 to 1. In other words, he was a Bryan supporter. As an American citizen, he had a right to support whoever he might see proper for President. But those over him in office compelled him to take a proxy and go to a meeting of the Democratic county central committee for the purpose of disintegrating and destroying it, and, by that means, giving aid and comfort to the bolting Democrats; and when he returned from the meeting and resumed his duties and began the exercise of his right of citizenship in thinking and acting and voting for himself, he fell under the ax of the headsman. That is the only offense he committed.

Mr. Holmes seems to have fallen a general victim. No specific charge was made against him, and I infer that he was discharged simply because he sympathized with those who were discharged.

Dr. White was discharged because his son, a young man attending school at Lincoln, a distance of 60 miles from Omaha, where the discharged persons were engaged in labor, saw fit to go upon the stump and make a few speeches in Mr. Bryan's interest. The doctor said nothing and did nothing to incur the enmity of any person; but because he failed to restrain his son, a man grown, or practically grown, and prevent him from making speeches advocating the election of Bryan to the Presidency, he also fell a victim to civil-service reform.

Mr. President, I call particular attention to the language used by the Civil Service Commissioners, because I blame them more than any other persons. They have been using this law, which was passed by Congress for a beneficial purpose, for the most infamous purposes for which any law can be used. Here comes the ordinary excuse when a man does not want to do anything: "We feel that we have not the force at our disposal nor the time to make an investigation of our own." It was an open insult; it was designed to be an insult. It was no more than to say: "Notwithstanding these persons have been dismissed unlawfully and in violation of civil-service rules; notwithstanding it is apparent to us that they were discharged for political sympathy or political action, yet we are so dominated by the Administration, or by one of the Departments, that we will not even give them a hearing and an opportunity to be heard in their defense."

I shall not detain the Senate any length of time, Mr. President, in discussing this matter, but I must be permitted to call the attention of the country once more, if I can, to the fact that the civil-service law is a fraud, a snare, and a delusion. More persons fall victims to this so-called law than through any other cause or by any other means. Good but unsuspecting people all over the country believe that we should have a civil service that will recognize men and women on account of their merit, but they do not know that this law is violated every day—violated in hundreds and thousands of instances of this kind—where the poor, helpless victims are hundreds of miles from this capital, where there is no practical appeal to the Commissioners, or to any court, for an investigation of the charges made against them.

The Secretary of Agriculture comes from my State; he is a distinguished citizen of my State, and I am loath to believe that he knows of this. I would not make the charge that he does. I prefer to believe that he knows nothing about it; that some subordinate in the Agricultural Department is responsible for the discharge of these persons.

I hope, Mr. President, in conclusion, that the Senate will adopt this resolution, and, if it be true that these young ladies have been discharged for no greater offense than having Mr. Bryan's picture in their windows, Mr. Zeller for no other offense than exercising his right of citizenship, and Dr. White for no greater offense than his son's making political speeches 60 miles from him, let the country understand the facts and let the Senate understand the facts and the people determine the right.

The VICE-PRESIDENT. The question is upon agreeing to the resolution submitted by the Senator from Nebraska.

Mr. HILL. I ask to have the resolution read.

The Secretary again read the resolution.

Mr. HILL. The resolution is rather unusual in its character, and pretty broad and comprehensive, but, nevertheless, I do not see any objection to it.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had proceeded as the Constitution provides, to reconsider the bill (S. 894) entitled "An act granting a pension to Nancy G. Allabach," returned by the President of the United States to the Senate, in which it originated, and passed by the Senate on a reconsideration of the same; and it was

> *Resolved*, That the bill do not pass, two-thirds of the House not voting in the affirmative.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9613) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the House had passed the following bills, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 321) granting a pension to James W. Dunn; and

A bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 619) granting a pension to Joseph S. Bunker;

A bill (H. R. 2035) granting an increase of pension to Peter Anderson;

A bill (H. R. 2321) to increase pension of John J. Cross;

A bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 3102) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 3842) to increase the pension of Edward Vunk;

A bill (H. R. 4517) granting a pension to Washington Baker;

A bill (H. R. 4539) granting a pension to Zolman Tyrrell;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 5612) granting a pension to Nathan Mitchell;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6922) to pension Catharine Harris;

A bill (H. R. 7073) to increase the pension of Solomon Kline;

A bill (H. R. 7079) to increase the pension of Henry O. Hyre;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

A bill (H. R. 7647) granting a pension of $30 per month to Albert Brown;

A bill (H. R. 7688) for the relief of John M. Laughlin;

A bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst;

A bill (H. R. 8706) to correct the military record of Patrick Hanley; and

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I now call up the report of the conference committee on the immigration bill, and ask that it may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. PETTIGREW. Mr. President, I gave notice yesterday that I should call up the Indian appropriation bill immediately after the routine morning business to-day, but I will defer that motion until after the vote is taken on the immigration bill, and then I shall call up the Indian appropriation bill.

Mr. LODGE. The conference report has not yet been formally presented. I now present it, and ask that it be read.

The VICE-PRESIDENT. The report will be read.

Mr. PALMER. I rise to ask whether the report of the committee of conference is now before the Senate?

The VICE-PRESIDENT. The report will first be read, after which it will be before the Senate.

The Secretary read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 7864, "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment, and agree to the House bill as follows: Strike out the first section all after the words "admission to the United States the following" and insert:
>
> "All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come to join the husband or parent similarly qualified and capable."
>
> Strike out the present section 2 and insert a new section as follows:
>
> "SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substituted method adopted for testing the ability of the immigrant."
>
> Strike out the present section 3 and insert a new section, as follows:
>
> "SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."
>
> Strike out the present sections 4, 5, and 6, and insert as follows:
>
> "SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country.
>
> "SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.
>
> "SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $50 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came."
>
> "SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."
>
> Add a new section as follows:
>
> "SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."
>
> Strike out the present section 7 and insert as follows:
>
> "SEC. 9. That this act shall take effect July 1, 1897."
>
> H. C. LODGE,
> WM. E. CHANDLER,
> CHAS. J. FAULKNER,
> *Managers of the Conference on the Part of the Senate.*
>
> L. DANFORD,
> STANYARNE WILSON,
> *Managers of the Conference on the Part of the House.*

Mr. LODGE. Mr. President, I desire only to say a very few words as to the nature of the report, which has been in print for a week and on the tables of Senators, and which I think is entirely understood.

The conferees have changed the phrasing in regard to the language qualification from "the English language or the language of the native or resident country" to "the English or some other language."

In deference to objection made on the floor in regard to the point that the original conference report would separate husband and wife, a new clause has been added which enables a man able to read and write to bring with him or send for not only his wife, but his minor children—an enlargement made by the committee.

The new section, which was put in as an administrative section, to which objection was made by the senior Senator from Maryland [Mr. GORMAN] as new matter, has been stricken out entirely. That part of the bill, therefore, comes back from the second conference in substance as it left the Senate. The addition is what is known as the Corliss amendment. That was in the last conference report, and remains unchanged in this conference report. The Senate committee, as it will be remembered, struck out the Corliss amendment when they first reported the bill. The House conferees stood very strongly for that amendment, but finally agreed to accept important modifications in it, and then insisted upon its retention in the bill.

I have nothing further to say, Mr. President. I think the bill has been so much discussed that it is thoroughly understood. I desire merely to move at the proper time fixed for taking the vote that the Senate concur in the conference report. I gladly give way now to the Senator from Maryland [Mr. GIBSON] in opposition to the bill.

Mr. GIBSON. Mr. President, I yield a part of the time which I shall ask the Senate to accord to me to the Senator from Illinois [Mr. PALMER], who desires to address the Senate briefly on this question, after which I understand he will be followed by the Senator from Montana [Mr. CARTER]. I shall desire then to take the floor in my own behalf.

Mr. PALMER. Mr. President, from the growth of what may be called nativism in the United States, and from the fact, as I understand, that in another branch of Congress this conference report has been accepted, I expect that the Senate will concur with the conference committee. I know of no sentiment, no feeling which has prevailed throughout the United States to a greater or less extent, and for which I have a greater and more profound and earnest detestation, than the doctrine of nativism. Believing as I do that all men are entitled to liberty, or, as that term is best expressed in the ancient Declaration, "life, liberty, and the pursuit of happiness," and believing that the right of expatriation and of migration is essential to the enjoyment of that perfect liberty which I claim to be the right of every man, I have detested nativism. This is but an expansion of that same sentiment. Its real purpose is to restrict immigration, to confine it, to impose conditions upon the right of foreigners to migrate into the United States. It is not very successfully done, however, and I congratulate the committee of conference that they have improved the original Senate bill so much.

When the bill was before the Senate on a former occasion I opposed it because its effect would be to separate families. I recollect that Senators on this floor argued that it was no hardship to parents that they should remain in the country of their birth until their children were educated to the moderate extent which is required by this bill.

Mr. President, I do not wish to be understood as underrating the value of even the moderate degree of literary attainment required by this bill as a probable improvement in enlightened citizenship. I have during my whole life favored free public education. In 1847 I was a member of a constitutional convention of the State of Illinois, and I reported to that convention, without succeeding in securing its adoption, a constitutional provision which would, if it had been adopted, impose upon the State the duty of providing a common school education, as the term then was understood in Illinois, for all the children of the State. I have also favored the diffusion of free education. I make these remarks in advance, because I do not wish to be understood as underrating the value, as I have said before, of the moderate degree of education required by this conference report. But "a man's a man for a' that."

The great purpose of our Government is to promote the happiness of the people, though I concede the right of the State to exclude from its limits or prevent the entrance into its territory of all dangerous persons, persons who have been guilty of crime, because liberty itself, as precious as it is, and to the extent that I claim the right of every man to liberty, may be forfeited by the commission of crimes. Such is the provision of the constitutions of all the States, especially of the constitution of the State of Illinois, to which I appeal with more confidence, because I am more familiar with its provisions. Liberty itself may be forfeited by the commission of crime whereof the party has been duly convicted.

I grant also that quarantine laws may be enacted for the protection of the public health. I am not disposed to limit the power of Congress, which may pass naturalization laws, to impose such proper and reasonable terms, such conditions as are essential to the enjoyment of the liberty which belongs to every man—to impose such terms and conditions of adoptive citizenship. But my experience and observation, both, are that the terms and conditions required of immigrants, persons coming into the United States, as imposed by this bill are essentially and radically unjust, as they impose conditions upon the natural rights of law-abiding men.

I have said before that I concede that men hold the right to liberty upon the condition of their obedience to law, and perhaps I may add their ability to support themselves without being a public charge. I concede that those are proper limitations upon the right of migration, the right of leaving an old home and finding a new one.

I read from the report:

> All persons physically capable and over 16 years of age who can not read and write the English language or some other language.

I have said that this condition, in addition to being unjust, and one that has its origin in a desire to check and to control immigration, will be found in practice to be absolutely useless. While I have conceded that the United States may exclude dangerous persons from its limits, I have found by somewhat extended observation that the dangerous men who enter the United States, the brawling anarchists, those who would disturb public order, can read and write, and do read and do write, while this will operate upon a harmless and useful class of immigrants.

Having said this much in regard to the first section of the conference report, I will proceed to note my protest against the fourth section of the bill.

Is it not true, Mr. President, that the provisions of this fourth section of the bill will be found in the code of no other State? My observation and reading are not so extensive as to justify me in saying that this section is peculiarly American. I am sure it is not found in the codes of the Dominion nor of England; I am sure it is not found in the code of Mexico, nor of any of those countries which adjoin us. It is also true that the purpose of this section is to operate upon laborers alone. It reads:

> SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country.

I say that it is obvious, because no other persons are expressed, that this is intended to operate alone on mechanics and laborers. Whether the authors of this report intended that the requirement of reading and writing should not be imposed upon the laborers who return from time to time to a foreign country or not, I do not know. I do not know whether the Canadian laborer or the Mexican laborer or any laborer who may come into the United States with a view of bettering his condition and returning to his own country would be required to be able to read and write or not. The section is distressingly uncertain on that point, and possibly a construction may be given it that would make it read as I will suggest:

> That hereafter it shall be unlawful for any male alien not able to read the English language, or some other language, to become a citizen of the United States or to make his declaration before the proper court of his intention to become a citizen of the United States.

I am not able to determine in my own mind exactly whether that requirement would be imposed upon an alien laborer coming into the United States to work at some mechanical trade or manual labor or not. But I have said that in my judgment the provision found in the fourth section is without precedent in the legislation of any civilized country in the world. I make that broad statement subject to the right of any Senator to suggest where a similar law can be found or where a similar provision of law can be found. So the United States of America, "the land of the free and the home of the brave," the land which has offered a refuge to the orderly men of all the world, originates this policy.

Mr. President, can it be supposed for a moment that the Dominion of Canada or Mexico—indeed, all the world—will not imitate our miserably narrow example? Suppose that our people go into other countries; that miners and lumbermen go into Canada or into other portions of the British dominion, and that those countries should imitate our example. Indeed, I saw the other day, in a newspaper published at Detroit, the statement that the exclusion of occasional labor from other countries would operate more severely upon the Americans in the case of countervailing legislation than it would upon the people of any adjacent state or territory. Is it not true that miners are seeking the rich treasures of the Mexican mines; that Americans are flocking to that country? Is it not true that thousands of our people are visiting the mines of the Northwest, and have gone across the border and are engaged in the preparation of lumber for the American market? Is not all that true, and can it be believed for a moment——

Mr. CAFFERY. Will the Senator from Illinois permit me?

Mr. PALMER. With great pleasure.

Mr. CAFFERY. There are a great many Americans now engaged in mining in the Transvaal. There are American engineers conducting mining operations there largely.

Mr. PALMER. I am obliged to the Senator for the suggestion. Undoubtedly our people are seeking adventure in all countries where wages or salaries can be found. The suggestion of the Transvaal is one, and I repeat Mexico and the British dominions. They are everywhere. If this country shall be guilty of an offense against the comity of nations so gross and offensive as this is, it may be expected that other nations will imitate our example. Indeed, I observed the other day that as to the lake navigation the Canadians have threatened to adopt retaliatory legislation. It is an outrage upon the comity of nations and of the civilization of the age that mere laborers, toilers who may happen to live across the line, whose homes may be in Canada or in Mexico, shall not be allowed to come into the United States and labor for the support of those who are dear to them. I mention this fact because it is the beginning of a system of legislation that will place us at war with all the world—I mean a war of legislative restrictions.

Mr. President, the whole principle upon which these requirements are made, either in New England or in the States of literary qualifications for the exercise of any right, is a crime against humanity. In some of the New England States they require that men shall be able to read or write. I do not remember what the qualifications are.

Mr. GALLINGER. I think there is only one New England State that does so.

Mr. PALMER. Only one of the New England States?

Mr. GALLINGER. Yes; Massachusetts.

Mr. PALMER. Illinois, which requires no such qualification, is as well governed as Massachusetts. Every man in Illinois who has not been convicted of crime participates in the exercise of the right of suffrage.

Mr. HOAR. Will the Senator from Illinois allow me?

Mr. PALMER. With great pleasure.

Mr. HOAR. The Senator says Illinois is as well governed as Massachusetts. I suppose the Senator is speaking of the time when he was governor.

Mr. PALMER. Then and now. As a matter of course, I do not except my own incumbency of the gubernatorial office. The State was well governed, and it is as well governed as Massachusetts, and Massachusetts can claim no superiority over Illinois or any of the States where the right of suffrage is unrestricted.

The fatal example of Massachusetts has furnished a precedent for much of the history of the South. In the Southern States a literary qualification is required, and the precedent of Massachusetts is pleaded by way of extenuation or excuse. Massachusetts perhaps is the inventor of that system by which a large proportion of the men of the South are excluded from the exercise of their rights. Such will be the fatal effect of legislation like this. It is dangerous as an example; it is dangerous as a precedent; it is objectionable upon moral grounds which I need not argue.

Mr. HOAR. I think the Senator from Illinois, if he will permit me, ought to bear in mind that the constitutional prohibition in Massachusetts is accompanied by provisions for securing popular education so liberal, comprehensive, far-reaching, and effective that practically no native of the Commonwealth, who has not some peculiar mental infirmity unfitting him for capacity, is unable to read and write. So the restriction, such as it is, applies only to persons coming into the State from other places, either at home or abroad—chiefly abroad—to whom reading and writing are ordinarily almost essential as a means of becoming acquainted with the character and spirit of American institutions or the merits of pending questions. The reading and writing prohibition of the constitution, without an absolute provision requiring all children to go to school when they are of school age and without providing means at the public charge for their education, is a very different thing from such a provision where it is accompanied with such a policy.

I do not believe that a native of Massachusetts, and it is very rare indeed that a native of the United States, is ever affected by that provision. I do not wish to trespass upon the good nature of the Senator from Illinois, or to take the time of the Senate to go into a general discussion of the policy of a reading and writing prohibition as applied practically to foreigners from other countries. I am willing to do so on any proper occasion, but I desired to submit to the Senator the suggestion I have made.

Mr. PALMER. The provisions made in Massachusetts for education are possibly wise, and as liberal as those of any other State, but the Senator concedes that the effect of the qualifications prescribed by the constitution does sometimes operate to the exclusion of natives of the State, and it does more frequently operate to the exclusion of the rights of American citizens, who have become so from choice—men who have proved in courts that they are of good character, and are attached to the Constitution of the United States.

One of the grounds on which I oppose this measure is that in Massachusetts the prohibition operates to the exclusion of foreigners, and in some of the Southern States it operates to the exclusion of the negroes, men who are free, having been made free by proper means. The miserable example of Massachusetts is pleaded as a precedent for similar provisions in the constitutions of Southern States under which law-abiding, orderly, industrious men are denied a right to participate in the Government which they are compelled to support by the payment of taxes and by other means.

Mr. HOAR. I should like to ask the Senator from Illinois a question. Does he deny or doubt that the class of people to which this is applicable can, if dwelling in Massachusetts, with the resources which the State places at their command, acquire that constitutional qualification in the five years between taking out their original papers and their final papers, if they are so disposed?

Mr. PALMER. I admit that they can.

Mr. HOAR. Very well.

Mr. PALMER. Most of them, however——

Mr. HOAR. Then, if the Senator will pardon me, this miserable policy that he talks of is a policy which never excluded a native American, probably; certainly not to amount to anything.

Mr. PALMER. One is enough.

Mr. HOAR. It is a policy which says to the foreigner "during the five years between the filing of the original papers and the granting of your final papers we will teach you to read and to write if you want to learn. If you will not do it, you can not vote." That is all there is of it.

Mr. GRAY. Will the Senator from Illinois allow me to ask the Senator from Massachusetts a question?

Mr. PALMER. Certainly; with pleasure.

Mr. GRAY. I should like to ask the Senator from Massachusetts whether the opportunities for learning to read and write, which are concededly so liberal in Massachusetts, extend to adults?

Mr. HOAR. They extend to any adult who chooses to avail himself of free schools. There is no trouble with it at all.

Mr. GRAY. Does the Senator suppose that an adult who comes here and has to earn his living with his hands can avail himself of those opportunities?

Mr. HOAR. I suppose that any adult with the energy and capacity and principle which an American citizen ought to have will not have the slightest difficulty in the world in learning to read and write within the five years of his preliminary experience.

I have known again and again colored adults to learn to read and write. I remember once going down in the evening for some special purpose in search of a colored man who was in my employ. As I went to the front door of his house I passed the side window, and there he was sitting, with his little girl 10 or 12 years of age teaching him to read and write. Since that time he has published a very admirable book of his own composition.

I wish to add that this talk about the miserable example of Massachusetts is, in my judgment, a piece of pure demagogic work in many of the quarters from which it comes. I would not attribute any such purpose or motive to the Senator from Illinois, of course; it would be furthest from my thought to do so; but he has taken up idle, wild, and shallow conclusions and judgments.

Mr. PALMER. I am perfectly willing to take my place with every one who uses the language that I do, and if the Senator from Massachusetts chooses to attribute to me the language of a demagogue, I must accept it. I have no desire to separate myself from those who denounce any infringement upon the right of an American citizen to participate in his Government, a Government that he must defend in time of war, a Government to whose support he must contribute from his property in peace. I therefore repudiate, repel, deny any claim that I have to separate myself from those who think as I do and use the language I do.

The Senator from Massachusetts does not seem to realize the dignity and the importance of the rights of an American citizen. The State of Massachusetts during the war sent its emissaries into the South and enlisted thousands of men who could neither read nor write to fill its quota, when required by the laws of the land. Those men were good enough to fight for Massachusetts, but had no right to participate in the government of that State, because they could neither read nor write.

Mr. HOAR. Does the Senator from Illinois speak of a colored man fighting in that war at which his liberty was at stake as a man fighting for Massachusetts?

Mr. PALMER. I speak of the fact that Massachusetts filled its quota with men who could neither read nor write. Many of them are now inhabitants of the State. They were permitted to take the place of citizens who could read and write, as I suppose.

I met during the war thousands of men from all the States who could neither read nor write. They were brave men. They stood in their places in the ranks. Some of them died there; others sustained wounds; they were in the hospital. They were men who could neither read nor write, and yet under this bill such a man shall not be allowed to become a citizen of the United States. I have been drawn away from the true argument——

Mr. HOAR. The prohibition of the State constitution excepts all soldiers from the disqualification.

Mr. PALMER. I am glad of that. They were not exempted, I suppose, at the time of enlistment. They did their service and filled the place. They were known as Massachusetts regiments, and were commanded generally by Massachusetts men.

I had not expected to engage in this discussion at such great length. I dislike this legislation, first, because it is radically unjust. It abridges the right of an orderly man to go into a strange country, if he will, and there make a home.

In justice to the bill, I must say it does not prohibit the incoming of the family on account of the ignorance of the children or the wife. But I oppose it upon the ground I mention. I oppose it as a precedent. I regard it as a concession to that detestable thing called nativism, which is a most desirable thing when kept within proper and humane limits. I oppose it because it is a precedent. It is legislation in the direction of other restrictions, and it imposes upon the rights of man. The right of a man to migrate, to expatriate himself, to leave his own country and come to this, has been claimed and conceded. I do not know whether Martin Koszta could read or write, probably he could; but would it have been any different when he was at Smyrna, when American citizenship was prized as it then was? Indeed this, in my judgment, is intended as a restriction, as a means of embarrassing emigration.

Having thus stated my views with the utmost freedom, I shall no longer claim the attention of the Senate.

Mr. GIBSON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Maryland suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Bate,
Berry,
Blackburn,
Burrows,
Caffery,
Call,
Carter,
Chandler,
Chilton,
Cullom,
Daniel,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gordon,
Gorman,
Gray,
Hawley,
Jones, Ark.
Lindsay,
Lodge,
McMillan,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Platt,
Proctor,
Pugh,
Sewell,
Shoup,
Smith,
Stewart,
Teller,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
White.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. CARTER. Mr. President, it seems at this time useful that the parliamentary situation in which the pending measure is found should be understood. On the 11th instant, in the absence of the Senator from Maryland [Mr. GIBSON] and during my temporary absence from the Chamber, unanimous consent was given to vote upon the measure at 4 o'clock this afternoon. I am free to say that if I had been present at the time, I should have objected to the agreement, but realizing the necessity for rigid adherence to such arrangements when made, I do not feel authorized or even inclined in any manner to impair the arrangement as consummated then. However, I wish to give notice that if this conference report shall be disagreed to I will immediately, following that action, present this resolution to the Senate for consideration:

> *Resolved*, That the Senate request a further conference with the House on the bill of the House H. R. 7864, and that the Senate conferees be, and are hereby, instructed to insist upon adding to section 4 of the bill as reported by the conference the following, to wit: "That the provisions of this section shall not apply to any alien who is a resident citizen of any country on this hemisphere."

The section referred to is that read by the Senator from Illinois, made applicable to aliens coming into the United States and finding employment here prior to declaring their intention to become citizens. I agree with the Senator from Illinois that no such legislation, so far as my knowledge extends, can be found upon the statute books of any civilized country in Christendom to-day. Let the section be read. It is found as follows:

> SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

The next section prohibits the employment of such persons, and reads as follows:

> SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

Then follows in another section a most severe and drastic penalty, to be attached in the event of this employment being procured. It reads as follows:

> SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

With reference to the bill in general, I have no special objection. If criticism might at this time be offered, I think it would lodge against the bill as an immature and unwise piece of legislation—crude, as my colleague suggests. It seems that it would be infinitely better to provide that persons contemplating residence or citizenship in this country should first go before an American consul abroad and make clear to the consul of the United States the fact of previous good character and capacity to become citizens and show appreciation of citizenship in this Republic. But the committee did not think proper to incorporate such a condition precedent.

The objectionable sections might, with some degree of propriety, be made applicable to aliens residing across the water, where old conditions have so fettered the hands of toil that men are not now capable, after passing through centuries of those hard surroundings, to compete upon terms of equality and with justice to our own workmen in this country.

But, Mr. President, let it be known and understood that it has been the proud boast of this Republic that its standing in the civilized world entitles it to assert as a vital principle the far-famed Monroe doctrine. We have assumed the right to speak for this hemisphere and the people who live upon it. We have assumed and arrogated to ourselves the privilege of dictating, independent of Europe, policy for the peoples residing in North and South America. While asserting that doctrine as a rule of action binding upon all nations of Europe, it is now proposed to incorporate in a law this pessimistic, drastic, and trifling proposition that no citizen on the American continent who does not previously declare his intention to become a part of the Republic shall be permitted to do a day's work within the limits of the United States. Go back into the most provincial periods of the Middle Ages, when passion and prejudice controlled the day, and you will find nowhere a proposition put upon a statute book like that.

What is to be the effect upon our own people, Mr. President? If we have no regard for neighborly relationship, if we do not wish to indicate any desire to live on terms of peace and good will with those who adjoin our territories, let us, then, respond, if response is demanded, to the matter of pure, unadulterated self-interest in the matter.

Can the government of Canada fail to incorporate in the statute law of the Dominion at the earliest possible opportunity the exact language which we now propose to incorporate in the law of the United States? Canada has a larger number of square miles of land than the United States within its geographical boundaries. It has less than 5,000,000 of population. I believe it can safely be asserted that where one citizen of Canada who has not declared an intention to be a citizen of this country will be found toiling in the United States there are at least a dozen American citizens enjoying lucrative employment in the broad domain of that practically unoccupied country.

Mr. GRAY. May I ask the Senator from Montana a question there for information?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. CARTER. I shall be glad to yield to the Senator.

Mr. GRAY. I have not had time to look over the conference report, but I understood the Senator to say, and I want to ask him if he says it after due consideration, that the section inserted by the conference report to-day provides that it shall be unlawful for any person, partnership, or company in this country to employ any alien who has not previously declared his intention of becoming a citizen. Is that true?

Mr. CARTER. That is the language of the proposed law.

Mr. GRAY. Or is it confined to the public works of the United States? I am inclined to think that the first impression I got is the correct one, that it prohibits any private employment of an alien who has not previously declared his intention.

Mr. CARTER. I so understand the language of the section.

Mr. CHANDLER. From regularly and habitually coming.

Mr. GRAY. If that is the case, it is very much more drastic than the preceding report.

Mr. CARTER. Undoubtedly these two sections of this proposed act will inaugurate a policy in this country which will call for retaliation from every Government upon the American continent. West of the main range of the Rocky Mountains there must be to-day employed at from $2.50 to $3.50 per day, in the mines of British Columbia, no less than from 25,000 to 50,000 American citizens. Do we desire to bring about a state of affairs where those American citizens must either relinquish their jobs or renounce their citizenship as Americans and become subjects of Her Majesty the Queen of Great Britain?

In the Republic of Mexico it is a fact so notorious as to require no citation of authority that the vast system of railroads is operated generally, managed, and controlled by American citizens.

The railway conductors, the division superintendents, the section foremen, the roadmasters, the clerks in the offices, the yardmasters at the terminals, the firemen—indeed, a very large proportion of the persons who furnish the directing genius of the railroads of Mexico are citizens of the United States. Is it wise, consulting naught but the mere matter of selfishness, to invite the Republic of Mexico to command these people either to leave the Republic or renounce citizenship of the United States and become citizens of Mexico?

On the St. Croix River, coming nearer to the Eastern coast, I am advised that the large woolen mills found upon the north bank of the river pretty generally employ operatives who reside within the United States. I have been informed by a Senator upon the floor that the owner of one of them, an individual who employs a large number of people, says he is advised by the Dominion authorities that they will be constrained if not compelled by public sentiment to enact retaliatory measures at once, and that it will result in destroying the occupation of thousands of people who reside along the St. Croix River and find lucrative employment upon the northern bank.

But it is suggested that for the benefit of a few States on the Pacific Coast the Chinese exclusion act was passed. I trust that no Senator inclined to draw forth that simile in aid of this legislation will for one moment ask the Senate to discern any particular similarity between a resident of Canada and a citizen or subject of China. It was deemed for the best interests of all the people of the United States to put some sort of check by legislative enactment between the laboring elements of this country and the 400,000,000 people in China. The wisdom of that law, I think, has been amply demonstrated. But the fact that that enactment obtained has no relation to the case we are now considering.

The mission of the United States assumed, and very properly, has been to extend its influence as a beneficent, benevolent, civilizing agency over all this hemisphere. We believe that our advancement in science, in civilization, in art, in industry, together with our large population and resources, entitle us, yea, command us, to discharge an obligation and duty to all the people residing on this Western Hemisphere, the people who have responded largely to our example and to their own aspirations for liberty by getting governments established similar to our own. Are we now, near the close of the nineteenth century, to draw a line between the United States and these neighboring States, and through the drawing of the line actually force American citizenship upon any man who wants to come in here for a brief period to make a living, or to see whether he likes the country?

As heretofore suggested, these two sections will inaugurate a policy. With that policy I believe the sentiment of this country is and will continue to be at war. There is no demand either East or West, North or South, for any inhibition on honest men from either Mexico or Canada coming into the United States and going back at their own sweet will. We receive from the Dominion and the adjoining Republic the courtesy which we have been extending, and our interests will severely suffer, as well as our good manners, if we now depart from the ancient policy, which has not resulted in evil, but in much good, by adopting these two severe and unheard-of sections as a part of the proposed law.

Mr. CHANDLER. Will the Senator from Montana allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. CHANDLER. I ask the Senator whether it is not a fact that American wages are very much higher than the wages in the countries north and south of us, and whether it is not the Senator's policy and my policy to keep them very much higher?

Mr. CARTER. That will not hold good as to the mining population in the Northwest. I believe along the St. Croix River the wages paid in Canada are just as remunerative as the wages paid on the south bank of the river. I think the same is true at Detroit and other places. I know, as far as the mining region is concerned, with which I am most familiar, that the wages are substantially the same. The same class of enterprises is being prosecuted on the north as on the south side of the line, and any American citizen going into the Dominion of Canada to mine is treated precisely the same as and on terms of equality with a subject of Great Britain. He is called upon merely to take out a miner's license, and everyone is required to do that.

With reference to the Mexican border, conditions are somewhat different. The superiority of the artisans of our own country will usually prove ample protection in so far as Mexico is concerned.

I shall offer the resolution read in the beginning of my remarks when this vote shall have been taken, provided the vote disagrees with the conference report. I should not have detained the Senate on this subject, but it appeared obvious to my mind, after full consideration, that the adoption of the conference report as it stands would inaugurate a policy on the part of this Government which no Senator stands prepared to-day to father or support.

Mr. CAFFERY. Mr. President, when the bill was up before, there was an objectionable feature of the bill separating husband and wife, which has been excluded from the conference report. In a brief argument I stated some objections which I had to the bill. The objections are to the general character of the measure. I do not believe in placing an educational qualification upon an immigrant to this country. I think that that qualification is properly imposed in the several States as a qualification upon the franchise, and not as a test of the desirability of an immigrant.

I have failed to observe that an illiterate immigrant, a hard-working, industrious man, did not make a good citizen. Under the policy adopted in the several States, notably in Massachusetts, and latterly in a good many of the Southern States, it has been found politic to adopt an educational qualification for the exercise of the elective franchise. With that policy I have no quarrel. I indorse that policy fully.

But, Mr. President, the main objection, as I understand, to unrestricted immigration, is that the immigration may in some manner, in some way, compete with American labor, and thereby reduce the wages of American laborers. That argument, if worth anything, is only to be applied to States where there is already an abundance of labor. It signally fails of any application where there is a dearth of labor. Notwithstanding since the war there has been a larger amount of immigration into the United States than ever before, the fact remains that the price of labor throughout the United States instead of declining has steadily advanced.

Some years ago I read an address delivered by an eminent citizen of the United States at the centennial anniversary of American independence at Philadelphia. It was delivered by Mr. William M. Evarts. That address set out that after the war of independence there was between the thirteen original colonies scattered along the American seaboard a very wide line of demarcation. That line was the black belt. In that address it was set out that the presence of a large number of colored people owned as slaves prevented white immigration from entering the South; that immigration therefore necessarily had followed lines of longitude instead of lines of latitude; the more inviting climate, the more fertile soil of the South was denied to the European immigrant, and therefore he had to make his home westward. Mr. Evarts attributed the wonderful growth of the western section of our Union to the fact that European white immigration poured into that section and built up a new empire, at the expense of the South.

Now, sir, there are, omitting Alaska, about 1,500,000 square miles of arable surface in the United States, and of this area there are only 282,500 square miles now cultivated. This is a little over 20 per cent of the arable lands in the United States. Of that uncultivated territory the larger portion now is in the South.

I think it would be suicidal in the South to put any sort of restriction upon the access into the United States of hard-working, industrious foreign immigrants. I do not think that the present immigrants are as a class equal to the original settlers of this country; but I do know that more than three-quarters of the area of the United States now wants development, and it wants development through industrious muscle and brawn and brain. In my opinion it would be exceedingly impolitic and unwise to exclude hard-working, industrious immigrants from the United States by any provision of this kind.

It is true, sir, that the qualification is not drastic nor very wide in its scope. It only excludes immigrants over 16 years of age who can not read and write the English language or some other language. But unfortunately the large class of immigrants from Europe—hard-working, industrious people—are denied the privileges and opportunities of public education; and while they make excellent citizens, if not good voters, they are under this disability, and it would be exceedingly unwise in my opinion to exclude them.

Mr. President, I am familiar with a lot of immigrants, who are very much slandered, in my opinion, generally as undesirable immigrants. They are the Italians. There are Italians and Italians. The Italian proper, the agricultural Italian, the man who comes from Italy proper, is a good, hard-working, industrious citizen. The Sicilians are generally classed as Italians. They are not so desirable as a rule. They do not make as good citizens as the Italians. The criticisms leveled at the Italians generally are, in my opinion, unjust.

There never was a time when it could not be said that any accession to the laboring element would not reduce the price of wages. Every accession in the earliest time must have had that effect, and if the rule is good now it was good then. I do not believe that any hard-working, industrious man coming into the country, adding to its wealth by his labor, does decrease or lower the price of labor. I believe the wealth he produces, the stimulus that he gives to enterprise, more than makes amends for any temporary derangement of the labor market, in that it affords more employment to labor and gives more scope for industrial expansion.

I am in receipt of a copy of a letter which was sent to the Secretary of State—a private letter—and was forwarded to me. It is signed by the celebrated novelist Ouida. It contains a defense of the Italians. I propose to insert it in my remarks. If any Senator desires me to read it, I shall do so with pleasure.

Mr. CHANDLER. I shall not object to the Senator printing it. I only call attention to the fact that there is no State in the Union where the Italians have been treated so badly as they have been in Louisiana. Several of them have been killed there, and the United States has been obliged to pay indemnity for those cases of murder. I am glad to see that the Senator from Louisiana is coming to appreciate the virtues of Italian immigrants.

Mr. CAFFERY. Mr. President, that sort of fling has no effect upon me. There was a murder of Chinese in the Northwest, too, but that is no reflection upon the good people of the Northwest. The people of Louisiana, as a general rule, did not indorse the killing of the Italians. They were killed under very peculiar circumstances. For that murder I have no sort of apology, nor for any other murder; but that murder does not afford any evidence whatever of the opinion in which the people of Louisiana hold the Italians as laborers and as industrious citizens.

Mr. BLANCHARD. I trust my colleague will have the letter of the novelist Ouida read.

Mr. CAFFERY. I send it to the Secretary's desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

> SIR: Will you pardon my addressing you concerning the bill which I see is before Congress, in intent to exclude emigrants who can not read. If you exclude Italians who can not read you will lose the best and most laborious part of the population, and you will admit the trash of cities. It is not a test which can be properly applied to Italians, or indeed to any populace. Why should you suppose the power to spell out the crimes recorded in cheap newspapers is any guaranty for either virtue or intelligence?
>
> In Italy the peasantry are almost entirely illiterate; yet they are the only class which can give immigrants of any value. I have had many men in my employ; I have invariably found those who could not read ten times more industrious, temperate, intelligent, and honest than those corrupted by the trumpery "education" of schools. I have had for twenty years an old man (who has been what is called the odd man in England) and he can be sent with fifty commissions to purchase objects, detailed to him only orally, and he will execute these commissions with no single error either of oblivion or of payment.
>
> Such a man you would turn from your shores, whilst you would receive the youth corrupted, emasculated, diseased through cheap journalism, bad tobacco, and the enforced physical idleness of the schools.
>
> I beg you to allow me to remain, obediently, yours,
>
> OUIDA (LOUISE DE LA RAMÉE).
>
> JANUARY 30, 1897.

Mr. CAFFERY. I can add nothing to the eloquent appeal of the distinguished novelist in behalf of the Italians. My own personal testimony to their industry and worth very well accords with this eloquent defense of them by this novelist.

Mr. President, the other features of this bill have been very ably discussed by the Senator from Montana [Mr. CARTER] and the Senator from Illinois [Mr. PALMER], and need no further discussion. I will only say that, in my opinion, this blow at the industrious Canadians or the industrious Mexicans is entirely unwarranted. I see no use for any such provision as this, and I see no use for the other provision in this bill for the free ingress into the United States of Cubans as long as the present disorders exist in that island. When will the present disorders in that island ever cease? They appear to be chronic. Either Cuba will win her independence or she will not. If she does not, her leaders say she will continue the fight with Spain. If she does, the Cubans will fight among themselves. So, therefore, in my opinion, this provision in regard to the admission of Cubans into the United States opens the gates of the United States to Cubans for pretty much all time to come. Why this privilege in favor of the Cubans? Are they any better citizens than the Italians?

Mr. CHANDLER. Mr. President, the Senator will allow me to make a correction. The Cuban clause only applies to the term covered by the continuance of the present disorders in that island. In the first place, that is not, I trust, quite for all time to come. Secondly, it only exempts the Cuban refugees who may come over during the present disorders in the island from the obligation to be able to read and write. That is all. It grants no other privilege to the Cubans.

While I am on my feet, I hope the Senator will allow me to say that I did not mean to make any fling against the people of Louisiana. I only desired to express my hope that, influenced by this letter of Ouida, the Louisianians would not kill any more Italians. I disclaim the idea of having attempted any fling.

Mr. CAFFERY. I am very glad the Senator has made the explanation. I join with him in the hope that no more Italians will be killed anywhere.

Mr. CHANDLER. I concur in that also. Italians have been killed in Colorado; and I hope we shall always protect the people of any nation when they come upon our soil.

Mr. CAFFERY. The provision in regard to Cuba reads:

> SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island.

Mr. President, that language is very loose. In my opinion, that might admit Cubans after the revolution now going on had ceased and other disorders of a like character prevailed. I think that this section 8, even under the commentary or construction placed upon it by the Senator from New Hampshire, is invidious, and not warranted. The Cubans who can not read are to be admitted as citizens. The present disorder there may last a long time. According to the pronunciamento of Gomez, it is "liberty or death," "liberty or annihilation." They do not want any concessions from Spain; they must have absolute independence. How long, then, will this war be dragged out between the insurgents in Cuba and the Spaniards? How many inhabitants of Cuba will come in under this law? If we are to have a clause of exclusion, let it apply generally.

Mr. LINDSAY. I wish to ask the Senator whether or not this clause was incorporated in the bill in the interests of Spain, to encourage able-bodied Cubans to leave Cuba, instead of staying there and fighting for the liberty of their country?

Mr. CAFFERY. It might have that complexion. If Spain could get all the Cubans run off into the United States, there would not be anybody to fight; but I do not suppose that the insurgent armies will be depopulated to that extent. It is so easy to get up guerrilla bands in Cuba that there appears to be no end to them.

Mr. President, I am generally opposed to the whole policy of this bill. Our ancestors were not afraid of illiterates. I see no reason why we should be. They were not afraid of any competition with home labor. I see no reason why we should be. I do not believe in the postulate that an addition to the laboring element of a country where the demand for labor is great and ever growing will have any tendency to depress the price of labor; it has not in the past, and I do not believe it will work so now or in the future. The people who come over are certainly men who want work, or they would not come. It is obvious from their very coming that they are people of enterprise, of push, and of energy, or they would stay where they are. It is a noted fact that all the immigrants from Europe into the United States are characterized by superior energy and push and an adventurous disposition.

It is said that this would only exclude 7 per cent of Irishmen; that there is only that percentage who can not read. I do not want 7 out of 100 of any industrious Irishmen excluded, or 2 out of 100 of any industrious hard-working Englishmen excluded, or any percentage of any race excluded which comes here to work, to add to the resources of the country, to build up the wealth, to open up our unoccupied lands, and to add to the general weal of these United States.

It seems to me this educational qualification is an attempt to place upon the States who do not desire it an educational qualification for the franchise. That is a matter which pertains exclusively to the States. Some States have the educational qualification; some have not. Is a man who emigrates to the State of Massachusetts from a State of the South, without the educational qualification, an undesirable citizen? Under the terms of this bill he would be.

I therefore say that the whole feature of this measure, in my opinion, is objectionable; it is a departure from a policy which we have now followed from the foundation of the Government. I can see no reason for it. I see every reason why our doors should be opened to every industrious, honest citizen from any portion of the globe.

Mr. GRAY. Mr. President, it is conceded on all hands, I believe, that this is a departure from the settled policy which has obtained in this country hitherto from its foundation.

Mr. WHITE. I suggest the absence of a quorum. I think this is a matter of sufficient importance to have a full Senate during its consideration.

The PRESIDING OFFICER. The Senator from California suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brown,
Burrows,
Caffery,
Cameron,
Chandler,
Chilton,
Cockrell,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gordon,
Gray,
Hansbrough,
Hill,
Jones, Ark.
Lindsay,
Lodge,
McMillan,
Mantle,
Martin,
Mills,
Morgan,
Morrill,
Murphy,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Pugh,
Roach,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Chair recognizes the Senator from Delaware.

Mr. GRAY. Mr. President, as this is confessedly a departure from the established policy of the United States, it challenges the careful criticism and consideration of every member of this Senate before he gives his consent to the adoption of this conference report as the final establishment of these somewhat harsh measures as the law of the United States. I only rose to call the attention of the Senator from New Hampshire [Mr. CHANDLER] to two sections of this bill which seem to be peculiarly obnoxious to criticism.

If I understood the Senator from New Hampshire a moment ago, when on the floor he was asked a question in regard to section 5 of the bill as reported from the conference committee, he replied that the effect of the bill was to exclude from all private employment any alien coming into the United States who had not declared his intention to become a citizen.

Mr. CHANDLER. Not exactly; but any alien who comes regularly and habitually, returning from time to time to a foreign country, as stated in the fourth section.

Mr. GRAY. As I understood the Senator, he undoubtedly made a more sweeping answer than that just now; but I call the Senator's attention, and I call the attention of the Senate, to what at least is obscure language in section 5. If the inhibition of private employment to all aliens coming into the United States previously to their declaring their intentions is to apply only to those, as the phrase is, habitually coming with an intention from time to time to return, then the section is unfortunately worded, I think, and leaves obscure what ought to be plain beyond cavil, so that no oppression and no hardship should ever be inflicted by a judge or an executive officer who might construe the language differently from the Senator from New Hampshire.

I will read section 4 to those who are interested in this matter. If there is an obscurity about this, confessedly it ought to be corrected. The section provides:

> SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

That is section 4, which prohibits the employment on the public works of the United States of an alien before his declaration of intention, or the coming of any such alien habitually or regularly, by land or water, for the purpose of engaging in any mechanical trade or manual labor, and returning from time to time to a foreign country.

I will not pause here to criticise the language of section 4 and the rather undefined duty imposed upon employers of aliens coming into this country which lurks in the use of the phrase "regularly or habitually." What is the meaning of "regularly?" What is the meaning of "habitually?" You, Mr. President, may have one view of the meaning of these words as applied in this proposed law and I may have another. The Senator from North Carolina who sits opposite to me [Mr. PRITCHARD] may say that "regularly coming" means coming twice and returning, while I think I could, with equal ground, contend—and others might contend much more strongly than I—that regularly or habitually coming was not established by twice coming. What is to be the criterion of coming "regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor," and also of the phrase "returning from time to time to a foreign country?" Does once returning bring the person who has come and so returned within the provisions of this act and subject to the penalties denounced in it? I do not know. It is impossible to say beforehand that any two minds will agree about these words of general import, not specific in their character and not susceptible of accurate definition. Does coming back "from time to time" mean coming once and returning to his home, or does "from time to time" mean more than that? I think that it does mean more than once; but the law might be applied by a more discriminating mind than mine or one who was inclined to give a harsh construction to this law, so as to exclude a man who has once returned to his country from ever coming back again and being employed in any of these regards before declaring his intention of becoming a citizen. But I will not pause over section 4, although I think it is obnoxious to the criticism I have just made.

Now comes section 5, which is much more important. Section 4 refers largely to employment on public works. Section 5 prohibits from all private employment whatever any alien coming into this country before he shall have been naturalized. Let me read that section.

Mr. GALLINGER. Not before his naturalization, but before he shall have made his declaration.

Mr. GRAY. Declaration—that is what I meant to say. Section 5 reads:

> That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen.

These are exempted. But here is all private employment denied to the man who comes into this country contrary to the provisions of this act. He is excluded from employment on the public works in section 4, and section 5 excludes him from all private employment, so that, if he comes, he must starve in his tracks, unless he violates the law or shall have previously declared his intention of becoming a citizen.

Mr. CHANDLER. The Senator wishes to be fair?

Mr. GRAY. Certainly I do. I wish to know whether or not twice coming would be "regularly or habitually" coming into the United States? There is an obscurity about that which I think ought to be corrected.

Mr. CHANDLER. I am very sure there is not any obscurity in the language of the section, but the Senator's statement is altogether too broad. The prohibition against employing such an alien is an alien coming "in violation of the next preceding section of this act," and he violates "the next preceding section of this act" only when he comes "regularly or habitually," "returning from time to time to a foreign country."

When the Senator says that an alien can not come in once and enter into employment without being subject to a penalty, and his employer being subject to a penalty, he certainly does not do justice to his usual legal acumen and fairness of reasoning.

Mr. WHITE. If the Senator from Delaware will yield to me, I desire to ask a question of the Senator from New Hampshire. Take a case to illustrate the section regarding which we are now speaking. In the State of North Dakota, I am told by one of the Senators from that State, it would be quite impossible, or at least very difficult, to harvest the annual crop of wheat unless they were permitted to employ those from across the line, the British possessions, who come in, as far as the season is concerned, habitually, who come there from year to year regularly. Now, I desire to know whether the Senator from New Hampshire so construes this proposed law as to cover that case, and to inhibit those laborers from working here, unless they declare their intention to become citizens of the United States?

Mr. CHANDLER. I will answer frankly, we do; but I will state to the Senator from California and the Senator from Delaware that they seem to be ignorant of the fact that there is a very stringent law now which prevents aliens from coming here. There is a contract-labor law, put upon the statute books of the United States for many years, under the pressure of the labor organizations and laboring people of this country, which makes it a penal offense for any alien to come here under contract——

Mr. GRAY. Suppose they come without contract?

Mr. CHANDLER. Wait a moment.

That law makes it a penal offense for any man to come from a foreign country to this country under a contract for labor, either express or implied. The cases the Senator from California has in mind and the cases the Senator from Delaware has in mind are cases of crimes against the existing law, which we have softened in this bill by making it a requirement that in order to punish anyone for coming or to punish anyone employing any alien who comes here, the coming or going must be regular and habitual.

Mr. WHITE. If the Senator from Delaware will permit me, of course I am ignorant of a good many things, and perhaps of most things, that are familiar to the Senator from New Hampshire, but I was aware of the existence of the law to which he refers, and submit that his committee perhaps might have been engaged in better business than in reenacting that statute which we have in the general law.

Mr. CHANDLER. We are softening it; we are not reenacting it.

Mr. WHITE. I do not observe any particular softening. The case to which I refer has no reference to the law which the Senator from New Hampshire says I am not cognizant of.

Mr. CHANDLER. May I ask the Senator a question?

Mr. WHITE. Yes.

Mr. CHANDLER. Do not the men who come over the line, of whom the Senator speaks, to help gather the crops, come under either an express or an implied contract?

Mr. WHITE. Neither.

Mr. CHANDLER. The Senator is mistaken about that.

Mr. WHITE. They come across the line for the purpose of seeking employment which they have reason to know they will get in the United States. It is not because they have been invited to come or have been contracted with, but because they know there is a market here, and they come to meet a local demand, a demand which will not be met unless they are present to meet it.

Mr. CHANDLER. The Senator is mistaken. They come and go to the same employer and return year after year, and as the law now stands it is a crime for them to come once, if a jury shall find that they come under an implied contract to labor. In the cases on the border, of which the Senator from Montana has spoken, and in New England, where they come across the border, there is an implied contract to labor in ninety-nine cases out of one hundred. It is a crime now to do that thing.

Mr. WHITE. The parties to whom I allude do not commit those offenses which seem to be committed without comment in the jurisdiction of the Senator from New Hampshire.

Mr. GRAY. I am not concerned with the law already on our statute book, and which has been there for several years. It is a law for which I voted, and I have always been in favor of it. If that law has been violated, there are modes by which the violators may be punished. I am speaking now of the broad, sweeping effect of this provision that applies not only to laborers who come across our northern border to reap the abundant harvests of our Northwestern wheat fields. I am speaking of the provision that a man from the Continent of Europe who comes to this country without, in the language of the proposed act, having first made his declaration shall not be employed on any public works of the United States. I am speaking of the position in which such a man finds himself here when he has come under some mistake as to the freedom of this country, under some mistake as to what lies before him in this land; and being so here and excluded from public work, then the proposed law denounces any private person who shall employ him in any work whatsoever—to clean the snow from his pavement that has fallen the night before—as a violator of the law and subject to its penalties. That man must starve——

Mr. CHANDLER. That is an unfair argument.

Mr. GRAY. Unless some benevolent person violates the law and gives him the wherewithal to put bread into his mouth.

Mr. CHANDLER. Does the Senator say that is a fair argument?

Mr. GRAY. That is the result.

Mr. CHANDLER. The Senator knows that if an alien comes here and shovels snow, it is not regularly and habitually——

Mr. GRAY. I did not say regularly and habitually. This section says:

> That it shall be unlawful for any person, partnership, company, or corporation

That includes every private employer, does it not?

Mr. CHANDLER. Certainly.

Mr. GRAY—

> knowingly to employ any alien coming into the United States in violation of the next preceding section.

The next preceding section says:

> That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works.

Now, if an alien has come for that purpose, then he has come in violation of section 4, and every private person, corporation, or company is punishable by law if he or it gives him a day's work.

Mr. CHANDLER. On public works.

Mr. GRAY. No; a private person. Let my friend read the section again and see whether he can disagree with me there.

Mr. CHANDLER. It is so plain that I am astonished that a Senator who, in the estimation of everyone, has been thought worthy of a place on the highest judicial tribunal of this land could argue in that way. The proposed law is plain. The employer is to be punished if he hires such a man upon public works of the United States. He is to be punished if he employs a man on any work who comes regularly and habitually, returning from time to time. I do not think the Senator's argument is fair at all.

Mr. GRAY. The Senator says it is not fair. I try to be fair, but may fail. Let us concede that it is not fair. My powers of discrimination are not so low that I can not at least see an obscurity in that language; that I can not observe that there may be grounds for a judge or some executive officer to take the harsh and proscriptive view that I have suggested may be taken. If that is true, it is unworthy of the Congress of the United States to place upon its statute book a law which is susceptible of an interpretation that can work such a monstrous injustice as that I have attempted to describe.

But, Mr. President, take this case, and I submit to my friend the Senator from New Hampshire whether or not it is fair. Take the case to which he has alluded. Suppose that a person who has previously been in the United States and has returned to his own country comes back, driven by his necessities, and lands upon our shores, and, being landed, without money, without resources except the labor of his hands, honest in purpose, honest in his intent to do a man's part to support himself and those who may be dependent upon him, seeks the most menial employment. He is confronted by the statement on the part of the employer to whom he applies, "I can not employ you without making myself amenable to the punishment prescribed in section 5 of the immigration act (fine or imprisonment or whatever it may be), and therefore I must decline; and no corporation, company, or person in the broad domain of these United States can employ you, unless he or it violates a law of his country." "But," the immigrant says, "I came here bona fide. I came here to stay. I have had no opportunity to declare my intention. In the meantime I must work or starve." "We can not help it, my friend; you will have to take the latter dread alternative, for I must, as a law-abiding citizen, refuse you employment, although I should be glad otherwise to give it to you. And in this interval, long or short, which is prescribed by the laws of the United States, you can go without work and subsist on charity, although you are willing to work." I say that such a condition, brought about by law, would be disgraceful to the statute book of the United States and to the good sense of the American people.

Mr. President, it is perfectly possible to pass a law regulating and restraining immigration into this country without such harsh features as these. We are not obliged, in protecting ourselves from assumed dangers or real dangers, to be cruel to anyone. We are not obliged, in closing the doors of this country to the oppressed people of the world for the first time in our history, to work so cruel and unusual a punishment upon those who honestly come for no other purpose than to better their condition and to labor with their hands for the food that is to support them.

So how are we to determine—for we come back again to the obscurity of the language used in the fourth section—what the language means? What is "regularly and habitually" to be interpreted to mean? Shall it mean once coming and returning or twice? Is it to be interpreted as once coming and returning or twice coming and returning? Is there no obscurity about that? If once coming and returning is sufficient to establish the habitude and the regularity of the process, I say it is unwarranted, cruel, unjust, unworthy of the American people. If you are going to enact this bill into law, let us have a definition of words, so that they can not be interpreted to the disadvantage and to the oppression of anyone, however humble and from whatever clime he may come. "Are you coming and returning habitually and regularly?" asks the judge; or, if that is not enough, "Have you been or are you returning from time to time to a foreign country?" As I said before, who is to interpret what "from time to time" means? Does it mean once coming and returning, or twice, or thrice? No one can say in advance. You may have one interpretation and I another, and that leaves it in the power of a judge who takes a harsh and proscriptive view of these enactments to work a great injustice and a great cruelty to a large number of our fellow-men who do not deserve it at our hands, and whom we ought to shrink from oppressing even by indirection.

Mr. President, that can be corrected, and the proposed immigration law can be shorn of that possibility of injustice; and unless it is I can not gain my own consent to give it the sanction of my vote.

Mr. CHANDLER. Before the Senator from Delaware finishes, I should like to answer a question which he very properly asked, having got round to contemplate the fact that an alien is only prohibited from coming regularly and habitually, returning from time to time. The question was, "How is it to be determined whether the alien does come regularly or habitually?" That is necessarily a judicial question. It is the duty of the judge before whom the trial proceeds to protect the person prosecuted. The court must instruct the jury that it must be a regular and habitual coming and returning.

The Senator from Delaware is familiar with that as a judicial question. The laws of many States punish habitual drunkards. How many times must a man get drunk to be an habitual drunkard? The Senator would ridicule me if I should say that a man might be adjudged a regular or habitual drunkard because he got drunk once and then was discovered to be drunk a second time. The Senator would ridicule this. No judge would so hold, Mr. President. There is the fair exercise of judicial discretion on the part of a judge. This language was carefully framed in the Senate to soften existing law. The Senator, I believe, will admit that there is no danger either to the alien or to the employer under this section when it remains for the judge of the court to define what is a regular and habitual coming and returning.

Now, I ask the Senator, having himself voted for the original contract-labor law, to say in all fairness whether the proposed law is not a judicious, a safe, a reasonable measure? It seems to me it is, Mr. President, and that the Senator from Delaware is hypercritical in the cases of supposed hardship which he brings to the attention of the Senate.

Mr. GRAY. I do not think so, Mr. President. It is from the tyranny of judicial discretion that I would save any man who honestly comes to these shores for the purpose of bettering his condition by the labor of his hands. It is because in judicial discretion lurks tyranny, and when you provide by law directly in language that invokes judicial discretion in place of that certainty which should obtain in a penal statute, then you are invoking a principle which is alien to our institutions and our laws and to the common sense and humanity of our people. That is the reason why I am opposed to the bill.

Mr. CHANDLER. I should like to ask the Senator why he voted for the two original contract-labor laws?

Mr. GRAY. Because with a statute which forbids a man to come here under contract for hire or labor, when a man comes here, it is under conditions that are precisely ascertainable. It is a matter of proof whether he comes here under contract for labor in this country. There can be no ambiguity or confusion about the terms of such a law, and no two judges can differ as to what is a contract for hire or labor. But in this case the Senator acknowledges that the language of the law imposes the discretion upon the judge; that it is a matter of judicial discretion whether a man shall be imprisoned or not under the terms of the law. I say there is no place for judicial discretion in a penal law that in any form will deprive a man of his liberty or send him to prison.

Mr. GIBSON addressed the Senate. After having spoken for some time,

Mr. LINDSAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. LINDSAY. I desire to suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Allison,
Bacon,
Bate,
Blanchard,
Brown,
Burrows,
Butler,
Caffery,
Cameron,
Carter,
Chandler,
Chilton,
Davis,
Faulkner,
Frye,
Gear,
Gibson,
Gordon,
Gorman,
Gray,
Hansbrough,
Hawley,
Jones, Ark.
Lindsay,
Lodge,
McMillan,
Mantle,
Martin,
Mills,
Morgan,
Morrill,
Palmer,
Pasco,
Peffer,
Pettigrew,
Platt,
Proctor,
Pugh,
Roach,
Sewell,
Smith,
Thurston,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore.

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum is present. The Senator from Maryland will proceed.

Mr. GIBSON resumed his speech. After having spoken for some time,

Mr. LINDSAY. Mr. President, if the Senator from Maryland will pardon me, I understand that there was a unanimous-consent agreement yesterday that the vote on the conference report should be taken at 4 o'clock this afternoon. It is evident that the Senator from Maryland will not have concluded his argument by that time, and it is evident, too, that the report is not thoroughly understood. I therefore ask unanimous consent that the vote be taken at 5 o'clock, instead of at 4 o'clock, this afternoon.

Mr. GIBSON. Make it 6 o'clock.

Mr. HOAR. There is some other business of importance before the Senate to be accomplished during the next fortnight, and our hours are very precious.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Kentucky to the Senate. The Senator from Kentucky asks unanimous consent that the vote be taken on the pending measure at 5 o'clock instead of at 4 o'clock this afternoon.

Mr. HOAR. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HOAR. If the Senator from Maryland shall have failed to conclude the argument which he is presenting to the Senate by 4 o'clock, and will take but a short time to conclude, I should not object to his having an opportunity to do so.

Mr. CHANDLER. It was my intention to ask, if the Senator from Maryland did not finish at 4 o'clock, as he has taken a distinguished part in this debate and exhibited great interest in the question, that he should be allowed a longer time. I did not know until now that the Senator from Kentucky [Mr. LINDSAY] desired to participate in the debate.

Mr. JONES of Arkansas. I should like to suggest, in view of the fact that it is understood there were very few Senators present yesterday when this consent was given, that it is not an unreasonable thing to allow an extension.

Mr. FRYE. The consent was given a week ago.

Mr. JONES of Arkansas. But there were very few Senators present when it was given.

Mr. GIBSON. I was not here.

Mr. JONES of Arkansas. So, it seems to me, it would be at least reasonable to allow another hour for debate. So far as I am concerned, I have no desire to participate in the debate at all, but I know of several Senators who desire to submit some few minutes of argument on this report, and I believe they ought to have the opportunity to do so. I am sure it would be better for the bill and in the interest of the expedition of business if the extension be agreed to.

Mr. CHANDLER. What is the Senator's suggestion?

Mr. JONES of Arkansas. That the time for taking the vote be extended to 5 o'clock.

The VICE-PRESIDENT. The Chair submitted to the Senate the request of the Senator from Kentucky [Mr. LINDSAY], but objection being interposed, the Chair recognized the Senator from Maryland [Mr. GIBSON].

Mr. FAULKNER. I suggest that the Chair again submit the request to the Senate, in view of the remarks of Senators around the Chamber, that the time be extended to 5 o'clock.

The VICE-PRESIDENT. The Chair again submits to the Senate the request of the Senator from Kentucky, that the hour for taking the vote be extended to 5 o'clock. Is there objection?

Mr. HOAR. I am very sorry to interpose, Mr. President, but it seems to me, if I may say one word, that Senators forget that these requests and appeals to the courtesy of the Senate are really appeals to the Senate to give up doing other important business which other Senators have in their charge. During the last fortnight of the session a Senator will come in and ask leave to make a very interesting speech, and he will take four hours, and nobody thinks it is proper to object, although some great public measure in which hundreds and thousands of people are interested perishes with the session because of the shortness of time. Now, I agree when a Senator, making an interesting and important speech like that of my honorable friend from Maryland [Mr. GIBSON], has not finished his remarks, he should be allowed to conclude. I make no objection whatever to that, but I do not think there ought to be any further extension. This matter was set down and intended to be closed yesterday. It came up to be closed last week, and my colleague [Mr. LODGE] very reluctantly was obliged to consent to nearly a week's delay.

Mr. LODGE. I hope my colleague will not object to unanimous consent to extend the debate to 5 o'clock, as the pending matter is very important, and that is only an hour longer. I should be very sorry if any Senator felt that he had been cut off, and I hope the objection will not be made. I shall be very glad myself to extend the time to 5 o'clock.

Mr. GIBSON. I thank the Senator.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. I should like to know if I can have unanimous consent that the vote on the bankruptcy bill shall be taken at a certain time, say on Wednesday of next week, at 4 o'clock?

Mr. TELLER. No, I think not, Mr. President.

Mr. HOAR. I thought not. It is a good deal to ask me to insure the defeat of such an important measure as the bankruptcy bill for simply an hour of speech-making, and so I must insist on my objection.

The VICE-PRESIDENT. Objection is interposed to the request for the extension of time, and the Senator from Maryland [Mr. GIBSON] is entitled to the floor.

Mr. CARTER. Will the Senator yield to me for one moment?

Mr. GIBSON. Certainly.

Mr. CARTER. This unanimous consent was given, as stated by the Senator from Arkansas [Mr. JONES], at a time when very few Senators were in the Chamber. The unanimous consent was granted, as the RECORD shows, upon the statement made by the Senator from Massachusetts [Mr. LODGE] that this bill had been amended to the satisfaction of the Senate. I appeal to the performance this afternoon in rebuttal of that statement. It is very obvious that this bill has not been amended to the satisfaction of the Senate. Those who oppose the bill now having declined to take advantage of any infirmity in the statement upon which the agreement was reached——

Mr. HOAR. Will the Senator allow me to interpose one moment?

Mr. CARTER. Certainly.

Mr. HOAR. If unanimous consent was given upon the ground of a misunderstanding of the Senate, as the Senator now places it, I should not feel that I was warranted in insisting upon my objection, and I withdraw it.

Mr. CARTER. I understand the objection is withdrawn.

Mr. HOAR. It is upon the distinct ground which has been put, that there was a misunderstanding at the time the consent was granted, and I will withdraw the objection on that ground alone.

Mr. CARTER. The RECORD shows that the statement was made that the bill as presented by the conference committee to the Senate met all objections, or was satisfactory to the Senate. Upon that statement the unanimous consent was granted. That the RECORD shows, together with the spirit of the debate this afternoon.

The VICE-PRESIDENT. The Chair understands the objection is withdrawn, and the vote will be taken at 5 o'clock this afternoon. The Senator from Maryland is recognized.

Mr. GIBSON. Mr. President, I had hoped to be able to present the views which I have to submit in this connection at an earlier period during the day. I find myself, therefore, from the direction the debate has taken, curtailed in no inconsiderable part of the time which I hoped to secure.

I hope that the conference report will not be concurred in, and I sincerely hope, in the same connection, that the measure which it recommends may not meet the approval of the Senate. I am not a little surprised at the suggestion of the Senator from Massachusetts, that the bill has been so thoroughly argued that every Senator is familiar with its provisions and that a vote thereon can be reached in a very short while. This conference report has not been debated in the Senate, nor has the bill to which it refers been debated in the Senate. The conferees on the part of the Senate and the House only a short while since were instructed by the Senate to present a different and a new conference report representing the views of both the Senate and the House representatives upon the immigration question. They have not done so save in one particular. That one particular is the elimination from the conference report of what was pronounced against with a degree of unanimity never before seen during the progress of the consideration of this question, the clause in reference to the separation of families. On the contrary, the report presents conditions which never were before considered, and conditions which in my judgment can not and ought not to meet with the approval of the Senate.

If this bill is to be passed, if the conference report is to be adopted, let it be adopted by the vote of the projectors of this measure—our Republican friends on the other side of the Chamber. I appeal to every Democrat on this side of the Chamber not to be found voting for a measure which, instead of being nonpartisan, as the Senator from Massachusetts has suggested, is as partisan as was the measure to regulate the elections in the States—a measure which would have brought woe and desolation to half a continent; a measure which lies at the very root and foundation, not of our political rights alone, but of those rights which are God-given and are inalienable, the right of life, of liberty, and the pursuit of happiness.

The immigration bill seeks, under what is known as the Corliss amendment—the fourth section—to make a crime of the privilege of going and coming when and where you please, in pursuance of that maxim of the civil law that you are permitted to use your own and to do as you please, so far as you interfere with no one else. A crime, Mr. President, is sought to be made out of the sacred right that belongs to individuals of earning their bread by the sweat of their brow.

This conference committee, Mr. President, to which this measure was recommitted with instructions, in their report now under consideration, has done the things it ought not to have done, has left undone what it ought to have done, and there is no health in it.

A résumé of the legislation sought for in this bill may be well enough in this connection. More than a year ago the House of Representatives sent to the Senate a bill to amend the immigration laws of the United States, which was composed entirely of what is known as the Corliss immigration measure, in which there was and is no suggestion of an educational test. The Corliss bill from the House was rejected by the Senate, and a Senate bill was interposed in the shape of the bill which was considered some time ago, with the provision as to all persons over 14 years of age who can not read and write the language of their country or some other country, and so on. Then follows a further provision for reading and writing. That was a Senate bill which, when it came up for consideration, was amended by striking out the age limit of 14 and inserting the age limit of 16, and an amendment from another Senator, the distinguished Senator from Florida, I believe, a provision in reference to immigration from Cuba. That was the Senate bill. That passed the Senate as a substitute for the House bill. The conferees were appointed on the part of both Houses. The result of their action was in the shape of a conference report differing from the bill of the House and the Senate, but requiring the educational test, and providing as a crucial feature of that test that no one should be admitted to the country who could not read and write the English language or the language of their native or resident country. That feature of the conference report——

Mr. CHANDLER. I desire to interrupt the Senator, with his permission. The Senator says that the original bill as it came from the House contained no reading and writing test, but only the Corliss provision. The Senator, who has been very diligent in investigating the subject, has overlooked the important fact that the bill as it came from the House to the Senate contained this provision:

> All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

Mr. GIBSON. I am obliged to the Senator from New Hampshire.

Mr. CHANDLER. That was in the bill as it came from the House, and the Corliss provisions also. The Senate substituted a different reading and writing clause and omitted the Corliss provisions entirely.

Mr. GIBSON. I understand.

Mr. CHANDLER. Then the course of conference was as the Senator states. However, I did not wish the Senator to remain under the mistaken impression that there was no reading and writing test in the original bill as it passed the House, because there was.

Mr. GIBSON. I stand corrected to the extent of error to which the Senator from New Hampshire called my attention, and I am very glad he did so. I desire to call attention to the fact that there was not in the House bill the provision which is in the Senate bill. The House bill provided that all "male" persons between 16 and 60 years of age, etc. That is what I referred to.

Mr. CHANDLER. That is right.

Mr. GIBSON. That is the difference between the two bills. I did not mean to say that there was no educational test, but that the educational test in the House bill was applied only to males, permitting females to come in from abroad without the educational test. That is what I had reference to, and I am very much obliged to the Senator from New Hampshire for calling my attention to it. But the fact remains, so far as the principle is to be considered, as I have before stated.

Now, Mr. President, in the conference report there was presented for consideration a feature which had never been considered by either the House or the Senate in so far as the educational test is concerned, and so abhorrent to the sense of the Senate was the exclusion of the wife, while admitting the parent or the grandparent of the illiterate immigrant, that before the point of order made by me could be passed upon by the Senate the distinguished Senators submitting the report withdrew it and asked for a further conference between the House and the Senate to cure this defect, to cure this ill, which it seems the conferees had not properly regarded.

Without commenting further in this connection, I will state that we are now met with another conference report, that I will proceed now to consider, which has remedied only one feature of the bill which the Senate instructed the conferees to remedy in other respects.

Mr. CHANDLER. Mr. President, one word right there. The Senator will also admit that section 9, which was objected to, has been stricken out.

Mr. GIBSON. De minimis non curat lex. Section 9 was admittedly of no effect; it had no purpose; it was surplusage, and whether it stayed in or whether it went out was absolutely immaterial.

Mr. CHANDLER. The Senator, in speaking of the de minimis principle, is belittling his own argument. He made quite an objection and quite a noise against section 9. Now, when it is stricken out, he ignores the fact entirely that it was stricken out.

Mr. GIBSON. Mr. President, I do not like to be diverted from the line of my argument by the suggestion of the Senator, because it is immaterial whether section 9 was there or whether it was not there. However, as the distinguished Senator has referred to it, I will pay him the respect to look at it. I think I am right, however, in my view that it is simply adding to the penal clause of section 5, providing for the punishment of the violation of section 5, not enlarging it. It is only declaratory of what had been suggested before.

Mr. CHANDLER. No; section 9 of the original conference report. The Senator made great objection to that.

Mr. GIBSON. If the Senator from New Hampshire will do me justice, he will recollect that it was not the Senator from Maryland, but the Senator from New York [Mr. HILL], who objected to section 9. It was the section referred to by the Senator from New York as presenting to his view of the case an additional objection in reference to what had been urged as to other sections by the Senator from Maryland and other Senators.

I will proceed to reiterate a suggestion before made that the conferees have not discharged the obligations devolved upon them in the instructions with which they were invested or charged as a part of their duty. The admission of the wife, it is true, is provided for, but, with a degree of persistency which I will not charge as woefully ignorant or willfully persistent, they have undertaken to draw a distinction between "immigrants" in the bill and the "residents" before this legislation had been sought.

This construction which I am compelled to put upon the immigration bill as it comes from the conference committee does gross injustice to a large class of our bona fide residents and makes a discrimination against them which is unjust and un-American, if not clearly unconstitutional.

According to the text of the first section of this bill, a resident of this country can not, in my judgment, send for his illiterate wife, parents, or grandparents, regardless of whether he himself can read or write. As there is no provision in section 2 providing the pleasing machinery of a civil-service examination for a resident, but only for the unfortunate immigrant, how can a resident have his family with him? Now, if this is not the intent of the

bill as it comes from the conference, what other or more liberal construction can be placed upon those words of doubtful import, "similarly qualified and capable?" Why should any resident American be obnoxious to the provisions of an immigration bill? Even a resident who may have either declared his intention to become a citizen of the United States or taken out full papers of naturalization comes within the unfriendly provisions of this measure as reported from the conference.

It is true that a wife or minor child unable to read and write may accompany the immigrant or be sent for and come to join the husband or parent of the immigrant referred to, "similarly qualified and capable," but it excludes from the provisions of this exemption of the illiteracy feature of the bill the wife of a "resident" of the United States who has been here one month or more before the passage of this act—if the measure should become a law—while the "immigrant" may bring his wife or send for her after he gets here.

No immigrant, even if he be a citizen for years, can have his old illiterate father and mother come to this country, because he has not been examined. The bill says that the former may be admitted, if they belong to a qualified immigrant over 21 years; in other words, an immigrant can bring his parents in, if he has passed the examination, but all those who came before the enactment of the Lodge law can not have that privilege, because they have not qualified. This is a discrimination against immigrants who are already in this country.

Those who have come to this country before this time, who have been waiting anxiously for the time to come when by their careful savings and their pinching to save here and there they could send for, when they had money enough, the illiterate wife and child whom they had left behind and beyond the seas, are excluded.

Was it the sense of the Senate, Mr. President, in sending back this measure to the conference committee to make this distinction? Is it not, on the contrary, that it was recommitted to the conferees to present a report which should in its broadest sense, and not in its narrowest construction, admit those who had been excluded, to wit, the wife and child of the resident previous to the passage of this act?

The provisions of a law like this should be so plain that he who runs may read, nor susceptible of doubtful construction; it should contain a distinct clause, either permitting or prohibiting, if such be the desire of Congress, the landing of an illiterate wife, children, parents, and grandparents of a resident of this country, irrespective of the literary qualifications of this resident himself.

I pass over that view of the case, Mr. President, and come now to the feature of the Corliss amendment, though I shall recur to the second section later on as referred to by the distinguished junior Senator from Massachusetts in what he said a day or two since. In inveighing against the importation across our Canadian border, the distinguished Senator says it has a wider scope and intent than that. He said previously:

> There seems to have been a widely spread idea that the Corliss amendment was aimed simply at the small number of aliens who come over the border from Canada to work in some of our northernmost States.

[At this point Mr. LINDSAY suggested the absence of a quorum, and the roll was called.]

Mr. GIBSON. Mr. President, I will resume where I was unfortunately interrupted, and I hope the Senate will not enforce the agreement which was made in my absence in reference to taking the vote at 4 o'clock. The Senate will understand that these interruptions have occurred in the course of my remarks, and I wish to ask the indulgence of the Senate to permit me to proceed until I have concluded, although the hour of 4 o'clock may have arrived.

The Corliss amendment, to which I was directing the attention of the Senate, is what occurs to me as one of the most outrageous features of this measure, next to the exclusion of the wife under the illiteracy test. Such legislation would bring dishonor and disgrace to us as a nation and blacken the fairest page of our country's history. The Corliss amendment, under the provision of the Senate bill, to which attention was called when it was first considered by the Senate in the speech of the distinguished Senator from Massachusetts, was intended to reach what he called birds of passage from Italy to the United States. Italians, who came to this country and, under the system of labor by which higher wages were secured than elsewhere, had made a little money, had gone home to spend it, and came back again the following season, going alternately backward and forward as they saw fit, were to be excluded under the Corliss feature, as the distinguished Senator from Massachusetts said. That feature of the Corliss amendment will not exclude Italian laborers alone. They are but few in this connection. They are not the "birds of passage" that are affected by the bill, but it is a class of citizens on our borders, in the States bordering on the Canadian and Mexican frontier, that are affected.

> Senators LODGE and CHANDLER found themselves—

As the Philadelphia Record says—

> unable to frame a statute to arrest railway engineers and firemen at the Canadian line and put native Americans in charge of the trains on this side of the border, and so they gave it up. But woe to the wight who should come over the line from Canada in the morning to work in Detroit, Toledo, Oswego, Plattsburg, or some other border town, and go back in the evening! The guilty wretch so offending habitually would be liable to punishment for misdemeanor by a fine of $500 or by imprisonment for a term not exceeding one year, or both.

What a rare jewel is consistency, Mr. President!

Massachusetts and slavery, the selling of slaves in the South and the horrors of separation of families and the "fugitive slave law!"

What iniquities more strongly denounced by Massachusetts than these? And yet to-day we have Massachusetts invoking in an immigration bill what it suited her purpose in times before to inveigh against.

The fugitive slave law, which was intended to further the carrying out of the Constitution with reference to the return of fugitive slaves in the South, is absolutely adopted in the conference report.

> We know of no legislation—

The Philadelphia Record proceeds to say—

> We know of no legislation so despicable as this since the passage of the fugitive slave law. That law was designed to better enforce a provision of the Constitution requiring the delivery of fugitives from labor. But it was so mean and so atrocious in its premises, making crimes of acts innocent and humane in themselves, that the moral sense of the country revolted against it, and the Government was powerless to enforce it. This immigration bill attempts to make a crime out of the right of locomotion and of the equally sacred right of earning a living by the sweat of the brow. The fugitive slave law denounced heavy penalties against any person who, in obedience to the dictates of humanity, should give food to a fugitive or refuse to deliver him up to his owner. This immigration bill would subject to like fine and imprisonment any citizen of the United States who should employ a Canadian or Mexican crossing the border to and fro in pursuit of his daily vocation.
>
> Meaner than the fugitive slave law, this bill would violate the simplest rites of hospitality and the observance of good neighborhood.

The Senator from Massachusetts refers with a great deal of zeal to the fact that he—

> Was informed by an inspector of immigration on the Lakes that in one day in last December $4,000 were paid in wages by one firm of contractors to aliens and $2,700 by another.

How many days in the year were such sums ever paid? Will the Senator from Massachusetts answer?

The evil which he proposes to reach will be met by another evil infinitely greater in its character and in proportions which do not seem to have for a moment engaged his attention. What is the evil of paying $2,700 in one day under this law to Canadian laborers on our public works compared to the "evil" that will result in the measures which are sought, if this conference report be adopted, in doing away with $8,000,000 of trade in the city of Detroit alone? Canada, with an area greater than that of the United States, with only 5,000,000 population compared to our 75,000,000—1 in 15—is to be held up as a great bugaboo, if I may so express it, which we are called upon to defend ourselves against! Which has the most to lose—Canada or the United States?

In whose interest, Mr. President, is this discrimination? In the interest of the States of this Union? Not so. From no State of the forty-five States of the American Union has there come one single note of protest against the furtherance of this class of immigration.

Behind the "immigration bill" is not the sentiment of the States, but it is a sentiment of the "trades unions," formulated into this expression of sentiment by the Anti-Immigration League of Boston, Mass.

Let us see what the people have to say in this connection, Mr. President.

The Detroit Evening News, January, 1897, says:

> It appears from the figures compiled in the office of the collector of the port of Detroit that our immediate Canadian neighbors are a source of constant revenue to us through the trade they give us annually. Borrowing the language of the protectionists themselves, the balance of trade between our country and Canada for the past year has been overwhelmingly "in our favor." That is to say, we have sold those people more than $5,000,000 more than they have sold us. Yet, if a poor Essex County countrywoman, desirous of buying something in the Detroit market which she can not buy in her own markets, takes on her arm a basket of eggs with which to facilitate her purchases here, a great cry goes up from some demagogue or some lunkhead who has been "studying the economic problem," that Canada is flooding our market with dairy produce to the great wrong of the American farmers. Yet examination shows that the value of the dairy products which we sent to Canada during the year 1896 was $25,000, while the total value of all the eggs entered at this port was only $200. A great fuss has from time to time been made about the practice of the Canadian farmers flooding our markets with Canadian hay, when the books show that only $5,000 worth of hay, all told, came to this side during the year. In most instances the petty trade is wholly "in our favor," and yet the common belief that the Canadians come and use up our markets for us as they would borrow and wear out our umbrella has made it possible for Mr. CORLISS to make a feeling of prejudice against the Canadian workingmen, a very few of whom enjoy the privileges of work on this side of the line.

The United States is profiting by $5,000,000 a year more in the balance of trade which comes to us than belongs to Canada.

> [Detroit Evening News, January, 1897.]
>
> The News has already shown that, whatever may have been the disparity in former years, the tables have now turned, and there are as many Americans who do transient labor in Canada as there are Canadians who do such work on this side. This reciprocity is now so complete that the entire lumber regions of northern Michigan and Canada have come to be one interest industrially. Michigan lumbermen are much nearer to the Canadian interests than they are to the Minnesota and Wisconsin interests. No man can foresee the inconvenience when the Corliss artifice is going to work in these lumber interests alone.
>
> But the News has also shown that the Corliss amendment is an act of hostility to the city of Detroit. The annual trade of this port with Canada amounts to more than $[illegible]. Retail merchants who have protested against the Corliss artifice say that the trade with the border Canadian towns which does not find its way to the custom-house records would increase these figures largely. According to the figures in sight, Detroit and Michigan sell Canada $[illegible] more than Canada sells us, and every one of the figures not in sight would go to increase this balance in our favor. Down in Washington, and even out at Lansing, the impression exists that Detroit is commercially bounded only on three sides. This is a mistake. We have four sides, and our eastern side is not our least valuable one. A statesman with a broad mind would infer all this by the very fact that they interchange labor across the border here. By actual count there are on the average fewer than fifty persons living in Canada who earn a living in Detroit over and above those who go from this side to work in Canada. This blow at Detroit's commercial interest would never be able to pass this or any other Congress without some such measure as the Lodge bill to drag it through. Mr. Corliss has been carried off his feet by the demands of a few people who have not thoroughly investigated the question in all its bearings.

An editorial from the Detroit Free Press of January 23, 1897, in the same connection, says:

> Congressman CORLISS's bill for the exclusion of immigrants has at least the merit of plainness. There can be no doubt at what and whom it is aimed. It is intended to reach the Canadians who make their homes across the river and come daily to Detroit to work, returning at night. Incidentally it reaches a similar class who cross at Buffalo, at Port Huron, at the Sault, and at Cape St. Vincent, on the St. Lawrence; but the Congressman's object is to reach those who cross here and to put a stop to their coming.
>
> If the tide moved only in one direction, and that toward the American shore, the measure would be less open to criticism than it is. It would still belong to the "Chinese wall" order of legislation and appeal to prejudice rather than to statesmanship or sound economics. It would involve, however, no very injurious consequences to the general American public, which can not be expected to take any great amount of interest in the Canadians who seek employment on this side of the boundary line, and it would gratify the labor unions, in whose interests it has been framed.
>
> But, unfortunately for the measure and those whose interests it is supposed to further, the flood does not move only one way. There are quite as many American citizens who cross into Canada daily to work as there are Canadians who cross into the United States; and the work they do in Canada is of a higher grade and commands higher pay than is the case with those who come into this country. It is estimated that the number of Canadians who cross the river at this point from Walkerville, Windsor, and Sandwich to work on this side is not far from [illegible]. The list comprises a few mechanics, many clerks, typewriters, pieceworkers, etc. They are met, however, at the ferry dock by an equally large stream going the other way to work in the establishments of such firms and corporations as Parke, Davis Co., D. M. Ferry & Co., Acme White Lead and Color Company, Seely Manufacturing Company, Stearns & Co., Penberthy Injector Company, Globe Tobacco Works, Hurley Coal Company, Daniel Scotten, and numerous others. Most of this army are skilled workers, commanding good salaries and wages, which they expend in Detroit for house rent and the necessaries, comforts, and luxuries of life. Besides these, there is a frequent exodus from this side of sewer diggers, masons, builders, carpenters, plumbers, and other mechanics, who are in demand in Windsor, Walkerville, and Sandwich, but whose money is expended in Detroit. It may be remarked in passing that much of the money earned by Canadians who work in this city is also expended here, because of the superior opportunities offered in a large city to supply their wants at low prices.
>
> What is true here is true also of many other frontier cities—of Port Huron, of Buffalo, of Ogdensburg. There are Americans also who cross the line and go to the interior of Canada, to Kingsville, to the oil regions, to the lumber woods, and other places, but who still retain their American citizenship and residence and spend most of their earnings at home.
>
> It will be the height of folly for Congress to pass the Corliss measure without taking these American workers in Canada into serious consideration. It is a well-known fact that the Canadian Government at Ottawa is only waiting for the passage of the Corliss bill to retaliate, as any self-respecting Government would. It is morally certain that the exclusion which the Congressman proposes of Canadians who come to this side to work without taking up their residence here will be promptly followed by the exclusion from Canada of those Americans who cross to that side to work, returning home at night or at short intervals. And it is just as certain that in any such game, wholly aside from any sentiment involved in the matter, the United States will be the loser, because it has more to lose than Canada has.

Mr. President, I should like to ask the distinguished Senators composing the conference committee on the part of the Senate what earthly meaning, what earthly connection in the sense that it is germane, section 4 of this conference report has to the illiteracy test which is intended to be submitted to the immigrant? It was an educational test which the Senate directed the conferees to report upon. It was an educational test to which the immigrant was to be subjected. You have done all that after repeated endeavors, and now, when the alien is "capable and qualified," you want to starve him to death! What earthly sentiment are you after gratifying when there is inserted here this:

> SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country—

clogging the progress and development of a proper restriction of immigration, as I submit in this connection, with the absolute requirement of an appeal to the courts to determine a question which ought not to be submitted under such considerations if restriction of immigration is intended? It is for the courts alone to determine what and who are those who come regularly or habitually into the United States by land or by water.

Section 5 is one of the most drastic of all the sections of the bill under this conference report, imposing a penalty upon the sacred right of a man to earn his daily bread by the sweat of his brow, taking away from him absolutely two of those inalienable rights which belong to him by virtue of his individuality and not by virtue of citizenship. The provision is:

> SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act.

Then in section 6 it is provided—

> That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Undemocratic, anti-American, cruel, such legislation! "What a shameful step in the nation's downward progress." Even if it does put a check upon the immediate immigration of "undesirable immigrants from southern Europe;" even if it does keep "out these birds of passage" across our Canadian and Mexican border, it brings a blush to the cheek of every American who has heretofore rejoiced that—

His country's
Free latch string never was drawn in
Against the poorest child of Adam's kin;

and who is humiliated to reflect that the United States is no longer—

She of the open soul and open door,
With room about her hearth for all mankind!

The alien who comes across the border in violation of this edict, and the citizen who gives him shelter under circumstances where the good Samaritan might have bound up his wounds and given him meat and drink when he had fallen among thieves by the wayside, is to be punished under this law by imprisonment and a fine of $500 in the discretion of the courts of the United States. Find me in any of the provisions of the fugitive slave law, so vehemently inveighed against by that proud Commonwealth of Massachusetts, any language which presents features so repulsive to the sense of the American citizen and the American people as is proposed by this conference report, denying the alien upon whom the storm may beat the right to a roof over his head, denying a crust of bread to him who has appealed for relief, and subjecting those who furnish it to fine and imprisonment.

Mr. CHANDLER. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. GIBSON. I do, Mr. President.

Mr. CHANDLER. As the Senator is making the last speech on this bill, I venture to interrupt him to say that there is not a line or word in the bill which affords any foundation whatever for the last remark of his. There is nothing whatever which impinges upon the right of giving hospitality to any alien. The Senator ought, in justice to this great subject, to confine himself to the language of the bill and to legitimate argument. The forbidden act is the coming of an alien regularly and habitually to work in the United States without making a declaration of intention to become a citizen of the United States, and returning from time to time to a foreign country. When the Senator makes this denunciation of Massachusetts——

Mr. GIBSON. Oh, no.

Mr. CHANDLER. And talks about the bill as if it forbade the rights of hospitality, he is violating, as the Senator from Delaware [Mr. GRAY], I think, violated, and I do not know but intends to continue to violate, the principles of fair argument.

Mr. GRAY. One moment, Mr. President. The Senator from New Hampshire just now violated his well-known rule of accuracy when he quoted from the bill, and said it only prohibited men coming here "regularly and habitually." The language of the bill is "regularly or habitually," which is a very different thing. A man comes here regularly and comes here——

Mr. CHANDLER. The Senator is right. I substituted "and" for "or." I find the Senator right in that little particular for once.

Mr. PALMER. May I be allowed to ask a question?

Mr. GIBSON. Yes, sir.

Mr. PALMER. If a man agrees to work for his board would that be an offense against this proposed law?

Mr. CHANDLER. If board is wages or salary, yes. If board is not wages or salary, it would not be an offense; and it would be an offense only, as the Senator knows, where the alien regularly or habitually returns from time to time to a foreign country.

Mr. PALMER. Might one permit an alien to work for his board under the bill?

Mr. CHANDLER. I want to answer the Senator from Illinois. He repeats what is an incorrect statement. Nothing of that kind is in the bill and nothing which warrants the inference which he makes.

Mr. GIBSON. Mr. President, I did not expect the Senator from New Hampshire to look through the same spectacles as myself at this bill, but I did expect before this debate was concluded that he would feel called upon to defend this very feature of this conference report to which I now call his attention. I repeat, if these three sections, which must be taken collectively or in connection, mean anything, they mean, first, that——

[At this point the honorable Senator yielded to Mr. LINDSAY.]

Mr. GIBSON. Mr. President, far be it from me, in the course of the remarks which I have submitted, to which my attention has been called, to reflect upon either the State of Massachusetts or any other State in the American Union in this connection. The distinguished Senator from New Hampshire [Mr. CHANDLER], who made the suggestion, will bear me out that my statement was that it was a striking coincidence that from Massachusetts, the State in the Union which inveighed most strongly against these two features of our system of legislation, the amendment of the Constitution with reference to slavery and of slaves being sold across the border, and the fugitive slave law, should come at this time to the support of this measure. That is all I propose to say in that connection, Mr. President.

I wish, Mr. President, to call the attention of the Senate to a letter which I desire to insert as a part of my remarks, as I do not wish to detain the Senate by reading it, which is addressed to me by a citizen of Detroit on this subject.

The VICE-PRESIDENT. The letter referred to by the Senator will be inserted in the RECORD, in the absence of objection.

The letter is as follows:

> DETROIT, *December [illegible], 1896.*
>
> DEAR SIR: The Washington dispatches state that Senator LODGE's immigration bill was laid over to allow you to look into the matter. Regarding Mr. LODGE's portion of the bill I have nothing to say, only that thousands of good emigrants have come into America in the past unable to read or write. But it is the portion due to Mr. CORLISS that I wish to refer to. Mr. CORLISS states that thousands of Europeans come into Boston and New York yearly and go home again in the fall after working here all summer. Whether the United States is justified in building a wall around the country to keep out a few men who eventually, no doubt, settle in the country, when the countries they come from take millions of dollars' worth of the manufactures of this country, furnishing employment to vast numbers of Americans, is not for me to say. It is in respect to the original reason why the bill was introduced by the late member of Congress, Judge Chipman, namely, the preventing of people living in Windsor from working in Detroit, while retaining their home in Windsor. Although nearly as many people living in Detroit are at various periods of the year employed in Windsor and Walkerville, yet shutting out the Canadians is quite popular with the people who voted Mr. CORLISS into office. Hence his energy in pushing it. Now, a little light on the subject. Windsor and Walkerville are opposite Detroit, half a mile away, and being close to the center of Detroit business center, many people have resided there and bought little homes, in preference to going to the outskirts of the larger city, with expensive car fare. But many of them are employed in Detroit as clerks, various mechanical trades, sales ladies, etc. So that Windsor owes a large share of its prosperity to this item alone. Many Detroiters have invested in property in its confines, Mr. CORLISS owning 900 feet front on one of the main avenues. The amount thus owned figures up on the assessment roll at over $[illegible], at a low estimate.
>
> Now, the American portion is this: Hiram Walker, the great Canadian distiller, came here many years ago without a dollar hardly and engaged in the whisky business. He is now worth several millions, and has taken all his profits, practically, outside of his business, to the American city of Detroit and invested it there, to the great loss of Canada. He still continues doing this, and no doubt takes more to Detroit every year than several hundred people could do in the way of mechanics and shop girls. Again, Windsor is full of branch stores of Detroit wholesale houses, from seeds to billiard tables and wholesale drugs, in order to escape the Canadian duty, mostly officered and run by people living in Detroit. The number thus employed was taken during the last session and should now be on file in the Immigration Committee room, and the numbers about equaled each other, not taking into consideration the fact that the profits from these branches and the large salaries of the managers are in the main taken to Detroit and spent. So that approximately it may be stated that for every dollar taken on Saturday night from Detroit to Windsor, the Canadian town, $2 are taken from Windsor and Walkerville to Detroit, not counting the colossal incomes from the Walker distillery. Even the elegant ferry line is an American affair, so that there is perfect reciprocity here on the Canadian side at least, while the United States has the alien-labor law which works all right for labor outside of these towns. Again, Detroit is a natural buying resort for the people of these two towns, so that really there is no call for such a bill as Mr. CORLISS would have your honorable body put into law.
>
> Suppose the bill passes. All people now living in Windsor would be compelled to move to Detroit, or lose their positions. This would in many cases be ruination to those compelled to sacrifice their little homes. You can readily see what hardships this would entail. It would be a public calamity.
>
> On the other hand, the people now employed in Windsor, living in Detroit, would go through the same ordeal, for a bill identical with Mr. CORLISS's has had one reading in the Canadian Parliament, and would be at once passed and enforced. Now, where would be the benefit to the American workman? Consider that all along the American frontier a like upheaval whould take place. Canada's Soo Canal is almost exclusively used by American vessels; [illegible],000 went through last year, at no expense to them. The Canadian lumber woods are largely owned by American capital, with Americans imported to work there in the summer.
>
> This, and much more, the mines, etc., furnishing employment for Americans in the summer. Can you not see what a condition of things would ensue if the Canadian Government got its back up and rigidly enforced their bill along the frontier? It would be a very unfriendly act, at the least, and would in the end cause untold trouble. Less things have brought on a war.
>
> I live in Windsor, and own much property close to Mr. CORLISS, and I work in Detroit, owning property there. I do not expect you will pass laws for Canadians, but in this case it will be as unfortunate for one as the other, so I hope you will see your way clear to vote against placing Mr. CORLISS's amendment on the statute books of the United States. I lived for many years in Detroit, hope to again; but this measure would aid no one but Mr. CORLISS, who would be the great Republican workingman's friend, though it would injure American labor more than it would help it.
>
> Hoping you will give this due consideration, I remain,
>
> Your obedient servant,
>
> ROBERT A. TIMMS,
> *75 Bates street, Detroit, Mich.*
>
> I wrote Mr. LODGE on this subject exhaustively.
>
> Hon. Mr. GIBSON, *Senator, Washington, D. C.*

Mr. GIBSON. I ask leave also to insert as part of my remarks, without taking the time of the Senate to read it, another letter from a citizen of the United States relating to the subject.

The VICE-PRESIDENT. The letter referred to by the Senator will be printed in the RECORD, in the absence of objection.

The letter is as follows:

> WINDSOR, ONTARIO, *February 9, 1897.*
>
> DEAR SIR: We who live on the border, and can understand what a war of exclusion by the United States and Canada will mean, wish you godspeed in your efforts to crush out Mr. CORLISS's amendment to the immigration bill. I had the pleasure of addressing you before, when I forwarded you certain information pertinent to the question, and now, after Mr. CORLISS has succeeded in again having the immigration bill passed in the House, do I come to you and ask you, in the name of both Canadian and United States citizens employed on both sides of the line, to use all your influence to defeat the bill when it comes up in the Senate. We on this frontier are living in peace, but this bill will change it into but little removed from a state of war. This town is full of branch manufactories of Detroit houses, officered at big salaries, and very often the employees coming from Detroit, with not a question against it, and most liberal treatment at the Canadian custom house for their large importations of goods in the rough that are finished in Canada, thereby escaping a heavy duty. These firms will feel it, just as all other American-owned institutions through the length and breadth of Canada—its fair woods, its mines, and everything in which American citizens are employed or are owners—if a state of war is declared by the American Congress. And it will be a state of war, too, only firearms will not be used; but American capital will feel it. We want to live in peace; we put out the right hand of fellowship to American capital and American labor and give them the same privileges and the same rights we give our own people; but if you will make war on us (at the behest of a few trades unionists), why, Canada will have to reply. God bless your efforts in behalf of peace, and may you be successful in your efforts in the Senate.
>
> Wishing you success, I remain, truly yours,
>
> ROBERT TIMMS,
> *Employed at 75 Bates street, Detroit, Mich.*
>
> Senator GIBSON, *Washington, D. C.*

Mr. GIBSON. I return now, Mr. President, to the second section of this bill, having sufficiently considered the Corliss amendment, except to say, what I was about to add, that there is only 1 in Canada to be benefited where there are 15 of the people of the United States to be benefited in view of these reciprocal relations which now exist, and which are the result of the unwritten law, not the lex scripta, in the shape of any tariff regulation of the United States, but a law which has been recognized from time immemorial, and laws which are of benefit not only to the States bordering on the Canadian frontier from Buffalo to Lake Michigan, but to the 50,000 miners in the British Dominion to-day, American workmen, recognized by the Canadian Government, and recognized in their relation as benefiting the United States.

I now refer to section 2, which reads:

> For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, etc.

If this second section of the proposed law is sought to be enforced, if this conference report shall be enacted into a law, there is no feature of the appropriations made at this session of the Fifty-fourth Congress of the United States that will begin to measure in magnitude with the appropriations necessary to be made to carry out the provisions of this law. There is no feature of legislation on our statute books to-day which is fraught with the expense in the shape of appropriations incident to the expenditure here. Senators can not have regarded this provision of this conference report, a provision never agreed upon in the other House and never agreed upon in the Senate. It can not be made effective, as I shall show you, Mr. President, in a few words.

I have here an official communication from the Commissioner of Immigration in the port of New York, Dr. Senner, who is best able to advise the Senate and the country of the details incident to the carrying out of this legislation to restrict immigration. He says:

> The available space at Ellis Island is divided into eight aisles, an arrangement by which we are enabled to examine eight immigrants at a time, devoting an average of three minutes to each immigrant, thus disposing of 160 per hour. In order to furnish shelves for writing purposes we would be obliged to reduce the number of aisles to four, and the additional time for the writing test is estimated at seven minutes, making ten minutes for the examination of each immigrant. Making the calculation upon the basis of four aisles and ten minutes per immigrant, we have only examined 120 in the first five hours, according to this calculation.

Where will that lead us, Mr. President? In the carrying out of the provisions of this section of the bill, if it takes, as it will, five hours and thirty minutes for 120 immigrants, it will take eighteen hours for 500 immigrants. If we have 5,000 immigrants at Ellis Island at a time—and we have had them there frequently; and I noticed in a speech the other day of a gentleman [Mr. MAHANY], a member of Congress from New York, whom I have the pleasure of seeing in the Chamber at this time, that as many as 10,000 immigrants have arrived at Ellis Island or the port of New York in one day—but putting these figures as I have estimated them, if it takes eighteen hours for 500 immigrants to be examined, 5,000 at Ellis Island at one time will require one hundred and eighty hours to examine, allowing ten hours for a working day, which is two hours a day longer than they work there now. It will require eighteen days to examine 5,000 immigrants at Ellis Island. Eighteen days make three weeks. If you double that, according to the statement of gentlemen who are familiar with this feature of the subject, it will take six weeks to examine 10,000.

What is to become of the 10,000 or the 5,000 immigrants who land at Ellis Island? Where are they to be accommodated? The accommodations now are scarcely sufficient to meet the ordinary demands of inspection.

Mr. CHANDLER. Will the Senator kindly tell me from what paper he is reading?

Mr. GIBSON. I am reading from the report of Dr. Senner to Hon. RICHARD BARTHOLDT, of the House of Representatives, dated January 15, 1897.

Mr. CHANDLER. Has the Senator seen the letter from Mr. Stump, the Commissioner-General of Immigration, of January 20, 1897, to Mr. BARTHOLDT?

Mr. GIBSON. I have not. I have never seen it and never heard of it.

Mr. CHANDLER. I hand it to the Senator. It is a full refutation of the wild statement the Senator is now making. I trust he will let it be put in the RECORD.

Mr. GIBSON. I will appeal from the Commissioner-General to the commissioner of the port of New York, as being more familiar with the details of what goes on at Ellis Island, whose business it is to be there every day and every hour when work is to be done and when examinations by inspectors are to be made.

Mr. CHANDLER. Will the Senator put in this letter from Mr. Stump?

Mr. GIBSON. I decline so to do, Mr. President. That belongs to the Senator in his own time and according to his own views of the case. I am now discussing what the Senate and the country must contemplate in the carrying out of this educational test.

A little learning is a dangerous thing:
Drink deep, or taste not the Pierian spring.

These poor illiterates are required to be educated just sufficiently to read and write twenty words, unmeaning as they may be, of the Constitution of the United States, which has as much force, character, and effect to them as Sanskrit. Yet the education of those immigrants to read twenty words of the Constitution and to write them in the poor, hard-fisted, cramped hands of those who have been used to labor rather than the requirement of a test which means nothing to them, is to cost the taxpayers of this country millions of dollars in the shape of appropriations to carry out this law. Ellis Island in area will not be equal to the task; three times the extent of that area will not be sufficient to give the accommodation to these immigrants. They must be housed and fed there before their feet can be planted upon one other spot of American soil, and not only to be kept in quarters, but to be as comfortable as comports with the dignity of the United States, which has offered an asylum to the oppressed of every land. When they get here we are not to treat them as they were treated whence they came, but to treat them with the humanity which belongs to the American people, giving shelter and food during the five or six weeks that 5,000 immigrants are to be detained for the purpose of this educational test of their right to land.

With due deference to Dr. Senner, I submit, Mr. President, that ten minutes is a very moderate limit to allow for the inspection of these immigrants. The strength of a chain is its weakest link. Every link of a chain may, save one, be forged with a degree of strength to anchor a battle ship at its moorings, but if there be one link weak she drifts from her moorings upon rocks she knows not of. The length of time required for the inspection of the slowest immigrant, which may be half an hour or longer, will be the measure of time required for each detail at the several batches of immigrants. Inspectors! How many "inspectors" will be necessary to carry out the provisions of this bill? Twenty-three are all now that are required at Ellis Island and only one or two at Baltimore and Boston and Philadelphia. These entry clerks, or inspectors, are now paid $1,500 a year.

But let this bill become a law, and instead of the present number we will require 200, not at salaries of $1,500 a year, but with largely increased salaries. And provided; how? Provided as inspectors are now appointed. Not so. Inspectors at the port of New York, at Ellis Island, are appointed simply for the purpose of inspecting the immigrants physically, to determine whether they come within the prohibited class as being criminals, lunatics, paupers, or persons likely to become a charge upon the country within one year; whether they are ill; whether they are suffering with disease or disability of any kind. But the inspectors to be provided under the proposed act are of an entirely different class. They are not inspectors who are to look after baggage and see that it is fumigated. They are not inspectors to see whether the germs of smallpox exist and whether filth and dirt prevail or whether the immigrants come within the classes prohibited; but they are to be appointed with special reference to a high order of educational qualification themselves, with reference to ability to determine whether or not the immigrant is "qualified and capable" to pass the educational test in some one of 200 different languages written and spoken in the world.

I hold in my hand, Mr. President, illustrations of 200 languages in this world—languages written and spoken—in which these beautiful words from the Holy Bible, so full of meaning the world over—

For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life—

have been printed and circulated; 200 languages written and spoken, not as dialects, but recognized the world over as having been translated from Holy Writ.

Not unmeaning words like those of the Constitution of the United States, but so plain that he who runs may read; as clearly seen to the mental vision in every land as was limned the sign of the cross in the skies to Constantine the Great.

Now, the President of the United States must appoint, before this law can be made effective under this nauseous nostrum of the civil-service law, three commissioners, who must be able to appoint inspectors, some one of whom can read and write themselves and determine whether others have correctly read and written in some one of these 200 languages, designated by the immigrant himself, these printed slips, etc. I know that $1,500 a year is paid to inspectors for the simple duty of determining whether immigrants are unclean and unhealthy; whether they are ill; whether they are lunatics, paupers, or persons likely to become a charge upon the community; but when you find a man who is able to speak one or many of these different languages and read them correctly, in order to determine whether the "immigrant" has written and spoken them correctly, double the salary of $1,500 and you will not yet have reached the maximum that should be paid in consideration of such distinguished services.

The river Rhine, I own,
Doth wash the city of Cologne;
But tell me, nymphs, what power divine
Doth wash the River Rhine?

I send to the desk, Mr. President, a letter from a gentleman in my own State, and ask that it may be printed as a part of my remarks:

FRANCIS B. LIVEZEY, AUTHOR AND PUBLISHER,
Sykesville, Md., February 5, 1897.

DEAR SIR: Keep up the fight against the Lodge immigration bill. We want all the working people possible to come to this country, regardless of their illiteracy. All our anarchy, all our socialism, all our industrial troubles are due to education—to educating the people to books rather than to implements. We have shut out the Chinese workers that came to us on the West, and now we would shut out those who come to us on the East.

You are not, in your opposition to the bill, submitting to "steamship and corporate influences," but you are proclaiming that the salvation of the country depends upon the workers, and that all should come here who are such. Thousands of farmers and thousands of families have suffered for years for the want of field hands and domestic servants. I have felt the want of these myself. Some years ago, before quitting farming, despairing of obtaining farm hands in the country, I advertised for one in the Baltimore Sun, and had upward of thirty clerks and bookkeepers reply, but not one genuine farm hand. I took a half-starved, smart young man from the vicinity, be it said, of Senator LODGE's home, ingratiated him gradually into farm work, and he promised to be a workingman the rest of his life. I have had similar experiences with women.

A comparison was made in the North American Review some years ago between Massachusetts as a learned and South Carolina as an illiterate State. In proportion to population Massachusetts far exceeded South Carolina in her number of criminals, paupers, and insane. Verily, it is not the time, in the face of such facts, to accept the authorities of that State on matters pertaining to illiteracy and affecting the whole country.

An Eastern Shore (Maryland) school board advertised in the Baltimore Sun only once for a school-teacher, and the secretary wrote me he had seventy-two replies, ranging from Maine to Texas. If we want a farm hand, a chambermaid, or a cook we all know how many we get.

Fight the good fight that will bring men and women of muscle to our shores, for, unless manna descends from heaven, our poor educated classes will year by year be nearer starvation.

Very respectfully,
FRANCIS B. LIVEZEY,
Sykesville, Md.

Hon. CHARLES H. GIBSON, *M. C.*

And now, Mr. President, we recur to what is supposed to be the true inwardness of this measure, the "educational test." Here it is, the test agreed upon by the Boston Anti-Immigration League, agreed upon by the Senate committee, and passed by the Senate:

Strike out the present section 2 and insert a new section as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

No immigrant failing in the slightest degree to comply herewith shall be admitted. To be absolutely certain of the faithful carrying out of these important provisions, "the inspection officers shall keep in each box at all times a full number of said slips," etc.

And yet, Mr. President, after all this thought and time and care of the Boston Anti-Immigration League in formulating an "educational test," which shall turn back this monstrous, overwhelming tide of immigration from our shores, and one which has received the merit of his approval by the Senator from Massachusetts, as measuring fully up to his idea of all that is required in the way of "restricting" immigration, a subject which he says he has devoted ten of the best years of his life to the consideration of, this test is nothing. It has tumbled like a house of cards in the light of what the "conference committee" has added to this flawless production:

If in any case from any unavoidable cause, the foregoing slips are not at hand for use, the "inspection officers" shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant.

What a fall is here, Mr. President! What a "come down" from this high-flown, stilted emanation, that was to bring dismay to the luckless alien who dared to come to our shores, other than as the anointed child of education might come! The real test of illiteracy is abandoned to innocuous desuetude, and the "inspection officers" are left to their will and convenience to test the capacity and ability of the immigrant to read and write, "using the most appropriate means at their command!" These available means at their command may most likely be a blackboard and a piece of chalk! What a slender test, therefore, Mr. President, do we discover this "reading and writing" test to be, upon which to reverse our nation's proud traditions! "Parturiunt montes, nascetur ridiculus mus!"

Mr. Carnegie, in his Triumphant Democracy, says:

Were the owners of every gold and silver mine in the world compelled to send to the Treasury at Washington, at their own expense, every ounce of the precious metals produced, the national wealth would not be enhanced one-half as much as it is from the golden stream which flows into the country every year through immigration.

America is only a favored land for the most efficient; drones have no place in her hive; but in whatever the immigrant may fail, whether in securing wealth or home, whether he remain poor or lose health, whether his lot be happy or miserable, there remains one great prize which can not escape him—one blessing so bright, so beneficent as to shed upon the darkest career the glory of its entrancing rays and compensate for the absence of material good. The Republic may not give wealth or happiness; she has not promised these. It is the freedom to pursue these, not their realization, which the Declaration of Independence claims; but if she does not make the immigrant happy or prosperous, this she can do and does do for every one—she makes him a citizen—a man!

The Senator from Massachusetts has inveighed against the evils resulting from immigration, because, as he insists, immigration to these shores by aliens is to take away from the labor of this country what the labor of this country is justly entitled to as the reward of that labor. To that statement I reply that to-day the State of Massachusetts, which has profited more by immigration than any State in the Union, and for its area is the most thickly settled of any of the United States except Rhode Island, pays a higher rate of wages than ever was paid before, in the face of the immigration of which the Senator complains, and the hours of labor are shorter than they ever were before in the history of that State.

The best proof that unrestricted immigration does not tend to reduce wages is the fact that at the present day, after all these years of unrestricted immigration, the wages of the workingman in this country are higher and the hours of daily labor shorter than ever before. It needs only a superficial acquaintance with the nature of wages to show that they do not decrease as population increases. England has a greater number of inhabitants per square mile than Germany, and yet wages are higher in England than in Germany; and the same relation again exists between Germany and Russia. It is principally the skill and productiveness of the laborer that determines the rate of wages. As long as there is room in this country for both skilled and unskilled labor, we should welcome every man who is willing to work.

And again, labor unions, which more than ever before in the world watch over the interests of workingmen, by direct or indirect methods, effectually prevent the undercutting of wages. The rise and fall of wages due to obscure causes may occur, and be without remedy, but if it is caused by nothing else than competition among the workingmen themselves, labor unions may be depended upon to regulate it. But competition between laboring men of the class affected by this bill and Americans will never be, for skilled labor and unskilled labor work in different fields, too far apart for the higher class to be interfered with or jealous of the lower. As compared with the laborers of the class affected by this bill, all Americans are skilled laborers. They seek the shops, factories, foundries, machines, railroads, engine rooms, bridge and iron constructions, and other places where special aptitude, training, and acquired skill give larger value to their labor. There is no danger that he will overstock the market or that there will be more of him than there is demand for. In the Iron Trade Review of Cleveland there is an article calling attention to the scarcity of skilled men. And in all the departments where their work is needed there is an increasing instead of a decreasing call for such workmen.

But the Bohemian, Russian, and Italian must take and are glad to take the meaner sort of occupations—street sweeping, sewer cleaning, the digging of ditches and drains, the making of excavations, the outdoor work about mills and factories, which does not require skilled labor or special training, but only strength and industry—menial service, peddling, waiting in hotels and restaurants, fruit selling, knife grinding, toy and image making, and a great many other things which Americans do not seek and will not willingly undertake. All of these, together with many indoor employments, such as cigar and garment making, fall to the share of the newly landed, poor, and illiterate immigrants. Americans do not want such work. Hebrews, Russians, and Italians do want it; and the reason for their coming is that they may get it. They are the only persons to do it, and their presence here is a logical necessity.

This conference report, Mr. President, is not a compliance with the instructions of the Senate to its conferees. It is not only not a compliance, but it is a departure from the requirements of those instructions.

If the Senator from Massachusetts can show to me that illiteracy of foreign immigration means dishonesty in the character of the immigrant, I will vote for his bill. Education, it is true, does give polish to fine natures, but the nature may be fine without the polish of education. We want the fine nature and will do the polishing in the shape of education after the immigrants come here.

We will educate these immigrants when they get here. We will find the task less difficult to make a homogeneous mass of these people, adapting them to our customs and to our purposes, than if they had preconceived notions from the education which they had received abroad. We do not want them partial to the learning and culture of Europe. We do not want an importation of men with ideas hostile to our native civilization. In the composite population of this Republic we will have a nation of Americans peculiar to our own civilization. While it may not be "home born and home bred exclusively," in their hearts there will have grown up a spirit which will make them the faithful bodyguard of our liberties, who would be "driven into the sea at the point of the bayonet before they would renounce one principle of our Constitution."

Race deterioration! The learned Senator from Massachusetts refers to race deterioration; he urges it as one of the strongest reasons why the educational test should be submitted. He says:

If a lower race mixes with a higher in sufficient numbers, history teaches us that the lower race will prevail. The lower race will absorb the higher, not the higher the lower, when the two strains approach equality in numbers. In other words, there is a limit to the capacity of any race for assimilating and elevating an inferior race, and when you begin to pour in in unlimited numbers people of alien or lower races of less social efficiency and less moral force you are running the most frightful risk that a people can run. There lies the peril at the portals of our land; there is pressing the tide of unrestricted immigration. The time has certainly come, if not to stop, at least to check, to sift, and to restrict those immigrants.

Let us see whether history bears out the Senator from Massachusetts in the statement that the lower order degenerates the higher order. That feature exists only in his imagination, a Frankenstein that is conjured up by his own fears of what may happen, without any warrant or authority for it in history. Race deterioration is an evil which works from above downward, never from below upward. There never was but one distinctive race in this land of ours affected by immigration, and that was the race which John Winthrop and his followers found in 1630 when they set foot on Plymouth Rock—the American Indians—

"When across the ocean there came a Pilgrim bark bearing the seeds of life and death: the former were sown for us, the latter sprang up in the path of the simple native. Two hundred years have changed the character of this continent and blotted from its face forever a whole peculiar people. Art has usurped the powers of nature, and the anointed children of education were too powerful for the tribes of the ignorant. As a race, they have withered from the land; their arrows are broken, their cabins are in the dust, and their council fires have long since gone out on our shores. Slowly and sadly they climb the distant mountains and view their doom in the setting sun. They know that there is but one remove for them, and that is to the shores of the Pacific, where they must soon hear the roar of the last wave, which shall settle over them forever."

That is what immigration has done for the inferior race. No, Mr. President, the lower classes never corrupt the higher. History is full of examples of so-called race deterioration where the vices of the higher in rank came to be practiced by the lowly, but never yet of an instance of the lower classes influencing the higher to their hurt. If immigration detrimental to the prosperity, character, and quality of our race should ever come to our country from over the seas, it will come in the first cabin and not in the steerage; he who shall sow the seeds of deterioration among our people will be the "peer," not the peasant; the "count," not the "contadini."

There is no danger of race deterioration here, Mr. President. Even if these immigrant laboring men were racially inferior, there is no danger for us to dread from association with them.

There is a quality in the composition of the Anglo-Saxon which prevents any such calamity, if it really threatened. That quality is perhaps the distinguishing trait of the Anglo-Saxon people—I mean its power of assimilation of other peoples with itself. All men mix more or less; the resultant shows the characteristics of one of the component parts, or of another; sometimes the races blend so that the new one resulting from the combination is different from either of the originals. But wherever the Anglo-Saxon has been thrown by fate in contact with other peoples he has absorbed, assimilated, and made like unto himself the other peoples. Into whatever country he has gone he has carried his own language, his own laws, his own customs, and they have prevailed. There is no reason to fear that this country will furnish an exception to the invariable rule. Senators may surely depend upon it, that if foreigners, of any class or nationality, in any numbers come to our shores it will not be long before they adopt our speech and customs and adapt themselves to our institutions. Who can doubt it? Who does doubt it? You can tell the newly landed stranger at first glance; but who shall discriminate between the native-descended American and the son or grandson of him who landed forty years ago. The newcomers will not change us, but we shall change them. Circumstances, conditions, and opportunities, denied them at home, but open to their enjoyment here, will develop in them and bring to light the virtues and abilities latent in them which they have inherited from their ancestors and which made those ancestors the most civilized, enlightened, and cultivated people of the world.

Let no man stand here in his place and say to the American people that they are in danger of deterioration by any causes not of their own making. The people who made this great and glorious country what it is, who won their independence in their childhood and maintained it in their youth, are not now in their manhood of such paltry stuff as to be unable, without danger of contamination, to associate with other peoples. Let no such humiliating apprehension influence our legislation. We are strong; we can both protect the weak and succor the needy; we can receive into our midst the sturdy and diligent laborer of Europe and utilize his strength to his profit and our own. Let us put no hindrance in the way of his coming. Let all the peoples of the world who are industrious, vigorous, and law abiding come and join in the development of this rich and extensive country and in the formation of a healthy, free, prosperous, and powerful population.

On the east front of the Capitol there stands the colossal figure of Columbus, holding in his outstretched hand the New World, to which he invites the Old.

The gateways of that New World have stood open wide but not unguarded. Over against the glorious arch spanning these portals of our land an "educational test" has been inscribed, not formulated by leagues and submitted by inspectors, in unmeaning words, but writ in characters of living light, flashing across oceans and continents and seas. "Otiosis hic locus non est: discede morator!" This land is not for the lazy; loafer depart! A legend read in every land, spoken by every tongue, interpreted at every humble fireside, and graven on every fingerboard beyond the seas, to guide the wanderer to our western land.

These immigrants come here to work, Mr. President; to work for some good, be it never so lowly. All work to them is noble and holy. They want their great deeds to be their prayer to their God!

This is the character of immigration, sifted and restricted by the wholesome laws which the Democratic party has provided, that the Democratic party invites to-day. From 1852 to 1896 these wholesome immigration laws have been invoked in every Democratic platform.

[From the Democratic platform of 1852.]

10. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which make ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to abridge the privilege of becoming citizens and the owners of soil among us ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books.

[From the Democratic platform of 1892.]

IMMIGRATION.

SEC. 12. We heartily approve all legitimate efforts to prevent the United States from being used as the dumping ground for the known criminals and professional paupers of Europe, and we demand the rigid enforcement of the laws against Chinese immigration, or the importation of foreign workmen under contract to degrade American labor and lessen its wages, but we condemn and denounce any and all attempts to restrict the immigration of the industrious and worthy of foreign lands.

[From the Republican platform of 1896.]

For the protection of the quality of our American citizenship, and of the wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced, and so extended as to exclude from entrance to the United States those who can neither read nor write.

The clouds are in the heavens, Mr. President, for the Republican party on the other side of this Chamber, which has invoked and supported such legislation as is sought in this conference report. It will not do for them to say that this is a "mild measure," nonpartisan in its character, and will meet with almost a unanimous vote on this side of the Chamber. Be not deceived, Senators on this side. The voice of our Republican friends is the voice of Jacob, but their hands are the hands of Esau. If this bill is to be passed, let it be passed by Republican votes; it has no part nor lot in the Democratic faith. If the time shall ever come, Mr. President, when, as a nation, we "shall cease to sympathize with the struggles of the people of other countries for liberty and justice, our own liberties and our free institutions will be in the greatest danger."

Mr. BLANCHARD. Mr. President, I am opposed to the adoption of the conference report, and I ask the indulgence of the Senate for a few moments in which to state my objections to it.

There has been an intelligent popular sentiment in the United States for a good many years past demanding restriction upon unlimited immigration to the United States. That popular sentiment has been met by Congress in the enactment of various immigration and labor-contract laws. One of those acts created a board of immigration inspectors, whose headquarters are in the city of New York, and there they are and have been for years sitting in execution and enforcement of the laws already passed by Congress restricting immigration.

I believe, Mr. President, that the present act goes too far. It is too drastic in its terms. There are not yet enough people in the United States. It is true that the population of our country has increased from about 3,000,000 in the colonial times to about 70,000,000 now, but there is a vast expanse of the domain of the United States which is still comparatively uninhabited. We have room for many more people. The natural increase of the population of the country is not sufficient to build up as rapidly as should be the waste places of the country.

As pointed out by my colleague, the senior Senator from Louisiana [Mr. CAFFERY], there are in the United States, exclusive of Alaska, 3,000,000 square miles of territory, and of that area less than 300,000 square miles are in actual cultivation and subjected to the uses of man. That is not 10 per cent of the area of the United States, exclusive of Alaska. If we include Alaska, the remarkable fact is presented that of the domain constituting the United States there is perhaps not 5 per cent of it that is in actual cultivation.

The Empire State of the South, the State of Texas, has, including the bays which border upon it, about 275,000 square miles. That is an area almost equal to the entire extent of the domain of the United States, exclusive of Alaska, which is now subject to cultivation and to use by man. The great interior sections of the country need more people, and any immigration act which tends to exclude, as the pending bill does, the people who would like to come here, is not to the interest of those sections.

Speaking from recollection, I will state the fact to be that in Holland there are more than 600 people to the square mile, whereas in the great valley of the Mississippi River, a country as fertile as Holland and as capable of sustaining a population as vast as are the lowlands of the Netherlands, there are not 30 people to the square

mile. As my recollection further serves me, there are not more than 18 people to the square mile on the average on the domain constituting the United States.

It may do very well for certain sections of the country and for certain large cities in the United States to pass a measure as drastic as this one, but it does not do for the sparsely settled sections of the West and the South. Instead of the 70,000,000 people we have now in this country I would like to see that number doubled and even trebled.

Think what the valley of the Mississippi alone would be if it had one-third as many people to the square mile in the valley as there are to-day in Holland. It would be in itself a magnificent empire, and would then prove to be what we have always claimed for it, that it is capable of being made the granary of the world.

Mr. President, the committee that has reported this bill to the Senate have evidently gone too far, and no such drastic measure as this should be enacted into law by the Congress of the United States.

Mr. LODGE. Mr. President, I should like to say a single word at the close of this debate.

Mr. STEWART. I should like to ask the Senator to explain one feature which has been suggested in the debate and which I think might create considerable embarrassment. Miners of the West in large numbers have gone over into British Columbia and discovered mines, and they are working over there. Would there not be danger of retaliatory laws? If so, it would be very embarrassing to them. I should like to have the Senator reply to the suggestions made upon that point.

Mr. LODGE. I was going to touch on it in a moment.

Mr. President, when I addressed the Senate before, on the first conference report, I undertook at some pains to explain the so-called Corliss amendments which were in that report. While I was doing so, the Senator from New York [Mr. HILL] interrupted me with a suggestion that I was wastiag the time of the Senate and my own time in discussing those amendments, for there was no opposition to them, and they were not discussed during that debate except so far as I had explained them.

The bill as it relates to the educational test, as I stated this morning, comes back in the precise form which the conferees understood the Senate desired, and in the form in which it passed the House.

The Corliss amendment provides two things. One is that no alien shall be employed on the public works of the United States. The other is that anyone who comes regularly and habitually, going back and forth from this country to his own country, shall be subject to certain penalties set forth in the bill.

It seems to me that it is difficult to find an argument in favor of the employment of aliens on the public works who are unwilling to become citizens of the United States. It appears to me very plain that the money taken from the people by taxation should rightfully be paid back to those who pay the taxes and bear the burdens.

The other point relates to those who come here regularly and habitually.

Mr. HAWLEY. Before the Senator passes from the last point, I wish to have a word of explanation. No alien who has not declared his intention shall be employed on any public works of the United States. There is no penalty provided for that, I believe. It would not punish the United States for hiring them. It does not say that the United States shall not employ; but it is put the other way: he shall not be employed there. The alien may know something about this law, and he may not know anything about it. The United States can not employ men except through its agents. Suppose Colonel Casey had employed one of these men here, would Colonel Casey then have been subject to a fine of $500 or imprisonment for a year?

Mr. LODGE. There is no statement made about punishing the United States or any officer thereof.

Mr. HAWLEY. No; but it says a "person." He then becomes like an officer of the United States who violates a patent. The private citizen brings suit against that officer as John Smith, not as captain, and gets a judgment against him. Now, here a person has employed a man whom he ought not to have employed, and he is therefore subject to that penalty.

Mr. LODGE. I suppose that any officer of the United States is bound to know the law and to enforce it and to obey it.

Mr. HAWLEY. Then the Senator thinks he would be liable to be punished in that case?

Mr. LODGE. I do not know that he would be liable to punishment under this provision, but I think any officer of the United States sworn to carry out the laws of the United States is bound to carry them out.

Passing to the other point, for I have only a moment——

Mr. STEWART. I hope the time will be extended for half an hour.

Mr. LODGE. I do not desire to have the time extended. There are Senators here who desire to vote, and they have to leave the Chamber in a few minutes. If the Senator will allow me, I will go right on to that point.

This is aimed at those who come regularly and habitually. That they come regularly and habitually has to be shown. It is not aimed at those—as there seems to be an idea—who come over the Canadian borders. It is aimed particularly at the thousands and thousands who come into our great Eastern cities and to our Atlantic seaboard. Since this debate arose I have heard the point made about miners of the West. I do not know how great their numbers are. I do know that they could not be affected except by retaliatory legislation. I do not know that there is to be retaliatory legislation. I do not see how we can legislate on that basis. But in any event it would be necessary to prove the regular and habitual coming.

Mr. President, there is only one other point I desire to make before we vote. We have heard to-day much about humanity and what humanity demands in our treatment of those who are not citizens of the United States. That humanity which has been so loudly appealed to here to-day toward all aliens of the earth whom it is proposed to admit to the United States has been exceedingly silent in regard to those aliens crouching and beaten under the lash of Spain right at our doors in the Island of Cuba. But the humanity that is nearest to us and that is most important to us is the humanity of the United States. There is to me one all-important, all-convincing reason for this bill, and that is that there is a great mass of unemployed in this country. It was proclaimed on every stump. One party proposed one remedy; another party proposed another remedy; but there was no doubt that those unemployed were here. Every immigrant who comes into this country is one more addition to the ranks of the unemployed. When all our people are employed, then we can with safety cease to restrict immigration; but while there are unemployed Americans in this country it seems to me that that amendment on which the House insists, and which if voted down here means the ultimate defeat of the bill, is an amendment that strikes at the relief of a great evil. It is only a partial relief, but still it is some relief in these bad times to take from the unemployed of our great States this eternal competition of a lower kind of labor.

The VICE-PRESIDENT. The hour of 5 o'clock has arrived. The question is upon concurring in the conference report.

Mr. MILLS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. If the Senator from Wisconsin [Mr. VILAS] will transfer his pair with my colleague [Mr. MITCHELL of Oregon] to the Senator from Mississippi, we shall both be enabled to vote.

Mr. VILAS. I shall be very glad to make that arrangement, letting the senior Senator from Oregon [Mr. MITCHELL] stand paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. McBRIDE. Then I vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Not knowing how he would vote, I will withhold my vote. I should vote "yea" if I were not paired.

Mr. MORRILL (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. HARRIS]. I transfer my pair to the Senator from Wyoming [Mr. CLARK], and vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I will transfer my pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS].

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. McBRIDE. I desire to announce that my colleague [Mr. MITCHELL of Oregon], if present, would vote "yea."

The result was announced—yeas 34, nays 31; as follows:

YEAS—34.

Aldrich,
Allison,
Baker,
Brown,
Burrows,
Butler,
Chandler,
Chilton,
Cullom,
Davis,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Hill,
Hoar,
Lodge,
McBride,
Martin,
Morrill,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Quay,
Sewell,
Sherman,
Teller,
Thurston,
Wetmore.

NAYS—31.

Bacon,
Bate,
Berry,
Blanchard,
Caffery,
Call,
Carter,
Cockrell,
Gibson,
Gorman,
Gray,
Hansbrough,
Hawley,
Lindsay,
Mantle,
Mills,

Mitchell, Wis.
Morgan,
Murphy,
Palmer,
Pasco,
Pugh,
Roach,
Shoup,
Stewart,
Tillman,
Turpie,
Vest,
Vilas,
Voorhees,
White.

NOT VOTING—25.

Allen,
Blackburn,
Brice,
Cameron,
Cannon,
Clark,
Daniel,
Dubois,
George,
Gordon,
Hale,
Harris,
Irby,
Jones, Ark.
Jones, Nev.
Kenney,
Kyle,
McMillan,
Mitchell, Oreg.
Smith,
Squire,
Walthall,
Warren,
Wilson,
Wolcott.

So the report was concurred in.

Mr. HAWLEY. I beg the attention of the Senate for just one moment.

I was unable to obtain the floor to explain the reason why, while I am willing to exclude from this country ignorance and crime, I could not vote for the bill presented by the conference committee, simply because it says, so far as the United States is concerned, that an alien coming here who has not declared his intention of becoming a citizen shall die of starvation.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 619) granting a pension to Joseph S. Bunker;

A bill (H. R. 2035) granting an increase of pension to Peter Anderson;

A bill (H. R. 2321) to increase pension of John J. Cross;

A bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 3842) to increase the pension to Edward Vunk;

A bill (H. R. 4517) granting a pension to Washington Baker;

A bill (H. R. 4539) granting a pension to Zolman Tyrrell;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 5612) granting a pension to Nathan Mitchell;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6922) to pension Catharine Harris;

A bill (H. R. 7073) to increase the pension of Solomon Kline;

A bill (H. R. 7079) to increase the pension of Henry O. Hyre;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

A bill (H. R. 7647) granting a pension of $30 per month to Albert Brown; and

A bill (H. R. 7688) for the relief of John M. Laughlin.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2971) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst; and

A bill (H. R. 8706) to correct the military record of Patrick Hanley.

The bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent was read twice by its title, and referred to the Committee on Patents.

GOVERNMENT RESERVATION AT FORT SMITH, ARK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes; which was, on page 2, line 9, to strike out all after "States," down to and including line 16 on page 5, and in lieu thereof to insert:

> That such parts of said ground as shall be occupied for said streets and alleys is hereby donated to the said city of Fort Smith for the purpose of being dedicated to public use.
>
> That said city of Fort Smith is hereby authorized and empowered to remove the old fort walls and buildings attached thereto, and to dispose of the same for its own use.
>
> That the Secretary of the Interior shall cause said lands to be surveyed into lots and blocks, according to the plans and surveys of said city, and shall file a plat showing such survey in his office, and he shall cause the portions thereof not specifically reserved herein to be sold at public auction to the highest bidder, upon such terms and under such regulations as he may direct; and upon the full payment of the purchase money, execute proper conveyances to the purchaser or purchasers thereof.
>
> The funds arising from the sale of said lots shall be turned into the Treasury to the credit of the United States.

Mr. BERRY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

GEORGE W. FERREE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. BAKER, Mr. PALMER, and Mr. PEFFER were appointed.

REVISION OF PATENT LAWS.

Mr. PLATT. On the 27th of January, from the Committee on Patents, I reported favorably, without amendment, the bill (H. R. 3011) revising and amending the statutes relating to patents, which is Order of Business No. 1472 on the Calendar. The committee has since further considered the bill, and now instructs me to report it with amendments. I ask that it may take the same place on the Calendar as the former report.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I should like to have the regular order laid before the Senate before that motion is submitted.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

EXECUTIVE SESSION.

Mr. HILL. I now renew my motion that the Senate proceed to the consideration of executive business.

The question being put, there were, on a division—ayes 37, noes 3.

Mr. HILL. A quorum has not voted on the division.

Mr. BERRY. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I announce the same transfer of my pair as before, and vote "yea."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted.

The VICE-PRESIDENT. The Senator from North Carolina has not voted, the Chair is advised.

Mr. BLANCHARD. I am paired with that Senator, and therefore withhold my vote.

Mr. WHITE. I will transfer my pair with the Senator from Idaho [Mr. SHOUP] to the Senator from South Dakota [Mr. KYLE], and vote. I vote "yea."

The result was announced—yeas 43, nays 8; as follows:

YEAS—43.

Allen,
Allison,
Bacon,
Bate,
Berry,
Burrows,
Caffery,
Call,
Carter,
Chilton,
Cullom,
Davis,
Frye,
Gallinger,
Gibson,
Hawley,
Hill,
Hoar,
Lindsay,
Lodge,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Murphy,
Palmer,
Pasco,
Peffer,
Perkins,
Platt,
Pugh,
Quay,
Roach,
Sewell,
Sherman,
Smith,
Tillman,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
White.

NAYS—8.

Baker,
Brown,
McBride,
Mantle,
Nelson,
Pettigrew,
Stewart,
Wetmore.

NOT VOTING—39.

Aldrich,
Blackburn,
Blanchard,
Brice,
Butler,
Cameron,
Cannon,
Chandler,
Clark,
Cockrell,
Daniel,
Dubois,
Elkins,
Faulkner,
Gear,
George,
Gordon,
Gorman,
Gray,
Hale,
Hansbrough,
Harris,
Irby,
Jones, Ark.
Jones, Nev.
Kenney,
Kyle,
McMillan,
Mitchell, Oreg.
Morrill,
Pritchard,
Proctor,
Shoup,
Squire,
Teller,
Thurston,
Warren,
Wilson,
Wolcott.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 18, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1897.

POSTMASTERS.

L. H. Young, to be postmaster at Chino, in the county of San Bernardino and State of California, the appointment of a postmaster for said office having, by law, become vested in the President from and after October 1, 1896.

Stephen C. Woodson, to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri, in the place of Frank M. Atkinson, whose commission expired January 17, 1897.

Ida C. Kratochwill, to be postmaster at Boscobel, in the county of Grant and State of Wisconsin, in the place of Vandy J. Kratochwill, deceased.

APPOINTMENTS IN THE NAVY.

Chaplains.

John H. McJunkin, a citizen of Iowa, to be a chaplain in the Navy, to fill a vacancy existing in that grade (subject to the physical examination required by law).

Dean R. Leland, a citizen of New Jersey, to be a chaplain in the Navy, to fill a vacancy existing in that grade (subject to the physical examination required by law).

Medical inspectors.

Medical Inspector James R. Tryon, to be a medical director in the Navy, from the 21st day of January, 1897, vice Medical Director Henry M. Wells, retired.

Surg. George P. Bradley, to be a medical inspector in the Navy, from the 21st day of January, 1897, vice Medical Inspector James R. Tryon, promoted.

P. A. Surg. John W. Baker, to be a surgeon in the Navy, from the 21st day of January, 1897, vice Surg. George P. Bradley, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Osborn, to be a lieutenant-commander in the Navy, from the 11th day of October, 1896, vice Lieut. Commander Clifford H. West, promoted.

Lieut. (Junior Grade) Francis J. Haeseler, to be a lieutenant in the Navy, from the 11th day of October, 1896, vice Lieut. Arthur P. Osborn, promoted.

Ensign Joseph W. Oman, to be a lieutenant (junior grade) in the Navy, from the 11th day of October, 1896, vice Lieut. (Junior Grade) Francis J. Haeseler, promoted.

Lieut. John B. Briggs, to be a lieutenant-commander in the Navy, from the 1st day of November, 1896, vice Lieut. Commander John P. Merrell, promoted.

Lieut. (Junior Grade) Edward Simpson, to be a lieutenant in the Navy, from the 1st day of November, 1896, vice Lieut. John B. Briggs, promoted.

Ensign Philip Andrews, to be a lieutenant (junior grade) in the Navy, from the 1st day of November, 1896, vice Lieut. (Junior Grade) Edward Simpson, promoted.

Lieut. Newton E. Mason, to be a lieutenant-commander in the Navy, from the 10th day of November, 1896, vice Lieut. Commander Joseph G. Eaton, promoted.

Lieut. (Junior Grade) William C. P. Muir, to be a lieutenant in the Navy, from the 10th day of November, 1896 (subject to the examinations required by law), vice Lieut. Newton E. Mason, promoted.

Ensign William H. Faust, to be a lieutenant (junior grade) in the Navy, from the 10th day of November, 1896, vice Lieut. (Junior Grade) William C. P. Muir, promoted.

Lieut. Arthur P. Nazro, to be a lieutenant-commander in the Navy, from the 18th day of November, 1896, vice Lieut. Commander William I. Moore, promoted.

Lieut. (Junior Grade) Edwards F. Leiper, to be a lieutenant in the Navy, from the 18th day of November, 1896, vice Lieut. Arthur P. Nazro, promoted.

Ensign Harold K. Hines, to be a lieutenant (junior grade) in the Navy, from the 18th day of November, 1896, vice Lieut. (Junior Grade) Edwards F. Leiper, promoted.

Lieut. Commander Charles Belknap, to be a commander in the Navy, from the 6th day of December, 1896, vice Commander Thomas Nelson, retired.

Lieut. William W. Kimball, to be a lieutenant-commander in the Navy, from the 6th day of December, 1896, vice Lieut. Commander Charles Belknap, promoted.

Lieut. (Junior Grade) Joseph H. Rohrbacher, to be a lieutenant in the Navy, from the 6th day of December, 1896 (subject to the examinations required by law), vice Lieut. William W. Kimball, promoted.

Ensign Ryland D. Tisdale, to be a lieutenant (junior grade) in the Navy, from the 6th day of December, 1896, vice Lieut. (Junior Grade) Joseph H. Rohrbacher, promoted.

Lieut. Commander Fernando P. Gilmore, to be a commander in the Navy, from the 1st day of January, 1897 (subject to the examinations required by law), vice Commander Joshua Bishop, retired.

Lieut. William P. Day, to be a lieutenant-commander in the Navy, from the 1st day of January, 1897, vice Lieut. Commander Fernando P. Gilmore, promoted.

Lieut. (Junior Grade) William S. Sims, to be a lieutenant in the Navy, from the 1st day of January, 1897, vice Lieut. William P. Day, promoted.

Ensign Samuel M. Strite, to be a lieutenant (junior grade) in the Navy, from the 1st day of January, 1897 (subject to the examinations required by law), vice Lieut. (Junior Grade) William S. Sims, promoted.

Lieut. Commander Eugene H. C. Leutze, to be a commander in the Navy, from the 5th day of January, 1897, vice Commander Andrew J. Iverson, retired.

Lieut. John C. Wilson, to be a lieutenant-commander in the Navy, from the 5th day of January, 1897, vice Lieut. Commander Eugene H. C. Leutze, promoted.

Lieut. (Junior Grade) Miles C. Gorgas, to be a lieutenant in the Navy, from the 5th day of January, 1897, vice Lieut. John C. Wilson, promoted.

Ensign Friend W. Jenkins, to be a lieutenant (junior grade) in the Navy, from the 5th day of January, 1897, vice Lieut. (Junior Grade) Miles C. Gorgas, promoted.

Lieut. (Junior Grade) Louis S. Van Duzer, to be a lieutenant in the Navy, from the 5th day of January, 1897, vice Lieut. John H. C. Coffin, deceased.

Lieut. (Junior Grade) Wilson W. Buchanan, to be a lieutenant in the Navy, from the 29th day of January, 1897 (subject to the examinations required by law), vice Lieut. Charles H. Lyman, deceased.

The following-named officers of the Navy to be passed assistant surgeons in the Navy, from the dates set opposite their names, in accordance with the provisions of the act of Congress approved February 13, 1897, entitled "An act to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon," viz:

Lloyd W. Curtis, from July 6, 1885.
Henry B. Fitts, from July 6, 1885.
Victor C. B. Means, from June 3, 1887.
Frederick J. B. Cordeiro, from June 26, 1887.
Francis W. F. Wieber, from November 3, 1887.
Oliver D. Norton, from April 22, 1888.
Frederick A. Hesler, from June 3, 1888.
Louis W. Atlee, from March 29, 1889.
Isaac W. Kite, from April 1, 1889.
Andrew R. Wentworth, from April 22, 1889.
Corbin J. Decker, from June 17, 1889.
Thomas A. Berryhill, from June 17, 1889.
Eugene P. Stone, from August 5, 1889.
Frederick W. Olcott, from January 21, 1890.
Stephen S. White, from May 19, 1890.
George M. Pickrell, from January 16, 1891.
Rand P. Crandall, from January 17, 1891.
Hatton N. T. Harris, from June 13, 1891.
John F. Urie, from July 3, 1891.
Albert M. D. McCormick, from July 23, 1891.
Will F. Arnold, from August 18, 1891.
George B. Wilson, from February 1, 1892.
Charles F. Stokes, from February 1, 1892.
Edward R. Stitt, from March 23, 1892.
Manley F. Gates, from March 27, 1892.
Charles H. T. Lowndes, from March 30, 1893.
George H. Barber, from May 23, 1892.
Thomas B. Bailey, from May 23, 1892.
George Rothganger, from May 24, 1892.
George T. Smith, from June 3, 1892.
George A. Lung, from August 18, 1892.
Luther L. Von Wedekind, from November 3, 1892.
Edward S. Bogert, jr., from April 16, 1893.
Leckinski W. Spratling, from April 16, 1893.
Robert M. Kennedy, from June 18, 1893.
Norman J. Blackwood, from July 7, 1893.
William C. Braisted, from September 24, 1893.
Sheldon G. Evans, from November 18, 1893.
Adrian R. Alfred, from November 24, 1893.
James Stoughton, from May 20, 1894.
Louis L. Young, from May 20, 1894.
Michael R. Pigott, from May 22, 1894.

John E. Page, from June 18, 1894.
Lewis H. Stone, from June 19, 1894.
Frederick G. Brathwaite, from June 22, 1894.
Middleton S. Guest, from November 19, 1894.
Joseph A. Guthrie, from January 27, 1895.
Charles M. De Valin, from January 27, 1895.
Charles P. Bagg, from March 17, 1895.
Carl D. Brownell, from April 6, 1895.
Henry D. Wilson, from April 22, 1895.
Lewis Morris, from June 27, 1895.
John M. Moore, from November 11, 1895.
Brownlee R. Ward, from January 14, 1896.
Edward M. Shipp, from March 20, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1897.

POSTMASTERS.

William Dempsey, to be postmaster at Malone, in the county of Franklin and State of New York.

Anna R. Moses, to be postmaster at Carrollton, in the county of Carroll and State of Georgia.

Susie P. Hyman, to be postmaster at Stephenville, in the county of Erath and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 17, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; and

A bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8250) for the relief of William Gemmill; and

A bill (H. R. 9491) concerning certain homestead lands in Florida.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.—to the Committee on Banking and Currency.

A bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major—to the Committee on Military Affairs.

UNITED STATES COURTS IN UTAH.

Mr. BRODERICK. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 267) to provide times and places for holding terms of United States courts in Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

CASE BRODERICK,
CHARLES G. BURTON,
J. W. BAILEY,
Conferees on the part of the House.
GEORGE F. HOAR,
FRANK J. CANNON,
Conferees on the part of the Senate.

The statement of the House conferees is as follows:

The House conferees submit the following statement: The bill (S. 267) to provide times and places for holding terms of United States court in Utah, as it passed the Senate, authorized civil suits not of a local character to be brought and tried in the division of the district where the defendants, or one defendant, resided or where the cause of action arose. The House deemed this a departure from the rule and struck out the words "or where the cause of action arose" wherever they appeared in the bill, and passed the same as amended. The Senate refused to concur in these amendments and asked for a conference with the House, which was granted. Upon a full and free conference between the managers of the two Houses, it was recommended that the Senate recede from its position and agree to the House amendment, and reported accordingly.

All of which is respectfully submitted.

CASE BRODERICK.
C. G. BURTON.
J. W. BAILEY.

LUCY ALEXANDER PAYNE.

Mr. COFFIN. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

CHARLES E. COFFIN,
J. C. C. BLACK,
Managers on the part of the House.
W. N. ROACH,
H. C. HANSBROUGH,
W. A. PEFFER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate bill No. 1501, under discussion in conference, provided that the beneficiary should receive $50 per month. The House amended the bill by striking out the word "fifty" and inserting the word "thirty." The effect of agreeing to the report will be to grant the beneficiary $50 per month pension.

CHAS. E. COFFIN.
J. C. C. BLACK.

Mr. BLUE. Mr. Speaker, I move that the House disagree to the report of the committee of conference and ask a further conference, and that the conferees be instructed to insist on the House amendment.

Mr. MEREDITH. Is this question debatable?

The SPEAKER. The regular course would be to pass first upon the question of agreeing to the conference report; that is the question now before the House. If the House refuses to agree to the report, then a motion to insist and to ask a further conference, and also a motion to instruct the House conferees would be in order.

Mr. BLUE. Is it not in order to make the motion simply to disagree?

The SPEAKER. The Chair thinks that the question comes up in the affirmative form, and that it is not in order to change it to the negative, because the House, if it desires to disagree to the report, can carry out its purpose by voting in the negative.

Mr. BLUE. I know the result can be reached either way. I want to follow the practice of the House.

The SPEAKER. The course just stated by the Chair is in accordance with the practice of the House and with the rules of parliamentary law.

Mr. BLUE. Is the pending motion to adopt the report of the committee?

The SPEAKER. That is the question before the House. Whenever a conference report is presented, the question is, Will the House agree to the conference report?

Mr. BLUE. Upon that I desire to be heard.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. BLUE. I ask that the report on this bill as it came to the House be read as a part of my remarks.

The conference report was again read.

Mr. BLUE. Now, Mr. Speaker, I trust the House will understand what this report means. The House, after some tribulation, has substantially reached a rule whereby we are not pensioning the widows of generals at an amount exceeding $50 a month. This report breaks that precedent and seeks to pension the widow of a captain at $50 a month. The only reason offered, so far as I can gather, is not merely that the officer performed distinguished services, but the chief reason is that the widow needs the money. I do not know of any reason for the establishment of such a rule. If every one in this nation is to be pensioned who chances to be in destitute circumstances and is in some way connected with a soldier, then we are opening very wide the door of the Treasury of the United States.

The House has sought to cut down this pension by its amendment to $30 a month. That is in excess of what the general rule would allow to widows whose husbands held the rank that this man did. That is going beyond the limit; and this beneficiary ought to be satisfied to accept the action of the House. It is due to the House conferees to say that one member of the conference committee on the part of the House refused to sign this report; and it comes here as the report of simply a majority of the House committee—under the pressure, as I understand, of the Senate portion of the conference committee.

Let us in this pension business strive to establish a rule that shall be equitable, so far as possible, to the beneficiaries, and a full and perfect guard of the Treasury of the United States. I trust that this motion to adopt the report of the conference committee will not prevail, but that a further conference may be had so as to reach a proper adjustment.

Mr. JOHNSON of Indiana. In view of the appropriations contained in the sundry civil bill passed the other day under a suspension of the rules, does not the gentleman think it is rather inconsistent for us to be drawing the line now on a few soldiers?

Mr. BLUE. Oh, Mr. Speaker, my friend from Indiana, skilled in legislation as he is, does not want to evade this question in that way. If the rule which he suggests were to be adopted, then the Treasury of the United States might be raided again and again. The sundry civil bill as it passed this House the other day, save and except upon the question of appropriations for rivers and harbors, was as conservative a measure as any sundry civil bill which has passed the House in the last ten years of the life of this nation.

Mr. JOHNSON of Indiana. The gentleman's exception covers the biggest portion of the expenditures in that bill.

Mr. BLUE. Yes; but the Committee on Appropriations were not responsible for that. The appropriations and authorizations made last year by the river and harbor bill may have been unwise, may have been excessive, may have been extravagant, but that bill was passed by this House over the veto of the President; and in accordance with what is fair and just treatment of the sentiment of the House, in accordance with fair and good legislation, the Appropriations Committee sought to comply with the former action of this body.

Mr. JOHNSON of Indiana. The gentleman seems to forget that there were original appropriations made in the bill which we passed the other day under a suspension of the rules.

Mr. BLUE. I think the gentleman will find that upon the question of rivers and harbors the original appropriations in that bill were very slender. I do not recall now any that were of any consequence, save and except as they had been anticipated and authorized by the river and harbor bill. But suppose there were a few appropriations in that bill which were not meritorious, would the gentleman argue that because that bill may have contained some items which were not fully justified we are to break over a well-established rule and lay bare the Treasury of the United States to a raid upon it which is not based upon any principle or rule of action, but simply a mere sentimental matter?

Mr. JOHNSON of Indiana. I understand the gentleman's position logically to be about this, that we shall "save at the spigot and lose at the bung." It is not simply this measure, but what is to follow it seriously affects the Treasury.

Mr. RAY. Will the gentleman from Kansas allow me a moment?

Mr. BLUE. I yield a moment to the gentleman.

Mr. RAY. I do not understand that this House has established any particular rate of pension to be given to the widow of a private soldier or the widow of a captain or the widow of a colonel, but we have in these various cases measured the pension granted quite largely by the needs of the beneficiary.

Mr. BLUE. In reply to that permit me to say that the general rule prevailing in this House is to give the widow of an enlisted man not exceeding $12 a month, and under the act of 1890 but $8 a month. There may have been a few exceptions to that rule.

Mr. CROWTHER. None.

Mr. BLUE. So far as I recollect, I know of no exception. So far as the pensions of widows of generals are concerned, while the House has not laid down any inflexible rule, yet practically all of them that have passed in the latter part of this session have been for $50 a month and no more. We should adhere to our action along that line. Upon considerations of equity and reason, and under any rule which is practically sound, it is not fair to pension the widow of a captain upon the same plane with the widow of a general officer. And for that reason, I insist, Mr. Speaker, that we have gone already too far in these matters. It is in the interest of the better protection of the Treasury, and more consonant with a logical system of administration of our pension laws, to adopt such a policy—a policy that the House ought to maintain—of refusing to put the pension of the widow of a captain or minor officer upon an equality with that which is paid to a general officer.

Mr. JOHNSON of Indiana. Does the gentleman think that more ought to be paid to the widow of a general officer than is paid to the widow of a captain?

Mr. BLUE. If you leave it to me, I will tell the gentleman candidly, no, I do not think so. But the House, in its conduct of pension matters, has seen fit to do otherwise, and I must acquiesce.

Mr. JOHNSON of Indiana. Is it not a fact that the gentleman himself advocated on this floor a payment, in one instance at least, of a pension of $75 a month?

Mr. BLUE. The gentleman knows that is correct, and I have regretted it, as I have stated before. If I had had the experience of the gentleman from Indiana, I would decline to rise in my place and offer such an excuse under the circumstances. But I was a novice in the House then. I was new to this body; I did not fully appreciate the surrounding circumstances; and if the opportunity were offered again, I would vote to put the pension where it rightfully and properly belongs, at a rate not exceeding $50 per month. If, in my inexperience in this House, I committed an error once, must I be constantly criticised therefor all through my official life?

Mr. JOHNSON of Indiana. Does it matter with the gentleman from what Congressional district the soldier comes, or the widow of the soldier?

Mr. BLUE. The gentleman knows it does not. I have made no distinction, no discrimination here since I have fully understood it. But the general pension laws of the nation make a distinction in regard to pensions, and it was the plain and well-settled policy of recent years, until this House, in its extravagance, broke over the rule in these matters and voted $75 and $100 a month in some cases, where widows, as I am informed, possess magnificent competencies and are amply provided for by incomes, notably the widow of an officer from the gentleman's own State, the widow of ex-Secretary Gresham.

Now, I hope the gentleman from Indiana will make a speech in his own time. I have been extremely courteous to him.

Mr. LOUD. Perhaps this is an Indiana case.

Mr. BLUE. The gentleman from California suggests that perhaps this is an Indiana case, too. I do not know in what State the beneficiary lives, nor do I care. That is not the question here. It concerns the whole policy of the pension legislation of a great nation, and we should have some established rule and not attempt to legislate upon each of these cases as a matter of sentiment, and sentiment only, without any basis of equality or reason in the legislation.

Mr. MEREDITH. Mr. Speaker, in advocating the motion that the House shall stand by the conference report, I desire to call the attention of the House to the fact that since I have been an humble member of this body I have never been found advocating any pension case where I did not believe that equity and justice prevailed and that it was not based on a mere question of sentiment.

Mr. LOUD. None of us do.

Mr. MEREDITH. My friend suggests that none of us do. But I happen to be cognizant of the facts in regard to this particular case, and the reasons that my friend from Kansas has given for opposing it here are precisely the reasons which would justify us in sustaining the report of the committee, first, the service of the soldier, and second, the necessity of his widow.

Now, I desire to say that the record of Capt. J. Scott Payne was equal to that of any other soldier who ever served the country in any war. I desire to say that if the commendation of his superior officers, if the report of General Sherman, if the letter of General Crook, who was his commander, can have any weight in sustaining the record of this admirable soldier, then it will go without saying that he was the equal of any man. I care not what his rank or position may have been, in the discharge of his duty to his country.

I shall read what General Sherman said in reference to the report which was made by Captain Payne after the battle with the Utes, when the gallant Thornburg had gone down and he had taken command of the troops, and, after being surrounded for days and days, brought the troops out safely.

General Sherman, in forwarding the report of Capt. J. Scott Payne, of the Fifth Cavalry, to the Secretary of War, indorses it as follows:

HEADQUARTERS OF THE ARMY, *November 8, 1879.*

This modest and most admirable report was received after I had finished my annual report, else I should have embodied it almost entire as a better description of the fight at Milk Creek on September 29 last.

W. T. SHERMAN, *General.*

The following letter was addressed by General Crook to Captain Payne after the Milk Creek affair:

RAWLINS, WYO. T., *October 8, 1879.*

Capt. J. SCOTT PAYNE, *Fifth Regiment of Cavalry:*

The gallant conduct of yourself and men on the hard-fought field of Milk River with the Ute Indians on the 29th ultimo and the management of the battle after the fall of the gallant Thornburgh, as well as the prudence, courage, and judgment in the construction of defenses, and holding them against a largely superior force during so many days and nights of terrible suspense and danger until relief reached you, not only deserves the highest commendation I can give but the thanks of the country.

Very sincerely, your friend.

GEORGE CROOK,
Brigadier-General.

Now, Mr. Speaker, I will not further take up the time of the House in the reading of these testimonials; but it is well known that the newspapers of that time were filled with commendatory reports of the services of this gallant officer. The story of that fight and of the gallant stand made by this officer is a thrilling one, and the legislature of Wyoming passed a vote of thanks. Twice was he wounded in that battle, and he suffered from those wounds until the time of his death. He died leaving a helpless widow, who is confined to her house, who has two or three children to support, and it is for these reasons that I ask the House to stand by the conference report.

Allusion has been made by the gentleman who preceded me to bills which have heretofore passed, and it seems that the gentleman has changed his opinion in reference to pension bills. Ah, Mr. Speaker, the very fact that this is a helpless and dependent woman, the very fact that she is in poverty, and that she is without a home of her own, entitle her, it seems to me, when the distinguished services of her husband are considered, to receive the relief which is here asked for. Republics are indeed ungrateful if they will not care for the widows of such soldiers, men with such military records as that of this man.

Mr. Speaker, I ask this House to stand by this conference report. I do so believing that this is a meritorious case. I believe the necessities of the case require that she should have the sum agreed upon by the conferees. This is perhaps the last case that I shall ever have the opportunity of asking this House to pass upon, and I do ask the House to do justice to this woman, because I have a full knowledge of all the circumstances connected with the case, and I fully believe that its requirements are such as to fully justify the giving of the sum agreed upon by the conferees.

Mr. WILLIAM A. STONE. Mr. Speaker, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. As I understand, the motion is, first, to concur in the report of the conference committee.

The SPEAKER. To agree to the report of the conference committee.

Mr. WILLIAM A. STONE. And I also understood the gentleman from Kansas [Mr. BLUE] to make a motion to nonconcur.

The SPEAKER. The way in which the House nonconcurs in a conference report is to vote in the negative. If the House votes in the negative and refuses to agree to the conference report, then the way is open for a motion for a new conference, for instructions to the conferees, or anything that the House sees fit to do.

Mr. WILLIAM A. STONE. Then I understand that if this conference report is voted down, a motion may then be made and entertained to nonconcur, and insist on the amendment of the House for $30 a month.

The SPEAKER. And for another conference. That is the case.

Mr. BAKER of Kansas. Mr. Speaker, I shall not crave the indulgence of this House for a very long time. I had the honor to be a member of this committee, and failed to agree with the majority report. I have been identified with the active pension work of this House for a number of years past. During that time I have endeavored to carefully investigate each case, as far as it lies within my power, on its individual merits, and I feel warranted at this time in making the statement that if you indorse this report you will go beyond almost any precedent that has been set in this House in the last four years. That this man was a gallant soldier, there is no question. That he left a worthy widow and children, there is no question. No member of the committee has any doubt but that there are tens of thousands of other cases in the country to-day just as meritorious as this one. If such bills as this are to become laws, then it will take hundreds of millions of dollars annually to pay the pension roll.

Under the pension law, this woman is entitled to $20 a month. The Committee on Invalid Pensions, after carefully investigating, concluded that, on account of her condition and that of her family, they were warranted in giving $30 per month, but that was the extreme allowance that the committee were willing to give. The bill passed this House in that form and went to conference, and the Senate insisted, and two members of our committee joined with them. My object in making this statement is to call your attention to the fact that the proposed action is, so far as I know, without precedent. I know that no such bill has ever met with my approval in the six years that I have had the honor to be a member of this House, and I trust that this House will not concur in the report of this committee, but will order the bill back to a further conference.

Mr. RAY. Is it not true that, in fixing the amount to be allowed in a private pension bill, you have been guided and controlled very largely by the necessities of the proposed beneficiary?

Mr. BAKER of Kansas. That is true to a great extent.

Mr. RAY. This is simply a contention now as to whether the situation of this widow is such that she ought to have $30 or $50 a month.

Mr. MEREDITH. She has to have an attendant all the time.

Mr. BAKER of Kansas. The Committee on Invalid Pensions is without any precedent that warrants it in allowing over $30 a month.

Mr. RAY. You think that $30 a month is ample?

Mr. BAKER of Kansas. I do.

Mr. RAY. It seems that one of your colleagues on this conference committee, two of them, and three in the Senate, think she ought to have $50 a month. Now, is it wise, under such circumstances, where the five agree that the widow ought to have $50, to stand out against the Senate? Is it wise for the House, under such circumstances, where five agree that the widow ought to have $50, to stand out against the Senate and a majority of its own conferees and contest the question of $20 a month to the widow of a brave and gallant soldier? Do you think it wise to do so?

Mr. BAKER of Kansas. My judgment is that it is. My judgment is it is the duty of this House to do right, irrespective of the report of any committee.

Mr. NORTHWAY. Will the gentleman allow me a question?

Mr. RAY. I want, right there, if the gentleman will permit me, to say of course I concede that it is the duty of this House to do right if it can, and it is the duty of the Senate to do right; but when the conferees of the House and of the Senate are appointed for the very purpose of arriving at a compromise and doing what is right and just, in view of all the evidence and all the circumstances, is it not quite evident that $50 a month is right, in view of the fact that 5 out of 6 agree upon that sum?

Mr. BAKER of Kansas. That depends upon the influences that were at work, and those influences were at work in this case.

Mr. NORTHWAY. You are willing to give her $30 a month.

Mr. BAKER of Kansas. I am.

Mr. NORTHWAY. That is $10 a month more than she could get under the law.

Mr. BAKER of Kansas. It is.

Mr. NORTHWAY. That $10 you would give to her on account of her condition.

Mr. BAKER of Kansas. I would give her that on account of her condition. Let me say just here, no one is more willing to sympathize with the soldier who has offered his life in the defense of his country than I am, and no one would be less willing to do a wrong or injustice to his family.

Mr. NORTHWAY. That is right. But here, when you come to figure this compromise, and the conferees come to figure on this compromise, they do so, but at a higher rate than your own, is it not simply a question of policy and not one of a rule of law that we are being guided by here?

Mr. BAKER of Kansas. If it is a matter of policy, you can not agree to the conference report, because you would open hundreds of thousands of cases.

Mr. WOOD. Has there been any compromise by the conferees?

Mr. BAKER of Kansas. None whatever.

Mr. WOOD. It has been an absolute surrender by the managers on the part of the House.

Mr. BAKER of Kansas. That is true of a majority of the committee.

Mr. MILNES. Has it not been the policy of the Committee on Invalid Pensions, in fixing the pensions of private soldiers and noncommissioned officers, to keep those down at least to the highest point fixed by law and not to exceed that amount in the case of widows now?

Mr. BAKER of Kansas. That is so.

Mr. MILNES. But in the case of commissioned officers you have gone beyond that.

Mr. BAKER of Kansas. Not with my vote.

Mr. MILNES. I am speaking about the committee as a whole.

Mr. BAKER of Kansas. I have tried to be consistent; and being consistent with my previous action, I feel it to be my duty to make an appeal to this House in behalf of hundreds, yea, tens of thousands, of brave soldiers who went down in the defense of their country.

Mr. MILNES. I am sure that you do that. There is no case where the committee has reported the case of a private soldier to this House that they have gone beyond $12 a month this session.

Mr. BAKER of Kansas. Yes, there are, I think.

Mr. MILNES. I do not know of one.

Mr. HENDERSON. I got one reported by the gentleman for a private soldier, not a widow.

Mr. MILNES. I am talking about private soldiers. I am not talking about the widows.

Mr. SULLOWAY. There have been more than thirty passed this session.

Mr. JOHNSON of Indiana. I got one through.

Mr. WILLIAM A. STONE. Let me ask the gentleman if these special bills which are granting pensions at $30 and $50 a month are not creating a good deal of uneasiness and mistrust and dissatisfaction among the private soldiers——

Mr. BAKER of Kansas. They are.

Mr. GIBSON. Mr. Speaker, is this a meeting of the House or a private meeting of a few members?

The SPEAKER. It is a meeting of the House, but has the other appendage.

Mr. WILLIAM A. STONE (continuing). And that ought not to be.

Mr. BAKER of Kansas. That is my judgment.

The SPEAKER. The Chair desires to say that the difficulty arises from the size of the Hall. It is very difficult for anybody to be heard in it.

Mr. BAKER of Kansas. I have only a word more to say. There has been a constant endeavor on the part of the committee

since it was organized in this Congress to adopt a uniform system to govern in these pension allowances; but such has been the pressure brought to bear upon the committee from time to time in many cases that it has seemed impossible to do so. Each member seems to have special influences backing up his bill, and it has been very difficult for the committee to adhere to a uniform rule.

Special pleas on the ground of the distinguished services of the beneficiary are made in almost every case. I am glad to hear the story of the bravery of the soldiers of the Union; my heart swells with pride as I listen to the record of their gallant deeds, but I thank God that patriotism and bravery were not confined to one man or to a thousand men or to ten thousand men. [Applause.] Hundreds of thousands of men left their homes, went forth in defense of the Government, and gave their lives freely in the great cause, and to those men, and to the wives who stayed at home and took care of their families, it is the duty of this Government to be just and liberal; but, for that very reason, it is our duty not to bestow undeserved bounty in special cases. Looking at the question from that point of view, I declined to join the other members of the conference committee in the report in this case, and I trust that the House will stand by its amendment.

Mr. GROW. Mr. Speaker, I wish to make a motion that I think will take precedence of the one now pending. My motion is that the House concur in the Senate amendment.

Mr. BLUE. That is the question before the House.

Mr. GROW. I understood the motion was to nonconcur.

The SPEAKER. The question before the House is on agreeing to the conference report.

Mr. GROW. The motion I was about to make was that the House agree to the report.

The SPEAKER. That is the question now pending.

Mr. BLUE. I yield now to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Speaker, I always vote for general pension bills, and I generally vote for any pension bill where I think there is merit, and where there is some difficulty in the law which prevents the granting of a pension by the Pension Bureau; but here is a proposition to increase a pension from the amount to which the applicant would be entitled under the law to $50 a month, and we are asked to make this increase upon the ground that the husband of this lady was an officer.

Mr. SULLOWAY. Will the gentleman yield for a moment?

Mr. WILLIAM A. STONE. Not now. Mr. Speaker, I want to caution my colleagues on this floor as to the danger that we are incurring by passing these special bills for exceptional pensions. The people in our several districts read in the newspapers that Congress passes a law for such a man or such a widow to get a pension of $50 a month, and they see no reason why they should not get as much, and they write to their Representatives here to introduce bills for them, and if this goes on, inside of five years we shall have nearly all the widows who are on the pension roll asking us to pass special bills giving them increased pensions, on the ground that their husbands were just as brave, just as heroic, and made just as great sacrifices as the husbands of those for whom we have passed these special bills.

We have a general pension law, under which everybody that is eligible can be pensioned, and in addition to that we pension by special acts those who can show that they have meritorious claims which, owing to peculiar circumstances, they are unable to establish under the general law. But here is a case where the husband of the beneficiary was a captain, brave and heroic no doubt, but after all, this is only one of thousands of cases, and we ought not to pass these special private pension bills making exceptions to the general law, which will come home to plague us in the future, and which, if persisted in, will gradually transform our pension roll from a general roll to a special roll. If the pensions provided under the general law are not large enough, let us increase them by general legislation, but let us not do it in this indirect manner by special legislation in special cases. Here we have a particular case, made special by Congress, and yet there is really nothing in it any more deserving than there is in a thousand or two thousand cases in my district, where the husband did not wear shoulder straps but carried a musket, and was as brave and served the country as long and as well as this captain did.

As I have already said, when other pensioners read about these special allowances it occurs to them that they are entitled to as much, and when they look into these cases they are unable to see any good reason or any excuse for this special legislation which would not be equally applicable to themselves, and it results in dissatisfaction and uneasiness, and in annoying applications to members of Congress to introduce bills. And members do introduce such bills in many instances simply because some other member has introduced a bill or bills with no more merit than theirs. We can not answer the argument of the widow who appeals to us to introduce a bill for her benefit and shows that her case is quite as deserving as that of some other widow who has received one of these special allowances. We can not convince her that the husband of a woman who is pensioned at $50 a month was any braver or made any greater sacrifices than her husband did. I hope the motion to concur in this conference report will be voted down, and that the motion of the gentleman from Kansas [Mr. BLUE] which is to follow, to nonconcur and insist on the House amendment fixing this pension at $30 a month, will be adopted. That is a sufficient amount, and it will be a better precedent in the future and will tend to save us from some of the vexations and troubles and dangers to which I have alluded.

Mr. GROW. Mr. Speaker, I had no idea of taking part in this discussion, but the position of my colleague [Mr. WILLIAM A. STONE], if maintained, would make it necessary that we should pass no widow's pension at over $12 a month. According to him we should be troubled the moment we pass a bill above that amount. His argument is against any differences in our pension scale; it would require a horizontal rate for everybody of, say, $12 a month. Otherwise we should be besieged continually for special rates of pension legislation. Here is the case of a widow who is perfectly helpless, so as to require an attendant. Does not such a case appeal to the discretion of Congress, and, if we do grant an exceptional pension in such a case, is that any reason why other widows in an entirely different situation should receive the same amount? Is not her case to be regarded differently from that of a widow in good health who has attained only the average length of life? This woman is perfectly helpless. She is the widow of a brave soldier, and was his wife during his term of service. She took care of the soldier's home while he was on the battlefield. She is herself, therefore, a meritorious object of our consideration. Should we not make a discrimination in this case as against that of a widow who was not the wife of the soldier while in actual service on the field?

If we are to have special legislation at all, we must legislate on each case according to its own peculiar merits. There would be no private pension cases coming before us if they were not exceptions to the general law. I grant you that we may be beset by applications from various persons who regard their cases as equally meritorious with others on which we have favorably acted. But we can not help that unless we write in the Constitution of the United States a provision that "Congress shall not grant a pension to anybody of more than $12 a month," or some fixed amount. In that way me might stop applications for a greater amount, but in no other.

Mr. BLUE. I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, this question renews the merriment in which we have been indulging from time to time in the ratings on private pension bills. After a careful study of the practice in relation to these matters, I have come to the conclusion that a large number of the private pension bills introduced into Congress and passed should never find place in our discussions. I have come to the conclusion, Mr. Speaker, that these bills are brought here by persons who have reached the maximum of pension allowed under the general law through the Pension Bureau; and having reached the full measure of their allowance under the law they come here, and, as a special privilege, ask for an increase of rating.

Were the Pensions committees of Congress organized for that specific purpose? I firmly believe that the Pension Committees of this House can render their best service to the cause of pensions not by spending all their time in increasing the ratings allowed by general law, but by considering cases where technicalities are unjustly depriving pensioners of the rates allowed by existing laws.

If we continue the present policy we are simply resolving Congress into a pension bureau and taking away from the regular Department of the Government the consideration of this line of business. I believe that we shall render our best service by holding to the rate fixed by general law, and insisting that wherever possible this pension business shall go through the regular Department and the pensioner receive the allowance given by general statute. When inequalities are disclosed in the operations of existing law, we should so amend the law as to remove the injustice and give equality of right to all.

I believe, Mr. Speaker, we ought to stand by the action of the House on this question. We ought to vote down the motion to concur and send this bill back to a conference, insisting upon fixing this pension at $30 a month. Take an example. Recently we had before this House a bill to pension the widow of Captain Keiffe, of Idaho. The rate of pension recommended by the committee was $30 a month. When that bill came up, members promptly sprang to their feet and said that $20 a month would correspond with the maximum rate allowed by the general law for the widow of a captain. The widow of Captain Keiffe has two children. She is in a feeble condition of health, and I understand that her enfeebled father is also dependent upon her for support. Under these circumstances, in the case of this widow with these extraordinary obligations resting upon her, the House amended the bill so as to make the pension $20 a month, the rate allowed by general law to the widow of a captain. Here we are asked to allow $50 a month, $30 beyond the rate allowed in the general statutes. The committee has recommended $30 as a compromise on this question. The gentleman from Ohio says that if you compromise on thirty, why not on fifty? The question might follow directly. Why not compromise on a hundred or a thousand dollars a month?

Mr. NORTHWAY. I am in accord with the gentleman's views.

Mr. ANDREWS. I insist that the House ought to vote down the motion to concur, and, if possible, return at an early day to the general provisions of the law applicable in cases of this kind. [Applause.]

Mr. MEREDITH. Mr. Speaker, I do not desire to detain the House more than a few moments. Before referring to the particular circumstances of this case, I wish to return my thanks to the eloquent gentleman from Pennsylvania [Mr. GROW], the Nestor of this House, for the chivalrous sentiments which fell from his lips only a few moments ago.

I wish to say to gentlemen who have opposed this report that the position they take seems to me to come too late. I have just been informed that the widow of an officer was allowed only a few days ago a pension of $50 a month. And the gentlemen are mistaken as to the merits of this case and the foundation upon which it stands. I want to say, so it may be understood, that it is the pressing need of this helpless woman in her feeble condition that requires she should have this much money for a decent support.

Mr. Speaker, this soldier is admitted to have been a brave one. He sprang from a race of brave men, men who from their infancy were taught what in my mind are the three cardinal virtues—to ride, to shoot, and to speak the truth. From that race of people have come soldiers who have illuminated the history of their country, who have stood by it in its peril and died for it as this man has done.

Mr. Speaker, it has been said that republics are ungrateful; and certainly it is true if, under circumstances such as these, in the case of a helpless and enfeebled widow whose husband has gone down to his grave in defense of his country, the American Congress, after numerous precedents have been set, should refuse to give her for the remainder of her life the pittance here proposed in order that she may eke out her days in something like comfort.

Mr. Speaker, in my opening statement I referred to the heroism of this man. I wish to add that Congress itself, on account of the part he took in the noted campaign already referred to, had determined that he should be made a major. I hold in my hand the report of the Committee on Military Affairs suggesting that the President should promote him to this rank in view of the distinguished services which he had rendered. I shall not take up the time of the House in reading that report, but will read simply an extract from the St. Louis Republican showing the country's appreciation of this man's services at that time, when they were fresh in its memory.

> Payne's command is relieved; so are the hearts of thousands of people all over the country. The story of his siege and brave resistance is told this morning. It is one of the most graphic yet modest narratives in all our military history. None but a brave and truthful soldier could have written it. In the history of the Afghan and the Zulu war there is nothing to compare with it in point of courage under difficulties and persistence in the apparent teeth of fate:

Now, I say, Mr. Speaker, such was the record of this soldier, whose helpless widow appeals to the American Congress to-day. The press of the country at that time was teeming with praise of the conduct of her husband in the defense of his country and his Government. Knowing the circumstances as I do, and the helpless condition of this lady, I have urged you, with all the emphasis and all the earnestness at my command, to adopt this conference report. I have endeavored to state the facts as they exist. I have been unable to state them as they ought to be stated; but I beg the members of this House who were heroes in the war, who have been looking after the interests of their friends' widows, to stand by me in my effort to have the report of the conferees sustained by this House.

Mr. BLUE. I yield five minutes to the gentleman from Missouri [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker, I rise to oppose the motion to concur in the conference report. I do so, not because I am opposed to any pension, for, on the contrary, I believe in legitimate pensions, but because I believe in equity and in justice to the widows of those men who sacrificed their lives in defense of the country. I want to call the attention of the House to the fact that this soldier, Captain Paine, graduated from the Military Academy in 1866. He was a soldier by profession.

Mr. WILLIAM A. STONE. How could he have been in the war if he graduated in 1866?

Mr. CROWTHER. He was not in the civil war.

Mr. WILLIAM A. STONE. Then what are we talking about?

Mr. CROWTHER. That is one impression I want to remove from the minds of gentlemen on this floor. He was not in the civil war. He was an officer in the Regular Army, educated at the expense of the Government. That was his profession by adoption. In one of the Indian wars he received disabilities——

Mr. DOOLITTLE. How does that affect this bill?

Mr. CROWTHER. Wait a moment and I will tell you how it affects some of these cases we have been discussing. He was discharged for disability. He obtained a pension under the general law at the rate of $20 per month, the highest figure he could receive under that law. After his death his widow was pensioned, under the same general law, at the same figure at which her husband had been pensioned. When the Senate bill came up, the House amended it so that she would receive $30 per month, or $10 more than she could receive under the general law, trying in that way to compromise the matter. I want to say, Mr. Speaker, that such bills as this are the cause of the great unrest amongst that great army of citizens of this country of whom I am a representative upon this floor—the soldiers of the late war. As a member of the Committee on Invalid Pensions, I have, within the last twelve days, received seventy-nine letters from old soldiers, asking me to introduce special bills to increase their pensions, because the pensions that they are now receiving are not sufficient to meet their necessities.

Mr. WILLIAM A. STONE. And if you are here in the next House you will receive seven hundred such letters.

Mr. CROWTHER. I have received more than fifty letters from the widows of old soldiers, asking me to introduce bills to increase their pensions, for the reason that they see that the House of Representatives is voting, with lavish hand, fifty and seventy-five dollars per month to the widows of general officers. I want to say, in this connection, in reply to the statement of the gentleman from Indiana [Mr. JOHNSON], that I have sat upon the Committee on Invalid Pensions for two years. I have attended every meeting of that committee, and I do not remember any bill passing to increase the pension of a widow of a private soldier to a greater amount than she would receive under the general law. But I discover that there is a sentiment upon the floor of this House willing and anxious to grant large pensions to the widows of general officers. I think it is time that these invidious distinctions should be stopped. We have been trying to stop it, a few of us, for weeks and months, and we have got the matter down to such a state now that it has been recognized by conference committees and by members upon this floor that $50 per month is sufficient for the widow of any general officer.

Now, Mr. Speaker, I want to call the attention of this House to another thing. Only a few days ago we passed a pension bill for the widow of General Stoneman, one of the great captains of the late war, and this House passed it at $30 a month. Yet we have this bill before us asking $50 for the widow of a captain, $20 more than the House voted for the widow of General Stoneman. Mr. Speaker, I hope that the House will not agree to the report of this conference committee, but that it will stand by justice, equity, and right in the interest of the old soldiers of the nation and their widows and orphans.

Mr. BLUE. Mr. Speaker, if no other gentleman is to be heard, I desire to move the previous question.

Mr. MORSE. Will not the gentleman yield to me for three minutes?

Mr. BLUE. I yield to the gentleman for three minutes.

Mr. MORSE. Mr. Speaker, since I have been a member of this House I have consistently and persistently opposed this class legislation. In answer to requests from my own constituents (and I represent a very large soldier constituency, perhaps second to none in Massachusetts), I have, I say, refused to introduce bills of this class. What is the effect of this class legislation? The only possible effect is to make the great mass of pensioners, the thousands of pensioners of the country, entirely dissatisfied with the bounty of the Government. I warn the friends of the soldier on this floor, and I claim to be one myself, that there is danger along this line. There is danger of making the whole pension system of this Government so odious that it will be repealed or modified, or the pensions of soldiers reduced. I say there is danger at this point.

Now, I hope, Mr. Speaker, that the House will stand by its action and refuse to concur in the conference report. I believe that I represent the opinion among my constituents and in the Commonwealth which I have the honor in part to represent on this floor. Mr. Speaker, as a friend of the soldier, as a friend of legislation in the interest of the soldier, as a friend of pension legislation, if the present laws are defective or not adequate to meet this class of cases, then I want a general law passed that shall apply to all pensioners alike. I do not want one person who has a friend at court to be able to come here and possibly get $50, $60, or $75 a month as a soldier's widow and to have it true that in the next house an equally deserving soldier's widow, whose husband served her country as bravely and well, shall only receive $8 or $12 a month. I again say that this legislation is wrong and unjust, and the effect of this legislation is to bring the entire pension system of the country into disfavor and make the great mass of pensioners of this country dissatisfied with the bounty of the Government.

Now, Mr. Speaker, one word more. A great committee of this House, to which I belong, has had many hearings during this entire Congress. They have presented bills that I believe to be meritorious bills for the erection of public buildings. I refer to the Committee on Public Buildings and Grounds. No less than 305 members of this House out of 356 members have signed a petition to the Committee on Rules asking for time to consider these bills. We are told that the situation of the Treasury and the condition of the country will not warrant us in having a day in court to present those bills. Now, I say if economy is the watchword of the Government, is there not a good place for practicing economy presented here? Here you are entailing an expense on the Government for all time. I submit that we have already gone too far in this class legislation, and therefore I sincerely hope that the House will stand by its action and refuse to agree to the conference report.

Mr. BLUE. Mr. Speaker, I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. MEREDITH. Division!

The House divided; and there were—ayes 28, noes 96.

So the House refused to agree to the conference report.

Mr. BLUE. Mr. Speaker, I renew my motion that the House insist on its disagreement and ask for a further conference, with instructions that the conferees insist on the amendment of the House.

The SPEAKER. The gentleman from Kansas moves that the House further insist upon its amendment and ask for a further conference.

Mr. BLUE. With instructions that the conferees insist on the House amendment.

The SPEAKER. The Chair thinks the instructions should be put separately. The question is on the motion to insist and to ask for a further conference.

The question was put; and the motion was agreed to.

Mr. BLUE. Now, Mr. Speaker, I move that the conferees be instructed to insist upon the amendment of the House.

The question was put; and the motion was agreed to.

On motion of Mr. BLUE, a motion to reconsider the vote by which the House instructed its conferees was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I desire to submit a conference report on the legislative appropriation bill.

The SPEAKER. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9648) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 32, 46, 48, 62, 68, 69, 70, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 30, 31, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 66, 67, 71, 72, 75, 76, 77, 78, and 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out, in line 5, of the matter inserted by said amendment the words "to be approved by the Joint Committee on the Library;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Register of copyrights, $3,000, who shall, on and after July 1, 1897, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury and make monthly reports to the Secretary of the Treasury and the Librarian of Congress and shall, on and after July 1, 1897, give bond to the Librarian of Congress in the sum of $20,000, with approved securities, for the faithful discharge of his duties."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment, after the word "dollars," insert "and said superintendent shall report to Congress at its next regular session the number of employees and the compensation of each employee hereunder;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, with an amendment as follows: On page 23 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Chief law clerk, $2,500; four law clerks, revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; three clerks of class 4;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $29,500; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert $5,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office, Deadwood, S. Dak.: The Secretary of the Treasury is hereby authorized and directed to use the unexpended balance of the appropriation of $15,000 for establishing an assay office at Deadwood, S. Dak., made by the sundry civil appropriation act approved June 11, 1896, for rent of a suitable building for such purpose, and providing the same with necessary furnaces, fixtures, and apparatus, and for wages of workmen and contingent expenses; and said assay office shall be conducted under the provisions of the act entitled 'An act revising and amending the laws relative to mints, assay offices, and coinage of the United States,' approved February 12, 1873."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

S. M. CULLOM,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9648) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the action agreed upon by the conference committee on each of the said amendments, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, relating to the Senate: Appropriates, as proposed by the Senate, as follows:

For an assistant messenger, at $1,200, in lieu of a page at $912.50, in the Secretary's office;

For an additional carpenter, at $900; an additional telephone operator, at $720; a page in the press gallery, at $600, and three additional laborers, at $720 each, under the Sergeant-at-Arms;

Increasing the pay of an assistant in the document room from $1,440 to $1,600;

For a page, at $600, in the folding room;

For an additional assistant engineer, at $1,440; an additional fireman, at $1,095, and two additional laborers, at $720 each, under the Architect of the Capitol; and

Increasing the amount for materials, for furniture, and repairs from $1,000 to $2,000, and for services in cleaning and repairing furniture from $1,000 to $2,000.

On amendments numbered 23, 24, and 25, relating to the House of Representatives: Strikes out of the bill the provision making appropriations for session employees available before July 1, 1897, and transposes a paragraph in the bill.

On amendments numbered 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, relating to the Library of Congress: Provides that the Librarian of Congress shall be appointed subject to confirmation by the Senate, and strikes out the provision that the rules and regulations of the Library shall be approved by the Joint Committee on the Library; provides for a register of copyrights, at $3,000, to perform all the duties relating to copyrights, on and after July 1, 1897, under the direction of the Librarian of Congress, requiring the register of copyrights to make weekly deposits with the Secretary of the Treasury and monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and to give bond to the Librarian of Congress in the sum of $20,000; appropriates $1,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for purchase of books for the Library; provides for a superintendent of the Library building and grounds, to be appointed by the President and confirmed by the Senate, at $5,000, and appropriates a gross sum for the employment by him of necessary clerks, messengers, and others for the care of the building; provides that the officer now in charge of the construction of the building shall terminate his duty and assume the custody and care of the building and grounds after March 4, 1897, appoint the employees under his charge, procure furniture for the building, and remove into it the Library, copyright collections, and furniture, excluding the Law Library, and superintend the completion of such contracts pertaining to the construction of said building as may remain unfinished on March 4, 1897; requires the Librarian of Congress to give a bond of $20,000 instead of $50,000, as proposed by the House, and provides that the rooms now occupied by the Library of Congress in the Capitol building shall not, after the removal of said Library, be occupied for any purpose until so ordered by Congress.

On amendment numbered 40: Provides for a secretary, at $5,000, instead of a private secretary, to the President.

On amendments numbered 41 and 42: Appropriates for a private secretary to the Secretary of State at $2,400 instead of $2,000.

On amendments numbered 43, 44, and 45: Appropriates for a foreman of bindery at $5 per day instead of $4 per day, and for 4 binders at $4 instead of $3.20 per day each, in the division of stationery, printing, and blanks of the Treasury Department.

On amendments numbered 46, 47, 48, and 49, relating to the office of the Comptroller of the Treasury: Appropriates for a chief clerk at $2,500 instead of $2,700, as proposed by the Senate; and for a chief law clerk at $2,500, 1 law clerk at $2,100 and 3 law clerks at $2,000, instead of 5 law clerks at $2,100, as proposed by the House; for 3 clerks of class 4, as proposed by the House, instead of 2 confidential clerks of class 4 and 1 clerk of class 3, as proposed by the Senate.

On amendments numbered 50, 51, and 52: Appropriates for two additional clerks of class 1, and two additional clerks at $900 each, as proposed by the Senate, in the force employed in redeeming the national currency in the office of the Treasurer.

On amendments numbered 53 and 54: Appropriates for an examiner at $2,500, as proposed by the Senate, in the office of the Director of the Mint.

On amendment numbered 55: Provides for the granting of cumulative leaves of absence to medical officers of the Marine-Hospital Service, as proposed by the Senate.

On amendments numbered 56, 57, and 58: Fixes the salary of the assistant treasurer at Chicago at $5,000, as proposed by the Senate, and provides for an additional clerk at $1,200 in his office.

On amendments numbered 59 and 60: Appropriates for an additional engineer at $1,600 in the office of the assistant treasurer at New York.

On amendments numbered 61, 62, and 63, relating to the mint at Carson, Nev.: Appropriates for the officers and employees as proposed by the Senate; appropriates $10,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for wages of workmen, and $5,000, instead of $7,500, as proposed by the Senate, for incidental and contingent expenses.

On amendment numbered 64: In lieu of the appropriation of $10,000 proposed by the Senate for the assay office at Deadwood, S. Dak., authorizes the Secretary of the Treasury to use the appropriation of $15,000 made in the last sundry civil appropriation act for the establishment of said office.

On amendment numbered 65: Appropriates $2,500, instead of $2,000, as proposed by the House, and $3,000, as proposed by the Senate, for the services of a mathematician to supervise the completion of the tables of the planets.

On amendment numbered 66: Appropriates $6,500, as proposed by the Senate, for a clerk of class 4 to act as census clerk, and for rent, salaries, and incidental expenses for the care and preservation of the records of the Eleventh and previous censuses.

On amendment numbered 67: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for professional and scientific books in the Patent Office.

On amendments numbered 68, 69, and 70: Strikes out the increase proposed by the Senate of $600 in the salary of the Commissioner of Education, and $200 in the salary of the statistician of the Bureau of Education.

On amendments numbered 71 and 72: Appropriates $10,000, as proposed by the Senate, instead of $8,500, as proposed by the House, for clerks in the office of the surveyor-general of New Mexico.

On amendments numbered 73 and 74: Appropriates $7,250 instead of $6,500, as proposed by the House, and $8,000, as proposed by the Senate, for clerks in the office of the surveyor-general of Oregon.

On amendments numbered 75 and 76: Appropriates for two additional laborers, at $720 each, as proposed by the Senate, in the Department of Labor.

On amendments numbered 77 and 78: Extends the powers of the Court of Private Land Claims to March 4, 1899, as proposed by the Senate, instead of to December 31, 1898, as proposed by the House.

On amendment numbered 79: Restores to the bill the provision proposed by the House extending the provisions of section 24 of the act of May 28, 1896, to the Indian Territory; and

On amendment numbered 80: Provides, as proposed by the Senate, that the act of May 26, 1896, shall not impair the right of the commissioner of the Yellowstone Park to receive his salary, as provided by law.

The bill, as finally agreed upon, appropriates $21,717,360.50, being $49,207.10 more than as it passed the House, $21,750 less than as it passed the Senate, $188,442.19 more than the law of the current year, and $1,019,381.90 less than the estimates.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. QUIGG rose.

Mr. BINGHAM. Now, Mr. Speaker, if any gentleman desires to make any inquiry concerning any of the paragraphs of the bill, I shall take great pleasure in answering it.

Mr. QUIGG. That is the purpose for which I rise. During the last four months I have had the question addressed to me, I think, a little over ten thousand times as to who had the power to make appointments in the Library, and I would like to obtain from the gentleman from Pennsylvania the official form in which that question may be answered.

Mr. BINGHAM. I would state to the gentleman, I hope in such positive and definite terms that he will be fully able to answer the inquiry, that the Librarian will have the appointment of all the subordinate force pertaining to the Library, and the superintendent of the building will have the appointment of all the subordinate force pertaining to the superintendency of the building. The allowance contained in the conference report for the Librarian is the same as was agreed upon by the House. The allowance contained in the conference report for the superintendent of the building is the same as in the House bill. Does that meet the gentleman's inquiry?

Mr. QUIGG. That is a sufficient answer.

Mr. BARTLETT of New York. Will the Librarian in making these appointments regard solely, as heretofore, the wishes of members of the other body of the Federal Legislature and pay no attention whatever to the recommendation of Representatives? [Laughter.]

Mr. BINGHAM. I will say to the gentleman that I have no knowledge as to who the Librarian will be. The bill as agreed upon will require the President to send to the Senate the name of the Librarian, whose term of office will begin on the 1st day of July, 1897, as will that of the superintendent.

Mr. BARTLETT of New York. Are any appointments to be made by the present Librarian?

Mr. BINGHAM. The law does not go into operation until the beginning of the next fiscal year.

Mr. McCREARY of Kentucky. Can the gentleman tell us how many appointments will be authorized under this bill to be made by the Librarian and how many by the superintendent?

Mr. BINGHAM. Without going into detail, my recollection is that this bill increases the present force 143. That number covers the superintendent's appointments as well as the Librarian's.

Mr. QUIGG. There are 147 places.

Mr. McCREARY of Kentucky. Will the Librarian have the power to appoint 147, or does that number include the appointments of both the Librarian and the superintendent?

Mr. BINGHAM. The two together have the power to appoint 143 additional employees, provided the present force is continued.

Mr. LACEY. Are the appointments to be made under the civil-service rules?

Mr. BINGHAM. No civil-service rules, save and except the requirement that appointments shall be made in accordance with fitness.

Mr. McCREARY of Kentucky. How many are to be made by the superintendent?

Mr. BINGHAM. It is not indicated in number, for the reason that the conferees concluded that it was best in the beginning to appropriate the same sums that the House had appropriated, without going into detail, but simply giving a lump sum, $147,000, according to my recollection.

Mr. QUIGG. If I heard the reading of the statement correctly, the House conferees have yielded to the Senate upon the question of the Librarian requiring confirmation by the Senate.

Mr. BINGHAM. They have, and also as to the superintendent.

Mr. QUIGG. Does not that waive some portion of the rights which the gentleman from Pennsylvania supposed the House to have in relation to this subject?

Mr. BINGHAM. No; the "gentleman from Pennsylvania's" contention with the gentleman from New York was that the Joint Committee on the Library should not have the power. That was all.

Mr. RICHARDSON. When the gentleman from Pennsylvania speaks of these appointments being made on the ground of fitness only, what does he mean? How is the fitness to be ascertained?

Mr. BINGHAM. By the Librarian and the superintendent.

Mr. RICHARDSON. By the Librarian and the superintendent without any board of examiners?

Mr. BINGHAM. Without any board.

Mr. RICHARDSON. Then it is left entirely in the discretion of those two officers.

Mr. BINGHAM. The Librarian himself has the power to appoint a board, but there is nothing in the bill that requires him to do so.

Mr. RICHARDSON. The law does not make it mandatory on him to appoint a board, but leaves it optional with him?

Mr. BINGHAM. Leaves it optional.

Mr. BARTLETT of New York. How are those 143 appointments to be apportioned among the sexes?

Mr. BINGHAM. I am of the opinion that there are no ladies employed now on the Library force.

Mr. QUIGG. There are two.

Mr. BINGHAM. I was not aware of it.

Mr. BARTLETT of New York. The present Librarian informed me some months ago—after having notified me that I could hope for no attention to my recommendations, as I was only on the House Committee on the Library [laughter]—that there were only one or two ladies employed at present in the Library, but when the new building was ready for occupation and use there would be a number of places for ladies.

Mr. BINGHAM. I would state that in the bill the committee have not gone into any question of that kind. The appointments are left wholly to the Librarian.

Mr. QUIGG. They have indicated the appointment of thirty charwomen, I believe.

Mr. BINGHAM. Those are eliminated, because the appropriation is made in a lump sum, without going into details.

Mr. QUIGG. The process, then, is this: The President appoints the Librarian, the Senate confirms him, and the Librarian makes all the appointments in his department?

Mr. BINGHAM. Yes.

Mr. QUIGG. Is the superintendent also to be confirmed by the Senate?

Mr. BINGHAM. He is to be appointed by the President and confirmed by the Senate.

Mr. QUIGG. And he makes all the appointments in his department?

Mr. BINGHAM. He does.

Mr. JOHNSON of Indiana. Most of the questions of these gentlemen have been diplomatic and somewhat impertinent. Now, I want to ask the gentleman a question which has the merit of directness and frankness. I want to know how many of these appointments I am to get? [Laughter.]

Mr. BINGHAM. I trust the gentleman will get all that the necessities of his constituents require.

Mr. JOHNSON of Indiana. Oh, that is a "glittering generality." I want the gentleman to be more specific.

Mr. BINGHAM. I will state to the gentleman that the new Librarian will be appointed about July 1, 1897.

Mr. SHAFROTH. At what amount does this conference report fix the salary of the Librarian?

Mr. BINGHAM. Five thousand dollars, as proposed in the amendment which the gentleman offered and which the House adopted.

I now yield a few moments to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, referring to the suggestion of the gentleman from New York [Mr. QUIGG], that the conference report waives the contention which has been made by the House in respect to the management of the Library, I wish to say that the bill as amended and now submitted by the conference committee gives the Joint Committee on the Library no supervision of the regulations to be made by the Librarian. It puts the Librarian in control of the Library force, charges him with the responsibility for the proper conduct of the office, and gives him sole power of appointment. We have yielded to the Senate in the matter of confirmation, and in my opinion the House conferees were fully justified in this action. The bill as now agreed upon requires the incoming President on or after the 1st of July next to appoint, subject to confirmation by the Senate, a Librarian, who shall conduct the operations of the Library in the magnificent new Library building. I want to say for myself—and I speak only for myself—that in my judgment the time has come, the exigency is somewhat pressing, when the national Library should be in charge of a management fully abreast with the progress of the times. A great many improvements have been made in respect to library management during the last forty years. There are now schools in this country whose sole function, as I am advised, is to equip gentlemen for the discharge of the duties of librarian. I believe that our great national Library should be systematically conducted, and in harmony with new and improved methods. I sincerely hope that the President-elect will select some one for Librarian solely with reference to his fitness to discharge the duties of that great office. Mr. Speaker, I do not desire to say anything further at this time.

Mr. BINGHAM. Mr. Speaker, if there are no further inquiries to be made, I move the adoption of the conference report.

The report of the conference committee was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LACEY. I call for the regular order.

Mr. OWENS. I hope the gentleman will waive that for a matter which I am sure will not take more than a minute.

MARY L. TWEDDLE.

Mr. EVANS. I desire to enter a motion to reconsider the vote whereby a bill was laid on the table yesterday. The bill is No.——

Mr. TALBERT. I rise to a point of order.

Mr. EVANS. I hope the gentleman will wait until I state my proposition.

The SPEAKER. The question must first be stated, and then the point of order may come in.

Mr. EVANS. I move to reconsider the vote by which the bill (H. R. 5793) granting a pension to Mary L. Tweddle was yesterday laid on the table, on motion of the gentleman from South Carolina [Mr. TALBERT]. I was necessarily called out of the House a great many times yesterday; if I was in the Hall when adverse action was taken on this bill, I did not know it. I want now to enter the motion to reconsider. I do not wish to call it up at present.

Mr. DOCKERY. Mr. Speaker, as I understand, the gentleman from Kentucky desires to enter a motion to reconsider the action of the House by which a bill was laid on the table. I respectfully suggest to the Chair that that motion does not seem to be in order except by unanimous consent.

The SPEAKER (after a pause). The Chair will entertain the motion subject to the point of order presented by the gentleman from South Carolina. When the matter comes before the House, the Chair will pass upon the question of order. The Chair has a very strong impression that, under general parliamentary law, a motion to reconsider the vote laying a bill on the table would not be in order.

Mr. TALBERT. That was the point of order I desired to make——

The SPEAKER. Whether the practice of the House has changed the general rule is what the Chair desires to ascertain.

Mr. TALBERT. The point of order I proposed to raise was that just stated by the Chair, and also that the gentleman from Kentucky did not vote in the affirmative on the question; in fact, was not present.

The SPEAKER. The point of order is reserved, and all rights are saved.

COL. WILLIAM E. SIMMS.

Mr. OWENS. I ask unanimous consent——

The SPEAKER. The gentleman from Iowa [Mr. LACEY], as the Chair understands, calls for the regular order.

Mr. OWENS. The gentleman has agreed to withhold that call for a moment in order that I may make this request. I ask unanimous consent for the present consideration of the bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms. The beneficiary is an old man who has at best very few days to live, and he is anxious that before his death the ban of the country's disfavor should be removed from his record. He was a member of the Thirty-sixth and Thirty-seventh Congresses.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. TALBERT. I desire to ask whether this bill has been considered at a Friday night's session?

Mr. OWENS. It does not relate to pensions. It is a bill reported by the Committee on the Judiciary.

Mr. McCREARY of Kentucky. I hope the bill will pass. I know this gentleman.

Mr. EVANS. I will add my voice in the same petition.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the third section of the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Col. William E. Simms.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

On motion of Mr. OWENS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LACEY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. Under the order of the House adopted on Monday last it was directed that immediately after the reading of the Journal to-day the arid-land bill should be called up and debated two hours, and then the vote taken. Now, I suppose that privileged matters being called up, such as conference reports, which are of high privilege, may take precedence over that order and at the same time not cut out any of the time allowed on the bill. But suppose that unanimous requests are allowed to come in, I would ask whether or not it would affect that arrangement as to time?

The SPEAKER. If the request for the regular order is withdrawn, the Chair will recognize gentlemen for unanimous consent.

Mr. LACEY. The question was whether it would come out of the time for debate.

The SPEAKER. The Chair thinks it would.

Mr. LACEY. Then I demand the regular order.

RECONSIDERATION.

Mr. LOUD. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOUD. I would like to ask if it would be in order now to move to reconsider and lay on the table the votes on the passage of the various pension bills which were considered on yesterday by the House, excepting the one referred to by the gentleman from Kentucky [Mr. EVANS]?

The SPEAKER. The Chair thinks it would.

Mr. LOUD. I will submit that motion.

Mr. EVANS. That excepts the one to which I have referred?

Mr. LOUD. Yes.

The motion of Mr. LOUD, to reconsider the various votes by which the bills were passed was, on his motion, laid on the table.

RESERVOIR SITES.

Mr. LACEY: I now ask for the regular order.

The SPEAKER. As the Chair understands this, this bill is to be debated for two hours, and at the end of that time a vote is to be taken, and that a two-thirds vote will be required to pass the bill.

Mr. LACEY. And it is also subject to amendment.

The SPEAKER. And is subject to amendment.

Mr. LACEY. The two hours to begin from this time?

The SPEAKER. They begin now.

Mr. LACEY. I hope we may be able to reduce the time, and I shall occupy but a very short portion of it in explaining the provisions of the bill.

I ask that the bill be read.

The bill (H. R. 1934) was read, as follows:

Be it enacted, etc., That all reservoir sites reserved or to be reserved by the Geological Survey be open to entry and use and occupation under the right-of-way act of March 3, 1891.

The amendments recommended by the Committee on the Public Lands were also read.

Mr. LACEY. The gentleman from Colorado [Mr. BELL] desires to offer a further amendment to this bill, and I yield to him long enough to have the amendment read for the information of the House.

Mr. BELL of Colorado. I offer the amendment I send to the desk.

The SPEAKER. The amendment will be read, and considered as a pending amendment.

The Clerk read as follows:

Add at the end of said bill:

"And any State is hereby authorized to improve and occupy said reservoir to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. LACEY. I desire, Mr. Speaker, the attention of the House briefly to explain the scope and provisions of the bill. It was called up on Monday by the gentleman from Mississippi [Mr. CATCHINGS], and proposed to be passed under a suspension of the rules, without sufficient time for debate. Objections were made to it, and it was passed over until to-day under the agreement for two hours' debate which has been specified.

In 1888 a clause was inserted in a general appropriation bill which was not considered by either the Committee on Arid Lands or the Committee on the Public Lands, in the following language, and I read now from page 527 of the Acts of the Fiftieth Congress, near the top of the page:

All the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law.

That bill appropriated $100,000 for the purpose of setting apart and selecting certain sites for reservoirs for the impounding of water for the irrigation of the lands in the arid regions of the United States.

This proposition was considered by the Department as broad enough to practically withdraw from settlement, improvement, and occupation the arid lands of the country. Such was not the intention of the Committee on Appropriations, such was not the intention of the House, but this act, segregating the reservoir sites from occupation and settlement, drawn as it was, went further, and practically withdrew from settlement and improvement the arid region of the United States.

In 1891 a bill was passed, the "right-of-way bill," which had been prepared, I believe, by a commission of nine Senators. This bill was intended to take the place of the crude provisions of the act of 1888, and it was the manifest purpose and intention of that bill to provide that the very reservoir sites that had been theretofore set apart by the Geological Survey should be used and occupied under this right-of-way act of 1891. But the act of 1891 provided that reservoirs of the United States should not be affected by the bill.

I quote the following sections from that act:

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir as in a case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal, or ditch shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir to the extent that the same is not completed at the date of the forfeiture.

It will be observed that the exception in the act did not say "reservoirs," but said "reservations." The Secretary of the Interior, in a decision rendered by him, held that this act, which was obviously for the purpose of utilizing these reservoir sites, expressly excepted them, and only allowed the occupation by reservoirs and canals on lands outside of the reservoir sites. The act of 1888 says that they shall be reserved "until further provided by law." In 1891 it was further provided, in the right-of-way act for canals and reservoirs, that the waters of the arid regions might be utilized for the purpose of improving and cultivating that country. I do not care now to discuss the question as to whether the decision of the Secretary was right or wrong.

The Commissioner of the General Land Office held precisely the other way. In his report in the case of the Blue Water Land and Irrigation Company, dated November 23, 1895, he says:

The act of August 30, 1890 (26 Stat., 371 391), repealed that portion of the act of October 2, 1888, withdrawing from settlement and entry the lands made susceptible of irrigation by the reservoirs selected under said act, but provided that the reservoirs located or selected shall remain segregated and reserved from entry or settlement, as provided by said act, until otherwise provided by law.

* * * * * * *

It was not contemplated that they should be reserved from use, but for use. The object of segregating and reserving them from settlement and entry was that they should be occupied as the sites for the construction of reservoirs for the purpose of reclaiming the lands susceptible of irrigation by the reservoirs so located.

The act of March 3, 1891, providing for the occupation of public lands for reservoirs, canals, and ditches for the purpose of irrigation, being general in its scope and containing no restriction as to the appropriation of sites theretofore located under the acts of 1888 and 1890, would seem to contain ample provisions for the utilization of such sites and hence fulfill the intention of Congress, to wit, that they should be reserved and used for the purpose of irrigation solely.

The very pith and marrow of the whole question involved in the bill now being considered by the House is contained in the statement that it was not contemplated that these sites should be "reserved from use, but for use." The act of 1888, as amended by the act of 1891, as construed by the Secretary of the Interior, reserves these reservoirs from use and not for use. A reservoir site without water is entirely useless. The water is the particular thing in question, and the waters are controlled by the States through which they flow, and not by the United States of America. These are surface waters, the waters of small streams not navigable, and the States control them.

Now, the act of 1888, as amended by the act of 1891, having set apart the most eligible reservoir sites all over the United States, and having been construed as reserving them from occupation, the Government is placed in the position of a dog in the manger. We will neither eat the hay ourselves nor let anybody else eat it. The result is that these sites, instead of being flooded with water and a source of plenty and wealth to the regions in which they are located and where they ought to be used, stand as arid as the surrounding country, and persons who desire, under the act of 1891, to impound water, must select some less eligible site outside of the boundary of the Government site, and there collect the water. In a number of instances this has already been done, and the water has been diverted from the Government reservoir and used for irrigation, at an increased expense, because the natural sites have been reserved and are not allowed to be used for the purpose for which the Almighty evidently intended them in the formation of that country.

It is proposed by the amendment offered by the gentleman from Colorado [Mr. BELL] that the act of 1891 should be enlarged, so that not only corporations and individuals, under the right-of-way act, may select reservoir sites upon these lands, but that the States in which they are located may, by proper legislation and under suitable regulations to be prescribed by the Secretary of the Interior, likewise use them for the same purpose.

There are a very large number of these sites. They have been selected at great expense in every part of the arid regions of the United States, with the possible exception of Idaho, and the Government does not propose now, for a single moment, to consider this proposition of inserting an appropriation into any of the various appropriation acts for the purpose of utilizing these sites at the expense of the United States. For all of these years the Government has not utilized a single one of them. The present Director of the Geological Survey, I am informed, is heartily in favor of modifying the law, so that the sites selected may be utilized.

The provision that was inserted into the appropriation bill of 1888 had this beneficial effect: It prevented settlers from going in and locating homesteads in the controlling portions of land especially suited to the purpose of a reservoir; it prevented private individuals from taking possession for the purpose of selling out subsequently to water companies; the act prevented them from blocking the way of progress by withdrawing these tracts from settlement. To that extent the act of 1888 has proved beneficial and wise, and these sites are now where they can be occupied. Shall they be used? Shall water companies, shall private individuals, shall the States in which the sites are located be permitted now to go on and exercise their right under the act of 1891 and utilize these sites, or shall they be continued indefinitely as a blotch or a blight upon the Territories or the States in which they are located?

That, Mr. Speaker, is substantially all there is involved in this bill. The Commissioner of the General Land Office thought that no further legislation was necessary; that under the act of 1891

the people had full power to do what is proposed by this bill; but the Secretary of the Interior, upon appeal, has held differently; and whatever we may think about the act of 1891, it is now adjudicated that under that act these reservoir sites can not be utilized, and therefore this bill becomes necessary.

The gentleman from Arkansas [Mr. TERRY] controls an hour's time on the other side. I desire to reserve the balance of my time and yield to him now until I can hear what his views are on the question. Let me inquire how much time I have used.

The SPEAKER pro tempore (Mr. STEELE). The gentleman has used fourteen minutes, the Chair is informed.

Mr. LACEY. I shall use a few more moments now. I desire before we close this debate to yield a brief time to various members from the arid regions of the United States, where these reservoirs are situated, and give them an opportunity to express their views as to the propriety of this legislation. There is no uncertainty in the minds of the people out in that country. They want these reservoirs to be held back for use, and not from use. They have been held from use all these years. Now let them be used, and whether a corporation, an individual, or a State utilizes them, it makes no difference. I know it was contended in the debate on Monday that it was necessary to withhold these tracts of land from occupation under the right-of-way act, because otherwise a monopoly might arise and aggregations of capital might get the right to furnish water.

Mr. Speaker, there is no other way in this peculiar country by which these reservoirs can be utilized except by aggregation of capital. Some of them will require a million dollars to prepare them for impounding the water and digging the necessary irrigation canals. It is absolutely essential in the cultivation of an arid region that aggregation of capital should be effected. That can not be avoided. That is one of the circumstances by which that country is surrounded; and while we are holding back for fear some individual or corporation may make something, we are at the same time absolutely preventing the settlement of portions of that country by withdrawing from use the eligible places where water may be impounded. Remember, the United States does not control the water. It controls only the reservoir sites in which the water may be collected. The water is under the control of the States. If any of these corporations charge excessive or improper prices for the use of water, the States are permitted to regulate the rates charged. It is safely left, and may be well left, under the control of the local legislatures where the lands are situated.

I reserve the remainder of my time.

Mr. TERRY. Mr. Speaker, I fully agree with the distinguished chairman of the Committee on Public Lands that it was the intention that these reservoir sites should be reserved for use and occupation for irrigation purposes, and not to be reserved from use, as he has stated; but the trouble with the bill is that it does not stop at granting the right to use and occupy for irrigation purposes, but it states broadly that—

All reservoir sites reserved or to be reserved by the Geological Survey shall be open to entry.

Now, that word "entry" has a well-defined meaning in regard to the public lands of the United States; and under a possible construction that might be given under that by some such decisions as are sometimes rendered by the courts, a person or corporation might acquire the actual title to these lands.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. TERRY. Certainly.

Mr. SHAFROTH. Is not that clearly set forth in the right-of-way act of March 3, 1891, which expressly provides that it shall be used for irrigation?

Mr. TERRY. It does not necessarily follow. I should, perhaps, sitting as a judge, give it the construction that the gentleman contends for; but we know that there are strange decisions rendered, and I want to make the thing perfectly plain. "Subject to entry" might be construed as one distinct proposition, and the remainder of the clause, "and the use and occupation under the right-of-way act," as another. That construction might be put upon the act. That word "entry" should be stricken out. Now, sir, in order that the House may be more fully informed in regard to the pending measure, I will state that after demanding a second and the arrangement that was made for postponement until to-day, at the suggestion of the distinguished chairman of the Committee on Appropriations, I communicated with Maj. J. W. Powell, formerly Chief of the Geological Survey and now Chief of the Bureau of Ethnology, and received from him the following communication, which I ask to be read in my time:

The Clerk read as follows:

SMITHSONIAN INSTITUTION,
BUREAU OF AMERICAN ETHNOLOGY,
Washington, February 16, 1897.

SIR: In replying to your telephonic communication of yesterday, I beg to make the following statement: By the authority and direction of the United States statutes, the Geological Survey has been engaged in selecting and reserving reservoir sites for the purposes of irrigation, and many sites have already been established.

The reasons which led to their reservation are as follows: It was found by experience that, when reservoir sites were selected on the public land by a body of irrigators, it was possible for individuals to obtain title thereto from the United States, under some one of the provisions of the statutes, and then compel those desiring to use the reservoir sites for purposes of irrigation to purchase the title from themselves.

The United States, having made a large number of such reservations, has now given notice that such sites are dedicated to the purpose of irrigation, and can not be acquired by individuals, but are held for the use of the public; the manner under which such use can be acquired has never been established by law. Some uncertainty has existed as to the purpose of the reservation, as some persons suppose that they are reserved as sites upon which the Government is to construct reservoirs, while in fact the purpose, as clearly shown by the debates in Congress, as well as by the terms of the statute, was to reserve the sites for purposes of irrigation whenever irrigators should desire to utilize such sites by the construction of proper works themselves.

The sites already selected are many, and every one may easily be made of high speculative value by any person who should obtain title thereto, whenever any body of farmers should decide to increase the acreage of their irrigated lands, by constructing works. Single sites might thus become of a value of thousands of dollars, hundreds of thousands of dollars, or even of more than a million. Thus, by the entry of these lands under the general laws, it would be possible to assess the farmers in large sums preliminary to the enlargement of their irrigated acreage.

It would therefore seem not to be wise to throw these lands open to entry under the general provisions of the land laws, but still to hold them for the purpose originally designed. That these ends may be accomplished in a just and proper manner a general statute should be enacted providing the necessary regulations for their use.

The terms of the bill (H. R. 1984) to which you called my attention seem to be defective. The words in line 4 "be open to entry and use and occupation" would probably be construed by the Department as authorizing a sale. The act of March 3, 1891, and other statutes give ample authority for the use of these reservoirs, but not for their sale. That which is now needed is to provide a method of procedure for occupancy and use, which hitherto has not been fixed by statute or Executive order.

The Congress at this session has enacted a statute for another class of sites, which is eminently wise. I refer to the act approved January 13, 1897.

I would respectfully request permission to suggest a form for such a statute, following the terms of the act mentioned above, but modified to the conditions of the present case.

Inclosed please find the suggested form.

I am, with great respect, your obedient servant,

J. W. POWELL.

Hon. W. L. TERRY,
House of Representatives.

Mr. TERRY. Now, Mr. Speaker, I have here the suggested legislation. The Clerk will read the part that is typewritten, and I will state that I propose to offer this with an additional section that I have indicated in pencil. I propose to offer it as a substitute or by way of amendment to the pending measure. The Clerk will read at present the matter which is typewritten, which is the part that comes from Major Powell.

Mr. BARHAM. That is, the provision suggested by Major Powell.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That any person, company, or corporation engaged or desiring to engage in the irrigation of arid lands is hereby authorized to use any reservoir site heretofore or hereafter reserved under the laws of the United States for that purpose so long as such reservation is maintained for such purpose, and the Secretary of the Interior shall prescribe regulations for the occupancy of such reservoir sites.

"SEC. 2. That such person, company, or corporation shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be constructed and specify the capacity of the reservoir.

"SEC. 3. That such person, company, or corporation shall have the same accurately surveyed and shall file in the United States land office in the district in which the reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the Secretary of the Interior, and the said person, company, or corporation shall have the right to use such reservoir site so long as it is maintained for the purpose of irrigation."

Mr. LACEY. Mr. Speaker, I reserve all points of order upon that.

Mr. TERRY. Now, I ask that the Clerk read the part written in pencil, which I propose to add to what has just been read.

The Clerk read as follows:

Add the following:

"SEC. 4. In order to secure justice and prevent abuse, the United States reserve the power to regulate and to authorize States and Territories to regulate the rates and charges for use of water from any such reservoir site by any person, company, or corporation availing itself of the privileges of this act, and, in the absence of further legislation by Congress, the Secretary of the Interior shall exercise such power of regulation whenever he shall deem it necessary."

Mr. TERRY. I will add to that the following:

And no charge shall be made for water required for public use by the United States or by any State or Territory.

Now, Mr. Speaker, I think that that fourth section is a very important one to be added. I do not know what power of regulation has been reserved by the respective States and Territories, but now, while we have this power still in our hands, let us not part with it. Let us here and now, when we are making this concession, reserve to the Government of the United States, through their Congress, the power to prevent injustice and abuse by any of these corporations. As I stated the other day, I have no arid lands in my district or State, but years ago I spent a good deal of time in the great West, and there I heard numerous complaints on all sides from the ranchmen of the extortion and monopolistic oppression that was practiced by some of the water companies. I understand that since that time some of the States have taken the matter in hand and have passed laws to regulate it; but there is a certain point beyond which we might lose the power of regulation. If we make no such regulation now, it might be contended at some time in the future that, as we had given the right without reserving the right to regulate charges, the States could not interpose to regulate them. The States may, of course, control the water within their borders to a certain extent, but many of these reservoirs are of a peculiar kind, lakes which do not flow at all except when there has been a considerable melting of snow on the mountains, so that the entire body of water is found on the Government's land.

Now, if we give to companies or individuals the right to enter upon these reservoirs and do not make any reservation, it might become a question hereafter as to whether the States could control or regulate them.

Mr. MONDELL. Does the gentleman seriously believe that Congress has any right to regulate the price of water within the borders of a State?

Mr. TERRY. I do believe that when we grant a privilege or make a concession we have the right to prescribe the conditions on which the grant or concession is made, and I believe in attending to this matter right here and now.

Mr. MONDELL. The gentleman does not answer my question. I had no reference to the use of Government land. We all understand that Congress has the right to say how Government lands shall be sold, or given away, or utilized; but my question is this: Does the gentleman seriously believe that Congress has any more right to regulate the rates that shall be charged for water within the borders of a State than it has to regulate the rates that shall be charged for any other commodity within the State?

Mr. TERRY. I seriously believe, Mr. Speaker, that when we are making a concession such as is proposed to be made here, we have the right to prescribe the conditions upon which it shall be made. I believe we have the power to say that any company or corporation that shall avail itself of the concessions that we here grant shall do so upon certain terms. You have a right to sell a piece of land to a man, and when you do sell it you part with the title, but at the same time you have a right to make the sale upon the condition that no saloon shall ever be put upon it. Now, when the United States makes a concession like this, it has a right to fix the conditions, and I have no doubt whatever that Congress has a right to make the reservation that is contemplated in the proposed fourth section of the substitute.

Mr. SHAFROTH. Will the gentleman permit me to ask him a question?

Mr. TERRY. Certainly.

Mr. SHAFROTH. Would not the regulation by the United States Government have a tendency to bring about a conflict between the State authorities and the General Government, and would not the individual irrigator probably fare better by having the rates established by local authorities instead of by Congress?

Mr. TERRY. That might be so; but, unfortunately, it sometimes happens that a State or a Territorial legislature will not do its duty in matters of this kind. It is sometimes surrounded by a lobby in the interest of these canal or irrigation companies, and will not enact proper legislation in the interest of the farmer, ranchman, and settler. They get concessions; the proper regulations are not made; and afterwards when the people cry out for State regulation they do not get it.

I want to say further to my friend from Colorado, that I am told they have good laws in his State now providing for the regulation of water rates.

Mr. SHAFROTH. We have.

Mr. TERRY. I do not know how recently they have been enacted.

Mr. SHAFROTH. Our laws put these matters under the control of the county commissioners.

Mr. TERRY. Wherever the fact is brought to the attention of the Secretary of the Interior that there are already sufficient regulations provided for the protection of the people, he will not step in. But if it should ever be found that a corrupt set of officials have refused to protect the people, let us have the remedy here to protect the people in the benefits of those reservoir sites. Whenever it is found that the States have done their duty, then, under the provision I proposed, the matter will be left in the hands of the State. Where it is found that the Territorial legislature has done its duty, this provision allows the control of the matter to remain in the hands of the local assembly. But until we have such an assurance, let us retain control of the matter here in our own hands.

Mr. Speaker, I reserve the balance of my time.

Mr. LACEY. Mr. Speaker, I wish to call the attention of the House to a part of the letter which was read from the former Director of the Geological Survey. He says:

> Some uncertainty has existed as to the purpose of the reservations, as some persons suppose that they are reserved as sites upon which the Government is to erect reservoirs, while in fact the purpose, as clearly shown by the debates in Congress, as well as by the terms of the statutes, was to reserve the sites for purposes of irrigation whenever irrigators should desire to utilize such sites by the construction of proper works themselves.

So that, according to the statement of the Director himself, the purpose of this law was not to withhold these sites from use and to reserve them to the Government——

Mr. TERRY. I conceded that in the beginning of my statement.

Mr. LACEY. But for irrigators; and the act of 1891 limits the methods by which irrigators shall use the public lands adapted to this purpose. The only question now is whether the most eligible part of these sites shall be thus utilized or reserved.

Mr. BARHAM. Let me ask whether there is any objection to striking out the word "entry" where it occurs in this bill?

Mr. LACEY. None whatever.

Mr. BARHAM. Then I move to strike out that word.

Mr. LACEY. That motion perhaps would not be in order at this time; but I will say to the gentleman that I think the word "entry" is unnecessary. The words "use and occupation" are substantially sufficient. I believe the word "entry" was inserted for the purpose of giving title to so much of the lands as may be used for a canal; but so far as it concerns the use of the lands for canal and railway purposes, the language might just as well be "use and occupation" without the word "entry," and without giving any other title than the usufructory title.

Mr. BARHAM. At the proper time I desire to move that amendment.

Mr. LACEY. So far as I am concerned, I shall be glad to have the amendment agreed to.

I now yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, the amendment which I have offered provides that the States shall also have the right, if they see fit, to improve these reservoirs. My reason for proposing this provision is that there is now pending before the legislature of the State of Colorado a bill to appropriate $50,000 for the purpose of improving Twin Lake Reservoir, at the head of the Arkansas River, and a bill is now pending in this House, with the approval of the Secretary of the Interior, permitting the State of Colorado to make that improvement. If the State of Colorado be given that right in this bill—and the chairman of the committee, as well as all other members interested, appears to agree to it—it will save the necessity for the passage of any private bill on the subject.

Replying to our friend from Arkansas, I want to say that he evidently does not understand irrigation in the arid region. All that is reserved in the arid region is some great basins nine or ten thousand feet above the sea level. The land there is such as nobody can occupy. It is land that no man would want for any other purpose whatever. That land was first reserved for the purpose of storing water, to increase the flow so that the Government lands lying on the streams below might be made valuable and might be taken by citizens who would purchase them from the United States. It was thought at the time by a great many people that the Government would make the improvement. It was thought also that the State might improve. After a time a commission was appointed by the Senate consisting of nine Senators, who formulated and brought before Congress the bill which now constitutes what is known as the act of 1891. It was understood by everybody that the act of 1891 was for the purpose of making these reservoirs subject to occupancy. When application was made for occupancy, the Commissioner of the Land Office decided that they were subject to occupancy.

The matter went from the Commissioner of the Land Office to Secretary Smith, who, as I understand, after very short consideration and without giving any reason whatever, concluded that the object of Congress was to set these reservations apart for improvement by the Government, or to cede them to the State when the lands were ceded to the State, as he advocated at the time the decision on the subject was made. The Assistant Commissioner of the Land Office told me to-day, and he has told me repeatedly, that he believes that this application of the law of 1891 is just as this bill will make it, and would be the best thing that could be done, and it ought to pass. He told me that he did not believe that the decision of the Secretary would be followed; that the reason that these reservoir sites were set apart was for the purpose of increasing the flow of the rivers in the arid regions, and by that means it would make the Government lands valuable, and make them desirable for entry, and the Government can have the lands occupied.

The act was unquestionably passed, Mr. Speaker, for that purpose. But the Assistant Commissioner told me this morning that

they had the anomaly now of a man in the West going by the side of one of these great natural reservoir sites that had been set apart by the Government for the purpose I have named, and while the Government said to him, "You shall not enter, according to this decision, yet under the act you can go on the public lands by the side of one of these reservoir sites and locate another and erect your reservoir there." And he said that a peculiar condition existed: Men in the arid regions would go and take a second reservoir site and improve it, and divert the water into the secondary reservoir and leave that which was reserved for the Government unoccupied and no water to fill it. After it had been diverted to the other reservoir, that was of but little use generally, it would leave the lands impossible of improvement, and the Assistant Commissioner of the Land Office has insisted with me and other members numerous times that this bill ought to be pressed to a speedy passage. I had individual bills introduced upon the subject. I understand Senator TELLER and, I think, all the other Senators from the arid regions, as well as the Representatives from that part of the country, favor the bill. I know of no objection whatever to it.

Now, our friend on the other side talks of "a monopoly." In the State of Colorado, and in every other State in the Union, I suppose, as far as these decisions have gone, the universal rulings of the courts are that no individual owns the water. It is the State alone that owns and controls the water, under the constitution of our States; and I suppose that is true under the laws of every State. In Colorado the county commissioners in all of the counties fix the maximum rate that shall be charged for the use of the water on the land. Every four years the commissioners from every county in the State fix the rate of charges that the ditch companies shall impose upon the farmers for the use of water, and this rate is established for the next three or four years, as the case may be. The ditch companies are absolutely at the mercy of the county commissioners of the State. The county commissioners—two out of three of them in my county are farmers—two out of three of them have the right to say what the water rate shall be in every canal in Montrose County; and the same power exists in every county of the State. And there is no danger where the State officers control the water. The reservoir is a mere channel.

[Here the hammer fell.]

Mr. LACEY. I now yield five minutes to the gentleman from Arizona.

Mr. MURPHY of Arizona. Mr. Speaker, as a representative of a portion of the arid regions of the West, I desire to add something from my own personal experience upon the pending question, and in regard to the legislation now sought to be had by this bill.

The act of October 2, 1888, required the reservation from entry of the reservoir sites and canal sites located by the Geological Survey, as well as all lands under these reservoir sites susceptible of irrigation. I believe the purpose of the promoters of that legislation was to secure continuous appropriations by Congress to develop and construct the reservoirs and canal sites, and make them useful to the people inhabiting that region.

But it was impracticable from the moment it was first inaugurated. In 1889 or 1890, I do not now remember which, the governor of Utah, the governor of New Mexico, and I were invited to consult with Major Powell, of the United States Geological Survey, on this very subject. He urged at that time the desirability of promoting this legislation and leaving these sites for the reservoirs free from entry until appropriations could be made by Congress or some general provision enacted for the construction of the reservoirs under the charge of the Geological Survey. I contended against the proposition at the time. The impracticability of it was so manifest that even then, if we could have gotten money from Congress to carry into execution the suggestion, it would have been at an expenditure on the part of Congress in the way of appropriations that would have exceeded even the cost of improvements of our rivers and harbors in this country.

Mr. MONDELL. Will the gentleman from Arizona [Mr. MURPHY] allow me a question?

Mr. MURPHY of Arizona. Yes.

Mr. MONDELL. The gentleman states that the former Director of the Geological Survey, who was the Director of the Geological Survey at the time these laws were passed and these reservations set apart, was in favor of direct appropriations by the General Government for the building of these reservoirs.

Mr. MURPHY of Arizona. Yes, he solicited the cooperation of myself, the governor of Utah, and the governor of New Mexico upon that very subject. The then Secretary of the Interior, Mr. Noble, was in favor of that proposition. The Assistant Secretary of the Interior, Mr. Chandler, opposed it, and said to me that it would retard the growth of that country for a hundred years, and a protest went up from the entire West to such a degree that the act of 1891 resulted. That was intended to cure the defects in the former act, and I believe it did cure them. The Commissioner of the General Land Office so believes, but the Secretary of the Interior has held that that law is not sufficiently curative.

Now we simply come here asking for a completion of the proposed relief. We simply ask that these reservoir sites may be occupied and used, and I am perfectly willing that the word "entry" should be stricken out; but there is no reason or force in the argument that because the Geological Survey has surveyed reservoir sites at great expense therefore they can not be made available and used. You might just as well say that because the Geological Survey has marked out great mineral regions and defined them, and has told what is contained therein, no citizen can enter them under the mineral-land laws and develop them. The Geological Survey performed a great service for that country. Although these reservoir sites were well known, a great service was performed in surveying and defining them; and now that they have been located, the people should have a right to use them. Let any amendment be made in this pending bill which relieves the ambiguity of the act of 1891. Carry out its intent, and that is all that is required at this time, in my judgment.

Mr. LACEY. I yield to the Delegate from New Mexico [Mr. CATRON].

Mr. CATRON. Mr. Speaker, during the last session of this Congress a bill was reported by the Committee on Territories recommending the admission of the Territory of New Mexico into the Union as a State. A minority of the committee made a report expressing their views, in which they stated that the Territory of New Mexico had not advanced as rapidly as many of the Western States had advanced, and for that reason that Territory ought not to be admitted into the Union as a State. It is true that we have probably not advanced in late years as fast as some of the other Territories, or as some of the new States. But it is true, also, that in the Territory of New Mexico we have advanced much more rapidly during the time that we have been under the control of the Federal Government than the old States have advanced. The increase in population has been greater than the average increase throughout the United States in the last decade. The increase in wealth has been ten times greater than the average increase throughout the United States.

But why are we held back? Why have we not advanced? It has been because of certain action on the part of the General Government. One of the reasons was the prohibition of the investment of alien capital in the Territories under the provisions of the act of 1887. Another one was the prohibition, by construction of the Departments of the Government, of the right of the Territories to locate and use these reservoir sites. We need capital in the Territories for the express purpose of developing these reservoirs and our irrigation system. The Government does not develop the public domain. It is the individual who does that. Individuals are usually poor, and they have to invite people from outside to come and help develop the resources of the Western country. In the Territory of New Mexico we have an area greater than the area of the State of Illinois which can be reduced to cultivation, provided we have irrigation to supplement it.

Now, how are we to get that? It can only be done by means of ditches and reservoirs. We have plenty of water, but the water goes down the streams. It should be taken upon the table-lands, so that it can be spread throughout this extensive territory which is susceptible of cultivation. If you do not give us an act like this, by means of which we can invite capital to come there, locate these reservoirs and ditches, and get people to come and assist us, you can never develop that entire region. You can never develop one-fourth of it for a great many years. But give us the right to use these reservoir sites and to take the water from them, to control them according to our own laws and in our own way; give us the right to invite capital there, and we will develop a Territory which will advance ten times faster than we have advanced before and rival the most prosperous of the Eastern States.

Mr. TERRY. I yield to the gentleman from Illinois [Mr. CANNON] such time as he desires.

Mr. CANNON. Mr. Speaker, I think a very few minutes will suffice for me to say what I desire so say. By accident I had some familiarity, as I explained a day or two ago, with the selection or segregating of these reservoir sites. It originated in a Senate amendment on an appropriation bill. After some kicking and all the consultation that we could get, the House finally adopted the Senate amendment. As explained the other day, a large amount of money—I think, if run down, probably in the neighborhood of a million dollars—was expended by the Government in surveying and platting these reservoir sites.

Mr. MONDELL. Will the gentleman allow me to make a suggestion?

Mr. CANNON. Certainly.

Mr. MONDELL. I can only find two appropriations, aggregating $350,000.

Mr. CANNON. The gentleman may be right about that; but, with the use of the force in that great work, in addition to that—geologists, topographers, and many other things. But I will not stop to consider that question, because it is not at all important. Now, as the able chairman of the Committee on Public Lands explained, there came a friction not only by this act, but by a construction of it which substantially took not only the reservoir sites, but all the arid lands that people practically desired to obtain title to out of the market, and in the Fifty-first Congress there came an effort, upon an appropriation bill, to absolutely repeal that law. There was a long contest about it, led by the now Senator from Montana [Mr. CARTER], on the one hand, and other members of the House, and, if I recollect right, this right-of-way bill went upon the sundry civil appropriation bill.

Mr. SHAFROTH. Yes, it did; in 1890.

Mr. CANNON. That is my recollection of it; and the framing of that bill as it finally went upon the sundry civil bill was not particularly my work, although I was chairman of the Committee on Appropriations at that time and chairman of the conference committee, but it was principally the suggestion of the Committee on Public Lands, led by my late colleague [Mr. Payson] and a similar committee, I think upon Public Lands, of the Senate.

Mr. SHAFROTH. I will state to the gentleman that the bill was drawn by Senator Plumb, who was upon the Select Committee of the Senate for the Reclamation of the Arid Lands.

Mr. CANNON. Yes; but it was submitted, so far as the House conferees were concerned, to members of the Committee on Public Lands in the House. Unfortunately, I have not much knowledge of the condition of the country in the arid region, nor have I much knowledge of the public land system, and therefore I do not speak with much confidence, especially in the presence of gentlemen who represent the various Territories and States in which the arid lands are situated; still I have just enough knowledge from the former contest to understand that the land is nothing, but the water is everything: that if all your water were utilized economically probably 80 or 90 per cent of your lands would remain without water and practically worthless except as they make a part of the earth's surface.

Mr. SHAFROTH. About 80 per cent, I should think.

Mr. CANNON. About 80 per cent, as the gentleman from Colorado says, and he is much more familiar with that subject than I am. With my knowledge I know that there are questions arising—for instance, the use of waters arising in the boundaries of one State and running into another, the use of water for irrigation in Colorado liberally used near the head waters of the stream, depriving the people below of its use; and I can imagine that a great many difficult questions will arise between inhabitants and citizens of one State in the various States and citizens of different States in the future, but the future will have to take care of itself.

Now, from these circumstances I have felt a great interest touching this matter, and I feel now that we ought to be careful not in any way to cripple the development of those States having arid regions on the one hand, and upon the other to enable anybody to get the whip hand of their fellow-citizens and the unnumbered millions yet unborn. That is the only reason why I challenged this bill the other day. One expression, it is agreed, shall be stricken out of the bill—the word "entry;" so that it is "the use and occupation only of these reservoir sites" that is to be obtained.

Now, I suggest, and have just suggested to the chairman of the Committee on Public Lands, that another amendment might go upon this bill with great profit. I understand in most of the States—I am told all by some; and the gentleman from Arkansas [Mr. TERRY] thinks not all—that the prices of the water, the water rates, are regulated by the respective States and Territories. But let that be as it may, when we part permanently, so far as the United States is concerned, with the use and occupation of these great reservoir sites to the people of the respective States, I want to part with them under conditions that will give the greatest good to the greatest number. Therefore I shall offer the following amendment at the close of this bill:

> *Provided*, That the charges for water coming in whole or part from reservoir sites used and occupied under the provisions of this act shall always be subject to the control of the respective States and Territories in which such reservoirs are in whole or part situate.

Mr. SHAFROTH. I think that is satisfactory.

Mr. LACEY. In view of the language used in the right-of-way act of March, 1891, I do not think that this language is necessary, because the control of the State is expressly preserved. But I do not care to have any question left open on this subject: and, so far as I am concerned, I would be glad to have the amendment adopted. I do not think it necessary, but would accept it.

Mr. TERRY. After the word "control" I wish the gentleman would insert the words "and regulation."

Mr. CANNON. What is the purpose of that?

Mr. TERRY. So as to have the control and regulation of the charges in the State.

Mr. CANNON. I will read it again.

> *Provided*, That the charges for water coming in whole or part from reservoir sites used and occupied under the provisions of this act shall always be subject to the control—

Mr. TERRY. Right after the word "control" put in the words "and regulation."

Mr. CANNON. All right, then—

> control and regulation of the respective States and Territories in which such reservoirs are in whole or part situate.

Now, if my friend feels free to accept that amendment, so far as I am concerned, I shall be content.

Mr. LACEY. Mr. Speaker, I would be glad to have the question of agreeing to that amendment submitted to the House.

Mr. TERRY. I hope unanimous consent will be given that that amendment be submitted.

Mr. SHAFROTH. As an amendment to the original bill or to the substitute?

Mr. LACEY. As an addition to the original bill.

Mr. COX. If I understand this correctly, if this bill is passed it will take the Government entirely out of this enterprise of the irrigation of these arid lands, and will turn it over to individuals or corporations.

Mr. LACEY. No. The Government may still act as to the reservations not taken, but this bill enables parties desiring to irrigate to utilize the reservoirs that have been selected and reserved. They may utilize none of them or they may utilize all, but if any remain, they may be utilized by the Government.

Mr. COX. Well, if they do utilize these reservoirs, the water will be under the control of Congress as to the charges that shall be made.

Mr. LACEY. No; the water does not belong to the Government. The reservoirs in which the water is stored belong to the Government, but the water belongs to the States and will be controlled by them. The amendment proposed by the gentleman from Illinois [Mr. CANNON] relieves this measure from all possible doubt upon that subject. I think there could be no doubt anyhow, but this amendment takes away the possibility of any question being raised as to the right of the States and Territories to regulate and control the management and the price of the water. I ask the Chair to submit the question on the amendment.

The SPEAKER. Unanimous consent is asked to have the amendment agreed to which the Clerk will read.

The Clerk again read the amendment of Mr. CANNON as printed above; and it was unanimously adopted.

Mr. LACEY. Now, Mr. Speaker, I yield to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I want to address my remarks principally to the proposition presented by the gentleman from Arkansas [Mr. TERRY] as a substitute for the pending bill. That proposition has in view the same purpose that I think animates every member of this House in relation to this subject, which is to provide for the control of the waters in the arid region so that irrigators shall not be charged higher rates than are fair and just. But the difficulty with the gentleman's substitute is that it comes here without the sanction of any committee, without thorough examination by any member of a committee, and consequently it is immature legislation. That part of it which seeks to have the United States Government control these waters is, it seems to me, in violation of the Constitution of the United States. I do not believe that the United States has the power to control these waters. Such power was never delegated by the States, and the United States has never attempted to exercise the same. The constitution of the State of Colorado, under which it was admitted into the Union, provides that the waters shall remain the property of the State. The amendment which has been proposed by the gentleman from Illinois [Mr. CANNON], and adopted, really serves no purpose, because it merely reenacts the existing law. It would be the law even if the act of 1891 were not in existence. The waters belong to the States. The United States Government has always recognized that, and the States have enacted legislation directly controlling the use of the waters. In my own State the county commissioners of each county——

Mr. TERRY. Suppose the State of Colorado, which has control of the waters, should grant a concession to a company, or should enter into a contract with a company or corporation to construct dams and control all the irrigating lands, could the State, after having done that, still exercise the right to compel the corporation to reduce its charges if they were unreasonable?

Mr. SHAFROTH. That depends upon the constitution of the State, and the constitution of Colorado expressly says that it can not divest itself of such rights; consequently such an act would be invalid.

Mr. TERRY. I know you have a very good constitution in your State, but all the constitutions are not so good.

Mr. BOATNER. Is there a State in the Union whose constitution deprives the State legislature of the right to regulate the charges that shall be made for water, light, and other public conveniences by any public corporation?

Mr. TERRY. When I get time to read the constitutions of all the States, I shall be in a position to answer that question. [Laughter.]

Mr. SHAFROTH. I will state to the gentleman that the people of the arid States are more zealous for the protection of the public

and of the farmer who desires to irrigate his land than Congress could possibly be. There is a continual attempt in the State legislatures to make the laws more stringent and to secure more concessions for the people. As it is now, there is ample provision in our State constitution and laws for the protection of the people. The county commissioners fix the price of water for irrigation purposes, and according to law they can fix it so low that there will be hardly any compensation to the corporation.

Mr. BARHAM. I doubt that.

Mr. SHAFROTH. The county commissioners try to fix a reasonable rate, such as will give a fair return on the investment, as they should do.

Mr. BAILEY. The constitution of Colorado, as I understand, provides that private property shall not be "taken, damaged, or destroyed" without just compensation. Now, under those words the holding is uniform that you can not condemn either the property or the use of the property without just compensation. The gentleman's own supreme court has so held.

Mr. SHAFROTH. The constitution of Colorado recognizes no private ownership in water—none whatever.

Mr. BARHAM. The Supreme Court of the United States has also held that you can not use private property without just compensation.

Mr. SHAFROTH. That is true; but that does not apply here.

Mr. BAILEY. Does the gentleman from Colorado state that the law of his State does not recognize any private property in water, or in a dam, for instance?

Mr. SHAFROTH. It does not recognize any private ownership in water. It says that the water shall always belong to the public.

Mr. BAILEY. Then the gentleman is very probably right.

Mr. BARHAM. But is not the use of water recognized as subject to reasonable control or regulation?

Mr. SHAFROTH. I think so.

Mr. BARHAM. Of course it is.

Mr. SHAFROTH. Our legislature has so regarded it, and the result is there have been created tribunals among the people to decide the rates, who understand the needs of the public, who know how much flow of water is required, and how much ought to be paid for the use of the water.

Mr. BOATNER. Does the gentleman state that under the constitution of Colorado the legislature might incorporate a company, giving it authority to collect water and sell it, and then by legislative enactment fix the price of the water so low as not to reimburse the expense of furnishing the water?

Mr. SHAFROTH. We do not recognize a sale of water. We regard these corporations that undertake to distribute the water as mere public carriers; that is absolutely all; they do not control or own or sell a drop of water.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. SHAFROTH. I should like a little more time.

Mr. LACEY. I yield to the gentleman five minutes more.

Mr. SHAFROTH. Now, Mr. Speaker, the difficulty with the provision which the gentleman from Arkansas has presented here as a substitute is that it is not mature legislation.

The object of the gentleman is evidently the same as ours; but what construction would be placed upon the provisions which he offers no one can tell. We have an act, passed March 3, 1891, which describes the manner in which persons or corporations may locate upon a reservoir site for irrigation purposes. It describes the methods to be pursued. A map is to be filed showing the line of high-water mark.

Mr. TERRY. Let me state to the gentleman right there, with his permission, the defect in the act of 1891. That act provides that this map of location, and so forth, may be filed within twelve months after the location of 10 miles of the canal. Under this provision, a corporation that has already gone there and obtained control of the reservation may, within twelve months afterwards, file its map. I propose that the map shall be filed with the Secretary of the Interior as a preliminary step.

Mr. SHAFROTH. As a matter of fact, Mr. Speaker, the gentleman does not seem to know the condition of the laws out in that country. There is another map that must be filed with the State authorities. The State controls the waters of these reservoirs and streams. That map must be filed——

Mr. TERRY. The gentleman is referring to the State law.

Mr. SHAFROTH. Yes, sir.

Mr. TERRY. I thought the gentleman referred a while ago to the act of Congress of 1891.

Mr. SHAFROTH. I was then referring to the law of 1891.

Mr. TERRY. And I say that act of 1891 makes the provision to which I have called attention.

Mr. SHAFROTH. But there can be no serious objection to the act of 1891 even on this ground. There is always a race for the occupancy of these reservoirs if they are very desirable, and the person who gets his map first on file has the preference over others. He is not going to wait an entire year. Yet it may be necessary, in order that the surveys may be made, that he wait considerable time. A great many of these sites are located in the mountains where the snow in winter is so deep as to prevent a survey until summer. It seems to me that if there is a defect in the provision referred to it should be amended; but here is a law, passed in 1891, that has received the construction of the Interior Department from that time to this in a number of decisions.

Mr. LACEY. Allow me to ask whether the requirement that the map be filed within twelve months, as provided in the act of 1891, has been found inconvenient? Has any difficulty arisen in the practical operation of the law?

Mr. SHAFROTH. None that I have ever heard of. But, as I was saying, the act of 1891 has received the construction of the Interior Department—not in one decision, but, I have no doubt, in at least 100 decisions. Under those decisions a settled practice has grown up. There are certain rules and regulations which have been prescribed by the Interior Department. Therefore, if we should now undertake to enact hasty legislation—a measure brought in here as a substitute which has not received the sanction of any committee—it would, it seems to me, be dangerous, although its object may be good. I have no doubt the purpose of the gentleman from Arkansas is as good in respect to this matter as ours. He is doubtless trying to get the very best legislation possible for the protection of the users of the water. But, Mr. Speaker, the bill we have introduced here is short. It refers to the act of 1891. It expressly puts the use and occupation of these reservoirs directly under the act of 1891, which act preserves the use of these waters for irrigation purposes. A mode of procedure is prescribed, and I see no reason why we should now enact legislation which has not been matured or has not received the sanction of a committee of this House.

Upon the general question I wish to say that these sites are of much moment to the people of the arid region. There are 138 such sites, 35 of which are in Colorado, 23 in California, 30 in Montana, 19 in New Mexico, and 13 in Utah. It is estimated that these reservoirs will hold sufficient water to irrigate as much more land as there is now under irrigation. The withholding of these sites from use by the Government is greatly retarding development of agriculture in the West. Either the Government should construct the dams necessary to form these reservoirs, or it should permit the States and the inhabitants thereof to do so. There is no indication that Congress will appropriate money for such purpose, and therefore it should permit others to undertake the work. There is no danger of a monopoly of the waters, as the laws of the State afford ample protection to the public. This measure receives the approval of the Representatives from every arid State, and it should receive the indorsement of this Congress.

The SPEAKER pro tempore (Mr. STEELE). The time of the gentleman has expired.

Mr. LACEY. I yield five minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I wish to state how this bill came to be introduced into the House. When I came to Congress, being a new member, I did not know exactly how to get at the reservoir business, and I called upon the gentleman from Illinois [Mr. CANNON], in whom I had the greatest confidence and faith, and asked him with reference to the matter. He told me that some legislation had been had in connection with it, and that some action had also been taken by the Geological Survey with regard to the matter, and that if I would inquire there I would receive all of the information that was available upon the subject. I did so and found what had been done, and after a talk with them they wrote the bill and handed it to me, stating that they thought it would cover the case I had in view, and it was at their suggestion and recommendation that I introduced the bill.

Now, it seems to me that it covers the case entirely. The amendment of the gentleman from Illinois [Mr. CANNON], in my judgment, is unnecessary, because the statute already provides for it; but I do not object to the incorporation of the amendment. It can do no harm. The amendment of my colleague from California [Mr. BARHAM] is one that is perhaps wise, and I make no objection to that.

I want to say to the gentleman from Arkansas [Mr. TERRY], who fears damaging results from the proposed legislation, that in my State the constitution, in reference to the use of water, reads as follows:

> Section 1, article 14. The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be for public use and subject to the regulation and control of the State in the manner to be prescribed by law.

So it seems that there is no danger in my State of a monopoly being created in the use of water throughout the arid portions of the State.

This question has been well spoken of by gentlemen representing the arid regions, and also well characterized by the chairman of the Committee on Public Lands as in effect that the United States is now acting the part of the dog in the manger—it will not use the reservoir sites itself and allows nobody else to do so. They ought to be used, Mr. Speaker; there is no question about that.

There are millions upon millions of acres of land that can be cultivated and used in the United States, and in California alone, if we can only get water upon it, and the only way to get water upon it is to construct and use the reservoirs during the proper season of the year; and the only way to get the reservoirs is to get those which the Government now claims. I hope the bill will pass, and pass by a large majority, and permit us to get legislation at this session, and thus be able to benefit our State and the other arid regions of the country.

Mr. SHAFROTH. If my friend will allow an interruption, when he speaks of the quantity of arid lands, if he will permit me, I wish to say that the Secretary of the Interior estimates that with 138 reservoirs that are now held by the United States, if opened for the use of the public, they would reclaim over 3,000,000 acres of land.

Mr. JOHNSON of California. Well, I said millions and millions of acres. I was familiar with the figures; but the figures in my State would exceed that. The land in California alone that can be utilized, if these reservoir sites are opened and water is collected upon them for the use of the land, will bring into cultivation in that State as many acres of land as the gentleman mentions.

Now, Mr. Speaker, I yield back the balance of the time to the chairman of the committee, so that some other member from the arid States can be heard upon this important question.

Mr. LACEY. I yield two minutes to the gentleman from California [Mr. BARHAM].

Mr. BARHAM. I only wish to offer an amendment, Mr. Speaker, which I have already sent to the desk.

Mr. LACEY. I ask the attention of the gentleman from Arkansas to the reading of the amendment, which may obviate the difficulty which he thinks exists in reference to the bill.

The Clerk read as follows:

> Strike out in line 4, page 1, after the word "to," the words "entry and;" so that it will read:
>
> "That all reservoir sites reserved, or to be reserved, by the Geological Survey, be open to use and occupation," etc.

Mr. LACEY. That will relieve it of every possible objection that has been urged by the gentleman from Arkansas, and that was suggested by Major Powell, as to the use of the word "entry." Inasmuch as it would necessarily be an entry under the act of 1891, it would be so limited. But in view of the fact that a suggestion has been made here as to the use of the word, the gentleman from California now moves to strike it out.

Mr. TERRY. I hope the amendment will be adopted.

Mr. LACEY. I ask unanimous consent that it may be considered as adopted.

The SPEAKER pro tempore. Is there objection to the adoption of the amendment?

There was no objection.

Mr. LACEY. I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, it seems to me that the vital question in connection with the discussion of this bill is whether or not this nation, through Congressional action in the future, proposes to irrigate and reclaim the arid lands of the West, or whether or not that irrigation and reclamation shall be left to the people of the respective States and Territories. There can be no question in the mind of anyone who has followed this question of irrigation, and the discussion at the time the legislation was passed which brought about the segregation of these reservoir areas, that there was a strong sentiment at that time in Congress in favor of governmental irrigation.

Under the provisions of the original act vast areas were segregated, and these areas still remain segregated from the public domain, some five or seven years after their segregation. Now the question is whether Congress proposes to build these reservoirs and irrigate these areas, or whether it is proposed to allow individual capital, under control of the States, to go in and use and occupy these reservoir sites and develop the country. It seems to me that there should be no disposition on the part of Congress to pursue a dog-in-the-manger policy in this matter, but that, as there is unquestionably a strong sentiment against governmental control or governmental aid in the building of these works, these reservoir sites should be turned over to the people of the respective States.

There can be no such thing as monopoly in matters of this kind. In the first instance, any person wishing to use these reservoirs under the right-of-way act must obtain from the State authority to impound the water of the streams from which it is proposed to bring these waters for irrigation. And under the constitution and laws of every State and Territory in the arid region the waters thus diverted for purposes of irrigation are absolutely under the control of the State. The State legislature either directly controls the price, or the price is controlled by the boards of county commissioners under provisions of State legislation.

Mr. Speaker, in this connection, I wish to present a resolution of the Fourth legislature of the State of Wyoming, relating to State ownership of public lands. It is as follows:

> STATE OF WYOMING, *Office of the Secretary of State.*
>
> UNITED STATES OF AMERICA, *State of Wyoming, ss:*
>
> I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 1, senate, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.
>
> In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.
>
> Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.
>
> [SEAL.] CHARLES W. BURDICK,
> *Secretary of State.*
>
> FOURTH LEGISLATURE OF THE STATE OF WYOMING.
>
> [Enrolled joint resolution No. 1. Senate. State of Wyoming.]
>
> Joint resolution and memorial to the Congress of the United States, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of the State.
>
> Your memorialists, the Fourth legislature of the State of Wyoming, would most respectfully represent:
>
> That all of the lands within the boundaries of the State of Wyoming are what are known as "arid" lands; the reclamation and settlement of these lands must be accomplished under different conditions from those confronting the settler in the humid portions of this country; that none of the lands now the property of the State can be sold for less than $10 per acre, which is the minimum price allowed by the terms of the act of admission and the State constitution, thus causing unfair competition with United States lands, which are sold to settlers under the provisions of the several acts of Congress at prices ranging from 50 cents to $2.50 per acre.
>
> Experience has demonstrated that the present land system is not suited to the conditions which prevail in this State, and as a result many obstacles are interposed to the development of the country.
>
> The reclamation of the agricultural lands imposes upon the settler and upon the State labor and expense not incurred in the humid portions of the country; ditches must be constructed and the lands prepared for the application of water before there is any return to the farmer; in addition to this great labor and expense, it is necessary for the State to exercise a supervision over them, in order that just distribution of water may be made to those entitled to it.
>
> Thus far the State has borne the entire expense of the investigation of its agricultural resources and the supervision of the public waters.
>
> The efficiency of this work has been greatly impaired by reason of the inability of the State to assist in any way in the reclamation and settlement of the desirable lands or to restrict the diversion of water on the less desirable.
>
> The importance of the pastoral interests of this State makes it desirable that provision be made for the utilization of the grazing land in connection with the contiguous irrigable areas. These grazing lands comprise the greater part of territorial extent.
>
> None of the present land laws make adequate provision for securing possession or management of these lands. In our judgment it is impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. Conditions differ in different sections of the United States, and the people of each section are best calculated to determine the system best suited to their needs. We believe that by giving to the State full control over all classes of land the best results can be obtained.
>
> If the State controlled the lands, it would be possible to connect water rights with and titles of all irrigable lands. That this is desirable is admitted by all familiar with the subject.
>
> The results already achieved are a sufficient guaranty of what can be accomplished under more favorable conditions. Even with the imperfect means at hand, the value of lands has not only been enhanced, but their productive capacity has been correspondingly augmented. Such results are of interest and value to the whole nation, and in our opinion entitle the State to generous recognition.
>
> The water laws of this State have been highly recommended. The State constitution and statutes contain provisions requiring the inauguration of the most systematic and complete supervision of its public waters yet undertaken by any Commonwealth in this country.
>
> It is only, however, by uniting the control of both water and land under one authority that our irrigation system can have the fullest measure of stability and success.
>
> We believe that the control of this subject can wisely and safely be intrusted to the State, since the practical knowledge is almost wholly confined to those engaged in the work. By endowing the State with means and placing upon it the responsibility for the development of our resources, a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the success of the undertaking. It will put the solution of this problem in the hands of the people best informed as to its details and most interested in its success.
>
> Because of the facts hereinbefore detailed, your memorialists respectfully pray that Congress will, by suitable legislation, grant to the State of Wyoming the unoccupied and unappropriated public lands within said State.
>
> *Resolved*, That the secretary of state be, and he is hereby, respectfully requested, on the approval of this memorial, to forward a duly authenticated copy thereof to the Senators and Representative in Congress from this State, in order that the same may be brought to the attention of Congress.
>
> GEORGE E. ABBOTT,
> *President of the Senate.*
> A. D. KELLEY,
> *Speaker of the House.*
>
> Approved February 8, A. D. 1897.
>
> WM. A. RICHARDS, *Governor.*

I believe that the sentiment of the nation favors in the near future such legislation as will turn over the control not only of these reservoir sites, but of all the public lands within the arid-land States and Territories to the States and Territories. There is not in the State which I have the honor to represent a single one of these reservoir sites; but they have been selected in all the States surrounding us. We have natural reservoir sites as good as many of those which have been selected by the Geological Survey. At the present time the citizens of my State can occupy any

of these reservoir sites under the right-of-way act. That being the case, should the citizens of other States, who considered that they were fortunate in having these surveys made at the time they were made, be placed in the position that they can not occupy these reservoir sites under the same laws and provisions as they can be used and occupied by private individuals and corporations in my State?

As to the amendment offered by the gentleman from Illinois [Mr. CANNON], while there is no particular objection to it, there is certainly no reason for it, because the States and Territories absolutely control the waters within their borders. The act of Congress setting up the State of Wyoming provides that the waters of the State are the property of the State.

[Here the hammer fell.]

Mr. LACEY. Mr. Speaker, does the gentleman from Arkansas [Mr. TERRY] desire to use some of his time now?

Mr. TERRY. I yield to my colleague [Mr. McRAE].

Mr. McRAE. Mr. Speaker, the bill as first presented ought not to pass; but as it has been amended it appears to be almost if not entirely satisfactory to everybody and what I desire to say will not be directed to the provisions of the bill, but to correct some statements in relation to the act of 1888, and the repeal of it in 1890, and to vindicate the truth of history.

It is not true, according to my recollection—and I have been a member of that committee since the Forty-ninth Congress—that the Committee on Public Lands ever agreed to the extraordinary and dangerous proposition which was inserted in the sundry civil bill passed at the first session of the Fiftieth Congress, in August, 1888. That proposition of the Committee on Appropriations was perhaps suggested by Major Powell, the Director of the Geological Survey at that time. It may be true, as stated by the distinguished chairman of the Appropriations Committee [Mr. CANNON], that Mr. Payson conferred with him about it, but that gentleman was not chairman of the Public Lands Committee in the Fiftieth Congress, and it is just to the committee and to the members of it to say that no such proposition as was involved could have passed the committee. It granted to that officer a power over the public land laws that the President can not exercise. We knew nothing of it at the time.

It was an unusual and dangerous power to vest in anyone, and particularly in the head of a bureau which up to that time we had supposed had but little knowledge of and no concern with the disposal of the public domain. In the exercise of that extraordinary power by that geologist the people woke up one fine morning and found that all of the public land in the Western States and Territories had been reserved from settlement, under the public land laws, to await irrigation. It is due to the distinguished gentleman from Illinois [Mr. CANNON], the present chairman of the Committee on Appropriations, that I should also correct him in the statement that I understood him to make, to the effect that he was chairman of the committee at that time. He was not chairman, but was a member of the committee, and may have supported, or perhaps suggested, the proposition. The gentleman was chairman of the committee in 1890, when the act of 1888 was repealed, and he may have the two confused in his mind.

At the first session of the Fifty-first Congress, which convened in December after the reservation, there came a perfect storm of indignation from the people of the West, which resulted in the prompt repeal of the extraordinary provision of 1888, and in the opening of these lands to settlement again, except the reservoir sites, which were reserved for public use. To that repeal the Public Lands Committee of the House did assent, and gave its influence, though it did not formulate the repealing act. Then followed the act of 1891, which contains the provisions under which canal and ditch companies may obtain the right of way over public lands and reservations, which was formulated, I think, by the late Senator Plumb, of Kansas. There is a provision in the act of 1890 which seems to have escaped the attention of those who have discussed this proposition. That is the following, which I will read:

> For topographic surveys in various portions of the United States, $25,000, one half of which sum shall be expended west of the one hundredth meridian; and so much of the act of October 2, 1888, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," as provides for the withdrawal of the public lands from entry, occupation, and settlement, is hereby repealed, and all entries made or claims initiated in good faith and valid but for said act, shall be recognized and may be perfected in the same manner as if said law had not been enacted, except that reservoir sites heretofore located or selected shall remain segregated and reserved from entry or settlement as provided by said act, until otherwise provided by law, and reservoir sites hereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.
>
> No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than 320 acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

It will be noticed that this reserves the right of way for ditches and canals constructed by the authority of the United States, and I think clearly shows that it was the purpose of those who inaugurated this scheme to ultimately commit the Government to a national irrigation policy.

At least it seemed to be the settled policy of Congress, when it repealed the act of 1888 and restored the land to settlement, to reserve the sites in question, so as to aid the settlers, so far as the public domain was concerned, in getting free access to the water and an opportunity to preserve it from waste. The purpose of the two acts when taken together appears to be to make it as easy as possible for private capital and individual enterprise to secure water privileges to be used for the public good under proper restrictions of the States. It seems to me that it was an effort on the part of Congress to enable the people on our deserts who had lands which were worthless without water to get the water to it without cost, so far as the public lands were concerned.

Again, Mr. Speaker, I want to say that it is not true that it cost $350,000 to locate the reservoir sites, as the gentleman from Missouri [Mr. DOCKERY] has said. It is true that that sum of money was spent by the Geological Survey in this irrigation proposition, but the Committee on Appropriations is responsible for the expenditure of every dollar of it by attempting to look after the business of other committees. I grant you that it was expensive, but it was their mistake, and not that of the Public Lands Committee. If gentlemen will read the plan of work laid out and contemplated by Major Powell they will no longer wonder that it was expensive. He organized a corps of scientific men, the like of which has never been seen in connection with our public land system, and the wonder is that it did not cost more than it did to get rid of it. The Appropriations Committee have stood by that Bureau in its fights for jurisdiction and money with a love like unto that which existed between Jonathan and David. Every effort to check its growing power and patronage and reduce appropriations for it has been resisted by the committee that now talks so much about large expenditures. This is one bureau that can usually get what it asks for in the way of appropriations.

The Director in his report in 1889, in referring to the objects of the act of 1888, says this:

> Its first object, as expressed in the statute directing that the survey be made, is for the information of the Congress and of the State and Territorial legislatures and the guidance of future legislation with respect to the arid lands and the use of natural waters. The second object of the survey is to select sites for reservoirs and other hydraulic works necessary for irrigation and to reserve the same for public purposes that they may not fall into the possession of individuals or corporations. The third purpose is to select and reserve the irrigable lands until the Congress shall decide upon the best method for their disposition to actual settlers. There is a fourth object, of equal importance with the others, namely, to guide the agriculturists of each great hydrographic basin to the most economic method of utilizing the waters for irrigation in such a manner that the greatest area may be cultivated thereby.

While, with this great scheme involving all of these objects, there was spent $350,000 which the Committee on Appropriations was generous enough to put at his disposal, it does not follow that the location of the sites cost that sum. Because the Appropriations Committee led Congress into a mistake, and because public sentiment required the repeal of the extraordinary power given that bureau when it had nothing to show for all this expenditure except a few reservoir sites, it is unjust to say that they cost or are worth that much.

I have thought it proper, in justice to the Committee on Public Lands in the Fiftieth and Fifty-first Congresses, to say this much; and having done so, I am perfectly indifferent as to what becomes of this bill. It seems to me that the limitations and reservations suggested by my colleague [Mr. TERRY] ought to be adopted, and I intend to vote for his substitute. It is possible that the amendments offered by the gentleman from Iowa [Mr. LACEY] and accepted will protect the people. I see but little difference in them, but the amendment of my colleague appears to be as complete as is possible under the circumstances. I was not present in the Committee on Public Lands when this bill was considered, and did not know that it had been reported until presented on Monday last. I was unavoidably out of the city; but the general purpose of the bill is right and in line with the established policy adopted by Congress as to the right of way for canals and ditches through arid lands, and we must improve it by some kind of rational legislation for the location of necessary canals and ditches. We can not expect these reservoir sites to remain dry and never to be used for irrigating lands that are worthless without water; and since the Government does not intend to go into a general scheme of irrigation that would bankrupt the Government, it becomes necessary under proper legislation to authorize States and individuals to utilize the sites for the public good.

Mr. TERRY. Mr. Speaker, the original bill to which I took exception on Monday last has been vastly improved by the amendments that have been made here to-day; but there is still some points of difference between that bill and the substitute that I offer. Now, there is no difference of opinion on this subject as to the necessity of irrigation for these arid lands. I do not stand here to object to any proper legislation to give the people of the great West the benefit of all the water powers that nature has left there for the irrigation of those vast bodies of land. I want to help them all I can, and my only object is to see that in our legislation, when we part with rights that are now held by the General Government, that we shall part with them in such way that they shall bestow a benediction upon the people of those States and not create any monopoly.

My friend from California [Mr. Johnson] has pointed out that under the constitution of his State the State has full power to prevent any monopoly and to regulate and control the water rate. My friend from Colorado [Mr. Shafroth] has pointed out that the same thing is true in regard to his State. But gentlemen should recollect that this is a general bill for the Territories as well as the States. The Territories have no constitution to protect their people. When we part with a right or let these rights be absorbed by private corporations or water companies, what protection will there be for the people of the Territories? Their rights will be gone before they are ever admitted into the Union. That point has been entirely overlooked in this bill. It has been entirely overlooked by the gentlemen from the great West; and I want to call their attention to that very important distinction between my substitute and the original bill, even as amended.

Mr. MURPHY of Arizona. Will the gentleman allow me to ask him a question?

Mr. TERRY. Certainly.

Mr. MURPHY of Arizona. Does not the amendment offered by the gentleman from Illinois entirely cover that question?

Mr. TERRY. I have not examined it close enough to tell whether it does cover it.

Mr. MURPHY of Arizona. He used that language, so as to perfectly include the Territories.

Mr. TERRY. I hope you will find it a benediction to your people and not a burden.

Now, it is objected again that this proposed substitute is crude legislation. It was not prepared by me, except the fourth section, but was prepared by a gentleman who was for years connected with the Geological Survey and the laying out and segregation of these reservoir sites. He is entirely familiar with the whole subject. It occurs to me that it is far more carefully prepared than the act of 1891. I want to show you how. The gentleman from Colorado [Mr. Shafroth] says that there is always a race of diligence as to which company shall get one of these sites first, and under the act of 1891 the Secretary of the Interior has to approve the location and the occupation. But in what shape does it come to him? It comes to him absolutely without any map or plat in order that he can see in what shape the company proposes to occupy and use these reservoir sites.

Suppose, Mr. Speaker, that two contending applicants present themselves, asking to have the right to occupy different reservoir sites in the same general locality. How can the Secretary tell which will be best for the people unless there is a map showing the situation? Now, that is provided for in the substitute, and it is not provided for in the act of 1891. Under that act the map may be filed within twelve months after they had gone on and occupied the site. In the substitute that is fully provided for. It requires that the person, company, or corporation desiring to occupy a site shall have it accurately surveyed and shall file in the land office a map showing the location, which map is to be transmitted to the Secretary of the Interior. You do not have that in the act of 1891.

Mr. SHAFROTH. That is the law, irrespective of any legislation.

Mr. TERRY. It may be the law in your State and it may be the law in California, but remember that here we are making a law not only for the States, but also for the Territories—making a general law.

Mr. Speaker, I do not desire at present to consume the remainder of my time, but I now move to amend the bill by striking out all after the enacting clause and inserting what I sent to the desk.

The SPEAKER. The amendment offered by the gentleman from Arkansas, which is in the nature of a substitute, will be read.

Mr. LACEY. The substitute has already been read, I believe.

Mr. TERRY. Yes; it has been read once, and unless some other member of the House desires to have it read again I do not ask it.

Mr. LACEY. I yield two minutes to the gentleman from California, Mr. Bowers.

Mr. BOWERS. Mr. Speaker, I want to say to the House that every member coming from the arid States is in favor of the passage of this bill because he understands the necessity for it. If this bill fails of passage, then all the work that has been done providing for these reservoir sites lies dead and can not be utilized. Some legislation of this kind must be enacted in order to allow us to make use of the work that has already been done. No monopoly gets any advantage under the provisions of this bill. We grant no water rights by it. Within the hour I was at the Land Office talking with Judge Lamoreux and Mr. Best and the Department officers, all of whom are very anxious to see this bill pass, so that the purpose of the act setting apart reservoir sites in arid regions may be carried out. That is the purpose of this bill. Nothing can be done under the original act until we have legislation of this kind.

This bill is fully guarded in all its provisions. We all want it passed. It can not harm any other States. All the Territories that we have remaining need this bill and their representatives are in favor of it. The men who are developing those Territories, New Mexico and Arizona, all desire the passage of the bill. It is an absolutely vital necessity for all those Western arid regions, both States and Territories, and I hope members will stand by us and see that the bill is passed. It was reported unanimously, after careful consideration by the Committee on Public Lands. It is indorsed by the Department and by the officers who are thoroughly familiar with all land matters and with the irrigation laws, and they all agree as to the necessity for its passage. No good reason has been offered against it, nor can one be cited for the rejection of this bill. I trust that it will pass.

Mr. LACEY. Mr. Speaker, there is an amendment pending which was offered by the gentleman from Colorado [Mr. Bell] and which has not yet been acted upon. I do not know whether the gentlemen upon the other side object to that amendment. It gives to the States the same right to occupy one of these reservoirs, if they so desire, that is given to individuals or corporations.

Mr. TERRY. I see no objection to that as an amendment to the original bill.

Mr. LACEY. Then, Mr. Speaker, I ask the Chair to submit the question for unanimous consent to accept that amendment.

The SPEAKER. The Clerk will report the amendment.

The amendment of Mr. Bell of Colorado was read, as follows:

Add at the end of said bill:

"And any State is hereby authorized to improve and occupy such reservoir sites to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe."

The SPEAKER. Is there objection to the adoption of this amendment?

Mr. MAHANY. I object.

Mr. LACEY. Then I call for a vote on the amendment.

The question being taken on the amendment of Mr. Bell of Colorado, it was adopted.

Mr. TERRY. Mr. Speaker, I now move the adoption of my substitute.

The SPEAKER. Does the gentleman from Iowa [Mr. Lacey] insist on his point of order on the substitute?

Mr. LACEY. I simply reserved the point because I wanted to examine the proposition. I do not make any point of order upon the substitute; but I hope it will be voted down.

The question being taken on the proposed substitute offered by Mr. Terry, it was rejected; there being on a division—ayes 33, noes 74.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill, on which, according to the arrangement made the other day, there must be a two-thirds vote in the affirmative.

The question being taken, the bill was passed, two-thirds voting in the affirmative.

ELECTION CONTEST—HOPKINS VS. KENDALL.

Mr. DANIELS. I call up the contested-election case of Hopkins *vs.* Kendall, from the Tenth Congressional district of Kentucky.

The SPEAKER. The resolutions reported by the majority of the committee will be read.

The Clerk read as follows:

Resolved, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

Resolved, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat.

Mr. ROYSE. I now ask that the resolutions reported by the minority of the committee be read.

The Clerk read as follows:

Resolved, That Joseph M. Kendall was not elected a member of the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to a seat therein.

Resolved, That N. T. Hopkins was elected a member of the Fifty-fourth Congress from the Tenth Congressional district in the State of Kentucky, and is entitled to a seat therein.

Mr. DANIELS. Mr. Speaker, I ask that the time to be occupied in the discussion of this case be so divided that each side shall have

an hour and a half. I suppose that I may be considered as controlling the time on the part of the contestee and the gentleman from Indiana [Mr. Royse] as controlling the time on the part of the contestant.

Mr. BAILEY. Do I understand that the gentleman from New York [Mr. Daniels] is trying to reach an agreement about a division of time and when the vote shall be taken?

Mr. DANIELS. The division of time, as we understand, is to be an hour and a half on each side.

Mr. BAILEY. Is that simply the purpose of the gentleman and his committee, or does he ask the House to make such an order?

Mr. DANIELS. If the matter had not been so arranged, I should not have so stated. I am not in the habit of making statements that have no responsible foundation.

Mr. BAILEY. The gentleman from New York did not understand my purpose. I meant to ask whether the understanding reached by the committee had been submitted to the House and agreed to. The gentleman perfectly understands that whatever the arrangement of the committee might be the House would have to agree to it. I am sure there will be no objection to the arrangement if the gentleman will ask unanimous consent.

Mr. DANIELS. There has been no formal agreement by the House; but that is the arrangement that has been made on the part of the different gentlemen who are to address the House.

The SPEAKER. Does the gentleman from New York desire the arrangement submitted to the House?

Mr. DANIELS. Yes, sir.

The SPEAKER. The gentleman from New York asks that the discussion on each side in this case shall occupy an hour and a half, and that then the vote be taken. Is there objection? The Chair hears none.

Mr. LEWIS. I presume it is understood that no vote will occur this evening.

The SPEAKER. That is for the House to determine. If the House should not adjourn the vote would be taken at the expiration of three hours of debate.

Mr. ROYSE. I suggest an agreement that the vote be not taken until to-morrow.

Mr. DANIELS. I suppose that would be the natural result.

The SPEAKER. The gentleman from New York [Mr. Daniels] is entitled to control the time for one hour and a half.

Mr. DANIELS. Mr. Speaker, the election now in question took place in the Tenth Congressional district of the State of Kentucky on November 6, 1894. The result of the election was certified by the election officers as showing a majority of 253 votes in favor of the sitting member, Mr. Kendall. It has not been substantially controverted that the returns in point of fact justify this statement; but the contestant has claimed and, as I understand, proposes to reassert before this House that there was such a transposition of the emblem or device on the tickets as to render the ticket itself void under the laws of the State of Kentucky. This transposition took place in the county of Clark, one of the counties of this election district; and it is claimed that on account of this the entire vote of Clark County should be thrown out and disregarded, the result of which would be that the contestant would be elected.

Now, the device that was placed at the head of the Democratic ticket was the rooster. There was no question as to the regularity of that ticket. The Republicans of the State and district had been in the habit, since 1892, of placing at the head of their ticket as an emblem the eagle, or the eagle about to fly. This emblem was given to the clerk of the county, who was to prepare the tickets for the election in question; the manner in which the Republican ticket should be framed was indicated to him. A proceeding was set afoot—a voluntary proceeding by petition, the petition being signed on the 14th day of September, 1894—by which the petitioners asked for a place upon the ticket, and another petition asked for this same emblem or device—that is, the eagle about to fly.

The clerk, when he came to make up the ticket, substituted the eagle about to fly for the ticket of the petitioners, which was substantially a false and fabricated ticket, and placed at the head of the ticket to be voted by the Republicans, not his party emblem, the eagle, but a raccoon, and the ticket was so printed for the purpose, apparently, of deceiving the illiterate voters of the district and inducing them to vote under a ticket of the eagle about to fly as the Republican ticket, when in point of fact their party organization required the votes to be cast for the regular Republican ticket.

The law of the State of Kentucky required that the ticket should be printed and the emblems used practically in the order in which they were delivered to the clerk of the county. It will be remembered that those that were drawn upon the petition of persons desiring a place on the ticket were, according to petitions, dated on the 14th day of September, and the clerk certified that when he came to make up the ticket, or afterwards, these petitions were delivered to him on the 14th day of September, the day of their date, and before any signatures were produced for the purpose of sustaining the application.

The Republican ticket was filed on the 20th day of September, and, as a matter of fact, as the evidence established it, it appears that this was before the petitions were filed, which were signed under date of September 14; so that when the Clerk came to make up the ticket, instead of giving the Republicans the eagle about to fly at the head of their ticket, he gave them the raccoon, and put the eagle, according to the petition of those persons whose tickets were handed him, at the head of the spurious ticket.

Now, there is no doubt of the evidence produced on the hearing that this was an entire fabrication on the part of the clerk; that it was not a genuine execution of the law, but that the tickets were so made up to lead these people on the morning of election, who would be informed that the Republican ticket would be indicated by the heading of an eagle about to fly, to vote the spurious ticket instead of that which they desired to vote and which actually represented their party. So that here was a transparent fraud on the part of the clerk.

This is further established by the fact that the law requires sample ballots to be distributed at the voting places three days before the election, so that the people could have their attention directed to the ticket, and the form in which it was framed and the manner in which they were to vote, for the purpose of securing the expression of their desire in the election. There was an entire failure on the part of the clerk in sending out the sample ballots. He did not do it, or did not intend to do it, until the morning of the election, intending in that manner to add to the imposition that resulted as a matter of fact from the manner in which the ticket itself had been framed and printed.

It is claimed on behalf of the contestant that this renders the ticket absolutely void, and that the whole vote of Clark County should be thrown out, although the vote of the county in fact was in favor of the sitting member, giving him a majority there, and there was a fair representation of the Republican vote under the "coon" ticket.

Now, on the part of the sitting member, a majority of the committee concluded that this could not be done; that the fact that the clerk had misconducted himself and violated his duty as the clerk of the county in this manner was not sufficient in and of itself to justify the entire setting aside of this ticket and to justify rejecting it as a fair expression of the votes of the people so far as they had not been implicated in the commission of the fraud. It is contended on the part of the majority of the committee, seven members agreeing to that conclusion, that, inasmuch as it appears what the number of ballots actually was (that is, the spurious ballots cast under the ticket headed with an eagle about to fly), that in itself marked the extent of the deception produced by the fabrication of the ticket by the change of the emblem. There is no doubt as to what that vote was. It was returned, and returned under such evidence as precluded the possibility of any question of doubt, and it appears from the return of the officers, as well as the sworn testimony in the case, that there were but 79 persons who voted the ticket with the eagle about to fly at the head. So that that was the extent of the number of persons who were deceived into supporting the ticket under the impression that in doing so they were sustaining the Republican organization and the Republican nomination.

Mr. MILLER of Kansas. If I do not interrupt the gentleman, I would ask him if it is not true that in every other county in the district there was a large Republican gain, but that in estimating what the damage was by reason of this fraudulent ticket they have only taken the Republican vote in this county as of previous years as the basis of the calculation?

Mr. DANIELS. All that is brought in question is what took place in the county of Clark.

Mr. MILLER of Kansas. I know that. But is it not true that if there had been the same rate or proportion of gain in the county of Clark as elsewhere in the district for the Republican ticket it would have elected the contestant?

Mr. DANIELS. No, not at all. It appears by the statement made by the secretary of state giving an account of the majorities, and also the votes which were polled, that in 1884 the Democratic majority in this district was 3,219; that in 1894 the majority was reduced to 253 votes. In 1895 the majority in the county was 852. So that it is entirely practicable to determine the extent of the effect of the substitution of this spurious ticket in place of the proper emblem. It is entirely clear and capable of demonstration that the Republicans were induced to vote to the extent of 79 votes only, in support of this spurious ticket, by reason of this substitution. The proposition of the majority of the committee is that for the purpose of rectifying the situation here we take these 79 votes, inasmuch as they were undoubtedly cast under the impression that they were Republican tickets, and transpose them to the ballots that were cast containing the raccoon ticket, which turned out to be the Republican ticket. Adding those 79 votes to the ballots that were cast on that ticket, for the purpose of giving the Republicans the entire effect, that is the result which is reached by the majority of the committee.

Mr. BARHAM. Will it interrupt the gentleman if I ask him a question?

Mr. DANIELS. Not at all.

Mr. BARHAM. Was the full vote of the county cast at this election?

Mr. DANIELS. Very nearly.

Mr. MILLER of Kansas. It was over 700 short.

Mr. DANIELS. No; that is a mistake.

Mr. BARHAM. If it was 700 short, would that change the result?

Mr. DANIELS. It would depend upon how the shortage was divided.

Mr. DINSMORE. The chairman of the Republican committee of that county fixed the Republican vote of that county at 1,600, and there were 1,488 votes cast for the contestant.

Mr. DANIELS. There were about 42 votes requisite for the purpose of filling up the entire Republican force in that county, and a nearer approximation to the entire vote was scarcely ever found, under any circumstances, in the case of an election.

Mr. BARHAM. I should like to ask the gentleman another question, if he will permit me. If this was a fraudulent ticket, the vignette being improper, parties may have been kept away from the polls who would have voted the ticket, except for the fraud in the ticket, with the result that the will of the people was defeated.

Mr. DANIELS. There is no evidence of any person having been prevented from voting by reason of the fact that this substitution took place in the party emblem on the ticket. I will say right here that Mr. Hatton, who is the only witness who speaks on the subject, testifies that, in his opinion, the contestant lost from 300 to 400 votes in the county by reason of this substitution of the party emblem, but he does not put his hand upon a single individual; he does not point out one person who has either informed him or that he has any reason to believe was prevented from voting at this election by reason of this circumstance.

Mr. BARHAM. The contestant having established the fraud, was not the burden of proof cast upon the contestee to show that the contestant did not lose a number of votes sufficient to elect him?

Mr. DANIELS. I should think not.

Mr. BARHAM. Is not the burden of proof shifted when fraud is established?

Mr. DANIELS. There is no doubt as to the proof, and no doubt as to the effect of the proof here, and there is no doubt as to the number of votes that were cast upon this spurious ticket, having the "eagle about to fly" at its head. So that, upon this subject, there is no room whatever for controversy or for inference.

Now, taking this testimony of Mr. Hatton, and adding to the vote of the contestant the number of votes which he thinks were lost, you would get a larger vote in that county than under any circumstances you have the slightest reason for believing could possibly have been cast.

Mr. BARHAM. Will it interrupt the gentleman if I ask him another question?

Mr. DANIELS. I do not wish to be interrupted all the while.

Mr. BARHAM. Very well. I do not wish to ask you anything which will interrupt you.

Mr. DANIELS. A witness who was familiar with the state of the vote in the county, and who was assistant editor of a paper published in the city of Winchester, has stated in his testimony that the total vote of the Republican party in the county was 1,600, and that out of that there were three-fifths of the voters who were negroes. Now, when you come to take into consideration the number of ballots that were cast, and see the difference between the number actually cast and 1,600, the margin is so small as to leave only 42 Republican votes in the entire county which were not cast at this election.

An examination of the figures showing the number of votes cast at preceding elections demonstrates that by no possibility could there have been any such loss in the Republican vote as 300 or 400, the estimate of Mr. Hatton. In the election of 1894, which is the one in controversy here, the Democratic candidate received 1,844 votes and the Republican candidate received 1,488 votes, leaving the Democratic candidate 356 votes ahead.

Now, see what the vote was in the year 1895, immediately following that year, when no person was running as a candidate for Representative in Congress. On that occasion the Democratic vote was 1,926 votes, nearly 100, it will be seen, in excess of the vote of 1894. The Republican vote was 1,662, leaving a Democratic majority of 264 votes in the election of 1895. If you go back to the preceding election of 1892, the Democratic vote was 1,958, while the Republican vote was 1,599, giving a Democratic majority of 359 votes. But suppose you take the difference between the votes that were given upon these different elections and give the contestant the benefit of that difference, it does not entitle him to an election here or to a seat in this House, unless the House is ready to adopt the conclusion that the change in the emblem or reference to the ticket was sufficient to render it void.

Mr. MILLER of Kansas. I would like to know whether, in making your estimates here, you have not assumed in regard to that vote in this county that no man in the county who was not a recognized Republican would have voted for Congress? Now, is not that the assumption of the majority of the committee?

Mr. DANIELS. Not at all. I have estimated the votes as they are stated in the report of the secretary of state relating to these different elections. Now, as to the question whether this ticket can be rejected, because if it could be undoubtedly the contestant would be entitled to the election. On the question of whether this ticket can be rejected, I desire to call the attention of the House to the case of People against Wood, recently decided, and reported in 148 New York Reports. There a large number of names had been placed upon the ticket without authority, and it was claimed on behalf of the parties insisting upon the invalidity of the ticket that, inasmuch as they were placed there without authority of law, it rendered the ticket void, and consequently it should be rejected and had no effect whatever upon the election. There was a division of sentiment on this question. The chief justice says:

> The effort in this proceeding is to disfranchise innocent voters because of a latent defect in the official ballot furnished by the State, not discernible on inspection, which ballot they were compelled to use, the defect consisting in the unauthorized insertion thereon, by a public official, charged with the duty of making up and printing the ballots, of names of candidates in a party column not duly nominated by such party. The intention of the voters who used this party column to express their choice is clear, and admits of no doubt. Each one received his ballot from the inspectors, marked with the cross under the party name and emblem and returned it to the inspectors, by whom it was deposited in the box and subsequently counted. We can conceive of no principle which permits the disfranchisement of innocent voters for the mistake or even the willful misconduct of election officers in performing the duty cast upon them. The object of elections is to ascertain the popular will, and not to thwart it. The object of election laws is to secure the rights of duly qualified electors, and not to defeat them. Statutory regulations are enacted to secure freedom of choice and to prevent fraud, and not by technical obstructions to make the right of voting insecure and difficult.

Now, applying the principle to this particular case. Here 1,844 persons went to the polls and, under the head of a ticket having the rooster upon it 1,844 ballots were deposited by what appears now in the case, or certainly what does not appear to be different, to be innocent voters. The persons who deposited these tickets in the ballot box were free to assume that this ticket was regularly framed, and that they had the right to vote it and express their opinion as to their candidates upon the faith and assumption of the correctness of this ticket; and the court of appeals of the State of New York sanctioned the exercise of the authority by the voter in this way, and say that his right is not to be affected or disturbed by reason of the willful misconduct of the clerk who made up the ticket. The same is true as to a large number of Republicans, 1,488, who voted the ticket under the head of the coon, marked on their ticket in the square required by the law to indicate their intention under that heading. Is it true, that because a few persons may possibly have been deceived in the exercise of their authority or their right as freemen under those circumstances, that all these other persons are to be deprived of their votes? Are they thus to be practically disfranchised by the exercise of what is no more than arbitrary authority?

The statute of Kentucky requires nothing of that kind. On the contrary, it is as salutary in its provisions as the statutes of other States in reference to the preservation and maintenance of the rights and privileges of the voter; so that we were constrained to come to the conclusion, when we came to look the subject entirely over, that this ticket could not be rejected because of the circumstance that this emblem had been displaced in the manner described by the clerk of Clark County, and that, inasmuch as there did not appear to have been a single person who had failed to vote because of this change in the emblem on the ticket, unless it might be the 79, and full justice could be done to the contestant by transferring their ballots to the Republican ticket, we felt constrained under the circumstances to find that no ground whatever existed for displacing the contestee and giving the seat to the contestant, where the majority of the votes under the circumstances were necessarily against him.

If you take the 79 votes out of the majority given to the contestant and take 92 votes, the difference between the ballots in the election of 1894 and those in 1895, and deduct them from the majority which is certified to by the officers of election, still the sitting member has a majority. The parties stipulated, in the course of taking evidence upon these controverted matters, that every person who was entitled to vote or who desired to vote had had his ballot received and fairly and honestly counted by the officers of election; so that there was no fraud, no defalcation on the part

of the public officers in receiving and counting the votes of the persons who went to the polls and voted the Republican ticket; but, on the contrary, full effect was given to the intention of all those persons, and at the same time, when you come to make these deductions and give the contestant the credit of all that he can possibly ask, it brings the vote that was cast at this election so close to the actual Republican vote of the county that there is no ground for saying that the contestant was elected and that the contestee is not entitled to the seat.

I reserve the balance of my time.

Mr. ROYSE. Mr. Speaker, I wish to offer a suggestion. It is evident from the appearance of the Hall that a large number of members have gone to their homes. It is somewhat near the ordinary hour of adjournment, and as I could not conclude what I want to say about this case by 5 o'clock, and as the case is quite important, I think it better that we adjourn at this point, and I therefore move that the House do now adjourn.

Mr. MOODY. Let me suggest to the gentleman that a speech might be made on our side within the time remaining before the usual hour of adjournment.

Mr. ROYSE. Well, I could not conclude within that time, and I think it better that we should adjourn now.

The question being taken on the motion of Mr. ROYSE, that the House adjourn, the Speaker declared that he was in doubt.

The House divided; and there were—ayes 50, noes 38.

So the motion was agreed to; and the House accordingly (at 4 o'clock and 16 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Nancy M. Bass, administratrix of William Bass, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sabine Lake, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Georgetown Barge, Dock, Elevator, and Railway Company, of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of deficiency in the appropriation for the examination and surveys at South Pass, Mississippi River—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a letter from the Treasurer of the United States in relation to reimbursement for the loss of certain silver certificates, valued at $200—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 220) authorizing the Secretary of War to deliver a condemned cannon to the national encampment of the Grand Army of the Republic, to be held at Buffalo, reported the same with amendment, accompanied by a report (No. 2967); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3044) entitled "An act authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes," reported the same with amendment, accompanied by a report (No. 2973); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 114) entitled "An act for the relief of Anna W. Osborne." (Report No. 2965.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (S. 1648) entitled "An act for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn." (Report No. 2966.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 4559) granting an increase of pension to John N. Griffith. (Report No. 2968.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 8686) granting a pension to George W. Farnum. (Report No. 2969.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 1394) entitled "An act granting an increase of pension to Mrs. E. S. Kelly." (Report No. 2970.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3556) entitled "An act granting an increase of pension to Carlton W. Muzzy." (Report No. 2971.)

By Mr. KERR, from the Committee on Patents: The bill (H. R. 8608) to extend the term of patent No. 227021, dated April 27, 1880, granted to Daniel T. Lawson. (Report No. 2972.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 1972) entitled "An act to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell." (Report No. 2974.)

By Mr. HATCH, from the Committee on War Claims: The bill (S. 315) entitled "An act for the relief of Thomas Antisell." (Report No. 2975.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7312) to increase the pension of Mrs. Amelia M. Carpenter. (Report No. 2976.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Petition from the Woman's Christian Temperance Union of Woodlawn, Md., for the passage of House bill No. 7083—Committee on the Judiciary discharged, and referred to the Committee on Alcoholic Liquor Traffic.

Petition of the Colored Republican Club of Chicago, Ill., urging the reduction of representation in Congress from certain Southern States—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of the Colored Republican Club of Cook County, Ill., praying for the restoration of a republican form of government in several States—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of the Colored Republican Club of Chicago, Ill., Cook County, urging the reduction of representation in Congress from certain States—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of citizens of beat 8, Hale County, Ala.—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of citizens of Hale County, Ala.—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 10325) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund—to the Committee on Indian Affairs.

By Mr. HOWARD: A bill (H. R. 10326) to promote scientific investigations—to the Committee on the Library.

By Mr. JOHNSON of Indiana: A resolution (House Res. No. 548) to print 500 copies of the Digest of Contested Election Cases in the Fifty-third and Fifty-fourth Congresses, with an index of the same—to the Committee on Accounts.

By Mr. JOHNSON of North Dakota: A memorial of the legislature of North Dakota, praying for the passage of the bill (H. R. 1) to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of North Dakota, favoring the passage of an act for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations—to the Committee on the Public Lands.

By Mr. EDDY: A memorial of the Minnesota legislature, asking for the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Minnesota legislature, asking for the passage of House bill No. 1—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY of Arizona: A memorial of the legislature of the Territory of Arizona, asking assistance for the Supai tribe of Indians, in the northern part of Coconino County, Ariz.—to the Committee on Indian Affairs.

By Mr. FARIS: A memorial of the legislature of Indiana, relative to prohibition of the sale of cigarettes—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HITT, a bill (H. R. 10327) to correct the military record of Conrad Henning—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 10328) to give the Court of Claims of the United States jurisdiction of the claims of the Alexandria and Washington Railroad Company and others against the United States for compensation for the use and occupation of the railroad of said company by the United States or the military authorities thereof—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Chamber of Commerce of Louisiana, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of certain citizens of Cincinnati, Ohio, praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

Also, petition of certain citizens of Cincinnati, Ohio, favoring the passage of the Sherman bill, relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Cincinnati Furniture Exchange, protesting against the Bailey-George bankruptcy bill, and advocating the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of the Chamber of Commerce of Louisiana, and the New Orleans Board of Trade, of New Orleans, La., in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Rev. Myron D. Fuller and officers of the Baptist church, Christian Endeavor societies, and Woman's Christian Temperance Union, of Block Island, favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the pastor of the First Baptist Church, Christian Endeavor societies, and Woman's Christian Temperance Union, of Block Island, favoring the passage of the Shannon bill, raising the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

By Mr. CROWLEY: Petition of citizens of Wallis, Tex., favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of M. A. Disbrow & Co. and 17 other citizens of Lyons, Iowa, in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of the Royal Society of Good Fellows; also of citizens of Port Perry, Pa., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the Judiciary.

By Mr. DOVENER: Petition of William Graham, jr., president of Branch No. 66, National Association of Letter Carriers, of Wheeling, W. Va., in behalf of the passage of House bill to increase the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: Petition of Ole Stevenson and 37 other citizens of the State of Minnesota, asking for the passage of a free-homestead law—to the Committee on the Public Lands.

By Mr. EVANS: Protests of a large number of citizens of Louisville, Ky., against the so-called antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FARIS: Sundry petitions of Rev. E. B. Thompson and 10 other citizens, and Rev. W. H. Saunders and 38 others, of Crawfordsville; H. L. Bynum and 27 others, of Brazil; John T. Nixon and 47 others, of Attica; W. R. McKeen and 25 others, of Terre Haute, and Rev. J. M. McKnight, of Danville, all in the State of Indiana, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry M. Jackson and 18 other citizens of Terre Haute, Ind., favoring the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, affidavits to accompany House bill No. 2370, for the relief of Sylvester Weaver—to the Committee on Military Affairs.

By Mr. HALL: Petition of G. D. Kennedy and other citizens of Brunswick, Mo., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Petition of citizens of Delphi, Ind., in favor of House bill No. 10090 and Senate bill No. 3545, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: Petition of J. B. Sheldon and other citizens of Red Wing, Minn., in favor of the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Sundry petitions of Lee Howell and others, in the State of Indiana, urging the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Sundry petitions of the Bryant Neely Lumber Company and 23 citizens of Cedar Falls; J. E. Miller and 36 other citizens of Greene; Chris. Klemme and 43 others, of Dows; 18 citizens of Hopkinton, and Rev. J. C. Magee and 13 others, of Hampton, all in the State of Iowa; also resolutions of the Chamber of Commerce of Louisiana; also resolutions of the New Orleans Board of Trade, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of Mrs. Governor W. P. Lord and others, of the State of Oregon, for adequate tariff legislation on flax production in the United States—to the Committee on Ways and Means.

Also, memorial of the American Society of Irrigation Engineers, for commission to investigate conditions of arid lands and to recommend necessary legislation—to the Committee on Irrigation of Arid Lands.

Also, remonstrance of Charles Grissen and others, of Yamhill County, Oreg., against the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL: Petition of W. E. Seeley and other citizens in the State of Connecticut, favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of Thomas J. Patterson, of Oakhouse, N. J., and other residents of the Third Congressional district of New Jersey, favoring the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Petition of Julius Kayser & Co. and other firms, for specific duties on ladies' gloves—to the Committee on Ways and Means.

By Mr. JOHNSON of North Dakota: Petition of M. H. McGowan and other citizens of Grand Forks, N. Dak., favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, 10 petitions of citizens and 7 petitions from churches and communities in North Dakota, asking for the passage of the bill raising the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. KIEFER: Petition of the Commercial Club of St. Paul, Minn., favoring the passage of the so-called anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of F. M. Hunter and other citizens of Ottumwa, and C. H. Bohn, of Oskaloosa, Iowa, for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. R. Moore and J. A. Wagner, of Ottumwa, Iowa, favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Sundry petitions of L. H. Higby and others, of Butler; L. A. Worch and others, of Fort Wayne; Leo Solomon and others, of Ligonier; L. J. Miller and others, of Auburn; David Shook and others, of Corunna; T. A. Johnson and others, of Fort Wayne; B. Abbink and others, of Avilla; J. McCracken and others, of Fort Wayne; A. Carwell and others, of Fremont; George A. Mackintosh and others, of Kendallville, all in the State of Indiana, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Petition of Charles N. Rix and 43 other citizens of Hot Springs, Ark., asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Petition of W. H. Egan and 48 other citizens of Hutchinson, Kans., favoring the passage of the Sherman bill, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MEIKLEJOHN: Petition of D. Rees and other citizens of Norfolk; T. M. Dennis and others, of Neligh; A. A. Nehrbas and others, of Fremont; H. H. Mohr and others, of Pierce, and William Stenfer and others, of West Point, all in the State of Nebraska, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Petition of citizens of Omaha, Nebr., relating to the Sherman ticket brokerage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of Mrs. J. W. Howes and 58 other citizens of Yarmouth, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the Government—to the Committee on Public Buildings and Grounds.

By Mr. OTJEN: Petition of P. A. Schumacher and 17 other citizens; also petition of William R. Netherent and 12 others, of Milwaukee, Wis., favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Sundry petitions of C. T. Zutter and other citizens of Williamsburg; George M. Sabin and others, of Ontario, and W. Gilfilian and others, of Rose, in the State of New York, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of W. A. Goodman and 9 other citizens of Rutherford, Tenn., favoring the passage of the Sherman bill, relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: Petition of passenger ticket agents and others, favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alice Lewis, president, and 69 members of the Woman's Christian Temperance Union, of West Chester, Pa., favoring the passage of the bill raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. SCRANTON: Petition of the Lackawanna Division, No. 12, of Railway Conductors, of Scranton, Pa., asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Sundry petitions of Daniel Froham and 6 other citizens; B. L. M. Bates and W. D. Jamieson; Charles L. Briggs and several other hotel managers in New York City; D. G. Churchill and 68 others, of Greenway, Oneida, and other towns in the State of New York; L. Van Deusen and 116 others, of Poughkeepsie, N. Y.; R. B. Boyce and 330 others, of Albany, N. Y.; Charles S. Hall and 107 others, of New York City, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOVER: Petition of George Langel, of Ruth, Mich.; also petition of P. C. J. Macauley and others, of Adair, Mich., favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of 113 citizens of New Haven and other cities of Connecticut, favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the city council of Denver, Colo., favoring the passage of House bill No. 3273, to classify clerks in first and second class post-offices—to the Committee on Rules.

Also, petition of Augustus H. Porter and 153 other citizens of New Haven, Conn., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska (by request): Petition of citizens of Falls City, Nebr., praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of Thad Butler and 100 other citizens of Huntington, Ind.; also resolution of the New Orleans Chamber of Commerce, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLER: Sundry petitions of citizens of Youngstown, Canton, Clarkson, Canal Fulton, Alliance, Petersburg, Louisville, Osnaburg, Salem, and Struthers, in the State of Ohio, praying for the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protests of citizens of Youngstown and Canton, Ohio, against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petition of Thomas M. Cohen and other citizens of Little Rock, Ark., favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: Petition of T. C. Rainey and others, of Marshall, Mo., praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of Charles Reinecke, of Elkader, Iowa, urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, sundry petitions of S. V. Potter, E. C. Bailey, and 24 other citizens of Decorah; J. G. Hempel, H. S. Merritt, and 64 others, of Elkader; T. L. Bingham, T. E. Mitchell, and 32 others, of Northwood; Jacob Meyer, E. B. Olson, and 30 others, of Calmer; E. B. Webster, W. R. Mead, and 40 others, of Cresco; C. E. Phelps, R. Shortley, and 64 others, of New Hampton, in the State of Iowa, praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of E. T. Browning and others, citizens of Lees Summit, Mo., asking for the passage of the Cullom and Sherman bills, to prevent the illicit sale of railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of Carl G. Clarke, of Perry, N. Y., asking for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Petition of the Chamber of Commerce of Nashville, Tenn., in regard to Cumberland River improvements—to the Committee on Rivers and Harbors.

Also, petition of W. H. Lylye and other citizens of Donelson; William Holt and others, of Pegram; C. M. Finger and others, of Smartt; R. Z. Brown and others, of Huntington, all in the State of Tennessee, and resolution of the New Orleans Board of Trade, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Sundry petitions of W. B. Wright and 49 other citizens of Effingham; William McCaughey and others, of Crawford County; R. H. Osborne and others, of Cumberland County, State of Illinois, in favor of the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of George H. Redick, late of Company F, Seventy-ninth Illinois Volunteers, praying for an increase of pension—to the Committee on Invalid Pensions.

By Mr. WOOMER: Resolution of Heitner Post, No. 232, Grand Army of the Republic, of Lykens, Pa., in favor of the passage of House bill No. 9209, granting a pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. YOAKUM: Petition of G. L. Marshall and 40 other citizens of Celeste; also of J. H. Nail and others, of Wolfe City; also of J. P. Regan and 40 others, of Greenville, in the State of Texas, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNOLLY: Petition of B. W. Bevans and 95 other citizens of Decatur, Ill.; also petition of E. A. Vanderveer and 90 others, of Taylorville, Ill., in favor of the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *February 18, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

THE REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, certain information in relation to the United States Revenue-Cutter Service; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The message also announced that the House had passed the joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1981) to provide for the use and occupation of reservoir sites reserved; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Racine, Beaverdam, Kenosha, and Burlington, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. DAVIS presented a petition of sundry citizens of Lac qui Parle County, Minn., praying that adequate protection be given to the sugar industry of the United States; which was referred to the Committee on Finance.

He also presented petitions of the Commercial Club of St. Paul, of Rev. Elijah B. Jones and sundry other citizens, and of sundry citizens of Winona, Minneapolis, Lyle, and Lake City, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BAKER presented sundry petitions of citizens of Fort Scott, Hutchinson, Ottawa, Mound City, and Columbus, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented a petition of the board of education of Grand Rapids, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. COCKRELL presented sundry petitions of citizens of Carthage, Nevada, Cameron, Chillicothe, Gallatin, and Joplin, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. WALTHALL presented a petition of sundry citizens of Corinth, Miss., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MORRILL. I present the petition of M. Ross Fishburn, pastor of the Mount Pleasant Congregational Church, of this city, representing the standing committee of that church of 211 members, and the petition of Austin T. Foster and a large number of citizens of Derby Line, Vt., praying for the prohibition of the sale of alcoholic liquors in the Capitol building and grounds. As the bill on this subject has already been reported, I move that the petitions lie on the table.

The motion was agreed to.

Mr. ALDRICH presented a petition of the officers of sundry societies and churches of Rhode Island, and a petition of the officers of sundry societies and churches of Middletown, R. I., praying for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented a petition of the officers of sundry churches and societies of Rhode Island; a petition of the officers of sundry churches of Providence and Olneyville, R. I., and a petition of the officers of sundry churches and societies of Middletown, R. I., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the officers of sundry churches and societies of Rhode Island, and a petition of the officers of sundry churches and societies of Middletown, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the officers of sundry churches and societies of Rhode Island, a petition of the officers of sundry churches of Providence and Olneyville, R. I., and a petition of the officers of sundry churches and societies of Middletown, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. BATE presented sundry petitions of citizens of Quebeck, Lavergne, Wildersville, Belvidere, Dunlop, Collersville, Leeville, Wartrace, and Sparta, all in the State of Tennessee, and a petition of Memphis Division, No. 175, Order of Railway Conductors, of Memphis, Tenn., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of Rev. E. Richards, representing the Congregational church of White City, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Chanute Division of Railway Conductors of America, through John C. Kansey, chief conductor; of W. J. Moore and sundry other citizens of Columbus, and of W. H. Eagan and sundry other citizens of Hutchinson, all in the State of Kansas, and a petition of the Chamber of Commerce of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER. I wish to call the attention of the Senate to the fact that a large majority of the petitions of this character come from railway employees, such as conductors, engineers, section hands, shop hands, etc., and not from the managers of the companies themselves. I think it is suggestive, to say the least, in favor of the employees.

Mr. SEWELL presented the petition of J. H. Lippincott and 56 other citizens of Camden, N. J., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented the petition of William Lunger and 52 other citizens of Plainfield, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of E. H. Chambers and sundry other citizens of Lumberton, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of E. H. Chambers and sundry other citizens of Lumberton, N. J., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Oakhurst, Elberon, Asbury Park, Interlakin, Sperry Lake, Redbank, Greenwich, Point Pleasant, Toms River, Longbranch, Cliffwood, Matawan, North Amboy, South Amboy, Keyport, and Hazlet, all in the State of New Jersey; a petition of the Chamber of Commerce of New Orleans, La., and a petition of the Board of Trade of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Baptist Ministers' Conference of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of West Brookfield, Mass., praying for the enactment of legislation to raise the age of consent to 21 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Amherst, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Prudential Assembly, No. 118, Royal Society of Good Fellows, of New Bedford, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of 18 citizens of Boston, Mass., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the board of managers of the National Temperance Society, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of Division No. 29, Ancient Order of Hibernians, of Philadelphia, Pa., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of A. T. Moorhead & Son, publishers of the Indiana Press, of Indiana, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Calais, Me., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union of the District of Columbia, praying for the repeal of the laws compelling seamen, under pain of criminal punishment, to fulfill contracts of labor; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of sundry business firms of Springfield, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of members of the Bethlehem Church, of Cleveland, Ohio, and a petition of sundry citizens of Brighton, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry memorials of citizens of Defiance, Edon, West Unity, Antwerp, and Ottawa, all in the State of Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Medina, Chatham, Cincinnati, Toledo, New Bremen, and Xenia, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. ALLEN presented a petition of Lincoln Lodge, No. 15, Business Men's Fraternity, of Lincoln, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Pawnee County, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

Mr. VOORHEES presented a petition of Star Lodge, No. 457, Brotherhood of Locomotive Firemen, of Seymour, Ind., praying for the enactment of legislation punishing contempts of court, for the appointment of an impartial, nonpartisan industrial commission, and for the appointment of an international arbitration commission; which was ordered to lie on the table.

He also presented the petition of W. H. Quigg, secretary of the Indiana division of the Travelers' Protective Association of America, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of J. B. Stoll, publisher of the Times, of South Bend, Ind.; a petition of the Stolz-Schmitt Furniture Company, of Evansville, Ind., and a petition of the Crescent Furniture Company, of Evansville, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Rev. C. D. Case, of South Bend; of sundry citizens of Indianapolis, Hobart, Elkhart, Covington, Woodburn, Auburn, Portland, Kirklin, Huntington, Butler, Fort Wayne, Warren, and Delphi, all in the State of Indiana; a petition of the Chamber of Commerce of Louisiana, and a petition of the Board of Trade of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of Houghton, Mifflin & Co., publishers, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petitions of Myron Williams, publisher of the Texas Panhandle, of Miami; of Robert Penniger, publisher of the Fredericksburger Wochenblatt, of Fredericksburg; of George P. Barber, publisher of the Seymour News, of Seymour; of Tom B. Lusk, publisher of the Herald, of Italy, and of A. W. Crockett, publisher of the Graphic, of Granbury, all in the State of Texas, praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the petition of Wilkinson & Oustopp, publishers of the Democrat, of Petersburg, Ill., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of H. S. Hooper, of Galesburg; of Post C, Illinois Division, Travelers' Protective Association, of Chicago, Ill., and of Post L, Illinois Division, Travelers' Protective Association, of Bloomington, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petitions of I. D. Johnson, of Harvey; of Carl H. Corwin, of Geneva, and of E. S. Ransom, of Chicago, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented sundry petitions of citizens of Brunswick, California, Carthage, Desoto, Fayette, Gallatin, Glasgow, Joplin, Moberly, Nevada, Otterville, Pleasant Hill, Salisbury, Sedalia, St. Joseph, St. Louis, Warrensburg, Washington, and Wells Valley, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented the petition of H. Willard Sons & Co. and 12 other citizens of Marshalltown, Iowa, praying for the passage of the so-called Dingley tariff bill; which was ordered to lie on the table.

Mr. TURPIE presented a petition of the Woman's Christian Temperence Union of Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, Ind., and a petition of Star Lodge, No. 457, Brotherhood of Locomotive Firemen, of Seymour, Ind., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented the memorial of J. A. Allison and sundry other citizens of Indianapolis, Ind., and a memorial of Houghton, Mifflin & Co., publishers, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of C. H. Scherer and sundry other citizens of Covington; of A. Rump, of Indianapolis; of Rev. Allan Douglas Carlile and sundry other ministers of New Albany; of Rev. John Gabriel and sundry other citizens of St. Joseph Hill; of W. K. Hoyt and sundry other citizens of Mishawaka; of Rev. H. G. Pollock, of Shelbyville, and of Lester Hollar, of Burdick, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. McBRIDE presented a petition of the Friends' Society, of Newberg, Oreg., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Friends' Society, of Newberg, Oreg., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ashland, Oreg., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. DANIEL presented a petition of the Grand Council, Royal Arcanum, of Virginia, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented the petition of Rev. R. H. Heming, Rev. W. H. B. Smith, and sundry other pastors of the churches of Lynchburg, Va., and a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the memorial of J. F. Battley, J. W. Davenport, and sundry other citizens of Norfolk, Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Broaddus & Berrey, publishers of the Page Courier, of Luray, Va., and the petition of Edwards & Fiveash, publishers of the Public Ledger, of Norfolk, Va., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 664) to remove the charge of desertion against Joseph Riese, alias Julius Rosier, late of Company D, Second Regiment New Jersey Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the amendment submitted by the Senator from Maine [Mr. FRYE] on the 16th instant, intended to be proposed to the sundry civil appropriation bill, to report it favorably. I ask that the amendment be printed and referred to the Committee on Appropriations, and that the letter of Maj. J. H. Willard, United States Corps of Engineers, at Vicksburg, Miss., which accompanies it, be printed as a document.

The VICE-PRESIDENT. It will be so ordered.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 9703) to provide for light-houses and other aids to navigation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3700) to provide for aids to navigation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SEWELL on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 12th ultimo, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. ALLEN on the 22d ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported it without amendment.

Mr. QUAY. The Committee on Commerce, I think, this morning instructed the Senator to ask that the bill be immediately put on its passage. I will mention to the Senator from Wisconsin [Mr. VILAS] that it is the bill relating to the extension of the time for the completion of the bridge at Duluth. I do not desire to put it upon its passage to-day unless he agrees to it.

Mr. VILAS. I hope the Senator from Pennsylvania will be willing to let the bill stand until Monday next. By that time I am quite confident I shall have received an answer to the letters I have written, and I believe I shall be under no necessity to make any objection to the bill.

Mr. QUAY. It will go over, then, until Monday next.

The VICE-PRESIDENT. Meanwhile, the bill will be placed on the Calendar.

Mr. MURPHY, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FRYE on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. WHITE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PERKINS on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

GEORGE I. SPANGLER.

Mr. COCKRELL. By direction of the Committee on Military Affairs, I report back favorably, with an amendment, the bill (H. R. 4424) to correct the military record of George I. Spangler. As this soldier is reported to me to be in a critical condition, and an amendment has to be made to the bill, I ask that it may be put upon its passage. I hope there will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, after the word "to," in line 4, to strike out the remainder of the bill and insert:

> Revoke and set aside so much of General Court-Martial Orders, No. 4, Headquarters Army of the Potomac, dated January 20, 1865, as approved the proceedings, findings, and sentence of the general court martial convened under Special Order No. 9, Headquarters Third Division, Ninth Army Corps, December 27, 1864, dismissing George I. Spangler, first lieutenant of Company K, Two hundredth Regiment Pennsylvania Volunteers, with the loss of three months' pay and allowances, and announced that he ceased to belong to the military service of the United States from that date, and to issue to him a certificate of honorable discharge as of date January 20, 1865, and to correct his military record accordingly

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NEW YORK ASSOCIATION OF SEWING SCHOOLS.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes, to report it favorably without amendment, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides

that all articles of needlework and similar articles which have been made by pupils in the schools of Europe, which have or shall be imported from Europe for the sole purpose of exhibition by the New York Association of Sewing Schools, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe for the due exportation thereof at the close of such exhibition.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'LAIN.

Mr. PALMER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 8037) for the relief of John McLain, alias Michael McLain, to report it favorably without amendment and recommend its passage. Inasmuch as it is a bill in which Mr. BURRELL, of the other House, is very much interested, and his service will end with the present Congress, I ask unanimous consent for its immediate consideration. There is a careful report accompanying the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion from the military record of John McLain, alias Michael McLain, late a member of Company D, Tenth Illinois Infantry, and Company I, Thirteenth Missouri Cavalry, and grant him an honorable discharge as of date October 22, 1864, the date he suffered an amputation of his left arm by reason of gunshot wounds received while engaged with his command against the enemy at the battle of Independence, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH M'LAUGHLIN.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1515) for the relief of Hugh McLaughlin, to report it favorably with an amendment. It is a bill to remove the charge of desertion, and on account of the amendment I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant an honorable discharge to Hugh McLaughlin, late sergeant Company B, Fourth Regiment New Jersey Veteran Volunteer Infantry.

The amendment of the Committee on Military Affairs was to add at the end of the bill:

> To date from November 29, 1864

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RESERVOIR AT GULL LAKE, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 3683) to amend the river and harbor act of August 18, 1894. It is a very short bill, a local bill, and I ask that it may receive immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal the provision that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for the reservoir and dam at Gull Lake, head waters of the Mississippi River, in the State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3708) to remove the charge of desertion from the record of Frank Ferrin, of Omaha, Nebr., alias Cyrus F. Dunby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3709) granting a pension to Mary J. C. Throop; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BATE (by request) introduced a bill (S. 3710) for the relief of Sarah McClay, administratrix of Robert McClay, deceased, late of Davidson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3711) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3712) for the relief of John Zimmerman, of Madison County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXTENSION OF MAIL SERVICE.

Mr. VILAS. I ask unanimous consent to dispose of the bill (S. 1811) to extend the uses of the mail service. This bill was read at length, as in Committee of the Whole, and the amendments in part agreed to when it was objected to by the Senator from Nebraska [Mr. ALLEN], who, as I am advised, has since given the subject consideration and finds no reason to object to the bill. The bill having already been read, it will occupy but little time.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Wisconsin?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 2, line 6, after the word "dollars," to insert "or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe;" so as to read:

> That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery.

The amendment was agreed to.

The next amendment was, in section 2, line 11, before the word "days," to strike out "thirty" and insert "ten;" so as to read:

> Upon failure at any time for ten days to redeem said coupons in cash, the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "be," to strike out "covered by letters patent of" and insert "patented or now or hereafter owned by;" and in line 4, after the word "association," to insert "or its successor;" so as to make the section read:

> That said association shall pay postage upon each and every piece of matter passing through the mails which shall be patented or now or hereafter owned by said association or its successors.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the word "weekly," to insert "or monthly;" so as to make the section read:

> That said association shall, if required by the Postmaster-General, at all times keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of said coupons daily or weekly, or monthly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the following act:

An act (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896.

BILL BECOME A LAW.

The message also announced that the bill (S. 361) for the relief of Silas P. Keller, having been presented to the President February 5, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution, has become a law without his approval.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. QUAY. Before the motion is put, I will state to the Senate that previously to the notice given by the Senator from Ohio that he would move to proceed to the consideration of executive business to-day, I had given notice that to-day, upon the conclusion of the morning business, I would call up the labor commission bill. But as I understand that the session of the Senate to-day will possibly be productive of results in the business to which it is to address itself, I will not collide with the Senator from Ohio on his motion, but will make my motion as soon as the Senate returns into legislative session.

Mr. PETTIGREW. I think it is my duty to state that I shall try to get up the Indian appropriation bill immediately after the executive session. I gave notice to this effect some days ago.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six hours spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry; further insists upon its amendment to the said bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot of gunboat *Lexington*.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2037) to provide times and places for holding terms of the United States courts in Utah;

A bill (H. R. 7864) to amend the immigration laws of the United States; and

A bill (H. R. 9613) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 719) to restore a pension to Harriet M. Knowlton;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 2645) granting a pension to Jane H. Vandever;

A bill (S. 2842) to provide for the relief of Daniel T. Tollett;

A bill (S. 2928) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1104) granting an increase of pension to Isaac N. Williams;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 3108) granting an increase of pension to Jesse Durnell;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5981) granting an increase of pension to Elihu Jones;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 6069) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6789) for the relief of Dr. Harrison Wagner;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 8250) for the relief of William Gemmill;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons;

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its next annual encampment, to be held this year in that city.

On motion of Mr. SHERMAN, the Senate (at 6 o'clock and 25 minutes p. m.) adjourned until to-morrow, Friday, February 19, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1897.

CONSUL.

Thomas Willing Peters, of the District of Columbia, formerly commercial agent of the United States at Plauen, Germany, to be consul at that place.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Reuben Banker Turner, Sixth Infantry, to be captain, January 12, 1897, vice Wagner, Sixth Infantry, appointed assistant adjutant-general, who resigns his line commission.

First Lieut. Daniel Alfred Frederick, adjutant Seventh Infantry, to be captain, January 28, 1897, vice Williams, Seventh Infantry, promoted.

First Lieut. Edgar Hubert, Eighth Infantry, to be captain, February 4, 1897, vice Corliss, Eighth Infantry, promoted.

Second Lieut. Frederick S. Wild, Seventeenth Infantry, to be first lieutenant, January 12, 1897, vice Turner, Sixth Infantry, promoted.

Second Lieut. William Orlando Johnson, Nineteenth Infantry, to be first lieutenant, January 29, 1897, vice Goodin, Seventh Infantry, appointed adjutant.

Second Lieut. James Robert Lindsay, Fourteenth Infantry, to be first lieutenant, February 4, 1897, vice Hubert, Eighth Infantry, promoted.

Candidate Sergt. James W. Clinton, Troop F, Fourth Cavalry, to be second lieutenant, February 16, 1897, vice Alexander, Seventh Infantry, promoted.

Candidate Sergt. Alexander T. Ovenshine, Company C, Twenty-first Infantry, to be second lieutenant, February 16, 1897, vice Wild, Seventeenth Infantry, promoted.

Candidate Corpl. Henry E. Eames, Troop E, Fourth Cavalry, to be second lieutenant, February 16, 1897, vice Johnson, Nineteenth Infantry, promoted.

Candidate Sergt. Robert Field, Troop H, Eighth Cavalry, to be second lieutenant, February 16, 1897, vice Lindsay, Fourteenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

P. A. Surg. Lloyd W. Curtis, to be a surgeon in the Navy from the 16th day of February, 1897, vice Surg. Robert Whiting, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1897.

DISTRICT JUDGE.

Charles F. Amidon, of North Dakota, to be United States district judge for the district of North Dakota.

CONSUL.

Thomas Willing Peters, to be consul of the United States at Plauen, Germany.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Acting Second Asst. Engineer Samuel M. Rock, of Pennsylvania, to be a second assistant engineer in the Revenue-Cutter Service.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Col. George Henry Weeks, assistant quartermaster-general, to be Quartermaster-General.

Lieut. Col. James Grafton Carleton Lee, deputy quartermaster-general, to be assistant quartermaster-general.

Maj. James M. Marshall, quartermaster, to be deputy quartermaster-general.

Capt. John Wesley Pullman, assistant quartermaster, to be quartermaster.

Lieut. Alfred M. Palmer to be assistant quartermaster.

POSTMASTERS.

John G. Cobler, to be postmaster at Everett, in the county of Butler and State of Pennsylvania.

Robert M. Cameron, to be postmaster at Belmond, in the county of Wright and State of Iowa.

Jessie L. Reese, to be postmaster at Velasco, in the county of Brazoria and State of Texas.

John M. White, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania.

George E. Sweeting, to be postmaster at Dolgeville, in the county of Herkimer and State of New York.

Francis J. Kettner, to be postmaster at Woodhaven, in the county of Queens and State of New York.

William E. Mills, to be postmaster at Rose Hill, in the county of Onondaga and State of New York.

Joshua H. Alexander, to be postmaster at Troy, in the county of Lincoln and State of Missouri.

James S. Gale, to be postmaster at Milford, in the county of Pike and State of Pennsylvania.

John G. Duff, to be postmaster at Britt, in the county of Hancock and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 18, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I rise to a privileged report. I am directed by the Committee on Appropriations to report the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, and I desire to give notice that to-morrow morning I will ask the House to resolve itself into Committee of the Whole for the consideration of the bill, hoping to pass it before the week closes.

Mr. PAYNE. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] presents the general deficiency bill, which will be printed and referred to the Committee of the Whole House on the state of the Union, with all points of order reserved.

FOREIGN PASSPORT REGULATIONS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the report which I send to the desk.

The report was read, as follows:

The Committee on Printing having had under consideration House joint resolution No 25, to print, under the direction of the Department of State, a special edition of 6,000 copies of reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries, 3,000 copies for the Department of State and 3,000 copies for the use of Congress, recommend that the same be agreed to.

The Public Printer estimates the cost of the work called for by this resolution at $540.

Resolved, That there be printed, under the direction of the Department of State, a special edition of 3,000 copies of the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries for the Department of State, and 3,000 copies for the use of Congress, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House.

Mr. PERKINS. Mr. Speaker, this joint resolution was introduced by the chairman of the Committee on Foreign Affairs, and it is accompanied by a message from the President and a letter from the Secretary of State, which probably it is unnecessary to read at this time.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution (S. R. 205) enabling the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10010) granting an increase of pension to George W. Ferree, had agreed to the conference asked by the House of Representatives, and had appointed Mr. BAKER, Mr. PALMER, and Mr. PEFFER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 8197) for the relief of John J. Guerin.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes.

ORDER OF BUSINESS.

Mr. ROYSE. I think we had better proceed with the regular order, Mr. Speaker, and dispose of this election case.

Mr. CURTIS of Iowa. I hope the gentleman will withdraw the demand for a moment, until I submit a conference report.

Mr. ROYSE. I will withdraw it for a conference report, which the gentleman from Iowa desires to submit.

The SPEAKER. If the gentleman will permit a bill which is on the Speaker's table, which should have been presented yesterday morning, to be laid before the House?

Mr. ROYSE. Certainly.

JESSE DURNELL.

The SPEAKER laid before the House the bill (H. R. 3108) granting a pension to Jesse Durnell, late second-class pilot on the gunboat *Lexington*, with Senate amendment proposing to strike out "twenty-four" and insert "twenty;" so as to make a pension at the rate of $20 per month.

Mr. WOOD. I move that the Senate amendment be concurred in.

The motion was agreed to.

On motion of Mr. WOOD, a motion to reconsider the last vote was laid on the table.

BILLIARD AND POOL ROOMS IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I wish to submit a conference report, which I send to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same as amended as follows: Strike out the matter proposed to be inserted; also strike out of section 4 of the bill only the words "or a room connected with or opening out of or adjacent to such rooms;" and that the Senate agree to the same.

G. M. CURTIS,
A. MILNES,
J. H. HULING,
Managers on the part of the House.
ISHAM G. HARRIS,
GEO. PEABODY WETMORE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill to license billiard and pool tables in the District of Columbia, and for other purposes, was introduced at the instance of the Commissioners of the District of Columbia, who desired to obtain a hold over the proprietors of billiard tables and other like games, and also to obtain additional revenue for the District.

The present law provides that no licensee under a barroom license shall employ, or permit to be employed, or allow any female or minor under 18 years of age, or person convicted of crime, to sell, give, furnish, or distribute any intoxicating drinks, or any admixture thereof, ale, wine, or beer to any person or persons, nor permit the playing of pool, or billiards, or other games in the room where such liquors are sold: *Provided*, That the excise board may, in its discretion, permit the playing of such games, except cards, in duly licensed places.

The bill as agreed to in conference goes further than the existing law, and provides that neither billiards nor any other like game shall be permitted in any room where liquors are sold.

Mr. CURTIS of Iowa. I move the adoption of the conference report.

The report was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK as conferees on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

MARY O. H. STONEMAN.

Mr. CROWTHER. Mr. Speaker, I desire to submit a conference report——

The SPEAKER. Unless the gentleman from Indiana claims the floor——

Mr. ROYSE. I did not understand that I could claim the floor. But I will yield for a conference report.

The SPEAKER. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 26) granting a pension to Mary O. H. Stoneman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the amount proposed to be inserted insert "fifty;" and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.
GEO. L. SHOUP,
JNO. L. MITCHELL,
Managers on the part of the Senate.

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $75 per month, which was reduced by the House to $30. The effect of the conference report is to grant the beneficiary $50, being in the nature of a compromise, the Senate making a concession of $25 and the House conceding $20.

The managers on the part of the House have been led to make this concession because of the necessities of the claimant and the long and meritorious service of the soldier, who entered the Army in 1846, and was promoted several times for gallant conduct on the field of battle. He was appointed major-general on March 13, 1865.

The report was agreed to.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

MAJ. GEN. JULIUS H. STAHEL.

Mr. CROWTHER. I send up another conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1624) granting an increase of pension to Maj. Gen. Julius H. Stahel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy five;" and the House agree to the same.

HENRY F. THOMAS,
GEO. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.
J. H. GALLINGER,
J. C. PRITCHARD,
JOHN M. PALMER,
Managers on the part of the Senate

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $100 per month. It was reported favorably by the Committee of the Whole at that figure, but reduced by the House to $50. The effect of the conference report is to grant the beneficiary $75 per month, being in the nature of a compromise, the Senate making a concession of $25 and the House conceding a like amount.

The managers on the part of the House have been led to make this concession because the pension is for the soldier himself, whose military record is an excellent one. He held the rank of major general, is now 71 years of age, and totally incapacitated by reason of disabilities contracted and incurred in the line of duty. He receives $50 per month under a special act passed by the last Congress.

The conference report was agreed to.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 8037) for the relief of John McLain, alias Michael McLain.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 4424) to correct the military record of George I. Spangler; and

A bill (H. R. 1515) for the relief of Hugh McLaughlin.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3683) to amend the river and harbor act of August 18, 1894; and

A bill (S. 1811) to extend the uses of the mail service.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3108) granting an increase of pension to Jesse Darnell;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

Joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment to be held this year at that city;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 1104) granting an increase of pension to Isaac N. Williams;

A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons;

A bill (H. R. 6780) for the relief of Dr. Harrison Wagner;

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1299) to pension Harriett Woodbury, of Windsor, Vt.;

A bill (H. R. 8250) for the relief of William Gemmill;

A bill (H. R. 416) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 8388) for the relief of William G. Rock;

A bill (H. R. 5981) granting an increase of pension to Elihu Jones;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 7861) to amend the immigration laws of the United States;

A joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies;

A bill (S. 2928) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 719) to restore a pension to Harriet M. Knowlton;

A bill (S. 2037) to provide times and places for holding terms of the United States courts in Utah;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof in exchange for other rifles now held;

A bill (S. 2832) to provide for the relief of Daniel T. Tollett;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman; and

A bill (S. 2645) granting a pension to Jane H. Vandever.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill S. 1501 Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK.

ORDER OF BUSINESS.

Mr. ROYSE rose.

The SPEAKER. Does the gentleman from Indiana [Mr. ROYSE] desire to proceed?

Mr. ROYSE. I do.

The SPEAKER. The gentleman from Indiana [Mr. ROYSE] has the floor.

Mr. CATCHINGS. Before the gentleman proceeds, I desire to ask that the Chair lay before the House the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River, so that the conferees may be appointed and the bill sent to conference.

The SPEAKER. The gentleman from Indiana [Mr. ROYSE] has the floor.

Mr. CATCHINGS. I desire to ask unanimous consent, Mr. Speaker.

Mr. ROYSE. Well, I desire to proceed now, Mr. Speaker.

The SPEAKER. The gentleman from Indiana.

CONTESTED-ELECTION CASE—HOPKINS VS. KENDALL.

The House proceeded to the consideration of the contested-election case of Hopkins *vs.* Kendall, from the Tenth Congressional district of Kentucky.

Mr. ROYSE. Mr. Speaker, upon one question there is no disagreement among the members of this committee. We all agree that this ballot was fraudulently prepared, that the clerk violated the law in every respect in the preparation of this ballot; and I can not express it in any stronger terms than it was expressed by the gentleman from New York [Mr. DANIELS], the chairman of the committee, who represents the majority, when he said on yesterday:

> Now, there is no doubt of the evidence produced on the hearing that this was an entire fabrication on the part of the clerk; that it was not a genuine execution of the law, but that the tickets were so made up to mislead these people on the morning of election, who would be informed that the Republican ticket would be indicated by the heading of an eagle about to fly, to vote the spurious ticket instead of that which they desired to vote and which actually represented their party. So that here was a transparent fraud on the part of the clerk.

That is the condition of that ticket prepared by the clerk of Clark County in utter violation of the law.

Now, in order to understand the full extent of this fraud, let me recite some of the facts that are uncontradicted in the record. The convention which nominated the contestant was held in June, the certificate of his nomination was filed with the clerk of Clark County. In that certificate of nomination the Republican party that nominated him declared that their emblem was the eagle about to fly.

Prior to that time, in 1892, the Republican party, in its State convention, had selected this as the party emblem, and it had been used from that time until 1894. The law of Kentucky expressly provides that when one party has selected an emblem for its use at a State convention, that emblem shall continue to be used until it is changed by order of a State convention. This fact was well known to that clerk of Clark County, because he has come before us and solemnly sworn that he knew that that emblem was adopted by the Republican party in 1892; that he knew it had been used by that party from that time down until 1894, and when he prepared this ballot he had before him the nomination of the contestant regularly certified, by which he could learn that the Republican party of this district still adhered to the emblem of the eagle about to fly. But in Clark County a small fraction of the Republican party were dissatisfied. This dissatisfaction, however, only extended to the local officers of Clark County. The Democratic leaders of that county, discovering the dissatisfaction, seized hold of it as an opportunity for widening the breach. So they encouraged these dissatisfied negroes to call a county convention of their own, and told them that if they called that convention and nominated their own ticket they would see to it that that ticket had the regular Republican emblem.

That convention was accordingly called. It nominated a ticket and then dissolved. But as soon as the nomination was made it was discovered by the Republicans who went into that movement that it was engineered by the leaders of the Democratic party of that county, and in large numbers they abandoned the movement. It became evident that this ticket could not be gotten upon the official ballot simply by that nomination. That faction had not cast 2 per cent of the vote of that county at the preceding election, and so it could not get its candidate on the ticket by nomination. The only way in which it could secure a place upon the official ballot was by petition, and when it was learned by the Democratic leaders that this faction were abandoning the movement because it was engineered by the Democratic leaders of that county, they called together some of the leaders of this faction. They met in the office of one Mr. Pendleton, then the chairman of the Democratic county committee. He called this committee together and said to them that they must go ahead with their ticket, and promised each one of them $10 if they carried it through. Afterwards, it is said, some money was paid upon this agreement, but how much the evidence does not disclose.

Accordingly, petitions were drawn up asking that this ticket be placed upon the official ballot, and the evidence discloses that these petitions were drawn up in the handwriting of some Democratic leader of that county. These petitions were circulated, and in the body of these petitions they asked that the name of the contestant be placed upon the ticket as the candidate for Congress.

It is perfectly clear from the evidence that this faction of the Republican party were friendly to the contestant. They all wanted to vote for him and expected by means of that petition to get his name upon the ticket. But they were ignorant. They were unacquainted with the law or with the steps to be taken in order to get their candidate for Congress upon the official ballot. The law of Kentucky only requires a hundred names to a petition for county officers, but 400 names shall be signed to a petition before a candidate for Congress could go upon an official ballot. It is perfectly clear from the evidence that these ignorant negroes did not know that was the law, for they circulated their petitions and only obtained 104 signers to all the petitions they circulated. In that case the candidate for Congress could not go upon the official ballot, notwithstanding the petition recited that fact. These petitions were filed with the county clerk, and nobody knew what action he was about to take.

It is stated by the gentleman from New York, who represents the majority, that all these petitions asked for the emblem of the "eagle about to fly." It is not true. They did not ask for that emblem. Doubtless they expected to secure it; doubtless they thought their petitions were sufficient to secure it; but yet they were not. I want to read to the House what they say in each one of these petitions. Only three of them were circulated. I want to read to you just what they say in these petitions in reference to this emblem. They describe the emblem in the first petition that it be "delegated under the flop of the picture of an eagle." That is their petition. Does that show that they wanted the "eagle about to fly?" Remember this petition says, "and the ticket shall be 'delegated.'" What does that mean? I do not know. The ticket shall be under "the flop of the picture of an eagle." Remember, it is the "picture" that is to "flop" and not the "eagle" itself. And then we come to the next petition. "Straight Republican ticket, designated under the picture of an eagle." That is all it says. By the "picture of an eagle;" and the same description is given in the third and last petition. Now read the certificate of nomination made up by the officials of the Republican convention that nominated Mr. Hopkins, the contestant. "Title of the party, Republican; device, the 'eagle about to fly.'" There is no uncertainty about the Republican selection. It is the "eagle about to fly."

Now, these were the petitions filed by the county court clerk, and notwithstanding that fact he goes to work and puts the Republican emblem upon the ticket that was petitioned for, and he leaves the place where the name of a Congressman should appear entirely blank, so that every man that voted that ticket could not vote for Congressman, although he intended to vote for him.

INAUGURATION CEREMONIES.

Mr. CANNON. Mr. Speaker, may I ask the gentleman to yield to me—not to be taken out of his time, just for a moment—to pass a Senate joint resolution on account of the inauguration? We can do it in two minutes.

Mr. SAYERS. It will not take two minutes.

Mr. ROYSE. Very good; I yield for that purpose.

Mr. HENDERSON. It is necessary to pass it so as to get good stands.

Mr. CANNON. Mr. Speaker, I am directed by the Committee on Appropriations to report back a Senate joint resolution to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies, and I ask unanimous consent to place it upon its passage.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, reports back Senate joint resolution 201, and asks unanimous consent for its present consideration. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1897, in accordance with the programme adopted by the committee of arrangements appointed under resolution of the Senate of the 10th day of December, 1896, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $5,000, or so much thereof as may be necessary, the same to be immediately available.

Mr. CANNON. I have only to say that the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Pennsylvania [Mr. DALZELL] informed me that they have looked into this matter, and that it ought to pass, and it carries about the usual amount. I ask that the resolution may be put on its passage.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time.

Mr. GROSVENOR. Mr. Speaker, there is no possibility that anybody here has the slightest knowledge of what that resolution is.

Mr. CANNON. I will tell the gentleman in just a moment.

The SPEAKER. One moment. The gentleman is right, and the House is not in order. It is impossible to hear what is said while members do not preserve order. Gentlemen will please take their seats. The Clerk will read the resolution again.

The resolution was again read.

Mr. CANNON. Now, Mr. Speaker, if there is no question about it, I ask that it be placed on its passage.

Mr. GROSVENOR. Mr. Speaker, I do not see that any question that was sought to be raised can be raised upon this resolution.

The SPEAKER. The question is on the passage of the resolution.

Mr. COX. Mr. Speaker, before the resolution is passed, I see the appropriation there is $5,000 for the purpose of paying police at $3 a day. Now, it does seem to me that the resolution ought to be qualified and say, "or so much thereof as may be necessary."

Mr. SAYERS. That is in there.

The SPEAKER. That is in the resolution.

The question was taken on the passage of the resolution; and it was accordingly passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. LACEY. I ask the gentleman if he will not yield to me long enough for the presentation of a conference report?

Mr. ROYSE. I think I can not do that.

The SPEAKER. The gentleman declines to yield.

CONTESTED-ELECTION CASE—HOPKINS VS. KENDALL.

Mr. ROYSE. Mr. Speaker, I was stating the fact that these petitions were not sufficient to secure the emblem of the "eagle about to fly." I want to state another fact. These petitions were not sufficient to admit this ticket upon the official ballot at all. The law of Kentucky provides that, in order to get the ticket for local offices upon the official ballot, the petition shall be signed by 100 legal voters of the county, and then it expressly provides that no signer of the petition shall be counted unless he gives his post-office address and residence. Ten of the men who signed their names to these petitions failed to give their post-office address, and, under the express language of the statute, those names can not be counted. The total number of names attached to these petitions is 104. Strike out the 10 that can not be counted and you have left only 94; so that the petitions were not sufficient. Though they had recommended the proper device, they were not sufficient to warrant that ticket being placed upon the official ballot, and the act of the clerk in placing that ticket upon the official ballot was entirely unwarranted.

Now, the Republican party knew nothing of this transaction of the clerk until the morning of the election. Every Republican in that county of Clark believed that the emblem of his party would appear at the head of his ticket. These ballots, under the law, were to be distributed and sent to the precincts three days before the election. The law provided, also, that accompanying these ballots should be eight "instructive ballots"—ballots prepared for the instruction of the voters, sample ballots, and that these also should be sent out three days before the election.

Mr. MOODY. If the gentleman will pardon a correction, it is "within three days," not "three days before."

Mr. ROYSE. Well, within three days. I do not care whether it is within three days or, as I stated it, three days before. These ballots should have been at each precinct three days prior to the election, and the sample ballots should have been sent with them, but the ballots were not sent out until the morning of the election, and even then not a single sample ballot was sent with the bundles of ballots—not one. There were no sample ballots at a single precinct in Clark County except one, and the way they got there was that the officers of election went to the clerk on the morning of election day and obtained the sample ballots and took them out to the precinct. That was the condition of things on the morning of the election as the Republicans marched to the polls to vote their ticket.

Now, the question is, first, How many votes did the contestant lose by this fraudulent transaction? I shall maintain hereafter that this ticket was wholly invalid, that it was not prepared according to the directions of the law, and therefore was unofficial and consequently invalid, but for my present purpose I propose to discuss it upon the theory presented by the majority of the committee, and the question is, How many votes did the contestant lose by this fraudulent transaction? And remember one thing before we approach that question: Remember that the Republican party had a right to their emblem. It was the eagle. It was the emblem of our country. There is a degree of majesty and grandeur in that bird. It inspires patriotism in the bosom of every American citizen. The Republicans had a right to that emblem and they had a right to the use of that emblem as an appeal to the patriotism of every citizen and voter in Clark County. But that emblem was torn down from the head of their ticket and in its stead was placed the odious raccoon. [Laughter.]

Mr. HYDE. If a question will not interrupt the gentleman, I would like to ask one. What is and has been the attitude of the contestee toward these frauds, or alleged frauds?

Mr. ROYSE. I do not know. The evidence is silent upon that subject. He has got the profit of them. That is all I know.

Mr. GROSVENOR. Mr. Speaker, I hope the gentleman will modify his language with reference to that famous animal of 1840, "the same old coon." [Laughter.]

Mr. ROYSE. Mr. Speaker, if that was the only thing in question here, I would modify it, but in the particular region where this election occurred there is an odium attaching to the name of that animal. [Laughter.]

Mr. STEWART of New Jersey. Let me ask the gentleman whether that substituted emblem was not simply used as a burlesque upon the "coon?"

Mr. ROYSE. There is no question about that. It was used as a burlesque, and even the darky will fight if you call him a "coon." [Laughter.]

Mr. RAY. The gentleman has stated that he proposes to discuss the question of how many votes the Republican party lost by reason of this substitution of emblems.

Mr. ROYSE. Yes.

Mr. RAY. I would like to know whether there is any mode by which it is possible to ascertain the exact number of votes lost, or whether it must be left to pure conjecture.

Mr. ROYSE. I think it is capable of a fair demonstration.

Mr. RAY. Then is it demonstrated that enough votes were lost to change the result for member of Congress?

Mr. ROYSE. Yes; I think so. Mr. Speaker, when the Republicans went to the election on that morning they found only this ballot for them to vote. This fraudulent ballot, this iniquitous thing, was the only ballot they had. On the reverse side of this paper is the ticket as it ought to have been prepared, with only two columns to it, the rooster at the head of the Democratic ticket and the American eagle at the head of the Republican ticket; but when they came to vote, there is the ticket [exhibiting it] they were required to vote. This was not discovered until the Republican voters had gone into the booths to mark their ballots. Then there was the wildest consternation among the Republican voters. They returned from the booths and refused to vote that ticket. They gathered in groups around the polls and were harangued by Republican leaders, many of whom were indignant, chagrined, and mortified at the tremendous fraud, and advised the honest voters to go home and not vote at all. That this was done is unmistakable and indisputable. The proof of it is abundant in this record. One man says that he privately went to 12 or 15 men and advised them to go home and not to vote the ticket.

The same witness says, on another occasion, that he publicly addressed some 75 or 100 Republicans and told them to go home and not vote the Republican ticket on that day. And I want to read what another Republican leader says on the subject. The question was asked him:

> What did you do, after having discovered the character of said ballot, in advising Republicans not to vote?
>
> A. I advised them not to vote. I left that precinct and went to the Court-House precinct, Winchester precinct, and Fairfax precinct, and at each of these precincts advised the Republicans not to vote; also advised all Republicans I met on the streets not to vote.

It is unquestionable, Mr. Speaker, that a large number of the Republicans went to their homes and refused to vote that ticket. It is true that later in the day the Republican leaders undertook to rally the Republican forces and get them to the polls and have them vote the ticket. A great number did return, but how many we can not tell, nor how many were deterred from voting. But here is a significant fact——

Mr. BARTLETT of Georgia. Will the gentleman permit a question?

Mr. ROYSE. Yes.

Mr. BARTLETT of Georgia. Is it not a fact, in connection with the question the gentleman has now suggested—that is, as to the inability to tell how many Republican voters were prevented from voting by reason of this alleged fraud—that this House passed a resolution in the last days of the last session of Congress, in which they extended the time within which the contestant might take such testimony as would give to the Committee on Elections every particle of information that was available on that subject? We extended the time until the 1st of November, 1896. And yet is it not true that the contestant came back without a word of testimony on the subject to which the gentleman is now referring?

Mr. ROYSE. Part of the question of the gentleman from Georgia I will answer in the affirmative, that we did give the time; and as to the balance I will answer that in the time so extended he did bring forward substantial proof that would convince any reasonable man that the contestant did lose a large number of

votes by reason of this fraudulent ticket. [Applause on the Republican side.]

One witness testified that he believed that the contestant lost from 300 to 400 votes by reason of this fraudulent ticket; and that evidence was not contradicted by any other single witness who was brought forward.

But there is another fact that I wish to be brought out specially. This Congressional district for several years prior to this election had been carried by the Democrats with a majority of from 2,000 to 3,000. At this election in 1894 the majority returned for contestee was only 253. Now, how was this accomplished? By the Republican candidate, the contestant in this case, gaining votes in every county in the Congressional district except this county of Clark. In every one of them there was a uniform gain. In the county of Floyd, for instance, the home of the contestee, the Republican candidate gained over 600 votes. He gains on an average uniformly through the various counties of the district 31 per cent; but when it comes to the county of Clark, he did not keep up with the average Republican vote.

Mr. RAY. Now, in that very connection, I would ask the gentleman, how do you connect the loss, or the gain, as you claim—how do you connect the loss with the fraudulent tickets or emblems?

Mr. ROYSE. I will show you presently.

Mr. BARTLETT of Georgia. Now, if the gentleman will permit me——

Mr. ROYSE. I must decline to be interrupted for the present.

Mr. BARTLETT of Georgia. I know you do not wish to misstate the evidence to the House.

Mr. ROYSE. No, sir; and I am not doing anything of the kind. Now I will show how I make the connection to which the gentleman from New York has referred. It is only reasonable and proper to suppose that the Republican candidate, gaining in every other county in the district, should have gained in this county also. There is no reason in the world why he should not gain here, except for the presence of this fraudulent ballot. The interests of the people are the same; the county of Clark is the "bluegrass" county, and is similar in interest to all of the other counties of the district. Therefore it will be only reasonable to suppose that the same sentiment would prevail in reference to this election throughout that county that is found so clearly demonstrated in all of the others.

Now, I wish to speak of another matter right here.

Mr. DANIELS. Before the gentleman leaves this point, I would like to ask if it is not agreed to by the counsel for both sides that the Republican voters in Clark County attending the election and desiring to vote were given fair and full opportunity to do so and that the votes were counted and certified as cast?

Mr. ROYSE. Yes; it was agreed that all of the Republican voters who went to the polls and wanted to vote that ticket voted it, and there was nothing to hinder them. That is the agreement, and nothing else.

But I do not care what the agreement is; I do not care a straw for it. There is no contradiction in this evidence. There is no contradiction anywhere of the evidence that fraud of this character was permitted. The majority of the committee agree that it was committed. The majority of the committee agree that the contestant lost 79 votes by what had occurred, and I agree to that; but I insist that he lost more than 79 votes.

I want to state another fact—that there was a larger vote cast in this Congressional district by nearly 4,000 than had been cast since 1884, so that it shows that in this Congressional district for ten years prior to this election there had been a large number of voters who did not go to the polls and vote, but at this election of 1894 these people turned out. They increased the Democratic vote of the district and the Republican vote of the district, notwithstanding this ballot. There was an increase of 3,155 Republican votes. Why was it that these men were going to the polls and voting, and uniformly, or with only rare exceptions, voting the Republican ticket? And why would they not do it in the county of Clark? Simply because they were compelled to vote a ticket at the head of which was this odious coon; and it was placed there for the purpose of preventing them from voting that ticket. Now, I am surprised that the contention should be put forth here that the injury to this man shall be measured by the average Republican vote of that county. If you would measure it by the average Republican vote of that county, why not measure it by the vote of all the other counties, and throw out the 3,156 votes which were gained in the balance of the district, if that rule applies?

If that rule applies, why go to the polls to vote at all, on the Republican side? Why not leave their ticket off of the ballot entirely? The county clerk can do it if he wants to be corrupt. He can leave the Republican ticket off of the ballot, and when he leaves it off, the Republicans who go to the polls can not vote any ticket except the Democratic ticket. If the clerk should do it, then our friends upon the other side would come in here and say, "Why, no harm is done; you could not elect your man anyhow." That is the logic of their reasoning. What I maintain is that the Republicans of Clark County have a right to vote, whether they win or lose. [Applause on the Republican side.] They have a right to vote their ticket, and no villainous clerk of Clark County or any other county of this district has the right to hinder them from casting their ballots to express their honest sentiments.

Mr. BRODERICK. Will the gentleman allow me to ask him a question there?

Mr. ROYSE. Yes.

Mr. BRODERICK. I understand that under the law of Kentucky it is the duty of the clerk to prepare the tickets and send them out to the several voting precincts.

Mr. ROYSE. It is, unquestionably.

Mr. BRODERICK. Were there any legal Republican tickets at any of the precincts in this county?

Mr. ROYSE. None at all. There were no tickets at all except that bogus ticket. That is the only ticket that was voted in Clark County at all.

Mr. RAY. Now, right there, I should like to ask the gentleman a question. The gentleman states that he thinks voters remained away.

Mr. ROYSE. Yes.

Mr. RAY. Who did not go there at all, by reason of this ticket, simply because if they went to vote they would be compelled to vote under the emblem of this coon?

Mr. ROYSE. Yes.

Mr. RAY. Now, I want to ask this simple question: Is there any evidence that Republicans stayed away from the polls by reason of that, or is it mere conjecture?

Mr. ROYSE. It is not mere conjecture. I have already gone over this evidence and shown to you that the contestant uniformly gained 31 per cent in every other county.

Mr. NORTHWAY. Now, if he had gained that per cent in Clark County, would he have been elected?

Mr. ROYSE. Why, if he had only gained 10 per cent, he would have been elected. [Applause on the Republican side.] That is all that he required. Ten per cent of gain would have elected him.

Mr. BARTLETT of Georgia. Will it interrupt the gentleman if I ask him a question?

Mr. ROYSE. I must proceed with my remarks. Now, the majority returned for the contestee is only 253, and that comes from the certificate of the secretary of state, but the clerk of Clark County certifies to us the total vote of that county, and it does not agree with the certificate of the secretary of state. By the evidence certified to us by the clerk of Clark County there ought to be 50 deducted from the majority of the contestee, and that reduced his majority down to 203. Then, if you deduct from that the 79 votes which the majority of the committee say ought to be deducted from it, you have a majority of only 124 for the contestee, only a small majority to overcome, only a gain of 8 votes to the precinct, only a gain of 10 per cent in this county.

I want to refer to another thing. There was a registration law in force at the four precincts of the town of Winchester. When that registration was taken, in one precinct—that of Fairfax—there were 104 Republican voters registered, and the election returns show that only about 60 of the 104 voted, a loss of 40 per cent in one precinct alone. That is the condition of this thing. If we had had a registration all over the county, the same figures would appear.

Now, that is the condition of this thing. We have certified to us in the record from the clerk of Clark County that the assessor of that county reports that there were 4,045 voters in that county in 1894. Four thousand and forty-five legal voters in the county; and yet at this election only 3,300 and a little over voted, leaving 700 voters who stayed at home and refused to vote. Why was this? On the morning of the election, as soon as this was discovered, these Republicans returned to their homes, and the burden of proof is upon the other side to show that they came back and voted. I want to say further than this, the Republican party has the right to go among Democrats of that county and electioneer for their candidates. It is wrong to say that his injury can be measured by the extent of the Republican vote of that county. The Republicans had the right, and ought to have the privilege, to appeal to every single Democratic voter in that county and ask them to vote that ticket; but a white Democrat in that county would have his right arm torn off before he would vote under a "coon;" and he would have to vote under a "coon" or not vote the Republican ticket. That is the reason why the Democratic candidate fell behind his average vote, and that is the reason why the Republican candidate fell behind the average Republican vote.

Mr. PEARSON (exhibiting a ballot). This is a "coon about to steal," instead of an "eagle about to fly." [Laughter.]

Mr. ROYSE. That was what the coon was doing—stealing the votes of the Republican party in that county. [Laughter and applause on the Republican side.] Now, then, there is another question about this. Here is the evidence, uncontradicted in this record; and they propose to measure the extent of this man's injuries by simply comparing it with the average Republican vote of that county.

Now, Mr. Speaker, I wish to approach another phase in this case, and that is in reference to this ballot. It was fraudulent, all admit; prepared in contravention of the law, all admit.

Mr. COLSON. Does not the majority report say that?

Mr. ROYSE. Both reports say it was prepared in violation of law, not under any mistake, not under any innocent misconstruction of the law by the clerk, but a corrupt plan to cheat and to defraud the Republican voters. That is absolutely manifest and uncontradicted from the evidence in this case. What will we do as to this ballot? The evidence of the clerk who prepared that ballot was taken; and, as I said a while ago, he testified that he knew that the Republican party was using the emblem the "eagle about to fly." But I will tell you that clerk has the forehead to sit down and solemnly swear in the presence of God that he thought he was doing right. [Laughter.] That is the conscience of that clerk. In the hands of such a man as that, is the elective franchise of the honest voters of Clark County safe?

Mr. HOPKINS. That clerk was a Democrat?

Mr. ROYSE. That clerk was a Democrat.

Mr. COLSON. And a Democratic clerk in Kentucky does not consider it any wrong to swear to a lie in an election, if it affects a Republican.

Mr. ROYSE. Not only that; the majority report gives this clerk a sound scolding, and says he was extremely "naughty" for doing this thing.

Mr. PEARSON. Did they use that word "naughty?"

Mr. ROYSE (continuing). And practically said, "Don't you do this thing again." Now, how do you know he will not? Why, let me tell you one thing which is outside the record. That clerk was the next year elected secretary of the Democratic central committee of Clark County and rewarded for his fault. [Laughter and applause on the Republican side.] He was whitewashed, and this report of the majority of the committee proposes to whitewash him further for the crime he committed. Now, should that ballot be counted at all? It was the only ballot voted in that county. The condition of the State of Kentucky is peculiar. Prior to 1891 voting was done viva voce, so that if any ballot had been used in voting by any party it would have been illegal, and would not be recognized. But she concluded to adopt the Australian ballot system, and did so, and in order to do that she had to ingraft it in the constitution of her State. So in 1891 she remodeled her constitution, and she said by the fundamental law of that State:

> All elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls and marked by each voter in private at the polls, and then and there voted.

Kentucky is ahead, perhaps, of any other State in the Union, because she has put this reform into the fundamental law of the State. Part of the same law provides that at the meeting of the first assembly after the adoption of this constitutional provision the general assembly of the State shall provide laws to carry into execution this provision. The legislature went to work to provide laws to carry out this constitutional provision. It is a very elaborate election law, and as carefully prepared as any other election law in any of the States of the Union. It is systematic, uniform, and logical in all of its arrangements. I want to read to you the first section of the law in reference to that ballot:

> In all elections—

Mark you—

> In all elections hereafter held in this State on any subject which may be submitted to a vote of the people for all State, district, county, and municipal offices, except school trustees and other common-school district elections, the vote shall be by secret official ballot, furnished and distributed as hereinafter provided, and no other ballot shall be used.

The law proceeds and gives the most minute and careful directions to the clerk as to the preparation of the ballot. He acts ministerially in the preparation of that ballot. He has no authority to put anything in that ballot except what the law says shall go into that ballot. He has no right to leave out anything which the law says shall be there. Now, it is admitted on all hands that the clerk did not construct that ballot according to the law of the State of Kentucky. And at this point let us settle one thing—the people of Kentucky have no right to vote except as prescribed by the laws of that State. The Constitution of the United States grants no privilege to the citizens of Kentucky to vote. The regulations of voting are wholly provided for by State authority, not by the Constitution of the United States. That is well settled. It has been decided by this House in a case from the State of Missouri, from which I will read an extract. This case arose under the reconstruction acts of Missouri. Every reconstructed State had the same law prohibiting men from voting unless they could take an oath that they had never entered into rebellion or insurrection against the United States or the State. It was contended that that law was unconstitutional, and that the citizen had a right to vote notwithstanding the law, but this House solemnly affirmed its opinion to the contrary. I read:

> Each of the States of the Union have hitherto regulated suffrage within their own limits for themselves, and in such a manner as the people of the State deemed most conducive to their own interests and welfare. Suffrage is a political right or privilege which every free community grants to such number and class of persons as it deems fittest to represent and advance the wants and interests of the whole. No State grants it to all persons, but with such limitations as the interests of all and the interest of the State require.

Kentucky had the right to say just how her elections should be conducted and just what a man must do in order to be entitled to vote. It is not sufficient that the constitution and laws of Kentucky say that a man may vote. It is just as important that the law provide some solemn method by which his vote shall be cast and counted.

Now, the State of Kentucky has provided that no other ballot than the official ballot shall be used in her elections. That is a constitutional provision. In obedience to that, the legislature of the State of Kentucky provided for this official ballot, and then, in express terms, said that no other ballot should be used at elections. What is the "use" of a ballot? It is not simply that it may be voted. That is one use of a ballot, but another use of that ballot is to count it, and the law of Kentucky says that a ballot shall not be "used," either in voting or in counting, unless it is the official ballot.

Mr. PEARSON. I would like to ask the gentleman a question at this point: What majority is given to the contestee in this county of Clark if the ballot in question was not a legal one?

Mr. ROYSE. I can not answer that exactly at this moment, but I will state that if the county of Clark is entirely thrown out the contestant is elected.

Mr. PEARSON. That is what I wanted to know.

Mr. ROYSE. No man can vote in Kentucky unless he votes as the law directs, and the ballot which he votes must be the official ballot. The legislature could not provide for anything else. Any law that would authorize anything else than an official ballot would be unconstitutional. And when you leave the constitution and the law of Kentucky you have nothing upon which you can base the right of the citizen of Kentucky to vote. It will not do to say that he can vote any way or in any manner, because if a voter of the State of Kentucky should step up to the polls and should undertake to vote viva voce, as they used to vote prior to the enactment of this law, his vote could not be counted. It might express the honest sentiment and conviction of the voter, and it might be honestly counted (if it could be counted at all), but, not being a legal vote, it could not be counted. How does the voter in Kentucky vote? By ballot. What kind of a ballot? Any kind of a ballot? No; nothing but an official ballot, prepared as the law directs. No other ballot can be voted legally in the State of Kentucky. It will not do to say the clerk can simply stamp this as an official ballot. It will not do to say the clerk can put his initials on the back of the ballot, as the law requires, and that then it becomes equivalent to an official ballot. What makes an official ballot? Not simply the certificate of the clerk, but the substance of the ballot, and in substance the ballot in question here was a fraud. In substance that ballot was in violation of the law. Now, there must be some law to support this ballot, or else it can not be counted. Under the law of Kentucky it can not be counted. What law, then, have you to support it? None in the world.

The honorable gentleman from New York [Mr. DANIELS] cited one case yesterday which appeared to be in point, but had he gone back two or three years further he would have found another case absolutely contradicting that. That case was simply this: The law of New York provided that in sending out the official ballots the number of each precinct should be put upon the back of the ballots, and in sending out the ballots at the election in question precinct No. 1 got the ballots that were intended for precinct No. 2, and precinct No. 2 got the ballots intended for precinct No. 1. Those ballots were voted, and the supreme court of New York held that they were not official ballots, and refused to count them. There you have two cases in absolute conflict so far as principle is concerned. I have been unable to reconcile them except upon one proposition. In the case I have just referred to, where the votes were thrown out, one of the judges of the court says there was proof that this was fraudulently and criminally done, and the authorities all draw a distinction between a thing which is done fraudulently, unlawfully, and criminally and a thing which is innocently done. But in this Kentucky case the thing was not done innocently. It was done fraudulently and criminally. In the report of the minority attention has been called to a number of authorities holding this ballot illegal.

I simply want to call the attention of the House again to the cases reported from the State of Connecticut. There were two cases decided by the supreme court of that State which, if applied to the case now before us, would cast out these ballots as invalid. In the one case, cited in the minority report, the clerk in making

out the official ballot added the words "ex officio registrar of births, deaths, and marriages," and put into the ticket a man's name as candidate for probate judge, when no such judge was to be elected. In that case the supreme court of the State of Connecticut held that the ballot was illegal because the words "ex officio registrar of births, deaths, and marriages" had been added, and because the name of some man as a candidate for probate judge was placed on the ticket, when there was no such office to be voted for.

Other cases have been cited in the minority report. One extremely strong case, originating in the State of Montana, is cited, where the supreme court of the State reviewed all the English authorities from which we derive our Australian ballot system, and the provisions are held to be mandatory in all of these cases.

We have cited a large number of other cases in the minority report which relate directly to the matter, but it seems that the majority of the committee have been able to find only a single case which squints toward maintaining the validity of these ballots.

It is said, too, Mr. Speaker, that if we throw out the vote of this county we disfranchise some legal voters. True, we will, perhaps, disfranchise some of those who voted the Democratic ticket innocently. But you must remember that when the Democratic voters came to the precinct nothing was wrong with their ticket. Soon after the opening of the polls, however, it became noised about that this fraud was perpetrated. But every Democrat who voted the ticket knew that his ballot was not properly prepared, and it was no secret to the majority of the men who voted it, because they had full knowledge of the fact.

But we must not look alone to this election. The law of Kentucky proposes to secure an honest ballot. Kentucky is to be commended for the course she has sought to pursue in order to secure the purity of elections in that State. Kentucky should not only be commended but encouraged in her efforts. If you maintain the law in its integrity, if you enforce every provision of the law, there will be honest elections in Kentucky. [Applause on the Republican side.] Break it down and you break down all hope of honest elections. Break down the law, throw aside these provisions, destroy all of these principles by judicial construction, and you open the door to the widest and most glaring frauds, and no man can tell hereafter whether there can be an honest election in that State or not. [Applause.] What will be the effect of the action proposed here on the part of the majority? What will be the effect in making up the ballots hereafter in the State of Kentucky? The clerk of the court next year in making up the ticket may leave off entirely from the official ballots the Republican candidates, and he can do it under the principle sought to be enforced here. It is no greater violation of the law than he has already committed. He leaves the Republican ticket off altogether and no Republican can vote. A contest is had over the fact that the Republicans were deprived of the privilege of voting, and when they come to the House and claim that they should have had that privilege, we refer them to the action here to-day proposed to be taken. We hold up in their faces the majority decision here and tell them it does not matter whether they voted or not, they could not have elected their candidate, and hence they have no right to vote unless they can elect their man. [Applause.]

Mr. Speaker, there is but one way to secure purity of elections throughout the country, and that is to uphold the law. It can not be otherwise accomplished. Let the word go forth that if the clerk of that county violates the law, willfully and corruptly, and disfranchisement should result to the voters of that county, the people will see to it that no such clerk can hold that office again. They will see to it that the law is obeyed. It is useless to have courts to prosecute offenders, it is useless to have prosecuting officers or to enact penal statutes. What we want is a strong moral public sentiment behind the law. [Applause.]

The SPEAKER. The gentleman has consumed one hour.

Mr. ROYSE. I would like to have about three minutes longer, with the consent of the House.

The SPEAKER. The gentleman asks consent to be permitted to proceed for three minutes longer.

There was no objection.

Mr. ROYSE. I want to say now, Mr. Speaker, in conclusion, that the only way to secure honest and pure elections in that State is to uphold and maintain the law. When you violate it in one respect, there is no place where you can stop. The clerk of that county can leave off the Republican ticket, or place on the ballot, instead of it, men of his own selection. He can violate the law in all directions and in any respect he pleases; yet the ballot must be an official ballot. But let it be known to the men who vote that ticket—let it be known that if the clerk of the county tampers with the official ballot it means disfranchisement to the voters, and they will put that man into the penitentiary the next time he undertakes to commit such a crime. That will stop this infernal abuse, and they will not elect such men as their county clerks in future. [Applause.]

That is the only way in the world to secure pure and honest elections in that State. I am in favor of the enforcement of the law. The time has come in this country that the law should be rigidly enforced, and it should be upheld, for outside of the law there is nothing but chaos and anarchy. [Applause.]

Within the pale of this law every voter of Kentucky is secure. Within the pale of this law and its rigid enforcement every man can vote his honest sentiments. Outside of it no man's right is secure, and if you want to secure the elective franchise and prevent the disfranchisement of legal voters, see to it that the laws of Kentucky are faithfully executed. [Applause.]

Mr. DANIELS. I yield twenty minutes to the gentleman from Arkansas [Mr. DINSMORE].

Mr. DINSMORE. Mr. Speaker, my distinguished friend and colleague on the Committee on Elections [Mr. ROYSE] who has just taken his seat has exhibited a most laudable desire in his expressions for the purity of the ballot and fair elections, and the administering of punishment to those who violate the laws; but in his peroration he included also the statement that he wanted the enforcement of law.

The law should not only be enforced rigidly in the conduct of elections, but the House of Representatives, when it comes to consider a case like the one before us, should endeavor to proceed under guidance of the law, and not be influenced by partisan appeals.

I only desire to ask the indulgence of the House for a very few moments, and I want briefly and succinctly to get before the House, or such members of it as will honor me with their attention, a few points in this case.

In the first place, seven of the committee have presented the majority report and two have offered their views in a minority report.

It is agreed by the majority that the action of the clerk in Clark County is unlawful, that he did not proceed according to the direction of the statute. That is as far as I, a member of this committee, have agreed. I have never consented that it was done for the purpose of defeating the contestant, who was a candidate for Congress at that time. On the other hand, I have found it to be the view of almost the whole of the committee that nobody, in the conducting of the election in question as to the ballots complained of, had in view the Congressional election.

Mr. Speaker, neither the clerk of Clark County nor any other Democrat inaugurated the proceedings under which this ticket which is complained of was put before the people to be voted by them. I want the House to understand the beginning of it. The negroes of Clark County became dissatisfied with the conduct of political affairs in that county. They became so because they were excluded from participation in the benefits of party organization, and I want to read the very beginning of it all. A Republican paper, published in the county seat of that county, edited by K. J. Hampton, who was a witness in this case and who was the chairman of the Republican committee of that district—in the columns of his paper he published this editorial:

> THE NEGRO VOTE.
>
> We hope we have made ourselves clearly understood upon the subject in the articles that have heretofore appeared, but to recapitulate: The negro vote, as a dominant factor in the Republican party, arrays Southern majorities against that party, it makes no difference what are its principles. The same influence makes pure local government impossible. Then, what course should Republicans pursue toward this vote? Cease to make special appeals to it. Do not attempt to organize it. The colored men who are at heart Republicans will vote their sentiments, and those who are inclined to drift can do so. The great Republican party owes the colored vote of the South no debts. The debt is all the other way, and the nomination of a negro to public office is not good policy under present conditions. It is not good for the negro race, and offends the just sense of propriety in the South.

That is what caused the dissatisfaction among the Republicans, Mr. Speaker. Immediately the negroes became dissatisfied. They recognized a movement not inspired by any Democrat to deprive them of any participation in the fruits of possible victory, and they held their meetings and passed resolutions, and agreed to put a straight Republican ticket in the field, and protested against the action of white Republicans. They did this of their own motion, and without instigation of Democrats. They got out their ticket under the law, and petitioned for a ballot and for the emblem of the eagle.

Now, that brings us down to the point where the tickets were put out and where, I have already told you, the clerk did not act in conformity with law; but when you read the whole election law of the State of Kentucky, you can readily see where that clerk might have made an honest mistake, because in one provision of that law it says that where two parties claim the same emblem, or two sets of petitioners claim the same emblem, that the clerk shall decide between the two and give it to the party which claims it first. It is true that the Republican party had adopted that emblem in 1892, and it was the duty of the clerk to make that the emblem of the Republican party on this occasion. He did not do so. Therein he failed to conform to the law. But, Mr. Speaker, even if he did this willfully and intentionally, as many of the committee believe he did, but as I will not say he did, we still hold that it does not make that ticket void, and it should have been counted, provided it can be ascertained from it what the true sentiments and intentions of the voters of the district was in the election.

I desire to call attention to the conditions which existed in that district at the time. It has been stated by my friend who has just taken his seat [Mr. Royse] that there were Republican gains all over Kentucky; that if there had been a gain of 10 per cent in that district, the Republican contestant would have been chosen.

I would call attention to the fact that this county has cast approximately its normal vote through all the elections during the last ten years in Kentucky. The gentleman says if there had been an increase of 10 per cent it would have elected the Republican. I want to call the attention of the House to the fact that two years before, in 1892, Mr. Lisle, the Democratic candidate for Congress, had a majority over his opponent greater than Mr. Kendall got over Mr. Hopkins in that contest. Mr. Kendall's majority in this county was 356, and Mr. Lisle's was 375 the year before. In 1892 Mr. Lislo's whole vote in the county of Clark was 1,974. Two years thereafter Mr. Kendall's whole vote was 1,844. In the election when Bradley carried the State of Kentucky over his Democratic opponent, Hardin, Bradley's vote, notwithstanding he was elected by 10,000 in the State, was 254 behind Hardin, his opponent, in the county of Clark—more than 100 votes less than Kendall received. This does not show any increase of Kendall's vote caused by the confusion that gentlemen insist resulted from the changing of the emblems.

Mr. Speaker, I say that this majority is about the same in different elections. Mr. K. J. Hampton, who was then the district chairman of the Republican committee, testified on oath that 1,600 was the normal Republican vote in that county, and the returns showed that Mr. Hopkins received 1,488 votes—an unusual approximation to the whole vote of a county, Mr. Speaker. It is seldom that a county makes a vote as full as this in an election; and in the same election there was a Democrat running against another Republican for a short term in Congress, and his Democratic majority in that county was not equal to Mr. Kendall's, and yet no complaint was made on the other side and no contest instituted. It has been said by my friend who has just concluded his remarke that it was admitted by a majority of all the committee that at least 79 votes were taken from Mr. Hopkins. We do not admit that. It may possibly have been so, and therefore we gave Hopkins the benefit of the doubt, and we credited him with 79 votes upon that ticket, under the "eagle" here, where Mr. Hopkins's name did not appear. I want to ask the House not to forget that there was an opportunity for those who voted this ticket to vote for a candidate for Congress by inserting it in the place provided for that purpose, and that those who wanted to vote their ticket could do so by making the change.

Mr. COLSON. How would the voter do that? You say he could vote for Hopkins by inserting his name. How could he do that?

Mr. DINSMORE. I state this to the gentleman: There is a blank left on the ticket for that purpose, and all he would have to do would be to write in his name.

Mr. COLSON. But under the law of Kentucky a name is not put on more than once.

Mr. DINSMORE. Certainly, but——

Mr. COLSON. I say that the name of a candidate is not allowed upon the ticket more than once.

Mr. DINSMORE. Surely, if it had been, it would have been printed twice.

Mr. COLSON. Then you say the voter could write it in.

Mr. DINSMORE. He could not write in the name in the blank, but, voting the ticket under the eagle, could cross over to the other and vote for Hopkins by placing a mark opposite his name, mark the part opposite Hopkins's name on the ticket, legally, and thereby cast a vote for him. I can not yield further to the gentleman for interruption, as my time is so limited.

Then, putting that all aside and giving him the 79 votes, which we have done, it is insisted here that there is evidence to show that many of the voters would have deposited their votes, but for this ticket, who failed to do so.

Mr. Speaker, when we were considering this question in the committee we adjourned it, as was stated by one of my colleagues on the floor, and obtained an order of the House in order that Mr. Hopkins might go home and secure testimony to show how many votes he had lost by these means. After months of time had elapsed he comes back, and all the evidence he has is the testimony of a preacher who has been proved to have been bribed in this case, who said, "in his opinion, he had lost several hundred votes," without being able to state a single man that failed to vote for him who wanted to vote for him. In addition to that, an agreement was made by both sides in this contest—by contestant and contestee—as follows: "It is agreed by both parties hereto." This is a part of the record, Mr. Speaker, and I want to call gentlemen's attention to the fact that this is in the record—an agreement signed solemnly and deliberately by the parties to this contest.

> It is agreed by both parties hereto that all the Republican voters in Clark County who attended the election and desired to vote were given a fair and free opportunity to do so, and that their votes were counted and certified as cast.

Yet my friend says that the people who attended that election were driven away, turned off, advised by the Republicans there on the ground not to vote. The contestant agrees in this paper that everybody who attended that election who wanted to vote had an opportunity to do so, and that their votes were counted and certified.

Mr. BARTLETT of Georgia. Will the gentleman allow me to call his attention to one point?

Mr. DINSMORE. Not just now. If my friend will excuse me, I desire to pursue the course of my argument on the line of my present thought. Mr. Speaker, how much time have I remaining?

The SPEAKER. The Chair thinks the gentleman has three minutes remaining.

Mr. TURNER of Georgia. There must be a mistake about that.

Mr. McCREARY of Kentucky. You have seven minutes. You commenced at half past.

Mr. DINSMORE. It is suggested to me that I have seven minutes.

The SPEAKER. The Chair was in doubt about it. The Chair is now informed that the gentleman has six minutes.

Mr. DINSMORE. Now, Mr. Speaker, I want to address myself to what I conceive to be the only point in this case, because the record is absolutely barren of evidence here that this contestant has been injured. He has had the scope of the whole time that he had originally by law, and it has been extended by the House and fully used. The only point that the minority make is that he has been injured, and when he fails by sufficient testimony to establish it they say that he should not be required to make much testimony, if any. The minority may prate of injury done to the contestant by what they are pleased to term wicked and glaring fraud; but, Mr. Speaker, there is positively no evidence that would be received in any court that he was injured at all. Search the record and find, if you can, where he lost a vote. The witness Hadley, the corrupted and bribed negro, swore that, in his opinion, many Republicans had gone away and not voted. He swore this before the Fifty-fourth Congress convened, and when the Congress said to contestant, "Go home and procure evidence, if you can, of how many went thus away, who were they, and bring us satisfactory proof," he comes back with nothing. No, Mr. Speaker; he was not injured. It is he who seeks to injure the people of Kentucky, and take an office which they said he should not have.

The question is, Was this a void ballot? The gentleman who took his seat a moment ago [Mr. Royse] said, with some derision, in his manner at least, that the venerable and distinguished chairman of this committee could find only one authority to support his contention, barely one. Why, sir, repeatedly have I heard my friend himself say that in his investigations he had found the authorities about equally divided upon this question, but when he comes into court, when he comes here armed for the contest in behalf of the contestant, he presents in his report three decisions of high judicial tribunals, and not one of them supports his contention. Mr. Speaker, the law, as is recognized by all courts, is, as stated by McCrary in his work on elections, substantially that—here is what he says; I read from McCrary on Elections, third edition, pages 124, 125, and 126:

> If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the legislature. But if, as in most cases, the statute simply provides that certain acts or things shall be done within a particular time or in a particular manner and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do and directory if they do not affect the actual merits of the election. Ignorance, inadvertence, mistake, or even intentional wrong on the part of local officials should not be permitted to disqualify a district. Those provisions of a statute which affect the time and place of the election and the legal qualifications of the electors are generally of the substance of the election, while those touching the recording and return of the legal votes received and the mode and manner of conducting the mere details of the election are directory. The principle is that irregularities which do not tend to affect results are not to defeat the will of the majority.

That is the law, and every case which the gentleman from Indiana referred to in the minority report—I have them all here and would be glad to submit them to any gentleman who desires to examine them—every case that he submits is upon these lines. In every one of them it is held that where there was not an express provision to the contrary in the statute, the law is directory merely, but that where the statute itself says in definite terms that certain provisions must be complied with or else the transaction will be void, then the law is mandatory and must be so construed by the courts.

So, Mr. Speaker, my friend has held the attention of this House with emphasis and prolixity upon this question, and has brought into court here authorities which, instead of supporting his contention, are absolutely destructive of it. There is not an authority that I have been able to find pointing to any other conclusion, not one. All the authorities bear out the law as recognized by the adjudications of this House, and stated by those who have written with learning upon the subject of elections. The cases in the courts support that view, and if this House now turns out the sitting member in this case and seats Mr. Hopkins, it disfranchises the people of one of the districts of the State of Kentucky without just cause and in defiance of precedent and of law.

I yield the remainder of my time to the gentleman from Massachusetts [Mr. Moody].

Mr. ROYSE. Mr. Speaker, I yield the balance of my time, thirty minutes, to the gentleman from North Carolina [Mr. Linney].

Mr. LINNEY. Mr. Speaker, the House in this case is relieved almost entirely of the drudgery, as I shall denominate it, of wading through the evidence and of sifting it. The report of the majority of the committee is something like a report of facts on the part of a referee in a case referred to him and his conclusions of law upon the same, and therefore for the purposes of an intelligent discussion of the matter, in order to arrive at the facts in this case, it is only necessary, in my humble judgment, to look at the findings of facts in the majority report.

I call the attention of the House to those findings of facts. On the first page of the report it is found by the majority of the committee that the device under which the names of the candidates of the Democratic party appear was legally placed there. It is also found that the device under which the names of the candidates on the regular Republican ticket appear was legally placed there, to wit, the eagle about to fly. But it is found, on the second page of the report, that the action of the clerk in attempting to put another ticket upon that ballot was a fraud. Let us see if this statement is not correct. The gentleman from New York [Mr. Daniels] who presented this report—and I understand it to be concurred in by the gentlemen who are now trying to sustain it here—the gentleman from New York says in this report:

> The object of framing this last ticket was to deceive illiterate persons intending to vote the Republican ticket and to lead and induce them to vote it, supposing and believing that in so doing they were voting the regular Republican ticket. And it did so deceive Republican voters, as it was intended it should deceive them.

Mr. DANIELS. The gentleman, of course, does not intend to suppress any part of the statement in the report.

Mr. LINNEY. Oh, no. I am going to read it all.

Mr. DANIELS. You will find that it proposes to transfer the 79 votes to the Republican ticket.

Mr. LINNEY. I am going to read it all, my friend. The more light we have on this case the more "transparent," as you said in your speech yesterday, will this miserable fraud appear to this body. [Laughter.] The report goes on to say:

> The ticket so framed on said petitions had no names or name of candidates for Representative in Congress, but at its head there was placed for its device or emblem the "eagle about to fly," and at the head of the Republican ticket was placed the "raccoon," in place of the selected device or emblem of the "eagle about to fly." And that was done by the clerk of Clark County for the purpose of further deceiving and inducing persons intending to vote the Republican ticket and to induce them to vote the said ticket framed on the authority of the said petitions.

Mr. HYDE. May I ask what the gentleman is reading from?

Mr. LINNEY. I am reading from the majority report filed in this case. I am reading the defense set up for the contestee. [Laughter and applause.] And I submit that if it were presented in the shape of a plea, and a demurrer had been filed thereto, and the question had been referred to the distinguished gentleman from New York, Judge Daniels, who makes the report, and his judicial fairness called upon to deal with the matter, he would have sustained the demurrer. [Laughter and applause.]

What else? Here is a statement in the majority report that the action of this clerk was the result of a "conspiracy." It goes on to say, in the report to which I have already referred:

> That no notice or information of this change in the devices or emblems was given by said clerk prior to the morning of the election, and no sample tickets were posted or in any form had at either of the election precincts, as the law of the State of Kentucky required to be done within three days of the day of election; but the county clerk of said county, J. B. Ramsey, retained said sample ballot in order to avoid the discovery of his deceptive and unlawful act until he believed it would be too late to correct his act by informing the persons intending to vote the Republican ticket of this change and substitution in the device or emblem selected by the Republican party. When the change in the party device or emblem was discovered, on the morning of the day of election, the Republicans were requested by one or more of their leaders not to vote at the said election, because of the said change in their party device or emblem.

And then, further, he concedes that the Democrats in that county joined in this unlawful, unhallowed, ungodly device and purpose. [Applause and laughter.] And yet gentlemen say that the majority report is the foundation on which the contestee in the case claims the right to hold the high office he now occupies and that he has occupied for so long a time!

But what else? Why, he goes on further and says:

> That he—

That is, the county clerk—

> on account of that result, is none the less deserving of the severest censure for his fraudulent and official misconduct, and he really deserves to be punished for his crime.

[Laughter and applause.]

Why, of course he did, Mr. Speaker! Certainly he ought to have been punished for his crime. He ought to be in the penitentiary. [Renewed laughter and applause.] And why? Because he committed this fraud. Because he was guilty of the fraud which my dignified and learned friend from New York characterizes as a vicious and transparent fraud. [Laughter.] Now, what is the meaning of the word "transparent?" Webster, as one of the definitions of transparent, says it is "a painting on glass, so that you can see it by the natural light, without gas or artificial aid." [Laughter and renewed applause.]

But the majority of the committee propose to sustain this conspiracy, and by sustaining it the result is to deprive the contestant of his election. They tell us that the result of this conspiracy and this fraud was to affect his vote to the extent of only 70. I believe it is 70, is it not, Judge? [Laughter.]

Mr. PEARSON. Seventy-nine.

Mr. LINNEY. Seventy-nine. Well, let us see, now, what that means.

Mr. DANIELS. We say in the report of the majority of the committee that 79 voted on that ticket or disclosed clearly their intention to vote for the Republican candidate, and that number was transferred, therefore, from the Democratic ticket to the Republican ticket, and thus gives to contestant the full number to which he was entitled.

Mr. LINNEY. In other words, you admit that you stole, but did not steal enough. [Great laughter and applause.] You admit that you are a thief, but a sort of a baby thief, and did not exercise all of your ability. [Renewed laughter and applause.] Now, we of the minority take the position that this ballot is absolutely void. We will give you reasons for this opinion. Now, let me show you what the authorities say on this subject. I bottom my position on the high authority of McCrary on Elections. Listen to the following words:

> SEC. 402. Where a statute prohibits the marking of ballots so that they may be distinguished by others than the voter, and declares such ballots void, there is good reason for construing such statute as mandatory. Such marks destroy the secrecy of the ballot, and it is well known that the plan of voting by ballot, instead of viva voce, was adopted for the very purpose of securing to every voter absolute secrecy if he desires it, and protecting him therein, and this was thought necessary in order to place the poor and dependent voter in a situation where he may act according to his own judgment and without intimidation from the rich or powerful.

And again, I give you a citation on page 402 of the same authority:

> The court held, and we think upon the soundest reason, that as to those things over which the voter has control the law is mandatory, and that as to such things as are not under his control it should be held to be directory only.

I find that position sustained here by the learned argument of the distinguished gentleman from Missouri [Mr. De Armond], made a few days ago in the case of Yost *vs.* Tucker. Now, let me see; and I want to see also whether gentlemen are going to blow hot and cold. The gentleman in that argument said:

> In this effort I insist that the law of the State of Virginia (there being no law of Congress to contravene) is the law of the Union in this case; is now the imperative rule of this House, from which there is no escape, of which there should be no evasion, and can be no evasion except by bodily, boldly, recklessly disregarding the Constitution.
>
> The election law of Virginia is the law of Congress for the time being with reference to this case. The law of Virginia as to how these elections should be conducted, how the returns should be ascertained, how the result should be declared, is the law of Congress upon the subject.
>
> The gentleman from New York asks me whether I am trying to maintain that Congress has no power to get at the intention of the voter—contrary, I suppose, to the express provision of the Virginia law, which, for the purposes of this case, is also our law. When he asks me whether this House has no power to get at the intention of the voter outside of the Virginia law, I say clearly the House has the power, but it is not the power of Constitution or law, it is the power of numbers. If the House acts within the law, it must ascertain results according to the law. If the House sees proper to disregard the law, then the question is one of power, is a matter determined by votes, and by nothing else.
>
> Then I say to the gentleman from New York that within the law, to the practice of which he and I were bred—within the law as it applies to this case, the Constitution of our common country and the statute law of the State of Virginia, untouched and unaffected by any legislation of the Federal Congress—within this supreme law of the land and this lesser but otherwise supreme law of the State of Virginia with respect to this case, there is no rightful authority in this body to determine the case except by following the high law of the Constitution and the only less high law of the State of Virginia.

Further on he says:

> But what, Mr. Speaker, would be the result if the contention of the gentleman from New York be the correct one? I am speaking now of power. I concede, if you please, that the matter of power may be determined in this body upon a roll call. But I am addressing the House in the belief that it will endeavor to determine this question according to the Constitution and according to law.

But there is the idea of the learned gentleman, the logical and able gentleman from Missouri, prominent on this floor for his legal learning. It reflects credit upon him, and marks him as one of the most able lawyers to-day, even if he had done nothing else to justify that claim.

Now, Mr. Speaker, here, I maintain, is a legal proposition, tersely and clearly stated, which sustains the position that I take, and that the gentleman from Indiana [Mr. ROYSE] and others who agree with me take, that this ballot is an absolute nullity. Why do I say so? My friend the gentleman from Arkansas [Mr. DINSMORE] admitted that wherever a statute prohibits an act and says that if that act takes place the ballot shall not be counted, then the ballot is to be thrown out; that then it is mandatory; but he maintains that this statute has no such provision. In that my friend is mistaken, and there is the error into which the majority of the committee have fallen. I am satisfied that if the learned gentleman from New York [Mr. DANIELS]—who, by the way, is one of the most conscientious gentlemen I ever saw; he is getting too old to be otherwise now, you know [laughter]—if he had closely read this Kentucky statute, he never would have got himself into the trouble he is in by signing a report in favor of the contestee, when he says that the conduct of the election upon its face contained a transparent fraud in favor of the contestee. He never would have done that in the world. Now, what is the language of the Kentucky statute? In the first place, here is the language of the constitution of the great State of Kentucky, containing the provision for a secret ballot. Let me read a little of it:

> But all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls and then there deposited. The word "election" in this section includes the decision of questions submitted to the voters as well as the choice of officers by them. The general assembly shall make provision so that persons illiterate, blind, or in any way disabled may have their ballots marked as herein required.

Here is a declaration in the constitution providing for the secrecy of the ballot, or rather securing every elector in his constitutional right, in the secrecy of the ballot, and all constitutional provisions are mandatory. There never was one which was directory unless it was so stated upon the instrument itself, because it is the fundamental law of the community, and all other statutes must conform to it.

Now, in pursuance of this provision or principle of the Constitution—which was intended to provide absolute secrecy to the voter, and which absolutely repeals the old viva voce system that previously existed—the legislature passed an act, and that act provides that a ticket shall be furnished as directed in the statute, which was not done in this case. That statute says that no other ticket shall be used. Now, the gentleman from New York [Mr. DANIELS] did not see that provision at all:

> Shall not be used.

My learned friend from Massachusetts [Mr. MOODY] and every-one else will admit the force of my contention. The gentleman from Massachusetts [Mr. MOODY] will admit it. You see if he does not; he can not help it; he is an honest man. He will admit, when he comes to argue this case, that if this statute contained the provision that such ballots shall not be counted, that that would be mandatory, and therefore the whole ballot would be a nullity. I know he will admit that, because he is too good a lawyer to destroy his reputation, and to rank only as a constable, which he would do by contending otherwise. [Laughter.] Then I maintain that this statute does more than that, or at any rate it comes fully up to that high standard which rests in the mind of my friend from Massachusetts [Mr. MOODY]. What does it say?

> Shall not be used.

Well, what is meant by the word "use?" Webster says it means to employ. When applied to a ballot, what does it mean? It means to be put into the box and counted. In other words, the performance of the function which the ballot is intended to perform, and every part thereof, is a use thereof. So, here we have the words—

> Shall not be used.

A term large enough to embrace the words—

> Shall not be counted.

If you have one term which is bigger than another, does not the greater always include the less? And yet gentlemen have been unable to see that. If they could have seen it, they would have been all right. But somehow or other they failed to see it. It may possibly be my bluntness, my stupidity, but I do not think it is in this case, upon an examination of it. So, Mr. Speaker, it turns out that this statute is mandatory, and it being admitted in the report of the majority of the committee that the proceeding was contrary to law and that it was founded in fraud, how can we possibly escape the conclusion that it is void—a void ballot?

Let me illustrate further. The old statute provided that the vote should be taken by viva voce at all elections. Now, suppose instead of holding this election by ballot it had been held by a viva voce vote. Would any lawyer contend that it would have been valid? The authorities all say it would have been void, utterly void. Suppose, on the other hand, the tickets that were voted had been printed upon leather instead of paper. Would anybody contend they would have been valid? Why, no; they would have been absolutely void. Suppose the election had been held at a place different from that stated in the statute. Does anybody claim it would have been valid? Certainly not. It would have been absolutely void. Suppose it had been held the day after the election, or at a time different from that stated in the statute. Does anybody claim that it would have been valid? Certainly not. Why? Because the statute is mandatory as to all those things, and therefore the election is an absolute nullity and is of no effect whatever. Let me go a little step further. We have finally a case from the State of North Carolina—noble North Carolina, as it will always be when represented by such fine, handsome men as my friend Mr. SETTLE and my talented and good friend Brother PEARSON. [Laughter.] Yes, the judiciary of North Carolina is equal to that of any in the Union, not excepting even Massachusetts, and there is this decision from that State.

Our statute says "such ballots shall not be counted." That is, where it has a distinct mark upon it. The name of J. E. Boyd was upon one, placed there, no doubt, for the purpose of being able to identify it, probably by some illiterate man; and when that vote came to be counted the election officer threw it out as being a nullity. There was no fraud in connection with the ballot. The ballot was exactly what it was intended to be, an entry made upon it. It could not have been for any other purpose. No fraud was suggested. And our supreme court held that that ballot was a nullity and threw it out, and it had no effect whatever in the result. What is this? Why, good gracious! let me show you. Where is that "coon" now? [Great laughter.]

What is this [exhibiting]? Here is a legal ballot. The gentleman from New York [Mr. DANIELS] admits in his report that this is the legal ballot. Well, now, if the pencil mark, with the name of "J. E. Boyd," on a ballot, in opposition to the express language of the statute, destroys it in North Carolina, and has that effect in Mississippi—and we quote the Mississippi case there—what would be the effect if we find a "coon" on it? [Laughter.] Gentlemen of the House, this man was actually cheated out of his votes, and I think I could establish it beyond controversy if my time would allow me. Why, it was contended by the gentleman from Arkansas [Mr. DINSMORE] that there is no evidence here as to how many votes were lost. It is admitted in the majority report that there were 79. Let us see.

The contestant in this case made gains in that election in all of these counties: Breathitt, 153; Elliott, 190; Estill, 208; Floyd, 60; Johnson, 250; Knott, 162; Lee, 116; Magoffin, 201; Martin, 103; Menifee, 62; Montgomery, 257; Morgan, 233; Pike, 445; Powell, 97, and Wolfe, 215, being an aggregate of 3,155 votes; and in every one of those counties this legal ballot made its appearance and was voted by Democrats and by Republicans, in effect having no such infirmity as the result of a conspiracy or anything of that sort upon it. A clean ballot, a fair and honest vote, and it resulted in a gain in each and every one of these counties. But when you come to the county where the "coon" performed his part, what is the result? [Laughter.]

The result was a fall off of over 700. Does it look likely that he would lose 700, or a little over, when he had gained in each of the other counties? But the contestant gained none there. How was it? The same cause that operated in the other twelve counties would operate here. What was it? The "coon" played his part in Clark County, and did not in the other counties. What caused the change? A county presided over by the same God, watered by the same streams, moistened by the same dew, fully educated under the same influences, the same type of manhood—a noble type of manhood; a noble, grand American type—because I believe if there is a State that has a distinct type of people it is the Kentucky type—and yet there was a change. What produced the change, and that to the detriment of the Republican party? What cause operated? Nothing in the world but this illegal, fraudulent change, recognized by the majority of the committee; and here is the result. [Applause.]

It is here; proven beyond question. Besides, here is a witness who testifies that he knows something of that county, and he is of the opinion that the contestant lost over 400 votes, I believe it is, or upward of 300 or 400 votes. Does it not appear to the House of Representatives what caused that loss? Why, the Democratic party was represented by a splendid game rooster, the game cock. What does he represent? Superb courage; and courage is the highest quality of the soul. It is true he has not got much sense, but in that respect he does not lose much in the Democratic camp. [Great laughter.] He does represent the courage of the lion, no question about that; and our Democratic brethren went to battle under that emblem. That was the device selected

by the Democrats in this district, in the great State of Kentucky, where they grow these six-footers, and I hardly ever saw one under that unless it is the contestee. [Laughter.] They marched proudly to the ballot under that emblem which represents courage, superb courage, which is the highest quality of the soul, to wit, the gamecock.

How did the Republicans in these other counties do? They marched under the eagle. What does the eagle represent? He represents not only courage and patriotism, but he is the best philosopher in the world. [Laughter.] Did you ever think of that? Lord Bacon says that the eagle would never die at all but for a wise provision of Congress [laughter]—I do not mean Congress, but by a slip of the tongue I said Congress, as being the next thing to what I did mean. [Laughter.] Lord Bacon says the eagle never would die at all but for a wise provision of the Almighty that when age comes upon him his bill crosses, and so he dies. The eagle has learned somehow or other that atmospheric pressure makes war upon his vitality, and therefore, unlike the gamecock, that knows nothing but to fight, he soars above the atmospheric elements that make war upon his life, and he would live eternally but for the edict of the Almighty providing for the crossing of his bill.

Mr. STEWART of New Jersey. Is not that frequently the fate of a Congressional "bill" also? [Laughter.]

Mr. LINNEY. I do not know about that. Under that proud emblem of the eagle the Republican party marched, and it marched victoriously wherever it had the eagle for its emblem unassociated with the miserable, thieving coon. [Laughter.] The gamecock was an inspiration to every Democrat, as the philosophic king of birds was to every Republican. What about the coon? What does he represent? He is a miserable, thieving rascal. [Laughter.] He never would have been selected by any party as an emblem. You could not have insulted our Democratic brethren more than to propose to place a coon at the head of their ticket. Why? Because it would necessarily affect the cause that they advocated. A coon at the head of your ticket would give just about as much inspiration to the voter as if you put a wet dog around the neck of a man and sent him up to vote. [Laughter.] The coon represents everything degrading. His greatest power is to climb and rob the nests of the singers of the heavens. He loves to feed on frogs and lizards. That is his highest office in the world. [Laughter.] Yet he was placed on that ticket as an emblem; he was placed there illegally; he was placed there as the result of a conspiracy through the use of money, and he was placed there in such a way—we have it on the authority of the majority report in this case—as to constitute a "transparent fraud." Is this House ready to sustain that fraud? [Cries of "No!"]

I do not think it ought to get one vote in this House. I believe that the contestee himself, in the majesty of that glorious form which God has endowed him with, would reflect such honor upon himself and his children to come, five hundred years from now, as would not be earned by any other act he ever performed, by rising up here and saying: "Gentlemen, I will not take any benefit under a proceeding which the majority of the committee has stamped as 'a transparent fraud.'" [Applause.]

[Here the hammer fell.]

Mr. LINNEY. Give me two minutes more.

Mr. MOODY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina have his time extended five minutes.

There was no objection, and it was so ordered.

Mr. LINNEY. Now, gentlemen, I think the legal proposition is established by an examination of the authorities that this ballot is absolutely void. If the ballot is void, then Clark County goes out, because that ballot was used there in every precinct, and the result is that the contestant is elected. Nobody disputes that. On the other hand, even if it should be held by this House that this ballot was not an absolute nullity, still, by reason of the fact that the introduction of the "coon" was violative of the original purpose of the statute—which is founded upon the constitutional provision of secrecy and in that point of view becomes mandatory—I claim that the contestant is entitled to the seat.

But, gentlemen, if I am wrong in both these legal propositions, then, coming to the merits of the case, the surrounding circumstances, especially when we take into consideration the result of the vote in the adjoining counties, make the inference irresistible that the contestant in this case lost a greater number of votes by reason of this "transparent fraud" than, if added to the votes counted for him, would have entitled him to the seat.

Oh, this was an unfair contest. The performance of Jacob, in taking Abner aside in the gate to speak to him quietly, and smiting him there under the fifth rib, will rank as an act of robust Christian courage in comparison with this transparent fraud.

Now, gentlemen, one other idea. It has been said that these contested-election cases are important. They are, indeed. There is no question about that. That was a grand sentiment which was presented to us the other morning by the Chaplain of this House when he associated the price of the things that tend to righteousness in the human soul and the price of human liberty. To quote him more accurately, he said: "As eternal vigilance is the price of all that stands for righteousness in the human soul, so eternal vigilance is the price of human liberty." Why, sirs, in these contested-election cases every righteous decision adds an additional safeguard, an additional sentinel, around the citadel of our liberties. If a stronger sentinel should be placed at any one point more than another, he should be placed, with glittering bayonet and shining sword, at the weakest gate of the temple of our liberties.

Frauds in election constitute the weakest gate. Frauds in elections constitute the enemy's most deadly weapon. Let me ask this House, in view of the frequency of frauds in elections, to join in placing a sentinel at that gate of the citadel, and thereby strengthen the foundations upon which our Republic rests. Our friends on the other side talk beautifully about this innocent fraud; but recollect that words have been denominated the "daughters of earth"—they may be treacherous; while good deeds have been denominated the "crowned sons of the heavens," and the good deeds that are brought into play in the vindication of the purity of the ballot box should have and will have a double coronation at the hands of this House. [Prolonged applause.]

Mr. MOODY. Mr. Speaker, my colleague from Massachusetts [Mr. WALKER] has asked to be permitted to occupy five minutes upon this case. As he proposes to address the House on the other side of this question from that which I shall sustain, I ask unanimous consent that he be allowed the privilege of presenting his views for the time I have specified without taking it out of the time allowed on this side.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection, and it was so ordered.

Mr. WALKER of Massachusetts. Mr. Speaker, it will be remembered that in the case of Yost *vs.* Tucker the House decided in favor of Mr. TUCKER, the sitting member, because the letter of the law supported his claim to the seat and was followed in settling the election in question, as on the face of the returns Mr. TUCKER was elected. I am surprised that that rule is reversed, confessedly so, by the report of a majority of the Committee on Elections in this case. Let me ask, What should be the action of the House in a case of this kind?

I submit, Mr. Speaker, that that action should be such as to secure the lawfully expressed will of the voters in the election; our action should not encourage the violation of the law by making the perpetration of a fraud successful. If the law is violated innocently, even then the election is invalidated. But when it is violated deliberately and for the deliberate purpose of perpetrating a fraud, then the House can not too emphatically condemn the fraud, and certainly it should never permit deliberate violation of law to be successful.

What are the facts in this case? This political party or individual should not by any means be allowed to profit by its own fraud. This fraud was committed in the interest of a party, and deliberately planned in the interest of that party. They violated—and they violated successfully—the law in not printing the ballots properly, as prescribed by the law, and again in not distributing the ballots for the contestant properly and as the law directed. The question of the extent of the deception, it is said, is susceptible of proof. I think that "it is susceptible to proof," and that it has been clearly proven, and against the sitting member. Now, what is the proof? It is because of this fraud that this contestant was not elected on the face of the returns and is not now in his seat. Why do I say that? It is shown that in 1895 there were over 1.8 per cent more votes cast in the district than in 1894. In 1895 there were more than 5 per cent more votes cast in that particular county than were returned in 1894 in that county. In 1891 there were over 7 per cent more votes cast than were reported in 1894 in that county. In 1894 the Republican gain in the whole district was over 30 per cent, and yet the Republican candidate is claimed to have been defeated by an opposite vote in this one county. In 1894 the Republican vote in this county was 12 per cent less than in the years of 1891 and 1895, if the official returns are to be accepted.

Now, I ask, does not this show conclusively that something prevented the honest voters of the Republican party in that district from casting their ballots? Is there the slightest evidence, on the contrary, that the voters desiring to vote for the sitting member failed to have an opportunity or failed to cast their votes? The evidence seems to be conclusive that the voters failing to cast their ballots were all Republicans. Is it not a remarkable fact that only Republicans refused to vote if the raccoon ballot was not the cause? The law of Kentucky does not disfranchise illiterate voters; and yet it is clear that these voters and many others were disfranchised.

Further than that, Mr. Speaker, I repeat, that in 1894 the Republicans cast in that district a vote which showed a gain of 30 per cent, while this county showed the reverse. From this evidence it seems to be conclusive not only that the law was violated, but that it was violated deliberately and for the purpose of perpetrating a fraud, and in the third place, that this fraud was made successful in giving to the defeated party a majority, and temporarily at least seating him in this House.

[Here the hammer fell.]

Mr. DANIELS. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. How much time have I?

The SPEAKER. The gentleman has forty minutes.

Mr. MOODY. Mr. Speaker, I believe the task I am now about to perform is a most ungracious one. I realize when I look about the House, and especially in the faces of those who sit on this side of the Chamber, that gentlemen have already made up their minds on this question. They have made up their minds, too, without hearing the other side of the case. They have made up their minds without giving consideration to the views of the majority of the committee which they have appointed for the consideration of the question.

I had no desire or purpose to speak to this question. I did not make this report. It was made by the distinguished and able chairman of the committee, the gentleman from New York, Judge DANIELS, but I joined in it. I did so as the gentleman from Illinois [Mr. COOKE] joined in it and as the gentleman from Pennsylvania [Mr. LEONARD] joined in it; and it represents the result of the labors of the majority of the Republican members of the committee. I find no fault if the House sees fit not to accept it. Yet I want gentlemen to consider the position that members of the committee are in. You impose upon the committee the hardship of going through these big volumes of testimony on contested-election cases, and then gentlemen come into the House here, take into consideration one aspect of the evidence and one only; and then make up their minds and shut their ears to the other side.

I tell you, sir, that there are some things in the case that have not yet been alluded to by any gentleman who has spoken upon the floor, and to which I wish now to attract the attention of this body for a few moments. I joined in that report. I have heard the able argument of the gentleman from Indiana [Mr. ROYSE], and it is an argument the ability and force of which can not be denied. I have heard the forceful speech of the gentleman from North Carolina [Mr. LINNEY], who always fortifies his arguments by the wit which is peculiar to himself, and which no one enjoys more than myself.

Facts do not make very much difference to him. If there are not any facts at his command, he goes around and picks up any facts that he finds lying around loose. I do not accuse the gentleman from North Carolina [Mr. LINNEY] of misrepresenting anything to the House, but he reminds me of the old story of the negro who was charged with stealing wood. Some friend of his said, "Why, no; he would not steal wood. He is not a thief; but when he sees a wood pile in the night, it is his wood pile." And when the gentleman from North Carolina [Mr. LINNEY] sees any facts lying loose which are necessary to the symmetry of his argument, he adopts them, and they are his facts. [Laughter.]

Now, Mr. Speaker, it must be sufficiently clear what the precise question in this case is. The question is whether we shall throw out 3,411 votes that were honestly cast by the men who voted the only ballot which they could obtain and seat the Republican candidate by so doing. It is agreed that if you do throw out the vote of Clark County the Republican would be seated. It is agreed, on the other hand, that he can be seated in no other way. You can make no computation, you can take no view of this evidence which will warrant the seating of Mr. Hopkins, except by disfranchising those 3,411 voters.

Mr. LEWIS. Will the gentleman from Massachusetts [Mr. MOODY] yield for a question?

Mr. MOODY. Yes; for a question, but not for an argument.

Mr. LEWIS. Did you not, in the case of Rinaker *vs.* Downing, oppose the report of the majority of the committee and vote against it?

Mr. MOODY. Yes; I opposed the report of the majority of the committee, and I succeeded in bringing a majority of the House around to my view, and that is my sin, which has been held up against me ever since. But I want to say to the gentleman from Kentucky [Mr. LEWIS] that the gentleman from Illinois [Mr. RINAKER] is now present, and I will ask the gentleman from Illinois [Mr. RINAKER] if he did not come to me at the end of the contest, when by my voice at last he was finally seated upon this floor, and say that he believed that I had acted with the purpose to procure honest justice to him. If he did not say that after it was all over, he can contradict me now.

I say that the disfranchisement of this county is the only way in which that result can be brought about. Gentlemen of the House are aware of the position of the committee. We all agree that that ticket which was placed on the official ballot was wrongfully placed there. I can not add a word to what was said so cogently by the gentleman from Indiana [Mr. ROYSE]. The eagle ticket ought not to have been on the ballot. It was a wrongful ticket, and we all agree on that. The question is, What is the result which ought properly to follow from that wrong on the part of the county clerk?

Mr. CONNOLLY. Will the gentleman allow me a question?

Mr. MOODY. Certainly.

Mr. CONNOLLY. Was there any other ballot used in Clark County but that one?

Mr. MOODY. Oh, no. That was the only ballot that any voter could use. It has been said by the gentleman from Indiana [Mr. ROYSE] that the people who voted that ballot knew that they were voting an illegal ballot. They did not. They had not the knowledge which the House now has in reference to the placing of that ticket upon the ballot. They voted the only ballot that they could vote, and there was nothing in the world to put them on their guard and to make them believe that they were voting an illegal ballot.

Mr. GROSVENOR. That is exactly the point that I want to ask the gentleman a question about. Now, if that be true, if the legislature prescribes the form of ballot to be used, and another form is used with the intent to defraud, what remedy is there for an act like that except to treat that vote and that election as a nullity?

Mr. MOODY. Mr. Speaker, the rest of the time which I shall occupy will be in an attempt to answer the question of the gentleman from Ohio. It may not be successful, but it will be an attempt made in good faith, and there will be no purpose on my part to evade a fair consideration of any aspect which this case presents.

Now, the minority of the committee ask you to throw out the vote of Clark County on two grounds: First, on the ground that the whole ballot was absolutely void, that it ought not to be counted; second, upon the ground that it was a fraud, and had such an effect upon the election that we can not trust to the returns as a true representation of the will of the people.

These two grounds, in order to be intelligently considered, must be treated separately and distinctly. They are utterly distinct, and I address myself first to the claim that that ballot is an absolutely void ballot and can not be counted for anybody.

The law of Kentucky, which has been quoted so many times before the House, is this. It will take but a moment to read it. There is but a line to read. It provides that the voting—

> Shall be by secret official ballot, printed and distributed as hereinafter provided, and no other ballot shall be used.

Now, Mr. Speaker, I agree with the gentleman from North Carolina [Mr. LINNEY] that the words—

> No other ballot shall be used—

Are equivalent to the words—

> No other ballot shall be counted.

And if this is not, within the meaning of that law, an official ballot, then the contention of the minority is correct, and Mr. Hopkins is entitled to a seat upon this floor.

But the majority of this committee, having given that subject all the attention which they could, have come to the conclusion that the meaning of the law is to prohibit all ballots except those furnished at the public expense as the official ballot; to prohibit a ballot written out by the voter himself; to prohibit a ballot which is furnished by the organizations of the party; because anciently in Kentucky the votes in Congressional elections were by ballot printed by the party.

On the other hand, the minority of the committee say that if the official ballot in any degree, no matter how small, departs from the requirements of the statute that it invalidates the whole ballot, so that it becomes no longer an official ballot, and a vote that is uttered by it can not be counted anywhere; and the question before this House is, Which is right? Now, I say to the House, and I say it believing it to be true, that there is no authority anywhere that can be produced to sustain the contention of the minority, be it either in the House of Representatives or in the courts. I propose briefly to allude, and only briefly, to one or two authorities.

Mr. COLSON. Will the gentleman allow me one question?

The SPEAKER pro tempore (Mr. HEPBURN). Does the gentleman yield to the gentleman from Kentucky?

Mr. MOODY. Yes; for a question.

Mr. COLSON. The gentleman states that the statute of Kentucky requires that this secret official ballot "shall be printed as hereinafter provided."

Mr. MOODY. Oh, yes.

Mr. COLSON. Let me ask the gentleman if that ballot was printed as the statute provided?

Mr. MOODY. It was not, Mr. Speaker.

Mr. COLSON. Then the gentleman gives his whole case away.

Mr. MOODY. Mr. Speaker, if this House desires to consider this question intelligently it will not be governed by mere verbal quibbles of this kind. Let me refer to the Montana case, that the gentleman from Illinois [Mr. ROYSE] referred to. It was this case, and this only: The statutes of Montana provide a certain way in which a candidate must be nominated in order to be put on the Australian ballot. A man was nominated without legality, in a manner entirely outside of the law. His name was put upon the ballot. He had a majority of the votes; but the supreme court of the Territory of Montana declared that, not being legally upon the ballot, he could not hold the office to which he was elected. In one word, that the ballot was void as to no other candidate upon the ticket. In one word, that it was not void because it was not an official ballot, but simply that a man who had been unlawfully nominated and wrongfully put upon the ticket could not obtain an election thereby; and the gentleman from Montana [Mr. HARTMAN], who is familiar with the case, nods assent to my construction of it.

As to the case from North Carolina mentioned by our genial friend Judge LINNEY. I wish I could return to him all the compliments he gave to me. Mr. Speaker, it is in my heart to do it, but words fail me. I have not words enough to do justice to the gentleman from North Carolina, and can only do it in esteem. The North Carolina case, the gentleman himself concedes, has no relation to the case under consideration in the House, because the case in North Carolina was one where a man marked the ticket so that it would be known. It was provided in the statute of North Carolina in so many words that if a man did that thing his ballot should not be counted, and that is all that the court in North Carolina said. It said that and nothing more.

Now, then, the case in New York to which the gentleman from Illinois alluded. It was this case: The law of 1890 gave a Republican ticket, a Democratic ticket, and any party ticket in separate sheets, not on a blanket ballot. The Republicans had a ticket marked and numbered wrongfully; the number of one election precinct went to another election precinct, and vice versa; so the effect of it was that whenever a Republican stepped up to the polls it would be seen exactly how he was voting. The court of appeals of the State of New York held that a ballot of that kind could not be counted. Why? Because it broke down the enforced secrecy, which is the fundamental principle of the Australian ballot; and because the statute in New York expressly said that no such ballot should be counted, in so many words. It was in direct violation of the terms of the statute, which says that a ballot wrongfully numbered must not be received, or, if received, afterwards counted.

Now, Mr. Speaker, the only authority upon this subject is the authority to which the gentleman from New York [Mr. DANIELS] alluded last evening. The latest word of the court of appeals in New York covers this case, and this case precisely. There is no question about it. If you decide this case against the contention of the majority, you decide it against the views of the court of appeals of New York.

Mr. Speaker, I am not speaking now about the effect of the fraud. Not at all. That is a separate question and I will consider it later. It makes no difference, as to the validity of the ballot, whether the device is there wrongfully or whether it is there fraudulently. The question is whether the presence of the eagle ticket upon the ballot, and the transposition of the Republican device, all in violation of the statute law, renders the whole ballot void and disfranchises every man who votes it. I can not stop to read the whole of the opinion. The law of New York says that none but official ballots shall be counted. The court of appeals held that that language meant that none but a ballot which was provided by the public authorities at the public expense should be counted, and that although there were names upon the ticket which ought not to have been there, that fact of itself should not disfranchise any honest voter who used the ballot in good faith.

There is something in this case which I do not conceive to be a compliment either to the knowledge or the fair-mindedness of this House. That ticket went to an election. Upon it the whole of the county officers of this county were elected for a term of four years. The courts of Kentucky were open. I never heard that they were anything but pure courts. Every man who desired to contest the election of a successful candidate upon that ticket had the right to go to the courts, and he would have got his decision a long while ago. The offices were valuable. The term of office is four years.

Why, Mr. Speaker, if the contention of gentlemen is right, and that ballot is a mere piece of waste paper, then there is not a decision made by the county judge of Clark County that is within his jurisdiction, there is not a criminal prosecuted by the county attorney but who is prosecuted by a man holding his office unlawfully. The sheriff, the constable who serves the writ, the jailer who retains the prisoner, the assessor who assesses the taxes, each of them has his right to act only upon the ground that he is a de facto officer. I say again, it is no compliment to the understanding of this House that gentlemen base their case upon an assertion which they dare not take into the sunlight of the courts in their own State of Kentucky. That is all I care to say about that branch of the case.

It is said, however, that this was a fraudulent ballot; that it had the effect not only of deceiving the people who voted the "eagle" ticket, but also of deterring a great many other Republicans from going to the polls. Now I am going to say something which has not yet been said to this House by anybody. This argument is made, and it has found lodgment in the mind of nearly everybody who has heard it: "There was a great Republican gain in every other county of this Congressional district. In this county of Clark alone there was no gain, or no substantial gain, and how can it be that the Republican party should gain in every other county in the district and only hold its own here? What is the cause of it? What can be the cause of it except this fraudulent ballot?"

Now, if I can not meet that question, my cause ought not to prevail in this House. But I shall show you, Mr. Speaker, and show the House, that there was a cause for it, and a good cause, and that it was not the existence of this fraudulent ballot. Let us see how this trouble started.

Here is where the trouble began in Clark County. Here is the reason why the Republicans did not get the full Republican vote in that county; and, as I have said, nobody has yet alluded to it in this discussion: In April preceding this election the editor of the Winchester Sun, a leading Republican paper, who was himself a candidate for Congress upon this very ticket, published an editorial which I will read. It is in relation to the negro vote:

> We hope we have made ourselves clearly understood upon this subject in the articles that have heretofore appeared. But to recapitulate. The negro vote as a dominant factor in the Republican party arrays Southern majorities against that party, it makes no difference what its principles. The same influence makes pure local government impossible. Then, what course should Republicans pursue toward this vote? Cease to make special appeals to it. The great Republican party owes the colored vote of the South no debts. Do not attempt to organize it. Then colored men who are at heart Republicans will vote their sentiments, and those who are inclined to drift can do so. The debt is all the other way, and the nomination of a negro to public office is not good policy under present conditions. It is not good for the negro race, and offends the just sense of propriety in the South.

That was addressed by a candidate for Congress to the people of that county, where three out of every five Republican voters were negroes, as appears on the contestant's own showing. Why, Mr. Speaker, has the negro no eyes, no hands, no senses, no passions? Is he not fed with the same food, is he not warmed by the same summer, as the white man? Do you suppose he could view with indifference that attack upon his race? Observe; it was not against the men; it was against their color. It would have made no difference whether the negro was such a wretch as was strangled here during the last session of Congress, or whether he was the great novelist Alexander Dumas. The declaration was against the color of those who made up the body of the Republican vote in that county.

Mr. COOPER of Wisconsin. Did the contestant write that language?

Mr. MOODY. No; not this candidate, but one who was by his side on that ticket, a candidate for the unexpired term. Is it any wonder, I submit to the candor of this House, that the Republican vote fell off in Clark County? The negroes were indignant. They expressed their indignation. They held a meeting. They appointed a committee to go to the Republican convention and ask that three, only three, of their number should be nominated to county offices.

Mr. ROYSE. Let me ask the gentleman does not the proof in the case clearly show that the dissatisfaction of the colored men did not extend to the contestant at all, but that they were all friendly to him, and that they put his name in their petition and asked that he be nominated?

Mr. MOODY. The gentleman anticipates what I was about to say. This was a county fight. It was nothing but a county fight. The negroes felt that their race had been insulted, and when they asked for fair representation upon the ticket they were turned away by that county convention with contempt and without a hearing. Is it any wonder, then, that there was disaffection in that county among the Republican voters?

The negroes nominated their ticket. The story of that ticket has been fully explained, and clearly explained to the House. I am not going into it again. It is not necessary. It received 79 votes throughout the whole county of Clark, and no more. We propose to rectify any possible wrong done to the Republican candidate by adding to the 1,479 votes which he got on the other ticket the 79 that were cast for this "eagle ticket." But our friends go further, and say it had such effect that we can not measure the result of the fraud, and therefore must throw out the whole vote. If that be true—if it had such an effect—I say again that the Republican contestant ought to have the seat as a result of his contest.

But, Mr. Speaker, what are the facts? It is not true. That is the answer to it. It is measured in the evidence taken by the contestant himself.

I wish to call your attention to the minority report for a moment, to some language which, if it be true, authorizes the seating of the contestant. If I thought it were true, I would vote to do so myself, and I would not have joined in the report which the gentleman from New York has made. But let us see whether it is true or not. It says—I allude now to the minority report:

> The evidence shows that the character of this ballot was discovered by the Republicans soon after the polls opened on the morning of the election.

That is true.

> This news spread rapidly, and caused great consternation among the Republican voters. They were astounded, bewildered, and indignant.

Mr. Speaker, without the risk of contradiction, I say now that in the original record of this case, eliminating the additional testimony, there is not a word to sustain that statement, and if I am wrong I invite contradiction now.

I do not get it. I can not get it, because there is nothing in the record which would warrant a contradiction.

Mr. BRUMM. If the gentleman will permit me, I understand him to say that this is in the additional evidence presented in the case.

Mr. MOODY. I am coming to that presently. I will show the only evidence to sustain any such statement. That statement of the minority of the committee in this report is imagination, and nothing else. It rests on no surer foundation than the mere assertion of counsel.

But let us go further.

Mr. ROYSE. If the gentleman will permit me——

Mr. MOODY. I would prefer, with the gentleman's consent, not to be interrupted now. I have but a very few moments. I would certainly yield, however, if the point the gentleman desires to make is very material.

Mr. ROYSE. I will not interrupt my friend from Massachusetts.

Mr. MOODY. I read further from this report:

> Party leaders advised them to go home and not to vote at all.

Mr. Speaker, outside of the additional testimony, there is not a word of evidence to justify that assertion. One man, they say, says he gave advice privately to 12 or 15 and publicly to 75 or 100 voters "not to vote." Now, that is not true. There is no testimony in the record that warrants it in any possible degree whatever. The only testimony in the record, and I will call attention to and read it now, is the testimony of one Bohen, who says—I read from the testimony:

> Q. 5. Were you asked by voters to give information to voters of that voting precinct as to how to vote for N. T. Hopkins, Republican candidate for Congress? If so, what direction did you give them?
>
> A. Yes; and believing "the eagle about to fly" was the device under which the name of N. T. Hopkins was placed, I instructed them to mark their ballots under "the eagle about to fly."
>
> Q. 6. What led you to believe that his name would be under the device of the "eagle about to fly?"
>
> A. That was the device adopted by the Republican Congressional convention which nominated him, and had been heretofore used by the Republican party throughout the State, district, and county.
>
> Q. 7. About how many voters did you so advise?
>
> A. Privately, I advised 12 or 15; publicly, about 75 or 100.

There is no word of testimony there as to advising voters not to vote. What he did advise them was to vote under the emblem of the eagle. Yet the minority in their report state to the House that one man advised the voters, 75 or 100 of them, to go home and not vote at all. He says he gave this advice to 75 or 100 voters, but there is not a word of testimony to show that it was advice not to vote at all. Therefore there is a misrepresentation of the testimony. The advice was to vote under the eagle, and if anybody was misled by that advice we have corrected the error by giving every vote cast under that ticket to the Republican candidate. The evidence shows, in fact, that in the very precinct where that advice was given the eagle ticket did not receive a single vote. So it did not mislead anybody.

Now, what is the evidence upon which it is asserted that people were repelled from the polls by this ticket? There is not a word of it in the record. The minority go on to say in their views:

> It is undisputed that large numbers of Republicans did leave the polls and refuse to vote.

That is not true. It is not sustained by the evidence in any manner whatever.

Why, Mr. Speaker, what is the evidence upon this subject? I can only be very brief about it. In the first place, there is the evidence of one Hatton, who says that the effect of this ballot was "to disorganize the Republican force and cause a great many voters"—to do what?

> To ignorantly vote the straight Republican ticket—

which was this illegal ticket, and that thereby—that is, by causing them to vote the straight Republican ticket—thereby, he says, the Republicans lost three or four hundred votes, not by Republicans staying away from the polls, no such language, but by their "ignorantly voting" this illegal ticket; and we have corrected every result which possibly could flow from that.

That is all that that witness says. I have read for you all that the witness Bowen says. There is one man who testifies that in point of fact by mistake he voted the illegal ticket. There is another witness called, and I call the attention of the House to his statement. Mr. K. J. Hampton, who was a member of the State central committee, who was the chairman of the Republican district committee, was called as a witness. He has been here this winter, and he was here last winter. He is evidently an intelligent, honest, and upright man. He was called by the contestant in this case. He was at the polls all day long as a challenger at this election, and in his testimony he never said one word about a single Republican being repelled from the polls by this ticket.

Upon cross-examination he says in reply to a question that was put to him that he could not name a single Republican in Winchester precinct who did not vote. I believe that was the testimony of every witness who was called originally to prove this great exodus of Republicans on account of the fanciful reason that has been given here for it. It failed. It is not true, and the result is shown by the agreement which was entered into by the parties in this case, which I want to read. It is found on page 60 of the record in this case. When the contestant found that he had not proved that a single Republican was repelled from the polls by this ticket, that he had absolutely failed to do so, and had shown that the only way in which the ticket did harm was by getting men ignorantly to vote the eagle ballot, he entered into this agreement:

> That all the Republican voters in Clark County who attended the election and who desired to vote were given a fair and a free opportunity to do so, and that their votes were counted and certified as cast.

That was the agreement that was entered into by the parties. It is said that it is not binding upon us. True, it is not binding upon us, but it is persuasive evidence. Who knew better than the contestant and his counsel whether there had been any Republican votes lost by the existence of that ticket?

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. COLSON. Will the gentleman allow me to ask him a question?

Mr. MOODY. I know my friend from Kentucky will pardon me. He knows that I have only seven minutes remaining, and that I am arguing against the views of this side of the House. He ought to recognize my difficulty, and not take my time.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MOODY. Now, it is said that the vote in this county at other times shows that this was an abnormal election. It shows nothing of the kind. In the year 1894, in this election, giving the contestant the 79 votes which we give him, he carried the county by 277. The next year Governor Bradley was beaten in the county by 263. The same conditions were existing. The same dissatisfaction, perhaps a little lessened in its intensity, existed among the negro voters, and yet there was a difference of only 14 votes.

Mr. Speaker, another test which shows that the correction which the majority make shows that we do full justice to this contestant and that we are not obliged to go any further. The same Mr. Hampton to whom I referred testifies on this subject. Who could know better than he what the Republican vote of this county was? He testifies in the record, and does not attempt to correct it, that the full Republican vote was 1,600, and the brief of the counsel for the contestant shows, on page 13, that he accepted 1,600 as the full Republican vote, and he so stated in his brief. By adding these 79 votes to those which Hopkins received by the returns of the election officers, we come within about 40 votes of the total Republican vote of that county.

Now, the cause stood that way toward the close of the last session. It appeared clearly that the committee were not intending to seat the contestant by any report of theirs. A report against him, and a unanimous report against him, appeared certain. I myself drew the resolution and presented it to the House, which gave this man the full opportunity to prove what he claimed. It was a subject which was capable of proof. If Republicans were turned away from the polls, they knew it, and it could be proved by their testimony and by the testimony of other people. We gave him the opportunity to take that proof and he came back with his so-called additional testimony. And how little it amounts to. He comes back, under the leave which this House gave him, with this testimony upon this subject, and this testimony alone; and I am going to read it all, because it is in a question or two. A man by the name of Perry was called as a witness, and he was chairman of the Republican committee in Winchester, and he said that when he came to find out what this ticket was, he advised the Republicans not to vote; and he went to several other precincts in town and did the same thing. He said further, upon cross-examination, that within an hour he changed his mind; and he was asked this question, Mr. Speaker, on cross-examination, which gave him

the right to put his own opinion and his own judgment into the case, and this was his answer:

> Q. I will ask you now to give your honest judgment as to whether you think your advice to the Republicans that morning lost the contestant, Hopkins, a single vote in the city of Winchester?

That was put to him, an adverse witness, by the counsel for the sitting member, and he said in reply:

> I do not know whether my advice to the Republicans lost any votes for Hopkins or not.

Although the man is right on the spot and could tell, he could not answer the question which the contestant now asks you to answer in his favor affirmatively. Now, that is all. What is the excuse that we are given for the absence of testimony? Everybody knows that if Republicans did not vote it could be proved, and proved easily. The House had extended the time for this contestant for the mere purposes of allowing him to prove it. He comes back without any proof whatever, and the excuse presented to the House is that the court of appeals of Kentucky has decided that a man can not be compelled to state——

Mr. COLSON. Will the gentleman allow me to ask him a question?

Mr. MOODY. Do not interrupt me in the middle of a sentence. The court of appeals of Kentucky has decided that a man can not be compelled to tell how he voted; and therefore, for that reason, it was impossible to compel a witness to testify that he did not vote and why he did not vote.

Mr. COLSON. Now will the gentleman allow me a question?

Mr. MOODY. One single sentence, and I will. The excuse presented was an insult to the intelligence of the committee. Now I yield to the gentleman.

Mr. COLSON. Does the gentleman not know that the testimony shows that 40 Republican votes in one precinct were not cast in that election?

Mr. MOODY. I am very much obliged to the gentleman for his question. There were 40 Republican votes not returned in one of those precincts; and that is a precinct which had a majority of these "eagle" tickets in it; and we added these "eagle" tickets to the vote of the Republican party. It was the precinct where one of the colored men lived. He was upon this ticket; and that is the reason why the ticket fell behind.

It is said that Republicans refrained from voting on account of the fraudulent ticket. An opportunity was given the contestant to present evidence before the committee and before the House of the fact that voters had refrained from voting, and when he comes back to us he does so without any proof.

Mr. COLSON. Does not the gentleman know that 700——

Mr. MOODY. Why, Mr. Speaker, am I making this speech or the gentleman from Kentucky?

Mr. COLSON. Does not the gentleman know that 700 Republican votes were not cast?

Mr. MOODY. Now, Mr. Speaker, I have but few words more to say upon this question. I have gone over it hastily. I have gone over it imperfectly, with hostile faces all around me. I will not descend to lobby a report in which I join through this House. If I have anything to say on it I will say it upon the floor, upon my responsibility as a member of the House and of the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. MOODY. Will the House allow me a few more minutes?

Mr. BARTLETT of Georgia. I ask that the gentleman be allowed ten minutes more.

The SPEAKER pro tempore. Unanimous consent is asked that the time of the gentleman from Massachusetts be extended ten minutes. Is there objection?

Mr. HARDY. I object.

Several MEMBERS. The other side had ten minutes.

Mr. LEWIS. I hope the gentleman will be yielded the courtesy of five minutes. Let him have five minutes more to conclude his remarks.

Mr. MOODY. I hope gentlemen will accord me that courtesy.

Mr. PEARSON. I think there must be some mistake about the objection.

Mr. HARDY. I withdraw the objection; but I believe that Massachusetts has slobbered over enough in this House. [Cries of "Ah!"]

The SPEAKER. The objection is withdrawn.

Mr. MOODY. Mr. Speaker, I should have preferred that the gentleman would have persisted in his objection rather than to have yielded to me and accompanied that yielding by an insult to the State which I have the honor in part to represent. [Great applause.] I have no apology, Mr. Speaker, to make for my State, nor to make for myself, for any vote which I have cast or any voice that I have uttered upon this floor. What I have done has been done simply because I believe that the duty which this House itself imposed upon me compels me not only to come to a conclusion which I believe to be the true one, but to support it by argument in the House.

There is but one word more I want to say, and it is this: Mr. Kendall, the sitting member, is not guilty of any of the misdoings that have been shown. The evidence is that it was a mere county trick. It was not directed against Mr. Hopkins; it was not engineered by Mr. Kendall, and the evidence shows that Mr. Kendall and this county clerk did not even know each other by sight. If the construction of the law and the preservation of the purity of elections require that the sitting member should suffer for the wrongdoing of another, so be it. It will not be the first time that that result has been brought about. But, gentlemen, when you are asked to inflict upon a man who is guiltless the consequences of the misdoings of another, when you are asked to disfranchise 3,411 honest citizens who voted according to their convictions, I call upon you in the name of fairness to hesitate, whatever your opinions may have been up to the present time.

You can do this thing. You probably will do it. You can do it by the power of numbers; but if there ever was a case that was clear to a man who has examined the whole evidence, this is the case. If you do this you run on the one hand against the decisions of the court of appeals of the State of New York, and you run on the other hand against the law and the evidence and the agreement of the parties, and, as the gentleman from South Carolina [Mr. MURRAY] now stands before me, let me say that you ratify the insult which was put upon his race by a man whose name was upon this ticket as a candidate for Congress. You not only ratify that insult—an insult which asserted that the negroes were not fit to hold office; that no matter how good they were, a just sense of propriety would confine their political activities to voting for white men—you not only ratify that insult, but you declare that the negro in Kentucky is so debased and degraded, so lost to all self-respect, that he had not even the courage to resent it. Mr. Speaker, I submit the case to the sober consideration of the House. [Prolonged applause.]

Mr. DANIELS. Mr. Speaker, I demand the previous question on the resolutions.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEPBURN). The Clerk will read the resolutions reported by the majority of the committee.

The resolutions were read, as follows:

> *Resolved*, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.
>
> *Resolved*, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat.

The SPEAKER pro tempore. The Clerk will now report the substitute proposed by the minority.

The Clerk read as follows:

> *Resolved*, That Joseph M. Kendall was not elected a member of the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to a seat therein.
>
> *Resolved*, That N. T. Hopkins was elected a member of the Fifty-fourth Congress from the Tenth Congressional district in the State of Kentucky, and is entitled to a seat therein.
>
> L. W. ROYSE.
> R. Z. LINNEY.

The question being taken on the adoption of the substitute resolutions, the Speaker pro tempore declared that the ayes seemed to have it.

Several members called for a division.

Mr. EVANS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOODY. Mr. Speaker, I would ask the gentleman from Indiana [Mr. ROYSE] if, for the convenience of both sides of the House, he will not agree that the vote upon the pending roll call shall be final, so that members when they vote on this call may go home if they desire, and that the remainder of the proceedings, if any, may be taken without a further vote?

Mr. ROYSE. I consent to that.

The question was taken; and there were—yeas 197, nays 91, present 1, not voting 66; as follows:

YEAS—197.

Acheson,
Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Anderson,
Andrews,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Baker, N. H.
Barham,
Barney,
Barrett,
Bartholdt,
Beach,
Belknap,
Bennett,
Bingham,
Bishop,
Blue,
Boutelle,
Bowers,
Brewster,
Broderick,
Bromwell,
Brosius,
Brumm,
Bull,
Burrell,
Burton, Mo.
Calderhead,
Cannon,
Chickering,
Clark, Iowa
Clark, Mo.
Codding,
Colson,
Connolly,
Cook, Wis.
Cooper, Wis.
Cousins,
Crowther,
Crump,
Curtis, Iowa
Dalzell,
Danford,
De Witt,
Dolliver,
Doolittle,
Dovener,
Draper,
Eddy,
Ellis,
Evans,
Faris,
Fischer,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hager,
Halterman,
Hanly,
Hardy,
Hartman,
Hatch,
Heatwole,

Heiner, Pa.
Hemenway,
Henderson,
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill.
Hooker,
Hopkins,
Howard,
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Hull,
Hunter,
Hurley,
Mahany,
Marsh,
McCall, Tenn.
McCleary, Minn.
McCormick,
McLachlan,
Meiklejohn,
Mercer,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Morse,
Mozley,
Murphy,
Murray,
Northway,
Odell,
Overstreet,
Payne,
Pearson,
Perkins,
Phillips,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Joy,
Kiefer,
Kirkpatrick,
Knox,
Lacey,
Lefever,
Leighty,
Leisenring,
Lewis,
Linney,
Linton,
Long,
Lorimer,
Loud,
Loudenslager,
Quigg,
Ray,
Reeves,
Reyburn,
Rinaker,
Robinson, Pa.
Royse,
Russell, Conn.
Scranton,
Settle,
Sherman,
Smith, Mich.
Snover,
Spalding,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strode, Nebr.
Strong,
Sulloway,
Tawney,
Tayler,
Thorp,
Tracewell,
Tracey,
Treloar,
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Watson, Ind.
Watson, Ohio
Willis,
Wilson, N. Y.
Wilson, Ohio
Wood,
Woodman,
Woomer,
Wright.

NAYS—91.

Abbott,
Adams,
Allen, Miss.
Bailey,
Bankhead,
Bartlett, Ga.
Bartlett, N. Y.
Bell, Tex.
Berry,
Black,
Boatner,
Catchings,
Clardy,
Clarke, Ala.
Cobb,
Cockrell,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cox,
Crisp,
Crowley,
Culberson,
Cummings,
Daniels,
Dinsmore,
Dockery,
Ellett,
Erdman,
Fitzgerald,
Gillett, Mass.
Hall,
Harrison,
Hendrick,
Henry, Conn.
Kem,
Kleberg,
Kyle,
Latimer,
Lawson,
Layton,
Leonard,
Little,
Livingston,
Maddox,
Maguire,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McLaurin,
McMillin,
McRae,
Meredith,
Meyer,
Miles,
Money,
Moody,
Moses,
Neill,
Ogden,
Otey,
Otjen,
Owens,
Patterson,
Price,
Raney,
Richardson,
Robertson, La.
Russell, Ga.
Sayers,
Simpkins,
Sorg,
Sparkman,
Spencer,
Stallings,
Stokes,
Strowd, N. C.
Sulzer,
Swanson,
Talbert,
Terry,
Turner, Ga.
Turner, Va.
Tyler,
Washington,
Wheeler,
Williams,
Wilson, S. C.
Woodard,
Yoakum.

ANSWERED "PRESENT"—1.

Smith, Ill.

NOT VOTING—65.

Allen, Utah
Arnold, Pa.
Baker, Kans.
Baker, Md.
Bell, Colo.
Brown,
Buck,
Burton, Ohio
Coffin,
Corliss,
Cowen,
Curtis, Kans.
Curtis, N. Y.
Dayton,
De Armond,
Denny,
Dingley,
Fairchild,
Fenton,
Goodwyn,
Hadley,
Hainer, Nebr.
Harmer,
Harris,
Hart,
Hitt,
Huling,
Hutcheson,
Jones,
Kendall,
Kerr,
Kulp,
Lester,
Low,
Mahon,
Martin,
McCall, Mass.
McClure,
McEwan,
Milliken,
Miner, N. Y.
Newlands,
Noonan,
Parker,
Pendleton,
Pickler,
Rusk,
Sauerhering,
Shafroth,
Shannon,
Shaw,
Shuford,
Skinner,
Southard,
Southwick,
Stone, C. W.
Strait,
Tate,
Thomas,
Towne,
Tucker,
Wellington,
White,
Wilber,
Wilson, Idaho.

So the substitute resolutions were agreed to.

The following pairs were announced:

On this question:

Mr. Mahon with Mr. Hart.

Mr. Curtis of Kansas with Mr. Pendleton.

Mr. Milliken with Mr. Lester.

For this day:

Mr. Kulp with Mr. Shaw.

Mr. Charles W. Stone with Mr. De Armond.

Mr. Huling with Mr. Denny.

Mr. Arnold of Rhode Island with Mr. Rusk.

Mr. Wellington with Mr. Tate.

Mr. Goodwyn with Mr. Buck.

Until further notice:

Mr. McCall of Massachusetts with Mr. Jones.

Mr. Dingley with Mr. Strait.

Mr. Corliss with Mr. Cowen.

Mr. Pickler with Mr. Miner of New York.

Mr. Harmer with Mr. Hutcheson.

Mr. Thomas with Mr. Tucker.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that leave of absence be granted to my colleague, Mr. Tate, indefinitely, in consequence of a death in his family.

There was no objection.

The result of the vote was then announced as above recorded. [Applause.]

The SPEAKER. The question now is on agreeing to the resolutions as amended by the substitute.

The resolutions as amended were agreed to.

Mr. ROYSE. Mr. Speaker, I ask that the contestant, who is now present, be permitted to appear at the bar of the House to take the oath of office.

Mr. Hopkins of Kentucky having appeared at the bar of the House, was duly qualified, taking the oath prescribed by law. [Applause on the Republican side.]

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, Mr. Hopkins, the contestant in this case, and the contestee, Mr. Kendall, have leave to print remarks in the Record upon the election case just disposed of.

The SPEAKER. Within how long a time?

Mr. DINSMORE. I should say in ten days.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REPEAL OF TIMBER-CULTURE LAWS.

Mr. LACEY. Mr. Speaker, I desire to call up from the Speaker's table a Senate bill with House amendments which I ask to have laid before the House for action at this time.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

The SPEAKER. The bill will be read.

Mr. BAILEY. Mr. Speaker, I make the point of order that it is utterly impossible to understand what is going on.

The SPEAKER. The Chair desires the House to be in order, and wishes to say to the House that under the rule not only ex-members but members-elect are permitted to come into the Hall, and they avail themselves of the privilege to a larger extent in the closing days of the session, perhaps, than at any other time. The addition of so many more gentlemen to those already on the floor increases very greatly the difficulty of maintaining order; and the Chair desires now to appeal to each member of the House, and to those gentlemen who are on the floor by permission of the House, to assist him in maintaining order and restrain themselves a little more, especially with reference to conversation on the floor. If gentlemen will, while on the floor, bear in mind this suggestion of the Chair, I am sure we will have very little difficulty hereafter in maintaining order. But it is absolutely impossible to transact the business of the House under circumstances where neither the Speaker can hear a member presenting a question to the House, nor can other members hear him, no matter how close attention they may pay to the proceedings. The Chair hopes, therefore, that order will be maintained hereafter. [Applause.]

The Clerk will read the bill called up by the gentleman from Iowa [Mr. Lacey].

The bill was read at length.

The amendments were read at length.

Mr. LACEY. Mr. Speaker, I move that the House insist upon its amendments disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed Mr. Lacey, Mr. Ellis, and Mr. McRae as conferees on the part of the House.

IMPROVING MISSISSIPPI RIVER.

The SPEAKER laid before the House the bill (S. 3614) to aid in the improvement of the navigable channel of South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River.

The bill was read at length.

Mr. CATCHINGS. Mr. Speaker, I ask that the reading of the House amendments be dispensed with, and move that the House insist upon its amendments, and agree to the conference asked by the Senate.

There being no objection, the reading of the House amendments was dispensed with.

The motion of Mr. Catchings was then agreed to.

JOSEPH P. PATTON.

Mr. STEELE. Mr. Speaker, I desire unanimous consent for the present consideration of the bill (H. R. 10290) for the relief of Joseph P. Patton.

The SPEAKER. The House will please be in order. The Chair would like to have the attention of all the members of the House during the presentation of matters by unanimous consent. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the record of the War Department in the case of Joseph P. Patton, late first lieutenant of Company C, Fifth Regiment of Ohio Volunteer Cavalry, by revoking the order of his dismissal and granting him an honorable discharge, to date September 21, 1864.

Mr. STEELE. Mr. Speaker, I desire to say about this bill that there was a trial of this officer; that he was not found guilty on a single specification; that the Secretary of War ordered his release and restoration to duty. The Judge-Advocate-General disapproved of the proceedings against him. The officer in the meantime had been sent home by his corps commander, and it was too late for the order of the Secretary of War to be operative.

Mr. MILES. Is there a report in the case?

Mr. STEELE. There is a report, but it is very long.

Mr. LOUD. What was the charge against him?

Mr. STEELE. He was charged with having disposed of two mules. The court found him not guilty. He had two mules belonging to a contractor.

Mr. LOUD. Were these Kentucky mules?

Mr. STEELE. No; not Kentucky mules. The mules that the contractor had were very large ones. This officer substituted two small mules that he had captured, in the place of the larger mules. He used the larger mules to ride, and when he came to the end of his trip he was not able to make the exchange. The contractor got two worthless, small mules in place of the Government's two large mules. As I have said, the court found this officer not guilty on any specification, and the Judge-Advocate-General and the Secretary of War ordered his discharge from arrest and his restoration to duty. Those are the facts in the case.

Mr. ERDMAN. Will the gentleman permit a question?

Mr. STEELE. Certainly.

Mr. ERDMAN. How does it come that he has remained under this stigma for thirty years?

Mr. STEELE. Simply because he was a poor man and never has asked for relief.

Mr. ERDMAN. Does he expect relief in a pecuniary manner now?

Mr. STEELE. Not at all.

Mr. ERDMAN. Has he applied to the Department?

Mr. STEELE. Yes; but the Secretary of War held that he could not get relief in that way. It does not come within the provisions of the law.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LOUD. I should like to ask if the bill carries the usual provision that no pay, bounty, or emoluments shall follow by reason of the passage of this act?

Mr. STEELE. No; it does not contain that provision. I will say to the gentleman that this applicant is a very poor man——

Mr. COX. What is the relief which is afforded by the bill?

Mr. STEELE. It gives him the relief which the Secretary of War and the Judge-Advocate-General both ordered he should receive, in an indorsement that appears upon the proceedings of the court. They both ordered his release from arrest.

Mr. COX. What is the relief they give him?

Mr. STEELE. The bill gives him an honorable discharge instead of dismissal by a corps commander.

Mr. HENDERSON. It cleans up his record.

Mr. STEELE. It cleans up his record.

Mr. LOUD. That would entitle him to pay for a year or so?

Mr. STEELE. Not at all, because there is no such time involved. It will give him pay for a month or so.

Mr. LOUD. I hope the gentleman will offer that amendment himself. I do not believe in reviewing the acts of a court-martial thirty or thirty-five years afterwards and then paying a man for some imaginary claim that he may have had. I hope the gentleman will offer the usual amendment.

Mr. STEELE. Let me say to the gentleman that this man was not found guilty on a single specification, and that the Judge-Advocate-General and the Secretary of War both disapproved of the proceedings, and the Secretary of War ordered his release from arrest and restoration to duty.

Mr. LOUD. If the findings were not approved, I can not imagine how they could have had any effect, but I wish to say that it seems to me that the court which was convened at that time was more competent to decide this case than Congress is to decide it thirty years afterwards. Unless I had understood that this carried the usual provision, I should not have given consent to its consideration. Of course, it has gone beyond my power now to prevent the consideration of the bill.

Mr. STEELE. The gentleman from Wisconsin [Mr. Griffin] reported the bill.

Mr. LOUD. I hope the gentleman will offer the amendment which I suggest.

Mr. GRIFFIN. Mr. Speaker, this is rather a peculiar case. This officer was on detail duty, having in charge a squad of men, taking the cattle on the line of march for General Smith's army. The contractors were Cincinnati parties. Before he started on his line of march these contractors requested him to take with him a span of mules belonging to the contractors, a double harness, and a wagon. On the way to reach the command a span of mules, or two mules used by two of his men for saddle mules, gave out because they were small and unable to carry the men on such a long march. The officer concluded that the only way to get his men through was to exchange the weak mules, owned by the Government, for the mules owned by the contractors, and he did so, attaching the small mules, which were tired out, to the wagons and taking the mules of the contractors for the men to ride. Before he got to his destination even these mules succumbed to the fatigue and exhaustion of the trip, and they were turned out to die or recover, as often occurs on marches of that kind. When he reached his destination, he sold the small mules for $50, and supposing that, having taken the contractors' mules for the use of the men, and having abandoned these, it was his duty to restore them as far as he could, and having received $50 for the small mules, he proposed to send that $50 to the contractors at Cincinnati, as he agreed to do.

Pending these steps, he says that some one, who was a little miffed because of something he had done, had him arrested, preferred charges, and a court-martial ensued. He was found guilty; and it is surprising that under the proofs in the case any court-martial should have found the man guilty. Yet such was the case, and as the gentleman from Indiana [Mr. Steele] says, the subsequent recommendations were for his release, but before, mark you, the order of the Secretary of War for his release reached the command, the Major-General Commanding the Army had caused him to be dismissed from the service, and there was no case. Hence this measure is brought here.

Mr. STEELE. Allow me to correct one statement the gentleman has made.

Mr. GROSVENOR. Why could not the Secretary of War simply have vacated the order under which the General had dismissed him from the service, and in three lines have restored him to duty at the time?

Mr. GRIFFIN. Why, if the Secretary of War was here to hear, and I could address the question and he would give his reason, I could answer the gentleman from Ohio, but as he is not, I do not know what answer he would give to the inquiry put by the gentleman.

Mr. GROSVENOR. Did he refuse?

Mr. GRIFFIN. He was at home at the time the order reached him.

Mr. HULL. Let me say to the gentleman from Ohio that the Judge-Advocate-General of the Army ordered the man reinstated and all proceedings vacated, and the Secretary of War approved it, but when the finding of that kind went back the man was out, and although the War Department took no action on it, the charge stands that this was a court-martial and not a desertion, and it takes an act of Congress to grant the relief.

Mr. GROSVENOR. Oh, no; the Secretary of War could have restored him.

Mr. STEELE. Even the President could not have restored him.

Mr. GROSVENOR. The President has done it a thousand times.

Mr. STEELE. The gentleman from Wisconsin says that he was found guilty of the charge. Under neither of the specifications of the charge was he found guilty, showing the inconsistency of the proceeding.

Mr. GRIFFIN. Mr. Speaker, I wish the House to understand it just as it is. He was found guilty of taking the mules and selling them and making the exchange, and not of selling the wagon or the harness, and he was not found guilty of converting the money to his own use. He did not profit by it in any way.

Mr. LOUD. Mr. Speaker, I offer the usual amendment, "that no pay, emolument, or bounty shall accrue to him by reason of the passage of this act."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

That no pay, bounty, or emolument shall be paid to Joseph P. Patten by reason of this act.

Mr. STEELE. I hope that will be voted down.

Mr. GROSVENOR. Mr. Speaker, if this was a wrongful conviction, as it appears, and if it was a wrongful retention of the charge—and that is the only ground upon which we could pass the bill, if we ought to pass the bill—we certainly ought to restore this man to whatever he lost by reason of the wrong that was done to him.

Mr. STEELE. That is right.

Mr. LOUD. Mr. Speaker, there is a question of doubt, I will say to the gentleman from Ohio, whether this bill should pass at all or not.

Mr. GROSVENOR. That is another question.

Mr. LOUD. This House assumes to do a portion of equity in a good many cases as it sees it. I say to this House that that court at that time was much more competent to determine this question than this body is to-day; and while we remove charges of desertion from time to time and give large bounties to people, yet, if we could review the facts surrounding the service of this gentleman and know the exact facts, possibly this House might conclude it was a case of desertion. The court found this man guilty. Those findings were approved. The assumption is that he was guilty. This legislative body, having the power, of course can set everything aside; but it is a question whether they should go beyond the point which is gone in all cases, beyond the point of removing the bar that would prevent him from receiving a pension; and that is the sore spot of this applicant, undoubtedly. [Cries of "Vote!" "Vote!"]

Mr. GRIFFIN. Mr. Speaker, I wish to suggest, in reference to the amendment proposed by the gentleman from California, that such amendment ought not to be adopted in its present form. That is not the usual provision which we attach to bills of this kind. If it is to be adopted in any form, there should be added at the end of the amendment the words, "under the provisions of this act."

Mr. LOUD. I made that suggestion.

The SPEAKER. That is in the amendment.

Mr. GRIFFIN. I hope the amendment will be voted down.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GRIFFIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Several members addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. RAY] on a matter of public business.

PROTECTION OF PUBLIC RECORDS.

Mr. RAY. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the desk, H. R. 8212, for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence.

The bill was read, as follows:

Be it enacted, etc., That a copy of any document, record, paper, or map in the official custody of any public officer of any State or Territory of the United States, or the Indian Territory, or the District of Columbia, or of the United States, certified under the hand and official seal of such officer or officers, where there is a seal, or of the State or United States, as the case may be, or verified by the oath of the public officer having the custody of same to be a true, correct, and full copy of the original, may be admitted and read and used in evidence in any action or proceeding, civil or criminal, in the courts and before special tribunals of the United States in the like manner and with the same force and effect as the original if produced and put in evidence.

SEC. 2. That no document, record, paper, or map in the official custody of any officer of the United States shall be produced or introduced in evidence except upon the order of a court or of a judge thereof or special tribunal, made upon application supported by affidavit showing that for good reasons specified the production and inspection of the original is essential to the protection of the rights of the parties and the just determination of the cause or proceeding in which same is to be used, and that a copy will not suffice, or when the trial or hearing is being conducted in the same building where such original is kept.

SEC. 3. That whenever the original of any such document, record, paper, or map is required to be and is produced in court, same shall not be taken from the custody of the officer required by law to keep same, but after inspection and at the close of the trial or hearing shall be returned to the office from which taken.

Mr. MEREDITH. Mr. Speaker, I desire to ask the gentleman a question. This bill, as I understand it, permits a copy of a document or record to be used as if it were the original, even in criminal cases. Suppose a man was indicted for forgery, is there any provision that the original paper shall be produced?

Mr. RAY. Certainly. That is all taken care of in the bill. Mr. Speaker, permit me to say that this bill is the unanimous report of the Committee on the Judiciary. There is no objection to it at all, though one or two amendments are recommended. It was introduced by me at the request and solicitation of the Attorney-General of the United States. Papers are taken under a subpœna from the public officers of the Government and then get lost, and this has happened so often that it has led to great inconvenience and difficulty. This bill permits the use of a copy duly certified or sworn to in place of the original, but at the same time if either party desires the production of the original in court, it must be produced.

Mr. MEREDITH. The gentleman's explanation is perfectly satisfactory to me. I was unable to see how, in a prosecution for forgery, you could prevent the production in court of the original papers.

Mr. RAY. Certainly not; and under the bill as it stands now either party may have the original produced in any case on filing an affidavit that its production is necessary. He does not have to make a motion. It is simply an ex parte proceeding. The design of the bill is to protect and preserve public records and documents.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

Amendments recommended by the committee were agreed to, as follows:

Add at the end of section 2 the following:

"Or when the officer or Department having the official custody of same refuses or neglects to furnish a copy on request."

In line 3, section 3, strike out the word "same" and insert the word "it" in lieu thereof.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

P. S. CORBETT.

Mr. NEWLANDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6) for the relief of P. S. Corbett.

The bill was read, as follows:

Be it enacted, etc., That the accounts of P. S. Corbett, formerly United States marshal of the State of Nevada, be readjusted by the Treasury Department, and that the services rendered and expenses incurred by said Corbett in his various attempts to arrest George E. Spencer, and for attempting to arrest persons charged with selling liquor to Indians, be allowed under the head of "Extraordinary expense account;" and also that the said Corbett be credited with full mileage, as provided in section 857 of the Revised Statutes of the United States applicable to the marshals of Oregon and Nevada, from the place of arrest to the place of commitment: *Provided*, That no allowance shall be made except for money actually expended and services actually rendered in good faith.

Mr. SAYERS. Mr. Speaker, I reserve the right to object. I shall be glad to hear a statement as to this bill.

Mr. NEWLANDS. I will make a brief statement.

The SPEAKER. The gentleman from Nevada can make a statement, subject to the right of any member to object to the consideration of the bill.

Mr. NEWLANDS. With reference to this bill, I wish to say that it involves only a few hundred dollars disallowed in the accounts of the United States marshal for Nevada.

Mr. SAYERS. What does the gentleman call "a few hundred dollars"?

Mr. NEWLANDS. The amount disallowed is $167.76.

Mr. SAYERS. On what ground was it disallowed by the Department?

Mr. NEWLANDS. Upon the ground that the expenditures did not come under the "extraordinary expense account." These expenditures were incurred in the arrest of George E. Spencer, who was conspicuous in the star-route cases. The United States marshal for the district of Nevada received telegrams from the Attorney-General of the United States requesting him to spare no effort to make the arrest.

Mr. SAYERS. At what time were these services rendered?

Mr. NEWLANDS. In 1881. The Attorney-General of the United States has recommended the payment of this claim. It has been passed upon by the Senate, and has been approved by the Committee on Claims of the House. The expenses, the report says, were incurred in good faith and in the discharge of the marshal's official duties, and ought in equity to be refunded.

Mr. SAYERS. When does the gentleman say the services were rendered?

Mr. NEWLANDS. In 1884.

Mr. SAYERS. The star-route cases were some time before that.

Mr. NEWLANDS. A telegram from "Brewster, Attorney-General," is dated November 29, 1882, and in it he says:

> Do not delay your efforts to find him so long as you have reason to believe he is in your district.

Mr. COX. Mr. Speaker, the services performed by this marshal were performed under the direction of the Attorney-General of the United States. The claim came to the Committee on Claims, and it was there shown that the expense was incurred under the direction of the office of the Attorney-General.

Mr. SAYERS. Has the Attorney-General approved the claim?

Mr. COX. Yes.

Mr. NEWLANDS. That appears in the report.

Mr. LOUD. If the Attorney-General has approved the claim, why was it not regularly submitted to the Committee on Appropriations as a deficiency?

Mr. COX. I will tell the gentleman why. On an examination of the claim before the Committee on Claims, it was found that there was no appropriation for these star-route expenses.

Mr. LOUD. But why should it ever have gone to the committee? If it is approved by the Attorney-General as properly chargeable to his office, I ask the gentleman from Texas [Mr. SAYERS] if the usual course would not be to send it to the Committee on Appropriations and ask an appropriation for it as a deficiency.

Mr. SAYERS. Unquestionably, if these were deficiencies incurred under the law, they would have come to the Committee on Appropriations. I suspect that if the matter were investigated it

would be found that these expenses were incurred outside of the law and that the Attorney-General had no power to authorize them.

Mr. COX. As a member of the committee, I "suspect" that the point decided in the Committee on Claims was that the Attorney-General had held that he had no authority to pay the claim, and had sent it to the committee with the recommendation that it be allowed.

Mr. LOUD. But it is customary for the Attorney-General in these cases to appeal to Congress for an appropriation as a deficiency. These deficiencies are occurring every year. This is no extraordinary case, if it has any merit——

Mr. COX. That is true.

Mr. LOUD (continuing). And why has it not gone in the regular way of all such matters? Does not the gentleman think that that gives it at least a tinge of suspicion?

Mr. COX. I do not think so.

Mr. LOUD. Then will the gentleman tell us why it has not gone through the regular channels, and been paid as other claims of this character are paid?

Mr. COX. Oh, my friend, since he has ceased to be a member of the Committee on Claims, is getting a little suspicious about all these matters.

Mr. LOUD. Oh, no; we have always agreed there.

Mr. SAYERS. Mr. Speaker, the trouble seems to be that the gentleman from Nevada is seeking to secure a double allowance for this man. He has already been paid his expenses of travel to the city of Washington. He is allowed 10 cents a mile. But under the statutes providing for the expenses of the United States marshals for Oregon and Nevada, they were allowed double there, while in coming to Washington they are not so allowed. Now, it occurs to me that this man, having been allowed a 10-cent rate per mile, has had enough, and I therefore object.

MARY E. HERD.

Mr. COLSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8086) granting a pension to Mary E. Herd, widow of Lieut. Col. A. J. Herd.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

The amendments recommended by the committee were read.

Mr. LOUD. Let us have the report in that case read.

Mr. ERDMAN. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 78, noes 35.

So the motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. HULING, for two days, on account of important business.

To Mr. HART, indefinitely, on account of sickness in family.

To Mr. LOW, for one day, on account of important business.

To Mr. TATE, indefinitely, on account of death in family.

To Mr. SHUFORD, for three days, on account of important business.

REPRINT OF A REPORT.

On motion of Mr. DRAPER, by unanimous consent, a reprint was ordered of Report No. 940, on the bill H. R. 3014.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ending June 30, 1896—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the chief of division of the Revenue-Cutter Service for the purchase of twenty-four eophones, at $500 each, for the vessels of the Revenue-Cutter Service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEWART of Wisconsin, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10248) providing for the disposition of certain lands in Minnesota which have been or may be damaged by the United States in the construction of dams and reservoirs in aid of navigation, and for other purposes, reported the same with amendments, accompanied by a report (No. 2984); which said bill, amendments, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10036) to incorporate the National Grand Lodge of the Order of the Sons of Hermann, reported the same without amendment, accompanied by a report (No. 2985); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10325) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund, reported the same without amendment, accompanied by a report (No. 2986); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 9763) granting an increase of pension to John H. Laney. (Report No. 2979.)

The bill (H. R. 5647) for the relief of Mrs. Magdelena Eitel. (Report No. 2980.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 9154) to pension Robert Sanders Northcott at an increased rate. (Report No. 2981.)

The bill (H. R. 9690) granting a pension to George G. Vogel. (Report No. 2982.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 3591) entitled "An act granting an increase of pension to Daniel Phillips." (Report No. 2983.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Petition of the Philadelphia Board of Trade, in favor of Senate bill 2497, to establish a department of commerce and manufactures—Committee on the Judiciary discharged, and referred to the Committee on Manufactures.

Petition of the Boston Merchants' Association, in favor of the establishment of a department of commerce and manufactures—Committee on the Judiciary discharged, and referred to the Committee on Manufactures.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CATCHINGS: A bill (H. R. 10330) to acquire and improve Joliet street between the Zoological Park and Connecticut avenue extended—to the Committee on the District of Columbia.

By Mr. SHANNON: A bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. WELLINGTON: A bill (H. R. 10332) to amend an act to regulate the practice of pharmacy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT of Georgia: A resolution (House Res. No. 549) to provide for the printing of the testimony in contested-election cases in the House—to the Committee on Printing.

By Mr. ALDRICH of Illinois: A resolution (House Res. No. 550) for the employment of two bicycle messengers for day and night service between the enrolling room and the Government Printing Office—to the Committee on Accounts.

By Mr. McCALL of Massachusetts: A memorial of the legislature of the State of Massachusetts, in favor of increased compensation for letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A memorial of the legislature of the State of Illinois, requesting the passage of the bill (H. R. 1) to reclassify railway mail clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: A memorial of the legislature of Massachusetts, in favor of increase of pay of United States letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: A memorial of the legislature of Illinois, praying for passage of the bill (H. R. 1) to reclassify railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARRETT: A memorial of the legislature of Massachusetts, for an increase of the compensation of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: A memorial of the legislature of the State of Minnesota, asking for the establishment of a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. FOSS: A memorial of the legislature of the State of Illinois, urging the passage of the bill (H. R. 4339) to establish a national military park—to the Committee on Military Affairs.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, in favor of the passage of the bill (H. R. 1) to reclassify postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: A memorial of the legislature of the State of Rhode Island, recommending the passage of a bill for the preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. OTEY: A bill (H. R. 10333) to place on the pension roll Mary A. Tracy, widow of John C. Tracy—to the Committee on Pensions.

By Mr. TERRY: A bill (H. R. 10334) granting a pension to William J. Bristow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of William Smith Post, No. 428, Grand Army of the Republic, Department of Pennsylvania, indorsing the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of the Central Young People's Society of Christian Endeavor, of Anthony, R. I., Ruth B. Bowen, president, favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. AVERY: Petition of the Michigan State Veterinary Medical Association, protesting against the passage of the antivivisection bill—to the Committee on the District of Columbia.

By Mr. BAILEY: Petitions of E. A. Fletcher and other citizens of Village Mills; Daniel Parker and others, of Calvert; J. P. Batley and others, of Bremond; J. C. Loggins and others, of Ennis; S. F. Green and others, of Goliad; Jos. Keller and others, of Castroville; C. H. Bateman and others, of Melissa; Henry J. Packentum and others, of Lanley; J. W. Bitting and others, of Manor, in the State of Texas, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Petition of citizens of Lamar, Colo., praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the board of aldermen of the city of Denver, Colo., favoring the passage of House bill No. 3273, relating to the salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Grand Army of the Republic Memorial and Benevolent Association, of Denver, Colo., favoring the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo.; also petition of citizens of Montrose, Colo., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo., favoring the passage of the Broderick bill (H. R. 8203), to raise the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo., urging the passage of Senate bill No. 2485, to recognize Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of C. M. Baily and 83 other citizens of Montrose, Colo., favoring the passage of the bill raising the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of John Deeble and 186 other citizens of Montrose, Colo., favoring the passage of House bill No. 6119, known as the Phillips labor commission bill—to the Committee on Labor.

Also, petition of the Patterson Woman's Christian Temperance Union, 27 members, in favor of the Phillips labor commission bill—to the Committee on Labor.

By Mr. BERRY: Petitions of George S. Cowell and other citizens of Covington, Ky., and John P. Hatterschick and others, of Newport, Ky., favoring the passage of the so-called antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. C. Kennedy and others, of Ludlow, Ky., favoring the passage of the McMillan-Linton bills regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of the Indian Rights Association, opposing a provision in the Indian appropriation bill giving children born of white men and Indian women equal rights with full bloods to property of the mother's tribe—to the Committee on Indian Affairs.

By Mr. BISHOP: Petitions of J. D. Brown and other citizens of White Cloud; C. V. Vestling and others, of Ludington; H. Marshall and others, of Fremont; J. R. Magnan, of Muskegon, and Rev. E. C. Usthoff, of the State of Michigan, asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BLUE: Sundry petitions of J. M. Iliff and other citizens of Mound City; W. M. Congdon and others, of Sedgwick; Order of Railway Conductors of Parsons; the Commercial Club of Newton; letter of J. B. Shiras; letter of Joe F. Ollinger, of Salina; telegram of Oscar Offerle, of Offerle, and letters of Hon. J. P. Harris, A. Monroe, G. Grovenor, A. Henley, and J. D. Bowersock, in the State of Kansas; also resolution of Merchants, Dealers, and Lumbermen's Exchange, of New Orleans, La.; letter of J. D. Miller, of Columbus, Ohio, and petitions of various orders of railway employees, praying for the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Petition of citizens of Rochester, N. Y., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. BRODERICK: Petition of T. Louis Guenther and 50 other residents of Kansas, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of Louis Stix & Co., of Cincinnati, Ohio, protesting against the Bailey-George bankruptcy bill and advocating the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of Rev. J. J. Francis and Rev. J. C. Smith, of Cincinnati, Ohio, favoring the passage of the Sherman bill relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protests of E. L. Lewis, Collin & Ford, Aaron A. Ferris, the Freeman Perfume Company, H. P. Sabbert, H. M. Ziegler, John A. Caldwell, John C. Davis, M. W. Oliver, Cincinnati stock brokers, Wyler, Ackerland & Co., M. H. Marks & Co., A. & A. W. Somerfield, Levy, Price & Co., Ornstein & Rice, Cincinnati brewers, officials of Cincinnati banks, Moch, Bergman & Co., C. G. Waldo, Howard Ferris and others, H. E. Langdon & Co., Glos, Bloom & Co., and other merchants of Cincinnati, Ohio, against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Sundry petitions of Polk Roberson and others, of Sequatchie College; H. L. Cotten and others, of Bishop; T. N. Mason and others, of McMinnville; R. Manzy, of Dunlap, and Homer Hillis, of Morrison, State of Tennessee, asking for the passage of the Cullom and Sherman bills, to prevent the illicit sale of railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Order of the Golden Cross, of Nashville, Tenn., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BULL: Petition of the Providence Evangelical Young Women's Christian Association (700 members); also petition of Albert E. Kenyon, pastor Free Baptist Church (83 members); F. W. Weed, pastor Pentecostal Church (29 members); J. J. Northup, pastor Advent Church (25 members), and Mrs. G. L. Hopkins, president Woman's Christian Temperance Union (14

members), of North Scituate, R. I.; also petition of the Woman's Christian Temperance Union (43 members), of the Free Baptist Church (82 members), and Young People's Society of Christian Endeavor (50 members), of Carolina, R. I.; also petition of Quonochontaug Church, Charlestown, R. I., and Cross Mills Baptist Church, Charlestown, R. I., in favor of the Gillett-Platt bill (H. R. 7441) prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the pastors of the Free Baptist, Pentecostal, and Advent churches, and of the president of the Woman's Christian Temperance Union of North Scituate, R. I., in favor of the Shannon bill (H. R. 9515), to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the District of Columbia.

Also, petition of E. G. Windsor and William P. Cross and 25 other citizens of Providence, R. I., in favor of the Sherman bill (H. R. 10090), to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Sundry petitions of citizens of Danville and other towns in the State of Illinois, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of George H. Brewer and 17 other citizens of Clinton, Iowa, and G. M. D. Slocum and 4 others, of Muscatine, Iowa, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petitions of Charles S. Elliott and other citizens, also F. M. Hayden and others, of Topeka, State of Kansas, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of J. K. Thompson and other citizens of Nowata, Ind. T., for the establishment of a court at the town of Nowata, Ind. T.—to the Committee on the Judiciary.

Also, petition of W. F. Bolton and 88 other citizens of Scranton, Kans., in support of the Sherman bill, prohibiting the illicit trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of New York: Petition of N. W. Howard, Elmer C. Whitaker, and 130 other citizens of the Twenty-second Congressional district of New York State, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Globe Metallic Binding Company and 14 others, of Northville, N. Y., protesting against the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution adopted at a mass meeting of the citizens of Lisbon, N. Y., favoring the ratification of the treaty between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. CLARDY: Petition of 75 citizens of Owensboro, Ky., protesting against the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of citizens of Tennessee, asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Petition of M. B. Conklin and other citizens of Loomis, Coleman, and other towns in the State of Michigan, in favor of the passage of the Cullom and Sherman bill, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Rev. William Houston and other citizens of Brilliant, Ohio, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. ERDMAN: Petition of Yeager Post, No. 13, Grand Army of the Republic, of Allentown, Pa., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. FARIS: Affidavit to accompany House bill No. 6733, to correct the military record of George Winters—to the Committee on Military Affairs.

By Mr. FISCHER: Affidavit of Thomas Walker, to accompany House bill relating to his military record—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of the Minneapolis Commercial Club, in favor of the Sherman and Cullom bills, to prevent railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Sundry petitions of R. F. Weidner, president Evangelical Lutheran Theological Seminary, and students; Rev. J. H. Edwards, of Chicago; J. P. Tracy, of Chicago; J. A. Childs and 47 others, of Evanston; E. W. Parkhurst and 65 others, J. W. Hansel, of Chicago, State of Illinois; also resolutions of the Mechanics and Lumbermen's Exchange and of the Chamber of Commerce of the State of Louisiana, praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

Also, resolution by the Lincoln Club, Chicago, requesting legislation for the improvement of Niagara River and other places on the Great Lakes—to the Committee on Rivers and Harbors.

By Mr. GAMBLE: Petition of Rev. E. G. Updike, of Madison, Wis.; also of James D. Farrell and other citizens of Chamberlain, S. Dak.; also of J. J. S. McKee and others, of South Dakota, favoring the enactment of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Springfield (S. Dak.) Society of Christian Endeavor and Woman's Christian Temperance Union, favoring the passage of Senate bill No. 2485, recognizing Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Springfield (S. Dak.) Christian Endeavor and Woman's Christian Temperance Union, urging the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. GRISWOLD: Petitions of L. S. Close and other citizens of Avonia; H. Camton and others, of Erie; L. H. Daily and others, of Miles Grove; J. S. Malone and R. D. Crawford, of Titusville, and R. A. Davidson, of Northeast, in the State of Pennsylvania, favoring the passage of the Sherman bill relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. E. Clemens and others, citizens of Erie, Pa., protesting against the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of J. A. Biddle and other citizens of South Manchester, Conn., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of Julian S. Wadsworth and other citizens of South Manchester, Conn., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas Simms and others, of South Manchester, Conn., favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Congregational and Methodist Episcopal churches, of South Manchester, Conn., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENDERSON: Petition of Rev. W. O. Ruston and 2 other citizens of Dubuque, Iowa, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Resolutions adopted by the Freeport, Ill., Division, No. 235, Order of Railway Conductors, urging the passage of the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Sundry petitions, as follows: Harvey Nyce and other citizens of Peru, Ind.; C. L. Gard and others, of Lafontaine; J. M. Hughes and others, of Peru, Ind.; also, Thomas K. Hunter and others, of Villisca, Iowa; also, W. L. Candee and others, of New York City; M. S. Crossett and others, of Verona; L. G. Welch and others, of New York City; Frank L. Schafer and others, of Lancaster; Conrad Smith and others, of Albany, State of New York; also resolutions of the Board of Trade of Louisiana, and of the New Orleans Chamber of Commerce, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KERR: Sundry petitions of S. J. McConnell, of Plymouth; D. T. Barnet and others, of Lexington; A. A. Kishman and others, of Brownhelm; J. E. Lynn, of Mansfield; G. M. Knapp, of Greenwich; Philip Kelser, of Savannah, and Parke Foster and others, of Elyria, in the State of Ohio, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Gate, of Ashland, Ohio, urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. KIRKPATRICK: Memorial of the Order of Railway Conductors of Chanute, Kans., favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of Robert J. Thomas and 25 other citizens of Lima, Ohio, urging the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Petitions of H. P. Nelson and other citizens, Edward P. Smith and others, Charles W. Le Van and others, E. V. Hunt and others, W. W. Matson and others, C. H. Olsen and others, L. M. Butta and others, Herman Minderman and others, W. T. Miller and others, John Lander and others, Oscar W. German and others, H. F. Adams and others, John W. Souter and others, Herman E. Crome and others, William M. Veatch and others, William Reynolds and others, H. Spencer and others, Henry Yager and others, J. T. Joplin and others, Charles Grant and others, J. D. Clough and others, George E. Burkhead and others, and James M. Huff and others, protesting against appropriations by Congress for sectarian institutions; and a petition for an amendment to the Constitution prohibiting sectarian appropriations—to the Committee on the Judiciary.

By Mr. LONG: Sundry petitions of the Ministerial Union of Newton, Kans.; J. H. Robinson and 23 other citizens of Peotone and Cheney; W. E. Blackburn and 33 others, of Anthony; W. H. Benn and 17 others, of Lacrosse, and G. L. McCourt and 13 others, of McPherson, in the State of Kansas, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL of Massachusetts: Petition of H. C. Nickerson and other citizens of Winchester, Mass., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL of Tennessee: Petition of T. O. Harris, of Wartrace; J. F. Coleman, of Tullahoma; E. W. Nichols and 13 other citizens of Sparta; G. W. McKenzie and 18 other citizens of McKenzie, State of Tennessee, in favor of the passage of the bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMICK: Petition of Ida B. Stebbins and 13 other citizens of Woodhaven, Long Island; also of citizens of Corona, Jamaica, Ozone Park, Brooklyn, New Hartford, Schenectady, and Morris Park, Long Island, New York, in favor of the passage of the antiticket scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of Rev. A. Suter and other citizens of Mankato, Minn., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAURIN: Petition of Assembly No. 40, Royal Society of Good Fellows; also of citizens of Darlington, S. C.; also petition of R. W. Boyd, C. A. Brown, and others, favoring the enactment of the bill regulating fraternal beneficiary societies (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. NEILL: Petition of A. A. Swartwood and 25 other citizens of Stuttgart, Ark., in favor of the passage of the bill to regulate fraternal beneficiary societies—to the Committee on the District of Columbia.

By Mr. RINAKER: Petitions of C. W. Jacobs and other citizens of Greenfield, Ill., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON: Petition of William H. Davis Post, No. 187, Grand Army of the Republic, of Carbondale, Pa., urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. SHANNON: Sundry petitions of E. F. Johnson, W. L. Walday, O. S. Wehrle, and others, of New York City, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Sundry petitions of C. F. Matthews and 22 others, of Crowley, La.; J. M. Murphy and 7 others, of Gonzales, Tex.; A. Judice and 8 others, of Scott, La.; James Riley and 48 others, of Oneida, N. Y.; John C. Schroederer and 13 others, of Utica, N. Y.; N. R. Loring and 15 others, of Sprakera, N. Y.; John Norman and 6 others, of Canaseraga, N. Y.; M. J. Finley and 13 others, of Rome, N. Y.; H. C. Brown and 35 others, of Albany, N. Y.; Harry W. Smith and 5 others, of Hotel Majestic, New York; W. F. Burns and 27 others, of South Dover, N. Y.; George Anderson and 28 others, of Castleton, N. Y.; S. Kohn and 19 others, of Hoboken, N. J., favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENSON: Petition of citizens of Marquette, Mich.; also petition of J. M. Clifford and 61 other citizens of Iron Mountain, Mich., favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petition of J. B. Carter, W. W. Mansfield, and 88 other citizens of Ozark, Ark., favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Petition of Rev. J. M. Walton, of Mexico, Mo., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: Petition of J. N. Wicks and other citizens of Glasgow; also petition of J. F. Rea and others, of Sedalia, State of Missouri, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of W. H. Levings and other citizens of Edgar County, Ill., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Resolutions of Chester Post, No. 280, Grand Army of the Republic, of Williamsport, Pa., in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *February 19, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 719) to restore a pension to Harriet M. Knowlton;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 2645) granting a pension to Jane H. Vandever;

A bill (S. 2832) to provide for the relief of Daniel T. Tollett;

A bill (S. 2928) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1104) granting an increase of pension to Isaac N. Williams;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 3108) granting an increase of pension to Jesse Durnell;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5981) granting an increase of pension to Elihu Jones;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6789) for the relief of Dr. Harrison Wagner;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 8250) for the relief of William Gemmill;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons;

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its next annual encampment, to be held this year in that city.

HOUSE BILL REFERRED.

The bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved was read twice by its title, and referred to the Committee on Public Lands.

REMOVAL OF POLITICAL DISABILITIES.

The bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms was read the first time by its title.

Mr. HOAR. I ask unanimous consent that the bill be put on its passage without a reference to the Judiciary Committee.

The bill was read the second time at length; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. HOAR. I should like to state, before the final vote is declared, that this gentleman was a gallant officer of the Mexican war, and belongs to a family that had served the country for several generations. He is quite old and in feeble health. Although I have no formal application, yet I have here a very touching letter written by him to Mr. Justice Harlan, in which he expresses his love of country, his regard for the Senator from Ohio [Mr. SHERMAN] and other old associates, and his desire to become fully a citizen of the United States again.

The bill was ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

JAMES W. DUNN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 321) granting a pension to James W. Dunn.

The amendment was, in line 6, before the word "dollars," to strike out "sixty" and insert "thirty."

The VICE-PRESIDENT. Without objection, the amendment will be concurred in.

AGRICULTURAL EXPERIMENT STATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting a report of the work and expenditures of the agricultural experiment stations, established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1896; which was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, requesting that if the report of the work and expenditures of the agricultural experiment stations for the fiscal year ended June 30, 1896, be printed, 2,000 copies be furnished for the use of the Agricultural Department; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Painesville, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Painesville, Ohio, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the National Association of Manufacturers, praying for an early revision of the present tariff law; which was referred to the Committee on Finance.

He also presented a petition of the Christian Endeavor Society of Lorain County, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Blue River Quarterly Meeting of Friends, of Salem, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Dalcassion Club of New York City, and a memorial of the Speranza Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of D. G. West, publisher of the Sunday News, of Springfield, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Dover, Painesville, Cleveland, Akron, Euclid, Xenia, Cincinnati, and Chardon, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of the faculty and students of the Milwaukee Downer College, Milwaukee, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Racine and Milwaukee, in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Frank Long, publisher of the Advocate, of Sturgeon Bay, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WHITE presented a petition of the Semi-Tropic Fruit Exchange of California, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an appropriation of $150,000 be made for a survey of the deep waterways from the Great Lakes to the seaboard; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the removal of the office of supervising inspector of steam vessels from that city; which was referred to the Committee on Commerce.

He also presented the petition of Rev. Willard Fuller, of Pipestone, Minn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of W. Middagh and sundry other citizens of Rollag, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. William Blackwell and sundry other citizens of Sleepy Eye, Minn.; the petition of Rev. A. Suter and sundry other citizens of Mankato, Minn., and the petition of Rev. George R. Merrill, of Minneapolis, Minn., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of the Staltz Schmitt Furniture Company, of Evansville, Ind., and a petition of the Crescent Furniture Company, of Evansville, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Rev. A. S. Fisher and sundry other citizens of Elkhart; of S. J. Peabody and sundry other citizens of Columbia City, and of James E. Rose and sundry other citizens of Auburn and Garrett, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GORDON presented a petition of the Board of Trade of Brunswick, Ga., praying that that city be placed in the list of ports to be given proper coast defenses; which was referred to the Committee on Coast Defenses.

He also presented a petition of members of the Methodist Protestant church, of Tallapoosa, Ga., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Typographical Union, No. 220, of Columbus, Ga., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the petition of Mrs. W. C. Sibley, president of the Woman's Christian Temperance Union of Georgia, and the petition of J. Goodlow Jackson, of Janelew, W. Va., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petition of J. Frank Beck, of Atlanta, Ga., and the petition of J. H. Estill, publisher of the Morning News, of Savannah, Ga., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry professional and business men of Atlanta, Ga., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the memorial of E. E. Smith, chairman of the national committee of the Travelers' Protective Association of America, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Board of Locomotive Engineers of Atlanta, Ga., praying for the enactment of legislation providing arbitration between corporations and their employees, and also more fully to regulate contempt proceedings in the Federal courts; which was ordered to lie on the table.

He also presented a petition of Post C, Georgia Division of the Travelers' Protective Association of America, of Columbus, Ga., praying for the creation of a Cabinet officer to be known as the secretary of commerce; which was referred to the Committee on Commerce.

He also presented a memorial from the Atlanta Medical and Surgical Journal, of Atlanta, Ga., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Woman's Literary Union, of Portland, Me., praying for the ratification of the pending arbitration treaty with Great Britain, without adopting any amendment which will tend to cripple its efficiency; which was ordered to lie on the table.

Mr. VILAS presented a petition of members of the Methodist church of Omro, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petitions of T. H. Richey and sundry other citizens; of W. R. Netherent and 10 other citizens; of Rev. E. Brezee and 24 other citizens of Dodgeville; of W. T. Johnson, of West Superior; of J. A. Henderson and 16 other citizens of Edgerton; of the chief templar and secretary of the Independent Order of Good Templars of Wisconsin; of Charles L. Chambers and 7 other citizens of Monroe, and of A. Soliday and 41 other citizens, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 40 citizens of Estherville, Iowa, and a petition of sundry citizens of Bloomfield, Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of Rev. J. M. Batchelder, representing the Presbyterian church at Osborne, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petitions of J. H. Robinson and sundry other citizens of Peotone; of M. B. Nicholson and sundry other citizens of Council Grove; M. D. Smith and sundry other citizens of Neodesha; W. W. Blackburn and sundry other citizens of Anthony; G. L. McCouth and sundry other citizens of McPherson; F. P. Evans and sundry other citizens of Yates Center, and sundry telegrams from citizens of Harper, Offerle, and Scranton, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Young People's Society of Christian Endeavor, of Nelson, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. SMITH presented a petition of 1,000 members of the Christian Endeavor Union of the Baptist Young People's Union, of Lebanon, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Ida B. Stephens, secretary of the New Jersey Christian Endeavor Union, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 62 citizens of Lumberton, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia, and also for the military and mail service and interstate commerce; which was referred to the Committee on the District of Columbia.

He also presented a petition of 21 members of the Club of Current Events, of Plainfield, N. J., and a petition of members of the Baptist Ministers' Conference of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hoboken, N. J., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Higginsville, Hicksville, Webb City, Carterville, Houstonia, Hughesville, Boonville, Williamsville, Poplar Bluff, Versailles, Bowling Green, and Kirkwood, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., praying to be relieved from liability on account of the accidental destruction of certain ordnance by fire September 24, 1896; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry citizens of Kearney, Nebr., and the petition of C. R. Weeden, of Red Cloud, Nebr., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of P. Jansen and sundry other ministers and members of the Mennonite Church, of Beatrice, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BATE presented the petitions of D. T. Layne and sundry other citizens of Victoria; of John Ruth, of Inman; W. C. West and sundry other citizens of Kingston Springs; J. C. Rowden and sundry other citizens of Wauhatchie; Perry A. Schoofield and sundry other citizens of Let; J. W. Riggins and sundry other citizens of Normandy; E. S. Mills and sundry other citizens of Christiana; R. B. Johnson and sundry other citizens of Fosterville; T. F. Moore and sundry other citizens of Martin; R. C. Love and sundry other citizens of Shellmound; W. T. Hall and sundry other citizens of Whiteside; G. W. McKenzie and sundry other citizens of McKenzie; R. E. Freear, of Oakland; T. N. Mason and sundry other citizens of McMinnville; H. E. Cotton and sundry other citizens of Bishop; W. R. Blanks and sundry other citizens of Pinebluff; Polk Robertson and sundry other citizens of Sequachee College, and of John W. Gartner and sundry other citizens of Morrison, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Boonville, Higginsville, Houstonia, Hughesville, St. Joseph, St. Louis, Tuxedo, Versailles, and Webb City, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MILLS presented a petition of sundry citizens of Hillsboro, Tex., and a petition of sundry citizens of McGregor, Tex., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Josephus C. Lipes and 24 other citizens of St. Andrews, Fla., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. LODGE presented a petition of members of the Shaker church of Shirley, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Speranza Club, of New York City, and a memorial of the Dalcassian Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the enactment of legislation to repeal that part of the public-land laws requiring desert-land claimants to pay $1.25 per acre on the public lands taken under the desert-land act, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Helena, Mont., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of Grand Forks, N. Dak., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented petitions of members of the First Presbyterian Church of Grafton; of members of the Congregational church of Jamestown; of members of the Baptist church, Ellendale; of members of the Presbyterian church of Bottineau; of members of the Congregational church of Mayville; Mrs. Howard and 20 other citizens of Ardoch; William Staples and 19 other citizens of Absaraka; S. G. Cleveland and 25 other citizens of Caledonia; C. G. Fairbanks and 65 other citizens of Devils Lake; N. Ecker and 4 other citizens of Dazey; G. S. Bascom and 27 other citizens of Hankinson; John Taylor and 15 other citizens of Joliette; D. E. Blake and 23 other citizens of Moselle; John Lindblom and 22 other citizens of Minnie Lake; Mrs. M. H. Barton and 10 other citizens of Sanborn, and of Mrs. N. M. Smith and 40 other citizens of Thompson, all in the State of North Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented the petition of Ed. T. Pierson, publisher of the Tribune, of Inkster; of Wellington Irysh, publisher of the Eagle, of Wheatland; of W. H. Hassing, publisher of the Express, of Buffalo; C. L. Allen, publisher of Hope Pioneer, of Hope; Wood & Johnson, publishers of Steele Ozone, of Steele; J. H. Burke, publisher of Sheldon Enterprise, of Sheldon; Edward M. Warren, publisher of Lamoure County Chronicle, of Lamoure; O. F. Bryant, publisher of Napoleon Homestead, of Napoleon, and of M. H. Morrill, manager of Richland County Gazette, of Wahpeton, all in the State of North Dakota, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented a petition of the Woman's Christian Temperance Union and the Society of Christian Endeavor of Springfield, S. Dak., praying for the enactmant of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union and the Society of Christian Endeavor of Springfield, S. Dak., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Chamberlain, Vermilion, and Hudson, all in the State of South Dakota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. CULLOM presented a petition of W. F. Hynes Lodge, No. 48, Brotherhood of Locomotive Firemen, of Peoria, Ill., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the members of the Congregational church of Geneva, Ill., and a petition of the Woman's Christian Temperance Union of Geneva, Ill., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Geneva, Ill.; of the Improvement Association of Geneva, Ill., and of members of the Congregational church of Geneva, Ill., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of members of the Congregational church of Geneva; of the Woman's Christian Temperance Union of Geneva, and of the Improvement Association of Geneva, all in the State of Illinois, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Speranza Club, of New York City, and a memorial of the Dalcassion Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Chicago, Ill., and a petition of the Heath & Milligan Manufacturing Company, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of the Twelfth Street Cumberland Presbyterian Church, of Alton; of Mrs. L. A. Chambers, of Geneva; of the Woman's Christian Temperance Union of Sparta; Cary Lodge, No. 361, Independent Order of Good Templars, of McHenry County; the Young People's Christian Endeavor Society of the Congregational church of Geneva, and of members of the Swedish Lutheran church of Kansas County, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Baptist Young People's Union of America, of Chicago, Ill.; of sundry citizens of Chicago, Ill.; Niagara Falls, N. Y.; Greenville, Ill.; Madison County, Ill.; Edwardsville, Ill.; Litchfield, Ill.; Metamora, Ill.; Momence, Ill.; Springfield, Ill.; Stuyvesant, N. Y.; Yonkers, N. Y.; New York City; Mattoon, Ill.; Glasford, Ill.; Peoria, Ill.; Hoopeston, Ill.; Kirkville, Ill.; Latham, Ill.; Croton Falls, N. Y., and of Freeport Division, No 235, Order of Railway Conductors, of Freeport, Ill., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BLANCHARD presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of the so-called Loud bill relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Louisiana, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 6765) to increase the pension of David N. Thompson, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 1498) to punish the carnal and unlawful knowing of any female under the age of 18 years, reported it with an amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PERKINS on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PERKINS on the 2d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. SHERMAN on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MCMILLAN, from the Committee on Commerce, to whom were referred two amendments submitted by Mr. SEWELL on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that they be printed, and, with the accompanying reports, referred to the Committee on Appropriations; which was agreed to.

Mr. VEST, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the same committee, reported three amendments intended to be proposed to the sundry civil appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Commerce, reported two amendments intended to be proposed to the sundry civil appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2049) for the relief of Thomas Stack, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. BACON. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897, to report it adversely. The substance of this joint resolution was included in a joint resolution already passed by the Senate, and therefore I am instructed to ask for its indefinite postponement.

The VICE-PRESIDENT. The joint resolution will be indefinitely postponed.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 3504) granting arrears of pension to H. Morris Husband, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 3664) to provide an American register for the steamer *Jacksonville*, reported it with an amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war, reported it without amendment, and submitted a report thereon.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1795) to provide for a final settlement with the Naalem Band of the Tillamook tribe of Indians, of Oregon, in accordance with a certain agreement between the United

States and the said Indians, dated the 6th day of August, 1851, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion, reported it with an amendment, and submitted a report thereon.

Mr. QUAY. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by the Senator from South Carolina [Mr. TILLMAN] on the 16th instant, intended to be proposed to the sundry civil appropriation bill, the amendment proposing to appropriate $12,000 for the purpose of completing the approaches and grounds around the new post-office and United States court-house in Charleston, S. C., to report it favorably. I move that the amendment be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

Mr. CAMERON, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band, heretofore reported from that committee.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick, reported it without amendment, and submitted a report thereon.

DISTRICT MARKET REGULATIONS.

Mr. GALLINGER. A few days ago an amendment was sent to the Committee on the District of Columbia to correct a Senate joint resolution which had become a law. It is important that this correction should at once be made, and I am directed by the committee to report a joint resolution correcting the statute. I ask unanimous consent to have it considered at the present time.

The joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session, was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That Senate joint resolution No. 148, Fifty-fourth Congress, second session, shall not be construed as reviving the statute, chapter 69, August 23, 1871, of the First District legislative assembly, but only so much thereof as exempts from license tax persons bringing marketing to the District or selling produce of their own raising.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3713) to regulate the service and fix the hours of labor for persons employed as policemen in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLANCHARD (by request) introduced a bill (S. 3714) for the relief of E. A. Givens, sr., Arcadia, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3715) for the relief of Lemuel Tanner, of Lafourche Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3716) for the relief of A. E. and M. E. Goodrich; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3717) for the relief of Mrs. Ozeine Boudrean, of St. Martin Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 3719) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

CHAMBERS C. MULLIN.

On motion of Mr. CAMERON, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the bill (S. 873) granting an increase of pension to Chambers C. Mullin, and that leave be granted to withdraw the papers in the case from the files of the Senate.

PAY OF STENOGRAPHER.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer reporting the hearings on the Loud bill, before the Committee on Post-Offices and Post-Roads, on January 16, 21, and 30, 1897, be paid out of the contingent fund of the Senate.

READING OF WASHINGTON'S FAREWELL ADDRESS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on Monday, February 22, current, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. DANIEL, a Senator from the State of Virginia, and that thereafter the Senate will proceed with its business.

NORTHERN PACIFIC RAILROAD GRANT.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish for the information of the Senate a statement as to what deficiency, if any, existed in the grant to the Northern Pacific Railroad Company under acts of Congress of July 2, 1864, and May 31, 1870, at the dates of the various definite locations of said road.

DAVID SAMPLE.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 3926) to correct the war record of David Sample. It is a short bill, and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend the records of the War Department as to remove the charge of mutiny, conduct unbecoming an officer and a gentleman, and disobedience and defiance of orders from his superior officers, from the record of Second Lieut. David Sample, late of Company E, Fifteenth Michigan Infantry Volunteers, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the last bill on the Calendar, the bill (H. R. 1694) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL OF HEROES OF THE REVOLUTIONARY WAR.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to set apart a

plot 200 feet square, at the intersection of Fourteenth street and B street, for the purpose of a memorial building to commemorate the services and perpetuate the memory of the heroes of the Revolutionary war, to be erected and owned by the National Society of the Daughters of the American Revolution, and provides that when it ceases to be used for that purpose it shall revert to the United States, and all rights hereby granted shall determine and cease.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY O. H. STONEMAN.

Mr. SHOUP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 245) granting a pension to Mary O. H. Stoneman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "fifty;" and the House agree to the same.

GEO. L. SHOUP,
JNO. L. MITCHELL,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.

The report was concurred in.

BILLIARD TABLES IN THE DISTRICT OF COLUMBIA.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows: Strike out the matter proposed to be inserted; also strike out of section 4 of the bill only the words "or a room connected with or opening out of or adjacent to such rooms;" and that the Senate agree to the same.

ISHAM G. HARRIS,
REDFIELD PROCTOR,
GEO. PEABODY WETMORE,
Managers on the part of the Senate.
G. M. CURTIS,
A. MILNES,
J. H. HULING,
Managers on the part of the House.

The report was concurred in.

MAJ. GEN. JULIUS H. STAHEL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1694) granting an increase of pension to Maj. Gen. Julius H. Stahel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five;" and the House agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,
JOHN M. PALMER,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendments to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. ELLIS, and Mr. McRAE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; further insists upon its amendment to the said bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence;

A bill (H. R. 10290) for the relief of Joseph P. Patton; and

A joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven hours and forty minutes spent in executive session the doors were reopened, and (at 8 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 20, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1897.

POSTMASTERS.

W. B. Markham, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut, in the place of Hubert E. Carpenter, whose commission expired December 14, 1896.

C. E. Clark, to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa, in the place of William H. McCune, whose commission expired January 14, 1897.

Richard A. Wilson, to be postmaster at Herington, in the county of Dickinson and State of Kansas, in the place of T. M. Bixby, resigned.

E. J. Martin, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, in the place of Isaac R. McElroy, removed.

Adelia M. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire, in the place of Miss Adelia M. Barrows, whose commission expired February 18, 1897.

Charles H. McGuirk, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in the place of W. V. Molloy, whose commission expired February 1, 1897.

William R. Criss, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

T. E. Kennard, to be postmaster at Longview, in the county of Gregg and State of Texas, in the place of Fidelia Kilgore, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate February 18, 1897.

DISTRICT JUDGE.

William H. Munger, of Nebraska, to be United States district judge for the district of Nebraska.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 19, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MRS. MARY GOULD CARR.

Mr. FISCHER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 3150.

Mr. LAYTON. Mr. Speaker, I wish to submit a conference report.

The SPEAKER. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3623) granting an increase of pension to Mary Gould Carr, widow of Brig. and Bvt. Maj. Gen. Joseph G. Carr, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. F. THOMAS,
F. C. LAYTON,
Managers on the part of the House.
J. H. GALLINGER,
DAVID B. HILL,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement submitted by the House conferees is as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $75 per month, which the House reduced to $50. The effect of the conference report is to grant the beneficiary $75 per month.

The managers on the part of the House have been led to make this concession for several cogent reasons. As brevet major-general the soldier commanded a division from October 4, 1863, to August, 1865. He participated in nineteen of the most important battles of the war, and his military record is a brilliant one. Though really entitled to a pension for about twenty years, he did not apply until late in life, and was then pensioned for disabilities contracted in the line of duty. During all his campaigns the beneficiary named in the bill was by his side and heroically ministered to the sick and wounded without distinction of rank. She is now aged, is in dependent circumstances, and has an incurable, invalid daughter who looks to her for support.

A bill to pension Mrs. Carr at $75 per month passed both Houses of the present Congress and was sent to the President December 16, 1896, but failed to become a law on account of the holiday adjournment.

Mr. LAYTON. Mr. Speaker, I only desire to detain the House for a few moments in explanation of this report. The report involves a bill granting a pension to Mrs. Carr, the widow of Bvt. Maj. Gen. J. B. Carr. The only question of difference between the two Houses is as to the amount of the pension which should be allowed to the widow.

Ordinarily, in view of the fact that General Carr was a gallant soldier and although but a brigadier-general commanding a division for over two years, and participating in nineteen battles, and the further fact that although clearly entitled to a pension he never applied for it until twenty years after the war, when a small pension was allowed for disability incurred in the service and in line of duty, and the further fact that his widow was a war widow, married to him long before the war, and virtually participating with him in all of the exposures and trials of the war, as well as the further fact that she is now aged and feeble in health, comparatively, and totally dependent, without means, having neither income nor property of any kind, there should be no question in the mind of any member here I apprehend, under the precedents recently established, that she should be allowed the sum of at least $50 per month. And in fact that was the sum allowed her by the action of the House.

I am frank to say, however, that if that were the only reason, and if these were the only facts involved, I would be one amongst the last to accede to an addition of $25 a month to the pensioner. But, Mr. Speaker, it is true that a majority of the conferees on the part of the House think that there are at least three other great moving causes that induced us to yield to the Senate bill and increase the usual allowance in such cases $25 a month, making the sum $75. These three reasons are the following: In the first place, a similar bill identical in language with that now under consideration was introduced in the House and passed the House and the Senate, granting $75 per month. It was introduced by Governor Black, the distinguished gentleman who is now the chief executive of the State of New York, and who at that time was a member of Congress. The bill passed the House and the Senate just before the holiday recess, but by reason of that holiday recess it was supposed by the friends of the bill that it became dead, and therefore the friends of the bill, out of abundant precaution, introduced another, the one now under consideration, identical in words and figures with the one that had already passed Congress, allowing this poor widow $75. That is one of the causes that induced your committee to accede to the Senate.

Mr. LACEY. What rate of pension is she now drawing?

Mr. LAYTON. I am sorry to say that I can not answer the gentleman from Iowa as to that, but my impression is that she is not drawing any.

Mr. LACEY. Is she entitled to any under the general law?

Mr. LAYTON. Yes; she would be entitled to the ordinary pension of $8 or $12 a month, or perhaps $30.

Mr. MILES. Thirty, I think.

Mr. LACEY. There was nothing in the service disability which produced death, so that she could get $30 a month under the general law, was there?

Mr. LAYTON. The testimony adduced before the committee was that it was at least an indirect cause of death.

Mr. LACEY. He died twenty or thirty years after the war.

Mr. LAYTON. Yes. I will state to the gentleman that he drew a pension for disabilities incurred in the war, having made application therefor some twenty years after the close of the war.

Mr. LOUD. He died, anyway.

Mr. LAYTON. He died about two years ago, and I am informed that the widow is not receiving any pension.

The second great moving cause that induced us to make this extra allowance to this widow is the fact, established by the testimony, that she was with her husband at all times during the war, frequently on the field of battle. While there she nursed and took care of the soldiers without regard to rank, privates as well as officers, for which she never asked or received any compensation.

A third reason, above all the ordinary ones that I have mentioned, that induced us to yield to the Senate was that this poor widow, who is without means, has dependent upon her an invalid daughter, who, having no other relatives or friends to support her, is now dependent upon this old mother. For these three reasons we thought that the House ought to depart from the rule recently adopted, and allow this widow the sum of $75 a month. I repeat, first, because Congress has already during this session made her this allowance; second, because of the fact that she served as a nurse during the whole period of the war, and third, because she has an invalid daughter—the daughter of this old soldier—entirely dependent upon her for support. When you take these things into consideration, Mr. Speaker, it will readily be seen that the small sum of $75 per month will not more than afford a very reasonable support for these two individuals. For these reasons, we have acceded, very reluctantly, perhaps, to a departure from the ordinary rule which I understand has been adopted by the House, believing that the case is one of exceptional merit. Therefore we were constrained to yield to the Senate and recommend the adoption of the Senate bill.

Mr. CROWTHER. Mr. Speaker, I had the honor to partly represent this House upon the conference committee which presents this report. I dissent from the report of the majority, because I believe there is no merit, justice, or equity in granting to the widow of a brigadier-general the sum of $75 per month, when this House has gone upon record, time and time again, in cases equally meritorious, in granting pensions at the rate of $50 a month.

I stand here and say frankly to this House that you are making a record in regard to these special pension bills that will become a curse to the members of the Fifty-fourth Congress. There has been no system in granting these pensions. They have been granted recklessly and extravagantly in the cases of the widows of those soldiers who happened to wear shoulder straps, and I stand here, Mr. Speaker, in the interest of the thousands upon thousands of widows and the old soldiers of the late war who made it possible for those men whose widows are now asking these exorbitant pensions to wear shoulder straps.

Now, Mr. Speaker, the only reason that was advanced in the committee of conference for presenting this report at $75 a month was that the bill had passed the House and the Senate at that rate some time ago, and that it would embarrass the gentleman representing the State of New York in the higher branch of the National Legislature to reduce the pension at this time to $50 per month. But I stand here and say that it is simple justice—and it is never too late to do right—that I am asking in these cases. I never have opposed any legitimate, honest pension bill upon this floor, and if I had the power I would be in favor of granting a pension to every man who bore a gun in the defense of his country and his country's flag, and to the widow of every man who carried a gun. But I am not in favor of granting these extravagant pensions to the widows of general officers, and making these great distinctions between the widows of the officers in comparison with those pensions granted to the widows of private soldiers, especially when this House has placed itself so squarely upon record by saying, time and again, that $50 per month is sufficient.

Mr. LOUD. The gentleman seems to be familiar with this and other cases. I will ask him if the services rendered by General Carr were any more meritorious than those rendered by General Stoneman?

Mr. CROWTHER. I will say frankly that there are no more meritorious circumstances surrounding this case than surround many others, except perhaps the fact that the widow is in a necessitous condition and has an invalid daughter dependent upon her for support.

Mr. LAYTON. And has an invalid daughter dependent upon her, and also that the widow herself served as a nurse during the war.

Mr. LOUD. Just the same condition as General Stoneman's widow; and did not General Stoneman hold a higher rank than this general?

Mr. CROWTHER. He did not hold as high a rank as General Stoneman, and I will say further, in reply to the gentleman from California, that a few days ago this House passed a bill pensioning the widow of General McKibben, of Philadelphia, a woman who was absolutely helpless, who requires the constant care and attention of another person, and she is the widow of two brave generals of the last conflict, at the rate of $50 per month. I want to say also, Mr. Speaker, in this connection, that there are no disabilities that the soldier incurred in the service that would entitle him to more than $30 a month, even though he had obtained a pension under the general law, and I submit to this House whether or not it is either fair or just to grant a pension to the widow more than double that the soldier himself would have received.

Mr. CANNON. Does the gentleman expect to get an early vote? Will the gentleman from Ohio allow me to ask him a question?

Mr. LAYTON. Certainly.

Mr. CANNON. Does the gentleman expect to get an early vote upon this conference report?

Mr. LAYTON. I desire to have it as expeditiously as possible. The House is familiar with the case.

Mr. CANNON. I hope the gentleman will demand the previous question.

Mr. CROWTHER. I yield five minutes of my time to the gentleman from Iowa [Mr. LACEY].

Mr. LAYTON. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman in charge of the bill is entitled to the floor. Did the gentleman yield to the gentleman from Missouri, or has the gentleman obtained the floor in his own right?

Mr. LAYTON. I did not on the floor; but I had, prior to the consideration of the bill, an understanding with the gentleman.

The SPEAKER. If the gentleman from Missouri has the floor in his own time, he has the right to yield it under the custom of the House. The gentleman from Iowa is recognized.

Mr. LACEY. Mr. Speaker, I will only occupy a very few minutes. The difficulty about these bills is this: Where the widow of a brigadier-general is entitled to a pension under the general law she makes the usual application for it to the Pension Bureau, and does not come to Congress. When not entitled under the general law, she comes to Congress to make an application for a special act, instead of asking for such a rating as the general law would allow her if she had come within its terms, and she usually asks double or treble that amount. Now, I have a bill upon this Calendar (that of Mrs. Rice) and have not thus far been able to get it considered. Why? Simply because in the case of the widow of some general killed in battle her claim has been allowed at $30 a month, and in that of the widow of some other general, who died of old age, the widow's claim is allowed by special act at $50 a month or $75, and in some cases even at $100. I have presented a bill for a widow whose husband was killed in battle, a brigadier-general, brevet major-general, and being killed in battle his widow was placed on the roll at $30 a month under the general law.

A bill has been reported giving her $50 a month, on the assumption that it has been the general consensus of opinion in this House that a brigadier-general's or a major-general's widow should have a higher rate of pension allowed than that of a lieutenant-colonel, which is $30 a month. The rate of pension allowed under the law for a brigadier-general, a major-general, or colonel, is $30 a month, the same as lieutenant-colonel. This being the case, I introduced this bill with the understanding that the House had adopted a general rule. I find myself confronted with the proposition that her bill can not be reached for consideration because so many bills have gone through at $75 a month, an unreasonable rate; and I can not get this bill considered, which is a reasonable rate, because of the objection against bills that are giving an unreasonable rate, over $50 a month, in order that the widow of a man who died of old age thirty years after the war shall have a pension of $75 a month.

Mr. LAYTON. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. LAYTON. Does not the gentleman from Iowa believe that, in accordance with the policy that has been adopted by the Congresses ever since the war, that of pensioning an officer over and above lieutenant-colonel, it ought to stand upon its own merits as to the amount his widow should obtain?

Mr. LACEY. There has been no fixed policy. The policy of this Congress has been to recognize the uniform rate of $50 per month to the widows of general officers. Of course exceptions have been made, but the exceptions have given us a great deal of trouble. We made an exception in the case of General Blunt's widow. General Carr died, I am told, of cancer, long after the war, and this bill stands in the way of the passage of another bill where the soldier was mortally wounded in battle. Now, we ought to have some uniform rule upon this and not exceed $50 a month in any case; and there should be some means of passing other bills, rated at $50 or less, for the widows of brigadier-generals and those who contracted the disease from which they died in the service or were killed in battle, as in the case to which I have referred.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. WILLIAM A. STONE. Suppose the widow of General Carr had applied for a pension under the law and had obtained it, how much would she have got?

Mr. LACEY. Eight dollars a month.

Mr. WILLIAM A. STONE. I do not mean under the act of 1890; I mean under the old law.

Mr. LACEY. She could not have got to exceed $30. That would have been the limit. In other words, the lady to whom I have referred gets a pension of $30 a month. Why? Because her husband was killed in battle, leaving her with five little children to care for. The other lady is recommended for $75 a month. Why? Because the general law does not cover her case and it is given by a special act.

Mr. CROWTHER. If the gentleman will permit me to correct his statement, had she obtained a pension through the Pension Office she would have got only $8 a month.

Mr. LACEY. Yes; the death of her husband not having been caused by army service.

Mr. WATSON of Ohio. Does the gentleman from Iowa think that the lady he speaks of, who has five children to take care of and gets $30 a month, gets enough?

Mr. LACEY. I do not.

Mr. WATSON of Ohio. Then why do you not take steps to have it increased?

Mr. LACEY. I have done so, but these other bills crowd in, giving other widows of officers $75 a month, which is an unreasonable amount, and which prejudices deserving cases, so that legislation in their interest is sidetracked because of the pressure of these claims for excessive amounts beyond the $50 a month which has been the amount granted in such cases under the established policy of Congress heretofore.

Mr. HULL. I want to ask my colleague a question. The question of the gentleman from Ohio [Mr. WATSON] implies that my colleague is opposing any increase above $30 a month——

Mr. LACEY. I am not. I am in favor of giving this applicant $30 a month.

A MEMBER. Fifty dollars?

Mr. LACEY. No; $30; because if we give her the utmost that she could get under the general law when the disability of her husband was contracted in the service, that certainly ought to be enough. On the other hand, the widows of general officers who died in the service should have $50 a month. I hold that the one who has a valid claim under the general law should be rated at $50 a month, while the one who would be rated at $8 a month under the act of 1890 may properly be rated at $30 a month under a special act.

The SPEAKER. Does the gentleman from Missouri [Mr. CROWTHER] yield the floor?

Mr. CROWTHER. No, sir; I reserve the balance of my time. I do not propose that anybody shall take me off the floor. I yield ten minutes to the gentleman from Kansas [Mr. BLUE].

Mr. CANNON. Mr. Speaker, I will ask the gentleman from Missouri if he will not yield to me to move to postpone the consideration of this case until Monday next, after the reading of the Journal? My object in making that request is that I may ask the House to take up immediately the deficiency bill, so that we may dispose of it and send it to the Senate.

Mr. LAYTON. If that is done, it will result in the entire defeat of this bill. We want the case decided one way or the other. This widow ought to have either $75 or $50 a month, and unless the bill is disposed of now it will probably fail entirely.

Mr. WILLIAM A. STONE. Move the previous question, then.

Mr. LAYTON. If I can get the floor I will do so.

Mr. CANNON. Can not we have an agreement that the debate shall close in twenty minutes?

The SPEAKER. The Chair desires the House to understand the status of the bill and the question that is pending. The gentleman from Ohio [Mr. LAYTON] presented this conference report. He yielded the floor and the gentleman from Missouri [Mr. CROWTHER] took it in his own right, and is therefore entitled to an hour, and may yield his time under the custom of the House. After the expiration of the hour the Chair will recognize the gentleman who has charge of the bill, in order that he may take what course he sees fit.

Mr. CANNON. I will ask the gentleman from Missouri [Mr. CROWTHER], and the gentleman from Ohio [Mr. LAYTON], whether it will not be satisfactory to them if the House will agree to close the debate in twenty minutes?

Mr. LAYTON. I have no objection to that.

Mr. CROWTHER. I will agree to that, but I submit to the gentleman from Ohio that if he will consent to make this $50 a month, the bill can go right through now.

Mr. LAYTON. Let the debate be limited to twenty minutes and the time divided equally. The gentleman from Missouri [Mr. CROWTHER] will bear me out in the statement that it was virtually the understanding before the conference report was taken up that the time should be equally divided.

The SPEAKER. The gentleman from Ohio [Mr. LAYTON] asks unanimous consent that the debate upon the conference report be closed in twenty minutes, the time to be equally divided. Is there objection?

Mr. MILNES. I object.

The SPEAKER. Objection is made. The gentleman from Kansas [Mr. BLUE] is recognized.

Mr. MILES. Mr. Speaker, is it in order to move that debate close in twenty minutes?

The SPEAKER. It is not in order.

Mr. BLUE. Mr. Speaker, if I can have the attention of the House for a few moments. I shall not occupy very much of its time on this question.

It seemed apparent a few days ago that it was settled by the House at least, as something in the nature of a rule for the government of pension cases, that we should fix the limit of pensions at not exceeding $50 per month in the case of the widows of general officers. In accordance with that understanding, we gave to the widow of General Stoneman a pension of that amount. His record is a part of the history of this country. His services as an officer are surpassed by few of the leaders of the Federal Army.

For his efficiency he was made the commander of one of the two grand divisions of Sherman's army in its march to the sea; and he rendered to the country a glorious as well as a valuable service in that memorable campaign. Fifty dollars a month is the pension fixed by the House as sufficient in that case for his widow.

Now, why should the widow of this general, inferior in rank, with services far less extensive and far less glorious and valuable, be made an exception to break what was sought to be established as a rule, and give her $75 per month instead of $50? The exense is that she is old; that she is dependent upon her exertions; that she has also dependent upon her a daughter, and, if I caught the statement correctly, another argument was made that the daughter had served as an army nurse. If that is true, she should be pensioned in her own right.

Mr. HULL. That is a mistake. It was his widow who was an army nurse.

Mr. BLUE. Gentlemen around me tell me that it was the widow who was the army nurse and that I did not hear the statement correctly. Now, I do not know, Mr. Speaker, why that should be any good reason for increasing this pension. But even if it be so, I see no reason why this pension should be any larger than the usual pension in such cases. To be accurate about it, and strictly accurate, if she is entitled by reason of service as an army nurse to a pension, let it take its course and be adjusted as the pension of an army nurse. Twelve dollars is the limit we have fixed in such cases as that at all times, and that would make her pension, with $50 per month as the wife of a general officer, but $62 per month. If we are to adhere to the rule, we should certainly not go beyond that.

Further than that, the House, acting in behalf of widows in absolutely destitute circumstances, considered the case of the widow of a former member of this body, General Vandever, and gave her a pension of but $50 per month. If this bill is to become a law after the repeated efforts to fix its rate at $75 a month, it must stand before the country as a case of invidious discrimination or preference in behalf of a particular widow rather than a pension along the line of what is just, equitable, and fair under all of the circumstances.

The gentleman from Pennsylvania [Mr. William A. Stone] said, and well said, the other day, that the difference in pensions this body is making—that is, the difference between the pensions of the widows of general officers and the widows of enlisted men—is bringing discontent throughout the land. The fact is deleterious and injurious to the whole system of pensions. The effect will come back to the House hereafter, as suggested by the gentleman from Missouri [Mr. Crowther] to-day, whose remarks I heartily approve, and in whose views I heartily concur. I say, sir, if this rule is to be preserved, let us stand by the $50 per month pension, and limit it to that sum, in cases of widows of general officers.

It is better, Mr. Speaker, to settle the matter now than at any time in the future. If this is to be made an exception, in the case of a widow of a brigadier-general, then other exceptions will be found to follow this, and other excuses made to pay other pensions no more meritorious than the one now under consideration.

So, Mr. Speaker, I trust that the House will adhere to its action heretofore taken and refuse to support the views of the committee of conference.

I yield back to the gentleman from Missouri the remainder of the time accorded to me.

Mr. CROWTHER. I yield seven minutes to the gentleman from Ohio [Mr. Layton], and then three to the gentleman from Iowa [Mr. Hull].

Mr. LAYTON. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAYTON. The gentleman having yielded to me seven minutes, would it be in order for me to yield a portion of that time to my colleague?

Mr. CANNON. I thought we were to have a twenty-minute arrangement?

Mr. LAYTON. The gentleman from Illinois does not seem to have had a distinct understanding with the gentleman from Missouri. At all events, seven minutes have been yielded to me, and I desire to yield so much as my colleague wants——

The SPEAKER. The Chair would suppose that the gentleman could yield to his colleague with the consent of the gentleman from Missouri.

Mr. CROWTHER. I have no objection whatever to the gentleman occupying the time in such way as he sees proper.

Mr. LAYTON. Then I yield of the time accorded to me such part as the gentleman from Ohio, my colleague [Mr. Watson], may desire to occupy.

Mr. WATSON of Ohio. Mr. Speaker, I believe I have not spoken upon a question of this kind since I have been a member of the House, but I have a deep interest in this kind of legislation, and have been pained almost beyond expression at some of the sentiments which I have heard uttered upon this side of the House in reference to some pension bills.

I want, in the first place, to say that I concur most heartily in the language of the gentleman from Missouri [Mr. Crowther] when he says that if he had the power he would pension every man who bore a gun and fought in defense of the Republic. So would I. But I say also to the gentleman from Missouri and to the gentlemen of the House that when the widow of a brave general, who is to-day absolutely without means of support, who is past 70 years of age, who is herself almost an invalid, who has an invalid daughter depending upon her for the necessities of life, and nothing with which to meet those necessities, comes before the American Congress and asks this body to give her during the few remaining years she shall live the meager pittance of $75 per month, it is small business for the American Congress to refuse the request.

I appeal to the patriotism as well as the judgment of this House to pass this bill. Gentlemen tell us that the men who fought in the ranks, the men who bore the muskets, will resent this kind of legislation. In behalf of every man in all that mighty host who battled for the Stars I resent that statement as an unfair insinuation. There is not a single soldier who did battle for the flag of the Republic, if he knew all the circumstances of this case, would object to this bill. There is not one who would not say that he would be glad to have this Congress put the name of this widow upon the pension roll at $75 per month. I want to say, in reply to a suggestion made by the distinguished gentleman from Iowa [Mr. Lacey], in speaking of a case which he had a short time ago, that the trouble is with his case and not with this one. The widow to whom he refers does not receive what she ought, but that is no reason why the gentleman should vote against the allowance provided for in this bill. The fact that his constituent does not receive what she is entitled to receive does not justify the gentleman in attacking the amount which this bill proposes to give. And I regret that the gentleman is willing to withhold a proper allowance in the one case because he can not secure a proper allowance in the other.

Such logic should not commend itself to either the judgment or the patriotism of this House. I would guard the Treasury of this nation with as much sacredness and as much integrity as any man upon this floor, but it is not a useless waste of the nation's money to pay the amount provided for in this bill, when all the circumstances of the case are considered. On the other hand, I think the fairness of the proposition will commend itself to the mind of every member upon this floor. This nation is great enough and rich enough to pay $75 per month to the widow of every general who is situated as this unfortunate widow is. She has passed the seventieth year of her life, is in feeble health, and has dependent upon her an invalid daughter of middle age.

If we should grant this widow $75 per month, our action would be sustained by the sympathy and judgment of the entire nation. I do not believe that any soldier would complain of it, but, on the contrary, would rejoice at the generosity and patriotism of Congress in doing what the necessities of the situation demanded.

Mr. LAYTON. I reserve the balance of my time.

Mr. CROWTHER. I yield the gentleman from Iowa [Mr. Hull] five minutes. Then I shall ask for the previous question.

Mr. HULL. Mr. Speaker, there is no pretense on the part of the advocates of this bill that General Carr's life was shortened one single day by his service in the Army, or that, as a result of his service in the Army, his wife was left a widow one single hour sooner than she would have been if he had never enlisted. He had rendered distinguished service in the Army, but his service in civil life was probably more distinguished than his service in military life. There is nothing in this case which takes it out of the general rule established by the House on repeated votes of giving a maximum of $50 a month to the widows of general officers.

Under the general law, if his death had resulted from the service, his widow would have been entitled to a pension of $30 a month. Under the law of 1890, which applies to soldiers and officers alike, his death resulting from causes entirely outside of his army service, she would be entitled to $8 a month. And I want to say to my associates and colleagues in this Hall that when the Congress of the United States goes from $8 a month to $50 a month, as is proposed in this case, it is dealing not only justly, but generously with the widow of this soldier.

Mr. Speaker, the gentleman from Ohio [Mr. Watson] has gone out of the record in this case to speak for the soldiers of the United States, and quote them in favor of highest pensions to officers' widows. I think I am entitled to speak somewhat for the soldiers myself. I doubt not, Mr. Speaker, that I associate with them more intimately than does my friend from Ohio [Mr. Watson], and I want to say to him and to this House that he is mistaken when he says that the private soldiers of the United States do not resent this constant and growing tendency on the part of Congress

to draw such a marked distinction between the widow of the soldier and the widow of the officer. They recognize a proper distinction, but this House in every case of the widow of a private soldier, with possibly one exception, has limited the pension to $12 a month—the largest amount given to the widow of a private by general law. Now, in the case of this widow, if we make her pension $50 per month, we increase the pension that she is entitled to under the law $42. I say that the charge of our being ungenerous or parsimonious with the widows of general officers, when we grant them $50 a month, does not lie against this House.

Mr. WILLIAM A. STONE. I can not get any time to speak on this question, and I want to ask the gentleman if it is not true that he is getting letters from the widows of soldiers in his district, and others who have read of our passing these bills at $75 a month, asking him to introduce bills for them, and if it is not true that this legislation has created great dissatisfaction among pensioners who can only get $12 a month?

Mr. HULL. It is not only true that I am getting letters, but I am also getting resolutions adopted by Grand Army posts, protesting against this continual discrimination against the widows of private soldiers in favor of the widows of general officers.

Mr. WILLIAM A. STONE. I will again ask the gentleman if there is any excuse for making a departure from the precedent of $50 a month in this case except attempted liberality with an overflowing Treasury, which everybody knows we have not got?

Mr. HULL. The gentleman can answer that question about as well as I could. But I want to say again, Mr. Speaker, that if we adhere to the rule we have adopted by vote after vote, especially where the soldier's life was not shortened a day by disease contracted in his army service, of granting $50 a month to his widow, we are dealing generously with her.

Mr. LAYTON. Will the gentleman permit me, before he demands the previous question? I desire to say, and have the Record show, that I submitted this conference report in the absence and at the special request of my colleague from Michigan, the chairman of the committee [Mr. Thomas].

Mr. CROWTHER. Mr. Speaker, I hope the House will reject this report of the committee of conference, and send the bill back to conference with instructions to the conferees to stand by the House amendment.

Mr. WILLIAM A. STONE. Which was $30 a month.

Mr. CROWTHER. Which was $50 a month. I now demand the previous question.

The previous question was ordered.

The question was taken on agreeing to the conference report, and the Speaker announced that the noes seemed to have it.

Mr. LAYTON. Division, Mr. Speaker.

The House divided; and there were—ayes 44, noes 100.

So the report of the committee of conference was rejected.

Mr. CROWTHER. I move that the House insist upon its amendment and ask for a further conference upon the bill.

The motion was agreed to.

Mr. CROWTHER. I move that the conferees be instructed to insist upon $50 per month.

The SPEAKER. The gentleman moves that the conferees be instructed to insist upon the House amendment for the payment of $50 per month.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. Crowther, Mr. Thomas, and Mr. Layton.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, my intention being to call up the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Payne in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10329.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, I will ask the gentleman from Texas [Mr. Sayers] how much general debate is desired?

Mr. SAYERS. Mr. Chairman, I suggest to the gentleman in charge of the bill that this bill be read and considered by paragraphs, with the understanding that there are two amendments which will be offered touching the appropriation for the Southern Pacific Railway Company.

Mr. CANNON. Southern and Union.

Mr. SAYERS (continuing). That these amendments be considered when the consideration of the bill shall have been concluded, and that an hour and a half be allowed upon a side. I would also suggest to the gentleman that in the consideration of this bill paragraph by paragraph latitude be allowed for the discussion, and I think we can get through quite rapidly.

Mr. CANNON. Do you think you want an hour and a half?

Mr. SAYERS. I do not know that we shall.

Mr. CANNON. I now ask unanimous consent that general debate may be considered as closed upon this bill, with the exception that in the consideration of the bill we may pass the item carrying an appropriation for the Southern Pacific Company, and at the conclusion of the bill we may recur to that item, and that there may be, if desired, an hour and a half general debate thereon.

Mr. SAYERS. On each side.

Mr. CANNON. On each side.

Mr. GROW. I object, for the purpose of making a statement.

The CHAIRMAN. A statement would hardly be in order. If there is no objection, the gentleman will proceed.

Mr. GROW. I only need a minute to do it. The House in Committee of the Whole House on the state of the Union is the only place for general debate upon questions affecting the whole country—general questions. Unless it is understood I can have thirty or forty minutes to speak upon an important question that the whole country is interested in, I shall object to this unanimous consent.

Mr. SAYERS. Just a moment. I think if this agreement which the gentleman from Illinois proposes is effected, there will be no question about the gentleman from Pennsylvania being able to get thirty minutes.

Mr. GROW. Mr. Chairman, it was after ten years' contest that this House passed a free-homestead bill. A similar bill is pending in the Committee of the Whole House on the state of the Union, and unless it is understood that on this bill I can have thirty or forty minutes, which is the only opportunity I can get to discuss it, I shall object.

Mr. CANNON. Now, Mr. Chairman, I will not be placed under bond. This is public business, and in the closing days of this session I want this bill to go to the Senate at the earliest possible minute; and I want to say to the gentleman I have every disposition to accommodate him, but I will not now agree that forty minutes of any time for general debate shall be given.

Mr. GROW. There is no danger of general appropriation bills failing. Not at all. I have seen four or five passed in the last twenty-four hours of a session? If there is no disposition to yield that to me, I oppose any agreement.

Mr. CANNON. Very well.

Mr. GROW. Thirty or forty minutes is just of as much importance on a public question at one time as at another.

Mr. SAYERS. Let me suggest to the gentleman from Pennsylvania that there is great danger of some of these appropriation bills failing.

Mr. GROW. Not a bit of it.

Mr. SAYERS. All right.

Mr. CANNON. Mr. Chairman, this general deficiency bill carries $8,441,029.43. The estimates are $9,325,915.21. The bill, therefore, is a reduction of the estimates of $884,885.78. The bill contains a great many items which can best be considered under the five-minute rule, and now, if it is satisfactory to the gentleman from Texas [Mr. Sayers], I will yield to him what time he desires, or, if he does not wish to address the committee, I will move to close general debate.

Mr. SAYERS. Mr. Chairman, I do not desire to consume the time of the committee. I am entirely confident that at the proper time there will be sufficient opportunity given for debate upon the important items, and I do not wish to delay the consideration of the bill by taking the floor now.

Mr. CANNON. Now, Mr. Chairman, I move that the committee rise.

Mr. GROW. All right. If the House wants to vote down all discussion on an important question, it can do so.

Mr. CANNON. I have every disposition to give the gentleman from Pennsylvania the time he desires, but——

Mr. GROW. Then grant it now by unanimous consent; or, if you think you can spend forty minutes in a better way, try it.

The motion of Mr. Cannon was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Payne, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill H. R. 10329, the general deficiency bill, and had come to no resolution thereon.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills, and pending that motion I move that all general debate upon the general deficiency bill be limited to one minute.

Mr. GROW. I hope that motion will be voted down.

The question being taken, the Speaker declared that he was in doubt as to the result.

The House divided; and there were—ayes 79, noes 94.

Mr. CANNON. Mr. Speaker, I ask for tellers.

Mr. GROW. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, 76 members voting in favor thereof.

The question was taken; and there were—yeas 92, nays 126, not voting 137; as follows:

YEAS—92.

Aldrich, Ill.
Allen, Miss.
Arnold, R. I.
Babcock,
Beach,
Bennett,
Bingham,
Blue,
Boatner,
Brewster,
Burrell,
Burton, Mo.
Cannon,
Catchings,
Clark, Iowa
Clarke, Ala.
Cobb,
Codding,
Cooper, Tex.
Cousins,
Crisp,
Dalzell,
Dockery,
Dovener,
Draper,
Fischer,
Gillet, N. Y.
Gillett, Mass.
Grosvenor,
Harrison,
Hemenway,
Henderson,
Hooker,
Hopkins, Ill.
Hull,
Hunter,
Hutcheson,
Jenkins,
Joy,
Kirkpatrick,
Kleberg,
Knox,
Lawson,
Layton,
Leighty,
Livingston,
Lorimer,
Loud,
Low,
Maddox,
Mahon,
McCall, Tenn.
McClellan,
McCreary, Ky.
McLaurin,
Meiklejohn,
Mercer,
Meyer,
Miles,
Milliken,
Mitchell,
Money,
Morse,
Mozley,
Northway,
Odell,
Ogden,
Otjen,
Overstreet,
Payne,
Perkins,
Pitney,
Poole,
Raney,
Ray,
Reeves,
Richardson,
Rinaker,
Sayers,
Sherman,
Southwick,
Steele,
Stone, W. A.
Taft,
Tyler,
Van Voorhis,
Wadsworth,
Warner,
Washington,
Williams,
Wilson, N. Y.
Woomer.

NAYS—126.

Abbott,
Adams,
Aldrich, T. H.
Anderson,
Apsley,
Bailey,
Baker, N. H.
Bankhead,
Barney,
Bartholdt,
Bartlett, Ga.
Bell, Colo.
Black,
Brosius,
Bull,
Burton, Ohio
Clardy,
Coffin,
Colson,
Connolly,
Cooper, Fla.
Cooper, Wis.
Cox,
Crowther,
Culberson,
Cummings,
Curtis, Iowa
Curtis, Kans.
Danford,
Daniels,
De Witt,
Dinsmore,
Eddy,
Ellett,
Ellis,
Fenton,
Fitzgerald,
Fowler,
Gamble,
Gardner,
Gibson,
Grow,
Hager,
Hall,
Halterman,
Hanly,
Hardy,
Harris,
Hartman,
Hatch,
Heatwole,
Henry, Conn.
Hermann,
Hicks,
Howard,
Howe,
Hubbard,
Hulick,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kerr,
Kiefer,
Kyle,
Lacey,
Lefever,
Leisenring,
Lester,
Lewis,
Linton,
Little,
Long,
Maguire,
Mahany,
Martin,
McClure,
McCulloch,
McDearmon,
McEwan,
McLachlan,
McRae,
Meredith,
Miller, Kans.
Milnes,
Moody,
Neill,
Noonan,
Otey,
Owens,
Patterson,
Pearson,
Prince,
Pugh,
Reyburn,
Robinson, Pa.
Scranton,
Settle,
Shafroth,
Simpkins,
Snover,
Sorg,
Spalding,
Spencer,
Stahle,
Stephenson,
Stewart, N. J.
Strowd, N. C.
Sulloway,
Talbert,
Terry,
Towne,
Tracey,
Treloar,
Turner, Ga.
Updegraff,
Walker, Mass.
Walker, Va.
Wanger,
Watson, Ohio
Wheeler,
Wilson, S. C.
Wood,
Woodard,
Woodman,
Wright,
Yoakum.

NOT VOTING—137.

Acheson,
Aitken,
Aldrich, W. F.
Allen, Utah
Andrews,
Arnold, Pa.
Atwood,
Avery,
Baker, Kans.
Baker, Md.
Barham,
Barrett,
Bartlett, N. Y.
Belknap,
Bell, Tex.
Berry,
Bishop,
Boutelle,
Bowers,
Broderick,
Bromwell,
Brown,
Brumm,
Buck,
Calderhead,
Chickering,
Clark, Mo.
Cockrell,
Cook, Wis.
Cooke, Ill.
Corliss,
Cowen,
Crowley,
Crump,
Curtis, N. Y.
Dayton,
De Armond,
Denny,
Dingley,
Dolliver,
Doolittle,
Erdman,
Evans,
Fairchild,
Faris,
Fletcher,
Foote,
Foss,
Goodwyn,
Graff,
Griffin,
Griswold,
Grout,
Hadley,
Hainer, Nebr.
Harmer,
Hart,
Heiner, Pa.
Hendrick,
Henry, Ind.
Hepburn,
Hilborn,
Hill,
Hitt,
Hopkins, Ky.
Howell,
Huff,
Hulling,
Hurley,
Hyde,
Jones,
Kem,
Kulp,
Latimer,
Leonard,
Linney,
Loudenslager,
Marsh,
McCall, Mass.
McCleary, Minn.
McCormick,
McMillin,
Miller, W. Va.
Miner, N. Y.
Minor, Wis.
Mondell,
Moses,
Murphy,
Murray,
Newlands,
Parker,
Pendleton,
Phillips,
Pickler,
Powers,
Price,
Quigg,
Robertson, La.
Royse,
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Shannon,
Shaw.
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Sparkman,
Sperry,
Stallings,
Stewart, Wis.
Stone, C. W.
Stokes,
Strait,
Strode, Nebr.
Strong,
Sulzer,
Swanson,
Tate,
Tawney,
Tayler,
Thomas,
Thorp,
Tracewell,
Tucker,
Turner, Va.
Van Horn,
Watson, Ind.
Wellington,
White,
Wilber,
Willis,
Wilson, Idaho
Wilson, Ohio.

The following pairs were announced:

Until further notice:

Mr. Pickler with Mr. Miner of New York.
Mr. Thomas with Mr. Tucker.
Mr. Dingley with Mr. McMillin.
Mr. Corliss with Mr. Cowen.
Mr. McCall of Massachusetts with Mr. Jones.
Mr. Harmer with Mr. Hutcheson.

For this day:

Mr. Dolliver with Mr. Bell of Texas.
Mr. Bromwell with Mr. Swanson.
Mr. Arnold of Pennsylvania with Mr. Crowley.
Mr. Andrews with Mr. Pendleton.
Mr. Aitken with Mr. Hart.
Mr. Kulp with Mr. Shaw.
Mr. Charles W. Stone with Mr. De Armond.
Mr. Arnold of Rhode Island with Mr. Rusk.
Mr. Huling with Mr. Buck.
Mr. Hitt with Mr. Cockrell.
Mr. Hurley with Mr. Tate.
Mr. Linney with Mr. Berry.
Mr. Loudenslager with Mr. Dinsmore.
Mr. McCleary of Minnesota with Mr. Russell of Georgia.
Mr. Minor of Wisconsin with Mr. Denny.
Mr. Wilber with Mr. Stallings.
Mr. Russell of Connecticut with Mr. Price.
Mr. Smith of Illinois with Mr. Moses.
Mr. Stewart of Wisconsin with Mr. Strait.
Mr. Tawney with Mr. Sulzer.
Mr. Wilson of Ohio with Mr. Turner of Georgia.
Mr. Smith of Michigan with Mr. Robertson of Louisiana.

During the roll call the following took place:

Mr. CANNON. Mr. Speaker, I desire to interrupt the roll call to ask a unanimous consent. As it is perfectly evident that, in deference to the gentleman from Pennsylvania [Mr. Grow], the majority of the House desires that he should have his time, I ask consent that the further calling of the roll be dispensed with, and that the House go into Committee of the Whole for the consideration of the general deficiency bill. If that be agreed to, I will yield the gentleman from Pennsylvania [Mr. Grow] forty minutes of my time. [Applause.]

Mr. WALKER of Virginia. I object.

The Clerk resumed and completed the call of the roll.

The result of the vote was then announced as above recorded.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that general debate upon the deficiency bill be closed at the end of forty-two minutes, and give notice that, if that be agreed to, when we go into Committee of the Whole I will yield forty minutes to the gentleman from Pennsylvania. I further ask that the bill may be read through, and that we may pass over the Southern Pacific Railroad item, recurring to it at the end of the bill, and that we may then have an hour and a half for general debate on that item.

Mr. GROW. Mr. Speaker, I object to that arrangement. If the House goes into committee and I am allowed to take the floor, when I get through the gentleman will have the floor, and we will then agree to anything he desires about the bill. [Laughter.]

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. Payne in the chair.

Mr. CANNON. Mr. Chairman, I believe I am recognized for debate?

The CHAIRMAN. The gentleman is recognized for general debate if he desires to occupy the floor.

Mr. CANNON. I think I exhausted about two minutes of my time heretofore.

The CHAIRMAN. The Chair's recollection is that the gentleman occupied three minutes. [Laughter.]

Mr. CANNON. Now, Mr. Chairman, the House evidently desires to hear the eminent gentleman from Pennsylvania [Mr. Grow] in general debate upon the pending bill. I am exceedingly anxious to get on with the bill. It is now the last days of the session, and the Senate ought to have this important bill promptly. But the House, out of courtesy to the gentleman from Pennsylvania, with which I have no disposition to quarrel—and if I had it would not avail anything [laughter]—the House evidently desires to give the gentleman an opportunity to be heard. Gentlemen are evidently disposed to hear discussion from the gentleman from Pennsylvania. That being the case, I shall be a most interested auditor, and would be very glad now to yield to the gentleman, if it suits his convenience, as much time out of the time remaining to me as I have at my disposal—that is to say, as I understand it, about fifty-six minutes.

Mr. GROW. I thank the gentleman from Illinois for his kindness, but I ask to be recognized to take the floor in my own right, without prejudice to the rights of the gentleman from Illinois, and leave him the right to occupy the floor, with his time, if he chooses to do so hereafter.

Mr. CANNON. The gentleman desires more than forty minutes, then, I suppose?

Mr. GROW. I do not think I shall wish to occupy the entire time, but I do not care to deprive the gentleman from Illinois of any of his time.

Mr. CANNON. The gentleman now declines to accept the fifty-six minutes?

Mr. GROW. I think my proposition is better.

Mr. CANNON. I ask if the gentleman declines to accept the fifty-six minutes?

Mr. GROW. No.

Mr. CANNON. If the gentleman will accept, I will yield it to him.

Mr. GROW. No. I suggested that I be allowed to speak in my own time, and the gentleman can take the floor in his own time. If I do not occupy the entire hour accorded to me by the rules, I will yield the balance, if any remains, to the gentleman from Illinois. I do not expect to trespass on the patience of the committee very long.

Mr. CANNON. Now, the gentleman has had his own way in substance up to this time, and if he will not take my fifty-six minutes, out of respect to the gentleman's reputation, and he having the House clearly with him, he shall have it in form as well. I therefore reserve the remainder of my time. If the Chair chooses to recognize the gentleman from Pennsylvania, he can now proceed.

Mr. GROW. Mr. Chairman, when compelled to assert my rights on this floor, I do not propose to take them by the courtesy of anybody. [Applause.]

I appealed to the chairman of the Committee on Appropriations, stating to him that I wanted to speak some thirty or forty minutes on the general question of free homesteads, the bill now pending in the House. It was a ten-years steady and constant struggle in the House to pass the first free-homestead bill, and when I asked the privilege of being allowed thirty or forty minutes' time on that question I was informed that it was uncertain whether there would be time for that.

Do I understand, Mr. Chairman, that I am now recognized in my own right to speak, under the rule?

The CHAIRMAN (Mr. Sherman in the chair). That is correct. The gentleman is so recognized.

Mr. GROW. I was simply explaining, Mr. Chairman, why I did not make the effort in a factious spirit. I am ready to advance the business of the House; but when I made my appeal to the chairman of the Appropriations Committee, that I would like thirty or forty minutes to speak on the general question of homesteads—a subject that could not excite any opposition or discussion of importance—I received no answer except that he did not know whether there would be time. I was then forced to assert my own rights on the floor. I thought it was my duty to assert my right as a representative of the people to speak on a public question, interesting to the whole people of the country, without the consent of anybody, and I have taken the floor for that purpose. [Applause.]

Forty-five years ago it was my privilege in this presence to advocate the right of the pioneer settler to his home; and now it is my privilege in the same presence to advocate his rightful ownership in the soil. In 1889, and immediately thereafter, treaties were made with various Indian tribes for their lands in Oklahoma, Nebraska, Minnesota, North and South Dakota, Idaho, Montana, Washington, and Oregon. After the ratification of these treaties, and entirely independent of them, Congress passed laws relative to each of these acquisitions, requiring persons who should settle upon them to pay into the Treasury at the end of five years from $1 to $3.75 per acre. This was an abandonment, so far as these lands are concerned, of the free-homestead policy which applies to all other public lands. The price exacted by the Government for these lands is greater, and in some cases much greater, than the price which existed for any of the agricultural lands of the Government previous to the passage of the free-homestead law. The object of this bill is to put the lands acquired by these treaties under the same homestead provisions as now exist for all other lands heretofore acquired by treaties with Indian tribes or in any other way, and relieve them from imposition of greater hardship and injustice than was ever imposed upon the actual settlers under our land system since the foundation of the Government, when the lands were sold to the highest bidder. This was an innovation on the provisions of the free-homestead policy, and that is the reason I desired to call the attention of the House to the bill now pending as a Senate amendment to the House bill.

This House, in the last session of Congress, passed a bill relieving the settlers in Oklahoma, and it went to the Senate. It was amended there by including all settlers similarly situated on all the public lands of the United States; and it comes back and is pending here on our Calendar. Whether we will have an opportunity to act on it or not I can not say. But after a contest during my former entire Congressional service to secure relief to the pioneer settlers, who have converted our wilderness into blooming fields, and who have established civilization on the ruins of savage life, I was not willing that this session should close without having public attention called to the hardship and injustices imposed upon the settlers on the public lands affected by this bill.

On the 30th day of March, 1852, my first speech as a member of Congress was made in the Old Hall of the House of Representatives, on Man's Right to the Soil. From that time forth, in season and out of season, the policy of free homes for free men was kept constantly before Congress until the 27th day of May, 1862 (to take effect January 1, 1863), when it became the law of the land by the signature of the unlettered child of the prairies, Abraham Lincoln, after I had signed the enrolled bill as Speaker of the House.

There are two interesting incidents connected with the final passage of the original free-homestead bill. First, it took effect on the day of Lincoln's emancipation proclamation. Second, the first settler under the homestead bill, which provided free homes for free men, was named Freeman. Daniel Freeman, of Beatrice, Gage County, Nebr., was a Union soldier, home on a furlough, which would expire on the 2d or 3d day of January, 1863. At a little past midnight on the 1st day of January, 1863, he made his entry in the land office of his district and left his home the same day to take his place again in the ranks on the tented fields. His entry was No. 1, his proof of residence was No. 1, his patent was No. 1, recorded on page 1, of book 1, of the Land Office of the United States. The first settler under this law was a Freeman, and I trust the last of its beneficiaries in the long coming years of the future will be a free man. [Applause.]

The Congress of the United States was the first legislative body of any nation in the world's history, so far as I know, to set apart or attempt to set apart its public domain in homes for its citizen, without money and without price. There had been many efforts made, reaching far back into antiquity, for limiting the number of acres that might be acquired by a single individual, and for preventing or restricting the acquisition of lands by the few, and for a division of public lands among different classes of the people. Four hundred years before the Christian era, Licinius Stolo, a Roman citizen of plebeian birth, was elected tribune of the Commons. He procured the passage of a law, which in history bears his name, restricting the acquisition of the public lands by any one individual to 500 jogera—about 350 acres. During his term of office he also secured the passage of other regulations to prevent the patrician class from monopolizing the lands acquired by conquest or purchase. Two hundred and fifty years later Tiberius Gracchus, of patrician birth—his mother being Cornelia, daughter of Scipio Africanus—was elected tribune of the Commons. He espoused the cause of the plebeians and became their recognized leader. He attempted to revive the old Licinian law, which had fallen into disuse, and lost his life in his efforts to secure a more equitable division of the public lands and to provide for their cultivation by free men instead of slaves. A little later his brother, Caius Gracchus, was elected tribune of the Commons, and he, too, lost his life in endeavoring to secure the reforms advocated by his brother.

Had Rome adopted the policy advocated by the Gracchi, of distributing the public lands among the landless of her citizens, and securing their cultivation by free men instead of slaves, the eagles of the Roman commonwealth might have floated in triumph long after the ivy twined the broken columns of the imperial palace of her Cæsars. For when at last the barbarian from his wilderness home came with torch and spear to the very walls of the Eternal City, there was no longer an independent yeomanry with homes to defend, or a great patriotic laboring people to bare their bosoms in its defense; and the seven hills falls an easy prey to the Goth and Vandal; and Italy, proud mistress of the world, is overrun by rude warriors. The bat and the owl build their nests in the crumbling walls of her Coliseum, the grandest architectural ruin of all antiquity.

From the death of the Gracchi through the more than twenty centuries of subsequent history many attempts had been made in various nations to change the tenure of lands or to provide for their distribution among different classes of the people. But through it all there was a universal consent that the title and rightful ownership in the soil of the earth's surface was in the king or the ruling class, called the State, and that the public domain might rightfully be held as a source of revenue or be doled out in vast manors to court favorites or granted in unlimited quantities in donations and charities. In 1846, Felix Grundy McConnell, a member of Congress from Alabama, introduced in Congress a bill which provided that any head of a family might enter 160 acres of land on filing affidavit that he or she intended to cultivate it for five years and was "wholly unable to pay the minimum price fixed by law." This bill by its very terms was a mere charity and it was so intended. It asserted no principle as to the rightful ownership in the soil or any general policy for the disposition of the public lands. Nothing was done with it after its introduction. Of the many propositions and legislative measures proposed in this country and others relative to the disposition of the public domain, the free-homestead law, passed by the American Congress in 1862, is the only one to my knowledge that was based on the great fundamental principle, founded in nature and natural law, that whoever applies his labor to an unoccupied portion of the earth's surface in its cultivation, seals his title of rightful ownership thereto in the sweat of his face as it moistens the soil he tills. [Applause.]

For ten years after my first entry into Congress, the all-absorbing question of legislative discussion in these Halls, next to that of restricting slave labor institutions to their then existing limits, was the question as to the proper and best disposition to be made of the public lands. For final success in legislation, the policy of setting them apart in free homes for actual settlers had to be divested of the idea that it was one of charity or Government bounty. If that was the case, it could have no permanent place in legislation. To secure such place, it must be recognized, both by lawmakers and the people, as a fundamental right, belonging to the settler, of which he could not justly be deprived. From the first, therefore, I endeavored so far as my ability would permit to enforce the position that the Government should stop all sales of the public lands and confine their occupancy in limited quantities to the actual settler alone, and that this ought to be done as an act of justice to the settler as well as sound policy for the Government. Hence my voice and vote were always against any other disposition of the public lands. The discussion of the question finally culminated in the enactment of the free-homestead law as the fixed policy of the Government in the manner already stated.

In support of the present Senate bill I will read an extract from the speech delivered in the Old Hall before a majority, or very near it, of the members of this House were born. It will, therefore, if they have not been diligent readers of the Congressional Globe, be as new to them, if not to the rest of the House, as anything I might utter at this time. And I am sure it will be quite as conclusive in argument. Before doing so I ask unanimous consent to print as an appendix to my present remarks part of the speech made in 1860 on the homestead law before its passage. The history of the acquisition of the public lands which it contains and the reasons urged for the passage of the bill then pending are all equally applicable to the pending Senate bill.

The CHAIRMAN (Mr. SHERMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Extract from speech made March 30, 1852, on Man's Right to the Soil.]

"But even if the Government could derive revenue from the sale of the public lands, it is neither just nor sound policy to hold them for that purpose. It is well sometimes to go back of the authority of books and treatises on human rights, composed by authors reared and educated under monarchical institutions, and whose opinions and habits of thought consequently have been more or less shaped and molded by such influences, and examine by the light of reason and natural law the true foundation for governments and of the inherent rights of man.

"The fundamental rights of man may be summed up in two words: Life and happiness. The first is the gift of the Creator, and may be bestowed at his pleasure; but it is not consistent with his character for benevolence that it should be bestowed for any other purpose than to be enjoyed; and that we call happiness. Therefore, whatever nature has provided for preserving the one or promoting the other belongs alike to the whole race. And as the means for sustaining life are derived almost wholly from the soil, every person has a natural right to so much of the earth's surface as may be necessary for his support. To whatever unoccupied portion of it, therefore, he applies his labor for that purpose, from that time forth it becomes appropriated to his own exclusive use; and whatever improvements he may make by his labor becomes his property and subject to his disposal.

"The only true foundation for any right to property is man's labor. That is property, and that alone, which the labor of man has made such. What right, then, can the Government have in the soil of a wild and uncultivated wilderness as a source of revenue, to which not a day's nor an hour's labor has been applied to make it more productive and answer better the end for which it was created, the support and happiness of the race?

"It is said by Blackstone in his Commentaries that—

> "There is no foundation in nature or natural law why a set of words upon parchment should convey the dominion of land. The use and occupancy alone gives to man an exclusive right to retain in a permanent manner that specified land, which before belonged generally to everybody, but particularly to nobody.

"It may be said, true, such would be man's right to the soil in a state of nature; but when he entered into society he gave up part of his natural rights, in order to enjoy the advantages of an organized community. This is a doctrine, I am aware, of the books and treatises on society and government. But it is a doctrine of despotism, and belongs not to enlightened statesmen in a liberal age. It is the excuse of the despot in encroaching upon the rights of the subject. He admits the encroachment, but claims that the citizen gave up part of his natural rights when he entered into society; and who is to judge what ones he relinquished but the ruling power?

"It was not necessary that any of man's natural rights should have been yielded to the state in the formation of society. He yielded no right but the right to do wrong, and that he never had by nature. All that he yielded in entering into organized society was a portion of his unrestricted liberty. What he yielded was that he would submit his conduct, which before was subject to the control of no living being, to the tribunals to be established by the state, with a tacit consent that society, or the government, might regulate the mode and manner of the exercise of his rights. Why should he consent to be deprived of them? It is upon this ground that we justify resistance to tyrants. Whenever the ruling power encroaches upon the natural rights of men so far that an appeal to arms becomes preferable to submission, they appeal from human to divine laws, and plead the natural rights of man in their justification. That government is just, and that alone, which enforces and defends all of man's natural rights, while protecting him against wrong by his fellow-man.

"Is it not time to sweep from the statute book its still lingering relics of feudalism, to blot out the principles ingrafted upon it by the narrow-minded policy of other times, and adapt the legislation of the country to the spirit of the age and to the true ideas of man's rights and relations to his government? If a man has a right on earth, he has a right to land enough to rear a habitation on. If he has a right to live, he has a right to the free use of whatever nature has provided for his sustenance—air to breathe, water to drink, and land enough to cultivate for his subsistence, for these are the necessary and indispensable means for the enjoyment of his inalienable rights of life, liberty, and the pursuit of happiness. And is it for a Government that claims to dispense equal and exact justice to all, and that has laid down correct principles in its great chart of human rights, to violate those principles and its solemn declarations in its legislative enactments?

"The struggle between capital and labor is an unequal one at best. It is a struggle between the bones and sinews of men and dollars and cents. And in that struggle is it for the Government to stretch forth its arm to aid the strong against the weak? Shall it continue by its legislation to elevate and enrich idleness on the wail and the woe of industry? If the rule is correct as applied to governments, the same as to individuals, that whatever a person permits another to do, having the right and means to prevent it, he does himself, then indeed is the Government responsible for all the evils that may result from speculation and land monopoly in the public domain.

* * * * * * *

"If you would lead the erring back from the paths of vice and crime to virtue and to honor, give him a home; give him a hearthstone, and he will surround it with household gods. If you would make men wiser and better, relieve the almshouses, close the doors of the penitentiary, and break in pieces the gallows, purify the influences of the domestic fireside; for that is the school in which human character is formed, and there its destiny is shaped. There the soul receives it first impress and man his first lesson, and they go with him for weal or for woe through life. For purifying the sentiments, elevating the thoughts, and developing the noblest impulses of man's nature, the influences of a moral fireside and agricultural life are the noblest and the best. In the obscurity of the cottage, far removed from the seductive influences of rank and affluence, is nourished the virtues that counteract the decay of human institutions, the courage that defends the national independence, and the industry that supports all classes of the State. Man, in defense of his hearthstone and his fireside, is invincible against a world of mercenaries. In battling for his home and all that is dear to him on earth, he is never conquered save with his life. In such a struggle every pass becomes a Thermopylæ, every plain a Marathon. With an independent yeomanry scattered over our vast domain, the 'young eagle' may bid defiance to the world in arms. Even though a foe should devastate our seaboard, lay in ashes its cities, they will have made not one single advance toward conquering the country, for from the interior would come its hardy yeomanry, with their hearts of oak and nerves of steel, to expel the invader. Their hearts are the citadel of a nation's power, their arms the bulwarks of liberty.

"Every consideration of policy, then, both as to revenue for the General Government and increased taxation for the new States, as well as a means for removing the causes of pauperism and crime in the old, demands that the public lands should be granted in limited quantities to the actual settler. Every consideration of justice and humanity calls upon us to restore man to his natural rights in the soil."

The only reason now claimed why the settler should pay from $1 to $3.75 per acre to the Government for the lands acquired under these recent treaties is that the Government bought them of the Indians. The Secretary of the Interior gives as a reason for requiring this payment that "it would not be proper to burden

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the people of the whole country in order that land might be acquired for the purpose of giving free homes to a very small proportion of them." This language and the idea are almost identical with those used by Mr. Buchanan in his veto of the first homestead bill passed by Congress. In that message he said: "This bill will prove unequal and unjust in its operations, because from its nature it is confined to one class of our people." That is true, but it is a class without restriction and discrimination, and the class to whom the lands rightfully belong—the class whose labor adds so much to their value, while contributing so largely to the development and growth of the country and its general welfare.

What property rights did the Government acquire from the Indian by these later treaties different from those acquired by all other treaties heretofore made? The Government paid him or has agreed to pay him for what? Just what the Government has always acquired heretofore in the treaties which have been made from time to time since the landing of the Pilgrims.

The Government secured by such treaties the willing consent of the Indian to move onward, leaving the pioneer settler to rear his cabin home on his receding footsteps, without fear or danger of torch or tomahawk. No matter how much money the Government pays or agrees to pay for such a purpose, it is far better and more humane thus to secure his willing consent to leave his old hunting grounds and find new ones than to drive him forth with powder and ball.

Mr. FARIS. Mr. Speaker, will the distinguished gentleman permit an interruption and a question?

Mr. GROW. Certainly.

Mr. FARIS. I desire to preface my question with the admission of my great interest in what the gentleman has said, and call attention to the fact that we have witnessed a remarkable scene in this House by the gentleman incorporating in his remarks utterances that were made by him in this presence longer ago than many of us have been living, in substantial harmony with his present views. I desire to ask the gentleman, as an incident in his distinguished career, if he has in all these years espoused with the same fidelity and the same consistency other great public questions so happily maintained by him in the matter he is now discussing? I ask him this as a matter for our information.

Mr. GROW. Mr. Speaker, I do not know of any inconsistency in my public career. As the gentleman has appealed to my egotism, I will say that if I had my life to live over I would not change my action on the great political questions upon which I have been called upon to act, whether as Representative or private citizen.

Mr. FARIS. Mr. Chairman, I interrogate my distinguished friend as a matter of information to us who are enjoying his speech, and without the least reflection that he was inconsistent in his public career. My thought is respectful and deferential.

Mr. GROW. I so understand the gentleman. I may have been wrong; but there is no vote I ever gave in this Hall as a representative of the people that I would change if I was called upon to vote again under like circumstances. [Loud applause.] My maiden speech as a Representative in Congress was made on the right of the pioneer settler to his home, without money and without price, for the reasons stated in part in the extract just read. I have continued in that same sentiment.

In my early boyhood that portion of northeastern Pennsylvania immediately around my home was somewhat of a wilderness. The first settlers there were, most of them, just building their log cabins, with tall forest trees in close proximity on every side. A sled path winding among these trees led out to the grist mill, post-office, store, and blacksmith shop of the neighborhood. By the labor of the settler alone the forest was to be felled, the land cleared, a family supported, and the claimant to the soil was to be paid. So long years of ceaseless toil must intervene before the settler could call his humble cabin home his own. As I passed along these winding sled paths, not infrequently would the query arise with myself, Why should this man for years contribute all his earnings, save a scanty support for his family, to some person living miles away, whose only claim to the land was that years before the claimant or his ancestors sent a surveyor and axman, and by blazed trees marked a surveyor's line through the forest?

At a later period, as a student in the schools the query came, as it comes to all in the course of historic reading, What was the cause of the unexampled prosperity and greatness of some nations at one period of their existence and their subsequent decay and utter ruin? This question, under the head of the Rise and the Fall of Empires, is the great puzzle of all philosophizing on the real causes of national decay. I closed my course of historic reading in the schools with the firm conviction that no nation ever yet died or ever will, no matter what the extent of its territory or how vast its population, if governed by just laws and its people are imbued with a spirit of humanity as broad as the race.

On reading in Hooke's History of Rome a description of the condition of Italy more than two thousand years before, as given in a speech by Tiberius Gracchus, then a tribune of the people, my early, crude idea was greatly strengthened that the true policy for a government was to secure its unoccupied public lands in limited quantities to the landless of its people, and to prevent by law so far as possible the earnings of labor from being absorbed in any other way than the making of the laborer's home comfortable and his fireside happy. After leaving school and entering a law office, I read in Blackstone's Commentaries—the first book given to a law student—that—

> There is no foundation in nature or natural law why a set of words on parchment should convey the dominion to land. The use and occupancy alone gives to man an exclusive right to retain in a permanent manner the specific land which before belonged generally to everybody, but particularly to nobody.

From that time forth the crude idea and shadowy opinion which had flitted through my brain in casually observing the labor and trials of the early settlers near my home became a fixed conviction as to one of the fundamental rights of man. The other conviction is equally fixed—that governments are bound to see to it, so far as possible, that none of the earnings of labor are taken from the laborer without returning an equivalent for those earnings alone are all he has to make his home comfortable and his fireside happy. The pillars of empires and states rest upon the comfort and happiness of the fireside of labor. [Applause.]

Why should the settler be required by his Government to pay for the privilege of occupying a portion of an uncultivated wilderness, just as it was when created by the God of nature and in the same condition in which it was when the morning stars sang together? What equivalent does the Government return to him when it takes $1 or $3 or more an acre from his hard earnings, which he needs to make his home comfortable, to build the church and the schoolhouse, to develop all the elements of a higher and better civilization? This legislation, which was begun in 1889, is a greater wrong to the settlers upon those lands than was ever perpetrated by the Government under the old system of selling the public lands to the highest bidder, and for that reason I desire to call the attention of the House to the fact that there is a bill pending to correct this wrong. Pay the Indian whatever the Government agrees; I care not what the amount is. But what rightful claim of ownership can he have or anybody else in the soil of a wilderness without cultivation? The only evidence of the occupation of the land by the Indian is his moccasin trail through the forest or along the banks of its winding streams. He bounds his claim of ownership by rivers and mountain ranges, and within these circumscribed limits he claims ownership not only to the land but to the wild beasts that hide in its jungles; to the fish that swim in its running waters, and in the birds of the air that disport in the foliage of its green forests.

The evil spirit standing beside our Saviour on the high mountain, overlooking the kingdoms of this world and the glories thereof, had just as good title and rightful ownership in them all as has the Indian standing on the highest mountain peaks of a continent, and claiming ownership as monarch of all he surveys, because his ancestors, in the years of the bygone, roamed over it with fishing rod and bow and arrow, and at a later period with shotgun and rifle, their only implements of husbandry and civilization. But their claim of title and ownership in the soil of an uncultivated wilderness is just as good as the claim to a continent by the mightiest monarch of the nations because a subject of his was the first white man to gaze upon its shores, or to sail across one of its flowing rivers. The right of discovery, so long recognized by the nations, is well enough when applied, as it should be, to the dominion over the institutions—the social organisms—that may be established by or for the inhabitants of the newly discovered country. But how can discovery confer any rightful ownership to the soil, any more than to the atmosphere that floats over it, or to the waters that rush from its mountain sides to the sea. How can the Indian, any more than anybody else, acquire a rightful ownership in the soil, when the only evidence of his habitation and occupancy is the smoke that curls from his wigwam, covered with the skins of wild beasts.

Since the delivery of the speech in the old Hall, from which I have just read, the pioneer settler has crossed the great central valley of the Mississippi, and scaling the snow-crowned summits of the Sierras, has built a mighty cordon of free States on the shores of the Pacific, rearing everywhere along his pathway through the wilderness temples of science and civilization on the ruins of savage life. The achievements of the pioneer settler since he first overleaped the Alleghanies in his march westward has been the achievements of science and civilization over the elements, the wilderness, and the savage.

Under the old land system the Government by its regulations permitted the speculator to exact from the settler from $3 to $5 or more per acre, without rendering any equivalent. By this new system which this bill, if passed, would supplant, the Government itself takes directly from the settler from $1 to $3.75 per acre, and returns no equivalent, any more than did the speculator under the old system. What justice can there be in legislation which thus absorbs the earnings for long years of these hardy sons of toil who contribute so much to the greatness and glory of the Republic?

There is no excuse for such a policy. Take from the white settler, who is struggling to make a home for himself and his family and to educate his children—take from him his earnings, for what? To keep the Indian tramping around in moccasins and idleness! The white man working to maintain the Indian in idleness is equally bad with the old land system which permitted the speculator to take from the settler four or five dollars or more an acre.

Mr. Chairman, the present law of Congress compels the settler, who cultivates the soil, developes the resources of our country, and is a brave soldier in the hour of peril, and bares his bosom in defense of the Republic, to pay out of his hard earnings to support the Indian in idleness, because the Government of the United States has to pay the Indian for these lands. Let the Treasury pay. The willing consent of the Indian to leave is of more consequence than any amount of money that is paid to him; but there is no reason why the Government should, by an independent act of legislation, compel the settler to pay from his earnings into the Treasury for these lands any more than there was in the old times, under the old system, which has been repudiated by the American people.

Mr. Chairman, in 1860 the Republican party adopted as one of its cardinal principles and embodied it in its party platform, "Free homesteads for the settlers on the public domain." To-day it is in the platform of every political party that had a candidate for the Presidency in the field at the last election except our gold Democratic friends who met at Indianapolis, and the glare of the yellow metal, I suppose, so dazzled their vision that they overlooked the homestead settlers. [Laughter and applause.]

In 1860 the Republican party platform was almost identical in words with those in its platform made at St. Louis, and on which it was victorious at the last election.

Six homestead bills, substantially the same, passed the House of Representatives before the final enactment of the law. The first three never received any action in the Senate. The fourth was supplanted in the Senate by a motion to lay it aside to take up a bill to purchase from Spain the Island of Cuba. Had that been done, then we might have been spared the sad spectacle witnessed now of a people struggling through heroic deeds for the inalienable rights of mankind. [Applause.] That ended all efforts to take up the homestead bill in that Congress.

The next Congress, beginning in December, 1859, consumed over a month in electing a Speaker. As soon as the House was organized, early in January, 1860, the homestead bill, which had been defeated in the Senate in the preceding session, I again introduced, and it passed the House. Some time in March or April following it was taken up in the Senate, and a substitute offered by Andrew Johnson, of Tennessee, was adopted. The House refused to accept the substitute, which was merely a graduation in price of the public lands, making it 25 cents an acre to the settler on five years' cultivation and 62½ cents for preemptors. After some weeks the committee of conference of the two Houses agreed to the Senate's substitute, which the House finally accepted on the principle that "half a loaf is better than no bread." This bill President Buchanan vetoed in June, 1860. At the extra session of Congress convened by President Lincoln July 4, 1861, the same old homestead bill, which had previously passed the House five times, was introduced, and at the following regular session of the Thirty-seventh Congress passed both Houses and became a law, as I have stated.

I call attention to the history of these transactions to show that while it was a cardinal doctrine of the Republican party at that time, even when it was in its cradle, it has been adopted by every political part, and embodied in the platform of all excepting the party that met at Indianapolis last year. Now, while a party platform may have or may not have merit, those who adhere to the party are bound to see that its pledges are carried out faithfully. The will of the people is to be respected according to the verdict at the ballot box. [Applause.]

But, sir, to return to the point I had in view, I claim that the Indian should not be forced from the old hunting grounds of his fathers without his consent; and that should have been the policy of the Government from the beginning. Never was so unwise a policy adopted by a government in reference to any people as that which was adopted by ours in reference to these people—recognizing them as an independent nation, owning a part of the earth's surface, with whom we must treat. They had just as good a right perhaps as the mightiest monarch of any nation has in his claim of ownership to a continent, because one of his subjects was the first white man to look on its shores or sail across one of its navigable rivers. I know that this is the doctrine of the books and of international agreement. Nations who have discovered new lands have the right to control the social organisms, institutions, and governments that may be built upon them. But how can they gain a title to the soil by a mere act of discovery any more than to the atmosphere that floats over it or the waters that leap from its mountains to the sea?

But, sir, I have no desire to trespass upon the patience of the committee. I have done what I wished to do, and called their attention to a bill now pending in this House, as an amendment to a House bill, that provides for relieving these settlers from these unjust and excessive burdens and restore these lands to the same provisions as all other lands of the Government under the free-homestead law.

Why should the Government continue this innovation upon the homestead policy, by which greater injustice and wrong is perpetrated upon the settler than was ever perpetrated upon him under the old system of selling the lands to the highest bidder? If the homestead policy is to be discarded, why double and thribble the amount ever before exacted of the settler? The passage of this bill would place all the public lands alike, no matter how or when acquired, under the provisions of the free-homestead law, which, previous to this innovation, has existed uninterruptedly for more than a third of a century, and under which the wilderness has been made "to bloom and blossom as the rose."

I yield the rest of my time to the gentleman from Illinois. [Laughter and applause.]

Mr. CANNON. I thank the gentleman very much. I am not quite so proud as my respected friend from Pennsylvania, who would not take time from me. I will take time from him.

Mr. GROW. Because it is worth nothing to me. [Laughter.]

APPENDIX.

Free Homes for Free Men.

SPEECH OF HON. GALUSHA A. GROW,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 29, 1860.

The House being in Committee of the Whole on the state of the Union—

Mr. GROW said:

Mr. CHAIRMAN: At the close of the Revolution the colonies claimed dominion, based upon their respective colonial grants from the Crown of Great Britain, over an uninhabited wilderness of 220,000,000 acres of land, extending to the Mississippi on the west and the Canadas on the north. The disposition of these lands became a subject of controversy between the colonies even before the Confederation, and was an early obstacle to the organization of any government for the protection of their common interests.

The colonies whose charters from the Crown extended over none of the unoccupied lands claimed, in the language of the instructions of Maryland in 1779 to her Delegates in Congress—

> That a country unsettled at the commencement of this war, claimed by the British Crown and ceded to it by the treaty at Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parceled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct.

The propriety and the justice of ceding these lands to the Confederation, to be thus parceled out into free and independent States, having become the topic of discussion everywhere in the colonies, Congress, in order to allay the controversy and remove the only remaining obstacle to a final ratification of the Articles of Confederation, declared by resolution on the 10th of October, 1780—

> That the unappropriated lands which may be ceded or relinquished to the United States by any particular State * * * shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States, etc. That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them.

In pursuance of the provisions of this resolution, New York, Virginia, Massachusetts, Connecticut, South Carolina, North Carolina, and Georgia ceded their claims, including title and jurisdiction, to the waste lands, as they were called, outside of their respective State limits; all of them, except Georgia and North Carolina, without any conditions annexed to their respective grants save those contained in the resolution of Congress just referred to. The reservation in the grants of Georgia and North Carolina were not, however, as to the future disposition of the lands, but a condition that slavery should not be prohibited therein

by Congress. The territory thus conditionally granted is contained within the States of Tennessee, Mississippi, and Alabama. With the exception of the grants of North Carolina and Georgia (and the reservations even in those relating only to the form of their future government), the public lands claimed by the colonies at the close of the Revolution were ceded to the General Government, to be settled and disposed of "under such regulations as shall hereafter be agreed on by the United States in Congress assembled."

Since that time the Government has acquired by treaty—of France, the Louisiana purchase; of Spain, the Floridas; of Mexico, Utah, New Mexico, and California, containing all together over 1,200,000,000 acres of land. So the General Government, by cessions from the original States and purchases from other nations, has acquired, exclusive of water, as computed by the Commissioner of the Land Office, 1,450,000,000 acres of public lands, of which there have been sold to September 30, 1859, 147,088,271 acres, and otherwise disposed of in grants and donations to individuals, corporations, companies, and States, including grants since June 30, 1857, 241,170,652 acres, leaving of public lands belonging to the Government, undisposed of on September 30, 1859, 1,061,141,675 acres.

What disposition shall be made of this vast inheritance is a question of no small magnitude. Three times within seven years a homestead bill has passed this House and been defeated each time by the Democratic majority in the Senate. On the vote on the homestead bill in the House last Congress, out of 130 Democrats, but 31 voted for it; and in the Senate, on the test vote between taking up the homestead bill, after it had passed the House and only required the vote of the Senate to make it a law, so far as Congress was concerned, or to take up the bill for the purchase of Cuba, but 1 Democrat voted for the homestead, and only 8 at any time; while every Republican in the Senate and every one in the House, with a single exception, was for the homestead. Of all the Representatives of the slave States, but 3 in the House voted for it, and but 2 at any time in the Senate. So the Democratic party as a party, arrayed itself in opposition to this beneficent policy. The Republican party, on the other hand, is committed to this measure by its votes in Congress, by its resolves in State conventions, and by its devotion to the great central idea of its existence—the rights and interests of free labor.

Early in this session I introduced a bill, which now awaits the action of the House, providing that any person who is 21 years or more old, or who is the head of a family, may enter 160 acres of any land subject to preemption, or upon which he may have a preemption claim, and by cultivating the same for five years shall be entitled to a patent from the Government on the payment of the usual fees of the land office and $10 to cover the cost of surveying and managing.

The land policy, as now conducted, permits the President in his discretion to expose to public sale, by proclamation, any or all of the public lands, after the same are surveyed. Every person settled on the lands so advertised for sale must before the day fixed in the proclamation of the President pay for his lands, or they are liable to be sold to any bidder who offers $1.25, or more, per acre. During the days of sale fixed by the President, anyone can purchase at $1.25 per acre as many acres of land not before preempted as he desires, selecting his own location. The lands that remain unsold at the expiration of the days of sale fixed by the President are subject to private entry; that is, any person can enter at the land office any or all of the lands that are at that time unsold at $1.25 per acre, if the same have not been offered for sale more than ten years; if for a longer period, then at a less price, according to the length of time they may have been in the market. Thus, under the existing policy, there is no restraint on land monopoly. The Rothschilds, the Barings, or any other of the world's millionaires may become the owners of untold acres of our public domain, to be resold to the settler at exorbitant prices, or to be held as an investment for future speculation.

Congress, as the trustee of the whole people, is vested, by the condition of the grants from the States and by the Constitution itself, with the sole discretionary power of disposing of these lands. But, in the exercise of a sound discretion, it becomes its duty to dispose of them in the way that will best promote the greatness and glory of the Republic. And how can that be accomplished so well as by a policy that will secure them in limited quantities to the actual cultivator at the least possible cost, and thus prevent the evils of a system of land monopoly—one of the direst, deadliest curses that ever paralyzed the energies of a nation or palsied the arm of industry? It needs no lengthy dissertation to portray its evils. Its history in the Old World is written in sighs and tears. Under its influence you behold there the proudest and most splendid aristocracies side by side with the most abject and debased people; vast manors hemmed in by hedges as a sporting ground for the nobility, while men are dying beside the inclosure for the want of land to till. Under its blighting influence you behold industry in rags and patience in despair. Such are some of the fruits of land monopoly in the Old World; and shall we permit its seeds to vegetate in the virgin soil of the New? Our present system is subject to like evils, not so great in magnitude perhaps, but similar in kind.

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The Government, by its existing land policy, has thus caused to be abstracted from the earnings of its hardy pioneers almost seventeen hundred million dollars for the mere privilege of enjoying one of God's bounties to man. This large amount has been abstracted from the sons of toil without rendering any equivalent, save a permit from the State to occupy a wilderness, to which not a day or hour of man's labor had been applied to change it from the condition in which the God of nature made it. Why should governments seize upon any of the bounties of God to man, and make them a source of revenue? While the earth was created for the whole human family, and was made its abiding place through the pilgrimage of this life, and since the hour of the primal curse, "In the sweat of thy face shalt thou eat bread," man has been forced to the cultivation of the soil to obtain subsistence for himself and the means of promoting the welfare of the race, why should governments wrest from him the right to apply his labor to such unoccupied portion of the earth's surface as may be necessary for his support until he has contributed to the revenues of the state any more than to permit him to breathe the air, enjoy the sunlight, or quaff from the rills and rivers of the earth? It would be just as rightful, were it possible to be done, to survey the atmosphere off into quarter sections and transfer it by parchment titles, divide the sun into quantum of rays and dole it out to groping mortals at a price, or arch over the waters of the earth into vast reservoirs and sell it to dying men.

In the language of remarks heretofore made on this subject, why has this claim of man to monopolize any of the gifts of God to man been confined by legal codes to the soil alone? Is there any other reason than that it is a right which, having its origin in feudal times—under a system that regarded man but as an appendage of the soil that he tilled, and whose life, liberty, and happiness, were but means of increasing the pleasures, pampering the passions and appetites of his liege lord—and, having once found a place in the books, it has been retained by the reverence which man is wont to pay to the past and to time-honored precedents? The human mind is so constituted that it is prone to regard as right what has come down to us approved by long usage and hallowed by gray age. It is a claim that had its origin with the kindred idea that royal blood flows only in the veins of an exclusive few, whose souls are more ethereal, because born amid the glitter of courts and cradled amid the pomp of lords and courtiers, and, therefore, they are to be installed as rulers and lawgivers of the race. Most of the evils that afflict society have had their origin in violence and wrong enacted into law by the experience of the past and retained by the prejudices of the present.

Is it not time to sweep from the statute book its still lingering relics of feudalism, to blot out the principles ingrafted upon it by the narrow-minded policy of other times, and to adapt the legislation of the country to the spirit of the age and to the true ideas of man's rights and relations to his Government?

For if a man has a right on earth, he has a right to land enough to rear a habitation on. If he has a right to live, he has a right to the free use of whatever nature has provided for his sustenance—air to breathe, water to drink, and land enough to cultivate for his subsistence; for these are the necessary and indispensable means for the enjoyment of his inalienable rights of "life, liberty, and the pursuit of happiness." And is it for a Government that claims to dispense equal and exact justice to all men, and that has laid down correct principles in its great chart of human rights, to violate those principles and its solemn declarations in its legislative enactments?

The struggle between capital and labor is an unequal one at best. It is a struggle between the bones and sinews of men and dollars and cents. And in that struggle is it for the Government to stretch forth its arm to aid the strong against the weak? Shall it continue, by its legislation, to elevate and enrich idleness on the wail and the woe of industry?

For if the rule be correct as applied to governments as well as individuals, that whatever a person permits another to do, having the right and means to prevent it, he does himself, then indeed is the Government responsible for all the evils that may result from speculation and land monopoly in the public domain. For it is not denied that Congress has the power to make any regulations for the disposal of these lands not injurious to the general welfare. Now, when a new tract is surveyed, and you open the land office and expose it for sale, the man with the most money is the largest purchaser. The most desirable and available locations are seized upon by the capitalists of the country who seek that kind of investment. The settler who chances not to have a preemption right, or to be there at the time of sale, when he comes to seek a home for himself and his family must pay the speculator three or four hundred per cent on his investment or encounter the trials and hardships of a still more remote border life. And thus, under the operation of laws that are called equal and just, there is taken from the settler three or four dollars per acre and put in the pocket of the speculator—thus, by the operation of law, abstracting so much of his hard earnings for the benefit of capital; for not an hour's labor has been applied to the land since it was sold by the Government, nor is it more valuable to the settler. Has not the laborer a right to complain of legislation that compels him to endure greater toils and hardships, or contribute a portion of his earnings for the benefit of the capitalist? But not upon the capitalist or the speculator is it proper that the blame should fall. Man must seek a livelihood and do business under the laws of the country; and whatever rights he may acquire under the laws, though they may be wrong, yet the well-being of society requires that they be respected and faithfully observed. If a person engage in a business legalized and regulated by the laws, and uses no fraud or deception in its pursuit, and evils result to the community, let them apply the remedy to the proper source; that is, to the lawmaking power. The laws and the lawmakers are responsible for whatever evils necessarily grow out of their enactments. What justice can there be in the legislation of a country by which the earnings of its labor are abstracted for any purpose without returning an equivalent?

In order to secure to labor its earnings so far as is possible by legislative action, and to strengthen the elements of national greatness and power, why should not the legislation of the country be so changed as to prevent for the future the evils of land monopoly by setting apart the vast and unoccupied territory of the Union and consecrating it forever in free homes for free men?

Mr. MAYNARD. May I be allowed to ask my friend from Pennsylvania a question?

Mr. GROW. Certainly.

Mr. MAYNARD. It is this: Whether he is in favor, or otherwise, of allowing the old soldier or his assignee to locate his land warrant on the public domain——

Mr. GROW. I would provide in our land policy for securing homesteads to actual settlers, and whatever bounties the Government should grant to the old soldiers I would have made in money, and not in land warrants, which are bought in most cases by the speculator, as an easier and cheaper mode of acquiring the public lands. So they only facilitate land monopoly. The men who go forth at the call of their country to uphold its standard and vindicate its honor are deserving of a more substantial reward than tears to the dead and thanks to the living; but there are soldiers of peace as well as of war, and though no waving plume beckons them on to glory or to death, their dying scene is oft a crimson one. They fall leading the van of civilization along untrodden paths and are buried in the dust of its advancing columns. No monument marks the scene of deadly strife, no stone their final resting place; the winds sighing through the branches of the forest alone sing their requiem. Yet they are the meritorious men of the Republic—the men who give it strength in war and glory in peace. The achievements of our pioneer army, from the day they first drove back the Indian tribes from the Atlantic seaboard to the present hour, have been the achievements of science and civilization over the elements, the wilderness, and the savage.

If rewards or bounties are to be granted for true heroism in the progress of the race, none is more deserving than the pioneer who expels the savage and the wild beast, and opens in the wilderness a home for science and a pathway for civilization.

Peace hath her victories,
No less renowned than war.

The paths of glory no longer lead over smoking towns and crimsoned fields, but along the lanes and by-ways of human misery and woe, where the bones and sinews of men are struggling with the elements, with the unrelenting obstacles of nature, and the not less unmerciful obstacles of a false civilization. The noblest achievement in this world's pilgrimage is to raise the fallen from their degradation, soothe the broken-hearted, dry the tears of woe, and alleviate the sufferings of the unfortunate in their pathway to the tomb.

Go say to the raging sea, be still;
Bid the wild, lawless winds obey thy will;
Preach to the storm, and reason with despair;
But tell not misery's son that life is fair.

If you would lead the erring back from the paths of vice and crime to virtue and to honor, give him a home—give him a hearthstone, and he will surround it with household gods. If you would make men wiser and better, relieve your almshouses, close the doors of the penitentiaries and break in pieces the gallows, purify the influences of the domestic fireside, for that is the school in which human character is formed, and there its destiny is shaped; there the soul receives its first impress and man his first lesson, and they go with him for weal or for woe through life. For purifying the sentiments, elevating the thoughts, and developing the noblest impulses of man's nature, the influences of a moral fireside and an agricultural life are the noblest and the best. In the obscurity of the cottage, far removed from the seductive influences of rank and affluence, are nourished the virtues that counteract the decay of human institutions, the courage that defends the national independence, and the industry that supports all classes of the State.

It was said by Lord Chatham, in his appeal to the House of Commons, in 1775, to withdraw the British troops from Boston, that "trade, indeed, increases the glory and wealth of a country; but its true strength and stamina are to be looked for in the cultivators of the land. In the simplicity of their lives is found the simpleness of virtue, the integrity and courage of freedom. These true, genuine sons of the soil are invincible."

The history of American prowess has recorded these words as prophetic. Man, in defense of his hearthstone and fireside, is invincible against a world of mercenaries.

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Even if the Government had a right, based in the nature of things, thus to hold these lands, it would be adverse to a sound national policy to do so, for the real wealth of a country consists not in the sums of money paid into its treasury, but in its flocks, herds, and cultivated fields. Nor does its real strength consist in fleets and armies, but in the bones and sinews of an independent yeomanry and the comfort of its laboring people. Its real glory consists not in the splendid palace, lofty spire, or towering dome, but in the intelligence, comfort, and happiness of the fireside of its citizens.

What constitutes a state?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud, with spires and turrets crowned;
Not bays and broad armed ports.
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No; men, high-minded men—

* * * * * *

Men, who their duties know,
But know their rights, and knowing, dare maintain;
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain:
These constitute a state.

The prosperity of states depends not on the mass of wealth, but its distribution. That country is greatest and most glorious in which there is the greatest number of happy firesides. And if you would make the fireside happy, raise the fallen from their degradation, elevate the servile from their groveling pursuits to the rights and dignity of men, you must first place within their reach the means for supplying their pressing physical wants, so that religion can exert its influence on the soul and soothe the weary pilgrim in his pathway to the tomb.

But as a question of revenue merely, it would be to the advantage of the Government to grant these lands in homesteads to actual cultivators, if thereby it was to induce the settlement of the wilderness, instead of selling them to the speculator without settlement.

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The settlement of the wilderness by a thriving population is as much the interest of the old States as of the new. The amount now received by the Government of the settler, for the land, would enable him to furnish himself with the necessary stock and implements to commence its cultivation.

For the purposes of education, building railroads, opening all the avenues of trade, and of subduing the wilderness, the best disposition to be made of these lands is to grant them in limited quantities to the settler, and thus secure him in his earnings, by which he would have the means to surround himself with comfort and make his fireside happy; to erect the schoolhouse, the church, and all the other ornaments of a higher civilization, and rear his children educated and respected members of society. This policy will not only add to the revenues of the General Government and the taxable property of the new States, but will increase the productive industry and commerce of the whole country, while strengthening all the elements of national greatness.

The first step in the decline of empires is the neglect of their agricultural interest, and with its decay crumbles national power. It is the great fact stamped on all the ruins that strew the pathway of civilization. When the world's unwritten history shall be correctly deciphered, the record of the rise, progress, and fall of empires will be but the history of the rise, development, and decline of agriculture. Hooke, in describing the condition of agriculture among the Romans more than two thousand years ago, the process of absorption of the lands by the rich, and their consequent cultivation by slaves, furnishes the student of history with the secret causes that undermined the Empire and destroyed its liberties.

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Had the policy advocated by the Gracchi, of distributing the public lands among the landless citizens of the nation, been adopted, the Roman fields would have been cultivated by free

men instead of slaves, and there would have been a race of men to stay the ravages of the barbarian. The Eternal City would not then have fallen an easy prey to the Goth and Vandal, but the star of her empire might have floated in triumph long after the ivy twined her broken columns.

With homes and firesides to defend, the arms and the hearts of an independent yeomanry are a surer and more impregnable defense than battlement, wall, or tower. While the population of a country are the proprietors of the land which they till, they have an interest to surround their firesides with comfort and make their homes happy—the great incentive to industry, frugality, and sobriety. It is such habits alone that give security to a government, and form the real elements of national greatness and power.

National disasters are not the growth of a day, but the fruit of long years of injustice and wrong. The seeds planted by false, pernicious legislation often require ages to germinate and ripen into their harvests of ruin and death. The most pernicious of all the baleful seeds of national existence is a policy that degrades or impoverishes labor. Whenever agricultural labor becomes dishonorable, it will, of course, be confined to those who have no interest in the soil they till; and when the laborer ceases to have any interest in the land he cultivates, he ceases to have a stake in the advancement and good order of society, for he has nothing to lose, nothing to defend, nothing to hope for. The associations of an independent freehold are eminently calculated to ennoble and elevate the possessor. It is the lifespring of a manly national character and of a generous patriotism; a patriotism that rushes to the defense of the country and the vindication of its honor with the same zeal and alacrity that it guards the hearthstone and the fireside. Wherever freedom has unfurled her banner, the men who have rallied around to sustain and uphold it have come from the workshop and the field, where, inured to heat and to cold and to all the inclemencies of the seasons, they have acquired the hardihood necessary to endure the trials and privations of the camp. An independent yeomanry, scattered over our vast domain, is the best and surest guaranty for the perpetuity of our liberties; for their hearts are the citadel of a nation's power, their arms the bulwarks of liberty. Let the public domain, then, be set apart as the patrimony of labor, by preventing its absorption into large estates by capital, and its consequent cultivation by "tenants and slaves," instead of independent freeholders.

The proposition to change our land policy, so as to accomplish so desirable a result, by securing to the pioneer a home on the public domain at the bare cost of survey and transfer, is often rejected by those who have given but little thought to the subject, as leveling and agrarian. When was there ever an effort made, since the world began, to wrest from power its ill-gotten gains or to restore to man his inalienable rights but it has been met with the shout of leveling and agrarian? That is the alarm cry of the devotee of the past, with which he ever strives to prevent all reforms or innovations upon established usages. Behind such a bulwark old abuses intrench themselves and attempt to maintain their position by hurling against every assailant terms of odium and reproach, made so by the coloring of the adherents of prerogative and power. Until within a very recent period, the chroniclers of the race have been, for the most part, sycophants of the reigning classes; and, being allied with the State, have glossed over its contemporaneous despotism and wrongs, while they have branded the true defenders of the rights of the people and the champions of honorable labor as outlaws of history.

Because the Roman Gracchi proposed to elevate the Roman citizen, by dignifying his labor and restoring him to the rights of which he had been unjustly deprived by the oligarchy who controlled the State, their name was made synonymous with infamy and as arch disturbers of all that was good in society, till Niebuhr tore off the veil of two thousand years of obloquy and vindicated to future times their memories as true defenders of the rights of the people and advocates of the best interests and glory of their country. Such has been the fate of the world's reformers. Is it not time to learn wisdom from the chronicles of the past and cease a blind reverence for customs or institutions because of their gray age? Why should not American statesmen adapt the legislation of the country to the development of its material resources, the promotion of its industrial interests, and thereby dignify its labor and make strong the prime elements of national power?

Let this vast domain, then, be set apart and consecrated as a patrimony to the sons of toil; close the land office forever against the speculator, and thereby prevent the capital of the country seeking that kind of investment, from absorbing the hard earnings of labor without rendering an equivalent. While the laborer is thus crushed by this system established by the Government, by which so large an amount is abstracted from his earnings for the benefit of the speculator, in addition to all the other disadvantages that ever beset the unequal struggle between the bones and sinews of men and dollars and cents, what wonder is it that misery and want so often sit at his fireside, and penury and sorrow surround his deathbed?

While the pioneer spirit goes forth into the wilderness, snatching new areas from the wild beast, and bequeathing them a legacy to civilized man, let not the Government dampen his ardor and palsy his arm by legislation that places him in the power of soulless capital and grasping speculation; for upon his wild battlefield these are the only foes that his own stern heart and right arm can not vanquish.

Mr. CANNON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10329, had come to no resolution thereon.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole House for the further consideration of the general deficiency appropriation bill; and pending that, I ask unanimous consent that all general debate be considered as now closed, except that the bill may be read through under the five-minute rule for debate and amendment; that when we reach the Southern Pacific Company item, that we will pass it over until after the bill has been finished, and then return to that provision with the understanding that an hour and a half debate on each side shall be had, or so much of that time as is necessary, after which a vote shall be taken.

Mr. SAYERS. In this connection, Mr. Speaker, I would suggest to the gentleman that there will also be an amendment to except from the audited claims the payment of any amount due to the Pacific railroads.

Mr. CANNON. Oh, certainly.

The SPEAKER. Will the gentleman now state his request?

Mr. CANNON. That general debate be considered as closed in Committee of the Whole upon this bill, with the exception that the bill shall be read through under the five-minute rule, passing over the item covering the Southern Pacific Railroad Company, and that at the close of the bill we may recur to that item, and that there shall be general debate upon it, and a motion that the gentleman from Texas [Mr. SAYERS] gives notice of, for an hour and a half on a side; and that at the end of that debate a vote shall be taken.

Mr. WASHINGTON. I wish to ask the gentleman a question before the agreement is made.

Mr. CANNON. Yes.

Mr. WASHINGTON. Does that proposition exclude the offering of proper amendments as the bill is being read under the five-minute rule?

Mr. CANNON. Oh, no.

Mr. GROUT. There are several of those Pacific railway items, are there not? I suppose the understanding refers to them all.

Mr. CANNON. The Union and the Southern Pacific. The gentleman can have that passed over if he desires.

Mr. GROUT. There are several items relating to the Southern Pacific.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the general debate be considered as closed; that the bill be read through under the five-minute rule, omitting the paragraphs relating to the Southern Pacific Railroad and Union Pacific Railroad, and that after the bill has been read through the committee may recur to these items, and after an hour and a half of general debate on a side these items shall be open to amendment and action of the committee. Is there objection?

There was no objection.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole on the state of the Union, with Mr. SHERMAN in the chair, for the consideration of the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will report the bill by sections.

The Clerk (proceeding with the reading of the bill) read as follows:

Amounts due Union and Kansas Pacific railroad companies: To pay the amounts due the Union and Kansas Pacific railroad companies, and settlements in favor of the Central Branch, Union Pacific Railroad Company, as fully set forth in House Document No. 188 of this session, $16,277.91.

Mr. SAYERS. Mr. Chairman, I will say to the gentleman from Illinois that this is one of the items to which I propose to offer an amendment.

Mr. CANNON. That is right; it may be passed over.

Mr. SAYERS. Let that item be passed over.

The CHAIRMAN. The gentleman asks to have this item passed over, to be returned to later. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Public schools: For amount required to pay for care of schoolrooms at Miner school building for the current year, $140.33.

Mr. CANNON. Mr. Chairman, I ask to have the item which has just been read, lines 5 to 7, inclusive, on page 21, passed over until the bill is finished, and that we may return to the item then.

Mr. SAYERS. What item is that?

Mr. CANNON. The gentleman from New Hampshire [Mr. BAKER] wishes to offer an amendment when he gets the facts.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the paragraph indicated be passed over, to be returned to again. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Defending suits in claims: For defending suits in the United States Court of Claims, $2,000.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Illinois what the nature of the claim is for which this appropriation is made? The language is:

For defending suits in the United States Court of Claims, $2,000.

I want to know what class of claims is referred to.

Mr. CANNON. I will say to the gentleman that this is a general fund for the defense of suits involving all claims against the District of Columbia. But, as I understand it, the deficiency arises mainly from the defense of suits under the law that we, so far as the House by its action could do so, repealed the other day, on the District bill.

Mr. RICHARDSON. I find later on in the bill an appropriation to pay judgments of the Court of Claims.

Mr. CANNON. Yes.

Mr. RICHARDSON. I did not know why it was necessary to have a separate item.

Mr. CANNON. Well, this is entirely different. This is for defense of suits.

Mr. RICHARDSON. Yes, I understand; but I did not know what class of suits was referred to.

Mr. CANNON. Well, everything; generally.

Mr. RICHARDSON. I want to ask the gentleman in charge of the bill, inasmuch as I do not see any provision in the bill to pay the findings of the Court of Claims under the Bowman Act, if he will object to an amendment paying a portion of these claims when we reach that portion of the bill?

Mr. CANNON. The Bowman Act!

Mr. RICHARDSON. I want to say, Mr. Chairman, that I think these claims ought to pass. I want to say that for years we paid these claims upon the warrant and certificate of the Quartermaster-General. Now, when we have a court organized to try the preliminary question, first, the question of the loyalty of the claimant; and when we have found this favorably, then you have a second investigation, to prove that the property was taken from this loyal claimant, that it was for supplies, and not for use and occupation of property, not for damages to property, such damages as were necessarily incidental to occupation of the States in rebellion by the Federal Army during the war, but that they were for supplies taken for the use of the Army, upon a contract that the Government would pay for these supplies, and when it is found that the claimant was loyal, it seems to me, at this late day, these claims ought to be paid without objection.

Now, I ask the gentleman, inasmuch as the Fifty-first Congress, the last Republican Congress, paid $550,000 of the findings of the Court of Claims in this class of cases, what objection can there be to the payment of similar claims now—claims that have been found favorably by this Court of Claims, composed of five Republican judges, the fact of loyalty having been pleaded as a plea in bar of the jurisdiction of the case, the judges finding on this plea in favor of the claimant, the case having again been remanded to the court, and proof taken not only of the loyalty of the claimant, but having shown the justice of the claim, and shown the fact that the property was taken, that the claimant was loyal, and the supplies were for the Union armies? It seems to me we ought not, Mr. Chairman, to be banking up these claims without paying some of them.

Now, I understand there is a bill ready which appropriates $400,000 or $500,000 for these claims, and I appeal to the committee and to the gentleman not to make a point of order when we reach that portion of the bill, but to let these claims be put upon this bill and be provided for. I would like my friend to answer me if I am not right about this.

Mr. DOCKERY. You are wrong.

Mr. CANNON. You are wrong. I will say to the gentleman from Tennessee that whatever merit or demerit there is in these claims, I will not discuss it from either standpoint now. Under the rules of the House they do not belong to a general appropriation bill. It is true that an appropriation was made in the Fifty-first Congress——

Mr. RICHARDSON. That is true.

Mr. CANNON (continuing). To pay a block of these claims; but it was made by an act entirely independent of a general appropriation bill. Now, there are many claims eminently just, but under the rules of the House they do not belong on general appropriation bills, and I do not care to discuss the merits of them.

Mr. MEREDITH. If they are just, what is the objection to letting them go into an appropriation bill?

Mr. CANNON. Simply because we do not intend to do justice for all the world, and, to use the language of a former President, "the rest of mankind," under the rules of the House, on a general appropriation bill.

Mr. MEREDITH. But you do bring in a rule to repeal some as a rider on a general appropriation bill.

Mr. CANNON. I have not the honor to be on the Committee on Rules, but I will let each bill and each subject take care of itself and will cross the stream, if I have to, when I come to it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RICHARDSON. But the gentleman from Illinois has had the floor.

Mr. WALKER of Massachusetts. I will ask the gentleman from Illinois to tell us how we are ever to reach the stream that is before us and mighty near us?

Mr. CANNON. Well, I have great respect for the House of Representatives, and I think it would be impudent to make any suggestions to it. It is quite competent for the House to make rules, modify rules, and do in an orderly way whatever it chooses to do. I am always proceeding under the direction of the House and its rules.

Mr. STEELE. Read!

Mr. WALKER of Massachusetts. It is all well enough to "read;" but there are creditors of this Government, her own citizens, that want to be paid now. Will the gentleman inform us some way by which we can reach this stream, so near and yet so far?

Mr. CANNON. I will tell the gentleman one way by which it can not be done. It can not be done against the rules of this House, out of order, on a general appropriation bill.

Mr. MEREDITH. But you have repealed them on a general appropriation bill.

Mr. WALKER of Massachusetts. That is not my question. My question was how could it be done?

Mr. CANNON. The gentleman is just as competent as I am to answer that.

Mr. WALKER of Massachusetts. But he has considerably less power.

Mr. RICHARDSON. Mr. Chairman, I offered the pro forma amendment in order to ask the gentleman from Illinois if he would consent to an amendment, when we reach the proper place in the bill, for the payment of these Bowman claims. Now, the gentleman did not answer me exactly yea or nay, but I am persuaded to think he meant nay; but I will reserve my right, withdrawing the pro forma amendment, to offer it at that time.

Mr. CANNON. I think the gentleman knows his rights as well as any gentleman on the floor, and is quite able to maintain them.

Mr. RICHARDSON. I do not know how to get them.

Mr. DOCKERY. No gentleman on the floor is more familiar with the rules than the gentleman from Tennessee.

The Clerk read as follows:

State or Territorial Homes for Disabled Soldiers and Sailors: For continuing aid to State and Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for, $85,000.

Mr. DOCKERY. Mr. Chairman, I desire to offer, at the end of line 21, page 27, the amendment which I send to the desk.

The amendment was read, as follows:

Add after line 21, page 27, the following:

"That all funds and property, real or personal, except bequests or donations from individuals, now held or that may hereafter be acquired for or on account of the National Home for Disabled Volunteer Soldiers, or any interest or business connected therewith, shall be held to be public funds or property, to be used, set apart, and disposed of for and on account of the objects for which said money or property was received; and all officers responsible for such money or property shall render to the Secretary of War direct, full, and complete vouchers, accounts, and returns for the same, to be approved by him, and under such regulations as he may prescribe: *Provided, further*, That the money accounts shall be rendered monthly and the property returns at least once in six months."

The amendment was adopted.

The Clerk read as follows:

Pension Office: Salaries, Pension Office, 1892, payment to Louis Garesche for eighteen days' service as clerk, at $1,000 per annum, May 2 to 19, 1892, inclusive, being the amount disallowed that date but subsequently allowed by the Secretary of the Interior, June 28, 1894 (balance of appropriation went to surplus fund before voucher was presented for payment), $49.45.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer an amendment to come in after line 13, on page 37.

The amendment was read, as follows:

Page 37, after line 13, insert:

"For stationery and other necessary expenses at pension agencies, to be approved by the Secretary of the Interior, $4,000."

Mr. WILLIAM A. STONE. Mr. Chairman, to show the necessity for this amendment, I send up to be read a telegram which I have received from the Commissioner of Pensions.

The telegram was read, as follows:

PENSION OFFICE, *February 15, 1897.*

Hon. WILLIAM A. STONE:

The deficiency bill reported to the House yesterday does not provide for deficiency of $4,000 for contingent expenses of pension agencies. This amount is essential to meet demands to June 30 next, otherwise the service will be crippled. What will be done in the matter? Answer.

D. I. MURPHY,
Commissioner of Pensions.

The amendment was agreed to.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Indian school, Tomah, Wis., at $167 per annum each, and for general repairs and improvements, being a deficiency for the fiscal year 1896, $2,572.08.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. My purpose is to ascertain if the chairman of the Committee on Appropriations, having this bill in charge, can furnish the items which constitute the amount mentioned in this provision, and particularly to ascertain if among those items is included two months' salary for the superintendent, which is in arrears.

Mr. CANNON. All I know about it is this: The amount in the bill is just what was estimated for by the Commissioner of Indian Affairs, and the clerk from the Indian Office, when questioned about it, said this:

It comes in this way: Last year the superintendent absconded, taking all the public funds and leaving a good many employees and bills unpaid. One thousand eight hundred dollars of that $2,500 is to pay employees, and about $200 of it is to pay for medical attendance by local physicians. The balance is for supplies furnished the schools, and so on.

The amount in the bill is the full amount of the estimate submitted by the Secretary. That is all the knowledge I have upon the subject.

Mr. GRIFFIN. My information is that the proper deficiency there is $3,300; so that this item is between $700 and $800 less than sufficient to discharge the obligations.

Mr. CANNON. Well, the simple way is to proceed upon the estimate, and if it should turn out in the future that the Commissioner of Indian Affairs is wrong about the amount and that the gentleman's informant is correct, the error can be cured in another deficiency bill.

The Clerk read as follows:

For payment to Special Assistant Attorney John A. Marshall for services rendered under appointment, notwithstanding the fact that he failed to take an oath of office, as required by law, being for the fiscal year 1896, $500.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word. I find appropriations in this bill to pay special attorneys of the United State $9,509.45 in one paragraph and $1,450 in another. These appropriations are for special attorneys employed to defend the very suits to which I called attention a few moments ago, cases in which judgments have been rendered. We are proposing now to pay these attorneys for defending those suits——

Mr. CANNON. No; the gentleman is mistaken. These are amounts now due by the accounting officers of the Treasury for pay of attorneys of the United States courts in special cases.

Mr. RICHARDSON. Special attorneys employed in the United States courts, attorneys who have been employed to defend the cases to which I have referred, the Bowman Act cases.

Mr. CANNON. No; those cases only come before the Court of Claims, and these appropriations are not for the payment of attorneys employed to go before the Court of Claims.

Mr. RICHARDSON. Well, Mr. Chairman, it seems these particular appropriations are not for paying the assistant attorneys who have defended these Bowman Act claims in the Court of Claims; the gentleman from Illinois says so, and he is sustained by his two able lieutenants on this side of the House, the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY].

But these gentlemen will certainly not deny that they have appropriated $25,000, if I am not mistaken in the sum, to pay assistant district attorneys of the United States to defend the United States in these cases under the Bowman Act. For years that sum has been expended for that purpose, and simply the purpose of paying attorneys to defend these very cases that we decline to furnish the money to pay when we lose them.

Mr. SAYERS. The gentleman is mistaken in that. These attorneys receive a regular salary, and the appropriation is necessary to pay for depositions and other matters in connection with the defense of the suits.

Mr. RICHARDSON. The gentleman says that this appropriation is to pay the expenses of witnesses.

Mr. SAYERS. No; the expense of taking depositions.

Mr. RICHARDSON. Well, that is the expense of witnesses.

Mr. SAYERS. Oh, no. There is a difference between paying the expenses of witnesses and the expense of taking depositions.

Mr. RICHARDSON. It takes a witness to make a deposition, does it not? However, we will not quarrel about that.

But the point is that we are paying $25,000 a year for the expenses of these litigations, and thousands of dollars a year to attorneys to defend these suits against the United States.

Now, these suits go into the Court of Claims, and the best defense possible is made by able attorneys; and notwithstanding the court finds the claimants loyal and that their property was taken for the use of the Army of the United States, yet we can not get an appropriation to pay a single cent of the money due to them.

Mr. Chairman, the question in these Bowman Act cases for the court to consider is not whether the claimant was loyal when his property was taken, but the question is, Was the claimant loyal throughout the war to the Government? And that fact must be found affirmatively by the court before the court will take jurisdiction. It is not the man who becomes suddenly loyal after his property is taken by the United States Government, and for which he hopes to get paid; not the man from "whose eyes the scales fall" when he loses his property by misfortune or the adverse circumstances of war, but the man who is found to be affirmatively loyal to the Government throughout the whole war.

You appropriate thousands of dollars here to defend the Government from liability for taking the property of the people, and yet you do not appropriate a dollar to pay the judgments when they are ascertained.

I submit, sir, if we will not pay them we ought to stop this expenditure of thousands upon thousands of dollars for defense of these suits. If we are not to pay them when we lose them, we had better save at least this much. That is the true principle. My friend from Illinois ought not to put into the bill this expenditure to defend the suits if he will not agree to pay the suits when the Government loses.

Mr. CANNON. I will say to the gentleman that I would be quite content, in the proper way, to repeal the Bowman Act if he chooses to do so.

Mr. RICHARDSON. But that issue is not here now. That is not the question before us.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RICHARDSON. I would like to be permitted to proceed for five minutes longer.

There was no objection.

Mr. BOATNER. Now, before the gentleman proceeds, I would like to ask him a question in connection with this matter, whether this amount, payable to these attorneys, as appropriated in this bill, is not a payment for the suits that the Government wins, and we are not paying anything for the cases against the Government, either to the claimant or to the attorney?

Mr. RICHARDSON. Why, the Government has to pay the costs in the cases that go against the Government; but it must pay its cost anyway, when it loses or gains the case——

Mr. BOATNER. The gentleman does not understand me. I mean is this not a payment, not for the cases that go against the Government, but these are for the cases that the attorneys for the Government win?

Mr. RICHARDSON. Well, be that as it may, I do not want to be diverted from the point I am making. The gentleman from Louisiana can discuss that point himself. I think he agrees with me very fully on this question.

I have said, Mr. Chairman, that they did not pay anything. I will take that back. In the Forty-ninth Congress we paid $8,627.97; in the Fiftieth Congress we paid $119,510.75; in the Fifty-first Congress we paid $573,763.90, without one word of opposition, when the House was strongly Republican.

Mr. LOUD. How much did the Fifty-second Congress pay?

Mr. RICHARDSON. Only $597; and the Fifty-third, which was Democratic also, paid $48,000, in round numbers. If these two Congresses had paid one-half as much as the Fifty-first Congress, there would be but a few hundred thousand dollars left of all these claims to be considered. But the Fifty-second and Fifty-third Congresses refused to pay anything, practically.

It seems to me that the only way for this class of claims to secure payment is through a Republican House. I come, then, to appeal to the Republicans of this body to do justice to these loyal claimants and to this class of claims. Do right at least once.

Mr. CANNON. Does my friend from Tennessee expect to be more powerful with a Republican House than he was with the Democratic House when he advocated these claims in the Fifty-second Congress? These gentleman were then sy[illegible] with you——

Mr. RICHARDSON. Mr. Chairman, I do not wish to be diverted from the point I am pursuing. I will say in response to the gentleman that I am not powerful anywhere. I did all I could in the Fifty-second Congress to secure the payment of all of this class of claims, and made the same effort in the Fifty-third Congress, when it was Democratic. I appealed to the Speaker and other members in authority, but gentlemen who directed the public sentiment in both bodies were unwilling to take what I regarded as the necessary steps to secure the payment of these claims. I thought they ought to have paid the few hundred thousand then found favorably by the Court of Claims, and if they had, as I state, there would only be about $100,000 or $200,000 for this Congress to pay.

But, Mr. Chairman, it seems to me it is foolish to appropriate $50,000 to $75,000 a year to meet the expenses incident to the defense of these claims and then, when you lose, refuse to pay the judgment, like a dishonest gambler who refuses to pay his bet. The Government makes the very best defense that it can make. It loses upon both grounds, and then it says, "Oh, well, we will repudiate the debt," the solemn finding of its own court.

Now, Mr. Chairman, it seems to me that is not right. I appeal to the majority here, because my appeals were made to the majority of the Fifty-second and Fifty-third Congresses in vain. I appeal to the majority here to do justice to this meritorious class of claims. We can do it. We need not pay all at this time. If there are too many, divide them, but make an earnest of attempting to do right by paying a portion of them if we can not pay them all at this time. There never was a more honest or just lot of claims presented. I said a moment ago that prior to the passage of this Bowman Act we paid from half a million to a million of dollars every year of what were called Fourth of July claims, as my friend from Illinois [Mr. CANNON] knows. What were they? Nothing in the world but these claims for supplies taken from loyal men in the South during the war to feed the Army.

As I said a moment ago, these claims are not "for the use and occupation of property," because under the usages of war the Government had a right to occupy property there in order to suppress the rebellion; but for supplies taken from the loyal people of the South you agreed to pay, and you did pay thousands of dollars year by year upon the simple report of the Quartermaster-General of the Army. He sent his captains and his lieutenants and his other officers to the South. They found what was due, and upon the simple finding of one of these agents of the Quartermaster-General, agents who were not lawyers, upon the recommendation of the Quartermaster-General, you paid out half a million to a million dollars a year, and these bills when they came here passed this House unanimously. They were called up by unanimous consent and passed without objection on either side. Now, when you come to pay this same class of claims for supplies taken from loyal men during the war to support the Union soldiers, objection is made to their payment, and Congress refuses to pay them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman have three minutes more.

There was no objection.

Mr. RICHARDSON. I say we paid these quartermaster claims without objection, verified as they were only by the finding of an agent of the Quartermaster-General who was sent into the country where this property was taken. But now, under this Bowman Act, for the same kind of property, taken at the same time, under exactly the same circumstances, instead of paying, as you did under the 4th of July act, upon a finding of the agent that the party from whom the property was taken was loyal, you refuse payment when you have a solemn adjudication of a Republican Court of Claims, composed of five Republican judges. After there is a trial, after the issue is made up and witnesses are subpenaed and arguments are heard pro and con on the part of the attorneys for the claimant and the able attorneys of the United States Government, after the finding that the party was loyal and that his property was taken and used for the support of the United States Army—after all this you ignore that solemn finding of this Court of Claims, when formerly you were willing to pay twice or thrice as much upon the simple report of an agent of the Quartermaster's Department.

Mr. Chairman, I want to call attention to this. It may be claimed that it is a little out of order perhaps, but at the proper time, when the point is reached in the bill, I am going to offer a proposition to pay these Bowman claims to the amount of about $500,000. There are seven or eight hundred thousand dollars of them, found, I am told, since there was any payment. But I am going to offer to pay $500,000 of them, and I am going to beg the able chairman of the Committee on Appropriations [Mr. CANNON] not to make the point of order against them. I do not believe he will. He may suggest to some of his friends to make it, but I do not believe he will make the point of order. If any gentleman does make the point, I shall simply beg him to withdraw it and let us do justice to these long-neglected claims. [Applause.]

Mr. BAKER of New Hampshire. Will the gentleman allow me a question?

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

The message also announced that the Senate had passed the bill (S. 621) for the relief of the legal representative of George McDougall, deceased; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 205) granting a pension to Mary O. H. Stoneman; and

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 321) granting a pension to James W. Dunn.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I want to say a word to the gentleman from Tennessee [Mr. RICHARDSON], who has given notice of what he intends to do. I want to say to him, first, that I generally have the courage to make a point of order, if I am in charge of a bill, without asking somebody else to make it.

Mr. RICHARDSON. I did not think you would be afraid, but I thought you would be too clever to do it.

Mr. CANNON. I feel quite sure that, if nothing happens, I will make the point of order, if the gentleman insists on offering the amendment. Now, a word upon this subject. I do not want to get into a discussion about these Southern claims.

Mr. RICHARDSON. I hope my friend will not call them Southern claims, because they come from Northern States as well.

A MEMBER. Call them war claims.

Mr. CANNON. Very well, wherever they come from. They are claims arising out of the late war, and principally come from the gentleman's State. I say this in answer to his confident statement.

At a proper time, when, under the rules of the House, legislation is pending to pay the findings of the Court of Claims, I will support or oppose it as I may deem right and proper; but I beg the gentleman to recollect one thing, and the House to recollect one thing. Notwithstanding the gentleman's statement, it is almost a generation since the close of the war. Now, every one of these claims has had a status before commissions or officials with jurisdiction to pass upon them. First, the Southern Claims Commission. That is the first day in court. Second, before the Quartermaster-General of the Army. That was the second day in court, running through many years. And, in addition to that, there was money appropriated from the Treasury to agents of the Quartermaster-General to go all through the country where the witnesses of these claimants were and investigate and report to the Quartermaster-General. There were large sums of money appropriated to pay the findings of the Southern Claims Commission. There were large sums of money appropriated to pay findings of the Quartermaster-General. These claims, with two chances in court, were rejected not once, but twice.

Mr. RICHARDSON. Mr. Chairman, I do not want to interrupt my friend——

Mr. CANNON. Oh, certainly.

Mr. RICHARDSON. But of course he wants to be correct. Many of these claims, I will state to him, were pending in the Southern Claims Commission, and the gentleman knows that the Southern Claims Commission was terminated without having heard more than one-half of the claims brought before it. Those not heard when the Southern Claims Commission expired on the 1st day of January, 1880, were dumped into the committees of this House and the other branch of Congress, and the claimants were denied a hearing. One further fact. I hope the gentleman will pardon me. He knows that the Southern Claims Commission was limited to a certain amount—that is to say, if the claim did not exceed $10,000, if I remember correctly, the Southern Claims Commission did not have jurisdiction. I think at one time persons presenting their claims before the Southern Claims Commission were required to bring all their witnesses to Washington, and those poor claimants who had claims for $1,000 or $2,000 could not bring them here, as the gentleman knows.

Mr. CANNON. Now, then, I say again, they had their day in court before the Southern Claims Commission. But if the gentleman be correct, then before the Quartermaster-General of the Army, with a corps of clerks numbering hundreds and with special agents that were paid from the Treasury, who went upon the ground and investigated. Having their day there, and hundreds of thousands of dollars being paid, these claims in the main were turned down and rejected by the Quartermaster-General. Then comes the Bowman Act. In the meantime the years have passed by. Under the Bowman Act they got a status in the Court of Claims for the Court of Claims to find. The years had passed by, the witnesses had died, the knowledge of people as to the loyalty and many other matters had faded out, prejudices had gone, and these findings were had. Now, maybe they are proper; I will not at this time say they are not proper, because it is not material to us. I say under the rules of the House they have no place upon this bill.

Mr. MEREDITH. I move to strike out the last word.

Mr. Chairman, I desire to say at the outset that I have no sympathy with these claimants. I believe that my friend has called them Southern claims. If a man lived in the South, I think that he ought to have been loyal to his State. But I am not controlled, Mr. Chairman, by any such sentiment as that; and I am not in sympathy with the gentleman who is at the head of this committee, who attempts to do what the Government will not permit one of its own citizens to do, and that is to plead the statute of limitations; for, while he says he is not willing to say that these are not just claims—some of them—he claims before this House that they are stale, and the inference from his argument is that they ought not to be paid because the people have slept upon their rights.

I do undertake to say to him, and I do undertake to say to this House, without having any sympathy for these claimants, for God knows that while everything that I expected to inherit had been taken by the Government of the United States when I was a mere child, I would not make affidavit that I was loyal to this Government at that time if it would give me the possession of the United States. I believe that these people ought to have been loyal to their State, and therefore, I repeat, I have no sympathy with them. But when the Government establishes a court, and when these people are permitted to go before the court established by the Government itself; when the very first thing to prove is their loyalty, because it was a bar and pleaded in bar; when they have taken that step and proved that they were loyal to the Government; when they had taken the second step required and proved that their property had been taken for the uses of the Government, and the amount of its value had been ascertained by that court, I do maintain, upon principle and upon equity, upon justice and upon right, that wherever they may have lived, whether they were in the South or in the North, those gentlemen ought to be paid by this Government, and the Government ought not to be permitted to plead, as my friend has attempted to do, the statute of limitations.

The Government is a thief not to pay a just claim when it has been ascertained and determined by a tribunal composed of members selected by the Government itself. If the claims are honest and just, they ought to be paid. And, Mr. Chairman, what matters it to the Government whether payment is made on an appropriation bill or by a special bill? My friend from Illinois, who is a member of the Committee on Rules, found out a few days ago a way by which a law could be repealed which gave certain claimants against this Government the privilege of going into the courts and having their claims determined. As a member of the Committee on Rules, he ascertained that that law could be repealed by a rider upon the District appropriation bill, and the Committee on Rules brought in a rule by which it was repealed, so far as this House is concerned, in that way.

Mr. SAYERS. The gentleman from Illinois [Mr. CANNON] is not a member of the Committee on Rules.

Mr. MEREDITH. I beg the gentleman's pardon; I thought he was. My friend from Texas, however, is.

Mr. SAYERS. Not at all. [Laughter.]

Mr. MEREDITH. Then I beg my friend's pardon, also. But it still remains true that the Committee on Rules did ascertain a way by which a law passed by the last Congress could be repealed by a rider upon an appropriation bill, and my friend from New Jersey whom I see before me [Mr. PITNEY] will justify me in that statement, because he was a leader in that transaction.

Mr. PITNEY. The House passed the rule. The Committee on Rules did not pass it.

Mr. MEREDITH. Yes; the House passed the rule, but it did it on the suggestion of the Committee on Rules. Now, I agree with my friend from Tennessee [Mr. RICHARDSON] that it is of little consequence to the Government whether it pays these claims by special bills or by an amendment to an appropriation bill. The only question that should be considered here is: Are these honest claims? Have they been ascertained and determined in a legal way? Does the Government of the United States owe these sums of money, as ascertained by the Court of Claims? If it does, it ought to pay them. It seems to me that, having ascertained the facts in these cases, if this House is convinced that the court has investigated and determined the cases honestly and fairly, and that these claimants were loyal to the Government during the war, then they ought to be paid; and, I repeat, what difference does it make whether they are paid by special bills (which we shall never be able to get up before the House) or by an amendment on an appropriation bill?

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, the gentleman from Massachusetts [Mr. WALKER] desires to be heard five minutes, and I yield to him. After that I do hope that we shall go on more rapidly with the reading of the bill.

Mr. BOATNER. I shall want about three minutes.

Mr. WALKER of Massachusetts. Mr. Chairman, I do not think there is anything that illustrates and impresses more strongly upon this House, and that ought to impress more strongly upon the country, the condition of our fathers but a short time ago, when they were under the tyranny of perhaps the best men that ever lived, than the action of the Committee on Appropriations in its treatment of the honest claims of citizens of this country against the Government of the United States, and, furthermore, their treatment of this House in the favoritism which they manifest. [Laughter.] The favor which they show in all matters in which they are interested, and the absolute impossibility of getting a hearing on matters that they are not interested in, is emphasized beyond measure, and becomes a question of human liberty. [Laughter and applause.] Why, Mr. Chairman, what a mockery it is for the chairman of this Committee on Appropriations to stand on this floor and say that he "would be very glad to consider this legislation when it is before the House!" In God's name, how are we to get such legislation before this House? Will anybody tell me how you are going to get the payment of just claims and the awards of the Court of Claims before the House? How are you going to get this or any legislation before the House, however much members of this body or the people of the country may need it or desire it?

Mr. SAYERS. If the gentleman will permit me, I will answer his question. I will tell him how he can get it before the House.

Mr. WALKER of Massachusetts. How?

Mr. SAYERS. When the House is organized in the next Congress, frame your rules so that you can get it. [Laughter.]

Mr. WALKER of Massachusetts (derisively). Oh, yes.

Mr. SAYERS. Yes; it will then be within your power; you and your party will constitute a majority of the House. But so long as the present rules stand and constitute the rule of conduct for the guidance of this House, no appropriation of the kind which you desire to put upon this bill will be in order.

Mr. WALKER of Massachusetts. Mr. Chairman, I want to say that under the rules of this House the members get mighty few rights. [Laughter and applause.] You go before the Committee on Appropriations and they refer you to a subcommittee, and you may cool your heels there day after day. [Laughter.] When the subcommittee meets, there is perhaps one member out of the five present, and he tells you that he knows all about the matter, and intimates that you are boring him if you longer stay, and, practically, that you had better leave and attend to your especial business. Then when he reports against you and you request a hearing before the full committee, busy as it necessarily is, maybe you will find one or two members there, and you feel that you had better leave. [Laughter.] That is all it amounts to. [Laughter.]

I have some figures in my hand, but before I present them let me say I do not imagine that there are in this country the same number of men who are any more fair minded or any more honest in their intentions than the members of the Appropriations Committee; but, with the immense amount of business that crowds upon us here, and with rules that give nobody any rights on any subject whatever, we have grown into a system of tyranny, gross tyranny, upon the members of this House generally. [Laughter and applause.]

This condition is not chargeable to one party more than the other, or to any one individual. It has rapidly grown up, beginning in its present form under Speaker Randall.

Legislation! Represent your district! Represent your district; how? I ask members of this House who hear me now what chance any of us have to present here anything our districts want? How many have done it in the last ten years, in the last five, the last four years, or even in the last two years? Present matters of interest to your constituents! How?

Mr. Chairman, the way that our public business is being conducted with reference to the erection of public buildings alone shows a loss of 25, 33, and even 50 per cent on the expenditures made. It ought to be exposed to the House and to the country.

Why? Because it is impossible under present conditions for the House to do anything to correct it until the light is turned on. These men assume that this Government must not, shall not, pay its honest debts. They claim we have not the money to do so, and that the Congress and the people ought not to know what the honest debts of the Government are, for if they did know it would be scandalous. It will be a greater scandal if they can not find it out. If they ask for information, if they seek to ascertain what their Government actually owes its citizens, they are told that the items are in this document, a part of them in that document, and in a dozen other documents, and so on. [Laughter.]

Ah, Mr. Chairman, this has got to come to an end some time. Our people are essentially honest. Finding the items of our indebtedness is a good deal like the boy with the jackknife. He said he had not lost it, because he knew where it was. When he was asked where it was, "Why," he said, "at the bottom of the well." So it is with these items of indebtedness. These things are not lost, because we know where they can be found; but we have a right to know, and to know what documents they are in, and to know what claims have been reported against and what claims have been reported in favor of claimants by the committees of this House and by the courts of this land, and in one document in convenient form. And when framing legislation in the Committee on Ways and Means, it is the duty of that body to so frame fiscal legislation that there shall be revenue enough to pay all of these claims that are honestly due by the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I ask for a few minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

There was no objection.

Mr. WALKER of Massachusetts. Oh, but you say the claims are "old." Old! old! Yes; they are old. When the chairman of the committee is dead, and I am dead, and this House is dead, the claims will then be older. [Laughter.] Will they be paid? Old! Why, Mr. Chairman, we whose constituents all over the country have these claims have had them refused $20,000,000 or $30,000,000 for thirty years piling up and piling up, and if they had been paid originally we should have had a clean slate. But they have been accumulating and kept on accumulating, until there will be a hundred millions more, I presume, before the end.

I protest against this dishonest policy. I am ashamed of this Government. I am ashamed of its action toward its own people. My cheeks tingle with shame at the dishonorable conduct of the Government I love, in its dealings with its private citizens—this refusal of justice in paying their honest claims. [Applause.]

Mr. SAYERS. Mr. Chairman, if the gentleman from Massachusetts will give me his attention but a very few moments I will tell him how to get his claims paid. I believe to-day is Friday—private bill day.

Mr. WASHINGTON. And we have not had a private bill day this session.

Mr. SAYERS. If the majority of this House——

Mr. WALKER of Massachusetts. And this day has gone where all of our other private bill days have gone.

Mr. SAYERS (continuing). If a majority had so decided, to-day could have been devoted to private bills. Who was the cause of the failure? A majority of this House, without regard to party, determined that instead of considering bills on the Private Calendar they would consider the general deficiency bill. So the Committee on Appropriations are not responsible for the use of this day which is set apart for the Private Calendar. Nor are they responsible for the fact that the claims which the gentleman from Tennessee [Mr. RICHARDSON] speaks of are not upon this bill. By the rules of the House, and I believe by the rules of every House since I have been a member of this body, the findings of the Court of Claims, under what is known as the Bowman Act, are not in order on the general appropriation bills.

Mr. MAHON. Will the gentleman state why, please?

Mr. WILLIAM A. STONE. Because the rule prevails to prevent it.

Mr. SAYERS. Because the House, whether Democratic or Republican, has adopted a rule which does not make them in order.

Mr. MAHON. What rule prohibits it?

Mr. WILLIAM A. STONE. Clause 2 of Rule XXI.

Mr. SAYERS. As the gentleman says, clause 2 of Rule XXI prohibits it. But I do not want to enter into a discussion with the gentleman on that point.

Mr. MAHON. There is no rule that prohibits them as an amendment to this bill.

Mr. SAYERS. It is safe to say, Mr. Chairman, that every Speaker of this House that we have had for years, and every Chairman of the Committee of the Whole who has presided in this body for years, each one, has uniformly ruled on these particular claims that they are not in order on a general appropriation bill. That, I think, is a sufficient answer to the gentleman from Pennsylvania.

Now, if the gentleman from Pennsylvania, or any other gentleman on this floor, desires to have these claims paid, let them join with the gentleman from Massachusetts and secure a majority of the House, of both parties, or all three parties, and then so change the rule that this particular item shall be in order upon the appropriation bills. And, further, let them have a majority at their backs in favor of appropriating for the claims, and they will get them through, and not otherwise. It is the duty of the chairman of the Committee on Appropriations to set his face firmly against all appropriations of this character that are not in order on the general appropriation bills. He would be derelict in his duty to this House if he should permit this class of claims or any other kind of claims, however meritorious, they being purely claims, to be put upon this bill without presenting objections to the House, so that they could be stricken out.

In conclusion, I want to say to the gentleman that he ought to begin to organize his forces right now. We expect to have a special session of Congress, beginning on the 15th day of next month. Let the gentleman have his forces well in hand when the rules are presented to this House for its consideration. Then let him shape the rules, in order to accomplish what he believes to be right and proper. [Applause.]

Mr. WALKER of Massachusetts. I move to strike out the last two words.

Mr. WASHINGTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee [Mr. WASHINGTON] is recognized.

Mr. WASHINGTON. Just a word in answer to my good friend from Texas [Mr. SAYERS], who, as he always does, appears so exceedingly fair in telling us how we can get consideration of all just claims which have been favorably reported by the several committees of the House. While by the rules of the House every Friday is set apart for the consideration of private bills, including war claims, it is well known that every Friday this session has been taken up by appropriation bills reported by the gentleman's committee, or by some other class of legislation, under a special order from the Committee on Rules, with the express purpose of preventing the consideration of what are known as war claims.

Mr. SAYERS. With the consent of the majority of the House.

Mr. WASHINGTON. Of course we understand how that is worked. Whenever the chairman of a committee, representing the majority, makes a motion to do away with the regular order for Friday, the other side of the House, as a matter of courtesy, stands by the chairman of the committee and passes whatever motion he may make, and in that way "private-bill day" has been invariably taken away from the House. Such has been the course adopted by the majority, not only during this session, but during the whole of the last session of Congress. Indeed, in the Congress before this very little time was given for the consideration of this class of claims. The result has been that these war claims have piled up and up until the amount will soon be so large that it will appall not only the House of Representatives but the country. But because the aggregate amount of these claims which have been allowed by the Court of Claims is large it does not necessarily follow that the claims are fraudulent, or that they are not just obligations of the Government.

It is quite true, as has been charged, that the greater part of these war claims are Southern claims. I admit that a large number of them do come from our section of the country, but it should be borne in mind by the House that the claimants have affirmatively proven their loyalty throughout the whole war to the satisfaction of a court which, it is well known, has been politically biased against the Southern people. Gentlemen ought to remember that to be loyal in the Southern States throughout the whole war meant sacrifice and privation. Frequently not only social ostracism, but persecution. I maintain, sir, that these people are entitled to and should receive from Congress the same consideration as those who joined the Northern army and bore arms in defense of the country. The loyal people of the South freely gave their provender, their horses, their substance, in order that the Union might be preserved. It was the supplies furnished by them which enabled the North to wage to a successful issue the war between the States. In the vast majority of cases all the claimant ever got was a voucher to show that his property had been taken for the use of the Army.

During the period of active hostilities, there was no way to collect the amount of these vouchers except to sell them at a heavy discount to some claim agent or broker. In many cases, owing to the unsettled conditions which followed the war, and the doubt in the minds of many that anything would ever be paid, some years elapsed before these claims were filed. It comes with poor grace from anyone now to charge that these claims should be branded as false, or should be repudiated, because they have remained unpaid so many years. Most of the claimants have been knocking at the doors of Congress or seeking a hearing before some sort of a commission or a court ever since the close of the war, and I insist

that they are entitled to just and to generous treatment. The Government should set the example of doing no wrong. Congress can not afford to put the Government in the attitude of pleading the statute of limitations in these cases.

Mr. BOATNER. When she herself creates the delay.

Mr. WASHINGTON. Yes, when, as suggested by my friend, the Government itself creates the delay. These cases would not be thirty or thirty-five years old to-day if the claimants had been allowed time and place and opportunity to present and prove their claims.

I know that we have all frequently heard gentlemen cite the Southern Claims Commission and the other boards that were organized after the war to hear and determine these war claims. It is well known how imperfectly much of the work of those boards was done. It has been stated that these claims were tried and rejected in the Quartermaster's Department. The action of the Quartermaster's Department at best was a one-sided investigation. Frequently, I am informed, the claimant had no knowledge that his case was under investigation until it had been reported for rejection. The size of a claim was almost invariably a presumption against it. The mere fact that a man alleged that he had lost thousands of dollars' worth of property was considered to be ample evidence that he was trying to rob the Government.

I repeat, the worthy claimants who have passed successfully through the Court of Claims ought to have speedy justice.

In addition to these individual claims, there are many just claims which have been filed by educational institutions, by colleges and universities, whose buildings were used for barracks and hospitals. In many of these cases the libraries, the philosophical and scientific instruments, and other valuable collections were totally destroyed. These institutions were of priceless value to the Southern country. They in no way gave aid and comfort to the rebellion. Some of those in Tennessee were seized almost at the outbreak of the war and held until after the close of hostilities. From 1865 until now these colleges have been knocking at the doors of Congress and in vain pleading for relief. They should be heard. Their claims ought to be tried on their merits, and should not be dismissed with a contemptuous insinuation of fraud. There surely must come a day when reason, not passion and prejudice, shall control. Until that time we must wait.

Mr. SHAFROTH. Let me have five minutes.

Mr. CANNON. I will not press it. I hope to close debate and get on.

Mr. SHAFROTH. Mr. Chairman, it is generally considered the right thing for members to rise in this House and accuse the Government of taking advantage of its citizens in refusing to pass claims barred by the statute of limitations. Every few days we have some one rise and point with shame to the Government's action concerning claims that are made against the Government; and yet when we come to examine these claims and they are presented to this body, we generally turn them down. Why, sir, there are claims aggregating millions of dollars pending in this Congress that are one hundred years old. What chance has the Government to obtain evidence to defend against such claims. The theory that the Government should not plead the statute of limitations is something that is absolutely opposed to all legislation of modern times; and to say that it should not, would be to place the Government at such a disadvantage that millions and millions of dollars would be taken from the Treasury. Why, Mr. Chairman——

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. MAHON. Do you know how much this Government has paid since the war closed on claims of this kind, the total amount?

Mr. SHAFROTH. I do not remember, but I want to say as a matter of fact that in any claim that is barred by the statute of limitations the United States is at a disadvantage in attempting to prove its side of the case.

Mr. BOATNER. Will the gentleman yield to a question there?

Mr. SHAFROTH. No; I can not yield. I have only a few minutes. I want to say, on the general principle, for any gentleman to get up here and abuse the statute of limitations, when as a matter of fact every government on earth that is civilized respects it, and says it is proper, is something that seems to me to be very much out of place. If the statute of limitations is not right, the only way to do is to repeal it. We all admire the man that will not plead the statute of limitations for himself. Why? Because he is paying out his own money. But are we acting in that capacity here? What would you think of a guardian who failed to plead the statute of limitation for his ward? What would you say even in the case of a trustee of express trust, if he failed to plead the statute of limitation for his beneficiary? Why, sir, we would say that it was reprehensible, if not criminal, and the law absolutely imposes upon him the obligation to pay it himself.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I will say that we surcharge him with it when he files his final account.

Mr. SHAFROTH. Now, Mr. Chairman, we are not exactly acting in the capacity of guardians, but as members of Congress and as representatives of the legislative branch of this Government we are acting more in the capacity of trustees of an express trust than in our individual capacity. We are not paying money out for ourselves; and when some old claim comes up and it is barred by the statute of limitation it is not proper to abuse members of the House because they believe that it should not be paid and that to pass many would bankrupt the Government. Mr. Chairman, it seems to me that they ought to consider in what capacity we are acting. We are acting for the people. The people pay these claims. It is not ourselves. If we ourselves paid them, we could very well say, "We are satisfied with the claim and will pay it." Acting as trustees in coming here, we should scrutinize all claims closely. I say it is not becoming in the members to charge that our Government is dishonest when it has always discharged its obligations with scrupulous honesty, and when the conservative members are desiring to protect the Treasury. [Applause.]

Mr. CANNON. Mr. Chairman, I ask unanimous consent that we may close this general talk, that is upon no subject in the bill, in, say, twenty minutes; perhaps ten would be enough.

Mr. BOATNER. I want five minutes.

Mr. RICHARDSON. I want five.

Mr. CANNON. I want to go on with the bill. I will say twenty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate upon this subject shall be closed in twenty minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MAHON. Mr. Chairman, I want to say I have no fault to find with the rules that prevail in this House, because I helped to make them; and I will help to make them, perhaps, in the next Congress; and I have no fault to find with the chairman of the Committee on Appropriations. I can fully appreciate the burden that rests upon that gentleman to keep down the appropriations; but I want to answer a few of the arguments here. Every time these claims are brought before this House gentlemen get up and talk about it bankrupting the Government; it will take billions of dollars to pay these claims!

Now, Mr. Chairman, the gentleman who makes that statement upon the floor of this House does not know what he is talking about. I have carefully compiled in the Department the claims that have been paid by the Government since 1865 for losses that occurred all along the border States, where war raged for four years for 3,000 miles, and where this Government took property from people who were loyal, and the total amount shown in the Quartermaster-General's Department, the War Department, the Navy Department, the Southern Claims Commission, the Tucker Act, and the Bowman Act, paid since the war closed, was $11,934,721.69, a sum less than we appropriate every year on rivers and harbors.

Now, Mr. Chairman, I have compiled this statement in order to get rid of the bugaboo that is held up here constantly—the enormous amount of these claims. Let this Congress appoint a commission of any five men they may select, and give that commission $10,000,000; and I undertake to say that they will wipe out of existence every claim of this kind that exists to-day or that can possibly be brought against the Government. This amendment is for $500,000. Why, sir, the other day we appropriated nearly half a million dollars to improve the Yazoo River—one river in this great country! Talk about these claims not being just! I have been familiar with this subject ever since the war closed. I have made it a study. The United States Government came into my county during the war and took hundreds of thousands of dollars' worth of property. The great war governor of Pennsylvania, Governor Curtin, was organizing and equipping one regiment of cavalry after another, and they came into the county in which I lived and took 1,200 of the best horses in that county and sent them to the front. Three thousand four hundred horses were pressed into the service of the Government of the United States from the county of Franklin, in my State, and from that day to this not one dollar has ever been paid to the owners of those horses. I think it was James A. Garfield who made the statement, or else it was General Butler, that if this Government was an individual and he treated his creditors as it treats its creditors, he would spend two-thirds of his life in the penitentiary with a striped suit on.

Mr. Chairman, there is only one of two things to do in this matter; either repeal the Bowman Act and stop these claimants from going into court and proving their claims, or else let the act stand, and, after your own court has found in favor of the claimants, pay them. [Applause.] There is no escape from the payment of these claims. Congress created that court because it could not itself investigate the claims as they should be investigated. But that court does investigate them thoroughly. I have stated that the total sum paid in all these years upon these claims amounts to only about $11,000,000. Why is the amount so small? Because, if you will examine the records of the Court of Claims, you will find that of all the claims presented the court has allowed only about 8½ per cent. It has rejected the balance because of the death of the parties, the inability to procure witnesses, and for various other reasons.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, I am a member of the House of Representatives of the United States [laughter], and, if I live, I expect to be a member of the next House of Representatives.

Mr. HENDERSON. Then the gentleman is not going into the Cabinet? [Laughter.]

Mr. GROSVENOR. And I want to say very briefly that I repudiate the statement, come from whatever source it may, that this House has not the power to execute its own will. It is a very plausible excuse with which to go to the country that somehow or other our responsibility as individual members is taken away by charging that we have disfranchised ourselves and have made ourselves the subject of some "tyranny" somewhere. I denounce such a statement. There is no tyranny that controls this House except the mere inertia of the House itself. [Applause.]

Now, Mr. Chairman, I am not going to discuss the question of the payment of these claims. On that I stand where the gentleman from Pennsylvania [Mr. MAHON] stands; but I want to point out to him how futile are his estimates of the expenditure that would be required when they are based only upon claims for actual and tangible property taken. If the door could have been closed upon all other claims than those for property appropriated by the Government, I doubt not that long ago these war claims would all have been paid.

Mr. MAHON. That is what the Bowman Act covers.

Mr. GROSVENOR. That is what the Bowman Act covers, but there come up a train of claims of quite a different character, claims for use and occupation of property, claims for the destruction incident to war, claims of an indeterminate character, unliquidated damages—phenomenal amounts which no man can estimate—and those claims have come here to clog the way and stand across the path of the payment of claims which I admit are legitimate and ought to be paid as soon as possible.

But, to get back to the other question, what rule of this House strangles the action of the House? If there is any rule here that does that, who is responsible for it? I take my share of the responsibility. I voted for every rule that we have. I have seen no man attempt to exercise a power in this House that was not conferred by the rules of the House. [Applause.] And, Mr. Chairman, when I do see any man, great or small, attempt to exercise a power not conferred by the rules of the House, I will appeal to the House. I know how to appeal to the House of Representatives against any improper exercise of power, and so does the distinguished gentleman from Massachusetts [Mr. WALKER], and if I choose to sit by and recognize the action of any power in this House without objection, I am a party to it and have no right to complain. The rules of the House are in the interest of the forwarding of the business of the House. Where would we be to-day if every man in this House was at perfect liberty to just rise here and, without asking consent of anybody or asking recognition of anybody, or giving any explanation of any purpose to anybody, present his bill or his claim? We would be in a beautiful condition to do business inside of the first fifteen minutes, and would grow worse as long as we stayed in an organized body.

Mr. Chairman, the rules of the House have grown up from the gathered wisdom of the greatest and most intelligent body of legislators on earth, to wit, the House of Representatives of the United States of America. That House has never yet yielded its power to control its own business. And now, as illustrative of that point, this morning this House, by a majority vote, could have proceeded, had it so decided, to the consideration of the Private Calendar under its rules. But it saw fit to do differently, and decided, by an affirmative vote, to proceed with the measure now pending. Having done so, every individual member of this body is estopped to complain of the "tyranny" of the rules, or of any officer who is called upon to enforce those rules.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, it appears to me that it is about time for the House of Representatives to throw off the disguise which it has worn so long, and to inform the owners of what are known as Southern war claims that they will never be paid. The Republican side of the House will not believe that the claimants were loyal, and hence from a Republican standpoint the claimants are not entitled to any consideration. A large number of Southern Democrats know that numbers of these claimants were loyal to the Union during the war, and hence from the Southern standpoint they are not entitled to consideration. So, between these two sentiments, the Southern war claimant has few friends. So long as the Committee on Appropriations is influenced to the extent that it now is by the distinguished gentleman from Illinois [Mr. CANNON], by my distinguished friend from Missouri [Mr. DOCKERY], and my other equally distinguished friend from Texas [Mr. SAYERS], it is idle to expect that anything practical will be done in the way of ascertaining the amounts due on these claims, and of paying them.

Hope deferred, Mr. Chairman, maketh the heart sick, and it would be a mercy to the owners of these claims to have the question settled for all, and the debts repudiated. I say repudiated, because the action of Congress in refusing to pay them can not be properly characterized in any other language. For many years the contention was that the testimony adduced before the committees was not satisfactory; the Government had no proper means of defense, of showing that the claimants were not loyal men, that the accounts were grossly exaggerated, and other facts tending to show that it was not indebted in the amounts claimed.

In order to correct this evil the Bowman Act was passed, under which the parties were referred to the Court of Claims, there to establish the facts which would show the indebtedness of the Government for military supplies taken for the use of the Army. The Court of Claims can not be said to be biased toward claimants. I am informed that it only finds in favor of the claimants to the extent of about 8½ per cent of those presented for consideration. Yet the findings of that court remain unprovided for by Congress, and parties who, at the solicitation, or rather by the direction, of this body, have gone to the expense of establishing the indebtedness of the Government to them, find themselves as far from their money as ever.

We can not successfully defend ourselves against this indebtedness in court or on the floor of this House. We can not exonerate ourselves either in law or in morals. Yet, by indirection, by delay, we refuse to do what, under the requirements of the Constitution, of common justice, and of decency, we ought to do. The Constitution declares that private property shall not be taken for public uses without adequate compensation; that no person shall be deprived of his property without due process of law. Yet, where property has been taken from the loyal citizen for the use of the Government and applied to its use, at a time when the laws were silent and when the citizen was powerless to prevent the taking if he had so desired, that loyal citizen is told that his property was taken under the exigencies of war, if it was taken at all; that he was not loyal, whether he proves it or not; that his property was not worth what he and his witnesses say it was, notwithstanding there may be no evidence in support of that contention, and that, from motives of economy, the Government does not propose to discharge the debt if it exists. This course, if pursued by a private individual, would be justly characterized as knavery. If the party had any property, the strong arm of the law would subject it to the payment of his debts; but the sovereign, the great American Government, may properly and honorably pursue a course which in a private individual would excite the reprobation of all honest men.

And now, Mr. Chairman, the gentleman from Colorado [Mr. SHAFROTH] comes to the front with a new proposition, one as startling as it is novel, and which is that, by refusing for years to give consideration to these claims, to provide any means by which the claimants could assert and enforce their rights, they have become barred by the statute of limitations.

This is the first time, Mr. Chairman, I ever heard the idea advanced that the statute of limitations would run against a party who could not sue, and that the sovereign, which can not be sued, and which can therefore interpose as much delay as it sees fit, may plead the delay which it itself has caused in bar of an obligation which the creditor could not enforce except by the consent of the State.

But the gentleman overlooks another familar principle of law, which is that where time operates to the extinguishment of an obligation that bar must be established by express law. There is no statute of the United States that I know of applicable to this class of cases. The law establishes the Court of Claims for the purpose of hearing suits on certain specified contracts entered into by officers of the Government. Its jurisdiction is limited and defined by law, and it follows, as a matter of course, that any creditor or person claiming rights under a contract of which the Court of Claims has jurisdiction, who should not avail himself of his right to sue in that court and to enforce his remedy within the time specified by the statute of limitations, would be barred. But the Court of Claims has jurisdiction to enforce judgments of this class. That is to say, there is a standing provision of law providing for the payment of all judgments rendered by the Court of Claims. The Southern war claims are not of this class. They are referred to the Court of Claims merely for the findings by that court of certain facts. These facts, when found, are reported by the court to Congress. Congress then provides or refuses to provide, as it sees fit, for the payment of the debt found due by the court. It does not give to the findings of the Court of Claims the dignity of a judgment. It does not even respect these findings as final upon the questions of fact. It is hard to say what effect it does give to these findings, or for what purpose they are authorized to be made. If designed originally to amuse the creditors of the Government; if designed to obtain delay in the payment of

the debts which should be found due; if designed as a means of escaping payment, the subterfuge has served its purpose, has been used long enough, and the intention of Congress in resorting to it may as well be avowed. It can not, however, either upon reason or authority, be treated as a discharge of such obligations as the Government may be under by the statute of limitations, because the statute of limitations has not the most remote application to cases of this kind.

I confess, Mr. Chairman, that I have never been able to understand the attitude of many honorable gentlemen on this floor with regard to the creditors of this Government—gentlemen who themselves would scorn to defraud anyone, gentlemen of high character, who, if the question arose as to whether the interest on the public debt should be paid in anything except the best money in the world, would repudiate with indignation the suggestion that the United States should act on any but the highest principles of honor and integrity in dealings with its creditors, complacently turn their backs upon citizens whose claims have been adjudicated by courts, whose rights are unquestioned, and whose sole offense is that they have been prevented by demagogues, masquerading under the disguise of economists and watchdogs of the Treasury, from being able to obtain payment of what is due to them.

There is now, sir, a large amount of money in the Treasury which the Supreme Court of the United States has decided belongs to a large number of citizens of this character.

I refer to the proceeds of property taken by officers of the Government under the provisions of the "captured and abandoned property act of 1863."

This money the Supreme Court, I repeat, sir, has held, not once, but several times, belongs to the owners of this property, and is held in trust for them by the Government. Construing the act of Congress under which the property was taken, disposed of, and the proceeds paid into the Treasury, the Supreme Court holds that it never was the intention of the act to vest the title of the proceeds in the Government, and, in fact, no such object could have been lawfully contemplated. The property of no citizen could be taken, confiscated, and condemned to the public without legal proceedings on the part of the Government, and opportunity to the owner to defend his rights.

But, sir, notwithstanding the repeated adjudications by the highest tribunal in the land; notwithstanding the unquestioned right of the owners of this property; notwithstanding that the Government to-day occupies the relation to them of a fraudulent, an embezzling, and a defaulting trustee, this House has steadily refused ever since I have been a member of it to even consider a bill allowing the owners of this fund to assert their rights in a court of justice. Such a policy may, in the opinion of some gentlemen, be a wise and an economical one. It may comport with the dignity and honor of this Government. I can not express my opinion of it in parliamentary language. It is well enough to be economical, but it is necessary to be honest; and just how the representatives of the people reconcile their consciences to taking the money of private citizens and using it for public purposes; to deny to the owners of such property the right to be heard in court in the assertion of their claims; to allow men and woman to spend their lives in penury, poverty, and misery when they are creditors of the Government in large sums, or in any sums at all, passes my comprehension and understanding.

Unfortunately, now and then a claim of doubtful propriety is carried through this body by dint of personal, political, or social influence. The claimant who is able to invoke the assistance of a lobby or to exert the influences which I have described is occasionally rewarded with an appropriation. But the great mass of the creditors of the Government are helpless, and I repeat that it would be a mercy to them, if this House proposes to pursue the policy of economy which has heretofore been so popular with reference to the payment of this class of public debts—it would be a mercy to those whom it owes to inform them once for all that the United States does not intend to pay them; in other words, intends to repudiate the debt.

Mr. CANNON. I yield two minutes and a half to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, there has been enough said from time to time by members of the House when these claims have been talked about to indicate a lingering suspicion in the hearts of a large number of members that many of these claims ought not be paid at all, because they originated in at least partial disloyalty to the Government of the United States. There is that suspicion lingering among the membership of the House.

Now, Mr. Chairman, inasmuch as I was a citizen of what was regarded as a border State when the war began, I know the people of that State, and know personally that a large majority of those people were as true to the Union of the States as were the people of any State in the Union. I know that the people of that State furnished 209,000 volunteers for the Union Army. I know further than that, about the character of many of these claims, and that they are just claims. For about a year and a half I acted in the capacity of quartermaster for a post. I sent out forage train after forage train into the country after forage supplies for the soldiers of the Union Army. I know the character of the people from whom I took these supplies, and know that in a vast majority of cases they were as loyal as any men who were enrolled in the Union Army. Yet I gave those people no opportunity to refuse to furnish the supplies for which I sent. I did not even give them the opportunity to put any price upon them. The Government of the United States, through me, fixed the price; and yet those claims in a large number of instances are still unpaid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRACEY. I am sorry I could not have had a few minutes more.

Mr. CANNON. Mr. Chairman, I shall be glad to occupy just a minute before we proceed with the reading of the bill. For more than an hour there has been a discussion here, without any substantial amendment. I was very glad that the House consented to close the debate in twenty minutes. I hope we can go on now and read the bill. I only want to say, in reply to the gentleman from Massachusetts [Mr. WALKER] and others who have seen proper to criticise this committee, over which I have the honor to preside, that the House is greater than the committee. The House made the rule, and if, as chairman of that committee, in charge of the bill, I did not protect the rights of the House by insisting substantially upon an enforcement of the rules, I should not be true to myself. I should not be true to the House and the committee over which I have the honor to preside, and the House itself would be a laughing stock and a thing to be despised by its members and by the country.

Now, that is all I desire to say touching that matter. I do not mind the scolding of the gentleman from Massachusetts. I guess he can not help it. I reckon he is built that way. [Laughter.] I do not think it is necessary to reply to him. I undertake to say when anybody has had business before the Committee on Appropriations they have always had a respectful hearing. I do not desire to criticise the gentleman's committee. I will not plead any set-off.

The CHAIRMAN. Debate is closed; and the Clerk will proceed with the reading of the bill?

Mr. RICHARDSON. Was the entire twenty minutes consumed?

The CHAIRMAN. The entire twenty minutes was consumed.

The Clerk (proceeding with the reading of the bill) read as follows:

For allowances to the following contestants and contestees, audited and recommended by the Committee on Elections, for expenses incurred by them in contested-election cases, namely:

To J. N. Kendall, $2,000;
To JAMES C. C. BLACK, $2,000;
To Thomas E. Watson, $2,000; in all, $6,000.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 53, in lines 20 and 21, strike out "in all, $6,000" and insert:
"To J. William Stokes, $340;
"To Taylor Beattie, $2,000;
"To Andrew Price, $2,000;
"To CHARLES J. BOATNER, $1,856; in all, $12,196."

Mr. CANNON. These amounts are certified.

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

For miscellaneous items and expenses of special and select committees, $30,000.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 53, after line 23, insert:
"For stationery for members of the House of Representatives, $250."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty third Congress the amounts withheld in their salaries on account of absence, $12,202.48.

Mr. LOUD. Mr. Chairman, it is pretty hard for members to discover what certain amounts in this bill are for. I should like to ask the chairman of this committee to whom this $12,202.48 is to be paid?

Mr. CANNON. It will go to a number of members of the Fifty-third Congress who did not receive their entire salaries. The gentleman will recollect that under the refusal of the Speaker to certify the vouchers, various members—I do not know how many, but quite a number—did not receive their pay, because of alleged absence from the House. Possibly, without liberal certification, a good many more might not have received their pay. The gentleman recollects it.

Mr. LOUD. I was a little in doubt about it, Mr. Chairman, but my recollection is about this: That members of this House were allowed to interpret the law; and several members, I believe, did interpret the law and certified that they were not entitled to certain amounts of money. I think my memory is also correct that certain members walked around this House with a proud sense of apparent honesty in having surrendered back to the United States Government a certain amount of money which they had certified they were not entitled to. Now, I suppose this item is to give these gentlemen this amount of money in this quiet manner, without mentioning their names, and they are still to have the credit of having been "more honest than thou."

Mr. CANNON. I do not know of anybody who is proud of having a part of his salary withheld. I know a good many people who were profane because their pay was withheld on account of absence that could not very well be avoided.

Mr. MEREDITH. And a good many more were sick.

Mr. CANNON. The same rule has not obtained in this Congress, nor, so far as I know, in any other Congress. It takes the $12,000 to pay the members what was not paid to them.

Mr. LOUD. I suppose a great deal of it goes to our Democratic friends who interpreted the law——

Mr. CANNON. I think some of it goes on that side of the House and some on this side of the House.

Mr. LOUD. Of course, the gentleman well knows that members were allowed to interpret this law.

Mr. BOATNER. The gentleman is mistaken about that.

Mr. LOUD. I have my opinion about it. I think if you will take one of those old certificates you will find that a member was not called upon to certify to absence alone, but you will find that it was very carefully worded, so that each member should determine for himself as to whether certain amounts should be deducted under certain existing statutes. It was very carefully drawn so as to permit a man of tender conscience, like myself, I am willing to say, to certify. But there probably were some gentlemen who had such tender consciences that are willing now to accept it without being mentioned by name in the appropriation bill.

Mr. MAHON. I want to make a suggestion as to these claims. I did not dock myself under that rule, because I did not think it right; but I suggest that these claims be referred to the Court of Claims, so that these gentlemen may excuse their consciences.

Mr. CANNON. It is subject to that amendment, if my friend will offer it.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. HOPKINS of Illinois. One moment. I desire to ask the chairman of the committee if we have passed lines 1 to 4 on page 55?

Mr. CANNON. No, sir; we are just beginning to read. We have almost passed it; but my colleague is in time.

Mr. HOPKINS of Illinois. When the proper time comes, I want to be recognized.

Mr. CANNON. It seems to me that now is the proper time.

Mr. HOPKINS of Illinois. Why, Mr. Chairman, I would like to have an explanation from my colleague upon that.

Mr. CANNON. I have just given one to the gentleman from California [Mr. LOUD].

Mr. HOPKINS of Illinois. I was not fortunate enough to hear that.

Mr. NORTHWAY. He has been spending five minutes in that way.

Mr. HOPKINS of Illinois. More than five minutes should be taken up in giving an explanation of this matter. I have a very distinct remembrance, Mr. Chairman, of our Democratic colleagues insisting that the order that was made and enforced by the Democratic Speaker of this House was proper and legitimate; and I am surprised that economists like my friend from Texas [Mr. SAYERS]——

Mr. SAYERS. I do not control the committee. Your colleague is chairman.

Mr. HOPKINS of Illinois. And my friend from Missouri [Mr. DOCKERY] would permit an item of this kind to go into this bill. If I remember correctly, hardly three days have passed since my friend from Missouri grew red in the face in an eloquent denunciation of the extravagance of this House, and especially the Republican members. If I remember correctly, also, he is one of the men who insisted that a rule of this kind should be adopted during the time that the Democrats had control of this House. Now, if the gentleman can give an explanation to the country as to the consistency of his utterances on public expenditures and his support of this proposed appropriation, I would like to have him do it. I was opposed to that nonsensical and absurd position that was assumed by the gentleman and the then Speaker of the House. I did not believe it was in accordance with law or proper practice in this House, but it was enforced; and being enforced, I see no reason why the Republicans of the House should permit those members to get the money back that was deducted from them by their Democratic colleagues.

Mr. COOPER of Wisconsin. They made their own certificates.

Mr. HOPKINS of Illinois. And especially as the rule was a part of the Democratic policy and was made a matter of political virtue with them while they were in control of the House. If that was a proper deduction from them, Mr. Chairman, how can the gentleman from Missouri reconcile his mind to refunding them this money?

Mr. MEREDITH. Will the gentleman yield to me for a question?

Mr. HOPKINS of Illinois. Yes.

Mr. MEREDITH. Were you away at any time during that period?

Mr. HOPKINS of Illinois. I never was away so as to violate that rule.

Mr. MEREDITH. Were you away any day?

Mr. HOPKINS of Illinois. I was not away so that the money due to me as a member of the House of Representatives could legally or morally be taken from me.

Mr. MEREDITH. Were you ever away any day?

Mr. HOPKINS of Illinois. I think I have answered the question sufficiently for any man of common intelligence to understand it.

Mr. MEREDITH. You were on the sick list when you were away.

Mr. HOPKINS of Illinois. Now, Mr. Chairman, if it is in order, I desire to enter a motion to strike out line 25 on page 54, and lines 1, 2, 3, and 4 on page 55.

Mr. CANNON. Mr. Chairman, pending that motion, I move that the committee do now rise.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HOPKINS of Illinois. Let us come to a vote on this.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> On page 54, strike out line 25, and on page 55, strike out lines 1, 2, 3, and 4.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10329, and had come to no resolution thereon.

PASS A LOUTRE.

The SPEAKER. The Chair appoints as conferees on the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River, Mr. HOOKER, Mr. REEVES, and Mr. CATCHINGS.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Speaker, I present the conference report which I send to the desk.

The conference report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House of Representatives 1940, an act granting an increase of pension to George W. Ferree, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment and agree to the amount named in the bill; and the House agree to the same.
>
> WILLIAM E. ANDREWS,
> GEORGE C. CROWTHER,
> WILLIAM BAKER,
> *Managers on the part of the House.*
>
> LUCIEN BAKER,
> W. A. PEFFER,
> *Managers on the part of the Senate.*

The managers on the part of the House submitted the following statement:

> As passed by the House, the bill carried $30 per month, which was reduced by the Senate to $20. The effect of the conference report is to grant the beneficiary $30 per month, as the bill passed the House.

Mr. ANDREWS. Mr. Speaker, I move that the conference report be adopted.

Mr. MEREDITH. Mr. Speaker, we would like to hear what the reasons are. My friend opposed me the other day on a conference report.

Mr. ANDREWS. The disagreement arose from a misunderstanding on the part of the Senate committee as to the nature of the case. It was presumed that the disability had not originated in the service, but the papers show conclusively that the disability is of service origin. The claimant was unable to cover the entire period by evidence showing the continuance of medical treatment. There was an interval of one or two years, and that was the technical element in the case which caused its rejection at the Pension Office.

Mr. WILLIAM A. STONE. Is it not the fact that this conference report presents the measure as it passed the House?

Mr. ANDREWS. Yes, sir.

Mr. WILLIAM A. STONE. Then I do not see any necessity for further explanation.

Mr. ANDREWS. I was making the explanation for the satisfaction of the gentleman from Virginia, who requested it.

The conference report was adopted.

CHANGES OF REFERENCE.

By unanimous consent, changes of reference were made as follows:

A bill (H. R. 3494) granting a pension to Frances M. Roberts—from the Committee on Invalid Pensions to the Committee on Pensions.

A bill (S. 3239) for the relief of the estate of Richard Lawson—from the Committee on War Claims to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 321) granting a pension to James W. Dunn;

A bill (S. 2051) granting a pension to Mary O. H. Stoneman;

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (H. R. 8637) for the relief of John McLain, alias Michael McLain;

A bill (H. R. 8197) for the relief of John J. Guerin; and

Joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army—to the Committee on Invalid Pensions.

A bill (S. 3683) to amend the river and harbor act of August 18, 1894—to the Committee on Rivers and Harbors.

Joint resolution (S. Res. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for the evening session, on account of sickness in his family.

To Mr. FLETCHER, for the evening session, on account of indisposition.

To Mr. CODDING, for the evening session, on account of illness in his family.

To Mr. PITNEY, for the evening session, on account of important business.

To Mr. COCKRELL, for the evening session, on account of sickness in his family.

To Mr. LEISENRING, for to-night and to-morrow, on account of important business.

To Mr. DOVENER, for one week, on account of important business.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

Mr. HEPBURN. Mr. Speaker, I move that the House take a recess until 8 o'clock.

The SPEAKER. Under the rule, the hour of 5 o'clock having arrived, the House will take a recess until 8 o'clock this evening, when the gentleman from New York, Mr. SHERMAN, will please act as Speaker.

EVENING SESSION.

The recess having expired, the House reconvened at 8 o'clock p. m.

Mr. SHERMAN, as Speaker pro tempore, called the House to order and caused the rule to be read, as follows:

> The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. WOOD. Mr. Speaker——

Mr. TALBERT. Mr. Speaker, I ask the gentleman to yield to me while I ask unanimous consent for the consideration of a Senate bill.

Mr. WOOD. Let the bill be read, pending objection.

LOUISE A. RICE.

The bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice, was read, as follows:

> *Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise A. Rice, widow of Brig. Gen. and Bvt. Maj. Gen. Samuel A. Rice, at the rate of $75 per month, in lieu of the pension of $30 per month she is now receiving.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. WOOD. Let the report be read.

The Clerk proceeded to read the report.

Mr. WOOD. I withdraw the request for the reading of the report.

Mr. MADDOX. I renew the request.

Mr. KEM. Mr. Speaker, is this proceeding by unanimous consent?

The SPEAKER pro tempore. It is pending unanimous consent.

Mr. KEM. It is out of the regular order, is it not?

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. TALBERT] has asked unanimous consent that this bill be now considered, and the Clerk is about to read the report.

Mr. KEM. I demand the regular order.

Mr. TALBERT. I will say to the gentleman that this is not my bill. I have no interest in it whatever. I was requested by my friend, Mr. LACEY, from Iowa, to ask unanimous consent, in his absence, for the consideration of this bill. It happens to be a bill for the pensioning of the widow of a soldier who was killed in battle, and I wanted first to hear it discussed upon its merits, as reported by the committee. All these bills ought to be discussed to see if they are meritorious.

Mr. KEM. I am not objecting because the gentleman from South Carolina has made the request for unanimous consent, but I insist upon the regular order.

ORDER OF BUSINESS.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order, and pending that, I offer the resolution which I send to the desk.

The resolution was read, as follows:

> *Resolved,* That House bills, as they are reached on the Calendar, be passed over without prejudice, and that Senate pension bills only be considered.

The question being taken on the resolution, the Speaker pro tempore declared that the ayes seemed to have it.

Several members asked for a division.

The House divided; and there were—ayes 53, noes 3.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore (having counted the House). Eighty-five members are present—not a quorum.

Mr. TALBERT. I would like to ask the gentleman from Pennsylvania if he would not consent to the request that we pass over all bills providing for the removal of charges of desertion and pensioning "coffee coolers," bounty jumpers, and so on, and get at the pensions on the Calendar for some of the good old soldiers?

Mr. WOOD. I will state to the gentleman from South Carolina that the passage of the resolution would prevent the consideration of any bills for the removal of the charge of desertion. It expressly provides that Senate bills only are to be considered.

Mr. TALBERT. That is the reason I ask the gentleman to withdraw the point of no quorum.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania insist on the point?

Mr. ERDMAN. I do.

Mr. MAHON. Mr. Speaker, it is evident that if the House bills are passed at this late hour of the session they can not reach the President in time for his action, and the object of the motion of the gentleman from Illinois is to take up only the Senate bills in their order on the Calendar and act upon them. If the gentleman from Pennsylvania will insist upon his point of no quorum, this House might just as well adjourn. I ask him whether or not he intends to insist on the point?

The SPEAKER pro tempore. The Chair will state that this debate is only by consent.

Mr. ERDMAN. In reply to my colleague as to taking up the Senate bills only to be considered under this rule, I wish to state that they have received less consideration than any set of bills from the Pensions or Invalid Pensions committees, and I have not had an opportunity to examine them, or anybody else, as far as I know, and we do not know anything about them. That is the reason I make the objection.

Mr. RANEY. But they have been examined by the committee, have they not?

Mr. ERDMAN. By the Senate committee.

Mr. WOOD. I would suggest that they have all been considered by the House committee, and there is no opposition in the Committee on Invalid Pensions to their consideration, nor is there any intention to restrict any reasonable debate upon the Senate bills. I hope the gentleman will withdraw his objection.

Mr. MAHON. It is evident that if the gentleman insists we shall do nothing; and I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 24, noes 44.

So the House refused to adjourn.

Mr. ANDREWS. With the permission of the Chair, I would like to make a brief statement covering the general condition of the Senate bills on the Calendar.

The SPEAKER pro tempore. Is there objection to allowing the gentleman from Nebraska to make a brief statement to the House?

There was no objection.

Mr. ANDREWS. Mr. Speaker, those bills that have been before the House Committee on Invalid Pensions and there reviewed have disclosed clearly the fact that there are many Senate bills here that ought to be passed in the interest of the beneficiaries named in the bills. The Senate has treated the House quite courteously in the consideration of private pension bills that have gone from this body to the Senate, and it seems to me, in view of the fact that there are some House bills now pending in the Senate that ought to be considered, and whose passage might be secured, that we ought to-night, in view of the lateness of the session, to take up for consideration only the Senate bills on our Calendar, which can be considered, and many of them are unquestionably of a meritorious character. I refer to the consideration of the Senate bills alone if this order is adopted. I hope the question of a quorum will be withdrawn, and that we may consider a few of these bills that are so urgent in their character.

Mr. TALBERT. I ask unanimous consent that my colleague, Dr. STOKES, be excused to-night on account of illness. I have just left his bedside.

There was no objection.

Mr. MAHON. To meet further the objection of the gentleman from Pennsylvania that we should not consider any particular character of bills, I will make the general motion to go into Committee of the Whole to consider the bills on the Calendar in their order under the rule.

The SPEAKER pro tempore. That motion could not be made now. There is no quorum present; and the House must either adjourn or proceed with a call of the House under the rule, for which a motion will have to be made, as the rule does not apply to the Friday night sessions. We can not go into committee unless the point of no quorum is withdrawn by unanimous consent.

Mr. WOOD. I ask that the House proceed under the rule when the House finds itself without a quorum.

The SPEAKER pro tempore. But no measure is pending.

Mr. WOOD. I understand there is a measure pending, and that is the vote on the resolution. There being a want of a quorum disclosed, the roll must be called, as I understand it, under the rule.

The SPEAKER pro tempore. That is a mistake; no motion is pending to that effect. The motion to go into Committee of the Whole could not be entertained after the point of no quorum had been raised. A motion for a call of the House would be in order, if the gentleman desires to make that motion.

Mr. WOOD. I do make that motion.

The question was taken; and on a division there were—ayes 45, noes 18.

So a call of the House was ordered.

Mr. HEPBURN. I move that the House do now adjourn.

Mr. TALBERT. I rise to a question of order. Under the rule for proceedings on Friday night sessions, the motion to adjourn must be seconded by a majority of the members present.

The SPEAKER pro tempore. The point of order is overruled.

The question was taken on the motion of Mr. HEPBURN, and the House proceeded to divide.

Mr. TALBERT. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The Chair rules that the appeal comes too late.

The members voting in favor of the motion to adjourn were announced as 47.

Before the announcement of the vote in opposition to the motion,

Mr. McRAE said: Mr. Speaker, I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 74, answered "Present" 1, not voting 227; as follows:

YEAS—53.

Arnold, R. I.
Avery,
Bishop,
Black,
Burton, Mo.
Calderhead,
Chickering,
Clardy,
Clark, Iowa
Clark, Mo.
Crisp,
Curtis, Kans.
Danford,
Daniels,

Dockery,
Doolittle,
Erdman,
Fowler,
Gardner,
Gibson,
Gillet, N. Y.
Griffin,
Griswold,
Grout,
Hartman,
Heatwole,
Hepburn,
Howell,

Hubbard,
Jenkins,
Kerr,
Kleberg,
Latimer,
Mahon,
Martin,
McDearmon,
Meyer,
Milnes,
Moody,
Mozley,
Parker,
Poole,

Spalding,
Stewart, Wis.
Stone, C. W.
Strong,
Strowd, N. C.
Sulloway,
Talbert,
Tracey,
Treloar,
Turner, Va.
Wilson, Ohio.

NAYS—74.

Aitken,
Anderson,
Andrews,
Arnold, Pa.
Baker, Kans.

Baker, N. H.
Bankhead,
Bartholdt,
Bell, Colo.
Broderick,

Bull,
Burrell,
Burton, Ohio
Connolly,
Cooke, Ill.

Cooper, Fla.
Cooper, Wis.
Cox,
Crowther,
Crump,

Draper,
Ellis,
Fenton,
Graff,
Hanly,
Hardy,
Harrison,
Hatch,
Henry, Ind.
Hermann,
Hilborn,
Hill,
Howe,
Hulick,

Hunter,
Hyde,
Johnson, N. Dak.
Kem,
Kiefer,
Kirkpatrick,
Leighty,
Leonard,
Little,
Long,
Maddox,
Maguire,
Mahany,
McCleary, Minn.

McEwan,
McRae,
Mercer,
Meredith,
Miller, W. Va.
Minor, Wis.
Neill,
Noonan,
Otey,
Pugh,
Raney,
Ray,
Reeves,
Shafroth,

Sherman,
Simpkins,
Snover,
Sorg,
Sperry,
Steele,
Swanson,
Terry,
Tyler,
Warner,
Watson, Ohio
Wood.

ANSWERED "PRESENT"—1.

Aldrich, W. F.

NOT VOTING—227.

Abbott,
Acheson,
Adams,
Aldrich, T. H.
Aldrich, Ill.
Allen, Miss.
Allen, Utah
Apsley,
Atwood,
Babcock,
Bailey,
Baker, Md.
Barham,
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Blue,
Boatner,
Boutelle,
Bowers,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Buck,
Cannon,
Catchings,
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Colson,
Cook, Wis.
Cooper, Tex.
Corliss,
Cousins,
Cowen,
Crowley,
Culberson,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Dayton,
De Armond,
Denny,
De Witt,
Dingley,

Dinsmore,
Dolliver,
Dovener,
Eddy,
Ellett,
Evans,
Fairchild,
Faris,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Gamble,
Gillett, Mass.
Goodwyn,
Grosvenor,
Grow,
Hadley,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Harmer,
Harris,
Hart,
Heiner, Pa.
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hicks,
Hitt,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Howard,
Huff,
Huling,
Hull,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Jones,
Joy,
Knox,
Kulp,
Kyle,
Lacey,
Lawson,
Layton,
Lefever,
Leisenring,
Lester,
Lewis,
Linney,

Linton,
Livingston,
Lorimer,
Loud,
Loudenslager,
Low,
Marsh,
McCall, Mass.
McCall, Tenn.
McClellan,
McClure,
McCormick,
McCreary, Ky.
McCulloch,
McLachlan,
McLaurin,
McMillin,
Meiklejohn,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Mitchell,
Mondell,
Money,
Morse,
Moses,
Murphy,
Murray,
Newlands,
Northway,
Odell,
Ogden,
Otjen,
Overstreet,
Owens,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Russell, Ga.

Sauerhering,
Sayers,
Scranton,
Settle,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Southwick,
Sparkman,
Spencer,
Stahle,
Stallings,
Stephenson,
Stewart, N. J.
Stokes,
Stone, W. A.
Strait,
Strode, Nebr.
Sulzer,
Taft,
Tate,
Tawney,
Tayler,
Thomas,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright,
Yoakum.

So the House refused to adjourn.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The House refuses to adjourn, and the Clerk will call the roll under the call of the House. The members present will answer "Present" when their names are called.

Mr. OTEY. Mr. Speaker, a parliamentary inquiry. Does the call which we are about to have require absentees to be sent for?

The SPEAKER pro tempore. Not until the roll call discloses the fact that there is no quorum present.

Mr. OTEY. It has already been decided that there is no quorum present.

The SPEAKER pro tempore. A call of the House has been ordered, and under that the Clerk will call the roll. The presentation of excuses for absent members will then be in order.

Mr. OTEY. Is it in order to move that they be sent for?

The SPEAKER pro tempore. This is the first call by the Clerk under the call of the House which was ordered prior to the motion to adjourn made by the gentleman from Iowa [Mr. HEPBURN].

Mr. OTEY. What I want to find out is, if it is in order to send for absentees now?

The SPEAKER pro tempore. At the close of the roll call the Sergeant-at-Arms will send for absent members.

Mr. POOLE. Mr. Speaker, if it is in order, I should like to move that further proceedings under the call be dispensed with.

The SPEAKER pro tempore. The gentleman from New York moves that further proceedings under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. McRAE) there were—ayes 65, noes 36.

Mr. McRAE and Mr. HARDY demanded the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are demanded on the motion of the gentleman from New York to dispense with further proceedings under the call.

The yeas and nays were ordered.

Mr. MILNES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILNES. I desire to know if a motion to adjourn would now be in order.

The SPEAKER pro tempore. A motion to adjourn is in order.

Mr. MILNES. I make that motion.

Mr. McRAE. I submit that that was the last motion.

Mr. MILNES. We have done business since that.

The SPEAKER pro tempore. A motion to dispense with further proceedings under the call has been made, and upon that the yeas and nays have been ordered. The gentleman from Michigan now moves that the House adjourn.

The question was taken on the motion of Mr. MILNES; and on a division (demanded by Mr. McRAE and Mr. HARDY) there were—ayes 63, noes 35.

Mr. HARDY. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 64, nays 73, answered "Present" 2, not voting 216; as follows:

YEAS—64.

Aitken,
Aldrich, W. F.
Aldrich, Ill.
Arnold, Pa.
Arnold, R. I.
Avery,
Bishop,
Black,
Broderick,
Bromwell,
Burton, Mo.
Calderhead,
Chickering,
Clardy,
Clark, Iowa
Clark, Mo.

Cooke, Ill.
Curtis, Kans.
Danford,
Daniels,
Doolittle,
Erdman,
Evans,
Fowler,
Gardner,
Gibson,
Gillet, N. Y.
Griffin,
Griswold,
Grout,
Harrison,
Heatwole,

Howell,
Hubbard,
Jenkins,
Kerr,
Kleberg,
Latimer,
Leonard,
Mahon,
Martin,
McDearmon,
Meyer,
Milnes,
Moody,
Mozley,
Murray,
Parker,

Poole,
Sherman,
Snover,
Spalding,
Stewart, Wis.
Stone, C. W.
Strong,
Strowd, N. C.
Talbert,
Tracey,
Treloar,
Turner, Va.
Tyler,
Wilson, Ohio
Wood,
Woodman.

NAYS—73.

Aldrich, T. H.
Anderson,
Andrews,
Atwood,
Baker, Kans.
Baker, N. H.
Bartholdt,
Bell, Colo.
Bull,
Burrell,
Burton, Ohio
Connolly,
Cook, Wis.
Cooper, Fla.
Cox,
Crisp,
Crowther,
Crump,
Dockery,

Draper,
Ellis,
Faris,
Fenton,
Fitzgerald,
Graff,
Hanly,
Hardy,
Hatch,
Henry, Ind.
Hilborn,
Hill,
Howard,
Howe,
Hulick,
Hunter,
Hyde,
Johnson, N. Dak.
Kem,

Kiefer,
Kirkpatrick,
Layton,
Leighty,
Little,
Long,
Low,
Maddox,
Maguire,
Mahany,
McCleary, Minn.
McEwan,
McRae,
Mercer,
Meredith,
Miller, W. Va.
Minor, Wis.
Neill,
Noonan,

Otey,
Phillips,
Pugh,
Raney,
Ray,
Reeves,
Shafroth,
Simpkins,
Sorg,
Sperry,
Stallings,
Steele,
Swanson,
Terry,
Warner,
Watson, Ohio.

ANSWERED "PRESENT"—2.

Belknap,
Blue.

NOT VOTING—216.

Abbott,
Acheson,
Adams,
Allen, Miss.
Allen, Utah
Apsley,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Berry,
Bingham,
Boatner,
Boutelle,
Bowers,
Brewster,
Brosius,
Brown,
Brumm,
Buck,
Cannon,
Catchings,
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Colson,
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,

Cowen,
Crowley,
Culberson,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Dayton,
De Armond,
Denny,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Dovener,
Eddy,
Ellett,
Fairchild,
Fischer,
Fletcher,
Foote,
Foss,
Gamble,
Gillett, Mass.
Goodwyn,
Grosvenor,
Grow,
Hadley,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Harmer,
Harris,
Hart,
Hartman,
Heiner, Pa.
Hemenway,
Henderson,
Hendrick,

Henry, Conn.
Hepburn,
Hermann,
Hicks,
Hitt,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Huff,
Huling,
Hull,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Jones,
Joy,
Knox,
Kulp,
Kyle,
Lacey,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Linney,
Linton,
Livingston,
Lorimer,
Loud,
Loudenslager,
Marsh,
McCall, Mass.
McCall, Tenn.
McClellan,
McClure,
McCormick,
McCreary, Ky.
McCulloch,

McLachlan,
McLaurin,
McMillin,
Meiklejohn,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Mitchell,
Mondell,
Money,
Morse,
Moses,
Murphy,
Newlands,
Northway,
Odell,
Ogden,
Otjen,
Overstreet,
Owens,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.

Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Southwick,
Sparkman,

Spencer,
Stahle,
Stephenson,
Stewart, N. J.
Stokes,
Stone, W. A.
Strait,
Strode, Nebr.
Sulloway,
Sulzer,
Taft,
Tate,
Tawney,
Tayler,

Thomas,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Washington,

Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woomer,
Wright,
Yoakum.

So the House refused to adjourn.

Mr. TALBERT. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. The point of order is this: The gentleman from New York [Mr. POOLE] moved that further proceedings under the call of the House be dispensed with——

Mr. BLUE. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from South Carolina is stating a point of order.

Mr. TALBERT. The question was put; the Speaker said that the noes seemed to have it. A division was demanded; the gentleman from Arkansas called for the yeas and nays. The motion was put, and the yeas and nays were ordered. The House was then dividing upon that question when the motion to adjourn was made. Consequently, I think it is out of order, and we will have to go back to where we left off and come again. [Laughter.]

The SPEAKER pro tempore. The Chair overrules the gentleman's point of order.

Mr. TALBERT. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The Chair will not entertain the appeal until the announcement is made on the vote which has just been taken.

Mr. BLUE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BLUE. I have just come into the Hall, and want to vote.

The SPEAKER pro tempore. The gentleman can not vote, under the rules, if he has just come into the Hall.

Mr. DOCKERY. He can be marked "present."

Mr. TALBERT. Another point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. I have appealed from the decision of the Chair, and the Chair has refused to entertain the appeal until the announcement of the vote upon the motion to adjourn. I am afraid the motion is carried, and then the Chair can not entertain the appeal.

The SPEAKER pro tempore. Under those conditions the gentleman would be correct.

Mr. BLUE. Mr. Speaker, I suppose I can be marked as "present."

The SPEAKER pro tempore. The gentleman will be marked as "present."

The result of the vote was then announced as above recorded.

Mr. McRAE. Regular order, Mr. Speaker.

Mr. DOCKERY. I desire to ask leave of absence for the gentleman from Texas [Mr. SAYERS]. That is the regular order.

The SPEAKER pro tempore. The regular order is the call of the roll on the motion of the gentleman from New York [Mr. POOLE], that further proceedings under the call be dispensed with.

The question was taken; and there were—yeas 56, nays 75, answered "Present" 1, not voting 223; as follows:

YEAS—56.

Aitken,
Aldrich, W. F.
Aldrich, Ill.
Anderson,
Andrews,
Arnold, R. I.
Belknap,
Black,
Broderick,
Calderhead,
Chickering,
Clark, Iowa
Cooke, Ill.
Curtis, Kans.

Danford,
Doolittle,
Erdman,
Evans,
Fowler,
Gardner,
Gibson,
Gillet, N. Y.
Griffin,
Griswold,
Heatwole,
Hill,
Howe,
Howell,

Hunter,
Jenkins,
Johnson, N. Dak.
Latimer,
Leonard,
McCleary, Minn.
McEwan,
Meyer,
Milnes,
Minor, Wis.
Moody,
Mozley,
Murray,
Phillips,

Poole,
Pugh,
Sherman,
Simpkins,
Snover,
Spalding,
Stewart, Wis.
Stone, C. W.
Strong,
Tracey,
Tyler,
Watson, Ohio
Wilson, Ohio
Wood.

NAYS—75.

Aldrich, T. H.
Arnold, Pa.
Atwood,
Baker, Kans.
Baker, N. H.
Bartholdt,
Bell, Colo.
Blue,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Clardy,
Connolly,
Cooper, Fla.

Cooper, Wis.
Cox,
Crisp,
Crowther,
Crump,
Dockery,
Draper,
Ellis,
Faris,
Fenton,
Fitzgerald,
Graff,
Hanly,
Hardy,
Harrison,

Hatch,
Henry, Ind.
Hilborn,
Howard,
Hubbard,
Hulick,
Hyde,
Kem,
Kerr,
Kiefer,
Kirkpatrick,
Kleberg,
Layton,
Leighty,
Little,

Long,
Low,
Maddox,
Maguire,
Mahany,
Martin,
McDearmon,
McRae,
Mercer,
Meredith,
Miller, W. Va.
Neill,
Noonan,
Otey,
Parker,

Raney,
Ray,
Reeves,
Shafroth,
Sorg,
Stahle,
Stallings,
Steele,
Strowd, N. C.
Swanson,
Talbert,
Terry,
Turner, Va.
Warner,
Woodman.

ANSWERED "PRESENT"—1.

McCulloch

NOT VOTING—223.

Abbott,
Acheson,
Adams,
Allen, Miss.
Allen, Utah
Apsley,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y
Beach,
Bell, Tex.
Bennett,
Berry,
Bingham,
Bishop,
Boatner,
Boutelle,
Bowers,
Brewster,
Bromwell,
Brosius,
Brown,
Brumm,
Buck
Cannon,
Catchings,
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Colson
Cook, Wis.
Cooper, Tex.
Corliss,
Cousins,
Cowen,
Crowley,
Culberson,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Daniels,
Dayton,
De Armond,
Denny,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Dovener,
Eddy,
Ellett,
Fairchild,
Fischer,
Fletcher,
Foote,
Foss,
Gamble,
Gillett, Mass.
Goodwyn,
Grosvenor,
Grout,
Grow,
Hadley,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Harmer,
Harris,
Hart,
Hartman,
Heiner, Pa.
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hermann,
Hicks,
Hitt,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Huff,
Huling,
Hull,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Jones,
Joy,
Knox,
Kulp,
Kyle,
Lacey,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Linney,
Linton,
Livingston,
Lorimer,
Loud,
Loudenslager,
Mahon,
Marsh,
McCall, Mass.
McCall, Tenn.
McClellan,
McClure,
McCormick,
McCreary, Ky.
McLachlan,
McLaurin,
McMillin,
Meiklejohn,
Miles,
Miller, Kans.
Milliken,
Miner, N. Y.
Mitchell,
Mondell,
Money,
Morse,
Moses,
Murphy,
Newlands,
Northway,
Odell,
Ogden,
Otjen,
Overstreet,
Owens,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Southwick,
Sparkman,
Spencer,
Sperry,
Stephenson,
Stewart, N. J.
Stokes,
Stone, W. A.
Strait,
Strode, Nebr.
Sulloway,
Sulzer,
Taft,
Tate,
Tawney,
Tayler,
Thomas,
Thorp,
Towne,
Tracewell,
Treloar,
Tucker,
Turner, Ga.
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woomer,
Wright,
Yoakum.

So the motion was rejected.

The result of the vote was then announced as above recorded.

Mr. POOLE. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. POOLE, the Speaker pro tempore declared, the ayes seemed to have it.

Mr. McRAE. I demand the yeas and nays.

The yeas and nays were ordered, 88 members voting in favor thereof.

The question was taken; and there were—yeas 71, nays 58, not voting 226; as follows:

YEAS—71.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Andrews,
Arnold, Pa.
Arnold, R. I.
Baker, N. H.
Belknap,
Black,
Broderick,
Bromwell,
Burrell,
Burton, Mo.
Calderhead,
Chickering,
Clardy,
Clark, Iowa
Colson,
Cooke, Ill.
Crump,
Danford,
Daniels,
Doolittle,
Draper,
Erdman,
Fitzgerald,
Fowler,
Gardner,
Gibson,
Gillet, N. Y.
Griffin,
Griswold,
Grout,
Harrison,
Howell,
Hubbard,
Hulick,
Hunter,
Jenkins,
Johnson, N. Dak.
Kerr,
Kleberg,
Leonard,
Low,
McCleary, Minn.
McEwan,
Milnes,
Minor, Wis.
Moody,
Murray,
Noonan,
Parker,
Phillips,
Poole,
Pugh,
Sherman,
Simpkins,
Snover,
Southwick,
Spalding,
Sperry,
Stewart, Wis.
Stone, C. W.
Strong,
Strowd, N. C.
Tracey,
Tyler,
Watson, Ohio
Wilson, Ohio
Wood.

NAYS—58.

Atwood,
Baker, Kans.
Bartholdt,
Bell, Colo.
Blue,
Bull,
Burton, Ohio
Connolly,
Cooper, Fla.
Cooper, Wis.
Cox,
Crisp,
Crowther,
Dockery,
Ellis,
Faris,
Fenton,
Graff,
Hanly,
Hardy,
Hatch,
Henry, Ind.
Hicks,
Hilborn,
Hill,
Howard,
Howe,
Hyde,
Kem,
Kiefer,
Kirkpatrick,
Layton,
Leighty,
Little,
Maddox,
Maguire,
Mahany,
Martin,
McCulloch,
McDearmon,
McRae,
Mercer,
Meredith,
Meyer,
Neill,
Otey,
Raney,
Ray,
Reeves,
Shafroth,
Sorg,
Stallings,
Steele,
Swanson,
Talbert,
Terry,
Turner, Va.
Warner.

NOT VOTING—226.

Abbott,
Acheson,
Adams,
Allen, Miss.
Allen, Utah
Anderson,
Apsley,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Berry,
Bingham,
Bishop,
Boatner,
Boutelle,
Bowers,
Brewster,
Brosius,
Brown,
Brumm,
Buck,
Cannon,
Catchings,
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Codding,
Coffin,
Cook, Wis.
Cooper, Tex.
Corliss,
Cousins,
Cowen,
Crowley,
Culberson,
Cummings,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Dayton,
De Armond,
Denny,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Dovener,
Eddy,
Ellett,
Evans,
Fairchild,
Fischer,
Fletcher,
Foote,
Foss,
Gamble,
Gillett, Mass.
Goodwyn,
Grosvenor,
Grow,
Hadley,
Hager,
Hainer, Nebr.
Hall,
Halterman,
Harmer,
Harris,
Hart,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Hendrick,
Henry, Conn.
Hepburn,
Hermann,
Hitt,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Huff,
Huling,
Hurd,
Hurley,
Hutcheson,
Johnson, Cal.
Johnson, Ind.
Jones,
Joy,
Knox,
Kulp,
Kyle,
Lacey,
Latimer,
Lawson,
Lefever,
Leisenring,
Lester,
Lewis,
Linney,
Linton,
Livingston,
Long,
Lorimer,
Loud,
Loudenslager,
Mahon,
Marsh,
McCall, Mass.
McCall, Tenn.
McClellan,
McClure,
McCormick,
McCreary, Ky.
McLachlan,
McLaurin,
McMillin,
Meiklejohn,
Miles,
Miller, Kans.
Miller, W. Va.
Milliken,
Miner, N. Y.
Mitchell,
Mondell,
Money,
Morse,
Moses,
Mozley,
Murphy,
Newlands,
Northway,
Odell,
Ogden,
Otjen,
Overstreet,
Owens,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Royse,
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering.
Sayers,
Scranton,
Settle,
Shannon,
Shaw,
Shuford,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Sparkman,
Spencer,
Stahle,
Stephenson,
Stewart, N. J.
Stokes,
Stone, W. A.
Strait,
Strode, Nebr.
Sulloway,
Sulzer,
Taft,
Tate,
Tawney,
Tayler,
Thomas,
Thorp,
Towne,
Tracewell,
Treloar,
Tucker,
Turner, Ga.
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Washington,
Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright,
Yoakum.

So the motion was agreed to; and the House accordingly (at 9 o'clock and 55 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General increasing the estimate for printing and binding in the Department of Justice, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3307) entitled "An act declaring the Potomac Flats a public park, under the name of the Potomac Park," reported the same without amendment, accompanied by a report (No. 2990); which said bill and report were referred to the House Calendar.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5375) to amend section 2117 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 2992); which said bill and report were referred to the House Calendar.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 2981); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2840) entitled "An act to incorporate the East Washington Heights Traction Railway Company of the District of Columbia," reported the same with amendment, accompanied by a report (No. 2994); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the resolution of the House (House Res. No. 581) requesting the Secretary of the Interior to transmit the report, with all papers and testimony, recently made to him by Indian Inspector J. George Wright, reported the same without amendment, accompanied by a report (No. 2995); which said bill and report were referred to the House Calendar.

Mr. DENNY, from the Committee on Claims, to which was referred the resolution of the House (House Res. No. 411) to compensate Samuel Lee, reported the same without amendment, accompanied by a report (No. 2993); which said bill and report were referred to the House Calendar.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3673) entitled "An act to amend chapter 67 of volume 23 of the Statutes at Large of the United States, and to further provide for the retirement of enlisted men in the United States Army and Marine Corps, and enlisted men and petty officers of the United States Navy, reported the same with amendment, accompanied by a report (No. 3003); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the joint resolution of the House (H. Res. 242) authorizing the Secretary of the Treasury to make experiments to determine the best material for minor coinage, and to submit to Congress new designs for coins, reported the same without amendment, accompanied by a report (No. 3004); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PARKER, from the Committee on Military Affairs:

The bill (H. R. 6547) for the relief of Frederick Mehring. (Report No. 2987.)

The bill (H. R. 7037) for the relief of Samuel T. Morris. (Report No. 2988.)

By Mr. CALDERHEAD, from the Committee on Banking and Currency: The bill (S. 3180) entitled "An act to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo." (Report No. 2991.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1974) entitled "An act for the relief of Mrs. Harriet D. Newson." (Report No. 2996.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1012) for the relief of Elsas, May & Co., of Atlanta, Ga. (Report No. 2997.)

By Mr. ROBINSON of Pennsylvania, from the Committee on Naval Affairs: The bill (H. R. 8701) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list. (Report No. 3000.)

By Mr. MEYER, from the Committee on Naval Affairs: The bill (H. R. 1875) for the relief of Charles Winters, a quartermaster, United States Navy. (Report No. 3001.)

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 5773) for the relief of Albert E. Redstone. (Report No. 3002.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 9813) to remove the charge of desertion standing against the military record of Andrew Donaldson, Company F, Second Regiment Pennsylvania Provisional Volunteers. (Report No. 2989.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 8644) for the relief of Walter R. Staples, jr. (Report No. 2998.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 258) providing for the printing of additional copies of the report of the Director of the Mint for 1896, of the report on the production of precious metals for 1895, and of the coinage laws of the United States—to the Committee on Printing.

By Mr. MERCER: A joint resolution (H. Res. 259) authorizing the Secretary of War to lease Fort Omaha Military Reservation—to the Committee on Military Affairs.

By Mr. SIMPKINS: A memorial of the legislature of the State of Massachusetts, in favor of an increase of compensation to letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: A memorial of the legislature of the State of Minnesota, favoring the bill (H. R. 1) to reclassify United States mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: A memorial of the senate of the State of Illinois, favoring the passage of the bill (H. R. 1) to reclassify railway postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: A memorial of the legislature of the State of Massachusetts, in favor of the bill to increase the compensation of letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 10355) granting a pension to Olivia Betton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the National Association of Manufacturers, favoring a revision of the tariff laws—to the Committee on Ways and Means.

By Mr. ALDRICH of Illinois: Petition of Sweet, Dempster & Co. and 78 other residents and merchants of Chicago and Springfield, Ill., favoring the passage of House bill No. 10090, known as the antiscalpers' bill—to the Committee on Interstate and Foreign Commerce.

By Mr. APSLEY: Petition of the Woman's Christian Temperance Union of Natick, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Natick, Mass., to raise the age of consent to 21 years—to the Committee on the Judiciary.

Also, petition of Waban Assembly, No. 31, Royal Society of Good Fellows, favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108), to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. ARNOLD of Rhode Island: Petition of Leon S. Wyman and others, also of Charles Shaw and others, of Pascoag, R. I., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. G. Reynolds and others; also of Woldo A. Hopkins and others; also of William H. Bowen and others; also of the Carolina Woman's Christian Temperance Union; also of the Baptist church of Charlestown, R. I., in favor of the Shannon bill (H. R. 9515) to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of the National Association of Manufacturers, Philadelphia, Pa., favoring early enactment of a new tariff law that shall give adequate protection to American labor, substitute specific for ad valorem rates, and reestablish reciprocity—to the Committee on Ways and Means.

By Mr. BULL: Resolutions of the National Association of Manufacturers, relating to the tariff—to the Committee on Ways and Means.

By Mr. BURTON of Missouri: Petition of V. G. Hagaman and other citizens of Webb City; also of H. Mitchell and others, of Nevada; also of I. C. Niswander and others, of Joplin, State of Missouri, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of J. G. Henderson and others, of Clay Center, Kans., favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of Abilene Camp, No. 359, Modern Woodmen of America, Abilene, Kans., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. CANNON: Petition of John G. Hamilton, jr., and other citizens of Hooperton, Ill., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Sundry petitions of citizens of Delaware, Racine, Whitewater, Milton, Milton Junction, Beloit, Burlington, Darlington, Monroe, and Edgarton, State of Wisconsin, favoring the passage of the Cullom and Sherman bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of Rev. J. Westley Geiger, of Marion; also of 66 citizens of Monticello; also of 68 citizens of Tama; also of 18 citizens of Belle Plaine, in the State of Iowa, in favor of the Sherman bill to prevent ticket scalping—to the Committee or Interstate and Foreign Commerce.

By Mr. DALZELL: Memorial of the Royal Society of Good Fellows, Martha Washington Assembly, of Pittsburg, Pa., in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

Also, resolutions of the National Association of Manufacturers, in favor of a revision of the tariff—to the Committee on Ways and Means.

Also, memorial of the Royal Society of Good Fellows, of Boston, Mass., in favor of House bill No. 4957, for the refunding to beneficial societies of moneys improperly collected by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY: Petition of R. L. Thompson and other citizens of Cameron and Chillicothe, Mo.; also S. D. Stephens and others, of Gallatin, Mo., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. EDDY: Petition of J. W. Bentley and 65 other citizens of Ortonville, Minn., praying for the passage of the Cullom and Sherman bills for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, asking for the passage of a bankruptcy bill—to the Committee on the Judiciary.

By Mr. ELLIS: Resolutions of the Chamber of Commerce of Portland, Oreg., asking that Alaska may be represented in Congress by a Delegate—to the Committee on Territories.

By Mr. FLETCHER: Resolutions of the St. Paul Chamber of Commerce, indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chamber of Commerce, St. Paul, Minn., favoring an appropriation for deep waterways from the Great Lakes to the Atlantic Ocean, and in favor of returning the office of supervising inspector of steam vessels to St. Paul, Minn.—to the Committee on Rivers and Harbors.

Also, petition of John A. Stemen and others of Minneapolis, Minn., in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Resolution adopted by the National Association of Manufacturers, of Philadelphia, urging the speedy revision of the tariff law—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of M. D. Thompson and 21 other citizens of Vermilion; also of Jacob Beeker and 33 others, of Mitchell, S. Dak., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: Petition of the Woman's Christian Temperance Union of West Brookfield, Mass., to raise the age of consent to 21 years—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of West Brookfield, Mass., asking for the suppression of the sale of intoxicating liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HADLEY: Petition of E. W. Miller and other citizens of Litchfield, Ill.; also of F. L. Buenger and others, of Hamel, Ill., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGER: Petition of H. M. Woodworth and others, of Bagley, Iowa, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of E. R. Stone and 5 other citizens of Delhi, Iowa; also petition of George A. McIntyre and 10 others, of Shell Rock, Iowa, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of E. Dickenson and 15 other citizens of Sidney, Iowa; also of O. L. Bloomer and 17 others, of Yonkers, N. Y., also of D. I. Pritchard and 9 others, of Stuyvesant, N. Y., also of G. H. Stevens and 24 others, of Niagara Falls, N. Y., in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, protest of Drs. A. M. Sherman, A. Brown, H. R. Layton, and 11 others of the medical profession, of Leon, Iowa, against the passage of Senate bill No. 1552, relating to vivisection—to the Committee on the District of Columbia.

By Mr. HULL: Petition of E. D. Samson and 3 other citizens of Des Moines, Iowa; also of F. J. Brobst and 3 others, of Knoxville, Iowa, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. S. Miller and 23 other citizens of the State of Iowa, favoring the passage of the McMillan-Linton bills regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. HULICK: Petition of Phillip Tolliver and others, of Xenia, Ohio, in favor of House bill No. 10090 and Senate bill No. 3545, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of John H. Price and 21 other citizens of Parsons, Kans., also memorial of M. D. Smith and others, Neodesha, Kans., in favor of the passage of Senate bill No. 3545, known as the antiticket scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of W. H. Taylor and other citizens of Bloomfield, Iowa, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of James K. Stone and other citizens of Granite Falls, Minn., asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Petition of the Woman's Christian Temperance Union of Burlington County, N. J., in favor of the Gillett-Platt bill (H. R. 7441) prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of John R. Boddie and 34 other citizens of Arkadelphia, Ark., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Petitions of J. P. D. Lloyd and others, W. F. Knapp and others, and G. A. Luce, all of Omaha, Nebr., in favor of the Sherman and Cullom bills to prevent railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. A. Williams, of Blair, Nebr., in favor of passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOZLEY: Petition of A. A. Mehaffey and other citizens of Butler County, Mo., favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Petition of Rev. R. A. Jones, of Akron, Ohio, in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of Henry Colman and 9 other citizens of Milwaukee, Wis., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 30 citizens of Hawarden, Iowa, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of Isaac A. Campbell, of Rutherford County, Tenn., for increase of pension—to the Committee on Pensions.

Also, petition of A. G. Smith and 20 other citizens of Coffee County, Tenn., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petitions of citizens of the State of Connecticut, favoring the passage of the Sherman bill relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON: Petitions of W. E. Thayer and 320 other citizens of the State of Pennsylvania, relating to the passage of the Sherman ticket-brokerage bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of 434 citizens of Alaska, favoring representation in Congress by a Delegate from Alaska—to the Committee on the Territories.

By Mr. SIMPKINS: Petition of Prudential Assembly, No. 118, Royal Society of Good Fellows, praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. SNOVER: Petition of A. Heinkelmann and 20 other citizens of Marine City, Mich., favoring the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of E. A. Gould and other citizens of Peru, Ind., praying for the passage of the antirailroad ticket scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen, of Logansport, Ind., favoring the passage of the Erdman arbitration bill and the Phillips labor commission bill—to the Committee on Labor.

Also, petition of J. E. Erwin and T. C. Neal, of Marion, Ind., favoring the passage of the so-called antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENSON: Petition of John F. Deiss and other citizens of Ontonagon, Mich., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of W. C. Silverthorn and 65 other citizens of Wausau; also, of H. Perrizo and 3 others, of Oconto; also, of A. P. Church and 17 others, of Antigo; also, of E. C. Eastman and 50 others, of Marinette, all in the State of Wisconsin, praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petitions of M. M. Hawkins, C. C. Thompson, and the Arkansas Democrat Company, of Little Rock, Ark., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. Bernard, Samuel Davis, and 24 other citizens of Russellville, Ark., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEWELL: Petition of Robert E. Wilson, of Cannelton, Perry County, Ind., for restoration on the pension rolls—to the Committee on Invalid Pensions.

By Mr. TRACEY: Petition of J. M. Daily and others, of Hughesville, Mo.; also petition of C. E. Eldridge, of Houstonia, Mo., in support of the Sherman bill, prohibiting the illicit trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Petition of Rev. Charles King, of Bowling Green, Mo., in relation to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of Ellen D. Morris, of the Woman's Christian Temperance Union of Kansas City, Mo.; also of A. C. Millard and others, of Independence, Mo., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petitions of J. M. Carr and other citizens of Cambridge, Ohio; also of Harvey Cofer and others, of Parkersburg, W. Va.; also of C. B. Ballard and others, of Belpre, Ohio; also of John K. Wendell and others, of Zanesville, Ohio., favoring the enactment of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Robert M. Long and other citizens of Coles County, Ill.; also petition of W. J. Buckstrees, of Clark County, Ill., in favor of the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 20, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ARMAMENT OF FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War of the 19th instant, submitting an estimate of appropriation for armament of fortifications, for the purchase of machine guns for the fiscal year 1898, $20,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BRAZOS RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in accordance with the river and harbor act of June 3, 1896, the report of the Board of Engineers appointed to ascertain the character and value of the improvements made at the mouth of the Brazos River, Texas, by the Brazos River Channel and Dock Company; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE subsequently said: I desire to have the order corrected with reference to a return from the commission appointed by the War Department about the Brazos investigation. The order was made that it be printed, and referred to the Committee on Commerce. I desire that it shall be amended so that the report may be printed and the charts not printed.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

REMOVALS FROM OFFICE FOR POLITICAL REASONS.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 17th instant, information in regard to the removals from office of certain Government employees in the Bureau of Animal Industry at South Omaha, Nebr.; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 10290) for the relief of Joseph P. Patton was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries was read twice by its title, and referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 205) granting a pension to Mary O. H. Stoneman;

A bill (S. 321) granting a pension to James W. Dunn;

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (H. R. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes;

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain; and

A bill (H. R. 8197) for the relief of John J. Guerin.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the executive committee of the Grand Army of the Republic, of Kings County, N. Y., praying for the passage of Senate bill No. 3685, to amend section 1751 of the Revised Statutes of the United States, relating to preferences in the civil service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a petition of the Young Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Pilgrim Church, of Nashua, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MURPHY presented the petitions of Homer N. McGill and 4 other citizens of Germantown; of William J. Benson and 17 other citizens of Albany; of H. C. Brown and 18 other citizens of Albany; F. E. Robbins and 73 other citizens of Frankfort; Charles Folmsbee and 6 other citizens of Hoffmans; Harry W. Smith and 5 other citizens; John Norman and 6 other citizens; G. Willis Suits and 15 other citizens, and of G. A. Stockburger and 14 other citizens, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented a petition of sundry citizens of Bronaugh, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Butler, Hannibal, Kirksville, Mexico, Poplarbluff, and Williamsville, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VOORHEES presented the petition of W. W. Mooney & Sons, of Columbus, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Wolcottville, Terre Haute, Clinton, Dillsboro, and Elrod, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of W. H. Rucker, editor of the Register, of Lawrenceburg, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of Luther P. Ludden, secretary of the Ministerial Association of Lincoln, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of B. A. Jones, publisher of the People's Poniard, of Sidney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of legislation providing surveys of deep waterway routes from the Great Lakes to the seaboard; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of St. Paul, Faribault, Stillwater, Minneapolis, Pipestone, Woodstock, Airlie, Ortonville, Waseca, and Colonnade, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented sundry petitions of citizens of Highland Station, Springlake, Grand Haven, Constantine, Newport, Mason, Hastings, Coats Grove, O'Donnell, Carleton, Hanover, Middleville, Manton, Bridgewater, Saline, Grand Rapids, Muskegon, Saginaw, Commerce, Raisin, Holloway, Fairfield, Adrian, Ogden, Kalamazoo, Port Huron, Clinton, Macon, Leslie, Whitecloud, Hersey, Reed City, Ypsilanti, Plainwell, Douglas, Clayton, Northville, Tecumseh, Albronia, Watson, Otsego, Brooklyn, Lansing, Scofield, Gilead, Fremont, Caledonia, Burroak, Flint, Caro, Mount Pleasant, Coldwater, Lenawee Junction, Bloomingdale, Irving, Bowens, Nashville, Hillsdale, Mosherville, Scipio, Muir, Somerset Center, Blissfield, Riga, Horner, North Adams, Jerome, Kinderhook, Quincy, Litchfield, Devereaux, Springport, Sheridan, Parma, Allegan, Sparta, Rockford, Hardwood, Marshall, Klingers, Erie, Adrian, Palmyra, Southfield, and Central Lake, all in the State of Michigan, and a petition of the Mechanics, Dealers, and Lumbermen's Exchange of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 23 citizens of Iowa Falls, Iowa, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Friends' Church, of Marion, Oreg., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Greenbay, Depere, Plymouth, and Milwaukee, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Appleton, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented the petition of Adolf Candrian, publisher of the Daily Abendatem, of La Crosse, Wis., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of members of the Congregational church, of Fulton, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Adolf Candrian, publisher of the Daily Abendatem, of La Crosse, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Most Reverend Archbishop Ketzer and sundry other citizens of Fond du Lac, and the petition of J. R. Wright and sundry other citizens of Marinette, Wis., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of members of the Free Methodist Church, the Congregational Church, the Christian Endeavor Society of the Congregational Church, the Christian Endeavor Society of the Primitive Methodist Church, and the Methodist Church, all of Platteville, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. PEFFER presented the petition of W. W. Brown and sundry other citizens of La Crosse, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BATE presented the petition of W. M. Horner, J. A. Catton, De Witt Lanier, and sundry other citizens of Waverly, Tenn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BERRY presented a petition of sundry citizens of Arkadelphia, Ark., and a petition of sundry citizens of Russellville, Ark., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Ensign Society of the Young Woman's Christian Temperance Union, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Brighton, Osborn, Ashtabula, Rock Creek, Medina, and Newark, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of the Kerrymen's Patriotic and Benevolent Association, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HOAR presented a petition of the Local Union of Christian Endeavor and the Epworth League Circuit, of Worcester, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. BRICE presented a petition of the Woodstock Bank, of Woodstock, Ohio, praying for the passage of House bill No. 7210, to amend section 5138 of the Revised Statutes, in relation to the organization of national banks; which was referred to the Committee on Finance.

He also presented the petition of John C. Hutchins, of Cleveland, Ohio, praying for the passage of Senate bill No. 2741, providing for a reclassification of clerks in the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty of Muskingum College, New Concord, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain, for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, to prohibit interstate gambling by telegraph, telephone, or otherwise, and for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Clarksville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, to prohibit interstate gambling by telegraph, telephone, or otherwise, to raise the age of consent to 18 years in the District of Columbia and the Territories, and to protect the first day of the week as a day of rest in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of Emil Gammeter, of Akron, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' Institute of Marlboro, of sundry citizens of Marlboro, of the Christian Endeavor Society of South Salem, and of representatives of nine Christian Endeavor societies of Elyria, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Chamber of Commerce of Cincinnati, of the Furniture Exchange of Cincinnati, and of representatives of fifteen manufacturing establishments of Springfield, all in the State of Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of P. A. McDonough and 68 other citizens of New Straitsville, Ohio, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Woman's Club, of London; of members of the Bethlehem Congregational Church, of Cleveland; of J. B. Unthank, president of Wilmington College, Wilmington, and of the Woman's Christian Union of the Ninth district, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of Bancroft, Sheldon & Co., of Columbus; of J. R. Marshall, manager of the Ohio State Register, of Washington Court-House; of D. G. West, publisher of the Sunday News, of Springfield; and of F. S. Lamberson & Co., publishers of the Democratic Messenger, of Fremont, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Conneaut, Leipsic, Lima, Alliance, Petersburg, Fremont, Lisbon, Paulding, Charloe, and Hamilton, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Henry Horsler, of Pensacola, Fla., secretary and treasurer of the Florida Division of the Travelers' Protective Association of America, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. WALTHALL presented a petition of Division No. 207, Order of Railway Conductors, of Amory, Miss., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. COCKRELL presented sundry petitions of citizens of Butler, Knobnoster, and Mexico, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of Garden City, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of members of the Madison Avenue Methodist Episcopal Church, of Lebanon, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. TURPIE presented the petition of W. W. Mooney & Son, of Columbus, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. John A. Ward, of Bedford, Ind., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. SMITH presented a petition of the Woman's Christian Temperance Union of Palmyra, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Washington, N. J., and sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the House insists upon its amendments to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in the Pass a Loutre in the Mississippi River, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

GEORGE W. FERREE.

Mr. BAKER submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House of Representatives [illegible] an act granting an increase of pension to George W. Ferree, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment and agree to the amount named in the bill; and the House agree to the same.
>
> LUCIEN BAKER,
> W. A. PEFFER,
> *Managers on the part of the Senate.*
>
> WILLIAM E. ANDREWS,
> GEORGE C. CROWTHER,
> WILLIAM BAKER,
> *Managers on the part of the House.*

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the amendment submitted by Mr. THURSTON on the 17th instant, intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia, to report it without amendment. I ask that the bill shall take the place on the Calendar of Order of Business No. 1609, being the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6268) to increase the pension of William N. Wells, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 3842) to increase the pension of Edward Vunk, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4156) to amend the postal laws providing limited indemnity for loss of registered mail matter, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported it with amendments.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HANSBROUGH on the 17th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5782) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 10th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 3642) for the erection of a public building at the city of Elgin, Ill.;

A bill (S. 3647) for the erection of a public building at the city of East St. Louis, Ill.; and

A bill (S. 3671) for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PEFFER on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

MRS. MARY GOULD CARR.

Mr. GALLINGER. I ask that the action of the House of Representatives upon the Senate bill 3623, granting a pension to Mrs. Mary Gould Carr, be laid before the Senate, that we may concur in the House amendment.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, and requesting a further conference.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 7, before the word "dollars," strike out "seventy-five" and insert "fifty."

The VICE-PRESIDENT. In the absence of objection, the amendment will be concurred in.

ALABAMA RIVER BRIDGE.

Mr. VEST. I am instructed by the Committee on Commerce to report back with an amendment the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala.

Mr. MORGAN. I ask unanimous consent to have the bill considered. It is a very important bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in section 2, line 4, after the word "prescribe," to strike out the words "to secure that object."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLANCHARD introduced a bill (S. 3720) for the relief of the State National Bank of New Orleans, La.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MORGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, reported an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE CUTTER WALTER Q. GRESHAM.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the hull, machinery, and appurtenances of the United States revenue cutter *Walter Q. Gresham*, contracted for by the Department in the year 1895, cost the contractors over and above the contract price, if anything, and report the same to the Senate.

AFFAIRS IN CRETE.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate of the United States, being mindful of the sympathy of the people of the United States expressed for the Greeks at the time of their war for independence, now extends a like sympathy to the Government of Greece with its intervention on behalf of the people of the neighboring island of Crete, for the purpose of freeing them from the tyranny of foreign oppressors, and to restore peace, with the blessings of Christian civilization, to that distressed island.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following act and joint resolutions:

An act (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

The joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

The joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

BILLS BECOME LAWS.

The message also announced that the following bills having been presented to the President of the United States February 6, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 146) granting an increase of pension to Samuel C. Towne;

An act (S. 638) granting an increase of pension to John Nichols;

An act (S. 684) granting an increase of pension to Marion McKibben;

An act (S. 757) granting an increase of pension to Adelaide Morris;

An act (S. 1017) granting a pension to Robert Kiracofe;

An act (S. 1310) granting an increase of pension to Shubael Gould;

An act (S. 1311) granting an increase of pension to Dudley F. Brown;

An act (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;

An act (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

An act (S. 2133) granting a pension to Mary E. Ely;

An act (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; and

An act (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

HEIRS OF ALBERT AUGUSTINE.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse wars.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $850 to the heirs of Albert Augustine, of Rose Hill, Iowa, for property taken for use of the United States Army in the Cayuse war, in 1847 and 1848.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BASIL MORELAND.

Mr. WHITE. I ask for the present consideration of the bill (H. R. 1475) for the relief of Basil Moreland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Basil Moreland $2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minn., taken by the United States for the Winnebago Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF FUR SEALS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 17th instant, a report from the Secretary of State touching the reply of the British Government in regard to the failure of the negotiations of the Paris tribunal to protect the fur-seal herd of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

AMERICAN INSURANCE COMPANIES IN GERMANY

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and to be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 15th instant, a report from the Secretary of State, accompanied by copies of correspondence with the German Government in reference to American insurance companies.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and

recommend legislation to meet the problems presented by labor, agriculture, and capital.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary read the bill.

Mr. PLATT. Mr. President, this is perhaps the most remarkable bill in its provisions and in its purposes——

Mr. QUAY. I understand that the bill has been taken up and is before the Senate. Is that the fact?

The VICE-PRESIDENT. Did the Senator from Pennsylvania submit a motion to take it up, or did he ask for unanimous consent?

Mr. QUAY. I moved to proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator entered a motion?

Mr. QUAY. Yes, sir.

The VICE-PRESIDENT. The Chair will submit the motion to the Senate.

Mr. PLATT. I thought the bill had been taken up.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill.

Mr. HOAR. Let the bill be read once more for information.

The Secretary proceeded to read the bill.

Mr. HOAR. I do not care for a full reading. That is sufficient.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. Mr. President, of course I have no disposition to prevent the consideration of the bill at this time, but it is a bill that the Senate ought not to pass without careful consideration at least. As I was saying before the motion was formally put (I supposed the bill had been taken up), it seems to me to be the most remarkable bill, both in its details and in its purposes, that has ever been presented to Congress. It is a bill which proposes to offset the Government by government by commission. I wish to call the attention of the Senate, if I can have its attention, to the details of the bill.

It provides for a commission to be appointed of twelve persons in four sections, each member of said commission to have a salary of $5,000 a year. The four sections are to be denominated labor, agriculture, manufactures, and business. There has been, I think, no call from the manufacturers for such a commission. There has been no call from business men for such a commission, unless it is that a monetary commission shall be appointed to advise Congress what financial legislation it ought to pass. The manufacturers have certainly asked for no commission.

The demand, then, for this legislation comes from labor and agriculture, two classes of our citizens, and they ask that each of those classes shall have three commissioners, the majority of the commission not to belong to any one of the political parties which took part in the last Presidential election. Each commissioner is to have $5,000 per annum. That is $60,000. Each section or division is to have a lawyer at $5,000 a year, and also——

Mr. CALL. If the Senator will allow me, I hope we may have order in the Chamber, so that he can be heard.

The VICE-PRESIDENT. The Chair requests Senators to refrain from conversation. The Senator from Connecticut will suspend until order is restored. [A pause.] The Senator from Connecticut will proceed.

Mr. PLATT. This interruption having taken place, I will repeat. Each member of this commission is to have a salary of $5,000 per annum, which makes $60,000. Each of the four divisions is to employ a lawyer at $5,000, which is $20,000 more, making $80,000 per annum. Each division is also to have a clerk at $200 per month, or $2,400 per annum, which is about $10,000 more, making about $90,000 for the officials of this commission, in addition to which they are to have a reading clerk for the entire commission, shorthand reporters, a messenger, rent for place of meeting——

Mr. CULLOM. I should like, if the Senator from Connecticut will allow me, to submit a conference report on the Agricultural appropriation bill.

Mr. PLATT. I am somewhat embarrassed in this matter. I have felt that the labor commission bill ought not to come before the Senate at the present time, but I did not feel like making opposition to it. The bill being up, I wish to state my objections to it, and then the Senate can do what it pleases with the measure.

Mr. CULLOM. I will present the report as soon as the Senator has concluded.

Mr. PLATT. It is pretty hard to attempt to state objections to a bill when interrupted every two or three minutes for some purpose.

Mr. CULLOM. I will not interrupt the Senator; but I give notice that as soon as he concludes his remarks I shall ask leave to submit the conference report on the Agricultural appropriation bill.

Mr. PLATT. Very well; present it now.

The VICE-PRESIDENT. The Senator from Connecticut is entitled to the floor.

Mr. CULLOM. The Senator from Connecticut yields to me to submit the conference report. I dislike to take him off the floor, but he yields, and I will submit the report.

Mr. GALLINGER. It is a question of privilege.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 32, and 33; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and strike out, in line 20, page 18, of the bill, the word "twenty-five," and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000;" and the Senate agree to the same.

S. M. CULLOM,
M. S. QUAY,
WILKINSON CALL,
Managers on the part of the Senate.
J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY,
Managers on the part of the House.

Mr. COCKRELL. What is the effect of the agreement?

Mr. CULLOM. There are only a few amendments to the bill where the Senate conferees gave away what was agreed to in the Senate.

Referring to the amendments somewhat in detail, I will state that on page 5 of the bill the Senate made an amendment increasing the appropriation for the Division of Chemistry from $15,000 to $17,000, which is the smallest appropriation made for that branch of the service in several years. The House conferees yielded on that question, so that that item is agreed to by the conferees of the two Houses.

On page 7 of the bill, item 3, the second being a matter of no consequence, we increase the force by creating one additional assistant in the Pathological Division, at $1,200 a year, the testimony being that an additional assistant is very much needed, because the assistant who has heretofore been provided for is taken out of the office and is in service in the field a good deal. That item was agreed to by the House conferees.

Then on page 10 of the bill the clause "including an investigation into the ravages of the gypsy moth" was inserted. This was asked for by the junior Senator from Massachusetts [Mr. LODGE]. The House conferees receded on that amendment which the Senate made to the bill.

On page 11 there was an increase of the amount for biological investigations from $17,500 to $20,000. After very considerable discussion of the matter, the amount appropriated by the House being the same as in last year's act, the Senate conferees finally allowed the amount to remain as the House had fixed it, at $17,500 instead of $20,000, that being a division that we thought could get along with the same appropriation made heretofore.

On the same page, in another item, for pomological investigations, the Senate increased the amount from $6,000 to $8,000. This is for investigating, collecting, and disseminating information relating to the fruit industry, etc. The House conferees yielded upon that amendment.

Then, on page 13, item 10 was a mere insertion of an amendment providing for the using of a portion of the money for experimental gardens and grounds, in repairing the roadways and walks in the park here, which was very necessary, and the House conferees yielded on that item.

On pages 14 and 15, in regard to agricultural experiment stations, etc., the amount appropriated by the House was $750,000. The Senate inserted an amendment providing for an investigation, as far as it could go, and a report to Congress of the agricultural resources and capabilities of Alaska, and we added $5,000 for that investigation, increasing the total appropriation to $755,000. The House conferees yielded upon that amendment.

Upon the amendment on page 18, increasing the amount of the appropriation from $5,000 to $7,000, as the Senate did, for the purchase of books, periodicals, and papers for completing imperfect series, etc., the House conferees yielded, making the amount $7,000 instead of $5,000.

Then, on the same page, items 15 and 16, the Senate increased the appropriation from $65,000 to $70,000 and from $40,000 to $45,000. That is the appropriation for the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports. After investigation of the first item the Senate conferees determined to yield and to leave the amount at $65,000 instead of $70,000. After further conference as to the next item, we reduced that to $35,000, and increased the amount of the item on the next page from $25,000 to $30,000. The conferees agreed to those propositions in that form. The testimony taken before us (for we sent for one of the men in charge of the Bureau) was to the effect that the items ought to be arranged in that way, and we saved $5,000 in the arrangement.

Then, on page 21, item 22, the Senate increased the amount. It pertains to the contingent expenses of the Agricultural Department. There are a large number of items embraced here. The Senate made the appropriation $25,000 instead of $20,000, as fixed by the House, and the House conferees agreed to it in that way.

In reference to the purchase and distribution of valuable seeds, etc., the next item in the bill, the House agreed to appropriate $120,000. The Senate made the amount $150,000. The conferees compromised upon that question, making the amount $130,000. In item 24, where the House appropriated $100,000, the Senate raised the amount to $130,000, and we compromised on $110,000, so that the item was agreed to in that way.

On page 23, the Senate struck out a long provision in reference to the manner of the distribution of seeds, and in order to make the whole arrangement so that it could be understood, the House conferees agreed to the amendment striking out that provision.

There was nothing else in the bill in controversy except items 27 and 28, on pages 28 and 29. The Senate fixed the salary of one inspector in the Weather Bureau at $2,000, the House having neglected to do that by mistake. That is the amount the inspector is getting already in the Weather Bureau. To that the House conferees agreed. In addition to that the Senate put in an amendment providing that hereafter, in the discretion of the Secretary of Agriculture, leaves of absence be granted not to exceed thirty days in any one year, as is arranged with reference to other bureaus of the Department.

That is all there is in the bill that was in controversy, and it was disposed of as I have stated.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. ALLEN. I think the report ought to be printed, so that it can be laid before the Senate and examined with some degree of intelligence by Senators. There is not a man in the Senate Chamber outside of the Senator from Illinois who knows a thing about the matter, and nobody can tell anything about it from the reading of the report.

Mr. CULLOM. I have been explaining each item that was in controversy.

Mr. ALLEN. I know the Senator explained each item, but we do not know what relation the different items hold to the bill as a whole.

Mr. CULLOM. I think the Senator would have known if he had listened to what I said.

Mr. ALLEN. Yes, I would have known if I had had the bill and had understood its entire history; but what objection is there to having it printed now and go over, so that it can be laid upon the tables of Senators and we can look at it and examine it intelligently?

Mr. CULLOM. There is only one objection, so far as I am concerned, and that is that we are crowded for time.

Mr. TELLER. I have been trying to follow the Senator who has the bill in charge, but back here we can not hear anything he has said. I should like to know what he is talking about.

Mr. CULLOM. I have just concluded all I desired to say, unless I am asked to repeat the items, which I would rather do than have the report go over and be printed, in view of the importance of the business that is before us and the hurry that we are all in now.

Mr. ALLEN. I realize that we are in a great hurry, but it occurs to me that the Senate has some interest in this bill besides the members of the Committee on Appropriations.

Mr. CULLOM. Assuredly.

Mr. ALLEN. It strikes me very forcibly that the whole thing ought to be printed as it is now reported, so that it can be taken up and intelligently analyzed and considered. If the Senator from Illinois will give me his attention, I venture to suggest the proposition that there is not a Senator in this Chamber who understands a thing about the bill or about the report aside from the subcommitteemen who have it in charge.

Mr. CULLOM. I do not care to take the time of the Senate in discussing it unless the Senator is willing to allow it to be passed or disposed of after reasonable discussion. I am prepared to answer any question as to the items in controversy between the two Houses. I went over it with some degree of detail, hoping that it would avoid the necessity of having the report printed or longer delayed.

Mr. ALLEN. I can not understand what objection there can be to printing the report.

Mr. CULLOM. I will dispose of the matter for the present by allowing the report to be printed and go over.

The VICE-PRESIDENT. The report will be printed.

Mr. CULLOM subsequently said: I desire to call up the conference report on the Agricultural appropriation bill, which I made this morning. I will state that the Senator who at that time objected says he is satisfied with the report; and I therefore ask that the report be now concurred in.

Mr. ALLEN. I have examined the report, and am satisfied I was wrong.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The conference report has been read in full, the Chair understands.

Mr. CULLOM. The report has been read.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. HOAR. Mr. President——

The VICE-PRESIDENT. The Chair will state that the Senator from Connecticut [Mr. PLATT] was addressing the Senate at the time the conference report intervened. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. PLATT. Mr. President, I should like the attention of the Senate long enough to make one observation. I know how difficult it is to obtain the attention of the Senate to any measure which is before it at this late date in the session; but if Senators do not desire to listen to the objections to the bill, I wish that they would at least send for and get House bill 9188 and read its provisions, for I am persuaded that the Senate does not understand the bill, and will not pass it if it does understand it.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me for a moment. I wish to make an appeal to the Senate to proceed to the consideration of appropriation bills. Under the rules of the Senate, appropriation bills are supposed to be in order at any time and other business to give way to them.

If we are to complete the work of this session, it is absolutely essential that bills which from time to time are consuming an hour or two or three or four hours shall be laid aside when appropriation bills are ready for consideration. I happen to know that the bill now under consideration is a bill which will lead perhaps not to prolonged debate, but which will occupy the attention of the Senate for the greater part of a day. So I want to appeal to the Senator from Pennsylvania who has the bill in charge and who is a member of the Committee on Appropriations and knows the absolute necessity of dealing with appropriation bills at this time, to allow this matter to be set aside until we can at least pass the two appropriation bills which are now upon the Calendar. So, appealing to him and to other Senators, I ask unanimous consent that we may now proceed to the consideration of the Indian appropriation bill.

Mr. QUAY. I object for the present.

Mr. ALLISON. Then, Mr. President——

Mr. QUAY. In one moment. I will say to the Senator from Iowa that I am not in charge of this bill. I called it up at the request of the representatives of the great labor organizations of the country, who deem its importance and magnitude, I think, beyond its real value to them, but they are exceeding in earnest about it; and it having passed the House of Representatives almost without opposition, they are exceedingly anxious for it to have a fair hearing before the Senate at this session. So far as I am concerned, the Senator from Iowa knows that I am as anxious as he to proceed with the consideration of appropriation bills. The Senator in charge of the bill is the Senator from California [Mr. PERKINS]. If he will take the responsibility of postponing the bill, I shall assent to it.

Mr. ALLISON. Then I appeal to the Senator from California——

Mr. QUAY. Before that is done, I wish, as part of my remarks on the bill, to insert in the RECORD the report of the committee in its behalf. I shall not ask for its reading.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

The report referred to is as follows:

Mr. PERKINS, from the Committee on Education and Labor, submitted the following report (to accompany S. 26):

The Committee on Education and Labor, to whom was referred the bill (S. 26) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, beg leave to report in favor of its passage with the following amendments:

Amend section 1 by striking out, in lines 3 and 4, the words "the President of the United States is hereby authorized and directed to appoint," and inserting in lieu thereof the following: "there be, and is hereby, created."

Strike out all of section 2 and insert in lieu thereof the following:

"The five members representing labor shall be appointed by the President of the United States from those nominated by labor organizations which are national in character, having the largest number of members and being most representative, both representative character and numerical strength to be considered, and not more than one person shall be appointed from any one organization. That of the five members representative of agriculture, three shall be appointed on the recommendation of the National Farmers' Alliance and Industrial Union, and two on the recommendation of the National Grange and Patrons of Husbandry. That these recommendations shall be made by the national organizations in delegated assemblies, or by the national executive committees or executive boards or committees of any kind that represent said organizations when their national delegated assemblies are not in session, that said recommendations shall be made to the President of the United States within three months after the passage of this act, and that if the President of the United States shall find that any of those recommended, in his opinion, are not qualified to be members of the said commission, that he shall notify said organizations of the same, whereupon said organizations shall make further recommendations for appointment by the President. The five members representative of business shall be appointed by the President from those representing manufacturing and other business pursuits. After the appointment of said commission each division of five is hereby authorized and directed to choose or appoint two additional commissioners to act with them on terms of equality, making the whole number twenty-one, but no division of five shall make both of its appointments from the same political party."

Amend section 3 by inserting after the word "appointment," in line 7, the following: "as provided above."

Amend section 8 by adding at the end thereof the following: "who shall transmit the same to Congress."

Amend section 9 by striking out all after the word "salary," in line 3, and inserting in lieu thereof the following: "of each member of this commission shall be $10 per day while actually engaged in the work of the commission, and actual traveling expenses."

The problems presented in the various fields of labor and in the different departments of business have become and are becoming more complicated through the progress which marks this industrial age. The relations of laborers to each other on the one hand, and to capital on the other, are now so varied and differ so greatly in widely separated sections of our great country that it has become necessary to establish some central bureau or commission which shall be able to view comprehensively the entire field, and ascertain the true relation to each other of the facts presented. In no other way can the many interests of half a continent be brought into harmony; in no other way can that feeling of good will of all classes toward each other be aroused which is essential to the happiness, prosperity, and progress of the nation.

To attempt to deal with the larger questions presented by capital and labor through local boards or by local legislation has become impracticable. The facilities for communication have become so many and so efficient that all parts of our country and all its interests are inseparably knit together. Yet at the same time the differences in conditions surrounding labor and capital in widely separated localities render it impossible to deal with all according to rules or principles formulated or derived from a study of the problems presented in a circumscribed area. The time has come for a wider study of these problems, and for wider generalizations. The questions presented by the industrial and business conditions of Maine must be considered in connection with those of the far different conditions of California and Alabama, the mutual relations of the three sections ascertained, and labor and capital in each brought into accord with each other both locally and generally. The interdependence of all industrial pursuits and all business vocations throughout the country must be ascertained in order that the true causes of friction may be discovered and remedies applied which shall not bear unjustly upon any one calling in which men engage.

It is owing to the present impossibility of ascertaining the true and fundamental relation of labor and capital, of labor in one section with labor in another, of capital in one region with capital in other, that the discontent of the one and the apparent indifference of the other are constantly increasing. It is owing to this, too, that there is lack of harmony in movements begun by either interest for self protection. No general principles have been laid down which will apply to conditions in widely separated districts. Thus there arise conflicts between labor organizations themselves and disagreements between the representatives of the commercial or business interests. But the tendency is constantly toward wider generalization, toward wider union, though the generalization has reference to industrial conditions on one side and the conditions of capital on the other, and the union to an amalgamation of each of two sets of interests which are set one against the other in a hostile array. The breach which now exists between capital and labor is thus constantly widened, and where there should be mutual confidence and mutual concessions there are increasing enmity and a multiplication of grounds of difference.

Labor is fast coming to the belief that its present forms of organization are inadequate to secure the protection and the benefits sought, and that it must use politics as a weapon against the capitalist class. Recent conventions have brought this question prominently forward, and the organization of labor for political and not simply for industrial ends is not impossible. How labor is beginning to view the complex problems presented by its relation to capital may be clearly seen in this extract from a resolution introduced in a labor convention recently held:

"Whereas the economic power of the capitalist class used by that class for the oppression of labor rests upon institutions essentially political, which in the nature of things can not be radically changed or even slightly amended for the benefit of the working people except through the direct action of the working people themselves, economically and politically united as a class:

"Therefore, it is as a class conscious of its strength, aware of its rights, determined to resist wrong at every step, and sworn to achieve its own emancipation that the wage workers are hereby called upon to unite in a solid body, held together by an unconquerable spirit of solidarity under the most trying conditions of the present class struggle."

The widening scope of the action proposed by labor organizations is seen in the following resolutions, which are rather a declaration of principles adopted by the convention referred to:

"Reduction of the hours of labor in proportion to the progress of production.

"The United States shall obtain possession of the railroads, canals, telegraphs, telephones, and all other means of public transportation and communication; but no employee shall be discharged for political reasons.

"The municipalities to obtain possession of the local railroads, ferries, waterworks, gas works, electric plants, and all industries requiring municipal franchises; but no employee shall be discharged for political reasons.

"The public lands to be declared inalienable. Revocation of all land grants to corporations or individuals the conditions of which have not been complied with.

"Legal incorporation by the States of local trade unions which have no national organization.

"The United States to have the exclusive right to issue money.

"Congressional legislation providing for the scientific management of forests and waterways, and prohibiting the waste of the natural resources of the country.

"Invention to be free to all; the inventors to be remunerated by the nation.

"Progressive income tax, and tax on inheritances; the smaller incomes to be exempt.

"School education of all children under 14 years of age to be compulsory, gratuitous, and accessible to all.

"Repeal of all pauper, tramp, conspiracy, and sumptuary laws. Unabridged right of combination.

"Official statistics concerning the condition of labor. Prohibition of the employment of children of school age and of the employment of female labor in occupations detrimental to health or morality. Abolition of the convict-labor contract system.

"Employment of the unemployed by the public authorities (county, city, State, and nation).

"All wages to be paid in lawful money of the United States. Equalization of women's wages with those of men where equal service is performed.

"Laws for the protection of life and limb in all occupations, and an efficient employers' liability law.

"The people to have the right to propose laws and to vote upon all measures of importance according to the referendum principle.

"Abolition of the veto power of the executive (national, State, and municipal) wherever it exists.

"Municipal self-government.

"Direct vote and secret ballots in all elections. Universal and equal right of suffrage, without regard to color, creed, or sex. Election days to be legal holidays. The principle of proportionate representation to be introduced.

"All public officers to be subject to recall by their respective constituencies.

"Uniform civil and criminal law throughout the United States. Administration of justice to be free of charge."

This extension of the aims of organizations of labor is clearly due to the failure to establish, through a wide and careful study of conditions existing in this country, general principles regarding the relation of labor to capital, based on facts ascertained by an examination of the entire field, and made acceptable to all classes because the facts are known to be true and the principles themselves the logical deductions therefrom.

It can hardly be doubted that it would not be deemed necessary to adopt such resolutions as have been given if there were in existence a commission whose duty, in the language of the bill, shall be to "investigate questions pertaining to immigration, to labor, to agriculture, and to business, and recommend to Congress such legislation as it may deem best upon these subjects;" to "furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union in order to harmonize conflicting interests, and to be equitable to the laborer, the employer, the producer, and the consumer;" to "receive petitions and grant reasonable time for hearings on subjects pertaining to its duties, and, if deemed necessary," to "appoint a subcommission or commissions of its members to make investigation in any part of the United States."

A commission like that proposed would also be able to do much toward solving the problems which are raised in the following letter from Samuel Gompers, president of the American Federation of Labor:

"The American Federation of Labor at its last convention, held in New York City, adopted a series of resolutions to concentrate and crystalize thought among the people of our country upon the question of the reduction of the hours of labor to eight hours per day, not only in Government but also in private employment.

"It is also proposed that a conference be held by representatives of the organized working people and representatives of the employers, so that a friendly arrangement in the reduction of the hours of labor may, if possible, be effected.

"It is our purpose to obtain the views upon this momentous subject from the best informed men of America—men whose thoughts and utterances are worth recording; men in public life; men whose views sway the minds of their fellow-citizens. Hence, I respectfully ask you to favor me with an answer to the following questions:

"(1) In view of the wonderful and ever-increasing inventions of and improvements in wealth-producing methods, should the working people of our country be required to work more than eight hours per day?

"(2) What would, in your opinion, the influence of the general reduction of the hours of labor to eight per day have upon the moral and social well-being of the people of our country?"

These are questions which the workingman has the right to ask and the right to have answered. They imply not only a reasonable demand, but a strong desire that nothing shall be done which will tend to lower the high moral and social standard of our industrial population, of which the nation is justly proud. They are questions which would properly come under such a commission as is proposed, and its suggestions, made after a careful study of the question from both the side of capital and of labor, should be adopted, for the good of the entire community, not of a single part, will be its aim.

The ends, methods, and results of labor organizations also come within the scope of its inquiry. Such organizations have become numerous and powerful, and it is desirable that their usefulness shall be established by impartial investigation, and such dangerous tendencies, if any they possess, be eliminated. The right of labor to combine for its own protection can not be questioned. Acting within the lines which it is forbidden each individual to pass, it is capable of good results. But it should be established as a principle that labor organizations have no more right to interfere with individuals in the pursuit of life, liberty, and happiness than has any of its members. Strikes for legitimate objects are among the rights of labor organizations as they are among those of individuals, but interference with those who are willing to take the places left vacant is not to be tolerated from organized labor more than from individual workmen.

The figures presented by the Department of Labor indicate how great is the prevalence of disputes between employers and employees. From 1881 to and including the first six months of 1894 there were 14,390 strikes, involving 69,167 establishments and 3,714,406 employees. There were in the same period lockouts in 6,067 establishments, throwing out of employment 366,690 workmen. The money loss of the strikes was $163,807,866 in wages, $10,914,406 in assistance by labor organizations, and $82,590,386 loss to employers. In lockouts the loss in wages was $26,685,516; in assistance, $2,524,298, and to employers, $12,235,451. Of all those who struck only 1,188,575 were successful in attaining their objects. The causes leading to the strikes in question were as follows:

"For increase of wages.

"For reduction of hours.

"Against reduction of wages.

"For increase of wages and reduction of hours.

"For reduction of hours and against being compelled to board with employer.

"For change of hour of beginning work.

"For increase of wages and against the contract system.

"For increase of wages and against employment of nonunion men.

"In sympathy with strike elsewhere.

"For nine hours' work with ten hours' pay.

"Against employment of nonunion men, foremen, etc.

"For increase of wages and recognition of union.

"For adoption of union, etc., scale of prices.

"Against increase of hours.
"For increase of wages and enforcement of union indenture rules.
"For reduction of hours and wages.
"For reinstatement of discharged employees, foremen, etc.
"For recognition of union.
"For adoption of union scale.
"For adoption of union rules and union scale.
"For increase of wages and recognition of union.
"To compel World's Fair directors to employ none but union men in building trades.
"For reinstatement of discharged employees.
"For payment of wages overdue.
"For increase of wages and reduction of hours on Saturday.
"Against being compelled to board with employer and for reduction of hours and recognition of union.
"For fortnightly payment."

The above presents only one phase of the relations of labor and capital which it is desirable should be studied and clearly understood. Agricultural laborers have their grievances which should also be investigated. The influence upon their prosperity of railroad and other aggregations of capital with which they come in contact should be learned. The universal dependence upon transportation companies is a factor in the question of the prosperity or lack of prosperity of agriculturists which demands attention. In some States, as in California, this factor is of supreme importance; in others less. The fact that oranges from Spain and Italy compete successfully with oranges from California in the great markets of the country has a wide bearing. The cost of transporting the California fruit to market is from 90 cents to $1 per box, while the foreign fruit pays 31 cents. In less than carload lots it now costs about $2 a box to lay down the California oranges in New York. Spanish oranges pay 50 cents a case, but the case is twice as large as that containing the fruit with which it competes. These facts tend to show one of the principal causes of the complaint that is now being made by a very important industry of a great State, and present a case which would fairly come before such a commission as is proposed.

Lower freight rates and a measure of protection by tariff for the domestic fruit would revive a now languishing branch of horticulture; and the facts stated above are emphasized by the report of United States Consul Seymour, of Palermo, that during the year 1894 there were exported from that port eight times as many lemons and oranges to the United States as the entire exportation to all other foreign countries during the same period. California and Florida suffer from this competition of fruit raised on the shores of the Mediterranean, and the prosperity of two great States of the Union is disastrously affected to the benefit of people of another race, country, and hemisphere.

But all problems which are presented by periods of general or local depression are not so simple. Says Carroll D. Wright, in his first annual report as Commissioner of Labor:

"The depressions with which the present generation is familiar belong to the age of invention and of organized industry. Whether these depressions are necessary concomitants of present industrial conditions may be a mooted question, but it is certain that they come with such conditions, and that many features of them must pass away when out of the present status of industrial forces there shall be evolved a grander industrial system, a system which must be as much grander than the present as the present is grander than that out of which it was evolved. Industrial depressions must not be confused with commercial crises and panics, notwithstanding the effects of one reach into the other; that is, a commercial and financial crisis may take place without immediately producing any industrial depression, although, generally, if the effects of such commercial or financial crisis continue for any great length of time, the industries must be involved to a greater or less extent. * * * In searching, whether in Europe or America, for the causes of the industrial disease which has effected the manufacturing world since 1882, it is interesting to note how fully trade, profession, or calling influences opinions given. Bankers and merchants are likely to give as the absolute cause of depressions some financial or commercial reasons; clergymen and moralists largely incline to assert that social and moral influences, united with providential causes, produce the industrial difficulties which afflict nations; manufacturers incline to give industrial conditions, labor legislation, labor agitation, the demands of the workingmen, overproduction, and various features of the industrial system as causes; while the workingmen attribute industrial diseases to combinations of capital, long hours of labor, low wages, machinery, and kindred causes. The politician feels that changes in administration, the nonenactment of laws that he desires, tariffs or the absence of tariffs, are the chief influencing causes of industrial disturbances. The fact that, as a rule, one's opinion can be foreseen by knowing his calling in life vitiates to a large extent the value of causes alleged; yet when all classes unite upon a few prominent reasons, and those reasons can be illustrated by facts, it becomes possible to consider the alleged causes of industrial depressions with a fair degree of intelligence and with conclusions that have sufficient soundness in them to indicate partial remedial agencies."

The long list of causes of depression is classified by the Commissioner of Labor into three great divisions:

"First, leading or direct causes, such as overproduction, cost of production, influence of machinery, crippling of the consumptive power, etc.; second, contributory causes, such as transportation, distribution, exchanges, commercial systems, etc.; and third, remote, indirect, and trivial causes."

Many remedies for industrial depression have been proposed, the most important of which, in the opinion of the Commissioner of Labor, are the restriction of land grants to corporations, the restriction of immigration, the enactment of laws to stop speculation, the establishment of boards of arbitration to settle industrial difficulties, the contraction of credit, a sound currency, commercial and mercantile regulations relating to tariff, transportation, navigation laws, and public works, reform in the distribution of products, profit sharing, and the organization of workmen and of employers.

It will be seen that the field is a wide one, that many interests are involved, and that the dependence of one upon the other can be ascertained only by a systematic and careful study of the conditions which surround industrial life. Without such study it will be impossible to understand the problems presented by labor, agriculture, and capital, and without exact knowledge it will be impossible to apply a remedy.

"Probably," says Labor Commissioner Wright, "no human device or combination of devices can be instituted powerful enough to prevent the recurrence of financial and commercial crises and industrial depressions, but this should not prevent men seeking devices which will mitigate the severity or shorten the duration of such calamities. When it is considered that each great manufacturing nation of the world is struggling for industrial existence as against the fierce competition of every other nation engaged in like pursuits, some of the questions which seem to absorb the minds of individual employers and employees seem trivial indeed."

And trivial indeed will some of them appear when we shall be face to face with that industrial competition which is being forced upon us by Japan. It is but a few years ago that this remarkable nation began to establish manufactories to supply goods which it had hitherto purchased abroad, yet even now there has arisen alarm in England, Germany, and our own country regarding the influence which Japanese manufactures will have upon their prosperity. And this alarm is not without cause. The grave importance of the questions raised by the marvelous development of Japanese manufacturing has been fully recognized by the National Association of the Manufacturers of the United States, which has requested Congress to appoint a commission to inquire as to the invasion of our own home markets by Japan. The Manufacturers and Producers' Association of California in February called a meeting to discuss the Japanese industrial question, at which Julian Sonntag called attention to the fact that it is a dangerous fallacy to contend that Japan can never compete successfully with America and England in commerce and manufactures. "To-day," he said, "one can not go into a dry goods store and tell French and Japanese silks apart. Carpets from Osaka rival those of Egypt, Turkey, and Persia, and are being exported to America in large quantities."

The following resolutions were unanimously adopted and ordered sent to every member of Congress:

"Whereas the matter of the invasion of the manufacturing field of the United States by goods manufactured by cheap labor in Japan has been under consideration by the Manufacturers and Producers' Association of California and by the San Francisco Chamber of Commerce; and

"Whereas a joint committee from the Manufacturers and Producers' Association and the Chamber of Commerce of San Francisco, after full investigation and consideration, have reported that great danger to the manufacturing interests of the United States exists in the rapid strides being made by Japan in manufacturing; and

"Whereas this meeting of the members of the Manufacturers and Producers' Association and of the Chamber of Commerce, called for the purpose of discussing the subject, have listened to the report of the said joint committee and the remarks made thereon:

"*Be it resolved*, By the Manufacturers and Producers' Association and by the Chamber of Commerce in convention assembled, that the Congress of the United States be requested and urged to appoint a commission to investigate the question of Japanese manufactured importations and Japanese export trade."

The great newspapers of the country have recognized the importance of the industrial revolution in Japan, and are discussing it seriously. Writers in magazines devoted to economics are giving the matter their attention. In the March number of Gunton's Magazine appears the following:

"There is no country whose economic changes are likely to create so much industrial surprise, if not dislocation, in the next quarter of a century as Japan. Until recently Japan has been classed with China and other Asiatic countries as in the hand-labor area. The more advanced machine-using countries, like England and the United States, have entertained no fears from competition with the cheap labor of Asia, because the economies of their superior machinery have more than offset the increase in the cost of production through their higher wages. This has led many economists of the laissez-faire school to assume that high wages instantaneously bring with them lower cost of production, attributing the diminished cost to the increased skill and dexterity of the higher wage laborers. Such writers as Edward Atkinson and Mr Shearman are constantly adding to the flood of free-trade literature on the basis of this very erroneous assumption. Because we could compete successfully in most lines of manufacture with Asiatic countries, it has been insisted that we could do so with England for the same reason, namely, that our wages were higher.

"Having assumed that the superiority of high wage conditions all lies in the increased personal dexterity of the laborers, these writers seem to have entirely overlooked the great part machinery plays in low-price machine phenomena. The reason this country is in greater danger from English competition than from the Chinese is that England has similar machinery to our own, while the Chinese continue to produce by hand labor. Whenever two countries employ the same tools or machinery, the lower wages become the great element in determining the competition. This is precisely the case between the United States and England. So that while we have little to fear from the cheap labor of Asia without modern machinery, we have everything to fear from the relatively lower wages of England, because English laborers have as highly perfected machinery as we have.

"During the last quarter of a century Japan has been rapidly westernizing her civilization, and is now rapidly westernizing her methods of industry. At the present rate she is progressing it may not take her more than a decade to get the factory system, with its most modern equipments. Although this will be sure to act upon her laborers, raising their standard and increasing their cost of living, it will probably take half a century before her wages approximate the wage standard of the United States or even of England. To the extent to which she increases her factory methods faster than she raises her wage standard will she become a successful competitor with western producers, and will demonstrate the economic soundness of protection as a permanent principle in national statesmanship. All the world should rejoice at Japan's progress. But it will be a calamity for mankind if Japan should be permitted to destroy or even lessen the rate of progress in this country or in Europe. Her advent into the use of modern methods should be beneficial to her own people, and make her the missionary to carry similar methods and civilization into other Asiatic countries, but not to injure the civilization of western countries."

Here are presented problems of the gravest nature, with which the United States must soon deal. The fact that the Japanese are considered simply an imitative people, and that their civilization is by some deemed inferior to our own, should not blind us to that other fact that Japan is putting upon our markets for 87 cents felt hats of the best quality, upon American and European patterns, which would sell in London for $2.62 and in this country for $3. The Japanese are beginning to make shoes, and it is thought not improbable that there will soon be placed upon our market for 75 cents shoes as good as those now costing $3. Already there is an agency in San Francisco which is engaged in underselling American products. Doors, sashes, blinds, all kinds of wooden ware, cooperage stock, etc., are being sold from 30 to 50 per cent less than the same grade of goods can be manufactured for here. Even bicycles, clocks, watches, boots, shoes, clothing, hats, caps, gloves, fancy goods, and notions are being sold at similar prices which defy competition.

The following, translated from the report of the Swiss consul in Japan, and published in the consular reports of the State Department, gives another view of the situation:

"The Manchester Guardian, in its issue of June 9, 1894, says that manufactures of cotton textiles in India can no longer compete with Japan, as 4,000 Japanese spindles will produce the same quantity as 10,000 Indian. Around the industrial center of Osaka there are cotton mills in almost every village, and exports of Japanese fabrics were first made from that city. There being no protection to foreign machinery against patent infringements, the Japanese imitate quickly all European novelties and improvements, and hence work under favorable conditions. Labor is so cheap that even Europe can no longer compete. Good cotton undershirts are being sold at 84 to 90 cents per dozen. Cotton umbrellas on iron sticks (an important export article of Osaka) are sold at $2.00 to $3 per dozen, and the total exports of umbrellas in 1894 footed up $760,067, as against $580,272 for 1893. The manufacture of hemp and cotton has begun.

"This industry is a new one and has its seat in the city of Osaka. These

carpets, called by foreigners Osaka carpets, are cheap but not durable. All kinds of patterns imaginable as well as every length and width are manufactured. While two years ago the Japanese taste prevailed, to-day fine imitations of Turkish and Egyptian carpets can be found on the market. These carpets are all made by children, and in the low, gloomy rooms of the Japanese houses troops of little boys and girls are working at this dusty trade with the zeal and intelligence of grown people. The little ones, who can be seen at work in a tropical heat, almost nude, seem to be in good health. These children's pay varies, according to their efficiency, from 3 to 10 cents per day. The principal buyers are Americans, who purchased $27,000 worth during 1894 out of a total export of 546,091 pieces, worth $1,134,072 in that year, against 266,050 pieces, worth $391,389, in 1893, and 112,279 pieces, worth $177,145 in 1892.

"Of late years the manufacture of Japanese matches has attained large dimensions, owing to the very low prices at which they are sold. Hongkong, British India, China, and Korea are using them almost exclusively.

"Last year's statistics show the surprising fact that Japanese matches were exported to points and in value as follows: To Australia, $25,407; Austria, $2,345; North America, $1,390. The total export value of these matches was $3,705,634 in 1894, $3,537,974 in 1893, and $2,242,041 in 1892. * * *

"In addition to watches, $28,570 worth of parts of watches were imported in 1894, of which $13,425 came from the United States and $11,972 from Switzerland. During the previous year imports of parts of watches amounted to $9,077, and were supplied by Switzerland alone. The imports from America were made by the Osaka Watch Company, a Japanese stock company at Osaka, established there last year. This concern had bought of an American company (formerly of San Diego, Cal.), the Japan Watch Company, Limited, $40,000 worth of old machinery for the manufacture of watches, at which work will commence on or about June, 1895; meanwhile the manager and two foremen are teaching thirty Japanese operatives how to manufacture the different parts of watches. Machinery therefor has been ordered in the United States, and will arrive in June, and therewith seven or eight American foremen. The original project was to import cases from America, and an order had already been given to a New York firm, but the prices were so high that the company concluded to manufacture the gold, silver, and other metallic cases themselves. The cost of watches, it is expected, will be unusually high at first, but it is difficult as yet to judge of the probable general results."

That Japan is thus able to undersell us is due to the fact that it makes use of the best modern machinery, and that the wages paid are hardly more than one-tenth the wages paid in the United States. N. W. McIvor, consul-general of the United States, gives the following list of wages paid at Yokohama for a working day of ten hours:

Description.	Wages.	Description.	Wages.
	Per day.		*Per day.*
Carpenters	$0.26	Sake brewers	$0.22
Plasterers	.26	Silk spinners (female)	.17
Stonecutters	.31	Tea workers (picking and preparing)	.20
Sawyers	.29	Tea firing:	
Roofers	.26	Male	.10 .14
Tilers	.31	Female	.07 .12
Matting makers	.24	Common laborers	.19
Screen makers	.24	Confectioners	.17
Joiners	.29	Sauce makers	.24
Paper hangers	.24		*Per month.*
Tailors:		Farm laborers:	
For Japanese clothes	.24	Male	1.44
For foreign clothes	.48	Female	1.20
Dyers	.24	Silkworm breeders:	
Cotton beaters	.17 .36	Male	1.03
Blacksmiths	.24	Female	.38
Porcelain makers	.38	Weavers (female)	.90
Porcelain artists	.72	Servants in foreign houses:	
Oil-press men	.24	Male	2.88 7.20
Tobacco cutters	.24	Female	2.40 4.80
Printers	.19		
Ship carpenters	.29		
Lacquer workers	.24		
Compositors	.29		

Another list is as follows:

Occupation.	Highest.	Lowest.	Average.
Blacksmiths	$0.60	$0.18	$0.30
Bricklayers	.88	.20	.33
Cabinetmakers (furniture)	.53	.17	.30
Carpenters	.50	.20	.30
Carpenters and joiners (screen making)	.55	.17	.30
Compositors	.83	.10	.29
Coolies or general laborers	.33	.14	.22
Cotton beaters	.45	.13	.23
Dyers	.60	.05	.25
Farm hands (men)	.30	.16	.19
Farm hands (women)	.28	.06	.19
Lacquer makers	.58	.15	.29
Matting makers	.50	.20	.30
Oil pressers	.31	.16	.25
Paper hangers	.60	.20	.31
Paper screen, lantern, etc., makers	.55	.20	.31
Porcelain makers	.50	.13	.29
Pressmen, printing	.70	.11	.28
Roofers	.60	.20	.29
Sauce and preserve makers	.40	.10	.24
Silkworm breeders (men)	.50	.10	.22
Silkworm breeders (women)	.25	.05	.17
Stonecutters	.60	.22	.36
Tailors, foreign clothing	1.00	.25	.49
Tailors, Japanese clothing	.56	.15	.28
Tea makers (men)	.80	.15	.31
Tobacco makers	.50	.11	.26
Weavers	.40	.07	.15
Wine and sake makers	.50	.15	.29
Wood sawyers	.50	.13	.80

The following are the rates of wages paid by the month:

Occupation.	Highest.	Lowest.	Average.
Confectionery makers and bakers	$12.00	$1.00	$5.74
Weavers:			
Men	12.00	1.00	4.83
Women	12.00	1.00	3.30
Farm hands:			
Men	5.00	1.00	2.31
Women	3.50	.49	1.28
House servants:			
Men	5.00	.50	2.12
Women	3.00	.50	1.16

There is another fact in connection with the wages paid Japanese workmen which is of importance. In 1873 the mills of Japan and those of the United States and England paid wages that had a certain given relation to each other. Since then silver has depreciated in value one-half, yet the Japanese manufacturer pays exactly the same rate of wages as before. The cost of labor to him is therefore one-half what it hitherto was.

T. R. Jernigan, consul general of the United States at Shanghai, says:

"Japan by geographical position and the nature of the soil and its general aspect must be the manufacturing country of Asia, as Great Britain has so long been for Europe, and this fact brings nearer to the attention of the cotton producer of the United States the importance of shorter ways between their cotton fields and the cotton mills of Asia, especially by means of the Nicaragua Canal.

"The rapid increase in the manufacturing industry of Japan and China could not be sustained in the absence of a compensating remuneration, and if the statistics show the remuneration to be compensating, then the means of making it so should be inquired about. It is known that the manufacturing industry, generally, of the United States has not yielded merited returns for the labor and skill of those engaged in it.

"Osaka is the great manufacturing city of Japan. In Osaka 21 mills paid an average dividend of 18 per cent, the highest dividend being 28 per cent and the lowest 8 per cent. The dividends for 1893 are given at 12 per cent, and for the first six months of 1894 at the rate of 16 per cent. These figures show that the cotton mills of Japan are richly remunerative, while reliable figures show impoverishing returns for the cotton mills of Great Britain, and an unfavorable lookout for those of the United States."

The cotton manufacturing industry of Japan has increased with wonderful rapidity. There are at present 61 factories in operation, with 580,564 spindles, employing 8,899 men and 29,596 women, and when those establishments now under construction are put in operation during the present year the total number of spindles will be increased to 819,115. The result of the remarkable progress made by Japan in cotton manufacturing is shown in the diminished exports of cotton cloths from this country to China, which is now being supplied in a great measure by Japan, and which will take more from that country and less from us year by year. In 1892 China imported from the United States 65,859,000 yards of cotton, and in 1893 only 27,706,000 yards. From England China imported in 1892 nearly 500,000,000 yards, and in 1893 only 365,000,000 yards.

Consul-General Jernigan states that the industrial development of the Orient is fast becoming a matter for serious thought, and says:

"The enterprising Japanese have, within a few years, established docks and machine shops for the building of medium-sized war ships, and each subsequent year has witnessed fewer orders going to foreign markets for naval supplies. Soon from the naval shops of Japan will be launched as strong war ships as breast the waves of Asiatic seas, and ere a distant year the forces of civilization which have moved Japan so rapidly on lines of progress will be actively and practically at work in China. The awakening of the "middle kingdom" here predicted will put to sleep forever the customs which have for centuries dominated China, as it will call into life new principles to govern her foreign and domestic relations. The thoughtful statesman and merchant will prepare for the solution of the new political and commercial problems. These problems are now claiming the attention of the business men of Great Britain, and the fact that the China Mutual Steamship Navigation Company, of London, is having its vessels repaired in China and Japan is regarded as being of serious significance to British labor and as an evidence of its being displaced by the cheaper labor of China and Japan.

"At a recent meeting of the Peninsular and Oriental Steamship Company the belief was expressed by a member that gentlemen then present might live to see the company's mail steamers built on the Yangtse, in China, instead of on the Clyde, the Tees, or the Tyne. And it is worthy of note that the large majority of the sailors and servants on the foreign steamships that carry the mails across Oriental seas are of the Asiatic races, their employment being due to the cheapness of their wages, for an Asiatic works to-day at one-half of the wages in gold, though at the same wages in silver, that he did twenty years ago, whereas wages in the United States and Great Britain have not materially depreciated from the wages paid in gold twenty years ago. As to commodities in Great Britain and the United States, the average prices are the lowest of the century, while the average prices comparatively of twenty leading commodities of Chinese production were nearly the same in Shanghai in 1893 as they were in 1873, and a higher degree of prosperity in China and Japan has accompanied this stability in prices."

William Eleroy Curtis, in the January number of the Bulletin of the Department of Labor, says:

"Japan is becoming less and less dependent upon foreign nations for the necessities and comforts of life, and is making her own goods with the greatest skill and ingenuity. Since their release from the exclusive policy of the feudal lords, the people have studied the methods of all civilized [illegible] and have adopted those of each which seem to them the most suitable for their own purposes and convenience. They have found one thing in Switzerland, another in Sweden, another in England, others in Germany, France, and the United States, and have rejected what is of no value to them as readily as they have adopted those things which are to their advantage. It is often said that the Japanese are not an original people; that they are only imitators, that they got their art from Korea, their industries from China, and that their civilization is simply a veneer acquired by imitating the methods of other countries. All of this is true in a measure, but it is not discreditable. Under the circumstances that attend the development of modern ideas in Japan, originality is not wanted, but a power of adaptability and imitation has been immensely more useful. The Japanese workman can make anything he has ever seen. His ingenuity is astonishing. Give him a piece of complicated mechanism—a watch or an electrical apparatus—and he will reproduce it exactly and set it running without instructions. He can imitate any process and copy any pattern or design more accurately and skillfully than any other race in the world. It is that faculty which has enabled Japan to make such rapid progress, and will place her soon among the great manufacturing nations of the world.

"It was only forty years ago that the ports of Japan were forcibly opened to foreign commerce. It was only twenty-eight years ago that the first labor-saving machine was set up within the limits of that Empire. Now the exports and imports exceed $115,000,000.

"While the Japanese will soon be able to furnish themselves with all they use and wear and eat without assistance from foreign nations, they will be compelled to buy machinery and raw material, particularly cotton and iron. Therefore, our sales will be practically limited to those articles. And the market for machinery will be limited as to time. The Japanese will buy a great deal within the next few years, almost everything in the way of labor-saving apparatus, but they are already beginning to make their own machinery, and in a few years will be independent of foreign nations in that respect also. Another important fact—a very important fact—is that they will buy only one outfit of certain machinery. We will sell them one set, which they will copy and supply all future demands themselves. This will go on until the new treaties take effect, when American patents will be protected."

Complaint comes from Honolulu that the Japanese are there starting industries of various kinds, even including blacksmith and harness shops. Japanese carpenters, painters, and paper hangers underbid white contractors 33 per cent.

It is apparent to all thinking men from the facts which are being forced upon their attention that the industries of the United States will soon find a competitor with whom it will be useless to struggle under existing conditions. Japan has, or will have in a few years, the best labor-saving machinery that the inventive genius of the world has been able to produce. It will meet us on an even, perhaps a superior, footing in this respect. But besides this, it will have labor at a cost of about one-tenth that of ours, and which is capable of producing manufactured products as good as those produced by our own workmen.

The fact that in Japan silver is the monetary standard can not be overlooked in connection with the subject here discussed. Although the market value of that metal has diminished one-half during the past twenty years, a silver yen will purchase in Japan just as much now as it could in 1873. This has an important bearing on the welfare of the American workman. Because of this depreciation in general market value of silver, while its purchasing power in Japan is unchanged, our workmen are now able to compete with Japanese mechanics on a basis which is only one-half as favorable as it was a quarter of a century ago.

Suppose, for instance, that a Connecticut dealer in clocks wishes to lay in a stock of cheap goods. He can buy them in the home market for, say, $1 each. It makes no difference whether he offers a gold or silver dollar, he can get only one clock for that sum. But he can with his gold dollar buy two Japanese silver dollars, with which he can purchase two clocks of Japanese manufacture, assuming that the price in Japanese coin of the Japanese article is the same as here. He can, therefore, for a given amount of money, get a stock twice as large by making his purchases in Japan. This stock he sells here for silver, which he can exchange for gold, dollar for dollar, and by repeating the operation can reap a rich harvest at the expense of the workmen in his native State. But the facts permit an even more ominous showing than this, for the prices of Japanese products, owing to the extremely low wages of labor, are far below those of the same class of goods here, so that the Connecticut dealer will be likely to get four Japanese clocks for the dollar which will buy only one of Connecticut manufacture.

Consul-General Jernigan, writing from Shanghai, in April, 1895, says:

"It is here that the subject of wages should receive careful attention and it should not be forgotten that while the law of supply and demand with regard to commodities is international, it is only national and often provincial with regard to labor. A bale of cotton may have the same exchangeable value in New Orleans, Liverpool, or Bombay, but the price of a day's labor in Bombay bears no relation to the price of a day's labor in Liverpool or New Orleans, and no adjustment of the two opposing principles can be effected unless a cargo of coolies can be imported as easily as a cargo of cotton.

"An intelligent understanding of the influential agency of the price of labor in regulating the profits of manufacturing enterprise may be had from this illustration: In 1873 the mills of the Orient and Occident were competing on equal terms and receiving equal returns. Now, in 1894, each mill employs the same amount of labor as it did in 1873, but the owner of the mill in the United States pays for the labor in gold at the old rates, while the owner of the mill in Japan pays for labor in silver at the old rates also. The Japanese mill owner paid in 1894, as he did in 1873, from 15 to 20 cents a day for men, and from 8 to 10 cents a day for women. That meant, in 1873, from 15 to 20 cents in gold a day for men, and from 8 to 10 cents in gold a day for women. Now, during the greater part of 1894, $1 in gold has been about equal to $2 of Japanese silver, which makes it clear that, on account of the depreciation of silver alone, without taking into account the low rate of standard wages which prevail in the Orient, the mill owners of the United States are now paying twice as much for labor as the mill owners of Japan. This may be one reason why the cotton mills in Japan are showing such handsome returns, while in the United States and Great Britain they are comparatively struggling for existence. Not only does this principle of the difference in value of currency in which labor is paid in the eastern and western countries apply to wages, but it applies to whatever is essential to the success of agriculture and manufacturing enterprise.

"It is not meant to intimate that the price of labor in the United States should be regulated by the price of labor in oriental countries, but I do mean that unless some standard of international value for the payment of labor is agreed upon, the products of the oriental laborers tend to become a dangerous rival to the products of the occidental laborers. The statistics and logical comparisons therefrom, here adduced, at least warrant the expression of such an opinion. It is justified by other well-authenticated facts, considered in other connections, but all pointing to the same conclusion. If the land acquired twenty-five years ago by foreigners at Shanghai for their residence and business houses was then worth $24,000,000 and was now sold for what it originally cost in silver, and this silver, the proceeds, was converted into gold at present rates, there would be a loss of about $12,000,000; and by this rule it appears that the inequality in the value of silver and gold has reduced the gold value of property here one-half.

"I am not writing in favor of a gold or silver standard, but I am adducing facts which should awaken greater attention—better still, more decided action—in favor of a permanent or more equalizing adjustment of the value of silver and gold as purchasing mediums. Silver is used by one-half of the world and gold by the other half, and while wages in one-half are paid in a depreciated currency and in the other half in an appreciated currency, a rivalry between the respective products of the labor of each is encouraged, with the advantage in the outset to the products of the laborer paid in depreciated currency, especially when the latter can supply his daily wants with such a currency, which he willingly receives and remains contented. Such apparent advantage is no longer offset by the superiority of the machinery heretofore employed in manufacturing, which was confined to the half of the world now using gold. The same grade of machinery which a few years ago gave superiority to the cotton mills of the United States and Great Britain is now used in the cotton mills of Japan and China, and the enterprise that transplanted it to those countries sent with it foreign skill and ingenuity to superintend and utilize its capacity."

Here is a situation whose danger can hardly be overestimated, and which can not be too quickly guarded against to the extent of our power. It is a situation that demands immediate study by men who are familiar with the conditions of production in this country, and who are able to devise methods by which our own industries may be protected. A commission of the character proposed can best do this work. It will have for its aid the Bureau of Labor already established, which has gathered facts of great value, and is engaged in labors that will be of still greater usefulness. Both commission and Bureau, working on the same lines, can be made to supplement each other in a most effective manner. But the commission is necessary for the study of industrial situations such as that which is now so forcibly presented to our attention, with a view to discover how our own industries are affected and how they can best be protected, and this can not be done too soon. The need of action is immediate. Japan has demonstrated its capacity for rapid development which gives no hope that time will be given us to study at our leisure the questions presented. The issue is even now upon us, and now is the time to act.

Your committee therefore recommends the passage of the bill.

Mr. PERKINS. There is hardly a request which my friend from Iowa would make of me to which I would not yield, but it is not the fault of the Senator from Pennsylvania, or the other members of the committee which considered this bill, that it has not been before the Senate for consideration. Time and time again it has been brought up here, and objections have been made to it. I will promise that the friends of the bill will not occupy fifteen minutes in its advocacy, and if its opponents, the Senator from Rhode Island [Mr. ALDRICH], the Senator from Connecticut [Mr. PLATT], and others, will do the same, we shall all dispose of the bill in thirty minutes, and either defeat it or pass it.

I want to say, parenthetically speaking, that appropriation bills are, of course, necessary for the sustenance and life of this Government, but this bill is of vital importance, I believe, to the people of our whole country. The object of a government is to make people happy, contented, and prosperous, as well as to protect them in their lives and property, and the millions of friends of this bill believe that it is a panacea for many of their wrongs. Give us, therefore, the opportunity of voting upon it, and whatever the result may be, we shall all acquiesce in it.

Mr. PLATT. Mr. President, I feel that I ought to make a single remark with regard to one observation of the Senator from California. This is the first time, I think, that a motion has been made to take up this bill. The continuous request has been that it should be considered by unanimous consent when we were considering unobjected bills. Being opposed to the bill, I have felt, under those circumstances, that it was my duty to object. I felt that this was a bill which should be discussed. I do not intend to discuss it at any great length, but I do intend before its passage to take sufficient time to inform the Senate of the very remarkable provisions which the bill contains.

Mr. ALLISON. Now, Mr. President——

Mr. ALDRICH. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. ALDRICH. As the Senator from California [Mr. PERKINS] has seen fit to allude to me as one of the opponents of the bill, I desire to say that I am opposed to the bill because I believe it is utterly impracticable and nonsensical, if such a word is a proper word in a parliamentary sense to use in connection with a bill; and I feel bound to call the attention of the Senate and the country, and of the labor organizations themselves, to its character, not at any very great length, but in my opinion, the bill will certainly occupy more time than is now at the disposal of the Senate if we are to dispose of the pending appropriation bills.

Mr. QUAY. Will the Senator from Iowa yield to me for a moment?

Mr. ALLISON. I yield.

Mr. QUAY. I suggest that a time be fixed for taking the vote on this bill. I think the Senator from California will agree to that suggestion.

Mr. ALDRICH. No time can be fixed until after the debate on the bill has been concluded.

Mr. ALLISON. I want to say to the Senator from California that I am not antagonizing this bill. I am simply stating the necessity of dealing with the appropriation bills now in preference to any other measure that is on the Calendar or is likely to be placed on the Calendar. I am perfectly willing that a time shall be fixed for a vote on the bill, and I should be glad if we could have a vote in fifteen minutes, and would yield to it; but if that can not be done, or a time can not be fixed, I feel it to be my duty to test the sense of the Senate by a yea-and-nay vote upon the expediency of proceeding with the Indian appropriation bill.

Mr. HOAR. What is the regular order?

Mr. PLATT. Mr. President, in regard to the matter of fixing a time to take a vote——

Mr. SHERMAN. Is it in order to debate a motion to take up a bill?

Mr. PLATT. No motion has been made.

Mr. HILL. The bill has been already taken up.

The VICE-PRESIDENT. The Chair will state the present condition of the bill. Upon the motion of the Senator from Pennsylvania [Mr. QUAY], the bill is now pending before the Senate. The Senator from Connecticut [Mr. PLATT] was recognized upon the bill.

Mr. TELLER. I ask the Senator from Connecticut to yield to me for just a moment.

Mr. PLATT. I will in a moment.

I want to say, with regard to the proposition to fix a time for taking a vote, that it is scarcely practicable before discussion has taken place upon a bill so important as this, which, as it seems to me, revolutionizes the whole system of legislation in this country, to fix a time for taking the vote. There is not, so far as I am concerned, going to be any great delay in discussion; but there ought to be discussion before we are asked to fix a time for taking a vote.

Mr. QUAY. I suggest that the vote be taken at 3 o'clock on the 1st of March, by unanimous consent.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Pennsylvania, that the vote be taken upon the pending bill at 3 o'clock on the 1st day of March. Is there objection?

Mr. HAWLEY. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. PALMER. Mr. President——

Mr. TELLER. I yield to the Senator from Illinois.

Mr. PALMER. I desire to say but a very few words in regard to this measure. It proposes an efficient commission to obtain information which is of the highest importance. The Congress, including the Senate, has made large appropriations for many objects, but none more important than this. The purpose of this bill is to secure information in regard to the distressing problems, the distressing embarrassments, which now attend the relations of capital and labor, including agriculture and manufactures. The bill contemplates an adequate payment to an adequate commission, that commission is to be aided by all suitable agencies, and if it shall find a solution for the distressing problems and distressing embarrassments which now divide our people into classes, sections, and various interests, it will have achieved more for this country than the construction of a man-of-war.

Mr. PLATT. Mr. President, if the discussion is going on upon this bill, I shall say what I have to say about it now.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me that I may test the sense of the Senate on the question of proceeding to the consideration of the Indian appropriation bill.

Mr. TELLER. Before that is done, I should like to say a few words, if I am now in order, if the Senator will yield for that purpose.

Mr. PERKINS. Mr. President, I am of a compromising nature. I ask unanimous consent to arbitrate this question. We have been talking about arbitration for some time. The distinguished Senator from Iowa, of course, when he undertakes anything, generally succeeds. We have not, I think, a law upon our statute books which is not in a measure one of compromise. Therefore I make the suggestion to the Senator from Iowa that when the last appropriation bill shall have passed the Senate this bill shall be taken up for consideration.

Mr. ALLISON. I agree to that with great cordiality. [Laughter.]

Mr. FAULKNER. I object to that.

Mr. HILL. I insist upon it that this bill is properly before the Senate, that the Senator from Connecticut [Mr. PLATT] has the floor, and can not be taken off the floor without his consent. This bill having been brought up by vote, its friends should stand by it and proceed to dispose of it.

Mr. ALLISON. All right.

The VICE-PRESIDENT. The Chair has stated the condition of the bill. The Chair does not understand whether the Senator from Connecticut has yielded the floor or not.

Mr. PLATT. I have not.

Mr. QUAY. Will the Senator from Connecticut yield to me for a moment?

Mr. PLATT. I will yield to the Senator from Pennsylvania for a moment.

Mr. HILL. I insist on the regular order.

Mr. QUAY. I will put in form the suggestion of the Senator from California [Mr. PERKINS]. I move that the further consideration of this bill be postponed until the last appropriation bill shall have passed at the present session; and that it shall then be the special order.

Mr. PERKINS. Provided it be not later than March 1.

Mr. ALDRICH. There can be no objection to that.

Mr. HILL. I rise to a point of order, that there can be only two motions to postpone—one to a day certain, and the other indefinite postponement; and this motion, while it would be sufficiently uncertain to move to take the bill up after the last appropriation bill is disposed of, is not in order under the rules of the Senate.

Mr. QUAY. I ask unanimous consent that that order be made.

Mr. HOAR. I suggest to the Senator that if there is to be no time until after the last appropriation bill passes the Senate, then this motion is simply a snare and a delusion, and of course does no good to the bill. If there is any such time, it belongs to other measures. I must object.

Mr. ALLISON. Now I ask the Senator from Connecticut to yield to me.

Mr. HILL. I insist on the regular order. The Senator from Connecticut is entitled to the floor and ought to proceed.

The VICE-PRESIDENT. The Chair has so determined; but the Chair submits to the Senate the request for unanimous consent. Will the Senator from Pennsylvania again state his request?

Mr. HOAR. That was objected to, Mr. President.

The VICE-PRESIDENT. Will the Senator from Pennsylvania again state his request for unanimous consent?

Mr. QUAY. My request was that the further consideration of the bill should be postponed until the last appropriation bill shall have been passed, and then that the bill shall be the special order.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Pennsylvania, that the consideration of the pending bill be postponed until the last appropriation bill shall have been disposed of, and that it shall then stand as the regular order.

Mr. HOAR. Disposed of by whom?

Mr. QUAY. Shall have passed the Senate.

Mr. HOAR. To that I object.

The VICE-PRESIDENT. Objection is interposed. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. ALDRICH. In a spirit of compromise, I suggest that we make the bill the special order for the 1st day of March.

Mr. PERKINS. And vote on the bill on that day.

Mr. ALDRICH. Make it a special order, and we will get a vote on it as soon as we can.

Mr. QUAY. Make it a special order for the 1st of March, after the conclusion of the morning business.

Mr. HAWLEY. I object to that.

Mr. HILL. I object to this joint debate.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. HAWLEY] objects. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. TELLER. I ask the Senator from Connecticut to yield to me.

Mr. QUAY. If the Senator from Connecticut will give way, I will move that the bill be postponed until the 1st of March, and be then made a special order at the conclusion of the morning business.

Mr. ALLISON. Let that be done.

The VICE-PRESIDENT. Does the Senator from Connecticut yield for that motion?

Mr. PLATT. I shall ask the yeas and nays on it.

Mr. PERKINS. I suggest to the Senator from Pennsylvania that he name an hour for voting. Otherwise the bill will be defeated.

Mr. QUAY. That consent we can not get.

Mr. PERKINS. Otherwise the bill will be defeated.

Mr. QUAY. I withdraw the motion. I am not in charge of the bill.

Mr. HILL. Let the Senator from Connecticut proceed with his remarks.

The VICE-PRESIDENT. The Senate will come to order. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. PLATT. Let me call attention now, Mr. President, since we have had this irregular and desultory consideration of the pending bill, to what its features really are.

Mr. ALLISON. I appeal to the Senator from Connecticut once more to yield to me that I may make a motion. I think he will find it more convenient to yield now, inasmuch as the bill is likely to be postponed, and that he will want to make his explanation of the bill when it is under consideration rather than now.

Mr. PLATT. I yield to the Senator from Iowa.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed [illegible] the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The Senator from Connec[illegible] yields to the Senator from Iowa to make a motion, which the Cha[illegible] submit to the Senate.

Mr. HILL. Mr. President——

Mr. ALDRICH and others. The motion is not debatable.

The VICE-PRESIDENT. The Chair will hear the statement of the Senator from New York.

Mr. HILL. I was going to ask the Senator from Iowa whether, the opponents of the bill having been heard on this question——

Mr. ALDRICH. Regular order!

Mr. HILL. Those who are in favor of it——

Mr. ALDRICH. Mr. President, I object to discussions upon the pending motion, which is not debatable.

Mr. HILL. Those in favor of the bill should have the opportunity to say a word.

Mr. ALDRICH. I ask that the rules of the Senate may be enforced.

Mr. HILL. I ask for the yeas and nays on the motion, and I hope the friends of the bill will vote the motion down.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Iowa [Mr. Allison] that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. HILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired generally with the Senator from West Virginia [Mr. Elkins]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. Gordon], and therefore withhold my vote.

Mr. MANTLE (when his name was called). I am paired with the junior Senator from Virginia [Mr. Martin]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. Thurston]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. MORRILL. I am paired with the senior Senator from Tennessee [Mr. Harris]. I think he would vote in favor of a motion to proceed to consideration of an appropriation bill: but not knowing certainly about it, I withhold my vote.

The result was announced—yeas 34, nays 28; as follows:

YEAS—34.

Aldrich,
Allison,
Baker,
Berry,
Blackburn,
Brown,
Caffery,
Call,
Chandler,
Chilton,
Cockrell,
Cullom,
Daniel,
Davis,
Frye,
Gorman,
Gray,
Hawley,
Hoar,
Jones, Ark.
McMillan,
Mills,
Morgan,
Nelson,
Pasco,
Platt,
Proctor,
Sewell,
Sherman,
Stewart,
Vest,
Walthall,
Wetmore,
Wilson.

NAYS—28.

Allen,
Bacon,
Bate,
Burrows,
Butler,
Cameron,
Cannon,
Gallinger,
Hansbrough,
Hill,
Irby,
Lindsay,
Lodge,
McBride,
Mitchell, Wis.
Murphy,
Palmer,
Peffer,
Perkins,
Pettigrew,
Pugh,
Quay,
Roach,
Shoup,
Teller,
Vilas,
Voorhees,
White.

NOT VOTING—28.

Blanchard,
Brice,
Carter,
Clark,
Dubois,
Elkins,
Faulkner,
Gear,
George,
Gibson,
Gordon,
Hale,
Harris,
Jones, Nev.
Kenney,
Kyle,
Mantle,
Martin,
Mitchell, Oreg.
Morrill,
Pritchard,
Smith,
Squire,
Thurston,
Tillman,
Turpie,
Warren,
Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. PETTIGREW. When this bill was last under consideration a portion of it was read formally, but an agreement was entered into by which we should commence with the beginning of the bill when it was again taken up and proceed to consider the amendments reported by the Committee on Appropriations. I therefore ask that that order be pursued.

The VICE-PRESIDENT. The Chair asks the Senator from South Dakota to repeat his request.

Mr. PETTIGREW. I ask that we dispense with the formal reading of the bill, and that the amendments of the Committee on Appropriations be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. BATE. What is that proposition, Mr. President? I did not hear it.

Mr. PETTIGREW. The proposition I make has already been agreed to, and was agreed to when the bill was heretofore laid aside.

The VICE-PRESIDENT. Will the Senator from South Dakota state his request for the benefit of the Senator from Tennessee [Mr. Bate]?

Mr. PETTIGREW. My request was that we proceed with the consideration of the bill and dispose of the amendments of the Committee on Appropriations as they are reached.

Mr. BATE. I do not see any objection to that.

Mr. WILSON. May I inquire of the Senator whether that will dispense with the formal reading of the bill as it came from the House of Representatives?

Mr. PETTIGREW. We have dispensed with the formal reading of the bill by unanimous consent.

Mr. FRYE. That was agreed to by unanimous consent a week ago, and all the Secretary has to do is to read the bill and take up the committee amendments as they occur.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Current and contingent expenses," on page 9, line 11, after the word "farming," to insert "within the State or Territory where such agency is located, and where practicable, competent Indians shall be given the preference;" so as to make the clause read:

> To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000: *Provided*, That no person shall be employed as such farmer or stockman who has not been at least two years immediately previous to such employment practically engaged in the occupation of farming within the State or Territory where such agency is located, and where practicable, competent Indians shall be given the preference.

Mr. CHILTON. Mr. President, that is an attempt to put into this bill what seems to me a very narrow sort of policy, that the men who are employed as farmers to assist the Indians, or to instruct them, shall have lived for two years within the State or Territory in which the agency is located. It was left out of this appropriation bill in the other House purposely. The provision has been reported by the Senate committee, and it occurs to me that it would be well to cut it out here. It is not a matter of great importance, and yet it establishes what I think is a bad principle, an attempt to prescribe that Federal officers shall be chosen from a particular locality.

Mr. WILSON. Mr. President, under the recent proclamation of the President of the United States placing all of these offices under the civil service, will an amendment of that character have any force and effect? I do not know. I make the inquiry.

Mr. ALLISON. I am not quite sure whether a law passed now would have any effect upon an Executive order made some time ago; but I rather think it might control it.

Mr. WILSON. All the offices of minor importance in the United States are now under the control of the civil service trust, even to the cooks and the gardeners in the penitentiaries. The cook in the penitentiary at McNeils Island, in the State of Washington, I suppose would have to pass an examination in trigonometry, or something of that character. [Laughter.] The order is sweeping in its character, and takes in every office except those confirmed by the Senate of the United States. In my judgment, therefore, an amendment of this character would seem to me to have no effect whatever. We may get a farmer upon an Indian reservation from Rhode Island or from any other place. I do not think the provision amounts to anything.

Mr. CHILTON. I urge again that the provision in question be stricken out. I am no special friend or champion of the civil-service system. That, however, is not the subject here. If the civil-service law makes the provision nugatory, it will do no good, and should not be inserted. But I am inclined to think that if we put the provision in the bill it might lead to embarrassment. It is of doubtful constitutionality. I do not think Congress has a right to make limitations upon the eligibility to Federal office.

Mr. PETTIGREW. I will say that the reason which prompted the committee to insert this amendment was this: Heretofore, especially under the administration of the last Secretary of the Interior, farmers were brought, for instance, from Mississippi and Georgia to the State of South Dakota, and from the Northern States generally, to teach the Indians how to farm. In South Dakota they do not raise the same crops which are raised in Mississippi. Our Indians could not be taught to raise peanuts and cotton. Therefore there was utter demoralization of the service as a result of this practice. Under the civil service, and these appointments are under the civil service, lists can be prepared so as to avoid that. Otherwise it will occur constantly. Men from the Southern States will take the civil-service examination and be sent to teach Indians in the Northern States the kind of farming which it is impossible for them to follow.

The amendment contains two important conditions. First, that the farmers shall be residents, experienced in farming in the locality near the agency, where they have a knowledge of the kind of farming which the Indians can follow in that climate. Second, competent Indians shall be given the preference. Indian boys have been educated at our schools in the North and are abundantly able to fill these places. Yet the pressure for patronage is so great that those boys will be shut out in every instance unless we provide by law that they shall be given the preference. It seems to me the amendment is important. It covers two important questions, and I think it ought to be adopted by the Senate.

Mr. CHILTON. To that part of the amendment which proposes that where practicable Indians shall be given preference, I have no sort of objection, but to hamper the appointing power by certain geographical lines and say that officers selected by the Government of the United States shall reside in a particular State is, in my judgment, a departure from the constitutional and national system which our fathers set on foot. It is true that the employment of a few men on an Indian reservation is intrinsically a small matter, but when you analyze the issue it is just that question which we have had up in the Senate from year to year in different forms.

It is true that it would be very inexpedient to select a farmer from Texas, for instance, and send him to South Dakota to instruct the Indians of that particular section. I do not believe any Indian Commissioner who has a proper conception of his duties would do so. Why? Because such a man is not best fitted for the particular duty to which he is assigned. But, sir, suppose that for a reservation on or near the border of Nebraska and South Dakota, and yet inside the line of South Dakota, the Indian Commissioner should select a farmer living right across the line in Nebraska. That might be a very proper exercise of his discretion. The amendment is an attempt to superadd to the constitutional qualifications of Federal officers a certain further qualification which we have no right to make. I shall ask for a yea-and-nay vote on agreeing to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. VEST and Mr. HAWLEY. What is the amendment?

The VICE-PRESIDENT. The amendment will again be stated.

Mr. HAWLEY. On what page is it?

Mr. PETTIGREW. Page 9.

The Secretary. On page 9, line 11, after the word "farming," it is proposed to insert:

> Within the State or Territory where such agency is located, and where practicable competent Indians shall be given the preference.

Mr. WILSON. I desire to ask Senators, in all candor, whether they do not think that in some way or some manner a further amendment should be added to this provision, taking out of the classified service farmers upon Indian reservations? We are trying to provide here that wherever practicable Indians who are competent shall be given the preference. It is a well-known fact that if an Indian be compelled to undergo an examination which the Civil Service Commission may provide, it would be impossible and impracticable for him to pass it. He might have some knowledge of farming; he might know something relative to sowing and reaping; he might be a fairly good instructor upon farming, but he would know very little about differential calculus; he would know very little about the lost tribes of Israel, and other matters which might be embraced in the examination that the Commission would provide for him.

It seems to me that if we are to have any practicable reform of this character and to give the Indians the benefit of having instructors on farming, this class of appointments must be taken out of the classified service, and that is true in many other particulars. A very wide and very sweeping order has been made. It is depriving men who have not had the opportunity to receive an education of the chance to do a certain class of work that is provided by the Government. All teamsters, all men who drive wagons, all men who cook in penitentiaries, all guards in penitentiaries, are now under the classified service. It seems to me, with all respect to the source from which the order emanates, that it is a very great and serious mistake.

Mr. GALLINGER. Will the Senator from Washington yield to me for a moment?

Mr. WILSON. Certainly.

Mr. GALLINGER. I quite agree with the Senator in his expressed views of civil service. I should make them a little more emphatic than he does if I were discussing that particular topic. I wish to ask the Senator if he thinks this language would exclude these men from the operations of the civil service:

> And where practicable, competent Indians shall be given the preference.

Does the Senator think that that language will procure for these men employment without reference to the Civil Service Commission?

Mr. WILSON. It is very doubtful.

Mr. GALLINGER. I should think it would not.

Mr. WILSON. It is a doubtful question. In the first place, we talk a good deal about trusts in the Senate of the United States, but the greatest trust is the civil-service trust.

Mr. GALLINGER. That is right.

Mr. WILSON. I do not know what the Commission would do. I am a friend of a proper, legitimate, reasonable civil service, but I am not a friend of the civil service where I do not think it will operate to the best interest of the service of the United States, and I do not believe it will do so as to Indian farmers. I do not believe it will do so with cooks for penitentiaries. I do not believe it will do so with teamsters. I do not believe it will do so with blacksmiths. I do not believe it will do so with harness makers and all that class of labor. There are a great number of poor men in this country who have not had an opportunity to acquire an education who desire those places and who have learned these trades and have a thorough knowledge of them. They ought to have an opportunity to obtain them, but they can not without undergoing the examinations that the Civil Service Commission may prescribe.

Mr. CHILTON. Of course, when that question comes up——

Mr. WILSON. It is up right here, Mr. President, upon this amendment.

Mr. CHILTON. I move to amend the committee amendment by striking out line 12 on page 9. That will leave that part of the amendment which provides that a preference shall be given to Indian farmers and strikes out that part of it which requires that the farmers shall be appointed from the State or Territory.

The VICE-PRESIDENT. The amendment of the Senator from Texas to the amendment of the committee will be stated.

The Secretary. It is proposed to amend the amendment by striking out, on page 9, line 12, as follows:

> Within the State or Territory where such agency is located.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CHILTON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. Proctor]. I do not know how he would vote on this question.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. Turpie]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from West Virginia [Mr. Elkins]. I do not know how he would vote.

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. George], who is not present. I therefore withhold my vote.

Mr. MANTLE (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. Martin]. If he were present, I should vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. Dubois], who is not present.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Nebraska [Mr. Thurston]. As he is not present, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. Mitchell]. I am advised that if present he would vote "nay.". Therefore I withhold my vote, for I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. Pritchard]. If he were present, I should vote "yea."

Mr. MANTLE. I have a general pair with the junior Senator from Virginia [Mr. Martin], as I have stated. The Senator from New Jersey [Mr. Smith] has a general pair with the Senator from Idaho [Mr. Dubois]. I have the consent of the Senator from New Jersey to transfer my pair with the Senator from Virginia to the Senator from Idaho, so that I may vote. I vote "nay."

Mr. VILAS. I ask the Senator from Oregon [Mr. McBride] if he desires to transfer pairs, so that he and I can vote on this question?

Mr. McBRIDE. I should be very glad to transfer pairs.

Mr. VILAS. Then let the Senator's colleague [Mr. Mitchell] stand paired with the Senator from Mississippi [Mr. George], and the Senator can vote, and I will. I vote "yea."

Mr. McBRIDE. I vote "nay."

The result was announced—yeas 17, nays 32; as follows:

YEAS—17.

Bate,
Berry,
Caffery,
Chilton,
Daniel,
Gray,
Hawley,
Jones, Ark.
Lindsay,
Mills,
Morgan,
Palmer,
Pasco,
Roach,
Vest,
Vilas,
Walthall.

NAYS—32.

Aldrich,
Allen,
Allison,
Bacon,
Blackburn,
Brown,
Burrows,
Butler,
Cameron,
Cannon,
Cullom,
Frye,
Gallinger,
McBride,
McMillan,
Mantle,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Quay,
Sewell,
Shoup,
Stewart,
Teller,
Turpie,
Voorhees,
Wetmore,
Wilson.

NOT VOTING—41.

Baker,
Blanchard,
Brice,
Call,
Carter,
Chandler,
Clark,
Cockrell,
Davis,
Dubois,
Elkins,
Faulkner,
Gear,
George,
Gibson,
Gordon,
Gorman,
Hale,
Hansbrough,
Harris,
Hill,
Hoar,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lodge,
Martin,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Pritchard,
Sherman,
Smith,
Squire,
Thurston,
Tillman,
Warren,
White,
Wolcott.

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Chippewas of Minnesota, reimbursable," on page 14, line 20, before the word "thousand," to strike out "one hundred and twenty-five" and insert "seventy-five;" and in the same line, after the word "dollars," to strike out "so much thereof as may be necessary for the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., to be immediately available;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools, for subsistence and for pay of employees; for pay of commissioners and their expenses; and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $75,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

For the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., $50,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 15, line 8, after the word "dollars," to insert the following proviso:

Provided, That all lands acquired and sold by the United States under the "Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, shall be subject to the right of the United States to construct and maintain dams for the purpose of creating reservoirs in aid of navigation, and no claim or right of compensation shall accrue from the overflowing of said lands on account of the construction and maintenance of such dams or reservoirs. And the Secretary of War shall furnish the Commissioner of the General Land Office a list of such lands, with the particular tracts appropriately described, and in the disposal of each and every one of said tracts, whether by sale, by allotment in severalty to individual Indians, or otherwise, under said act, the provisions of this paragraph shall enter into and form a part of the contract of purchase or transfer of title.

The amendment was agreed to.

The next amendment was, under the subhead "Kickapoos in Kansas," on page 21, line 21, after the word "cents," to strike out:

Merchants and others doing business with and having accounts against Indians to whom allotment of lands has been made in any reservation in the State of Kansas shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing, in an orderly manner, such debts, but any Indian agent shall have power to remove any person from the reservation who is there for the purpose of gambling or inciting insubordination among the Indians.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill why it is proposed to strike out the lines which provide that merchants and others doing business with and having accounts against Indians, etc., may have the privilege of going upon the reservation in an orderly manner to collect their debts? It seems to me that if these Indians are in debt, and are dishonest, it is very proper that those who have trusted them should at least have the privilege of going upon the reservations to try to collect their honest bills.

Mr. PETTIGREW. The committee recommends striking out the provision of the House for the reason that we have upon the agencies licensed traders who are required to give bond to conform to certain rules of the Department. The Department has a right under those rules to fix the prices at which the traders shall sell goods. So far as I am concerned, I am in favor of making trade absolutely free upon the agencies, allowing anyone who will conform to the rules of the Department and give a bond to go there and trade. But if we allow people from the outside, without any restriction or restraint upon them whatever, to come in and collect when the money is paid to the Indians, they take advantage of the Indians, and when the check is delivered they stand in close proximity to the officer of the Government and get possession of it, giving the Indian credit. The result is that they make from 50 to 300 per cent profit on the goods they sell to the Indians on time, and are able to make absolutely certain of their pay. They charge a profit which more than pays them for all the risk they take as to whether the Indian will come and pay them when he gets his money, and then if they are permitted to go upon the reservation they secure their pay at once. The checks are taken from the Indians in many instances without their consent, or by forced consent. In some instances they are taken from Indians who can not speak the English language, and they do not know what the purpose or object is. Therefore the committee thought it wise to hedge about these payments, so as to protect the Indians as far as possible in this connection.

Another remedy might be applied. We might provide that no one should trade upon an agency at all. Perhaps that would be a good plan, and then allow no one to go there to collect, and if the traders choose to trust the Indians let them take their chances as to whether or not they get their pay. I think perhaps that would eradicate many of the evils which exist in connection with trading with the Indians. Certain it is that without this provision a swarm of collectors who have sold the Indians all sorts and kinds of articles by misrepresentation of every character will appear at every payment and gather up every dollar that is coming to the Indians. Then until the next payment the Indians must again go into debt, paying enormous prices for things they do not need. But if the traders can not go upon the agency to collect, they will be very careful about giving credit, they will be very careful about the things they sell, and thus the Indians will be protected. Therefore I believe it is important that this provision should be stricken out.

Mr. GALLINGER. Mr. President, I recognize the fact that the Senator from South Dakota (who has dealings with the Indian tribes more or less, and I am a representative of a State that knows very little about this Indian question, except theoretically) understands this question much better than I. Nevertheless, I have had some very trivial dealings with Indians, and I have yet to recall the circumstance where I did not get the worst of it. I do not think there is any very great danger of these Indians being robbed if they are compelled in an orderly and proper way to pay their debts. If they go away from their reservations and secure goods upon a promise of payment, and then the merchant who has given them those goods is not permitted, either in person or by an agent, to go upon the reservation to make demand that they shall pay what they honestly owe, it seems to me we are legislating against the white people for the benefit of the Indians to a much greater extent than we ought to do in an Indian appropriation bill.

I confess, as I said in the beginning, I know comparatively little about this matter. It simply strikes me as being a business transaction that is one sided and unfair. I think the House was wise in putting in the language which the Senator from South Dakota desires to have stricken from the bill. I shall vote against the amendment, but I presume it will pass, and I shall not occupy the attention of the Senate a single moment further in the discussion.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the adoption of the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the subhead "Pawnees," on page 24, line 7, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $50,000 out of their trust land money on deposit in the United States Treasury.

Mr. GALLINGER. Before that amendment is passed upon, I desire to ask the Senator in charge of the bill a question. Here is an amendment providing that the Pawnee tribe of Indians shall be paid in cash the sum of $50,000 per capita out of their trust-land money on deposit in the United States Treasury. I confess that it is somewhat of a surprise to me in my ignorance to know that we have such a class of aristocrats and bondholders in this country as the Pawnee tribe of Indians seem to be, that they can draw out their trust-land money $50,000 a head. I do not object to it, because I take it for granted that the money is there and that it belongs to them; but what I want to ask is, What conditions were imposed when this money was placed on deposit in the United States Treasury? Probably the Senator from South Dakota can in a very few words enlighten my mind on that point. The money was put there for some good purpose; it is there on deposit, I take it, to the credit of this tribe of Indians; but I assume there are some conditions attaching to it, some guards, some provisions that enable it to be held there for some good purpose. I would like to know what those conditions are and why we should now legislate to let $50,000 per capita of that money loose to these Indians, who, the Senator says, are capable of doing business? It is a query in my mind just what will become of this vast amount of money when these untutored savages get hold of it.

Mr. PETTIGREW. The Senator has mixed up a speech with his question. I will try and weed the question out of the speech and answer it. These Indians sold their surplus lands to the Government several years ago and took allotments in severalty. I believe under the so-called Dawes Act of 1887 they received a certain sum of money for the land which they sold, which was

placed in the Treasury of the United States, bearing interest at 5 per cent. The sum is not large; it is about $450,000. Therefore the interest money was not sufficient to make the necessary improvements in order that they might proceed to cultivate their allotments.

Mr. PLATT. Will the Senator from South Dakota permit me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. PETTIGREW. Certainly.

Mr. PLATT. The Senator from New Hampshire evidently supposes, from his remarks, that the sum of $50,000 is to be paid to each Indian.

Mr. PETTIGREW. I will say, as to the form of the amendment, if that is what troubles the Senator from New Hampshire, it was drawn by the Interior Department in the exact form in which it is placed in the bill; that it is hardly capable of the construction which the Senator gives it; and that the payment is recommended by the Department.

Mr. GALLINGER. I will say to the Senator that the form of the amendment does not trouble me, because I honestly supposed, after reading the amendment twice, that it meant precisely what I said, that $50,000 per capita was to be distributed to these Indians. Of course, if the whole amount is $50,000, I have nothing further to say on that point.

Mr. GRAY. There is no question, perhaps, about what was intended, but the point is what is stated. It is stated in this amendment that the Government is not to distribute, but to pay to the Pawnee Indians in cash per capita $50,000.

Mr. GALLINGER. Certainly.

Mr. ALLISON. To be distributed per capita?

Mr. GRAY. The words "to be distributed" would relieve the ambiguity, of course.

Mr. PETTIGREW. I have no objection to that amendment to the amendment, although I do not think there is any danger that the Pawnees will get $50,000 apiece as it now stands.

Mr. ALLISON. I think the Senator is right. I do not believe they would get $50,000 apiece. They will do very well if they get $5 apiece.

Mr. CHILTON. Mr. President, I have an objection to the pending amendment of a more serious character than that suggested by the Senator from New Hampshire. As I understand it, this is a part of the trust fund of these Indians which is deposited in the Treasury and upon which they collect an interest of about $22,500 a year. The amount of the principal is not quite so great as was stated by the Senator from South Dakota. As I recollect it, the amount of the fund they have on hand is about $425,000.

Mr. PETTIGREW. That is about the amount.

Mr. CHILTON. About four hundred and twenty-five thousand. These Indians also get a permanent annuity of $30,000, which is provided for in the appropriation bill. They also get other appropriations in this bill which swell the amount to between $47,000 and $50,000, independently of the item now under discussion and the annual interest. Now, this annual interest on the trust fund is, as stated, about $22,500. Thus the Pawnees will draw about $70,000, even if the sum now debated is withheld.

How many of these Indians are there? I understand there are only about 140 families. They are located in some of the best country of Oklahoma. Their land is south of the Canadian River. It adjoins that of the Osages. I for one do not think that this trust fund ought to be invaded from year to year, and in that way all the permanent investment of this remnant of an Indian tribe wasted, and the Indians left to be a charge upon the Treasury of the United States.

Some of these Indians—for example, the Fort Hall Indians—that are provided for in this appropriation bill are, I understand, now on the bounty of the United States Government. If we adopt the method proposed and dwindle away the permanent trust fund of these Pawnee Indians, in a few years the Government of the United States will have to support them as paupers. Think of it; you divide about $70,000, without counting the sum mentioned in the amendment, among, say, 140 families. Now, if you make an additional appropriation, which runs the total amount up to about $120,000, to be distributed to them, it seems to me that you have made an unwise appropriation.

The Senator from South Dakota remarks that that is recommended by the Secretary of the Interior. I understand from my reading of the papers connected with this matter that it is recommended perhaps by the Commissioner of Indian Affairs, but the Secretary of the Interior simply refers it to Congress for its disposition. I do not think that the letter of the Secretary of the Interior can be considered as an indorsement of this particular appropriation. On the other hand, he states in his letter, as I remember it, that he endeavored to persuade these Indians to consent to take only $25,000, or enough to reduce their trust fund to $400,000.

Mr. PETTIGREW. I will say for the information of the Senator from Texas that the Secretary recommended $50,000, and that he drew the amendment so far as it appears in the bill and sent it down.

Mr. JONES of Arkansas. Will the Senator let the Secretary's recommendation be read to the Senate?

Mr. PETTIGREW. I have it not here.

Mr. CHILTON. The Senator says it is not here. I should like to have the Senator from South Dakota procure it and read it during the consideration of this question.

Mr. PETTIGREW. Let us pass over the item, and I will send and get the letter of the Commissioner of Indian Affairs in regard to this subject.

Mr. CHILTON. Oh, the letter of the Commissioner of Indian Affairs. I am drawing a distinction between the recommendation of the Commissioner of Indian Affairs and that of the Secretary of the Interior.

Mr. PETTIGREW. I will have them both here.

Mr. CHILTON. All right.

The PRESIDING OFFICER. If there be no objection, the amendment will be passed over.

The reading of the bill was resumed, as follows:

POTTAWATOMIES.

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80.

Mr. ALLEN. I wish to call the attention of the Senator in charge of the bill to the fact that this appropriation is payable in silver. I should like to ask him why it is made specifically payable in silver?

Mr. PETTIGREW. Because of the treaty.

Mr. GALLINGER. It is a treaty provision.

Mr. ALLEN. I know the position of the Senator from South Dakota, but I should like to have his associates explain to the Senate why we are to pay these benighted children of nature any money that is said to be worth only 50 cents on the dollar? I have noticed this same provision elsewhere; it runs in substance through the bill. I insist that the members of the Appropriations Committee, who claim to be sound-money men, and who claim to have a monopoly of all the wisdom upon the science of finance, shall not be guilty of the crime, if I may be permitted to call it a crime, of imposing 50-cent dollars upon these Indians. I raise the question upon this particular portion of the bill because all through the bill I find appropriations to Indians payable specifically in silver.

Mr. President, you are somewhat familiar with this question yourself from long contact in the Senate. The country is somewhat familiar with it. If a silver dollar is a dishonest dollar for a white man, it is a dishonest dollar for a red man, and the poorer and more defenseless the individual to whom it is to be paid, the less excuse there is for imposing it upon him.

Mr. HILL. Will the Senator read the clause?

Mr. ALLEN. The Senator from New York asks me to read the clause, which I will do. It is found on page 24——

The PRESIDING OFFICER. The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. PETTIGREW. I ask that the unfinished business be temporarily laid aside, and that we proceed with the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the Indian appropriation bill. Is there objection?

Mr. NELSON. The bankruptcy bill is to be laid aside without any prejudice, and is to retain its place?

The PRESIDING OFFICER. That is the effect of the request of the Senator from South Dakota. The Chair hears no objection, and it is so ordered. The Senator from Nebraska will proceed.

Mr. ALLEN. The Senator from New York asks me to read the provision upon which I have been commenting. It is found on page 24 of the bill, and is as follows:

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80.

And then it goes on:

For permanent annuity, in silver, per third article of treaty of September 30, 1809, $178.20.

There are several other provisions for the payment of money, all specifically payable in silver.

Mr. WILSON. Will the Senator from Nebraska read the provision beginning on line 22? That will more nearly fit his case than any other on the page, I think.

Mr. ALLEN. Beginning in line 22, that provision reads:

For permanent annuity, in money, per second article of treaty of September 20, 1828, $715.60.

Mr. WILSON. I suppose that would be entirely satisfactory to the Senator. There is no objection——

Mr. ALLEN. I do not know that it would be entirely satisfactory to me unless the word "sound" were inserted before the word "money."

Mr. WILSON. Does the Senator propose to make that amendment?

Mr. ALLEN. No; I do not move that amendment, because I am not charged with any responsibility whatever for any of these appropriation bills.

Mr. WILSON. The Senator from Nebraska is not reading a lecture to his friend from South Dakota upon the money question?

Mr. ALLEN. Oh, no, Mr. President: the honorable Senator who is in charge of the bill is in enforced service. I do not think——

Mr. WILSON. Oh, no; I beg the Senator's pardon. He can retire from it at any moment. There would be plenty very glad to take his place. I should be very glad to take it myself. There will be no force about it, either.

Mr. ALLEN. In so far as he is advocating or compelled to advocate in behalf of the committee the payment of these Indians in silver money——

Mr. WILSON. I should like to hear the Senator from Nebraska also upon the provisions of the treaty which provide that this money shall be paid just as is provided for in the bill.

Mr. ALLEN. The Senator will have to speak louder, or I shall not be able to hear him.

Mr. WILSON. I ask the Senator from Nebraska if it is not a fact that the treaty made with the Pottawatomie tribe of Indians provided that this money should be paid in silver?

Mr. ALLEN. Oh, I think it did.

Mr. WILSON. Then why violate the treaty?

Mr. ALLEN. I do not want to violate the treaty, and I do not want the committee to violate it.

Mr. WILSON. They are not doing so.

Mr. ALLEN. But at the time when these treaties were made silver was sound money, according to the general understanding, in this country.

Mr. WILSON. We were on a silver basis, were we not?

Mr. ALLEN. Oh, no; we have never been on a silver basis. Silver was sound money at that time. But, Mr. President, we have progressed according to the argument of some, and we have reached a period in financial evolution where silver has ceased to be sound money, according to the view of many Senators here, and has become simply a cheap metal, a mere commodity. I want to protest against the Committee on Appropriations imposing upon these poor defenseless Indians what the honorable senior Senator from Ohio in his long experience in public life has recently denounced as a mere cheap metal. I can understand the philosophy of imposing it upon a great strong man or a strong nation capable of caring for themselves, but I can not understand that peculiarity which seemingly runs through human nature that induces the strong and the intelligent to impose upon the weak and the ignorant. I wish there were members of the Appropriations Committee here other than the Senator from South Dakota.

Mr. WILSON. There is one right beside the Senator.

Mr. ALLEN. I am aware of that, but the Senator from Florida [Mr. CALL] is a silver man, too. Every gold monometallist upon the committee has deserted the Chamber at this time. Every gold monometallist has gone. I see the senior Senator from Colorado [Mr. TELLER] present, but he is a silver man, too. I hope the honorable Senator, the senior Senator from Ohio, the champion par excellence of sound money in this country, will give the Senate the benefit of his judgment in regard to paying these poor, benighted Indians in 50-cent dollars.

Mr. PLATT. Do I understand that the Senator from Nebraska is objecting to this item in the bill?

Mr. ALLEN. I am seeking information upon the subject. Perhaps the Senator from Connecticut can give it. The Senator from Connecticut is a sound-money man. Will the Senator from Connecticut vote to pay these Indians in 50-cent dollars?

Mr. PLATT. If the Senator asks me, I am very happy to say that up to this time the silver dollars of this country are just as good as gold dollars. When we pay the Indians a silver dollar, we pay them something of equal value to a gold dollar.

Mr. STEWART. Why do we not pay the bondholder the same money?

Mr. PLATT. What I want, as a sound-money man, is that we may keep these silver dollars just as good as gold dollars.

Mr. STEWART. If they are just as good as gold dollars, why do we issue bonds to get gold?

Mr. VILAS. I understand that is by reason of the crime of 1873.

Mr. STEWART. No; it is in consequence of the conduct of the criminals who have since joined the band.

Mr. ALLEN. I hope the Senator from Connecticut will give me his attention and not retire to the cloakroom after having made that remark. The Senator from Connecticut and his party told the country last fall that these dollars were worth only 50 cents on the dollar.

Mr. PLATT. I beg pardon of the Senator. I do not know what my party told the country, but I always insisted upon it on the stump that our silver dollars had been kept just as good as the gold dollars; that as long as we could do that I was quite willing to use silver dollars; but that I feared the Senator's party was going into a scheme for the coinage of silver which would reduce the value of the silver dollar to about 50 cents.

Mr. ALLEN. I am utterly astounded, and I have been astounded at times before in my life——

Mr. NELSON. Mr. President, I rise to a question of order. Is the pending measure the Indian appropriation bill, or is it a free-coinage bill?

Mr. ALLEN. The Senator from Minnesota is himself out of order.

Mr. WILSON. Every measure is a free-coinage bill as far as the Senator from Nebraska is concerned.

Mr. ALLEN. Yes, sir; and it would be better for the constituents of the Senator from Washington if every measure was a free-coinage bill with him.

Mr. WILSON. I will take care of the constituents of the Senator from Washington probably as well as the Senator from Nebraska will take care of his constituents.

Mr. ALLEN. Oh, doubtless.

Mr. WILSON. I shall try to do so, at any rate. I may fail.

Mr. ALLEN. The Senator interjected himself into the discussion. He must take what he gets.

Mr. WILSON. I did it only once. I will at all times observe all the proprieties the Senator from Nebraska observes.

The PRESIDING OFFICER. The Senator from Nebraska has the floor. The Chair calls the attention of Senators to the rule which provides that when a Senator desires to interrupt a Senator who has the floor it is the duty of that Senator to rise and address the Chair. It is only through the medium of the Chair that a Senator upon the floor can be interrupted.

Mr. ALLEN. Mr. President, I am utterly surprised to hear the honorable Senator from Connecticut now deny any responsibility for the advocacy of his party last fall. Every newspaper was full of it. Every magazine was full of it. Every member of his party from the hustings spoke of the dishonesty of this country in undertaking to foist silver dollars upon the people. They were denounced as 50-cent dollars. Every epithet that human ingenuity could coin and express was used against them. We were told that the national honor was at stake, and that every man who advocated the cause of free coinage was an anarchist, a socialist, an ignoramus, if not an absolute criminal—an idiot, as my friend from Texas suggests to me. Yet at the very first opportunity the Republican party get to put a few hundred thousand of these worthless dollars upon some poor, ignorant, blanket Indians, who know nothing whatever about the science of finance (because the Republican party are in charge here, and they are in charge of the Committee on Appropriations), that moment we are to foist these worthless dollars upon those poor Indians. I do not suppose it is possible for me to check it. I do not think I possess influence enough over the committee to check an outrage of this kind. But the great Populist party, that numbers six million and a half voters in this country to-day, would not be guilty of a moral crime so great against any tribe of Indians as is sought to be perpetrated in this measure.

Mr. WILSON. Mr. President, the distinguished Senator from Nebraska has seen proper to interject into the debate on the Indian appropriation bill a little of the last political campaign. As I interrupted him, I desire to say a single word now.

There was something else in the last campaign, I will say to the Senator from Nebraska, besides the free and unlimited coinage of silver at the ratio of 16 to 1. While, as far as I was personally concerned, upon the stump I had no epithets, for I will say nothing unkind or ungenerous to those who may be in political opposition to me, the word "anarchist" was used. Why was it used, Mr. President? How did that word get into the political campaign? It was not over free coinage of silver at the ratio of 16 to 1; but I call the attention of the Senator from Nebraska to the fact that in the platform adopted at Chicago there was placed one plank which differed only in degree from the utterance of Jefferson Davis in 1860. Mr. Davis said, "I will take my State out of the Union." Mr. Altgeld said, in the city of Chicago in that platform, "The Union shall not come into my State." Around that revolved some of the issues of the last campaign. That called forth epithets. The question was not alone the free coinage of silver; it was whether law and order should be maintained in this country as enunciated by the President that you have inducted into power. Those are some of the reasons as to that portion of the case, to which I call the attention of the Senator from Nebraska.

Mr. ALLEN. I regret very much that my learned and very amiable friend from Washington [Mr. WILSON] should inject into this discussion an issue entirely foreign to the true issue. I had said nothing about and I am not the defender of the Chicago platform; I am not responsible for it; but as to the remarks of the Senator from Washington concerning one of the issues which I suppose he intends to refer to in respect to the denunciation of the Supreme Court, while that did not occur in the Populist platform, and does not occur there, I fully and heartily approve of the Chicago platform upon that subject. If you will take the Republican platform of 1860, upon which Mr. Lincoln was elected, there never was a more vehement and open and bitter denunciation of the Supreme Court of the United States in all the history of this country than will be found right there. The Dred Scott decision is denounced; the court that rendered it is denounced, and, in my judgment, properly. I never expect to see the time during my life when, if I believe a public officer ought to be denounced, I shall be restrained from denouncing him anywhere. We arraign the President of the United States. He is arraigned here every day. He is a public servant; his acts as a public servant are open to criticism; they are open to the construction of those whose duty it may be to criticise them. Congress is arraigned; every branch of this Government is subject to arraignment. The first argument with every tyrant upon the face of the earth has been immunity from criticism. There never was a tyrant from the days of Nero down, and in fact preceding the age in which he lived, with whom the first step was not what was called official discretion, moving away from the true tenets and foundation of the government at will, and the next step was to claim immunity from criticism.

What is there about the Supreme Court of the United States which is different from any other organization? I suppose they are men of flesh and blood like other men and with frailties like other men. I do not suppose when a man goes upon the Supreme Bench of the United States that he becomes a paragon, or puts upon himself wings, or is not subject to just and reasonable criticism. All through the history of this country the Supreme Court has been criticised. Jefferson said—and he carried out his threat—that he would reorganize the Supreme Court in consequence of a decision made by it. Jackson did the same thing; and did reorganize that court. The Republican party in 1860 declared against the Dred Scott decision, which was, in my judgment, a perversion of the law; and that declaration found expression in its platform. The people repudiated Roger B. Taney and his associates and the decision made by them.

Two years ago the Supreme Court of the United States deliberately overturned five decisions upon the subject of the income tax. In 1789 they entered a judgment in the Hylton Case, holding an income tax to be constitutional. Five times after that, down to 1882, in the Springer Case, they held the same doctrine; but in 1895, after holding the act of 1894 constitutional in part, they had a rehearing—always a dangerous thing to litigants—and one judge, who had held with the majority but a month or two preceding that holding that act was constitutional in part, subsequently changed front, and held it unconstitutional throughout. Does any man say that that judge is not subject to arraignment? I say Mr. Justice Shiras owes it to the world to explain why he changed front so suddenly upon that subject. I do not say that his motives were not of the best. Upon that I say nothing, for I know nothing; but, Mr. President, the change was so radical and so extreme that he will go into history under a cloud unless he explains to the world the motives which actuated him in changing his position upon the income tax.

So it is not out of place for me to criticise the Supreme Court, and it was not out of place for the Chicago platform to arraign the Supreme Court as it did.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the subhead "Quapaws," on page 26, line 6, after the word "education," to insert "during the pleasure of the President;" and in line 11, after the word "dollars," to strike out:

> That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

So as to make the clause read:

> For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "Sioux of different tribes, including Santee Sioux of Nebraska," on page 32, line 14, to insert the following proviso:

> *Provided*, That the Secretary, in his discretion, is authorized to pay said amount per head in money: *Provided further*, That it shall be the duty of the Secretary of the Interior hereafter to cause the actual delivery of the woolen clothing herein contemplated and contemplated in prior acts of Congress and treaties to the Sioux and Ponca Indians of Nebraska and North and South Dakota by the 1st day of November of the fiscal year for which such appropriations shall be made.

The amendment was agreed to.

The next amendment was, on page 33, line 9, after the word "dollars," to insert "of which amount $3,000 may be expended by the Secretary of the Interior for completing the artesian well at the Rosebud Indian Agency in South Dakota;" so as to make the clause read:

> For subsistence of the Sioux, and for purposes of their civilization, as per agreement, ratified by act of Congress approved February 28, 1877, $900,000, of which amount $3,000 may be expended by the Secretary of the Interior for completing the artesian well at the Rosebud Indian Agency in South Dakota: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall have the preference in employment: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, under the subhead "Sisseton and Wahpeton Indians," on page 34, line 22, to insert the following proviso:

> *Provided*, That the Sisseton and Wahpeton Indians are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years for farming or grazing purposes, and at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I should like to ask the Senator in charge of the bill if there is any reason for holding the renewals of these leases subject to approval by the Secretary of the Interior, which would not apply to the original leases?

Mr. CHILTON. The bill seems to provide that the renewed leases may be made for a longer time.

Mr. JONES of Arkansas. I do not so understand it. It reads:

> And, at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

Mr. CHILTON. The second lease seems to assume that the Indian may lease his land for a longer time than three years.

Mr. PETTIGREW. What was the question of the Senator from Arkansas?

Mr. JONES of Arkansas. I called attention to the amendment of the committee on page 34, where there is a provision that the Sisseton and Wahpeton Indians may be allowed to lease their lands; and after that the amendment says:

> And, at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

I ask what reason there could be for requiring the approval of the Secretary of the Interior to the renewal of a lease that would not apply to the lease in the first instance?

Mr. PETTIGREW. The Sisseton and Wahpeton Indians have grazing and agricultural lands, but these are lands that are unimproved. One of the Indians appeared before the Committee on Appropriations and asked that this provision be made, for the reason that they found it impossible to lease these raw and unimproved lands and comply with the rules of the Department in relation thereto. For instance, the Department requires that a man shall give bond and that certain forms shall be pursued; that he shall get two bondsmen if he wishes to lease a piece of this Indian land; and they found it impossible to lease their unimproved lands and comply with these conditions. An Indian who had children would have for his allotment 160 acres of land and his children an allotment of 160 acres—more than he wants to cultivate, and he could secure compensation from some one who wants to cut hay or break up part of the land and put it under cultivation; but the rental is very small. If he could make the lease himself, we were satisfied that he could make something out of it and begin to improve the land. After the improvement is made, and the three years have elapsed, the land is under cultivation and becomes of value to lease. Then we hedge it about by conditions and provisions prescribed by the Department by requiring that the lease shall be approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I can not understand why an [illegible] should be prohibited from making an improvident renewal of a lease while he may be allowed to make the lease in the first place without any sort of limitation.

Mr. PETTIGREW. As I said, these are absolutely raw lands, unimproved in any way. We were told that the Indians leased them for $25 a quarter section, perhaps, when improvements would be made of value, and so we thought the Department could try the experiment for three years as to these agricultural lands, and if it did not work, we would abolish the system and abolish the practice; but the Indian who appeared before the committee is a full-blooded Sioux Indian, a graduate of Amherst College, a man of intelligence and ability, and he convinced the Committee on Appropriations that this is a wise and proper thing to do in the interest of those people. That is the reason why the committee reported to insert the provision in the bill. It seems to me it is reasonable and proper. The Indians had tried to lease these lands, but the people would not get bondsmen. It is difficult in that country to get people who can qualify, because the lands are occupied by homesteaders who have no fee title; they would not comply with the requirements of the Department, and therefore the lands were not leased at all; they get no revenue from them, and the lands are not improved. We thought it a matter of wisdom to allow the Indians to have three years without complying with the rules laid down by the Department, and after value had been given to the lands by improvements the leases should be approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I understand the Senator to say that this provision was put in the bill at the recommendation of an Indian. I should like to ask the Senator what the Department says about it?

Mr. PETTIGREW. The Department was not called upon for an opinion. I am very familiar with these lands. This agency is located in my State. The Indian to whom I refer appeared before the Committee on Appropriations, and I think the sentiment of the committee was unanimous, and that every member of the committee agreed that the reason he gave was a good one and the purpose he wished to accomplish was a proper one.

Mr. JONES of Arkansas. Mr. President, I confess that the old story of the camel who got his nose in the meal first and the remainder of the camels coming afterwards, occurs to me as applicable to a case of this kind. Here is a proposition to allow these people, without any sort of supervision or care, to make leases of their lands, in the first place, to run for three years after persons get in possession of them. Then there is a provision that the renewal may be made on the approval of the Secretary of the Interior. Meantime, I presume, if the Secretary of the Interior does not approve the renewed lease, the occupant of the land will remain in possession of it indefinitely. It seems to me that would be the result of it. I think the approval of the Secretary of the Interior ought to apply to the leases as well as the renewals, and I move to amend the amendment in that way.

Mr. PETTIGREW. I hope that motion will not prevail. These lands are located where anyone can go to-day and take a homestead. All around these lands are lands which can be entered under the homestead law of the United States.

Mr. JONES of Arkansas. I do not approve of it, but I shall not occupy the attention of the Senate any further with objection.

Mr. PETTIGREW. If the Secretary of the Interior approves a lease, improvements can be made upon the land, and the result will be, if the leases are not made, that no improvements will be made and the Indians will derive no benefit from them.

Mr. JONES of Arkansas. This amendment does not require any bond, I understand, and I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, which has been read.

The amendment was agreed to.

Mr. ALLEN. I was out of the Chamber for a moment when another provision was considered, and I now wish to call the attention of the Senator from South Dakota in charge of the bill to the amendment reported by the committee, on page 26, as to the Quapaw Reservation, and ask what was done with that amendment?

Mr. JONES of Arkansas. I intended to do that.

The PRESIDING OFFICER. The amendment referred to was agreed to.

Mr. ALLEN. I want to ask the Senator from South Dakota to make a change in that amendment now. The Senator is entirely right about the Wahpeton and Sisseton Indians. They are entirely competent to care for themselves as allottees, and the same thing is true with reference to the Quapaw Indians. The same principle which governs the rights of the Sissetons and Wahpetons to lease their lands applies with equal force to the Quapaws. There is no reason why the allottees on the Quapaw lands should not have the same right to lease their lands which the Sissetons and the Wahpetons have. The only difference between these lands is that the lands of the Sissetons and Wahpetons are some of the finest agricultural lands in Minnesota, and therefore in the United States, while much of the land of the Quapaws is of a mineral character. This bill, however, as it came from the House of Representatives, had ample safeguards for all these Indians and for all their rights.

The history of the Quapaw Indians is very brief, so far as their civilization is concerned. I have it here in a letter. These Indians were formerly known as the Peoria and Miami tribes, and lived for years in Indiana, Ohio, and Illinois in close contact with the civilization of those States. They finally moved to Kansas, and, after a time, to the present reservation in the Indian Territory. A great majority of them are of mixed blood, many of them almost white men. The same high state of civilization exists among those Indians which exists among the Sissetons and Wahpetons of Minnesota. They were made allottees of their lands years ago, and their lands are permitted to lie idle and bring them no revenue whatever, whereas, if the bill as it came from the House, as it originally stood, were permitted by the Senate to stand, they would have some benefit from their lands in the way of rentals. I ask the Senator from South Dakota to agree to make the Quapaws, the Sissetons, and the Wahpetons stand upon an exact equality.

Mr. PETTIGREW. Mr. President, the committee struck out the provision with regard to the Quapaws, for the reason that it was exceedingly broad; it was unlimited in its scope, and provided for a lease for ten years—not for three years, but for ten. It also provided:

> That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability—

Which covers pretty nearly everything—

> any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

We thought that the word "inability" should be stricken out, and that the provision should otherwise be hedged about with great care. We therefore determined, at least, to strike it out, and see if an understanding could not be secured in conference, which would more carefully guard the interests of these people. Of course, I know that many of the Quapaw Indians are as abundantly able to take care of themselves and manage their own affairs as are the other white people of the United States. The simple fact is that it is a rare thing to see an Indian who is not a white man among the Five Civilized Tribes or among the Miamis and Quapaws, who live in the northeastern corner of the Indian Territory. Those who come here have but little Indian blood in their veins, and are capable of managing their affairs, but there are a large number of Indians who are not capable of doing so; there are still Indians among these people, and it is their interests which we wish to guard and protect.

I am not opposed, and I think the committee is not opposed, to a provision which shall allow these Indians to lease, develop, and improve those lands, and explore the minerals under proper restrictions, but I think that provision can be made in conference to protect thoroughly the interests of the people who have secured leases, and also the interests of the Indians.

Mr. ALLEN. Mr. President, I am assured by the Senator from Colorado [Mr. TELLER] who is a member of the Committee on Appropriations that this amendment was simply to enable the committee to take the matter into conference and adjust it properly there; that there is no real hostility to permitting the Indians getting benefit out of their lands. With that view, I shall withdraw my suggestion, and let the amendment go.

Mr. TELLER. We hope in conference to make some changes in the form of the provision. We had no idea of preventing these Indians from getting proper revenue, but we thought the language employed was not exactly what it ought to be. Of course, if we did not make some amendment to it, we should have no control of it in conference. The committee were not hostile to the proposition laid down in that provision.

Mr. ALLEN. Just a word in explanation of my attitude toward this amendment. I could not see why the Sissetons and Wahpetons should be permitted to lease their land and the Quapaws be deprived of the like privilege; but the Senator from Colorado assuring me that the committee do not intend to do so, I withdraw my suggestion.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Spokanes," on page 35, line 10, before the word "machines," to strike out "thrashing" and insert "threshing."

The amendment was agreed to.

The next amendment was, on page 37, after line 3, to insert:

SOUTHERN UTES IN COLORADO.

> For the erection of suitable agency buildings at Navajo Springs, Montezuma County, Colo., for the use of such Southern Ute Indians as have not elected to take allotments of land in severalty, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to insert:

> The Secretary of the Interior is hereby directed to confer with the owners of the Montezuma Valley Canal, in the county of Montezuma and State of Colorado, or any other parties, for the purpose of securing by the Government water rights, or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation in said State, and for the domestic use of the Indians thereon; and he shall report to Congress at its next regular session the amount of water necessary to be secured for said purpose and the cost of the same, and such recommendations as he shall deem proper.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 41, line 2, before the word "Territory," to strike out "Indian" and insert "Oklahoma;" so as to make the clause read:

> For support and civilization of the Kickapoo Indians in Oklahoma Territory, $5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 20, to insert:

> For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska, under direction of the Secretary of the Interior, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Support of schools," on page 45, line 16, after the word "dollars," to insert:

> Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

So as to make the clause read:

SUPPORT OF SCHOOLS.

> For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,250,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, etc.

Mr. LODGE. This amendment seems to me of the very greatest importance and to reverse entirely the policy agreed upon last year. I desire to discuss it, and I think it is a matter of such importance that there ought to be a quorum of the Senate present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Blanchard,
Brown,
Burrows,
Call,
Cameron,
Cannon,
Chandler,
Chilton,
Cockrell,
Daniel,
Faulkner,
Frye,
Gallinger,
Hawley,
Hoar,
Jones, Ark.
Lindsay,
Lodge,
McBride,
McMillan,
Mantle,
Mitchell, Wis.
Morrill,
Murphy,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Roach,
Sherman,
Shoup,
Smith,
Teller,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. JONES of Arkansas. Will the Senator from Massachusetts yield to me for a moment? I desire to ask a question of the Senator from South Dakota about this matter before he opens the general question. In the first line of the proposed amendment there is a provision in these words:

> Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska.

I should like to ask how $5,000 could be of any possible use in the education of Indians in Alaska, and what use is proposed to be made of this money?

Mr. TELLER. If the Senator from South Dakota will allow me, I think I can explain it. We make an appropriation of about $30,000 a year for education in Alaska, which includes both Indians and whites. About three years ago (I think this will be the third appropriation act) we put on this provision that $5,000 might be used in Alaska. It is used in connection with the $30,000 that had been appropriated for a number of years. The sum ought to have been very much larger. There is a great necessity for an increase of appropriations for the purpose of schools in Alaska, but it has been found difficult to increase the amount, and the friends of the schools for the Indians have been compelled to be content with this small sum.

Mr. GALLINGER. I ask the Senator if that is the entire amount that the Indians will get for education?

Mr. TELLER. The Senator did not listen to me, I think. I said that of the $30,000 some portion of it is used for the education of Indians. I do not know what particular portion is so used; but it is mainly for the Indians. It is practically an Indian appropriation. It comes in separately from this bill.

Mr. JONES of Arkansas. Will the Senator explain why, if this is intended to increase the appropriation for Indian education in Alaska, it was not included in the same provision with the other, making it $35,000 instead of $30,000?

Mr. TELLER. It came in this way, I suppose: Some three or four years ago I moved in committee that we take from this sum $10,000—that is my recollection—or $15,000, and the committee thought they could not afford to do that, and we compromised on $5,000. It does not make any difference whether it comes with the other or not. I do not think the $30,000 of which the Senator speaks is in this bill, but in the sundry civil bill.

Mr. JONES of Arkansas. I thought the appropriation for schools in Alaska was $50,000 instead of $30,000.

Mr. TELLER. It was $50,000 for some years. In a spirit of economy—if it were proper, I should say parsimony—the other House struck it down to $30,000. In addition to this, there ought to be an appropriation of at least $25,000 made for the schools in Alaska.

Mr. JONES of Arkansas. Then I understand from the Senator that this sum is really intended to be an additional appropriation for schools in Alaska, and it has been so used heretofore?

Mr. TELLER. It has been so used. It makes the appropriation for Alaska which comes in this bill and another bill $35,000.

Mr. GALLINGER. The same provision was in the last bill?

Mr. TELLER. Yes; and I believe in the bill before.

Mr. LODGE. Mr. President, the pending amendment entirely undoes the work of last year in regard to this matter. It will be remembered that there was a protracted discussion over the question of sectarian schools. The bill was taken back into conference no less than six times. The House stood very strongly for what it desired; there were many votes taken in the Senate on this question, and the minority, which favored the House view, was a large one. At last, to save the bill, a compromise was reached. That compromise appears in the law of last year, and it provided that if the appropriation for sectarian schools, or a portion of it, should be continued for one year, then further appropriations for sectarian schools should cease. That was the provision of the act. The law of last year also declared:

> And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Then followed the proviso, including the compromise which I have mentioned, in which it was arranged that this general declaration should go into the bill provided that the appropriations were to be continued for one year longer to certain sectarian schools. There never was a plainer understanding in the world.

Mr. PETTIGREW. Between whom?

Mr. LODGE. Between the Houses.

Mr. GALLINGER. It was expressed in the conference report.

Mr. LODGE. When it came up on the last conference report I took occasion to say:

> I shall ask for a yea-and-nay vote on the whole report which cover these three amendments, because * * * the report substantially agrees to the Senate amendments to the House proposition in regard to sectarian schools. It reduces the time provided in the original Senate amendment from two years to one, but it practically leaves the whole matter open to be fought over again in the next Congress.

I did not think it would be fought over again in the present Congress, but I thought it might be brought up again in some future Congress.

Now, I ask the attention of the Senate to the reply of those Senators who were sustaining the report. The Senator in charge of the bill then, as now, the Senator from South Dakota [Mr. PETTIGREW], said:

> The House recedes from its disagreement to the Senate amendment in regard to schools, with an amendment to it which makes the time for finally disposing of the question of sectarian contract schools July 1, 1897, instead of July 1, 1898, as provided in the Senate amendment.

If the English language is capable of a plainer statement than that, I should like to see it.

The Senator from Colorado [Mr. TELLER] then said, in answer to the objection which I made that the matter would be reopened:

> We leave in the bill the declaration as to the policy of the Government to take charge of these schools in the future, so that it practically closes up the sectarian schools or the non-Government school after the 1st of July, 1897. I do not think it leaves it open for further controversy.

That is the language of the Senator from Colorado. On those statements the report was agreed to. The statement showing how the House looked upon this thing was made by the gentleman from New York in charge of the bill, in which he said that it had been discussed in the House and that a compromise had been arrived at. He ended by saying:

> The declaration in reference to the discontinuance of schools after the end of the next fiscal year—

That is, July 1, 1897—

> is the same as that in the report which was submitted last Saturday except a change in phraseology.

No, Mr. President; there was no misunderstanding with respect to the arrangement as finally made. The House had no misunderstanding when they passed the present bill. They sent this bill to us in exactly the form they were entitled to send it; that is, acting on the statements made here, made in conference, made in both Houses, that these sectarian appropriations were to end on the 1st of July, 1897. Now, here in the Senate back comes last year's amendment continuing these sectarian schools which we have solemnly declared by act of Congress it is the policy of the Government to end. Back comes this amendment creating them again, giving them 40 per cent of what they had, not last year, but in 1895, so that there is a reduction of only 10 per cent in the amount given to sectarian schools. This is a revival, a reopening, of the whole question which I, in common, I think, with every other Senator and every Member of the House last year, believed had been entirely settled. It is brought here in absolute disregard of the declaration of the last act of Congress. It is brought here in absolute disregard of the statement that was then made. It was understood then perfectly that if this appropriation was continued for a year longer, this general policy would be accepted on all hands, and this disagreeable question would be finally removed from politics and from the discussion which it causes every year.

Now it is here again; here without the general statement of the bill last year; here without any reference to the House provision in the bill. The House has lived up to its agreement. It has proposed nothing new. It has left the thing just where it was left before. The great argument used last year was that if this sudden cutting off of the schools occurred it would be a terrible injury to their pupils, and in the name of those unfortunate Indian children who would thus be deprived of education the Senate agreed to the proposition and stood by the committee in its effort to have the appropriations continued for two years. The fight was made then on continuing them for two years. The House stood out with the utmost obstinacy, and the compromise was made finally on one year. There never was a plainer or fairer compromise made.

It is perfectly true, Mr. President, that we can not bind our successors; one Congress can not bind another; but surely our action of last year should have some effect in the same Congress. I believe that the House at least understand this question, and the bill they send here indicates that they mean to adhere to their policy, and I sincerely hope that the Senate will not reopen it. The policy of the Government was plainly declared in the act of last year, and that policy I regard as the true American policy, that we should make no appropriations for any sectarian schools. If the United States is to give education to the Indians, let it be education given with the public money, open to all, and under no sectarian charge. That is the policy of the States. It ought to be the policy of the United States. This question has dragged along from year to year, and gradually the sectarian appropriation has been pushed back until we reached the plain declaration in last year's law. Now it is revived in this amendment, which brings it all up again for discussion. I do not want to enter again into the question of sectarian schools, but I wish to call the attention of the Senate most emphatically to the nature and purposes of this amendment and to the way in which it contrasts with the declarations that were made here last year.

Mr. HAWLEY. Mr. President, the Senator from Massachusetts says this question has dragged along. So has everything. It was not settled last year. "Unsettled questions have no pity for the repose of mankind," as the old saying goes. So long as a question is not absolutely settled it is bound to come up. I have been looking over the provision here in italics, and I do not see that it differs in spirit from what we did last year. We were unwilling to leave any children anywhere without a chance to acquire an education, and we were unwilling to make so sudden a change in dropping church schools of any kind as to leave children utterly without an opportunity to be educated. To say that you would give nothing, not a cent, to a Catholic or a Baptist or a Methodist school which is flourishing would be to say you would not educate the children of that neighborhood, because nonsectarian schools can not be provided in a year, and the Government did not give money enough perhaps, or could not make proper arrangements. So, having in view the ultimate purpose, to relieve the Government from this complained-of connection with sectarian schools, we are aiming in this direction by the proposed legislation; for it only says:

> *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, etc.

That is all. The question is whether you will stop and leave a considerable number of children without any schools whatever.

Mr. LODGE. Will the Senator from Connecticut allow me to ask him a question?

Mr. HAWLEY. Certainly. Perhaps I can not answer it, though.

Mr. LODGE. The amendment which the Senator has been reading is identically the same as the amendment of last year, with one single exception. It leaves out the declaration of last year:

> It is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Otherwise it is just the same as the provision of last year.

Mr. HAWLEY. That is a permanent declaration. It need not be affirmed every year.

Mr. LODGE. Very well.

Mr. HAWLEY. It is subject to exception. We can make an exception to it if we choose.

Mr. LODGE. Let me ask the Senator a question. The same argument he is making now he made last year, and others made it, that it is not right to leave Indian children without educational facilities.

Mr. HAWLEY. I continue to say so.

Mr. LODGE. Then the compromise was made with the understanding that in a year's time, running to the 1st of July, 1897, we would be able to do it; and both Houses and all parties agreed to that as a settlement.

Mr. HAWLEY. The hope and promise were that by this time we should have nonsectarian Government schools. We have not them. Still pursuing the original idea, I will not shut the doors of a single schoolhouse unless I can have another schoolhouse provided.

Mr. TELLER. I do not recall what I said about this matter last year, but I agree with the Senator from Connecticut. I supposed it would be a finality, and that by this year we could dispense with this debatable question. I supposed we would have facilities and appointments sufficient at all these places to take care of the Indian children. That, I believe, was the expectation of everyone on both sides of the Chamber who occupied different sides on the question—the friends of the particular appropriation and the opponents of it.

I am opposed to sectarian schools. I always have been. I made an effort some years ago, while in another department of the Government, to secure from the Government a sufficient amount of money to put all these children in Government schools. I failed to get it. I confess I thought it was better to have Indian children attend sectarian schools than to have them without school opportunities. So, finding that I could not secure a sufficient amount of money to carry on the schools in the name of the Government and of the Government alone, and charitable people being willing to help out the small appropriation that the legislative department was willing to make for that purpose, I encouraged the opening of schools in various sections of the country where otherwise there would have been none.

Last year we believed we had reached a point where the Government would take hold of this question and where the appropriation would be large enough to provide facilities for all the Indian children. We are assured now by the department of the Government which has this matter in charge that that is not the case; that there are not opportunities for all the Indian children who have been going to school to continue in the schools. We were met with the simple question, Shall we continue this arrangement another year, or shall we discontinue the schools? Shall we turn the children out, or shall we try it another year? So far as I am concerned, I would a great deal rather continue it one year, or two years, or three years, or any number of years, rather than that the children should not have an opportunity of education.

I believe that perhaps by another year we shall be in a better position. I may be mistaken; I do not want to make any promises if they are to be brought up against me, as this is. If the Senator from Massachusetts thinks that it is best to turn the children out, and if he can persuade the Senate to that opinion, the Senate will reject the pending amendment. Then there will be a large number of Indian children who will have no school opportunities whatever. If the Senator desires to reiterate the declaration of last year, which the committee did not think was necessary, because the committee thought that was a permanent declaration of policy, the committee certainly would have no objection to his doing so.

Mr. President, I admit that this is an ugly question. When it is presented a great many people do not seem to understand the difference between assistance on the part of the Government to sectarian schools in the land of the Indian in the far West and what it would be in the East in the case of a school for white people. I think the condition is very different. The principle is very different. I do not see any great harm, if the Government is too poor or too stingy—I do not care which—to educate the Indian children, to join some of the money with that of charitable people and have the sectarians who furnish the money in charge of the schools.

If the Senator from Massachusetts would direct his attention to securing a larger appropriation (and I do not know but that he would be as powerless to do that as the rest of us who have tried it), I should be glad to have his assistance in getting an appropriation sufficient to take charge of all the Indian children in the United States—of all the children—to take care of whom we recognize an obligation on our part in the way of education.

We have in Alaska a large number of Indians. They are not exactly the class of Indians we have provided for on the great Western plains. They are industrious, many of them hard-working Indians, and yet they have no facilities and no opportunity for schools. They are too poor to take care of and educate their own children. For the entire Territory of Alaska we have

appropriated for some years from thirty to thirty-five thousand dollars. A very large portion of the educational facilities in that country are now being provided by charitable people in the older sections of the country. We have at various places schools of great efficiency that are supported entirely by charitable work, and if we did not have them the Territory of Alaska, that great district, would be, I may say, without any efficient and valuable educational facilities, for the appropriation of $30,000 is not large enough.

I should be very glad if the Senator from Massachusetts could tell me how we could escape the dilemma that is brought to us; that is, whether we shall dismiss these children from the schools where they have been because they are sectarian, and let them run wild and wait for an appropriation, which he knows, as I know, is very difficult to get—not so difficult here as in some other places—or shall we provide that where there are no facilities and opportunities for the Government to educate them the Secretary of the Interior may, in his discretion, use some of this money for the purpose of continuing the schools? There is where we are brought.

I do not approve, I repeat, of sectarian schools. I should like to see this thing brought to a close as soon as it can be. Yet I do not myself feel inclined to vote to turn out of school the children who have been there and have perhaps just fairly commenced to acquire an education, and let them run wild, as I know they must run wild about an agency, for fear that some harm may come to the public good by their being taught in a sectarian school.

Mr. LODGE. I desire to say simply a word in reply to the Senator from Colorado, who is, I know, just as much opposed to the policy of sectarian schools as I am. It seems to me if the difficulty is in providing for the children, then the point on which we want to make our fight is the point of having an adequate appropriation. I for one will go with him to any extent that he, from his knowledge of the subject, desires, to get an appropriation large enough for the United States properly to educate every Indian child that is in any way within its care or keeping. Let us bring in that increased appropriation, and let the Senate make its fight for it. I think it is quite as likely to get that increased appropriation as to get the present amendment in favor of continuing the schools after the debate of last year. But, at all events, that is the true and honest way to do it. If the object of the present amendment is to see that no Indian children are turned loose without education, let us face the fact squarely and provide for it with an ample appropriation.

The Senator from Connecticut said that unsettled questions never were at rest. This question was settled last year by a declaration of policy, by a formal agreement and compromise between the Houses. Now it is reopened, and every year the same argument is made, that the children will be turned adrift if we do not make further appropriations for sectarian schools. Rather than do that, let us amend the bill to a sufficient extent to take care of them all, but let us live up to the policy declared last year.

I think the United States ought to take care of all the Indian children, and not suffer one of them to be turned loose. If that is the only interest involved, we can take care of the children with an adequate appropriation, and the Senator from Colorado will find, I am sure, that the Senate will stand by him with practical unanimity in favor of as large an appropriation as he sees fit to demand in order to provide adequate education for all Indian children.

Mr. TELLER. I will not be led into any reflection upon any other branch of the Government, but I would say to the Senator from Massachusetts that he probably has not had the opportunity to realize the difficulty in securing adequate appropriations that some of the rest of us have had. We can not secure at this time an appropriation sufficient to provide for these children. That should have been done last year, because the buildings are to be erected at the agencies before the children can be put to school. At the great distance at which many of them are from the centers of civilization, it is impossible to do that in several months. We are met with the simple proposition, Shall we let these children go out of school and remain out for another year, it may be for two or three years, or shall we make this temporary provision? I am quite in favor of cutting it off at the first opportunity possible, and I will join everybody in doing that; but I will not join anybody in an effort to turn these children out and give them no educational facilities whatever.

Mr. GALLINGER. Mr. President, in conjunction with the junior Senator from Massachusetts [Mr. LODGE] and the Senator from Connecticut [Mr. PLATT] on my right, I have on several former occasions occupied the attention of the Senate for a few minutes in the discussion of this matter. We made progress three years ago. We made some further progress two years ago, and last year we had the assurance that we had finally reached an agreement upon this question and that this vexed matter would be removed from discussion in the Halls of Congress. I confess that I had some doubts as to the settlement. I notice that the Senator from Massachusetts said in answer to the Senator from Colorado:

> It seems to me it does leave it open—

The Senator from Colorado had said it left it beyond controversy and it was absolutely settled, but the Senator from Massachusetts replied:

> It seems to me it does leave it open, but as it is impossible to get a separate vote on it, and we can only vote on concurring in the whole report, which is a final report, I shall not press the request for the yeas and nays.

In that discussion I made a similar observation, that in my judgment the only way to settle this question was to settle it absolutely, once and for all.

Now we are confronted with the same old proposition. The same old arguments are used, that if we do this thing we are going to wrong a large class of Indian children and deprive them of education; and the Senator from Connecticut [Mr. HAWLEY] talks to us about unsettled questions and the repose of nations. As I said on a former occasion, the very question that is before the Senate of the United States to-day was fought out to a finality in Holland more than three hundred and fifty years ago. It was fought out to a finality in the Empire of Great Britain not long after, and yet at the close of the nineteenth century, in the Senate of the United States, we are discussing the question whether we shall in this great free Republic separate church and state, something that the Anabaptists settled in Holland almost four hundred years ago.

Mr. HAWLEY. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly.

Mr. HAWLEY. I was called out of the Chamber for a moment. I did not say that unsettled questions would remain troubling the peace of mankind forever, but while they were unsettled and they were liable to come up; and the Senator from Massachusetts said this question was always coming up before us, that it was coming up because it was not settled. I say in one sense it is settled now. Our future policy is determined by the practically unanimous declaration of last year, that we would separate the Government from the sectarian schools. But here is a plain, common-sense question now, not to be demagogued in any way.

Mr. GALLINGER. I did not yield for a speech from the Senator, especially when he talks about demagogy. I did not consent to yield for that kind of a speech.

Mr. HAWLEY. Then I will not take back the word "demagogy."

Mr. GALLINGER. Very well; let it remain.

Now, the Senator from Connecticut talks about this question not being settled. I agree that it is not settled. I, however, assert that it ought to be settled; that we had a solemn statement made in the Senate of the United States one year ago when we were discussing a conference report that it was settled, and settled forever; and that statement was made by Senators who are responsible for the amendment that is proposed to this bill to-day. I want to know how many centuries it is going to take to settle the question in this free Republic? We are already almost four hundred years behind the people of Holland. Long ago they settled the question that church and state should be divorced. It seems to me that we have progressed far enough in civilization in this country, that we have progressed far enough in the discussion of the great questions that concern the welfare of our people, to come to a definite conclusion in regard to a matter of this kind. When is it going to be settled?

The proposition here to-day in this amendment is that we shall appropriate 40 per cent of the money that was expended in 1895. In 1896 we appropriated 50 per cent of the money that was expended in 1891. It seems to me there is no probability that in my lifetime, certainly not during the term of service to which I was recently elected to the Senate, that I shall have the privilege of seeing a settlement of this great question which disturbs the repose of nations. It is time it were settled; and I submit to the Senate of the United States to-day that we should follow the lead of the House of Representatives in this matter. The House of Representatives had all the information from the Interior Department that the committee of the Senate possibly can have; and yet the House of Representatives inserted in the bill a provision in direct conformity to the declaration which was made [illegible] we voted upon that conference report one year ago, and agreed to it, those who were opposed to this principle and those who were in favor of it.

Mr. President, I do not want to go into these matters in this discussion, but I want to say that every church in the United States but one refuses to take this money from the Government of the United States. They recognize the fact that this is a great principle.

Mr. ALLEN. Will the Senator be kind enough to state what church that is?

Mr. GALLINGER. The Roman Catholic Church. I have no concealments about this matter. In saying that I do not mean to arraign that church. There is very much in its methods that I approve of. I do not mean to arraign it. I state a fact historical in its nature when I say that every church in the United States but one to-day refuses to accept donations from the Government of the United States for the purpose of sectarian education, and if we continue to make appropriations from the public funds, taxing the whole people of the United States for this purpose, we are not doing what we ought to do; we are simply making a church subsidy and nothing else. That is all there is to the question.

I have an interest in these Indian children. I do not want to see them turned out in the cold. I do not want to see them deprived of education. But we have been legislating and arbitrating and considering this Indian question almost from time immemorial, and it is time that on a great fundamental proposition, such as is involved in this question, the Congress of the United States should settle upon the policy it is to pursue, and having settled upon that policy, it should pursue it, even though some wrong may be done to a few Indian children in the territory of this great Republic.

I do not care to discuss the matter further. If the Senate wishes to insist upon this amendment, if the Senate wishes to turn the hands back on the dial; if the Senate insists upon having this great free Government pursue legislation on lines that no other civilized government on the face of the earth, so far as I know, is responsible for, I do not know that I shall very seriously complain. But I want to put myself on record to-day, as I have put myself on record in the past, as being absolutely and irrevocably and eternally opposed to voting one dollar out of the Treasury of the United States for the purpose of education in sectarian or religious schools of this great country.

Mr. HAWLEY. Mr. President, when I used the term "demagogy," a few minutes ago, just as I was going out of the Chamber, I had in my mind nobody in the Senate, or anything of the sort, but I referred to the loose talk that goes on wherever persons are found who make trade on race prejudice, or church prejudice, and all that sort of thing, to the very great dissatisfaction of our people. What I wanted to emphasize was that we have an established policy, which requires this year a little letting up before we perfect it, so that a large number of children shall not be turned out of school.

I am not a Catholic, and yet I should have a great contempt for myself if, as a public man, I went about constantly condemning them. I have nothing to say about their belief; it is theirs—honestly held by an immense number of people—and it is a church of magnificent organization and executive power.

Now, we prefer, and all our Protestant people prefer, that the schools shall be separated from the churches. We have declared that we shall do so, but we were a little merciful about it at that very same time, permitting a child to learn to read under a Catholic priest for a little while until we can get him another place. That is all this bill proposes, that we shall not turn the Indian children out of doors, and meantime we shall make an effort to establish nonsectarian schools. I never had such strong prejudices against the Catholic schools that I would not rather see my child going to one of them to learn to read and write than wandering about the streets in bad company and growing up a dirty, ignorant loafer.

Mr. PLATT. I should like to make one inquiry. I inquire whether there was or was not provision made in the Indian appropriation bill of last year which looked to the doing away of the contract system and the substitution of Government schools during the year, before July, 1897? I should like to inquire whether we made that provision, or whether we failed to make it?

Mr. PETTIGREW. Mr. President, we undertook to make that provision; but I stated on the floor at that time that the amount appropriated was not sufficient, and that it would not accomplish the object. The Senate, however, disagreed with me, and refused to grant the amount necessary to accomplish the object; but the object would not have been accomplished if we had appropriated a sufficient amount. Two schools were provided for in my State the construction of which has not been commenced, and the contracts are not let. The Department ever since last June, when the last Indian appropriation bill passed, has been preparing plans and considering the question, and the schools will be ready about a year from next July, judging from the speed already made. Therefore no provision whatever is made for children that it was intended should be taken care of by these two schools provided for in the bill of last year; and so it will be now. You may appropriate a million dollars more than is provided in this bill, and those children will not be provided for for the next school year, because the Department will not get around to erect the buildings so as to take care of them.

Mr. ALLEN. Will the Senator permit me to ask him if there is anything in this amendment hostile to the policy we established in the Indian appropriation bill of last year?

Mr. PETTIGREW. Not at all. Last year the House of Representatives made no provision for the sectarian or contract schools. The Senate committee said that we would make provision for two years more, for last year and for the year to come, and the Senate agreed with the committee; but the matter went into conference, the House conferees refused to agree, and after many conferences the House finally did agree to one year as a compromise.

I am not aware of entering into any agreement. I would not when the bill came up this year undertake to take care of those children. We adopted many years ago the policy of educating the Indian children in the contract schools.

Mr. FAULKNER. I would ask the Senator from South Dakota, with his permission, whether last year it was not deliberately considered by the Committee on Appropriations that we could not possibly stop this appropriation for two years, and for that reason the amendment was inserted in the appropriation bill of last year as it came from the committee, doing away with all these appropriations after two years from that time, and it was only by reason of the resistance to the bill in the other House that a compromise was at last effected of extending the appropriation for one year, and it was known then that it could not be stopped under two years?

Mr. PETTIGREW. That was the distinct understanding.

As I started to say, many years ago the Interior Department sent out circulars and specially invited the religious denominations of this country to take charge of the education of the Indian children and agree to contracts and build schools for this purpose.

Mr. WHITE. Will the Senator permit me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. WHITE. When was that done—under what Administration? Was it not under President Grant's Administration?

Mr. PETTIGREW. It was commenced, I think, under Grant's Administration, but very much enlarged under Hayes's Administration, and continued and increased under Garfield's Administration. During the first two Administrations after we had adopted this policy not a single Catholic school was engaged in the education of the Indian children. The Protestant churches of this country commenced this policy. The Protestant churches built the first Indian contract school; but, Mr. President, in 1880 we made the first provision for contracts for the education of these children in schools under the control of the Catholic Church. The Catholics were enterprising, and by 1885 they were getting three-quarters of the appropriations, because they had built the schools at the invitation of the Government, and then it was that we began to hear the cry that there should be no sectarian education; then it was that the clamor arose to abolish sectarian education for the Indian children, and it has continued until this time.

I am opposed to sectarian education, Mr. President, but I believe in doing what is just and fair and right, and I believe that these people should have sufficient time to raise money enough to sustain and maintain their schools without appropriations by the Government.

We have done pretty well. Last year we appropriated but 50 per cent of the appropriation of 1895, and this year we appropriate but 40 per cent of the appropriation of 1895. For every $100,000 that we appropriated in 1895 this year we appropriate $40,000. It looks to me as though we were approaching the end. There can be no question about that. But in the meantime, if we do not make this provision, thousands of Indian children will be unprovided for. There is one school in my State where there are 150 Indian children. There is no other school where they can be taken care of for hundreds of miles. Shall we turn them out? Shall we break up the start they have already made? It seems to me it is not the part of wisdom. It seems to me the policy should be to decrease this appropriation year by year, and so enable these church organizations to provide the funds for taking care of the schools.

Mr. WILSON. May I ask the Senator from South Dakota a question right on that point?

Mr. PETTIGREW. Certainly.

Mr. WILSON. Was it not the agreement in the Fifty-second and the Fifty-third Congresses that a gradual reduction of 20 per cent a year would be made in the appropriations for the sectarian schools, thus closing all the sectarian schools in five years?

Mr. GALLINGER. That is right.

Mr. PETTIGREW. Certainly; but the House of Representatives last year, without waiting to carry out that tacit understanding, struck it all out. It would have required, if that policy had been carried out, not only that this appropriation should be made, but that another should be made a year from now, and then the five years would have expired. The only agreement I know of was the agreement that the appropriation should be gradually wiped out, and that at the end of five years, 20 per cent each year. The people who violated that agreement are the people who contend against this provision of the bill in this body and in the other.

Mr. President, I am well aware that we have an Indian Rights Association, organized, I suppose, to protect the Indians of this country. One of its most active centers is located in the State of Massachusetts. They are very solicitous about the rights and privileges of the Indians, terribly anxious; and along with the same idea cherished by their ancestors, the people of Massachusetts are particular about the religious belief of the Indians they favor. Miles Standish, when he assassinated his victims, and was therefore made a saint by the Pilgrims of Massachusetts, expressed no regret, and the Reverend Robinson declared that we must take into consideration the hot temper of the little captain, and stated that his only regret was that he did not stay alive until he could be converted.

So this association to-day is anxious about the rights and privileges of the Indians; yet because those Indians happened to believe the doctrines of the Catholic Church, they would drive them from the schools, turn them loose on the prairies, and make no provision for them whatever. Oh, Mr. President, I am tired of the contemptible hypocrisy of the Indian Rights Association. I am sorry that it finds representation on this floor. Whilst it may contain many philanthropic and excellent people, its affairs are controlled and directed by persons who have no respect not only for the interests of the Indians, but in many cases for truth itself.

Mr. GALLINGER. Mr. President, I do not feel called upon to defend, certainly not with more than a very few words, the Indian Rights Association of the United States. The Senator's language will go to the world, and the Senator will be judged by the expressions he has made in this Chamber concerning that great benevolent association. They may have made mistakes, but that those men have any other purpose in their hearts and minds than the amelioration of the condition of the Indian people of this country is not a subject that ought to be in controversy to-day, and I think the Senator from South Dakota in charge of this bill, familiar, as he necessarily is, with this subject, and entertaining, as doubtless he does, a contempt for the opinions of those of us who do not happen to dwell in the immediate vicinity of Indian tribes, will further his cause and the purpose he has in view to a much greater extent by treating with greater courtesy and respect a great association like the Indian Rights Association than by denouncing it in such bitter and unjustifiable language.

But, Mr. President, I have been present during the consideration of the Indian appropriation bill every year for several years, and I have heard to-day for the first time a contention that we ought to increase the appropriation for Indian schools. I have, if I remember correctly, never seen a proposed amendment to the amount that the House of Representatives gives for this purpose added to this bill by the Senator from South Dakota since he has had charge of it. If it is necessary for us to have a larger appropriation for this purpose—and I can see that that may be true—why does not the Senator, instead of engaging in a reactionary measure, turning back civilization itself in reference to this question, come in here with a proposition to increase this appropriation to an amount whereby the Government can take care of these Indian children? If he does that, I am sure he will find every man who has some sympathy for the Indian Rights Association ready to join with him in voting that appropriation and insisting that it shall be kept in the Indian appropriation bill.

If it shall be determined by a vote of the Senate that this amendment shall stay in the bill, I propose, at the proper time, to reenact the declaration that was in the last Indian appropriation bill, because I think it is desirable, in view of this discussion, that it should be reenacted—that it is the settled policy of the Government that hereafter no appropriation whatever shall be made to any sectarian school for education, just as we did last year. That was our declaration then. We violated it. Let us reenact it, and see whether we shall violate it again. I shall, when the proper time comes, if this amendment does not go out of this bill, offer a proviso to the effect that all appropriations for the education of Indian children in sectarian schools shall absolutely cease at the close of the fiscal year ending June 30, 1898. Then we shall see whether those Senators who are as anxious as we are, according to their declarations, to bring this matter to an end, are ready to put themselves on record, put that provision in the bill, and stop this matter.

Mr. President, that is all I care about it. So far as I am concerned, I am ready to take a vote on this question. I shall vote one way; my friend from South Dakota will vote the other, and he and I, good friends as we are, will gracefully yield to whatever the verdict of the Senate may be on this great question.

Mr. WILSON. I should like to have the Senator answer a question before he takes his seat.

Mr. GALLINGER. Certainly.

Mr. WILSON. I desire to ask the Senator from New Hampshire if it is not a fact that we have spent since he has been in public service probably $15,000,000 for the education of Indians?

Mr. GALLINGER. I should think that that was not an overstatement, though I have not made an exact computation regarding it.

Mr. WILSON. I do not think that that is an overstatement, and I doubt if we have ever succeeded in educating one.

Mr. GALLINGER. I am inclined to think the Senator from Washington is pretty nearly right in that statement.

Mr. WILSON. I have seen a great many Indians, I expect as many as any Senator on this floor with the exception of the Senator from South Dakota [Mr. PETTIGREW], and I have yet to see a single Indian to whom the educational system that has grown up and crept up here has been of the slightest advantage. I may be mistaken about it; I may be in error about it; but we have spent about $15,000,000, and every Indian we have sent to school, after he has got a little smattering of an education, has gone back to the breechclout and blanket. I do not believe, unless you discover some system by which and through which you can elevate the whole tribe at the same time, you are ever going to accomplish very much in attempting to educate a class of people who still remain in the stone age.

Mr. ALLISON. The Senator from New Hampshire [Mr. GALLINGER] suggests that he will offer the provision on this subject which is found in the Indian appropriation act of last year as an amendment. When the Committee on Appropriations considered this question, they did not intend in any way to interfere with the legislation of the last year or to change it in any manner except to extend the limitation one year. It was stated to us by the Commissioner of Indian Affairs that he thought it doubtful whether, during the fiscal year 1897, there would be sufficient and ample provision for the maintenance of the Indian children at the Government schools. It was because of that statement that we provided in this bill for an extension of the provision respecting these schools during the fiscal year 1898, not understanding in the committee that this provision was to extend beyond that time, but that certainly during the fiscal year 1898 there would be provision made in the Government schools for the Indian children, who could be made available for education in those schools. That, I believe, was the universal understanding of the Committee on Appropriations when this provision was made, that it should be extended for one year, instead of expiring on the 1st day of July, 1897, because the Commissioner of Indian Affairs said that by the 1st of July, 1897, he was not certain that he would have sufficient school facilities to enable him to take care of those children. So I have no objection to the amendment suggested by the Senator from New Hampshire, as it was the understanding of the committee that the provision in the act of 1897 was not to be an appropriation provision, but that it was a legislative provision, binding upon Congress and upon the appropriation respecting these Indian schools.

Mr. PALMER. Mr. President, education, mere letters, as the Senator from Washington [Mr. WILSON] intimates, does not necessarily improve the morals of men. It is more important to this Senate, with respect to its own dignity and a proper appreciation of itself, that this legislation shall be in harmony with enlightened public sentiment than that there should be any special provision for the Indians. That they should be taught to read and write and that such other literary education as may be conferred upon them should be conferred is clear. But the particular point to which I want to call attention is in the proviso to be found in line 20, on page 45, and I shall at the proper time move to strike out those words:

> *Provided*, That the Secretary of the Interior may make contracts with contract schools—

The words I shall move to strike out are:

> apportioning as near as may be the amount so contracted for among schools of various denominations.

I shall also move to strike out all after the word "children," in line 25, on page 45, which will include all of the amendment on page 46.

Mr. President, there is something profoundly humiliating to me that there should be a controversy here over these mere disputes or over these mere denominational claims. Religious people who belong to special denominations have exerted themselves to extend instruction to the Indians. They have sought to subject the Indians to Christian influences; they have sought to make them better men and better women; they have sought to improve their condition. In some respects the Catholics have been the most forward and have been successful; in others the Methodists, the Presbyterians, the Baptists, and the Quakers have exerted [illegible] with respect to particular tribes, and have accomplished great good.

Why should this Senate permit itself to engage in or to inquire into this miserable question of denominational control? The clause authorizes the Secretary of the Interior, "for support of Indian day and industrial schools"—I read the whole clause:

> For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,[illegible], of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children.

If I had my way about it, the whole provision would be modified to that extent. I regard the efforts of the churches, of religious people who are attached to churches, as being eminently praiseworthy. As the Senator from Washington intimates, while they have not made these Indian people absolutely perfect, as perhaps Christianity has not made us as perfect as we should be, while they have not succeeded to the full extent of the desires of the good people who have established these schools and have been pioneers in this work, and where they have established schools, in many instances Catholic schools, Presbyterian schools, Baptist schools, Methodist schools, Quaker schools—I say where they have as pioneers in this work accomplished so much good as they have, why should not those schools be employed as the agencies by which these efforts for the benefit of the Indians should still be carried on?

My own feelings are that the good men and the good women who have been the pioneers in this work and who have carried it on until this time should not be abandoned by the Government. Some of us propose to take what they have done, and propose to decline to assist them further in this most praiseworthy work. Why should it be done? Why should not the Secretary of the Interior be permitted to make contracts with such schools as exist, such schools as can accomplish the purposes of the Government? Why should not that be done, and why should the condition be imposed upon the Secretary of the Interior of dividing the amount between the various different denominations as best he can, as if the Senate was at all interested in this denominational question? I suppose, Mr. President, that the proper thing to do is to avail ourselves of the very best facilities within our reach and prosecute the education of those people who are now so nearly extinct, and avail ourselves of every agency that may be found at hand.

Mr. LODGE. Mr. President, I only wish to say a single word in justification of the Indian Rights Association, which is a great benevolent and charitable organization. I have never heard one single word from them or from anybody connected with them in regard to sectarian schools, and I have not the slightest idea what their opinion is about it. I have opposed appropriations for sectarian schools ever since I have been in Congress in either branch, which is now nine or ten years, but without any reference whatever to the Indian Rights Association.

Mr. GALLINGER. Will the Senator from Massachusetts allow me? I wish to say in the same line that no member of the Indian Rights Association (and the country has known my attitude on this question) has ever written or spoken to me in regard to the matter.

Mr. LODGE. I do not think they have taken any part in the discussion. Although many of them have the misfortune to live in the Eastern part of the country, they have a perfect right to discuss affairs of general interest, and they do not feel that the right to discuss the Indian question is confined to the inhabitants of South Dakota. I think it is wholly right that they should take an interest in the Indians, and all I wished now was to relieve them from any responsibility whatever for what I have said in the matter of the sectarian schools.

I have opposed appropriations for sectarian schools ever since I have been in public life, because I did not believe that I had the right to tax another man to support my profession of faith or my church, and I do not think anyone has the right to tax me to support his. I think that is a pretty simple general proposition on which all Americans, so far as I know, agree, or ought to if they do not. The Constitution has something to say about it in one of the articles of amendment. I believe it is a mistake to appropriate the public money for the benefit of any sect. Of course, all the denominational schools for the Indians but one ceased to receive public money some time ago, as I think everybody knows except the Senator from Illinois [Mr. PALMER] who has just been talking about them.

There is only one church, if I am correctly informed, which now receives public money for its schools, but that does not affect the argument. I do not think we ought to appropriate money for the Presbyterian schools of the country. I do not think we ought to appropriate it for the Episcopal schools. I do not think we ought to appropriate it for the schools of the great Methodist Church, including in its membership so large a proportion of the inhabitants of the United States. I do not think we ought to appropriate it for Baptist schools. I pause here. I wait for some Senator to rise and tell me now that I am attacking those sects which I have named. I want to hear it said. I want to see an exhibition of that sensitiveness which has been displayed on this subject shown now when I name those great Protestant sects. I say that I do not think we ought to appropriate money for their schools. No one criticises me for the statement I have just made.

But, Mr. President, when I say that we ought not to appropriate money for the only church which now receives the Government money for these schools, then I am subjected to the remark of the Senator from Connecticut that I am attacking in a spirit of demagogy a Christian church. I no more attack the Roman Catholic Church than I attack the Baptist Church, or the Presbyterian Church, or the Episcopal Church, or the Methodist Church, or any that I have named. I say no sect, as such, should receive Government money, and I say it because I believe in that broad principle. I am not to be deterred from saying it by the outcry that I am illiberal. If the only sect that happens to take that money is the Roman Catholic, I am very sorry that my remarks should apply to it alone, but I can not help it. The principle applies to all sects. It is not the business of the Government to appropriate money for sectarian purposes. That principle is embodied in many of the State constitutions. I have always stood on that principle, and I trust I always shall. It is for that reason that I have opposed these appropriations ever since I have had the honor to have a seat in either House. It is not that I pretend to any special knowledge of the Indians. It is not because I care what the Indian's faith is. I quarrel with no man's creed and with no man's conscience. I have no criticism to make of a man's belief. I stand simply on the broad principle—which I think is unquestionably sound—that we have no right, representing as we do all shades of Christian belief, all sects, and all churches, to draw any distinction among them. We have no right to take one man's money and give it to the support of another man's faith. If we want to educate the Indians, let us appropriate money and do it by Government schools, but do not let us appropriate the public money and give it to a sect among the citizens of the United States.

I am quite content to stand on that ground. I have no feeling of illiberality toward any sect. I have no desire to attack any man's creed. I have not reflected on a single branch of the Christian church. I do not question for one moment that all branches of that church have done good and useful work for the Indians. But I say that when we are appropriating the public money, contributed by men of all sects and all creeds, we have no right to give it to one sect or to a half dozen sects or to twenty sects which shall be picked out here or by the Secretary of the Interior. The public money must be spent only for public purposes, in which all Americans share, without any distinction of creed or religion.

Mr. TELLER. Mr. President, I do not care to discuss the question which the Senator has just been debating. We determined last year the policy of the Government touching these schools. We are about to declare it again, I understand, because there is no opposition to the amendment of the Senator from New Hampshire.

I should like to say, however, that there is no particular relation between the subject of Indian schools, and the relation which the Government bears toward those schools that we call contract schools, and the great question whether the education of the Indian youth of the country should proceed upon general lines under the control of the State or whether we should assist the sectarian bodies by taxation and appropriation in carrying on their schools. There is not the slightest relation between them. The principle is not involved at all. I am opposed to the Government appropriating money for contract schools, for the reason that I believe the Government is better able to take care of the schools than is anybody else. I have advocated that for many years.

The Senator from Massachusetts tells us that the great religious denominations have abandoned their effort to educate the Indians. I am very thankful that is not the case. They have not left to the great Catholic Church the education of the Indians. There are numbers of schools in this country supported by Presbyterians and by Episcopalians and by Methodists which are engaged in teaching the Indians the ways of civilization and Christianity. It is true they have retired from receiving appropriations from the General Government, and very rightly, too. None of the Protestant churches, as I understand, now receives such appropriation. They voluntarily decline to receive it. But that has all been done in the last three or four years. Up to that time they received their proper share or all they could get, and when some years ago it became my duty to administer this branch of the public affairs I found that the Protestant churches were receiving the great proportion. Almost all of the Government money that went into contract schools went into their schools. But in a very short time the Catholic Church, with the enterprise that has ever marked its course in the West, took hold of the educational question. It outran all the others, and got, I believe, a great deal more than all the Protestant churches put together.

However, I will not discuss that question. I could not allow the statement made by the Senator from Washington to go without a protest, especially as the Senator from New Hampshire gave his unqualified assent to that rather remarkable assertion. The Senator from Washington said, in substance, that we have spent twelve or fifteen million dollars in the education of Indian children, and that we have not educated any. Mr. President, there never was a greater mistake in the world. I do not know how fortunate we have been in teaching the Indians of Washington and the Pacific Coast and that immediate section; but I do know that, while we have not had quite the success with the Indians in

many directions that we had hoped for, yet there has been a wonderful improvement in the Indians, and I do not believe it can be honestly said that the great sum of money, $15,000,000 it may be, has been misappropriated. Some of it has been wasted. Some of it has been lost. That is true of all payments to any class of people.

Mr. HOAR. May I ask the Senator from Colorado a question at this point?

Mr. TELLER. Certainly.

Mr. HOAR. Is it not true that a very considerable portion of the $15,000,000 was expended in compliance with treaties, by which we obtained large and valuable grants from the Indians? For instance, the Sioux treaty which was conducted by the Senator from Iowa. The Government engaged to make certain expenditures for the education of the Indian children. So it is not entirely a tax on the people of the United States, but it is giving compensation for lands which we have acquired.

Mr. TELLER. That is true. In nearly all of our treaties with the Indians by which land has been ceded to us we have provided for the education of the Indian children. A great portion of the appropriations made in this bill are made in accordance with treaty stipulations in consideration of the cession of their lands to us, lands that we are selling, in some instances, to the people of the United States for a great deal more than we paid the Indians therefor, and in most instances, where the land is not taken by homestead settlers, it brings more.

The education of the Indian has been pursued under some difficulties. It has been pursued under difficulties because we did not have a sufficient amount of money. If we could have put in schools at one time all the Indian children, we would have done a great deal better than by the course which we have pursued, to take a small percentage and put them in school and try to educate them. When they went back to the tribe, they went into a barbarous community; but it is not true that they have all gone back to the breechcloth and the blanket. The Senator says he has seen more Indians than anybody else except the Senator from South Dakota. The Senator from Washington has been seeing the Indians for the last twelve or fifteen years, and I have been seeing them for nearly forty. I have come in closer contact with Indians than nearly anybody else in this country. I have seen the time when they were a good deal too near to me and when I would have been glad to have had them at a greater distance.

Mr. PETTIGREW. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. PETTIGREW. In connection with the statement of the Senator from Washington, that there are no Indians who have been educated, I wish to state that there is in the gallery at the present time a full-blooded Sioux Indian who is a graduate of Hamilton College, who is a graduate of the Boston Medical College, and who is a gentleman in every respect. There are hundreds of Sioux boys who are educated, who are becoming most excellent citizens, and who are gentlemen in their habits and conduct.

Mr. TELLER. I should like to say that I have myself come in contact with hundreds of them. I have seen them in every section of the Western country pretty nearly, and, while a good many of them have not accomplished what we hoped, yet the work has been going on successfully, and we are gradually and steadily, and I think as rapidly as we ought to expect under the circumstances, lifting up these nations and putting them in a position to take care of themselves and to become eventually respectable members of society.

Mr. President, I have had as much opportunity perhaps to come in contact with this race as most men have. I appreciate all their good traits and I am familiar with all their evil ones, and I do not like to remain silent when a statement is made which will discourage the people who are making an effort to do something for the Indians. The Indian problem will eventually settle itself, and that, too, very speedily, if we continue to give the Indian children an opportunity to secure an education. I admit that we have pursued a very foolish course. We said that it would not do to bring the wild men of this country in contact with civilization and Christianity, and we have isolated them on their reservations, we have kept them away from civilization, and we have kept them away from schools. We have given them no inducement to progress and grow better. Yet nearly all of us are inclined to say that forty or fifty years have gone by and they are no better than they were. Why should they be better, if they are kept on their reservations, where the only civilized men they see are the Indian agent and a few employees around the agency—and they are not always of the very best class of society either?

Mr. HOAR. Mr. President, I think it ought to be said in this connection, what every Senator knows, but if this debate is read elsewhere the statement ought to be made that the matter of the sectarian schools came about in the most natural way without a thought of preferring any religious body at the expense of any other.

When General Grant came into the office of President he found the Indian service in a very bad way. Of course the country had been attending to other things connected with the war and reconstruction, and there were great complaints of the character of the Indian agents and the teachers of the Indian schools and of the whole administration of the Indian service. It was said to be corrupt and wasteful, and that we were unable to command men of suitable character and capacity for the service which was required. General Grant himself hit upon a scheme. It was his own plan, and one on which he prided himself very much. He said, "I will take these schools, and wherever I can make an arrangement I will give them into the charge of some religious body. They shall suggest an Indian agent and an Indian teacher, and I will have them employed; and I will get rid of the idea of having the reckless and worthless men who get around the appointing power provided for at the Government expense and at the expense of the Indians."

The religious bodies to which General Grant made the suggestion accepted it. Some of them accepted it very reluctantly. I know that the religious communion with which I am associated undertook with great reluctance the duty of finding suitable persons for these places, so far as they were assigned to them. The matter went on without a thought of sectarianism or of competition between sects or the desire of one sect to get the advantage of another, or of anything like propagating a special sectarian creed. But at last, as the religious bodies had got accustomed to this thing, a rivalry grew up. Sometimes they got too near each other, and the same thing which occurs in populous towns and cities occurred. Religious controversies sprang up about dealing with the Indians, and it turned out that it did not work well.

If President Grant had foreseen what has taken place, he probably would never have entered upon the experiment. He was, as is known, a member of the great Methodist denomination, and one of the last men in the world to desire to do anything to propagate what is distinctive in Catholicism as separate from Protestantism. When the public attention became aroused, and it was found that the religious denominations were getting jealous of each other and were pressing upon the Secretary of the Interior and the Commissioner of Indian Affairs and upon the officer who has special charge of Indian education for particular advantages, were insisting that they and not the Government should determine the question of the appointment or removal of public officers, the policy was dropped with as general consent as it was originally established. When General Grant made the proposition, it was hailed with approbation all over the country, and this result was not then anticipated by him or by anybody else.

Now, all that we had to do when we found that complaint and jealousy were arising among different religious sects was to carry out the constitutional principle which my colleague has invoked, to discontinue the policy as rapidly as it could be done with justice to the Indians and the parties with whom we had contracts, and as rapidly as it could be done consistently with providing substitute agencies.

I have always voted and always expect to vote for declarations like that advocated by the Senator from New Hampshire whenever they are proposed, reaffirming the old constitutional policy that there shall be no public money provided for sectarian purposes, and to get rid of this plan as soon as we can without a gap or interruption in the Indian education. Upon the question how much we must keep of the old plan until we have the new one in operation, I have followed and expect to follow the Committee on Indian Affairs. Of course no member of the Senate can investigate for himself the detail of the condition of every Indian school on every reservation in the country.

Therefore I have made this statement, not because it is necessary for the Senate, but because some very worthy and enthusiastic persons of various religious opinions in the country seem to misunderstand the matter. Some are in a great hurry to have the reform accomplished, and others regard the attempt to accomplish the reform as an open or covert attack upon their particular form of religious faith.

The great Catholic Church especially stands for, and, in this country, must live by, the constitutional right that all Christian bodies must stand on entire equality before the law, and, so far as I understand the declarations of their leaders, their great authorities, they recognize that policy. I heard the eminent pulpit orator who has just been called to the head of the great Catholic [illegible]sity at Washington, an honored and esteemed fellow-citizen of my own, state in his farewell address to the people of Worcester, where he had been living twenty-five years, his devotion to the principles of the Constitution of the United States. He said he owed his right to be a Catholic and his right to advocate the religious faith which he held to the humane and just provisions of the Constitution of the United States, which declares all Christian bodies to be on an equality. He asked for nothing more for himself nor for his church; that he expected to be content with nothing less. The utterance which he made of a lofty desire that all Christians should stand on an equality before the law, both in its administration and in its original enactment, would have answered for the utterance of any body of Christians or any body of religious thinkers, whether Christians or not. I do not believe there is any difference of opinion among religious bodies on this matter, and I know there is no difference of opinion in the Senate.

Mr. MANTLE. Mr. President, I desire to say briefly that I am in thorough sympathy and accord with that sentiment which is opposed to the appropriation of the public moneys for sectarian purposes, and I had hoped, in common with the Senator from Massachusetts and the Senator from New Hampshire, that, when a year ago the conference committee of the two Houses had arrived at an agreement upon this question, the matter had been definitely settled. But it seems that the mistake was made by the conference committee of not having made provision to carry the agreement into effect. So it happens in this session of Congress that we are again confronted with the same condition of affairs that existed a year ago, and that again, in addition to the great principle of the separation of church and state, in which the great body of the American people believe, we are once more met in this connection with the question of humanity. We are again face to face with the proposition that if we cut out this appropriation at the present time many of the Indian pupils in the Indian schools now being cared for under the contract system will find themselves without the means of securing that education which I am sure all of us desire that they shall receive, because if anything has been demonstrated in the course of our Indian policy it is that the only rational, logical, reasonable, and humane treatment to be extended to these people is that of educating them and of teaching them useful occupations. That policy has proved a grand success in the treatment of the Indians, and it is the only policy which ought to be pursued toward them.

Mr. President, so far as concerns the statement of the Senator from Washington, that after all this expenditure of public money in behalf of the Indians there is not to-day an educated Indian, I wish to state, out of my own experience, having passed the greater part of my life in that part of the country which they mainly inhabit, that the statement is incorrect. Anyone who has lived in that section of the country must be well aware that there has been a great advance, a great improvement in the condition of the Indians, and this statement finds its verification in the fact that disturbances by Indians have almost entirely ceased. This state of affairs, I say, testifies to the good work which has been done and to the improved condition of the Indians at this time. There are many hundreds and thousands of Indians who have been directly benefited and improved by the policy of education and of teaching them useful occupations.

If the amendment is presented for our votes in this form, although I am strongly opposed to the policy of voting the public moneys for sectarian purposes, for I recognize the fact that so long as this custom prevails it must lead to endless discussions and to the continuous debate which has been going on year after year—yet in consideration of this other question, that of humanity, I shall be compelled to cast my vote again in favor of the extension of this appropriation for another year. But if we are going to adopt the amendment of the committee, I believe we ought at this time, taking counsel of the experience of the past year, to make provision for the purchase of schoolhouses and sites, so that a year hence, when Congress convenes, we shall not find the question again confronting us in exactly the same condition and manner that it does at this moment.

I dislike very much, as a younger member of this body, to offer even a suggestion to the Committee on Appropriations, or to attempt in any manner to amend their work. Perhaps it is not proper that I should do so, and yet I shall make bold at this time to suggest an amendment, and to suggest further that if it were incorporated at this time with the committee amendment it would effectually dispose of this question and make all the necessary and proper provision for carrying into effect what is unquestionably the desire of both branches of Congress. With the permission of the Senate, I will read the amendment, which I have roughly drawn, and I should like to ask, if it be in order, that it may be considered in connection with the amendment reported by the committee. I propose the following amendment, which I will read for information:

> For the purchase, lease, repair, and construction of school buildings, and the purchase of school sites for the use and accommodation of Indian pupils now being educated under the contract system, the sum of $[illegible]; and the Secretary of the Interior is hereby authorized and directed to expend the same, or as much thereof as may be necessary, for this purpose, and to have such schools in readiness for the use and accommodation of said pupils on or before the 1st day of July, 1898.

Mr. GALLINGER. Mr. President, I crave the indulgence of the Senate a single moment further in this debate. When I gave qualified assent to the statement of the Senator from Washington, I did not mean to be understood to say that there was not an educated Indian in the United States, or that education as administered by the Government has not done more or less good. What I meant to be understood to give assent to was that I thought we had made a very large expenditure of money for this purpose with results that were disappointing to us all, and I adhere to that statement.

It was not my purpose to mention in this discussion any religious denomination. I have with a great deal of care in former discussions avoided making any utterance of that kind, and I would not have mentioned any denomination to-day had not a direct question been put to me by the distinguished Senator from Nebraska, which it was my duty to answer. I am not narrow or bitter or prejudiced in the matter of religious belief. It was, sir, upon my suggestion and motion that the last relic of religious intolerance was removed from the organic law of the State of New Hampshire, and that was in behalf of the great denomination that has to a certain extent been under discussion to-day.

My position is well known in my own State on this question. I entertain the broadest possible views, and I concede to every man, whatever his religious belief may be, the same right of free thought and free action that I claim for myself.

But, Mr. President, this question goes beyond that of sects or churches. It is a great fundamental principle, and I repeat that in my judgment it is time that the people of this great country solve this problem once for all, and rid our national legislative bodies from the discussion of it that has taken place year by year.

The Senator from Colorado properly said, and truthfully said, that the other religious denominations were still pursuing their work among the Indians. That is true; and when all these appropriations are stopped, when the last cent of money is discontinued to any religious denomination whatever, the great denomination that is now pursuing this work, aided by appropriations from the public Treasury, will, beyond a doubt, continue its beneficent work among the Indians of this country. It is not a blow at any religious denomination. It is not action that, in my judgment, will in any wise retard the work of education among the red men of this country. But we will have established a great principle, upon which every citizen of this country will stand, and can stand, whatever his religious belief may be, and we will have rid our legislation from a troublesome and a vexed question that is bound to be discussed until it is solved, and it never will be solved and settled until it is settled right.

Now, Mr. President, I am ready for the vote, reserving the right to offer the amendments I suggested a moment ago. If those amendments go into the bill, even though the amendment of the committee shall be adopted—which I trust may not occur—I am satisfied that when we come to consider the next Indian appropriation bill we will not occupy several hours of valuable time in the discussion of this question, which has been heard so often in the Halls of the National Congress.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Montana [Mr. MANTLE]. Does the Senator propose the amendment read by him as an amendment to the one pending?

Mr. MANTLE. If it is in order, I should like to have it acted upon, so that it may become a part of the committee's amendment. I think it is necessary to go with the committee amendment in order to get it in proper shape.

The VICE-PRESIDENT. The Chair desired to know the status of that amendment.

Mr. ALLISON. Mr. President, I concur with the Senator from New Hampshire who has just taken his seat that this matter ought not to occupy the attention of the Senate for any great length of time. I had supposed that the question of the policy of our Government was settled by the legislation of last year. The only question between the two Houses last year on the Indian appropriation bill was whether these schools, contract schools, so called, should end with the passage of that law, or whether they should end on the 1st day of July, 1897 or 1898. The Senate Committee on Appropriations last year, accepting fully the views now uttered by the Senator from New Hampshire, reported a provision that the contract schools should continue until the 1st day of July, 1898, believing then, as I believe now, that time should be given for the transition period between the schools that are to be supported by the Government and those denominational schools which have hitherto been supported by contracts given to them.

I agree that the policy thus established last year should not be interfered with, and I know, or at least I have heard, of no one on this floor who proposes to interfere with it. Therefore I do not discuss the question as to the propriety of appropriating money for sectarian schools.

When we fixed the year 1898 in the act of last year in this body, after debate, we did it because we believed it would require a period of two years to make the transition. The House believed that it could be done without delay. A compromise was made between the two Houses that the period should end on the 1st of July, 1897, and that was understood at the time in both Houses. Now it appears from the statement of the Commissioner of Indian Affairs, made to the Committee on Appropriations, that although this has been substantially done, or will be done on the 1st day of

July, 1897, either by purchase of the buildings of sectarian schools in existence or otherwise—that the change from sectarian to Governmental schools will be accomplished, or nearly so, by the 1st of July, 1897—but that there are certain schools having now a considerable number of pupils which can not be so changed by the 1st of July, 1897.

Therefore, after consideration of this subject, the Committee on Appropriations did what? Did it change the policy of this nation as stated and agreed to substantially by everybody last year. Have we done anything in this bill that requires a reargument or restatement, as though there was a division of opinion here? Certainly not. We only provided that the Secretary of the Interior or the Commissioner of Indian Affairs should have the authority, in case it was impossible to secure Government schools for pupils requiring school aid, to use a portion of this money for the fiscal year for which we are appropriating to enable the children to acquire the knowledge that is usually acquired at these schools, without turning them out. We have changed no policy. We have proposed only the humanitarian idea which ought to prevail in this body without reference to our religious views, or the want of them, in order to give the children that can not be provided for by the Government an opportunity for one year more, or a part of a year, to be educated where they are now being educated.

Now, that is all there is of this question. I hope that we shall not hear of it again in this appropriation bill. I concur with the Senator from New Hampshire that when we have passed the transition period and made provision for the Government schools it will not be necessary for us to indulge in a denominational discussion either for or against any particular religious denomination in the country.

So the Committee on Appropriations have not departed from the policy and purpose which was declared last year, but have proposed an amendment here which will submit to the House of Representatives whether a few children who are not already provided for at the public schools and who are now provided for by the sectarian or denominational schools shall be turned out, or whether, temporarily, they shall be continued where they are.

Mr. STEWART. I have not been present during all of the discussion. I wish to inquire whether there is a provision in the pending bill or in any other for advancing with sufficient rapidity the construction of the buildings so as to be ready at the end of the time limited?

Mr. ALLISON. The Commissioner of Indian Affairs stated to us explicitly that the provisions here for the purchase and lease of building sites would be ample to provide for all the children during the fiscal year 1898.

Mr. ALLEN. Mr. President, I did not suppose there was any controversy as to the policy to be pursued with reference to these Indian schools. I understood from the action of Congress last year that we settled upon the policy that appropriations should be cut off at the rate of about 20 per cent each year for something like four or five years, until the schools were enabled to care for themselves. So the proposed amendment of the Committee on Appropriations does not disagree in any respect from the policy laid down last year, as I am informed by the Senator from Missouri [Mr. COCKRELL] at my right.

I think there are two things that ought to be considered carefully in connection with this proposed amendment, and these two points rise above the mere dollars and cents involved in the amendment although the sum is probably large. The first to be considered is the welfare of the Indian children, who, unless this appropriation shall be made, will be turned out without any educational opportunities whatever. There can be no doubt that a great many thousands of Indian children unless they receive means of education through the contract schools for a year or two at least will be deprived of the privilege of an education during that period. Now, that is an important matter. I agree entirely with the Senator from Connecticut, with whom I rarely agree upon any subject, that it would be absolute cruelty, unjustifiable cruelty, to turn these children out without an opportunity of education.

Then there is another important matter in this connection that the Senate can not overlook, and which was considered a year ago in connection with the Indian appropriation bill, and that is the injustice of taking the prop from under the contract schools and rendering their property valueless by a sudden withdrawal of the appropriation. The church of which the Senator from New Hampshire speaks, and in fact many of the churches, invested millions of dollars in Indian schools; they erected valuable buildings, and provided for the education of the Indian youth. If the Government can be estopped from a sudden withdrawal of support to the schools it is estopped in this case until the owners of this property have had an opportunity either to dispose of the property or make provision for conducting their schools by means derived from some other source. It strikes me that it would be absolutely unjust in view of the policy this Government has pursued for over twenty years in encouraging the construction of great school buildings, and encouraging religious societies to educate the Indian youth, suddenly to take the foundation out from under their enterprises and permit their property to fall back upon their hands almost absolutely worthless.

Mr. GALLINGER. Will the Senator from Nebraska permit me?

Mr. ALLEN. I will.

Mr. GALLINGER. I suggest to the Senator that the other denominations in bulk invested very nearly as much in school buildings as the remaining denomination; that they voluntarily relinquished this subsidy from the Treasury of the United States and did not ask the Government to reimburse them, and that they are carrying on their schools now with their own funds.

Mr. ALLEN. I do not see that that makes any difference in the argument. The Senator, a moment ago in his remarks, seemed to indicate that I was a Catholic, or in some way in sympathy with the Catholic Church.

Mr. GALLINGER. Oh, no, Mr. President; I disclaim that. I did not think that, and hence I could not have said it.

Mr. ALLEN. Let me say to the Senator that I am a child of Protestant parents, the child of a Protestant minister——

Mr. GALLINGER. That is a matter I never thought of, Mr. President, and I will state to the Senator——

Mr. ALLEN. And I do not stand here as an advocate of any particular denomination. I believe the more churches we have the better off the country will be. I do not care what their dogmas may be. We are not compelled to believe all of the formulated creeds of a church, and yet, Mr. President, it is true that the great church organizations have hewed out and marked the pathway of civilization in this country. The settlement of the country has always followed in the pathway of the pioneers of the churches. I care not what name you may give it, every Sunday school that is organized and established in this country, every Christian society, under whatever name it may exist or by whatever name it may be known, is an important factor in our civilization, and we can not afford to sneer at any of them. They are civilizers.

I regret that the Government does not pursue the policy, if it finds it cheaper, of employing the different churches as an agency, as a means to educate the Indian youth of this country. The Senator from New Hampshire thinks he sees some conflict between that policy and the established doctrine that church and state shall be forever divorced. There is no conflict at all, either in theory or in practice. From whence did we get the doctrine incorporated in our fundamental law that there should be no union of church and state? We got it from the example furnished us by the early English people and by continental Europe. In those countries at that time there was an established church, and the people were taxed and compelled to support the church. That is what is meant by church and state, and that is what we mean when we say we will divorce the church from the state. But the employment of the Methodist Church, or of the Episcopal, or of the Quakers, or any other organization as an agency to educate the Indian youth of this country is in no sense, in theory or in fact, a union of church and state.

I noticed a day or two ago that a distinguished Union general, under whom I served during the late war, died at St. Louis, a man, Mr. President, who, I believe, was greater than Marshal Ney; greater, in my judgment, than any subordinate commander in the country or in the old in a hundred years of the world's existence. It so happened, when I came to read his obituary, that I learned for the first time that he belonged to the Catholic Church. He was A. J. Smith, a man pretty nearly 81 years of age. Mr. President, when that man was riding in the storm of battle, leading his hosts in defense of our country, did anybody say that was a union of church and state? This Government employed his great services, and he rendered them freely in defense of the flag. You might as well say that the payment of that man for his services was a union of church and state as to say that the payment of these church organizations for their services in educating the Indian youth of the country is a union of church and state. That is not the union of church and state to which we refer. The union of church and state to which we refer, and which is contrary to our Constitution and contrary to our traditions as a Government, is the establishment of a particular church organization and the supporting of that church organization by general taxation levied upon the people.

Mr. PETTIGREW. I ask unanimous consent that the vote be taken on the amendment with regard to sectarian schools at 1 o'clock on Monday.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HOAR. I desire to have a brief conference report adopted, which I do not think will take three minutes. The members of the committee in the other House are anxious to have the report acted upon at once.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment to the first section of the bill, and from its disagreement to the amendment striking out the third section of the bill, and concurs therein; and also recedes from its disagreement to the amendment to the second section of the bill, and concurs therein with an amendment as follows:
>
> Strike out "five hundred," and insert "one thousand" instead thereof, so that said section will read as follows:
>
> "SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $1,000."
>
> GEO. F. HOAR,
> WILLIAM LINDSAY,
> WILLIAM F. VILAS,
> *Managers on the part of the Senate.*
> FREDERICK H. GILLETT,
> C. G. BURTON,
> JOHN K. HENDRICK,
> *Managers on the part of the House.*

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3625) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 10940) granting an increase of pension to George W. Ferree; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

MRS. LUCY ALEXANDER PAYNE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, further insisting upon its amendment to said bill, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROACH. With regard to the bill, the action upon which has just been read, I move that the Senate concur in the amendment of the House of Representatives.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Dakota, to concur in the amendment of the House of Representatives, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty."

The motion was agreed to.

LEGAL PROCEDURE IN THE TERRITORIES.

Mr. PLATT. I wish to have the attention of the Senate for a moment while I make a statement. I had intended this afternoon to ask unanimous consent to call up a bill which was recommended by the Judiciary Committee, which must be passed, if at all, very quickly. It was objected to some time ago by the Senator from New York [Mr. HILL]. It is a bill relating to legal procedure in the Territories. There are four men who are under sentence of death to be hanged on Tuesday next. I do not suppose it would be possible if we brought the bill up to-night to get any further along with it than if it was brought up on Monday morning; but I shall ask the indulgence of the Senate on Monday morning to consider the bill, and I hope the Senator from New York will by that time be willing to withdraw his objection to it.

FORT SPOKANE MILITARY RESERVATION.

Mr. HAWLEY. There is a bill on the Calendar which the War Department wants passed, a bill of mere business detail, which will save the Government some money. It will take but a moment to read it. I ask unanimous consent for its consideration. It is Senate bill 3561.

The PRESIDING OFFICER (Mr. PASCO in the chair). The bill will be read for information, subject to objection.

Mr. COCKRELL. If it leads to no discussion, I shall not object.

The bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company was read by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FAULKNER. If it leads to no discussion, I shall not object.

Mr. HAWLEY. After the bill is read I think there will be no objection to it.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The bill was read.

Mr. HAWLEY. Only a single word of explanation. The bill will assist the Government in conveying materials more cheaply to Fort Spokane, and so the War Department would like to have the bridge built this summer. That is all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 22, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1897.

DISTRICT JUDGE.

James L. Wolcott, of Delaware, to be United States district judge for the district of Delaware.

UNITED STATES MARSHAL.

Giles V. Crenshaw, of Missouri, to be marshal of the United States for the western district of Missouri.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1897.

REGISTER OF THE LAND OFFICE.

Benjamin F. Shaw, of Vancouver, Wash., to be register of the land office at Vancouver, Wash.

PROMOTIONS IN THE ARMY.

Infantry arm.

Candidate Sergt. James W. Clinton, Troop F, Fourth Cavalry, to be second lieutenant.

Candidate Sergt. Alexander T. Ovenshine, Company C, Twenty-first Infantry, to be second lieutenant.

Candidate Corpl. Henry E. Eames, Troop E, Fourth Cavalry, to be second lieutenant.

Candidate Sergt. Robert Field, Troop H, Eighth Cavalry, to be second lieutenant.

First Lieut. Reuben Banker Turner, Sixth Infantry, to be captain.

First Lieut. Daniel Alfred Frederick, adjutant Seventh Infantry, to be captain.

First Lieut. Edgar Hubert, Eighth Infantry, to be captain.

Second Lieut. Frederick S. Wild, Seventeenth Infantry, to be first lieutenant.

Second Lieut. William Orlando Johnson, Nineteenth Infantry, to be first lieutenant.

Second Lieut. James Robert Lindsay, Fourteenth Infantry, to be first lieutenant.

POSTMASTERS.

Mary A. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

Sadie E. Truax, to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota.

J. W. Overstreet, to be postmaster at La Plata, in the county of Macon and State of Missouri.

G. W. S. Jenkins, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

William A. Sloan, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida.

Alfred J. McQuiston, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania.

George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado.

Duncan D. McIntyre, to be postmaster at Laurinburg, in the county of Richmond and State of North Carolina.

Mary Green, to be postmaster at Warrenton, in the county of Warren and State of North Carolina.

Adelia M. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire.

Miss Ada L. Davis, to be postmaster at Pilot Point, in the county of Denton and State of Texas.

James F. Maher, to be postmaster at Litchfield, in the county of Meeker and State of Minnesota.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 20, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

GENERAL DEFICIENCY BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 10329, the general deficiency bill, and the question is upon the pending amendment, which the Clerk will read.

The Clerk read as follows:

> On page 54, beginning with line 55, strike out the following:
>
> "To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,292.48."

Mr. SAYERS. Mr. Chairman, I shall support the amendment offered by the gentleman from Illinois [Mr. HOPKINS]. The truth about it is that the gentleman has raised a question that it would probably be very difficult for even himself to decide. The gentleman thought proper yesterday afternoon to begin his remarks by an assault upon the gentleman from Missouri [Mr. DOCKERY] and myself. I will say to the gentleman from Illinois that the gentleman from Missouri had nothing whatever to do with the preparation of this bill. It was prepared by a subcommittee of which he was not a member; and the members of that subcommittee, myself included, are responsible for this provision in the bill. It may seem strange that, being to a certain extent responsible for the appearance of the provision, I should be found supporting the motion made by the gentleman from Illinois. The Committee on Appropriations and the subcommittee on deficiencies were considering a bill introduced by the gentleman from Virginia [Mr. TUCKER] for the relief of Mr. George D. Wise, of Richmond, Va., which read as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any funds in the Treasury not otherwise appropriated, to George D. Wise, of Richmond, Va., the sum of $110.

That bill was referred to the Committee on Appropriations. Upon inquiry the committee discovered that the $110 which was sought to be appropriated was claimed to be due Mr. Wise for a portion of his salary as a member of the House, which had been withheld under the order of the Speaker of the last House in consequence of Mr. Wise's absence. The subcommittee concluded that if it would be right to pay this demand, it would also be right to make reimbursement to all others similarly situated, and it was the purpose of the subcommittee that this matter should be brought before the House for its consideration.

In order that members may properly and thoroughly understand the question, I will send to the Clerk's desk a blank certificate, being the form used in the last Congress for the pay of members, beginning on the 4th day of April, 1894; and I ask the Clerk to read all that appears on the certificate, including the language quoted from the statute.

The Clerk read as follows:

> SEC. 40, REVISED STATUTES.
>
> The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.
>
> HOUSE OF REPRESENTATIVES U. S.,
> *Washington, D. C.,* ——— ——, *189*—.
>
> I certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.
>
> ——— ———.
>
> ——— Salary, 189—.
>
> No. ——.
> HOUSE OF REPRESENTATIVES U. S.,
> *Washington, D. C.,* ——— ——, *189*—.
>
> I certify that there is due to the Hon. ——— ———, ——— dollars, as a member of the House of Representatives for the Fifty-third Congress.
>
> ——— ———, *Speaker.*
>
> $———.
>
> Received the above amount.
>
> ——— ———.

Mr. SAYERS. Mr. Chairman, I now send to the Clerk's desk the form of certificate used in the present Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I hope the gentleman's time will be extended five minutes.

Mr. SAYERS. I should like to occupy ten minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Texas [Mr. SAYERS] be allowed to proceed for ten minutes further. Is there objection? The Chair hears none.

Mr. WILLIAM A. STONE. In connection with the certificate just read, I wish to ask the gentleman from Texas whether it is not true that the Speaker announced, either publicly or privately, I do not remember which—but were we not given to understand that he would not certify the voucher necessary to draw the monthly pay until the member had signed the certificate just read?

Mr. SAYERS. Certainly; that was my understanding.

Mr. WILLIAM A. STONE. It seems to me that the fact I have just stated ought to go on record with the certificate read.

Mr. SAYERS. Mr. Chairman——

Mr. HEPBURN. Before the gentleman from Texas resumes, I beg to suggest that the answer of the gentleman, taken in connection with the query just made, may be somewhat misleading, owing to the fact that the Speaker, in some way or another—I do not now remember how—authorized a modification of that certificate. I know that in a great many cases the certificate was modified, so that, for instance, the member would certify: "I have been absent no days for which, under the law, my pay should be deducted."

Mr. SAYERS. Well, that may be so, though I never saw such a certificate.

Mr. HEPBURN. So that any member, if he believed in the contention of gentlemen on this side of the House, had the right to make that change in the certificate, which, in its modified form, the Speaker readily signed, and by means of which the member secured his full pay.

Mr. WILLIAM A. STONE. Nobody questions that.

Mr. SAYERS. I had no knowledge of the form of certificate to which the gentleman from Iowa [Mr. HEPBURN] refers. I never used such a form myself, but used only the one which has been read.

Mr. HULL. My impression is that there was no modification of the printed form, but the change was simply written in.

Mr. WILLIAM A. STONE. And members had a right to do it.

Mr. SAYERS. I ask now that the certificate which is being used in the present Congress be read.

The Clerk read as follows:

> ——— Salary, 189—.
>
> No. ——.
> HOUSE OF REPRESENTATIVES OF THE U. S.,
> *Washington,* ——— ——, *189*—.
>
> I certify that there is due to the Hon. ——— ——— four hundred and ——— dollars, as a member of the House of Representatives for the Fifty-fourth Congress.
>
> ——— ———, *Speaker.*
>
> $41—.
> Received payment, ——— ———.

Mr. SAYERS. Mr. Chairman, members will readily see the difference between the two certificates.

Mr. CLARDY. I should like to ask the gentleman this question: Is the law which has been referred to, and which has been read at the Clerk's desk, operative now, or has it been repealed?

Mr. SAYERS. It has never been repealed. The law as read is still in force.

Mr. WILLIAM A. STONE. Of course the gentleman will understand that we deny that the law is still in force; we contend that it was repealed, and was not in force during the last Congress.

Mr. SAYERS. Certainly. Now, Mr. Chairman, it is an open secret in this House—it was an open secret in the last Congress—that many gentlemen obtained their full monthly salary notwithstanding the fact of their absence and notwithstanding the further fact that they were not absent because of sickness of themselves or of any member of their families. The gentlemen who will be the beneficiaries of this appropriation if it should be made, and I am not one of them, because there is not a penny due me by reason of service in the last Congress—the gentlemen who will be the beneficiaries are those who signed the form of certificate first read and subjected themselves to deduction for absence that was not because of the sickness of themselves or any member of their families.

To show the injustice which occurred, let me state that other members of that Congress who were in a similar situation construed the law differently. I am not going to call in question the motives which induced them to adopt a different construction. They were honorable and capable gentlemen—many of them good lawyers. But suffice it to say, sir, that this difference of construction between the two sides of the House in that Congress, Democrats and Republicans, operated to the disadvantage of those Democrats and Republicans—for there were Republicans also—who could not sign the certificate first read without allowing deductions for absence not caused by sickness either of themselves or some member of their family.

Mr. WILLIAM A. STONE. I dislike to interrupt the gentleman from Texas, and if he will allow me to ask him a single question I will not again interrupt him.

Mr. SAYERS. Very well; I will yield for that purpose if the gentleman will agree not to interrupt me any more.

Mr. WILLIAM A. STONE. I will put it in writing.

Is it not true that the amount appropriated in this bill will go to the members of the last House who did not receive pay for their services in the Fifty-third Congress?

Mr. SAYERS. Yes.

Mr. WILLIAM A. STONE. And money was withheld from them under a misconstruction of the law.

Mr. SAYERS. That I do not agree to.

Mr. LOUD. Perhaps the gentleman himself is one of them.

Mr. WILLIAM A. STONE. Oh, yes; "the gentleman" is one; and I do not intend to vote on the question, either. I hope the gentleman will remember that.

Mr. SAYERS. Mr. Chairman, I wish to show a specimen of operation under that law.

Inasmuch as my good friend from Illinois [Mr. HOPKINS], without any provocation whatever, saw proper to assail the gentleman from Missouri [Mr. DOCKERY] and myself, I intend to take advantage of this occasion to show from the records of the last Congress, after the 4th day of April, 1894, the following fact: Of the number of roll calls, 101 in all, the gentleman is recorded as voting only on 30, and as not voting on 71.

Mr. LACEY. Perhaps he was paired.

Mr. SAYERS. No; there was no pairing about it.

At the third session of that same Congress the gentleman from Illinois voted 38 times, and failed to vote 9 times out of 47 roll calls. And yet, Mr. Chairman, upon the list of those whose salaries were deducted, and which list has been furnished to the Committee on Appropriations, we do not find the name of the gentleman from Illinois.

Mr. LACEY. Is any Senator's name on that list?

Mr. SAYERS. None.

Mr. LACEY. So they construe the law to be no longer in force, evidently.

Mr. SAYERS (continuing). And so the truth is that my friend from Illinois—

> Has digged a pit, and digged it deep,
> And thought he'd catch a brother;
> But in the pit he fell himself,
> That he had digged for another.

[Laughter and applause.]

The gentleman, I suppose, appreciates the poetry, does he not?

Mr. WILLIAM A. STONE. That is Texas poetry, I suppose. [Laughter.]

Mr. SAYERS. Now, Mr. Chairman, as I said in the commencement of my remarks, I intend to vote for the amendment, because I think the law that I have caused to be read is still in force, and because I believe that the opinion given by the majority of the Committee on the Judiciary in the last Congress was a correct opinion with reference to it, and that the pay of members ought to be deducted for absence that was occasioned by any cause other than on account of the sickness of themselves or some member of their families. The committee is now brought face to face with the question whether or not it will strike out this clause, so that it may be determined whether or not the law which I have read was and still is in force, and whether or not the action of the Speaker of the last House of Representatives was in that respect correct.

A minute more in conclusion. If members of the committee think the certificate in use by the present Congress is a proper one, and that the certificate used in the last Congress was not the proper one, then it is their duty to vote for the clause and against the amendment of the gentleman from Illinois.

[Here the hammer fell.]

Mr. MAHON. Mr. Chairman, gentlemen who were members of the last House and who are members of the present Congress ought to have this matter fully explained and the reason why the action suggested by the gentleman from Texas was taken.

The members of the Fifty-third Congress will remember that a heavy Democratic majority prevailed in that Congress, and that, notwithstanding that fact, they got into bad water and could not get a quorum here on many questions. Now, the Speaker of that House, who was a good lawyer—I do not know whether the Committee on Rules advised on the question or not—arbitrarily had that document prepared for the members of the House, to sign before receiving their pay. That action at once led to an investigation of the law, because that deducting feature had not been in force for many years; and such lawyers as my friend Mr. McCALL of Massachusetts, Mr. RAY of New York, and other good lawyers, who occupied seats on this floor, after careful consideration, came to the conclusion that the law did not have any existence and should not be applied at the present time, because the operation of the act destroying the per diem pay, and declaring an annual salary of $5,000 a year for a member of Congress, instead of the per diem pay, by implication repealed all former laws in regard to the salaries of members of Congress.

Now, the question arose between the members. There was an honest difference. I would state very frankly that when that paper was handed to me, and I gave the law careful examination, I believed there was no law in existence upon the statute books which either authorized the Speaker to make such a deduction as that or compelled me to sign a paper docking myself; and being made a judge of the law in my own case, I decided the law in my favor, and refused to sign any certificate of that kind. [Laughter.] I am not among the members who have been docked, because I did not believe and do not now believe that the Speaker had a right to do what he attempted to do. But, nevertheless, before the Speaker agreed to modify that paper, a great many members of the House, who did not give this matter much attention, signed that paper the moment it was put upon their desks, and it went into the office of the Sergeant-at-Arms, and these men were docked.

Now, this is simply an appropriation of $13,000 to pay that money back to them. The question raised here is, if these men believed they were not entitled to that pay, why should the money be refunded? I want to say that three-fourths of the men who signed that paper because it was the policy adopted by the Speaker did not believe then that they were entitled to be docked, and they do not believe it now.

Now, Mr. Chairman, if this matter is not decided to-day, it will come back to this Congress year after year. The amount involved is very small. If I could reach the men who inaugurated the policy of putting members into that situation, I should not hesitate to vote to deduct the salary from them, but I say it is not right to deduct it from other members.

Mr. CONNOLLY. Why did not that Congress make this appropriation itself?

Mr. MAHON. That Congress made an appropriation to pay the full amount of members' salaries, and it was put into the hands of the Sergeant-at-Arms, who is not an officer of the Speaker of the House, but is a disbursing officer of the United States. That money was put there for me, and I went there and took it.

Mr. CONNOLLY. Why did they not make the same kind of an appropriation as this which is included in this bill now to pay them what had not been paid before?

Mr. WILLIAM A. STONE. Let me answer that. It was offered, and voted down on a yea-and-nay vote.

Mr. CONNOLLY. But if they had made it the law that the Sergeant-at-Arms should pay the money, he could not have withheld it from them.

Mr. WILLIAM A. STONE. But they did not make it the law. They defeated it.

Mr. CONNOLLY. Why did they defeat it?

Mr. WILLIAM A. STONE. Because there was a Democratic majority of about 110 votes.

Mr. CONNOLLY. Oh, yes.

Mr. MAHON. Now, Mr. Chairman, one word more. I ask this House to vote this amendment down, because if you do not, the next Congress will have this same matter brought before it. I ask you to vote it down, because I do not believe that there is a lawyer on the floor of this House who examined this case thoroughly when it was before the House who believes there was any law in existence authorizing any disbursing officer, at the dictation of the Speaker or any other officer of the House, to deduct the salary from him that had been voted to him under the law of the United States. And if it was taken from them wrongfully, let us vote this $13,000 to pay these members of the Fifty-third Congress who are entitled to this sum.

Mr. HOPKINS of Illinois. Mr. Chairman, the gentleman from Texas [Mr. SAYERS] comes here this morning with a very placid countenance and a mild and dove-like manner to get a Republican House to wash the dirty linen of the Democratic Fifty-third Congress. He says that he was a member of this subcommittee that brought in this amendment to pay these men this $13,000. I will say to the Republican members of the House that the gentleman from Texas [Mr. SAYERS] was the chairman of the Committee on Appropriations in the Fifty-third Congress, and if he had been as solicitous for his Democratic friends in the closing days of the Fifty-third Congress as he seems to be in the closing days of the Fifty-fourth Congress, he could have put this appropriation into the deficiency bill of that Congress, instead of loading it upon a Republican Congress and then going out and claiming before the country that we are extravagant in our appropriations. [Applause on the Republican side.]

Mr. SAYERS. The gentleman misunderstands me. I am going to vote for an amendment to strike out this appropriation.

Mr. HOPKINS of Illinois. The gentleman says that he is going to vote for the amendment to strike it out. Why, Mr. Chairman, did he not make that motion when this item was reached? Why did he wait for some one who was not a member of the committee? He was vociferous here in his opposition to the appropriation for the Southern Pacific Railroad Company, and secured three hours of time to debate that question; but he was as silent as the grave on this matter of the $13,000 that it is proposed to distribute among his Democratic colleagues, that ought to have been paid to them in the Fifty-third Congress, according to his own statement this morning.

Now, what I object to is not so much paying these men as the manner in which it is forced onto this Congress. It is always the case with these gentlemen: if there is anything of a questionable character like this they will refuse to act when they are in power and will wait until the Republicans are in possession of the House, and then come around with their arguments and induce good-natured Republicans to adopt and become responsible for their delinquencies. The gentleman has seen fit to call attention to the number of times that I did not vote in the last Congress. Does that show that I was not here? Not at all. The gentleman knows as well as I know that I was engaged in committee work in the Ways and Means Committee room scores of times when there were roll calls, and did not respond, the same as he himself has done. He knows that on all important questions I voted. He undertakes to make a personal arraignment of me to avoid the effect of the motion I make, that affects us from a party standpoint, and not from the individual.

I claimed in the Fifty-third Congress, when this rule was adopted by the Democratic majority, that it was a violation of the law and a violation of the individual rights of members. I stood with the Republican members of the House. But the gentleman from Texas, at the head of the Appropriations Committee, with more than 110 majority upon his side, sustained the then Speaker of the House upon all these propositions; and when the gentleman from Pennsylvania [Mr. MAHON] arose to a question of personal privilege and insisted that the House did not have the legal right nor the moral right to take from him the salary that has been given him by statute, he was opposed by the vote of the gentleman from Texas and by the almost solid Democratic vote of that House. Is it proper for Republicans at this late day to come in here, after these Democrats have certified that they are not entitled to this money and after they declined to appropriate this alleged deficiency in the Fifty-third Congress, to add $13,000 to the already large appropriations of this Congress? Why, Mr. Chairman——

Mr. LIVINGSTON. Will the gentleman allow me to interrupt him?

Mr. HOPKINS of Illinois. I can not yield now. I have listened to the arguments of the leaders upon the Democratic side about our extravagance in this Congress. We have had two set speeches by gentlemen of the minority side of the Committee on Appropriations already, arraigning us for extravagance. If these Democratic members want to be paid, let them take it up in a Democratic House, but not ask us to reverse the position which they voted upon themselves and enforced upon Republicans——

Mr. GROSVENOR. I object to the gentleman saying "take it up in a Democratic House." We do not propose to have any. [Laughter.]

Mr. LIVINGSTON. Will the gentleman allow me now?

Mr. HOPKINS of Illinois. Yes.

Mr. LIVINGSTON. I understand that many of the Republican leaders of the House are on this list; and why should the gentleman make it a political issue?

Mr. HOPKINS of Illinois. I make it a political issue because it is political, and made so by your party. The gentleman from Georgia [Mr. LIVINGSTON] and those other gentlemen then insisted it was proper to deprive these men who certified as I have indicated of the money he now would have a Republican Congress pay them. Every man whose money is detained there is detained on the certificate which he made, in which he said that he was not entitled to the money.

Mr. LIVINGSTON. The gentleman must remember that the Democrats did and had supposed every other member was going to fill out the certificate.

Mr. HOPKINS of Illinois. Why did not the Democrats in the last Congress go on and have this paid instead of asking that it be paid at the present time?

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I do not desire to be recognized, except to try to close debate at some given time. I would be glad if it could be closed in twenty minutes.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and amendment shall be closed in twenty minutes.

Mr. HEPBURN. I object.

Mr. CANNON. What time would suit the gentleman—twenty-five or thirty minutes? Say thirty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this paragraph and pending amendments be limited to thirty minutes. Is there objection?

Mr. GROSVENOR. If I can be recognized, I have no objection.

Mr. WANGER. I object.

Mr. CANNON. I move that the committee do now rise; but I can close debate now. I move that debate be closed in thirty minutes.

Mr. BOATNER. Can the gentleman take me off the floor?

The CHAIRMAN. Not if the gentleman makes the point of order, as the Chair has recognized the gentleman from Louisiana. But the Chair will recognize the gentleman later, if he yields.

Mr. BOATNER. I will yield informally. I will ask the gentleman from Illinois to withhold his motion for a few minutes.

Mr. CANNON. Very well; the gentleman has the floor, and I am powerless.

Mr. BOATNER. Mr. Chairman, it appears to me that the attempt of the gentleman from Illinois [Mr. HOPKINS] to inject political animus into this question is entirely inappropriate. The question is not whether a Republican House shall relieve any number of Democratic members from the consequences of ill-advised action of a previous House which was Democratic; it is not whether this rule or law was enforced by a Democratic or by a Republican House, but whether it is now or was then a law. If the statute which has been read at the instance of the gentleman from Texas [Mr. SAYERS] was then a law of the United States, it is a law now as much as it was while the Fifty-third Congress was in session, and every member who is absent from this Hall with or without leave, except in the case of sickness of himself or his family, ought to suffer a deduction from his salary for the number of days he is absent. If that was a valid and binding statute, then this appropriation ought to be stricken out of this bill. If it was not a statute, then the appropriation ought not to be stricken out of the bill, because those who suffered these deductions have not received the salaries which the law of the United States provided that they should receive.

Mr. LEWIS. Mr. Chairman, I desire to ask the gentleman whether, in his opinion, the action of the Fifty-third Congress in this respect was wrong, and whether he now desires to prosecute an appeal from the action of that Democratic House in order to have the error corrected?

Mr. BOATNER. In reply to the gentleman from Kentucky, I will state that I spoke on this floor two or three times in opposition to the course that was pursued by the then Speaker and by the managers of the House in making these deductions. I dissented from the report of the Judiciary Committee holding that that was the law, and insisted all the time that the salary fixed by law should be paid to members without deduction for the time they were absent by leave of the House. Gentlemen who did not suffer any deduction under the rule escaped it by failing to certify the number of days that they had been absent. They had to suppress the fact that they had been absent at all in order to be paid their full salaries, and in this way escaped the loss suffered by their more conscientious colleagues, who did not feel justified in suppressing the fact that they had been absent. If the statute which the gentleman from Texas has had read here was the law, it ought to have been enforced, and all who absented themselves should have suffered the deduction which it provided, regardless of the certificate of the member. The fact should have controlled, and not its suppression. If it was not the law then, it is not the law now, and it ought not to have been and ought not to be enforced by withholding from some members the salary fixed by law and which their colleagues have received.

Mr. LOUD. Yesterday I made a statement which the gentleman from Louisiana contradicted. I read from the RECORD:

> Mr. LOUD. Of course the gentleman well knows that members were allowed to interpret that law.
>
> Mr. BOATNER. The gentleman is mistaken about that.

Now, I desire to read to the gentleman the form of certificate which members were required to sign, and I remind him that the Speaker took special care to say that each gentleman must interpret the law for himself. In the certificate is this language:

> I have been absent —— days, for which deduction should be made under section 40 of the Revised Statutes.

Mr. BOATNER. Mr. Chairman, the gentleman from California said yesterday that all those who suffered the deductions had signed a certificate that in their opinion the deduction should be made. I said he was mistaken. I am one of those who refused to sign that certificate. Instead of certifying that deduction should be made under that section of the statute, I certified that I had been absent so many days with the leave of the House, for which no deduction ought to be made. That was the certificate I signed. Now, I submit again, in conclusion, that the question for our Republican friends here to consider is not whether they are going, as the gentleman from Illinois [Mr. HOPKINS] exp[illegible] their "Democratic friends out of a hole," but whether they are going to decide that this is a law, a binding statute. If it is, every gentleman who has received compensation for the days he was absent from this House has received it unlawfully and ought to return it to the Treasury. Every member who continues to receive compensation for days that he is absent will continue to receive it unlawfully. If you want to go to the country upon the proposition that this statute is in force, we have no special objection to that, but we will ask that you conform to the rule which you lay down.

Mr. CANNON. Mr. Chairman, I would be glad to have unanimous consent that debate upon this paragraph and the amendment close in thirty minutes.

There was no objection, and it was so ordered.

Mr. HEPBURN. Mr. Chairman, it seems to me that this ought not to be a very difficult question, and it would not be if gentlemen would remember that conditions exist now just as they existed during the last Congress. Then the Speaker adopted a certificate which put upon every member of the House the obligation and gave to every member of the House the right to determine whether section 40 of the Revised Statutes was in force or not. He accepted a modification from every gentleman who chose to make it which gave him his pay, so that after all each one of us, as a matter of conscience, was able to determine for himself whether under the law he was entitled to the compensation that he received.

Mr. BOATNER. Will the gentleman allow me to interrupt him just there?

Mr. HEPBURN. I would prefer not to, as I have only five minutes and the gentleman has had his say.

Mr. BOATNER. I only wanted to correct the gentleman in a statement that he was making.

Mr. HEPBURN. Now, Mr. Chairman, every member of this House did elect and determine for himself whether he was entitled to his pay or not, and if he failed to get it it was because he gave a construction to the law which justified the Speaker of the House in withholding it from him. That is the situation. I would like to ask these gentlemen what change of conviction has come over them since that time? Then they said by their acts, by the certificates which they made, by the omission to make any interpolation in the certificate—they said they were not entitled to pay for the time they had been absent. If they were not entitled then, will they accept it now?

Mr. SAYERS. Will the gentleman allow me a moment? I do not wish to interrupt him, but I wish to say, in behalf of those gentlemen whose names appeared in the list which was furnished to the Committee on Appropriations, that not a single one of them came to the committee or to the subcommittee in connection with this matter; and I suppose that they were entirely ignorant of the fact that this clause was in the bill when it was reported. We simply had before us the resolution offered by the gentleman from Virginia [Mr. TUCKER] for the payment of Mr. Wise.

Mr. HEPBURN. The explanation of the gentleman does not aid the situation an atom. Under his explanation, it is an insult to offer this money to these gentlemen. They said before that they were not entitled to this money. Are we going to force it upon them now, notwithstanding their assertion in their certificates that they were not entitled to it?

Mr. BLACK. Will the gentleman yield a moment?

Mr. HEPBURN. I will, for a question.

Mr. BLACK. I wish to correct a statement of the gentleman which, as I understand, involves a misapprehension of facts. I know that one member—my colleague, Judge LAWSON, of Georgia—stated that he was not absent any days for which his salary ought to be deducted, and he protested against the deduction. He furthermore stated, however, what was the fact, that he had been absent. He protested against the deduction, but it was made anyhow.

Mr. HEPBURN. Did he protest in his certificate?

Mr. BLACK. He did, as I understand.

Mr. BOATNER. I did the same thing, and a great many others.

Mr. HEPBURN. My understanding is that whenever a member changed the form of the certificate so that it would read, "I certify that during the month of —— I have been absent no days for which deduction should be made under section 40 of the Revised Statutes," that certificate was ample. Now, if the member refused to insert the word "no" in that blank it was because he believed that section 40 was in force. If he believed that section 40 was in force, then he is not entitled to his pay for the period of his absence.

Mr. BLACK. The gentleman will allow me to say that my colleague, Judge LAWSON, protested on the back of the certificate that none of his pay should be deducted.

Mr. HEPBURN. But he made the certificate showing an absence. If he had certified that he had been absent no days for which deduction should be made——

Mr. BLACK. That is what he did certify, as I understand.

Mr. LACEY. Will the gentleman from Iowa [Mr. HEPBURN] yield for a correction?

The CHAIRMAN. To whom does the gentleman from Iowa yield?

Mr. HEPBURN. I do not desire to yield to anyone, if the Chair will protect me.

The CHAIRMAN. The gentleman will proceed without interruption.

Mr. HEPBURN. Now, in this view of the situation, I think the argument of my friend from Pennsylvania [Mr. MAHON] is not a cogent one. He says:

> Let us pay these claims now, because if we do not, these applicants will come here year after year.

Mr. MAHON. My statement was that in the Fifty-third Congress the position of the Republican party was that no such law was in existence. I do not want to stultify the Republican party; I want to reaffirm the position which they took then.

Mr. HEPBURN. I do not think you will stultify them in taking the position for which I now contend. This was a question for each man; the Speaker put it upon each man; the majority of the House permitted him to put it upon each man. Therefore each member accepted the situation in accordance with the form of certificate which he chose to sign.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, there are some other features of this famous transaction which, while we are airing it here, we might just as well let the country understand. There was some doubt in the minds of some gentlemen about the validity of the claim set up that section 40 of the Revised Statutes was in force. The movement was a Democratic partisan movement, made by the leaders on that side to hold together a disintegrating party of men. The conditions which resulted in the election of 1896 were already manifesting themselves on the majority side of this Chamber, and for the purpose of holding up the members, as a highwayman holds up a man of inferior strength, they adopted this scheme. The lawyers upon the Judiciary Committee—every Republican lawyer and a part of the Democrats—decided that the law had been repealed. Every lawyer with knowledge enough to be a justice of the peace, it had seemed to me, ought to have known it had been repealed. There was no question about it when intelligent men came to analyze it. The requirement of any such certificate as members were then called upon to sign was simply a mode of coercion sought to be held over members here. I utterly refused in any manner to stultify my standing as a lawyer. I denied that the law was in force. I denied the power of the Speaker to put to me any terms by compliance with which I must draw the money that had been appropriated for the payment of my salary. I refused to have anything to do with the proceeding. And I got every dollar of my pay.

That was not all that was done. There was just enough uncertainty in the minds of some gentlemen to make it advisable to have a bill introduced to make the law plain. Such bills were introduced by myself and others. They went to the Judiciary Committee. Everything would have been explained, everything would have been made straight and right, but for the fact that when the committee reported back favorably one of those bills the Speaker refused to recognize anybody to call it up, the majority of the Judiciary Committee refused to order it to be called up, and the House stood here gagged, absolutely gagged, by a power that they could not overcome unless they reorganized the House and turned the committee out of power.

It was holding an insulting proposition up in the faces of the members of this House. And now, as highly as I have always esteemed my friend from Texas, and as thoroughly as I have always tried to follow his leadership on matters of this kind, I would like very much to have him tell the House of Representatives why he did not move, in the latter days of the last House, to secure action, after the result had been worked out, after they had been able to keep their followers here and hold their noses to the grindstone by the fear of having their pay deducted, why he did not attempt to secure the enactment of some provision of law on the subject?

Mr. SAYERS. I can tell the gentleman that I never was a member of the Committee on Rules. I was chairman of the Committee on Appropriations, and had nothing in the world to do with the matter to which he has referred.

Mr. GROSVENOR. Then why did not my friend put it into the deficiency bill, and make this provision, if he did not believe that law was in existence?

Mr. SAYERS. Because I believed then, as I believe now, that the law was and now is in force. I have not changed my views in that regard.

Mr. GROSVENOR. Do you still hold it to be in force?

Mr. SAYERS. I do.

Mr. GROSVENOR. Then would you be willing to pay a man money from the public Treasury that does not belong to him?

Mr. SAYERS. I do not propose to pay a man money from the public Treasury that does not belong to him. I propose to vote for the amendment of the gentleman from Illinois striking out this provision.

Mr. GROSVENOR. Mr. Chairman, I know that there are many men who lost a moiety of their pay by reason of the operation by that provision of law——

Mr. JOHNSON of Indiana (interrupting). The gentleman from Ohio evidently does not understand the scheme of the gentleman from Texas. The gentleman is going to talk one way and vote another.

Mr. GROSVENOR. In other words, he will talk for Texas and vote for the District of Columbia.

Mr. SAYERS. I did not understand the statement of the gentleman from Ohio.

Mr. GROSVENOR. I only said, at the suggestion of the gentleman from Indiana, that the gentleman from Texas was talking one way and voting another.

Mr. SAYERS. Not at all. I propose to vote to strike out this provision.

Mr. GROSVENOR. Then I am wrongly informed.

Mr. DOCKERY was recognized.

Mr. SAYERS. I hope I can have two or three minutes, Mr. Chairman.

The CHAIRMAN. The time has all been allotted.

Mr. DOCKERY. I will yield two minutes of my time to the gentleman from Texas.

Mr. SAYERS. Mr. Chairman, I only wish to say to the gentleman from Ohio that I do not talk one way and vote another on any question. I never have done so since I have been a member of Congress, and never expect to do so.

Mr. JOHNSON of Indiana. Will the gentleman allow an interruption?

Mr. SAYERS. No; I have but two minutes. I do not talk one way and vote another, and any statement to that effect is absolutely without foundation.

Mr. GROSVENOR. If the gentleman will allow me, I did not hear the gentleman's remark; but I understood the gentleman from Indiana to make the statement, and I simply repeated what had been suggested by him.

Mr. JOHNSON of Indiana. And the gentleman from Texas now declines to allow me a question bearing upon that very point.

Mr. SAYERS. Because I have but two minutes' time. The gentleman can take his own time.

I said I was opposed to the proposition, because I believed the law was in force, and is still in force, and I am going to vote, therefore, for the amendment of the gentleman from Illinois to strike out this appropriation.

And, Mr. Chairman, I ask unanimous consent, as I understood the gentleman from Ohio to say that no man who was fit to be a justice of the peace believed that law was in force and was binding on the members of that Congress, I ask to have printed in the RECORD the report of the Judiciary Committee of the last House on this particular question.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. JOHNSON of Indiana. I object.

Mr. GROSVENOR. I ask to have printed, in connection with the report of the gentleman's speech in the RECORD, also the minority views.

Mr. SAYERS. Certainly, let them both go in.

Mr. JOHNSON of Indiana. Mr. Chairman, I would like to have a few minutes' time.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DOCKERY. Mr. Chairman, I have been a member of this body now for nearly fourteen years, and since this question was raised on yesterday evening I have examined my record of absences, and find that in all of that time, on account of sickness or from other causes, I have been absent just twenty-one days. I knew nothing whatever of the proposition in issue as stated by the gentleman from Texas [Mr. SAYERS] until it was printed and offered in the bill; and the gentleman from Texas has stated the reason why it is now before the committee.

I shall support the amendment of the gentleman from Illinois regardless of any differences that may exist in the minds of lawyers as to whether or not section 40 of the Revised Statutes is or is not in force. I support it for another reason. Whether wisely or unwisely, the Democratic party in the Fifty-third Congress, or at least its recognized head, decided that section 40 of the Revised Statutes was in force, and thereupon certificates were prepared and used of the form just read at the desk upon the request of the gentleman from Texas [Mr. SAYERS]. I signed those receipts voluntarily. I made a voluntary reduction of my own compensation, and having done that, I am constrained, regardless of the action of the House and the contention of lawyers as to whether this statute is repealed, to adhere to my own action in respect to this matter. This is all I care to say on the question. I shall vote for the amendment of the gentleman from Illinois [Mr. HOPKINS].

Mr. CRISP. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Georgia [Mr. CRISP] for one minute.

Mr. CRISP. In the very brief time allowed me of course it will be impossible to make a speech. Mr. Chairman, I think I am about as familiar with the action of the last Speaker on this subject as anyone. He always took without question the certificate as made by the member, and certified to it. The Judiciary Committee of the Fifty-third Congress, composed of able and learned lawyers, decided that section 40 of the Revised Statutes was still in force, and I have here the report prepared by Mr. Wolverton, of Pennsylvania. I thoroughly agree with the report of the committee that the section referred to has not been repealed and is still the law. Believing that, I shall support the amendment to strike out the appropriation. I ask consent to print as part of my remarks the views of the majority of the Judiciary Committee of the Fifty-third Congress on this question.

The CHAIRMAN. Is there objection to printing the report in the RECORD?

There was no objection.

The report (by Mr. Wolverton) is as follows:

The Committee on the Judiciary, to whom was referred the resolution introduced by Mr. Kilgore March 2, 1894, respectfully report as follows:

Section 6, Article I, of the Constitution says:

"Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of the United States."

Section 5 of the same article provides:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

The act of August 16, 1856 (Stat. L., volume 11, page 48), provides the following compensation for members of Congress:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and, on the first day of each month thereafter during such session compensation at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000 not theretofore paid in the monthly installments above directed."

This remained the law regulating the compensation of members of Congress until the act of 1866 (Statutes at Large, volume 14, page 323), which provides:

"That the compensation of Senators, Representatives, and Delegates in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

From this time until the passage of the act of 1873 the compensation remained at $5,000 per annum. On March 3, 1873 (Stats. L., volume 17, page 486), provision was made in the appropriation bill as follows:

"Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of $7,500 a year."

And provision was made that it commence at the beginning of that Congress. This is generally known as the "salary grab act." It was promptly repealed in the following year by the act of January 20, 1874 (volume 18, Stats. L., page 4). By this act Congress repealed so much of the act of March 3, 1873, as increased the salaries of members of Congress to $7,500 per year, and provided that the same shall be as fixed by the laws in force at the time of the passage of the act of March 3, 1873.

This, in effect, revived the laws as they stood prior to March 3, 1873, and was, in effect, a reenactment of them. Section 40 of the Revised Statutes is the sixth section of the act of 1856 above recited, by which the salary of each member was fixed at $6,000 for the Congress, or $3,000 per annum. It was introduced because of the argument against fixing an annual salary for members of Congress, that they would absent themselves because of the fixed salary per annum and neglect public business. It is as follows:

"SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or some member of his family."

Under the provisions of this section of the Revised Statutes there can be no question but that a member of Congress is not entitled to receive pay for any day when he is absent from the House unless he can assign as the reason for his absence his own sickness or the sickness of some member of his family, and it is purely a question for him to consider whether, if he desires to attend to his personal business, it will be worth more to him than his daily pay or salary as a member of Congress, or, if he chooses to absent himself on a trip for pleasure, whether he prefers that to drawing his per diem salary or the amount of the salary which he would have been entitled to receive if he would have been in attendance in the House.

This was enacted in 1856 and was observed until about the Thirty-seventh Congress, during the war, when quite a number of members of Congress were officers in the Army, and the enforcement of the provisions of this section was waived, and it has not since been rigidly enforced. The practice under this section, your committee is informed, was to require each member to state on his honor at the end of the month, or the time he drew his pay, how many days he was absent in violation of the provisions of this section. Deduction was then made from his salary and the amount so deducted covered into the Treasury.

This law has never been repealed either directly or by implication and is in force to-day, and, in the opinion of your committee, [illegible] duty of the Sergeant-at-Arms to make the deduction required by this act from the [illegible] of each member at the time he draws his pay.

It may in many cases work a hardship, but it is the law, and as long as it remains upon the statute books should be enforced. It became a law in 1856 and was a part of the act which fixed the salary of members at $3,000 per annum. In 1866 the amount of this salary was changed to $5,000 per year, and in 1874 the law fixing the salary at $5,000 a year was reaffirmed and reenacted, but no law has ever been passed since 1866 changing either by implication or directly the terms of section 40 of the Revised Statutes.

The resolution as originally introduced called upon the Sergeant-at-Arms to show cause why he had violated the provisions of this statute, as his predecessors had not for many years enforced this statute.

Your committee have prepared a substitute for the one presented in the House on March 2, 1894, by Mr. Kilgore, as follows:

"Whereas the laws of the United States, section 40, chapter 4, of the Revised

Statutes, provided that the Sergeant-at-Arms shall deduct from the monthly payment of each member the amount of his salary for each day that he has been absent from the House, unless such member assigns as the reason for such absence the sickness of himself or of some member of his family: and

"Whereas the provisions of said section 40 have been disregarded for many years and great abuses have grown out of such disregard of the law: Therefore,

"*Be it resolved*, That the Sergeant-at-Arms strictly observe and enforce the provisions of said section 40 and report to the House monthly his proceedings thereunder and each month pay into the Treasury of the United States the sums deducted in the due observance and enforcement of the law as declared in said section."

Your committee recommend the passage of the foregoing as a substitute for the original resolution.

The views of the minority (by Mr. WILLIAM A. STONE) which were subsequently ordered to be printed in connection with the report (see below) are as follows:

A minority of the Committee on the Judiciary, being unable to concur in the report of the committee, respectfully submit their views as follows:

The act of March 16, 1856 (Statutes at Large, volume 11, page 48), fixing compensation for members of Congress, provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and on the first day of each month thereafter during such session at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum, until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive the balance of the $6,000 not theretofore paid in the monthly installments above directed."

The sixth section of that act, now known as section 40 of the Revised Statutes, provides—

"*And be it further enacted*, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payments of members as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

A joint resolution was passed by Congress, approved December 23, 1857, which changed the act of 1856 only in regard to the payment of all compensation which had matured up to the beginning of the sessions of Congress, at the beginning of the Congress, instead of at the end of the session. We do not find that it affects the question at issue, and only refer to it because it is the next step in legislation upon this subject.

In 1866 Congress passed an act relating to the compensation of members (see Statutes at Large, volume 14, page 20) which provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

When this law went into effect the practice of deducting any portion of the monthly payment to each member on account of absence was abandoned, and the members were paid, under the act of 1866, one-twelfth of $5,000 on the fourth day of each month.

The question is whether or not the act of 1866 repeals the act of 1856. This is really the main question at issue. There is no language in the act of 1866 which expressly repeals the act of 1856, and, if it is so repealed, it is only by implication. There is no doubt but that the first section, providing a compensation of $6,000 for each Congress and for its payment on the first day of each month while Congress was in session, at the rate of $3,000 per annum for the days on which the member was present at the session, and for the days upon which the member was absent on account of sickness, and the rest due at the end of the session, is repealed. And in fact it is not claimed that any part of the act of 1856 pertaining to compensation is still in force except the sixth section, now known as section 40, Revised Statutes. The question then is, Has the sixth section, as well as the rest of the act pertaining to compensation, been repealed by the act of 1866, or was it in force from and after the passage of that act? The rule of law governing the repeal of statutes, impliedly, by subsequent statutes, is well understood. It was held in Milne vs. Huber (3 McLean, 212) and in the United States vs. Irwin (5 McLean, 178) that "a later statute repugnant to a former one on the same subject-matter, so that they can not stand together, repeals it by implication."

And again, in Daviess vs. Fairbairn, reported in 3 Howard, 636, it was held "that if the subsequent statute is not repugnant in all its provisions to a former one, yet was clearly intended to prescribe the only rule, it repeals the former."

In Johnson's estate (33 Pa. Reports, 511) and Gwinner vs. Railroad Company (55 Pa., 126) it was held—

"That a subsequent affirmative statute is a repeal by implication of a former one made concerning the same matter if it introduce a new rule upon the subject and be evidently intended as a substitute for the former law."

In Com. vs. Crescent Railway Company (53 Pa. Reports, 62) it was held—

"That if two acts be inconsistent the latter must prevail."

Is the act of 1866 repugnant to that part of the act of 1856 known as the sixth section? This section declares it to be the—

"Duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payment of members as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

The language is specific, and is "to deduct from the monthly payments of members as herein provided for," clearly meaning that the deduction was to be made by the Sergeant-at-Arms from the monthly payments of members as provided by the act of 1856. We look to the first section to see how the monthly payment of the member is provided for, and we find that the member was to receive on the first day of each month during the session compensation at the rate of $3,000 per annum. The member was not paid by the year, but by the session at the rate of $3,000 per annum on the first day of each month. Or, in other words, during the session on the first day of each month he was to receive $250, provided he had been in attendance regularly each day during the previous month. Remember that under the act of 1856 there was no provision for payment for absent days while Congress was in session. And it was the duty of the Sergeant-at-Arms to keep time upon the members and make the deductions for absent days, unless the member assigned sickness as a reason for his absence. The Sergeant-at-Arms was to deduct from the monthly payments, as in that act provided for; and the monthly payments in the act provided for being $250 per month, he could only deduct for each absent day in a month of thirty days the sum of $8.33, that being the amount of his compensation for each day.

Now, the act of 1866 declares that the compensation of each member shall be $5,000 per annum. There is no authority in the sixth section to deduct from the monthly payment of members as provided for in the act of 1866, but the authority of the sixth section is limited to deducting from the monthly payments of members as provided for in the act of 1856. You can not stretch the authority to deduct from the monthly payments of members beyond the limit expressly provided for in the act of 1856.

And as the payment there provided for could not exceed $8.33 per day in any month of thirty days, then if the sixth section is still in force, it would not authorize a deduction of more than $8.33 per day for absence.

At present our purpose is to confine ourselves strictly to the question whether the act of 1866 repealed the sixth section of the act of 1856 by implication. Is it repugnant to the act of 1866? And to say that the sixth section was intended by the Congress which passed the act of 1866 to stand, and authorize the deduction of $8.33 from a daily compensation amounting to $13.70, is but stating a proposition which bears upon its face the best evidence of repugnance.

Again, the act of 1856 was clearly intended, not only in the sixth section but in the first section, to insure the constant attendance of members upon the sessions of both Houses. The compensation was to be $6,000 for each Congress. It was not to be by the year or the month, but at the rate of $3,000 per annum, and the member was really not awarded, or intended to be awarded, any compensation for the days absent for any cause save sickness. But the act of 1866 changes the whole plan of compensation and puts the members upon a salary of $5,000 per annum. It makes no provision for deduction on account of any absence whatever, and in our judgment repeals the sixth section of the act of 1856 by implication as plainly and as clearly as it repeals the first section.

The best evidence that this was the intention of Congress is the fact that for twenty-eight years the sixth section of the act of 1856 has been treated by every Congress and every Speaker as repealed, and no attempt has been made during all these years to enforce it, nor has any member observed its provisions. We are, therefore, forced to the conclusion that the sixth section of the act of 1856 was repealed by the act of 1866 by implication.

But it is claimed that by the enactment of the Revised Statutes on June 22, 1874, the sixth section of the act of 1856 was reenacted and continued in force, and we now proceed to consider the second question involved.

In the appropriation bill approved March 3, 1873 (Stat. L., volume 17, page 486), the salary of members was increased to $7,500 per year. On January 20, 1874 (Stat. L., volume 18, page 4), Congress enacted as follows:

"That so much of the act of March 3, 1873, entitled 'An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874,' as provides for the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, except the President of the United States and the justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act."

This act not only repealed that part of the act of March 3, 1873, fixing the salary of members of Congress at $7,500 per year, but it enacts that the salaries, compensation, and allowances of members shall be as fixed by the laws in force at the time of the passage of said act on March 3, 1873.

In Bradshaw vs. United States (14 C. Cls. Reports) it was held by Judge Richardson—

"That the act of January 20, 1874, repealing the increased-salaries act and providing that the salaries, compensation, and allowances of all such persons shall be fixed by the laws in force at the time of the passage of said act, was intended to restore salaries and officers and employees to the same status of compensation that they previously occupied."

We turn now to that date, viz, March 3, 1873, and find, if our reasoning on our first proposition is correct, that at that time the act of 1866 was in force, fixing the compensation of the members at $5,000 per annum and repealing the act of 1856, including the sixth section of that act.

But it is claimed that section 40, Revised Statutes, was enacted with the enactment of the Revised Statutes and is yet law. That would be true but for the saving clause in section 5601, Revised Statutes, which the committee seem to have overlooked in their report. That section provides as follows:

"The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, 1873, and all acts passed since that date are to have full effect as if passed after the enactment of this revision. And so far as such acts vary from or conflict with any provision contained in said revision, they are to have effect as subsequent statutes and as repealing any portion of the revision inconsistent therewith."

Now, the act of January 20, 1874, repealing the act increasing salaries of members of Congress and other officers, was passed after the 1st of December, 1873, and as that act expressly restores the laws fixing the salaries and compensation of members in force on March 3, 1873, which was the act of 1866, fixing salaries of members at $5,000 per year, the status is the same as if the act of 1866 was reenacted on January 20, 1874, by express words, and under and by virtue of section 5601, Revised Statutes, the fortieth section of the Revised Statutes, which is the sixth section of the act of 1856, is not to affect the act of 1866 reenacted by the act of January 20, 1874, because the act of January 20, 1874, was passed subsequent to December 1, 1873, the date when the Revised Statutes went into effect. In Bradshaw vs. United States (14 Ct. Cls. Reports, page 81), it is held—

"The Revised Statutes were passed June 22, 1874, but embraced the statutes in force December 1, 1873 (Revised Statutes, section 5595). Between those dates Congress passed many acts repealing and altering previous statutes which were incorporated into the revision. It is, no doubt, the correct construction that all such acts are to be taken as having, to that extent, altered the Revised Statutes."

We therefore respectfully submit that the Sergeant-at-Arms has no legal authority to withhold from the members any portion of their salary on account of absence.

WILLIAM A. STONE.
ROBERT A. CHILDS.
THOMAS UPDEGRAFF.

Mr. WANGER. Mr. Chairman, it seems to me there is a view of this question which has not been presented to the House. It is this, that it was not entirely a legal question with a member in signing a certificate as to whether section 40 of the Revised Statutes was repealed or not. It was not simply a question whether the facts were presented, to the Sergeant-at-Arms or not. The views of the then Speaker of the House were what controlled, for his certification was essential before payment. The Speaker took the view that section 40 was in force, and required every member of the House to certify, not whether any deductions ought to be made, but whether they ought to be made by section 40 of the Revised Statutes.

Now, there were those of us on this side of the House who took the view that, while section 40 of the Revised Statutes was repealed by implication, the Speaker, by his action in courteously relying upon our statements and acting thereon without question, practically put us upon honor to disclose to him whether we had been absent for other causes than sickness of ourselves or members of our families. Gentlemen did not all take that view; but some of us did, and added to the certificates when we certified to the fact of absence that these deductions ought only to be made in the event that section 40 of the Revised Statutes was unrepealed. All reservations of that kind were disregarded and the deductions were made. Now, I submit to those who took the view that the section was repealed and that they were not bound in honor to disclose the facts to the Speaker that it is scarcely fair to punish us whose judgment was different because a minority of the Fifty-third Congress refused to take the action now proposed in this bill.

On March 2, 1895, in the closing days of the Fifty-third Congress, 150 members voted for the passage of a resolution against 70 who voted in the negative, to direct the Speaker to certify to the Sergeant-at-Arms for the payment of those balances. It required a two-thirds vote to pass the resolution, and 15 members answered "Present." Only for that reason did the House of Representatives of the Fifty-third Congress fail to provide for making these payments.

Mr. Chairman, I send to the Clerk's desk and ask to have read the remarks of the gentleman from Indiana [Mr. BYNUM] found on page 3161 of the RECORD of that Congress.

The Clerk read as follows:

Mr. BYNUM. Mr. Speaker, I have been absent but one day since this construction of the statute has been enforced. I have not been sick a single day. So that so far as the effect of the law is concerned, I have no practical interest in it. I do not know that I should vote for this resolution had the construction been uniform. It, however, is a question, and a close question, whether it is or is not the law. A great many members of the House insist that the act of 1866 repealed the act of 1856; and they are strongly supported by the fact that after the act of 1866 became the law no deductions whatever were made for absence until the present session of Congress. No effort was made to enforce the provisions of the act of 1856 which required a per diem deduction on account of absence. For twenty-eight years it was the uniform construction of every Congress that the act of 1856 was not in force.

Now, the Senate of the United States is controlled by the same statute. The best lawyers in the Senate insist that the act of 1856 was by implication repealed, and the Senate has refused, even since the House has attempted to enforce it, to place any such construction upon it. Furthermore, Mr. Speaker, the members of the Judiciary Committee of the House are divided on this question; and a majority of the legal profession, I believe, are of the opinion that no deductions of pay are required.

Mr. WILLIAMS. Mr. Speaker, independent of the question as to whether this law under which this action was taken be still existing as a valid law or not, this House acted practically as if it were operating under a rule of the House, after a decision by the political majority of the House that it would so operate. There is no doubt of the fact that this House had a right to pass any rule to regulate its own business and to enforce the attendance of its members. It has now the right to pass a rule to fine a member $10 or $14 for each day of his unexcused absence. Whether that fine be put in the form of a deduction from his salary or a fine to be collected in some other manner makes no difference. The gentleman from Illinois [Mr. HOPKINS] has made an appeal to the Republican side of this House, which I hope will be heeded, as it should be.

I want to appeal to the Democratic side of this House now not to stultify itself by coming here in one Congress and sustaining a rule one of the consequences of which was to take money out of the pockets of some of its members, and then come back in a subsequent House and declare that that rule was wrong because it has taken the money out of the pockets of some of its members. It seems to me that if it was the law then it is the law now. If the Speaker of the House had the power to do what he did, this House ought to sustain that power and not carry itself back. I hope the Democratic members of the House will not put themselves in the position before the country of self-stultification, and, as it seems to me, of almost worse than that, which this action, in my opinion, would put them.

Mr. JOHNSON of Indiana. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state his question of personal privilege.

Mr. JOHNSON of Indiana. Mr. Chairman, in the course of the remarks made by the gentleman from Ohio [Mr. GROSVENOR] I injected a statement in which I defined what I considered to be the position assumed in this debate by the gentleman from Texas. I remarked that his position seemed to be a peculiar one, that of talking one way and voting the other. Now, the gentleman from Texas rose, I thought, in unseemly haste and placed upon my remarks a construction not intended by me.

Mr. SAYERS. I did not intend to do that. I did not know that the gentleman made the remark.

Mr. JOHNSON of Indiana. The gentleman seemed to think that if a man was inconsistent he must necessarily be dishonest; and the answer made was that never since he had been a member of this House had he been in the habit of voting one way and talking the other way, an answer broader than the accusation I had made against him. I only had reference in what I said to this specific instance.

Mr. SAYERS. I withdraw all I said about the gentleman.

Mr. JOHNSON of Indiana. Now, the gentleman is a member of the committee which reported the measure under consideration. He did not see fit to rise upon this floor and make a motion to strike out the objectionable feature, but left it to another gentleman, not connected with the committee, to make that motion. Now, I understand the gentleman's position, according to his own statement, to be that he proposes to vote in favor of this motion striking out the obnoxious feature of the bill. Whether or not such a vote is inconsistent with the statement that he has made in debate upon this question, I leave the RECORD to attest. Gentlemen who have heard his remarks upon the pending motion will bear me out in the statement that not a solitary thing has been said by him that does not militate against the motion to strike out. Herein lies the justification of the observation made by myself while the gentleman from Ohio was speaking.

Mr. WASHINGTON. I make the point of order that the gentleman is not speaking to a question of privilege at all.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Indiana. Mr. Chairman, the time has passed in this House when any gentleman can be carried off his feet without retaliating. We had that demonstrated here the other day.

The CHAIRMAN. The gentleman from Tennessee has raised the point of order that——

Mr. JOHNSON of Indiana. I am proceeding to state——

The CHAIRMAN. That the gentleman is not speaking to a question of order.

Mr. JOHNSON of Indiana. I am endeavoring to proceed in order. I must choose my own language and the manner in which I shall arrive at my question of personal privilege.

The CHAIRMAN. The Chair holds that the point of order is well taken.

Mr. JOHNSON of Indiana. I ask leave to proceed in order.

Mr. McMILLIN. I suggest to the gentleman that when a point of order is made and sustained there is but one thing for him to do, and that is for him to be seated; but that on a motion of a member he may be allowed to proceed. I feel no interest in the matter except to state that.

Mr. LEWIS. I make the motion that the gentleman be allowed to proceed.

Mr. JOHNSON of Indiana. I would now like to make an inquiry of the Chair.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. CANNON. Now, Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana rose to a parliamentary inquiry.

Mr. JOHNSON of Indiana. Now, what I desire to ask is this: Whether when a member is proceeding with a matter of personal privilege he is to be the judge of the language he is to use and the way in which he is to reach that question?

The CHAIRMAN. When a gentleman is stating a question of personal privilege, and any member of the House rises to the point of order, it is for the Chair to determine whether it is a question of personal privilege or not.

Mr. JOHNSON of Indiana. The question of sustaining a point of order, I believe, is subject to appeal.

The CHAIRMAN. Certainly.

Mr. JOHNSON of Indiana. Is the Chair to determine, or the member himself, the manner in which he shall reach his question of privilege—the character of the language he is to employ?

The CHAIRMAN. The Chair can not lay down an invariable rule in regard to that.

Mr. JOHNSON of Indiana. Precisely.

The CHAIRMAN. But the Chair thinks it must be manifest to the gentleman himself——

Mr. JOHNSON of Indiana. But the Chair is doing that very thing now—laying down an invariable rule.

The CHAIRMAN. Will the gentleman hear the Chair a sentence? The Chair thinks it must be manifest to the gentleman himself that what he was stating was not a question of personal privilege. If, therefore, another gentleman asks that the gentleman be allowed to proceed, the Chair will hear him.

Mr. JOHNSON of Indiana. I desire to say that I have no difficulty whatever in hearing the remarks of the Chair, in view of the exceedingly loud tone of voice in which they are made.

Now, what I desire——

The CHAIRMAN. The gentleman from Indiana will please be in order.

Mr. JOHNSON of Indiana. Certainly. "The gentleman from Indiana" has no desire to be otherwise than in order. The Chair has hit the pith of the matter in the statement that it was impossible to lay down arbitrarily in what language a member should be allowed to proceed.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair? Otherwise debate is out of order.

Mr. JOHNSON of Indiana. I will not appeal from the decision of the Chair. I do not consider it of sufficient importance for that. I have stated practically what I rose to state, and am reasonably well satisfied.

The CHAIRMAN. The gentleman from Indiana will be in order.

Mr. JOHNSON of Indiana. I twice asked permission of the Chair to be recognized, and the Chair denied me that right; and I took the guise of personal privilege with the view of saying what the Chair had denied me the opportunity to say in the regular way, and I have said it and am satisfied. [Laughter.]

The CHAIRMAN. Will the gentleman from Indiana take his seat and be in order?

Mr. JOHNSON of Indiana. Why, with pleasure. [Laughter.]

The CHAIRMAN. The Chair is obliged to state that many gentlemen asked to be recognized upon this amendment after the time for debate had been limited to half an hour. The Chair parceled out the time to gentlemen who asked for it in the order in which they made application. Several gentlemen applied after the time had been parceled out, and among the latest the gentleman from Indiana [Mr. JOHNSON] sent a request to the Chair for recognition. The Chair sent to the gentleman a statement of the facts in the case, and that is the only refusal the Chair made to recognize the gentleman from Indiana.

The gentleman from Illinois [Mr. CANNON] is now recognized for the balance of the time remaining under the order of the committee—five minutes.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the views of the minority of the Committee on the Judiciary of the Fifty-third Congress upon this question may go into the RECORD with the majority.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, of my five minutes, I yield one minute to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I wish to call the attention of the committee for a moment to the form of the certificate that was commonly accepted. In the start, it was insisted that the blank should be signed in precisely the form in which it was printed. Subsequently, the Speaker modified his opinion and permitted members to insert the word "legally," so that a member could certify: "I have been absent —— days, for which no deduction should be legally made." That form of certificate was commonly used. However, $12,000 or $13,000 was deducted from salaries where members appended a statement that they had been absent so many days for which deduction ought not to be made.

Now, there is just one other question. In the last Congress we were divided as to what the law meant. Republican members generally believed that that old statute was inoperative——

[Here the hammer fell.]

Mr. CANNON. I yield one minute to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. There is just one question at issue here, and that is whether this money was wrongfully or rightfully withheld. This side of the House think it was wrongfully withheld and ought to be paid. The other side of the House think, or thought at the time, that it was rightfully withheld. Therefore it would be entirely consistent for them to vote to continue to withhold it. That is all there is in the matter.

Several MEMBERS. That is all.

Mr. CANNON. Now, Mr. Chairman, a word in conclusion of this discussion. Section 40 of the Revised Statutes, if it was in force in the last Congress, authorized the withholding of these salaries. If it was not in force, the money is due to members of the last Congress to the extent of $12,000. It was the Democratic contention that the statute was in force, and a majority of the Judiciary Committee of that Congress said that it was. The minority of the Judiciary Committee thought it was not in force, and many Republicans took that ground. Those Republicans and those Democrats who believed that the statute was repealed certified, notwithstanding their belief, in the form that has been read from the desk. Those who believed the statute was in force, or who were in doubt and upon their consciences did not desire to certify to a falsehood, also made certificates, and the deductions were made from them. My colleague from Illinois [Mr. HOPKINS] says that the law was not in force. He was paid in full. Other gentlemen said they were not sure, and they were paid only in part. Now, to-day, if we appropriate this money, it is saying that, in the legislative opinion of this House, that statute is not in force. If we refuse to appropriate this money, then we say that the construction placed by the last Congress upon that statute was correct, and that it was and is in force. That is the whole matter, and now I am ready for a vote.

Mr. HOPKINS of Illinois. One moment——

The CHAIRMAN. The time for debate has expired by order of the committee.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BARTLETT of New York. I make the point of order that no member of the Fifty-third Congress whose name appears on the list of those from whom deductions were made has the right to vote on this question. I make the point under the rule which provides that—

> No member shall vote on any question if he has a direct personal or pecuniary interest in the event of such question.

Now, in the Forty-third Congress——

The CHAIRMAN. That rule is undoubtedly in force, and it is for each member to determine whether he is interested in the question or not.

Mr. BARTLETT of New York. Will the Chair hear me on that question for one minute?

The CHAIRMAN. The Chair will hear the gentleman. The Committee of the Whole will come to order.

Mr. BAILEY rose.

The CHAIRMAN. When order is restored, the Chair will recognize the gentleman from New York [Mr. BARTLETT] to be heard further on the point of order.

Mr. BAILEY. Mr. Chairman, I understand——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. BARTLETT of New York. Yes.

Mr. BAILEY. One word on the question of order. I understand the Chair to decide, so far as the Chair can decide the question, that the rule forbids members who are interested in the decision of this question from voting. Now, I am perfectly sure that the object of the House in adopting the rule in question was to prevent members from voting in favor of their own interests. The rule could not have been intended to prohibit members from voting adversely to their own interests. I am perfectly sure, therefore, that while gentlemen who are interested in the refunding of this money might or might not feel a delicacy in voting against the amendment and for the appropriation, gentlemen who are interested can not be criticised if they vote against the appropriation. That is my own attitude in the matter. I am interested, but I am going to vote against the appropriation.

The CHAIRMAN. The Chair simply stated to the gentleman from New York that the rule is still in force, and that members of the House must decide for themselves how they shall vote. If a member actually interested in the question within the meaning of the rule should vote, then, in the opinion of the Chair, the question might be raised and the vote challenged. But the Chair hardly feels called upon to decide in advance who may or may not vote under the terms of the rule.

Mr. BARTLETT of New York. Now, if the Chair will permit me, I should like to say one word.

The CHAIRMAN. The gentleman from New York is recognized on the question of order.

Mr. BARTLETT of New York. The rule is broad. It says no member shall vote on any question in which he is interested. It is voting at all that is inhibited; it is not voting one way or the other. We will assume, for instance——

Mr. GROSVENOR. Under the gentleman's construction of the rule, how can we pass an appropriation bill by the votes of members of the House, if it contains appropriations for their salaries?

Mr. BARTLETT of New York. Because we are interested in such an appropriation bill as a class, not as individuals. In this particular question we are interested as individuals.

Mr. WILLIAM A. STONE. I rise to a point of order.

Mr. BARTLETT of New York. I decline to be interrupted.

The CHAIRMAN. The gentleman from New York is arguing a point of order.

Mr. WILLIAM A. STONE. The Chair has overruled the point of order, and I submit that the gentleman is now out of order in continuing his remarks.

The CHAIRMAN. The gentleman from New York desires to be heard further. [Cries of "Vote!" "Vote!"] The Chair has decided that the gentleman from New York is in order. The Committee of the Whole will please be in order, so that the Chair can hear the gentleman.

Mr. BARTLETT of New York. As I understand the rule, Mr. Chairman, a member may vote on a bill in which he has an interest as one of a class; but if his interest be that of an individual, he is inhibited from voting. That was the decision in the first session of the Forty-third Congress, when the question was raised as to the right of certain members to vote on a bill affecting national banks. Now, here certain members of the Fifty-third Congress have a direct, personal, individual interest in the question at issue, because under the appropriation proposed to be made they will be entitled to varying amounts; they will not all be entitled to the same amount. The position in which one member stands may be very different from that of another member.

Mr. RAY. I should like to ask the gentleman from New York a question.

The CHAIRMAN. The gentleman has declined to be interrupted.

Mr. BARTLETT of New York. Mr. Chairman, it is impossible for me to allow myself to be interrupted by all the able lawyers on the other side of the House and still adhere to the trend of my argument. I will allow the gentleman to interrupt me in a moment.

Now, the argument of the gentleman from Texas [Mr. BAILEY], whom I concede to be a very able lawyer, is that we must construe the language of this rule as if it read, "No member shall vote on any question in which he is personally interested, provided he is going to vote in favor of the side on which his interest lies." I submit to the Chair and the House that what is prohibited here is that a member who is interested shall speak at all by his vote on a question in which he has a personal interest. He must sit silent; he must cast no vote on the question. Now I yield a moment to the gentleman from New York [Mr. RAY].

Mr. RAY. The position which my colleague from New York [Mr. BARTLETT] takes on this question would prohibit every member of the present Congress from voting upon the pending appropriation, because every member of this House is individually concerned and interested in determining the question whether or not section 40 of the Revised Statutes is in force or has been repealed.

Mr. BARTLETT of New York. I submit, Mr. Chairman, that that is an entirely different proposition. The question now presented is whether the $12,000 carried in this bill shall be paid in varying sums to members of the Fifty-third Congress. It is not a question of a revision or repeal of section 40 of the Revised Statutes. That section either is or is not repealed, and that is all there is of it.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

While the rule is in force it is for each member to determine for himself whether he is interested or will vote on any question.

The question being taken on the amendment of Mr. HOPKINS of Illinois, to strike out the paragraph ending with line 4 on page 55, on a division (demanded by Mr. LACEY) there were—ayes 113, noes 55.

So the motion was agreed to; and the paragraph was stricken out.

Mr. NORTHWAY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

> On page 55, after line 4, insert:
>
> "To pay William Tyler Page for clerical services rendered in the Clerk's office during the Fifty-fourth Congress, $500."

Mr. NORTHWAY. Mr. Chairman, while this amendment was not formally agreed upon in the Committee on Appropriations, so far as the members have been seen they desire to have it adopted and incorporated in the bill. It pertains to the services of the assistant clerk of the file room, who has done great service and ought to be paid. So far as the members of the committee have been consulted, they agree that it is an entirely proper appropriation and ought to go into the bill.

The amendment was agreed to.

The Clerk read as follows:

> To reimburse the Official Reporters of the proceedings and debates of the House of Representatives and the official stenographers to committees for moneys actually paid by them from March 11, 1896, to March 4, 1897, for clerical hire and extra clerical services, $720 each; and to John J. Cameron $240; in all, $5,280.

Mr. SHERMAN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

> On page 55, after line 13, insert:
>
> "To pay John H. Barnsley the difference between the pay of a folder and that of a messenger, at the rate of $0.80 per day, from July 1, 1896, to June 30, 1897, inclusive, $291.96."

Mr. BAILEY. Mr. Chairman, I believe the point of order would lie against that proposition. This man was doing nothing at that time.

Mr. SHERMAN. I do not think the point of order ought to be sustained, for if it is sustained a very large number of items in the bill must go out on the same ground. It stands on precisely the same footing with them.

This is a compensation, as will be seen, to pay the person named in the amendment a small sum of money in addition to his regular salary. This particular person is on the rolls as a folder, but does not perform the duty of a folder, while he does perform, and performs exceedingly well, the duties of a messenger to the Committee on Interstate and Foreign Commerce, and also performs the duties of assistant doorkeeper at the door nearest to the Speaker's room, the most important one, perhaps, in the House. He has performed these duties since the beginning of this Congress, and exceedingly well—nobody better. Where others performing similar services, however, are receiving $1,200 a year, he receives but $60 a month as folder, from which he must pay a certain sum monthly to the janitor for the care of the room of the Committee on Interstate Commerce.

It seems utterly unfair and unjust that this official, a courteous gentleman, should perform these duties and receive only half the compensation that other persons performing like services receive.

I hope the gentleman will not insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

In reply to the statement of the gentleman from New York, I merely desire to say that neither this man nor anyone in his situation was performing any duties on the 1st day of last July. The truth of it is that the Republican party was so greedy for places for its favorites that for the first time in the history of the House it turned out the barbers in the Democratic cloakrooms and filled their places with men who did not perform any services; and now you come here and ask the House to agree to double the salary of this man and others who were doing nothing through all the summer time. You are ready and anxious to vote money to Republican employees, and yet I saw you stand here and vote that the act which provides for the deduction of the salaries of absent members shall apply to a Democratic Congress, and at the same time avowing your determination not to respect that statute when applied to your own cases.

I have seldom witnessed a more despicable piece of pettifogging than the arguments which have been presented on that side of the question. You ask us to say that the member who believes the statute has been repealed shall have no deduction made in his pay, while another who believes that it has not been repealed shall suffer, because his construction of law happens to be against his personal interest. You have advertised yourselves to the country as willing to let the judgment and conscience of the individual member regulate his salary. You have exhibited yourselves to the country as willing that those of us who believe the law is still in force shall obey it, while you, with consciences elastic enough to defy it, go on taking your salaries. You have earned as bad an opinion as the country could pass upon you on so small a question.

I wonder that the great Republican party is willing to carry its partisanship so far. I wonder that it is willing to follow the gentleman from Illinois [Mr. HOPKINS] in his assertion that because the Democratic House, in his opinion, has done wrong a Republican House must not rectify it. He contended then that the rule of the Democratic House was wrong. He was joined by a majority of his associates on that side. Many of you drew your full salary throughout the Fifty-third Congress, contending that under the law you were entitled to it, and yet with that money in your pockets you deny to others what you have taken for yourselves. Either the law had been repealed as to everybody or it was in force against everybody; and I can not comprehend the honesty and logic of men who exempt themselves from the provisions of a statute which they are eager to apply to others. Whatever we may think of your consistency, we thank you for approving the action of a Democratic House, which not only obeyed the law, but which reestablished the sensible and honest rule that when a man was absent on his pleasure or his private business he should not draw salary for public duties which he did not perform. [Applause on the Democratic side.]

The Clerk (proceeding with the reading of the bill) read as follows:

> To pay Charles Carter and Harry Parker, for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, $75 each, $150.

Mr. SHERMAN. Mr. Chairman, I [illegible]se the point of order against that item.

Mr. CANNON. I do not think it is subject to the point of order. It is an appropriation that has been made for [illegible] precise words, and for the precise purpose, and for services [illegible]ally performed.

Mr. SHERMAN. Why does it not come in the regular bill?

Mr. CANNON. Simply because it is current law, and has been appropriated for for many years.

Mr. SHERMAN. Why does it not come in the legislative bill instead of in the deficiency?

Mr. CANNON. Because it has always come in the deficiency bill.

Mr. SHERMAN. Well, I do not think that establishes its right to come in the deficiency bill. If it is a matter which should have come in the legislative bill, why, it should be appropriated for there and not in the deficiency bill. I insist on the point of order.

Mr. CANNON. The Chair can rule.

The CHAIRMAN. The Chair thinks the point of order is well taken.

The Clerk read as follows:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $[illegible] per day from July 1, 1896, to June 30, 1897, inclusive, $[illegible].

Mr. SHERMAN. I raise the point of order against that paragraph, Mr. Chairman, beginning with line 23.

Mr. TRACEY. That paragraph is clearly subject to the point of order.

Mr. SHERMAN. It is identical in words with an amendment which I offered, which was stricken out on a point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] desire to be heard on the point of order?

Mr. CANNON. Not at all, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk (proceeding with the reading of the bill) read as follows:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives from January 9, 1896, to March 4, 1897, inclusive, $[illegible].

Mr. CANNON. I shall not make the point of order on this item.

Mr. SHERMAN. I raise the point of order against that item, Mr. Chairman.

Mr. CANNON. I call attention to the fact that the item is subject to the point of order if the preceding item was.

Mr. SHERMAN. I desire to raise the point of order against it.

Mr. GROSVENOR. I should like to have the gentleman state the facts about this.

The CHAIRMAN. Unless some law is produced authorizing it, the Chair will assume there is none.

Mr. GROSVENOR. I understand this man to have been regularly employed by the Clerk of the House, and that he actually performed the services in the file room.

Mr. McMILLIN. But the question I submit to the gentleman from Ohio [Mr. GROSVENOR] is whether the Clerk had the authority to make this employment.

Mr. GROSVENOR. Yes; I think so.

Mr. McMILLIN. There is no such authority, I think.

Mr. TRACEY. Mr. Chairman, I desire to say, in connection with that paragraph, the point of order having been made, that at the first session of this Congress a resolution was offered and referred to the Committee on Accounts, embodying the matters stated in this paragraph. That committee made an investigation and determined against the resolution, and reported it adversely to this House in June, 1896, and the report of the committee, adverse to the resolution, was ratified by a vote of the House. Hence there can not be any existing law under which the appropriation is asked.

The CHAIRMAN. The Chair will sustain the point of order, and the Clerk will read.

Mr. CANNON. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. CANNON. No.

Mr. GROSVENOR. Did the Chair rule on the point of order?

The CHAIRMAN. The Chair did rule; but if the gentleman desires to be heard, the Chair will hear him.

Mr. CANNON. I do not desire to be heard now. I want to say a word on the merits, and will when we reach another paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GROSVENOR. I think the Chair is ruling perhaps without full knowledge.

The CHAIRMAN. The gentleman from Missouri [Mr. TRACEY] stated that the Committee on Accounts had investigated the subject, and that they found no law authorizing this employment. The Chair has made the ruling on that statement.

Mr. TRACEY. There is no question but that Robert A. Stickney has done this work, and is still doing it. But I stated that the resolution authorizing his employment was referred to the Committee on Accounts. I think the resolution authorized his payment out of the contingent fund. The committee made an investigation and reported the resolution adversely, for reasons that were satisfactory to the committee, and that report was ratified by a vote of the House in June, 1896, and there has been no subsequent action taken.

Mr. GROSVENOR. This young man had been at work, and working right along every day since.

Mr. TRACEY. There is no question about his doing the work.

Mr. GROSVENOR. And now he ought to be paid for it.

Mr. TRACEY. There is no doubt he ought to be paid; he did the work.

Mr. DOCKERY. I would suggest that the appeal should be addressed to the gentleman from New York, who raised the point of order.

Mr. GROSVENOR. I have no interest in this, but it seems to me that when an intelligent young man is employed by the House of Representatives, or by the Clerk of the House of Representatives, when he pays his board and clothes himself, and does something, whether that is hard labor or not, he ought to be paid for it. I have an old-fashioned idea about not stealing.

Mr. DOCKERY. Had not the gentleman from Ohio better appeal to the gentleman from New York [Mr. SHERMAN] who interposed the point of order?

Mr. GROSVENOR. I hope the gentleman from New York will withdraw the point of order. This is a meritorious claim for a young man who has done work for the House.

Mr. SHERMAN. Has he received no compensation?

Mr. GROSVENOR. None, whatever; and he has paid his board.

Mr. McMILLIN. I suggest to the gentleman from Ohio that in the proper conduct of the business of this House the action on the part of a committee having jurisdiction upon the matter refusing to employ a man ought to be notice to this man to quit, and that the officers who did employ him ought not to pretend to employ him. That seems to be the case up to June, but from that to some time last year he was not employed with authority. I do not think any officer ought to employ without authority to employ.

Mr. GROSVENOR. He has been doing work for the House that is always required to be done.

Mr. McMILLIN. But it seems that the Committee on Accounts determined the work was not necessary to be done, and when they do not need a thing done there should not be employment given and they ought not to have it done. I do not know anything about the merits of the case, except what the gentleman says. We ought to have some remedy, or the House will have itself loaded without end with employees. I think every employee required ought to be retained, and all who render service to the House ought to be paid.

Mr. GROSVENOR. I do not understand that the Committee on Accounts said that the labor was not needed.

Mr. McMILLIN. I understood the gentleman to say the Committee on Accounts determined that it was not necessary to employ a man, and so reported.

Mr. GROSVENOR. Not at all.

Mr. McMILLIN. I understood the gentleman to say that they so reported to the House. I will ask the gentleman, did I understand that correctly?

Mr. TRACEY. Not at all correctly.

Mr. McMILLIN. I would like to hear, then, what your statement was.

Mr. TRACEY. Now, I will make a little further statement in order that the matter may be more clearly understood. When the resolution was originally referred to the Committee on Accounts, we made an investigation. I made the larger portion of it myself. I talked with the Clerk of the House, and I talked with the Journal Clerk and with the file clerk. I ascertained first that there was a man detailed to do that work originally, and that after he had been there three months he was taken away and that then this young man went into the Journal Clerk's office. After talking with the Clerk of the House, and after being told by the Clerk of the House that he had no authority to employ him in that capacity, he said that the work was there to be done, and if he cared to do it he could do so. That information comes from the Clerk of the House to me. He went in with that understanding.

Now, the Committee on Accounts took this view of it: That inasmuch as they were charged with the responsibility of payments being made out of the contingent fund, that they at least ought to be consulted before accounts against that fund should be created. That is the view the Committee on Accounts took of it, and, taking that view, they could do nothing else than report that resolution adversely. They did. Now, as to the work. My investigation leads me to conclude that it is absolutely necessary that someone shall be there to do that work that this young man has been doing. I do not believe in the employment of men without authority of the committee charged with the responsibility of payment of the fund, or of the House.

Mr. CANNON. Mr. Chairman, by unanimous consent I would like a few minutes touching this and kindred items.

There was no objection.

Mr. CANNON. In the last Congress, in the Congress before that, in every Congress that I have served in, there have been at least one-third more employees than enough to do all the work. We have not cut them off, we are not going to cut them off, whichever party is in power. The employees are around, they render themselves personally agreeable, and in this House of Representatives we desire to accommodate each other and to accommodate the employees without reference to which party dominates here.

Let me call attention to a few facts. Here in the document room they had enough employees to run the business of that room without Joel Grayson, but they did not do it. He was appointed. You all understand who he is. In sheer self-defense he was employed to work in that room, and he gets, I believe, $1,500 a year.

Again, in this very room where Mr. Stickney was employed there were enough employees there for one to have been detailed to do this work, but that was not done. Stickney was informed that he could go in there and work and take his chances of being paid. He was out of a job, he was thoroughly competent, and he relied upon the assumed fairness of the House to pay him if he went in and did the work; and he doing work which under proper administration somebody else might have done, the months passed on, and we put this item in the bill, but it is subject to the point of order.

Take another case. The gentleman from Ohio brought in an item of $500 to pay this young man in the file room. He did the work, but why was it necessary for him to do it? On inquiry, we found that the employees there wanted three or four months' vacation, and bundled up and went off, and this poor boy, being quite as competent as any of them, went in and did the work and took his chances of being paid. The committee did not feel like turning him down, and the point of order was not made on that item.

Again, take those two boys whose item went out on a point of order. They are laborers who have been attending to two large committee rooms. They have been there for years, and this allowance—$75, I believe—I believe has come to be the yearly provision for each of them. That item went out on a point of order, and rightfully when the point was made. Now, I have stated very frankly why these items were put in the bill, and I trust that if any of them go out, they will all go out.

Mr. MOODY. Whose fault is it that we have this superfluous number of employees?

Mr. CANNON. It results from the desire of members of this Congress and the desire of members of the last Congress and the desire of members of every Congress in which I have served to have their friends appointed on the House force somewhere.

Mr. FLETCHER. By whom were they appointed?

Mr. CANNON. By the Clerk and by the Doorkeeper and the officers generally. It is so now, it always has been so, and I suspect that as long as human nature remains as it is, it will continue to be so, at least during the gentleman's lifetime and mine. That is all I have to say about it.

The Clerk read as follows:

To pay Guy Underwood the difference between the pay of a laborer and that of a messenger in the hall library, at the rate of $1.01 per day from July 1, 1896, to June 30, 1897, inclusive, $394.

Mr. SHERMAN. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay, under resolutions of the House, Isaac R. Hill, at the rate of $1,500 per annum; Thomas A. Coakley, George L. Browning, and George Jenison, at the rate of $1,200 per annum each; C. W. Coombs, at the rate of $1,800 per annum, and James F. English, at the rate of $900 per annum, from March 4 to December 1, 1897, inclusive, $5,739.50.

Mr. HULL. Mr. Chairman——

Mr. CANNON. I call my friend's attention to the fact that even-handed justice should be done.

Mr. CROWTHER. I make the point of order, Mr. Chairman.

Mr. McMILLIN. These are not on the same footing as the others. These men were employed by resolution of the House.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois has called my attention specifically to this paragraph, inviting me, as he did on prior paragraphs, to raise the point of order. It seems to me that there is a difference between this and those other paragraphs. This is a courtesy that has been extended to the minority for a great many years. When the Republicans were in a minority, the same courtesy was extended to them, permitting them to name certain employees of the House, and for that reason, because it has been customary to extend this courtesy to the minority, I do not wish to accept the invitation of my friend from Illinois to raise the point of order.

Mr. HULL. Mr. Chairman, I desire to raise a point of order against one of the men named in this paragraph, C. W. Coombs.

Mr. McMILLIN. Mr. Chairman, I make the point of order that the gentleman's point comes too late, the question having been debated.

Mr. HULL. I tried to address the Chair as soon as the reading was concluded.

Mr. McMILLIN. I think the record will show that there was no point of order made before the discussion.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that the gentleman from Missouri [Mr. CROWTHER] made the point of order before the gentleman from New York took the floor.

Mr. CROWTHER. Mr. Chairman, I would like to have a ruling of the Chair on the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CROWTHER. That this is new legislation.

Mr. WILLIAM A. STONE. In reply to that, Mr. Chairman, I think we ought to have the facts, and the facts are that the House passed a resolution authorizing the employment of these men.

Mr. GROSVENOR. For services to be rendered after the House was dead?

Mr. CANNON. It is subject to the point of order. It is merely a question whether the House wants to pass this by unanimous consent or not.

Mr. HULL. Mr. Chairman, I rise to a parliamentary inquiry. There is one gentleman named in this paragraph against whom I wish to make a point of order. I remember distinctly the way in which he was put on the roll and the time to which his employment was limited, and I want to ask the Chair this question: If the point against the entire paragraph is not sustained, what effect will that have upon a point of order against a particular item in the paragraph? I understand that the gentleman from Missouri [Mr. CROWTHER] raises a point of order against the entire paragraph.

The CHAIRMAN. The Chair thinks that raising a point of order against the entire paragraph would not preclude raising a point against any particular part after the decision of the other point of order.

Mr. HULL. That is exactly what I supposed. But I want it clearly understood that my right to raise a point of order upon a part of the paragraph in this particular case is reserved.

Mr. DOCKERY. I think the Chair will find it specifically stated in the rules that when any part of a paragraph is subject to a point of order the whole paragraph is obnoxious to the rules.

The CHAIRMAN. That may be true.

Mr. DOCKERY. I think the Chair will find it to be correct.

Mr. FOOTE. I should like to know the rate at which the gentlemen named in this paragraph are now paid, whether the paragraph allows them their present rate of pay or gives them an increased rate?

The CHAIRMAN. That is not a parliamentary inquiry. Perhaps the chairman of the Committee on Appropriations can answer it.

Mr. CANNON. What is the gentleman's question?

Mr. FOOTE. I should like to know whether the rate proposed to be paid to the gentlemen named in this paragraph is the same that has been paid heretofore, or whether the paragraph proposes an increase?

Mr. CANNON. I understand there is no increase proposed. I can put the Chair and the House in possession of the exact facts. This paragraph is the usual form of such paragraphs—like those that have gone out on points of order. Paragraphs of this kind have appeared in the bill during many years. These people are employed at this time under a resolution of the House, and are paid from the contingent fund. Their employment, by virtue of the resolution under which they are now serving, can not go beyond the 4th of March next. A paragraph of the kind now under consideration, carrying employees of this kind over the interval between the expiration of one Congress and the commencement of the next, have been usual in deficiency bills heretofore. But the paragraph is clearly subject to a point of order.

Mr. SAYERS. Mr. Chairman, I wish to state for the information of the House that in all previous Congresses since I have been a member of the Committee on Appropriations the majority have always extended to the minority, no matter which party was in power, the courtesy of adopting just some such provision as this.

Mr. CANNON. That is true; but it was done by unanimous consent.

Mr. SAYERS. Oh, yes; I agree that it is subject to a point of order.

Mr. McMILLIN. They were appropriated for in the general appropriation bill.

Mr. HENDERSON. It can hardly be said that paragraphs of this kind were adopted by unanimous consent. They were brought in as a part of the appropriation bill.

I know that in the case of Captain Currier, from my own district, an old soldier, a Democratic House put him through by resolution, and then, exactly as in this case, a provision was brought in on an appropriation bill to carry him over until the succeeding session.

Mr. McMILLIN. That is true.

Mr. HENDERSON. This bill does for the Democrats exactly what the Democrats did for the Republicans.

Mr. HULL. This does more.

Mr. HENDERSON. I hope that my friend from Iowa will not interpose a point of order against this provision.

Mr. HULL. I would like to be recognized for a minute or two.

Mr. DOCKERY. I appeal to my good friend from Iowa not to make a point of order.

Mr. HULL. The gentleman from Missouri [Mr. CROWTHER] has raised a point of order against the whole paragraph.

Mr. CROWTHER. I reserved the point of order.

Mr. HULL. As a reason for my point of order, if it become necessary to make it, I wish to say that I remember very well the debate which was had on the resolution putting Mr. Coombs upon the pay roll of the House. The minority had been accorded the usual number of officers without Mr. Coombs, but he had been in the employ of the House for a great many years and had placed some members under obligations to him. When the Republicans undertook to fill his place with a new man, it was stated by some gentlemen on this side, as well as by gentlemen on the other, that we needed Mr. Coombs to educate our man. In other words, that a new man could not properly discharge the duties of the office. There was no pretense that two men were needed permanently for the performance of this duty. We have now had our man educated by this gentleman—if he ever needed it; and I never believed that he did. If Mr. Vail can not perform the duties of the office now, let him give way, but do not keep both.

This is a new office created by a resolution of this House to give Mr. Coombs a place until the 4th day of March. I do not believe that the House needs an extra man in this line of duty, or ever has needed one. The man who was appointed to the place was thoroughly competent to discharge the duties of the office from the day of his appointment, and his familiarity with the office now is unquestioned. I do not believe that Mr. Coombs himself can come knocking at the doors of Congress and as an object of charity ask this compensation. Not only he himself, but his son and his grandson are in the employ of the Government, his son, as I understand, holding two offices, the pay of which aggregates $3,600 a year, and spelling his name in one case with two "o's" and in the other case with only one. I believe that the present minority ought to have every courtesy extended to them which has been extended to us when we have been in the minority. I would be the last man to deny this much. But this is not courtesy to the minority, but favoritism for one man. But strike Mr. Coombs from this bill and we shall still extend to the other side the same courtesy which has been extended to us in the past. There are the usual offices accorded the minority still left. On this proposition to eliminate the name of Mr. Coombs from the bill and destroy pure favoritism I trust that my friend from Missouri [Mr. DOCKERY], who as the great economist of this House has taken the place of the sage from Indiana in guarding the Treasury, will unite with me in lopping off an office that is not needed.

Mr. DOCKERY. Yes, sir; always.

Mr. HULL. Of course, I understand that some men are uncharitable enough to say that my friend from Missouri, through the Dockery Commission, discharged many clerks and put in others in whom he was interested.

Mr. DOCKERY. Mr. Chairman, right there I ask the gentleman to yield to me.

Mr. HULL. I will in a minute.

Mr. DOCKERY. I ask the gentleman to yield to me now.

Mr. HULL (continuing). I do not believe, for my own part, in such charges. I hope the gentleman from Missouri will unite with me in striking down this extravagant abuse, inaugurated by a Republican House on the appeal of our Democratic friends, backed by some gentlemen on this side of the House.

Mr. DOCKERY. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. DOCKERY. I want to say to the gentleman that I have not a single appointee in the Treasury Department at Washington.

Mr. HULL. I am very glad to hear it and know the gentleman's denial will stop such gossip as I have referred to.

Mr. DOCKERY. Let me say further, Mr. Chairman, that the joint commission referred to was always unanimous in its findings, and during the two years of its existence partisanship was absolutely unknown to its deliberations.

The only thing that I attempted to accomplish relating to patronage was to protect the appointees of certain prominent Republicans, gentlemen some of whom I now see before me, and it gave me pleasure to speak in their behalf. I repeat, I have no appointees in the Treasury Department at Washington, and I did what I could to protect the appointees of Republicans on this floor and representatives of my own political faith.

Mr. HULL. Then you and I are together on that, as I have none.

Mr. DOCKERY. There was not one single appointment that came to me as a result of the work of that commission. On the contrary, let me say to the gentleman from Iowa and to the committee that it was probable I could have secured one or two appointments, but I declined to ask this recognition, because I did not want to put myself under the suspicion of effecting reforms that patronage might follow.

Mr. McMILLIN. Mr. Chairman, I think the gentleman from Iowa [Mr. HENDERSON] has stated with great clearness and a great deal of fairness the real situation of the pending question. The employees who are embraced in the point of order of the gentleman from Missouri do not stand on the same footing as those who have been ruled out on the points of order made heretofore.

In the first place, they are officers of the Government borne on the rolls of the Government by appropriations heretofore made. In the second place, they were retained by a resolution agreed upon in this House, against which there is no decision or opposition, giving to the minority that same courtesy that we when in the majority gave to the other side, now in the majority. There has never been a violation of that courtesy since I have been a member of this body, now some eighteen years past. I trust it will not be insisted that there shall be a violation of it now.

I make that remark as to those who are appointed as a courtesy extended to the Democratic party and selected by caucus, and who are already borne on the annual rolls. A resolution of the House authorized their appointment, and there is not now nor has there been any question as to the propriety or regularity of their appointment.

Mr. HENDERSON. Mr. Chairman, I desire to be heard briefly on the question of order pending.

It is easy to say smart and cutting things. It is the cheapest intellectual production you can find in any legislative body. But I think there are some things that are easier; and one is, to be perfectly fair and candid with each other.

My colleague mistakes the case entirely when he says that Colonel Coombs's friends pleaded for the passage of the resolution in his behalf in order that he might become a teacher or instructor of his successor. I participated in that debate myself in behalf of Colonel Coombs, and used no such argument. I never heard it used until it was used on this floor to-day, from the fresh and gushing memory of my colleague from Iowa.

Colonel Coombs was pleaded for because of the merits of the man, and for that reason alone. I have served here for some fourteen years, and I can not name a man who is more efficient or of greater help to my constituents than C. W. Coombs. It is for that reason that I fought for the resolution to put him on here. I was impelled by no other purpose, Mr. Chairman.

There is a man from my district whose body is full of lead, received for his country, who was put by two Democratic Houses on the rolls as an additional officer, and kept there and tided over the 4th of March by an appropriation bill exactly as this bill.

It is usual; it is simply fair play between side and side of this House, and I beg of the gentleman who makes the point of order to have respect for the traditions of the House, to the courtesies of the House, and withdraw the objection and let this go in as it has done heretofore by the Committee on Appropriations, which ranks second to none in scanning closely matters represented in the bill and recommended to the House.

That is all I desire to say.

Mr. CROWTHER. Mr. Chairman, this case has taken a very wide scope and has developed some remarkable statements. The name of C. W. Coombs on this deficiency appropriation bill is absolutely new legislation. There is no question at all about that. And I well know that the resolution appointing this gentleman a special messenger of this House was adopted at the earnest solicitation of my esteemed friend from Iowa [Mr. HENDERSON]. He tells us that Colonel Coombs has assiduously attended to his constituents. What other member on the floor of this House can get up and say the same thing?

Mr. BINGHAM. I can.

Mr. STEELE. I can.

Mr. GROUT. I can.

Mr. HENDERSON. Let us poll the House and see.

Mr. HEMENWAY. You had better poll the House and see how many members will stand up.

Mr. HENDERSON. I will guarantee that he has refused no request.

Mr. HEMENWAY. We will guarantee that his son is drawing two salaries.

Mr. GROUT. He is not his son.

Mr. HENDERSON. I do not believe he has ever refused to give attention to the request of any member.

Mr. HEMENWAY. His son is drawing two salaries.

Mr. HENDERSON. I know nothing about that, but I do not believe it. He can not do it under the law.

Mr. CROWTHER. In the discussion of the various propositions upon this bill, it has been claimed by gentlemen on the other side that the Republicans were greedy in their desire to obtain place, even so far as to turn out laborers from the barber shop, for the purpose of putting in constituents of their own. Yet here is a Republican House, by nearly 100 majority, that gave this gentleman the position of special messenger, when we had selected another gentleman to fill the position that he had occupied.

Mr. HULL. And if the gentleman will yield for a suggestion, in order to do it, the House created a new office.

Mr. CROWTHER. Created a new office.

Mr. HULL. An office that never was known before.

Mr. CROWTHER. Now, in the development of this discussion, let us see what we find. On page 325 of the Blue Book you will find the name of C. C. Coombs, an attaché of the Surgeon-

General's Office. He is a son of C. W. Coombs, the special messenger of the House of Representatives. He is drawing there $1,400 salary.

Mr. BINGHAM. Is he not under the civil service?

Mr. CROWTHER. No, sir—yes; Democratic civil service. On page 193 of the Congressional Directory you will find the name of C. C. Coombs, credited to the District of Columbia, as having been born here, and as having been appointed to perform the duties of an office at the other end of the Capitol, drawing a salary of $2,220 per year. That is the same son of C. W. Coombs, the special messenger of the House of Representatives. Go over to the Senate Chamber and you will discover on the roll of that body the name of Charles Coombs, another son of C. W. Coombs, special messenger of the House of Representatives, drawing a salary of $900 a year—a total for one family under this great roof here of $6,320 per annum. Will my Democratic friend, when he goes down on the hustings in Texas next year, tell the people there about Republican extravagance, and refer to this remarkable instance of Democratic economy and Democratic civil-service reform? [Applause on the Republican side.]

Now, Mr. Chairman, I think I am entitled, under this condition of affairs, to raise the question of order against this paragraph.

Mr. JOHNSON of Indiana and Mr. BLUE rose.

The CHAIRMAN. The gentleman from Kansas.

Mr. CANNON. Mr. Chairman, after the gentleman gets through with his remarks, I shall call for a ruling on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLUE. Mr. Chairman, I wish to bear testimony to the statement of the gentleman from Iowa [Mr. HENDERSON] in regard to the manner in which this employee, Colonel Coombs, was placed upon the rolls of the House. Gentlemen argue that the House created a new office for this man. If that is true, then the point of order is not well taken, because if it created a new office, this is simply to provide a fund for the payment of that official.

A MEMBER. Only until the 4th of March.

Mr. BLUE. The gentleman says that it was limited to the 4th of March, but I understand that it was the purpose of that resolution at the time to add this employee to the force of the House and put him in the same attitude as the other employees of the House and that he should be paid just as they were paid. I wish further to bear evidence to the fact that this man has been as faithful in work as any employee of this body, and I desire to say in corroboration of what the gentleman from Iowa [Mr. HENDERSON] said, there is no man in the employment of the House who has done more for my constituency than has this esteemed employee, Charles W. Coombs.

Mr. JOHNSON of Indiana. If the gentleman will permit me to interrupt him, as I have been unfortunate in obtaining recognition to-day, I want to add my testimony as to the intelligence and fidelity of Mr. Coombs. I have resorted to him frequently, and with success, for documents, where it was impossible for me to get them without his aid.

Mr. HULL. Why did you not get them from a Republican employee that we have in that position?

Mr. JOHNSON of Indiana. I found Mr. Coombs so efficient that it was not necessary to go to anyone else.

Mr. BLUE. If this little patronage is to be made a great political question, if this whole business is to be parceled out simply upon partisan lines, then it seems to me the House has come to a very low plane indeed. The gentleman from Iowa [Mr. HENDERSON] appealed rightfully and properly to the equity and sense of fair dealing of this body; and I do not care whether this man has grandchildren or great-grandchildren in the service, where they have been appointed by their Democratic brethren. It was their right to ask appointment at the hands of their friends. It is simply a question of efficiency. After the House has passed upon this subject and generously appointed Mr. Coombs, it does not become it to resort to this method of removing him, out of mere partisan feeling.

Mr. CROWTHER. Does my friend profess to argue here upon this floor that it is right and just for one man to occupy two positions?

Mr. BLUE. But, Mr. Chairman, I do not understand that that is the question here.

Mr. HENDERSON. He does not occupy two positions.

Mr. CROWTHER. A member of his family is in Government employ.

Mr. BLUE. What has that to do with Mr. Coombs's employment here? The gentleman from Missouri certainly will not insist upon that.

Mr. FOOTE. Will the gentleman kindly explain why there are two House messengers in place of one; and why Colonel Coombs was kept in that place after Major Vail was put there?

Mr. HENDERSON. That was adjudicated by this House.

Mr. BINGHAM. That was by a vote of the House.

Mr. BLUE. In reply to that, when he was placed there the gentleman from Iowa [Mr. HENDERSON] urged, and urged properly, that, under the growing necessities of this great Republic and the increased work of the House of Representatives, it was necessary that he should be added. One of the great objections I have to the manner of conducting this patronage is that it gives inexperienced officials, and that is one of the reasons, among many others, why this man was retained by the House. He was retained on account of efficiency. The new employee was not prepared to meet the emergency. I have no fault to find with Major Vail. He has been faithful and industrious. We might as well be candid and treat this as it should be treated in the proper disposition of the business of this House, and not attempt to raise points of order in this manner to carry out partisan purposes, to the detriment of the business of the House.

Mr. FOOTE. Allow me to ask one more question.

Mr. CANNON. I hope we can have this point of order decided.

The CHAIRMAN. The Chair is ready to decide the point of order. It seems these employees were employed under the present rules of the House to perform specific duties, and to be paid out of the contingent fund of the House. Now, the very fact that these resolutions can not carry it after the end of the present Congress—while the present occupant of the chair is aware that from time and long-honored custom of the House such employees have always been accorded to the minority, and is in full sympathy with that idea—if the point of order is insisted on, as it is, the Chair thinks that their employment after the 4th of March by appropriation is not sustained by any law, and is therefore subject to the point of order; and the Chair sustains the point of order.

Mr. ARNOLD of Pennsylvania. Do I understand this point of order only pertains to Colonel Coombs?

The CHAIRMAN. The point of order is raised against the paragraph. [Cries of "Read!"]

The Clerk read as follows:

> To pay the following assistants in the document room, authorized and employed under resolutions of the House, namely: One at the rate of $1,000 per annum, one at the rate of $1,200 per annum, and two at the rate of $1,000 per annum each from March 4 to June 30, 1897, inclusive, $1,573.31.

Mr. CANNON. I call the attention of my genial friend from New York to the fact that this clause is subject to the point of order.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. I make the point of order if my genial friend from New York does not.

Mr. SAYERS. I raise the point of order.

Mr. CANNON. This is a clause in an appropriation that has no law to support it. It has been brought in here for years, along with these others that were brought in, to which the gentleman from New York [Mr. SHERMAN] made the point of order. However, I am going to deal even-handed justice all along the line.

Mr. SAYERS. I raise the point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

> To pay Charles M. Thomas for extra services as clerk in the office of the disbursing clerk of the House of Representatives, $300.

Mr. SAYERS. Mr. Chairman, I raise the point of order upon this.

Mr. HOPKINS of Illinois. I would like to inquire if these points of order are being made by the members of the committee who reported the bill?

Mr. SAYERS. They are so.

The CHAIRMAN. The Chair understands that there is no law on which this appropriation is based, and the Chair sustains the point of order.

Mr. HOPKINS of Illinois. I would like to inquire if the gentleman from Texas has discovered that there was no law for this since the bill has been reported?

Mr. SAYERS. I knew that there was no law for it.

Mr. HOPKINS of Illinois. When you reported the bill?

Mr. HEPBURN. Mr. Chairman, I would like to submit a parliamentary inquiry as to whether it is competent for this House to appoint one of its officers as what is known as an "annual clerk," or "annual employee." Can the House do it? Is it in the power of the House to give to itself a proper complement of officers? If it is, then it is competent for the House, by the language of this resolution, to extend the period for which an officer shall serve beyond the 4th of March. The House perhaps may not be able to compensate him, or to provide for his compensation, but if it can create the office, if it can authorize the service, then a deficiency is created, and it is the function of this bill to provide for that deficiency; so that the point of order does not, in my judgment, apply against this class of cases. I think there can be no question but that this House can appoint its own officers and can extend the term of their service beyond the 4th of March. We may not be able, I repeat, to pay them beyond the 4th of March, because they are paid out of the contingent fund, but we can require the service, we can create the office, we can appoint the officer, and if there is no provision of law for his appointment, then it becomes a proper subject to be acted upon in a deficiency bill.

The CHAIRMAN. The Chair sustains the point of order on the last paragraph.

The Clerk read as follows:

> To pay Noah L. Hawk for extra services as acting assistant deputy sergeant-at-arms, $90.

Mr. SAYERS. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WASHINGTON. Mr. Chairman, just at this point I want to see if it is possible to pour oil on the troubled waters. I wish to try, if it be possible, to reestablish that feeling of good fellowship which has heretofore almost invariably prevailed between members on both sides of the House and which ought now and hereafter to prevail. It is a blessed thing to do unto others as you would have them do unto you. It is a Scriptural injunction, I believe, to do good to those who may have spitefully used you. Therefore, although the paragraph relating to the Democratic employees of the House has just been stricken out of the bill on a point of order, I want to do the usual and the right thing by all the employees regardless of politics. As the result of a slight misunderstanding, the committee has stricken from the bill the provision for the compensation of such employees as from time immemorial it has been the custom of the majority to give to the minority in this body. Therefore, in offering this amendment I am not doing unto others as they have done unto me, but I am proposing to do unto others as I would have them do unto me, and to that end I send to the desk an amendment carefully guarded, couched in the usual language, and similar to one which it has been the custom of the House to adopt at the close of the last session of each Congress for many years.

The amendment proposes to give to the employees who are borne on the rolls of the House and Senate one month's additional compensation after the close of this Congress, which they have so faithfully and efficiently served. I ask for the reading of the amendment.

The amendment was read, as follows:

> Insert after line 13, page 57, after the word "dollars" the following:
>
> "To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. SAYERS. Mr. Chairman, I make the point of order on that.

Mr. WASHINGTON. Mr. Chairman, that is nothing more than I expected; but I want to be heard upon the point of order.

Mr. GROSVENOR. I desire to be heard on that point of order, Mr. Chairman.

Mr. WASHINGTON. Mr. Chairman, it has been the custom in this House, as I have said, almost from time immemorial, for an amendment of this character to be offered either to the sundry civil bill or to the general deficiency bill, and to be acted upon favorably by the House. It has also been the custom, or at least it has been the practice of the presiding officer, when he had any doubt as to the point of order, to submit the question to a vote of the House and let it determine for itself whether the amendment was in order or not. A similar amendment to this has been held to be in order by many illustrious men who have occupied the chair in the past, such men as Mr. Kasson, of Iowa, Mr. Carlisle, of Kentucky, and a host of our ablest parliamentarians. The custom of voting the employees one month's extra pay was inaugurated in the Twenty-ninth Congress.

In looking over the records, I find that a similar appropriation to the one proposed was made on the following dates: August 3, 1846; March 3, 1847; August 7, 1848; March 9, 1849; September 20, 1850; March 30, 1851. In 1854 the method was changed somewhat by voting a 20 per cent increase of pay to each employee at the close of the session in lieu of one month's pay, and that practice was adhered to until 1860. So that from 1846 to 1860 the custom was followed at almost every session. From 1860 to 1879 the practice was to a great extent abandoned. In 1879, however, the custom was resumed and it has generally prevailed since then. Of recent years it has generally been the custom, without regard to the political complexion of Congress, to allow one month's extra pay to the employees of the Senate and House, especially at the end of the second session, and sometimes twice during the same Congress.

Precedents will be found as follows:

> Sundry civil act of August 7, 1882; Forty-seventh Congress, first session. (22 Statutes at Large, 328.)
>
> Sundry civil act of March 3, 1883; Forty-seventh Congress, second session. (Ibid., 632.)
>
> Sundry civil act of July 7, 1884; Forty-eighth Congress, first session. (23 Ibid., 220.)
>
> General deficiency act of March 3, 1885; Forty-eighth Congress, second session. (23 Ibid., 469.)
>
> Joint resolution of October 20, 1888; Fiftieth Congress, first session (25 Ibid., 623.)
>
> General deficiency act of March 2, 1889; Fiftieth Congress, second session. (25 Ibid., 928.)
>
> General deficiency act of March 3, 1891; Fifty-first Congress, second session. (26 Ibid., 885.)
>
> Resolution of August 5, 1892; Fifty-second Congress, first session. (27 Ibid., 403.)
>
> General deficiency act of March 3, 1893; Fifty-second Congress, second session. (27 Ibid., 631.)
>
> Urgent deficiency act of December 21, 1893; Fifty-third Congress, second session. (28 Ibid., 20.)
>
> General deficiency act of March 2, 1895; Fifty-third Congress, third session. (28 Ibid., 864.)

It will be noted from the foregoing that the almost unbroken practice has been to allow an extra month's pay at the end of each session. This was not done at the first session of the Fifty-fourth Congress, and thus a greater reason is afforded why it should be allowed now. It was not given to the employees of the House at the last session; it is only asked at this session, being for two years' service. It has frequently been given, as I stated, at the end of each session of a Congress—sometimes at the close of three sessions of the same Congress.

Now, as it seems to be the fashion for gentlemen who are advocating or opposing amendments to this bill to state that they have no personal interest in the matter under consideration, I suppose that I must follow the fashion, and I believe that implicit confidence will be placed in my statement when I say that there is not a single person on the roll of this House or at the other end of the Capitol who has been appointed on my solicitation or because he is my political friend. I offer this amendment as a matter of justice and right—not because anyone in whom I am personally interested is to be benefited by its adoption to the extent of one dollar. I hope that the Chair in ruling upon this point of order will recognize the custom and the precedents which have hitherto prevailed and which I have hastily cited. I insist that custom makes law, and that custom in this case makes this amendment in order. If the Chair should entertain any doubt on this point, I hope the Chair will give the Committee of the Whole the benefit of the doubt and let the committee by a vote determine for itself whether my amendment is in order.

Mr. GROSVENOR. Mr. Chairman, I take it, for the purposes of this argument, which will be very brief, that the rule of stare decisis applies in matters of parliamentary construction as well as those of legal dispute and decision. Whether that proposition is a good one or not, I know there is one principle of parliamentary law that applies here: Where the Speaker of the House or the Chairman of the Committee of the Whole makes a decision, and that decision is appealed from and the Chair is sustained, that becomes a rule of the House. It is so laid down by every writer on parliamentary law. And where no appeal is taken the same rule applies.

Now, for many years this appropriation has been recognized as in order by Chairmen of Committees of the Whole on the state of the Union. I hold in my hand the one hundred and eighteenth volume of the CONGRESSIONAL RECORD, being a part of the proceedings of the Fifty-first Congress. I desire to read a decision made at that time on this very question by the gentleman who was then acting as Chairman of the Committee of the Whole. The occupant of the chair was Judge Payson, of Illinois, a very able man, a widely experienced parliamentarian, and a good lawyer. This same point of order was made at that time by a gentleman long in this House from the State of Indiana, Judge Holman, and here is the decision of the Chair, given after very full argument:

> This is not a new question in the House of Representatives, nor is it new to the present occupant of the chair. When the general deficiency bill was under consideration at the last session of this Congress, the present occupant of the chair had the honor to preside as Chairman of the Committee of the Whole House on the state of the Union. The same question was then presented in the shape of an amendment; and at that time the Chair took occasion to examine the entire line of precedents and the history of legislation with reference to this matter, as well as the rulings which had been made upon it up to that time, and sees no reason now for changing the opinion then formed in regard to it:
>
> "The decisions have been practically unanimous for a great many years past, and especially since the present occupant of the chair has been in public life, beginning with the ruling of Mr. Kasson, of Iowa, and others succeeding him, including the gentleman from Kentucky, Mr. Carlisle, the Speaker of the last House, and so on down to the present time, with but a single exception, this amendment has been held to be in order, either by the direct ruling of the Chair or by an overwhelming majority in the committee when the question has been submitted for its decision.

So we have not only the rulings of distinguished parliamentarians, but we have the vote of the House sustaining those rulings or reversing rulings which have been adverse.

> Following the precedents—without expressing an opinion as to what judgment the present occupant of the chair might entertain if this were an original proposition—but following the precedents and the rulings heretofore made, the Chair holds the amendment to be in order.

I do not care to add anything further. I can see no reason why the present occupant of the chair should overrule his predecessors. The House has power to appropriate funds for the payment of its employees. And its decisions are the law governing the House.

The CHAIRMAN (Mr. PAYNE). The Chair is ready to decide the point of order. The Chair is aware of the line of precedents that the gentleman from Ohio has mentioned, which grew out of the practice of the occupants of the chair in submitting this question to the Committee of the Whole, instead of deciding it for themselves under the rules. The question is not new to the present occupant of the chair. The same point of order was presented during the last session of Congress upon a similar amendment, and the ruling was then made by the present occupant of the chair that the amendment was not in order. That decision was founded upon the reading of the rule of the House, which is very plain. These officers are employees of the House at certain fixed annual salaries. To give them a month's pay in addition to the annual salary is to change the salary fixed by law or resolution of the House. It is in effect adding so much to the salary. If it is not an addition to the regular salary, it is a gratuity. In either case it is not in conformity with existing law.

If this question did not appear entirely clear upon its merits to the present occupant of the chair, he would have had much more hesitancy in deciding the case when first brought to his attention; but he can see no excuse for submitting it to the House unless it is so submitted in the form of an appeal. The rule seems plain, and, although the precedents have been examined, the Chair has been unable to find any reason given for holding that this proposition is not in violation of the rules, except that it has been entertained by the votes of Committees of the Whole.

The Chair does not recollect whether the decision made by the present occupant of the chair at the last session was appealed from or not, but the House, by its acquiescence in the decision, sustained the ruling then made, and certainly made it the rule for the Chair during the present Congress that an amendment of this kind is obnoxious to the rules and subject to a point of order. Therefore, while feeling for the opinions of the eminent gentlemen whose names have been cited—Mr. Kasson, of Iowa; Judge Payson, of Illinois, and Mr. Carlisle, the former Speaker of the House (especially the latter)—upon questions of law or parliamentary law the highest respect, the Chair sustains the point of order.

Mr. WASHINGTON. Mr. Chairman, I desire to appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman from Tennessee [Mr. WASHINGTON] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WASHINGTON. Mr. Chairman, as already stated before in this debate, this is not a new question, and it has almost invariably when raised been submitted to a decision of the Committee of the Whole itself. I hold in my hand a ruling of Speaker Carlisle when he occupied the chair at a similar time to this, several Congresses ago, and I will send it to the desk in order that it may be read and generally heard and understood, and will also ask to have read the ruling of the then occupant of the chair, Mr. Rogers, of Arkansas.

The Clerk read as follows:

> In the Fiftieth Congress, second session, Mr. CUMMINGS, of New York, offered a similar amendment to the deficiency appropriation bill. The gentleman from Arkansas [Mr. Rogers] was in the chair. A point of order was raised, and the Chair stated (see page 2255 of the RECORD, February 26, 1889):
>
> "That hitherto on more than one occasion an amendment precisely similar or having the same purpose in view has been submitted to the House, and the most recent decision was that of the Speaker himself, who held the amendment to be in order. The Chair happens to have that decision before him and will ask the Clerk to read certain paragraphs from it.
>
> "The Clerk read as follows.
>
> "'The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.
>
> "'Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.
>
> "'The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question, the Chair thinks he ought to admit the amendment and allow the House to vote upon it.
>
> "'Mr. HOLMAN. And hold that there is a law authorizing this appropriation, that it comes within the third section of the twenty-first rule?
>
> "'The SPEAKER. The provision seems to have been held in order heretofore upon the ground that it had been included in an appropriation bill, and was the law at least for that year.'"
>
> The Chairman, Mr. Rogers, of Arkansas, said:
>
> "If the Chair had doubts as to the correctness of the ruling of the Speaker, he would nevertheless adhere to it, since he would not feel at liberty while occupying the Chair temporarily to dissent from it. The Chair admits the amendment, and the committee can vote on it."

Mr. WASHINGTON. Now, Mr. Chairman, I could multiply instances similar to that showing where this question has been repeatedly brought up before the House and the point of order made, and when the Chair had any doubt upon the question it was submitted to the committee, and invariably the committee declared that it was in order. Almost invariably, since the Twenty-ninth Congress, with the exception of the period during the war, the House has acted favorably on a similar amendment. I insist that the custom establishes the law in these matters. This has been the custom for all of these years, and I hope it will prevail now.

I do not care to elaborate to any great extent this question, or to refer further to the rulings of prior Speakers, or the presiding officers of the Committee of the Whole. It is with the greatest deference and respect that I appeal from the decision of the honorable gentleman who now occupies the chair, for whose fairness and judgment I have the greatest respect, but I desire the committee itself to have an opportunity of determining the question by a direct vote as to whether or not the amendment is in order, and then let the Committee of the Whole vote on the question upon its merits and decide whether or not this amendment shall become a part of the bill.

Mr. CANNON. Mr. Chairman, a word or two on the appeal, and then I am ready to vote. I suppose in former times the good-natured Chairmen of the Committees of the House have avoided the responsibility of deciding themselves the question, and have submitted it to the vote of the Committee of the Whole. As we meet the most of the employees around the Capitol, we have admitted this question from time to time when presented to the Committee of the Whole, and have decided it under the influence of good feeling and friendship for these people, and have stretched parliamentary usage, giving the appropriation whether there was law or no law about it.

The Chair has correctly announced the rule made by this Congress. It is clearly obnoxious to the point of order, and I hope the Chair will be sustained.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee?

The ruling of the Chair was sustained.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

> On page 57, after line 13, insert:
>
> "To reimburse the Clerk of the House for expenses incurred and to be incurred for services of a clerk and stenographer, at the rate of $100 per month, from December 2, 1895, to June 30, 1897, $1,888.04."

Mr. SAYERS. I raise the question of order on that amendment.

Mr. WILLIAM A. STONE. I simply wanted to know who made the point of order.

Mr. SAYERS. I am the man.

Mr. WILLIAM A. STONE. I think the gentleman perhaps will not insist on that.

Mr. SAYERS. Oh, yes.

Mr. WILLIAM A. STONE. Very well, then; I wish to withdraw the amendment in order to save the gentleman from Texas from insisting on the point of order.

The CHAIRMAN. The amendment is withdrawn; and the Clerk will read.

Mr. GROSVENOR. I wish to offer an amendment at this point.

The Clerk read as follows:

> That the provisions of joint resolution of March 3, 1893, authorizing members to certify monthly the amount paid by them for clerk hire, be, and the same are hereby, extended for a period of thirty days from March 3, 1897, to Members and Delegates of the Fifty-fourth Congress who do not appear as Members or Delegates on the roll of the Fifty-fifth Congress; and to enable the Clerk of the House to pay said Members and Delegates the amount, not exceeding $100 each, which they certify they have paid or agree to pay for clerk hire hereunder, a sufficient sum is hereby appropriated, the same to be immediately available.

Mr. CANNON. I will reserve the point of order on that to hear from the gentleman from Ohio.

Mr. GROSVENOR. The effect of the amendment will be to permit the outgoing members of the House, those who were not elected to the Fifty-fifth Congress, to retain their clerks and pay them for one month longer. That is all there is of it.

Mr. CANNON. Would my friend think well of adding a month's extra pay for the outgoing members?

Mr. MILLIKEN. I understand the gentleman is not going out, and probably he would not be willing for th[illegible]

Mr. GROSVENOR. I offer the amendment as an act of justice or generosity, or whatever you please. I think the Congressman who goes out and must wind up his business at the end of a short session is entitled to this consideration. He has a large amount of unfinished business on hand, and I think that the propriety of having his clerk continued in employment and paid for one month in which to wind up his business is entirely proper. I regard it as a very wise and just provision. I do not expect to go out on the 4th of March, and do not know when I shall go out. I have no personal interest in this.

Mr. BARTLETT of New York. I wish to ask the gentleman from Ohio a question. As one of the outgoing members, who would receive the benefit of this $100, I want to ask you how you defend any such proposition in the interest of economy and good government?

Mr. GROSVENOR. I generally do what I think is right, and I never defend myself. [Laughter.] That is a rule I go upon.

Mr. WILLIAM A. STONE. Your time is so taken up in doing what is right that you have no time to defend yourself?

Mr. GROSVENOR. Yes.

Mr. CANNON. Mr. Chairman, a word, so that gentlemen will understand what this is. This is an amendment not to furnish private secretaries to members of Congress, but to furnish private secretaries to outgoing members of Congress for a month after they cease to be members. Now, I reserved the point of order. This is clearly subject to the point of order, but, so far as I am concerned, I do not intend to stand here in the presence of my colleagues who are going out and play wicked man upon this proposition. So far as I am concerned, I shall not raise the point of order.

Mr. SAYERS. I will play the wicked man, Mr. Chairman, and will renew the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] makes the point of order.

Mr. GROSVENOR. Just allow me a word. There is nothing novel or unreasonable in this. In this same appropriation bill we are paying sums to the families of dead members. There is a provision here to pay the widow of a deceased member $5,000. We extend the franking privilege upon public documents to outgoing members until the 1st of next December. We give to them public documents that are printed by order of this Congress until the beginning of the next Congress. So the fact that we extend this matter into another term is in keeping with legislation already on the statute book.

Mr. RICHARDSON. Do I understand the gentleman to say that this bill extends the franking privilege until next December?

Mr. GROSVENOR. No; I say it is the law now.

Mr. RICHARDSON. It is existing law.

Mr. GROSVENOR. I was saying that the principle of extending some rights to outgoing members is not a new one, but an old one.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Texas [Mr. SAYERS].

The Clerk (proceeding with the reading of the bill) read as follows:

> To pay balance of judgment of the Court of Claims No. 1697, in favor of the Southern Pacific Company, certified to Congress in House Executive Document No. 168, Fifty-third Congress, second session, $1,310,427.08.

Mr. RICHARDSON. I move to strike out the last word. We have reached a point in this bill where appropriation is made to pay judgments of the Court of Claims. I said yesterday that when this point in the bill was reached I should offer an amendment to provide for the payment of the findings of the Court of Claims under the Bowman Act. I have in my hand here a copy of a bill which has been reported by the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on War Claims, making appropriations for some of the findings of the Court of Claims under this Bowman Act. I believe the claims in this bill amount to $523,000. The bill was unanimously reported from the Committee on War Claims. All of the findings of the Court of Claims to date are not included in this bill, but only those that have been found favorably up to the meeting of this Congress, as I understand it, are included.

Mr. Chairman, that is only a portion of what the Court of Claims have found to be just. The gentleman from Illinois [Mr. CANNON] on yesterday said that these were Southern claims. I deny it. This bill which I hold in my hand provides for claimants in eighteen States of this Union.

Mr. CANNON. Mr. Chairman, I wish to ask, to what point is the gentleman speaking?

Mr. RICHARDSON. I moved to strike out the last word in the item just read. I said, Mr. Chairman, that I denied the statement that these are Southern claims. I see that this bill provides for claimants in eighteen States of this Union. I have the list in my hand. It provides for claimants in the State of Illinois. That is not a Southern State. It provides for claimants in the great State of Massachusetts, the land of steady habits. That is not a Southern State. It applies to claimants in the great Keystone State of this Union, the State of Pennsylvania. This is not a Southern State. It applies to claimants in the State of Kansas; and lastly, it applies to claimants in the State of Ohio, a State highly prolific in voters, the mother of Presidents, and of men who are competent to be President who have not yet been elected. So that, Mr. Chairman, it does not apply alone to Southern claimants, but it applies to claimants everywhere in this Union, if they happen to have such claims. I do not see why they should be characterized as Southern claims. I know that my friend does not mean to put a stigma upon them when he makes that statement. There are claims in his own State of Illinois in this bill.

Now, Mr. Chairman, I think, regardless of where they live, they ought to be paid. We have inquired whether they are right, just, and honest; and if so, regardless of their locality, we ought to pay them. I am going to offer this amendment, a substantial amendment, to put about $500,000 of the findings of the Court of Claims in this bill. My friend says that they ought to be regularly considered. When would they come up? On private bill day? But what did we see on yesterday? It was private bill day, and he took the entire day from us, when we could have considered these claims, to consider this general deficiency bill, one of the bills of highest privilege, that might be considered any day and every day in this House. He takes away private bill day, and yet comes and says you ought not to offer your little amendment to the bill, when your bill can have consideration on a private bill day. We can not get it considered that way. I hope my friend will not make the point of order. I am not prepared to say, Mr. Chairman, that the point of order would not be good, if made. I hope it will not be made by any gentleman on this floor. I state the fact myself that the bulk of this money goes to the South. There is no question about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I should like to have two or three minutes longer.

The CHAIRMAN. How much time does the gentleman ask?

Mr. RICHARDSON. I ask that I may be allowed to proceed for five minutes longer.

There was no objection.

Mr. RICHARDSON. I thank the committee. I was going to say that while it is true the claimants lived in many Northern States, the bulk of the money goes South. But I hope that no gentleman upon this floor will object to a bill because of that fact. We do not object down there to the pension bills, where 90 per cent of the money appropriated, and twenty-five times as much or fifty times as much as included in this bill, goes to other sections of the country. We sit here, those of us who are from the South, voting this pension money, of which the South pays about one-third, say $50,000,000, and gets back only $6,000,000 or $8,000,000, as I remember the figures in a general way. There is no complaint of that. Now, when we come with a bill where the bulk of the money goes South, it is true, we are met with the charge that these are Southern claims. I have shown that they are not Southern claims.

One other gentleman who sat near me stated yesterday that the statute of limitations ran against them. Mr. Chairman, that is the unkindest cut of all as to these claims. It is a fact that there is not a claimant in this bill that has not been knocking at the door of the two Houses of Congress for more than thirty years. You can not plead the statute of limitations against a claimant who was seeking all this time to get his rights. They can not sue the Government. There never was a time when they could bring suit until the passage of the Bowman Act, on the 3d of March, 1883. Then they proceeded under the direct orders of this House and the other body to bring their actions in the Court of Claims. The Court of Claims made its favorable findings. They amount in all to a little less than $1,000,000; but in this bill we have inserted a little over $500,000. They are unanimously reported by the Committee on War Claims.

It seems to me, Mr. Chairman, that these findings in favor of the claimants ought to be paid. In addition to that, at the last session of this Congress, the long session, this House and the other body passed a bill to pay these identical claims. That bill went to the President of the United States, but in the exercise of his constitutional prerogative he vetoed the bill. He did not veto it because these claims had a place in it. He expressly stated that he vetoed it on other grounds. So that the Executive has no objection to them, the Senate of the United States voted unanimously to pay them, and this House voted to pay them. In the Fifty-first Congress both bodies passed a bill to pay $550,000 of them. So it seems to me, Mr. Chairman, that we ought to let this mere drop in the bucket go through. Let the people of the South, if they are entitled to it, get the benefit of it; if they do not live there, or wherever they live, if they have shown their loyalty to the Government of the United States throughout the war they are entitled to it, through every law and principle of justice, through every act of Congress that has been passed; and it seems to me that it is but sheer justice that we should pass the bill now as a part of this appropriation bill.

Mr. WILLIAMS. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. WILLIAMS. Will the gentleman state to the committee why it is that that bill includes some of the claims on which findings have been found in the Court of Claims, and others are not included?

Mr. RICHARDSON. My friend asks a very pertinent question, why certain claims are in this bill and certain other claims of the same character are not in it. This bill contains only the claims referred to the Court of Claims by the House and Senate, upon which that court has acted favorably and reported its findings to Congress.

Mr. WILLIAMS. The gentleman did not evidently catch my question. Why is it that this bill does not contain all the claims which have been referred to the Court of Claims, and upon which the Court of Claims have made favorable findings? Why are some included in the bill and others left out?

Mr. RICHARDSON. Because this bill was introduced at the beginning of the Fifty-fourth Congress, and, as I understand, it includes all the favorable findings of the Court of Claims that had been filed with the House prior to the meeting of this Congress.

Mr. WILLIAMS. Are these the same cases that were embodied in the Senate amendment to the bill which was vetoed by the President last year?

Mr. RICHARDSON. They are.

Mr. WILLIAMS. Then why is it that other claims for which the Court of Claims has rendered judgment, as well as for these, are omitted?

Mr. RICHARDSON. All the favorable findings up to the beginning of the Fifth-fourth Congress are included.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I now withdraw the pro forma amendment and offer the amendment which I send to the desk. I will not ask to have it read if the gentleman from Illinois intends to insist on the point of order, because the reading would take twenty or thirty minutes, but I beg the gentleman not to insist on his point of order.

Mr. CANNON. Does the gentleman want to know whether I will make the point of order on his amendment or not?

Mr. RICHARDSON. I do.

Mr. CANNON. I gave the gentleman notice yesterday that I would make the point of order.

Mr. RICHARDSON. Yes; but I had hoped that a good night's sleep would have softened the gentleman's heart. [Laughter.] I offer the amendment, Mr. Chairman, and ask to have it read by title.

The amendment was read by title, as follows:

> For the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The CHAIRMAN. The Chair understands that unanimous consent is asked that this amendment be considered as read.

There was no objection, and it was so ordered.

Mr. CANNON. To that amendment, Mr. Chairman, I make the point of order that it is not in order upon this bill and not in pursuance of existing law. The Committee on Appropriations has no jurisdiction of it. It belongs to the Committee on War Claims.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. GIBSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. GIBSON. I simply want to utter one sentence bearing directly upon the question, and that is, that these are the same identical claims that were passed by both Houses of Congress at the last session.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; and

Joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1475) for the relief of Basil Moreland; and

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. LEWIS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEWIS. Would it be in order for this House of Representatives to give effect to the Constitution of the United States? [Laughter.]

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry. The point of order is sustained.

Mr. RICHARDSON. Mr. Chairman, I desire to ask the gentleman from Illinois what is included in the items which have just been read under the title, "Judgments of the Court of Claims?" What are these judgments for?

Mr. CANNON. They are, in the main, judgments for what are known as the "letter-carrier cases." They are not mere findings; they are judgments, properly certified.

Mr. RICHARDSON. One of the items, I notice, is in favor of the Southern Pacific Railroad Company. Is that for carrying the mails?

Mr. CANNON. Yes; that is a regularly certified judgment.

Mr. RICHARDSON. I know; but what I ask is, What was the judgment rendered for?

Mr. CANNON. For carrying the troops of the United States, and, I suppose, the mails of the United States, munitions of war, and so on. It is a final judgment of the Court of Claims, properly certified.

Mr. RICHARDSON. I see that the amount is $1,310,428.10 for the Southern Pacific Railroad Company. What does the gentleman say that amount is for?

Mr. CANNON. I say it is the amount carried by a judgment of the Court of Claims, which is properly certified, and on which the time for appeal has expired.

Mr. MILLIKEN. I call the attention of the gentleman from Tennessee to the report of the Committee on the Pacific Railroads, which states that this is a judgment for which an appropriation is asked for services performed in the transportation of the Army and the mails, and for passengers and freight in other branches of the public service; and that all such transportation was performed over roads that never received any subsidy from the Government. That is the report of the Committee on Pacific Railroads.

Mr. RICHARDSON. Why make an appropriation to pay the judgment of the Court of Claims in favor of this great railroad corporation, amounting to over $1,000,000, when we can not get the pitiful sum contained in the amendment I have offered for the benefit of hundreds of loyal claimants whose cases have been passed upon favorably by the same court and the same judges? I know the gentleman from Illinois will say that there is a difference; that in the one case there are findings of fact, and in the other case a judgment or finding of law, but I ask the gentleman what is the substantial distinction between the two cases, and why does one have any more merit than the other?

Mr. CANNON. Simply because the law provides that in the one case that—

> Whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for consideration.

Under the Bowman Act, covered by the amendment of the gentleman, the finding of the Court of Claims, by the express terms of the act of Congress, does not constitute a judgment, but is to be returned to the House for its further consideration. Now, in both the letter-carrier case and the case of the Southern Pacific Railroad Company the court took jurisdiction of the law, and a final judgment was rendered and certified for appropriation.

Mr. RICHARDSON. Now, I want to ask the gentleman to read section 7 of the Bowman Act. I have it not before me, but according to my recollection that section provides that these findings shall have all the solemnity—that is not the express language, but is its effect—all the solemnity of a judgment; and the section further provides that these findings shall be certified to Congress, that the cases shall take their places at the head of the Calendar of the House, and shall be first determined; that if not decided in the existing Congress, they shall not lose their places, but shall go over to the next Congress and stand at the head of the Calendar until they are disposed of.

Mr. CANNON. The gentleman is exactly correct; and many of these cases under the Bowman Act have taken their places upon the Calendar and slept there when the gentleman's party was in full power in the House and Senate and the Presidency, and when he, a great leader of his party, and his party associates allowed them to sleep there. [Applause.] If he had been as anxious and as agonizing then as he is now, I dare say his constituents would have rejoiced in appropriations for these claims.

[Here the hammer fell.]

The Clerk resumed the reading of the bill.

Mr. CANNON (interrupting the reading). I move that the Committee of the Whole rise temporarily.

The motion was agreed to.

The committee accordingly rose: and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the general deficiency bill, and had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I am directed by the Committee on Naval Affairs to report the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and to ask that the bill be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SAYERS. I reserve all points of order on the bill.

The SPEAKER. In the absence of objection, the bill will be regarded as read a first and second time, will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, printed. The gentleman from Texas [Mr. SAYERS] reserves all points of order.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I move that the House again resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and resumed the consideration of the general deficiency bill.

The Clerk read as follows:

For provisions, Navy, Bureau of Supplies and Accounts, $11,182.44.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 67, after line 13, insert the following:

"That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for pay or allowances which have been or may be presented by officers or enlisted men of the Regular Army, Navy, or Marine Corps, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been or may hereafter be adopted as a basis for the allowance of such claims, which accrued more than six years prior to the institution of proceedings on which such decisions were or may be made."

Mr. CANNON. This is a very wise amendment. Without occupying time upon it, unless some one else desires to discuss it, I will ask that the vote be taken at once.

The question being taken, the amendment was agreed to.

Subsequently,

Mr. CANNON asked and obtained leave to print in the RECORD, in connection with the amendment just adopted, letters from the Auditor and Comptroller and an extract from the last annual report of the Comptroller of the Treasury, bearing on the same. The documents are as follows:

[Mate Hugh Kuhl, United States Navy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT,
Washington, D. C., February 18, 1896.

SIR: Mate Hugh Kuhl, United States Navy, has presented a claim to this office for commutation of rations while serving on receiving ships and monitors, under the decision of the Supreme Court in the case of The United States vs. Fuller (decided January 20, 1896), in which it was held that mates are petty officers and entitled to rations. In the adjustment of the claim I have allowed the claimant commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, for the time he was attached to receiving ships and monitors, to December 31, 1883.

If mates are not officers within the meaning of section 1410 of the Revised Statutes, they are not officers within the meaning of the act of June 30, 1876 (19 Stat., 65), and are not entitled to mileage. United States vs. Mount (124 U. S. R., 303). I have therefore deducted in the settlement of his claim all mileage heretofore paid him, and allowed him the cost of his transportation in the same manner as allowed to other petty officers of the Navy when traveling under orders. He is not entitled to rations nor commutation therefor when attached to a navy yard. Button Case (20 C. Cls. R., 123); Hubert's (21 C. Cls. R., 56).

In submitting the question of the right of the Auditor to deduct allowances which have heretofore been made in this class of claims, I desire to invite your attention to acts of 1890 and 1892, wherein Congress has applied a statute of limitation to claims of officers of the Navy for sea pay and rations on receiving ships, viz: the act of September 30, 1890 (26 Stat., 544).

In the act of September 30, 1890 (26 Stat., 544), making appropriations to supply deficiencies in appropriations, etc., at page 544, there is a proviso attached to the appropriation "For provisions of the Navy" that no part of the sum called for in the executive document "shall be used for the payment of any claim for rations on receiving ships or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880." The petition in the case of Strong was filed in the Court of Claims July 16, 1886, and Congress, by limiting the time to 1880, placed a statute of limitation on that class of claims.

By the act of July 29, 1892 (27 Stat., 313), the accounting officers are prohibited from allowing any claim for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims which accrued prior to July 16, 1880. It is clear to my mind that this proviso was intended to apply to claims settled under the authority of the Strong decision, and does not apply to claims for sea pay and rations, or commutations of rations under a subsequent decision of the courts, although similar to that of Strong's.

There is another reason why, in my opinion, the act above referred to does not apply to this class of claims. The Court of Claims in the case of Boatswain Frary (24 C. Cls. R., 117) said: "To entitle officers and other persons, with some exceptions, to rations, they must be either at sea or actually attached to and doing duty on 'a sea going vessel,' whether such vessel be at sea or not. That Congress intended to exclude receiving ships from those designated as sea going vessels is conclusively shown by the exception in section 1579, which, after prohibiting the allowance of rations to persons not on a sea going vessel, excepts petty officers, seamen, and ordinary seamen attached to receiving ships." While in the Fuller case the Supreme Court held that mates are petty officers: "The exception of mates from other petty officers in section 1569 indicates that they are petty officers, and the exception of petty officers from those who are not entitled to rations under section 1579 indicates that as such they are entitled to a ration."

As no rations or commutation of rations have been allowed to officers on receiving ships since the adoption of the Revised Statutes, and the courts have held that officers so serving are not entitled to a ration, and that mates, being petty officers, are entitled when so serving, it is quite clear to my mind that Congress did not intend to include mates within the acts prohibiting the accounting officers from settling claims on receiving ships. And another reason suggests itself, that Fuller's case was not pending before the courts when the act of 1892 became a law, as his petition was not filed in the Court of Claims until March 17, 1894.

To avoid the necessity of reexamining this class of claims on appeal, I have the honor to submit to you for approval or disapproval the conclusions which I have reached in this case. First, that the claimant is entitled to commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, during the time he was attached to receiving ships and monitors; second, that he is not entitled to mileage when traveling under orders, but to the cost of his transportation; third, he is not entitled to rations nor commutation therefor when on duty at a navy yard; and, fourth, the acts of September 30, 1890 (26 Stat., 544), and July 29, 1892 (27 Stat., 313), do not apply to claims of this class.

Very respectfully,

WM. H. PUGH,
Auditor.

The COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., January 8, 1897.

SIR: An answer to your letter of February 18, 1896, submitting for my approval, disapproval, or modification your conclusions and decision in the case of Hugh Kuhl, mate United States Navy, has been delayed, awaiting the decision of the Supreme Court of the United States in the case of Wisconsin Central Railroad Company vs. United States (164 U. S., 190), decided November 16, 1896, and Baxter vs. United States, decided by the Court of Claims January 4, 1897. These cases fully sustain certain conclusions reached by you in this matter. You submitted the four following points as decided by you:

"First. That the claimant is entitled to commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, during the time he was attached to receiving ships and monitors.

"Second. That he is not entitled to mileage when traveling under orders, but to the cost of his transportation;

"Third. He is not entitled to rations nor commutation therefor when on duty at a navy yard; and,

"Fourth. The acts of September 30, 1890 (26 Stat., 544), and July 29, 1892 (27 Stat., 313), do not apply to claims of this class."

With these conclusions I concur, and approve your decision.

Concerning the deduction of the sums heretofore paid as mileage in excess of the actual cost of transportation while traveling under orders, said mileage was allowed on the theory that the claimant was an officer of the Navy. The claim for commutation of rations is based on the decision of the United States Supreme Court (United States vs. Fuller, 160 U. S., 593), decided January 20, 1896, to the effect that mates are not officers. This brings up for present consideration the whole question of the status of the claimant during the time rations are now claimed, and both rations and mileage being parts of the same subject matter, to wit, the compensation of the claimant, the application of the claimant opens the whole matter, and necessarily involves the right to offset sums improperly paid as mileage, when in excess of the cost of transportation, under former decisions, as well as those herein specifically mentioned.

In presenting this claim to Congress for appropriation it is suggested that attention be invited to the limitation on the consideration of other claims of a similar character found in the act of July 29, 1892 (27 Stat., 313).

I transmit all of the papers in the case.

Respectfully, yours,

EDW. A. BOWERS,
Assistant Comptroller.

The AUDITOR FOR THE NAVY DEPARTMENT.

Extract from Report of the Comptroller of the Treasury for the fiscal year 1896, pages 7 and 8.

It not infrequently happens that a construction is placed upon acts of Congress relating to the compensation or other emoluments of officers of the United States, the language of which is somewhat ambiguous, because by reason of long continuance the settled practice of the Executive Departments as constituting the true construction of the statutes. Many years afterwards the construction of these acts by the accounting officers may be reversed by the courts and a larger amount than had been theretofore allowed is held to be due these officers. Immediately after such decisions claims covering the entire period of time since the enactment of the laws are presented either by the officers themselves, or in many cases, where the construction of the accounting officers has continued for a long period unreversed, by the heirs of officers already dead.

As Congress has for more than thirty years furnished a tribunal in the Court of Claims in which the validity of this character of claims might have been tried immediately after the construction was placed upon the acts by the accounting officers, if such construction was deemed erroneous, it is confidently believed that no injustice will be done if the jurisdiction of the accounting officers over claims of this character is taken away, especially as it is a matter of common notoriety that in many cases the claims have been instigated by diligent attorneys rather than by the officers themselves. An example of such legislation in a particular case may be found in the act of July 29, 1892 (27 Stat., 313), wherein it was provided:

"That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 16, 1880."

The case particularly referred to in that enactment was that of United States vs. Strong (125 U. S., 656). It appears that the petition in the Strong case was filed in the Court of Claims July 17, 1886, and as the statute of limitations relating to that court excludes from its jurisdiction any claims accruing prior to six years from the date of filing the petition, the date "July 16, 1880," referred to by Congress in the above-quoted clause, relates to claims which would have been barred in the Court of Claims in the test case.

Like legislation applicable to all claims of a generally similar character is

respectfully recommended. The time of the accounting officers is fully occupied in the settlement of current matters and should not be taken up in the adjustment of a class of claims which might have been presented to the courts by the claimants at earlier dates if at the time they had felt themselves aggrieved by the determination of the accounting officers.

The Clerk resumed and concluded the reading of the bill.

Mr. CANNON. Mr. Chairman, I ask that we now return to a paragraph on page 21, which was passed over by unanimous consent.

The Clerk read from page 21 of the bill the following:

Public schools: For amount required to pay for care of schoolrooms at Miner school building for the current year, $149.93.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the paragraph just read insert:

For rent of Miner School building, $1,250, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, it was agreed that at the conclusion of the reading of the bill we would recur to two paragraphs, possibly three, upon which there was to be debate for an hour and a half on each side.

Mr. SAYERS. Mr. Chairman, I have three amendments which I think, for the convenience of the committee, can be considered together. If one of them should be adopted, it may determine the others. I will send them up to be read by the Clerk, and then if the chairman of the Committee on Appropriations should prefer to have them considered separately, we can do so.

The Clerk read as follows:

On page 61, at the end of line 24, insert:

"Except those for services over bond-aided Pacific railroads and their nonbond-aided branches."

On page 63 strike out all of lines 18 to 24, inclusive.

On page 5 strike out all of lines 1 to 10, inclusive.

The CHAIRMAN. The Chair understands that the gentleman wishes these to be considered together, and the gentleman asks consent of the committee for their consideration in that form.

Mr. CANNON. Let them be pending, and I will look over them. The gentleman from Texas, if he desires to proceed now——

The CHAIRMAN. The Chair understands the time agreed upon for debate is to be equally divided, and if there be no objection the Chair will recognize the gentleman from Texas [Mr. SAYERS] to control one-half of the time and the gentleman from Illinois [Mr. CANNON] the other.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. SAYERS. I will yield twenty minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, on Saturday afternoon last I left the House, I think, between 4 and 5 o'clock, when the gentleman from Mississippi [Mr. CATCHINGS] was addressing the committee on some river and harbor items. Later in the afternoon some discussion took place in which the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Missouri [Mr. DE ARMOND] took part. In the course of their remarks they attacked the Supreme Court of the United States, and I propose now, in the limited time just allotted to me, to defend that court.

This is not a political question. It is not a partisan question. The question is whether it is proper to attack this court, a great coordinate branch of the Government, supposed to be of equal and independent power with the legislative branch, in the course of remarks on this floor. The gentleman attacked not only, as I conceive, Mr. Justice Shiras, a member of the Supreme Court of the United States, for his decision in the income-tax cases, but the attack was broad enough to affect, and must necessarily and logically involve, not only every member of the majority of the court, but every one of the nine justices who compose the entire court.

I call the attention of the committee to the language which was then used by the gentleman from Tennessee [Mr. McMILLIN], who, with his recognized ability, aspires to be the leader of the Democratic party in the next Congress. He said:

It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses, was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him.

Then the gentleman from Missouri [Mr. DE ARMOND] said:

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually, and cast it as an additional burden upon poverty and toil!

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions; great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown in a land of free people under free institutions.

What was the "great principle of taxation" overthrown by that decision of theirs? The principle of taxation—the only ruling of the court—was that an income tax is a direct tax; not that no income tax could be imposed on the people of the United States, but that it must be apportioned according to the inhabitants of the various States, or, in the language of the Constitution, "among the several States, according to their respective numbers."

Now, let us look for a moment at the question; and the original argument goes back to the 9th day of July, in the city of Chicago, when William J. Bryan delivered his famous speech, "The crown of thorns and cross of gold," in which he used the language:

It was not unconstitutional when it went before the Supreme Court for the first time.

I draw the attention of the committee, Mr. Chairman, to the fact that there were three questions involved in the income-tax case, that is to say, in the bill in equity brought by Mr. Pollock, against the Farmers' Loan and Trust Company of New York, praying that sections 27 to 37, inclusive, the income-tax sections of the Wilson tariff bill, should be adjudged to be unconstitutional and void. And the points were that the tax on the rents and income of real estate is a tax on the land itself, and hence a direct tax under the Constitution; that the income derived from State and municipal bonds can not be taxed by the Federal Government; and further, that a tax upon the income derived from personal property is a direct tax within the meaning of the Constitution.

On the first two questions the court decided in favor of the plaintiff. The court decided that to tax the income of municipalities was unconstitutional and void, because it involved an attempt to tax the instrumentalities of the States. All the eight judges concurred in that view at the first hearing, and six out of the eight judges held the tax on the rents and income of real estate to be unconstitutional and void. So these gentlemen, including Mr. Bryan, are wrong when they say that a large part of the act was not held to be unconstitutional on the occasion of the first hearing by the Supreme Court of the United States.

Now, what opinions were then rendered? The prevailing opinion was rendered by Mr. Chief Justice Fuller, and Mr. Justice Field also filed a concurring opinion. The dissenting opinion was rendered by Mr. Justice White and concurred in by Mr. Justice Harlan. So the record shows that all the judges, with the exception of Mr. Justice White and Mr. Justice Harlan, on the occasion of the first hearing, held the tax on the rents and income of real estate to be unconstitutional and void. And what proportion of the tax was involved? It stated, I believe, in the second opinion of Mr. Chief Justice Fuller, that that affected something like $39,500,000 out of the total of $45,000,000,000. So you see, gentlemen, that about one half of the income tax was held to be unconstitutional before the second hearing occurred in the following May. You remember that the first hearing was in March, and the decision was filed on the 8th day of April, 1895. It is true it was announced in the prevailing opinion on the occasion of the first decision that the court was evenly divided on some points; that is, upon the question if an income tax be considered an indirect tax, whether it should not be uniform, and on the question as to whether the invalidity of the provision as to rents and income of land did not necessarily invalidate the other sections of the income-tax law applying to the incomes of personal estate, and upon the question whether a tax upon the income of personal estate was a direct tax or not.

Upon those three questions the court was equally divided. But I submit to you, gentlemen, as lawyers, that no judge of any court should ever be attacked for changing his opinion on a pure question of law, such as that which was involved in this income tax case. I submit that it would be a very dangerous principle to encourage the practice of certain country lawyers, when defeated, to go down to the tavern and damn the court.

Now, gentlemen, there is no evidence as to how the judges stood on the points left undecided on the occasion of the rendition of the first decision. Non constat, as far as the record goes, that Mr. Justice Shiras ever thought that the income-tax law was constitutional. We know that he thought the tax on the rents and income of land was unconstitutional.

Moreover, let us see how fairly they work out the problem. Mr. Justice Brown, another member of the court, changed his opinion on the occasion of the second hearing. Read his second opinion—that is, his dissenting opinion—on the occasion of the rehearing, and you will find that he then held that a tax on the rents and income of land could be upheld, and that it was not a direct tax, whereas on the occasion of the first hearing he sided with the six judges who formed the majority.

But, no matter how those judges stood or how Mr. Justice Shiras stood on the occasion of the first argument, I submit it is a dangerous precedent to allow any member of the National Legislature—of course he has the power to speak as he sees fit—to allow without rebuke any member of the National Legislature to attack our great court of last resort, and I have deemed that it was right for me, as the only member of the Committee on Appropriations, I believe, except the gentleman from Ohio [Mr. LAYTON], who is a sound-money Democrat, to protest on behalf of the Democracy of the North and East against their being held up to the people of this country as in favor either of an income tax or in favor of attacking the Supreme Court of the United States.

Mr. WILLIAMS. What has the question of silver Democracy or gold Democracy got to do with this question?

Mr. BARTLETT of New York. I believe that the issues which I have mentioned, quite as much as the soft-money craze, helped to turn the North and the East against the Democracy in the last Presidential campaign. I say to the leaders of the party in the West and Southwest that they can not hold the Democracy of the North and East with them unless they abandon their policy of insisting upon the imposition of an unconstitutional and iniquitous income tax, which will largely affect the people of the Eastern and Northern States. Nor can they pursue their attacks on the Federal judiciary without endangering the success of their party in the future.

Now, the gentleman from Missouri [Mr. DE ARMOND] asks, Who could have anticipated the unconstitutionality of the income tax? I say to him that in two speeches in this House, the first on the 30th of January, 1894, and the second on the 12th day of December, 1894, I stated that the income tax was unconstitutional, and that it would be held to be unconstitutional when it should come before the Supreme Court of the United States on another occasion. To be sure it was only my belief as a lawyer, but at the same time I cited instances of the contemporaneous construction of the meaning of the words "direct" and "indirect" taxes, such as those by Gouverneur Morris, Luther Martin, and Theodore Sedgwick, and I referred to many cases which appear in the majority opinion of the Supreme Court of the United States.

Now, let us go one step further. I take these figures from the able and admirable paper written by Senator HILL, in the Forum of February, showing how this income tax is an unfair tax and a tax which discriminates against my State. It appears that while the amount of the income tax returned was $15,943,746.69, the States which voted for the Democratic-Populist candidate returned only $1,880,201.38, whereas the State of New York would have paid nearly one-fourth of the whole tax, or, to be exact, $3,784,489.04.

Then let us consider for a moment the fairness of that tax. How do the gentlemen who defend these sections of the Wilson bill defend the unfair exemption of mutual life insurance companies, and in favor of building associations? Gentlemen must admit, for it is admitted in one of the opinions of the dissenting judges of the Supreme Court (that of Mr. Justice Harlan), that they are unfair and indefensible exemptions. He says:

> Undoubtedly the present law contains exemptions that are open to objection. * * * The provisions most liable to objection are those exempting from taxation large amounts of accumulated capital, particularly that represented by savings banks, mutual insurance companies, and loan associations.

Now let me say a word about this law. Why talk about the Supreme Court of the United States and say it has reversed its decision which had been made a hundred years earlier? Such is not the fact. The only decision reversed was that in the Springer Case, which was decided in 1880 and reported in 102 United States Reports. The old Hylton Case, in 1796, merely held that a tax on a carriage was an excise, because a carriage is simply a consumable commodity; and then, in the case of the Pacific Insurance Company against Soule (1868) it was held that a tax upon the business of an insurance company was an excise or duty; and in the case of Veazie Bank against Fenno (1869) it was held that the tax of 10 per cent upon the State-bank circulation was a duty; and in the case of Scholey against Rew (1874) it was held that the tax upon the devolution of the title to realty or a succession tax was an excise tax or duty. And as said, Justice Brown, in his dissenting opinion, said it must be admitted, however, that in none of these cases was the question directly presented as to what are taxes upon land within the meaning of the constitutional provision; and it is pointed out, also, by Chief Justice Fuller that from the case of Hylton to that of Springer it never had been decided that taxes on rents or income derived from land are not taxes on land.

In the case of the Pacific Insurance Company against Soule, my father was of counsel, and of his brief Mr. Justice White says:

> The brief on behalf of the company, filed by Mr. Wills, was supported by another signed by Mr. W. O. Bartlett, which covered every aspect of the contention. It rested the weight of its argument against the statute on the fact that it included the rents of real estate among the sources of income taxed, and therefore put a direct tax upon the land. Able as have been the arguments at bar in the present case, an examination of those then presented will disclose the fact that every view here urged was there pressed upon the court with the greatest ability, and after exhaustive research, equaled but not surpassed by the eloquence and learning which has accompanied the presentation of this case. Indeed, it may be said that the principal authorities cited and relied on now can be found in the arguments which were then submitted.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. BARTLETT of New York. I say, whether we disagree with the Supreme Court or not, the final decision of that court should be upheld; and it is a very dangerous precedent to attack judges of that great court because their views happen to contravene our views. Now, let me say a word in conclusion; and that is as to the dangerous proposition advocated by the gentleman from Missouri [Mr. DE ARMOND].

Mr. TERRY. I would like to ask the gentleman a question.

Mr. BARTLETT of New York. Not if it is to come out of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTLETT of New York. The gentleman from Missouri [Mr. DE ARMOND] goes one step further. He indulges in a general attack upon the judiciary. He says that he wishes to curb the Executive; he says he wishes to curb the Federal judiciary. In other words, he desires to give unlimited power to the legislative department of Government. Ah, gentlemen, does he imagine and do those who accord with him imagine that they are the people? We are merely representatives of the people; we are not the people themselves. As was well said by Judge Story, in his great work on the Constitution, "The courts stand between the people and the legislature;" and they are placed there to do what? To check the encroachments and usurpations of the legislative department of Government.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, before the gentleman from Tennessee [Mr. MCMILLIN] proceeds, I desire to ask unanimous consent to return to page 53 of the bill, to correct a clerical error.

The Clerk read as follows:

> On page 53, line 18, strike out the capital "N" and insert in lieu thereof a capital "M."

The CHAIRMAN. Without objection, the amendment will be considered as adopted.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Chairman, I will, by arrangement, so as to equalize the time given by the gentleman from Texas, yield ten minutes of my time to the gentleman from Tennessee.

Mr. McMILLIN. Mr. Chairman, I thank my friend from Illinois for his courtesy in yielding me a small portion of time in which to reply to the gentleman from New York [Mr. BARTLETT]. I do not propose on this occasion to go into a general discussion of the questions that he has raised. He says that I made an attack on a member of the Supreme Court in some remarks I made a few days ago. I intended it as an attack on the soundness of his decision, and if it is not sufficient, I am ready to renew it any day in the world. I do not admit, as a representative of the American people, that there is anything in the American Government so sacred that I, as a representative of the American people, can not attack it when it goes wrong. [Applause.]

Concerning my distinguished friend's suggestion as to what ought to be my conduct as a Democrat, with some years of service here, I simply beg to submit to him that I do not recognize his right to read me lectures as to what should be Democratic conduct after he has taken his bag and baggage out of the Democratic party and run for Congress with a Republican nomination. [Applause.] I am at the old camping ground, engaged in the old war against class and unjust legislation, with the old principles backing me, and I do not admit that I have departed from the faith, or that those associated with me have.

My distinguished friend from Pennsylvania [Mr. DALZELL] informed me some days ago that he expected at a future time to reply to what I had said regarding Mr. Justice Shiras, and I will reserve until that occasion the principal part of what ought to be said concerning that distinguished individual.

Mr. MADDOX. Notorious, you mean.

Mr. McMILLIN. I accept the amendment—notorious. Mr. Chairman, no man has a higher reverence for the institutions of my country than I have. When I can say that I have stood here for eighteen years, engaged in the thickest of the fight, having fled from no combat, and yet have never had a single point of order made upon me that I was out of order in debate, I believe I can at least boast that I have been somewhat decorous in my methods of discussion. I have not spared the wrong or wrongdoer in my criticisms; nor shall I.

Sir, no man in this Government ever attacked the Federal judiciary when it went wrong more fiercely than did Thomas Jefferson, and the people made him President, and they hold his memory sacred, because he did not fear to do his duty in that and other things.

When General Jackson sent to the Senate, to be borne perpetually upon its files, his protest against the resolutions of censure, he necessarily criticised the action of a coordinate branch of the Government.

When the President of the United States sends his veto messages here, he necessarily criticises a coordinate branch of the Government. I repeat, sir, there is nothing in American government that is beyond criticism. On the stump, in the daily press, everywhere and by everybody, we, as legislators, are criticised. What sanctity shields the bench from just comment or criticism?

What I said of Justice Shiras was, that the man who tore down the Constitution, who overruled the decisions of one hundred years, who took away from the people the right to impose upon the wealth of the country taxes to meet the expenses of the country, was named Shiras. I repeat it to-day, and I am glad if I have got through his heretofore thick skin at last. Did he not decide that an income tax was unconstitutional? And did he not have to overturn the decisions of one hundred years to do it? [Applause.] As I have indicated, it was not my purpose on this occasion to go into a general discussion of the merits of this question. I think that if I have my health I shall be able to show some facts which may shed a slight degree of light upon the methods of proceeding when the Constitution was overridden and the taxing power of the people destroyed. But for the present I shall content myself with calling the attention of my distinguished friend from New York [Mr. BARTLETT] and the committee to what members of the Supreme Court of the United States have said about that decision of the Supreme Court of the United States. I could not say anything harsher than what Mr. Justice Harlan, Mr. Justice Jackson, Mr. Justice White, and Mr. Justice Brown have said upon that extraordinary income-tax decision. I therefore send to the desk to be read some extracts from the opinions of those distinguished jurists. I ask the Clerk to read the paragraphs that I have marked.

The Clerk proceeded to read.

Mr. HEPBURN. What is the Clerk reading from?

Mr. McMILLIN. He is reading from the dissenting opinion of Mr. Justice Harlan, of the Supreme Court of the United States.

Mr. HEPBURN. From what volume is he reading?

Mr. McMILLIN. That is a volume that I would commend to the gentleman's careful and prayerful consideration, for his moral and political improvement. It is the Democratic campaign book in the last campaign. [Laughter.]

Mr. HEPBURN. Prepared by the gentleman, I believe?

Mr. McMILLIN. Prepared by me; but I vouch for the accuracy of every word that is there attributed to these justices of the Supreme Court. All the extracts were taken literally from their opinions.

Mr. BARTLETT of New York. Will the gentleman permit me to ask him one question?

Mr. McMILLIN. With pleasure.

Mr. BARTLETT of New York. Will you allow the prevailing opinion of the court to go into the RECORD with what you are having read?

Mr. McMILLIN. Not in my time. I do not want the reading of it taken out of my time, as it is very limited.

The extracts read at the request of Mr. MCMILLIN are as follows:

DISSENTING OPINION OF SUPREME COURT.

[Extracts from Pollock *vs.* Farmers' Loan and Trust Company, 158 U. S.]

HARLAN, J.: From this history of legislation and of judicial decision it is manifest—

* * * * * * *

That upon every occasion when it has considered the question whether a duty on incomes was a direct tax within the meaning of the Constitution this court has, without a dissenting voice, determined it in the negative, always proceeding on the ground that capitation taxes and taxes on land were the only direct taxes contemplated by the framers of the Constitution * * * The practice of a century, in harmony with the decisions of this court, under which uncounted millions have been collected by taxation, ought to be sufficient to close the door against further inquiry based upon the speculations of theorists and the varying opinions of statesmen who participated in the discussions, sometimes very bitter, relating to the form of government to be established in place of the Articles of Confederation, under which, it has been well said, Congress could declare everything and do nothing.

* * * * * * *

In my judgment, to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government, this decision may well excite the gravest apprehensions. It strikes at the very foundations of national authority, in that it denies to the General Government a power which is, or may become, vital to the very existence and preservation of the Union in a national emergency, such as that of war with a great commercial nation, during which the collection of duties upon imports will cease or be materially diminished.

* * * * * * *

But this is not all. The decision now made may provoke a contest in this country which the American people would have been spared if the court had not overturned its former adjudications and had adhered to the principles of taxation under which our Government, following the repeated adjudications of this court, has always been administered. Thoughtful, conservative men have uniformly held that the Government could not be safely administered except upon principles of right, justice, and equality, without discrimination against any part of the people because of their owning or not owning visible property, or because of their having or not having incomes from bonds and stock. but by its present construction of the Constitution the court, for the first time in all its history, declares that our Government has been so framed that in matters of taxation for its support and maintenance those who have incomes derived from the rental of real estate or from the leasing or using of tangible personal property, or who own invested personal property, bonds, stocks, an investment of whatever kind, have privileges that can not be accorded to those having incomes derived from the labor of their hands, or the exercise of their skill, or the use of their brains.

* * * * * * *

I may say, in answer to the appeals made to this court to vindicate the constitutional rights of citizens owning large properties and having large incomes, that the real friends of property are not those who would exempt the wealth of the country from bearing its fair share of the burdens of taxation, but rather those who seek to have everyone, without reference to his locality, contribute from his substance, upon terms of equality with all others, to the support of the Government. * * *

The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless. * * *

BROWN, J.: It is certainly a strange commentary upon the Constitution of the United States and upon a democratic Government that Congress has no power to lay a tax which is one of the main sources of revenue of nearly every civilized state. It is a concession of feebleness in which I find myself wholly unable to join.

While I have no doubt that Congress will find some means of surmounting the present crisis, my fear is that in some moment of national peril this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it a duty to enter my protest against it. * * *

JACKSON, J.: The practical operation of the decision is not only to disregard the great principles of equality in taxation, but the further principle that in the imposition of taxes for the benefit of the Government the burdens thereof should be imposed upon those having most ability to bear them. This decision, in effect, works out a directly opposite result, in relieving the citizen having the greater ability, while the burdens of taxation are made to fall most heavily and oppressively upon those having the least ability. It lightens the burden upon the larger number in some States subject to the tax, and places it most unequally and disproportionately on the smaller number in other States. Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress. It strikes down an important portion of the most vital and essential power of the Government in practically excluding any recourse to incomes from real and personal estate for the purpose of raising needed revenue to meet the Government's wants and necessities under any circumstances. * * *

WHITE, J.: It takes invested wealth and reads it [illegible] the Constitution as a favored and protected class of property, which can not be taxed without apportionment, whilst it leaves the occupation of the minister, the doctor, the professor, the lawyer, the inventor, the author, the mechanic, and all other forms of industry upon which the prosperity of a people must depend subject to taxation without that condition. A rule which works out this result, which, it seems to me, stultifies the Constitution by making it an instrument of the most grievous wrong, should not be adopted, especially when, in order to do so, the decisions of this court, the opinions of the law writers and publicists, tradition, practice, and the settled policy of the Government must be overthrown.

Mr. BARTLETT of New York. Mr. Speaker, I ask unanimous consent to be allowed to print with my remarks such extracts from the prevailing opinion in the income-tax cases as I shall see fit.

Mr. RICHARDSON. How much space in the RECORD does the gentleman propose to occupy?

Mr. BARTLETT of New York. A very few lines.

Mr. RICHARDSON. I have no objection, if the matter to be printed does not occupy more than a few lines.

Mr. BARTLETT of New York. As a rule, I never print what I do not deliver.

Mr. RICHARDSON. As I understand, there were five judges who read opinions in this case.

The CHAIRMAN. The gentleman from New York [Mr. BARTLETT] asks leave to print, in connection with his remarks, extracts from the decision of the court.

Mr. RICHARDSON. Limited, as he says, to a few lines. I do not object.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. DALZELL. Mr. Chairman, I do not propose this afternoon to occupy the time of the House, but in view of what the gentleman from Tennessee [Mr. McMILLIN] has said, it seems proper for me to say that he has been rightly informed—that it was, as it still is, my intention to reply to the criticisms of the gentleman from Tennessee and the gentleman from Missouri [Mr. DE ARMOND] upon the course of Mr. Justice Shiras in the income-tax cases. I hope at some day in the near future to have the attention of the House on that subject.

Mr. McMILLIN. I indicated in the beginning of my remarks all that I wanted now was to insert in the RECORD these extracts in answer to what my distinguished friend from New York [Mr. BARTLETT] has said. I give notice that in response to what the gentleman from Pennsylvania [Mr. DALZELL] may say, we shall desire a little time.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the Committee of the Whole recur to page 11, line 23, for the purpose of correcting a typographical error.

There was no objection.

Mr. CANNON. I move to amend by striking out, in line 23, page 11, the word "four" and inserting "eighty-two."

The amendment was agreed to.

Mr. CANNON. Does my friend from Texas [Mr. SAYERS] desire to proceed with his remarks now?

Mr. SAYERS. I think, Mr. Chairman, that the committee might rise now and allow this debate to be concluded on Monday.

Mr. CANNON (after conference with Mr. SAYERS). Mr. Chairman, the gentleman from Texas and myself have agreed (as I have consumed ten minutes and he twenty minutes) to ask that the remainder of the debate upon this proposition be limited to two hours, one hour on each side.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the residue of the debate on the pending paragraphs be limited to two hours, one hour on each side. Is there objection? The Chair hears none, and it is so ordered.

Mr. CANNON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the general deficiency appropriation bill, and had come to no resolution thereon.

Mr. CANNON. I move that the House now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 621) for the relief of the legal representatives of George McDougall, deceased—to the Committee on Claims.

Joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session—to the Committee on the District of Columbia.

A bill (S. 1811) to extend the uses of the mail service—to the Committee on the Post-Office and Post-Roads.

A bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 10019) granting an increase of pension to George W. Ferree;

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms;

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; and

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TRUMAN H. ALDRICH, indefinitely, on account of sickness in his family.

To Mr. FOSS, for five days, on account of death in his family.

To Mr. SMITH of Illinois, for to-day, on account of sickness.

To Mr. BROMWELL, for one week, on account of important business.

PROPOSED ADJOURNMENT TILL TUESDAY.

Mr. BAILEY. Before the motion to adjourn is submitted, I wish to inquire of the chairman of the Committee on Appropriations whether it would not be agreeable to him that the House adjourn from to-day until Tuesday next? Monday, as we all know, is the anniversary of Washington's birthday—a national holiday.

Mr. CANNON. If I could discover some way of postponing for one day the termination of the session of Congress, I would say yes.

Mr. BAILEY. I move that when the House adjourn to-day it adjourn to meet on Tuesday next.

The motion was rejected.

The question being then taken on the motion of Mr. CANNON that the House adjourn, it was agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Mille Lacs Lake, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Red Lake and Red Lake River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 1811) entitled "An act to extend the uses of the mail service," reported the same without amendment, accompanied by a report (No. 3010); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HULICK, from the Committee on the District of Columbia: The bill (S. 2469) entitled "An act authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city." (Report No. 3005.)

By Mr. COLSON, from the Committee on Claims: The bill (S. 2988) entitled "An act for the relief of W. J. Tapp & Co." (Report No. 3006.)

By Mr. RICHARDSON, from the Committee on the District of Columbia: The bill (S. 2986) entitled "An act authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown." (Report No. 3007.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 3670) entitled "An act to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army." (Report No. 3008.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5397) granting a pension to Mrs. Katherine Ogden, widow of Second Lieut. Charles C. Ogden, Company E, Thirteenth Infantry, United States Army; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SWANSON (by request): A bill (H. R. 10337) to provide for the inspection of trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit imported into the United States, and for the inspection of nursery stock grown within the United States which becomes a subject of interstate commerce—to the Committee on Agriculture.

By Mr. FOOTE: A bill (H. R. 10340) to authorize the construction and maintenance of a bridge across the St. Lawrence River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. TRELOAR: A bill (H. R. 10338) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 10339) for the relief of Mary A. Hancock, widow of Samuel Tow, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of E. A. Dow and other citizens of Plymouth, Wis., relating to Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of H. B. Norwood and others; also of William Owen and others, of the State of Tennessee, asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Post C, Travelers' Protective Association of America, of Knoxville, Tenn., protesting against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Missouri: Petition of S. D. Morrow and others, of Carthage, Mo., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of W. B. Hendricks and other citizens of Graham, Tenn., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Sundry petitions of citizens of Yates Center, Emporia, Marion, Eureka, Burlingame, Wichita, and Council Grove, State of Kansas, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Theo. Minx, E. M. Mahn, A. S. Silvermail, F. P. Lindsay, and numerous other citizens of Topeka and other towns in the State of Kansas, protesting against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Farmers' Alliance and Industrial Union, protesting against a tax on gypsum—to the Committee on Ways and Means.

By Mr. DANIELS: Petition of the Woman's Christian Temperance Union of East Aurora, Erie County, N. Y., in favor of the prohibition of the sale of intoxicating liquors at Bedloes Island and Fort Wadsworth, on Staten Island; also at Ellis Island—to the Committee on Alcoholic Liquor Traffic.

By Mr. DINSMORE: Petition of Mary A. Hancock, widow of Samuel Tow, deceased, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of George J. Consigny, jr., and others, of Emmetsburg, Iowa, and F. W. Waterhouse and others, of the State of Iowa, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. Miller, of Boone, Iowa, praying for the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FENTON: Petition of Rev. P. F. Thurheimer and others, of Jackson, Ohio, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of Rev. C. M. Heard and numerous other ministers of Minneapolis, Minn., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petition of Adolf Candrian, of La Crosse, Wis., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the Orleans County Christian Endeavor Union, of Vermont, concerning the recent Armenian outrages—to the Committee on Foreign Affairs.

By Mr. HALL: Petition of H. P. Jennings and 64 other citizens of Moberly, Mo.; also, a petition of A. Lowenstein and 33 others, of Chillicothe, Mo., favoring the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Sundry petitions of L. S. Eaton and numerous other citizens of the State of Ohio, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of J. A. Rogers and 40 other citizens of Clarion; also, petition of J. H. Funk, of Iowa Falls, State of Iowa, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Rev. J. August Smith and 8 other citizens of Forreston, Ill., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOOKER: Sundry petitions of A. Habern and Frank Nicholl, of Vanburen; H. G. Goodman, William Moll, W. J. Meader, and others, of Dunkirk; E. B. Patterson and others, of Jamestown; S. M. Hosier, F. M. Crandall, and others, of Westfield; Ira D. Hawley and others, of Silver Creek, in the State of New York, favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Petition of Rev. W. H. Patton, Rev. E. E. Gardner, and others, of Osborn, Ohio, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of A. B. McDonell and 25 others, of Chippewa Falls, Wis., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Resolutions of the St. Paul Chamber of Commerce, favoring deep-water survey from the head of Lake Superior to the Atlantic coast—to the Committee on Appropriations.

Also, petition of C. A. Robinson and others, of the State of Minnesota, praying for the passage of the Cullom and Sherman bills for the prevention of railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of W. E. Shaley and 4 other citizens of New Bremen, Ohio, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Petitions of W. M. Rankin and others, F. S. Wack and others, W. C. Dennis and others, residing in the State of New Jersey, praying for the passage of the Cullom and Sherman bills for the prevention of railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of William B. Howard, private special United States guide, asking for pension on account of disease contracted while in the service—to the Committee on Invalid Pensions.

By Mr. McDEARMON: Petitions of W. J. Edmonds and others, of Union City; T. H. C. Lownsburgh and others, of Woodland Mills; J. B. Martin and others, of Gardner; Joseph E. Jones and others, of Dresden; A. B. Childress and others, of Ralston, in the State of Tennessee, favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Petition of Rev. C. J. Tamar, of Akron; Rev. R. F. Keeter and 2 other citizens of Rock Creek, and Rev. W. R. Walker, of Chardon, State of Ohio, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. QUIGG: Sundry petitions of citizens of the city of New York, viz, J. J. McManus and 8 others, Norman G. Blakeman and 8 others, William Afflick and 21 others, F. A. Haskell and 17 others, Manhattan Beef Company and 17 others, J. O. Merwin and 16 others, John Nix & Co. and 16 others, William Mooney & Co. and 19 others, Hitchcock, Darling & Co. and 16 others, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of George H. Hopkins and other citizens of Alton, Ill., in favor of the Cullom and Sherman bills to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Follett & Holcomb, of Norwich, N. Y., and 512 other citizens of various towns in New York State, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM A. STONE: Petition of A. H. Cook and 24 other citizens of Allegheny, Pa., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. STRONG: Petition of Kenton Lodge, No. 114, Ancient Order of United Workmen, urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. TRELOAR: Petition of E. S. Wilson and 39 other citizens of Mexico, Mo., favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 22, 1897.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Lord God of Sabaoth, with a psalm of thanksgiving we enter Thy presence to-day to thank Thee for Thy great gifts to the people of this land in the birth and life and character of the person whose natal day we celebrate. Garnering from wide fields sheaves to be the seed corn for the generations of his land in after time, faithful in his apprenticeship to every task, however lowly, that was laid upon him, steadfast under the clamor of rancorous tongues, constant in defeat, unspoiled by success, calm amidst turbulence, wise in council, giving himself to his native land with unsparing fullness, imparting his life to the country in word, in deed, in thought, in inspiration, and crowning all by an humble, devout, and reverent piety toward God, faith in the Divine Saviour, and obedience to Thy laws, he has given to us and to the world an illustration of the grandeur of character uplifted above genius and talent, a character as lofty and stainless as the shaft that rises by the shore of his beloved river, builded by the grateful hands of his countrymen, with gifts from the kings and nations of the earth to show their loyal love for this grand American, modest as the mansion that stands by the bank of the same river, his home—now cared for and preserved by the loving hearts and diligent hands of the daughters of the country.

We bless Thee for this great gift of the most illustrious American, and pray that the influence of his life and character may pass into the souls of the rising generation of American citizens, and that all may feel the benison of his presence and power. As we listen to the reading of his Farewell Address to-day from the lips of Thine honored servant, we pray that we may catch more and more the contagion of this great soul, and that its influence may pass through all the land, molding us to a higher enthusiasm, a deeper and devouter patriotism and love for the Government which under God has been transmitted to us from the hands of our forefathers as a gift to the generations to come. So bless this and all the services in commemoration of our great Washington, and may the blessing of God rest upon our whole people. We humbly ask through Jesus Christ, our Divine Saviour. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. BACON. Mr. President, I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brown,
Burrows,
Caffery,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Daniel,
Davis,
Elkins,
Faulkner,
Gallinger,
Gear,
Hansbrough,
Hoar,
Jones, Ark.
Kenney,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Palmer,
Pasco,
Peffer,
Perkins,
Platt,
Pritchard,
Sherman,
Shoup,
Stewart,
Thurston,
Tillman,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Wetmore,
White,
Wilson.

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Secretary will read the resolution adopted by the Senate on the 19th instant.

The SECRETARY. On February 19 Mr. HOAR submitted the following resolution, which was considered by unanimous consent, and agreed to:

> *Resolved*, That on Monday, February 22, current, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. DANIEL, a Senator from the State of Virginia, and that thereafter the Senate will proceed with its business.

The VICE-PRESIDENT. Pursuant to the resolution just read, the Chair has the honor to present the Senator from Virginia [Mr. DANIEL], who will read the Farewell Address of President Washington.

Mr. DANIEL, from the Vice-President's desk, read the Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secures to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your [illegible]port. Respect for its authority, compliance with its laws, acquies[illegible]ce in its measures, are duties enjoined by the fundamental max[illegible]s of true liberty. The basis of our political systems is the right of [illegible] and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established goverment.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of str[illegible]sistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

UNITED STATES, September 17, 1796.

CREDENTIALS.

Mr. HILL presented the credentials of Thomas Collier Platt, chosen by the legislature of New York a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. PETTIGREW presented the credentials of HENRY M. TELLER, chosen by the legislature of Colorado a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

SENATOR FROM UTAH.

Mr. CANNON. I present the credentials of Joseph L. Rawlins, chosen by the legislature of Utah a Senator from that State for the term beginning March 4, 1897. I ask that the credentials be read.

The credentials were read, as follows:

STATE OF UTAH, *Executive Department.*

To the President of the Senate of the United States of America:

I, Heber M. Wells, governor of the State of Utah, do hereby certify that on Tuesday, the 3d day of November, 1896, the legislature of the State of Utah was chosen; that on Monday the [illegible] day of January, A. D. 1897, the said legislature met in regular session [illegible] and was duly organized on the said day; that on the [illegible] day of January, A. D. 1897, the same being the second Tuesday after the meeting and organization of said legislature, each house of said legislature [illegible] member present, proceed to name one person for Senator [illegible] the State of Utah; that by such vote [illegible] whole number of votes cast in either house, and thereupon that fact was entered upon the journal of each house; that at 12 o'clock meridian [illegible] day of January, A. D. 1897, the members of the two houses convened in joint assembly and the journal of each house was then read, and it appearing therefrom that no person had received a majority [illegible] house, the joint assembly then proceeded to choose, by a viva voce vote of each member present, a person for Senator; that no person received a majority of all the votes cast on that day [illegible] meridian of each succeeding day until and including the [illegible] day of February, 1897, and took at least one vote for Senator on each day, and that on the said last-named day Joseph L. Rawlins received a majority of all the votes of the joint assembly and a majority of the votes of all the members elected to both houses, and was thereupon declared duly elected, which fact was entered upon the journal of the joint assembly.

Now, therefore, I do hereby certify that Joseph L. Rawlins was by the legislature of the State of Utah duly elected Senator in the Congress of the United States of America from the State of Utah.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Utah to be hereunto affixed this 6th day of February, A. D. 1897.

HEBER M. WELLS.

By the governor:
[SEAL.]

JAMES T. HAMMOND,
Secretary of State.

Mr. HOAR. I simply wish to say that those credentials do not seem to me to be in proper form, because they do not designate for what term the legislature undertook to elect a Senator. I think it is exceedingly important that the States of the Union should get into the practice of having correct credentials, because at some time in the original organization of the Senate at the beginning of a Congress the raising of such questions may make a great deal of trouble.

The simple thing to say is, I, A. B., governor or executive of a certain State, certify that at a certain time C. D. was duly elected by the legislature of that State a Senator of the United States for the term beginning so and so. That is the whole of it, and that simple form, which is now adopted in most of the States, which was adopted in the case of the reelection of the Senator from Colorado [Mr. TELLER], covers everything. The attempt to go into minute statements as to what they did leads very often to leaving out the point, as it has been left out in this case.

Mr. CANNON. The point having been raised as to the insufficiency or unusual character of the credentials presented in behalf of Joseph L. Rawlins, a Senator-elect from Utah, I should like to inquire of the chairman of the Judiciary Committee if it will be desirable that other credentials shall be prepared and sent to the Senate.

Mr. HOAR. I do not believe that any Senator would make the slightest question when the matter came up, because everybody would notice that there was but one office to which the legislature could have intended to make the election. My only purpose in making the suggestion was because, of course, it is better to make it at a time when there is no possible dispute than to make it at a time when there may be a dispute; and one of the dangers of our constitutional mechanism is that some time when we are originally introducing into the Senate one-third of the number at the beginning of a Congress sharp points may be raised in order to have a strife for party ascendancy. We see how this practice is prevailing in State legislatures in regard to their organization, and it seems to me to be of infinite importance to get the Senate and the States of the Union into habits of constitutional proceeding about which no plausible or specious pretense of a cavil may be raised.

If it was the case of my own State, I should not think of sending the credentials back to be changed, because the present condition of public sentiment is such that nobody would raise any such question; but I merely want to call attention to it, because I have several times called attention to this matter, and in a great many instances the States have adopted the simple form which was prepared and approved by the Committee on Privileges and Elections some years ago.

Mr. CANNON. I thank the Senator from Massachusetts, and I accept his assurance that there will be no opposition to the swearing in of Mr. Rawlins when he shall appear here. The young men who now have charge of the offices of governor and secretary of state in Utah will doubtless so perfect themselves that by the next time the legislature of that State elects a Senator they will present credentials in proper form.

The VICE-PRESIDENT. The credentials will be filed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1591) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war; and

A bill (H. R. 1475) for the relief of Basil Moreland.

INTRODUCTION OF BILLS AND PETITIONS.

Mr. HOAR. I ask unanimous consent that during the remainder of the session all petitions and bills may be introduced by any Senator who shall so elect by handing them to the clerks at the desk for proper reference without addressing the Chair, and that the printing of the title of the bill in the RECORD shall be equivalent to the first and second reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry Indian voters of Oklahoma Territory, remonstrating against the adoption of a proposed amendment to the pending Indian appropriation bill, relative to children born of a marriage between a white man and an Indian woman, etc.; which was ordered to lie on the table.

He also presented the petition of Samuel Gompers, president of the American Federation of Labor, praying for the enactment of legislation providing for the appointment of an impartial, nonpartisan industrial commission, and also to punish contempts of court; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the American Association of Flint and Lime Glass Manufacturers, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Blanchester, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Cincinnati, Delaware, Cleveland, Brecksville, Prospect, and Toledo, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented the petition of Helen Keller and 9 other citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain without amendment; which was ordered to lie on the table.

Mr. BLANCHARD presented a petition of the Gulf Mission Conference of the Methodist Episcopal Church of Louisiana, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

Mr. BURROWS presented a petition of the Republican county convention of Gogebic County, Mich., praying for a strict adherence to the laws governing the civil service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the board of trustees of the Supreme Hive, Ladies of the Maccabees of the World, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. McBRIDE presented the petition of Horace Burnett, manager of the Oregon State Journal, of Eugene, Oreg., and the petition of C. S. Jackson, publisher of the East Oregonian, of Pendleton, Oreg., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. HOAR presented a petition of the Massachusetts State Society, 1776 United States Daughters 1812, praying for the permanent preservation of the U. S. frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Amherst, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all public buildings controlled by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Worcester and Middlesex Temperance Union of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Shawmut Universalist Church, of Boston, Mass., and a petition of sundry citizens of Massachusetts, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. NELSON presented a memorial of the Union Veterans' League of Minneapolis, Minn., remonstrating against the application of the civil-service rules to the examining pension surgeons appointed under the present Administration; which was referred to the Committee on Pensions.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the unfriendly action of Germany and France relative to American meat products; which was referred to the Committee on Finance.

He also presented the petition of L. E. Olson, manager of the Vesterlandt, of Stillwater, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Young People's Society of Christian Endeavor of the Union Congregational Church, of Peterboro, N. H., and a petition of members of the Congregational and the First Baptist churches, of Milford, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. PEFFER presented a petition of Division No. 137, Order of Railway Conductors, of Osawatomie, Kans., praying for the enactment of legislation providing for the appointment of an impartial, nonpartisan industrial commission, for an international arbitration commission, to punish contempts of court, and also for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Manhattan, Kans., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Coffeyville, Pierceville, Hoisington, Topeka, Winfield, Wichita, Kingman, and Independence, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BRICE presented a petition of the Woman's Christian Temperance Union of Clarksville, Ohio, praying for the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the memorial of S. M. Jones, of Toledo, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter, and praying for the enactment of legislation requiring railroads to carry freight for the Government at the same rate that they do for express companies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Rev. James A. Patterson, pastor of the First Presbyterian Church, of Fostoria; of Fannie Miller, of Fostoria, and of 15 citizens of Clyde, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petition of Voorheis, Miller & Co., of Cincinnati, Ohio, and a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. MURPHY presented a petition of members of the Baptist Ministers' Conference of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Carl G. Clarke, publisher of the Perry Record, of Perry, N. Y., and a petition of the Utica Deutsche Zeitung Company, publishers of the Utica Deutsche Zeitung, of Utica, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Marlboro and Schenectady; of the Christian Endeavor Society of Charlton; of sundry citizens of Crarys Mills, Burke, and Victory Mills, all in the State of New York, praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. WETMORE presented petitions of sundry churches and societies in Charlestown, R. I.; of sundry churches and societies in North Scituate, R. I., and of sundry churches and societies in the State of Rhode Island, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Beneficent Young People's Society of Christian Endeavor of the Carolina Free Baptist Church; of the Evangelical Young Woman's Christian Association of the Pentecostal Church; of members of the Advent Church, of the Woman's Christian Temperance Union of North Scituate, and of the Quonochontaug Baptist Church and the Cross's Mills Baptist Church, of Charlestown, all in the State of Rhode Island, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a petition of sundry citizens of Pawnee County, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Lincoln Lodge, No. 15, Business Men's Fraternity of America, of Lincoln, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Mason City, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. VILAS presented a petition of members of the faculty and sundry students of the Milwaukee-Downer College, Milwaukee, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Madison, Ashland, and Chippewa Falls, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 16 citizens of Fort Madison, Iowa, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Iowa State Veterinary Medical Association, praying for the passage of [illegible]ate bill No. 1240, establishing the rank and pay of veterinarian[illegible] in the United States Army; which was referred to the Commi[illegible]e on Military Affairs.

He also presented a memorial of the Iowa State Veterinar[illegible] Medical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. VEST presented a petition of the Ladies' Missionary Society of the Baptist Church, of Lancaster, Mo., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Carrollton, Knobnoster, Rolla, St. Louis, and Webb City, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Clarence Conger, publisher of the Republican, of Unionville, Mo., and the petition of H. E. B. Cutler, publisher, of Glenwood, Mo., praying for the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented resolutions of the senate of Illinois, favoring the resolutions adopted by the Senate of the United States, requesting the Secretary of State to use his good offices with the Spanish Government in behalf of Sylvester Scovel, a citizen of the United States, now a prisoner of the military authorities of Spain, in the Island of Cuba; which were referred to the Committee on Foreign Relations.

He also presented resolutions of the house of representatives of Illinois, praying for a reclassification of clerks in the railway postal service and prescribing their salaries; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Dr. R. N. Foster, of Chicago, Ill., praying for the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of New Hope Lodge, No. 37, Brotherhood of Locomotive Engineers, of Centralia, Ill., praying for the enactment of legislation to punish contempts of court, for the appointment of an impartial, nonpartisan industrial commission, and also for the appointment of an international arbitration commission; which was ordered to lie on the table.

He also presented petitions of members of the Swedish Lutheran, the Swedish Methodist Episcopal, and the Methodist Episcopal churches, all of Geneva, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Mound City; of members of the Swedish Lutheran, the Methodist Episcopal, and the Swedish Methodist Episcopal churches, all of Geneva, Ill., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of members of the Methodist Episcopal, the Swedish Methodist Episcopal, and the Swedish Lutheran churches, all of Geneva, Ill., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Pleasant Mound; of the Young People's Society of Christian Endeavor of the Congregational Church, of Harvey; of Rev. Edward P. Rankin, of Toledo; Mrs. Belle Stuck, of Odell; J. N. Woods & Sons, of Gardner, and of the Young People's Society of Christian Endeavor of the First Baptist Church, of Decatur, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Chicago, Gibson City, Springfield, Hinsdale, Evanston, Urbana, Quincy, Forreston, Jacksonville, Cairo, Vienna, Loda, Bloomington, Pittsfield, and Sandwich, all in the State of Illinois, praying for the passage of the anti-scalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented sundry petitions of citizens of Vera Cruz, Veedersburg, Crawfordsville, Blocher, Kokomo, Wolcottville, and Holman, all in the State of Indiana, praying for the passage of the anti-scalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of S. F. Bowser & Co., of Fort Wayne, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented a petition of sundry citizens of Bald Knob, Ark., and a petition of sundry citizens of Newport, Ark., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petitions of M. M. Hawkins, cashier of the Arkansas Democrat Company, of Little Rock; of C. C. Thompson, of Little Rock, and a petition of the Arkansas Democrat Company, of Little Rock, all in the State of Arkansas, praying for the passage of House bill No. 1566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented 19 petitions from citizens of Pensacola, Fla., praying for the enactment of legislation increasing the salaries of letter carriers; which were ordered to lie on the table.

Mr. KENNEY presented a petition of the legislature of Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was read, and ordered to lie on the table, as follows:

> *Be it resolved by the senate and house of representatives of the State of Delaware in general assembly met*, That we the representatives of the people of the State heartily commend the administration of President Cleveland in its endeavor to secure a treaty of arbitration between the two great English-speaking nations of the world.
>
> We recognize that arbitration is the handmaiden of peace, and believe that civilization demands that the two greatest nations of the world shall be bound together by the strongest ties of friendship. We rejoice that the Anglo-Saxon nations have learned the lesson that wisdom and justice in policy are stronger security than weight of armament.
>
> We commend the treaty of arbitration to the Senate of the United States and request that it ratify the same at the earliest day consistent with its grave responsibility in the premises.
>
> We believe that by so doing it will lay the corner stone for that splendid edifice of international arbitration.
>
> Adopted at Dover, February 5, 1897.
>
> EMORY B. RIGGIN,
> *Speaker of the House of Representatives.*
> HEZ HARRINGTON,
> *Speaker of the Senate.*

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department, reported it with an amendment.

Mr. PASCO, from the Committee on Commerce, to whom was referred the amendment submitted to Mr. DANIEL on the 18th instant, making an appropriation for survey and plans for a memorial bridge across the Potomac River, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. MORGAN on the 20th instant, authorizing a survey on the Warrior River, Alabama, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th instant, making the appropriation for Cumberland Sound improvement available on the 1st day of April next, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 3012) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District, belonging to insane persons, for purposes of reinvestment, and for other purposes, to report it adversely and ask that it be indefinitely postponed, a House bill upon the same subject having been passed by the Senate.

The report was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. CHANDLER on the 20th instant, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. ROACH on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 3685) appointing commissioners to revise the statutes relating to patents, trades, and other marks, reported it without amendment.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. SMITH on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

EDITION OF PENSION LAWS.

Mr. HANSBROUGH. I am directed by the Committee on Printing to report back favorably a concurrent resolution of the House of Representatives providing for printing additional copies of the report of the Assistant Secretary of the Interior relative to the administration of the pension laws. I ask for the present consideration of the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to; as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

PASSPORT REGULATIONS OF FOREIGN COUNTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries, to report it favorably, without amendment. I ask for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. VEST introduced a bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN (for Mr. FRYE) submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

Mr. WETMORE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS subsequently, from the Committee on Claims, to whom was referred the amendment submitted by Mr. LODGE this day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

TICKET BROKERAGE.

Mr. CHANDLER. I submit an amendment intended to be proposed by me to the bill (S. 3545) amendatory of an act to regulate commerce, approved February 4, 1887, and the several acts amendatory thereof. The bill is known as the antiscalping bill, and this is an amendment which I intend to propose thereto. I move that it lie on the table and be printed.

The motion was agreed to.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

Mr. ALLEN. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

> *Resolved*, That the Secretary of Agriculture be, and he is hereby, directed to send to the Senate true, full, and accurate copies of all affidavits and depositions, including the names of the affiants and deponents, and all letters and documentary evidence on which the removal of Dr. M. S. White, John Zeller, William Holmes, Mary A. Dalton, and Mary Flynn, or any of them, were removed from their positions in the Bureau of Animal Industry, at South Omaha, Nebr., or in any manner justifying said removals, or any of them.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I should like to inquire if these officials were removed by the head of the Department or by the President?

Mr. ALLEN. They were removed by the head of the Department.

Mr. HOAR. Not by the President?

Mr. ALLEN. No, sir.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. PETTIGREW. By unanimous consent, we were to vote on a certain amendment to the Indian appropriation bill at 1 o'clock to-day. That hour has already passed, and I insist upon the amendment being disposed of. I ask that the bill may be laid before the Senate.

Mr. NELSON. Will the Senator from South Dakota allow me to make a couple of reports from the Committee on Commerce?

Mr. PETTIGREW. I think under the unanimous-consent agreement I am not permitted to yield to anyone until this matter is disposed of.

Mr. PLATT. I ask the indulgence of the Senate to make a single remark. I desire this morning, and before we proceed to the consideration of the Indian appropriation bill, to ask the unanimous consent of the Sentate to call up and pass the bill of which I spoke on Saturday, upon which I suppose the lives of four persons sentenced to be hanged in the Territory of New Mexico depend, or at any rate the right of appeal for those persons depends. I wish to suggest that we have passed the hour of 1 o'clock, and therefore it can make no difference with the Indian appropriation bill. I think the bill to which I refer can be passed upon being read. I wish the Senator from South Dakota would allow me to ask unanimous consent for that purpose now.

Mr. VEST. I wish to ask the Senator from Connecticut if he speaks of the New Mexican bill?

Mr. PLATT. That is the measure.

Mr. VEST. It can not be passed without debate and opposition.

Mr. PLATT. All right.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the Indian appropriation bill be laid before the Senate.

The VICE-PRESIDENT. Under the resolution of the Senate the Chair lays before the Senate the bill indicated by the Senator from South Dakota.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. LODGE. I move to lay on the table the committee amendment relating to schools, which was under debate when the Senate was last in session.

Mr. ALLEN and Mr. PALMER. Let the amendment be stated.

Mr. PASCO. I should like to have the amendment read. There was an agreement made Saturday afternoon, to be found on page 2047 of the RECORD, by which we agreed to take a direct vote on this amendment at 1 o'clock to-day.

Mr. PETTIGREW. I was going to call the attention of the Chair to the agreement.

Mr. PASCO. I suggest that the motion of the Senator from Massachusetts is not in order under the unanimous-consent agreement.

Mr. LODGE. I did not know that the agreement cut off a motion to lay on the table. There can not be a more direct motion than that.

Mr. PASCO. If the Senator from Massachusetts will look at the agreement, he will see what it is.

Mr. LODGE. I had an understanding with the Senator from South Dakota at the time that I should make the motion.

Mr. PETTIGREW. I did not so understand it.

Mr. GALLINGER. There was that——

Mr. HOAR. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. I desire to inquire of the Chair what has become of the amendments of the Senator from New Hampshire [Mr. GALLINGER]?

Mr. GALLINGER. I rose for the purpose of stating that I certainly never would have given consent to the unanimous-consent agreement had I supposed that, having stated to the Senate that I proposed to offer amendments to the amendment, by direct vote upon this amendment I should be deprived of that privilege. Neither would I have consented to it if I had supposed that it took from any Senator the right to move to lay this amendment upon the table; and I think that ought not to be insisted upon.

The VICE-PRESIDENT. The Senator from Massachusetts rose to a parliamentary inquiry. Will the Senator from Massachusetts please state his inquiry?

Mr. HOAR. The parliamentary inquiry is, What has become of the amendments of the Senator from New Hampshire?

The VICE-PRESIDENT. The Chair will state that the amendments indicated have not been offered. The Senator from Massachusetts [Mr. LODGE] moves to lay upon the table the pending amendment. That motion the Chair will entertain and submit to the Senate.

Mr. HOAR. I desire to appeal to my colleague, if it be in his power—I am not sure that it is—to permit a vote upon the amendments of the Senator from New Hampshire before he makes his motion to lay the committee amendment on the table, because the adoption of those amendments might make some difference.

Mr. LODGE. My desire is simply to get a direct vote on the committee amendment. The Senator from New Hampshire does not object to my motion, I understand?

Mr. GALLINGER. No.

Mr. FAULKNER. I appeal to the Senator from Massachusetts not to insist upon the motion to lay on the table. The sole object of such a motion is to cut off debate, and there is a unanimous-consent agreement that will bring us directly to a vote upon the main question. Therefore there is no reason whatever for the motion to lay upon the table. We are bound to vote without debate. This debate is out of order and in violation of the unanimous-consent agreement. I appeal to the Senator from Massachusetts, therefore, not to insist upon his motion——

Mr. JONES of Arkansas. Let us have a direct vote.

Mr. FAULKNER. And to allow the unanimous-consent agreement to be put in operation by submitting the question on the amendment. I wish to say that the unanimous-consent agreement does not cut off the Senator from New Hampshire from offering any amendment to this amendment. The unanimous-consent agreement was to vote upon this question and any pending amendment, of course, or any amendments that might be offered to it.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Massachusetts to lay on the table the pending amendment.

Mr. PETTIGREW. I rise to know whether the Chair decides the motion to lay on the table to be in order in view of the unanimous consent? I supposed when we secured the unanimous-consent agreement that the project of moving to lay on the table was abandoned, as the unanimous-consent agreement required a direct vote on the amendment.

The VICE-PRESIDENT. The Chair will state that the agreement indicated is an agreement made between Senators upon the floor, but under parliamentary rules the Chair must entertain the motion of the Senator from Massachusetts to lay on the table.

Mr. ALLISON. Do I understand now that a unanimous-consent agreement was made on Saturday that a direct vote should be taken upon this amendment to-day?

The VICE-PRESIDENT. The Secretary will read the agreement.

Mr. PASCO (to Mr. ALLISON). Here is the unanimous-consent agreement.

The VICE-PRESIDENT. The Senator will suspend for a moment to enable the Secretary to read the agreement.

The Secretary read from page 2047 of the RECORD of February 20, 1897, as follows:

> Mr. PETTIGREW. I ask unanimous consent that the vote be taken on the amendment with regard to sectarian schools at 1 o'clock on Monday.
>
> The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. ALLISON. I submit to the Senator from Massachusetts that it is just as easy to take a vote on the amendment as on the motion to lay on the table, and then we will comply with the unanimous-consent agreement of the Senate.

The VICE-PRESIDENT. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. If I may have consent to say a word, I should be glad to do so. I desire simply to say that I stated to the Senator from South Dakota that I should make the motion, and did not suppose that there was any objection to it, as it is the most direct form of voting on the amendment. If a vote is taken on the amendment, the Senator from New Hampshire will be cut off from an opportunity to offer his amendments, as I understand it.

Mr. GALLINGER. I think not.

Mr. LODGE. Not on my motion; but if a vote is taken otherwise, he will be cut off.

Mr. GALLINGER. I think beyond doubt I can offer amendments to the bill if the Senate votes to lay the amendment on the table.

Mr. ALLISON. If there is any question about it, I ask unanimous consent that the Senator from New Hampshire may be allowed to offer any amendment to this amendment after it has been voted upon.

Mr. JONES of Arkansas. That is right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. LODGE. Very well. With that understanding, I withdraw the motion to lay on the table.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws the motion to lay on the table. The question is on agreeing to the amendment of the committee, which will be stated.

The SECRETARY. After the word "dollars," in line 16, page 45, it is proposed to insert:

> of which amount the Secretary of the Interior may, in his discretion, use $7,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

So as to make the clause read:

> SUPPORT OF SCHOOLS.
>
> For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $7,000 for the education of Indians in Alaska: *Provided*, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been read.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. I withhold my vote. If he were present, I would vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. I am unable to ascertain his view upon this matter, and therefore withhold my vote. I should vote "yea."

The roll call was concluded.

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. BURROWS (after having voted in the negative). I notice from the recapitulation that the senior Senator from Louisiana [Mr. CAFFERY] has not voted. I am paired with that Senator, so I withdraw my vote.

The result was announced—yeas 41, nays 8; as follows:

YEAS—41.

Allen,	Cullom,	Martin,	Smith,
Allison,	Elkins,	Mills,	Stewart,
Bacon,	Faulkner,	Morgan,	Teller,
Bate,	Hansbrough,	Murphy,	Tillman,
Berry,	Hawley,	Palmer,	Walthall,
Blanchard,	Hill,	Pasco,	Wetmore,
Brice,	Hoar,	Perkins,	White,
Butler,	Jones, Ark.	Pettigrew,	Wilson.
Carter,	Lindsay,	Pugh,	
Chilton,	McMillan,	Roach,	
Cockrell,	Mantle,	Shoup,	

NAYS—8.

Brown,	Chandler,	Lodge,	Platt,
Cannon,	Gallinger,	Peffer,	Thurston.

NOT VOTING—41.

Aldrich,	Frye,	Kenney,	Sherman,
Baker,	Gear,	Kyle,	Squire,
Blackburn,	George,	McBride,	Turpie,
Burrows,	Gibson,	Mitchell, Oreg.	Vest,
Caffery,	Gordon,	Mitchell, Wis.	Vilas,
Call,	Gorman,	Morrill,	Voorhees,
Cameron,	Gray,	Nelson,	Warren,
Clark,	Hale,	Pritchard,	Wolcott.
Daniel,	Harris,	Proctor,	
Davis,	Irby,	Quay,	
Dubois,	Jones, Nev.	Sewell,	

So the amendment was agreed to.

Mr. GALLINGER. I now submit an amendment to the amendment just agreed to.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "Alaska," in line 18, page 45, insert:

> And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Mr. COCKRELL. Mr. President——

Mr. PETTIGREW. I should like to inquire if that is the exact wording of the act of last year?

Mr. GALLINGER. Precisely.

Mr. PETTIGREW. I will not object to the amendment.

Mr. COCKRELL. I was simply going to state that it is the exact language of existing law. It was enacted in the last appropriation act:

> And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

We did not repeat it, because the word "hereafter" makes it a permanent, enduring law.

Mr. GALLINGER. I should like to have it repeated, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. I have submitted a further amendment to the committee amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert after the word "for," in line 5, page 46, the following proviso:

> *Provided further*, That all appropriations for the education of Indian children in sectarian schools shall absolutely cease and determine at the end of the fiscal year, June 30, 1898.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. PETTIGREW. I hope that amendment will not be adopted. We have made a declaration that it is the policy to dispense with the education of Indian children in sectarian schools. It seems to me that that is as far as we can go; that we can not bind the next Congress by any such amendment as the one now proposed.

Mr. GALLINGER. It is true the declaration has just been made, but a similar declaration was made a year ago and it was not carried out. I simply desire to say that this amendment has the approval of a large number of Senators, I am sure, who voted in favor of the committee amendment, and I think I am safe in saying that the distinguished chairman of the Committee on Appropriations does not object to it. If we mean what we say we mean, I can see every reason why this amendment should be adopted, and I trust it may be adopted.

Mr. ALLISON. I regard the amendment offered a moment ago by the Senator from New Hampshire as wholly unnecessary, it being a repetition of existing law. I regard this amendment as unnecessary, in view of the legislation of last year, as not adding to or taking from existing legislation. Therefore I shall vote for it.

Mr. VILAS. I desire to raise a point of order on the amendment. This bill is threatened with amendments without number, which in their nature, it seems to me, involve general legislation. If this amendment means anything, it means to enact something in the nature of general legislation. It has no reference to the expenditure of the appropriation which is voted; and simply that we may maintain the rule upon the subject which was enforced by the Chair, the Vice-President then occupying it, at the last session of Congress, I insist upon the point of order.

The VICE-PRESIDENT. Will the Senator from Wisconsin again state his point of order?

Mr. VILAS. The point of order is that the amendment involves general legislation, and is in violation of that rule which prohibits, without exception, without qualification, any general legislation upon an appropriation bill in any case.

Mr. GALLINGER. In reply to the point of order made by the Senator from Wisconsin, I think it is only sufficient to say that the Committee on Appropriations brought in an amendment which does violate the rule of the Senate had it not been reported by a standing committee of the Senate, which it was, and hence it was not obnoxious to the rule. This amendment is simply an amendment to the committee amendment, and if the committee amendment, which involves general legislation, is to be held to be valid, it seems to me that the point of order made by the Senator from Wisconsin, that the Senate can not amend the amendment, is not tenable and that the point of order must necessarily fall.

Mr. VILAS. In answer to the suggestion of the Senator from New Hampshire, I will state that the amendment now proposed is not an amendment to the amendment reported by the committee. That amendment has been adopted. If it had been proposed as an amendment to that amendment, the question would have been possibly a little different, although I hardly think it would have been different in that case.

Mr. GALLINGER. If the Senator will permit me, on Saturday last I stated to the Senate that I should offer these two amendments as amendments to the committee amendment. This morning, by unanimous consent, the Senate solemnly agreed to permit these amendments to be offered as amendments to the committee amendments, and upon that agreement they have been offered.

Mr. LODGE. And, let me say, I withdrew the motion to lay the amendment upon the table, on the understanding that these amendments should be offered and voted upon, and that was unanimously agreed to.

Mr. VILAS. It has become the fashion lately to get unanimous-consent agreements which no one knows about except one or two persons who ask for them. I do not know how to answer a suggestion of that kind.

Mr. LODGE. The agreement was made when the Senator was in his seat.

Mr. VILAS. Of course, if there was a unanimous-consent agreement I will take no steps whatever in disregard of it.

The VICE-PRESIDENT. Does the Chair understand the Senator to withdraw his point of order?

Mr. VILAS. If that unanimous consent were given, then the question still remains whether general legislation can be ingrafted upon this appropriation bill by offering an amendment to an amendment. If this amendment had been offered to the amendment before it was adopted and had been adopted as a part of it, it would have made the whole amendment obnoxious to the objection which I raise.

Mr. GALLINGER. No; it would not.

Mr. VILAS. But the amendment not having been proposed until after that amendment was adopted, the point of order must be urged now or it can not be urged at all. It is well taken now, as it would have been well taken to the entire amendment if this legislation had been incorporated as a part of the amendment by the adoption of the amendment to the amendment before the vote just taken.

The VICE-PRESIDENT. Does the Chair understand the Senator from Wisconsin to insist upon the point of order?

Mr. VILAS. I do insist upon the point of order. I do not understand that the unanimous-consent agreement in any way affects the right to raise the point of order.

Mr. LODGE. I desire to say, in regard to the point of order and the unanimous-consent agreement, there was no question that the Senator from New Hampshire had a right to move those amendments to the amendments before the question was put on the amendment itself. He waived that right on the distinct understanding that he was to move them after the main amendment had been voted on. That agreement was made here in the presence of the Senate, immediately after the reading of the Address, when we were discussing these points. I had the floor. I made a motion, which was recognized by the Chair, to lay the amendment on the table. I withdrew that motion on the distinct understanding that the Senator from New Hampshire was not to lose any right to move his amendments after the amendment had been voted upon. I made that specific point. He waived his unquestioned right to move those amendments before the main amendment was voted upon. Now a point of order is raised to cut him out after that agreement was squarely and fairly reached, and I was part of it, because I withdrew the motion which I held the floor to make, and the Chair had recognized me, as the Chair will remember, for that purpose.

As to the point of order, Mr. President, I do not think there is anything in it, because this is an amendment to an amendment; but, in any event, it seems to me that in ordinary fair dealing, after the Senator from New Hampshire specifically withdrew his amendments at the proper stage where they could be offered on the plain understanding of everybody concerned, he should offer them unobstructed subsequently, and have a vote upon them; and after I had withdrawn my motion in order to give that opportunity and come into the agreement, I think it is too late to make the point of order.

Mr. VILAS. Mr. President, whatever the unanimous-consent agreement was, if anybody knows, I do not desire to trench upon it in the slightest degree, and I will not, at whatever expense to my own judgment, for I recognize the practice of the Senate and the binding obligation upon Senators to observe a unanimous-consent agreement, no matter how obtained. I should like to make one suggestion upon that point, however, and that is that no unanimous consent ought ever to be entered as obligatory upon the Senate until the basis of it, the request for it, shall have been clearly stated from the chair.

Mr. GALLINGER and Mr. LODGE. That was done.

Mr. VILAS. This practice of somebody asking unanimous consent, and it being simply said, "Is there objection? The Chair hears none," whereby the Senate does not know what is being agreed to, oftentimes in the confusion leads to, and has in many instances within my observation lead to, many evils. But I will put the Senator from New Hampshire, so far as this point of order is concerned, precisely on the same footing upon which he would have stood if he had offered his amendment to the amendment of the committee before that amendment was adopted. That is all, I am sure, the Senator from New Hampshire can ask for.

Mr. GALLINGER. That is what I ask, and all my amendment contemplates.

Mr. FAULKNER. The point of order, then, will not have effect.

Mr. GALLINGER. Not at all.

Mr. VILAS. I do not desire to be understood for a moment as trenching upon that privilege, since it seems to have been agreed to, although I did not know it.

Now, the point is just the same. Of course the Senator from

New Hampshire would not have pretended that he could impose upon the pending bill general legislation by an amendment to an amendment, or that if an amendment in itself proper is reported by the committee to the bill, the same committee to which the bill had been committed for examination, he will not pretend that he could have added to their amendment what would make that amendment inadmissible when otherwise it was admissible. That is precisely the effect of the amendment which he now proposes. Suppose the amendment of the committee still to be pending before the Senate, it was an amendment admissible to be made. The Senator from New Hampshire offers an amendment which if adopted to it will put general legislation upon the bill. I object for the reason that the rule of order prevents the consideration of it; and if that be so, the rule of order must be just as pertinent to amendments to amendments as to an amendment directly to the bill itself.

Mr. GALLINGER. If the Senator from Wisconsin will permit me, my amendment simply defines what the amendment of the committee contemplates.

Mr. LODGE. It is doubtless germane.

Mr. GALLINGER. It is a definition, and, as it were, a fixing of the time during which the amendment of the committee shall run.

Mr. BURROWS. It is a limitation of it.

Mr. GALLINGER. It is a limitation of the amendment of the committee, and nothing else.

Mr. VILAS. It obviously is more than that.

Mr. GALLINGER. That is all.

Mr. VILAS. Here is an amendment proposed by the committee which seems to me to be entirely proper, not open to any point of order at all. It simply specifies how the Secretary of the Interior shall expend a certain appropriation made to be expended within the next fiscal year. That is the amendment proposed by the committee, a strictly proper amendment, limiting and determining the uses of the particular appropriation made in the bill. Now comes in the Senator from New Hampshire and says by his amendment no matter how that money shall be expended, but hereafter no Congress shall appropriate any more. Practically that is what he says.

Mr. HOAR. I should like to make an inquiry, if permitted by the Senator from Wisconsin.

Mr. VILAS. With great pleasure.

Mr. HOAR. Are there any amendments now for any such purpose that do not absolutely cease on the 30th of June, 1897?

Mr. LODGE. We are now providing for the fiscal year ending June 30, 1898.

Mr. VILAS. I am unable to hear the Senator from Massachusetts. I should like to hear his remark.

Mr. HOAR. Are there any amendments now in force that do not absolutely cease on the 30th of June, 1897, and when this bill passes will there be any amendments in force that do not absolutely cease on the 30th of June, 1898?

Mr. VILAS. There will not be, unless the amendment of the Senator from New Hampshire is adopted; and if it be, its force will begin after the 30th of June, 1898.

Mr. HOAR. I can not understand that this is anything in the bill but the declaration of a legislative purpose.

Mr. LODGE. That is all.

Mr. HOAR. It does not offer to change existing law.

Mr. GALLINGER. Not at all.

Mr. VILAS. What is its effect? It does not touch the expenditure of these appropriations.

Mr. HOAR. The Senator will pardon me. Strip this matter of everything else; suppose we were to introduce and enact now a bill appropriating $100,000 for a monument to somebody, and some one should introduce an amendment, "*Provided*, That we never intend to appropriate anything more for the purpose." That is the whole of it.

Mr. VILAS. That is not quite the whole of it. This is a declaration which ought to have, if we have any right to make it at all, the force of law. It is either legislative in its effect or it is nothing. Is it a matter of mere opinion that we are expressing, or are we engaged here in enacting law? It does not relate to the particular appropriation in the least degree. It is a declaration of the policy of the United States in the form of law, obligatory upon the United States hereafter, just to the full extent that any law we can pass is obligatory upon a future Congress. No law that we can pass is obligatory upon future Congresses if they choose to repeal it. This is as obligatory upon them as any of them. Therefore it is legislation or it is nothing. Is it a stump speech to be inserted in the bill? Is it an expression of opinion, of policy? Is it something proffered to carry out the idea of some society or some class of opinion in the country or is it an act of Congress when it shall have passed? Clearly, in any point of view we may regard it, this is, it seems to me, general legislation.

Mr. President, I am not actuated in making the point of order half as much by any opposition to the particular amendment pending, about which I care very little, though I think it is obnoxious to the objection that we are undertaking to obtrude our opinions upon another Congress, as I am anxious to see, for future purposes in reference to the bill, where it may become vastly more important, that this rule is not trampled under foot. The rule is explicit:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

There is no qualification of it. There is no exception to it. It was upon the most elaborate and careful debate, in which the distinguished Senator from Mississippi [Mr. WALTHALL] rendered, as I thought, a service to the Senate and the country, at the last session of Congress affirmed and applied. I hope that it will continue to be, and that is the end of my interest.

The VICE-PRESIDENT. The Senator from Wisconsin makes a point of order against the amendment submitted by the Senator from New Hampshire. The Chair submits to the Senate the question, Is the amendment in order?

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote if present, and I withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. Not knowing how he would vote, I will withhold my vote.

Mr. VILAS (when his name was called). I am paired with the senior Senator from Oregon [Mr. MITCHELL], and I withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I inquire whether the senior Senator from Michigan [Mr. McMILLAN] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. BLACKBURN. I am paired with that Senator and withhold my vote. If he were here, I should vote "nay."

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is informed.

Mr. BLANCHARD. I am paired with that Senator and withhold my vote. If he were present, I should vote "nay."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and withhold my vote.

Mr. HOAR. I am paired with the Senator from Alabama [Mr. PUGH].

Mr. VILAS. I suggest to the Senator from Oregon [Mr. McBRIDE] that we might transfer our pairs and vote, in order to make a quorum.

Mr. McBRIDE. I assent to the suggestion of the Senator from Wisconsin.

Mr. VILAS. Let the senior Senator from Oregon [Mr. MITCHELL] stand paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. McBRIDE. Very well.

Mr. VILAS. I vote "nay."

Mr. McBRIDE. I vote "yea."

Mr. PUGH. I vote "nay."

Mr. LODGE. In justice to my colleague [Mr. HOAR], I feel bound to state that he announced a pair with the Senator from Alabama [Mr. PUGH].

Mr. PUGH. I thought the Senator from Massachusetts, with whom I have a general pair, had voted. I withdraw my vote.

Mr. PASCO (after having voted in the negative). I am paired with the Senator from Washington [Mr. WILSON]. I find that he has not voted, and I shall have to withdraw my vote.

The result was announced—yeas 18, nays 26; as follows:

YEAS—18.

Brown,
Butler,
Cannon,
Chandler,
Cullom,
Davis,
Elkins,
Gallinger,
Gear,
Hansbrough,
Lodge,
McBride,
Mantle,
Peffer,
Pettigrew,
Platt,
Proctor,
Stewart.

NAYS—26.

Allen,
Bacon,
Bate,
Brice,
Carter,
Chilton,
Clark,
Cockrell,
Faulkner,
Hawley,
Hill,
Kenney,
Lindsay,
Martin,
Mills,
Murphy,
Palmer,
Perkins,
Roach,
Smith,
Teller,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

NOT VOTING—46.

Aldrich,
Allison,
Baker,
Berry,
Blackburn,
Blanchard,
Burrows,
Caffery,
Call,
Cameron,
Daniel,
Dubois,
Frye,
George,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Harris,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
McMillan,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Nelson,
Pasco,
Pritchard,
Pugh,
Quay,
Sewell,
Sherman,
Shoup,
Squire,
Thurston,
Tillman,
Vest,
Voorhees,
Warren,
Wilson,
Wolcott.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Berry,
Blackburn,
Brice,
Burrows,
Butler,
Call,
Cannon,
Carter,
Chilton,
Clark,
Cockrell,
Cullom,
Davis,
Elkins,
Faulkner,
Gallinger,
Gear,
Hansbrough,
Hawley,
Hill,
Jones, Ark.
Jones, Nev.
Kenney,
Lindsay,
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Murphy,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Pugh,
Roach,
Sherman,
Shoup,
Stewart,
Turpie,
Vilas,
Walthall,
Wetmore,
White.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Fifty-three Senators having answered to their names, a quorum is present. The Secretary will call the roll on the question as to whether or not the amendment of the Senator from New Hampshire [Mr. GALLINGER] is in order.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. MITCHELL of Wisconsin (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. SEWELL].

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL], who, I think, has not voted, and therefore I withhold my vote.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. In his absence, I withhold my vote, not knowing how he would vote.

Mr. VILAS. I suppose the arrangement made with the Senator from Oregon [Mr. McBRIDE] on the previous vote can stand, and the Senator from Mississippi [Mr. GEORGE] will remain paired with the Senator from Oregon [Mr. MITCHELL], and the junior Senator from Oregon [Mr. McBRIDE] and I can vote. I vote "nay."

Mr. WETMORE. I desire to say that on the former roll call I voted under a misapprehension. Had I understood the question, I should have voted "yea" instead of "nay."

The roll call having been concluded, the result was announced—yeas 22, nays 28; as follows:

YEAS—22.

Allison,
Berry,
Brown,
Butler,
Cannon,
Cullom,
Davis,
Dubois,
Gallinger,
Gear,
Hansbrough,
Lodge,
McBride,
McMillan,
Mantle,
Nelson,
Peffer,
Pettigrew,
Platt,
Pritchard,
Stewart,
Wetmore.

NAYS—28.

Allen,
Bacon,
Bate,
Blackburn,
Blanchard,
Brice,
Carter,
Chilton,
Faulkner,
Hawley,
Hill,
Kenney,
Lindsay,
Martin,
Mills,
Murphy,
Palmer,
Pasco,
Perkins,
Roach,
Shoup,
Smith,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
White.

NOT VOTING—40.

Aldrich,
Baker,
Burrows,
Caffery,
Call,
Cameron,
Chandler,
Clark,
Cockrell,
Daniel,
Elkins,
Frye,
George,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Harris,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Proctor,
Pugh,
Quay,
Sewell,
Sherman,
Squire,
Teller,
Thurston,
Tillman,
Warren,
Wilson,
Wolcott.

So the amendment proposed by Mr. GALLINGER was decided to be not in order.

Mr. LODGE. A vote being refused on that amendment, I now move to lay the whole amendment on the table, and on that I ask for the yeas and nays.

Mr. FAULKNER. I do not think that can possibly be done. The Senate has adopted the amendment, and having adopted the amendment, it is not within the province of the Committee of the Whole to consider it in any form.

Mr. LODGE. It has been since amended.

The PRESIDING OFFICER. The Chair is informed that it has not been amended since adopted by the Senate, and it is not now in order to move to lay the amendment upon the table, the Chair thinks.

Mr. LODGE. There was an amendment inserted, as I understand, making provision for a tribe of Indians in Alaska, which is a part of the amendment.

Mr. GALLINGER. There is no doubt about that.

Mr. LODGE. If there is not any doubt about that fact——

The PRESIDING OFFICER. The Chair is not familiar with the history of the amendment, but the Chair is informed that the amendment referred to by the Senator from Massachusetts was a separate amendment, and is not an amendment to the amendment which has been adopted.

Mr. LODGE. I think the Chair is misinformed.

Mr. GALLINGER. That is a mistake. That was an amendment to a pending amendment, and it was adopted.

Mr. PETTIGREW. As I understand, the amendment offered by the committee was adopted. Afterwards the Senator from Massachusetts offered an amendment, which was an amendment to the bill, and that was accepted and adopted. I do not think the motion to lay upon the table, therefore, can possibly be in order.

Mr. GALLINGER. That is not the parliamentary status.

The PRESIDING OFFICER. According to the information furnished the Chair by the Secretary, the amendment of the committee was adopted and the amendment subsequently offered was a separate amendment and not necessarily connected with the committee amendment.

Mr. LODGE. I ask that the amendment be read as it now stands.

Mr. JONES of Arkansas. I suggest that the amendment of the committee was adopted by a yea-and-nay vote.

The PRESIDING OFFICER. That is true.

Mr. GALLINGER. It is proper that I should make a statement in this connection. I had an amendment to the committee amendment, which I would have offered had I not got unanimous consent to offer it as an amendment to the amendment after the vote upon the committee amendment. Accepting that unanimous consent as covering that ground, I withheld my amendment and offered it under the unanimous agreement, and it became a part of the committee amendment to the bill.

Mr. LODGE. I call for the reading of the amendment as proposed by the committee and as it now stands.

The PRESIDING OFFICER. The amendment will be read. The Chair is only aware of the situation as informed by the Secretary.

Mr. JONES of Arkansas. I should like to call attention also to the fact that when the proposition was made that the Senator from New Hampshire should have leave to offer the amendment it was not suggested that it should be offered as an amendment to an amendment, but that he should have permission to offer the amendment, which he had the right to do. It was an amendment to the bill after the bill had been amended by a yea-and-nay vote of the Senate.

Mr. GALLINGER. On Saturday last I had stated half a dozen times that I proposed to offer this amendment to the committee amendment. It was perfectly well understood in the Senate, and this discovery is something new in reference to the parliamentary status.

Mr. LODGE. The Senator from New Hampshire had unanimous consent to offer two amendments, and the second one has just been thrown out by the Senate on a point of order, though he had unanimous consent to offer both of them.

Mr. GALLINGER. Certainly.

Mr. LODGE. And, therefore, I feel at liberty to offer my motion.

The PRESIDING OFFICER. The Secretary will read the amendment referred to by the Senator from Massachusetts.

The SECRETARY. In line 18, page 45, after the word "Alaska," insert:

> And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Mr. GALLINGER. I ask that the Secretary read the entire amendment of the committee as it stands.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. After the word "dollars," in line 16, page 45, insert:

> Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of the Indians in Alaska; and it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Mr. GALLINGER. That will do.

Mr. FAULKNER. All that has been adopted; and the Senate having adopted it, it is beyond the province of the Committee of the Whole to interfere with it.

Mr. LODGE. The amendment has been amended since it was adopted.

Mr. FAULKNER. But that does not make the slightest difference.

The PRESIDING OFFICER. The Chair is advised that it is not in order at this time to strike out what has been already voted into the bill.

Mr. LODGE. That rule was suspended by unanimous consent by the insertion of the paragraph just read.

The PRESIDING OFFICER. The Chair decides that it is not in order now to move to lay the amendment as amended upon the table.

Mr. LODGE. Then I shall make the motion later.

The PRESIDING OFFICER. The motion can be made later in the Senate, when the bill reaches that point.

Mr. MANTLE. Mr. President, on Saturday last I offered an amendment to the pending bill which properly should be considered at this point. For information, I ask that the amendment be now read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. At the end of line 5, on page 46, it is proposed to insert:

> *And provided further*, That for the purchase, lease, repair, and construction of school buildings and the purchase of school sites for the use and accommodation of Indian pupils now being educated under the contract system, the sum of $1,000,000; and the Secretary of the Interior is hereby authorized and directed to expend this sum, or as much thereof as may be necessary, for this purpose, and to have such schools in readiness for the use and accommodation of said pupils on or before the 1st day of July, 1898.

The PRESIDING OFFICER. The Chair will inquire of the Senator in charge of the bill whether it is his purpose to go through with the committee amendments before amendments from individual Senators are received, or whether he is willing to have other amendments offered and acted upon as the reading of the bill proceeds?

Mr. PETTIGREW. My purpose is—and that was the order of the Senate—that the committee amendments shall be disposed of first. I think, however, the Senator from Montana simply wishes to make a statement and then withdraw his amendment.

The PRESIDING OFFICER. If there be no objection, the amendment of the Senator from Montana is before the Senate.

Mr. MANTLE. Mr. President, with the indulgence of the Senate, I merely desire to say that since offering the amendment I have been informed by the chairman of the Committee on Appropriations that the Commissioner of Indian Affairs gives it as his opinion that the appropriation already provided by the committee amendment is sufficient to cover all the purposes of making provision for the education of Indian pupils under Government control, and that he believes that all necessary arrangements can be perfected by July 1, 1898. Such being the case, Mr. President, it is manifestly unnecessary that the amendment should be acted upon, and I therefore ask leave to withdraw it.

The PRESIDING OFFICER. The amendment is withdrawn. The reading of the bill will be resumed.

The reading of the bill was resumed at line 6 on page 46. The next amendment of the Committee on Appropriations was, under the head of "Support of schools," on page 48, after line 17, to insert:

> For the purchase of the east half of section 16, township 107, range 48, Moody County, in the State of South Dakota, to be used as an industrial farm for said Flandreau school, at a price not to exceed $25 per acre, $8,000, or so much thereof as may be necessary.

Mr. GALLINGER. Before the proposed amendment of the committee is voted on I should like to ask the Senator from South Dakota in charge of the bill what the necessity is for this expenditure of $8,000 for the purchase of 320 acres of prairie land adjoining the Flandreau (S. Dak.) Indian School?

Mr. PETTIGREW. This school has been enlarged from a school with a capacity for 150 students to one with a capacity for 300 students. The superintendent of the school urged the purchase of a section of land, so as to embrace the Sioux River in the school farm. The Commissioner of Indian Affairs recommends the purchase of 320 acres of land. The superintendent of the school recommended the purchase of this identical tract with an additional tract equal in area. The land described in this amendment adjoins the school tract and reaches the Sioux River. The superintendent of the school thought the land could be purchased for $30 per acre. I thought it could be purchased for $25 per acre.

This school is located at the county seat of Moody County, and within a very short distance of the center of the town, and, therefore, farming lands there are more valuable than they would be at a greater distance away.

Mr. GALLINGER. How far is the land from the town?

Mr. PETTIGREW. About three-quarters of a mile.

Mr. GALLINGER. I would further ask the Senator from South Dakota how much farming land they have now at the Flandreau Indian School, in South Dakota?

Mr. PETTIGREW. About 80 acres. There are 160 acres in the school tract, part of which is planted in timber and the rest of it is occupied by the buildings and school grounds.

Mr. GALLINGER. Let me ask the Senator, if we pass this amendment and it becomes part of the statute, who is to make this purchase? I notice that there is a limitation put upon this provision. But I will call the Senator's attention to a subsequent amendment upon which there does not seem to be a limitation as to the price paid per acre. Who is to make the purchase?

Mr. PETTIGREW. I suppose it will be done under the direction of the Secretary of the Interior, the same as the expenditure of all other appropriations under this bill.

Mr. GALLINGER. Mr. President, I am not distinguished as an economist—I mean that in the sense of being economical in voting the people's money for public purposes. I have contended for liberal and sometimes for extravagant appropriations, very likely. But it seems to me that we have come to a point in our national history that commands every Senator of the United States who is here in the capacity of a lawmaker to call a halt on the indiscriminate use of the public moneys for purposes we can get along without.

Here we have a proposition to purchase 320 acres of prairie farming land at $25 an acre in the State of South Dakota. Why, Mr. President, there are hundreds of thousands of dollars of mortgages held in the little State that I have the honor in part to represent upon land in those Western States, where the men who loaned their money upon it can not realize $5 an acre, and certainly not $10 an acre, and during the last political campaign we were treated to elaborate discussions, as we have been in the Senate of the United States by Senators representing those Western farming regions, and we have been told that the policy of this Government—the gold policy, as they are pleased to denominate it—has utterly ruined the agricultural interests of the great West and has destroyed the value of farm lands to an extent that is fearful to contemplate; and yet we are asked here to go in the country—I myself have driven past this Flandreau school in South Dakota—and pay $25 an acre for 320 acres of prairie land. I do not believe we are prepared to make any such bargain as that.

Concerning this matter of farming, so far as the Indians are concerned, here is a people who have been in direct contact with the whites in this country from the foundation of our Government; they have observed all our processes of civilization, including that of agriculture, and yet, at the very close of the nineteenth century, we are paying out of the public funds money to send men to those Indians to teach them how to farm.

Turn back to page 9 of the bill, and you will find that we have provided that certain farmers and stockmen shall go to those agencies, and we shall pay them out of the public funds to instruct the Indians in the method of plowing up that prairie land, planting corn and sowing wheat and gathering pumpkins.

I do not believe it is a legitimate or proper expenditure of the public funds, and I do not believe we ought to put upon the bill this provision of general law which I have no doubt is horrifying to the Senator from Wisconsin, who does not chance to be in his seat now, whereby we go into the business of purchasing 320 acres of prairie farm land at $25 an acre. I have not very much regard for the Indian as an agriculturist. He may be entitled to a great deal of credit in other directions, but as a farmer he is a monumental failure. I do not believe we are going to do ourselves justice if we vote large sums of money out of the public Treasury to try to educate him after he has had an opportunity to learn to plow and sow for one hundred and fifty or two hundred years.

Now, I am not quite sure what these men who are sent out to the Indians to instruct them in farming are going to teach the Indians. I clipped the other day from one of the leading journals of this country an editorial, by its agricultural editor no doubt, concerning the work that is being done in the Agricultural Department here, for which we are paying vast sums of money—millions of dollars. It is entitled "Secretary Morton's masterwork," and I suppose these farmers who are going out there will probably take this little brochure with them to instruct the Indian how to raise chickens. I wish to read this editorial for the benefit of the Senator from South Dakota, who is something of a farmer himself.

> During Mr. Morton's term of office as Secretary of Agriculture he has enriched modern literature with works of the most erudite character; in fact, it may be said of people who have read them that "still they gazed, and still the wonder grew, that one small head could carry all he knew." But now that he is about to retire from the duties of office he has evidently determined that there shall be some particular thing by which the country shall remember him, and so he has devoted his powers of intellect to the preparation of what may be called his opus magnus, the crowning achievement of a life that has been devoted to the welfare of his country.
>
> This work is in the form of a bulletin which deals with tapeworms in poultry. This is a subject which has hitherto been sadly neglected, and when it is learned that a mild and inoffensive chicken is sometimes made the repository of thirty-three distinct, separate, and known varieties of tapeworms, besides being a hiding place for others that may be styled irregulars or guerrillas, it can be seen that it was time that the problem of how to free the chicken from such thraldom should be solved.
>
> All of these parasites have high-sounding and formidable names, and it is fearful to think that the chicken which is scratching the onion bed or indulging in some other equally innocent occupation bears within it an enemy of the name of Bothriocephalidæ. How a chicken can carry around such a burden, augmented, too, by the weight of more than a score of other parasites of equally as aristocratic titles, is puzzling to understand, and a chicken so burdened could truthfully say, with Hamlet, "I have that within me which passes show."
>
> It is to the destruction of these things that Secretary Morton is directing all his energies. In fact, he puts the matter so plainly before the public that there is no reason why anybody who has chickens should not be able to destroy the whole array of tapeworms. All that is necessary is to prevent the chickens from eating the larvæ from fishes, earthworms, slugs, snails, and house flies. Once that has been accomplished, the way to freedom is clear. A notice posted on the fence or hung from the roosts in the hen house would undoubtedly prove a warning to every sensible chicken and lead it to change its diet. It is scarcely possible that a chicken would longer indulge in a dinner of earthworms and slugs after knowing that the natural result would be the presence in its anatomy of Mr. Bothriocephalidæ. Mr. Morton has once again proved himself to be a public benefactor.

It has occurred to me that if these 320 acres in South Dakota are to be devoted to chicken farming with this bulletin of knowledge that has been issued from the Agricultural Department at the expense of the taxpayers of this country, it might possibly be well to vote this donation; but I do not apprehend it is for any such purpose. This Indian school has now 80 acres of land, for which the Government has paid good money. It is now proposed all at once to increase those 80 acres to 400 acres, and then we will send out farmers from the Everglades of Florida and the ice-bound coasts of New England to teach those Indians how to cultivate 400 acres of prairie land for which the Government has paid its money that belongs to the taxpayers of this country.

I am against it. I notice, on turning to page 52, that the distinguished Senator from South Dakota, who, of course, knows a great deal more about this matter than I presume to know, has made another provision. He goes out to Pierre, near the capital of the State, where a farm is discovered that he is going to buy, and he is going to pay $50 an acre for it, and there is no provision that we shall pay less than $50 an acre. That is the flat price for which this South Dakota farm is to be sold to the Government for the purpose of enlarging the farm of another Indian school. These provisions are put into the bill by the committee of which the Senator is chairman. They are general legislation, obnoxious to the rule had they not been reported by the standing committee. I think the Senator from Wisconsin ought to be in his seat and raise his hands in holy horror at this introduction into appropriation bills of matters that carry general legislation.

I do not believe we want the farm at Flandreau at $25 an acre; I do not believe we want the farm at Pierre at $50 an acre. So long as these Indians are too lazy to cultivate the land they occupy; so long as we are sending men from all over the country out there at the expense of the taxpayers to teach them how to cultivate the land they occupy, it seems to me we had better consider their comfort a little and let them rest in peace, quietude, and happiness on the acres they already have through the benefaction of this great and generous Government of ours.

The Senator from South Dakota, of course, has a good reason why we should go into this purchase by the wholesale of agricultural lands in his State at the expense of the Government, and for the supposed benefit of the Indians who chance to inhabit South Dakota. But these are days when it is the duty of every honest legislator to keep from every appropriation bill that passes Congress every single dollar of appropriation we can get along without, and I trust that the House of Representatives may not be burdened with this amendment, that the committee of conference may not be compelled to spend its valuable time considering this matter, but that the Senate may take it in hand, and may say to the Senator from South Dakota and the distinguished committee of which he is a member, "We do not propose to go into the purchase of farming lands in South Dakota, 320 acres in one instance and 100 acres in another, when we do not need them, when the condition of the public Treasury does not warrant any such ridiculous expenditure."

Mr. PETTIGREW. I think this provision is pretty well guarded. It provides that we shall purchase this land at a price not exceeding $25 an acre, and use so much of the appropriation as is necessary. Now, the necessity for the farm has not been discussed by the Senator from New Hampshire, and I presume by his speech and the reading of the extract he has accomplished the object for which he rose. It seems to me that instead of trying to confer upon these Indians a college education, a practical education is what they need more than anything else, and that if we should teach them to read and write the English language, the rudiments of mathematics, and then give something practical in the way of farming, so that when they return they can make a living, we shall have accomplished a better purpose than by bringing them on the cars, for instance, to Carlisle or Hampton or to the Lincoln Institute at enormous expense to give them purely a classical education.

Therefore I think a good purpose is served in securing a sufficient amount of land to employ these boys. At this school there will be 150 Indian boys, and 400 acres of land is none too much. Perhaps it is not necessary for them to learn to read the bulletins, to become familiar with scientific terms about chickens, but they should be taught how to manage cattle and farm animals and to till the soil. That is the most important education we can confer upon them; and the committee thought it was wise to make this provision.

Mr. JONES of Arkansas. I think in a matter of this importance (with very much of the criticism which the Senator from New Hampshire has so well stated I agree) that the Senate ought at least to be advised of what the opinion of the Secretary of the Interior and the opinion of the Commissioner of Indian Affairs are on this purchase or the necessity for it; and I hope the Senator in charge of the bill, a member of the Committee on Appropriations, will have the recommendation from the Secretary of the Interior or the Commissioner of Indian Affairs read to the Senate for its information and guidance.

Mr. PETTIGREW. I will say that I have not those papers here, but we can pass over this item.

Mr. GALLINGER (to Mr. PETTIGREW). Make the statement, and I will accept it.

Mr. PETTIGREW. The superintendent of schools recommends the purchase of the entire section of land, so as to embrace the Sioux River. The committee thought that one-half of it would be sufficient, and therefore designated that half of the section which does embrace the river, for farm purposes. The Commissioner of Indian Affairs and the Secretary of the Interior recommend the purchase not only of this tract, but also of the other tract, at Pierre, S. Dak. If the item is passed over, I will secure those letters, if the Senator desires.

Mr. JONES of Arkansas. I hope the item will be passed over, and that the Senator will have the recommendations of these officials read before the amendment is voted upon.

The PRESIDING OFFICER (Mr. GEAR in the chair). The amendment will be passed over, without objection.

The reading of the bill was resumed, and continued to the end of line 14, on page 49.

Mr. HANSBROUGH. I offer an amendment, to be added after line 14, on page 49.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 14, on page 49, it is proposed to insert:

> That the unexpended balance of the appropriation for the support of this school during the present fiscal year is hereby reappropriated, to be used under the direction of the Secretary of the Interior in the work of repairing and furnishing the buildings at this school.

Mr. PETTIGREW. I have no objection to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 49, line 20, before the word "hundred," to strike out "eight" and insert "seven;" in line 21, after the word "dollars," to insert "for extension and completion of steam plant, $6,000; for erection of warehouse, $3,000; for erection of barns, $3,000; for repairs of hospital, $1,000; for erection and equipment of laundry, $2,500;" and on page 50, line 8, before the word "hundred," to strike out "fifty-six thousand nine" and insert "seventy-two thousand three;" so as to make the clause read:

> For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., at $167 per annum each, $50,100; for general repairs and improvements, $4,000; for pay of superintendent of said school, $1,500; for erection of [illegible] and equipping the same, $2,000; for extension and completion of steam plant, $6,000; for erection of warehouse, $3,000; for erection of barns, $3,000; for repairs of hospital, $1,000; for erection and equipment of laundry, $2,500; in all, $72,300.

The amendment was agreed to.

The next amendment was, on page 50, line 9, after the word "dollars," to insert "for addition to schoolroom, $3,200," and in line 12, before the word "hundred," to strike out "twenty-seven thousand five" and insert "thirty thousand seven;" so as to make the clause read:

> For support and education of 150 Indian pupils at the Indian school at Grand Junction, Colo., at $167 per annum each, $25,050; for pay of superintendent at said school, $1,500; for general repairs and improvements, $1,000; for addition to schoolroom, $3,200; in all, $30,750.

The amendment was agreed to.

The next amendment was, on page 51, line 25, before the word "dollars," to strike out "two thousand" and insert "one thousand eight hundred;" and on page 52, line 4, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

> For support and education of 400 Indian pupils at the Indian school at Phoenix, Ariz., at $167 per annum each, $66,800; for pay of superintendent at said school, $1,800; for general repairs and improvements, $3,000; for erection of additional buildings, $30,000; for erection of shops and equipment of same, $3,000; in all, $104,600.

The amendment was agreed to.

The next amendment was, on page 52, after line 10, to insert:

> For the purchase of not less than 100 acres of good farming land in the immediate vicinity of the Indian training school at Pierre, S. Dak., to be used as an industrial farm for said school, and to be, in his judgment, suited for such purpose, $5,000.

Mr. GALLINGER. I ask that this amendment may go over with the other amendment just passed over.

Mr. PETTIGREW. Let it be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 52, line 22, after the word "dormitory," to insert "to be built of stone;" so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Pipestone, Minn., at $167 per annum each, $16,700; for pay of superintendent at said school, $1,200; for general repairs and improvements, $2,500; for school building and dormitory, to be built of stone, $10,000; in all, $30,400.

The amendment was agreed to.

The next amendment was, on page 53, line 14, before the word "hundred," to strike out "eight" and insert "six;" and in line 17, before the word "hundred," to strike out "five" and insert "three;" so as to make the clause read:

For the support and education of 250 Indian pupils at the Indian school, Salem, Oreg., at $167 per annum each, $41,750; for pay of superintendent at said school, $1,800; for general repairs and improvements, $5,000; for steam heating plant, $6,000; in all, $54,550.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the word "hundred," to strike out "eight" and insert "six;" and in line 9, before the word "and," to strike out "sixty-three thousand" and insert "sixty-two thousand eight hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Santa Fe, N. Mex., at $167 each per annum, $41,750; for pay of superintendent at said school, $1,800; for water supply for irrigation and fire protection, $1,500; for general repairs and improvements, $5,000; for erection of additional buildings, [illegible]; in all, $62,800.

The amendment was agreed to.

The next amendment was, on page 54, line 22, before the word "hundred," to strike out "five" and insert "four;" and on page 55, line 1, before the word "hundred," to strike out "three" and insert "two;" so as to make the clause read:

For the support and education of 125 Indian pupils at the Indian school, Tomah, Wis., at $167 per annum each, $20,875; for pay of superintendent at said school, $1,400; for general repairs and improvements, $3,000; for erection of school building, $10,000; in all, $35,275.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to insert:

That the Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so.

The amendment was agreed to.

The next amendment was, on page 55, line 19, after the word "with," to strike out "the rules" and insert "such conditions, rules;" and in line 20, after the word "the," to insert "conduct and methods of instruction and;" so as to make the clause read:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

Mr. GALLINGER. I should like to have the Senator from South Dakota in charge of the bill explain to the Senate the need of the proposed amendment on the fifty-fifth page. The House legislated as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with the rules and regulations as to the expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

The committee seem to have injected into this provision something about the conduct and methods of instruction. I do not see why we should dictate to the Secretary of the Interior or the Commissioner of Indian Affairs that they should take cognizance of the methods of instruction in these schools. We are paying superintendents and teachers for that purpose, and it strikes me that the amendment is entirely unnecessary, and that it had better not be adopted.

Mr. PETTIGREW. The committee thought this wording was better, and would tend to a better expenditure of the money. I think it is largely a matter of opinion. It is for the Senate to decide whether one wording or the other shall be used. The wording of the bill as it comes from the other House simply gives greater latitude than the wording proposed by the Senate committee.

Mr. GALLINGER. I should like to ask the Senator what he understands the term "conduct and methods of instruction" to signify. What is it that the Secretary of the Interior and the Commissioner of Indian Affairs are going to do different from what has been done in these schools? What does it include? Is it as to whether the pupils shall study algebra or something else, or is it something outside of the ordinary studies pursued in the common schools of this country? That is the point I wish the Senator from South Dakota to answer.

Mr. PETTIGREW. I will say that my opinion as to what the words mean is a matter of entire indifference. The Senator has his own opinion, probably.

Mr. GALLINGER. I submit that it is not a matter of entire indifference to the Senate. The Senator brings in a bill; he amends the House provision, and then he cavalierly says to a Senator who asks him a civil question that it is a matter of no consequence what he believes or what the committee believes. I will not press the matter, and will not even take the trouble to vote on it; but the Senator's answer is not such an answer as he should give as to a change in a statute which is a great deal of concern to the American people. I am willing to have it passed over.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed, beginning with line 1, page 56.

Mr. BATE. I believe it was agreed that this provision should be passed over until we got through the reading of the bill, when we shall return to it.

Mr. PETTIGREW. I suggest that we temporarily pass over pages 56, 57, and 58, and down to line 7 on page 59, and dispose of the other committee amendments.

Mr. BATE. That is right. That is the way we did at the last session, and I think it is proper that it should be done now.

The PRESIDING OFFICER. At the suggestion of the Senator from Tennessee, agreed to by the Senator from South Dakota, the matter referred to will be passed over.

Mr. VILAS. What was done with the amendment to which the Senator from New Hampshire [Mr. GALLINGER] objected?

The PRESIDING OFFICER. It was agreed to.

Mr. VILAS. I hoped to see the objection of the Senator from New Hampshire prevail.

The PRESIDING OFFICER. The Senator from New Hampshire did not object.

Mr. VILAS. If the matter has been disposed of, I will not object.

Mr. PETTIGREW. The question can be treated as still open, if the Senator from Wisconsin desires to discuss it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 59, after line 14, to strike out:

For the purchase of an electric dynamo and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000.

Mr. MITCHELL of Wisconsin. I trust the committee will not insist on striking out this item. It is a small affair. The appropriation is recommended by the local agent and also by the Commissioner of Indian Affairs.

Mr. PETTIGREW. I have a letter from the superintendent of that school which perhaps I had better have read, and I think it gives the Senator the information desired.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
INDIAN SCHOOL SERVICE,
OFFICE OF SUPERINTENDENT
ONEIDA INDIAN INDUSTRIAL SCHOOL,
Oneida, Wis., February —, 1897.

MY DEAR SIR: Referring to the CONGRESSIONAL RECORD of January 23, 1897, page 1102, we find the amendment to the Indian appropriation bill reading as follows: "At the foot of page 51, after line 21, add the following words: 'For the purchase of an electric dynamo and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000.'"

As you are the chairman of the Committee on Indian Affairs in the Senate, and since the bill must soon come before your committee, I have the honor to say that what is intended is the purchase of an electric light plant, including engine, dynamo, switch board, wiring, lamps, etc., and should the amendment [illegible] I am somewhat afraid that the amendment would cover only the purchase of a dynamo.

It seems to me that it would be better were this wording changed a little and the words "engine and other fixtures" added after the word "dynamo," so that the amendment would read: "For the purchase of an electric dynamo, engine, and other fixtures, and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000."

I would most respectfully ask your consideration in this matter, and if in your judgment you deem it advisable, would request that you have the House bill amended accordingly.

Very respectfully,

CHAS. F. PEIRCE,
Superintendent.

Hon. JAMES K. JONES,
United States Senate, Washington, D. C.

Mr. PETTIGREW. I will say that I have no objection to the clause being corrected to conform to the letter, if the Senator from Wisconsin desires it.

Mr. MITCHELL of Wisconsin. I suggest that the language proposed by the superintendent be inserted, and that the committee amendment be rejected. I move to add, after the word "dynamo," in line 15, page 59, the words "engine and other fixtures;" so as to make the clause read:

For the purchase of an electric dynamo, engine, and other fixtures, and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations, to strike out lines 15 to 17, inclusive, on page 59.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 59, after line 17, to insert:

The Secretary of the Interior is hereby authorized to continue the employment of the surveyor on the Nez Perce Indian Reservation in Idaho for six months after the termination of his services for two years, as provided in the fourth article of the agreement with the Nez Perce Indians, ratified and confirmed by the act of August 15, 1894, his compensation, at the rate of $1,200 per annum, to be paid from any surplus remaining of the $10,000 set apart by said article for the purchase of two portable sawmills.

The amendment was agreed to.

The next amendment was, on page 60, line 15, after the word "dollars," to insert the following proviso:

Provided, That hereafter whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, in the discretion of the Secretary, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding three years for farming or grazing purposes, or five years for mining or business purposes.

The amendment was agreed to.

The next amendment was, on page 60, line 25, after the word "construction," to insert "of ditches and reservoirs;" in the same line, after the word "purchase," to strike out the comma; on page 61, line 1, after the word "irrigating," to strike out "machinery;" in the same line, after the word "tools," to strike out the comma; in line 3, before the word "thousand," to strike out "thirty" and insert "forty;" and in line 4, after the word "dollars," to insert:

And of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work, at a compensation not to exceed $100 per month each, and not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

So as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, $40,000, and of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work, at a compensation not to exceed $100 per month each, and not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

For the survey of lands in the Cheyenne River Indian Reservation, in the State of South Dakota, $50,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the whole of said reservation as soon as possible, without reference to the location of allotments to Indians on said reservation.

The amendment was agreed to.

The next amendment was, on page 61, after line 21, to insert:

For examination in the field of the surveys made within the Cheyenne River Indian Reservation, in South Dakota, including clerical work in the office of the surveyor-general, $4,000.

Mr. CHILTON. I should be glad to have an explanation of that amendment, if the Senator from South Dakota will be good enough to make it.

Mr. PETTIGREW. The reservation is a very large one, there being about 1,000 acres of land for every man, woman, and child upon it. The reservation was established in 1889 and these Indians placed upon it. Under the treaty of 1889 it was provided that the lands should be surveyed and allotments made to the Indians. Yet in spite of this fact no surveys have ever been made upon this reservation. I have tried for several years to secure surveys of the reservation, so that allotments could be made, but I have been unable to do so for some reason. It is a well-known fact that there are three or four families—Frenchmen who have married Indian women—who have from thirty to forty thousand head of cattle and graze this entire area, and it is for their interest not to have it surveyed. I do not know anything about the influence they may exert, or whom they influence, or what they do, but for some reason we have been unable to get these lands surveyed, so that allotments can be made to the Indians. It seems to me it is an exceedingly important provision.

Mr. CHILTON. As I understand the Senator, the law heretofore provided for a survey, but it has not been carried out.

Mr. PETTIGREW. It has not been carried out.

Mr. CHILTON. I think on that statement the amendment should pass.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 62, after line 20, to insert:

For resurvey of the lands of the Chickasaw Nation, Indian Territory, $141,500, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys: *Provided further*, That hereafter in the public land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public land surveys.

Mr. GALLINGER. This seems to be a provision for a resurvey of the lands of the Chickasaw Nation, and the very large appropriation of $141,500 is to be made for this purpose, and it is to be immediately available. As a matter of information (and I trust that the Senator from South Dakota will be a trifle more courteous to me than he was when I last appealed to him for information), I desire to ask the Senator what the immediate necessity is, considering the deplorable condition of our Treasury, to appropriate $141,500 for a resurvey of lands that must have been surveyed or else it could not be a provision for a resurvey?

Mr. PETTIGREW. I will say, in the first place, that these lands were surveyed many years ago, but from all appearances they were surveyed not on the ground, but in Washington or somewhere else. There is no evidence of the survey. Notes were made up; it is possible that the surveyors went into the field; but from an investigation on the ground, it is found that there are no corners remaining, and no trace of the survey. If it was made, it was so erroneously and badly made that to retrace it would cost more than to resurvey it.

Mr. GALLINGER. I will inquire of the Senator if this appropriation has been asked for by the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. PETTIGREW. It has been recommended by the Geological Survey. I do not know whether it is asked for by the Commissioner of Indian Affairs or not. In fact, it is not under his supervision. He has nothing to do with it. This is one of the Five Civilized Tribes. It is in that country where we are trying to break up a form of government which is uncivilized and intolerable, and it is necessary to dispose of the title to the lands before we can break up the tribal ownership of the property. Therefore we have provided for a survey of all the lands embraced in the other nations in the Indian Territory. That survey will be completed by the appropriation provided for on page 62, just preceding this appropriation, and this appropriation will complete the work. It seems very important that it should be completed. It is exceedingly important that something should be done to break up the conditions which exist in that country; for it is a remarkable fact that, with a population among the Five Civilized Tribes of about 400,000 people, there is on an average a murder committed every day. There were 365 murders last year among this sparse population. They own a tribal patent for the land, and until we can subdivide in some way those lands and the title is conferred upon the individuals who belong to the tribe, and their tribal government is broken up, these conditions must continue.

Mr. GALLINGER. I ask the Senator when was the original survey made of these lands?

Mr. PETTIGREW. I can not give the date, but it was many years ago.

Mr. GALLINGER. Are there any plats in existence, so far as the Senator knows?

Mr. PETTIGREW. I understand that the plats were made.

Mr. GALLINGER. Does the Senator think this is a pressing matter that we ought at this juncture——

Mr. PETTIGREW. It is a very pressing matter.

Mr. GALLINGER. To still further deplete the Treasury and perhaps create the necessity of issuing bonds, which always troubles the Senator from South Dakota when we do it, to carry on the affairs of the nation. Does the Senator think this is a pressing necessity at this time?

Mr. PETTIGREW. It is undoubtedly a pressing necessity. Of course I do not care to go into a discussion of the financial question on the pending bill unless we must do it, but the President of the United States only a few weeks ago informed us that there was a surplus of $125,000,000 in the Treasury, and that there was no deficiency, and no prospect of any.

Mr. GALLINGER. Of course the Senator himself has informed the Senate that that is not according to the facts, so that the point he has made now is without potency. I take it we could not have a vote on this question unless we called for a quorum of the Senate. I am not proposing to do that; but I submit that if this is the way the Senate is going on to increase the expenditures of this Government beyond that which the House of Representatives proposes to do, if this is a sample of all the appropriation bills that are to come before us during the present Congress, a condition of things more deplorable than now exists will confront us in the near future.

Mr. JONES of Arkansas. I was absent from the Chamber for a few moments. I have just now come in, and I notice what has been under discussion.

I wish to say to the Senator from New Hampshire that while I sympathize with many of his criticisms and much he has been saying through the day, there is no doubt of the absolute necessity for this appropriation for the resurvey of the lands of the Chickasaw Nation. That country was to be surveyed under a treaty between that nation and the United States made years and years ago. The survey that was made forty, or possibly fifty years ago, was so defectively made as to be now absolutely worthless. There is only now and then a marked corner in the entire country. There are miles and miles where there can not be the slightest indication found of the previous survey made. There were field notes, there were reports made, and they are matters of record, but there is nothing on the ground to show the subdivisions of the land. There are a great many people there; the country is being filled up by white people as well as by Indians. These lands ought to be subdivided as near as possible and allowed to go into the possession of those Indians, and it is necessary that a survey shall be made preliminary to any such division.

There can be no question that this survey ought to be made, in my judgment. It has been strongly recommended by the Commissioner of Indian Affairs and by the Director of the Geological Survey, who has immediate charge of the surveying of that country. They both urge the necessity of a sufficient appropriation to allow the survey to be made, and I hope the Senate will retain the amendment proposed by the committee.

Mr. GALLINGER. I desire only to add——

Mr. VILAS. I ask the Senator from New Hampshire to allow me to ask one question?

Mr. GALLINGER. Certainly; I always yield to the Senator from Wisconsin except when he proposes to violate a unanimous-consent agreement and make a point of order. I always yield to him on other occasions.

Mr. VILAS. The Senator from Wisconsin never makes any such proposals, I am sure.

I should like to inquire whether there have not been conveyances with reference to the old survey? The old survey, however indistinct its monuments may now be from lapse of time, would, of course, control titles so far as sales had been made by descriptions with reference to the plat and field notes of the old survey. Is there not danger that unless this new survey shall be directed to reestablish the old there will be a confusion in the surveys made under the direction of the Director of the Geological Survey and those made under the direction of the surveyor-general some time past?

Mr. JONES of Arkansas. There can be no such difficulty as is suggested by the Senator from Wisconsin, from the fact that there have been no conveyances of any of these lands. They belong to the Chickasaw Nation. They have not been divided in severalty; they are held by the nation in common. The difficulty is that there are simply no marks in almost all cases. There is now and then a corner mark, but they are very rare. I presume the survey which will be made under the direction of the Geological Survey will be a practical reestablishment of the old lines. I have very little doubt that that will be the case. But there will be no difficulty about any conveyance, for under the old surveys none has been made.

Mr. VILAS. It might be well to direct the reestablishment of the old lines as far as possible.

Mr. GALLINGER. Mr. President, I have only an added word on this question. If I believed that there was danger of this provision becoming a law, violative as it is of the rules of the Senate, it being general legislation upon an appropriation bill, I should call for a quorum of the Senate and for a vote upon the question and put myself on record. But, fortunately, we have a Republican House. This is not a Republican Senate. That Republican House is economical. It proposes, so far as is possible, as it did in this bill, to keep the appropriations down to as low a point as possible. The Senate seems determined to swell them beyond all conscience. I believe, and I have faith to believe, that when this matter gets before the conference committee it will disappear from the bill and not trouble the Treasury.

Mr. PETTIGREW. I am not disposed to allow the statement of the Senator from New Hampshire to go unchallenged. His effort at economy can be well exercised when we come to those great appropriation bills which carry so many million dollars.

Mr. GALLINGER. I am going to follow it up.

Mr. PETTIGREW. I hope the Senator will follow it up. Economy can not be practiced by trying to strike off small items of appropriation for things absolutely necessary. I can point the Senator to bills where he can exercise his genius in the way of economy to great advantage.

Mr. GALLINGER. I have discovered them.

Mr. PETTIGREW. The Senator can decrease the appropriation for our vessels that will not float, especially if the water is at all deep. They need something under them to hold them up. He can stop the building of battle ships. With the treaty of arbitration there is no necessity for $10,000,000 for fortifications. There are numerous other items in the same direction. In this bill the Committee on Appropriations have increased the House appropriations less than $300,000.

The Senator talks about a Republican House and its economy. I wish to call his attention to the fact that it is currently reported that the appropriations of this Congress made by the House of Representatives are $40,000,000 more than ever before, and will amount to $1,040,000,000. If we are going into a political debate over the Indian appropriation bill, we can talk out the session, and I am fully as willing to do it if it is necessary, as the day is long.

Mr. GALLINGER. Mr. President, a single observation. The Senator from South Dakota is not quite fair when he states what the appropriations will be at the end of this Congress. No man is wise enough to know what they will be until we come to make a tabulation when the Congress has come to an end.

I do not agree with the Senator in his criticisms of our Navy. I do agree with the House of Representatives in changing their mind and not providing in the present naval appropriation bill for the construction of another battle ship. While, under ordinary circumstances, if the Treasury was in funds, I should be in favor of continuing the building of battle ships, so that this country might take the position that properly belongs to it among the nations of the world, I think that the House has acted wisely in doing, as I understand they have done, in dropping out the provision that they originally had inserted in the naval appropriation bill for the construction of one more battle ship. We have had some trouble with the battle ships; it may be that they are somewhat experimental; but I have not discovered that anything has occurred to warrant the opinion that our expenditure of money for that purpose, or for the purpose of fortifications, has been an idle expenditure.

The Senator talks about an arbitration treaty. Mr. President, that arbitration treaty is where the Senator knows it is. While I support it, I do not expect it is going to be ratified in the immediate future. I think it is not disclosing any secret of the executive session when I state that much.

The Senator, of course, is more interested in the purchase of farms for Indian schools in South Dakota than he is for battle ships, or almost any other kind of a ship. I traversed to a very considerable extent the Senator's State. It is a great State; but I did not see water enough to sprinkle a lawn in the entire State except as they got it from artesian wells. Of course, he does not care much for battle ships as far as his people are concerned, but some of the rest of us have a greater interest in our naval armament and in the proper fortification of our coast than the Senator has. He can retreat to the Black Hills in the case of an invasion, and he is all right; but those of us who live on the coast may not be able to get so far away from the scene of hostilities.

Now, Mr. President, this is all I care to say. I have no fear that the pending amendment is going into the bill, and, for that reason, I am willing that we should pass it.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to insert:

> For completing the survey of the boundary lines of a portion of the Blackfeet Indian Reservation, Mont., as provided by article 6 of the agreement with the Blackfeet Indians, ratified by the Indian appropriation act approved June 10, 1896, $3,000; and the Secretary of the Interior is hereby authorized to use a like sum for said purpose of any appropriation made for the benefit of the Indians of the Blackfeet Reservation in accordance with the provisions of said agreement.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

> The Secretary of the Interior is hereby authorized to appoint a commission to consist of three persons to negotiate with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians; and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements made to be submitted to Congress for its approval. And for the expenses of such commission and negotiations thereunder the sum of $10,000 is hereby appropriated; and each member of said commission shall be paid not to exceed the sum of $10 per day while engaged in the performance of said work and actual traveling expenses and subsistence.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

> To enable the Secretary of the Interior to continue negotiations with the Crow, Flathead, and other Indians, as provided for by act approved June 10, 1896, $10,000; this amount to be available as soon as the present appropriation of $10,000, made by said act for such purpose, shall be exhausted.

The amendment was agreed to.

The next amendment was, on page 65, after line 2, to insert:

> For payment in full of salary and expenses of John T. Oglesby, special United States Indian agent, while engaged, under order of the Indian Office, in the transportation of the remains of Paul F. Faison, United States Indian inspector, from Oklahoma Territory to Raleigh, N. C., fiscal year 1897, $70.

Mr. CHILTON. My connection with the Committee on Indian Affairs gives me familiarity with some of these items. This particular one, while very small, it seems to me is a novel appropriation. I am not aware of any precedent for such an expenditure

and I should like to have the Senator from South Dakota state whether there is any such precedent within his knowledge.

This man Oglesby was instructed by the Secretary of the Interior or the Commissioner of Indian Affairs to proceed with the remains of a deceased employee from Oklahoma to North Carolina, and this appropriation is to reimburse him, as I understand, for the actual expenses of that trip. It would seem rather an unfair thing not to pay this employee his expenses incurred under the order of the Secretary of the Interior, therefore I shall not object to the payment of this claim; but, Mr. President, I can not shut my eyes to the fact that this is a very dangerous beginning. There are three or four hundred pension inspectors, I believe, scattered over the country, and many post-office inspectors, together with two or three hundred thousand other employees of the United States Government. If every employee who goes from one State to another with a brother employee's dead body is to recover the expense of the trip, it seems to me we open the gate for new and larger appropriations as time goes on. Therefore, as I say, while, in view of the peculiar circumstances, I shall not attempt to draw the line on this item, yet in the interest of economical government I offer an amendment which will prevent similar cases in the future. I think the Senator from South Dakota ought to accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 8, on page 65, of the committee amendment, it is proposed to insert:

> *Provided*, That hereafter the heads of Departments shall not authorize any expenditure in connection with the transportation of remains of deceased employees.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas.

Mr. PETTIGREW. It does not seem to me that that amendment is necessary. The amendment placed in the bill by the Committee on Appropriations does not provide for transporting the remains of this deceased officer. All such expenditures were paid by his family. It simply provides for paying the traveling expenses of a special agent who was directed by the Commissioner of Indian Affairs to accompany the remains. If the man had died anywhere else and an officer had been detailed by an order from the Department, we would have paid his traveling expenses. It is entirely proper that we should pay them in this case the same as in the case of any other officer traveling under the direction of the Department. Perhaps the service performed is not one which the Department could have ordered him to perform—that may be a subject for discussion—but that it was a service which it was proper should be performed, and that the Commissioner was actuated by the very best of sentiments in directing the agent to accompany the remains, I do not think there can be any doubt. We have avoided in this provision any recognition of right in the Department to pay the funeral expenses of any of its officials. That was especially discussed in the committee, and it does not seem to me necessary to allude to that and place the amendment of the Senator from Texas in the bill. I hope, therefore, it will not be adopted.

Mr. CALL. The Senator from Texas [Mr. CHILTON] is entirely mistaken. This man gets nothing for the transportation of the dead body but what he would have received if he had been traveling on the order of the Department in the performance of his regular duties. He receives no additional compensation for this service.

Mr. CHILTON. The question is simply this: The Senator from South Dakota states the case exactly as I understand it. There is no question of fact in regard to it. This man was an employee of the Indian service, and a brother employee having died, his remains were transported from one part of the continent to another. The Secretary of the Interior or the Commissioner of Indian Affairs directed this man Oglesby to go with the body. Now, I think it would be an invidious thing not to allow Oglesby his expenses, for he acted under the orders of the Commissioner of Indian Affairs. But the point is that this appropriation opens up a new field. I asked the Senator from South Dakota if there was any precedent for such a thing, and he did not answer that part of my question. My impression is that there is no such precedent. The Secretary of the Interior, having directed this man to escort the body of the deceased employee from Oklahoma to North Carolina, authorized that expenditure. When the account got to the Treasury Department, that particular item was disallowed, and that is the reason it is put in this appropriation bill.

I do not object to reimbursing this individual for his expenses, but I do say it is in the interest of good government that we should not allow this practice to go on.

All can understand that with a vast number of officers in this country, scattered over a territory three or four thousand miles in extent, a custom may grow up in this way that will become a matter of abuse. I would stop the practice in the future. That is all I desire.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas. [Putting the question.] The "noes" appear to have it.

Mr. CHILTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PEFFER. Before the roll is called, I desire to hear the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. At the end of the committee amendment, in line 8, on page 65, it is proposed to insert:

> *Provided*, That hereafter the heads of Departments shall not authorize any expenditure in connection with the transportation of remains of deceased employees.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called.) I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], whom I do not see in the Chamber. Not knowing how he would vote, I withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, and not knowing how he would vote if present, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER. The Senator from Rhode Island has not voted, the Chair is informed.

Mr. BACON. In that case, as I have a general pair with that Senator, and not knowing how he would vote if present, I withdraw my vote.

The result was announced—yeas 28, nays 18; as follows:

YEAS—28.

Bate,
Berry,
Brown,
Caffery,
Cannon,
Chilton,
Cockrell,
Cullom,
Daniel,
Gallinger,
Gear,
Gibson,
Gray,
Hawley,
Hill,
Hoar,
Kenney,
Lindsay,
Martin,
Mills,
Murphy,
Pasco,
Peffer,
Pugh,
Smith,
Turpie,
Vest,
Walthall.

NAYS—18.

Allen,
Allison,
Brice,
Burrows,
Butler,
Call,
Carter,
Hansbrough,
Lodge,
Mantle,
Pettigrew,
Platt,
Proctor,
Sherman,
Shoup,
Teller,
Voorhees,
Wilson.

NOT VOTING—44.

Aldrich,
Bacon,
Baker,
Blackburn,
Blanchard,
Cameron,
Chandler,
Clark,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
George,
Gordon,
Gorman,
Hale,
Harris,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
McBride,
McMillan,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Nelson,
Palmer,
Perkins,
Pritchard,
Quay,
Roach,
Sewell,
Squire,
Stewart,
Thurston,
Tillman,
Vilas,
Warren,
Wetmore,
White,
Wolcott.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, after line 8, to insert:

> To reimburse David F. Day, United States Indian agent at the Southern Ute Agency, Colo., for personal expenses incurred in defending the suit brought against him by José B. Lucero, for damages for malicious prosecution, which suit was subsequently decided in favor of said Day, $367.80.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill if this is a proposed expenditure in line with other expenditures; in other words, I desire to inquire if there are any precedents for it? Does the United States Government stand between its agents and those who may maliciously prosecute them and pay the expenses of the prosecution? I should like to know as a matter of information.

Mr. PETTIGREW. Mr. President, in this case the party who prosecuted this agent had been in the habit of coming upon the Southern Ute Reservation and selling whisky in violation of law, thus disturbing the peace and quiet of the Indians. In this instance he had come upon the reservation by force and had driven an Indian from his home and taken possession of his house. The agent thereupon removed him from the reservation, or at least ordered him to be removed, and thereupon he sued the agent for malicious prosecution. The agent employed attorneys to defend him, by reason of which he incurred considerable expense, and obtained a verdict in his favor. The committee thought it exceedingly proper that that money should be reimbursed, and hence this item in the bill.

Mr. TELLER. I will say that the Department has examined the matter and recommends that the amount should be paid.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, after line 14, to insert:

> The Secretary of the Interior is directed to negotiate through an Indian inspector with the Yankton tribe of Indians of South Dakota for the purchase of a parcel of land near Pipestone, Minn., on which is now located an Indian industrial school.

The amendment was agreed to.

The next amendment was, on page 65, after line 19, to insert:

> For commissioner to be appointed by the President, by and with the advice and consent of the Senate, to superintend the sale of lands, ascertain who are the owners of the allotted lands, have guardians appointed for any minor heirs of deceased allottees, make deeds of the lands to the purchasers thereof subject to the approval of the Secretary of the Interior, which deeds shall operate as a complete conveyance of the land upon payment of the purchase money therefor, and to carry out the provisions of the act approved March 3, 1893, relative to lands of the Puyallup Indian Reservation, Wash., as set forth on pages 633 and 634 of volume 27 of the Revised Statutes, $2,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 8, to insert:

> That all that part of the Uncompahgre Indian Reservation in the State of Utah except such lands as have been heretofore allotted or selected for allotment to said Uncompahgre Indians is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

The amendment was agreed to.

Mr. PETTIGREW. I should like to know if we have disposed of the amendments down to line 9 on page 66.

Mr. GALLINGER. We have.

Mr. PETTIGREW. The amendments have been agreed to down to that point, I understand?

The PRESIDING OFFICER. They have been agreed to.

Mr. PETTIGREW. What disposition was made of the next amendment, inserting the clause from line 9 to line 15, in relation to the Uncompahgre Indian Reservation? Was that agreed to?

The PRESIDING OFFICER. That was the last amendment agreed to.

Mr. PETTIGREW. Those are separate amendments, and we have disposed of them separately, as I understand, down to line 9 on page 66.

The PRESIDING OFFICER. The Chair will state that they were all separately agreed to. There was no dissenting vote.

Mr. VILAS. Is the amendment embraced in lines 9 to 15, inclusive, on page 66, yet before the Senate?

The PRESIDING OFFICER. That was the last amendment that was agreed to.

Mr. VILAS. Agreed to without objection?

The PRESIDING OFFICER. So the Chair understands.

Mr. VILAS. I object to the agreement, because I was here at the moment the Clerk finished reading that amendment.

Mr. JONES of Arkansas. I was following the Clerk in the reading and I heard no proposition submitted to the Senate. I proposed to object to that amendment myself.

The PRESIDING OFFICER. The Chair will sustain the objection of course, though he did not hear the objection, and the amendment will be regarded as before the Senate.

Mr. VILAS. Perhaps this amendment might go over with others; but I am myself perfectly willing to dispose of it at this time, as well as any other.

Mr. JONES of Arkansas. Let us dispose of it right now.

Mr. PETTIGREW. I think we might as well dispose of the amendment now. Of course it is before the Senate and still open to discussion.

Mr. VILAS. Mr. President, I desire to raise a point of order to that amendment. The point of order is that the amendment is obnoxious to the first paragraph of the third section of Rule XVI, which reads:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

Perhaps I had better call attention to the force of the objection. This is general legislation.

Mr. PLATT. What is the amendment?

Mr. VILAS. It is the amendment on page 66, proposing to insert the clause from line 9 to line 15, inclusive, in relation to the Uncompahgre Indian Reservation in the State of Utah.

Mr. CANNON. Before the Chair rules on the point of order I desire to be heard upon it. Is the Senator from Wisconsin intending now to get a ruling upon the point of order?

The PRESIDING OFFICER. The Chair is waiting to hear the Senator from Wisconsin on the point of order.

Mr. VILAS. Mr. President, I should like to call attention to what this amendment is. It proposes to establish by legislation upon this appropriation bill one side of an old controversy, if possible. It has no proper relation to this bill in any wise whatsoever. It in no manner concerns an appropriation, except as it is an appropriation of lands to the uses of certain people who are seeking them, which are of greater value than the entire appropriation bill besides.

This bill proposes to take out of the Treasury of the United States about $7,500,000. These six lines in the bill propose to take out of the public domain of the United States and to make subject to expropriation by certain claimants of it under mineral laws a piece of land that is worth probably $10,000,000.

Mr. BATE. Ten million dollars?

Mr. VILAS. Yes; not unlikely. Nobody can tell just what its value is.

Mr. JONES of Arkansas. It is known to be of enormous value.

Mr. VILAS. But, as the Senator from Arkansas says, it is known to be of enormous value. There probably is not a mine in the United States to-day worth more money than the land to which this legislation is addressed.

Now let me explain the circumstances a little, so that the Senate will see how large the amount is. A good many years ago there was an agreement made between commissioners on the part of the United States and the tribe known as the Uncompahgre Utes for the surrender of their country, then in the State of Colorado, upon terms of payment and adjustment about which we need spend no time. But one of the provisions of the treaty was that the Uncompahgre Indians should thereafter reside upon a large body of land in the then Territory, now the State of Utah; and generally that country is spoken of as the Uncompahgre Ute Reservation.

Without now entering into a nice consideration of the statutes on the subject, I will say shortly that the arrangement was such that the Utes merely possess a right of residence there. They do not own that country by any Indian title as they owned the country in the State of Colorado which they sold. The United States owns this land which is commonly spoken of as the Uncompahgre Ute Reservation. It is a very large body of land. Most of it is mountainous, and with but little cultivable land within its borders. But it happens that on the eastern border of that territory, in some four or five townships of land, there exist the most valuable mines of gilsonite or asphaltum known in this country, perhaps in the world.

In the Fifty-first Congress a bill was passed (I do not know why it was passed; I do not undertake to say; but it seems that almost anything could go through the Fifty-first Congress) the effect of which was to enable certain persons who claimed to have been discoverers of this gilsonite or asphaltum to get that land, to put it shortly. President Harrison vetoed that bill, and the veto was not overridden by Congress. Whether or not it was directly sustained I am not sure in remembrance.

In the next Congress, the Fifty-second, I happened to be a member of the Committee on Indian Affairs, and another bill was introduced which was referred to that committee, the object of which appeared to be not very different from that of the bill which had been vetoed by President Harrison. It was very much inquired into, and finally, under the direction of the Committee on Indian Affairs, a report was made to the Senate, I believe by myself, providing for a survey of those lands and the offering of them to sale upon sufficient notice, with the purpose of realizing to the United States some share at least of the great value which that land possesses. There was a corporation, the ownership of which, as it was said, was mainly in the hands of certain wealthy gentlemen in St. Louis, which seemed very much interested in the bill and was apparently desirous of having it passed in a different way from that in which the committee thought the interests of the Government of the United States required. The result was that the bill was not passed during the Fifty-second Congress, but lay upon the Calendar until the expiration of that Congress. But the effort was renewed in the Fifty-third Congress.

I felt it my duty, sir, as one of the committee and as a member of the Senate whose attention had been by his duty on the committee drawn particularly to that measure, to keep watch of it, and I did watch it with all the care I could give it, and the bill never was passed. But in some way when the Indian appropriation bill came before the Senate, without my knowledge a measure was put upon it to provide what seemed to be a very harmless thing in its general purpose, for the survey and allotment to the Uncompahgre Utes of their land. After directing a survey and allotment under the orders of the Secretary of the Interior, that measure contained a further direction that those lands not allotted to the Indians should be opened, to be taken up under the public-land laws of the United States, the mineral lands according to the mineral law. I will not undertake to express it exactly, because we can make a reference to it if necessary.

I desire, in order to be accurate in reference to it, to send to the desk and ask to have read the action of the Senate. Although it escaped my attention, it will be seen that the Senator from Connecticut [Mr. PLATT], who was on the Indian Affairs Committee at the time and was acquainted with the subject, observed it and caused to be inserted in the bill an amendment which would have

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protected those lands from being lost to the Government. I will at this point pause to have the proceedings read as they occurred in the Senate at that time. I ask the Secretary to read from pages 7682 and 7683 of the CONGRESSIONAL RECORD, volume 26, second session, Fifty-third Congress, at the place I have marked.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows.

> Mr. SHOUP. I am directed by the Committee on Indian Affairs to offer an amendment as an additional section to the bill.
>
> The PRESIDING OFFICER. The amendment will be stated.
>
> The SECRETARY. It is proposed to add the following as an additional section:
>
> "SEC. 19. That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows:
>
> "Allotments in severalty of said lands shall be made as follows: To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under 18 years of age, born prior to such allotment, one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission, any adult Indian may select a less quantity of land, if more desirable on account of location: *And provided*, That the said Indians shall pay $1.25 per acre for said lands from the fund now in the United States Treasury realized from the sale of their lands in Colorado as provided by their contract with the Government. All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office. Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported, shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided.
>
> "SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That after three years' actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of $1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof $1.50 per acre.
>
> "SEC. 21. That said commission shall also negotiate and treat with the Indians properly residing upon the Uintah Indian Reservation, in the Territory of Utah, for the relinquishment to the United States of the interest of said Indians in all lands within said reservation not needed for allotment in severalty to said Indians, and, if possible, procure the consent of such Indians to such relinquishment, and for the acceptance by said Indians of allotments in severalty of lands within said reservation, and said commissioners shall report any agreement made by them with said Indians, which agreement shall become operative only when ratified by act of Congress.
>
> "SEC. 22. That said commissioners shall receive $5 per day each, and their actual and necessary traveling and incidental expenses while on duty, and to be allowed a clerk, to be selected by them, whose compensation shall be fixed by said commissioners, subject to the approval of the Secretary of the Interior: *Provided*, That the cost of executing the provisions of this act shall not exceed the sum of $10,000, which sum is hereby appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated."
>
> Mr. PLATT. I should like to make one inquiry about the amendment. It provides that certain lands forming part of an Indian reservation shall be sold. It reserves the mineral lands for sale under the general law. The asphaltum lands are reserved, I understand, to be disposed of under the general mineral laws of the United States. I should like to know if there is any provision as to the price which is to be paid for mineral lands. I ask the Senator from Oregon [Mr. DOLPH], who is familiar with the mineral-land laws of the United States, how the mineral lands are disposed of? Is there a specific price which has to be paid for them?
>
> Mr. DOLPH. Oh, yes; there is a mineral-land law. I would not be quite certain, however, whether the law refers to asphaltum.
>
> Mr. PLATT. How much has to be paid for mineral lands—$5 an acre?
>
> Mr. DOLPH. I think from $5 to $10 an acre; I do not recollect the exact amount. I think it is $5.
>
> Mr. PLATT. I have an impression that Government mineral lands can be obtained by individuals for $5 an acre.
>
> Mr. COCKRELL. There are different prices fixed, I think. For coal lands, lands containing precious metals, and other mineral lands, there are different prices.
>
> Mr. DOLPH. Coal lands which are not within 10 miles or 20 miles of a railroad are sold at $10 an acre, and if within 10 miles of a railroad $20 an acre; but I think gold and silver placer lands are sold for $5 an acre.
>
> Mr. PLATT. Whether asphaltum and gilsonite deposits would make these mineral lands I do not know.
>
> Mr. ALLISON. I think they are excepted in the amendment.
>
> Mr. COCKRELL. Let me read section 19 of the proposed amendment:
>
> "That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows."
>
> It then describes the land.
>
> "Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided."
>
> Then section 20 of the amendment proposed by the Senator from Idaho provides—
>
> "That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States."
>
> So these lands are absolutely excepted, the way I read the amendment.
>
> Mr. PLATT. All that I ask about the matter is that if the amendment passes the committee will pay careful attention to it in conference, so that no one is going to get this valuable asphaltum and gilsonite land for a song.
>
> Mr. COCKRELL. Would this language include it?
>
> Mr. PLATT. I can not tell.
>
> Mr. ALLISON. The Senator can add to it and make it certain by inserting "except those lands which are reserved from sale."
>
> Mr. COCKRELL. I will put in that clause. The amendment reads:
>
> "That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances."
>
> I will insert the words "which are hereby reserved from sale."
>
> Mr. PLATT. That is right.
>
> Mr. COCKRELL. That makes clear the point the Senator from Connecticut makes. I was not sure but that the amendment did read that way.
>
> The PRESIDING OFFICER. The amendment of the Senator from Missouri to the amendment of the Senator from Idaho will be stated.
>
> The SECRETARY. Amend the second section of the amendment so as to read:
>
> "SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States."
>
> The PRESIDING OFFICER. Does the Chair understand that the amendment to the amendment is accepted by the Senator from Idaho?
>
> Mr. SHOUP. The amendment to the amendment is accepted.
>
> The PRESIDING OFFICER. The amendment to the amendment is accepted. The question is on agreeing to the amendment as modified.

Mr. CANNON. I should like to have the date of the RECORD from which the Secretary read.

The VICE-PRESIDENT. July 19, 1894.

Mr. VILAS. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin please suspend, to enable the Chair to lay before the Senate a message from the President of the United States?

Mr. VILAS. Certainly.

MARIA SOMERLAT—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which the Secretary proceeded to read.

Mr. GALLINGER. I ask unanimous consent that the bill and the veto message be referred to the Committee on Pensions without reading.

The Secretary resumed and concluded the reading of the message, which is as follows:

To the Senate:

I return herewith, without approval, Senate bill No. 1823, entitled "An act granting a pension to Maria Somerlat, widow of Valentine Somerlat."

This beneficiary, under the name of Maria Somerlat, was pensioned in 1867 as the widow of Valentine Somerlat, a volunteer soldier, dating from his death in 1864. She continued to draw the pension allowed her as such widow until 1887, when she married one Hiram Smith. Subsequently, but at what time does not appear, she was divorced from Smith in a suit that seems to have been begun by him but in which she interposed a cross bill, and obtained judgment in his favor. Notwithstanding her remarriage, through which she ceased to be the widow of the dead soldier, it is proposed to pension her again on account of his death.

The rule governing the operation of general pension laws which forfeits a widow's pension on her remarriage seems so reasonable and just, and its relaxation must necessarily lead to such a departure from just principles and to such vexatious pension administration, that I am convinced it ought to be strictly maintained.

I hope I may be permitted to call the attention of the Senate to the increasing latitude clearly discernible in special pension legislation. It has seemed to me so useless to attempt to stem the tide of this legislation by Executive interference that I have contented myself with nonacquiescence in numerous cases where I could not approve.

There have been already presented to me for Executive action during the present session of the Congress 236 special pension bills, of which I have [illegible]ally examined 115. The entire number of such bills that have become laws during the four sessions of the Congress since March 4, 1893, is 391. Some of those presented at the present session are not based upon the least pretext that the death or disability involved is related to army service, while in numerous other cases it is extremely difficult to satisfactorily discover such relationship.

There is one feature of this legislation which I am sure deserves attention. I refer to the great number of special bills passed for the purpose of increasing the pensions of those already on the rolls. Of the 115 special pension bills which I have examined since the beginning of the present session of the Congress, 58 granted or restored pensions and 57 increased those already existing, and the appropriation of money necessary to meet these increases exceeds considerably the amount required to pay the original pensions granted or restored by the remaining 58 bills.

I can not discover that these increases are regulated by any rule or principle, and when we remember that there are nearly a million pensioners on our rolls and consider the importunity for such increase that must follow the precedents already made, the relation of the subject to a justifiable increase of our national revenues can not escape attention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 22, 1897.*

Mr. GALLINGER. Mr. President, I regret that in this veto message the President of the United States has felt it incumbent upon him to lecture the Congress of the United States again on the subject of pensions. This, as I understand it, is a veto of what is known as a remarriage case, and I will state that it has been somewhat the custom of the committees of both Houses of Congress in a case where a woman, the war widow of a soldier, having cared for his children very likely while he was at the front fighting the battles of the country, had received a pension who had subsequently remarried, and the Government had——

Mr. BATE. I submit that debate is not in order. I understand that the Senator from Wisconsin [Mr. VILAS] is entitled to the floor, and that a motion is pending to refer the bill and the message to the Committee on Pensions.

Mr. GALLINGER. That motion is not pending.

Mr. BATE. The Senator from New Hampshire asked for that disposition of the matter, and it is not in order to discuss it now.

Mr. GALLINGER. But even if I had made that motion, it would have been debatable.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Chair has recognized the Senator from New Hampshire upon that question.

Mr. GALLINGER. On that I desire to be heard.

Mr. BATE. I understood that a motion was made to refer the bill and the message to the committee.

Mr. GALLINGER. That motion was not made. It was suspended; but if it had been made, it would have been a debatable motion under our rules. I am going to occupy the attention of the Senate for but a moment, and I regret that the Senator from Tennessee found it necessary to interrupt me.

I will repeat that it has been somewhat the custom of committees of Congress, where a woman was the wife of a soldier during his service in the war, upon his death receiving a pension from the Government, upon remarriage the pension ceasing, according to the statute, and the Government deriving the benefit therefrom, if she became destitute in later years, became old and feeble and perhaps an object of charity, to recommend that Congress should restore her to the rolls as a beneficiary of the Government.

The President is mistaken in his judgment that he has carefully guarded the Treasury of the United States in this class of cases, because the President has signed a very considerable number of bills of this character. Recently he has exercised his right of veto to disapprove of three or four of these bills. There are two of them now before the Committee on Pensions of the Senate.

Mr. MORGAN. Will the Senator from New Hampshire inform us how many of this kind of bills the President has signed during the present Administration?

Mr. GALLINGER. I am unable to state that fact, but the fact that some of those bills have been signed is a matter of common notoriety.

Mr. MORGAN. I thought the message stated that there had been 300.

Mr. GALLINGER. Of this class?

Mr. MORGAN. Of some class.

Mr. GALLINGER. Oh, no.

Mr. MORGAN. I mean pensions to individual persons.

Mr. GALLINGER. The President has stated in his veto message which has just been read that we have passed, I think, something like 400 special pension bills during the four sessions of Congress since March 4, 1893.

Mr. MORGAN. I should like to inquire of the Senator from New Hampshire if he has ever made an estimate of the total amount of money that will be required annually to pay the pensioners who have been put upon the list by Congress during the present Administration?

Mr. GALLINGER. I will say to the Senator (and I am glad he has raised that question) the clerk of the Committee on Pensions of the Senate is now engaged in the work of making an estimate of the amount of money that has been taken from the Treasury during the present Congress through the medium of special pension legislation. I can not approximately state the amount at the present time.

Mr. MORGAN. Would it amount to as much as a million dollars a year?

Mr. GALLINGER. I should think that if it amounted to $100,000 it would be the full limit, and I am inclined to believe that $100,000 would be far beyond the limit.

Mr. MORGAN. How much would it fall short, in the opinion of the Senator, of the commission, or whatever you please to call it, that we paid the syndicate for the negotiation of the $262,000,000 of bonds that have been put out?

Mr. GALLINGER. I think it would be but an infinitesimal proportion of that amount.

Mr. MORGAN. As compared with that?

Mr. GALLINGER. Yes, sir; as compared with that.

Mr. HOAR. Will the Senator from New Hampshire allow me to make one statement?

Mr. GALLINGER. Certainly.

Mr. HOAR. The first person killed in the first forcible resistance to Great Britain in the Revolution was Isaac Davis, captain of the Acton company. He left home early on the morning of the 19th of April, 1775, and as he left his wife he said, "Take good care of the children." He went to the conflict and he met his death by the first British volley. His widow was married twice after his death. She became poor in her old age. Mr. Webster introduced and had passed through the Senate, supported by one of his most eloquent speeches, a special bill giving her a pension for the remainder of her life; and that act of Mr. Webster was one of the acts which endeared him to his countrymen, especially to the people of his own State, as much as almost any action of his illustrious life. It never was heard or dreamed of until the modern fashion of finding fault with our pension roll grew up that that was not a proper exercise of legislative discretion.

I should like, if the Senator from New Hampshire will allow me, to add one other sentence, unless I am interfering improperly.

Mr. GALLINGER. Not at all.

Mr. HOAR. It is said in many quarters that our pension roll is extravagant, and that persons who are not worthy of Government bounty get their names on it. I have applied, sometimes personally, and have publicly often challenged the people who made these statements to bring in their specifications: "Where is your man who is on the pension roll fraudulently? Let the Government authorities know. They are trying to find it out. Every honest soldier dislikes to have a dishonest man on the roll as a member of his regiment or company." We never got any specifications.

The people of Massachusetts have expended a sum of money in what is called State aid larger than their whole existing public debt, as it was a year or two ago, after deducting the sinking fund, for giving additional support necessary to the widows and children of soldiers whose cases are not covered by the pension laws. That has been expended by the officials who knew the persons in the neighborhood, where there was an impossibility of any fraud being practiced on the officers of the town or of the State. There are several millions of dollars which we have had to expend for the widows and orphans of our Massachusetts soldiers in addition to what that class are entitled to by the bounty of the Government.

In addition to that, I saw a statement that one association of volunteer soldiers in Massachusetts had expended between $700,000 and $800,000 more. In other States they have not this system of State aid and they have not these organizations. In some of the States they are not practicable; where the population is scattered, it is not practicable to have them. But it shows that in the populous and wealthy State of Massachusetts, where employment has been since the war as ample as in any place probably on the face of the earth, where the people could get a living by honest work, it has been necessary to eke out and supplement the pension roll of the Government by a State or a local expenditure of millions upon millions of dollars. Now, how ridiculous, in the face of that fact, to keep up this constant cry of extravagance and fraud in our pension rolls!

Mr. VILAS. Mr. President, is the Indian appropriation bill before the Senate?

The VICE-PRESIDENT. The Chair laid before the Senate a message from the President, as required under the rule.

Mr. VILAS. The message of the President has been read. What motion is pending with reference to it? It is always a delight to me to hear my distinguished and learned friend, the Senator from Massachusetts, and my very able and zealous friend, the chairman of the Committee on Pensions, under any circumstances; but I thought we had the Indian appropriation bill before the Senate.

The VICE-PRESIDENT. The Chair will state to the Senator that the Chair laid before the Senate the message of the President. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding.

Mr. HOAR. My most intelligent friend from Wisconsin was asleep, and did not know what was going on.

Mr. VILAS. No, the Senator has not produced that effect on me, yet.

Mr. CHANDLER. Mr. President, I rise to a question of order. I submit that nothing is in order except the speech of my colleague, the Senator from New Hampshire.

The VICE-PRESIDENT. The Senator from Wisconsin raises a question of order. The Chair thinks the Senator from New Hampshire [Mr. GALLINGER] is in order under the rule.

Mr. VILAS. Will the Senator from New Hampshire permit me to make a suggestion? I suggest the message of the President ought to be printed and referred to the Committee on Pensions, of which he is chairman.

Mr. GALLINGER. If the Senator from Wisconsin will permit me to get my speech on terra firma (it is now between heaven and earth, somewhere), I will very gladly after that yield to his suggestion, and I will occupy but a few moments.

Mr. VILAS. Oh certainly.

Mr. GALLINGER. I intended to make only a few statements, historical in their nature, and not for the purpose of raising an ill-natured discussion on the matter of pensions, because the Senate will bear me out in the suggestion that during the time I have chanced to be chairman of the Committee on Pensions I have scrupulously avoided everything of that kind. I have tried to deal courteously and kindly with every Senator who had a pension bill before the committee, whether it was for a remarried widow, the daughter of a Revolutionary soldier, or any of the other rather extraordinary classes of cases. I have not wanted to air any grievances or to indulge in any unkind criticisms of the President because of these trivial and, as I think, foolish veto messages that are coming to the Senate from time to time.

I only desire to say now, in addition to what I have said, that

this is one of a class of cases, two of which are now before the Committee on Pensions of the Senate. They have been passed over the veto of the President by the House of Representatives, but I apprehend that they may not be reached for consideration at the present session of Congress so far as the Senate is concerned. One of those cases is for the relief of an old lady in my State who is in utter destitution. Her husband was a very brave soldier, and, as I remember, lost his life on the battlefield. She was pensioned and afterwards remarried, and for twenty years, or thereabouts, the Government got the benefit of that pension, which would have gone to her had she not remarried. Now, in her old age and destitution, we simply have restored her to the rolls. We have believed that those were a proper class of beneficiaries for pension legislation.

The fact in regard to this case, as the President states it, and I presume it is absolutely correct, is that—

> This beneficiary, under the name of Maria Somerlat, was pensioned in 1867 as the widow of Valentine Somerlat, a volunteer soldier, dating from his death in 1864. She continued to draw the pension allowed her as such widow until 1887, when she married one Hiram Smith, etc.

The Treasury of the United States got the benefit of this pension from 1887 to the present time, which this woman would have drawn had she not remarried. She is now, I understand, old and in destitute circumstances, and the House of Representatives passed a bill putting her on the roll, sent it over here, and we concurred with the House in that regard.

The President complains as to the number of these bills. He says he hopes he may be permitted to call attention to them. Then he says:

> There have been already presented to me for Executive action during the present session of the Congress 296 special pension bills, of which I have actually examined 115.

As I remember it, the President has vetoed only a small number, perhaps eight or ten pension bills out of the 115 he has examined, which is, to my mind, conclusive proof that he did not find any real, valid, sound, constitutional objection to those bills, and it proves that the Congress has been very careful in the quality and character of the pension bills that we have passed.

Now, in answer to the Senator from Alabama [Mr. MORGAN], I said that, in my judgment, the special pension bills during the Congress would not take from the Treasury of the United States $100,000. I doubt whether it will take $50,000 from the Treasury of the United States, and they have been benefactions to brave soldiers and the destitute widows of brave soldiers in increasing their pension denied upon a technicality in the Pension Bureau. It is a somewhat significant fact, Mr. President, that every veto message which has come to the Congress during the last two sessions has been the veto of a private pension bill, bills for widows of private soldiers, and not for the widows of general officers. I simply name that as a somewhat significant fact.

Mr. President, I believe that the message which has come from the White House, this criticism of the Congress which has been thrust upon us, is not justified by the facts, and that when the Committee on Pensions have made a careful tabulation, as they are making it, of the amount of money taken from the Treasury by the Congress in private pension bills during the last two years it will be seen that it is so small as really not to be worthy of occupying the time of the Congress of the United States in its discussion.

This is all I care to say, Mr. President, and I say it in utter kindness and good nature; and now I move that the bill be referred to the Committee on Pensions, with the veto message, for further investigation.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. HILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1882) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to," where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Strike out the word "not" in line 31 of the bill, and in place of the language stricken out by said amendment insert the words:

"Except all debts, demands, and liabilities which were due or owing by the old company, which were contracted, accrued, or were incurred, or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road, and its branches so purchased, and all liabilities incurred by said old company in the transportation of freight and passengers thereon, including damages for injuries to employees or other persons, and to property, and which debts, demands, and liabilities have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding, or since the appointment of any such receiver, but such liabilities shall not include any liabilities to other railroad companies except for tickets and freight balances."

Strike out the words "legally chargeable against said old corporation" in the amendment of House numbered 2, and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less,"

Also strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also after the word "of," in line 12 of said amendment, insert the word "any."

Also strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7.

DAVID B. HILL,
O. H. PLATT,
Managers on the part of the Senate.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.

The report was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CHANDLER. Mr. President——

Mr. VILAS. May I ask the Senator from New Hampshire to wait just a moment until I have finished the particular point to which I was directing attention, and then I will give way to him?

Mr. CHANDLER. I will wait with pleasure.

Mr. VILAS. Mr. President, it will be noticed by the reading of the record of the manner in which that amendment was put upon the Indian appropriation bill at the second session of the Fifty-third Congress, first, that the Committee on Indian Affairs maintained the same ground which it had before that time maintained. Let me add that I was not at that session of Congress a member of the committee, my service on that committee having terminated with the previous Congress. But the committee held the same ground, and their amendment contained an express declaration of an exception from the operation of their laws in making the lands not allotted to the Indians open to settlement or appropriation under the public-land laws "except lands containing asphaltum, gilsonite, or other like substances."

When that amendment was offered in the Senate, it was asked by the Senator from Connecticut [Mr. PLATT], who was a member of the Committee on Indian Affairs, if that was not exposing those lands to the very danger against which they had been so long guarded. The Senator from Missouri [Mr. COCKRELL] in charge of the bill said he thought the words were sufficient to except those lands. But the Senator from Iowa [Mr. ALLISON] asked to have additional words put in to make it certain, the words "which are hereby reserved from sale," and they were put in, the Senator from Missouri accepting the amendment, so that it read:

> That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale, shall, upon the approval of the allotments, etc.—

Become open.

Now, let us see what happened; for it illustrates the great peril of putting legislation on appropriation bills and of leaving those bills to the disposition of Congress when so great is the contention and the pressure that oftentimes things escape which should have been observed even by those who are in charge of the very preservation of the safeguards insisted upon. I have here the bill, House bill 6913, of the Fifty-third Congress, second session, as printed after that bill passed the Senate and went into conference, and this long amendment, which was put on in the Senate, four sections added to it, is numbered as one amendment, No. 120. I call attention to that for the purpose of drawing the attention of the Senate to the manner in which it was disposed of by the conference committee.

One among the many conference reports on that Indian appropriation bill which were submitted before it finally became a law contains this paragraph, and I read from page 8251, volume 26 of the CONGRESSIONAL RECORD, referring to this amendment, numbered as one amendment, 120, comprising four sections, to be added to the appropriation bill:

> That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lines 31 and 32 of said amendment, strike out the words "except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale."

And then with another change in another part of the amendment it was returned to the Senate and the conference report agreed to. No statement appears to have been made in the Senate, and the only statement which was made in writing by the House conferees, as required by the rules of the House, was the following:

> The House conferees have agreed to Senate amendment numbered 120 with an amendment, as set forth in the conference report, to which special attention is called.

And, sir, thus in conference every word was given away which had protected these lands, words which had been put in by the Committee on Indian Affairs, and then, that they might be surely sufficient, were further amended upon the suggestion of the Senator from Connecticut in the Senate when that amendment was put. Thus it has happened that a law went upon our statute books which contains provisions effectuating, if it were carried into full effect, the purpose which had been struggled for so long by persons to obtain possession, or to get these lands opened in some way to locators of mineral claims. This amendment which is now proposed to this appropriation bill is an amendment which is to operate an effect similar to that of the joint resolution which was introduced by the Senator from Utah in the last session of Congress, and against which I contended at different times during that last session, with the result that no action has ever yet been taken upon it.

It is always difficult to get the attention of the entire body of the Senate long enough to anything that does not involve more than a few million dollars in value of the public lands to have the right thing done about it. Nothing was ever done in respect to that.

The amendment now contains language utterly foreign to the purposes of this Indian appropriation bill in every particular, and I am addressing this argument to the Chair in order to fix the fact that the rule of the Senate requires, as it seems to me, that the Chair shall say it has no place upon this bill. The amendment reads:

> That all that part of the Uncompahgre Indian Reservation in the State of Utah except such lands as have been heretofore allotted or selected for allotment to said Uncompahgre Indians is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

Few, perhaps, would realize what was the significance of that language. It means, if possible, to afford opportunity to contend that those men who claim to be discoverers of that mineral shall be entitled to have their place as prior entrymen of that land, but, in any case, that that land, which is probably worth sums beyond our reckoning—a thousand dollars an acre as easily as 10 cents or 1 cent an acre—shall be taken up under the mineral-land laws of the United States; at $5 whenever it is a lode claim, and at $2.50 for a placer.

The Committee on Indian Affairs has always insisted, so far as I know—it did when I was a member of that committee—that this was a peculiar case. These lands were never discovered; the mines were never discovered in the sense in which gold and silver are discovered. This asphaltum and gilsonite lies right open to view. A man can discover it, if any one ever did in any proper sense discover it, by simply walking across the land. No discovery was ever made as a result of prospecting and search at various points, conducted with expense and loss, as prospectors for gold and silver make their discoveries. It was known to exist for a good while by men who traversed that country hunting; and the evidence, of which I have a considerable amount here on my table, was in the General Land Office. President Harrison's message, when he vetoed the first attempt to get that land, was perfectly conclusive that there was no discovery there, no location, nothing. The case is one entirely unsuited to the application of the mineral-land laws of the United States.

Mr. TILLMAN. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,
Bate,
Berry,
Brown,
Burrows,
Caffery,
Call,
Cannon,
Chandler,
Chilton,
Clark,
Cullom,
Davis,
Elkins,
Gallinger,
Gray,
Hill,
Hoar,
Jones, Ark.
Kenney,
Lindsay,
Lodge,
McBride,
McMillan,
Martin,
Mills,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Stewart,
Tillman,
Vest,
Vilas,
Walthall,
Wetmore.

The VICE-PRESIDENT. Thirty-nine Senators have answered to their names. A quorum is not present.

Mr. TILLMAN. I move that the Senate adjourn.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. That is not in order.

Mr. VEST. I beg pardon. I was not aware that there was no quorum.

The VICE-PRESIDENT. There being no quorum of the Senate present, the Senator from South Carolina moves that the Senate adjourn.

Mr. HILL. I wish the Senator would withdraw that motion for a little while.

Mr. TILLMAN. There is no use of staying here unless we can get a quorum.

Mr. HILL. We can get a quorum in a few moments.

Mr. TILLMAN. Then I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. ALLISON, Mr. BRICE, and Mr. TELLER entered the Chamber, and respectively responded to their names.

Mr. PASCO. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Florida that the Senate adjourn. [Putting the question.] The "ayes" seem to have it.

Mr. ALLISON and Mr. PLATT. Let us have the yeas and nays.

Mr. CULLOM. I think we ought to go on with this bill for an hour longer, and get something done.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence, I withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 14, nays 30; as follows:

YEAS—14.

Berry,
Brown,
Caffery,
Cockrell,
Daniel,
Gallinger,
Gibson,
Gorman,
Jones, Ark.
Mills,
Proctor,
Pugh,
Vest,
Walthall.

NAYS—30.

Bacon,
Bate,
Brice,
Burrows,
Call,
Cannon,
Chandler,
Chilton,
Clark,
Cullom,
Gray,
Hawley,
Hill,
Hoar,
Kenney,
Lindsay,
Lodge,
McBride,
McMillan,
Martin,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Stewart,
Teller,
Turpie,
Voorhees,
Wetmore.

NOT VOTING—46.

Aldrich,
Allen,
Allison,
Baker,
Blackburn,
Blanchard,
Butler,
Cameron,
Carter,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gear,
George,
Gordon,
Hale,
Hansbrough,
Harris,
Irby,
Jones, Nev.
Kyle,
Mantle,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Palmer,
Pasco,
Pritchard,
Quay,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Squire,
Thurston,
Tillman,
Vilas,
Warren,
White,
Wilson,
Wolcott.

So the Senate refused to adjourn.

Several SENATORS. There is no quorum present.

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,
Bacon,
Bate,
Berry,
Brice,
Brown,
Burrows,
Butler,
Caffery,
Cannon,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Elkins,
Gallinger,
Gibson,
Gorman,
Gray,
Hawley,
Hill,
Hoar,
Jones, Ark.
Kenney,
Lindsay,
Lodge,
McBride,
McMillan,
Martin,
Mills,
Morgan,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Stewart,
Teller,
Tillman,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Wetmore.

The PRESIDING OFFICER (Mr. BERRY in the chair). Forty-nine Senators have answered to their names. A quorum is present.

AMENDMENT OF POSTAL LAWS.

Mr. CHANDLER. I ask permission to make a report, which ought to be made to-night.

The PRESIDING OFFICER. If there be no objection, the report will be received.

Mr. CHANDLER. I report from the Committee on Post-Offices and Post-Roads with amendments the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter. It is the bill known as the Loud bill. I submit a written report, which is brief, and which I ask, therefore, may be printed in the RECORD. The Senator from North Carolina [Mr. BUTLER] will submit to-morrow a supplemental report. I also submit the testimony which accompanies the report.

Mr. CULLOM. I desire to inquire of the Senator whether he expects to pass the Loud bill, so called, at the present session?

Mr. CHANDLER. If Senators will bear with me, I should like to have the report itself read.

Mr. STEWART. I will object to any proceeding in that bill from beginning to end. [Laughter.]

Mr. ALLISON. Will it not satisfy the Senator from New Hampshire to have the report printed in the RECORD?

Mr. CHANDLER. It is ordered to be printed in the RECORD, I understand.

Mr. ALLISON. Very well, then.

Mr. STEWART. I object to that.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the report be printed in the RECORD. Is there objection?

Mr. STEWART. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM. In view of the remarks of the Senator from Nevada [Mr. STEWART], I withdraw the inquiry I made of the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. I understood the order to print in the RECORD had been made. The report only covers two pages of letter paper, and I know the Senator from Nevada will withdraw his objection.

Mr. STEWART. I will not withdraw it. I think it is the worst bill ever reported.

The PRESIDING OFFICER. Objection is made.

Mr. CHANDLER. Then I ask that the report may be read.

The PRESIDING OFFICER. Is there objection?

Mr. STEWART. I object to the report being read.

Mr. VILAS. I should like to say, as I am a member of the subcommittee of the Committee on Post-Offices and Post-Roads, that the report which has been made——

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The report has been made to the Senate with its consent. I understand that the report must be read unless there be unanimous consent to the contrary.

The PRESIDING OFFICER. The Chair thinks the point is well taken.

Mr. HOAR. Therefore, I demand the reading of the report.

The PRESIDING OFFICER. The Chair will have the report read.

Mr. STEWART. Does that carry the right to read the report in full?

Mr. LODGE. Yes.

Mr. ALLISON (to Mr. STEWART). Withdraw the objection and let the report be printed in the RECORD.

Mr. STEWART. I want to know under what rule of the Senate a report of a committee can be read before a bill is taken up.

Mr. PETTIGREW. The bill before the Senate is the Indian appropriation bill. It has not been laid aside. I submit that any consent simply that a report shall be made does not embrace the right to read the document, which perhaps may take an hour of time.

Mr. CHANDLER. It is only two foolscap pages.

Mr. JONES of Arkansas. That does not make any difference. If you have a right to read it, you have a right to read a report of a thousand pages.

Mr. STEWART. It can not be read unless the bill is taken up.

Mr. LODGE. Oh, yes.

Mr. VILAS. Is there an appeal from the decision of the Chair?

Mr. ALLISON. I desire, before we adjourn, to say a word or two to the Senate as respects the condition of its business.

Mr. BUTLER. Will the Senator from Iowa pardon me for making a remark on this matter not in the nature of discussion? I desire to correct a statement of the Senator from New Hampshire [Mr. CHANDLER] which is before the Senate.

The Senator from New Hampshire, in making the report, stated that I would file a supplementary report. I wish to correct that statement (I am sure it was an oversight on the part of the Senator from New Hampshire) by saying that I will file a minority report, for I do not concur at all in the report of the committee and am opposed to reporting the bill. I am opposed to the report made.

Mr. CHANDLER. I did not say what kind of a report it would be.

Mr. BUTLER. I want to have it understood distinctly that it is a minority report and in opposition to the bill.

Mr. ALLISON. I yield for a moment to the Senator from Wisconsin.

Mr. VILAS. The Chair ruled that the report should be read. I had the floor and was about to refer to the report in the remarks which I desired to make for a moment only, and returned the report for the purpose of the execution of the order of the Chair. Is the report to be read under the ruling of the Chair, or is it not to be read?

The PRESIDING OFFICER. It will be read unless an appeal is taken and the Chair is overruled.

Mr. VILAS. If the report is to be read, I will wait until it is read. It is very brief.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. ALLISON. Mr. President——

Mr. CHANDLER. It could have been read in half the time we have taken.

The PRESIDING OFFICER. The Chair will——

Mr. ALLISON. I have the floor and I desire to say a word or two. I can say what I desire to say just as well now as after the report is read.

The PRESIDING OFFICER. If there be no objection, the Senator from Iowa will proceed.

Mr. ALLISON. The report can not be of such absolute importance that it must be read one minute rather than another. I yield to the Senator from Wisconsin.

Mr. VILAS. I merely wish to say a word in reference to the matter.

It was understood between the Senator from New Hampshire and myself that instead of making a minority report I should say one word in reference to it at the time the report was put in. As the report is to be read, it is proper that that should come first.

Mr. ALLISON. Understanding, then, the wishes and desires of the Senator from Wisconsin, I will occupy the attention of the Senate for just a moment, and then I shall yield for whatever is the purpose of the Senate.

I wish to state that if the business of the Senate is to be transacted during the few remaining days of the session, it will be necessary for Senators to remain here to a later hour than we have been accustomed to remaining and to meet here at an earlier hour than we have heretofore met. I do not wish to suggest any change in respect to the hour of meeting without giving suitable notice.

Mr. PLATT (to Mr. ALLISON). Give the notice for Wednesday next.

Mr. ALLISON. But I wish now to give notice that on to-morrow I will move that when the Senate adjourn it be to meet at 11 o'clock on Wednesday morning, and so on from day to day until otherwise ordered.

I wish also to say to Senators that if the appropriation bills are to be disposed of they must all practically pass the Senate before adjournment on Saturday, and that will be absolutely impossible unless we hold night sessions Thursday, Friday, and probably Saturday. I wish to give this notice, so that there may be opportunity for Senators to make arrangements in accordance with the necessities of the case as to the appropriation bills. I have no desire about the pending matter.

Mr. PLATT. May I inquire what appropriation bills have yet to pass the Senate?

Mr. ALLISON. The Indian appropriation bill, which is now under consideration; the District of Columbia appropriation bill, which is on the table; the sundry civil bill, which is now in committee; the Post-Office appropriation bill, which is in committee, but I think is ready to be reported, and probably will be reported to-morrow morning; the naval appropriation bill, and the deficiency appropriation bill.

Mr. GORMAN. The naval appropriation bill has not yet reached here.

Mr. ALLISON. It is perfectly manifest that if these bills are to be considered at the present session of Congress we must sit here from eight to ten or twelve hours each day until the close of the session.

Mr. STEWART. I appeal from the decision of the Chair ordering the report upon the bill to be read. I wish to make a remark.

I look upon this as the worst legislation that has been proposed. I desire to expose the character of this legislation, its injustice, its impolicy; and I am opposed to having a favorable report read when my mouth would be closed. It will not come up again. The report, I understand, states that the bill can not be passed at this session. The bill is not up at all, and I do not want a favorable report to go out and to have it understood that a majority of the Senate is in favor of its passage if there were time, without a brief opportunity to explain the character of the bill to the Senate. Consequently I am opposed to the reading of the report or any proceeding in reference to the bill until it is up for discussion. That is my only objection to the reading.

There is no minority report filed, and nobody has a right to state his objections; and here the bill comes, and it goes out to the country with a favorable recommendation. There is a great deal of feeling on this subject throughout the country, and to have a favorable report read and to have it understood that the only reason why the bill is not passed is because there is not time is unfair. I do not think the report ought to be read. I appeal from the decision of the Chair because it takes unanimous consent to take up the bill or to proceed with the report when another bill is pending.

Mr. GORMAN. I ask the Senator from Nevada to yield to me for one second.

Mr. STEWART. Yes, certainly.

Mr. GORMAN. It is very evident that nothing can be done here this afternoon, and I ask the Senators to give way that I may make a motion to adjourn.

Mr. STEWART. That is right.

Mr. VILAS. I hope the Senator will not make that motion for a moment.

Mr. GORMAN. Very well.

Mr. VILAS. The Senator from Maryland withdraws the motion.

The PRESIDING OFFICER. The Senator from Nevada appeals from the ruling of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GORMAN (to Mr. STEWART). Withdraw the appeal.

Mr. STEWART. I can not withdraw the appeal.

Mr. GORMAN. The Senator from Wisconsin desires to say one word.

Mr. STEWART. I yield to the Senator from Wisconsin to make a statement.

Mr. VILAS. I should like to say just a word with reference to the report. There has been much difference with respect to some of the suggestions of amendment contained in the bill which is reported. The report very briefly states the conclusion of the committee that the bill ought to be reported to the Senate, so that it can be dealt with. I have assented to that report. Among the amendments proposed, however, are some to which I can not assent at this time. One of them, and it is to it alone that I wish to engage the attention of the Senate for the moment, is the amendment proposing a 1-cent rate of postage. I believe that if the reforms proposed by the bill were effected in the postal service and such others as that service and the interest of the people in it demand should be applied to it, then 1-cent postage could be maintained and the cost would not be greater than it is to-day.

The total amount of 2-cent stamps sold last year was a little more than $43,000,000. Probably $40,000,000 went on letter postage. The reduction to 1 cent would be very likely to reduce the revenues of the Department at first between $15,000,000 and $20,000,000. But if a fair rate of postage were charged on the literature which the Government carries under the name of news matter, a revenue sufficient would be derived, permitting at the same time all newspapers to be carried at a more moderate rate, so that with one other leading reform—the proper reduction of the rates paid to railroads—there would be, in my opinion, no deficiency in the postal service if 1-cent postage were adopted. But without those reforms I do not think we have reached the time when we ought to adopt 1-cent postage.

Mr. STEWART. I have only one word to say. I applied to the Post-Office Department for information as to where the abuses occurred. I inquired of them as to what class of second-class matter they occurred in. I asked them what was the weight of the Sunday editions of the dailies, which they are making so large now as compared with the ordinary daily paper. I asked them a great many questions, trying to reach this abuse. They had no information to give me except the aggregate weight of all the second-class matter and the aggregate weight of the local newspapers, circulating free in the county of publication. That was all they could give me.

Now, I am confident that these very large Sunday editions of the dailies are an important matter in loading down the mails. Some of the largest weigh about a pound apiece. An ordinary newspaper weighs from 2½ to 4 ounces, while the ordinary weight of a large magazine is from 6 to 8 ounces. So the vast number of these great dailies which go through the mail, requiring on Sunday such an additional number of cars, it seems to me, are the principal cause of loading down the mails.

Besides, the literature that the bill would cut off is the most valuable educational system that the Government of the United States has. If you will go into any country library, you will find them building it up by means of the post-office. Their books will not be bound volumes, but they are circulating libraries, some of them being very large. I inquired why they had books without binding. They said they would be unable to furnish a circulating library in that community, except through this convenience. The library books that go through the mail and the literature which the people desire so much do not begin to weigh so much as many other things that might be dispensed with. At all events, if we had the information—none is here—you could judge of it. It seems to me that this is a blow at the most important branch of education in which the General Government can engage. It has been enjoyed for many years, and we should guard it as a great privilege. To pass a law now cutting it off, without any knowledge on the part of the Department whether or not that is the cause of the deficiency, is wrong.

Then, again, we have reports from all sides of abuses in the railroad department. It seems to me that before anything is done the Postmaster-General should look over the whole matter and report in detail. We have no such detailed report. I desire to protest against having an impression go out that any such bill as this will ever become a law or will have the sanction of the Senate. That is the reason why I object to the reading of the report at this time.

Mr. GORMAN. I move that the Senate adjourn.

Mr. BUTLER. Will the gentleman from Maryland withdraw his motion temporarily?

Mr. GORMAN. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BUTLER. Mr. President, I would not detain the Senate now, at this late hour, were it not that this majority report has come up from the Post-Office Committee, of which I am a member. I am opposed to this bill. I do not concur in the report made by a majority of the committee. I am preparing a minority report. If that report were ready and could go into the RECORD on the same day with the majority report, I would be content to wait till this bill should be taken up for action. The minority report will not be ready before to-morrow. I can not allow the majority report to go into the RECORD to-day without stating briefly some of my objections to this mischievous measure.

The real purposes of this measure do not appear on its face. Its real purposes, or at least its effects if it should become a law, are far-reaching and dangerous. The gold ring, the monopolies, and trusts already control the avenues and agencies of rapid communication and intelligence. They filter and control the news that appears in the daily press each morning. They now seek through this bill to close up as far as possible the only other avenue left free and open. This bill is seeking to run the gantlet of Congress under false pretenses.

The friends of this bill, known as the Loud postal bill, come to Congress under the guise of reform and economy and ask you to pass a bill. A bill that will do what? A bill that will cut out of the mails a large part of the literature that the people to-day receive, desire to receive, through the mails at second-class rates. A bill to do what? A bill to deprive the people who live along the star routes of one-half of the privileges which they to-day receive from the postal system of this country: a bill intended—if not intended, that would be the result—to cut out from the mails all standard works now published in cheap form with paper covers; that is, the works of Dickens, Scott, Hawthorn, Washington Irving, and hundreds of others which are now being published in cheap form and are going through the mails at second-class rates. Even Webster's Unabridged Dictionary to-day goes to people out in the country in cheap form with paper cover.

Coin's Financial School and books of that kind have gone through the mails to possibly every post-office in America, and more are going. This bill cuts all these books out of the mails. Is that the purpose of those who favor this bill? The man who lives in a city can buy them at a news stand. The man who lives in the country and who relies on the postal system to bring him in touch with civilization is dependent upon the mails to give him the benefits that the man who lives in a city or who rides frequently upon a train is not so dependent upon. The professed reason for this bill is reform and economy, but those who come and ask you to pass it in the interest of economy are those who vote for more subsidies, those who vote to take more millions out of the Treasury of the Government than any other class of men in the Senate and in the House. And yet, in the name of reform and in the name of economy, they come here and ask you to pass a bill that robs the people of half the benefits they to-day get from the postal system.

Mr. President, the bill would be infamous in its results if it should pass. If the people of this country knew what is in the bill, there would be such indignation from ocean to ocean as has not been seen for twenty years. The American people will never tolerate such a measure when they know what is in it and what will be its results.

I will present a minority report to-morrow, and if those who profess to want reform mean reform in the interests of the general public, if those who profess to want to stop the deficit in the Post-Office Department mean that in good faith, I can point them

to a way to accomplish that result. I can show how the Post-Office Department can save from $10,000,000 to $12,000,000 a year, and the deficit now is but $8,000,000. You can save $12,000,000 a year by simply paying the railroads for the mail actually hauled and at the contract price, and no more. The Government pays the railroads for a great deal more weight than the roads really haul. It is the fault of the Government that this is done. Besides, the contract price is entirely too high. During the last twenty years freight rates have been reduced about 40 per cent, yet the Government is now paying about the same rates that it did twenty years ago. Why do not those who are so much concerned about the deficit in the Post-Office Department turn their attention to these big leakages and gross abuses? Let those who profess to favor economy and reform help to correct these abuses.

Mr. President, we to-day not only pay the railroads nearly $30,000,000 a year to haul the mails, but we also pay them rent for the cars in which the mail is carried. Why pay rent for cars when we pay freight charges? Besides, the rent we pay for the cars each year would pay for the cars in a year or two. Why not own our cars and pay the railroads a fair price to haul them? These are the reforms needed. They will stop the deficit and not rob the people of any of the blessings they now enjoy from the postal system. These changes would result in such economy that the Post-Office Department would have a surplus instead of a deficit.

But, Mr. President, if the people must be robbed of one of the greatest benefits of the postal system to stop a small deficit of $8,000,000, then I say, Let the deficit stand. There is no way that the money could be expended that means so much for the benefit of the general public.

Think of it—$32,000,000 paid to the railroads each year for what mail they carry, while the whole mail star-route system of the country costs only a little over $5,000,000 a year.

Mr. President, enough can be saved on what is paid the railroads in two years to buy every telegraph line in the country and establish a postal telegraph in connection with the post-office system.

If you want reform, if you want economy, if you want to make both ends meet and at the same time benefit the public, that is the way to do it. The facts are too plain and positive to be denied or even questioned. A postal telegraph would mean that all the avenues and agencies of information would be open and free to all alike.

Mr. President, that bill—and I address my remarks now to the Republican side of the Senate—will close down many enterprises, like the Republicans say a reform tariff bill will. The bill will close down prosperous book firms. It will close down legitimate enterprises that are to-day in operation. It will throw people out of employment. It will put the book business in the hands of a smaller number than those who are now in it. How can any man who says that he opposes the reduction of the tariff because it throws labor out of employment favor this bill unless he can show better reasons for its passage than are in it?

Mr. President, it goes further than that. This bill will bear hard upon the country weekly newspapers. The bill robs the editor of the country newspaper of his only chance to-day of advertising his paper and increasing his circulation. It robs the man who wants to start a paper, and who has little means, of the only chance to build up his paper and compete with papers that are already established and have plenty of money behind them. This bill robs them of the sample-copy privilege, which to-day is the main resource that the country editor has to advertise his paper and extend his circulation. I dare say that if the bill passes, your newspaper, the Silver Knight [turning to Senator STEWART], will be crippled. You have built up your circulation chiefly by sending out sample copies. The profits from your paper would not justify you in putting a man on the road, to pay railroad fare and hotel bills to get subscribers for your paper. You must depend upon sample copies largely.

Mr. President, the bill will create a newspaper trust, as well as rob the people of half the benefits to-day that they get from the postal system.

Mr. CHANDLER. The Senator says the bill is an infamous bill. The first proposition of the bill is for 1-cent letter postage. I will not undertake to talk against an uncorked Populist to-night. I ask the Senator from Nevada whether, if I will withdraw the call for the reading of the report, he will withdraw his appeal, and allow the report, which is very short, to go into the RECORD?

Mr. STEWART. I am willing now that it shall be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada withdraws the appeal which he had taken from the ruling of the Chair, and the Senator from New Hampshire asks unanimous consent that the report be printed in the RECORD without reading. Is there objection?

Mr. BUTLER. I do not intend to object except to correct the statement of the Senator from New Hampshire. I did not say, as he quotes me, intentionally, I am sure, that this is an infamous bill; but I said its results would be infamous. To say that the bill is infamous on its face would be to question the motives of those who favor the bill, and that I do not wish to do.

Mr. CHANDLER. The report will show that the Senator said it was an infamous bill.

The PRESIDING OFFICER. Does the Senator from North Carolina object to the request made by the Senator from New Hampshire?

Mr. BUTLER. The RECORD will show that I did not say what the Senator from New Hampshire says that I said.

Mr. CHANDLER. I renew my request.

Mr. BUTLER. I make no objection.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The report is as follows:

This bill was received from the House on January 7, 1897. The committee found a widespread interest in the bill prevailing throughout the country; on the one hand on the part of those patrons of the mails sending second-class matter, who appeared to desire to preserve the present system substantially as it exists, and on the other hand on the part of those who wish alleged abuses to be corrected, hoping that the saving in expenditure thereby effected will enable the Post-Office Department, without too great an increase of its annual deficit in revenues, to give to the public a 1-cent rate of postage on single letters, or otherwise to give benefits to the community not now attainable. Hearings were asked for on both sides and given by the committee on the 16th, 23d, and 30th days of January.

As time has passed, it has seemed to the committee that with the wide difference of opinion existing between the various interests and also among members of the committee as to the extent of existing abuses and the proper method of providing remedies, it will not be possible to secure passage of the bill through the Senate at the present session.

The committee, however, report the bill to the Senate, with certain amendments prepared by the acting chairman, in order that it may be taken up for consideration, if time permits, each member reserving his final opinion upon the amendments and the bill until they come up for consideration.

The committee also recommend that a postal commission be created by legislation, as follows:

"That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free-delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions, shall be examined by a postal reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendations for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available and to be expended according to the direction of the Postmaster-General; said commission to expire on the 31st day of December, 1897."

The committee submit to the Senate a report of the hearings which have taken place, and recommend that it be printed with this report, together with a copy of the bill as reported with amendments, and with the House report (No. 230, Fifty-fourth Congress, first session) in favor of the House bill.

HOUR OF DAILY MEETING.

Mr. ALLISON. I offer a resolution which I should be glad to have considered now, unless there is some objection to it.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That on and after February 24 the hour of daily meeting of the Senate shall be 11 o'clock a. m.

Mr. HILL. What time is fixed?

Mr. GRAY. Wednesday.

Mr. HILL. I move that the Senate proceed to the consideration of executive business. There is some executive business that I should like to have the Senate transact. I made that motion some time ago, but I withdrew it for the purpose of having the discussion which has taken place.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution offered by the Senator from Iowa?

Mr. HILL. I make none unless everybody else is to transact his business so that I can not get mine transacted; that is all. I trust there will be no objection to an executive session.

The PRESIDING OFFICER. Does the Senator from New York yield for the purpose of having the resolution considered?

Mr. HILL. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. GORMAN. Pending that, I move that the Senate do now adjourn.

Mr. HILL. I trust the Senator from Maryland will withdraw that motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 23, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 22, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, this, I believe, is the day assigned under the rules for the consideration of business reported from the Committee on the District of Columbia.

Mr. HOOKER. Mr. Speaker, I hope the gentleman will not object to the consideration of the bill I send to the desk.

Mr. CANNON. I ask the chairman of the Committee on the District of Columbia, in view of the fact that there are but two appropriation bills not yet considered by the House, that he ask unanimous consent—I suggest that he ask unanimous consent—that after the deficiency bill is disposed of, which can be disposed of in two hours, and the naval bill, then he can take a day, immediately after they are completed, for the consideration of District business.

Mr. BABCOCK. I desire to say, Mr. Speaker, that there are some very important matters here, bills with Senate amendments, that should be considered. But I am willing to concede anything to forward the business of the House; and with that understanding I would ask unanimous consent that the day immediately following the passage of the naval appropriation bill be substituted for to-day as District day.

Mr. WHEELER. Mr. Speaker, I understand the gentleman to say that there are important matters to come up. I would ask if he intends to bring up for consideration the bill S. 2840——

Mr. BINGHAM. What is the bill?

Mr. WHEELER. To charter——

Mr. BABCOCK. There are numerous measures on the Calendar before that. It is doubtful if it can be reached at all.

Mr. WHEELER. I dislike very much to object to any request made by the gentleman. I trust the gentleman will agree that this bill will not be brought up. I will not interpose any objection, if he will not bring up the bill.

Mr. BABCOCK. I move that the day immediately following the passage of the naval appropriation bill be substituted as District day instead of this day.

The SPEAKER. The Chair thinks that would hardly be in order.

Mr. CANNON. Does the gentleman from Alabama insist on his objection?

Mr. WHEELER. I will withdraw the objection.

So (there being no further objection) the request of Mr. BABCOCK was agreed to.

Mr. BOUTELLE. I understand that immediately after the deficiency bill the naval appropriation bill is to come up.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole for the further consideration of the deficiency bill.

QUESTION OF PRIVILEGE.

Mr. WALKER of Massachusetts. Mr. Speaker, I rise to a question of privilege, and also a question relating to the privileges of the House.

Mr. HOOKER. I hope the gentleman will allow the consideration of the bill I send to the desk.

Mr. CANNON. I can not give way. The gentleman can get it in afterwards.

The SPEAKER. The gentleman from Massachusetts rises to a question of privilege, and will state it.

Mr. WALKER of Massachusetts. I rise to a question of personal privilege, and also to a question that concerns the privileges of the House. I will first state my question of personal privilege.

The members of this House are aware that this is the first time in a service of eight years that I have risen to a question of personal privilege, and I have had my full share of being misunderstood by the newspaper correspondents.

Mr. Speaker, I object to being used by the newspaper correspondents who are provided by this House with accommodations to report accurately and justly the proceedings in this House. Their prejudices against any members of the House, above all against the Speaker of the House, should not be written into the words of members. I hold in my hand the New York Journal of Saturday, February 20, which, after a considerable display of the Speaker in pictorial form, says:

> Czar REED's tyranny leads to an open revolt—WALKER of Massachusetts fires a public shot against the czar's tactics.

I open the paper from my home and find an article headed:

> Speaker REED attacked—Congressman WALKER assails the czar of the House.

I want to show by the record, Mr. Speaker, that there is not a word I uttered, either on this occasion or any other, where I had occasion to criticise any one personally, but the rules and the proceedings of the House and some of its committees. My words were in no sense a reflection on the Speaker of this House, any more than that the Speaker of this House was caught in the toils of the arbitrary proceedings that have been growing up here for many years. In the exercise of the power which the rules and proceedings of the House devolve on the Speaker he is compelled, whether he will or not, to exercise a power which is not only arbitrary, but tyrannical, and necessarily so.

No Speaker, as I have stated publicly and privately, has occupied that chair and has exercised his great power with any more fairness and candor and discretion and patriotism than the gentleman who now occupies it. But it makes it none the less tyranny to the members of this House in their attempts to represent their districts. The rules of this House to-day, under the advice and rulings of the Speaker, are less tyrannical than they were before, when we were subjected to the tyranny of any member of this House, day in and day out, sometimes covering more than a week.

So much for my criticism of the Speaker, and I may be allowed to say I shall not be deterred in the future, any more than in the past, from exercising my rights on this floor, because the dearest friends I have are involved in the injustice done. I ask the unanimous consent of the House of publishing in the RECORD the declarations of the present Speaker with reference to our rules. They are deliberate, fair, and candid declarations of the facts in the case. He has done more than any other man in the country to bring to the attention of the country and of this House the needed reformation of its rules. I now ask unanimous consent, in order that I may not take the time of the House in reading them, that these words of the Speaker may be published in the RECORD.

Mr. BARRETT. Before agreeing to that permission, I should like to ask in what connection the statements alleged to have been made by the present Speaker of the House were made.

Mr. WALKER of Massachusetts. I will say that they are made in the Forum, in a series of articles that very carefully discuss the rules of the House, and they fully justify me in what I have said in the House concerning its rules. I ask the privilege of publishing these extracts in the RECORD, rather than to read them. Otherwise I shall send them to the desk and have them read, as I have a right to do. I ask this simply to save the time of the House.

Mr. BARRETT. I wanted to make sure that the remarks alleged to have been made were properly certified, and to know if they were made over the signature of the gentleman.

Mr. WALKER of Massachusetts. Why, certainly.

The SPEAKER. Are the dates given?

Mr. WALKER of Massachusetts. Yes, the dates and quotations.

The SPEAKER. The gentleman asks unanimous consent to publish in the RECORD the extracts which he will send to the Clerk's desk. Is there objection?

There was no objection.

The extracts referred to are as follows:

EXTRACTS FROM THE NORTH AMERICAN REVIEW.

[February, 1891. Page 148.]

In the United States of America every two years there occurs an event which has sometimes been thought to be a lesson to the effete and unprogressive monarchies of the Old World, and to be not without a certain spectacular beauty even to the favored participants. At that time, throughout 4,000,000 square miles of territory, lying between the two greatest oceans of the world and between its greatest lakes and its broadest gulf, 60,000,000 of civilized beings, some of whom are also enlightened, have reached the decision of a great contest of opinion and have selected the materials for the machinery by the aid of which those same 60,000,000 of people are to so govern themselves as to make that progress in liberty and civilization which will enable them to realize the somewhat unrestrained expectations of their ancestors and to live up to the high calling which is to be found in Fourth-of-July orations and other discourses hopeful of the progress of the race.

[February, 1891. Page 149.]

So far as I can understand it, this struggle, battle, and decision have for their purpose, as regards the House of Representatives, the selection of a representative body, which, so far as its powers go, is to formulate into laws the wishes of the people who are to be governed by those laws, and who have expressed their wishes at the polls.

[February, 1891. Page 151.]

For what purpose is a House of Representatives elected? Is it to pass the appropriation bills and then go home and say to the people, "You certainly ordered us by your votes to do certain things; you undoubtedly went through the agony of a fiercely contested election and decided upon certain questions, and intrusted us with the making of the laws to carry out your decisions, but we have not done anything of the sort?"

[February, 1891. Page 151.]

Why should orators convince the judgments and able editors satisfy the minds of voters if nothing is to come of it? Why have an election if it chooses nothing? Why a decision at the polls if it decides nothing?

[February, 1891. Page 152.]

The obstruction which to-day delays public business is modern, and it is not only true of the two Houses of Congress, but of parliaments all over the world. Everywhere that decent respect for the rights of the majority which caused those who were outnumbered to submit after the intellectual struggle was over seems to be giving way to that brutal exercise of mere physical obstruction which certainly can not be tolerated if representative government by the majority is to survive.

[February, 1891. Page 152.]

It so happens that party measures are precisely those measures which enter into the contests of election, into the discussions which precede and the decision which ends them. We have, therefore, the strange anomaly of the greatest resistance made on those very points which have been already passed upon by the people. What has been decided is precisely what is hardest fought afterwards.

[February, 1891. Page 153.]

There has been such a growth of obstruction that remedies had to be found, and still others must be found in the future. Such remedies, while they will, after the unreasoning passions have subsided, lead to real debates and sound deliberation such as we all desire, will also utterly cut off mere talk, that moth of time and of business which seeks to kill by indirection what nobody could kill in the open House by an open vote.

[February, 1891. Page 154.]

The waste of time in the House is simply inconceivable. The pernicious habit of destroying time by utterly needless calls of the roll for yeas and nays is so bad that even at the risk of repetition it is worth while to call attention to the figures which the last session disclosed. A roll call costs, one time with another, twenty-five minutes. Inasmuch as 458 roll calls were had last session, of which not 100 were legitimate, not less than one hundred and eighty hours were wasted. Five hours is a whole legislative day. Thirty days at least were therefore wasted last session in mere roll calls. This waste could be in a great measure prevented by requiring all motions now made for dilatory purposes to be seconded by a majority before they could be entertained.

[February, 1891. Page 156.]

The business of 60,000,000 people must be carried on. If obstruction increases, repression must increase. If talk, utterly irrelevant, consumes time and destroys public business, talk must be limited, and then men will have less temptation to irrelevancy and true debate will flourish.

[May, 1890. Page 537.]

What has been done ought to be preserved intact, because very much more needs to be done before the House becomes a deliberative body capable of satisfactorily doing the business of a great nation, which becomes every day visibly greater.

[October, 1889. Page 424.]

What is a legislative body for? It is not merely to make laws. It is to decide on all questions of public grievance, to determine between the different views entertained by men of diverse interests, and to reconcile them both with justice. It must in some form hear the people. A negative decision by a legislative body is of as much value to the community as a law. Time is not lost when cases are investigated and action refused. Half the grievances of mankind turn out to be unfounded as soon as somebody is found to listen to them.

[October, 1889. Page 424.]

A legislature is the court of very last resort. Therefore it would seem as if it should have such rules of action as would make the majority efficient. Our Government is founded upon the idea of majority rule. There can be no other government by the people.

[March, 1890. Page 332.]

The House of Representatives is a body of men 330 in number, representing a vast extent of country, with interests and wants so varied that no catalogue could enumerate them.

[October, 1889. Page 425.]

If time were eternity, or men were angels, there should be no limit to debate. But in the House of Representatives men are not angels, and even time is limited to five hours in the day and six months in the year, and therefore debate is much abridged. * * * When debate becomes the rule and speechmaking the exception, we shall have a better state of things in that regard, for speechmaking contributes more than anything else to the ruin of debate.

[October, 1889. Page 426.]

If dilatory motions were reduced to their lowest limit, or, even as such, entirely abolished, there would be greater facilities for action and consideration; and therefore there would be a greater chance for debate, and the danger of unwise laws would be much lessened. The present system is capable of indefinite abuse, and the actual abuse is increasing every year.

[October, 1889. Page 428.]

The people of the country ought with one voice to help and support any honest effort to do business and to shorten Congressional sessions.

[October, 1889. Page 425.]

When a legislative body makes rules, it does not make them, as the people make constitutions, to limit power and to provide for rights; they are made to facilitate the orderly and safe transaction of business. * * * As a body, they represent the whole people of the United States, and have, therefore, no right to limit their own power. Rules should not be barriers; they should be guides.

[October, 1889. Page 426.]

With the greatest liberty new rules could possibly give to it, the House could never pass upon one-fifth of the business presented.

[May, 1890. Page 540.]

The vote by yeas and nays, intended by the framers of the Constitution simply to show constituencies how their representatives voted, has been prostituted to the use of the filibusters. With 330 members in a place so large that it is itself an imperative invitation to confusion, it takes, one time with another, a full half hour to ascertain the vote. Eight roll calls will utterly ruin a day. Hence any plan which makes roll calls inevitable is a sure plan for obstruction.

[October, 1889. Page 422.]

A provision of the Constitution has been wrested from its original design and made the corner stone of the rampart of obstruction. The Constitution provides that, whenever one-fifth of the members desire it, the yeas and nays shall be entered on the Journal.

[October, 1889. Page 423.]

So completely has this provision of the Constitution been turned from its original purpose that I should not be surprised to find that double the number of pages of the House Journal had been wasted in the record of yeas and nays on frivolous motions than had been used to record all the votes on serious questions.

[May, 1890. Page 546.]

The Constitution itself gives to one-fifth of the members a right that to-day is the greatest cause of delay and waste of time which still remains in the House of Representatives. * * * Whether some mechanical contrivance can diminish this waste of time and commend itself alike to the Constitution and the House will soon have to be considered.

[May, 1890. Page 544.]

All private bills go to the Private Calendar, and the claims of individuals have now no chance except what they receive during the Fridays which the press of public business permits to be used for their consideration. There is in the House no calendar which seems so hopeless and so unattackable. During thirteen years I have seen many bright and sanguine men propose remedies and offer panaceas, but they have all failed to meet the disease.

[May, 1890. Page 545.]

Energies which could have made new fortunes have too often been spent in vain pursuit of decisions of Congress which can never be obtained.

[May, 1890. Page 544.]

Many men who were among the prognosticators of evil when the new rules were passed were entirely sincere in the belief that, if the House obtained the right to do what it pleased, extravagance and unreason would run riot. Accustomed to get behind the rules as the sole protection, they forgot that the best protection of a country is liberty and government of the majority. They can now see that facility of action has but increased the sense of responsibility, and that, instead of the rules, the real protectors of the Treasury are the good sense and honesty of the members of the House.

Mr. WALKER of Massachusetts. Now, Mr. Speaker, on Friday I had occasion to criticise the action of the Committee on Appropriations on a bill now before this House. I wish to say that my criticism of the Committee on Appropriations goes to their violating my rights as a member of this House. I have a right to assume that, when the Committee on Appropriations makes a report to this House in the form of a bill, that the bill is made in accordance with the law, and that there is not an item in an appropriation bill which they bring in here which is knowingly in opposition to the laws which they swore to support when they took their oath of office as members of this House; and, furthermore, that my rights are violated in incorporating unlawful provisions, because I am not supposed to examine every item in the appropriation bill that is brought in by the Committee on Appropriations, and to pass upon its legality. I have a right to assume that every item in an appropriation bill is not subject to a point of order, as in violation of law, unless it is put into that bill inadvertently, unless a mistake is made. I have a right to assume that they do not deliberately, and for the purpose of securing legislation for appropriations not warranted by existing law, put in items in an appropriation bill knowing they are not warranted by law. I said on that occasion——

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. RICHARDSON. I submit that there is no question of privilege pending.

The SPEAKER. The Chair has not heard any stated yet.

Mr. WALKER of Massachusetts. My statement is that the Committee on Appropriations knowingly put into the appropriation bill ten items each one of which was subject to a point of order as not supported by existing law, and which they were not justified in putting into the appropriation bill because there is no law on the statute books to justify them. That is my point of order. That is the question of privilege.

The SPEAKER. What action does the gentleman propose?

Mr. WALKER of Massachusetts. I propose to ask the House to take such action as it deems proper after I present my case. I propose to submit the question to this House for its action. Now, on Friday, February 19, I used this language in this House:

> The action of the Committee on Appropriations in its treatment of honest claims of citizens of this country against the Government of the United States is indefensible, and, furthermore, their treatment of this House in the favoritism which they manifest. The favor which they show in all matters in which they are interested, and the absolute impossibility of getting a hearing on matters that they are not interested in, is emphasized beyond measure, and becomes a question of human liberty. Why, Mr. Chairman, what a mockery it is for the chairman of this Committee on Appropriations to stand on this floor and say that he "would be very glad to consider this legislation when it is before the House!" In God's name, how are we to get such legislation before this House? Will anybody tell me how you are going to get the payment of just claims and the awards of the Court of Claims before the House? How are you going to get this or any legislation before the House, however much members of this body or the people of the country may need it or desire it?

Mr. WILLIAM A. STONE. I rise to a point of order.

The SPEAKER. The Chair thinks that the proposition of the gentleman from Massachusetts [Mr. WALKER] to make a discourse on the subject and then leave it to the House is not raising a question of privilege.

Mr. WALKER of Massachusetts. I think that this committee——

The SPEAKER. The gentleman from Massachusetts will see at once upon reflection that if such was the admitted practice of the House any gentleman might make a speech of an hour under that head and then nothing be done about it.

Mr. WALKER of Massachusetts. Then, Mr. Speaker, I offer this resolution——

Mr. WILLIAM A. STONE. To that I raise a point of order.

Mr. HULL. We shall have to hear the resolution first.

Mr. WILLIAM A. STONE. I have a pretty good idea of what it is.

Mr. WALKER of Massachusetts. I have not written the resolution. My resolution is to this effect:

> *Resolved*, That the Committee on Appropriations were not justified in bringing in ten items in their appropriation bill, under the laws or under the rules of the House, that were knowingly subject to the objection, under the point of order, that they were not justified by existing law.

The SPEAKER. The Chair does not think that could be a question of privilege.

Mr. WALKER of Massachusetts. Mr. Speaker, my point is that the committee——

The SPEAKER. If the gentleman had made the point at the time when the matter was pending before the House——

Mr. WALKER of Massachusetts. My point is that a member of the House does not know whether the items in an appropriation bill reported from the Committee on Appropriations, which is exceptional from the other committees—which may initiate legislation—are in order. Other committees are empowered to initiate new legislation, but the Committee on Appropriations, as appointed by this House, is circumscribed so that it can not initiate new legislation on its appropriation bills.

Mr. WILLIAM A. STONE. I insist on my point of order.

Mr. WALKER of Massachusetts (continuing). And in doing so it violates the rules of the House. That is my point of order.

The SPEAKER. The Chair thinks it is not a question of privilege when presented in this way.

Mr. HENDERSON. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. Debate on the pending amendment is limited to two hours, one-half of the time to be controlled by the gentleman from Illinois [Mr. CANNON] and the remaining half by the gentleman from Texas [Mr. SAYERS].

Mr. CANNON. One moment. On pages 54 and 55 of the deficiency bill as printed there were eight paragraphs touching the personnel of the House reported in the bill which went out on points of order on Saturday last. I ask now unanimous consent to reinsert those items.

Mr. SHERMAN. May I ask if that includes the amendment offered to the bill by myself?

Mr. CANNON. No; it does not.

Mr. WILLIAM A. STONE. I will say to the gentleman that if he renews his proposition I do not think there will be objection.

Mr. BAILEY. I ask the gentleman to withhold that request until I can look into it a little further. I do not think there will be objection.

The CHAIRMAN. The gentleman withdraws his request for the present.

Mr. SAYERS. Mr. Chairman, I desire to offer, in lieu of the amendments which I have offered to come in on line 24, page 61, and in lines 9 and 10, page 5, the following substitute in place of those amendments.

The CHAIRMAN. The gentleman desires to offer the following in lieu of the amendments pending, offered by him on Saturday.

Mr. SAYERS. This is not to be read in my time, Mr. Chairman.

The CHAIRMAN. The Chair understands that these are offered as substitutes.

Mr. SAYERS. But not to be read in my time.

The CHAIRMAN. The Chair understands these are offered as substitutes.

Mr. SAYERS. Certainly.

The CHAIRMAN. And the other amendments will be considered as pending. Does the Chair understand that the gentleman desires to withdraw the amendments offered on Saturday and substitute the following?

Mr. SAYERS. I will withdraw the amendments to which these are intended as substitutes, and allow them to be read as the amendments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Insert, in line 24, page 61, after the word "claims," the following:
> "Except claims for services over nonbond-aided lines of the bond-aided Pacific railroads."
> Strike out of lines 9 and 10, page 5, after the word "session," the following: "$16,277.91," and insert in lieu thereof the following:
> "For services over bond-aided lines, and to be credited to the sinking fund and interest accounts of said railroads, $14,712.45."

The CHAIRMAN. The gentleman asks unanimous consent that these amendments shall be considered as pending, in lieu of the amendments offered by him on Saturday to those paragraphs. Is there objection?

Mr. CANNON. As separate amendments.

The CHAIRMAN. A separate vote is demanded on them.

Mr. NORTHWAY. Let me inquire of the gentleman if you do not get your pages wrong?

Mr. WALKER of Massachusetts. I ask for the reading of that amendment. I did not hear it, and reserve my right to object.

The CHAIRMAN. Without objection, the Clerk will again report the amendments.

The amendments were again reported.

Mr. WALKER of Massachusetts. Mr. Chairman, I was unable to hear the reading on account of the confusion.

The CHAIRMAN. The Chair hopes that gentlemen will be seated and will be in order. It is impossible for members to hear the Clerk read the amendments. All gentlemen will please be seated and cease conversation.

The amendments were again read.

Mr. SAYERS. Mr. Chairman, I will ask the Clerk to read the third amendment.

The CHAIRMAN. The Clerk will read the other amendment, which was offered on Saturday and is pending.

The Clerk read as follows:

> Page 60, strike out all of lines from 18 to 24, inclusive.

Mr. SAYERS. Mr. Chairman, I ask the Chair to notify me when I shall have occupied fifteen minutes. I desire to call attention especially to the amendment which affects lines 18 to 24, inclusive, on page 60, which is to strike out an appropriation of $1,310,427.08 for the Southern Pacific Company. My information respecting this particular appropriation is that, if made, it will go to pay the Southern Pacific Company for transportation upon nonaided lines of the Central Pacific Railroad. The object of those of us who desire to defeat this appropriation is to withhold the money and to apply it in offset to a very large amount which is due from the Central Pacific Railroad Company to the Government, and those who are cooperating with me in this effort hold to the opinion that inasmuch as the owners of the Central Pacific Railroad Company, the owners of the Southern Pacific Company, and the owners of the Southern Pacific Railroad Company are practically the same persons, in good conscience and in equity Congress ought to withhold payment of this judgment until a full and fair settlement shall have been had between the Government and the Central Pacific Railroad Company.

Mr. DALZELL. May I ask the gentlemen whether any part of this money was earned by the aided railroads?

Mr. WILLIAM A. STONE. None of it.

Mr. SAYERS. I do not claim, Mr. Chairman, that any portion of this money was earned by the aided roads, but what I do claim is that the earnings of the nonaided branch lines of the Central Pacific Railroad ought to be withheld, upon the ground that those lines were built out of the revenues arising from the operation of the Central Pacific Railroad, which revenues, under the law, ought to have been, in part at least, applied to the payment of the Central Pacific Company's indebtedness to the Government, and also for another reason. I am now going to state a fact, not upon my own responsibility, but upon information derived from others. That fact is that, out of the earnings of the Central Pacific Railroad Company from 1872 to 1878 and from 1878 to 1886, about $7,000,000 were paid to the Pacific Mail Steamship Company as a subsidy, and that of that sum so paid there was due to the Government under the law, from 1872 to 1878, 5 per cent, and from 1878 to 1886 25 per cent, which money, as the Government's share of the earnings of the Central Pacific Railroad Company for application to the sinking fund, was illegally and improperly diverted to the payment of subsidies to the Pacific Mail Steamship Company, which was practically under the control and ownership of the same persons who owned and controlled the Central Pacific Railroad and who now own and control the Southern Pacific Railroad Company and the Southern Pacific Company.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. SAYERS. Yes.

Mr. HEPBURN. During either of the periods you have mentioned, was the Southern Pacific Railroad in existence?

Mr. SAYERS. I said the Southern Pacific Company.

Mr. HEPBURN Well, the company?

Mr. SAYERS. The Southern Pacific Company may not have been; but the very same gentlemen who constitute the Southern Pacific Company to-day constituted at that time the Central Pacific Railroad Company.

Mr. MAGUIRE. The Southern Pacific Company took charge of all these lines on April 1, 1885, and all of these claims have arisen since that time.

Mr. SAYERS. Now, Mr. Chairman, it may be contended that this appropriation ought to be made because a portion of this judgment was paid by an appropriation at the last session of this Congress, amounting to nearly $500,000.

Mr. BINGHAM. How much does that judgment carry, all told? A million and a half?

Mr. SAYERS. More than that; $1,800,000. That contention is correct as to the fact, Mr. Chairman. This judgment covered several items, and of the appropriation of $1,500,000 so made, about $500,000 was used in payment of part of this judgment and covering transportation, not over the Central Pacific Railroad or any of its unaided lines, but over other lines controlled and owned by the Southern Pacific Company. This present item is embraced in section 19, page 27, of the bill reported by the gentleman from Vermont [Mr. POWERS] for funding the indebtedness of the Central Pacific Railroad Company to the Government.

Mr. BINGHAM. The House defeated that bill, I believe.

Mr. SAYERS. In that section of the funding bill it is expressly provided that—

> Two million four hundred and fourteen thousand three hundred and twenty-six dollars and twenty-one cents standing on the books of the Treasury of the United States to the credit of the Central Pacific Railroad Company as compensation for services upon its nonaided lines, a portion of which is now in judgment in favor of the Southern Pacific Company, together with all interest thereon, shall be applied to the payment of the indebtedness of the Central Pacific Railroad Company to the Government.

Here is an admission by the Southern Pacific Company that the sum of $2,400,000, of which this appropriation is a part, may be applied to the payment of the indebtedness of the Central Pacific to the Government. And yet gentlemen to-day insist upon it that, because they have a naked judgment and because the offset which we seek to make in good conscience would not be admitted as an offset in a court of law, therefore Congress ought to make this appropriation for the benefit of the men who owe the Government sixty or seventy millions of dollars and who say that they are not able to pay it. For ten long years we have been resisting payment of a similar appropriation. Under the leadership of Mr. Burnes in the Fiftieth Congress this fight was begun, and in the Fifty-first Congress, with more members upon the floor than I have ever seen before or since then at a night session, the House by an unprecedented majority of over 40 to 1, decided that such an appropriation should not be paid.

Mr. CANNON. Would it interrupt my friend if I should ask him a question?

Mr. SAYERS. Certainly not.

Mr. CANNON. Is it not true that for almost ten years these identical nonbond-aided roads have been paid almost in full from the current appropriations for Government transportation, and that they are now being paid for current service?

Mr. SAYERS. They have not been paid, since I have been a member of the Appropriations Committee, from any appropriations made upon bills emanating from that committee——

Mr. CANNON. The gentleman forgets the appropriations in the sundry civil bill.

Mr. SAYERS. Except in the general deficiency bill of the first session of this Congress.

Mr. BINGHAM. They are paid under the Post-Office appropriation bill.

Mr. SAYERS. Certainly, but that bill——

Mr. BINGHAM. The appropriation for inland mail transportation includes their compensation.

Mr. SAYERS. The gentleman is referring to the Post-Office appropriation bill and to appropriations coming from the Post-Office and Post-Roads Committee; the gentleman from Pennsylvania has had charge of that bill.

Mr. HEPBURN. Will the gentleman permit me a moment? He just now said that ten years ago, by a vote of 51 to 1——

Mr. SAYERS. In the Fifty-first Congress.

Mr. HEPBURN. These judgments had been refused payment.

Mr. SAYERS. Yes.

Mr. HEPBURN. Now, let me remind the gentleman that it is only during a comparatively few months that these judgments have had any existence.

Mr. SAYERS. Oh, I beg the gentleman's pardon.

Mr. HEPBURN. The excuse made heretofore for nonpayment was that the claims had not been adjudicated.

Mr. SAYERS. I beg the gentleman's pardon. This is the old fight that has been going on ever since the Fiftieth Congress, session after session.

Mr. WATSON of Ohio. When was the judgment for which it is proposed to make appropriation obtained?

Mr SAYERS. I can not recall the exact date; but I may be able to furnish it to the gentleman in the course of the debate.

Now, the question before this committee is whether it will reverse the policy and action of the House for the last ten years and give to the Southern Pacific Company $1,300,000, that company having control of the Central Pacific Railroad and all its branch lines and having agreed in the funding bill, which was brought before the House, that this very money should be held by the Government as an offset pro tanto, to be applied to the payment of the indebtedness of the Central Pacific Railroad to the Government.

Gentlemen say that this judgment ought to be paid. I admit that it is a valid judgment, binding upon the Government; but at the same time, I insist that Congress, engaged in a death grapple with these railroads in order to force them to pay an indebtedness justly due the Government, ought to see to it that no money shall be appropriated for their benefit until a full and fair settlement is had between the Government and these companies.

Mr. BINGHAM. Will the gentleman yield to me for a question?

Mr. SAYERS. Yes.

Mr. BINGHAM. Why is it that the Government pays quarterly the Southern Pacific Railroad Company, in the same way it pays every other nonaided railroad company in the country, for the transportation of mails and munitions of war?

Mr. SAYERS. My friend, the House is not responsible for the conscience of any other branch of the Government.

Mr. BINGHAM. But we do pay that money now under the law.

Mr. SAYERS. The House is responsible for its own conscience.

Mr. BINGHAM. Do we not now make those payments under the law?

Mr. SAYERS. The Treasury Department does so; but because the Treasury Department may act unwisely——

Mr. BINGHAM. Those payments can not be made illegally, because Congress takes cognizance of them.

Mr. SAYERS. Is it incumbent upon this House to follow every policy inaugurated by the Departments?

Mr. BINGHAM. The Department pays under the law.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] has occupied fifteen minutes.

Mr. SAYERS. I will occupy only two or three minutes more. I will restate the question. It is a question which has been before this House for ten years past, which has been fought over and over, and again and again, and the battle has always gone in favor of the Government.

We admit the validity of this judgment. We do not deny that the Government owes this amount to the company. But we claim that inasmuch as the stockholders of the Southern Pacific Company and of the Central Pacific Railroad Company are practically one and the same, and inasmuch as one of these concerns is largely indebted to the Government and is in a state of confessed bankruptcy, and through its attorney has told us that it is unable to pay its indebtedness, this House will be derelict in its duty if it should pay over $1,300,000 of the money of the Government to the Southern Pacific Company with the indebtedness of the Central Pacific Railroad being unpaid. These gentlemen—the owners of the Central Pacific and the Southern Pacific railroads—are masquerading under the protection and hand of the Southern Pacific Company, incorporated by the legislature of Kentucky to operate railroads, to build railroads, to lease railroads, to carry on merchandise or banking business, and, in a word, to do everything that they may choose, provided they keep out of the State of Kentucky.

Mr. Chairman, I reserve the residue of my time.

Mr. CANNON. I yield ten minutes to the gentleman from Ohio [Mr. NORTHWAY].

Mr. WATSON of Ohio. Before my colleague takes the floor, I would like to ask the gentleman from Texas [Mr. SAYERS] a question. I understood the gentleman to say, before he sat down, in answer to a question of mine——

Mr. NORTHWAY. I hope this will not come out of my time, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. NORTHWAY. I can not yield.

Mr. WATSON of Ohio. There seems to be some misunderstanding as to the inquiry I made of the gentleman from Texas, but I will take another occasion to refer to it.

Mr. NORTHWAY. Mr. Chairman, I should not feel called upon to give an expression of my views on the question now under consideration were it not for the fact that a fierce struggle took place on the floor of the House several weeks ago, over what is known as the "funding bill," in which I took a short part. I voted against the provisions of the funding bill then presented. I shall now vote against the amendment presented by the gentleman from Texas [Mr. SAYERS] to strike out this provision, and I shall vote in favor of the judgment, and because of my vote on the funding bill to which I have referred, and on this question, I desire to be heard briefly at the present time. My vote on the funding bill had no reference whatever to the question of honor or not paying the debt or kindred questions involved in the controversy. The only objection to the funding bill, as then presented, was, in my judgment, that we could get better offers than were presented for a settlement of the claim of the Government of the United States. I believed that I was right then, and I know now that I was right.

Now, in reference to the matter directly under consideration, ten minutes will not suffice to present an argument, and I can only call attention briefly to the matter in question. The bill proposes to pay a judgment of one million three hundred and some odd thousand dollars obtained by the Southern Company—the Southern Pacific Company—against the United States.

The gentleman from Texas said that we have fought over this matter for about ten years. Now, let me invite his attention to the fact that the judgment was rendered by the Court of Claims on the 13th day of January, 1893, covering this amount; so that we have not fought over it for ten years.

Mr. SAYERS. What I said was that this matter has been fought over for ten years.

Mr. NORTHWAY. The idea was that this particular proposition has been in controversy for ten years.

Mr. SAYERS. And the money appropriated from time to time has been withheld.

Mr. NORTHWAY. The judgment was rendered on the 30th day of January, 1893.

Mr. SAYERS. That is correct.

Mr. NORTHWAY (continuing). And on an appeal taken by the Government to the Supreme Court of the United States; but they failed to perfect the appeal, because a decision rendered in April, 1886, had covered precisely the same question in a suit between the Central Pacific Company for services rendered on the nonbond-aided portions of the line and the United States.

Mr. BOATNER. Will the gentleman yield for a question for information?

Mr. NORTHWAY. Yes.

Mr. BOATNER. Will the gentleman be kind enough to inform us what became of the judgment rendered by the Supreme Court of the United States? Has it been paid?

Mr. NORTHWAY. It never has been paid.

Mr. SAYERS. No; it was not paid.

Mr. NORTHWAY. Now, what I wish to call your attention to especially is this: The claim is made that because the Central Pacific Company, over the bond-aided portion, is indebted to the Government on the bonds paid by the Government of the United States we should now withhold payment to the Southern Pacific Company, which has leased the Central Pacific, for services rendered upon the nonbond-aided portions of the line of road. And be it remembered, further, that not a cent of the judgment rendered is for services by the bond-aided line of road, or any other road except these nonbond-aided portions.

Mr. SAYERS. Of the Central Pacific?

Mr. NORTHWAY. Of the Central Pacific or any other road; because it does not apply to the bond-aided portions, but only to the nonbond-aided portions.

But the gentleman from Texas wants to withhold the payment of the judgment because we have the physical power to do so. He thinks because we have the power we should refuse to pay our debts.

But, Mr. Chairman, I call attention to one thing, and that, it seems to me, is conclusive in this regard. The contract for carrying the mails, for transporting troops and supplies and munitions of war, for which the judgment was rendered, was entered into between the Government of the United States and the Southern Pacific Company. We need not have entered into it. We bound the company to the performance of its duty; we required them to execute a bond for the performance of the work, and if it failed we could have entered judgment and collected the bond. I submit now that, having entered into that kind of contract, we are bound in law and in honor to perform our part of the contract as fully as we could have obliged the other side to perform their part of the contract.

Mr. JOHNSON of Indiana. May I interrupt the gentleman for just one minute?

Mr. NORTHWAY. Well, now, not for a minute.

Mr. JOHNSON of Indiana. Has the company owning this judgment come under the control of these other companies since the judgment was rendered?

Mr. NORTHWAY. It had the control of the nonbond-aided lines of the road before the judgment was rendered. The Southern Pacific Company came into the control of the Central Pacific, both the bond-aided portion and the nonbond-aided portion, in 1885, and this suit was commenced in 1888 in the Court of Claims. Judgment was rendered on the 30th of January, 1893, but for services performed strictly on the nonbond-aided lines. Now mark——

Mr. JOHNSON of Indiana. Who has the right to the judgment now?

Mr. NORTHWAY. The Southern Pacific Company.

Mr. JOHNSON of Indiana. The company in whose favor it was rendered?

Mr. NORTHWAY. Yes. It has not been assigned, but stands now in the name of the Southern Pacific Company; and now it is said, because the Central Pacific Company is indebted to us, we shall not pay the judgment which we agreed to pay to the Southern Pacific Company.

Now mark! This judgment could not have been rendered except in conformity with the law which we ourselves passed. We provided that that company might sue us, or else they could not have sued the Government of the United States. We promised by law, as faithfully as we could, that if any judgment was obtained against us we would pay it. Judgment was obtained against us, not a judgment on a finding of facts, but a judgment which could be enforced against an individual; and we stand here to-day in this attitude, that if we withhold this money we are doing precisely what we should do if the bonds of this Government had fallen due and we should decline to appropriate the money to pay them. There would be no power to collect it; that is all. By physical power we can decline to pay any of our indebtedness; by physical power we can decline to pay this indebtedness; but I submit that the lawmaking power, which passes laws to obligate all citizens to bow in submission to the law, should itself bow in submission to its own law, and should not stand and repudiate that which it forces upon all the millions of our people. We ourselves should be bound by the law by which we bind others.

Here was a contract which bound the Southern Pacific Company to do certain things. That company might have been wrong in leasing its lines; but we knew it, if it was. We entered into a contract with it, and the rule of law is everywhere positive, to which there is no exception, that when a person enters into a contract with another he shall not be heard to say that that other does not exist. The Government entered into a contract with the Southern Pacific Company. It should not to-day stand here and be heard to say that this Southern Pacific Company has no right to existence. We ourselves recognized its existence. We entered into a contract with it, and provided for the rendition of a judgment. The judgment has been rendered. It is a judgment which in law as against an individual could be enforced by execution.

Mr. DOCKERY. Will the gentleman allow me to suggest that the obligations of a contract are just as sacred on the part of this railroad company as on the part of the Government?

Mr. NORTHWAY. Precisely; but that Southern Pacific Company never cheated us. We entered into a contract with it. The United States has been heard in this matter in the Court of Claims. It has been heard in the Supreme Court of the United States, where the very questions were raised which the gentleman from Missouri [Mr. DOCKERY] will raise, and which were raised by the gentleman from Texas [Mr. SAYERS]. The Supreme Court has said that there was no equity in the claim of the Government. Law and equity are both against the Government, and the debt should be paid. The Supreme Court of the United States, the highest court in this land, has pronounced upon this matter, and we ought not to decline to be bound by the court which binds all the millions of our countrymen. We as individuals are bound by the decisions of that court, and it is one of the glories of this country that the decisions of that court must be submitted to. We compel all the people to submit to its decisions. Why should we not be bound by that court? These very questions that are to be asked to-day have been fought out, argued by the ablest attorneys, the court has passed fully upon the questions, and they have held that the objections raised against the payment of this claim are not defenses, either in law or in equity.

Mr. HARRISON. Was that matter litigated before the court?

Mr. NORTHWAY. Yes. Not this judgment, but the very question was litigated in a suit brought by the Central Pacific Railroad Company for services rendered over the nonbond-aided lines, and it was litigated in the Supreme Court, where the very same questions were presented.

Mr. HARRISON. Was not the Government represented before the Court of Claims in this case?

Mr. NORTHWAY. Yes, sir; and they took an appeal, and failed to perfect the appeal. Now, that very question was passed upon in 1886 by a full opinion of the Supreme Court of the United States, involving the exact question, where every point was litigated and every point passed upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Chairman, I would like to have the attention of the lawyers of this House for the brief time that I occupy the floor. To my mind this is one of the simplest questions we have ever had before us. The Southern Pacific Company was organized in 1885, and leased other roads. The services it rendered were the carrying of the mails and troops of the Government between 1885 and 1889. Nobody disputes that these services were rendered. They have rendered the same services ever since, and have been paid ever since without question; but, forsooth, because a court has rendered a judgment for these services, it has been picked out and objected to and fought over here term after term. Why, there has been no question raised as to the company's services in carrying the mails. Not at all. For similar services this year there has been no objection to the payment; but because this was embodied in a judgment it seems that they have found fault with it and declined to pay it.

Now, there is no defense to this claim—none under the shining sun. There is no equity or law or reason why it should not be paid. Gentlemen say that these companies are one and the same. Why? Because there was a funding bill in this House, and because members have won some glory in fighting railroads, they attack this item, and have assailed it furiously. Now, where is the equity of it? Where is the ground on which the assault stands? I claim there is none. But they say that the Central Pacific Railroad owes the United States Government, and for that reason the Government ought not to pay this claim. The city of Pittsburg owes the men who hold its bonds, and for that reason a man who holds its bonds ought not to pay a debt he owes me. The doctrine that you can offset a debt due an individual in dealing with a corporation of which he is a member was never enforced by any civilized court in the civilized world, and never will be; never can be. Where is the ground? Oh, they say the Central Pacific Railroad Company is indebted to the Government, and the Southern Pacific Company operates the Central Pacific, and they are all one and the same. They are not all one and the same. The stockholders of the Southern Pacific are in part stockholders of the Central Pacific. They are also stockholders, in part, of the Pennsylvania Railroad, and in part of the Baltimore and Ohio Railroad Company, and you may trace these stockholders into several companies. But because one of these companies of which they are stockholders is indebted to the Government, are you going to withhold what the Government owes to other companies in which they are interested? You are simply playing with the law and with equity and with justice. It becomes a travesty. You can do it by main, physical, muscular force; but you have no right to do it, no legal right, no equitable right, and no moral right to do it. Here is this railroad company performing this service for years, and you are paying for it year after year. But here this one time you say you will not pay it. Suppose I owe John Jones, and John Jones is a stockholder in a corporation that owes me, and he wants his money, and I say I will not pay him. Why? Because he belongs to a company that owes me, and it will not pay me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. Will the gentleman yield to me for a question?

Mr. WILLIAM A. STONE. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS (to Mr. CANNON). Will you yield him a minute?

Mr. CANNON. I yield to the gentleman from Pennsylvania two minutes.

Mr. SAYERS. Did not the gentleman vote for the Pacific funding bill?

Mr. WILLIAM A. STONE. I refer the gentleman to the RECORD.

Mr. SAYERS. I want to say if the gentleman did so vote, he voted to apply this very money just as we are seeking to apply it.

Mr. WILLIAM A. STONE. This is not a parallel claim and has no application here.

Mr. SAYERS. Yes, it has.

Mr. WILLIAM A. STONE. The policy of funding a debt which this and other roads owe the Government is one question, and the policy of the Government refusing to pay its admitted honest debts is another.

Mr. SAYERS. Will the gentleman say that he voted for that bill or not?

Mr. WILLIAM A. STONE. Will the gentleman tell this House why he opposes this proposition?

Mr. SAYERS. If you voted for that bill, you certainly can not oppose the amendment to strike out this appropriation and be consistent.

Mr. WILLIAM A. STONE. That has got nothing to do with the case. I hope the gentleman will not insist upon that.

Mr. SAYERS. I do.

Mr. WILLIAM A. STONE. This is not a kindergarten. It is the House of Representatives of the United States. There are gentlemen here who are learned in the law, who have been judges of the highest courts in their States, and yet we are asked in this House to favor and enforce a proposition that will be laughed at by every justice of the peace in the country; laughed at because there is no law, no equity, no common sense, and no morals in it.

Mr. HARRISON. Let me ask the gentleman if it is not a fact that this very funding bill also recognized the Southern Pacific Railroad Company as a separate company and proposed to take it as security for the Central?

Mr. WILLIAM A. STONE. Oh, I can not go into the details of the funding bill.

Mr. SAYERS. I yield twenty minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I do not expect to occupy so much time as the gentleman from Texas has kindly yielded. I ask the especial attention of Republican Representatives, because I intend to discuss this important issue in a businesslike manner. It is wholly removed from the arena of politics, and I may therefore claim the fair and impartial attention of gentlemen upon that side, and especially of my friend from Iowa [Mr. HEPBURN], whom I see so graciously beaming with smiles.

Mr. Chairman, this is an old contention which comes down to us from the Fiftieth Congress. The gentleman from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, has consistently during all these years urged this appropriation of public money. The gentleman from Texas [Mr. SAYERS] and myself, supported by an overwhelming majority of this body, regardless of the political party controlling, have hitherto opposed and succeeded in securing the rejection of the items contained in this judgment, which amount to $1,310,427.08.

The Fiftieth Congress rejected the items which constitute this judgment. The Fifty-first Congress also rejected the claims which entered into this judgment; and so, Mr. Chairman, during a period of eight years the House has considered the question and determined that although this is a valid claim, payment of it shall be withheld until the time arrives when the Government can adjudicate and settle its accounts with the Central Pacific Railroad Company. The parties to this controversy are the Southern Pacific Company, the Southern Pacific Railroad Company, the Central Pacific Railroad Company, and the United States Government. The Central Pacific Railroad was constructed, as gentlemen know, by the bounty of the Government.

The Government gave to that company a national charter. It gave it an ample right of way. It granted land on each side of the road amounting, I believe, to 12,800 acres per mile. It loaned its credit in the form of bonds to the extent of $16,000 per mile on 17 miles of the road; on 150 miles of the road it loaned its credit to the extent of $48,000 per mile, and on 580 miles of the road it loaned its credit to the extent of $32,000 per mile. These were all 6 per cent thirty-year bonds, so that it is obvious the Government gave to this railroad company a valuable grant of land and an enormous gift of bonds. To further encourage the enterprise, it also authorized the company to issue first-mortgage bonds at the rate of $16,000 per mile, which should be a first lien upon the road, the Government lien being subject to this first-mortgage indebtedness. The Central Pacific Railroad Company was therefore constructed at the expense of the people of the United States, and out of the bounty of the Government this corporation has largely built up its so-called nonaided lines.

Mr. HEPBURN. Will the gentleman tell us the process by which he proposes to apply the amount of this judgment rendered in favor of the Southern Pacific Railroad Company to extinguish the debt of the Central Pacific Railroad?

Mr. DOCKERY. If the gentleman will hear me through, I think I can make it so plain that my friend from Iowa will not err. Under the provisions of the Thurman Act, passed in 1878, the Central Pacific Railroad Company and the Union Pacific Railroad Company were required to pay into the Federal Treasury, in addition to their earnings for carrying the mails, troops, and munitions of war, a certain percentage of other earnings. That requirement was, in the main, I believe, substantially complied with by both of the companies. But now comes the sinister feature of this transaction.

In 1885 the Southern Pacific Company was organized under a charter granted by the State of Kentucky. That Southern Pacific Company, which then for the first time appeared upon the scene, was composed practically of the same stockholders as the Central Pacific Railroad Company. Furthermore, the Southern Pacific Railroad Company also consisted substantially of the same stockholders as the Central Pacific Railroad Company. So that we have the Central Pacific Railroad Company, controlled by Mr. C. P. Huntington and others; the Southern Pacific Company, controlled by Mr. C. P. Huntington and others; and the Southern Pacific Railroad Company, controlled by Mr. C. P. Huntington and others.

Now, what was the result of the advent of the Southern Pacific Company? It may be briefly stated. The Southern Pacific Company leased the Central Pacific Railroad and its nonaided lines for a term of ninety-nine years; it also leased the Southern Pacific Railroad line, which was a competing line, and by the leases thus effected by the Southern Pacific Company the earning capacity of the Central Pacific Railroad was largely diminished. That is to say, Mr. C. P. Huntington, assuming under the law the alias of a corporation, diverted from the Central Pacific Railroad the traffic which legitimately belonged to that line and transferred it to the Southern Pacific Railroad Company, and in that way deprived the Government of a large part of the earnings to which it was justly entitled under the Thurman Act. Moreover, Mr. Chairman, these leases also necessarily depreciated the value of the Central Pacific Railroad Company, so that Mr. Huntington has wistfully looked forward to the good time coming when a settlement with the Government would be made and he could purchase the Central Pacific Railroad for a nominal sum. This is the situation.

Mr. BOATNER. Were these defenses urged in the suit against the Government in which this judgment was rendered?

Mr. DOCKERY. I do not know. I suppose they could not be urged in law.

Mr. BOATNER. Why not?

Mr. DOCKERY. I come to-day, Mr. Chairman, let me say in reply to the gentleman from Louisiana, to appeal to this House not upon mere quibbles or hair-splitting technicalities. I come appealing to members of this House, as the representatives of 70,000,000 of people, to stand upon broader, higher ground than trifling legal technicalities, and to deal out even-handed justice as between the Government and this railroad corporation.

I claim, Mr. Chairman—and I desire to impress this fact upon the consciousness of every Representative here—that the Southern Pacific Company is but a mask; a disguise behind which the Central Pacific Railroad Company masquerades at the expense of the people of the United States. Why do I say so? Because the stockholders of these two companies are substantially the same. Their identity can be established.

Mr. BINGHAM. The gentleman does not know that.

Mr. BOWERS. Everybody in the United States knows it.

Mr. DOCKERY. I invite my friend from Pennsylvania [Mr. BINGHAM] when he takes the floor in his own right—because he has or can have sources of information which I have not—I invite him in the presence of the representatives of the American people to read the list of stockholders——

Mr. BINGHAM. I have not the list. They change every day.

Mr. DOCKERY. I challenge the gentleman and the gentleman from Illinois [Mr. CANNON] to read the names of the stockholders of the Southern Pacific Company and the Central Pacific Railroad.

Now, Mr. Chairman, what do these companies owe the Government? How do their accounts stand? On the 17th of the present month this defaulting corporation—otherwise known as Mr. C. P. Huntington and his brother stockholders—owed the Treasury of the United States, of money that had been taken from our constituents to pay the debts that the companies refused to pay, $9,605,210.06 on account of maturing bonds and interest. And that is not all, Mr. Chairman. On the 1st of January, 1899, when this debt will fully mature, Mr. Huntington, who comes here masquerading under three corporate names, will owe the Government in exact figures $60,249,130.53.

Now, Mr. Chairman, with that exhibit before the House, I can and do appeal to the other side of the House, with its 180 Republican majority, not to invade the Treasury of the people and take therefrom at a time of world-wide business depression $1,310,427.08, that Mr. Huntington himself admitted, on page 27 of the Pacific railroad funding bill, should be included as an offset against the debt of the United States.

Why, sir, I appeal to my good friend from Ohio [Mr. NORTHWAY], whom I know to be an honest and just man, to say what he would do if an insolvent debtor owed him $60,249,130.53 and that debtor perchance had obtained judgment against him to the amount of $2,414,326.21 in advance of the maturity of the $60,249,130.53 debt?

Mr. NORTHWAY. Will the gentleman permit me to say——

Mr. DOCKERY. I venture to say—and the gentleman from Ohio can answer in his own time—that in an individual transaction of that nature my good friend would not be swift of foot to pay over to the insolvent debtor the more than $60,000,000, but with all the agencies at his command would invoke the aid of the law to resist the payment of the $2,414,326.21 until such time as the insolvent debtor could be brought into a court of equity and compelled to offset one judgment with the other.

Mr. NORTHWAY. Now, will the gentleman permit me right there——

Mr. DOCKERY. I yield to the gentleman for just a moment.

Mr. NORTHWAY. If I had litigated the very question at issue—if I had carried into the Supreme Court of the United States and fought out in that court the very question involved, and had been defeated, I would pay the judgment against me.

Mr. DOCKERY. The gentleman from Ohio talks about the sacredness of a judgment. Why, sir, only ten days ago he stood on this floor, and side by side with myself and others, assisted in incorporating into the District of Columbia appropriation bill a provision prohibiting the payment of judgments rendered under the act of February 13, 1895. I refer to the judgments for the claims of the old "Boss Shepherd" régime.

Mr. NORTHWAY. I voted to repeal the law.

Mr. DOCKERY. Let the gentleman tell me, if he will, in his own time, wherein and how the judgments of Mr. C. P. Huntington, of California, and his associates, in the name of the Southern Pacific Company, are more sacred than the judgments rendered under the act of February 13, 1895, which the gentleman by his vote the other day declared, and properly declared, should not be paid.

Mr. Chairman, I speak earnestly on this question, because the payment of this judgment would involve a new departure, a departure from the policy of this House in all Congresses during the last eight years. The Fiftieth Congress spewed out this claim as unworthy. The Fifty-first Congress rejected it overwhelmingly. Shall it be said that now, at a time when our revenues are confessedly inadequate by nearly fifty millions of dollars to meet the current expenses of the Government, we are swift to seek out Mr. Huntington and advance him money, amounting to $1,310,427.08, which he himself offered to this House in the Pacific Railroad funding bill in part satisfaction of the claim of the Government against the Central Pacific Railroad Company?

If the Southern Pacific Company is not in fact the Central Pacific, will the gentleman from Illinois [Mr. CANNON], who has always consistently favored this appropriation, tell the House and the country by what authority Mr. Huntington proposed in the funding bill to admit the $1,310,427.08 as a set-off against the claim of the Government?

No, no, Mr. Chairman, this defaulting corporation, the Central Pacific Railroad Company, alias the Southern Pacific, alias the Southern Pacific Railroad Company, owes the people of the United States more than $60,000,000, $9,605,210.06 of which has been already paid by the National Treasury. The Government owes these corporations in justice an amount, including the sum now sought to be paid, of $2,414,326.21. And all we ask in behalf of the taxpayers of this country is that Congress shall withhold the payment of the $2,414,326.21 until the Government can effect a settlement with the defaulting corporation. Is it not fair; is it not just; is it not equitable? Is anything else fair and equitable and just to the people of this country?

I submit the question to the impartial judgment of gentlemen on the other side, who constitute an overwhelming majority of the House, trusting that when the vote is announced they will render such a decision as will indicate to Mr. Huntington that when he is

ready to pay the more than sixty million dollars he owes the Government, the United States will be prompt to reciprocate by paying the $2,414,326.21 which it owes him. [Applause.]

I yield back the remainder of the time to the gentleman from Texas.

The CHAIRMAN. The gentleman has occupied eighteen minutes.

Mr. CANNON. Mr. Chairman, I yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, the House of Representatives is now brought face to face with a simple question of law, and he who can not discuss it without overflowing with passion can not afford any light to the gentlemen present who are to vote upon it. It is neither a question of passion nor prejudice. I propose to discuss it, for the very brief time at my disposal, without appealing to the House because either of the love or hate borne to any man. It is a very novel proposition to find in the discussion of this question the House put into a condition of spasmodic ecstacy, utterly regardless of every principle of law or decency governing transactions between man and man, by an appeal to the prejudice that some man has against some other man.

I do not care anything about C. P. Huntington. I scarcely know him by sight. I know his history, and I do not propose that any bogy proposition shall be thrust in my face by any man on a question of so vital importance to the honor and integrity of my country as this. I know Collis P. Huntington by general repute as a man who to-day employs some 40,000 laborers in the United States of America, and pays them great wages for their services. I know him as a man who has built more miles of railroad than any other man in the United States of America or in the world. I know him as a man that in the very heat of the distress that swept the country three years ago, projected a mighty enterprise at Newport News, and stands to-day upholding it by his genius, generosity, and wisdom in the employment there of a vast horde of laboring men. I know him as a man against whom no strike of labor was ever had in the United States. Point me to a time when a man employed by C. P. Huntington ever struck because of the difficulty between himself and his employer.

Oh, I know it will be said that the Southern Pacific had a deadly strike here a year or two ago. That is true, it had. But it had no relation whatever to differences between their employees and themselves, but related solely to an expression of sympathy with their oppressed brethren in Pullman, Ill. I know Huntington in that regard. I know him as a man of enormous genius and magnificent enterprises. I know further than that that the man who to-day comes in here with apothecaries' scales and undertakes to weigh the relations between these roads and the Government, or who undertakes to criticise the construction of the roads, lays himself liable to the imputation that he does not know what he is talking about—that he does not understand their history. They were never built by the United States Government for the purpose of making exactions of the absolute cost thereof. They were begun and projected as matters of war necessity on the part of the United States, and were carried through to the execution upon terms and conditions that made it impossible for the ordinary expenses of building railroads to be compared with them or to be applied to them.

Now, then, the appeal is made here that we should take the statement of the gentleman from Missouri [Mr. DOCKERY] to the effect that Huntington and somebody else are the joint owners of these lines of road, and refuse to do the people fair and American justice in the case. If the gentleman's statements of facts are not more accurate than his statements of law, I would not give a continental for his knowledge of any question. [Laughter.]

I have no knowledge that Mr. Huntington is the debtor in any of these claims. Where stands the United States Government, which we represent, in regard to these questions? Here are three railroad corporations—the Union Pacific, the Central Pacific, and the Southern Pacific—each of them lawfully organized under the laws of the United States or of some of the States, lawfully doing business, lawfully issuing their stock, lawfully incurring their indebtedness, and now we are confronted with this condition: Here is a railroad corporation that never has defaulted, never was given one dollar of money or subsidy in any form by the General Government to aid in its construction; a railroad corporation that projected its own lines of road and built them with its own money, and which entered into a lawful contract with the United States Government to carry its mails for a certain amount of money per annum or per mile, as the contract may provide.

There came a time when the Government refused to pay this obligation and went into litigation in its own courts, selected its own forum, selected its own attorneys, made all its own conditions, and carried the litigation through to overwhelming and complete defeat. An undivided court said that the whole speech of the gentleman from Missouri [Mr. DOCKERY] was just so much nonsense. That is just what they said. That is the legal effect of it. In reply to the pertinent question of the gentleman from Louisiana [Mr. BOATNER], when he asked if these claims had been set up against it, the gentleman from Missouri [Mr. DOCKERY] said that he did not know anything about that. Well, that is one of the very first questions, in all the examination of any intelligent lawyer, or any intelligent man. A presents a claim against B, and brings a suit against him. B is entitled to bring into that defense, if it is an action for money upon a contract, any defense that in law or conscience may be set up against such a claim as this. It was because there was no such defense that this defense was not urged and carried to ultimate success. What sort of a lawyer would it be who undertook to set up, in an action by one corporation for the money earned under a contract, that a stockholder or all the stockholders of that corporation were stockholders of another corporation, and try to set off its debt or its obligation? It only needs to be mentioned, gentlemen, to show you the utter absurdity of the whole proposition.

But that is not all of it. I take a very different view than that taken by the gentleman from Missouri [Mr. DOCKERY] upon the question whether there was any equitable claim or any claim in conscience that could have been set off, even though the distinctions in corporations had not existed. The Government of the United States dealt with the Union Pacific Railroad and dealt with the Central Pacific Railroad, and here upon this floor we have rejected a compromise that involved every dollar of this indebtedness, and we have said to the stockholders of the Union Pacific and of the Central Pacific, "We can do better than your offer." The gentleman from Texas [Mr. SAYERS] can make what he pleases out of it. I voted in favor of that proposition, because I wanted a settlement of it. The gentleman stated—and seems to enjoy his discovery—that the Southern Pacific had offered, in that settlement, to merge its claims, as he understood it.

Mr. SHANNON. To offset them.

Mr. GROSVENOR. To offset them. What does the gentleman get from that? The Southern Pacific Railroad Company was anxious, in its corporate capacity, to have an end to this litigation. The United States Government having practically seized the Union Pacific and the Central Pacific, the companies came forward and said: "Here is a series of indebtedness. These two separate and distinct corporations owe the Government. Now, if the Government will settle with us and give the Southern Pacific Railroad Company an opportunity to extend its operations by a complete settlement that will give us in the future an opportunity to operate these lines of railroads, we will give you, as part payment on the indebtedness, the debt which you owe." What was there in all that?

Mr. SHANNON. That was a mere proposition.

Mr. CANNON. Will the gentleman allow me, just at that point?

Mr. GROSVENOR. In a moment. However, the Government refused to accept the proposition, and thereby said, "That is a matter entirely outside of this, and we have nothing to do with it."

Mr. CANNON. This bill that the gentleman from Kentucky [Mr. OWENS], the gentleman from Texas [Mr. SAYERS], and the gentleman from Missouri [Mr. DOCKERY] speak of, the funding bill, provides that before the Central Pacific Railroad can take advantage of it, that it shall pay off or secure the Southern Pacific Company's judgment, to be applied on the Central Pacific's debt. Now, that in no way committed the Southern Pacific Company, which was not a party to this matter.

Mr. GROSVENOR. Oh, it did a great deal more than that. It did all that and a great deal more. It was a declaration by the Government that it understood that debt to be a distinct obligation that could not be set off except by the consent of or negotiation with the Southern Pacific Company. Now, what has the Government done? It has, as I have said, practically seized the Central Pacific and the Union Pacific. It has always been in such an attitude to these two roads that I think I will mention one great fact that has not often been referred to on this floor. The Government has always stood in such a position—by always I mean for a great many years—that it has paralyzed and destroyed these properties. In the few remarks I made, in five minutes, in the debate on the funding bill, I stated that one of the best railroad men in the United States, wholly indifferent in this controversy, told me that $10,000,000 of net receipts per annum for seven years had run down to four millions of net receipts, and he said: "At the door of the unfriendly legislation of Congress lies every dollar of the reduction of those receipts."

They have stood in the way of the development of those lines. Other roads have seen the throttling of these enterprises by the Government. Other railroads, seeing that the United States had taken by the throat the Union Pacific, projected their great lines across the continent side by side with these two lines that the Government ought to have favored; and while they were doing that, these two great lines of railroad found it impossible to make their extensions, to have their feeders builded in such a way as to build up the traffic. And now, when all this is done, and the Government has stood by and seen this judgment rendered by its own court, and refused to appeal from it because of former decisions of the Supreme Court of the United States, we are asked to take hold of the monstrous proposition that one corporation is liable to pay the debts of another corporation because there is an intermingling of these stockholders.

Mr. Chairman, I have no interest in this matter, except that it involves the honor of my Government. Let us pay this debt; let us put ourselves in an attitude where we can proclaim our own honesty in the coming Congress, and in all coming Congresses. Until this Pacific railroad question shall be settled, we shall be confronted with the question of what shall we do with these two railroad lines. Now let us do justice to ourselves; let us treat this corporation from the standpoint of intelligence and legal right; and then we shall stand much stronger in enforcing the rights of the Government against the defaulting corporations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Chairman, one item of the appropriation bill now being considered and which is sought to be stricken out by this amendment is for the payment of a balance on a judgment in favor of the Southern Pacific Company. That company is a corporation organized under the laws of the State of Kentucky. It is a separate identity from that of the Central Pacific or any of these Pacific railroads which received aid from the Government. It is a separate individuality and distinct legal entity. This judgment, Mr. Chairman, has all the sanctity the highest court of the land can give it. It is for services to the Government over nonaided lines. The matter has been adjudicated in favor of this Pacific Company, and this appropriation is intended to discharge an honest obligation of this Government.

The opponents of this provision in the appropriation bill step forward and say that this is involved in the proffered settlement termed the funding bill; that it is a part and parcel of the same transaction, at least in spirit and purpose the same. I voted against that proffered settlement and would do so again if it came here in the same form and under like conditions. But this is an entirely different matter. I do not consider it as any part of that transaction.

The settlement offered the Government by the Pacific Railroad companies, it is true, contained a proposition to settle and discharge this judgment, but such proposition was made upon the condition that the Government would accept the proposed settlement. It bound no one unless the proffered settlement was accepted by the Government. That was rejected by an overwhelming vote of this House. With that rejection the proposition to adjust this judgment failed.

The attention of the House is challenged to the fact that the Southern Pacific Company was not in any sense a party to that transaction and could not have been bound by it had the settlement offered been accepted.

The gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. SAYERS] each argue this proposition as though the stockholders of the Central Pacific Railroad Company and the Southern Pacific Company were the same, that the corporations are the same, that there is a perfect identity of the two companies; but I call the attention of this House to the fact that both the gentleman from Missouri and the gentleman from Texas, in the very limit of their expressions, only went to the extent of saying that the stockholders were substantially the same persons. That is not sufficient to complete the identity. I have been informed, and believe it is correct, that a large majority of the stock of the Central Pacific is owned abroad, and that Mr. Huntington, who is brought in here, as it seems to me, for the purpose of raising prejudice and feeling in this House, owns only a slight interest in the corporation as a stockholder.

Mr. SAYERS. Will the gentleman allow me?

Mr. BLUE. Out of your own time. I only have five minutes.

Now, Mr. Chairman, as my friend from Pennsylvania [Mr. WILLIAM A. STONE] on the Appropriations Committee well said, these gentlemen insist upon what? That this Government shall refuse to pay an honest obligation. Not that they know a certain state of facts to exist, but because they suppose them to exist, that this Government, by reason of its all-powerful sovereignty, shall play the highwayman and hold up a judgment against it because it has the power so to do. For what reason? Because the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. SAYERS] and those who follow their leadership infer, suspicion, a state of facts to exist; and then, upon that mere suspicion and inference, they attempt to justify the action of this Government and say upon that the Government should refuse to pay a debt on a supposed condition of facts to be adjudicated at some remote time in the history of this country. I submit there is no equity, there is no justice, there is no honesty in any such claim. It rests solely upon an assumption without any foundation for it.

Mr. Chairman, the statement made by Senator GEAR in the Senate in explanation of this claim against the Government, which I will now read and make a part of my remarks, contains the essence of this whole question.

> The $1,310,427.08 due on the Southern Pacific Company's judgment, for which an appropriation is asked, is for services performed in the transportation of the Army, of the mails, and for the passengers and freight of other branches of the public service. All such transportation was performed over roads that never received any subsidy from the Government.
>
> At various times the Court of Claims and the Supreme Court of the United States have considered the question of cash payments for services over the Pacific Railroad lines not aided by bonds of the United States, and have invariably decided in favor of the railroad companies.
>
> The only reason why these claims were not paid at the time service was rendered was because the Treasury Department desired to submit for judicial decision all questions where there might be any possible doubt as to the rights of the companies. All the departments of the Government now recognize the right of the Southern Pacific Company to cash payment under the decisions of the courts, and payment of all current service is now being made.
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> In 118 United States Reports, page 235, the court said that the withholding of the compensation in question "was not only a breach of faith on the part of the United States, but an invasion of the constitutional rights of the company." This has been the position invariably taken in all the judicial decisions on the question of payment for services over nonbond-aided Pacific Railroad lines. In law, therefore, the question is fully decided by the highest tribunal of the United States, whose decisions should be especially respected by those charged with official duties.

Mr. SAYERS. I yield ten minutes to the gentleman from California.

Mr. MAGUIRE. Mr. Chairman, three judgments at law were rendered upon the controverted claims of the Pacific railroads, a part of which are represented and covered by the judgment in question. Two of these judgments were rendered in favor of the Central Pacific Railroad Company and this one in favor of the Southern Pacific Company. The Central Pacific Railroad Company's judgments are still unpaid; but there is no man in the House who would now propose or vote to pay either of the Central Pacific Railroad judgments.

Mr. BINGHAM. They are not in this appropriation.

Mr. MAGUIRE. No, they are not. The claims concerning which the United States Supreme Court made the statement referred to by the gentleman from Kansas [Mr. BLUE], namely, that the refusal to pay certain claims "was not only a breach of faith on the part of the United States, but an invasion of the constitutional rights of the company," was the case of the Central Pacific Railroad Company, and not of the Southern. If that language of the United States Supreme Court imposes any moral obligation upon us, it would seem to be to require us to pay the judgment in the case in which it was uttered. But nobody claims that that judgment should be paid otherwise than as an offset against the Government's claim. It is absurd to contend that the refusal to pay a judgment at law on the ground that it should be treated as an offset against a larger claim of the Government is, in any sense, an attack upon the sacredness of the judgment or the authority of the courts. The Central Pacific Company's judgments are as sacred as this one; yet nobody proposes to pay them. Is that an attack upon the sacredness of judgments? Not at all. It is the exercise of a well-established, equitable right. Since their rendition an equitable right has arisen in favor of the United States superior to those judgments, and they should be treated as offsets, and as such canceled, as they would be by a court of equity if the conflicting claims existed between private individuals.

There is, then, no attack upon the sacredness of judgments in the opposition to the payment of this claim. The question is merely this: Is the Southern Pacific Company in such relation to the Central Pacific Company, and are these earnings so related to the Central Pacific Company, or to the Government's rights, as to justify the treatment of this judgment at law in the same way in which all admit the judgments of the Central Pacific Company ought to be treated and are being properly treated? I have no time to go into a discussion of those relations, but if anybody should know what they are, the attorneys of all these companies ought to know; the men who are here representing the Southern Pacific Company on this very claim ought to know.

Mr. LACEY. Will the gentleman permit a question?

Mr. MAGUIRE. No, sir; my time is too limited. Now, Mr. Chairman, Judge Payson, one of the attorneys of the Southern Pacific Company for the collection of this very claim, was called upon while he was before the Committee on Appropriations of the Fifty-third Congress to explain a confusion in the accounts between these companies, showing that they paid no attention to obligations as between themselves. His answer, from which I now read, will be found on page 112 of the report of that committee of hearings on April 10, 1894, submitted to the Fifty-third Congress. On that occasion Judge Payson—and he ought to know as much as any of us upon this question—said:

> The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know; but I should say, practically, it does not make any difference what the contract is, because, substantially, the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another pocket of the same man's clothes.

Now, Mr. Chairman, the Southern Pacific Company was notoriously organized, and has existed, from the moment of its organization to the present time, as a mere conspiracy against the Government of the United States, to defeat the purposes of the Thurman Act requiring the creation of a sinking fund to pay the debt of the Central Pacific Railroad Company to the Government. Thus far it has been largely successful, and the vote of this House to-day, if it shall decline to have these questions submitted to a court of equity, where the superior obligation of the Government of the United States can be pleaded and established, will have gone very far to make the triumph of this Southern Pacific conspiracy against the rights of the Government complete.

Gentlemen ask if the Government's claim and all these equities were pleaded in the suit in which this judgment was rendered. No. The claim of the Government was not due at that time. It could not be pleaded, and of course none of these questions collateral to the claim could be pleaded. They could not be pleaded against the claims of the Central Pacific Company at that time, and so the claims of that company went to judgment because there was no offset legally due which could be pleaded against them.

The obligations to the Government, which can be pleaded against all of these claims—aye, and against all of these sacred judgments as they now stand—are maturing in favor of the United States. Will you hasten the payment of this money in order that the United States Government shall have no right to have these questions adjudicated in equity? I hope not. I trust that not this House, which has no knowledge sufficient to justify action upon any of these questions, but a court, upon full consideration of all the facts, rights, and equities, will finally determine whether this judgment, which was offered to the Government as an offset to the Central Pacific debt under the funding scheme, no matter what may be said to the contrary, shall or shall not be otherwise paid. The men who were here urging the passage of the funding bill are the same men who are here now urging the payment of this claim, and it was not without some assurance that it might be made an offset that the committee decided to provide in the bill that it should be made an offset in the event of the funding bill passing.

There is another ground for withholding this payment, which was well stated by the gentleman from Texas [Mr. SAYERS], and which has much force. The Central Pacific Railroad Company, without the consent of this Government, leased its lines to the Southern Pacific Company, in order to avoid its obligations to the Government. The Southern Pacific Company, controlling the situation, entered into an unlawful traffic arrangement, which has been testified to by Mr. Huntington and others, under which, out of the earnings of the Central Pacific Company, which should have constituted net earnings and have gone to swell the sinking fund for the payment of the Government's claims, the Southern Pacific Company turned over several millions of dollars to the Pacific Mail Steamship Company as a subsidy to prevent competition and to prevent the reduction of transportation rates. These diverted net earnings were, by the Southern Pacific Company, charged up as operating expenses of the Central Pacific Railroad, and the Government should not pay this claim until the Southern Pacific Company restores these assets to the sinking fund.

[Here the hammer fell.]

Mr. CANNON. I yield eight minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] has been very emphatic in his declarations that this is a question entirely outside the pale of partisan politics. I want to remind the gentleman that his party, from the very first discussion of the Pacific railroads project, has been the bitter and uncompromising foe of those roads. For twenty-seven years the opposition of that party prevented legislation looking to their construction. During the last ten or fifteen years hostility to these roads has been the very lifeblood of his party in the State of California, and for the purpose of unifying the sand-lotters of that State and bringing them to the aid of his party organization the gentleman from Missouri himself loaned his assistance in the last Democratic convention in Chicago to lug this question into partisan politics and to secure a plank in the platform of his party declaring its policy with regard to the Pacific railroads.

Gentlemen on that side have attempted to use this very subject to endear themselves to the hearts of the good people while they were assuming to be their superserviceable agents and the only pure men in all the land who were striving to secure the justice that the people ought to have measured out to them. And gentlemen come here now declaiming in favor of doing justice to the people—equity to the people! That is the theme of the gentleman from Missouri as he discusses these matters. Let me contrast with those declarations of that learned lawyer a declaration of the Supreme Court discussing questions involving every legal proposition that can be urged here. What did the Supreme Court say with regard to this claim? The court said that the withholding of the compensation now in question—

> was not only a breach of faith on the part of the United States, but an invasion of the constitutional rights of the company.

That is what the Supreme Court says with regard to the legal propositions involved here. That is the court's idea of the duty of the American Congress. That is the court's idea of this highwayman's plea of which the gentleman from Texas is now the advocate, that "might makes right," and because we have the power to withhold the payment of this just indebtedness, therefore it is right to do it. I do not want to take my ideas of equity or justice from the teachings of these gentlemen. I do not want them to define my duties toward my constituents; nor do I want them to interpret in language such as they have used here to-day the wishes of the honorable constituency that I represent, or their ideas of justice.

The gentlemen ought to have told this House how they proposed to make their action here in refusing payment available to the United States. How are you going to carry into effect this offset and determine the questions of right? I remember hearing a gentleman, in the presence of men now here, say that in New England alone there were 3,000 holders of the stock of one of these roads now involved; that there were 8,000 holders of this stock in the United States. The whole argument of gentlemen must rest upon the fact of the absolute identity of the individual atoms composing the corporations. If there is one man who is a stockholder in one of the roads, and not in the other, then the act proposed here is a robbery of that man. No man will deny that these corporations are distinct as legal entities. There is no question about that. How are you gentlemen going to determine this question?

I do not choose to take the statements of the gentleman from California [Mr. MAGUIRE] upon this question or any other involving the Pacific railroads. I remember that two years ago, or a little more, when the gentleman was making his biennial speech upon this question, he declared that we had a remedy against the individual stockholders under the laws of California. I remember that he was potential in defeating a proposition of settlement at that time because he said there were at least $12,000,000 available to the United States, under the constitution of the State of California making the stockholders individually liable for the debts of the Central Pacific road, against the estate of Senator Stanford. That matter was adjudicated. The Supreme Court has determined it. That tribunal has said that the gentleman's law or the gentleman's fact, or both his law and his fact, were at fault; that no such liability existed and no such recovery could be had.

How are you going, I again ask, to follow this money? Are you going to institute your suits against the individual stockholders and make their proportion of this debt, apportioned as it would be to their holdings of stock, available? That is the only way you can do it, unless you take that other course of simply justifying yourself because you have the power to refuse to pay a debt which the highest tribunal in the land says you owe.

Gentlemen say that there is an admission in the bill recently proposed by the Committee on the Pacific Railroads of an absolute identity between these companies. An admission! Where do you get that? How does a corporation speak in a proposed act of Congress? Who has made the admission?

[Here the hammer fell.]

Mr. SAYERS. I yield five minutes to the gentleman from California [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, until within the last five minutes I had not thought of addressing the House on this question, and I shall only occupy a moment or two. The question is understood by the people of the United States, and no amount of hairsplitting or legal argumentation is going to deceive them in this matter. What is the question, plainly stated, divested of legal terms? This company justly owes to the United States to-day nine or ten million dollars which the United States has paid on its account, and within a year it will owe the United States fifty or sixty million dollars. On the other hand, the United States Government is justly indebted to it on a contract to the amount of a million and some hundred thousand dollars. That is the question squarely and plainly stated. The company has refused and still refuses to pay anything. The Government does not deny the validity of this debt of one million and a quarter of dollars, and the company can not deny the validity of its indebtedness of five times as many million dollars to the Government. Why should not the one debt be offset against the other?

You can not plead the other side of the question upon the basis of right, upon the basis of justice to the United States and to the people who furnished this money. You can only plead it, as every one of you have, on the basis of your little musty, legal technicalities and hairsplittings. You have not one single foot of honest ground to stand upon in arguing against the withholding of this money: and you know it. The people of the United States will hold you responsible for paying money to these great corporations while this debt to the United States remains unsettled.

Why is it that their debt is so sacred and that the debt of the Government can be set aside? Mr. Chairman, I want to give you an idea of the way these companies do business. And I want to say that there is not a man within the sound of my voice who does not believe, as I know every man in California who has studied this question and knows anything about it believes, that these two companies, the Southern Pacific and the Central Pacific, are one and the same, composed of the same individuals. The money which was used—all of it that was used—in building the Southern Pacific road was taken from the earnings of the Central Pacific Railroad. Every one of you know that the ninety-nine year lease of the Central Pacific to the Southern Pacific was a fraud committed upon the United States Government and upon the people.

I have here something I want to read to the House, a Southern Pacific Railroad circular dated New Orleans, February 4, 1897:

> [Circular No. 46.]
>
> Southern Pacific, Atlantic System: Galveston, Harrisburg and San Antonio Railway; Texas and New Orleans Railroad; New York, Texas and Mexican Railway; Gulf, Western Texas and Pacific Railway.
>
> [Joint circular.]
>
> NEW ORLEANS, *February 4, 1897.*
>
> *To Agents:*
>
> An amendment to the interstate-commerce act, entitled House bill No. 9800, to prevent fraudulent sale and manipulation of tickets by other than regular authorized ticket agents, has been prepared by the Interstate Commerce Commission and is now before the Congress for action, and a special day will probably be set apart this month for its consideration.
>
> You will obtain as many signatures on the inclosed blank as possible at the very earliest moment, forwarding the original to the member of Congress from your district and a copy to this office. We want names of merchants, manufacturers, planters, professional men; in fact, business men generally.
>
> Please give this matter immediate attention. No time is to be lost, as the scalpers and their friends are making an active fight against the measure.
>
> Please acknowledge receipt.
>
> Yours truly,
>
> S. F. B. MORSE,
>
> *General Passenger and Ticket Agent, Southern Pacific, Atlantic System.*
>
> L. J. PARKS,
>
> *Ass't Gen. Pass. and Ticket Agent, G., H. and S. A. and T. and N. O. R. R.*
>
> W. J. CRAIG,
>
> *General Passenger Agent, N. Y., T. and M. and G., W. T. and P. Ry.*

So we have an Interstate Commerce Commission to prepare bills to prevent the fraudulent sale and manipulation of tickets by "other" than regularly authorized ticket agents—that being the business of the regular agents, I suppose. And the companies do not want any outsider to interfere or in any manner prevent the "fraudulent sale and manipulation of tickets as now universally practiced by the 'regular agents.'"

They come right out and tell the truth in this circular. I wanted to call the attention of the House to this matter, and have therefore taken advantage of the opportunity.

Mr. CANNON. And therefore we should not pass that bill.

Mr. BOWERS. Well, that bill is not up now, and this, perhaps, is the only time I may get an opportunity to express an opinion upon that bill, and therefore I have availed myself of it.

You say the United States should pay its honest debts. It will pay them. But, Mr. Chairman, there are rights that the people have, also, in connection with this matter. It is only right that the people should have the debts due them paid, also. That is a question for us to consider, and the people understand it; we all understand it here. These corporations seek to avoid the payment of their own debts; and are we going to pay them the amount which we owe them, and still leave them in default to us? I do not think there is any use talking of the matter long, for the people of the United States understand it. The companies have admitted that it was a proper offset against their debt. How many just judgments against the Government in favor of individuals for small amounts justly due await an appropriation by this House? What makes these judgments in favor of corporations so much more sacred than those in favor of citizens?

[Here the hammer fell.]

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY], as well as the gentleman from Texas [Mr. SAYERS], concedes this obligation or debt on the part of the Government. They recognize the validity of the judgment of the court. But they hold that in view of the obligations of the Central Pacific Company, under the aids given by the Government, therefore this judgment of the court, and therefore this obligation fairly due, should be withheld as an offset in the final settlement of the Government with the Central Pacific Company.

The gentleman from Texas [Mr. SAYERS] made inquiry of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] as to his vote on the funding bill, and called attention to the fact that under that funding bill there was a concession of upward of $2,000,000, of which this obligation of the judgment is a part, that should be made in settlement and in connection with the operation of the funding bill, should it become law. I will say to the gentleman from Texas that I do not know how the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] voted. I voted against the funding bill because I felt that the concessions therein contained were too great; that the Government was not being fully protected. But why did these requirements and concessions become a part of the funding bill? It was part of the requirement of the proposed legislation, calling on the Central Pacific road to make such concessions, and I submit the paragraph in the bill:

> SEC. 19. That the said Central Pacific Railroad Company shall arrange for having the lease now existing between it and the Southern Pacific Company modified so that the Southern Pacific Company shall guarantee the payment by the Central Pacific Railroad Company during the continuation of such lease of the interest on and the installments on account of principal of the bonds issued under the tenth section of this act, as prescribed in the tenth and eleventh sections hereof, and so that in case the Southern Pacific Company should consent to the termination of such lease before the maturity of all such installments payable on account of principal of said bonds, it shall, in that event, guarantee the payment by the Central Pacific Railroad Company of such interest and installments on account of principal while any bonds issued under the tenth section of this act shall remain outstanding, and so that said Southern Pacific Company shall consent that the sums amounting in the aggregate to $2,414,328.21, standing credited on the books of the Treasury of the United States to the Central Pacific Railroad Company as compensation for services upon nonaided lines, a portion of which is now in judgment in favor of the Southern Pacific Company, etc.

This whole issue and question, as I have read from the funding bill, are not now, to-day, under consideration by this committee, for the reason that this Congress determined against the funding bill, and the Government is now proceeding under the law in foreclosure; and in view of that action I am gratified in having voted against the so-called Powers or funding bill.

The gentleman from Missouri [Mr. DOCKERY] challenged me in the debate to certify who were or were not stockholders in the Central Pacific Company identical with the Southern Pacific road. That is impossible, of course. I reached over, when the gentleman made the statement, and picked up from that desk adjoining my seat a Philadelphia paper that happened to be lying there. I look at the stock transactions in the New York Stock Exchange alone and find that the stock of all the Pacific roads has been constantly changing hands, and transactions in these stocks have occurred every day for many years, and on Saturday last 1,771 shares of Southern Pacific, 3,810 shares of Union Pacific, and 820 shares of Central Pacific were sold on the said New York Stock Exchange.

Since 1885, the organization of the Southern Pacific Company, these transactions have been going on day in and day out; and I venture to submit that since 1885 every share in every one of these roads has been sold and transferred to various parties then holders and not now holders. I could not give the gentleman, then, the list of stockholders, because of these daily changes; nor can anyone.

Mr. OWENS. Will the gentleman allow me a question?

Mr. BINGHAM. I have but five minutes, and decline to yield.

This appropriation becomes a paragraph in this bill because the Court of Claims has settled the principle at issue and adjudicated the amounts due for services rendered.

The court in effect submits that—

> Subsequent to the execution of the leases to the Southern Pacific Company in 1885, and prior to November, 1886, transportation services were rendered by the Southern Pacific Company to the United States upon lines other than the aided line of the Central Pacific, to the amount of $1,824,336.44.
>
> As these amounts remained unpaid, the Southern Pacific Company, on November 23, 1886, filed its petition in the Court of Claims against the United States for the recovery of judgment therefor. The suit was contested by the United States upon the claim that these leases, or some of them, were invalid, but the Court of Claims, after full argument, decided in favor of the Southern Pacific Company, and gave judgment in favor of the Southern Pacific Company and against the United States January 30, 1889, for $1,824,336.44, the full amount claimed.
>
> The Court of Claims held that, as the Southern Pacific Company had rendered the services and performed the transportation for the United States and at its request, it was entitled to be compensated by the United States for the services which it had so rendered to it without regard to the question whether the leases were valid or invalid.

The court says:

> Conceding that in a proper proceeding between the parties thereto such leases might be held ultra vires and against public policy, such would not affect the right of the plaintiff to recover from the defendants, a third party, for services actually performed. * * *
>
> This course seems to us not only in line with the authorities, but as founded on the rules of good faith between the parties, for otherwise the defendants, not shown to have been injuriously affected by such lease contracts, even if ultra vires, would be getting the services of the plaintiff without compensation, and that is against the policy of the law, if not in violation of the Constitution itself.

Since 1889, the date of the judgment of the Court of Claims to which I have referred, all of these nonaided roads have received, through the Post-Office appropriation bill and Army and other appropriation bills, their full compensation from appropriations for services rendered. It has never been questioned by the Department. The court settled the issue raised. It has never been questioned by this House. The identical services that this appropriation pays for have been paid for since 1889 under the general law, and will be so continued.

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. SAYERS. Mr. Chairman, before I begin my remarks, I should like to ask unanimous consent that those gentlemen who have spoken may have leave to extend their remarks in the RECORD. We have spoken here very hastily, and the time has been very limited.

The CHAIRMAN. Unanimous consent is asked that those gentlemen who have spoken on this question have permission to extend their remarks in the RECORD.

Mr. PERKINS. Will there be a limit?

Mr. SAYERS. Oh, yes; for five days.

Mr. DOCKERY. Make it ten days.

Mr. BINGHAM. Let it be until the close of the Congress.

The CHAIRMAN. Unanimous consent is asked that gentlemen who have spoken be allowed to extend their remarks in the RECORD within the next ten days.

Mr. HEPBURN. I object.

Mr. SAYERS. Mr. Chairman, if I can get the attention of the committee for the time which I have, I think I will be able to answer some of the statements made by gentlemen in opposition to the amendment to strike out this appropriation. But first of all I will reply to the gentleman from Iowa [Mr. HEPBURN] and to the gentleman from Kansas [Mr. BLUE] as to a question of fact. These gentlemen have been pleased to inform the committee that the stockholders of the Central Pacific Railroad Company and the stockholders of the Southern Pacific Company are scattered all over the United States and Europe. I understand such to be their statement. What does the attorney of the Southern Pacific Company say on this point? Judge Payson, a former member of this House, and now an attorney of the Southern Pacific Company, was before the Committee on Appropriations, and the following questions were put to him, to which he made the following answers:

> The CHAIRMAN. The Southern Pacific Company was chartered by the legislature of Kentucky?
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> Judge PAYSON. In 1885.
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> The CHAIRMAN. What relations did the owners of the stock of the Southern Pacific Company bear to the Central Pacific Company; were they not the same parties?
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> Judge PAYSON. They were the same parties. The Central Pacific Railroad was principally constructed—this is a matter of public history of the country—by four men, Huntington, Crocker, Hopkins, and Stanford, and the stockholders of the Central Pacific system were the principal stockholders of the Southern Pacific Company; in other words, to anticipate what I think the chairman wants, the object and purpose of the organization of the Southern Pacific Company was to have under one hand and under one head and control the management of all the corporations which are now embraced within that system.
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> The CHAIRMAN. Now, I understood you to say that these four men, who own and control the Central Pacific Railroad by a charter from the State of Kentucky, organized the Central Pacific Company?
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> Judge PAYSON. Yes, sir; substantially.
>
> The CHAIRMAN. And that the Southern Pacific Company stock was owned by those same men?
>
> Judge PAYSON. Yes, substantially; there were some minor stockholders, but they are substantially the owners.

Mr. BINGHAM. When was that?

Mr. DOCKERY. What was the date of those hearings?

Mr. SAYERS. Two years ago. Now, how do we find this question resting? I believe I can state it very briefly and very plainly. The Central Pacific Railroad Company, owned and controlled by Mr. Huntington, and by the estates of Mr. Crocker, Mr. Hopkins, and Mr. Stanford, owe the people of this country more than $60,000,000, and say that it can not pay that indebtedness. They shield themselves behind the technical defense of a corporation. And what do these same gentlemen say through the Southern Pacific Company? These very same parties, having been driven from legislature to legislature in the vain effort to organize their company, go to the State of Kentucky and procure an incorporation to do almost everything they may please, provided that it be not done within the limits of that State. These very same gentlemen lease the Southern Pacific and the Central Pacific railroads in the name of the Southern Pacific Company, dealing with themselves in all these transactions. And now, through the Southern Pacific Company, they say: "We have leased the Southern Pacific, of which we are the owners, the Central Pacific Railroad, of which we are also the owners, and their nonaided lines, and you owe us, the Southern Pacific Company, for transportation over the nonaided lines of the Central Pacific Railroad, and pay it you must, though we, the owners of the Central Pacific Railroad and its nonaided lines, owe you $60,000,000 and can not pay it." The advocates of this appropriation talk of honesty and integrity. Let me say that if those men were honest, they would make haste to say to the Government, "Pass this money to the credit of the Central Pacific Railroad." Patriotic men they are, very patriotic men! They aided the Government in time of great peril. What did the Government do for them?

Vast tracts of lands, exceeding in extent almost that of any State in the American Union, were given them. Bonds of the United States by the millions were given them, secured by a first mortgage. They came to Congress, and in an evil hour for the Government and for the people, the first mortgage was released and a second mortgage taken, leaving the Government in its present deplorable condition, and besides that also extending the time of the payment of interest until the principal of the bonds should fall due.

But that is not all. Did anyone ever hear of the Pacific Mail Steamship Company? It too has played a conspicuous part in this great drama of outrage upon the people. Year after year, the Central Pacific Railroad Company, the creature of this Government, built by this Government and owned by these four men, paid this steamship company, owned also by these four men, subsidies from the revenues of the Central Pacific Railroad, which should have gone under the law into the Treasury of the United States, to constitute a sinking fund with which to discharge their indebtedness when it should become due.

Mr. Chairman, I claim to have some knowledge of law, and I agree with gentlemen that, from a technical standpoint, the Supreme Court of the United States was right when it held that one corporation could not under the circumstances, as these corporations stand, be held responsible in law for the payment of the debts of another. But we are in a different forum to-day, and are not controlled by the strict rules and practice of law. As the representatives of the people, with power and authority to represent them and to act for them, we should require these corporations to do what is right, equitable, and just. It is but a small sum that we ask them to apply to their vast indebtedness—but $1,300,000, in round numbers.

Mr. Chairman, I would like for members of this House to know and to realize, if they could, the effect and result of the discussion of this question in the closing hours of the Fifty-first Congress. It was in a night session, and almost every Representative in the city was present in his seat. Hour after hour was the question debated, the affirmative represented by the distinguished gentleman from Illinois who now has charge of this bill, and myself and others upon the Democratic side of the House opposing it. When the final vote was taken, without distinction of party, every member present, with the exception of seven only, voted to strike out an appropriation similar to the one under consideration. You have the power, gentlemen; your majority is great. You will expend in this Congress more than $1,050,000,000. Shall this item be included in this vast sum of appropriations?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, for ten minutes I crave the attention of the committee. "An abundance of words darkeneth counsel;" and no time more than when the gentleman from California [Mr. MAGUIRE] and the gentleman from Missouri [Mr. DOCKERY] addressed the committee. Measuring my words, I wish to state the facts about this item. The Central Pacific Railroad was built by the aid of Government bonds—it is called bond aided—from Ogden to a point in California. Under the law all transportation for the Government is applied upon the debt and interest of the Central Pacific Railroad to fall due. Every dollar of it. Now, then, there were several thousand other miles of railroad built, not by the aid of bonds. Under the law these railroads that were not bond aided are entitled to compensation as much as the Pennsylvania or the Baltimore and Ohio railroad is entitled to compensation for transportation for the United States.

This judgment was for service upon roads that were not aided by bonds, owned and controlled by the Southern Pacific Company. It is true the Southern Pacific Company has a lease upon the Central Pacific. The earnings upon that leased line are not in the judgment and are not involved. Now, there is the whole case; there is the whole question. Ought we to pay? The United States Supreme Court, in 118 United States Reports, says, "Yes;" and says it is a denial of every principle of justice and of constitutional right to refuse to pay; and every position taken by the gentlemen upon the other side of this case was taken far stronger by the counsel for the Government in that case. Now, what has happened since 1885? From that time to this these nonbonded roads have been paid nine-tenths and over for their services to the Government; are being paid to-day, and from year to year appropriations have been made by Congress, and they are paid by the sundry civil appropriation bill, the gentleman from Texas himself time and again in charge of it.

Mr. SAYERS. Will the gentleman show any item for that?

Mr. CANNON. Oh, yes: the Geological Survey.

Mr. SAYERS. A moment, Mr. Chairman.

Mr. CANNON. I have not time to yield to the gentleman.

Mr. SAYERS. I desired to ask a question.

Mr. CANNON. Ask it quick.

Mr. SAYERS. Will the gentleman show an item that was within the knowledge of the Committee on Appropriations in the preparation of that bill which would indicate that a dollar in that bill would go to these roads?

Mr. CANNON. Certainly; for the Geological Survey, for Government supplies, for every appropriation connected with the service of the Government——

Mr. SAYERS. No, sir.

Mr. CANNON (continuing). That the sundry civil carries that requires transportation. Yes: and the gentleman himself has known it.

Mr. SAYERS. Not at all.

Mr. CANNON. The Army bill, the Post-Office bill: all the appropriations for ten long years, without protest in any Democratic Congress or Republican Congress, have been devoted to payment over these exact lines, that were not bond aided, and are so to-day. Now, then, in the light of that fact, how do the gentlemen stand? These nonbond-aided lines get nine-tenths of their compensation now——

Mr. BINGHAM. They get it all.

Mr. CANNON. They would get it all if there were no deficiency, and the gentleman from California [Mr. MAGUIRE] and the other gentlemen from California are absolutely silent when appropriations are made for this purpose; but when the other tenth that is not appropriated for is put in a judgment and appropriation is proposed to pay it, the gentleman from California [Mr. MAGUIRE] *performs*, talking, I suppose, to the sand lotters. He is silent while nine-tenths of this compensation is paid, and votes for the appropriations; but when the other tenth is proposed to be paid in this bill, how virtuous and how indignant he grows! Before he can help to pay the railroads that other tenth of the money that is due them, he must *perform* here. God Almighty give him more candor or more wisdom! I can not. [Laughter.] Here are the opinions of the courts, here is the judgment, here is the practice of the Government, all speaking trumpet tongued, saying that this judgment ought to be paid. "Oh, but," says somebody, "this is for a railroad. 'Throw it into fits,' and then give it thunder; it is a railroad." [Laughter.] Gentlemen, I do not envy any man the reputation that is made by such declamation. I do not stand here and never have stood here the friend or defender of corporate or individual exaction that is illegal or oppressive; but I thank God that in my short official life I have never sought to posture and declaim, advocating unjust legislation, in order that I might win the praise of unthinking people and thereby remain in power. [Applause.] I am ready for a vote.

Mr. SAYERS. Mr. Chairman, I suggest to the gentleman from Illinois that we take a vote upon the last amendment first.

Mr. CANNON. I agree to that.

The amendment was read, as follows:

> Page 91, strike out all of lines 18 to 21, inclusive.

The question being taken, the Chairman stated that he was in doubt.

Mr. SAYERS. I ask for a division.

The question was taken; and there were—yeas 72, noes 97.

So the amendment was rejected.

Mr. SAYERS. Mr. Chairman, I give notice that I will move in the House to recommit the bill to the Committee on Appropriations with instructions to report it back without this provision, and that I will ask a yea-and-nay vote upon that motion.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

> Strike out, in lines 9 and 10, on page 5, after the word "session," $16,277.91 and insert in lieu thereof "for services over bond-aided lines, and to be credited to the sinking fund and interest account of said railroad, $14,712.45."

The amendment was rejected.

Mr. SAYERS. Mr. Chairman, I give notice that in the motion to recommit which I propose to make in the House I will include that item also.

The next amendment was read, as follows:

> Insert, in line 21 page 61, after the word "claims," "except claims for services over nonbond-aided lines of the bond-aided Pacific railroads."

The amendment was rejected.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to offer the amendment which I send to the desk—an item that has come in late.

The amendment was read, as follows:

> Add to the first amendment adopted, on page 53 the words "To Alexis Benoit, $2,000," and correct the total so as to read "$14,186."

Mr. BAILEY. I will ask the gentleman if this allowance is for the last contest?

Mr. JOHNSON of Indiana. Yes, sir. The allowance for Mr. BOATNER was inserted in the bill before. This came in late.

Mr. BAILEY. But is this for the first or for the second contest?

Mr. JOHNSON of Indiana. For the second contest, the one reported upon at this session.

Mr. BAILEY. I suppose the chairman of the committee has examined the matter.

Mr. JOHNSON of Indiana. I have examined it carefully and have found it to be correct.

Mr. CANNON. Now, Mr. Chairman, I ask unanimous consent to insert in the bill the eight paragraphs that were stricken out Saturday on points of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER of Massachusetts. I object.

Mr. MADDOX. I object.

Mr. TALBERT. I object.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to insert the amendment which I send to the desk at the close of the appropriations for the House of Representatives.

The CHAIRMAN. The Clerk will report the amendment subject to objection.

Mr. WALKER of Massachusetts. Mr. Chairman, I rise to say that if I can have twenty minutes I will withdraw my objection.

Mr. CANNON. I will not purchase a withdrawal at any price. [Laughter.]

The CHAIRMAN. Objection was made by several members. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

The Clerk read as follows:

> *Resolved*, That the several employees of the House of Representatives, to wit, those borne upon the rolls of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster, be, and they shall be, retained in their respective positions and continued in their respective duties from the adjournment of this Congress from the 4th of March, 1897, until the 15th day of March, 1897, and be paid the same salaries and compensations now belonging to their respective positions; and a sum of money necessary to such payments is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection to the consideration of this resolution?

Mr. COX. I object.

Mr. GROSVENOR. I hope the gentleman will not do that. If he will listen to an explanation, I am sure he will not object. He need not assume that because this proposition comes from me it must necessarily be objected to. [Laughter.] I have shown it to distinguished members of the Committee on Appropriations on both sides of the House, and unless some such provision as this is made the men who are now handling the mails, the men who are handling the documents, all the men who are employed simply for the session will go out of place on the 4th day of March next, and the work will cease. Now, this amendment simply provides that until the first day of the next session—for about nine days—these officers shall be kept in their present positions and paid.

Mr. CANNON. The gentleman is right as to the session employees.

Mr. GROSVENOR. The amendment covers only the session employees.

Mr. COX. How long a time does this amendment cover?

Several MEMBERS. Ten days.

A MEMBER. From the 4th till the 15th of March.

Mr. COX. Then I withdraw my objection.

Mr. GROSVENOR. I desire to perfect my amendment by inserting before the word "employees" the word "session."

Mr. BAILEY. I agree with the gentleman from Ohio [Mr. GROSVENOR] that this is a very desirable arrangement, though I have some question as to the power of the Fifty-fourth Congress to appoint any officers of the Fifty-fifth Congress. A provision of this kind, however, is usual, I understand, and I shall make no objection to it, provided it covers all the employees of the House.

Mr. GROSVENOR. It does.

Mr. DOCKERY. As I understand from the gentleman from Ohio, this amendment will provide for all the employees who have been authorized by special resolutions or otherwise during this Congress.

Mr. GROSVENOR. Yes, sir: all session employees. The other officers being paid by the year, it is unnecessary to make any provision for them.

Mr. OWENS. Does this amendment carry these employees over until the extra session?

Mr. GROSVENOR. Up to the first day of the extra session—no further.

Mr. OWENS. Then the gentleman is authorized to state there will be an extra session beginning on the 15th of March?

Mr. GROSVENOR. I am authorized to assume that there will be. [Laughter.]

Mr. WALKER of Massachusetts. I wish to say that I shall not object if I can be allowed twenty minutes to debate this question. I wish to be heard.

Mr. GROSVENOR. I hope the gentleman from Massachusetts will not destroy the machinery of the House.

Mr. WALKER of Massachusetts. I have no wish to destroy the machinery of the House. This proposition is not so pressing that debate upon it can not be allowed for twenty minutes.

The CHAIRMAN. Is there objection to the consideration of this amendment?

Mr. WALKER of Massachusetts. Not if I can have twenty minutes for debate.

The CHAIRMAN. Is there objection to the consideration of the proposed amendment?

Mr. TALBERT. I object.

Mr. CANNON. I move that the committee rise and report the bill, with the amendments, to the House.

Mr. WILLIAM A. STONE. Before that question is taken, I wish to renew the application for unanimous consent to reinstate those items which went out of the bill on Saturday upon points of order, including the item to reimburse members of the Fifty-third Congress for portions of their salary retained at that time.

Mr. TALBERT. I wish to ask the gentleman from Ohio [Mr. GROSVENOR] a question. Does his amendment continue only the special employees?

Mr. GROSVENOR. It covers only the session employees.

Mr. TALBERT. Can not the work during the recess be done by the regular employees without the aid of these special assistants?

Mr. GROSVENOR. The annual employees will hold over without any action of this kind.

Mr. TALBERT. Can they not do the work during the recess without the aid of these other employees?

Several MEMBERS. Oh, no!

Mr. GROSVENOR. This amendment has been very carefully drawn——

Mr. TALBERT. I withdraw my objection.

The CHAIRMAN. Is there further objection to the proposition of the gentleman from Ohio?

Mr. WALKER of Massachusetts. I object, unless there can be one hour's debate upon it, half an hour on each side.

The CHAIRMAN. The gentleman from Massachusetts objects.

Mr. CANNON. I move that the committee rise and report the bill to the House with the amendments and the recommendation that it pass as amended.

Mr. WILLIAM A. STONE. Before that is done I would like to renew my request for unanimous consent.

The question being put on the motion of Mr. CANNON, it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10330) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, and had directed him to report the same back with amendments and with the recommendation that the bill be passed as amended.

Mr. CANNON. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is now on the amendments reported from the Committee of the Whole. Is there a separate vote desired on any amendment?

Mr. SAYERS. I ask for a separate vote on the amendment adopted on motion of the gentleman from Illinois [Mr. HOPKINS] striking out the paragraph beginning on line 25, page 54.

The SPEAKER. Is a separate vote asked for on any other amendment? In the absence of any such demand, the Chair will put the question upon agreeing to the remaining amendments in gross.

The amendments, other than that on which a separate vote was reserved, were agreed to.

The SPEAKER. The Clerk will now read the amendment on which the gentleman from Texas [Mr. SAYERS] has asked for a separate vote.

The Clerk read as follows:

> Strike out the following paragraph, beginning at line 25 of page 54:
> "To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,252.48."

Mr. SAYERS. Upon this amendment I ask for the yeas and nays.

The yeas and nays were ordered, there being—ayes 48, noes 86; more than one-fifth voting in the affirmative.

Mr. GROSVENOR. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. There is a doubt in the minds of some members whether a vote in the affirmative is a vote to strike out the provision or to leave it in.

The SPEAKER. The Clerk will again report the amendment to the House.

The amendment was again read.

The question was taken; and there were—yeas 122, nays 96, answered "Present" 25, not voting 112; as follows:

YEAS—122.

Aldrich, W. F.
Aldrich, Ill.
Anderson,
Andrews,
Baker, Kans.
Baker, N. H.
Barney,
Barrett,
Bennett,
Bishop,
Blue,
Broderick,
Brosius,
Ball,
Burton, Mo.
Burton, Ohio
Clardy,
Clark, Mo.
Codding,
Connolly,
Cook, Wis.
Cooper, Tex.
Cooper, Wis.
Cousins,
Cox,
Crisp,
Culberson,
Curtis, Kans.
Dalzell,
Danford,
Dayton,
De Armond,
De Witt,
Dinsmore,
Dockery,
Eddy,
Ellis,
Erdman,
Faris,
Fenton,
Gamble,
Gardner,
Gibson,
Gillett, Mass.
Graff,
Grout,
Grow,
Hanly,
Hardy,
Hart,
Hatch,
Hemenway,
Hendrick,
Henry, Conn.
Hepburn,
Hermann,
Hill,
Hitt,
Hopkins, Ky.
Howe,
Howell,
Hyde,
Jenkins,
Johnson, Ind.
Kerr,
Kirkpatrick,
Knox,
Latimer,
Lefever,
Leighty,
Leonard,
Lewis,
Linney,
Little,
Loud,
Low,
Mahany,
McCall, Tenn.
McClellan,
McClure,
McRae,
Mercer,
Miller, Kans.
Miller, W. Va.
Milnes,
Minor, Wis.
Mozley,
Murray,
Parker,
Prince,
Reeves,
Royse,
Sayers,
Scranton,
Shannon,
Shuford,
Simpkins,
Skinner,
Snover,
Spalding,
Sparkman,
Stahle,
Steele,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Strong,
Sulloway,
Swanson,
Talbert,
Tayler,
Terry,
Thorp,
Towne,
Tracey,
Treloar,
Warner,
Williams,
Wilson, Idaho
Wilson, Ohio
Wood,
Woomer.

NAYS—96.

Aitken,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bankhead,
Barham,
Bartholdt,
Beach,
Berry,
Bingham,
Black,
Brewster,
Cannon,
Catchings,
Chickering,
Clark, Iowa
Cobb,
Cockrell,
Coffin,
Colson,
Crowley,
Crowther,
Curtis, Iowa
Curtis, N. Y.
Denny,
Evans,
Fairchild,
Fischer,
Fletcher,
Foote,
Gillet, N. Y.
Griffin,
Grosvenor,
Hager,
Harrison,
Heatwole,
Henderson,
Henry, Ind.
Hooker,
Huff,
Huling,
Hull,
Hunter,
Johnson, Cal.
Johnson, N. Dak.
Joy,
Kiefer,
Kleberg,
Kyle,
Lacey,
Leisenring,
Linton,
Mahon,
McCleary, Minn.
McCulloch,
Meiklejohn,
Meredith,
Meyer,
Milliken,
Mitchell,
Moody,
Northway,
Odell,
Ogden,
Otey,
Otjen,
Owens,
Perkins,
Poole,
Powers,
Raney,
Ray,
Rinaker,
Robertson, La.
Russell, Conn.
Shafroth,
Sherman,
Smith, Ill.
Smith, Mich.
Sorg,
Spencer,
Sperry,
Sulzer,
Tawney,
Tucker,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Washington,
Wilson, S. C.
Woodman,
Wright.

ANSWERED "PRESENT"—25.

Abbott,
Allen, Miss.
Bailey,
Boatner,
Bowers,
Clarke, Ala.
Hall,
Jones,
Layton,
Livingston,
Maddox,
Maguire,
McCreary, Ky.
McDearmon,
McMillin,
Moses,
Neill,
Payne,
Richardson,
Stone, W. A.
Stallings,
Strowd, N. C.
Turner, Va.
Tyler,
Wheeler.

NOT VOTING—112.

Acheson,
Adams,
Aldrich, T. H.
Allen, Utah
Baker, Md.
Bartlett, Ga.
Bartlett, N. Y.
Belknap,
Bell, Colo.
Bell, Tex.
Boutelle,
Bromwell,
Brown,
Brumm,
Buck,
Burrell,
Calderhead,
Cooke, Ill.
Cooper, Fla.
Corliss,
Cowen,
Crump,
Cummings,
Daniels,
Dingley,
Dolliver,
Doolittle,
Dovener,
Draper,
Ellett,
Fitzgerald,
Foss,
Fowler,
Goodwyn,
Griswold,
Hadley,
Hainer, Nebr.
Halterman,
Harmer,
Harris,
Hartman,
Heiner, Pa.
Hicks,
Hilborn,
Hopkins, Ill.
Howard,
Hubbard,
Hulick,
Hurley,
Hutcheson,
Kem,
Kulp,
Lawson,
Lester,
Long,
Lorimer,
Loudenslager,
Marsh,
Martin,
McCall, Mass.
McCormick,
McEwan,
McLachlan,
McLaurin,
Miles,
Miner, N. Y.
Mondell,
Money,
Morse,
Murphy,
Newlands,
Noonan,
Overstreet,
Patterson,
Pearson,
Pendleton,
Phillips,
Pickler,
Pitney,
Price,
Pugh,
Quigg,
Reyburn,
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Settle,
Shaw,
Southard,
Southwick,
Stephenson,
Stokes,
Strait,
Strode, Nebr.
Taft,
Tate,
Thomas,
Tracewell,
Turner, Ga.
Updegraff,
Walker, Va.
Wanger,
Watson, Ind.
Watson, Ohio
Wellington,
White,
Wilber,
Willis,
Wilson, N. Y.
Woodard,
Yoakum.

So the amendment was agreed to.

Mr. TALBERT. I ask leave of absence for my colleague, Mr. STOKES, on account of sickness.

There was no objection.

Mr. McMILLIN. Mr. Speaker, I was paired to-day with the gentleman from Maine, Mr. DINGLEY, but not being eligible to vote on this question, as I conceive it, being personally interested in it, I have withdrawn that pair.

Mr. OWENS. Mr. Speaker, the gentleman from the Seventh district of Georgia [Mr. MADDOX] voted on this roll call in favor of striking out this provision of the bill. He is interested in the question, being one of the beneficiaries under it, if it is not stricken out. I make the point of order that his vote can not be counted.

The SPEAKER. The Chair does not regard that as a point of order.

Mr. MADDOX. I supposed I had a right to vote, inasmuch as I was voting against my own interests; but if the Chair rules to the contrary, I will withdraw my vote.

The SPEAKER. The gentleman must determine the question as he sees fit.

Mr. OWENS. I supposed that a gentleman who would receive a part of the appropriation was interested in it, and therefore would come under the rule.

Mr. MADDOX. Inasmuch as the point is made against my vote, I will withdraw it, and answer "Present."

Mr. BAILEY. Mr. Speaker, in view of the fact that there is some question about the right of members to vote who are interested in this question, I desire to withdraw my vote, and to answer "Present."

The Clerk announced the following pairs:

Until further notice:

Mr. Thomas with Mr. Rusk.

Mr. Bromwell with Mr. Cummings.

Mr. Taft with Mr. Tate.

Mr. Pickler with Mr. Miner of New York.

Mr. Hopkins of Illinois with Mr. Strait.

Mr. Kulp with Mr. Shaw.

Mr. Pitney with Mr. Russell of Georgia.

Mr. Harmer with Mr. Hutcheson.

Mr. McCall of Massachusetts with Mr. Jones.

Mr. Corliss with Mr. Cowen.

For this day:

Mr. Hurley with Mr. McLaurin.

Mr. Hicks with Mr. Buck.

Mr. Dolliver with Mr. Fitzgerald.

Mr. Loudenslager with Mr. Bell of Texas.

Mr. Hainer of Nebraska with Mr. Pendleton.

Mr. Wilber with Mr. Price.

Mr. Reyburn with Mr. Stokes.

Mr. Wanger with Mr. Yoakum.

Mr. Overstreet with Mr. Money.

Mr. Wellington with Mr. Woodard.

Mr. Dingley with Mr. Bartlett of Georgia.

The result of the vote was announced as above recorded.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. SAYERS. Mr. Speaker, I offer the motion which I send to the Clerk's desk.

The Clerk read as follows:

> That the bill H. R. 1029 be recommitted to the Committee on Appropriations, with instructions to report the same back forthwith amended as follows:
>
> By striking out, in lines 9 and 10, on page 5, the following:
>
> "Sixteen thousand two hundred and seventy seven dollars and ninety-one cents," and inserting in lieu thereof the following:
>
> "For services over bond aided lines, and to be credited to the sinking fund and interest accounts of said railroads, $14,712.45."
>
> On page 60, by striking out all of lines 18 to 24, inclusive.
>
> And on page 61, by inserting, at the end of line 24, the following:
>
> "Except claims for services over nonbond-aided lines of the bond aided Pacific railroads."

Mr. SAYERS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 137, not voting 116; as follows:

YEAS—102.

Abbott,
Allen, Miss.
Bailey,
Baker, Kans.
Baker, N. H.
Barham,
Barney,
Barrett,
Beach,
Bowers,
Broderick,
Burton, Ohio
Clardy,
Cockrell,
Codding,
Colson,
Connolly,
Cook, Wis.
Cooper, Tex.
Cooper, Wis.
Cox,
Crisp,
Curtis, Kans.
Danford,
De Armond,
De Witt,

Dinsmore,
Dockery,
Doolittle,
Eddy,
Erdman,
Gillett, Mass.
Grout,
Hager,
Hanly,
Hart,
Hartman,
Hatch,
Heatwole,
Hemenway,
Hilborn,
Hitt,
Howe,
Howell,
Hyde,
Johnson, Ind.
Johnson, N. Dak.
Kem,
Kiefer,
Kleberg,
Latimer,
Lawson,

Leighty,
Leonard,
Little,
Livingston,
Maddox,
Maguire,
Mahany,
McCall, Tenn.
McCleary, Minn.
McClellan,
McClure,
McCreary, Ky.
McCulloch,
McRae,
Milnes,
Moses,
Neill,
Ogden,
Otey,
Otjen,
Owens,
Pugh,
Raney,
Richardson,
Robertson, La.
Royse,

Sayers,
Shafroth,
Shuford,
Sorg,
Spalding,
Stallings,
Stewart, N. J.
Strong,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Terry,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Williams,
Wilson, Idaho
Wilson, S. C.
Wood,
Woodard.

NAYS—137.

Aitken,
Aldrich, W. F.
Aldrich, Ill.
Andrews,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bankhead,
Bartholdt,
Bennett,
Bingham,
Bishop,
Blue,
Boatner,
Boutelle,

Brewster,
Brosius,
Buck,
Bull,
Burton, Mo.
Calderhead,
Cannon,
Catchings,
Chickering,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Cobb,
Coffin,
Cousins,
Crowley,
Crowther,
Culberson,

Curtis, Iowa
Curtis, N. Y.
Dalzell,
Dayton,
Denny,
Ellis,
Evans,
Fairchild,
Faris,
Fischer,
Gibson,
Gillet, N. Y.
Graff,
Griffin,
Griswold,
Grosvenor,
Grow,
Hardy,

Harrison,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hooker,
Hopkins, Ky.
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hurley,
Johnson, Cal.
Joy,
Kirkpatrick,
Knox,

Lacey,
Layton,
Lefever,
Leisenring,
Lewis,
Linton,
Long,
Loud,
Low,
Mahon,
McDearmon,
Meiklejohn,
Meredith,
Meyer,
Miller, Kans.
Miller, W. Va.
Milliken,

Minor, Wis.
Mitchell,
Money,
Moody,
Mozley,
Murphy,
Murray,
Newlands,
Northway,
Odell,
Patterson,
Payne,
Perkins,
Phillips,
Poole,
Powers,
Prince,

Ray,
Reeves,
Rinaker,
Russell, Conn.
Scranton,
Settle,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Spencer,
Stahle,
Steele,
Stewart, Wis.
Stone, C. W.
Stone, W. A.

Tawney,
Tayler,
Thorp,
Tracey,
Treloar,
Van Horn,
Van Voorhis,
Walker, Mass.
Watson, Ohio
Wheeler,
Wilson, N. Y.
Wilson, Ohio
Woodman,
Wright.

NOT VOTING—116.

Acheson,
Adams,
Aldrich, T. H.
Allen, Utah
Anderson,
Baker, Md.
Bartlett, Ga.
Bartlett, N. Y.
Belknap,
Bell, Colo.
Bell, Tex.
Berry,
Black,
Bromwell,
Brown,
Brumm,
Burrell,
Cooke, Ill.
Cooper, Fla.
Corliss,
Cowen,
Crump,
Cummings,
Daniels,
Dingley,
Dolliver,
Dovener,
Draper,
Ellett,

Fenton,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gardner,
Goodwyn,
Hadley,
Hainer, Nebr.
Hall,
Halterman,
Harmer,
Harris,
Heiner, Pa.
Hendrick,
Hicks,
Hill,
Hopkins, Ill.
Howard,
Hubbard,
Hutcheson,
Jenkins,
Jones,
Kerr,
Kulp,
Kyle,
Lester,

Linney,
Lorimer,
Loudenslager,
Marsh,
Martin,
McCall, Mass.
McCormick,
McEwan,
McLachlan,
McLaurin,
McMillin,
Mercer,
Miles,
Miner, N. Y.
Mondell,
Morse,
Noonan,
Overstreet,
Parker,
Pearson,
Pendleton,
Pickler,
Pitney,
Price,
Quigg,
Reyburn,
Robinson, Pa.
Rusk,
Russell, Ga.

Sauerhering,
Shaw,
Skinner,
Smith, Mich.
Southard,
Southwick,
Sparkman,
Sperry,
Stephenson,
Stokes,
Strait,
Strode, Nebr.
Taft,
Tate,
Thomas,
Towne,
Truswell,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Washington,
Watson, Ind.
Wellington,
White,
Wilber,
Willis,
Woomer,
Yoakum.

So the motion to recommit with instructions was not agreed to.

Mr. MADDOX. Mr. Speaker, I desire to ask leave of absence for my colleague, Mr. Bartlett, on account of sickness. If he were present, he would vote "yea."

Mr. McMILLIN. Mr. Speaker, I am paired with the gentleman from Maine, Mr. Dingley. I do not know how he would vote if present. If he were present, I would vote "yea."

Mr. STROWD of North Carolina. Mr. Speaker, I ask leave of absence for my colleague, Mr. Linney, on account of sickness.

There was no objection, and it was so ordered.

The following additional pairs were announced:

Mr. Dingley with Mr. McMillin, until further notice.

Mr. Jenkins with Mr. Bartlett of Georgia, for the rest of this day.

Mr. Strode of Nebraska with Mr. Washington, for the rest of this day.

Mr. Mercer with Mr. Ellett, for this day.

Mr. FOOTE. Mr. Speaker, I desire to be recorded on the question. I was in my seat and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. FOOTE. I was in my seat here waiting to vote.

Mr. SPEAKER. Was the gentleman listening?

Mr. FOOTE. I can not say that I was listening. I was waiting to vote.

The SPEAKER. The theory on which a vote is allowed is that by some accident the name might not have been called.

Mr. FOOTE. There might have been such an accident, Mr. Speaker. I did not hear my name called. I was listening to my colleague [Mr. Sherman].

The result of the vote was then announced as above recorded.

The question was then taken on the passage of the bill; and the bill was passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF CLAIMS AGAINST THE GOVERNMENT BY UNITED STATES OFFICERS.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present a conference report.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 684) "To prevent the purchasing of or speculating in claims against the Federal Government by United States officers," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment to the first section of the bill, and from its disagreement to the amendment striking out the third section of the bill, and concurs therein; and also recedes from its disagreement to the amendment to the second section of the bill, and concurs therein, with an amendment as follows: Strike out "five hundred" and insert "one thousand" instead thereof, so that said section will read as follows:
>
> "SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $1,000."
>
> FREDK. H. GILLETT.
> C. G. BURTON.
> JOHN K. HENDRICK,
> *Managers on the part of the House.*
>
> GEO. F. HOAR.
> WILLIAM LINDSAY,
> WM. F. VILAS,
> *Managers on the part of the Senate.*

The statement by the House conferees was read, as follows:

> STATEMENT TO ACCOMPANY THE REPORT OF THE CONFEREES ON THE PART OF THE HOUSE ON HOUSE BILL NO. 684.
>
> The amendments to the first section are merely verbal, condensing but not changing the meaning of the section, except that the substitution of the words "officer of court" for the word "person" slightly limits the application of the act. The amendments to section 2 substitute a fine not exceeding $1,000 for a fine not less than $500 nor more than $5,000 and removal from office. Section 3, repealing conflicting laws, is omitted.

The question was taken; and the conference report was agreed to.

VETO MESSAGE—MRS. MARY A. VIEL.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

> *To the House of Representatives:*
>
> I return herewith without my approval House bill No. 6862, entitled "An act granting a pension to Mrs. Mary A. Viel."
>
> This beneficiary was married in 1862 to Maj. W. D. Sanger, then in the volunteer military service. He died in 1872, never having made any application for pension. His widow made no application for pension, but within three years after her husband's death, and in 1875, became the wife of Paul Viel. Eight years thereafter he died, leaving her his widow, and it is now proposed to pension her as the widow of the soldier, Major Sanger, though she long ago, by her own deliberate act, surrendered that title and all its incidents.
>
> There is a further objection to granting this pension. I do not find that any claim is made that the death of the soldier who was the beneficiary's first husband was at all attributable to his army service. Neither he nor his widow, while she remained such, presented any such claim, nor is it found in reports of the committees in the Senate or House to whom the bill under consideration was referred. On the contrary, the Senate Committee on Pensions in their report distinctly state that "there is no proof that soldier contracted disease while in the service or that he died of pensionable disabilities."
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION, *February 22, 1897.*

Mr. BLUE. Mr. Speaker, I move that the bill and message be referred to the Committee on Invalid Pensions.

The motion was agreed to.

VETO MESSAGE—MRS. MARY A. FREEMAN.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

> *To the House of Representatives:*
>
> I return herewith without my approval House bill No. 2189, entitled "An act granting a pension to Mrs. Mary A. Freeman."
>
> A former husband of the beneficiary, named Andrew V. Pritchard, did service in the Mexican war, and on July 22, 1847, died of disease contracted in such service. Thereupon the beneficiary named in this bill was pensioned as his widow. She continued to receive this pension until 1852, when she married John Freeman, through which she, of course, lost her pensionable status. Two minor children of the soldier were, however, placed on the pension roll in her stead, and their pension was paid to them until the youngest became 16 years of age, in 1863.
>
> John Freeman died in December, 1871, the beneficiary having been his wife for almost twenty years. It is now proposed to restore her to the pension roll as the widow of her former husband, the Mexican soldier, who died nearly fifty years ago, and notwithstanding the fact that less than five years after his death she relinquished her right to a pension and surrendered her widowhood to become the wife of another husband, with whom she lived for many years.
>
> I am not willing, even by inaction, to be charged with acquiescence in what appears to be such an entire departure from the principle, as well as sentiment, connected with reasonable pension legislation.
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION, *February 22, 1897.*

Mr. BLUE. I move to refer the bill and message to the Committee on Pensions.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Sherman in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10336.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. BOUTELLE. Now, Mr. Chairman, I would like to arrive at some understanding about general debate. I do not know that there is any disposition on either side of the House to engage in anything like extended debate on this bill, and if the suggestion commends itself to the judgment of the Committee of the Whole, I would like to proceed with the reading of the bill by paragraphs. We have reached a late stage of the session, when time is valuable—the time of the country, the time of the House, and the time of members individually—and I ask unanimous consent that after a very brief statement of the amounts carried by the bill we may proceed to consider it by paragraphs.

The CHAIRMAN. The gentleman from Maine [Mr. Boutelle] asks unanimous consent that general debate upon the pending bill be closed in ten minutes. Is there objection?

Mr. BARRETT. Mr. Chairman, I shall be obliged to ask the Committee of the Whole to listen to me with whatever patience it can muster for ten or fifteen minutes upon a matter which I propose to submit as an amendment to this bill, but if the gentleman from Maine will agree that when that paragraph is reached I shall not be strictly held to the five-minute rule, I will make no objection to his request.

Mr. BOUTELLE. How much time does the gentleman desire?

Mr. BARRETT. I think about twelve or fifteen minutes.

Mr. BOUTELLE. Mr. Chairman, I will cheerfully agree that when the provision to which the gentleman desires to address himself is reached he shall have fifteen minutes.

Mr. RICHARDSON. Mr. Chairman, I suggest to the gentleman from Maine that if the gentleman from Massachusetts desires to discuss politics we may want some time on this side to reply.

Mr. BOUTELLE. I think I can assure the gentleman from Tennessee that there is nothing political in the proposition which the gentleman from Massachusetts has in mind. I think it is something more substantial.

Mr. HALL. Mr. Chairman, I am willing to agree to the request of the gentleman from Maine, provided that when we reach a certain portion of the bill I may be allowed some extra time.

Mr. BOUTELLE. How much time does the gentleman desire?

Mr. HALL. About ten or fifteen minutes, I think.

Mr. BOUTELLE. Then, Mr. Chairman, I will include in my request fifteen or twenty minutes for the gentleman from Missouri.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine, that general debate on this bill be closed in ten minutes with the modifications stated by him?

Mr. DALZELL. Mr. Chairman, this is the last appropriation bill, and perhaps this is the last opportunity I shall have to address the House briefly on a subject to which attention was called yesterday by the gentleman from Tennessee [Mr. McMillin] and in which I take a personal interest. I would therefore like to have a little time upon this bill.

The CHAIRMAN. Does the gentleman object?

Mr. DALZELL. No, sir; but I want to see if I can not come to an understanding by which I can get some time.

Mr. BOUTELLE. Mr. Chairman, I do not think I can accede to the request of the gentleman from Pennsylvania, because I have just been notified by the gentleman from Tennessee that if any question of a political nature should be introduced gentlemen on that side would probably want time to reply. I understand that the question to which the gentleman from Pennsylvania desires to address himself would probably involve some political considerations, and inasmuch as I have been notified and should have expected in any case that the gentleman from Tennessee would desire to reply to the gentleman from Pennsylvania, I do not feel that I ought to accede to the request of the gentleman from Pennsylvania, especially as there will be conference reports coming in here from time to time upon which he will have ample opportunity to submit the remarks which he desires to make.

Mr. DALZELL. If I felt sure of that, I would not insist at this time; but I can assure the gentleman from Maine that what I have to say to the House ought not to lead to any political debate. I do not propose to make a political speech. I propose to confine myself strictly to the question.

Mr. BOUTELLE. In my judgment it would inevitably lead to a political debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine that general debate on this bill be closed in ten minutes?

Mr. HARRISON. Mr. Chairman, I object, because I wish to make some observations on one part of the bill.

Mr. BOUTELLE. I think that if the gentleman understands the proposition he will not object to it. My request is that all general debate shall be closed in ten minutes. I ask for that time simply that I may occupy perhaps five minutes in submitting to the committee the figures indicating the general scope of this bill, and I ask that at the expiration of the ten minutes we shall go on to consider the bill by paragraphs, reserving for the gentleman from Massachusetts [Mr. Barrett], when we reach the point where he desires to make some remarks, fifteen minutes, and for the gentleman from Missouri [Mr. Hall] twenty minutes on another part of the bill, he being the only other gentleman who has indicated a desire to be heard beyond the time allowed under the five-minute rule.

Mr. HARRISON. If I can be included in that arrangement, I shall not object.

Mr. BOUTELLE. Will the gentleman indicate what time he desires?

Mr. HARRISON. Not over twenty minutes, and perhaps I shall not occupy any time.

Mr. BOUTELLE. I think the gentleman should have time if he desires it, and I will include in my request an agreement that the gentleman from Alabama be allowed twenty minutes.

The CHAIRMAN. The request, then, is that general debate be closed in ten minutes; that when the gentleman from Massachusetts [Mr. BARRETT] desires to speak he shall be heard for fifteen minutes; that when the gentleman from Missouri [Mr. HALL] desires to address the committee he shall have twenty minutes, and that when the gentleman from Alabama [Mr. HARRISON] desires to be heard he shall have twenty minutes. Is there objection to the request for unanimous consent?

Mr. DE ARMOND. I wish to inquire whether under this arrangement time is given to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. BOUTELLE. No; I have declined to accede to that request, because I was informed that the remarks of the gentleman from Pennsylvania would probably lead to a more or less extended debate of a political character.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine? The Chair hears none. The gentleman from Maine is recognized for ten minutes.

Mr. BOUTELLE. Mr. Chairman, ordinarily the subject of a general naval appropriation bill would, from its importance and interest, seem to require more extended remarks than I propose to offer at this time. The committee feel that the late hour of the session and the circumstances surrounding the case require that we should pass this bill with all the expedition which may be consonant with an intelligent understanding of its provisions.

This appropriation bill is based upon estimates of the Department amounting to $31,215,986.24. The appropriations reported by the committee in this bill have reduced the estimates of the Department to the extent of $2,050,702.05, while they increase the bill over the corresponding appropriations of last year to the extent of $1,602,573.24. The total amount appropriated by the bill for the regular maintenance of the naval establishment proper, including public works, the Naval Academy, and the Marine Corps, is $18,853,451.19, showing a net decrease for the fiscal year of $227,155.76. The increase in the amount of this bill, as will be seen by the accompanying report, is to be found entirely in the appropriations, under the head of "Increase of the Navy," for carrying on the work of building the ships now under construction.

I think the committee have a right to felicitate the House upon the fact that, notwithstanding a large increase in the number of men required by the increased number of ships, and notwithstanding the large increase in the number of vessels and the cost of maintaining or caring for them, we have been able to bring the entire appropriations for all purposes, except carrying on the work upon new vessels now under construction, below the appropriations of last year by $1,600,000.

The appropriations for carrying on the Navy are increased in a few cases—$174,012 for pay of the Navy on account of the additional force provided for last year; $141,870 for additional requirements for equipment of new vessels; $14,624 for additional requirements of maintenance of yards and docks; $2,900 in the Bureau of Supplies and Accounts, because of the transfer to it of certain employees, which gives a fictitious appearance of increase; $2,778 in the Marine Corps, for the repair of several marine barracks. On the other hand, the amount appropriated for the Bureau of Navigation is reduced by $2,500; that for the Bureau of Ordnance by $264,500; for public works by $38,535.21; for construction and repair, $133,000, for steam engineering, $6,150, and for the Naval Academy, $42,600. The result is, as already stated, a net increase of $1,602,573 in the aggregate appropriations this year as compared with those of last year.

Mr. McMILLIN. There have been a number of investigations going on tending to show that we have been making very large expenditures for armor plate. Is there anything in the bill looking to a curtailment of that expense?

Mr. BOUTELLE. We have made a very specific and very important recommendation on that point. While this subject may be adverted to more particularly when we reach that part of the bill, I will simply say now in the briefest possible manner that, in view of the controversy which arose in regard to the prices paid for armor, Congress at the last session included in the naval appropriation bill a clause providing that no contract should be made for the purchase of armor for battle ships authorized last year until the Secretary of the Navy should cause an inquiry to be made as to what would be a fair price for armor plate and should make a report to the next—that is the present—session of Congress. The Secretary has made that report. It is quite voluminous, embracing the results of very elaborate and extensive investigations. It was sent to the House of Representatives and the Senate by the Secretary at the beginning of the present session. In brief, the conclusion of the Secretary, from all the facts and data that he could obtain, treating the subject in the manner that seemed to him to be adapted to a solution of the problem, was that $400 a ton would be fair and equitable as an average price to pay for this armor.

Mr. McMILLIN. How does that differ from the average price paid heretofore?

Mr. BOUTELLE. The prices heretofore paid have varied considerably. The circumstances connected with the establishment of the armor-plate manufacture in this country form a very interesting and important chapter in the development of our domestic industries, with which only a few, perhaps, of the members of this Committee of the Whole have been personally familiar.

Mr. HARRISON. Does this bill provide for the construction of any new battle ship?

Mr. BOUTELLE. It does not.

Mr. HARRISON. What, then, is the meaning of this language in line 20, on page 47, "and of the vessel authorized by this act?"

Mr. BOUTELLE. That language appears in the bill by reason of a mere inadvertence of the printer in failing to strike out a portion of the language of the last bill. That error is to be corrected by amendment. If the gentleman will do me the kindness to glance over the very brief report accompanying the bill, he will see that we have not included in the measure any provision for a new battle ship. Now, in answer to the gentleman from Tennessee [Mr. McMILLIN] I will say that, in pursuance of my promise to occupy but a few minutes, I can not at this time, of course, go into details. But I will say simply that in 1887 Secretary Whitney entered into a contract with the Bethlehem Iron Works of Pennsylvania for the furnishing, I think, of some 7,000 tons of armor plate on condition that they should erect in the United States, and have ready for occupation within a certain time, an equipment that would enable them to turn out this armor material as fast as the Government should require it. The contract was made, to the surprise of a great many people——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. I ask unanimous consent that the gentleman be permitted to proceed.

There was no objection.

Mr. BOUTELLE. I think perhaps this suggestion would meet the gentleman's views more fully and satisfactorily—that we go on with the bill until we reach this question of armor, to which the gentleman from Missouri [Mr. HALL] and others propose to direct themselves, and that we then bring out, consecutively and clearly, the facts in the case.

Mr. McMILLIN. I have no objection to that.

Mr. BOUTELLE. And I will simply say, in conclusion, that the prices of this armor plate have ranged, in its different qualities, taking the most expensive forms, the price having varied, of course, very much in accordance with the difficulty of the forms in which these large forgings have been made, from something over $800 per ton in the first contract, under Secretary Whitney, to about $500 under the last contract.

Mr. HALL. I will correct the gentleman. The highest contract price ever paid was $750.

Mr. BOUTELLE. Very well; whatever it was, it was a very high price. That was the first contract, was it?

Mr. HALL. I do not recall that. I do not know that the statement from the Navy Department shows that.

Mr. BOUTELLE. It has ranged down to $550, the price paid under the last contracts. The Secretary has recommended that $400 would be a fair price, and the Committee on Naval Affairs, while not deeming it wise public policy to fix a specific price per ton, or per yard, or per pound, upon any commodity, have substantially adopted the recommendation of the Secretary of the Navy, by providing that the total cost of the armor for these three ships shall not exceed $3,210,000, a sum which represents the amount of armor, under the plans and estimates of the Navy Department, computed at the rate of $400 average cost per ton.

Provision is made in this part of the bill that no part of this armor shall be purchased until provision is made for the purchase of the entire amount of it, and other safeguards have been included, so as to insure that the whole of this armor shall be secured at a total cost not to exceed the total cost of the carrying out of the recommendation of the Secretary of the Navy.

I desire to say, as a matter of justice, at this point, that the manufacturers of this armor plate have not acquiesced in the estimates or in the justice of the Secretary's conclusion. They do not concede the propriety of his methods of computation. But the Secretary has claimed that he has sought information from the best sources available, that he has given his best judgment, and the committee, without attempting dogmatically to fix a price upon a commodity the manufacture of which involves a vast amount of detail, have thought that they would most wisely perform their duty by accepting the report of the Secretary of the Navy, under special instructions of Congress at the last session, as coming to us in the nature of a departmental estimate of the amount which, in the belief of the Department, should be properly expended to secure a certain result.

Mr. McMILLIN. I will ask my friend another question, if it will not too much defer the consideration of the bill. He says that the manufacturers did not acquiesce in this estimate of the Secretary. While dissenting from this estimate, did they furnish, either to the committee or to the Secretary of the Navy, a statement of the actual cost of armor plate as a proof that their contention was right and his was wrong?

Mr. BOUTELLE. As is stated in this brief report, the manufacturers declined to submit their books to the inspection of the Department, basing their refusal on the ground that they ought not to be expected to expose their business accounts to their rivals in trade. The Secretary deals with that in his report, and justifies himself upon many points in reaching his conclusions upon the ground that he has obtained the best information possible, and that the failure of the companies to furnish him the actual figures has rendered it necessary for him to obtain his information elsewhere.

Mr. HALL. I wish to state to the gentleman from Maine, chairman of the committee, that I was mistaken about the maximum. It is $725.

Mr. BOUTELLE. We will bring all that out later. Perhaps I had better say in this introductory that this bill is peculiar in this respect—that it contains no recommendation of authorization of additional ships at this session. I can not with too much emphasis state to this committee that that omission represents in no possible sense the slightest purpose on the part of the Committee on Naval Affairs to relax pushing forward in the development of our naval force to that point where we shall feel we have such a navy as the nation requires. We have refrained from recommending an additional ship at this session solely out of consideration for the present condition of the national finances, primarily, and out of consideration of what we have felt was likely to be the temper of the House at this time. And in view of the fact that we already have the situation complicated by inability thus far to obtain armor for three battle ships now on the stocks, the committee considered that in view of the fact that at the last session we made the largest authorization but one in the history of the new Navy; that we have now on the stocks five first-class battle ships under construction and a number of other vessels, including torpedo boats, perhaps it would best comport with the exigencies of the present situation not to authorize another battle ship until this armor question has been solved to the satisfaction of the Government. And as another session of Congress is coming along soon, it was deemed wise at the last, after very careful consideration, not to recommend the authorization of another ship in this bill.

Mr. Chairman, I do not know that I desire to say anything more at this time, and I ask that the Clerk read the bill.

The reading of the bill was proceeded with.

The Clerk read as follows:

> Naval station, Newport, R. I.: For maintenance of office of commandant: fuel, stationery, books, furniture, freight, and other contingent expenses, $1,000.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. I have listened, Mr. Chairman, to the debates that have been made upon the appropriation bills thus far before the House. An effort seemed to be made to arraign one side or the other in regard to unnecessary extravagance. I have therefore prepared a little classification of appropriations, which will take about two pages in the RECORD. I do not desire to detain the committee to read them, and ask permission to print them in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to print a statement in the RECORD. Is there objection?

Mr. BOUTELLE. What is it?

Mr. WHEELER. It is about the appropriations, a classification of them; and it will take about two pages.

Mr. BOUTELLE. Does it relate in any way to this bill?

Mr. WHEELER. It does relate to the appropriations in this bill. It is a comparison of appropriations.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

The Clerk read as follows:

> Naval station, Puget Sound, Washington: One clerk, at $1,200; 1 rodman inspector, at $3.50 per diem; 1 messenger and janitor, at $1.76 per diem, including Sundays; in all, $2,967.80.

Mr. BARRETT. Mr. Chairman, I desire to make the point of order upon this paragraph and the one following. I ask that they be passed over informally and that the point of order be reserved. They are lines 23, 24, and 25 on page 15, and lines 1, 2, and 3 on page 16.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. BARRETT. I do not desire to press the point of order at this time. I simply ask that the paragraphs be passed over informally.

Mr. BOUTELLE. Has the Chair overruled the point of order?

The CHAIRMAN. The Chair understands the gentleman to reserve the point of order. Does he withdraw the point of order?

Mr. BARRETT. I ask that the point of order be considered as pending.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that these paragraphs be passed over informally, and that the point of order be pending.

Mr. BARRETT. This paragraph and the following.

Mr. BINGHAM. What paragraph?

Mr. BARRETT. The paragraph read by the Clerk.

Mr. BINGHAM. What was that?

Mr. BOUTELLE. The paragraphs relating to naval stations at Puget Sound and at Port Royal.

The CHAIRMAN. Is there objection to passing over these two paragraphs informally, with the point of order pending? [After a pause.] The Chair hears none.

Mr. HALL. The hour of 5 o'clock has arrived, and I move that the committee rise.

Mr. BOUTELLE. I hope the gentleman will allow the Clerk to proceed a little longer, because time is so much more precious in the middle of the day than now. However, I do not want to press that point.

The CHAIRMAN. Does the gentleman insist upon his motion?

Mr. HALL. I do. I have not withdrawn it.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

Mr. BOUTELLE. I shall not antagonize the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10345) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 9, 1897:

An act (H. R. 3590) to authorize the adjustment and settlement of accounts of John T. Williams;

An act (H. R. 2879) granting a pension to Harriet F. Herrick;

An act (H. R. 6215) to increase the pension of Ambrose D. Manion;

An act (H. R. 6549) granting a pension to Gideon L. McGinnis;

An act (H. R. 4934) for the relief of Mrs. Sarah Martin;

An act (H. R. 1018) to increase the pension of Bennett S. Shaug;

An act (H. R. 4743) to increase the pension of Adam Dennis;

An act (H. R. 5670) to increase the pension of Richard S. Phillips;

An act (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

An act (H. R. 4257) granting an increase of pension to Gabriel Widmer;

An act (H. R. 4181) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

An act (H. R. 6552) granting an increase of pension to Alexander C. Morrison;

An act (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;

An act (H. R. 4190) to restore the name of Ethan A. Sellman to the pension roll;

An act (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

An act (H. R. 1836) granting an honorable discharge to Wilson Kale; and

An act (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers.

The following bills were presented to the President on January 27, 1897, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution of the United States, they have become laws without his approval:

An act (H. R. 1590) granting a pension to George W. Bagley;

An act (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

An act (H. R. 3333) granting a pension to Thomas S. Daugherty;

An act (H. R. 3945) granting a pension to Thomas J. Thorp;

An act (H. R. 4264) granting a pension to Mary Pelham;

An act (H. R. 4494) granting a pension to Barton S. Dawson;

An act (H. R. 4620) granting a pension to Samuel McKinsey;

An act (H. R. 4875) granting a pension to John W. Pogue; and

An act (H. R. 5580) granting a pension to Archibald Hunley.

The following-named bills were approved by the President February 10, 1897:

An act (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; and

An act (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon.

The following bills were presented to the President on February 1, 1897, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 4872) to correct the military record of Homer C. McCuskey;

An act (H. R. 6143) for the relief of Peter Young; and

An act (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The President on February 13, 1897, approved the following bills and joint resolutions:

An act (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.;

An act (H. R. 6776) to provide an American register for bark *Vila*.

An act (H. R. 2741) for the relief of Peter Cook, of Arkansas;

An act (H. R. 8256) to authorize the establishment of a life-saving station at or near Great Bears Head, on the coast of New Hampshire; and

A joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896.

On February 15, 1897:

An act (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893;

An act (H. R. 9629) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation;

An act (H. R. 10067) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882, and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;"

An act (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;

An act (H. R. 3481) granting a pension to James L. Wing;

An act (H. R. 10085) for the relief of Elnora Shuman; and

A joint resolution (H. Res. 249) for appointment of a member of Board of Managers of National Home for Disabled Volunteer Soldiers.

The following act having been presented to the President on February 4, 1897, for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, it has become a law without his approval:

An act (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The President on February 17, 1897, approved the following bills and joint resolutions:

An act (H. R. 5182) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;

An act (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

An act (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

An act (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota;

An act (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

An act (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York;

An act (H. R. 6850) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

An act (H. R. 3787) for the relief of H. C. Herndon;

An act (H. R. 4279) to cure the title of certain real estate in the District of Columbia;

An act (H. R. 9315) to enable certain persons in the State of Mississippi to procure title to public lands; and

A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth:

On February 18, 1897:

Joint resolution (H. Res. 231) providing for the distribution of the maps and atlases of the United States Geological Survey.

The following bills were presented to the President on the 5th day of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 2253) for the relief of Barzilla C. Hudson; and

An act (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The President, on February 18, 1897, approved the following bill:

An act (H. R. 9483) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof.

On February 19, 1897:

An act (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes;

An act (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District, belonging to insane persons, for purpose of reinvestment, and for other purposes; and

An act (H. R. 897) for the relief of James Stewart.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10030) granting an increase of pension to George W. Ferree.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The message also announced that the Senate had passed the bill (S. 3561) to grant a right of way through the Fort Spokane Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed in pamphlet form for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896 relative to the administration of the pension laws.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war;

A bill (H. R. 1475) for the relief of Basil Moreland; and

A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

GRAND ARMY OF THE REPUBLIC ENCAMPMENT AT BUFFALO.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

Mr. BAILEY. Mr. Speaker, in order to save time, I will say to the gentleman that, with an understanding that a motion to adjourn will not be made immediately after the consideration of this bill, or until we can have a recognition on this side, I will not object to his request.

Mr. MILNES. Let us hear what the joint resolution is about.

The SPEAKER. The Clerk will report the joint resolution, and then the gentleman from Texas can object or not, as he deems proper.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to deliver to the order of Augustus F. Scheu, president of the citizens' committee of the Thirty-first National Encampment of the Grand Army of the Republic, to be held at Buffalo, N. Y., one condemned cannon, with carriage, used in the late civil war, to be used by the said citizens' committee for the purpose of furnishing memorial badges commemorative of the holding of such encampment at Buffalo, N. Y.: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon and carriage.

Mr. BLUE (to Mr. POOLE). Can not you get that under the general law?

Mr. POOLE. We can not.

Mr. BLUE. I think you can.

Mr. POOLE. We can not. I will explain to the gentleman in a moment why we can not get it under the general law.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

Amendments recommended by the committee were agreed to, as follows:

Before the word "condemned," in line 7, insert the word "dismounted."

After the word "cannon," in line 7, strike out "with carriage."

In lines 12 and 13, at the end of the bill, strike out the words "and carriage."

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. POOLE, a motion to reconsider the vote by which the joint resolution was adopted was laid on the table.

JOSEPH M. DONOHUE.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the desk (H. R. 6058), to increase the pension of Joseph M. Donohue.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, authorized and directed to place the name of Joseph M. Donohue, of Shelby County, Ky., late a private in Company A, Fifteenth Kentucky Regiment, on the pension roll as a pensioner at the rate of $12 per month, instead of $6 per month, which he now receives.

Mr. MILNES. Is there a report in that case?

Mr. McCREARY of Kentucky. Yes, sir; there is a report. I ask that it be read.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6058) to increase the pension of Joseph M. Donohue, having considered the same, respectfully report:

Joseph M. Donohue enlisted September 23, 1861, as a private in Company A, Fifteenth Kentucky Volunteer Infantry, and was honorably discharged January 14, 1865.

Claimant applied for and was pensioned at $6 per month from April 11, 1887, for rheumatism contracted in service. The board which examined him February 15, 1888, rated him six-eighteenths for rheumatism and describe some disease of heart. The board say the right elbow is somewhat rigid, right shoulder painful on forced elevation of hand to head, and slight atrophy of right arm and forearm. The board at Frankfort, Ky., November 18, 1891, rated him six-eighteenths for rheumatism and four-eighteenths for shell wound of left leg.

He applied for pension under the act of June 27, 1890, on November 14, 1890, alleging shell wound of left leg, resulting in rheumatism; but his claim was rejected November 26, 1892, on the ground of no benefit.

Medical testimony filed with the committee shows that claimant has been totally incapacitated for manual labor two-thirds of his time for the last twenty-two years, and the committee recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CONNOLLY. I will ask the gentleman presenting this bill whether it has been considered in Committee of the Whole?

Mr. McCREARY of Kentucky. The bill has been considered by the committee, who have reported it unanimously. I would say to my friend from Illinois that this gentleman is old, and, as the report states, has been suffering for twenty-two years as a result of disabilities incurred in the service. The report of the committee shows that for two-thirds of that time, or at least for a great many years, he has been unable to do manual labor. The case is a meritorious one, and I trust that no objection will be made.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

CREVASSE AT PASS A LOUTRE.

Mr. HOOKER. Mr. Speaker, I present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing vote of the two Houses on the amendments of the House of Representatives to the bill S. 3614, an act to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment as follows: After the words "Attorney-General," in the twenty-first line of section 2, insert the following: "after a full hearing to both parties;" and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, amending the title, and agree to the same; and the House agree to the same.

W. B. HOOKER,
WALTER REEVES,
Managers on the part of the House.
D. CAFFERY,
KNUTE NELSON,
Managers on the part of the Senate.

The conference report was adopted.

THOMAS W. SCOTT.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas W. Scott, late United States marshal eastern district of Virginia, out of any money not otherwise appropriated, the sum of $500, amount due him by reason of the custody of G. M. Bain, jr., of Norfolk, Va.

Mr. BLUE. Is there a report in that case?

Mr. OTEY. There is.

The report (by Mr. COX) was read, as follows:

The Committee on Claims, to whom was referred House bill 9184, report the same with an amendment, striking out, in line 6 of the bill, the words "five hundred" and inserting the words "three hundred and fifty," and recommend that the bill so amended do pass.

The facts appear to be that Judge R. W. Hughes made an order for the payment of $500 for services of guards and board of prisoner, G. M. Bain, jr., the late marshal, Thomas W. Scott, having been directed by the Supreme Court to hold custody of the prisoner during habeas corpus proceedings; that he made application for the payment, and delay was occasioned in getting together the vouchers and accounts, and finally succeeding in getting the books from the court and the accounts, he was engaged in complying with the directions when a fire occurred, destroying his warehouse, tobacco, and all books and records in his office, where these books and accounts were.

Your committee believe he ought to be paid, and think the $280 for guards and the board of the prisoner should be paid, which they place at $350.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. COX. I will ask the gentleman from Virginia who reported that bill?

Mr. OTEY. The gentleman from Tennessee [Mr. COX] himself did.

Mr. COX. I thought so. That is why I made the inquiry. I remember the case.

Mr. BLUE. Has the bill been considered in Committee of the Whole?

Mr. OTEY. No, sir; it has not been considered by the Committee of the Whole, but it has been favorably reported, and it is on the Calendar.

Mr. BLUE. Have the vouchers which the report mentions been approved by the Federal judge?

Mr. OTEY. Yes, sir. The Federal judge made an order for $500, but the amount has been reduced by the committee to $350. The judge's order is in the papers in the case.

Mr. COX. In that case, Mr. Speaker, the judge of the court had certified to a larger amount than is carried by this bill.

An amendment recommended by the committee striking out "five hundred" before the word "dollars" and inserting "three hundred and fifty" was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OTEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

W. E. JUDKINS.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie.

The bill was read.

Mr. PAYNE. I object to the consideration of that bill. I move that the House adjourn.

LANDS OF RED LAKE RESERVATION, MINN.

Mr. TOWNE. I have a privileged resolution.

The SPEAKER. It is not privileged against a motion to adjourn.

Mr. TOWNE. I hope the gentleman from New York [Mr. PAYNE] will withdraw that motion for a few moments.

Mr. PAYNE. I do so in order that the resolution may be read.

The following resolution (No. 531), favorably reported from the Committee on Indian Affairs, was read:

Resolved, That the Secretary of the Interior be, and he hereby is, requested to transmit to this House, at his earliest convenience, the report, with all accompanying papers and testimony, recently made to him by Indian Inspector J. George Wright, of the investigation of the corps of examiners of the pine and agricultural lands of the Red Lake Reservation in the State of Minnesota.

Mr. TOWNE. This resolution has been favorably reported. The report for which this resolution calls contains matter of very great interest to the people of my State and to the Executive Department having cognizance of the subject. I hope there will be no objection to the consideration of the resolution.

There being no objection, the House proceeded to consider the resolution; which was adopted.

WITHDRAWAL OF PAPERS.

Mr. CROWTHER. I ask unanimous consent to withdraw from the files of the House certain papers heretofore filed by me in support of the application of David Housel for removal of the charge of desertion.

The SPEAKER. There has been no adverse report?

Mr. CROWTHER. No report whatever.

The SPEAKER. In the absence of objection, the request will be considered as granted.

There was no objection.

Mr. PAYNE. I now renew my motion that the House adjourn.

The motion was agreed to.

Pending the announcement of the result on the motion to adjourn,

Mr. RUSSELL of Connecticut, by unanimous consent, obtained leave to withdraw from the files of the Fifty-first Congress, without leaving copies, papers in the case of John A. Nugusteyer, no adverse report having been made.

He also, by unanimous consent, obtained leave to withdraw from the files of the Fifty-first Congress, without leaving copies, papers in the case of John H. Davidson, no adverse report having been made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DRAPER, for five days, on account of important business.

To Mr. LINNEY, for this day, on account of sickness.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. [illegible]) entitled "An act to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called," reported the same with amendment, accompanied by a report (No. 3011); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE (by request): A bill (H. R. 10341) to enable persons who made homestead entries in Oklahoma Territory of less than 160 acres to complete their homestead entries by filing on additional land—to the Committee on the Public Lands.

Also (by request), a bill (H. R. 10342) to enable members of the Citizen band of Pottawatomie Indians to receive patents to their land—to the Committee on Indian Affairs.

By Mr. BARRETT: A bill (H. R. 10343) to amend "An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1895, and for other purposes"—to the Committee on the Library.

By Mr. MAHANY: A joint resolution (H. Res. 260) authorizing the Secretary of the Navy to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo—to the Committee on Naval Affairs.

By Mr. GROSVENOR: A resolution (House Res. No. 551) providing for the employment of certain session employees of the House—to the Committee on Accounts.

By Mr. BELKNAP: A memorial of the legislature of the State of Illinois, urging the passage of the bill (S. 3058) to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of Illinois, urging the passage of the bill (H. R. 1) to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, urging passage of the bill (H. R. 1) to reclassify postal railway clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A memorial of the State of Illinois, indorsing the bill (H. R. 1) to reclassify and prescribe salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of Illinois, urging the passage of Senate bill 3058, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: A memorial of the legislature of the State of Illinois, urging passage of Senate bill 3058, to increase the salaries of letter carrier—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: A memorial of the legislature of the State of Indiana, in favor of Senate bill 2741—to the Committee on the Post-Office and Post-Roads.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, praying the passage of Senate bill No. 3058, to classify and increase pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH of Illinois: A memorial of the legislature of the State of Illinois, indorsing bill H. R. 260—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Illinois legislature, indorsing bill H. R. 1—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 10344) to remove the charge of desertion from the name of George Abbott—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 10345) granting a pension to Margaret Love Skerrett—to the Committee on Invalid Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 10346) to pension William M. Cheavront—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of Armour & Co., Marshall Field & Co., and 62 others, bankers and merchants of Chicago, Ill., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY: Petition of William Adair and other citizens, and J. H. Liebenthal and others, of Covington, Ky.; also of N. L. Bennett and others, of Newport, Ky., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BLUE: Telegrams from citizens of Pierceville and Harper, State of Kansas, in favor of House bill No. 10090 and Senate bill No. 3545, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jos. E. Riggs and other citizens of Lawrence, Kans., in favor of the Linton bill (H. R. 10108), relating to fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. BRODERICK: Petition of Grant W. Harrington and 500 other citizens of the State of Kansas, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Mrs. Mary Frost Ormsby, president of the Woman's International Peace League, in favor of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. BURTON of Missouri: Petition of the Harrison Lawyer Company and other business firms and citizens of Webb City, Mo., in favor of the Sherman and Cullom bills to prevent railroad ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of P. Hoffman and other citizens of Fort Madison, Iowa, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of E. L. Wilson and 15 other citizens of Columbia, Tenn., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Resolution of the Flint and Lime Glass Manufacturers' Association of Pittsburg, Pa., in favor of the establishment of a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. DE ARMOND: Petition of T. B. Wheeler and others, of Warsaw, Mo., in favor of Senate bill No. 2155, to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOOLITTLE: Petitions of A. W. Bower, of Sultan; J. E. McDougall, of Montesano; W. H. James, of North Yakima, and W. L. Wheeler, of Port Orchard, State of Washington, in favor of the passage of House bill No. 1566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill to remove the charge of desertion against George Abbott—to the Committee on Military Affairs.

By Mr. FAIRCHILD: Petitions containing 145 signatures, from the Sixteenth Congressional district of New York, favoring the passage of House bill No. 10090, known as the anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of E. R. Pope and others, of Minneapolis, Minn., favoring the passage of the Cullom and Sherman

bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of C. F. Shury and 8 other attorneys of Chicago, Ill., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petitions of T. F. Frawley and other citizens of Eau Claire; William E. Plummer and others, of Pepin County; Rev. John B. Metzler and publishers of the Morning Chronicle, of La Crosse, State of Wisconsin, in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry B. Pace and other citizens of Mondovi, Wis., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. GRISWOLD: Petition of Willis K. Crosby and 4 other citizens of Erie, Pa., favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGER: Petition of George A. Davis and others, of Glenwood, Iowa, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of W. E. Houson and others, of Carrollton, Mo.; also of C. T. Philips and others, of Moberly, Mo., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Resolution of the State Veterinary Medical Association of Iowa, favoring the passage of House bill No. 3012, to establish the rank and pay of veterinarians in the United States Army—to the Committee on Military Affairs.

Also, resolution of the State Veterinary Medical Association of Iowa, opposing the passage of Senate bill No. 1552, restricting vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Rev. Homer C. Stuntz and 8 other citizens of Waterloo; also petition of Rev. E. Schuette and 14 others, of Dubuque, Iowa, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, communication from the Brotherhood of Locomotive Firemen of Eagle Grove, Iowa, favoring the passage of the contempt bill, the arbitration bill, and the Phillips commission bill—to the Committee on Rules.

By Mr. HITT: Petition of the teachers and students of the Chicago Training School for Missions, containing 118 names, indorsing House bill No. 7085, prohibiting the sale of intoxicating liquors in the Capitol building, favoring the passage of the bills to raise the age of protection for girls in the District of Columbia, for a District Sunday law, and to prevent interstate gambling by telegraph—to the Committee on Public Buildings and Grounds.

Also, petition of R. J. Hazlett and others, of Rockford, Ill., favoring the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD: Petition of citizens of Maries County, Mo., asking consideration and passage of bill paying the Methodist Episcopal Church South for use of property at Nashville, Tenn., by Federal troops during the war—to the Committee on War Claims.

By Mr. KIEFER: Petition of the St. Paul Chamber of Commerce, against alleged discriminations of American meat products abroad—to the Committee on Agriculture.

By Mr. KIRKPATRICK: Petition of W. C. Robinson and 45 other citizens of Winfield; also of W. A. Pay and others, of Coffeyville; also of Hon. Simon P. Humphrey and 105 others, of Independence, State of Kansas, favoring the passage of the Cullom and Sherman bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of the Iowa State Veterinary Association, protesting against the passage of the bill prohibiting vivisection—to the Committee on the District of Columbia.

Also, resolutions of the Iowa State Veterinary Association, recommending the passage of House bill No. 3012, to establish the rank and pay of veterinarians in the United States Army—to the Committee on Military Affairs.

Also, petition of A. M. Haggard, of Oskaloosa, Iowa, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Papers of Hugh Doorley and S. A. Hoskins, citizens of Sidney, Ohio, protesting against the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Petition of E. T. Boxwell and 44 other citizens of Hoisington; also of E. W. Hulse, of McPherson, State of Kansas, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LOW: Petition of George Pfaff and 25 other citizens of New York City, urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. MILLER of West Virginia: Papers to accompany House bill for the relief of William M. Cheavront, of Company F, Fourth West Virginia Cavalry—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: Petition of Denson Wilson, of Wayne County, Tenn., asking reference of his claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of Nancy Rouse, of Hardin County, Tenn., asking reference of her claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of John West, of Wayne County, Tenn., asking reference of his claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of Thomas Somax, of Perry County, Tenn., asking reference of his war claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: Resolutions of the Minnesota State Historical Society, favoring the restoration of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. McDEARMON: Petition of Rev. B. W. Brown and 14 other citizens of Bells, Tenn., in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. NEILL: Petition of J. D. Brandon and 20 other citizens of Kensett and Searcy, Ark., in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of W. H. Kellog and 7 other citizens of Milwaukee, Wis., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of the Peter Cooper Council, No. 190, Junior Order United American Mechanics, of Newark, N. J., praying for the granting of belligerent rights to Cubans—to the Committee on Foreign Affairs.

By Mr. PERKINS: Petition of P. E. Narey and 14 other citizens of Spirit Lake, Iowa, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PITNEY: Thirty-two petitions of citizens of the State of New Jersey, favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of A. C. Matthews and others, of Pittsfield, Ill., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petition of the Young Men's Christian Association of Norwich, Conn., in favor of abolishing the sale of intoxicants in the Capitol restaurants—to the Committee on Public Buildings and Grounds.

By Mr. SAYERS: Petition of A. J. Radford and 5 other citizens of Lyons, Tex., favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of D. L. Gaster and 18 other citizens of New Orleans, La.; and August Erath and 13 others, of New Iberia, La., favoring the passage of House bill No. 10090, known as the anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of Rev. W. D. Parr, of Kokomo, Ind., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of William Becker and other citizens of Fort Atkinson; J. H. Valentine and others, of Mason City; E. H. Gillet and others, of West Union; J. W. Merrill and others, of Fayette, and L. L. Lockard and others, of Decorah, State of Iowa, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Petition of Thomas B. Jones and other members of Valley Forge Council, No. 57, N. P. U., favoring the passage of the McMillan-Linton bills regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. WOOD: Petition of G. W. Fisher and other citizens of Cumberland County, Ill., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *February 23, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. QUAY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the provisions of the act of March 2, 1895, the report and accompanying letter of Mr. Philip C. Garrett, of Philadelphia, Pa., a member of the Board of Indian Commissioners, on the result of the negotiations with the Ogden Land Company for the purchase of the interest of that company in the Cattaraugus and Allegany Indian reservations in the State of New York, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

The VICE-PRESIDENT also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State of the 19th instant, as referred by the Commissioner of Navigation, relating to the claim of the master of the Swedish bark *Ada* against the United States, and recommending that an appropriation of $226.61 be inserted in the general deficiency appropriation bill for payment of that claim; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ST. LOUIS RIVER BRIDGE.

Mr. QUAY. I believe, according to the rule of the Senate adopted upon the suggestion of the Senator from Massachusetts [Mr. HOAR] yesterday, petitions and memorials may be filed with the clerks at the desk without a formal presentation upon the floor.

The VICE-PRESIDENT. That is the order.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (S. 3390) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1891, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. VILAS. I should be glad to have that bill laid aside for the present. I have received, by telegraph, information that the legislature of Wisconsin has passed a memorial to Congress remonstrating against the passage of the bill. I have not yet received the document itself. I hope the Senator from Pennsylvania will not seek to have the bill pressed until I receive it. I am sorry that I should be obliged to object to the consideration of the bill, but I am under the instruction of the legislature.

Mr. QUAY. The Senator from Wisconsin is, I think, perfectly satisfied that the bill ought to pass. He must also know that if it does not pass immediately the extreme probability is that it will not pass at all at the present session. The condition of affairs concerning the bridge communicated to me to-day by the president of the Pennsylvania Steel Company, is this:

[Telegram.]

The Duluth bridge is being built by us for bridge company, and all material is at bridge site and bridge is about one-third erected. Act of Congress authorizing construction of bridge requires completion by April 28, which is impossible owing to severity of weather this winter at Duluth; an extension of time, say to July 1, would answer every purpose.

I certainly think that the Senate ought not to sustain the Senator from Wisconsin in asking for a further postponement of the bill. I think the Senator from Wisconsin fully appreciates and properly estimates the equity of the claim of the men who are constructing the bridge, who are not interested in the controversy between the State of Wisconsin and the State of Minnesota.

Mr. VILAS. I have been here, I suppose, every moment ready to object to the taking up of the bill until I could receive the memorial of the legislature that I mentioned to the Senator from Pennsylvania when I got the telegram. There is considerable controversy. I do not know, when the papers shall have been received here, what effect they will produce upon me or what duty will be laid upon me by them with reference to it, but I certainly can not consent to the bill being considered until I have received the memorial of the legislature on the subject.

Mr. QUAY. As I understand the Senator, he has already received a telegram stating the substance of the memorial?

Mr. VILAS. Yes; a telegram. The telegram informs me that both houses of the legislature, after having heard the parties interested on both sides, passed the memorial.

Mr. QUAY. Will the Senator allow me to interrupt him a moment?

Mr. VILAS. Certainly.

Mr. QUAY. I ask the Senator from Wisconsin whether the memorial of the legislature of Wisconsin refers to this bill, which is a naked extension of time for the benefit of those employed in the construction of the bridge, or to the original bill, which involves a dispute as to certain conditions imposed upon the bridge company when it accepted its charter?

Mr. VILAS. The memorial relates to this bill, and the telegram was in answer to a letter which I sent advising the parties interested of the fact that this bill had been introduced. I conceive that it can make no difference in reality to the company in which the Senator is interested, which is constructing the bridge, whether the bill passes or not.

Mr. QUAY. If it makes no difference, then the Senator from Wisconsin ought not to object to its passage.

Mr. VILAS. Perhaps there may be some force in that suggestion, but I certainly am obliged to object to it under the instruction of the legislature of the State. I am quite sure the Senate would not insist upon passing it when the legislature of the State has memorialized Congress against it, at least not without hearing what the objection is. I know in general what the basis of that objection is. I have the documents and papers in my desk which well support the objection, at least to the first bill that was introduced.

Mr. QUAY. There is no trouble about the first bill. I have no desire to do anything in this bill except to extend the time.

Mr. VILAS. I hope the Senator will permit the bill to lie over for the present, for I shall be obliged to contest it.

Mr. QUAY. I have no objection to the bill going over until to-morrow, but the Senator from Wisconsin and the Senate must understand that, being a Senate bill, it must pass very promptly to be of any use to the constructors of the bridge. If that course is satisfactory, we will allow the bill to go over until to-morrow at the conclusion of the morning business.

Mr. VILAS. I shall be glad to have it go over.

The VICE-PRESIDENT. The request of the Senator from Pennsylvania will be complied with, if no objection is interposed.

Mr. VILAS. Let us have no misunderstanding. Of course the Senator from Pennsylvania can not expect me to consent to take it up until I have received the papers, but I do not ask any more of him now than that the bill shall go over until to-morrow, reserving any rights that I may have in regard to it.

Mr. QUAY. If there is an intention out in Wisconsin to deal fairly with this bill, and I have no doubt there is, the memorial should be here by to-morrow.

Mr. VILAS. I think so. I hope it will be here.

Mr. QUAY. I will move to take the bill up to-morrow, then.

The VICE-PRESIDENT. In the absence of objection, the bill will be passed over until to-morrow.

INDEPENDENCE OF CUBA.

Mr. MORRILL. I desire to give notice that I shall ask the indulgence of the Senate on Thursday morning to submit some remarks upon the resolution reported by the Committee on Foreign Relations in relation to the recognition of the independence of Cuba.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1515) for the relief of Hugh McLaughlin; and

A bill (H. R. 4424) to correct the military record of George I. Spangler.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6831) to prevent the purchasing of or speculating in the claims against the Federal Government by United States officers.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6048) to increase the pension of Joseph M. Donohue;

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal;

A bill (H. R. 10229) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes; and

A joint resolution (H. Res. 220) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of Connecticut, praying for the enactment of legislation increasing the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY,
January Session, A. D. 1897.

Concerning an act of Congress relating to letter carriers.

Whereas on the 11th day of June, 1896, the Senate of the United States passed a bill known as S. 2065, to regulate the salaries of letter carriers, and which provides that in cities of 75,000 or more inhabitants they shall receive for the first year of service $600, and for the second year $800, for the third year $1,000, and for the fourth year and thereafter $1,200, and that in cities of less than 75,000 inhabitants they shall receive $600 for the first year, $800 for the second year, and $1,000 for the third year of service and thereafter; and

Whereas a similar bill (H. R. 250) has been favorably reported by the House Committee on Post-Offices and Post-Roads, and in addition has received the approval of many State legislatures, city governments, boards of trade, and, without exception, the public press: Therefore,

Be it resolved, That the senate and house of representatives of the State of Connecticut, recognizing the arduous and responsible duties of this branch of the public service, and the fact that for the past nineteen years it has been more than self-supporting, and that the increase in the gross receipts during the last fiscal year will more than cover the additional cost of this measure, do hereby request the members of the Senate and House of Representatives in Congress from the State of Connecticut to use every proper means to secure the enactment of this measure into law.

Resolved, That the clerk of the senate and the clerk of the house be instructed to forward copies of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from Connecticut in Congress.

HOUSE OF REPRESENTATIVES, *February 17, 1897.*

Passed.

FRED A. SCOTT, *Clerk.*
SENATE, *February 23, 1897.*

Passed.

SAML. A. EDDY, *Clerk.*

Mr. QUAY presented a petition of the Christian Endeavor Society of the First Presbyterian Church, of Bethlehem, Pa., and a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of Martha Washington Assembly, No. 367, Royal Society of Good Fellows, of Pittsburg, Pa., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

Mr. CULLOM presented sundry petitions of citizens of Upper Alton, Fidelity, and Fairport, all in the State of Illinois; of the department of superintendence of the National Educational Association, of Indianapolis, Ind., and sundry petitions of citizens of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Benjamin Gates and 5 other members of Shaker church, of Narcoossee, Fla., praying that the movement to establish a court of arbitration between Great Britain and the United States be speedily consummated; which was ordered to lie on the table.

Mr. BURROWS presented sundry petitions of citizens of Grand Rapids, Bliss, and Bellaire, all in the State of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Tecumseh; of the Young People's Society of Christian Endeavor of the First Congregational Church, of Stanton; of W. W. Brower and 109 other citizens of Fife Lake; Mrs. Agnes Gillespie and sundry other officers of the Woman's Christian Temperance Union of Michigan; of the Woman's Christian Temperance Union of Greenville; of the Woman's Christian Temperance Union of Paw Paw, and of the Woman's Christian Temperance Union of St. Ignace, all in the State of Michigan, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. BURROWS. I present the petition of T. A. Alexander and 51 other citizens of Milford, Kent County, and the petition of Elbert Saunders and 30 other citizens of Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HILL presented a petition of sundry citizens of Schenectady, N. Y., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of J. H. Bostock and sundry other citizens of Schenectady County, N. Y., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented two petitions of the Grand Council, Royal Arcanum, of Buffalo, N. Y., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

He also presented the petitions of Edwin R. Palmer and 20 other citizens; of Robert S. Sutliffe and 10 other citizens; of Edwin O. Parrish and 19 other citizens; of sundry citizens of Brewster, Poughkeepsie, Hudson, Mount Vernon, New York City, Brooklyn, Millerton, Buffalo, Niagara Falls, Sing Sing, Tarrytown, Barrytown, Tivoli, White Plains, Croton Falls, Linlithgo, Albany, Binghamton, Greene, Mount Morris, Fulton, Owego, Syracuse, Corning, Ithaca, Bath, Norwich, Horner, Conklin, Corbettsville, Oswego, Warsaw, Little Falls, Eastcreek, Fonda, Whitesboro, and Utica, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of the Niles & Scott Company, of Laporte, Ind., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. GEAR presented the petition of J. W. Hackley, of Muscatine, Iowa, and a petition of sundry other citizens of Muscatine, Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of Rev. James J. Purcell, of Parsons, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MANTLE. I present resolutions adopted at a meeting of the Wool Growers' Association of Montana, convened in special session at the city of Helena, on the 15th day of February, 1897, favoring the adoption of the schedule of duties as proposed by the National Wool Growers' Association.

In submitting the resolutions, I desire to state that Montana now stands at the head of the woolgrowing States of the Union, possessing a greater number of sheep than any other State in the Union; and because of this fact I think the resolutions ought to carry considerable weight. I should like to ask, if it is not against the rule, that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred to the Committee on Finance, as follows:

Resolutions of the Montana Wool Growers' Association.

At a meeting of the Wool Growers' Association of Montana, convened in special session at the city of Helena on the 15th day of February, 1897, it was unanimously

Resolved, That we heartily indorse the schedule of duties proposed by the National Wool Growers' Association, of which the Hon. William Lawrence is president, at their conference with the manufacturers on the 9th, 10th, and 11th of February last, with one exception, viz: We urgently request that all skirted and assorted wools shall be subject to the same duties as wash wools. Our experience with free wool has demonstrated the fallacy of every argument urged by the advocates of that un-American policy which has reduced our woolgrowers to the verge of bankruptcy and despair, relieved only by the hope that the incoming Administration and new Congress will revert to the policy of giving adequate protection to so important an industry—to every interest of our nation no less than to our own particular interests. The injustice of a discrimination of 2 cents per pound against the growers of the Western States, as suggested at a meeting of the manufacturers and growers held January 9 last, upon the ground of free range, is at once apparent when we consider that the Western growers are subject to a freight charge of not less than 2 cents per pound more in getting their wool from the point where they shear it from the sheep to the market than are the growers of the Middle and Eastern States, and that the schedule of wages is 100 per cent higher than the same class of labor in the East. The cost of living is 50 per cent higher; interest and taxes are 33⅓ per cent higher. And in view of all these facts, we would suggest that should any discrimination be indulged in on the lines proposed, its order be reversed, and that these wools which enter into direct competition with the range-grown fleeces be subjected to a higher rate of duty. Without antagonizing wools and manufacturers, but, on the contrary, fully recognizing their need of protection, we have presented in the schedule of the national association only what is a fair and living rate for the support of our industry, and will cheerfully cooperate to secure them a proportionate advance in duties on foreign manufactured products.

Resolved, That the association requests, and confidently expects, that the Montana Senators and Representative in Congress will do all in their power to secure for us this measure of protection at the earliest possible moment, and will insist that the act take effect immediately upon its passage and approval; and, further, that they seek the cooperation of Senators and Representatives of other States similarly situated and interested to resist the passage of any tariff act that discriminates against our interests unjustly.

CORNELIUS HEDGES,
H. H. NELSON,
L. H. HAMILTON,
B. PERCY CLARK,
D. E. FOLSOM,
Committee.

Official copy.

BRANNON BROWN,
Secretary Montana Wool Growers' Association.

Mr. VEST presented sundry petitions of citizens of Bonne Terre, Hannibal, Harrisonville, Kansas City, and Moberly, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VILAS presented the memorial of Rev. I. N. Marks and 5 other citizens of Lake Geneva, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Grand Council, Royal Arcanum, of Wisconsin, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Eau Claire, Oconto, Stevens Point, Milwaukee, and Two Rivers, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PRITCHARD presented the petition of Charles M. Hammond and sundry other citizens of East Milford Hundred, Kent County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State; which was referred to the Committee on Privileges and Elections.

Mr. TELLER presented the petition of L. A. Wikoff, publisher of the Herald, of Springfield, Colo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the city council of Denver, Colo., praying for a reclassification of clerks in first and second class post-offices, and also to pay them fixed salaries according to the duties actually performed; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the city council of Denver, Colo., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Montevista, Colo., and a memorial of sundry citizens of Georgetown, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented a petition of sundry woolgrowers of Lincoln and Elbert counties, in the State of Colorado, praying for the passage of the so-called Dingley tariff bill as a temporary measure of relief for the wool industry, and also that a specific duty be placed upon wool; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Highland, Ill., praying that a reciprocity provision in the interest of silver be inserted in the next revised tariff bill; which was referred to the Committee on Finance.

Mr. PETTIGREW. I present certain papers on behalf of the individuals formerly comprising and belonging to the Catawba tribe of Indians, relative to lands owned and occupied by them in the States of North and South Carolina, etc. I move that the papers be referred to the Committee on Indian Affairs, and that they be printed as a document for the use of that committee.

The motion was agreed to.

Mr. BERRY presented a petition of sundry citizens of Searcy and Kensett, in the State of Arkansas, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. CALL presented a petition of members of the Union Congregational Church and the Society of Christian Endeavor of Avon Park, Fla., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of Fargo, N. Dak., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of members of the Methodist Episcopal and Congregational churches of Cando, N. Dak., praying for the enactment of a Sunday-rest law for the District of Columbia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 3095) to remit the time penalties on the light-house tender *Rose*, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. PETTIGREW on the 17th instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3385) to increase the pension of Wesley C. Sawyer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3363) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg., reported it with amendments, and submitted a report thereon.

He also, from the Committee on Territories, to whom was referred the amendment submitted by Mr. CARTER on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SMITH, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. LODGE on the 19th instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3581) to prevent the importation of impure and unwholesome tea, to report a new bill in the nature of a substitute therefor, and ask that it be printed, together with the report thereon.

The bill (S. 3725) to prevent the importation of impure and unwholesome tea was read twice by its title.

The VICE-PRESIDENT. Senate bill 3581 will be indefinitely postponed, if there be no objection.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 7817) to increase the pension of Leroy M. Bethea, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky., reported it with an amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. GALLINGER on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9940) granting a pension to Mrs. Catherine G. Lee, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6915) granting a pension to Julia D. Beebe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7422) granting a pension to Lydia W. Holliday, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3584) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y., reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Territories, to whom was referred the bill (H. R. 10,571) authorizing the funding of indebtedness in the Territories of the United States, reported it with amendments.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 170) for the relief of Robert Williams, sergeant of ordnance, United States Army, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. SHOUP on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

ESTATES OF JAMES M. AND TIMOTHY MEAHER.

Mr. BACON. I am instructed by the Committee on Claims to report a resolution and ask for the present consideration of the same. It simply authorizes the taking of certain testimony relative to the bill (S. [illegible]) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald, administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom, which is pending before the committee.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Claims be, and it is hereby, authorized and empowered to order the taking of the testimony of the witnesses above named, and to [illegible] as may be deemed proper under the provisions of the [illegible]

MISSISSIPPI RIVER IMPROVEMENT.

Mr. CAFFERY. The Committee on Commerce has reversed its action in regard to the amendment reported by the Senator from Missouri [Mr. VEST] in behalf of the committee on the 19th instant, and by direction of the committee I report a resolution and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the proposed amendment to the bill making appropriations for sundry civil expenses of the Government, which amendment was reported by Mr. VEST, from the Committee on Commerce, to be inserted after the word "dollars," in line 12, page 81, be recalled from the Committee on Appropriations, and referred to the Committee on Commerce.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 3723) granting a pension to Mrs. Jennie A. Kerr; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3724) for the relief of Mrs. Jennie A. Kerr, of Concord, N. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3726) granting a pension to Daniel L. Tew, of Red Springs, N. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. WHITE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted two amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Library.

Mr. GIBSON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. JONES of Nevada subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. CARTER this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE subsequently, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. CARTER this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

SEABOARD AIR LINE MAILS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate a copy of the reports of the agents of the Post-Office Department in relation to [illegible] the mails from the Seaboard Air Line, and also a copy of all correspondence between the Department and the officers of said railroad company, and a copy of the correspondence between the Post-Office Department and the Attorney-General in relation thereto.

DEATH OF DR. RICARDO RUIZ.

Mr. MILLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to send to the Senate, if, in his opinion, it is not incompatible with the public interests, a statement of such facts as may be in the possession of the State Department, concerning the arrest, imprisonment, and death of Dr. Ricardo Ruiz in the jail at Guanabacoa on the Island of Cuba, and the correspondence between our Government and Spain, and the correspondence between the State Department and Consul-General Lee on the same subject.

PAYMENT OF STENOGRAPHER.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on the Library, February 13, 1897, in relation to the bill (S. 3167) to incorporate the National Society of Colonial Dames of America, be paid from the contingent fund of the Senate.

PERRINE LAND-GRANT INVESTIGATION.

Mr. CARTER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands, in carrying on the investigation into the issue of patents for the lands embraced in the Perrine grant in Florida, be authorized to employ a stenographer, to be paid out of the contingent fund of the Senate.

FORM OF CREDENTIALS.

Mr. HOAR. I submit a resolution, which I ask may be printed and go over.

The resolution was read, as follows:

Resolved, That, in the opinion of the Senate, the following is a convenient and sufficient form of certificate of election of a Senator, to be signed by the executive of any State, in pursuance of section 17 of the Revised Statutes of the United States:

To the President of the Senate of the United States:

This is to certify that on the —— day of ——, 18—, A. B. was duly elected by the legislature of the State of —— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 18—.

Witness his excellency our governor, —— ——, and our seal hereto affixed at ——, this —— day of ——, A. D. ——.

C. D., *Governor*.

By the governor:

[SEAL.]

E. F., *Secretary of State*.

Resolved, That the Secretary of the Senate shall send a copy of these resolutions to the executive and secretary of state of each State wherein an election of Senator is about to take place, in season that they may use this form in certifying the result thereof, if they see fit.

Mr. VILAS. I should like to ask the Senator from Massachusetts if he did not once report to the Senate a form which his learning and experience approved, to the great satisfaction of the Senate? What has become of it?

Mr. HOAR. That form was not adopted by the Senate. It was reported from the Committee on Privileges and Elections, if I am right, and it has been adopted recently by a good many States. But still there is a great deal of difference now. I propose now simply to have the Senate resolve that this is a convenient form and direct the Secretary of the Senate, in anticipation of every election of a Senator, to send a copy to the States for their use, if they see fit.

Mr. CHANDLER. I suggest to the Senator that if he intends to ask for the consideration of the resolution at this session, it should first go to the Committee on Privileges and Elections.

Mr. HOAR. The Committee on Privileges and Elections once reported it, I think.

Mr. CHANDLER. I should not be willing myself to adopt at the present session and send out a form for certificates to be recommended to all the States, without it first having been considered by a committee of this body.

Mr. HOAR. There is no hurry about it. Let the resolution stand over.

Mr. CHANDLER. I simply desire to state that I prefer that the resolution should not be passed unless it is agreed upon by a committee of this body.

Mr. HOAR. I should not expect to pass the resolution if it turned out on investigation that any Senator felt a doubt about it. It is one of those things that would not pass unless it was clearly and unanimously satisfactory.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The resolution has been ordered to be printed, and it will go over.

HOUSE BILLS REFERRED.

The bill (H. R. 6098) to increase the pension of Joseph M. Donahue was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 9181) for the relief of Thomas W. Scott, late United States marshal, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 10320) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DONATION OF CONDEMNED CANNON.

The joint resolution (H. Res. 220) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo, was read twice by its title.

Mr. HILL. The general act in reference to condemned cannon does not include a case of this kind. There is no possible objection to the joint resolution, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2877) granting a pension to Hiram Santas; and

A bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9617) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6831) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers; and it was thereupon signed by the Vice-President.

CREVASSE IN PASS A LOUTRE.

Mr. CAFFERY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3416) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment as follows:

After the word "Attorney-General," in line 21 of section 2, insert the following: "After a full hearing to both parties;" and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House amending the title, and agree to the same.

And the House agree to the same.

D. CAFFERY,
KNUTE NELSON,
Managers on the part of the Senate.
W. B. HOOKER,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the joint resolution (S. R. 118) for the relief of farmers and truckmen in the city of Washington, D. C.

BILLS BECOME LAWS.

The message also announced that the following bills having been presented to the President of the United States February 10, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 178) granting a pension to Betsey J. Webber;

An act (S. 1195) granting an increase of pension to Hans Johnson;

An act (S. 1806) granting an increase of pension to George B. Custer;

An act (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

An act (S. 2347) for the relief of Laura C. Dodge; and

An act (S. 2913) granting an increase of pension to Nettie A. Checks.

METROPOLITAN RAILROAD COMPANY.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9617) to authorize the extension of the Metropolitan Railroad Company of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same amended so that the bill shall read as follows:

Be it enacted, etc., That the Metropolitan Railroad Company be, and it is hereby, authorized and required within six months from the date of the approval of this act to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said company is hereby authorized to issue and sell such an amount of its capital stock as will, at the market value thereof, cover the cost of construction and equipment of the extension herein provided for.

JAMES McMILLAN,
J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

CAPTURE OF THE COMPETITOR.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate of February 6, 1897, a report from the Secretary of State in regard to the persons claiming American citizenship captured on board of the *Competitor*.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 22, 1897.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The pending question is upon the point of order raised by the Senator from Wisconsin [Mr. VILAS] against the amendment of the committee on page 66, upon which the Senator from Wisconsin is entitled to the floor.

Mr. VILAS. It is suggested, and I acquiesce in the suggestion, that we should save time if the Chair would decide the point of order that was raised; but I should like to add a word or two, because it was to the point of order to which I was generally directing the remarks that I made yesterday.

The VICE-PRESIDENT. The Senator from Wisconsin will kindly restate the point of order, as probably many Senators were not present at the time it was made.

Mr. VILAS. The point of order is that the proposed amendment on page 66 is general legislation, and is in the very teeth of the rule of the Senate, which is, without qualification or exception, that "no amendment which proposes general legislation shall be received to any general appropriation bill."

Mr. President, I had made some observations yesterday in regard to the circumstances of the attempt to bring these very valuable lands within the reach of claimants. Last evening I was mentioning the fact that the theory that there were discoverers is entirely unsupported, that there is no claim whatever which Congress ought to recognize for a moment that an equity exists in favor of persons seeking to be placed in the light of original discoverers of minerals. That point was really embraced within the veto of President Harrison, who said, in reference to the bill then before him, after it had passed Congress:

> The object, then, of this legislation is to be sought not in any public demand for these lands for the use of settlers—for if they are susceptible of that use, the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow of course that this private end may not be wholly meritorious and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or gilsonite, supposed to be of very great value.
>
> Entries have been made in that vicinity, but upon public lands, which lands have been resold for very large amounts. It is not important, perhaps, that the United States should in parting with these lands realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales, etc.

Mr. VEST. If the Senator from Wisconsin will permit me, I have not read that veto message for some time, but I think I remember very distinctly what was the ground upon which it was based and sent to the Senate. The ground upon which President Harrison vetoed the bill to which the Senator alludes was that the entries were unlawfully made because they were on an Indian reservation, and not on the ground that they were not mineral discoveries. That bill was urged by the Senator from Colorado [Mr. TELLER], and the point in the case was that certain citizens of Colorado claimed to have made these entries upon public lands, and President Harrison came to the conclusion that they were not public lands, but that the entries were made unlawfully upon an Indian reservation.

Mr. VILAS. There is no doubt at all that the entries were illegal for that reason. I have here a report by the Commissioner of the Land Office, Hon. Thomas H. Carter, now an honored member of the Senate, in which he sets forth the facts in relation to it under date of the 12th of April, 1892, which perhaps I had better send up and have read, together with the report of the Acting Secretary of the Interior upon it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 12, 1892.

SIR: I have the honor to acknowledge the receipt of a letter from the Hon. WILLIAM F. VILAS, United States Senate, which you referred to this office for report.

The Senator's letter relates to the White River, Kansas City, Joseph A. Thatcher, Scorpion, Lucky Boy, Leavenworth, Cow Boy, Dixie, Bandanna, Archie, Davy Crockett, Plumed Knight, Rattle, Black Jack, Wasatch, New York, Lorna Doone, Eureka, Colorow, Frying Pan, Utah, Mary Mc., and Ouray lode claims, located in August, 1888, and said to bear "albertite or gilsonite."

From the description furnished, the exact geographical position of said claims can not be determined, nor can they be definitely located upon any map, plat, or diagram in this office; they are, however, in Uinta County, Utah, and within the Uncompahgre Ute Indian Reservation.

This reservation was established by Executive order dated January 5, 1882, under act of Congress approved June 15, 1880 (21 U. S. Stats., 199).

Although the land within this reservation is in a certain sense public land, yet, in view of said act and order, I am of the opinion that the attempt to locate the claims above mentioned under the mining land laws was unwarranted and illegal.

Said attempted locations being, in my judgment, without any warrant in the law, I fail to see that those locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations, or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

I have been unable to find in any standard work on mineralogy any authority for designating any mineral substance as "gilsonite," but from information received I am led to think that that term has come into use as descriptive of a fine quality of asphaltum, dealt in by the Gilson Asphaltum Company of St. Louis, Mo., with agencies in London and Hamburg.

In the Century Dictionary I find "albertite" to be defined as being a hydrocarbon, pitchlike in appearance, and related to asphaltum, but not so fusible nor so soluble in benzine or ether. It is used in the manufacture of illuminating gas and of illuminating and lubricating oils.

It might be held that public land valuable on account of its deposits of "albertite" would be subject to entry under the mineral-land laws, but I am unable to refer you to any decision specifically in point.

The Senator's letter and inclosure are herewith returned.

Very respectfully,

THOS. H. CARTER, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *Washington, April 18, 1892.*

SIR: I have the honor to acknowledge the receipt of your communication of 30th ultimo, and accompanying printed copy of certain alleged notices of location of mining claims on the Cowboy, etc., lodes of "gilsonite" within the Uncompahgre Indian Reservation, and asking to be informed whether the notices of location if made would give the claimants or locators any right or claim under the laws of the United States, or any standing equity, priority, or advantage as discoverers of or locators on the lands therein mentioned in the General Land Office or before the Interior Department, or otherwise.

In response thereto I transmit herewith copy of a communication of 12th instant, from the Commissioner of the General Land Office, to whom the matter was referred, wherein the opinion is expressed that the attempt to locate the claims above mentioned under the mining-land laws was unwarranted and illegal, and he fails to see that these locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

In this connection I invite your attention to the action taken by Congress in regard to the Uintah Reservation, where "gilsonite" was discovered in 1885, and I inclose for your information copy of House Report No. 791, Fiftieth Congress, first session, in relation to the matter.

By the act of May 24, 1888 (25 Stats., 157), certain lands of the Uintah Reservation, said to contain "gilsonite," were restored to the public domain and preference was given by this act to the locator, and the moneys derived from the sales of the lands belonged to the Indians. The act also required that it be ratified by the Indians.

The status of the Uncompahgre lands being different from that of the Uintahs, being held in a reservation until allotted to and purchased by the Uncompahgres, the moneys from these lands if segregated would belong to the United States, and the consent of the Indians would not be necessary.

The inclosures of your letter are herewith returned.

I have the honor to be, very respectfully,

GEO. CHANDLER, *Acting Secretary.*

Hon. WILLIAM F. VILAS,
United States Senate.

Mr. VILAS. It will be observed from that letter that the locations spoken of upon which those parties sought to make their claims were made in 1888. I have here copies of the affidavits of the locators, being the printed paper referred to in the communication which in my letter to the Secretary of the Interior I transmitted to him for the opinion which was given me. But there was no discovery then. I have here a copy of an affidavit made by the superintendent of the Gilson Asphaltum Company, of St. Louis, in which he sets forth the fact that the year previous to the time when those locations were made he was upon that land and himself claimed the discovery of those asphaltum mines or deposits. In order that that may be made perfectly plain, I will send up to be read by the Secretary the affidavit of Mr. Seaboldt, superintendent of that company.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

UTAH TERRITORY, *Salt Lake County, ss:*

Bert Seaboldt, being duly sworn, on oath says: I am a citizen of the United States, native born, and for ten years last past have lived in Utah Territory, and am 31 years of age. For about four years last past I have been and am now superintendent of the mines in Utah of the Gilson Asphaltum Company, a corporation of Missouri. I am familiar with the location and whereabouts of an alleged claim, called the Evacuation Lode and Mining Claim, within the limits of the Uncompahgre Indian Reservation in Utah. Prior to the attempted location of the said alleged mining claim I was prospecting in that section of the country for gilsonite, and discovered and made the original discovery of the vein of gilsonite embraced within said so-called Evacuation Mining Claim, and upon such discovery I immediately on the same day located said lode, and the premises adjacent and appurtenant thereto, to wit, 600 feet in width by 1,500 in length on the lode, as a lode mining claim, and called the same the Black Diamond Lode Mining Claim. In making such location I erected a substantial and conspicuous stake at the discovery point on the lode, on which I posted a written notice of the location, containing the date of location, name of the locator of the claim, and such a description of the claim by reference to natural objects and monuments in the vicinity as that therefrom the claim and its boundaries could be readily identified and found, and also marked the boundaries of said claim with substantial stakes, so that therefrom such boundaries could be readily seen and traced, and in all respects, in making such location, I complied with all the requirements of the United States mining laws. I thoroughly prospected and inspected the premises and lode in said claim beyond the lines of said claim on its course toward the northwest for over a mile. There were no stakes, monuments, location notices, or other evidences whatever of possession or location of any part of said lode throughout its length prospected by me as aforesaid at that time, and such location and prospecting was made by me early in the fall of 1887, the month of September, as I recollect it. The weather was quite hot yet, I remember. My examination was thorough, and had there been any such evidence on the ground I should certainly have seen it. After I had completed such work of location, and while following out the lode, I saw it was making toward the aforesaid Indian reservation, and after prospecting the lode for the length aforesaid, and coming back to my aforesaid location, I began to look for the reservation line, and on going east of the claim for somewhere between half a mile and a mile, as near as I can estimate it, I readily discovered the one hundred and ninetieth milepost, if my memory serves me as to the number of the post of said reservation. This post was conspicuously placed on a knoll or hill, and was a high rock monument, marked with cuts in one of the large rocks. I then began tracing the east line of the reservation toward the south and north and readily found other rock monuments conspicuously placed and marked on said line, all of said monuments identifying said line as the boundary line between Colorado and Utah.

I then saw that my mining claim and the lode throughout its entire extent aforesaid was within the limits and boundaries of said reservation. If any person at that time had taken the trouble to make an ordinary search or any kind of a search whatever for the boundaries of said reservation, such person could not help finding the east boundary line aforesaid as readily and easily as I did. Shortly after this a man, then lately from Iowa and in the employ of the United States, but entirely unaccustomed to this Western country (as the place in question is), went to eject from said reservation certain persons then alleged to be trespassing thereupon, and at that time, without help or assistance, he readily found the monuments aforesaid and other monuments, and determined therefrom the boundary of said reservation.

My location was made in the utmost good faith and was the first and original location on the ground and on the lode aforesaid, and it covered substantially the same premises and portion of said lode embraced in said alleged Evacuation mining claim. On ascertaining that my said location was within the reservation as aforesaid, I abandoned my location and gave the same up, knowing it was unlawful for me to attempt to hold it, and therefore did not keep a copy of or record my location notice.

BERT SEABOLDT.

Subscribed and sworn to before me, May 3, A. D. 1892.
[SEAL.]
W. M. BRADLEY,
Notary Public, Salt Lake County, Utah.

Mr. VILAS. In addition to that affidavit there is another one by the same person, giving additional particulars in respect to his discovery of that lode and the persons who were with him, and an affidavit of a considerable number there present, setting forth his high character and repute. Without asking to have them read, I will ask leave to have them inserted in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The affidavits referred to are as follows:

UTAH TERRITORY, *Salt Lake County, ss:*

Bert Seaboldt, being duly sworn, on oath says: I am the locator of the "Black Diamond" lode mining claim near Evacuation Creek, within the limits of the Uncompahgre Indian Reservation, Utah, and situated about or between half a mile or a mile westerly from the one hundred and ninetieth milepost, as I recollect it, off and on the Colorado-Utah boundary line. I made an affidavit with reference to said "Black Diamond" mining claim and an alleged mining claim called the "Evacuation" on or about May 3, 1892, before the same notary public who subscribes and certifies to my oath to this affidavit. I know Charles Hill, postmaster and storekeeper at Rangely, Colo., about 11 miles east of the boundary line between Utah and Colorado, on White River, and have known him since 1886. After I located said "Black Diamond" claim, Hill and I went together to the milepost aforesaid, which, I think, was the one hundred and ninetieth milepost, and I showed the same to him. We were at this time out prospecting together for gilsonite, having heard that there was a vein of it in Colorado just over the Utah boundary line. We were camped at a place I named "Jacobs Well," in Colorado, on the dry fork of Evacuation Creek. We remained camped there for about two weeks. After I showed Hill the milepost aforesaid I took him over to my "Black Diamond" claim aforesaid and showed him that lode and my stakes and location notice thereof and thereon. He stated to me that he had never seen, known of, or heard of that lode or vein before, and also stated to me that it was certainly all within and west of the east line of the aforesaid reservation, and would do nobody any good for that reason. Afterwards, either on that day or the next day, we went together to the one hundred and ninety-second milepost on said boundary line, if I remember correctly (2 miles north of the one first herein named), and I showed same to him. It was in the bottom of a gulch. I set my compass on top of a stake that we placed by the side of this milepost, supported by a smaller stake, and took a course due north and took foresight on a bluff. We then set a larger stake by the side of the monument and tied a red handkerchief to it for a backsight. Having thus ascertained the course, we followed it up and readily found the next northerly milepost on the said boundary line (the one hundred and ninety-third, I think, but I am not sure of the number), which was on top of a high bluff or mesa. We built a large fire here and then went higher up on the mountain back of the mesa. From the top of this bluff we could see back on the course of said boundary line for 15 miles. We kept on prospecting east of the line and prospected long enough to satisfy ourselves that there was no gilsonite vein off the reservation aforesaid, as thus known to us. He was then, and had been for some time prior to the time aforesaid, engaged in the business of ranging cattle in that country, and after I had showed him the one hundred and ninety-third milepost (if that be the number of same), and while he stood on the bluff aforesaid, he told me that he knew where there was another similar milepost about a mile or 2 miles south of the aforesaid one hundred and ninetieth post (if that is the correct number). All this and the foregoing occurred about a month after I had located my said "Black Diamond" claim. Said Hill's full name is Charles P. Hill. About the time of the location of the "Evacuation" claim I was at Rangely aforesaid, and while there a man from Denver, Colo., a little, fat man in the tin-roofing business, I believe, came to Rangely, having heard that there was a vein of gilsonite in that country, and wanted said Hill to show him where it was, and Hill asked me whether or not he had better take the Denver man over there, saying to me at the time, that since the vein was all on the reservation it wouldn't do any harm, and that he would convince the man from Denver that it was all on the reservation by showing him the boundary line between Colorado and Utah, which is the east boundary line of said Uncompahgre Indian Reservation. They went and came back, and Hill told me he had taken the man to the lode and had also shown him the boundary line aforesaid. Prior to the time when my said "Black Diamond" claim was located I did not know where the reservation line aforesaid ran or was situated, but prior to the location of said alleged "Evacuation" claim said Hill knew where said boundary line was, because I showed it to him and we found it as aforesaid. I was the first and original discoverer of said lode, and had I not discovered same to be entirely within said reservation I should have located and held the entire lode throughout its entire length, not only the length of same explored by me, but also its length beyond the point where I stopped my exploration of same. I then went no farther on said lode, for the reason that it was making toward the middle of the reservation, and I thought I would find out where it was before I went any farther.

BERT SEABOLDT.

Subscribed and sworn to before me this 7th day of May, 1892.
[SEAL.]
W. M. BRADLEY,
Notary Public, Salt Lake County, Utah.

UTAH TERRITORY, *Salt Lake County, ss:*

M. H. Beardsley, I. A. Benton, A. H. Nash, William H. Bird, George Mullett, R. C. Chambers, James Glendinning, Joseph E. Gallgher, George M. Scott, M. M. Kaghan, James Hogle, H. G. McMillan, H. W. Chase, L. H. Farnsworth, C. C. Goodwin, Henry Page, Henry Sadler, Hiram Johnson, and J. R. Riley, being each duly sworn, each for himself, on his oath, says:

I am a resident of Utah and have resided there for many years, and have been and am engaged in business there, and for several years have known Bert Seaboldt, the person who made and signed the foregoing attached affidavits. My acquaintance with him has been and is such as to enable me to speak knowingly concerning his character and reputation for truth and veracity. Said affiant, Seaboldt, is a person whose character and reputation for honesty, truth, and veracity is good, and to whose affidavit full faith and credence can and should be given.

M. H. BEARDSLEY.
I. A. BENTON.
A. H. NASH.
WILLIAM H. BIRD.
GEORGE M. SCOTT.
JAMES HOGLE.
H. W. CHASE.
L. H. FARNSWORTH.
C. C. GOODWIN.
HENRY PAGE.
GEO. MULLETT.
R. C. CHAMBERS.
JAMES GLENDINNING.
JOSEPH E. GALLGHER.
M. M. KAGHAN.
H. G. McMILLAN.
HENRY SADLER.
HIRAM JOHNSON.
J. R. RILEY.

Subscribed and sworn to by each and all the foregoing subscribers and affiants this 4th day of May, 1892.

W. M. BRADLEY,
Notary Public, Salt Lake County, Utah.

[SEAL.]

UTAH TERRITORY, *County Salt Lake, ss:*

William F. Colton, being duly sworn, on his oath says: I am a resident of Utah, and have been for ten years last past; am engaged in business there, and have known Bert Seaboldt intimately for years intimately. Having had business relations with him, I can knowingly say that his character and reputation for truth and veracity are good, and full faith and credence should be given to his statements.

WM. F. COLTON.

Subscribed and sworn to before me, this 4th day of May, 1892.

WM. A. ROBERTSON,
Notary Public, Salt Lake County, Utah.

[SEAL.]

My commission expires March 26, 1894.

Mr. VILAS. I hold here a paper by Mr. James C. McGinnis, the attorney of the Gilson Asphaltum Company, of St. Louis, in which he makes some interesting statements in respect to this gilsonite as it was known at the time when he laid this document before the committee. It is dated the 21st of May, 1892. In that he says:

> This gilsonite is a peculiar kind of bitumen, which, until a few years ago, was found only in Syria, Cuba, and Mexico, the principal supply in this country having been procured from Syria at a minimum cost of $160 per ton. Some years ago the fissure deposit now operated by the Gilson Asphaltum Company of St. Louis was located on the Uintah Reservation and opened up to commerce, and though it is operated under the great disadvantage involved in hauling the product by wagon a distance of 80 miles to the railroad, it has already wrought a revolution in the cost of the material, it being now sold in this country for less than one-half of what it cost before this mine was opened. The deposits sought to be developed by this legislation are, many of them, much richer in quantity, the fissures being wider than that worked by the St. Louis company, and they are known to extend at intervals of 2 or 3 miles over most of the territory sought to be opened by these bills—

Referring to the bills before the Fifty-second Congress—

> besides which there are enormous deposits of the same material in other parts of the Uncompahgre Reservation as great, in fact, as those affected by these bills, if not greater.

He also makes some statements in respect to the use of this gilsonite. He says:

> This is the only bitumen found in the United States which can be used as a base in the manufacture of asphaltum varnishes, baking japans, and iron paints, besides being used in many other of the mechanical arts, where now a lower grade and much inferior article is being used; and its scarcity and high price have hitherto prevented its being employed in many other ways to add to the comfort and wealth of the people.
>
> Gilsonite is an absolute nonconductor of electricity, and is being used for this purpose in many forms, some of which are unknown to us. We have sold our whole product to the Edison Company, and smaller quantities to many other well-known electricians in this country and abroad. It is also a very superior article for roofing and roofing paints; in fact, the uses to which it can be applied are too numerous to mention.

At that time all that was known to exist there was asphaltum and gilsonite, but a far more valuable mineral was distinguished by the Geological Survey. They have found what is called by them "elaterite" and another one of a kindred nature, called "wurtzilite." I desire to read a copy of a letter from the Director of the Geological Survey under date of the 17th of April, 1886, addressed to the Secretary of the Interior on this general subject. He says:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., April 17, 1895.

SIR: I have the honor to submit certain information touching the existence of elaterite, or "mineral rubber," in the Uintah Indian Reservations, in Utah, which has been furnished by Mr. George H. Eldridge, the geologist who recently examined the gilsonite deposits of the Uintah and Uncompahgre reservations.

In the southern part of the Uintah Reservation there are known to occur deposits of elaterite, wurtzilite, or "mineral rubber," and it is believed that little of this mineral exists beyond the reservation line, nor does it exist, so far as known, elsewhere in the United States.

The extent of the deposits is undetermined. At the time of Mr. Eldridge's visit to the region, incidentally to an examination of the gilsonite deposits, he was prevented from examining the elaterite deposits by reason of the fact that the ground in that region was covered to a considerable depth with snow. From information secured from persons who had seen the deposits, he believes them to be workable and to occur as veins, much after the manner of gilsonite.

Several years ago an attempt was made by a company, "the American Asphalt Company," (?)* to lease from the Uintah Indians, on royalty, several thousand acres of land known to include the elaterite deposits. This lease appears, however, never to have been consummated, and the deposits have neither been worked nor prospected to any considerable extent.

A small deposit of the elaterite occurs outside of the reservation line, and from this the Elaterite Rubber Manufacturing Company has obtained 50 or 100 tons for experimental purposes. The company has made from it a japan which has the same property of elasticity as that manufactured from gilsonite. By coating burlap with it, the company has also produced a roofing material which, it is believed, will prove of great durability. The liquefied mineral rubber has also been applied to leather, and a piece examined by Mr. Eldridge showed marked flexibility and could not be cracked under the sharpest flexion. The company has also manufactured from the raw material, in bisulphide form, a product approaching in elasticity vegetable rubber. In this direction elaterite may be regarded as of especial importance; for, on account of its diminished cost, it may be used to advantage in mixing with vegetable rubber, not as an adulterant, but as a material with closely related properties.

When Mr. Eldridge visited St. Louis to inquire into the question of the manufacture of gilsonite products, the president and chemist of the company above referred to, in experimenting with elaterite, asked him to present such a statement as he conscientiously could to the Secretary of the Interior, for his consideration, as that company would like to secure control of the elaterite deposits of the Uintah Reservation, in part or in whole. Mr. Eldridge suggests, however, that prior to taking any action of this kind an examination on the ground in behalf of the Government would be advantageous, in order that a proper understanding of the extent and value of the deposits, which is now wanting, might be placed before the Department.

In view of these facts and suggestions, I would respectfully recommend that when Mr. Eldridge's work on the phosphate deposits of Florida is completed, which will probably be in July or August next, he be sent to the Uintah Reservation to make a thorough investigation of the elaterite deposits and any other hydrocarbon compounds upon which it may seem desirable to have further information.

I am, with respect, your obedient servant,

CHAS. D. WALCOTT,
Director.

The honorable SECRETARY OF THE INTERIOR.

A far greater quantity, as it is said, of this elaterite and wurtzilite, or mineral rubber, also exists in the Uncompahgre Indian Reservation than is known anywhere else in the world, and it is said that the mineral is worth more than its weight in gold. Of course that statement must be taken with a great many allowances; but it is unquestionably true that the mines of elaterite are worth more than probably any mine of gold which is known to exist to-day. I have been assured by a person who claims to have invented a method of dissolving this elaterite—which it is said until recently was never known—that by his scheme of making it soluble that mineral can be applied to uses of the very greatest advantage to mankind. Not only will it make a garment perfectly waterproof, but at the same time, as stated by the Director of the Geological Survey, incapable of being cracked under any flexion that could be applied to it. It is also, in this state of solution, capable of being used as a mineral paint, which will produce the most beautiful effects, which glistens when it is put upon a substance until it resembles the finest polished metal. Its durability is such that it neither yields to wear or use or almost any attempts to injure it. It is also the best nonconductor of electricity, as is stated in this communication from which I read an extract; so that by simply dipping a wire into it the wire is at once made a completely isolated wire; and thus, as electricity is coming to serve so many additional uses, it is said by those familiar with the subject that this mineral will prove the greatest auxiliary to the usefulness of that process or mode of transmitting power in the arts.

The Secretary of the Interior in his report a year ago calls attention to the gilsonite and other mineral deposits on the Uncompahgre Indian Reservation, and says in reference to the lands containing this very product:

> If they are open to entry in the ordinary way a few persons will obtain them at practically no cost, and shortly thereafter they will become the property of large companies engaged in using this mineral. I believe the true policy should be for the Government to sell these deposits to the highest bidders, or else to lease them.

That, let me say, was the proposal of the Committee on Indian Affairs in the Fifty-second Congress, in the year 1892.

Mr. CANNON. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. VILAS. Certainly.

Mr. CANNON. I merely wish to ask from what the Senator is reading?

Mr. VILAS. I am reading from the report of the Secretary of the Interior for 1895. He says further:

> If they are disposed of under existing law, a few thousand dollars will be picked up by the enterprising men who first get upon them, and then enormous profits, which at least in part should go into the Treasury of the Government, will be made by the companies organized to operate them.
>
> I recommend the passage of such legislation as will provide for the disposal of the gilsonite deposits by lease or sale to the highest bidder.

Mr. President, it seems to me too plain for debate that the United States ought not to appropriate to a few persons, thereby establishing a monopoly, these immense deposits of valuable mineral, as I said yesterday, worth more than the entire appropriations of money from the Treasury contained in this bill. Unquestionably these deposits are worth millions of dollars. All the people who have examined them indicate that they are of the

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* Name probably known to the Indian Office.

greatest value, and the very fierceness with which they are pursued also indicates that fact.

Mr. TELLER. I should like the Senator to let me interrupt him a moment. I wish to say that there is nobody in the West who believes these deposits are of such tremendous value; and the man who has made this wonderful discovery of its use is a Western man, and we are quite as familiar, I think, with its use as the Senator or anybody else he has read from here. There is no reason for the statement that gilsonite is worth any such tremendous sum. The statement is incorrect.

Mr. VILAS. Mr. President, I have this information from those gentlemen who live there in the West.

Mr. TELLER. I have no doubt but what the man who has made this great discovery of the use of this mineral thinks it is worth all this, and that he thinks he has discovered the method of transmuting that substance practically into gold.

Mr. VILAS. That is only in relation to elaterite; but long before that time I had similar information from the gentlemen who were here in the Fifty-second Congress seeking to get those lands opened that they might obtain the gilsonite. They did not hesitate to say that the gilsonite minerals were worth millions.

Mr. TELLER. If the Senator will allow me, he has just referred to people who have gone upon those lands and taken them. There is a concern in St. Louis which has taken a large amount of them. That company has worked them to some extent, but has not found them so profitable as the Senator indicates. The balance of the land which has been taken up has been taken up by prospectors and miners and that class of people. I do not believe to-day, outside of the holdings of the St. Louis company, where they have made some developments, that the entire region could be sold for $100,000.

Mr. VILAS. The Senator is quite misinformed.

Mr. TELLER. I am not misinformed. I know as much about that as the Senator from Wisconsin or anybody else.

Mr. VILAS. Well, I have no doubt at all that the Senator thinks he does, because he always thinks he knows about everything as much as anybody else, or more.

Mr. TELLER. I usually inform myself before making a statement.

Mr. VILAS. But the statement which the Senator is making with reference to the mines worked by the Gilson Asphaltum Company, of St. Louis, is a statement in reference to a mine on another reservation, and I have just read from the attorney of that company his explanation of the difficulties under which they are laboring there, and that that mine is of comparative insignificance in comparison with the immense deposits on the Uncompahgre Reservation.

Mr. CLARK. Will the Senator yield for a question?

Mr. VILAS. Certainly.

Mr. CLARK. I should like to ask if the Senator urges, because these deposits are of immense value, that that is the reason they should not be thrown open to entry under the mineral laws of the United States?

Mr. VILAS. That is a reason why they should not be thrown open to entry under the present mineral laws. What ought to be done with them is for the United States to provide that they shall be worked at some proper royalty, to go into the Treasury.

Mr. CLARK. Does not, then, the logic of the Senator's argument force him into the position that the gold and silver deposits of the United States should be worked under royalty for the United States in like manner?

Mr. VILAS. Not at all; not in the least. Here is a large body of mineral already discovered and known, never found by prospectors in the way in which gold and silver mines are found.

Mr. TELLER. They are found exactly in the same way.

Mr. VILAS. Mr. President, the Senator from Colorado is simply mistaken. I have already sent up to the desk to be read two affidavits showing that the year before these very mines were located and prospected another man had found all those minerals lying open there on the ground and himself put up his claim.

Mr. BROWN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. VILAS. Certainly.

Mr. BROWN. I should like to ask the Senator from Wisconsin if the law requires a locator to discover a vein in the sense of discovering a patent? Is it not true that the word "discover" is not found in the mining laws at all, and that the lands are open to exploration and purchase?

Mr. VILAS. Of course they are. That is the very nature of the mining laws with reference to gold and silver. The idea of the mining laws with reference to gold and silver mining was that persons would be obliged to expend money in the pursuit oftentimes of veins which would prove to be worthless, and that it was of great consequence to the people of the country that gold and silver mines should be found. It was, in a certain sense, like the patent laws of the United States, which give a monopoly to any man who makes a useful invention; but who does not know that there are thousands and tens of thousands of patents issued which do not give any valuable monopoly at all?

Mr. CANNON. Mr. President——

Mr. VILAS. Here and there a silver or gold mine has been found which was of value, but that is the lottery which the prospector engages in. Here there is no lottery whatever; here was no discovery. These lands were not within the class of mineral to which the mineral-land laws apply.

Mr. BROWN. May I interrupt the Senator again?

Mr. VILAS. I am going to yield to the Senator's colleague, who first rose to ask me a question.

Mr. CANNON. Will the Senator from Wisconsin kindly state how many mines of gilsonite, elaterite, or asphaltum are now being operated in Utah?

Mr. VILAS. I do not know of personal knowledge anything about it, but I understand from information that the Gilson Asphaltum Company, of St. Louis, has a mine on the Uintah Reservation, which, being situated nearly a hundred miles from a railroad, is operated, so far as that company does operate it, at great disadvantage of cost and expense.

Mr. CANNON. Is not that the only mine which is being operated?

Mr. VILAS. I know of no other, and I believe that there are no deposits of this character of value, except such value as exists in that mine and the immense deposits on the Uncompahgre Reservation.

Mr. CANNON. Will the Senator yield to me for another question?

Mr. VILAS. Certainly.

Mr. CANNON. The Senator from Wisconsin states that this is unlike gold and silver mining, that it is not a lottery, and proceeds to show from the testimony which he adduces here that the only mine which has been operated is operated under such distinct disadvantages as can not make it greatly profitable. The only evidence which the Senator from Wisconsin adduces to the Senate at this time is to the effect that this is precisely like gold and silver mining, and in this respect that it is a lottery for those who engage in it.

Mr. VILAS. Not in the least. The reason why the Gilson Asphaltum Company's mine in the Uintah Reservation has not been profitably worked is stated in this document, that it is almost 100 miles from the railroad, and the cost of hauling—let me read to the Senator again the statement from that paper, which he did not hear. The attorney says:

> This gilsonite is a peculiar kind of bitumen, which until a few years ago was found only in Syria, Cuba, and Mexico, the principal supply in this country having been procured from Syria, at a minimum cost of $160 per ton. Some years ago the fissure deposit now operated by the Gilson Asphaltum Company of St. Louis was located on the Uintah Reservation and opened up to commerce, and though it is operated under the great disadvantage involved in hauling the product by wagon a distance of 80 miles to the railroad, it has already wrought a revolution in the cost of the material, it being now sold in this country for less than one-half of what it cost before this mine was opened.

That does not seem to indicate that the mine is not profitable.

Mr. VEST. Will the Senator from Wisconsin allow me?

Mr. VILAS. Certainly.

Mr. VEST. Mr. President, I have no doubt that the Senator from Wisconsin is entirely sincere in his statement as to the nature of these deposits, but I happen to know from an examination of the question—because I have friends in the city of St. Louis who have invested large amounts of money in this venture in the Uintah Indian Reservation—that he is misinformed.

The statement made by Colonel McGinnis, who was then the attorney of the Gilson Company, is very imperfect in one regard. The largest and most valuable deposit, if you can call it so, of this gilsonite or asphaltum—because they are essentially the same—is in an island in the West Indies, Trinidad Island, and a company from this city purchased that island or have certain rights upon it.

Mr. VILAS. I intended to mention that fact in the course of the discussion.

Mr. VEST. They have a lake there of liquid asphaltum. They constructed vessels and brought that asphaltum up the Potomac River. I have seen it, and other Senators who have been here any length of time have seen it taken up from those vessels in docks looking like amber—gum; and that is the material which is melted in large vessels and poured upon the streets; and that is the asphaltum which we use here in the city of Washington, and for which we have paid an enormous price.

One word more, and I shall not further interrupt the Senator. I know by evidence as irrefutable as it can be made from human authority, from gentlemen who have gone there, who have large investments, and have personally inspected the lands on the Uncompahgre Indian Reservation, that gilsonite is not found upon the surface, as the Senator says. It is covered with dirt sometimes to the extent of 5 or 6 or even 10 feet; it crops out just as gold and silver do; it is in veins. Those veins run down and disappear just like the veins of the precious metals do; in other cases they enlarge. There are two veins which are said to be 2 or 3 feet wide. The president of this company brought with him to Washington City one of the blocks taken out of one of those veins, which is now in the Interior Department, showing the width of the vein. That is the widest, and it is about a foot and a half or 2 feet across. Others of those veins run down to a thread and then disappear. A man who takes a claim runs the same risk that he would from that disappearance of gold or silver in a vein near the surface or at the surface of the ground.

Mr. WILSON. It is liable to pinch out.

Mr. VEST. It is liable, like gold and silver, to pinch out or to widen; and it is as much of a gamble, in the language of the mining camp, as a silver discovery or a gold discovery.

Mr. VILAS. Mr. President, the Senator from Missouri is almost always exactly right, but in this case he is only partly right, which is unusual for him. I shall read from the report of the Secretary of the Interior a statement from the Geological Survey, and I venture to think that the Senate will accept the statement of the Geological Survey as quite as trustworthy as any other. On this subject of the width of the veins—as that was the last point to which the Senator directed his attention, and upon which he was most in mistake—I desire to read a sentence:

> Of the four veins in the eastern half of the reservation, one—the Black Dragon—is exposed on a tributary of the West Fork of Evacuation Creek, 20 miles south of White River, near the parallel of 39° 45'. This vein may be traced to the head of Asphalt Creek, and has a known length of between 3 and 4 miles. Its width at an opening near the southeastern end of the fissure as exposed is 8 feet 6 inches.

Mr. VEST. How far does it continue?

Mr. VILAS. I do not know whether it continues all the way or not; but, instead of there being no width greater than a foot and a half, as the Senator gave it, there is a vein eight feet and a half wide and 3 or 4 miles long. Whether the width continues all the way or not, the Geological Survey does not particularly state, but it does state this, which I omitted to notice:

> From this point southeastward the diminution in size is very rapid.

But it is a long vein of great width. It is at the mentioned place where it has that width, and it is in the other direction, as I understand it, that it has been traced 3 or 4 miles.

Now, observe another statement in order that I may call the attention of the Senator from Missouri to the mistake. The report speaks next of the second and third veins in the eastern portion of the reservation, known as the "Little Bonanza" and "Big Bonanza."

> They are approximately parallel, and from 200 to 500 feet apart. They were traced to the north of White River for nearly 3 miles, and Mr. McAndrews, of the Indian police, states also that he has followed them southeastward across the river quite to the Colorado line; in all, a distance of 10 or 12 miles.

Let me ask the attention of the Senator from Missouri to this:

> The maximum width of the Little Bonanza observed was 9 feet, of the Big Bonanza, 13 feet 6 inches; but locally the Little Bonanza exceeds the Big Bonanza in width.

That does not look like a foot and a half. There is another:

> The "Cowboy," the fourth and largest of the important group of gilsonite veins in the eastern portion of the reservation, lies about 2½ miles northeast of the Bonanza veins, with which it is parallel. This vein has thus far been found only north of the river, but it here has a probable length of at least 5 miles, being clearly defined in outcrop for over half this distance, while for the remainder evidences of its presence exist in the float particles found in the soil and wash covering it. The maximum thickness of this vein was found to be 18 feet.

So my distinguished friend was in error in respect to the idea that the maximum thickness of this vein was a foot and a half. Now, let me add something which is still more pertinent:

> The thickness of the veins varies from the figures given above to 0 at the ends, and they are observed to widen and contract from point to point; but for much of the lengths given they appear to maintain an excellent workable width, from 4 to 12 feet.
>
> * * * * * * *
>
> The amount of gilsonite in the region examined is enormous, for the depth of the fissures, though unknown, can not but be considerable—from 1,000 to several thousand feet—and, with their length and width, is indicative of phenomenal yield.

We are going to legislate in respect to this great mass of valuable minerals which the Geological Survey has told us of. Shall we legislate to give it into the hands of a monopoly, or shall we provide so that the people of the United States, who own it, shall enjoy a reasonable measure of the profits of their own property? That is the whole question.

Here is a peculiar case, entirely different from the ordinary business of gold and silver mining. Here are vast deposits known to exist and pointed out in character and extent and value by the United States Geological Survey, worth millions of dollars. Why, instead of giving them over to some great corporation, should we not provide that they shall be worked by anybody of sufficient capacity at a royalty, so much per ton, to be paid into the Treasury of the United States; or, if we do not wish that to be done, why not sell them outright and get something like their value? But the true course undoubtedly is to do as other countries have done, to do as our neighbor, Canada, on the north, has done with much of the valuable deposits put into the hands of that Government by nature. Let men who will go there with perfect freedom, open to all, and let them pay a royalty for the privilege of working in the mines. Then you have likened it to gold and silver mining, except that you have reserved out of the sureness of the profits a fair, reasonable proportion only for the people of the United States, a proportion that will amount undoubtedly to millions of dollars in the end, and nobody knows what untold millions. That is the way to deal with this property in fairness; that is the way to deal with this property so that any citizen can enjoy an equal opportunity with any other if his enterprise and means are such as to set him upon it.

That is all I have ever desired with reference to this property. I have no interest in it directly or indirectly except as a citizen of the United States. I have never spoken with any person interested in it except those whose interests have been such that I have felt it my duty to oppose them at every step. For six years I have been here looking after the interests of the United States in reference to these great deposits of mineral, and, as I have said, I have never seen anyone except those who were trying to get it and whom I have opposed during that time.

I think very likely a result like that which seems always to ensue with reference to anything that the Government has that is valuable, may, in the end, ensue with reference to this great deposit of valuable mineral. Sooner or later, perhaps, instead of the right thing being done in the interest of the people, some legislation will occur by which some monopoly will be created, and some persons made enormously rich out of the property that is the common right of all the citizens of this country. But I hope it will not now take place, and that hereafter, when more time is afforded for the proper solution of this question, the Senate will take it up with an intelligent understanding of the circumstances and enact such legislation as will open these minerals to the use of the people of the United States, and open them upon fair terms to the Government at large and to all those who wish to engage in mining.

But, Mr. President, at this time there is one plain, direct question addressed to you for decision. That is simply the question whether such a piece of legislation as this can be put upon an appropriation bill with your allowance, when the rule of the Senate is direct and explicit that it shall not be. I need spend no time in pointing out that the proposed statute is a direct amendment of the law of 1894, and intended so to be; but I should like to add that it proceeds to overrule that law in a most important particular. That law, bad as it was as it issued from the conference committee after having thrown away the safeguards which the Indian Affairs Committee had provided and the Senate had added to it from greater caution, still provided that before any mineral lands should be opened there should be allotments to the Indians made and that the President of the United States should make proclamation. It is the purpose of the proposed statute to do away with both those things practically. It begins by saying—

> That all that part of the Uncompahgre Indian Reservation in the State of Utah, except such lands as have heretofore been allotted or selected for allotment to said Uncompahgre Indians, is hereby declared open to public entry.

But, Mr. President, no allotments have been made. And what is meant by "selected for allotment?" There is no such term in the law as "selected for allotment." That is to say, there is no step in the process of allotment to the Indians where anything takes place that is known as a selection for allotment except simply that in parol Indians are proffered their choice, when they come to, of the lands they will take, and then the allotment is made according to their wish. But that is no formal step. There is no record of it. Nothing is done except when the allotment is completed the wishes of the Indians are carried out by the office.

So, as no allotments have been made and no steps have been taken that operate to segregate any of the lands from the general mass, this now would throw open the entire reservation of the Uncompahgre Utes. It would do it, sir, for what reason? In order that that great body of territory may be made available for settlement even? No, sir. In order that this little part in the eastern end of it may be made available for the enrichment of some great corporation.

Mr. President, I insist that the rule of the Senate shall be applied to this amendment.

Mr. CANNON. Mr. President, I fully agree with the purpose asserted by the Senator from Wisconsin [Mr. VILAS] in his opposition to the opening of the Uncompahgre Reservation, but I can not see that the method proposed by him will avert the evil which he fears. On the contrary, it seems to me that the policy proposed to be pursued by the opponents of the opening will directly lead to the control of these incalculably valuable deposits by some great corporation under lease or under purchase of the lands from the Government, if they shall be sold at auction or leased at auction to the highest bidder.

I agree—and it is a pleasure to agree—with the Senator from Wisconsin in his statement of the vast extent of these fields of asphaltum, of elaterite, of gilsonite. I believe that he has not overdrawn the picture of their extent and of the varied uses to which they may be applied in the commerce and the industries of the United States. I agree with him that perhaps there has been discovered a solvent by which elaterite may be reduced to rubber, by which it may be made into the best insulator known. So numerous are the purposes to which these various minerals can be applied that there is scarcely a modern industry in progress in this country which will not find need of them.

I differ a little with the Senator in his statement when he compares these minerals in weight with gold. I differ with him distinctly when he states——

Mr. VILAS. I hope the Senator will understand that I did not mean to be taken literally in that respect.

Mr. CANNON. I have the misfortune of always taking the Senator from Wisconsin literally, and I supposed that he meant in this case that those minerals were worth more than their weight in gold. When there shall be perfected a proper solvent, perhaps some use may be found for them which in commerce will make them more valuable than gold.

At this point, if the Senator will permit me, I should like to ask him if he has ever been over the area of land comprised within the Uintah and Uncompahgre reservations?

Mr. VILAS. No, sir.

Mr. CANNON. "The cliffs of shadowy tint always appear more sweet than the smiling landscape near." If I had a desire to see the Senator punished in this life for any of his possible misdeeds, I should wish that he might be compelled to go upon either the Uintah or the Uncompahgre Reservation or on the adjoining lands, and hunt a vein of gilsonite or elaterite, with the assurance that he could neither eat nor drink until he had found one which was of commercial value.

Mr. President, while I have some considerable and intimate personal knowledge of the situation there, I shall make my comments upon the physical character of the land solely dependent upon official reports made to the Government of the United States. As has been rehearsed here on many occasions when the subject has been under consideration in some one of its various forms, under the appropriation act of 1894 provision was made for the appointment of a commission to go upon these lands and select the agricultural portions for allotment to the Indians. Three gentlemen of distinguished character, personally delightful, went out to Utah and made a report to the Secretary of the Interior concerning some of their investigations, and I quote briefly from one portion of the report, delivered by them to the Secretary of the Interior under date of May 6, 1895, the one month in the year when, if at all, that country would be beautiful and desirable:

> That portion of the reservation explored, embracing, as before said, all the land east of Green River, and both above and below the White, is, with the exception of the valley of the White—about 10,000 acres—

Mark you, out of two millions—

> and the valley of the Green unsuited for agricultural purposes, a desert—above, a desert of shifting sand, scantily supplied with a stunted growth of sage and grease wood, and destitute of water after leaving these rivers until Bitter Creek is reached, near the northern boundary of the reservation; and below, a desert, too, but instead of shifting sand one of hard gravel and sheets of rock, seamed and fissured, along which in every direction are crags, precipices, and piles of bowlders terribly broken and shattered, and thrown together in every conceivable shape and size.

That is a brief and accurate description from official sources of the country in which these deposits are located. It has taken the utmost heroism on the part of the men who were aware of the existence of these valuable minerals there to go into the country at all. It is positively at the risk of life that men pursue the explorations and the prospecting necessary to make mineral discoveries in that part of the public domain.

The Senator from Wisconsin declares that there have never been any discoveries in this case; that the veins were there; that the deposits were open under the sun; the inference being that a man could not walk along on a hunting trip without finding gilsonite, elaterite, or asphaltum. It is true that the original discovery was perhaps by accident, as has been nearly every mineral discovery of any considerable extent in the United States; but that a discovery was made there in the sense designated by the law no one can deny. The discovery of gilsonite was made by a man named Gilson, whose residence was in that locality. I knew him well. I knew of his successive trips into that country in his investigation. I knew of others who went out.

Mr. VILAS. I should like to ask the Senator from Utah if Mr. Gilson's discovery of this mineral was not made originally on the Uintah Reservation? Was it not there that he discovered this mineral which is known by his name?

Mr. CANNON. I can not state at this time in what particular part of this region the original discovery was made by Mr. Gilson, but that it was a discovery in the sense contemplated by the law relating to the mineral lands of the United States no one who is informed concerning the facts can question. I am replying to that general statement of the Senator from Wisconsin that there has been no discovery of this mineral in the sense comprehended by the law.

Mr. VILAS. If the Senator will pardon me, that statement was made with reference particularly to these deposits on the Uncompahgre Reservation.

Mr. CANNON. I can not understand that that affects the general principle. That one may have discovered gold at Cripple Creek and that the Government may have issued, as it has issued, a monograph on the subject, and that other men have gone in and taken advantage of the general knowledge and the publication of Government reports and located upon grounds contiguous to those of the original discoverer, does not make them nondiscoverers in the sense to which the law applies.

The existence of tracts of land bearing gilsonite, asphaltum, elaterite, or wurtzitite and others of these rare substances in the Uncompahgre Reservation was perhaps known almost immediately after Mr. Gilson made the discovery either in the Uintah or the Uncompahgre Reservation, but their lack of accessibility was such that it took several years before men had the hardihood and the bravery to go in there and attempt to make locations. I have here a brief newspaper account, which I will read to the Senate, concerning some of the explorations and locations made there. I picked it up by accident since this discussion began. I am somewhat conversant with the facts in the case; I know all the parties named, and I offer it to the Senate, believing it to be exactly true:

> In the summer of 1888 John McAndrews, of Ouray, Utah; A. C. Hatch, of Heber, Utah; Joseph Luxen, of Vernal, Utah, and Thomas Kennedy, of Ouray, Utah, while riding the eastern part of the reservation for cattle belonging to the adjoining ranges, discovered a quantity of gilsonite float, for which they and many others had searched for upward of five years.
>
> They traced it for two days through the bad lands near Dripping Rock, and finally discovered and located the Cowboy veins.
>
> The mineral is situated near the Colorado line, and every member of the party was positive it was off the reservation and in Colorado.
>
> To settle the question beyond all doubt they employed a surveyor, Art Johnson, and with him ran the eastern line of the reservation for many miles from a well known Colorado monument, only to discover that they were mistaken, and that the long-sought gilsonite was just within the reservation.
>
> In the month of August their discovery and locations were made matters of record in Uinta County, Utah, and they immediately informed the agent of the Utes, Col. T. A. Byrnes, that they had discovered veins of gilsonite; had located and recorded same, and proposed to go to work at once and develop their property.

Of course the agent immediately forbade their operating the claims and warned the locators to keep off, under penalty of prosecution for trespass. If it be correct that these lands were withdrawn from the public domain of the United States, if the citizens of this country have not now and if they have not always had the legal title to them, then his threat was sufficient, as it was proper. No attempt is now being made to operate these claims. No attempt, so far as I am advised, is now being made to locate upon any of the veins or to prospect for other veins in that locality.

Mr. President, I have been very much surprised in the discussion of this question at the attitude assumed by the Senator from Wisconsin, who with much learning has given to the Senate the information concerning the character of the substances to be found in these reservations. But he has assumed an amazing attitude with regard to the matter of discovery, and the whole tenor of his remarks would indicate plainly to a listener that gilsonite and asphaltum lay out in a garden of gods, ready to be taken for the enrichment of mankind, and that some one man or some few men will rush in the minute the reservation is declared opened and seize the whole mighty area.

Two million acres and more of land constitute the Uncompahgre Reservation. It is of the character described in the report of the Indian commission sent out to those lands to locate the Indians thereon. In that vast area, in that wild country, is scattered here and there, in greater or less thickness, a fissure vein of asphaltum between walls, as any other mineral may be found in the United States.

Mr. VILAS. Are not all those veins within about four townships lying together, the same townships which in the Fifty-first Congress were sought to be set apart by the bill which the President vetoed?

Mr. CANNON. No man living knows. There is nobody who can answer the question. That whole region of country is permeated with minerals of various character. The people who locate upon the veins and are now working the mines described by the Senator from Wisconsin naturally supposed that they had found the utmost richness; that they had found a substance which would be worth twice "its weight in gold," if I may be allowed to use that expression. They found, however, when they came to the practical operation of the mine that the physical disadvantages surrounding the production of the gilsonite were such that there was comparatively little profit to them, and the only result achieved in the main was the reduction of the price of the commodity to the consumers of the United States.

In every respect this mineral land compared upon exact line with all the other mineral lands in the United States. The mineral is discovered by prospecting. It is found by following those traces which appear on the surface, as in the case of other minerals. Sometimes the amount possible to be found within a location would, perhaps, not be sufficient to justify the expenditure for operating, exactly as in the case of other minerals. Certainly the hardships to be endured, the physical conditions to be overcome in approaching these deposits are as great as those which obtain in the average of cases when men pursue mineral wealth within the public domain of the United States. In every respect in which it is possible to make comparison, these lands are exactly as other lands are, and should be treated as such until that time when the Government shall choose to reverse the policy of years and adopt a new method of dealing with those things which belong to all the people of the United States.

I fancy that the gentlemen who are opposing the opening of the Uncompahgre Reservation will scarcely propose a bill for the Government of the United States to offer these lands to the highest bidder, or to go into partnership with any private individual or corporation for their operation under a royalty.

Mr. VILAS. I should like to say to the Senator that that was the nature of the bill which was reported by the Committee on Indian Affairs when I was a member in the Fifty-second Congress. It provided for just those things.

Mr. CANNON. The effort was soon abandoned, and notwithstanding the fact that this question has been pending before the Senate as a live issue for nearly one year, no attempt has been made to renew it. I had a desire only to meet the question of discovery as it was offered by the Senator from Wisconsin.

The principal issue involved in this question, however, does not relate either to the vast value of the deposits or to their discovery. It relates to the policy which the Government of the United States shall pursue toward its citizens and toward its public domain. I will be as ready as the distinguished Senator from Wisconsin to vote that the resources and natural opportunities existing in the United States shall be utilized under Government control for the equal, exact, and just benefit of all the people of the United States, but I will not be ready to do by accident that which, if it shall ever be done, should be accomplished by design, and after most careful consideration by the Senate, the House, and the Executive.

This would be a reversal of a policy that has been thought to be most effective in the past. The high rewards which sometimes and in infrequent cases accrue to those who pursue the quest for fortune in the mountains of the West, have induced a great many of our citizens to labor to the enrichment of the country, and very often with the result of impoverishing themselves. Under no other system, so it has appeared to the lawmakers of the country, could it have been possible to obtain that strong endeavor which has been required to develop the gold, the silver, the lead, the coal, the iron, the asphaltum, the gilsonite lands of this country, in order that the commodities there existing in profusion in some instances could come forth for the benefit of the country.

The Senator from Wisconsin used an expression intimating that if these lands were opened under existing law they would be lost to the Government. In fact, the Senator used those words, in commenting upon a bill which was formerly pending here. Mr. President, if they were opened, they would be a gain to the Government, and not a loss to it. They are now absolutely lost in the practical sense of that word, not only to the Government, but to the people. A brief recital of the location of these Indians upon the reservation will indicate more clearly what I mean by this assertion.

In 1882 this tract of land was set apart by Executive order, and to it were removed a band of Ute Indians from Colorado, 956 in number. The area of that reservation is such that every Indian buck, squaw, and papoose has 2,132 acres in this domain. By the report of the commission, which spent $16,000 in an examination into the character of the lands, it is shown that there is not enough agricultural land within that whole domain of 2,000,000 acres to supply an allotment in severalty to any considerable number of the 956 Indians. So long as the lands remain as they are now, this great mineral wealth, which is practically the only value that the land has, is lost to commerce, is lost to the Government of the United States, is lost to our people.

The Senator states that the operation of one mine of gilsonite reduced the price of that commodity in the markets of the United States from $140 a ton to $[illegible] a ton. The true value, then, of this property to the Government and the people is to have it opened and utilized. One might as well draw a veil in front of the sun as to keep by Executive inaction these lands and their great deposits reserved from the use and ownership of the people of this country.

I am not in favor, sir, of having these lands go into the possession of any monopoly or corporation, and that is why I insist that the present laws of the United States on this subject should be executed. Those laws have been in operation for more than a generation. Every temptation for monopoly has existed, but under the wise system and under the beneficence of nature, which has scattered her valuable gifts in such a way as not to permit one man to get in a compact body any very great area of mineral-bearing land, we have had constant competition in the production of coal and iron, gold and silver. In this particular case the result will be the same.

But if the policy proposed by the Senator from Wisconsin should ever find proponents numerous and bold enough to have it enacted into law in the United States, and if these lands should be leased to the highest bidder, it does not require even the learning of the Senator from Wisconsin and his wide experience in public affairs to know that every acre of the lands leased by the Government would be in the hands of an absolute monopoly. Some great corporation would be formed to obtain the leases from the Government; it would not want competition; and after it had secured the particular tracts desired for the operation of its business it would overbid other smaller operators or corporations, and no one else would secure any of the land; we then would have the very result which the Senator from Wisconsin is so desirous of averting.

Mr. VILAS. I should like to ask the Senator from Utah if he thinks they will do it any less when they can obtain the absolute ownership of the lands at $5 an acre?

Mr. CANNON. Certainly they will do it less. Under the law as it now stands no man can take more than two of the gilsonite or asphaltum or elaterite claims.

Mr. PEFFER. How much would that be?

Mr. CANNON. Twenty acres.

Mr. PEFFER. How many claims?

Mr. CANNON. Ten acres to a claim. In the aggregate no man could have more than 20 acres.

Mr. VILAS. If he has located 1,500 feet on the length of the lode.

Mr. CANNON. That is the general law, but there is a special provision concerning these particular claims which, of course, would have to be obeyed in any entries which were made concerning them, unless Congress should repeal the special provision.

Mr. President, if these lands lie as portrayed in the beautiful picture drawn by the Senator from Wisconsin, perhaps just as soon as men located upon the lands they would sell to some corporation at an enormous figure. But no corporation will buy any of these lands until their value is demonstrated. In the meantime there will be constant effort on the part of locators to show the value of the possessions which they have secured by their entry on the public domain, and thus we will have the very competition which is so desired by the Senator from Wisconsin and by myself.

I am somewhat conversant with the discovery described to the Senator from Wisconsin by the gentleman who has found a solvent. I am aware that that gentleman imagines he has found a great fortune. I am also aware that he remained in Washington for weeks (perhaps he is here now) with the expectation that this attempt to open the reservation would be defeated. He was even so well equipped with information that he stated to me the exact manner in which it would be defeated. He then purposed to secure from the Secretary of the Interior, whose ear he thought he could get, a lease of the elaterite or gilsonite or asphaltum land. With his solvent and with an exclusive lease he would have an absolute monopoly, and perhaps his dream of millions, as the quick result of his discovery of a solvent and of his influence in securing a lease, might be realized.

I believe, Mr. President, that the people of the United States desire now to have operated all those natural resources of the country which can lessen the price of what are called raw materials, so that our local industries may have an impetus given to them. In these beds of asphaltum and gilsonite are the bases for carriage paints and varnishes, for all of those products described by the Senator from Wisconsin. An opening of the reservation at this time and the location upon these claims and their operation will project at once into the industrial field of this country a resource, a raw material, a commodity which may be made the basis for innumerable industries.

I have addressed myself somewhat briefly to the merit of this question, to the practical question involved, and not to the point of order, concerning which doubtless those who are better informed from longer service in this body as to the manner in which the Senate observes its own rules will speak in their chosen time. I have observed that rules are never invoked here; that points of order are never raised except when all other resources have failed. I presume that the Senate will do in this case as it has done in every other since I became a member of this body—it will decide upon this question according to its own sweet will, regardless of rules. But it seems to me that if in this case, as in every other case it has done, the Senate shall decide on the merit, it should, so far as lies in the power of this body, take immediate action and open these lands to settlement and location by individual citizens of the United States. To longer withhold them is a cruelty; it is a barbarism; it is not worthy of this nation in this nineteenth century.

These lands, with their wonderful wealth, have been known to possess these deposits for many years past. Civilization needs them. Every time it is proposed to open this reservation, so that all the citizens of the United States, without distinction, may have access to them, there is opposition on the ground that they would pass into the hands of a monopoly. The Senator from Wisconsin holds that it would be unfair to open them because they contain deposits of unusual value. The Camp of Mercur, in Utah contains deposits of unusual value. Gold is found there in vast quantities and in a most unusual formation, so unusual that nothing like it was ever known in the history of mining operations in this country. I never heard that because of the vast value or the unusual character of the deposit it was wise for the Government to refuse to sell those lands to individual locators. Every day the Interior Department is engaged in the examination of things upon such lands.

Mr. President, I sincerely trust that the Senate will find it within the judgment of a majority to order, so far as this body can, that these valuable deposits shall not longer be lost to the Government and the people of the United States; that we will not leave this matter to the danger which now menaces it; because, if we shall not have these lands entered by the individual citizen, but shall lease them or sell them to the highest bidder, the Government and the people will lose more, ten times over, than they will gain by any royalty. If the Government shall go into partnership with any corporation, deriving a royalty, the people of the United States who consume the commodity will pay the entire amount of that royalty, for the monopoly which will have control of the product will add to the price all that it has to pay to the Government for royalty.

There is one thing more to be stated as a reason why the Senate should take action in this matter. A specific statute exists upon the books of this country requiring the reservation to be opened upon the fulfillment of certain matters now absolutely accomplished. The former Secretary of the Interior, notwithstanding the mandatory character of that law, chose to recommend another policy to Congress for reasons best known to himself, and that, too, after there had been given by the executive department of the Government a positive assurance that by a given date the reservations would be opened. It is a very bad precedent, sir, to permit any officer of the Government to violate a law, or to refuse to carry out a law, and then put into execution his pet idea as to how the law should be framed. It simply encourages every man who has some plan of his own against the plan of Congress to deliberately refuse to carry out the provisions of a statute, realizing that there will rise in the Senate, and perhaps in the House, some distinguished men who will fight against the execution of the law and for the carrying out of the plan or method proposed by the officer who refused to obey the law.

Mr. WILSON. I desire to ask the Senator from Utah a question, with his permission. In view of the fact that the newspapers this morning announce that the President of the United States has withdrawn most of the land from the public domain in the West, would it not be advisable to let a little of it be thrown open to mineral entry?

Mr. CANNON. I agree with the implied comment of the Senator from Washington. I am informed that there was yesterday withdrawn from entry upon the public domain of the United States some 21,000,000 acres of land by Executive order, thrown into forest reservations, with apparently not the slightest knowledge on the part of the officer who designated the forest reservations as to whether there was any timber upon them larger than a jack-rabbit bush. I know that in Utah, where a forest reservation was designated, a great deal of the land comprised would not raise anything larger than sagebrush. There is no forest in the major part of Utah. I agree with the Senator from Washington that if there be any lands which we can throw open to mineral entry in the United States we ought to give the individual citizen a right to go upon them and enter them.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the pending amendment in order?

Mr. VILAS. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. I do not see him in his seat, and for the present I withhold my vote.

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS]. If he were present, I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY], and withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the junior Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. In his absence, I withhold my vote.

Mr. ROACH (when his name was called). I inquire if the Senator from California [Mr. PERKINS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. ROACH. I am paired with that Senator, and withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. As he is absent, I withhold my vote.

Mr. TURPIE (when his name was called). I inquire if the senior Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. Then I withhold my vote.

The roll call was concluded.

Mr. QUAY (after having voted in the affirmative). Is the Senator from Alabama [Mr. MORGAN] recorded as voting?

The VICE-PRESIDENT. He has not voted, the Chair is informed.

Mr. QUAY. Then I am compelled to withdraw my vote, having a general pair with him.

Mr. BURROWS. I should like to inquire whether the senior Senator from Louisiana [Mr. CAFFERY] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. BURROWS. I am paired with that Senator.

Mr. CARTER (after having voted in the affirmative). I have a general pair with the junior Senator from Maryland [Mr. GIBSON]. Observing by the recapitulation that he has not voted, I desire to withdraw my vote. [A pause.] As I understand a quorum has not voted, I will let my vote stand.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. PRITCHARD]; but in view of the fact that a quorum has not voted, I will cast my vote, and cast it "yea."

Mr. GEAR. I vote "yea."

The result was announced—yeas 31, nays 16; as follows:

YEAS—31.

Allen,
Blackburn,
Blanchard,
Brice,
Brown,
Cannon,
Carter,
Chandler,
Clark,
Cockrell,
Dubois,
Frye,
Gallinger,
Gear,
Hansbrough,
Hawley,
Jones, Nev.
McBride,
McMillan,
Mantle,
Murphy,
Peffer,
Pettigrew,
Platt,
Sewell,
Shoup,
Stewart,
Teller,
Vest,
White,
Wilson.

NAYS—16.

Bate,
Butler,
Chilton,
Hill,
Hoar,
Irby,
Jones, Ark.
Kenney,
Martin,
Mills,
Mitchell, Wis.
Palmer,
Pugh,
Sherman,
Vilas,
Walthall.

NOT VOTING—43.

Aldrich,
Allison,
Bacon,
Baker,
Berry,
Burrows,
Caffery,
Call,
Cameron,
Cullom,
Daniel,
Davis,
Elkins,
Faulkner,
George,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Harris,
Kyle,
Lindsay,
Lodge,
Mitchell, Oreg.
Morgan,
Morrill,
Nelson,
Pasco,
Perkins,
Pritchard,
Proctor,
Quay,
Roach,
Smith,
Squire,
Thurston,
Tillman,
Turpie,
Voorhees,
Warren,
Wetmore,
Wolcott.

The VICE-PRESIDENT. The Senate decides that the amendment is in order. The question is on agreeing to the amendment.

Mr. BROWN. Mr. President, I ask the attention of the Senate for a few moments to controvert one or two of the positions which have been so ably taken by the Senator from Wisconsin [Mr. VILAS]. We have been dramatically told that this amendment was a proposition to take from the Treasury of the United States from seven and a half million to ten million dollars, although I think a careful review of the circumstances, or even the most casual review of the circumstances, will show that this amendment takes nothing whatever from the Treasury of the United States, or from the United States in any sense.

First, I think my friend is mistaken a little about some of the early facts connected with this so-called reservation. I wish to recall them briefly. The Uncompahgre Utes had lands in Colorado. They lived in that State. In 1880, in consequence of a rebellion and massacre committed by them, a new treaty was framed, by which they sold their lands to the United States and received pay for them. Their money lies now in the Treasury of the United States largely, from which they receive an income. It was also agreed at that time that they should remove from their reservation and that they should occupy lands, not, as the Senator from Wisconsin says, in the then Territory of Utah, but should occupy lands in Colorado, near where the city of Grand Junction is now situated, fertile land, valuable land, and if they were entitled to the present use of any lands whatsoever, it was those in Colorado, not in Utah. They went, however, to Utah, instead of to those lands at Grand Junction. They moved to the premises now occupied by them, and remained there. Those premises were not an

Indian reservation. The Indians have no right there. They were public lands of the United States, which had theretofore been declared open to exploration and purchase and to location by the miners of the United States.

In 1880, when those Indians were placed upon those particular lands, these mines were opened to location. They were a part of the lands which the general offer of the United States has been made in regard to, that any miner could go upon them and, if he could find mineral there, could make a location. The Indians remained on those lands from 1880 to 1882 without any sign of right. They were in a certain sense trespassers there. They were not invited there by the Government; they were not citizens there for the purpose of making homes or locations in the ordinary sense of the word, but they were there and remained there until 1882 without any sign of right at that time. Two years after they were there the President of the United States made what is called an Executive order, setting aside those lands for their immediate use, not taking them from the market, not excepting them from lands where mineral locations could be made, not saying that they were not subject to entry by other locators on public lands in the ordinary way—I doubt if the President could do that, at all events he did not do it—but simply permitted them to remain at that place, and appointed an agent to look after them at the locality known as the Uncompahgre Reservation. They have remained there ever since and in that same condition until these mines were discovered some time perhaps in 1890 or in that vicinity—1889 or 1888, perhaps, they were discovered.

At that time it was thought desirable that the title of those Indians should be quieted, although they had no title, so that their possessions should be disposed of peaceably. Miners went on the lands and made location of claims, and I think that they were valid locations made in the ordinary forms known to the mineral laws.

In 1894 the act of Congress was passed, to which the Senator from Wisconsin has made reference, from which it appears, as read by the Senator from Wisconsin, that it was not the intention that those lands should be reserved from sale, because he has shown to us most clearly that the clause which was proposed by the Senator from Connecticut [Mr. PLATT], that the land should be reserved from sale, was stricken out, and that clause was left out intentionally. It was the intention, then, of the act of 1894 that those lands should be open to mineral entry and to other entry. They were declared to be open as soon as the allotments could be made. The expression of the statute is that it shall be the duty of the President to open by proclamation to entry as soon as those allotments can be made. This language is mandatory upon the President. He was to obey the law. The will of the people was then expressed that these lands should be used for mineral purposes and for other entries as soon as those allotments could be arranged. That was the only necessity that they were under before the lands could be utilized by citizens of the United States.

Since 1894 locations have been made. Much time has been spent by the Senator from Wisconsin to show that these locations were not in the pursuit of a new and original discovery. Mr. President, it is not necessary that a locator should discover a mine in the same sense in which a patentee discovers a new process. The word "discover" is not used in the statute at all. The lands of the United States are open to exploration and purchase. It makes no difference who discovers the mine, he who first locates it, in pursuance of the statute, obtains the title. It is no more necessary to discover the mine in the sense of being the first discoverer than it is to discover valuable agricultural lands. It is not the man who first gazes upon beautiful meadows who has the prior right to them, but he who first makes an entry pursuant to law. So with mineral land; he who first makes the entry upon it has the right to it. This statute of 1894 opens these lands, I take it, to those who may make such location; it opens them in pursuance of the general system of law, so that anyone who should come and care to make a location should have the prior right.

I have been less earnest about this case because it has seemed to me that under that law the right of the miners had been protected. I think all they have to do is to apply for their location; and if anybody interferes with their possession—any Indian agent or any officer of the Government—to bring suit against him. Under similar circumstances, in the Colville Reservation, in the State of Washington, since we discussed this question last year, United States Judge Hanford, the district judge for the State of Washington, has held that on that Colville Reservation the mineral entries which were made before the final proclamation of the President opening the reservation were valid mineral entries. Hence, I take it that those who have gone upon those lands in the Uncompahgre mining district and made valuable mineral entries or lawful mineral entries will be protected.

Our friend from Wisconsin has said, however, that these peculiar forms of mineral, these hydrocarbons, are not subject to be entered under the mineral-land laws the same as gold and silver. He has expressly stated to us that the mineral-land laws do not apply in the case of elaterite and the other minerals we are now discussing. If that is true, there can be no objection to this amendment. It is not proposed to change the mining law by extending it in any way. If they are now open to entry under the mineral laws, then there is no harm done by the amendment. I should take issue, however, with the learned lawyer upon that subject. The statute says that all lands may be located which bear gold and silver or other valuable minerals, and all lands containing valuable deposits are within its purview. Another section of that act says if these are valuable minerals and valuable deposits they are subject to the mineral laws of the United States, and I take it the locator has the right to them, unless there should be some exception made, which has not been made in the general law, with regard to this particular class of deposits.

Mr. President, one word further on that subject. Why should there be any exception made? The learned Senator from Wisconsin has spent much time to show that these veins are more easily discovered than gold and silver veins, and that they possess a more uniform width and are of greater length; but, after all, when you come to hear the opinion of Mr. Walcott, it was shown that they widen and contract; that the greatest width was 18 feet, and that they contract, but what the minimum is is not stated anywhere in the report. Other veins are of a width as great as 18 feet. Many gold veins are greater than 18 feet at a maximum width. That is not their greatest width at the widest point, yet they may contract down, "pinch out," as it is called, to a mere seam, barely traceable to the eye, and for aught we know or for all the report states, those veins possess a similar quality. The report does show that they are fissures in the earth's surface, like gold and silver veins, fissures to be exploited and explored in the same class exactly as gold and silver mines are. For that reason it seems to me eminently proper that the general rules of laws should apply to them. If they do not, as I said before, no harm can come. If they do, the locators have the right.

But, Mr. President, the argument of the learned Senator went further; it went away beyond the Uncompahgre Reservation, beyond Utah. It reached out into the public policy of the United States on the subject of the land laws. He has said there is no reason why the United States should not share by royalty in this vast wealth of deposits. If that is true of gilsonite, it is true of gold; and if it is true of gold, it is true of all the other minerals which we possess. In other words, the Senator from Wisconsin by the course he indicates under the amendment proposes that the United States shall recede from its time-honored policy of holding the public lands of the United States in trust for the settler and the locator, and shall keep them as a source of revenue, to be sold, to be utilized, to make a royalty out of them, as he calls it. Not only that proposition is to be asserted in this single case of gilsonite, but, carried to its proper and logical extreme, it would include valuable agricultural lands. Why should we sell the valuable meadows, the beautiful sites, the points where the best farms can be located to the homesteader for nothing? Why should we allow them to take them for the paltry sum of $1.25 an acre? If they can be sold, the United States might in selecting good premises, good ground, acquire much more money by selling such land to the highest bidder. That is the argument the Senator from Wisconsin here is indulging in. It is the argument of the Bourbon of the past, it is the argument which looks back to the past when the lands of the United States were used in that way and for that purpose; but the argument for the last thirty or forty years has been that the best use we could make of the public lands of the United States was to encourage the settlers, to encourage the locators, to encourage those who were building up this country. We are seeking, and have sought during these forty years, to use the public lands for a greater and better purpose than merely to squeeze a few dollars in royalty out of those who have discovered our mines or those who are working our lands.

For that reason, Mr. President, it seems to me that now is a favorable opportunity to repeat again our old-time policy. We had it discussed here the other day on a free-homestead bill. It was sought then to put the lands in one of the neighboring Territories or States up to the highest bidder, to compel the homesteader to pay the price of valuable lands for the privilege of settling on a homestead. This Senate repeated again the policy, which had always been that of this country, to protect the homesteader and the settler, and to say to him, "You shall not be called upon to pay anything for occupying and improving lands which have been those of the United States; take them, and when you improve them they are yours, because you have added more wealth to the whole country by improving them than you could have added by paying a few paltry dollars into the Treasury." So in regard to these mines or any other mines; their wealth is not in sale, their wealth is not that which can be reached out and disposed of by the sheriff or the community around it, but it is a wealth to be manufactured; it is a wealth to be discovered by working the mine. These mines may not turn out profitable to those who operate them. There may come out of them the $10,000,000 which the Senator from Wisconsin sees so greatly before his eyes, and yet the man who takes it out may not make one penny in the operation. It will cost him, very likely, $10,000,000 to do it. In this very case we are discussing, before these mines can be operated or utilized, a railroad must be built through the wilderness, where there is nothing else for it to carry but this particular product; a road of at least 100 miles in length must be built; and when he has built the railroad and bought the mines and worked them, if he makes anything he is very successful. He is simply going to-day to undertake one of those great efforts which are common to this country, which have brought success to our nation, but which have not generally brought success to the person who has first been enterprising enough to do the work.

This is simply a proceeding to develop one of our great mining industries. Will the Senate of the United States say, "We will recede from our time-honored policy and see if we can not get a royalty," or will they say, "We will move onward and hold these properties in trust for those who have legally located them?"

Mr. STEWART. Mr. President, the establishment of the policy to keep the mines open to exploration and development has been from the beginning a favorite policy with the people of the West. A little over thirty years ago an attempt was made in Congress to have the mineral lands surveyed, sold at auction, and to use the Federal Army to protect the purchasers. After about twenty years had elapsed, during which time the miners had been left without legislation and left free to explore and develop the mines, they made rules and regulations for their own government, and those rules and regulations were adopted by the courts and by the legislatures of the various States. At the time of this scheme of selling the mines for the purpose of furnishing revenue was inaugurated and urged with great energy in both Houses of Congress there was a system of local laws which had been molded into shape by the decisions of the courts of all the States and Territories of the West after a very hard struggle, but as soon as the members of the two Houses of Congress had come to understand what the system was, what was desired, what was the condition of the people of the West, and what had been done, they adopted the system now established, which has been in operation for over thirty years. It has worked well and the people are satisfied with it. There may be some imperfections in the system, but as a whole it has been very beneficent.

Before I would vote to make any change in the system, before I would vote to allow the Government to become a partner in any way or a lessor in any of these operations, I should want to see a very strong case made.

I am confident that no harm can come from the system. Let these mines and any other mines be taken and developed by the people. Those who know the difficulties the miners have to encounter, the obstacles they have to overcome, will willingly allow such of them as may find something good and who makes a success of their enterprise to enjoy it. It is by the success of the few that the many are encouraged to continue to develop that country, and out of their efforts States have grown up. We have now States from the Atlantic to the Pacific, which we should not have had under any other system.

Now, I ask Congress not to vary the system. I have seen no reason which satisfies me that this particular case ought to be an exception. It is said that a monopoly will grow up under it. We have heard of monopolies of mining claims from the beginning; but we find there is not much in that. The expense of opening and developing a mine, the vast expenditures of money for improvements which are made, wipe out your monopoly, because all mines are speedily exhausted. Mines containing precious metals do not constitute a permanent property; and I do not believe there will be a monopoly in the mining of this peculiar mineral. The mines are worked out rapidly, when the monopoly ceases; but while the mining is going on great benefit is realized by the community at large, by those who furnish supplies, machinery, etc., as well as by the laboring men. It would be a good thing if, in this particular case, somebody could go to that country and build a railroad and make a lot of money. It would set prospectors at work all over the country to find other similar deposits, and much good would be accomplished by it. If you are going to take away from the men who find these minerals the lands containing them, you take away the motive of others to search for mines. Suppose the mines had been sold at auction when it was supposed the military had been sent there to protect the purchasers; prospecting would have ceased and your mineral products would have been merely nominal now. The great mines which have been found since have produced minerals, gold and silver and copper and lead, which have been so advantageous to the country. It is because they are open for prospecting, for exploration and development, and the man who finds them has them, that others have been encouraged to make similar explorations; but take away the motive by establishing a different policy and prospecting will cease. Besides, the Government will never make anything out of any speculation. It is not the business of the Government; it is the business of those who have enterprise enough to go into the rough mountains and endure the privations and expend the money which may be necessary to develop the mineral resources of this character.

I do not think the case here presented is any exception, and I hope those who undertake to develop that section will have great success. If they succeed, they will find other similar prospectors, and we shall have good results from this discovery.

Mr. CLARK. Mr. President, I desire simply one word upon the pending amendment. To begin, I must confess my utter inability to understand or comprehend the opposition to the pending amendment. It involves, as I understand, the taking of not one dollar from the Treasury of the United States. If that could be urged against the amendment, I could understand in part the opposition. It involves no point of high moral principle of dealing with the Indians, because the Senator from Wisconsin, with all his ardor against this amendment, does not for one moment put it upon the ground that it is harmful or will be injurious to any Indian tribe or individual on the face of the earth.

Not only am I unable to comprehend the opposition to this amendment, Mr. President, but I am unable to comprehend that wall of opposition which every Western Senator runs up against in this Chamber whenever a Western proposition is presented here for consideration. I am unable to comprehend the animus which set forth the Executive action, of which Western Senators were first informed by papers upon their desks this morning, that the Executive of this Government, without, in my judgment, authority of law duly given to him, has withdrawn from the public-land States over 20,000,000 acres of land from the Government domain; drawn away from the public domain lands upon which there are vast mineral deposits; drawn from the public domain lands upon which we had hoped to plant happy and prosperous homes; drawn from the public domain in my own State, in one lump, over a million acres of land, ostensibly for forest-reservation purposes, when from personal observation I know there is not enough timber on it to build a four-rail fence around the tract reserved. I am unable to comprehend these things.

I see no reason under the shining sun why this amendment should not be adopted. It opens up a tract of land which, according to the statement of the Senator from Wisconsin, will pour forth immeasurable wealth into this land of ours. Well, I am for that. According to the statement of the Senator from Wisconsin, instead of having this wealth given here, there, in a thousand gentle rivulets into a thousand homes, to a thousand prospectors, he would center it all in one corporation deriving its right to mine the mineral of the United States on leasehold from the United States. Did it occur to the Senator from Wisconsin that he was treading dangerously near the ground occupied by the Senator from Nebraska [Mr. ALLEN], the Senator from North Carolina [Mr. BUTLER], and other Senators advocating the Government ownership of railroads and other things?

Mr. VILAS. I should judge that the Senator from Wyoming had not heard a word that I have said.

Mr. CLARK. I did; and the Senator from Wisconsin, in answer to a question of mine, said that he believed it was right for the Government to own these gilsonite mines and to lease them out under royalty. If that does not come about as near Populism as the average Democrat can get, I should like to know where you would find it.

Mr. VILAS. The Government owns them now, does it not?

Mr. CLARK. The Government does not own them as a Government. The body of the great American people own the lands upon this continent, and to follow the lead of the Senator from Wisconsin, learned though he be, patriotic though he may be, with all the experience he acquired while for four years in control of the Land Department of this Government, would be to turn over the lands of the Government to great companies, holding its agricultural lands in great monopolies, owning its mineral lands. To that I hope the Senate of the United States neither to-day nor at any time will ever consent.

I do not believe that a single reason can be urged why the brawny American prospector, who has poured into the lap of the eastern part of this nation more money than they have produced in all other ways combined, should not go on the Uncompahgre Reservation and open up still new fields of wealth and industry. There is no argument that can be made against it from precedent established in the land laws of the United States. There is not an argument that can be raised against it which in itself is based on the highest benefit to the American people. There is not an argument that can be raised against it that it would injure an Indian or an Indian tribe in any of their treaty or other rights. If there be an argument against it, I can say that I honestly desire it to be made. While this question is small in itself, while it does not appeal to Senators east of the Rocky Mountains, it does appeal to me.

The principle of this amendment is such that there ought to be no hesitation on the part of the Senate in adopting it. I do not believe it is legally necessary. I believe with the Senator from Utah [Mr. BROWN] that a citizen of the United States can to-day go upon that reservation, stake out his claim, and hold it in spite of all the rules of the Indian Department, or the Land Department, or of the Secretary of the Interior. I believe that he has that right; but, alas for the Western prospector, alas for the man who takes his life in his hands and goes into those mountains, the Interior Department in its wisdom has for years overridden all the laws that have ever been enacted by Congress or enunciated by the courts of the nation.

We have had an illustration of that in my State within the last ninety days. When the honorable Senator from Wisconsin [Mr. VILAS] was Secretary of the Interior, under his direction and under his decision in my own and other States patents were prepared for oil lands under the placer-mining acts. The Department then held, as the Senator from Utah has stated [illegible] deposit, land containing it could be entered under the placer-mining acts of the United States. For seven or eight years the Interior Department held that to be the law and under that law it had operated. Vast tracts of that land [illegible] were entered under the placer-mining laws of the United States, when one fine morning, without any warning being given, like a flash of lightning from a clear sky, the Associated Press dispatches said that the Interior Department on the day before had decided in a case before it for adjudication that [illegible] petroleum lands under the placer-mining laws of the United States.

The Senator from California [Mr. WHITE] well knows the havoc that was wrought in his State by that decision. I know the havoc that was wrought in my State by that decision.

Mr. WHITE. Mr. President——

Mr. CLARK. I yield to the Senator from California.

Mr. WHITE. With his permission, I will ask the Senator from Wyoming whether it is not a fact that hundreds of patents were issued by the Interior Department for petroleum lands upon the theory that such lands came within the purview of the placer-mining laws? I will also attract his attention to the fact that the construction of the word "mineral" by the Department lately made, I think in the month of October or September of last year, would give the title to much valuable mineral land—that is, land in which there is petroleum—to various railroad companies, because if petroleum is not included within the word "mineral," then manifestly these lands pass to the railroad companies.

So the decision which the Senator criticises would not only deprive of their lands those who have located placer-mining claims and whose claims were [illegible] by alleged homesteaders, but it would manifestly affect favorably to the railroads a vast quantity of land. I believe that the decision to which he alludes is now covered by a motion for a rehearing. Hence, its ultimate decision is now uncertain.

Mr. CLARK. If it is not covered by the motion for a rehearing, it is covered by an act of Congress which has been passed and signed within thirty days and probably without the knowledge of those concerned in rendering the decision in the Land Department.

Mr. WHITE. If the Senator will permit me, I will state that that act of course can not affect the railroad grants, because if the construction of the word "mineral" made by the Department is valid, then it follows that the railroad grants covered that land, and it was not subject to divestiture by act of Congress. Hence the additional evil of the decision.

Mr. CLARK. There is no question on earth but that the Senator from California is correct in his statement. For twenty years nearly—for more than seventeen years at least—it had been held by the Department, and during the time when the Senator from Wisconsin presided over it with great ability, that petroleum lands were mineral lands within the meaning of the placer mining acts of Congress, and hundreds of men have staked their all in such claims. Hundreds of thousands and millions of dollars have gone into the development of that country.

Some of the lands have been patented. Others were held under the ordinary tenure of the mining claim. Still others had been filed upon. But all over that country, by the mere ipse dixit of the Secretary of the Interior, on that October morning every patent went flying into the air. Every dollar of property in those mineral claims was left unsettled.

Mr. President, it was a cause of great surprise, because nobody knew that any question had ever been made or was sought to be raised; and when we came to run the matter down, the fact was found, as stated by the Senator from California, that within recent years great oil deposits have been discovered in the southern and other parts of California within the limits of railroad land grants. According to the terms of the railroad land grant, mineral land did not pass with the grant. All other lands did. If petroleum should be considered as a mineral by the Department of the Interior, the land entered for the petroleum would not pass with the grant. The grant was immensely valuable. So, on a case of some sort, and the Lord only knows what, a decision is brought forth from the Department of the Interior that petroleum is not a mineral within the meaning of the law, and it throws the land into the hands of the Pacific companies, it throws it into the hands of the land-grant railroads. It not only takes it away from the prospector, it not only takes it away from the individual holder, it not only takes it away from the individual miner, as the rejection of this amendment may take it away, but it throws it directly into the hands of the great corporations who have already waxed fat upon the bounty of this Government.

Mr. President, I should like, if anybody can advance one argument, to hear some good reason why the committee amendment should not be adopted. I am seeking light. I confess I am prejudiced in this matter. I do not believe that the people in the West have got what they are entitled to, and I am not modest in saying it. We are crude. We are undesirable States and unsafe Commonwealths. I know that, because we have been told of it often enough. But I believe, as to public-land matters, that the final solution of all such questions should be left with the people of the very States in which the public lands are situated. The ignorance that exists in both Houses of Congress upon the true situation of the public land in the West is surprising; it is amazing. It is not because we are more intelligent, but because we see with our own eyes. We know exactly the condition of affairs, and I doubt whether the Senator from Wisconsin, with all his learning, with all the geological reports he has read, with all the special reports he has read upon this gilsonite field, can tell whether a gilsonite vein runs up and down, like that, or thatwise, like that [in beating].

I have spoken a great while longer than I intended. I am anxious upon this matter because it is a sample of what we have to contend with. There is no reason why the amendment should be obstructed, while there is every reason why it should pass.

Mr. PALMER. Mr. President, accepting the statements of the Senator from Wyoming [Mr. CLARK] as true, and no doubt they are, the people of the West have been treated very badly. I do not think anybody can withhold his assent from those statements after listening to the very interesting accounts of the grievances they have suffered. But after all, what has that to do with the particular question before the Senate? It seems from all that I have been able to collect in the course of the debate that there is on a particular reservation a tract of land which has a peculiar value. It has a peculiar value from discoveries already made. I understand it is not, as the Senator from Nevada intimates, that this is open to exploration or that exploration is necessary for the discovery of the peculiar substance which gives value to the land. I do not understand that to be the case. But the simple statement of the case appears to be that there has already been discovered qualities that are peculiar to this particular district, not found anywhere else, and the proper subject of inquiry then is, What shall the Government of the United States do with this reservation, in view of its exceedingly great value? Shall the United States Government give it away?

The Senator from Utah discoursed eloquently with respect to agricultural lands. He thinks that the logic of the position of the Senator from Wisconsin would lead us to the conclusion that the Government should retain the ownership of all these valuable lands and have them worked on the principle of a royalty. But that is not in harmony with the policy of the Government. Is not this case somewhat like any other property of the Government which has an accidental value? I suppose it sometimes happens that the United States owns property near large cities and a peculiar value is given to that property by its proximity to a large city and because of the uses to which it may be devoted in connection with the business and commerce of New York or Philadelphia or Chicago. It has this peculiar value from peculiar circumstances.

Now, what shall the Government do with that land? It is not referable to the illustration of agricultural land. It is not like mineral lands in the mountains; they may contain infinite riches, but the region must be explored and the wealth must be discovered. Here is a case where the lands are known to be valuable; the mines have been discovered, or the substance has been discovered, which gives value to the lands. Why should those lands be an exception to the rule where the United States owns property that has peculiar value growing out of circumstances already well understood? Why should that property be given away? That seems to be the only proposition here.

The Senator from Wyoming says he is anxious to hear some reason why this land should be made an exception to the general rule. The case is of itself exceptional. It is not within any rule in relation to the general property of the United States or in relation to mining lands or agricultural lands. We know these lands are valuable. We know, too, that we may tickle the soil of the fertile prairies and it will bring crops. We know that the mountains contain gold and silver, and precious stones, if you will; but

those mountains must be explored. Here is a case where we know the value of the property. We know that it is circumscribed in extent; and why should that which is exceptional in itself be brought within the general rules that apply to the disposition of the national domain?

It seems to me that is all there is in it. Senators have sometimes spoken of the effect of the principle of leases, which, by the way, I would not by any means prefer. I would prefer that this exceptional property, circumscribed in limit, should be offered for sale to the highest bidder. Is it any more likely to pass into the hands of a monopoly from that consideration than from any other? Do not Senators know that subterfuges are obtained for the entries of lands? From the history of the older States we know that men have procured homesteads under the direction of men of large wealth or of corporations. We know that they have gone on those lands and have secured the lands and have been paid for their services, passing those rich homesteads to others. There is no way that I know of to hinder monopolies, and the allowance of an entry of land will not necessarily insure the monopoly of these valuable lands by any other method.

There is but one mode by which we can avoid monopoly, and that is to put up the property at public sale and let the highest bidder take it, and that will produce, as I am told by the Senator from Wisconsin, a large sum of money to be placed in the Treasury of the United States. If Senators will tell me of any mode by which men of money will not acquire these lands, or that men of small means will acquire them, and hold them, and enjoy them—if any Senator can devise a method by which that result may be secured, I will readily concur. But Senators know as well as I do, because they know human nature, that these lands will pass into the hands of monopolists, of men who will make the largest amount of money out of them. With the knowledge of these valuable deposits, with the knowledge that these lands are immensely valuable, with the further knowledge that they can not be kept out of the hands of monopolists, the simply short method is to put them up at public auction and let the longest pole knock down the persimmon.

Mr. CANNON. Before the Senator from Illinois takes his seat, may I ask him a question?

Mr. PALMER. With the greatest pleasure.

Mr. CANNON. Gold has been discovered in the same Uncompahgre Reservation. Is the Senator from Illinois in favor of putting up the gold lands of the Uncompahgre Reservation to auction and selling them to the highest bidder?

Mr. PALMER. Certainly not. If a mine had been discovered on those lands, I should then favor the sale of the gold mine to the highest bidder. If the mine had been discovered, if it was known to be there, and to be rich and profitable, I would be in favor of selling it.

Mr. CANNON. The same knowledge is had with regard to gold as is had with regard to asphaltum and gilsonite.

Mr. PALMER. Then it will bring——

Mr. CANNON. If the Senator will pardon me, there is an assumption all the way through this debate on the part of the opponents of this particular amendment that these deposits of gilsonite, asphaltum, and elaterite are thoroughly well known, are thoroughly explored, are within certain circumscribed areas, that their value is ascertained, when their value must depend upon exploration and prospecting, upon development, exactly as would be the case in the matter of a gold discovery. Nobody knows anything about it. There is but one instance, I will say to the Senator with his permission, in which there has been any demonstration of the extent of any one of the deposits, and that is most unfortunate in its results for the opponents of the proposed amendment, or those who oppose it on the ground stated by the Senator from Illinois. The Senator from Wisconsin himself recounted the disadvantages which had been met by the people who are operating the only mine of gilsonite or asphaltum which is in operation.

Mr. VILAS. Will the Senator from Illinois allow me to call the attention of the Senator from Utah to the fact that I read extracts from the report of the Secretary of the Interior showing that the Geological Survey maintained by the United States has explored all these various veins for several miles in length, giving their width and distance, and that they extended to the depth of a thousand feet or more?

Mr. CANNON. With the permission of the Senator from Illinois, I should like to ask the Senator from Wisconsin to what depth the exploration of the Geological Survey went in making this examination? How many shafts were sunk along a given vein?

Mr. VILAS. This is what the Geological Survey says:

> The amount of gilsonite in the region examined is enormous, for the depth of the fissures, though unknown, can not but be considerable—from 1,000 to several thousand feet—and, with their length and width, is indicative of phenomenal yield.

So it was hardly discovered by these people.

Mr. CANNON. Those generalities do not indicate the precise point asserted by the Senator from Wisconsin and the Senator from Illinois. These veins, so the report says, go to an unknown depth. Their value is "enormous." I have here a report from the Geological Survey on the Cripple Creek mining district in Colorado in which practically the same statements are made. Precisely as much indication is given of enormous value. A map is made showing the extent and character of the veins of gold in the Cripple Creek mining district, and nobody would pretend for one instant that under the custom which has prevailed those lands, with all that knowledge given to the public, should be withdrawn from public entry and sold to the highest bidder. The words "enormous" and "unknown" are the common words used in describing any tract of land containing minerals.

Mr. PALMER. If those lands had been acquired by private parties, or any considerable portion of them had already been acquired by private parties, as seems to have been the case at Cripple Creek, it would be different; but I submit to the Senator from Utah this plain question: If it were known that there was in this limited district the valuable product to which we have had attention called, and that in addition there was on that land an already discovered mine of gold of fabulous wealth, of enormous productiveness, would he be in favor of opening it to private entry?

Mr. CANNON. If the Senator will permit me to answer his question by a statement that is larger than a mere answer, I will say, with all due respect to the Senator, that the mistake into which he falls is this: Here is prospectively a great deposit, and the Senator speaks of it as a mine. It can not be a mine. It is merely a prospect. There can exist on the Uncompahgre Reservation no mines under the circumstances. They are deposits. A mine is a thoroughly prospected, developed deposit of wealth. It becomes a mine only by the expenditure of money upon it. In the hypothetical case presented by the Senator, whether, if it was a gold mine, I would be in favor of its entry by a private party, I will say that I should be in favor of its entry by the man who had made it a mine. It can not be one until human energy, human skill, human bravery, has developed an almost valueless deposit into a mine.

Mr. PALMER. The theory upon which I proceed is that we know all that has been reported by the officials whose duty it is to know and to report the facts of the case. I do not know any better authority than that. I am not skilled in the distinction between "prospect" and "mine," and perhaps I use the one for the other, and use neither with great accuracy, but I understand the fact to be that we know enough—not all—as to the value of the lands which would make them sell in the market for a very large sum of money. I assume that to be true. Shall those lands, which are known to be valuable for special reasons, be given away? Would it be in harmony with any policy which has heretofore been adopted by the Government, and would there be any more reason for giving them away than for giving away any other tract of land or any other body of land that has an equal value?

Mr. MANTLE rose.

Mr. PALMER. I will listen to the Senator from Montana.

Mr. MANTLE. I desire to ask the Senator from Illinois a question in relation to the suggestion just made by him a few moments ago. If the danger which he apprehends is to result from the throwing open of these lands to the general public under the land laws of the United States, is it not a danger that is common to all the lands of the United States? That is to say, is it not equally probable that the homesteaders who settle upon the agricultural lands of the country would sell their lands, so that in the end there would be a monopoly of all the lands? Again, will not the method proposed by the distinguished Senator from Illinois to throw these lands open, subject to sale to the highest bidder, inevitably result in the man who has the most money getting possession of the land, to the absolute shutting out of a poor man, who, under the general laws of the country, with perseverance, and industry, and energy, and the courage to go ahead and make the development and the exploration, might thereby acquire some wealth for himself?

Mr. PALMER. No man has more respect for the courageous miner than I have, but I understand that in this particular instance the facts are known. It requires no courage to go on this reservation such as would be required of the explorer of the ranges of a mountainous country. I understand that here is a tract of land that has a peculiar value, which is known to all the people who are interested in acquiring such knowledge. It requires no courage, no spirit of adventure, except a disposition to put money in it. I grant that if it is put up at auction it goes to the highest bidder.

Mr. MANTLE. And therefore, because of that fact, it would, in all human probability, develop into a great monopoly.

Mr. PALMER. Most likely.

Mr. MANTLE. Now, I want to offer another suggestion. Is it not true that for years past, and even now, we purchase from the Indians of the country portions of their reservations, for which the Government pays large amounts—tracts that are known in advance absolutely to contain rich mineral deposits—and in every case are not those lands thrown open to settlement under the public-land laws of the United States?

Mr. PALMER. I have no doubt that the mountains of the West contain valuable minerals, but they are to be found; they are not in the mountains everywhere and anywhere; they are discovered. But in this case I understand the discovery is already made. It requires none of the spirit of adventure, or courage, or self-denial to go upon these lands. I understand that their value is known, and as their value is known and they possess a peculiar value, a value attributable to that particular district and nowhere else, I insist that they are an exception to the general rule.

Mr. MANTLE. In answer, I desire to make a suggestion to the Senator from Illinois.

Mr. PALMER. As I am through, I shall very gladly yield the floor to the Senator from Montana.

Mr. MANTLE. Then I will offer the suggestion without reference to the distinguished Senator from Illinois. The very fact that these lands are known to be valuable for this particular mineral is due to the courage and the energy and the heroism of men who went upon the lands in the face of the greatest difficulties and discovered and made known the fact that they were valuable for this mineral.

Mr. CANNON. I believe that the spirit shown by the remark of the Senator from Illinois [Mr. PALMER] is a just one, but I think the Senator labors certainly under a grave misapprehension as to the character of these lands, as to their accessibility. The man who might choose to go upon them and locate a claim to-morrow, should this bill become a law, and should the reservation be opened, would have not only to undergo hardships, but he would have to exercise the utmost skill, and then take the risk of finding nothing in the location which he might make. All along the lines laid down in the geological report of the Department there are indications, outcroppings, showing the existence of this mineral. A claim could be taken of 40 acres. A man, after taking it and paying for it, prospecting it to the depth of a thousand feet or more, as described by the Senator from Wisconsin, might find absolutely nothing with which to reward him for his endeavor. It is the history of all mining operations, no matter how beautifully the reports may be written up, that notwithstanding courage, skill, heroism, toil, and investment, nine men fail absolutely where one is successful.

There is no reason, sir, to doubt that there will be more failures than successes amongst those who go upon these lands and work them. There has been no discovery, no exploration, no showing in the sense described by the Senator from Illinois. These deposits do not lie as coal measures do. They are fissures. A man might locate within 10 feet and explore his entire claim to the uttermost limits of it and never find 1 ounce of this mineral. In that particular respect they are precisely as the Cripple Creek gold fields. Certain discoveries were made in Cripple Creek upon the public domain of the United States. Men located in various places contiguous to the original discovery, and then the Department, considering the matter of sufficient importance, had a geological survey and a report made showing the probable area within which were valuable gold fields, indicating the points at which there were outcroppings of the ore which bore gold. Men are still permitted to go there and locate upon those lands, notwithstanding the open demonstration which is had of the existence of valuable mineral deposits there. The man who would go and locate upon the public domain at the Cripple Creek Camp in Colorado, or the Mercur Camp in Utah, would be as reasonably certain of being rewarded as would be the man who went into the gilsonite fields in the Uncompahgre Reservation and located there. In either case he would have the chance, with courage and skill and the investment of money, to get a good reward. In either case he would have the chance of losing everything which he put in. There is not upon the face of the matter that absolute demonstration and showing which separates the two cases in any considerable degree.

Mr. JONES of Arkansas. Mr. President, the Senate has spent three hours in a discussion of the general land laws and the mineral laws, with but little attention paid to the amendment, as it seems to me. I have little hope of making any impression with what I am going to say about the amendment, and I will occupy the time of the Senate but a very few minutes.

I wish to call attention to the fact that the Senator from Utah and the Senator from Wyoming each insisted in their arguments (and they may be right about it; I do not know) that citizens of the United States have the right now under the laws as they stand to locate on these gilsonite fields, to claim these gilsonite deposits, and to work them; that there is no change of law necessary to give the people this right. If that be true, I appeal to the Senate not to adopt the amendment, which can not be necessary for the defense of the people who propose to occupy these gilsonite fields, by doing a gross injustice to this tribe of Indians. Now I will read the amendment.

> That all that part of the Uncompahgre Indian Reservation in the State of Utah, except such lands as have been heretofore allotted or selected for allotment to said Uncompahgre Indians, is hereby declared open to public entry under the land laws of the United States.

The amendment will open the whole of the reservation belonging to these Indians except so much as has been allotted or selected for allotment to the Indians.

I came by the Interior Department when the bill was first brought up for consideration, and asked the Secretary of the Interior how much of these lands had been allotted for use to the Indians. I was informed by him that there was not one foot so allotted.

I suggested to some Senator yesterday or to-day that it would be unjust to deprive these Indians absolutely of their homes, to take bodily possession of the entire reservation for the purpose of allowing these people access to the gilsonite beds. I was told after some discussion that these lands had been perhaps selected, while none had been allotted.

I respectfully submit that there is no difference between the selection and allotment. There must be a selection before there can be an allotment, but there is no action taken by the officers of the law which is technically known as a selection. There is no record made of a selection. It is simply a part of the act of allotment. If the amendment passes as is proposed by the committee, we are depriving this tribe of Indians of their homes. The law as it stands now, as was stated by these two Senators, gives these people the right to occupy the gilsonite fields if they choose to do so, and leaves these Indians in possession of their homes or the possibility of making homes under the management of their present agents.

I think the Senate ought to be slow in adopting an amendment which, according to the statement of its friends, is not necessary and which will, it seems to me, inevitably result in gross wrong to these Indians.

Mr. BROWN. Mr. President, just a word in reply to the Senator from Arkansas on this subject.

In the first place, these lands do not belong to the Indians. That fact should be distinctly remembered. The Senator from Wisconsin has himself read the statements of the Secretary of the Interior, taken from the time when he was in the Department until now, showing that it has always been conceded that the lands do not belong to the Indians. Their lands in Colorado were sold, and they got the money for them.

In the next place, as the Senator from Arkansas well says, selection must precede allotment. All of the agricultural lands in this so-called reservation (it is not a reservation at all; it is a place where they are permitted to stay) have been selected. There are not enough agricultural lands. All of them have been already selected. Every foot of the agricultural land was selected for the use of these Uncompahgres. They must have further lands out of those belonging to the Uintahs, a cognate tribe living there adjoining them, and from those lands they can have sufficient for their own use in an agricultural sense. The gilsonite beds are situated a hundred miles or more away from where there are any Indians or where there are any agricultural lands. They are away out in the truest desert that ever could exist. No Indian can be injured in any sense whatever by this amendment.

One word further. My friend calls attention to the fact that some of us have claimed that these locators have their rights now in court. That is true; I claim so, but others have disputed it. It is a mooted question. If they have rights there, Congress ought to protect them in them. It ought not to remit them to the necessity of litigation. It should be settled by an act of Congress.

Mr. VEST. Mr. President, that the Senate has been detained three hours upon this amendment, as the Senator from Arkansas has observed, is not its fault. If the executive department had carried out the law, as it was the duty of that department to do under the Constitution, this debate and this delay would not have occurred.

In 1894, as has been stated here and as the record shows—and I have it in my hand—we passed a law that made it mandatory upon the President and the Secretary of the Interior to appoint a commission to go to the Uncompahgre Indian Reservation in Utah and allot to these Indians such lands as were suitable for their occupation, and we provided that the balance of the reservation should be opened to settlement under the land and mineral laws of the United States.

It is true the Senator from Wisconsin has told us he did not know that the law was enacted, but I take it that does not affect its validity. It was his misfortune, and possibly the misfortune of the country, that the Senator from Wisconsin did not know that it was a public statute; but it was passed and signed by the President in 1894.

A commission was appointed and made its report. I hold their report in my hand. The commission declared in their report that, except some 10,000 acres on White River, the balance of the reservation was a desert, utterly unfit for the support of any sort of animal life. After that report was made and the proclamation drawn up by the Interior Department and sent to the President at Buzzards Bay, he refused to sign it, upon the ground that Congress had passed a bad law, which he had signed but did not propose to carry out.

I speak by the card, because I saw that proclamation in the hands of Mr. Hoke Smith, Secretary of the Interior, who told me that he had carried it to Buzzards Bay, and the President had refused to sign it because Congress, he said, did not understand what they had enacted. That is the reason why we are here now thrashing this old straw.

Mr. President, no Senator here will justify that sort of conduct. It is utterly indefensible. If we made a mistake, the President ought to have called our attention to it and relied upon the patriotism and intelligence of Congress to correct it by repealing the law. Instead of that, he refused peremptorily to obey the statute, and we are now here trying to enact something without the approval of the President, if possible, or without his connivance or his cooperation.

It is true, as the Senator from Wisconsin has said, that there has been no allotment and possibly no selection, because the whole thing was stopped by the refusal of the executive department to obey the law of the land.

I would suggest an amendment, which I ask the Secretary to read. I think it meets the objection made by the Senator from Arkansas.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The Secretary will read as requested.

The Secretary read as follows:

> That all of the Indian reservation in the State of Utah except about 10,000 acres of bottom land, extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department under the Indian appropriation act of 1894 and contained in House of Representatives Document No. 191.

Mr. VEST. Here is the document, House of Representatives 191, and here is the report of the commission which Mr. Cleveland ignored and refused to carry out:

> After a thorough exploration of this country east of the Green, which embraces about 1,900,000 acres of the 2,000,000 acres that make up the entire reservation, the undersigned do not hesitate to say that there is no arable land upon it suitable for Indian allotment except about 10,000 acres of bottom land extending 10 or 12 miles up the White on both sides from its mouth.

In this amendment I have incorporated the exact language used by the commission. They declare that out of the 2,000,000 acres there are 1,900,000 that are totally unfit for settlement or allotment.

Mr. JONES of Arkansas. By whom is the report signed?

Mr. VEST. The report is signed by all the members of the commission. Here is a map which shows, if any Senator is curious about it, the exact lines adopted by the commission. It is signed by S. S. Scott, T. A. Byrnes, and William S. Davis, Ute Indian Commission.

Mr. President, the whole question, it seems to me, is in a nutshell. There is no injustice proposed here to Indians. There is no job here of any rich corporation. I stated here in 1894, and I state here now on behalf of the gentlemen who invested their money in this gilsonite company in St. Louis, that they are willing to execute a bond with a million-dollar security that they will not bid on or enter one acre of this land. They have their gilsonite lands there, upon which they are now operating, outside of this reservation, and upon which they have spent a quarter of a million dollars. They propose to build a railroad through that country, a precipitous, mountainous, desert country, for 100 miles to the Union Pacific, in order to make the vast deposits available for purposes of civilization and commerce. Are they to be taunted here and told that they are monopolists? Unless that railroad is built, the deposits are not worth 10 cents an acre, and every intelligent man knows it. Will it be built by individuals who have no means? How can that domain be opened up? How can we diminish the price of asphaltum or gilsonite? We paid, if I am not mistaken, between $5 and $6 a square yard for the asphaltum pavements in the city of Washington, and an immense fortune was made out of it. It was a monopoly. Recently the city of Kansas City, where I reside, and the city of St. Louis, in my State, have contracted with this gilsonite company (although they export for more than 100 miles the products of the mine outside of the reservation) for work to be done upon the streets at $1.75 and $2.25 a square yard. If that be the result of this competition under these difficulties, what will be the price of gilsonite if a railroad is built and this illimitable amount opened up to the world at large?

The question presented to us is, Shall we let that desert remain as it is, or shall we make the deposit available? Shall we produce competition with the Island of Trinidad, shall we give to the world that advantage, or shall we sit here and say we would rather that this thing should remain as it is and that these deposits shall not be made available because some man may make money out of it?

Mr. President, never has this country adopted the principle or system of putting up its mineral lands or any other lands to the highest bidder. We have fixed the prices of mineral lands at $5 where there are lodes, at $2.50 where there are placer mines, and we have sold all our public lands in that way. We are asked now to make an exception, and what will be the result? If there should be two wealthy companies who would bid upon these lands to the exclusion of all poor men, how easy would it be for these corporations, and do we not know that they would collude with each other, buy up the land, divide it, and make a monopoly, or a trust, or a combine, if they pleased to do so? Why not let men who have gone there for the purpose of availing themselves of the mineral laws of the United States receive some portion of this money, if money is to be made? That is the whole question, and that is the one to be determined by the Senate.

The PRESIDING OFFICER. The Chair does not quite understand the amendment of the Senator from Missouri.

Mr. VEST. I propose that amendment to the Senator in charge of the bill as a substitute for the other. There is a portion of the other amendment which is not objected to. This is only a portion of it that is to be put in.

Mr. JONES of Arkansas. Let the proposed amendment be read to the Senate.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

> That all of the Indian reservation in the State of Utah, except about 10,000 acres of bottom land, extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department under the Indian appropriation act of 1894, and contained in House of Representatives Document No. 191—

Mr. CANNON. Is the word "Uncompahgre" in that amendment?

The PRESIDING OFFICER. The word "Uncompahgre" is not in the amendment.

Mr. VEST. It ought to be there. Let the word "Uncompahgre" be inserted before the words "Indian reservation."

Mr. VILAS. I ask to have the amendment read once more.

The PRESIDING OFFICER. The Chair understands that the amendment of the Senator from Missouri goes to the word "Indians."

Mr. VEST. "Uncompahgre Indians," it ought to be. I move to strike out all from the beginning of line 9, on page 66, down to the words "is hereby declared," in line 12.

The PRESIDING OFFICER. Including the word "Indians," in line 12?

Mr. VEST. Yes.

Mr. STEWART. Now let the amendment to the amendment be read in connection with the amendment, so that we can see its bearing.

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The SECRETARY. It is proposed to strike out all of the committee amendment, beginning with line 9, on page 66, down to and including the word "Indians" in line 12, and insert, so that if amended the clause will read:

> That all that part of the Uncompahgre Indian Reservation in the State of Utah, except about 10,000 acres of bottom land, extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department, under the Indian appropriation act of 1894, and contained in House of Representatives Document No. 191, is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

Mr. PETTIGREW. I think that amendment is entirely proper, and I shall be glad to accept it so far as I am concerned.

Mr. VILAS. Mr. President, I only wish to add a word or two, and then to offer an amendment. I am by no means led to believe that the Senate does not know what general legislation is by the vote which has been taken this afternoon on the point of order. I hoped for an enforcement of the rules of the Senate through the firmness of the Chair. I know very well that the practice of the Senate, when a point of order is submitted to it, is to vote as if the proposition itself were submitted instead of the point of order, and that if our rules are to be enforced they are not to be enforced by the Senate itself, but only by those to whom their enforcement is committed by law.

Mr. VEST. Then we must take resort in our presiding officer, and not in our power of self-government.

Mr. VILAS. No; the great right and privilege of self-government is entirely beyond this body, as the Senator from Missouri suggests.

Mr. VEST. I do not suggest that. I suggested that would be the result, if the Chair please, of the Senator's argument, that we must take resort in our presiding officer, and not in our own power of self-government.

Mr. VILAS. Now, Mr. President I have discharged substantially all of the duty which I owe to the Senate, I think, or which

I owe to the country whose officer I am for a short time yet, and whose interests I desire to conserve. I have no other. I have pointed out that here is a peculiar case, unknown in our history, perhaps in any history, that the United States happens to possess this immensely valuable tract of land lying within a small compass. The Senator from Utah talks as if it were scattered over 2,000,000 acres. It lies within a small compass, a narrow range. The question is presented by this amendment whether it shall be appropriated to the uses of a few men who have pursued it for years, or whether this Congress is capable of protecting the public right, and so appropriating the use of that land as that the mineral shall be enjoyed and the rights of the public protected.

The Senator from Wyoming said that he never could understand why such objections were made; never could understand why, when anything was proposed from the West, Senators from other parts of the country seemed to throw obstructions in the way. No obstruction lies upon the ground of locality, and the Senator from Wyoming must understand it. The only basis of objection to this proposal is that frankly and freely stated by the Secretary of the Interior in his report—stated as a public officer recognizing the obligation upon him ought to have stated information to a body like the Congress of the United States. He was asked why he had not put this land open to settlement by proclamation by the resolution passed by this body at the first session of this Congress, and he answered:

> In response to said resolution I have the honor to call your attention to pages 16 and 17 of my annual report for the fiscal year ending June 30, 1895, a copy of which I herewith transmit. That report sets forth the fact that valuable discoveries of "gilsonite" have been explored by officers of the Geological Survey on this reservation since the date of the passage of the act of August 15, 1894, supra, and shows that if these lands are opened to entry in the ordinary way the Government would be deprived of extensive profits which should go into its Treasury.

And the President of the United States refused to proclaim them. The Senator from Missouri arraigns him now for his protection of the public interests of the people of the United States as if it were something done in violation of law.

Mr. VEST. Will the Senator permit me?

Mr. VILAS. Certainly.

Mr. VEST. I hardly think the Senator would be guilty of anything like subterfuge or of concealing facts in regard to this case. He makes the impression upon the Senate that the Secretary of the Interior and the President did not know of the existence of these gilsonite deposits until a report was made at a recent date, comparatively, by the Geological Survey. That is the Senator's contention.

Mr. VILAS. No; that is not "the Senator's" contention.

Mr. VEST. What is the Senator's point, then—that the information came recently to the Department?

Mr. VILAS. That the information which before that time was unofficial and only known by report became officially known by the Geological Survey having made the investigation and established the great value of that property subsequent to the date of that report.

Mr. VEST. What is the date of the Geological report?

Mr. VILAS. I was just reading what the Secretary of the Interior says.

Mr. VEST. What was the date?

Mr. VILAS. It appears in the annual report of the Secretary of the Interior for the year 1895. Here is what the Secretary of the Interior says in regard to it.

Mr. VEST. I know what he says.

Mr. VILAS. The Secretary says:

> That report sets forth the fact that valuable discoveries of "gilsonite" have been explored by officers of the Geological Survey on this reservation since the date of the passage of the act of August 15, 1894.

And the report of the Geological Survey is contained in the report of the Secretary of the Interior for the year 1895.

Mr. VEST. Yes, Mr. President; but that geological survey was not the basis of the refusal of the President to issue that proclamation which we had directed him to issue. I know personally, and other Senators know, that the Secretary of the Interior knew all about these deposits; that he had specimens brought to him, for I myself went with the president of this gilsonite company, who carried with him a large block of gilsonite or asphaltum, and it is in the Secretary's office, for I saw it there not two months ago. Those deposits were well known before that report of the Geological Survey. After that report was made, if the Senator will get the date of it, and before the report was made, on three occasions the President declined to issue that proclamation, because he said that Congress had passed a bad law and that he did not intend to enforce it.

I arraign the President of the United States, if the Senator wants to use that word, because I declare that he had no right to disobey an act of Congress which was mandatory upon him as an executive officer. If he believed that we were wasting the substance of the people of this country, he ought to have called it to our attention in a constitutional and legitimate way and asked us to repair the wrong. Instead of that, he usurped legislative functions and declared that he would not obey the act of Congress. Those are the undisguised facts.

Mr. VILAS. Well, Mr. President, they are so far from the facts that I am astonished that my distinguished friend from Missouri should have made the statement in that way. There was perhaps no occasion for bringing any such subject before the Senate as is brought by his remarks. He is in entire error.

Mr. VEST. Prove it.

Mr. VILAS. The act was passed in the manner which I have pointed out, but which I will not characterize, by the report of a conference committee after the Senate and the Senate's committee, in the first place, had put in words which would have protected this very mineral land from speculation, and then it directed, such as it was, that certain allotments should be made after certain surveys were made. All the necessary surveys had to first be made. Those surveys were made during the year 1895. They could not, indeed, well be made before, for the act did not pass until the 15th of August, and no surveys could be made in that rough, mountainous country during the winter. Then the Geological Survey made their explorations and showed the fact that had previously been known only by rumor in a certain sense, only by the reports of persons who had been out there, or were interested, that here were these veins as perfectly plain to be seen as anything need to be, miles in length, one of them 18 feet wide, another 12 feet wide, another 9 feet wide, extending to an unknown depth, from 1,000 to 5,000 feet, filled with this valuable mineral. The Secretary of the Interior in his report for the year 1895 set forth these facts, and the President of the United States mentioned them in his last message, inviting the attention of Congress to them.

Mr. BROWN. May I ask the Senator a question?

Mr. VILAS. Let me deal with this question first.

Mr. BROWN. I should like to ask why the Senator says these veins are from 1,000 to 5,000 feet?

Mr. VILAS. Because the Geological Survey says so.

Mr. BROWN. Does the Geological Survey know anything about it? Have they made any exploration of it which shows that the veins extend down 100 feet?

Mr. VILAS. I am as satisfied to accept the testimony of those officers of the United States as the wild declarations of persons who know nothing about it.

Mr. BROWN. They do not say that they have made any explorations or that they know that they are a thousand feet deep or any other depth whatever. They say in the report that there are no explorations as to the depth. It is mere fancy as to how deep they may go.

Mr. VILAS. Mr. President, the Senator may cross-examine the officers of the Geological Survey if he chooses; but I am satisfied to accept their testimony, for I think they know what they are talking about, and I believe every one of the people interested in this business knows it just as well as the Geological Survey does. The value of this property is not open to question. It may be very difficult to measure its full value, but the immensity of its value is not open to doubt and is not doubted, either on the part of those who are trying to get it or on the part of the officers of the Geological Survey, who have made their report.

I think that the President of the United States and the Secretary of the Interior would have been wanting in their duty if, after this survey, they had not informed Congress of the facts in reference to it, and if the President had not, in the exercise of that discretion which the law itself commits to him, withheld his proclamation exposing those lands to the capture of those who had been after them and had secured the law for that purpose. So much for that.

Notwithstanding I recognize, and have for some time recognized, how little chance there may be for saving the public interest in any property on which a great private interest has concentered its attack, I purpose still to maintain my hope that the interests of the public will receive the support of the Senate until that hope shall be finally dashed by a vote. I propose an amendment to the amendment of the committee as it stands now after the acceptance of the amendment of the Senator from Missouri. The last line of that amendment is—

> That no one person shall be allowed to make more than four claims on lands containing gilsonite.

I propose to strike that out and substitute:

> That the Secretary of the Interior is hereby directed to cause to be carefully surveyed by the Director of the Geological Survey all lands in said reservation supposed to contain mineral, and to subdivide all such land as shall be determined by such survey to contain any of the minerals hereafter named into lots of suitable size and form for the convenient and proper working of the mineral, and that after such survey shall have been completed the Secretary of the Interior shall, after such inquiry as he shall find necessary, fix and settle by an order in writing a royalty or price per ton for asphaltum, gilsonite, elaterite, wurtzilite, or other like valuable mineral substance found to exist thereon; and thereafter by proclamation such lots, as so surveyed, shall become subject to entry under the mineral-land laws of the United States, except that each claim shall be for one such lot as so surveyed, and that no price per acre shall be paid, and that, instead of a patent, a lease shall issue granting to the lessee, his heirs or assigns, the exclusive right to occupy and mine said lands for a term of twenty-five years, subject to the payment on the 30th day of June and the 31st day of December in each year of the royalty or price per ton so fixed for all such mineral taken from said lots so leased during each six months, respectively, preceding.

Mr. President, observe what that will do for our friends from the West. It will open all that land at once upon the same basis upon which they seek to have it taken now, except that it will open it with the reservation of a reasonable royalty per ton to be fixed by the Secretary of the Interior, and to be paid only when and after they shall have taken the mineral from the land. There is no interference with the right to take it. The same provision for establishing the right will exist then that would exist under their amendment if it were adopted; the same requirement for entry, except that, in order to preserve the property from the myriads of controversies which arise over every mining claim, the lots having been first surveyed, shall be claimed by only one claim for a lot. If there is a contest over the claim, the parties may have the same contest as in any other case. In the end they get a conveyance which is perfectly good for a term of twenty-five years, and the United States reserves only its reasonable royalty according to the result to the prospector, if you choose to call him so, or the entryman. I am seeking only to preserve the public right and interest in that mineral. The same laws which are invoked by the other amendments will cover the case.

As I have said, Mr. President, I have discharged the duty which I owe to the Senate. I have pointed out all the facts in this case so far as they are known to me. I trust they are understood by at least that small portion of the Senate which gives attention to the business which the Constitution imposes upon them to understand and discharge.

Mr. BROWN. Mr. President, I rise to make the same point of order upon this amendment to the amendment that has been made to the original amendment, to wit, that it is general legislation under the name of an amendment to an amendment. There is hardly a point involved in the general mining laws of this country which is not sought to be set aside by this amendment.

In the first place, a mining claim is awarded to him who makes the location and stakes it out where there has been a discovery of mineral. That is proposed to be set aside, and it is to be staked out by the Government and sold at auction.

The next step in the proceeding of the mining law is that the man who takes a claim shall do certain work to improve it. That is set aside by this proposed amendment. Finally, he is to pay for it, not, as my friend from Illinois [Mr. PALMER] says, to receive it for nothing—he is to pay for it at the rate of $5 per acre to the Government, after he has done certain work amounting to about $100 a year and $500 upon each claim. All that is set aside by this amendment. In fact, the entire mining law of the United States is obliterated with one sweep by this proposed amendment for the sake of allowing the Government to stand in as partner or as landlord in this transaction. My friend from Illinois says he is opposed to that policy; and who would not be? It was the same policy which cost one of the early kings of England his life—for seeking the treasure that had been found—and it is the same policy which our friends here insist on pursuing—to try to get something which does not belong to the Government. The lands of the United States are a public estate, upon which citizens may settle and where citizens may locate. I make that point of order.

Mr. VILAS. Mr. President, what was the point of order?

Mr. BROWN. The point of order was that the amendment suggests general legislation. It is general legislation in the form of an amendment to an amendment.

The PRESIDING OFFICER. The Chair is ready to rule on that point.

Mr. VILAS. Mr. President, I have been occasionally obliged to confess that I was surprised. I am gradually getting to the point that I am not likely to be any more.

I presume we shall not lose our balance because the Senator from Utah charges the United States with being a landlord. The Senator from Utah seems to think it is terrible, that it is discreditable to the United States to be called a landlord. I do not know that it is any worse for the United States to be a landlord than to be a tenant. It is a very numerous tenant, renting property everywhere and paying the people's money for it. Here happens to be some property of the people which it possesses from which it can derive a reasonable return. It is the practice of a good many governments to have their mineral lands worked in this manner. There is nothing novel about it. No doubt a great change might be made in our general land laws with advantage to the public in many particulars, but in this particular instance I have conformed the amendment to every feature of the amendment as proposed, with the single exception that instead of paying a price per acre which is merely nominal, they shall pay a fair price, far below what would be fixed in any other case, perhaps, for such mineral as shall actually be removed, and no more.

There is one other change which ought to be made with reference to every particle of the mineral lands of the United States, if possible, and that is that they should be presurveyed into lots rather than that claimants should throw their conflicting surveys and claims over one another in the manner in which they have been permitted to do under our mineral-land laws.

But, sir, having submitted the amendment, and thus brought the question distinctly and directly to the attention of the Senate, whether this land shall be disposed of simply to the spoil of the few, or whether it shall be opened so that the Government shall derive a reasonable return for its own, I am not desirous of occupying the attention of the Senate any longer.

The PRESIDING OFFICER. Does the Senator from Utah insist on his point of order?

Mr. BROWN. I do.

Mr. VEST (to Mr. BROWN). No; let us have a vote.

Mr. BROWN. Very well; I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS] to the committee amendment, as modified by the amendment submitted by the Senator from Missouri, which was accepted by the Senator in charge of the bill.

Mr. NELSON. I should like to have the amendment to the amendment read before we vote on it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

Mr. JONES of Arkansas. I think the Senate ought to hear the amendment to the amendment before it votes on it, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Allison,
Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Brice,
Brown,
Cannon,
Chandler,
Cockrell,
Cullom,
Daniel,
Davis,
Dubois,
Elkins,
Gallinger,
Gear,
Gibson,
Gorman,
Hansbrough,
Hill,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kenney,
Lindsay,
Lodge,
McBride,
McMillan,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Murphy,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Quay,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment of the Senator from Wisconsin to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "*Provided*," in line 15, on page 66, and insert in lieu thereof:

> That the Secretary of the Interior is hereby directed to cause to be carefully surveyed by the Director of the Geological Survey all lands in said reservation supposed to contain mineral, and to subdivide all such land as shall be determined by such survey to contain any of the minerals hereinafter named into lots of suitable size and form for the convenient and proper working of the mineral, and that after such survey shall have been completed the Secretary of the Interior shall, after such inquiry as he shall find necessary, fix and settle by an order in writing a royalty or price per ton for asphaltum, gilsonite, elaterite, wurtzilite, or other like valuable mineral substance found to exist thereon, and thereafter by proclamation such lots as so surveyed shall become subject to entry under the mineral-land laws of the United States, except that each claim shall be for one such lot as so surveyed, and that no price per acre shall be paid, and that instead of a patent a lease shall issue granting to the lessee, his heirs or assigns, the exclusive right to occupy and mine said lands for a term of twenty-five years subject to the payment on the 30th day of June and the 31st day of December in each year of the royalty or price per ton so fixed for all such mineral taken from said lot so leased during each six months, respectively, preceding.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee as modified, which will be stated.

The Secretary read as follows:

> That all of the Uncompahgre Indian Reservation in the State of Utah, except about 10,000 acres of bottom land extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department under the Indian appropriation act of 1894 and contained in House of Representatives Document No. 191, Fifty-fourth Congress, is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

Mr. STEWART. I suggest to the Senator in charge of the bill that it might be well to say "mineral-land laws of the United States."

Mr. VEST. The phrase "land laws" includes that.

Mr. STEWART. It may include it, but there might be a question, and the insertion of those words would make it certain.

Mr. PETTIGREW. I think it would be very proper to adopt the suggestion of the Senator from Nevada.

Mr. VEST. Very well. I suggest that we add the word "mineral."

Mr. PETTIGREW. Before the word "land" insert the word "mineral."

Mr. STEWART. I suggest the words "mineral and other land laws of the United States."

Mr. PETTIGREW. I should say "mineral-land laws."

Mr. STEWART. I withdraw the suggestion.

Mr. TELLER. Let it stand "the land laws of the United States."

Mr. VEST. That is right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as modified.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when Mr. ALDRICH's name was called). I wish to announce that the Senator from Rhode Island [Mr. ALDRICH] is paired on this and all further votes to-day with the Senator from South Dakota [Mr. KYLE].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. KYLE's name was called). The junior Senator from South Dakota [Mr. KYLE] stands paired on this question with the senior Senator from Rhode Island [Mr. ALDRICH].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. My colleague [Mr. MITCHELL] has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. With the consent of the senior Senator from Wisconsin, I transfer my pair to my colleague, so that the senior Senator from Mississippi will stand paired with him, and the senior Senator from Wisconsin and I will vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. TILLMAN. I announce my pair with the Senator from Nebraska [Mr. THURSTON].

The result was announced—yeas 48, nays 17; as follows:

YEAS—48.

Allen,
Allison,
Bacon,
Baker,
Blackburn,
Blanchard,
Brice,
Brown,
Burrows,
Cannon,
Carter,
Chandler,
Cullom,
Davis,
Dubois,
Elkins,
Frye,
Gallinger,
Gibson,
Hansbrough,
Hawley,
Hill,
Hoar,
Irby,
Jones, Nev.
Lodge,
McBride,
McMillan,
Mantle,
Morgan,
Murphy,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Roach,
Sewell,
Shoup,
Smith,
Stewart,
Teller,
Turpie,
Vest,
Wetmore,
White,
Wilson.

NAYS—17.

Bate,
Berry,
Caffery,
Chilton,
Daniel,
Gray,
Jones, Ark.
Kenney,
Lindsay,
Martin,
Mills,
Mitchell, Wis.
Palmer,
Pasco,
Pugh,
Sherman,
Vilas.

NOT VOTING—25.

Aldrich,
Butler,
Call,
Cameron,
Clark,
Cockrell,
Faulkner,
Gear,
George,
Gordon,
Gorman,
Hale,
Harris,
Kyle,
Mitchell, Oreg.
Morrill,
Proctor,
Quay,
Squire,
Thurston,
Tillman,
Voorhees,
Walthall,
Warren,
Wolcott.

So the amendment as modified was agreed to.

ST. LAWRENCE RIVER BRIDGE.

Mr. VEST. I ask leave to submit a report at this time. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River, to report it favorably without amendment. I call the attention of the Senator from New York [Mr. HILL] to the bill.

Mr. HILL. I ask unanimous consent for the present consideration of the bill. It will take but a moment.

Mr. PETTIGREW. I shall be obliged to object. I refused to assent to unanimous consent being given to several Senators, and I do not think it would be fair to make a distinction.

EXECUTIVE SESSION.

Mr. SMITH. I move that the Senate proceed to the consideration of executive business.

Mr. PETTIGREW. I very much hope that that motion will not prevail.

Mr. VILAS. The question is not debatable.

Mr. SMITH. It is not debatable.

Mr. PETTIGREW. We have scarcely commenced the consideration of the Indian appropriation bill.

Mr. HILL. I rise to a point of order. The Senator from South Dakota can not debate the question.

Mr. PETTIGREW. Then I will call for the yeas and nays on the motion.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

Mr. LODGE. On that motion I call for the yeas and nays.

Mr. SMITH. Very well; let us have the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. MITCHELL of Wisconsin (after having voted in the affirmative). Has the Senator from New Jersey [Mr. SEWELL] voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Wisconsin. I withdraw my vote.

Mr. CALL (after having voted in the affirmative). I am paired generally with the Senator from Vermont [Mr. PROCTOR]. As he has not voted, I withdraw my vote.

Mr. COCKRELL. I am paired on this vote with the Senator from Maine [Mr. HALE]. I understand that he has a general pair with the Senator from Arkansas [Mr. JONES], who is not in his seat at this moment, but who, I understand, has voted. I then recognize my pair with the Senator from Maine [Mr. HALE]. He would vote "nay," if present, and I should vote "yea," if I were at liberty to vote.

Mr. BATE. I wish to state that my colleague [Mr. HARRIS] is unable to be here. He is paired generally with the Senator from Vermont [Mr. MORRILL], who is also absent from the Chamber.

The result was announced—yeas 35, nays 29; as follows:

YEAS—35.

Allen,
Bacon,
Bate,
Berry,
Blackburn,
Blanchard,
Caffery,
Chandler,
Chilton,
Daniel,
Dubois,
Faulkner,
Gibson,
Gray,
Hill,
Irby,
Jones, Ark.
Kenney,
Lindsay,
Martin,
Mills,
Morgan,
Murphy,
Palmer,
Pasco,
Pugh,
Roach,
Smith,
Stewart,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
White.

NAYS—29.

Allison,
Baker,
Brown,
Burrows,
Cullom,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
Hansbrough,
Hawley,
Lodge,
McBride,
McMillan,
Mantle,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Quay,
Sherman,
Shoup,
Teller,
Thurston,
Wetmore,
Wilson.

NOT VOTING—26.

Aldrich,
Brice,
Butler,
Call,
Cameron,
Cannon,
Carter,
Clark,
Cockrell,
George,
Gordon,
Gorman,
Hale,
Harris,
Hoar,
Jones, Nev.
Kyle,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Proctor,
Sewell,
Squire,
Voorhees,
Warren,
Wolcott.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1897, at 11 o'clock a. m.

NOMINATION.

Executive nomination received by the Senate February 23, 1897.

POSTMASTER.

J. W. Maloy, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania, in the place of Thomas C. Williams, whose commission expired January 7, 1897.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1897.

CONSUL.

Leonard C. H. Schlemm, of New York, to be consul of the United States at Cape Haitien, Haiti.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Osborn, to be a lieutenant-commander.
Lieut. (Junior Grade) Francis J. Haeseler, to be a lieutenant.
Ensign Joseph W. Oman, to be a lieutenant (junior grade).
Lieut. John B. Briggs, to be a lieutenant-commander.
Lieut. (Junior Grade) Edward Simpson, to be a lieutenant.
Ensign Philip Andrews, to be a lieutenant (junior grade).
Lieut. Newton E. Mason, to be a lieutenant-commander.
Lieut (Junior Grade) William C. P. Muir, to be a lieutenant.
Ensign William H. Faust, to be a lieutenant (junior grade).
Lieut. Arthur P. Nazro, to be a lieutenant-commander.

Lieut. (Junior Grade) Edwards F. Leiper, to be a lieutenant.
Ensign Harold K. Hines, to be a lieutenant (junior grade).
Lieut. Commander Charles Belknap, to be a commander.
Lieut. William W. Kimball, to be a lieutenant-commander.
Lieut. (Junior Grade) Joseph H. Rohrbacker, to be a lieutenant.
Ensign Ryland D. Tisdale, to be a lieutenant (junior grade).
Lieut. Commander Fernando P. Gilmore, to be a commander.
Lieut. William P. Day, to be a lieutenant-commander.
Lieut. (Junior Grade) William S. Sims, to be a lieutenant.
Ensign Samuel M. Strite, to be a lieutenant (junior grade).
Lieut. Commander Eugene H. C. Leutze, to be a commander.
Lieut. John C. Wilson, to be a lieutenant-commander.
Lieut. (Junior Grade) Miles C. Gorgas, to be a lieutenant.
Ensign Friend W. Jenkins, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Louis S. Van Duzer, to be a lieutenant.
Lieut. (Junior Grade) Wilson W. Buchanan, to be a lieutenant.

PASSED ASSISTANT SURGEONS.

Lloyd W. Curtis, from July 6, 1885.
Henry B. Fitts, from July 6, 1885.
Victor C. B. Means, from June 3, 1887.
Frederick J. B. Cordeiro, from June 28, 1887.
Francis W. F. Wieber, from November 3, 1887.
Oliver D. Norton, from April 22, 1888.
Frederick A. Hesler, from June 3, 1888.
Louis W. Atlee, from March 29, 1889.
Isaac W. Kite, from April 1, 1889.
Andrew R. Wentworth, from April 22, 1889.
Coridin J. Decker, from June 17, 1889.
Thomas A. Berryhill, from June 17, 1889.
Eugene P. Stone, from August 5, 1889.
Frederick W. Olcott, from January 21, 1890.
Stephen S. White, from May 19, 1890.
George M. Pickrell, from January 16, 1891.
Rand P. Crandall, from January 17, 1891.
Hatton N. T. Harris, from June 13, 1891.
John F. Urie, from July 3, 1891.
Albert M. D. McCormick, from July 23, 1891.
Will F. Arnold, from August 18, 1891.
George B. Wilson, from February 1, 1892.
Charles F. Stokes, from February 1, 1892.
Edward R. Stitt, from March 23, 1892.
Manley F. Gates, from March 27, 1892.
Charles H. T. Lowndes, from March 30, 1892.
George H. Barber, from May 23, 1892.
Thomas B. Bailey, from May 23, 1892.
George Rothganger, from May 24, 1892.
George T. Smith, from June 3, 1892.
George A. Lung, from August 18, 1892.
Luther L. Von Wedekind, from November 3, 1892.
Edward S. Bogert, jr., from April 16, 1893.
Leckinski W. Spratling, from April 13, 1893.
Robert M. Kennedy, from June 18, 1893.
Norman J. Blackwood, from July 7, 1893.
William C. Braisted, from September 21, 1893.
Sheldon G. Evans, from November 18, 1893.
Adrian R. Alfred, from November 24, 1893.
James Stoughton, from May 20, 1894.
Louis L. Young, from May 20, 1894.
Michael R. Pigott, from May 22, 1894.
John E. Page, from June 18, 1894.
Lewis H. Stone, from June 19, 1894.
Frederick G. Brathwaite, from June 22, 1894.
Middleton S. Guest, from November 19, 1894.
Joseph A. Guthrie, from January 27, 1895.
Charles M. De Valin, from January 27, 1895.
Charles P. Bagg, from March 17, 1895.
Carl D. Brownell, from April 6, 1895.
Henry D. Wilson, from April 22, 1895.
Lewis Morris, from June 27, 1895.
John M. Moore, from November 11, 1895.
Brownlee R. Ward, from January 14, 1896.
Edward M. Shipp, from March 20, 1896.
P. A. Surg. Lloyd W. Curtis, to be a surgeon.
Medical Inspector James R. Tryon, to be a medical director.
Surg. George P. Bradley, to be a medical inspector.
P. A. Surg. John W. Baker, to be a surgeon.

APPOINTMENTS IN THE NAVY.

Dean R. Leland, a citizen of New Jersey, to be a chaplain.
John H. McJunkin, a citizen of Iowa, to be a chaplain.

POSTMASTERS.

Oliver H. Phillips, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota.

Jacob Descombes, to be postmaster at Chickasha, in Chickasaw Nation County, Ind. T.

William H. Torrey, to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts.

Alexander Griffith, to be postmaster at Bridgeport, in the county of Montgomery and State of Pennsylvania.

Winfred A. Torrey, to be postmaster at South Braintree, in the county of Norfolk and State of Massachusetts.

Amasa A. Swingle, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

David Trump, to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania.

James P. Wilson, to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee.

Cornelius Sullivan, to be postmaster at Riverside, in the county of Cook and State of Illinois.

Malbern M. Stephens, to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois.

Andrew J. Bard, to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania.

C. E. Clark, to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa.

Ransom L. Clark, to be postmaster at Galeton, in the county of Potter and State of Pennsylvania.

Ezra R. Flint, to be postmaster at Carson City, in the county of Montcalm and State of Michigan.

Alfred B. Gowdy, to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky.

Charles A. Prichard, to be postmaster at Mannington, in the county of Marion and State of West Virginia.

E. J. Martin, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 23, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LIEUT. ROBERT PLATT.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read.

Mr. BARTLETT of New York. I desire to reserve the right to object.

Mr. MILNES. Reserving the right to object, I should like to hear the report read.

Mr. FISCHER. I send to the desk the report of the House committee, which is virtually a copy of the Senate report.

The report was read.

Mr. BARTLETT of New York. Reserving the right to object, I should like to have the gentleman explain the bill fully and tell us why this extraordinary bill should pass. I do not think the report is satisfactory.

Mr. FISCHER. I had supposed that the report, containing as it does the letter of the Secretary of the Navy, would most fully explain the purport of the bill. Lieutenant Platt was a volunteer naval officer during the war. If the documents accompanying the report, which the Clerk did not read, should be read, I am satisfied that my colleague [Mr. BARTLETT of New York] would agree that the bill should be passed, for by those letters and in reports of battle it appears that during the war Lieutenant Platt received special commendation for his services. The Secretary of the Navy is desirous that this bill should pass. In view of the peculiar office held by Lieutenant Platt, the Secretary may not retire him unless a bill of this kind shall become a law. The Secretary in his letter asks that the bill may be enacted.

Mr. BARTLETT of New York. Why should we select one officer and promote him out of the regular line of promotion? What excuse is there for such a course?

Mr. FISCHER. Let me say further that, as stated in the letter—I presume my colleague listened to the reading of the report ——

Mr. BARTLETT of New York. Yes; but I do not think the letter is clear at all.

Mr. FISCHER. By reason of his peculiar position in the Navy, Lieutenant Platt is the only man who is not permitted to receive promotion. He is not in the line of promotion.

Mr. BARTLETT of New York. How is that?

Mr. FISCHER. Because he holds his office under a special act of Congress.

Mr. BARTLETT of New York. Has he not been rewarded enough?

Mr. FISCHER. No, sir. For meritorious service rendered during the war he has received less than any other naval officer.

Mr. BARTLETT of New York. What is the amount of money involved?

Mr. FISCHER. The half pay of a commander. He will be retired on the 14th of this coming March: and unless this act is passed he will be retired from the Navy without pay.

Mr. BAILEY. If that is true, I object, if it is the purpose of the bill to retire anybody.

Mr. FISCHER. He does retire, as a matter of course, on the 14th of March.

Mr. BAILEY. You say unless this bill is passed he can not retire.

Mr. FISCHER. He retires without pay.

Mr. BAILEY. I am of the opinion that any man who retires from work ought to retire without pay, and I object.

The SPEAKER. Objection is made.

RESERVOIR AT GULL LAKE, MINNESOTA.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9756) to amend the river and harbor act of August 18, 1894.

The bill was read, as follows:

Be it enacted, etc., That the provisions in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law August 18, 1894, which provides that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for the reservoir and dam at Gull Lake, headwaters of the Mississippi River, in the State of Minnesota, be, and is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Let us have the report read, Mr. Speaker.

Mr. HOOKER. Let the report be read.

The SPEAKER. The report will be read, subject to the right to object.

The report (by Mr. TOWNE) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred House bill 9756, submit the following report:

The river and harbor act passed at the last session of Congress contained an appropriation of $5,000 to continue the improvement upon the reservoirs at the head of the Mississippi River, which, together with the amount of $[illegible] remaining on hand from the last preceding appropriation, makes a total of $[illegible] available for the purpose. But the act of 1894 contained a condition that the United States should not be subject to any cost or expense due to overflowing land or property necessarily taken in the construction of the Gull Lake Reservoir. This bill removes that limitation. The subjoined letter from the Acting Chief of Engineers, United States Army, fully explains the reason for the enactment.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 9, 1897.

SIR: I have the honor to return herewith a letter, dated the 7th instant, from the chairman of the Committee on Rivers and Harbors of the House of Representatives, inclosing, for the views of the Secretary of War thereon, House bill 9756, Fifty-fourth Congress, second session, "A bill to amend the river and harbor act of August 18, 1894."

The river and harbor act which became a law August 18, 1894, in the item making appropriation for the care and maintenance of reservoirs at the headwaters of the Mississippi, authorizes the construction of a reservoir and dam at Gull Lake, Minnesota, but specifically provides that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for this reservoir and dam. This provision is a continuing one and prevents the application of not only the money appropriated by the aforesaid act, but of that appropriated by the subsequent act of June 3, 1896, in payment for any land, or in liquidation of any damages that may be inflicted upon land by flowage as a result of the construction of this dam.

While the right to overflow some of the adjacent lands has been given gratuitously to the Government, there are a few tracts of improved property the owners of which will not grant the right to overflow without payment by the Government for the damages inflicted. As the construction of the reservoir will necessarily inflict damage upon this land, and as the owners demand payment for such damages, it has been found necessary, on account of the restriction in the act of August 18, 1894, to suspend operations on the work.

The removal of the restriction is absolutely necessary to permit the prosecution of the improvement, and assuming that it is the intention of Congress that the work shall proceed, the passage of the bill under consideration is recommended.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

For the reasons indicated in this letter your committee are unanimously of the opinion that the bill should pass.

Mr. DOCKERY. I desire to ask the gentleman from New York what is the value of the land that it is supposed will have to be paid for?

Mr. HOOKER. I am unable to state, but it is not a very large amount, as only a few persons have refused to donate the land.

Mr. DOCKERY. I shall be glad to have some authoritative statement on the subject.

Mr. HOOKER. My friend from Minnesota [Mr. FLETCHER], who is interested in the matter, can probably make a fuller explanation than I can.

Mr. FLETCHER. Mr. Speaker, between $700,000 and $800,000 has already been expended on this reservoir system. This relates to the completion of the last reservoir. All of the mill sites, all of the pine lands, and all the property involved has been specifically donated except a few pieces owned by individuals who refuse to donate, and the estimate of the engineer in charge is that the expense will be between $5,000 and $8,000, certainly not to exceed $10,000 or $12,000 at the outside. After the expenditure of the large amount which I have stated, it is necessary to expend these few thousand dollars more, but the money will be taken out of the appropriation already made. The bill does not carry any new appropriation.

Mr. DOCKERY. Will it not require an additional appropriation in the future?

Mr. FLETCHER. I think not. I think this is intended to complete the work.

Mr. TERRY. I should like to ask the gentleman if, when this proposition first came up before the Committee on Rivers and Harbors, they were not assured that the people who owned the property adjacent, which might be affected by the overflowage, would, in consideration of the Government granting this appropriation, not demand any damages?

Mr. FLETCHER. To a certain extent that was true, and the principal owners did not demand anything.

Mr. TERRY. Now, since they have got the appropriation, they want to come back and demand payment?

Mr. FLETCHER. Let me answer one question before you ask another. The mill owners and all the principal property owners have donated the land, or given the right of flowage, but there are a few who refuse.

Mr. TERRY. There are a few who want to hold us up in the matter.

Mr. FLETCHER. There are a few whom there is no way to reach except by condemnation. I will ask my colleague [Mr. TOWNE] to explain this matter, as it is in his district.

Mr. TERRY. I should be very glad to have some explanation.

Mr. TOWNE. I will say in explanation that of course, when you come to build a reservoir which requires the use of a large amount of land, you have got to pay for the land. So much as has already been donated is so much gained. At the time of the passage of the act of 1894 providing for this appropriation for the extension of these reservoirs it was supposed that all of these lands which would be overflowed in the construction of this reservoir, which is the last one of the system, would be donated for the purpose. When the river and harbor act of 1896 was passed, that provision of the act of 1894 was lost sight of. When, therefore, the appropriation added to the $5,000 for the Gull Lake reservoir was proposed to be expended, it was found that not all the property required by the overflow of the reservoir had been conveyed to the Government, and therefore the appropriation could not be availed of unless that restriction of the act of 1894 was done away with.

Mr. TERRY. If you do away with the restrictions, you thereby subject the Government to claims for damages.

Mr. TOWNE. It is not properly claims for damages, but part of the expense of building the reservoir.

Mr. TERRY. I understand that. You have spent $84,000, or whatever it is. Now, why not have a proviso in this bill providing that nothing herein contained shall authorize any greater charge or expenditure than the amount originally appropriated?

Mr. TOWNE. I do not think there would be any objection to that.

Mr. FLETCHER. The only trouble is it would have to go back through the Senate.

Mr. TERRY. I think you had better have a limitation.

Mr. LOUD. If the gentleman from Arkansas does not desire to ask further questions, I would like to ask if the refusal to pass this bill will prevent the completion of this work?

Mr. TOWNE. Absolutely.

Mr. LOUD. Then I object. If it is possible for one man to prevent any more of this foolishness, I shall object.

Mr. TOWNE. The gentleman is acting in entire ignorance of the subject.

EMMA WEIR CASEY.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2720) granting a pension to Emma Weir Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Emma Weir Casey, widow of the late Brig. Gen. Thomas Lincoln Casey, Chief of Engineers, United States Army, at the rate of $75 a month.

Mr. BLUE. I object.

Mr. WHEELER. I ask unanimous consent to make a statement.

The SPEAKER. The gentleman asks unanimous consent to make a statement. Is there objection?

Mr. BLUE. I shall not object to that; but no pension of $75 can pass if my objection will prevent it.

Mr. WHEELER. Will you be content to make it $50?

Mr. BLUE. Yes, sir; but under no other circumstances.

Mr. WHEELER. Then I ask to have the bill amended so as to make it $50.

Mr. BLUE. With that understanding, I withdraw the objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none. The Clerk will read the amendment.

The Clerk read as follows:

In line 8 strike out the word "seventy-five" and insert the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I submit a conference report on the bill (S. 1842) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company." I do not care to ask the attention of the House to it this morning. I ask that it be printed in the RECORD, and give notice that I will call it up to-morrow at the earliest time I can get recognition.

The SPEAKER. The gentleman asks that the report be printed in the RECORD. If there be no objection, it will be so ordered.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. If that conference report is submitted in this manner, does it not lose its privileged character?

The SPEAKER. The Chair is of the impression that it does not.

Mr. POWERS. I have no objection to it being considered at this time.

Mr. McMILLIN. It clearly does not lose its privileged character simply because of the fact that it has been presented and printed.

Mr. BAILEY. It is not so clear as the gentleman imagines.

The SPEAKER. The Chair does not think it loses its privileged character.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1842) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to," where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Strike out the word "not" in line 31 of the bill, and in place of the language stricken out by said amendment insert the words.

"Except all debts, demands, and liabilities which were due or owing by the old company, which were contracted, accrued, or were in arrear, or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road, and its branches so purchased, and all liabilities incurred by said old company in the transportation of freight and passengers thereon, including damages for injuries to employees or other persons, and to property, and which debts, demands, and liabilities have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding or since the appointment of any such receiver, but such liabilities shall not include any liabilities to other railroad companies except for tickets and freight balances."

Strike out the words "legally chargeable against said old corporation," in the amendment of House numbered 2, and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of lands shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."

Also strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also after the word "of," in line 12 of said amendment, insert the word "any."

Also strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract," and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.

O. H. PLATT,
DAVID B. HILL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill 1842, entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company."

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1866. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2, with respect to the liability of the purchasers for the unsecured debts of the old company, is enlarged to cover the instructions of the House to the conferees on January 20, 1897 (CONGRESSIONAL RECORD, page [illegible]), and is in accord therewith.

The insertion in detail of all such debts, demands, and liabilities under such instructions renders ungrammatical and unnecessary the words "legally chargeable against said old corporation," and for this reason only they are stricken out.

The amendments of the House numbered 3, 4, and 5 are accepted by the Senate conferees.

The amendment of the House numbered 6 requires the new company to protect the land warranties and contracts of the old. It is not clear that the amendment applies to executory land contracts wherein the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the Senate conferees insisted that such liability should be applied to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard, as illustrated by the general railroad land-grant forfeiture act of September 29, 1890, section 3 (26 Stat. L., 496), where the right is so protected to a maximum of 320 acres on payment to the United States of $1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7 is accepted by the Senate conferees.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Conferees.

JERUSHA STURGIS.

Mr. KIEFER. I ask unanimous consent for the present consideration of the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis.

The bill was read at length.

Mr. MILNES. Let us have the report read before leave is given.

The Clerk proceeded to read the report.

Mr. MILNES. We can not hear.

The SPEAKER. The request is made for order. The Chair again begs leave to remind the House that the passage of this bill, and any other presented in this way, requires unanimous consent, and every member becomes personally responsible in regard to it; and unless there can be silence, it is impossible for members to do their duty, and the Chair supposes they intend to do so.

Mr. SAYERS. If that be the case, and everyone is responsible, I call for the regular order.

The SPEAKER. Every member is responsible for the passage of bills which require unanimous consent.

Mr. SAYERS. I do not doubt it, and I call for the regular order.

The SPEAKER. The regular order is called for.

HUGH M'LAUGHLIN.

The SPEAKER laid before the House the bill (H. R. 1515) for the relief of Hugh McLaughlin, with Senate amendment.

The amendment of the Senate was concurred in.

GEORGE I. SPANGLER.

The SPEAKER also laid before the House the bill (H. R. 4124) to correct the military record of George I. Spangler, with Senate amendment.

The Senate amendment was read and concurred in.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10436, and the Clerk will resume the reading where it was stopped at the time the committee rose yesterday.

The Clerk read as follows:

Naval station, Puget Sound, Washington: One clerk, at $1,200; 1 rodman inspector, at $3.50 per diem; 1 messenger and janitor, at $1.50 per diem, including Sundays; in all, $[illegible].

Naval station, Port Royal, S. C.: One clerk, at $1,200; 1 rodman and inspector, at $3 per diem; 1 messenger and janitor, at $1.50 per diem, including Sundays; in all, $[illegible].

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. By unanimous consent, at the request of the gentleman from Massachusetts [Mr. BARRETT], that paragragh was passed over informally.

The Clerk read as follows:

In all, civil establishment, Bureau of Yards and Docks, $67,110.44; and no other fund appropriated by this act shall be used in payment for such services.

Mr. BARRETT. Mr. Chairman, that also ought to be passed over in connection with the preceding paragraphs.

Mr. BOUTELLE. To how many points does the gentleman propose to address himself?

Mr. BARRETT. The paragraph just read is simply a recapitulation of the other two, and if they are passed over this must of necessity be passed over also. It is a mere summing up.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BARRETT] asks unanimous consent that the paragraph just read be passed over informally with the points of order raised and pending thereon. Is there objection?

There was no objection, and it was so ordered.

The Clerk read as follows:

> Navy-yard, Boston, Mass.: For swinging gates for dry dock, $10,000; additional culverts in caisson for filling dry dock, $4,500; in all, $14,500.

Mr. BARRETT. Mr. Chairman, I propose to offer an amendment to this paragraph, but before offering it I should like to have the attention of the committee for a few minutes——

The CHAIRMAN. The gentleman must first offer his amendment, in order that there may be something before the committee for him to speak to.

Mr. BARRETT. I think it has always been held, Mr. Chairman, that where a member rises and says that he proposes to offer an amendment to a pending propositon he may be allowed to make a statement before he offers it, but if the Chair insists upon the point, I will now send the amendment to the desk.

The amendment was read, as follows:

> On line 2, page 18, insert, after the word "dollars" where it first occurs in that line:
>
> "For construction of a concrete dry dock, the total cost of which shall not exceed $1,000,000, the contract for which the Secretary of the Navy is hereby authorized to make, $100,000."
>
> Strike out "fourteen thousand five hundred" and insert "one hundred and fourteen thousand five hundred."

Mr. SULLOWAY. Mr. Chairman, against that amendment I desire to reserve a point of order.

The CHAIRMAN. The point of order is reserved, and the gentleman from Massachusetts [Mr. BARRETT] is recognized on the point of order.

Mr. BARRETT. Mr. Chairman, the House kindly set aside its rule yesterday and allowed me fifteen minutes to debate this matter. Inasmuch as I propose in a general way to speak on the whole dry-dock question, I shall ask the indulgence of the House, in view of the extent of the subject, if I am compelled to trespass for a few minutes longer. I should like to have the attention of the committee——

The CHAIRMAN. Will the gentleman from Massachusetts kindly state whether this is the point at which he desires to occupy the fifteen minutes accorded to him?

Mr. BARRETT. I wish to call the attention of the committee to one of the most important parts of a naval establishment, which, for some reason or other, has been left without any favorable consideration by the Committee on Naval Affairs. I do not wish to invade the sacred precincts of that committee room, and therefore shall not discuss any reasons why or why not the committee has neglected to make any suggestions or recommendations in regard to the building of dry docks.

Mr. BOUTELLE. Will the gentleman permit the chairman of the committee thus seriously arraigned——

Mr. BARRETT. Not seriously "arraigned."

Mr. BOUTELLE (continuing). To say that we failed to find any recommendation for any such appropriation in the estimates of the Navy Department.

Mr. BARRETT. Mr. Chairman, I am willing to yield to any member on the floor for any proper question. I propose to answer the suggestion which I have thus brought out from the chairman of the Committee on Naval Affairs, but I do not wish to have the time occupied by interruptions taken out of the too short time allowed to me.

Now, everybody who knows anything about naval affairs knows that the most important feature of a modern navy, outside of warships, is dry docks.

I need only recall the fact that Great Britain has 43 dry docks, 18 of which are at the harbor of Portsmouth, and that France has 34 dry docks, while the United States has only one on each coast large enough to hold its largest ships, to make the Committee of the Whole recognize the importance of this question.

The best naval authorities in Great Britain, discussing the question of war with France, admit that, though the coast of France is only 150 miles away from that of Great Britain, it would be impossible to keep in actual service on the coast of France more than two out of three of the British war vessels supposed to be in active service. That is, within a radius of 150 miles from the basis of operation one ship out of every three must be constantly in the docks.

Now, Mr. Chairman, we build a navy, I suppose, with the apprehension that at some time we must go to war with it. We do not build our Navy for yachting or for purposes of pleasure. We build it to fight.

To fight with whom, Mr. Chairman?

There are only two nations on the face of the globe from whom by reason of a suitable naval base we have anything to fear in connection with naval warfare. The first is Spain, who has a base of operations in Cuba. But for this purpose she need not be considered. If this country had done its duty, the navy of Spain would have been wiped off the surface of the ocean months ago, or else she would have treated American citizens with that decency which every other nation, weak or powerful, compels, or tries to compel, from every nation on earth. [Applause.]

Spain is not dangerous to us.

How about Great Britain? Great Britain has two bases of operations against our eastern coast.

The first is at Halifax; the second is at Bermuda.

Bermuda is distant from Norfolk, where we have a navy-yard, 630 miles. It is distant from Port Royal, where we have another navy-yard, 800 miles. That is, the nearest distance to Bermuda for our naval base is 630 miles.

What have the British at Bermuda? They have a great floating dock into which every war vessel of the British navy can go; they have great shops, covering acres of ground, from which not only one but many war vessels can be repaired at a time. What have we at Port Royal, which is distant from Bermuda 800 miles? We have a dry dock which our large war vessels can get on only about seven days in every month, and into which under no circumstances can the largest vessel in our Navy find entrance.

Now we come to the other part of the Atlantic Seaboard of the United States. There we find, 480 miles away from Boston, the port of Halifax.

What about that port?

Ever since the *Louisburg* was captured by General Pepperell and New England troops, in 1745, and afterwards returned to Great Britain in 1763, and its works destroyed—ever since then the port of Halifax has been armed, fortified, and developed by the power of Great Britain until it is to-day one of the strongest naval posts on the globe.

What have they in Halifax? They have a great granite dry dock in which the largest vessels can find a place for repair. They also have a great ship railway upon which a vessel of 3,000 tons can be taken out and thoroughly repaired. They have shops covering acres of ground, and as well equipped for repairing as any shops in the United States of America. They have a regular garrison. They have a citadel and forts which make the place impregnable.

Now, that will be the great center of British operations on the Atlantic seaboard.

From there, if a war should come, the British vessels, close by their field of coal supply and close by that great naval base, would break out to make war on the United States. Where would that battle be fought, if fought it should be? It would be off the coast of New England.

And where would the American fleet find a place for repairs in case of any disaster?

As at present constituted no vessel of any size could find a dry dock, and without a dry dock none of these great iron vessels can be repaired short of the navy-yard at New York; and the navy-yard at New York is not only hundreds of miles away, but the course to it lies around Cape Cod, one of the most dangerous points of navigation along the Atlantic coast, whose sands are absolutely filled with the rotting hulks of vessels which have been wrecked there for the last two centuries and a half.

Have we no navy-yard on the New England coast where this work of repair could be done?

Why, of course we have. We have there one of the largest, and certainly, so far as machinery is concerned, the best equipped of all the navy-yards owned by the United States. Yet for the last dozen or more years that big navy-yard, which must inevitably be the base of all operations in case of war with England, has not only been neglected but almost suffered to fall into dismantlement because of the policy of the Navy Department.

Mr. Chairman, we will suppose that that battle is fought where I say. Every naval officer will agree with me on this proposition. We will suppose an American ship is injured below the water line. I make the statement that Congress has made no provision by which any repairs can be made. Any vessel thus injured must be irretrievably lost. And when I make that statement I give the very best reason why this dry dock should be constructed at Boston. It is an essential part of any system of defense against a naval antagonist.

Let me illustrate my point by what is going on in the State of Washington.

The British have within the last few years erected a great naval station at Esquimalt, situated near Vancouver; and they have put in there a great concrete dry dock. They intend to make that their naval base on the Pacific Coast. They have great shops there, too.

What have we done there? We have in the last few years gone out to Puget Sound—13 miles away from any considerable town (that distance across the Sound from Seattle), at a place where there is no railroad; where they had to clear away the underbrush in order to make a naval station; at a position which can not be defended by torpedoes because of the depth of the water, and whence the opening into the broad waters of Puget Sound is so wide that a competent naval authority tells me this morning he would not hesitate, in spite of the forts, to put through any ship of which he was in command—at a place which thus can not be defended we are establishing a naval depot in opposition to that of the British at Esquimalt. We have built a great dry dock up there, and, so far as anybody knows, that is all there is there at the present day——

Mr. DOOLITTLE. Not at all.

Mr. BARRETT. I quote the statement of an authority at the Department—with the exception of five or six houses for officers, a machine shop now in process of completion, and a little village near by. I am glad that a naval establishment is being constructed there. It ought to have been built. We must offset that at Esquimalt.

But as compared with the immense interests on the Atlantic Seaboard menaced by the works located at Halifax, for which no provision has been made—as compared with this immense danger, I say the threat to be apprehended at Puget Sound from Esquimalt is hardly to be put into the balance and weighed against it.

You might destroy all the property in the States of Washington and Oregon; you might sweep it all out of existence to-morrow; and you could find on the coast of New England property of immensely more value to be destroyed, as well as more strategic advantage to be gained in the event of success, than on the whole Pacific Coast of the United States.

Now let me tell you what our dry docks consist of to-day. I wish the members of this House could see this diagram which I have had brought here from the Department. It shows that we have five or six of what we call large dry docks, at New York, Philadelphia, Norfolk, Port Royal, Mare Island, and Puget Sound. In only one of them (New York) on the Atlantic Coast, and in the new one (Puget Sound) on the Pacific Coast, can the largest war vessels of our Navy find refuge.

The one at Norfolk will not hold such vessels; the one at League Island will not hold them; the one at Port Royal will not hold them; the one at San Francisco will not hold them.

We do not especially need dry docks south of Norfolk. My friend, the chairman of the committee, well knows——

Mr. BOUTELLE. The gentleman will please not refer to me to confirm statements that are absolutely erroneous.

Mr. BARRETT. If, when I get through, Mr. Chairman, the gentleman will say it is erroneous, I will apologize. I repeat, as my friend the chairman of the committee well knows, south of Norfolk the shallowness of the waters renders all our South Atlantic coast practically impregnable against any of the great battle ships of a foreign power. It is along the northerly coasts where deep water is to be found—here we must make our defense against this kind of attack. No provision has been made for it, except a single dry dock at the New York Navy-Yard, and that, as you know, in time of war, would be absolutely incapable of furnishing the supply which is necessary in case of the great demand that would then be made upon it.

Let me give you the dimensions of the various dry docks on the Atlantic Coast. That at Boston, which every naval officer who has ever written on the subject says must be the central base of all naval operations in case of war with England, is 280 feet long. Those at Philadelphia, Norfolk, and Port Royal are 410 feet long, and the one at New York, the only one, as I say, capable of holding our large war vessels, is 560 feet long.

Now, how does it happen, Mr. Chairman, that the demands of the country for a naval base at Boston have not been met?

I can only answer that by referring to the legislation on this subject. I find that the New York and Norfolk navy-yards 410-feet docks were authorized by a vote of this House, which passed in the spring of 1887. This was done by an understanding that the then Secretary, Mr. Whitney, of New York, should designate those two yards.

I find that no appropriation was ever made for the New York dock now building, because the Administration sold enough land off of the navy-yard premises to pay for that dock.

I find that at Puget Sound and Port Royal docks were authorized in 1890 and 1891. When I tremulously asked the question at the Department why they ever established a naval station at Port Royal, I was told that, after all, "considerations of locality and of politics weighed very much in such matters."

I will say that New England does not ask this dry dock on account of locality or of politics. We have found in the last half dozen years that our naval interests have been sedulously set to one side, but we do say that for the interest of the country, in case of the only possible war which we could have on the ocean, this dry dock should be established in Boston, or else we are practically defenseless for the protection of our coasts against a foreign fleet.

I will not go into the advantages of Boston. I dismiss that in a sentence.

It is the natural base of operations. There are plenty of workmen of the most approved skill to be had there for the asking. It is a place well defended already by the Government, because of the great commercial importance of Boston. It is a harbor whose equal may be found, but whose superior does not exist in the country.

Now, my friend the chairman of the committee [Mr. BOUTELLE] intimated—and I trust it was no more than an intimation—that the reason why this appropriation was not authorized by the Committee on Naval Affairs was that no estimate was furnished by the Navy Department. I wish to say, as illustrating the methods employed in this Administration, that the proper head of a department in the Navy Department was directed by the present Secretary of the Navy not to put in his annual report any reference to dry docks.

The man who knows more about the subject by virtue of his position than any naval officer in the country, when making up his annual report, was informed by the Secretary of the Navy that he did not want any reference made therein to any new dry docks.

Then, what did the Secretary of the Navy do? I say this in all kindness. I bring up no sectional question. I do not allude to the very noticeable amount of money that has been expended at the Norfolk Navy-Yard during this Administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARRETT. I ask the House to allow me to finish this. It will only take two or three minutes.

Mr. McCALL of Massachusetts. I ask unanimous consent that the gentleman be allowed five minutes.

Mr. WATSON of Ohio. I suggest that the gentleman be allowed to complete his remarks.

The CHAIRMAN. Is there objection to the request that the gentleman be allowed five minutes more?

There was no objection.

Mr. BARRETT. I shall be very brief. The Secretary of the Navy having already directed that the officer of the Department who knew all about this subject should make no reference to it in his report, I find that the Secretary of the Navy himself comes in with the following recommendation for a yard which already has two dry docks; for a yard which, within the memory of members of this House, has had immense sums appropriated for its development; for a yard which occupies no strategic naval position in regard to any possible foreign war—I find the Secretary of the Navy, having, as I said, directed that the proper officers of the Department should suppress all reference to the subject in their reports, in his own report uses the following language:

> At the navy-yard, Norfolk, a dry dock of sufficient size to take in the longest, widest, and deepest draft ships is very much needed. It is therefore recommended that a dock of the following dimensions be appropriated for at that place: Length on floor, clear, 650 feet; width of entrance, 100 feet; depth at mean low water, 30 feet.
>
> This dock the Department recommends to be built of concrete, which possesses advantages over stone, first, in that the structure would be a monolith; second, more readily repaired; third, much cheaper. Its advantages over wood are durability and dryness. Estimated cost, $1,000,000.

It must strike gentlemen as being a little peculiar that as to this great navy-yard at Boston, on which I have challenged contradiction of its being the great strategical point of probable naval warfare, that this bill only appropriates for improvement and extension $14,500, while the Norfolk yard, that under no possible circumstances in case of war could be of so much importance, gets $130,000, while Philadelphia gets $190,000, and Brooklyn $133,000.

I repeat, with no desire to do anything which is disadvantageous to either of the other yards, that the Boston yard is better equipped to-day in machinery and in every other quality, except a dry dock for the repair of our great war vessels, than either of the other yards. Yet it has for the last ten years been set aside resolutely, because the administration of the Navy Department for the last three Presidential terms in this country has been devoting itself to the extension of the Norfolk and New York yards.

Now, Mr. Chairman, one more point, and I am done. I am satisfied from what I have learned of this question, and I think no member of the Commitee on Naval Affairs can dispute my position, Philadelphia is the best place to build the ships of all navy-yards. Board after board of naval officers has reported to that effect. That city has all the natural advantages and everything there to enable it to build ships cheap and to the advantage of the Government, yet not a single ship of the new navy has ever been built in the Philadelphia Navy-Yard. Every one of them has been built, so far as navy-yards on the Atlantic coast are concerned, either at Brooklyn or Norfolk, Va. I was told by a responsible party in the Navy Department, "You must remember that they are in doubtful States."

"Doubtful States," Mr. Chairman!

Has it come to that, that the building of vessels for the new

Navy in the navy-yards of the United States is not carried out where it can be done cheapest and best for the Government, but for some political consideration?

Now, as I was saying, Philadelphia is the great——

Mr. HALL. Will the gentleman state who in the Navy Department stated to him that the reason battle ships were not built at Philadelphia was because these other States were "doubtful?" Was it anyone who was authorized to speak for the Department?

Mr. BARRETT. I trust the gentleman will not press me on that point. I simply state that a prominent officer in the Navy said that to me. Did he not tell the truth?

But I do not ask that Boston shall be made a place to build ships. I admit that the best place for the construction of ships is the place nearest the coal, iron, and other materials used in their construction; but I do say that when the stress of war comes on this country, if it ever does come, that the place where that conflict will be made is Massachusetts Bay; and the place to have ready to repair your damaged ships in such event is the place nearest to which they can fly, and that place is on the New England coast. My friend from New Hampshire [Mr. SULLOWAY] has reserved a point of order. That will be discussed later.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARRETT. I thought I was to have reasonable time to conclude my remarks. I can conclude in three minutes.

The CHAIRMAN. The gentleman asks that his time be extended for three minutes further. Is there objection? [After a pause.] The Chair hears none.

Mr. BARRETT. I have no quarrel with the Portsmouth (N. H.) Navy-Yard, nor with any other navy-yard. The citizens of this country demand, and that is confirmed by every naval authority in the country, that we should make some provision for maintaining a place to repair these great warships within a reasonable length of distance from where the inevitable conflict must come, if we ever get into a war with England.

Now, Mr. Chairman, I wish to disclaim absolutely and utterly any selfish interest in this matter. If gentlemen can prove to me that any other port than Boston is a better place than that is, I will vote for the construction of a dry dock elsewhere than at Boston. I think I have proved that the New England coast is the place where this great conflict must occur, if any comes. If I have not done so, I will withdraw all claims for Boston. If you are to have a Navy for actual use and service in time of war, you may build battle ship after battle ship, and make your Navy big enough to stretch from the Atlantic around Cape Horn to the Pacific, but if you have not a suitable provision on the Atlantic coast, within a reasonable distance of the probable battle zone, where repairs can be made, the whole Navy will only be a fleeting show, an idle pageant, simply for display in naval parades in times of peace, and of no earthly use when the great stress comes in times of war.

Mr. Chairman, I hope we will never have use for the Navy in time of war. I sometimes doubt very much that we will ever have to use a navy in battle. I hope there will come up no occasion when we will have to use it, as little Greece has to-day. Little Greece, with her little, sparse, scantily settled country, is challenging the admiration of the whole civilized world by sending her navy in the cause of humanity and of civilization for the relief of that little Island of Crete. She is able to do so because she has made for herself along the coast of the Piræus proper naval arsenals, which furnish the basis for the operation of these vessels.

I ask members of this House to consider carefully whether a great wrong has not been done the people of this country in thus leaving our New England coast, and inferentially our whole Atlantic coast, without provision for the repair of naval vessels in case of war with England, in the only location where they can go for repair, the only location where a dry dock can then be of any service in the defense of the country.

With that, gentlemen, I am done. [Applause.]

Mr. DOOLITTLE. I move to strike out the last word.

The CHAIRMAN. There has been a point of order made against this amendment. Does the gentleman desire to be heard on the point of order?

Mr. DOOLITTLE. I desire to discuss the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Washington on the point of order.

Mr. DOOLITTLE. Mr. Chairman, I have supposed that at all times when men were seeking advantage of relief for their own localities from the Congress of the United States in addressing themselves to the subject they would feel it rather wise than otherwise not to attack other sections of the United States, and I did not suppose that in supporting this amendment the gentleman from Massachusetts [Mr. BARRETT] would find it either necessary or pleasant to make an attack upon other sections of the country. He attacks the Pacific Coast and attempts to belittle the value of property there and of the settlement of that region, and incidentally, it seems to me, the citizenship of that part of the country.

Now, Mr. Chairman, speaking of the Port Orchard dry dock, on Puget Sound, that dry dock was located after the fullest investigation by the officials of the Navy Department. Commissions were sent out there repeatedly, and the whole ground was examined, the whole situation was looked into. The dry dock at Port Orchard is advantageously situated, and, as I understand, is the largest dry dock now in the United States. Right across the Straits of Fuca from the mouth of Puget Sound the British Government has a great outpost. That place is the headquarters for the British fleet in the Pacific Ocean. The British have invested many, many millions of dollars in fortifying that place, and within 30 miles of Puget Sound is one of the most important of the British outposts.

Gentlemen will remember that a transcontinental line runs through the British possessions from the Atlantic to the Pacific, and that probably as fine coal fields as exist in the world are within the soil of British Columbia. They will understand, also, that that coal supply is of vast importance to a fleet operating in the Pacific, and with this great railway and with their outlet the British have us at a great disadvantage; so it is all important to the United States that a place where war vessels can be repaired at any time should be established and maintained as near as possible to that British outpost. For that reason Port Orchard has been selected as the site for a navy-yard and a dry dock.

I see no reason for criticising the action of the Navy Department in that behalf. On the contrary, I believe that Congress and the Navy Department are to be commended for that action. This Port Orchard navy-yard or dry dock is not "away from everybody," or anything of that sort. It is easy of access from the cities of Puget Sound, and it is surrounded by a settlement which is a pretty dense settlement in some places. It is advantageously located in all respects. It seems to me, Mr. Chairman, that in discussions of this kind some regard ought to be had for all portions of our country. I would be with the gentleman from Massachusetts for an appropriation for his proposed dry dock. I have always been willing, ever since I have been in Congress, to assist other members in accomplishing desirable legislation, and never have I for a single moment permitted myself to tear down, with the idea of benefiting myself or my constituents, or to object to some other member's proposition, with the idea of retaliating or accomplishing something for myself. I feel such a course to be beneath the dignity of a Representative in the Congress of the United States. I think we ought to display patriotism here upon these subjects as upon all others affecting the interests or the protection and welfare of the whole nation. That is the attitude I have always taken, and it is the attitude I shall always preserve on this floor and elsewhere as a citizen of this country or as a representative of the people of the United States. [Applause.]

Mr. BARRETT. Mr. Chairman, I wish to say to the gentleman from Washington [Mr. DOOLITTLE], who could not have heard what I said, although he sits right behind me, that I expressly stated that I was in favor of the Puget Sound dry dock.

I took it simply as an illustration to prove that we are by every consideration at least equally entitled to a like naval basis on the New England coast.

Now, I propose to use the gentleman's own arguments to demonstrate that proposition.

He says that right opposite to this station on the Pacific coast is the terminus of the great Canadian Transcontinental Railroad. Well, sir, Halifax is the other end of that Transcontinental Railroad, and Boston stands in the same relation to Halifax that Port Orchard does to Esquimalt.

The gentleman speaks of the great deposits of coal in British Columbia. The great deposits of coal in Canada are around Halifax, and they help to make Halifax the great British naval station on the Atlantic that Esquimalt is on the Pacific.

The gentleman says that I spoke of this Pacific dry dock being not easy of access. I did and I told the truth. I said it was 13 miles from Seattle, and that it had no rail communication with that or any other city.

Mr. DOOLITTLE. Naval vessels, however, do not travel by rail.

Mr. BARRETT. But supplies do. Therefore, Mr. Chairman, I say that if there is one argument for establishing a great dry dock at Port Orchard, there are at least a hundred for establishing such a dry dock on the New England coast.

I congratulate my friend from Washington upon having achieved so great a success in getting that dry dock established on his coast. I regard it as the best possible argument for establishing a similar dry dock in a part of the country where there are ten times as many people, ten times as much property, and where there is ten times as much danger of a naval conflict.

Mr. DOOLITTLE. I regard American soil everywhere as sacred, whether there are people living upon it or not.

Mr. BARRETT. So do I; and I invite the gentleman to help to protect it everywhere.

Mr. SULLOWAY. Mr. Chairman, I reserved the point of order

on this amendment to enable the distinguished gentleman from Massachusetts [Mr. BARRETT] to call attention to the general subject of dry docks and their importance. In much that he has said I agree with him. His argument is in favor of the right thing at the wrong place. New England merits and deserves a dry dock. I am not now to discuss the question whether it should be located at Charlestown or not. If I were to do so, I think I could satisfy this House that that is the most inappropriate place under our flag. Boston Harbor has a large area of flats covered with but little water, with a narrow, crooked, snake-like channel winding round the ledges, and it would be a practical physical impossibility to get a war ship into Charlestown Harbor, and that if, in the chapter of accidents or the providence of God, you should get one into a dry dock there and should have occasion to use that vessel at sea, the only way you could get her out would be to take her to pieces, transport her overland by freight to Portsmouth, set her up and launch her there, where there is water enough to float any vessel, where we have 60 feet of water 4 miles inland at low tide. At Charlestown Harbor a merchantman of ordinary size can not turn around. And it is a matter of newspaper notoriety that almost every day the coasters, in endeavoring to get from Boston Harbor to sea, go ashore on the ledges and reefs.

I sympathize with my friends from Boston who want to make Charlestown a seaport town. I will cheerfully vote for all the appropriations which may be needed to enable them with dredging machines to dig out the mud in Charlestown Harbor, to tear out the rocks and ledges which now present an impassable barrier from the high seas into that harbor for a ship of any magnitude. With them, I say, I sympathize. I say go on, gentlemen; dig out your mud; tear out your ledges; and when you get that harbor into such a condition that a good-sized merchantman can get into it with safety, then I shall be ready to vote an appropriation for a dry dock, if we need one elsewhere than at Portsmouth, where, as I have said, we have to-day 163 acres of Government land; where we have shops and everything in addition necessary to build an ironclad. We have 60 feet of water at low tide 4 miles inland, with rocky bottom—all that is necessary—a place where God designed that a dry dock should be, and where His will, I think, will obtain some time. [Laughter.]

Now, Mr. Chairman, having said thus much—not thinking it profitable to discuss the matter further, because I have a notion, which may be erroneous, in reference to the ruling of the Chair on this subject—I ask that the point of order may be decided.

Mr. TYLER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule, but will hear the gentleman from Virginia [Mr. TYLER] on the point of order.

Mr. TYLER. Mr. Chairman, I have been rather surprised at the position taken by the gentleman from Massachusetts [Mr. BARRETT]. I had supposed that this bill was prepared on great national lines for the defense and safety of the American people. I did not expect that any member of this House would take such extreme provincial ground as that taken by a gentleman coming from the State where the "hub of the universe" is supposed to be. I am rather inclined to suppose, Mr. Chairman, that he thinks the safety of this great American nation depends upon the protection of property in the city of Boston alone. He seems to be utterly unaware except in the most general way of the geographical advantages of the various ports of the South Atlantic coast. I wish to call his attention to the fact that there is, as he admits, at least one place on the North Atlantic coast at which we have a good dry dock in which repairs can be made, and that is the New York Navy-Yard. Now, he comes and says, "Give us a navy-yard such as we desire at the port of Boston; give us a dry dock that we seek there; and the rest of the country will be thoroughly defended." He attempts to minimize the natural advantages of the port of Norfolk. He says that hundreds of thousands of dollars has been spent on that navy-yard, and that it is no longer necessary for us to make the expenditure of this $130,000 as provided in this bill. He criticises the Secretary of the Navy because that officer has called the attention of Congress to the necessity of a large dry dock at Norfolk.

When he talks about the strategic importance of Boston, has he forgotten that Norfolk is to be hereafter the defense of the national capital? Has he forgotten that in Chesapeake Bay is the great rendezvous for our ships of war for the North Atlantic and the South Atlantic coast? Has he forgotten that but a few years ago (computed in the life of a nation) because of the nondefensive condition of Chesapeake Bay the national capital was burned by an invading force? And does he think, in his wonderful and patriotic provincialism, that Boston is of more importance in the event of a great war with a foreign power than the preservation of the capital of the United States?

I am amazed, Mr. Chairman, that the gentleman should have taken the ground which he has taken. I expected to see him exhibit a larger and more liberal spirit. Because he considers it necessary—and I may say that I agree with him in that regard—that there should be a dry dock at Boston, why does he consider it necessary to take the unusual ground—I may say, with due deference to him, the absurd ground—that there is no pressing necessity for a dry dock anywhere else?

Mr. HALL. Allow me a question right here. The gentleman from Massachusetts [Mr. BARRETT] has stated that these ships to which he has referred were built by the Navy Department for political reasons. I should like to ask the gentleman now on the floor whether it is not a fact that the construction of battle ships is always let out by contract; that political reasons have nothing to do with the giving out of those contracts?

Mr. TYLER. I have always so understood. I have never heard that accusation made before, and I am sure the gentleman from Massachusetts has made it unadvisedly in the heat of discussion, in the heat of his love for "the hub of the universe."

Mr. BARRETT. Allow me a moment. I propose to discuss the point of order when we get to it. But I am surprised that two members of the Naval Committee——

Mr. TYLER. I supposed the gentleman wanted to ask a question.

Mr. BARRETT. I wish to correct a misstatement, if you will allow me.

Mr. TYLER. Let the gentleman do it in his own time.

Mr. BARRETT. I want to make the correction in connection with your statement. I am surprised that two members of the Naval Committee, supposed to know all about this matter, did not understand that I said these vessels were not built by contract; they were built by the Government in the navy-yards at Norfolk and Brooklyn. And yet they tried to befog this House by making me appear to have said that they were built for political favoritism when they were let out by contract. These two ships were not let out by contract at all by the Government, and I want that statement to go into the RECORD at the same time as the other.

Mr. TYLER. You are only talking about two ships of the Navy, the *Texas* and the *Raleigh*, built at the Norfolk Navy-Yard.

Mr. BARRETT. I am talking about the ones built by the Government.

Mr. TYLER. Therefore the gentleman does not withdraw the charge as to the building of those ships that have been built under contract. Does he think those ships built by the Cramps were awarded to them because of political influence?

Mr. BARRETT. Shall I answer that question?

Mr. TYLER. No; I do not ask you to answer it. You have your own time in which to do so.

Mr. BARRETT. All right.

Mr. TYLER. I am amazed that there should have been such a charge. I can not understand where the gentleman gets his facts upon which he bases such an unjust charge against the Navy Department and against those who have had control of the naval affairs of this country for many years. I am very sure that the only reason why the Navy Department decided to have the *Texas* built at the Norfolk Navy-Yard was because it was a Government navy-yard, and there a ship could be constructed equal to any that floated on the seas. The fact of it is that at the Norfolk Navy-Yard there is every appliance for the construction of vessels. You can get there as good labor as any in the United States. You can get as skilled mechanics as you can at Boston or any other point, and so far as ships have been constructed there, two of them—the *Texas* and the *Raleigh*—are, of their class, as good as any that sail beneath the flag of the United States.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. BOUTELLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine desire to discuss the point of order?

Mr. BOUTELLE. I do, very briefly. I simply desire, for the sake of the truth of history and the orderly consideration of public business, to call the attention of this committee to the fact that the only proposition pending here is a desire on the part of the gentleman from Massachusetts [Mr. BARRETT] to have a dry dock authorized at Boston.

Now, I can sympathize with that desire to a very great extent, but I am unwilling to permit this conversation to close without entering my dissent from nearly all of the conclusions which the gentleman from Massachusetts reached in the observations which he has submitted. He said that I very well know certain things. Now, I do not desire to take the time of the committee to deny in detail that I know certain things which the gentleman from Massachusetts [Mr. BARRETT] was kind enough to incorporate in my supposed knowledge, but I do desire to say that the situation in regard to the dry-dock system of this country is very simple, and is very familiar to me. Indeed, I have participated to some extent in all of the legislation connected with the construction of the new system of dry docks, and I know of nothing which has taken place which should furnish even a reasonable basis for the criticisms which the gentleman from Massachusetts has indulged in here to-day.

It is sufficient for me to say that when the new Navy was begun we had in this country a very large number of navy-yards and a very small number of ships. In fact, we had no modern ships of war when I came to Congress. At that time a New England Secretary of the Navy, a man of great energy and ability, a Republican in politics, had undertaken to reorganize the naval service by doing away with our old wooden ships and commencing the construction of a modern steel navy. In one of his early reports the strongest criticism that he brought to bear upon the existing condition was in connection with the surplus of navy-yards and the deficit of ships. The expenditure for the maintenance of navy-yards was enormous compared to the number of tons of the ships and the number of guns that we could utilize. As an act of administration of the Navy Department, he issued certain orders under which certain navy-yards were practically or constructively closed in order that the expenditure there might cease.

Immediately after Mr. CHANDLER'S retirement from the Navy Department a proposition was brought into Congress under Secretary Whitney for reorganization of the entire Navy Department. In that reorganization Secretary Whitney reiterated the criticisms of Secretary Chandler in regard to the excess of expenditure for navy-yards, and he, in a scheme of reorganization which was afterwards practically carried out, recommended that the Boston Navy-Yard—the navy-yard at Charlestown, Mass.—should cease to be a navy-yard for the construction or repair of ships, but that it should be maintained for its ropewalk, and as a place to which the manufacture of steam galleys and utensils of that character should be transferred from the Washington yard, and for other purposes which he indicated. That practically closed it for the construction or repair of ships. This scheme further contemplated what has since been carried out, closing the Washington yard as a shipbuilding and ship-repairing yard, and establishing in it a great gun factory, which has proved a great success. The work of construction and repair of ships under these orders was concentrated in the New York and Norfolk navy-yards; and the navy-yard at Pensacola, which has gone into "innocuous desuetude," was closed up.

Now, I took a little part in the debate at that time, and my memory is very distinct about it. I recollect that I opposed the closing of these yards. I recollect that I used some of the language, or similar language to that used in some of the remarks made by the gentleman from Massachusetts [Mr. BARRETT], about the desirability of keeping these yards in full operation. My arguments were not so cogent, and my words, of course, not so eloquent; but I recognize in the language heard to-day some of the general trend of my argument in 1887. I have before me here the CONGRESSIONAL RECORD containing that debate, in which it will appear to anyone——

Mr. BARRETT. What is the date, please?

Mr. BOUTELLE. February 25, 1887, on page 2297. If anyone should care to examine so inconsequential a matter as my observations at that time, they will find that I uttered as strong a protest as I could frame against the closing of the navy-yards in New England. I set forth the facilities of the Boston Navy-Yard and the special facilities of the Portsmouth or Kittery Navy-Yard, and called attention to the fact that the Boston Navy-Yard had the best outfit in its shops of any navy-yard in the United States; and with as much urgency as I could command, I insisted that that yard should not be closed or the one at Portsmouth in the carrying out of this new scheme. I have a vivid recollection that there was not a gentleman from Massachusetts in the House of Representatives at that time who felt called upon to sustain me or to lift up his voice in so much as one word in behalf of the position which I took, or enter a protest against the closing of the Boston yard. I had the order here before us on which the Secretary of the Navy was transporting the material from the Boston Navy-Yard shops to those in New York and Norfolk to carry out his plan, based on his argument that it was a wise policy to concentrate the great building and repair works in these great yards. And while I called attention to what was going forward, and almost appealed for support from my New England colleagues here, I find that I made these remarks in the course of the debate. I will interpolate here, however, that we had got along to a point where it was proposed that a sum of money should be appropriated in the appropriation bill with which the Secretary of the Navy should locate and construct two dry docks—modern dry docks—but I opposed that on the ground that Congress should indicate where those dry docks were to be, if we were to act upon legislation. That was to the effect, if it was futile to utilize the different navy-yards of the country, I wanted to know where these dry docks were to be built. I insisted that a dry dock should be built at Boston; and then I appealed to my friends from Massachusetts to help me. But I find it recorded here:

> This proposition has been brought in here by the committee with the express purpose, so declared, of precluding discussion upon the floor of the House. It is brought in here for the purpose of taking the matter out of our hands, and, as I said before, the gentleman from West Virginia has expressed the whole scope and motive of my amendment when he says this proposition ought to be brought in here on its own merits and not smuggled in under a tricky advantage taken of parliamentary practice, not by any pettifogging with the rules of the House, but brought in here openly on its merits as a proposition for the consideration and action upon the deliberate judgment of the members of this House.
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> I am in favor of supplying dry-dock facilities. I am not persuaded that the great seacoast of New England is necessarily precluded from having anywhere along its coast line the opportunity to build or repair a ship of war. I do not understand the geographical distribution which would count out from the beginning that great section of our country where shipbuilding has been a recognized art for centuries, and if the gentlemen from Massachusetts on this floor fail to raise their voices and protest, I raise my feeble protest in behalf of their constituency and their State.
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> [Here the hammer fell.]

I have said this much, Mr. Chairman, to relieve myself from responsibility of any failure to recognize the interests of New England.

Mr. MORSE. I will ask the gentleman if he thinks it is fair to the present delegation to charge upon them the sins of their predecessors?

Mr. BOUTELLE. I do not say anything except what I say, and if I can say that so that the gentleman from the Canton district will understand me, I shall have accomplished my object.

In conclusion, I just want to say that from that time to this time there has been more or less construction of dry docks in the United States. We have constructed a great many. We have constructed a series of dry docks. The debates in this House show at the time that these constructions were conceived to be large enough to take in any vessel that was liable to be designed or constructed in the future. We made a mistake. The enlargement of ships of war went far beyond all anticipations. At the time the first dry docks were authorized, one at New York and one at Norfolk, if my memory serves me, the longest ship of war in the world was less than 300 feet. We built and have utilized those docks. We have designed larger ships and have found it necessary to build larger docks. We have at Port Royal to-day a dry dock in which the *Indiana*, one of our largest battle ships, has been docked within a year. We have a dry dock at New York, which will be open very soon, that will take in the largest vessel we have either constructed or under construction. We have another dry dock on the Pacific coast, on Puget Sound, of equal dimensions, and undoubtedly we shall construct more dry docks in the future. The dry dock on Puget Sound was constructed upon the recommendation of two commissions. Two separate commissions were sent to the Pacific coast, and they located the dock there and Congress made appropriation for its construction.

Mr. MORSE. Will the gentleman——

Mr. BOUTELLE. I wish the gentleman would not interrupt me.

Mr. MORSE. I only want to ask him one question. I want to ask the gentleman if he is now in favor of constructing a dry dock at Boston?

Mr. BOUTELLE. Well, Mr. Chairman, if I thought the gentleman was asking that question in good faith, I would answer it. He knows that I am not in favor of authorizing the construction of a dry dock at Boston in this bill. The committee do not recommend it, and the reason——

Mr. MORSE. I thought from the earnestness of the gentleman's argument and his appeal to his former record that he was in favor of it.

Mr. BOUTELLE. If the gentleman will permit me to state continuously my own view, I think he will perhaps understand it better, and it certainly will be a great deal more convenient for me. [Laughter.] I wish to say, Mr. Chairman, that at the same time the commission recommended the construction of a dry dock on Puget Sound another commission recommended the establishment of a dry dock in Louisiana, at Algiers, opposite New Orleans. There are various reasons why that project has not been carried out. There were rivalries among different localities on the coast, and various conditions have intervened to hold that work in abeyance up to the present time. Year after year the Bureau of Construction has made the strongest kind of recommendations for a dry dock at Portsmouth, N. H., and I use moderate language when I say that the strongest recommendations that have reached the committee officially in regard to dry docks have been in favor of a dry dock at that point. There have also been recommendations for the construction of the dry dock at Boston, and for other dry docks on the Gulf coast. There is an absolute necessity in the near future for a larger dry dock at the Mare Island Navy-Yard, and it will undoubtedly be built.

The Committee on Naval Affairs have not undertaken to discriminate against any section of this country, or in favor of any particular port or navy-yard; but, in view of the same circumstances which have induced me as an individual member of that committee, with my strong prejudice in favor of pushing the work of constructing our battle line with the greatest possible rapidity—a spirit which, I am glad to say, has equally inspired my colleagues on that committee—we have refrained from making recommendations beyond those contained in the pending bill. We have done that in view of the circumstances in which we find ourselves at this time and in deference to what we believed to be the general sentiment of this House, that, with the large amount of construction now under way, we could afford to let this session go by and wait until the Treasury had begun to recoup from the deficiency which has existed so long. For the same reasons we felt that we ought not to come to this House recommending the inauguration of great expenditures for the building of dry docks at a time when we felt so poor that we could not recommend the building of more battle ships.

I do not know how much confidence the House of Representatives has in its Committee on Naval Affairs. I give all possible weight to the views and desires and arguments and knowledge of my friend from Massachusetts. I simply say that your committee, in failing to recommend the construction of a dry dock in Louisiana, or in Massachusetts, or at Kittery, Me., have acted in accordance with what they believe to be high public considerations of duty and a wise regard to meeting the exigencies of the time in a proper way. All I have to say in conclusion is that if my friend from Massachusetts from the Melrose district desires, for any purpose, to delay or obstruct the passage of this bill by making points of order against paragraphs which provide facilities that the Navy absolutely requires, and provisions in the bill that are made on the estimates and the recommendations of the Department regularly sent to the committee (which has not been the case with regard to a dry dock at Boston), why, of course, he is a member of this House, and has a right to make use of all the privileges that the rules afford him, in such way as may seem to him best.

The CHAIRMAN. The Chair is ready to rule. Unless some gentleman desires to discuss the point of order, the Chair will rule.

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. BARRETT. I desire first to have the point of order stated, and then I will determine whether I wish to discuss it or not.

The CHAIRMAN. The point of order, as the Chair assumes——

Mr. BARRETT. I beg the Chair's pardon. I submit that the gentleman from New Hampshire [Mr. SULLOWAY] is obliged to state his own point of order. He has not done so. I want him to do so.

The CHAIRMAN. The gentleman from New Hampshire will state his point of order.

Mr. SULLOWAY. My point is that this proposition is new legislation, not authorized by the rules.

Mr. BARRETT. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. BARRETT. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BARRETT. Mr. Chairman, there have been two occasions in the history of this House when points of order have been raised against dry-dock appropriations. The first was in connection with the proposed navy-yard at Algiers, La., in regard to the purchase of land for a dry dock there. On that occasion it was held by the then occupant of the chair, Mr. Butterworth, of Ohio, that inasmuch as it was proposed, in effect, to establish a new navy-yard, it was new legislation. So the proposition was ruled out of order.

Again, at the last session of Congress an amendment was offered by my friend from Pennsylvania [Mr. BINGHAM] which was ruled out of order by the then Chairman of the Committee of the Whole, the gentleman from Illinois [Mr. HOPKINS]. I believed then and I believe now that the gentleman from Illinois was entirely wrong in that decision. I wish to quote from a statement made in this House by a former chairman of the Committee on Naval Affairs, Mr. John R. Thomas, of Illinois, who may be presumed, perhaps, to have known something about the question whether a dry dock is "new legislation" or "in pursuance of existing work" or not.

I desire that the Chair, although he has stated that he was ready to rule, will listen to this discussion. The question was upon a proposed appropriation for the dry docks at Norfolk and New York, and Mr. Thomas said—I read from the proceedings of February 25, 1887, page 2298 of the RECORD for that session:

> A dry dock is simply one of the tools employed by the Department in building and repairing vessels, and no more requires a special act of Congress to authorize its construction or building than it does to buy a hammer or 100 pounds of oakum.

Those docks were authorized by this House on a naval appropriation bill!

The CHAIRMAN. Is the gentleman reading from the ruling of the Chairman of the Committee of the Whole?

Mr. BARRETT. I am reading from a statement made in the House of Representatives by a gentleman who often served in the chair, and who was at the time chairman of the Committee on Naval Affairs, Mr. John R. Thomas, of Illinois. I happened to be in Washington during the time when Mr. Thomas was a member of the House; and I remember very well the high reputation he had for parliamentary knowledge and ability.

A MEMBER. What date was that?

Mr. BARRETT. February 25, 1887.

Mr. BOUTELLE. That was during the term of a Democratic Congress. I hardly think Mr. Thomas could then have been chairman of the Committee on Naval Affairs.

Mr. BARRETT. I beg the gentleman's pardon. He was chairman in the following Congress.

Mr. BOUTELLE. The following Congress was not a Republican Congress.

Mr. BARRETT. Well, he was chairman of the Committee on Naval Affairs in a Republican Congress.

Mr. GROSVENOR. He was not a member of the following Congress.

Mr. BARRETT. Then he was chairman of the Committee on Naval Affairs in the so-called Keifer Congress. I make the statement that he was at one time chairman of the Committee on Naval Affairs, or was at the head of the Republican members of the committee.

Now, I submit—and I do it with all respect to the Chair—that if the Chair should decide that this point of order is well taken, he must of necessity decide that a large number of other items in this bill are improperly reported. The chairman of the Committee on Naval Affairs [Mr. BOUTELLE], when last evening I raised a point of order against two previous paragraphs, expressed his willingness that they should be dropped out, admitting thereby that they were open to a point of order. I wish, speaking only for myself, to put on record my belief that the action of any chairman of the Committee of the Whole in deciding arbitrarily—and by that I mean arbitrarily as one man—that this House shall not consider a proposition to put into an existing navy-yard a thing which the common sense of every member here must recognize is as necessary for the conduct and maintenance of that yard as a commandant or a sentry at the gate—I say that such a stretch of authority seems to me to be not in consonance with the ideas that should run this House.

Mr. BOUTELLE. Is the information correct which has just been brought to me that, while I was inadvertently failing to listen to the gentleman, he said that I had agreed to drop something out of this bill?

Mr. BARRETT. I said that last evening, when I made a point of order, the chairman of the Committee on Naval Affairs said, "Let it go out."

Mr. BOUTELLE. I said no such thing as "Let it go out."

Mr. BARRETT. I refer to those two appropriations for extra help, on which points of order were raised.

Mr. BOUTELLE. I never said such a thing, according to my recollection.

Mr. BARRETT. Well, I got up and stated——

Mr. BOUTELLE. What are the items?

Mr. BARRETT. They are in regard to the extra help at Port Royal and Puget Sound.

Mr. BOUTELLE. Extra help?

Mr. BARRETT. New officers.

Mr. BOUTELLE. The gentleman is absolutely mistaken.

Mr. BARRETT. I withdraw my remark, Mr. Chairman.

Mr. BOUTELLE. Absolutely.

Mr. BARRETT. But I understood the gentleman so carefully that I stated to him that he need not withdraw them, because I only wanted to offer my point of order to hold it in readiness, and probably should withdraw it at the proper time.

Mr. BOUTELLE. The gentleman is absolutely mistaken.

Mr. BARRETT. I withdraw the remark, then. I misunderstood the gentleman.

Mr. BOUTELLE. I never made any reference to it.

Mr. BARRETT. I think it is very strange. I think if other gentlemen who were sitting around here would refresh their memories——

Mr. BOUTELLE. If the gentleman undertakes to put it that way, I arraign him. I say I never made any such statement here.

Mr. BARRETT. The gentleman need not arraign me. Will he be kind enough to wait until I get through with my sentence? I said if other gentlemen who were sitting around here would refresh their memories, I think that they would remember that I said that I did not desire to push that point of order to a decision at that time, but simply desired to hold it in readiness. I now understand that the gentleman said, "Let the matter go over," instead of "Let it go out."

Now, I say, Mr. Chairman, that I believe that it is one of the most arbitrary things in this House when matters are brought in here in discussion of the bill which every man on this floor must feel are pertinent to the bill under discussion that they should be ruled out of order, simply ex cathedra. While I understand from what I have heard, and from the Chairman's statement of his readiness to rule, what his decision perhaps may be, I say, in all respect to him, and I think he will understand that I say it with the utmost personal kindness, that if he shall rule that this amendment is not in order I shall most respectfully and without any desire to embarrass him at all take an appeal, in order that the House may go on record as having decided that a dry dock is not an essential part of an existing naval establishment. I know that the making of that statement will not influence the decision of the Chair, and so I feel I can make it with perfect propriety.

I simply want the House to decide, in its wisdom, if it chooses to do so, that a dry dock for a navy-yard already established and equipped is not a part of an existing work. When that is done, Mr. Chairman, I shall bow as gracefully as anybody could to that decision.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by the act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MCCALL of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MCCALL of Massachusetts. I desire to say a few words on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. MCCALL of Massachusetts. If it is not in order, Mr. Chairman, to insert an item in a naval appropriation bill for the construction of a dry dock, I do not think it is in order to put in an item for the construction of a battle ship.

A dry dock is simply a sort of hospital for a ship that has been injured in war, and it seems to me that if you insert in an appropriation bill a ship, there is just as much reason why you can insert an item constructing a tool whereby the ship of war may be re-created and again made capable of performing the duty of a ship.

I desire, Mr. Chairman, to speak upon the question of the necessity for a dry dock at the Boston Navy-Yard, and also at various other points upon our coast; but as I understand the Chair desires to hear nothing at this point except strictly on the point of order, I will reserve what I have to say on that point until another time.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. BARRETT. Mr. Chairman, for the reasons I have already stated, I desire respectfully to appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BARRETT] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 67, noes 19.

Mr. BARRETT. I desire to offer an amendment to come in at the end of the pending paragraph.

The amendment was read, as follows:

> Insert on page 18, after line 2:
>
> "The President is hereby authorized to designate two competent naval officers and one competent Army officer to inquire into the need of one or more concrete dry docks, capable of docking the vessels of the Navy existing or in process of construction, to be located at existing navy-yards north of Cape Cod. Said officers shall report whether, with due regard to cost, to commercial and naval interests, one or both of the existing docks shall be enlarged or new concrete docks constructed. Said officers shall report to the President not later than November 1, 1897, and the President shall transmit such report to Congress, with his recommendations, at the beginning of the first regular session of the Fifty-fifth Congress."

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. BARRETT].

Mr. BOUTELLE. Mr. Chairman, before a vote is taken on that, I want to say to the House that it does not seem to me that that proposition is at all a useful one.

Mr. BINGHAM. I should let it go in.

Mr. BOUTELLE. In the construction of the navy-yards already established we never authorized a commission to locate a dry dock except in the case of the original location. There is no question but what the Government will have proper dry-dock facilities. There are navy-yards at Portsmouth and Boston. I can not see any benefit to be accomplished by it, and I would like to ask the gentleman from Massachusetts why he has included an army officer?

Mr. BARRETT. Mr. Chairman, I have been trying to find something that would accommodate the Committee on Naval Affairs, and I drafted this as closely as possible to the exact language of the provisions which have previously passed the House. But I have left off any civilian. I did not want to make this so that there would be any unnecessary payment of money, but simply that plans may be designed, and hence I included an army officer. That is the reason the amendment is in the shape I have offered it.

Mr. BOUTELLE. I do not propose to debate this matter. It is, in my judgment, utterly unnecessary; and it would seem to me that with the prospect of the Secretary of the Navy being from Massachusetts, the gentleman ought not to be apprehensive that the interests of that part of the country will be overlooked.

Mr. HILBORN. Will the gentleman allow me to offer a substitute for his amendment?

Mr. BINGHAM. Does the gentleman propose to offer a substitute for the amendment offered by the gentleman from Massachusetts?

Mr. HILBORN. Yes, sir.

The Clerk read as follows:

> The Secretary of the Navy shall, as soon as practicable, appoint a board, to consist of three officers of the Navy, one of whom shall be a line officer, and one shall be a member of the Steam Engineering Corps, and one naval constructor, who shall investigate the question of the advisability of the construction of new dry docks.
>
> And if they find that such additional docks are necessary, to recommend how many shall be built, where they shall be located, and of what pattern and of what material they shall be constructed.

Mr. BARRETT. Mr. Chairman, the House will notice that the only difference between my amendment and that of the gentleman from California is that his amendment covers the whole country, while mine is direct and has reference simply to two places.

Now, I want to say one word in reply to my very distinguished friend from Maine, who has made this statement, in effect, in keeping with that made of another matter by my friend from Ohio [Mr. GROSVENOR], that it is almost "assumed" that a Massachusetts man will be Secretary of the Navy. I want to say I do not base my action here on any man being Secretary of the Navy from Massachusetts.

I would never go to a Secretary of the Navy from my own State and ask him to do a thing that I would not ask him under the same conditions to do for California. I want him altogether relieved from any possible suggestion that he is to use the high office of Secretary of the Navy for the benefit of Massachusetts. My friend from New Hampshire has brought up the question of the Boston Navy-Yard, and says that vessels can not go in there, and they can at Portsmouth. We know that the great new vessels of the Navy have laid at anchor at the head of the Boston harbor within a very short space of time. We know, and he ought to, that the largest steamers plying between this country and Europe come regularly to Boston. I know that he does not represent his State, for which Boston is the commercial metropolis, in his attack on the latter. But there is no question as between Portsmouth and Boston, as my friend indicated in the course of his remarks, though his remarks will undoubtedly prejudice members of this House against this attempt to secure a dry dock at Boston.

I want this House to leave to a commission of three officers to decide and report before the opening of the next Congress in December whether or not this dock should be built at Boston or at Portsmouth.

I would be willing that it should go to Portsmouth, if that is the best place. But I want some dry dock on the coast of New England, which this commission believes shall be the very best in a strategical naval sense. I ask the members of this House whether they will not make it possible to have that done, and have this question eliminated from the discussion in this House in the way it has been brought in.

Mr. HALL. Mr. Chairman, I make the point of order that both the original amendment and the substitute are out of order.

Mr. BARRETT. Oh, Mr. Chairman, that point comes too late.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the point, coming after discussion, is too late.

Mr. BOUTELLE. Mr. Chairman, I simply appeal to the common sense of this committee, that, if a commission is to be appointed to consider the location of dry docks, it ought not to be appointed to decide between the possible rival claims of two ports on our coast. There is no controversy between Boston and Portsmouth. There is no controversy between the States of Massachusetts and New Hampshire in regard to the location of a dry dock. There is a navy-yard at Mare Island, where there is surely going to be built a large dry dock at some time in the near future. There is a proposition for a naval station on the Gulf coast which will unquestionably be determined upon before long. There is an

urgent request or recommendation for a dry dock at the Portsmouth Navy-Yard, and also a recommendation for one at the Boston Navy-Yard.

Now, for this House, at this time, to incorporate in this bill a mandatory order on the Secretary of the Navy to organize a board to determine whether or not a dry dock ought to be built as between any two of these places does not seem to me to be dealing with great public questions in the broad manner in which they ought to be dealt with. If the gentleman from Massachusetts [Mr. BARRETT], or any other member, sees fit to make a motion here that the Secretary of the Navy be instructed to appoint a committee or a commission composed of distinguished officers to take into consideration the strategical conditions of our coasts, and to report in regard to the location of dock facilities and other things pertaining to the subject of naval defense generally, while I do not think it is necessary, it will not be harmful. But I do think that it would at least have the appearance of narrowing this question down to a local controversy for us to direct the Secretary of the Navy to appoint a commission to determine which has greater weight, the recommendation of the different bureaus that a dry dock shall be built at Portsmouth or the recommendation that a dry dock shall be built at Boston, that a dry dock shall be built at Algiers, La., or that a dry dock shall be built on the coast of California at Mare Island, instead of empowering the commission to act upon the broad question of where upon our coast dry docks are most needed. I hope, therefore, that the proposition of the gentleman from Massachusetts will not be entertained.

Mr. BARTLETT of New York. Will the gentleman permit me to ask him a question?

Mr. BOUTELLE. Yes, sir.

Mr. BARTLETT of New York. In your opinion, is not the Secretary of the Navy qualified to determine such questions by making a report or recommendation to Congress?

Mr. BOUTELLE. We have up to this time acted entirely upon the recommendations of the Secretary of the Navy and of the boards that have been appointed for the location of dry docks at new points. We have located a dry dock at Port Royal, because there was no navy-yard there and nothing to indicate the building of a dry dock, so that it had to be done by special legislation. We have located one at Puget Sound, because it was generally agreed and strongly recommended by the Secretary that the Pacific Coast should have a dry dock, and a board was appointed to go over there and inspect the coast and decide upon the best location.

Mr. BARTLETT of New York. Is there any necessity, then, for such new legislation as is proposed by the gentleman from Massachusetts?

Mr. BOUTELLE. That is, of course, for the Committee of the Whole to determine. The Committee on Naval Affairs did not believe that it was either requisite, necessary, or expedient for the Congress at this time to take any action in regard to dry docks.

Mr. BARTLETT of New York. Is not the Secretary of the Navy invested with sufficient power now for this purpose?

Mr. BOUTELLE. The Secretary of the Navy can not cause the construction of a dry dock without an appropriation.

Mr. BARTLETT of New York. But can he not make recommendations to Congress?

Mr. BOUTELLE. Unquestionably he can, and he may at any moment order any number of officers to consider this whole question. I am glad the gentleman asked me that question, because it enables me to state that Secretary Tracy, on his own motion, in the exercise of the ample powers conferred upon him, did instruct a board of distinguished officers to consider the whole question of the naval defense of our coast, a board which became known as the "policy board," and which made a very elaborate, able, and important report.

[Mr. MEYER addressed the committee. See Appendix.]

Mr. BARRETT. Mr. Chairman, one moment and I am done. The chairman of the Committee on Naval Affairs objects to this method of proceeding; and yet this is the method which has been adopted in every similar case. It was adopted with reference to Puget Sound, and with reference to Port Royal, and with reference to the case of my friend from Louisiana. It is the well-established practice of the Government. I ask that this proposition with respect to the coast of New England shall be given the same consideration which has been given in other cases where there has been a dispute about the location of a dry dock.

I hope that my friend from California will not insist on his amendment at this time or ask that his proposition be adopted in connection with mine. The effect of such a proceding would be merely to complicate this question with a number of others. We had a special commission for Puget Sound; we had a special commission for the Gulf of Mexico; we had a special commission for the dry dock at Port Royal. Now I ask—and I think it is a fair request—that we may have a special commission for this New England matter. Let it stand on its own merits.

Mr. HULICK. Allow me to make this inquiry: Is the question here whether a dry dock should be built at that place, or can be built, or is needed? What is the question which the gentleman wants a commission to settle?

Mr. BARRETT. I want the commission to report on the whole question whether there shall be one or two dry docks built.

Mr. HULICK. You wish the question determined whether a dry dock shall be built at Boston Harbor or at Portsmouth?

Mr. BARRETT. Why, of course. There is no question a dry dock must be built at one or both of those places.

Mr. BINGHAM. Does not the gentleman think that his proposition would be stronger standing upon the merits of the case, with the whole question before the Department as to where the establishment of new dry docks should be recommended to Congress?

Mr. BARRETT. I do not know whether my position would be stronger or weaker in the sense which the gentleman suggests. I want the facts. I want the men who know about this matter to report. I do not want anything lobbied through here in an omnibus bill in such a manner that we must vote for something else in order that our proposition may succeed. I want the Navy Department to decide through a board of officers about this New England question. Let questions affecting other parts of the country be decided by themselves. Let our proposition go through or not upon a statement of the facts, without reference to any subsequent combinations. I ask the members of this House to stand up for New England. My friend from Maine [Mr. BOUTELLE] says there is no hostility of Portsmouth toward Boston, but my friend from New Hampshire [Mr. SULLOWAY] intimated that there was. Now, let us have all the information possible gathered and submitted to this House, and then we shall see whether or not Congress will authorize a dry dock, or perhaps two; and I ask the members of the committee to allow this matter regarding New England to stand by itself, so that Congress may get all the facts. Then in the next Congress we will fight it out on the question whether there is money enough in the Treasury to pay the bills for this most-needed part of our naval defense.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BOUTELLE. I move to strike out the last word simply for the purpose of saying to the House that I hope they will vote to amend this into the only possible shape in which we can self-respectingly pass it through the House, and then that they will vote the amended proposition down as entirely unnecessary.

Here is a demand for League Island, which is to be the future great fresh-water basin for the laying up of our Navy, in order to economize and save the enormous expenditures of keeping all of our ships in commission all the time, with great crews on board. It is a part of the necessary scheme of our naval establishment to provide a fresh-water basin for the laying up of our ships, and this bill before the House now contains an appropriation of $100,000 to carry on the work of excavation in the back channel at League Island, Pennsylvania, where the ironclads are now laid up in fresh water, to make a place where we can put our great new battle ships into fresh water where they will not corrode. There is need of a dry dock there. There is demand for a dry dock there.

Mr. BINGHAM. We are not pressing it, though.

Mr. BOUTELLE. It comes from the Navy Department. It comes from every source.

Mr. BARRETT. They have got a dry dock there now large enough to dock any of our vessels except one.

Mr. BOUTELLE. Now, if the gentleman will have the great consideration to remain in his seat long enough for some one else to occupy the floor uninterruptedly for five minutes, he will put me under great obligations. I say nothing about the obligation that he may, possibly inadvertently, perhaps unwillingly, render to the Committee of the Whole. [Laughter.]

Mr. BARRETT. Mr. Chairman——

Mr. BOUTELLE. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] is entitled to the floor.

Mr. BOUTELLE. I decline to be interrupted. A gentleman so full of parliamentary points as the gentleman from Massachusetts [Mr. BARRETT] ought to be able to know enough about usage and parliamentary law to keep his seat once in a while, and this is the once in a while that I desire him to do it.

If any gentleman on this committee thinks that I have erred in being impatient, or in failing to show a proper forbearance to the interruptions of the gentleman, I will try to make amends in some way in the future. I say that to-day there is a strong, pressing demand for a dry dock at League Island, and if the question were before the House and pertinent to the time, I should be desirous of making a strong argument in favor of it. There is no question before this committee as to whether we need dry docks for our ships.

The question, and the only question, before this committee is whether, among the multitudinous items of a great appropriation bill, a bill of greater magnitude than any that has been presented to the House since I have been a member, a bill carrying such large provisions for expenditures that, as I have said before, we have not recommended the needed new ships—the question is whether the Committee on Naval Affairs, who must have obtained some glimmering of knowledge on this subject while they have been groping around in the absence of the gentleman from Massachusetts [Mr. BARRETT], and have not deemed it necessary at this time to recommend the construction of any one of the additional dry docks that undoubtedly will be required in the future, shall be sustained, or whether this committee will encourage any gentleman from any section in forcing a factious obstruction of a great measure like this for the sake, as it finally turns out, of instituting a controversy as to whether a dry dock shall be built at one or another of the four or five points on the coast of the United States where they surely will be built when the exigencies of the case cause Congress to think it wise to make the appropriation. I ask this committee, in the interest of legislation, in the interest of orderly business, of going forward with this appropriation bill at this stage of the session, to vote for the amendment making this a proper kind of investigation, if any is to be had, and then to vote the whole proposition down.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ODELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BARRETT. Mr. Chairman, I renew the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I think it is my duty to say a few words upon this measure at this time, inasmuch as the navy-yard mentioned in my colleague's remarks is situated in my district. I think his amendment is a very proper one at this time, and one that the House ought to consider with great care. The navy-yard at Charlestown has been established for more than half a century, and its history is known all through the United States to-day. Last evening I was looking over one of the old magazines reading some matter with reference to the grand old frigate *Constitution*, contained in Niles's Register, August 24, 1833, and I find this reference to the Charlestown Navy-Yard. Speaking of the frigate *Constitution*, which is lying at Charlestown Navy-Yard, it says:

> As in the course of a few days the above noble ship will be hauled into the new and splendid dry dock which has recently been completed at the navy-yard, in the presence probably of the President of the United States, and many other distinguished officers of the Government, as well as of an immense concourse of our fellow citizens, and as every circumstance relative to the favorite ship will now be rendered doubly interesting, we propose to offer a brief history of her splendid and glorious career, part of which is from memory, having been present when she was launched, part from official documents, and part we have gleaned from the old newspapers of the day.
>
> The dry dock into which *Old Ironsides* is now about to be taken, as well as the one which has recently been completed at Norfolk, is undoubtedly one of the most splendid specimens of stone masonry to be found in the world.
>
> We have heard it spoken of by intelligent travelers, who have visited most of the naval station depots in Great Britain, France, and Russia, as by far surpassing anything of the sort they had ever before witnessed. Indeed, no expense has been spared by the Government to render these magnificent public works as complete and perfect in every respect as possible. They were planned and have been constructed under the superintending care of Col. Loammi Baldwin, a gentleman who, for skill and science, has no superior in the country.

I do not know, Mr. Chairman, what would be the feelings of the writer of that article if he were to visit that navy-yard to-day and gaze on the evidences of decay and neglect that it has received the past quarter of a century.

Now, Mr. Chairman, it seems to me, in justice to the people of the United States, that some definite action ought to be taken in regard to the Charlestown Navy-Yard. As is well known, it possesses an unrivaled water front and one of the most magnificent plants in the world. It is situated near the best artisans and mechanics in the whole United States, and yet to-day the greater part of this magnificent yard is in idleness and the grass growing within its streets.

I think it is very necessary; I think it very urgent; I think that this Government, in deference to the best interests of all the people of the whole United States, should investigate this matter; and if that plant is of no use to the Government, if the property can be made of no use to the Government, then the millions of dollars which are invested there and without employment should be turned into the Treasury of the United States when the property shall have been sold.

This plant in time of war would be of inestimable value to the Government. The governor and legislature of the Commonwealth of Massachusetts have taken official action in the matter and memorialized Congress time and again to arrange some definite plan in regard to this plant. The Chamber of Commerce, the Merchants' Association, and all the trade organizations of Boston and every city in our Commonwealth have petitioned members of Congress to bring this matter before the House of Representatives and Senate and have something done. I therefore hope, Mr. Chairman, that the amendment offered to this bill will be adopted. Although this amendment may not accord with the wishes of the Committee on Naval Affairs, I feel that the committee will recognize the justice of our demands and waive any objection they may have to this amendment. Mr. Chairman, Boston is the second largest port in this country to-day in the volume of business, as determined by her imports and exports, and, with the exception of New York, contributes more money to the revenues of this Government than any other city.

In times of danger from the enemies of the Government or in the hour of distress the people of Boston have been the first to contribute their means and support to the other portions of the Republic. It is not asking too much, then, Mr. Chairman, when the Representatives from that great city in this House plead for fair treatment at the hands of Congress.

Mr. BOUTELLE. I move to close debate on the pending amendment.

The CHAIRMAN. Debate upon the amendment is now closed.

Mr. BOUTELLE. Then I call for a vote.

The CHAIRMAN. The formal amendment of the gentleman from Maine is withdrawn and the question is on the amendment of the gentleman from Massachusetts [Mr. BARRETT], to which a substitute has been offered by the gentleman from California [Mr. HILBORN]. The question is first on the substitute.

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARRETT. Do I understand that the gentleman from Maine [Mr. BOUTELLE] intends to preclude all further discussion?

Mr. BOUTELLE. I do, under the rules of the House.

Mr. BARRETT. Well, the gentleman having interrupted me repeatedly, will he kindly allow me a moment to make a suggestion?

The CHAIRMAN. Debate is exhausted, and the question now is on the substitute offered for the amendment of the gentleman from Massachusetts.

Mr. SHAFROTH. Mr. Chairman, I ask that the amendment and the substitute be again read.

The amendment and the proposed substitute were read.

Mr. BOUTELLE. I hope the substitute will be adopted. Is it a substitute or an amendment?

The CHAIRMAN. It is a substitute.

Mr. BOUTELLE. Then I hope they will both be voted down.

Mr. BARRETT. Mr. Chairman, if the gentleman from Maine is going to shut me off from further debate, let him sit down and shut himself off also. [Laughter.]

Mr. BOUTELLE. I am chairman of the committee, and have certain privileges on this floor.

The question being taken on the substitute of Mr. HILBORN, it was rejected.

The question recurring on the amendment of Mr. BARRETT, the Chairman declared that the noes appeared to have it.

Mr. BARRETT asked for a division, but immediately withdrew the demand, and the amendment was rejected.

The Clerk read as follows:

> Navy-yard, Brooklyn, N. Y.: For quay wall, Whitney Basin, $18,000; dredging Wallabout Channel, $[illegible]; quay wall, Wallabout Channel, $10,000; coal shed for dry dock, $5,000; grading and sewering between dry dock and Clinton avenue, $10,000; grading and paving streets, $5,000; latrines, $15,000; addition to electric plant, $12,000; flushing culverts in causeway (to be immediately available), $25,000: *Provided*, That the Secretary of the Navy, after further investigation, shall be satisfied that the proposed plan for improving the sanitary conditions will be practicable and expedient; in all, $130,000.

Mr. BARRETT. Mr. Chairman, I move to strike out on page 18, in lines 10, 11, and 12, the words "flushing-culverts in causeway (to be immediately available), $25,000."

I wish to say, Mr. Chairman, that that item of $25,000 has been put in by the Committee on Naval Affairs, as I believe I am correctly informed, in order to provide a discharge for the sewage of the city of Brooklyn, and for no naval purpose whatever, and would therefore be subject to a point of order, which I do not propose to raise.

I do, however, wish to take a minute upon this amendment to pay my respects to the gentleman from Maine [Mr. BOUTELLE]. We have had quite a long wrangle here this morning, and the result is that the Committee on Naval Affairs, headed by the eloquent gentleman from Maine, aided by the gentleman from New

Hampshire [Mr. SULLOWAY] has carried its point and prevented any provision looking for a dry dock on the New England coast.

I do not think that when I have stood here yielding with pleasure to every member of the Committee on Naval Affairs who desired to interrupt me—and there were several of them who did interrupt me to ask questions or to make suggestions—when I stood here yielding, as I say, in every case to the members of that committee, not only courteously, but with at least the appearance of being glad to do it, I do think that it was in poor taste for the chairman of the Committee on Naval Affairs, when I wished to ask him a pertinent question, to refuse to yield to me and to move that all debate upon this paragraph be closed, in order to prevent me from making a statement which was essential to a full understanding of the facts.

Of course, I have no objection to the chairman of the Committee on Naval Affairs or any of the older members of this body having their own way in everything. [Laughter.] But I do claim, as a Representative on this floor, when a matter is under discussion in which my State is interested, that I have a right to present the facts in my own way with courtesy to members and to the House. I have always tried to do it agreeably and with proper appreciation of the facts involved, and if I make a mistake I cheerfully acknowledge it.

I wish it might be understood that hereafter, when members on the floor try to conduct themselves in the way I have indicated, no chairman of the Committee on Naval Affairs or any other gentleman, even though he may have been a member of this body for fourteen or for sixteen years, will find it either for his own pleasure or advantage to treat new members with less consideration than new members try to show to their experienced associates upon this floor.

The gentleman says he heard that I was going to delay the passage of this bill by making points of order. Now, I state deliberately that there are a great many items in this bill which, under the decisions of chairmen of the Committee of the Whole, are out of order and could not be kept in the bill for a moment—items of new legislation, for new projects, unheard of in any previous appropriation bill, and not in any way authorized by law—but I do not propose to raise points of order against them.

I am a believer in letting the House of Representatives, 357 men met here to represent the people of the United States, do business and make decent and proper appropriations without being throttled by appeals to narrow interpretations of the rules. [Applause.]

Therefore, though believing that this appropriation to complete the sewerage system of the city of Brooklyn is far from being in order on a naval appropriation bill, yet not for a moment wishing it to be understood that I would try to prevent this committee from exercising its judgment on matters of detail, I withdraw the amendment I have just offered, and say to the gentleman from Maine that I have no further objection to make to the passage of this bill. But I will welcome the day, and speed its coming, when this great body, endowed by the Constitution with the sole power of originating appropriation bills, will no longer bind itself down by rules which prevent its deliberate action on public questions.

Now, the members, if they want to really legislate for the country, outside the narrow ruts of routine, have to go to the Senate to get their matters considered on their merits. In that body, whatever its defects, members have retained the right of amendment and of debate.

Mr. BOUTELLE. Mr. Chairman, I hope the committee will now proceed with the public business.

The Clerk read as follows:

> Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds, steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $1,500,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to cause the necessary repairs and preservation of the U. S. S. *Hartford* or to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home: *Provided further*, That the balance of the appropriation under the act of July 26, 1894, "for the repair of the U. S. S. *Constitution*, now lying at the Portsmouth Navy Yard, in the State of New Hampshire, in order that it may be used as a training ship for the Naval Militia, $8,000," or such part thereof as may be required, is hereby made immediately available for such work as may be necessary for the proper care and preservation of that historic vessel.

Mr. FITZGERALD. Mr. Chairman, I sincerely trust that the provisions of the bill calling for the expenditure of $8,000 for the repair of the old frigate *Constitution*, so as to prevent her disintegration and decay, will receive the support of this body.

Some six or seven weeks ago I introduced a petition from the Massachusetts Historical Society, calling upon Congress to take some action to preserve this grand old hulk, and since that time I have been in receipt of letters and memorials from all parts of the country, praying that some action be taken by Congress to preserve this grand monument of our naval supremacy in the earlier days of the Republic. It is my privilege to represent in this House the district in which the *Constitution* was built, and I count among the happiest period of my boyhood the days I spent with my playmates in and around Constitution Wharf.

I was thus led from my childhood days, in company with the other boys born and reared in that neighborhood, to have the greatest regard and reverence for *Old Ironsides*, and it is a source of the greatest pride and satisfaction to me to stand upon the floor of this House as the Representative in Congress from that district and advocate legislation which will put this noble ship into such condition that she may continue for many years to be an inspiration to future generations. I think it may be proper at this time to give a short résumé of the history of this vessel.

The frigate *Constitution* was launched from Hart's shipyard, now Constitution Wharf, under the supervision of her builder, Colonel Claghorn, Saturday, October 21, 1797, at 15 minutes past 12 o'clock noon. It was a most auspicious occasion. The frigate descended from her ways with ease and dignity amid the booming of her cannon on the shore and the shouts of thousands of citizens assembled to watch the event.

She sailed on her first cruise Sunday, July 22, 1798, commanded by Capt. Samuel Nicholson, perfect in every detail, and manned, with very few exceptions, by native sons of Massachusetts. She was indeed an honor to the grand old Bay State, the embodiment of the strength, vigor, and manliness of the young Republic.

The *Constitution* returned from the first cruise in November, 1798, without any experiences. This was during the short war with the French Republic. Isaac Hull, who was to achieve such signal triumphs with her later, was a fourth lieutenant on her at this time.

In the war with Tripoli, under the command of the gallant Preble, the *Constitution* bore the brunt of the fighting, and in a single year, with the aid of noble Decatur and the smaller vessels, humbled the pride of the Barbary States, while the civilized world looked on in wonder, admiration, and respect. She remained in the waters of the Mediterranean till the commencement of the second war with Great Britain, June 18, 1812. In July, as the *Constitution* left New York for a long cruise, she was discovered and chased by a British squadron of five powerful vessels, under the command of Commodore Brooke. It was only by the most dauntless spirit and skillful maneuvering of the frigate that she managed to escape. For three days and three nights the squadron gave pursuit, and, had it been successful, the loss of such a fine frigate so early in the war would have had a moral influence impossible to estimate, and would have been an irreparable injury to the American Navy at that time. About a month after her escape the *Constitution* encountered the British fri[illegible] *Guerriere*, and after a terrific contest of over an hour totally dismasted her and gained a victory unequaled in its results, placing the United States in the front rank of naval powers—the queen of the seas.

It is impossible to describe the feelings of joy and pride that animated the American people when the news of the victory of the *Constitution* over the *Guerrière* was known. In Boston particularly the wildest excitement prevailed, and the people were frenzied with delight.

Boston being a shipbuilding town, it was the boast of her mechanics that in the event of war the "wooden walls of Columbia," as these frigates were called, would be the salvation of the Republic; and to think that one of their own Massachusetts vessels, built by Massachusetts shipwrights, manned by Massachusetts sailors, and commanded by a Massachusetts captain should capture and destroy one of the pets of the British navy was indeed a source of unbounded satisfaction.

On Monday, August 30, when the *Constitution* sailed up Boston Harbor, Captain Hull and his crew were accorded a magnificent ovation. The citizens, as in fact the whole country were wild with joy. A banquet was tendered to Captain Hull and his crew in historic Faneuil Hall. Speeches of a patriotic nature were made and a sword presented to Captain Hull. The other cities of the country also recognized the great victory in a public manner.

It is impossible at this late day to convey the great moral effect produced in America by this victory. So much had been written about British supremacy upon the seas that public opinion believed her invincible on that element. The world, in fact, accorded to England this high position. The victory can, in some measure, be appreciated by this statement, and the confidence which it inspired understood.

It is hardly necessary for me to go into further details of victories attained by *Old Ironsides;* how, under command of Capt. William Bainbridge, she captured the frigate *Java*, and with Capt. Charles Stewart she captured the *Picton* and three others; and under Capt. William B. Shubrick she captured the *Cyane* and the *Levant*, or recount the numerous merchantmen she captured. Suffice is it to state that exclusive of merchant vessels sent back by her to the United States, *Old Ironsides* in her actions with armed vessels of the English navy took 151 guns and upward of 900 prisoners, and killed or wounded 298 of the enemy; and the value of the property captured could not be estimated at less than $1,500,000. Where in the annals of the world can such a record be matched? Where are the achievements worthy of a place with those of the officers and men of *Old Ironsides?* Is it any wonder that long, loud, and mighty the cry goes up throughout the length and breadth of this fair land to preserve and perpetuate the dear old frigate *Constitution!*

Mr. Chairman, in closing, I wish to say as a representative of the grand old Commonwealth of Massachusetts that I am proud of the glorious record of this grand old ship, and speaking as one of her sons upon the floor of this House, I feel I voice the sentiments of her people when I express the hope that before another winter shall have dawned she will be resting here at the national capital, to be hereafter preserved as a naval museum for all time.

Massachusetts has occupied a most prominent part in the history of this country, and in every period of her history her sons can point with pride to the record of her achievements.

There is Plymouth Rock and Faneuil Hall, the Old South Church and the Old North Church, Lexington, Concord, and Bunker Hill, and the stories associated with these historic spots will live forever in the hearts of a grateful people.

Rich as is her soil with the deeds of patriotic citizens and soldiers, no less glory is hers by reason of the eminence attained by her sons in all the walks of life.

As poets she has given to the world Lowell, Longfellow, Holmes, Whittier, and O'Reilly; as historians Prescott, Parkman, Motley, and Bancroft; as writers Emerson and Hawthorne; as liberators Garrison, Phillips, and Andrew; as Revolutionary patriots Hancock, Adams, Otis, and Quincy; as statesmen and scholars Everett, Choate, Burlingame, Sumner, Wilson, and last but not least, the great expounder of the Constitution, one of America's greatest statesmen, Daniel Webster.

The old *Constitution*, or Old Ironsides, as she is better known, takes her place in this column of Massachusetts celebrities, and right well does she deserve one of the places of honor. In the naval history of the whole world are recorded no more daring deeds and no more worthy exploits than those participated in by the *Constitution* and her American sailors.

The Clerk read as follows:

> Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, and of the vessels authorized under this act, $[illegible]: *Provided*, That section 2 of the act entitled "An act to increase the naval establishment," approved August 3, 1886, be, and the same is hereby, amended so as to read as follows.

Mr. BOUTELLE. I desire to correct a typographical error. I move to amend by striking out in lines 23 and 24 the words "and of the vessels authorized under this act." Those words, which should have been struck out, were inadvertently left in by the printer.

The amendment was agreed to.

The Clerk read as follows:

> SEC. 2. That in the construction of all naval vessels the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy

Mr. CONNOLLY. Mr. Chairman, I wish to reserve a point of order against the paragraph just read. It appears to make a radical change in existing law. It proposes to amend a provision of law passed in 1886, prescribing exactly the kind of steel that must be used in the construction of our naval vessels.

Mr. BOUTELLE. I can explain this matter to the gentleman in a moment. In 1886 the act providing for the first steel cruisers was passed, making provision in detail for the letting of contracts, and also with reference to the character of the material, etc. Among other things, in order to insure that the material should be of high quality, it was provided that the steel of which the side plates of these ship was to be constructed should be of certain tensile strength and elongation. The provision was—

> That the vessels hereinbefore authorized to be constructed shall be built of steel of domestic manufacture having a tensile strength of not less than 60,000 pounds per square inch and an elongation in 8 inches of not less than 25 per cent.

In order to avoid falling below the requirement of tensile strength, and thereby having their steel rejected, the manufacturers, not being limited except in the minimum direction, made the steel, as a rule, of tensile strength considerably exceeding 60,000 pounds per square inch. The result was that a short time ago—I think at Newport News, where some of the plates have been received—when they were put into the machinery for bending the sharp angles cold, so as to be fitted for the use to which they were to be applied, it was found that the plates showed a tendency to brittleness; they were not sufficiently ductile; there was a tendency to crack on the surface. Examination showed that this was not the result of any failure to come up to the specifications; it was discovered that the requirements as to the quality of steel in regard to tensile strength had been the cause of this extreme brittleness. When the provision now in the law was made, the *Dolphin* was partially built, but our experience in the building of steel ships was very slight. Since that time it has been demonstrated that the character of the steel ought to vary somewhat with the purposes to which it is applied, and especially that this requirement of tensile strength ought to be modified in order to secure proper ductility. If it could have been kept down to 60,000 pounds to the inch, it probably would have been sufficiently ductile.

I will say right here that these experiences form the basis of one of the roorbacks which from time to time have filled the newspapers about the failure of something or other connected with the new Navy. There was a great hullabaloo made about the plates having been found defective, and it was claimed that that demonstrated that bad material had been put on the Government. The Department determined that the difficulty with those plates was their conformity to the specifications; that in the desire of the steel-plate makers to avoid having the inspectors throw out their product, they had run the maximum up too high and had made the plates brittle. The Secretary of the Navy, in a letter which I hardly think it necessary for me to read, has recommended that, in order to avoid those difficulties, that section may be amended in this form:

> That in the construction of all naval vessels the steel material shall be of domestic manufacture—

That is the same as the law now—

> and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

That seems to me to be a very desirable thing. We know now just what kind of steel we want for the different uses on board the ship, and this will enable the Secretary of the Navy, through the Ordnance Corps, to specify just exactly the qualities that shall be made for the different uses in the construction of a ship.

Mr. CONNOLLY. Mr. Chairman, with that explanation, it seems to me it is reasonable to make that change in the law.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk (proceeding with the reading of the bill) read as follows:

> Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1886; of those authorized by the act of July 19, 1892; of the vessels authorized by the act of March 3, 1893; of the three torpedo boats, act of July 26, 1894; of the vessels authorized under the act of March 2, 1895; of the vessels authorized by the act of June 10, 1896, and of the vessel authorized by this act, $7,229,780: *Provided*, That the total cost of the armor, according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $1,210,000, exclusive of the cost of transportation, ballistic test plates, and tests: *And provided further*, That no portion of this armor shall be purchased until it has all been contracted for: *And provided further*, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of these vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

Mr. BOUTELLE. I ask to strike out the words, in line 20, on page 47—

> And of the vessel authorized by this act.

Those words were inadvertently left in the copy sent to the Printing Office.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection, and the request was agreed to.

Mr. HARRISON. Mr. Chairman, in objecting on yesterday to the consideration of this bill without debate, I did so in order to ascertain whether or not the committee had adopted the recommendations made by the Secretary of the Navy in his able and exhaustive report to this Congress relative to the armor of the three vessels now being built, and if they had not done so, to insist upon an amendment. At that time I had not had an opportunity to examine the bill. Since then I have examined it closely, and I find that the committee have acted in accordance with the recommendations of the Secretary of the Navy, and by so doing have saved to the Government, in the armor of these three vessels alone, over one and one-quarter millions of dollars. I therefore have no amendment to offer, and shall give the bill my hearty support.

Mr. HALL. Mr. Chairman, it was upon this point that I reserved the time yesterday. I wish to indorse the statement made by the gentleman from Alabama [Mr. HARRISON] with reference to the changes that have been made.

In the Fifty-third Congress, the contracts for the hulls and machinery of the three battle ships now in stock having been made, but no contract having been made for the armor, a resolution was passed instructing the Secretary of the Navy to inquire as to the cost of armor plate. On that he made an exhaustive research and examination. He made investigation in the armor-plate works abroad, and after careful examination he recommended to the Naval Committee of both the House and the Senate that he, the

Secretary of the Navy, should be permitted to contract for armor plate at a sum not exceeding $400 per ton. There are altogether 3,025 tons yet to be supplied for the three vessels that are in stock, that were contracted for under the act of June 10, 1896.

Now there is a saving of $162 per ton, which the Secretary of the Navy has effected, to the United States Government. The average price under the old contract was $562 per ton, so that an average of $400 per ton will effect a saving of that amount. On these three vessels, as the gentleman from Alabama [Mr. HARRISON] states, a saving of over a million and a quarter of dollars will be made.

But there are other clauses in this bill which are equally important, carrying out the recommendations of the Secretary of the Navy upon this matter.

After providing, as we do in this bill, that the 3,025 tons shall not cost to exceed the sum of $3,210,000, which is at the rate of $400 a ton, there is this further provision:

> *And provided further*, That no portion of this armor shall be purchased until it has all been contracted for.

That gives additional power to the Secretary of the Navy, so as to prevent a contract being made for a part, and then the Government being forced to pay a higher price for the balance. Then there is this still further provision:

> *And provided further*, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

That permits the shipbuilder to contract for the construction of the ship and the armor plate when it is to the best interest of the country. I did not feel like letting this pass without stating that it shows upon the part of the Secretary of the Navy indefatigable work that has saved to the country as much as a million and a quarter on these three ships, and saved probably a greater amount in the future. I have no further remarks to make.

The CHAIRMAN. The Chair understands that the gentleman from Massachusetts withdraws his point of order against the provision on pages 15 and 16; and, without objection, those sections will be considered as agreed to.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Chairman, I desire to ask the chairman of the committee what is the amount of the outstanding liabilities, the contract liabilities, or the liabilities yet to be contracted for on account of the new Navy which have not yet been appropriated for?

Mr. BOUTELLE. Mr. Chairman, I will state, in reply to the gentleman from Missouri, that the committee have prepared the most comprehensive table on that point that has ever been published, and it will be found attached to the report.

Mr. Chairman, I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10336, and had directed him to report the same back to the House with amendments and with a favorable recommendation.

The amendments were read.

Mr. BOUTELLE. These are simply clerical errors, and I ask that the amendments be agreed to.

The SPEAKER. If no demand is made for a separate vote, the Chair will put the question on the amendments generally.

The amendments were agreed to.

Mr. BOUTELLE. I ask for the previous question on the bill as amended to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

METROPOLITAN RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I present a conference report.

The Clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 9647, "An act to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments of the Senate and agree to the same, amended so that the bill will read as follows:
>
> "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Metropolitan Railroad Company be, and it is hereby, authorized and required, within six months from the date of the approval of this act, to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said company is hereby authorized to issue and sell such an amount of its capital stock as will, at the market value thereof, cover the cost of constructing and equipment of the extension herein provided for."

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

JAMES McMILLAN,
J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

Mr. BABCOCK. There is a statement in connection with the report. I ask that the Clerk read the statement.

The statement of the House conferees was read, as follows:

> Statement to accompany the report of the conferees on the part of the House on House bill No. 9647.
>
> The effect of the amendments agreed upon by the conferees to the bill as it passed the House are as follows:
>
> First. To provide that the stock issued for the construction of the extension as provided in the bill shall be sold at its market value.
>
> Second. To eliminate entirely from the bill the provision for the issue of stock to take up $250,000 of outstanding certificates of indebtedness.

Mr. BABCOCK. I ask for the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

WIDOW OF LATE SAMUEL F. MILLER, JUSTICE OF SUPREME COURT.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1582) to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died.

The bill was read at length.

Mr. POWERS. Mr. Speaker, the report in this case is very short, and I ask to have it read.

Mr DOCKERY. Mr. Speaker——

The SPEAKER. The gentleman from Vermont asks unanimous consent for the present consideration of the bill.

Mr. DOCKERY. This bill contemplates the inauguration of a civil pension list, Mr. Speaker, and, although I do so with great regret, I shall be compelled to interpose an objection.

Mr. POWERS. I hope the gentleman will not insist on his objection until the report is read.

The SPEAKER. The gentleman from Missouri objects.

Mr. DOCKERY. I have no objection to the reading of the report.

The SPEAKER. The gentleman from Missouri objects.

MONTGOMERY, HAYNEVILLE AND CAMDEN RAILROAD COMPANY.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama, which is identical with the House bill.

The House bill was read at length.

Mr. SHERMAN. Mr. Speaker, this bill is identical with the Senate bill. The House bill has already been favorably reported by the committee, and I ask that the House bill lie on the table and the Senate bill pass.

The SPEAKER. The gentleman from New York asks unanimous consent to take up the bill S. 3718, which has been read in substance, although the House bill has been read. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia.

HIRAM SANTAS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2877) granting a pension to Hiram Santas.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place the name of Hiram Santas, late a private of Company G, Nineteenth Wisconsin Volunteer Infantry, upon the pension roll at the rate of $8 per month.

Mr. BABCOCK. Mr. Speaker, I now ask for the reading of the report.

The report (by Mr. THOMAS) was read, as follows:

> The Committee on Invalid Pensions, having had under consideration Senate bill 2877, adopt as their own the following language, which they quote from the Senate report, and recommend the passage of the bill:
>
> "This soldier served from January 30, 1864, to the end of the war, being discharged on the 16th of May, 1865. He served in the Army of the Potomac, and there contracted sickness which sent him for a time to hospital. The

Pension Office rejected his claim on the ground that he had no ratable disability. Notwithstanding, the examining surgeons have several times found disability, and so reported. He suffers somewhat from deafness, shown to be the result of the trouble contracted in the service. He has also plainly shown distinct rheumatic disorders, rated by the surgeons as four-eighteenths. Also from a broken arm, having motion but two thirds normal. He has lost three fingers from the hand, and from both these causes is rated as disabled by the board.

"The committee find his disabilities clearly proved; that he served meritoriously, and is entitled to recognition."

Mr. MILES. Mr. Speaker, that is a very meager report. I would like to hear a statement from the gentleman presenting the bill.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to this bill that it passed the Senate some time ago, and has since been considered and favorably reported by the House committee. It is the Senate report that has just been read. The bill as originally introduced gave $20 a month, but as the report states, the amount has been reduced to $8, and the report sets forth the record of the soldier.

Mr. MILES. The report states that his application was rejected at the Pension Office: when was that?

Mr. BABCOCK. I am unable to give the date.

Mr. MILES. The report also fails to state this man's service in the late war.

Mr. BABCOCK. I beg pardon: the report states that fully.

Mr. MILES. I think it does not state how long he served.

Mr. BABCOCK. Yes: from the beginning of 1861 to the close of the war. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 2561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, was taken from the Speaker's table and referred to the Committee on Military Affairs.

CAROLINE WILKINSON.

Mr. ELLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Wilkinson, of Chesterfield County, Va., the daughter of John Spears, a soldier in the Revolutionary war, who enlisted from Virginia, and pay her a pension of $12 per month.

Mr. BLUE. Mr. Speaker, I would like to hear the report in that case.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1513) entitled "A bill granting a pension to Caroline Wilkinson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The claimant is the daughter of John Spears, who served as a private for fifteen months in the regiment commanded by Colonel Goode, Virginia Line, war of the Revolution. The service is a matter of record, and he was a pensioner on account of same until his death, in 1842. His widow, Susanna Spears, was also a pensioner until her death.

Mrs. Wilkinson, the claimant, is a widow 75 years old, in indigent circumstances, and dependent upon others for support.

The relationship of the claimant to the soldier is shown by the sworn statements of John S. Sims, William Phaup, and other aged citizens of Chesterfield County, Va.

The claimant resides at Pilkinton, Chesterfield County, Va.

There are several precedents for the proposed legislation, and in view of the claimant's great age and dependent circumstances, your committee believe that such precedents may very properly be followed in this case.

Mr. BLUE. Do I understand that this "dependent daughter" is 75 years of age, and that her father died in 1842? If so, I object.

BENJAMIN F. HOWLAND.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1565) granting a pension to Benjamin F. Howland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Howland, late of the whale ship *Edward*, Mexican war.

Mr. MILNES. Mr. Speaker, let us have the report in that case.

The Senate report (by Mr. SHOUP) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1565) granting a pension to Benjamin F. Howland, have examined the same and report:

The claimant made application for pension under the Mexican war service pension act of January 29, 1887, alleging that he enlisted in the United States service at St. Joseph, Gulf of California, in 1846, as a sailor on the ship *Edward*, commanded by Capt. John S. Barker. His claim was rejected in the Pension Bureau on the ground that the records fail to show that he was enlisted in the naval or military service of the United States.

The beneficiary is one of the survivors of the crew of the ship *Edward*, several of whom have been pensioned by special act of Congress, notably Charles H. Perry, June 20, 1890, and George James, February 28, 1891; and the widow of Charles Peirce, August 9, 1894.

The following extract from the report of the Committee on Pensions in the House of Representatives, Fifty-first Congress, first session, in the case of Charles H. Perry, above mentioned, contains the data relative to the service rendered the Government by the crew of the ship *Edward*:

"The claimant made application to the Pension Bureau March 24, 1887, for a pension under the Mexican war service act of January 29, 1887, declaring that while serving as fourth mate on the United States whaling ship *Edward*, commanded by Capt. John S. Barker, the ship touched the shores of Mexico, at a place called San Joseph, where they were spoken by a trading sloop to go to the rescue of the garrison at said place, which was in the possession of our American troops (28 men), but which was surrounded by several hundred Mexicans, cutting off the water front.

"The whaling ship *Magnolia* dropped anchor near the *Edward*, and at the request of the garrison the forces of the two ships were combined, making a force of about sixty men, who landed, drove the enemy back, and remained there until the U. S. ship *Relief* relieved them. In order to perform the service above named, the ships *Edward* and *Magnolia* were left in charge of two men each, and the landing force marched 1½ miles to reach the garrison. After relief came, the ship *Edward* took dispatches to Commodore Shubrick, who was stationed at Matzland with the squadron. Commodore Shubrick returned thanks in behalf of the Government for the service rendered by the *Edward* on that occasion, and at his request the *Edward* carried fixed ammunition, shells, etc., back to the garrison.

"The official report of the United States Fish Commission for 1875-76 contains, at the bottom of page 113, the following statement:

"'The London Mercantile Gazette of October 22, 1852, said: "The number of American ships engaged in the Southern whale fisheries alone would of themselves be nearly sufficient to man any ordinary fleet of ships of war which that country might require to send to sea. Instances are not wanting, indeed, where whalemen have undertaken yeoman service for their country. Thus in November, 1846, Captain Simmons, of the *Magnolia*, and Capt. John E. Barker, of the *Edward*, both of New Bedford, hearing that the garrison of San Jose, Lower California, was in imminent danger, landed their crews and marched to its relief, etc."'

"On page 421 of the same volume a table showing returns of whaling vessels sailing from American ports has a marginal note mentioning the fact that Captain Barker, of the *Edward*, marched with his crew to the relief of the garrison of San Jose in 1846.

"Your committee believe, however, that, in view of the service rendered by which the garrison of San Jose and the lives of more than a score of men were probably saved to the Government, the claim is an exceptionally meritorious one, and should be so recognized by the passage of the bill."

In a letter from the collector of customs at the port of New Bedford, Mass., he states: "Upon examination of the original crew list of bark *Edward*, of this port, which cleared July 14, 1845, on a whaling voyage, the name of Benjamin F. Howland appears, and is thus described: 'Benjamin F. Howland, born in New Bedford, Mass.; aged 17 years; 5 feet 5 inches in height; light complexion; brown hair.'"

The claimant is 68 years of age, and from the affidavits of two of his neighbors it appears that he is suffering from rheumatism and disease of the kidneys and bowels.

In view of the precedents established by pensioning the survivors above referred to, and pensioning the widow of a member of the crew, your committee believe that the relief prayed for should be granted, and the passage of the bill is therefore recommended.

Mr. MILES. Mr. Speaker, do I understand that report to say there is no record in the War Department of this man's service?

The SPEAKER. That is what the report says.

Mr. MILES. I object.

COL. JAMES LINDSAY.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3331) to pension Col. James Lindsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause the name of Col. James Lindsay to be placed upon the pension roll of the United States, and to pay him a pension at the rate of $30 per month, to date from the filing of his application No. 855897.

Mr. TRACEY. Now, Mr. Speaker, I ask that the report be read; and I state that I am satisfied that if the report is listened to attentively it will be found to set out the facts of this case fully and clearly, so that every member can understand them.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3331) to pension Col. James Lindsay, having carefully examined and considered the facts presented, respectfully report:

At the outbreak of the war of the rebellion Col. James Lindsay took an active part in recruiting the First, Sixth, and Eighth Missouri Infantry Volunteers, and early in 1862 recruited and organized the Sixty-eighth Enrolled Missouri Militia, of which he was appointed colonel, and served as such during the years 1862 and 1863. He had manufactured, bought, and paid $574.35 for a battery of three guns, which were used with his regiment, the equipments being furnished by Colonel Lindsay at his own expense, and these were turned over to the Government and were afterwards paid for by special act of Congress. In 1864 he was stripped of nearly his entire worldly possessions, amounting to about $30,000, by Confederates under Gen. Sterling Price.

On July 22, 1890, he filed claim for pension under the act of June 27, 1890 (No. 855897), and in the medical examination had by the Pension Bureau he was rated at twelve-thirtieths for old age and six-eighteenths for catarrh, and the board say "is totally disabled from pensionable and other causes."

Colonel Lindsay was 82 years of age on January 11, 1896; was a good soldier during the war, participated in several engagements, captured a large number of the enemy, with horses, arms, ammunition, and stores at Bloomfield, Mo., on January 27, 1863, and lost his property by reason of his affiliation with and support of the Union cause, and now, in his old age, is left feeble and destitute; and your committee therefore recommend the passage of the bill after being amended by striking out the word "cause," in line 4, and inserting the word "place" in lieu thereof; also by striking out the words "to be placed," following the word "Lindsay," in line 5, and inserting in lieu thereof the words "late of the Sixty-eighth Regiment Enrolled Missouri Militia," and by striking out all of the printed bill after the word "month," in line 7.

Mr. TRACEY. Now, Mr. Speaker, I ask that the general order of General Carr, which I send to the desk, may be read.

The order was read, as follows:

[General Orders, No. 4.]

HEADQUARTERS, ST. LOUIS, DISTRICT OF MISSOURI,
St. Louis, February 2, 1863.

The brigadier-general commanding the district has heard with pleasure of the affair of the 27th ultimo, in which Colonel Lindsay, Sixty-eighth Regiment Enrolled Missouri Militia, with about 250 of his men and 2 small pieces of artillery, provided at private expense, dashed into the town of Bloomfield, Mo., capturing a large number of the enemy, with their horses, equipments arms, and stores, thus completely routing and breaking up the troublesome band of guerrillas which have for a long time infested that neighborhood.

The officers and men of the Sixty-eighth Regiment Enrolled Missouri Militia engaged in this affair have the thanks of the brigadier-general commanding, and he hopes their example, when occasion requires, will be emulated not only by the Enrolled Missouri Militia, but by all the troops in his command.

By command Brigadier-General Carr.

R. M. ELLIOTT,
Lieutenant and Acting Aid-de-Camp.

COL. JAMES LINDSAY,
615 New Jersey Avenue NW., Washington, D. C.

Mr. BAILEY. Mr. Speaker, was the beneficiary of this bill wounded in any engagement?

Mr. TRACEY. I do not know that he was.

Mr. BAILEY. He seems not to have been regularly in the service.

Mr. TRACEY. The beneficiary of this bill is now in his eighty-fourth year. He was not in the regular service of the United States in the sense of having been mustered into the Volunteer Union Army, but he and his regiment did two years' hard, active service in the State of Missouri, as hard and as efficient as that of any of the soldiers of the Union Army.

Mr. BAILEY. In one engagement?

Mr. TRACEY. Oh, no; he was in many engagements. I have called attention to this particular one because there is an order of the commanding general, which has just been read, not only approving but commending the conduct of this colonel and his regiment on that particular occasion. Colonel Lindsay was in constant active service, however, for a period of two years, besides having assisted very materially in organizing three regiments of infantry.

Mr. BAILEY. How much does the bill involve?

Mr. TRACEY. Thirty dollars a month.

Mr. BAILEY. For how long a period—from this time on?

Mr. TRACEY. From this time on—simply from the passage of the bill.

Mr. BAILEY. I think that is too much for a militiaman, but——

Mr. ELLETT. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. BLUE. I call for the regular order.

The SPEAKER. The regular order is called for. The Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

ORDER OF BUSINESS.

The SPEAKER. The business on the Speaker's table having been finished, the Clerk will call the committees.

Mr. PAYNE moved that the House adjourn, but withdrew the motion.

The Clerk then proceeded with the call of committees.

APPOINTMENT OF TERRITORIAL OFFICERS.

Mr. BRODERICK (when the Committee on the Judiciary was called). I call up the bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 1858 of the Revised Statutes of the United States be hereby amended so as to read as follows:

"SEC. 1858. In any of the Territories, whenever a vacancy happens from death, resignation, or removal, during the recess of the legislative council, in any office which, under the organic act and laws of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by appointment, and shall grant and issue a commission to the officer so appointed, which shall expire at the end of the next session of the legislative council; and the governor shall have power to remove all officers appointed by him, either when said officers have been appointed by and with the consent of the council or have been appointed during the recess of the legislative council or have been appointed during the recess of the legislative council, as is in this section provided."

The amendment reported by the Committee on the Judiciary was read, as follows:

On page 2, after the word "him," in line 15, insert "or his predecessors."

Mr. BRODERICK. I yield to the gentleman from Arizona [Mr. MURPHY].

Mr. MURPHY of Arizona. Mr. Speaker, in explanation of this bill I have this to say: Section 1857 of the Revised Statutes defines the officers who may be appointed by the governor, and excepts from those appointments the district and county officers, leaving to him the appointment of Territorial officers. Section 1858 provides how vacancies caused by death or resignation may be filled, but leaves out of the question the matter of creating a vacancy by removal. Section 1859 defines how officers in the Territories may hold office. I suppose that section intended that the Territorial legislatures might provide for the election of all officers not appointed by the President; but it has not been construed in that way. Therefore in the Territory of Arizona, and, as I understand, in the Territory of New Mexico, a great deal of confusion has arisen concerning the power of the governor to remove Territorial officers appointed by himself or by his predecessor, when a change of administration occurs.

Up to eight years ago no question on this subject had ever arisen in the Territory of Arizona. If a Republican governor were appointed by the President and went to that Territory, and a Democratic legislature was in control, he appointed his officers, the members of his immediate political family, and they were at once confirmed by the council in the same way that the appointees of the President are confirmed by the Senate. But eight years ago some difficulty arose. There was at the time a Democratic incumbent in office. Mr. Harrison was elected President, and the Republican governor not getting there before the legislature lapsed by limitation as alleged, the Democratic incumbent sent to the council appointments and they were not confirmed. After the Republican governor reached there, the legislature having held over, the names of the appointees of the Republican governor were sent to the council and these appointees confirmed. But the Democrats claimed that the legislature having lapsed by limitation, that action was illegal; and although the appointments had been confirmed, the officers previously appointed held over on the ground that the new appointees were confirmed by an illegal body.

Very much litigation and trouble was thus occasioned, and it took two years to effect a change in those Territorial offices, at great expense to the Territory, the result being in some cases double payments for the performance of the same duties, payments being made not only to the de facto officers, but also to the de jure officers. A Democratic legislature coming into power and recognizing the propriety of the chief executive naming the members of his own political family, passed immediately an act giving the governor the power of removal; a Republican governor signed that act, and his appointees were confirmed by a Democratic legislature and everything was peacefully settled.

Now the condition is changed. A Democratic legislature is in control; a Democratic governor is in office; and not long ago he sent to the council nominations of all the old appointees, some of them having already held office four years. The council passed an act taking away from the governor the power of removal and fixing the tenure of office arbitrarily at two years; and the council confirmed the appointees of that Democratic governor.

Now, the leading Democratic papers of the Territories are opposed to that action, saying that Democrats can not stand on a record like that, because they corrected the evil in the first place, and to continue it now is against Democratic principles. But the simple fact of the case is that when the governor appointed by the new Administration goes to Arizona to be responsible for the conduct of the government there, he will find himself stripped of even the power of appointing his own political advisers—the attorney-general, the treasurer, the auditor, etc. When the administration changes and the responsibility changes, the access to the books which should be reached by the proper officers of the Territory will be barred by that kind of procedure.

I believe the intent of the statute has always been to confer upon the governor the appointing power, and also the power of removal; and it has been so held by the supreme court in New Mexico. But in order to relieve the existing ambiguity and to forever estop these men from juggling with political offices, and also to secure proper political responsibility in the Territories, it has been deemed best to amend section 1858 of the Revised Statutes, giving the governor the power to remove the officers appointed by him or his immediate predecessor if a change in the administration occurs. That is a plain, simple statement of the case. Some say that the object of this movement is political advantage. That is a misrepresentation. It is to prevent the carrying out of a purpose which seeks to accomplish a partisan advantage by an act of bad faith. This measure does not seek a political advantage; it is in the interest of good government in whatever way we may look at it.

Mr. DOCKERY. What committee has reported this bill?

Mr. MURPHY of Arizona. The Judiciary Committee.

Mr. DOCKERY. Unanimously?

Mr. MURPHY of Arizona. I do not know.

Mr. BRODERICK. It was understood that certain members of the committee reserved the right to say what they choose and act as they choose when the bill should come before the House.

Mr. BAILEY. Has the gentleman from Arizona [Mr. MURPHY] concluded?

Mr. BRODERICK. Does the gentleman from Texas [Mr. BAILEY] desire to say something in opposition to the bill? I should like to fix, if possible, a limit to the discussion.

Mr. BAILEY. The gentleman from Mississippi [Mr. ALLEN] desires to be heard.

Mr. ALLEN of Mississippi. This was a legislature elected by the people of Arizona that fixed this rule?

Mr. MURPHY of Arizona. Yes.

Mr. ALLEN of Mississippi. Elected by the people of Arizona?

Mr. MURPHY of Arizona. Yes.

Mr. ALLEN of Mississippi. And the representatives of the people fixed this rule?

Mr. MURPHY of Arizona. The members of the legislature, yes; and they fixed the other also.

Mr. ALLEN of Mississippi. Is not this a sort of reflection upon the public sentiment of the Territory?

Mr. MURPHY of Arizona. Not necessarily. It is mostly a reflection upon the people who have the loaves and fishes and desire to retain them.

Mr. ALLEN of Mississippi. More a reflection upon the people of the Territory who elected the representatives.

Mr. MURPHY of Arizona. No, not necessarily.

Mr. BRODERICK. Can we arrange for the closing of the debate?

Mr. BAILEY. As far as I am concerned, I only desire to say a few words, and five or ten minutes will suffice. Did the gentleman from Kansas [Mr. BRODERICK] reserve the remainder of his time?

Mr. BRODERICK. I did.

Mr. BAILEY. Then I wish to be recognized in my own right.

The SPEAKER. The gentleman from Texas.

Mr. BAILEY. Mr. Speaker, I do not need to say any more than has been said by the gentleman from Arizona [Mr. MURPHY] in order to indicate to the House that this is purely a partisan measure. The purpose of it is to enable the governor of Arizona, soon to be appointed by the incoming Administration, to remove the Territorial officials, who are entitled under the existing Territorial law to something like two years of further service. It would be well for the House to reflect that this is a proposition to appeal to Congress to supersede a law of the Territory which the Territorial legislature unquestionably had the power to pass.

The gentleman from Arizona [Mr. MURPHY] might well restrain the greed of his partisans for two years. They would be appointed for two years, and then for two years again, because their first two years must expire within the first two years of Mr. McKinley's Administration, and then his governor would be permitted, under the regular and orderly procedure, to reappoint them. Therefore, if the incoming Administration respected the Territorial law, as we now ask you to do, your officials under a Republican Administration would hold four years, and under this bill they will only hold four years.

Mr. MURPHY of Arizona. I want to make a statement for the purpose of correcting you there. The majority of these officers have already held for four years, and in holding two years more they will have held for six years, and if the legislature should be antagonistic to the governor, they would hold indefinitely. We want to correct this state of affairs.

Mr. BAILEY. You appeal to Congress against the will of the legislature elected by the people of Arizona.

Mr. MURPHY of Arizona. Not necessarily.

Mr. BAILEY. Why not leave it to them, then?

Mr. MURPHY of Arizona. Why not let it remain as it originally was? The legislature which originally passed it recognized the eminent propriety of conferring the power which they did.

Mr. BAILEY. Then we are justified in saying that the people of Arizona thought they originally made a mistake, and they corrected it, or their representatives did. Now, it may be true enough that there was some partisan advantage sought, but why does not the gentleman from Arizona settle that with his partisan opponents in that Territory?

Mr. MURPHY of Arizona. It has been settled. This is an extreme and an arbitrary advantage, and the fault lies in the Federal statutes. The Federal jurisdiction is extended over the Territories, and I believe the intent of the statute was to place the power of removal where the responsibility rested, and this is simply to remove the ambiguity of the statute.

Mr. BAILEY. The gentleman most egregiously errs. The truth is that every intendment of the law ought to be in favor of a man holding for the time for which he has been appointed.

Mr. MURPHY of Arizona. They have already done that.

Mr. BAILEY. The arbitrary power of removal is a dangerous one, and it will come back to plague any man or any party that constantly invokes it. If you appeal from the people of Arizona to the Congress here, which can have no such interest in it as the people immediately concerned have, then, sir, how do you escape or hope to escape from similar partisan appeals when, in the course of events, your party, having disappointed the country, is driven out, as ours was?

Mr. MURPHY of Arizona. I want to say to the gentleman from Texas that this was not an issue before the people in the last election. The law at that time permitted removals, and the people had passed upon that issue, and the present officials arbitrarily exercising that power, the people now desire relief.

Mr. BAILEY. Then, Mr. Speaker, the plain answer is that if these men have disregarded the will of the people, and if the matter is important enough to invoke the intervention of Congress, it is important enough to be made an issue in your coming elections, and you can remedy it there.

Mr. MURPHY of Arizona. After these gentlemen have held six years, when they were only entitled to two.

Mr. BAILEY. Ah! but the gentleman is mistaken. They are entitled to serve two years from their last appointment.

Mr. MURPHY of Arizona. But they have already served four years.

Mr. BAILEY. They did that under the law, and your lawmaking power says that the governor's appointees shall serve two years thereafter without the power to remove them. It makes no difference whether the governor has appointed the same gentlemen who formerly filled those offices or whether he has appointed different gentlemen. His appointees under the law are entitled to undisturbed service for two years. You admit that without the passage of this law they will serve two years, and it is the sole and only purpose of this bill to enable the new appointee of the incoming President to remove these gentlemen, and you boldly avow that.

Mr. MURPHY of Arizona. And will not you boldly support the proposition that there has been an arbitrary change of law to retain them there?

Mr. BAILEY. I support the proposition of obeying the law and leaving it to the properly constituted authorities to correct whatever injustice has been practiced.

Mr. MURPHY of Arizona. And Congress is that authority.

Mr. BAILEY. I can not suffer the gentleman to inject a sentence at the conclusion of every one of mine. Mr. Speaker, I sympathize with the Republicans. The 4th of March brings them face to face with 350,000 office seekers and with less than 60,000 offices to fill. Four years ago we knew something about that kind of a trouble ourselves. You, being secure from its vexations, laughed at our embarrassment. It is our time to laugh at yours. You have no more opportunity to escape the wrath of the disappointed office seekers in the next Congressional elections than we had to escape the wrath of the American people against the maladministration of the outgoing President.

Mr. STEELE. I understand that you justify that legislature in hogging the offices and the President in extending the civil service to most of the offices. [Laughter and applause on the Republican side.]

Mr. BAILEY. "Hogging" is a good word. I am glad to know that it is to have a place in the RECORD.

Now, Mr. Speaker, I do not justify that. This is a question, however, that the Republicans of Arizona ought to settle with the Democrats of Arizona. They have the power to elect their legislature and their council, and if their legislature or council betrays a public trust, there is a power of public judgment to which they may appeal, and that is the forum in which to settle the matter. What I protest against is that Arizona politics should be brought to Washington, and that from the judgment of the people there an appeal shall be prosecuted to partisan greed here.

Mr. MURPHY of Arizona. I beg your pardon. The issue has not been before the people there.

Mr. BAILEY. Then submit it to the people; and I have confidence enough in the intelligence of the people of Arizona to believe that they will set it right, although I do not blame the gentleman himself for distrusting their intelligence, since they did not have the good judgment to return my friend to Congress. [Laughter.]

Mr. MURPHY of Arizona. I was not a candidate for reelection.

Mr. DOCKERY. I understand the gentleman from Texas simply insists upon the right of local self-government.

Mr. BAILEY. Precisely so. It is not a question with me whether they were right or wrong. I propose to leave that question to the people of Arizona themselves. I have no special desire to deprive the Republican party of these few places, and I will say to the gentleman from Arizona that the more patronage his party has the greater will be its embarrassments. Patronage is a disadvantage to parties and to individuals. I have been so deeply impressed with this belief that since I have been a member of this House I have proposed more than once to relieve the members of this House from the distribution of patronage, for I believe there is no greater curse upon Congressional service to-day than the constant annoyance to which we are subjected in seeking offices for our friends and constituents.

I believe, sir, that the Constitution makers were wise when they lodged these appointments in the executive department of the Government, subject only to the advice and consent of the Senate. They provided that as to inferior officers Congress might lodge the appointments in the heads of Departments or in the courts of law, but nowhere was there any suggestion that members of Congress might become responsible for their distribution. Appointment to office is purely an executive function, and ought never to be a part of a legislator's duty. It has been the experience of almost every man in this Hall to see the appointment of a fourth-class postmaster more potent in the renomination and reelection of a member than his position upon a great public question.

You gentlemen can calculate that every post-office appointment in every district in this country where the parties are at all closely divided will cost you not less than from five to ten votes. There are fifty or sixty districts where the normal majority is less than a thousand, and in almost every one of those districts the disappointed applicants for office and their friends will be sufficient to reverse the verdict given in your favor at the last election. For the last eight years, at the Congressional election succeeding the election of a President, the party in power has met defeat. You will not escape it next year, and it would be to our advantage to multiply these offices, because the more of them there are the more bitter will be your struggle and disappointment over them. I know that patronage is not to your advantage. On the contrary, I know, and every gentleman who sits within the sound of my voice knows, that it is to your disadvantage. First, it is a disadvantage to you gentlemen in your Congressional primaries, and, next, it is a disadvantage to your party in the Congressional elections.

Mr. Speaker, I have never been able to see any reason why members of this House should desire to control these offices. It either breeds a sense of dependence on the part of the Representative toward the Administration, or, if it does not do that, it constantly provokes conflicts, for there is nothing more certain than that whoever has influence with the Administration must permit the Administration to have influence with him. Whenever a self-respecting Representative defies the Administration, he will find in the nature of things the Administration discriminating against his friends. I undertake to say that, with the rare exception of bitter divisions on great public questions, more animosities have been engendered between the executive and the legislative branches of the Government by controversies growing out of the single question of patronage than by all other questions combined.

It was a quarrel over the distribution of patronage that drove from the Senate the most brilliant man who has occupied a seat in that body from the great State of New York in thirty years. It was the heat of that quarrel that inflamed the mind of a madman to shoot down a great President. Members of this body have been alienated from personal friends in their own State delegations by controversies growing out of the question as to who should control appointments. These offices are a very apple of discord, and if we sought party advantage we would multiply these appointments, because we would thus aggravate the divisions among you and render it the more certain that the Democratic party will displace, in the next Congressional election, the Republican majority that now dominates this House.

Mr. Speaker, I reserve the balance of my time.

Mr. BRODERICK. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. CATRON].

Mr. CATRON. Mr. Speaker, the Territory of New Mexico is not situated exactly the same as the Territory of Arizona in regard to the effect of this bill. The law in the Territory of New Mexico has been that the governor has the power, under the organic act of the Territory, to make certain appointments, and, under the laws of the Territory, he has power to make certain other appointments with the provision that his appointees shall hold their positions until their successors are appointed and qualified. One would have supposed, considering the decisions of the Supreme Court of the United States upon that subject, that no governor would have the power to remove; but the governor of the Territory of New Mexico has found that, in certain contingencies and for certain reasons—strained contingencies and strained reasons, as he has assigned them—he has the power to remove. But the governor of New Mexico and the governor of every other Territory are appointed by the President. The supreme court and all the judges of the nisi prius courts are appointed by the President. The secretary of the Territory is appointed by the President. The people have no hearing. They have no privilege to select their officers, except the begging privilege to ask for certain appointments.

It has been suggested here that the gentleman who has just taken his seat [Mr. BAILEY] is in favor of local self-government. Give us local self-government and we will be satisfied. It is because the governor, in the appointment of whom we have no voice; it is because the secretary, in the appointment of whom we have no voice; it is because the judges, in the appointment of whom we have no voice, are appointed without our consent and frequently from outside, that we complain. Men have been sent there contrary to the declarations of principle of both political parties—men who are residents of the various States. Both parties have declared in favor of local self-government as far as possible, yet the President of the United States—not only the one now in the White House, but his predecessor, and the predecessor of that one, have, each of them, violated the principle laid down by their political parties and have sent men to govern us who had no connection with the Territory, who were brought from beyond the limits of the Territory, or who were appointed contrary to our wish. If we could have local self-government in New Mexico we would be satisfied.

At the last election, although the Republican Delegate was not returned, a majority of the people voted for a majority of Republicans and elected them to the legislature. In the lower house there was a majority, in the upper house a tie. The governor of the Territory of New Mexico has a tie in the present legislature. Two years ago the Republican party elected a two-thirds majority in each one of those bodies. But the secretary of the Territory (who had been appointed by the present Executive of the Federal Government), taking advantage of the power given by Congress to him, and to him alone, to administer the oath of office to members of the legislative assembly, swore in a majority of Democrats in each branch of the legislature, regardless of the certificates of election, regardless of Territorial law, and regardless of the rights of those people. You tell us that we must leave these matters to the people, and then you send a man there backed by a law which takes away from us the power to control these matters. Had we possessed the control of that legislature, there would have been no complaint here, because they never would have passed certain laws which are now on the statutes.

We ask that the present bill may pass in order that the governors of the various Territories may appoint their own executive officers, the officers who are to assist them in administering the law. By the organic act it is provided that the governor of each Territory shall see that the laws are executed. How is he to see that the laws are executed if you take away from him the right to designate the persons who are to execute the law under him? In our Territory we have a majority of the legislature on joint ballot, but there is a tie in the council; so that we are not able to control the appointees of the governor. Consequently his appointees will hold over. They have succeeded in getting appointed there a court which sustains him in making removals throughout that Territory. We Republicans did not believe he had the power; but the Democratic supreme court of that Territory says that he does possess it; that he may exercise the power of removal. And so far as I am concerned, Mr. Speaker, I believe that we will in that Territory of New Mexico avail ourselves of the construction which the Democratic supreme court has placed upon our laws, if we can get a governor who will appoint his own friends, and of proper capacity to fill the offices.

We ask the passage of this bill, however, because it is right. We do not want any forced construction of the statutes of that Territory or the statutes of the United States. We want such a construction placed upon them as we can stand by from year to year. But if you send there as judges only men who are appointed for political reasons—broken-down political hacks—persons who reside in the State of Virginia or the State of New York or any other State, and who are sent among us simply for political reasons, you must expect them to carry out the law for political purposes.

[Here the hammer fell.]

Mr. BRODERICK. I yield five minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, I have heard the speech of the gentleman from Texas [Mr. BAILEY] with a great deal of admiration. I am candid in saying that I believe it is the most wonderful appeal he has made to this House since I have had the honor of being a member. But, Mr. Speaker and gentlemen of the House, this appeal comes a little too late. If votes have been curtailed from certain gentlemen in certain districts during the last four years, I can account in a large measure for a part of what we now see. In my Territory alone there have been "carpetbaggers" enough sent in to hold the offices, who, had they voted in the districts from which they were sent, would doubtless have helped to swell the Democratic majorities. In the Territory of Oklahoma the President, after having sent in all the importations, has placed the civil-service law over—whom? Over assistant laundresses in Indian schools who draw $12 a month for the purpose, I presume, of ironing low-neck dresses for the squaws [laughter], and Indian farmers sent from Southern States to teach the Indians how to cultivate the soil; and I have in mind one of them who never in his life saw a reaping machine or a self-binder until he was sent out there to teach the Indians how to operate such machinery.

But, Mr. Speaker, let me say this: The governor of Oklahoma, although a Democrat, has, as far as is possible for a Democrat, been an able and an efficient officer. [Laughter.] I would say nothing unkind against him. But I desire, in fairness and frankness toward the Democratic side of this House, to ask one question. You now have, for the first time since the Territorial organization of Oklahoma, control of both branches of the legislature. We have always had it heretofore. We have always heretofore had the governor. We turned over to you the offices and the law, so that you, when you had your governor, could fill those offices with men of your own selection and your own party. We were honest; we were honorable. And is it unfair now to come here to those of you who are not members of the party that was successful in the last campaign, and ask you in fairness and honor, as between man and man, to be as fair to those people as the Republicans were when they had control of affairs there?

Why should a Democratic governor, who has had his appointees for four years, be authorized to reappoint for two years or four years longer when he is about to step down and out? Why should the incoming governor be deprived of the right of removal and the right to have his own counselors? Why should the incoming governor of any Territory, no matter who he may be, be prohibited from having his own Territorial treasurer to investigate the Territorial funds, his own attorney-general to counsel and advise him, his own cabinet, as it were, whereby he may administer the Territory in the interest of those by whom the people of the Territory expect to be governed? You may say there is some politics in this. Suppose there is. Personally, if I had my way, I would wipe out the civil service and fill every office with a Republican within twenty-four hours. [Applause.] That is the way that I regard it. Now all the offices have been filled. I do hope when the new Administration comes in that one of the bright deeds of which it will be accused by the Democrats will be the sending of the carpetbaggers who are under civil-service rules in Oklahoma back to the States from which they came, so that men who are familiar with the country, with the climate, with the conditions and the soil, may be allowed there in peace and quiet to conduct the affairs of their own people in their own Territory. I believe this will be done. Whoever may be appointed governor in any of these Territories should have the control of his own appointments. The Democrats have had that authority. Now, why should not the Republicans have it? That is about all there is in this question, as far as I am concerned. I believe that to the victors belong the spoils. That may not suit certain gentlemen who have got these offices already filled.

Mr. LITTLE. You are getting Democratic.

Mr. FLYNN. If that is democracy, I shall expect you to vote for this bill. Mr. Speaker, I appeal to the House, I appeal to the Democratic members of the House, there is nothing asked for in this bill that you did not have the authority to do until the recent legislatures were elected. You say, Let the people have the choice. You have not got any Democratic party in Oklahoma. You did not run one last fall, so that you can not be hurt by this. Why should you object to the party that is coming in controlling the affairs of the Government? We will control them, as far as we are concerned. Do not be at all uneasy about that. But the unfair part of the law with reference to Arizona is that it specifies that the governor shall not be authorized to remove until after the judge of some court has, in final adjudication, certified to him that a removal is necessary. Many of you are lawyers and know that nowadays it is not a very hard matter to keep a question in court for four years.

Mr. BRODERICK. If there is no gentleman on the other side who wishes to discuss this question, I will ask for a vote.

Mr. BAILEY. Mr. Speaker, I merely desire to remark that in view of the appeal for home rule made by the gentleman from Arizona [Mr. MURPHY], the gentleman from New Mexico [Mr. CATRON], and the gentleman from Oklahoma [Mr. FLYNN], the House ought to be reminded that the object of this bill is to give Territorial offices to Republicans; and yet in every one of these three Territories the Republican party met with an overwhelming defeat last fall, so that if the people's will is to be respected they ought not to have Republican officials.

Mr. BRODERICK. The object of the bill is to give the governors of the Territories the same rights as to appointive officers that the governors of the States have and have always had. That right has never been questioned in the States. We believe that they should have this right.

Mr. GROSVENOR. Mr. Speaker, is it not the policy of the present law governing the civil service of the country to prevent all officers of all degrees from appointing their subordinates? Is it not a fact that the gentlemen who pay out millions upon millions of dollars for pensions are forbidden to remove or to appoint their own chief clerks, the very men who sign the names of their principals to checks? Is it not true that under the growth of this distinguished system the collectors of internal revenue over the country will be unable to appoint their own deputies and will be compelled to submit the transaction of the mighty business of their departments to men whom they can neither appoint nor remove? Is it not a fact that the President of the United States can not secure a stenographer or a typewriter or a messenger for the White House on his own motion? Is it not a fact that this Government has been surrendered to a bureau in this city to govern it? Why should a Territorial governor, therefore, have any better status than the President of the United States has?

Mr. STEELE. We should correct both evils.

Mr. GROSVENOR. And yet I am for this bill. It is a step in the direction of the tide that is going to rise and teach bureaucracy that the young men of the country propose to have something to do with the administration of the Government. [Applause.] And Congressmen who are afraid of their popularity at home, so that they dare not discriminate among the young men of their districts as to whom they should recommend for office, will have an opportunity to stay at home.

Mr. BAILEY. Is this an intimation that the present civil-service law is to be repealed?

Mr. BRODERICK. I am reminded that the coroner has more authority in the matter of patronage now than the President of the United States.

Mr. GROSVENOR. That is true, and yet we have had Presidents of the United States who could not have passed the civil-service examination for a fourth-class clerkship.

Mr. BRODERICK. I call for the previous question.

Mr. BROSIUS. I ask the gentleman to yield to me for five minutes.

Mr. BRODERICK. I will yield five minutes to the gentleman from Pennsylvania.

Mr. BAILEY. I have no objection to that, but I would have reserved my time except that I thought we were going to have a vote.

The SPEAKER. The gentleman's time will be reserved.

Mr. BROSIUS. Mr. Speaker, I only ask this short period of time for the purpose of correcting a misapprehension on the part of my distinguished friend from Ohio [Mr. GROSVENOR]. I know he has, as we all know he has, a lodged hate against what we call the merit system.

Mr. GROSVENOR. The gentleman must not misrepresent me. I am in favor of the merit system, and that is the reason I am opposed to the present system.

Mr. BROSIUS. The correction I desire to make is that the President has the right to select his private secretary; every collector in the United States has the right to appoint, without consulting anybody, his private secretary and his cashier. Now, my friend did not mean to misrepresent the facts, but I understand he desired to convey the idea that the civil service as now conducted puts more severe limitations upon the power of officers and heads of departments than is warranted by the fact. He seeks also to convey the idea that a great injustice is done the young men of this country by the merit system in the executive service of this country. The fact is quite the reverse. The civil service of the United States has a high regard for the rights and the privileges of the young men of this country, and gives them the right to aspire to places in the civil service without subjecting themselves to the degradation of becoming the servile tools of politicians and bosses anywhere in the country. [Applause.]

Mr. GROSVENOR. They may "aspire," but can not get in.

Mr. BROSIUS. It gives them the right to seek employment in the civil service of the country without the humiliation of becoming beggars at the feet of the bosses who have the power to bestow these places. [Applause.]

Mr. GROSVENOR. They can seek, but not find.

Mr. BROSIUS. They can find them, and more of the bright young men of my district find civic places under this Government under the civil service than they could in any other way. [Great laughter.]

Several MEMBERS. How?

Mr. BAKER of New Hampshire. Is that the secret?

Mr. BROSIUS. By the only way that any man can be admitted into the service now—by a competitive examination, where merit, and merit alone, is the paramount test of his right to have the place he seeks.

Mr. BRODERICK. Will the gentleman yield to a question?

Mr. BROSIUS. Well, I have but a minute.

Mr. BRODERICK. I will give you two minutes.

Mr. BROSIUS. Then I yield.

Mr. BRODERICK. The proposition here is to allow the governors of the Territories the same power as to the appointment of officials that are provided for by the organic act of the Territories that the governors in the States have. Do you see any objection to the bill with that feature in it?

Mr. BROSIUS. I do not care anything about the bill. [Laughter.] I think I will support the bill [renewed laughter and applause on the Republican side], because you say it is all right; but I have given it no attention at all. I only rose to reply to some statements of my friend from Ohio, and now I would like to have it distinctly understood that I am a practical civil-service man. I believe in the merit system as the system which should be applied wherever it can be suitably applied, and where it can not be applied, I am opposed to it. Nobody objects to the civil service to-day so far as it covers admissions to the public office, but the scandal that has come upon the executive service of this country is because the spoils system has continued within the service all these years. I want the merit system established within the service as potentially and as effectively as it has been practiced in admission to the service, and after that is done, my word for it, no man who admits upon this floor that he is in favor of the merit system in the executive service of the country will complain. The system stands upon four strong legs.

The first one is that the public good is the supreme law, and it ought to be in this country [applause]; and that merit, competency, and qualification to perform the duties of the offices are the only tests of the right to fill them. It holds the doctrine that it is a demoralizing use of official power to appoint to office on the ground of personal or party favor without regard to fitness. It holds that public office is a public trust, not to be bestowed as spoils of politics, and to do so is detrimental to the public service and ought not to be tolerated in a country like ours. The merit system stands upon these principles.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BROSIUS. And I want it to remain there. I want it to be administered practically, so we can get from it the largest amount of the best with the least amount of the worst results. Whatever in it is right and beneficent and useful to the Government I do uphold, but whatever is wrong in it I unite with my friend in condemning. When any man assails the abuses of the system that have been practiced under this Administration, he does not harm me. I am glad to see gentlemen rise here with zeal in a good cause that would do credit to the Apostle of the Gentiles and storm against the abuses in the civil service resulting from the retention in the interior of the service of the spoils system, which every patriot and every intelligent statesman of this day ought to condemn. I remember that when Professor Huxley was in this country many years ago he attended a dinner in New York, and he asked Senator Conkling what he thought of the civil service. The Senator occupied about the same attitude toward the merit system that is occupied now by my friend from Ohio, Mr. GROSVENOR, and he launched into a most eloquent philippic against civil-service reform. Professor Huxley was asked by a friend what he thought of Mr. Conkling's remarks, and he replied that it was the most eloquent defense he had ever heard of an utterly indefensible proposition.

Now, Mr. Speaker, I have heard my friend from Ohio [Mr. GROSVENOR] make some eloquent remarks in defense of what I regard as an utterly indefensible proposition.

[Here the hammer fell.]

Mr. BAILEY. Mr. Speaker, I want to contribute at least a sentence to this very interesting discussion of civil-service reform. The position of the distinguished gentleman from Ohio [Mr. GROSVENOR], both in his party and in his relation to the incoming President, entitles anything he says to great weight, and when I hear him denounce with such severity the existing civil-service law I feel warranted in assuming that the next Administration intends to propose the repeal of that law; and from the great applause with which the gentleman's statement was greeted, I assume that a large majority of Republicans in this House stand ready to vote for that repeal.

Mr. STEELE. What do you think of it yourself?

Mr. BAILEY. I think it is a colossal humbug, sir. [Laughter and applause.] But the Republicans on this floor who applaud with such earnestness and vociferousness this assault upon the civil-service law are confronted with the declaration in their platform approving it.

Mr. FARIS. Why did not your party repeal it when they were in power?

Mr. BAILEY. We did not have sense enough then, but we shall know better hereafter. [Laughter.] This, Mr. Speaker, is the declaration of the Republican platform:

> The civil-service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable.

"Extended wherever practicable." They must have had in mind the distinguished gentleman from Pennsylvania [Mr. BROSIUS], who avows himself a practical civil-service reformer, and judging from his support of this bill I conclude that his idea of a practical civil service is a civil service which keeps Republicans in and puts Democrats out. [Laughter.]

Now, Mr. Speaker, my idea of a civil-service system is to give every man a tenure of years and then require him, at the expiration of that time, to come up again for appointment, just as we must come up again for election. I believe it does no hurt to take men out of the body of the people and, at the end of every four years, to send them back. They may not be as good citizens as they would have been if they had never entered the civil service, but I pledge myself that they will be better citizens than they will be if they are kept here the balance of their lives. [Laughter and applause.]

Mr. STEELE. Mr. Speaker, I subscribe to nearly all the gentleman from Texas has said on the subject of the civil service. I did not put my question for the purpose of embarrassing him, and I take this opportunity to say that I was one of forty-six who voted against the proposition when it was before Congress.

Mr. BAILEY. I thank the gentleman for his approval, and I trust that with the distinguished gentleman from Ohio [Mr. GROSVENOR] in the forefront of this battle we are near the end of this "snivel-service" reform. [Laughter and applause.]

Mr. GROSVENOR. Mr. Speaker, if the gentleman from Texas had been present in the Fifty-first Congress or in the Fiftieth Congress, he would now remember that the first contest I ever had on this floor in opposition to the fraudulent practices and un-American conspiracy known and denominated here by its adherents as the "merit system" was with the gentleman from Ohio, Hon. William McKinley, then a member of this House, he advocating one side of the question and I the other. So far as I have heard, he lost no confidence in my Republicanism on that account, and I lost no confidence in his statesmanship and ultimate good sense. [Laughter and applause.] From that time to this I have tried to point out the encroachments of this sinuous, infamous conspiracy while it has been fastening itself upon this Government, until it constitutes to-day the greatest power of the spoilsman—far greater than any other enactment ever made by the United States of America. Talk about this as a "merit system." Why, the gentleman himself, Mr. BROSIUS, has been compelled, in obedience to a condition that has grown out of this system, to introduce here a bill to pension the incompetents who are kept in office because of the existence of this law. We are to have as a concomitant of this system a civil pension list, and it may be said that no government has ever adhered for any considerable length of time to this system, which is denominated the "merit system," without ultimately being compelled to establish a civil pension list. That is one of the necessary consequences to the existence of the system, and one that we saw the dawning of when the gentleman from Pennsylvania introduced his bill here in the House. Will the people of this country have that? Will they permit a bureau to run this Government, first, by prescribing rules of admission to the civil service, and then, when hundreds of thousands of young, able-bodied men are willing to take those places and perform those duties and yield them up again to their successors, wear out these old employed people until they are compelled to be pensioned? Will the people do that?

Mr. BROSIUS. Will you allow me?

Mr. GROSVENOR. I will allow you the same as you allowed me.

Mr. BROSIUS. Did you interrupt me?

Mr. GROSVENOR. I tried to do so, but you would not let me. [Laughter.]

Mr. BROSIUS. You do not mean to misrepresent me?

Mr. GROSVENOR. No; you have had two or three hours on this question. I have a stack of manuscript about that high [indicating] that you made when there was no question pending. Now there is one pending.

Mr. BROSIUS. I can not compel you to yield. I only wanted to correct a misstatement you were making.

Mr. GROSVENOR. It is said that I mistook the facts when I stated that the chief of the pension pay agents of the country was not permitted to appoint or remove his deputies and had nothing to do with their selection. I reiterate the statement upon the declaration made by Colonel Wilson himself. I stated that the deputy collectors who travel about the country and gather the money for the collectors of internal revenue are strangers to the collectors. I say so now.

Several MEMBERS. That is true.

Mr. GROSVENOR. Everybody knows it is true. But let us see what else we have under this system. We have a board of pension examiners in every county of the United States, and in some of them three or four. They come into immediate contact with the old soldiers of the country, examine them for pensions, and certify the conditions of the physical evidence. Under Republican administration ex-soldiers of the Army who were efficient and distinguished medical men were always appointed upon those boards. I do not believe that in the State of Ohio there was one board that had not a soldier upon it. If there was, it was because there was no eligible medical man in the locality who had been a soldier. Those boards generally consisted of two Republicans and one Democrat. Upon the incoming of this civil-service-reform Administration—they are all alike, these reformers, all tarred with the same stick of aggrandizement of themselves—they turned out every one of those officers, and in filling up the boards, so far as I know, not one soldier was put in. I do not believe that in the State of Ohio to-day there is a soldier on a pension-examining board.

There may be, but if there are they are very scarce, and yet these men are the men whose duty it is to examine the soldier applicants for pensions in that State. The members of those boards are practically all Democrats and non-soldiers, and now by the operation of this civil-service law the President of the United States has fastened in for all time to come these incumbents. They were not put there for merit; they were simply Democrats, that was the sole qualification they had. This is the "merit system," is it not? This is the "merit system" that the gentleman from Pennsylvania boasts of. Was it not the "spoils system" under the hypocritical guise of civil-service reform? Under no other administration on God's earth was such an outrage as that ever perpetrated.

Let me tell the gentleman that this singsong cry of "merit" does not amount to anything in this country any more, for the people are beginning to see through it and to recognize the hypocrisy of it. A Democratic head of one of the great bureaus of this Government boasted, under oath, before one of the committees of this House, that out of 71 men certified to him from the Civil Service Commission he was "enabled" (to use his own language) to get 70 Democrats. Let me tell the gentleman that the "merit" he seeks for is not the merit that makes a good officer of the Government. Under the "merit system," I am just informed by a member of the House, two persons who had received two certificates of service were appointed through the instrumentality of the "merit system" in one of the great Departments of this Government. They each had two certificates, one was a certificate of "merit" in the examination of the civil service, and the other was a certificate of discharge from the penitentiary. [Loud laughter.] How can you help such things happening? It is a question of "merit;" it is a question of percentage; it is a question of who stands highest in the bugologies of the country and the astronomy of the heavens. That is all there is about it. It is not a question of the life character of the young man known to his Congressman—the young man with his ambition aroused and his purposes pure and patriotic; he has perchance been unable to secure so high a degree of excellence in the higher branches of education as his fellow, and he is excluded.

So I say that the young men of this country are deprived of their opportunity to participate in the Government. I say that the declaration that this is a "Government of the people, by the people, for the people" is "as sounding brass or a tinkling cymbal." I say that a bureau that can prescribe rules and regulations has usurped the Government, and that bureau has undertaken to say who shall and who shall not hold office.

Now, my friend from Pennsylvania says—and if he would not get so excited whenever I speak on this subject, I should like to reason with him [laughter]—he says that it is a great "degradation" to young men to come to a member of Congress and say to him, "I would like to participate for a short time in the administration of this Government." A "degradation," is it? Was it any "degradation" to my friend when some years ago in a primary election in the county of Lancaster, which he has so ably represented on this floor, he upset the plans of his predecessor and in a primary vote secured the nomination for the office he now holds? Did he not ask anybody to help him do that? [Laughter.] Is it a "degradation," gentlemen of the House of Representatives, for you to go to the sturdy, active, live young men of your district and say, "Boys, let us put the Republican party into power?" Is that "degradation?" I rejoice in such an opportunity, and there is no crown of my rejoicing brighter than that the young men of my district have always enthusiastically and generously responded to my request. Now, we have triumphed, and yet when they come to me and ask the favor of participating in the Government, having something to do with its machinery, having some insight into the great machinery of the Government, I am compelled to say to them, "You can not be admitted except through the narrow door of a bureau." They come to me and say, "In the hour of the party's peril in 1896 I worked, I rode, I studied, I spoke, I labored to achieve victory. Now that Governor McKinley and his party are coming into power, I would like to have a little experience in the administration of the Government." What am I to tell him? "Get thee behind me, thou spoilsman; it is a degradation for you to come here."

Gentlemen, it is not a degradation in a Government of the people and by the people to give to the young men of the country whom you know at home—you know them better than any commission can ever know them—an opportunity to be something and to have some direct participation in the administration of the Government. For myself, I will never consent that any system shall fill the offices of the country by lifetime tenure, while the efficient young men of my district are excluded from their just share of the offices and emoluments.

Pharisees proclaim that they are better than other people. The honest men of the United States are not afraid of the other honest men of the United States. When was this Government better administered than it was before Pendleton and the Democratic party introduced this patent-medicine machine? [Laughter.] Are the Departments of the Government run more economically? I deny it. Are they run more honestly? Not at all.

I warn you, gentlemen of the House of Representatives, and I speak for myself, and for my dear friend from Texas, I have not merged my independence in my support of any man—I have not forgotten that I stand in a representative capacity to a constituency, and that I answer to my conscience, my constituents, and God alone for my action on this floor, and not to any Administration or the head of an Administration, in a question that appeals to my judgment and my honest conviction of duty.

I say to you that the people of this country are taking warning by the frauds that have been manifested. It took 257 pages to publish the removals and promotions in the Treasury Department alone. Under this civil-service Administration men of long, faithful, and efficient service have been reduced from fourteen and sixteen hundred dollars down to nine hundred, and untrained Democrats, brought here simply because they were Democrats, have been put into places, high places, over the head of the efficient clerks. This is not one case, but it is thousands upon thousands of cases.

Mr. LOW. Under the "merit system?"

Mr. GROSVENOR. It is under the "merit system."

Mr. LOW. And Republicans went down and Democrats went up?

Mr. GROSVENOR. All Republicans went down and all Democrats went up. [Laughter.] And now let me tell you what is being concocted just below the crater of this volcano of ruin. It is the concoction of an Executive order to be made just before the expiration of this term of the Presidency. Oh, if I only had the power that old Joshua had I would not pray for the sun to turn backward, but I would say to the sun, "Go forward, eight days at a jump, and stop this outrage." An Executive order is being concocted to prevent the righting of the wrongs that have been perpetrated during these last four years by the spoilsmen who have been raging through the public service of the country, armed with a commission from the "merit system." I say to you, the people of this country will not stand it. It is a matter of no personal importance to me, but there is a tide rising, it is rising from ocean to ocean, it is a demand of the people that they shall have something to do with the affairs of their Government. That tide will effect a cure of these wrongs. It is coming as sure as right is right. [Prolonged applause.]

Mr. BRODERICK. Mr. Speaker, I ask for the previous question.

Mr. BROSIUS. Mr. Speaker——

Mr. WALKER of Massachusetts. Mr. Speaker, after so much has been said upon one side, I ask the gentleman to give us some time on the other. There has been an hour occupied on that side.

Mr. BRODERICK. I yield five minutes to the gentleman from Pennsylvania.

Mr. BROSIUS. I do not want five minutes.

Mr. BRODERICK. I yield one minute to the gentleman from Pennsylvania.

Mr. WALKER of Massachusetts. Give me four minutes. I want to speak on the other side. They have had an hour.

The SPEAKER. The gentleman from Kansas [Mr. BRODERICK] yields to the gentleman from Pennsylvania [Mr. BROSIUS] one minute.

Mr. BAILEY. In the interest of absolute fairness, Mr. Speaker, I will agree to yield to the gentleman from Pennsylvania, and the gentleman from Massachusetts [Mr. WALKER], too, five minutes, if they will accept that.

Mr. BROSIUS. I shall not need that much time, I think.

The SPEAKER. The gentleman from Pennsylvania [Mr. BROSIUS] is recognized for one minute.

Mr. BROSIUS. Mr. Speaker, I am not going to be placed in the attitude of defending any of the practices chargeable to the spoils system. I will try to speak with coolness. It is perfectly obvious that all the abuses against which my distinguished friend [Mr. GROSVENOR] animadverts with so much severity have nothing whatever to do with the merit system. They are the spoils system. The spoils system, as I have already stated, has continued to exist in the interior of the civil service of this country since the Pendleton Act was passed.

I am unwilling to pass in silence the statement of my distinguished friend that the civil service act was a Democratic measure. It was distinctly a Republican measure, passed by a Republican House, supported by the Republican party, which has, since 1872, vied with the Democratic party of the country in the strength of its expressions of devotion to the merit system in the civil service of the country.

The SPEAKER. The time of the gentleman has expired.

Mr. BROSIUS. My friend from Texas [Mr. BAILEY] gave me three minutes, and I want that time in order to bring into distinct view——

The SPEAKER. The Chair yields to the request of the gentleman to go on, with the understanding that the gentleman from Kansas [Mr. BRODERICK] does not object.

Mr. BROSIUS. I only want to read a paragraph. I want to bring this to the attention of the House, and especially those on this side of the House who applauded with so much vigor the address of my distinguished friend who has just taken his seat [Mr. GROSVENOR].

With the knowledge that we already have of the attitude of the Republican party on this question for more than twenty years, with the knowledge that we have of the attitude which the President elect, a distinguished Republican, sustains to this question, it did seem to me that those who applauded an assault upon the civil-service law were fleshing their swords in the heart of the President-elect of the United States. I will read what the President elect said in his very last utterance on this subject, and having done that I will not trespass further upon the patience of the House.

Mr. FARIS. That applause was in response to the increased workings of the system.

Mr. BROSIUS. Mr. McKinley, in his letter of acceptance, said:

> The pledge of the Republican national convention that our civil-service laws shall be sustained and "thoroughly and honestly enforced and extended wherever practicable" is in keeping with the position of the party for the past twenty-four years, and will be faithfully observed.

And mark these words; and if I could I would write them in letters of living light over the brow of my distinguished friend from Ohio. [Laughter.] Mr. McKinley's last words upon this subject were:

> The Republican party will take no backward step upon this question.

How do you like that? [Laughter.]

> It will seek to improve, but never degrade, the civil service of the country.

These are the very last utterances of the great Republican whom the people of the United States have recently placed in the highest office in the gift of the American people. If that is treason, charge it home, sir, to the greatest citizen of your own State. [Laughter and applause on the Democratic side.] That was a burst of patriotism that found expression by the great citizen of the State of Ohio who will be, let me say in conclusion, in entire control of the executive service of the United States, for the administration of the civil-service law of this country is altogether in the executive control; and the President who is just retiring saw fit to extend it widely. His predecessor extended it widely in comparison with what it embraced under the régime of his predecessor. President Harrison included within the service over 15,000 places that were not in it before. So it has by a gradual process of evolution been extended until now it embraces nearly all the offices that can suitably be embraced, and perhaps, I will say, some that ought not to be embraced. But so far as that goes, I do not defend it at all. Now, I trust I have sufficiently explained that I am not to be put in the position of defending anything in the executive service that is wrong, but that which is right in it I uphold.

Mr. BRODERICK. It is impossible to satisfy all the gentlemen who wish to discuss this question; and if I am entitled to do so, I will move the previous question.

Mr. BAILEY. Mr. Speaker, I desire to say to the gentleman from Kansas, if he will permit me to do so, I will yield five minutes to the gentleman from Massachusetts [Mr. WALKER], and then I will make no further objection.

Mr. BRODERICK. I will do that.

Mr. WALKER of Massachusetts. Mr. Speaker, it is said that one fact is worth a thousand arguments; and, furthermore, one fact that is within the knowledge of every man of a large assembly like this that I am addressing is doubly valuable. I submit to this House that there are no three men in it who are men of higher integrity, ability, patriotism, and industry, and more self-sacrificing to their country, than the gentleman from Maine, chairman of the Committee on Ways and Means [Mr. DINGLEY], the chairman of the great Committee on Appropriations [Mr. CANNON], and the gentleman from Texas [Mr. SAYERS], chairman of that committee when the Democrats are in power.

I ask this House to call to mind what has been the action of the last two named under the fatal spell of this vile spoils system of officeholding; what is their testimony in their acts? Only last Saturday, the chairman and ex-chairman of that great committee had to stand on this floor and tell us that this House was wasting one-fourth of the public money, spent on this House in plain robbery of the people, of their money paid in taxes; I make the point that this money was spent corruptly, because whenever a man is employed unnecessarily, wastefully, in the service, as they said one-fourth of them were, then the members of this House did spend the people's money corruptly. And what again have these men done? My dear, noble old friend, General Cogswell, gone to his reward, got into the toils of this spoils system, and if I had been appointed to that committee, Mr. Speaker, as he was a few years ago, I should probably have done the same, and left a legacy to my children of deliberately standing on the floor of this House and saying that we had knowingly done this wrong, as has been done by these two most honorable, honest men. Mr. Speaker, we could better spare any ten men out of this House than either one of these men, and yet they reported a bill here carrying about $25,000 in violation of the law, consciously, deliberately, and doing it to gratify the desire for the spoils of office of us members of Congress under this despicable, nasty, vile spoils system, defended on this floor by honorable men. [Applause.]

Mr. BRODERICK. Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill; and the Speaker announced that the ayes seemed to have it.

Mr. BAILEY. Division!

The House divided; and there were—ayes 119, noes 57.

So the bill was passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. I move that the House do now adjourn.

Pending the motion to adjourn,

By unanimous consent, Mr. SPERRY obtained leave to withdraw from the files of the House, without leaving copies thereof, the papers in the case of John H. Hipkins, Fifty-fourth Congress, no adverse report having been made thereon.

By unanimous consent, leave of absence was granted Mr. JOY, for two days, on account of sickness in family.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, in response to the resolution of inquiry of the 8th of February, 1897, a report from the Commissioner of Indian Affairs relating to a treaty with the Navajo Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report and an accompanying letter from Philip C. Garrett, of Philadelphia, Indian commissioner, relating to negotiations concerning the Ogden Land Company and Indian reservations in New York—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 255) providing for the attendance of the officers and cadets of the United States Military and Naval academies at the inauguration of the President-elect, March 4, 1897, reported the same without amendment, accompanied by a report (No. 3012); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10062) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, reported the same without amendment, accompanied by a report (No. 3013); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10240) to authorize the Secretary of War to convey certain Government land to the city of Waukegan, Ill., reported the same without amendment, accompanied by a report (No. 3014); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9931) to amend an act providing for the sale of desert lands in certain

States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder, reported the same without amendment, accompanied by a report (No. 3015); which said bill and report were referred to the House Calendar.

Mr. WELLINGTON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10332) to amend an act to regulate the practice of pharmacy in the District of Columbia, reported the same without amendment, accompanied by a report (No. 3022); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred House bill No. 9946, reported in lieu thereof a bill (H. R. 10350) to prevent the importation of impure and unwholesome tea, accompanied by a report (No. 3029); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred the joint resolution of the Senate (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session, reported the same without amendment, accompanied by a report (No. 3030); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 1640) granting an increase of pension to Ellis P. Phipps, late lieutenant of Company A, Twelfth New Jersey Volunteer Infantry. (Report No. 3016.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8905) to pension the widow of Gen. William J. Landram. (Report No. 3017.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 2408) granting a pension to John W. Craig. (Report No. 3018.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 9201) to pension Mrs. A. J. Bassett. (Report No. 3019.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 4277) for the relief of Marie Damainville. (Report No. 3020.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska. (Report No. 3021.)

By Mr. WELLINGTON, from the Committee on the District of Columbia: The bill (H. R. 10178) for the relief of Francisco Perna. (Report No. 3023.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (S. 480) entitled "An act granting a pension to William B. Matchett." (Report No. 3024.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3794) for the relief of Frank Dunn. (Report No. 3025.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 5069) granting a pension to Susan E. Peckham. (Report No. 3026.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 6287) granting a pension to Francis Sternberg. (Report No. 3027.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 10230) granting an increase of pension to Simon Price. (Report No. 3028.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEISENRING (by request): A bill (H. R. 10347) to provide for an interest bearing bond certificate of deposit—to the Committee on Banking and Currency.

By Mr. BULL: A bill (H. R. 10348) to amend section 4965, chapter 3, Title LX of the Revised Statutes of the United States—to the Committee on Patents.

By Mr. HOWARD (by request): A bill (H. R. 10349) to make it unlawful for any employer or other person to exact an agreement, either written or verbal, from any employee to join, or not to join, any labor or other organization as a condition of employment by such employer or other person—to the Committee on Labor.

By Mr. HEPBURN: A joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A joint resolution (H. Res. 262) to enforce the rights of American citizens in Cuba—to the Committee on Foreign Affairs.

By Mr. PAYNE: A concurrent resolution (House Con. Res. No. 70) to print 15,000 copies of the tariff hearings of the Committee on Ways and Means—to the Committee on Printing.

By Mr. CUMMINGS: A resolution (House Res. No. 552) calling for information as to Cuban affairs—to the Committee on Foreign Affairs.

By Mr. HADLEY: A memorial of the legislature of the State of Illinois, urging the passage of the bill (H. R. 1) to reclassify railway mail clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Illinois legislature, urging the passage of Senate bill No. 3058, to increase the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: A memorial of the legislature of the State of Wyoming, asking ratification of the treaty recently made between the United States and the Shoshone and Arapahoe tribes of Indians—to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10351) granting a pension to Georgianna Eubanks—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 10352) increasing pension of Milton Kinder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10353) to pension Francis H. Churchill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10354) granting an increase of pension to John W. Rollins—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BERRY: Petition of George E. Petty and others, of Covington, Ky., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio: Sundry petitions of Charles D. Williams and other citizens, Theo. Arentz and others, C. L. Gilson and others, E. N. Winslow and others, Ign. F. Horstman, Bishop of Cleveland, and Rev. W. A. Leonard, of the city of Cleveland, Ohio; also of Albert N. Hyatt and others, of Cleveland, Elyria, and Willoughby, Ohio; also of O. D. Moon, of Medina; W. A. Hillis, of Painesville, and W. G. Eline and others, of Cleveland; Rev. J. C. Weidmann and Victor Wilker and others, of Berea, Ohio, and W. C. Rogers, of Brecksville, Ohio, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Knights of Labor of Cleveland, Ohio, indorsing the bill to establish $2 per day as the rate of wages to be paid for unskilled labor in Government employment—to the Committee on Labor.

By Mr. CURTIS of Kansas: Petition of Rev. J. W. Tanner, D. D. Akin, and other citizens of Emporia, Topeka, and Peabody, State of Kansas, in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Hendricks and others, of Topeka, Kans., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND (by request): Petition of F. J. Tygard and other citizens of Butler; also, of L. A. Rayborn and others, of Pleasant Hill; also, of M. V. Burriss and others, of Holden; also, of George J. Taylor and others, of Knobnoster; also of S. Gilkeson and others, of Warrensburg, in the State of Missouri, praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. FARIS: Papers to accompany House bill No. 6733, for the relief of George W. Winters—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6079, for the relief of Jerry Sullivan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6078, for the relief of William H. Lankford—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolutions of the St. Paul Chamber of Commerce, protesting against the policy of Germany and France in discriminating against American meats—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of the Yankton Beet Sugar Company, of Yankton, S. Dak., praying that a duty be imposed upon all sugar imported into the United States under the new tariff bill in preparation—to the Committee on Ways and Means.

By Mr. HADLEY: Petition of Mary C. Hart and other members of the Woman's Christian Temperance Union of Pleasant Mound, Ill., favoring the passage of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARRIS: Sundry petitions of citizens of the State of Ohio, viz: From Rev. G. Mochel and 19 others, of Fremont; Rev. J. A. Patterson, of Fostoria; Rev. W. E. Schnette, of Bellevue; Rev. F. W. L. Heckelman and 2 others, of Berlin Heights; Rev. E. Pfeiffer and 6 others, of Fremont; Rev. E. Burton and 2 others, of Fostoria; R. J. Gould and 29 others, of Sandusky; Michael Stull and 13 others, of Fremont; Rev. Charles W. Powell, of Castalia; Rev. Charles Criss and 18 others, of Fostoria; Frank T. Dorr and 11 others, of Tiffin; E. E. Tucker and 69 others, of Clyde; Rev. David Van Horne and 7 others, of Tiffin; Revs. James A. Burns and J. J. Malloy, of Marion; Rev. I. L. Oakes and 8 others, of Galion; W. E. Chalfant and 22 others, of Venice, favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of A. C. Johnson and 20 other citizens of the State of Montana, in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of W. B. Campbell and 21 other citizens of Hamilton and Marysville, Iowa, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of Nannie B. Howe and 25 other citizens of Des Moines, Iowa, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ed. R. Guthrie and 57 other citizens of Warren County, Iowa, asking for an increase of pension for Lewis Harlan—to the Committee on Invalid Pensions.

Also, resolution of the Veterinary Medical Association of Iowa, protesting against the passage of Senate bill No. 1552, relating to vivisection—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Iowa, asking for the passage of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

By Mr. HULING: Petition of numerous citizens of Charleston, W. Va., and vicinity, favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. KIEFER: Petitions of Edward Lewis; also of William C. Pope and others, of St. Paul, Minn., favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Union Veteran League of Minneapolis, Minn., protesting against placing boards of examining physicians for pensions under the civil-service rules and regulations—to the Committee on Reform in the Civil Service.

By Mr. KLEBERG: Petition of Charles Sayer and others in the State of Texas, remonstrating against the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Petition of the Methodist Episcopal, Baptist, and African Methodist Episcopal churches and the Woman's Christian Temperance Union of South Atlanta, in favor of the passage of Senate bill No. 2485, to recognize Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: Petition of J. H. Lippincott and 55 other citizens of Camden, N. J., favoring the passage of the McMillan-Linton bills, regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, respecting foreign discrimination against our meats—to the Committee on Foreign Affairs.

By Mr. MEIKLEJOHN: Petition of A. Hodgett, of Norfolk, and I. M. Bothwell, of Randolph, Nebr., favoring the passage of the Cullom and Sherman bills, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of J. C. Millet and 21 other citizens of Alexandria, La., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Remonstrance of T. E. Anthony and 30 other citizens of Ashtabula, Ohio, against the passage of the anti-railroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of A. W. Bill and 13 other citizens of Milwaukee, Wis., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of Aldace F. Walker and 13 other citizens of New York City; C. Ward and 16 others and J. E. Matran and 20 others, of Troy; E. H. Miller and 16 others, of Verona; E. L. Green and 10 others, of Gabriel; John McVugt and 5 others, of Bigmoose; L. T. Knopp and 6 others, of White Lake; A. F. Cardine and 6 others, of Childwood, in the State of New York; H. B. McClellan and 4 others, of Bergen Point, N. J.; E. Rothchild and 9 others and Albert Pehroot and 2 others, of New York City, favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of F. Valliant and 13 other citizens of Oconto, Wis., in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska (by request): Petition of W. J. Jones and other citizens of Auburn; also of E. B. Miller and others, of College View, Nebr., asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harpham Bros., of Lincoln, Nebr., and A. D. Gustin, of Canton, Ohio, relating to a duty on harness and saddlery, including harness either in sets or in parts—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 24, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

TREASURY VAULT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a statement as to the condition of vault No. 7 in the office of the Treasurer of the United States, United States Treasury building, Washington, D. C., used for the safe-keeping of bonds held on account of national banks to secure circulation and deposits of public moneys and bonds held on account of the various trust funds, and requesting that an appropriation of $30,000 be made for the construction and erection of a burglar-proof extension and for making the present vault burglar proof; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2729) granting a pension to Emma Weir Casey with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States; and

A bill (H. R. 10336) making appropriations for the naval service of the fiscal year ending June 30, 1898, and for other purposes.

LOSS OF REGISTERED MAIL MATTER.

Mr. VILAS. I ask the unanimous consent of the Senate to consider House bill 4156. It is the bill——

Mr. NELSON. Will the Senator from Wisconsin yield to me a minute?

Mr. VILAS. After we have disposed of this matter. It will take but a moment.

The VICE-PRESIDENT. The bill will be read.

Mr. VILAS. It is a bill to amend the postal laws by providing authority to the Postmaster-General to direct——

Mr. BURROWS. Let it be read.

Mr. PEFFER. Is it the bill commonly known as the Loud bill?

Mr. VILAS. Oh, no; it is a bill to authorize the Postmaster-General to provide an indemnity for registered letters not exceeding $10.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 4156) to amend the postal laws providing limited indemnity for the loss of registered mail matter, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. NELSON. I ask unanimous consent that on Friday next at 2 o'clock p. m. the Senate proceed to vote upon House bill 8110, the bankruptcy bill, and all pending amendments and substitutes thereto.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota?

Mr. VEST. I want to see a proper bankruptcy bill passed, but I can not agree to that request. This bill has not been discussed, and a great many of us really have not had time to examine it. I would not like to give unanimous consent to take it up peremptorily without debate and proceed to vote upon it.

Mr. NELSON. I did not finish my request. I also ask that in the meantime the bill be taken up for debate at all times when appropriation bills are not before the Senate.

Mr. ALLEN. I ask the Senator from Minnesota if this bill is not now the unfinished business before the Senate?

Mr. VEST. Yes, it is.

Mr. NELSON. The object is to bring it to a vote at that time, and then we can debate it in the meantime all that is possible, aside from the consideration of appropriation bills.

Mr. ALLEN. What date does the Senator fix?

Mr. NELSON. Friday, at 2 o'clock.

Mr. BROWN. Of this week?

Mr. NELSON. Yes.

Mr. ALLEN. That will be satisfactory to me.

Mr. BROWN. It seems to me that we should have a longer discussion on the bankruptcy bill. I do not think it is possible to get time at this session properly to consider and pass a bankruptcy bill. I think I must object.

Mr. QUAY. If objection is made, I move——

The VICE-PRESIDENT. The Senator from Utah objects to the request of the Senator from Minnesota.

ST. LOUIS RIVER BRIDGE.

Mr. BURROWS. I ask unanimous consent to call up House bill 9689.

Mr. PETTIGREW. I shall have to object to the consideration of any of these bills by unanimous consent.

Mr. QUAY. Yesterday——

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. BURROWS. I will say to the Senator from South Dakota that this is a very urgent matter and will take but a moment. It will not take five minutes.

Mr. QUAY. I do not think it will take fifteen minutes to dispose of the bill I wish to call up.

Mr. BURROWS. It will not take five minutes.

Mr. PETTIGREW. I will yield to the Senator from Michigan if it will not take five minutes and will lead to no debate whatever.

Mr. QUAY. I will not object to the request of the Senator from Michigan after I have disposed of the matter which it was understood yesterday morning should come up this morning.

Mr. BURROWS. This is a private pension bill of a half dozen lines, and can pass in half a minute.

Mr. QUAY. I will withdraw my opposition to it as soon as I get my bill up.

Mr. BURROWS. Very well.

Mr. PETTIGREW. I shall have to interpose an objection if it leads to any debate whatever. If we propose to pass the appropriation bills before the 4th of March, we shall have to give continuous attention to them. I will yield to the Senator on the condition that it takes no time, practically, and will lead to no debate.

Mr. QUAY. It will take some little time. I shall have to make a statement, of course.

Mr. PETTIGREW. Then I object to the consideration of the bill.

Mr. QUAY. I do not think the Senator ought to object. It will not take fifteen minutes to dispose of it one way or the other.

Mr. PETTIGREW. There is a duty imposed upon me, as being in charge of the Indian appropriation bill, which I must recognize.

Mr. QUAY. There is a duty also imposed upon me, and I think the Senator will facilitate the passage of the Indian appropriation bill by permitting me to be heard at present for just a word in this case. This bill, which the Senator from Wisconsin [Mr. VILAS] has——

Mr. PETTIGREW. How long will it take?

Mr. QUAY. I do not think it will take over fifteen minutes when the Senator from Wisconsin hears what I have to say.

Mr. CULLOM. He shakes his head.

Mr. QUAY. The Senator from Wisconsin will probably be able to shake his head more intelligently after he hears what I have to say on the subject.

The VICE-PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. QUAY. I move that the Senate proceed to the consideration of Senate bill 3609.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. BERRY. I should like to know what the bill is.

Mr. VILAS. If the Senator is asking for unanimous consent——

Mr. QUAY. I am not. I move to proceed to the consideration of the bill.

Mr. VILAS. Then I shall be obliged to call for the yeas and nays, and it will take a good while to consider that bill.

Mr. COCKRELL. I hope the Senator from Pennsylvania will allow the Indian appropriation bill to be proceeded with.

Mr. PETTIGREW. I shall move immediately to take up the Indian appropriation bill after the Senator from Pennsylvania succeeds. Of course he has the floor, but that will be the motion I shall make if he succeeds.

Mr. CULLOM. If we get into a controversy here and call the yeas and nays, a great deal of time will be consumed.

Mr. QUAY. I wish simply to place this question properly before the Senate. Then, if the Senator from Wisconsin desires to obstruct the measure, of course I will not interfere with the passage of the Indian appropriation bill.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Pennsylvania.

Mr. BERRY. I ask to have the title of the bill read.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

Mr. VILAS. On the motion to proceed to the consideration of that bill I shall be compelled to ask for the yeas and nays.

Mr. VEST. Let me make a suggestion. I appeal to the Senator from Pennsylvania to let us give at least half an hour to morning business. Then he can make his motion, if he sees proper.

Mr. QUAY. I have no objection.

Mr. VEST. This proceeding stops the entire business of the Senate.

Mr. QUAY. I have no objection if the Senator in charge of the Indian appropriation bill consents to it.

Mr. VEST. It is very obvious that there is no quorum present.

Mr. CHANDLER. What does the Senator from Missouri mean by morning business?

Mr. VEST. The introduction of bills and reports from committees, the ordinary routine business of the Senate.

Mr. CHANDLER. The Senator did not mean to include the passage of any bills.

The VICE-PRESIDENT. The Chair will submit the pending motion. It is that of the Senator from Pennsylvania, to proceed to the consideration of the bill the title of which has been read.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. QUAY. I have no objection to withdrawing the motion with the understanding that it will be renewed at the conclusion of the morning business.

The VICE-PRESIDENT. Is there objection to that request?

Mr. PETTIGREW. I shall object to that. I shall object to anything but the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. There is objection.

Mr. QUAY. Let the yeas and nays be called.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Pennsylvania, to proceed to the consideration of Senate bill 3690.

The Secretary proceeded to call the roll.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON], and withhold my vote.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. In his absence, I withhold my vote.

Mr. MARTIN (after having voted in the affirmative). I observe that the Senator from Montana [Mr. MANTLE] has not voted, and I desire to withdraw my vote, as I am paired with that Senator.

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BLANCHARD. I am paired with that Senator.

Mr. SMITH. I am paired with the Senator from Idaho [Mr. DUBOIS].

Mr. BURROWS (after having voted in the affirmative). I am paired with the Senator from Louisiana [Mr. CAFFERY]. I do not see him in the Chamber, and I withdraw my vote.

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Allen,
Bacon,
Berry,
Brown,
Call,
Cameron,
Carter,
Clark,
Frye,
Morgan,
Nelson,
Peffer,
Perkins,
Platt,
Quay,
Sherman,
Vest.

NAYS—29.

Allison,
Blackburn,
Butler,
Cannon,
Chandler,
Cockrell,
Cullom,
Daniel,
Davis,
Gallinger,
Gorman,
Gray,
Hale,
Hawley,
Hill,
Jones, Ark.
Lindsay,
McMillan,
Mills,
Palmer,
Pettigrew,
Roach,
Stewart,
Teller,
Tillman,
Turpie,
Vilas,
Walthall,
Wetmore.

NOT VOTING—44.

Aldrich,
Baker,
Bate,
Blanchard,
Brice,
Burrows,
Caffery,
Chilton,
Dubois,
Elkins,
Faulkner,
Gear,
George,
Gibson,
Gordon,
Hansbrough,
Harris,
Hoar,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lodge,
McBride,
Mantle,
Martin,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Pasco,
Pritchard,
Proctor,
Pugh,
Sewell,
Shoup,
Smith,
Squire,
Thurston,
Voorhees,
Warren,
White,
Wilson,
Wolcott.

So the Senate refused to proceed to the consideration of the bill.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The motion was agreed to.

Mr. PETTIGREW. I will yield simply for morning business.

INDEPENDENCE OF CUBA.

Mr. MORRILL. I desire to withdraw the notice which I gave yesterday, that to-morrow, Thursday morning, after the usual routine morning business, I would submit some remarks upon the resolution reported by the Committee on Foreign Relations in relation to the recognition of the independence of Cuba. Finding that it would be likely to interfere with the appropriation bills, and that there is some doubt now as to whether it will be possible to get through with all the appropriation bills, I have felt compelled to withdraw the notice that I would make a brief speech to-morrow.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of the legislature of the Commonwealth of Massachusetts, relative to the construction of a dry dock at Charlestown, in that State; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

Commonwealth of Massachusetts. In the year 1897. Resolutions relative to the construction of a dry dock at Charlestown.

Resolved, That, in the opinion of the general court of Massachusetts, it is desirable that provision be made by Congress for the construction of a dry dock in the Charlestown district of the city of Boston, sufficiently large to accommodate vessels of the largest class, and that the Senators and Representatives from this Commonwealth in Congress are requested to use their best endeavors to secure the passage of legislation providing for the construction of such dock.

Resolved, That properly attested copies of these resolutions be transmitted by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted February 11, 1897.
In senate, adopted, in concurrence, February 16, 1897.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. CAMERON presented a petition of the faculty of Lafayette College, Pennsylvania, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit the transportation of obscene matter through the mails; which was ordered to lie on the table.

He also presented the petition of the publishers of the Star and Gazette, of Meadville, Pa., praying for the passage of House bill No. 1566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the American Association of Flint and Lime Glass Manufacturers, of Pittsburg, Pa., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Pennsylvania, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the Chamber of Commerce, St. Paul, Minn., praying that measures be taken to remove existing or threatened interference in the trade of meat products between the United States and France, Germany, and Switzerland; which was referred to the Select Committee on Transportation and Sale of Meat Products.

He also presented a petition of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry Episcopal clergymen of St. Paul, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PERKINS presented sundry petitions of citizens of California, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

He also presented sundry memorials of citizens of California, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Artesia, Cal., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of members of the Lutheran, First Congregational, Christian, Union, Union Baptist, Second Baptist, and African Methodist Episcopal churches, of Riverside, Cal., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. BRICE presented a petition of 24 members of the Society of Christian Endeavor of Greenwich, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MURPHY presented the petitions of Fred Gruppe and 17 other citizens of Schenectady; of Abram Hailing and 8 other citizens of Palatine Bridge; of Aldace F. Walker and 13 other citizens of New York City, and of A. Lloyd and 14 other citizens of Canajoharie, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of members of the Union Congregational Church, of Medford, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry firms and business houses of Boston, Mass., praying for the adoption of the proposed amendment to the sundry civil appropriation bill, making provision [illegible] light-house vessel on Overfalls Shoals, Delaware Bay; which was referred to the Committee on Commerce.

Mr. PETTIGREW presented a petition of sundry citizens of Springfield, S. Dak., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. THURSTON presented the petition of D. A. Jones, publisher of the People's Poinard, of Sidney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Sutton, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Blair, Greeley, Arnold, Omaha, Snyder, and Cozad, all in the State of Nebraska, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. ALLEN presented the petition of E. B. Miller, president of Union College, and sundry other citizens of Collegeview, Nebr., and a petition of sundry citizens of Auburn and South Auburn, Nebr., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of L. A. Williams, publisher of the Pilot, of Blair, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

Mr. BERRY presented the petition of August Sudholm and sundry other citizens of Little Rock, and sundry petitions of citizens of Clarksville, Hope, and Beebe, all in the State of Arkansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the petition of Rev. John N. Davidson and sundry other citizens of Two Rivers, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Rev. W. K. Frick, president of the English Evangelical Lutheran Synod of the Northwest, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the grand officers of the Grand Council of Wisconsin, Royal Arcanum, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of W. E. Hudson and sundry other citizens of Carrollton, Mo., and the petition of L. E. Owen and sundry other citizens of Harrisonville, Mo., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Order of Good Templars and of sundry citizens of Moundville, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the passage of the Torrey bankruptcy bill, and also for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Golden Eagle Lodge, No. 78, Brotherhood of Locomotive Firemen, of Sedalia, Mo., and a petition of Industrial Lodge, No. 21, Brotherhood of Locomotive Firemen, of St. Louis, Mo., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

Mr. PEFFER presented the petition of P. I. Bonebrake, of Topeka, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. CALL presented a memorial of sundry citizens of Eustis, Fla., remonstrating against the passage of the so-called Loud bill, relating to second class mail matter; which was ordered to lie on the table.

Mr. DANIEL presented the petition of T. Cushing Daniel, of the city of Washington, praying for the passage of Senate bill No. 1515, to incorporate the Columbian Telephone Company; which was referred to the Committee on the District of Columbia.

He also presented the petition of John J. Jamison, grand regent of the Royal Arcanum of Virginia, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented the memorial of R. B. Morgan and sundry other citizens of Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3905) granting a pension to Grotius N. Udell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4076) for the relief of Abner Abercrombie, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2862) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8912) granting a pension to Ann Maria Meinhofer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6792) granting a pension to Hannah R. Quint, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 6730) granting a pension to Edward C. Spofford, reported it with an amendment, and submitted a report thereon.

Mr. VILAS. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, to report it without amendment, and to submit a report thereon.

General Stevenson was formerly a very distinguished and gallant soldier in the Army of the Tennessee, whom I have myself seen in battle, and who recently died leaving his venerable widow, at the age of 77 years, in circumstances of necessity. I hope the Senate will consent to the immediate passage of this bill, which proposes to give her the usual moderate rate of pension, according to the rule and usage established in the cases of widows of general officers, $50 per month.

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection is interposed, and the bill will be placed on the Calendar.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (H. R. 6561) to increase pension of Emily M. Tyler, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. HILL on the 22d instant, intended to be proposed to the Post-Office appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. CALL on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. HOAR. The day before yesterday I reported back from the Committee on the Judiciary favorably, without amendment, a bill (H. R. 3623) to amend section 1 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia." I had a pile of bills on my desk at the time, and by mistake a bill without amendment was in the pile. I was directed to report the bill with certain amendments, and I ask leave to withdraw the copy of the bill which I then reported, and to report the bill favorably with amendments, to take the place on the Calendar of the bill I heretofore reported.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, reported it with amendments, and submitted a report thereon.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. CANNON on the 23d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 23d instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. HAWLEY on the 26th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and, with the accompanying paper, moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. BUTLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2815) for the relief of William Lock and James H. Tinsley, reported it with amendments.

JULIO SANGUILY.

Mr. MORGAN. I am directed by the Committee on Foreign Relations to report a joint resolution, which I ask may be read at length.

The joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States demands the immediate and unconditional release of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

Mr. MORGAN. The committee thought it was their duty to request very early action upon the joint resolution, but inasmuch as one or more members of the committee were absent at the time, who had not the opportunity of understanding the whole subject, it may be better that I should give notice, and I will do so, with the concurrence of the honorable chairman of the committee, if I can get his attention——

The VICE-PRESIDENT. The Senator from Alabama desires the attention of the Senator from Ohio [Mr. SHERMAN].

Mr. MORGAN. I was stating that inasmuch as the committee was not completely full at the moment of the adoption of the joint resolution, I am disposed, instead of insisting upon its present consideration, to give notice that in the morning hour to-morrow the joint resolution will be called up for action. In the meantime, I submit a report with the joint resolution, which I ask may be printed and lie on the table.

Mr. SHERMAN. The joint resolution is reported unanimously from the Committee on Foreign Relations. I have no objection at all to letting it lie over until to-morrow, but I hope the Senate will then at once act upon it.

Mr. MORGAN. I shall move its consideration to-morrow morning.

The VICE-PRESIDENT. Meanwhile, the joint resolution will be placed on the Calendar.

AMENDMENT OF THE POSTAL LAWS.

Mr. BUTLER. I submit a report of the minority of the Committee on Post-Offices and Post-Roads upon the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter. I ask that the minority report, with the exhibits, be published, as the majority report was published, in the RECORD.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The views of the minority will be ordered printed in the RECORD, as requested, in the absence of objection.

The views of the minority are as follows:

The attempt to reform the mail service and reduce expenses in the manner proposed by this bill, without any information from the Department or otherwise as to what are the abuses, seems to the undersigned as very inopportune, and is, at least, a leap in the dark, if there are no interested parties promoting the legislation. It will be seen by a letter from the Postmaster-General, attached to this report, that the Department has no information which will enable it to point out what class of matter sent through the mails occasions the deficit. The Department is unable to make any estimate of the cost of carrying newspapers, and particularly the great Sunday dailies, through the mails, and the cost of carrying the literature which is authorized by law. It is stated that the average cost of all mail matter is over 8 cents per pound, or $160 per ton. It seems to the undersigned that a great reduction might be made in the aggregate cost of carrying the mails. It will be observed that the second-class matter pays 1 cent per pound, or $20 per ton, and as this goes in bulk the expense of handling it can not be greatly in excess of the expense of handling ordinary freight. The average distance which this second-class matter would, we should suppose, without accurate information, certainly make the charge more than 1 cent per ton per mile, which is largely in excess of ordinary freight rates. The enormous cost of $160 per ton for carrying the mails, it seems to the undersigned, can not be accounted for by the expense of handling the letter mails and business connected with the first-class mail matter. This amount is certainly many times the cost of the service rendered. Neither the express companies nor private individuals pay any such rate.

Without any means of making an accurate examination ourselves, our attention has been called by various persons professing to be experts to the extravagance of the Department in dealing with the railroad companies. A very able and carefully prepared article on this subject, written by Hon. James L. Cowles, the author of A General Freight and Passenger Post, appeared in the February number of the Outlook. This article proves very clearly that the deficit is caused by the very exorbitant and unreasonable rates which the Government now pays to railroads for carrying the mails. The New York World, among others, published a statement on January 30 showing that a saving could be made of more than the deficiency by proper supervision and contract with the railroads and the enormous amount paid for the leasing of cars, which could be largely saved if the Government owned its own cars. The saving which could be made in this respect alone is estimated by experts to amount to at least $10,000,000 per year. Of course, the undersigned is unable at this time to go into details with regard to these matters, but, on a cursory examination, is thoroughly satisfied that the deficiency in the mails results from

First, the exorbitant charges paid the railroads for the use of mail cars.

Second, the very liberal contracts which the Government makes with the railroad corporations for carrying the mails. The amount paid per ton is enormously and absurdly high.

Third, the lax supervision which the Government exercises over the performance of the service, and especially with reference to the amount of matter which the railroads profess to haul, and for which the Government is charged.

The statements that the present postal deficit is due to the transportation of second class postal matter at 1 cent per pound are altogether misleading—I had almost said intentionally misleading. It seems perfectly clear from the facts presented in the articles above referred to that the postal deficit is not due to the 1-cent-a-pound postal rate paid to the Government by the people, but to the 8-cent a pound tax levied on the Government by our railway kings, and this, although the service would yield a handsome profit at one-half a cent per pound. The Government pays the railroads for a great deal more weight than the roads really haul. It is the fault of the Government that this is done. Besides, the contract price is entirely too high. During the last twenty years freight rates have been reduced about 40 per cent, yet the Government is now paying about the same rates that it did twenty years ago. Why do not those who are so much concerned about the deficit in the Post-Office Department turn their attention to these big leakages and gross abuses? Let those who profess to favor economy and reform help to correct these abuses.

The method which the Government adopts to ascertain the weight of the matter passed over the various roads is to weigh the mails at certain stated periods, of which the railroads have notice. The weighing, as a rule, is done during one month in every four years. This forces the Government to pay for forty-seven months on the same amount that shall happen to pass through the mails during one month out of the forty-eight. The opportunity to increase the mail matter by what is known as "padding," on the given month, and also for collusion between Government officials and railway officials is as boundless as it is apparent. I submit that under existing law the Postmaster-General might do much to prevent these enormous frauds and reduce the deficiency. Congress has conferred upon the Postmaster-General a discretion and power to weigh the mails not less than thirty successive working days in terms not less than four years, and to verify the result. Under this law he can weigh as often as he sees fit, and then refuse to verify until he is satisfied that an honest weighing had been made. Why has this not been done?

I submit that if the amendments which the minority offer providing for the Government to own its own cars and pay no more to the railroads for hauling them than the express companies now pay the railroads for a like service, that all of these evils and opportunities for evil will be once and for all cured. Then, if the Government would own its own cars, the people could enjoy all the mail facilities they now do, and more, with a surplus in the Treasury each year instead of a deficiency. The friends of this Loud bill, while professing to be chiefly concerned about the deficit in the Post-Office Department, yet offer an amendment to the bill to reduce letter postage from 2 to 1 cent. This is evidently done to catch the ear of the public with the popular cry of "1-cent letter postage," and thus call attention from the very objectionable and dangerous features contained in the bill. How can the deficit be changed to a surplus by reducing letter postage one-half? Under the present high rates paid to the railroads this would make an enormous deficit. I favor 1-cent letter postage, but I do not favor it at the expense of the newspapers and other valuable and important literature that go through the mails at second-class rates. A thousand times better for letter postage to be increased than for the provisions in this bill against second class mail matter to become a law. But if the necessary and business-like reforms which are set forth in the substitute which the minority offer to this bill are adopted, then we can have 1-cent letter postage and retain all the privileges of second-class mail matter which the people now enjoy, and at the same time turn the deficit into a surplus.

But even if we should admit that there is no remedy for the deficit which now exists in the Post-Office Department without cutting off the useful literature which goes through the mails at second-class rates, which enables the masses to have it brought to their doors at low cost, such privileges should not be cut off. They are educational and important, and instead of cutting off this important privilege to the masses the Government could afford, if necessary, to appropriate any amount of money necessary for this very important educational work.

The real purposes of this measure, known as the Loud postal bill, do not appear on its face. Its real purposes, or at least its effects if it should become a law, are far reaching and dangerous. The gold ring, the monopolies, and trusts already control the avenues and agencies of rapid communication and intelligence. They filter and control the news that appears in the daily press each morning. They now seek through this bill to close up as far as possible the only other avenue left free and open.

We do not question the motives of the advocates of this bill in the two Houses of Congress, but it is well known that most of the great commercial press at least apologize for, if not defend, the trusts and combines; not only this, they openly advocate the single gold standard. It is also well known that economic literature treating of the money question and other vital economic reforms in opposition to monopolies and the theory of the gold standard, is excluded from news stands and from sale on the railroads, and that the only avenue which the people have whereby to study both sides of the great economic issues which are agitating the country is the United States mails. An examination of the bill shows that gold and monopoly literature, no matter how much it loads the mails by means of the great Sunday editions of newspapers, goes through the mails as second class matter, which is the lowest rate and most favorable terms which the Government gives to any publication. To aggravate this unjust discrimination, and to make it apparent that the object is to give to the great dailies, backed by unlimited capital, a monopoly of communication with the people, sample copies of newspapers are excluded from second-class matter, although the publishers are willing to pay the postage. The great mass of newspapers which oppose the single gold standard are small local papers without any financial backing. It is absolutely necessary to the starting or maintaining of these enterprises that they shall be enabled to send out sample copies in order to advertise their papers and to get subscribers. This privilege, which, at the second-class rates paid, pays the Government more than it ought to cost, is the only instrumentality which interferes with an absolute monopoly of information on the great and vital economic issues which divide the country. It is true that there are a few great dailies which are opposed to monopoly rule, but they are so few in number that their circulation can not reach any considerable number of people in the United States. If this bill had been entitled "A bill to create a newspaper trust in the interest of the gold trust and all other trusts," its effects, if not its real purpose, would have been fully expressed in its title.

The amendments, or rather the substitute, which I offer will correct every real evil complained of, will save to the people the great and important privileges which they now enjoy, and at the same time give us 1-cent letter postage without increasing the cost of the postal system or causing a deficit. In short, the substitute which I offer retains all the benefits we now enjoy from the postal system and extends these benefits, not only without increasing the cost, but really decreases the cost. These are the reforms that are needed.

The letter of the Postmaster-General, the article by Mr. Cowles in the February (1897) number of the Outlook, and the article in the New York World, above referred to, are annexed as exhibits hereto.

MARION BUTLER.

Amendment intended to be proposed by Mr. BUTLER to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, viz: Strike out all after the enacting clause and insert the following:

"That, it being the policy of the United States to carry the mails in the railway mail service in cars belonging to the Government and pay to the railroad companies mileage rates for hauling the same, the Postmaster-General be, and he is hereby, authorized to advertise for six months for sealed proposals to furnish to the Government first-class mail cars of the best and most substantial structure, sufficient in numbers to perform the railway mail service of the United States. At the end of such advertisement, the Postmaster-General shall open such bids and award to the lowest responsible bidder or bidders a contract for such cars, to be delivered to the Government within six months thereafter. And upon the purchase and delivery of such cars the United States mails shall be carried in said cars, and shall be hauled over the railway lines of the United States under contract with the Postmaster-General: *Provided*, That the charge therefor shall not be greater than is paid by express companies and other parties for similar service.

"SEC. 2. That every railroad contracting with the Government to haul its mail cars shall examine and approve the Government's cars as safe and in good condition, and the said company shall be required in the same contract to keep such cars in repair and treat them in all respects as the first-class cars of the said railroad companies shall be treated on its lines, and to be allowed a reasonable compensation therefor, to be fixed in the contract; and any damage which said cars, the persons connected therewith, or the mail matter contained therein may sustain shall be at the risk of the railroad company, for which the Government shall not be responsible. Neither shall the Government be liable for any damage to other cars in the train or to passengers or freight thereon by reason of any defect in the mail car of the United States in such train; and all of these conditions shall be made a part of the contract.

"SEC. 3. That it shall be the duty of the Postmaster-General to cause separate accounts to be kept in his Department which shall show the following facts: First, the comparative cost per pound of handling first-class matter, constituting what is known as letter mail, and the second-class matter; second, the difference in the weight of the ordinary week-day editions of the daily newspapers and the aggregate weight of Sunday editions of such newspapers during the ensuing fiscal year; third, the weight of books, pamphlets, and periodicals, other than newspapers, that now pass through the mails at second-class rates.

"And the Postmaster-General shall investigate and report any other matters of reform upon which legislation is needed to decrease the expenses of the Department, without in any way limiting the mail facilities which are now furnished by the Government."

EXHIBIT A.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 12, 1897.

SIR: In reply to your inquiry of the 7th instant, I beg leave to state that postmasters are not required to make separate reports of the weight of Sunday editions of daily journals passing in the mails as second-class matter, and therefore I am unable to give you an approximate estimate of the difference between the average daily weight of the week-day and Sunday editions of such papers.

Publishing houses issuing several periodicals, and news agents when sending to other news agents, send miscellaneous packages containing daily and weekly newspapers and magazines and other periodicals, and, consequently, since they are not weighed and mailed separately, it is impossible to give the average weight of weekly newspapers or other periodicals by their classes.

The weight of second-class matter sent through the mails during the fiscal year ended June 30, 1896, upon which postage was collected at the pound rate was 296,640,351 pounds. The estimated amount of "free county matter" was 52,348,297 pounds, making an aggregate of 348,988,648 pounds, and an average of [illegible] pounds or 476 tons daily. It is impossible to separate the cost of handling second-class mail matter and letters from the cost of handling other mail matter.

In my annual report I give the weight of the several classes of mail matter, with the amount of revenue received therefrom, and also the estimated revenue received from a single pound of each class.

Regretting my inability to furnish the exact information you desire,

I am, sir, very respectfully,

WM. L. WILSON,
Postmaster-General.

Hon. W. M. STEWART,
Senate Chamber, Washington, D. C.

EXHIBIT B.

THE POSTAL DEFICIT AND THE LOUD BILL.

[By James L. Cowles* in the February Outlook.]

In his opening speech in behalf of his bill the chairman of the Post-Office Committee of the House of Representatives spoke as follows: "We all admit that this country is to-day in an unfortunate condition financially. While perhaps we may not all agree as to the remedy for the cure of the existing evil, we do all admit that, from a financial standpoint, this country is in an unfortunate position. Now, this bill presents to this body the opportunity to relieve the country from a deficiency of $10,000,000 already existing in the service of the Post-Office Department and to give to it in addition a revenue of $10,000,000 more. At the lowest calculation there is involved in this bill a saving to the Government of $20,000,000 per annum, and if we may take the figures of Postmaster-General Wanamaker, if we may take his estimate made in 1892, we must come to the conclusion that this iniquity (the carriage of second class matter in the mails)—I will term it an iniquity—costs our people more than $40,000,000 annually."

Now, I heartily sympathize with every effort made by our public servants at Washington to so reduce illegitimate expenditures and to so increase legitimate revenues that our National Government, the greatest of our public business corporations, may always be in a sound financial condition. Whatever may be the needs of the Government, however, I hope that the Post-Office, the greatest of our public services, will never degenerate into an engine of taxation to be run on the principle of "what the traffic will bear." The common interest clearly demands that our postal rates shall never more than suffice to pay to the Government the cost of the service which it renders to the individual.

Mr. LOUD's desire to reform abuses in our postal business is most commendable; but in this particular instance the evil may be far better met, I think, by extending to all the privileges now granted to a few, than by restricting those privileges within narrower limits. The exigencies of the situation demand a far more radical reform in the management of the Post-Office than that contemplated in the bill now pending before the Senate.

The postal deficit is not due to the cent-a-pound rate paid to the Government for postage on paper-covered books and on returned newspapers, but to the 8-cents-a-pound tax levied by railway managers for a service that would yield them a handsome profit at one-half a cent a pound.

The report of Postmaster-General Wanamaker of 1892, page 90, makes the average carriage of a piece of postal matter to be 442 miles; 10.4 per cent of the weight of the mails is carried but 25 miles; 24.7 per cent goes on an average 125 miles; 24.4 per cent travels 350 miles; 23.3 per cent is carried 750 miles, and but 17.1 per cent of the weight of the mails is carried an average of 1,500 miles. Nearly 60 per cent of our mail bags travel within zones of 350 miles, and the proportion of short distance exchanges of heavy matter would undoubtedly be much greater were not the Government underbid by the express companies in this business. "Within a radius (within zones) of 500 miles," says Mr. LOUD, "the express companies to-day are carrying the matter (domicile to domicile) for a fraction under a cent a pound. Beyond the radius of 500 miles they dump it all on the United States Government for transportation."

It is true that the record on which Mr. Wanamaker based his figures did not include second-class matter; it is also true that the average distance traversed by third and fourth class matter was [illegible] and [illegible] miles, respectively, but since the short hauls are taken by the express companies, this is not wonderful. If the same conditions prevail elsewhere that prevail in Connecticut, it is safe to say that the express companies make their short haul rates on State publications just enough below the postal rates to get the business. I shall show a little later that if the Government paid no more to the railroads than do the express companies it would be a very profitable business to the Government to carry its second, third, and fourth class matter any distance for 1 cent a pound, and there would be a corresponding saving to both our State governments and to individuals.

In any case, it is safe to assume 442 miles as the average haul of postal matter at present; and if the Government received at the hands of our railway rulers the same treatment as the express companies, the average haul for all classes of postal matter would undoubtedly fall to that of letters, 380 miles.

Taking, then, 442 miles, the distance from New York to Buffalo, as the average haul of a mail bag (the average run of a postal car in 1894 was but 150 miles), we find that the railroads tax the Government $160 a ton for a haul that, in the days of the ox cart, cost private individuals but $100.

To the possible criticism that the saving of time ought to be considered, I reply that this is a matter, not of the value of the service of the railroads, but of the cost of that service, and I contend that our railways charge the Government for the transportation of postal matter full sixteen times the cost of the service rendered. In proof of this statement I offer the following evidence:

It is a matter of court record that the Texas Pacific and the Southern Pacific railroads carry foreign hats and caps, boots and shoes, cashmere and laces, cutlery and ordinary hardware, from New Orleans to San Francisco for eight-tenths of a cent a pound, and the business has proved so profitable that, after years of litigation, they have at last secured a decree from the Supreme Court declaring it lawful, and also declaring it lawful for them to levy three or four times as heavy a transport tax for the same service rendered to native-made goods of the same description. Now, if it is profitable for our railroads to carry these foreign made goods across the continent for eight-tenths of a cent a pound, am I not justified in my contention that it would be profitable to haul our own mail bags average distances of 442 miles for one-half cent a pound?

But we will come closer home. Twenty-five of my little books, A General Freight and Passenger Post, came to me the other day from Messrs. G. P. Putnam's Sons, of New York, and the express, domicile to domicile, was but 35 cents—less than 3 cents a pound, less than 1½ cents a volume.

It costs 9 cents to send off a single volume through the post-office, and as I am expecting to distribute a great many of these little messengers of good tidings, I concluded that it might be worth while to ascertain the regular express rates from New York throughout the country. I therefore wrote to Adams Express Company, and they kindly sent me one of their regular merchandise rate books.

Imagine my surprise on finding that in packages of 60 pounds and upward the regular express rate from New York to New Haven is but one-half a cent a pound, while from New York to Boston the rate in packages of 75 pounds and upward is but 1 cent a pound. From New York to Philadelphia the rate, in packages of 70 pounds and upward, is three-fourths of a cent a pound; in parcels of a hundred pounds and upward, the rate to Cleveland is 1½ cents a pound; to Cincinnati, 2 cents; to Detroit, 2 cents; to Chicago, 2½ cents; to New Orleans, 5 cents, etc. From New York to Elizabeth, Newark, Rahway, and other places in New Jersey the rate on packages of 75 pounds and above is four-tenths of a cent a pound, while between New York and Jersey City the charge is but 25 cents a hundred, these rates in all cases being from domicile to domicile. Remember, too, the statement of Mr. LOUD, that within zones of 500 miles the express rate is a fraction under 1 cent a pound.

Now, how much more than one-half a cent a pound do the express companies pay the railroads for their share in this service?

And why should the Government pay the railroads any more for the transportation of its mail bags than the express companies pay for a much greater service?

A reduction in transportation rates to one-half a cent a pound would save to the Government full [illegible] a year, and would enable it to extend the cent-a-pound rate to all classes of products, and yet with a profit to the Government, for what the express companies do with a profit the Post-Office can do with a profit.

If this evidence from the express business fails to be convincing, then please note the following, and please observe that these facts are of court record. Thousands of milk cans are brought every day to New York, 40-quart cans, weighing when filled about 100 pounds, and with them other thousands of crates, each holding 12 quart bottles of milk or cream, the crates weighing when the bottles are filled about 70 pounds, and these cans and crates are returned empty distances up to 330 miles. On a can of cream the charge is one-half a cent a pound; on a hundred-pound can of milk the transport tax is a little less than one-third of a cent a pound. When the cream is carried in bottles—70-pound crates—the tax is less than one-fourth of a cent a pound, and when the bottles contain milk the rate is less than one-sixth of a cent a pound.

These rates, please remember, include the return of the empty cans and crates of bottles free. The zone within which these rates prevailed a year ago covered a distance of 250 miles. It is reported to cover 330 miles to-day; and I heard George R. Blanchard, of the Joint Traffic Association, testify before the Interstate Commerce Commission last winter in favor of their extension for distances up to 1,000 miles. The counsel of the Delaware, Lackawanna and Western Railroad went very much further than Mr. Blanchard, however, and pleaded in favor of the extension of these rates up to any distance within which the milk could be brought to market in fit condition for use, saying that "the cost of the service was in no real sense dependent on the length of the haul." Yes, and these learned counsel admitted that these rates on trains running at passenger speed were so remunerative that their clients were able to make a clear cut of over [illegible] a year out of the profits to their milk contractor, Westcott.

The Hon. Joseph H. Choate, of New York, had a hand in this noted trial of railway managers by the people, and I heard him in court use language to the effect that the enormous profits secured to Westcott by this milk contract with the officials of the Delaware, Lackawanna and Western Railroad furnished almost conclusive evidence of collusion between Westcott and these railway managers for a division of the spoils.

According to Mr. Choate, these rates, one-half a cent a pound on 10-quart cans of cream, one-third of a cent a pound on 40-quart cans of milk, one-quarter of a cent a pound on crates of bottled cream, and one-sixth of a cent on bottled cream, [illegible] brought profits to the railroads of two to three hundred per cent; one-fifth of a cent a pound on cans and bottles alike, and whether filled with cream or milk, would have yielded an ample return to the railroads.

Now, if this be true, if railway managers can profitably carry filled milk cans and loaded milk crates any distance on passenger trains (for milk trains

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*Author of A General Freight and Passenger Post (G. P. Putnam's Sons, New York).

are practically passenger trains), at a uniform rate of one-fifth of a cent a pound, returning the empties free, why should the Government pay 8 cents a pound, $8 a hundred, $160 a ton, for carrying its mail bags similar distances in similar trains?

But we have yet one more witness to bring forward in this case of "the people versus the railways." In 1887 Postmaster-General Vilas showed that the Government was then paying the railways as much every year for the use of postal cars as it would have cost to build them, and this in addition to the payment made according to weight under the general item of transportation of the mails by the railroads.

The Government would save $1,500,000 a year, said Mr. Vilas, by owning its postal cars. The Government could easily build its cars, and could more than pay for them by the savings of a single year. "Government ownership, moreover, would very much relieve the difficulties of the compensation problem." According to the estimates of Mr. Vilas, if the Government had owned its postal cars in 1894 it would have saved over $2,000,000, and last year the saving would probably have been more than $2,500,000.

The following paragraph occurs in a report concerning the railways of Belgium made by M. Fassieux, the director of the Belgian roads, in 1885: "The working of lines by Government affords perfect facilities for the postal service, as mails can be sent by every train; even when the lines belong to companies, they are carried free by one train per day in each direction." We do not ask that the mails should be carried free on the great steam roads, but we do think that every State should provide for the free carriage of the mails on the trolley lines, and in no case should the Government pay more than the actual cost of the service. To this demand the railway managers will doubtless reply that a very large part of our railway system is already in bankruptcy, and to reduce the rates will ruin the rest.

The case of Westcott and the Delaware, Lackawanna and Western road, however, presents another reason than low charges for the failure of railways. In many sections the managers of the railways have for years systematically robbed both the stockholder and the ordinary patron of the railway; in other sections the weight of their exactions has paralyzed industry and involved all classes (except themselves and their favorites) in one common ruin. Is this strong language? It is almost mild in comparison with the recent statements of President Ingalls, of the Big Four, and of President Stickney, of the Chicago and Great Western Railroad, as to the conduct of their associates in the management of the nation's circulating system.

I submit that what we need in the present crisis is not the curtailment but the extension of the sphere of the Post-Office; and not until its beneficent rule has been extended over the whole realm of railway transportation, and the transportation taxes are determined according to the cost of the service rendered, can we hope to see a return of healthful prosperity in this country.

EXHIBIT C.

[New York World, January 31, 1897.]

THE GOVERNMENT ROBBED OF $10,000,000 PER ANNUM—MAILS FRAUDULENTLY PADDED BY RAILROAD MANAGERS—EXCESSIVE RATES IMPOSED FOR THE USE OF RAILWAY POST-OFFICE CARS—RAIL ROUTES DRAW $32,000,000 PER ANNUM—NEW YORK CENTRAL MAIN LINE RECEIVING OVER $3,000 PER MILE, A SUM SUFFICIENT TO PAY INTEREST CHARGES ON THE COST OF A DOUBLE TRACK FROM NEW YORK TO BUFFALO.

The railroads of the United States are defrauding and overcharging the Government to the extent of $10,000,000 per annum, and this public plundering is going on while statesmen and dabsters at Washington are vacantly going about for means whereby they may avoid a deficit of $5,000,000 per annum in running the Post-Office Department.

The frauds are notoriously open and admitted.

Railroads are receiving over $32,000,000 per annum for service, though they are not entitled to more than $22,000,000 on any fair basis of Government allowance.

Railroad managers have stuffed the mails with free postal matter during a period of thirty days every four years when the Government made its quadrennial reweighing, and for the other forty-seven months of the term they have drawn vast sums from the Treasury.

Some feeble vaporings have gone out from Washington that Congress had fixed the method of weighing and that the Department officials were not responsible for these vast expenditures. The officials, therefore, let the subject pass, and no serious steps were taken to stop the frauds or to punish the offender. It is true that complaint was made by the Postmaster-General to the Attorney-General, but the Attorney-General's office has done less to stop this form of corporate offense than it has done to check trusts and monopolies. Offenders have been allowed to go free under an absurd and forced interpretation of the laws relative to weighing.

The Seaboard Air Line was caught red handed in this public thievery, but nothing was done, and the general manager of the line, V. E. McBee, admitting the practices, said, "There is no legal or equitable reason why we should withhold matter from the mails during the weighing period," and then declared that his line had been following the methods which were common upon all other railroads.

In ten years the annual payments by the Government to railroads for mail transportation have increased over $15,000,000. The payments have been as follows:

Date.	Cost per annum.	Date.	Cost per annum.
1881	$11,[illegible]	1889	$21,[illegible],613
1882	12,[illegible]	1890	24,[illegible]
1883	14,[illegible]	1891	25,[illegible]
1884	15,[illegible]	1892	27,[illegible]
1885	16,[illegible]	1893	28,910,[illegible]
1886	17,[illegible]	1894	30,[illegible]
1887	18,[illegible]	1895	31,[illegible],342
1888	19,[illegible]	1896	32,[illegible]

These expenditures relate solely to payments to railroad companies and do not include the pay of railway post-office clerks ([illegible]) or star routes ([illegible]) or steamboat routes.

The aggregate expenditures under the supervision of an Assistant Postmaster-General who receives $4,000 annual salary exceed $47,000,000 per annum.

Some few of the railroads of the country are dealing with the Government on a fair and honest basis, but their number is exceedingly small in comparison with those corporations which have padded the mails to enlarge their earnings and to defraud the taxpayers.

The payments to the large railroad systems for the year ending June 30, 1895, were as follows:

	Length of lines.	Pay.
	Miles.	
Vanderbilt system: New York Central, Lake Shore, Michigan Central, and Cleveland, Cincinnati, Chicago and St. Louis	7,246	$3,698,671
Pennsylvania Railroad	8,063	3,578,895
Union Pacific	5,257	1,624,132
Chicago, Burlington and Quincy	7,238	1,539,648
Southern Pacific	7,557	1,500,601
Baltimore and Ohio	3,304	1,108,275
Chicago and Northwestern	7,531	1,105,866
Chicago, Milwaukee and St. Paul	6,165	1,085,921
Missouri Pacific	4,853	917,118
Atchison, Topeka and Santa Fe	6,066	901,491
Southern Railway	4,341	869,228
Illinois Central	3,944	644,680
Louisville and Nashville	3,070	598,783
New York, New Haven and Hartford	1,947	553,568
Northern Pacific	3,915	539,104
Chicago, Rock Island and Pacific	3,439	518,927
Great Northern	4,096	438,962
Wabash	1,904	422,418
Other lines	81,249	9,650,006
Total	171,212	31,306,342

On a reweighing of mails made last year the detailed report of the Postmaster-General shows that the Pennsylvania Railroad was allowed $440,000 for transportation of an average of 30 tons per day from Pittsburg to Chicago, or an average of $40 per ton for that distance, or nearly 9 cents per ton per mile. The speed at which this mail was carried averaged 28 miles per hour, so that the service can not be called a fast train service, or that the Government paid extra for speed. The same rate, at 9 cents per mile, was allowed to the Big Four (Vanderbilt) line from Cleveland to Cincinnati.

This mail matter can not be classed as ordinary freight, but when it is understood that some freight is carried by the Pennsylvania Railroad Company for less than three-tenths of a cent per mile, this liberality in paying railroads for mail transportation is beyond comprehension. With such payments to railroads the deficiency of the Post-Office Department exceeded $5,000,000.

On routes carrying mail the whole length of the route Congress allows the following pay per mile per annum:

200 pounds per day	$50	2,000 pounds per day	$150
500 pounds per day	75	3,500 pounds per day	175
1,000 pounds per day	100	5,000 pounds per day	200
1,500 pounds per day	125		

Over 2,000 pounds additional, $25 per mile additional.

In 1876 this allowance was reduced 10 per cent and an additional 5 per cent was cut off in 1878, but in eighteen years since then no further reduction has been made in the rate, though the charge for transportation has fallen from 1.35 cents per ton per mile in 1878 to 0.82 in 1895, a decrease of 40 per cent in freight charges. Passenger charges have decreased from 2.447 cents per passenger per mile in 1882 to 2.016 in 1895, a decrease of 18 per cent. But no decrease has been made in eighteen years in the rate of pay for mail matter. Congress has actually fixed the pay for transporting mail in large quantities at $21.38 per ton per mile per annum, or at 6 cents per ton per mile for all matter carried the whole length of the route.

Though these excessive figures for mail transportation have been maintained for years, it is difficult to find any official trace of information given to Congress respecting the character of these rates.

The Post-Office Department has not been powerless in the matter of controlling payments and protecting the Government. The act of Congress (R. S., 4002) expressly conferred upon the Postmaster-General a discretion to weigh the mails for not less than thirty successive working days in term[illegible] not less frequently than once in every four years, the result to be stated an[illegible] verified in such form and manner as the Postmaster-General may direct. [illegible] there were frauds, he could weigh as frequently as he thought proper, and [illegible] could refuse to verify until an honest weighing had been made. Wh[illegible] recall any instance except that of Postmaster-General Wilson's atte[illegible] upon the Seaboard Air Line, where any Postmaster-General has persiste[illegible]y and energetically and earnestly exercised these functions in the inte[illegible] of the people? When has the attention of Congress been called to the [illegible] rates of mail transportation or to the details of the fra[illegible] practiced upon the weighers?

A bill has passed the lower House of Congress, known as the Loud bill, which is intended to correct many abuses which have crept into the second-class matter. Postmaster-General Wilson and many intelligent officials have urged this bill as the panacea which shall make the Postal Department self-supporting. The service has been abused by executive departments sending free through the mails such articles as iron safes, roller desks, and similar bulky freight, and abuses have crept in through the sending of serial libraries and reprints of books and sample editions of newspapers issued for advertising purposes. News companies have returned unsold periodicals, fraternal societies circulate publications of a mere advertising character, and similar private enterprises have been carried on at public expense. But the discontinuance of these matters will not be materially felt for two or three years in postal revenues, because of the quadrennial weighings, unless—

First. The Postmaster-General shall exercise his undoubted authority and order an immediate reweighing of mails on all railroads.

Second. Congress must provide severe punishment for schemes to pad the mails during the weighing period.

Third. The excessive rates now paid for mail transportation on the trunk lines must be cut.

Fourth. Franked matter must be excluded from the weighings.

The officers of the Railway Mail Service have not exercised diligence in protecting the interests of the Government.

The act of Congress fixed a rate not exceeding:

$25 per mile per annum for railway post-office cars 40 feet in length.
$30 per mile per annum for railway post-office cars 45 feet in length.
$40 per mile per annum for railway post-office cars 50 feet in length.
$50 per mile per annum for railway post-office cars 55 to 60 feet in length.

Under this law the officials have allowed the maximum limit to be paid. They allowed $3,467,916.70 for 622 railway post-office cars in actual use and for 154 cars in reserve. Assuming that half of the reserve cars were in actual use, then the average pay for each car was $5,000 per annum for wheelage.

It should be noted that the Government had already paid for carrying every pound of mail, and that this maximum allowance was an addition thereto. The figures of the Pullman Company and of the Jackson Sharp Company, of Wilmington, Del., show that a freight car costing $500 has an average life of twelve years; that a passenger coach costing $4,000 has an average life of twenty years. These railway post-office cars cost between $4,500 and $5,000. Some of them have been in service since the Centennial Exposition of 1876, and yet the postal authorities have been paying for the wheelage [illegible] of such cars $5,000 per annum.

They have given more than the full cost of the car for one year's service. In twenty years the Government pays $100,000 for a car costing $4,500.

The New York Central Railroad receives an annual payment of $[illegible] per mile for transporting mail matter between New York and Buffalo, this payment not including the pay of the railway post-office clerks. In other words, for hauling the mails the Government pays to the New York Central Company a sum exceeding the amount necessary to pay interest on the cost of a complete double-track line from New York to Buffalo.

The Pennsylvania Railroad receives $[illegible] per mile for its service between New York and Philadelphia, and $[illegible] for its service from Philadelphia to Pittsburg.

The amount paid by the Government for transporting mail matter is equivalent to the interest of $[illegible] per mile on all the railroads of the country.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3727) granting an increase of pension to Thornton S. Crosley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3728) granting a pension to John F. Early; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER. I submit an amendment intended to be proposed to the District appropriation bill, which I ask to have printed, and referred to the Committee on the District of Columbia. I also submit certain prints, which I desire to have referred to that committee in connection with the amendment.

The VICE-PRESIDENT. It will be so ordered.

Mr. BERRY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS RENDERED.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to report to the Senate under section 11 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," all judgments rendered in the circuit and district courts of the United States, not heretofore reported at this session, which require an appropriation for their payment.

LIST OF CLAIMS ALLOWED.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of all claims allowed up to and including Saturday, the 27th instant, by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session; and also a list of judgments of the Court of Claims, requiring an appropriation at the present session, not already transmitted.

PROTECTION OF AMERICAN CITIZENS IN CUBA.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That it is the sense of the Senate that the President should speedily and effectually protect the lives and liberties of peaceable American citizens residing or sojourning in Cuba, and that he should promptly insist that Spain in her war against her colonists in the Island of Cuba should conduct the same on principles of civilized warfare, eliminating all unusual and unnecessary cruelty and barbarity; and for the enforcement of these reasonable and just requirements United States battle ships should be sent without delay to Cuban waters.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. PLATT. I should like to hear it read once more.

Mr. PETTIGREW. Let the resolution lie over.

The VICE-PRESIDENT. The resolution will go over under the rule.

REPORT ON IMMIGRATION.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 800 additional copies of the report of the results of the mission of the Commissioner-General of Immigration to the Italian Government, October, 1896, 300 for the use of the Senate and 500 for the use of the Commissioner-General of Immigration.

IMPRISONMENT OF AMERICAN CITIZENS IN CUBA.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he hereby is, requested to transmit to the Senate, either in open or secret session, as he may prefer, all the correspondence and reports of the consul-general of the United States at Habana relating to all American citizens now in prison in the Island of Cuba, not previously reported on.

M. A. CHEEK.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the President communicate to the Senate, if not incompatible with the public service, all the information in possession of the Department of State relating to the claim of M. A. Cheek against the Siamese Government.

THE REVENUE-CUTTER SERVICE.

Mr. FRYE. I move that Senate Document No. 135, Fifty-fourth Congress, second session, being a letter from the Secretary of the Treasury, transmitting, in response to Senate resolution of the 16th instant, information called for in relation to the Revenue-Cutter Service, be reprinted, with certain corrections to be indicated by the Treasury Department.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 10336) making appropriations for the naval service of the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MRS. EMMA WEIR CASEY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2729) granting a pension to Emma Weir Casey, which was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to read:

At the rate of $50 a month.

Mr. FRYE. General Casey, as is well known, was a faithful officer in war, and of equal fidelity in peace. Indeed, Congress had such implicit confidence in his ability and integrity that from time to time it imposed upon him very arduous and responsible duties entirely outside of his official work. I have no doubt that the anxiety and increased work hastened General Casey's death. He never received a dollar for all of this work performed before his retirement—no pay whatever. The Senate committee reported the bill and the Senate passed it, giving the widow of General Casey $75 a month. He left her a house, but not enough for her support outside. The House has amended the bill by cutting it down to $50. I am informed by friends of General Casey in the House that in these last days of the session unless the Senate agrees to the amendment there is liability that the bill will be lost.

So, as a friend of General Casey and earnestly sympathizing with his widow, I move that the Senate agree to the House amendment, at the same time declaring that I do not regard myself by this action as at all foreclosed from hereafter asking a further increase.

The VICE-PRESIDENT. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following act and joint resolution:

An act (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota; and

The joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota.

SIOUX RESERVATION IN SOUTH DAKOTA.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3226) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment inserting the word "only" in the nineteenth line of said bill.

That the Senate concur in the House amendments inserting after the word "in," in the twenty-first line, the words "North Dakota," and after the word "Dakota," in the same line, inserting the words "and Nebraska."

R. F. PETTIGREW,
T. H. CARTER,
J. H. BERRY,
Managers on the part of the Senate.
JOHN F. LACEY,
WM. R. ELLIS,
THOMAS C. McRAE,
Managers on the part of the House.

STATEMENT.

The word "only" was inserted in the nineteenth line of the bill by the House without being considered by any committee of the House, and its retention would repeal the existing law, except in the States of North Dakota, South Dakota, and Nebraska, in relation to commutation of homestead entry after fourteen months' residence thereon.

The words "North Dakota and Nebraska" have been inserted in the twenty-first line of the bill because the Sioux Indian Reservation extends into both the States named.

The report was concurred in.

ARMY APPROPRIATION BILL.

Mr. QUAY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3 and 4 to the bill (H. R. 10380) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have been unable to agree.

M. S. QUAY,
EUGENE HALE,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
J. A. T. HULL,
R. WAYNE PARKER,
Managers on the part of the House.

Mr. QUAY. I move that the Senate further insist upon its amendments numbered 3 and 4, upon which the conferees were unable to agree.

The motion was agreed to.

FORM OF CREDENTIALS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. HOAR], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution suggesting the form of certificate of election of Senators to be sent by the executive of any State, in pursuance of section 17 of the Revised Statutes of the United States.

Mr. GRAY. What action is proposed upon the resolution? I observe that the Senator from Massachusetts is not in his seat.

The VICE-PRESIDENT. The Chair submits the resolution as coming over from a previous day. It is for the Senate to take what action it desires.

Mr. GRAY. I ask that the resolution be at present considered. It is a very important one and will not create any debate.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PETTIGREW. I move its reference to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota, that the resolution be referred to the Committee on Privileges and Elections.

Mr. CHANDLER. I think it should go there, but the Senator from Massachusetts requested that it might remain where it is. I do not think it should be referred in his absence. I am unwilling that it shall be acted upon now, and I hope the Senator from South Dakota will allow it to remain where it is.

Mr. PETTIGREW. I withdraw my motion, and ask unanimous consent that the resolution may lie on the table.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

PACIFIC RAILROADS.

Mr. ALLEN. Some weeks ago I introduced two resolutions, one a Senate resolution and the other a concurrent resolution, respecting the Pacific railroads. My colleague [Mr. THURSTON] debated the resolutions on three or four different days and has not yet concluded his remarks. The resolutions were to be passed over without prejudice from time to time until he concluded his remarks. The remarks have not been concluded, and I have not heard anything from the resolutions for several days. I ask that they be continued without prejudice in their place.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the amendments of the House to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

REPORT ON PRESERVATION OF FISHERIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a communication from the Secretary of State covering the report of the joint commission on behalf of the United States and Great Britain, dated December 31, 1896, relative to the preservation of the fisheries in waters contiguous to the United States and Canada, as provided by the joint agreement between the United States and Great Britain, dated December 6, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 24, 1897.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The next amendment of the Committee on Appropriations will be stated.

The next amendment was, on page 66, after line 16, to insert:

To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000.

Mr. QUAY. Mr. President, I desire to take the floor upon the pending amendment to the Indian appropriation bill, and I will reach the amendment and the bill by gradual approaches. I wish to explain to the Senate what may seem to be rather improper persistency on my part in the effort to bring up the Duluth Bridge bill, and also to indicate to the Senator from Wisconsin [Mr. VILAS] the exact status of the memorial of the Wisconsin legislature to which he refers.

The Senator from Wisconsin and the Senate will remember that I explained yesterday the condition of the bridge. I stated the fact that the Pennsylvania Steel Company, a very large institution in central Pennsylvania, is employed in the construction; that the time for the construction of the bridge expires on the 1st of April, and that all the material for the bridge is at the site and the bridge is about one-third erected. The act of Congress authorizing the construction of the bridge requires its completion by April 28. I stated that that was impossible, owing to the severity of the weather at Duluth during the winter, and an extension of the time to July 1 or August 1 would answer every purpose and furnish every equity desired by the contractors.

The Senator from Wisconsin seemed to think that the bill which I introduced, which only went to the extent of extending the time for the construction of the bridge, was severely antagonized by his constituency, and that the legislature of his State had passed a resolution protesting against it; that is to say, against the bill which I introduced providing merely for the extension of time, there having been another bill pending here which proposes to relieve the bridge company from certain penalties, I believe, and duties imposed upon it. It was my judgment that the legislature of Wisconsin, in its action, had referred to the original bill, with which I believe the Senator from Minnesota [Mr. NELSON] is familiar, which he reported, and which is entirely at variance or entirely different from the one which I introduced. The following passage occurred between the Senator from Wisconsin and myself yesterday. I read from the RECORD:

Mr. QUAY. I ask the Senator from Wisconsin whether the memorial of the legislature of Wisconsin refers to this bill, which is a naked extension of time for the benefit of those employed in the construction of the bridge, or to the original bill, which involves a dispute as to certain conditions imposed upon the bridge company when it accepted its charter?

Mr. VILAS. The memorial relates to this bill, and the telegram was in answer to a letter which I sent advising the parties interested of the fact that this bill had been introduced. I conceive that it can make no difference in reality to the company in which the Senator is interested, which is constructing the bridge, whether the bill passes or not.

After the controversy yesterday between the Senator from Wisconsin and myself, I wired to Madison for a copy of the memorial. I have it here, and send it to the desk to be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

MADISON, WIS., *February 23, 1897.*

To Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Mr. Payne instructs me to report memorial, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the legislature of the State of Wisconsin respectfully shows that in the judgment of the legislature the best interests of the people of this State and Minnesota require that the act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved on the —— day of ——, 18—, should be amended as follows: First, so as to make said bridge perpetually free of tolls to foot passengers; second, so as to make the said bridge free of tolls to bicycles; third, so as to empower, under proper safeguards, the cities of Superior and Duluth and the counties of St. Louis and Douglas to purchase the said bridge at the actual cost of construction, with interest at the rate of 6 per cent per annum, deducting, however, the net receipts which shall have been received by the bridge company up to the date of said purchase; fourth, by striking out the provision of said act making the said bridge free of tolls to street railway cars in the event the same is purchased by the cities of Duluth and Superior or the counties of Douglas and St. Louis, or any of them; and this memorial respectfully prays that the said amendments may be made accordingly.

Resolved, That the governor is requested to transmit a copy of the foregoing to the presiding officers of the Senate and House of Representatives and to the Members of Congress and Senators from this State.

Offered February 1, amended to strike out second subdivision relating to bicycles, passed both houses 19th; will be presented to governor for signature Wednesday afternoon.

ROBERT LUSCOMBE.

Mr. QUAY. The fact that the resolution will be presented to the governor only on Wednesday, or this afternoon, accounts for the nonreception of the resolution by the Senator from Wisconsin.

What I desire to call the attention of the Senator from Wisconsin and the Senate to is that he is entirely mistaken as to the direction and purport of this memorial. It indicates no antagonism whatever to the extension of time to the bridge company, but is directed to amendments of its charter. The extension of time for the construction of the bridge is not mentioned in the memorial.

Furthermore, the Senator from Wisconsin is mistaken as to the bill to which it refers. The records of the Senate will show that the bill which was pending this morning before the Indian appropriation bill succeeded it was introduced by me on the 15th of February and reported by the Senator from Missouri [Mr. VEST] on the 18th. The memorial which the Secretary has just read was introduced in the legislature of Wisconsin on the 1st day of February, two weeks previously, so that it does not in any way relate to or affect this bill.

I wish merely to make that explanation to the Senate and to the Senator from Wisconsin to show him that he is entirely mistaken about the action of his legislature.

Mr. VILAS. Mr. President, I wish to make just as brief a statement of this matter as I can to show the proper relation of the facts to the question.

Three or four years ago, after some two or three years of controversy between two companies competing for the privilege of building this bridge across the St. Louis River, the cities of Duluth and Superior appointed a joint bridge committee, as I think they call it. The citizens of those two cities coöperating in that joint committee finally made an arrangement with this bridge company by which the company undertook certain conditions as the compensation or consideration upon which the bridge committee agreed that they should build the bridge which the two companies sought.

After that was done and the terms of the bill to be passed by Congress according to their agreement were specifically made, a bill was sent here, and the Senator from Minnesota, Mr. Washburn, and myself, supposing the bill to be in exact accordance with the terms of the agreement, consented to its passage. It imposed on the bridge company as a condition for the construction of the bridge that they should do a certain amount of dredging, and should thereafter forever maintain the channel of the river at their cost.

About four months afterwards they succeeded in passing a bill which relieved them from the obligation to forever maintain the channel. This year they sent down a bill asking to extend the time which had been rigorously prescribed to them, and also to relieve them from a large share of the dredging which they had agreed to do in the St. Louis River.

Now, the people of those communities insist on correcting a certain mistake, to call it by no harder name, which was made in the passage of that bill, by which, from a change in the language of it as it was agreed to be passed and as it was laid before the then Senator from Minnesota and myself by the bridge company, two injuries were done to the community: one that the bridge, which they agreed to be free to foot passengers, was made subject to toll; the other that the provision which the two cities of Duluth and Superior had stipulated, that they should have the right to buy the bridge at cost and 7 per cent interest, and that thereafter it should be free to wagon travel, they had altered so that thereafter it should be free to street railway travel, thus destroying to a very large degree the advantage which the cities would have acquired by making the purchase of them. They simply ask as a condition for the new amendments the company desire that those stipulations originally agreed to, of which I have abundant evidence in my desk, should be put upon the bill.

Mr. President, that made a considerable controversy over the bill which the Senator from Minnesota introduced. After that bill was introduced, the Senator from Pennsylvania, who represents a State in which there is a company which has undertaken a part of the work in the construction of this bridge—I do not know the full extent of it, and which desires to have the time extended for that construction—introduced a bill providing only for the extension of time. I supposed that there would be much less objection to that bill than to the other, and at once, upon its introduction, I wrote to people interested there to ascertain if there would be objection, or if they would insist upon maintaining the ground which had been taken. In answer to the letter which I wrote to the party a second time upon the point, I received a telegram, dated February 20, stating that—

> The legislature of Wisconsin, after full hearing by supporters and objectors, passed memorial to Congress covering everything which has been sent you.

I stated, therefore, yesterday, in reference to it, that I supposed that that memorial related to exactly the subject before us; and, as I understand it, after hearing it read now, I think it does; but I am not willing to take a memorial from the legislature of Wisconsin through telegraphic correspondence of friends of those who have been defeated in the controversy before the legislature. I think I am entitled to have the action of the legislature awaited and regularly laid before Congress in the proper manner.

Mr. NELSON. Mr. President, if the Senator from Wisconsin is through, I want to say a few words on this matter.

The argument of the Senator is calculated to mislead the Senate and to give the Senate a false impression. He goes back into ancient history, and he states that this law was originally passed in 1891; that there had been a controversy; that finally they came to an understanding, and that he and Senator Washburn procured the passage of the original bridge bill, but that in doing so a mistake had been made in not putting a proviso into the bill that foot passengers should be permitted to pass over the bridge freely.

I know nothing about that matter, but I want to call the attention of the Senate to the narrow and simple and plain question involved in this matter. This bridge law was passed in 1891. Under the original law, as well as under the amendatory act which was passed a few months after, the company was required to do a large amount of dredging in connection with building the bridge. During this session a bill was introduced in the other House, passed there, and came here, amending that bridge charter so as to relieve the company from the dredging, and, in addition, extending the time for building the bridge two or three months. Over that bill, which was favorably reported from the Committee on Commerce, the Senator from Wisconsin and I have had a controversy. It related to two changes in the original charter, first, to relieve the company from dredging, and second, simply a matter of extending the time three months.

Now, the bill which is pending before the Senate, introduced by the Senator from Pennsylvania, disposes of that dredging matter, leaves that untouched, and it is simply a pure and naked bill to extend the time for building this bridge three months. The time will expire in two or three months, and the company ask for an extension of time to August. That is all there is in this bill. I venture as a lawyer to say that, even if this bill should pass, no court would ever declare a forfeiture of the charter if the company fails to complete the bridge by the 1st day of August.

The contention of the Senator from Wisconsin is that because there is a memorial of the legislature of Wisconsin, there may be an inference that the legislature does not want an extension of time, and is opposed to it. It is merely an extension of three months.

I submit to Senators whether, at the instance of a legislature or of anybody else, we ought to stultify ourselves and deny a reasonable request for a mere extension of three months to a company which is putting in a double-track steel bridge between two cities which have not a bridge; and this is a bridge over which they expect to have their street cars run from the city of Duluth to the city of Superior.

It seems to me I might as well speak in plain unvarnished language, and say that such methods partake a little of what we call, outside of this Chamber, a dog-in-the-manger policy.

Mr. QUAY. If the Senator will permit me to interrupt him, I desire to say that there is no laches on the part of the Pennsylvania Steel Company, which company has a contract for the entire structure; at least a telegram to me so indicates. The delay occurs on account of the inclement weather during the present winter at Duluth, which is stated in the telegram I submitted to the Senate.

Mr. NELSON. Mr. President, I speak as a representative of the State of Minnesota and as a representative of the city of Duluth, a city having 60,000 people, who are interested in the building of this bridge for the purpose of having not only facilities for running railway trains across it, but in order that they may have an opportunity to make street-car connection between that city and the city of Superior. The Senator from Pennsylvania [Mr. QUAY] represents more directly the steel company engaged in the building of this bridge. Now, shall we stultify ourselves in denying this little favor to the men who put their money and their brains

into this enterprise, and not give at least three months more in these hard times, when so many men are struggling and suffering? To do so is the paltriest and the meanest kind of tactics that I can think of.

Mr. VILAS. Mr. President, the Senator from Minnesota stated generally his facts pretty well, but after he had stated the facts, which showed he was all wrong in his position, he dealt, as attorneys for corporations are sometimes wont to do, and assailed those who stood on other grounds while he is demanding favors for his corporation at the hands of the Legislature.

This company undertook to carry out certain provisions. If they will carry out those provisions which they agreed to, they can have their bill in either form to-day, so far as we are concerned, for the House bill can be passed to-day if they will permit it to be amended in accordance with the two features, in respect to which there is no mistake, about the agreement between the corporation and the joint committee of the two cities of Duluth and Superior, and they in Duluth are as desirous of having that agreement executed as they in Superior, and not less are opposing the passage of this bill. There is no dog in the manger about it. They are simply insisting that when this railroad corporation comes in to demand the legislative discharge from the considerations which they undertook to execute as a part of the privilege of this franchise they shall comply with the explicit engagements which they entered into in the others.

Mr. NELSON. Mr. President, I deny emphatically that the people of the city of Duluth are opposed to the passage of this bill now under consideration, introduced by the Senator from Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. VILAS. Let the amendment be stated.

The SECRETARY. On page 66, after line 15, the Committee on Appropriations report an amendment to insert:

> To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of the clause from line 24, on page 66, to line 2, on page 67, as follows:

> For repair of present bridge across Big Wind River, on the Shoshone Reservation, in the State of Wyoming, the sum of $500.

Mr. PETTIGREW. I desire to have the words, "to be immediately available," added at the end of line 2, on page 67, so that this bridge can be built or repaired at once, before the spring floods.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. After the word "dollars," in line 2, on page 67, it is proposed to insert "to be immediately available."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 67, after line 3, to insert:

> That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to strike out:

> That the clause in section 3 of the act approved February 28, 1891 (United States Statutes at Large, volume 26, page 795), which provides as follows: "That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by the authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior," be, and the same is hereby, extended, so far as the same relates to leasing for mining purposes, to the lands embraced in that part of the Colville Indian Reservation, in the State of Washington, not restored to the public domain by the act of June 20, 1892 (United States Statutes at Large, volume 27, page 62), and still reserved by the Government for the use and occupancy of the Indians thereon, to take effect immediately. For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian Affairs, as authorized by a clause in the Indian appropriation act for the fiscal year ending June 30, 1897, $2,000. Any person who shall destroy or injure or carry away without authority from the Secretary of the Interior, any aboriginal antiquity on the public lands of the United States, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $100 or be imprisoned not more than ninety days.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:

> For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian affairs, under authority of the Indian appropriation act approved June 10, 1896, $2,000: *Provided*, That the Secretary of the Interior may authorize said work to be performed by an employee of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed or may hereafter disburse to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. JONES of Arkansas. I hope that amendment may go over, so as to allow me an opportunity to examine it to some extent.

The VICE-PRESIDENT. It will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 69, after line 9, to strike out:

> That the Secretary of the Interior is hereby directed to pay to the Old Settlers or Western Cherokee Indians, on their requisition or requisitions made therefor by the national treasurer of the Cherokee Nation, or by such other person or persons as said Old Settlers or Western Cherokees may, in special council, appoint for that purpose, the sum of $86,283.53, or so much thereof as remains subject to the order of the Secretary of the Interior and reserved by him out of the amount of $80,386.31, appropriated for the benefit of said Indians for the purpose specified in an act approved August 23, 1894, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for other purposes."

And insert:

> That legal and equitable jurisdiction be, and the same hereby is, conferred upon the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons upon the remainder of the fund withheld from distribution out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians and against the United States, in the sum of $800,396.21, alleged to have been set apart for the payment of expenses, and for legal services justly and equitably payable, on account of the prosecution of the claims of said Indians under the act of Congress approved August 23, 1894, entitled "An act making appropriations to supply deficiencies for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," and again withheld from distribution under the act of Congress approved June 10, 1896, making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes. And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power to contract through their duly authorized commissioner, agent, or attorney, and the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions, and jurisdiction is hereby conferred upon said court to hear and determine said claims and award judgments thereon. Separate actions shall be brought by each of said claimants, or the legal representatives thereof, against the Old Settler or Western Cherokee Indians and the United States, within sixty days from the passage of this act, by petition of claimants, verified under oath by the petitioning claimant or his attorney. Service of notice of suit upon the Commissioner of Indian Affairs shall be sufficient service upon said Indians, and it shall be his duty to see that the rights of the Indians are protected; and the defendants shall answer within sixty days from the filing of the petition in each of said actions whereby issue shall be joined, and the evidence heretofore filed by the claimants to the fund, or either of them, in the office of the Commissioner of Indian Affairs or the Secretary of the Interior, in support of any claim may be considered, with such evidence as may be produced by the claimants or Indians, in said actions, in the discretion of the court, and the aggregate amount of the judgments of the court shall not exceed the amount of the fund withheld from distribution, as hereinbefore set forth, and shall be paid by the Secretary of the Interior out of said fund to the person in whose favor the judgment is rendered, and not to his assignee; and said actions shall be as speedily as practicable brought to trial upon joinder of issue, and no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior: *Provided*, That any assignee of said claimants, or any of them, may maintain his action in his own right: *And provided further*, That the balance of the fund over the aggregate amount of judgments rendered by the court upon the actions herein provided for, if any there be, shall be awarded by the court to the said Indians: *And provided further*, That all claims against the said fund not filed in the Court of Claims within the time specified in this act shall be forever barred. The court shall, after issue joined, consolidate the several actions brought hereunder and render a final judgment on all the actions before the court.

Mr. CARTER. I wish to inquire of the Senator in charge of the bill what purpose impelled the committee to deny the right of appeal from a judgment of the Court of Claims in the cases alluded to?

Mr. BATE. I propose to move to strike out, in line 5, on page 70, the word "without," and to insert the word "with," so as to meet the suggestion of the Senator from Montana. I can not see why this right should be denied in cases of this kind, and I think there is doubt in regard to it.

Mr. CARTER. Mr. President, my inquiry was directed for the mere purpose of securing information. In the proposition submitted by the committee the phrase occurs, "without appeal." I do not know that the right of appeal exists. If it does not exist, then the language is unnecessary; if it does exist, some reason should be suggested for denying the right.

Mr. BATE. I take it that ordinarily the right of appeal does exist in all such cases; but, by way of putting it beyond dispute, I think the right should be expressed on the face of the statute. Therefore, to that end, I propose to strike out of the fifth line the word "without" and insert "with;" so as to read "with the right of appeal."

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee to the amendment of the committee will be stated.

The SECRETARY. In line 5, on page 70, before the words "the right of appeal," it is proposed to strike out "without" and insert "with."

Mr. PETTIGREW. I have no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. CALL. I suggest that that amendment had better go over for some further examination later in the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. JONES of Arkansas. I should like to ask the Senator——

The VICE-PRESIDENT. The Senator from Arkansas will permit the Chair one moment. The Senator from Florida asks unanimous consent that this provision of the bill may go over.

Mr. GALLINGER. Has the amendment been adopted?

The VICE-PRESIDENT. It has been adopted.

Mr. PETTIGREW. I think we had better dispose of the question now.

Mr. CALL. There is a memorial here from the Cherokee Indians which contains a good deal of matter in regard to this question, and it is better that it should go over for the present.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Florida that the pending amendment go over for the present. Is there objection?

Mr. JONES of Arkansas. Yes, sir; I object, at least for the present. It seems to me that if there is any information bearing upon this amendment, the Senate may as well have it now as at any other time. We ought to understand what the facts in this case are, and I do not see any reason for postponing its consideration for that reason. If, in the examination of the amendment, there should appear to be any reason why it should go over, I should have no objection at that time to it being done. But I should like to ask the Senator in charge of the bill a question, which I think can be answered satisfactorily at once. There is no reason I can see why that should be postponed. For that reason, if for no other, I object to the provision being passed over for the present.

The VICE-PRESIDENT. Objection is interposed.

Mr. JONES of Arkansas. I wish to ask a question of the Senator in charge of the bill, who doubtless has given careful attention to the construction of this amendment. As I understand it, this is to dispose of a controversy over 35 per cent that was agreed to be paid by the Old Settler Cherokees to a representative they had here, named Byran, I think. The purpose of this provision is to dispose of the remainder of that fund which has not yet been disposed of, is it not?

Mr. PETTIGREW. That is the purpose.

Mr. JONES of Arkansas. I see on page 70 that provision is made to pay "for legal services justly and equitably payable on account of the prosecution of the claims of said Indians under the act of Congress approved August 23, 1894," and so forth. From this it would seem that the payment of these attorneys must be limited to services rendered in the prosecution of the claim of the Old Settler Cherokees. As I understand, as a matter of fact, after this fund has been ascertained, there were a number of claimants presenting claims against the fund, and certain persons were employed in the defense of this fund against these claims, and, as I understand, one bill has passed through the House of Representatives providing for the compensation of one of those persons, and other bills are now pending. The question I ask the Senator is, Would the claim on the part of those people for defending those suits be included in the provision and be adjudicated by the court at the same time the others are?

Mr. PETTIGREW. I do not think that question came up with the committee at all, or that it was intended that they should be excluded, but it seems to me the language does exclude them.

Mr. JONES of Arkansas. Then, I submit there should be an amendment made to include those as well as the others.

Mr. PETTIGREW. I shall not object to an amendment allowing them to submit their claims also to the Court of Claims.

Mr. JONES of Arkansas. If the Senator from Florida desires the amendment to go over, I have no objection to that being done. In the meantime I shall try to prepare an amendment to that effect.

Mr. CALL. I am a member of the committee having charge of this bill, and do not propose to make any opposition to it. I promised the Indians, however, that I would call the attention of the Senate to their memorial and protest in order that they might at least have a hearing upon the subject.

Mr. JONES of Arkansas (to Mr. CALL). Have it read.

Mr. CALL. I ask that the memorial may be read. I think, though, the amendment had better go over to save time.

The VICE-PRESIDENT. The Chair will again submit to the Senate the request of the Senator from Florida. Is there objection to the request that the amendment go over?

Mr. CALL. I should like to have the memorial read now.

Mr. PETTIGREW. I should not object to the amendment going over. I would rather have it go over than to submit to hearing that document read.

The VICE-PRESIDENT. Does the Senator from Florida instst on the reading of the memorial?

Mr. CALL. I do not. I call attention to it, and ask that the matter go over.

The VICE-PRESIDENT. The amendment of the committee will go over. The reading of the bill will be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 72, after line 18, to insert:

> That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the difference in area of the reservation as actually set apart to them and that provided to be set apart, under the fourth subdivision of Article II of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, at the rate of $1.25 per acre, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act: *Provided, however*, That in hearing and determining the said claim of the said Indians, the court shall take into consideration and make due allowance for the fact that said Indians were given a share in the proceeds of the lands sold and disposed of under and pursuant to the provisions of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to strike out:

> Whereas the Seneca Indians in council, January 3, 1893, duly entered into an agreement with William B. Barker, whereby said nation leased to said Barker the Oil Springs, the Cattaraugus, and Allegany reservations, situate in western New York, for the purpose of boring and testing said territory for gas and oil, under certain conditions therein stated, said agreement having been ratified and confirmed by act of Congress; and
>
> Whereas the assignee of said lease has released to the Seneca Indians certain portions of the lands and reservations included or referred to in said lease, and the council of the Seneca Nation of Indians, by a resolution adopted by said council, on or about the 31 day of December, 1896, in all things ratified, confirmed, and extended as to the lessee thereof, and as to the assignees thereof, the said lease, and empowered and authorized them to fulfill the said lease, the same and to the same extent as the original lessee might or could have done, when said lease was executed:
>
> Now therefore, The action aforesaid of the lessee of said lease and of the council of the Seneca Nation is hereby ratified and confirmed as the same has been sanctioned and ratified by the said resolution of the said Seneca Nation.
>
> That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $15,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.
>
> Every Indian agent shall render to the Secretary of the Interior semiannually a detailed statement under oath of all moneys received by him from all sources for the use of the tribe, or for individual members of the tribe, and he shall place on file at the agency a true copy of such statement, which copy shall be open to the inspection of all persons interested: *Provided*, That all moneys received by the agent and belonging to the tribe shall be remitted by him to the Secretary of the Interior as required by the rules of the Department, and all moneys received for individual Indians shall be promptly paid by the agent to the respective persons entitled thereto.

The amendment was agreed to.

The next amendment was, on page 76, after line 20, to strike out:

> That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be so construed as to debar such child of such right.

The amendment was agreed to.

Mr. GALLINGER. I rise to inquire about an amendment of the committee on pages 74 and 75, striking out certain provisions which were inserted by the other House. Were those amendments passed upon?

The VICE-PRESIDENT. They were agreed to.

Mr. GALLINGER. I intended to make an observation concerning one or two of those provisions, and I thought they would probably be read. My attention was diverted. They were undoubtedly agreed to without reading.

The VICE-PRESIDENT. The Chair thinks they have been agreed to, but will have the record referred to if the Senator desires.

Mr. GALLINGER. I should like the privilege of asking a question of the Senator in charge of the bill concerning one or two provisions, and I will try not to occupy much time in the matter.

On pages 74 and 75, for instance, the other House inserted provisions restricting the expenditure of money at the Indian agencies in the matter of salaries and compensation of employees. It seems to me that that was a very just provision, considering what seems to be the somewhat extravagant notions which prevail in regard to this matter of spending the public funds for the support of these Indian tribes. But, more particularly, I desire to call the Senator's attention to the provision commencing in line 16, on page 75, which provides that—

> Every Indian agent shall render to the Secretary of the Interior semiannually a detailed statement under oath of all moneys received by him from all sources for the use of the tribe, or for individual members of the tribe, and he shall place on file at the agency a true copy of such statement, which copy shall be open to the inspection of all persons interested, etc.

I wish to ask the Senator in charge of the bill if that is not a wise and beneficent provision, and why it should be stricken from the bill?

Mr. PETTIGREW. The committee believe that the power is now in the Secretary to require everything that is required in the provision, and to require very much more, and therefore it does not think it necessary to narrow his power and control over these people. I notice that it provides that the agent shall pay this money to the persons entitled thereto. As it is now, without this provision, it is under the control of the Secretary of the Interior. The agent will pay it under his direction. The question is whether, under this provision, he could not pay it out without the direction and supervision of the Secretary of the Interior. It seemed to the committee that it narrowed the power of the Secretary over the agent, and was entirely unnecessary.

Mr. GALLINGER. I had intended, before the pending bill is voted upon, to call attention to a report dated January 26, 1897, made by the Senator from South Dakota [Mr. PETTIGREW] from the Committee on Indian Affairs, concerning the Osage Indian funds, which includes a report made by the Senator from Nebraska [Mr. ALLEN] concerning the condition of things existing so far as that tribe of Indians is concerned.

Mr. President, I will now venture to occupy the time of the Senate for a moment to say that if the Senator from Nebraska, who seems to have made a personal investigation of this matter, has stated to the Senate and the country the true condition of things existing so far as the Osage Indians are concerned, there is a scandal existing in the matter of our dealings with the Indians of this country which ought to be taken up by the Congress of the United States and in some way corrected.

It is a blot upon our civilization and our humanity. After more than a century of care for these Indians, recognizing them as the wards of the nation and protecting them in every possible way, expending the public funds for their education, giving them farmers to teach them the art of agriculture, giving them superintendents and teachers to instruct them in letters, it is a reproach upon the nation and upon our legislation if, in the close of the nineteenth century, a condition of affairs exists, so far as this tribe is concerned, such as the Senator from Nebraska has pictured.

I wish to read an extract from the interesting report made by the Senator from Nebraska:

> The acting agent of the Osage Indians is Lieut. Col. H. B. Freeman, a regular army officer of over thirty years' continuous service. The agency is located at Pawhuska, the capital of the Osage Nation, and Colonel Freeman has been the acting agent since January 1, 1894. Much friction has grown up and exists between him and certain border traders in Kansas and Oklahoma Territory, principally through restrictions placed on the latter which operate against them and in the interest of the licensed traders. The Indians are fleeced by the licensed traders; the charges for articles sold them are exorbitant in the extreme. An Indian once getting in debt to a licensed trader is never able to pay his indebtedness. An examination of the evidence will show that the Indians are at the mercy of the licensed traders and that no steps are or have been taken to protect their interests.
>
> The Osages receive quarterly $34 per capita and are paid through an open window in the agent's office by means of checks on the subtreasury at St. Louis. Directly across the street from the office, and in plain view of the agent and his clerks, is a small wooden building on wheels, known as the prorate building. It is not to exceed 5 rods from the agent's office, and in this building the licensed traders gather on pay day, having what they call a prorate book, upon which their several accounts against the Indians are entered. The building and the space between it and the agent's office are occupied by the licensed traders and their clerks, and when an Indian receives a check he is taken to the prorate building to make payment to the traders. He knows nothing whatever of the state of his account except as he may be informed by the trader or his clerk, and this information may or may not be correct; but it is quite natural to infer that if the traders would impose on the Indians in prices they might swell their accounts without the Indians being conscious of it. At least, protection should be extended to the Indian debtors in this respect.
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> The evidence makes it clear that 90 per cent of the Indians are continuously in debt. Some of them exact from the traders, it is true, when surrendering their checks, a small sum of money, but the testimony shows that they are rarely able to pay over 15 per cent of their indebtedness at one payment. The acting agent claims that he has no authority to control the traders in the manner of securing their pay from the Indians; that the Indian is a free moral agent when he receives his money, and that he must look after his own accounts and take care of himself.
>
> One witness testified that two lines of traders and their clerks were formed from the agent's window to the prorate building, between which the Indians were marched to the latter, whether willing or not, and in one instance, or possibly more, it was shown that personal violence had been used to obtain the Indian's check. It would be useless to expand on this matter. It is quite evident that the Interior Department, if it has the power, should suppress this evil and injustice, and if it has not, Congress should immediately enact a law affording debtor Indians protection at their quarterly payments.
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> The agent seems to think that it is his duty to protect the licensed traders from competition with border traders, and encourage the Indians to trade with the former rather than where they can obtain the best bargains. It is apparent that the Indians can usually buy of the border traders the same goods fully one-half less than they can of the licensed traders; but the former have been restrained from coming on the reservation to collect their debts, and this has had a natural tendency to drive the Indians to the licensed traders. This restriction should be removed, and I know of no better way of doing so than by opening the entire Osage Nation to competitive trade, permitting all persons who are law-abiding and who will comply with the requirements of the just regulations of the Interior Department to trade with the Indians or settlers. An excessive license should not be charged for the privilege, and in any event traders who sell to the Indians at reasonable prices on the borders should have equal access to the reservation in the collection of their debts at all times with the licensed traders.
>
> The Osage full-blood Indians are, as a rule, improvident; they have no adequate conception of value. Many of the mixed bloods are civilized and educated, having adopted civilized habits, and they can not be distinguished in appearance from white men. The mixed bloods, I believe, should be dropped from the tribal rolls, and restrictions should be placed on the tribal authorities in adopting persons into the nation. Many of the mixed bloods are troublesome to the full bloods, taking advantage of them in various ways and in some instances joining disreputable whites in defrauding them.
>
> It appears that about the 12th day of August, 1895, the acting agent, Lieut. Col. H. B. Freeman, suppressed the Wah shah she News by closing up the office, taking possession of the type, press, cases, material, etc., and has remained in charge thereof to this time, and has prohibited the publication of the paper, in consequence of certain articles that had appeared therein criticising his official conduct. The seizure was arbitrary, through the police of the agency, and not by virtue of judicial proceedings, and the conduct of the agent was unlawful and should be condemned. The attention of the Interior Department was called to the matter shortly after it took place, but no action was taken there respecting it. The agent was a trespasser in this seizure of the property of the Wah shah she News and is liable in an action of trespass for the damage sustained by the owners of the property. He had no more right to seize and hold the press and material, and suppress the paper, than he would have to confiscate the property of an Indian, or imprison him, for a criticism that might be offered on his official conduct in a private conversation or in a public speech. This stifling of free speech and the freedom of the press among any class of Americans should not, in my judgment, be tolerated or approved.

Then the Senator from Nebraska, whose report is included in the report made by the Senator from South Dakota, gives a great deal more very interesting testimony on this point, showing the oppressions and the extortions to which these Osage Indians are subjected by the agents of the Government.

Mr. JONES of Arkansas. I should like to ask the Senator from New Hampshire, if it will not interrupt him, whether Lieutenant-Colonel Freeman admitted the correctness of that statement, whether he was examined, or whether he made any statement in connection with it?

Mr. GALLINGER. I have not had time to examine the testimony very closely.

Mr. JONES of Arkansas. The Senator from Nebraska, who made the report, is present, and I should like to have him make a statement.

Mr. GALLINGER. Very well.

Mr. ALLEN. The report from which the Senator from New Hampshire has been reading is a report made by me as a subcommitteeman to the Committee on Indian Affairs.

It is due to Lieutenant-Colonel Freeman to say that he denied much of the evidence that was introduced against him, but I think the facts are about as I find them in this report. I found this difficulty with Lieutenant-Colonel Freeman, as I have found it with every other regular army officer who has been detailed to conduct an Indian agency. Lieutenant-Colonel Freeman has been in the Regular Army about thirty-five years. He has no conception whatever of stopping to reason with anybody. He has been used to obeying without question the command of his superior officers, and of being obeyed without being questioned by his inferior officers and soldiers, and he seems to think he can carry that kind of conduct into the affairs of civil life. Lieutenant-Colonel Freeman has conceived it to be his duty to protect the licensed traders and to restrain the border traders from going upon the reservation for the collection of their debts. The result has been, of course, to drive the Indians to the licensed traders and to induce the border traders to refuse credit to the Indians, because they can not collect their claims.

Now, let me give an illustration of the exorbitance of the charges of licensed traders upon that reservation. It does not appear in the evidence, but it is a matter that came under my personal observation. I walked down to the bridge right west of the capital, Pawhuska, where the Indians were camped. I went up to an Indian's wagon in which were two small bales of prairie hay. I picked up one of them. It would probably weigh 65 or 70 pounds. He had an ordinary grain sack full of ear corn. Prairie hay in that country is worth nothing except the labor of cutting and baling it, which is a mere bagatelle. The same kind of hay in my country is worth not to exceed 12½ cents a bale. Corn in that country at that time was not worth 15 cents a bushel. The licensed trader charged that Indian for those two bales of hay and the bag of ear corn, which would not shell out to exceed a bushel and a peck or a bushel and a half at the outside, $1.50. All told, they were not worth over 40 cents.

Mr. JONES of Arkansas. So the Indian told the Senator.

Mr. ALLEN. The man who came with him told me, and I found that that was true.

For instance, the licensed trader in meat there will kill a class of cattle and a class of hogs that no white man could eat. He would not eat the meat. He sells quarters of beef of that kind to Indians for from $14 to $16 a quarter, when you can buy the whole beef for less money than he sells a quarter for. The result is that the Indian is constantly in debt, and he never gets out of debt.

In 1893, in February, I think it was, an extra payment of $300,000 was made to these Indians.

Mr. GALLINGER rose.

Mr. ALLEN. I beg the Senator's pardon.

Mr. GALLINGER. I yield with pleasure to the Senator, because he knows more upon this subject than I do, and I take pleasure in listening to him.

Mr. ALLEN. I took the evidence that appears there. In 1893 a report was made to the Interior Department that the Indians were indebted to the extent probably of $250,000 in round numbers, and that if they could only be got out of debt by an extra payment they could keep out of debt and would meet with prosperity after that.

The licensed traders, by what means I do not know, understood three or four weeks before the extra payment was to be made that it was to be made. And between that time and the time of payment, four weeks from that date, they swelled the accounts against the Indians $150,000. They sent to Kansas City and bought old, worn-out horses and brought them down there by the carload. They brought down wagons and buggies and things that no Indian upon the face of the earth wanted or needed. Horses which, placed on the reservation, cost the traders $81 or $82 a head, they sold to the Indians for from $150 to $200 a head; and in sixty days after that payment was made the Indians were as deeply in debt as they were the day it was made.

In February, 1895 an extra payment of $200,000 was made. The accounts were again swollen, and to-day the Indians are hopelessly in debt, and they are constantly kept in that shape. Ninety per cent of them are perpetually in debt, and they are charged extraordinary prices. They know nothing about values. They have no means of keeping their accounts. There is no supervision exercised by the Government or by the agent over the accounts kept against the Indians. They are turned loose absolutely at the mercy of the traders and the traders' clerks, with their checks in their hands, and they are charged just whatever the trader sees fit to enter upon his book against them.

Right across from the agent's office is the little building to which I refer in the report, called the prorate building. It is a little wooden building, about 10 or 12 feet square, put on wheels, so that it can be rolled around like a baby's rocking-chair. That is occupied by the traders and their clerks with their prorate books. Every trader comes in before the day of payment and enters his account upon the book. Then whatever the Indian pays is prorated among those traders. That is within 5 rods of the agent's window when he pays out the checks, and many of the Indians are taken and hustled across there. There is no police force to protect them. They are absolutely at the mercy of the traders and their clerks, and no supervision or restraint is placed upon the traders or their clerks in the collection of these debts.

Mr. GRAY. May I interrupt the Senator from Nebraska to ask him a question respecting the interesting narration that he is making, new to a great many of us?

Mr. ALLEN. Certainly.

Mr. GRAY. The question is whether it would not be possible for the Government, in providing for the Indians upon the reservations, who occupy, as it is sometimes said, in relation to the Government the position of wards, which I suppose more nearly represents the relation between them and the Government than any other term that could be used, to establish commissary stores, or stores on the order of the commissary stores in the Army, in which the salaried agents of the Government would keep those articles that the Indians require and sell them at a given rate above the cost of transportation and production, so that the Indians might avail themselves of the real protection of the Government in the matter of spending the money that the Government owes them or distributes among them? Would it be possible, in the judgment of the Senator from Nebraska, with his greater experience among the Indians and with Indian affairs, to have some such system? Could it be inaugurated by the Government in dealing with these rather defenseless people?

Mr. ALLEN. I suppose that is possible, of course.

Mr. GRAY. Why has it never been tried?

Mr. ALLEN. I think it has been found inexpedient in other localities.

Mr. GRAY. Has it ever been tried?

Mr. ALLEN. I think so. The Senator from Arkansas would know.

Mr. JONES of Arkansas. My impression is that the agent has a right to regulate the prices at which the traders sell their goods.

Mr. ALLEN. But only as to a few staple articles.

Mr. JONES of Arkansas. I have been waiting for the Senator from Nebraska to get through, in order to enter my protest against the result of his statement here, as it affects the reputation of an army officer who has grown gray in the service of the Government. There are some things in connection with it which I will not comment on now, but I will do so when the Senator from Nebraska finishes his remarks.

Mr. ALLEN. I do not want the Senator from Arkansas to take me at any disadvantage. I shall desire to reply to the Senator from Arkansas if any strictures are to be placed upon me for my report, for I have the evidence here to support that report. I have not said one word against that army officer which I will not say to his face at any time and under any circumstances. I have not reflected upon him. I have said in the report that nothing appeared in the evidence to indicate that he was dishonest or in any manner complicated with conditions that would reflect upon his honor, but that in my judgment it would be wise, at least not unwise, to remove him to some other scene of action.

Mr. GRAY. That is rather aside from the inquiry I was making of the Senator from Nebraska with a sincere desire for information. I wish to know whether it is not in the power of the Government and practicable, as demonstrated by the experience of those who come in contact with the Indians, to provide some such system as I have indicated, which would protect the Indians from the extortions of the licensed traders and enable them to purchase with the money they may have articles at a rate sufficient to pay the cost of production and distribution and the salary of the man who has the business in charge?

Mr. ALLEN. I do not doubt that that can be done, but it can be done so much cheaper by opening the territory to competitive trade, letting all persons who observe the law go upon the territory and trade with the Indians. Otherwise, if you establish a system of commissary stores, you will have an army of Government clerks to increase the official roll of the United States unnecessarily, in my judgment. I know of no better way than to permit every person who wants to trade with the Indians to go on the territory and trade with them. I think that would solve the whole question.

There are men along the borders who are struggling to establish little towns and to establish a business; and living there under the best conditions is very difficult. They are selling their goods as cheaply as they possibly can. I do not know why they should not be permitted to sell to the Indians just as they are permitted to sell to a white man and to collect their debts.

Mr. CALL. Those are liquor dealers.

Mr. ALLEN. No; they are not liquor dealers. The Senator from Florida is mistaken about that point. There are liquor dealers who run upon the territory and sell liquor, but they are chased down and chased off, or indicted and punished, as rapidly as the officers can catch them.

Mr. GALLINGER. Mr. President——

Mr. JONES of Arkansas. Will the Senator from New Hampshire allow me for a few minutes?

Mr. GALLINGER. With pleasure.

Mr. JONES of Arkansas. I have nothing to say in criticism of what the Senator from Nebraska has said except his criticism of Lieutenant-Colonel Freeman, and of course the Senator will have full opportunity hereafter to reply to all I may have to say. What I propose to say in this matter I will say in open Senate.

I listened to the reading by the Senator from New Hampshire [Mr. GALLINGER] of the criticism of the conduct of Lieutenant-Colonel Freeman. I have seen Lieutenant-Colonel Freeman but once in my life. I know nothing of him, except that he has the reputation of being an honorable officer in the Army of the United States. He has been in charge of the Osage Agency for a number of years, and I understand that while he has subjected himself to criticism in some respects, his conduct has been indorsed strongly by the Department, and they have unlimited faith in his discretion, integrity, and uprightness.

I understand the traders on the reservations are licensed for the purpose of allowing the Interior Department and the agents in charge of the reservations to regulate their charges and to see to it that they do not rob the Indians by unreasonable and outrageous charges. Whether this power is as large as it should be, whether it is exercised with discretion by the Interior Department, or whether or not the agents do their full duty, I do not know.

Mr. PLATT. I wish to inquire of the Senator from Arkansas, for the sake of information, whether it is not true that in their licenses the percentage of profit which the traders may charge is regulated?

Mr. JONES of Arkansas. I think so, in every instance. Such is my understanding.

Mr. ALLEN. Will the Senator permit me at this point to state that the duty of the agent to fix the prices at which the licensed traders shall sell applies only to a very few staple articles? But as a matter of fact, he does not fix those prices. The prices have never been fixed, so far as I can ascertain, upon that reservation.

Mr. JONES of Arkansas. My understanding is that the agent and the Department have the power, and it is their duty, to regulate the percentage, and that is fixed, I understand, when the traders are appointed. I believe that is true. If there has been a failure to discharge duty in this respect, it is good ground for criticism; but that is not the purpose for which I rose.

I rose to say that Lieutenant-Colonel Freeman's good name is to him perhaps his greatest possession. He ought not to be attacked; he ought not to be assailed without first having the opportunity to be heard. The Senator from Nebraska——

Mr. ALLEN. Let me ask the Senator from Arkansas to point out where Lieutenant-Colonel Freeman has been assailed. I gave him an opportunity——

Mr. JONES of Arkansas. If the charge read by the Senator from New Hampshire that Lieutenant-Colonel Freeman practically confiscated a printing office because the paper had seen fit to attack him is not an assault, I should like to know what it takes to constitute one.

Mr. ALLEN. It is the result of testimony taken by me upon that reservation, which he does not deny. Suppose that a master in chancery finds certain facts from the evidence. They may be unpleasant facts. Is that an assault upon the person against whom they are found? I was sent there to make an investigation. I did it, and I did it in good faith. I found the facts exactly as the evidence shows them to exist. Can I not make that report to the Senate or to the committee of which I am a member without having some gentleman arraign me for making an assault upon Lieutenant-Colonel Freeman? I never saw him before in my life, and probably never will see him again. I took the evidence. I do not want to interrupt the Senator in his speech.

Mr. JONES of Arkansas. Go ahead.

Mr. ALLEN. I desire to have him point out where I made any assault.

Mr. JONES of Arkansas. Let me finish my statement, and then probably the Senator from Nebraska can reply to it better. If I can have an opportunity, I should like to conclude now the statement I began, and I will only occupy a few moments.

I characterize the reading of this paper in the Senate, under the circumstances, as an assault on Lieutenant-Colonel Freeman; and it seems to me it is such. It certainly would involve the man's good name. But let me call attention to the way in which the paper came here; and that is the gravamen of my complaint. It is the way the paper came before the Senate. It ought not to be here. The report ought not to have been made without Lieutenant-Colonel Freeman having full opportunity to know every charge made against him and an opportunity to reply.

Mr. GALLINGER. Will the Senator from Arkansas allow me for just one moment? I know the Senator, of course, will exonerate me from any purpose to make a charge against Colonel Freeman. That was an incident of the point I was attempting to make as to the wrongs the Indians are suffering, in my judgment, at the hands of the licensed traders. It is only a point which I made to emphasize the argument I was making.

Mr. JONES of Arkansas. I understood the Senator from New Hampshire. He had a perfect right to read the report.

Mr. President, I am not proposing to criticise the conduct of either the Senator from Nebraska or the Senator from New Hampshire. It was perfectly legitimate that the Senator from New Hampshire should read a document that he found printed by the Senate in support of any position that he may assume. The Senator from Nebraska visited this Osage Agency and made an examination of a number of things existing there, and he submitted a preliminary report, not intended, as I understood from him, to be a final report, to the Committee on Indian Affairs about what he found in his visit there. The report of the Senator from Nebraska, who was a subcommittee of the Committee on Indian Affairs, was not considered by the Committee on Indian Affairs, and I respectfully submit, in view of the fact that it contains reflections upon the character of an officer who is distinguished in the service of the United States, it ought not to have been here and printed as a document until it had been first examined by a committee and reported by a committee to this body.

Mr. ALLEN. It was examined by the Committee on Indian Affairs and ordered to be reported.

Mr. PETTIGREW. Will the Senator from Nebraska yield to me a moment?

Mr. ALLEN. Certainly.

Mr. PETTIGREW. The Senator from Nebraska submitted his report, and the Committee on Indian Affairs read his entire report and much of the testimony; and the committee, by resolution, instructed me, as its chairman, to submit his report with the testimony to the Senate and ask to have it printed.

Mr. JONES of Arkansas. Then I stand corrected by the statement of the Senator from South Dakota; but I asked the Senator from South Dakota in his seat, after this paper was printed, if it had been ordered by the Committee on Indian Affairs, and my recollection is that he told me it had not been.

Mr. PETTIGREW. The Senator misunderstood me if he had any such impression.

Mr. JONES of Arkansas. I certainly understood that statement from the Senator from South Dakota, and I made the assertion here to-day on the faith of that statement, that the report had been printed without being indorsed by the Committee on Indian Affairs. Now, if the Committee on Indian Affairs did adopt this recommendation and this finding, practically criticising Lieutenant-Colonel Freeman without his having had full opportunity to meet and answer every single charge in that report, the Committee on Indian Affairs did not treat that officer fairly.

Mr. ALLEN. He did have an opportunity, and his evidence is here.

Mr. JONES of Arkansas. Did he understand that all these charges were made against him?

Mr. ALLEN. Does the Senator say Colonel Freeman did not have an opportunity? He was upon the stand.

Mr. JONES of Arkansas. Was he informed of the different charges that were brought into this report?

Mr. ALLEN. Certainly. Here is the information right here. Mr. President, let me say to the Senator from Arkansas that when I went to Pawhuska the first thing I did was to send a note to Colonel Freeman, telling him that I was at the hotel for the purpose of hearing these charges and asking him to be present. Now, he was not present for a day or two. It is not necessary for me to say that I had to send off on a hunting excursion to find him, but he finally came around. I asked him to be present at the hearings. He declined to be there, except when he testified himself. When I went to Cleveland, Okla., I asked him to be present there, and told him I thought it would be to his interest to be there, and he declined. I came back to Pawhuska to accommodate him, a distance of 40 miles overland, for the purpose of giving him an opportunity to testify, and he did testify. Then I went further. After I got back to Washington, and before this report was finally made, he wrote me some letters, saying that he understood there was such and such testimony before me that he did not understand at the time, and I incorporated those letters in my report. I received his affidavits in contradiction of certain things and incorporated those in the report. Every conceivable opportunity was given this man to appear before the subcommittee and testify, and he did testify. I think I know something about taking depositions. I afforded him full opportunity.

Mr. JONES of Arkansas. I have no doubt that Lieutenant-Colonel Freeman had an opportunity to appear and testify, but what I should like the Senator from Nebraska to state is whether he was notified of the charges made against his good name in the report; whether he was advised that these charges were made and had been received by the subcommittee before he testified, and if he had an opportunity to reply to the charges?

Mr. ALLEN. Does the Senator ask whether Lieutenant-Colonel Freeman was advised of the report that I would make?

Mr. JONES of Arkansas. Not at all. Was he advised of the charges made against his character as an officer and as a man? Did he know that individuals had made those charges, and what they were?

Mr. ALLEN. If the Senator from Arkansas is through with his remarks, I want to call the attention of the Senate a moment to this report.

Mr. GALLINGER. I call the attention of the Senator from Nebraska to the fact that it may be proper that I should conclude my remarks, having the floor. However, if the Senator is not going to occupy much time, I will yield with pleasure.

Mr. ALLEN. I respectfully suggest to the Senator from New Hampshire that my report is brought in question here by the Senator from Arkansas, who has never read it.

Mr. GALLINGER. I think the Senator from Nebraska ought to have the privilege of replying, and I yield for that purpose.

Mr. ALLEN. I want the privilege of vindicating it. I want to make serious objection to the statement of the Senator from Arkansas.

Mr. JONES of Arkansas. While the Senator is making his statement I should be glad if he would state whether Colonel Freeman was confronted with the witnesses against him and who were making the charges that it was claimed would seriously affect his reputation as a man and his reputation as an officer. Was he notified of what they were saying, and did he have an opportunity to see and to confront the charges made by those men?

Mr. ALLEN. I will explain everything to the ample satisfaction of the Senator from Arkansas, if he can be satisfied. Let me state to the Senator from Arkansas, without any undue egotism upon my part, that I know what taking depositions and making reports means. I know what is due to a witness, what is due to a party, and I know it quite as well as the Senator from Arkansas; and I have had as many years' experience in doing this kind of work as he has.

When I went to the reservation, as I said, the first thing I did was to send to Colonel Freeman a polite note telling him that I was there for the purpose of making this investigation stating when I would begin the investigation, and notifying him to be present. I did not subpœna him. He was an officer, and I thought that courtesy due to his position would not permit me to send out a subpœna in the first instance. Therefore I notified him. Colonel Freeman came into Pawhuska. He was not in the city that evening. He came in the next day or the next evening. He was present in the room where the evidence was taken. He was invited to be present during the entire time, but he declined to be there, although his office was within a block and a half of the hotel where the testimony was taken.

I took this evidence, sending subpœnas for the witnesses and bringing them in and examining them just as they would be examined in a chancery case or in the taking of ordinary depositions. Every moment of the time I was engaged in this work in Pawhuska Colonel Freeman was informed of the fact, was repeatedly urged by me to be present and look after his interests, and he was there a portion of the time; but a very small portion. When I got through taking the depositions or testimony at Pawhuska, it was necessary for me to go thirty-odd miles south into Oklahoma Territory proper, across the Arkansas River, and take the evidence of some witnesses at Cleveland. I informed Colonel Freeman of the fact that I would hold a session of the subcommittee at the hotel at Cleveland, a little village of 150 people, and I went to the extent of urging upon him to be present there, either in person or by some representative, to care for his interests, for I did not want anything said against Colonel Freeman by any witness that he would not have a fair and full opportunity to answer. He declined to go; he refused to go. I went upon my mission, and took the evidence. Then I came back, and I want the Senator from Arkansas to hear this statement——

Mr. JONES of Arkansas. I am listening.

Mr. ALLEN. I came back to Pawhuska. I sent word to Colonel Freeman to come to the hotel where I had taken the testimony before, and where I proposed to continue it, and as far as I could recapitulate the substance of the evidence against him without turning to it and reading it—it was voluminous—I did so. I called his attention to the various parts, and he answered them. I called his attention to this very point of suppressing that paper. That was the first point. He did suppress the paper. Here is the evidence of John F. Palmer, one of the proprietors, on page 25:

> Q. You may state your name, age, and place of residence.
>
> A. John F. Palmer; age, 34 years; residence, Pawhuska; occupation, farmer.
>
> Q. You formerly edited a newspaper at this place, I believe?
>
> A. Yes, sir.
>
> Q. You may give the name of the paper.
>
> A. Wah shah she News.
>
> Q. How long was that paper published?
>
> A. I could not say just how long.
>
> Q. About how long?
>
> A. I think about a year and a half.
>
> Q. Was it printed in the English language?
>
> A. Yes, sir.
>
> Q. Was it a weekly paper?
>
> A. Yes, sir.
>
> Q. Who was the paper owned by?
>
> A. The paper was owned, I think, at first by T. J. Lahey and S. J. Seelina. Seelina was a member of the tribe here. Lahey was, I think, a commissioner at the time. He was a white man, and not a member of the tribe.
>
> Q. Where are these men now?
>
> A. Mr. Lahey lives in town; Mr. Seelina lives on the reservation.
>
> Q. You say Mr. Seelina is a member of the tribe?
>
> A. Yes, sir.
>
> Q. You are also a member of the tribe?
>
> A. Yes, sir.
>
> Q. Are you a graduate of any school?
>
> A. No, sir.
>
> Q. Where did you obtain your education?
>
> A. At Osage Mission, in Kansas.
>
> Q. You edited this paper at one time, did you not?
>
> A. Yes, sir.
>
> Q. Did you ever have an interest in the paper?
>
> A. I was to have an interest in the profits.
>
> Q. You never had an interest in the material, type, press, etc., then?
>
> A. No, sir.
>
> Q. What was the circulation of the paper while you were editing it?
>
> A. About 1,100.
>
> Q. Principally in the nation here?
>
> A. Yes, sir.
>
> Q. How many English-speaking people, including Indians who speak and read the English language, have you on the reservation?
>
> A. Do you mean counting the white persons and all?
>
> Q. All white persons and Indians who would be able to read a newspaper?
>
> A. I should judge there were about 800.

Now, I call the attention of the Senator to the following:

> Q. What became of the paper?
>
> A. Colonel Freeman confiscated it.
>
> Q. What do you mean by confiscating it?
>
> A. He confiscated the press. I was not there at the time, although I was in town. He just took charge of it.
>
> Q. That is, he came to the office where the paper was being published, and the type, press, and cases were kept, and took charge of them?
>
> A. Yes, sir.
>
> Q. Who did he take with him to take charge of it?
>
> A. He went there by himself first.
>
> Q. Did he drive out those who were there?
>
> A. I was not there in person. I watched him.
>
> Q. You watched him then?
>
> A. Yes, I was not in the office, though.
>
> Q. You may state if he put any police force there.
>
> A. I understand he put police there to look after it.
>
> Q. Did he permit the paper to be published after that?
>
> A. No, sir.
>
> Q. Did you ever have any talk with him regarding his action?
>
> A. Yes, sir; before it was done.
>
> Q. Did he say to you that he intended doing so?
>
> A. Yes, sir.
>
> Q. What reason did he give for threatening to suppress the paper?
>
> A. He said that if the paper continued to criticise his official acts he would stop its publication, and informed me so, as one of the editors. I told him that so long as I had anything to do with the paper I would try to see that nothing was published in it that was not true, but I did not care to refrain from criticising his official acts when I thought they were wrong, and that if he wanted to stop the publication he could, but I would not stop criticising what I believed to be wrong in his administration.
>
> Q. Did he deny any of the charges you made against him?
>
> A. Yes, sir; he asserted that some of the criticisms were unjust and untrue, and, on the other hand, I believed them to be true.
>
> Q. You may state if you offered him the use of the columns of your paper to explain any of the charges or criticisms that had been made.
>
> A. I did.
>
> Q. Did he avail himself of the opportunity to use the paper?
>
> A. At first he said he would not have anything to do with such a dirty little sheet as that paper.
>
> Q. What was the size of your paper?
>
> A. I think you would call it a six-column quarto.
>
> Q. Well, what has become of the press, type, cases, etc., belonging to the printing office?
>
> A. Since Colonel Freeman took charge of the office I have not seen them. He has them in his charge.
>
> Q. When did he take charge of it?
>
> A. I do not know what month; our papers would show.
>
> Q. Have you ever made a demand on him for the possession of the paper?
>
> A. No, sir.
>
> Q. Or the office?
>
> A. No, sir.
>
> Q. I mean for the material?
>
> A. No, sir.
>
> Q. Has any action ever been taken against him for the possession of the paper?
>
> A. No, sir.
>
> Q. Or for the trespass in the confiscation?
>
> A. No, sir.
>
> Q. What reason did he assign for intending to take charge of the paper and suppress it?
>
> A. He said that the paper was publishing things that were not true and criticising his official acts in such a manner as to cause the people to have less respect for him, etc.

And so the evidence runs on. Now, that is not denied by Colonel Freeman. I turn right here to Colonel Freeman's evidence on page 95 of this report. Colonel Freeman did not hear the evidence of this witness. He had an opportunity, but he refused. The third question I put to him was the following:

> It has been stated in the evidence I have taken that you suppressed a newspaper here called the Wah shah she News, something like a year ago, and that you still retain possession of the press, type, cases, and material. You may state if that be true; and, if so, all the facts connected with it.

Now, was not that fair to Colonel Freeman?

Mr. JONES of Arkansas. I think so.

Mr. ALLEN. Then why is the Senator from Arkansas arraigning me here for not giving Colonel Freeman an opportunity to be heard? Colonel Freeman says:

> There was a paper running on the reservation by that name; the press was owned by a half breed named Sylvester Soldani. The newspaper was edited by a man named George E. Tinker, also a half-breed.

And I have Tinker's evidence here, too. Colonel Freeman proceeds:

> The conduct and course of the newspaper were not objectionable until the spring of 1894. At that time I became involved in a controversy with Mr. John R. Skinner, who was at that time a licensed trader on the reservation and also the proprietor of a store at a little town called Blackburn, right across the border of the reservation. Rising out of that controversy between Mr. Skinner and myself was a great deal of comment on the part of this paper, reflecting on me in various ways. They were not exactly criticisms of my administration here; they charged nothing against me—no specific facts—except that I was tyrannical and overbearing, and matters of that kind. It grew from bad to worse, and each succeeding copy of the paper more insulting, until it got to the vilest kind of abuse of me. I paid no attention to that, however, but finally they began publishing scandalous articles regarding the school and school services.

I want to say to the Senator from Arkansas that some of those charges in that paper respecting the school and the school service are amply sustained by the evidence, although they were of a character that I did not think fit to embrace in my report. One of the charges was not true, although there was ground for believing it to be true at that time. Colonel Freeman continues as follows:

> I then remonstrated with the editor that such reports were injurious to his own people and that it gave to the outside world the impression that the Osage girls and women were usually of a loose character, and I also told him I thought he was making a mistake by abusing the officers of the Government as he had been doing. He then said, "I suppose you do not want me to mention you, except in a complimentary way?" I told him I did not care personally how he regarded me, and I did not care for their praise or blame. So the matter ended at that. They kept on publishing articles about this school, and finally, as the schools were about to open in September, they came out in a series of articles, saying that these schools were not a fit place for the Osages to attend, and advising the people not to put their children in school. I went to the office and told them that the regulation required that these children should attend school; that the school was properly conducted, and that there was no reason why the children should not attend, and I asked the editor to stop writing such articles. He refused to do so, and I told him if he continued I would close up his office. He still refused, and I did close up his office and take possession of the material and press, and have it still.

Now, did not Colonel Freeman have an opportunity to answer, and did he not answer? The Senator from Arkansas has not read one word of this testimony, and I do not believe he has read the report that was made, and still he gets up here and arraigns me for making an assault upon Colonel Freeman.

Mr. President, it would not do for me, and I have not the time, to go into an extended discussion of all this evidence shows. I made as modified a report of the facts as it was possible for me to make. I recast the report two or three times before I submitted it to the Committee on Indian Affairs, so that I might not say anything that I would ever have occasion to regret. I did not find the facts as fully as a court would have found them or as a jury would have found them upon the evidence that was submitted. I said in that report simply two things that bear upon Colonel Freeman's administration. In the first place, Colonel Freeman goes on himself to testify, just as other witnesses testify, that no supervision whatever is placed over the accounts of licensed traders against the Indians. He says he did regard it as his duty to encourage the Indians to trade with the licensed traders, and I think he is honest about it. I do not question his honesty at all. I have no faith, however, in his judgment. We do not necessarily question a man's integrity of purpose because we question his judgment.

These Indians are submitted to the mercy of the traders when they are given their money. They are paid in checks on the subtreasury at St. Louis. They come up to a window where are the agent and his clerk, and sign the roll, take their check, and a swarm of traders and traders' clerks hang around that window to get the check and get them over to the prorate room and get the money divided; and sometimes when the Indian manifests a little disposition to be stubborn, they actually lay hands upon him and take him over to the prorate room, and sometimes they snatch his check out of his hands.

Mr. PETTIGREW. I should like to ask the Senator from Nebraska a question.

Mr. ALLEN. Certainly.

Mr. PETTIGREW. Did Colonel Freeman have knowledge of these transactions?

Mr. ALLEN. My dear sir, he had a chance to testify and did testify respecting it.

Mr. PETTIGREW. He was there, and knew that they coerced the Indians?

Mr. ALLEN. Of course. He was invited to be present and was present. He was urged to be present by me, and his attention was specifically called to this question.

Mr. PETTIGREW. He knew of the practices of these traders?

Mr. ALLEN. Certainly.

Mr. PETTIGREW. And he did not stop it, having the power to do so?

Mr. ALLEN. He was the man who made the payments; this condition of affairs existed within 5 feet of where he stood.

Mr. JONES of Arkansas. Will the Senator in that connection, as this matter is up, allow me to call his attention to one thing: He does not think that I have read his report, and he thinks I have not read the evidence. The truth is, I have not had time to go through all the evidence in this case, but such is my confidence in the Senator's impartiality and fairness in stating what the evidence shows that I have relied on the report in that respect. Since he has read Lieutenant-Colonel Freeman's statement about the suppression of that paper and has read what that officer stated was the reason for the suppression of the paper, I should like to call his attention to his own rsport in that connection, and ask him if he thinks it was just fair to Colonel Freeman? The Senator from Nebraska says on page 3 of his report:

> It appears that about the 12th day of August, 1895, the acting agent, Lieut. Col. H. B. Freeman, suppressed the Wah shah she News by closing up the office, taking possession of the type, press, cases, material, etc., and has remained in charge thereof to this time, and has prohibited the publication of the paper in consequence of certain articles that had appeared therein criticising his official conduct. The seizure was arbitrary, through the police of the agency, and not by virtue of judicial proceedings, and the conduct of the agent was unlawful and should be condemned. The attention of the Interior Department was called to the matter shortly after it took place, but no action was taken there respecting it. The agent was a trespasser in this seizure of the property of the Wah sha she News and is liable in an action of trespass for the damage sustained by the owners of the property. He had no more right to seize and hold the press and material and suppress the paper than he would have to confiscate the property of an Indian, or imprison him, for a criticism that might be offered on his official conduct in a private conversation or in a public speech.

This is the statement made by the Senator, and yet Colonel Freeman made the statement for himself that the reason of his taking possession of that paper was because it was being used for the purpose of undertaking to prevent the Indians from attending the Government schools. We all know the means that have to be resorted to to compel Indian attendance on public schools. We know that at many agencies they are absolutely arrested by soldiers; that they are taken by force to the agencies, and are put in the schools by force. If it is not an agent's duty to prevent the absolute destruction of the schools, I do not see what they are there for. I certainly think it was fair to Colonel Freeman that in making his report the Senator, who has had such large experience in taking depositions and knows so perfectly well how all these things ought to be done, should have stated the fact that Colonel Freeman claimed to have done this thing in the discharge of his duty in the protection of the schools, in connection with his own conclusions that Colonel Freeman's conduct was arbitrary, and that he was guilty of a trespass.

Mr. ALLEN. That may be the Senator's view of the law. I prefer not to take my law from either the Senator from Arkansas or Colonel Freeman, as much as I respect their judgment upon any question that might be submitted to them. There is not a word in that portion of the report which has been quoted by the Senator from Arkansas that reflects upon anybody. If the Senator from Arkansas will be kind enough to point out to me wherein it reflects upon Colonel Freeman, I shall hold myself a lifelong debtor to him.

Mr. JONES of Arkansas. Does the Senator think that charging an army officer with being guilty of a trespass is not a charge?

Mr. ALLEN. If the facts warrant the conclusion that he was guilty of conversion, and I say he was guilty of conversion, is that a charge?

Mr. JONES of Arkansas. The Senator said he was guilty of a trespass.

Mr. ALLEN. Well, guilty of a trespass. There is a bare shadow between them. A conversion is a trespass. Is that a charge? I bring an action against the Senator from Arkansas, charging him with trespassing upon my real estate. Does that reflect upon the Senator from Arkansas? The Senator knows better. He knows that it does not reflect upon him at all.

Now, what did this man do? He was guilty of a trespass in suppressing that paper. He was guilty of a violation of the fundamental law of this country, the freedom of the press, with responsibility for its conduct, for the right to the freedom of the press exists in the Indian Territory as much as it exists in the District of Columbia. When Colonel Freemen took forcible possession of this paper and converted its material to his own use, as he did, and suppressed the issuance of the paper, he did it without any authority of law.

It was not a judicial proceeding; and he was, and he is, in the eyes of the law, a trespasser. I said so, and I have nothing to modify or to take back. You can take the case made by this testimony before any respectable court or jury of this country, and you can mulct Colonel Freeman in damages for the suppression of this paper; and yet, for fear that Colonel Freeman, who has grown gray in the service, as the Senator said, may feel a little injured by what is said in this report, I am to be arraigned here and cajoled into modifying it and saying something to explain away the stain. I do not propose to do it. I did not put the case in as strong language as I ought to have put it. Colonel Freeman admits that he took the property and suppressed the paper, and has presses and type and all the material yet, and he has never suffered that paper to be republished since August, 1894, I think it was; and yet, when it comes to an investigation of his conduct, with all those facts admitted, he wants the subcommittee to modify the language of the report and say that he is not to blame. He is to blame; he is a trespasser, and if I were John F. Palmer and the owner of that paper, I would give him a chance to walk into court and demonstrate whether he had the power to suppress that paper or not. If the Senator from Arkansas, as his distinguished friend, wants to submit the issue to a court in Oklahoma upon that question upon the evidence taken here, he can have an opportunity.

What else did I say about Colonel Freeman? I said that this manner of payment of this tribe of Indians referred to in the report actually takes place at every payment. The Senator from Arkansas does not deny it.

What, in God's name, was I sent there for? To exonerate, to say that a man was not guilty of any of these things without giving the evidence, or to patiently take the testimony and report it with my findings of fact based upon it? If any man supposes that I would go upon an investigating tour with a determination to vindicate a man in advance, or to condemn him in advance, he is mistaken. I am not the man to put upon a committee of that kind.

Colonel Freeman has got himself to blame, not me. He has indulged in this conduct, and still indulges in it, and in my judgment, Mr. President, it is unlawful. He was a trespasser, and is now, and will be until he surrenders this property; and even then he will be liable in damages for the wrong that has already been done. I suppose that Colonel Freeman has been in correspondence with my learned friend from Arkansas, and has probably seen this report, and it does not altogether suit him.

Mr. JONES of Arkansas. If the Senator will allow me, I believe I have received one letter from Lieutenant-Colonel Freeman, which was something in the nature of a protest against the publication of the report of the Senator from Nebraska, saying, in effect, that he had had no opportunity to meet the charges made here. That is the substance of the letter, as I recollect.

Mr. ALLEN. Why, then, did not the Senator sit down and look this report over and see whether that was true or not?

Mr. JONES of Arkansas. If I had, I would have been confirmed in it, for in the report you made here you distinctly do not state that Lieutenant-Colonel Freeman took possession of that paper and stopped the publication of it because it undertook to break up the school, but because of personal attacks on him.

That statement was made, and Lieutenant-Colonel Freeman denied it, and yet you made that report.

Mr. ALLEN. I did not make any report of the kind.

Mr. JONES of Arkansas. The words I read seem to me to mean that.

Mr. ALLEN. I did not say that Colonel Freeman suppressed the paper because it made personal attacks upon him. Now find that in my language if you can. It is very easy to flippantly say that I said so and so, when I did not.

Mr. JONES of Arkansas. I read the language of the Senator's report in the presence of the Senate, and supposed the Senate understood what was said. I stated what I regarded as the substance of it, and I understood that to be about the substance of what was said. There is no necessity for reading the language again, but I can do it if the Senator wants it done.

Mr. ALLEN. There is not one word in my report, properly construed, to bear out the statement of the Senator.

Mr. JONES of Arkansas. You certainly did not intimate that Colonel Freeman did this in defense of the school. There is no such language in the report.

Mr. ALLEN. Does the Senator from Arkansas say that there were any circumstances under which that man had a right to suppress that paper without employing legal proceedings?

Mr. JONES of Arkansas. That man had a right to have his statement of what he claims to be the ground of his action.

Mr. ALLEN. He did have. His evidence was taken in full, and it is stated in the testimony.

Mr. JONES of Arkansas. But it is not referred to in your report.

Mr. ALLEN. It is referred to in general terms as much as the evidence of any other witness, yet the Senator from Arkansas, a distinguished lawyer of large experience, no doubt, stands in the Senate here to say that an Indian agent has a right to suppress a newspaper without employing judicial proceedings to do it.

Mr. JONES of Arkansas. Where did you find that out?

Mr. ALLEN. I found it out because the Senator from Arkansas said so.

Mr. JONES of Arkansas. I did not do it.

Mr. ALLEN. Now the Senator denies it, and says he did not do it.

Mr. JONES of Arkansas. I have made no such statement, and the Senator can not show in the RECORD a solitary line of that sort. What I contended for was that Lieutenant-Colonel Freeman had the right to be confronted with the charges against him. I have insisted that that should be done; and I called attention to the fact that when the Senator from Nebraska made his report of the facts as to the suppression of this newspaper he studiously avoided stating the reasons which Colonel Freeman gave for such suppression. That is all.

Mr. ALLEN. There was no reason at all. Now, let me put a question directly to the Senator from Arkansas. Did Colonel Freeman have the power to suppress that paper without resorting to judicial proceedings for that purpose?

Mr. JONES of Arkansas. I do not know anything about that, and I have not expressed an opinion in regard to it, one way or another.

Mr. ALLEN. The Senator does not know anything about it; and I am not surprised at that statement.

Mr. President, Colonel Freeman had no power to suppress this paper, and he was as powerless to do so as one of these little pages, so far as legal right is concerned. He had the machine, the brute force to do it, and he did it, and that is the only excuse he can give for doing it.

It would not do for me to go into the articles which appeared in that paper, some of which are published with this evidence. There was a charge of immorality in that school between certain teachers and employees of that school that was true, and the evidence here taken shows the charge to be true. Arrests followed, escapes from the officers followed, of employees of that school that were spoken of by this paper. Charges were made by the paper, and they were true. Colonel Freeman himself admitted the truthfulness of those charges upon the stand. But, Mr. President, like the old doctrine of scandalum magnatum, the greater the truth the greater the scandal, the greater the libel.

Colonel Freeman went upon the supposition that the truth should not be told by the paper even about the school or about himself. Therefore he walked in one morning deliberately with a police officer, without warrant, without an attachment, without judicial process of any kind, and without pretense of judicial process locked up the office, took the presses and cases and type, and suppressed the paper, and is in possession of them now. Yet the Senator from Arkansas, in his keen legal acumen and large experience in cases of this kind, sees something wrong in my report because I state these facts.

I have nothing in the world against this man. I never knew there was such a man as Colonel Freeman upon the face of the earth until I went there; I never saw him before. I was treated kindly by him, and treated him kindly in return; parted with him kindly; gave him every opportunity possible to make a thorough explanation of this charge, and he did make it: and his explanation is simply no explanation at all.

He had the brute force, the brute power, to suppress the paper, and he did it, and has it suppressed now; and the proprietors of that paper will never do themselves justice until they require him to walk into the courts of Oklahoma or Kansas or some other place and answer for damages done them by the conversion of their property. Now, if I am guilty of some heinous offense in the imagination of my most distinguished and brilliant friend from Arkansas, I shall have on another occasion to beg his pardon.

One word more, Mr. President——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. GALLINGER. I want to be put right. The Senator from New Hampshire is yielding to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair stands corrected. How long does the Senator yield?

Mr. ALLEN. I do not know that it concerns the Presiding Officer how long he yields.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ALLEN. I am not here to be badgered by the Presiding Officer of this Senate; and I hope it will not occur again.

Mr. President, I said another thing respecting Colonel Freeman, which I will read:

> I have found nothing to indicate that the acting agent, Lieut. Col. H. B. Freeman, is dishonest.

There were charges involving his integrity. Charges were rife that he was connected in money-making schemes there with certain persons. I found nothing to justify that charge. I stated so; but I said in that connection:

> There are many things to indicate that he has been indiscreet, in some respects arbitrary, but I attribute this largely to the fact that, being a soldier of many years' service, accustomed to obeying and being obeyed, he does not possess the tact necessary to deal successfully with civilians. There is no doubt of much bitter feeling existing between many of the Indians and the agent, and the border settlers and the agent, and I am not prepared to say that it would be unwise for this agent to be removed to another field of operation.

That is all I have said about Colonel Freeman, and all I expect to say.

Now, with my thanks to the Chair for the courtesies I have received, I yield the floor.

Mr. GALLINGER. Mr. President, I have not a very distinct recollection of the point I was making something over an hour ago when I was discussing this question, but I shall endeavor to gather up the scattered threads and finish my remarks, which were not intended to take very much of the time of the Senate.

My attention was drawn to this report somewhat accidentally on yesterday, I having sent to the document room for some publications bearing on this Indian question, and, in glancing over it, I was horrified to find, according to the testimony of the Senator from Nebraska, indorsed by the Committee on Indian Affairs of this body, that a condition of things existed in the Osage Nation that was a disgrace and a shame and a reproach to the American Congress and to the American people. I am very glad that calling attention to it, as I did this morning, has resulted in a discussion of this question by Senators who know more about it than I pretend to know.

The facts seem to be—and I will state them very briefly—that the Indians of the Osage Nation are led by some form of influence to accumulate a fund of money to pay attorneys to induce the Government, as they claim, to allow them to draw from their trust funds, which are now in the Treasury, large sums of money at various times, ostensibly for their support and their comfort. Having done that, it seems that licensed traders of the Government of the United States, men for whom we are in a sense, and in a broad sense, responsible, proceed to Kansas City and other places and buy horses, buggies, wagons, harnesses, and other articles by the carload, and ship them to that agency, and then, through those licensed traders, proceed to rob these poor Indians in a manner that would do credit to the veriest highwaymen who ever infested any portion of our country.

Mr. PLATT. The Senator has yielded so much that I trust he will yield to me to say that when he speaks of these poor Indians, they happen to be the richest body of people on the face of the earth. There is no community, state, nation, or body of people which has per capita the amount of property which these Indians have.

Mr. GALLINGER. I used the word "poor" in a different sense from that used by the Senator from Connecticut. I used it in the sense of a class of people who are not competent, apparently, to care for themselves, who are the wards of the Government of the United States, and who are neglected by that Government, and made the prey of unscrupulous and dishonest Indian traders.

Turning to page 3 of this report, I read these words:

> The agent seems to think that it is his duty to protect the licensed traders from competition with border traders, and encourage the Indians to trade with the former rather than where they can obtain the best bargains. It is apparent that the Indians can usually buy of the border traders the same goods fully one-half less than they can of the licensed traders; but the former have been restrained from coming on the reservation to collect their debts.

I take it that the recommendation made by the Senator from Nebraska in his very interesting report was called to the attention of the committee of the House of Representatives, and that, acting upon that suggestion, they inserted in this bill a provision that—

> Merchants and others doing business with and having accounts against Indians to whom allotment of lands has been made in any reservation in the State of Kansas shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing, in an orderly manner, such debts.

When that provision of the bill was reached two or three days ago, I called attention to it, and expressed surprise that the Committee on Indian Affairs of this body should strike from that bill that provision. I was not then aware of the existence of this report. Had I been, I should have insisted, as I think I shall insist in the Senate, on a yea-and-nay vote upon that proposed amendment of the committee.

If these men are robbed under the very eyes of the agents of the Government and at the hands of the licensed traders of this country, if the Indians are compelled to pay two and three and four times as much for articles as they are worth, or as they can purchase them for outside of their agency, they ought to be permitted to go beyond the agency limits, and then the merchants with whom they trade ought to be permitted in an orderly way to go upon that agency and collect their debts. The provision in the bill as it came from the House gives them the right to do that.

I do not know much about the suppression of the newspaper referred to. I read that simply as an incident in connection with the point that I intended to make against these licensed traders in the Osage Nation; but the evidence does seem to show that a newspaper published by these Indians, discussing public questions, as it had a right to do, and criticising, as I presume it did, the man who happens to occupy the position of agent there, and who has occupied that position for a long time, was arbitrarily and illegally suppressed by that agent, precisely as newspapers are suppressed in Russia or in the other countries of this world where freedom of speech and freedom of thought are not permitted. It was unjustifiable. Unless there is some explanation that can be given different from what appears in the testimony submitted by the Committee on Indian Affairs, then the suppression of that paper was an outrage against the rights of those people which ought to be investigated and remedied at the earliest possible opportunity.

Mr. President, I shall occupy the attention of the Senate but a moment longer. I believe that a condition of things exists in this Indian agency—I do not know whether or not it exists in other Indian agencies in the country—that is a disgrace to the American name and the American people, and which calls upon us in some way at some time to remedy it. Matters have been called to my attention within the last twenty-four hours concerning certain things at that agency which I shall not venture even to suggest in this debate, but I will venture to suggest that it is the duty of the Committee on Indian Affairs of this body, when they are remedying so many wrongs in the legislation that they are placing upon the statute books, to take at least a glance in that direction and see whether something can not be done to save those people from the wrongs which are being perpetrated upon them by the accredited agents of the United States Government. It is a bad state of things, Mr. President, disgraceful in the extreme, and ought not to be permitted to exist within the domain of our Republic.

I turn to the first page of this report, and I find that this arraignment is not all by the Senator from Nebraska. I find that this great Committee on Indian Affairs, of which my friend the Senator from South Dakota [Mr. PETTIGREW] is the chairman, has called our attention to this matter. I read what the committee says—not what the Senator from Nebraska says. The committee says:

> A serious condition of affairs exists at this agency. It appears from the evidence that the attention of the Interior Department has been called to this matter, and the frauds are so glaring, and yet so easy to remedy, that it is a matter of great surprise to your committee that it has not received the attention of the Department.

If this discussion, which I did not suppose would occupy five minutes when it started, shall have the effect of calling the attention of the Interior Department to the condition of things existing in the Osage Nation, and if it shall have the effect of remedying in the near future this great wrong, which apparently does exist, then the purpose I had in view will be fully and completely subserved.

Mr. PETTIGREW. Mr. President, I do not care to reply to the Senator from New Hampshire in regard to this matter, but will simply say that there is not an abuse disclosed by the evidence in connection with the Osage Nation which can not be corrected under existing laws by the Secretary of the Interior, if he wishes to correct it. Therefore no legislation is necessary in that direction. It seems to me that if we should undertake in the Indian appropriation bill to correct all the defects of the Administration about to go out of power, we should cover a very large field. It is hardly to be expected that subordinates of this Administration will do their duty when the Executive himself refuses to enforce the laws enacted by Congress, and is engaged in directing the sale of bonds in a manner which, if practiced by the governor of a State or the mayor of a city, would lead certainly to indictment and conviction. Therefore I shall refrain from going into this question further except to say that the report made by the Senator from Nebraska was carefully considered by the Committee on Indian Affairs, and, after examining the evidence, I am satisfied Mr. Freeman was treated with great kindness by the committee. He knew of the existence of those transactions; he was the agent at that agency; he was able to suppress those traders, to see that they did not charge exorbitant prices, to see that no fraud was practiced upon the Indians by those engaged in doing business with them. He refrained from doing it, and he is deserving of criticism. If he could not stop the abuses, it was his duty to call the Department's attention to it or refuse to act longer, for he was not forced to act. The War Department would have relieved him from the position if he had desired to be relieved. But so long as he chose to remain there and allowed transactions to be carried on as disclosed by the evidence, he deserves even more severe criticism than that imposed upon him by the committee.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 78, line 11, section 3, after the word "made," to strike out "or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments;" so as to make the section read:

> SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided further*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *And provided further*, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided*, That funds appropriated to fulfill treaty obligations shall not be used.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to strike out:

> SEC. 9. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation in Franklin County, Kans., and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of July 16, 1859, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.
>
> That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists; the first to include all of said bands who hold title to land either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the lands so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.
>
> That upon the approval of said census and the export of said commissioner by the Secretary of the Interior, patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.
>
> That where there are several heirs, and partition of land is not practicable, upon the joint request of said heirs said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.
>
> That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section 12, of township 17 south, of range 18 east, in Kansas.
>
> That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected by the Indians in open council, who shall report the same to the Commissioner of Indian Affairs; that said commission shall place a valuation for purposes hereinafter named on all tracts of land now owned or held by inheritance, and make a separate report thereof.
>
> That upon the approval of said appraisement by the Secretary of the Interior he shall offer said residue of lands, and such other lands, if any, as said heirs may have given their written consent thereto, at the proper land office in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default: *And provided*, That the same shall be sold to the highest bidder, and at a price not less than the appraised value.
>
> That where an allottee has died leaving no heirs or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided in section 7.

That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of 21 years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee or Christian Indians, now held for them by the United States, said sum being on the 1st day of January, 1896, $42,590.36.

That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians the remainder of said funds, after deducting the expenses incurred in carrying out the provisions of this act; also he may, in his discretion, pay to said Indians, the sum of $42,590.36, trust funds now to their credit on the books of the Treasury Department.

That no proceedings shall be taken under this act until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto, expressed in open council.

And insert:

SEC. 9. That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made.

The amendment was agreed to.

The next amendment was, on page 85, after line 10, to insert:

AGREEMENT WITH THE SHOSHONE AND ARAPAHOE TRIBES OF INDIANS IN WYOMING.

SEC. 10. That the following amended agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed, and shall be binding upon said Indians when they shall in the usual manner agree to the amendment herein made thereto, and as amended is as follows, namely:

Articles of agreement made and entered into at Shoshone Agency, in the State of Wyoming, on the 21st day of April, 1896, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming.

ARTICLE I.

For the consideration hereinafter named the said Shoshone and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely all their right, title, and interest of every kind and character in and to the lands and the water rights appertaining thereunto embraced in the following described tract of country, embracing the Big Horn Hot Springs in the State of Wyoming:

All that portion of the Shoshone Reservation described as follows, to wit: Beginning at the northeastern corner of the said reservation, where Owl Creek empties into the Big Horn River; thence south 10 miles, following the eastern boundary of the reservation; thence due west 10 miles; thence due north to the middle of the channel of Owl Creek, which forms a portion of the northern boundary of the reservation; thence following the middle of the channel of said Owl Creek to the point of beginning.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the said Shoshone and Arapahoe tribes of Indians the sum of $60,000, to be expended for the benefit of the said Indians in the manner hereinafter described.

ARTICLE III.

Of the said $60,000 provided for in Article II of this agreement it is hereby agreed that $10,000 shall be available within ninety days after the ratification of this agreement, the same to be distributed per capita, in cash, among the Indians belonging on the reservation. That portion of the aforesaid $10,000 to which the Arapahoes are entitled is, by their unanimous and expressed desire, to be expended, by their agent, in the purchase of stock cattle for distribution among the tribe, and that portion of the before mentioned $10,000 to which the Shoshones are entitled shall be distributed per capita, in cash, among them: *Provided*, That in cases where heads of families may so elect, stock cattle to the amount to which they may be entitled may be purchased for them by their agent.

The remaining $50,000 of the aforesaid $60,000 is to be paid in five annual installments of $10,000 each, the money to be expended, in the discretion of the Secretary of the Interior, for the civilization, industrial education, and subsistence of the Indians; said subsistence to be of bacon, coffee, and sugar, and not to exceed at any time 5 pounds of bacon, 4 pounds of coffee, and 8 pounds of sugar for each 100 rations.

ARTICLE IV.

Nothing in this agreement shall be construed to deprive the Indians of any annuities or benefits to which they are entitled under existing agreements or treaty stipulations.

ARTICLE V.

This agreement shall not be binding upon either party until ratified by the Congress of the United States.

Done at Shoshone Agency, in the State of Wyoming, on the 21st day of April, A. D. 1896.

JAMES McLAUGHLIN. [SEAL.]
United States Indian Inspector.

(Here follow the signatures of Washakie, chief of the Shoshones, Sharp Nose, chief of the Arapahoes, and 271 other male adult Indians over 18 years of age, belonging to the Shoshone Reservation.)

I certify that, at the request of Indian Inspector James McLaughlin, I read the foregoing agreement to the Indians in joint council, and that it was explained to the interpreters, paragraph by paragraph.

JOHN S. LOUD,
Captain Ninth Cavalry, United States Army,
Commanding Fort Washakie, Wyo.

We certify that the foregoing agreement was fully explained in joint council to the Shoshone and Arapahoe tribes, that they fully understand the nature of the agreement, and agree to the same.

EDMO LE CLAIR.
NORKOK, his x mark.
Shoshone Interpreters.

HENRY LEE.
WILLIAM SHAKESPEARE.
Arapahoe Interpreters.

Witnesses:
THOS. R. BEASON,
JNO. W. TWIGGS, Jr.

I certify that the foregoing names, though in some cases duplicates, in every instance represent different individuals.

EDMO. LE CLAIR.
Special Interpreter.

Witnesses to the foregoing agreement and signatures of the Indians.

JOHN S. LOUD,
Captain 9th Cavalry.
JOHN F. McBLAIN,
1st Lt. 9th Cavalry.
JNO. W. TWIGGS, JR.
THOS. R. BEASON.
JNO. W. CLARK,
Allotting Agent.
JOHN ROBERTS,
Missionary of the Protestant Episcopal Church to the Indians.

I certify that the Indians, Shoshones and Arapahoes, numbering 273 persons, who have signed the foregoing agreement, constitute a majority of all male Indians over 18 years of age belonging on the Shoshone Reservation, Wyo.

RICHARD H. WILSON,
Captain 8th Infty., Acting Ind. Agent.

That for the purpose of making the payment stipulated for in the first paragraph of article 3 of the foregoing agreement, the same to be paid to the Indians belonging on the Shoshone Reservation per capita in cash, or expended for them by their agent in the purchase of stock cattle, as in said article provided, the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

That of the lands ceded, sold, relinquished, and conveyed to the United States by the foregoing agreement herein amended, and accepted, ratified, and confirmed, 1 mile square, at and about the principal hot spring thereon contained, is hereby ceded, granted, relinquished, and conveyed unto the State of Wyoming; said mile square to be determined as follows: Commencing at a point one-fourth mile due east from said main spring, running thence one-half mile north, thence 1 mile west, thence 1 mile south, thence 1 mile east, thence one-half mile north to point of beginning, and the remainder of the said lands, ceded, sold, relinquished, and conveyed to the United States, by the agreement herein ratified and confirmed, are hereby declared to be public lands of the United States, subject to entry, however, only under the homestead and town-site laws of the United States.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The Chair is informed that there are several amendments which have been passed over.

Mr. PETTIGREW. I now desire to return to page 24 and to dispose of the amendment which was passed over in relation to a payment to the Pawnee Indians of Indian Territory.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, page 24, after the word "dollars," the Committee on Appropriations report an amendment to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $50,000 out of their trust land money on deposit in the United States Treasury.

Mr. PETTIGREW. I call the attention of the Senator from Texas [Mr. CHILTON] to the amendment which was passed over for the purpose of having read to the Senate the action of the Indian Department and the Secretary of the Interior upon the subject. I send to the clerks' desk the letters.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 16, 1897.

SIR: I have the honor to inclose herewith (in duplicate) a communication, dated the 4th instant, from Agent J. P. Woolsey, of Ponca and Pawnee Agency, Okla., introducing Curley Chief, Ralph J. Weeks, Baptiste Bayhille, and Harry Coons, a Pawnee delegation, in which he states that they are sent here with a petition to the Department, signed by a majority vote of the Pawnee tribe, to secure a payment to them of $100,000 of their trust land moneys on deposit to their credit in the United States Treasury.

The Indians state in their petition that since taking allotments and allowing their surplus lands to be thrown open to settlement and becoming citizens of the United States they find it much harder to make a living than formerly; that citizenship brings with it many responsibilities of which they never dreamed; that they find that in order to in any manner compete successfully with their white neighbors they must have modern agricultural implements and that their farms or allotments must be improved in many respects; that this will take much money—much more than their regular annuity payments, as it takes nearly all of such payments (and in some cases more) to pay their ordinary family expenses; that during the past three years their crops have been very unsatisfactory, and have provided scarcely any revenue.

They state that if their petition is granted they promise that the money will be judiciously expended for the benefit of the tribe and improvement of their homes.

I will state, for the information of the Department and Congress, that these Indians number 702 souls, and that their land fund amounts to $422,418.25, drawing interest at 5 per cent per annum.

Upon a careful consideration of the petition of the Pawnees, I am of the opinion that aid extended to them at this time would be of benefit to the tribe, and I recommend that $50,000 of their land money be paid to them per capita. This can not be done, however, without permission of Congress, and I submit herewith a draft of a proposed amendment to the Indian bill, soon to be considered in the House of Representatives, requesting that it be forwarded to the Indian Committee of the House.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

Mr. CHILTON. Now let the letter of the Secretary of the Interior be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1897.

SIR: I have the honor to transmit herewith copy of a communication of 16th instant, and accompanying petition of the Pawnee tribe of Indians, Oklahoma, to secure a payment to them of $100,000 of their trust-land moneys on deposit to their credit in the United States Treasury, which amounts to $422,418.25.

The Commissioner states that he has carefully considered the petition of these Indians, and is of the opinion that the aid extended to them at this time would be of benefit to the tribe, and he recommends that $50,000 of their land money be paid to them per capita.

I have talked with the delegation of these Indians, and urged them to retain $50,000 in the Treasury, which would give them $2,500 interest per annum. This they seem unwilling to do, and insist on the per capita payment of $50,000, which is but one-half of the sum asked for.

Having expressed the views and wishes of the Indians, I deem it best for Congress in its wisdom to fix the amount to be paid per capita to them.

Very respectfully,

DAVID R. FRANCIS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

Mr. CHILTON. There are two points of view from which this matter ought to be very carefully considered by Congress. The first is the interest of the Indians, and the second is the interest of the taxpayers of the United States. It follows, as a matter of course, that if we permit the trust fund of these Indians to be carved into by degrees, in a few years it will all be gone, and then their support will devolve upon the public Treasury. Many of the other Indians for whom appropriations are made in this very bill are now wholly upon the bounty of the General Government.

Therefore it becomes a very important matter to our taxpayers whether these trust funds shall be conserved or shall be dissipated from year to year. I attach but little importance to the application of the Indians themselves. The motive of cupidity influences them, of course, like it does all the remainder of Adam's race, and from year to year, as their necessities seem to press on them, they come like other improvident persons seeking to fritter away their patrimony. In this case we simply see another exhibition of that universal principle.

An examination of the appropriations to these Indians in the pending bill ought, I think, to satisfy any reasonable man that they are amply provided for. My information is that they constitute about 140 families. What is their present condition? They occupy some of the best lands in Oklahoma. Their allotments are on the Canadian River, in a rather fertile country, and it joins the rich Osage territory, about which we have heard so much this morning. Their lands have been allotted to them in severalty. They have ample farms for all usual purposes. Not only so, but their farms are exempt from taxation, and the Indians are in a situation to be highly prosperous. What do they get? If you turn to the appropriation bill, you will find that there is appropriated to their use $17,100. Add to that sum the annual interest on this trust fund, a part of which they are now seeking to draw down, or about $22,500 annually, and we have an existing provision in their behalf of $69,600 annually.

Take this $69,600 (we will say $70,000 for convenience of calculation) and divide it among 140 families, and you find that there will be distributed to them in the fiscal year $500 a family. How many poor families there are in this country who could subsist on $500.

Independently of the productions of their farms; independently of the exemption from taxation, a provision of $500 a family is made by the Government of the United States already; and it is now proposed to take out of the principal of their trust funds $50,000 more and divide it among these Indians. I insist, sir, that such an appropriation is not a wise and judicious care of these wards of the American nation. They do not need a further aid of $350 a family out of this fund, which ought to be held sacred and intact.

I hope that this appropriation will be voted down. It is proper to say that this matter has been considered in the House of Representatives, and according to my information it was omitted there. I wish to say for one that, while I hesitate to set up my judgment against that of more experienced Senators on this floor, it does seem to me that when the House of Representatives has refused to take the responsibility we should be offered a very conclusive reason before coming to the aid of these Indian applicants, who are continually asking that their trust funds shall be invaded. It seems to me we should vote down the amendment. After giving practically $70,000 a year to this small and inconsiderable tribe, situated in the best part of the Indian country, we should content ourselves and grant no more.

Mr. PETTIGREW. This item was placed in the bill after talking with the representatives of the Pawnee Indians, who are here, and are certainly very intelligent people, and upon the recommendation of the Commissioner of Indian Affairs, which is given in the following language:

> Upon a careful consideration of the petition of the Pawnees, I am of the opinion that aid extended to them at this time would be of benefit to the tribe, and I recommend that $50,000 of their land money be paid to them, per capita. This can not be done, however, without permission of Congress.

The committee carefully considered the matter, and thought it was the wisest thing to do to assist these people in securing improvements by which their allotments would be made productive. We believed that if this were done the remainder of the trust funds and the interest upon them would go further toward supporting the Indians in the future than if it were not done. It seems to me the amendment ought to be retained in the bill.

Mr. CHILTON. Will the Senator from South Dakota allow me to see the letter of the Secretary of the Interior? I call the attention of Senators on both sides of this Chamber to this matter, because if there is anything which is calculated to interfere with the calm consideration of these questions it is the party spirit which sometimes enters into them. I am addressing myself to this question simply as one of common justice and economy.

The Senator from South Dakota does not attempt to answer the facts I have stated. He does not attempt to answer the main fact that there are only about 140 families of these Indians. He does not attempt to answer the next fact, that they will obtain independently of the proposed appropriation about $500 a family. He does not attempt to deny that they have their lands in severalty, that they are good lands, and that those lands are exempt from taxation.

His only answer is that the committee considered it, and they think this allowance ought to be made. I have the greatest respect for the committee, and ordinarily yield to their judgment in regard to these matters, but this seems to me so plain a case that the Senate should not hesitate to reject the amendment. The Senator from South Dakota referred in general terms to the fact that the Commissioner of Indian Affairs recommends the appropriation. The Secretary of the Interior, however, it seems to me, is very careful not to do so. Here is the close of his letter on the subject:

> I have talked with the delegation of these Indians and urged them to retain $50,000 in the Treasury, which would give them $2,500 interest per annum. This they seem unwilling to do, and insist on the per capita payment of $50,000, which is but one-half of the sum asked for.
>
> Having expressed the views and wishes of the Indians, I deem it best for Congress—

For Congress—

in its wisdom to fix the amount to be paid per capita to them.

He is careful, it seems to me, to commit to Congress the responsibility for any invasion of this trust fund. So far from its being a recommendation, it seems to me it is a studious attempt on his part not to make a recommendation, but to leave the whole matter to the judgment of the two Houses.

When the $50,000 is turned over to these Indians, it is provided here that it shall be distributed to them per capita. Senators have heard this morning a statement of the way in which the distribution of the funds of the Osages turned out. Senators have heard here that the money was all practically absorbed by speculators, by those who held debts against those untutored Indians and those who made debts against them after the appropriation was passed. I for one think we ought to preserve this trust fund, so that the Indians will be forced, like other prudent persons, to live upon the interest of their permanent investment.

It seems to me we will be doing the proper and fair thing not to vote any further appropriation than this enormous sum which is already provided for by the original text of the bill.

Mr. NELSON. I ask the permission of the Senator having the bill in charge to offer at this time a little amendment to the bill.

The PRESIDING OFFICER. The Chair suggests to the Senator from Minnesota that an amendment is now pending.

Mr. NELSON. I ask that I may be permitted to offer the amendment now, with the consent of the Senator having the bill in charge, because I am obliged to go to the Interior Department on an errand for some of my constituents. It is a small matter, and I ask unanimous consent that it may be now considered.

The PRESIDING OFFICER. If the Chair hears no objection, the amendment will be considered at this time.

Mr. JONES of Arkansas. Let the amendment be read for information.

The Secretary read as follows:

Amend by inserting, after the word "dollars," in line 21, page 52, the following:

"For supplying electric light for said school, $1,000, or so much thereof as may be necessary."

Mr. NELSON. It is for an Indian school at Pipestone, Minn., a Government school, and the electric light is needed. That is all there is to it. I think there is no opposition to the amendment.

The amendment was agreed to.

The SECRETARY. It is proposed also to amend by inserting, after the word "thirty," in line 23, on the same page, the word "one."

Mr. NELSON. That is to make the amendment conform.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee inserting a proviso on page 24.

Mr. CHILTON. I ask for the yeas and nays on agreeing to the amendment. I think it ought not to be passed, and we had just as well have the yeas and nays.

The yeas and nays were ordered.

Mr. PEFFER. What is the amendment? I ask that it may be stated.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The SECRETARY. After the word "dollars," in lines 6 and 7, on page 24, the committee report to insert the following proviso:

> *Provided*, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $[illegible] out of their trust land money on deposit in the United States Treasury.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I desire to announce my pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were here, I should vote "nay."

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], and withhold my vote.

Mr. SMITH (when his name was called). I am paired with the senior Senator from Idaho [Mr. DUBOIS].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLACKBURN (after having voted in the affirmative). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], but I have his authority to vote in support of all the committee amendments on the pending bill. Therefore I have voted.

Mr. MORRILL. I have a general pair with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. McBRIDE. I have a general pair with the Senator from Mississippi [Mr. GEORGE], and withhold my vote.

The result was announced—yeas 34, nays 16; as follows:

YEAS—34.

Allen,
Baker,
Berry,
Blackburn,
Brice,
Butler,
Cannon,
Chandler,
Cullom,
Daniel,
Davis,
Elkins,
Faulkner,
Frye,
Hansbrough,
Hawley,
Jones of Ark.
Lodge,
McMillan,
Mantle,
Morgan,
Pettigrew,
Platt,
Pugh,
Quay,
Sewell,
Sherman,
Shoup,
Teller,
Thurston,
Vest,
Wetmore,
White,
Wilson.

NAYS—16.

Bacon,
Bate,
Brown,
Chilton,
Gallinger,
Kenney,
Lindsay,
Martin,
Mills,
Palmer,
Pasco,
Peffer,
Perkins,
Roach,
Tillman,
Turpie.

NOT VOTING—40.

Aldrich,
Allison,
Blanchard,
Burrows,
Caffery,
Call,
Cameron,
Carter,
Clark,
Cockrell,
Dubois,
Gear,
George,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Harris,
Hill,
Hoar,
Irby,
Jones of Nev.
Kyle,
McBride,
Mitchell of Oreg.
Mitchell of Wis.
Morrill,
Murphy,
Nelson,
Pritchard,
Proctor,
Smith,
Squire,
Stewart,
Vilas,
Voorhees,
Walthall,
Warren,
Wolcott.

So the amendment was agreed to.

The PRESIDING OFFICER. The next amendment which was passed over will be stated.

Mr. PETTIGREW. The next amendment is on page 70.

The SECRETARY. On page 70, after line 2, insert——

Mr. PETTIGREW. The amendment has been read. It relates to the disposition of the controverted attorneys' fees in connection with the Old Settlers' case. The Senator from Florida asked to have it passed over.

Mr. BATE. I understand that an amendment to the amendment moved by me in line 5, to strike out "without" and insert "with," has already been acted upon.

The PRESIDING OFFICER. The Chair is informed that the amendment to the amendment has already been agreed to.

Mr. BATE. That is what I understand.

Mr. JONES of Arkansas. I move at the end of line 18, page 72, to add the following proviso:

> *Provided*, That this act shall apply to claims filed against said fund for legal services rendered before the Commissioner of Indian Affairs and the Secretary of the Interior, in defending said fund against claims thereupon, and such claims for services last mentioned shall be tried according to the rules of equity in accordance with the other provisions of this act, and the same shall be first lien on the fund aforesaid.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the amendment of the committee as amended.

Mr. CALL. It seems to me there ought to be some hesitancy in adopting an amendment creating a first lien on a fund, and that it should not be done without some consideration. I had proposed to let the vote be taken on the amendment and leave the question open for a vote in the Senate; but it seems to me that the amendment of the Senator from Arkansas to the amendment, arbitrarily creating a first lien in preference to all other claims, ought not to be adopted hastily.

Mr. PETTIGREW. I hope the Senator from Arkansas will modify his amendment to that extent. The purpose is to close up all of these claims and divide the money among all the claimants. There may not be enough to pay in full all that is claimed. The judgment may give some of them more than they can receive, but it is to be distributed so as to settle the whole question.

Mr. JONES of Arkansas. If the Senator from South Dakota will listen for one moment, I think he will see the absolute fairness of the amendment that I propose. There was and is now a fund, 35 per cent of a certain sum, that was set apart to pay attorneys' fees. The proposition is to divide this 35 per cent among the various claimants. It so happened that after this service was rendered and the 35 per cent was set apart by the Secretary of the Interior there were claims made against that 35 per cent fund by certain parties, and a resistance was made of the claim against the fund. Certain attorneys were employed to resist those claims against the fund. They were employed to defend the fund. They appeared for the fund. The proposition simply is that this same court shall ascertain and find what is fairly due to those lawyers for the defense of the fund, and that their fee—their reasonable fee—ascertained by the court, shall first be paid out of the fund before it is distributed among those who have claims against it. There is not a court in the world, it seems to me, that would not hold that that is perfectly just and right.

Mr. TELLER. If the committee had had their attention called to the fact that there was any necessity for such an amendment, I think they would have allowed it.

Mr. JONES of Arkansas. I think so.

Mr. TELLER. I do not think there is any trouble about it. It is the desire of the committee that everybody who has any claim on that fund shall come into the court and have an opportunity to be heard. It does not make any difference what the claim is or how they made it.

Mr. CALL. That is not the proposition. The proposition is that the attorneys who were employed by somebody to contest the claims of other attorneys and agents shall have a first lien.

Mr. TELLER. If the court takes their cases up, I do not think they should have a first lien.

Mr. CALL. That is what the amendment is. That is the point of the objection to it.

Mr. TELLER. I suggest to the Senator from Arkansas to withdraw that part of his amendment.

Mr. CALL. The amendment proposes to give a first lien to whom, and by whom employed. The proposition is that a contract made by the owners of this fund shall be supplemented by an authority given in this act to create a first lien in preference to the contract rights originally made between the tribe and their agents, approved by the Interior Department and administered by that Department. It is proposed to violate that contract by creating a first lien in favor of somebody not a party to the contract.

Mr. PEFFER. Mr. President, I am inclined to the opinion that the amendment as originally proposed is a very wise provision, and I think, in view of that fact, the addition proposed by the Senator from Arkansas is proper, with a single exception. I can not see why in justice the attorneys should have their claims made a prior or first lien upon the funds belonging to the Indians. If there has been any class of men having connection with the Indian business at all who have made themselves safe and got the lion's share of all that has been taken from them, the attorneys are that class. I have lived a long time in the vicinity of the Indian Territory. I know a good deal about the course of proceeding, legal and illegal, and I am aware, as every Senator upon this floor must be aware, that the attorneys have always had their hands in first; they have always been the best paid. The amendment now, without the addition of the first-lien provision, places the attorneys upon the same footing. If they are not satisfied with that, it seems to me that they ought to be cut off entirely.

Mr. JONES of Arkansas. I should like to have the Senator from Kansas answer a question.

Mr. PEFFER. I will answer it if I can.

Mr. JONES of Arkansas. There are estates to settle, and attorneys are often employed to look after the interests of an estate. The attorney's fee in looking after the interest of an estate is always paid first out of the assets of the estate; it is not subordinated and relegated to the level of claims that accrued before. The service rendered in protecting the estate is always paid for as a first lien against the estate. These people were interested in having this 35 per cent fund protected against certain unjust claims. Attorneys were employed by the agent of the Old Settler Cherokees, the man who had absolute control of it, to defend that fund against what they considered unjust claims. They rendered the service, and, if they did that and protected the fund, there can be no reason, it seems to me, to put them on the level of claimants who have rendered services in the original case and not in this particular case. It seems to me that the Senator misapprehends the facts in the case; otherwise he would not take the position he does.

Mr. PEFFER. I think the presumptions are all against the lawyers. If there has been any connection whatever with the settlement of these Indian claims by attorneys, I think that the connection originated with the lawyers themselves. I do not think I ever heard of a case, or ever knew of a man who had heard of a case, where an attorney was employed for Indians that he had not sought the employment. He is the one who makes the advance. He is the one who guards himself in the beginning. The clientage of an Indian is not like ordinary clientage. The attorney is the one who seeks the employment, whereas ordinarily, among civilized people, the client is the party who seeks the attorney. Unless the attorneys are placed upon the same ground with other claimants, I am opposed to the amendment of the Senator from Arkansas. I hope the Senator will see proper to withdraw that part of his amendment.

Mr. JONES of Arkansas. While I must insist that the reasoning of the Senator from Kansas is absolutely without any ghost of reason or fairness, I will withdraw that part of the amendment. I will strike out the words "and the same shall be a first lien on the fund aforesaid."

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment of the Senator from Arkansas as modified to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BROWN. On the same page we have been considering, page 72, I move to strike out, beginning at the end of line 5, the following words:

> And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

I will state my reason for moving to strike out those words. If anything did transpire before the Secretary of the Interior which would constitute a defense in behalf of these Indians, we ought not to take it away. They have the right to put up any defense that they see fit to this claim. As I understand the scheme of the amendment, it is that the claims against this fund, which we argued last year, shall be referred to the Court of Claims, to be tried there as in any other tribunal. The claimants may bring any proof, any argument, to support their claims that they can; and why should not the defendants, the Indians, have the same right? Is it submitting it to a fair tribunal to say, "We will submit this case to the Court of Claims, but we will shackle the hands of the Indians, and they shall not be permitted to put up the defense that they have, if they have any, or this line of defense we will not permit?"

Mr. JONES of Arkansas. Will the Senator from Utah indicate the words he proposes to strike out? What line?

Mr. BROWN. I have read them, and I will read them again. Beginning at the end of line 5, page 72, the same page we have been considering, I move to strike out the words:

> And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior

I do not say that those rulings have been a defense or not a defense. That must depend upon the evidence to be produced concerning them. It might be that there was an award accepted by each of these claimants. If they have been paid and settled with, that is a defense in all the courts of all the world. Why should these poor Indians be deprived of it? Why do we now come and say, "You are to be heard in the tribunal fairly, equitably; only remember that you are an Indian, and if you have a defense we will not give it to you. We will bar you of all the defense you have. We are afraid that there is a defense there that will defeat these claimants, and therefore we beforehand judge that you shall not be permitted to avail yourselves of it." It seems to me, Mr. President, that it is a rank injustice. If it be answered to me that nothing transpired before the Secretary that would be a defense, still I say that you should not put that in. The claimants would have a perfect right to protect themselves if it is a defense, and that right should not be taken away.

Mr. JONES of Arkansas. This does not seem to affect the defense. It seems to affect the remedy.

Mr. BROWN. I do not know that it affects the remedy; it affects the defense. Let me read it again.

> And no action shall be barred or right impaired—

By reason of what?

> by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

In other words, if the claimant has gone there and been awarded all that he claims, all that he contends for, if he sees fit to claim more, that award and that payment shall not be a defense at all. That is the plain meaning and the plain expression of this language of the bill, that it shall be his defense, which seems to me to be a rank injustice toward a class of people to whom we ought to extend every favor. Instead of taking away defenses, we should extend them in their favor. These claimants are able to take care of their own; they are supposed to be attorneys, or persons interested as attorneys, in procuring this legislation, and therefore capable thoroughly of looking after their own interests. Why should we say to the poor Indian, "You shall not defend yourself against these attorneys?"

Mr. WILSON. With the permission of the Senator from Utah, I should like to ask him a question on the line of his argument. I ask if it is or is not a fact that these poor Indians employed an attorney to protect their interests, and entered into a written contract with him to pay him so much; and, after having received ten months of his services, the Secretary of the Interior decided that there was no law by which he could pay him his fee, as agreed upon between himself and the Indians, and now they are seeking every method—these poor benighted aborigines, who do not know anything and can not protect themselves—and are here protesting against the payment of the very thing they entered into a contract to pay?

Mr. BROWN. I do not so understand it. I had not intended to open up the controversy out of which this matter originated. I do not understand that there was anything due to the person who made this contract. His rights were inquired into, his rights were examined, as I understand, and he was paid, and he passed out of it, and other persons entered into it. As I understand, they have all been paid enormously for everything they have done. We went over that, I know, last year. I repeat, I do not care to enter again into that conflict. If necessary, we can open that door; but the question is, Shall the Indians be precluded from setting up any valid, legal defense that they have in law? That is the question. If my friend is right in the suggestion, in the innuendo that his question carries with it, that this man has not been paid, that the Indians have not complied with their contract, and that there has been no award, no acceptance, and no satisfaction, no disposition of it, then he does not need this clause. The court will enter judgment against the Indian tribe without such a clause. But if the Indians have a defense in the fact that there has been an award and satisfaction, why should it be taken from them, whether they are Indians or whites, or whomsoever they may be? You would not dare to pass an act of Congress prohibiting white defendants in an action in law from setting up an award or satisfaction as a defense? You would not say that a common debtor should not set up that defense. Why should you say with regard to these wards of our nation that they are suspected of having taken advantage in some way of the Secretary of the Interior, and they can not set up the defense that there has been a prior settlement of this whole matter? I do not pretend to say now whether there was or was not a settlement; but if there was a settlement, let the Court of Claims pass upon it.

Mr. WILSON. With the permission of the Senator from Utah——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. BROWN. Yes, sir.

Mr. WILSON. I think the Senator misunderstood me. I did not desire to convey any innuendo. The point I wanted to present to the Senator, who is a very distinguished attorney, was this: Suppose I entered into a contract with him, employed his services as an attorney, and agreed to pay him so much money for them. That contract ought to be enforced. Such a contract is of record in this case. Those Indians entered into a contract with a certain attorney to defend these claims. He performed that service, and spent nine months in doing so. It was then ascertained that the Secretary of the Interior had no authority to pay him; and now these benighted gentlemen whom the Senator talks about are standing here protesting against carrying out the very contract that they entered into themselves.

I do not care to thrash over the old straw of last Congress, when we discussed this matter, but it does seem to me fair and just that those Indians should be compelled to pay this sum out of the 35 per cent which was originally set apart, and which they entered into a contract to pay.

Mr. BROWN. I will answer the Senator from Washington. If my friend had entered into a contract with me similar to the one here, in which he promised to pay me eight hundred and odd thousand dollars for getting legislation through Congress, and I sued him for the money, I would not come before Congress and ask Congress to pass a law prohibiting him from setting up as a defense that, while it was true he had promised to pay the money, he had had an accounting with me and settled with me and had paid me every cent that I had claimed, and that I had taken the money and receipted the bill in full. That would be a legitimate defense to an attorney's bill in any court in the world. It would be a legitimate defense to the argument which the Senator has made. Why should it not be a legitimate defense? Why take it away from these defendants, whether they be poor Indians or anybody else? Every defendant in a court of justice has a right to set up those things which are a bar to the claim in law, and I insist upon it in this case as applied to these Indians.

Mr. TELLER. Mr. President, the provision of which the Senator from Utah complains is simply that the court may have complete control of this controversy from beginning to end. These people made contracts with a lawyer, and he made contracts with other lawyers, and the controversy arose between them as to how this division should be made. There was not enough for all, according to the contract he made. We submitted that question to the Secretary of the Interior, without the consent or approval of these people; they had nothing to do with it. We simply said, "The Secretary of the Interior will now decide this thing as he thinks best;" we made him the court. He proceeded. To some of these people he allowed all their claims; to some of them he absolutely declined to allow anything, and I happen to know of one or two instances where men who had rendered considerable and long service to the Indians got nothing at all. Now, the proposition is to take the remainder of the amount, remit it to a court, and let the court distribute it according to the rules of equity; and we simply say that anything which has been heretofore done shall not stand in the way. If a man has received a portion of his claim, that shall, of course, be charged against him; if he has not received anything, he shall not be precluded from making his claim because the Secretary might have said he thought he was not entitled to it.

All of those cases were brought before the Secretary of the Interior simply upon affidavit, and in one or two instances people did not bring their cases at all, because they were not aware that this matter had been submitted in that way.

I have taken a great deal of pains to try to get this provision in a shape where there would be no afterclap to it; where people who had rendered service might be protected; where they should afterwards have no claim against the Government for having misappropriated this fund. The fund was set aside to them, and I have taken particular pains, as did all the committee, to see that every provision was made to protect the fund, and require the Government to see that the fund is properly distributed by a court, as it could not be properly done by the Secretary of the Interior. If this bar is not left in the amendment, when some claimant comes up he will be told that the Secretary has decided that he was not entitled to anything, but the courts may think he is entitled to something, and yet he would be barred out.

This is not a controversy, as the Senator from Utah seems to think, with the Indians. The Indians have parted with this money. If they deal in good faith, they are never to receive any of it. They have had the services of these people. The question simply is how the money shall be divided. Of course we have provided after the claimants have been paid an equitable sum, if there is anything left, it shall be paid to the Indians, as is proper; and we have left to the court the whole question of what is equity in the premises.

Mr. WHITE. Will the Senator permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. WHITE. I am not advised with reference to this matter, and I merely ask for information. Is there anything, in the Senator's opinion, in the proposed amendment which would prevent a defendant going into court and pleading satisfaction as a defense?

Mr. TELLER. No, if they can prove that to the satisfaction of the court. We simply say it shall not be a bar. They may bring their suit; it may be heard; and if it can be shown that they have been paid, as it will appear some of them have been paid their contract price, they perhaps will not sue; and if so, that ends the business. They can not get any more than that.

This provision was carefully drawn, and I believe it is best to leave it as it is. When we get through, it will be a complete adjudication, and everybody will be compelled to be satisfied.

If the Senator from Utah had had as much annoyance over this question as I have had, in trying to see that these men, some of whom appeared before me when I was Secretary of the Interior, and who, I know, earned a good deal of money, were fairly treated, I think he would be willing to let this amendment go through, because I believe it will protect everybody if it is allowed to pass.

Mr. VEST. I wish to inquire of the Senator why the committee has not drawn this provision so as to say that the rights of either party shall be protected? Why was this drawn so as to be an ex parte provision? It operates entirely in favor of the Indians and against the claimants.

Mr. TELLER. I had not the slightest idea of making it mean that; but that is exactly what I think it means now. We do not bind the Indian by anything the Secretary of the Interior did, and we do not bind anybody at all; but at the same time, of course, we must consider that they are entitled to be credited for what they have paid.

Mr. VEST. This certainly applies to one party's right of action:

> And no action shall be barred or right impaired—

Of course that does not apply to the plaintiff—

> by reason of any previous award, payment, or ruling made by the Secretary of the Interior

Mr. TELLER. If the Senator will listen to me a moment, I think he will see that he is mistaken there. The language is:

> And no action shall be barred or right impaired.

I think that cuts both ways. That is the way I understand it. If it does not mean that, I am quite willing to have the language amended as the Senator suggests, because I do not propose to take anything away from the Indians.

Mr. CALL. I wish to call the attention of the Senator from Colorado and the Senator from Missouri to lines 13, 14, and 15, on page 71, which read:

> Service of notice of suit upon the Commissioner of Indian Affairs shall be sufficient service upon said Indians, and it shall be his duty to see that the rights of the Indians are protected.

That clearly shows that the jurisdiction of the court is not to be available for the Indians, and that a proper representative shall be appointed to see that they are before the court and their rights protected.

Mr. TELLER. Mr. President——

Mr. BATE. Will the Senator from Colorado yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. TELLER. Certainly.

Mr. BATE. In response to what has been said by the Senator from Florida, I merely desire to say that the bill provides that the Commissioner of Indian Affairs shall see that the rights of the Indians are protected and properly litigated in court, and the proposition now is to strike that out. Therefore the agent of the Indians can not do that which perhaps in his judgment he ought to do, for after having given him the power to act for these Indians the law intervenes, and says he shall go thus far and no further. It seems to me that this ought to be stricken out and let all the provisions apply to each party, and, if any man has a right to obtain any portion of this money, let him have it, and, if he has not, let the other party show that fact. The provision ought to be stricken out, in my judgment, and the Senator from Utah [Mr. BROWN] is clearly right about it.

The Senator from Florida [Mr. CALL], in response to that, says that it is made the duty of the Commissioner of Indian Affairs to look after this matter; but what does that amount to when we tie his hands by the very act itself? I say, therefore, the provision ought to be stricken out.

Mr. CALL. If the Senator from Colorado [Mr. TELLER], who is entitled to the floor, will pardon me, I ask the Senator from Tennessee [Mr. BATE] or the Senator from Utah [Mr. BROWN] to point out the language which ties the hands of the court or limits its jurisdiction? I should like him to point out the words.

Mr. BATE. On page 72, beginning in line 5, it is provided:

> And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

These parties had been engaged in a long litigation and 35 per cent of this vast sum of money was to go to the attorneys or to some other persons who had the management of it, and the question has been before the Secretary of the Interior. The Secretary of the Interior has reported that he has adjudicated the matter and paid, if I understand the matter correctly, $195,000 to these parties in the shape of fees, and these Indians thought that before that award was made they were entitled to be heard, and they made the point, and the Secretary agreed with them and refused to pay out any more. Now, this movement is taken in order to readjudicate that matter. I say that no right to make defense should be taken away from those Indians in any way, the Secretary of the Interior having paid so much upon this litigation. That is the way I understand it.

Mr. CALL. The language used expressly includes the Indians in the power of the court to make such judgment as it sees fit. It says that there shall be no bar to any right of any kind whatever. Then, again, at the beginning of the clause, it is provided—

> That legal and equitable jurisdiction be, and the same hereby is, conferred upon the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons upon the remainder of the fund withheld from distribution.

What does that mean? Suppose that those claimants have not an equitable claim, to whom does this money belong? Certainly to the Indians. That is the necessary judgment of the court.

The legal and equitable jurisdiction is extended, and there are but two parties to it—the Indians upon the one hand holding the reserved right, and the claimants under a contract with the Indians on the other. Now, if you say that the claimant has no right, who has it? Necessarily the other party; and the court in so deciding does and must decide under this language. Then the express duty is imposed upon the Commissioner of Indian Affairs to see that this right of the Indians is properly represented, argued, and considered.

Mr. BROWN. Mr. President, just a word or two in reply to the suggestion of the Senator from Colorado [Mr. TELLER]. He says that many of these claimants were not present before the Secretary of the Interior. If that is true, they are not bound by the action of the Secretary. My amendment striking it out does not propose to make them bound, if they were not; it proposes to leave it open, to use the language of the Senator from Colorado, to the complete control of the court; leaving the court in absolute possession of the full jurisdiction in every regard; leaving the claimants in every case to make a case under the rules of law; and leaving the defendants all the defense they can make, to use another expression of the Senator from Colorado, according to law and equity. It leaves the whole case absolutely in the hands of the court of equity without these words. If these words are added, however, then we are imposing a code of procedure upon the Court of Claims; we are limiting the inquiry; we are not giving them complete control according to the law and the evidence, but we are saying, "You shall have control, except that this defense will not be allowed." That is the effect of this language, as I understand it, to interfere with the defense. There may or may not be a bar. It does not necessarily follow that there is one because there was an adjudication, but the defendant should never be precluded from an attempt to set that up. If he proves it, well and good, it is a defense; if he does not prove it, this bill leaves it, without this language, entirely in the hands of this court of adjudicature. Putting in this language deprives the court of its entire control, its complete control.

Mr. GALLINGER. Mr. President, I have a vague recollection of the discussion which took place on this bill a year ago or thereabouts, and I want to ask the Senator from Utah precisely what services these attorneys rendered; in other words, what were the terms of the contract? What were they to do for their clients?

Mr. BROWN. If I should attempt to answer that question it would open a discussion greatly wider than the present, which would probably take all day. I refer the Senator most earnestly to the discussion of last year. Last year it was stated on the one side that these persons had aided in procuring this legislation. Just what steps they had taken was not stated; I never have heard; I can not state; as the Senator from Colorado says, I know nothing about it. On the one side it was stated that they had done nothing, and on the other side it was stated that they had been interested in getting legislation through Congress by hanging around the purlieus of Congress; but as to the truth of that, I leave it out of the discussion.

Mr. GALLINGER. What amount were they to receive?

Mr. BROWN. What they were to be paid amounted to eight hundred and odd thousand dollars. That has been passed upon and adjudicated by the Secretary of the Interior, and each of these persons who was entitled to receive has received, their receipts were taken, and they have gone about their business. But there is $86,000 left of that fund, and that is now claimed by these claimants over again. The claims may be good or may not be good. I want to leave that to the tribunal to decide.

To answer the Senator from New Hampshire one question further, it has been said here that the Indians had no right to any of this fund whatever; that it is a question between the claimants. I will say, Mr. President, that the Indians think otherwise, and that their rights are not to be precluded by merely saying that they have no rights by this bill. They are entitled to be heard, and, if heard, I believe they are entitled to the $86,000, and every cent of it.

Mr. BATE. May I in that connection say a word?

Mr. BROWN. Certainly.

Mr. BATE. It seems that this matter was examined and that some testimony was taken in regard to it. I have never seen it; but anyway the House of Representatives, on the page preceding this, inserted a very different clause to the one we are now considering as an amendment. That clause, on page 69, beginning in line 10, shows that the House believes that this fund all belongs to the Indians, that they are entitled to it, and not these parties.

Mr. BROWN. One word further in reply to the Senator from New Hampshire, if he will give me his attention for a moment. I am averse to having that controversy brought into the amendment. Whether the Indians are entitled to this or not is a question to be determined by the court and not by us here. We are leaving it to the court. The only question now before the Senate is, Shall we deprive the Indians of the defense of asserting that they have paid an award that was given? That is all. Whether the claimants have earned the money or not, and whether the Indians have paid it or not, are equally immaterial to the real issue here. The issue here before the Senate is whether the Indians shall have a right to be heard in a court of justice on that subject or not.

Mr. STEWART. Will the Senator allow me?

Mr. BROWN. I will yield the floor presently, or I will yield to the Senator now if he so desires.

Mr. STEWART. As I understand, this proposition is to have an equitable settlement in court. That is what the Senator desires, is it not?

Mr. BROWN. Yes; that is what I suggest.

Mr. STEWART. Is not equity often barred by the statute of limitations?

Mr. BROWN. Does the Senator wish me to answer now?

Mr. STEWART. In a moment. Are we not constantly passing laws to remove the bar of the statute, in order that there may be an equitable investigation of claims?

Mr. BROWN. In answer allow me to say to the Senator from Nevada, who I know is an old and experienced lawyer, that he knows, as well as I and every other lawyer in this Chamber knows, that equity follows the law, it follows the rule of the law; and when a claim is stale or barred by the statute of limitations there is no equity to take it out of it. When a claim in one court has a legitimate defense, there is no equity to wipe that defense out in another court. The rule of defense in a court of equity is precisely the same as that in a court of law. I will refer to the books and the lawyers of this body in support of that proposition.

Mr. STEWART. I understand what the books say about it.

Mr. BROWN. I am glad the Senator does.

Mr. STEWART. And that is the reason we are legislating in regard to these matters. The United States does not allow the bar of the statute of limitations to be raised against the Government, but nearly all of the statutes allowing claims to be presented have a provision that it shall be done within a certain time, and cases are constantly coming before us where the parties have not had an opportunity, or there is some excuse for their not coming in. Such cases occur almost every day, and we remove that bar of the statute of limitations in order that equity may be done, so that equity may not be cut off by the statute of limitations. I know while that bar of the statute of limitations remains, the courts of equity are bound by it as much as are the courts of law.

Inasmuch as the committee have examined it and have come to the conclusion that equity has not been done, it is proposed to refer the case to the court, that all parties may have a full hearing.

This case was submitted by an act of Congress to the Secretary of the Interior. It is alleged that the hearing was not full; that some who had rendered services did not receive payment, and there is a remainder which has not been distributed. It is very possible that the defense will be set up that the Secretary of the Interior has acted and that the proposed law can not operate on account of the decision he has made. Now, the object of this, it seems to me, is to give full jurisdiction and to let the case be tried on its merits, notwithstanding any decision that has been made by the Secretary of the Interior. That, I believe, is the point involved. It is not taking away any defense on the merits, but it is taking away any technical defense in bar of the action, in bar of the power of the court to do justice, which may have occurred by reason of the case having been submitted to the Secretary of the Interior.

Mr. WHITE. Will the Senator from Nevada permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. WHITE. If the Secretary of the Interior had jurisdiction to pass upon these claims and did pass upon them, ought not that judgment to be binding? If he had not jurisdiction to pass upon them, can his judgment be interposed as a defense?

Mr. STEWART. There are a great many cases, and we are considering them every day, such as Southern war claims, where there is no question about the jurisdiction of the court, but there are circumstances which made it impossible for the parties to present their cases, even when the tribunal had jurisdiction. For instance, the man may be dead, and his heirs did not appear, and the claim was not brought up. Whenever we find that for any reason equity has not been done, that the party has not had his day in court properly and fairly, we remove those technical bars.

Now, in this case it is stated by the Senator from Colorado that some of the parties did not have notice, and while there may have been some publication, some notice, some pretext that they ought to have been there, there may have been difficulty in presenting a case. It seems to me this is usual legislation, where Congress steps in to give a court jurisdiction to dispose of a case finally.

Mr. WHITE. May I ask the Senator whether this is really a case where the Indian got away with the lawyer?

Mr. STEWART. Oh, no; it is not a case of that kind. As I understand this, it is a case where one lawyer got away with another.

Mr. GALLINGER. The lawyers got away with Congress.

Mr. BROWN. I believe I have the floor. I merely yielded for a question.

Mr. CALL. Will the Senator from Utah yield to me for a single observation?

Mr. BROWN. Certainly.

Mr. CALL. The question of the Senator from California is very easily answered, as is the objection he suggests. There was a provision in the appropriation bill referring the case to the Court of Claims to examine and report and pay such of these claims as it thought proper, but reporting to the Senate at its next session as to the manner in which this had been executed. At that session and before its execution the Senate received that report and approved it as to so much, the residue remaining for further proceeding and action.

Now, there is no jurisdiction in any court as between an Indian tribe and the United States, and this was necessarily within the jurisdiction of Congress, and it has so remained to this day. I suggest to the Senator from Utah that even now and up to this time the case has always remained within the control and discretion of Congress.

Mr. BROWN. I desire to say just a word in reply to my friend the Senator from Nevada. I think upon careful reflection he will revise his views. He says it is the daily practice of the Senate to remove the bar of the statute of limitations. To remove the bar between whom? It is competent for the Congress of the United States, by and with the approval of the President, by bill, to remove the bar as to the United States, as it is for any other party to waive the bar of the statute of limitations. But it is not competent for the whole Congress of the United States and all the legislatures of the States thrown into the bargain to remove the bar of the statute of limitations between private individuals. The bar of the statute of limitations, as my friend the Senator from Nevada knows right well, when it has once operated, is a vested right. Legislatures can not take it away. It is the right of a party, the same as any other defense. It is as good a right as payment. The right of award is another equally good right. If they have come before a tribunal that did not have jurisdiction and have agreed upon an award and one party has accepted the result, that is a satisfaction and that is a defense in law.

Now, all I ask in this case is that these parties may submit their case to the court unrestrained by any rule of evidence, unrestrained by any limitation upon any defense. I object to the word "award" as appearing in the sentence not a ground for defense, because it seems to me that it may have an application to an award that has been accepted. As my friend the Senator from California has well said, if the tribunal that acted, the Secretary of the Interior, had no jurisdiction and there was no acceptance of the award, of course it is no defense. It is to be presumed that the Court of Claims know the law and would not create a defense out of that which is not one. I know, as my friend the Senator from Colorado knows right well, that the judge who was recently added to that bench is an able lawyer and will certainly discriminate between those which are proper defenses and those which are not. For the reason I have stated, it seems to me we ought not to limit it in any manner. We ought to leave the jurisdiction open, unquestioned, and untrammeled.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. TELLER. I propose to modify the amendment to meet the views of the Senator from Arkansas particularly, as well as those of the Senator from Utah, and I think it will leave the bill in meaning exactly where it was before. But as the Senator thinks it means a little different from what I do, I propose, in line 6, to strike out the words "action shall be barred or," and after the word "right" insert the words "of either party shall be." Then it will read:

> And no right of either party shall be impaired by reason of any previous award, etc.

Mr. WALTHALL. I should like to ask the Senator if he thinks the word "payment" finds a proper place in that provision?

Mr. TELLER. I will say to the Senator from Mississippi that I will move to strike out the word "payment" in line 7, if that is satisfactory, as the Senator has called my attention to it.

I wish to say a word about this matter. The Senator from New Hampshire inquired about the origin of this claim. That would take a long time to detail. When the Cherokees were sent from Georgia to the Indian Territory, the Government of the United States agreed to pay certain expenses. It was contended by these Indians for very many years that the Government had not paid them. The expenses belonged not to the whole tribe, if they had not been paid, but to a branch of the tribe, to a certain number of people called the Old Settlers, the first people who went into that section of the country.

In 1881, I think it was, this controversy having been going on for many years, and these Indians coming here and making a claim for so much of the expenses as the Government had failed to pay, Congress provided that a commissioner should be appointed by the Secretary of the Interior who should make a casting of all these accounts, which had been running for some years. Thereupon a commissioner was appointed, who went to work and spent a year in going over these accounts and determining what was due to these Indians. The final determination was that a very large amount of money was due. Before this resolution had been passed and the commissioner provided for, the Indians had agreed with a citizen of the Indian Territory, an Indian by adoption, although a white man by birth, that they would pay him 35 per cent of whatever he could collect. I think he spent about ten or a dozen years here trying to collect something. He had made various contracts previous to this with people who were to assist him in trying to get the money which they said was due.

At or about the time when the commissioner was appointed, this gentleman employed two attorneys in this city. One was an attorney at law and the other a bookkeeper, an accountant. As Secretary of the Interior, I appointed the commissioner. It was the duty of the commissioner, of course, to cast these accounts. They were multifarious and intricate and difficult, and he availed himself of the two attorneys of the Indians, one being a lawyer and the other a bookkeeper. One was a gentleman from Arkansas, who died before the service was fully completed. The other happened to be a citizen of my State, who had been living in this city for some years before that, but had come from my State.

When they got through they rendered an account which amounted to something in the neighborhood of eight hundred and odd thousand dollars. I wish to state that that was largely made up of interest that was allowed these Indians on their old claims. When this account was sent by the Interior Department to Congress and payment asked, it was objected to in the Committee on Appropriations or somewhere else, and it was referred to the Committee on Claims. The Committee on Claims then took it up and went through it, having the advantage of the findings of the commissioner and these attorneys, and rendered a judgment within a few thousand dollars of what the commissioner had found to be due, rendering it on the same principle, but differing a little in the items upon which the interest was allowed. However, I think the whole amount of difference was a few thousand dollars, perhaps ten or fifteen thousand dollars, and that was all.

I had a good deal to do with this accounting. Upon the first report being made to me by the commissioner, before I had an opportunity to look at it or know about it, these attorneys came to me and said there had been a gross error; that the commissioner had evidently mistaken the principle upon which he ought to make the accounting. They asked a hearing before me to make their statement. I made up my mind that the commissioner had made a mistake, and I sent for the commissioner and he returned. I requested him to take the papers back and go over them again and see whether or not they were correct. He returned and admitted that he had made a mistake and that the attorneys were correct. When you count interest and all that, that one transaction saved to the Indians $250,000 and more.

After he had made his second report, the attorneys came again and made another attack upon it and convinced me that he was still in error on another item. Senators must remember that there were a great number of these items running along several years, and there were intricate questions connected with them. I then ordered it back again, and he returned it, and I think the Indians gained forty or fifty thousand dollars by the transaction, as I remember it. I mention that to show that the attorneys were rendering service to the Indians all the time.

About that time one of these attorneys, the attorney at law, Mr. Wilshire, who had been a member of Congress from Arkansas, died, and that left the Indians without proper legal counsel. Then they employed some other people, because they had to go through the courts and all that. If Mr. Wilshire had lived, I suppose the case would probably have been taken through the court by him. It was taken through the court by the late Attorney-General, Mr. Garland, and then Mr. Vale or somebody else, I do not remember whom. Then when they came to the question of settling, the Indians had made a contract with Mr. Bryan to give him 35 per cent of whatever he would get. Mr. Bryan had been here, as I say, for years. He had visited my house, as he had visited the houses of others, again and again, to get something done in this matter long before I was Secretary of the Interior, and long before Congress took any active step toward determining this question.

But when the court had decided, and it came back for settlement, I think I am more responsible than anybody else for the submission of the question to the Secretary of the Interior. I found that there were a large number of claimants for this fund, and some of the attorneys, at least two other attorneys besides Mr. Wilshire, died after the services had been commenced, and supposing that they were entitled to reasonable compensation, although two of them I had known very little about, I think I induced the proper committee to insert in the bill making appropriations for it a provision that the whole matter should be referred to the Secretary of the Interior to settle.

The Secretary of the Interior took this up—I do not wish to cast any reflection upon the Secretary, because he had to rely upon other people—and in some instances, from my knowledge of the case, I felt that he had grossly misunderstood the rights of the parties. He rendered some judgments that I thought very liberal, and some which I thought were very meager. Some gentlemen who had rendered services beyond question were not in time to get their evidence before him, and some others were, and were not allowed a single cent. There was general complaint. There were still seventy-odd thousand dollars to be paid out. Mr. Bryan claimed it all. Then, later, as the Senator from Utah says, the Indians said, "That is too much for him, and he ought not to have it," and they have been claiming. That is one of the things now to be submitted, whether it belongs to the attorneys or to the Indians.

At the last session of Congress the Committee on Indian Affairs undertook to distribute this sum among the claimants, the committee passing upon and hearing the testimony. When we came in here we found opposition to it. Although it finally passed through the Senate, when it went into conference the conference committee thought it was not fair, and they proposed to send the matter to the Court of Claims. That was objected to by the claimants at the time. They felt that they ought not to be subjected to that expense. Finally it was stricken out in conference, and we put in a provision that the money should not be paid until Congress should further direct.

It has been found since that it would be difficult to pay these people and make a satisfactory division either by any committee or by the Department, and we thought it was the best thing to send it to the Court of Claims, giving the court absolute jurisdiction, removing from the court any restriction that might seem to be upon it, because the Secretary had passed upon some claims and rejected them and allowed some in full. The intention of this amendment is to give the court absolute control, first, to determine whether these folks are entitled to anything, and, secondly, if they are entitled to anything, how much they are entitled to and how the sum shall be equitably distributed.

The House put in a provision that it should be paid to the Indians, because nobody, as I understand, appeared before the House committee at this session for the claimants. If we pay this money to the Indians, we will have the claimants here for the next twenty years insisting that Congress has taken their money and paid it to somebody to whom it did not belong. There is only one thing to do, and that is to send the matter to the court and let the court pass upon the question; and the court should not be barred because of the fact that the Secretary ex parte in many cases and without proper knowledge of the subject has determined that a man was entitled to so much or so little. Two attorneys put in a claim against this fund because they had attempted to cut out some claimants, and I think there were some claimants who were not entitled to anything at all. I have no doubt these attorneys rendered service in keeping out that class of claimants.

I supposed when this amendment was drawn that it was sufficient not only to cover the claimants who have rendered service in securing this fund from the Government, but I thought it was strong enough to recognize the two attorneys who claimed that they were entitled to something equitably and properly because they had protected the fund. But the Senator from Arkansas does not think so, and he has put in an amendment which is entirely in accord with what I think it should be as to that.

Now, I think we ought to make a final disposition of this case by sending it to the court. The court ought not to be trammeled by anything that has been done. If the court is to act in an equitable way, it should take the whole thing, charging the men whatever they have received. If they have received enough, let it say, "That is enough." If they have not received as much as they are entitled to pro rata and in proportion to their services, as I feel very certain some of them have not, then the court will grant the claim. Some of them have not received a cent, and I think they can show that they rendered good service, although in a couple of cases the attorney died before the time. Of course the heirs could only get a pro rata or an equitable amount allowed. I think the court should have the whole thing untrammeled by anything that the Secretary has done, save and except that the court will charge to the parties, whoever they may be, any sum they may have received from the Secretary.

The PRESIDING OFFICER. The Secretary will read for information the provision as modified by the committee.

Mr. TELLER. That is on page 72.

The SECRETARY. On page 72, line 6, it is proposed to strike out the words "action shall be barred or;" in the same line, after the word "right," to insert the words "of either party shall be;" and in line 7 to strike out the word "payment;" so that if amended it will read:

> And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Utah offers an amendment to strike this out?

Mr. BROWN. I do. I do not accept the second amendment or the change, for the reason that so long as the word "award" is there it is liable to be misleading. An award may or may not be a defense, as I said before. If it is one, then I think these defendants ought to have the right to set it up. If, under the circumstances, it is not one, the Court of Claims are amply able to judge of it. The Court of Claims does acquire that full jurisdiction and control of this case according to law and equity without any of this language, and therefore I insist upon my motion to strike out.

Mr. CHANDLER. Mr. President, I recognize this subject as one that was debated at some length in the last session of Congress. At that time it was proposed to pay these various attorneys certain fixed sums of money. I opposed that payment, and moved an amendment that the claims should be referred to the Court of Claims for adjudication. That amendment was voted down by the friends of the attorneys, and a long struggle took place between the House and the Senate conferees, which came to a final end by the withdrawal by the Senate of the proposition to pay the attorneys.

I am willing now to vote for the proposition made a year ago, that these cases shall be referred to the Court of Claims, but I must confess that I do not like the ingenious way in which this long amendment has been constructed in the interest of the plaintiffs and against the Indians. I would inquire at this point whether or not the words "without the right of appeal," in line 5, on page 70, have been stricken out or are to be stricken out?

Mr. BATE. I will say to the Senator from New Hampshire that that has been already remedied. The right of appeal is retained by an amendment made this afternoon.

Mr. CHANDLER. Then the amendment as it stands in the printed bill is altered in that respect.

I do not see why so many limitations upon the Indians should be made. In the first place, the policy of the Government has been to impose obligations upon Indian tribes only after there have been certain formalities observed in the making of contracts by and in behalf of the Indians. The Indians are the wards of the Government, and the Government has undertaken that they shall not be swindled either by attorneys or any other class in the community, and for the purpose of protecting the Indians provisions to be found in sections 2103 and 2104 of the Revised Statutes have been enacted into laws of the United States. It is provided in this clause, on page 71:

> And the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

I should like to know, with a perfect disposition to do justice by these claimants, why that defense of the Indians should be stricken out.

Mr. TELLER. As the Senator has the statute before him, if he will read it he will see without any trouble why it is done.

Mr. CHANDLER. I will read it. The provision carefully put into the statute book, without reading the whole of it, but giving the exact substance of it, is that no agreement shall be binding upon tribes of Indians or individual Indians taking money from them unless the agreement shall be in writing, and a duplicate of it delivered to each party. It shall be executed before a judge of a court of record; it shall have the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it; it shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe by their tribal authorities, the scope of authority and the reason for exercising that authority shall be given specifically.

"Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per cent of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement it shall be specifically set forth.

"Fifth. It shall have a fixed limited time to run, which shall be distinctly stated."

Then the statute goes on and makes a contract or agreement not made in accordance with this section null and void.

There is a very carefully drawn, beneficent statute of the United States, made for the protection of the Indians, the wards of the nation, and made especially, as the Senator from Colorado will notice, for the purpose of protecting Indians against exorbitant claims of attorneys, exorbitant claims of agents, collecting agents, agents who represent their peculiar ability to secure moneys for the Indians from the Government of the United States.

Mr. President, I wholly fail to see why those sections of the statute should be blotted out. A year ago, when these cases were under discussion, the Senator from South Dakota produced here agreements which were apparently made by these Indians in accordance with the statute; there were certainly the forms of law observed in connection with these contracts; and it was not hinted at that time that there was any desire to have the Indians pay attorneys' fees when the contract to pay those fees was made in violation of these two sections of the statute.

Mr. CALL. Will the Senator from New Hampshire allow me to interrupt him, merely to make a suggestion?

Mr. CHANDLER. Certainly.

Mr. CALL. The provisions of the statute which the Senator has read have nothing to do with this case or with the text of the bill. The agreement was long ago completed in full compliance with every letter and every word of that statute and it was approved by the Interior Department.

Mr. CHANDLER. Then I understand there is no need of these provisions.

Mr. CALL. The meaning of the provisions is simply that there is no authority to bring suit against a tribe of Indians. They are not recognized in that respect under any of our legislation. It is supposed that we must create a special authority in this act for them to be parties to that suit, and the provisions of that statute which prohibit any agreement being made except in that particular form are suspended so that they may make an agreement to be represented in these cases; and where they do not, the text of the provision imposes the duty upon the Commissioner of Indian Affairs to represent them.

Mr. CHANDLER. I have not commented upon the first portion of this clause, which makes the Old Settler or Western Cherokee Indians a tribe of Indians with power to contract through their duly authorized commissioner, agent, or attorney. I have not objected to that provision. Though I do not quite see why, if they had not the power when these alleged contracts were made, we should undertake to make a provision of law that relates back and creates the power, I have not objected to that portion of the clause. I do not propose to strike it out. I am willing, as I now understand the case, to have the law assert the right of this tribe of Indians to contract. But what I am contending for is that this tribe of Indians, or the individuals composing the tribe, shall not be subjected to the payment of sixty or seventy thousand dollars, more or less, of attorneys' and claim agents' fees, claims presented in behalf of men who have already been paid enormous sums of money, and that, in an express provision sending the cases to the Court of Claims, every one of the safeguards provided by the Revised Statutes shall not be stricken out in behalf of the attorneys, who are the claimants, and in hostility to the Indians, whom we profess an obligation and a desire to protect.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. CALL. Does not the Senator see that it is necessarily true that this agreement having been made in writing and having been approved by the Interior Department, to set aside 35 per cent of that money for Bryan and his associates, and the agreement having been affirmed and reaffirmed, and impliedly affirmed in Congress, there could be no such result in submitting the case to the Court of Claims as to deprive these Indians of any rights under that statute, because in the first instance every provision of the statute has been complied with as to a contract in writing to set aside 35 per cent of an unascertained and indefinite sum, which was fixed only after years of decision and negotiation and reference between the tribe and the United States? It could only be done through the executive department. There is no jurisdiction in the courts. Now it is proposed to give to the court full jurisdiction, and not one provision of the statute is affected by it. If the Senator desires to enlarge the scope of the provison, I suppose it will be acceptable to the committee, because I know that there has been no purpose to exclude anyone from any rights.

Mr. CHANDLER. I thought the Senator from Florida wanted to ask me a question.

Mr. CALL. I beg the Senator's pardon: I saw he was misinformed as to the law of the case.

Mr. PLATT. I will state why I understand that this provision was inserted. There are some persons who have no claims except under the original written contract with Bryan, who claim that he employed them. Two such parties belong in the State of North Carolina, and the Senator from North Carolina [Mr. PRITCHARD] felt that they ought to have a right to bring their suit separately and not have to rely upon their rights for a suit brought in the name of Mr. Bryan. There may be some others in the same situation, but there are especially those two cases.

Mr. CHANDLER. In order to let two or three attorneys bring a suit in their own name we are enacting that claimants can come in and recover these moneys as fees for services rendered the Indians without any written contract whatever, without any of the safeguards which have been provided by this statute being proved to have been thrown around these Indians. I must confess I am suspicious of the provision. I do not see why it should be here. The claim a year ago was distinct and explicit that every one of the contracts in favor of the attorneys whose fees it was sought to pay by direct appropriation had been made in accordance with the statute. The Senator from South Dakota produced here votes of these Indians in which they apparently made themselves liable to the claims of attorneys. Now the proposition is that without any regard whatever to the manner in which the contracts to pay the attorneys may have been made or the obligations to pay the attorneys may have arisen, the claimants may recover in the Court of Claims. I think the language of the first clause of the amendment is broad enough.

> That legal and equitable jurisdiction be, and the same hereby is, conferred upon the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons, etc.

Using in the twelfth line the phrase "for legal services justly and equitably payable." I ask Senators who advocate this amendment why that is not enough; why they want to go on and not only declare that the tribe, as a tribe, shall be deemed to have power to contract, but that any contract which can by any possibility be implied with Bryan or the individual members of the tribe may be resorted to in order to take this remnant of the money away from these Indians and give it to these attorneys? It seems to me that the amendment ought to have been written in about twenty lines. Yet it goes on and contains all these provisions which seem to me to be carefully constructed to dig out from under the Indians every prop that the laws now give them for their protection. I think that the words "and the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions" should be stricken out, and I certainly think that the words "and no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior" should be stricken out.

With reference to the last clause, to which attention has been called by the Senator from Utah, what is the need of it? Why should these Indians try this case with their attorneys by any other rule of action than would prevail if the Senator from Colorado or the Senator from South Dakota or the Senator from Utah were sued by their attorneys? A suit is authorized against the United States. There may be a recovery of whatever is justly and equitably due. Why should we go out of the way to say that a particular defense shall not be interposed, that one defense and another defense shall not be interposed?

If the parties had given a release under seal, upon a payment being made to them of all claim whatever, this provision blots out that release and these Indians are to try all over again claims which they have settled once. Mr. President, you would not deal with a white man that way if you were to pass a special law authorizing suit to be brought against him. You might remove the statute of limitations in a case where it would be equitable to do so, but in restoring a claimant to his law, as the old expression used to be, you never would think of enacting that a settlement previously made, that an award previously made, should be wiped out by statute in case suit was brought. I can not conceive why we want to make these Indians try this case with a provision in the statute depriving them of the ordinary rights which belong to every defendant in any suit at law that ever was heard of under the sun.

If these amendments can be made, then the provision, although it is ten times as long as it need be, is in accordance with the plan for settling this matter which I advocated a year ago, and I shall give it my vote. But if these provisions remain so unjust to the Indians as I believe them to be, so unfair, so unbecoming in this great Government of the United States, I shall vote against the amendment. I hope, in that case, it will be voted down by the Senate, and if it is not, and is adopted, I hope the House of Representatives will be just as determined in the maintenance and protection of the fair and equitable rights of these Indians as they were a year ago.

Mr. PALMER. Mr. President, I am entirely satisfied with the first eleven lines of the amendment proposed by the committee. I am dissatisfied with all that remains on that page of the amendment. When the proper time comes, I will move to strike out all after the words "thirty-one cents," in the eleventh line on page 70 and all of the six lines on the seventy-first page to the word "actions."

Now, let us see exactly what this provision is. Surplusage and useless words always involve embarrassment in the discussion of any right. The amendment confers legal and equitable jurisdiction on the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons upon the remainder of the fund withheld from distribution out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians and against the United States, in the sum of $800,866.31.

Will the Senator who has charge of the bill please tell me why the following words should be inserted?

> Alleged to have been set apart for the payment of expenses, and for legal services justly and equitably payable, on account of the prosecution of the claims of said Indians under the act of Congress approved August 23, 1894, entitled "An act making appropriations to supply deficiencies for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," and again withheld from distribution under the act of Congress approved June 10, 1896, making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Such language is not necessary to identify the fund. The fund is sufficiently identified in the first eleven lines. Its effect will only be to produce confusion and embarrassment. The fund being once sufficiently designated, all has been done in that direction that is possible by the use of language. The further terms of identification which I have read simply embarrass the provision. Then again:

> And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power—

To make contracts. Have the Old Settler or Western Cherokee Indians now power to make a contract? If they have, why ratify or confer upon them this power? Why create a corporation to be composed of the Old Settler or Western Cherokee Indians with powers to contract? Is it not the purpose of the amendment to validate contracts that are not now supposed to be valid?

Mr. PETTIGREW. I will say, as far as the Old Settler Cherokees are concerned, that they are not a tribe; they are not an organization, a corporation. We undertook by this amendment to make provision so that they could get into court and defend their rights, if they had any.

Mr. PALMER. The contract that produced this fund is to-day, as respects the Old Settler or Western Cherokee Indians, a valid contract or it is not a valid contract. The purpose of the amendment is to give validity to that which is not heretofore valid. It means to create an ex post facto capacity to contract—a power to make a contract long after the alleged contract was made. I will state its effect against the United States, because surely no Senator would claim that a contract between private parties which was not valid at the time it was made could be validated by an act of Congress except as against the United States itself.

Mr. CALL. Will the Senator from Illinois allow me to interrupt him?

Mr. PALMER. With pleasure.

Mr. CALL. I wish to ask the honorable Senator how he would get jurisdiction over this part of a tribe of Indians, unrecognized in the laws as a person? I suggest to the Senator that you would have to take every individual Indian. You can not effectuate jurisdiction conferred in that court without giving some kind of corporate existence or authority to somebody to represent this great mass of people.

Mr. PALMER. If that was all there was in this language——

Mr. CALL. That is what it was intended for.

Mr. PALMER. It reads:

> And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power to contract through their duly authorized commissioner, agent, or attorney.

Mr. CALL. Let me say to the Senator from Illinois that there is no power to contract with Indians except that created by statute. The other jurisdiction is one that is discretionary with the sovereignty of the United States. In order to give the Indians full power in the court for their protection, language is inserted authorizing the contract for the purposes of the jurisdiction of the court.

Mr. PALMER. This is intended to validate a contract.

Mr CALL. For that action.

Mr. PALMER. It is not intended to confer a power to be exercised in future, a power to contract hereafter. That is not the purpose of it?

Mr. CALL. No.

Mr. PALMER. The purpose is to treat this as a valid subsisting contract, to be enforced now.

Mr. CALL. For that action.

Mr. PALMER. Although these Indians had no power to make a contract at the time they proposed it.

Mr. CALL. If the Senator will allow me, his language goes too far. They had no power to make a contract which could be recognized by the courts of the United States, but they had power to make a contract which could be recognized in the executive department of the Government and which would be binding upon the executive department.

Mr. PALMER. Then I understand it is the purpose to give to this contract legal validity.

Mr. CALL. That is true, for that action.

Mr. PALMER. That is, a contract which was before illegal or without the support of law, it is proposed to give the support of law.

Mr. CALL. Oh, no; it was lawful so far as the executive department is concerned, but the Indians not being subject to the judicial authority of the Government, it was not a contract recognizable in the courts without special authority created by act of Congress.

Mr. PALMER. Mr. President, the whole thing looks suspicious to me. This bill proposes to give legal validity to a supposed contract. It is meant to require of the Court of Claims, in the consideration of the alleged claims of various parties, to treat this as a contract made by parties capable of contracting, and for a sufficient consideration, and to give to the Court of Claims the power to enforce it. It changes the rights of these parties for the purposes of this bill.

Mr. CALL. Oh, no.

Mr. PALMER. That which was before a mere equitable contract, or a mere contract in the appreciation of the executive department, is made by the force of this statute a legal, valid contract. It gives to it a quality which it never possessed before, and never will possess until this amendment is adopted. Then—

> The operations of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

Then, again, the relation of those Indians to the United States is changed by this proposed amendment. That which was the law, as I understood it when read by the Senator from New Hampshire, required certain formalities, the interposition of certain officers to protect the Indians. The laws are suspended for the purposes of this case.

Mr. CALL. In favor of the Indians.

Mr. PALMER. First, a contract is clothed with legal quality and the law is suspended so that these persons may produce or prove a contract not subject to the provisions of those statutes.

Mr. President, men have shown wonderful skill in cheating the Indians, but I protest that this Senate ought not to be a party to these frauds; it ought not to make legal a contract for the Indians which did not before exist; it ought not to suspend the operation of laws which were enacted for their protection. I insist, therefore, that after the words "thirty-one cents," on page 70, in line 11, all of this amendment should be stricken out to the word "actions," in line 6, on page 71.

The Court of Claims has jurisdiction given to it by this proposed statute. The court is authorized—

> To hear and determine said claims and award judgments thereon.

I have no particular complaint, so far as I have observed, against the remainder of the section. Still the bill well deserves criticism; but at present my attention has been called to this effort to give validity to a contract and to abrogate or suspend the operation of two sections of the Revised Statutes, which I think is giving to these claimants against the Indians an advantage to which they are not entitled, and which is not in harmony with justice or right. These men knew the law, and they have already received very large payments.

Mr. CALL. Mr. President, there is an entire misconception about this provision. If I were in charge of it, I should allow it to be amended in any way, because these suggestions do not alter it at all. This provision in reference to the suspension of these statutes will not affect the claimants who are spoken of here, these attorneys, as having had some undue advantages. It is intended for the benefit of the Indians who were not in the tribal organization, but were separated from it. It is, therefore, solely in their interest and against the claimants under the contract with Bryan. So all this sympathy is entirely out of place, for the purpose and the intention and the effect of this amendment is to give to the Indians not strictly embraced in the tribal organization, but separated from it, an opportunity of claiming a part of this fund.

The Indians can not sue unless they are enabled to do it by an enabling act. They are not recognized in our form of government any more than a private citizen for the purpose of bringing a suit against the Government or other parties. This provision is intended simply to do this: To effectuate the jurisdiction of the court over this whole subject without limitation, for it is apparent if the court decides that there is no valid and lawful claim against this fund under the Bryan contract, then it belongs to the Indians as a necessary consequence of the authority of the court. But the simple fact is that, pending long years of unascertained and indefinite claims by these Old Settlers against the Government of the United States, the matter was referred for settlement to the proper executive authority (the administrative department of the Government), adjudicated, and finally partially paid.

During that progress of time the Indian tribe, with due authority, in compliance with the statute whose provisions are sought to be suspended now for the simple purpose of this action, and to enable those Indians separated from the tribe to make their claim in court, who may not be in the proper and strict tribal organization, the attorney of the tribe, complying with that statute in all those respects, made this contract to set aside a thirty-fifth part of an undefined and unascertained sum of money for this claim. It was approved by the Interior Department; it has been repeatedly affirmed by Congress, and the question before the court will be whether or not that thirty-fifth part of this sum so recognized, so approved, and so decided by Congress and by the executive department shall be retained, for whose benefit? For the benefit of the valid contract made, and for services performed. That is the whole question.

Mr. WHITE. Mr. President, I may be mistaken about it, but I do not understand this amendment as does the Senator from Florida. The Senator states that, after all, this is an amendment for the benefit of the Indians. It would seem from the statement of the Senator that the Indian is seeking to have this amendment incorporated in the bill. If so, the Indian must be very badly advised. The bill as it came from the House contained a provision to the effect that the money should be turned over absolutely to the Indians. This amendment, if it has any object at all, is to give a right to those who claim a part of this money to sue in the Court of Claims to recover the same.

Mr. CALL. Will the Senator allow me to interrupt him there?

Mr. WHITE. Certainly.

Mr. CALL. To whom, by the bill as it came from the House, is the money to be paid—to what Cherokees? The Cherokees embraced in this suspension of the act? Not at all. Under the House bill it would go to the regular tribal organization.

Mr. WHITE. Very well. The House bill is specific about it.

Mr. CALL. Therefore I was strictly correct when I said the effect of this provision in the bill was to give the benefit to the Indians which they would not otherwise have—not to the tribal Indians, but to the others.

Mr. WHITE. There may be some other Indian who has not a claim against this fund who has not yet appeared, but, as we now know, the Indians described in the House bill from line 10, on page 69, to the end of line 2, on page 70, are the Indians who are concerned. Now, what is the status of this matter?

Mr. CALL. The Senator will allow me a moment.

Mr. WHITE. Very well.

Mr. CALL. The Senator from Connecticut rose in his place and stated that the purpose of this provision was to benefit the North Carolina portion of the Indians, who were separated from the regular tribal organization.

Mr. WHITE. The language seems plain enough to me. As I said before, I may be mistaken about it, but the amendment which is proposed here is in its effect practically to give the right to the gentlemen who claim to have rendered legal services to these Indians to bring suit and to recover such money as the court may award, provided that when the Indians or other claimants appear and contest, they will find this provision of law:

> No action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

Now, we learn from this debate that at the last session of Congress the power was given to the Secretary of the Interior to settle this matter, and that some of these claimants, at least, appeared before him, an award was made, and they pocketed their money. Some of them may have protested, claiming that they ought to get more; but they appeared before the tribunal established pursuant to law, having exclusive jurisdiction; they took their money, and they went their way.

As I said a moment ago, this award was either a valid award, made under a valid act of Congress, or it was no award at all; it was invalid. If it was valid, it ought to bind those gentlemen who presented their claims and who entered into that litigation. If it was not valid, it could not bind them, regardless of the recitations of this act. Hence the language criticised by the Senator from Utah [Mr. BROWN], it seems to me, ought to be extended; indeed, I do not believe that any part of the amendment is as it ought to be.

The Indian may and ought very often to receive consideration from Congress not accorded others who come here, but to say that the Indians have outwitted these lawyers, and that these lawyers who have been struggling for years for the Indians were cheated and swindled before the tribunal appointed by Congress, is to me an absurdity. The poor Indian for once in his life has met the astute lawyer in the arena of discussion before the tribunal established to adjudicate his rights, and has prevailed, and now because the unfortunate white man has been beaten in that contest, we are to pass a law to give him another chance so that the poor man may not go into insolvency and die thinking that Congress has not given him a fair chance before his rival and superior, the remnant of the American Indians!

Mr. CALL. That is a very romantic statement of the Senator from California, but it has no more reference to this case than if he had been talking about the arbitration treaty. There was no tribunal established by Congress; there was no question as between the Indian and these claimants. There was simply an authority on the part of the Secretary of the Interior to take testimony and ascertain and fix the proportion which, in his judgment, should be paid to these people. It was not an award; it had none of the qualities of a legal award; it was not submitted as an award.

Mr. WHITE. Will the Senator allow me to ask him a question?

Mr. CALL. Yes.

Mr. WHITE. If it was not an award, why do you call it an award in this amendment, and ask that that award may not be set up as a defense?

Mr. CALL. That is just like the Senator and myself do by the misuse of language.

Mr. WHITE. I am not responsible for it.

Mr. CALL. That is occasioned by using expressions which do not import technically and literally the sense in which they are used. That is the reason it was not an award and could not be an award. It was simply a submission to the executive officer of this Government to perform an administrative function, for which he was responsible in the nature of things, to Congress, and which required subsequent approval; and it was not at the last session of Congress, but it was a number of sessions ago, and it has been repeatedly done in the course of the history of this claim.

Mr. WHITE. Will the Senator permit me another question?

Mr. CALL. Certainly.

Mr. WHITE. If the award of the Secretary of the Interior was subject to approval by Congress, was the payment to the attorneys by the Secretary of the Interior under that award illegal and void?

Mr. CALL. Certainly not, unless it should be subsequently declared by Congress that the claim was a fraud and therefore void. That is the reason. It was not a finality. But suppose it had been intended to be a finality, and there had been a manifest error, or even fraud and an improper proceeding, would it be binding upon the supreme legislative power of the country?

The question here is simply to decide whether or not this 35 per cent of that total amount was in proper form directed to be paid, and whether it was a valid contract; and if so, who are the parties to receive it. That question is broadly opened in this amendment for the Indians to contest a matter which has been decided and affirmed and reaffirmed in all the Departments of this Government; and it was intended by the committee, and only intended, that that question should be opened to the court in its broadest sense. That is the whole story in regard to it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Utah [Mr. BROWN].

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHILTON. Let the amendment be again reported, Mr. President.

The VICE-PRESIDENT. The amendment of the Senator from Utah to the committee amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment by striking out after the word "issue," in line 5, on page 72, the following:

> And no right of either party shall be impaired by reason of any previous award or ruling by the Secretary of the Interior.

Mr. CHANDLER. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The Chair will state to the Senator from New Hampshire that the yeas and nays have been ordered on the amendment to the amendment. Does the Senator desire a call of the Senate?

Mr. CHANDLER. I do. I desire to precede the yeas and nays by a call for a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Brown,
Burrows,
Butler,
Caffery,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Cullom,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Hansbrough,
Hawley,
Hill,
Jones, Ark.
Lindsay,
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Platt,
Quay,
Roach,
Sewell,
Sherman,
Shoup,
Stewart,
Teller,
Thurston,
Tillman,
Vest,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER (Mr. HILL in the chair). Fifty-eight Senators have answered to their names. A quorum is present.

Mr. CHANDLER. Mr. President, before this amendment is voted upon, I wish to say that it does seem to me that some statement ought to be made which justifies the striking out by statute of a defense to which these Indians may now be entitled. It is possible that some statement has already been made when I have not been present in the Senate which would justify the action of the Committee on Appropriations, but I can not conceive of any such justification.

I have said that there may possibly be a reason sometimes for removing the bar of the statute of limitations, but that is not what is proposed here. So far as we know, there is no bar created by the statute of limitations, but here is a proposition that if these Indians have paid and settled, and obtained a release of those claims, those facts shall constitute no defense in the suit now brought against them; that all the statutory protection shall be taken away; that the necessity of showing a written contract shall be removed; that the Court of Claims shall simply ladle out this money to the various claimants who come before it according as they may deem just and equitable, and no possible bar shall be interposed if there ever once existed a right of action.

If an attorney brought in a claim for $30,000, and after controversy there has been an adjudication that he is entitled to $20,000, and he has received it, expended it, and given a receipt for it, released all claim to it, still the proposition of the committee was that the Indians, at their own expense in defending the case, should be compelled to try over again the whole subject-matter of the controversy, and the Court of Claims, if it saw fit, should give the money to the claimant.

I do insist that there shall be some sort of a logical, reasonable, equitable demonstration here or an attempt to demonstrate here that these Indians should not be entitled to all of the same defenses which an individual would be entitled to under similar circumstances or the United States itself would be entitled to under the same circumstances. Hardly within my memory have I known Congress to pass a law that in a suit in the Court of Claims against the Government itself a previous release should be waived; that the Government of the United States should try over again a case which it had once successfully defended or had settled at an agreed sum which had been received and receipt taken therefor.

I urge that this injustice may not be done to these Indians; that if we give these plaintiffs a right of action in court, they shall go there and prove their just and equitable claim. The words "just and equitable" are an intimation to the Court of Claims, and an unsatisfactory intimation to me, that the court is expected to deal very liberally with these plaintiffs. It is an intimation that the court is not to give them their strict contract rights, their plain contract rights, but that it is to be just to the claimants, that it is to be equitable to them. In effect, the language is an intimation to the court that if, upon the whole, the attorneys had better have this money than the Indians, the court shall give it to them. It looks to me as if the whole amendment was constructed upon the theory that it would be the height of folly to let the Indians have any more of this money. Here it is—$80,000; it belongs to the Indians; they claim it; they cancel all these contracts or pretended contracts that have been set up, and say they want this money, and the House of Representatives has said that they shall have the money. And now we do what? We do not simply say this money shall not be paid out until the attorneys have brought suit in the Court of Claims to recover what is due them, which would be a provision that could be written in four lines, a provision that this sum of money shall be subjected to the lawful claims of any parties who choose to sue therefor, but it is a long, carefully constructed effort to keep this money from the Indians and to give it to these lawyers, nearly all of whom have been paid once, and, in my judgment, have been paid far more than their services were worth. Now, however, they are to be allowed to double up and to get the rest of this money, for fear that by some possibility it may turn out that these Indians have actually got, belonging to themselves and subject to no further charges in behalf of attorneys and claim agents, the sum of $80,000 specified in the amendment.

Mr. President, why, when we do all this, should we go out of the way to strike down any proper and rightful defense which these Indians have? Why should not they be allowed the same privilege that private individuals would be allowed? Why should not these helpless people be allowed the same privilege of making defense in court that the most intelligent white citizens have? Why should not they have the advantage of making every defense which the United States itself would make if this money had to be paid out of the Treasury of the United States? I am utterly unable to answer that question. I have not heard a single suggestion which has made any impression upon my mind in favor of the adoption of the amendment.

Mr. LINDSAY. I should like to ask the Senator from New Hampshire a question, if it is agreeable. Does the Senator concede the correctness of the proposition which the amendment seems to assume, that 35 per cent of this money was set apart for Bryan and his associates, who represented the Indians as attorneys?

Mr. CHANDLER. Thirty-five per cent?

Mr. LINDSAY. That 35 per cent of the gross amount was properly set apart to pay the attorneys?

Mr. CHANDLER. It was set apart to pay the legal expenses, certainly. Now, I should like to ask the Senator from Kentucky——

Mr. LINDSAY. No; I can not give any information. I am trying to get information.

Mr. CHANDLER. I should like to ask the Senator what is the pertinency of his question?

Mr. LINDSAY. It is this: If 35 per cent was properly set apart, then what interest have the Indians in this litigation at all?

Mr. CHANDLER. It was the money of the Indians.

Mr. LINDSAY. But if it was set apart to pay the attorneys, then it ceased to be the money of the Indians.

Mr. CHANDLER. No; the Senator is mistaken about that.

Mr. LINDSAY. That is what I am trying to find out.

Mr. CHANDLER. The Indians, instead of taking all their money and dividing it or arranging to divide it, provided that 35 per cent should remain somewhere, just as the Senator, going on a journey, puts $200 in his pocket with which to travel. That does not entitle the railroad company, if the fare is $50, to demand the whole $200 of him, because he set it apart for his journey. The money was the money of the Indians, and this fund was reserved as a maximum fund, the Senator will understand. The Indians went on and made contracts, and they made contracts under the protection of this law, sections 2103 and 2104 of the statutes, and I am willing to vote to let the claimants to this fund who have contracts made in accordance with these statutes go into court and recover whatever they are entitled to, although most of them have already been paid once. But for them to come in and say to the Indians, as the Senator will see, "You set apart 35 per cent, and we have done the work and got the money for 20 per cent; now, the other 15 per cent belongs to us, not to you," would be an effrontery on the part of these attorneys that I do not think would be considered as professional in Kentucky or New Hampshire or anywhere else.

Mr. LINDSAY. I agree with the Senator from New Hampshire, if he be right, that the 35 per cent was only tentatively set apart out of which the attorneys were to be paid whatever was proved due them. Then, I say everything ought to be left open for adjudication. But if, as claimed by the Senator from Florida, and if, as the amendment seems to assume, the original contract set apart 35 per cent of whatever might be recovered to the attorneys, then I can not see what interest the Indians have in this litigation.

Mr. CHANDLER. The Senator would be right if 35 per cent had been set apart and contracted out to one set of attorneys or to any number of attorneys, but that is not true.

Mr. LINDSAY. That is just what I am trying to find out, whether it is true.

Mr. CHANDLER. The 35 per cent was set apart, and the Indians proceeded to make contracts. Every man who could persuade them that he could do some lobby work in Washington to help them to get the $800,000 got a contract, and the Commissioner of Indian Affairs approved it, and the Secretary of the Interior approved it, and the judge certified to it under the statute which the Senator from Florida is now studying with great care. These contracts did not amount to 35 per cent, and yet the lobby work was done, the $800,000 was appropriated, and the attorneys were paid all that it had been agreed to pay them. Then, behold, it was discovered that $80,000 was left. The natural course would have been to have given it to the Indians, but the attorneys then said, "This money will all be lost if we let the Indians have it. It must be that we are entitled to this." So other contracts were devised, other reasons for contracts were conjured up, other contracts were made, and now it is not only proposed that the parties who have these contracts, made in accordance with the statute, may go into court and recover what they can prove themselves entitled to of this $80,000, but that anybody else can go in and upon satisfying the court that he is justly and equitably entitled to a portion of the money for services that he is supposed to have rendered, whether or not the Indians knew anything about it, whether or not the Indians made any contract with the plaintiff, may recover, and that no forms of contract whatever need be proved in order to justify the claimant in recovering.

Then, moreover, to come back to the original point, if any one of them has taken his money and given a receipt in full, he may have another hack at this money and get another slice of it if he can.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. PLATT. I should like to know where in the language which he criticises the Senator finds authority for his statement? There is nothing in the amendment which says that if an attorney has released his contract, or received payment for his contract, he can now bring a suit over again. The Senator seems to have misapprehended entirely the effect of this language.

Mr. CHANDLER. Not a bit. The Senator from Connecticut is himself all wrong.

Mr. PLATT. Let me read it.

Mr. CHANDLER. It says:

> And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

Mr. PLATT. Yes: "made by the Secretary of the Interior." That is just what there is in this whole matter that the Senator has been talking about. The matter was sent——

Mr. PALMER. Will the Senator from Connecticut either himself answer or allow me to ask the Senator from South Dakota one question? The question is, How much money have these claimants already received? Can the Senator answer the question?

Mr. PLATT. I am unable to answer the question. I know simply that certain attorneys having contracts which ought to have been allowed, in my judgment, went to the Secretary of the Interior, and the Secretary of the Interior, in some instances, absolutely refused to allow them anything. In others he allowed them only a part of what they ought to have had. All there is about this language is that the action of the Secretary of the Interior in that respect shall not be final. There is nothing else to it.

Mr. CHANDLER. Certainly a payment may be a discharge of the right of action. The Senator will admit that.

Mr. PLATT. Payment by the Secretary of the Interior.

Mr. CHANDLER. Very good. It may be a discharge and it may not be a discharge, because it may be a payment on account. What I want to get at is why the committee proposed—I suppose they have abandoned the proposition now; I understand they do—that no payment should have been a settlement; why the committee should have deliberately proposed to reopen every one of these claims and invite these attorneys to come in and again dip their pails into the fountain and pull out another share of this money?

If the Senator from Kentucky [Mr. LINDSAY] will give me his attention, I desire to say that I notice that 35 per cent, or so much of the amount as may be necessary, was set apart and held for the purpose of paying the expenses of collecting this claim. So it is entirely clear that the fixing of the 35 per cent at the time it was fixed as the sum which might be required to lobby the $800,000 claim through Congress created no obligation on the part of the Indians who arranged to withhold it or set it aside to give it to the men who worked for them. They were bound to pay the men who worked for them exactly what they agreed to pay them—no more and no less. But the attorneys discovered that here was this $80,000, and they felt about it just as Department or Bureau officers do under the Government. If Congress appropriates for a particular object $100,000 and the Bureau chiefs find they can accomplish the result for $90,000, they never say that they have saved $10,000 of the $100,000 appropriation. They always say they have lost it, because they have not expended it. These attorneys, instead of saying, "As we render an account of our stewardship, we have collected this $800,000 claim; we have taken $200,000 of it ourselves, and we have saved $80,000 of the 35 per cent for the Indians," say, "Why, lo and behold, we have lost $80,000."

They have been at work ever since to get it, and they are in a fair way to get it, because they got up these contracts and they ran them through the tribe in ways that are dark. They got the Commissioner of Indian Affairs and the Secretary of the Interior to approve them and a judge to certify that they were all right, and now they are to be given by Congress a standing in court for the collection of these claims. In addition, we are to invite in everybody else who can prove that he loafed around the hotels in Washington or hung about the Departments or traveled through the corridors of Congress and advised A, B, C, and D to vote for the Old Settlers' claim, whether or not the Indians ever recognized his services, whether or not the Indians ever knew of his service—they are invited to prove to the Court of Claims that, as this money ought under no circumstances to go back to the Indians, because it would be lost if it does, they are entitled to a certain share of the $80,000. We invite them in by striking down all these deliberately and carefully enacted statutes which the Senator from Florida is studying so intently. We strike those statutes down and invite in this horde of attorneys to see if they can not conjure up evidence enough, without any such proof as the statute requires, to enable them to grab a portion of this money.

I certainly hope that the Appropriations Committee, which have a great deal of business on their hands, several important appropriation bills to carry through Congress which seem likely to be loaded with legislation, will consent to modify this clause depriving the Indians of defenses to which they are entitled; that they will consent to let those statutes remain in full force and vigor, as they ought to remain, and send these attorneys and claim agents to the Court of Claims to recover, if they are entitled to recover, according to the law of the land as it now stands upon the statute books. I hope that the committee will not press this effort of theirs to secure a judgment in advance by adding to the clause that gives the court jurisdiction all these other provisions intended to make the pathway of these claimants to this fund of $80,000 easy and quick and safe.

Mr. TELLER. Mr. President, if the Senator from New Hampshire [Mr. CHANDLER] will point out anywhere in this provision anything that will justify a statement he has repeated here from six to twenty times since he commenced his speech, that an attorney having been paid by the Indians and having given a receipt under seal can come in and make a claim, I should like him to do so. He has repeated it over and over again.

Mr. CHANDLER. I will repeat it again, if the Senator will allow me.

Mr. TELLER. I have no doubt the Senator would. With that sense of irresponsibility in the matter which sometimes characterizes people, he can make that statement.

Mr. CHANDLER. What does the word "payment" mean, I ask the Senator from Colorado?

Mr. TELLER. The word "payment" is stricken out.

Mr. CHANDLER. What did it mean when the Senator proposed it?

Mr. TELLER. It meant simply this: The question was submitted to the Secretary of the Interior without the consent of any of these people. They claimed that the Secretary of the Interior had not dealt fairly with them. The Committee on Indian Affairs, after an examination, not such as the Senator has made, but after a careful examination, said they thought he had not dealt fairly with them. The Committee on Appropriations last year thought he had not dealt fairly with them. With a good deal more information on the subject than the Senator ever had or ever will have on this particular subject, I think he did not deal fairly with them.

I know in one instance, where the parties, I thought, had rendered very little service, they received their claim in full. In another case, where I know the attorney had rendered more service than any other individual, he received 5 per cent of the entire claim. It is to correct these inequalities that the committee proposes that the case shall go to the court and that the court shall determine what is fair and what is just.

The Committee on Indian Affairs undertook to do that themselves last year, and the Senator from New Hampshire [Mr. CHANDLER] was then very vigorous against it, and said the case ought to go to the Court of Claims. Now he comes in here and tells us that these men have received more than they ought to receive. The Senator from New Hampshire does not know who these attorneys are, except as he saw the list last year. He has no personal knowledge of what they had received; he has no personal knowledge of what their services were, and yet he tells us that he thinks they have had more than they are entitled to. If called upon to state what the service of any attorney has been, he would be unable to state it. If called upon to state what the attorney had received, he would be unable to state it; and yet, Mr. President, that is the argument which is used against this amendment. This amendment is intended to protect the Indians as much as the attorneys.

Here is a carefully prepared provision that the Commissioner of Indian Affairs shall look after their interests and employ counsel to see that there is no wrong done them. There is a provision here that two sections of the Revised Statutes shall be suspended. It is a question whether those provisions would be invoked one way or the other. If they could be invoked at all, it would be to say that these people were not a tribe at the time, and therefore could not make a contract that was valid at all. The whole amendment proceeds upon the theory that these people have rendered valuable service to the Indians, for which they are entitled in justice and right to be paid, and which a better class of Indians admit they are entitled to.

Mr. WHITE. Will it interrupt the Senator from Colorado if I ask him a question?

Mr. TELLER. No.

Mr. WHITE. I understand the Senator from Colorado to state that in one instance at least he thinks that some attorney or attorneys were overpaid, rather that the Secretary gave them more than they were equitably entitled to. If in that case the money was accepted, as I suppose under those circumstances it certainly would have been with avidity, can we reach it at all under this proposed act?

Mr. TELLER. In one case which I referred to the parties got all that their written contract called for, and of course they never appeared to ask for any more.

Mr. WHITE. And if it was too much, nothing could be done about it.

Mr. TELLER. Nothing could be done about it, of course. They will not appear. On the other hand, parties having written contracts, and having rendered, in my judgment, very much better and more valuable service, received a mere trifle. It was to correct these inequalities that we propose to send this matter to the court, and it goes there guarded in every particular. I do not fancy very much the insinuation of the Senator from New Hampshire that this provision is brought here in the interest of claimants. It is brought here in the interest of justice and right. If these Indians made these contracts and had the services of these people to secure what they never would have secured from the Government without that service, they ought to pay for it. They have not paid for it, and here is a fund that they had practically set apart themselves for the payment. They said to their agent, Mr. Bryan, "Go to Washington, and you may use to the extent of 35 per cent of all you can get; you may hire attorneys and agree to pay them, but you must not exceed that sum." Bryan came here and stayed here twenty years before he got this debt paid. Finally he employed attorneys who secured a provision, as I mentioned before, for a commission out of which grew the determined obligation of the Government to pay this debt, and these are the people who rendered the service and secured it. The Government of the United States would never have done it; the Indians could not do it, and the people who have rendered the service claim that they have not been paid.

Out of the 35 per cent, not eighty-odd thousand dollars, as the Senator stated, but seventy-odd thousand dollars is to be paid, if the court find that these people have earned it; and that is all there is in it. The committee have no more interest in it than anybody else. The committee have been as anxious to secure to the Indian his protection as anybody can be. We put in here a provision that service shall be made upon the Commissioner, that he might know. We put in here ex industria a provision that it was his business to look after the interests of the Indian and see that proper defense was made. Having provided that this defense is not to made by the Indians, but to be made by the United States, at the expense of the Indians, having put the United States in front of them, I think it is safe enough to say that they can have justice in the court, if there is any justice to be had in the courts at all. I struck out of the line the word "payment," which the Senator objected to, and I changed it, although I do not think it changed the meaning at all; for I intended it to mean that. I struck out the words "and no action shall be barred," and so forth, and changed it to meet the suggestion of some Senators. What we wanted to say (and there need be no misunderstanding) was that the Secretary of the Interior has made an adjudication that is unsatisfactory. We are going to let the court take it upon justice and equity and see whether it is rightfully made or not; and that is all there is of it.

Mr. President, in these last hours of the session, I do not propose to spend any further time over this matter. If it does not go to the court, it will come back here again to plague us at the next session. If it goes to the court, the court will settle it in some way, and that will be the end of it.

Mr. PALMER. It is true that this amendment provides that "service of notice of suit upon the Commissioner of Indian Affairs shall be sufficient service upon said Indians, and it shall be his duty to see that the rights of the Indians are protected;" but ordinarily an award, if accepted, would bind white people in any court, even though there be some defect in the authority of the arbitrator. If the award were accepted, it would bind in a court of law. In order, therefore, that the Commissioner of Indian Affairs shall be the better able to defend and protect the rights of the Indians, it is provided that—

> No action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

That is found on page 72.

Mr. TELLER. The Senator is aware that that clause has been amended, is he not?

Mr. PALMER. I am not sure but that it has been amended.

Mr. TELLER. It has already been amended by striking out the words "action shall be barred," and, after the word "right," by inserting "of either party;" so that it will read: "and no right of either party shall shall be impaired by reason of any previous award;" and the word "payment" is stricken out.

Mr. PALMER. Still, Mr. President, the fact of payment would be a fact which would attend an award. If there was an award or ruling and the party accepted the result of that award or ruling, it would bind him in any court. Even the words "award and ruling" would be quite sufficient if it was proved in pais that the party had accepted or acted upon the award or ruling. In order to enable the Commissioner of Indian Affairs to protect the rights of these Indians, it is proposed to strike out that provision; in order that he may the better defend and protect the rights of the Indians, I propose the legal validation of his contract. The words "which can sue and be sued" would not control this matter of right; they would not validate the contract. It would give the Old Settler Indians a standing in the court, but the validation of the contract is something more than I suppose was intended. The truth about it is that if the Commissioner of Indian Affairs attempts to protect the rights of these Indians he is, to use a very common phrase, "hamstrung;" he is powerless; he can do nothing. The contract is validated; there is no bar permitted on account of a previous award, and two sections of the statutes that relate to contracts with Indians are suspended for the purposes of this case. Thus the Commissioner of Indian Affairs is stripped of all power to protect the rights of the Indians and the duty imposed upon the Commissioner of Indian Affairs in terms is a mere mockery; he is powerless; he can do nothing.

The PRESIDING OFFICER. The question arises upon the amendment proposed by the Senator from Utah [Mr. BROWN] to the amendment of the committee. The yeas and nays have been ordered upon the amendment to the amendment.

Mr. TELLER. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. It is proposed to amend the committee amendment by striking out, after the word "issue," in line 5, on page 72, the words:

> And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], and withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the Senator from Montana [Mr. MANTLE]. In his absence, I withhold my vote. I should vote "yea" if he were present.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. In his absence, I withhold my vote. I should vote "yea" if he were present.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLANCHARD. I desire to state that I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. VILAS. If there is no quorum present, I shall vote, because under the arrangement with my pair I am at liberty to vote on questions like the one pending. I vote "yea."

Mr. McBRIDE. In order to make a quorum, I will vote. I vote "nay."

Mr. CULLOM (after having voted in the negative). I am paired with the Senator from Delaware [Mr. GRAY], but as I think he would vote as I do, I will let my vote stand.

The result was announced—yeas 22, nays 26; as follows:

YEAS—22.

Bate,
Brown,
Burrows,
Caffery,
Chandler,
Chilton,
Daniel,
Hawley,
Hill,
Hoar,
Lindsay,
Lodge,
Mills,
Morgan,
Palmer,
Peffer,
Pugh,
Quay,
Tillman,
Vest,
Vilas,
White.

NAYS—26.

Aldrich,
Allen,
Bacon,
Berry,
Brice,
Butler,
Call,
Cannon,
Cullom,
Davis,
Dubois,
Frye,
Hansbrough,
Jones, Ark.
McBride,
McMillan,
Nelson,
Pettigrew,
Platt,
Shoup,
Stewart,
Teller,
Thurston,
Turpie,
Voorhees,
Wetmore.

NOT VOTING—42.

Allison,
Baker,
Blackburn,
Blanchard,
Cameron,
Carter,
Clark,
Cockrell,
Elkins,
Faulkner,
Gallinger,
Gear,
George,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Harris,
Irby,
Jones, Nev.
Kenney,
Kyle,
Mantle,
Martin,
Mitchell, Oreg.
Mitchell, Wis.
Morrill,
Murphy,
Pasco,
Perkins,
Pritchard,
Proctor,
Roach,
Sewell,
Sherman,
Smith,
Squire,
Walthall,
Warren,
Wilson,
Wolcott.

So the amendment to the amendment was rejected.

Mr. BROWN. I move to amend the amendment, in line 8, page 72, by adding after the words "Secretary of the Interior" the words:

> Unless such award has been paid to and accepted by the claimant.

I move this amendment because it was said here by the friends of the change that if it had been paid to and accepted by them of course that would be another question. I suggest that, if it has been paid to and accepted by a claimant, it ought to be a reason which the Indian may urge in a court of justice.

Mr. PETTIGREW. There seems to be great misapprehension with regard to the claim of these attorneys exhibited, especially by the remarks of the Senator from New Hampshire [Mr. CHANDLER], who I supposed had become educated on this subject last year. We then discussed the merits of this case for days, and the Senate decided to distribute this money among the attorneys. Now we come in here with a provision to send it to the Court of Claims and allow the Indians to come in, if they have any claim, and have it adjudicated, and that is not satisfactory.

The facts are that twenty-five years ago these Old Settler Cherokees made a contract with one of their own number, Joel M. Bryan, to come to Washington and try to collect certain money which they claimed was due them. They set apart 35 per cent of the fund to pay expenses and authorized him to employ other attorneys to assist him in securing it. He spent twenty years here. He advanced his own money, sold his farm, his home, and his mill, gave his entire attention, made more than a hundred trips back and forth in procuring testimony, and finally succeeded in securing a claim of about [illegible]. In the meantime, on account of the hardships which he had suffered, the large sums of money which he had expended, the dissipation of his entire fortune, they made a new contract with him and provided that if there was anything left of the 25 per cent after paying the expenses of the attorneys it should go to Joel M. Bryan, their attorney and commissioner.

They made a contract hedged about by all the provisions of law, made a contract which was approved by the Interior Department. It was never questioned until about two years ago. Then, encouraged by the speeches and conduct of certain Senators who are always so solicitous about the poor Indian, the council of the Cherokee Nation got together and undertook to repudiate the contract with Joel M. Bryan. That contract is still in force. The Indians have no interest in this controversy, absolutely no interest whatever. If those attorneys are defeated whose contracts are included in this provision, Joel M. Bryan gets every dollar which is left, and not a penny will go to the Indians under any circumstances unless the Court of Claims, taking everything into consideration, decides that a portion shall go to the Indians.

I contend, Mr. President, that the Indians have no right here, no claim here whatever, that whatever there is that does not go to other claimants goes to Joel M. Bryan, and that, as the matter stands to-day as adjudicated by the Secretary of the Interior, this whole amount belongs to Joel M. Bryan. Last year we divided it among the attorneys, giving Joel M. Bryan a portion of it; but Bryan consented to that division. He was 86 years old, and the ten or fifteen thousand dollars that he was to receive was sufficient, he believed, to support him the remainder of his life. Rather than be subject to a constant pursuit of this matter, he concluded to take a settlement and drop the controversy, and the Senate by a large majority decided that way. Now we are trying to dispose of it again, and the same opposition is presented, and the day is spent in talk.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. Yes, sir.

Mr. LODGE. What became of it last year?

Mr. PETTIGREW. The other House refused to agree to the Senate amendment in conference. It was finally agreed to drop it out. The House of Representatives, however, offered to send the matter to the Court of Claims, and I believe the Senate voted not to send it to the Court of Claims. That proposition had been presented. Now the committee propose to send it to the Court of Claims, and the same Senators who objected last year object again. They talk about the interest of the poor Indian. The people who would get this money if it were undertaken to pay it to the tribe are white men from the Indian Territory, unscrupulous men, men who have lived off the Indians and have become rich plundering the so-called Indians of that country for securing legislation here. They are, after all, the poor Indians for whom New England pleads.

I have sometimes wondered why there was such a vast amount of anxiety from New England about the poor Indians; but it is easy to understand. It is in atonement for the past, for the wrongs of their ancestors; for I think it is well understood that after having made a saint of Miles Standish for murdering Indians in cold blood, those they did not sell into slavery they put on an island in Boston Harbor and starved to death.

Mr. PALMER. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. I yield for that purpose.

Mr. PALMER. I ask the Senator why he proposes this amendment, which provides that if those parties have accepted payment in full, substantially that there shall not be a bar to any further claim?

Mr. PETTIGREW. I will answer the Senator. Joel M. Bryan, as the facts show, had returned to him simply the money he had paid out. He took it, but he did not relinquish any part of the equity and justice of his claim. He only received the money he had actually expended in prosecuting this case, and received no salary, no fees for the twenty years of time which he has spent here. I do not think that an amendment should be placed in this bill to refuse him any further relief when every dollar of this money that does not go to these attorneys goes, under contract, to the Indians.

Mr. WHITE. Will the Senator from South Dakota permit me to ask him a question?

Mr. PETTIGREW. Yes, sir.

Mr. WHITE. As I understand, this bill makes no provision for the payment of money back into the hands of the Secretary of the Interior in cases where a virtual recision is sought here. Here the party to whom the Senator refers accepted the money; but the Senator says it was not enough, non constat, that the Court of Claims should award that much. Now, does the Senator claim that the party has a right to retain that money which he has received from a tribunal which he claims treated him unjustly and resubmit his case to another tribunal, and, in case of a judgment for a less amount than that rendered by the other tribunal, he will stand upon the judgment of the first?

Mr. HOAR. I submit that a clear answer to that is to say, as the Senator from South Dakota says, that Indians were starved to death in Boston Harbor two hundred and fifty years ago.

Mr. WHITE. That answer does appear conclusive.

Mr. PETTIGREW. Mr. President, so far as I am concerned, I have no objection to an amendment on the part of the Senator from California covering the question which he raises. I presume that some one [illegible]. I understand that there were favorites in the distribution made by the Interior Department; that the full amount of all that was called for under the contract was awarded to some of these people, while to one man whom I have in mind there was paid but [illegible], although he had spent nearly twelve years prosecuting this case, and the payment he received was less than a tenth of the amount to which he was entitled under his contract. I think he is entitled to relief, and I do not believe he should be barred by the arbitrary conduct of the Interior Department, made, perhaps, by an employee, without the careful scrutiny and consideration of the Secretary of the Interior himself.

Of course, Mr. President, I presume the answer of the Senator from Massachusetts [Mr. HOAR] made to the Senator from California [Mr. WHITE] with regard to the starving by the Puritans of the Indians of that State, was one which satisfied him, but in that connection it is no more than fair to say that the blackest page in the history of the Anglo-Saxon race is the treatment of the Indians of Massachusetts by the early settlers of that colony. There is no chapter of slave hunting in Africa so black as that chapter in the history of Massachusetts.

Mr. HOAR. Will the Senator allow me to make one observation?

Mr. PETTIGREW. Certainly.

Mr. HOAR. I do not attribute to the Senator any intentional purpose to misrepresent, but he has been deceived by some rumor without an investigation of his own. Rumor lied.

Mr. PETTIGREW. Well, we might go into that question, Mr. President. I do not know whether these are good authorities or not upon this question, but here is an extract from American Pioneers and Patriots, by J. & C. Abbott; also from "Miles Standish," by Allen, and Appleton's Bibliography:

> MILES STANDISH AND HIS PROMPT TREATMENT OF THE INDIANS.
>
> In 1623 word having been brought to Standish that certain Indians were plotting mischief and death to a small settlement of whites near Plymouth, he set out to that place with eight men. When he got there he enticed two of the chief Indian malcontents into a small room together with a young Indian half brother of one of these chiefs. He was accompanied by two of his own people and at a sign the door was suddenly closed. Standish threw himself on one of the chiefs, Peeksuot; one of his men jumped into the other, Wituwamet, and the third white man held the Indian youth.
>
> Standish killed his man at once by thrusting the Indian's own knife into its owner's bosom. The other Indian was treated similarly by the white soldier, who followed the example of Standish, while the young Indian was not killed at once; he was reserved for a hanging which took place soon after.
>
> Standish then cut off Wituwamet's head and took it back to Plymouth, where it was stuck upon the stockade as a warning to all Indians afterward.
>
> It is said that Standish said, when reproached for this act and when he was very much inflamed by the criticism which certain ministers of the gospel had visited on him for so doing, that "the only good Indian is a dead Indian."

Mr. President, I had supposed that phrase came from the far West, but, after all, we are forced to look to New England, and to ancient England at that, for the phrase that "the only good Indian is a dead Indian."

> The reverend and pious John Robinson, who was one of the ministers who rather tried to defend Standish at the time, declared that his clerical brethren ought to bear in mind the "exceedingly warm temper of their captain," that on the whole the chief regret that he, as a clergyman, felt, was that Standish had not given these Indians time in which to be converted before killing them.
>
> This was the first Indian blood shed by the Pilgrims.

Not only that, Mr. President, but the general laws of Massachusetts Colony of 1669 contained this provision:

> And it is ordered that no Indian shall at any time pow wow, or perform outward worship to their false gods, or to the devil, in any part of our jurisdiction, whether they shall be such as shall dwell there, or shall come hither, and if any shall transgress this law the powwower shall pay £5.
>
> * * * Every town shall have power to restrain all Indians that shall come into their towns from profaning the Lord's day.
>
> And it is also further ordered, that whosoever Indians shall hereafter be taken Drunk, shall pay the sum of ten shillings or else be whipt, by laying on ten stripes, according to the discretion of the Judge, whether Magistrate or Commissioner who shall have cognizance of the case. And in all towns where no Magistrate or Commissioners are, such cases shall be judged by the Select men or major part of them.

That is to be found on page 78 of the Colonial Laws of Massachusetts. The Colonial Laws of Massachusetts also contained this provision:

> At A Council, held in Boston, August the thirtieth, 1675.
>
> Also whereas it is the manner of the heathen that are now in Hostility with us, contrary to the practice of the Civil Nations, to execute their bloody Insolences by stealth and sculking in small parties, declining all open decision of their controversie, either by Treaty or by the Sword—

It is not much a matter of surprise that the Indians should pursue this method of warfare after the introduction which they had

in European civilization by the treatment which Miles Standish had given their chiefs. No wonder that they skulked and crept upon these people who assassinated men in cold blood, and Massachusetts made a saint of Miles Standish—

> The Council do therefore Order: That after the Publication of the provision aforesaid, It shall be lawful for any person whether English or Indian, that shall find any Indian traveling or sculking in any of our Towns or Woods, contrary to the limits above named, to command them under their Guard, and Examination, or to kill and destroy them as they best may or can.

In other words, they were to shoot Indians on sight, and although it was unlawful to fire a gun on Sunday, I expect that it was a sufficient defense that the gun was aimed at an Indian.

> The Council hereby declaring that it will be most acceptable to them that none be killed or wounded that are willing to surrender themselves into custody. (Page 229, Colonial Laws of Massachusetts.)

And also the following:

> This court doth therefore order and declare:
>
> Secondly, That there be a guard appointed at the end of the said town towards Roxbury, to hinder the coming in of any Indian, until application be first made to the governor, or council if sitting, and then to be admitted with a guard of two musketeers and to be remanded back with the same guard, not to be suffered to lodge in town, unless in prison. *Provided*, That if any Indian or Indians that shall be employed upon any public message or business shall come up to the said guard, they shall forthwith be conveyed to the governor or council, and be by him or them disposed of and secured during their necessary stay for the dispatch of their business, and then to be conveyed as above said. (Page 229, Colonial Laws of Massachusetts.)

But here, Mr. President, is the most interesting provision. On page 238 of the Colonial Laws of Massachusetts it was provided:

> Whereas the court have for weighty reasons placed sundry Indians (that have subjected to our Government) upon some islands for their and our security:
>
> *It is ordered*, That none of the said Indians shall presume to go off the said islands voluntarily upon pain of death, and it shall be lawful for the English to destroy those that they shall find stragling off from the said places of their confinement, unless taken off by order from authority and under the English guard.

In other words, if they should try to swim ashore in search of food, anyone, no matter who he was, was authorized to kill them on the spot.

> *And it is further ordered*, That if any person or persons shall presume to take, steal, or carry away either man, woman, or child of the said Indians off from any of the said islands where they are placed, without order from the general court or council, he or they shall be accounted breakers of the capital law printed and published against manstealing, and this order to be forthwith posted and published.

If anybody tried a rescue while the Indians were calmly and quietly and submissively starving to death on this island in Boston Harbor, he was guilty of a capital offense, and punished accordingly.

Mr. LODGE. I ask where the Senator finds the statement that the Indians were starving to death? They were undoubtedly prisoners in Boston Harbor, but where does he find the statement that they were starving to death?

Mr. PETTIGREW. They were undoubtedly placed there for the purpose of having them starve to death.

Mr. LODGE. That is merely your assertion; that is not history.

Mr. PETTIGREW. Well, Mr. President, here is some history that will, perhaps, justify the supposition.

Mr. CHANDLER. Will the Senator allow me a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. PETTIGREW. I will yield to the Senator from New Hampshire for a question.

Mr. CHANDLER. Will the Senator kindly tell us where he was born? [Laughter.]

Mr. PETTIGREW. I judge from the manner in which the Senator has asked the question that he himself has some idea of the answer. Therefore, it is unnecessary for me to inform him.

Mr. CHANDLER. I will inform the Senate shortly.

The PRESIDING OFFICER. The Senator from South Dakota declines to state where he was born. [Laughter.]

Mr. PETTIGREW. The remark of the Chair, of course, is one that is entirely voluntary and perhaps a little out of order.

The PRESIDING OFFICER. The Senator from South Dakota is entitled to the floor.

Mr. PETTIGREW. But as the present occupant of the chair is not to dwell with us long, we can endure almost anything.

The PRESIDING OFFICER. The Senate will endure the Senator from South Dakota.

Mr. PETTIGREW. In John S. C. Abbott's History of King Philip, I find the following:

> In a battle at Dartmouth, in 1675, in which Captain Church, of Narragansett Bay, commanded the colonists, they took 160 Indians prisoners, who had been induced by promises of kind treatment to come in and surrender themselves. To the extreme indignation of Captain Church, all these people, in most dishonorable disregard of the pledges of the capitulation, were sold by the Plymouth authorities into slavery. This act was as impolitic as it was criminal. It can not be too sternly denounced. It effectually deterred others from confiding in the English.

It is remarkable that it deterred them from confiding in the English.

The historian gives this account of the scenes in a captured Indian palisade at South Kingston, in 1675:

> The interior was a large Indian village, containing 500 houses, stored with an abundance of corn and crowded with women and children. An awful scene of carnage now ensued. Though the savages fought with the utmost fury, they could oppose no successful resistance to the disciplined courage of the English. Flying from wigwam to wigwam, men, women, and children were struck down without mercy. The exasperated colonists regarded the children as but young serpents of a venomous brood, and they were pitilessly knocked in the head. The women they shot as readily as they would the dam of the wolf or the bear.

Of the South Kingston affair, Rev. Mr. Ruggles wrote (and is quoted by the historian):

> The burning of the wigwams, the shrieks and cries of the women and children, and the yells of the warriors exhibited a most horrible and affecting scene, so that it greatly moved some of the soldiers. They were in much doubt then, and often seriously inquired whether burning their enemies alive could be consistent with humanity and the benevolent principles of the gospel.

Abbott's history of King Philip, in commenting on the capture of Mrs. Rowlandson at the time of the massacre at Lancaster, in 1676, says:

> When Mrs. Rowlandson was driven from the flames of her dwelling, a Narragansett Indian was the first to grasp her; he consequently claimed her as his property. Her children were caught by different savages and thus became the slaves of their captors. The Indians, by the law of retaliation, were perfectly justified in making slaves of their captives. * * * The English made all their captives slaves, and women and children were sold to all the horrors of the West Indian plantation bondage.

The wife and son of King Philip were captured in battle at Bridgewater in 1677. The historian records this fact:

> Philip had by some unknown means escaped. With grief and shame we record that his wife and son were sent to Bermuda and sold as slaves, and were never heard of more.

Princess Wetamoo, King Philip's brother's widow, was ambuscaded by the colonists in 1676. Of this affair the historian says:

> The heroic queen, too proud to be captured, instantly threw off her clothing, seized a broken piece of wood and plunged into the stream. Worn down by exhaustion and famine, her nerveless arm failed her and she sank beneath the waves. Her body was soon after found washed upon the shore. As faithful chroniclers, we must declare, though with a blush, that the English cut off her head and set it upon a pole in their streets, a trophy ghastly, bloody, revolting.

Mr. President, it is no wonder that with this introduction to the Anglo-Saxon race the American Indians have resisted the encroachment of the whites across the continent—their children captured, sold into slavery, killed, ambushed, assassinated without the least reluctance or remorse. It was the common practice of the people of New England in their dealings with the Indians to sell into slavery all those they took prisoners of war. They said the Indians made bad slaves; that they were willful and stubborn, and so they traded them in the West Indies for negroes. They traded them in Cuba and the other islands of the Caribbean Sea for molasses, and returning home with the molasses, made it into rum, and sent the rum to Africa to trade for slaves in order to stock their plantations. So I say that the blackest page, not alone in our history, but in the history of the world almost, is that of the treatment of the Indians by the people of Massachusetts and the conduct of the early inhabitants of those provinces.

Here is another extract:

> In 1645 Emanuel Downing, the foremost lawyer in the colony and a leader of commanding influence as well as high connections, made a written argument in favor of a war with the Narragansetts. He did not pretend that any wrong had been done; but he had a pious dread that Massachusetts would be held responsible for the false religion of the Narragansetts. "I doubt," says he, "if it be not synne in us, having power in our hands, to suffer them to maynteyne the worship of the devil which their powwows often doe." "If," says he, "upon a just war, the Lord shall deliver them into our hand, wee might easily have men, women, and children enough to exchange for Moors (negroes), which will be more gaynefull pillage for us than wee conceive; for I do not see how wee can thrive untill wee get in a stock of slaves sufficient to do all our business."

This is Downing's letter, in Moore, on page 10.

In a book written by Du Bois on the Suppression of the Slave Trade, I find the following:

> Massachusetts, Rhode Island, and Connecticut were largely engaged in the slave trade, and New Hampshire to some extent. This trade declined very little till the Revolution. Newport was a mart for slaves offered for sale in the North and a point of reshipment for all slaves. It was principally this trade that raised Newport to her commercial importance in the eighteenth century. Connecticut, too, was an important slave trader, sending large numbers of horses and other commodities to the West Indies in exchange for slaves, and selling the slaves in other colonies. Owners of slaves carried slaves to South Carolina, and brought home naval stores for their shipbuilding; or to the West Indies, and brought home molasses. The molasses was made into the highly prized New England rum, which was shipped to Africa and traded for more slaves. * * * Massachusetts annually distilled 15,000 hogsheads of molasses into rum. * * * Although in earlier times the most reputable New England people took ventures in slave-trading voyages, yet there gradually arose a moral sentiment which tended to make the business somewhat disreputable. * * * It was not until 1787-88 that slave trading became an indictable offense in any New England State.

I thought this related to the sale of Indians, but I see that it relates simply to the slave trade generally. I did not intend to read it, and will read no further.

I had often wondered why we had heard so much from New England in regard to the wrongs of the Western Indians. The

Indian Rights Association are more active about the Indians who are most distant from them. This inquiry led me to look up the early history of the people of the colonies in their treatment of the Indians, and it revealed to me the reason why tradition, carried from one to the other, crossed the continent and made the Indians so jealous of the encroachments of the whites and so earnest that the contact should not be near or close. I am not surprised.

Neither do I object to the philanthropy of New England. I wish it would bear fruit sufficient in some measure to compensate for the wrongs of the past in their conduct toward these people.

Mr. HOAR. Mr. President, I have noticed that when anyone wants to cover up or defend anything that is thoroughly sneaky he tries to divert attention by mousing into the ancient history of New England, now nearly three hundred years old, and getting up a discussion on that.

Now, here is a question about which I have no knowledge, whether a certain trust fund belongs to some lawyers or to an Indian tribe, and whether certain transactions that have taken place in the past amount to an adjudication of that question. The Senator from South Dakota [Mr. PETTIGREW] has prepared himself very carefully by, I suspect, making more historical study than he ever made in all the rest of his life put together into the treatment by Miles Standish of certain Indians in the year 1623, now two hundred and seventy-four years ago. That is the only argument he has made on his side, so far as anybody has heard it.

Mr. President, undoubtedly there were at that day some cruel, unjust, and evil things done by the early settlers of New England, as brave, God-fearing, liberty-loving men as ever lived, who, by the common consent of all mankind, brought over the torch of liberty to this country. The transaction which the Senator dwells on chiefly, the seizing of these three Indians by Miles Standish, was as brave and righteous a deed as was ever done. The Pilgrims of Plymouth had treated the Indians with the most absolute kindness. They paid honestly for every foot of their land. They visited them in sickness and relieved them in hunger. They discovered that a widespread plot, extending all over that territory, stirred up by some foreign adventurers, had been forming among the Indians to destroy and cut off their entire colony, man, woman, and child. At one time Miles Standish's entire army was eight men. There were but a hundred persons in all who came over, and fifty of them died the first winter, and not a man of the entire colony went back in the *Mayflower* in the spring. They planted this seed of the tree of liberty under which the people of this country live and the people of the whole world are coming to live.

In 1623 I suppose there might have been 50 or 75 men fit to bear arms in the whole colony, of whom Miles Standish was the commander. The Indians had made an appointment to meet him and some delegates in council, and had plotted to seize him and all the men who were with him and put them to death. Standish, with the spirit of a true soldier, having a gift like that of Napoleon, or of the bravest general who ever lived, instead of remaining quiet at home, went to the place of appointment with these men, and when the leaders of the conspirators came in he put them to death, and hung one of them up by the side of the fort, and defied the Indians who were gathering there. If that act had not been done, or a half hour had gone by before it was done, the entire ancestry of more than a third of the population of this country that came from that little circle of a few towns would have perished. It was a great, brave, righteous deed.

The Senator talks about and quotes a law under which, during the bloody King Philip war, when white women were being slaughtered by the tomahawk and the knife, and dwellings were being burned at midnight, there was provision that if the Indian captives strayed off from the island they should be shot. There are men within the sound of my voice who have belonged, on both sides, to military forces who have applied that precise doctrine to prisoners of war in a contest between civilized States within the last thirty years.

Now, in regard to selling the captives into slavery, it was a cruel and an evil deed. I agree with the person who has spoken that it was a cruel and an evil deed. But it was the policy of all mankind in dealing with prisoners of war down to a period long after that time. It was the crime of the age. In the great Monmouth rebellion of 1685 or 1686, the prisoners, men of gentle blood, were brought here and sold in Virginia and in New England. There is a book, 3 or 4 inches thick, published by a man named Chapman, if I have got the name right, giving the pedigrees of American families, some of them of great distinction, who were brought over here, and a great many brought to the West Indies, as prisoners in Monmouth's rebellion. There were two or three prisoners of my own name and blood, two brothers, I think of my own direct ancestor of that generation, who were brought over among that number and sold as slaves.

In Daniel Defoe's interesting novel of Colonel Jack there is the story of a person who was taken prisoner and brought over here and sold as a slave in Virginia, and the scene of the story, as Defoe describes it in those days, is about 12 miles below the Great Falls of the Potomac. I presume that that slave, whose story Defoe tells so ingeniously, wandered over the very spot where we are sitting.

Now, this thing is not a justification; it is not an excuse for the people of New England. They did some bad things. They hung nineteen persons for witchcraft, and I wonder the Senator did not get that in. Perhaps he is keeping that for another speech, when the question shall come up some time whether we shall expend $50,000,000 or $80,000,000 for coast defenses, or something of that kind. I suppose then the subject of witchcraft will be apposite in the Senator's judgment. They did that. It was a wicked, cruel delusion. But all these things which they did were done in that day by all mankind. As late as the next century women and children were hung as witches in Scotland and in England. There were, I think, 18,000 in England and Scotland punished for the crime of witchcraft. There was one German magistrate, one single, local, petty magistrate, who, down nearly to 1700, had sentenced 520 persons to death as witches in Germany. That does not excuse our ancestors at all. But it shows that all mankind come from ancestors who, when they were coming up from the monkey, or the tiger, or the ape, got to a point where they were capable of delusions and guilty of cruelty. But what I have to claim for this great people of New England is that, first of all mankind, they saw the evil and folly and the wrong of these things.

Mr. President, there are many great and heroic actions in human history. But among the greatest and the most heroic actions in human history is that of Chief Justice Sewell, the Puritan judge, who rose in his place in the crowded congregation of the First Church in Boston and stood while the pastor read from the desk his confession of the wrong and the wickedness of that judgment. And I think almost the most touching manuscript in all history is the diary where Sewell has written with his own hand the story of that witchcraft trial, and written in the margin those Latin words of interjection and sorrow, "Vae, vae, vae!" Woe, woe, woe!

I do not respect, but I only pity the man who can find in that history nothing but the material for fouling the very nest in which he was born. I do not wonder, after the speech of the Senator from South Dakota, that he declined to expose himself by answering the query of the Senator from New Hampshire where he was born. I am glad that he did not tell, and I am sure that Vermont will never tell.

Mr. ALLISON. Mr. President, it is nearly the hour when I think we shall be obliged to adjourn. If the Senator from South Dakota will allow me to interrupt this proceeding long enough to make a suggestion respecting the bill, I shall be glad to do so.

I ask unanimous consent that the debate on the bill, until it is completed, may be limited to ten minutes for each Senator.

Mr. STEWART and others. Put it at five minutes.

Mr. ALLISON. Very well; I will say five minutes, if Senators think that will be time enough. I also ask unanimous consent that the votes may be taken upon the bill and all amendments beginning at 1 o'clock to-morrow. It is absolutely necessary, if we are to close the business of the session with the appropriation bills passed, that these bills shall be considered with more rapidity than they have been hitherto. So I hope we may be able to finish this bill by or before 2 o'clock to-morrow.

Mr. CHANDLER. Before assenting to the request of the Senator from Iowa, which I concede to be a proper one, I am obliged to ask him kindly to state to the Senate what may be his expectation as to the other appropriation bills. Before the Senator answers the question, if he will allow me, I wish to say that there ought to be within a day or two an opportunity for the consideration of some bills that are upon the Calendar. There are House bills upon the Calendar, and there are some Senate bills which, if they were to pass the Senate, would pass the House of Representatives. I think before fixing so short a time for voting upon this bill of abominations the Senator ought to tell us when the other appropriation bills will be brought before the Senate, and what his expectation is as to the ability of the committee, supported by the Senate, to dispose of them.

Mr. ALLISON. I will state in response to the Senator from New Hampshire that it is the expectation of the Committee on Appropriations to bring forward immediately after the conclusion of the pending bill the bill making appropriations for the expenses of the District of Columbia, and after that bill is concluded to bring forward the Post-Office appropriation bill, then the sundry civil bill, then the fortifications, the naval, and the deficiency appropriation bills.

Mr. CHANDLER. Six bills?

Mr. ALLISON. Six bills; and allowing one day for each of them will reach to the 3d day of March.

Mr. WHITE. Mr. President——

Mr. ALLISON. If the Senator from California will allow me a moment further, I will say to Senators that it will be absolutely necessary after to-day for us not only to begin our sessions at 11 o'clock in the morning, but to sit also during the evenings at least

until 11 or 12 o'clock. Therefore I give notice now that to-morrow evening I shall ask the Senate to go on with the appropriation bills, and after the larger bills have been disposed of, I think we can say to the Senator from New Hampshire that there will be an opportunity for reaching bills on the Calendar that are likely to be finally disposed of at the present session.

Mr. CHANDLER. Will the Senator have any objection to allowing to-morrow evening to be devoted to the consideration of bills on the Calendar?

Mr. ALLISON. I must object to it absolutely. It will be necessary for us to deal with the appropriation bills first, if they are to be considered and disposed of at this session.

Mr. CHANDLER. Then I understand the Senator that the necessities of the case require the exclusion of substantially all other business until the appropriation bills are disposed of, and that we are to sit day and evening until they are disposed of.

Mr. ALLISON. Practically, that is the suggestion I wish to make.

Mr. CHANDLER. Would there be any objection to going on this evening?

Mr. ALLISON. The Senator from New Hampshire is, perhaps, aware of a special reason why it would be difficult for us to secure a quorum this evening.

Mr. CHANDLER. I now recall it.

Mr. ALLISON. A great many Senators have engagements for this evening they made some time ago, and which we can not very well interfere with.

Mr. CHANDLER. I withdraw the suggestion, Mr. President, and agree entirely with everything which the Senator from Iowa has said. However, I do insist that the Senate shall not only give the time necessary for the appropriation bills, either in the daytime or in the evening, but an additional time for the consideration of some general legislation.

Mr. ALLISON. I quite agree with the suggestion made by the Senator from New Hampshire as to occupying time enough to consider necessary bills that are likely to become laws at the present session, and that ought to become laws. I have no doubt there will be intervals when that can be done.

Now, Mr. President, I ask unanimous consent that the five-minute rule may be applied to the pending bill, and that we begin voting upon all amendments at 1 o'clock, and dispose of the bill without further debate.

Mr. BATE. I suggest to the Senator that so far as this bill is concerned——

Mr. NELSON. Will the Senator from Iowa allow me to make a statement? I would ask that aside from the time necessary for the appropriation bills the time be first of all given to the consideration of the bankruptcy bill and the pending amendments; that that bill, aside from appropriation bills, be given the right of way for consideration and voting.

Mr. DANIEL. I beg leave to unite cordially in the request that a period be given for the consideration of the bankruptcy bill. I have letters and petitions——

Mr. ALLISON. I unite cordially also, but I can not allow that measure to interfere with the appropriation bills.

Mr. BATE. If the Senator from Iowa will permit me, I was not in the Chamber when an agreement was proposed about the five-minute rule. Is that to apply to the particular case now under consideration?

Mr. ALLISON. That applies to the Indian appropriation bill, which has now been under debate for a good many days.

Mr. JONES of Arkansas. And the amendments.

Mr. BATE. And the amendments to the bill?

Mr. ALLISON. Yes; and all amendments.

Mr. CULLOM. To close at 1 o'clock.

Mr. BATE. I venture to say there is another amendment which we have not reached, which occupied more time at the last session than any other that was discussed. It might be that more than five minutes would be necessary for the speeches on that.

Mr. ALLISON. I have no doubt that the amendment to which the Senator alludes is one with which the Senate is quite familiar, but a great many arguments for and against can be made in five or ten minutes. I hope that that amendment will not interfere with the general agreement which I think is imperatively necessary in order to conclude our business.

Mr. STEWART. Will the Senator allow me to make a single suggestion?

Mr. ALLISON. Certainly.

Mr. STEWART. If there can be unanimous consent to consider an involuntary bankruptcy bill, it can be passed at almost any time in ten minutes, but if the other question is to be discussed, it can not be passed at all.

Mr. ALLISON. Very well. That is the reason why I hope there will be no complication as respects the particular business outside of appropriation bills that we shall consider.

Mr. VILAS. Mr. President, I should like to make one remark.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. VILAS. It is well known to the Senate that there is on each side of the Chamber an informal committee, known as "the steering committee," mainly governed by the Committee on Appropriations, which has laid out the work of this session and brought us into this predicament.

I should like further to remark also that yesterday was spent in discussing an amendment put on this appropriation bill utterly irrelevant to its nature, purely concerning an entirely different subject, and that to-day has been spent in resisting another amendment put on this appropriation bill by the Committee on Appropriations, and that to-morrow ought to be given up to resisting still another amendment which has not yet been discussed.

Mr. BATE. And that is perhaps the most important of all of them.

Mr. VILAS. Yes, perhaps the most important of all; and if the Committee on Appropriations wish to ask the unanimous consent of the Senate to suppress its duty in the consideration of amendments which are proposed, the Committee on Appropriations ought to withdraw the amendments with which it loads down these many appropriation bills.

Mr. CHANDLER. May I ask the Senator what is the amendment which he thinks needs discussion to-morrow?

Mr. VILAS. I think the amendment now pending has not been disposed of.

Mr. CHANDLER. No; but the amendment which the Senator speaks of discussing to-morrow.

Mr. VILAS. To-morrow there are amendments relating to the Five Civilized Tribes of very great consequence.

I am unwilling to be an objector to arrangements for expediting the business of the Senate, but I want it understood where the difficulty lies. It ought to be known that the Senate is ready and willing to meet all questions which are put upon it, and that it comes from the Committee on Appropriations itself that these long-protracted discussions are necessary in order to pass the appropriation bills, because amendments are brought in here which are not properly relevant and germane to bills making appropriations for the conduct of the Government, but measures of general legislation, which can not be passed through the Senate without some proper consideration by the Senate. This day has not been wasted. It has been necessarily and properly applied to a debate.

Mr. GALLINGER. If the Senator will permit me a single observation, which he will readily answer, is it not a fact that almost every moment of time of the debate upon this bill has been upon Senate amendments, and not five minutes of time upon the bill as it came from the other House?

Mr. VILAS. It has been almost entirely upon amendments proposed by the Committee on Appropriations.

Mr. ALLISON. I do not accuse or excuse, nor do I say the time has been wasted by the Committee on Appropriations or by others. I only state now, leaving such criticism as may be made by the Senator from Wisconsin and others with respect to the Committee on Appropriations, passing that by for the moment, that whatever may have been done in the past, either by that committee or the Senate or anybody else connected with it, we have reached a point in the discussion of these questions when it is necessary for all of us, whether we are for or against a particular amendment, or believe or do not believe in a particular committee, to hasten the business by making as rapid progress as we can.

Mr. VILAS. Mr. President, can not the Committee on Appropriations relieve the situation by withdrawing their proposals for amendments of the character which we have been discussing during this day and which we are to discuss to-morrow, if they are to be insisted upon? If the Appropriations Committee will withdraw those extraordinary amendments to this bill, we can dispose of the bill in five minutes, probably.

Mr. HOAR. They have not any parliamentary power to do that. I hope the Senator will let this unanimous consent be given, because otherwise we are going to be in great confusion. The Committee on Appropriations have no parliamentary right to withdraw an amendment.

Mr. VILAS. But must we under all circumstances consent to the disposition of such an amendment as is to come before us to-morrow after this one is disposed of, and let it be rushed through on a five-minute debate, trampling down all the rules of the Senate and all the obligations of the Government? Yes; as the Senator from Kentucky [Mr. LINDSAY] suggests, violating the contracts which have been made with these Five Civilized Tribes. The most important amendment of all comes up to-morrow.

Now, I hope—I do not wish to disagree with this proposal or with any proposal which will expedite business—but I hope the proposal will be made with reference to the exigence upon the Senate, and that if this bill is to be insisted upon, and all its various amendments to be pressed, at least time enough will be given to-morrow to deal with the subject as it may deserve. I am willing to agree to what other Senators desire. I am not going to be singular in my objection; but if I am to be placed under duress by the condition of the public business, let us understand what the nature of that duress is and how it comes to reach that pass.

Mr. ALLISON. As to the particular amendment which the Senator from Wisconsin thinks should be discussed by and large. I certainly agree with him, and I shall be glad to have it so discussed. It seems to be an amendment in the nature of legislation, and if so, it is in violation of our rules. I take it that a point of order would be against it. We were pressed as a Committee on Appropriations to insert these provisions—I do not wish to go into a discussion of them now—because there was such an emergency respecting the situation in the Indian Territory that some action was necessary.

Mr. BERRY. Give an additional hour or so on that amendment.

Mr. VEST. Do I understand the chairman of the Committee on Appropriations to admit now that the amendment in regard to the Five Civilized Tribes violates the rules of the Senate?

Mr. ALLISON. I do not admit that. I say it is a question whether it does or not.

Mr VEST. I deny it absolutely, and I stand here ready to meet the Senator from Wisconsin [Mr. VILAS] or any other Senator upon that issue.

Mr. ALLISON. Very well. I regard that amendment as an emergency amendment, put on the bill because it was an emergency amendment. Otherwise it would not appear here.

I will say to the Senator from Wisconsin, if that amendment is considered to be of special importance, as respects its discussion I should be willing for one to allow an hour or an hour and a half for debate upon it, in order that the reasons for the amendment and those against it may be unfolded to the Senate. But that we shall spend to-morrow upon that amendment, important as it is, and involving as much as it does, to the exclusion of other considerations and other business, will be fatal to the business of the Senate. That is all I have to say. I merely wish for myself to note the situation of the public business, and it is for the Senate, not for me, to say what ought to be done.

Mr. STEWART. I would suggest to the Senator from Iowa to renew his request that the debate on all other amendments shall be limited to five minutes, and that at 1 o'clock that amendment shall be taken up, and we shall have an hour on it, the voting to commence at 2 o'clock.

Mr. ALLISON. Mr. President——

Mr. CHANDLER. If the Senator will allow me, I shall object to any arrangement being made to-night for voting upon this bill, or any part of it. I think if the Senator from Iowa, or the Senator in charge of the bill will take it up as soon after 11 o'clock to-morrow as he possibly can, and will not allow an hour or so to be taken up by the passage of special bills which Senators may desire to get up, and will exclude other business, after the debate has progressed upon the bill a little way, with a full attendance of Senators here, then I should be willing to assent to the agreement; but in justice to the Senators who are not here now, it seems to me it is best not to make an agreement at this time.

Mr. DANIEL. Will the Senator allow me to make a suggestion?

Mr. CHANDLER. Yes, sir.

Mr. DANIEL. There is a very important resolution reported this morning unanimously by the Committee on Foreign Relations, in reference to the imprisonment of an American citizen, which, it seems to me, ought to have the right of way over everything else, and that may take a little time to-morrow morning.

Mr. CHANDLER. It is for the very reason that I want to know what the policy of the Committee on Appropriations is to be to-morrow morning that I should not be willing to agree to vote at 1 o'clock to morrow.

Mr. DANIEL. The resolution to which I refer is most important, and I should not be willing to yield that to anything else.

Mr. ALLISON. I give notice, if necessary, that after the routine business has been completed to-morrow morning it will be the purpose of the Committee on Appropriations, and I have no doubt my colleague on the committee in charge of this bill will move to proceed to its consideration—and inasmuch as there is objection made, and it is not probable that any resolution can be agreed upon to-night, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

Mr. CARTER. I ask the Senator from Iowa to yield to me, that I may make a report.

Mr. ALLISON. I yield for that purpose.

Mr. BACON. If the Senator from Montana will allow me, I wish to ask the Senator from Iowa to permit me to ask him, in order that we may know how to govern ourselves for to-morrow, whether he proposes that the Senate shall sit continuously to-morrow?

Mr. ALLISON. I do.

Mr. BACON. Does the Senator desire to have a recess and an evening session, or does he intend a continuous session?

Mr. ALLISON. A continuous session, I think, will be most convenient to Senators until 10 or 11 o'clock.

Mr. BACON. I only asked the question in order that we may know how to make our arrangements before we come to the Chamber to-morrow.

RESERVOIR SITES.

Mr. CARTER. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved, to report it favorably without amendment. I ask unanimous consent for its present consideration. It is a small bill, and I think will excite no discussion.

Mr. ALLISON. That is an important bill, and I renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent for the consideration of the bill named by him.

Mr. ALLISON. I will yield to hear the bill read.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CHANDLER. Has the bill been reported from a committee?

Mr. CARTER. It is reported from the Committee on Public Lands.

Mr. STEWART. I should like to know what that bill is, as it makes large reservations.

Mr. CARTER. It does not make any reservations. It allows the reservoir sites to be utilized by the States and citizens. It makes no reservations of any reservoir sites whatever. It merely allows reservoir sites to be set apart to be utilized by citizens of the States.

Mr. STEWART. There are some bills on that subject which are very sweeping.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 2729) granting a pension to Emma Weir Casey;

A bill (S. 2877) granting a pension to Hiram Santas;

A bill (S. 3614) to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River;

A bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama;

A bill (H. R. 1515) for the relief of Hugh McLaughlin;

A bill (H. R. 4121) to correct the military record of George I. Spangler.

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia;

A joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held in Buffalo; and

A joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries.

Mr. ALLISON. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 25, 1897, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 24, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I call up the conference report on Senate bill 1832.

The SPEAKER. The Clerk will read the conference report.

Mr. BABCOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BABCOCK. I rise for the purpose of raising the question of consideration on this conference report. I would like to make a brief statement.

The SPEAKER. The statement can be made only by unanimous consent.

Mr. BABCOCK. The conference report is privileged and can be called up at any time. I raise the question of consideration.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. BABCOCK. I ask for a division.

The House divided; and there were—ayes 56, noes 42; so the House determined to consider the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to" where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Strike out the word "not" in line 31 of the bill, and in place of the language stricken out by said amendment insert the words:

"Except all debts, demands, and liabilities which were due or owing by the old company, which were contracted, accrued, or were incurred, or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road, and its branches so purchased, and all liabilities incurred by said old company in the transportation of freight and passengers thereon, including damages for injuries to employees or other persons, and to property, and which debts, demands, and liabilities have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding, or since the appointment of any such receiver; but such liabilities shall not include any liabilities to other railroad companies except for tickets and freight balances."

Strike out the words "legally chargeable against said old corporation," in the amendment of House numbered 2; and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of lands shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 160 acres or less."

Also strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also after the word "*of*," in line 12 of said amendment, insert the word "any."

Also strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.
DAVID B. HILL,
O. H. PLATT,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill 1832, entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company."

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1866. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2, with respect to the liability of the purchasers for the unsecured debts of the old company, is enlarged to cover the instructions of the House to the conferees on January 29, 1897 (CONGRESSIONAL RECORD, page 1378), and is in accord therewith.

The insertion in detail of all such debts, demands, and liabilities under such instructions renders ungrammatical and unnecessary the words "legally chargeable against said old corporation," and for this reason only they are stricken out.

The amendments of the House numbered 3, 4, and 5 are accepted by the Senate conferees.

The amendment of the House numbered 6 requires the new company to protect the land warranties and contracts of the old. It is not clear that the amendment applies to executory land contracts whereon the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the Senate conferees insisted that such liability should be applied to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard, as illustrated by the general railroad land-grant forfeiture act of September 29, 1890, section 3 (26 Stat. L., 496), where the right is so protected to a maximum of 320 acres on payment to the United States of $1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7 is accepted by the Senate conferees.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Conferees.

Mr. POWERS. Mr. Speaker, this was a Senate bill which came over to the House, and on consideration in the House seven different amendments were proposed and adopted. To some of those amendments the committee having the bill in charge had grave and serious objections at the time they were proposed. One of them related to the land grant made to this company some years ago, the question of the validity of which was pending in the Supreme Court of the United States at the time this bill was under consideration in the House. It was thought by the committee that it was untimely and unwise for Congress to legislate upon a subject that was then pending in the courts, but the House deemed it otherwise, and insisted upon the adoption of the amendment which was proposed by my friend from Illinois [Mr. COOKE]. Since the consideration of this bill in the House and the adoption of that amendment, the Supreme Court has decided the case that was then pending, by which decision it is held that the forfeiture of these lands, as declared by Congress, was valid. Therefore it would seem that there would be no further necessity for this amendment in the bill, but when we came to examine the facts in the case in the Supreme Court it turned out to be a suit in favor of an individual, so that a judgment rendered in that case would not necessarily be an estoppel in other cases that might be pending. Accordingly, your committee have seen fit to recommend the retention of this amendment in the bill, so as to preclude the possibility of any further trouble on that score, and I assume that that will make the bill satisfactory to the gentleman who proposed the amendment.

Another amendment to which we had serious objection was the one numbered seven, which was proposed by the gentleman from Iowa [Mr. LACEY], which required this new company, on the request of any State through which its line might run, to take out a State charter. Our friends upon the other side of the House seemed to have a notion that the General Government, in cases of this kind at least, had no power to grant charters. I thought differently. The committee thought differently. But, however that may be, in order to insure the passage of the bill and meet the objection of gentlemen founded upon that view, the amendment is retained, so I take it that gentlemen who have opposed the bill for that reason will have no further ground of complaint. Some other objectionable features were inserted in the bill which were objectionable to all of the House conferees, for I think I am authorized to say that none of us concurred in the wisdom of those amendments, but the House imposed upon us positive instructions and we could not do otherwise in the conference than carry out those instructions both in their spirit and in their letter. The gentleman from Arkansas [Mr. TERRY] proposed an amendment which has been adopted by the conference committee, and I understand that it meets with acceptance, so that I do not know of a reason why any gentleman can have the slightest objection to the amended bill. And now, unless some gentleman desires to be heard, I will ask for the previous question.

Mr. McRAE. I ask the gentleman to yield to me for a few moments.

Mr. POWERS. Certainly.

Mr. McRAE. I think it is the amendment numbered 6 that you agreed to, with an amendment in the nature of a proviso.

Mr. POWERS. The gentleman is correct.

Mr. McRAE. I want to ask the gentleman if he does not think that the words "not forfeited by the act of July 6, 1886," should be inserted between the words "lands" and "shall," where it refers to uncompleted contracts for the purchase of lands? It seems to me, Mr. Speaker, that this amendment proposed by the conference committee may be construed to have the effect of nullifying what is sought by the House amendment to the bill, and what has been emphatically declared by the Supreme Court of the United States in the case of the Atlantic and Pacific Railroad Company against Robert Mingus, the opinion in which was delivered a week ago last Monday. Our contention for ten years has been, and it is now supported by the decision of the Supreme Court, that the act of July 6, 1886, restored to the public domain all lands opposite the line of the road where it was not co[illegible] at that time, and that being true, the settlers who are on any of these forfeited lands or those who may desire to enter under the public-land laws should take them free from any obligation they may have entered into with the railroad company; and it appears to me that if we do not affirmatively restrict these uncompleted contracts by proper language to lands earned prior to July 6, 1886, we may compel those settlers who been compelled to purchase their peace from the railroad company to comply with their contract as to future payments before they can get title. In other words, do we not legalize contracts of sale made by the railroad company for lands forfeited by the act of July 6, 1886, and which it has no title to?

Mr. COOKE of Illinois. Will the gentleman yield to me for a moment?

Mr. McRAE. Certainly.

Mr. COOKE of Illinois. The gentleman will perhaps remember the language of the amendment that I offered, which required this corporation to positively relinquish and quitclaim by deed, to be filed with the Secretary of the Treasury, all such lands as had not been earned by building the road up to the date of the forfeiture act of July 6, 1886. Now, that is a condition precedent to their reorganization under this charter, and does it not cover all such minor questions as the one raised by the gentleman from Arkansas?

Mr. McRAE. I understand the amendment of the House fully. The same provision, substantially, was in the substitute that I proposed for this bill when it was first presented. To that amendment, with the condition which you and I have insisted from the start should be inserted in this bill, the conferees have attached a proviso that so far as the existing contracts for lands which have been sold are concerned, the settlers may be required to pay the railroad company the balance due it and then the company to make a deed. So that, while we pretend to the settlers that we are making this condition, we are, so far as concerns contracts which have been made, doing no such thing, but, on the contrary, ratifying the illegal contracts.

Mr. COOKE of Illinois. I ask the gentleman whether that could by any possibility apply to the unearned lands after they have been reconveyed and quitclaimed to the United States? Such reconveyance must now be made before this new charter becomes operative.

Mr. McRAE. If it is not intended by the conferees to apply to the forfeited lands, I suggest that they should withdraw this report and insert the words "not forfeited by the act of July 6, 1886." With those words added, no question could arise as to what we mean. If there is no purpose to let this new provision apply to unearned lands, then let us declare clearly upon the face of this act our intention.

Mr. COOKE of Illinois. I had not conceived it possible that if this amendment No. 5 were inserted in the charter there could be any possibility of any claim being made to them by the corporation after they had relinquished by deed all their right, title, and interest in and to the unearned lands. I had not supposed it possible under such circumstances that the railroad company could get the benefit of any such lands after it had conveyed its entire interest in them to the United States.

Mr. McRAE. That would be true if the condition stood without the additional language embraced in the proviso which the conferees have inserted, and it may be with it, but that is not certain. If the conferees do not mean by this proviso to nullify the effect of the condition imposed by the House by a strong vote, then it is due to themselves and the House that they should ask to withdraw the report, so as to insert the language I have suggested. With that language added there can be no question as to the effect of the act. We can not be too careful in dealing with this corporation.

Mr. COOKE of Illinois. But, as I take it, all parts of an act must be construed, if it can be done, so as to be consistent.

Mr. McRAE. But lawmakers, when adopting legislation, should see to it, as far as possible, that they incorporate in the laws no inconsistent provisions to be construed by the courts. That is our duty. The subsequent duty of construing and reconciling inconsistent provisions belongs to the court, and in this way they make a great many of our laws mean what we did not intend.

Mr. COOKE of Illinois. I have not supposed that there was any such loophole as that whatever. I can not conceive of any such question arising as the matter now stands.

Mr. McRAE. I ask the Clerk to read the concluding language of the decision to which I have referred, so that the House may understand that the very contention which has been made by those of us who have sought to have this condition inserted in this bill has been emphatically and without reserve or qualification sustained by the Supreme Court.

The Clerk read as follows:

> Upon the whole it does not seem to us that Congress exceeded its powers in forfeiting this grant. The plaintiff company seems to have undertaken its great enterprise in building a transcontinental railroad without adequate appreciation of the difficulties to be surmounted, which finally caused a total suspension of its work; and when, in 1880, after the panic of 1873 had spent its force, it resumed operations, the time had already expired for the completion of the road, and it was only by the inaction or indulgence of Congress that it was permitted to proceed. So far as the road was built and accepted by the Government after that time, it was probably entitled to receive its appropriate land grant, but this was rather a matter of favor than of strict right. During this long period, from 1871 to 1880, it should, under its charter, have constructed at least 50 miles per year, and should have completed the whole road by July 1, 1878. But it did nothing. After this long inaction of nine years and its practical abandonment of the work, the company was not in a position to demand of the Government a strict and literal performance of its obligations when it had so completely failed to meet its own. While the reservation of some of these lands for the benefit of the Indian tribes might not have been consistent with its obligations to extinguish Indian titles, if the company had been prosecuting its work according to its contract, we do not think that it is entitled to complain that the Government did not deal with it precisely as if it lived up to its undertaking.
>
> The judgment of the court below must therefore be affirmed.

Mr. McRAE. Now, Mr. Speaker, I hope the conferees will consent to withdraw this report and incorporate in the bill the amendment which I have suggested. If that be not assented to, then I hope the House will reject the report, and then I shall ask that the conferees be instructed to insert, after the word "lands" and before the word "shall," in the amendment which they propose to the sixth amendment of the House, the words "not forfeited by the act of July 6, 1886;" so that the settlers and purchasers who have contracts with the railroad company for forfeited lands which, under the decision of the Supreme Court, the company had no right to sell will be freed from any such contract, instead of being required to pay the railroad company the contract price before they can get their title to public lands.

Mr. POWERS. Mr. Speaker, it is quite apparent that the objection of my friend from Arkansas [Mr. McRAE] is purely technical. The amendment which was proposed by the gentleman from Illinois requiring this railroad company, as a condition precedent to the right to reorganize, to convey back their entire title to the lands that were granted to them under the act of 1866 takes away from the company all title whatever in these unearned land grants.

Now, the object of the proviso which was put in here by the committee of conference was to cover the salvo that was left in the forfeiture act itself, which provided that it should not be operative to dispossess settlers who had made their purchases in good faith, but that such settlers should have the right to go on and perfect their titles. The proviso which the committee has inserted simply enables those purchasers to pay the balance of their unpaid purchase money to the company and take the lands. What more could be asked? The gentleman's proposed amendment is wholly unnecessary. The whole ground is covered by the legislation proposed in this bill.

Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The question being taken on agreeing to the report of the committee of conference, it was agreed to; there being on a division (called for by Mr. McRAE)—ayes 100, noes 24.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. I ask for the regular order.

The SPEAKER. The Committee on Accounts has a matter to present.

PAY OF HOUSE EMPLOYEES.

Mr. TRACEY, from the Committee on Accounts, submitted a report; which was read, as follows:

> The Committee on Accounts, to whom was referred sundry resolutions, beg leave to report as follows:
>
> Resolution No. 511, to pay William Richardson $178.27, being the difference between his salary as folder, at $840 per annum, and that of acting assistant foreman in the folding room, at $1,200 per annum, from September 1, 1896, to March 4, 1897, is disapproved.
>
> Resolution No. 522, authorizing the Clerk of the House to pay Frank E. Wanser and John W. Herndon $90 each, for extra services rendered during the summer of 1896, is disapproved.
>
> Resolution No. 438, directing the Clerk of the House to pay W. H. Grimshaw for services performed as messenger to the Committee on Ways and Means from June 12, 1896, at the rate of $60 per month, is disapproved.
>
> Resolution No. 434, directing the Clerk of the House to pay to J. E. Winter for services performed as a folder under the Doorkeeper of the House from the 11th of June to the 11th day of December, 1896, for services in the Clerk's document room during the recess of Congress has been amended so that the compensation shall date from the 11th day of July, instead of the 11th day of June, 1896, at the rate of $75 per month, and in that form is approved.
>
> Resolution No. 443, directing the Clerk of the House to pay J. C. Hiatt for three months' services performed under the Clerk of the House in the Clerk's document room during the recess of Congress, at the rate of $75 per month, is approved.
>
> The employment of Messrs. Winter and Hiatt was made necessary by the rapid accumulation of documents specially bound for members of Congress. No other provision had been made for it, and the services of these men were indispensable.
>
> Resolution No. 548, for the preparation, printing, and binding of 500 copies of the Digest of Contested Election Cases in the Fifty-third and Fifty-fourth Congresses has been amended so as to read, "1,000 copies of the Digest of Contested Election Cases," instead of "500 copies;" and in that form is approved.

The committee, in conclusion, recommended the adoption of the resolutions accompanying the report.

The first resolution was read, as follows:

> (434) *Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay to J. E. Winter the sum of $375, for services performed as a folder under the Doorkeeper of the House of Representatives from the 11th of July to the 11th day of December, 1896, both days inclusive, for services in Clerk's document room during the recess of Congress.

The SPEAKER. The question is on the first resolution.

Mr. DOCKERY. It is almost impossible to determine exactly the status of that report. Approvals and disapprovals are intermixed.

The SPEAKER. The resolutions in the cases where approval is given are presented to the House separately. The resolution that has just been read is what the House passes upon. That is approved by the committee, and they report the resolution, and the question is on agreeing to the resolution.

Mr. DOCKERY. But, Mr. Speaker, some other approvals were noted in the report.

The SPEAKER. Those will be acted upon in resolutions which will be submitted separately to the House.

The first resolution was agreed to.

The Clerk read the second resolution, as follows:

> (443) *Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay J. C. Hiatt the sum of $225 for three months' services performed under the Clerk of the House between August 1, 1896, and December 1, 1896, in the Clerk's document room, during the recess of Congress.

The resolution was agreed to.

The Clerk read the next resolution, as follows:

> (548) *Resolved*, That there be printed and bound for the use of the House 1,000 copies of the Digest of Contested Election Cases in the Fifty-third and Fifty-fourth Congresses, together with an index of the same, to be prepared by Henry C. Morton and Charles D. Rooney, clerks to the Committees of Elections numbered 2 and 3, respectively, during the Fifty-fourth Congress, for which, and for the necessary preparation and superintendence thereof, there shall be paid said persons, by the Clerk of the House, out of the contingent fund, the sum of $2,500; said sum to be paid when the manuscript of the work shall have been delivered to the Public Printer.

Mr. DANIELS. Mr. Speaker, I desire to propose an amendment to this resolution.

The amendment was read, as follows:

> In line 4, after the words "to be prepared by," insert "William A. Martin;" and in line 6, after the word "numbered," insert "one."

Mr. McMILLIN. How did this get before the House?

The SPEAKER. On a report from the Committee on Accounts.

Mr. TRACEY. I desire to say, Mr. Speaker, that inasmuch as that amendment simply includes the clerk of the other Committee on Elections, it is accepted by the committee.

Mr. DOCKERY. What effect does it have on the amount?

Mr. TRACEY. None at all. It does not change the amount.

Mr. McMILLIN. I will ask consent to have the resolution read again.

The SPEAKER. The Clerk will again read the resolution, if there be no objection.

The resolution and amendment were again read.

Mr. McMILLIN. I will ask for the reading of the report that accompanies this resolution.

The SPEAKER. The report has been read.

Mr. McMILLIN. It was read on the consideration of the former resolution.

The SPEAKER. It was read in full.

Mr. McMILLIN. The report was on all the matters embraced in the resolutions?

The SPEAKER. All the matters.

Mr. McMILLIN. We should like to have a statement with reference to the necessity for this printing and compilation.

Mr. TRACEY. I desire to say with reference to this matter that the committee made a somewhat exhaustive investigation of the precedents, and found that in prior Congresses the smallest amount that has been heretofore paid for the compilation and digesting and indexing of these cases was $1,000, when there were but six cases to file, index, and digest, and the conclusion of the committee, therefore, was that the amount was reasonable.

Mr. SHAFROTH. Are not these men now already getting $2,000 per annum apiece from the Government?

Mr. TRACEY. These clerks of the Elections Committees are named in the resolution because of their extreme familiarity with the cases, and their ability, therefore, to do the work better than it could be done by some other person.

Mr. STEELE. I should like to ask the gentleman if they have not leisure to do this work?

Mr. TRACEY. I desire to yield to the gentleman from Indiana [Mr. JOHNSON] for a further statement in regard to this matter.

Mr. STEELE. I desire to have a motion pending to strike out "$2,500" and to make it $100.

The SPEAKER. Does the gentleman yield?

Mr. TRACEY. I do not yield for an amendment. I want to yield to the gentleman from Indiana [Mr. JOHNSON].

Mr. STEELE. I suppose opportunity will be given to offer amendments.

Mr. JOHNSON of Indiana. Mr. Speaker, if I can have the attention of the House, I would like briefly to present the merits of this resolution. As is generally known, it has been the custom from time immemorial to digest the contested election cases decided by the House. That work has generally been let to the clerks of the Elections Committee, where they were competent to perform the duty. There were in the Forty-fifth Congress 22 cases in the digest; in the Forty-seventh Congress 20 cases; in the Forty-eighth, Forty-ninth, and Fiftieth Congresses 28 cases, and in the Fifty-first Congress 17 cases. In the last Congress there were, I think, 6 cases. In the present Congress there have been 35 cases in all decided. This resolution calls for the digesting of the five or six cases in the preceding Congress and the 35 cases in this Congress, making a total of over 40 cases.

Mr. McMILLIN. How many of these cases were not really contested?

Mr. JOHNSON of Indiana. I can speak more accurately as to the cases presented to the committee of which I have the honor to be chairman; and I think there was but one.

Mr. MOODY. And one in Committee No. 1.

Mr. JOHNSON of Indiana. Nearly all of these cases were carefully considered by the various committees, and lengthy and elaborate reports were made. Many of them involved very important questions of law touching the construction to be placed, in some instances, upon the Australian ballot system which has been, as is generally known, recently introduced into this country. Now, the present committees have been obliged to reach their conclusions without having before them the decisions which were made in the last Congress. Inasmuch, however, as there were not a great many of these cases, it has not been a serious disadvantage; but there are a large number of contested-election cases to be considered in the next Congress, and I do not see how it will be possible for the members of the Elections Committees of that Congress to discharge their duty properly unless they have before them the latest precedents well digested—that is, the thirty-five cases decided by the present Congress. The committees of this House have discharged their proper duties and disposed of all the cases that were referred to them.

Mr. BARTLETT of Georgia. Will the gentleman allow me?

Mr. JOHNSON of Indiana. They feel that they would fail to discharge their duty if they did not make an effort to have these cases digested for the benefit of the Committees on Elections in the next Congress. This duty, under this resolution, is placed in the hands of persons who will undertake it at once, and the digest will be completed and ready for the use of the Committees on Elections at the first regular session of the next Congress; as it is apprehended but very few election cases will be decided at the approaching special session.

Mr. BARTLETT of Georgia. I desire to say that the reason it is necessary to include the cases decided in the Fifty-third Congress is that, although a resolution was passed, the clerk did not perform the duty.

Mr. JOHNSON of Indiana. I think the gentleman is right about that. The gentleman from New York desires to ask me a question.

Mr. BARTLETT of New York. I desire to ask the gentleman what will be the total expense?

Mr. JOHNSON of Indiana. The total expense will be the amount named in the resolution, and then the cost of printing.

Mr. BARTLETT of New York. That is $2,500?

Mr. JOHNSON of Indiana. Twenty-five hundred dollars.

Mr. BARTLETT of New York. Are these men to be paid $2,500 for merely preparing the headnotes of these cases?

Mr. JOHNSON of Indiana. The gentleman will understand that this digest, unless it is well prepared, will not be worth the paper it is written on—not worth a dollar.

Mr. BARTLETT of New York. Does the gentleman——

Mr. JOHNSON of Indiana (continuing). But if it is well prepared, so that it will be useful to a lawyer, if done in a lawyer-like manner, it is amply worth the amount stated in the resolution to prepare it.

Mr. BARTLETT of New York indicated a desire to ask another question.

Mr. JOHNSON of Indiana. The gentleman will pardon me. These cases, when digested, will make a very large volume. If the digesting is deferred until the next Congress, that Congress will not only lose, in the consideration of its contested-election cases, the benefits of the precedents established by this Congress, but when it is attempted to make a digest for the future of the cases decided in this Congress and the next Congress, there will be so many of the cases that it will take two volumes.

Mr. BARTLETT of New York. Will the gentleman allow me to ask him one more question?

Mr. JOHNSON of Indiana. Certainly.

Mr. BARTLETT of New York. You mean by the use of the word "digest" preparing headnotes, do you not?

Mr. JOHNSON of Indiana. The work has been called "digesting." In point of fact, however, the work is very similar in its nature to the reporting of cases as done by the various reporters of the supreme courts of the States.

Mr. BARTLETT of New York. Yes.

Mr. JOHNSON of Indiana. The cases are arranged in proper order, and there is a syllabus prepared to each case; and all the authorities are digested and arranged under a proper alphabetical designation at the end of the book, the same as is done with respect to the reports of the various States. There is also, of course, a list of the cases to facilitate reference.

Mr. BARTLETT of New York. My impression was that the work would be such as the gentleman states. Now, does he mean to say that any of our State reporters are paid at any such rate as that—$2,500 for forty headnotes?

Mr. JOHNSON of Indiana. I do not know the rate at which the various State reporters are paid, but I do know that it requires peculiar legal knowledge and skill to be able to take up one of these cases and digest it properly, extracting the heart of the controversy and putting it properly in the form of an instructive syllabus, and then making a proper digest of it at the end of the volume. And I know more than this. I know that the clerk of the Committee on Elections No. 2 is a gentleman who has read law thoroughly, who has been associated with lawyers all his life, who has intelligently followed the work of the committee, and who is thoroughly qualified to make a good lawyer-like digest.

Mr. BARTLETT of New York. These men who are to prepare this digest are very familiar with these cases, are they not?

Mr. JOHNSON of Indiana. Each gentleman, I presume, is familiar with the cases decided by his committee, but none of them is familiar with the cases that were decided in the last Congress.

Mr. BARTLETT of New York. That is, they are not familiar with the five cases that were decided in the last Congress, but they are familiar with the thirty-four cases that have been decided in the present Congress?

Mr. JOHNSON of Indiana. They are familiar with them in the sense that they know the cases were decided by the committee and had some conception of the questions involved at the time; but the gentleman will bear me out in saying that a general familiarity with a number of long decisions is not sufficient to enable a man to sit down and compile a proper digest in a few moments. The gentleman is too good a lawyer not to know that it requires legal training to be able to take up a case, to go over it in detail, to ascertain what was the actual point of the controversy decided, and to make such a syllabus as will present the matter fairly to the mind of the average lawyer. To do that a man must have the legal training which will enable him to draw nice distinctions and discriminations, and to comprehend that which is pertinent and material.

Mr. STEELE. May I ask the gentleman a question?

Mr. BARTLETT of New York. Will the gentleman permit me to ask him another question?

Mr. JOHNSON of Indiana. I yield to the gentleman from New York interminably. [Laughter.]

Mr. BARTLETT of New York. Now, if these men are as familiar with the cases and as competent as the gentleman states, they must know what was decided in each particular case, and they doubtless have now prepared, either on paper or in their minds, a statement of the principles involved in each case, so that in a few minutes they could reduce it to writing. Now, that being so, why throw away $2,500 of the public money?

Mr. JOHNSON of Indiana. Mr. Speaker, if the acquisition of the law is as easy a matter as the gentleman seems to think, then we all ought to engage in its practice. If the gentleman is right, it requires no special preparation or training.

Mr. BARTLETT of New York. I mean that if a man has been familiar with a case he can determine at once the principle or principles involved in the decision of that case.

Mr. JOHNSON of Indiana. Well, a practicing lawyer may have read carefully in time past a number of cases, yet if there is no syllabus of them it will require intelligent care and painstaking thought on his part to get at the heart of each decision and put it into the form of an accurate and comprehensive digest.

Mr. BARTLETT of New York. Are these clerks lawyers?

Mr. JOHNSON of Indiana. Speaking for the Committee on Elections No. 2, I can say that the clerk of the committee is a gentleman who has read law quite thoroughly and I think has practiced some, and he is well equipped with information and qualified by training to make a good digest. I am informed that the clerk of the Committee on Elections No. 3 has taken a thorough course in law and is also well equipped for this work.

Mr. BARTLETT of New York. Now, is not this in reality a partisan matter?

Mr. JOHNSON of Indiana. How in the world did the gentleman ever get such an idea as that into his head? Certainly not. [Laughter.] This is a bona fide effort on the part of the chairmen of the several Elections Committees to do what they conceive it to be their duty to do in the closing hours of this session, to have prepared a digest of these election cases in a proper and lawyer-like manner, to the end that the next Congress, in the disposition of the many cases that will come before it, may have the advantage of these precedents to guide it.

Mr. PAYNE. I should like to ask the gentleman a question.

Mr. JOHNSON of Indiana. I will deal with the gentleman more courteously than he dealt with me the other day; I will gladly yield to him.

Mr. PAYNE. That is only on a par with the usual courtesy of the gentleman from Indiana. I rise to ask the gentleman a pertinent question with reference to this matter.

Mr. JOHNSON of Indiana. Before the gentleman asks his question, however——

Mr. PAYNE. I would like to ask the gentleman, who is chairman of one of these Election Committees, how far the committee or the House are bound, or how far the House has bound itself, in deciding election cases during this Congress, by precedents established by other Congresses? In other words, my question is whether each Congress does not decide these cases according to its own sweet will, and according to its own interpretation of the clause of the Constitution which makes each House the judge of the qualification and election of its own members.

Mr. JOHNSON of Indiana. Mr. Speaker, I am quite a little surprised at hearing a question like that from a gentleman who is so good a lawyer as the gentleman from New York. I take it that this House, in deciding election cases, is not governed entirely by its own sweet will, but acts in conformity to the precedents set by prior Congresses, and, in view of the fact that a great many cases have been reported to this House by the Committees on Elections without regard to party lines and have been decided by the House in a nonpartisan and judicial spirit, my answer to his question is that there is a growing disposition in the American House of Representatives to be bound by just precedents. I hope that the House will continue to improve in this respect in the future.

Mr. PAYNE. To be bound by the precedents of former Congresses?

Mr. JOHNSON of Indiana. To be bound by the just precedents of former Congresses. And I say to the gentleman further that so far as the work of the Committee on Elections No. 2 is concerned, I know that the committee has been greatly aided in its deliberations by precedents set in former Congresses.

Mr. PAYNE. One more question, if the gentleman will allow me.

Mr. JOHNSON of Indiana. I shall be glad to yield to the gentleman further.

Mr. PAYNE. I want to ask the gentleman why, as the Fifty-third Congress did not think it worth while to prepare a digest of their election cases, we should prepare a digest of those cases now?

Mr. JOHNSON of Indiana. Because, as we all admit, this is the best Congress that ever assembled; and for the further reason that in the Fifty-third Congress there were only five or six contested-election cases decided. Here are thirty-four contested-election cases. The gentleman, being a lawyer, must know that a lawyer can not work without the tools of his trade any more than a carpenter can.

Mr. PAYNE. But if that Congress or the majority of that Congress did not think it worth while to put in a permanent and accessible form the decisions they had made, why should we go into that work?

Mr. JOHNSON of Indiana. The mere fact that a particular Congress failed to put its election cases into the form of a digest is not conclusive evidence that it did not think it necessary that it should be done at some time. It has been customary, as my friend will find upon an examination of the facts, to allow a couple of Congresses to run before a digest is ordered, particularly where but few cases have been decided. It is desirable that the cases should be allowed to accumulate until there are enough to make one good-sized volume. The cases now decided, but not yet digested, will make a very large-sized book, as I have already stated.

Mr. COX. May I ask the gentleman a question?

Mr. JOHNSON of Indiana. I had no idea of being catechised either so generally or so severely. But let the gentleman proceed with his question.

Mr. COX. As I understand, the proposition is to pay these clerks of committees a certain amount of money to make this digest, or whatever you may call it?

Mr. JOHNSON of Indiana. Certainly.

Mr. COX. Are they not annual clerks, receiving salaries of $2,000 each?

Mr. JOHNSON of Indiana. They are annual clerks, receiving that salary.

Mr. COX. One more question. After Congress adjourns, what duties have these clerks to perform, as annual clerks, receiving a salary of $2,000 a year, except to do such work as the preparation of this digest?

Mr. JOHNSON of Indiana. Mr. Speaker, these are annual clerks; but it is no part of their duty to prepare a digest. It never has been so considered. Soon after Congress adjourns, their salaries will cease. They are not paid to make digests; that is not a part of their duty. There has never been a time in the history of Congress when a clerk has been asked to make a digest simply because he was receiving a salary as clerk. This work is entirely outside of any work properly performed by a clerk. I want to get that idea into the minds of members of the House—that it has never been considered part of a clerk's duty to make a digest unless he is specially compensated for it.

Now, Mr. Speaker, I will gladly yield to any gentleman who desires to ask any question.

Mr. SHAFROTH. I wish to ask whether these clerks have the time during vacation to prepare these digests?

Mr. JOHNSON of Indiana. I suppose that after their terms

have expired and after their salaries as committee clerks have ceased, they have leisure time; but that time belongs to themselves—not to the Committees on Elections or to this House.

I repeat, there has never been an instance in the history of Congress in which anybody has claimed that it was a part of the duty of clerks to prepare digests. And it is a fact also that many a clerk to the Committees on Elections has lacked the legal capacity to make a good digest.

Mr. BARTLETT of New York. Would it not be a wiser expenditure of public money to buy some elementary book on election law and send a copy of it to each member of the House and the Senate?

Mr. JOHNSON of Indiana. The gentleman, being a lawyer, and knowing all law, will understand that there is no very recent edition of any work on elections. Paine and McCrary are the two standard books, and as to these, I believe, the editions are quite old. These cases which it is now sought to digest are cases which have been decided by the present Congress. Now, the gentleman may be ashamed of the work of the House or of its committees, and may not want to see the work of the committees in print; but I take some pride in these cases, because I undertake to say there never has been a Congress in which contested-election cases were to the same extent as in the present Congress decided on their merits and without the influence of partisan feeling. I confess that I am surprised that when we are asking the passage of a resolution which proposes at so small an expenditure to preserve these precedents for the use of future Congresses, gentlemen who have voted vast appropriations without any sign of discontent should now be disposed to quibble on a matter involving so insignificant a sum as this.

Mr. BARTLETT of New York. What is to be the title of the book? Johnson's Digest?

Mr. JOHNSON of Indiana. The gentleman, I suppose, aims to be serious. He amuses the House most when he is in a serious mood. I wish he possessed the capacity to grasp the matter involved. As a lawyer he should know that it is absolutely necessary that a man should have the tools of his profession in order to properly practice it. I yield now to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. The gentleman from Indiana seems to be thoroughly familiar with this whole matter, and I wish to ask him whether it is usual for the Committee on Accounts to report resolutions of this character?

Mr. JOHNSON of Indiana. Mr. Chairman, in answer to the gentleman, I will say that I do not know whether it is usual for the Committee on Accounts to report such resolutions or not, but I deemed that it was the appropriate committee, and I took the advice of those at the desk, who were better posted in reference to such matters than I, when the reference was made. There has been no disposition to do anything but what was right in the matter. The purpose has been to present it fairly to the House, because the resolution is a meritorious one, whatever may be the action of this body.

Mr. PERKINS. The gentleman from Indiana will excuse me further——

Mr. JOHNSON of Indiana. Certainly.

Mr. PERKINS. The purpose of the resolution seems to be to provide compensation for the work of digesting these election cases. So far as that is concerned, I can conceive that it is quite competent for the resolution to come from the Committee on Accounts. But the resolution also provides for the printing of this digest after it has been prepared. Now, so far as the Committee on Printing are concerned, in each case of this character that committee are required to report to the House the cost of the proposed printing. I have not heard in this instance any estimate from the Public Printer of the cost of this work, but only of the expense of making the digest.

Mr. JOHNSON of Indiana. Is the gentleman asking me a question?

Mr. PERKINS. I desire to ask the gentleman what further expense will be involved in the printing of this digest after these clerks have been paid for the work of preparing that document?

Mr. JOHNSON of Indiana. Mr. Speaker, I do not know what will be the expense of printing the document.

Mr. DANIELS. It will be impossible to tell until the manuscript is prepared.

Mr. JOHNSON of Indiana. It is impossible to tell. It will depend upon the size of the document. It will be a large document. There are many pages of the reports that will have to be published. There are also minority reports made which will have to be included. The gentleman from New York speaks as if it is an easy matter to make a good digest, as if a man can write a digest in five minutes' time, without any reflection; but the truth is, that the work is a very onerous one, and that there are voluminous reports which must be examined. I know that the work is an absolute necessity, and that I would not dream of serving on the Committee on Elections in the next Congress, nor do I believe any lawyer in this House would do so, unless he knew he was to have the precedents to guide his action. Knowing that it is a necessity, if the House sees fit to adopt this resolution, I apprehend that the printing will follow in logical sequence.

Mr. PERKINS. I simply desire to add, Mr. Speaker, that I have no sensitiveness whatever in the matter of this report coming from the Committee on Accounts instead of the Committee on Printing, for if any committee is disposed to take off from the hands of the Committee on Printing any of its work, that is all very well. But in every instance where the Committee on Printing makes a report, it is required to make an estimate of the cost; and if other committees are going to enter upon this work, I desire that they shall be held to the same restriction as the Committee on Printing. I will say to the gentleman that that is the law.

Mr. JOHNSON of Indiana. I want to say to the gentleman that this resolution simply provides for the digesting, and does not provide for the printing, and I suppose that is the reason why the Committee on Accounts neglected to make a statement of the expense of the printing. The cost of printing will have to be attended to afterwards.

It is the earnest desire of the Committees on Elections that this resolution be passed, so that the clerks may get to work as soon as they can and get their manuscript ready for the Printer, in order that the whole book may be completed and be on the shelves of the Committees on Elections in time for the next regular session of Congress. It is apprehended that there will be but very few, if any, of these cases decided at the special session. Members know how that is.

Mr. PERKINS. I understood that this resolution also provided for the printing.

Mr. JOHNSON of Indiana. It does not, as I remember it; but if it passes I shall take steps to supplement it with a provision for the printing, so that the House at the regular session may have the benefit of these decisions.

Mr. DANIELS. This resolution does provide for sending the manuscript to the Printer.

Mr. JOHNSON of Indiana. It provides for sending the manuscript to the Public Printer.

Mr. RAY. I should like to ask the gentleman a question, which I think is a practical one, or I should not ask it.

Mr. JOHNSON of Indiana. Certainly.

Mr. RAY. In making your report on a case, the Committee on Elections, of course, embrace therein a brief statement of the questions involved, and of what your opinions are, in each case that comes to the House. Now, if the House supports the findings of the majority of the committee, why would not a mere reprint of the reports of the committees, with a statement of the vote of the House on the questions submitted, constitute an ample, sufficient, and intelligent digest of all these cases?

Mr. JOHNSON of Indiana. I am going to answer the gentleman's question by asking him one. I believe there is pretty good authority for that. What is the use of printing the syllabus of a law case? Why not let the lawyer read through the entire decision and find out what it was that the court decided? Of course there must be a syllabus and digest in order to economize time and labor.

Mr. RAY. That is all true.

Mr. JOHNSON of Indiana. Upon the theory that "art is long and time is fleeting."

Mr. RAY. That is all true; but let me suggest to the gentleman that in these law cases the reports go all over the country and into the hands of thousands of lawyers, and it is much more important that you have a brief synopsis of each case than it is here in the House, I think. Now, of course, if it is regarded as absolutely essential to have this brief statement, it seems to me that it could be made up from the reports themselves, very briefly, with very little labor and at very little expense.

Mr. JOHNSON of Indiana. Well, the gentleman, I fear, like the gentleman from New York, entertains an idea that I apprehend is not generally entertained by lawyers, and that is that legal attainment is a mere matter of moonshine, very easily acquired. If so, I submit that the practice of the profession ought to be turned over to the butchers and the bakers, and that lawyers should get out of the legal arena altogether.

Mr. DOCKERY. I desire to ask the gentleman what is the largest amount that has heretofore been paid by the House for this service?

Mr. JOHNSON of Indiana. I will answer the gentleman by saying I do not know. I simply know that the amount in the Fifty-third Congress, when there were only six cases, was $1,000.

Mr. DOCKERY. Another question.

Mr. JOHNSON of Indiana. Certainly.

Mr. DOCKERY. Is the gentleman satisfied with the wording of this resolution? There is a section of the statute prohibiting two salaries being paid to one person. Do I understand these gentlemen are already on the annual rolls and receiving salaries?

Mr. JOHNSON of Indiana. The gentleman will understand that this work is to be performed outside of the work of the clerks as annual clerks.

Mr. DOCKERY. The gentleman thinks that the statute would not apply?

Mr. JOHNSON of Indiana. This is the customary resolution adopted in such cases by the House when the committee clerks have been appointed to do the work. I believe it will answer.

Mr. JOHNSON of California. Mr. Speaker, I rise to a parliamentary inquiry. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of California. I would like to know if the opponents of this resolution can get the floor except by asking a question of the gentleman from Indiana?

The SPEAKER. The gentleman from Indiana has how much time yielded to him by the gentleman from Missouri in charge of the resolution?

Mr. TRACEY. I yielded the time necessary to make his statement. A great deal more time has been consumed in the asking of questions than was expected.

Mr. JOHNSON of Indiana. Of course, Mr. Speaker, I am not responsible for the extended remarks that I have been obliged to make in order to treat gentlemen with courtesy.

Mr. JOHNSON of California. Is there any way by which anybody opposed to the resolution can be heard?

The SPEAKER. Gentlemen opposed to the measure can be heard by time being yielded to them by the gentleman from Missouri. If he does not yield them some time, then the other side will be recognized by the Chair. At any time the gentleman from Missouri can move the previous question, and then it will be for the House to decide.

Mr. JOHNSON of Indiana. I desire to add a few remarks.

Mr. MILES. I desire to ask the gentleman whether all these clerks are lawyers?

Mr. JOHNSON of Indiana. I can only speak for the clerks of Committees Nos. 2 and 3. They have both read law. I have stated their qualifications. I know nothing about the qualifications of the clerk of Committee No. 1, whose name is moved as an amendment; I do not know anything about that gentleman's qualifications.

Mr. MILES. I am told that one of them at least is not a lawyer. I would like to ask the gentleman if he candidly thinks—and I believe he has stated that it requires a professional man—that a man who is not a lawyer will be of any service?

Mr. JOHNSON of Indiana. I think a man should have read and should understand the general principles of law before he can make a proper digest. We have two clerks possessed of this qualification: and if I did not think they were possessed of it, I would not for a minute recommend their assignment to this duty, because I know that a digest would be worthless unless properly prepared.

Mr. MILES. As I understand, the gentleman does not approve of the amendment to his proposition?

Mr. JOHNSON of Indiana. I do not know anything about the qualifications of the gentleman named in the amendment. The gentleman from Tennessee desires to ask me a question.

Mr. RICHARDSON. I understood the gentleman to state——

Mr. TRACEY. Mr. Speaker, I believe the matter is fully understood by the House.

Mr. JOHNSON of Indiana. I think the gentleman from Tennessee should be recognized to ask a question.

Mr. RICHARDSON. I understood the gentleman from Indiana to say that this resolution did not provide for the printing of this digest?

Mr. JOHNSON of Indiana. It does not, as I remember it.

Mr. RICHARDSON. It does provide on the face of it that the digest shall be printed. The resolution infers the printing. I thought the gentleman was mistaken when he said it did not provide for the printing.

Mr. JOHNSON of Indiana. I thought it did not.

Mr. RICHARDSON. It does.

Mr. JOHNSON of Indiana. I am very glad it does. It is just as important to print as to prepare a digest. I simply want a word or two more.

Mr. TRACEY. It is clear——

Mr. JOHNSON of Indiana. I want to suggest one thing more. I hope the House understands that these contested-election cases have been digested from time immemorial. This resolution is simply designed to continue a publication which has prevailed from the organization of the Government to this time. The Committees on Elections have tried to do their duty to this House faithfully, and I know that they have in many cases been commended by gentlemen on the opposite side of the Chamber for the fairness with which they have acted. They have not asked anything wrong. They are not now asking anything wrong. As I have said before, they feel that it is their duty to see that these decisions are preserved and embodied in the form of a digest. They feel that in attempting this they are but discharging a plain duty which they owe to the Congress that is so soon to convene as well as to all future Congresses. The lack of such a digest will be a serious impediment in the way of the Committee on Elections of the Fifty-fifth Congress in the discharge of the laborious duties which will devolve upon it. The question is for the House to determine. It can vote down the pending resolution if it desires. I have done my duty, and I believe the other gentlemen concerned feel that they have done their duty in the premises in presenting the matter to the House.

Mr. TRACEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, in answer to the objection which has been made that the secretary of Committee on Elections No. 1 is not a lawyer, I would say that it is absolutely essential that each one of these secretaries of the committees on elections shall be engaged in this work, for the reason that neither one of them knows what was done by the committee of which he was not the secretary or clerk. Each is familiar with the work of his own committee, and can go on and make a statement of cases with which the others are unfamiliar, and unless each of these secretaries is employed and unless they all coöperate, the work, if done at all, must be imperfectly and insufficiently done.

As to the suggestion of the gentleman from New York [Mr. PAYNE] that a standard work might be published and circulated among members for the sum of money that it is proposed to be paid for this digest, I would say that no work of standard authority coming down to the present time—even if such a work exists—can be purchased and paid for and distributed among the members of the House at so cheap a price as that which is specified in this resolution for preparing this work. In other words, it would cost more to purchase a standard work coming down to the present time, if any such could be found, than it is necessary to appropriate for carrying out the plan of the committee, and the work can not be properly and competently done unless it is done with the coöperation of all of these persons, each one bringing to bear upon the subject the separate and independent knowledge which he has of the proceedings that have taken place before the committee of which he was clerk or secretary and consummated by the House.

Mr. POWERS. If it be true that it is necessary to have the secretary of each Elections Committee engaged in this work so as to properly set forth the work of that committee, how can any of these secretaries report intelligently on the work of the Fifty-third Congress?

Mr. DANIELS. They will be obliged to take up the records of the Fifty-third Congress and study them and make out the digest from those records and report as best they may. The number of cases decided in that Congress was small and the cases were comparatively simple, while in this Congress there has been a large number of cases, many of them extremely complicated, and involving important principles which can not fail to be instructive and useful in the investigation of election cases hereafter. [Cries of "Vote!" "Vote!"]

Mr. PAYNE. I ask the gentleman from Missouri [Mr. TRACEY] to yield me a few minutes.

Mr. TRACEY. Mr. Speaker, I believe the House is now in full possession of the merits of this question.

Mr. PAYNE. Does the gentleman propose to refuse to yield to anybody except those who are in entire sympathy with the resolution as it stands?

Mr. TRACEY. I yield two minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I do not believe that this resolution ought to pass in its present shape. I do not believe there is any reason or excuse for paying these men $2,500 to prepare this digest. I understand that the amount usually paid in previous Congresses for such work has been about $1,000, and I do not know why we should go beyond that amount.

Mr. JOHNSON of Indiana. Mr. Speaker, will the gentleman——

Mr. PAYNE. Do not interrupt me, please. I have only two minutes. I do not know, Mr. Speaker, why we should go further to look for more business for these gentlemen by setting them to prepare a digest of the cases decided in the Fifty-third Congress, if that Congress did not have confidence enough in its own decisions to digest them. I believe that the resolution ought to be amended so as to confine the work to a digest of the decisions of this Congress, and that if we give these men $500 apiece for it we shall be giving them more than is ample for the work to be done. I want to make the further suggestion that these gentlemen are to hold their offices until their successors are appointed, which may not be until next fall (though possibly it may be done at the next session), and if the compensation which they will receive during the vacation, in addition to the $500 which I propose to allow them, is found to be insufficient, then the next Congress can increase it. It is proposed to continue them in office, as I have stated, and if they are going to prepare this digest I do not think they should be allowed for that work more than has usually been

allowed for such work in previous Congresses; and if it is in order I will move an amendment limiting this amount to $1,500 and confining the work to a digest of the decisions of election cases in this Congress.

Mr. TRACEY. I yield two minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. PAYNE. Is my amendment in order, Mr. Speaker?

The SPEAKER. The Chair thinks it is not in order without the consent of the gentleman from Missouri.

Mr. McMILLIN. If the gentleman offered the amendment in his own time it would be in order, the previous question having been ordered.

The SPEAKER. The Chair thinks that when a gentleman yields the floor under such circumstances, retaining control of it, an amendment can not be offered without his consent, because he has a right to test the will of the House by moving the previous question free from the amendment.

Mr. DOCKERY. Then the only way will be to vote down the demand for the previous question in order to reach the amendment of the gentleman from New York.

The SPEAKER. The proper way is to vote it down if the House desires to consider the amendment.

Mr. McCALL of Massachusetts. Mr. Speaker, with regard to the statement of the gentleman from New York [Mr. PAYNE], that we should not prepare a digest of the cases in the Fifty-third Congress because the House of Representatives of that Congress did not have enough confidence in the wisdom of its decisions to provide for that work, I would say that there were in that Congress a number of very valuable minority reports in which I have a great deal of confidence, and I think it would be a wise and profitable thing to have those reports digested.

I wish to say, however, seriously, that it seems to me, in order to complete this work and bring it up to date, the decisions of the Fifty-third Congress should be digested. Some of them very probably will stand as legal curiosities; but at the same time we should keep up the records, so that future committees may be able readily to find out precisely what has been done in previous Congresses.

I remember that during that Congress the gentleman from Missouri [Mr. DOCKERY], who is a very safe man to follow upon these matters, in speaking upon a resolution providing for digesting the cases in the previous Congress, the Fifty-second, said that it was a usual thing, and that a thousand dollars was a reasonable sum for the work proposed. In that instance the cases were those of only one Congress. I understand that this resolution provides for digesting the reports and decisions of the Fifty-third Congress and also those of the Fifty-fourth. So that the men who will do this work will really receive less, according to the amount of work they will actually perform, than has been allowed to clerks of previous committees.

Mr. Speaker, this is not a burning question; but the three chairmen of the Committees on Elections——

The SPEAKER. The time of the gentleman from Massachusetts [Mr. McCALL] has expired.

Mr. McCALL of Massachusetts. I should like to occupy a minute or two more.

Mr. TRACEY. I yield the gentleman one minute more.

Mr. McCALL of Massachusetts. As I was about to say, the three chairmen of the Committees on Elections agree that it is a wise thing to have these reports digested. It is not an easy matter to perform duty as a member of the Committee on Elections. We have in each case a great mass of testimony; we have very large briefs: and if you impose upon the members of that committee the additional duty of wading through the text of all the reports of previous Congresses, you increase largely the work imposed upon them.

The sum proposed to be allowed in this case is practically the same amount which we allow to a party in an election contest for his expenses.

Mr. MOODY. I understand that my colleague does not oppose the amendment of the gentleman from New York [Mr. DANIELS] to provide for a third clerk.

Mr. McCALL of Massachusetts. I do not oppose that amendment. I believe it is entirely proper. I think the sum proposed to be allowed here is reasonable, and that the work should be done.

Mr. TRACEY. Inasmuch as this day was set apart some time ago for the consideration of District business and as, evidently, if this discussion is to continue, it will take up the afternoon, thereby depriving the District Committee of the time allotted to it, I ask unanimous consent to withdraw this resolution from further consideration at the present time.

Mr. JOHNSON of Indiana. I object. Let us dispose of this matter now. If the House desires to put the committees of this House in the position of not having any digest of election cases, let us know it.

Mr. TRACEY. Then, Mr. Speaker, I ask for the previous question.

Mr. PERKINS. There is one matter I want to suggest——

The SPEAKER. The gentleman from Missouri [Mr. TRACEY] has moved the previous question.

The question being taken, the previous question was not ordered.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. PAYNE] to move an amendment.

Mr. PAYNE. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$2,500," in line 11, and insert "$1,500."

Mr. HENDERSON. That is right.

Mr. JOHNSON of California. Mr. Speaker——

The SPEAKER. The gentleman from California.

Mr. PAYNE. I will yield to the gentleman from California. How much time does he desire?

Mr. JOHNSON of California. I should like to occupy fifteen or twenty minutes. But I believe I was recognized by the Chair. Mr. Speaker, was I not recognized?

The SPEAKER. The Chair understood that the gentleman from New York [Mr. PAYNE] desired simply to offer an amendment.

Mr. JOHNSON of California. And then you recognized me.

The SPEAKER. The Chair, after the amendment was read, recognized the gentleman from California.

Mr. JOHNSON of California. Then I have the floor.

The SPEAKER. The Clerk will again read the amendment.

The Clerk again read the amendment.

Mr. JOHNSON of California. Mr. Speaker——

Mr. PERKINS. Will the gentleman yield to me a moment?

Mr. JOHNSON of California. Yes, sir; of course.

Mr. PERKINS. Before action is taken on this resolution, I want to suggest, in the absence of any estimate of the Public Printer as to the cost of this work, that if it should be developed that the cost will be more than $500, the Public Printer, under the law, would not be authorized to do the work, and therefore the expense of making this digest would go for naught.

Mr. JOHNSON of Indiana. What is to prevent the House from authorizing the Public Printer to do this work?

Mr. PERKINS. We can not by a simple resolution of the House authorize a printing expenditure of more than $500.

Mr. JOHNSON of Indiana. How does the gentleman know that the Senate would not concur in authorizing the printing?

Mr. PERKINS. But they could not under this resolution.

Mr. JOHNSON of California. Mr. Speaker, I am one of those unfortunate individuals described by the gentleman from Indiana, my namesake. I have been voting for appropriations of millions of dollars, and they have not scratched my throat in the slightest or interfered with my sleep; but I have struck something now that is a little too tough even for me to vote for; and when an appropriation is a little too tough for a California member to vote for, it ought to be too tough for anybody in these United States to vote for. I am opposed to this, whether it is $1,500 or $2,500. I am opposed to it because I believe it to be an entirely and absolutely unnecessary appropriation.

Since I have been a member of this House I have noticed with care the decisions rendered by the Elections Committees, and I have noticed with care the action of the House thereon. I must say that I agree entirely with the statement of the gentleman from New York [Mr. PAYNE] in his question to the gentleman from Indiana [Mr. JOHNSON], namely, that the House always decides according to its own free will and does not pay any attention to the precedents of other Congresses. That is one reason why I am opposed to this resolution. It is absolutely unnecessary.

This is entirely different from the decisions of a supreme court. I am an humble member of the legal profession. I know just enough law to get other people into trouble, and that is about all. [Laughter.] But I know that a court is expected to follow the rule of stare decisis; and when you find a decision in the one hundredth volume of the reports of any State it is expected that the court, when it renders a decision to be printed in the one hundred and tenth volume, will follow the former decisions.

But this House is entirely different. It votes just as it pleases. It does not pay as much attention to the report of a committee as it ought to sometimes. Why, I know this House voted down a report of a committee of which I was a member, and if any House can do that, it can do anything in an election case. [Laughter.] Now, having done it in that case, they do it in other cases. I remember a short time ago, when we had a report from a majority of one of the Elections Committees, in the case of Hopkins *vs.* Kendall, a minority of only two members succeeded in convincing the majority of the House that they were right, and their views were accepted. When you come to digest that case, which will be digested, the majority report or the minority report? Which will be accepted as law, the majority report, the minority report, or the vote of the House?

I remember the decision in a contested-election case from the

State of South Carolina, where this House oscillated from one side to the other, and voted one way one time and another way another time, and finally by unanimous consent it agreed to vote upon something that neither the Democrats nor the Republicans wanted. What is to govern there in making the digest?

It seems to me that the real ground, the one that impresses me to vote against this appropriation, is that this is so unnecessary. What is the use of doing anything that does not do any good? What is the use of doing anything that will not govern us? What is the use of citing authorities in a case, when the court that you are citing authorities to says that it will not pay any attention to the authorities cited? Suppose we had cited in the Fifty-fourth Congress a decision of the Fifty-third Congress in an election case? I can well imagine hearing in that event some of my Republican friends saying "That was a Democratic decision, and we are not bound by it."

Why, I have heard talk here about a Democratic civil-service law, and it is said we should pay no attention to it because it was a Democratic civil-service law. It seems to me that if we are going to have any digest of decisions we want to have those decisions digested that will govern the House. Is there any man here outside of the chairmen of these elections committees who will say that the decision of a former Congress will be binding upon this Congress or any other? I ask any of these gentlemen who are chairmen of these Elections Committees. Is there any law that makes the decision of one Congress binding upon another Congress?

Mr. JOHNSON of Indiana. Will the gentleman pardon me?

Mr. JOHNSON of California. Certainly.

Mr. JOHNSON of Indiana. A decision ought always to be binding where it is founded in reason and common sense, and the members of the legal profession are always glad to avail themselves of such a decision as a guide to direct them to a correct conclusion.

Mr. JOHNSON of California. I thank the gentleman for his answer. It is as plain as mud, and therefore I do not understand it. [Laughter.]

Mr. JOHNSON of Indiana. I hope the gentleman will not blame me for his lack of understanding.

Mr. JOHNSON of California. Oh, certainly not. God Almighty is to blame for that, not you. [Laughter.] The reason why I can not understand it is, I suppose, because my name is JOHNSON, and therefore there was "too much Johnson" in the question and the answer. [Laughter.]

Now I will repeat the question that I asked.

Mr. JOHNSON of Indiana. Does the gentleman spell his name with a "t"?

Mr. JOHNSON of California. Oh, no; I am a poor man, like yourself. [Laughter.] Now, I will ask the question again: Is there any law that makes the decision of one Congress in an election case binding upon another Congress in an election case? If the gentleman can cite me to it, I will withdraw any opposition that I have to this resolution, and will unite with him in voting $2,500 to three men for doing work that would be dearly paid for if they were paid $500. I do not hear any answer to my question.

Mr. McCALL of Massachusetts. I would ask my friend, Mr. Speaker, since he is a lawyer, whether he knows of any law which makes the decision of a court binding upon its successor or upon any other court?

Mr. JOHNSON of California. Oh, yes.

Mr. McCALL of Massachusetts. Then the gentleman knows more law than most lawyers.

Mr. JOHNSON of California. Well, that would not be anything surprising, and I might not know very much law then. [Laughter.] Now, I submit that the answer made by the gentleman from Indiana [Mr. JOHNSON], perhaps the sharpest and most acute member of the Johnson family [laughter], and the question put to me by the gentleman from Massachusetts [Mr. McCALL], who himself says he is so straight in his conduct in election cases that people accuse him of falling over backward [laughter]—I submit that the answer and the question show that I am correct in saying that there is no law that makes the decision of one Congress in an election case binding on either the conscience or the law or the common sense or the vote of another Congress. If there is any, show it. Do not be like the man that the story is told about. He said he could jump down 100 feet into straw; and after he made the bet, and the people all gathered round and he started to get ready to jump, got upon the top of a pillar and jumped off and came down 50 feet, when his brother hollooed, "There is glass in the straw," and he turned around and jumped back. [Great laughter.] Do not be like him. You say there is glass in this straw. Show it to us. Show us the reason for spending $2,500 for doing something that is absolutely unnecessary. The wild Indians paint their faces; we do not think much of it. Some ladies paint theirs; perhaps it is a good thing, because it improves them; but does it improves us, and does it improve a decision to have it digested? Why, whoever heard of digesting a decision of a justice of the peace, even in Massachusetts? [Great laughter.]

Now, we are called upon to pay out $2,500. It is not much; it does not bother me very much. I voted here—no; I beg pardon, I did not vote—to suspend the rules when we paid out $50,000,000 in this bill of an unpronounceable name, under the leadership of the gentleman from Illinois [Mr. CANNON], but nobody objected, and there was not even a wry face; there was not as much as a child makes when taking cod-liver oil when prescribed by its mother; but here, now, I am objecting to paying out $2,500, not because of the amount, for I am as liberal with other people's money as anybody is in this country [great laughter]; but I am objecting to it because it is absolutely unnecessary. It will not do a bit of good. What is the use of issuing a book that will not benefit anybody? [Laughter.] What is the use of a book that no benefit is to be derived from? Any gentleman can see that there would be no benefit derived from this.

Mr. LOUD. These three clerks that have been named in the resolution would benefit by it.

Mr. JOHNSON of California. My colleague from California, with that method he has of reaching the keynote of a proposition, has perhaps stated the reason for this. [Laughter.]

Mr. JOHNSON of Indiana. Will the gentleman from California allow me——

Mr. JOHNSON of California. In a minute, Brother Johnson. While my colleague from California is "LOUD" by name, he is not by nature; and when he does strike a responsive chord in my heart, and it is very seldom, I am glad to be able to unite with him. [Laughter.]

Mr. JOHNSON of Indiana. I just want to say to the gentleman, in answer to the suggestion of his colleague from California, that so far as I am personally concerned I have not the least objection to striking out the name of the clerk of Committee No. 2. I would ask the House, if it deems it proper, to strike out the names of all the clerks and insert any other name it desires; but if it does not have this necessary digest made, it will meet the reproach of the Committee on Elections of the next Congress. I have no pride or opinion about this matter. I would simply like to see this resolution pass, as I know that the digest is a necessity.

Mr. JOHNSON of California. Mr. Speaker, vehemence of assertion is good before a jury, but seldom weighs before a court; and while I acknowledge the gentleman's statement as being strong at least in language and in manner, yet the mere fact—and I say it with due deference and all politeness—the mere fact that he has said it thus strongly does not add to its weight. [Laughter.] There must be some reason given for the passage of this resolution and the statement made by the gentleman. Now, I was saying, or attempting to say, why report the decisions of a justice of the peace? We report the decisions of the court of last resort in various States; and whilst speaking about that, I am informed by an ex-judge of our California supreme court that the reporter in our State is paid $3,000 a year, and he reports between 600 and 700 cases. It seems to me that $2,500 for reporting 40 cases, of which, I believe, 5 were uncontested, is rather good pay. Out in California we pay good prices, and we thought that reasonably good, and perhaps a high pay.

Now, in reference to what the gentleman has stated about the clerks, I may be mistaken; but, if I remember correctly, when this resolution came in it only included two clerks, the clerks of Committee No. 2 and Committee No. 3. That is my recollection, and it was only when the gentleman from New York [Mr. DANIELS] moved an amendment that the other clerk came in. Why that was done I do not know. Had these gentlemen on committees Nos. 2 and 3 hunted in couples and discovered this particular bone and did not want anybody else to gnaw at it? [Laughter.] Of course, I know the committees did not do it. [Laughter.] The gentleman says it is necessary.

Now, let us see whether it is necessary. Unfortunately for the people of California and for the people of the United States, as was kindly suggested to this House some months ago by my colleague from California [Mr. LOUD], I shall not be a member of the next House. [Laughter.] It is unfortunate for the people. They will regret their mistake every day, and the longer I live and the longer Congress continues the more they will regret that I was not reelected. [Laughter.] Therefore I can speak of the next Congress without saying anything about myself. In that Congress there will have to be decided certain election cases. Now, does anybody pretend to say that the decision, for instance, of Committee No. 2 in the contested case of Benoit against Boatner, where that committee did not have the courage to do what they ought to have done, will govern anybody in the next House—any Republican, I mean? Does anybody think that that decision, which gave the law to the contestant and the seat to the contestee, will be of any value as a precedent? [Laughter.] Why, Mr. Speaker, that decision ought not to be digested; it ought to be kept out of the record.

Mr. ARNOLD of Pennsylvania. The committee ought to keep it out.

Mr. JOHNSON of California. As suggested by my friend from Pennsylvania, the committee ought to keep it out. [Laughter.] I mention that as one decision that will not bind the conscience or the common sense of the next House. But will any of these decisions bind the next House?

Mr. MERCER. I suggest that the gentleman file a contest in the next Congress himself. We may be able to do something for him. [Laughter.]

Mr. JOHNSON of California. Mr. Speaker, here is a David come to judgment! [Laughter.] The reason I did not say "a Daniel come to judgment" was because when Daniel came to judgment he finally got into the lion's den, while our friend David from Nebraska never gets into any lion's den, but is always in a safe place, and can always succeed at home, because he is always in favor of an appropriation for the Omaha International Exhibition. [Laughter.]

Now, Mr. Speaker, what is the good of this legislation? I beg pardon if I am talking too long about it, and I hope that by keeping the floor so long I shall not cause my friend from Wisconsin, the chairman of the Committee on the District of Columbia, to have spasms, he knowing that the public business is waiting. [Laughter.] I will say to him to soothe his perturbed spirit [laughter], that I am ready to vote with him on any proposition, as I have always done heretofore. Now, Mr. Speaker, to get back to the pending resolution, what is the good of it? I hope the House will vote down the amendment offered by the gentleman from New York [Mr. PAYNE]—and it gives me pain to refer to that amendment [laughter]—I hope the House will vote it down, because the amount it carries is too much. If you want this work done, it is not necessary to pay so much for it. I hope the House will vote down all the propositions for this work, because it is absolutely unnecessary. Gentlemen say that other Congresses have voted money for the same kind of work. Suppose they have. Does that make it right? Is there any rule of law which makes two wrongs or three wrongs equal to one right? I know of none. I hope every member present will vote against the amendment. I hope they will all vote also against the original resolution, and let us remit this whole matter to the next Congress, which will undoubtedly be able to attend to its business in its own way without any of our assistance. I reserve the balance of my time. I make that reservation, Mr. Speaker, because I am informed that the gentleman from Tennessee [Mr. RICHARDSON] desires to be heard, and if he does I wish to yield to him.

Mr. Speaker, is it in order for me to make a motion at this time?

The SPEAKER. It is in order for the gentleman to make a motion.

Mr. JOHNSON of California. Then I move that this whole matter be referred to the Committee on Printing.

Mr. PAYNE. Mr. Speaker, I do not care to speak further on this proposition, and unless some gentleman desires more time I shall ask for the previous question.

The SPEAKER. The gentleman from California has moved that the business be referred to the Committee on Printing, and that is the pending motion.

Mr. PAYNE. I yield to the gentleman from Kansas [Mr. LONG], a member of the Committee on Accounts.

Mr. LONG. Mr. Speaker, it is not my purpose to discuss the proposition whether this digest should be ordered prepared. The Committee on Accounts, not having had the privilege of hearing any remarks from the gentleman from California, took the position that probably this House would continue the practice which has been followed from the organization of the House of Representatives and would provide for bringing the digest of election cases decided by the House up to date. We have such digests up to the Fifty-third Congress, but none since that Congress. Of course, if the House intends to abandon the practice of digesting its election cases, if it wishes to follow the lead of the gentleman from California, who says that such a digest is of no use or consequence, I have no objections to make, although I do not agree with him that this is the best course to pursue. If the House desires the Committees on Election in the next Congress to consider the cases that may come before them without regard to what previous Houses have done, that is for the House to determine.

But, Mr. Speaker, as to the question of amount, I wish to call attention to what it was that prompted the Committee on Accounts to favor this resolution appropriating $2,500 out of the contingent fund. The Fifty-third Congress was an economical Congress. The House was Democratic and was devoted to the doctrine of economy, and yet that House allowed $1,000 for the preparation of a digest of contested-election cases decided in the Fifty-second Congress, the volume being that which I hold in my hand.

Mr. WATSON. How many cases are there?

Mr. LONG. There are six cases, and this digest is a book of 200 pages. That economical House having allowed $1,000 for the preparation of a digest containing only six cases, your Committee on Accounts believed that it was proper to allow $2,500 for preparing a digest which would contain over forty cases, which would make a book five or six times as large as this, and would involve work five or six times as great as that which was required to prepare the digest of the cases decided in the Fifty-second Congress. That is why the Committee on Accounts recommended this allowance, and I do not believe the House regards that committee as profligate in its recommendations, because I know that the committee has endeavored to carefully guard the contingent fund and to make none but proper allowances from it. The committee believed that if it was worth $1,000 to digest six cases, it would be worth at least $2,500 to digest the cases decided in the Fifty-third and Fifty-fourth Congresses, numbering over forty. For this reason we reported the resolution favorably, and I think that the amendment offered by the gentleman from New York [Mr. PAYNE] should be rejected.

Mr. LEIGHTY. Does the gentleman think $1,000 a proper amount to be paid for that digest?

Mr. LONG. I think it is not too much for the making of a proper digest. I do not think very much of the digest or of the reports contained in that volume; but, all the same, I think it is the duty of the House of Representatives, notwithstanding the opinion of the gentleman from California [Mr. JOHNSON], to keep the digests of decisions of the House of Representatives on election cases up to date. It has been done from the beginning of the Government, and I do not think the practice should be abandoned.

Mr. PAYNE. I move the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. JOHNSON of California to refer the resolution to the Committee on Printing; there were—ayes 72.

Mr. ALDRICH of Illinois (before the negative vote had been taken). Mr. Speaker, is it in order now to make a point of order that the motion of the gentleman from California is out of order?

The SPEAKER. That point could not be entertained now.

Mr. ALDRICH of Illinois. Well, I call the attention of the House to the fact.

The Speaker (having taken the negative vote on the question) announced—ayes 72, noes 30.

Mr. JOHNSON of Indiana. No quorum.

The SPEAKER (after counting the House). There are 184 members present—a quorum.

Mr. JOHNSON of Indiana. I call for tellers.

Tellers were not ordered, only 13 voting in favor thereof.

So the motion of Mr. JOHNSON of California was agreed to.

LEAVENWORTH SOLDIERS' HOME.

Mr. GROUT, from the special investigating committee upon the Leavenworth Soldiers' Home, submitted a report accompanied with a bill.

The SPEAKER. As the Chair understands, the gentleman asks that this report and bill be printed.

Mr. GROUT. I will inquire whether the report is privileged?

The SPEAKER. The Chair does not think it is privileged in such a sense that the measure comes before the House for consideration. It is privileged to be reported.

The bill (H. R. 10357) relating to the National Home for Disabled Soldiers was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the House Calendar.

REMOVAL OF SNOW AND ICE.

Mr. BABCOCK. I now claim the floor for business of the Committee of the District of Columbia. I call up for present consideration the amendments of the Senate to the bill (H. R. 7169) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes.

The amendments of the Senate were read, as follows:

Page 1, line 3, after "owner," insert "agent."
Page 1, line 11, after "owner," insert "agent."
Page 1, line 12, after "owner," insert "agent."
Page 2, section 2, line 2, after "owner," insert "agent."
Page 2, section 3, line 1, after "owner," insert "agent."
Page 3, section 3, line 10, after "owner," insert "agent."

Mr. BABCOCK. The effect of these amendments is simply to insert at various places in the bill the word "agent," after the word "owner;" so as to read, "owner, agent, or tenant."

The question being taken, the amendments of the Senate were concurred in.

The SPEAKER. The Chair calls the attention of the gentleman from Wisconsin [Mr. BABCOCK] to an imperfection or omission in one part of the bill. In the sixth line the language is, "cause the same be removed entirely." There seems to be an omission. The gentleman can take his leisure in ascertaining how the language should read.

Mr. BABCOCK. I ask unanimous consent that the clerical error referred to be corrected by inserting "to."

The SPEAKER. It would be necessary that similar consent should be obtained in the Senate.

Mr. BABCOCK. The bill could be returned to the Senate for this correction, could it not?

The SPEAKER. Perhaps the best course would be to nonconcur in the amendments of the Senate and have the matter arranged in a committee of conference. If there be no objection, the action of the House just taken in concurring in the amendments of the Senate will be vacated and the House will nonconcur in the amendments, and ask for a committee of conference.

There being no objection, it was so ordered.

FRANCISCO PERNA.

Mr. BABCOCK. I ask for the present consideration of the bill (H. R. 10178) for the relief of Francisco Perna.

The bill was read, as follows:

Be it enacted, etc., That all the real estate lying in the District of Columbia heretofore purchased by and conveyed to Francisco Perna, of Montgomery County, in the State of Maryland, prior to the passage of this act, be relieved and exempted from the operation of an act to restrict the ownership of real estate in the Territories to American citizenship, approved March 3, 1887, and all forfeitures incurred by force of said act are in respect to such real estate hereby remitted.

Mr. BABCOCK. Mr. Speaker, this bill is in the same form as a number of bills heretofore passed by this House. It simply proposes to remove the legal disabilities of the party named, so that he may exercise his title and interest in real estate which he has purchased in this District.

Mr. WHEELER. It is of the same character as bills which we have frequently passed.

Mr. BABCOCK. Yes, sir.

Mr. BARTLETT of New York. What are the special circumstances of this case?

Mr. BABCOCK. The circumstances of this case are, perhaps, not different from those of many others, except——

Mr. BARTLETT of New York. But what are they?

Mr. BABCOCK. Except that this party, Francisco Perna, who, from his name, is probably an Italian, bought real estate in the District of Columbia without knowing of his legal incapacity as an alien to acquire real estate; so that now he can neither mortgage nor transfer the property.

Mr. BARTLETT of New York. What is the provision in the bill about forfeiture? I believe I heard some provision of that kind read.

Mr. BABCOCK. It simply provides that he shall be relieved from any forfeitures incurred by the enforcement of the present law.

Mr. BARTLETT of New York. Has there been any forefeiture already incurred?

Mr. BABCOCK. Not any that the committee are advised of.

Mr. BARTLETT of New York. How much real estate is involved?

Mr. BABCOCK. I am not able to state.

Mr. RICHARDSON. I think one or two small lots.

Mr. BABCOCK. One or two lots.

Mr. RICHARDSON. A small quantity.

Mr. BLUE. Mr. Speaker, I have been unable to hear the conversation between the gentleman from New York [Mr. BARTLETT] and the gentleman from Wisconsin [Mr. BABCOCK]. I am still in the dark as to what disabilities are to be removed by this bill and why this special legislation should be offered.

Mr. BABCOCK. Mr. Speaker, I will state for the benefit of the gentleman from Kansas [Mr. BLUE], that this man is an alien; that he innocently and without knowledge of the present statute bought one or two lots in the city of Washington, neither of which can be transferred or encumbered without this enabling act. This is a copy of numerous acts that have passed Congress during the past two sessions.

Mr. HULICK. You say this beneficiary is an alien. Has he made application to become a citizen? Unfortunately the report favoring the adoption of this bill does not set forth the facts in the case.

Mr. BABCOCK. The gentleman is a member of the committee.

Mr. HULICK. Yes; but, unfortunately, I never heard of the case before.

Mr. BABCOCK. The facts presented in this case were similar to those presented in the other cases.

Mr. HULICK. In every other case reported to the committee, to my knowledge, it was alleged that the beneficiary had either become a citizen of the United States or had made application to become a citizen. In this case I understand that he has not made application.

Mr. BABCOCK. I take it for granted that he has made application. I am not certain.

Mr. HULICK. I see that the gentleman who reported the bill [Mr. WELLINGTON] is present.

Mr. BLUE. I should like to have the report read, so that we may ascertain still further what the reason is, if there be any, why this bill should pass.

The SPEAKER pro tempore (Mr. BARRETT). Does the gentleman from Wisconsin yield to the gentleman from Kansas [Mr. BLUE]?

Mr. BABCOCK. Yes; I yield to the gentleman.

Mr. BLUE. I have asked for the reading of the report.

The SPEAKER pro tempore. The Chair will state to the gentleman that the reading of the report is in the nature of debate. The Chair asked the gentleman from Wisconsin [Mr. BABCOCK] whether he yielded to the gentleman from Kansas [Mr. BLUE] in order that the report might be read.

Mr. BABCOCK. Yes, I yield.

Mr. BLUE. I was attempting to address the Chair in my own right, and supposed I had been recognized.

Mr. BABCOCK. Mr. Speaker, I have the floor, I believe, and I yield to the gentleman.

Mr. BLUE. How much time do you yield to me?

Mr. BABCOCK. How much time do you want?

Mr. BLUE. Give me ten minutes.

Mr. BABCOCK. Well, five minutes. We have lost two hours already, and the time this afternoon is very short.

The SPEAKER pro tempore. The gentleman yields five minutes to the gentleman from Kansas.

Mr. BLUE. Mr. Speaker, how long is that report?

The SPEAKER pro tempore. The Chair will state that the report can be read in a very few seconds.

Mr. BLUE. Then I desire to have it read in my time.

The report (by Mr. WELLINGTON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10178) for the relief of Francisco Perna, having had the same under consideration, beg leave to report it to the House with the recommendation that it do pass without amendment.

The bill has been recommended for favorable action by the Commissioners of the District.

Mr. BLUE. Now, Mr. Speaker, there is no statement of facts there to inform the House why this special relief should be granted. If it is the purpose of the lawmaking power of this Government to validate the act of every alien who comes to the Territories and purchases real estate, then the law that is now upon the statute books is a dead letter. The very reason why such a law is upon the statute books is that the people of this country do not propose to foster or favor alien ownership of lands. If this bill is simply to follow the line of a precedent, and if we are to enact a bill for the relief of every alien who comes and purchases land, then of what value is the general law upon the subject? If this bill was brought here with the understanding that the party desiring this relief was about to become a citizen of the United States, it would come in a very different attitude, and much more wisely and better supported. Without having that information, I for myself shall insist upon voting against the measure, and I appeal to the House to vote down a provision of this character, because I believe that in its very essence it is vicious and bad. If this is to be followed as a precedent, better repeal the general law and be done with it, and give to aliens the same right of ownership in the real estate of this country that American citizens have.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Maryland [Mr. WELLINGTON], who reported the bill.

Mr. WELLINGTON. Mr. Speaker, I desire to say that the facts in this case are somewhat of this order: The report as drawn here was drawn hurriedly. I have been looking after some other matters. I introduced this bill and reported it. This man purchased some real estate. He was an ignorant Italian, knowing nothing of the law. He did not know that it was necessary for him to become a citizen of the United States before he purchased. Since then he has become a citizen of the United States, and this act is merely trying to relieve him because he did not become a citizen previously. I think that the appeal of the gentleman from Kansas is not in the right direction; and I believe if he had known the circumstances surrounding the case he would not have made that appeal. I believe it is an act of justice to this poor man to pass this bill. I do not know that I can say anything more.

Mr. HEPBURN. You ought to have said that at the right time.

Mr. WELLINGTON. I think this is the right and proper time. It is never too late to do good.

Mr. BLUE. If the gentleman from Maryland will allow me, my serious objection to this measure was that there was no statement of fact in the report indicating to this House that this man desired to become a citizen or had any such intention. If the gentleman from Maryland is certain that he has complied with the laws of the land, and has become a citizen of the United States, I will not press my objection.

Mr. WELLINGTON. I have been so assured by the attorneys of the man named. I have no doubt that is a correct statement of

the fact. He has become a citizen, as I understand it, and I believe it is but just and proper to pass this bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS HALL AND OTHERS.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall, and their heirs and assigns, all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States of America in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city.

Mr. BABCOCK. I yield to the gentleman from Ohio [Mr. HULICK] who reported the bill to make a statement in reference to it.

Mr. WHEELER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. BARRETT). The gentleman will state his point of order.

Mr. WHEELER. Should not this bill be considered in the Committee of the Whole?

The SPEAKER pro tempore. The gentleman from Alabama makes the point of order that the bill should be considered in Committee of the Whole. Does the gentleman wish to be heard on the point of order?

Mr. WHEELER. It disposes of public land, and I do not think that there is any question that it is subject to the point of order.

The SPEAKER pro tempore. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. BABCOCK. It is on the Union Calendar. The United States has no title at all, neither do they claim any title to this land. This act is simply to cover what would be a defect in the transfer.

Mr. WHEELER. I would say, in reply to the gentleman from Wisconsin, that the bill on its face distinctly says that the Government of the United States is to quitclaim Government property to individuals. There is nothing clearer than that when a bill upon its face makes it subject to the point of order that it should first be considered in Committee of the Whole. There can be no question about the absolute necessity for it being so considered.

Mr. RICHARDSON. I suggest to the Chair that the bill is on the Union Calendar now. The bill shows that it is not on the House Calendar.

The SPEAKER pro tempore. The Chair will state to the gentleman from Tennessee that the indorsement on the bill shows that it is on the Private Calendar. It is in Committee of the Whole and not in the House.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole to consider this bill.

The SPEAKER pro tempore. The Chair will listen to the chairman of the committee, the gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, I desire to say that I shall make a motion to go into Committee of the Whole to consider several bills; and if the Chair decides that it is necessary to consider this bill in Committee of the Whole, I will ask to withdraw it until that time.

The SPEAKER pro tempore. The Chair will state that there is no statement of the fact; nevertheless, it carries with it the idea that this is a proposition to release certain Government property; and therefore the point of order should be held as well taken, and the gentleman from Wisconsin, under these circumstances, withdraws the bill. If there is no objection, it will be so ordered.

There was no objection, and it was so ordered.

REASSESSMENT OF WATER-MAIN TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I now call up the bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, in all cases not exempted by this act, where water main taxes or assessments in the District of Columbia have been quashed, set aside, or declared void by the supreme court of said District, or have been otherwise canceled or set aside by reason of such tax or assessment not having been authenticated by the proper officer, to reassess all lots or parcels of ground in respect of such taxes or assessments, with power to assess and collect the same according to existing law relating to the assessment and collection of water-main assessments or taxes: *Provided*, That in cases where such assessments have heretofore been quashed or declared void by said supreme court, or have been otherwise canceled or set aside for the reason hereinbefore provided, the reassessment herein provided for shall be made within one year from the passage of this act: *And provided further*, That hereafter all water main taxes or assessments in the District of Columbia shall be levied and authenticated by the Commissioners of the District of Columbia, who are hereby authorized to designate the official whose duty it shall be to notify the owner or agent of any lot or land of any water-main tax or assessment levied against such lot or land: *Provided, however*, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to put the water-main assessment on said property.

SEC. 2. That outside the city of Washington the said reassessment shall be levied or assessed only on those lots or parcels of land into which Potomac water has been or shall hereafter be introduced: *Provided*, That where Potomac water has heretofore been introduced, the said reassessment shall be made within ninety days after the passage of this act, and that where Potomac water shall be hereafter introduced the said reassessment shall be made within thirty days after such introduction: *And provided further*, That any levy, assessment, or reassessment on land not subdivided into blocks and lots shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *And provided further*, That said water main tax or assessment or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to the said lot or parcel of land or premises.

SEC. 3. That in any assessment or reassessment made under the provisions of this act, the owner of any lot or parcel of land shall be credited with any amount which may have been heretofore paid upon any water-main tax or assessment levied against such lot or parcel of land.

Mr. BABCOCK. I yield to the gentleman from New York [Mr. SHANNON] who made the report.

Mr. SHANNON. Mr. Speaker, I call for the reading of the report that accompanies the bill.

The report (by Mr. SHANNON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10331) to authorize the reassessment of water main taxes in the District of Columbia, and for other purposes, beg leave to submit the following report:

This bill, with the exception of section 2, is an exact copy of the bill (H. R. 279) which passed both Houses of Congress during the closing days of May, 1896, and which the President, before signing it, was requested to return to the House upon the discovery that section 2 was so defective in its phraseology as likely to invite still further litigation, and so defeat one of the very objects which the District Commissioners had in view when they urged the passage of that measure.

It was at first thought best to simply amend section 2 by a joint resolution, and for that purpose Senate joint resolution 158 was promptly introduced, and passed the Senate in June of last year. It was subsequently considered by your committee, and is now on the House Calendar awaiting action.

In view, however, of the peculiar status of the original measure—that while it has passed both Houses, it is not yet a perfected act, still lacking the President's signature; and, further, that it might easily be urged hereafter that the whole proceeding was irregular on the ground that alterations had been made that went far beyond mere changes of phraseology, thus involving the measure in complications that it is but prudent to avoid—your committee, following the counsel of those most competent to advise in such [illegible]ters, concluded it would be better to introduce an entirely new bill [illegible] would only differ from the previous one in such changes as were considered necessary to be made in section 2.

The following is section 2 of the original bill (H. R. [illegible]), which passed both Houses of Congress last year:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced, said water-main tax or assessment shall be levied or assessed within thirty days after such introduction; and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act; and such levy, assessment, or reassessment on unsubdivided land shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax, or assessment, or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

By comparing the foregoing with section 2 of the new bill (H. R. 10331) now presented, and the passage of which is earnestly recommended by the District Commissioners, it will be seen that the alterations proposed are mainly changes in the phraseology so as to render the meaning more definite and clear, since any uncertainty as to the meaning of the law is sure to lead to further litigation and probable loss of public revenues.

In the first part of section 2 of House bill 279, given above, occurs the phrase "water main tax or assessment," and again, in the same connection, further on, there is the phrase "assessment or reassessment." It is considered necessary that the wording in this clause be modified so as to make it refer, with certainty, to reassessments only, for in its present form it is uncertain in its meaning and is susceptible of various interpretations. It may refer to either original assessments or to reassessments or to both. It is most desirable that the reference here should be to reassessments only, and that there should be no disturbance whatever of the present well-determined status of original assessments, about which there is no contention. This can be accomplished by striking out such words as "water main tax" and "assessment," and making the other changes proposed in section 2 of the new bill now recommended.

It is also thought advisable to further change section 2 of House bill 279, given above, by substituting in place of the words "unsubdivided land" the words "land not subdivided into blocks and lots." This change is suggested in the interest of property owners and can not be objected to, since it encourages the opening of streets in that portion of the District outside of the limits of the city of Washington.

Its effect is such that an owner of unsubdivided land can open streets through his property and need not fear the levying of assessments for a water main, arbitrarily laid, so long as he does not subdivide the land into lots and blocks. On the other hand, the District would be fully protected, since it could insist upon a complete subdivision into blocks and lots as a prerequisite to the laying of water mains in all cases where that is desirable; and in any event, should this measure (H. R. 1631) become law, the District would be able to collect its assessments as soon as water had been introduced into the abutting lots.

Your committee therefore favorably report the bill (H. R. 1631) "to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," and earnestly recommend that it do pass.

Mr. SHANNON. Mr. Speaker, the report which has just been read explains why this new bill has been introduced to replace the original bill that passed both Houses of Congress last year, but was recalled from the President in the manner described before he could take action upon it. The report also explains wherein the two bills differ. The language of both bills is exactly the same, word for word, excepting in section 2, the form of which, as given in the new bill, is preferred by the District Commissioners.

As it is nearly a year since the subject was last considered by the House, it may be well to say a word about the necessity of this legislation.

This legislation has become necessary because of a decision rendered by the court of appeals of the District of Columbia in June, 1895, the effect of which was to set aside and cancel water-main assessments extending over a period of twelve years, that is, from 1882 to 1894, and aggregating in amount the very large sum of $210,000.

The bill simply authorizes and directs the Commissioners to make another assessment in those cases.

While the decision referred to quashed the assessment in the particular case before the court, on the ground that the notice served on the abutting property owner was legally defective, it at the same time fully confirmed the validity and sufficiency of the laws under which water mains are laid and assessments therefor levied.

According to the statements made to your committee by the Commissioners of the District, it is absolutely necessary for the maintenance of the water system, and for the carrying out of such extensions and improvements as are now urgently required, that these taxes, amounting, as I have said, to the very large sum of $210,000, should be made available.

As the original measure which passed both Houses of Congress during the last session was fully discussed at the time, it would seem to be unnecessary to go further into the merits of the bill, and unless some member of the House desires to be heard upon the matter, I will now move the previous question.

Mr. WHEELER. Do I understand the gentleman to say that this bill was referred to the Commissioners?

Mr. SHANNON. It was. Within the last week it was submitted to each one of the Commissioners, and they have approved the bill and are urgent for its passage.

Mr. BABCOCK. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOINT COMMISSION ON FISHERIES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed:

To the Congress:

I transmit herewith a communication from the Secretary of State covering the report of the joint commission on behalf of the United States and Great Britain, dated December 31, 1896, relative to the preservation of the fisheries in waters contiguous to the United States and Canada, as provided by the joint agreement between the United States and Great Britain, dated December 6, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 23, 1897.

POTOMAC FLATS PARK.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 3307) declaring the Potomac Flats a public park under the name of the Potomac Park.

The bill was read, as follows:

Be it enacted, etc., That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

Mr. JOHNSON of Indiana. Does that bill involve an appropriation?

Mr. BABCOCK. It does not.

Mr. DOCKERY. I think this bill ought to be considered in Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, I desire to say that this bill disposes of no property. It makes no appropriation. Its effect is to provide that the reclaimed area known as the Potomac Flats shall not be disposed of or used for any purpose except by consent of Congress. It simply declares that area to be a public park, and I see no reason why we should go into Committee of the Whole to consider it.

Mr. DOCKERY. It dedicates public land to certain uses.

The SPEAKER. Will the gentleman from Missouri state the ground on which he makes the point of order?

Mr. BABCOCK. The bill does not change the title to the land at all.

Mr. DOCKERY. While it is true that the bill does not change the title to the land, and while possibly, in an extremely technical sense, it may not come within the provision of the rule which relates to the appropriation of money and the disposition of public lands, yet as a matter of fact this bill does dedicate a certain portion of the public domain to a certain use. This question was brought to the attention of the Chair on a former occasion, and the Speaker pro tempore decided that the point of order was well taken.

The SPEAKER. The limitations of the rule are:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims.

Mr. HENDERSON. Nothing of that sort is contemplated here. This bill does not propose to take the title out of the Government.

Mr. JOHNSON of Indiana. But it dedicates this property to a certain use.

Mr. CANNON. Yes; it dedicates the property to a certain use; that is, for use as a public park.

Mr. HENDERSON. But the title is retained in the Government.

Mr. CANNON. If the bill does not change the status of the land at all, what is the good of the measure? It seems to me that this bill, the very object of which seems to be to dispose of property belonging to the Government by devoting it to a certain use, is such an appropriation of public property as comes within at least the reason of the rule.

Mr. DOCKERY. It certainly comes within the spirit if not within the letter of the rule.

The SPEAKER. The Chair is inclined to think that this is an appropriation of public property for a particular purpose. When the matter was first presented, the impression of the Chair was that the bill did not come within the rule; but on examining the matter more carefully the Chair is inclined to hold a different opinion, and he sees no reason why the bill should not be discussed in Committee of the Whole.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HENDERSON in the chair), and proceeded to the consideration of the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park.

The bill was again read.

Mr. BABCOCK. Mr. Chairman, I suppose that nearly every member of Congress is familiar with the appropriations which have been made and the work which has been done to reclaim the flats of the Potomac River. Something over $2,000,000 has been spent for that purpose, not only beautifying the city, but contributing greatly to its healthfulness—doing away with the malaria which used to infect this city. The purpose of this bill which has been passed by the Senate is, as I understand, not to dispose of any real estate, not to sacrifice any right which the Government now possesses, but to declare that area of improved land a public park. By doing this we shall prevent its dedication for other purposes or uses. The bill has been reported unanimously by the Committee on the District of Columbia. We can see no better purpose for which this land can be used than for the benefit of the whole people. I do not think it necessary to say anything further.

Mr. CANNON. How much is there of this land?

Mr. BABCOCK. I can not state the quantity in acres.

Mr. CANNON. About how much? Does the gentleman know?

Mr. BABCOCK. No, sir; I can not make an estimate.

Mr. CANNON. What amount of money has it cost to reclaim these flats?

Mr. BABCOCK. About $2,500,000, as I am advised.

Mr. DALZELL. It has already cost that?

Mr. BABCOCK. Yes, sir.

Mr. CANNON. And that has come from the Treasury of the United States?

Mr. BABCOCK. Yes, sir.

Mr. CANNON. And now the proposition is to dedicate this land forever as a park for the recreation and pleasure of the people. What will it cost to put this land in shape so as to be used for a park?

Mr. BABCOCK. Nothing, unless some plan should be taken up and carried out for its improvement.

Mr. CANNON. In its present condition this land could not be used for a park. Has the gentleman or his committee made any inquiry as to how many million dollars it would take to so improve this land as to utilize it for a park?

Mr. RICHARDSON. No such proposition has ever been made.

Mr. CANNON. But the proposition here is to make this a park. You might declare the Potomac River a park; and I am not sure it would not be wise to do so. But in point of fact we have already expended two millions and a half of dollars from the Treasury of all the people to reclaim these flats upon the ground of health. They cover, I suppose, twelve hundred or fifteen hundred acres.

Mr. RICHARDSON. Not so much as that. I suppose several hundred acres, though I do not know.

Mr. JOHNSON of Indiana. Do any of these gentlemen know?

Mr. BABCOCK. I do not think any survey has been made of this land since it has been reclaimed. There is no survey on record.

Mr. CANNON. We have already a very considerable park system in this district. There is the Zoological Park, and there is the park joining on to the Zoological Park and running up to the District line, with capabilities for being made the most magnificent park on earth. That is to be improved, and ought to be improved. I am not saying that the legislation here proposed is unwise, but before we dedicate this land forever for use as a park, giving the public an interest in it, I should like to know what power the United States will have over this property in the future. Can we build a bridge, with abutments on this park, and spanning the river? I should like to know whether we would have that right if this dedication be made.

Mr. BABCOCK. Has not the Government control over all the parks in the District of Columbia? Is there any part of our public grounds over which the Government has not absolute control?

Mr. CANNON. I should like to have an answer to my question.

Mr. MEREDITH. I will answer that the Government would have the right to do it.

Mr. CANNON. In other words, we could change the law, notwithstanding this dedication, and take it from the people without the payment of damages?

Mr. DALZELL. Oh, I think so.

Mr. MEREDITH. Unquestionably. It is a public park.

Mr. CANNON. There is one question answered; but I should like to know whether it will cost $1,000,000 or $5,000,000 or $8,000,000 to make this into a park which can be actually used for park purposes. The making of a park upon paper is one thing, and the making of a park which the people can visit is another thing. What will it cost? And if it is to be made a park for the great city of Washington, is it to be done at the joint expense of the Federal Treasury and the District of Columbia? There are many of these questions that present themselves to my mind.

Mr. MEREDITH. I will answer the gentleman's question, if he will permit me.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. BABCOCK. Certainly.

Mr. MEREDITH. If this ground shall be turned into a park by the passage of this law, then it will come under that rule which prescribes that one-half the expense shall be borne by the District of Columbia and one-half by the Government of the United States. Now, it seems to me that the intention of Congress all along has been to reclaim this land for two purposes: First, as my friend from Wisconsin [Mr. BABCOCK] has suggested, to get rid of the malaria, and, second, to make it a grand park for this great national capital of ours in which every Representative ought to take an interest. It was for that purpose that this money has been expended, and when it has been declared to be a park, it seems to me that the expense will be borne equally by the District of Columbia and by the Federal Treasury, as it ought to be.

Mr. CANNON. Does that meet with the approval of the chairman of the Committee on the District of Columbia?

Mr. MEREDITH. That will come up afterwards.

Mr. DOCKERY. I shall be glad to offer an amendment in the line of the suggestion which has been just made.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Missouri [Mr. DOCKERY]?

Mr. DOCKERY. I want to offer the amendment at this time. I do not care to have it voted upon now, but wish to have it presented when the proper time comes.

The amendment offered by Mr. DOCKERY was read, as follows:

Provided, That one-half the sum already expended for the reclamation of this land shall be reimbursed to the Treasury of the United States from the revenues of the District of Columbia.

The CHAIRMAN. The Chair understands this is read for the information of the committee.

Mr. DOCKERY. No; it is offered as an amendment.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BABCOCK] yield for that purpose?

Mr. BABCOCK. I understood the gentleman to say that he had the amendment read for the information of the committee, and that later he would offer it as an amendment.

Mr. DOCKERY. Very well. I will withdraw it until it can be offered under the rules.

Mr. JOHNSON of Indiana. I should like to ask the gentleman a question. It is contemplated, is it not, that there shall be expensive improvements, costing a great deal of money, for the completion of this park?

Mr. BABCOCK. Not at present, but in the future.

Mr. JOHNSON of Indiana. Well, it is the entering wedge, is it not, for large appropriations in the future, for the purpose of improving and beautifying the park, that it may answer the purpose for which it is designed?

Mr. BABCOCK. Yes; I suppose it is.

Mr. MEREDITH. Should not that be done?

Mr. JOHNSON of Indiana. I think in a House as economically disposed as this is it might be a matter of very grave doubt.

Mr. WELLINGTON. It does not bind the House to do anything hereafter.

Mr. JOHNSON of Indiana. I am told that it will require a great deal of improving in order to make a good park out of it.

Mr. BABCOCK. I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Some time ago a memorial was presented to the Committee on Public Lands suggesting the propriety of using these flats something on the Pingree plan, for the benefit of the poor of the District of Columbia, until such time as the Government could use the land for park purposes, or until its preparation for park purposes should be entered upon. In the meantime some of the officers having charge of the charities of the District could control this land and allow it to be cultivated, the cultivation aiding in the destruction of malaria, and at the same time giving employment to some of the poor of the city. I would ask the gentleman if the committee have considered this proposition, or if it has been laid before the Committee on the District of Columbia at all?

Mr. BABCOCK. It has not.

Mr. DALZELL. I would like to ask the gentleman a question. Is he familiar with the plan submitted by the Fish Commissioners for the improvement of this ground as a public park out of the appropriation made from year to year in the river and harbor bill?

Mr. BABCOCK. No, there has been no plan for the improvement of this land submitted to the committee.

Mr. DALZELL. I have been advised that the Fish Commissioners submitted a plan whereby, in the expenditure of the regular appropriation made from year to year by the Committee on Rivers and Harbors for the reclamation of these flats, the work intended to be accomplished by the appropriation and the making of a park could both go on at the same time, through the expenditure of that money. If that be so, it seems to me it would be a wise thing to pass this bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having [illegible]en the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

POTOMAC FLATS PARK.

The committee resumed its session.

Mr. BABCOCK. I yield to the gentleman from Tennessee [Mr. RICHARDSON] five minutes.

Mr. RICHARDSON. Mr. Chairman, it seems to me that this is a meritorious bill. It does not provide for the expenditure of a dollar. It does not provide for any change in the title to this property. The fact is that this land down there in the bottom, on the Potomac, has been reclaimed by the United States Government. This bill does not contemplate changing the title to that property in the slightest degree. It does not contemplate that there shall be a dollar expended for its improvement and in beautifying it and making a park of it at this time.

Now, in answer to the suggestion made by the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON], he knows very well that if hereafter, whether that bill pass or not, Congress desires to spend any money for the improvement and beautifying of this ground, Congress has the right to do so. This bill, if it passes, does not put any obligation on Congress, now or hereafter, to expend one dollar in beautifying or improving it. As I understand the object and purpose of the bill, it is simply to say that this property shall not be taken by the Government itself, shall not be taken for purposes of building upon it or dedicating it to any private use, but that it shall be simply reserved to the Government of the United States as a public park.

Mr. PITNEY. Will the gentleman yield to me for a question?

Mr. RICHARDSON. Certainly.

Mr. PITNEY. The land is now the property of the Government?

Mr. RICHARDSON. It is.

Mr. PITNEY. And it has been made valuable land because of the expenditure of $2,000,000?

Mr. RICHARDSON. I think so.

Mr. PITNEY. Can it be applied to any public or private purposes except by Congress?

Mr. RICHARDSON. No, sir.

Mr. PITNEY. Then what advantage is to be derived from the passage of this bill?

Mr. RICHARDSON. This is simply a declaration that others shall keep off it; that the Government of the United States will not dedicate to any kind of private use, nor permit it to be used for any private purpose.

Mr. PITNEY. In this connection will the gentleman permit me to give notice of an amendment that I propose to offer at the proper time?

Mr. RICHARDSON. I do not want to give way to permit you to give notice of an amendment. You will have ample time. The gentleman from Missouri [Mr. DOCKERY] has already indicated that he desires to tax the District of Columbia with one-half of the cost of reclaiming this property. My friend would not insist, I think, for a moment that it is just and proper, or that the United States would deem it a wise and proper thing to do to expend this money for the reclamation of this land there and then charge the District of Columbia with half of the cost in order to protect the health of the people of the District of Columbia, in order that the Potomac River might be confined within proper bounds, in order that its banks might not be malarial. The Congress of the United States has seen fit to expend this money in the reclamation of this land. Now, the gentleman from Missouri never contemplated it, when the measures were before Congress, since he has been a member, and he never thought of offering an amendment to tax the District of Columbia with one-half of the expenditure of money on that reclamation.

Mr. DOCKERY. Let me explain my amendment.

Mr. RICHARDSON. I want to offer my objections to it now, while I have the floor. I would not have an opportunity after you have explained your amendment. There is no proposition to give it to the District of Columbia; no proposition to give the District of Columbia any additional rights upon that territory that it does not already possess. There is no intention to provide that the Congress of the United States shall make a park, such as the Soldiers' Home or the Zoological Gardens, for the benefit of the District; but simply to prevent others, to prevent Congress, if you please, to prevent the Committee on Appropriations, if you please, at some future day, from putting into some appropriation bill, when in conference, some dedication of a portion of it for the use of anybody, for the use of some person, or some private corporation. The object is simply for Congress to make this declaration, that this property shall be reserved for public purposes, if you please; reserved for the Congress of the United States hereafter to dispose of it and as it sees fit. There is no obligation upon Congress now to expend a dollar; no invitation to expend one. Nobody purposes to expend any money upon it, so far as I am informed. It is simply to make it a reservation and announce the declaration or intention of Congress that it shall be reserved for public purposes, and not for any private use or private purpose. That is all there is in it, so far as I can see. I think it would be very unwise and improper to adopt the amendment suggested by the gentleman from Missouri. He has been a member of the Committee on Appropriations a long time. He is a valuable member, an able member, and he has looked after matters for the District of Columbia. There is no proposition to change the title to this property. There is no proposition here to cede any interest to the District of Columbia for which the District of Columbia should have taken out of the revenues of the District one-half of the money appropriated by him, by his committee, and upon his recommendation, in the Congresses that have gone by, in order to make a reclamation of this land there. The gentleman has no reason to make the proposition, in my judgment.

Mr. HULICK. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. HULICK. The title to all this property about which this controversy arises and is involved in this bill is now vested in the Government of the United States, is it not?

Mr. RICHARDSON. Yes, sir.

Mr. HULICK. Then it does not affect the title of the property, except as to dedication of the purposes and uses for which it is to be hereafter used?

Mr. RICHARDSON. That is all. It does not change the title.

Mr. DOCKERY. Will the gentleman permit me to ask him if there is any litigation pending as to the title of this land?

Mr. RICHARDSON. Not that I am informed of. The purpose for which I rose was to dispel any idea that might exist in the minds of the House that this was to vest any liability on the Government now or hereafter to make expenditures there. It is simply a declaration that Congress will not expend any money upon it for the purpose of improvement at this time; that it will not permit it to be used or occupied by any private corporation or private person or individual; but that it will reserve it and dedicate it to public purposes, and so hold it for the future. That is all I wish to say.

Mr. BABCOCK. I yield ten minutes to the gentleman from Missouri [Mr. DOCKERY].

The CHAIRMAN. Does the gentleman reserve his time?

Mr. BABCOCK. I do; but I yield to the gentleman from Missouri.

Mr. DOCKERY. Mr. Chairman, if I can have the attention of the committee, I desire to yield to the gentleman from New Jersey [Mr. PITNEY] to read an amendment which he will offer at the proper time. It seems to be wise and timely.

Mr. PITNEY. Mr. Chairman, the purpose of this amendment is to put into the bill explicitly what gentlemen say is the real purpose of the bill; and instead of dedicating this land for a public park, naming it as such and devoting it to use as a park for the recreation of the people, I propose to strike out all after the word "hereby," in line 5, and insert in lieu thereof these words: "reserved for such public purposes as shall be hereafter specified by Congress, and no part thereof shall be devoted to or used for any private purpose without the consent of Congress."

Mr. DOCKERY. Now, Mr. Chairman, I desire to be heard for a very few moments. The Government had expended up to the close of the fiscal year ending June 30, 1891, out of its own Treasury, no part having been contributed by the District of Columbia, $1,983,467.68 for the reclamation of the lands known as the Potomac Flats. At that time the engineer estimated that $531,365 additional would be necessary to complete the work. That work was undertaken by the United States Government, as I understand, because of sanitary considerations, the condition of the Potomac Flats absolutely jeopardizing the public health of this city. I will say very frankly that in offering the amendment I did a few moments since I had no real desire to require the citizens of the District to pay one-half of this expenditure.

This was an improvement made by the Government on its own lands, and therefore the people of the District should not be charged with any portion of the expense, unless they seek to secure an advantage from that work by having the land dedicated as a public park. There are only two purposes for which this land can probably be used. One use is for a park, which is very doubtful, and the other is for a navy-yard or some such purpose. I do not myself believe that this land can be used with safety for a park. Even though it has been reclaimed, it is not so located that people would care to gather there in numbers for pleasure and recreation, and even if it is to be used as a park, that means a further expenditure of an untold amount in order to prepare it for such use.

Now, the committee are without a single estimate as to the probable cost of such preparation.

In reply to the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON], the gentleman from Wisconsin [Mr. BABCOCK] in charge of this bill states that he has no estimate and can give the House no information as to what amount of money will be necessary to properly prepare these flats for use as a pleasure resort.

Mr. BABCOCK. That, of course, will depend entirely on the plan that may be worked out. The plan may be an expensive or it may be a simple one. No plans have been submitted.

Mr. DOCKERY. Well, I submit that any plan which looks to the use of this land as a park will necessarily involve the expenditure of not less than from one to three million dollars; certainly not less than one million. It is a matter of guessing, and I can guess as well as the gentleman from Wisconsin or anyone else. The House, I repeat, is without information on this subject, and it ought to have that information. Now, Mr. Chairman, if we are not going to use this land for a park, what is the purpose of this bill? If the views advanced by the gentleman from Virginia [Mr. MEREDITH] and the gentleman from Tennessee [Mr. RICHARDSON] are to prevail, why not accept the amendment to be offered by the gentleman from New Jersey [Mr. PITNEY]? And if in the sweet by and by Congress should determine that this land shall be used for a public park, it will then be time enough to make the dedication.

The condition of the Treasury does not warrant the proposed dedication at this time, because I want to advise the House now that this bill clearly looks to further appropriations by the Government to make these flats available for park purposes. There is no danger, as suggested by the gentleman from Tennessee, that this land will be used for any other purpose. If it is used for any other purpose, it can be so used only after Congress shall have given the authority. The gentleman from Tennessee says he desires to prevent it from being used for commercial or other purposes. I agree with him. But I ask him, Why not accept the amendment of the gentleman from New Jersey, which simply declares that this land shall not be used for any other purpose until Congress shall have expressly authorized such use? The Government has expended about $2,500,000 in reclaiming the flats. If the people of this District want a park in that unsightly location, which even now, after all these millions have been put upon it, is not suitable for such purposes, then I insist that they should pay one-half the expense. I do object to this initiatory step looking to large expenditures for a park in this locality, which is wholly unsuited for the purpose.

Mr. RICHARDSON. The gentleman suggests that this land can be used for only two purposes, either for a park or for a navy-yard. I wish to suggest to him that if it should be desired hereafter to establish a navy-yard there the land can be used just as well for that purpose after the passage of this bill as before. This dedication will not prevent the Government at any time hereafter from establishing a navy-yard, if it sees fit to do so, on any portion of that land. This bill simply reserves the land from the aggressions of other persons.

Mr. DOCKERY. Let me say to my friend from Tennessee that if the object is merely to reserve this land for any purpose for which Congress may hereafter think proper to use it, then that object is fully accomplished by the amendment to be offered by the gentleman from New Jersey [Mr. PITNEY].

Mr. RICHARDSON. We do not antagonize such an amendment.

[Here the hammer fell.]

Mr. DOCKERY. The gentleman consents to yield me five minutes more; and I ask that the proposed amendment of the gentleman from New Jersey be read in my time. I hope the House will give it attention.

The Clerk read as follows:

> Strike out all after the word "hereby," in line 5, and insert the following: "Reserved for such public purposes as shall be hereafter specified by Congress, and no part thereof shall be devoted to or used for any private purpose without the consent of Congress."

Mr. DOCKERY. The bill as amended in accordance with this proposition will read:

> That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, reserved for such public purposes as shall hereafter be specified by Congress, and no part thereof shall be devoted to or used for any private purpose without the consent of Congress.

Mr. MILNES. Will the gentleman allow me a question?

Mr. DOCKERY. Certainly.

Mr. MILNES. The title of this property is now in the United States?

Mr. DOCKERY. Yes, sir.

Mr. MILNES. What, then, is the use of adopting the amendment just read? This land can not be used for any purpose except by the action of Congress, and that is all the amendment provides for.

Mr. DOCKERY. I will answer the gentleman frankly. If these gentlemen are sincere—and I do not question their sincerity—in the declaration that they simply want to reserve this land, then it seems to me wholly unnecessary to pass the bill, because the title to the property is in the United States now, and the United States can not be divested of that title without some positive, affirmative act of Congress. If, however, the House desires to declare its intentions and pass something in harmony with the views of the gentleman from Wisconsin [Mr. BABCOCK], the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Virginia [Mr. MEREDITH], then to accomplish that purpose we should enact the amendment offered by the gentleman from New Jersey [Mr. PITNEY]. But if back of this proposition there is a scheme, if after having forever reserved this land as a public park we are then to proceed—and that would be the logical step—to appropriate the necessary amount of money to make this land available for a park——

Mr. MILNES. That would necessarily follow.

Mr. DOCKERY. Certainly, it would logically and necessarily follow—then this bill ought to pass just as it comes from the committee. If, however, the declarations of gentlemen are to be taken as their real intentions—and I do not question their sincerity in the least—then these gentlemen should assent to the proposition just read, to be offered at the proper time by the gentleman from New Jersey.

Mr. BABCOCK. Would the adoption of that amendment make the bill satisfactory to the gentleman from New Jersey?

Mr. PITNEY. It would.

Mr. BABCOCK. If we accept that amendment, is that all you have to offer?

Mr. PITNEY. That is all we have to offer.

Mr. BABCOCK. On behalf of the committee I am willing to accept the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] has but two minutes remaining.

Mr. DOCKERY. I yield those two minutes to the gentleman from New Jersey.

Mr. PITNEY. I will reserve them in order to hear from the gentleman from Wisconsin [Mr. BABCOCK].

The CHAIRMAN. The gentleman from Wisconsin has twenty-eight minutes remaining.

Mr. BABCOCK. I wish to say that the Committee on the District of Columbia will offer no opposition to the amendment offered by the gentleman from New Jersey.

Mr. DOCKERY. I wish to ask the chairman of the District Committee—because I know he is a frank man and desires to deal fairly—whether or not, if this action be taken on the part of the House, he will adhere to it in conference, if a conference should be asked by the Senate on this question? I do not care to get this proposition into such a shape that the House will be deprived of its power to amend or insist on the proposed action.

Mr. RICHARDSON. It would hardly be fair for the House to tie a man before appointing him as a conferee. It would scarcely be polite toward the other branch of Congress to appoint conferees and tie their hands before they go into conference.

Mr. DOCKERY. Well, I confess, with entire good feeling, that the unanimity with which this amendment is accepted arouses some little suspicion in the minds of some of us.

Mr. BABCOCK. The eloquent argument of the gentleman was convincing. [Laughter.]

Mr. CANNON. Is not this the effect of the amendment, that if it is enacted into law, as proposed by the gentleman from New Jersey [Mr. PITNEY], does it not leave the matter in precisely the same condition in which it now is?

Mr. DOCKERY. Why, certainly it does.

Mr. CANNON. Well, if the committee accepts the amendment, and if such is the temper of the House, is it not a very good thing to lay the bill on the table?

Mr. DOCKERY. I think it would be wise action to lay this bill on the table.

Mr. BABCOCK. I yield five minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Chairman and gentlemen of the committee, I am in favor of this bill as it has been reported by the District Committee. It involves simply the declaration of the future use of about 300 acres of reclaimed land which has been built up by mud taken by dredgers from the Potomac River. The purpose of this improvement was twofold. One was to improve the river; the other was to improve the health of Washington.

These were low flats which infected the neighboring region with malaria. We have here about 300 acres of mud reclaimed from the Potomac. It lies behind a wall of stone which is heaped up, and now makes solid soil. The question is, To what use should we put it in the future? Why should we not now declare that it is to be used as a public park? Why should we not enter upon the work of covering that mud with grass and trees? Does any man contend that that will involve a large expenditure? Why, the soil is rich and fruitful. All you have to do is to scatter grass seed over it and to plant a few clumps of trees here and there, and in a few years you have a magnificent park, that will contribute not only to the beauty of Washington, but to the health of Washington. I ask, Where is the wisdom in allowing that 300 acres of mud to swelter in the sun, unutilized, and harmful to the health of this great city?

It seems to me that this proposition ought to be voted upon now. It does not involve a parting with the title of the Government to an inch of its ground. It simply involves the declaration of the use to which that park shall be put. This improvement has been a great governmental work. The title remains in the Government, and though the use to which we propose to put it is a reasonable and fair use, the gentleman declares that the District of Columbia should now pay one-half of the cost of this great governmental improvement. It seems to me that is not a fair consideration to address here and now.

Mr. STEELE. I would like to inquire whether there is now 1 foot or 4 feet of water over this land?

Mr. NEWLANDS. There is no water over this land. It is soil that is reclaimed, and is behind a stone wall that has been placed there for the Government.

Mr. BABCOCK. Above tide water.

Mr. NEWLANDS. Above tide water; and all that this necessarily involves is the planting of a few trees and the sowing of a little grass seed. No appropriation is now made, and I believe that the wisdom and fairness of this House can be trusted, when the proper time comes, to devote a proper sum, and only a reasonable sum, for carrying out the purposes to which we propose to dedicate this property.

Mr. DOCKERY. I want to say just one word. I understand the gentleman from New Jersey [Mr. PITNEY], in view of the fact that we get no assurance from the chairman of the committee, will not offer the amendment that he proposed to offer.

Mr. LACEY. I desire to offer an amendment. Will the gentleman yield for that purpose?

The CHAIRMAN. General debate has not been closed.

Mr. WELLINGTON. I will ask whether it is proper for the gentleman to withdraw his amendment after it has been accepted by the committee?

Mr. DOCKERY. It has not been formally offered yet.

Mr. WELLINGTON. It has been accepted by the committee, however.

The CHAIRMAN. The Chair will say, in reply to the parliamentary inquiry, that no amendment is pending. This is a mere matter of reading for the information of the committee.

Mr. BABCOCK. I move that general debate be considered as closed.

The CHAIRMAN. That can only be done by unanimous consent. The gentleman from Wisconsin asks that general debate be considered as closed.

Mr. WHEELER. I object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. WHEELER. I understood it was not a request for unanimous consent, but a motion made by the chairman of the committee.

The CHAIRMAN. Motions are not in order at this time.

Mr. PITNEY. I will say to the chairman of the committee [Mr. BABCOCK] that if he will give us any assurance that the amendment I propose will, if adopted by the House, go into the bill if enacted into law, or else that we shall have fair notice to oppose the bill in any other form on a conference report, I have no objection to still adhering to that amendment, which, I think, is as far as we ought to go.

Mr. MEREDITH. In other words, you would put a man on the jury and swear him to decide in a certain way before the case is heard at all.

Mr. PITNEY. I do not ask to have the conferees commit themselves, except to this extent, that if the Senate conferees will not agree to a report embodying my amendment to the bill, we shall all have fair notice of the conference report, so that we may oppose its adoption.

Mr. HEPBURN. Mr. Chairman, I rise to a point of order. We can not hear. It is impossible in the confusion to hear what particular dicker the gentlemen are engaged in.

The CHAIRMAN. The point of order is well taken.

Mr. BABCOCK. Mr. Chairman, I do not see how I am authorized to speak for the committee, the conference committee, or the Committee on the District of Columbia, as to what they may do in the future. I take it for granted that the gentlemen connected with this bill on the floor will act in good faith. But it would seem to me, Mr. Chairman, that if gentlemen doubt the action of the conference committee that the Speaker is likely to appoint, they had better dispose of the bill right now.

Mr. PITNEY. The gentleman will permit me to say that I have no doubt of the sincerity of any gentleman upon the Committee on the District of Columbia. But the gentleman is aware of the fact that in the last hours of the session we will be very busy with appropriation bills, and I may not be present on the floor of the House when the conference report is called up. If the gentleman will assure me that no conference report shall be brought in without giving notice to me, I am perfectly willing to move the amendment and have it accepted.

Mr. BRUMM. Your idea is that the committee shall agree to bind this House even without knowing what its future action may be.

Mr. PITNEY. Can the gentleman understand the English language?

Mr. BRUMM. I think I can understand the English language, and I am stating what you are trying to drive at. It simply means that you are asking this committee to bind the future action of this House as to what the House may choose to do with a conference report.

Mr. PITNEY. Then the gentleman's hearing is at fault. I ask that if the Senate conferees refuse to agree to this provision, I shall be notified by the House conferees before any other provision is brought up for action in the House.

Mr. BABCOCK. Mr. Chairman, I move that the committee do now rise.

Mr. PITNEY. A parliamentary inquiry.

The motion was agreed to.

Mr. PITNEY. May I not make a parliamentary inquiry?

Mr. DOCKERY. You did not include in your motion to report the bill favorably.

Mr. BABCOCK. And report the bill.

Mr. DOCKERY. That was not embodied in the motion at all. The motion did not include reporting the bill favorably.

The CHAIRMAN. The motion was that the committee do rise. That was all.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3307) and had come to no resolution thereon.

Mr. BABCOCK. I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. I understand there was an amendment pending in the committee that was not acted upon when this bill was reported.

Mr. HENDERSON. There was no pending amendment.

The SPEAKER. The chairman of the committee reported that the committee had come to no resolution thereon.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3307; and, pending that, that debate be limited to ten minutes.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3307; and, pending that motion, the gentleman submits the further motion that in Committee of the Whole House on the state of the Union debate shall be limited to ten minutes.

Mr. WHEELER. I move to amend, and make it fifteen.

The question was taken on the amendment, and it was rejected.

The SPEAKER. The question recurs on the original motion, that debate be limited to ten minutes.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PITNEY. Division!

The House divided; and there were—ayes 69, noes 18.

So the motion was agreed to.

The SPEAKER. The question now recurs on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3307.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HENDERSON in the chair.

The CHAIRMAN. The Committee of the Whole will resume the consideration of the bill S. 3307. General debate is limited to ten minutes. The gentleman from Alabama is recognized.

[Mr. WHEELER addressed the committee. See Appendix.]

Mr. BABCOCK. Acknowledging my obligations to the gentleman from Alabama [Mr. WHEELER], I yield back the time to the Chair. If there is no further amendment to be offered——

Mr. STEELE. I have an amendment to offer.

The CHAIRMAN. The bill is open for amendment.

Mr. STEELE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, That one half the sum already expended for the reclamation of this land shall be reimbursed to the Treasury of the United States from the revenues of the District of Columbia: *And provided further*, That all improvements to said park shall be paid equally from the revenues of the District of Columbia and the United States.

The question being taken, the amendment of Mr. STEELE was rejected.

Mr. LACEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at end of bill:

"*Provided*, That until such time as the improvement of said park shall be entered upon, the Secretary of the Interior is authorized, under such regulations as he may prescribe, to permit the cultivation of said land or parts thereof for charitable uses for the benefit of the poor of the District of Columbia."

Mr. LACEY. Mr. Chairman, one word in explanation of this amendment. It will be observed that the amendment is permissive in its form. It does not require, but simply authorizes, the Secretary of the Interior, in his discretion, until the improvement of this land is entered upon, to use any part of it for the purpose specified in the amendment. I am not sure that much of this land is adapted to cultivation. But whatever portion may be suitable should be cultivated in some way. It is best for the health of the city that this should be done. The amendment being permissive in its form, its adoption will be entirely safe, because the Secretary of the Interior will not exercise the authority conferred upon him unless on careful investigation he should deem it desirable or necessary.

Mr. BABCOCK. I understand that this land is wash and sand and gravel; that it is in no condition to be cultivated.

Mr. GROUT. The gentleman from Nevada [Mr. NEWLANDS] told us that this land had been formed from mud and is very fertile. I judge it to be of such a character that vegetation must

thrive upon it. I am, therefore, in favor of the amendment proposed by the gentleman from Iowa [Mr. LACEY]. If the land can be utilized, let it be done. If the land is entirely unsuitable for cultivation, then nobody will want to use it for that purpose.

Mr. BABCOCK. All right; I will not object to the amendment.

Mr. GROUT. The amendment simply gives the Secretary authority to use the land in this way in case it may seem desirable.

Mr. MILNES. I rise to a point of order. It seems to me that this amendment is an infringement upon a patent which is exclusively owned by the State of Michigan, from which I have the honor to come—the Pingree potato patch.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CANNON. I want to offer an amendment to the amendment.

The Clerk read the amendment of Mr. CANNON, as follows:

Add to the amendment of Mr. LACEY these words: "And the sum of $10,000 is appropriated to carry out the provisions of this act."

Mr. CANNON. Mr. Chairman, I like to be practical in matters of legislation. Here is a great body of land the improvement of which has already cost two million and a half of dollars. This land is said by the gentleman from Wisconsin [Mr. BABCOCK] to be sand and gravel; it is said by other members to be very productive soil. It is proposed to "tickle it with a hoe," to allow it to be cultivated for charitable purposes under the direction of the Secretary of the Interior. Now, if that amendment is to be adopted—and I am not prepared to say whether it is wise or unwise—let us have something practical. If we appropriate $10,000 to utilize this land by cultivation, that amount of money will, I anticipate, enable the Secretary of the Interior to appoint some one superintendent, at $2,500 salary, and also several farmers, at probably $1,000 each.

Mr. MERCER. Will they be under the civil-service rules?

Mr. CANNON. I think not. I think there is a chance for some of us to get these places. [Laughter.]

Mr. ARNOLD of Pennsylvania. I object to this discussion unless my colleague [Mr. BROSIUS] is here.

Mr. CANNON. It seems to me that the proposition of the gentleman from Iowa ought to be amended so as to make it practical.

The question being taken on Mr. CANNON'S amendment to the amendment, it was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I want to suggest one difficulty in connection with the amendment of my colleague [Mr. LACEY]. If this bill should pass in the form proposed, then this reservation, like all the other reservations in the city of Washington, would come under the jurisdiction of the War Department, and would be in charge of the particular officer who has charge of all the other parks and reservations, whereas the amendment of my colleague proposes that the Secretary of the Interior shall have jurisdiction of this land for the purpose of cultivating potatoes or peanuts or whatever else the land may be capable of raising. I merely suggest that difficulty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LACEY].

The amendment was rejected.

Mr. PITNEY. Now I offer the amendment which has been sent to the desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "hereby," in line 5, and insert in lieu of what follows after that word the following:

"Reserved for such public purposes as shall be hereafter specified by Congress; and no part thereof shall be devoted or used for any private purpose without the consent of Congress."

Mr. BABCOCK. You might as well kill the bill as to adopt that amendment.

Mr. PITNEY. Oh, it is a very meritorious amendment.

The question was taken on the amendment; and on a division (demanded by Mr. PITNEY) there were—ayes 58, noes 77.

Mr. PITNEY. Tellers.

Tellers were ordered; and the Chairman appointed Mr. PITNEY and Mr. BABCOCK.

The committee again divided; and the tellers reported—ayes 58, noes 91.

Accordingly the amendment was rejected.

Mr. BABCOCK. Now, Mr. Speaker, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park, and had directed him to report the same back to the House without amendment, and with the recommendation that it do pass.

Mr. BABCOCK. I move the previous question on the bill to its passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. TERRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TERRY. I rise for the purpose of making a suggestion for the yeas and nays. I think that, without the amendment of the gentleman from New Jersey [Mr. PITNEY], this bill ought not to pass.

The SPEAKER. There can be no further debate, the previous question having been ordered.

Mr. TERRY. I demand the yeas and nays.

The SPEAKER. Does the gentleman demand the yeas and nays on the third reading of the bill?

Mr. TERRY. No; on the passage.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. TERRY. On that I demand the yeas and nays.

The question was taken; and there were—yeas 157, nays 64, not voting 131; as follows:

YEAS—157.

Abbott,
Adams,
Aldrich, T. H.
Aldrich, Ill.
Arnold, Pa.
Arnold, R. I.
Avery,
Babcock,
Baker, N. H.
Bankhead,
Bartholdt,
Bennett,
Berry,
Boutelle,
Bowers,
Brewster,
Brumm,
Buck,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Catchings,
Chickering,
Coffin,
Cooper, Wis.
Crowther,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Danford,
Daniels,
Dayton,
De Witt,
Dolliver,
Eddy,
Ellis,
Erdman,
Evans,
Fischer,
Foote,
Gamble,
Gillet, N. Y.
Graff,
Griffin,
Grosvenor,
Grout,
Grow,
Hall,
Halterman,
Hardy,
Harris,
Hart,
Heiner, Pa.
Henderson,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hill,
Hitt,
Hopkins, Ill.
Hopkins, Ky.
Howe,
Hubbard,
Huff,
Hulick,
Hull,
Hunter,
Hurley,
Hyde,
Jenkins,
Johnson, Cal.
Kiefer,
Kirkpatrick,
Knox,
Kyle,
Lacey,
Latimer,
Lefever,
Leisenring,
Lewis,
Linney,
Little,
Long,
Low,
McCall, Tenn.
McCleary, Minn.
McCreary, Ky.
McDearmon,
McLachlan,
Mercer,
Meredith,
Meyer,
Miles,
Miller, W. Va.
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Mozley,
Newlands,
Odell,
Otjen,
Overstreet,
Owens,
Patterson,
Poole,
Price,
Pugh,
Quigg,
Raney,
Ray,
Reeves,
Reyburn,
Richardson,
Royse,
Scranton,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Sorg,
Southwick,
Spalding,
Spencer,
Sperry,
Stahle,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Taft,
Tawney,
Tayler,
Thorp,
Tracey,
Treloar,
Turner, Ga.
Van Voorhis,
Walker, Mass.
Wanger,
Warner,
Watson, Ohio
Wellington,
Wheeler,
White,
Willis,
Wilson, Ohio
Wilson, S. C.
Wood,
Woodard,
Woodman,
Woomer,
Wright.

NAYS—64.

Anderson,
Baker, Kans.
Bartlett, Ga.
Bartlett, N. Y.
Bell, Colo.
Bishop,
Black,
Blue,
Broderick,
Cannon,
Clardy,
Clark, Iowa
Codding,
Connolly,
Cox,
Crisp,
Crowley,
Curtis, Kans.
De Armond,
Dinsmore,
Dockery,
Faris,
Fenton,
Gardner,
Gibson,
Griswold,
Hatch,
Hemenway,
Hendrick,
Henry, Ind.
Howard,
Johnson, Ind.
Kleberg,
Lawson,
Layton,
Livingston,
Loud,
Loudenslager,
Maddox,
McCulloch,
McEwan,
Money,
Moses,
Neill,
Otey,
Pendleton,
Perkins,
Pitney,
Sayers,
Shafroth,
Shuford,
Sparkman,
Steele,
Stokes,
Strong,
Strowd, N. C.
Talbert,
Tate,
Terry,
Towne,
Turner, Va.
Tyler,
Van Horn,
Williams.

NOT VOTING—134.

Acheson,
Aitken,
Aldrich, W. F.
Allen, Miss.
Allen, Utah
Andrews,
Apsley,
Atwood,
Bailey,
Baker, Md.
Barham,
Barney,
Barrett,
Beach,
Belknap,
Bell, Tex.
Bingham,
Boatner,
Bromwell,
Brosius,
Brown,
Clark, Mo.
Clarke, Ala.
Cobb,
Cockrell,
Colson,
Cook, Wis.
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Corliss,
Cousins,
Cowen,
Crump,
Culberson,
Cummings,
Denny,
Dingley,
Doolittle,
Dovener,
Draper,
Ellett,
Fairchild,
Fitzgerald,
Fletcher,
Foss,
Fowler,
Gillett, Mass.
Goodwyn,
Hadley,
Hager,
Hainer, Nebr.
Handy,
Harmer,
Harrison,
Hartman,
Heatwole,
Hermann,
Hooker,
Howell,
Huling,
Hutcheson,
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kerr,
Kulp,
Leighty,
Leonard,
Lester,
Linton,
Lorimer,
Maguire,
Mahany,
Mahon,
Marsh,
Martin,
McCall, Mass.
McClellan,

McClure,
McCormick,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Miller, Kans.
Milliken,
Miner, N. Y.
Moody,
Morse,
Murphy,
Murray,
Noonan,
Northway,
Ogden,
Parker,
Payne,
Pearson,
Phillips,
Pickler,
Powers,
Prince,
Rinaker,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sauerhering,
Settle,
Shaw,
Skinner,
Smith, Mich.
Southard,
Stallings,
Stephenson,
Stewart, N. J.
Strait,
Sulloway,
Sulzer,
Swanson,
Thomas,
Tracewell,
Tucker,
Updegraff,
Wadsworth,
Walker, Va.
Washington,
Watson, Ind.
Wilber,
Wilson, Idaho
Wilson, N. Y.
Yoakum.

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Dingley with Mr. McMillin.
Mr. Corliss with Mr. Cowen.
Mr. Pickler with Mr. Miner of New York.
Mr. Harmer with Mr. Hutcheson.
Mr. Kulp with Mr. Shaw.
Mr. McCall of Massachusetts with Mr. Jones.

For this day:

Mr. Bingham with Mr. Culberson.
Mr. Cook of Wisconsin with Mr. Russell of Georgia.
Mr. Bromwell with Mr. Strait.
Mr. Meiklejohn with Mr. McRae.
Mr. McClure with Mr. Swanson.
Mr. Joy with Mr. Stallings.
Mr. Hulick with Mr. Lester.
Mr. Aitken with Mr. Yoakum.
Mr. Brosius with Mr. McLaurin.
Mr. Crump with Mr. Tucker.
Mr. Marsh with Mr. Ellett.
Mr. Draper with Mr. Washington.
Mr. Cousins with Mr. Allen of Mississippi.
Mr. Hadley with Mr. Bailey.
Mr. Heatwole with Mr. Clarke of Alabama.
Mr. Mahon with Mr. Cobb.
Mr. Lorimer with Mr. Bell of Texas.
Mr. Wilber with Mr. Cooper of Texas.
Mr. Smith of Michigan with Mr. Fitzgerald.
Mr. Hainer of Nebraska with Mr. Harrison.
Mr. Stewart of New Jersey with Mr. Robertson of Louisiana.
Mr. Russell of Connecticut with Mr. Maguire.
Mr. Tracewell with Mr. Ogden.
Mr. Walker of Virginia with Mr. Sulzer.
Mr. William F. Aldrich with Mr. Rusk.

Mr. WHEELER. I should like to have a recapitulation of the names.

The SPEAKER. The gentleman asks for a recapitulation of the names. The Chair thinks that this is not a doubtful matter. On this question the yeas are 157 and the noes 61. Accordingly, the bill is passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3 and 4, and had further insisted upon its amendments.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2729) granting a pension to Emma Weir Casey.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Pruden, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 20, 1897:

An act (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

An act (H. R. 4099) to increase the pension of Mary S. Higgins;

An act (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols.

An act (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

An act (H. R. 6743) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

An act (H. R. 10131) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898; and

An act (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes.

The following bills were presented to the President on the 10th day of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States have become laws without his approval:

An act (H. R. 2620) granting a pension to Lauretta L. Prince;

An act (H. R. 3166) granting a pension to George B. Merchant;

An act (H. R. 4811) granting a pension to Melissa Adams, widow of Silas Adams;

An act (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

An act (H. R. 7115) granting a pension to James Warbrook;

An act (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

An act (H. R. 7821) granting a pension to Annie Schifirli;

An act (H. R. 1061) for the relief of Henry F. Thornton;

An act (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

An act (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

An act (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

An act (H. R. 7349) to pension Lewellyn D. King;

An act (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

An act (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

An act (H. R. 6235) to grant a pension to Mrs. Helen A. Faulkhouser;

An act (H. R. 6234) to restore the name of James R. Pack to the pension roll;

An act (H. R. 9091) to reinstate William Waldrup on pension roll;

An act (H. R. 468) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers in the war of the rebellion;

An act (H. R. 2257) to increase the pension of Charles H. Twomey;

An act (H. R. 3261) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

An act (H. R. 5582) to increase the pension of Josephine Glover;

An act (H. R. 6539) to increase a pension to Richard C. Enright;

An act (H. R. 7969) to increase the pension of Joseph E. Vantine;

An act (H. R. 2725) granting increase of pension to Henry Slaughter;

An act (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

An act (H. R. 7740) granting an increase of pension to Lewis Keiser;

An act (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers; and

An act (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, was taken from the Speaker's table and referred to the Committee on the District of Columbia.

EAST WASHINGTON HEIGHTS TRACTION RAILWAY COMPANY, OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia.

Mr. RICHARDSON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. This bill should first be considered in Committee of the Whole. I want to know whether it is waived by having the bill first read in the House?

The SPEAKER. Certainly not.

Mr. BABCOCK. Mr. Speaker, I would like to ask by what rule it is necessary to consider that bill in Committee of the Whole?

The SPEAKER. That will have to be determined when the bill is read. The House can not tell whether a matter should go to the committee or not until it has been read.

The bill was read at length.

Mr. WILLIAM A. STONE. I raise the point of order that this bill should first be considered in Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, I desire to say that it is well known to every member of the House that the committee has lost nearly half of the day. I now move that the House take a recess

until 11 o'clock to-morrow; and on that motion I ask the previous question.

The SPEAKER. The gentleman from Wisconsin moves that the House take a recess until 11 o'clock to-morrow morning; and on that he asks the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAM A. STONE. Division!

The House divided; and there were—ayes 98, noes 44.

Mr. WHEELER. No quorum.

The SPEAKER. The Chair believes there is a quorum present. [After counting.] One hundred and eighty-four gentlemen are present. The ayes have it——

Mr. CATCHINGS. I ask for the yeas and nays on this question.

The SPEAKER. The gentleman asks for the yeas and nays on this question——

Mr. STEELE. Pending that, I move that the House do now adjourn.

The SPEAKER. Evidently a sufficient number, and the yeas and nays are ordered.

Mr. STEELE. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WILLIAM A. STONE. Division!

The House divided; and there were—ayes 76, noes 73.

The SPEAKER. Pending the announcement, the Chair lays before the House a report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3718) to authorize the Montgomery, Haynesville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama;

A bill (S. 2729) granting a pension to Emma Weir Casey;

A bill (S. 3614) to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River;

A bill (S. 2877) granting a pension to Hiram Santas;

Joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held in Buffalo;

Joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries;

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia;

A bill (H. R. 1515) for the relief of Hugh McLaughlin; and

A bill (H. R. 4424) to correct the military record of George I. Spangler.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Marsh, indefinitely, on account of sickness.

To Mr. Cobb, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. Poole obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John O. Wood, Fifty-fourth Congress, no adverse report having been made thereon.

REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

The SPEAKER announced as conferees on the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, with Senate amendments, Mr. Curtis of Iowa, Mr. Odell, and Mr. Meyer.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Gurnet Rock and other rocks at the mouth of Plymouth Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Duxbury Beach, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the approaches to the Cape Cod Ship Canal, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Duxbury Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. ODELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3608) entitled "An act setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution," reported the same without amendment, accompanied by a report (No. 3032); which said bill and report were referred to the House Calendar.

By Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10310) to authorize the construction and maintenance of a bridge across the St. Lawrence River, reported the same without amendment, accompanied by a report (No. 3039); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 5128) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers. (Report No. 3031.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3746) granting a pension to Elizabeth M. Leach. (Report No. 3033.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 5691) granting an increase of pension to Sophia W. Buxton, of Durango, Colo. (Report No. 3034.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 5543) granting a pension to Elizabeth Norton. (Report No. 3036.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 3239) entitled "An act for the relief of the estate of Richard Lawson." (Report No. 3038.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT of Massachusetts: A bill (H. R. 10355) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 10356) to restore to the public domain the lands embraced within the forest reservations, in the State of Wyoming, set up and established by Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10358) to regulate interstate transportation of property owned or manufactured by unlawful combinations—to the Committee on the Judiciary.

By Mr. WADSWORTH: A concurrent resolution (House Con. Res. No. 71) authorizing the printing and binding of 12,000 additional copies of Arbor Day: Its History and Observance—to the Committee on Printing.

By Mr. TRACEY: A resolution (House Res. No. 553) to pay session employees appointed by resolution of the House as other session employees of the House are paid—to the Committee on Accounts.

By Mr. SMITH of Michigan: A resolution (House Res. No. 554) requesting the Secretary of State to report to the House the names, residence, and citizenship of all aliens now representing the United States in any consular or diplomatic capacity, etc.—to the Committee on Foreign Affairs.

By Mr. BARRETT: A memorial of the Massachusetts legislature, relative to the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. MOODY: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Boston—to the Committee on Naval Affairs.

By Mr. FITZGERALD: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. HATCH: A memorial of the Indiana legislature, urging consideration of Senate bill 2741—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. ATWOOD: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. RUSSELL of Connecticut: A memorial of the legislature of Connecticut, favoring the bill (H. R. 260) to adjust salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMPKINS: A memorial of the Massachusetts legislature, favoring the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10359) for the relief of A. W. Lane—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of Mrs. C. B. Farwell, Mrs. Albert Keep, Mrs. William Blair, Mrs. R. W. Patterson, Mrs. H. H. Forsyth, and other women of Chicago, Ill., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of citizens of Washington, Mo., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Columbus Assembly, No. 3, Royal Society of Good Fellows, of Providence, R. I., favoring the passage of the McMillan-Linton bills, regulating fraternal orders and associations—to the Committee on the District of Columbia.

Also, petition of the Methodist and Baptist churches, Woman's Relief Corps, and Young People's Society of Christian Endeavor, of Warren, R. I., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist and Baptist churches, Woman's Relief Corps, and Young People's Society of Christian Endeavor, of Warren, R. I., in favor of the Shannon bill (H. R. 9515), to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the District of Columbia.

By Mr. BURTON of Missouri: Petition of A. M. Beman and 7 other citizens of Aurora, Mo., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Resolutions of the Topeka Division, No. 179, Order of Railway Conductors; also resolutions of the Board of Trade of Iola, Kans., favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND (by request): Petition of John H. Miller and other citizens of Rich Hill; also of L. Klous and others, of Harrisonville, State of Missouri, favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of Albert Anderson and other citizens of Minneapolis, Minn., favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Sundry petitions of C. B. Cooper and 6 other citizens of Fairport; J. E. Hoke and others, of Cooperstown, N. Y.; W. Schwagamann, of Yonkers, N. Y.; W. B. Van Vliet, of Johnstown, N. Y.; E. L. Spire, of Kirksville, N. Y.; John T. Marvin, of Corning, Iowa; O. H. Clark and 7 others, of Croton Falls, N. Y.; Peter Draper and 6 others, of Attica, N. Y.; John Allen and 20 others, of East Pembroke, N. Y.; Gilbert Turnbull and 6 others, of Schenectady, N. Y.; Frank P. Bailey and 6 others, of Highland Falls, also resolutions of the National Educational Association at Indianapolis, Ind., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Veterinary Medical Association of Iowa, protesting against the passage of Senate bill No. 1552, restricting vivisection and biological science in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Iowa, asking for the passage of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

By Mr. HERMANN: Memorial of the Chamber of Commerce of Portland, Oreg., for a Delegate from Alaska—to the Committee on the Territories.

By Mr. HUNTER: Petition of Alexander Post, No. 111, Grand Army of the Republic, Department of Kentucky, for the relief of ex-soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LINTON: Sundry petitions of citizens of the State of Michigan, viz: C. L. King and others, S. H. Edgcumbe and others, J. A. Frye and others, Frederick Volof and others, J. H. Carmichael, H. J. Knibbs and others, H. S. Faust, and G. P. Mitchell, asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. F. Maynes and 29 others, S. H. Coon and 11 others, F. C. Tyron and 18 others, O. D. Chapman and 21 others, H. Coleman and 18 others, William J. Doremus, F. T. Fisher and others, E. O. Singleton and 28 others, Thomas E. Birch and others, in the State of Michigan; also petitions of various councils of the Loyal Additional Benefit Association; also of the Martha Washington Assembly, Royal Society of Good Fellows, of Pittsburg, Pa., urging the passage of the McMillan-Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Michigan, protesting against the passage of Senate bill No. 1552, relating to vivisection—to the Committee on the District of Columbia.

Also, protests of C. W. S. Burger and other citizens of New York City; C. Wise and others, of Emporia, Kans.; J. E. Coleman and others, of the State of Wisconsin; J. A. Caywood and others, of Niwot, Colo.; E. J. Hubbard and others, of the State of New York; J. M. B. Parry and others, of Aspen, Colo.; Fred Baker and others, of Newark, N. J.; A. Irving Wesley, of Brooklyn, N. Y.; J. C. Van Thaden and others, C. A. Doerner, William L. Cole and others, of Brooklyn, N. Y.; Mason Huddart, of New York City; D. H. Bennett and others, of the State of New York; H. W. Baggott and others, of the State of New Jersey; Noah Jackson and others, of Emporia, Kans.; B. F. Friebel, William H. Pascal and others, of Cohoes, N. Y., against appropriations for sectarian institutions and favoring an amendment to the Constitution prohibiting such appropriations—to the Committee on the Judiciary.

Also, petition of J. R. Hall and other citizens of Saginaw, Mich., asking for a continuance of the marine post-office at Detroit, Mich.—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce and petition of George W. Neff, of Lake Crystal, Minn., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Hon. W. M. Green and 20 other citizens of Hope, Ark., in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. McDermott, master, and N. P. O'Neal, secretary of Lodge No. 163, Locomotive Firemen, Pine Bluff, Ark., asking for the passage of the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill—to the Committee on Labor.

By Mr. NEILL: Petition of W. A. Welty and 19 other citizens in the State of Arkansas, in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

By Mr. ROYSE: Petition of E. A. Campbell and other citizens of Elkhart, Ind., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petitions of Thomas J. Simmons, chief justice supreme court of Georgia; Rev. E. H. Bennett and 27 others, clergymen and professional men of Atlanta, Ga.; H. A. Jenkins, speaker of Georgia house of representatives; Attorney-General J. M. Terrill, of Georgia; L. M. Trammel, chairman Georgia railroad commission; Robert J. Lowery and 22 bankers and business men of Atlanta, Ga.; Bishop Kendrick Nelson, of Georgia; Hoke Smith and W. Y. Atkinson, of Atlanta, Ga., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Sundry petitions of citizens of the State of Michigan, viz: J. R. Wirts and other citizens of Burroak; H. Wilson, of Mackinaw; J. H. Maynard and others, of Sparta; C. Finster, of Rockford; Phillip Allen and others, of Grand Rapids; C. M. Case and others, of Manchester; H. Voelker and others, of Caledonia; A. E. York, James Thompson, John Olander, John B. Hobbs, and others, of Grand Rapids; George Ransom and others, of Muir; H. C. Chamberlin and others, of Hastings; J. C. Floyd, Egbert Winter, and others, of Holland; L. N. Stearns and others, of White Pigeon; F. A. Voigt and others, of Grand Rapids, and Peter de Bruyn, of Spring Lake, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of G. F. Crites and others, of Belle Center, Ohio, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER (by request): Numerous petitions of citizens of the United States, in regard to willow ware—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Resolutions adopted at the meeting of the Iowa State Veterinary Medical Association held at Oskaloosa, Iowa, protesting against the passage of Senate bill No. 1552, restricting vivisection—to the Committee on the District of Columbia.

Also, resolution of the State Veterinary Medical Association of Iowa, for the enactment of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

SENATE.

THURSDAY, *February 25, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL—ARMY APPROPRIATION BILL.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. PETTIGREW. I ask that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection? The reading of the Journal will be dispensed with, in the absence of objection.

THE YELLOWSTONE PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 17th instant, information concerning the privilege of erecting a steam plant elevator or other appliances on the Yellowstone Canyon in the Yellowstone Park, etc.; which was ordered to lie on the table and be printed.

NORTHERN PACIFIC RAILROAD GRANT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 19th instant, a report from the Acting Commissioner of the General Land Office, together with a statement as to a deficiency existing in the grant to the Northern Pacific Railroad Company under the acts of Congress of July 2, 1864, and May 31, 1870, at the date of the various definite locations of that road; which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3328) to amend an act to repeal the timber-culture laws, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of Iowa, Mr. ODELL, and Mr. MEYER managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10178) for the relief of Francisco Perna; and

A bill (H. R. 10330) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1832) to define the right of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; and

A bill (S. 3307) declaring the Potomac Flats a public park, under the name of Potomac Park.

DANIEL E. DE CLUTE.

Mr. BURROWS. I should like to have the bill (H. R. 9689) for the relief of Daniel E. De Clute considered. It is a brief bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Daniel E. De Clute, late a private of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension at the rate of $30 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I ask unanimous consent that on Monday next, at 2 o'clock p. m., the Senate proceed to vote upon House bill 8110, the bankruptcy bill, and the pending amendments.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. What is the request?

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that on Monday next, at 2 o'clock, the Senate proceed to vote upon the bankruptcy bill and pending amendments. Is there objection?

Mr. JONES of Arkansas. I object until there are more Senators present.

The VICE-PRESIDENT. The Senator from Arkansas objects.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Nineteenth legislative assembly of the Territory of Arizona, praying that Congress will provide by law for loaning to the University of Arizona ordnance and ordnance stores, etc.; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, *Office of the Secretary.*

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the house memorial No. 5 of the Nineteenth legislative assembly of Arizona, which was filed in this office the 20th day of February, A. D. 1897, at 2 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at the city of Phœnix, the capital, this 20th day of February, A. D. 1897.

[SEAL.]

CHARLES M. BRUCE,
Secretary of the Territory of Arizona.

Memorial.

To the Senate and House of Representatives
of the United States of America:

Your memorialists, the Nineteenth legislative assembly of the Territory of Arizona, respectfully represent as follows:

The University of Arizona, recognizing the value of military training, has established a military department, under a regular member of its faculty; has made such training a part of each of its several courses of study, and has made creditable progress by its own efforts and at its own expense, without aid from the General Government.

The application of said university to the Secretary of War for the loan of ordnance and ordnance stores, usually supplied to colleges, has usually been denied on the ground that under existing laws the detail of an Army officer for duty in said university as professor of military science and tactics is a prerequisite to loaning such equipment.

The detail of an Army officer for such duty at said university can not be secured until this Territory is admitted to Statehood.

Furthermore, it appears that the bond for an amount double the value of the property, which said university would be required to enter into before the delivery to it of said property, would amply secure the Government against loss.

Wherefore we pray that Congress will provide by law for loaning to the University of Arizona ordnance and ordnance stores and other property to the same extent and under the same regulations as would be lawful if an Army officer were on duty as professor in said university; and, further, that the publications of the United States relating to military affairs be regularly supplied to the military department of said university.

Resolved by the Nineteenth legislative assembly of the Territory of Ari[illegible]*,* That the secretary of the Territory is hereby requested to transmit [illegible]properly authenticated copy of this memorial to each House of the Congress of the United States, and to our Delegate in Congress.

D. G. CHALMERS,
Speaker.

FRED G. HUGHES,
President.

The VICE-PRESIDENT presented a petition of the Nineteenth legislative assembly of the Territory of Arizona, praying Congress to approve the proposed construction, under the plans of the United States Geological Survey, of the Buttes reservoir, in Pinal County, Ariz.; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, *Office of the Secretary.*

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the house memorial No. 4 of the Nineteenth legislative assembly of Arizona, which was filed in this office the 19th day of February, A. D. 1897, at 2.15 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at the city of Phoenix, the capital, this 20th day of February, A. D. 1897.

CHARLES M. BRUCE,
Secretary of the Territory of Arizona.

House memorial to the Senate and House of Representatives of the United States in Congress assembled.

We, your memorialists, the Nineteenth legislative assembly of the Territory of Arizona, respectfully represent that the National Irrigation Congress, held in Phoenix, Ariz., on the 15th of December, A. D. 1896, unanimously adopted the following:

Whereas the Pima and Maricopa Indians, tribes numbering in the aggregate 10,000 souls, have been deprived of the waters used by them in irrigation before the advent of the white race in America through the appropriation of such waters by settlers on the headwaters of the Gila River, and

Whereas through the loss of such waters the lands once cultivated by these tribes have become barren and worthless and the members of such tribe have become a charge on the Government and forced by the loss of their fields into lives of degradation and penury; and

Whereas such tribes have from the earliest days been the friends and allies of the white race; and

Whereas the people of the United States have pledged themselves by solemn treaty to protect such tribes in their property and property rights; and

Whereas the Government of the United States has and now is engaged in the expenditure of hundreds of thousands of dollars for the construction of works of irrigation for the reclamation of lands belonging to other Indian tribes: Therefore,

Be it resolved, That this congress do approve the proposed construction, under the plans of the United States Geological Survey, of the Buttes reservoir, in Pinal County, Ariz., recently reported, to again reclaim the lands of these tribes, believing that by so doing can the Government alone honorably redeem the broken pledges made by it to these people, and thus preserve from further want and degradation two of the surviving Indian tribes of this American continent that have always been the constant friends of the white race.

Resolved, That we approve the proposed construction of such reservoir not only as just and philanthropic, but as economical and good policy, as in a comparatively short time the expense of maintaining such Indians as Government charges will far exceed the cost of the irrigation works required to make them a self-supporting and self-respecting community.

Now, therefore, your memorialists, the Nineteenth legislative assembly of the Territory of Arizona, desire to go on record as earnestly indorsing the above recommendations of the Sixth Annual Irrigation Congress, for the following reasons:

1. The reservoir site referred to, having been withdrawn from entry by Government authorities, can not now be utilized by any private corporation, and the Government therefore occupies the indefensible position of doing nothing itself nor allowing anyone else to improve this great national reservoir site.

2. We firmly believe that the interests of humanity dictate that the Indians should be gathered on the reservations, have lands allotted to them in severalty, and that they be furnished with farming implements and an inexhaustible supply of water for irrigation of their lands. By this means will a home life be furnished for the Indian and he will more rapidly advance in civilization as a consequence. He will abandon his nomadic life; his children will be kept at home and educated in neighborhood schools, instead of being sent to large Indian schools at a distance, where they are kept (as it would seem) for mere purposes of show. After being instructed in the arts of civilization for a time they are returned to savagery, to become more unhappy and discontented than if they had never received the questionable advantages. We feel that the present policy of the Indian Department is all wrong in this regard.

3. The Pima and Maricopa Indian Reservation contains 350,000 acres of as fertile land as lies within the boundaries of Arizona, and is admirably adapted for homes for these people, as well as the wandering Papagoes, who are now compelled to prey upon the herds of our farmers and ranchmen for subsistence.

4. The construction of a storage reservoir at the Buttes by the Government offers a plain business proposition for the correction of these evils.

Resolved, That the secretary of the Territory be instructed to transmit a copy of the foregoing memorial to our Delegate and Delegate-elect in Congress, and also a copy each to the President of the Senate and Speaker of the House of Representatives.

D. G. CHALMERS, *Speaker.*
FRED G. HUGHES, *President.*

The **VICE-PRESIDENT** presented a petition of the Methodist Preachers' Meeting of Cincinnati, Ohio, praying for the enactment of legislation regulating the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented petitions of 113 citizens of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of the Michigan State Veterinary Medical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Evart, Mich., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Evart, Mich., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the board of education of Grand Rapids, Mich., and a petition of the board of trustees of the Supreme Hive, Ladies of the Maccabees of the World, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of Wayne Lodge, No. 508, Brotherhood of Locomotive Firemen, of Detroit, Mich., praying for the enactment of legislation to punish contempts of court, for the appointment of an impartial, nonpartisan industrial commission, and also for the appointment of an international arbitration commission; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union, of Pontiac, Evart, Greenville, and St. Ignace, all in the State of Michigan, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Shelby, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented the memorial of M. G. Manting, publisher of the Ottawa County Times, of Holland, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Evart, Mich., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Newaygo, Mich., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. SEWELL presented a petition of the Young People's Society of Christian Endeavor of the Second Presbyterian Church, of Rahway, N. J., and a petition of the Woman's Christian Temperance Union, No. 1, of Rahway, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of Peter Cooper Council, No. 196, Junior Order United American Mechanics, of Newark, N. J., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hoboken, N. J., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of Elizabeth S. Dohrman, president of the Wednesday Morning Club; of Janet S. Irving, president of the Woman's Christian Temperance Union; of Anna S. Miller, president of the Ladies' Aid Society; of Fannie E. Bates, president of the Village Improvement Association, and of Minna C. Hale, president of the Progress Club, all of Cranford, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. QUAY presented a petition of the United Labor League of Western Pennsylvania, praying for the passage of the so-called Phillips' labor commission bill; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

United Labor League of Western Pennsylvania, representing 30,000 organized working men and women.

PITTSBURG, PA., *February 21, 1897.*

At the regular semimonthly meeting of the United Labor League of Western Pennsylvania, the following were adopted:

Whereas there is now on file in the United States Senate a bill generally known as the Phillips labor commission bill; and

Whereas the majority of the members of the Senate recently voted down the untiring efforts of Senator MATTHEW STANLEY QUAY to bring up the bill for final passage: Therefore,

Be it resolved, That we unanimously supplement the efforts of Senator QUAY to bring the bill to a final vote in the Senate before the termination of the present session; and

Be it further resolved, That a copy of these resolutions be signed by the officers of the league and sent at once to Senator QUAY, and that he be authorized to say that he speaks for the labor organizations of western Pennsylvania in his demand for a final vote on said bill before the close of the present session of the Senate.

JOHN KLUMPP, *President.*
M. P. CARRICK, *Secretary,*
42 Charles street, Allegheny, Pa.

Mr. QUAY presented a petition of the Young Men's Christian Association of Chester Pa.; a petition of members of the Madison Street Methodist Episcopal Church, of Chester, Pa., and sundry petitions of the Young People's Society of Christian Endeavor and the Epworth League of Newcastle, Lawrence County, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and grounds; which were ordered to lie on the table.

He also presented a petition of members of the Madison Street Methodist Episcopal Church, of Chester, Pa., and a petition of the Young Men's Christian Association of Chester, Pa., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of sundry citizens of Shelby,

Ohio, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Methodist Preachers' Meeting of Cincinnati, Ohio, praying for the passage of the bill regulating the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Western Reserve Society, Sons of the American Revolution, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of the Central Christian Church, of Cincinnati; of the Woman's Christian Temperance Union of Yellow Springs; of the Young People's Society of Christian Endeavor of Chippewa Lake; of the Christian Endeavor Society of the Reform Church of Hartville; of the Christian Endeavor Society of the First United Presbyterian Church, of East Liverpool, and of the Young People's Society of Christian Endeavor of Columbus, all in the State of Ohio; and a petition of the Christian Endeavor Societies of the Presbyterian and Baptist churches of Wyoming, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. HOAR presented a petition of sundry citizens of Milford, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of the Young People's Society of Christian Endeavor of Newcastle, Lawrence County, Pa., praying for the adoption of an amendment to the Constitution of the United States, recognizing the Deity; which were referred to the Committee on the Judiciary.

Mr. CLARK presented the petition of A. Edward Powell, publisher of the Wyoming Freeman, of Sundance, Wyo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of sundry citizens of Racine, Wis., and a petition of sundry citizens of Richland Center, Wis., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Fort Atkinson, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the District of Columbia; which was ordered to lie on the table.

Mr. COCKRELL presented petitions of Division No. 3, Order of Railway Conductors, of St. Louis; of George Miller, pastor of the Presbyterian church of Chillicothe, and of Charles E. Hess and sundry other citizens of Jefferson City, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of sundry citizens of Alexandria, Ind., and a petition of sundry citizens of Warsaw, Ind., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented petitions of Division No. 3, Order of Railway Conductors, of St. Louis, and of sundry citizens of Aurora, Kansas City, and Westport, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Joint Commission on the Ford's Theater Disaster, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

He also, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Pensions, to whom was referred the bill (S. 2125) granting a pension to Mrs. Frances C. De Russy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky., reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3707) granting a pension to Catherine A. Bradley, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2283) for the relief of Charles Gallagher, and to refer his claims to the Court of Claims, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10290) for the relief of Joseph P. Patton, reported it without amendment, and submitted a report thereon.

JACOB M. HAMBURGER.

Mr. HAWLEY. I report back favorably from the Committee on Military Affairs, without amendment, the bill (H. R. 918) to remove the charge of desertion against Jacob M. Hamburger. I should like to have the Senate concur with the House in the passage of the bill. I think it is entirely just that we should let the poor man out, and then we shall never hear of it again.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against the name of Jacob M. Hamburger, late musician in Company G, First Battalion, Twelfth United States Infantry, and to issue him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TORPEDO-BOAT DESTROYERS.

Mr. CHANDLER. From the Committee on Naval Affairs I report a statement in reference to torpedo-boat destroyers, made by Mr. John Platt, which I ask may be printed as a document and referred to the Committee on Appropriations.

The **VICE-PRESIDENT.** It will be so ordered.

Mr. PETTIGREW. If there is no further morning business, I move that the Senate proceed to the consideration of the Indian appropriation bill.

The **VICE-PRESIDENT.** The morning business has not been concluded.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 3729) to lease the Industrial Home of Utah to the Salt Lake Free Kindergarten Association; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PLATT introduced a joint resolution (S. R. 208) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SEWELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. BROWN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. WETMORE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DUBOIS subsequently, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. CLARK this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

PAY OF STENOGRAPHERS.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographers employed to report the hearings before the Committee on the Judiciary, relating to the nomination of Henry E. Davis to be attorney of the United States for the District of Columbia, be paid from the contingent fund of the Senate.

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. HALE. I offer a resolution and ask for its present consideration. It simply calls for documents from a Department.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of the judgments of the Court of Claims in Indian depredation cases rendered up to and including the 27th instant, and requiring appropriations at the present session of Congress, and not already transmitted.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 10178) for the relief of Francisco Perna; and

A bill (H. R. 10230) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

ST. LAWRENCE RIVER BRIDGE.

Mr. HILL. I should like to have passed a bridge bill. If it can not be passed now it will absolutely prevent the construction of a bridge across the St. Lawrence River during the coming summer, and it is absolutely essential that the bill should pass at the very first opportunity. A partial construction has been made upon the Canadian side, and we need this legislation now in order to enable the bridge to be constructed on this side, and the construction can not be commenced unless the bill is passed. I ask unanimous consent for that purpose. It will only take a few moments. The bill was unanimously reported, and I should like to have it passed.

Mr. PETTIGREW. I object to the consideration of the bill.

The VICE PRESIDENT. Objection is interposed.

FORM OF CREDENTIALS.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from Massachusetts [Mr. HOAR] coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution suggesting the form of certificate of election of Senators, etc.

Mr. HOAR. The resolution has been read and the whole committee have agreed to it except to substitute the word "choosing" for "electing" before Senators, using the constitutional term. The resolution does not need to be read again. I hope it will be passed.

Mr. GRAY. That correction will be made.

Mr. HOAR. Yes, let that correction be made.

The VICE-PRESIDENT. The resolution has been heretofore read. It will be modified in the manner stated. The question is upon agreeing to the resolution as modified.

The resolution as modified was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 2101) for the relief of certain officers and enlisted men of the volunteer forces; and

An act (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held.

PROTECTION OF AMERICAN CITIZENS IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. HILL. I rise to a point of order. The motion can not be entertained until morning business is through.

Mr. ALLISON. It can be entertained at any time, I submit to the Senator from New York.

Mr. ALLEN. I hope this resolution will be permitted to come before the Senate. It will take but a few moments to dispose of it. I trust the Senator from South Dakota will withdraw his motion.

The VICE-PRESIDENT. The Chair had laid before the Senate the resolution coming over from a previous day as a part of the morning business.

Mr. ALLISON. Pending that, the Senator's motion is clearly in order.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from South Dakota.

Mr. HILL. The point of order I raise is that until the morning business is disposed of, or until one hour has elapsed, it is not in order to take up a bill from the Calendar. That is the law. I insist that my point is well taken.

Mr. PETTIGREW. I suppose this question will not require discussion. An appropriation bill is in order at any time. It has the right of way over other bills.

Mr. HILL. That has nothing to do with it. The rule is very plain. I ask for the reading of the rule.

Mr. PETTIGREW. I therefore move to proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The rule indicated by the Senator from New York will be read. The Chair asks the attention of Senators to the rule.

The Secretary read clause 2 of Rule VII, as follows:

Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment and shall be decided without debate upon the merits of the subject proposed to be taken up.

The VICE-PRESIDENT. The Chair thinks there can be no question as to the rule which has been read. The Chair has laid before the Senate the resolution of the Senator from Nebraska. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That it is the sense of the Senate that the President should speedily and effectually protect the lives and liberties of peaceable American citizens residing or sojourning in Cuba, and that he should promptly insist that Spain in her war against her colonists in the Island of Cuba should conduct the same on principles of civilized warfare, eliminating all unusual and unnecessary cruelty and barbarity; and for the enforcement of these reasonable and just requirements, United States battle ships should be sent without delay to Cuban waters.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HILL. Before the resolution is acted upon, I should like to hear some explanation of it. It seems to be pretty broad, covering a good deal of ground; and being of an important character, I think some explanation should be tendered in regard to it before it is further considered.

Mr. ALLEN. Mr. President, I have no desire at this late hour of the Congress to indulge in any lengthy speech upon this resolution, or upon any other, for that matter. I assume the facts are so well known to the American people which call for the adoption of the resolution and the measures it proposes that no one can deny the necessity of action upon the part of this Government. American citizens are arrested in Cuba and thrown into prison without any trial. Many of them are placed in cells where the consul-general can not have access to them to find out the facts of their cases. There seems to be a general disposition upon the part of the Spanish Government to punish every American citizen who either dwells upon or sojourns in the Island of Cuba. The story is a long one. It is full of atrocity and barbarity; and it would serve no useful purpose for me to read excerpts from newspapers and evidence from other sources supporting the statements contained in the resolution.

I may be permitted to refer in as delicate language as possible to two or three instances of barbarity that have occurred in that island recently. It is not denied that within a few weeks the Spanish authorities were guilty of taking an American lady and searching her person in a public manner and under circumstances of extreme cruelty. I scarcely know how to refer to this matter in my bluntness of speech, but certainly it was done at a time and under circumstances that no Christian man or woman, no civilized man or woman, could approve of.

But I refer more particularly to two instances that seem to be well established. It seems to be conclusively established that the Spanish military authorities in Cuba are gathering up the little girls in that island and selling them into a species of slavery, the worst conceivable in the human mind, selling them to lives of shame. Above that and beyond that, it seems to be conclusively established that Spanish soldiers have in one or more instances taken little infants by the heels, held them up, and hacked them to pieces with the deadly machete in the presence of the mothers and the fathers, and then have destroyed the mothers and fathers themselves.

There seems to be a disposition to heap every indignity and every species of barbarity upon American citizens and American sympathizers in that island, however peaceable they may be, and to practice the most unspeakable barbarity upon what is known as the pacificos, the inhabitants of the island, to such an extent that, in my judgment, the President of the United States will be derelict to his duty to his country, to his duty to every prompting of humanity and the civilization of the world, unless he takes prompt steps to protect the inhabitants and sojourners in that island from further barbarities.

How singular it is when we recall that a year ago Senators who are members of the Committee on Foreign Relations were inveighing strongly against the conduct of Spain in Cuba; that we voted almost unanimously here in favor of recognizing the belligerent rights of Cuba; and yet at this session in the same Congress there has been a singular silence on the part of the Committee on Foreign Relations respecting the conduct of affairs upon that island, and especially in the light of the extreme barbarity of the Spaniards to American citizens and to the people of Cuba. Is it to go on forever?

Mr. GRAY. May I interrupt the Senator from Nebraska?

Mr. ALLEN. Certainly.

Mr. GRAY. On the contrary, I will inform the Senator from Nebraska (perhaps he was not in the Chamber at the time) that yesterday the Committee on Foreign Relations of the Senate reported by one of its members to the Senate its action in regard to a matter which involves the general question upon which the Senator is speaking; and the Foreign Relations Committee is now waiting, in order that it may through one of its members bring that matter before the Senate in regular order and in accordance with the usages of the Senate, which has appointed that committee to consider these matters, and discuss them before the Senate.

Mr. ALLEN. The Senator does not speak in terms comprehensive enough for me to understand what the Committee on Foreign Relations has done.

Mr. GRAY. The Committee on Foreign Relations made a report yesterday and gave notice that it would bring the subject-matter of that report before the Senate this morning in the morning hour.

Mr. ALLEN. What was the report? What did they propose to do?

Mr. GRAY. The report is too long for me to state it, but it is in print.

Mr. ALLEN. What is the substance of it?

Mr. GRAY. It is in print and on the desks of Senators.

Mr. ALLEN. What do the committee propose to do?

Mr. BLACKBURN (to Mr. ALLEN). They propose what you propose to do.

Mr. ALLEN. The Senator from Kentucky states that they propose to do as I would do in this resolution.

Mr. BLACKBURN. I am for both.

Mr. ALLEN. I am glad to know it. Mr. President, the joint resolution referred to does not cover the question at all. The joint resolution, S. R. 207, simply covers the case of Julio Sanguily, a citizen of the United States, who, it appears, is in prison. There is not a thing proposed by the joint resolution respecting the protection of American citizens and American property generally in that island. There is not a thing proposed to be done upon the part of this Government to protect the inhabitants of the Island of Cuba from the extraordinary barbarities which I have mentioned. It can not have escaped the attention of the Senator from Delaware that little girls upon that island are being gathered up and sold into lives of prostitution. It can not have escaped his attention that harmless little children, babies, have been held up by the heels and cut to pieces by a cruel and barbarous soldiery. Why are not those things embraced in the joint resolution? Why does not the Government take some steps to prevent such acts?

Now, I have said all that I desire to say, and possibly more than I ought to have said; but it does seem to me absolutely humiliating that a government of 72,000,000 people, claiming to be the most powerful government upon the face of the earth, with all the means in its hands to settle this question, will sit idly and supinely here and make no effort to protect these people, these innocent little girls and children, who are being treated with this extreme barbarity from day to day. Here is this decaying monarchy of Spain, a blot upon the map of the world, a disgrace, Mr. President, to the present civilization of Europe, a disgrace to the civilization of the Western Hemisphere; and here is Congress, with this conduct going on almost within 100 miles of our shores, and not a substantial effort is put forth to check it. Mr. President, the time will come, and come speedily, unless we take prompt action in this matter, when a man will have to hang his head for being an American citizen.

Mr. MORGAN. Mr. President, the Senate of the United States now for two years has had a very delicate and responsible duty to perform, having reference to the peace of this country, as well as to the proper administration of treaty rights in Cuba. The Senate has proceeded as rapidly as it felt justified in doing, in presenting from time to time different resolutions, one of which has passed, another of which is now pending, recognizing the independence of Cuba and also its belligerent rights.

It has now reached one of the cases which has been brought to the attention of the Government of the United States by the reports of our consul-general and vice-consuls in Cuba—the case of Julio Sanguily—which in the opinion of the committee furnishes a ground for intervention by this Government to demand his immediate and unconditional release. It is utterly impossible, of course, that we can deal with all of the cases as they are reported in the newspapers, because that evidence is not reliable in every instance; it seldom reaches us without some degree of exaggeration; and the Senate Committee on Foreign Relations has considered that it was a solemn duty that it should receive from the Government of the United States, from the State Department, from the President, authentic information in all of the cases that might be presented before it took any final action in the recommendation of any resolution of this body. Cases of outrages upon little girls, upon children, and a number of other cases of that kind that have been spoken of in the newspapers, have not come to us in such shape as to justify us in taking any action upon them at all.

In the case of Julio Sanguily, which I had the honor to report yesterday, by consent of the committee, the evidence is all presented in Senate Document 104, which was laid before the Senate on the 1st day of February. The report which I submitted yesterday in behalf of the committee relates to that document alone, to the facts presented thus officially to the Congress of the United States by the President. No outside fact is stated. There is a reference made to our treaties, of course, which are on the treaty books, and I have those treaties now before me. A reference is also made in the report to the act of April 17, 1821, of the Spanish Government, and I have now a copy of that act translated, sent to me by the State Department, which I shall ask to have put into the RECORD.

The VICE-PRESIDENT. It will be so ordered.

The act referred to is as follows:

[Translation.]

Spanish decree of April 17, 1821, concerning cognizance and procedure in cases of conspiracy.

The Cortes, after observing all the formalities prescribed by the constitution, have decreed as follows:

ARTICLE 1. This law relates to proceedings instituted in the case of conspiracy or direct machinations against the observance of the constitution, or against the internal or external security of the State, or against the sacred and inviolable person of the constitutional King.

ART. 2. Those accused of these crimes, to whatever class or rank they may belong, when arrested by any body of troops, either of the regular army or of the provincial or local militia, sent expressly in pursuit of them by the Government or by the military commanders commissioned for that purpose by the competent authorities, shall be tried according to military law by the ordinary council of war prescribed by law 8, title 17, book 12, of the Novisima Recopilación (newest recompilation). If the arrest is made by the order, the requisition, or in aid of the civil authorities, the ordinary courts shall try the case.

ART. 3. Shall likewise be tried according to military law by the same council in accordance with law 10, title 10, book 12, of the Novisima Recopilacion, offenders of this class who, with firearms, side arms, or any other offensive weapon, offer resistance to the troops which arrest them, belonging to the regular army or to the provincial or local militia, even if the arrest is made by the order, the requisition, or in aid of the civil authorities.

ART. 4. In order to prevent resistance and the consequent violence referred to in the preceding articles, so soon as information is received of the existence of any band or party of rebels against the constitutional government, the civil authorities shall cause to be published, without the slightest delay and under the severest penalties, a proclamation fixing a certain time and commanding the rebels to disperse immediately and return to their respective homes.

ART. 5. This proclamation shall be published and circulated with the utmost promptness throughout the district; and when the number of hours fixed by the authorities in the proclamation, as circumstances may dictate, shall have elapsed, the following persons will be presumed to have offered resistance to the troops so far as to render them amenable to martial (military) law: 1. Those who are found in company with the insurgents, even if they have no arms. 2. Those who are arrested by the troops in the act of flight, after having been with the insurgents. 3. Those who, having been with the insurgents, are found in hiding and away from their houses, with arms.

ART. 6. Those who, within the time fixed by the proclamation referred to in the foregoing articles, in obedience to the summons of the authorities, retire to their homes without having been arrested, and who were not the chief leaders of the conspiracy, and who have committed no other offense than that of having been with the insurgents for the first time, will be exempted from all penalties.

ART. 7. The duty imposed upon the civil authorities with regard to the publication of the proclamation shall not prevent them from immediately taking such steps as they may deem expedient to disperse all assemblages of insurgents, to arrest the offenders, and to crush the evil at the outset.

ART. 8. Highwaymen, robbers in the country, and robbers in towns, when in companies of four or more, if they are arrested by troops of the regular army or of the provincial or local militia under any of the circumstances referred to in articles 2 and 3, shall likewise be tried by military law, as provided in those articles.

ART. 9. In all cases under the foregoing articles, if the provincial or local militia alone effect the arrest, the ordinary council of war shall be composed of officers of that class, in accordance with (military) law, but if regular troops have cooperated in the arrest, officers of both classes shall assist at the council of war in equal numbers, and the president shall be appointed in accordance with (military) law.

ART. 10. The sentences of the ordinary council of war shall be executed immediately if the Captain-General, with the approval of his auditor, approves them. In the case of disagreement the original records shall be sent by the first mail to the special court of war and the navy (marina), which shall render its judgment within the strict term of three days at most, and the judgment which it renders shall be executed without the necessity of consultation.

ART. 11. In all prosecutions instituted under military law by virtue of the foregoing articles, confrontations (of prisoners or witnesses) shall be dispensed with so far as possible, in accordance with the royal order mentioned in note 16, title 17, book 12, of the Novisima Recopilación.

ART. 12. If the prosecuting attorney shall deem it expedient, in view of the gravity and the circumstances of a case in which there are several accused persons, to institute separate proceedings, he may do so in the manner most conducive to the quick despatch of the prosecution, and he shall always do so in the case of all prisoners who have confessed their guilt, or who have been convicted, to the end that their sentence and its prompt execution may not be delayed.

ART. 13. In all other cases those accused of these crimes shall be tried by the ordinary courts, to the exclusion of any other jurisdiction, even when the arrest has been made by the troops.

ART. 14. In cases arising under this law, there shall be no question of jurisdiction, except such as may arise between the ordinary and the military courts within the limits herein set forth. Such questions as may arise shall be decided by the supreme court of justice within forty-eight hours at most from the time when they are brought before it.

ART. 15. The judge of first instance, having cognizance of these cases, shall give them the exclusive preference, and may, in case of necessity, transfer those of another kind to the other judge or judges in the same town.

ART. 16. In the preliminary proceedings the commission of the crime must be fully shown, but the preliminary proceedings may be regarded as

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of the judgments of the Court of Claims in Indian depredation cases rendered up to and including the 25th instant, and requiring appropriations at the present session of Congress, and not already transmitted.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 10178) for the relief of Francisco Perna; and

A bill (H. R. 10530) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

ST. LAWRENCE RIVER BRIDGE.

Mr. HILL. I should like to have passed a bridge bill. If it can not be passed now it will absolutely prevent the construction of a bridge across the St. Lawrence River during the coming summer, and it is absolutely essential that the bill should pass at the very first opportunity. A partial construction has been made upon the Canadian side, and we need this legislation now in order to enable the bridge to be constructed on this side, and the construction can not be commenced unless the bill is passed. I ask unanimous consent for that purpose. It will only take a few moments. The bill was unanimously reported, and I should like to have it passed.

Mr. PETTIGREW. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is interposed.

FORM OF CREDENTIALS.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from Massachusetts [Mr. HOAR] coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution suggesting the form of certificate of election of Senators, etc.

Mr. HOAR. The resolution has been read and the whole committee have agreed to it except to substitute the word "choosing" for "electing" before Senators, using the constitutional term. The resolution does not need to be read again. I hope it will be passed.

Mr. GRAY. That correction will be made.

Mr. HOAR. Yes, let that correction be made.

The VICE-PRESIDENT. The resolution has been heretofore read. It will be modified in the manner stated. The question is upon agreeing to the resolution as modified.

The resolution as modified was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

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Mr. HILL. I rise to a point of order. The motion can not be entertained until morning business is through.

Mr. ALLISON. It can be entertained at any time, I submit to the Senator from New York.

Mr. ALLEN. I hope this resolution will be permitted to come before the Senate. It will take but a few moments to dispose of it. I trust the Senator from South Dakota will withdraw his motion.

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Mr. ALLISON. Pending that, the Senator's motion is clearly in order.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from South Dakota.

Mr. HILL. The point of order I raise is that until the morning business is disposed of, or until one hour has elapsed, it is not in order to take up a bill from the Calendar. That is the law. I insist that my point is well taken.

Mr. PETTIGREW. I suppose this question will not require discussion. An appropriation bill is in order at any time. It has the right of way over other bills.

Mr. HILL. That has nothing to do with it. The rule is very plain. I ask for the reading of the rule.

Mr. PETTIGREW. I therefore move to proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The rule indicated by the Senator from New York will be read. The Chair asks the attention of Senators to the rule.

The Secretary read clause 2 of Rule VII, as follows:

Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment and shall be decided without debate upon the merits of the subject proposed to be taken up.

The VICE-PRESIDENT. The Chair thinks there can be no question as to the rule which has been read. The Chair has laid before the Senate the resolution of the Senator from Nebraska. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That it is the sense of the Senate that the President should speedily and effectually protect the lives and liberties of peaceable American citizens residing or sojourning in Cuba, and that he should promptly insist that Spain in her war against her colonists in the Island of Cuba should conduct the same on principles of civilized warfare, eliminating all unusual and unnecessary cruelty and barbarity, and for the enforcement of these reasonable and just requirements, United States battle ships should be sent without delay to Cuban waters.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HILL. Before the resolution is acted upon, I should like to hear some explanation of it. It seems to be pretty broad, covering a good deal of ground; and being of an important character, I think some explanation should be tendered in regard to it before it is further considered.

Mr. ALLEN. Mr. President, I have no desire at this late hour of the Congress to indulge in any lengthy speech upon this resolution, or upon any other, for that matter. I assume the facts are so well known to the American people which call for the adoption of the resolution and the measures it proposes that no one can deny the necessity of action upon the part of this Government. American citizens are arrested in Cuba and thrown into prison without any trial. Many of them are placed in cells where the consul-general can not have access to them to find out the facts of their cases. There seems to be a general disposition upon the part of the Spanish Government to punish every American citizen who either dwells upon or sojourns in the Island of Cuba. The story is a long one. It is full of atrocity and barbarity; and it would serve no useful purpose for me to read excerpts from newspapers and evidence from other sources supporting the statements contained in the resolution.

I may be permitted to refer in as delicate language as possible to two or three instances of barbarity that have occurred in that island recently. It is not denied that within a few weeks the Spanish authorities were guilty of taking an American lady and searching her person in a public manner and under circumstances of extreme cruelty. I scarcely know how to refer to this matter in my bluntness of speech, but certainly it was done at a time and under circumstances that no Christian man or woman, no civilized man or woman, could approve of.

But I refer more particularly to two instances that seem to be well established. It seems to be conclusively established that the Spanish military authorities in Cuba are gathering up the little girls in that island and selling them into a species of slavery, the worst conceivable in the human mind, selling them to lives of shame. Above that and beyond that, it seems to be conclusively established that Spanish soldiers have in one or more instances taken little infants by the heels, held them up, and hacked them to pieces with the deadly machete in the presence of the mothers and the fathers, and then have destroyed the mothers and fathers themselves.

There seems to be a disposition to heap every indignity and every species of barbarity upon American citizens and American sympathizers in that island, however peaceable they may be, and to practice the most unspeakable barbarity upon what is known as the pacificos, the inhabitants of the island, to such an extent that, in my judgment, the President of the United States will be derelict to his duty to his country, to his duty to every prompting of humanity and the civilization of the world, unless he takes prompt steps to protect the inhabitants and sojourners in that island from further barbarities.

How singular it is when we recall that a year ago Senators who are members of the Committee on Foreign Relations were inveighing strongly against the conduct of Spain in Cuba; that we voted almost unanimously here in favor of recognizing the belligerent rights of Cuba; and yet at this session in the same Congress there has been a singular silence on the part of the Committee on Foreign Relations respecting the conduct of affairs upon that island, and especially in the light of the extreme barbarity of the Spaniards to American citizens and to the people of Cuba. Is it to go on forever?

Mr. GRAY. May I interrupt the Senator from Nebraska?

Mr. ALLEN. Certainly.

Mr. GRAY. On the contrary, I will inform the Senator from Nebraska (perhaps he was not in the Chamber at the time) that yesterday the Committee on Foreign Relations of the Senate reported by one of its members to the Senate its action in regard to a matter which involves the general question upon which the Senator is speaking; and the Foreign Relations Committee is now waiting, in order that it may through one of its members bring that matter before the Senate in regular order and in accordance with the usages of the Senate, which has appointed that committee to consider these matters, and discuss them before the Senate.

Mr. ALLEN. The Senator does not speak in terms comprehensive enough for me to understand what the Committee on Foreign Relations has done.

Mr. GRAY. The Committee on Foreign Relations made a report yesterday and gave notice that it would bring the subject-matter of that report before the Senate this morning in the morning hour.

Mr. ALLEN. What was the report? What did they propose to do?

Mr. GRAY. The report is too long for me to state it, but it is in print.

Mr. ALLEN. What is the substance of it?

Mr. GRAY. It is in print and on the desks of Senators.

Mr. ALLEN. What do the committee propose to do?

Mr. BLACKBURN (to Mr. ALLEN). They propose what you propose to do.

Mr. ALLEN. The Senator from Kentucky states that they propose to do as I would do in this resolution.

Mr. BLACKBURN. I am for both.

Mr. ALLEN. I am glad to know it. Mr. President, the joint resolution referred to does not cover the question at all. The joint resolution, S. R. 207, simply covers the case of Julio Sanguily, a citizen of the United States, who, it appears, is in prison. There is not a thing proposed by the joint resolution respecting the protection of American citizens and American property generally in that island. There is not a thing proposed to be done upon the part of this Government to protect the inhabitants of the Island of Cuba from the extraordinary barbarities which I have mentioned. It can not have escaped the attention of the Senator from Delaware that little girls upon that island are being gathered up and sold into lives of prostitution. It can not have escaped his attention that harmless little children, babies, have been held up by the heels and cut to pieces by a cruel and barbarous soldiery. Why are not those things embraced in the joint resolution? Why does not the Government take some steps to prevent such acts?

Now, I have said all that I desire to say, and possibly more than I ought to have said; but it does seem to me absolutely humiliating that a government of 72,000,000 people, claiming to be the most powerful government upon the face of the earth, with all the means in its hands to settle this question, will sit idly and supinely here and make no effort to protect these people, these innocent little girls and children, who are being treated with this extreme barbarity from day to day. Here is this decaying monarchy of Spain, a blot upon the map of the world, a disgrace, Mr. President, to the present civilization of Europe, a disgrace to the civilization of the Western Hemisphere; and here is Congress, with this conduct going on almost within 100 miles of our shores, and not a substantial effort is put forth to check it. Mr. President, the time will come, and come speedily, unless we take prompt action in this matter, when a man will have to hang his head for being an American citizen.

Mr. MORGAN. Mr. President, the Senate of the United States now for two years has had a very delicate and responsible duty to perform, having reference to the peace of this country, as well as to the proper administration of treaty rights in Cuba. The Senate has proceeded as rapidly as it felt justified in doing, in presenting from time to time different resolutions, one of which has passed, another of which is now pending, recognizing the independence of Cuba and also its belligerent rights.

It has now reached one of the cases which has been brought to the attention of the Government of the United States by the reports of our consul-general and vice-consuls in Cuba—the case of Julio Sanguily—which in the opinion of the committee furnishes a ground for intervention by this Government to demand his immediate and unconditional release. It is utterly impossible, of course, that we can deal with all of the cases as they are reported in the newspapers, because that evidence is not reliable in every instance; it seldom reaches us without some degree of exaggeration; and the Senate Committee on Foreign Relations has considered that it was a solemn duty that it should receive from the Government of the United States, from the State Department, from the President, authentic information in all of the cases that might be presented before it took any final action in the recommendation of any resolution of this body. Cases of outrages upon little girls, upon children, and a number of other cases of that kind that have been spoken of in the newspapers, have not come to us in such shape as to justify us in taking any action upon them at all.

In the case of Julio Sanguily, which I had the honor to report yesterday, by consent of the committee, the evidence is all presented in Senate Document 104, which was laid before the Senate on the 1st day of February. The report which I submitted yesterday in behalf of the committee relates to that document alone, to the facts presented thus officially to the Congress of the United States by the President. No outside fact is stated. There is a reference made to our treaties, of course, which are on the treaty books, and I have those treaties now before me. A reference is also made in the report to the act of April 17, 1821, of the Spanish Government, and I have now a copy of that act translated, sent to me by the State Department, which I shall ask to have put into the RECORD.

The VICE-PRESIDENT. It will be so ordered.

The act referred to is as follows:

[Translation.]

Spanish decree of April 17, 1821, concerning cognizance and procedure in cases of conspiracy.

The Cortes, after observing all the formalities prescribed by the constitution, have decreed as follows:

ARTICLE 1. This law relates to proceedings instituted in the case of conspiracy or direct machinations against the observance of the constitution, or against the internal or external security of the State, or against the sacred and inviolable person of the constitutional King.

ART. 2. Those accused of these crimes, to whatever class or rank they may belong, when arrested by any body of troops, either of the regular army or of the provincial or local militia, sent expressly in pursuit of them by the Government or by the military commanders commissioned for that purpose by the competent authorities, shall be tried according to military law by the ordinary council of war prescribed by law 8, title 17, book 12, of the Novísima Recopilación (newest recompilation). If the arrest is made by the order, the requisition, or in aid of the civil authorities, the ordinary courts shall try the case.

ART. 3. Shall likewise be tried according to military law by the same council in accordance with law 10, title 10, book 12, of the Novísima Recopilación, offenders of this class who, with firearms, side arms, or any other offensive weapon, offer resistance to the troops which arrest them, belonging to the regular army or to the provincial or local militia, even if the arrest is made by the order, the requisition, or in aid of the civil authorities.

ART. 4. In order to prevent resistance and the consequent violence referred to in the preceding articles, so soon as information is received of the existence of any band or party of rebels against the constitutional government, the civil authorities shall cause to be published, without the slightest delay and under the severest penalties, a proclamation fixing a certain time and commanding the rebels to disperse immediately and return to their respective homes.

ART. 5. This proclamation shall be published and circulated with the utmost promptness throughout the district; and when the number of hours fixed by the authorities in the proclamation, as circumstances may dictate, shall have elapsed, the following persons will be presumed to have offered resistance to the troops so far as to render them amenable to martial (military) law: 1. Those who are found in company with the insurgents, even if they have no arms. 2. Those who are arrested by the troops in the act of flight, after having been with the insurgents. 3. Those who, having been with the insurgents, are found in hiding and away from their houses, with arms.

ART. 6. Those who, within the time fixed by the proclamation referred to in the foregoing articles, in obedience to the summons of the authorities, retire to their homes without having been arrested, and who were not the chief leaders of the conspiracy, and who have committed no other offense than that of having been with the insurgents for the first time, will be exempted from all penalties.

ART. 7. The duty imposed upon the civil authorities with regard to the publication of the proclamation shall not prevent them from immediately taking such steps as they may deem expedient to disperse all assemblages of insurgents, to arrest the offenders, and to crush the evil at the outset.

ART. 8. Highwaymen, robbers in the country, and robbers in towns, when in companies of four or more, if they are arrested by troops of the regular army or of the provincial or local militia under any of the circumstances referred to in articles 2 and 3, shall likewise be tried by military law, as provided in those articles.

ART. 9. In all cases under the foregoing articles, if the provincial or local militia alone effect the arrest, the ordinary council of war shall be composed of officers of that class, in accordance with (military) law, but if regular troops have cooperated in the arrest, officers of both classes shall assist at the council of war in equal numbers, and the president shall be appointed in accordance with (military) law.

ART. 10. The sentences of the ordinary council of war shall be executed immediately if the Captain General, with the approval of his auditor, approves them. In the case of disagreement the original records shall be sent by the first mail to the special court of war and the navy (marina), which shall render its judgment within the strict term of three days at most, and the judgment which it renders shall be executed without the necessity of consultation.

ART. 11. In all prosecutions instituted under military law by virtue of the foregoing articles, confrontations (of prisoners or witnesses) shall be dispensed with so far as possible, in accordance with the royal order mentioned in note 16, title 17, book 12, of the Novísima Recopilación.

ART. 12. If the prosecuting attorney shall deem it expedient, in view of the gravity and the circumstances of a case in which there are several accused persons, to institute separate proceedings, he may do so in the manner most conducive to the quick despatch of the prosecution, and he shall always do so in the case of all prisoners who have confessed their guilt, or who have been convicted, to the end that their sentence and its prompt execution may not be delayed.

ART. 13. In all other cases those accused of these crimes shall be tried by the ordinary courts, to the exclusion of any other jurisdiction, even when the arrest has been made by the troops.

ART. 14. In cases arising under this law, there shall be no question of jurisdiction, except such as may arise between the ordinary and the military courts within the limits herein set forth. Such questions as may arise shall be decided by the supreme court of justice within forty-eight hours at most from the time when they are brought before it.

ART. 15. The judge of first instance, having cognizance of these cases, shall give them the exclusive preference, and may, in case of necessity, transfer those of another kind to the other judge or judges in the same town.

ART. 16. In the preliminary proceedings the commission of the crime must be fully shown, but the preliminary proceedings may be regarded as

> concluded and the cause may be raised to the stage of trial, even if the accused is not fully convicted, provided the proofs or evidence impress the mind of the judge with a reasonable belief that the accused is guilty or innocent and that the case presents no sufficient reasons for continuing the preliminary proceedings, or that it furnishes evidence which may be used to advantage at the trial (plenario).
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> ART. 17. The judge of first instance may employ any royal or licensed notary of his district to record the preliminary proceedings.
>
> ART. 18. The judge of first instance will order the institution of separate proceedings in accordance with the provisions of article 12 of this law.
>
> ART. 19. When the declaration of the prisoner has been taken, if there are sufficient grounds for the accusation, the prosecuting attorney shall draw it up within three days at the most. The case shall be admitted to trial upon a certificate of transfer, which shall be given to the prisoner within the same period (three days).
>
> ART. 20. The prisoner shall, within twenty-four hours at most, appoint an attorney (procurador) and a counsel (abogado) residing in the district or who are there at the time; and in case of his failure to do so, they shall be immediately appointed by the court.
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> ART. 21. The prosecuting attorney and the prisoner's counsel shall present, within the twenty-four hours following the return of the writs, lists of the witnesses for the prosecution and the defense whose testimony they wish to take. Copies of these lists shall be exchanged by the parties, for the purpose of impeaching the testimony of the witnesses on the day of trial, and for other necessary purposes.
>
> ART. 22. The lists of witnesses shall give the residence, condition, and business of each of the witnesses. Such witnesses as are within 7 leagues or an ordinary day's journey of the court shall be compelled to appear in person, and, also, when, upon the demand of either of the parties, the judge may think his personal appearance indispensable to the prosecution or defense. The other witnesses shall be examined by deposition, in accordance with the provisions of article 7 of the law of September 11, 1820. These same rules shall apply to the ratification of the preliminary proceedings on the part of the witnesses.
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> ART. 23. The judge shall, as speedily as possible, fix the day for the appearance of the witnesses and for the trial. At the trial each of the witnesses shall be examined separately, with open doors, in the presence of the prosecuting attorney, the prisoner or his attorney, and his counsel. The declarations and ratifications of the witnesses who do not appear in person shall be read with the same solemnity. The declarations shall be signed by those witnesses who can sign their names. If the parties or the prisoner's counsel have any remarks to make to the witnesses at the time when the latter give their testimony, they may do so through the judge; and the questions or remarks and the answers shall be put in writing after the declaration.
>
> ART. 24. Upon the conclusion of this proceeding the prosecuting attorney and the prisoner and his counsel shall present the documentary evidence in their favor, and shall state orally whatever they may think fit, and, without any further proceedings or writings, the judge shall pronounce sentence within three days at most.
>
> ART. 25. When the parties have been notified of the decision, the judge shall summon them to appear within eight days before the Territorial audience, at the same time notifying the prisoner to appoint his attorney and counsel; and if, when that time and two days more shall have elapsed without the appearance of an attorney and a counsel appointed by the prisoner, and residing at the time in the capital, the court shall appoint them officially.
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> ART. 26. The court shall fix the time for the preparation of papers by the prosecuting attorney, the prisoner's attorney, and the clerk (relator), not more than three days being granted to each.
>
> ART. 27. Within the periods stated in the preceding article the parties may produce before the judge for that week (semanero) such evidence as they may think material and as may be admitted in accordance with the laws.
>
> ART. 28. Upon the expiration of these periods the court (sala) which has jurisdiction, assisted by judges (ministros) of the other courts (salas) to the number of six, including the regent or his substitute, who must always be present, shall proceed immediately to the examination of the cause.
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> ART. 29. Judgment shall be rendered within three days at most.
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> ART. 30. The court shall not have any fixed number of hours of session. It shall meet during the day or at night during the whole time, as circumstances may demand.
>
> ART. 31. An absolute majority of the votes shall decide. In case of a tie the decision shall be in conformity with the vote most nearly agreeing with the decision of the judge of first instance; and if it does not absolutely agree with it, the judgment shall be that which is most favorable to the prisoner.
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> ART. 32. The judgment rendered shall be carried into execution. A judgment of acquittal shall take effect immediately. Sentence of death shall be executed within forty-eight hours; other judgments as speedily as possible.
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> ART. 33. The periods fixed by this law are peremptory, and can not be extended either by way of suspension, restitution, or in other ways. Nor shall applications for pardon be entertained in any of the prosecutions.
>
> ART. 34. Accomplices in the offenses to which this law relates shall be tried as principals under its provisions.
>
> ART. 35. Cases now pending shall be decided, at whatever stage they may have arrived at the time of the promulgation of this law, so far as relates to their future course, in accordance with the provisions of this law, but without being removed from the courts in which they are being tried.
>
> ART. 36. All laws on this subject shall be regarded as repealed so far as they conflict with the present law.
>
> ART. 37. The provisions of this law are confined to the provinces of the Peninsula and the adjacent islands.

Mr. MORGAN. The case that is here presented is the only one that we have found an opportunity to present upon evidence that we were bound to receive as being authentic and indisputable. Therefore we have progressed as rapidly, I will say to the Senator from Nebraska, as we possibly could go in justice to our own character and in justice to our relations with the Government of Spain.

So far as I am concerned, I confess to a greater anxiety personally about this matter, in pressing it to a conclusion, than I have been able to express in any document I was willing to participate in as a report to this body. It is our duty to go firmly and steadfastly and sincerely into the investigation of each of these cases. We have a case now which I may say was reported unanimously by the Committee on Foreign Relations, the case of Julio Sanguily, and if we will take that up and dispose of it there will be no difficulty, I think, in reaching other cases hereafter of a like character.

Mr. HOAR. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. HOAR. I desire to know whether the report which has been within sixty seconds or thereabouts laid on my desk is the report upon this case?

Mr. MORGAN. It is.

Mr. HOAR. It has just come from the printer. It is a report of 96 pages. I desire to ask the Senator if he does not think the members of the Senate ought to have an opportunity to read the report before they act upon the joint resolution, and that the matter ought to go over long enough to enable us to read it? I never have seen it before.

Mr. MORGAN. I have just stated that the report of the committee is based entirely and exclusively upon Senate Document No. 101, which is made an appendix to the report. That has been on our tables since the 1st day of February. This report relates to nothing else at all but that except to the treaty and to the act of the Spanish Government of 1821, which is referred to in the treaty and also in the report, and of that I now have a copy.

Mr. HOAR. I wish to ask the Senator whether he does not think under the circumstances, if a report like this had come from any other committee whatever, that the Senate should have at least an opportunity to read it? I do not speak now of what it embraces, but here is a new report, stating conclusions and opinions, and quoting treaties. That report occupies 15 pages. I for one feel a very grave responsibility as a Senator in regard to the conduct of the foreign relations of this country. I hope not to be deficient in my duty to the citizens of the country; but it does seem to me that I ought to be accorded the right to read the grounds on which grave international proceedings are put before I am called upon to vote.

Mr. MORGAN. Suggestions of the Senator from Massachusetts always carry with them great weight, and I can not dispute at all the justice of his proposition that Senators should have a chance to read the report before they are called upon to vote upon the joint resolution. But in this case the report is nothing else at all than a mere summarizing of the facts set forth in the Document No. 101, which has been on our tables since the 1st day of February, and which contains the entire case, out of which nothing is excepted and to which nothing is added. It is a mere conclusion of the committee upon this state of facts, and the larger part of the report is made up of quotations from Senate Document 101. It was done for convenience of reference. It was done in order that Senators in running their eyes over the page might find those points distinctly displayed upon which this case hinges entirely.

Now I will proceed to state what the case is, and I will do it very briefly, because it is well understood in the Senate and in the country what the case is. It originated in the arrest of Julio Sanguily on the day before the revolution broke out in Cuba. He was a regularly naturalized citizen of the United States; took his naturalization papers and a passport from this Government to Cuba in 1878 and had them registered in the American consulate there and also in the Captain-Generalcy of Cuba, and from that time on he has kept it renewed. He has kept himself constantly in the presence of the Cuban Government as an American citizen.

Sanguily had been a general, and a very distinguished one, in the former war of rebellion. He was a native of Cuba who had spent some time in the United States, but married in Cuba, as I am informed. I do not know whether he married in Cuba or in the United States, but I am informed that he married in Cuba, raised a family there, had some small amount of property left him after the confiscation of the former revolution, and found it necessary to reside there for the purpose of existing. He has seven very heavy wounds upon his person, received during the previous revolution, and some of those wounds are still in a raw and festering condition. He has now got to be a man past middle age. He has raised his family there in Cuba.

On the day before the revolution broke out, 300 miles away from Habana, he was arrested in his house, in his bathroom, with no persons in the house but his wife and children, and without any arms or ammunition whatever in the house. He was taken immediately to jail, and at 11 o'clock at night, either that night or some subsequent night, he was put through the inquisition of an examination by a military officer, without the presence of counsel or witnesses, or any person to guide him, and a record was made of his statement, in all of which he denied any complicity at all in the present revolution. Sanguily admitted upon his examination in open court afterwards, as he admitted, no doubt, upon that secret examination (which nobody has ever seen except the officers who took it and the court that tried Sanguily; he has never seen it) that an overture had been made to him to engage in the present rebellion, which he refused absolutely to participate in. The man had some recollections of what he had suffered before. His wounds would have kept him out of active service; his age would have prohibited him from going into the military service of Cuba; and while doubtless his sympathies have been always the same, he had given no expression to them. The Spanish Government has not been able to produce one word said by him to any human being except in reply to communications received by him or personal communications made to him in an overture to go into the rebellion, which he absolutely refused to do. He was made incommunicando—that is to say, he was put in solitary imprisonment.

Immediately our consul-general, upon being informed of it, within a day after his incarceration, demanded that his trial should proceed in accordance with the civil laws of Spain, that law which I have here, the act of 1821. That demand was based upon our treaty of 1795, which subsequently was modified by other provisions of other treaties, but finally was expounded in a declaration made between Mr. Cushing and Senor Calderón y Collantes on the 12th day of January, 1877.

I will state the occasion for that protocol, as it was called. It was a declaration on the part of the ministers of both Governments. During the previous revolution, which was then just drawing to a close, many American citizens had been arrested and confined and condemned and shot under circumstances that gave great irritation to the people of the United States. The Spanish Government planted itself upon its right to try these cases in any way that it saw proper, and insisted that the Government of the United States had no authority and no right to interfere, no matter what supposed injustice might be done to their citizens on the trial of the cases. Thereupon Mr. Cushing brought this subject forward and an agreement was entered into mutually between the two Governments in this protocol, which prescribed the right of subjects of Spain in the United States and citizens of the United States within the Spanish dominions to trial, under certain stipulations, which are here contained.

Now I will read the Spanish part of those stipulations:

> Señor Calderon y Collantes declared as follows:
>
> 1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

Mr. Sanguily does not fall within that exception, because he was captured in his bathroom and without any arms in his hands or about his house or anywhere else, and that is admitted.

> 2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821—

Which I have now before me—

> even though the arrest or imprisonment shall have been effected by armed force.
>
> 3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law—

That does not apply to Sanguily—

> but even in this case the accused shall enjoy for their defense the guarantees embodied in the aforesaid law of April 17, 1821.
>
> 4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with a copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles 20 to 31 of the said law; they shall have the right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.
>
> 5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain-General, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above mentioned law.

The act of 1821, in article 37, the last article in the act, provides as follows:

> The provisions of this law are confined to the provinces of the peninsula and adjacent islands.

That law when it was enacted had no application to Cuba, but this treaty took up this Spanish law that applies entirely to the peninsula and the adjacent islands, and made the law a part of the right of the treaty, referred to it expressly by date, and its provisions also, and made it expressly a part of the treaty.

The first complaint which was made by our Government, made immediately, was that Sanguily had been arrested by the military power, placed in solitary confinement, was not permitted to communicate with counsel or with any person else for as much as twelve days, and even after that he was not permitted to do it; and that he therefore had no opportunity to prepare for his defense in the methods prescribed by this treaty engagement with the United States.

The next objection made was that the court before whom he was summoned was a court consisting of five judges, when this law and the treaty provide for a court of six judges, the audiencia before whom the case should be removed after it had been tried by a civil tribunal.

The next objection made was that he was not permitted to have bail. He was permitted to have what they call bail in Cuba; that is to say, he was permitted, in order to save his property from confiscation, to give a bond in $10,000 for the security of the costs of the prosecution. He was not able to give that bond, and of course what little property he had—he had not much—was subject to confiscation for the purpose of paying the costs of that trial as it proceeded.

Now, just at that point, as to the organization of this court, as to the method of proceeding, as to locking this man in solitary confinement, and in forbidding him to converse with any person whatever for this period of time, and for a much longer period in fact than I have stated, here now the Government of the United States interposed the objection that that court had no jurisdiction of Sanguily because they proceeded contrary to the treaty. That question, instead of being decided by the political Government of Spain, was submitted by the prosecuting attorney of that Government to Cuba, to the decision of the court, and the court decided that they had the right to proceed notwithstanding the treaty, that a later law enacted for Cuba in Spain had overruled the act of 1821 and had repealed it; that it had substituted it, and thereby had repealed that much of the treaty, was the assertion.

That left the question on the part of the Spanish Government entirely in the hands of the Spanish authorities, without consulting the Government of the United States in any way whatever. That is the first point that is made.

Mr. Sanguily was kept in prison there with many delays, without being granted the trial provided in the act of 1821, which prescribed that he should have a trial within a limited number of days. He was kept in prison upon one pretense and another for a long period of time—as much as three months. Thereupon the Government of Spain instituted, while he was in prison, another proceeding against him for kidnaping, and put him through the same course of examination, put him incommunicado, shut him up in a dungeon, locked him up, kept everybody from communicating with him, had a new case against him entirely, and in that case they put upon him a bond of $20,000 to pay the costs of the prosecution. Our Government again interposed, and by the most vigorous and solemn protest in respect to this second arrest—or, rather, not an arrest, but the second prosecution, for he was already in a dungeon at that time—demanded that the proceedings in that case also should be conducted according to this treaty and according to the law of 1821. Spain absolutely refused to do it. They held on to that case against Sanguily—the kidnaping case—until after his conviction for rebellion, and thereupon the court nolled that case; they quashed the proceeding and dismissed it entirely. They were never able to find the slightest color of evidence against him on the subject of kidnaping, and it is not only fair to assume, but we are compelled to assume, that that case was piled upon the back of the other for the purpose merely of detaining him in prison after he should have been acquitted upon the other case, thus taking an American citizen and piling upon him accusation after accusation, contrary to the treaty, and holding him for trial under these accusations.

Finally, after many delays and many protestations on the part of the Government of the United States at the delays which had taken place, and which were entirely unnecessary, they came down to the point of time, in November, 1896, when they were willing to put this case on trial. They fixed a day for the trial ten days distant from the notice which they issued through the official paper.

Up to that time the charges against Sanguily, although often demanded, had never been furnished by the Government of Spain. The Government of the United States up to that time was in total ignorance of what the charges were, except from the general newspaper current reports about them. Sanguily and his counsel having demanded the charges, were refused; the Government of the United States having demanded the charges, that demand was refused.

Finally he got a notice that they had concluded to try him. Upon that trial no evidence was given which in the slightest degree, in my opinion, tends to implicate Mr. Sanguily. The whole of the proceedings in that case is spread in the record, and they are set forth in this report, and Senators can read it here if they choose to do so. It is not a lengthy proceeding, but it contains all that was said to have occurred in that trial, and our consul certifies it to the Government of the United States as a full presentation of what occurred on that trial.

Testimony was read on that trial and received by the court which was not sworn to, reports of officials, police officials, military authorities, were read upon that trial against Sanguily which had never been sworn to, and those reports were not based upon actual statements of fact within the knowledge, or which purported to be within the knowledge, of the reporting officer, but upon information which he had derived from various sources which he did not disclose. Even those reports do not implicate Sanguily.

One part of the case consisted of this state of facts: It appears from the testimony that Sanguily had not been to New York since 1878. He was accused of being a member of the committee here which was conducting the war against Cuba, which he denied. He had never been to New York. A man by the name of Azeny came from Cuba to the United States, and in parting with his son in Florida, as he testified, he received a commission as a colonel in the Cuban army. It is strongly to be inferred from the testimony, as it is stated in this trial, that his object in getting the commission was not to enter the military service of Cuba, but, as he was a sugar planter there, to protect himself against the raids of the Cubans if they should come in upon him. He stated that that commission was handed to him by his son, a young man in Florida, about the time he was leaving on the boat to go to Cuba. When he arrived in Cuba, the officers searched him, and in his cravat they found this commission. He tore it up, put part of it in his mouth, and chewed it up, but another part of it was recovered. It is impossible for the experts to determine, so they testified, from that paper what it was that it contained, but it carries upon its face a mere suspicion that it was a commission to this man Azeny as a colonel in the Cuban army. There is a part of a name attached to that piece of mutilated and torn paper which would spell out the last four or five letters in Sanguily's name, but the number of Sanguilys that are in Cuba nobody knows. That is a very common name there, as it is here. Mr. Sanguily denied that he had ever seen Azeny; that he had ever known such a man; that he had ever heard of him; that he had any knowledge of him. He denied the issuance of that paper, and said that it was not in his handwriting; and yet that was put in evidence against him. Now, it is utterly impossible that that man, going from the United States to Habana with that paper in his pocket, could have received it from Sanguily, for he had never seen him, never knew him, had no connection with him. Sanguily says he never prepared any paper of that kind; that he had no authority to do it; that he was not in the rebellion, and had no connection with it officially or otherwise. It is upon that paper and upon the reports of those officers that Sanguily was convicted.

The witness who brought the message to Sanguily inviting him to join in the rebellion, whose name was Coloma, says that he did not see Sanguily; that he had no communication with him; that when he saw Betancourt, Betancourt informed him that Sanguily was not going in with the movement, and therefore he did not see him, and had no communication with him. That was the witness who was relied upon by the Government of Spain to connect Sanguily with this rebellion; that a message had been brought to him; that he had correspondence with the men engaged in the rebellion, and that through that correspondence he became involved in the rebellion. The man testified, and entirely denied having seen Sanguily, or having known him. He said he had probably seen him on one occasion, but denied having any acquaintance with him, or having any connection with him at all. That man, in making that denial, confessed his own guilt; he acknowledged that he brought a message to Betancourt, and delivered it to him. That was enough, of course, to fix him; and after Sanguily's first trial that man was shot in prison. Coloma was shot in the Spanish prison, doubtless executed because of his complicity in the rebellion. That was, as I say, after Sanguily's first trial. When the second trial came on, Coloma was not present, of course, to exonerate Sanguily, and Sanguily lost the benefit of his testimony.

The first trial was had. An appeal was taken from the judgment and sentence of the court, which was life imprisonment in chains, to the supreme court at Madrid. That case was reversed by the supreme court at Madrid, but upon what ground is not stated in any of these proceedings, except that Consul-General Lee said he was informed it was upon the merits of the case; that there was not sufficient evidence found in the records to convict Sanguily. In another place it is said that it was a reversal upon some technical ground. At all events, the case was reversed and sent back for trial in Cuba. The proceedings went on, and a demand was made for an immediate trial of Sanguily or else for his release. It was made in those words by the Government of the United States through its consul-general.

I am moving over the surface of the testimony in a very general and discursive way, because I do not intend this morning to enter into particular detail of the facts. They are set forth in the report which I have submitted to the Senate, and also in the exhibits to the report, Senate Document No. 104.

When the second trial came on, it was witnessed by our vice-consul, Mr. Springer, who, in a dispatch to our Government, gives a full statement of all that occurred on that trial.

Now, I undertake to say that on either of those trials, or on both of them, there were two manifestations—one was extreme hatred toward the Government of the United States, in which the counsel for the Government of Spain indulged in his diatribe before the court, and the other was the absence of any evidence to convict Sanguily of any complicity in the rebellion.

An appeal was taken to Madrid from the last decree or judgment, which was followed by the same sentence as the former, life imprisonment in chains, and that case is pending, we suppose, in Madrid now.

On this brief statement of the case, the question arises, What right has the United States to interfere here? Can the United States interfere upon the general ground that there has been a false trial and a judgment obtained either by corrupt testimony or unauthorized testimony or illegal testimony, or testimony which is insufficient? If we could put the case upon that solitary ground, there would be ample reason for the resolution which the Committee on Foreign Relations has reported to this body, because there was never, I will undertake to say, in the history of jurisprudence any case where there was less show of reason for the conviction of the defendant. But we go upon higher ground than that, the ground that we have the undoubted right and the duty of interfering.

Now, what is that? It is that in these trials, from beginning to end, notwithstanding the protestations that were made on the trials, at the time of the trials, and by our consul-general in the intermediate period, the intervals between the trials, the Government of Spain insisted on trying this man under the rules which apply in Cuba, under statutes that exist there later than the act of 1821, and utterly ignored and discarded all of the rights of this American citizen under that treaty.

So the case as presented here is as much a case of an international sort and depends as much upon international right as if the Spanish Government had fired into an innocent merchantman upon the high seas. The treaty rights of the United States have been grossly violated, frequently violated, defiantly violated in this proceeding, and there is nothing to be inferred or taken from the fact that it is a judicial proceeding there, or in the nature of a judicial proceeding, because that court had not the jurisdiction to try this man in the manner and form he was tried or before the court which tried him.

This, Mr. President, presents the general outline of this case. Other Senators will be heard upon this subject in more detail than I feel at liberty to indulge in this morning, particularly as the views which I have had the honor to present are set forth in the report which I submitted to the Senate on yesterday.

I wish to make, Mr. President, a parliamentary inquiry. Perhaps the Senator from Nebraska [Mr. ALLEN] will concur in my view of it. I wish to know whether I have the right to move to substitute the joint resolution reported by the committee for the concurrent resolution of the Senator from Nebraska?

Mr. ALLEN. Mr. President, I hope the Senator will not do that. I am in favor of both resolutions.

Mr. HOAR. Will the Senator from Alabama repeat what he proposes?

Mr. MORGAN. I inquired of the Chair if it was competent, in the present situation of the resolution of the Senator from Nebraska, for me to offer the joint resolution reported by the Committee on Foreign Relations as a substitute for his concurrent resolution. It was a parliamentary inquiry merely.

Mr. ALLEN. I hope the Senator from Alabama will not do that, for if he does it will place some of us in an awkward attitude. I am in favor of the joint resolution reported by the Senator and want to vote for it, but I can not vote for it as a substitute for my resolution. Why not let it be added as an amendment to the pending resolution?

Mr. MILLS. As a substitute.

Mr. ALLEN. Not as a substitute. I know what I am talking about.

The VICE-PRESIDENT. The Chair will answer the parliamentary inquiry of the Senator from Alabama, if he desires an answer.

Mr. MORGAN. I do.

The VICE-PRESIDENT. The Chair will have no hesitation in entertaining the motion of the Senator from Alabama.

Mr. WHITE. What is the request, Mr. President?

The VICE-PRESIDENT. The Chair will state that the Senator from Alabama [Mr. MORGAN] makes the parliamentary inquiry whether he may offer the joint resolution he has indicated as a substitute, as the Chair understood the Senator, for the concurrent resolution of the Senator from Nebraska [Mr. ALLEN]. The Chair will entertain the motion, if that motion is made.

Mr. MORGAN. Mr. President, I do not wish to incur the antagonism of any Senator on the floor to the joint resolution reported by the committee by any motion which I might make here. It is a very delicate subject and one of very serious importance, and I do not feel warranted in interposing my own personal judgment in the direction of that matter; but I appeal to the Senator from Nebraska to allow the joint resolution to pass, as it will not hinder his resolution.

Mr. ALLEN. I am perfectly willing that my resolution may be laid aside temporarily to pass this joint resolution. I will go further, and say that I am perfectly willing to have my joint resolution go to the Committee on Foreign Relations if they will take it up and consider it and report on it one way or another in a short time.

Mr. MORGAN. I will say to the Senator that I will urge it before the committee, and I think there will be no reluctance in considering it.

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Mr. ALLEN. If I can have any assurance that the resolution will not be strangled in the Committee on Foreign Relations, but will be reported favorably or adversely, I shall be content to have it referred to that committee.

Mr. MORGAN. The Senator from Nebraska can have the pledge of every Senator who is now on the floor connected with that committee that his resolution will be promptly considered and reported.

Mr. ALLEN. Then let my resolution be referred to the Committee on Foreign Relations, Mr. President.

The VICE-PRESIDENT. It will be so ordered.

JULIO SANGUILY.

Mr. MORGAN. Now I ask for the consideration of the joint resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

The VICE-PRESIDENT. The joint resolution has heretofore been read at length.

Mr. PETTIGREW and Mr. DANIEL addressed the Chair.

The VICE-PRESIDENT. The Senator from Virginia.

Mr. DANIEL. Mr. President, the admirable statement of the Senator from Alabama [Mr. MORGAN] has so clearly presented this case that I hesitate to say anything; and if the body of the Senate were as familiar with the record as the members of the Committee on Foreign Relations I should be perfectly content to leave the matter in the attitude in which he has placed it. But as some Senators have not read this record, and as few can be aware of the enormity of the proceedings of the Spanish Government and the Spanish authorities in Cuba against a citizen of our country, I hope I shall not trespass too much upon the patience of the Senate if I call attention to the fact that his imprisonment has long been declared to be illegal by the Executive Government of the United States, and that the entire proceeding against him is in direct violation of our treaty with Spain.

Two years ago on yesterday, Mr. President, this man Julio Sanguily was arrested by soldiers in Cuba, and for two years he has languished, sick and sore and wounded, in the Cabanas fortress in Habana. He has been held in military bondage. He has been tried by military procedure in part, and it is so clear that the proceedings against him have been illegal that the very statement of the text of the law and the facts would carry conviction to any human mind.

After considerable delay, he was given a trial in Cuba. It was by a proceeding partly military and partly civil, in which military testimony, ex parte testimony, hearsay testimony, unsworn testimony, was heard against him. So arbitrary were these proceedings of the Spanish authorities that, after the usual delays which have attended all of those proceedings, an appeal was taken. The trial was set aside, as we are told by our consul, although we have no copy of the appellate record, on the ground that the testimony against him was insufficient.

After more delay he had a new trial in December last, nearly two years after his arrest. His trial again was partly military and partly civil, and he was for the second time condemned to perpetual imprisonment in chains.

Mr. HOAR. Mr. President, the report which has just come to our hands leaves in a great deal of obscurity some matters which are necessary for the understanding of this question, and I should like, at some time convenient, to put to the Senator from Virginia, who we all know to be a very able lawyer, one or two inquiries about the details of this case. Perhaps I had better not do it now, as I see he is making a connected statement, but before he sits down, after he has finished his connected statement, I wish he would permit me to put a question or two to him.

Mr. DANIEL. I shall be glad then to try to answer any question the Senator may propound.

Mr. HOAR. I shall not interrupt the Senator now.

Mr. DANIEL. I think the views of our consul, set forth in detail, and to which I shall presently refer, will satisfactorily answer any pertinent inquiry.

Again, Mr. President, an appeal has been taken to the court of cassation, at Madrid; but in the meantime this man is wounded, sick, and in prison. He has been treated rigorously, harshly, cruelly, and brutally. The manner in which he has been treated is a disgrace to this century and to civilization. He has been made at times incommunicado, as stated by the Senator from Alabama—that is, put in solitary confinement—itself a penalty inflicted upon him before trial.

A copy of the proceedings under which he was held was not furnished promptly, was not furnished reasonably. On the contrary, we find our consul, as late as August 27, 1895, reporting to our State Department that the lower court in Cuba has refused to the advocates of Aguirre and Sanguily even a view of the proceedings taken against them.

After his condemnation and imprisonment for life in perpetual chains, a copy of the proceedings of the court was asked for by our consul. It was refused once; it was refused again; it was refused thrice. Our consul then asked that he might be permitted to take a copy of the proceedings of the court. He presented a request from the Government of the United States that he, their representative, might be permitted to take a copy of the proceedings by which our fellow-countryman was held. For the fourth time this privilege was denied.

More than this, Mr. President, our representative in Cuba has been arrogantly insulted by the Spanish authorities; and not only has he in his person been insulted by the Spanish authorities, but this country has been insulted by them and he has been told by a Spanish officer high in authority, to whom he made a most polite and courteous appeal, that his conduct in presenting this intervention in favor of Sanguily, by order of our State Department, was a disgrace to the United States and to the American flag.

Now, Mr. President, this consul of the United States, Mr. Ramon O. Williams, has acted with so much discretion, so much energy in the general conduct of his defense of American prisoners in Cuba that I hesitate to make any sort of criticism upon him, and yet I deem it not unfit to say that if at that time he had demanded his passports to this country, and if a fleet had been sent to demand an apology from the Spanish Government for this insult to our representative and to our flag, I do not believe there is a single citizen in the United States who would not have rejoiced that it had been done.

There is a voluminous correspondence here. There are more than eighty letters, covering a period of two long years, many telegrams, and much diplomatic correspondence. If red tape would save a citizen of this country from brutal imprisonment, there has been enough red tape used in this case to build a cable between America and Spain, and if printer's ink were of any effect, there has been enough of it used to make an ocean for the cable to be laid in.

Mr. HALE. Will the Senator from Virginia allow me to ask him a question? I take it that the object of this joint resolution——

Mr. DANIEL. I will yield to a question, but I do not want to yield to the argument of the Senator just now.

Mr. HALE. Assuming that the object of the joint resolution is the release of Sanguily—I understand that is the purport of it; I did not hear it read, but I understand that is the object of it——

Mr. DANIEL. That is the purport of it.

Mr. HALE. The Senator is just now speaking of the red tape that has been resorted to in this matter. Now, let me ask him to state, if he has not already done so—I was called into the Committee on Appropriations, and have not heard all that he said [illegible] that the Senator from Alabama said—whether this whole matter has been the subject of direct negotiations conducted diplomatically between the State Department and the Spanish Government for the purpose of securing the release of Sanguily; and if that be true, has that fact come before the Committee on Foreign Relations? If so, and if this subject-matter, which is rather in the domain of negotiation than of legislation, has been taken up by our State Department faithfully, will the Senator tell the Senate what has been the result? Is it not a fact that at the present moment the Department has conducted negotiations to such an extent that it is expecting the release of Sanguily by the Spanish Government within a few days? Has not that information come directly to the committee within a few days?

Mr. DANIEL. No; it has not come to me.

Mr. HALE. Has there been no communication from the Secretary of State to the committee, stating that as a result of the negotiations it is expected that Sanguily will be released through the ordinary methods of diplomacy within a few days?

Mr. LODGE. No.

Mr. DANIEL. None within my knowledge.

Mr. LODGE. None.

Mr. HALE. I ask the Senator, then, and the Senator from Ohio [Mr. SHERMAN], if he is here, whether he has not a letter from the Secretary of State covering that point?

Mr. DANIEL. I must decline to yield to the Senator to furnish him information, which he could easily get at the State Department or by reading this record, on a point which is not pertinent to the course of my remarks.

Mr. HALE. The Senator must remember that the Committee on Foreign Relations, a great committee, is the organ of this body, and that we——

Mr. DANIEL. I am not bound to yield my time on the floor because the Committee on Foreign Relations is an organ of this body.

Mr. HALE. And that we must rely upon it for facts.

Mr. DANIEL. I am the organ of the State which I in part represent, and when I get through, which will be within a very short period of time, I will yield to any organ that desires to be heard by the Senate.

Mr. HALE. I will not take up any more time, simply saying——

Mr. DANIEL. Whether it is the organ of the governor-general of Cuba or of the Queen of Spain or of anybody else.

Mr. HALE. We have our own views upon this subject.

Mr. DANIEL. I do not mean to say anything that may be at all offensive to the Senator.

Mr. HALE. I know the Senator does not. I could say something offensive if I wanted to.

Mr. DANIEL. I could not say anything offensive to him even if I desired.

Mr. HALE. Before this subject is ended—and it will not be ended in one hour or in two days—I hope the committee will put the Senate in possession of what the State Department has been doing to secure the release of Sanguily, if that is the object of the joint resolution.

Mr. DANIEL. I will answer the Senator from Maine; and I beg him not to think that just a little byword of badinage is meant to be offensive, and that I could under any circumstances say anything offensive to him.

Mr. HALE. The Senator has not offended me in the least.

Mr. DANIEL. The State Department has been dealing with this matter diplomatically for two years, and two years is long enough for this country to get a citizen of the United States out of prison when it itself has claimed to the Government holding him that he is illegally there. I will presently read to the Senator from Maine the dispatches from the State Department directing that the illegality of Sanguily's imprisonment be called to the attention of the Spanish authorities, and that exception be taken to its proceedings, and if there is not some one who prompts action in this matter I am afraid that another year or two years may pass before this man is released.

Mr. GRAY. If I do not interrupt the Senator, I will state to him that I have just this moment seen an Associated Press dispatch that the counsel of Sanguily has withdrawn his appeal in order to facilitate the matter of his release by pardon.

Mr. DANIEL. I am unwilling that an American citizen illegally detained shall be subjected to any condition. It is a humiliation to this country to submit to any condition when the power of another country is exercised to detain illegally the humblest of its citizens.

Mr. GALLINGER. Will the Senator permit me to make a single observation?

Mr. DANIEL. And if Sanguily, despairing of action on the part of the United States, has submitted himself to the tyranny of an odious Government and has been compelled by sickness, by poverty, by delay, and by the failure of his own Government to defend him, as he is entitled to be defended, it is a humiliation to the country that he has been compelled to withdraw the appeal as a condition of his liberty; and if I represented this country in any place in which I could act with authority, I should telegraph Sanguily not to withdraw his appeal, but to stand upon his rights as an American citizen, and that there are enough people in this country who do respect those rights to see that he shall not longer be detained in a Spanish fortress.

Mr. HALE. Will the Senator just there let me read a dispatch? It is entirely as the Senator pleases.

Mr. DANIEL. Yes, sir.

Mr. HALE. It reads:

> HABANA, *February 25.*
>
> Señor Mesa Dominguez, counsel for Julio Sanguily, has filed in the Habana court papers withdrawing the appeal to the supreme court of justice of Madrid made against the Habana criminal court condemning Sanguily to imprisonment for life.

So that under the advice of counsel Sanguily has withdrawn his appeal and stands ready to be pardoned. An American citizen has the right to do that.

Mr. FRYE. Will the Senator from Virginia allow me?

Mr. DANIEL. I yield to the Senator from Maine.

Mr. FRYE. If the counsel for Sanguily has done that, he has done an exceedingly wicked and unjust act toward his client.

Mr. HALE. How does the Senator know that?

Mr. FRYE. I know it from this fact: Sanguily has been convicted of a crime, the punishment for which is imprisonment in chains for life. He has now appealed to Madrid, and if that appeal is withdrawn it is a confession of the crime, and judgment follows. The only condition that Spain has made in relation to the release of this man has been that it could not pardon him until he was a sentenced criminal, which is the law of all nations.

Mr. HALE. Suppose pardon follows?

Mr. FRYE. Beg pardon. One moment. If his counsel has withdrawn the appeal, then that man is a convicted criminal, liable to punishment, to imprisonment for life, and can only escape it by pardon, and if he escapes by pardon then he loses for himself and family all claims whatever for damages against Spain. That is what Spain has been contending for all the time.

Now we contend, on the other hand, that the man has been unjustly convicted; that he has not been treated according to his treaty rights; that he has been treated against international law, and that Spain must deliver him up to us; and if I had my way a ship of war would start forthwith to Habana and deliver him. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair desires to remind the occupants of the galleries——

Mr. HALE. That tells the story.

The VICE-PRESIDENT. The Senator from Maine will suspend. The Chair desires to remind the occupants of the galleries that a repetition of this offense will result in the galleries being cleared. The Chair desires to have the Sergeant-at-Arms see that that order is executed. This is the Senate of the United States.

Mr. MILLS. The galleries are filled with American people, and they have a right to express their sentiments on this question.

Mr. HALE. My colleague has told the whole story. It is not desired to release this man, but what is desired is war.

Mr. DANIEL. When the Senator gets through——

Mr. HALE. That is what the Senator wants; that is what is desired; but I tell the Senator and the rest of the Senators that this country will not be driven to war in the next seven days, not if I can help it.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. The Senator from Virginia is entitled to the floor.

Mr. HOAR. Will the Senator allow me to ask him a question as to a fact?

Mr. DANIEL. I hope the Senator will allow me to proceed. I do not like to be cut up in my argument. However, I will yield to the Senator from Massachusetts.

Mr. HOAR. It will be a very quiet question, and it is in regard to the matter of citizenship. We get our information from the report on this subject. Now, I wish to put this question for information simply, and I should like to have the attention of every Senator, if we may have quiet in the Senate. I beg the Senator from Virginia kindly to listen to the question. I want to get into a condition of a little less heat, if possible. Here is the report of the committee:

> Sanguily was registered in Cuba as an American citizen on the 2d of August, 1878, on a passport issued by the United States on the 7th of August, 1878. He then resided in Habana until his arrest, on the 24th of February, 1895.

That is the report. Now, what does Sanguily say? This is a question which in my humble judgment is of very great importance indeed. He says he has been a citizen of the United States since 1889.

Mr. WHITE. What page is that?

Mr. HOAR. On the sixth page.

Mr. DANIEL. That may mean 1879.

Mr. HOAR. 1889 is what it says.

Mr. DANIEL. It is possible it may be a misprint.

Mr. HOAR. So, is it not true that this gentleman's citizenship is a pretended and not a real citizenship; that he resided in Habana during the time when he must have had five years' residence here, and after having taken out original papers and got naturalized? He resided there at the time of his naturalization, and he has resided there ever since. Now, that is what you report to us.

Mr. DANIEL. Mr. President, I beg leave to state——

Mr. HOAR. Where is your citizenship?

Mr. DANIEL. When the Senator will yield to me for the purpose——

Mr. HOAR. I am through.

Mr. DANIEL. I beg leave to state that throughout these proceedings it is recognized and acknowledged that Sanguily is an American citizen.

Mr. HOAR. Where?

Mr. DANIEL. I can not read all the papers while I am upon my feet.

Mr. FRYE. In the communication to-day from Mr. De Lôme.

Mr. DANIEL. In a communication to-day, which recognizes him as an American citizen.

Mr. LODGE. If the Senator from Virginia will allow me, I will state that it is acknowledged by the Spanish minister himself.

Mr. DANIEL. It is acknowledged not only by the Spanish minister in his correspondence, but it was acknowledged by the prosecutor at the bar in his trial.

Mr. HOAR. But Sanguily says he is not, and the committee reports that during these whole seventeen years he has dwelt in Habana, when he must have dwelt here five years to be a citizen.

Mr. DANIEL. An American citizen can reside where he pleases.

Mr. HOAR. Not during the preliminary stage. He must reside five years in this country.

Mr. DANIEL. He is registered as an American citizen on the list with our consulate at Habana. He had a passport as an American citizen from our Secretary of State. He had a passport as an American citizen from the governor-general of Cuba. He

was recognized as an American citizen, and prosecuted as such by the prosecutor at the bar when he was tried. He is treated and called an American citizen in all of this correspondence.

Mr. HOAR. Will the Senator pardon me? The express declaration is this: The passport is dated 1878, and nobody pretends that he made his original application or left Cuba until 1879.

Mr. DANIEL. I have satisfied my mind that Julio Sanguily is an American citizen if this record be true. The State Department has satisfied itself that Sanguily is an American citizen and has twice made demand in the name of this Government upon Spain either to try him or to release him, because he is an American citizen. So I do not feel called upon at this hour to go behind the action of the Department of State and the Spanish minister and the Cuban authorities and the American consul and the court in which he was tried.

Mr. President, I shall not detain the Senate by going into the minutiæ of the case, but I wish to call attention to the fact that these proceedings have been treated as illegal by our own Government. If the Senator from Massachusetts will turn to the letter of our consul he will see that he states in his protest against the trial of Sanguily——

Mr. HOAR. Will the Senator read the second paragraph of the letter, on page 2?

Mr. DANIEL. The consul protests against—

> All proceedings hitherto practiced in this case, or that hereafter may be practiced in this case by the court martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations.

This was done in pursuance of telegrams from Assistant Secretary Uhl of March 16, 1895. I beg the Senator to turn——

Mr. HALE. Is the Senator referring to the letter of December 17?

Mr. DANIEL. I have not the reference to the page. I will give it to the Senator, if he will wait a little.

Mr. HALE. Is the Senator referring to the letter of the consul of December 17?

Mr. DANIEL. It is a letter in answer to the telegram of Mr. Uhl of March 16, 1895, page 12 of the record.

Mr. HALE. Page 12 of the report?

Mr. DANIEL. Page 12 of the report.

We have under date of May 7, 1895, from Vice-Consul Springer the following to our State Department:

> With further reference to the case of Julio Sanguily, I have now the honor to transmit herewith copy and translation of a communication from his excellency the segundo cabo (Acting Captain-General), dated the 6th instant, in answer to the communication of this office of the 25th ultimo, which contained a solemn protest against the subjection of Mr. Sanguily for a second time to a military court and his being put "incommunicado," or into solitary confinement, from the 24th of April, pending such military inquiry, despite the decree of Governor-General Calleja, of March 16, inhibiting or waiving military jurisdiction.
>
> While professing the desire to scrupulously comply with the terms of the protocol between the United States and Spain of January 12, 1877, it will be observed that this Government sees no impropriety of holding an American citizen subject to a military jurisdiction pending inquiry and investigation for proofs to be used against him and furnishing copies of the same upon transfer of his case to a civil court of ordinary jurisdiction for trial. It claims there is no essential difference between military procedure or indictment and the actual trial of the case.

That is the report of our vice-consul-general. Now, here is Mr. Uhl's reply from the State Department, dated Washington, May 21, 1895:

> Carillo's case, involving most important principle, has been presented by United States minister to Spain. In cases of Aguirre and Sanguily you will file formal protest declining to recognize validity of military jurisdiction in preliminary stage.

Then Mr. Uhl goes on to state to our consul the grounds of this protest.

> The treaty of 1795—

He says—

> excludes the exercise of military jurisdiction altogether and requires arrests to be made and offenses proceeded against by ordinary jurisdiction only. Protocol—

Referring to the protocol of the Collantes-Cushing agreement of 1877—

> The treaty of 1795 excludes the exercise of military jurisdiction altogether and requires arrests to be made and offenses proceeded against by ordinary jurisdiction only. Protocol merely recognizes, declares, and explains this treaty right. Military arm has no judicial cognizance over our citizens at any stage. Even arrest, when made by military power, is by a conventional fiction deemed to have been a civil act. By no fiction can proceedings of military judge instructor be deemed the act of an ordinary court of first instance. Assumption of such cognizance in Aguirre case and rearrest of Sanguily, after submission to civil court, apparently for mere purpose of asserting military jurisdiction in summary proceedings, were an exercise of functions against which you will enter protest, reserving all rights of this Government and its citizens in the premises.

This protest was formally made by Mr. Springer. All the rights of our Government and of its citizens were reserved from a period dating from May 21, 1895.

Mr. President, I would next call the attention of the Senator from Massachusetts to a part of the protest as made by Mr. Springer to the governor-general of Cuba. It is dated May 25, 1895, and will be found on page 18 of the record, and specifically carries out the instructions of our consul.

I beg leave now also to call attention to the letter of Mr. Uhl to Mr. Springer, dated Department of State, Washington, June 8, 1895.

Mr. PLATT. May I interrupt the Senator from Virginia for a moment?

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. DANIEL. I yield for a question.

Mr. PLATT. In one of the documents, the register of naturalized citizens, it is said that Sanguily was naturalized in 1878. In the record of his trial and his confession, as it is claimed, he said he was naturalized in 1889. Is there any explanation of that?

Mr. DANIEL. I presume it is a misprint. I noticed that.

Mr. PLATT. Is there any explanation of that discrepancy?

Mr. MORGAN. This matter has been drawn into controversy here, and it is perfectly susceptible of explanation and statement. Mr. Williams, on the 27th day of February, 1895, sent this dispatch to Mr. Uhl:

> On reaching the office the next morning I found that Mr. Julio Sanguily is registered in this consulate-general as an American citizen on a certificate of naturalization issued to him on the 6th of August, 1878, by the superior court of New York, and passport 8510 of the Department of State, dated the 7th of same month and year, and also upon the personal document issued to him on the 2d of the same month and year by the government-general of this island.

Mr. HALE. What is the date when he was naturalized?

Mr. PLATT. 1878.

Mr. LODGE. The 6th of August, 1878.

Mr. MORGAN. August 6, 1878.

Mr. HALE. Could he have been for five years a resident of the United States before that?

Mr. MORGAN. I do not know about that.

Mr. HOAR. He must have been within the United States for five years.

Mr. VILAS. I should like to call the attention of the Senator from Alabama to the second paragraph of the letter of Mr. Lee to Mr. Rockhill, on page 2, in which he says:

> Sanguily had proved himself a very brave and efficient officer in the Cuban war from 1868 to 1878—

Mr. HALE. Then he was naturalized.

Mr. VILAS—

> and had been wounded seven times.

How, with that record behind him, could he have been naturalized in 1878 unless it was fraudulently done?

Mr. HALE. When the statute declares that he must have five years' residence in the United States.

Mr. MORGAN. I object. I am speaking by the indulgence of the Senator from Virginia.

The VICE-PRESIDENT. The Chair understood the Senator from Virginia to yield to the Senator from Alabama. Is that correct?

Mr. DANIEL. I will do so, though I was not aware that I had done so. I yield to the Senator from Alabama very cheerfully.

Mr. MORGAN. I have read now from the dispatch which sets forth the fact stated in this report. On the trial of this case and after the trial the Government of the United States attempted to get a certified copy of the proceedings, and the Spanish Government refused to deliver it to the Government of the United States.

Therefore Mr. Williams was compelled to resort to the official report of that case, to the trial of the case as it was printed, in the Spanish papers in Cuba; and it is in that report that this statement comes that he had been a citizen of the United States since 1889. That report is taken from the newspapers. It is all the evidence the Government could get as to what was stated; but there it was stated by Sanguily, and it was stated in his confession. Now, what confession? The confession that was made at 11 o'clock at night before a military officer in his dungeon, contrary to the treaty. Whether we got it right or whether we got it wrong nobody knows.

Mr. HOAR. But that is not the whole point, if the Senator will pardon me.

Mr. MORGAN. I am not arguing the point; I am merely stating the fact.

Mr. DANIEL. I hope I may be permited to proceed.

Mr. HOAR. I think I have imposed upon the Senator's good nature more than I should have done.

The VICE-PRESIDENT. The Senator from Virginia is entitled to the floor.

Mr. DANIEL. When I was interrupted by another inquiry, which was not at all pertinent to the course of my thought, I was about to read a letter of Assistant Secretary Uhl, June 18, 1895, to Vice-Consul Springer, in which he says:

> On May 6 Sanguily was still in military prison, his transfer to civil jurisdiction being promised as soon as military proceedings could be copied. If not yet transferred, you will demand that military imprisonment cease forthwith and that he be speedily given civil trial on charges preferred by civil

> process or else released. Telegram sent you May 21 and your protest thereunder make clear the refusal of this Government to recognize military jurisdiction in first instance.

My comment upon that letter is simply this: Here was a formal action on the part of the United States, following a protest by a demand. It was an instruction to our consul to make peremptory demand upon the Cuban authorities, in June, 1895, either to proceed immediately and promptly to try Sanguily by civil process or release him. What respect Spain paid to that demand of the United States may be well imagined when I read another letter from the Department of State, from Assistant Secretary Adee to Mr. Williams, dated September 3, 1895. The months of July and August had passed after this peremptory demand. Mr. Adee says:

> In view of protracted delay in Sanguily case, of disregard of petition preferred by him on suggestion of authorities that it will secure his release, and of acquittal of Gerardo Portela, jointly accused with him of kidnapping, the Department feels compelled—

Compelled to do what?

> to demand his immediate trial or release.

Just exactly what it had done two months and a half before. This demand was treated in the same dilatory manner that other demands had been treated. After this demand steps were taken to send to Spain to get depositions. Finally, after nine months' delay, and after the United States had protested against his trial in this mongrel, military-civil fashion, he was tried and condemned after the manner that they had protested against, being condemned to life imprisonment in chains on December 5, 1895.

About the time of that trial and condemnation the Senate of the United States passed resolutions, offered by the senior Senator from Florida [Mr. CALL], calling for all correspondence relating to the trial, conviction, and sentence to hard labor for life of Julio Sanguily, an American citizen, and directing the Secretary of State to obtain a copy of the record of the trial. So this very body—the Senate—has for over a year treated Sanguily as an American citizen, and held out its hand to him as such.

This action of the Senate inspired a little life in the dilatory proceedings which had been hitherto taken. On December 7 the Assistant Secretary of State of the United States communicated this resolution to Consul Williams and instructed him—

> to obtain and forward to this Department as soon as practicable a certified copy of the record.

That will be found on page 69 of this record. On January 23, 1896, some six weeks later, Mr. Uhl telegraphed to our consul:

> When may certified copy of record in Julio Sanguily's case be expected?

On January 24 Mr. Williams replied:

> The superior court refuses to furnish a certified copy of the proceedings in the trial of Sanguily. I am translating the correspondence for transmission to you.

Upon this refusal of the Spanish court to furnish this Government with a copy of the proceedings under which it detained a citizen, Mr. Uhl telegraphed to Mr. Williams, under date of January 25, 1896, as follows:

> Apply for permission to examine and copy the record in Sanguily's case. If granted, have some copied and transmit here.

On February 26, 1896, Mr. Williams reported to Mr. Uhl that he had made three ineffectual appeals to the president of the superior court for a copy of the record. He reported also his statement that the United States desired it for the purpose of comparing and satisfying itself in the exercise of its rights as one of the two contracting parties to the treaty of 1795 and the protocol of 1877, and of the refusal to accede to this very humble and modest demand.

Our consul then, foiled in his own effort to get a transcript of the paper under which this citizen was held, the United States having made requests for it in the most dignified form of international communication, and he having begged for it for the fourth time and been denied, called into consultation Señor Miguel Viondi, the advocate of Sanguily in Habana. He consulted him as his adviser, and asked him:

> As you are the advocate of Mr. Julio Sanguily, please inform me the reasons upon which are founded his indictment and imprisonment; and—

Second—

> if I could, legally, obtain a copy of the record of his trial, and of the order of the judge for his indictment and imprisonment.

The opinion of Mr. Viondi, who very ably, eloquently, and very bravely defended Sanguily before the court before which he was tried, was given in full to our consul, and I extract from his legal opinion the following expressions. After relating somewhat of the history of the matter, he says:

> From the above statement you will see that the order of indictment and of imprisonment of Mr. Julio Sanguily is founded solely, exclusively, on reasons that appear in the proceedings remitted to the civil court by the court martial; that is, on what is prohibited by the protocol. In confirmation, I accompany a full copy of the order of indictment.
>
> To your second question, that is, if you can, as consul-general, legally obtain copies of the record or of the order of indictment and of imprisonment, I have to say that you can legally obtain it. For although it is true that the defense of Sanguily has presented an appeal, which has been accepted, to the supreme court at Madrid, it is only against the sentence; but the record of the trial has remained deposited in the superior court of Habana, and though the latter has no authority to alter, modify, transfer, etc., the proceedings had thus far in the case, still it has authority for the issuance of copies of the full, or of parts, of the proceedings. A certified copy of the record has been transmitted to the supreme court, as I have informed you, but the original record remains in Habana. Therefore, if you, in Habana, in representation of your nation, should solicit a copy of it for your Government in order that it may see if the protocol has been faithfully observed, this could not in justice have been refused you; likewise, a copy of it should not be refused for the direct inspection of your Government.

Then he adds in answer to the pretension of the Spanish judge—

> This is not a question of jurisdiction. It would be so were you to propose some modification of the record. Then the court would tell you, with reason on its part, that it has no jurisdiction, because it would be a matter for the decision of the supreme court at Madrid.

Once again our consul tried to get a copy of the record, and he communicates to our Government as follows:

> The answer of Mr. Viondi, dated January 25, 1896, is herewith accompanied as inclosure 9.

Then he goes on to refer to his correspondence on the subject, and sums up the status of this matter as it stood a year and a half ago, after eleven months of diplomacy, as follows:

> In brief—

He says—

> This correspondence shows—
>
> First. That the superior court of Habana refuses, alleging the lack of jurisdiction therefor, and because the case has been appealed, to furnish a copy of the record in question for the information of the Government of the United States, the other party to the treaty of the 27th of October, 1795, and of the protocol of the 12th of January, 1877, postulating further that this consulate-general, from not being a party to the case, has no right of intervention in it.
>
> Second. That the advocate for Mr. Sanguily, Mr. Viondi, is of the opinion that the court is authorized to furnish a copy of the record in this case in the same way as it is authorized, alike with other courts, to furnish copies and extracts of proceedings needed as evidence in other cases; also.

And I call attention to this expression of opinion of the Spanish or Cuban lawyer as concurring with the action of our State Department—

> also that the order of indictment and imprisonment issued by the civil judge has been based upon the proceedings of the court-martial.
>
> It appears therefore—

And here, Mr. President, lies the meat of this whole matter, again repeated by our consul:

> It appears, therefore, that the proceedings had by the superior court of the said jurisdiction in the trial and condemnation of Sanguily are but the continuation of the proceedings initiated against him by the court martial, against which this consulate-general protested before the governor general by order of the Department of State on the 25th of last April, copy of which protest is annexed herewith as inclosure 14.
>
> I am, etc.,
>
> RAMON O. WILLIAMS,
> *Consul General.*

UNIFORM SYSTEM OF BANKRUPTCY.

The VICE-PRESIDENT. The Senator from Virginia will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business; which will be read by title.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. STEWART and others addressed the Chair.

Mr. HOAR. I believe I am entitled to take the floor on the bankruptcy bill.

Mr. STEWART. I have the floor, I think. I was recognized when the bill was last up.

Mr. ALLISON. Is the bankruptcy bill now before the Senate?

The VICE-PRESIDENT. The Chair laid before the Senate the unfinished business, which has been read by title, and which is the bankruptcy bill. The Chair was not advised, but the RECORD shows, and the Chair is now advised, that the Senator from Nevada [Mr. STEWART] was upon the floor at the time the bill was up before.

Mr. ALLISON. I hope the Senator from Massachusetts or the Senator from Nevada, whoever has the floor, will yield, so that I can ask unanimous consent that the Senate shall now proceed to the consideration of the Indian appropriation bill.

Mr. HOAR. I yield. The Senator from Nevada has the floor, however.

Mr. STEWART. Before yielding, I should like to make some remarks about the bankruptcy bill, because there has been a speech on one side in which I think the defects of the bill did not appear. I will occupy but a minute. I think that the involuntary portion of the bill is as cruel as the genius of man can well invent. I can state the point in a minute. There are three causes of bankruptcy. One is when a note is unpaid for thirty days. Another——

Mr. HOAR. That is not in the bill. There is no such provision in the bill.

Mr. ALLEN. I rise to a parliamentary inquiry.

Mr. STEWART. That is not in the bill, the Senator says. I have a copy of the bill here, and I can show it.

The VICE-PRESIDENT. The Senator from Nevada will please suspend.

Mr. STEWART. On page 5 of the bill will be found a provision that if a debtor fails to secure a release of any property levied

upon under process of law for $500 or over he shall be considered a bankrupt.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Nevada. The Senator from Nebraska rises to a parliamentary inquiry, which he will state.

Mr. ALLEN. I desire to know what has become of the joint resolution just now under consideration.

Mr. HALE. It has gone to the Calendar.

The VICE-PRESIDENT. The joint resolution goes to the Calendar unless the Senate should otherwise order.

Mr. MILLS. I move that the Senate proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. The Chair has not taken the Senator from Nevada from the floor, but the Senator from Nebraska rose to a parliamentary inquiry. The Chair has answered that inquiry, and the Senator from Nevada is upon the floor.

Mr. LODGE. I desire to make a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will answer it.

Mr. STEWART. I do not want to be taken off the floor.

Mr. LODGE. I merely wanted to state that the joint resolution of the committee was reported yesterday and is on the Calendar.

The VICE-PRESIDENT. The Chair thinks the joint resolution goes back to the Calendar.

Mr. LODGE. Certainly.

The VICE-PRESIDENT. The Chair has no doubt of that.

Mr. LODGE. The Chair stated that it went over and went on the Calendar; that is all.

The VICE-PRESIDENT. The Chair does not so hold.

Mr. CALL. I ask unanimous consent that the Senator from Virginia be allowed to conclude his remarks.

Mr. STEWART. I would have been through before now if I had been allowed to go on.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent that the Senator from Virginia be permitted to conclude his remarks. Is there objection?

Mr. ALLISON. I do not wish to be discourteous to the Senator from Virginia——

Mr. DANIEL. I will be very brief, Mr. President.

Mr. ALLISON. But I hope the Senator will find it convenient to postpone the completion of his remarks for a little while, in order that we may complete the Indian appropriation bill.

Mr. ALDRICH. It is impossible in this part of the Chamber to hear the Senator from Iowa.

Mr. ALLISON. I have already asked unanimous consent that the bankruptcy bill may be laid aside, and that we may proceed with the Indian appropriation bill. I hope that will be agreed to, and I hope the Senator from Nevada will yield, that I may ask unanimous consent for that purpose.

The VICE-PRESIDENT. Does the Senator from Nevada yield?

Mr. STEWART. I regret very much that I can not have an opportunity to point out some of the very serious objections to the bankruptcy bill, so that the country will not have the impression that it is really a bill for the benefit of debtors when it is a most atrocious bill. It is not so designed, I grant, but its effect, it seems to me, would be most atrocious if it became a law. I will not go on with my speech now; but when the bill comes up I ask unanimous consent that I may have the floor, and I do not want anybody to take it away from me until I have made my speech.

Mr. HOAR. That is all right. The Senator is entitled to the floor.

Mr. STEWART. When the bill comes up again, I want unanimous consent that I may expose some of its defects.

Mr. HALE. The Senator does not need to obtain unanimous consent. He will be entitled to the floor when the bill comes up.

The VICE-PRESIDENT. The Chair will recognize the Senator from Nevada as being entitled to the floor on the bill when it is again brought before the Senate.

Mr. STEWART. The next time I hope I will have a chance to show the defects in the bill. I now yield to the Senator from Virginia.

Mr. HOAR. Will the Senator from Nevada permit me to say that as soon as the fact was called to my attention that he had taken the floor, I yielded at once. The Senator was entirely right; and if he shall point out any of the undesigned atrocities of which he speaks the bill will be promptly amended.

Mr. STEWART. I think I can do it when I have the opportunity. I hope the Senator will call it up and give me that opportunity. I now yield to the Senator from Virginia, and hope he will have unanimous consent to conclude his remarks.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Florida [Mr. CALL] that the Senator from Virginia have unanimous consent to conclude his remarks at this time.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I hope that the Indian appropriation bill will be taken up by unanimous consent, in order to relieve us of the situation with respect to the bankruptcy bill; and as the Senator from Virginia has stated that he desires to occupy only a brief time, I will with pleasure, so far as I am concerned, yield to him after the appropriation bill is taken up to conclude what he desires to say.

The VICE-PRESIDENT. The Chair will submit one request at a time.

Mr. ALLISON. If the Chair will permit me, I was recognized by the Chair and made this request for unanimous consent before the Senator from Florida made his request. The Senator from Nevada took the floor and said he would yield to me in a moment. I endeavored to retain the floor.

The VICE-PRESIDENT. Upon that statement, the Chair will submit the request of the Senator from Iowa to the Senate. The Chair did not understand the Senator from Nevada to yield to the Senator from Iowa.

Mr. MILLS. I wish to say, in response to the request, that I think appropriation bills and bankruptcy bills can wait until we can strike the chains from the limbs of an American citizen in a Spanish dungeon.

Mr. HOAR. He is not an American citizen.

Mr. MILLS. Congress will be in session, we all know, before the fiscal year will end, and we shall have ample time to attend to all these measures, even if we do not do so during the remaining days of the present session. It seems to me that the question presented by the Committee on Foreign Relations, by their unanimous report, is one that ought to command the attention of the American Senate at every moment until we shall have finally acted on it.

Mr. ALLISON. I call for the regular order.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Iowa.

Mr. MILLS. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. MILLS. I hope the motion will be voted down.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CALL. Now I hope the Senator from Virginia will be allowed to proceed.

Mr. ALLISON. If the Senator from Virginia desires to continue his remarks, I yield to him with pleasure, so far as I am concerned.

Mr. MILLS. The rest of us can continue on the Indian appropriation bill in the same way.

Mr. HOAR. I want it understood that the bankruptcy bill will be in order after this bill is disposed of. I ask unanimous consent to that effect.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. What is the request?

Mr. COCKRELL. What was the request of the Senator from Massachusetts?

The VICE-PRESIDENT. Will the Senator from Massachusetts indicate his request fully?

Mr. HOAR. My request is that if any time intervenes when appropriation bills are out of the way, the bankrupcy bill shall retain its place.

Mr. ALLEN. I object to that, Mr. President.

The VICE-PRESIDENT. Objection is interposed. The Senator from Virginia is recognized.

Mr. DANIEL. Mr. President, I should say here, before passing to another point in this case, that in January, 1896, our Government did call upon the Royal Government of Spain at Madrid to furnish a copy of the proceedings under which Sanguily was held, and that this at that late day was done, nearly one year after he had been arrested.

Mr. President, if there were nothing else in this record but the plain and palpable violation of our treaty rights with Spain, it would have been enough to inspire the prompt, diligent, stern demand of this Government for the release of that prisoner. But all along the track of this history it has been evident from the course of the Spanish authorities in Cuba that they have lost no opportunity, and that they have invented opportunities, to make themselves disagreeable and offensive to our authorities and to delay the ordinary course of justice.

As soon as it became evident that Sanguily could not be successfully prosecuted in a just sense for participation in rebellion, another charge was brought against him, that of kidnaping. He was committed to court-martial under that charge. On the very next day commenced another series of protests on the part of our consul, and I beg leave to read the protest of Mr. Williams to the Captain-General of Cuba, dated April 25, 1895. On this head he says:

> Notwithstanding the decree issued on the 16th of March last by his excellency the Governor-General of this island, inhibiting the military jurisdiction of the cognizance of the case of the American citizen, Mr. Julio Sanguily, and ordering its transfer to a court of the civil jurisdiction in strict observance of the agreement of the 12th of January, 1877, nevertheless, I am informed by his advocate that he has again been subjected to a court martial by order of the military jurisdiction, this time on a charge alleged to be related to the kidnaping last year of Mr. Fernandez de Castro, and in consequence this American citizen has been again remanded into solitary confinement and deprived of all intercourse with his counselor by order of the court martial.

Here, Mr. President, was a second offense against this citizen and a second offense against this Government in the very hour of its protest against a similar offense, and after the authorities in Cuba had pretended that they were recognizing, in some degree at least, the claim of our Government and were transferring the prisoner to the civil authorities. Our consul, in his protest, says:

> This proceeding on the part of the military jurisdiction is not only an infraction of the agreement, but it is likewise in contradiction of the said decree of the 16th of March last of his excellency the Governor-General of this island.

Showing, Mr. President, that after the righteousness and justice of our demand had been acknowledged, and in some degree carried out by the Captain-General of Cuba, the very offense was again repeated. Then he says:

> I have therefore, and in compliance with the instructions of my Government, to ask your excellency to have the goodness to order that this second case against this American citizen be also transferred to the civil jurisdiction for trial, as his excellency the governor-general was pleased to order in the first case, and also by order of my Government to enter its most formal protest before the government of this island against any delay in the transferring of this second cause against Sanguily to the civil jurisdiction, as likewise to protest against all proceedings hitherto practiced in this case, or that may hereafter be practiced in this case, by the court martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations.

May the 4th, nine or ten days later, found Sanguily still in military bondage; and on that day the Captain-General, in his goodness, which had been so politely invoked, was pleased to repeat that he would soon send Sanguily to the civil jurisdiction, and Vice-Consul General Springer wrote to Mr. Uhl:

> I understand that to-day is the tenth day that Mr. Sanguily has been "incommunicado" in solitary confinement by order of the military authority, not allowed the visits of his family, or even to see his advocate appointed by him for his defense.

So, Mr. President, most extraordinary exactions were made, not only upon this prisoner, but upon Aguirre, another prisoner, also. On June 25, 1895, Mr. Springer, the vice-consul, telegraphed to our Government here:

> ASSISTANT SECRETARY OF STATE,
> *Washington, D. C.:*
>
> Bail bond of $10,000 required of Aguirre, or in default thereof embargo of property for costs, is according to law, but his lawyer has not yet been permitted to examine charges, the court stating that all "sumarios" are secret according to Spanish criminal law. Bond the same in Sanguily's case, and in addition one for $20,000 for charge of kidnaping.
>
> SPRINGER, *Vice-Consul-General.*

This charge of kidnaping appears to have been a mere trumped-up case. In a little while the party alleged to have been his accomplice was discharged, although for a while longer Sanguily was held; and Mr. Springer says on that subject:

> I am informed by Sanguily's lawyer that another person was connected with him on the same charges or indictment of kidnaping, a certain Geraldo Portela, of this city, who was arrested subsequent to Sanguily, and confined in the Morro Castle. The case of Portela was instituted before the military authorities, while that of Sanguily was passed to the civil jurisdiction. Portela was not brought to trial, but his case was quashed and he has been released for nearly a month, and under no kind of restriction, whereas Sanguily is still imprisoned in the Cabana fort awaiting trial.
>
> I am, etc.,
>
> JOSEPH A. SPRINGER,
> *Vice-Consul-General.*

Finally, Mr. President, and rather late in the day, the authorities in Cuba took the ground that our consuls did not have the right diplomatically to make the direct protest and demands upon the Cuban authorities which they were making, but it was abundantly shown by our consul in reply that under a consular treaty between Germany and Spain—

> Consuls-general, consuls, vice-consuls, or consular agents shall have the right to address the authorities of their district in remonstrance against every infraction of the treaties or conventions existing between the two countries, and against whatever abuse complained of by their countrymen.

And he justly took the ground that, as we were to have the same rights as any favored nation, the United States Government was entitled to be treated in the same way.

I would call attention further, Mr. President, to the fact that Mr. Williams reports in a letter which he wrote from Brooklyn—and I would thank my friend from Alabama [Mr. MORGAN], who has the record before him, and is so familiar with it, to hand that letter to me——

Mr. MORGAN. Here it is.

Mr. DANIEL. In May, 1895, Mr. Williams, our consul-general, came to the United States. He was in Brooklyn, and he wrote to our Government reciting the story of his interview with the Spanish authorities respecting Sanguily, and also respecting Aguirre. He says in the course of this letter, after reciting the arrest:

> In consequence, and apprehending from the activity displayed by the Government in making arrests, in subjecting the parties arrested to court-martial for trial, in issuing proclamations suspending the action of the civil law in certain cases, and from the haste with which the military jurisdiction was proceeding in the trials of the accused, I went early the next morning, the 25th of February—

That was the day after Sanguily's arrest—

> to see the governor-general with the view of informing him of the American citizenship of Sanguily.

It is Sanguily, the American citizen, all the time in this correspondence, I may here observe.

> On reaching the palace I learned that Aguirre had also been arrested and subjected to court martial, and on being received by the governor-general I informed him that both these men were naturalized citizens of the United States, and that as such they were inscribed in the register of foreigners kept by the general government of the Island of Cuba.

So here, Mr. President, let me point out, at this stage, a clear and specific reply to the suggestions that Sanguily was not an American citizen. Here is a statement of that fact by our consul to our Government, a statement acted upon afterwards by all parties. He then says:

> I then remonstrated against their commitment to the court-martial for trial and asked for their immediate transfer to the civil jurisdiction in accordance with the terms of the said agreement.

This was instantly upon learning of Sanguily's arrest.

Mr. President, the smallest tribe in darkest Africa that has a chieftain to stand forth to represent it could never have been treated more contemptuously by a neighbor than the Government officials of the United States have been treated by the Spanish authorities in Cuba.

> The governor-general—

As our consul says—

> was surprised on my informing him of the American citizenship of these men, and instantly answered me in an outburst of most violent language and gesture, saying that it was a disgrace to the American flag for the Government of the United States to protect these men who, it was notoriously known, were conspirators against the Government of Spain, and exclaiming louder and in still more violent language and gesture that American citizens were openly conspiring in the United States against Spain, and that he would shoot every one of them caught with arms in hand in any attempt against the government of the island, regardless of the consequences.

This piece of brutal bluster, Mr. President, was exercised by the governor-general of Cuba to the consul of the United States, standing under our flag and representing the honor and dignity of this nation, and, sir, that was related to this Government nearly two years ago. The consul says:

> Upon this utterance I calmly interjected the remark: "But, General, in carrying out such measures you will surely observe in all its parts the agreement between the two Governments?" Then recovering himself and in moderated tones he answered: "Yes; in observance of the agreement." I then said: "Well, General, that is all I have come to ask for, but these American citizens, instead of having been committed before a civil court in observance of the agreement, have been subjected for trial to a court martial contrary to the agreement; for neither of them has been captured with arms in hand against the Government, but arrested by the municipal police while peacefully deporting themselves in the city (Habana)."

The governor-general then, the consul states—

> made reference to the law governing the residence of foreigners in the Island of Cuba, giving me to understand that it was paramount to the agreement between the United States and Spain.

In other words, the governor-general of the Island of Cuba took the ground, as suggested by the Senator from Alabama, that the local laws of Spain for the government of Cuba superseded a treaty right of the United States. Says the consul:

> I then replied: "But, General, the Government of the United States will never admit that a local law or regulation is superior to an international compact; that Article VI of the Constitution of the United States is very plain upon this subject; also section 2000 of the Revised Statutes of the United States requires that the same protection to person and property shall be given by the Government of the United States to naturalized citizens in foreign countries as is accorded to native-born citizens." He then said: "Yes; but let the prisoners themselves invoke their rights of American citizenship before my judge advocate (auditor fiscal), who will consider and decide upon their rights under the agreement." As this was a plain effort on his part to eliminate my action as the representative of the United States in the matter, I replied: "General, my Government will not accept such a proposition, nor is it contemplated in the agreement that a Spanish judge advocate could supersede a consular or diplomatic representative of the United States on such an occasion. That therefore, just as soon as possible, I would formulate a remonstrance against the infraction of the agreement in committing Sanguily and Aguirre before a court-martial instead of before a civil court, and would present it to him for his consideration."

What was the effect of this courteous, cool, calm, and forbearing manner of the American consul to this fiery Spanish don? Says our consul:

> Hereupon he again remarked, in a violent tone of voice, as though my action was voluntary and not obligatory: "Your defense of these men is a disgrace to the American flag." I then politely answered him, saying: "General, I am acting entirely within the confines of my official duty and in accordance with the instructions of the Secretary of State of the United States, and in strict conformity with the agreement of the 12th of January, 1877." I then bid him good morning and withdrew.

But he did not withdraw to his own country. I wish that the warship, as suggested by the Senator from Maine [Mr. FRYE], had

been in the harbor of Habana, and that some admiral had been upon board of it who would have opened his guns upon the Spanish forts unless that citizen was immediately surrendered, and have taught this arrogant, insolent, brutal nation, which is the Turk of the West, the unspeakable Spaniard, who is doing the work of hell in the neighboring Island of Cuba, that when the United States of America demands the rights of one of her citizens she means to stand by the demand, and to send force to see that it is recognized and acknowledged; and if the senior Senator from Maine [Mr. HALE] imagines that this country can ever secure peace by submitting to continued contumely and insult to our citizens, he has built his hopes upon a foundation of sand.

Mr. President, I might go through the rest of this lugubrious and lamentable document. I might show continued insult to our consul even after these two repeated insults, but I dislike to unfold this dismal record. I have only produced that part of it which I have read to vindicate my own action and that of the committee of which I am a member, in bringing before the Senate the resolution which has been offered. That resolution says, in effect—though I do not know that I can repeat its exact words—that the President of the United States is requested to demand of Spain the immediate and unconditional release of Julio Sanguily, and also to prefer such just claims for damages against the country which has incarcerated him unjustly as to him may seem just.

It seems that there is something going on between this country and Spain of which we are not fully advised, and the senior Senator from Maine has produced a telegram or letter which contains some assurance that poor Sanguily, at the end of two years of incarceration, after filling this record with his own piteous appeals to the nationality of his adoption to defend him, has, by his counsel, withdrawn his appeal from his last sentence of condemnation, doubtless upon some expectation or assurance if he will plead guilty of the offense with which he is charged, that pardon will be extended to him, and that, branded for life as a convict, he may steal out of the prison in which he was hopeless of any rescue by the people to whom he belonged.

Mr. President, I hope that that intelligence is not true. I hope that this Government, which has twice made demand, thrice, I may say, upon the Spanish Government to release or try this prisoner in accordance with law, which has again and again set forth its protest to governor-general and to court and to the Spanish authorities that this is unjust, will not permit its citizen, at the end of an unjust incarceration, to humiliate himself before the Spanish throne in order to get that liberty which we contend he was entitled to all along.

The humiliation of a citizen of this country is the humiliation of every man in it. Inasmuch as Spain has done this unto him, she has done it unto me and to every American citizen who is proud of his free rights under a free Constitution, and who intends everywhere and at all times to defend them.

Let me say further, Mr. President, the closing letter of our present consul in Habana sets forth a state of facts which we might well anticipate from those which have been already given to the Senate. He writes in the present year, January 6, and says:

> UNITED STATES CONSULATE-GENERAL,
> *Habana, December 31, 1896.* (Received January 6, 1897.)
>
> SIR: Yesterday noon I visited the Cabañas fort and had a talk with Mr. Julio Sanguily, an American citizen, and formerly a general in the insurgent army. As you know, he was arrested in his house while taking a bath on the 24th of February, 1895.

Just there let me remark that so far from being armed, he was entirely without arms; and there is a fact proved in this record which goes to attest that he was not contemplating rebellion, for it was shown by a witness upon Sanguily's trial that eight months before he had pawned his sword and pistol; had parted with, to a pawnbroker, the very weapons which he would have been busy to have gotten and employed had he been upon the eve of rebellion. The consul further states:

> Sanguily had proved himself a very brave and efficient officer in the Cuban war from 1868 to 1878, and had been wounded seven times. It was therefore naturally supposed that sooner or later he would have joined the insurgent side of the war now in progress in this island. He had, so far as I am informed, committed no overt act in that direction, and was taken without arms in hand.
>
> On the 28th of November, 1895, or, say, nine months and four days after he was arrested and thrown into a cell at the Cabañas fort, he was tried and sentenced to be imprisoned for life.

Yes, he was tried by mongrel military and civil procedure more than nine months after he had been held in durance vile under such a treaty as that which we hold with Spain.

> An appeal was taken to the supreme court of justice at Madrid, which decreed, upon some technical ground, that Sanguily should be retried.

Consul-General Lee relates that—

> On the 21st of December, 1896, his second trial commenced, and ended by his being again sentenced to perpetual imprisonment.
>
> From this second sentence an appeal has been taken which, whether successful or not, will greatly lengthen the time he has already passed in his cell.

Now, mark this fact. I read awhile ago the opinion given to our consul by Mr. Miguel Francisco Viondi, who defended Sanguily, and who advised our consulate in Habana. Consul-General Lee says of him:

> The lawyer who defended this prisoner in his first trial now looks from the bar of a cell adjoining his in the Cabañas fort, and I am informed that the lawyer who managed his appeal before the Madrid court has suffered in consequence thereof, so that it may be difficult to procure in Madrid another person versed in the law who will consent to manage for Sanguily the appeal proceedings.
>
> In view of all these facts—

General Lee, our consul-general, says—

> In view of all these facts, and for the additional reason that Sanguily has been in a cell twenty-three months to date, is not in good health, and is suffering from old wounds, I respectfully suggest that the Department bring these facts to the notice of the Madrid Government and ask that instructions be issued that he be released from prison on the condition that he will leave this island and not return until the present war has terminated.

I should regret, Mr. President, that any condition whatsoever should be annexed to the demand for Sanguily's release; but I can well imagine that our consul-general in Cuba at so late a date as December, 1896, had despaired of any such course on the part of our Government as would have been dictated by its traditional policy, and as would seem to be demanded of a brave chieftain standing forth to defend the honor, the integrity, and the liberty of a nation, but this condition was not so humiliating as the one now suggested. It was only that he should depart in peace and return to the country of his adoption. Such a condition has been denied him. Even the proposal to leave the country and return to the United States has not been sufficient to relax the iron and relentless grasp of Spain upon a citizen which we have contended for over a year, nearly two years, she had no right to hold in the manner of arbitrary detention which she adopted in violation of our treaty with her.

Mr. President, I have little more to say on this subject. I have made a plain and explicit statement of this case, and I have gone to the prolixity of reading parts of these records so that those who read this story may understand why it is that the Foreign Relations Committee of the United States Senate advise and ask the President to make immediate and unconditional demand upon the Spanish Government for the surrender back to us of our compatriot, who for two years has lain sick and sore and wounded in a dungeon, and has never yet had the arm of America outstretched to save him from this brutal tyranny, which is the curse of Spain and the disgrace of civilization.

Mr. HOAR. The Senator from Virginia kindly said he would answer a question when he got through. I wish to ask him one question. When does he or the committee to which he belongs suppose that this man spent the five consecutive years of residence within the United States immediately preceding the issue of the naturalization papers which the law requires for their validity? I ask the Senator from Virginia that question, if he will answer it.

Mr. DANIEL. We have the record of the consulate in Habana; we have the decision of our State Department; we have the recognition of the governor-general of Cuba; we have the records in the case, and what everybody conceded and declared. I did not deem it necessary to investigate.

Mr. HOAR. That does not answer my question.

Mr. DANIEL. That is the answer.

Mr. HOAR. Now, it appears upon this document, repeated in a half dozen places, first that the man says he got his citizenship in 1889. I understand, however, that the Committee on Foreign Relations suggests that that is a misprint, and very possibly it is. He says in several other places—it is repeated all through—that this naturalization was taken out in the superior court of New York in August, 1878. It is repeated all through that he was engaged in the Cuban insurrection up to 1878, that he came abroad after that time, after the armistice or amnesty of that time, went to New York, and got these naturalization papers within a space of two or three months.

So it is absolutely clear that the naturalization paper was fraudulent and that the Department of State and our other officials merely took it for granted without putting the dates together; and now when they are put together it is found that the man is no more an American citizen than the Senator from Virginia is a citizen of Cuba.

Mr. STEWART. Where does the Senator get those facts?

Mr. HOAR. The committee furnished the evidence; it is all here.

Mr. HALE. The committee itself furnishes the evidence. It is in the report.

Mr. LODGE. Mr. President, the Committee on Foreign Relations did not think it was necessary to go behind the record of a court of record of the city of New York. I did not know it was customary to go behind the certificate of a court of record. I do not know who has power to do it. Certainly a consul of the United States has not the power to do it. It is the record of the superior court of the State of New York that that man was naturalized. It is a mere assumption and assertion that he was fraudulently naturalized. That is something which must be proved.

Mr. HALE. Would you prove it by your own——

Mr. LODGE. I am not here to prove that he was honestly naturalized. I take the record of the superior court of the city of New York, and until it is overthrown he is a naturalized citizen. Now, one word more——

Mr. HOAR. Before my colleague passes to his other word, will he yield to me for a minute?

Mr. LODGE. On the point of naturalization I should like to say now what I have to say.

Mr. HOAR. That is right.

Mr. LODGE. We issue naturalization papers to very many citizens. Perhaps some are not properly naturalized. We know that the privilege has been abused. We know that in many cases there have been fraudulent papers. But when an American citizen offers his certificate of naturalization, when it is accepted by the foreign government, when it is acknowledged by the Secretary of State, when he is duly registered in the consulate where he ought to be registered, then, Mr. President, I for one am not disposed to haggle over the question whether or not that naturalization paper was properly issued to him. We have the right to make the assumption that it was properly issued to him until the decision of the court is overthrown, and that can not be overthrown by saying that there are statements here from the consul-general which appear to conflict with the law under which the certificate of naturalization was issued.

We are bound by that, as the Secretary of State was bound. Every Spanish official admitted the citizenship of this man. Are we to say to all our naturalized citizens, "We are going to try you on the technical question whether these naturalization papers were properly issued to you before you can receive the protection of the American flag. Foreign governments may do to you anything they like, and the Senate of the United States and the House of Representatives and the Department of State will not seek to protect you until they have examined your naturalization papers?" I believe, as regards all foreign countries, that our naturalization certificates should be held sacred. We should uphold them, and protect them, and defend them. If we are going to draw distinctions among our naturalized citizens, where is it to stop? Are we to say to all the naturalized Americans in this country, "We will not agree to protect you. When you take out your naturalization paper, it is waste paper if anybody chooses to question it or to intimate that some technicality is wrong?"

I do not think, Mr. President, that any government can afford to take that position. I may be entirely wrong, but it strikes me as a general matter of policy that we have to follow the old rule which Henry Clay laid down at the time of the war of 1812, that the flag at the masthead was the seaman's credential. It is perfectly true that that meant that the deck was a part of American soil, which is a different point, but the English also demanded in those days proof that the seamen were American citizens and claimed, from identity of names, that they might be of English birth. We fought that war on the ground that the flag and the ship should cover the whole case.

It seems to me we have no right to go behind the action of an American court. We are all aware that this man was born in Cuba. We are all aware that he bears a Spanish name. Those of us who have inquired into the case know that he and members of his family were educated in this country; that their relations with this country have been close. There is no denial of any of these facts. We know that he took out naturalization papers; that they were lawfully issued and duly registered in the consular court. The minister of Spain in this city has admitted his citizenship. Are we to question it?

Mr. STEWART. It was admitted in the sentence.

Mr. LODGE. It was admitted by the Spanish court. It was admitted throughout the correspondence that he was an American citizen. If Spain admits his citizenship, why should we question it?

Mr. President, this is but one case among many. I have a case within my own knowledge of two young men whose name is Glean. Glean is not a Spanish name. The father was the American consul at Sagua la Grande. He was the first American consul at that post when it was established. He was a citizen of my State, and he married a wife in my State. His boys are of American blood and parentage. By his residence there as consul he became interested in sugar plantations. He bought property and established himself. These boys carried on the business. A little while ago—last year—those two boys, who never had been anything but American citizens, without a drop of blood in their veins that was not American, had their house entered by Spanish forces and they were seized by soldiers. They were in danger of their lives. Nothing but their claim of American citizenship saved them from death. They were taken out in the heat of summer and thrown into a foul prison in Sagua la Grande. There they were kept for some months. They were tried by a military tribunal and acquitted. They were let out then on condition of reporting every three days to the Spanish commandant. They were then tried by civil court and were again acquitted. The only charge against them was that they had given shelter for one night to a man supposed to be an insurgent—a fact never proved.

Finally let out, they escaped to this country, penniless, beggared, ruined, their property destroyed absolutely. Their claims against Spain have been filed in the State Department, and they are beggars, ruined, for no reason in the world.

These are some of the cases, Mr. President, within the knowledge of the committee. There are many others. The State Department to-day is full of reports about American citizens, unquestioned Americans, men named Scott, men named Govin, men named Glean, as these men are named, whose names alone show their citizenship. The Department is full of accounts of the wrongs, the outrages done to them. We can not get at those consular reports. They are held back from us on the ground that the consul will not be safe if he is known to have made such a report to Congress. We can not, in other words, even protect an American consul in the discharge of his duty. Those are the things which have caused the Foreign Relations Committee to feel that the time has come when we might properly act.

Let me say that those of us on the Foreign Relations Committee who have been opposed to this passive attitude in regard to the Cuban question have made no effort to press the Cameron resolution to the front. We have not sought to bring on agitating debates. We have done nothing to precipitate this question. We have allowed the resolution to lie upon the table untouched and undiscussed. We were well aware that with the Administration and Congress at odds on this matter discussion was useless. It would only lead to disturbance and could serve no good end. But when a resolution was presented to us with the absolute facts in regard to a case of this sort, we felt that we must act. We did not examine into the records of the superior court of the city of New York to see whether or not they had issued fraudulent papers to Julio Sanguily. We accepted the statement of the Spanish authorities. We accepted the statement of our own Secretary of State. We accepted the certificate of the American consul, and we took the ground that there had been a great outrage committed on an American citizen.

We thought that something ought to be done. We were not disposed to sue for his pardon. I suppose, Mr. President, that is a very wrong feeling to have, but it did not seem to the committee that it was the part of the Government of the United States to sue for the pardon of one of its citizens whom we believed innocent and who had appealed against the decision of the court. We thought we had a right to demand his surrender. That is all that this resolution is, and when we bring it in here, Senators say to us that because we wish to protect American citizens we desire to precipitate this country into war.

From 1868 to 1878 General Grant kept war ships in the harbor of Habana all the time to protect American citizens; and nobody then rose in the Senate and said that he intended war by so doing. When the Senator from Maine [Mr. FRYE] said that he thought it was the duty of the Government to send a ship of war to Habana for the protection of American citizens, the reply was immediately made: "That is what you want; you want war." It is not an act of war to send one of our ships into any port of any nation in the world with which we are at peace. Our ships of war go everywhere. It is no act of war to send them to Habana. We have the right to send our ships there to protect American citizens. We ought to have had a ship of war there all the time, ever since these troubles broke out. That is what President Grant did. That is the proper thing to do. When there are troubles going on, every nation sends its ships that they may be on hand to protect the property of its people everywhere. It is done all the time all over the world. We have sent ships and landed sailors and marines to protect American property and American citizens over and over again, and no one thought of crying out "War!" because we did so. Why, then, is it such a heinous offense to have ships of war in Cuban waters to protect American citizens?

I have no desire to argue the Cuban question. That has been gone over, and we know what the situation is in regard to it. The only point that I desire to make, the single point that the committee desire to make, is as to the protection of American citizens. We put this resolution on that ground, and that ground alone. Whatever else our duties may be, certainly one of our duties is the conservation of American interests and the protection of American citizens. That is all the committee seek. They are not seeking to pick a quarrel with Spain. They have no more desire to precipitate this country into war than any other members of the Senate. But when a case like this is referred to them, they thought, and they thought so unanimously, that it was their duty to submit the resolution and to ask upon it the action of the Senate. And when we submit this joint resolution, asking merely for the surrender of an American citizen, we are met with the reply that we want to bring on war. American citizens, in other words, are to have every infamy and injury in the world inflicted upon them, and anyone who dares to raise his voice in their behalf is told that he wants to bring on war.

Mr. President, look abroad to-day. Europe has sat by and looked on with perfect calmness while the Armenians have been slaughtered by the thousands. They have looked on with indifference while the Cretans have been struggling for freedom from the Moslems. Greece has interfered. She has attempted to rescue her fellow-men of kindred religion and race in the Island of Crete, and last Sunday the war ships of four great powers shelled those insurgents, men of their own faith, because they were trying to shake off the yoke of the Turk, and English war ships have been convoying Turkish munitions of war to the Island of Crete, if we may believe the dispatches in the newspapers. They say it is done in the interest of peace, and any man who lifts his voice, as the English people are now lifting their voices and denouncing the attitude of their Government, is told that he wants to hurl his country and Europe into war.

Ah, Mr. President, the power that is anxious to preserve the peace of Europe, the power that is so afraid that we shall vindicate and look after American citizens, is not primarily interested in peace. The power that holds those great European administrations by the throat and wishes them to keep Turkey where it is, is not a power that cares one straw for the slaughter of human beings in Armenia, but it is a power that is interested in the interest and the value of Ottoman bonds. That is what is behind this desire to keep Turkey in the control of the Greek Christians; that is what is holding the hands of Europe's Christian governments in regard to Armenia, and that is what is the trouble in this country in regard to Cuba.

The best thing that could happen to business, if business would only see it, would be to have the Cuban question settled and taken forever out of the way. But the great business interests do not wish it done. They are afraid of the immediate business result. I am not going to argue or discuss that question. We have determined, practically, at the White House and in the Capitol that the war in Cuba shall go on to its bloody, ruinous end; that that island shall be devastated and destroyed, American property and all, for it will never go back to Spain. But we have decided to let it go on. The Committee on Foreign Relations have not attempted to disturb that admirable decision. We have allowed the matter to rest. We have now simply brought in a joint resolution to try to protect an American citizen, stated to be such a citizen by the act of a court of New York, an act which can not be set aside by collateral evidence. That is all we have tried to do; that is all we ask the Senate to do. There are dozens of other cases. There are Americans to-day in those dungeons in Cuba.

To those persons in certain parts of the country who are devoted admirers of England, I commend the conduct of England when one of her citizens has been imprisoned and illtreated. Does anyone within the sound of my voice suppose that if a man bearing a naturalization certificate of the Queen of England had been treated as Julio Sanguily has been treated, England would have hesitated as to what she would do? She is anxious for an arbitration treaty with us, and is devoted to peace of course; but if Spain had laid a finger on one of her citizens, England would have had him out of his prison and had him surrendered at once if it had taken the whole fleet of England and all her army to do it. England has some very admirable qualities.

I have said far more than I meant to say, but I desired to defend the committee of which I am a member against the charge which has been made, that because we want to ask for the surrender of an American citizen we are therefore a parcel of jingoes, trying to thrust the country into war; that because we say that in times of disturbance we should do that which General Grant did, keep an adequate force in Habana to look after American interests, therefore we want to plunge the country into war. I have no desire to plunge this country into war with anybody. I do desire that an American citizen, whether he is a naturalized citizen or native born, wherever he goes, shall be protected by the power of the United States Government. [Applause in the galleries.]

Mr. HOAR. Mr. President, the Revised Statutes of the United States declare—

> That no alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

This man confesses, and it appears in a dozen places in the committee's report, that he came to this country after the conclusion of the rebellion of 1878, stayed here two or three months, and went back, and has not been in the United States since. He got some fraudulent papers out of a New York court, the same New York court——

Mr. LODGE. May I ask my colleague how it is proved to be a fraudulent paper?

Mr. HOAR. Because the matter of residence is distinctly shown.

Mr. LODGE. How does my colleague know that Sanguily was not here before that time?

Mr. HOAR. He must have been here five years before August 6, 1878.

Mr. LODGE. How does my colleague know he was not here?

Mr. HOAR. Because he says and the American consul says he was in the Cuban insurrection and was wounded seven times.

Mr. LODGE. Was he there the whole ten years? Is that stated?

Mr. HOAR. Yes, sir; it is stated.

Mr. LODGE. I wish my colleague would kindly point out that statement in the report.

Mr. HOAR. He stated himself that he was naturalized in 1889.

Mr. LODGE. Does my colleague think his statement overthrows the record of the court?

Mr. HOAR. I do. There were 60,000 fraudulent naturalization papers issued from that same New York superior court within three days in the year 1868. They floated all over a part of the country, and according to my colleague's idea every one of those fellows was entitled to plunge the United States into war if he went abroad and was badly treated. These court records are of the slightest possible importance. They are challenged at the polls; they are inquired into by election officers; and it never was pretended that they are anything but prima facie evidence. Again and again and again men have been indicted and punished for voting on them, in spite of the record.

Now, there is not any earthly question of these facts. If any other cases exist, let them be produced, and we will deal with them, but we have a case now where a man fought in the Cuban rebellion from 1868 to 1878. It appeared, in substance, during his trial that he was there at the time of the amnesty in 1878. Then he came to this country, stayed two or three months, went back with these fraudulent papers, and, as he swears expressly in his own testimony, he has been there ever since. He says he has been there nineteen years.

There is the fact, and I am not going into any other question. A question has been raised as to a pardon. I do not think a pardon would in the least affect his claim against Spain, if he has any. It is a mere mode of letting him out. If when this man is to be let out, within, as we suppose, a very few days, he is to be pardoned, he has all the rights of claim against Spain preserved, as I understand, because the pardon does not in the least take them away. If we are going to plunge this country into a war, let us have something to stand on. Let us have some facts. Let us have an American citizen, and not a man who has got a fraudulent naturalization, to do it on. That is what I claim.

Mr. LODGE. I wish to ask my colleague who has proposed to plunge the country into war? Does it plunge the country into war to ask for the surrender of an American citizen?

Mr. HOAR. What is proposed is to have the United States Senate demand this man's surrender. If they demand this man's surrender, and it is not done, I think the logic is to go to war to enforce the demand. I do not think the Committee on Foreign Relations are meaning simply a piece of empty bluster without having it backed up by the military and naval force of the country. If that is the intimation, I will acquit any member of that committee of any such proposition. But I say we have a right to demand of this committee to know whether this man is an American citizen or not. Of course the State Department did not question it. The facts were not brought to their attention. They found the old record, just as in the case where many pretended citizens have voted again and again. But now we have got the fact to deal with. He stated in his trial that he was naturalized in 1889. He says in almost the same sentence that he had not been out of Cuba for seventeen years. He has to dwell within the United States to be a naturalized citizen. If, on the other hand, he was naturalized at the time he was registered in Cuba he had only been out of Cuba for a few months, and he did not get naturalization then.

Mr. TELLER. Mr. President, I do not intend to discuss on this bill the question that has been discussed very extensively; but the Senator from Massachusetts seems to think that we ought to treat the question whether this man is a citizen or not in this body through our committee.

Mr. HOAR. We may find he is not.

Mr. TELLER. We may find that he is not, and we may find that he is. It is the first time, when a question of this kind had been determined by the authorities that were entitled to determine it, it is the first time I ever heard that we should take an appeal to the Committee on Foreign Relations or any other committee. Now, what are the facts? The Senator from Massachusetts assumes that it is a fraudulent certificate of naturalization, and then he brings in here some testimony of some kind, nobody knows whether it is correct or not, to dispute the certificate of naturalization.

Mr. HOAR. It is the testimony the Committee on Foreign Relations brings us. It is the man's own statement.

Mr. TELLER. We do not know whether it is correct or not. This man has been treated as an American citizen by the United States. He has been treated by the Spanish Government as an American citizen. In the sentence they declare he is an American citizen.

It seems to me it is not worth while for us to discuss the question whether he is an American citizen or whether he is not. He has declared before the world that he is an American citizen, and we can not escape our duty by saying this man may not be an American citizen, or by going to the extent the Senator from Massachusetts does and saying that he can not be an American citizen; that it is a fraud, because he must have been in Cuba ever since. Every intendment must be in his favor. He has a naturalization paper. He has the declaration of this Government that he is a citizen of the country. We have a statute that has been on our books for many years which declares that a naturalized citizen stands exactly equal in all respects as to the protection of his rights in foreign countries with an American citizen. Having this naturalization certificate, nobody, not even the State Department, has the right to inquire. They should first act, and inquire afterwards.

When a controversy arises between the country with whom we are contending as to whether he is a citizen, it is time enough to contest it. It has been admitted that he is a citizen. The Spanish authorities, the Captain-General, repeatedly declared that he was an American citizen. The proof is abundant that they treated him as an American citizen, and never raised the question whether he was a citizen. It is left for the Senator from Massachusetts to raise it here, while the decree declares that they have convicted and sentenced an American citizen.

Mr. President, there is not very much in this question. It is too late to raise the question, and it can only be raised when the government which claims he is infringing upon his rights says he is not a citizen. Then the question may be considered by his government whether he is a citizen or not. Here is a case where they declare he is a citizen. Here is a declaration in defiance of his citizenship that they will proceed, and proceed in a way not justified by the treaty with that country. Then we are met here with a statement that he may not be a citizen, and we will allow him to be outraged, and we will allow the Government of the United States to be insulted and debased; and then we will get out of exercising the ordinary prerogatives of a decent government by saying, "After all, I think that fellow's naturalization papers are fraudulent."

There never has been such a proposition made in American history before and I hope there never will be another. I do not know whether all the facts as we have them are true, but I do know that there is enough here to demand the interference of this Government. I do know that there is not a self-respecting government in the world that, on the state of facts presented to the Senate here to-day, would not make the demand that we are proposing to make.

I know that it may be futile for the Senate to pass such a resolution. I know the Senate passed a resolution here the other day about the Greeks which at least expressed sympathy and encouragement to them; but we are told this morning in the morning papers that a resolution of the Senate does not count, that the Secretary of State will not transmit it because it must be the action of both bodies or else he is not obliged to pay attention to it.

Mr. President, it does not make any difference, in my judgment, what may happen. You may pass this resolution and the House may approve of it, and it may go to the State Department, and the pusillanimous conduct of the Department for the last two years with reference to these things will be repeated.

I have not much expectation of anything better in the next Administration, but I thank God that at least this Administration will be going out of office and out of the way in the next ten or twelve days. I pray and hope that the Republican party, when it gets into power, may have a little of the old enterprise and spirit of the party, and that we make ourselves respected at home and abroad in as great a degree as to-day we are despised. In the whole history of this country there never has been a time when the world looked upon us with the contempt that it does to-day, and it is due to the administration of the great State Department and the executive department of the Government for the last four years.

So far as I am concerned, I agree with the Senator from Maine who sits in front of me [Mr. FRYE] when he said he would send a ship. Mr. President, I would send every ship we have got, and I would send a ship wherever there was an American citizen whose rights were being tampered with or infringed upon. I would not count dollars by the side of American manhood and American liberty and American rights. When old Paul stood before the Roman ruler and said, "I am a Roman citizen," the ruler trembled. I would make every power in the world respect American citizenship, and I would make them tremble when they did not if it took all the guns and all the ships and all the money that this country has got.

Mr. President, unless you do that you will be in trouble all the time. One single declaration that American citizenship is too sacred for the hand of the oppressor will bring peace and will save us infinite trouble and infinite difficulty. But we shall not get it, Mr. President, until we get a new Administration; and I hope we will get one then that may do these things.

JULIO SANGUILY.

Mr. ALLEN. Mr. President, this discussion seems to be proceeding upon the Indian appropriation bill. For the purpose of testing the question whether we shall have war or peace, and whether there is really any sincerity in these resolutions, I move that the Indian appropriation bill be temporarily laid aside, and that the joint resolution with reference to Julio Sanguily be taken up for consideration.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator's motion is not in proper form. The motion will have to be to proceed to the consideration of the joint resolution.

Mr. ALLEN. I move that the Senate proceed to the consideration of Senate joint resolution 207, which has been under discussion.

Mr. ALLISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The joint resolution will be read.

Mr. CALL. I ask the Committee on Appropriations if it is not possible for us to agree upon some time when the joint resolution may be taken up?

Mr. CHANDLER. Mr. President, I rise to a question of order.

Mr. HILL. The Senate can take up the joint resolution now if it wants to do so.

The PRESIDING OFFICER. The joint resolution will be read by title.

The SECRETARY. A joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

The PRESIDING OFFICER. Upon the motion the Senator from Iowa calls for the yeas and nays.

Mr. ALLISON. I withdraw the request for the yeas and nays.

Mr. HILL. I renew it.

Mr. MILLS. That is right.

Mr. HILL. Let us have a vote, and let us test the question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. FAULKNER'S name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. SMITH (when his name was called). I am paired with the senior Senator from Idaho [Mr. DUBOIS].

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], but I am advised by him that our views upon the joint resolution are the same, and I will therefore vote. I vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. I am not advised how he would vote, and therefore I withhold my vote. I should vote "nay."

The roll call was concluded.

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. WHITE (after having voted in the negative). I wish to inquire whether the Senator from Idaho [Mr. SHOUP] has voted?

The PRESIDING OFFICER. The Senator from Idaho [Mr. SHOUP] has not voted.

Mr. WHITE. I will withdraw my vote in that event.

Mr. DUBOIS. I vote "yea."

The result was announced—yeas 40, nays 27; as follows:

YEAS—40.

Allen,
Bacon,
Berry,
Blackburn,
Blanchard,
Brown,
Butler,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Daniel,
Davis,
Dubois,
Gallinger,
Hansbrough,
Hill,
Jones, Nev.
Kenney,
Lindsay,
Lodge,
Mantle,
Martin,
Mills,
Morgan,
Murphy,
Pasco,
Peffer,
Pritchard,
Roach,
Squire,
Stewart,
Teller,
Thurston,
Turpie,
Vest,
Voorhees,
Walthall,
Wilson.

NAYS—27.

Aldrich,
Allison,
Baker,
Bate,
Burrows,
Caffery,
Chilton,
Cullom,
Gibson,
Gorman,
Gray,
Hale,
Hawley,
Hoar,
Jones, Ark.
McMillan,
Mitchell, Wis.
Palmer,
Perkins,
Pettigrew,
Platt,
Proctor,
Pugh,
Quay,
Sewell,
Sherman,
Wetmore.

NOT VOTING—23.

Brice,
Clark,
Cockrell,
Elkins,
Faulkner,
Frye,
Gear,
George,
Gordon,
Harris,
Irby,
Kyle,
McBride,
Mitchell, Oreg.
Morrill,
Nelson,
Shoup,
Smith,
Tillman,
Vilas,
Warren,
White,
Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

The PRESIDING OFFICER. Is there any amendment to be proposed to the joint resolution as in Committee of the Whole?

Mr. LODGE, Mr. TELLER, and others. Vote! Vote!

The joint resolution was reported to the Senate without amendment.

Mr. WHITE. I ask that the joint resolution be read.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States demands the immediate and unconditional release of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba, upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

Mr. WHITE addressed the Senate. After having spoken for some time,

Mr. CAFFERY. Will the Senator from California permit me to interrupt him?

Mr. WHITE. I yield.

Mr. CAFFERY. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bate,
Berry,
Blackburn,
Brown,
Burrows,
Butler,
Caffery,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Cockrell,
Daniel,
Dubois,
Faulkner,
Gallinger,
Gray,
Hale,
Hansbrough,
Hawley,
Hill,
Jones, Ark.
Jones, Nev.
Kenney,
Lindsay,
Lodge,
McMillan,
Mantle,
Martin,
Mills,
Murphy,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Proctor,
Pugh,
Quay,
Roach,
Sewell,
Sherman,
Shoup,
Squire,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present. The Senator from California.

Mr. WHITE resumed his speech. After having spoken in all nearly three hours,

Mr. ALLISON. I ask the Senator from California to yield to me that we may have an understanding respecting the business of the Senate for the evening.

Mr. WHITE. I yield to the Senator.

[Mr. WHITE'S speech will be published after it shall have been concluded.]

Mr. ALLISON. I ask unanimous consent that at 6 o'clock this evening we take a recess until 8 o'clock, and that during the night session we consider appropriation bills only. I hope there will be no objection to that.

Mr. HILL. What is the proposition of the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock, and that the evening session be devoted to the consideration of appropriation bills only. Is there objection?

Mr. HILL. I object, Mr. President.

Mr. ALDRICH (to Mr. ALLISON). Then move to take a recess at 6 o'clock.

Mr. ALLISON. Then, Mr. President, I ask unanimous consent that at 6 o'clock a recess be taken until 8 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock. Is there objection?

Mr. HILL. There is no objection to that.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

METROPOLITAN RAILROAD COMPANY.

Mr. ALLEN. I ask permission at this time to submit a concurrent resolution, for which I ask present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate for further consideration the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

Mr. ALLEN. I want to make a brief statement respecting the resolution to this effect: It had been my purpose to antagonize the bill referred to in the resolution until certain concessions should be made by the Metropolitan Street Railway Company. I was in the Senate on the 23d of February until, I think, pretty nearly 6 o'clock, when evidently there was no intention of transacting any further business, and in my absence this matter was brought to the attention of the Senate and the conference report was formally agreed to.

Now, I hope the Senator from Michigan [Mr. MCMILLAN] who has this matter in charge will agree to the resolution and let the measure come back from the President to be considered. I think the Senator from Michigan understood, possibly in a general way, that there would be some opposition to the conference report. There was a strong, determined purpose here——

Mr. McMILLAN. I desire to say that I was not aware that there was any opposition at all to the bill referred to. The only opposition made to the bill was made by the Senator from Missouri, in regard to the issuance of stock or certificates. That was the only objection made to the bill that I am aware of. I can not see very well how the bill can be recalled now after it has passed.

Mr. FAULKNER. I suggest to both Senators that there may be some misunderstanding about this matter, and that the resolution go over until to-morrow.

Mr. ALLEN. I am afraid the President may approve the bill meantime, and it will become a law before action can be taken on the resolution.

Mr. FAULKNER. I think if the Senator would suggest to the President by telephonic message otherwise, he would not take any action before to-morrow, and there would be no danger of the bill becoming a law.

I will state that I had the same view as the Senator himself in regard to the bill, but I had reasons presented to me which influenced my mind, and I am satisfied will influence the mind of the Senator, not to make the contest I intended to make with him in reference to the bill; because of its meritorious character and because it involves the interests of a large number of citizens and not the interests that both the Senator and I wanted to contest.

Mr. ALLEN. I understood, and understand now, that there was quite a general purpose to antagonize the measure, and while I can not, of course, say that the Senator from Michigan knew that it was so generally understood that I supposed he did know it. I wanted to be present when this matter came up for consideration for the purpose of antagonizing and putting upon it certain amendments which it does not now contain.

I hope the Senator, in view of that fact, will permit the resolution to pass, and let the bill come back to the Senate.

Mr. GALLINGER. Mr. President, I think the committee has dealt generously with everybody on this question, and I object to the present consideration of the resolution.

Mr. ALLEN. Very well, Mr. President, if that is the course to be pursued, let it be so.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

Mr. HILL subsequently said: I desire to enter a motion to reconsider the vote by which the conference report on the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company was concurred in. I enter that motion in behalf of the Senator from Nebraska [Mr. ALLEN], and accompany it with a concurrent resolution, which I ask may go over.

Mr. ALDRICH. When was the bill passed?

Mr. HILL. Just two days ago. It is within the time.

The concurrent resolution was read, and ordered to lie over, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the President be, and is hereby, requested to return to the House for correction the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia

MRS. HANNAH LETCHER STEVENSON.

Mr. VEST. The Senator from California very kindly yields to me, and I have a personal favor to ask of the Senate.

There is a pension bill pending here the circumstances attending which are such as will appeal to every Senator. It is in behalf of the widow of General Stevenson, an old lady 78 years of age, and in very indigent circumstances. I think there will be no objection to the bill, it being in the ordinary form, giving the beneficiary a pension of $50 a month. As I have said, she is the widow of General Stevenson, who was in the Mexican war and was a brevet brigadier-general in the Regular Army. If I can secure the passage of the bill, I can obtain its passage in the House. I ask unanimous consent to call up the bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson.

Mr. HILL. Not disturbing the regular order.

Mr. VEST. Of course, without disturbing the regular order. The Senator from California yields to me.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Missouri asks unanimous consent for the present consideration of the bill he has indicated, without displacing the regular order. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALIEN OWNERSHIP OF LAND IN THE TERRITORIES.

Mr. SHOUP. Will the Senator from California yield to me for the purpose of calling up a bill for present consideration?

Mr. WHITE. I yield.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (H. R. 9769) to better define and regulate the rights of aliens to hold and own real estate in the Territories.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the consideration of the bill indicated, not displacing the unfinished business. Is there objection?

Mr. COCKRELL. Let it be read for information.

The bill was read for information.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LINDSAY. That is a very complex bill; it seems very important, and I do not think it ought to be passed without consideration.

Mr. WHITE. If the Senator from Kentucky has not examined the bill, I would not ask him to vote upon it; but I beg that he will examine it.

The object to be attained is this: The present law in reference to the holding of lands in the Territories by aliens virtually shuts out all capital. For instance, in the case of a corporation, aliens can not hold over 20 per cent of the capital stock. While this bill imposes a great many restrictions, as Senators will see, to holdings by aliens, it is not as drastic as the law which it amends. So far as I am personally concerned, I would impose no restriction, for I should be delighted to see money put into the Territories, whether by aliens or not. In fact, in some cases, I should a little rather see it come from aliens than from anybody in this country. To-day there are hundreds of thousands of dollars which can be invested in the Territories, and, notwithstanding our present ideas regarding diplomacy, I do not suppose anyone will contend that the foreigner could run away with the Territory. He might possibly have the title, and if he put in his money it is hard to say which would be the better off. The people of the Territories, so far as I know, those who have interests there and who wish to see the Territories built up, are in favor of the bill. The representatives are in favor of it, and those of us who know something about it, so far as I am aware, favor the measure. I hope the Senator from Kentucky will examine the bill.

Mr. LINDSAY. I withdraw the objection.

Mr. HOAR. I must object to the present consideration of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. HOAR subsequently said: I objected just now to a bill which had been read through in regard to the rights of aliens in the Territories. I desire, on examination and explanation of the bill, to withdraw my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK HANLEY.

Mr. DAVIS. I desire, with the permission of the Senator from California, to call up the bill (H. R. 8706) to correct the military record of Patrick Hanley.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of the bill indicated by him, not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH R. QUINT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 6792) granting a pension to Hannah R. Quint.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill indicated by him, not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension Hannah R. Quint, widow of Brian W. Fletcher, late of Company B, Fourth Maine Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGENTS OF NATIONAL BANKS.

Mr. ALDRICH. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill indicated by him, not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. I should like to know how the bill proposes to change existing law?

Mr. ALDRICH. The only change in existing law is that it allows a new agent to be appointed in case of the death of the old agent.

Mr. CHILTON. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEPENDENT FREE-DELIVERY SYSTEM.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists.

Mr. COCKRELL. What is the order of business? Has the bill been reported?

Mr. CHANDLER. It has been reported unanimously from the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. When?

Mr. CHANDLER. It has been on the Calendar for a long time.

Mr. COCKRELL. I asked for the Calendar number, and nobody gave it.

Mr CHANDLER. The Calendar number is 1550. I beg the Senator's pardon. It allows persons to pay for their own carriers. It does not enlarge the carrier service paid for by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, in accordance with the unanimous-consent agreement of the Senate, a recess will now be taken until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House recedes from its disagreement to the amendments of the Senate numbered 3 and 4 to the bill (H. R. 9648) making appropriations for the support of the Army for the year ending June 30, 1898, and agrees to the same.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1981) to provide for the use and occupation of reservoir sites reserved;

A bill (H. R. 1156) to amend the postal laws providing limited indemnity for loss of registered mail matter; and

A bill (H. R. 9089) for the relief of Daniel E. De Clute.

ST. LAWRENCE RIVER BRIDGE.

Mr. HILL. I ask unanimous consent to call up the bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from New York asks unanimous consent that the Senate proceed to the consideration of a bill which will be read, not displacing the unfinished business.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOTTLING DISTILLED SPIRITS IN BOND.

Mr. BLACKBURN. I ask that the Senate now consider a House bill entitled "An act to allow the bottling of distilled spirits in bond," which has been reported by the Senate Committee on Finance without objection. It has been so amended by the committee, I am sure, as to meet the objections of every Senator who had any; and I am certain that it will not take more than two or three minutes to act upon this important bill.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I supposed we meant to take up the Indian appropriation bill this evening.

Mr. BLACKBURN. If the Senator will allow me, I will say that if this bill shall delay the Senate at all I will withdraw the request.

Mr. PETTIGREW. I will yield to the Senator if he will allow me to get up the Indian appropriation bill first.

Mr. HALE. That is right; get the appropriation bill up and then yield.

Mr. BLACKBURN. I am perfectly satisfied with that course.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the Indian appropriation bill be taken up without displacing the unfinished business. Is there objection?

Mr. HILL. Which unfinished business—the Cuban resolution?

The PRESIDING OFFICER. The Cuban resolution. The Chair hears no objection, and the Indian appropriation bill is before the Senate as in Committee of the Whole.

Mr. BLACKBURN. Now the Senator has the bill up.

The PRESIDING OFFICER. The Indian appropriation bill is before the Senate.

Mr. PETTIGREW. I yield to the Senator from Kentucky.

BOTTLING DISTILLED SPIRITS IN BOND.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent that the bill indicated by him be considered by the Senate.

There being no objection, the bill (H. R. 8582) to allow the bottling of distilled spirits in bond was considered as in Committee of the Whole.

Mr. BLACKBURN. I ask that the amendments of the Committee on Finance may be read as the Secretary proceeds with the reading of the bill.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WHITE. I will say to the Senator from Kentucky that I think there is no objection. We had better get through with the matter as fast as possible.

Mr. BLACKBURN. I thought we would get through more quickly in that way.

The PRESIDING OFFICER. The Chair hears no objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was, in section 1, line 11, after the word "distiller," to insert "or owner;" and in line 13, after the word "withdrawal," to insert "which entry for bottling purposes may be made by the owner as well as the distiller;" so as to read:

> That whenever any distilled spirits deposited in the warehouse of a distillery having a surveyed daily capacity of not less than 20 bushels of grain, which capacity or not less than 20 bushels thereof is commonly used by the distiller, have been duly entered for withdrawal upon payment of tax, or for export in bond, and have been gauged and the required marks, brands, and tax-paid stamps or export stamps, as the case may be, have been affixed to the package or packages containing the same, the distiller or owner of said distilled spirits, if he has declared his purpose so to do in the entry for withdrawal, which entry for bottling purposes may be made by the owner as well as the distiller, may remove such spirits to a separate portion of said warehouse which shall be set apart and used exclusively for that purpose, and there, under the supervision of a United States storekeeper, or storekeeper and gauger, in charge of such warehouse, may immediately draw off such spirits, bottle, pack, and case the same.

The amendment was agreed to.

The next amendment was, in section 1, line 28, after the word "proof" to insert "but produced at the same distillery by the same distiller;" and in line 27, after the word "any," to strike out "matter" and insert "substance;" so as to read:

> *Provided*, That for convenience in such process any number of packages of spirits of the same kind, differing only in proof, but produced at the same distillery by the same distiller, may be mingled together in a cistern provided for that purpose, but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or the subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized; nor shall there be at the same time in the bottling room of any bonded warehouse any spirits entered for withdrawal upon payment of the tax and any spirits entered for export.

The amendment was agreed to.

The next amendment was, in section 1, line 36, before the word "prescribe," to strike out "shall" and insert "may;" so as to read:

> *Provided also*, That under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, the provisions of this act may be made to apply to the bottling and casing of fruit brandy in special bonded warehouses.

The amendment was agreed to.

The next amendment was, in section 1, line 51, after the word "distiller," to insert "or owner;" so as to read:

> Each of such cases shall have affixed thereto a stamp denoting the number of gallons therein contained, such stamp to be affixed to the case before its removal from the warehouse, and such stamps shall have a cash value of 10 cents each, and shall be charged at that rate to the collectors to whom issued, and shall be paid for at that rate by the distiller or owner using the same.

The amendment was agreed to.

The next amendment was, in section 1, line 60, after the word "bottle," to insert:

> It being understood that the spring season shall include the months from January to July, and the fall season the months from July to January.

The amendment was agreed to.

The next amendment was, in section 2, line 17, before the word "gauger," to insert the words "storekeeper or storekeeper and;" in line 19, after the word "therein," to strike out "and reduce, by the addition of pure water only, such spirits as are withdrawn for bottling purposes, below the original proof, but to not less than 80 per cent proof," and to insert "and may whenever necessary reduce such spirits as are withdrawn for bottling purposes by the addition of pure water only to 100 per cent proof for spirits for domestic use, or to not less than 80 per cent proof for spirits for export purposes;" so as to read:

> The distiller may, in the presence of the United States storekeeper or storekeeper and gauger, remove by straining through cloth, felt, or other like material any charcoal, sediment, or other like substance found therein, and may whenever necessary reduce such spirits as are withdrawn for bottling purposes by the addition of pure water only to 100 per cent proof for spirits for domestic use, or to not less than 80 per cent proof for spirits for export purposes, under such rules and regulations as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and no spirits shall be withdrawn for bottling under this act until after the period shall have expired within which a distiller may request a regauge of distilled spirits as provided in section 50 of the act of August 28, 1894.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. NELSON. I regret to say that I am compelled to oppose the bill. I have received remonstrances from many of my constituents who insist that it is a bill tending to give the distillers a monopoly of the bottling business, to the detriment and damage of the other wholesale dealers in liquors.

Mr. BLACKBURN. Will the Senator allow me?

Mr. NELSON. Certainly.

Mr. BLACKBURN. I will say that that objection might have obtained as the bill came from the House to the Senate Committee on Finance. The word "owner" has been inserted wherever the word "distiller" appears, and no privileges are given to the distiller that are not given in equal measure to the owner. I am sure that the objection of the Senator from Minnesota is removed as the Finance Committee of the Senate has amended the bill. The Senator from Rhode Island [Mr. ALDRICH], who reported the bill, was the author of all the amendments, which obviate every objection the Senator suggests.

Mr. NELSON. I would be glad to make an inquiry of the Senator from Rhode Island.

Mr. WHITE. If the Senator will allow me, I will say one word about the measure. I have been interested in this measure because the people of my State are largely interested in the production of wines, and consequently of grape brandy. I believe the statement made by the Senator from Kentucky is entirely correct. I believe there is nothing in the bill which is not in the interest not only of the producer of the article, but also of those who have invested their money in it.

Mr. NELSON. I dislike to interrupt the proceedings or to object to any Senator's bill, but I desire to state that I have received a great many remonstrances from the wholesale dealers in St. Paul and Minneapolis, in my State, against the bill as it passed the House. If those objections have been removed, I shall not object to the bill. If they have not, I must object to it.

Mr. WHITE. Permit me to say——

Mr. NELSON. I should like to hear from the Senator from Rhode Island after the Senator from California has spoken.

Mr. WHITE. The actual producers of the article referred to favor the bill. Those who deal in the adulterated article oppose it. I trust the Senator from Minnesota, if the matter is postponed, will investigate it, at the same time remembering that the actual producer, the person whose money is involved in the original product, is in favor of the bill. Unless the Senator from Minnesota has some knowledge actually pertaining to the matter now before us and which will justify the postponement of this measure, I hope he will submit it to a vote.

Mr. NELSON. I want to ask the Senator a question. Does the bill give the same bottling privileges to the wholesale dealers that it gives to the manufacturers and producers?

Mr. WHITE. It does; and the Senator from Rhode Island will be able to assure the Senator from Minnesota that that is the case.

Mr. NELSON. I should like to hear from the Senator from Rhode Island.

Mr. ALDRICH. The bill as it came from the House, I will state in answer to the inquiry of the Senator from Minnesota, was extremely objectionable, not only to the large number of wholesale dealers throughout the country, but to all persons who are anxious that the revenue should be preserved; but I think that every one of the objections urged by the wholesale dealers, and so far as I know by anyone else, has been removed by the amendments suggested by the committee. I think in its present shape the bill will be entirely satisfactory to the Senator from Minnesota and his constituents.

Mr. NELSON. Upon these assurances, I will withdraw all opposition to the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PEFFER subsequently said: I wish to enter a motion to reconsider the vote by which the Senate passed this evening the bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The PRESIDING OFFICER. The motion will be entered.

Mr. VEST. I move to lay the motion upon the table. It is a motion to reconsider, as I understand.

Mr. HALE. The motion was only entered.

The PRESIDING OFFICER. The motion to lay the motion to reconsider on the table will be entered.

Mr. ALDRICH. I suggest that both motions be entered together.

Mr. PEFFER. I do not wish any further action, but simply to enter the motion to reconsider at this time.

Mr. ALDRICH. The motion of the Senator from Missouri can also be entered at the same time.

Mr. PEFFER. In the meantime, I will consider what has been done.

Mr. CHANDLER. I call the Senator's attention to the fact that the words "or owner" were inserted in the bill; so that owners may bottle spirits, to which some objection was made.

Mr. PEFFER. I was unavoidably absent when the vote was taken on the bill, and being called off suddenly I was not aware of it, so that I do not know what was done; but if the question can lie over until to-morrow, I will find time to examine it, and probably everything will be found right by that time.

Mr. BLACKBURN. What is the motion, Mr. President?

The PRESIDING OFFICER. The Senator from Kansas submitted a motion to reconsider the vote by which the Senate passed the bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

Mr. BLACKBURN. I hope the Senator will not insist upon that.

Mr. PEFFER. I think, if the opportunity be afforded me for an examination, that perhaps within the next half hour I can be satisfied upon the point which I am not quite satisfied upon now; and the matter can go over until then.

Mr. BLACKBURN. Very well.

Mr. PEFFER. At any rate, I shall not delay it long.

Mr. BLACKBURN. Does the Senator make a motion to reconsider, or enter a motion to reconsider?

Mr. PEFFER. I enter a motion to reconsider.

Mr. BLACKBURN. Very well.

Mr. PEFFER subsequently said: Mr. President, having had some conversation with Senators who favored the passage of the bill to which I entered a motion to reconsider a while ago, I ask leave now to withdraw the motion to reconsider.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to withdraw the motion to reconsider the vote by which the Senate passed House bill 8582. Is there objection? The Chair hears none, and the motion is withdrawn.

IMPURE AND UNWHOLESOME TEA.

Mr. WHITE. I ask for the immediate consideration of Senate bill 3725, a bill to prevent the importation of impure and unwholesome tea, a bill approved by the Treasury Department and unanimously by the committee to whom it was referred.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the bill indicated by him be now considered by the Senate, with the understanding that the unfinished business and the Indian appropriation bill shall retain their places.

Mr. PETTIGREW. I feel that we should go on with the appropriation bill.

Mr. WHITE. I will say to the Senator that if there is any discussion with reference to this matter, I will withdraw the request.

Mr. PETTIGREW. I give notice that I shall object to any further unanimous consent until we take up the appropriation bill.

Mr. CHANDLER. I hope the Senator will except the bill that I was about to call up when I yielded to the Senator from California.

Mr. PETTIGREW. I can not do it.

Mr. CHANDLER. I know the Senator can do that.

The PRESIDING OFFICER. The Chair hears no objection, and the bill called up by the Senator from California will be read as in Committee of the Whole.

Mr. ALLEN. I supposed it was to be read for information.

The PRESIDING OFFICER. If the Senator from Nebraska so desires, the Chair will have the bill read for information.

The Secretary read the bill (S. 3725) to prevent the importation of impure and unwholesome tea; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I desire that we shall now proceed with the consideration of the Indian appropriation bill.

Mr. CHANDLER. I hope the Senator from South Dakota will allow me to have a bill passed. It has been read, it has been amended to suit everyone who has examined it, and it will take but a moment. It is a bill to enable the Government to take all the property at Great Falls——

Mr. PETTIGREW. I hope the Senator from New Hampshire will not press that matter now. Let us go on with the Indian appropriation bill for a while and see what we can do.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield further.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The PRESIDING OFFICER. The pending amendment to the amendment of the committee will be stated.

The SECRETARY. After the word "Interior," in line 8, page 72, insert the words "unless such award has been paid to and accepted by the claimant."

Mr. BROWN. This being an important amendment and partly discussed, I should like to have a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Brown,
Burrows,
Caffery,
Call,
Cannon,
Chandler,
Chilton,
Cockrell,
Daniel,
Davis,
Faulkner,
Gallinger,
Gorman,
Hale,
Hawley,
Hill,
Hoar,
Jones, Ark.
Kenney,
Lindsay,
McMillan,
Mantle,
Martin,
Mitchell, Wis.
Morgan,
Murphy,
Nelson,
Palmer,
Pasco,
Peffer,
Perkins,
Pettigrew,
Pugh,
Quay,
Shoup,
Smith,
Teller,
Thurston,
Vest,
Vilas,
Walthall,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The question recurs on the adoption of the amendment submitted by the Senator from Utah to the amendment of the committee.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. I ask to have the amendment read in connection with the text which it proposes to amend.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "Interior," in line 8, page 72, insert the words "unless such award has been paid to and accepted by the claimant;" so that when amended the sentence will read, after the word "issue," in line 5:

> And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior unless such award has been paid to and accepted by the claimant.

Mr. PETTIGREW. I see that this seems to be a controverted question and liable to lead to considerable discussion. I therefore suggest that we try to dispose of those amendments over which there will not be so much controversy, perhaps, and let this lie over until to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the pending amendment of the committee and the amendment to it may lie over until to-morrow morning. Is there objection? The Chair hears none. The next amendment will be stated.

Mr. PETTIGREW. The next amendment is at the bottom of page 68.

The SECRETARY. On page 68, after line 17, the Committee on Appropriations report to insert:

> For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney General, relating to Indian Affairs, under authority of the Indian appropriation act approved June 10, 1896, $2,000: *Provided*, That the Secretary of the Interior may authorize said work to be performed by an employee of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed or may hereafter disburse to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. PETTIGREW. I wish to amend the amendment by adding after the word "disbursed," in line 5, on page 69, the words "under the appropriation heretofore made." It is an unexpended balance. Then, after the word "disburse," in the same line——

The PRESIDING OFFICER. The Senator from South Dakota will suspend until the amendment to the amendment is read.

The SECRETARY. After the word "disbursed," in line 5, page 69, insert the words "under the appropriation heretofore made."

Mr. JONES of Arkansas. I prefer that that amendment should not be acted upon until there is some explanation made about it.

Mr. PETTIGREW. I wish to perfect the amendment; that is all.

Mr. JONES of Arkansas. I suggested that this amendment of the committee be passed over yesterday, because it seems to me, as it is at this time, it is exceedingly indefinite. If it is the intention to make the appropriation in line 2 a part of the $2,000 heretofore appropriated, all this could be reached by inserting, after the word "and" and before the words "accounting officers," in line 2, page 69, the words "out of the said sum of $2,000," so as to limit the appropriation to the $2,000. If it is not limited to the $2,000 there ought to be some words of limitation applied to it, because there is absolutely no limit to it. If it is a separate appropriation——

Mr. PETTIGREW. I am undertaking to do that by the amendment which I have just offered and by another amendment which I shall offer.

Mr. COCKRELL. Let them both be read.

Mr. JONES of Arkansas. Let them both be read for information, as I think, so far from accomplishing that, they open the door wider than it was before.

Mr. PETTIGREW. As I understand it, the appropriation heretofore made has not all been expended for the reason that the accounts were not passed by the Treasury Department, and the purpose is not to appropriate a sum of money greater than $2,000 in addition, but to allow them to use that money which is already appropriated. I think this amendment to the amendment, which was suggested by the clerk of the Committee on Appropriations, covers the ground.

Mr. JONES of Arkansas. If the Senator will allow the amendments to be read for information, and not have them adopted before we understand them, perhaps I shall have no objection.

The PRESIDING OFFICER. The Senator from South Dakota will state the two amendments, and then both will be read by the Secretary. The Senator will state the last amendment.

Mr. PETTIGREW. The Secretary has the first one I offered, and the second is, after the second word "disburse," in line 5, to insert the words "under this appropriation for this purpose."

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The SECRETARY. After the word "disbursed," in line 5, insert the words "under the appropriation heretofore made;" and after the word "disburse," in the same line, insert the words "under this appropriation for this purpose;" so that if amended that clause of the amendment would read as follows:

> And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed under the appropriation heretofore made, or may hereafter disburse under this appropriation for this purpose, to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. JONES of Arkansas. As I understand the amendment, the first part, on page 68, makes an appropriation of $2,000 to accomplish this work. The question in my mind was whether the intention of the committee was to have a separate appropriation by the latter part of the amendment, beginning at the word "and," in line 2, and if they did, there ought to be a limitation to it. If they intend it to be a part of the $2,000 provided for in the first part of the amendment, it ought to be so expressed. As I understand the amendment to the amendment proposed by the Senator from South Dakota, it will limit the latter part of the appropriation to an appropriation heretofore made, which was $3,000, if I am not mistaken, in the last act.

Mr. PETTIGREW. Three thousand dollars.

Mr. JONES of Arkansas. How much of that $3,000 has been expended?

Mr. PETTIGREW. I do not know.

Mr. JONES of Arkansas. My understanding was that it had all been expended, but that there was a claim that there was a considerable amount of work done that was not covered by that appropriation, and that this $2,000 was intended to cover that. However, I shall not insist on any further amendment, but I hope that when this paragraph is taken up in the conference committee, that point will be examined, and that it will be amended so as to express clearly the meaning of the committee.

Mr. PETTIGREW. I will say to the Senator that if the amendments which I have suggested do not cover the ground absolutely, we will try and fix it up so that they shall.

The amendments to the amendment were agreed to.

Mr. VILAS. I should like to draw the attention of the Senator from South Dakota to the fact that the same words ought to be used in line 25 on page 68, and in the second line on page 69. At one place it says "employee" and in the other it is "clerk." The same word ought to be used in both places.

Mr. PETTIGREW. I have no objection to that amendment.

Mr. GORMAN. Let it read "a clerk" instead of "an employee."

Mr. VILAS. I move to strike out in line 25 the words "an employee" and insert the words "a clerk."

The PRESIDING OFFICER. That amendment to the amendment will be made, if there be no objection. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PETTIGREW. The next amendment passed over is on page 48.

The SECRETARY. On page 48, after line 17, the Committee on Appropriations report to insert:

> For the purchase of the east half of section 16, township 107, range 48, Moody County, in the State of South Dakota, to be used as an industrial farm for said Flandreau School, at a price not to exceed $25 per acre, $8,000, or so much thereof as may be necessary.

Mr. GALLINGER. When this amendment was before the Senate a few days ago, I took occasion to state that in my opinion this is not an opportune time for Congress to go into the business of purchasing prairie farm lands at $25 or $50 an acre. Now, I am not going to take the time of the Senate to discuss the amendment any further this evening, but I do desire to record my vote against it, and I trust the Senate will grant me the courtesy of giving me the yeas and nays on the question as to whether we ought to make this investment. I demand the yeas and nays on the amendment.

Mr. PETTIGREW. I will consent to striking the amendment out of the bill.

Mr. GALLINGER. That suits me better.

The PRESIDING OFFICER. The Chair understands that the amendment reported by the committee is withdrawn.

Mr. ALLISON. Let it be disagreed to.

Mr. PETTIGREW. Yes; let the amendment be disagreed to.

The PRESIDING OFFICER. The amendment will be regarded as disagreed to.

Mr. PETTIGREW. There is an amendment on page 52, which was passed over, which I ask to have considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 52, after line 10, the Committee on Appropriations reported to insert:

> For the purchase of not less than 100 acres of good farming land in the immediate vicinity of the Indian training school at Pierre, S. Dak., to be used as an industrial farm for said school, and to be, in his judgment, suited for such purpose, $5,000

Mr. GALLINGER. I will ask the Senator in charge of the bill if he is willing that that shall likewise go out of the bill?

Mr. PETTIGREW. If the Senator insists upon calling for the yeas and nays, I probably shall consent to it.

Mr. GALLINGER. I shall probably make a point of order against it.

Mr. PETTIGREW. I wish to say that this amendment is recommended by the Department, as well as was the other. In this case the Department made suggestions with regard to a modification of the amendment, which the committee adopted; so that it is exactly as recommended and approved by the Department.

Mr. GALLINGER. I will say to the Senator in reply that this amendment is general legislation on an appropriation bill. If there is need of this appropriation, the Senator can bring in a bill and have it acted upon in the usual way, when we can examine it and discuss it. I make the point of order that the amendment is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is not well taken. The question is on the adoption of the amendment.

Mr. GALLINGER. I ask for the yeas and nays.

Mr. PETTIGREW. I am not going to consent to the striking out of this amendment, but I am willing that it shall be passed over until to-morrow.

Mr. ALLISON. That is right.

Mr. PETTIGREW. And then I shall offer the other amendment which I have just withdrawn. That can go over until to-morrow also.

I presume there will be a controversy over the amendment with regard to the Five Civilized Tribes——

Mr. BATE. Yes, sir; there will be.

Mr. PETTIGREW. I did not hear the Senator.

Mr. BATE. I said that there would be a controversy over the amendment in relation to the Five Civilized Tribes, and I suggest that that go over until to-morrow morning.

Mr. PETTIGREW. Upon the amendment with regard to the Five Civilized Tribes there are Senators who desire to speak, and so it seems to me we might as well pursue the discussion to-night, with the understanding that there shall be no vote taken upon it.

Mr. TELLER. I am directed by the Committee on Appropriations to propose an amendment on page 50, line 11, after the word "dollars," by inserting the following:

For a dormitory for boys, $1,500, to be immediately available.

Mr. PETTIGREW. That amendment is recommended by the Committee on Appropriations, and I have no objection to it.

The amendment was agreed to.

Mr. TELLER. Now I ask to have the total changed, in lines 11 and 12, to "$34,250" instead of "$30,750."

The PRESIDING OFFICER. That amendment will be made, in the absence of objection.

Mr. PETTIGREW. On page 37 I wish to offer an amendment, in lines 1 and 2, by striking out the words "to be paid out of the interest of the trust fund of said Indians."

Mr. COCKRELL. Why is that amendment offered?

Mr. PETTIGREW. I would say that these words were inserted by the House of Representatives in the clause making appropriations "for pay of employees at the several Ute agencies." It is an entirely new item, and I have a letter from the Commissioner of Indian Affairs, which I shall have read if it is desired.

Mr. TELLER. The amendment is offered simply because there is no interest there out of which the payment can be made, and there will be no funds to pay the employees if the words the Senator moves to strike out are left in.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota [Mr. PETTIGREW].

The amendment was agreed to.

Mr. PEFFER. I wish to make a suggestion or two as to the amendment on page 57, relating to the Five Civilized Tribes. I wish to call the attention of the Senate to the first proposition of the amendment, which reads:

That said Commission—

Commonly known as the Dawes Commission—

shall set apart the lands upon which any town is now located in the Indian Territory, together with a reasonable amount of land to provide for the future growth of said town, also said lands occupied by any church, cemetery, school, charitable or penal institution, or public building of any sort outside of the limits of any town; also all mineral lands, including coal, oil and natural-gas lands, now leased, occupied, and improved for mining purposes; etc.

I find a good deal of objection among the Indians to the incorporation of this amendment. Such of them as have spoken to me personally, or by their attorneys or agents, object to the entire amendment. Still, if it is insisted upon by the Senate, they desire to suggest one or two amendments to the amendment.

I wish to ask, in the first place, the Senator who has charge of this bill why it is necessary to change the present plan of adjusting these difficulties in the Indian Territory? Why not let the Dawes Commission go on with their work? An appropriation was made last year for the Commission and another one is made in this bill, or in another bill, for continuing the work of the Commission. Why now interfere with the progress of their labor by a specific act of Congress? I think it would be more satisfactory to the Indians generally, now that the Dawes Commission has undertaken its labors, to let them go on and treat with the Commission. I ask the question of the Senator who has charge of the bill, what advantage is there in making this change?

Mr. PETTIGREW. I will say briefly to the Senator that there are 100,000 people in the Territory and that we have two sets of courts—courts to try offenses and cases between Indians and Indians, and courts to try offenses between white people and white people and white people and the Indians; that these tribal courts are absolutely corrupt in every particular; that judges and juries can be bought, and are bought, openly and aboveboard. Witnesses who are troublesome are shot down. There is no protection for life or property. Last year there were over 300 murders, and in one judicial district in the month of December there were 31 murders. It is for the purpose of blotting out this stain upon our civilization that we are trying to undo this condition of affairs in that country, and it is the purpose of the committee to wipe out the jurisdiction of those tribal courts and confer jurisdiction upon the United States courts of the business of that Territory.

Mr. PEFFER. If the Senator will allow me, I am not speaking to the same amendment which the Senator is. I am not referring to the courts at all. I am speaking to the first part of the amendment which begins in line 3, on page 57.

Mr. PETTIGREW. In regard to the allotments?

Mr. PEFFER. Yes, in regard to the allotments.

Mr. PETTIGREW. That amendment it was agreed should go over until to-morrow. It was a controverted question. However, if the Senator desires to discuss it to-night, that would probably be just as well as to have it go over. I suggest, if any Senator wants to speak upon it, that I shall have no objection.

Mr. PEFFER. I shall only occupy a very little time.

Mr. PETTIGREW. I did not understand the Senator's question. If he is talking of the question of allotting the use of these lands, I will say that the amendment simply provides for the allotment of the use of agricultural lands, not mineral lands or town sites.

Mr. VILAS. I ask if the amendment in regard to the Five Civilized Tribes has been taken up for consideration?

Mr. PETTIGREW. Not at all. The Senator from Kansas asked me a question in regard to it, and I was simply answering the question.

Mr. PEFFER. I do not think still that the Senator understands my question. I do not wish to discuss it at any length, but I want to be informed regarding it.

Mr. ALLISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. PEFFER. Certainly.

Mr. ALLISON. I only desire to suggest to the Senator from Kansas that I learn that there is a probability that those favoring this amendment and those who are opposed to it are likely to make considerable modifications in reference to it and that an arrangement may be made whereby certain portions of this amendment will be omitted. If that be true, I think the suggestion of the Senator from South Dakota that this amendment go over is a wise one. It seems to me a useless thing here to debate the details of an amendment which is likely to be modified when the matter comes up for consideration to-morrow. So I suggest to the Senator from Kansas, unless this amendment is to be considered and disposed of to-night, it is wise to allow the whole matter to go over until to-morrow.

Mr. PEFFER. I will state to the Senator from Iowa that I was not aware of any arrangement of the kind of which he speaks.

Mr. ALLISON. There is no arrangement; but there may be one.

Mr. PEFFER. It is not my purpose, I will state to the Senator, to discuss the amendment at length. I merely wanted to be informed as to one or two matters, and perhaps the Senator from South Dakota can give me the information, if he is permitted to, and I be not interrupted.

Mr. ALLISON. I shall not interrupt the Senator from Kansas or the Senator from South Dakota.

Mr. PEFFER. I first want to know what advantage is expected to be derived by this amendment, in taking away from the Dawes Commission the right and the power which they now have to treat with the Indians in respect to all these matters?

Mr. PETTIGREW. I will state to the Senator that we do not take away the right or the power to treat, but, on the contrary, we provide that if at any time they make a treaty which is ratified by a tribe, this act shall no longer apply to that tribe.

Mr. PEFFER. One other question. Beginning at the semicolon in line 9, on page 58, the amendment reads:

Also all mineral lands, including coal oil and natural-gas lands, now leased, occupied, and improved for mining purposes.

Mr. PETTIGREW. We do nothing with that. It is left as it is. We do not interfere with it in any way.

Mr. PEFFER. Would the Senator be willing to accept two amendments? To insert the word "and," after the word "leased," in line 10; and in the same line, after the word "occupied," to strike out the word "and" and insert "or;" so as to read:

Now leased and occupied or improved.

Mr. PETTIGREW. I do not know that there is any particular objection to that.

Mr. PEFFER. If the Senator will be willing to accept that amendment, I have nothing further to say at this time.

Mr. PETTIGREW. I accept the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, on page 57, after the word "leased," it is proposed to insert the word "and;" and after the word "occupied," in the same line, it is proposed to strike out the word "and" and insert "or."

The amendment was agreed to.

Mr. PLATT. I think there ought to be an amendment to this amendment.

Mr. ALDRICH. The amendment has gone over until to-morrow.

Mr. PLATT. Has it gone over?

Mr. PETTIGREW. Yes. I simply answered a question of the Senator from Kansas.

Mr. PLATT. Perhaps the Senator from South Dakota would accept an amendment striking out the words, in line 16 and 17, "now living with said tribes?"

Mr. PETTIGREW. I shall not object to that.

The PRESIDING OFFICER. The amendment will be stated.

Mr. VILAS. If this is a convenient time for the Senator from South Dakota, I should like to offer an amendment which has been agreed to by the committee.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut [Mr. PLATT] will first be stated. Then the Chair will recognize the Senator from Wisconsin [Mr. VILAS].

The SECRETARY. In lines 16 and 17, on page 57, after the word "freedmen," it is proposed to strike out the words "now living with said tribes."

The amendment was agreed to.

Mr. VILAS. Let my amendment be now stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from Wisconsin will be stated.

Mr. PLATT. I will let my amendment go over until to-morrow. I understand that the amendment is not quite satisfactory, and I propose that the matter go over.

Mr. WALTHALL. We can make it so in a minute.

Mr. PLATT. Let it go over until to-morrow.

Mr. WALTHALL. I prefer to have it considered now.

The PRESIDING OFFICER. The amendment will be regarded as reconsidered if there be no objection.

Mr. WALTHALL. This matter can be adjusted in a minute. I move to strike out the words "now living with said tribes," beginning in line 16, and to insert "including the Mississippi Choctaws." There is no objection to that, I think.

Mr. PLATT. I have no objection to it.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be stated as modified by the Senator from Mississippi.

The SECRETARY. In line 16, after the word "freedmen," it is proposed to strike out the words "now living with said tribes" and insert "including the Mississippi Choctaws."

The amendment was agreed to.

The PRESIDING OFFICER. The amendment submitted by the Senator from Wisconsin [Mr. VILAS] will be stated.

The SECRETARY. After line 2, on page 77, it is proposed to insert:

To enable the Secretary of the Interior to adjust the account of J. Montgomery Smith, late a member of the Chippewa Indian Commission, for his services and compensation, for proper expenses in completing his work, and closing his accounts in connection with said commission, from the 11th day of June, 1896, when said commission was abolished, to the 13th day of July following, as if he had remained a member of said commission to the last-named date, and to pay the amount due him thereon, $558, or so much thereof as may be necessary.

Mr. PETTIGREW. I have no objection to the amendment. The amount is justly due. I have thoroughly examined it, and so have the committee.

The amendment was agreed to.

Mr. PETTIGREW. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 8, on page 53, it is proposed to insert:

For the construction of main building, $700, to be immediately available; for salary of superintendent of construction, $800, to be immediately available.

Mr. PETTIGREW. This school at Rapid City was provided for last year and $25,000 appropriated. The Department spent $3,000 for the site and advertised for bids for the building. The lowest bid was $22,700. The amount of money on hand is but $22,000. The Department therefore ask that this additional appropriation be made, so that they will not have to get up new plans and readvertise, and thus lose the summer. They say if this can be done they can complete the building so as to use it next September. The $800 for the superintendent of construction is necessary for the same reason, there being no money in the former appropriation.

The amendment was agreed to.

Mr. PETTIGREW. The sum total should be corrected to read: "$31,400."

The PRESIDING OFFICER. That change will be made by the Clerk, as usual.

Mr. PETTIGREW. I now offer another amendment, which I send to the desk, to come in on page 35, at the end of line 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after line 3, it is proposed to insert:

For pay of employees at the Sisseton and Wahpeton agencies, S. Dak., $3,900.

Mr. PETTIGREW. The necessity for this arises from the fact that there is no money whatever provided under existing law for the payment of any employees at this agency; during the last year there has been none, and they have got along as best they could. It therefore becomes absolutely necessary that this appropriation should be made. I made inquiry of the Department yesterday, and find that there is no provision whatever under existing laws for the payment of any employees but the agent, and that this appropriation is absolutely necessary.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 61, at the end of line 14, it is proposed to insert:

Provided, That $5,000 of said sum shall be expended to survey and resurvey, if necessary, the lands in the Rosebud Indian Reservation, in South Dakota, south of and near White River, where the Lower Brule Indians now reside, to be immediately available.

Mr. PETTIGREW. This does not increase the appropriation, but simply provides that of the sum appropriated by the other House $5,000 shall be used to survey the land, or resurvey the land, where the Lower Brule Indians located late last fall. Some of these Indians were here before the Committee on Indian Affairs and were very anxious to take their allotments, a good many of them having their houses already built, and this survey will enable them to do so.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, at the end of line 20, it is proposed to insert:

That a separate agency is hereby created to cover and have jurisdiction over all that portion of the White Mountain or San Carlos Reservation lying north of Salt or Black River, to be known as Fort Apache Reservation, with headquarters at Fort Apache, Ariz.

The amendment was agreed to.

Mr. PETTIGREW. The last amendment proposes to divide the San Carlos Indian Reservation into two reservations. There are two reservations to-day. In other words, one-half of those Indians live on one side of Salt River and the other half on the other side.

Mr. COCKRELL. How far apart?

Mr. PETTIGREW. Eighty-seven miles apart, over a mountain road. They have a subagent at the other agency. There are 1,700 Indians at one and nearly 3,000 Indians at the other. The Department recommended the change, and presented a document in support of their recommendation. The amendment is suggested by the Department, and is in the terms they recommend.

Mr. ALLISON. I hope the Senator from South Dakota will have that document inserted in the RECORD.

Mr. PETTIGREW. I ask consent that the document be inserted in the RECORD.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears none.

The document referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1897.

SIR: There is transmitted herewith a letter from the Commissioner of Indian Affairs, dated 2d instant, recommending that a part of the San Carlos Indian Reservation, in Arizona, be separated and created an independent reservation, to be known as the Fort Apache Indian Reservation, and put in charge of a separate agent. There is also submitted a map of the present reservation, showing clearly the proposed division. Voluminous reports on the matter are on file in this Department, and will be sent to the appropriate committee if desired.

The Commissioner's recommendation has my approval, and I have therefore to request that the item proposed by him be inserted in the Indian appropriation bill (H. R. 10002) now under consideration in the Senate, and that said bill be consistently amended as suggested in the accompanying letter.

Very respectfully,

D. R. FRANCIS, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 2, 1897.

SIR: I have the honor to return herewith the report of Lieut. W. C. Rivers, First Cavalry, in charge of the White Mountain Apache Indians, referred to this office by the Department for report January 24, 1896, and to inclose copy of report thereon from Capt. A. L. Myer, Eleventh Infantry, acting agent at San Carlos Agency, dated December 29, 1896, together with tracing showing boundary of proposed separate reservation. In his report Captain Myer coincides with Lieutenant Rivers as to the advisability of setting aside the Fort Apache Reservation as a separate Indian agency, as fully set forth in his said report. The reasons given by Captain Myer are briefly as follows: No one agent, no matter how energetic, can supervise the territory now embraced in the San Carlos Agency, and give the required attention to the Indians located near the agency and also to the Indians located north of the Black or Salt River, as the distance between the agency proper and Fort Apache is 80 miles over a very rough mountain road, and the mail facilities are such that it requires two weeks to receive an answer to a letter from the agency proper to the subagency at Fort Apache. Besides this, the agent located at San Carlos can not possibly visit Fort Apache more than once in each quarter, and as he is responsible for the property there, he can not have personal supervision of the same, and is compelled to depend on others.

The inaccessibility of the present subagency at Fort Apache from the agency at San Carlos may be better understood when it is known that to travel from one place to the other over the 80 miles distance and crossing the range of mountains dividing the two places it requires six days to make the trip with six mules hitched to an ordinary army escort wagon, and it would be impossible for a strong team to haul an ordinary spring wagon over the divide. There is no mail route between the two places, and the mail in getting from the agency to the subagency, or vice versa, travels around over a distance by wagon and rail of over 500 miles.

As will be seen from Captain Myer's report, the total amount paid employees, aside from employees of the Fort Apache school now on the White Mountain Apache Reservation, is $6,280. If a new agency were established additional employees would be required, as follows: One clerk, $1,000; 1 miller, $840; 6 police privates, $720, making a total increase over present expenditures of $2,560. The salary of the agent at, say, $1,800, would not be used in case an Army officer were placed in charge of the agency.

In view of the statements contained in Lieutenant Rivers's report and the report of Captain Myer thereon, and having considered the situation at that point and the benefits to be derived by the Indians of the reservation, and the fact that the business between this office and that reservation would be greatly facilitated were it a separate agency, I have the honor to respectfully recommend that all that part of the present White Mountain or San Carlos Reservation (as declared and modified by Executive orders dated November 9, 1871; December 14, 1872; August 5, 1873; July 21, 1874; April 27, 1876; January 26 and March 31, 1877) lying and being north of the Salt or Black River, be set aside by Executive order and declared to be a separate and independent reservation, to be known as the Fort Apache Reservation, and placed under a separate United States Indian agent. This would give a population of 3,300 Indians below the Salt or Black River on the San Carlos Reservation, and 1,782 above said river on the Fort Apache Reservation, according to the census taken by Captain Myer in July, 1896.

If this recommendation meets with your approval, I have the honor to respectfully recommend that the following item be inserted in the Indian appropriation bill (H. R. 10002) now under consideration:

"That a separate agency is hereby created to cover and have jurisdiction over all that portion of the White Mountain or San Carlos Reservation (as declared and modified by Executive orders dated November 9, 1871; December 14, 1872; August 5, 1873; July 21, 1874; April 27, 1876; January 26 and March 31, 1877) lying and being north of the Salt or Black River, to be known as the Fort Apache Reservation, with headquarters at Fort Apache, Ariz."

Also that the bill be amended as follows:

Page 1, "for pay of fifty-six agents of Indian affairs," etc., to read "for pay of fifty-seven agents of Indian affairs," etc.

Page 3, after line 2, insert "at the Fort Apache Agency, Ariz., $1,500."

Page 6, line 20, after the words "any or," insert "$86,500" in lieu of "$85,000."

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. PETTIGREW. That necessitates another amendment. On page 3, at the end of line 2, I propose to insert:

At the Fort Apache Agency, Ariz., $1,500.

That is a provision for the payment of an agent. The subagent, who gets $1,200 now, is disposed of by this amendment, so that the increase is only $300.

The amendment was agreed to.

Mr. PETTIGREW. On page 6, line 20, the total appropriation for Indian agents will have to be increased to correspond with the item just agreed to, so that it will read "$86,500," instead of "$85,000."

The PRESIDING OFFICER. The change will be made by the Secretary.

Mr. PETTIGREW. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, after the word "dollars," in line 5, it is proposed to insert:

Of which sum, or so much thereof as may be necessary, there shall be expended by the Secretary of the Interior in the erection of two day schoolhouses for the Lower Brulé Indians who reside on the Rosebud Agency south of White River.

Mr. PETTIGREW. This amendment does not carry an appropriation. Last fall about 500 Indians went south of White River and have taken up their lands there and are building houses. This provides for two schoolhouses for them, to be located by the Secretary of the Interior.

The amendment was agreed to.

Mr. PETTIGREW. On page 33, after line 12, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 12, after the name "South Dakota," it is proposed to insert:

And $2,300 may be expended by the Secretary of the Interior to construct a blacksmith shop, carpenter shop, and dwelling house at a point south of White River, on the Rosebud Agency, where the new issue house is to be located, to be immediately available.

Mr. PETTIGREW. This amendment does not increase the appropriation. It simply provides that these buildings shall be erected at the place to which the Indians have gone. I had a conversation with the Commissioner of Indian Affairs on the subject, and he earnestly recommended the amendment.

The amendment was agreed to.

Mr. PETTIGREW. I have an amendment which I was requested to offer by the chairman of the House Committee on Indian Affairs. It relates to the New York Indians.

Mr. HALE. Has it been submitted to the committee?

Mr. PETTIGREW. It has not been submitted to the committee. Neither has it been submitted to the Department.

Mr. HALE. Then I shall object to it.

Mr. PETTIGREW. I wish the Senator would not do that until he has heard what it is.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 8, on page 30, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, directed, under such rules and regulations as he may prescribe, to make allotment among the Indians entitled thereto of all the lands embraced in the Allegany and Cattaraugus Indian reservations in the State of New York: *Provided,* That after such allotment shall have been made, the power of alienation in said lands shall be suspended for a period of twenty years.

Mr. PETTIGREW. I desire that the amendment shall be printed in the RECORD, and go over until to-morrow.

Mr. QUAY. The amendment has not been before the Committee on Appropriations.

Mr. ALDRICH. It might as well be objected to now.

Mr. QUAY. The committee has not considered it.

Mr. ALLISON. It ought not to be done anyway. I object.

The PRESIDING OFFICER. Does the Senator from Iowa make the point of order on the amendment?

Mr. PETTIGREW. I withdraw the amendment.

Mr. QUAY. Let it go over.

Mr. ALLISON (to Mr. PETTIGREW). Offer it to-morrow.

Mr. PETTIGREW. I offer the amendment to be printed.

The PRESIDING OFFICER. The Senator from South Dakota asks that the amendment may be printed. Is there objection? The Chair hears none. The amendment will go over and be printed.

Mr. ALLEN. I should like to ask the Senator in charge of the bill if the committee is now through with its amendments?

Mr. GORMAN. A great many amendments have gone over until to-morrow.

Mr. PETTIGREW. The committee amendments are disposed of, except those which have gone over until to-morrow.

Mr. MANTLE. I desire to offer an amendment. On page 63, after the word "dollars," in line 25, I move to insert the words "to be immediately available."

Mr. PETTIGREW. I will say that the amendment simply makes available money to survey a boundary line. If it be not available until the 1st of July, the work can not be completed this year. Making it immediately available, the work can be completed this year.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana.

The amendment was agreed to.

Mr. MANTLE. I desire to offer another amendment. It is an amendment proposed by the Indian Affairs Committee.

Mr. ALLISON. On what page and line is the amendment to be inserted?

Mr. PETTIGREW. It is entirely new matter.

Mr. MANTLE. This is a new amendment.

Mr. ALLISON. Where is it to be inserted?

Mr. MANTLE. I wish it to become a part of the bill. It is a distinct and separate proposition, not connected with any item now in the bill.

Mr. ALLISON. Let it be reported, and then we will see where it should come in.

Mr. MANTLE. It may be inserted at the end of the bill.

The SECRETARY. It is proposed to add to the bill the following:

That there be paid to the Naalem band of the Tillamook tribe of Indians, of Oregon, the sum of $10,500, to be apportioned among those now living and the heirs of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that for this purpose there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,500: *Provided,* That said Indians shall accept said sum in full of all demands or claims against the United States for the lands described in said agreement.

Mr. ALLISON. I reserve the right to make a point of order on the amendment until I understand what it is.

Mr. MANTLE. Then I desire that the amendment shall go over. I have still another amendment.

Mr. COCKRELL. Let it be printed.

The PRESIDING OFFICER. The amendment will go over and be printed.

Mr. MANTLE. I understand that is the request of the chairman of the Committee on Appropriations.

Mr. ALLISON. It is.

Mr. MANTLE. I have another amendment which I desire to offer.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 4 on page 85 it is proposed to add:

That section 8 of an act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, be amended by striking out from the last paragraph of said section the following proviso, to wit:

"*Provided, however,* That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

That section 9 of said act be amended by striking out from the last paragraph therefrom the following proviso, to wit:

"*Provided, however,* That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

Mr. MANTLE. Mr. President, I desire to state, in explanation of the amendment, that at the last session of Congress treaties, one with the Blackfeet Indians and one with the Belknap Indians in the State of Montana, were adopted. After getting into a committee of conference, an addition was made to the bill as it passed the Senate, embracing the language quoted in the amendment, and which I now seek to have stricken out. That amendment provided that where locations had been made within these Indian reservations prior to the passage of the law and the ratification of the treaty they should be deemed to be good locations; that they should be legal. This addition was made in the conference committee and was not a part of the original treaty as presented.

I believe that the proviso was incorporated in order to make these treaties conform in this particular to some other treaties which had already been ratified. The result, however, of the incorporation of that clause in the treaty has been to create a great deal of dissatisfaction among the people in the State of Montana. There is a belief that certain parties have thus been favored at the expense of others, and if possible I should like now to remedy this matter by having those clauses stricken out.

I therefore submit the amendment, to the end that the feeling of dissatisfaction and complaint upon this score may be done away with.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana.

The amendment was agreed to.

Mr. ALLEN. I offer an amendment to be inserted on page 35, after line 3.

The SECRETARY. On page 35, after the amendment adopted after line 3, it is proposed to insert:

That the annuities of the Sisseton and Wahpeton bands of Dakota or Sioux Indians arising under the treaty of July 23, 1851, between said bands of Indians and the United States, which annuities were declared forfeited by the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, be, and the same are hereby, restored and continued from the time of the last payment before said act forfeiting the same to July 1, 1902, the date of the expiration of said treaty of July 23, 1851, for which purpose a sum of money sufficient to pay said annuities is hereby appropriated out of any money in the Treasury not otherwise appropriated; and after deducting all sums actually paid to said Sisseton and Wahpeton Indians, by reason of said treaty of July 23, 1851, the sum remaining unpaid, after deducting and paying attorneys' fees in accordance with agreement with said Indians on file in the office of the Commissioner of Indian Affairs, the balance shall be paid per capita to said Indians or disbursed for their benefit for such objects and purposes and in such manner as the Secretary of the Interior may deem for their best interests, or deposited in the Treasury for the use and benefit of said Indians, and paid to them or expended for their benefit in such manner as the Secretary of the Interior may direct; and on all sums remaining in the Treasury of the United States said Indians shall receive interest at the rate of 4 per cent per annum, said interest to be paid to them per capita on the 1st day of November of each year.

Mr. ALLISON. That is new and independent and very important legislation. I make the point of order that it is not in order on this bill.

Mr. ALLEN. I dislike very much to disagree with my learned friend, the chairman of the Committee on Appropriations. It occurs to me that it is not independent legislation at all, or new legislation. It is germane strictly to the purposes of this bill. The object of the amendment is simply to restore these Indians to certain rights that were taken away from them by the act of 1863, and after what is known as the New Ulm massacre. I can not understand wherein it can be considered as independent legislation.

I have no desire to debate the matter for any length of time. It occurs to me that at first blush it strikes the mind that it is germane to the pending bill. The amendment has been submitted to the Committee on Indian Affairs; it was passed upon favorably by that committee, and ordered sent to the Committee on Appropriations. Why the Committee on Appropriations did not see fit to put this amendment on the bill I do not know.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment contains general legislation, and is therefore not in order, if the point of order is made.

Mr. ALLISON. I make the point of order. There is no doubt about it.

Mr. ALLEN. I do not want to contend with the Chair, and do not propose to, but there ought to be some reason given for the point of order. The mere assertion that the point of order is well taken does not prove anything at all. It does not convince anybody that that is true.

Now, I think that general legislation—and I believe it so strikes the average mind—is legislation upon some independent subject, that is, not germane to the purpose of the bill. I know it is the most convenient thing in the world for the Committee on Appropriations to make the point of order, as they call it, and have the Chair sustain the point of order, and by that means squelch the amendment. But that does not prove anything. It does not prove that the amendment is not germane to the bill, nor does it prove that it is general legislation. I appeal from the ruling of the Chair upon that subject.

The PRESIDING OFFICER. The Senator from Nebraska appeals from the decision of the Chair. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate.

Mr. ALLEN. On that I ask for the yeas and nays.

Mr. BACON. I hope the amendment will be read.

Mr. ALLEN. It is suggested——

Mr. ALLISON. If the Senator from Nebraska will allow me for a moment, I suggest, if the matter is to be pressed, that the Senator from Nebraska let it go over until to-morrow. This is an amendment which involves from a million to a million four hundred thousand dollars, and it is to be followed by another amendment which the Senator from Nebraska will offer, involving an unascertained amount, as this is unascertained. So it is important legislation and is absolutely new, and if we are to have a discussion of the amendment as respects its merits it can not be very well gone into to-night. So I trust the Senator from Nebraska will not press the amendment at this time.

Mr. ALLEN. I have no disposition to do that. I am perfectly willing that it shall go over. I have another amendment upon the same subject.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor.

Mr. ALLEN. I will yield to the Senator from Minnesota.

Mr. DAVIS. I rose for the purpose of offering an amendment.

The PRESIDING OFFICER. The Chair understood the Senator from Nebraska to say that he has another amendment.

Mr. ALLEN. Yes, sir; I have two or three, which I hope will meet a better fate.

On page 34, after line 6, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 6, on page 34, it is proposed to insert:

That the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, be, and they are hereby, restored to all rights, privileges, and benefits they and their ancestors had and enjoyed under the treaty entered into September 29, 1837, at the city of Washington, in the District of Columbia, between Joel R. Poinsett, on behalf of the Government of the United States, and the Medawakanton Sioux Indians, by certain of their chief men, proclaimed June 15, 1838, and the treaty entered into between the United States, through Luke Lea and Alexander Ramsey, as commissioners, and the Medawakanton and Wapakoota Sioux Indians, by certain of their chief men, and proclaimed by Millard Fillmore, as President of the United States, August 5, 1851, and all treaties and acts of Congress supplementary thereto and amendatory thereof: *Provided,* That the titles to all lands that were owned by the said Medawakanton and Wapakoota Indians that have been extinguished since the 18th day of August, 1862, by treaty with said Indians, or by act of Congress, are hereby quieted in the United States or its grantees, as the case may be: *And provided further,* That the said Medawakanton and Wapakoota Indians now known as and being a confederacy of the Santee Sioux Indians of Nebras[illegible] and the Flandreau Sioux Indians of South Dakota, shall be paid by the Unit[illegible] States the sum of 85 cents per acre for all lands that were owned by th[illegible] respectively, on the 18th day of August, A. D. 1862, and which were co[illegible]cated by the United States by an act of Congress entitled "An act f[illegible]he relief of persons for damages sustained by reasons of depredations [illegible] injuries by certain bands of Sioux Indians," approved February 16, 1863, [illegible], and the same are hereby, restored and continued from the time [illegible] payment before said act forfeiting the same, to July 1, 1902, th[illegible] the expiration of said treaty of August 5, 1851, for which purpo[illegible] sum of money sufficient to pay said annuities is hereby appropriated, [illegible] of any money in the Treasury not otherwise appropriated, and after deducting all sums actually paid to said Santee and Flandreau Indians, by reason of said treaty of August 5, 1851, the sum remaining unpaid, after deducting and paying attorney's fees in accordance with agreement with said Indians on file in the office of the Commissioner of Indian Affairs, the balance shall be paid per capita to said Indians or disbursed for their benefit for such objects and purposes and in such manner as the Secretary of the Interior may deem for their best interests, or deposited in the Treasury for the use and benefit of said Indians, and paid to them or expended for their benefit in such manner as the Secretary of the Interior may direct, and on all sums remaining in the Treasury of the United States said Indians shall receive interest at the rate of 4 per cent per annum, said interest to be paid to them per capita on the 1st day of November of each year.

Mr. ALLISON. I make the point of order upon the amendment that it changes many existing laws and modifies several treaties.

Mr. PALMER. Is this an amendment proposed by the committee?

Mr. ALLEN. No, sir; it is an amendment proposed by myself.

The PRESIDING OFFICER. It is an amendment proposed by the Senator from Nebraska.

Mr. PLATT. I should like to ask the Senator from Nebraska whether the Committee on Indian Affairs did not sanction the amendment?

Mr. ALLEN. The Committee on Indian Affairs sanctioned the amendment. It has made a very elaborate report upon it. There was not a dissenting voice in the committee.

I have no desire to press the matter this evening. I am perfectly willing to let it go over, as the previous amendment went over a moment ago; but I will press it to-morrow morning, and I will keep pressing it from the time the Senate opens until it closes until there is a fair and equitable hearing of the rights of these Indians, and I shall not be cut off from debate by this very convenient point of order which is made upon all these meritorious amendments.

Mr. WHITE. I trust the Senator from Nebraska does not intend to curtail the expressions of the Senate in regard to the rights of the Cubans, which would seem to be somewhat intermingled with the rights of the Indians.

Mr. ALLEN. The Cubans and the Indians are a good deal alike here. They are used as a very convenient football when we do not desire to do anything else.

Mr. WHITE. I fully agree with the Senator from Nebraska, but I sometimes criticise votes.

The PRESIDING OFFICER. Does the Senator from Iowa insist upon the point of order?

Mr. ALLISON. I do insist upon the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is obnoxious to the third clause of the sixteenth rule, which provides against general legislation.

Mr. ALLEN. Then I appeal from the ruling of the Chair, and shall insist——

Mr. PETTIGREW. Will not the Senator withdraw the amendment and offer it to-morrow?

Mr. ALLEN. No, sir; I will let it stand exactly in this shape.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PETTIGREW. I hope the matter will not be pressed now. Let it go over until to-morrow.

Mr. ALLEN. I am perfectly willing to let the amendment go over, but I want the appeal to go over with it.

The PRESIDING OFFICER. The amendment will go over, by unanimous consent.

Mr. CHANDLER. Subject to the appeal.

Mr. ALLEN. I want the appeal to go with it. I now offer an amendment to be inserted at the bottom of page 26.

The SECRETARY. At the bottom of page 26 it is proposed to insert:

Adult allottees of land in the Peoria and Miami Indian reservations in the Quapaw Agency, Ind. T., who have received allotments of 200 acres each, may sell 100 acres each of said allotments and all inherited lands, subject to the approval of the Secretary of the Interior

Mr. PETTIGREW. This involves another controverted question.

Mr. ALLEN. There can not be any controversy about it. Congress last year passed an identically similar provision as respects the Wyandotte Indians.

Mr. PETTIGREW. I should like to examine the amendment and talk it over with the Senator from Nebraska and see what there is to it. I do not understand it now.

Mr. ALLEN. Very well.

Mr. PETTIGREW. Therefore I think it ought to go over.

Mr. ALLEN. I have no objection to its going over.

Mr. ALLISON. I desire to make the point of order on that provision, unless the Senator has a recommendation from the Secretary of the Interior or some one who has made an examination of the subject. I do not think we ought to authorize the sale of Indian lands unless we have information about it, to be communicated to the Senate and placed in the RECORD.

Mr. ALLEN. I have not consulted the Secretary of the Interior about the matter. I have not considered it my duty to do so. Congress passed last year an identically similar provision as respects the Wyandotte Indians, and I have not conceived it at any time to be my duty to consult the Secretary of the Interior as to the discharge of my duty except at such times as I felt unable to discharge it myself. If the Senator from Iowa desires to make the point of order on the amendment, I should like to have it made now, and let the amendment go over with the others.

Mr. CHANDLER. Will the Senator from Nebraska indulge me with a word?

Mr. ALLEN. Certainly.

Mr. CHANDLER. The Senator certainly knows how careful Congress has been not to allow Indians to sell their allotted lands.

Mr. ALLEN. Yes, sir.

Mr. CHANDLER. Congress has been free to allow leases of such lands, but the right of alienation has been very carefully reserved in order to protect the Indians from parting with their lands for a song.

Now, the Senator can hardly be serious when he says that if he proposes an amendment of this kind, to allow Indians to sell their lands wholly or any portion of them, the Senate ought to take his word for the fitness and propriety of the amendment, and that there is anything harsh or censorious in suggesting that there ought to be an official recommendation from the officials of the Government to guard these Indians and protect them against imposition. It seems to me that he ought not to take the view he does of the point of order made upon the amendment.

Mr. ALLEN. Possibly I ought not, but, however, I do take that view. If the Senator will permit me, I will state that the amendment provides that these allottees can alienate their lands only upon the approval of the Secretary of the Interior. He must approve of it before that can be done. Congress last year passed identically this law in so far as it applied to the Wyandotte Indians. If it was good law for the Wyandotte Indians, why is it not good for these Indians?

Mr. CHANDLER. Necessarily, the Senator will allow me to say, there must be a difference between different tribes. How are we to know that the one tribe is circumstanced as the other tribe is?

Mr. ALLEN. There can not be any difference in the world. They are both civilized tribes. These Indians are as civilized as the Wyandottes; and, in fact, if there is any difference, the difference is in favor of these Indians. Now, why the necessity of going over to the Secretary of the Interior, who has been there about six weeks, taking his opinion upon the subject? I presume that when the good people of New Hampshire sent my distinguished friend here they expected him to act upon his judgment.

Mr. CHANDLER. Not upon questions of this kind, by any means. They would expect me to act in such a case upon the opinion of the regularly constituted authorities of the Department.

Mr. ALLEN. And they have been wise in their selection.

Mr. CHANDLER. I admit that.

Mr. ALLEN. If it is necessary to consult the Secretary of the Interior, then would it not be a wise conclusion for us to arrive at for every man here to go home except the chairman of the committee and the Secretary of the Interior and the presiding officer and the clerks?

Mr. ALLISON. The Senator from Nebraska quite misunderstands me. I undertake to say that matters of this kind in the usual course of business in the Senate are either examined by a committee or come here on the recommendation of the officers in charge of the administration of Indian affairs. That is all I meant to say. I do not wish to disparage in any way the Secretary of the Interior or to pass any encomium upon him because he happens to have been there only six weeks or a few months. What I think ought to be done in these matters is to have them pass in the regular and ordinary course of legislation. That is usual, as the Senator very well knows. Now, I will ask him if the Committee on Indian Affairs recommend this provision?

Mr. ALLEN. No, Mr. President, they have not recommended it; but what would that signify?

Mr. ALLISON. It ought to signify a great deal.

Mr. ALLEN. Yes; it ought to signify, as the Senator from Iowa says, a great deal, but it does not signify anything. Less than twenty minutes ago I offered two amendments to this bill that were unanimously approved by the Committee on Indian Affairs and they met the objection of the Senator from Iowa, and his objection was sustained by the Chair. What does that signify? Here are reports, printed reports, involving 25 or 30 pages of printed matter, giving the whole history of those amendments, and yet here, with a snap of the finger, the Senator from Iowa objects to these amendments, the Chair sustains him, and the Senator from Nebraska is remediless. Suppose we should run the same gantlet with the proposed amendment, would not the Senator from Iowa have risen at his desk and suggested that it was general legislation, and would not the Chair equally as quickly ruled that it was general legislation, and therefore objectionable? Why go to the expense of printing a report and having an examination if it is to go off the bill anyway? Now, I shall insist upon this amendment as upon the others.

The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to insist upon the point of order?

Mr. ALLISON. I do not make it at the moment. It can go over until to-morrow, as I understand the bill is going over.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Nebraska will go over until to-morrow.

Mr. ALLEN. Then I offer the amendment I send to the desk, to come in after the one just offered; and out of four I beg to express the hope that one of them may go upon the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the bottom of page 26 insert:

That the territory comprising the Osage and Kansas Indian reservations be, and is hereby, detached from the Territory of Oklahoma and attached to the Indian Territory, and the said territory comprising said reservations

shall be and is hereby attached to and made a part of the northern judicial district of the said Indian Territory, and at least two terms of the United States court therein shall be held each year at Pawhuska, at such times as the judge of said district shall fix and determine.

Mr. ALLEN. Now, if the Senator in charge of the bill will listen to me a moment, I am satisfied that he will agree that this amendment may go upon the bill. This is my last effort to-night to put an amendment on the bill.

The capital of the Osage Nation is Pawhuska, located almost in the center of the Osage Nation. I think it is quite 40 miles distant from either border. No court is held in that territory. The courts of Oklahoma west of there assume to exercise jurisdiction over that territory, and it is very inconvenient for litigants and witnesses and counsel to attend those courts. They have to go, I think, something like 60 or 70 miles, possibly farther, to reach the court. This amendment transfers the jurisdiction over the Osage Nation to the northern district of the Indian Territory, over which Judge Springer now presides, and establishes a term of court at Pawhuska, the capital of the Osage Nation, and by that means making it convenient for litigants and parties having business before the court. In talking this morning with Colonel Freeman, the agent at that agency, this proposed amendment met his approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. DAVIS. I offer the amendment which I send to the desk.

The SECRETARY. On page 35, after line 4, insert:

And nothing in section 27 of chapter 543, volume 26, of the United States Statutes at Large, pages 1038 and 1039, shall be construed to apply to any contract for services for the prosecution of any claim against the United States or the Indians named in said section, and which had been prosecuted to its final allowance by the Department before which it was prosecuted within the period stated in said contracts, and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs, and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section 2103 of the Revised Statutes of the United States, and in all such cases the Secretary of the Interior shall cause all claims for service under such agreements to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong, and so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals, in the Treasury of the United States.

Mr. DAVIS. Mr. President, the object of the amendment can be stated in a very few words. It applies to the Sisseton and Wahpeton bands of Indians, or rather to some portions of them. As a result of the massacre of 1862, the annuities of those Indians were entirely confiscated. Some 250 of those bands were never in the massacre, but were in the service of the United States or conducting captive women and children back to their homes in Minnesota. Some 250 who were involved in the common confiscation retained General Sanborn, of St. Paul, to prosecute claims for restoration of their pro rata part of those annuities. He proceeded in that prosecution, with the result that the Department of the Interior allowed on behalf of these 250 or 270 men, as their pro rata part of the confiscated annuities, some $500,000, upon which his compensation at 10 per cent was about $50,000. He held individual contracts with each of these scouts. By the legislation of 1891 that money, instead of being turned over to these men per capita, was distributed to all the rest of the tribe, the remainder of whom had not signed any contract with him. Those who had not signed contracts object to paying, and those who had signed contracts paid, but they could not pay upon the basis that they would have paid had they received the full amount allotted to them, because it had all been lessened by a distribution to the entire band.

The act of 1891, unintentionally by its framers, did an injustice to General Sanborn, because it provided that only contracts then in force should be recognized in the payment. His contract was made in 1877, and was for twelve years. It was void until it was approved by the Department of the Interior. It was not approved until 1882. The twelve years had elapsed in 1891. He contended that the contract took effect only from the time it was approved.

I will state that this amendment has been examined by the Committee on Indian Affairs. It, I believe, has the approval of every member of the committee. It was to have been reported six or eight months ago, but for some reason or other it never has been reported. The amendment carries no appropriation whatever, but merely enables the Secretary of the Interior to audit and adjust this claim.

Mr. ALLISON. Let me ask the Senator from Minnesota if this claim is audited and adjusted will it not be paid necessarily out of the Treasury?

Mr. DAVIS. It is to be paid out of the Treasury, but is a charge to this Indian fund.

Mr. ALLISON. It is charged to the Sisseton and Wahpeton fund?

Mr. DAVIS. Yes, sir.

Mr. ALLISON. To their annuity fund?

Mr. DAVIS. Yes, sir.

Mr. ALLISON. I do not know, of course, about the details of which the Senator speaks. I have no doubt they are correct. But my impression is that this money will come out of the Treasury in the end, because the Sissetons and Wahpetons will insist next year, or the year thereafter, that we had no right to appropriate their funds in this way. If the Committee on Indian Affairs believes that this is a just claim and ought to be paid to them, although it is a claim that ought properly to go upon the deficiency bill, I do not know that I shall object to it. It only displays, however, the complications and intricacies of the amendment of the Senator from Nebraska by disclosing that the money which was to be paid to the Indian scouts of the Sissetons and Wahpetons, amounting to $500,000, or whatever the amount, was distributed to the whole tribe and not to these scouts.

Mr. DAVIS. They got their share, but their share was lessened.

Mr. ALLISON. They got their share, being members of the tribe. After we have all these matters adjusted, of course the scouts will in some way insist that they should be reimbursed for the amount they have lost. So this is a complicated case involving two or three or four treaties and several statutes. I do not wish to stand in the way of any person who has prosecuted these claims properly, nor do I wish in any way to oppose the amendment if it has only the purpose of paying to an attorney what he ought to have out of the tribal funds which can properly be used for that purpose. The Senator from Minnesota of course must be more familiar with that than I can be.

Mr. DAVIS. I will read four lines of the amendment:

And so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals in the Treasury of the United States.

There is a fund there.

Mr. ALLISON. There is an ample fund there. These Sisseton and Wahpeton Sioux have a million and a half dollars on deposit in the Treasury drawing 5 per cent interest, which we gave to them in consideration of their relinquishing their right to the annuities which the Senator from Nebraska talks about.

Mr. PETTIGREW. Not at all.

Mr. ALLISON. I know we have some difference about that; but if this is to be paid out of their fund, of course if it is only a charge to their fund; but the question as to how it shall be paid will come up hereafter. It is to be paid out of the Treasury. I think, if the Senator will allow me to make the suggestion, that it ought to be paid directly from the annuities from the interest upon the fund held in the Treasury by the Sisseton and Wahpeton Indians.

Mr. ALLEN. I should like to ask the Senator from Iowa if in his opinion the proposed amendment involves general legislation?

Mr. ALLISON. I think it does; but it is a very small affair, as the Senator very well knows, and I do not wish to interfere with what appears to be a just settlement of a small matter, as this seems to be. If the Senator desires to make a point of order on the amendment, of course he can do so.

Mr. ALLEN. No; I do not want to kill any legislation that way. I want to kill it on its merits. I only wanted to emphasize the fact, however, that there seems to be some distinction in making points of order upon measures where they are all open to the point of order. I have offered two amendments bearing upon this same subject——

Mr. ALLISON. I make the point of order on the amendment proposed by the Senator from Minnesota.

Mr. DAVIS. I have drawn an amendment which covers the suggestion of the Senator, providing that the money shall be paid directly out of the fund.

Mr. ALLISON. But the Senator sees that the objection made by the Senator from Nebraska——

Mr. DAVIS. Let it go over until to-morrow, then.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment is obnoxious to the first and third clauses of the sixteenth rule.

Mr. PETTIGREW. Let it go over.

Mr. DAVIS. Let it go over until to-morrow.

The PRESIDING OFFICER. The amendment will go over.

Mr. BAKER. I desire to offer an amendment to be inserted at the end of line 8, on page 67.

The SECRETARY. It is proposed to insert at the end of line 8, on page 67:

That it being impracticable to provide homes in the Indian Territory for the Absentee Wyandotte Indians as contemplated by the acts of Congress approved June 10, 1896, and August 15, 1894, the Secretary of the Interior is hereby directed to use the money appropriated therefor by acts of August 15, 1894, and March 2, 1895, in locating homes for said Indians upon any lands that may be available and suitable for such purpose, except that out of said money so appropriated as aforesaid, R. B. Armstrong, attorney for said Absentee Wyandottes, be allowed and paid the sum of $1,000 for services and expenses already incurred in and about such matters in behalf of said Indians.

Mr. PETTIGREW. I will state as to this amendment that Congress made an appropriation first of $15,000 of money which belongs to these Indians to try and purchase land for them in the Indian Territory. Afterwards it was found that land could not be secured for that sum, and Congress afterwards appropriated $6,000 more. It was then found impossible to secure lands in the Indian Territory. These Indians sent one of their number, and he has been here two or three winters on this matter, and has been to the Indian Territory, and has spent a great deal of time and money in trying to secure these locations.

The Commissioner of Indian Affairs recommended that all this money be distributed among the Indians, after paying this representative of theirs $2,100, or 10 per cent of it. This amendment, I see, provides that he shall be paid $1,000. The Secretary of the Interior did not agree with the Commissioner of Indian Affairs, and thought the effort to secure homes for these people should not be abandoned. This amendment provides that the effort shall be continued to secure homes for these people wherever they can be procured. They can not be procured, under the existing acts, in the Indian Territory. I think, therefore, that it is entirely proper and covers the question. I have letters here from the Department in regard to the subject, if it is desired that they shall be read.

The amendment was agreed to.

Mr. STEWART. I wish to offer an amendment.

Mr. PETTIGREW. I have two committee amendments yet not disposed of, if the Senator will wait a moment.

Mr. STEWART. It will take but a moment. Will the Senator give way now?

Mr. PETTIGREW. I will yield to the Senator from Nevada.

Mr. STEWART. On page 67, line 2, after the word "dollars," I move the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment already adopted, on page 67, line 2, insert:

To reimburse the county of Ormsby, State of Nevada, for money expended in the purchase of improvements on lands donated to the Government for an Indian school, $6,375.

Mr. STEWART. In 1888 Congress passed a law which made an appropriation of $25,000 to establish an Indian school in Ormsby County, Nev. I will state the condition of things at the time. There was a tribe of Indians in Ormsby County known as the Washoes. They never had had any appropriation from the Government and always had been friendly. In fact, they all lived about the capital at Carson. There was a large number of children among them, and there was a general desire that there should be a school established. The Piute tribe had two reservations about 75 miles north and south, with railroad accommodations to that point, which made this a central point and accommodated them all.

An Indian school has been established, and it is doing much good. A condition of the appropriation was that the lands should be furnished free. The legislature authorized Ormsby County to issue bonds not to exceed $10,000. It was not expected that a very large portion of it would be used. The county commissioners used a thousand dollars of it and bought the requisite amount of land, good land, but it had no improvements upon it and no water upon it. They would have been required to purchase water rights and to make improvements. The commissioner, Noble, I think, was his name, was sent out there to examine it. He rejected for those reasons the lands which they had purchased. They then advertised for other farms, and quite a number of offers were made of reasonably cheap property, but there was one farm which had a water right and had nine buildings on it and was under a high state of cultivation.

The Indian agent insisted upon having this particular farm. He reported that the improvements on it were worth $6,375. The desire to have these Indians provided for induced the commissioners to take the responsibility to buy the farm, costing considerably more than that. The aggregate that they expended amounted to $10,000. One thousand of it, however, was expended for land that was not accepted, and an act was passed to deed that back. But the amount for interest and principal involved the sum of $12,000 up to date. There have been a great many donations made of sites for Indian schools, but most of them are simply donations of land. The land in any part of the county, without the improvements, could have been bought for from $1,000 to $1,500, but the Government would then have been compelled to purchase water rights and make improvements. The improvements were extra.

I have communicated with the Department, and there are a few cases where the donations included improvements, but none have been reported where it was done by taxation. It was where there were some institutions and persons had improvements upon it, and they have donated it. The general donations have been of land without improvements.

The county of Ormsby is financially embarrassed. The taxation is over 3 per cent on a very high valuation, and this amount of money becomes oppressive. Inasmuch as the Washoes never received a dollar, and this was specially for their benefit, I think it but equitable and fair that the Government of the United States should pay for the amount of the improvements on that land. They hesitated a long time and presented other sections, but the agent was very anxious to secure this particular farm. He was right, because it was worth vastly more to the Indians than any other land that could have been selected. But the anxiety to have the school was such and the necessity for it so great that they made this expenditure. It seems to me not unreasonable that compensation for the improvements should be made. The amendment, without any interest, gives the exact amount at which the agent estimated the value of the nine buildings and the water right, the fencing, and the agricultural improvements that are upon the land.

Mr. ALLISON. This seems to be a very equitable case, as stated by the Senator from Nevada, but inasmuch as there is no estimate for it and it is not reported from any committee——

Mr. STEWART. It is reported from a committee. The Committee on Indian Affairs have authorized it to be reported.

Mr. ALLISON. To be added to the bill?

Mr. STEWART. Yes.

Mr. ALLISON. Then I will be glad to have that fact appear from the desk. I ask that we may have the record stated.

Mr. STEWART. That is correct. It is authorized by them. It was brought up in the committee in the first instance and there was not a quorum present. Afterwards a majority of the committee authorized their names to be used in recommending this particular appropriation, and it so appears on the back of the amendment.

Mr. ALLISON. If it has been reported and referred to the Committee on Appropriations——

The PRESIDING OFFICER. The Chair will state that the amendment has not been referred to the Committee on Appropriations, so far as the record shows.

Mr. STEWART. It was not referred to the Committee on Appropriations, for it came in after the Committee on Appropriations had reported the bill. Will it have to go over?

Mr. ALLISON. I feel constrained to make the point of order on it.

Mr. STEWART. Then I ask that it be referred to the Committee on Appropriations. It will then be in order to-morrow morning, I understand.

Mr. ALLISON. I suppose so.

Mr. STEWART. I think it is pretty hard to make a point of order against an amendment of this kind. I think it is very extraordinary that a point of order is made on it.

The PRESIDING OFFICER. The Chair will have to sustain the point of order made by the Senator from Iowa.

Mr. WILSON. I will state that the Committee on Indian Affairs gave this matter their full consideration some two weeks ago and reported back the amendment through the Senator from Nevada. The committee came to a unanimous agreement that it was an equitable and just case and should be allowed.

Mr. STEWART. I think I did refer the amendment to the Committee on Appropriations.

The PRESIDING OFFICER. The point of order, the Chair thinks, is well taken.

Mr. WILSON. Whether it was referred to the Committee on Appropriations or not, it seems to have been the intention that it should have been referred, and perhaps there was some oversight somewhere.

Mr. HOAR. I desire to move an amendment to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

To build and properly furnish a house for a boarding school for the Hualapai Indians of Arizona, to be expended under the direction of the Secretary of the Interior, $40,000.

Mr. ALLEN. I should like to ask the Senator if that is not general legislation?

Mr. HOAR. It is a mere expenditure. There is an offer to purchase a very valuable farm and give it to these Indians on condition that the boarding school be equipped and furnished. There is no general legislation about it.

Mr. ALLEN. Yes, but I understand this to be new legislation.

Mr. HOAR. It is not legislation at all. It is merely an appropriation for executing a law.

Mr. ALLEN. I infer that this is a new provision, and that money is to be appropriated to purchase certain property.

Mr. HOAR. To build and equip a house on property given to the Government for this purpose.

Mr. ALLEN. Yes, I understand what it is, but I simply wanted to make a parliamentary inquiry as to whether it was not general legislation?

The PRESIDING OFFICER. The Chair will state, in answer to the Senator's parliamentary inquiry, that if a point of order is made, the Chair will decide it.

Mr. ALLEN. I do not know that I want to make the point of order on the Senator from Massachusetts.

Mr. ALLISON. Let the amendment be again read.

Mr. ALLEN. The Committee on Appropriations are, of course, perfectly familiar with the question of whether this is general legislation or not, whether it has been properly estimated for, and whether it has passed through the Committee on Indian Affairs; and if the Senator in charge of the bill will explain that to the Senate, I shall be glad. I call his attention to the matter. The Senator from Massachusetts proposes an amendment to purchase some property, proposing to expend the sum of $40,000 for that purpose. Not being in charge of the bill, and not having a great deal to do with it at this precise moment, I inquire of the Senator from South Dakota, who ought to know, by virtue of his position, whether this amendment is not obnoxious to the rule which has been enforced here this evening with reference to other amendments?

Mr. PETTIGREW. I will say that I do not care to make the point of order upon the amendment which has been offered.

Mr. ALLISON. I ask that the amendment may be read.

Mr. ALLEN. I submit that if the point of order is going to be made upon one, it ought to be made upon all.

Mr. HOAR. This is a mere proposition to give a very valuable and costly farm to the United States for the exclusive purpose of these Indians. That is all there is of it.

Mr. ALLEN. My proposition was a mere proposition to restore certain Indians to their rights. I wanted to restore certain Indians to their rights here awhile ago; nobody disputed their right; the law gave them these rights away back in 1851, and even before that, and I simply wanted to restore them. Before I could get my wishes presented to the Senate in intelligible shape, the point of order was made upon me and sustained. Now, I do not insist upon that rule being applied to the Senator from Massachusetts [Mr. Hoar], because there is a great deal of distinction between that Senator and myself; but I simply wanted to know—and I ask in all seriousness—why this rule, which is applied with such vigor and with such apparent asperity and acrimony to legislation offered a few moments ago, should not be applied to proposed legislation when offered by the Senator from Massachusetts?

The Senator from South Dakota [Mr. Pettigrew] declines to make this point of order. If one is vulnerable to the point of order, the other is vulnerable. I would not say for a moment, nor would I have any Senator to infer, that I mean to charge that there is anything like favoritism here; but I think, if a rule is to be applied to the Santee Sioux Indians and the Sissetons and Wahpetons, who are poor people out in a poor country struggling for a livelihood, where they stand in absolute need, that the point of order ought to be made upon a proposed amendment which is to expend $40,000 not for any necessaries, but for some of the luxuries of life. I do not suppose it would be possible for me to induce the Senator in charge of this bill to make the point of order. I suppose he waived it out of respect for the courtesies which were interchanged between the Senator from Massachusetts and himself on yesterday evening. [Laughter.]

Mr. PETTIGREW. If the Senator will allow me, I will say that the Senator from Massachusetts is a most amiable gentleman, and of course if any favors were to be extended, I should extend them to him.

Mr. ALLISON. I ask that the amendment may be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert at the end of the bill the following:

To build and properly furnish a house for a boarding school for the Hualapai Indians, of Arizona, to be expended under the direction of the Secretary of the Interior, $40,000.

Mr. ALLEN. I did not understand the Senator from South Dakota; possibly it was my fault. Did I understand the Senator from South Dakota to say that he waived the point of order in respect to the memory of Miles Standish [laughter], or in respect to some other matter?

Mr. WILSON. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. WILSON. Is the Senator from South Dakota the only Senator on the floor who can make a point of order?

The PRESIDING OFFICER. Any Senator has the right to make a point of order.

Mr. WILSON. Then, what is to prevent the Senator from Nebraska himself making the point of order? If he is so anxious about it, why does he not make it himself?

Mr. ALLEN. Nothing whatever.

Mr. WILSON. I did not know but that there was some rule on the subject.

Mr. ALLISON. I make the point of order against the amendment, it not having been estimated for and not having been reported from any committee. If the Secretary of the Interior desires to expend this money, there is ample provision already in the bill for him in the general appropriation for educational purposes.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

Mr. HOAR. I should like to say, in justice to the ladies who have raised this sum of money which they propose to give to the United States, that this amendment was proposed at the request of a very benevolent body of ladies, who have spent a great deal of their own money and gathered a good deal for Indian education, particularly one lady, whose name, if I should mention it, would be recognized by almost the whole country. They propose to purchase for these Indians a very valuable and costly farm. They desire that the United States shall put up a proper house, which $40,000 would erect, and perhaps a less sum would answer. Then they will give the farm. It is a sheer gift of what in some way or other the United States is bound to do.

I thought it likely that the committee might be of opinion that the details of the matter should be submitted more directly to the Secretary of the Interior, and I find no particular fault with the course of the Senator from Iowa, but I rather hoped he would let it go, because the Secretary of the Interior is obliged to expend the whole sum.

Mr. ALLISON. The Senator will see, if he will examine the bill, that there is a large sum appropriated for the maintenance of schools, and also a large sum for the purchase of sites and the erection of school buildings. So that, if these ladies desire to aid in the cause of education, I have no doubt they can make their appeal to the Secretary of the Interior.

Mr. HOAR. I think that is an excellent reason, and the Senator from Iowa generally has excellent reasons for whatever he does or says. I am very sorry, however, that after waiting about fifteen minutes without making the point of order he should be nagged into doing so by the insistence of the Senator from Nebraska.

Mr. ALLISON. If the Senator will allow me a moment, I called for the reading of the amendment. I did not hear it when it was first read, as my attention was diverted to a number of other matters, as Senators know it frequently is, and so I called for the reading of the amendment.

Mr. HOAR. I have no complaint to make of the Senator from Iowa.

Mr. ALLISON. It is not necessary, then, for the Senator to make insinuations respecting my delay and to say that I was nagged into making the point of order.

Mr. JONES of Arkansas. I rise to a point of order, Mr. President.

Mr. HOAR. I desire to say——

The PRESIDING OFFICER. The Senator will please suspend until the Senator from Arkansas states his point of order.

Mr. JONES of Arkansas. I ask what question is pending before the Senate?

The PRESIDING OFFICER. There is no question now pending before the Senate.

Mr. HOAR. I desired before the point of order was made to be permitted to make a statement about this matter.

What happened was exactly this: The matter was referred to the Committee on Appropriations days ago, and they, of course, considered it as everything is considered there. I moved the amendment, and the Senator in charge of the bill said he did not desire to make a point of order against it. It had been read three or four times, and then the Senator from Nebraska [Mr. Allen] made a speech at some length, saying that he had not any objection to the amendment; he did not want to make a point of order—but wanted to know whether it had not been made by the Senator from South Dakota [Mr. Pettigrew]—because the [illegible] from Massachusetts had certain amiable qualities, which I will frankly admit the possession of on my part. Thereupon, after that speech, the amendment having been read two or three times, my honorable friend from Iowa made his point of order.

Mr. ALLISON. I wish to say——

Mr. HOAR. I certainly accept the Senator's statement.

Mr. ALLISON. It was a very important matter that we were asked to adopt as an amendment, and it was read twice—once at my request and once before the request—as Senators probably know. I asked to have it read the second time, as I did not hear it read the first time, and when I heard it read I made the point of order. Of course the Senator, may have his opinion, but he is mistaken in saying that I was goaded or pressed by the Senator from Nebraska into making the point of order. I have felt, and feel now, that if we are to pass the appropriation bills, especially this Indian appropriation bill, it is not wise for us to load it down with amendments which are not in order, and with amendments which propose the payment of claims and things of that sort.

Mr. HOAR. I should like to state to the Senator from Iowa that the Senator from Nebraska, in the speech he made, did not raise the point of order on the amendment, but seemed to think that the Senator from South Dakota should do so, but that Senator said he would not make the point of order, and then the Senator from Iowa got up and made it.

Mr. ALLISON. Very well.

Mr. PALMER. I rise to a point of order, Mr. President. If the conversation between the Senator from Massachusetts and the Senator from Iowa is over, I desire to make a suggestion.

The PRESIDING OFFICER. The Chair had recognized the Senator from Massachusetts [Mr. HOAR], and the Chair now recognizes the Senator from Illinois [Mr. PALMER].

Mr. ALLISON. I yield the floor to the Senator from Illinois with great pleasure. I have no doubt he has some matter of substance that he wants to speak upon.

Mr. PALMER. I imagine I have.

Mr. HOAR. Perhaps the Senator will allow me only one sentence?

Mr. PALMER. The Senator from Massachusetts can say that one sentence.

Mr. HOAR. I wish to assure the Senator from Iowa that nothing could happen to make me either guilty of any act of disrespect or thought of disrespect toward him.

Mr. PALMER. I want to inquire what is the parliamentary situation of the amendment on pages 70, 71, and 72? I inquire whether that has been disposed of?

The PRESIDING OFFICER. That amendment has been passed over until to-morrow.

Mr. PALMER. I want to move to strike out all after the word "purposes," in line 21 on page 70, down to and including the word "actions," on page 71, line 6, upon which I shall ask the yeas and nays.

Mr. SHOUP. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 22 on page 66, after the word "year," it is proposed to insert:

> In addition to the extension heretofore granted.

Mr. PETTIGREW. This amendment simply provides for a year's additional time for homesteaders to prove up on their lands where they have taken lands upon Indian reservations. It is simply an amendment to the House provision, which I think does not give an extension.

Mr. COCKRELL. Let the clause be read as proposed to be amended.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to amend the clause so as to read:

> That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year in addition to the extension heretofore granted, in which to make payments as now provided by law.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after the amendments already adopted, it is proposed to insert:

> To enable the Secretary of the Interior to pay the scouts and soldiers and their descendants of the Sisseton, Wahpeton, Mdawakanton, and Wapakoota Sioux Indians who have not been paid, if any there be, who, after thorough investigation, are found to be entitled to such payment, $10,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota.

Mr. PETTIGREW. I have a letter from the Commissioner of Indian Affairs in regard to this matter. It appears that in making up the rolls some of these Indians were left out, and he says it will take $9,027 to pay them. The amendment is for $10,000. He says the amount named, that is, $10,000, will pay twenty-five scouts and soldiers omitted from the pay rolls of 1895, if that number were omitted. The amendment is so drawn that no payment will be made unless after thorough examination the Department decides that it is due.

Mr. ALLISON. Will the Senator have that letter inserted in the RECORD?

Mr. PETTIGREW. I ask that the letter be inserted in the RECORD.

The PRESIDING OFFICER. It will be so ordered, if there be no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 15, 1897.

SIR: I am in receipt of your letter dated the 15th instant, inclosing copy of an amendment which your colleague, Mr. KIEFER, proposes to introduce to the Indian appropriation bill when it is considered. You ask to be advised whether or not the amendment should be incorporated in the bill.

In reply, I return the amendment with advice that the same should be incorporated in the bill. The amount named, $10,000, will pay twenty-five scouts and soldiers omitted from the pay roll of 1895, if that number were omitted.

Very respectfully,
D. M. BROWNING,
Commissioner.

Hon. J. S. SHERMAN,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1897.

SIR: In reply to your letter of 4th instant I have the honor to state that the names of the following deceased scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, Wapakoota bands of Sioux Indians, to wit:

1. Ta su su.
2. Wa su e da ya.
3. Wryins Ka na nee.
4. Edward La Ramie,
5. Jos. Robnitt (No. 6 not on list furnished),
7. John Other Day,
8. Alfred Miller,
9. Ta chan pu ma za,
10. Peter Boyer,
11. S. A. Adams,
12. James Nam de cha,
13. Louis Vasseur,
14. Peter Leclaire,
15. Moses Moore,
16. William A. Findley,
17. John Campbell,
18. Peter Ortebise,
19. Harry J. Wells,
20. Michael La Riviere,
21. Sa ga yu ma zu,

or the names of their descendants and heirs, do not appear on final roll paid by Special Agent Shelby during the months of October and November, 1895, the per capita of which was $91.65.

It is also found that of the above-mentioned scouts and soldiers, the names of—

1. Ta su su.
3. Wryins Ka na nee,
11. S. A. Adams,
12. James Nam de cha,

do not appear on the rolls paid in 1892 and 1894, based upon the censuses of 1891 and 1893, therefore do not appear to be entitled.

The following names, to wit:
Wau di ey ya, 75, M.,
Ia to pi ya, or Ahan zi wi ca yo, 68, M.,
appear on the original Elrod roll, but do not appear on any subsequent scout and soldier roll, nor can they be identified on Sisseton roll, upon which payment was made in accordance with provisions of agreement entered into between the United States and the Sisseton tribe of Indians, approved December 12, 1889 (26 Stats., page 1036). The amount due each, if found to be entitled, would be their proportionate shares of $56.81 and $91.65, respectively.

To pay these people, if, after a thorough investigation, they are found to be entitled, will require the sum of $9,027.92.

Very respectfully,
D. M. BROWNING, *Commissioner.*

Hon. A. R. KIEFER,
House of Representatives, Washington, D. C.

The amendment was agreed to.

Mr. JONES of Arkansas. I desire to offer two or three amendments which I should like to have pending. I do not propose to ask that they be acted on to-night. I suggest that in line 17, on page 58, the following insertion be made, after the word "law:"

> *Provided*, That said appellate court may, in its discretion, designate one place in addition to those at which courts are now held.

Mr. PETTIGREW. Is that in the Five Civilized Tribes?

Mr. JONES of Arkansas. Yes.

Mr. PETTIGREW. I think that amendment should be adopted. In the northern district, west of the railroad, there is no provision for a court in all that country.

Mr. JONES of Arkansas. That is true, and that is the reason I think the discretion should be vested in the appellate court.

Mr. PETTIGREW. I think, however, the amendment should read "at such other places as may be designated by the judge of said court."

Mr. JONES of Arkansas. Say "by the court." Let it be done by the appellate court.

Mr. PETTIGREW. Yes.

Mr. JONES of Arkansas. I think the suggestion of the Senator in charge of the bill is better than mine.

Mr. ALLISON. I want to call attention to the fact that the Senator from Nebraska on my left [Mr. ALLEN] has already provided for one place for holding court in the Indian Territory under an amendment which we have agreed to.

Mr. PETTIGREW. No, that is hardly the fact. The amendment proposed by the Senator from Nebraska provided for holding a court in the Osage country.

Mr. ALLISON. I know, but it is attached to the Indian Territory. The judges will be spread all over the Indian Territory, including the place designated by the amendment of the Senator from Nebraska.

Mr. JONES of Arkansas. I have no doubt there should be a court held at that place.

Mr. ALLISON. I only call attention to it.

Mr. ALLEN. The amendment I offered was agreed to.

Mr. BATE. I suggest there should be a point of order made to that whole section, that it is general legislation; but I do not propose to raise it now. If, however, the committee amendment falls, this amendment will fall with it.

Mr. WILSON. I should like to ask the Senator from Arkansas if he thinks, if this legislation is enacted, the judges will designate a place to hold court?

Mr. JONES of Arkansas. That is the intention of it.

Mr. WILSON. I want to say that some two or three years ago we created an appellate court in this country, and we left it in the power of the judges to designate two other places for holding court,

but the people of the West have never been able to get those Federal judges to designate any place to hold court, although the law clearly contemplated that they should do so. If we enact similar legislation here upon an appropriation bill, it might be that those judges, consulting their ease, as the appellate court judges have in the western district of which my State is a part, would compel litigants to travel 1,800 miles in order to reach a court, and you might not get your court established after all. Why not designate where you wish to hold it absolutely and unconditionally? Of course it is a matter for the Senator, however.

Mr. JONES of Arkansas. I believe that the appellate court in that country are the best judges as to where the court should be held. That there should be some additional places at which court should be held I have no doubt, and I think the court is better qualified to determine that question than we would be without some investigation. There are Senators here who are insisting that the court should be held at one place or another, and I do not know whether those selections are the best or not; but whatever the necessity may be, if presented to the appellate court, I have not a doubt that it will be promptly decided, and I am willing to accept the amendment as suggested by the Senator from South Dakota. I hope the Senator will send the amendment to the desk.

Now, I propose to offer and have pending an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 18, after line 4, it is proposed to insert:

> That the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debt to the Government of the Creek Nation: *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt, or issued its warrants representing the same, for a full and valuable consideration, and that there was no fraud in connection with the incurring of said debt or the issuing of warrants.

Mr. ALLISON. Where does that come in?

Mr. JONES of Arkansas. On page 18, line 4, at the end of the legislation about the Creek Nation.

Then I will offer another amendment.

Mr. PALMER. May I interrupt the Senator from Arkansas to ask whether it is intended that that money shall be paid from the money of the Indians or from the Treasury of the United States?

Mr. JONES of Arkansas. To be paid from the money of the Indians. They have something like two and a half million dollars in the Treasury. They owe for the building of schoolhouses and for school purposes about $103,000, as the officers of the nation state. They also owe for outstanding awards of the nation $250,000, making a total of a debt which they have outstanding against the nation of about $355,000. This amendment proposes that the Secretary of the Interior may pay, out of their funds in the Treasury, $300,000 on this debt, after it has been carefully investigated by the Secretary of the Interior and been found regular in all respects.

Mr. BATE. I ask the Senator whether it is proposed that this money shall be paid out of the corpus of the fund of the Indians?

Mr. JONES of Arkansas. The proposition is to take it out of the money of the Cherokees held by the Treasury.

Mr. BATE. A fund upon which they receive interest?

Mr. JONES of Arkansas. Yes, sir.

Mr. BATE. It is to be taken from the body of their fund?

Mr. JONES of Arkansas. Yes, sir; it is to be taken to pay the debts they owe, and on which they are paying interest now.

The PRESIDING OFFICER. The Secretary will state the amendments suggested by the Senator from Arkansas, as modified by the Senator from South Dakota, which he accepted.

The SECRETARY. On page 58, in line 17, after the word "law," it is proposed to insert:

> And at such other places as shall be designated by the judges of said court.

Mr. JONES of Arkansas. "By the appellate court," I would say, instead of "judges of said court." It ought to be done by the entire body of the appellate court, by an order made by the court.

Mr. PETTIGREW. Very well. I have no objection to that.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. It is proposed to insert on page 58, line 17, after the word "law," the words:

> And at such other places as shall be designated by the appellate court.

Mr. JONES of Arkansas. I think that is in good shape.

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. Where does the Senator from Arkansas desire the last amendment he sent up to be inserted?

Mr. JONES of Arkansas. At the end of the provision regarding the Chickasaw Nation. I do not remember the page.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert:

> For fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely: For arrears of interest, at 5 per cent per annum, from December 31, 1840, to June 30, 1889, on $184,143.09 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852; and for arrears of interest, at 5 per cent per annum, from March 11, 1850, to March 3, 1889, on $56,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, $558,520.54, to be paid to the treasurer of said nation upon requisition signed by the governor and national secretary of the Chickasaw Nation, and to be immediately available.

Mr. ALLISON. I make the point of order against the amendment just read by the Secretary.

The PRESIDING OFFICER. The Senator from Arkansas has not yet offered the amendment, but states that he will offer it to-morrow.

Mr. JONES of Arkansas. I simply present the amendment to be taken up to morrow.

Mr. ALLISON. Then I present the point of order that I desire to make on it.

Mr. JONES of Arkansas. I am perfectly willing that the Senator from Iowa shall make the point of order on the amendment when it is offered. I think we can meet that proposition when it comes.

Now I offer another amendment, to which I will agree that the Senator may make the same sort of proposition, to come in at the end of the Chickasaw legislation.

The SECRETARY. At the end of the Chickasaw legislation in the bill it is proposed to insert:

> That the disbursing officers of the Treasury be, and they are hereby, directed to pay, from any money in the Treasury not otherwise appropriated, to the trustee or legal representatives of Eli Ayres the sum of $58,158.46: *Provided*, That such payment when made shall operate as a final settlement in full, as between the said trustee and legal representatives of said Eli Ayres, his or their heirs or assigns, and the United States, for any claim against the United States which said Ayres may have had during his lifetime by reason of the fact that he purchased, and there was conveyed to him, the right and title of certain Chickasaw Indians to 121,160 acres of land in the State of Mississippi, held by such Indians under the provisions of a treaty made by the United States with the Chickasaw Nation of Indians on the 24th day of May, 1834, and which said lands so purchased by said Ayres were appropriated and disposed of by the United States; the deeds by which said Indians conveyed said lands to said Ayres to be duly surrendered upon the payment to said trustee or legal representatives of the amount herein appropriated: *And provided further*, That when said deeds are so surrendered to the United States, and said payment so made to the trustee or legal representatives of said Eli Ayres as aforesaid, this act shall operate to forever quiet all such land titles in the State of Mississippi heretofore and now affected by reason of the appropriation and sale, or other disposition of the lands so purchased by said Ayres of said Indians, as herein set forth. The said amount of $58,158.46 is hereby made immediately available.

Mr. ALLISON. I give notice that I shall interpose a point of order against the amendment.

Mr. PETTIGREW. I now wish to go back to the amendment on page 48 objected to by the Senator from New Hampshire [Mr. GALLINGER]. He has examined the report of the Commissioner of Indian Affairs and the letter of the superintendent of Indian schools, and withdraws his objection to the amendment.

Mr. ALLISON. On what page?

Mr. PETTIGREW. It is the committee amendment on page 48.

The Committee on Appropriations reported an amendment on page 48, after line 17, to insert the following:

> For the purchase of the east half of section 16, township 107, range 48, Moody County, in the State of South Dakota, to be used as an industrial farm for said Flandreau school, at a price not to exceed $25 per acre, $8,000, or so much thereof as may be necessary.

The amendment was disagreed to, and I move that the vote by which it was rejected be reconsidered. Then I will ask that the amendment may be reinstated.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to reconsider the vote by which the amendment was rejected.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. Before the amendment is agreed to, I desire simply to say that had my attention been called, as was not, to the recommendations of the Secretary of the Interior and the Commissioner of Indian Affairs, two gentlemen in whom I have the highest confidence, I probably should not have made the opposition to the amendment that I did.

In addition to that, the senior Senator from Colorado [Mr. TELLER] assures me that it is very necessary that the purchase shall be made, and that it is in the line of true economy. Hence I withdraw my opposition to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PETTIGREW. There is an amendment on page 52 which it was agreed should go over until to-morrow, but I understand the Senator from New Hampshire withdraws his objection.

Mr. GALLINGER. I do.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 10, on page 52, it is proposed to insert:

> For the purchase of not less than 100 acres of good farming land in the immediate vicinity of the Indian training school at Pierre, S. Dak., to be used as an industrial farm for said school, and to be, in his judgment, suited for such purpose, $5,000.

The amendment was agreed to.

Mr. PETTIGREW. I should like, at this time, to secure, if possible, an agreement to take up the pending bill to-morrow morning, immediately after the routine morning business, under the ten-minutes rule.

Mr. ALLEN. I do not think that order ought to be made. I shall object to it.

Mr. PETTIGREW. Without limiting debate, then, I ask unanimous consent that we may take up the bill to-morrow morning, immediately after the routine business.

Mr. ALLEN. I shall object to that request. We ought to have some time to-morrow morning to transact morning business.

Mr. PETTIGREW. After the routine morning business.

Mr. ALLEN. There is no objection to its being taken up after all of the routine morning business is transacted, but I shall strenuously object to the bill interfering with morning business, and I shall object to its being considered under any limitation as to debate.

Mr. PETTIGREW. Do I understand it is agreed that the bill shall come up to-morrow immediately after the routine morning business?

Mr. ALLISON. Immediately after the morning business.

Mr. ALLEN. Yes; so far as I am concerned.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the present bill shall be taken up immediately after the routine morning business to-morrow. Is there objection?

Mr. ALLEN. I do not know about that. The Cuban joint resolution will be before the Senate.

The PRESIDING OFFICER. The Chair will state that the joint resolution is the unfinished business, and will come up at the end of the morning hour.

Mr. ALLEN. Then I desire to make a parliamentary inquiry. At the expiration of the two hours, would the Cuban joint resolution, by force of that fact, come before the Senate to be considered?

The PRESIDING OFFICER. At 1 o'clock.

Mr. WHITE. I believe I will be entitled to the floor at 1 o'clock. I mention this for fear the Senator from Nebraska may seek to take the floor upon the subject then.

Mr. ALLISON. I hope the Senator from Nebraska will allow the Indian appropriation bill to be proceeded with to-morrow morning after the routine morning business is concluded.

Mr. ALLEN. I do not object to that.

Mr. ALLISON. It seems to me it is manifest that if we are to pass the appropriation bills at all we must proceed to consider them in season and out of season until they are disposed of. It has been disclosed to-night that there are a number of contested questions as to the pending bill, some of which the Senator from Nebraska himself has raised during the evening, involving amendments that will occupy a great deal of time to-morrow, and I hope we will agree that the appropriation bills shall be considered. It is absolutely certain that if they are not considered continuously from now on until disposed of they can not pass at the present session. I do not believe any Senator desires to have them defeated or postponed.

Mr. ALLEN. I have not objected to taking up the pending bill at the conclusion of the routine morning business to-morrow and considering it during the morning hour. I do object to any limitation upon debate on the bill, and shall object to that: and I shall object to its displacing the Cuban joint resolution.

The PRESIDING OFFICER. The Chair will again state the request of the Senator from South Dakota.

Mr. WHITE. If the Chair will permit me for one moment, with the permission of the Senator from Nebraska who has the floor, I will say that while I am perfectly willing, and in fact personally I prefer, to conclude the remarks which I commenced to make to-day, it appears to me that every member of the Senate must be cognizant of the fact that we are now proceeding within less than ten days of the expiration, not to say the death, of the present Congress. If the joint resolution regarding the Cuban matter passes the Senate and goes to the House, and passes the House and goes to the President, it will there be relegated to the limbo of forgotten things. It is not to be expected that the President will reverse the policy which he has himself clearly outlined and will sign the joint resolution: and it is not to be expected that if he is opposed to it he will veto it and again subject himself and his policy to the commentaries which he knows they will be subjected to here. Hence, if we are practical, if we are desirous of doing something, we will spend our time in an effort to pass bills which we may pass and which may become laws.

The Senator from Iowa has informed us with truth that we have barely time enough to pass the appropriation bills, devoting ourselves to them without considering anything else. If we are here for practical purposes, we will devote ourselves to appropriation bills. If we are here for the purpose of making a display, in the language of a gentleman whom I know my friend the Senator from Nebraska will love to quote, of an entirely innocuous character, we will go on with the consideration of the Cuban matter.

Mr. PALMER and Mr. CHANDLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ALLEN. I thought I had the floor. I yielded to the Senator from California for just one moment.

Mr. STEWART. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. The Chair was under a misapprehension, and will therefore recognize the Senator from Nebraska.

Mr. CHANDLER. Has the Senator from Nebraska the floor continuously?

Mr. ALLEN. Just a second. Let me state ten words, and I will give up the floor to anybody who wants it.

I do not desire to obstruct the passage of the appropriation bills. I want that distinctly understood. But I do not propose to be snapped off, or cut off, or quirked off, as to any meritorious amendment to this or any other bill. That is one thing I want to guard against, and it is one thing I propose to guard against, so far as my capacity will go.

I sympathize with the Senator from Iowa who has these bills in charge, and I desire to see him successful in getting every one of them through before Congress adjourns. I sympathize with the Cuban joint resolution, and the argument of the Senator from California finds no place whatever in my mind. We can not afford to neglect our duty or fail to discharge our duty because the distinguished gentleman at the White House may see fit to neglect his. Let us send the joint resolution to him and let us see what he will do with it, and let him be responsible.

Mr. PALMER. Mr. President——

Mr. SQUIRE. Will the Senator from Illinois yield to me for a moment?

Mr. PALMER. The Senator from Washington asks me to yield the floor to him, and if I am entitled to it, I do so with great pleasure.

Mr. STEWART and Mr. SQUIRE addressed the Chair.

The PRESIDING OFFICER. The Chair would rule that the Senator from Illinois can not farm out the floor. The Chair will recognize the Senator from Nevada.

Mr. STEWART. Mr. President——

Mr. PALMER. Have I farmed it out already, Mr. President? [Laughter.]

Mr. STEWART. Mr. President, I simply wish to remark that a large majority of the Senators to-day voted, in view of all the circumstances—and they are Senators who do not desire to interfere with the appropriation bills—to take up the Cuban joint resolution. If there is anything that affects the character and standing of this Government, it is that it shall vindicate the principles upon which it was established; that it shall exercise the protection over struggling republics on this hemisphere which it assumes to exercise. We assume that we will protect them. We will not allow any foreign government to interfere. We say we will see justice done. This Government, by the Monroe doctrine, has said to the world that it will see justice done to the struggling republics on this hemisphere and that it will not allow any other government to interfere. We have assumed that responsibility.

Now, having assumed that responsibility and having said "hands off" to everybody else, we stand by and see the most aggravating outrages against humanity perpetrated on our borders, not only against the Cubans, but against our own citizens, and it is said that the Senate shall not speak out because the Executive has determined otherwise, and that the voice of the people shall be stifled; that there shall be no Americans in the Senate because there is none in the White House. [Applause in the galleries.]

Mr. HAWLEY. I call attention to the disorder in the galleries.

The PRESIDING OFFICER. The Chair will inform the occupants of the galleries that the rule of the Senate prohibits any demonstration of approval or disapproval, and if it is repeated the Chair will be compelled to have the galleries cleared.

Mr. GALLINGER. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state his parliamentary inquiry.

Mr. GALLINGER. I desire to know what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the request for unanimous consent made by the Senator from South Dakota [Mr. PETTIGREW], which, when the Senator from Nevada yields the floor, will be submitted to the Senate by the Chair.

Mr. STEWART. I for one desire to have an opportunity to vote what I believe to be the American sentiment. I want to vote for the joint resolution which comes from the Committee on Foreign Relations and demand the release of an American citizen who is held contrary to law, contrary to the usages of war. I should like to vote for the release of all who are kept in dungeons and tortured and about to be killed by this barbarous power.

The United States is responsible for every outrage against the laws of humanity that occurs in Cuba, because we have assumed that nobody else shall act. Having assumed that, how dare we

refuse to exercise the power we have undertaken to exercise and to keep all other hands off? It seems to me we have forgotten the Monroe doctrine. We have forgotten that we will allow nobody else to interfere. It is admitted by the Executive, by the documents here on file, by the Committee on Foreign Relations, and by the whole country that outrages are being committed in Cuba which demand the interference of civilized governments. If those outrages were committed elsewhere, if they were committed on the other side of the Atlantic, the monarchies of those countries would not permit them. Here we have assumed this jurisdiction, and then we say to the Spanish desperadoes, to the Spanish barbarians, "Murder; kill: do what you please, and there will be no expression here, because we can not expect a corresponding expression at the White House."

That is no excuse for us. I am glad the Committee on Foreign Relations has spoken at last. If the Senate refuses to respond to that sentiment, we will be held responsible. That was the opinion of the Senate when it voted by this large majority to-day to take up the joint resolution. I think my friend the Senator from California, who occupied so much time, is not in a position to lecture us and tell us to stop or the appropriation bills will fail.

Mr. WHITE. Will the Senator allow me?

Mr. STEWART. We have not made them fail. We have not occupied the time. If the appropriation bills fail, they will fail because unnecessary time is occupied in opposing a sentiment dear to every American heart. Let us pass the joint resolution as it comes from the Committee on Foreign Relations without debate, and if we are Americans we will do it, and do it quickly.

The PRESIDING OFFICER. The Chair will submit to the Senate the request of the Senator from South Dakota, which is the only matter now before the Senate. The Senator from South Dakota asks unanimous consent that immediately after the routine morning business to-morrow the Indian appropriation bill shall be taken up for consideration. Is there objection?

Mr. PALMER. I rise to address the Senate on this question, if no other.

Mr. ALLEN. Mr. President——

Mr. ALDRICH. Let us get the consent.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. I object.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. CHANDLER. I ask unanimous consent to call up a bill.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. PALMER. If I am entitled to the floor, I object to any other Senator addressing the Senate on any other question unless he is in order.

The PRESIDING OFFICER. The Chair has recognized the Senator from New Hampshire as entitled to the floor.

Mr. JONES of Arkansas. I thought a motion to adjourn was made.

The PRESIDING OFFICER. The Chair did not hear it.

Mr. JONES of Arkansas. I heard it made twice.

DISTRICT WATER SUPPLY.

Mr. CHANDLER. I ask unanimous consent to call up Senate bill 1823. I have waited all the evening. I yielded once or twice when I had the floor out of courtesy to Senators, and I am almost persuaded to yield to the Senator from Illinois. The bill has been amended to the satisfaction of everybody who has any interest in it.

Mr. HILL. What is the bill?

Mr. CHANDLER. I ask that it may be considered, so that it may pass the House.

Mr. CALL. What is the bill?

Mr. CHANDLER. It is a bill to increase the water supply of the city of Washington. I ask that it may be now considered.

Mr. GALLINGER. It is very important.

The PRESIDING OFFICER. Pending that request, the Senator from Rhode Island moves that the Senate adjourn.

Mr. CHANDLER. I ask the Senator from Rhode Island to withdraw his motion until this bill can be acted upon.

Mr. ALDRICH. I withdraw the motion if the bill can be passed by unanimous consent.

Mr. CHANDLER. It has been read through, and I do not think anybody will object to it.

Mr. HILL. In the interest of temperance, I hope the bill will be passed. [Laughter.]

Mr. PALMER. I ask the Senator from Rhode Island to withdraw the motion to adjourn, in order that I may be allowed a few minutes.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. CHANDLER. After my bill is passed, I will yield with great pleasure. It will take but a moment.

Mr. PALMER. I accept no terms.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill which will be stated by title.

The SECRETARY. A bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The bill has heretofore been read as in Committee of the Whole, and the committee amendments have all been agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIO SANGUILY.

Mr. PALMER. Mr. President——

Mr. ALDRICH. What becomes of my motion to adjourn?

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to withdraw it.

Mr. ALDRICH. I did not.

Mr. PALMER. If the Senator from Rhode Island is entitled to the floor, no doubt he has a right to make the motion, and I will not oppose it; but I should like to address the Senate for five minutes, my particular purpose being to reply to the Senator from Nevada [Mr. STEWART].

Mr. President, there is a statesman in the White House—a bold, brave, patriotic, manly statesman—whose purpose it is to enforce the laws of the country and international law. The President has endeavored to maintain the strictest neutrality on the part of the United States in this unhappy controversy between Spain and her Cuban colony. I have listened in the Senate to these attacks, and I have regarded the recent Cuban exploitation as a mere tempest in a teapot, which ought not to stand in the way of the proper consideration of the appropriation bills and such other legislation as is incumbent upon the Congress of the United States.

With that statement, sir, I have consumed all the time I desire to occupy.

BUREAU OF AMERICAN REPUBLICS REPORT.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of State covering the report of the Director of the Bureau of the American Republics for the year 1896.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 25, 1897.

BONDED WAREHOUSES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a report of the Commissioner of Internal Revenue relative to the discontinuance of general bonded warehouses established under the provisions of the act of August 24, 1894; which was referred to the Committee on Finance, and ordered to be printed.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 22d instant, information relative to the removal of certain employees in the Bureau of Animal Industry at South Omaha, Nebr.; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. THURSTON presented a petition of sundry citizens of Bladen, Nebr., and a petition of sundry citizens of Stuart, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. CALL presented a memorial from the Seneca Nation of Indians, remonstrating against the proposed purchase by the Secretary of the Interior of the title or interest of the Ogden Land Company in and to lands embraced within the Allegany and Cattaraugus Indian Reservation, in the State of New York; which was ordered to lie on the table and be printed.

Mr. PLATT presented a petition of the general assembly of Connecticut, praying for the enactment of legislation increasing the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY,
January Session, A. D. 1897.

Concerning an act of Congress relating to letter carriers.

Whereas on the 11th day of June, 1896, the Senate of the United States passed a bill known as S. 3058, to regulate the salaries of letter carriers, and which provides that in cities of 75,000 or more inhabitants they shall receive for the first year of service $600, and for the second year $800, for the third year

$1,000, and for the fourth year and thereafter $1,200, and that in cities of less than 75,000 inhabitants they shall receive $800 for the first year, $900 for the second year, and $1,000 for the third year of service and thereafter; and

Whereas a similar bill (H. R. 200) has been favorably reported by the House Committee on Post-Offices and Post-Roads, and in addition has received the approval of many State legislatures, city governments, boards of trade, and, without exception, the public press. Therefore,

Be it resolved, That the senate and house of representatives of the State of Connecticut, recognizing the arduous and responsible duties of this branch of the public service, and the fact that for the past nineteen years it has been more than self-supporting, and that the increase in the gross receipts during the last fiscal year will more than cover the additional cost of this measure, do hereby request the members of the Senate and House of Representatives in Congress from the State of Connecticut to use every proper means to secure the enactment of this measure into law.

Resolved, That the clerk of the senate and the clerk of the house be instructed to forward copies of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from Connecticut in Congress.

HOUSE OF REPRESENTATIVES, *February 17, 1897*.

Passed.

FRED A. SCOTT, *Clerk*.

SENATE, *February 19, 1897*.

Passed.

SAML. A. EDDY, *Clerk*.

Mr. PLATT presented a petition of the Christian Endeavor Society of West Torrington, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Manchester, Conn., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; for the appointment of an impartial, nonpartisan industrial commission; to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to further protect the first day of the week as a day of rest in the District of Columbia; which were ordered to lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STEWART, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH. I renew the motion that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 26, 1897, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 25, 1897*.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. LACEY. I present a conference report on the bill S. 3328.

Mr. BARRETT. Mr. Speaker——

The SPEAKER. Does the gentleman rise to correct the RECORD?

Mr. BARRETT. I rise to ask a question with that in view. I find on page 2300 of the RECORD the statement:

> [During the reading of the bill, Mr. Bryan entered the Hall, and was loudly applauded by members on the Democratic side.]

I ask if that is not an improper thing to put in the RECORD?

The SPEAKER. The Chair thinks it is a very improper thing to put in the RECORD. Is it there?

Mr. BARRETT. I desire to move it be stricken out.

The SPEAKER. The Chair will order it stricken out.

REPEAL OF TIMBER-CULTURE LAWS.

Mr. LACEY. I present a conference report on the bill S. 3328.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3328) to amend an act entitled "An act to repeal the timber culture laws, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment inserting the word "only" in the nineteenth line of said bill.

That the Senate concur in the House amendment inserting after the word "in," in the twenty first line, the words "North Dakota," and after the word "Dakota," in the same line, insert the words "and Nebraska."

JOHN F. LACEY,
WM. R. ELLIS,
THOS. C. McRAE,
Managers on the part of the House.

R. F. PETTIGREW,
T. H. CARTER,
J. H. BERRY,
Managers on the part of the Senate.

The statement is as follows:

The word "only" was inserted in the nineteenth line of the bill by the House without being considered by any committee of the House, and its retention would repeal the existing law, except in the States of North Dakota, South Dakota, and Nebraska, in relation to commutation of homestead entry after fourteen months' residence thereon.

The words "North Dakota and Nebraska" have been inserted in the twenty-first line of the bill, because the Sioux Indian Reservation extends into both the States named.

Mr. LACEY. Mr. Speaker, I move that the House agree to the conference report.

The conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 948) to remove charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved; and

A bill (H. R. 9689) for the relief of Daniel E. De Clute.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; and

A bill (S. 3307) declaring the Potomac Flats a public park under the name of the Potomac Park.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to present a conference report on the Agricultural appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 6, 8, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 32, and 33, and agree to the same.

Amendment numbered 16. That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$25,000;" and strike out, in line 20, page 18 of the bill, the word "twenty-five" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY,
Managers on the part of the House.

S. M. CULLOM,
M. S. QUAY,
WILKINSON CALL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

In explanation of this report your conferees beg to submit—

That amendments numbered 6, 13, 15, and 18 refer to the increases proposed by the Senate to the Division of Botany, to the Division of Biological Survey, to the Division of Publications, and a proposed renewal of the sugar investigation; to all of which your conferees refused to agree, and from which the Senate receded.

Amendments numbered 1, 3, 9, 11, 12, 14, 22, and 24 refer to slight increases proposed by the Senate to the Division of Chemistry, to the Bureau of Animal Industry, to the pomological investigation, to the agricultural experiment stations (with a view of ascertaining the agricultural resources of Alaska, with special reference to the desirability and feasibility of the establishment of an experiment station in that Territory), to the Department library, to the contingent expenses of the Department, and to the purchase of seeds; to all of which your conferees agreed.

The bill as passed by the House carried $3,135,702, which amount was increased by the Senate $92,240, making a total of $3,227,942. In conference, the Senate increase was reduced by $65,000, leaving a net increase of $27,240. The total of the bill as agreed to in conference is $3,162,942, being $72,530 less than the amount carried by the Agricultural appropriation act for the current fiscal year.

All the other amendments, namely, numbered 2, 4, 5, 7, 10, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33, are merely corrections of errors in printing, punctuation, and totals, and do not affect the general intent or purpose of the bill.

J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY.

Mr. WADSWORTH. Mr. Speaker, I move that the conference report be adopted.

The motion was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to present a conference report on the Army appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3 and 4 to the bill (H. R. 9838) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have been unable to agree.

J. A. T. HULL,
R. WAYNE PARKER,
Managers on the part of the House.

M. S. QUAY,
EUGENE HALE,
JO C. S. BLACKBURN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The amendment on which disagreement is had relates to the Army and Navy Hospital at Hot Springs, Ark. The House provision appropriated for hospitals except the one above referred to; the Senate amendment appropriated specifically for the above hospital. The House conferees proposed an amendment by which the Secretary of War could use in his discretion any part of the general hospital appropriation for the Army and Navy Hospital at Hot Springs, thus placing this hospital on the same basis as all other army hospitals. This was refused by the Senate conferees. After the repeated votes of the House we did not feel authorized to surrender the House contention and report the disagreement, leaving to the judgment of the House further action on the bill.

J. A. T. HULL,
R. WAYNE PARKER.

Mr. HULL. Mr. Speaker, the committee of conference, as stated in the report, was unable to agree in regard to the Hot Springs Hospital. The House, by a specific vote, instructed its committee to insist on the position of the House, which was to leave out the appropriation for this hospital. We found in our conference with the Senate conferees that it was impossible for them—I will not say impossible, but at least that they did not feel authorized—to agree to any proposition which would not meet the approval of the Senators from Arkansas, and it did seem to the conferees on the part of the House that in a full and free conference of the two Houses the contention and the disagreement should be confined to the conferees representing the two independent Houses of Congress. It seems, however, that in this matter there are three legislative bodies, the House, the Senate, and the Senators from Arkansas; and if that is to be the rule of legislation whenever any extravagant matter is foisted upon an appropriation bill, it will be impossible to get away from it unless the Senator or Senators representing the State directly concerned shall rise above his or their own personal wishes and legislate for the good of the people at large.

Mr. TERRY. At that point may I interrupt the gentleman for a moment?

Mr. HULL. Certainly.

Mr. TERRY. I would ask the gentleman if he might not add a fourth legislative body—the chairman of the Committee on Military Affairs? And in that connection I would ask him if it is not a fact that all the members of the committee are in favor of this appropriation except the honorable chairman?

Mr. HULL. I will say to the gentleman from Arkansas that that is not the fact at all.

Mr. TERRY. I have been so advised.

Mr. HULL. The committee is practically unanimous in favoring the doing away with that hospital at Hot Springs. I will say further to the gentleman from Arkansas that the Secretary of War, a member of his own party, after a full investigation of the question, reports that it costs the Government $38,000 a year to keep up that hospital, an average of four and a half dollars a day for every patient.

Now, Mr. Speaker, the conferees and the Committee on Military Affairs (whom the gentleman has brought in question) have felt that it is assuming a very grave responsibility to report back a disagreement in such a shape that a great appropriation for the Army of the United States shall fail. We would not surrender the position taken by the House, but feel like placing on the members of the House the responsibility of deciding. And we have brought the report back in this form, awaiting the further instructions of the House, without any intention on the part of the majority of the conferees to make any motion until the House decides what it desires shall be done.

The gentleman from New York, one of the conferees on the part of the House, while believing—I am certain I do not misrepresent him in this, although he can speak for himself—while believing that the hospital at Hot Springs should be done away with, does not believe that the Army appropriation bill should fail on account of the controversy over this small sum of $38,000. And I will say further that the entire amount, $38,000, is probably not chargeable to that hospital, because if this appropriation should fail, the Army surgeon detailed there and the hospital steward detailed there would probably be assigned to duties somewhere else and receive their salary just as they do now. But the contention on the part of the majority of the conferees on the part of the House is simply this, that the House in these matters of conference is not treated fairly by the Senate; that the House conferees ought to represent the sentiment of the House and not surrender always to the Senate. If the House itself wants to concede the contention of the Senate and continue an institution which is no longer of any benefit to the country, the conferees will not feel that they have been turned down by such action on the part of the House. The House, on full information, can take such action as seems best to each member. If, on the other hand, the House of Representatives should insist on its right in this matter and should prefer to let this bill die, the conferees will be perfectly satisfied with that conclusion.

I now yield to my friend from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, this is a rather important matter, not on account of the hospital at Hot Springs, but on account of the position in which the House finds itself in this conference. We have proposed, as stated in this report, that the general appropriations for hospitals for the Army (which is a lump sum) should be made applicable to hospitals at army posts or elsewhere. The result would be that the Secretary of War and the general in command of the Army could, as to this hospital, as well as to any other post belonging to the Army, send doctors or Army officers or in any other respect take charge of the management. The position which this particular hospital has occupied for the last eight years in our appropriation bills has been unique, the provision having been a direction to the Secretary of War to send doctors to a particular place. This provision was a "rider" in the beginning. The attempt is to put it in as a "rider" now. And the State of Arkansas holds up the Army supply wagon until its "rider" can get aboard and travel with it. Until this is accomplished, the State of Arkansas says the wagon shall go no farther.

Now, I do not think that is legislation. I think it requires two Houses to make an appropriation. We have not objected to the whole matter going before the Secretary of War—not the present Secretary of War, who may be thought to be prejudiced on this subject, but before the new Secretary of War—to be looked into and decided as he pleases. We do object, in the name of the House, that in this marriage relation between the two great bodies constituting the legislative authority of the Government, the wife should say to the husband, "I will not keep house unless my boy has his Noah's ark this year." We believe it takes two to make an appropriation; that when the House sends to the Senate its suggestions with reference to appropriations, that body may disapprove them. It may send suggestions that we may disapprove. We then agree on certain items, but when we have both agreed on these items as necessary for the Army, we do not think it is legislation for the other party to say, "Unless you pass this particular petty appropriation, we will not pass the great Army bill; we will hold it up."

Now, I do not believe the controversy will go to that extent. That effort has not been made. I do not mean to say that the coordinate legislative authority of this Government has threatened this House in that way. But practically it amounts to the same thing. We are at the end of the session, and unless $38,000 or $50,000—I have forgotten what the exact sum is—goes to a particular hospital the Army bill sleeps.

Mr. HOPKINS of Illinois. I wish to ask the gentleman this question: Is it a fact that this bill will fail unless the House conferees yield to the Senate?

Mr. PARKER. I do not believe it. I do not believe that a legislative body of the Government would say that because we do not agree to a special "rider" in favor of a certain hospital, the Army bill shall fail.

Mr. HOPKINS of Illinois. Then it is your opinion, is it, that if the House conferees insist on the elimination of this Senate amendment from the bill, the bill will be agreed to by the Senate and will pass?

Mr. PARKER. It is certainly my judgment. It is my judgment simply because I do not think it has ever been tried by this House.

Mr. HOPKINS of Illinois. Do the other conferees entertain the same opinion that you do on this subject?

Mr. PARKER. You will have to ask the chairman himself on that subject.

Mr. TERRY. I should like to ask the gentleman, on that point, if certain of the House conferees have not threatened that if they do not get their way about this, the bill will be defeated?

Mr. PARKER. Oh, no, we have never made any such threats.

Mr. TERRY. Has it not been so stated?

Mr. PARKER. It never has been, to my knowledge.

Mr. HOPKINS of Illinois. In the time of the gentleman from New Jersey [Mr. PARKER], I should like to put the same question to the chairman of the Committee on Military Affairs [Mr. HULL], so that the House may know.

Mr. HULL. Mr. Speaker, that is a mere matter of judgment. I can only say that the conferees on the part of the Senate have said that they would not consent, and the Senate would not consent, to allow us to drop the hospital at Hot Springs.

I do not care to go into all the details of our conference, but I should like to say that, in my judgment, the Senate will not agree to the Army bill with this proposition stricken out, unless the Senators from Arkansas themselves consent to its passing the Senate.

That is my best judgment on the subject, and if my friend will yield just a minute, I want to say in answer to what the gentleman from Arkansas [Mr. TERRY] has said, that there has been no threat on the part of the conferees of the House. There has been this statement: That we did not believe that the House would consent; but there has never been any proposition that we were not willing to refer it to the House without prejudice, and let the House have a square vote on this question; but we have not been able to get that much from the Senate conferees. If we could have done that, we should have been satisfied. We have never been able to get the Senate to report the proposition that we made, or to insert in these amendments the proposition referred to by the gentleman from New Jersey [Mr. PARKER] to put the whole matter, by the specific terms of the bill, under the control of the Secretary of War, and let him use his discretion as to this hospital, as he does about every other hospital in the United States, and let the Senate vote on that proposition. We could get no concession.

Mr. TERRY. On that, since the gentleman has stated——

Mr. HULL. The gentleman from New Jersey has the floor.

Mr. TERRY. I want to ask you a question.

Mr. PARKER. I should be glad to finish my statement. There will be plenty of opportunity to ask questions.

Mr. TERRY. I wanted to ask it in that connection.

Mr. PARKER. I only want to say one word more. Under the Constitution this House has a right to originate revenue bills. It has always been understood that that term included appropriation bills. This present practice would make the House simply submit estimates of those bills. The House would propose and the Senate dispose.

It is hard to say to what extent the House will be asked to enact what it does not want for fear of the failure of a good measure. Only last session it sent over to the Senate a bill to raise revenue for this country, and got back the statement that it must give free coinage or there would be no bill for revenue. It then sent over a bill to reduce the interest on the public debt, and got back the answer that there must be free coinage or there would be no reduction of interest. I am not discussing the merits of these matters. I am only speaking of the position and practice between the House and the Senate. We now send to the Senate an Army bill, carrying appropriations needed for the support of the Army, and it is said that, unless the House is made to do what it does not want to do, that is, agree to a certain particular hospital, the bill will fail.

I yield back the balance of my time to the chairman.

Mr. McCLELLAN. I move that the House recede from its disagreement with the Senate amendment and concur in the same.

I do not want, Mr. Speaker, to discuss the merits or demerits of the hospital at the Hot Springs of Arkansas. That has already been done at great length while the Army bill was under consideration in Committee of the Whole. The point made by the gentleman from New Jersey [Mr. PARKER] and the gentleman from Iowa [Mr. HULL] is not that this appropriation is extravagant, for it has been variously estimated that if the hospital is discontinued there will only be a net saving of from $3,700 to $6,000 annually; but I take it that it is because in some way, a way which I confess is not clear to me, the House, by concurring in this amendment, will suffer some loss of dignity, some loss of prestige. Now, as a matter of fact, in the various conferences that we have had the Senate has yielded on some amendments and we have yielded on others. Perhaps the amendments yielded have not involved the grave question that this amendment is said to involve—the question of the constitutional rights and powers of the House; but, nevertheless, both the Senate and House have yielded.

This appropriation for the hospital at Hot Springs, Ark., is one that has been carried on the Army appropriation bill year after year ever since the hospital was built. Possibly technically it has not been a change of existing law; but certainly it has amounted to that. When the House struck out the appropriation for this purpose it made an innovation. The Senate does not ask any new legislation. It merely asks to restore the appropriation that has been made every year for a number of years past. And, moreover, it has been the almost invariable custom that where one House proposes new legislation, and the other House declines to agree to such new legislation, the House proposing the innovation yields. We are confronted with one of two propositions; for I agree with my friend the chairman of the committee that if we do not agree to this amendment the bill will fail. We are confronted with one of two propositions—either that we will preserve our sacred dignity inviolate or that the bill will fail; and we will then be subjecting the Army to the risk and the House to the inconvenience of having the whole question up again in the extra session, and being confronted again with this very proposition of the dignity of the House of Representatives.

Mr. LOUD. I would like to ask the gentleman is it a question of dignity or right. Should this amendment be in this bill?

Mr. McCLELLAN. In view of what the Surgeon-General has said in his report about this hospital, I think it should. I have changed my mind, I am very frank to say. On the other hand, Mr. Speaker, if we are willing to yield and concur in the Senate amendment, there is no question but that the bill will pass. That is the only point in dispute; and much as I dislike to disagree with my colleagues on the conference committee, I was unwilling to sign the report and in the last five days of the session make it absolutely certain that the bill would fail. I have felt that there was no other course for me to follow but to take the responsibility of stating the facts in the case as I understand them and of submitting this motion to the House and urging that it be agreed to. I reserve the balance of my time, and yield to my friend from Wisconsin [Mr. GRIFFIN] such time as he may desire.

The SPEAKER. How much time does the gentleman yield?

Mr. McCLELLAN. Such time as the gentleman may desire.

Mr. GRIFFIN. Mr. Speaker, I am not one of those who are so sensitive with reference to the respective rights of the two legislative bodies concerning matters which necessarily come before them for concurrent action as some of the other members on the Committee on Military Affairs. I am willing to concede the fact that the conferees on the part of the House have diligently and in good faith exhausted all their powers, their persuasion, and their ingenuity to secure an agreement with the conferees of the Senate; but having done so, and having failed, I believe it is the duty of the conferees on the part of the House and of this House to agree to the Senate amendment. If it were a change that the Senate was effecting from the usual course of things, I would view it differently; but we are the body who are asking for the change, not the Senate. Ever since 1883 this hospital at Hot Springs has been maintained. It is true that one of the officers of this Government has expressed the idea that it has not quite met the expectations, and that it may not meet the expectations, of those who were instrumental in its construction and opening. Nevertheless, Mr. Speaker, to my mind this is not the time when we should curtail the military establishment of this Government. There may not be, and yet it seems to me that I can see in the distance a speck that might be an indication of trouble with some foreign nation. With that in view, and laying aside the personal pride of this House and of the members of the committee of conference of this House, casting that aside, I believe it to be the duty of this House to accept the Senate amendment.

Mr. SAYERS. Will the gentleman allow me one question?

Mr. GRIFFIN. Certainly.

Mr. SAYERS. What amount of dollars and cents is involved in this difference between the two bodies.

Mr. GRIFFIN. It is said $38,000. I do not verify that.

Mr. McCLELLAN. The net saving to the Government has been estimated at from $3,700 to $6,000.

Mr. SAYERS. So that even if the Senate should recede from the amendment there would only be a saving of $3,500 to $4,000.

Mr. McCLELLAN. Probably $6,000 net.

Mr. HULL. Will the gentleman yield to me for a minute?

Mr. GRIFFIN. Certainly.

Mr. HULL. I would like to fully explain this. The Secretary of War gave a detailed statement in an explanation of the House bill and he put it at $38,000. Now, then, there may be a saving of more or less of part of that made by the army surgeons being detailed to other places. The contention of the Secretary of War is that you may be able to reduce the force in the Medical Department, if there is any other place for them to work; so that he puts the saving at $38,000.

Mr. DOCKERY. Will the gentleman allow me a question right there?

Mr. GRIFFIN. Certainly.

Mr. DOCKERY. I am not familiar with the merits of this controversy. I do not know whether the Senate or the House conferees are right; but there is an unbroken rule prevailing between the two Houses which has come to be regarded as unwritten law. It ought to settle this question. I understand this to be the rule: That where one body proposes any new legislation, if the other body persists in antagonizing it the body proposing the new legislation must in the end recede. Now, I do not know whether this is new legislation or not, but I have merely stated the rule as I understand it.

Mr. SAYERS. I would say to the gentleman that that ought to be the rule and generally is the rule, but it is not by any means an unbroken one.

Mr. GRIFFIN. That is the very point I am contending for. We introduced this proposition into the Army bill as new legislation. The Senate say, and they have a right to say, that they will not accept that change, and the gentleman from Missouri [Mr.

DOCKERY], who is largely experienced in the methods by which legislation is accomplished, tells us that under the custom it is our duty ultimately to recede in this case, or, rather, to accept the Senate amendment.

Mr. DOCKERY. I do not know anything about this controversy. I was speaking generally.

Mr. GRIFFIN. But you said that the body which had proposed new legislation to which objection was made by the other branch of Congress ought in the end to recede; that that was the custom.

Mr. DOCKERY. I think that is the rule which usually obtains as between parliamentary bodies.

Mr. LOUD. I would suggest, however, that that rule does not apply to the Senate. They always insist. [Laughter.]

Mr. GRIFFIN. Well, Mr. Speaker, I do not believe when we are conducting a discussion in this House in saying anything which tends to array the Senate against the House, or the House against the Senate. Furthermore, I do not believe it is good policy on the part of this House to question the methods of the Senate in determining what they will or will not do. If Senatorial courtesy is so far respected in that body that the Senators from the State of Arkansas may say to the Senate, or to the conferees, that a bill shall not pass unless a certain proposition shall be retained in it, it is not for us to question that. That is one of the Senate's own methods, one of its own customs, with which we have nothing to do. This appears to me, Mr. Speaker, to be treated by some gentlemen as wholly a question of pride, and in my opinion such a consideration ought not to have any place in this controversy. The Senate has the undoubted right to say that it will not pass a measure unless a certain proposition shall be included in the measure. Even on bills for raising revenue, the right to originate which rests exclusively in this House—that exclusive right of origination on our part does not debar the Senate from proposing changes or amendments in such measures. That right is explicitly guaranteed by a provision of the Federal Constitution, and why, on an occasion of this kind, should we be so sensitive about a matter for which we are alone responsible in the first instance, when the Senate, in the exercise of its right, says that it will not accept this bill unless such a provision is contained in it?

Mr. Speaker, this Hot Springs Hospital, although singled out by name in the bill, is not, as the gentleman from Iowa would have the House infer, made the subject of a special appropriation. The bill names this hospital and mentions others generally, but when it comes to fixing the appropriation it is found to be made in a gross sum.

Mr. LITTLE. I will ask the gentleman whether it has not been the uniform custom to mention this hospital in the appropriation bill?

Mr. GRIFFIN. I understand that it has been the custom for several years.

Another point, Mr. Speaker. The Surgeon-General of the Army, who is supposed to be closer to this institution and to understand more about its advantages than perhaps the Secretary of War himself, speaks of it in his report with much favor. Now, I would rather accept the testimony of the Surgeon-General as to whether this hospital is a desirable institution or not than the testimony of an officer of the Government who does not come in such direct contact or association with institutions of this kind, and, under all the circumstances, I believe that this House would maintain its honor and its proper pride in a much more becoming manner by accepting the motion of my friend from New York [Mr. McCLELLAN] and by receding from the position that it took originally. I yield back to the gentleman from New York the remainder of the time.

Mr. McCLELLAN. I reserve the balance of my time, Mr. Speaker.

Mr. HULL. Mr. Speaker, I confess that I am somewhat surprised at the position taken by my colleague on the committee, the gentleman from Wisconsin, nor on the proposition to recede, but on the general argument. I concede that the Senate has a right to reject any proposition that may be sent to it by the House, but if I were making the statement I would not limit that right to the Senate. It seems to me that while my friend was contending for the rights of the Senate in that respect he might have very gracefully added that the House has the same right if, in its judgment, it chooses to exercise it, to even refuse its assent to any proposition in the bill.

Mr. GRIFFIN. That is well understood.

Mr. HULL. So is the right of the Senate well understood; yet I understood my friend to make his argument altogether upon the right of the Senate.

Mr. GRIFFIN. The right of the House was stated before I rose to address the Chair.

Mr. HULL. Well, Mr. Speaker, it seems to me that the two Houses ought to stand upon a plane of equality. Now, I want to very briefly put before this body the position of the majority of the House conferees as I understand it, and if I misstate it my friend from New Jersey [Mr. PARKER] will correct me. We are not contending that the House has not the right to recede and agree to the Senate amendment; but we are contending that, representing the dignity and power of the House of Representatives in this conference, we were not at liberty, after the three votes of the House upon this question, to surrender the position which the House had taken and hand this body over to the Senate without power to assert its own dignity, its own rights. If the House, in this matter, shall vote for the proposition of the gentleman from New York [Mr. McCLELLAN], the conferees on the part of the House will still be fully satisfied with the position they have taken, and will feel that they have faithfully guarded the rights of the House in the matter up to this point.

Now, let me refer a moment to a point raised by my friend from Missouri. This is an anomalous proposition—to designate specifically by name a particular hospital in an appropriation bill—doing away with the discretionary power of the Secretary of War as applied to all other hospitals. It has been done heretofore only in the case of this hospital at Hot Springs.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. HULL. I will in a minute. If we are to concede in this case the right of the Senate to stop all appropriations for the Army, unless we agree to this particular matter, then we shall be met by this same method of proceeding hereafter.

The proposition in this case is different from a mere question involving new legislation, because we offered to put into this bill the words "at army posts and other places," so as to include all hospitals. Special provisions of this kind on appropriation bills should not be considered permanent law. Our contention was that in an appropriation bill we ought not to single out a particular hospital and by name insist that the Secretary of War must use a part of this appropriation for that particular hospital. I now yield to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Is it not a fact that it has been the uniform custom in our Army appropriation bills to mention specifically this hospital at Hot Springs; and is not the reason of it that this is a general hospital—an army and navy hospital? I ask the gentleman whether the naming of the hospital by the Senate in this amendment is not simply in keeping with the uniform custom on these bills?

Mr. HULL. I have stated that such has been the rule ever since this hospital was established.

Mr. LITTLE. So it is not a change.

Mr. HULL. But I think the rule is a bad one, and the sooner it is broken the better; and I do not believe such a provision on the bill of last year should bind us this year.

With regard to the suggestion that this hospital is unique, and that unless it be named specifically the Secretary of War can not use any part of this fund for its support, I wish to say to gentlemen of the House that there is nothing in such a contention. The whole force of the suggestion would be obviated by putting in the words we have proposed. The effect of a provision in that form would be that the money appropriated could be used in accordance with the discretion of the Secretary of War for this hospital on the same basis as all other hospitals.

Mr. DOCKERY. I am not advised as to the contention in this case; and the gentleman will allow me to ask whether the proposition now in issue is a new item of legislation?

Mr. HULL. The proposition in issue is to this extent a new item—that we propose to leave out of the appropriation bill words that have heretofore been in it.

Mr. DOCKERY. Which body originated the new legislation?

Mr. HULL. We did, if it can be called new legislation.

Mr. NORTHWAY. Have the conferees on the part of the House any recommendation to make to the House in relation to this matter?

Mr. HULL. That is a very hard question. Our object is to put the House in possession of all the facts in the case, and the question whether this bill shall fail or not will be decided by each individual member of the House for himself.

Mr. NORTHWAY. If the committee of conference has any recommendation to make to the House, I propose to vote in favor of that. If not, then this is an independent proposition for the House to deal with.

Mr. HULL. That is exactly what I have been trying to make the House understand. I want it to feel that it is an independent proposition. While in my opinion there are some members of the Senate who will do what they can to pass the bill in accordance with the House contention, I am absolutely satisfied that the bill will fail unless we agree to the contention of the Senate. The question now for each member of the House to determine is whether as an individual member he is willing to contend for the position of the House to the extent of letting the Army bill fail if that position be not assented to.

Mr. HYDE. Is it contemplated in any quarter to abolish this hospital? Is that question involved in the conference report?

Mr. HULL. Under the amendment proposed by the House it was intended to close the hospital at Hot Springs. In the amendment proposed by the Senate it was made obligatory that the Hot Springs Hospital should be kept up. In the proposition of the House conferees it was proposed to leave the whole matter with the Secretary of War. I think that answers the gentleman's question.

But the point which I want to impress upon the House is simply this: That each member is as competent to determine whether a great appropriation bill should fail as are the members of the committee of conference on the part of the House. What we desire is that each member shall vote as he pleases, with the understanding that we leave with the House itself the question whether the position of the House shall be surrendered or shall not be. We were not willing, as conferees, to submit to the demands of the Senate. The House can do as it pleases.

Mr. McCLELLAN. Does any gentleman desire to continue this discussion? [Cries of "Vote!" "Vote!"]

Mr. NORTHWAY. I should like to say a word or two.

Mr. McCLELLAN. I yield to the gentleman.

Mr. NORTHWAY. While I have once voted to reduce this appropriation, yet I look at the question in this way: If a bill were introduced here to repeal the whole law pertaining to the hospital at Hot Springs, no one would contend that the Senate would not have a right to pass upon that measure, and if they declined to assent to it, no one could stand here and say that they were not exercising their constitutional right. Now, can we indirectly undertake to repeal a law by reducing an appropriation, and ask that the Senate shall be bound by that? I submit not.

The question being taken on the motion of Mr. McCLELLAN that the House recede from its disagreement to the Senate amendment and agree to the same, the motion was agreed to.

On motion of Mr. McCLELLAN, a motion to reconsider the last vote was laid on the table.

PACIFIC RAILROADS.

Mr. HUBBARD, from the Committee on Pacific Railroads, by unanimous consent, submitted the views of the minority on the bill H. R. 10291, to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned; which were ordered to be printed.

ORDER OF BUSINESS.

Mr. LOW and Mr. MILLER of Kansas addressed the Chair.

The SPEAKER. The Clerk will proceed with the regular order, which is the call of committees.

The Committee on the Judiciary was called.

SUPREME COURT OF OKLAHOMA TERRITORY.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on the Judiciary to call up the bill (H. R. 8278) to amend section 1 of an act approved December 1, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes."

The bill was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to provide for two additional associate justices of the supreme court of Oklahoma, and for other purposes," approved December 21, 1893, be, and the same is hereby, amended so as to read as follows:

"That hereafter the supreme court of the Territory of Oklahoma shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum, and a majority of the judges sitting must concur to render an opinion reversing a judgment or other determination of the district court."

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Mr. HENDERSON. I will ask the Clerk to read the report.

The report (by Mr. BAILEY) was read, as follows:

The Committee on the Judiciary have had under consideration House bill 8278, and report the same back to the House with the recommendation that it pass.

Mr. HENDERSON. I ask for a vote.

Mr. NORTHWAY. Is the bill unanimously reported?

Mr. HENDERSON. Yes.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

THE POSTAL SERVICE.

Mr. HENDERSON. I am also directed to call up the bill (H. R. 4808) to increase the efficiency of the postal service. I will yield to the gentleman from Missouri [Mr. BURTON].

The bill was read, as follows:

Be it enacted, etc., That any person duly appointed as an inspector of the Post-Office establishment of the United States by the Postmaster-General shall have, in each State, the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

SEC. 2. That it shall be lawful for any inspector of the Post-Office establishment of the United States to arrest, or, in case of escape or any attempt to escape, to pursue and arrest, any person found violating any act of Congress relating to the postal service, or for crimes against postal laws, and to bring said person or persons when so arrested before the nearest magistrate having jurisdiction in such cases, to be dealt with as the law directs.

SEC. 3. That every inspector of the Post-Office establishment of the United States authorized to make arrests by this title shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an inspector, and shall have authority to demand of any person, present or near at hand, to assist him in making any arrest authorized by this title, where such assistance may be deemed necessary, and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $200 nor less than $5.

SEC. 4. That every person who forcibly assaults, resists, opposes, prevents, impedes, or interferes, with any inspector of the Post-Office Department, or any person assisting him, in the execution of his powers and duties under this title shall be guilty of a misdemeanor and be fined not less than $50 nor more than $500, or be imprisoned not less than one month nor more than one year, or both, for each offense.

The Committee on the Judiciary recommended an amendment striking out sections 2, 3, and 4.

Mr. HOPKINS of Illinois. After those sections are stricken out, how will the bill read?

The Clerk read the bill as proposed to be amended, as follows:

That any person duly appointed as an inspector of the post-office establishment of the United States by the Postmaster-General shall have, in each State, the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Mr. McMILLIN. I should like to have the report read.

Mr. HOPKINS of Illinois. This is a very important change of the law, and I should like to have some explanation.

Mr. HENDERSON. Let the report be read, and the gentleman from Missouri [Mr. BURTON] can make a statement.

Mr. BURTON of Missouri. I think the report will explain it. I shall be glad to answer any questions that may be asked.

The report (by Mr. BURTON of Missouri) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 4808) to increase the efficiency of the postal service, having had the same under consideration, submit the following report:

That sections 2, 3, and 4 be stricken out, and that the bill as so amended do pass.

There are many violators of the laws governing the postal service who escape prosecution because of the inability of the inspectors of the Post-Office establishment to procure their arrests. Under the present law the inspectors are not authorized to arrest offenders, but are compelled to procure warrants and the service of United States marshals or their deputies. In many instances it is absolutely necessary that the offenders should be arrested immediately upon discovery; otherwise they make their escape. The bill as recommended confers upon the inspectors the same powers of arrest as are now possessed by United States marshals and their deputies and the sheriffs and their deputies in the several States.

This will enable the inspectors to arrest without warrant upon reasonable suspicion justified by the facts and circumstances surrounding the case, but will not relieve them from liability for arrests made without reasonable care. The efficiency of the postal service will be greatly promoted by the passage of the bill as recommended.

Mr. HOPKINS of Illinois. I should like to ask if this bill has been recommended by the Post-Office Department?

Mr. BURTON of Missouri. It has.

Mr. HOPKINS of Illinois. Has it been submitted to the Attorney-General or the Department of Justice?

Mr. LOUD. Let me say to the gentleman that this bill was drawn by the Assistant Attorney-General for the Post-Office Department, and has been earnestly urged for a number of years. The bill, in the shape in which it was introduced, was drawn by the Assistant Attorney-General.

Mr. HOPKINS of Illinois. It is a radical departure——

Mr. MILES. And I will say, with the permission of my friend, that some matters which seemed to the Judiciary Committee to be objectionable were stricken out, and the bill is really more conservative than it was when introduced into the House.

Mr. McMILLIN. On that subject I should like to ask my friend——

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has the floor.

Mr. McMILLIN. After the gentleman from Illinois has concluded, I will ask my question.

Mr. HOPKINS of Illinois. I will suggest to the gentleman in charge of the bill that this is a radical departure from established law that has been in force in this country since the foundation of the Government. The selection of these post-office inspectors has heretofore been made for other purposes than the one designed by this bill. In selecting a marshal or a sheriff we look for different qualities than we do in a man who is to act purely as a post-office inspector.

Post-office inspectors are now under the civil service. These men have a life tenure. They have been put in that position without any reference at all to the additional duties that will be

imposed upon them if this bill shall become a law, and it seems to me that we ought to be a little careful in making such a radical change as is here proposed. I should certainly want my friend from Missouri [Mr. BURTON] to give some more reasons than are stated in the report of the committee why Congress should make this change. Now, I do know from my observation in a number of cases that if in those cases this authority had been allowed to a post-office inspector, great trouble would have come to innocent men. They are not men of that broad discretion and conservative temperament that ought to be trusted with such power and authority as are granted in the bill itself.

Mr. BURTON of Missouri. In answer to my friend from Illinois, I think it can be truthfully said that the post-office inspector as a rule is on a parity with the sheriff or deputy sheriff, respectively, in the several States. I do not apprehend that there has been any disposition on the part of the Post-Office Department to appoint as inspectors men who are not qualified, or to appoint them for any other purpose than to secure a proper enforcement of the postal laws. Now, then, let it be understood that there are many violations of the postal laws wherein the violators not only escape prosecution, but arrest, because of inability of inspectors to arrest. It is only necessary to call my friend's attention to that infant and growing industry, "green goods." Frequently the post-office inspector runs down and ascertains the party who does the "buncoing" in connection with that industry, and then, before he can secure from a commissioner of the United States a warrant for his arrest, the party makes his escape.

In order that the House may clearly understand what power is conferred by this bill, let us for a moment contemplate what are the powers of arrest. Any citizen has the right to arrest anyone who has committed a felony, either with or without a warrant; but if a private individual arrest one without a warrant, and he be sued for false imprisonment, then, in order to protect himself from money liability, he must prove not only that a felony has been committed, but that the particular party whom he arrested committed that felony. Officers are authorized to arrest without warrant, upon suspicion, provided that suspicion is justified by the facts and circumstances surrounding the case. Wherefore, if a United States marshal or a deputy marshal, or a sheriff or a deputy sheriff, without a warrant, arrest one for the alleged commission of an offense, and it appears on investigation that he had reasonable cause to believe that a crime had been committed, and the party whom he had arrested committed that crime, then, although he may have been mistaken, he can not be mulcted in damages. This bill merely proposes to confer upon an inspector of the Post-Office Department the right, whenever the circumstances or the facts in a case will justify him, to make an arrest. If he makes an arrest when the facts and circumstances do not justify it, then, of course, he is liable to be mulcted in damages. In other words, this bill confers upon the inspectors of the Post-Office Department just the same authority and power that is now conferred under the internal-revenue act upon officers who are called upon to enforce the provisions of that law. This bill came before the Committee on the Judiciary. We were of the opinion that the second and third sections of the bill, which confer special powers upon these inspectors, ought not to be enacted, but we did believe——

Mr. MILES. Those were all stricken out.

Mr. BURTON of Missouri. Those were all stricken out. But we did believe that it would be quite in harmony with our system of government, so far as powers are conferred upon officers, and in the interest of justice, of law, of order, and of prompt capture and punishment of those who from day to day are violating the postal laws, that these inspectors should have conferred upon them the powers that are now conferred by law upon sheriffs, deputy sheriffs, United States marshals and deputy United States marshals, and internal-revenue inspectors.

Mr. McMILLIN. Will the gentleman permit a question at that point, if it does not interrupt him?

Mr. BURTON of Missouri. Certainly.

Mr. McMILLIN. Marshals of the United States have jurisdiction given to them by the laws of the United States, and that is confined to the laws of the United States; but under the peculiar wording of this statute you give these officers not only the jurisdiction now given to the marshals under the law of the United States, but go beyond that, and give the constabulary authority that applies to the State where the offense occurs. It strikes me in some cases you may give these officers jurisdiction beyond that which the marshal has by reason of the fact that you clothe them with double authority.

Mr. BURTON of Missouri. Mr. Speaker, I think my friend has not correctly read the bill.

Mr. McMILLIN. This is the paragraph to which I call attention, and maybe in the haste of debate I have not given it the proper consideration. They—

Shall have in each State the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Mr. BURTON of Missouri. My friend will see that the powers of these inspectors are limited in these lines to the enforcement of the postal laws—none other.

Mr. HOPKINS of Illinois. Oh, no; the gentleman is mistaken about that. That says that he shall have the same powers of arrest that the State gives to the sheriff and the deputy sheriff.

Mr. BURTON of Missouri. Oh, no; "That any person duly appointed as an inspector of the Post-Office establishment of the United States by the Postmaster-General shall have in each State the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof."

Mr. McMILLIN. The point I was making to my friend was that whereas the constables and sheriffs of one State may have one authority, like officers in another State may have another authority; so that you may be giving these inspectors greater authority in one State than they will have in another, instead of making their authority uniform.

Mr. BURTON of Missouri. I think not. I think the general power of arrest, either under warrant or without it, is substantially the same in every State in the Union.

Mr. McMILLIN. I have had to take the bill as it struck me in the hurry of debate, and I may not have caught its true import.

Mr. NORTHWAY. Let me ask the gentleman from Missouri this question: If one of these officers should arrest a man without just cause, would he be liable the same as a sheriff or deputy would be liable?

Mr. BURTON of Missouri. Exactly so. When he arrests any person arbitrarily, without reason or excuse, for a violation of the postal laws, he can not justify himself by saying "I am a post-office inspector, and therefore I am at liberty to do this thing without being called to account." He must justify every arrest he makes, if it be called in question, by showing that he had reasonable ground for making the arrest.

Mr. RAY. Mr. Speaker, I desire to say, and particularly to say to my friend from Illinois [Mr. HOPKINS], that under the former administration of the Department of Justice this law was cordially approved by that Department, and they would have conferred powers even more extensive than we propose in this bill. The officers of the Department of Justice under the present Administration also cordially approve of this proposed law. It can work no harm, and it will work a great deal of good. The evil sought to be reached is principally this: The inspectors go out through the country and they find that crimes are being committed, violations of the postal laws and regulations. Most of those crimes are committed by professionals, men who generally are not known in the communities where the offenses are committed. The inspectors get upon the track of these criminals and chase them down, and finally catch them red-handed at some post-office, engaged in the commission of a crime against the postal laws. Remember, these criminals are generally unknown in the communities where they operate. In such a case the inspector, being without power to arrest, is compelled, under the existing law, to go to some officer of the law and make a complaint and swear out a warrant before he can arrest the offender, and in the meantime, while he is doing that, the offender discovers that he is being followed and is about to be arrested, so he disappears, runs away, and the criminal law is absolutely defeated for want of this power of arrest in the inspectors.

Mr. SAYERS. If the general rule of law which applies to the arrest of persons charged with offenses is to be broken in this instance, why should it exist at all?

Mr. BURTON of Missouri. It is not broken in this instance.

Mr. SAYERS. It is broken when you propose to allow these men to make arrests without an affidavit.

Mr. BURTON of Missouri. I would answer my friend from Texas by saying that it is not proposed to break the general rule of law and authorize anybody and everybody to make arrests. The proposition is to confer that power upon officers who have been particularly designated for this special work and whose work is incomplete because of the want of the power to arrest.

Mr. SAYERS. Why should not the same principle apply to every executive officer, every marshal and every deputy marshal?

Mr. RAY. This is not breaking the ordinary rule at all. If a deputy marshal or a marshal of the United States comes upon a man engaged in the commission of a crime, he has a right, under the existing law, to arrest him. In the State of New York and in most of the States of the Union, every officer, sheriff or deputy sheriff, constable or marshal, may arrest a man without a warrant when he finds him in the commission of a crime.

Mr. SAYERS. Yes, when he finds him in the very act.

Mr. RAY. In the very act.

Mr. MILES. The officer always makes the arrest at his peril, and he does so under this bill.

Mr. RAY. Certainly. In many of the States of the Union even a private citizen may arrest an offender without a warrant.

Mr. BURTON of Missouri. He may; but he takes the risk.

Mr. RAY. Now, in this case is there any good reason, in the interest of justice, why these inspectors, who are responsible to the community and to the Government, who are good men, selected because of their wisdom and discretion, should not have power to arrest offenders against the postal laws of the United States when they find those offenders engaged in the commission of some crime? This power can not be abused, while it ought to, and it must, result in great good. The Committee on the Judiciary, after a full investigation, were unanimous in favor of the bill.

Mr. TERRY. Not unanimous; I beg the gentleman's pardon. I was opposed to it, and am still opposed to it.

Mr. RAY. I am sorry to hear that. I did not know that the gentleman had opposed it, and I thought the committee were unanimous, and I can still say that they were substantially unanimous in recommending the passage of the bill.

Mr. HOPKINS of Illinois. Mr. Speaker, I desire to make one or two suggestions in opposition to the passage of this bill in its present form. I think there is a wide difference between clothing one of these post-office inspectors with the powers of a United States marshal or a sheriff in one of the States, and clothing with such authority a person specially qualified for the performance of such duties by appointment in the regular way. These post-office inspectors become detectives, and a parallel to the action here proposed would be to clothe a Pinkerton detective with the authority of a marshal or a sheriff when searching out crime. We know, Mr. Speaker, what a strong protest has gone up in this country from the labor organizations because in a few instances these private detectives have been granted by local authorities the power of deputy sheriffs. It has been claimed, whether truthfully or not, that such persons have exceeded their authority—have deprived honest men of their liberty when it would never have been done had the exercise of the authority in question been in the hands of a person other than a detective. That is one of the reasons why I think this House should pause before it clothes these detectives of the postal service with this authority.

The next objection to the bill to which I wish to call the attention of gentlemen in charge of it is this: The gentleman says that if a man is unlawfully arrested, he has his action against the post-office inspector the same as he would have against the marshal or the sheriff. But I observe, Mr. Speaker, that the bill embraces no provision requiring bondsmen. A United States marshal is required to give a bond; a sheriff in any of the States is required to give a bond; but there is no provision of that kind with reference to these inspectors.

Mr. BURTON of Missouri. Does my friend assume that a marshal is liable on his bond for an unlawful act of his deputy—an unlawful arrest?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. BURTON of Missouri. Well, I differ with my friend on the proposition of law.

Mr. RAY. My friend from Illinois [Mr. HOPKINS] does not claim that the sureties on a sheriff's or a marshal's bond are liable in case he makes a mistake?

Mr. HOPKINS of Illinois. I undertake to say that if an action would lie against the principal without a bond, then, in my State, if the deputy makes a false arrest acting under the color of his official authority, his principal, the sheriff, is liable and his bondsmen are liable upon an action brought against the sheriff.

Mr. WATSON of Ohio. What does a marshal or a sheriff give bonds for?

Mr. HENDERSON. Not against murder.

Mr. WATSON of Ohio. Against breach of the peace?

Mr. RAY. Against murder and against assault and battery——

Mr. HOPKINS of Illinois. A sheriff gives bond for the faithful discharge of his duty and that of his deputies, and his bondsmen are liable for his acts under color of his office.

Now, allow me to state my proposition a little further. These gentlemen seem to take exception to it.

Mr. WATSON of Ohio. Not all of us; I agree with the gentleman.

Mr. HOPKINS of Illinois. Under the law as it exists to-day the bondsmen of these officers of the courts are liable for their illegal acts. If a sheriff arrests unlawfully a constituent of mine, that constituent has a right to sue the bondsmen. But in this bill there is no such provision. And the remedy which is proposed here is a remedy without any merit whatever, because these post-office inspectors are in general men without any property. There is no method of garnisheeing the salaries paid by the Government of the United States. If, therefore, a post-office inspector is clothed with the authority proposed in this bill, there is absolutely no remedy for a man who may be unlawfully arrested by such an official. So it seems to me that if gentlemen here desire to give to post-office inspectors authority which they do not now possess, the bill ought to be elaborated so as to make these men liable on good and sufficient bonds for their unlawful acts. That the bill as now framed does not do this is one of my objections to its passage in its present form.

Mr. MILES. Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal acts of that officer, or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

Mr. HOPKINS of Illinois. I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

Mr. MILES. Of course; but can judgment be rendered for any unlawful act that he may commit?

Mr. HOPKINS of Illinois. I undertake to say that it can in Illinois, if done under color of his office; and such ought to be the law everywhere.

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. HOPKINS of Illinois. Well, I understand the law is the same in Ohio and most of the States.

Mr. BURTON of Missouri. I desire to yield five minutes to the gentleman from New York [Mr. RAY], and then I wish to reserve the balance of my time. I trust the Chair will recognize, at the end of five minutes, the gentleman from Arkansas [Mr. TERRY].

Mr. RAY. Mr. Speaker, some of these gentlemen have taken issue with me as to the law in this case as I have stated it. I said that any man who would read the statutes would not make the statement that some of these gentlemen have made, and I was contradicted by some of my wise friends. Now, the Congress of the United States has passed a law on this subject, and I desire to read it. Perhaps I do not understand it, but I think I do. Section 783 of the Revised Statutes of the United States reads as follows:

> SEC. 783. Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of $20000, for the faithful performance of said duties by himself and his deputies. Said bond shall be filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

It will be noted that the condition of the bond is simply "for the faithful performance of said duties," not that he will not do unlawful and unauthorized acts—that he will not commit torts and wrongs affecting the rights of individuals.

Now, that statute has been up for construction many times, and it never has been held that the marshal is liable for a tort committed by him while in the discharge of his duties, such as an illegal arrest, or an assault and battery, or a murder, or anything of that character. The bond is for the faithful discharge of his duties, and it does not bind his sureties so as to make them responsible for assaults and batteries or anything of that sort, something that it is not his duty to do.

Mr. TERRY. I should like to ask the gentleman if the marshal and his deputies are not responsible for acts done under color of their office?

Mr. RAY. They are personally responsible, of course, for all wrongs committed by themselves.

Mr. TERRY. Are not their bondsmen responsible for all acts done under color of their office?

Mr. RAY. These officers are responsible personally if they make an illegal arrest.

Mr. TERRY. Are not their bondsmen responsible?

Mr. RAY. They are responsible personally if they commit an assault and battery; but their bondsmen are not liable for their torts or wrongs where they go outside of the discharge of their duties.

Mr. TERRY. A malicious assault and battery is not virtute officii, or colore officii—neither by virtue of his office, nor under color of his office—but an illegal arrest, done by a marshal or a deputy marshal, is by color of his office.

Mr. HOPKINS of Illinois. And the bondsmen are responsible?

Mr. RAY. It has never been so held.

Mr. HOPKINS of Illinois. It has been so held.

Mr. RAY. It has been held directly the contrary. If an officer departs from the command of the process under which he acts and assumes power and authority, and so commits a wrong while holding office, the sureties in his bond are not liable. If he assumes power that he does not possess and so commits a trespass on property or on the person of another, the sureties are not liable. Such acts are not within the conditions of the bond.

Mr. WATSON of Ohio. Is there anything in that section that provides that the bondsmen of a United States marshal are not so responsible?

Mr. RAY. It does not read that they are not responsible, nor that they are, for an assault and battery or an illegal arrest.

Mr. DOOLITTLE. Or a false imprisonment.

Mr. RAY. Or a false imprisonment. They are liable, undoubtedly, if they commit such an act; but their bondsmen are not liable.

Mr. HOPKINS of Illinois. The bondsmen are liable for anything that the officer is liable for, done under color of his office.

Mr. WATSON of Ohio. There are ten suits now pending in the courts in the city where I live involving that liability.

Mr. RAY. That may be, but the plaintiff will be defeated.

Mr. TERRY. Mr. Speaker, I was opposed to this measure in the Committee on the Judiciary for substantially the reasons that have been so ably urged by the distinguished gentleman from Illinois [Mr. HOPKINS]. I am still opposed to this measure. The ostensible purpose for which the passage of this bill is urged is to accomplish the arrest of "green-goods men."

Now, in order to accomplish one particular object it is proposed to enact the vicious legislation of arming post-office inspectors with the power to make arrests in all cases of alleged violations of the postal laws. If there is real necessity for legislation of this kind, so as to reach the dealers in "green goods," why not limit the bill to that?

Mr. MILES. The purpose of the bill is only to reach cases growing out of the violation of the postal laws.

Mr. TERRY. Oh, I understand that; but the real violation of the postal laws which you say you want to stop by this drastic measure is the dealing in green goods.

Now, if that be the object of the bill, why not limit it to that? Why clothe these petty officials with this sweeping power to invade the sacred rights of the American citizen? There is already too much machinery provided in this land for the invasion of the rights of American citizens. This is another stone piled upon that towering Cæsar's column that is already overshadowing the liberties of the people of this country.

Mr. RAY. May I ask my colleague a question right there?

Mr. TERRY. I will yield to you later on. I say there is already too much machinery. It is already too easy for an irresponsible power to trample under foot the rights of American freemen. It is sufficient that the marshals and deputy marshals and sheriffs and deputy sheriffs—men who, by coming into constant contact with the courts and the judges, are taught something of conservatism, are taught to respect the rights of the citizen—it is enough that men of that character, who learn conservatism by judicial contact, should be clothed with the right to arrest American citizens.

Now it is proposed to send forth the creatures of the civil service—these petty Federal officials—clothed with the right, without warrant, to arrest an American citizen! Do you members here know how officious a lot these petty post-office inspectors and officials are? How they are constantly, in order to secure a record of efficiency, hounding the hard-worked and poorly paid fourth-class postmaster, and deviling him with all kinds of petty criminations and charges? Do you want to have that evil legalized and spread over all the districts of this country? But they say if the inspector arrests one wrongfully, that he can be prosecuted and held in damages. The distinguished gentleman from Illinois has pointed out how unavailing that remedy will be in the hands of a citizen who has been wronged. These officials are birds of passage, here to-day and yonder to-morrow. Why, if you sue one of these post-office officials and obtain a judgment against him, you might as well have a mortgage on a last year's whip-poor-will's nest.

Now, sir, in addition to that, suppose some fourth-class postmaster, in some remote rural section in Illinois, Arkansas, Texas, or any other part of this great country, has been arrested and dragged down to the Federal court, perhaps 300 or 400 miles from his residence——

Mr. CANNON. May I ask the gentleman a question?

Mr. TERRY. Not at present. (Continuing.) And he wants to bring suit. In the first place, if he brings suit, as he might, against the sheriff or the deputy sheriff in his county where the offense was committed, the post-office inspector, under another law on the Federal statute, could have the case transferred to the United States courts, and the fourth-class postmaster, or any other citizen whose rights had been invaded, would have to take his witnesses hundreds of miles to prosecute and obtain his rights; and then, at the expiration of a long, harassing litigation, have a judgment against a petty officer that he could not make a cent on. Now I yield to my friend from Illinois [Mr. CANNON].

Mr. CANNON. I want to see if I understand the object of this legislation. This is to give to post-office inspectors power to act as United States marshals in prosecution of offenses under the postal laws. In any district of the United States that they find a postmaster or a post-office official violating the postal laws, they may arrest him with or without warrant, as the case may be.

Mr. TERRY. That is the object of the bill.

Mr. CANNON. Now let me ask my friend if they retain this power that they have now. Am I correct in supposing that they can go and make complaint before a commissioner or judge, as the case may be, and get a warrant?

Mr. TERRY. They will have to go and make a formal complaint and obtain a warrant.

Mr. CANNON. And then the deputy marshal can execute it.

Mr. TERRY. Then the deputy marshal can execute it.

Mr. CANNON. Now, then, am I correct in this: If the post-office official were to escape from the district in which he committed the crime and go into another district, that the complaint could be made in that district and the man arrested?

Mr. TERRY. Why, certainly; there is ample machinery.

Mr. CANNON. And by that machinery, anywhere in the boundaries of the United States, is he not pretty apt to be caught?

Mr. TERRY. He is pretty apt to be caught. We have the machinery. It is already sufficient; and I think it is a dangerous precedent to clothe any set of men with authority to arrest, unless it is that character of men who have learned, as I have already stated, some degree of conservatism from contact with judicial officers.

Now, I differ with my friend from New York [Mr. RAY] in regard to the liability of the marshal and deputy marshal upon his bond. It has been my understanding of the law that a marshal is responsible for any act that he does by color of his office. He is responsible for an illegal arrest; he is responsible if, while he has a man under illegal arrest, he maltreats him, pretending that it was necessary in order to effect the arrest.

Mr. MILES. But not his bondsmen.

Mr. TERRY. Even his bondsmen.

Mr. MILES. Under this law? Because of maltreatment?

Mr. TERRY. His bondsmen are responsible, as I understand the law, for all his acts done by color of his office, but not for any malicious or willful acts done outside of that. I understand that to be the law. That has been held to be the law in my State.

Mr. Speaker, I do not desire to consume the time of the House unnecessarily, but I do insist that this is not a proper measure. If the evil specially complained of is of such extent as to attract the attention of the Post-Office Department, why do they not recommend a law to authorize arrests in that class of cases? That would be the proper remedy. Mr. Speaker, it is an old saying that "hard cases make bad law," and so it may be said that extreme cases upon which legislation is invoked generally result in the enactment of bad laws. I reserve the balance of my time, and yield five minutes to my colleague, Mr. NEILL.

Mr. NEILL. Mr. Speaker, I desire to express my dissent from the provisions of this bill. In my judgment it is unnecessary, and in my opinion it would invest these post-office inspectors with an authority not contemplated by the laws of this country, and would result in a species of persecution and prosecution not expected or desired by the American people. I happen to have had, in my brief time here as a Representative, at least one case which may serve to exemplify the injustice and oppression that might be wrought under this bill if it should become a law. I had a case in which a post-office inspector visited a fourth-class post-office in the Sixth Congressional district of Arkansas and made an investigation, and recommended and insisted that the postmaster should be removed upon mere technicalities and quibbles which amounted to nothing. I myself made an appeal to the Fourth Assistant Postmaster-General. I went to the Department and presented the whole correspondence, from which it appeared that this post-office inspector had been acting [illegible] a sleuthhound, had been nosing around, looking up little [illegible] which there was not the slightest malfeasance or misfeasance or any indication whatever of intentional wrong. More than this, that inspector, before he left the village where that post-office is situate, gave it out to outside parties that the postmaster would be removed. In consequence of that action, I was besieged by a person desiring to be appointed to the prospective vacancy before the inspector's report was received by the Post-Office Department in this city. Now, if that post-office inspector had been invested with the power which this bill would give him, it is not to be doubted that the postmaster would have been arrested, dragged to Little Rock, and incarcerated in jail there until he could be tried by a Federal court. I went before the Fourth Assistant Postmaster-General, and he, like an honest man, after investigating the whole matter, said, "Mr. NEILL, I will not remove your man. He shall not be removed, because there is no evidence of any intention on his part to do wrong." That case illustrates what might be done under this bill if it were the law, and I hope that it will be voted down.

Mr. LOUD. Mr. Speaker, there never has been a proposition before this Congress to invest anyone with the power to make arrests but some attorney on the floor has felt called upon to defend the defendant. There is one phase of the human mind which has often been presented to my notice, but which I have never been able to comprehend. That is the fear, apparently the honest fear, which seems to possess the average Congressman that he or some of his friends may suffer injustice by being arrested by Federal officials.

Now, Mr. Speaker, in two or three days I shall have lived fifty years in this world, yet I have never been arrested. So far as I know I have never even been in danger of suffering from the severe hand of the law which our friend from Arkansas has so eloquently referred to.

Mr. TERRY. Maybe you ought to have been. [Laughter.]

Mr. LOUD. Possibly, but I never have been. However that may be, Mr. Speaker, my experience has taught me that a man who obeys the laws of his country need not fear the oppressive hand of the officers of the law. Here is a measure which has been presented to Congress year after year ever since I have been a member. Four or five of the best lawyers in this body appeared on behalf of the Government to urge the passage of the bill. My friend from Illinois [Mr. HOPKINS] evidently thought that the defendant needed some one on this floor to defend his case. What does this bill propose? The gentleman from Illinois [Mr. HOPKINS] and the gentleman from Arkansas [Mr. TERRY] well know that it simply proposes to put in the hands of the post-office inspectors—and let me say that a finer body of men is not to be found in this country; a body of men compared with whom the average deputy marshal or deputy sheriff sinks into insignificance—the bill simply proposes to put in the hands of these men the power of making arrests——

Mr. HOPKINS of Illinois. Will the gentleman permit a question?

Mr. LOUD. Certainly, if it is pertinent to this phase of the case.

Mr. HOPKINS of Illinois. I want to ask the gentleman whether this bill was not considered by the Committee on the Post-Office and Post-Roads, and whether that committee did not decide not to report the bill to the House?

Mr. LOUD. No, Mr. Speaker; emphatically, no.

Mr. HOPKINS of Illinois. Well, I have been misinformed by a member of the committee.

Mr. LOUD. Oh, well, I want to say to the gentleman that if he accepts the information he may get from some one member of the Post-Office Committee, he will be misinformed and misled all the time. [Laughter.] The Post-Office Committee did consider this measure. I introduced it myself, at the request of the Post-Office Department and the Department of Justice. As it involved legal questions, the Post-Office Committee unanimously recommended that it be reported back to the House and be referred to the proper committee, the Committee on the Judiciary. Now, the gentleman from Arkansas seems to assume that somebody has said that the sole object of giving the inspectors this power is that they may arrest green-goods men. I would like to ask the gentleman where he got that idea?

Mr. TERRY. That was stated as a reason before the Committee on the Judiciary by the gentleman who opened the discussion in favor of the bill.

Mr. LOUD. The gentleman's own good sense should have taught him that that was only an insignificant part of the objects of this bill. There are hundreds and hundreds of offenses committed against the postal laws; the gentleman well knows that. Post-office inspectors—there are but 104 in the whole United States—are selected by reason of their eminent fitness and ability for these very positions.

Mr. WATSON of Ohio. Will the gentleman allow me a question?

The SPEAKER. Does the gentleman from California yield?

Mr. LOUD. I am liable never to get ahead if I continue to yield to other gentlemen; but I will yield once more.

Mr. WATSON of Ohio. I ask this question simply for information, for I assume the gentleman from California knows all about these matters: A post-office inspector gives bond, I suppose, for the faithful discharge of his duty?

Mr. LOUD. Mr. Speaker, the gentleman ought to know as much about that as I do. I will say to him, however, that a post-office inspector does not give bond.

Now, here is the position: A post-office inspector is located, we will suppose, in the city of New York to detect persons who are abstracting money from letters—persons who may be in the postal service, or outside of it. The inspector is upon the trail of the offender in many instances for one, two, and three months; and when the criminal is discovered, the inspector has no power to arrest him. He must go before a commissioner and make complaint; and upon that complaint a warrant is issued. Then a deputy marshal goes and makes the arrest. The innocent citizen whom gentlemen suppose to be oppressed by this power of arrest feels in this indirect manner the strong arm of the law just as severely as though the inspector himself made the arrest. But if the party be really guilty, he will in many cases, before the arrest can be made, have escaped; so that the months of labor that the post-office inspector has spent upon the case are lost.

I was surprised, Mr. Speaker, that there was any debate whatever on this question. When I talked with the Judiciary Committee it was assumed that this measure could pass by unanimous consent. I do not believe there should be a single vote in opposition to it. For the purpose of assisting in the better performance of the duties devolving upon these officers this power should be granted to them.

Mr. TERRY. I yield five minutes to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Speaker, I regard this as a very important bill, reaching much further in its provisions or their effect than might be concluded from a cursory reading of the measure. The bill proposes to confer upon post-office inspectors an entirely new power. It proposes to clothe them with the same authority to make arrests that is now possessed by United States marshals and their deputies. If this House will pardon a personal reference, I want to say, drawing upon my personal experience, that when I was assistant United States district attorney I had a good deal of experience with United States marshals and United States post-office inspectors; and, remembering that experience, I can not help saying to this House that to pass this bill would, in my opinion, be a very great mistake and one which this House would be swift in the future to correct.

There are several objections, Mr. Speaker, to this bill. In the first place, I assume—although there seems to be some objection to that assumption, especially on the part of the distinguished gentleman from New York [Mr. RAY], a member of the Judiciary Committee—that the majority of the lawyers of this House will agree with me in saying that when a United States marshal or his deputy, having given bond in compliance with the Federal statute, makes a false and unwarranted arrest, that officer is liable for the consequences arising from said arrest. But in this bill there is no provision requiring post-office inspectors to give bond for the faithful performance of their duty. In other words, you will authorize these inspectors to arrest without giving bond, but require marshals to do so.

Mr. RAY. Will the gentleman permit me a moment? No one has denied that if a marshal or his deputy makes a false or unlawful arrest, he is liable for it. Nobody denies that proposition. The only question that has been mooted here is whether or not the bondsmen are liable in the case of such a false arrest.

Mr. WATSON of Ohio. Well, I will make my proposition broad enough to include the bondsmen. I am willing to submit that proposition to the judgment of the lawyers of the House, if they have time to pass upon it.

A MEMBER. The bondsmen ought to be liable.

Mr. WATSON of Ohio. I do not think there is any doubt that they are. I know that in the State which I have the honor in part to represent on this floor that question has been decided in our courts within the last three weeks, and a verdict has been rendered by a jury against an officer and his bondsmen for a false arrest, committed in the city which I represent. I had not supposed there was a single lawyer on the floor of this House, much less a lawyer upon the honorable and dignified Judiciary Committee, who would question this proposition. To pass this bill will confer upon a large number of men power which, as I have stated, they do not now possess, and which, in my view, will be dangerous to be used by them.

The distinguished gentleman from California [Mr. LOUD] who last spoke in favor of this bill said that a man who always obeyed the law need never fear an unlawful arrest. I must combat that proposition. I wish to say that within the last twelve months a gentleman living near my own city was arrested for the commission of the most heinous offense that has ever occurred in our State—a deliberate, cold-blooded murder, committed under the most atrocious circumstances. Yet, at the preliminary hearing it was shown to the satisfaction of everyone that that man did not commit the crime, and in the very nature of the circumstances surrounding the tragedy could not possibly have done so. And yet, all his life he will have to live under the shadow, and his children and his children's children will have to live under the shadow, of his having been arrested and charged with that most awful murder. Men are being arrested almost every day in this country charged with crimes that they never committed.

The SPEAKER. The time of the gentleman has expired.

Mr. TERRY. I yield to the gentleman three minutes more.

The SPEAKER. The gentleman from Ohio [Mr. WATSON] is recognized for three minutes.

Mr. WATSON of Ohio. Another very serious objection to this bill, in my opinion, is this, that these post-office inspectors are always on the wing. The distinguished gentleman from Arkansas [Mr. TERRY] said a moment ago that he would just as soon undertake to sue a last year's whip-poor-will's nest as to sue one of these post-office inspectors. I would just as lief undertake to sue the bird itself. We can always find the nest, but we can not find the bird. How are you going to get jurisdiction of a post-office inspector? There is not a word in this bill conferring jurisdiction. A United States marshal and his deputy always have a situs, and a party knows where he can go and bring his suit. You can always find them, and you know your jurisdiction. But these

post-office inspectors, as every man knows who has ever had anything to do with them, are always traveling, always on the wing. So it would be practically impossible to serve them with a writ.

I do not desire to limit the right to arrest for crime. I think that ought to be conferred on the proper officers, and it ought to be guarded with great jealousy. But I am opposed to the provisions of this bill, which give every post-office inspector of this Government, in addition to the power he now possesses, the right to invade a home and arrest a man or a member of his family, under a power equal to that possessed by the United States marshal or deputy marshal. It is too dangerous a power to be conferred upon any class of men without the most mature and deliberate consideration, and I hope the bill will be defeated.

Mr. BURTON of Missouri. I yield five minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Speaker, appreciating as I do the good judgment of the gentleman from Ohio [Mr. WATSON] and of the gentleman from Arkansas [Mr. TERRY], I am a little surprised at their opposition to this bill.

There is nothing in this bill that confers on these post-office inspectors the power to arrest any one where there is not a showing that they are guilty of some offense, that they have been guilty of a violation of law.

Gentlemen who oppose this bill proceed upon the idea, it occurs to me, that these inspectors, as soon as this authority is vested in them, will start out seeking to arrest and imprison innocent people wherever they may find them. Now, that is not in keeping with human nature. On the contrary, men are more liable to let the guilty go unwhipt of justice than they are to go out and seek an opportunity to arrest innocent men.

What is there in this bill? It simply confers upon post-office Inspectors the power to arrest an individual who has been guilty of a violation of the law. It does not confer upon him the right to take that man and put him in prison; it does not confer upon this inspector the right to pass judgment upon the guilt or innocence of this man; but it simply confers upon him the authority to arrest a man who has been guilty of some violation of law and take him before a court of competent jurisdiction, there to answer for the violation of law.

Mr. WATSON of Ohio. Well, he may have to imprison him in order to get him there.

Mr. KYLE. If he is guilty, they ought to hold him. Yes, and he should be held until he has had a trial to determine his case.

Mr. TERRY. Suppose a post-office inspector thinks a man is guilty when he is not guilty, can he arrest him?

Mr. KYLE. Oh, well, in all the experiences of life we have to deal with men whom we think guilty. Every day that rolls around, men are arrested for murder, arson, and for all those offenses.

Mr. TERRY. I understand that; but there is redress for false imprisonment.

Mr. KYLE. Men are arrested every day, and if they go before the court and they are found innocent they are turned loose.

Mr. TERRY. The distinguished gentleman from Mississippi [Mr. KYLE] says this bill only authorizes arrests of men who are guilty. That is the statement which the gentleman just made.

Mr. KYLE. Oh, well, if I said that, I did not mean to make the statement as broad as that. I intended to be sensible about it, if I knew how to be.

Mr. TERRY. I thought you did.

Mr. KYLE. All people who are arrested are not always proven to be guilty. Now, this proposition simply involves the propriety of conferring upon these inspectors the right to arrest a man who has been guilty of a violation of law. Suppose my friend from Ohio [Mr. WATSON] was a post-office inspector, and he came down to Mississippi, into the district which I have the honor to represent, and found some postmaster there had been guilty of malfeasance in office, that he had been wrongfully appropriating the receipts of his office, or that he had been guilty of some other offense against the postal laws. As the law stands now, while he might know that that man had been playing the rôle of a thief, before he could do anything with him he would have to go and hunt up a commissioner or some other official legally authorized to administer an oath, swear out an affidavit against him, procure his warrant, and then arrest the man whom he had ascertained was guilty of a malfeasance in office, and before he could find a marshal to execute the warrant the fellow would be gone.

Now, with that sort of roundabout way of getting at it, the postmaster, who knows himself he is guilty, when he finds that this inspector is there and is going to find it out, while he is going and hunting a commissioner to make out his affidavit and then the marshal to make the arrest, the bird has flown.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. KYLE. Yes, sir.

Mr. LINNEY. Is there any State in this Union that confers upon any citizen thereof the right to make arrest, except where a crime has been committed in the presence of the officer, without an affidavit upon which the warrant issued?

Mr. KYLE. I believe that is the general rule; but we are proposing to make a law here. Now, that is what we are proposing to do in this bill. But there is nothing in it that proposes to confer upon these inspectors any authority to make an arrest which a United States marshal does not have.

Mr. LINNEY. Would you be willing to confer any such right upon any citizen?

Mr. LOUD. They can not arrest your moonshiners. This is only for offenses against the postal laws.

Mr. KYLE. Now, Mr. Speaker, I do not think that there is anything in the suggestion made by the gentleman from North Carolina. If there is danger from the source that gentleman indicates, that ought to be considered; but I submit to the good judgment and the good sense of this House that there is no danger to come from that source, because it is not in keeping with the experience of men upon this floor that men seek opportunity and run in great haste to arrest men who are innocent and men against whom there is not, to say the least of it, a probability of guilt, as shown upon affidavit to be made before a commissioner authorized to administer oaths. I do not know of any such practice as that. I do not know of any officer who ever exercised authority in that way. Well, now, if our experience does not call to mind some officers going in that direction, why we are to get scared about it I can not see. That is all I desire to say.

Mr. TERRY. I yield five minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, my friend from North Carolina, in the question he propounded to my friend from Mississippi, has suggested the idea I have in mind. If I understand the existing law, any marshal or deputy marshal, or any sheriff or deputy sheriff, has no right to arrest a citizen except by warrant duly issued, unless it be for an offense committed in the presence of the officer. Now, that being true, it seems to me that this bill is ambiguous. What does it mean? Does it mean that a post-office inspector can make arrest where a warrant has been issued, as the marshal or deputy marshal or sheriff or deputy sheriff can; or does it mean that he can without any warrant, simply upon inquiry, simply upon information, arrest a citizen? If it means that, it seems to me it goes too far, to place it in the power of any individual, without a warrant and without an affidavit on which that warrant is based, to arrest a citizen in respect to a crime that is not within his knowledge or committed in his presence. That is going much further than Congressional or State legislation has gone heretofore.

Mr. RAY. May I interrupt the gentleman just a minute?

Mr. PATTERSON. Yes, sir.

Mr. RAY. This bill does not confer any power upon the post-office inspectors that is not now vested by law in the marshals. It is intended to give the one the power now possessed by the other.

Mr. PATTERSON. Well, now, that is the question.

Mr. RAY. It reads that they are to have the same power of arrest precisely that is now by law vested in the marshal.

Mr. PATTERSON. But I will say to my friend the ad[illegible] of this bill, in every speech they have made, have made [illegible] upon the assumption that the inspector would have the same power to make an arrest that a marshal, a deputy marshal, a sheriff, or a deputy sheriff would have after the warrant had been issued. If that is the meaning of it, the bill goes too far; if it is not the meaning of it, this bill is unobjectionable.

Mr. RAY. Permit me. If they have proceeded thus, it has been upon a wrong basis, an incorrect understanding of the bill, because this bill is intended to cover this proposition and none other—that if the inspectors should have a warrant in their hands, they may arrest; if they do not have a warrant, they can not arrest, unless the offense is committed in their presence.

Mr. PATTERSON. Well, there is no objection to that.

Mr. RAY. That is all that the bill is intended to accomplish.

Mr. PATTERSON. There is no objection whatever to that, but that is not the scope of this bill, as explained by my friend from Mississippi [Mr. KYLE]. It is not the scope of the bill as explained by my friend from California [Mr. LOUD]. They assume that this inspector has the same power to make arrest, without a warrant, which the marshal and sheriff has with a warrant.

Mr. MILES. Oh, no.

Mr. KYLE. I do not say that.

Mr. RAY. That is not the intent.

Mr. PATTERSON. Then I wish to say——

Mr. KYLE. What I sought to say was this: That the inspector might go before a commissioner and swear out a warrant and then go and make the arrest without having to go and look up a United States marshal and let the fellow escape.

Mr. RAY. And he makes the arrest under the warrant.

Mr. KYLE. And by virtue of it; and there is nothing in this bill, let me say to my friend, that would warrant him in making an arrest otherwise.

Mr. BRUMM. Under a warrant, as just stated?

Mr. TERRY. Can not the sheriff or deputy sheriff, for probable cause, in his judgment, make an arrest?

Mr. PATTERSON. Not unless the crime is committed in his presence.

Mr. RAY. My friend is correct. He might arrest if the offense were committed in his presence; but a citizen might do that in most of the States under the State law, and it does seem just and proper. But if they are proceeding simply upon information or belief, then they must go to a competent officer and make their proof and get their warrant, and then proceed under that. Now let me say to my friend here that all this bill does, all this bill purports to do, is to enable the inspector to go with his evidence to a commissioner or other proper officer, make his proof, and if that officer sees fit to issue a warrant, the inspector may take it and go immediately and make the arrest, and not have to delay to go, in many cases 20, 50, and perhaps 100 miles, to get the marshal. If the offense is committed in his presence, he may arrest without a warrant. The great object sought is to enable inspectors to make arrests in proper cases, and to execute warrants of arrest when to delay would enable offenders to escape.

Mr. PATTERSON. But that is not the meaning of this bill, and that is not how it is understood by its advocates. It has been construed upon this floor, as I understand, to mean that the inspectors shall have the same power to make arrests which a marshal or a sheriff has after the warrant is issued. If that is not the meaning, it seems to me that the bill ought to be amended so as to relieve it from the ambiguity which evidently exists. The language of the bill is:

> The same power in executing the law governing the postal service of the United States as marshals and their deputies and sheriffs and their deputies in such States may have, by law, in executing the laws thereof.

Now, what is the meaning of that? Does it mean what the gentleman from New York says, or does it mean what the gentleman from California contends it means? I insist that the bill ought to be amended so as to make it mean exactly what the gentleman from New York describes.

Mr. RAY. Permit me to say, Mr. Speaker, that no man on the Judiciary Committee had the slightest idea that any such construction could be given to the language of the bill. As my friend from Tennessee states, some gentlemen have given that construction to the bill in discussing it to-day, but I do not believe any such construction can properly be given to it. We certainly ought not to give these post-office inspectors any broader powers than the marshals and deputies have now.

Mr. HOPKINS of Illinois. Then would it not be well to have this bill recommitted to the committee and have a measure so framed as to be free from the objections that have been raised to this one?

Mr. RAY. It can be amended here in three minutes if it is found necessary to amend it. I do not think, however, that any good lawyer who scans the bill carefully will claim that it bears the construction suggested by the gentleman.

Mr. TERRY. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. Brumm].

Mr. BRUMM. Mr. Speaker, the question that to me seems most important in this case is whether or not the bill consolidates the power of the judiciary with that of the constabulary: in other words, whether they are thrown into one. If it does that, it strikes me that that alone ought to be sufficient to defeat this bill. As I understand it, it is proposed by this bill to permit the post-office inspectors to act as judges in the first instance and to determine whether, in their opinion, the man is guilty or not.

Mr. MILES. How does the gentleman get that construction?

Mr. BRUMM. I get it from the gentleman who has stated it here, and I have not heard it contradicted. Now, if the proper construction of this bill bears the gentleman out, or if there is any danger of that construction being taken as the right one, then the bill ought not to pass. As we all know, the post-office inspectors are birds of passage. They can and do travel anywhere and everywhere over the country. They are usually without any local habitation when they are engaged in their work. Any dishonest man may personate a post-office inspector, may visit a post-office, and may utilize this power of arrest to make it easier for him to rob the post-office and the postmaster. Give the inspectors the power proposed in this bill, and you increase the danger of this evil. It seems to me, Mr. Speaker, that these are sufficient reasons why this bill should not pass.

Mr. LAYTON. Read the statement in the report about giving them power to arrest without warrant.

Mr. BRUMM (reading):

> This will enable the inspectors to arrest without warrant upon reasonable suspicion justified by the facts and circumstances surrounding the case, but will not relieve them from liability for arrests made without reasonable care. The efficiency of the postal service will be greatly promoted by the passage of the bill as recommended.

So that, as has been stated here, these men will have the power to arrest anybody without warrant, and, being mere birds of flight, they will be entirely irresponsible and can not be called to account. Such a grant of power is against the genius of our institutions, and ought not to be tolerated.

Mr. COOPER of Florida. Mr. Speaker, this bill, it seems to me, is both unnecessary and dangerous. I have had considerable experience in practicing before the United States courts in cases involving violations, or alleged violations, of the postal laws, and it is quite clear to me that this bill ought not to pass. In the first place, it is objectionable upon general principles. The liberties of the citizen should never be endangered, nor should any official be authorized to trespass upon them except on the ground of absolute necessity.

There is no necessity to confer the power to make arrests upon these post-office inspectors. That power is now vested in the marshals and their deputies, who are amply able to execute the process of the courts, or to make arrests without such process where the circumstances and the law justify such action. In the next place, these inspectors are not lawyers. They are appointed simply to go around and inspect the post-offices. I ask the House to bear in mind that an arrest for alleged violations of Federal law involves almost invariably carrying the accused person away from his home and from the vicinage in which he lives, at great expense and hardship, to a remote point. Gentlemen say, "If people do not violate the laws they will not be arrested." It is not so, Mr. Speaker. The postal laws contain many provisions violations of which are not necessarily criminal, provisions which may be technically violated by mere mistake or ignorance. A post-office inspector will feel authorized to go into a community, and, if there happens in his sight an occurrence which he chooses to construe into a violation of the law, to arrest a citizen or a number of citizens and take them away 100 or 200 or 500 miles to the seat of the United States court or before a commissioner—without a warrant, without affidavit, without the judgment of any judicial officer that such arrest is necessary or that any offense has been committed. This involves a great hardship, and one wholly unnecessary to the execution of the law.

Let me illustrate. I have known a case where a post-office was located half a mile or a mile outside of the village that it served; and the mail carrier from that office every day passed through the business portion of the village while carrying the mail to the railroad station. Now, certain merchants, for convenience, would mail their letters with the mail carrier, because otherwise they would be required to go half a mile or a mile in the other direction to mail them at the post-office. In such a case an overzealous post-office inspector attempted to have a number of leading citizens of that community arrested and carried a hundred or two hundred miles from their homes to answer a charge of conspiracy to decrease the salary of the postmaster. A commissioner oftentimes would refuse to issue a warrant in such a case, where it was apparent to him that no offense had been committed or that the matter was trivial. But an overzealous or ignorant post-office inspector—not an inhabitant of the State, not under bond, not coming in contact with the people—might go into a community and arrest one man or a dozen men and take them to a remote locality at great expense, take them away from their business, away from their friends, subject them to the expense of employing counsel, possibly keeping them temporarily in jail while their cases were pending before the commissioner or while sureties were being obtained.

[Here the hammer fell.]

Mr. TERRY. I yield to my friend from Florida one minute more.

Mr. COOPER of Florida. It must be remembered, as I have said, that most of the charges of Federal offenses involve the taking of the accused from his home to a distant place. Is there any necessity for the passage of this bill? Are we not now enforcing our postal laws? Can not the regular bonded officers and their deputies enforce those laws? Can not the commissioner appointed by the court, and supposed to have some judicial knowledge, enforce the law? Can not the United States marshal or his deputies be relied on to make arrests wherever they are proper? This bill is without necessity; it is oppressive; its passage offers no advantage commensurate with the danger of this kind of legislation. It is against the genius of our institutions, which are opposed to putting the liberty of the citizen into the hands of any official where it can be avoided.

Mr. TERRY. I yield to the gentleman from Missouri [Mr. De Armond] five minutes, or such time as he may desire.

Mr. DE ARMOND. Mr. Speaker, in order that it may be further understood that this bill was not reported with the concurrence of all the members of the Judiciary Committee, I wish to say that when the matter came up in that committee at a time when I was present, I expressed my opposition to it, which still exists. I was not present, however, at the meeting when it was decided to report the bill.

I will not take the time of the House by going into the merits or

demerits of the bill. Because it is alleged that there are violations of the postal laws which are not easy of punishment, it is claimed that extraordinary, unheard-of powers should be conferred upon the post-office inspectors. How far these powers go, how far they will be executed, how they may be abused, no one can guess; no one knows.

A large share of bad law originates in good intentions, directed to particular abuses. Those abuses being in view, the greater abuses which may arise from the supposed remedy applied to them, are lost to sight and lost to consideration. That is the case I think with regard to this measure. If it were possible by law to provide that when one who violates the postal laws can be arrested and prosecuted in no other way, he may be arrested or prosecuted by clothing, for the time being, these inspectors with extraordinary powers, good might result. But to authorize the inspectors—a horde of them—not bonded with respect to such duties, to make arrests when and where and how they please, is a very dangerous thing.

It is said that if these officials abuse the power proposed to be conferred upon them, they may be proceeded against for this abuse. A poor remedy would that be in ninety-nine cases out of one hundred for the person who might be the victim of that abuse of power. Far better to endeavor to arrest violators of law in a lawful way than to make lawful what, according to all correct canons of interpretation and all correct systems of jurisprudence ever since civilization advanced into law, has been regarded as lawless and dangerous. I think the bill ought not to pass.

Mr. BAILEY. Will the gentleman allow me one question?

Mr. DE ARMOND. Yes, sir.

Mr. BAILEY. Is there a minority report against this bill?

Mr. DE ARMOND. I do not know that there is.

Mr. BAILEY. It happened that I was not in attendance upon the sessions of the Judiciary Committee when this bill was under consideration, and I know nothing about it. I was at that time attending a meeting of the Committee on Elections.

Mr. DE ARMOND. I do not know whether there is a minority report, the measure having been passed upon by the committee at a time when, as I have said, I was not present.

Mr. RAY. Mr. Speaker, I offer the amendment which I send to the Clerk's desk. After the amendment is read I ask to have the bill read as it will read when amended.

The SPEAKER. The Clerk will report the amendment of the gentleman from New York [Mr. Ray].

The Clerk read as follows:

> In line 9, page 1, after the word "thereof," add the following: "*Provided*, That the power of arrest or detention shall not exist in any case without a warrant or process, unless the offense is committed in the presence of such inspector;" so that the bill as amended will read as follows:
>
> "*Be it enacted, etc.*, That any person duly appointed as an inspector of the Post-Office establishment of the United States by the Postmaster-General shall have, in each State, the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof: *Provided*, That the power of arrest or detention shall not exist in any case without a warrant or process, unless the offense is committed in the presence of such inspector."

The amendment of Mr. Ray was agreed to.

The amendments recommended by the committee, striking out sections 2, 3, and 4, were agreed to.

The question was taken on ordering the bill as amended to be engrossed and read a third time.

On a division (demanded by Mr. Terry) there were—ayes 69, noes 51.

Mr. TERRY. I ask for the yeas and nays.

Mr. HENDERSON. Let it go to the passage.

Mr. BURTON of Missouri. Will not the gentleman consent that the yeas and nays be taken on the passage of the bill?

Mr. TERRY. We can take the yeas and nays now, and settle it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 94, not voting 144; as follows:

YEAS—117.

Aldrich, T. H.
Anderson,
Andrews,
Apsley,
Arnold, Pa.
Atwood,
Babcock,
Baker, N. H.
Bennett,
Blue,
Bowers,
Brewster,
Broderick,
Burton, Mo.
Burton, Ohio
Calderhead,
Chickering,
Clark, Mo.
Codding,
Connolly,
Cousins,
Crowther,
Crump,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Daniels,
Dockery,
Ellis,
Erdman,
Evans,
Fairchild,
Fenton,
Fischer,
Fletcher,
Foote,
Gamble,
Gillet, N. Y.
Gillett, Mass.
Griffin,
Grout,
Hager,
Hall,
Halterman,
Hart,
Hatch,
Heiner, Pa.
Henderson,
Henry, Conn.
Hepburn,
Hill,
Hitt,
Hooker,
Howe,
Hubing,
Hull,
Hunter,
Hurley,
Johnson, Cal.
Joy,
Kiefer,
Kirkpatrick,
Knox,
Kyle,
Lacey,
Leighty,
Leisenring,
Long,
Loud,
Low,
McLachlan,
Meiklejohn,
Meyer,
Miles,
Miller, W. Va.
Milliken,
Mitchell,
Moody,
Mozley,
Northway,
Otjen,
Patterson,
Pearson,
Perkins,
Pitney,
Poole,
Prince,
Quigg,
Raney,
Ray,
Royse,
Russell, Conn.
Scranton,
Shafroth,
Shannon,
Sherman,
Simpkins,
Snover,
Stahle,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Taft,
Tayler,
Thomas,
Tracey,
Treloar,
Turner, Ga.
Updegraff,
Van Voorhis,
Walker, Mass.
Wanger,
Wilson, Ohio
Wood,
Woomer.

NAYS—94.

Allen, Miss.
Arnold, R. I.
Bailey,
Bankhead,
Barney,
Beach,
Bell, Colo.
Bell, Tex.
Black,
Brosius,
Brumm,
Buck,
Cannon,
Clardy,
Clark, Iowa
Cockrell,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Cox,
Crisp,
Culberson,
De Armond,
De Witt,
Dinsmore,
Doolittle,
Eddy,
Ellett,
Faris,
Fitzgerald,
Gardner,
Gibson,
Graff,
Grow,
Hardy,
Harrison,
Hendrick,
Henry, Ind.
Hopkins, Ill.
Hopkins, Ky.
Howell,
Hyde,
Jenkins,
Johnson, Ind.
Kleberg,
Latimer,
Lawson,
Layton,
Lewis,
Linney,
Little,
Livingston,
Loudenslager,
Maddox,
Maguire,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McRae,
Mercer,
Milnes,
Minor, Wis.
Money,
Moses,
Neill,
Noonan,
Ogden,
Pendleton,
Pugh,
Reeves,
Shuford,
Sorg,
Southwick,
Sparkman,
Spencer,
Stallings,
Stokes,
Strowd, N. C.
Sulloway,
Sulzer,
Talbert,
Tate,
Terry,
Thorp,
Towne,
Tucker,
Warner,
Watson, Ohio
White,
Williams,
Willis,
Wilson, S. C.

NOT VOTING—144.

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Utah
Avery,
Baker, Kans.
Baker, Md.
Barham,
Barrett,
Bartholdt,
Bartlett, Ga.
Bartlett, N. Y.
Belknap,
Berry,
Bingham,
Bishop,
Boatner,
Boutelle,
Bromwell,
Brown,
Bull,
Burrell,
Catchings,
Clarke, Ala.
Cobb,
Coffin,
Colson,
Cook, Wis.
Corliss,
Cowen,
Crowley,
Cummings,
Curtis, Iowa
Dayton,
Denny,
Dingley,
Dolliver,
Dovener,
Draper,
Foss,
Fowler,
Goodwyn,
Griswold,
Grosvenor,
Hadley,
Hainer, Nebr.
Hanly,
Harmer,
Harris,
Hartman,
Heatwole,
Hemenway,
Hermann,
Hicks,
Hilborn,
Howard,
Hubbard,
Huff,
Hulick,
Hutcheson,
Johnson, N. Dak.
Jones,
Kem,
Kerr,
Kulp,
Lefever,
Leonard,
Lester,
Linton,
Lorimer,
Mahany,
Mahon,
Marsh,
Martin,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClure,
McCormick,
McEwan,
McLaurin,
McMillin,
Meredith,
Miller, Kans.
Miner, N. Y.
Mondell,
Morse,
Murphy,
Murray,
Newlands,
Odell,
Otey,
Overstreet,
Owens,
Parker,
Payne,
Phillips,
Pickler,
Powers,
Price,
Reyburn,
Richardson,
Rinaker,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Sayers,
Settle,
Shaw,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Spalding,
Sperry,
Steele,
Stephenson,
Stewart, N. J.
Strait,
Strong,
Swanson,
Tawney,
Tracewell,
Turner, Va.
Tyler,
Van Horn,
Wadsworth,
Walker, Va.
Washington,
Watson, Ind.
Wellington,
Wheeler,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Woodard,
Woodman,
Wright,
Yoakum.

Mr. ABBOTT. I was called from the House when my name was called. I should like to vote.

The SPEAKER pro tempore (Mr. Henderson). Under the rule the gentleman would not be permitted to vote now, if he was absent when his name was called.

Mr. ADAMS. I should like to vote. As I entered the door, I heard my name called, but I was not in time to vote intelligently.

The SPEAKER pro tempore. The gentleman being absent from the Hall at the time his name was called, the Chair does not think he can entertain the request.

Mr. ADAMS. I was in the House at the time my name was called.

The SPEAKER pro tempore. The gentleman could have answered to his name.

Mr. BAILEY. If the gentleman from Virginia, Mr. Otey, has not been excused, I ask that he be excused on account of illness in his family. I was with him last night when he received a telegram announcing the illness of his grandchild.

There being no objection, Mr. Otey was excused.

Mr. CROWTHER. I ask leave of absence for my colleague, Mr. Van Horn, who has been called from the House on account of sickness in his family.

There was no objection.

Mr. STROWD of North Carolina. My colleague, Mr. Martin, has been called home on account of the illness of his brother, and I ask that he be excused.

There was no objection.

The Clerk announced the following pairs:

Until further notice:

Mr. Dingley with Mr. McMillin.

Mr. Corliss with Mr. Cowen.

Mr. Pickler with Mr. Miner of New York.

Mr. Harmer with Mr. Hutcheson.

Mr. Kulp with Mr. Shaw.
Mr. McCall of Massachusetts with Mr. Jones.
Mr. Mahon with Mr. Otey.
For this day:
Mr. McCormick with Mr. Turner of Virginia.
Mr. Dovener with Mr. Rusk.
Mr. Bartholdt with Mr. Boatner.
Mr. Avery with Mr. Cobb.
Mr. William F. Aldrich with Mr. Lester.
Mr. Walker of Virginia with Mr. McLaurin.
Mr. Van Horn with Mr. Clarke of Alabama.
Mr. Bromwell with Mr. Strait.
Mr. Draper with Mr. Washington.
Mr. Smith of Michigan with Mr. Newlands.
Mr. Bingham with Mr. Culberson.
Mr. Cook of Wisconsin with Mr. Russell of Georgia.
Mr. Hubbard with Mr. Catchings.
Mr. Grosvenor with Mr. Abbott.
Mr. Hicks with Mr. Yoakum.
Mr. Overstreet with Mr. Turner of Virginia.
Mr. Reyburn with Mr. Crowley.
Mr. Simpkins with Mr. Meredith.
Mr. Stewart of New Jersey with Mr. Owens.
Mr. Tracewell with Mr. Robertson of Louisiana.
Mr. Wellington with Mr. Swanson.
Mr. Wilber with Mr. Wheeler.
Mr. Linton with Mr. Bell of Texas.
On this vote:
Mr. Hainer of Nebraska with Mr. Bartlett of Georgia.

The result of the vote was announced as above recorded.

The bill was read the third time, and passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. There is nothing further from the Committee on the Judiciary to-day.

INCREASE OF CIRCULATION OF NATIONAL BANKS.

Mr. VAN VOORHIS (when the Committee on Banking and Currency was called). Mr. Speaker, I present for consideration the bill (H. R. 849) increasing the circulation of national banks.

The bill was read, as follows:

> *Be it enacted, etc.*, That upon deposits by national banking associations of United States bonds, bearing interest as provided by law under the provisions of sections 5159 and 5160 of the Revised Statutes, such associations shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by existing law, equal in face value to the full par value of the bonds so deposited: and national banking associations now having bonds on deposit for the security of circulating notes less in face value than the par value of the bonds, or which may hereafter have such bonds on deposit, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the aggregate value of the circulating notes held by such associations to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of existing law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of sections 5167 and 5171 of the Revised Statutes, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security

Mr. McRAE. Mr. Speaker, I make the point of order that this bill is improperly on the House Calendar and not in order during the morning hour.

The SPEAKER. The gentleman will state the ground of his point of order.

Mr. McRAE. The ground is this: That it will necessarily involve a charge on the Treasury to furnish the increased issue of notes. Under the national banking act the Government is required to furnish the notes to the bank, and if this increase is authorized by this bill, it will necessarily involve a charge on the Treasury, and therefore indirectly appropriates money and should be upon the Union Calendar.

Mr. ARNOLD of Pennsylvania. I make the point of order that it will result in a profit to the Treasury, inasmuch as the national banks are taxed 1 per cent on their circulation, and therefore there would be no charge upon the Treasury.

Mr. McRAE. Then if the bill raises revenue, that is another reason why it is not now in order.

The SPEAKER. The Chair will hear the gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, I had no notice that this bill would come up, and I have not a copy of the rules before me, and can not now refer to any decisions, but I submit to the judgment of the Chair that, as this bill will indirectly involve a charge upon the Treasury, it ought not be considered during the morning hour.

The SPEAKER. The Chair thinks that very remote.

Mr. McRAE. Then I raise the question of consideration against the bill. It ought not to pass.

The SPEAKER. The question now is, Will the House consider the bill?

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. McRAE. Division, Mr. Speaker.

The House divided; and there were—ayes 126, noes 28.

Mr. McRAE. I demand the yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-seven gentlemen have risen in support of the demand for the yeas and nays—not a sufficient number.

Mr. McRAE. Tellers, Mr. Speaker.

The SPEAKER. The gentleman asks for tellers on ordering the yeas and nays.

The question was taken.

The SPEAKER. Twenty-nine gentlemen have risen in support of the demand for tellers. Thirty-six are required to order tellers. Not a sufficient number has risen. Tellers are refused; the yeas and nays are refused; the ayes have it, and the House decides to consider the bill.

Mr. COX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COX. The bill coming from the Committee on Banking and Currency is now to be considered. I wish to make an inquiry how long we would have to discuss this bill?

The SPEAKER. Unlimited time, if the House chooses to give it.

Mr. COX. My idea was this, Mr. Speaker: A bill of this importance ought not to be passed without full discussion. The gentleman knows, as I know, the minority of the committee who reported this bill are opposed to it. Now, what I was trying to arrive at was the time for discussion in regard to the matter, not a vote, so the House should understand what this bill means.

Mr. JOHNSON of Indiana. I do not understand what the gentleman means by saying that a majority of the committee are opposed to this bill.

Mr. COX. I did not say that.

Mr. JOHNSON of Indiana. I beg pardon. I understood the gentleman to say a majority of the committee were opposed to it.

Mr. COX. I said the minority were opposed to the bill.

Mr. VAN VOORHIS. What time does the gentleman desire?

Mr. COX. What would suit the gentleman from Ohio? I suggest that we go on with the debate, and then come to some arrangement.

Mr. VAN VOORHIS. I suggest, Mr. Speaker, thirty minutes on a side.

Mr. COX. Oh, no. I suggest that we go on with the debate, and then that we come to some conclusion when we ascertain the feeling of the House.

Mr. WALKER of Massachusetts. Mr. Speaker, I shall object to any arrangement that does not allow full debate of this bill either four or six hours or the whole of to-day's session. I want an hour.

Mr. McCREARY of Kentucky. I suggest that the gentlemen may agree when the debate shall have proceeded for some time.

The SPEAKER. The gentleman from Ohio is in charge of the bill.

Mr. VAN VOORHIS. I move that the time be limited to an hour on a side.

The SPEAKER. The way in which the gentleman can reach the question of limitation is this: He has charge of the bill, and can move the previous question; and if he is supported by the House, that will determine the question. There is no other way except that or agreement.

Mr. VAN VOORHIS. Then I ask for the previous question.

Mr. McMILLIN. Surely the gentleman does not wish to pass the bill without any debate?

Mr. GROSVENOR. There will be no trouble in extending the time after the previous question is ordered.

Mr. McMILLIN. If the previous question is ordered, it takes unanimous consent to extend it beyond the time fixed by the rules.

Mr. GROSVENOR. Perhaps it would be wise to extend it to that extent.

Mr. McMILLIN. We can not understand that you will always be wise on your side.

The SPEAKER. The gentleman asks for the previous question.

Mr. McMILLIN. A parliamentary inquiry. That, I believe, gives only twenty minutes' debate on a side?

The SPEAKER. That gives twenty minutes' debate on a side.

The question was taken on ordering the previous question; and the Speaker announced that the yeas seemed to have it.

Mr. McRAE, Mr. WALKER of Massachusetts, and others. Division!

The question was taken: and pending the announcement,

Mr. MILES. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 87, not voting 118; as follows:

YEAS—150.

Aldrich, W. F.
Aldrich, Ill.
Anderson,
Andrews,
Apsley,
Arnold, Pa.
Arnold, R. I.
Atwood,
Baker, N. H.
Barham,
Barney,
Barrett,
Bartholdt,
Beach,
Bennett,
Bingham,
Boutelle,
Bowers,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Iowa
Clark, Mo.
Codding,
Coffin,
Connolly,
Cooke, Ill.
Corliss,
Crowther,
Crump,
Curtis, N. Y.
Danford,
Daniels,
Dayton,
De Witt,
Doolittle,
Eddy,
Ellis,
Evans,
Fairchild,
Fischer,
Fletcher,
Foote,
Foss,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Hager,
Halterman,
Harmer,
Harris,
Heatwole,
Heiner, Pa.
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hill,
Hitt,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Howe,
Howell,
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hurley,
Hyde,
Jenkins,
Johnson, Ind.
Joy,
Kiefer,
Kirkpatrick,
Knox,
Lacey,
Leisenring,
Leonard,
Lewis,
Linton,
Long,
Loudenslager,
Low,
McEwan,
McLachlan,
Meiklejohn,
Mercer,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Mitchell,
Murray,
Noonan,
Northway,
Otjen,
Perkins,
Pitney,
Poole,
Powers,
Prince,
Quigg,
Raney,
Reeves,
Reyburn,
Rinaker,
Robinson, Pa.
Russell, Conn.
Scranton,
Shannon,
Sherman,
Snover,
Southard,
Spalding,
Sperry,
Stahle,
Steele,
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Taft,
Tayler,
Thorp,
Tracey,
Treloar,
Van Voorhis,
Wanger,
Warner,
Watson, Ohio
Wellington,
White,
Willis,
Wilson, Ohio
Wood,
Woodman,
Woomer.

NAYS—87.

Abbott,
Aldrich, T. H.
Bailey,
Baker, Kans.
Bankhead,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Bishop,
Black,
Blue,
Buck,
Clardy,
Cockrell,
Colson,
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Cox,
Crisp,
Culberson,
De Armond,
Dinsmore,
Dockery,
Ellett,
Erdman,
Faris,
Fitzgerald,
Hall,
Hardy,
Harrison,
Hart,
Hartman,
Hendrick,
Hicks,
Johnson, Cal.
Jones,
Latimer,
Lawson,
Layton,
Little,
Livingston,
Loud,
Maddox,
Maguire,
McCall, Mass.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McMillin,
McRae,
Miles,
Minor, Wis.
Money,
Moody,
Moses,
Ogden,
Patterson,
Pendleton,
Pugh,
Richardson,
Robertson, La.
Royse,
Sayers,
Settle,
Shafroth,
Shuford,
Skinner,
Sorg,
Sparkman,
Spencer,
Stallings,
Stokes,
Strowd, N. C.
Sulzer,
Talbert,
Tate,
Terry,
Towne,
Tucker,
Turner, Ga.
Walker, Mass.
Wheeler,
Williams,
Wilson, S. C.
Woodard.

NOT VOTING—118.

Acheson,
Adams,
Aitken,
Allen, Miss.
Allen, Utah,
Avery,
Babcock,
Baker, Md.
Bartlett, N. Y.
Belknap,
Berry,
Boatner,
Brewster,
Broderick,
Bromwell,
Brosius,
Brown,
Brumm,
Catchings,
Clarke, Ala.
Cobb,
Cook, Wis.
Cousins,
Cowen,
Crowley,
Cummings,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Denny,
Dingley,
Dolliver,
Dovener,
Draper,
Fenton,
Fowler,
Gamble,
Goodwyn,
Grow,
Hadley,
Hainer, Nebr.
Hanly,
Hatch,
Hemenway,
Henderson,
Hilborn,
Howard,
Hubbard,
Hutcheson,
Johnson, N. Dak.
Kem,
Kerr,
Kleberg,
Kulp,
Kyle,
Lefever,
Leighty,
Lester,
Linney,
Lorimer,
Mahany,
Mahon,
Marsh,
Martin,
McCall, Tenn.
McCleary, Minn.
McClure,
McCormick,
McLaurin,
Meredith,
Meyer,
Miner, N. Y.
Mondell,
Morse,
Mozley,
Murphy,
Neill,
Newlands,
Odell,
Otey,
Overstreet,
Owens,
Parker,
Payne,
Pearson,
Phillips,
Pickler,
Price,
Ray,
Rusk,
Russell, Ga.
Sauerhering,
Shaw,
Simpkins,
Smith, Ill.
Smith, Mich.
Southwick,
Stephenson,
Stewart, N. J.
Strait,
Sulloway,
Swanson,
Tawney,
Thomas,
Tracewell,
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Wadsworth,
Walker, Va.
Washington,
Watson, Ind.
Wilber,
Wilson, Idaho
Wilson, N.Y.,
Wright,
Yoakum.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent to speak just three minutes.

Several members objected.

The following additional pairs were announced:
On this vote:
Mr. Hainer of Nebraska with Mr. Hutcheson.
Mr. Dolliver with Mr. Allen of Mississippi.
Mr. Thomas with Mr. Catchings.

The result of the vote was then announced as above recorded.

The SPEAKER. The previous question is ordered, and twenty minutes for debate on either side is allowed under the rules of the House. The gentleman from Ohio [Mr. Van Voorhis] is recognized to control the time in the affirmative, and the gentleman from Tennessee [Mr. Cox] to control the time in the negative.

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman from Massachusetts [Mr. Walker], chairman of the Committee on Banking and Currency, desires an hour's time in which to address the House, and in view of the position he occupies on the committee and his long service in the House, I ask unanimous consent that that time be accorded him, apart from the twenty minutes on each side allowed under the rule for debate.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the gentleman from Massachusetts [Mr. Walker] may be allowed one hour outside of the forty minutes allowed by the rule for debate. Is there objection?

Mr. COX. Mr. Speaker, if the gentleman is going to speak in support of the bill, of course we shall expect the same courtesy to be extended to those opposing it.

Mr. WALKER of Massachusetts. I will say frankly to the House that I am opposed to the bill.

Mr. WILLIAMS. Mr. Speaker, I shall object to the request unless it is agreed that a corresponding length of time shall be given to the other side.

Mr. JOHNSON of Indiana. What is "the other side?" The gentleman should understand that the gentleman from Massachusetts [Mr. Walker] is opposed to the bill.

Mr. WILLIAMS. Then I will put it in another way. Unless the balance of the House together is allowed a corresponding hour, I shall object to the gentleman from Massachusetts having an hour. [Laughter.]

The SPEAKER. Objection is made, and the gentleman from Ohio [Mr. Van Voorhis] is recognized.

Mr. WALKER of Massachusetts. One other suggestion, Mr. Speaker. I suggest that the time for debate be two hours, one hour on each side.

Mr. JOHNSON of Indiana. I suggest that that would hardly be fair to those who favor the bill, because the gentleman from Massachusetts will speak an hour in opposition to the bill, and there will be also twenty minutes allowed to the opposition under the rule.

Mr. SHERMAN and others called for the regular order.

The SPEAKER. The regular order is called for. The gentleman from Ohio [Mr. Van Voorhis] is recognized.

Mr. VAN VOORHIS. Mr. Speaker, under existing law the national banks are authorized to issue circulating notes to an amount equal to 90 per cent of the par value of the bonds deposited with the Treasurer of the United States for the purpose of securing circulation. By this bill it is proposed to amend existing laws so as to authorize the banks to issue circulating notes to the par value of the bonds deposited with the Treasurer.

Mr. COLSON. Mr. Speaker, if it will not interrupt the gentleman, I wish to ask him if that is the only change it makes in the existing law.

Mr. VAN VOORHIS. That is the only change. Under the proposed amendment it would be possible for the banks to issue on the bonds now on deposit with the Treasurer, in addition to the circulation already out, $23,366,850 of circulation. This additional circulation could be given the banks without increasing in any way the burdens of the Government.

Mr. WILLIAMS. Mr. Speaker, may I interrupt the gentleman for a moment? I wish to withdraw the objection which I made a moment ago to the request that the gentleman from Massachusetts [Mr. Walker] should be allowed to occupy an hour.

The SPEAKER. Is there further objection?

Mr. MILNES. Regular order, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. VAN VOORHIS. It would not increase the burdens of the Government, but it would yield a profit to the Government of $237,291 by reason of the tax on the additional circulation that this bill would give to the banks. At the same time the note holder would be absolutely secure, for the bonds of the Government are selling upon the market at a considerable premium, and, in addition to the bond security, the note holder has a first lien upon the assets of the bank. So that we have an increase of circulation, which would benefit the banks; we have a profit to the Government, and the note holder would be absolutely secure.

This amendment to our banking laws has been recommended by the Comptroller of the Currency. It was first recommended by John Jay Knox in 1883; and every annual report of every Comptroller since that time has repeated this recommendation. This is all I care to say at present. I reserve the residue of my time.

Mr. COX. Mr. Speaker, the ground of opposition to this bill on the part of members of the minority of the committee can be readily explained. There can be no debate about the note holder being secured, even though notes be issued to the par value of the bonds; but there is a difficulty, a very serious one, as I think, which I believe the House has not properly considered. There is no law imperative upon the national banks to take out circulation. The truth is that about eight of the largest banks in the United States take out no circulation at all. Now, I was willing, and am yet, to vote for this bill if it be made imperative upon the banks to take out circulation.

Let me call attention to what in my judgment would be the result of this bill. With the banks holding the bonds, and the circulation unprofitable, because of the high price of the bonds, they refuse to take out circulation. Any practical business man can see at once why they refuse. There is no financial sense in buying bonds at $1.15 or $1.20 for each dollar of bonds and then getting circulation to the amount of only 90 per cent of the face value of the bonds, when the money necessary to purchase the bonds could be otherwise used for the profit of the bank.

Now, what is going to be the result of this bill if it should become a law? Outside of about eight banks in the United States (and they are very large banks), you will advance the price of the bonds. That is what this bill is going to do. Any new bank attempting to organize will have to pay the premium upon bonds held by parties outside the bank. In the meantime the same influences which are operating now to advance the price of the bonds will continue to operate. And when you do that you have done nothing toward increasing the banking circulation; you practically leave the banks in the position in which they now are. There is nothing imperative upon those institutions to take out circulation. Consequently they will content themselves with the profits arising from the interest on the bonds they are bound by law to deposit, and not a dollar of circulation will they take out until they believe they can make money on the circulation. This they decide for themselves, and the amount taken out is fixed by the banks instead of being controlled by law.

Mr. HALL. There is one thing which my friend from Tennessee does not make clear to my mind.

Mr. COX. I hope I shall do so.

Mr. HALL. I do not understand why simply permitting the banks to take out notes to the amount of the par value of their bonds would increase the value of the bonds, unless also the circulation upon those bonds were increased.

Mr. COX. Why, my dear sir, whenever you increase the use of a bond it becomes more valuable. Hence, whenever you can take out more circulation upon a bond, you increase the value of the bond.

Mr. McCLELLAN. Would you not increase the price of the bonds still more by forcing all national banks to become banks of issue?

Mr. COX. My friend has made the mistake which I think several other gentlemen make. It does not follow, because a bank takes out circulation to the value of the bonds which it holds (a proceeding which I contend ought to be made imperative upon them) that the amount of notes taken out in that way will necessarily enter into the circulation of the country. That will depend upon the business of the country. But the very moment you give a national bank the power to take out notes to the amount of the par value of the bonds, and it takes out circulation to that amount, it becomes the interest of the bank that that money shall be put into circulation. Though the notes may be taken out and put in the vaults of the bank—not put in actual circulation—the tax on those notes is charged against the bank at the Treasury Department the very moment they are taken out. Hence it becomes the interest of the banks to put out circulation so as to offset the expense which they incur in taking out their circulation. They are the judges how they will put out these notes, and how many of them they will put out.

Mr. MITCHELL. Do I understand the gentleman to object to legislation which will increase the value of our United States bonds?

Mr. COX. I do object to increasing the value of the United States bonds if you propose to continue your bank currency based on such bonds, and then leave it to the holders of the bonds to control the amount of bank circulation in the country.

Mr. HULICK. Do I understand the gentleman from Tennessee to insist upon having these great banks of New York City and other large cities compelled to issue notes to the full amount of their bonds? Is that the gentleman's idea?

Mr. COX. No; my idea is to compel them to take out circulation upon their bonds at the par value of those bonds. How they will use the notes when taken out is a matter of banking. But if the notes be taken out, it becomes the interest of the banks to use that circulation instead of holding it locked up in their vaults.

In other words, the tax on circulation attaches to the amount of circulation the bank may be entitled to, and to recover back this expense it becomes the interest of the bank to use its circulation. It obtains it as it wants it, but the tax covers the full amount the bank is entitled to.

Mr. HULICK. You would compel them, therefore, to put out the circulation of their notes into the country.

Mr. COX. No; I propose that they take from the Government an amount of circulation up to the par value of the bonds. Then how they shall use it will be a matter discretionary with the banks.

Mr. McMILLIN. I will ask my colleague a question, with his permission. Is it not a fact that a large number of the banks which demanded an increase of circulation during the worst of the panic through which we have been going returned the circulation without ever having cut the bands on the packages, and did not utilize it at all?

Mr. COX. That is true; and you will strike the same thing again the first time the occasion arises, because the self-preservation of the banks is a higher law than any we can pass here. Now, I yield the rest of my time to the chairman of the committee, the gentleman from Massachusetts [Mr. WALKER], with whom I have been serving for so long, and I think he ought to have had the time which he asked for the discussion of this bill.

Mr. WILLIAMS. Mr. Speaker, I want to ask unanimous consent that the gentleman from Massachusetts [Mr. WALKER] be allowed an hour.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent that the gentleman from Massachusetts [Mr. WALKER] be allowed an hour in which to address the House outside of the regular time allowed by the rules. Is there objection?

Mr. GROSVENOR. I object.

The SPEAKER. Objection is made.

Mr. McMILLIN. Mr. Speaker, there was a suggestion by the gentleman in charge of the bill [Mr. JOHNSON of Indiana] that debate be limited to one hour on a side. This is a very important measure. Copies of the bill have been exhausted, and I therefore ask unanimous consent that one hour on a side be given for discussion, and that the time which has been taken up already be counted in that time. I make that request in view of the fact that copies of the bill have been exhausted, and that opportunity for amendment has been taken away by the previous question. I do not think that is an unreasonable request, concerning so important a measure.

Mr. WALKER of Massachusetts. I hope the gentleman from Ohio will not object to my having an hour.

Mr. GROSVENOR. Mr. Speaker, I withdraw my objection, and am willing that the gentleman may have whatever time he wants.

The SPEAKER. The gentleman from Ohio withdraws his objection to the request that the gentleman from Massachusetts [Mr. WALKER] be allowed one hour. Is there further objection? [After a pause.] The Chair hears none.

Mr. McMILLIN. I did not wish to cut off the gentleman. Now I will renew the request that I made a moment ago.

The SPEAKER. The gentleman asks unanimous consent that there be an hour for debate on either side, including the remarks of the gentleman from Massachusetts.

Mr. McMILLIN. Including what has been consumed.

Several MEMBERS. No, no.

The SPEAKER. Objection is made. The gentleman from Massachusetts [Mr. WALKER] is recognized for one hour.

Mr. HULICK. Before the gentleman begins, ought we not to have it determined when a vote shall be taken, so that those of us who are compelled to retire can do so? I think we should be informed when the vote is to be taken.

Mr. WALKER of Massachusetts. Mr. Speaker, I thank the House for its great courtesy in giving me an hour by unanimous consent. This question, at this time and in this form, is one of the most momentous questions that this House has had brought before it during the last ten years.

A thing may be proper to be done, desirable to be done, and justice may require that it should be done at one period, and yet it may have in it immense potency of evil if done at another period.

At least three in five, and I believe nine in ten, of the people of this country are under the impression that what is for the banking interests of the country, and what is represented in the banking interests of the country, is opposed to them and their interests. Under these circumstances, and at this time, to even seem to grant any privileges to the banking interests and the money interests of this country is, I want to say to the House, fatal to the best interests of the country, because of its adding to this prejudice. As a naked proposition, to have been voted upon when John J. Knox first recommended that this legislation should be had, or at any time previous to the last five years, this should have passed unanimously. To-day it ought to be voted down unanimously, and I believe that before I get through a very large majority of this House will be of the same opinion, however they may vote.

Mr. Speaker, I want to say first that it is the natural right of every man, or any two men, or any five men combined, to give a promissory note for products to any of their neighbors who will take it. It is the natural right of every man to agree with his neighbor that he will deliver to him any time in the future, near or remote, any given thing.

Our national banking act requires that before five men shall do this they shall deposit with the Government a fee for doing it, and this fee amounts to anywhere from 10 per cent of their capital up to $25,000 for a bank of $250,000 capital up to $2,000,000, in buying its bonds, upon which it then allows them to take out promissory notes to give for titles to products.

Mr. JOHNSON of Indiana. If the gentleman will pardon me a minute. Mr. Speaker, it is evident that this debate, if all the time allowed be occupied, and I imagine it will be, will probably run up to about 6 o'clock, and there would be only a few gentlemen who would remain. I therefore ask unanimous consent that the vote be taken to-morrow morning, immediately after the reading of the Journal.

Mr. WALKER of Massachusetts. That is a good idea to disperse my audience.

Mr. JOHNSON of Indiana. I am not going to disperse the gentleman's audience; but I want all the members present when the vote is taken.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. WALKER of Massachusetts. Oh, yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the vote upon this question be taken to-morrow morning immediately after the reading of the Journal. Is there objection?

Several members objected.

Mr. WALKER of Massachusetts. Mr. Speaker, the people of this country have helped to build up the national banking system, and it has been one of the most blighting things that has existed in national law, to the whole South and to the Northwest of this country during the last ten years. I believe I can show to this House before I take my seat that this statement is true. Just look at it a moment. In the first place, in every other country the banks issue currency just as freely as they issue checks or drafts; and there is no reason why a bank should not issue its paper money—its currency—absolutely without cost, up to a reasonable amount, namely, the capital of the five persons who have formed the bank, who have put their capital into the bank, and it should be issued without a farthing's cost except the printing of the bank notes. A bank bill is nothing in law or usage but a certified check or a certificate of deposit in the bank to the man holding it. That is all it is to the man who holds it.

Now, the $1,000,000,000 of currency in this country is costing the people of this country in higher rates of interest $60,000,000 at 6 per cent, for the banks are now making nothing on it, and therefore must get $60,000,000 more on their $4,500,000,000 loans. Furthermore, our Treasury is costing $17,000,000 more. That makes $77,000,000 absolutely wasted, taken out of the pockets of the people, in higher prices, in everything they buy. I could demonstrate the accuracy of this statement to any twelve men so as to get a unanimous verdict upon this proposition. Any man can figure their extra cost when he goes to buy goods, boots, shoes, food, clothing. On an average all products are held a year before they are consumed.

Now the rates on loans and discounts in this country are 1 per cent higher than normal, and prices 1 per cent above what they would be under rational banking and currency laws, such as they have in all other civilized countries. A man spending, say, $300 a year loses $3 in higher prices under this system. Another man spends $1,200; his purchases cost $12 extra; and if it be $12,000, it would be $120. This is susceptible of proof. It is shown by the bare statement I have made. I will prove it in another way. The banks carry $800,000,000 of cash reserves and $200,000,000 in deposit in banks as reserves, 3 per cent on which is $6,000,000, which amount, with 6 per cent on the former sum, $48,000,000—a total of $54,000,000, and, adding the $17,000,000 wasted on the public Treasury, amounts to $71,000,000. That is the second way to prove it, for there is not another country in the world where the currency issued by the banks does not more than cover the cash reserves and the total reserves held in the banks worth 6 per cent here to banks while in circulation. That is the second way to prove it. The third way is this: We have $4,500,000,000 of loans and discounts. At least 25 per cent more loans and discounts could be made if the banks issued their currency freely; in country districts more than 50 per cent more. Why, in the Massachusetts banks, as you can see by looking at the appendix to my argument before the Committee on Banking and Currency on February 18, 1897, that I have put on the desks of all members, our loans in New England were 125 per cent to total of deposits and capital under the Suffolk system in 1856, while to-day you can not loan over about 87 per cent even in New England, and much less in the whole country—42 per cent more in 1856 than in 1896.

Then, again, listen to this statement. There is a bank in the town of my friend from Pennsylvania [Mr. BROSIUS], the town of Lancaster, Pa. It has a capital of $200,000. All its capital is invested in bonds, to take out circulation. But let us see how it works. When you take that $200,000 in capital anywhere where you want to establish a bank, you find this: Our bonds sold to pay only 2.45 per cent interest for the eight years previous to the panic of 1893. Their normal price is 130 to pay 2.5 of income on their price, which is more than 3 per cent more than they averaged to pay in the eight years previous to 1893. You have, on the bonds that you get at 130, bonds amounting to $153,846.16. If you get currency up to par, what have you? You must put up 5 per cent for the redemption fund, or $7,692.31. That leaves you a possible loanable fund of only $146,153.85. You have reduced your loanable capital by 26.93 per cent from what you had when you began. And, furthermore, you can not loan a dollar to anyone unless he wants the bank bills. You have taken every dollar of your money and put it into bank bills: and if your customer can not use bank bills, but wants a check or a draft on New York, you can not loan him one cent until you send your bills to New York.

Again, when you have that money in your vaults, and it is not in circulation, you lose about 6 per cent, but in case you succeed in getting the money into circulation you get full interest on it, while out. In the country districts of New England, under the Suffolk system of current redemption, a system they had all over that country, they provide for current redemption in a big commercial city, Boston. They issued 100 per cent in currency in Vermont, equal to their capital, and made their loans and discounts at one-half of what they could make them had they not issued currency freely. In Virginia the banks had in circulation 96 per cent of currency to their capital.

Now, under the Suffolk system, what would be the result in aggregating $200,000 capital? You would have your capital and also currency to the amount of $200,000 if you could keep it in circulation. By keeping it at par with coin, as we did in New England, you would have, after setting aside 5 per cent for a current redemption fund, $390,000 possible loanable funds. The currency of the banks was as large as their capital in many cases, and they were thus able to make their loans and discounts at one-half of what they could without their currency, $390,000, under a rational and customary system, while issuing it to the par of the bonds, you can loan but $146,000, about three-eighths as much.

Raising $20,000 for a bank, they would only get of loanable funds $14,615.38, while under my bill their possible loanable funds would be $39,000.

Do you want to perpetuate this system? Can any political party afford to do so? It is believed all over this country that the bankers bought the $262,000,000 of bonds of this Government at 111.84 when its credit was destroyed, and by the very action of the bankers themselves. Of course I do not believe it, but that is the popular belief. They bought these bonds at 111.84, when their normal price in prosperous times was 127.44. The people thus lost $41,000,000. Those bonds have gone up, so the bankers have pocketed $16,000,000, and the popular belief is that they now want this bill passed so as to make the price of those bonds go up, so they can pocket the other $25,000,000. If that is the popular belief, does this House want to give these people any more specious evidence that it is true? I tell you, gentlemen, that the vote of this country very largely hangs on the vote on this measure, which ought to have passed years ago, but which, passed to-day, is giving a stone for bread and a scorpion for a fish; and it will be so regarded by large masses of honest people all over the country. Look at the situation a moment. Repeal your tax, allow the banks to issue circulation to the par of the bonds, with bonds at a nominal price of 130. What are the facts? In New York and Boston and other 4 per cent localities the profit to banks on currency will be 44 per cent more than in a 6 per cent locality, when it should be 50 per cent more in the 6 per cent locality.

Do you want to perpetuate such a system? How long must the people of the Northwest, of the South, and of all our agricultural regions, where money is 6 and 8 and 10 per cent, be compelled to go to New York to get their money? When our bonds sold to pay an income of 2.45 per cent in 1890, the New York City banks had $3,500,000 in currency. On October 2, 1893, when the bonds paid 3[illegible] per cent income on their price, New York City banks run th[illegible] currency up to $15,800,000. Do you want to vote for this bill [illegible] aggravate and perpetuate such a system? Nay, verily. [illegible]chief to our country lurks in it. In a 4 per cent locality [illegible] is 174.4 per cent more than in an 8 per cent locality, w[illegible] it should be 100 per cent more in the 8 per cent locality. [illegible] New York City, rating it a 4 per cent locality, the profit is [illegible]5.5 per cent more than in a 10 per cent locality, when every [illegible] knows that in a 10 per cent locality the profit ought to be 150 per cent more than in a 4 per cent locality.

Do we propose to vote for this bill in the light of these facts and go to the country on our record? I want [illegible] to this House that the evidence before our committee is conclusive that the people do not want cheap money. They want their natural rights on this money question. If they can be allowed to issue money freely, as they are allowed to do in every other country excepting this, and as our people did under the old State-bank system, the evidence is that you will hear nothing more of the greenback question or of the free-silver question. They are willing to accept any reasonable conditions for making good money. The people are taking these things as weapons to fight the bankers of this country, as they misunderstand the matter, and this bill, if passed, will seem to justify the opinions that have been instilled into their minds for years.

Now, let me give you a few more figures. In 1856 the loans to capital and deposits in the State of New York, outside of the city, was 116.5 per cent. To-day it is only 77.6 per cent. In New York City it was only 87.8 per cent. To-day it is 96.9 per cent. New York City has to-day 10 per cent more loans than she had in 1856 to her capital and deposits, while the State of New York, outside of the city, has 50 per cent less to-day than in 1856. Thus our banking and currency system works against the farming sections. Is it not perfectly evident to this House that, the loans and discounts of those country banks being so much less than they were formerly to the same amount of funds, the country people are paying about one-third more interest than they would have to pay if they could issue currency as under the old Suffolk system, which system was just as safe in every respect as the existing system, and that they are now seriously suffering?

I tell you Republicans that if you do not act with the greatest wisdom and promptness on this currency question you will not have as many Republicans in the Fifty-sixth Congress as there are Democrats in this Congress. We are proceeding in the wrong direction in this bill. We ought to amend our national banking law, and that at once, so as to permit the national banks to issue currency naturally, as was done under the old New England Suffolk system, under the Scotch system, the Canadian, and all others excepting ours, and under the State-bank system all over this country. The currency issued by those banks was not safe because there was no provision for current redemption in a large adjacent commercial city. In Virginia they had twice as much coin to their currency as there was in New England. Thirteen and one-half per cent was what we had in New England, and yet our bills sold at a premium everywhere and our bank failures were practically unknown; while in Virginia, for the reason that they did not provide for currency redemption in Baltimore, as over their own counters, their bills and those of all the other States except Louisiana sold at a discount. This simple contrivance makes the difference between money at par and at a discount. Now, nobody doubts that this bill ought to have passed long ago, but we are asked to do this thing at the wrong time, and therefore it ought not to be passed now.

I have not time to go any further into that question, but now let me ask your attention to some figures in this table:

State.	Year.	Percentage of currency to— Capital.	Deposits.	Loans and discounts.	Total currency and deposits.	Percentage of specie to— Currency.	Loans and discounts.	Currency and deposits.	Percentage of loans and discounts to total of capital and deposits.	Percentage of excess of loans and discounts to total of capital and deposits in 1856 over 1896 on the same funds.	Total national and State banking capital per capita.	Circulation per capita.
Maine	1856	64	240	39	70.59	15	5.76	10	113.4	34.5		$8.08
	1896	46	33	22	24.55	22	5.04	6	84.3			7.09
Massachusetts	1856	45	100	26	52.13	17	4.50	9	111	25.6		21.58
	1896	45	28	19	21.61	22	4.37	5	88.4			9.06
Vermont	1856	161	498	54	83.27	5	2.85	4	115.7	46.5		12.61
	1896	49	41	28	28.69	19	5.33	5	79			10.34
Rhode Island	1856	27	176	19	63.73	10	1.56	6	112.2	22.8		31.62
	1896	38	38	21	27.67	16	3.24	4	91.4			21.08
New York, except New York City	1856	76	113	28	55.55	5	1.44	3	116.5	50.1		7.48
	1896	47	15	15	13.66	40	7.15	6	77.6			3.67
New York City	1856	15	12	8	10.92	139	10.73	15	87.8			10.39
	1896	41	8	7	7.01	240	15.76	17	96.9	a10.4		13.65
Virginia (and West Virginia)	1856	96	210	61	67.73	24	12.04	16	112.8	35.6	$7.90	10.67
Virginia (old)	1896	39	14	12	12.21	59	7.27	7	81.2		6.25	1.11
North Carolina	1856	85	522	50	81.92	24	11.77	20	116.2	32.8	5.73	5.79
	1896	26	14	11	12.65	73	7.79	9	87.5		2.93	.44
South Carolina	1856	37	212	29	67.94	19	5.52	13	110.8		21.65	9.21
	1896	24	12	7	10.65	47	3.34	5	110.7		2.96	.39
Georgia	1856	50	329	40	76.70	22	8.66	17	110.8	31.8	12.16	6.31
	1896	31	17	13	14.27	61	7.73	9	84.1		3.08	.55
Louisiana	1856	38	49	26	32.47	113	20.78	37	81.4		30.37	10.29
	1896	35	7	7	6.61	194	13.83	13	82.6	a1.47	4.71	.89
Indiana	1856	112	231	65	82.51	35	22.85	29	111.6	51.8	3.38	3.34
	1896	31	16	15	13.81	99	14.50	14	73.5		8.19	2.16
Michigan	1856	79	42	29	29.56	27	7.50	8	94.8	9.22	1.54	.77
	1896	31	12	10	10.52	84	8.04	9	86.8		10.71	1.96
Six New England States	1856	47.1	132.1	28.7	60.4	13.5	3.9	8.2	125	42.5		16.93
	1896	36	21.9	15.6	17.9	38.3	5.9	6.8	87.7			11.10

a Excess in 1896 over that of 1856.

State.	Currency notes issued by the banks, 1896.	Currency notes that would be in circulation were there the same percentage of circulation to banking capital to-day as in 1856.	Currency notes that would be in circulation were there the same per capita in circulation to-day as in 1856.
Virginia	$1,891,145	$10,596,158.40	$13,343,400
North Carolina	565,385	4,858,452.00	9,528,100
South Carolina	116,785	1,391,379.85	9,985,000
Georgia	1,032,438	3,111,158.50	12,322,000
Louisiana	497,223	2,198,563.50	13,758,000

Virginia to-day is robbed, practically robbed, of $12,000,000 of working capital that she would have under a rational banking system. And the same is true of all the other States—the agricultural States particularly. The large cities are relatively profited by the present national bond system of issuing currency, but in every other place it is a blighting curse.

Ah, but you tell me the trouble is they have no capital in the agricultural sections. That can not be the trouble, for they have more capital per capita in every State of this Union than they had in 1856, the year these figures were made for. There are no inducements for persons having capital to put their capital into banking in those sections. They do not do it because it will not pay them unless they can issue currency freely. They can do better by investing their money in the large centers, losing the advantage which they would have if they could put their capital into banking and issue bills upon it and have every dollar give additional dollars to loan. This has become such a terrible oppression that you can not find currency in circulation in many portions of the agricultural sections of the country.

Now, in seven States of the Northwest—California, Colorado, Idaho, Montana, Nevada, Oregon, and Washington—the loans and discounts, as compared with capital and deposits—which are the funds of the banks—are only 52 per cent, while in 1856 the proportion in Massachusetts was 125 per cent. Just think of it a moment, 125 per cent of loans and discounts, as compared with capital and deposits, while now in the seven States that I have named the percentage is only 52.5. If those States had grown up under the Suffolk system—under a rational and universal system of banking and currency, such as exists in every country of the world except this—they would be loaning 125 per cent, and loaning it for one-third to one-half less than the rates at which they are now loaning their money, while at the same time they would be paying as large dividends on their banking stock as they are paying to-day.

Again, the present system compels our banks to be bond speculators. Why, sir, in 1881, when our bonds were paying 3 per cent on their purchase price, there was $312,000,000 of bank money in circulation. In 1890, when those bonds paid only 2.45 per cent, the money in circulation was reduced to $126,000,000. That is to say, when we want least money, the banks issue the most; when we want most money, they issue least. Our present banking system makes the currency of this country a "freak" currency, not issued with any regard to demand and supply, but issued wholly with reference to the profits of the banker.

Now, the remedy for these evils is to reform our banking and currency system. Let us save all we have in the national banking system that is valuable. Let us make each bank redeem its notes, every one of them, at some great commercial center which they themselves may elect, under the supervision of the Comptroller of the Currency, and keep every dollar of it at par with the most valuable coin. Allow them to issue their notes against their assets, up to their capital, just as they do in every other country and as they did in this country before the adoption of the national banking system. Let us have the supervision that we now have over them. If the bills of any bank come in for current redemption too frequently, it will be in order for the Comptroller of the Currency to notify such bank that it must not issue so many notes. The aggregate notes of all the New England banks were redeemed, on an average, five times a year—some of them not more than three times, some of them not more than once, some of them a dozen times.

In a city they can not issue currency under a free banking or a free currency system, because the currency is cleared at the clearing house as checks and drafts are and does not stay out long enough to make it an object for them to issue it. Under a rational banking system those sections of the country that need the most currency issue the most and get the profits on it and the people low rates of interest. The prices of loans and discounts are thus reduced, and they get their money as cheaply, or nearly so, as business men in New York.

It is a fact within my personal knowledge that the country banks throughout New England loaned their money on the whole and on the general average as low as it was borrowed in the city of Boston in 1856. Under a national banking system, loans and discounts in this country would, within ten years after our adoption of such a system, be scarcely higher in one part of the country than another, except as affected by the security given. To-day, although the security is equal, loans and discounts are in some parts of the country double what they are in others.

Mr. Speaker, I want the House to vote on this question intelligently. I want members to understand what they are doing. I do not want this House to advertise to the country that it is legislating in the interest of the bankers only when it is not so doing. Let me say to this House that there is no instance in history of any coinage system or any banking system of any country having been corrected or reformed upon the solicitation or with the approval of the bankers of that country. The very qualities that make men safe bankers—the very elements of character that make the Americans such splendid bankers, patriotic, and in every way as honorable, as any class of men in the community—are the elements of prudence, conservatism, and caution which lead them to fight, and fight to the death, anything that will touch existing conditions. Therefore this House must legislate outside of and adverse to the advice or approval of the bankers.

Mr. COOPER of Florida. Will the gentleman yield to me a moment?

Mr. WALKER of Massachusetts. Yes; or to anybody else.

Mr. COOPER of Florida. I wish to ask a question for information. I ask the gentleman whether there is anything that occurs to him as objectionable in this bill in permitting an increased issue of currency on the deposit of bonds?

Mr. WALKER of Massachusetts. Yes; there is a most decided objection. The great trouble in this country to-day—the source of the anxieties and panics that prevail from time to time—is the plan of making the Treasury responsible for the current redemption of the whole of this thousand million of currency. This system was only made endurable up to 1893 by this great Government being a part of the clearing-house system in New York, being a member, practically, of the New York clearing house. That required the keeping of nearly $300,000,000 in our Treasury, in order to make the people and the banks feel secure in the action of the Government, and the people were taxed for the interest on that sum.

Pass this bill and immediately $23,000,000 more will be added to the sum of money troubling the United States Treasury. Furthermore, the bonds that are now in existence will be sent into the banks, and from $50,000,000 to $100,000,000 will be added to still further perplex the Treasury of this country, and to cause still more anxiety, and to cause still more panics, to throw men out of employment and make still more trouble. It will aggravate the situation.

Mr. COOPER of Florida. Will the gentleman permit me one further question?

Mr. WALKER of Massachusetts. Yes.

Mr. COOPER of Florida. In your judgment, then, will the passage of this bill increase the national-bank circulation in the United States?

Mr. WALKER of Massachusetts. I have no question about its increasing very much the national banking circulation in the United States, but I do not believe it will reduce the price of loans and discounts by the smallest farthing, but I do believe it will still further congest money in New York; in fact, all the money except the bank currency. The bank money is currently redeemed. If the New York bankers, or any other bankers, get any of this national circulation, it will be sent to Washington to be redeemed, and go back to the bank that issues it. The banks, therefore, will send all of their silver certificates, Treasury notes, legal-tender notes, and everything else to New York. The result now is that there is kept in New York from $60,000,000 to $100,000,000 of surplus money that the people can not borrow. This bill will still further increase it, and continue to limit the country districts in money accommodations.

One word more. You understand that if we have banks all over the country, situated as they were before the war, in every large town, the banker knows the men in that town and whether they are good for a loan or not, and these countrymen can borrow money in their own town; but get 100 miles away from them and the banker does not know the people who desire to give their notes in borrowing money, and therefore he will not dare loan the money. This national banking system amounts practically to a prohibition to the farming interests of some sections of this country as to borrowing money. [Applause.]

Mr. HILL. The gentleman from Massachusetts objects to the bond security under the national banking system because it locks up an unnecessary amount of money, and would therefore favor some other method. Why does the gentleman oppose an amendment looking to a release of part of the money that is locked up? Is not his objection rather against the whole system, and not against this particular measure?

Mr. WALKER of Massachusetts. My fundamental objection is against this needless, extravagant, oppressive system, and I object to this bill because it will not release one dollar of money, practically, for the people. That is to say, every dollar of this money that goes into general circulation will come back here to be redeemed and go into the banks that issue it, and throw out of those banks the silver certificates, the Treasury notes, and the legal-tender notes that they now have, which will drift to New York, so that the parts of this country that need the loans and discounts will not be helped by the smallest farthing. Those sections can not afford to buy bonds and take out currency, as I have proved.

Mr. WATSON of Ohio. Are you not opposed to the entire national banking system?

Mr. WALKER of Massachusetts. I say that it is impossible to-day to repeal the 10 per cent tax on State banks, because when we allow any notes to be issued by any banks we ought to provide for the banks keeping those notes at a par with all the money that we now have; and if we allowed State banks to issue their currency, we could make no provision, unless the National Government assumed it, for keeping their notes at a par with our coin, whether silver or gold. Therefore we are obliged to keep the 10 per cent tax on State-bank currency, and I believe that the national system, framed on the Suffolk plan as to currency, is better than the State-bank system.

Now, I want to say this—and I know I am going to be misrepresented in the newspapers, as I always am, about it. If we had no greenbacks, no Treasury notes, no silver certificates, and if we could not amend our national banking system, this House ought, within twenty-four hours, to repeal that 10 per cent tax on State-bank currency and give the people a chance to have cheap money, and they soon would make it good money.

Mr. WATSON of Ohio. Will you please answer my question? Are you not opposed to the whole national banking system?

Mr. WALKER of Massachusetts. No, sir; I am not. I am in favor of a national banking system and of providing for the issuing of currency notes against the assets of the banks up to the amount of their capital, and I know they can do so safely by the Suffolk system of redemption. I am in favor of abolishing the bond security and the present method of issuing currency, and of allowing banks to issue notes up to the par of their capital, and requiring them to keep all that paper money at par with the best coin money we have. That is what I am in favor of.

Mr. OTJEN. Will you explain what you mean by the Suffolk banking system?

Mr. WALKER of Massachusetts. Let me tell [illegible] that system was. The State of Massachusetts required the banks to keep a certain percentage of coin to their deposit and currency. They might issue all the notes that they would redeem over their own counters at par, up to the amount of their capital. But the Boston banks got together and determined that they would not accept any country-bank paper money in payment of any notes in their banks unless the banks would redeem their paper money at some bank in Boston, as well as over their own counters. That compelled the country banks, in order to circulate their money, to redeem it at some Boston bank. That was early in the thirties. The Boston banks again got together and agreed that the Suffolk Bank should do all this redemption of the currency of the country banks, and that forced the country banks to redeem their currency at the Suffolk Bank. The country banks fought this at first, but they soon saw it was for their advantage. The result was that they could keep their currency in circulation to a larger amount by this system. Every bank in the six New England States voluntarily came into the system.

The result was that on only 13.5 per cent of gold the New England currency sold all over this country at a premium. That of the Virginia banks sold at a discount because Virginia banks did not provide that their bills should be redeemed in Baltimore or New York; on 24 per cent of gold to currency their bills sold at a discount. Just that simple provision that they should be redeemed in some large commercial city caused that difference. Now, I have a bill before our committee that I would be pleased to have passed. It is the Suffolk system pure and simple, only providing that the banks shall take up pro rata our greenbacks—legal-tender notes—and currently redeem them, instead of the Treasury; and then the whole question is solved and money may be issued as freely as under any State system that has ever existed in this country and be absolutely good money.

Mr. COX. I desire to call the gentleman's attention a moment to a question, and that is, if in his bill, in talking about a system of banks——

Mr. WALKER of Massachusetts. I move to amend the bill under consideration by striking out all after the enacting clause, and inserting the bill I send to the desk.

Mr. JOHNSON of Indiana. That can not be done.

Mr. COX. I will ask you if you authorize the banks to take out circulation to the par value of the bonds, and you let the tax remain on this circulation just as it is?

Mr. WALKER of Massachusetts. Not at all.

Mr. MITCHELL. Has this bill of which the gentleman speaks been reported?

Mr. WALKER of Massachusetts. No; and never will be until the Republicans are in earnest about reforming our financial and currency system.

Mr. COX. Do not you work in this way: A man can take out dollar for dollar to the par value of his bonds; he then goes to his community and lends that dollar for 8 per cent, and then draws 4 per cent upon the bonds?

Mr. WALKER of Massachusetts. The gentleman may put that in his speech. I do not accept that at all. I am not going into that bond question at all. I provide no use of bonds.

The SPEAKER pro tempore (Mr. BENNETT). The bill sent to the desk by the gentleman from Massachusetts will be read for information.

Mr. WALKER of Massachusetts. I hope it will not be read in my time. I ask that it be printed in the RECORD with the notes on the side and the footnotes so that the House may see what its provisions are.

The SPEAKER pro tempore. What the gentleman asks can only be done by unanimous consent.

Mr. WALKER of Massachusetts. I ask unanimous consent that it be printed in the RECORD as a part of my speech.

Mr. JOHNSON of Indiana. You do not move it as an amendment?

Mr. WALKER of Massachusetts. I withdraw that.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the bill be printed in the RECORD as a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

The bill is as follows:

A BILL TO SECURE TO THE PEOPLE THE ADVANTAGES ACCRUING FROM THE ISSUE OF CIRCULATING PROMISSORY NOTES BY BANKS, TO INCREASE THE VOLUME OF SUCH NOTES, AND TO SUPERVISE AND CONTROL BANKS BY OFFICERS OF THE UNITED STATES.

Banks to organize under existing law except as modified.

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Be it enacted, etc., That national banking associations may be organized for the transaction of business under this act and shall be subject to existing law, excepting as hereinafter provided. All national banking associations organized after the passage of this act shall be organized under this act, and all national banking associations whose corporate existence is extended shall be reorganized and extended under this act.

National banks, how organized and reorganized.

SEC. 2. That any bank incorporated by special law, or any banking institution organized under a general law, having a paid-up capital of $20,000 or more, may become a national banking association under this act, with the approval of the Comptroller of the Currency, by the name prescribed in its organization or by any other name approved by the Comptroller; and in such case the articles of association and the organization certificate shall be executed by not less than a majority of the directors of such bank or banking association; and the certificate shall declare that the owners of two-thirds of the capital stock have authorized the directors in writing to make such certificate and to change and convert such bank or banking institution into a national banking association under the provisions of this act. A majority of the directors, after executing the articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make the organization perfect and complete under this [illegible] A majority of the board of directors of each [illegible]ciation organized, reorganized, or extended under this act shall be composed of persons who perform no other official service for the association.

Any bank may reorganize, etc.

Twenty thousand dollars or more capital required.

Organization certificate.

Power of [illegible]ors.

SEC. 3. That any banking association organized and doing business under existing law of the United States may withdraw all its United States bonds deposited to secure its circulating notes in manner now provided for the withdrawal of a part of such bonds, and withdraw such circulating notes, and upon so doing and its compliance with the provisions of section 5 of this act, shall be deemed a banking association organized under this act.

National banks, how reorganized.

SEC. 4. That in places of less than 4,000 inhabitants, with the permission of the Comptroller of the Currency, banking associations may be organized with a paid-up capital of not less than $20,000.

In places of less than 4,000 inhabitants.

SEC. 5. That each association organized under this act, before it shall be authorized to commence a banking business, shall deliver to the Treasurer of the United States United States legal-tender notes, including Treasury notes, or coin, or coin certificates, as provided in section 6, subject to section 14, in amounts equal to 12 per cent of its capital, as capital is defined in section 26 of this act.

Shall deliver to the Treasurer of the United States lawful money, etc., when organized.

To receive United States legal-tender notes combined with bank notes provided in section 10.

Currency notes never to exceed capital, etc.

SEC. 6. That upon a delivery of coin, coin certificates, or United States legal-tender notes, including Treasury notes, to the Treasurer of the United States, the association making the same shall be entitled to receive from the Comptroller of the Currency United States legal-tender notes of different denominations, having printed on the reverse side the currency note of the association authorized in section 10, in blank, registered and countersigned as provided by existing law, equal in amount to the coin, coin certificates, and United States legal-tender notes, including Treasury notes, delivered; but at no time shall the total amount of all currency notes supplied to and issued by any association under this section and section 10 exceed the amount of its capital stock at such time actually paid in and unimpaired, plus its surplus and undivided profits, excepting as provided in section 17. The promise of the association receiving and issuing such notes to pay the same on demand shall be attested by the signature of the president or vice-president and cashier or assistant cashier before being issued by it.

Legal-tender note a bank note only, to the bank issuing it.

SEC. 7. That no banking association shall plead in defense, in any action brought against it, that any note signed by its officers and paid out by it is a United States legal-tender note.

Volume of legal-tender notes allowed.

SEC. 8. That the Secretary of the Treasury is hereby authorized to issue United States legal-tender notes described in section 3 of the act of March 3, 1863, in the manner described in section 6, to the amount necessary to carry into effect the provisions of this act.

Greenbacks, lawful name.

SEC. 9. That the lawful name and description of notes issued under section 6 shall be greenbacks.

May issue circulating notes against assets, etc.

Comptroller to regulate sum of notes issued.

SEC. 10. That the Comptroller of the Currency shall issue currency notes of different denominations, in blank, to any association, and the association may issue the same, as provided in section 20, in addition to the greenbacks described in section 6, equal in amount to the amount of the greenbacks taken out by it during the first year of its corporate existence as a bank of loan and discount. Thereafter he shall issue to any association, and the association may retain and issue, the notes described in this section at his discretion, but not less in amount than the amount of the greenbacks taken out by such association, and not to exceed in amount the amount of its unimpaired capital, as described in section 68, and the Comptroller of the Currency may recall the same from any association at any time, in order to reduce the volume of such notes held by any association to an amount deemed by him safe for the association to have or to put in circulation. The amount of such notes to be issued to or retained by any association under this section shall be annually or oftener, at his discretion, ascertained and determined by the Comptroller of the Currency. The notes issued in blank in compliance with this section shall not exceed in amount the greenbacks issued to the association under section 6 until the setting aside of gold in the Treasury, as described in section 13. Each association taking out the notes described in this section shall add to the redemption fund described in section 27 and keep therein a sum in lawful money equal in amount to 5 per cent of the average of such notes so taken out that it has in circulation, as found from time to time, such 5 per cent to be held for the redemption of its greenbacks and reserve notes.

Lawful name, reserve notes.

SEC. 11. That the lawful name and description of notes issued under section 10 shall be reserve notes.†

Ninety-five per cent old issue of legal tender to be destroyed as new legal tender is issued.

Five per cent lawful money paid in kept for current redemption fund.

SEC. 12. That the Treasurer shall forthwith redeem and destroy existing United States legal-tender notes issued under acts passed before July 1, 1890, and put in circulation previous to the passage of this act, in such manner as he may deem proper, equal in amount to 95 per cent of the aggregate of the coin, coin certificates, and United States legal-tender notes, including Treasury notes received for greenbacks issued under section 6; and the Treasurer shall set aside 5 per cent of such aggregate paid in, for the redemption fund, as described in section 27.*

Gold in Treasury set aside to redeem old issues of legal-tender notes.

Certain legal-tender notes can not be counted in reserve fund.

SEC. 13. That when there shall be no more in amount of the legal-tender notes described in section 12 outstanding issued before the passage of this act than the amount of the gold then held by the Treasurer for the redemption of such notes, the gold so held shall then be set aside by the Treasurer of the United States and used only to redeem and cancel such notes,† and from and after thirty days from the setting aside of gold herein mentioned such notes shall not be used by any banking association in redeeming its notes or be counted in the reserve fund of any national banking association.

Amount of legal-tender notes limited.

SEC. 14. That upon the execution of the provisions of section 13, a sum of money equal in amount to all moneys subsequently paid into the Treasury of the United States under section 6 and section 8 of this act shall be held in the Treasury as a separate fund, out of which the Treasurer of the United States shall, from time to time, redeem greenbacks held by certain associations in amount and manner as follows, to wit:

Reduction of legal-tender notes banks are required to take.

When such funds shall amount to 1 per cent of the total amount of greenbacks taken out under section 6 and section 8 of this act by banking associations and then held by them, or oftener, he shall call in, redeem, and cancel such notes so held that are in excess of the total amount of such notes issued to banking associations and held by them, previous to the setting aside of gold, as described in section 13 of this act. He shall first reduce the amount of such greenbacks to those associations which hold the largest amount of greenbacks in proportion to their capital, until the holdings of such greenbacks by all associations has been reduced to the sum required to be taken out by them in section 5 of this act. Thereafter the taking out and the holdings of greenbacks by all banking associations, as prescribed in section 5 of this act, shall be reduced so as to keep the total amount of greenbacks held by all banking associations as near as may be at the amount so held at the time of the setting aside of gold, as provided in section 13.

Balance of gold free money in two years.

SEC. 15. That two years from the day of the setting aside of the gold, as described in section 13, any gold so set aside then remaining shall be free money in the Treasury of the United States; and thereafter the notes described in section 12 shall not be a legal tender for any debts due or payable in the United States; but such notes when presented to the Treasurer of the United States or to any assistant treasurer shall be redeemed out of any moneys in the Treasury not otherwise appropriated.

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* Reserve required, 1895	$406,291,726
1894	417,146,759
Reserve held, 1895	571,493,854
1894	699,467,511

† Net assets of national bank, in capital, surplus, and undivided profits	1,028,765,783
All kinds of paper money in circulation	1,085,377,992

Profits to bank on currency under existing law and conditions, about one-fourth of 1 per cent.

As all taxes except one fifth of 1 per cent, safety-fund tax, are removed, the average profit, taking the country over, under this bill, on the currency kept out, would be about 8 per cent. Nothing is gained on the greenbacks and 6 per cent on the reserve notes.

* These "reserve notes" are not "reserve certificates." They are in no sense "issued against the reserve held." They hold exactly the same relation to the "reserve held" as any other liability of the banks. For each $96 of old issue of greenbacks that are redeemed and destroyed $100 of new greenbacks are issued and $100 of reserve notes, making $200 of currency for each $96 retired.

† Outstanding United States legal-tender notes	$346,000,000
Gold redemption fund in Treasury in February, 1896	146,000,000
Total legal-tender notes to be assumed by bank	200,000,000

to relieve the situation. Thus, when the banks have assumed the current redemption of only $200,000,000 of legal-tender notes, the Treasury will be wholly relieved from paying gold on any form of paper money, and it will be a matter of as much indifference what the Government pays out as in the case of any private citizen.

Visible gold on July 1, 1896, as reported by the Director of the Mint:

In United States Treasury	$156,591,864
In national banks	148,791,837
In State banks	10,404,338
Total commercial gold	315,788,039

Interest paid on deposits makes deposits time deposits.

SEC. 16. That each deposit of money or funds made by any association or by any individual in any association doing the banking business defined in section 69 upon which the association receiving such deposit pays or agrees to pay any money or interest shall not be subject to withdrawal excepting on a day named in a notice given in writing to such association not less than thirty days before such withdrawal: *Provided*, That this section shall not apply to moneys deposited and withdrawn within seven days or to moneys or funds that banking associations are allowed to keep in other banks as a part of their reserve.

Emergency issue of legal-tender notes.

To be secured by bonds.

Rate of interest to be paid on emergency notes.

Ninety per cent of face value of bonds.

SEC. 17. That the Comptroller may issue to the national clearing house association, provided for by section 62, or clearing houses provided for in section 57, or to any banking association organized under this act the greenbacks described in section 6 to any amount approved of in writing by the Secretary of the Treasury, in addition to the amount issued under section 6: *Provided*, That the association applying for such additional notes shall deliver to the Treasurer of the United States or any assistant treasurer bonds* in kind and amount acceptable to the Secretary of the Treasury as security for such notes, and shall pay interest on the amount of such notes so issued at the rate of 6 per cent per annum, such interest on such notes to be paid at such time and in such manner as the Comptroller of the Currency may determine. But a sum no more than 90 per cent of the par value of any bond shall be issued in such greenbacks.

How bonds may be recovered.

Only 5 per cent of the notes of any one bank to be paid in to redeem bonds.

SEC. 18. That any association depositing bonds and receiving greenbacks secured thereby, as provided for by section 17, may withdraw such bonds so deposited after thirty days from the date of such deposit upon paying the accumulated interest on the notes issued upon the deposits of such bonds up to the date of their withdrawal, and in addition to such interest shall deposit with the Treasurer lawful money or greenbacks, issued to associations under section 6 of this act, to an amount equal to the greenbacks issued to the association under section 17 and for the security of which the bonds were deposited; but no more than 5 per cent of the greenbacks issued to any other one association under section 6 of this act shall be accepted as a deposit for the withdrawal of such bonds.

Notes to be put in redemption when paid in.

SEC. 19. That the notes deposited for the withdrawal of bonds shall be immediately put in redemption, and the money received for them shall be kept as a special fund with which to redeem and destroy the amount of greenbacks issued to the association under section 17 of this act, and such greenbacks shall be destroyed equal in amount to the greenbacks issued to the association when the bonds hereinbefore mentioned were deposited to secure such notes.

Currency notes to be furnished by the Comptroller of the Currency in blank.

How currency notes are to be finally paid.

May print notes in anticipation of use.

SEC. 20. That in order to furnish suitable currency notes for circulation as money, under sections 6 and 10, the Comptroller of the Currency shall furnish such notes, in blank, to banking associations entitled to receive them, and every provision of this act shall, unless otherwise provided, apply equally to the currency notes issued under sections 6 and 10: *Provided, however*, That the reserve notes issued under section 10 shall have printed on the reverse side of them the statement that they are to be finally redeemed and paid by the Treasurer of the United States as provided in section 34, and the greenbacks issued under section 6 shall be finally redeemed and paid as provided in section 24 or 26. The Comptroller may cause a supply of reserve notes to be printed for associations in anticipation of their being paid out by them.

Gold and silver certificates to be redeemed and canceled.

No currency notes to be issued under $3 and existing notes canceled.

No legal-tender or Treasury notes to be reissued under $3.

SEC. 21. That hereafter no certificates shall be issued or reissued by the Treasury of the United States upon the deposit of gold coin, silver coin, or any other money, and that all existing coin certificates and money certificates shall be canceled and destroyed upon being received into the Treasury, and the coin or money remaining upon which they were issued shall be treated as free coin or money in the Treasury; and no currency note authorized under existing law shall be issued or reissued to any banking association of a less denomination than $3,* and all such notes of less denomination than $3 hereafter received for redemption shall be canceled upon being received in the Treasury, and like notes in blank of a larger denomination shall be returned in place of them; and no United States legal-tender notes, including Treasury notes of a less denomination than $3 shall be hereafter issued or reissued, but those of a larger denomination shall be issued and reissued in place of them.

May retire currency notes on certain conditions.

SEC. 22. That any association, upon giving to the Comptroller of the Currency notice of its intention so to do, may surrender its greenbacks, or any part of them, issued under section 6, in excess of the amount it is required to take under section 5, and receive lawful money therefor.

Banks dissolving, how notes are retired.

SEC. 23. That any association dissolving its organization, upon surrendering to the Treasurer greenbacks issued under section 6 to any association to the amount of its own greenbacks shall recieve lawful money therefor from the Treasury of the United States.

When capital is reduced, notes retired.

Notes surrendered to be put in redemption.

SEC. 24. That any association which reduces its capital stock may then deposit a like proportion of its greenback notes in excess of the amount it is required to have in section 5 of this act, and receive lawful money therefor, and the Treasurer of the United States is hereby authorized and directed to redeem the greenbacks herein described as they are presented, out of any moneys in the Treasury not otherwise appropriated, and the Comptroller shall forthwith put in redemption the money paid in or surrendered and destroy those of the bank reducing or surrendering greenbacks in the manner prescribed by law.

May reduce reserve notes.

How liabilities on notes are to be extinguished.

Permission of Comptroller required.

SEC. 25. That any association may reduce its reserve notes issued to it under section 10 of this act by surrendering them for destruction to the Treasurer of the United States, and the Comptroller shall destroy the notes so surrendered in the manner prescribed by law. The liability of any association for its reserve notes issued under section 10 shall neither be canceled nor reduced in any other manner: *Provided, however*, That the doing by an association or others of any one of the things provided for in this section, and sections 22, 23, and 24, must be with the permission of the Comptroller of the Currency.

Treasurer of the United States [illegible] pay the bank [illegible] notes bought of the United States Government.

Full value of notes to be paid to the bank.

SEC. 26. That upon the expiration of the corporate term of any association organized under this act, and its corporate existence not extended [illegible] the Comptroller of the Currency, or upon the insolvency of an association, or by the order or with the consent of the Comptroller, approved by the Secretary of the Treasury, the Treasurer shall redeem the greenbacks issued to the association under the provisions of section 6 of this act. In redeeming such notes the Treasurer shall do so in coin of the same intrinsic value as the nominal value of the money deposited by the association for the greenbacks issued to the association upon the date of such deposit.

Five per cent redemption fund to be kept by Treasurer.

SEC. 27. That the Treasurer shall at all times keep and have on deposit in the Treasury of the United States in coin, or coin certificates, for the redemption fund of each association during the solvency of the association, a sum equal to 5 per cent of the greenbacks and reserve notes of such association, to be held and used for the current redemption of its greenback and reserve notes: and when the notes of any association organized under this act, assorted or unassorted,

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* United States bonds in national banks to secure circulation	$206,463,167
Other United States bonds in national banks	$17,576,925
Other bonds held by national banks (estimated)	125,000,000
Total bonds held in 1895	142,576,950
The total securities, aside from United States bonds held by national banks, most of which are bonds	148,560,950

* Treasury report, October, 1895:

One-dollar notes in circulation	$44,861,938
Two-dollar notes in circulation	29,806,988
Total outstanding notes under $5	74,[illegible]

shall be presented for such redemption to the Treasurer of the United States, in sums of $500, or any multiple thereof, or in sums equaling not less than 1 per cent of its total circulation of banks having less than $30,000 in circulating notes, the same shall be redeemed.

Redemption agents may be appointed and redemption fund deposited with them.

SEC. 28. That the right to confer the duties and responsibilities of executing the provisions of the preceding section, or any part thereof, and of other sections or parts of sections of this act relating to the redemption fund provided for in section 12, or the redemption of such notes, upon reserve banks, or other suitable agents under such regulations as he may deem safe and proper, and to deposit any part of the redemption fund or funds provided for in sections 10 and 12 in such places, taking such security therefor as he may deem proper, is hereby conferred upon the Treasurer of the United States, with the approval of the Secretary of the Treasury; but no part of such redemption deposit shall be counted as a part of the reserve of any bank.

Security approved by Secretary of Treasury to be taken.

Publication to be made of what bonds are accepted as security.

SEC. 29. That the Secretary of the Treasury shall publish in one of the three papers having the largest circulation in business circles in New York City a list of the securities and the amount of each kind accepted by him to secure any notes issued on bonds under section 17, or to secure any deposits made in any bank.

Secretary to sell bonds to redeem notes.

Time bonds are to run.

SEC. 30. That to enable the Treasurer of the United States to fund the greenbacks issued under section 6, the redemption of which by him is provided for in this act, and to enable him to execute all the provisions of this act, the Secretary of the Treasury is hereby authorized to issue, from time to time, on the credit of the United States, coupon bonds or registered bonds, redeemable at the pleasure of the United States after one year, and payable in coin three years from date, and bearing interest at a rate not exceeding 4 per cent per annum, payable semiannually, to any amount then necessary for that purpose; and the bonds herein authorized shall be of such denominations, not less than $50, as may be determined upon by the Secretary of the Treasury, and the Secretary of the Treasury may dispose of such bonds at any time, at the market value thereof, for coin, or coin certificates.

Denominations of bonds.

How disposed of.

Depositories of public money required to keep reserve.

SEC. 31. That any banking association or clearing-house association organized under this act may be designated by the Secretary of the Treasury as a depository of public money and may be required by the Secretary to keep on hand, on account of such deposits, such reserve fund as he may deem expedient; but no part of such deposits by the Secretary shall be counted in computing the reserve required by law.

Comptroller may close up banks in certain cases.

Comptroller may take possession of assets.

Comptroller to create a fund.

Comptroller to return to bank remainder of assets.

SEC. 32. That upon the insolvency of any association or whenever, in the opinion of the Comptroller of the Currency, the complete redemption and retirement of the reserve notes issued to and retained by any association under section 10 of this act is then necessary for the protection of the holders of such notes, the Comptroller may take possession of all the assets of such association, which assets shall be held to include the liability to assessment of all stockholders, and create and deliver to the Treasurer of the United States a fund equal in amount to such notes; and the Comptroller, after completing such fund or as much thereof as can be realized from the assets, and not before, shall deliver the remaining assets, if there be any, to the association.

Five per cent redemption fund dissolved or paid back.

SEC. 33. That the 5 per cent redemption fund, provided for in sections 12 and 27, of an insolvent association shall be free moneys in the Treasury, and the 5 per cent provided for in section 10 shall be returned to such association upon its insolvency.

Treasurer of United States to redeem reserve notes and greenbacks.

SEC. 34. That the greenback and reserve notes of the insolvent association shall be immediately redeemed and canceled by the Treasurer of the United States out of any moneys in the Treasury not otherwise appropriated.

Comptroller may sell or mortgage assets.

SEC. 35. That the Comptroller of the Currency is hereby authorized to sell the whole or any part of the property of an insolvent association, or to pledge the whole or any part of its property or assets, at any time, as security for any loan he may elect to make in order to create the fund mentioned in section 32.

Cash reserve to be kept in gold and silver coin from thirty days after gold redemption fund is created.

SEC. 36. That from and after thirty days from the setting aside by the Treasurer of the United States of the gold mentioned in section 13, the cash reserve required by law to be kept by each national banking association, however organized, shall be in gold coin and gold bars of the United States or silver coin of the United States, or in greenbacks issued to other associations under section 6 of this act.

Bank must pay interest on average deficiencies on reserve required.

SEC. 37. That when the daily total reserve held of any national banking association averages less for any month than the amount required to be kept by it at all times, it shall pay into the Treasury of the United States a duty for that month equivalent to interest, at the rate of 6 per cent per annum, on the amount of the average deficiency in such reserve for that month.

Two per cent to be paid when gold reserve is not kept

SEC. 38. That every national banking association shall pay into the Treasury of the United States a duty on that part of its average daily cash reserve required by law to be kept in gold that is not averaged to be so kept, in any month, at the rate of 2 per cent per annum.

One-tenth per cent tax per annum to be paid on average individual deposits during suspension of specie payments.

SEC. 39. That whenever any banking association fails to pay in coin or coin certificates on demand the greenbacks and reserve notes or other notes signed by its officers and paid out by such association it shall pay an additional duty, at the rate of one-tenth of 1 per cent per annum, on a sum equal to the average amount of the individual deposits in such association until such coin payment is resumed.

Powers of Comptroller not lessened.

SEC. 40. That nothing in the preceding section, and no action taken by any banking association under this act, shall bar any action taken, or proposed to be taken, by the Comptroller of the Currency under sections 32, 33, 34, and 35 of this act.

One-fifth of one per cent safety fund tax.

SEC. 41. That in addition to all other taxes or duties provided for in this act each association organized under it shall pay into the Treasury of the United States a tax as the Secretary of the Treasury shall from time to time prescribe equivalent to not less than one-fifth or more than one-half of 1 per cent per annum* in each year on the average amount of reserve notes issued under section 10 of this act and in circulation for the purpose of anticipating the redemption and destruction, in certain cases, of the reserve notes issued to associations under section 10 of this act: *Provided, however*, That such tax shall not be levied to exceed one-fifth of 1 per cent per annum at a time when the total amount of all

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[*] Four-fifths of the present paper-money circulation would be $800,000,000; one-fifth of 1 per cent per annum on the reserve notes, $600,000,000, would yield $1,200,000 per annum. The losses on the circulation to the United States Treasury on notes of insolvent banks, as shown by thirty years' experience under the existing banking laws, could not by any possiblity have been over $1,000,000 during the whole thirty-three years of the existence of the national banking system, had the national banks issued their notes under the provisions of this bill. Were the banks reorganized under this bill with $600,000,000 of circulation, the income to the United States from this one-fifth per cent tax would be $200,000 more each year than the total losses for the whole thirty-three years. The Government estimate for the bills lost and worn out past redemption, and to the advantage of the United States Treasury, is two-fifths of 1 per cent per annum on all circulation. Excluding the one-dollar and two-dollar bills, the loss might not be more than one half, and the gain to the United States at one-fifth of 1 per cent on the $800,000,000 would be $1,600,000, which, added to the gain (over the losses) of the tax of one-fifth of 1 per cent would make the income to the United States Treasury about $2,800,000 per annum under this bill.

For the last five years the 1 per cent tax now collected on circulation has averaged $1,582,443. The banks are now in effect carrying without interest every dollar of the $1,000,000,000 paper money in circulation. Under this bill they would still carry one-fourth without interest and would get interest on the other three-fourths equal to the average rates on all loans and discounts made in all the country. This sum is estimated at from $36,000,000 to $50,000,000 per annum, ultimately making that much saving per annum in lower rates of interest on the loans made to the people. Besides these items, James S. McCoy, Government actuary, estimates the loss to the people in interest on the gold carried in the United States Treasury from 1879 to 1895 at $114,241,556. It will be more, rather than less, in the next twenty-five years under the present system.

moneys paid into the Treasury under this section exceeds by $2,000,000 the total net amount paid out of the Treasury under the provisions of section 34 of this act.

All money received to be a miscellaneous receipt.

Treasurer to keep separate accounts of money received.

SEC. 42. That all moneys received under any section of this act shall be covered into the Treasury as a miscellaneous receipt. The Treasurer of the United States shall keep an account of all moneys paid into the Treasury or paid out by him under each of the several sections of this act, and include a statement of the same in his annual report.

Daily condition of bank to be recorded.

Comptroller may request additional report.

Copy of daily record of condition sent to Comptroller.

SEC. 43. That the Comptroller may at all times know the condition of each national banking association, however organized, each national banking association shall make such record at the close of each day as the Comptroller shall request, in a book kept for that purpose, which record shall show the total amount of its reserve notes paid out and in circulation, and the amount of such notes received from redemption agents, and its total deposit account, and its total reserve account, as shown by its books at the close of each business day, and of what the reserve consisted, which daily record of deposits, reserve, and reserve notes, and other matter requested by the Comptroller, shall be made up in duplicate for each month, and two copies or reports thereof transmitted to the Comptroller of the Currency on or before the 10th day of the following month.

When duties and taxes are to be paid.

SEC. 44. That the duty upon the averages of the kinds of money which made up the reserve during each month, and all taxes and duties imposed by this act shall be due and payable semiannually on the 1st day of April and the 1st day of October in each year. Any clearing-house association, when requested so to do by any banking association, may assume and may pay any duty or tax imposed on such association by this act.

Comptroller to direct form of records and reports.

SEC. 45. That the records and reports provided for in the preceding sections, and any other facts and data he may request, of banking or clearing-house associations or any director or officer thereof, shall be in such form as the Comptroller shall direct.

National-bank examiners.

SEC. 46. That national-bank examiners shall be held to be employees in the office of the Comptroller of the Currency while examining associations organized under this act, and their fees shall be paid out of the appropriation for the Bureau of the Currency.

Records to be made up in bank every morning.

SEC. 47. That before making the record for the day, as provided in section 43, or required by the Comptroller, every transaction of that day pertaining thereto shall be duly entered in the books of the association.

Reserve, how kept.

SEC. 48. That from and after the thirty days mentioned in section 36 not less than 50 per cent of the cash reserve required by law to be kept by banking associations shall be in gold coin and gold bars of the United States and 50 per cent may be in silver coin and in greenbacks issued to other banks.

May keep coin and bonds in any place Comptroller permits.

SEC. 49. That each banking association may keep its coin and bonds in such places and under such circumstances as the Comptroller of the Currency may approve.

When coin payments are suspended.

SEC. 50. That any national banking association that fails to keep, use, and pay out its silver coin, and gold coin, and currency notes issued under section 6 and section 10 so as to keep all three kinds of money at a parity each with all the others from and after the setting aside of gold described in section 13 shall be deemed to have failed to pay in coin or coin certificates on demand the greenbacks and reserve notes or other notes signed and issued by its officers, as provided in section 39.*

Expert advisers provided for.

SEC. 51. That there is hereby constituted and appointed a board of advisers to the Comptroller of the Currency, consisting of seven experts, to consult and advise with the Comptroller upon changes desirable in and methods of executing existing law concerning banking, over which board the Comptroller of the Currency shall preside.

Substitutes for advisers, how appointed.

Meetings of board of advisers.

SEC. 52. That the president of the chief redemption bank in San Francisco, New Orleans, and each of the other five chief redemption cities in the country, or such substitute as any one of them shall from time to time appoint, shall be a member of the board of advisers, which board shall meet once a year, or oftener, if the Comptroller of the Currency or a majority of the board so determines, and at such time and place as the Comptroller shall appoint.

Recommendations to be recorded.

Who constitute advisers decided by Secretary of Treasury.

SEC. 53. That the recommendations of the board of advisers, or a synopsis thereof, shall be entered in the records of the board, and the decision of the Secretary of the Treasury, from time to time, as to what person or persons are entitled to act under sections 51 and 52 shall be final.

Duties payable in gold and legal-tender notes in certain cases.

SEC. 54.* That from and after the passage of this act the duties due and payable on goods imported shall be paid in gold or in United States legal-tender notes issued prior to the passage of this act, until the setting aside of the gold in the Treasury mentioned in section 13 of this act for the redemption of certain of the United States legal-tender notes.

Personal liability of officers in a certain case.

SEC. 55. That in case any banking association issues or pays out its currency notes, issued to it under section 10 of this act, in excess of the amount designated by the Comptroller of the Currency, as the limit in amount of such notes each association may issue or pay out, in such case the president, cashier, bookkeeper, and solicitor, and all other persons regularly performing similar services under whatever name to such association, in case of the insolvency of such association, while such excessive issue or paying out of notes continues, shall be individually liable to and shall pay to the receiver of such association the full amount of any deficiency there may be in the assets of such association, as described in section 32, to pay such notes. Any association organized under this act, aggrieved by any action taken in its case by the Comptroller of the Currency, may appeal to the board of expert advisers, and the decision of such board in such case, when approved by the Secretary of the Treasury, shall be final.

Secretary may sell bonds for deficient revenue, and to maintain specie payments.

Power to sell bonds limited to four years.

Time bonds are to run.

SEC. 56. That in order to enable the Secretary of the Treasury to carry into effect the provisions of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," and to provide for any deficiency in the revenues of the Treasury of the United States to meet the appropriations made by Congress and appropriations made by existing law, the Secretary of the Treasury is hereby authorized to issue [illegible] the period of four years, from time to time, bonds as described in the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," such bonds to be payable at the pleasure of the United States after one year from the date of their issue and upon the expiration of three years, or bonds payable after three years and upon the expiration of seven years, or bonds due on a certain day within three years from the date of such bonds, as the Secretary of the Treasury may elect. Such bonds to bear interest at a rate not exceeding 3 per cent per annum.

Banks may incorporate into clearing houses.

SEC. 57.† That any five or more national banking associations are hereby authorized to unite in forming a clearing-house association. By adopting a constitution and by-laws the banking associations certifying to the Comptroller of the Cur-

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Cash reserve required in 1895	$255,889,345
Cash reserve required in 1894	191,713,239
Cash reserve held in 1895	340,103,995
Cash reserve held in 1894	402,894,682
Including State bank, the cash reserve held could not be less than	600,000,000

Holding the cash reserve one-third in silver would equal $200,000,000, and one-third in gold would equal $200,000,000, one-third in greenbacks, $200,000,000—total, $600,000,000; so that the substitution of silver dollars for the one-dollar and two-dollar notes, added to the $200,000,000 of silver dollars held in banks in the reserve fund, would increase the actual coin silver dollar in constant use by $274,668,928.

[*] This provision is designed to bring legal-tender notes into the Treasury for redemption. It would soon expire in its own working.

[†] This section makes a solid union of all the banks in the country into practically one bank, with all the advantages of a United States national bank, with 4,000 branches, leaving each bank as free as now and with none of the disadvantages of a United States national bank. The union is voluntary, and in no sense compulsory. It also gives to every country bank all the assistance and support it could receive were it a branch of a United States national bank.

rency that fact shall in that act become a clearing-house association body corporate, upon such constitution and by-laws being approved in writing by the Comptroller of the Currency.

Comptroller to approve constitution and by-laws.

Changes in constitution and by-laws to be approved by Comptroller.

SEC. 58. That any changes in the constitution or by-laws of any such association, to become valid, must be approved in writing by the Comptroller of the Currency, and the Comptroller may annul any part of the same at any time after a hearing thereon, with the concurrence of a majority of the board of advisers.

Comptroller and board of advisers may annul by-laws.

Examination of clearing house association.

SEC. 59. That clearing-house associations shall be subject to like examination by national-bank examiners as national banking associations, and shall make such reports as the Comptroller of the Currency may request.

Any bank may join clearing house.

SEC. 60. That any incorporated banking association may be admitted to membership in any clearing-house association incorporated under this act; and the membership of any banking association may be terminated by any action of the clearing-house association approved by the Comptroller of the Currency.

Expenses and income, how apportioned.

SEC. 61. That each member of such clearing-house association shall share in its fees and other income, and in its assessments, expenses, and losses, in the proportion that the sum of its capital, surplus, and undivided profits bears to the sum of all the capital, surplus, and undivided profits of all the associations composing the clearing-house association, as shown by the annual report of the Comptroller of the Currency last made previous to the apportionment of the same.

Clearing houses may form national clearing houses.

SEC. 62. That five or more clearing-house associations organized under this act may form a national clearing-house association upon the same terms and conditions as those governing in the case of clearing-house associations composed of banking associations: *Provided, however*, That national clearing-house associations may buy and sell such bonds as are necessary to the conduct of its legitimate business to any amount and of any kind approved of by the Comptroller of the Currency, and may provide for the coin redemption of currency notes of banking associations, and may take and issue, under the provisions of section 17 of this act, the greenbacks described in section 6, in denominations of not less than $1,000.

Clearing houses may become depositories of public money.

SEC. 63. That any clearing-house association organized under this act may be designated by the Secretary of the Treasury as a depository of public moneys, and may also be employed as financial agent of the Government.

May loan to and borrow money from banks.

SEC. 64. That each clearing-house association may make loans to or borrow from other clearing-house associations, and banking associations may make loans to or borrow from clearing-house associations. In all such loaning and borrowing clearing-house and banking associations shall be exempt from the usury laws of the States in which they are located.

May redeem currency notes.

SEC. 65. That any clearing-house association organized under this act may establish a department for the clearing of currency notes of banking associations in the current redemption of such notes.

Treasurer of the United States may keep money and bonds for clearing houses.

SEC. 66. That any clearing-house association organized under this act may deliver to the Treasurer of the United States, or to any assistant treasurer of the United States, for safe-keeping, any kind of money or bonds, and receive such a statement of the fact of their being in the Treasury of the United States as the Secretary of the Treasury may approve.

Banks may withdraw from clearing house, and clearing-house association may withdraw from the national clearing house.

SEC. 67. That any banking association may withdraw from any clearing-house association and any clearing-house association may withdraw from the national clearing-house association upon such conditions as the Comptroller of the Currency may approve.

Capital is capital, surplus, and undivided profits.

SEC. 68. That the capital of each banking association shall at all times be held to be, and shall be, the sum of its nominal capital plus its surplus and undivided profits, as shown by the last published annual report of the Comptroller of the Currency; and each share of its nominal capital stock shall be held to be a certificate of ownership to the person owning it of so much of the total actual capital of the association as herein described as the nominal value of the share bears to its total nominal capital; but no solvent association shall be required to make up or to keep its capital at a sum greater than the sum of its nominal capital.

Conditional tax on deposit in all deposit and discount banks.

SEC. 69. That a duty equal in amount to one-fifth of 1 per cent per annum be, and is hereby, imposed on the average amount of the individual deposits that are subject to payment by check or draft or like instrument, whether payable on demand or at some future time, in each incorporated banking association, trust company, insurance company, loan association, or other corporation doing a deposit and loan and discount business, by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; when any part of the obligations bought or received or sold or issued by it is used in whole or in part in commerce among the several States: (1) *Provided*, That in case any association pays one-half the tax herein imposed on the day it is due and payable, the other half shall be and is hereby remitted: (2) *And provided further*, That any association is hereby authorized to deposit in the Treasury of the United States an amount of lawful money equal to not less than 12 per cent of the amount of its capital, as capital is defined in section 68 of this act, and receive legal-tender notes of the United States to the amount of such deposit.

Half of tax remitted, etc.

May secure legal tender note circulation.

Such notes issued to it shall have a currency note of such association printed on the reverse side, which note, when the note of the association printed on the reverse side is signed by the proper officers of the association, may be paid out by it, but under the same restrictions as are imposed upon associations on such notes when issued to national associations under sections 6, 13, 39, and 50 of this act, excepting that the securing such notes by any association other than those organized under this act shall confer no authority to issue any other currency notes. In case any association takes out notes, as provided in this section and named greenbacks in this act, the tax imposed in this section shall be wholly remitted; but in case such notes are taken out and such tax is remitted, such association shall keep such record and make such reports to the Comptroller of the Currency and submit to such examinations by national-bank examiners as are now or may hereafter be required of national banks. All associations subject to this section shall also be subject to section 16 of this act. This section shall take effect on the first day of the first calendar quarter next succeeding the four months next succeeding the day of approval of this act.

Tax wholly remitted in a certain case.

SEC. 70. That in case of the taking possession of all assets of an association by the Comptroller of the Currency, as authorized and described in section 32 of this act, the assessment of all stockholders shall only be made in case such assessment is necessary to make up the fund mentioned in section 32 equal in amount to the currency notes mentioned in section 32, in which case the full assessment shall be made.

Assessment of shareholders.

Any portion of such assessment over and above the amount necessary to make up such fund may be remitted, and any moneys collected under such assessment over and above such amount shall be returned to those paying such assessment in such manner as to make such payments as nearly equitable as may be.

Remission of assessment.

SEC. 71. That this act shall not affect existing national banking associations and currency notes issued to them, excepting as to the provisions of sections 13, 14, 15, 16, 21, 36, 37, 38, 39, 40, and 43 to 69, inclusive, which sections shall take effect immediately and apply to all national banking associations, however organized, and to currency notes issued by them.

Act not to affect existing associations, except.

Mr. HILL. I want to ask the gentleman—if the national banking system is to remain as it is, the system of the country—if this 10 per cent increase in circulation to those having bonds deposited amounting to $23,000,000, would not that be beneficial to the country banks rather than to the larger banks of our reserve cities?

Mr. WALKER of Massachusetts. Not at all; because the country banks can not afford to buy bonds at their price and issue any currency, as I have proved by figures of the actuary of the Treasury.

Mr. HILL. That is not the question I ask.

Mr. WALKER of Massachusetts. That is the question I answered. I do not want an argument. [Laughter.]

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. WALKER of Massachusetts. Let me repeat again that just as sure as you pass this bill you will have from fifty to a hundred millions of additional currency to perplex the Treasury and to assist to cause panic, pass whatever tariff bill you choose.

Mr. HILL. May I ask the gentleman if the banks can not furnish their own redemption fund?

Mr. WALKER of Massachusetts. I can not yield further to the gentleman. I am willing to yield to any gentleman who has not asked a question. I want to elucidate this subject and not to take advantage of anybody.

Mr. BOATNER. Then I will ask the gentleman to yield to me.

Mr. WALKER of Massachusetts. Certainly.

Mr. BOATNER. I quite agree with the gentleman from Massachusetts——

Mr. WALKER of Massachusetts. Oh, do not make a speech. Please ask your question. [Laughter.]

Mr. BOATNER. If the gentleman yields to me, he will have to yield to me to put the question in my own way.

Mr. WALKER of Massachusetts. I yield for a question only.

Mr. BOATNER. Well, my question is whether the gentleman has any hope of substituting the banking system which he advocates for the one which we now have? [Laughter.]

Mr. WALKER of Massachusetts. I have no more doubt, Mr. Speaker, that it will be substituted for the existing system than I have of my own existence, for there is no other path to reform; but whether it will be done by this House, or by the next, or whether we are to have three or four Congresses elected and are to go through still more trouble and agony before it is done I do not know. But I do say to this House that if the Republicans soon coming into power do not adopt this, or its equivalent, there will be no more Republicans in the next House than there are Democrats in this one, and the next Presidential election will go against them. Their Presidential votes in 1900 will not be as many as Scott had in 1852. [Laughter.]

I tell you now, gentlemen, that you know and are acting on only the opinion of the bankers. You pay no regard to the South and the West and the masses of plain people of this land. The people of those sections have been begging and pleading for twenty years that you correct this banking system, but you have laughed them to scorn. You have not listened to their arguments or entreaties. You have not listened to their statements, even. If we make such a tariff as we ought to have, with duties as low as possible without cutting down American wages, and give the people freedom of banking in currency, the same as they had before the war, there will be no reason for putting Republicans out of power. But if we do not do these things, there will be every reason for putting us out of power in 1900. Give us merely the tariff you propose, and the sections of the country that are now most prosperous will continue to prosper more and more, but the sections that are not prosperous now will not be materially helped by it alone.

I am speaking to you the words of truth and soberness. [Laughter.] You little know, gentlemen, the burden to the merchants and the manufacturers of their interest account. It is the most onerous account they have. No other one compares with it. Reduce their interest account. Encourage manufacturers, especially in the South and Northwest, and they will find profits where they now find losses. You will have lower prices for goods everywhere. I have already told you how much cheaper.

Mr. THURSTON has given a signed interview, as by authority, which reads in part as follows:

> I feel that all proposed financial legislation can and ought to be postponed until this country has a chance to test the effect of the new protective tariff. We are not therefore very much interested about any money issue.

No; then the Republicans are not very much interested about continuing to hold this Government. The Republicans had no right to make a contest to get possession of this Government if they did not propose to so legislate and so act as to keep it. The Democrats had no right to make a contest to get this Government in 1892 if they did not propose to so legislate and so act as to keep the Government. Such a contest between parties is an honorable contest between honorable men; otherwise nay.

Again, what does Mr. SHERMAN say in articles written for a magazine and elsewhere? Mr. SHERMAN, in a speech in the Senate of the United States, said:

> There is scarcely a doubt but that in all contingencies of trade or finance, except the contingency of war, the whole mass of United States Treasury notes now in circulation can be maintained at par with coin.

Aha! "Except the contingency of war." War! We had a message sent to this House a short time ago involving the contingency of war, and millions and billions did the value of property shrink in our country in an hour, and all because of our rotten financial system, when, had a like message been sent to the British Parliament, or to the German or the French Chamber, it would not have caused a ripple in the business of those countries. Nay, it would have helped it by creating a demand for the war materials required.

But this was not enough. The same gentleman wrote an article in the April Forum on "Deficiency of revenue the cause of our financial ills," and on page 144 of that magazine he says:

> There is scarcely a doubt but that in all conditions of trade or finance, except in the contingency of war, the whole mass of United States notes and Treasury notes now in circulation can be maintained at par with coin.

Yes, and this when we have taxed our people $500,000,000 in the last ten years to keep our Army. We have taxed them half as much or more to build a navy; and the sinews of war, viz, sound bankers' credit, would be destroyed in the twinkling of an eye, according to the supposed highest authority in this country. Pass this bill and you give the people a stone when they ask for bread, a scorpion for a fish! Nay, verily, I beg and plead with this House to vote this bill down and give the people instead what they ask for, which will make banking first many fold more profitable to the banks, and thus cause new banks to start up, which will soon cut down rates of interest and furnish cheaper money for the people. This will stimultate trade and enterprise, especially in the outlying country localities. If you want to build up New York, if you want to build up Chicago, if you want to build up Richmond, if you want to build up Savannah, if you want to build up Birmingham, if you want to build up any of your cities, aim first to build up the country, and the country, and a prosperous country only, will build up the cities.

But gentlemen say: "Wait! Wait! Wait! England reformed her currency in 1695, when she was in a fierce struggle with France, her old antagonist, and had on her hands, in addition, a war with Holland." It will not do to wait, gentlemen. The people have been calling on us for twenty years to reform this currency system. Reform it now! [Applause.]

Mr. Speaker, I agreed to yield ten minutes of my time (if I have any remaining) to the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. NORTHWAY. I raise the question whether the hour accorded to the gentleman from Massachusetts [Mr. WALKER] was not granted as a personal courtesy to him, and whether he can surrender any part of the time to anybody else.

Mr. WILLIAMS. I understand that the gentleman from Massachusetts yields to me ten minutes.

The SPEAKER. The gentleman from Ohio [Mr. NORTHWAY] raises the question whether the hour granted to the gentleman from Massachusetts was not granted to him personally. But if the House has no objection, the Chair will recognize the gentleman from Mississippi.

Mr. COX. The time to be occupied by the gentleman from Mississippi will come out of the time of the gentleman from Massachusetts?

The SPEAKER. It comes out of the time of the House.

Mr. WILLIAMS. Mr. Speaker, as my position with reference to this bill is somewhat peculiar, I wish an opportunity to explain it. With an amendment which I shall read, and which I shall ask unanimous consent of the House later to offer, I am willing to support this bill. Without it, I am unwilling to do so. Contrary to the opinion generally prevailing with disciples here of the school of politics to which I belong, I do not believe that the passage of this bill will have any bad effect upon the country, provided the amendment which I shall read be coupled with it.

Mr. Speaker, gentlemen who agree with me in opposing the entire national banking system seem to think that the passage of a bill of this sort will fasten that system still more securely upon the country; and they go so far as to say that a vote for this bill would be an indorsement of the national banking system. I am opposed in toto to the present national banking system, and for some of the reasons stated by the gentleman from Massachusetts [Mr. WALKER], as well as for others frequently stated by me. I am also opposed in toto to a protective tariff. But I no more regard the support of an amendment which looks to perfecting the existing national banking system as an indorsement of that system than I would regard an amendment lessening the burdens of a tariff bill as an indorsement of protectionism. I no more regard it as an indorsement than I would regard the payment of a ransom to brigands, in order to purchase my release while held a captive by them, as an indorsement of brigandage.

I have no idea that the present bill can cure the great, the principal disease which is affecting this country—the disease of constantly and continuously falling prices. I think I know that nothing can cure that disease except an increase in the volume of the thing which measures prices, viz, real or coin or basic money, and therefore a decrease in its value, and therefore an increase in the price of other things as measured by it. But there is another disease which is hurting the country only less than that. It is the disease of the congestion of the circulating blood of the country in the head or in the heart, whichever you may call it—the congestion of the circulation in the great money centers. That congestion, Mr. Speaker, comes partially from the existence of the disease of falling prices, but not altogether. It comes partially from that cause, because wherever business is unprosperous and productive enterprise unprofitable men take to using their money in the loan market instead of using it in productive enterprise. Therefore money is congested about the money centers, where it can find most ready lenders. But there is another reason for it; and that other reason, in my opinion, is the difficulty of banking at a profit in the sparsely settled sections of the country under the present national banking system. This operates against the rural districts—against my people—and in favor of the commercial centers; to the upbuilding of speculative enterprises to the detriment and starvation of productive industries.

Now, although opposed in toto to the present national banking system, yet if I can get any amendment ingrafted upon the system whereby it will become more profitable to open banks where they are not now very profitable, or whereby it may become somewhat profitable to open them where they are not now profitable at all, as is the case in the greater portion of my section of the country, I think I ought to welcome such an opportunity to facilitate exchange and the planting and handling of crops. The system is here. Whether we can ever get rid of it or not is a question; but so long as it is here, it ought, in my opinion, to be made to do the work of the people. And although an increase of the circulation will not be an increase of the money of the country, and an increase of circulation without an increase of money can not cure the disease of falling prices, such an increase will have the effect of relieving other difficulties and evils under which the country labors, among them the one which I mentioned a moment ago.

Mr. Speaker, I think this bill will ease the work of exchange to the tune of $22,000,000 at the very lowest, and will put the increased currency just where it is now needed, and will enable it to be brought out just when it may be needed, provided there is one little amendment inserted in it. I shall ask unanimous consent at the proper time to offer this amendment and to obtain a vote of the House upon it, and I hope there will be no objection to it on the part of the committee. It is as follows:

> After the word "deposited," in line 11 of the bill, insert:
>
> "And no national banking association shall pay taxes on an amount of circulation less than 75 per cent of the circulating notes which they are entitled to issue under this act."

Without that amendment this bill is nothing, an emasculated, purposeless thing, a mere sop thrown out to make the people think you are doing something, because just as long as it is to the interest of the national banks not to issue 90 per cent it is true that it is a little bit less against their interest not to issue 100 per cent, but it will not make much to their interest to issue it, and to keep it out, and in my opinion they will not do it.

Nor would I, if I could, force them to keep their circulating notes out all the time; but I want in this bill to furnish them with an inducement to increase the currency of the country; not its money, because a paper promise to pay a dollar is no more a dollar, whether it is the promise of a bank or a promise of the Government, than a paper promise to pay a horse is a horse, and it can have no more effect upon prices in the long run than promises to pay horses can have on the number of horses. But if we can get this, it will ease exchange, it will multiply business facilities and banking facilities in the section of the country where I live. When we have forced the banks to pay taxes upon at least 75 per cent, if they take out a charter, of the amount which they are entitled to issue, as my amendment does, then you may safely rest assured that they will keep afloat all of that 75 per cent, which they can keep afloat safely and consistently with business interest. Nor would I force them to do any more than that.

I wished to say these few words, Mr. Speaker, in order that my own position might be understood, both here and elsewhere. I thank the gentleman from Massachusetts [Mr. WALKER] for yielding me the time, and especially thank him in view of the fact that earlier in the day I had objected to time being granted him by the House.

The SPEAKER. The gentleman from Tennessee——

Mr. COX. Mr. Speaker, I desire to yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. VAN VOORHIS. I yield eight minutes to the gentleman from Indiana [Mr. JOHNSON].

The SPEAKER. The gentleman from Tennessee [Mr. COX] has yielded time to the gentleman from Colorado [Mr. BELL] and he has been recognized.

Mr. JOHNSON of Indiana. Mr. Speaker, inasmuch as two gentlemen have spoken on the other side on this question, I supposed it would be proper for some one to be heard in favor of the bill.

The SPEAKER. It would be proper, but the Chair has recognized the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, I object to this bill on the same ground that my friends from Massachusetts [Mr. WALKER] and from Mississippi [Mr. WILLIAMS] object to it, except that I go a little further. If this privilege of increasing the currency is extended to the banks and you do not require the currency to be taken out, it seems to me that we aggravate this situation. This bill continues a premium to the banks to call in their notes. It seems to me that we forget that national banks were originally organized not for the benefit of the bankers, primarily, but for the benefit of the people. This is a banker's measure, pure and simple. You will bear in mind that the theory of the banks of the Old World was to primarily aid the people, and our first bank followed this plan.

The directors of the Bank of England regarded it as their duty prior to 1810 to discount every solvent note that came to the bank. Up to 1810 that was regarded as the bounden duty of the bank. When any solvent note for a legitimate enterprise came to the bank, its directors believed that, as the Government agent, it was the duty of the bank to discount the note. If there was any indication of scarcity of money, the directors of the bank regarded it as their duty to liberally discount notes and relieve the pressure. But in 1810, as the historian tells us, Sir Robert Peel stood with the people, but after 1816 the same Sir Robert Peel went over to the side of the bankers, and from that time was the spokesman of Lombard street. The directors then said that they would not discount every note, but would leave it to the bank to say whether it would be to its interest to discount notes. The elder Peel, when he heard that his son had voted for that change, said: "My son Robert upon yesterday doubled his fortune, but ruined his country."

Now, what did we see during our late panic? I do not know what our friends in the great money centers saw, but there came to the State of Colorado and to every State in the West, probably, notices from the New York bankers insisting that every bank should draw in its loans and its circulation and insist upon the repeal of the Sherman Act. I carried two of those notices in my pocket, given me by the bankers of Colorado, and I want to say that before Senator SHERMAN introduced his bill for the repeal of the Sherman Act the banks all over the West were given notice that such a movement was going to be made, and asking them to begin the war.

Now, what I mean to say is that if you increase the circulation, and you make provision that the banks must issue the money and keep it in circulation, or that if they do not keep it in circulation they must keep it ready to circulate, then it will benefit the people. But if you do not do that, the very moment that the controlling portion of the banking population of this country concludes to coerce Congress again they will draw the circulation in and make another bankers' panic. They will return their circulation to the Comptroller, get the 1 per cent interest, and their bonds will go right along drawing interest. You are simply increasing their power for evil. No safe benefit can inure to the people through this bill unless you require the banks to issue the circulation and stop all interest on the bonds, so they may have no premium before them to call it in.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN VOORHIS. I yield to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I listened, as I always do, with a great deal of interest to what was said by the gentleman from Massachusetts [Mr. WALKER], the distinguished chairman of the Committee on Banking and Currency, when he had the floor. If it were proper for me to make any strictures upon his remarks, I should say that he was hardly germane in what he said to the bill now under consideration. There were some things said by him in the course of his argument to which I can not give my assent, but he also said much with respect to the defects in the present banking and currency system to which I most heartily subscribe.

The national banking system, Mr. Speaker, has given us a sound and uniform paper money. In this respect it has been a marked success. It has lamentably failed, however, to give us a flexible and elastic currency; that is, a currency possessing the capacity to expand and contract to meet the varying needs of business and of commerce. It is also true, as alleged by its opponents, that under this system the currency congests at the great financial centers, and the agricultural sections of the country, the South and the West, have not a proper supply of it; that they are compelled to go without currency when they require it to effect exchanges; that they have not a sufficient volume of it with which to carry on the exchanges of their everyday life or to prosecute any extraordinary enterprises which they undertake, unless they secure it at extraordinarily high rates of interest.

Mr. Speaker, I believe that there is a great awakening to this

defect in our present currency system upon the part of many of the thinking and reflecting people of the country. They are disposed to recognize the evils as well as the benefits which flow from the system. When the time has come that a gentleman from Massachusetts, and one from Mississippi, and one from Indiana, can stand upon the floor of the House of Representatives and each frankly admit that there is something worthy to be considered in these grievances which are urged by the South and West, and unite in the opinion that there ought to be a remedy applied to the wrong as soon as possible, it certainly augurs well for the future of the country.

In my humble opinion, sir, the redress for these evils to which I refer is not to be found short of a complete revision of our entire banking and currency system. I sincerely hope it is true, as recently declared in a newspaper article, that the President-elect, immediately upon his accession to power, will send a special message to Congress recommending the establishment of a commission, to consist of members of the Senate and the House, to study and examine into the question of banking and currency reform, and formulate and present to Congress a bill to be acted upon by it at an early day. I earnestly trust, too, that a Committee on Banking and Currency is to be appointed at the special session of Congress, that it may take upon its shoulders this much-needed work of relieving all sections of the country, which suffer from a lack of a sufficient volume of good paper money.

You may pass a bill for the holding of an international bimetallic conference, if you please. The nations of the Old World will probably accept your invitation. They will treat you with profound respect. They will sit in the conference with complaisancy, listen to your arguments and very likely reply to them, and then they will politely bow themselves out, just as they have done on previous occasions, and leave you precisely where you were when you commenced. If you are going to give the people any financial relief; if you are going to destroy anything of the demand for a short-weight dollar and for all forms of dishonest paper currency, you must do it not through an international bimetallic conference, which is almost certain to be a failure, but by a general revision of your banking and currency laws, whereby you give them not simply a sound and uniform currency, but a currency sufficient in volume, well diffused throughout the country, and obtainable at all times at reasonable rates of interest.

But now, with reference to the particular measure under discussion. It seems to me, sir, that the fundamental error with the gentleman from Massachusetts lies in the fact that because he can not obtain all he wants now, he is, therefore, unwilling to accept anything whatever. It strikes me that the position just taken in this debate by the gentleman from Mississippi is much more rational. If we can not have a new and perfect machine just now, let us patch as well as we can the old implement, for, when patched, it will do better work than if left in an imperfect state. There is no knowing how soon we may be able to accomplish a general reform. The gentleman from Massachusetts tells us that it may be three or four Congresses in the future. Let us, therefore, address ourselves as practical legislators to such amendments of the existing system as we can now secure, and which will have a tendency to remedy, at least to some degree, the admitted defects.

Mr. Speaker, when the national banking law was enacted our bonds were selling low, and it was therefore deemed dangerous to the note holders to permit the banks to issue circulating notes to the par value of the bonds. But a great change soon occurred. The national credit improved. The bonds greatly appreciated in value, until now they are not only at par but are at a considerable premium. There is no longer any danger in permitting the banks to issue to the par value of the bonds. If any depreciation should hereafter occur in these bonds, the bill under consideration provides an adequate remedy. It retains the provision of the existing law which requires the banks to immediately put up, in such an event, additional bonds to cover the margin of depreciation.

The bill, sir, has not been recommended simply by the banking interests of the country, as the gentleman from Massachusetts [Mr. WALKER] seemed to imply. It has been recommended also by the commercial and business interests of the country. The principle it contains has the indorsement of every Secretary of the Treasury who has ever mentioned the subject. It has been indorsed by every Comptroller of the Currency who has held that office from the time the national banking system was established down to the present time. It has the approval of the present Secretary of the Treasury and of the present Comptroller of the Currency. Nor is any tax upon the people involved in the bill. Indeed, a benefit is to result to the people, since, in its practical operation, the bill will permit an increase in the circulating medium at those times when it is most needed to answer the demands of trade and commerce.

The bill confers no advantage upon the banks that is not also the advantage of the people; and I want to say right here, Mr. Speaker, that I disagree with the proposition that whatever benefits the banks must necessarily be to the injury of the people. The interest of the banks and the interest of the people are generally identical. At any rate such will be the case in this instance if this bill becomes a law, and additional circulating notes can be issued in time of need. Under the pending measure the national-bank circulation can, with the bonds now available for security, be increased upward of $20,000,000—quite an item in such a money stringency as we encountered in the panic of 1893.

Mr. WALKER of Massachusetts. The gentleman does not mean to intimate that I have stated that whatever benefits the banks must necessarily injure the people?

Mr. JOHNSON of Indiana. I did not understand the gentleman to lay this down as a general proposition, but he certainly argued that this proposed law was in the exclusive interest of the banks.

Now, Mr. Speaker, it has been objected by the gentleman from Tennessee [Mr. COX] that this bill does not make it imperative on the banks to take out circulation. The amendment offered by the amiable and able gentleman from Mississippi [Mr. WILLIAMS] is nothing more nor less than another form of putting the objection of the gentleman from Tennessee. The trouble with their proposition is that it establishes a hard and fast line by which the volume of circulation is to be regulated. This is the great objection to the national banking system. Under the bond security, the circulation must necessarily be confined within certain prescribed limits. The national banking act also imposes certain limitations upon the taking out and the surrender of currency by the banks, and the effect of all this is to establish an arbitrary volume of currency, utterly regardless of the ever-varying needs of business, and to make elasticity in the money supply very difficult, if not impossible. Instead of being hampered by arbitrary regulations as to the amount of money to be placed in circulation, the bank should, in my opinion, be left free to issue and retire currency as the business interests of the community require, and for this reason the objection of the gentleman from Tennessee and the amendment offered by the gentleman from Mississippi ought not, in my judgment, to be considered by the House. But the gentleman from Tennessee says that the effect will be to appreciate the value of the bonds. That is purely conjecture, purely a matter of speculation. It is not at all likely that the bonds will increase in value to such an extent as to overcome the advantage of the increased circulation and render note issuing as unprofitable as it is at the present time.

It should not be forgotten, Mr. Speaker, that this bill is not the sole measure relating to national banks which is sought to be enacted by this Congress. Only a few days ago a bill authorizing the incorporation of national banks with a capital stock of $20,000 passed this House. Other remedial legislation is likely to be hereafter attempted. It is therefore the part of wisdom not to leave these matters entirely out of consideration in passing upon the merits and probable effects of the pending bill. The gentleman from Massachusetts claims that the passage of the bill will increase the drain upon the Treasury reserve; but this, sir, is not a proposition to issue more greenbacks or more United States Treasury notes, like those issued under the act of 1890. The drain could certainly not bear any such a relation to the Treasury as that produced by these kinds of paper.

[Here the hammer fell.]

Mr. VAN VOORHIS. Does the gentleman from Tennessee [Mr. COX] desire to consume any more of his time?

Mr. COX. If no gentleman desires to occupy the time now in opposition to the bill, I will add a few words.

The gentleman from Indiana [Mr. JOHNSON], who has just taken his seat, in seeking to answer the objection which I made to the bill that it should be made imperative on the banks to take out circulation, has not met that objection. I will go further and [illegible] that if you adopt a provision making it imperative on the banks to take out circulation, then I will vote to reduce the tax upon circulation. The proposition, then, resolves itself into [illegible]d there is no escape from it: The argument of the gent[illegible] from Indiana is that we should leave it to the discretion of [illegible] banks as to when they will take out circulation or when they will not. My argument is that if a bank can deposit a bond worth, we will say, $1.12 to every dollar of face value—a bond drawing [illegible] per cent interest, paid by the taxpayers of this country—and then if it can obtain upon that bond $1 of circulation for every dollar of face value, to be loaned out to the people throughout the country at 6, 8, 10, or 15 per cent, there can be, in my [illegible], no objection to compelling the bank holding such bonds to take out that circulation.

The country will then understand that there is a certain amount of banking circulation out, because it will be imperative upon the banks to take out that amount. Under such circumstances no sort of machinery can bring about a contraction of the currency through the concerted action of the large money centers against the smaller moneyed interests. The people will know what amount of circulation is outstanding. How it shall be used is a totally different question. That is a question which addresses itself to the sound discretion of every well-managed bank.

Gentlemen who disagree with me are willing to increase the power of the banks by permitting them to take out circulation to the extent of the par value of their bonds, while they would leave it discretionary with the banks whether to take out that currency or not. Gentlemen answer my proposition by saying that the banks should be left to decide when they need the circulation and when they do not need it. I say, with all respect to gentlemen holding different views, that under such an arrangement the question how much circulation there should be would be decided by the banks purely according to their own interest. That is the trouble.

If the banks are compelled to take out this circulation, they need not hold it in their vaults; the notes need not be signed; they may be left with the Secretary of the Treasury; but they will pay taxes on that amount of circulation. What, then, will be the interest of the banks? It will be to furnish the country with a proper circulating medium, as far as they can.

I repeat—and this is all I wish to say on the bill—if you leave it discretionary with the banks to take out circulation or not, the bill will accomplish nothing. In that case, whether the banks take out circulation or not will depend on the price of the bonds. If the bonds advanced in price, there would be no inducement for the banks to take out circulation that will yield them less money to bank upon than that which the bonds themselves would yield. What hardship is there upon the banks in such a proposition as I advocate? None in the world. If this Government gives to the banks the right to carry on a banking business—if it guarantees their notes and stands behind them and besides issues to them notes to the full amount of the par value of the bonds which they hold, while at the same time it pays them 4 per cent interest, or whatever the rate may be, upon those bonds—is it asking too much that the bank be required to take out the circulation to which it is entitled, and not permitted to contract or expand the circulation of the country at its pleasure?

The Government should hold the power to control the amount of circulation, and not the banks.

Mr. VAN VOORHIS. I now yield to the gentleman from Pennsylvania [Mr. Brosius].

Mr. BROSIUS. Mr. Speaker, I quite agree with the statement of the gentleman from Indiana [Mr. Johnson] who addressed the House a few moments ago, that the only stable and safe way to improve our currency is to do it by gentle stages—not by uprooting our present system or superseding it by a new and different one, but by correcting such defects as time and experience may reveal in the system.

Singularly enough, Mr. Speaker, there is a very remarkable confusion of tongues among us upon the subject of banking and currency—a confusion comparable only to the lingual curse of Babel. I think that in the Banking and Currency Committee—and I disclose none of its secrets—there are several members who have bills of their own that have been considered, and I think I may be permitted to say that upon all those bills, each one represented by a member, the committee probably—and I speak approximately—if they voted to-day, would stand about 16 to 1, there being 17 members on the committee.

Now, I think that the national banking system is the best banking system that the wit and wisdom of man ever devised. A great many of the criticisms that are made upon it are about as valuable as the criticism of Mr. Tooke years ago on the banking system of England, when he said that the Bank of England was one of the most wanton, ill-advised, pedantic, and rash pieces of legislation that had ever come within his observation.

That was the criticism of a great publicist on finance; yet nobody in England believed his criticism was warranted, and nobody paid any attention to it. Now, in spite of the great weight that should attach to anything said by the distinguished chairman of the Committee on Banking and Currency because of his long and attentive study of this question, yet I think his strictures upon the banking system of this country are about as valuable as those of Mr. Tooke upon the banking system of England. Moreover, I think the complaints which are made of our national banking system have about as much in them, nine times out of ten, as the celebrated complaint of Sidney Smith in regard to the solar system, when he said to his friend Jeffries: "Damn the solar system! Bad light; planets too remote; pestered with comets—a feeble contrivance! I could make a better myself." [Laughter.]

Let me read what Justice Miller, the late lamented justice of the Supreme Court of the United States, said about our national banking system, and he expressed my view on the subject:

> It is a matter of interest which I can not forbear to mention here, that the present national banking system, in my judgment, and in that of many thinking men—statesmen and philosophers—is the best that the world has ever known.

I do not want any statesman to lay violent hands upon that system. It has got a deep taproot. I do not want it uprooted. I want it to be nurtured with care. I want amendments passed to improve it, when we are sure we know what we are doing. But when we are in doubt about that, I want us to keep our hands off. Now, Mr. Speaker, I am cordially in favor of this bill, because it will afford some relief where the need is most urgent. I would like to bring some relief to our brethren in the South and West. I know there is a difficulty about the currency in those sections, but I say that until by law you can equalize the material conditions, the resources, the capital, and the wealth of the different sections of our country, you can not equalize the benefits which banks afford. Legislation is unequal to such a task.

[Here the hammer fell.]

Mr. HILL. Mr. Speaker, believing that the public interest will be better served by coming to a vote now than by a continuation of this debate, I will yield back to the gentleman in charge of the bill the time that he assigned to me, and ask that a vote be taken now.

Mr. VAN VOORHIS. I ask for a vote.

Mr. WILLIAMS. Before that vote takes place, I ask unanimous consent that the amendment which I read may be considered as pending, and may be voted upon by the House.

Mr. JOHNSON of Indiana. I object.

Mr. WILLIAMS. I am sorry that the gentleman objects, because some of us could vote for the bill if that amendment were allowed to come in.

The SPEAKER. Objection is made. The question is on the engrossment and third reading of the bill.

The question being taken, on a division (demanded by Mr. Williams) there were—ayes 126, noes 37.

Accordingly, the bill was ordered to be engrossed and read a third time; and it was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS, Mr. COX, and Mr. SULZER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 45, not voting 165; as follows:

YEAS—144

Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Andrews,
Arnold, Pa.
Arnold, R. I.
Atwood,
Baker, N. H.
Barham,
Bartholdt,
Beach,
Bishop,
Blue,
Boatner,
Boutelle,
Bowers,
Brewster,
Brosius,
Buck,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Mo.
Codding,
Coffin,
Colson,
Connolly,
Cooke, Ill.
Cooper, Fla.
Cousins,
Crowther,
Crump,
Curtis, Kans.
Danford,
Dayton,
Doolittle,
Erdman,
Evans,
Faris,
Fenton,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Gamble,
Gardner,
Gibson,
Graff,
Griffin,
Griswold,
Grosvenor,
Grow,
Hager,
Harrison,
Hart,
Heiner, Pa.
Henderson,
Henry, Ind.
Hepburn,
Hicks,
Hilborn,
Hill,
Hitt,
Hooker,
Hopkins, Ill.
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Hunter,
Johnson, Ind.
Joy,
Kiefer,
Kirkpatrick,
Knox,
Kyle,
Lacey,
Layton,
Leisenring,
Leonard,
Lewis,
Linton,
Long,
Lord,
Loudenslager,
McCleary, Minn.
McClellan,
McEwan,
McLachlan,
Mercer,
Miller, Kans.
Miller, W. Va.
Milliken,
Mitchell,
Mondell,
Moody,
Murphy,
Northway,
Otjen,
Patterson,
Payne,
Pearson,
Phillips,
Poole,
Price,
Pugh,
Quigg,
Ray,
Reeves,
Reyburn,
Rinaker,
Royse,
Russell, Conn.
Scranton,
Sherman,
Simpkins,
Snover,
Sorg,
Southwick,
Spalding,
Stahle,
Stewart, Wis.
Stone, C. W.
Strode, Nebr.
Strong,
Sulloway,
Taft,
Thorp,
Turner, Ga.
Updegraff,
Van Voorhis,
Walker, Va.
Wanger,
Warner,
Watson, Ohio
White,
Willis,
Wilson, Ohio
Wood.

NAYS—45.

Allen, Miss.
Baker, Kans.
Bankhead,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Berry,
Clardy,
Cockrell,
Cooper, Tex.
Cox,
Crisp,
De Armond,
Dinsmore,
Dockery,
Hendrick,
Jones,
Lawson,
Little,
Livingston,
Maddox,
Maguire,
McCulloch,
McDearmon,
McMillin,
Miles,
Money,
Moses,
Neill,
Pendleton,
Robertson, La.
Sayers,
Shafroth,
Shuford,
Stallings,
Stokes,
Strowd, N. C.
Sulzer,
Talbert,
Tate,
Terry,
Towne,
Tucker,
Walker, Mass.
Williams.

NOT VOTING—165.

Abbott,
Acheson,
Adams,
Aitken,
Allen, Utah
Anderson,
Apsley,
Avery,
Babcock,
Bailey,
Baker, Md.
Barney,
Barrett,
Bartlett, N. Y.
Belknap,
Bennett,
Bingham,
Black,
Broderick,
Bromwell,
Brown,
Brumm,
Catchings,
Clark, Iowa
Clarke, Ala.
Cobb,
Cook, Wis.
Cooper, Wis.
Corliss,
Cowen,
Crowley,
Culberson,
Cummings,
Curtis, Iowa
Curtis, N. Y.
Dalzell,
Daniels,
Denny,
De Witt,
Dingley,
Dolliver,
Dovener,
Draper,
Eddy,
Elliott,
Ellis,
Fairchild,
Fowler,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Grout,
Hadley,
Hainer, Nebr.
Hall,
Halterman,
Hanly,
Hardy,
Harmer,
Harris,
Hartman,
Hatch,
Heatwole,
Hemenway,

Henry, Conn.
Hermann,
Hopkins, Ky.
Howard,
Huling,
Hull,
Hurley,
Hutcheson,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Kem,
Kerr,
Kleberg,
Kulp,
Latimer,
Lefever,
Leighty,
Lester,
Linney,
Lorimer,
Low,
Mahany,
Mahon,
Marsh,
Martin,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McLaurin,
McRae,
Meiklejohn,
Meredith,
Meyer,
Milnes,
Miner, N. Y.
Minor, Wis.
Morse,
Mozley,
Murray,
Newlands,
Noonan,
Odell,
Ogden,
Otey,
Overstreet,
Owens,
Parker,
Perkins,
Pickler,
Pitney,
Powers,
Prince,
Raney,
Richardson,
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Settle,
Shannon,
Shaw,
Skinner,
Smith, Ill.
Smith, Mich.
Southard,
Sparkman,
Spencer,
Sperry,
Steele,
Stephenson,
Stewart, N. J.
Stone, W. A.
Strait,
Swanson,
Tawney,
Tayler,
Thomas,
Tracewell,
Tracey,
Treloar,
Turner, Va.
Tyler,
Van Horn,
Wadsworth,
Washington,
Watson, Ind.
Wellington,
Wheeler,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer,
Wright,
Yoakum.

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Corliss with Mr. Cowen.

Mr. McCall of Massachusetts with Mr. Sparkman.

Mr. Barrett with Mr. Woodard.

For the balance of this day:

Mr. Meiklejohn with Mr. McRae.

Mr. Wellington with Mr. Swanson.

Mr. Smith of Michigan with Mr. Newlands.

Mr. Pitney with Mr. Denny.

Mr. Jenkins with Mr. Abbott.

Mr. Dalzell with Mr. Tyler.

Mr. Milnes with Mr. Richardson.

On this question:

Mr. Bingham with Mr. Wheeler. (Mr. Bingham would vote for the bill and Mr. Wheeler against it.)

Mr. Adams with Mr. Bailey.

Mr. Johnson of California with Mr. Hartman.

Mr. Aitken with Mr. Kleberg, on this vote.

Mr. BAILEY. The announcement of the pairs reminds me that I agreed to pair with the gentleman from Pennsylvania, Mr. Adams. I voted "no." I desire to withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. HARTMAN. I voted "no." I am paired with the gentleman from California, Mr. Johnson. I desire to withdraw my vote, and suggest that if necessary, in order to make a quorum, I might answer "present."

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. McCALL of Massachusetts. I voted "yea." I am paired with the gentleman from Florida, Mr. Sparkman. I desire to withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. McRAE. Mr. Speaker, I agreed to pair with the gentleman from Nebraska, Mr. Meiklejohn. I desire to withdraw my vote. I voted "no."

The SPEAKER. The gentleman's vote will be withdrawn.

The result of the vote was then announced as above recorded.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

BUREAU OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States:

> *To the Senate and House of Representatives:*
>
> I transmit herewith for the information of the Congress a communication from the Secretary of State, covering the report of the Director of the Bureau of the American Republics for the year 1896.
>
> GROVER CLEVELAND.
>
> EXECUTIVE MANSION,
> *Washington, February 25, 1897.*

The message and the accompanying documents were referred to the Committee on Foreign Affairs, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Pruden, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 24, 1897:

An act (H. R. 9123) to prevent forest fires on the public domain;

Joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city;

An act (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

Joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes;

An act (H. R. 10102) to remove the political disabilities of Col. William E. Simms; and

An act (H. R. 8197) for the relief of John J. Guerin.

IMPRISONMENT OF AMERICAN CITIZENS IN THE ISLAND OF CUBA.

Mr. HITT. Mr. Speaker, I desire to present a privileged report on a resolution of inquiry.

The Clerk read as follows:

> The Committee on Foreign Affairs, to whom was referred House resolution No. 552, having duly considered the same, report the accompanying substitute therefor and recommend its adoption:
>
> "*Resolved by the House of Representatives*, That the President be requested to transmit to the House of Representatives, if not incompatible with the public interests, all correspondence on file in the State Department not hitherto communicated to Congress in regard to the imprisonment of American citizens by Spanish officials in the Island of Cuba."

Mr. HITT. Mr. Speaker, this is a unanimous report of the committee, and I ask for its adoption.

The resolution was agreed to.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. Before putting the motion, the Chair will lay before the House the following report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;

A bill (H. R. 948) to remove charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved; and

A bill (H. R. 9089) for the relief of Daniel E. De Clute.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Van Horn, indefinitely, on account of sickness in his family.

To Mr. Otey, for one week, on account of death in his family.

To Mr. Martin, for three days, on account of sickness in his family.

The motion to adjourn was then agreed to; and accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Neuse River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey for a jetty near Bogue Inlet, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred [illegible] follows:

By Mr. GAMBLE: A bill (H. R. 10360) to restore to the public domain the lands embraced within the forest reservation [illegible] the State of South Dakota set up and established by Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. BOWERS: A bill (H. R. 10361) to restore to the public domain the lands embraced within the forest reservations in the State of California set up and established by Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. WILLIAM A. STONE: A bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin"—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 10364) declaring war between the Kingdom of Spain and her colonies and the United States of America and their Territories—to the Committee on Foreign Affairs.

By Mr. COLSON: A resolution (House Res. No. 555) to pay Hon. N. T. Hopkins of Kentucky for clerk hire and stationery from December 2, 1895, to February 18, 1897—to the Committee on Accounts.

By Mr. MONDELL: A resolution (House Res. No. 556) requesting the President to furnish to the House all reports and papers relating to the segregation from the public domain of the lands embraced in the Executive proclamation of February 22, 1897—to the Committee on the Public Lands.

By Mr. MURPHY of Arizona: A memorial of the legislature of the Territory of Arizona, urging the construction of the proposed Buttes reservoir, in Pinal County, Ariz.—to the Committee on Indian Affairs.

Also, a memorial of the legislature of the Territory of Arizona, asking Congress to provide by law for loaning to the University of Arizona ordnance and ordnance stores, etc.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTLETT of Georgia: A bill (H. R. 10363) to increase the pension now paid to Mrs. Lucinda Booth, widow of Wiley Booth, a soldier of the war of 1812—to the Committee on Pensions.

By Mr. MAGUIRE: A bill (H. R. 10365) granting increase of pension to Louise K. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10366) for the relief of James Q. Shirley and the estate of Francis De Long, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petitions of the Advent Christian Church, of Providence, R. I., the Free Baptist Church and the Young People's Society of Christian Endeavor of Arlington, R. I., and the Arcadia Baptist Church, in favor of the Gillett-Platt bill (H. R. 7441), prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rev. J. B. Davis and Rev. J. D. Gardner, of Providence, R. I.; also of C. A. Pratt and others; also of W. S. Walker and others, favoring the passage of the Shannon bill (H. R. 9515), to raise the age of protection to 18 years—to the Committee on the Judiciary.

By Mr. BULL: Petition of A. S. Rounds, grand commander of the order of the Golden Cross, favoring the enactment of the bill regulating fraternal beneficiary societies (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BURTON of Missouri: Petition of A. Eppenawr and other citizens of Nevada, Mo., in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of William Aster & Son and other citizens of Momence, Ill., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of L. P. Bardwell, of Marion, Iowa, praying for the passage of House bill (H. R. 4566) to amend the postal laws relating to second-class mail matter—to the Committee on Post-Offices and Post-Roads.

Also, petition of 61 citizens of Cedar Rapids, Iowa, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petition of J. W. Thompson and other citizens of Marion; also of J. W. Hughes and others, of Topeka, Kans., praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Petition of Theodore Deetjen and other citizens of Hoboken, N. J., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of N. W. Allen and other citizens of Minneapolis, Minn., asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of George S. Rix and 44 other citizens of Milbank, S. Dak., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. GILLET of New York: Petition of 242 citizens of Elmira, N. Y., in favor of House bill No. 354, to establish a national university—to the Committee on Education.

By Mr. HAGER: Petition of C. H. Cappellar and other citizens of Atlantic, Iowa, protesting against the passage of the Cullom and Sherman bill to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDRICK: Petition of J. A. Cope and other citizens of Glade, Ky., praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Petition of E. Greenfield's Son & Co. and other business firms in the city of New York, in regard to rate of duty on desiccated cocoanut—to the Committee on Ways and Means.

By Mr. JOHNSON of North Dakota: Petition of Rev. S. F. Beer and 26 other citizens; also petition of C. A. Harris and 44 others, residing in the State of North Dakota, to raise the age of consent to 18 years—to the Committee on the Judiciary.

By Mr. LOUD: Resolution of the San Francisco Chamber of Commerce relative to the necessity for representation of the Territory of Alaska in the House of Representatives—to the Committee on Territories.

By Mr. PERKINS: Resolutions of the Farmers' Institute of Sac City, Iowa, protesting against the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE: Petitions of George G. Denor and other citizens of Patterson; J. H. Hoffmann and others, of Jennings; C. H. Vincent and others; V. E. Dupris and others, of Carevero; O. Cromwell and others, of Chacahaula; J. R. Parkerson and others, of Franklin; J. C. Morris, A. F. Barnett, and others, of New Orleans; William Millot and others, of St. Marys Parish; William J. McClellan and others, of Morgan City; George Malagarie and others, of Broussard; M. D. Kearney and others, of Lake Charles; G. A. Martin and others, of Lafayette; F. & D. Gande and others, of Lafourche Crossing, and John B. Lewis and others, of Jeousette, in the State of Louisiana, asking for the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Louis Diss and other citizens of Ilion, N. Y., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. SNOVER: Petition of P. Ross Parrish, of Romeo, Mich., in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Campbell Coyle, of Toledo, Ohio, favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: Petition of Emil Stampfli and other citizens of Columbus, Ohio, in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 26, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. Milburn, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. Mills, and by unanimous consent, the further reading was dispensed with.

LIST OF JUDGMENTS RENDERED.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 24th instant, a list of all judgments rendered against the United States by the circuit and district courts of the United States, under section 11 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," which require an appropriation for their payment, and which have not heretofore been reported to Congress; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL ESTIMATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th instant, supplemental estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1897, and for prior years, amounting to $23,209.37, and for the postal service, payable from postal revenues, amounting to $3,620.09; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HUGH T. TAGGART.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General of the 25th instant, requesting that an appropriation of $25.500 be included in the general deficiency appropriation bill, for payment to Hugh T. Taggart for services performed under appointment by the Department of Justice; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved;

A bill (H. R. 4156) to amend the postal laws providing limited indemnity for loss of registered mail matter; and

A bill (H. R. 9689) for the relief of Daniel E. De Clute.

CREDENTIALS.

Mr. BACON presented the credentials of Alexander Stephens Clay, chosen by the legislature of Georgia a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

EDWARD VUNK.

Mr. VILAS. I ask unanimous consent to dispose of a House bill proposing to grant a pension, being the bill (H. R. 3842) to increase the pension of Edward Vunk.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Edward Vunk, formerly a member of Company D, Twelfth Regiment Wisconsin Infantry, to $45 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA M. WAY.

Mr. PEFFER. I ask unanimous consent to proceed to the consideration of the first pension bill on the Calendar, the bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Amanda M. Way, of Los Angeles, Cal., on the pension roll as army nurse, and to pay her a pension at the rate of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETH PORTER CHURCH.

Mr. BURROWS. I ask unanimous consent to call up the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant an honorable discharge to Seth Porter Church, alias Samuel Church, from Battery I, Second United States Artillery, to date August 29, 1848.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF NATIONAL MILITARY PARKS.

Mr. HAWLEY. I ask unanimous consent to proceed to the consideration of House bill 7320. It is a bill to prevent trespassing upon the national parks. The commissioners of the Gettysburg and Chattanooga parks are much troubled by trespassers of various sorts. There is an amendment to the bill.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out section 4 in the following words:

> SEC. 4. That any person to whom land lying within any national parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be guilty of trespass, and is liable to a penalty of not more than $1,000. And it shall be lawful for the park employees by force to eject such person from the land so held and from the park.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Hawley, Mr. Shoup, and Mr. Walthall were appointed.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present the memorial of David Lubin, of Sacramento, Cal., on behalf of the State Granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, setting forth certain evils of the present system of protection, and suggesting modifications. The memorial is very short and I move that it be printed as a document and referred to the Committee on Finance.

The motion was agreed to.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that the Territory of Alaska be given representation in Congress; which was referred to the Committee on Territories.

Mr. VEST presented sundry petitions of citizens of Jefferson City, Kansas City, Kirkwood, Portland, and Columbia, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SHERMAN presented the petitions of W. E. Lynch and sundry other citizens; of Henry M. Green and sundry other citizens; of Rev. D. E. Hoffman and sundry other citizens; Fanny Miller and sundry other citizens; Charles Scharf and sundry other citizens, and of E. E. Weller and sundry other citizens, all of Fostoria, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petitions of Rev. William R. Evans, of Gallia; of Rev. T. K. Leonard and sundry other citizens of Clyde, and of Rev. S. H. Randelaugh and sundry other citizens of Lindsey, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. DAVIS presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the removal of the office of supervisor of steamboat inspection from that city; which was referred to the Committee on Commerce.

He also presented a memorial of the Union Veteran League of Minneapolis, Minn., remonstrating against the extension of the civil service to cover pension boards of examining surgeons; which was referred to the Committee on Pensions.

He also presented a petition of the department of superintendence of the National Education Association, and a petition of sundry citizens of Mankato, Minn., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. FRYE presented a petition of members of the Shaker church of Sabbathday Lake, New Gloucester, Me., praying that the movement to establish a court of arbitration between Great Britain and the United States be speedily consummated; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Pleasant Plain Quarterly Meeting of Friends, of Woolson, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute of Sac County, Iowa, and the petition of Rev. J. A. Maple, of Keokuk, Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of the legislature of the Commonwealth of Massachusetts, praying that an appropriation be made for the construction of a dry dock at Charlestown, in that State; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Central Labor Union of Lawrence, Mass., praying for the passage of the so-called seaman's bill without amendment; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Amherst, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. NELSON presented the petition of H. H. Bergsland and sundry other citizens of Red Wing, and the petition of N. W. Allen and sundry other citizens of Minneapolis, Good Thunder, Freeborn, North Branch, Crow Wing, and Moose Lake, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. COCKRELL presented the petition of August Huge and sundry other citizens of Kirkwood, Mo., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the petition of the Woman's Club, of Madison, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. VILAS presented the petition of Rev. S. Meroness and sundry other citizens of Oxford, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. TURPIE presented a petition of the professors and students Indiana of University, Bloomington, Ind., and sundry petitions of citizens of Indiana, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of J. E. Elder, grand regent of the Royal Arcanum, and sundry other citizens of Indiana, and a petition of sundry citizens of Bristol and Elkhart, Ind., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. BRICE presented a petition of the Credit Men's Association of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Painesville, Ohio, praying for the enactment of legislation to punish contempts of court; for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented the petition of Rev. W. L. Y. Davis, in behalf of the Methodist ministers of Cincinnati, Ohio, praying for the enactment of legislation regulating the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Hollingsworth Division, No. 100, Order of Railway Conductors, of Columbus, Ohio, and sundry petitions of citizens of Springfield and Noble County, Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Rev. Charles K. Hunton, in behalf of the Luther League of America, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a memorial of the Western Tract Society of Cincinnati, Ohio, remonstrating against the adoption of the proposed amendment to the so-called Loud bill, preventing agents from mailing periodicals at the same rate as publishers, etc.; which was ordered to lie on the table.

He also presented petitions of the Christian Endeavor societies of the Presbyterian churches of South Charleston, Castine, and Vinton County; of the Woman's Christian Temperance Union of Greene County; of the Young People's Society of Christian Endeavor of Columbus; of the Young People's Society of Christian Endeavor of the Central Christian Church of Cincinnati; and of the Christian Endeavor Society of the Reformed Church of Hartville, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Western Reserve Society, Sons of the American Revolution, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Eliza G. Rice, secretary of the Woman's Christian Temperance Union of Yellow Springs, Ohio, praying for the enactment of legislation to abolish the sale of intoxicating liquors in the Capitol building, and also for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HANSBROUGH presented the petitions of Henry Well and 61 other citizens of Cavalier; of Mrs. A. M. Cook and 40 other citizens of Cogswell; of C. W. Pollock and 49 other citizens of Casselton, and of C. A. Harris and 44 other citizens of Grafton, all in the State of North Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. VILAS presented the petition of E. A. Abbott and sundry other citizens of Lodi, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of D. Grotophorst and 28 other citizens of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Grand Council of the Royal Arcanum of the District of Columbia, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society, of Orange, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Printing, to whom was referred the amendment submitted by Mr. VOORHEES on the 18th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH. I am directed by the Committee on the Library, to whom were referred the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, and the bill (S. 3356) to incorporate the Society of the Colonial Dames of America, to report them adversely, and to submit a report thereon.

Mr. ALDRICH. I ask that the bills may be placed on the Calendar, with the adverse report.

Mr. HANSBROUGH. I have no objection to that course being pursued.

Mr. QUAY. May I ask the Senator from North Dakota which of the societies of Colonial Dames the committee propose to incorporate, or whether both of them are to be incorporated?

Mr. HANSBROUGH. We are not reporting in favor of the incorporation of either one of the societies. The committee authorized me to make an adverse report on both bills.

Mr. QUAY. On both bills?

Mr. HANSBROUGH. Yes, sir; both the New York society and the Pennsylvania society.

Mr. QUAY. I did not notice. I supposed the bills were reported favorably.

Mr. HANSBROUGH. No, sir; adversely.

Mr. GALLINGER. Both of them are reported adversely.

Mr. HANSBROUGH. Yes, sir.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator desire that the bills shall be placed upon the Calendar?

Mr. ALDRICH. I requested that the bills should be placed on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6831) granting a pension to Sarah M. Spyker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4930) granting a pension to Mary Forward, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 20th instant, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 20th instant, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on the Census, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON IMMIGRATION.

Mr. HALE, from the Committee on Printing, to whom was referred the resolution submitted by Mr. CHANDLER on the 24th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed 800 additional copies of the report of the results of the mission of the Commissioner-General of Immigration to the Italian Government, October, 1896; 300 for the use of the Senate and 500 for the use of the Commissioner-General of Immigration.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. From the Committee on Immigration, I desire to ask that an additional number of copies may be printed of the conference report on the immigration bill, for which there is a large demand. The print is entirely exhausted.

There being no objection, the order was agreed to, as follows:

Ordered, That the report of the committee of conference on H. R. 7864, an act to amend the immigration laws of the United States be reprinted.

BILL INTRODUCED.

Mr. GEAR introduced a bill (S. 3790) for the relief of the Columbian Dry Dock Company, of Baltimore, Md., which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HENRY A. DU PONT.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be allowed and paid to Henry A. Du Pont, from the contingent fund of the Senate, the sum of $1,855.45, being the amount expended by him in prosecuting his claim to a seat in the Senate from the State of Delaware.

CONSIDERATION OF BILLS BY COMMITTEES.

Mr. VEST submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That no report shall be received by the Senate from any standing or select committee, unless such report has been considered by said committee at a session attended by a quorum of its members.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts:

An act (S. 321) granting a pension to James W. Dunn;

An act (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

An act (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel; and

An act (S. 2832) for the relief of Daniel T. Tollett.

METROPOLITAN RAILROAD COMPANY.

The VICE-PRESIDENT. As a part of the morning business, the Chair lays before the Senate a concurrent resolution, coming over from a previous day. The resolution will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate for further consideration the bill (H. R. 9847) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

PROPOSED EXECUTIVE SESSION.

Mr. PETTIGREW. Mr. President——

Mr. HILL. Will the Senator from South Dakota permit me a moment? I ask unanimous consent that we may have an executive session at 3 o'clock this afternoon.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent that there be an executive session at 3 o'clock this afternoon.

Mr. FRYE. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HILL. I give notice, so that no one may be taken by surprise, that at 3 o'clock this afternoon I shall submit a motion for an executive session.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. The Senate will remember that some days ago I called up what is known as the labor-commission bill. At that time there were serious objections to some of its features, but since then a compromise bill has been arranged between the opponents of the original bill and the committee representing the labor organizations, to which I think there will be no objection by any Senator on the floor. I should be glad if the Senate would now take up the bill and consider the compromise bill and send it to the other House.

Mr. WHITE. May I ask the Senator from Pennsylvania what commission bill he refers to? I was unable to hear him.

Mr. QUAY. The labor-commission bill.

Mr. WHITE. I have no objection.

Mr. PETTIGREW. I demand the regular order.

The VICE-PRESIDENT. Does the Chair understand the Senator from South Dakota to object?

Mr. PETTIGREW. I understand that the regular order this morning after the routine morning business is the Indian appropriation bill, and I desire to proceed with it. I will yield to the Senator after the bill is laid before the Senate.

Mr. ALLEN. What is the request of the Senator from South Dakota?

Mr. PETTIGREW. Simply that the order of last evening be carried out, that after the routine morning business the Indian appropriation bill shall be taken up. Is the morning business closed?

The VICE-PRESIDENT. The Senator from South Dakota demands the regular order. The Chair will state that the morning business having been disposed of, the regular business is the Calendar under Rule VIII.

Mr. PETTIGREW. I understand that last evening unanimous consent was given to take up the Indian appropriation bill immediately after the routine morning business.

Mr. CHANDLER. That is true, Mr. President.

The VICE-PRESIDENT. With that statement, the Chair lays before the Senate the Indian appropriation bill.

The SECRETARY. A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. ALLEN. Mr. President——

Mr. PETTIGREW. Now, Mr. President——

The VICE-PRESIDENT. The Senator from Nebraska has addressed the Chair.

Mr. PETTIGREW. One moment. Will the Senator from Nebraska yield to me for a statement?

Mr. ALLEN. Yes; I will yield for a statement.

Mr. PETTIGREW. There are two committee amendments which, of course, will be the first to be considered. I desire to take up the one first on page 70 and dispose of the two committee amendments; and then the amendments offered by the Senator from Nebraska will be in order.

Mr. ALLEN. I have been trying to get in an objection here.

The VICE-PRESIDENT. The Chair recognized the Senator from Nebraska, but he yielded the floor.

Mr. ALLEN. Last night I said I would object to taking up the Indian appropriation bill if it interfered in the slightest degree with the consideration of the Sanguily resolution.

Mr. STEWART. That does not come up until 1 o'clock.

Mr. ALLEN. Very well; let it go over until that time.

Mr. STEWART. It is the unfinished business at 1 o'clock.

Mr. PETTIGREW. I desire to proceed with the consideration of the amendment on page 70.

The VICE-PRESIDENT. The amendment of the committee has been read. The amendment of the Senator from Utah [Mr. BROWN] to the amendment of the committee will be read.

Mr. QUAY. I ask the Senator from South Dakota to yield to me in order that I may call up the bill which I mentioned a few moments ago.

Mr. PETTIGREW. With the understanding that it will lead to no debate, I will yield.

Mr. QUAY. If there is any debate or any objection, I will withdraw it.

Mr. HAWLEY. What is the bill?

Mr. QUAY. It is what is known as the labor-commission bill. I do not know whether the Senator from Connecticut, who, I believe, was rather hostile to the bill in its original form, is aware that a compromise bill has been arranged between the opponents of the bill and the committees of the labor organizations, which, I understand, is unobjectionable. I desire to call up the bill and substitute the compromise bill for the bill of the House, if there is no objection.

Mr. HALE. That is a very important matter. It will give rise to debate. I must object.

Mr. QUAY. I understand that there are no objections to it, and that is the reason why I have asked to take it up. I will adopt the suggestion of my friend from Minnesota [Mr. DAVIS], and ask that the substitute be read.

The VICE-PRESIDENT. The Chair was unable to near whether objection was interposed by the Senator from Maine.

Mr. HALE. I objected.

Mr. QUAY. Objection was interposed. I merely ask that [illegible] proposed substitute be read for the information of the S[illegible]

The VICE-PRESIDENT. The Secretary will read th[illegible]roposed substitute.

The Secretary read as follows:

Substitute *for* 9188.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be called the "industrial commission," to be composed as follows: Five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker, and nine other persons who shall fairly represent the different industries and employments, to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That the commission shall give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or subcommissions of its own members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks, stenographer, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated; however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 4. That it may report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 5. That the term of the commission shall be two years. The salary of each member of this commission appointed by the President shall be $5,000 per annum and actual traveling expenses.

SEC. 6. That any vacancies occurring in the commission by reason of death, disability, or from any other cause, shall be filled by appointment of the President of the United States.

SEC. 7. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. HALE. That is a gigantic scheme for building up a great set of officeholders at the rate of $5,000 a year. I object to it.

The VICE-PRESIDENT. Objection is interposed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 153) authorizing the persons herein named to accept certain decorations;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A bill (S. 3340) authorizing Herbert H. D. Peirce to accept a medal from the Russian Government;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain; and

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 849) to increase the circulation of national banks;

A bill (H. R. 3278) to amend section 1 of an act approved December 21, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma; and

A bill (H. R. 4808) to increase the efficiency of the postal service.

The message also announced that the House had passed a concurrent resolution providing for the printing of 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing that during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, be suspended, and said bills and joint resolutions may be written by hand; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;"

A bill (H. R. 3842) to increase the pension of Edward Vunk;

A bill (H. R. 8706) to correct the military record of Patrick Hanley;

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories; and

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah [Mr. BROWN] to the amendment of the committee, beginning on page 70, will be stated.

The SECRETARY. After the word "Interior," in line 8 on page 72, insert the words "unless such award has been paid to and accepted by the claimant;" so that when amended the clause will read:

And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior, unless such award has been paid to and accepted by the claimant.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BROWN. This is a very important amendment. We have partly discussed it. It was called up last night, and there was not a sufficient number present to consider it properly. I shall have again to ask for a full Senate before considering it. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Allison,
Bate,
Berry,
Blackburn,
Blanchard,
Brown,
Burrows,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Cockrell,
Davis,
Elkins,
Frye,
Gear,
Gorman,
Gray,
Hale,
Hawley,
Hill,
Hoar,
Kenney,
Lindsay,
Lodge,
Mills,
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Quay,
Roach,
Sherman,
Shoup,
Stewart,
Teller,
Tillman,
Vest,
Vilas,
Walthall,
White.

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum is present. The question is upon agreeing to the amendment submitted by the Senator from Utah to the amendment of the committee.

Mr. BROWN. The object of the amendment, Mr. President, is simply to carry out the scheme proposed by the committee to submit the whole question, with all its equities, defenses, and points, to the Court of Claims. It is claimed here that many of these claimants presented their claims to the Secretary of the Interior and he has adjusted them; that they had accepted the allowance and been paid the amount, and that they are satisfied with it. This amendment simply proposes that the court shall take that fact, among others, into consideration, and give it such weight as the court sees fit. I hope the amendment to the amendment will be passed at this time.

Mr. BURROWS. It seems to me that the amendment proposed by the Senator from Utah [Mr. BROWN] ought to be accepted by the committee. If this matter is going to the Court of Claims there is no reason why they should not examine the full question and ascertain how much has been paid each one of the claimants, and not bar the Indians from making any proper defense of the claims.

I have very great doubt myself whether there is any great merit in the claims whatever. In fact, from a conversation had with officials who are familiar with it, I am satisfied that the claims are without foundation. I hold in my hand a report made by the Secretary of the Interior upon these claims, embracing also the report of the Commissioner of Indian Affairs, from which it appears that out of this fund there have been paid to these attorneys in all the sum of nearly $200,000. It is true that did not exhaust the fund, and possibly that is the reason why these additional claims are filed, with a view of securing, if possible, from the Indians the remaining $80,000.

The Secretary of the Interior, in commenting on these claims, says, among other things:

It further appears that since the appropriation was made the following claims have been paid: September 8, 1894, to J. M. Bryan, 6½ per cent, $52,025.11; September 8, 1894, to William Wilson, 2 per cent, $16,007.72; September 8, 1894, to William H. Hendricks, 2 per cent, $16,007.72; total $84,040.55: that claims of attorneys for services were adjudicated by your office under section 2104 of the Revised Statutes and transmitted to the Department for its action, as follows: August 31, 1894, claim of Jones, Voorhees & Boudinot, 4 per cent, $32,015.45; September 5, 1894, claim of Garland & May, 1⅞ per cent, $15,000; total, $47,075.45.

These claims, as well as the claim of John T. Heard for $10,000, and of the Wilshire estate for $13,500, hereinafter referred to, have been approved by the Department by letter of January 5, 1895.

The Secretary of the Interior further says:

The claims of Messrs. Bryan, Hendricks & Wilson have been paid, and the claims of Messrs. Jones, Voorhees & Boudinot, Messrs. Garland & May, Mr. John T. Heard, and the Wilshire estate have been approved, as above stated, and now require no consideration.

The claim of John A. Sibbald.—

The Secretary says, speaking of this claim:

I do not think that Mr. Sibbald is entitled to anything more than one-fifth of the amount allowed on the Wilshire claim, in accordance with his agreement with Mr. Wilshire.

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract. The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case. I have carefully considered his claim, and I can not think that, however valuable and meritorious these services may have been, he is entitled to the enormous sum at which he rates them. I agree with you that the sum of $8,000 would be ample compensation for all the services rendered; and that sum is allowed.

And he was paid it.

The claim of E. J. Ellis.—The proof shows that this claim is of the most meritorious character. To be sure, the services of Mr. Ellis were not of long duration, for he died a few months after he was employed in the case. I do not think, under the circumstances, that the representatives of Mr. Ellis are entitled to a very considerable compensation for his services. I think, however, that the compensation suggested by you is quite inadequate. I am of opinion that the estate of Mr. Ellis should be allowed the sum of $4,000 in full for his services.

And that amount was allowed and paid. The Secretary further says:

I do not see any merit in the claim set up by Mr. McKnight, as the surviving partner of the law firm of Ellis, Johns & McKnight, and his claim is rejected.

The claim of C. M. Carter.—Mr. Carter's legal services extended from the latter part of 1883 to the year 1893; they are fully recognized by Mr. Bryan, who swears in his affidavit on file that the Old Settler Cherokees were benefited to the full extent of the amount agreed to be paid to Mr. Carter for his legal services; that he has advanced $213 to pay costs in their case. I am satisfied that Mr. Carter is justly entitled to be paid the full amount of his claim for legal services, viz, $3,185, and that sum is allowed.

And he was paid.

The claim of Joel L. Baugh.—I am unable to see what services Mr. Baugh has rendered which would justify the payment to him of the sum of $6,000. His services may have been valuable, but it is not easy to perceive just exactly what they were. But, under all the circumstances, I would approve an allowance to him of the sum of $1,000.

The claim of John W. Douglas.—Mr. Douglas was employed as one of the attorneys of these Indians in the Court of Claims in the early part of 1884, and until the year 1889, when he was appointed one of the Commissioners of the District of Columbia. His services were valuable and meritorious, and the compensation which he asks is moderate, viz, the sum of $2,500, which is allowed.

The claim of John L. McCoy.—This is a claim filed in behalf of the administratrix of John L. McCoy, deceased, who was for a short time a commissioner for the Old Settlers. It appears that he was appointed in 1875 and served about two years. I am unable to see what claim Mr. McCoy has upon this fund, and I agree with you in its rejection.

And so the Secretary of the Interior comments upon all these claims, passing upon them and allowing what in his judgment ought to be allowed, having before him all the contracts and all the facts in the case. I submit that it is a little unsafe to adopt the amendment of the committee without the amendment proposed by the Senator from Utah. If gentlemen are anxious simply that justice should be done to these claimants, there is no reason why the Court of Claims should not have jurisdiction to inquire into all the facts and ascertain how much the claimants have received. It appears from the report of the Secretary, as I said before, that they have already been paid out of this fund $198,000, and then other claimants filed their claims and their claims were passed upon by the Commissioner of Indian Affairs and by the Secretary of the Interior; and many of them were disallowed because they were absolutely without merit; others were allowed for a small sum.

With the amendment proposed by the Senator from Utah, giving the court jurisdiction to inquire into all the facts, if these parties have already been fully paid and there is any sum remaining out of the sum of 35 per cent, it belongs to the Indians, and out of professed regard for the Indians we ought to do whatever we can to secure them in their rights.

Without reading at length this report, I ask to have it printed in the RECORD.

Mr. TELLER. It has been printed, and it has been read here half a dozen times.

Mr. BURROWS. Has it been printed in the RECORD?

Mr. PETTIGREW. Every item.

Mr. TELLER. And it has been discussed here. However, I do not object to its going into the RECORD.

Mr. BURROWS. Very well; instead of reading it to any further extent, as I would be obliged to do if objection is made, I will ask to have it printed in the RECORD.

Mr. TELLER. If the Senator desires to read it, I do not care.

Mr. BURROWS. I ask that it be printed in connection with the vote on this proposition, and I trust the amendment of the Senator from Utah will be adopted. It certainly can do nobody any harm, and it may be that it will preserve the right of the Indians to this fund.

Mr. TELLER. If the amendment of the Senator from Utah was that they should be charged with what they have got, so that when a man got within $500 of what he ought to have had he might be charged with what he had received, the amendment would be fair; but the amendment is just opposite; it prevents every man who has ever received a dollar from getting another dollar. That is the objection to it.

Mr. BROWN. Then let it read "and accepted in full payment."

Mr. TELLER. If you will add the words "in full payment" after "accepted," that will cover it, because some of these people entered a protest very vigorously that they were not properly paid.

Mr. BROWN. I have no objection to adding those words.

Mr. BURROWS. It can be modified in that way.

Mr. TELLER. If they received any money, and have not received as much as the court says they should have received, that is to be a charge against them.

Mr. BROWN. After the word "accepted," I will add the words "in full payment."

Mr. TELLER. That is all I desire.

Mr. BROWN. I understand the committee will accept the amendment.

Mr. PETTIGREW. I shall not accept it, but I shall not call for the yeas and nays. I want to have the matter disposed of.

Mr. BURROWS. I should like to have the document to which I referred printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The following is the document referred to.

LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, IN RESPONSE TO SENATE RESOLUTION OF MARCH 2, 1895, DIRECTING THE SECRETARY OF THE INTERIOR TO REPORT TO THE SENATE ANY AND ALL PAYMENTS AND DISTRIBUTIONS FROM THE APPROPRIATION OF $800,386.31 IN FAVOR OF THE "OLD SETTLERS," OR WESTERN CHEROKEE INDIANS, MADE BY ACT OF AUGUST 23, 1894.

DEPARTMENT OF THE INTERIOR, *Washington, January 18, 1896.*

SIR: I have the honor to acknowledge the receipt of Senate resolution of March 2, 1895, in the following words:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States, in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law, except allowances already made for legal services, and to report to the Senate any and all payments and distributions from said fund already made, with copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs, and the action had thereon."

In response thereto, I transmit herewith copy of a communication of the 17th instant from the Commissioner of Indian Affairs, to whom the resolution was referred.

The Commissioner states that copies of all material papers showing the conclusions of his office and the Department, and giving reasons therefor, are furnished, but that the papers are very voluminous, many of the exhibits being printed volumes of many pages, and with the clerical force of his office it is utterly impracticable to furnish the copies required.

Very respectfully,

HOKE SMITH, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 17, 1896.

SIR: I have the honor to acknowledge receipt of Senate resolution of March 2, 1895, referred by you to this office for report on March 4, 1895, as follows:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States, in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law, except allowances already made for legal services, and to report to the Senate any and all payments and distributions from said fund already made, with copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs, and the action had thereon."

The amounts paid from the appropriation of $800,386.31 in favor of the "Old Settlers," or Western Cherokee Indians, made by act of August 23, 1894 (28 Stat. L., 451), for legal and other services rendered those Indians in the prosecution of their claim against the United States, are as follows:

September 6, 1894, Joel M. Bryan, commissioner and treasurer of the Old Settler Cherokees, 6½ per cent on $800,386.31	$52,025.11
September 8, 1894, William Wilson	16,007.73
September 8, 1894, William H. Hendricks	16,007.72
(Commissioners, 2 per cent each, upon the amount of the judgment.)	
These three amounts were paid by authority of various councils of the Old Settlers, particularly of November 22, 1875, October 25, 1883, and October 31, 1884. (See Exhibits A, B, and C.)	
January 16, 1895, Garland & May	15,000.00
Paid upon recommendation of this office dated September 5, 1894, and the authority of the honorable Secretary of the Interior dated January 5, 1895. (See Exhibits D and E.)	
January 22, 1895, John T. Heard	10,000.00
Paid under act of August 15, 1894 (28 Stat. L., 31, Private Laws), and authority of the honorable Secretary of the Interior dated January 5, 1895. (See Exhibits E and G.)	
February 4, 1895, Jones, Voorhees, and Boudinot	32,015.45
Paid upon recommendation of this office dated August 31, 1894, and authority of the honorable Secretary of the Interior dated January 5, 1895. (See Exhibits F and E.)	
February 8, 1895:	
Catherine Wilshire, administratrix	10,800.00
John A. Sibbald	2,100.00
John A. Sibbald, assignee	600.00
Paid upon recommendation of this office of November 21, 1894, and authority of the honorable Secretary of the Interior of January 5, 1895. (See Exhibits G, H, and E.)	
March 2, 1895, J. W. Douglas	2,500.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit N.)	
March 4, 1895, J. J. Newell	10,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit N.)	
March 6, 1895, W. S. Peabody	8,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
March 9, 1895, S. O. Hemingway	1,500.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I.)	
March 9, 1895, C. M. Carter	3,185.04
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
March 11, 1895, D. A. McKnight, administrator E. John Ellis	4,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
March 11, 1895, Joel L. Baugh	1,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
June 24, 1895, S. C. Dunham	545.30
Paid upon recommendation of this office, dated April 2, 1895, and authority of Secretary of Interior, dated May 15, 1895. (See Exhibits J and K.)	
September 23, 1895, Cherokee Nation, money loaned and interest—$3,600 loaned January 7, 1875, at 5 per cent, $7,[illegible]; $[illegible] loaned December 27, 1859, at 5 per cent, $1,250.13	8,645.63
Paid by authority of the honorable Secretary of the Interior, dated May 18, 1895. (See Exhibits L and M.)	
Total	198,[illegible]

This disposes of all the claims that were paid. There were other claimants, but as the resolution calls only for the amounts paid, no report upon the unpaid claimants is made, except as they are discussed in the accompanying exhibits.

In reply to the request for "copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs, and the action had thereon," I have the honor to say that with the clerical force of this office it is utterly impracticable to furnish the copies required. The papers are very voluminous, many of the exhibits being printed volumes of many pages. There accompany this, however, copies of all the material papers, showing the conclusions of this office and the Department, and giving reasons therefor.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT A.

TAHLEQUAH, CHEROKEE NATION, IND. T.,
November 22, 1875.

The Western or Old Settler Cherokees, in pursuance of previous appointment, having met in convention under authority of the provisions of the Cherokee treaty of 1846, to consider the best method of prosecuting their claim for a balance due them of per capita funds from the Government of the United States, under the Cherokee treaties of 1835-36 and 1846, adopted the following resolutions:

"*Resolved by the Western or Old Settler Cherokees in general convention assembled*, That it is the sense of said Cherokees that the Government of the United States is legally indebted to them (the said Cherokees) for a balance of per capita moneys due under the Cherokee treaties of 1833, 1835-36, and 1846, with interest on the same up to date of final payment, and was withheld from said Cherokees when the per capita funds were paid the Cherokee people in 1851-52, under the provisions of the treaties of 1835-36 and 1846.

Resolved further, That the partial payment of said per capita moneys made to said Old Settler Cherokees in 1851 is not and can not be in law or equity a final and full settlement between the United States Government and said Old Settler Cherokees on account of their said per capita funds, due under said treaty of 1835-36 and 1846, for the following reasons:

"First. That the said partial payment was practically forced upon said Cherokees by the United States.

"Second. That at the time of said partial payment in 1851 said Old Settler Cherokees filed a written protest with the disbursing officer or paymaster of the Government (Mr. Drennen), protesting that the payment then made was not a full payment of the moneys due said Old Settlers under said treaties, and reserving their rights to the balance due them of said per capita funds, and that in 1849-50 the Old Settlers' delegate, J. L. McCoy, filed his protest in the Department at Washington, claiming the whole amount due.

"Third. That the treaty of 1846 referred to makes specific provisions that no misapplied funds or charges shall be deducted from the per capita funds, 'Old Settler Cherokees,' under said treaties in a final settlement.

"*Resolved further*, That inasmuch as the treaty of 1846 abolished all party distinctions in the nation except in so far as the same may be necessary to carry out the provisions of said treaty, and said treaty also made further provisions that the Cherokee people or any part of them could peaceably assemble and petition their own government or the Government of the United States for a redress of grievances, the said Old Settler or Western Cherokees have, from time to time, before and since the late war of the rebellion, met in convention for the purpose of prosecuting and recovering of their said claim for the said balance due them, but have so far failed to secure any final result or settlement for the want of funds to aid such prosecution.

"*Resolved further*, That it is deemed expedient and proper that the said Old Settler Cherokees prosecute the said claim before the Government of the United States to a speedy, just, and final settlement; and for that purpose the following named persons, J. L. McCoy, J. M. Bryan, and William Wilson, be, and they are hereby constituted a commission, with full powers to represent said Cherokees before the Government, with full and ample authority to do and cause to be done any act and doing necessary and proper to be done in the premises; and with full authority to employ such assistance in the prosecution of said claim as they may deem necessary, and that a sum equal to 35 per cent of the amount of said claim when recovered, or so much thereof as may be necessary, be set apart and subject to the draft and receipt of said commission, and payable to them or their order by the proper authorities of the United States Government, which per cent shall be applied in the payment of said prosecution and all incidental expenses: *Provided*, That on a final settlement with said Old Settler Cherokees, the said commission account for their expenditures out of said per cent, and all receipts signed to said United States Government by said commission on account of said per cent shall be taken and deemed to be the receipts of said Old Settler Cherokees for the amount received.

"*Resolved further*, That said commission, either in whole or in part, at their discretion, be authorized to proceed at their earliest convenience to Washington, D. C., to prosecute said claim, and for that purpose they, the said commission, are authorized to make a loan from the Cherokee Nation for funds sufficient to defray their necessary expenses.

"*Resolved further*, That the president of this convention furnish the said commission with a copy of these resolutions."

I certify that the above and foregoing resolutions is a true copy of the original resolutions, this, the 25th day of November, 1875.

WILLIAM WILSON,
President Convention.
H. T. LANDRUM,
Secretary.

Approved:
CHARLES THOMPSON,
Principal Chief, Cherokee Nation.

UNION AGENCY, *December 20, 1875.*

I hereby certify that Messrs. J. L. McCoy, J. M. Bryan, and William Wilson, are known to me as Old Settlers, and were duly appointed November 22, 1875, as commissioners to represent the Old Settlers' claim before the Department and Congress at Washington.

G. W. INGALLS, *Indian Agent.*

EXHIBIT B.

Proceedings of the meeting of the ninth annual council of the Old Settler or Western Cherokee Indians, held at Tahlequah, in the Cherokee Nation, on the 25th day of October, 1883, to further consider the prosecution of their claim against the United States for moneys due them under the treaties of 1835-36 and 1846, and the several acts of Congress in relation thereto, and to authorize and direct their commissioners and treasurer in that respect, which convention is held in pursuance of the power and authority of that part of the second article of the treaty of 1846 which provides that all parties shall cease except so far as they may be necessary to carry out the provisions of the said treaty with respect to said Old Settler or Western Cherokee Indians.

Mr. William Wilson, permanent president, in the chair; Robert L. Owen, secretary.

A committee was appointed, after the annual report of the commission was read and adopted, consisting of the following representative Old Settler Cherokees, to wit: Judge Riley Keyes, Capt. B. W. Alberty, H. C. Barnes, Aaron Terrell, and R. L. Owen. The committee reported to the convention the following resolutions, which, after being fully discussed, were unanimously adopted:

RESOLUTIONS.

First. That we tender our thanks to the Secretary of the Interior and the Commissioner of Indian Affairs for their efforts to have justice done in the investigation and payment of our claim.

Second. *Resolved*, That we memorialize the Senate of the United States to appoint a committee, to be composed of three Senators, to take the "Old Settler" claim in hand, to investigate the claim, correct any errors that may have been made by any authority of the United States Government, and report the amount found for appropriation.

Third. *Resolved*, That our councilors and clerks be paid each $4 a day, and that a competent committee of three persons be appointed to sit at Tahlequah during the next session of the national council, to receive from each clerk and councilor and commissioner the amount then due; said committee to be appointed by the president of the present council, and said committee to be paid $4 per day for their services.

Fourth. *Resolved*, That at the earnest request of Mr. Bryan we hereby relieve him from acting as treasurer of the 35 per cent set apart for the purpose of prosecuting the Old Settler claim.

Fifth. *Resolved*, That when the amounts of our home council expenses and our commissioners' services shall be made out by the committee above provided for, the said committee shall forward a statement of the same, revised and approved by the commission, to the Secretary of the Interior, who is hereby authorized and requested to pay the same after the appropriation of the sums due us shall have been made.

Sixth. *Resolved*, That in consideration of the continuous and faithful labor and expenses of J. M. Bryan for eight or nine years in prosecuting, under much uncertainty of ever receiving a dollar's reward, the Old Settler Cherokee claim, at his own expense, even paying printing bills, expenses of attorneys who were helping the claim, etc., he having sold everything he has in the prosecution of this claim, practicing law whenever in the nation in order to keep up his expenses, and thus giving his entire time and energy to this work; and in further consideration of the said J. M. Bryan having contracted a large part of the 2½ per cent for assistance in the management of said claim, we, the Old Settler Cherokee Indians, in council assembled, agree to pay Mr. Bryan 2¾ per cent additional, making in all 5¼ per cent; and the Commissioner of Indian Affairs is respectfully requested to have the same paid to J. M. Bryan out of the 35 per cent set apart for the prosecution of our said claim. The honorable Commissioner of Indian Affairs is respectfully requested to pay to Mr. Bryan, our Old Settler commissioner, for his services as such, out of the 35 per cent as above stated, at $4 a day from November 22, 1875, until the claim is closed: *Be it further resolved*, That all contracts with attorneys, or any other person or persons, for services hereafter to be presented for the approval of the Secretary of the Interior of the United States be first approved by our three commissioners, J. M. Bryan, William Wilson, and W. H. Hendricks.

Seventh. The acts of all previous councils of the Old Settlers are hereby reaffirmed and declared to be in full force, except where contrary to these resolutions, in which case such acts or parts of acts are repealed.

WILLIAM WILSON,
President of the Convention.
R. L. OWEN, *Secretary.*

Approved November 9, 1883.
[SEAL.]
D. W. BUSHYHEAD, *Principal Chief.*

EXHIBIT C.

Proceedings of the meeting of the tenth annual council of the Old Settlers or Western Cherokee Indians, held at Tahlequah, in the Cherokee Nation, on the 31st day of October, A. D. 1884, to further consider the prosecution of their claim against the United States for moneys due them under the treaties of 1835-36 and 1846, and the several acts of Congress in relation thereto, and to direct and authorize their commissioners and treasurer in that respect, which convention is held in pursuance of the power and authority of that part of the second article of the treaty of 1846 which provides that all party distinctions shall cease except so far as they may be necessary to carry out the provisions of the said treaty with respect to said Old Settlers or Western Cherokee Indians.

Mr. William Wilson, permanent president, being ill and unable to attend the convention, Mr. Henry C. Barnes was elected by the convention as president pro tempore, and after a full and exhaustive report of the management and status of the claim by Col. J. M. Bryan, spokesman for the commission, a committee was appointed, after the report was read and adopted, consisting of the following representative Old Settler Cherokees: Clem Hayden, chairman; Robert L. Owen, secretary; Aaron Terrell, E. Cornelius Boudinot, and Joseph Gladney, for the purpose of examining the report of the commissioners, Bryan, Wilson, and Hendricks, and reporting to the convention what they should deem a judicious course.

After thoroughly discussing the report of the commission, with contracts, documents, etc., submitted therewith, the committee unanimously reported the following resolutions:

RESOLUTIONS.

Be it resolved by the Old Settler Cherokees, That there having been contracted, by our authority, with different attorneys in the States, by our commissioners, Bryan, Wilson, and Hendricks, the amount of 22½ per cent of the amount recovered of our claim for services actually rendered in the prosecution of the Old Settler Cherokee claim, of which 13 per cent has been approved and 9½ per cent is as yet unapproved by the Interior Department, we hereby approve the two other contracts, to wit, John A. Sibbold's, for 5 per cent, and C. M. Carter's, for 4½ per cent, of the recovery, and respectfully request, if necessary, that the honorable Secretary of the Interior also approve the same.

Be it further resolved, That as no suitable or proper fee has been allowed our commissioners, William Wilson, president of the commission, and William Hendricks, for their enterprise and foresight in reviving the claim and working in its behalf so faithfully, we hereby allow them 2 per cent each in full of their services, and that this and the per diem allowance for the services of J. M. Bryan as our special attorney and commissioner, as well as the 5¼ per cent provided for him by our councils of 1877 and 1883, be also approved by the Interior Department, if necessary, and that the honorable Secretary is especially requested to have the same done, our said attorney and commissioner having devoted his entire time for nearly ten years and his whole fortune to the interests of the Old Settler Cherokees.

Be it further resolved, That for the purpose of harmonizing all our contracts for defraying expenses of our commissioners and home expenses, and the payment of two attorneys' fees not approved by the Interior Department, and for the payment of borrowed money from the Cherokee Nation, as authorized by our council, that Col. Joel M. Bryan be, and he is hereby, appointed treasurer of the Old Settlers, and as such is hereby authorized to receive from the proper officer or officers an amount of money out of any sum or sums that may be allowed said Old Settlers or Western Cherokees, as may be necessary to meet the provisions of this our council's decisions, the amounts of which are hereinafter itemized, to receipt to the United States therefor in the name of and for us, which said receipt shall be as binding upon the Old Settler Indians as if executed by them individually, and shall be the Old Settler Cherokees' receipt therefor.

Be it further resolved, That the following amounts are hereby approved, and our treasurer is hereby authorized to disburse said funds when received in payment of said amounts, to wit:

	Per cent.
1. For attorneys' fees not as yet allowed by the Interior Department, 9½ per cent of the entire claim recovered	9½
2. For Joel M. Bryan, himself as by act of the councils of 1877 and 1883, 5¼ per cent of the entire claim recovered	5¼
3. For Joel M. Bryan, as commutation of his per diem allowance, 1¼ per cent of the entire claim recovered	1¼
4. For our commissioners, Wilson and Hendricks, 4 per cent of the entire claim recovered	4
5. For our debts to the Cherokee Nation for borrowed money and for home and contingent expenses, 2 per cent of the entire claim recovered	2
Total amount	22

Be it further resolved, That J. M. Bryan is hereby authorized to present the claim of the Old Settler Cherokees to the United States Government for the value of the lands and improvements at the old Cherokee Agency in the State of Arkansas, on the Arkansas River, due to us under the treaties of 1828 and 1833.

Signed by the committee.

CLEM HAYDEN, *Chairman.*
ROBERT L. OWEN, *Secretary.*
AARON TERRELL.
JOS. B. GLADNEY.
E. C. BOUDINOT, JR.

The above resolutions, being read and fully discussed, were unanimously adopted.

HENRY C. BARNES, *President pro tem.*
ROBERT L. OWEN, *Secretary.*

Approved.

D. W. BUSHYHEAD, *Principal Chief.*

EXECUTIVE DEPARTMENT, *Cherokee Nation.*

I hereby certify that the foregoing five pages is a true copy of the original proceedings of the Old Settler or Western Cherokees, as placed on file in the executive department of the Cherokee Nation, as furnished by Col. Joel M. Bryan on this 6th day of November, 1884.

[SEAL.]
GEORGE O. BUTLER,
Assistant Executive Secretary Cherokee Nation.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
March 2, 1885.

It appearing from the proceedings (herewith) of the tenth council of the Old Settler or Western Cherokees, held at Tahlequah, Cherokee Nation, October 31, 1884, that Col. Joel M. Bryan was appointed treasurer of the Old Settler or Western Cherokees, I know of no objection to such appointment.

H. PRICE, *Commissioner.*

DEPARTMENT OF INTERIOR, *March 5, 1885.*

I concur.

H. M. TELLER, *Secretary.*

EXHIBIT D.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 5, 1894.

SIR: I have the honor to transmit herewith, for your consideration and approval, an affidavit of Heber J. May, representing the firm of Garland & May, as to the professional services rendered under their contract dated December 9, 1889, in the prosecution, before the Court of Claims and the United States Supreme Court, of certain claims of the Old Settler or Western Cherokee Nation of Indians against the United States, for which services said Garland & May are to receive, in accordance with the terms of said contract, the sum of $15,000.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT E.

In the matter of the claims for attorneys' fees in the Old Settler Cherokee cases.

DEPARTMENT OF THE INTERIOR,
Washington, January 5, 1895.

SIR: Pending the consideration of the claims of various attorneys for fees in the above-stated matter, I have concluded that inasmuch as there is no contest over the fees claimed by the following-named persons, to wit, Jones, Voorhees & Boudinot, for $32,015.45; Garland & May, for $15,000; John C. Heard, for $10,000, and the Wilshire estate for $13,500, the same should be paid without further delay.

I therefore approve your findings in respect to these claims, and direct that the same be paid.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT F.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 21, 1894.

SIR: I have the honor to submit herewith, for your consideration and approval, an account in favor of Messrs. John Paul Jones, Reese H. Voorhees, and E. C. Boudinot, accompanied by the affidavits of Reese H. Voorhees and other papers and documents in connection therewith, for professional services rendered in behalf of the Old Settler Cherokee Indians, under their contract dated November 4, 1889, in procuring for the benefit of said Indians, by act of Congress approved August 23, 1894, the sum of $800,386.31, of which sum the claimants herewith are to receive as compensation for said services an amount equal to 4 per cent on said sum, amounting to $32,015.45, under the terms of said contract.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT G.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 21, 1894.

SIR: An appropriation was made by a clause in the general deficiency act approved August 23, 1894 (28 Stat. L., 424, 451), to pay a judgment of the Court of Claims in favor of the Old Settler or Western Cherokees, as follows, viz:

"The Old Settlers or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, and so forth, eight hundred thousand three hundred and eighty-six dollars and thirty-one cents; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses and for legal services justly or equitably payable on account of said prosecution."

The claim which this appropriation was intended to satisfy had been pending for a great many years. In 1875 the Old Settler or Western Cherokee Indians held a council and appointed commissioners to prosecute the claim, setting apart for defraying the expense of such prosecution 35 per cent of whatever sum might be recovered to the Indians on account of the claim. Out of this 35 per cent the commissioners were authorized to employ the professional services of attorneys at law and to pay the other expenses incidental to the prosecution of the claim. Subsequently to the setting aside of this percentage the Indians in council at various times made specific appropriations therefrom for different purposes, as follows, viz:

	Per cent.
For J. M. Bryan, commissioner and treasurer	6½
For William H. Hendricks, commissioner	2
For William Wilson, commissioner	2
For payment of debts of Old Settlers, money borrowed from Cherokee Nation	2
Total	12½

These appropriations by the council of the Old Settlers reduced the amount that was available for use by the commissioners in the employment of counsel to 22½ per cent of the amount recovered.

Lawful contracts made by the Old Settlers commissioners have received the approval of this office and the Secretary of the Interior, providing for fees as follows, viz:

	Per cent.
W. W. Wilshire	5
W. S. Peabody	5
E. J. Ellis (conditional)	2
Jones, Voorhees & Boudinot	4
Garland & May (about)	1⅞
C. M. Carter	¾
Joel L. Baugh (conditional)	1¼
Total	22½

The condition on which Mr. Ellis's contract was approved was that the value of the services rendered by the attorney prior to his death and under the contract as a quantum meruit should be left to be thereafter adjudicated, and the condition on which Mr. Baugh's contract was approved was that the fee payable thereunder, together with the fees allowed under other approved contracts and the amounts appropriated by the Old Settlers council, should not exceed 35 per cent.

Since the appropriation has been made, the following claims have been paid:

September 6, 1894, to J. M. Bryan, 6½ per cent	$52,025.11
September 8, 1894, to William Wilson, 2 per cent	16,007.72
September 8, 1894, to William H. Hendricks, 2 per cent	16,007.72
Total, 10½ per cent	84,040.55

Claims of attorneys for services have been adjudicated by this office under section 2104 of the Revised Statutes and transmitted to the Department for its action, as follows:

August 31, 1894, claim of Jones, Voorhees & Boudinot, 4 per cent	$32,015.45
September 5, 1894, claim of Garland & May, 1⅞ per cent	15,000.00
Total, 5⅞ per cent	47,015.45

Claims have been filed in this office by attorneys and parties in whose favor the Old Settlers have made appropriations, including those whose claims have been paid, as follows, viz:

	Per cent.		Per cent.
J. M. Bryan	6½	Joel L. Baugh	1¼
William Wilson	2	John T. Heard	1¼
Wm. H. Hendricks	2	J. W. Douglas	¾
J. M. Bryan (treasurer)	2	S. O. Hemingway	¾
Jones, Voorhees & Boudinot	4	John L. McCoy	2
Garland & May (about)	1⅞	Richard C. Wintersmith	25
W. W. Wilshire	1 11/16	Belva A. Lockwood	10
W. S. Peabody	5	J. J. Newall	2½
D. A. McKnight, for estate of E. J. Ellis	2		
C. M. Carter (about)	¾	Total	72 13/16

The total of the claims submitted in excess of the amount available for fees to attorneys in this case is 50 5/16 per cent, and in excess of fees provided for in approved contracts is 49 5/16 per cent. This includes 1¼ per cent which the act of August 15, 1894 (28 Stat., 31, Private Laws), authorizes to be paid to Mr. John T. Heard on the determination of the Secretary of the Interior that services were rendered the Old Settlers by said Heard and were contracted for in good faith by persons authorized to represent said Indians, and 12½ per cent appropriated by the Old Settlers' council. There remains in claims presented, not covered by approved contracts, resolutions of the councils of Old Settlers, nor the act of Congress of August 15, 1894, above referred to, 35 5/16 per cent.

Some of these claimants for themselves, and others by their attorneys, claim that the provisions of the law making the appropriation authorize the payment of their claims as being "equitably" due on account of legal services rendered in the prosecution of the claim of the Indians. This claim involves the pro tanto repeal of the laws relating to Indian contracts and the adjudication and payment of the fees of attorneys under such contracts. Before entering into a discussion of the specific claims, therefore, it seems expedient that I shall consider the scope and effect upon the claims that should be given the language used in the act making the appropriation to meet the judgment in the case.

That part of the act relied upon by the attorneys claiming under unapproved contracts is the following:

"And the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the Indians for the prosecution of their claims as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution."

The law relating to contracts between Indian tribes and individual Indians, not citizens of the United States, and attorneys, is section 2103 of the Revised Statutes, which requires that such contracts shall contain certain prescribed stipulations, and shall be executed in a peculiar manner, and be approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Section 2104 of the Revised Statutes provides for the payment by the United States, out of the Indians' moneys, of the fees of attorneys earned under such contracts, and is as follows:

"And no money or thing shall be paid to any person for services under such contract or agreement until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, in proportion to the services rendered under the contract."

Section 2106 of the Revised Statutes prohibits the payment of any fees to attorneys for Indians, except as provided in the two preceding sections, and also prohibits the attorney from receiving such fee contrary to law, heavy penalties being provided both against the unlawful paying and the unlawful receiving of such money or fees.

There are no words of repeal used in the act making the appropriation, and before the language used in said act can be construed as it is claimed by the claimants under unapproved contracts it should be, it must be held to have the effect of repealing the statutes of the United States above referred to by mere implication. It is probably not material to the determination of the question whether the sections of the Revised Statutes bearing on the case have been repealed by the act making the appropriation to state the purposes for which it was deemed desirable to amend the language of the appropriation as originally introduced in the bill; but as this office is fully aware of the object of the attorneys who first suggested the amendment, there having been several conferences on the subject between said attorneys and myself, it may not be deemed improper for me to state those purposes as I understood them at the time and do now understand them to have been.

In rendering the opinion of the Supreme Court (149 U. S., 427) giving judgment against the United States in favor of the Old Settlers, Chief Justice Fuller made use of certain language which might be construed to deny to some extent the right of the Old Settlers to maintain a tribal organization for any purpose, and to operate to prevent the payment of fees earned by attorneys under contracts made with said Indians as a body politic and approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Another consideration was that by the rules of the Treasury Department under the old methods of accounting, all judgments of the Supreme Court were paid by the First Auditor and First Comptroller. This appropriation would not, therefore, come on the books of this office, and the Commissioner of Indian Affairs and Secretary of the Interior would not be able to pay the fees due attorneys under approved contracts. No other officers of the Government have jurisdiction to adjudicate such claims, and the attorneys would in consequence be likely to lose the fees that had been earned by them even should it have been eventually determined that the Supreme Court's opinion would not interfere with their payment.

It was to meet the possible contingency of such a construction of the opinion of the Supreme Court in the case and to bring the appropriation within the jurisdiction of this office that the attorneys thought it desirable to amend the appropriation, and in informal discussions of the situation with Mr. Voorhees and other attorneys in the case I agreed with them as to the expediency of such a step. It was under the circumstances and at the instance of attorneys having approved contracts that the amendment to the appropriation was made.

The statute must be construed in accordance with the ordinary rules laid down by the courts for the construction of statutes.

As to the construction that the Revised Statutes have been repealed by implication and a new rule established by the appropriation act to govern the payment of attorneys' fees in this case, it is a well-established rule of construction that repeals by implication are not favored and are never admitted where the former can stand with the new act. (Chew Heong *vs.* United States, 112 U. S., 536; United States *vs.* Henderson, 11 Wall., 652.)

In Wood *vs.* The United States (16 Peters, 342) the Supreme Court said:

"The question then arises whether the sixty-sixth section of the act of 1799, chapter 128, has been repealed or whether it remains in full force. That it has not been expressly or by direct terms repealed is admitted; and the question resolves itself into the more narrow inquiry, whether it has been repealed by necessary implication. We say by necessary implication, for it is not sufficient to establish that subsequent laws cover some or even all the cases provided for by it, for they may be merely affirmative or cumulative or auxiliary. But there must be a positive repugnancy between the provisions of the new laws and those of the old, and even then the old law is repealed by implication only pro tanto to the extent of the repugnancy."

Under the rule laid down in this case repeals by implication must be necessary; that is, it must be necessary to imply the repeal of a former to give effect to a later statute before such repeal will be admitted. There must be such a repugnancy between the laws of the old and those of the new statute that they can not be construed nor administered together.

Upon examination of the language of the appropriation it will be observed that it is not in any manner repugnant to section 2104 of the Revised Statutes. It does not purport to establish in this case a new rule to guide the Commissioner of Indian Affairs in adjudication of the claims of attorneys. In fact, it implies a power already possessed by the Commissioner to withhold from distribution among the Indians some part of the money appropriated, and purports only to give him specific direction as to the exercise of that power. "The Commissioner of Indian Affairs is directed to withhold from distribution among said Indians *only* so much," etc. The law is merely directory, and relates to the exercise of a power already resting in the Commissioner under existing law. The Commissioner of Indian Affairs is directed to withhold, etc., "only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to pay the expenses and for *legal* services justly or equitably payable," etc.

This authority to withhold only so much of the part of the judgment set apart by the Indians for the prosecution of the claim as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution does not change the law that authorizes him to pay out such funds, and although authorized to withhold a certain part of the fund from distribution among the Indians, yet when payments of fees out of that fund come to be made he must be governed by the law which provides how legal claims can be established. Persons without approved contracts who are now insisting that they shall have this fund paid out to them knew when their supposed agreements were made and the service, if any, was rendered that they were not only prohibited from receiving payment, but that to do so they would be guilty of an offense punishable under section 2106 of the Revised Statutes.

The question might be raised whether the term "legal services" as used in this provision of law does not mean services lawfully rendered.

The payments out of this appropriation for "legal services" must be restricted to such fees as may be shown to be "justly or equitably payable" to those attorneys who rendered service under approved contracts which did not expire by limitation prior to the recovery.

This rule must be varied from somewhat in the cases of the estates of W. W. Wilshire and E. John Ellis, who died before the expiration of their contracts, and after rendering "legal services" thereunder, and the claim of John T. Heard is governed by the special act of Congress for his relief.

As the statutes relating to Indian contracts and the payment of fees thereunder is still in force and applicable in this case, they would operate to prevent the payment of any fees to those attorneys who base their claims on informal or unapproved contracts.

Having thus disposed of all claims of attorneys who have no approved contracts as a class, it is not necessary for me to specifically discuss any of the claims of that class; but in order to show the absurdity of some that have been filed, I will cite briefly the claims of R. C. Wintersmith and Mrs. Belva Lockwood.

Mr. Wintersmith's claim is for 25 per cent of the amount appropriated, or $200,000, and it is based on a power of attorney dated November 29, 1873, and signed by Riley Keys, J. A. Scales, and John L. McCoy, who held themselves out as the legal representatives of the Old Settler Cherokees. It is not signed by Mr. Wintersmith, and there is no evidence that said Keys, Scales, and McCoy were ever authorized by the Old Settlers to represent them or to make a contract on their behalf. It does not appear from the records of the Old Settlers case in this office that either Keys or Scales were ever appointed by the Indians to represent them in the suit. McCoy was appointed in 1875 as a representative, but served only about two years in that capacity, when he was dropped by the council, and Hendricks was appointed in his stead.

Furthermore, Mr. Wintersmith does not show by proper proof that he ever rendered any services under his alleged contract. He states, however, that since his so-called employment in 1873 to the present time he has labored as attorney for these Indians. This is a singular statement in the light of the fact that Mr. Wintersmith was never known, so far as the records of the case show, to have been interested in the prosecution of the Old Settlers claim until he filed his claim for services.

Mrs. Lockwood's claim of 10 per cent, or about $80,000, is based on several powers of attorney to J. J. Newell, herself, and others, given by various parties claiming authority to bind the Old Settlers. Some of these powers of attorney and contracts were given by parties authorized to make contracts, but they were never approved as required by law, although they had been filed for approval. It is not necessary to set out here the reasons for not approving them. In her claim Mrs. Lockwood seems to have confused the claims of the Western North Carolina Cherokees and of the Eastern Band of Cherokees with that of the Old Settlers, and most of the services she claims to have rendered related to the suits of the Indians of the former classes exclusively. She mentions an informal contract between J. M. Bryan and herself stipulating for the employment of her services in the Old Settlers case.

In her claim Mrs. Lockwood files a contract between herself and James Taylor, John L. McCoy, and James M. Bell, claiming to represent the Western North Carolina Cherokees, i. e., the North Carolina and Eastern Cherokees, who were residing east of the Mississippi River at the date of the treaty of 1835, and who have subsequently removed to the Cherokee Nation, Indian Territory, and the Old Settlers, or Western Cherokees, who were residing west of the Mississippi at the date of said treaty of 1835, by virtue of resolutions of a council of the Western North Carolina Cherokee Indians held November 17, 1884.

At the time of this council the Old Settlers or Western Cherokees were represented by a board of commissioners properly authorized and composed of Messrs. J. M. Bryan, William Wilson, and William H. Hendricks. It is hardly necessary for me to say that apart from the fact that the Old Settlers by their own council had provided a commission with authority to represent them in the prosecution of their claim, the council of the Western North Carolina Cherokee Indians had no power to authorize the appointment of a representative to prosecute the Old Settlers claim, and therefore Mrs. Lockwood would not have been entitled under her contract to any fee out of the Old Settlers appropriation even if there were not other objections thereto.

The first claim for "legal services" to be considered is that of the estate of W. W. Wilshire, and is based on services rendered by Mr. Wilshire before his death, under two contracts, the second being a continuation of the first. Mr. Wilshire was first employed by the Old Settlers July 1, 1882, the date on which the first contract was made. That contract expired by limitation July 1, 1886, and was renewed by contract dated September 28, 1886, which was limited by its terms to expire September 28, 1891. Both of these contracts were approved by the Commissioner of Indian Affairs and the Secretary of the Interior. The contract expired finally in 1891, more than two years prior to the ultimate recovery on behalf of the Indians, and if Mr. Wilshire had been living it is doubtful whether any fees could be paid him on account of his services, notwithstanding they might have been of great value to the Indians in the prosecution of the claim.

This conclusion is based on the well-established rule that where an attorney voluntarily abandons a case in which he has been employed, and thereby makes it necessary for his client to employ the services of other attorneys or counsel, he has no claim against his client for compensation, notwithstanding his services may have been of great value in the preparation and prosecution of the case. The rule would be the same in a case where an attorney has been employed for a term of years to prosecute a claim on compensation of a rate per cent on the amount recovered thereunder. If the recovery is not had before the expiration of his contract, he is not entitled to his fee nor to demand as a matter of right the extension of his employment to cover a further term of years, and if the client shall see fit not to extend the time, but shall employ other counsel, who recovers on the claim, the attorney first employed would not have a right to claim his fee under his expired contract.

This rule does not apply, however, in a case where the abandonment of a suit by the attorney is involuntary, as where he dies before recovery and after rendering services of more or less value to his client. In such an event it seems that the rule is the deceased attorney's estate should be paid a compensation in proportion to the services rendered by him. Upon this rule Mr. Wilshire's estate is entitled to be paid a fee for the services rendered by him in this case prior to his death. It is impossible, however, for the estate to comply with the provisions of section 2104 of the Revised Statutes, which requires the filing of a detailed statement of service under his contract; but as the law should not be construed as requiring a claimant, whose good faith is apparent as in this case, to perform a palpable impossibility, I do not see any legal impediment in the way of paying a reasonable fee in this case.

In arriving at the amount justly due for such services as were rendered by Mr. Wilshire, it is not sufficient to consider the amount of service, but rather its character and value as compared with the services remaining to be rendered before a final recovery was reached. In this view of the matter, I must conclude that the services rendered in securing the report of the special commissioner appointed to investigate the Old Settlers' claim and the concurrence of the Secretary of the Interior in that report were insignificant in value, for the reason that those reports were totally ignored and repudiated by Congress first and the courts afterwards. Congress refused to recognize the findings in those reports as sufficiently accurate to warrant the appropriation of the money to pay the claim, and it was referred by a committee of the Senate to the Court of Claims for a finding of fact under the provisions of the Bowman Act, so called. The Court of Claims reported the findings of fact, and while in the reports of the special commissioner and the Secretary of the Interior it was found that $421,653.68 were due, the court found only about $224,975.68 to be due, and the final judgment of the Supreme Court reduced the amount to $212,376.94.

The most valuable service that was rendered by Mr. Wilshire was, therefore, in connection with the reference of the case to the Court of Claims for a finding of fact and the prosecution of the matter in the court under that reference, he having died before it was referred to the courts for adjudication by the Congress.

Mr. Bryan, on the part of the Old Settlers; and Mrs. Wilshire, on behalf of the estate of W. W. Wilshire, have entered into an agreement of compromise in the case, by which it is understood the estate shall receive the sum of $13,500 in full satisfaction of the claim. This agreement is not, of course, binding on this office nor on the Department, but considering the services rendered by Mr. Wilshire, and that by his death the Indians were placed under the necessity of employing other attorneys to carry on the prosecution of the suit, for whose services they will pay fees aggregating more than the total fee provided for in Mr. Wilshire's contract, I think the amount agreed upon in this compromise is not more than should be paid, and I therefore find the estate entitled to receive that amount as the value of Mr. Wilshire's services as a quantum meruit.

A one-fifth interest in the contract was assigned by Mr. Wilshire in 1883 to Mr. John A. Sibbald, and he has filed in the case a protest against the compromise agreement between Mr. Bryan and Mrs. Wilshire, and also a sworn statement, in general terms, of the services rendered by Mr. Wilshire and himself in the case, and claiming (1) the allowance of a fee of 3½ per cent of the sum recovered as the reasonable minimum value of the services rendered by Wilshire & Sibbald under the contract prior to the death of Wilshire; and (2) the allowance of at least one-half of 1 per cent of the sum recovered for the services rendered by Sibbald under the contract after the death of Judge Wilshire.

The services claimed to have been rendered by Mr. Sibbald after Judge Wilshire's death has relation to the passage of the act of February 25, 1889 (25 Stats., 694), referring the case to the courts for final adjudication. Doubtless Mr. Sibbald rendered some service in this connection, but it will be observed by an examination of the report of the Senate committee on the bill (No. 217, Fiftieth Congress, first session) that the reasons given by every member of the committee except one (Senator JONES, who was opposed to the claim) for the passage of the bill were based on the findings of the Court of Claims, and it would seem, as said by Mr. Heard in a letter of September 1, 1894, on the subject, that the second reference was practically compelled by the findings of fact already reported to the committee by the court.

The services rendered under the contract prior to Mr. Wilshire's death, which Mr. Sibbald values at 3½ per cent of the total amount of the judgment, have been considered above in the discussion of the compromise agreement referred to, and I find nothing in the papers filed by him to warrant a modification of the conclusion reached to allow the amount fixed in that agreement.

I therefore find that there is justly and equitably payable for "legal services" rendered under the Wilshire contracts the sum of $13,500.

Taking up the claims in the order of the date of the contract on which they are based, the next to be considered is that of W. S. Peabody. This claim is for a fee of $94,000.90, and is based on a contract entered into between said Peabody and the Old Settlers by J. M. Bryan, their agent, attorney, etc. The contract provides for the employment of Mr. Peabody "to prosecute said claim before the proper committees of Congress, the Departments, or courts of the United States to a final termination and collection of the same," for a compensation of 8 per cent on the dollar of the amount collected on said claim. It was to run for four years, and was approved by the Commissioner of Indian Affairs and the Secretary of the Interior. As it expired from time to time it was renewed, the last renewal having been approved March 11, 1892.

Mr. Peabody declares himself as being unable to submit a statement of each act of service under this contract, giving fact and date in detail, as required by the statute, but has filed four affidavits, alleging in more or less general terms that he has performed the services called for in the contract.

Before entering into a consideration of the affidavits filed by Mr. Peabody, it seems to me best that I should discuss another matter which has a material bearing on the claim—that is, the fact that for over two years during the life of his contract Mr. Peabody was in the service of the Government, and therefore not in a position to render any service under the same without laying himself liable to heavy penalties under section 5498 of the Revised Statutes. Mr. Peabody entered into the employment of the Government on April 21, 1891, he having been appointed by the Secretary of the Interior to a position in the Geological Survey on that date, and continued in that position until October 20, 1893. While he was so employed, namely, on February 10, 1892, his contract with the Old Settlers was renewed, which renewal, as I have said, was approved by the Department March 11, 1892.

This renewal was entered into two months after Mr. Peabody's contract had expired, and when it was presented to this office for approval the question was raised whether the contract could be revived to cover the time which had elapsed between the expiration of the contract and the date of the renewal, the office being of the opinion that, the contract having expired, it was necessary for the parties to make a new contract complying with all the formalities of the statute, and that all rights of the attorney under the old contract had lapsed with its expiration. The question was submitted to the Department with a report of February 24, 1892, with a request that the office be instructed as to whether there was any legal impediment in the way of the approval of the renewal, in view of the time that had passed since the expiration of the contract.

In response to this request the Department, under date of March 5, 1892, transmitted an opinion by the Assistant Attorney-General for the Interior Department, in which he held that there was "no legal objection to the approval of the agreement submitted," and the Secretary advised this office that he concurred in this opinion and saw no objection to the approval of the contract, if it received the favorable consideration of the Commissioner of Indian Affairs. Accordingly it was approved March 10, 1892, by the Commissioner.

Mr. Peabody has employed Mr. J. M. Vale to prosecute this claim on his behalf, and some time in the latter part of August I requested him to discuss in a brief the question whether Peabody's acceptance of employment by the Government was not such an abandonment of the Old Settlers' case as to debar him from recovering any fee on account of services if any had been rendered by him prior to entering upon such employment.

Mr. Vale claims that Mr. Peabody was exempt from forfeiture on account of his abandonment of the case and acceptance of other employment which prevented him from rendering further service without criminal liability on two grounds, viz:

First. That the contract by its terms left it optional with him to render the service in either one of three places, "the proper committees of Congress, the Departments, or courts of the United States."

Second. That the question was passed on by the Department at the time of the approval of the last renewal, while Mr. Peabody was in the employment of the Government, and it is held that there was "no legal objection to the approval of the renewal."

As to the first ground assigned by Mr. Vale why Mr. Peabody's acceptance of employment by the Government during the life of his contract, and when he might reasonably be called on to render services thereunder, should not be considered an abandonment of the service of the Old Settlers—namely, that the contract contemplated an election by Mr. Peabody of the forum in which his services should be performed—I have to say that it seems to me that such a construction of the contract is not warranted by its terms.

The contract was for Mr. Peabody's employment "to prosecute said claim * * * to a final termination." Where? "Before the proper committees of Congress, the Departments, or courts of the United States;" not either of these places, but wherever it was necessary to appear to prosecute it. Otherwise Mr. Peabody would have been at liberty to elect to prosecute before the courts, and if Congress itself had allowed the claim, and not referred it to the courts for adjudication, he would have had no service to perform.

In that event I apprehend that it would not have been seriously contended that he should have a fee for the services he had elected to perform but was prevented from doing by a settlement of the claim before it reached the courts, yet this is what Mr. Vale's argument would imply. Mr. Vale cites quite a number of authorities in support of his interpretation of the word "or" as it appears in the contract, none of which seem to me to reach the case in point. In fact, to give the word the interpretation he claims for it would have the effect to defeat the apparent purpose of the contract and the clear intention of the parties to be plainly gathered from the context. This seems so plain that I do not feel it necessary to cite authorities on the subject.

With reference to the claim of Mr. Vale that this office and the Department are now estopped from raising the question of Mr. Peabody's abandonment of the Old Settlers' claim in accepting service with the Government by the act of the Commissioner of Indian Affairs and the Secretary of the Interior in approving the renewal of his contract at the time of his employment in the Geological Survey, the attention of the Department is invited to the fact that there is nothing said in the correspondence relative to the approval referred to which discloses a knowledge on the part of this office or on the part of the Department that Mr. Peabody was so employed. It is possible that the fact of his employment in this Department was a matter of which the office and the Department should have taken judicial knowledge, but I doubt whether that is so, at least so far as this office is concerned. However this may be, I do not see how the fact of the approval of the renewal of Mr. Peabody's contract at the time of his employment by the Government can be said to estop the office and the Department from the proper adjudication of a claim for fees under the contract. The question of whether the attorney would be entitled to any fee at the showing of service was not involved in the consideration of the renewal, and could not arise at that time.

It will be observed that the only question under consideration at the time the renewal was approved was whether the contract could be revived and renewed in the manner in which it was proposed to do so. The question of the payment of fees was a matter to be considered at another time, and could not be passed on at that time. It would seem to me that it could be just as well said that the Secretary and the Commissioner are estopped by their approval of a contract from allowing a less compensation than is provided therein when they come to pass on the claim for fees thereunder.

I am therefore of the opinion that Mr. Peabody was under obligation to render service under his contract in the prosecution of the Old Settlers claim at all times during pendency of the suit, and in every place where the issues between the Indians and the Government were to be tried, and that his acceptance of employment by the Government before the final recovery on the claim was a voluntary abandonment of the prosecution of the case and a forfeiture of his fees for services thereunder, if any had been rendered; also that the approval of the renewal of the contract by the office and the Department during his incumbency in office was not a decision that the services called for in the contract had been rendered so as to entitle him to the fee provided for therein.

I am therefore unable to find that Mr. Peabody is entitled to anything under his contract. He has filed four affidavits of services, neither of which fully complies with the statutes. He declares that he did not keep a memorandum of his services, and that it would be impossible for him to file a statement showing each act of service, with date and fact in detail, as required by law, and that the best he can do is to give inclusive dates within which he rendered service. This he has done in his affidavit of November 13, 1894; but even in this, as in all his other affidavits, he fails to give even one specific date upon which he rendered any single act of service.

In this affidavit he says that between the dates of December 9, 1882, and January 24, 1883, he rendered service before C. C. Clements, the special agent of the Interior Department; between January 24, 1883, and December 12, 1883, he rendered service before the Commissioner of Indian Affairs and the Secretary of the Interior; that between December 12, 1883, and February 13, 1884, he rendered services, in connection with Mr. Wilshire and Mr. Sibbald, in advancing the case before committees of Congress, where it was then pending; that during the period from February 13, 1884, to February 9, 1885, he was all ready to consult with his associates, and did so consult when desired; that he, from February 9, 1885, until March 8, 1889, while the case was pending before Congress on the findings of fact by the Court of Claims, was in frequent consultation with his associates and aided in all actions possible by appearing personally and whenever it was proper and advantageous to the case for him to appear and in furtherance of its re-reference to the Court of Claims; that after the case was sent to the Court of Claims the second time he considered his work performed, although he was consulted from time to time between March 8, 1889, and April 21, 1891, on which latter date he entered the Government service, where he remained until October 20, 1893, and during which time he rendered no service under his contract; that from about November 1, 1893, until the passage of the act of August 13, 1894, he was in consultation with his associates from time to time, and rendered service such as was to the best interest of the claim before committees of Congress.

The first date given by Mr. Peabody is that of his contract, and the second date given is that of Mr. Clements's report. The next date is December 12, 1883, which is the date of the report of the Secretary of the Interior on the claim, and February 13, 1884, the case was referred by the Committee on Indian Affairs of the Senate to the Court of Claims under the Bowman Act. February 9, 1885, the Court of Claims reported its findings of fact under that reference, and March 8, 1889, the law was passed referring the case to the courts for adjudication.

It will be observed that all of the dates given by Mr. Peabody are dates of public reports and other actions of public officers, and that his affidavits upon which the law declares the Secretary of the Interior and the Commissioner of Indian Affairs shall determine the amount of fees to be paid to an attorney under his contract are not sufficient to show any service whatever under said contract.

An examination of all the records in this case and all the correspondence relating thereto on file in this office fails to disclose the fact that Mr. Peabody performed any service in the case which would place him on record. The principal acts of service that he seems to claim to have rendered were in connection with the report of Mr. Clements, the special agent, and of the Secretary of the Interior, made in 1883, relative to the claim. As I have said, these reports were, in my opinion, insignificant factors in the case. They were ignored and repudiated by Congress and by the courts. In addition to the fact, therefore, that Mr. Peabody forfeited his fee by entering into the service of the Government during the life of his contract, I am of the opinion that he fails to sufficiently show that he rendered any considerable service in the prosecution of the case under said contract.

In support of his claim Mr. Peabody has filed, in addition to his own affidavit, communications from several gentlemen who were connected with the case, and one from Mr. Bryan himself, in which reference is made in a general way to his services, but these references are too general upon which to base any conclusion as to the value of those services.

Mr. Peabody claims, in round numbers, a fee of $94,000. Taking into consideration the fact that there is evidence of Wilshire's work in connection with all of the matters to which Mr. Peabody claims to have directed his services, and in addition to this that Mr. Wilshire rendered valuable services in the Court of Claims in the prosecution of the case on references for findings of fact, I am satisfied that if Mr. Peabody is entitled to anything at all, it would be much less than has been allowed Mr. Wilshire's estate; not more than $3,000 or $5,000 worth of service, it seems to me, could have been rendered by him, even on his own showing.

I do not, however, for reasons stated above, find that Mr. Peabody is entitled to anything at all under his contract.

The next claim is that of David A. McKnight, as surviving partner of the law firm of Ellis, Johns & McKnight, for compensation for professional services rendered the Old Settlers or Western Cherokee Indians. This claim is based on a contract dated December 15, 1888, between the Old Settlers, by J. M. Bryan, their attorney, etc., and E. John Ellis, then a member of the law firm of Ellis, Johns & McKnight, stipulating for Mr. Ellis's employment as assistant counsel or attorney for said Old Settlers or Western Cherokee Indians to prosecute their claim before the proper committees of Congress, the Departments, or the courts of the United States, to a final determination and conclusion of the same, for a compensation to be paid him or his legal representatives or assigns of a sum equal to 2 per cent on the dollar of amount collected on said claim.

Mr. Ellis died on April 25, 1889, after having rendered some service under his contract.

The contract was not approved until March 3, 1891, some time after its expiration. This fact is not material in view of the opinion of the Attorney-General, August 4, 1876 (15 Opinions, 585), that the approval of a contract operates by relation to the date of the contract, and has the same effect as if it had then been given, and that a claimant under the contract is not confined to acts of service done subsequently to the date of approval, but may show acts done at a time after the date of the contract.

It is therefore important for those representing Mr. Ellis's estate to show that he had rendered services subsequently to the date of his contract in order for them to recover quantum meruit for services rendered by Mr. Ellis, the compensation to be in proportion that the services rendered bear to those contracted for. (Glendennin *vs.* Black, 23 Am. Dec., 149; Weeks's Attorneys at Law, sec. 334.)

Mr. McKnight claims first an allowance of the contract fee of 2 per cent on the ground that the contract was made with the firm of Ellis, Johns & McKnight, of which firm Mr. Ellis was a partner, and that the applicant is a surviving member of that firm and the administrator of Mr. Johns, deceased.

Mr. McKnight discusses this claim at some length, and cites authorities to show that a contract made with a member of a firm on firm business is a firm contract. I have not been able to examine all of the references cited by Mr. McKnight in support of this contention, but it seems to me that in view of the well-known rule that a client may contract with a firm of attorneys for the individual services of one partner, and the conduct of Mr. Bryan, the representative of the Old Settlers or Western Cherokees, in making this contract, which clearly shows, if he does not so declare, that his intention in making the said contract was to secure the individual services of Mr. Ellis in this case, I think Mr. McKnight has not sufficiently shown that it was understood by Mr. Bryan, Mr. Ellis, and the other members of his firm that this was a firm contract to sustain his claim.

The record in this case shows that Mr. McKnight, as a representative of the survivors of the firm of Ellis, Johns & McKnight, tendered their services in carrying out the terms of the contract with Mr. Ellis, which services were rejected by Mr. Bryan or by attorneys employed by him in the case, and in accordance with his directions. The contract made by Mr. Ellis with Mr. Bryan might have been treated by the members of his firm among themselves as a firm contract and regarded as an asset of the firm, but that would have been a matter between the parties composing the firm and of which this Department could take no notice. I am of the opinion that the contract with Mr. Ellis was not one on which a suit for specific performance of its terms could have been maintained in the courts against the surviving partners, and therefore was not a firm contract so far as the Indians were concerned.

Second. That if the contract was with Mr. Ellis and not with the firm, the allowance of a fee of 1½ per cent of the amount recovered is a reasonable minimum value of the services rendered by Ellis prior to his death.

In support of this claim it is submitted that Mr. Ellis was entitled to at least 1 per cent for passing the bill of February 25, 1889, referring the case to the courts for adjudication, and that he was entitled to at least one-half per cent for his services in preparing the petition and entering his appearance as counsel in chief or attorney of record in the Court of Claims.

With reference to the claim of 1 per cent for passing the bill of February 25, 1889, the attention of the Department is invited to the fact that nearly every attorney who has submitted a claim in this case has claimed exclusive credit for the passing of this bill. Mr. Ellis being dead it is impossible to require in this case the filing of an affidavit of each act of service, and as the law should not be construed to require that impossible acts should be performed, the value of Mr. Ellis's services in this connection must be determined from proofs of another character.

The Hon. John T. Heard, in a letter to which I have referred above, suggests that the passage of the act of February 25, 1889, was practically compelled by the findings of fact by the Court of Claims on the references under the Bowman Act by the committee of the Senate.

Mr. Sibbald, in his affidavit relative to the services rendered under Mr. Wilshire's contract, claims that the bill was prepared by Mr. Wilshire, and introduced at his instance in Congress. Mr. Peabody claims that he rendered services in connection with the passage of that bill, and, in fact, I think all of the attorneys make this claim in their affidavits in this case, except Mr. Heard, and possibly Messrs. Douglas and Hemmingway. It would therefore be impossible, in view of the record, for this office to hold that Mr. Ellis alone was entitled to the credit of securing the passage of the act of February 25, 1889, by Congress, but that he did perform some service in connection with the passage of that bill is shown by letters from Hon. S. W. Peel and Hon. H. L. Dawes, both of whom said that they knew that Mr. Ellis was interested in the prosecution of the claim, and that he frequently consulted with them upon the subject and with other members of the Committee on Indian Affairs of the House of Representatives and of the Senate. Mr. Peel was chairman of the Committee on Indian Affairs in the House of Representatives in the Fiftieth Congress, and Mr. Dawes was chairman of the Committee of Indian Affairs in the Senate during that Congress.

While it is a fact that Mr. Ellis signed the first petition that was filed in the court in behalf of the Old Settlers as attorney of record, the record in this case is not sufficiently clear to satisfy me that Mr. Ellis prepared that petition or that he had any other connection with it than as a consulting attorney and the signing of the same as attorney of record. Considering all together the evidence submitted in other cases bearing on the facts in this case, I do not think that the claim of Mr. McKnight should be allowed as submitted.

But as Mr. Ellis has been shown to have rendered services under his contract, and as he died during the existence of the contract without recovering anything thereunder, his estate, or the assignees of his estate, would be entitled to recover quantum meruit for said services a compensation in proportion that the said services bear to those contracted for. The services contracted for were the prosecution of the claim of the Old Settlers before the proper committees of Congress, the Departments, or the courts of the United States to a final determination and conclusion of the same; that is, the prosecution of the claim before the proper committees of Congress while it is pending before those committees; before the Departments of the United States while it might have been pending before the Departments, and in the courts of the United States, should it be pending before the courts.

There were but little over four months between the date of Mr. Ellis's contract and his decease, and during that time there was nothing to be done, or nothing was done, except to secure the passage of the act of Congress referred to and the filing of the first petition in the Court of Claims. As has been shown, several attorneys had connection with the passage of the act, and I think it is sufficiently shown that the petition was drawn by Messrs. Jones & Voorhees; so that Mr. Ellis's services in connection with this matter were very small. It is, of course, a most difficult thing to decide, upon the uncertain evidence presented in this case, what an attorney's services, such as were rendered by Mr. Ellis, should be valued at, but it seems to me, in view of the compensation payable to other attorneys in this case, that Mr. Ellis's estate, or assignees of his estate, would not be entitled to recover on account of those services more than $2,000, and I therefore determine that that amount is justly or equitably payable to Mr. McKnight, as an assignee and administrator of an assignee of the estate of Mr. Ellis, for legal services performed by him under said contract.

The next claim in order of date of contract is that of Messrs. Jones, Voorhees & Boudinot. This claim was discussed in a report of August 31, 1894, wherein I submitted my determination in the case to the Department and reference is had here to that report.

The next claim in order is that of Messrs. Garland & May, which was discussed in my report of September 5, 1894, to which I here refer.

The claim of C. M. Carter is based on a contract of February 15, 1893, and is for $3,135. In addition to this he claims the sum of $333, which was advanced by him to Mr. Bryan to pay the expense of printing, etc. Inasmuch as the Old Settlers or Western Cherokee Indians have by their council appointed a treasurer and set apart 2 per cent of the amount recovered to pay the debts of the Indians, money borrowed or money advanced to Mr. Bryan must be paid by him as the treasurer of the Old Settlers.

Mr. Carter has filed two affidavits in support of his claim, one dated March 13, 1894, and the other dated September 7, 1894, but neither one of these affidavits is sufficient to authorize the payment to him of the fee under his contract. They show services in general terms rendered under so-called contracts of different dates from November 28, 1883, to and including January 27, 1893. None of these contracts were ever approved by this office and the Department as required by law, and the services rendered thereunder can not be paid for under sections 2104 and 2105 of the Revised Statutes.

The contract of February 15, 1893, was approved by this office February 28, 1893, and by the Department March 2, 1893. Prior to the approval of this contract the office, in a letter of February 21, 1893, advised Mr. Carter that it could not approve a contract for services rendered prior to the date thereof. It would be impossible, therefore, for this Department to authorize the payment of any fee to him on account of services rendered under any alleged former contract which had not been approved in accordance with the provisions of the statutes, but that his contract could be approved so as to authorize him to render services thereunder after its date, and receive a proper compensation therefor.

He was also advised that the amount of fee or compensation to be paid under his said contract, if it were approved, must be determined by a showing made by him as to the services actually rendered after its date, such showing to be made in accordance with the provisions of section 2104 of the Revised Statutes, and that if he desired the contract approved upon these conditions, and would advise this office to that effect, proper consideration thereof would be given.

Under date of February 23, 1893, Mr. Carter filed in this office in quadruplicate an affidavit made by him February 22, 1893, setting forth the services that he expected to render under the contract, and informally indicated to the office that it was his wish to have the contract approved, so that he might be paid for services rendered after the date thereof, and in view of this the contract was approved by the office and transmitted on February 28 with a report to the Department for the action of the Secretary of the Interior thereon, the approval being indorsed on the contract in the following language, viz: "The within contract is hereby approved so that payment may be made for such services only as may be rendered by the attorney thereunder after the date thereof."

In a communication of September 7, 1894, Mr. Carter says that in making the contracts with Mr. Bryan he understood that he was contracting with a white man, a citizen of the United States domiciled in the Cherokee country and duly and properly delegated and authorized by the Old Settlers to attend to the prosecution of their claims, and that his authority as such agent and representative was recognized by the Department; therefore he did not deem it necessary under the law to seek to have his contracts approved. The mistake that Mr. Carter made in this respect is that the contracts were not with Mr. Bryan, but with the Old Settler Cherokees, by Mr. Bryan, their attorney in fact. Mr. Bryan is one of the Old Settler Cherokees and was properly delegated to represent them in making these contracts.

Under date of November 16, 1894, I wrote Mr. Carter, asking him to furnish this office with an affidavit setting forth his services under his contract, which had been approved. This, I infer, he declines to do from his letter of November 18, 1894, in which he takes the position that the language used in making the appropriation in Congress lays down a different rule for the adjudication of the claims and that his fee is justly and equitably due, and therefore the claim is not to be adjudicated under the statute. I think Mr. Carter is mistaken in this position, for the reasons that I have set out in another part of this report. In view of the fact, therefore, that Mr. Carter does not show that he rendered any service whatever under his contract, I am unable to find that he is entitled to any fee thereunder.

The only other claim based on an approved contract is that of Joel L. Baugh, whose contract was dated February 14, 1894, and which provides for a fee of 1½ per cent. Mr. Baugh has submitted an affidavit showing that he is an Old Settler Cherokee, and that on June 20, 1891, the Old Settlers in council appointed him as an assistant commissioner to act as such in the aid of or in the place of Joel M. Bryan, their commissioner, in the prosecution, winding up, and final settlement of all matters appertaining to their claim against the Government. These council proceedings directed Mr. Bryan to enter into a contract with Mr. Baugh, otherwise there would have been no necessity for such a contract, and he might have been paid his fee if sufficient money remained out of the 35 per cent, in the same manner as Mr. Bryan, Mr. Hendricks, and Mr. Wilson, the Old Settlers' commissioners. This contract, however, was not made, as I have stated, until February 14, 1894.

Mr. Baugh's affidavit shows that he has been diligent in rendering services in assisting Mr. Bryan, who is his grandfather, in the prosecution of the case since his appointment both before and since the date of his contract, giving date and fact in detail of the services rendered by him since the contract; the other services, those rendered prior to the date of his contract, being stated in general terms.

I can not, however, conclude that the services rendered by him are worth 1½ per cent, or about $12,000, but will allow him three-fourths per cent, or $6,000, for said services.

This includes all of the claims that can be paid under contracts by the

Department as I construe the law. There is one other claim which is especially provided for by an act of Congress dated August 15, 1894 (28 Stats., 31; Private Laws of the United States), an act to enable the Secretary of the Interior to pay John T. Heard for professional services rendered the Old Settlers or Western Cherokee Indians out of the funds of said Indians.

This act authorizes and directs the Secretary of the Interior to pay to John T. Heard, for professional services rendered, out of any money appropriated, or to be appropriated, by Congress for the Old Settlers or Western Cherokee Indians, by reason of a judgment rendered by the Court of Claims in favor of said Indians, the sum of $10,000, or such part thereof, if any, as shall remain of the 35 per cent set apart by resolution in various councils of the Old Settlers for the expense and prosecution of said claim after the ascertainment and determination of the amount of such fees and charges and other claims as are properly chargeable against said 35 per cent, provided that the Secretary shall first determine that the professional services were rendered to the Old Settlers and were contracted for in good faith by persons authorized to represent the Indians.

There are three things to determine in the adjudication of this claim: First, that there is sufficient of the 35 per cent set apart by the Old Settlers to defray the expenses of prosecuting this claim to pay the $10,000; second, that Mr. Heard rendered the professional services claimed; and third, that they were so rendered under a contract entered into in good faith by some one authorized on behalf of the Old Settlers to make such a contract.

If the Department should concur with me as to the amounts found in this report to be due the claimants, there would be left out of the 35 per cent set apart a little over 13 per cent, and therefore ample money to pay Mr. Heard's fee, and even if the Department should determine that anything is due and payable on account of the Peabody claim, and should Mr. Carter furnish the proof necessary to establish his claim under the statutes, there would still be left enough, and more than enough, to pay Mr. Heard's fee.

I think it is sufficiently shown by Mr. Heard's affidavit in his claim, and by all the papers and correspondence had with reference to the matter, that the services claimed to have been rendered by him were so rendered on behalf of the Old Settlers, and that these services were valuable and contributed largely to the ultimate recovery of the claim.

Attached to Mr. Heard's affidavit are several affidavits by prominent attorneys of this city, one of whom had personal knowledge of the amount and character of work performed by Mr. Heard, tending to show that the fee of $10,000 is a very reasonable compensation for those services.

It was satisfactorily shown by Mr. Heard, when he submitted his contract of July 25, 1893, to this office for approval, that he had rendered the services under contract with Mr. Bryan, who was authorized to make such contracts on behalf of the Indians. The Department will recall that this matter of Mr. Heard's fee was discussed in office reports of September 6, 1893, and January 2, 1894, and that the office was directed to prepare a bill, to be acted on by Congress, having in view the granting of authority to pay this claim. There is ample proof, therefore, in my opinion, that Mr. Heard rendered the services alleged, and that they were rendered under contract with a proper party, who had authority to represent the Indians in such matters, and I therefore see no reason why the claim should not be paid, and I find that he is entitled to receive $10,000, in accordance with the act for his relief.

A claim has been filed on behalf of the estate of John L. McCoy by Walter A. Duncan. Mr. Duncan bases the claim of the estate on Mr. McCoy's services as a commissioner for the Old Settlers. Mr. McCoy was one of the commissioners appointed in 1875, but served only about two years, and William H. Hendricks was appointed in his place. The estate claims for McCoy's services the same amount that has been paid to Mr. Hendricks and Mr. Wilson, Mr. Bryan's co-commissioners, who have been engaged in the prosecution of the case with him since 1878.

There was no provision made by the Old Settlers' council for the payment of any compensation to Mr. McCoy, and as Messrs. Wilson and Hendricks were paid their compensation under authority of the Old Settlers' council, I do not see how this Government can pay Mr. McCoy's estate anything, even if it were shown that his services during the two years were of such a valuable character that they entitled him to receive the compensation. The only remedy for Mr. McCoy's estate that I can see must be sought by the application to the council for the payment thereto of such amount as the council shall determine Mr. McCoy's services were worth. There is a fund of 2 per cent set apart for the payment of debts, out of which the claim of the estate might be in part paid, if it is just and right.

Another claim has been filed by the Cherokee Nation for $4,500, on account of moneys advanced by the said nation to the Old Settlers. This claim can not be paid by the Government, but must be paid by the Old Settlers' treasurer out of the fund set apart by the Indians to pay such debts. The Old Settlers' commissioners were required by the act of the Cherokee Nation to give bond for the repayment of this money, and the Old Settlers' treasurer, Mr. Bryan, is responsible to the Indians for the proper disbursement of the fund set apart for the payment of debts.

All the papers that have been filed in this office relating to these claims are herewith transmitted to you.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT H.

DEPARTMENT OF THE INTERIOR,
Washington, September 28, 1894.

SIR: I acknowledge the receipt of your communication of the 4th instant, transmitting an assignment to Mr. Sibbald of one-fifth interest in the contract of Mr. Wilshire with the Old Settler Cherokees, with request for instructions.

In response thereto I transmit herewith an opinion, dated the 27th instant, from the honorable Assistant Attorney-General for the Department of the Interior, in which I concur, and you will be governed in your action in this matter by the opinion herewith transmitted.

The papers accompanying your communication are returned, and those filed in the case are herewith transmitted.

Very respectfully,

WM. H. SIMS,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, September 27, 1894.

SIR: I have given attentive consideration to the claim of John A. Sibbald, esq., and to the questions in connection therewith presented in the communication from the Commissioner of Indian Affairs, dated September 4, 1894, which on the 5th instant was referred to me by Acting Secretary Sims, with a request for an opinion thereon.

The matter has been orally argued by counsel for Mr. Sibbald and the estate of Mr. Wilshire, respectively.

The statement of facts in the letter of the Commissioner of Indian Affairs renders it unnecessary for me to recite them.

The principal question on which my opinion is asked is as to whether the agreement of the Old Settler or Western Cherokee Indians with Mr. Wilshire of September 28, 1886, is a renewal and extension of the agreement entered into between the same parties of July 1, 1882, or a separate and distinct contract between the parties thereto.

It appears from the papers presented that the original contract of employment was to continue for four years, it having been so limited in the approval indorsed thereon, and was approved by the Indian Office on October 6, 1882, and by the Department October 10, 1882.

This contract expired on July 1, 1886, and on September 28, 1886, the Old Settler Cherokees entered into a new contract with Mr. Wilshire, to continue for five years from the date thereof.

The first question that arises is, Can such a contract be revived and renewed after its expiration, and extended to cover the period intervening between its expiration and subsequent renewal and revival?

Upon this question I have only to say that the identical question was considered by Assistant Attorney-General Shields in the case of the renewal of the contract between the Old Settler Cherokees and W. S. Peabody, and answered in the affirmative (Fifty-second Congress, second session, Ex. Doc. No. 18, p. 476), and I see no reason to dissent from that opinion.

The question, then, is, Can the construction of the contract of September 28, 1886, contended for by Mr. Sibbald, that this contract is not a separate and distinct contract of employment, but a renewal and extension of the original contract of July 1, 1882, be maintained?

It is said in Professor Parsons's work on Contracts (vol. 2, p. 511): "No precise form of words is necessary even in a specialty. Thus words of recital in a deed will constitute an agreement between the parties on which an action of covenant may be maintained. And the recital in a deed of a previous agreement is equivalent to a confirmation and renewal of the agreement." And it is a rule of construction that the whole agreement is to be considered and such a meaning given to the particular parts as will, without violence to the words, be consistent with all the rest, and with the evident object and intention of the contracting parties. (Smith on Contracts, p. 582.)

That it was the intention of the parties when they executed the contract of September 28, 1886, that the original contract of July 1, 1882, should be revived and renewed by the new contract, I can not doubt, and I think that this intention is sufficiently manifested by the language they have employed.

The first recital in the contract of September 28, 1886, refers to the original employment of Mr. Wilshire under the contract of July 1, 1882; in the second, reference is made to the limitation of the original contract to the term of four years from its date; in the third, it is stated that Mr. Wilshire had faithfully performed his duty as attorney of the Old Settler Cherokees "up to the present" under the original contract, and in the last recital it is stated that it is the desire of the Old Settler Cherokees that Mr. Wilshire's employment as their attorney should be continued until their claim be finally disposed of.

The contract then sets out: "Therefore the said J. M. Bryan, etc., duly authorized by their general council for that purpose, doth hereby agree, for and on the part of said Indians, to and with said William W. Wilshire, to continue his said employment as the attorney for said Indians in the prosecution of their claim against the United States, etc., until the same shall be finally settled and disposed of, etc.; and in consideration thereof the said J. M. Bryan, etc., for and in behalf of said claimants, hereby agrees to pay, or cause to be paid, to the said William W. Wilshire, for his services in the prosecution and collection of said claim as aforesaid, a sum equal to 5 per cent of any and all sums that may be collected for said claimants from the United States: *Provided*, that said compensation shall be in full of all demands of the said Wilshire for any and all services rendered by him at any time for said Indians. And the said William W. Wilshire, for and in consideration of the promise and agreement of said Indians as aforesaid, hereby agrees to continue his services as the attorney of said Indians," etc. Then follows an agreement as to continuance of the contract for five years from and after the date thereof.

Not only in the recitals of the contract under consideration is there an evident intention to connect the employment of Mr. Wilshire under the new contract with his previous employment under the original contract and to continue it, but in the contracting part it is explicitly stated that it is the desire of the Old Settler Cherokees to continue Mr. Wilshire's employment as their attorney.

And I can see no reason for the proviso, unless the new contract was intended to embrace a compensation for the services rendered under the original contract, and by inference to continue it.

The last question upon which I am called for an expression of opinion, to wit, whether the indorsement on the contract of July 1, 1882, assigning one-fifth interest therein to Mr. Sibbald, is a valid assignment, and can be approved at this time, so as to authorize the payment to him of one-fifth of such sum as may be found due to Mr. Wilshire's estate, for services rendered by Mr. Wilshire under the contract of July 1, 1882, must, I think, be answered in the affirmative.

The provision relative to assignments of contracts with Indians is found in section 2106, Revised Statutes of the United States, which reads:

"SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or any part of one, shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also endorsed thereon."

The assignment to Mr. Sibbald, indorsed on the contract of July 1, 1882, complies with the requirements of the statute, and needs only the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

As the contract of 1886 was, in my opinion, merely an extension of the time limit in the contract of 1882, I am unable to see any valid reason against the approval now of the assignment to Mr. Sibbald of an interest in the contract of 1882.

If all the facts in respect of Mr. Sibbald's connection with these contracts have been submitted to me, the approval of the assignment will, in my opinion, give to him the same interest in the renewal or extension contract that he had in the original.

I therefore answer the questions submitted in the affirmative.

Very respectfully,

JOHN I. HALL,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

Approved.

WM. H. SIMS, *Acting Secretary.*

EXHIBIT I.

In the matter of the claims for attorneys' fees, etc., in the case of the Old Settler Cherokees *vs.* United States.

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1895.

SIR: I acknowledge the receipt of your communication of November 21, 1894, submitting for the decision of the Department the claims of attorneys and others for services on account of the claim of the Western or Old Settler Cherokee Indians against the United States Government.

At the request of the counsel for the parties an oral discussion was had before the Secretary. Counsel were fully heard and their arguments have been carefully considered. It is only necessary very concisely to recite the facts:

An appropriation was made by a clause in the general deficiency act approved August 23, 1894 (28 Stat. L., 421, 451), to pay a judgment of the Court of Claims in favor of the Old Settlers or Western Cherokees as follows, viz:

"The Old Settlers or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners; and Joel M. Bryan, treasurer, and so forth, eight hundred thousand three hundred and eighty-six dollars and thirty-one cents: and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses, and for legal services justly or equitably payable on account of said prosecution."

The claim which this appropriation was intended to satisfy had been pending for many years. In 1875 the Old Settlers or Western Cherokee Indians appointed commissioners or agents to prosecute the claim, setting apart for defraying the expenses of such prosecution 35 per cent of whatever sum might be recovered by the Indians on account of their claim. Out of this 35 per cent the commissioners were authorized to employ legal counsel and attorneys, and to pay for their services and for other expenses incident to the prosecution of the claim. Subsequent to the setting aside of this percentage, the Indians at various times made specific appropriations therefrom for different purposes, as follows, viz:

"For J. M. Bryan, commissioner and treasurer, 6½ per cent; for William H. Hendricks, commissioner, 2 per cent; for William Wilson, commissioner, 2 per cent; for payment of debts of Old Settlers, money borrowed from Cherokee Nation, 2 per cent."

Certain contracts with attorneys, made by the commissioners or agents, received the approval of your office and of the Secretary of the Interior, viz:

"W. W. Wiltshire, 5 per cent; W. S. Peabody, 8 per cent; E. J. Ellis (conditional), 2 per cent; Jones, Voorhees & Boudinot, 4 per cent; Garland & May, for a fee of $15,000 (conditional); C. M. Carter, a conditional fee; Joel L. Baugh (conditional), 1½ per cent."

It further appears that since the appropriation was made the following claims have been paid: September 6, 1894, to J. M. Bryan, 6½ per cent, $52,025.11; September 8, 1894, to William Wilson, 2 per cent, $16,007.72; September 8, 1894, to William H. Hendricks, 2 per cent, $16,007.72; total, $84,040.55; that claims of attorneys for services were adjudicated by your office under section 2104 of the Revised Statutes and transmitted to the Department for its action as follows: August 31, 1894, claim of Jones, Voorhees & Boudinot, 4 per cent, $32,075.45; September 5, 1894, claim of Garland & May, 1⅞ per cent, $15,000; total $47,075.45.

These claims, as well as the claim of John T. Heard for $10,000, and of the Wilshire estate for $13,500, hereinafter referred to, have been approved by the Department by letter of January 5, 1895.

It further appears that claims were filed in your office by attorneys and parties, including those whose claims have been paid, as follows, viz: J. M. Bryan, 6½ per cent; William Wilson, 2 per cent; William H. Hendricks, 2 per cent; J. M. Bryan (treasurer), 2 per cent; Jones, Voorhees & Boudinot, 4 per cent; Garland & May (about) 1⅞ per cent; W. W. Wilshire, 1⅞ per cent; W. S. Peabody, 8 per cent; D. A. McKnight, for estate of E. J. Ellis, 2 per cent; C. M. Carter (about) three-eighths per cent; Joel L. Baugh, 1½ per cent; John T. Heard, 1¼ per cent; J. W. Douglas, five-eighths per cent; S. O. Hemingway, five-eighths per cent; John L. McCoy, 2 per cent; Richard C. Wintersmith, 25 per cent; Belva A. Lockwood, 10 per cent; J. J. Newall, 2½ per cent.

It further appears that the contracts made with the commissioners of the Old Settler Cherokees, and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, were executed and approved in conformity to the provisions of the Revised Statutes (sec. 2103).

When these contracts were so approved by the Secretary of the Interior, it being supposed that the Old Settler Cherokees were an Indian community, endowed with a capacity to act collectively, the contracts were not made with the individual members of that part of the Cherokee Nation known as the "Old Settler" or "Western" Cherokees, but with commissioners appointed by a council or convention of the Old Settler Cherokees.

Section 2103 of the Revised Statutes provides, among other things, that contracts with Indians shall contain the names of all parties in interest, their residence and occupation, and if made with a tribe by their tribal authority, the scope of authority, and the reason for exercising that authority, shall be given specifically. It also provides that the judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

The contracts under consideration were not executed by the individual Indians comprising the Western Cherokees; they did not contain the names of the parties in interest, who were the individual Indians, but of the commissioners of the Old Settler Cherokees, who, it now appears, had no capacity to act collectively.

Mr. Chief Justice Fuller, delivering the opinion of the court in United States *vs.* Old Settlers (148 U. S. R., 427, 478), said:

"The question remains as to the character in which petitioners came into court, and to whom the amount awarded should be distributed

"The Old Settlers or Western Cherokees are not a governmental body politic, nor have they a corporate existence, nor any capacity to act collectively. The money belongs to them as individual members of an Indian community, recognized as such by the treaty of 1846, and treated as distinct and separate from the Cherokee Nation, so far as necessary, to enable the Government to accord them their treaty rights. They are described in the fourth article of the treaty as all those Cherokees west of the Mississippi who emigrated prior to the treaty of 1835; and they might be held to include those now living who so emigrated, together with the descendants of those who have died, the succession to be determined by the Cherokee law. The petition does not set forth their names, nor the extent of the rights and interests claimed, respectively, but purports to be brought by three persons, for themselves and as commissioners of the Western Cherokees; and they alleged that the claimants are the remaining part of those Cherokee Indians who formed and composed the Western Cherokee Nation, and that they have maintained their separate organization so far as to adjust and settle their claims against the United States. But the evidence is quite inadequate to justify the court in treating the immediate petitioners as appointed by all the beneficiaries as their agents to receive and disburse the amount awarded."

Under these circumstances, valuable services having been rendered to the Old Settler Cherokees, both under contracts supposed to be valid under the provisions of the Revised Statutes, designed for the protection of the Indians from improvident agreements and contracts, and under agreements made with the Indians, but not strictly within the rigid requirements of the Revised Statutes, which gave just and equitable claims on the Old Settler Cherokees, for professional services in the prosecution of their claims, the act of Congress, making the appropriation to pay the judgment in favor of the Old Settler Cherokees, provided that "the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses, and for legal services justly or equitably payable on account of said prosecution."

What construction should be put upon this provision? I am of opinion that it was intended to vest the Commissioner of Indian Affairs with the same power to adjust the claims of attorneys for professional services that a court of equity possesses in passing upon claims for legal services.

It is seen that according to the decision of the Supreme Court these Indians had no power to act collectively; and it being well known that there were claims for valuable professional services rendered to them in the prosecution of their claim against the United States which were not in exact conformity to the provisions of the Revised Statutes, Congress plainly intended that claims for professional services should be adjusted without reference to the Revised Statutes, which, if applied to the case, would deprive every claimant of his merited reward, but upon those principles which would govern a court of equity in like circumstances.

But it is urged by the counsel for the Indians that the words in the appropriation act, "and for legal services justly or equitably payable on account of said prosecution," were added ex abundanti cautela, lest the decision of the Supreme Court in Old Settlers *vs.* United States, supra, should "give trouble to those gentlemen who had for several years, under approved contracts, devoted their professional ability, time, and labor continuously and faithfully to this case."

In reply to this argument it is sufficient to say that if that was the intention of Congress it has been very unhappy in its choice of terms to express its meaning. But the argument is entirely gratuitous.

The language used clearly indicates an intention to place no other limit upon the power of the Secretary of the Interior to adjudicate these claims than that they shall not exceed the 35 per cent set apart by the Indians, and that they shall be just and equitable, according to the rules which govern courts of equity in such cases.

After this statement of my general views on the subject, I shall do no more than state in a few words my conclusions upon the claims presented.

The claims of Messrs. Bryan, Hendricks & Wilson have been paid, and the claims of Messrs. Jones, Voorhees & Boudinot, Messrs. Garland & May, Mr. John T. Heard, and the Wilshire estate have been approved, as above stated, and now require no consideration.

The claim of John A. Sibbald.—I do not think that Mr. Sibbald is entitled to anything more than one-fifth of the amount allowed on the Wilshire claim, in accordance with his agreement with Mr. Wilshire.

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract. The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case. I have carefully considered his claim, and I can not think that, however valuable and meritorious these services may have been, he is entitled to the enormous sum at which he rates them. I agree with you that the sum of $8,000 would be ample compensation for all the services rendered; and that sum is allowed.

The claim of E. J. Ellis.—The proof shows that this claim is of the most meritorious character. To be sure, the services of Mr. Ellis were not of long duration, for he died a few months after he was employed in the case. I do not think, under the circumstances, that the representatives of Mr. Ellis are entitled to a very considerable compensation for his services. I think, however, that the compensation suggested by you is quite inadequate. I am of opinion that the estate of Mr. Ellis should be allowed the sum of $1,000 in full for his services.

I do not see any merit in the claim set up by Mr. McKnight, as the surviving partner of the law firm of Ellis, Johns & McKnight, and his claim is rejected.

The claim of C. M. Carter.—Mr. Carter's legal services extended from the latter part of 1883 to the year 1888; they are fully recognized by Mr. Bryan, who swears in his affidavit on file that the Old Settler Cherokees were benefited to the full extent of the amount agreed to be paid to Mr. Carter for his legal services; that he has advanced $213 to pay costs in their case. I am satisfied that Mr. Carter is justly entitled to be paid the full amount of his claim for legal services, viz, $6,185, and that sum is allowed. The claim for $213 advanced by him to Mr. Bryan can not be paid out of this fund.

The claim of Joel L. Baugh.—I am unable to see what services Mr. Baugh has rendered which would justify the payment to him of the sum of $5,000. His services may have been valuable, but it is not easy to perceive just exactly what they were. But, under all the circumstances, I would approve an allowance to him of the sum of $1,000.

The claim of John W. Douglas.—Mr. Douglas was employed as one of the attorneys of these Indians in the Court of Claims in the early part of 1884, and until the year 1889, when he was appointed one of the Commissioners of the District of Columbia. His services were valuable and meritorious, and the compensation which he asks is moderate, viz, the sum of $2,500, which is allowed.

The claim of S. O. Hemingway.—In 1886 Mr. Hemingway was employed by Mr. Bryan to assist the other counsel in the prosecution of the claim of the Old Settlers, and appears from his affidavit to have performed meritorious services in their behalf, which are therein detailed. I do not understand that this is denied, but it is said that his contract was not properly executed and approved under the Revised Statutes, which is true; but I think his services were meritorious, and that he should receive a reasonable compensation for them, and a fee of $1,500 is allowed.

The claim of John L. McCoy.—This is a claim filed in behalf of the administratrix of John L. McCoy, deceased, who was for a short time a commissioner for the Old Settlers. It appears that he was appointed in 1875 and served about two years. I am unable to see what claim Mr. McCoy has upon this fund, and I agree with you in its rejection.

The claim of Richard C. Wintersmith.—This claim was rejected by you. I am unable to discover any contract under section 2103 or otherwise upon which he can predicate a claim. His power of attorney was signed by Keys, McCoy, and Scales, none of whom were authorized at the time to represent the Old Settlers; besides, the proof of his services is so indefinite that a claim could scarcely be based upon it.

The claim of James J. Newell.—Mr. Newell is certainly entitled to be paid for the services which his proofs show that he rendered. They were of the most meritorious character. He was one of the pioneers in the prosecution of the claim. He largely contributed to lay the foundation on which ultimate success depended. He labored and other men entered into his labors.

The beneficial character of his services is shown by the affidavits on file in your office. It was principally owing to his efforts that the agencies were brought into activity which eventuated in final success.

It is upon the contract acknowledged in the city of Washington on the 8th day of January, 1877, by Mr. Bryan in his own right and as delegated attorney for Messrs. Wilson and Hendricks, his cocommissioners, that Mr. Newell

relies as evidence of his employment as attorney for these Indians to prosecute their claim. The value of these services was recognized by the Indians by the adoption of the resolutions unanimously adopted by the council held October 13, 1882, set out in the report of the House Committee on Indian Affairs. (House Ex. Doc., Fiftieth Congress, first session, Report No. 342, p. 18.)

But it is said that by his contract Mr. Newell was only to be paid in the event of his securing payment to the Old Settlers of their claim; that his fee was entirely contingent upon his success; if he failed he was to receive nothing.

Now, what is the language of the contract? "And we do hereby agree and contract with the said J. J. Newell to pay him for his services as attorney a sum equal to eight per cent of the amount which may be allowed or recovered on said claim, the payment of which is hereby made a lien upon the said claim, and is to be paid out of the said thirty-five per cent set apart by the convention as aforesaid." Did that make Mr. Newell's fee entirely dependent upon his success? It certainly made his fee dependent upon the recovery of the claim, but he was to be paid for his services as the attorney for the Indians. If he had abandoned the employment before the recovery of the claim, he would have forfeited his right to compensation. That is the law governing all contracts.

It is then said that "he abandoned fully and absolutely, in 1883, all efforts in behalf of the Old Settlers. He refused to keep his contract with the Old Settlers, and by so doing he compelled the Old Settlers to employ additional and other attorneys to secure the payment of their claim, which Mr. Newell admits that he was employed to do for the compensation in his contract, and which he admits he did not do."

There is no evidence that Mr. Newell abandoned the employment; on the contrary, it appears that in the latter part of the year 1882 he applied to the Indians, through Mr. John L. McCoy, who had been one of their commissioners, for a renewal of his contract with Messrs. Bryan, Wilson & Hendricks, and that in a council held October 13, 1882, the following resolution was passed:

"*Resolved further*, That the proposition of J. J. Newell, made through John L. McCoy to us, to renew any contract made by said McCoy or any Old Settler Cherokee commissioner or commissioners, is hereby rejected."

The Indians then employed other counsel in place of Mr. Newell.

The conduct of one party to a contract, which prevents the other from performing his part, is an excuse for nonperformance. (United States *vs.* Peck, 102 U. S. R., 64.)

The sum of $10,000 would, I think, be a just compensation, and is allowed.

The claim of Mrs. Belva A. Lockwood.—Mrs. Lockwood's claim can not be recognized as an original claim upon the fund. It appears, however, that Mrs. Lockwood has an agreement with Mr. J. J. Newell (which is filed with her claim) by which it was agreed that the fees which should be received by Mr. Newell under his contract with the commissioners of the Old Settler Cherokees should be divided into three equal portions, of which she should be entitled to one portion.

I agree with you that the claim filed by the Cherokee Nation for $4,500, on account of moneys advanced by them to the Old Settler Cherokees, can not be paid out of this fund.

The claim of Stephen W. Parker.—This claim was referred to me by your letter of January 9, 1895. I am unable to discover any merit in it. Mr. Parker does not appear to have had any contract with the Indians or their commissioners, formal or informal, nor am I able, from the statement in Mr. Parker's petition, to understand what are the professional services for which he claims compensation. The claim is consequently rejected.

This disposes of all the claims submitted to me.

The papers accompanying your communication of November 11, 1894, are herewith returned.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT J.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 2, 1895.

SIR: I have the honor to submit herewith for your consideration a letter addressed to you by Samuel C. Dunham, under date of December 13, 1894, and filed in this office on the 24th day of the same month, inclosing affidavits of himself and Reese H. Voorhees in support of his claim for services as stenographer in connection with the Old Settler or Western Cherokee claim against the United States, amounting to $545.30, in accordance with the terms of a contract made between Joel M. Bryan, on behalf of the Old Settlers, and the said Samuel C. Dunham, dated March 15, 1893, as shown on page 706, Senate Ex. Doc. No. 18, Fifty-second Congress, second session.

Although the services referred to were rendered prior to the date of the contract, thereby rendering it impossible for this office to approve said services so as to allow payment for the same under said contract, there seems to be no reasonable doubt that the services were actually rendered, or that the compensation allowed by the contract is reasonable. I therefore respectfully recommend that authority be granted for the payment to Mr. Samuel C. Dunham for said stenographic services in the sum of $545.30, and that the office be instructed to state an account for the same, to be referred to the accounting officers of the Treasury for payment from the appropriation "Judgment in favor of the Old Settler or Western Cherokee Indians."

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT K.

In the matter of the claim of Samuel C. Dunham, filed in the Indian Office on the 24th of December, 1894. Old Settler Cherokees case.

DEPARTMENT OF THE INTERIOR,
Washington, May 15, 1895.

SIR: On the 2d of April last you referred to me for consideration the claim of Samuel C. Dunham for compensation for services as stenographer in connection with the Old Settler Cherokees' claim against the United States, amounting to $545.30.

These services appear to have been rendered in accordance with a contract made with Joel M. Bryan on behalf of the Old Settlers, and are shown by the affidavit of Reese H. Voorhees, esq., counsel for the Old Settlers, to have been for reporting the arguments made in the Court of Claims in the trial of the Old Settler case in that court for the purpose of preserving them for further use in their case against the United States.

Mr. Voorhees swears that the work was done under his personal observation and fully met the requirements of his employment and contract, and Mr. Voorhees thinks the charges for his services reasonable and just. The claim is also supported by the affidavit of claimant. You recommend that authority be granted for its payment, and that your office be instructed to state an account for the same, to be referred to the accounting officers of the Treasury for payment from the appropriation "Judgment in favor of the Old Settler or Western Cherokee Indians."

I think the claim is just, and should be paid as one of the debts incurred in the prosecution of the Old Settlers claim. It is therefore approved. The papers transmitted with your office letter are herewith returned.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT L.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 21, 1895.

SIR: I have the honor to submit herewith for your consideration the application of J. M. Bryan, as treasurer of the Old Settler Cherokees, through his attorney, Joel M. Baugh, for the 2 per cent of the sum appropriated under act of August 23, 1894, for the benefit of the Old Settler Cherokees, amounting to $16,007.72.

This 2 per cent of whatever sum might be secured to the Old Settler Cherokees through Congress was set aside by a council of said Indians assembled in 1884, a report of the proceedings of which, duly approved, is herewith inclosed, for the payment of debts contracted and expenses incurred by them in securing said appropriation, to be disbursed by their treasurer, J. M. Bryan.

I would therefore respectfully recommend that the said application for this 2 per cent receive the approval of the Department, and that authority be granted this office to forward the same to the treasurer for payment.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT M.

In the matter of the claim of Joel M. Bryan, filed in the Indian Office February 16, 1895. Old Settler Cherokees case.

DEPARTMENT OF THE INTERIOR, *Washington, May 18, 1895.*

SIR: With your letter of February 21, 1895, you transmitted for my consideration the application of Joel M. Bryan, as treasurer of the Old Settler Cherokees, for 2 per cent of the sum appropriated under the act of August 23, 1894 (28 Stat. L., 424, 451), to pay the judgment of the Court of Claims, as modified by the decision of the Supreme Court in United States *v.* Old Settlers (148 U. S. R., 427).

Before considering this claim, it is proper to refer to the resolution passed by the Senate of the United States on the 2d of March, 1895. The resolution is as follows:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law, except allowances already made for legal services, and to report to the Senate any and all payments and distributions from said fund already made, with copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs and the action had thereon."

While a resolution passed by either branch of the Congress of the United States is entitled to great respect, in so far as the Secretary of the Interior is directed by this resolution of the Senate to withhold from distribution and payment that part of the $800,386.31 appropriated by the act of August 21, 1894 (28 Stat. L., 424, 451), set apart by these Indians to pay the expenses and for legal services justly or equitably payable on account of the prosecution of their claim against the Government of the United States, I can not think that the Senate possesses the power under the Constitution to interfere with a Department of the executive government in the performance of a duty imposed upon it by an act of Congress, involving the payment of private claims which may be found to be justly due. If I had any doubts on the subject the opinion of Mr. Attorney-General Hoar (13 Opin. Atty. Gen., 113) would serve to dispel them.

In the case of the new Idria Mining Company, submitted to him for his opinion by the Secretary of the Interior, he said:

"If, as I understand the New Idria Mining Company are prepared to establish, to the satisfaction of your Department, their claim under the statute of 1866, chapter 262 (14 Stat. L., 251), to receive a patent for certain lands in California, they have a legal right to have the question of their claim to such patent passed upon, such that your Department is bound to consider and determine the same, notwithstanding the request of the Judiciary Committee of the House of Representatives for a suspension of action. Their claim, as I understand it, is of a title to land created by law. If under the law they have this title, and are prepared to furnish the proofs of it, the law gives the right to a patent, and the issuing of a patent is not made discretionary with the executive officers of the Government. The question, then, resolves itself into this, whether, when a right is created by law and a duty devolved upon an Executive Department under the same law, the enjoyment or enforcement of such right can be suspended at the request of a committee of the House of Representatives.

"I am unable to see that this result could be attained by any action even of the whole House of Representatives or of both branches of Congress, unless by a change in the law itself. To deprive any person of a right which the law creates at the request of anybody would be a novel idea under a system of government which is supposed to be a government of laws and not of men. If it were a subject depending upon your discretion, where you might properly regard all the equities of the case, and the probability that a decision at one time or another might affect them favorably or otherwise, the probability that Congress would take material action upon the question involved might well have an important influence in determining your action, and the suggestion of a committee of Congress, or its chairman, would be justly entitled to great respect. But it can not be that any person can rightfully be hindered in the enjoyment of his legal rights upon the suggestion of a possibility that the law may at some time or other be changed."

It appears by the papers submitted that this 2 per cent of whatever sum might be secured to the Old Settlers was set aside by a council of the Old Settlers assembled in 1884, for the payment of debts contracted and expenses incurred by them in securing their claims against the Government of the United States, to be disbursed by their treasurer, Joel M. Bryan.

The action of this council can not be recognized as conclusive evidence in support of claims against these Indians, for the reason that they are not an Indian community, endowed with the capacity to act collectively. (See my letter to you of January 22, 1895.) Under the authority given in the act of August 23, 1894, to the Commissioner of Indian Affairs "to withhold from distribution among said Indians only so much of that part of said judgment set apart by said Indians to pay expenses and for legal services justly or equitably payable on account of said prosecution," all claims and debts incurred in the prosecution of their claims should be paid when properly verified. But, with the exception of the debt of $4,500 due to the Cherokee Nation for money loaned to the Old Settler Indians, Mr. Bryan has furnished no evidence of such indebtedness. He should be required to furnish an itemized account, with vouchers, and such claims for expenses as are properly verified should be allowed.

The claim of the Cherokee Nation was rejected by my letter of January 22, 1895, upon the recommendation contained in your letter of March 21, 1894. But it should be paid out of the fund retained for the payment of expenses to the Cherokee Nation directly or to its constituted agent upon a release being filed in your office and proof that the moneys borrowed were expended for expenses properly incurred in the prosecution of the claim of the Indians.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT N.

MEMORANDUM.

Claims of attorneys in appropriation to pay claim of Old Settler or Western Cherokees.

[Prepared in the Indian Office for use in their discussion.]

The act making appropriations to pay the Old Settler or Western Cherokee claim (Public, No. 252) directs the Commissioner of Indian Affairs to withhold from distribution among the Indians only so much of that part of the judgment set apart by the Indians for the prosecution of their claims as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution.

This memorandum is prepared on the assumption that no attorney is entitled, either legally or equitably, to payment of any fees unless his contract was a lawful and valid contract and alive at the date of the recovery on behalf of the Indians, and he can show services that conduced to such recovery in accordance with section 2104 of the Revised Statutes.

No contract between an Indian tribe and an attorney would be lawful or valid so as to authorize the payment of a fee to the attorney unless it had received the approval of the Commissioner of Indian Affairs and the Secretary of the Interior, as required in section 2103 of the Revised Statutes. Where an attorney had a lawful and valid contract which expired by limitation (the statute requires that all Indian contracts shall be limited as to time or duration), and which has not been renewed, he will not be entitled, either legally or equitably, to any fee for such services as he may have rendered under such expired contract.

Attorneys have filed claims for fee in this case as follows:

1. *Belva A. Lockwood and J. J. Newell.*—These claimants appear from the papers filed to base their claims on unapproved contracts with Jim Taylor and others as representatives of the Western North Carolina Cherokee Indians.

The contracts were not approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and it is perhaps not necessary to discuss the merits of the claims. However, I will state that it does not appear from the records or files of this office that Jim Taylor, or any of the other parties signing the contract with Mrs. Lockwood, was ever an authorized representative of the Old Settlers, except McCoy, who appears to have been a commissioner of the Old Settlers during the year 1875 and a part of 1876, and as Mrs. Lockwood's contract was made in 1885, it was at a time when McCoy was without authority to act in the matter. The council proceedings authorizing the appointment of the attorneys in fact who made the contract with Mrs. Lockwood was designated by the clerk of the council in his affidavit as "the convention of Western North Carolina Cherokee Indians."

This convention would have no power to authorize the employment of an attorney to represent the Old Settlers, and it would appear that Mrs. Lockwood would not be entitled to the fee she claims.

Mrs. Lockwood admits, on page 3 of her statement of May 18, 1894, that the Eastern Cherokees appointed delegates to prosecute their claim and the claim of the Old Settlers, and her contract was executed by these delegates.

Furthermore, if the contract were one under which Mrs. Lockwood would be otherwise entitled to pay, she would not be entitled for the reason that the contract under which she claims expired by limitation April 21, 1890 and was not renewed. The failure to renew could be construed in but two ways, namely, Mrs. Lockwood either voluntarily abandoned the service or was dismissed the service by the Indians. As all contracts with Indians for contingent compensation contemplate the recovery on the claims to which they relate, no attorney who has failed to accomplish the purpose of his contract has the right, on account of services rendered without result, to demand a fee or the continuance of his employment by the Indians. The Indians having the right to refuse to keep in their employ an unprofitable attorney, the results of their refusal to renew Mrs. Lockwood's contract would be the same as her voluntary abandonment of the service, namely, to deprive her of any right to demand or receive the fee provided therein.

Mrs. Lockwood, who is also prosecuting Mr. Newell's claim, does not appear to have filed the contract under which he claims, and, as it was never approved by this office, it is not of record here. It is impossible, therefore, to determine what it provided. As, however, it expired long before any recovery was had in behalf of the Indians, he would not be entitled to the fee, especially as the Old Settlers in 1882 expressly refused to renew his contract.

In connection with these two claims attention is invited to Department letter of January 23, 1888 (2453, 1888).

Messrs. Marble and Hazleton have filed a brief in the J. J. Newell claim, with affidavits, but, as his right is dependent upon a question of law, no material difference is made in the case.

2. *J. W. Douglas, attorney for G. L. Douglas.*—There is no formal contract on which to base this claim. The claimant seeks his fee under a letter of March 20, 1884, from Mr. Bryan to J. W. Douglas, advising him that Messrs. Wilshire and Heard had informed him (Bryan) that they desired said J. W. Douglas to assist them in the case, and that said Douglas would do so for $5,000; therefore Bryan agreed to pay him the $5,000 if he would render the services desired.

This letter is not even formally accepted by Mr. Douglas, who assigned it to his son on taking office under Mr. Harrison's Administration. He was District Commissioner.

It would seem that there is no lawful authority for this office to pay Mr. Douglas's claim. He might, however, have his remedy against Mr. Bryan, as to which, however, there is some doubt in view of the statute on the question of Indian attorney contracts.

3. *John L. McCoy's estate.*—The estate of John L. McCoy makes claim for $16,000 on account of services alleged to have been rendered by McCoy as a commissioner of the Old Settler or Western Cherokees in 1875-76. This claim is one with which the Government has no concern, in view of the fact that the Old Settlers did not, by any of their councils, provide for Mr. McCoy's compensation, as they did in the case of Wilson, Hendricks, and Bryan. If Mr. McCoy rendered the services claimed, his estate should apply to the council of the Old Settlers, who may, if his claim is deemed a proper one and there is sufficient money remaining of that set apart for the payment of debts of the Old Settlers, direct the treasurer to pay the claim.

4. *C. M. Carter.*—The first six contracts mentioned in the affidavit of Mr. Carter were never approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as required by section 2103 of the Revised Statutes, and were not, therefore, valid contracts.

The seventh contract provides in its terms for payment for services rendered prior to its date, as well as for services to be rendered subsequently thereto. Mr Carter was advised, in a letter of February 21, 1893, that his contract could not be approved for services rendered prior to its date, and that it would be impossible for this Department to authorize the payment of any fee to him on account of services rendered on account of any alleged former contract (see Opinions Atty. Gen., vol. 18, p. 517) which had not received the approvals required by the law; but that it could be approved to authorize him to render services thereunder after its date and to receive proper compensation therefor, and that if he would indicate his desire to that effect it would be approved to that extent. He informally asked for its approval as indicated, and it was so stated in a report of February 28, 1893, to the Secretary, submitting the contract approved in the following language:

"The within contract is hereby approved so that payment may be made for such services only as may be rendered by the attorney thereunder after the date thereof."

Mr Carter's affidavit shows services rendered under his old (so-called) contracts, but it is not sufficient, under the statute, to show services under the contract of February, 1893. The alleged contracts not having been approved can not be taken into consideration, and any service rendered thereunder was at his own risk.

He should be called upon to make proof under the approved contract only, and in accordance with section 2104.

5. *Richard C. Wintersmith.* The claim of Mr. Wintersmith was filed by Hon. Phil. B. Thompson, who has a power of attorney to represent him therein. It is based on a power of attorney given in 1873 by Riley Keys, J. A. Scales, and John L. McCoy, and which provides for the payment to said Wintersmith of 25 per cent of whatever amount the Indians might recover on the claim, in consideration for services said Wintersmith might render as attorney for said Indians. This power of attorney is not signed by Mr. Wintersmith and was never approved by this office and the Interior Department. It is not a legal contract, and Mr. Wintersmith can not therefore be paid.

In addition to the fact that the contract was not a legal one, Mr. Wintersmith showed no service on behalf of the Indians further than to say that from November 29, 1873, when he was appointed by the parties above named as attorney, to the present time, which embraces twenty years, he has labored as their attorney.

6. *Cherokee Nation.*—The Cherokee Nation files its claim for $4,500 against the Old Settler Cherokees for money loaned said Old Settlers in 1875 and 1889.

This claim is a matter with which the Interior Department has no concern, inasmuch as the Old Settler council has appointed a treasurer to disburse the money which was set apart for the payment of debts, which money should be paid over to the treasurer and he should be held accountable to the council therefor.

7. *E. John Ellis.*—This claim is based on a contract entered into December 15, 1888, between the late E. John Ellis and Mr. Bryan, as Old Settler commissioner and treasurer. This contract was not filed in this office for approval until 1892, some time after the death of Mr. Ellis, which occurred in April, 1889. It was approved by this office March 2, and by the Department March 3, 1893. It provided for the payment to Mr. Ellis of a fee equal to 2 per cent of the amount recovered to the Indians on the claim, and stipulated for his employment to prosecute, as attorney of record, the suit against the United States on behalf of the Old Settlers.

The contract was filed in this office by Mr. D. A. McKnight, who was a member of the firm of Ellis, Johns & McKnight. Mr. McKnight claimed that the contract was a firm contract, notwithstanding it was made with Mr. Ellis personally; and after Mr. Ellis's death Mr McKnight offered to continue the prosecution of the claim on behalf of the firm. His offer, however, was declined by Mr. Bryan, through his attorneys, Messrs. Jones & Voorhees, and he filed letters from Hon. S. W. Peel and Hon. H. L. Dawes in support of the claim that during the period between December 15, 1888, and April, 1889, Mr. Ellis rendered valuable service in behalf of the Old Settlers. They submit, as a part of the record in the case, copy of a petition which was filed in the Court of Claims at the beginning of the suit, and which was signed by Mr. Ellis as attorney of record in the case; and both Mr McKnight and Mr. Johns (the latter of whom is now deceased) filed affidavits relative to the making of the contract and services rendered by Mr. Ellis.

On the other hand, Mr. Bryan filed several affidavits in this office tending to show that Mr Ellis did not do anything whatever in the prosecution of the claim of the Old Settlers. One of his affidavits is made by Hon. J. W. Douglas, whose claim is discussed in another part of this memorandum, and who makes oath to the fact in this case that he, with Messrs. Jones & Voorhees, met Mr. Ellis in the office of said Jones & Voorhees in 1889, the object of which meeting was to discuss the institution of the prosecution of the claim of the Old Settlers in the courts under the act of February 25, 1889; that at said meeting Messrs. Jones & Voorhees suggested and urged the adoption of a plan upon which to prosecute the claim, involving considerable novelty as compared with the plan pursued under the Bowman Act, and that because of its novelty it received considerable criticism and discussion; that after the plan had been fully explained and the objections thereto answered, it was agreed to by all present, and Messrs. Jones & Voorhees were requested to prepare a petition embodying the same, and a second meeting was agreed upon to consider the petition when so prepared; that in accordance with this agreement, Jones & Voorhees prepared the petition, called the attorneys together when it was completed, presented said petition to them, and Mr Ellis, having been selected by the attorneys as attorney of record, signed it as such.

This affidavit is to meet the claim of Mr. McKnight that Mr Ellis prepared the petition which he signed.

An affidavit by Hon. John T. Heard, to practically the same effect as that of Mr. Douglas, was also filed by Messrs. Jones & Voorhees as attorneys for Mr. Bryan.

Mr. Joel L. Baugh makes affidavit to the fact that he thoroughly and carefully examined all papers which were before the Committees on Indian Affairs in the House of Representatives and the Senate of the United States in the claim of the Old Settler Cherokees during the Fiftieth Congress, and which are now in the files of Congress. Among said papers are briefs and other papers signed by attorneys in the case, but there is no paper of any character whatsoever on file in said claim bearing the name of the late E. John Ellis, and no evidence whatever of the fact of Ellis having ever appeared before the committee in connection with the claim.

Mr. Bryan makes an affidavit in answer to the claim of Mr. McKnight that Mr. Ellis did service before the passage of the bill authorizing the Court of Claims to adjudicate this bill, in which he states that at the date of his employment of Mr. Ellis the work necessary to, and which in fact did secure, the passage of the bill had been done.

The papers in this case are voluminous and affidavits on both sides are positive. If the assignees of Mr. Ellis's estate can show that any service was rendered by him under his contract, his estate would be entitled to compensation on account of the fact that he was prevented by death from carrying out the provisions of his contract and the abandonment of the service was involuntary.

8. *W. S. Peabody.*—This claim is based on a contract between said Peabody and the Old Settler Cherokees made December 9, 1882, and renewed December 6, 1886, and February 10, 1892. Of this contract Mr. Peabody has assigned three-eighths of the compensation provided for to one C. Hayden, of Choteau, Cherokee Nation. The fee provided for is 8 per cent of the amount of the recovery, or $64,000.90.

Mr. Peabody makes a claim for legal services under his contract, and makes affidavit that the account is correct and just, and that the services charged for were rendered and charged under and in accordance with his contract; that his services actually date from early in the spring of 1882, he having been brought into the case through Mr. Wilshire, acting then for Mr. Bryan, the terms of his contract having been verbally settled for several months before the contract as reduced to writing was actually signed; that he actively cooperated with counsel for Eastern Cherokees in securing clause in the sundry civil bill for the fiscal year ending June 30, 1883, authorizing the Secretary of the Interior to investigate and report upon the Old Settler claim, along with other claims in dispute; that on the signing of his contract he continued his services in the line of their inception; the resolution of December 15, 1882, was an incident of his advice and counsel, and its prompt answer by the Interior Department on the 16th of December, 1882, was at his instigation; that the resolution and report of the Secretary of the Interior thereon is embodied in Senate Ex. Doc. No. 17, Forty-seventh Congress, second session; that he assisted C. C. Clements, special agent of the Department, in collecting the data embraced in his report dated December 12, 1882; that it was understood that in the division of the labor among the counsel he should take the lead and assume the responsibility and labor incident to the departmental branch of the case and before committees of Congress, while other counsel should lead and assume the labor and responsibility of the case in the courts, should it ever reach the court for trial.

Except as thereinafter stated, he had been at all times, from the inception of his service in 1882 down to the final passage of the act appropriating the money, ready to consult with his associates and render service in the case, and has so consulted and rendered service covering a period of approximately twelve years of continuous service, with the exceptions above referred to. That on the reopening of the matter in the act of 1882 before the Interior Department, and following the report of Mr. Clements, he appeared before the Commissioner of Indian Affairs and urged the transmittal of the report to the Secretary, which was done December 14, 1882; that he also appeared from day to day before Mr. Clements and assisted him in an examination of the matters under his consideration affecting his clients, which resulted in his further report of January 24, 1883, in which he increased the amount theretofore found due over $50,000. He refers to certain Senate executive documents in support of this statement in his affidavit.

The affidavit is 10 pages in length and the statements contained therein are detailed, date and fact being given. He states that he had frequent conferences with Mr. Wilshire, of which he kept no memorandum, and that he kept no memorandum of his conferences with other counsel since in the case, or of acts to forward the case, because such conferences and acts were so frequent and so a matter of course that he could not keep a minute thereof without noting substantially how he was employed every day. That, as in other cases wherein he has been engaged, he has kept right at work to accomplish the end in view, thinking of success and directing his efforts thereto, and not to keeping a diary, and he is therefore compelled to rely upon printed records of the Government to a degree in pointing out his particular acts of service, with the dates thereof; but that he "desires it to be understood that each of the steps which the case has taken in its forward movement since his connection therewith, except, possibly, the appeal to the Supreme Court of the United States and certain of the latter proceedings in the Court of Claims, was with his knowledge and consent; and that when in charge of the particular work in hand such work was not accomplished in any one of its steps without many repeated efforts." That at no stage did the matter move forward of its own motion and inherent justice, it requiring attention and receiving notice from him; that after the finding of fact by the Court of Claims it was plain that the matter should be again referred to that court with power to hear and determine the case to final judgment, and in connection with explaining the same to the proper committees of Congress he appeared from time to time; that as one of the results of such appearance and efforts in which he participated, he refers to Report No. 1690, Forty-ninth Congress, second session, from the Committee on Indian Affairs, attached to his affidavit; that he was diligent in his efforts before the proper committees of the Forty-seventh and Forty-eighth Congresses, and, whenever necessary, before the Interior Department, in explaining and clearing away whatever difficulties were found to exist from the want of a proper understanding of the merits of the case; that the work particularly assigned to him was accomplished when the case was sent to the Court of Claims the second time, so far as his leadership was concerned, but that he continued to be consulted from time to time until April 21, 1891, when he accepted employment in the Geological Survey, where he continued until October 20, 1893; but during that period the case was in the courts under the management of able counsel, employed especially to conduct it there, and no occasion existed for calling him into consultation, and he rendered no service during that time in the case, though his contract was extended during that period to cover twelve years from its original date by the approval of the Commissioner of Indian Affairs and the Secretary of the Interior; that when he retired from the service of the Government in October, 1893, the case had been remanded back to the Court of Claims from the Supreme Court of the United States, with directions as to judgment, and it again became a part of his duty to give it attention before the Departments and the committees of Congress. In this service, from December, 1893, he gave the matter his personal attention whenever required so to do by the exigencies of the case; but the array of counsel had been increased from what it had been originally, and less work devolved upon him than in the earlier stages of the case.

Mr. Peabody's affidavit is so long and contains so much that ought not to be therein that it is almost impracticable to determine what service he rendered the Indians as set forth therein. I fail to find that he has specified a single day on which he performed any act of service, the only dates contained therein being dates of documents or public records. As to that part of Mr. Peabody's affidavit which relates to securing the passage through Congress of an act referring the matter to the Court of Claims for adjudication, Mr. John T. Heard has filed a letter inviting attention to Senate Report No. 297, Fiftieth Congress, first session, wherein it is shown that a favorable report was made by the Senate committee on the claim only because of the finding of fact in the case by the Court of Claims in Congressional case No. 14.

This report contains also the views of Hon. J. K. JONES against the bill, wherein he declares that he did not believe that the claimants had any case, and that if they had, he would not be willing to refer the case to the Court of Claims to render judgment after its findings of fact. Mr. Heard was one of the attorneys employed by Mr. Bryan to prosecute the case before the Court of Claims while it was there for finding of fact, and he files this letter because he feels that through his exertions he secured from the Court of Claims a favorable finding, and he does not feel that any other attorney should claim credit for doing the work.

Mr. Voorhees has informally requested that this matter be held up until he has an opportunity to file some papers in the case.

EXHIBIT O.

MEMORANDUM.

Request of John A. Sibbald for the approval of an assignment by W. W. Wilshire.

[Prepared in the Indian Office for use during its consideration.]

This assignment is indorsed on a certified copy of a contract dated July 1, 1882, between J. M. Bryan, attorney in fact for the Old Settler Cherokees, and W. W. Wilshire. This contract was approved by the Commissioner of Indian Affairs October 9, 1882, and by the Secretary of the Interior October 10, 1882, and expired July 1, 1886. The assignment recites, "For value received I hereby sell and assign to John A. Sibbald and his assigns one-fifth interest in the within contract, which assignment is also indorsed upon the original." and is signed by Mr. Wilshire. Proof is presented by Mr. Sibbald that it is impossible for him to procure the original of said contract, in order to file the same, to have the assignment indorsed thereon approved by the Commissioner and the Secretary.

After the expiration of the contract, one-fifth of which was assigned to Mr. Sibbald, Mr. Wilshire entered into a new contract with the Indians on September 28, 1886, which was to run for five years, having in view the prosecution of the same claim referred to in the old contract. No assignment appears to have been made to Mr. Sibbald of this new contract by Mr. Wilshire, who died August 19, 1888, pending the prosecution of this claim.

The new contract of Mr. Wilshire was approved by this office February 2, 1887, and by the Department February 3, 1887, and is recorded in Miscellaneous Record Book, volume 2, page 47, one of the records of this office.

This assignment of Mr. Sibbald was filed in this office by Mr. J. Walker Cooksey, of Washington, D. C., with his letter of August 1, 1893.

In a letter of September 28, 1893, Mr. Cooksey was advised as follows:

"The contract between Mr. W. W. Wilshire and the Old Settler or Eastern Cherokees, which was entered into July 1, 1882, expired July 1, 1886, without Mr. Wilshire having secured any settlement of the claim in favor of the Indians, and he made a new contract with them September 28, 1886, which was to run for five years, but, as we have seen, he died August 19, 1888. There does not appear of record that any assignment was made of the last contract, or any part thereof, and it is not understood that Mr. Sibbald makes any claim to an interest therein, although it was expressly intended to be in lieu of the other.

"The first contract expired by limitation July 1, 1886, and it could not be recognized by this office as authority for the payment of attorney's fee thereunder, and it is not seen how my approval of any assignment of an interest therein, even if regular, would be of any value or benefit to the assignee."

The ground upon which this view of the matter was taken was that as Mr. Wilshire's estate, if it were paid anything at all on account of his services, would be paid under the contract of September 28, 1886, alone, and not in any manner under the contract of which Mr. Sibbald claims to have an assignment.

In Mr. Sibbald's letter of August 31, 1894, he discusses the opinion of the Attorney-General in the E. John Ellis case (18 Opinions, 517) as one of the reasons supposed by him to have been given why the assignment ought not to be approved. This reason was not raised officially, but the objection was pointed out to him as applying to the contract of which he has an assignment as a part interest; that is, the Wilshire estate have to make their claim under the contract of 1886. Proof of services rendered under the contract which expired could not be recognized as sufficient to pay him under the other, because of the opinion of the Attorney-General that the Department is not authorized to pay for services rendered prior to the date of the contract providing therefor. The contract of 1886 was, it is true, for the continuation of Mr. Wilshire's services, but his rights under the contract of 1882 expired with the contract, and his estate will be required only to show services under the contract which was in existence at the time of his death. This opinion was not cited as an objection to approving Mr. Wilshire's assignment, but to paying anything under the expired contract.

The other objection to the approval of the assignment discussed is that it is for an interest in a contract which has expired, which objection was made in letter of September 28, 1893, above referred to. As to this objection, Mr. Sibbald claims in his letter that the contract of September 28, 1886, was an extension of the contract of 1882, on account of recitations therein contained. The contract provides for the continuance of Mr. Wilshire's employment in behalf of the Old Settler or Western Cherokees, and the consideration of this continuance is that he had efficiently performed his duties in prosecuting their claim under the former contract, and that his familiarity with said contract and laws was such that it was the desire of the claimants that his employment as attorney to the Indians should be continued until their claim should be finally disposed of, and therefore the Indians agreed to continue his employment.

Mr. Sibbald also calls attention to the fact that the contract stipulation that the compensation agreed upon should be in full of all demands of said Wilshire, and any and all services rendered by him for said Indians, and that Mr. Wilshire in consideration of the promises of the claimants and their agreement agreed to continue his services as attorney for said Indians.

Mr. Sibbald claims that these recitals in the contract should be conclusive; that it is a renewal and extension of the first contract upon all the parties for the same consideration; that it recited and proclaimed the services [illegible] fully performed thereunder, and made it a continuation and extension [illegible] first contract, and as such was confirmed by the approval of Commissioner Atkins and Acting Secretary Muldrow, without any modification or [illegible]anation whatever. Aside from the legal aspect of the case, Mr. Sibbald claims that by the amendment to the general deficiency act to pay the Old Settler or Western Cherokees the Commissioner's power to approve his claim is beyond all question and removed from all doubt, for, he says, it is a well-settled principle of law that even an equitable assignment passes to the assignee all the rights of the assignor in the entire assignment, and the latter [illegible] not, from the time of the assignment, exercise any control over it (6 American and English Cyclopedia of Law, 661), and the question of power to approve his assignment under the appropriation act is discussed [illegible] at length.

It is true, as stated by Mr. Sibbald, that in a letter of April 5, 1887, from this office, it is stated that there is returned to Mr. Wilshire one part of a contract of September 28, 1886, for the extension of the period of five years from September 28, 1886, the contract of 1882 between said Wilshire and the Indians. It appears from this that the office at that time regarded this contract as a renewal and the extension of a contract which, however, had not been in existence for nearly three months, it having expired and all rights having lapsed with its expiration on July 1, 1886.

The office is not bound by this statement in the letter of April 5, 1887, to Mr. Wilshire, for the reason that the question to which it relates was not a point in issue, and it could not be presumed that the Commissioner of Indian

> Affairs would give as particular attention in that matter as he would when the rights of claimants are raised under it.
>
> The recitals in the contract which referred to the contract of 1862 could not have been intended as an extension of the old contract, which was made for the purpose of continuing Mr. Wilshire's services on behalf of the Old Settlers.
>
> The recitals by Mr. Siblald from said new contract are merely facts recited by the Indians in the beginning of the contract or preliminaries to the contract, as showing the reason and the consideration which moved them in making the new contract.
>
> As to Mr. Siblald's claim that his assignment can be acted upon favorably by the Commissioner of Indian Affairs under the general powers given in the act making the appropriation, it would seem that this is not such a case as would authorize the Commissioner to exercise his powers in the premises from the fact that the services rendered by Mr. Siblald were not rendered to the Indians, but to Mr. Wilshire, and that it is not a claim against the Indians, but a claim against his estate. Mr. Wilshire was the responsible party in this contract, the Indians looked to him to perform the work called for in the contract, and the assignment is not out of moneys of the Indian tribe, but out of whatever fee may be allowed Mr. Wilshire's estate.
>
> (Letter to Secretary September 4, 1894.)

The VICE-PRESIDENT. The question is on agreeing to the amendment, as modified, of the Senator from Utah, to the amendment of the committee.

Mr. BROWN. Let the amendment to the amendment be read as modified.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. After the word "Interior," in line 8, page 72, insert the words "unless such award has been paid to and accepted in full payment by the claimant."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PETTIGREW. I think there is but one other committee amendment, and that is with regard to the Five Civilized Tribes.

Mr. BATE. Do I understand that the vote just taken was upon the amendment of the committee providing that the claims shall go to the Court of Claims? Do I understand that to be the fact?

Mr. PETTIGREW. Yes, sir; that was the vote.

Mr. BATE. It all goes to the Court of Claims?

Mr. PETTIGREW. It all goes to the Court of Claims.

Mr. BATE. Before that is done, I have a document I want to have read touching this contract.

Mr. PETTIGREW. I think the document has just been read, and ordered to be printed in the Record.

Mr. BATE. I think not. This document bears particularly on the contract and original parties to the contract between these Indians and Bryan and his associates who did the work.

I will state in a word my object. The original contract between these Old Settler or Cherokee Indians and the attorneys does contain that condition about which we have been contending, that is to say, that they shall set apart 35 per cent to meet contingent expenses, including attorneys' fees. It has in it that clause which has been a subject of material difference, for after speaking of the fund to be set apart, qualifies it by saying "or so much thereof as may be necessary." It was upon that clause in the original resolutions, I take it, that the Secretary of the Interior acted at the time that he appropriated this fund to the extent of $198,000 to the payment of the attorneys' fees. I want that understood, Mr. President. I have here a copy of the original contract in Senate Document No. 77 of the Fifty-fourth Congress. The resolutions are short, and I should like to have those bearing directly on this point likewise inserted, along with the other document, in the Record. However, I will read a brief extract from the document, No. 77, in regard to the contract. It is the original contract, signed by the proper parties:

> *Resolved further*, That it is deemed expedient and proper that the said Old Settler Cherokees prosecute the said claim before the Government of the United States to a speedy, just, and final settlement; and for that purpose the following-named persons, J. L. McCoy, J. M. Bryan, and William Wilson, be, and they are hereby, constituted a commission, with full powers to represent said Cherokees before the Government, with full and ample authority to do and cause to be done any act and doing necessary and proper to be done in the premises; and with full authority to employ such assistance in the prosecution of said claim as they may deem necessary, and that a sum equal to 35 per cent of the amount of said claim when recovered, or so much thereof as may be necessary, be set apart and subject to the draft and receipt of said commission, and payable to them or their order by the proper authorities of the United States Government, which per cent shall be applied in the payment of said prosecution and all incidental expenses: *Provided*, That on a final settlement with said Old Settler Cherokees, the said commission account for their expenditures out of said per cent, and all receipts signed to said United States Government by said commission on account of said per cent shall be taken and deemed to be the receipts of said Old Settler Cherokees for the amount received.
>
> *Resolved further*, That said commission, either in whole or in part, at their discretion, be authorized to proceed at their earliest convenience to Washington, D. C., to prosecute said claim, and for that purpose they, the said commission, are authorized to make a loan from the Cherokee Nation for funds sufficient to defray their necessary expenses.
>
> *Resolved further*, That the president of this convention furnish the said commission with a copy of these resolutions.
>
> I certify that the above and foregoing resolutions is a true copy of the original resolutions, this, the 25th day of November, 1875.
>
> WILLIAM WILSON, *President Convention.*
> H. T. LANDRUM, *Secretary.*

Mr. BERRY. There is a committee amendment in regard to the Five Civilized Tribes. I call the attention of the Senator from Connecticut to it. It is the next one to be considered, I understand.

The VICE-PRESIDENT. The amendments will be stated in their order.

The Secretary. On page 56, under the heading of "Miscellaneous," the Committee on Appropriations propose, in line 8, after the word "dollars," to insert "of which sum so much as may be necessary for expenses of employees for 1897 to be immediately available;" so as to read:

> For salaries of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $25,000; for expenses of Commissioners and necessary expenses of employees, $10,000, of which sum so much as may be necessary for expenses of employees for 1897, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 56, line 11, after the word "of," to insert "a clerk detailed as;" and in line 17, before the word "thousand," to strike out "forty-three" and insert "forty-two;" so as to read:

> *Provided*, That $2 per diem for expenses of a clerk detailed as special disbursing agent from date of original detail by Interior Department, while on duty with the Commission, shall be paid therefrom; for clerical help, including secretary of the Commission, $5,600; for contingent expenses of the Commission, $1,400; in all, $42,000.

The amendment was agreed to.

The next amendment was, under the same heading, page 57, line 1, after the word "reimburse," to strike out "himself" and insert "A. S. McKennon."

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

The Secretary. Under the heading "Miscellaneous," page 57, line 2, after the word "services," insert:

> *Provided further*, That said Commission shall set apart the lands upon which any town is now located in the Indian Territory, together with a reasonable amount of land to provide for the future growth of said town; also all lands occupied by any church, cemetery, school, charitable or penal institution, or public building of any sort outside of the limits of any town; also all mineral lands, including coal-oil and natural-gas lands, now leased, occupied, and improved for mining purposes; that the use of the surface of all other lands in the Indian Territory belonging to the Chickasaw, Choctaw, Cherokee, Muscogee (or Creek), and Seminole tribes shall be allotted equally among their respective citizens, area and value being taken into consideration, such allotments to embrace other Indians and freedmen now living with said tribes, according to the provisions of existing treaties and laws in relation to such other Indians and freedmen.
>
> That the United States courts in said Territory shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted and all criminal causes for the punishment of any offense committed after the passage of this act by any person in said Territory, and the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

Mr. PETTIGREW. I think in line 25, on page 57, the word "court" should be inserted between "States" and "commissioners;" so that it will read: "United States court commissioners."

The PRESIDING OFFICER. The amendment will be stated.

The Secretary. After the word "States," in line 25, on page 57, it is proposed to insert the word "court;" so as to read:

> And the United States court commissioners in said Territory shall have, etc.

The amendment to the amendment was agreed to.

Mr. CALL. Mr. President, I understood the Senator from Wisconsin [Mr. Vilas] proposed to raise the point of order on so much of that amendment as relates to the allotment and setting apart of town sites, and I suggest that so much of that part of the amendment be allowed to go over until he appears.

Mr. VEST. I should like to say to the Senator from Florida that if he will wait until the amendment is read, I propose to make a motion which materially changes the issues presented in the amendment as it stands. I will wait until the Secretary has read the amendment, and then submit the motion.

The PRESIDING OFFICER (Mr. Pasco in the chair). The reading of the amendment of the Committee on Appropriations will be continued.

The Secretary resumed and continued the reading of the amendment, as follows:

> That there shall be appointed by the President, by and with the consent of the United States Senate, two additional judges for said Territory; and the appellate court of said Territory shall designate the places in the several judicial districts therein at which and the times when such judges shall hold court, such courts to be held at the places now provided by law, and at such other places as shall be designated by the appellate court; and said judges shall be members of the appellate court, and shall have all authority, exercise all powers, perform like duties, and receive the same salaries as other judges of said courts, and shall serve for a term of four years from the date of appointment.
>
> That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this act if in conflict therewith as to said nation.
>
> That no act, ordinance, or resolution of the council of either of the aforesaid Five Tribes, hereafter passed shall be of any validity until approved by the President of the United States.

Mr. VEST. Mr. President, I move to strike out all after the words "Provided further," in line 3 on page 57, down to and including the word "freedmen," in line 18; also to strike out all of lines 3, 4, 5, and 6 on page 59.

The effect of this motion—and it is a very important question, especially to the States bordering the Indian Territory—is to eliminate from the amendment the allotments of land there provided for, and also to eliminate that portion of the amendment which relates to the leases which now exist in the Five Civilized Tribes by the action of the councils of those tribes ratified by the Interior Department. It also strikes out that portion of the amendment which submits all the proceedings or laws and resolutions of the Indian councils to the President for his ratification, leaving only in the amendment those provisions which affect the substitution of the jurisdiction of the United States courts for those of the Indian tribunals as they now exist.

Mr. President, no one can feel a greater interest in this legislation than I do. I have for years been familiar with the condition of affairs in the Indian Territory. The State I represent lies immediately contiguous as to a large portion of its southern frontier upon this Territory, or upon those Five Civilized Tribes. Texas, Arkansas, and Missouri are necessarily more interested in this question than any other of the States of the Union, although it is a question which affects vitally the autonomy of all these Five Civilized Tribes and the general interest of the people of the United States. No one who has not given attention to it can for an instant or to any degree appreciate the situation of affairs now among those Indians. They were removed there from east of the Mississippi River under agreements or treaties made between them and the United States Government. Those treaties, the principal of which was made in 1866, immediately after the termination of the last war, gave to those Indians the occupation of this Territory upon which they now are so long as they maintained their tribal relations and continued to live there. They have never had a fee-simple title; they have had a conditional fee in those lands, and nothing more. But that fee ought to be respected, and their rights, if possible, ought to be respected by the people of the United States. The fact that these are a weak people comparatively, that they have just emerged from a condition of savagery, that they have been greatly wronged in all portions of the Union, makes every generous mind consider their situation with all the forbearance that can be possible under the circumstances. I have always been their friend. I have acted in my capacity as a Senator from the beginning of my service here in the interest, as I believe, of those Indians, in the preservation of their rights, in the advancement of their social and political condition. But we have come to that place where something must be done as a matter of self-preservation to the Indians and to ourselves.

The first preliminary and necessary condition to all agreements made with them has been, and must be, that they would so govern themselves as to preserve life and liberty and property not only for their own citizens, but for those of the States immediately contiguous. It is not possible that this Government ever abdicated the right to protect its own people; it is not possible that they could have made an agreement which would put a social and political cancer in the middle of our territory which threatens the security of the people of the United States immediately contiguous to this area.

Without going into details, I assert as a fact which can not be denied, about which the proof is so overwhelming as to make it absurd to contradict it, that the authorities of the Indian Territory in the Five Civilized Tribes, because of circumstances, probably, for which they are not responsible, are unable to protect life, liberty, and property in their own midst, and that Territory has become a harbor for criminals.

I will confine myself to a personal statement as to the condition of the southern part of my own State. Property has been depreciated 25 per cent in southern Missouri by reason of the condition of affairs in the Indian Territory now. Towns in Kansas and in Missouri have been attacked openly, banks robbed, and railroad trains stopped by armed banditti, whose haunts are in the Indian Territory, among the full-blooded Indians in the mountains. They attack our settlements, perpetrate deeds of unparalleled outrage, and then dash back into the recesses of the Indian Territory, where they are as absolutely secure as if in the middle of the great Sahara Desert.

Along the line of the Missouri, Kansas and Texas Railroad, which runs from north to south 240 miles through that Territory, the towns are inhabited by whites. There are to-day in the Indian Territory some 275,000 white people and 80,000 Indians. We have the anomaly of an Indian Territory in which a large majority of the residents and inhabitants are of the white race. It has become, as I say, a harbor for criminals.

More than that, Mr. President, their courts are a travesty upon justice. They are governed by corruption, bribery, and open and notorious fraud. They have laws absolutely antagonistic to our civilization. Their punishments are entirely different from ours. They inflict whipping and even torture, and when death is inflicted, it is done with the rifle, and after the fashion of an Indian when he goes upon the warpath.

Mr. FRYE. That is an improvement on our way of taking life.

Mr. VEST. I shall not stop to discuss whether or not taking life by electricity or the rope is preferable, but I simply mention the fact that they adhere to the rifle because it is indicative of their preference still or prejudice for the old condition and the old weapon to which the Indian has been accustomed in his predatory warfare.

More than this, we intended that Territory as a home for these Indians, where they might learn from us our habits, our laws, and our form of government. They hold their lands to-day by tenure in common, and not by severalty, and what is the result? A few men have there a vast monopoly of all the lands in the Territory. One man has more than forty farms, and under the tenure in common any Indian can fence in any land unoccupied and improve and cultivate it at his will. Some of the half-breeds, with the aggressive and monopolizing tendency of the white race, who have intermarried with the Indian women and become entitled to the rights of members of the tribe, have fenced in more than forty farms, upon which they have put nomadic white men not entitled to be in the Indian Territory. Capital has been furnished by outside speculators, and those farms are cultivated and the proceeds divided, while back in the hills are the peon Indians, the blanket Indians, still in the condition of savagery, not speaking the English language, with no sympathy with the white race, and they are made simply the argument for appealing for the sympathy of Congress and the American people, while that sympathy furnishes money to those half-breeds who cultivate the land, and take the proceeds, and pay nothing to the blanket Indians. The men whom we see here in these galleries representing the Indian tribes represent this system, utterly alien to the purposes of the Government in setting aside that area to be inhabited by them.

Mr. President, we have been forced heretofore by conditions there to establish United States courts. In the treaties made in 1866 with those Indians, after the close of the war, stipulations were made that the United States might establish courts within these Five Civilized Tribes. In three of those treaties these stipulations are contained. It is true—and I want to be entirely frank in the matter—that these treaties also provided that, as to their local affairs, their local Indian tribunals should be permitted to exist. But, as a matter of course, it never was intended that there should be provisions made by law in the way of establishing United States courts which are absolutely inconsistent with the existence of those Indian tribunals. These treaties were made before the smoke had cleared from the battlefields of the last war, and they are necessarily crude and imperfect. Nobody thought then that railroads would run in a few years through that country, and that the scream of the locomotive would be heard in the recesses of the Indian Territory.

What has been the result of our establishing United States courts? We have now three courts with a limited jurisdiction. At the same time we have the anomaly, absolutely impossible, as every lawyer will see, of Indian tribunals exercising jurisdiction over the same subject-matter and in absolute conflict with the tribunals of the United States. In other words, we have 275,000 white people whose lives, liberty, and property are controlled by the jurisdiction of the United States courts established by Congress; we have some 80,000 Indians who appeal to Indian tribunals under different laws with a different legal autonomy; and I assert as a lawyer that it is absolutely impossible that this condition of affairs can continue to exist.

I think the amendment as it is now drawn goes too far. [illegible] believe that no drastic enactment is absolutely necessary [illegible] than that which I have endeavored upon my motion to [illegible] in the bill. I would do away with this legal inconsistency. I would put the Indians in the Territory under the same laws with the white people. I would endeavor as far as I could kindly, justly, reasonably to meet the new condition of things and to make those two races, if possible, mingle and look to the same source for protection to themselves and their children. Of course we shall be told that even this enactment that I propose partially violates the treaty rights of the Indians.

Mr. President, my answer to that is that there is no intelligent man in the Indian Territory, or outside of it, who does not recognize the fact that these treaty conditions must be done away with to a large extent. It is impossible for the status to be maintained as it now is. All I seek to do is in a spirit of justice and forbearance to meet the absolute necessities now imposed upon us. It is obvious that there was no intention to rob the Indian by this amendment, as proposed by the committee, with which I have nothing to do, because I call attention to the fact that the amendment as it stands under the allotment clause, which I propose to strike out, takes every acre of land in that Territory and divides it among the Indians, and does not give one inch of it to any white man or to any corporation.

The Missouri, Kansas and Texas Railroad Company, of which I was formerly attorney for a long number of years, has a grant of nearly 2,000,000 acres of land in that Territory conditional upon the fact that the Indian title shall be extinguished. Under this amendment as it stands that title of the railroad, or claim of the railroad, is absolutely eliminated, to which I have not the slightest objection. I shall never vote for any legislation which takes from those Indians one cent which belongs to them, either in real estate or in money. It is their country under the grant given to them, not an absolute, but a conditional fee by the United States. They are entitled to receive all that was granted to them heretofore. No railroad company, no white man, no intruder should ever be permitted to take from them one cent to which they are entitled.

Mr. BERRY. There is nothing in the amendment to give the railroad company anything.

Mr. VEST. Nothing at all. I alluded to that, as I said, to prove that this amendment was not drawn in order to rob the Indians. It gives to them every acre of land in the Territory as it stands now. But my idea is that the Dawes Commission should regulate that matter. That commission has been eminently successful, far more so than I ever expected them to be, I must confess. They are now progressing satisfactorily, and the Indians have at last come to one mental condition for which I am very grateful. They have now ascertained, I believe for the first time, that the United States Government is in earnest. The intelligent men amongst them have now come to what is inevitable—the conclusion that their present condition must be changed. I have told them repeatedly for the last fifteen years, yes, for nearly twenty years, that it was their duty to themselves, to their tribe, and to their children to meet the United States in a fair, friendly, and just spirit, to give up their close corporation, to take their lands, and to change the tenure in common to one in severalty. They have advanced in civilization until now they stand beneath the blazing sun of enlightenment and Christianity. They have schools and legislatures. Let them go still further and assume the full citizenship and the full responsibility that ought to be imposed upon all the denizens of this great country.

This is not a proposition to rob them, to oppress them; it is to protect them: it is to protect the citizens of the contiguous States. Senators who live in States at a distance have no idea of the outrages committed upon the people of Kansas, Missouri, Texas, and Arkansas by reason of the unfortunate situation which now prevails in that Territory.

Mr. MORGAN. Mr. President, all in this bill that relates to the disposal of Indian lands, whether that disposal reaches to the title or whether it reaches to the right of occupancy, ought to go out of this bill and ought to be referred to the Committee on the Five Civilized Tribes, with express and serious mandatory instructions to that committee to take this subject under consideration and report a bill to cover the whole subject. It is a subject, Mr. President, that we can not deal with or afford to undertake to deal with by piecemeal. If every hour of the remaining days of this session was devoted to an honest, sincere, and close debate upon the questions of law and fact that are involved in this amendment, the Senate of the United States would then barely be able to reach an intelligent and just conclusion as to what we ought to do in this, the most delicate of all the trusts that we have ever had to execute on the part of this Government.

I will allude very briefly to the history of this matter.

Mr. PETTIGREW. I should like to make an inquiry of the Senator. Do I understand him to make some proposition in regard to the matter? Perhaps there can be some understanding, so that we can stop the debate.

Mr. MORGAN. I want to take all of the subject out of this bill and refer it to the Committee on the Five Civilized Tribes.

Mr. PETTIGREW. All of the subject?

Mr. MORGAN. Yes; I mean all that relates to the disposal of the lands.

Mr. PETTIGREW. We do not dispose of any lands at all by this amendment.

Mr. MORGAN. Well, we shall see about that.

Mr. PLATT. Mr. President——

Mr. MORGAN. If Senators will allow me, I have the floor and I intend to hold it in spite of interruptions until I have the opportunity in a few words to present some views which at least concern me as a Senator.

Mr. PLATT. Then the Senator does not wish me to ask him a question?

Mr. MORGAN. I will hear the Senator's question.

Mr. PLATT. I wanted to know whether the Senator understood that the Senator from Missouri [Mr. VEST] had moved to strike that part from the bill.

Mr. MORGAN. I understood he had.

Mr. PLATT. I did not know whether the Senator understood that.

Mr. MORGAN. I think the amendment is subject to a point of order.

Mr. BATE. With the permission of the Senator from Alabama, I rose at the time he did, but he got the eye of the Chair first, in order to make a point of order on the amendment, and I expect to make it.

Mr. MORGAN. I think the amendment is subject to a point of order, and I think it is also subject to a very much more serious objection, and that is that we are undertaking here to legislate in the dark.

I am informed here, Mr. President, that everybody is in favor of the motion to take the amendment out of the bill. If so, I do not care about delivering any views upon it to the Senate, I prefer to wait until the proper committee get charge of it and go before them.

Mr. PETTIGREW. I will say to the Senator that what I was aiming at was to close the debate on this question and adopt the remainder—that portion in relation to the court and the enactment of laws in the Territory. I consent to striking out the portion with regard to the apportionment of the lands.

Mr. MORGAN. That is all I want.

Mr. BATE. That is not all I want, Mr. President.

Mr. PETTIGREW. If there is no objection, I will consent to the amendment offered by the Senator from Missouri.

Mr. JONES of Arkansas. We all consent to that.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Missouri, to strike out the portion of the pending amendment indicated? The Chair hears none, and it will be agreed to, in the absence of objection.

Mr. PETTIGREW. I should like to ask a question. I supposed the amendment offered by the Senator from Missouri took out that portion from line 3 to line 18, inclusive, on page 57.

Mr. PLATT. It does; but, if the Senator from Missouri [Mr. VEST] will give me his attention, I think the amendment also included lines 3, 4, 5, and 6, on page 59.

Mr. VEST. It did. I have it marked here, and the Secretary can read it.

Mr. PETTIGREW. I will accept that portion of the amendment which relates to page 57, but not the other.

Mr. VEST. That strikes out all after the words "*Provided further,*" in line 3, on page 57, down to the end of line 18, on the same page.

Mr. PETTIGREW. That I consent to.

Mr. VEST. That leaves out of the question the other portion of my motion, which strikes out lines 3, 4, 5, and 6, on page 59.

Mr. PETTIGREW. I am willing to modify that portion of the amendment so that the laws of the Indians shall be in force unless disapproved by the President.

The PRESIDING OFFICER. The portion of the amendment referred to will now be stated.

The SECRETARY. After the words "*Provided further,*" in line 3, on page 57, it is proposed to strike out all of the amendment of the committee down to and including line 18, on the same page, as follows:

> That said commission shall set apart the lands upon which any town is now located in the Indian Territory, together with a reasonable amount of land to provide for the future growth of said town; also all lands occupied by any church, cemetery, school, charitable or penal institution, or public building of any sort outside of the limits of any town; also all mineral lands, including coal oil and natural gas lands, now leased, occupied, and improved for mining purposes; that the use of the surface of all other lands in the Indian Territory belonging to the Chickasaw, Choctaw, Cherokee, Muscogee (or Creek), and Seminole tribes shall be allotted equally among their respective citizens, area and value being taken into consideration, such allotments to embrace other Indians and freedmen now living with said tribes, according to the provisions of existing treaties and laws in relation to such other Indians and freedmen.

Mr. COCKRELL. I suggest to the Senator to retain the words "United States commissioners," in lines 24 and 25. I see that was amended to read "United States court commissioners." That is not correct. It should be "United States commissioners."

Mr. PETTIGREW. I move to strike out the word "court," inserted a few moments ago.

Mr. COCKRELL. Let it remain "United States commissioners," just as it was before.

Mr. PETTIGREW. I had asked to have the word inserted because that is the general title of those officers; but these courts were created by a special act and the title of those officers is "United States commissioners;" therefore the word "court" should not be inserted.

The PRESIDING OFFICER. In the absence of objection, the amendment suggested by the Senator from South Dakota will be agreed to. The Chair hears none.

Mr. HALE. Let that portion of the amendment relating to the supervisory power of the President be read, so that we may see exactly what is contemplated.

Mr. CHANDLER. You have not provided it yet.

Mr. VEST. The Senator in charge of the bill does not agree to the amendment.

Mr. HALE. I understood the Senator did agree to the proposition.

Mr. VEST. No; he agrees to it if it is changed so as to state "unless disapproved by the President." As it is now, it is an affirmative statement that the President shall approve.

Mr. PLATT. Does not the Senator think that the President ought to have power to disapprove?

Mr. VEST. I should prefer myself that the President should have nothing to do with it. I think his labors are sufficient now; that his duties are enough. To make him virtually the governor of the Five Civilized Tribes is a little too much.

Mr. HALE. Then the Senator does not agree to any proposition which confers final supervisory power upon the President?

Mr. VEST. I think that matter ought to be left to the Commission which is now in the Indian Territory, to arrange it with the consent of the Indians, and I think it will be properly adjusted. I do not like to take away from them all governmental control of themselves. We have never had any such enactment as this at all.

Besides that, it seems to me physically impossible for the President of the United States to look into the proceedings of every one of those Indians' councils and pass upon every resolution, every appropriation, every police enactment. What does the President of the United States know about those questions?

Mr. HALE. There is now no tribunal that scrutinizes and scans these acts and passes upon them beyond the council itself, is there?

Mr. VEST. That is true; and their governors. They have a government something like ours. They have a council, or a legislative body, and they have a governor.

Mr. HALE. Has the governor, the official who acts as governor, any power to veto an act of the council?

Mr. VEST. I understand he has the veto power. They drew their constitution in similitude of ours.

Mr. HALE. And he must sign every act passed by the council?

Mr. VEST. Yes, sir; and the council can pass it over his veto.

Mr. HALE. After the fashion of the State governments?

Mr. VEST. Yes, sir.

Mr. PLATT. The trouble about it is that all important legislation in those nations is carried through by bribery and corruption.

Mr. VEST. I think that is true.

Mr. PLATT. It does seem to me that the President or somebody ought in those cases to have power to disapprove.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to insist upon his further amendment to strike out on page 59?

Mr. VEST. Yes, sir; but we can determine that hereafter.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out of the committee amendment, on page 59, after line 2, the words, "That no act, ordinance, or resolution of the council of either of the aforesaid Five Tribes hereafter passed shall be of any validity until approved by the President of the United States."

Mr. HOAR. I should like to suggest whether it would not be well to have in there also a provision that the bill shall become a law if the President of the United States does not disapprove it within a certain time, like our constitutional provision? That was the arrangement in all our early colonies. It may be very inconvenient for the President in some particular condition of the public business to make such a thorough examination of a legislative enactment as would justify a positive veto. I do not remember which Senator moved the amendment.

The PRESIDING OFFICER. The proposition is to strike out.

Mr. PLATT. Before the question is taken on the motion to strike out, I will move to perfect the text in the line the Senator from Massachusetts desires, I think.

Mr. HOAR. Very well.

Mr. PLATT. I move to amend the text by striking out the word "no," in line 3, and inserting "the;" by inserting the letter "s" after the word "act," after the word "ordinance," and after the word "resolution," so as to be "acts," "ordinances," and "resolutions;" after the word "ordinance" to strike out "or" and insert "and;" and after the word "passed" to strike out the words "shall be of any validity until approved" and insert "may be disapproved;" so that it will read:

> That the acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed may be disapproved by the President of the United States.

Mr. JONES of Arkansas. Ought there not to be a limit to the power of disapproval?

Mr. HAWLEY. A time limit.

Mr. JONES of Arkansas. A time limit.

Mr. PLATT. Say six months.

Mr. HAWLEY. I suggest three months.

Mr. BATE. On that amendment I agree with the Senator from Missouri that it is physically impossible for the President to examine the act. In the next place, I contend that it is amenable to the point of order, of which I have already given notice I intend to make when I shall have the floor. In relation to this particular amendment, it is proposed that the President shall give his approval to the acts of those Five Tribes which may be passed by the council. He has no right to do it under the treaties and under the arrangements which have been existing heretofore, and I shall contend that it is amenable, under the third clause of Rule XVI, to the point of order that it is general legislation.

The PRESIDING OFFICER. The Senator from Connecticut moves to amend the clause which the Senator from Missouri moves to strike out.

Mr. PLATT. Let the amendment be stated.

The PRESIDING OFFICER. The amendment suggested by the Senator from Connecticut will be stated from the desk.

The SECRETARY. It is proposed to modify the amendment so that it will read as follows:

> That the acts, ordinances, and resolutions of the council of either of the aforesaid Five Civilized Tribes hereafter passed may be disapproved by the President of the United States at any time within three months.

Mr. BERRY. Ought there not to be a provision that the acts shall be in force until disapproved, because there are a number of laws—like those to pay mileage and providing for clerks and all that—which, if they had to wait, would be inoperative?

Mr. WHITE. I should like to have the amendment stated again.

Mr. PLATT. I move to insert the words "within three months after the passage thereof."

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. It is proposed to modify the amendment so as to read:

> That the acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed may be disapproved by the President of the United States at any time within three months after the passage thereof.

Mr. HOAR. It seems to me a more convenient way would be to shorten the time, and to say that those acts shall not go into effect within thirty days or fifty days after their passage, and may in the meantime be disapproved by the President.

Mr. HALE. "And shall be certified to the President of the United States."

Mr. HOAR. "And shall be certified to the President of the United States." I think any Senator will see that it might be very inconvenient in many cases to have these acts go into force for thirty or forty days. Suppose, as I think the Senator on my left suggested, it were an act for the payment of money and it were in force for a time. The President's disapproval would be of no account. Suppose it were an act involving succession to real estate or personal property or affecting a crime. To have a little period of twenty or thirty or forty days when the old law was changed and have it changed back at the end of that time would be infinitely inconvenient. I suppose the mail from that Territory does not take more than three days to come to Washington.

Most of the States—my own State has a provision that laws shall not take effect ordinarily, though they may make an exception in particular cases, for thirty days after their passage. It seems to me the best way would be to enact that all laws shall take effect thirty days after their passage, unless in the meantime disapproved by the President of the United States, and that they shall be certified to the President upon their passage. I should like to have the clerks take down the amendment:

> All acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed shall take effect thirty days from their passage, unless in the meantime disapproved by the President of the United States, to whom they shall be certified upon their passage.

Mr. VILAS. Suppose it were a resolution for an adjournment?

Mr. JONES of Arkansas. Then I would like to call the Senator's attention to the fact that there would be great inconvenience about the pay of members. They ought not to be subjected to that sort of restriction.

Mr. HOAR. There ought to be some exception to the general rule, if the language I propose is clear.

Mr. CALL. Mr. President, I should like to make a suggestion with reference to the proposed amendment. By the fifth article of the treaty of December 29, 1835, the United States guaranteed to the Cherokee Nation the right by their national council to make and carry into effect all such laws as they may deem necessary for the government and protection of persons and property within their own country belonging to their people or to such persons as have connected themselves with them.

The treaty has been reaffirmed time and time again in pursuance of many decisions of the Supreme Court of the United States declaring its validity, as much so as if we were treating with a foreign nation. In the pending bill we are providing for the continuance of the commission to negotiate with these independent nations. Now, how you can upon any bill, and particularly upon an appropriation bill, undertake to declare the invalidity and destroy the obligation of this treaty, it is difficult to see: but how you can do it at the same time that you are authorizing a commission to negotiate to obtain the consent of these people is an inconsistency which certainly ought not to be placed upon an appropriation bill.

Mr. GRAY. I rise to a parliamentary inquiry, which is, whether there is not now before the Senate a point of order in regard to the whole amendment, as being in the nature of general legislation on an appropriation bill?

The PRESIDING OFFICER. The Senator from Tennessee announced his intention to make a point of order.

Mr. BATE. I am waiting for that purpose.

Mr. GRAY. May I ask the Senator whether he has made the point of order?

Mr. BATE. I will make it when I get the floor.

Mr. GRAY. Why should not the Senator do it now?

Mr. BATE. Mr. President——

Mr. BERRY. Will the Senator from Tennessee permit me to make a suggestion?

Mr. BATE. Certainly.

Mr. BERRY. I suggest that the text be perfected before the point of order is made. The amendment might be changed so as to affect the question whether the point of order is well taken.

The PRESIDING OFFICER. The Chair understood that the Senator from Tennessee was withholding his point of order until that had been done.

Mr. BATE. I was, sir.

Mr. BERRY. Let the amendment of the Senator from Missouri be disposed of.

Mr. PLATT. It has been disposed of.

Mr. BERRY. Entirely.

Mr. PLATT. Not this part of it.

Mr. BATE. I raise the point of order——

Mr. BERRY. That part with reference to the President's approval has not been disposed of. I suggest that it be disposed of.

Mr. BATE. I have the floor.

Mr. HOAR. I have dictated to the Secretary the amendment which I propose.

The PRESIDING OFFICER. The Chair will state the condition of the question. The Senator from Missouri has made a motion to strike out certain lines on page 59. The Senator from Connecticut [Mr. PLATT] has offered an amendment modifying the text, which will be acted upon before the motion to strike out is put. The Senator from Massachusetts [Mr. HOAR] now proposes an amendment.

Mr. HOAR. I desire that my amendment may be read for information, and that I may be allowed to make one observation in regard to it.

The PRESIDING OFFICER. The Chair has not finished the statement of the parliamentary condition of the question.

Mr. HOAR. I beg pardon.

The PRESIDING OFFICER. While the amendment of the Senator from Connecticut is pending, the Senator from Massachusetts proposes a further change in language, which will be read at the desk.

Mr. BATE. I believe I have the floor.

Mr. PLATT. I wish to withdraw the proposed amendment.

Mr. HOAR. Then I ask leave to propose mine.

The PRESIDING OFFICER. The Senator from Connecticut has withdrawn his amendment. The Senator from Massachusetts now offers an amendment, which will be stated.

The SECRETARY. The following is proposed in substitute for lines 3, 4, 5, and 6 on page 59:

> That all the acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed shall be certified immediately upon their passage to the President of the United States, and shall not take effect if disapproved by him or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment.

Mr. HOAR. I desire to point out that all the matters necessary for conducting the current business of the legislature, like the payment of employees or governing their conduct, can be provided for in advance by a general law submitting to each house, or the houses acting without the form of legislature, the power of dealing with those matters just as we deal with our printing or the contingent fund.

Mr. HAWLEY. I would suggest the amendment be put in this form:

> No act, ordinance, or resolution of the council of either of the aforesaid Five Tribes hereafter passed shall be valid until the lapse of thirty days after their submission to the President of the United States, except only such as relate to members, employees, and the contingent expenses of the council.

However, I will not move the amendment.

The PRESIDING OFFICER. The Chair understands the amendment to be withheld. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment. [Putting the question.] The noes appear to have it. The noes have it.

Mr. PETTIGREW. What is the question?

The PRESIDING OFFICER. The question was on agreeing to the amendment offered by the Senator from Massachusetts to the amendment. It was disagreed to.

Mr. PETTIGREW. I did not hear the vote on the amendment. I can not hear the Chair.

The PRESIDING OFFICER. It was disagreed to.

Mr. PETTIGREW. No one heard that the question was put. I did not hear it, and I thought I was paying attention.

The PRESIDING OFFICER. The Chair will again submit the question.

Mr. ALLEN. A point of order has been raised by the Senator from Tennessee, and that is the only question before the Senate.

The PRESIDING OFFICER. The Chair stated some time ago that the Senator from Tennessee suggested that he intended to make a point of order.

Mr. ALLEN. I understood the Senator from Tennessee to say that he did make it.

The PRESIDING OFFICER. The Senator from Nebraska will allow the Chair to get through its statement.

Mr. ALLEN. Certainly.

The PRESIDING OFFICER. The Chair understood that the point was being withheld pending the effort to amend the text, and the Senator from Tennessee stated that that was the actual status of the matter.

Mr. ALLEN. The Senator from Tennessee has been making the point of order here for half an hour.

The PRESIDING OFFICER. The Senator from Tennessee is on the floor of the Senate, and can correct the Chair if it is in error.

Mr. BATE. I understand the pending question is on the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. That is the pending question. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will again be stated.

The SECRETARY. It is proposed to strike out of the committee amendment lines 3, 4, 5, and 6 on page 59 and insert:

> That all acts, ordinances, and resolutions of the council of the aforesaid Five Tribes hereafter passed shall be certified immediately upon their passage to the President of the United States, and shall not take effect if disapproved by him or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The ayes appear to have it. The ayes have it; and the amendment to the amendment is agreed to.

Mr. BATE. Mr. President, the condition of the amendment from the committee has been somewhat changed by the various motions which have been made and adopted, especially that of the Senator from Missouri, which has stricken out a good deal of that which was objectionable to those who oppose this character of legislation. There is left, however, in my judgment, the most objectionable feature in the bill, and I invite the attention of the Senate to it because we shall have to vote upon this perhaps very soon, and it is very important not only to the Indians, but likewise to the Government.

Now, we have stricken out the amendment beginning with the words "*Provided further*," in line 3, down to line 18, page 57. That involves a good deal of matter that was objectionable, and which I thought was amenable to the point of order I proposed to make. But there are other things in the amendment which are equally objectionable, and upon which I propose to make the point of order. It is obnoxious to section 3 of Rule XVI; and I will read only that part of it which relates to this matter:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

This is a general appropriation bill, and the amendment proposes general legislation. All the general legislation has not been stricken from the bill which is obnoxious to that rule, and therefore I say it should not be ingrafted upon the bill, but should be set aside.

Beginning in line 19, where the motion to strike out ceases, because it extended to and included line 18, it reads thus, and this remains in the amendment:

> That the United States courts in said Territory shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted and all criminal causes for the punishment of any offense committed after the passage of this act by any person in said Territory, and the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

The next clause is that there shall be appointed by the President, by and with the consent of the Senate, two additional judges for said Territory, etc. We see now by this that they are to take control absolutely of the entire judiciary of the Civilized

Tribes; they are to deprive them of their existing law; they are to deprive them of their existing courts; and they are to violate the treaties which have been solemnly entered into between the Government of the United States and those Indians; and that goes to the vitals of their existence. It not only does that, but it will extend to the destruction of that race of people, so far at least as their present organization is concerned. It will tend to destroy their tribal relations, which in my judgment are essential to the Indians' prosperous existence. My point is, when you do that here by legislation, it is general legislation, and should not be placed upon appropriation bills, and therefore it is obnoxious to the point of order, and should be set aside.

Let us look for a moment and see. We are aware, as has been stated by the Senator from Florida [Mr. CALL] just now, that these tribes of Indians have certain powers of government granted to them. In other words, a fee-simple title to the lands they now hold and local self-government was given by the United States in consideration of lands in Mississippi, Georgia, Alabama, Tennessee, and other States which to-day are worth millions and millions of dollars, and these Indians, under an arrangement made by the United States, went West and settled upon these lands. Now we are told here that in process of time it has become necessary for us to control the Indians who are there and put a different government over them to that which they now have, that will be more acceptable to the United States.

I was somewhat surprised at the statement of my learned friend the Senator from Missouri when he said that the Five Civilized Tribes of Indians have not a fee-simple title to these lands. The best way to answer an argument of that kind is not by discussing it, but by turning to the patent itself and producing the highest affecting this title known to the law. I have a copy of the original patent to this land as granted by the United States to these Indians, which was signed by President Martin Van Buren, and let us see whether it is a fee-simple title that was granted to them. If it was a fee-simple title, then the next question which presents itself is, If they have such title now, what right have we to put, without their consent, a government over that land which we have thus ceded to them? What right have we to take away from the Indians the courts which they have established for their government under the protecting shield of the United States, with guaranty of protection, and which for the last fifty years they have been accustomed to, which have been working well, and have in the main been very successful?

I especially invite the attention of the Senate to this fact in regard to the fee-simple title, as heretofore it has been the subject of much discussion, and the matter has been left in doubt. I looked the matter of title up. I now read from that portion of the treaty which relates to it, and this will show the conditions and how egregious the error of the Senator from Missouri touching the land tenure of these tribes. On page 423 of this treaty, in the appendix, it reads thus:

> Therefore—

It is the conclusion of this treaty, and this is a treaty signed by the United States with them when they procured these lands—

> Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation, the two tracts of land so surveyed and hereinbefore described, containing in the whole fourteen millions three hundred and seventy-four thousand one hundred and thirty-five acres and fourteen-hundredths of an acre, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation forever.

This is a sample of the treaties which were executed, as I understand, with the other tribes. Now, that is certainly a fee-simple title. No lawyer can dispute that fact. What are the conditions that would do away with that fee-simple right? Let us see. Without troubling the Senate with reading all of this, I turn to where it sums up in a few lines, just above the signature of President Martin Van Buren. What does it say, and what are the conditions to which the Senator from Missouri [Mr. VEST] alluded? I read:

> And which condition is, that the lands hereby granted shall revert to the United States if—

"If," mark you, that is a qualification—

> it the said Cherokee Nation becomes extinct or abandons the same.

And not having become extinct and not having abandoned the same, of course that fee-simple title which has been granted heretofore by the United States still exists. They own it in fee simple, and owning it in fee simple, what right, I ask, has the Government of the United States, especially when you take into consideration its various treaties, to take possession of this land, change their courts, change their autonomy, and uproot everything connected with their government, and destroy their rights? What right has the Government of the United States to do it? In doing so we are trampling upon the rights of the weak. We are depriving them of that which we have given them under the terms of solemn treaties. We are denying to them that fee-simple title which we have granted solemnly unto them with conditions, and the conditions which would vacate it have not yet transpired. Although there have been repeated attempts to oust them of this fee-simple title and to oust them of their rights under these treaties, yet they have not been able as yet to do it. The United States Government not only acknowledged this right in the Indians but agreed to pay for the land or property in their possession that it may use. It has agreed to pay the Indians in this very treaty, which provides that—

> The United States shall always have the right to make and establish such posts and military forts—

This is the reservation—

> in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds for the construction and support of the same as may be necessary: *Provided*, That if the private rights of individuals are interfered with a just compensation therefor shall be made.

That is the right, the fee-simple title, that they have in these lands, and the Government, in that solemn treaty, agrees to pay them for any damage to their land or for taking any of their land or other property for public use. Therefore, might I not say, sir, that unless it was taken by the consent of the council of these tribes, which consent is required by every treaty, every acre of land that has been taken for the purpose of running railroad tracks over that Territory 200 feet wide, and there are five or six railroads two or three hundred miles long, the United States Government should pay under the treaty these Indians for that land a just compensation?

Not only that, Mr. President, but the Senator from Missouri [Mr. VEST] in his speech just concluded alluded to the fact that there had been some grants of land made to the Neosho Valley Railroad Company. Now, what is the history of that transaction? I have it here before me. I say, Mr. President, the United States is standing upon dangerous ground; it is trembling upon the brink of bringing on itself a large indebtedness—of millions. This land is now worth, as I understand it, from $5 to $25 per acre, and being worth that much, if the United States should take away all the rights of these Indians to it, which she seems to be doing by rapid legislative strides, and assume the ownership of this property and the rights to this land in violation of the treaty, will the Government not be bound to these Indians for the land it has granted to this railroad company? And would not this railroad company have a right to it? This, I believe, was the first road constructed through the Indian Territory, and is now known as the M., K. & T., and extends from the Kansas and Missouri line down to the Texas line at a place called Preston, some 250 or 300 miles long, running through the entire Territory. By permission I will give two extracts—but not stop to read them—from that charter by the Congress of the United States, granted in 1866.

> [July 25, 1866.]
>
> CHAP. CCXLI.—An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River.
>
> *Be it enacted by the Senate and House of Representatives of* [illegible] *States of America in Congress assembled*, That for the purpose of [illegible] the Kansas and Neosho Valley Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from the eastern terminus of the Union Pacific Railroad, eastern division, at the line between Kansas and Missouri, at or near the mouth of the Kansas River, on the south side thereof, southwardly, through the eastern tier of counties in Kansas, with a view of its extension, so as to effect a junction at Red River with a railroad now being constructed from Galveston to Red River at or near Preston, in Texas, there is hereby granted to the State of Kansas, for the use and benefit of said railroad company, every alternate section of land or parts thereof, designated by odd numbers, to the extent of ten sections per mile on each side of said road, to be selected within 20 miles from [of] the line of said road, etc.
>
> * * * * * * *
>
> SEC. 9. *And be it further enacted*, That the same grants of lands through said Indian Territory are hereby made, as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act: *Provided*, That said lands become a part of the public lands of the United States.

Thus it will be seen how, by such legislation as this, we are approaching this responsibility for millions. The Government transcended its rights in granting these lands conditionally, and I fear it will turn to plague us.

But, Mr. President, we are told that there is a nest of robbers in this Territory. Well, if so, who makes it so? Is it not the white men who go there? According to the statement, they do go there; and very likely while there they perform some very evil deeds. They form organizations that perhaps ought not to exist and are unlawful; but the United States Government is to blame for it. For the treaties say the Government shall keep whites from molesting them. White people have gone there and outnumber the Indians, and they control to a great extent the government of that country. Because these lawless bands of white men—not Indians—are there, is no reason why we should go and take away from the Indians the rights which we have solemnly granted to them.

Is there any part of this country that is exempt from raids upon trains and banks and stores, which have characterized those in this Territory, as the Senator from Missouri [Mr. VEST] says? You will find them in the North. You will find them in the

West and South; and in New England, the other day, parties went into a bank and robbed it. You will find them doing it in Chicago only last week. You will find them in St. Louis and elsewhere. These marauders in the Indian Territory are not alone in that character of crime. While the James brothers live in history, Missouri, the home of the Senator, will be known as a prolific field of such operations. Yet there is no more crime in that State than in any other part of our country. Missouri is a State that observes the law with as much promptness and pertinacity as any State in this Union; yet she is not free from such troubles, no more than is the Indian Territory.

Mr. President, the point I wanted to make especially is that this amendment would be an enforced obligation. These Indians deny the right of the Government to do what it is now seeking to do, to despoil them of their rights which they hold under solemn treaties. If you take the history of the Dawes Commission for some four or five years, since 1893, it will be seen that Congress has been strengthening its power at every session. They, the Commissioners, have been in this Territory and tested the matter in some cases, and I think it proper that the sentiments of these Indians as regards this Commission should be known. The Indians are accepting the situation, not as a matter of choice, but as the best they can do under the embarrassing situation; they are agreeing to the Dawes Commission. They have had their meetings; they have had their councils or legislatures; they have appointed their agents, and they have in some instances met the representatives of the Government in the Dawes Commission in conference; they have sought to treat with them. I believe the Cherokees did enter into an agreement with the Commission, but none of the others have done so for want of time, as the report will show.

One of the ugly features in this—and I know no man here appreciates it more sensibly or highly than the Senator from Missouri—is that while we are holding out to them the hand of negotiation we hold in the other hand a bludgeon with which to brain the Indian. Shame upon us! That is the situation, or at least that is the force and meaning of this amendment when taken in connection with the Dawes Commission. I say this is unmanly; it is cowardly in the Government of the United States thus to extend negotiation to these Indians, and while that negotiation is pending and being considered, that we strike them down with a blow, which we do by this amendment. Why do I say this? Because one of the parts of this bill not stricken out is the following:

> That said Commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this act if in conflict therewith as to said nation.

This is intended to drive them into an agreement with the Dawes Commission, and if they do not agree to it, they shall get this terrible blow couched in this amendment.

In proof of what I said just now I beg to read a sentence or two from the appeal that is made by these Indians.

> We represent—

They say—

> 70,000 faithful, law-abiding, liberty-loving people, who have, perhaps, too blindly trusted in their treaties as sacred and incapable of being violated.
>
> The act of June 10, 1896, declared for the first time that it was the duty of the United States to establish a government in our country. It was the first declaration of a definite policy.

That met with some success, and now this provision is put in, more drastic, more aggressive, and more ruinous and destructive to the Indians than any measure that was ever offered in Congress. They say even then of the former commission:

> Our commissions were authorized, ready, and willing to treat, and of this the United States commission was fully advised (see Senate Ex. Doc. 91, 111, 112, etc.), but these important matters could not possibly be closed up in six days.

They say further that it destroys their judiciary, that it paralyzes their executive department.

I read what these Indians through their representatives have said in their "appeal" to this Congress:

> Emasculating our legislative bodies, partitioning and administering our great estates without our consent, without proper safeguards, and regardless of vested rights, as a measure of coercing agreements we are ready to make without coercion.
>
> We earnestly appeal to your high sense of justice and to your magnanimity against this extreme measure.
>
> First. Because it is not necessary. The record proves this (Senate Ex. Doc. 94, 111, 112), but, in addition, we here register our solemn declaration that our people are ready and earnestly intend treating on the lines heretofore indicated by Congress.
>
> That they have not had sufficient opportunity of negotiating, after resolving upon this course last fall.
>
> Second. This measure is unjust, because it puts our people under extreme duress and ruinous conditions, as a manifest and declared preliminary to a proposed negotiation.
>
> We feel that "consent" under such conditions is no consent at all, but the submission of the weak to the impatient violence of the strong, that will give our people a false idea of the great Republic and its citizenship.
>
> It is beneath the dignity of the United States to strike our people to the earth while inviting negotiations. We can not believe that the advocates of this measure would feel justified in pressing it if they should examine the correspondence submitted, and realize the sincerity of our purpose to negotiate.
>
> We earnestly trust that this solemn declaration, made on behalf of the sincerity of our people, will suffice to induce the Congress not to press at this time such an extreme and unnecessary measure.

S. H. MAYES,
Principal Chief, C. N.
G. W. BENGE,
W. W. HASTINGS,
Cherokee Delegates.
JOHN F. BROWN,
Chief Seminole Nation.
P. PORTER,
G. W. GRAYSON,
G. A. ALEXANDER,
WM. A. SAPULPA,
Creek Delegates.

J. B. JACKSON,
G. W. DUKES,
E. N. WRIGHT,
D. M. HAILEY,
Choctaws.
R. M. HARRIS,
Governor Chickasaw Nation.
WM. L. BYRD,
ISAAC O. LEWIS,
WM. M. GUY,
RICHARD McLISH,
Chickasaw Delegates.

They assert here in their organization, through their representatives, that they intend to treat with the Dawes Commission, yet this Senate is trying to force this measure upon them.

I now ask the Senate if it is not general legislation, if this is not objectionable to the point of order that I have made, when it reads:

> That the United States courts in said Territory shall have full and exclusive jurisdiction.

Who has that jurisdiction now? Let us see if this is not general legislation. Had not the Indians, through their council, through their legislative organization, the control of their own tribe, of their own people? Does not the law, as it now stands, allow only the white man to go before the white man's court? If he has trouble with the Indian, the white man's court has jurisdiction over both. The Indians have exclusive jurisdiction, where Indians alone are concerned, in both criminal and civil suits. This amendment takes the jurisdiction away from those Indians and gives it exclusively to the white man, and hence, you see, it is general legislation, and as such it is amenable, I say, to the point of order.

I read from that part of the amendment not stricken out:

> Shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted, and all criminal causes for the punishment of any offense committed after the passage of this act, etc.

Now, Mr. President, that is taking the jurisdictional authority from them and applying it to another. Is not that general legislation? And is it not obnoxious to paragraph 3 of Rule XVI? I ask that we have a vote on this part of the amendment under my point of order.

In conclusion I assert it deprives the Indian of his rights, and it is general legislation. It is destructive of their courts, their autonomy, and their rights in every respect. It is in violation of the solemn treaty with these Indians entered into with them. Therefore, I say it is general legislation in the wrong direction, and it is general legislation upon that which is vital to them, and more vital to them than anything which has been stricken out. I approve, of course, the striking out of that which has been done on the motion of the Senator from Missouri, or has been conceded by the chairman of the Committee on Indian Affairs, who has the bill in charge. I concede all that, but this objectionable point, and the most vital, still remains. I think the best thing to do is to get rid of the whole matter. Let us maintain the point of order and let this be stricken out, and on some future day, as suggested by the Senator from Alabama, there can be a general bill framed to regulate all these matters and put the Government of the United States and the Indian also in a proper position.

I ask that my point of order be maintained.

HOUSE BILLS REFERRED.

The bill (H. R. 849) to increase the circulation of national banks was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 3278) to amend section 1 of an act approved December 21, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma," was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 4808) to increase the efficiency of the postal service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

TARIFF HEARINGS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

> *Resolved by the House of Representatives (the Senate concurring),* That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House.

JULIO SANGUILY.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

Mr. PETTIGREW. I ask that the unfinished business be laid aside, and that we proceed with the consideration of the Indian appropriation bill.

Mr. BERRY. Temporarily, without prejudice.

Mr. PETTIGREW. Temporarily, without prejudice, if it is desired.

Mr. MORGAN. It was the understanding, by unanimous consent yesterday, that the joint resolution was to come up at 1 o'clock to-day.

Mr. PETTIGREW. Then I move that it be laid aside.

Mr. MORGAN. The Senator can not do that without violating the unanimous-consent agreement.

Mr. WHITE. I am entitled to the floor on the joint resolution, I believe.

Mr. PETTIGREW. I am not aware of any such unanimous-consent agreement. I should like to have it read.

Mr. WHITE. I do not object to the request of the Senator from South Dakota.

Mr. PETTIGREW. I do not intend to violate a consent agreement.

Mr. LINDSAY. There was no consent agreement about it, that I understand.

Mr. BERRY. Is the joint resolution to be temporarily laid aside? The Senator from California who has the floor has no objection to that until we can get through with the bill that is now before the Senate. I appeal to the Senator from Alabama not to urge the joint resolution at this time.

Mr. FRYE. I hope the Senator from Alabama will consent to allow the joint resolution to go to the Calendar. The telegraphic communications received to-day, undoubtedly reliable, show that Sanguily, by advice of his attorney, has, under duress of a two-years' imprisonment, consented to the judgment and the sentence by withdrawing the appeal; that the Queen Regent has signed the pardon, and that Sanguily is free.

Now, while I regard that as unfortunate in many respects, it seems to me it leaves the joint resolution without any necessity of further consideration. I do not believe, and never did, in wasting powder simply for the purpose of making a noise.

I shall vote, under these circumstances, to proceed with the appropriation bill. I do not believe anyone doubts my friendliness to Cuba. Every pulsation of my heart is with the patriots who are fighting for liberty, and I have an utter detestation of the brutalities of Spain; but I do not believe there is any further necessity of considering the joint resolution. I hope it will be permitted to go to the Calendar.

Mr. MORGAN. I am acting here——

Mr. CALL. I ask the Senator from Alabama to allow me to say——

Mr. MORGAN. Who has the floor?

The PRESIDING OFFICER. The Senator from California [Mr. WHITE] has the floor. Does he yield to the Senator from Alabama?

Mr. PETTIGREW. I move to take up the Indian appropriation bill.

Mr. WHITE. I am entitled to the floor; but I have stated that I have no objection to yielding the floor; but I should like to say a word. However, I will yield temporarily to the Senator from Alabama. I do not wish to incommode the Senator in charge of the appropriation bill, and will not do it; but, having the floor, I think I am entitled to the courtesy of a request before I yield it. I may be mistaken.

The PRESIDING OFFICER. The Senator from California yields to the Senator from Alabama.

The speech of Mr. WHITE begun yesterday and not concluded is as follows:

Mr. WHITE. Mr. President, some time ago I determined to offer certain suggestions with relation to the Cuban question, and especially concerning the Presidential jurisdiction regarding recognition of independence. But as the session was drawing to a close, and as the chairman of the Committee on Appropriations and other members of that committee specially charged with the consideration of those very important measures warned us that there was no time to be spared, I concluded that the Senate would devote itself to the examination of the appropriation bills, and felt that it would be inopportune for me to interject remarks upon another subject. I therefore withheld my views, intending to offer them later on if they seemed relevant to anything that might hereafter occur. But the proceedings this morning have demonstrated that it is not the intention of the Senate of the United States to engage in the business of considering appropriation bills and that we are to spend valuable hours in sensational utterances. We are to engage in fruitless argumentation upon a resolution which can not pass, and which, if passed, would not become effective or even receive Executive consideration; a resolution which could not aid Mr. Sanguily and would, on the contrary, interfere with the effort now being properly made to accomplish his release.

A resolution was offered several weeks past in this body with reference to Cuban independence. That resolution was not pressed. It came in here with considerable flourish of trumpets, if I may be permitted to use such an expression, and was sidetracked. Some reason, no doubt, existed for this. I have no complaint to make on this account, for I am now and have been opposed to its passage.

When the chairman of the Committee on Appropriations [Mr. ALLISON] last night informed the Senate that it was necessary to sit until midnight in order to pass bills to appropriate money to maintain this Government, we were all made aware of the danger of delay, and yet this morning the Senator deliberately displaced the appropriation bills, and practically declared to the people of the United States that the Senate will not, though it can, pass measures of controlling importance, and will needlessly thus create an absolute necessity for the calling of an extra session, while in the opinion of some of us such necessity would not exist if we attended to our plain duty and ceased the making of disturbing remarks.

If we are to discuss Cuba, we shall go on and discuss it. Both sides shall be heard. After a debate which can not be short we will vote upon a resolution, the passage of which can not, as I have said, be followed by any desirable consequences.

Mr. HALE. Will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. Certainly.

Mr. HALE. Allow me to suggest here that up to this moment from the beginning of the session all the time on this great subject-matter has been taken up by those who are in favor of what are called the Cuban resolutions. Senators who have not believed it was wise to embark upon that subject or to pass declarations inflammatory in their nature, which would tend to complicate the situation, have contented themselves, as the Senator from California has, as I have, and as have a dozen other Senators, with saying nothing, but depending upon the general conservative spirit of the Senate to go on and do business. We are now within seven or eight days of the end of the session, and Senators should understand that, with this whole subject precipated, those Senators who heretofore have declined to participate in the debate and have allowed it to go on by the advocates of the Cuban resolutions, can not consent that this matter shall be voted upon until it is thoroughly debated, and it can not be said and urged that it is in the interest of delay, because up to this time hardly one Senator has lifted his voice against any of these resolutions. We have been content to go on and do business, I repeat, and desire now to do that, but Senators may as well understand that here, within one week of the end of the session, with all the appropriation bills which have not been passed pending, to take up this question and to begin to debate it and to follow its debate until the question is taken, substantially confiscates every hour of this session, and no appropriation bill can be passed.

I trust the Senators who voted to displace an important appropriation bill in order to take up this joint resolution will realize that we shall not be taunted because we choose to debate this subject, which the Senate has taken on against our votes, with the charge that we are delaying matters. We have a right to be heard, Mr. President, on this question as well as all of the Senators who have fulminated before the country ever since last December, and who will only be content now in dragging this discussion before the Senate. The matter will be discussed, and the other side will be presented.

Mr. WHITE. Mr. President, in connection with the remarks of the senior Senator from Maine, I may be permitted to observe that I have taken much interest in the legal aspects of this question; but I have refrained from indulging in any lengthy debate, or doing more than to ask a very occasional question of Senators occupying the floor, because I did not wish to interfere with other measures.

The resolution now forced upon us presents so many grave questions that those of us who differ from the majority of the Committee on Foreign Relations should not remain silent, and I for one do not propose to do so. I intend expressing my opinions. It can not be truly stated that I am so acting to consume time, because my course in the past has been demonstrative of my desire in the other direction. If I can prevent the accomplishment of a mistaken plan, I will do so.

Let me ask, preliminarily, What is the object attempted to be brought about by precipitating this discussion at this time, really in violation of the agreement which was tacitly had last night, to devote this day's session to the consideration of appropriation bills? From 11 o'clock this morning until this moment we have been engaged in discussing this resolution reported by the Committee on Foreign Relations only yesterday, accompanied by a report of 96 pages, a large portion of it closely printed. Are we entitled to examine that report? Can this be done in a minute?

Assuming that there is reason for the passage of this resolution, assuming that there is a result in sight, and a desire to benefit this unfortunate man—though the course adopted is most hurtful to him—assuming all this, let me inquire by what authority and in what manner do Senators who are so fervid expect to accomplish anything by its passage in this body? Let it be granted that the Senate of the United States shall adopt it; let it be granted that those of us who oppose the views of the majority of the Committee on Foreign Relations shall remain silent and allow everything to be said by the other side and permit the resolution to go through intact. Then the House of Representatives is reached: grant that it shall be accorded a favorable reception there—and this is purely a matter of assumption—then, as the resolution is joint, it must be presented to the President of the United States. Is it to be supposed that he will approve it? Manifestly not. I speak from the record, a record of which every Senator should be thoroughly cognizant. The executive department of this Government has had this affair under advisement. The President has been acting within the lines of his authority and has considered this very issue. He has done his duty as he understands it, and if he is to be consistent he will pocket this joint resolution. Do the advocates of this resolution think that anything practical is to be gained by pressing it here and now? It will not benefit Sanguily. It will avail no one.

Mr. HILL. Will the Senator allow me a moment?

Mr. WHITE. Certainly.

Mr. HILL. The premier of the next Administration reported this joint resolution to the Senate yesterday.

Mr. WHITE. Yes, sir.

Mr. HILL. And while he would not ask it to be acted upon then, he expressed a hope that the Senate would take it up to-day and pass it at once. It is whispered to me from the rear that he voted against its consideration to-day; but I was not going to make that statement. I simply suggest that even if the Senate alone passes the resolution, it will at least have some moral effect upon the next Administration, I should hope.

Mr. WHITE. I differ from the Senator from New York. I hope the Senator from New York will not make it incumbent on the chairman of the Committee on Foreign Relations to carry into his policy as Secretary of State the views which he has announced in this Chamber.

Mr. HILL. Why should he not be consistent?

Mr. WHITE. It is within his power and sole jurisdiction, Mr. President, it appears to me, to be or not to be consistent [laughter], and I submit that the Senator from New York should not seek to tread within that sacred circle. [Laughter.]

It is a fact that the Committee on Foreign Relations, having had Cuban affairs under their consideration, and having had an opportunity to press them when a final vote might have been reached, have nevertheless waited until the appropriation bills have come here, and then have sought a final decision. I for one, occupying a seat upon the minority side of this Chamber, do not wish it truthfully charged that I have been a participant in the defeat of appropriation bills, but I do not propose to be foreclosed of my right to discuss this subject which has been incontinently and improperly interjected into our business.

I think I have shown, Mr. President, that nothing of good can follow the adoption of this joint resolution even by the Senate and the House. It has no place here. Sanguily does not need it. Common sense dictates that his case will not be furthered by its adoption. Why not withdraw it?

Mr. President, there are several resolutions on the Calendar touching the Cuban question. That part of our history which covers Cuban disturbances is rather a peculiar one. I will present the general resolution 163, which I ask may be read at the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will read as requested.

The Secretary read as follows:

That it is hereby declared that a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Mr. WHITE. Then there was introduced the following resolution by the Senator from Georgia [Mr. BACON]:

Resolved by the Senate (the House of Representatives concurring), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power.

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

Then we have the joint resolution of this morning, which has already been read, but which I shall incorporate in my remarks, accompanied, as I said before, by Report No. 1541, comprising 96 pages of largely, closely printed matter.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives, etc., That the Government of the United States demands the immediate and unconditional release of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba, upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

We have not adopted the resolution regarding independence. At the last session we expressed an opinion favoring recognition of belligerency. This was a mere expression of opinion. It was in no way binding on the Executive. Our attitude is peculiar. We are not willing to recognize the independence of Cuba. In my judgment we are without power to do so. Then we are expected to demand the release of an alleged American citizen charged with the commission of crime abroad. We are required to find his citizenship, to declare him innocent, and to, by implication, censure the Department of State. All this is to be done without examination—proceeding upon faith entirely—in the last days of this Congress.

Mr. President, the termination of this Administration will soon be witnessed. Everyone in this Chamber knows that upon the most important and radical issue before the American people I dissent from the position of Mr. Cleveland as clearly and as fully as I expect to dissent from the financial policy of the Administration of Mr. McKinley, but I do not permit my views upon one or a dozen subjects to interfere at all with my defense of the conduct of the Executive in the matters now under review. I deem it my duty to see that something is presented in justification of the President and the Secretary of State with reference to unfounded accusations of usurpation which have been repeated with wearying frequency here and elsewhere. Were the appropriation bills allowed a right of way, I would postpone my observations; but I must deal with conditions as I find them.

The joint resolution reported by the Senator from Alabama who sits in front of me [Mr. MORGAN], with the indorsement of the Senator from Ohio [Mr. SHERMAN], who is to be the Secretary of State, comes to us just as this Administration is going out. The Senator from Ohio, as the head of the diplomatic department of the incoming Government, will soon attend to this matter himself. Instead of coming here as chairman of his committee and now seeking to put the burden upon us, let him wait a few days and take the responsibility himself. He will have to do so ultimately. Why does he not abstain rather than to join in an effort to defeat the appropriation bills and precipitate a discussion which can have only that result, and which will not, I assure him, end in the passage of the joint resolution here pending?

Mr. SHERMAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Ohio?

Mr. WHITE. I yield to the Senator from Ohio gladly.

Mr. SHERMAN. Mr. President, the Senator from California seems to desire to drag me into this debate when I certainly do not care to enter upon it.

As to the joint resolution which is pending, I think it ought to command the unanimous approval of the Senate. I believe in the declaration that injustice, gross injustice, almost barbarous injustice, has been done to a naturalized citizen of the United States, and I say, therefore, that his rights, the rights of even a single person, ought to be respected, guarded, and protected by the Senate of the United States.

I have not, however, been in favor, and am not now in favor, of passing this joint resolution at this moment when it stands in the way of appropriation bills. I have so voted and shall so vote again, and I trust that, after the debate has gone on for a while, Senators here will see the necessity of taking up the appropriation bills and passing them.

I do not think there is any matter of criticism in the fact that this joint resolution was reported from the Committee on Foreign Relations by the honorable Senator from Alabama [Mr. MORGAN] rather than by myself. That was done because he has taken a more active interest in the subject than I. He has prepared a long, full, and detailed report setting out every material fact which bears upon the case. Therefore at my request that Senator properly reported the joint resolution, and I shall vote for it.

I hope that Senators will not be carried off merely because they have been defeated upon a question of the order of business. They themselves stand in the way of a vote on this resolution. I believe the friends of the joint resolution are willing to vote upon it without delay, and thus the opinion of the Senate may be had and the appropriation bills be taken up; but to say that, because we desire this joint resolution to be passed, we are opposed to the passage of appropriation bills is a gross injustice to us. I intend to support and stand by the Committee on Appropriations this day and until the end of the session, in order that they may complete all the appropriation bills which are necessary in order to carry on the operations of the Government; but that shall not prevent me from doing what I think is right in behalf of any of the people

of the United States to protect our citizens against unlawful insolence, violence, and wrong. I trust in God the time will never come when I shall see an American citizen wronged of his rights and persecuted and prosecuted unjustly by any power, great or small. That is the way I feel now.

I am in favor of protecting this particular American citizen, although he is a naturalized citizen, in all the rights of man. I would not see him destroyed or driven to the fate of another naturalized citizen who was probably compelled to kill himself, or who was killed in custody. I am opposed to wrong and violence and tyranny wherever it is exercised, and when it is inflicted upon a citizen of the United States I will stand by him if I am alone.

Mr. WHITE. Mr. President, we are all opposed to wrong. Of course we are all in favor, I hope, of protecting American citizens. I am as resolute in this as the Senator from Ohio. Some of us differ as to exactly how we should go about it; some of us prefer that an American citizen should be actually protected, while some prefer to talk of protection without bringing it about. The American citizen who behaves himself will be protected. Whether he acts lawfully or otherwise, he will be guarded in his rights. But I must have a case reasonably proven before I can act.

The Senator from Ohio, as chairman of the Committee on Foreign Relations, allowed this joint resolution to be brought in, when he knew that thereby he would precipitate a debate and that nothing practical could come of it. Did he think that those of us who have refused heretofore to engage in discussions because we did not wish to interfere with legislation would be driven from the assertion of our conscientious opinions by the pretext that we were consuming time, and this because we do not wish an obnoxious resolution to be voted upon? The Sanguily matter has been before his committee for months, and he selected the most inopportune time for this display. The Senator from Alabama is an able man and thoroughly conversant with these questions, but the Senator from Ohio did not escape any responsibility for himself when the Senator from Alabama reported the resolution. The Senator from Ohio, knowing that this resolution could not be adopted, knowing that within ten days he will be in charge of the State Department, still risked the defeat of the appropriation bills. Having done that, he turns around and says he is in favor of taking up the appropriation bills and regrets the disturbance which he himself has inflicted upon us. This may appear to the Senator from Ohio to be consistent. It does not appear to me to be very consistent.

More than that, the Senator says that he ascertained that Julio Sanguily was being badly treated. When did he learn that? Within the last two or three days? As chairman of the Committee on Foreign Relations, he ought to have known as much about this matter as those of us who are not upon that great committee. There was brought into the Senate many, many days ago, Senate Document 104, setting forth all the evidence contained in the report of the committee presented to us this morning. So this subject was before the Senator from Ohio, and before those who sympathize and agree with him, weeks ago, and action was withheld until this late hour, when, as I have stated, the able and conservative Senator who is chairman of the Committee on Appropriations had announced the impossibility of legislation unless we devote unremittingly each full day remaining to our proper work. Senate Document 101, containing all this evidence, was filed here on February 1 of this year, and its contents, it is safe to say, were known to the Senator from Ohio much earlier. If he has other information, he has not disclosed it.

The merits of Julio Sanguily's complaint can be dealt with by the Senator from Ohio in ten days from this date in accordance with his views of the proprieties. That it can not be dealt with earlier, except in accordance with the views of the present Administration, is a fact which, whether he likes it or not, he must concede. Why, then, press the resolution? The first and most important question, perhaps, calling for examination, is that involving the power of Congress to pass a general resolution of recognition, either of belligerency or independence. It is not proposed to rely upon legislation enacted upon any supposition or presumption, but it is sought to directly recognize the independence of an alleged Cuban republic, not only without Executive concurrence, but in the face of the fact that the Executive has steadfastly declined to make such recognition. It is the determination of the advocates of Congressional power to force recognition in spite of the Executive. Can this be done? At the outset it is proper to consider whether Congress has any such power, and if it is ascertained that the authority exists, whether a proper case has arisen for its exercise.

When it was stated that the Secretary of State claimed that the Executive possessed the exclusive authority to recognize independence, he was denounced in many quarters, not only in various newspapers, but also upon this floor; and it was even stated here that the doctrine which he advanced was absolutely novel, and that no similar pretension had ever been made. This groundless assertion has been so far modified that a distinguished Senator who ably advocated the so-called Cuban side of the controversy declared that the claim was first made twenty-three years ago. It will be easy to show that not only is there nothing new in the recent announcement of the Secretary of State, but that the view which he has taken seems to be supportable on principle, and is certainly in accord with the best precedents, diplomatic and judicial. There is nowhere in the Constitution a direct delegation, in terms, of power to recognize belligerency. Nothing of the kind is contained in the legislative grant, nor does specific phraseology conferring the authority manifest itself in that part of the organic law which is devoted to the executive department. It was lately said by a most able and learned Senator, with regard to the constitutional provisions referring to the Congress, that—

> There are more provisions devoted to that subject than to any other. It precedes the judicial department; it precedes the executive department; it is first in time, first in right, power, and authority.

And the same learned Senator further remarked:

> If, then, the President perversely and lawlessly refuses or declines to appoint an ambassador when Congress desires one in the form of law, we could direct by law that he should appoint one to a particular country; and in case of his further refusal, we could name and designate a person as our political agent to perform such duties as are usually performed by the Presidential appointee, because such a power is necessary and proper to the execution of the paramount power of Congress to regulate our intercourse with foreign nations. And we may well note here how close this construction is in harmony with the Constitution, a harmony designed in all its parts, because such an appointee by Congress, the person temporarily designated by Congress, vested with ambassadorial, consular, or ministerial powers would receive a two-thirds vote of both Houses of Congress, the Senate and the House of Representatives, a larger majority than if he had been appointed and commissioned by the President and the Senate to that office, for such law could only be passed over the veto of the President by a two-thirds vote of both the Senate and the House.

Notwithstanding my high regard for the abilities and character of the distinguished Senator from whom I have quoted, I find myself unable to subscribe to this doctrine. While it is true that a law which passes over the Presidential veto receives a larger majority than would an appointee of the President confirmed by the Senate, yet it appears to me that this is not the point at all. The treaty-making power is vested in the Executive, subject to the advice and consent of the Senate, and while a treaty may be repealed by a law, it can not be made in any other way than that designated in the organic instrument. The President must propose the treaty. He may withdraw a treaty before ratification. He may decline to submit an amended treaty to the other contracting power. If the Senate unanimously votes to make a treaty, such vote is of no effect unless the Executive submits the convention.

President Harrison, without consulting the Senate or either branch of Congress, recognized the Dole Government of the Hawaiian Islands, and the Secretary of State, on the 15th of February, 1893, placed before Congress a treaty of annexation ente[illegible] into by this Government with the represent[illegible] the new [illegible]lishment of Hawaii. This treaty was being co[illegible] the Senate when it was withdrawn by President Cleveland, and although it has been generally supposed that a majority of the Senate favored the scheme outlined in that document, no opportunity was given to vote upon it, and no one denied the authority of the President to withdraw the proposition; and whether the Senate relished Mr. Cleveland's action or did not relish it was entirely immaterial. He had the constitutional power to act as he did, and although Senators might have considered that they were better advised in the premises than the President, nevertheless this faith in themselves was not potential enough to overcome constitutional obstacles.

I can not bring myself to believe that the mere fact that Congressional powers are enumerated earlier in the Constitution than those of the Executive adds anything to the authority expressly given. The words used to confer power upon the Executive are just as potential for the purposes named as those which demark legislative limits. While it is true, perhaps, that the more weighty obligations are assigned to the Congress, yet this does not affect the completeness and exclusiveness of the Presidential grant as far as made. If the Supreme Court, contumaciously or corruptly, fails to decide cases submitted to it, Congress can not, for that reason, do the work of the court. The argument that there is danger that the President may refuse to do his duty is not new. It was largely acted upon in the formulation of the Articles of Confederation, but the views of our early statesmen were considerably modified when the constitutional convention met. That power given might be abused all knew. It was not expected that a system could be devised which would render usurpation or other misconduct impossible. Various duties were assigned to different officers in the hope that such distribution would result beneficially, and that evil would less frequently prevail than under other dispensations. The claim made that the President represents the one-man power and Congress the people is mythical.

The President and Congress and the judiciary each and all represent the people, and the Government thus formed constitutes that system, composed of three independent departments which the people have ordained. The department which is the repository of executive power is the creation of the people and represents their behests, and he who seeks to deprive the executive of those rights attacks the people and endeavors to avoid the popular will constitutionally expressed. Congress can not usurp executive functions. If the President may not exercise power conferred upon Congress, so also is it true that Congress can not trench upon executive territory. The functions permitted to the executive and those committed to the judiciary and Congress in the aggregate constitute, as I have said, the governmental scheme outlined in the organic law. It appears to me peculiar to hold that the defined and limited jurisdiction of the Congress possesses an absorbing and accumulating nature adequate to draw to itself the nonasserted powers of the other departments, that Congress is the beneficiary of executive nonaction.

If it be true that we are governed under a system of delegated powers, under what rule of construction can we hold that, although the Constitution gives to the President and does not give to Congress the power to appoint ambassadors, nevertheless, if the President refuses to do so, Congress may undertake his constitutional duty? It seems to be thought that the exigencies of the situation will justify this. No exigency can warrant the doing of any act by either department not permitted by the Constitution. The powers not conferred by the Constitution are reserved. This reservation is not made in favor of Congress. It was not designed to give plenary authority to Congress. The people, it is true, jealously guarded their rights, but the whole plan was formed to protect their interests. The experiences of the confederation had not been lost. The ablest men of the time believed that three departments, distinct, independent, each separated from the other by impassable lines, were essential to the perpetuity of free institutions. Neither of these can lawfully grasp jurisdiction because of nonexertion by the department to which it has been committed.

The absolute separation of the executive from the other departments was early the subject of solicitude. In the convention Mr. King expressed his apprehension that an extreme caution in favor of liberty might enervate the Government we were forming. He wished the House to recur to the primitive axiom that the three great departments of government should be separate and independent; that the executive and judiciary should be so as well as the legislative; that the executive should be so equally with the judiciary. Those who desire to study this portion of the debates will find it in the Second Journal Constitutional Convention (Madison), page 391.

During the debate upon the executive power, Mr. Madison said (I Journal, page 387):

> If it be a fundamental principle of free government that the legislative, executive, and judiciary powers should be separately exercised, it is clear also that they be independently exercised. There is the same and perhaps greater reason why the executive should be independent of the legislative than why the judiciary should.

This, Mr. President, is the language of Madison.

It was well said by the Supreme Court of the United States in Marbury *vs.* Madison (1 Cranch, 176):

> The powers of the legislature are defined and limited, and that those limits may not be mistaken or forgotten, the Constitution is written. To what purposes are powers limited and to what purpose is that limitation committed to writing if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation.

And in the same case it was also said:

> Questions in their nature political, or which are by the constitutional laws submitted to the Executive, can never be made in this court.

In Kendall *vs.* United States (12 Peters, 610) the court said:

> The executive power is vested in a President, and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power.

The very basis of our governmental plan is the distribution of responsibility among the several departments. Unquestionably the Executive may fail to do his duty, and great public interests may be sacrificed; but so, also, may it be said that Congress may fail to act discreetly, and thereby sacrifice grave public interests. Charges of that kind have been often made, and there has been much evidence in support of the accusations.

If Congress has the right to appoint an ambassador in the case already mentioned, who is to determine whether the refusal of the President to make an appointment has been perverse or lawless? The answer will probably be that Congress must determine the fact. Therefore, it necessarily results that whenever the legislative department may decide to harass the President, it can find this jurisdictional fact and can thereupon assert his prerogatives, and practically exercise the functions of government committed to him.

But I am unable to find a word in the Constitution directly or by implication assigning Presidential functions to Congress when the Executive declines to act affirmatively. As well might it be urged that a similar failure of Congress, with reference to some conceded duty, such as appropriating money for necessary public purposes, would vest authority in the President to meet the exigency. With equal reason it might be contended that because the Senate to-day declines to act upon appropriation bills, and devotes itself to issues upon other topics, that therefore the President alone has the power to appropriate money.

Presidential obligation or Congressional duty are not enjoined conditionally. The grant is in each instance absolute. Neither department has a contingent right to move. The location of jurisdiction is fixed by the instrument and not by the whim or caprice of the official. It can always be found. It needs no expert to discover it, nor is it located first here and then there. The plea that somebody could act the fool or the knave was no doubt a factor in the convention's deliberations. If it was believed that a man selected to the highest national office could be trusted to obey the Constitution, especially with the sword of impeachment hanging over him, such assumption was probably based upon the idea that the people would most likely choose an honest and capable man, and that the presence of such honesty and capability was necessarily involved in the faith of the fathers that a republican government was possible.

The authors of the Federalist frequently had occasion to refer to the division of power, and they strenuously contended that proper lines of demarcation had been provided. There is not a hint anywhere indicating that it was supposed that Congress had the right to exercise in any event or at all the duties assigned to the Executive.

The President has power to grant reprieves and pardons, except in cases of impeachment, and this authority is exclusive, as stated in Klein's case. (13 Wall. U. S., 138.) He is also given jurisdiction, by and with the advice of the Senate, to make treaties, and he shall nominate and by and with the advice of the Senate shall appoint ambassadors, etc. The exclusiveness of the grant is as evident in the case of the executive as in the Congressional and judicial instances. Mr. Justice Story says:

> In the government of this commonwealth the legislative department shall never exercise the executive or judicial powers, or either of them, etc. (1 Story, Cons., section 529.)

James Wilson, who was an associate justice of the Supreme Court of the United States and professor of law in the College of Philadelphia, in the course of a lecture delivered by him on "Government" (to be found in volume 1, Wilson's Works, Andrews's edition, page 365) says:

> Though the foregoing great powers, legislative, executive, and judicial, are all necessary to a good government, yet it is of the last importance that each of them be preserved distinct and unmingled in the exercise of its separate powers with either or with both of the others. Here every degree of confusion of the plan will produce a corresponding degree of interference, opposition, combination, or perplexity in its execution * * * Liberty and security in government depend not on the limits which the rulers may please to assign to the exercise of their own powers, but on the boundaries within which their powers are circumscribed by the constitution.

He further says (page 367)—and his language may be quoted with appropriateness here:

> Each of the great powers of government should be independent as well as distinct * * * The independency of each power consists in this, that its proceedings, and the motives, views, and principles which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers.

In speaking of the power of the President to grant pardons, Mr. Rawle (Rawle on the Constitution, page 161) concludes that in the case of a vacancy in the office of President there is no power to grant pardons, and remarks (page 166) that in the exercise of the benign prerogative of pardoning it has been justly said that the President stands alone.

The authors of the Federalist understood that they were giving to the President considerable authority.

Mr. Madison's remarks, to be found in the thirty-eighth number of the Federalist, pages 291, 292, Hamilton's edition, clearly prove that he was not only cognizant of the fullness of executive power, but that he justified it.

In discussing the objections made to the Constitution with reference to the blending of powers, Mr. Madison declares (47 Federalist, 373):

> No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the Federal Constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, that it will be made apparent to every one that the charge can not be supported, and that the maxim on which it relies has been totally misconceived and misapplied.

I quote again from Mr. Madison:

> It is agreed on all sides that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident that neither of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.
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> After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judicial, the next, and most difficult task, is to provide some practical security for each against the invasion of the others. What this security ought to be is the great problem to be solved.
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> Will it be sufficient to mark, with precision, the boundaries of these departments, in the Constitution of the Government, and to trust to these parchment barriers against the encroaching spirit of power?
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> This is the security which appears to have been principally relied on by the compilers of most of the American constitutions. But experience assures us that the efficacy of the provision has been greatly overrated, and that some more adequate defense is indispensably necessary for the more feeble against the more powerful members of the Government. The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex.

Said Mr. Justice Harlan, in Clough *vs.* Curtis (134 U. S., 371):

> One branch of this Government, this court said in the Sinking Fund Cases (99 U. S., 700), can not encroach on the domain of another without danger. The safety of our Constitution depends in no slight degree on the strict observance of this salutary rule.

It is undoubtedly true, as said by Chief Justice Fuller in Ex parte Tyler (149 U. S., 164), that the maintenance of a system of checks and balances characteristic of republican institutions requires the coordinate departments of Government, whether Federal or State, to refrain from infringement on the independence of each other.

It might be added that the lodgment of concurrent authority in the executive and legislative departments could never have been intended. The confusion sure to ensue from such a plan is manifest. Nor is there any reason to suppose that any Presidential prerogative is made dependent upon the nonaction of Congress. If there is a word in the Constitution justifying the assertion that the President has the right to recognize independence until Congress sees fit to act, and that then his power ceases, it has not been pointed out. The Presidential power in this respect has been exercised during recess and when Congress was in session, and has never been successfully combated.

> By affixing his signature to an act or a treaty containing such phrase, the President does not effect any change in the Constitution. He can not take constitutional power in virtue of any clause of an act of Congress; nor can he so surrender it. The constitutional power of each of the three great departments of the Government, respectively, belongs to the offices, not the officers, and can not, by any act or words of theirs, be withdrawn from the permanent and pervading authority of the Constitution. (7 Op. Atty. Gen. (Cushing), 276.)

Said Attorney-General Black (9 Op. Atty. Gen., 468-469):

> As Commander in Chief of the Army it is your (the President's) own judgment what officer shall perform any particular duty, and as the supreme executive magistrate you have the power of appointment. Congress could not, if it would, take away from the President, or in any wise diminish, the authority conferred upon him by the Consititution. * * * If Congress had really intended to make him independent of you, that purpose could not be accomplished in this indirect manner any more than if it was attempted directly. Congress is vested with legislative power; the authority of the President is executive. Neither has a right to interfere with the functions of the other.

Whether the powers conferred upon Congress are more important than those devolving upon the President it is immaterial to inquire. It may be assumed for the sake of argument that the greater responsibility rests upon the former. It is, nevertheless, true that the failure on the part of the President to exercise those functions which pertain to his office and which are not permitted to Congress, can not result in an investiture of authority in the legislative department; nor is it correct to say that the framers of the Constitution intended to subordinate the Executive to the Congressional will in cases other than those where such intention is plainly announced.

In considering the President, Hamilton said (The Federalist, No. 73, page 546):

> The propensity of the legislative department to intrude upon the rights and to absorb the powers of the other departments has been already more than once suggested; the insufficiency of a mere parchment delineation of the boundaries of each has also been remarked; and the necessity of furnishing each with constitutional arms for its own defense has been inferred and proved.

In further discussing the reasons for the conferring of authority upon the President, Mr. Hamilton continues (page 547):

> The propriety of the thing does not turn upon the supposition of special wisdom or virtue in the Executive, but upon the supposition that the legislative will not be infallible; that the love of power may sometimes betray it into a disposition to encroach upon the rights of the other members of the Government; that the spirit of faction may sometimes prevent its deliberations; that impressions of the moment may sometimes hurry it into measures which its own mature reflection would condemn.

Examples of this kind are, as we all know, of frequent occurrence. These expressions were used with reference to the veto power, but demonstrate that the legislative department was not regarded as constituting an errorless tribunal.

The same view of the subject has been taken by constitutional writers since that time. Justice Miller, in his Lectures on Constitutional Law, page 94, mentions the fear which was entertained with reference to the powers of the executive, and in commenting thereon he says:

> This belief, though natural enough at that time, was a very great mistake. The nearer we approach to individual responsibility in the executive, the nearer will it come to perfection. It is my deliberate opinion that of all the three branches which have been discussed, the executive has been in time, under the construction given to the Federal Constitution and its practical administration, most shorn of the powers granted to it thereby. * * * But the branch of the Government which has grown the most, and which a sagacious man might, perhaps, have foreseen would so expand, is the legislative.

Justice Miller also says (Lectures, page 157):

> The experience of a century of the operations of the Government has shown that while the growth of the country in territory, in population, in wealth, and in power has added largely to the patronage of the Executive in the way of appointments to office and to the importance of those offices, and while the frequent accession of successful and popular military chiefs to the Presidency, some of whom were men of arbitrary disposition, and well inclined to the exercise of all the power which the Constitution gave them, and who have shown in every instance a disposition for a continuance in power by seeking or accepting a reelection, there has never been the slightest danger to the liberties of the country, or of an overthrow of the existing institutions, or of any material infraction of the general principles of constitutional government from this quarter. In fact, of all the three branches of the constitutional government of the United States, the executive has been the most crippled, confined, and limited in its practical use, during the period mentioned, of the power really conferred on it.

See also Story on the Constitution, section 1570.

These comments, it is submitted, are sufficient to justify the statement that the powers delegated to the Executive by the organic law are not, in the event of his neglect to exercise the same vested in any other department of the Government. It is true that impeachment can scarcely be called a remedy, but it is likewise true that the power to impeach is a deterrent, and the responsibility of the President to the people and the authority vested in Congress to impeach him constitute ample security against maladministration. To assume that it is necessary or that it would be proper to otherwise limit the authority of the Chief Magistrate is to insinuate that the system under which we are operating is a failure, and that the people can not find within their midst a man to whom the discharge of the obligations of the Chief Magistracy can be safely confided. I will hereafter discuss the relative fitness of the Executive and Congress to deal with diplomatic questions.

During the convention Mr. Morris remarked, in response to a suggestion by Mr. Madison, who favored the trial of the President on impeachment proceedings by the Supreme Court, that he thought no other tribunal than the Senate could be trusted. The Supreme Court were too few in number, and might be warped or corrupted. He was against a dependence of the Executive on the Legislature, considering the legislative tyranny the great danger to be apprehended; but there could be no danger that the Senate would say untruly, on their oaths, that the President was guilty of crimes or facts, especially as in four years he can be turned out.

Those who are curious with reference to this interesting portion of the discussion can find it in 5 Elliott's Debates, page 528.

It is evident that these great men deduced from their impartial study of the question the conclusion that it was necessary to guard against legislative usurpation.

THE RIGHT TO RECOGNIZE THE INDEPENDENCE OR BELLIGERENCY OF A FOREIGN GOVERNMENT IS VESTED EXCLUSIVELY IN THE EXECUTIVE.

I understand that it is generally conceded that the President has the power to recognize belligerency and independence, but it is claimed that this power is not exclusive, and that it is subject to the paramount authority of Congress. However, suggestions have been made to the effect that the Executive does not possess the power at all; that it is purely legislative. I will therefore first consider the subject in that aspect, and if I can show that the power does exist in the Executive, its exclusive [illegible] must, I think, be admitted.

It appears to me that if the President has the authority at all, such authority must be exclusive. I can not conceive, as already intimated, that there can be a concurrent delegation of the power to recognize to both Congress and the Executive, and it seems to me clearly untenable to assert that while the President may, if Congress remains passive, recognize belligerency or independence, nevertheless his action can be neutralized or reversed by act of the legislative department. But I will examine this branch of the subject as the argument progresses.

Among Presidential duties is that which authorizes the reception of ambassadors and other public ministers.

Judge Story, perhaps the ablest commentator upon the Constitution, treats this section as follows:

> SEC. 1565. The next power is to receive ambassadors and other public ministers. This has been already incidentally touched. A similar power existed under the confederation; but it was confined to receiving "ambassadors," which word, in a strict sense (as has been already stated), comprehends the highest grade only of ministers, and not those of an inferior character. The policy of the United States would ordinarily prefer the employment of the inferior grades; and therefore the description is properly enlarged, so as to include all classes of ministers. Why the receiving of consuls was not also expressly mentioned, as the appointment of them is in the preceding clause, is not easily to be accounted for, especially as the defect of the confederation on this head was fully understood. The power, however, may be fairly inferred from

> other parts of the Constitution; and, indeed, seems a general incident to the executive authority. It has constantly been exercised without objection; and foreign consuls have never been allowed to discharge any functions of office until they have received the exequatur of the President. Consuls, indeed, are not diplomatic functionaries or political representatives of a foreign nation, but are treated in the character of mere commercial agents.
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> Sec. 1566. The power to receive ambassadors and ministers is always an important and sometimes a very delicate function, since it constitutes the only accredited medium through which negotiations and friendly relations are ordinarily carried on with foreign powers. A government may, in its discretion, lawfully refuse to receive an ambassador or other minister without its affording any just cause of war. But it would generally be deemed an unfriendly act, and might provoke hostilities unless accompanied by conciliatory explanations. A refusal is sometimes made on the ground of the bad character of the minister, or his former offensive conduct, or of the special subject of the embassy not being proper or convenient for discussion. This, however, is rarely done. But a much more delicate occasion is when a civil war breaks out in a nation, and two nations are formed, or two parties in the same nation, each claiming the sovereignty of the whole, and the contest remains as yet undecided, flagrante bello. In such a case a neutral nation may very properly withhold its recognition of the supremacy of either party or of the existence of two independent nations, and on that account refuse to receive an ambassador from either. It is obvious that in such cases the simple acknowledgment of the minister of either party or nation might be deemed taking part against the other, and thus as affording a strong countenance or opposition to rebellion and civil dismemberment. On this account, nations placed in such a predicament have not hesitated sometimes to declare war against neutrals as interposing in the war, and have made them the victims of their vengeance when they have been anxious to assume a neutral position. The exercise of this prerogative of acknowledging new nations or ministers is therefore, under such circumstances, an executive function of great delicacy, which requires the utmost caution and deliberation. If the Executive receives an ambassador or other minister as the representative of a new nation, or of a party in a civil war in an old nation, it is an acknowledgment of the sovereign authority de facto of such new nation or party. If such recognition is made, it is conclusive upon the nation, unless, indeed, it can be reversed by an act of Congress repudiating it. If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of the nation or party. These, however, are propositions which have hitherto remained as abstract statements under the Constitution, and therefore can be propounded, not as absolutely true, but as still open to discussion if they should ever arise in the course of our foreign diplomacy. The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. At all events, in the case of a revolution or dismemberment of a nation, the judiciary can not take notice of any new government or sovereignty until it has been duly recognized by some other department of the Government to whom the power is constitutionally confided.
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> Sec. 1567. That a power so extensive in its reach over our foreign relations could not be properly conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department, without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power), is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confided to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form.

Plainly indicating that it was the view of that distinguished jurist that the Constitution had vested this authority not temporarily, not during a recess of Congress, but permanently and exclusively in the executive department. He continues:

> It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And in our own short experience the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.
>
> Sec. 1568. As incidents to the power to receive ambassadors and foreign ministers, the President is understood to possess the power to refuse them, and to dismiss those who, having been received, become obnoxious to censure, or unfit to be allowed the privilege by their improper conduct, or by political events. While, however, they are permitted to remain as public functionaries, they are entitled to all the immunities and rights which the law of nations has provided at once for their dignity, their independence, and their inviolability.

In a note to Judge Story's work we find the following:

> Note 1.—It is surprising that The Federalist should have treated the power of receiving ambassadors and other public ministers as an Executive function of little intrinsic importance. Its language is, "This, though it has been a rich theme of declamation, is more a matter of dignity than of authority. It is a circumstance which will be without consequence in the administration of the Government. And it was far more convenient that it should be arranged in this manner than that there should be a necessity of convening the Legislature, or one of its branches, upon every arrival of a foreign minister, though it were merely to take the place of a departed predecessor.—*The Federalist*, No. 69, page 421.

It is perhaps fair, let me observe, to assume that the attack made upon this provision did not arrest great attention. The avowed purpose of The Federalist was to discuss only objections made by the opponents of the proposed plan, which seemed to be serious. The failure to regard this provision as of vital import was not astonishing because of the absence of circumstances which eventuated in later years. That The Federalist was not always conclusive, appears by reference to No. 77, where it is expressly stated that the President possesses the power to remove officers only by or with the advice and consent of the Senate—a misconception long indulged in. (See 5 Op. Atty. Gen. (Crittenden), 290, 291.)

Judge Story, in that portion of the commentaries to which I have alluded, says:

> If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of a nation or party.

It will be noted that the learned commentator does not adopt this opinion, but the authority to which he refers is Rawle on the Constitution, chapter 20, pages 195, 196. Mr. Rawle published his commentaries in 1825. Although his work was exceedingly valuable, yet some of his conclusions were found to be untenable, and the book has practically passed out of print. It is not easy to discover where Mr. Rawle found the authority for his statement, and his contention is successfully combated by Judge Story, not only in the comments which I have read, but in a decision by that great jurist to which I will in a moment allude. Judge Story's work was published in 1833, and afterwards, and while he was an associate justice of the Supreme Court of the United States, he rendered the decision in Williams *vs.* The Suffolk Insurance Company (3 Sumner, 272 et seq.). He there said:

> The Government of Buenos Ayres insists that the Falkland Islands constitute a part of the dominions within its sovereignty, and, consequently, that it has the sole jurisdiction to regulate and prohibit the seal fishery at those islands, and to punish any violation of its laws by a confiscation of the vessels and property engaged therein. On the other hand, the American Government insists that the Falkland Islands do not constitute any part of the dominions within the sovereignty of Buenos Ayres; and that the seal fishery at those islands is a trade free and lawful to the citizens of the United States, and beyond the competency of the Buenos Ayres Government to regulate, prohibit, or punish. The controversy is still undisposed of by the two Governments, each maintaining its own claims and pretensions, and neither admitting the claims or pretensions of the other. In this state of the diplomacy between the two countries, while the whole matter is in contestation between them, or, as we may say, flagrante lite, the question is whether it is competent for this court to reexamine and decide, in its judicial capacity, upon the claims and pretensions of the two Governments, and thus to interpose its positive umpirage to settle the matters in dispute, at least to the extent required for the proper adjudication of the cases now before it.

It will be noted the issue was clearly presented. The material, the vital, the relevant issue was whether the islands named belonged or did not belong within a certain jurisdiction, and therein was involved the other question as to whether a determination had been legally reached upon that subject. He continues:

> My judgment is that this court possesses no such authority, and that it is bound up by the doctrines and claims insisted on by its own government, and that it must take them to be rightful until the contrary is established by some formal and authorized action of that government.

Now, let us see how the "government" alluded to manifested its decision.

I wish to direct the attention of the Senate particularly to this judicial announcement:

> It is very clear, that it belongs exclusively to the executive department of our Government to recognize, from time to time, any new governments which "may arise in the political revolutions of the world; and until such new governments are so recognized, they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty."

Mr. President, here is a decision handed down in 1838, which clearly announces the doctrine for which the present Secretary of State, Mr. Olney, contends, and which has been lately condemned as revolutionary. Here it is announced from the bench by one of the ablest jurists who ever presided over a court, clearly and positively, that the power to recognize is not only vested in the Executive, but that such an investiture is exclusive.

The Supreme Court of the United States affirmed the judgment in Williams *vs.* The Suffolk Insurance Company (13 Peters, 420), using this language:

> And can there be any doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and Government of the Union.
>
> If this were not the rule, cases might often arise in which, on the most important questions of foreign jurisdiction, there would be an irreconcilable difference between the executive and judicial departments. By one of these departments a foreign island or country might be considered as at peace with the United States, whilst the other would consider it in a state of war. No well-regulated government has ever sanctioned a principle so unwise and so destructive of national character.

And yet, Mr. President, we have heard it asserted again and again that this doctrine of the Supreme Court of the United States—the declared judgment of the highest judicial tribunal known to our law, promulgated many years ago—is unprecedented. It has been even intimated that the Secretary of State who proclaimed it risked impeachment. Perhaps it may be a crime to declare the law. It is clear that the Supreme Court believed that the President in recognizing independence on his own responsibility did so "in the exercise of his constitutional functions."

I know that it was said by the distinguished Senator from Georgia [Mr. BACON] that those portions of these decisions which relate to Executive jurisdiction are obiter dicta. It may be that it was unnecessary to decide whether or not the Executive authority was exclusive; but it is plain that the jurisdiction of the Executive to effectively recognize independence was a material issue absolutely necessary to the decision of the case. These authorities are conclusive of the existence of Executive control if the Supreme Court has any jurisdiction to settle such questions. If the Executive, without Congress, can not recognize, then the basis of the court's decision drops out.

My object in citing this case is to disclose the views entertained

by Judge Story and his associates. That jurist had considered the subject in his commentaries, as I have shown, and hence his attention had been specially directed to the matter, and he had also in mind Mr. Rawle's view already referred to, and upon which he had commented, and, taking the expressions contained in the commentaries and those found in the decision in 3 Sumner above mentioned, it is obvious that it was the carefully thought-out opinion of Judge Story that the authority to recognize was exclusively in the Executive.

I have had occasion to consider this topic to some extent when resolutions advising a recognition of belligerency were before the Senate, and I then referred to several adjudications, and I shall take the liberty of again citing some of them in brief.

In 2 Black, 670, I find the following:

> Whether the President, in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government, to which this power was intrusted. He must determine what degree of force the crisis demands.

It is plain that it was the opinion of the Supreme Court that the President was authorized and was the proper party to find the facts as to belligerency. It is true that the conflict involved was domestic, but the citation is nevertheless relevant. It will be noted that "political department" is used as synonymous with "executive department." Judge Story evidently thought that the word "government" was used as equivalent to "executive department" in Gelston *vs.* Hoyt (3 Wheat., 321), because that case is referred to by him in Williams *vs.* Suffolk Insurance Company as upholding the jurisdiction in the President to proclaim belligerency.

In Kennett *vs.* Chambers (14 How., 50, 51), Chief Justice Taney said:

> It is not necessary in the case before us to decide how far the judicial tribunals of the United States would enforce a contract like this, when two States, acknowledged to be independent, were at war and this country neutral. It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent State was a question for that department of our Government exclusively which is charged with our foreign relations, and until the period when that department recognized it as an independent State, the judicial tribunals of the country were bound to consider the old order of things as having continued and to regard Texas as a part of the Mexican territory.

In alluding to the constitutional power, or rather to the power of the President derived from the Constitution with reference to our foreign relations, I beg leave to quote from Chancellor Kent. Said that very able man:

> The President is the constitutional organ of communication with foreign powers.

It was evidently the view of that able jurist that the Presidential duty in this respect was not derived from any statute and did not depend upon the will of Congress.

Again he says:

> The power of receiving foreign ministers includes in it the power to dismiss them, since he (the President) alone is the organ of communication with them, the representative of the people—

Not the representative of Congress, but "the representative of the people"—

> in all diplomatic negotiations, and accountable to the community not only for the execution of the law, but for competent qualifications and conduct of foreign agents.

It is to be noted that according to this statement the President is the representative of the people in all diplomatic negotiations, and he is said to be accountable to the community. There is no intimation that he is accountable to Congress in this regard. He derives the authority from a higher source, from the people. He rests upon the consent of the governed, as evidenced by the Constitution.

During the recent Chilean difficulty it was held by the district court of the United States for the southern district of California as follows:

> It is beyond question that the status of the people composing the Congressional party at the time of the commission of the alleged offense is to be regarded by the court as it was then regarded by the political or executive department of the United States. This doctrine is firmly established. (U.S. *vs.* Trumbull, 49 Fed., 99, 104.)

And in the Itata case (56 Fed., 510) Judge Hawley, speaking for the circuit court of appeals, said:

> The law is well settled that it is the duty of the courts to regard the status of the Congressional party in the same light as they were regarded by the executive department of the United States at the time the alleged offenses were committed.

It thus appears that whenever our courts have been called on to solve an issue which depends upon the existence or nonexistence of a nation they have turned uniformly to the executive, and have accepted the determination of that department as conclusive and binding upon them. Can it be, Mr. President, that this jurisdiction thus affirmed by our judiciary and announced for years and years by all the departments of our Government rests pro hâc vice only in the Executive, and that his authority is of such flimsy tenure that it is subject to Congress; that he is possessed of the power to recognize only when Congress does not see fit to withdraw it from him? Is there any scheme in the organic law for an appeal from Executive action in this matter? Either the power to recognize is vested in the Executive or it is not. If the right is conceded, then, in the absence of any constitutional limitation, it must, I assert, be exclusive. That he does not derive it from any act of Congress is obvious, for no one has pointed to an act of Congress presuming or pretending to give him any such right.

I have said, Mr. President, in line, as I take it, with the authorities on which I have been commenting and to which I have attempted to attract the attention of the Senate, that if it be conceded that the Executive has the power to recognize independence, then, unless there can be pointed out in the Constitution some limitation of that power, some appellate jurisdiction in Congress, some restriction upon it, something justifying the conclusion that in the absence of Presidential exercise of that authority it may be assumed by Congress, the conclusion inevitably follows that the Presidential prerogative is attached to that office only, and that the President either derives his authority from the Constitution or he does not possess it at all. It further appears evident that if the Executive may recognize independence, the debate is at an end as to the point now considered, and the position of the Secretary of State is justified.

Mr. Wharton, whose abilities as a lawyer and as an author and whose researches into matters pertaining to international affairs earned for him high reputation throughout the civilized world, compiled a digest on the international law of the United States, pursuant to authority given by Congress and under the Congressional eye, and this work comes nearer constituting an accepted American text-book upon this subject than any other treatise. In discussing this subject, he heads the section with reference to belligerency as follows: "Such recognition (i. e.), belligerency determinable by Executive," and he cites with apparent approval a statement of Secretary Seward in his letter to Mr. Dayton, wherein it is said:

> It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives. This is a practically and purely executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States.

He was discussing at that time a proceeding in the House of Representatives touching the recognition of the alleged newly formed Government of Mexico, pertaining to a protest made by the House of Representatives, wherein they affirmed their hostility to the encroachments of monarchic powers within the confines of a sister republic. Mr. Seward thus asserted jurisdiction—exclusive jurisdiction—in the Executive, and in so doing he followed the line of precedents heretofore mentioned, and from which the State Department has deduced a uniform rule of conduct, and has regarded the claim of exclusive right in the Executive as based upon the correct interpretation of the Constitution.

While the Executive has rarely, as in the case of President Jackson in the Texas matter, sought the advice of Congress as to such issues, this advice has never been asked as signifying a doubt of the executive claim, or an assertion that the jurisdiction rested elsewhere than in the Executive. The opinion of Congress has been solicited merely in an advisory way. Congress often seeks to advise without being requested so to do, and may, I presume, when solicited, contribute the notions of its members. The value of such advice is quite another thing. No legal force [illegible] be affirmed of it.

A question touching this topic was passed on [illegible] Justice Marshall in United States *vs.* Hutchings (2 Wheeler Crim. Cases, 546). The opinion of that able jurist is thus given by the reporter:

> The court decided that the commissions shall go to the jury merely as papers found on board the vessel; but on the main question the court was of opinion that a nation became independent from its declaration of independence only as respects its own government and the various departments thereof; that before it could be considered independent by the judiciary of foreign nations it was necessary that its independence should be recognized by the executive authority of those nations; that as our Executive had never recognized the independence of Buenos Ayres, it was not competent to the court to pronounce its independence.

It may be argued that here again the court's conclusion is obiter dictum, but it was material whether the country in question had been acknowledged to be independent, and the judgment of the Chief Justice that that acknowledgment should be by the Executive contains his opinion as to the character of recognition which must take place before the fact can be judicially assumed. The concurrence of opinion between Marshall, Story, and Taney, and other able jurists quoted, ought certainly be sufficient to relieve the Secretary of State from the charge of advancing a new and absurd claim—an accusation, it may be noted, which has been flippantly urged by some of the most widely circulated newspapers in the country and by persons in official position who ought to know better. It sometimes happens that an unfriendly feeling toward an individual or an officer begets ill-advised comment.

In The Ambrose Light (25 Fed., 443), Judge Brown says:

> The additional facts proved show, however, such a subsequent implied recognition by our Government of the insurgent forces as a government de facto in a state of war with Colombia and entitled to belligerent rights as should prevent the condemnation of the vessel as prize. A communication from the Department of State to the Colombian minister, bearing date the day of the seizure, seems to me to constitute such a recognition by necessary implication.

Here, therefore, the court not only conceded the right of the President to recognize belligerency, but even held that such recognition was accomplished unintentionally by an executive communication. The action of the Executive, so taken and not designed to recognize belligerency, nevertheless fixed the legal status of this vessel, and justified a judgment against the Government and relieved the vessel from condemnation as prize.

The point determined was obviously material. I am aware that it has been said here, I believe without too much consideration, that we are not bound by the decisions of the courts. In one sense this may be true. As far as voting is concerned, we are scarcely bound by anything. When our names are called, we may vote as we please. But if we can not accept the construction placed upon the organic law for many, many years, for three or four generations, by our ablest judges, we are certainly inconsistent with the attitude which some of us assume in criticising the Supreme Court because it has lately changed its opinion as to certain propositions.

Mr. Blaine, May 9, 1881, in a letter to Minister Christiancy, said:

> If the Calderon Government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government, with a view both to order within and negotiation with Chile for peace, you may recognize it as the existing provisional government and render what aid you can by advice and good offices to that end. Mr. Elmore has been received by me as the confidential agent of such provisional government.

As has already been remarked, it is well settled in diplomacy that the reception of a minister or agent vested with diplomatic functions is a recognition of the existence of the government which has sent the envoy here. Mr. Blaine did not consider it necessary to consult Congress upon this subject. He acted upon the theory that Congress had no authority in the premises.

President Arthur, in his third annual message (1883), in speaking of the difficulties between Chile and Peru, and especially with reference to the uncertain nature of the government of the last-named country, said:

> Meanwhile the provisional government of General Iglesias has applied for recognition to the principal powers of America and Europe. If the will of the Peruvian people would be manifested, I shall not hesitate to recognize the government approved by them.

In the message thus sent by President Arthur to the Congress of the United States, and regarding which no unfavorable comment has ever been made here or elsewhere, he wrote, "I shall not hesitate to recognize," etc. President Arthur used the personal pronoun, and seemed to have no doubt of his right to completely recognize independence when, in his official judgment, the occasion might arise.

Can there be such a thing as incomplete recognition of the independence of a government resulting from the declaration of the President seeking to directly recognize it? If the President of the United States to-day receives a minister from the alleged Republic of Cuba, would there be any doubt that that formal reception of the minister would be conclusive of the fact that the new government had been recognized as an independent state?

When Dom Pedro relinquished his claim to the Brazilian throne, President Harrison acted promptly, and in his message to Congress (Foreign Relations 1890, page 4) he says:

> Toward the end of the past year the only independent monarchical government on the Western Continent, that of Brazil, ceased to exist, and was succeeded by a republic. Diplomatic relations were at once established with the new government, but it was not completely recognized—

Mark the phrase—

> until an opportunity had been afforded to ascertain that it had popular approval and support. When the course of events had yielded assurance of this fact, no time was lost in extending to the new government a full and cordial welcome into the family of American commonwealths.

Mark the phrases "completely recognized," "full * * * welcome into the family of American commonwealths." Is a "complete" or "full" recognition subject to Congressional reversal? Here, therefore, is another Presidential communication to Congress, directly stating that the Executive not only recognized the Brazilian Government, but that he has left nothing to be done to complete the acknowledgement. No one has challenged the efficacy of that recognition, and I again ask, Will anyone say that Congress might have risen in its constitutional might and, by the passage of a resolution, made void that which the President made complete?

On December 9, 1891, President Harrison, in a message to Congress, stated that which I shall read. These communications were not confidential; they were notoriously made. The country knew all about them. They were printed as Congressional documents, and placed upon the desks of Senators and Representatives, and constitute a portion of the history of this Union. President Harrison said:

> The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and, after a bloody engagement, captured that city. President Balmaceda at once recognized that his cause was lost, and a provisional government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this government so soon as it should have established its de facto character, which was done.

Hence the President, without consulting Congress, without asking for the approval of Congress, without seeking the ratification of his act, without submitting to any further scrutiny than every communication upon the state of the Union must have in this and the other body, sent instructions to Chile, to the American minister, directing him, in virtue of the Executive authority, to recognize the changed condition.

He also recognized the new Government of the Hawaiian Islands under circumstances which were, to say the least, novel. His ability to do this was never doubted, though the wisdom of its exercise was questioned.

The references which I have thus made evince the uniform and unchallenged assertion of Executive jurisdiction, and whatever may be the true construction of the Constitution, the power asserted was complete, absolute, and effective. No action of Congress was needed to ratify or approve. If there is any Congressional power to repudiate such recognition, it can be found nowhere in the Constitution, but is based upon the notion that Congress has powers not granted, and has the right to draw to itself all functions not accorded to or exercised by the other Departments, a contention absolutely in conflict with that organic provision which reserves to the people the powers not granted.

The exclusive right of the Executive has been maintained in almost every instance, the exceptions being where the Executive thought it well to consult Congress, as did President Jackson in the Texas case. But even there he did not relinquish or doubt his authority.

Mr. President, we are apt to confuse the true interpretation of our duty with the result toward which our inclinations point. When we seek to reach a desirable end, or when we find an independent officer exercising his authority in a manner differing from our ideas of propriety, we are too apt to seek to extend the limits of our domain and to interfere with subjects intrusted by law to other hands. Hence it is that legislators differing from the Executive endeavor to defend their criticisms by assuming unwarranted jurisdiction.

The exclusive right of the Executive has been maintained, as I have said, in almost every instance. President Jackson did not recognize the jurisdiction of Congress to do anything more than to advise. He was willing to act upon such advice, not because it was necessary for him to do so, but because in the discharge of his Executive power he thought it better to do so. Nor is there anything in the resolution which was passed by Congress at that time assuming any greater authority or power than the giving of advice. There are expressions to be found, notably in remarks by Mr. Clay, not altogether consistent, I may say, upon this subject, indicating to some extent that he believed Congress had authority in the premises. We have had such claims of power here, but we have no case where Congress has ousted Executive jurisdiction, or where the proclamation of the Executive upon this subject has ever been repudiated. It seems to me a most peculiar view to assert that there is jurisdiction here not only to upset that which has been done, but to perform acts which it is thought ought to have been performed, but which the Executive has declined to do, and which the Constitution provides, if done at all, shall be done by the President.

In the memorandum upon the power to recognize the independence of a new foreign state (Senate Document No. 56, Fifty-fourth Congress, second session) a large number of authorities are collated which it is unnecessary to review here. The references to the debates concerning the South American revolutions are quite interesting as demonstrating that at that very early date it was generally conceded that the jurisdiction was with the Executive.

Volume 4, page 71, Memoirs, John Quincy Adams, we find that that statesman has made the following entry with reference to a conversation with Mr. Monroe:

> The President told me that last evening a member of the Senate came to him and asked him if at the Cabinet meetings before the commencement of the session of Congress the determination was taken not to acknowledge the Government of Buenos Ayres, professedly to the end that Congress might take the lead in this measure. And this was now inquired obviously with a view to justify the present conduct of Mr. Clay. The President answered that at that time the questions were proposed whether the Executive was competent to acknowledge the independence of Buenos Ayres, and, if so, whether it was expedient; that it had been concluded the Executive was competent; but that it was not expedient to take the step without the certainty of being supported in it by the public opinion, which, if decidedly favorable to the measure, would be manifested by measures of Congress. Mr. Monroe added if Mr. Clay had taken the ground that the Executive had gone as far as he could go with propriety toward the acknowledgment of the South Americans, that he was well disposed to go further, if such were the feeling of the nation and of Congress, and had made his motion with that view, to ascertain the real sentiments of Congress, it might have been in perfect harmony with the Executive. But between that and the angry, acrimonious course pursued by Mr. Clay there was a wide difference.

This plainly shows that Mr. Monroe himself believed that the power to recognize is in the President, but he was not averse to consulting those whose right to nullify his acts he denied. But he made no intimation that there was any question as to the exclusiveness of Presidential jurisdiction.

He spoke also, as shown by these quoted remarks, of public opinion. He was naturally anxious to discover the sentiments of the people, though he did not design sacrificing his constitutional power or abdicating any of his constitutional privileges, whatever might be the opinion either of Congress or of the people. He recognized unquestionably that as the servant of the people it was his duty to maintain the laws which had been provided for his guidance, and which he must follow until the people in their sovereign capacity established a different system.

On page 201 of the same memoirs we find the following:

> My draft of a dispatch to R. Rush was read. They were all startled at the paragraph announcing it as the President's intention at no remote period to recognize the Government of Buenos Ayres.

The whole conversation, everything that was said—and the remarks are set forth at some length in his memoirs—goes to show that the people, that the Congress, all interested, were anticipating the decision of the Executive upon the matter then pending. That Mr. Monroe asserted the jurisdiction in himself, and that he intended to see that it remained where the Constitution had placed it, no one can deny.

The following significant expressions appear in the same diary, on page 205:

> Mr. Crawford now said that if the acknowledgment was to take place, he should prefer making it in another form, not by granting an "exequatur" to a consul, but by sending a minister there; because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. And the President, laughing, said that as those bodies had the power of impeachment over us, it would be quite convenient to have them thus pledged beforehand.
>
> I said my impressions were altogether different. I would make the acknowledgment as simple and unostentatious as possible, with as little change in the actual state of things as could be. I thought it not consistent with our national dignity to be the first in sending a minister to a new power. It had not been done by any European power to ourselves. If an exchange of ministers was to take place, the first should come from them. As to impeachment, I was willing to take my share of risk of it for this measure whenever the Executive should deem it proper. And instead of admitting the Senate or House of Representatives to any share in the act of recognition, I would expressly avoid that form of doing it which would require the concurrence of those bodies. It was, I had no doubt, by our Constitution an act of the Executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genet. Mr. Madison had exercised it by declining for several years to receive, and by finally receiving, Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution, and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive right and duty to perform.
>
> Crawford said he did not think there was anything in the objection to sending a minister on the score of national dignity, and that there was a difference between the recognition of a change of government in a nation already acknowledged as sovereign and the recognition of a new nation itself. He did not however deny, but admitted, that the recognition was strictly within the powers of the Executive alone, and I did not press the discussion further

Therefore not only did the Secretary of State in that discussion, and not only did other members of the Cabinet concede and hold the existence of this exclusive power in the President, but the President himself, while believing it to be wise to obtain the approval of Congress, so believed only because of the Congressional power to appropriate and for the reason that he wished that matters should proceed without friction. No intimation is contained at any place in this discussion or in the detailed report of what occurred at that time to warrant any doubt that Mr. Monroe himself held the same views now entertained by Mr. Cleveland and Mr. Olney.

Mr. HOAR. Will the Senator from California allow me?

Mr. WHITE. I yield to the Senator from Massachusetts.

Mr. HOAR. I should like to ask the Senator from California if he does not agree that a declaration of war against a foreign district or country is a recognition of it as a sovereign power?

Mr. WHITE. Such a declaration is undoubtedly an assumption of the existence of a power against which war could be declared. This is certainly true.

Mr. HOAR. Suppose, for instance, Cuba had practically maintained her independence of Spain, Spain being utterly unable to help herself, and Cuba had committed hostile acts upon our commerce, is not the power in Congress to declare war with Cuba, as the power is in Congress to regulate commerce with Cuba, under such circumstances, with all the incidents that follow?

Mr. WHITE. Congress may declare war against a nation or it can regulate commerce with a nation. An act of Congress declaring war does not by its terms create independence or declare that status. The declaration assumes the status, however.

Mr. HOAR. So we could not have a treaty of peace?

Mr. WHITE. Well, we could have a treaty; I concede that. A treaty is initiated by the Executive, and the Senate advises and consents.

Mr. HOAR. The Senator will pardon me a moment. I do not want to interfere with his argument. I put this question in support of the conclusion to which I had myself arrived, which is, I think, the one which was in the thought of President Jackson, and perhaps would reconcile every expression which is to be found in our history.

It is very clear that this is an incident, however great or important it is. The power in the Executive is clearly incident to the power not merely to send ambassadors, but to invite the sending of ambassadors from abroad, as the Senator has so well shown, and I agree with the Senator that it is a power which necessarily must continue all the year round, and may be exercised on an hour's notice sometimes, and it can not be exercised by Congress for that reason. But it seems to me, with great respect, that while it is incident to the treaty-making power of which the President is a part, as the Senator said, it is also an incident of certain constitutional powers of Congress. Yet these powers never will be brought into conflict, although they may reside to a limited extent in both. But the question we are dealing with is not whether Congress may have it as incident to the power to regulate commerce, not whether Congress may have it as incident to the power to declare war, not whether Congress may have it as incident to its power of legislation over the conduct of American citizens, not as an incident or consequence; our question now is, Does it rest in Congress primarily and originally before any of these other constitutional things are done?

Now, I agree with the Senator that the very necessity of the case makes it an executive power, and an executive power alone, where nothing is to be done but recognition. So this is a very grave matter that we should not concede unless the Constitution requires it, that the power of recognizing a foreign country may sometimes be a necessary incident to some constitutional legislative power of Congress; and I hope that nothing will occur in this discussion on either side which will amount to a limitation or abridgment of that power. The Senator will pardon me for the interruption.

Mr. WHITE. It is true that the question to which I am immediately addressing myself is the attempt absolutely and directly by a joint resolution to recognize the independence of another government.

Mr. HOAR. As incident to nothing?

Mr. WHITE. Yes, sir; predicated upon nothing incidentally. The resolution directly deals with the subject. It is confined to that specific topic alone. I am not here to enter into a discussion as to the effect of indirect legislation which Congress may perhaps at some time see fit to enact in conflict with Executive view. It is always dangerous to seek the discussion of irrelevant subjects, or to attempt the adoption of rules to govern cases not yet presented.

As far as a declaration of war or a treaty of commerce are concerned, both presuppose the existence of nationality upon which the declaration or legislation may be operative, but whether in the exercise of our constitutional power of passing a bill regulating commerce, concurred in by the Executive, a peculiar collateral consequence may result, I do not propose at this hour to elaborately consider. Such a course would be foreign to the purpose I have at hand. I am endeavoring to show that, as far as the attempt to directly recognize a revolutionary organization goes, it is not within our sphere. Whether indirect action of Congress might result in the assumption of another national [illegible], it is not certain that such assumption could absolutely create a nation. But this is speculative. I do not believe that any such conflict of authority or peculiar combination of circumstances will ever be manifested. I could add that we might readily hold commercial relations with communities not constituting a nation. This Government has continued moving in the present channel for many years without, I think, any substantial deviation in practice from the course to which I have alluded.

I do not feel prepared to change our procedure now. The citations which I made from Mr. Adams's account of Mr. Monroe's statement are interesting, and are certainly sufficient to acquit the Executive or the Secretary of State from the charge of asserting anything new. The specific proposition contended for by the present Administration is that in the case of Cuba Congress has not the power directly to declare independence, or even belligerency. I have stated that I believe that contention to be well founded, and I have sought to fortify my opinion by referring to precedent and to principle.

Mr. President, it is clear that the Constitution does not make it the duty of Congress, nor does it give to either House, the authority to receive ambassadors or ministers. This function is conferred upon the President only. It has been suggested that this delegation of authority amounts to nothing more than the enjoining of a duty to extend proper courtesies to diplomatic officers coming from abroad. With due respect, it appears to me that this argument has nothing in reason to sustain it. Can we afford to urge that as important an instrument as the Constitution, upon which our governmental framework absolutely rests, is devoted to any extent or at all to a mere matter of etiquette? The duty which the President must perform under the organic law with relation to ambassadors and ministers is not merely to grasp their hands or to otherwise salute them in the most approved method of the day; nor is it exhausted or even exercised by giving invitations to receptions or dinners. It means more than this. As the Executive is granted the power to receive, so he is accorded the right to determine to whom such reception should be vouchsafed. He receives officially if he believes that the party presenting himself is not only individually the sort of a man who ought to be received, but he also is bound to determine whether he in fact represents a foreign power.

Necessarily this authority to determine is involved in the discharge of the duty to receive. When a person offering himself at the Executive Mansion claims that he is entitled to be received as a minister, the President, from the very nature of the case, is compelled to decide whether his pretensions are well founded, and in doing this he is bound to find on the issue as to whether the applicant represents a foreign power. Thus the alleged minister of the Cuban Republic seeks to meet the Executive; Mr. Cleveland refuses to receive him, because he declares that the minister does not represent a foreign power. Congress can not dictate to the President as to who he shall receive, for the simple reason that the duty to receive being constitutionally delegated to him, he must determine for himself whether a case has arisen calling for the exercise of that power. It is the duty of Congress to pass laws to govern the country, but it is within its sole discretion to enact or not to enact. If we refuse to appropriate a dollar for public purposes we might be and would be derelict, but no court could mandamus us, because Congress judges for itself as to whether a case has arisen calling for the exercise of its functions.

The President may act badly; indeed, his conduct may justify impeachment. So Congress may behave in an outrageous manner, and the people may be without any further remedy than that which is expressed at the polls. No scheme of government ever devised can insure ability and honesty upon the part of those intrusted with power, and there is no individual or officer to whom authority has been delegated who may not violate his obligations and work evil. But the accomplishment of such regrettable results is no argument against jurisdiction. It must be remembered that the existence of jurisdiction may well mean the power to do not only that which is right, but also that which is wrong.

Where is there a word in the organic law indicating preference for Congressional jurisdiction? The legislative limitations therein prescribed were suggested by ages of experience. Danger lurks in excited multitudes and appears in the consequences of uprisings and insurrections as well as in the remorseless mandates of kingly power. The fathers sought to guard against extremes. The delegation of authority to the Executive was designed to confer exclusive jurisdiction to the extent indicated. Concurrent jurisdiction in such a matter as this would be confusing and lead to perilous disputation. The power thus accorded is not and never will be subject to appeal. Congress must pass a bill over the Presidential veto, because the Constitution so declares; but Congress can not, by bill, modify or abrogate the Executive authority with reference to foreign relations, and especially with regard to receiving ambassadors and ministers. So also of the legislative and executive jurisdictions. Were it otherwise, the whole scheme would be a failure. If the legislative department is preferred, this means that the executive and judicial departments exist only in subordination to Congress, whose edicts are in fact supreme. This position is not only violative of the words of the Constitution, but in conflict with the often expressed intentions of the fathers. It has no support in our history. It is revolutionary, and destructive of that independence without which the Presidential office can never be properly exercised.

SOME OF THE DIFFICULTIES OF THE CONTRARY POSITION.

It is intimated that the President has the power to recognize, but it is said that this is only a conditional grant. It is limited in some mode. It exists now, and it may not exist to-morrow. This position I repudiate, for I find no direct grant to Congress justifying such a conclusion; nor does it appear to me that such authority is granted anywhere by implication, or is the necessary attendant of any authority specifically delegated. If the President recognizes the belligerency or independence of the Cuban Republic, can Congress repudiate such recognition? I take it that this is not possible. If the Presidential recognition of belligerency is valid in any case, in what case is it invalid? And if the President has authority to absolutely recognize independence in any case, is not that authority the result of discretion conferred upon him by the Constitution? And such discretion involves the ability to refuse as well as to grant, and if it is not competent for Congress to nullify Presidential recognition of belligerency or independence, can Congress render nugatory the decision of the President denying such recognition? I think that I have already shown that the framers of the Constitution were not engaged in the business of guarding Congress against the President, but that they felt the necessity of so organizing the Houses that they could not subordinate Presidential jurisdiction within allotted lines save in one mode, to wit, impeachment.

The plenary authority exercised by the President in foreign affairs is exemplified to some extent not only in receiving ministers, but even in providing for the exercise by foreign consuls of authority within the United States.

When the British consul at Charleston, at the beginning of the late civil war, acted in a manner contrary to the wishes of Mr. Lincoln and his Cabinet, the exequatur was revoked and Mr. Bunch's powers terminated. No consultation was had with Congress upon this subject. It is discretionary with the President to refuse an exequatur, although, as Mr. Blaine declared in his letter to Mr. Morgan, May 31, 1881 (1 Whar. Int. Law, page 765), the exercise of that undoubted right is an extreme one, rarely resorted to here.

Instances of the dismissal of ministers are numerous. We remember very clearly the action of Mr. Cleveland in demanding the recall of Minister West, owing to his correspondence with an alleged British subject called, for the time being, Murchison. No power was conferred by Congress upon the President, but he, having the right to control the matter, exercised his prerogative at his discretion.

In Schuyler's American Diplomacy, page 136, I find the following:

> It may be mentioned here that our Government has never been slow to use its right in asking for the recall of, or of sending away, a foreign minister who becomes obnoxious. The recall of Mr. Genêt, the French minister, was asked in 1793; that of Mr. Jackson, the British minister, in 1809; that of Mr. Poussin, the French minister, in 1849; Mr. Crampton, the British minister, was given his passports in 1856; and intercourse ceased with Mr. Catacazy, the Russian minister, in 1871.

In all those cases the act was the act of the Executive; it was the result of Executive discretion; there was no participancy by the legislative department, and none claimed.

If Congress possesses the power to settle the question of belligerency or independence, it is clear that all sources of material information ought to be open to investigation and examination.

I beg leave to refer to remarks made by me on a former occasion touching this question:

> There is another ground which appears to me very strong in support of the contention that the recognition power is lodged in the Executive. There is before the Senate a document which was read by the Senator from Alabama, and which I deem quite important. I refer to House Document 224 of the present session. I read a few lines for purposes of illustration:
>
> "No. 2999.] CONSULATE-GENERAL OF THE UNITED STATES,
> "*Habana, January 7, 1897.*
>
> "SIR: With reference to the proclamation of the Captain General of the 2d instant declaring a state of war to exist in the provinces of Habana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2995 of the 4th instant"—
>
> At this point I find a note stating that the proclamation mentioned is not printed. From this I conclude that the omitted paper has not been revealed to Congress. No one appears to controvert this supposition. When the House adopted the resolution calling for this correspondence it did so in the following phraseology:
>
> "*Resolved*, That the Secretary of State be directed to communicate to the House of Representatives, if not inconsistent with the public interests, copies of all correspondence relating to affairs in Cuba since February last."
>
> The House passed the usual resolution in the regular form which custom authorizes. Manifestly information has been withheld—no doubt properly. Time out of mind, if I may use that expression with reference to this very modern Government, it has been the custom to withhold information, the disclosure of which the Executive deems incompatible with public interest. The document thus legitimately withheld may contain essential and controlling facts upon this subject. That it is important would seem to follow to some extent from the very circumstance that it is retained. Has the Executive the right to thus deny information? Our Chief Magistrates have always done so, pursuant to unchallenged custom and in compliance with recognized usage, evidenced by many hundred resolutions calling upon the Executive for diplomatic information. The President is not directed; he is merely requested, and always with the qualification which I have noted. The Executive right to withhold delicate diplomatic correspondence is incidental to the Presidential office. Can it be that the Constitution has placed upon Congress the burden of deciding and the duty to determine issues concerning belligerent or other relations to foreign powers and has not at the same time compelled the President to give us everything within his knowledge? Can it be that we are to pass upon a part of the case and not upon the whole? Can it be that under the law we are deprived of material evidence and yet are expected to render final and determinative judgment upon an imperfect record—a fraction of the aggregate proof? I say not. The President has before him all information. He reviews a complete history. Plainly, he is in a better condition to judge of the true state of affairs than are we. He has the means to secure all relevant information.
>
> Having in charge the diplomatic relations of the Government, he is, or should be, better advised than the Senate or the House of Representatives, or both.

It was early settled that the Executive could not be compelled to surrender up to both Houses of Congress information which that officer deemed to be of such a character as to render it inadvisable to make a disclosure.

When President Washington sent in the proposed treaty with Great Britain, a question arose as to whether the President had any right to negotiate a treaty of commerce (2 Marshall's Washington, page 377). Mr. Livingstone offered a resolution in the House requesting the President to furnish a copy of the instructions to the minister of the United States who negotiated the treaty with Great Britain. Mr. Madison proposed to amend so as to except such papers as, in the judgment of the President, it might be inconsistent with the interests of the United States at this time to disclose (id., page 378). This proposition was rejected, and the resolution offered by Mr. Livingstone was passed by a vote of 62 to 37. Afterwards the President communicated to the House his refusal, and in concluding it he said:

> As it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office under all the circumstances of this case forbid a compliance with your request. (Id., 381.)

I can not find that the power of the President to retain information the disclosure of which he deems incompatible with the public interest has ever been doubted, and the uniform practice of Congress admits this power. We do not direct the President nor do we seek to compel him to make disclosures against his own judgment. On the contrary, the Presidential discretion is in terms conceded in every resolution seeking information from the State Department which Congress sees fit to pass.

The question of the recognition of belligerency or independence should be determined upon a full view of the entire situation. Every fact bearing upon it ought to be before that department charged with the responsibility of acting. It is manifest that the most important documents, the most direct and convincing circumstances, may be contained in official communications containing matter which ought not to be made public. Indeed, it is safe to say that the most important information is doubtless encountered in such documents. The very gravity of the disclosures therein contained makes it inadvisable to surrender them. So that we who claim the right to pass upon this issue must concede that all avenues of information are not open to us—many are open to us, no doubt, but all are not open to us—and that the most material part of the case is withheld in harmony with the Constitution, which, it is claimed, gives us the power to overrule the Executive, notwithstanding his superior facilities for knowing the facts, and his power to withhold information officially received by him, and which appears to him (perhaps correctly) properly determinative of the entire matter. If it be true that the Constitution has made it our duty to pass upon the diplomatic questions involved and has given to the President means of obtaining information not granted to any other department, and has likewise left the disclosure of such knowledge wholly discretionary with him, the system is radically defective. It is not likely that the President requires more data than the Senate or the Congress, and to require us to act without all the evidence is to compel a judgment in the absence of the most material evidence.

I have already referred to the opinion of Mr. Monroe on this subject regarding Executive power. I wish to attract attention to the circumstance that Mr. Monroe deemed it advisable to send commissioners to the South American states for the purpose of enabling him to determine whether he should recognize the independence of the new governments. These commissioners he, as Chief Executive, sent to the South American republics that he might obtain information to justify him in reaching a conclusion as to whether he ought to accord a declaration of independence or not. In many instances subsequent Administrations found it desirable to send emissaries abroad for the purpose of determining similar issues without consulting Congress.

Agents or messengers have been sent not as diplomats or ministers, and therefore without consultation with the Senate, the branch of Congress solely authorized to confirm envoys and plenipotentiaries; but these appointments have been justified, not only in many of the cases cited but in many others, because of the fact that they were the mere agents of the Executive, his messengers sent abroad to bring him word as to affairs concerning which he needed information in order to duly execute a constitutional power, to wit, the recognition of a new government.

The case of Mr. Trist, who was sent as a confidential agent to Mexico (and the object and purpose of his mission appears, 2 Wharton on International Law, section 154), is an exemplification of the authority of the President in this regard. The appointment of Archbishop Hughes and Bishop McIlraine, Mr. Everett, Mr. Winthrop, and Mr. J. B. Kennedy as confidential agents with reference to matters connected with the recognition of belligerency during our domestic strife contributes an interesting chapter to the exercise of authority by the President without consulting the Senate and all within the recognized diplomatic limits.

The case often referred to here—so frequently that it is not necessary for me to discuss it—of Mr. Mann and the Hungarian controversy is in point. Mr. Webster's elaborate presentation of the subject and the treatment it received at the hands of Mr. Everett are all in the same line. I will not go over them, for they have been dwelt upon often and are familiar to the Senate and to the country.

When we speak of the advisability of reposing power in one department of the Government in preference to another, our argument is only of value in so far as it tends to illustrate the motives and objects and ends sought to be accomplished by the framers of the Constitution, and in an ambiguous case, if it is found that the lodgment of power in one particular department would be manifestly inadvisable, and if the language is obscure or the construction in doubt, perhaps we may be aided to some extent when we consider it on principle and in the light of the practical interpretation of experience.

THE NECESSITY OF SECRECY IN DIPLOMATIC AFFAIRS.

It is notorious that it is practically impossible to preserve secrecy as to matters occurring in the Senate. It frequently happens that debates taking place in supposed executive session are publicly reported; and while it is usually true that the reports made and the deductions drawn are not altogether correct, and there are many omissions of vital and essential features, yet it is also a well-known fact that whenever a sensational proposition or anything calculated to excite public curiosity or interest is announced in executive session it finds its way to the public. The delicacy of foreign negotiations, the ease with which controversies nearly settled may be impeded by ill-advised expressions or premature disclosure, is too plain to need comment.

Nor is this all. We know that the Senate is not now and never has been and never can be as reliable a place for the carrying on of those negotiations which are frequently necessary in the management of international disputes, and the same may be said with more emphasis with reference to Congress. Thus, within a year perhaps, we have heard remarks made with reference to foreign governments with which we were at peace. We have heard a friendly nation called "a toothless wolf," "a Gila monster," "a nation whose symbol of power is a monkey and an organ grinder," and kindred phrases in a body several of whose members now claim almost exclusive diplomatic authority. Our ability to excite a foreign government, our ability to involve the Government of the United States in difficulty, certainly will not be seriously challenged. We are not as successful in procuring the spreading of the wings of peace over the earth. Mr. Sanguily may well doubt the propriety of our interference with his case, which is now being energetically pressed by our State Department.

While intemperate remarks are delivered here, persons in whom we have an interest are being tried and sentenced for violations of municipal law, and our State Department is endeavoring to extricate, by diplomacy, many in whom we are concerned who have, by reason of their desire to liberate another people, placed themselves within the reach of the criminal processes of a friendly power. It is believed that utterances made upon this floor, which could not have any effect for good, have made it more difficult for the Executive to procure liberation of individuals in Cuba who have been in the greatest peril.

The Constitution conferred upon the Senate and the House jurisdiction as to treaties, and also in the matter of certain appointments, and that it was the part of wisdom so to do is, I believe, obvious. Whether we consider a treaty as a contract, in accordance with the views of Mr. Frelinghuysen and others, or whether we regard it as in the nature of legislation (and the Constitution declares a treaty to be the supreme law of the land), it is proper for the lawmaking power to be consulted as to subjects which not only affect foreign relations but often directly interfere with the acts of Congress and the exercise of municipal powers by [illegible] several States. In the making of a contract the ability and character of the Senate has always been of great assistance, and [illegible] doubt whether there has ever been a topic of international [illegible] submitted in the form of a treaty where much [illegible] wise suggestions have not emanated from this body. Legislation can not be conducted by the Executive alone, and upon the same principle it may be said that no treaty ought to be made without the cooperation of the Senate, and the framers of the Constitution, in making it impossible to perfect such an instrument in the absence of two-thirds ratification here, undoubtedly considered that such a strong indorsement would atone for the absence of the other branch of Congress. Were the concurrence of the House necessary, there would be much friction, many misunderstandings, and numerous contentions with nations with whom we had been previously on terms of amity. But the justification of the policy to be met with in the matter of ratifying treaties is found in the fact that we there deal not only with foreign governments regarding purely international matters, but with propositions affecting legislation, and which must, as I have already remarked, have more or less effect upon the domestic concerns of the several States.

The difficulties unavoidable in treating diplomatic questions in the Senate must be evident to all. Not only are imprudent remarks indulged in because of impulses natural to momentary excitement, induced occasionally by ill-founded newspaper utterances, mistaken reports—the result of journalistic enterprise and competition—but Senators are in the habit of giving their opinions through resolutions of various kinds, often accompanied by speeches exceedingly demonstrative and very seldom involving the actual opinion of a majority of the Chamber or even of a committee.

Such resolutions, after being discussed at the time of their presentation, are sent to committee and are perhaps never reported back, or if reported are in a modified form; and when the matter is investigated it is perhaps discovered that the circumstances are not such as to warrant the belligerent remarks which had been made at the time of introduction.

When Mr. Cleveland sent in his Venezuelan message there was considerable excitement. Senators for the first time during my brief incumbency here expressed their appreciation by applause upon the floor. A bill was speedily passed placing the necessary funds in the hands of the Executive to enable him to proceed with the work outlined in the message. Resolutions of varied form were introduced, and finally the Committee on Foreign Relations, through the distinguished Senator from Minnesota [Mr. DAVIS] who sits near me, presented a concurrent resolution of considerable length, purporting to define the Monroe doctrine and to extend its application much beyond the lines laid down by Mr. Cleveland.

Afterwards the same distinguished Senator delivered an address in support of his report. He took very advanced ground. The resolution is still upon our Calendar, and no vote will ever be had upon it. I intend to refer to several other reports of the Committee on Foreign Relations preceding the remarkable Sanguily resolution now before us, and shall endeavor to show that the Secretary of State has done his duty under the law ably and effectively. But I will now yield to the chairman of the Committee on Appropriations [Mr. ALLISON], and if the appropriation bills are again displaced I will continue my argument. At all events, I will not, under prevailing circumstances, proceed further at this late hour.

GEORGE WASHINGTON AGUIRRE.

Mr. MORGAN. I am very thankful to the Senator from California for his courtesy. He has the floor on the joint resolution which is before the Senate, and it can be disposed of if Senators will only contain themselves a little while in a legitimate and in a decent way. I rose under the privilege which was accorded to me by the Senator from California to ask unanimous consent for the adoption of a resolution which I will read:

Resolved, That the President is requested, if it is not, in his opinion, incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and a citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

You will observe, Mr. President, that there is quite an association of dates there that have a great hold upon the affections of the American people. He seems to have surrendered on the 4th day of July, 1896, and his name his George Washington Aguirre. He is 19 years of age, and he surrendered under a proclamation of amnesty which invited him to come in and surrender. Doubtless he is one of our American boys, of Cuban origin, who has gone down there to take a hand in that scrimmage, as I am afraid a good many of them are inclined to do. For the benefit of the Senator from Massachusetts [Mr. HOAR], if he doubts the citizenship of this man (he seems to turn his head in this way as if he wanted to make a point of citizenship, as he made yesterday), I will call his attention to another name by reading the following letter:

NEW YORK CITY, *February 25, 1897.*

MY DEAR SIR: I desire to call your attention to the case of George Washington Aguirre, an American citizen, 19 years of age, and a prisoner in the Cabana fortress in Havana since the 4th day of July last. He surrendered under the amnesty proclamation of General Weyler promising freedom to those who gave themselves up. He was promptly ordered to be court-martialed, but by the interference of General Lee this was changed to an order for a civil trial. This civil trial has not come yet and likely never will, without the aid of our Government. The tortures of this boy threaten his life. I make this statement to you upon respectable authority, who have requested this letter. I have no personal knowledge of the facts. The authority of this nation should correct such wrongs, and speedily. His release should be demanded at once.

I am, very truly, yours,

ETHAN ALLEN.

Hon. JOHN T. MORGAN.

Now, there is another name connected historically with the United States, and I suppose I can venture to assume here in presenting this resolution that this boy, whose name is George Washington Aguirre, and who is only 19 years of age, is a citizen of the United States, because Ethan Allen has said so. That is as far as I can go upon it. Now, acting upon that predicate, I want to ask the unanimous consent of the Senate for the adoption of this resolution for information from the President.

Mr. HOAR. What was it the Senator called my attention to? I came into the Chamber as he finished the reading.

Mr. MORGAN. I called attention to the fact that this man was evidently of Cuban birth, born of a Cuban family, because his name is Aguirre. I supposed the Senator would be ready to raise the question of naturalization on him, and I wanted to say that I had no further testimony to offer on the subject than the testimony of Ethan Allen.

Mr. HOAR. The Ethan Allen of the Revolution?

Mr. MORGAN. His grandson.

Mr. PLATT. He is president of the Cuban junta of New York.

Mr. MORGAN. He is a grandson of Ethan Allen of the Revolution and is very apt to be president of a revolutionary junta, or whatever you may call it.

Mr. HOAR. I thought the Senator said something about the case that was up yesterday as I came in.

Mr. MORGAN. No; I was going to get to that after a little. I ask for the adoption of the resolution, Mr. President.

Mr. FRYE. It is only a resolution of inquiry.

Mr. WHITE. If there be no objection and no discussion, I will yield for that purpose only. I wish to make a very limited number of observations, which will not consume five minutes.

Mr. MORGAN. Of course one objection will carry it over.

The PRESIDING OFFICER. The resolution will be read at the desk for information.

The Secretary read the resolution, as follows:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and a citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

Mr. HOAR. It alleges certain facts.

Mr. GRAY. I rise to say a word and to ask a question.

The PRESIDING OFFICER. Does the Senator from California yield for the purpose?

Mr. WHITE. I can not yield for a debate.

Mr. GRAY. It is not debate. I want to ask a question.

Mr. WHITE. I will yield to the Senator from Delaware.

Mr. GRAY. I want to appeal to the Senator from Alabama that he allow the resolution to be so amended as not to make the Senate of the United States responsible for allegation of fact of which they can know nothing. It may be all true, but if he will put in the word "alleged" before "citizen" and "alleged" before "surrendered," I have no objection to the resolution. Otherwise I have.

Mr. MORGAN. I will do that with great cheerfulness, because the Senate of the United States has got so far that it is not willing to take any responsibility for——

Mr. LINDSAY and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. The resolution will be amended accordingly. Does the Senator from California yield to the Senator from Kentucky?

Mr. WHITE. For a question.

Mr. LINDSAY. I desire to know whether this able-bodied young man, who abandoned the Cuban cause and took advantage of the amnesty proclamation, ought not to change his name before he asks the Senate of the United States to intervene in his behalf. That was a very un-George Washington like act, and I do not think he comes here in a position to demand any extraordinary consideration at the hands of the Senate.

Mr. MORGAN. How could he change his name?

Mr. CALL. Will the Senator allow me to say a word?

Mr. LINDSAY. I refer to the George Washington part of his name.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Florida?

Mr. WHITE. I do not want to discriminate, and therefore I yield to the Senator from Florida.

Mr. CALL. Mr. President, I happen to know this young man, George Washington Aguirre. He is a native American, born of Cuban parents, who became naturalized and lived in this country and abroad. He is a young man, animated by a noble, virtuous, honorable sentiment of devotion to the country of his forefathers. He went to Cuba for the purpose of rendering patriotic aid to the cause which he believed in common with all the Cuban people to be a true and honorable effort to obtain independence. He is quite a youth, not yet being 21 years of age. He was here in Washington just before his departure for Cuba. I have no doubt from these facts, which are within my knowledge, that the statements of the letter read by the Senator from Alabama are true.

Mr. LINDSAY. He did not desert the Cuban cause?

Mr. CALL. I suppose that, like many others, he might have been exhausted by the severe privations, to which he was unaccustomed. I know nothing about that, but a youth, comparatively of tender years, and not accustomed to great exposure, might quite naturally be unable to continue in the service.

Mr. WHITE. As I understand, the resolution in its present form is objected to, and therefore I presume it will go over.

Mr. FRYE. The Senator from Alabama accepted the amendment proposed.

Mr. WHITE. Then, if it may be voted upon without further discussion, I will yield for that purpose.

The PRESIDING OFFICER. The Senator from Alabama accepted the amendment of the Senator from Delaware. Is there objection to the present consideration of the resolution?

Mr. HOAR. Let us hear the amended resolution.

The PRESIDING OFFICER. The resolution will be read as amended.

The Secretary read the resolution as modified, as follows:

Resolved, That the President is requested, if not in his opinion incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive of the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and an alleged citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

Mr. GRAY. Let it read "is alleged to have surrendered." We do not know anything about that.

The PRESIDING OFFICER. The resolution will be so modified.

Mr. ALLEN. I rise to a parliamentary inquiry. If this resolution is passed, does it displace the Sanguily resolution?

The PRESIDING OFFICER. It does not, the Chair will state.

Mr. BERRY and Mr. MILLS. Question.

The PRESIDING OFFICER. The Chair hears no objection to the present consideration of the resolution. Is the Senate ready for the question? The question is on agreeing to the resolution of the Senator from Alabama as modified.

The resolution as modified was agreed to.

Mr. WHITE. Mr. President, I trust that we will find George Washington Aguirre to be a duly qualified citizen of some country. I am not altogether convinced of his innocence, of his impeccability, or his statesmanship. I do not consider these propositions established merely because he bears the name of George Washington. I remember some time ago prosecuting a person, who was sent to the penitentiary of my State, whose name was Juan de Dios (John of God). He never by word or deed justified a claim of honesty.

I do not intend to discuss questions relating to Julio Sanguily at any length to-day for the reasons stated by the Senator from Maine [Mr. FRYE]. I understand that a resolution will be offered later by Mr. Sanguily's friends in this Chamber protesting against his pardon. They seem to be disturbed because he is at liberty.

Objections have already been registered to the action of Sanguily and his counsel in admitting guilt and seeking pardon. It is unfortunate that we have not been able to control Mr. Sanguily in this respect, and his absence from prison will deprive the world of a vast amount of very effective and charming eloquence, accompanied, no doubt, by applause of an intelligent and discriminating character. It is indeed too bad that Sanguily has been pardoned, even though our resolution has not passed and has not been transmitted to the Government of Spain. It is to be hoped, Mr. President, that when the Committee on Foreign Relations brings us a case for discussion hereafter it will be a live case, and it is to be hoped when a resolution is produced here demanding somebody's surrender that we may not discover in the midst of patriotic declamation that the gentleman whose liberty we are seeking to obtain has already successfully petitioned for a pardon and admitted his guilt without consulting us. We can hardly retrieve our position by substituting George Washington Aguirre for Don Julio Sanguily. [Laughter.]

I regret that the chairman of the Committee on Foreign Relations is not in this Chamber. Possibly he may have heard of the pardon of Don Julio Sanguily. Were the chairman of the committee here, I should ask him whether it is true that he had in his pocket, or that his committee had in its custody yesterday, when this question was being considered, a document showing that Mr. Sanguily had petitioned for pardon. Such an assertion has been made, but I should like to know whether it is true. I have no information upon the subject. If the report be true, the Committee on Foreign Relations should not have kept the information from the Senate. If it was not proper information to be given publicly, we might have placed ourselves "in communicado," and should have closed the doors; in that way we might perhaps have constituted ourselves a body of "pacificos."

I do not wish to interfere with the appropriation bills which were set aside to-day in order that Don Julio Sanguily might be released. I will yield to the Senator from South Dakota to make the motion of which he has already given notice.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. MORGAN. I ask unanimous consent to make a statement in behalf of the Committee on Foreign Relations before that motion is put.

The PRESIDING OFFICER. The motion is not debatable, except by unanimous consent.

Mr. MORGAN. I have asked unanimous consent.

Mr. FRYE. The Senator can say what he pleases after the appropriation bill has been taken up. Nobody can prevent it.

Mr. PETTIGREW. I insist on my motion. The matter can be debated after the Indian appropriation bill is taken up.

Mr. CALL. Will the Senator allow me to say a word?

Mr. FRYE. The Senator can speak after the bill has been taken up.

Mr. PETTIGREW. After the bill is up, Senators may talk as much as they please.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. BERRY. Mr. President, I propose to discuss the Indian appropriation bill, and not the Cuban question. In a very few words I desire to reply to the Senator from Tennessee [Mr. BATE].

In the first place, in regard to the point of order he has made as to this legislation, I do not wish to detain the Senate except to say that almost the entire legislation which has been had with reference to the Indian country has been legislation on appropriation bills. The Dawes Commission was created by an appropriation bill; the sale of the Cherokee strip lands was by an appropriation bill, and the Dawes Commission was continued at the last session of Congress on an appropriation bill.

These questions of order have invariably been decided by the Senate according as to what its judgment was on the merits of the question. There can be no objection to this legislation on an appropriation bill which would not apply on any other bill. All I ask of the Chair is that he follow the almost universal rule which has been followed by presiding officers in the past, and that this question be submitted to a vote of the Senate to determine whether or not it is in order, and let the Senate determine it.

In regard to the other point made by the Senator from Tennessee, I want to say that, upon the motion of the Senator from Missouri [Mr. VEST], the part of the bill to which the Senator from Tennessee so much objects, and to which a large part of his speech was confined, has already been stricken from the bill, and is not now before the Senate.

Mr. BATE. If the Senator will pardon me, I did not refer to that part of the bill at all.

Mr. BERRY. The Senator from Tennessee alluded at length to the allotment of lands, and to the railroad company, which, he said, was entitled to receive a large number of acres of land.

Mr. BATE. I hope the Senator will do me the justice to say that my speech was in reply to the Senator from Missouri, who discussed that point.

Mr. BERRY. That is not in the bill; it has been stricken from the bill.

I wish to say, furthermore, that there was nothing in that amendment which would have given the Missouri, Kansas and Texas Railroad, or any other railroad, one foot of land in that Territory under any condition. The amendment was specifically framed to prevent their getting anything under it. Therefore, if that had remained, the criticism of the Senator from Tennessee would still be wholly without foundation; but that is out of the bill.

In regard to the legislation as to the Dawes Com[illegible] I want to state that I believe now that the authorities of [illegible] in that Territory are disposed to make conditions and treat with the Dawes Commission. I want to say that until within the last year, however, some of those nations did not intend to treat, and showed no disposition to treat. That is not true of all of the tribes, but it is true as to some of them. But I want to be entirely fair and just to those people, and I will say now that I believe the men who represent them here have come to the conclusion and know that the condition which exists there can not be continued, and that the time has come when other arrangements must be made, and I believe they will be made.

That which is left in the bill is in regard to the condition of the courts in that country. I state now that the men in that Territory, the Indian citizens there, know and believe, and are as anxious as anyone else, that the present jurisdiction should be taken away from the Indian courts and conferred upon the courts of the United States. It has been notorious, it is not denied, that those Indian courts have been absolutely as corrupt and unreliable as it is possible for human beings to be. I do not say that every man connected with them is corrupt, but I claim that corruption prevails to an alarming extent in those courts; and it is not denied by the representatives of those tribes.

Every intelligent man who has gone there and who knows anything of the condition there has come to the conclusion that some change is absolutely necessary. Five or six years ago the Senator from Connecticut [Mr. PLATT] and the then Senator from Massachusetts, Mr. Dawes, believed very much as the Senator from Tennessee now believes, but there is not one of them who went into that section from any part of this country, I care not whether he lived in New England or any other part of the North or in the South, who has made himself familiar with the conditions there, who does not know that there is an absolute obligation on this Government to see that matters shall not continue as they have in the past. There have been robberies outrageous, mostly by white men, I will say, who have taken refuge in that nation. They robbed a bank within my own town in broad daylight, living, as I do, upon the border. The robbery was committed by ten men who came out of the Territory and shot down one of our citizens on the street.

All the provision of the bill which is material is that the jurisdiction of those courts shall be taken from them, and that criminals shall be tried the same as the white men who are now in the Territory. The United States court has already jurisdiction of controversies where one of the parties is a white man and the other is an Indian. The proposition of this amendment is to extend that jurisdiction to all parties, and to place Indians upon precisely the same plane as the white men, giving them the same rights—giving them the right to sit upon a jury and to take their chances among the whites.

The Senator from Tennessee insinuates that there is something in the amendment which would violate the rights of those Indians. I think if a vote was taken in those Territories—and I know there are men now in this city connected with those Territories who so believe—it would result largely in favor of this legislation, so far as the courts are concerned.

With regard to the treaty with the Dawes Commission, that provision has been stricken out. As I said before, if this provision is retained in regard to the courts, I have no doubt but what within six months or a year treaties will be made in regard to allotments and all the rights of the Indians will be protected: but if this legislation be defeated, the Senator will find that there will be no agreements of any kind with the Dawes Commission. If the Senate desire a suitable settlement of this matter, to which both sides agree, it will keep this provision in the bill in regard to the abolition of the Indian courts.

Those courts, as everybody in that section and as every committee which has visited there knows, are incapable of rendering justice between their own citizens and are bringing scandal upon each of those nations. If this provision is retained, I believe the men who have heretofore resisted the Dawes Commission, who have refused to make any agreement, within less than twelve months will consent to a peaceable adjustment. I desire to say now that I believe they are in earnest, and the only thing which could put us back for five years and force us to go over this again is to defeat this provision. If we do so, they will go back to their people, and this fight will have to be made over again. They will say that there is no danger, and then the fight goes on, as it has gone on for the last four years. If we want to settle the matter peaceably, we may settle it in this way, which is favored by every man who comes from that section in both Houses of Congress, whether he be a Democrat or a Republican. Every Senator who has visited there, and every delegation from the House of Representatives that has been there, and everyone who lives in that locality knows that this is the best way to do it. It is best for the Indians and best for the 300,000 white men there. It is only Senators and others who do not live there and who are not familiar with the facts who make this fight and these objections to the settlement of this question.

Mr. LODGE. Mr. President, I had no intention of saying a word on this resolution, which I think was properly laid aside and the appropriation bill taken up. But, in the absence of the chairman of the Committee on Foreign Relations [Mr. SHERMAN], the Senator from California [Mr. WHITE] saw fit to attack that committee and revive the debate, and say one or two things which I do not propose to leave unanswered, as the chairman of the committee is not present to say anything in regard to it.

I am very sorry that the Senator from California should be so disturbed about the flow of eloquence in the Senate on the Sanguily resolution, and about the applause in the galleries. I think he was unreasonably disturbed. He spoke for four hours himself, and no galleries interrupted him. [Laughter.] Also, Mr. President, I want to say that this matter is not to be settled by sneers, nor is an answer made in this case by mispronouncing the name "Julio," nor is this case answered by making fun of some man whose name happens to be that of the great general and statesman whose birthday we celebrated here a few days ago. This matter can not be disposed of by sneers.

The case in which a pardon has just been granted is but one case. There is information which has been withheld from the Senate and from the American people in a great many other cases not in relation to Cubans, but in relation to American citizens. Those will all come to the surface. We shall all see it some day; the Senate will have the opportunity of seeing it; the American people will have the opportunity of seeing it.

As to this specific case and the charge made against the Foreign Relations Committee, I desire simply to say a single word. That committee had received no information that this man had been pardoned. The Committee on Foreign Relations began to consider this case about one month ago. The report they made is dated the 1st day of February. We put the matter over from week to week at the request of the State Department, because we were told that the diplomatic negotiations which had been going on for about twenty-three months were about approaching a close, and the Department hoped in a few days to have this man pardoned. We put it over; and finally we reported the resolution, and we got the man's pardon the next morning. In other words, twenty-three months were consumed in diplomatic negotiations; but after the matter was taken up and it was discussed by the committee and presented at the bar of American public opinion, the news of the man's pardon came by cable this morning, and we are sneered at because we are told he was going to be pardoned any way.

Mr. GRAY. May I ask the Senator a question as to a matter of fact?

Mr. LODGE. Certainly.

Mr. GRAY. The Senator from Massachusetts says that twenty-three months have been consumed by the State Department in negotiations in regard to the case of Sanguily.

Mr. LODGE. I think I have stated the fact correctly.

Mr. GRAY. Is it not a fact that the larger part of those negotiations, and the greater part of the time occupied in pursuing them, was consumed in discussing the treaty between the United States and Spain in regard to citizens of the United States who were arrested for participating in rebellion, without arms in their hands, and demanding for them a trial by a civil court under the treaty; and whether, at last, those negotiations were not successful in procuring that trial, and that the necessary delay was by reason of the procedure of the courts, which, of course, takes time?

Mr. LODGE. I did not enter into what the diplomatic negotiations were about.

Mr. GRAY. The Senator from Massachusetts gave that impression: at least, I so understood him.

Mr. LODGE. I stated that diplomatic negotiations had been going on in regard to this man's case for twenty-three months, and that is absolutely true.

Mr. GRAY. But the Senator gave the impression that futile negotiations were going on for twenty-three months, whereas at different stages the demands made by the State Department were acceded to by the Government of Spain, and the trial demanded before a civil court for Sanguily was granted after necessary delay owing to their form of procedure.

Mr. LODGE. I did not say the negotiations were futile. That word was not used by me, but used by the Senator from Delaware.

Mr. GRAY. I say that is the impression I got from what the Senator stated.

Mr. LODGE. I did not so state, but I shall not quarrel with the Senator about that. All I said was that for twenty-three months diplomatic negotiations had been going on in regard to this man; that the question has been considered in the committee for one month; that the resolution was reported to the Senate yesterday, and this morning we have cable news that Sanguily is pardoned. Those are the simple facts, and I am perfectly willing to leave them.

Mr. GRAY. Those are not the simple facts.

Mr. LODGE. I beg the Senator's pardon. Had not diplomatic negotiations been going on for twenty-three months?

Mr. GRAY. There it is again, Mr. President. The simple statement is made that negotiations of a diplomatic character have been going on for twenty-three months, and the impression is made—I do not know whether it is sought to be made by the Senator from Massachusetts or not—that negotiations, which were futile in their character, have been going on all that time in regard to the release of Sanguily, whereas a greater part of the time was occupied in demanding the rights of Sanguily under the treaty with Spain.

Mr. CHANDLER. Where was Sanguily all the time?

Mr. LODGE. I did not say that the negotiations were futile. The Senator from Delaware keeps saying that.

Mr. GRAY. I intended that the Senator should state or that I should state for him what the real facts were.

Mr. LODGE. I omitted no facts. I say diplomatic negotiations were going on for twenty-three months, and during that time this man was in prison. There is no question about it. I do not say the negotiations have not been successful. We know they have been successful, because he was released this morning or yesterday.

I say it was twenty-three months that the State Department was engaged in negotiations before the Senate did anything, so that they did not seem unreasonably impatient about it.

Mr. TELLER. Will the Senator allow me to state that this

man was tried and condemned on December 3, 1895, and sentenced on December 3, 1895, more than a year ago.

Mr. LODGE. He was sentenced more than a year ago, Mr. President.

Mr. GRAY. The trial from which the appeal was made was had on the 3d of December, 1896. That was the trial against which the State Department protested.

Mr. LODGE. He has been tried, and an appeal has been taken, and all that. But, Mr. President, I do not care to go into the details of it. The facts are perfectly well known.

I only desire to say, in reply to what the Senator from California [Mr. WHITE] has said, that the Committee on Foreign Relations had put this matter over two or three times at the request of the Secretary of State, because Sanguily was about to be released and action was about to be taken as the result of diplomatic negotiations. We had no information yesterday that he was pardoned, so far as I am aware.

Mr. MORGAN. We have none now.

Mr. LODGE. We had no information that he had been pardoned.

Mr. WHITE. Nobody said you had.

Mr. LODGE. I understood the Senator from California—if I misunderstood him, I am very sorry—to say that the committee yesterday had information that Sanguily had been pardoned.

Mr. WHITE. I stated that the committee, as I understood it, had the information in their pockets, or the chairman had in his pocket a petition filed by this gentleman's counsel and himself, asking for pardon, and that they knew of the processes which had been had in connection with the affair.

Mr. LODGE. What counsel does the Senator refer to?

Mr. WHITE. The counsel, if I may be permitted to pronounce his name—although I have heretofore supposed that I had a little knowledge of the Spanish language—I may be permitted to say Julio Sanguily, notwithstanding a correction by the infallible authority at present upon the floor. [Laughter.]

Mr. LODGE. The Senator is welcome to pronounce that name any way he likes. I thought from his knowledge of Spanish that he was mispronouncing the name humorously, as that is the common form that is employed against Cubans.

All I want to know is who the counsel is who has made this statement. I received no information and the committee received none.

Mr. WHITE. I had no reference to the Senator, and was not thinking of him in connection with the matter.

Mr. LODGE. I can only answer for the committee. The committee received no statement. There was a dispatch read here by the Senator from Maine [Mr. HALE] from Mr. Dominignez, I think, who said an appeal had been taken. That was read here in open Senate by the Senator from Maine. But there was nothing sent to the committee except a single communication from the State Department, and not from the counsel. That did not say that the pardon had been granted. It said what had been said before, that efforts were being made to obtain a pardon.

Mr. GRAY. Let me ask the Senator whether the information he got in committee—as long as he has spoken of what occurred in the committee—was not to the effect that a pardon had been determined upon just as soon as the condition precedent, which is requisite under Spanish law, had been complied with?

Mr. LODGE. I understood that they were trying to get a pardon.

Mr. GRAY. I tried to get out the information that it had been determined upon by the Spanish executive.

Mr. LODGE. Then the Senator said that a pardon had been granted.

Mr. GRAY. That it had been determined to be granted as soon as the condition precedent, necessary under under Spanish law, had been complied with.

Mr. LODGE. That is exactly what I said. I said that we received information that a pardon was shortly expected.

Mr. GRAY. Yes.

Mr. LODGE. And that it had not been granted.

Mr. GRAY. Your previous statement was, unless I misunderstood you—of course I have no altercation, and will have no altercation, with the Senator—that the information was merely that efforts were being made to obtain a pardon.

Mr. LODGE. No; I mean that the process was going on for twenty-three months, or any period you please.

Mr. GRAY. You said it was approaching a conclusion.

Mr. LODGE. That was what we were told at the beginning of February, when we took the matter up—that it was approaching a conclusion. As the Senator well knows, we postponed the matter from week to week on that account.

I did not mean to be drawn into this discussion. What I desired to say was that the committee did not have the information which the Senator from California attributed to it. I know nothing about the counsel except from the dispatch read by the Senator from Maine. I did not then know that the Mr. Domingues who is named in the dispatch was the counsel for Sanguily.

Mr. CALL. Mr. President, I think the Senators of the Committee on Foreign Relations and the Senator from California [Mr. WHITE] might let some other Senators have an opportunity of saying something upon questions of importance which come before this body.

On yesterday the Senator from California, professing great interest in the passage of the appropriation bills, spent the whole day in discussing a question which had no practical connection with the business of this Senate—a mere question of his opinion that this Government was an absolute Government, that the executive power was paramount and supreme over the legislative department of this Government—a contention, Mr. President, which is answered in every word and in every line of the Constitution of this country, a government of the people, with the legislative power supreme.

But I have been solicitous, having introduced the resolution, to have an opportunity of saying something upon it and have not until this moment had an opportunity, when, upon the pending appropriation bill, having been the author of this resolution and the author of the resolution for the recognition of the independence of Cuba, I am compelled to say a word in vindication of these resolutions.

Mr. President, the resolution for demanding on the part of this Government the release of Sanguily was not in the interest of Mr. Sanguily, it was not in the interest of any private individual, it was for the honor and the dignity of this American country; and it would seem to me that it would have touched and inspired the bosom of every man who had any instinct of patriotism, and pride in the honor and in the glory of our flag and our institutions—the degrading comparison between our country and England, that a man who had thrown around him the prestige of American citizenship, be it right or be it wrong, by the authority of our Government, in chains and perpetual imprisonment, tried by a mockery of justice, not upon evidence that was ever communicated, but upon alleged facts held in the bosom of the Captain-General, and which upon the trial was decided that inasmuch as he was an officer of high dignity and importance, his opinion of this confidential information should be held binding upon the court and its judges; under a pretense of that kind this American citzen was sentenced to perpetual imprisonment in chains. And yet we find advocates upon this floor defending, and seeking to continue this indignity to the Government and the people of the United States, and interposing objections and arguments upon subjects that have no relation to it.

Mr. President, what has the Senate before it that it should permit this delay, not in the examination of Sanguily's right, but on the question of whether or not treaties of the United States with Spain, demanding on the part of that Government certain rights to American citizens, should be respected and regarded?

Here we have the report in the case of Lopez from the State Department, murdered, as stated by our own authorities. Here we have the case of Govin, butchered, miserably butchered, reported by our own authorities. We have the case of the citizens of the United States taken on board the *Competitor*—sailors, humble men, having no part in the contracts or charters by which that vessel was bound to go to certain ports—held to-day in confinement and under sentence of trial by court-martial. Protest after protest on the part of the consular authorities and the representatives of this Government has been filed. What do we have now as a sequel of the action of the Senator from California and others here who have prevented the assertion on the part of the United States of its intention to protect American citizens?

Mr. President, I read from the New York Journal one of the latest reports, a report which we understand is sanctioned by the consul-general of the United States, who has sent in his resignation because he is unable to protect American citizens of [illegible]d States by the authority of this Government. Let us read:

DR. RUIZ'S DYING MESSAGE TO HIS WIFE AND CHILDREN.

To Mercedes, Evangeline, Ricardito, Rene, and Gloria:

Farewell, children of my life. Be obedient to your mother. I bless you all. I shall be killed.

To Rita, my wife, my soul, adios. If I am removed, tell all.

RICARDO.

This is an article by George Eugene Bryson. I know George Eugene Bryson. He is a young man who grew up in my State. I have known him all his life. He is of respectable family, and he is a man of character. He has been the correspondent of one of the great New York journals in the South American countries, and recently for the last few years in the Island of Cuba. What does he say:

Dr. Ruiz, tortured, dying in his cell—

Ah! that does not move these advocates of the Government of Spain's continued persecution of our people.

Dr. Ruiz—

An American citizen—

Dr. Ruiz, tortured, dying in his cell under the brutality of his Spanish jailers, found a means to leave a record that proves his murder and makes the story of his suicide a plain lie.

As soon as the facts of his arrest became known, his wife tried to send him in some things to make his prison life endurable. He was "incommunicado." She could not see him or exchange a word with him.

KEPT THE WIFE OUT.

They would not even allow her to send him his meals, and she had to take back the cot she brought to the prison door.

Of course, Spain gives her prisoners neither bed nor bench to lie on. Not even a mattress or a bundle of rags tempers the hardness of the foul floor on which a prisoner must sleep.

Knowing all this, the wife of the unfortunate dentist was importunate in her plea to be allowed to send her husband something. At last she wore the jailers out, and they permitted her to send to her husband an old steamer chair.

MESSAGE ON A CHAIR.

And it is this chair that after his death proves the case against his murderers, and will, if there is left the least spark of patriotism in the breasts of the men at the head of the Government at Washington, avenge Dr. Ruiz's death.

The widow yesterday brought this chair to the American consulate. It had been returned to her by the governor of the jail at Guanabacoa.

On the bottom of the chair, painfully scratched by the prisoner's finger nails, was this message:

DOOMED MAN'S BLESSING

"*To Mercedes, Evangeline, Ricardito, Rene, and Gloria:*

"Farewell, children of my life. Be obedient to your mother. I bless you all. I shall be killed!

"To Rita, my wife, my soul, adios. If I am removed, tell all.

"RICARDO."

The message was scratched so deeply in the paint and varnish that even though the bottom of the chair is splashed with blood, the words are clearly legible.

It is typical of the stupidity of the Spanish jailers that they allowed the chair to go out uninspected.

Consul-General Lee will probably forward the chair to Washington with the documents in the case.

MORE INCRIMINATING EVIDENCE.

There is more evidence, though it comes indirectly through a horrified priest, who visited a prisoner in a cell adjoining that of Ruiz. This prisoner was afterwards executed.

The priest's story accounts for the puzzling marks found on the dead dentist's wrists by Dr. Burgess—

The American employee of the Marine-Hospital Service in Habana—

at the autopsy. They were the marks left by the torture. They bound cords about his wrists and twisted them.

This is what caused the shrieks that came from poor Ruiz's cell.

From this and other evidence it is easy to piece out the whole awful story.

I will insert in the RECORD the remainder of this statement of fiendish cruelty that the people of the United States may understand how it is that here in this representative body no ear is found for the demand that the power of this Government shall be exerted for the protection of American citizens, and that these pretenses made here are unworthy of consideration.

FONDESVIELA'S FIENDISH WORK.

Arrested on the flimsiest evidence, Fondesviela tried in the usual way to torture out a confession. If the prisoner had yielded under the torment, he would have been shot to death for rebellion.

He would not yield, and they dared not free an American to tell of the tortures. From the moment they began to rack him his death was a certainty.

Ruiz realized this, and in the intervals between the rackings—these devils are ingenious enough to give a man a respite in which to think over what suffering he has still to go through—the prisoner scratched the message in the old chair on the chance that it would get back to his family and tell them of his fate.

RUIZ'S CASE NOT ISOLATED.

Ruiz is not the only man who has passed through torture to death in Cuba. To-day there are hundreds hoping that the death will not be long delayed.

Acting Captain-General Ahumada, in response to Consul-General Lee's energetic protest in the Ruiz case, promised to investigate the question, to probe it to the bottom and punish the guilty, but diplomatic promises will be the end of it unless Lee's demand is supported from Washington and backed up by the presence of American warships in Cuban waters.

RUIZ'S WIDOW THREATENED.

In fact, Fondesviela, the responsible, if not the actual assassin, remains in his post, has been recommended for new promotion, and only yesterday visited the Ruiz residence and by menaces and threats attempted to induce the widow to sign some papers with reference to her husband. The real purport of these papers was not fully explained.

Mrs. Ruiz came to this city afterwards to inform the consul-general, who, I understand, advised her to sign nothing, and afterwards sent a note to the palace, protesting against such molestations and insisting that she be protected from future impositions of a like nature.

Other Americans residing in Guanabacoa and Regla have come to the consul demanding protection, saying that open and repeated threats from Fondesviela's adjutants convince them their lives are in jeopardy.

Sanguily, held in prison for twenty-three months, upon evidence which is unworthy of being introduced or considered in any court, racked with wounds and disease, abandoned by the Government which had promised him protection, was compelled to confess. All systems of law discredit a confession taken from a prisoner under circumstances of cruelty. It is said here that he has confessed his guilt; but the record proves that he was not guilty and could not be guilty, and that his confession was extorted from him. But suppose he was guilty; what has that to do with the duty of the Government to protect from outrage and cruelty the citizens of the United States or those whom it has permitted to claim citizenship?

Mr. President, I introduced a year ago a joint resolution for the independence of the Island of Cuba. I introduced it again at the commencement of the present session. I have introduced resolution after resolution demanding that the Government of the United States shall protect its citizens and that it shall demand of Spain that this arbitrary imprisonment in violation of treaties shall cease; and here we have the conclusion of it; here we have a book of names of American citizens arrested in direct violation of the terms of the treaty between the United States and Spain, not one, but a hundred of them, and we are told by the Senator from Massachusetts [Mr. LODGE], who as a member of the Committee on Foreign Relations has evidence which is not accessible to the rest of us, that there are records still more startling which are held in the Department of State. It is time that the American people should know whether the statement in this paper that the citizens of the United States are petitioning the Queen and the Government of Great Britain for protection because they can not receive it from their own Government is true. It is time we should know whether or not the name "American citizen" has become a reproach in foreign lands, and whether in the Island of Cuba this terrible scene of fiendish butchery of women, of children, of young girls, whose bodies are found in a pit mutilated, shall continue; whether or not this Government has the power and has the duty impressed upon it sufficiently by this body to perform its plain duty of extending protection to American citizens unlawfully arrested and confined.

I ask unanimous consent to submit a resolution now and have it passed.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, that all correspondence in the State Department relating to the alleged murder of Dr. Rentz, claimed to be an American citizen, at Guanabacoa, Cuba, by the authorities of Spain, be communicated to the Senate; and also that he inform the Senate of what efforts have been made, if any, to obtain information on the subject.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the resolution which has just been read may be now considered. Is there objection?

Mr. WHITE. I object.

The PRESIDING OFFICER. The Senator from California objects, and the resolution will go over.

Mr. WHITE. Mr. President, I do not wish to incommode the Senators who have charge of the appropriation bills, and I do not intend to do so, and I will say but a very few words.

The Senator from Massachusetts [Mr. LODGE] seems to think there has been a personal onslaught of some kind upon himself, and he was led to call my attention to the lack of enthusiasm created by my remarks made to the Senate yesterday. I presume his object in thus informing us was designed to excite my envy when contrasting my position with the enthusiastic demonstrations which ever attend his eloquent and relevant statements.

However, I have lived long enough to know that there are many great men in this world and that I have no claim to greatness, and it is enough for me even temporarily to rest in the shadow of the mighty intellectual power whose instruction has been so generously given. I, perhaps, might survive some of the comments of the Senator, but I do not know how I can exist in view of his criticism upon my pronunciation of the name of the party mentioned in the joint resolution. I ventured to call him Julio Sanguily, and the Senate has been informed that I mispronounced his name, and this I did in a disrespectful manner. If it were not for my faith in the abilities of the Senator from Massachusetts and my consequent belief that all of the Spanish scholars I have ever met have been mistaken as to the pronunciation of such names, I would, perhaps, hesitatingly venture to adhere to my own view. I will, however, study the lesson proffered by the Senator from Massachusetts and shall endeavor to absorb some of that learning which must be useful to the Senate, pertinent to this debate, and natural to the Senator from Massachusetts.

I regret that my friend the Senator from Florida [Mr. CALL] also accuses me of having taken up too much time. It is seldom that I take the floor save for an inquiry, whereas the Senator from Florida is a chronic speaker upon the subject of Cuba. He is not in a position to rebuke me for my single infraction. Now, that Julio Sanguily (I hope I may be permitted to continue to so pronounce his name) is free, we are treated to the case of Ruiz, and are told upon the authority of a newspaper, infallible, of course, before all tribunals, that Ruiz was badly treated, murdered in a dungeon. Comments on this topic are directed at me, and, as far as I am able to appreciate the Senator's meaning, the insinuation is conveyed that

I and other Senators who do not favor declaring war without ascertaining what we are to fight about are guilty of the murder of Ruiz, and this because Sanguily has been pardoned. This conclusion might be considered slightly illogical by some, but not by the Senator from Florida.

Mr. HALE. Let me ask the Senator whether any motion has been made to substitute any other island for Cuba?

Mr. WHITE. I will say to the Senator from Maine that no motion has been made, but there are insinuations that something of the kind is coming; that if it be true that Sanguily has confessed his guilt, nevertheless there is suffering elsewhere, and it will be urged that while we were mistaken in the case of Sanguily, a valid cause of complaint must exist as to some one. There must be an oppressed innocent somewhere, and we will be fully informed regarding the outrage by illustrations in the newspapers and magnificent orations in the Senate.

Mr. HALE. But no motion has been made to substitute any other island for Cuba?

Mr. WHITE. Not yet.

Mr. GALLINGER. We are going to put in the State of Maine next instead of Cuba.

Mr. WHITE. The Senator from Florida, after commenting upon the immense amount of time that I took in discussing the Cuban question yesterday, in order to be truly consistent, proceeded to make a speech upon the subject himself.

I yielded to the appropriation bills, and I will do so again in the hope that these important measures may be passed, and that we may establish a field day for the discussion of Cuba, and give notice to all alleged suffering patriots, wherever found, that their cases will be taken up as soon as the Calendar will permit, and our Navy increased correspondingly to the necessities of our belligerency.

Mr. HALE. Will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. Certainly.

Mr. HALE. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. MORGAN. That bill is already before the Senate.

The PRESIDING OFFICER. The Chair will state that the Indian appropriation bill is now pending before the Senate.

Mr. WHITE. It might seem peculiar that the remarks which I am endeavoring to answer were addressed to the Indian appropriation bill.

Mr. HALE. I understand that it is before the Senate.

Mr. CALL. Mr. President——

Mr. MORGAN. Have I the recognition of the Chair?

Mr. HALE. The Senator from California yielded to me.

Mr. MORGAN. I should like to know whether I am recognized as entitled to the floor?

The PRESIDING OFFICER. The Senator from Maine has been recognized in the time of the Senator from California.

Mr. MORGAN. I thought I was recognized. I am mistaken.

Mr. HALE. The Chair recognized me.

The PRESIDING OFFICER. The Chair was about to recognize the Senator from Alabama, but found that the Senator from California still retained the floor.

Mr. MORGAN. I am mistaken, and I yield.

Mr. HALE. I simply desire to hold the Senate, so far as it can be done, to the consideration of the real business of the session. Everybody understands that if the appropriation bills are not considered and acted upon and passed—and there are only six days more in which to consider them—more or less of them will go over until the next session, and that the next session will be complicated with all subjects of legislation.

Mr. JONES of Arkansas. I suggest to the Senator that there are but four days after to-day.

Mr. HALE. I was reckoning everything, including Sunday, because I have no doubt the Senate will be obliged to sit on Sunday.

Mr. JONES of Arkansas. That will make five.

Mr. HALE. There are in all only six days, including to-day and Sunday, and all I desire is that the Senate will confine itself to the consideration of the real business.

Mr. President, the moot court is over. The amazing display which was made here by the Committee on Foreign Relations in hurrying in an inflammatory joint resolution, couched in the most offensive form, in order to take up the time of the Senate, has passed. Nobody expects anything to come of it, and if the Senate will actually proceed with the consideration of the appropriation bills, which must be passed in order to prevent complications which will result next session, then there need be no question of doubt that the bills will receive consideration and actually be passed. But if the time is to be taken up by debating questions which are dead matter and which are ended, then Senators ought to understand and ought to realize that it will be impossible to pass the appropriation bills.

I do not propose to take any time upon this point. My motion was made not because it was needed formally, but in order to bring the body to the consideration of the actual business before it. All other matters ought to be left aside and out of consideration, as every hour will be needed from now until 12 o'clock on the 4th of March to pass the annual appropriation bills.

Mr. MORGAN. The Senator from Maine ought to start out on a regular tour of lecturing, if he can find a lot of school children for his audience. On yesterday it was obvious and notorious that the Senator from Maine, being a member of the Committee on Appropriations, served notice upon the Senate that because the Senate chose to take up the Sanguily joint resolution, the joint resolution would not be permitted to pass. The RECORD shows it.

Mr. HALE. I said that it would not be permitted to pass without full debate.

Mr. MORGAN. Oh, that is what it meant. We know what that meant. It meant a filibuster.

Mr. HALE. Will the Senator allow me?

Mr. MORGAN. I will.

Mr. HALE. After the Senator himself has consumed days and days upon the subject of Cuba, and Senators in sympathy with him have consumed days and days, until over 150 columns of the CONGRESSIONAL RECORD have been taken up on that side and nothing has been said on the other side, it certainly is very extreme ground for him to take that if anybody wants to discuss the joint resolution it is filibustering. I deny it.

Mr. MORGAN. I yielded that far, and it is as far as I am going to yield. I do not expect to be interrupted any further.

The Senator from Maine, being a member of the Committee on Appropriations, charged with the duty of carrying the bills through, because the Senate of the United States, by a vote of 40 to 27, concluded to take up the joint resolution for discussion—I was prepared to vote upon it without offering a word of debate—notified the Senate that a filibuster would be organized which would carry the appropriation bills over beyond this session.

The Senator from California [Mr. WHITE] rose in his place and spoke three or four hours, during which time he did not touch the appropriation bills nor did he touch the Sanguily joint resolution. He spoke evidently for the purpose of giving utterance to some remarks which he had prepared upon constitutional law as affecting the power of the President of the United States and the power of Congress upon the recognition of foreign governments, and such as that. His speech was able enough, but entirely inappropriate to the occasion. So the Senator was merely occupying time, and doing it for the purpose of staving off any result upon the Sanguily case until something else could happen.

Now, we are informed that something else has happened. Who informs us? How do we get the information? Does the President of the United States inform this body that any change has taken place in the Julio Sanguily case? I have heard of no message from him. I have heard of no statement from the Secretary of State. We are informed now, as we were about the Ruiz case, through the newspapers as to the situation of this grave affair between the two powers—Spain and the United States of America. We are left here entirely in the dark, as far as the Executive is concerned, in respect to the attitude of this question.

I lament that the relations between the President of the United States and the Congress of the United States and the American people upon a question like this are so strained and are so dislocated that the Congress of the United States, in neither branch, can get information from him until it is pulled out of him by a sort of corkscrewing-resolution process in respect of any matter that concerns Cuban affairs.

I do not wonder that he wants to cover it up. I am not s[illegible]prised that he prefers darkness rather than light in respect [illegible] these matters. I am not surprised that he shrinks [illegible] examination of the American people whose hearts ar[illegible] with a desire to see justice done to their citizens in Cuba. But so it is. We are confronted with that situation, and we are compelled to act without his guidance, his advice, his admonition, or his information.

Sir, the appropriation bill that is now before the Senate involves an inquiry into the condition of the Indian tribes in this land, the people who are dependent upon us by an enforced citizenship which they never desired and very few of them have ever consented to accept, although we have tendered them land in payment for their acceptance. We are taking care of that class of our citizens. If one of those poor Indian citizens had happened to be in Cuba and had been treated as Sanguily has, I suppose there would be some appropriation put in this bill to provide for his family, to provide for his return to the United States, to provide for the protection of a man with an enforced allegiance; or if a negro were to go to Cuba, as some have gone from my own State, for the purpose of participating in this struggle on the side of

Cuba, and one of those men should be treated as Sanguily has been treated, the Senate would be aflame with anxiety and determination to rescue that man from the jaws of Cuban cruelty and destruction; and I would be amongst the first of the men to vote for any sort of necessary provision for the purpose of extricating the man from that situation.

But here we are providing for the Indians. We have always provided for the negroes when we could. We have adopted citizens, who have come to us flying from persecutions and wrong and injustice. We have adopted citizens in this country, and all of that class are now informed by the honorable Senator from Massachusetts [Mr. HOAR] and by the Senator from Maine [Mr. HALE] that hereafter when they are found in foreign parts they are to take with them a certificate of their naturalization which must show regularity on its face in every particular; otherwise the Government of the United States will be exonerated from its obligation to take care of them. I call the attention of this naturalized class in the United States to the attitude of the Senator from Massachusetts upon that question.

Mr. HOAR. Mr. President——

Mr. MORGAN. I decline to yield.

Mr. HOAR. I wish to state that that is absolutely a misstatement of my position.

Mr. MORGAN. I decline to yield. The record shows what your position was, and I am speaking from the record.

Mr. HOAR. I know; but it is different from what the Senator states.

Mr. MORGAN. I am not asking the Senator for any information about his position, because here is the record that shows what it was.

The point was made here yesterday that after the State of New York, through its judicial tribunals, had accepted the citizenship and allegiance, under oath, of Julio Sanguily, that record was liable to collateral attack in favor of Spain against the United States. That is the attitude. Senators get upon the floor, and for the purpose of justifying the imprisonment of Sanguily they take the ground here that he was justly condemned to a life in chains because they could imagine, out of the testimony in this case as they conceive it, that there had been some fraud in the naturalization of Sanguily.

If Sanguily had never been naturalized in this country, there is, Mr. President, an impulse of humanity that seems to be a welcome impulse, and very much at home in the Christian heart, which prompts, encourages, and sustains an honest Christian man in his demand that persecution under the name of the law and under the form of the law shall not be employed by any nation, at least one near to us, for the purpose of crushing out the life of a poor, old wounded, soldier, whose festering wounds, acquired twenty years ago, still disable him from hard labor and from the service of his family except in a precarious way.

Mr. HALE. What, Mr. President——

Mr. MORGAN. No; I beg pardon.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. MORGAN. I decline.

Mr. HALE. The Senate understands that this committee is the only committee that refuses to answer a question.

Mr. MORGAN. The Senator from Maine can reply in his own time and in his own way. If he wants to argue the Cuban question on the appropriation bill, let him reply to me. That is all right.

Mr. HALE. Well——

Mr. MORGAN. But he can not take my time and interject his speech into mine. I decline, sir, to be interrupted by the gentlemen who are so anxious to discuss in my time upon the appropriation bill the Cuban question. Let them discuss it in their own time.

Mr. HALE. It is the only committee in the Senate——

Mr. MORGAN. I object to any interruption.

Mr. HALE. Which refuses to answer——

Mr. MORGAN. I call the Senator to order. I call him to order.

Mr. HALE. I say it is the only committee in the Senate that allows no questions to be asked.

Mr. MORGAN. I call the Senator to order.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. MORGAN. I call him to order. He must not interrupt me, and I do not intend to submit to it. I notify the Senator from Maine.

The PRESIDING OFFICER. The Senator from Alabama will proceed.

Mr. MORGAN. Here is a citizen of the United States, so stated in the last dispatch from General Lee. I will read that dispatch from General Lee, because he has that sort of humanity in his bosom that comes from a man who has courage and who has proved it in a life-long devotion to principle, even against the frowning, scoffing, persecuting spirit of the whole world. His name is a guaranty of honor, of courage, good sense, manhood, and American patriotism. See how he speaks about Julio Sanguily, whom the Senator from California [Mr. WHITE] found it opportune to ridicule to-day, with his wounds, his bruises, his persecutions, his distresses, his compulsion under duress to permit his counsel to ask for a pardon. If the Senator from California, who has had full opportunity in his life to do so in a patriotic cause, had worn the scars that Sanguily wears, he might be pardoned, possibly, for scoffing at him now in his distress and his misfortune. Here is what Lee says about Sanguily, writing to Mr. Rockhill:

> Yesterday noon I visited the Cabañas fort and had a talk with Mr. Julio Sanguily, an American citizen, and formerly a general in the insurgent army.

Lee had not found out that he was not an American citizen. He was proud to visit him in that character. He honored him because he found that his native land was so prone to that chronic cruelty which belongs as much to the Spanish character as it does to the Comanche Indian, and he found that Sanguily had the inspirations of an honest, patriotic heart beating in his bosom, and that after the failure of the revolution of 1868 to 1878 he had come to this free land and accepted our invitation to become a citizen of the United States, although he had been compelled by his poverty to return to his native land in order to rake together, with his wife and children, the little fragments of a confiscated estate, that he might live upon it, not being able because of his wounds to work at anything else. That glorious, grand man, Fitzhugh Lee, was proud to take him by the hand in a prison and call him an American citizen, while the Senator from Massachusetts repudiates him as such because he thinks there is a possibility that there was some fraud in his naturalization.

Mr. HOAR. The Senator from Alabama repudiates as such——

Mr. MORGAN. I object to an interruption.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. HOAR. And doubts the name of——

Mr. MORGAN. Reply in your own time. I call the Senator to order; and that will not be a joke, either, if it is repeated. The Senator can amuse himself as much as he pleases by an interference with a gentleman on the floor in violation of the rules of the Senate, and shelter himself under the supposed dignity of his prestige and position here, but he can not do that with me.

Says Lee:

> As you know, he was arrested in his house while taking a bath on the 24th day of February, 1895.

This letter was written January 6, 1897, and day before yesterday was the 24th of February, 1897, completing the full two years that that poor man had been confined in a Spanish dungeon for the mere purpose of exhibiting him to the world, and particularly to the Cuban people, as a desperate example of the rashness and inconsiderateness of a man daring to be suspected—not guilty, but suspected of harboring in his bosom some of the pulsations of honest liberty. Two years! That is not enough for these Senators. No; it is not enough! In the times of the Inquisition it would have been enough for Spanish cruelty, and even now I fancy that I can see the Vatican from its eastern porch raising its hand above the head of the honorable Senator from California, one of his disciples, and saying, "Well done, my servant; you are pursuing exactly the course that was observed in the Spanish Inquisition; you are true to Spanish instincts; you are true to the spirit of persecution, and you can laugh while Sanguily bleeds, sighs, and perishes." Says Lee:

> Sanguily had proved himself a very brave and efficient officer in the Cuban war from 1868 to 1878, and had been wounded seven times.

A glorious record for this lover of liberty; a glorious example to set our children; yes, to us, who have forgotten how our liberties were bought and the wounds that were kept bleeding and festering for them for more, perhaps, than twenty years after our Revolutionary struggle. Sanguily sets us an example, Mr. President, that I would that the younger men of this country could feel. Yet I know that amongst the eldest who have got to be either of the class or the advocates and defenders of the class called the business interests have forgot the last instincts of patriotism, and are now just as corroded as were the British persecutors of the Americans in the times of the Tories and the Whigs of the Revolution.

> It was therefore naturally supposed that sooner or later he would have joined the insurgent side of the war now in progress in this island.

That was a natural supposition. That was all there was to the case, for Sanguily, feeling incompetent to take further part in open rebellion, abstained like an honorable man from secret council with the enemies of Spain. Why? Because he felt the obligations of his oath of allegiance to the United States and felt that

he had no right as an honorable man to violate it. Hence, when a message was sent to him inviting him to become a member of the insurrection he positively refused and cut himself aloof from all associations of the kind. Because a man is honorable enough to obey his allegiance to the United States Government he is not only arrested in Cuba and tried upon that suspicion which naturally, says Lee, grew out of his situation, but he is here persecuted as a convicted man, and some Senators on this floor rejoice that that poor man, in the midst of his persecutions, has been subjected to a condition from which he could not escape with his life otherwise than by confessing guilt when he was not guilty and accepting pardon when he was not entitled to pardon, because no guilty thought had entered his mind or had ever found expression in his action.

That is the situation of Julio Sanguily, a man who, in point of honor and in point of that respect which the world owes to a high character, will compare favorably with the character of the best man on this floor. Now, says Lee:

> On the 28th of November, 1895, or, say, nine months and four days after he was arrested and thrown into a cell at the Cabañas fort, he was tried and sentenced to be imprisoned for life.

He omits to mention the chains.

> An appeal was taken to the supreme court of justice at Madrid, which decreed, upon some technical ground, that Sanguily should be retried.
>
> On the 21st of December, 1896, his second trial commenced, and ended by his being again sentenced to perpetual imprisonment.
>
> From this second sentence an appeal has been taken, which, whether successful or not, will greatly lengthen the time he has already passed in his cell.
>
> The lawyer who defended this prisoner in his first trial now looks from the bar of a cell adjoining his in the Cabañas fort, and I am informed that the lawyer who managed his appeal before the Madrid court has suffered in consequence thereof, so that it may be difficult to procure in Madrid another person versed in the law who will consent to manage for Sanguily the appeal proceedings.

Lee foresaw what the result of that appeal would be in Madrid. The lawyer who defended him before had been disbarred and robbed of his office, and he was left there without money, without friends, without an advocate, without even the friendship of the American minister, to run the risk of an appeal that would condemn him to an African fortress in chains for life.

Well, sir, I do not wonder that Sanguily might be frightened and forced under this duress even to permit his counsel to ask for this pardon. I do not know hearts that are quite strong enough to stand the Spanish Inquisition repeated in Cuba. We have read enough of the martyrdom of that Inquisition to understand that it requires nerves more steel-like than we have got and perhaps consciences purer to be able to withstand even for the sake of God and His Church the persecutions of the Inquisition of Spain. These men have no power to touch a suspected prisoner otherwise than with cruelty, and the punishment of a man in Cuba who is suspected of running counter to the will and policy of the Spanish Government begins the very minute that he is landed in a prison. They begin to punish him before he is convicted, and if they find that the evidence is not going to be sufficient to convict him, they punish him until they wear him out before giving him a trial. That is what was done in Sanguily's case. Yes; you American Senators see it and know it as I do. You stand here and look it in the face and do not blush.

He says:

> Only a few days after the arrest of Sanguily a proclamation was issued—

Mark this—

> Only a few days after the arrest of Sanguily a proclamation was issued offering amnesty to all persons in arms who would give themselves up.

That proclamation, we are informed, was issued.

> It seems that this ought to apply to persons who had been arrested without arms in hand. Two other Cuban officers of distinction—Ramon Perez Trujillo and José Maria Timoteo Aguirre—were arrested, I am told, at the same time as Sanguily and for the same reason, namely, because it was thought that they would engage in the war. After a short incarceration they were liberated.

They were not American citizens, Mr. President. There the discrimination commences, and presently I shall have something to say on authority about discrimination. Every American who holds naturalization papers who has been placed under arrest—and few have escaped in Cuba—has been discriminated against deliberately and with cold blood because simply he held those naturalization papers. Now, it is a well-known fact that an American citizen of Spanish origin or of a Spanish name who has got a passport or certificate of naturalization from the United States does not dare to show it when he is arrested for fear he would be killed on the spot. That is the sort of character we have got in Spain. We deserve it. But, Mr. President, I do not enjoy it. It is not pleasing to me; it may be to others.

> And when it was day, the magistrates sent the serjeants, saying, Let those men go.
>
> And the keeper of the prison told this saying to Paul, The magistrates have sent to let you go: now therefore depart, and go in peace.
>
> But Paul said unto them, They have beaten us openly uncondemned, being Romans, and have cast us into prison; and now do they thrust us out privily? nay verily; but let them come themselves and fetch us out.
>
> And the serjeants told these words unto the magistrates: and they feared, when they heard that they were Romans.
>
> And they came and besought them, and brought *them* out, and desired *them* to depart out of the city.

Ah, Mr. President, it was Paul's valor and vigor alone, and he possessed it, too, in a degree equal to that of any man, I suppose, who ever lived, fortified as he was also by Divine inspiration. But it was the glorious title of Roman citizen that sheltered him on that occasion, and it was that that he appealed to.

He could not be taken with that character upon him and be degraded by being thrust out privily; he could not be stolen out of that prison or seduced out of it.

Mr. DAVIS. He declined a pardon.

Mr. MORGAN. Yes. He would yield to nothing but the Roman right. He stood upon it, and it stood him in hand, and these persecuting magistrates, after they had sent their sergeant to induce him to accept this pardon and this secret dismissal from prosecution, came to him and begged him that he would accept an open door and depart from the city.

Mr. President, that was nearly two thousand years ago, and that example has stood here upon Sacred Writ for the encouragement and protection of men who enjoy the citizenship of great countries which are willing to protect their citizens wherever they may be found; and we find, while that sacred principle is connected with the highest development that is possible of human character, perhaps the most distinguished and the noblest Christian that lived in the world was made the subject of this sort of persecution, he claimed not the power of angels to release him, as he could have done, but he appealed to his Roman citizenship, and the very judges and persecutors who had cast him into prison came and opened the door and begged him to depart.

Sir, we had an example of that kind secured to us in the Constitution of the United States and in the glorious and priceless name of American liberty; but Senators on this floor turn their backs upon it and spurn it, and ridicule the man who claims the title of American citizen, and call him a fraud, because they suspect in their evil imagination that there is possibly some lapse in the proceeding by which he was naturalized. They stand here to claim that he is not an American citizen. Why and for what? In order that he may justly suffer imprisonment for life in chains. Leave it to them upon the law and the facts, and Sanguily would have gone to Ceuta without the possibility of restoration, and passed his life in chains.

The point was astutely made here. If it had been made in that Spanish court—and it is only because the Senator from Massachusetts was not a Spaniard that it was not made—if this point had been made in a Spanish court, it would have prevailed there doubtless, and probably would have prevailed in the Senate of the United States and in the mind of our heroic President, and Sanguily would have been condemned to life in chains. That is the judgment you have pronounced upon that poor man. The American Government says he is a citizen; you say he is not. This is a question between two governments, not a question between poor Sanguily and even the Senator from Massachusetts. The American Government has said in the very initial proceeding, started and reported in the dispatch from our consul-general, Ramon O. Williams, on the 25th day of February, 1895, that this man is [illegible] American citizen, and gives the date of his naturalization, the number of his passport, and the fact that he had a passport given him by this Government. Then he proceeds to say that [illegible] took that passport and returned to Cuba; that he had it [illegible] there in the American consulate and also in the office of the Captain-General. So that this noble character, which he supposed, like the character of the Roman citizen, would even open dungeon doors to his release when he was innocent, would be kept in constant view of the Captain-General of Cuba. There he lived, and no man can say one word to the contrary, [illegible] obedient man to that glorious character of an American citizen. He valued it, appreciated it, and acted upon it, and now he suffers for it, and it is all he does suffer for.

Mr. President, I wish to read one little extract from the judgment of the court which pronounced the sentence of death upon Sanguily:

> 11. Whereas according to article 8 of the civil code and article 41 of the law concerning foreigners, the penal laws are binding upon all persons living in Spanish territory, and as, consequently, the provisions of the penal code are applicable to Don Julio Sanguily y Garit, since his American citizenship gives him only the rights granted by the protocol of January 12, 1877, which rights have been recognized.

There, in the sentence of death upon that man, that Spanish court does him the honor to declare his American citizenship, yet the Senator from Massachusetts snatches from him that tribute to his character, which entered into a document, no doubt the chief factor in his condemnation. All the way back through these papers, every time Sanguily is alluded to, he is mentioned as an American citizen.

Sanguily was educated in the Northeast, in New York City, I believe, elegantly educated in our colleges, for he belonged to a family which was able to bestow upon him those accomplishments. When his native country became involved in the war of 1868 to 1878, the young man went there, and very soon was rewarded with the commission of a general, and he earned it upon the field in the noble wounds that he bears upon his body, in the gallant conduct which he performed there and which has become a part of the history of Cuba. This man, while incarcerated, prepared two papers in his own defense, one of which he addressed to the Government of the United States and the other was evidently prepared for his counsel. I will insert those papers in my remarks without now stopping to read them, with only the observation that I think it would put the best lawyer in this Senate to a pretty severe task to prepare a better paper than either of them.

The papers referred to are as follows:

[Inclosure 2 in No. 2812.]

Mr. Sanguily to Mr. Williams.

SIR: I, Julio Sanguily, imprisoned in the Cabaña Fortress for the supposed offenses of rebellion and kidnaping, appear before you to protest of the unjust imprisonment suffered and the concluded violation, victim in both charges.

In the first I have been sentenced by only five judges. Have been indicted and put in prison by virtue of a warrant founded in the circumstantial evidence of the process originated before the military jurisdiction.

Besides, I have been subjected to a new trial by the civil authority, which is not in accordance of the protocol of 1877.

According to that protocol the law of procedure that has to be applied to the citizens of the United States is the one of April 17, 1821.

That law directs from articles 19 to 23 an especial procedure, by virtue of which every act of the process must be with the consent of the defendant's counsel. Article 21 says that the witnesses must testify in the presence of the defendant and his counsel.

Article 24 says the presiding judge must pronounce sentence.

Article 25 says that after sentence has been pronounced the case must be carried to the (audiencia) and the parties to be heard there again (article 26) pronouncing definite sentence within the third day by six judges.

Laying aside the warrant of process and imprisonment founded in the facts of the case originated before the military jurisdiction, the undersigned could never have been tried by oral process, because the protocol of 1877 objects to it, and says that the citizens of the United States can not be tried only by the law of April 17, 1821, with entire publicity regarding the witnesses, who have to testify in the presence of the defendant's counsel, who can make any remarks he may deem necessary, first pronouncing sentence by the judge, and then with new proof by the audiencia, and that composed of six judges (article 27).

The exponent has had only one sentence, by virtue of a law that is not applied, and that sentence has been pronounced by the audiencia, composed of five judges, sentencing to perpetual chain.

Article 2 of the protocol has reference to the law of April 17, 1821, and also articles 4 and 5, all in reference to the citizens of the United States.

Such is the law in force regarding citizens of the United States. And the general consulate objected against military jurisdiction, the one subjected by the exponent. The Captain-General acceded to the demand of the general consulate by merits directed in article 1 of said protocol.

Though another Spanish law may have been promulgated following that of 1821, it is not possible to lay aside without the accord and consent of the United States of the one particularly determined in the protocol, i. e., the citizens of the United States must be tried by the law of April 17, 1821, more advantageous than by secret process, by which the Spanish subjects are subjected to.

The law of 1821 also demands proofs in order to convict, and the Spanish law in force, or say that one of the oral process, authorizes the laying aside of the proofs and the conviction or discharge, only in conscience of the judges. And the conscience of the judges of the Spanish tribunal toward the undersigned is not a guaranty sufficiently impartial, taking into consideration the political offense and the important part taken by the undersigned in the last war.

In the case of kidnaping, as in the previous one, the protocol and law of April 17, 1821, is not applied and is substituted by the oral process.

The exponent has not consented to the law that has been applied—

In the first place, because the treaty has a public character and can not be renounced individually; in the second place, because it designates an obligation of the Spanish Government which has to be fulfilled; in the third place, because, as it appears in this case, did not know the existence of a law that favored me so much, an ignorance that can not be imputable to the Spanish authorities, necessarily cognizant of the treaty, which did not wish to apply in prejudice to a citizen of the United States; in the fourth place, because the Spanish criminal law, in article 8, declares that the criminal jurisdiction can never be prorogued.

Then it can not be said that the undersigned has been submitted to a criminal jurisdiction, which does not belong to him, proroguing to that jurisdiction his own.

The undersigned does solemnly swear, in the name of the Almighty God, that, until now, did not know the existence of the law of 1821, and being imprisoned since February 24, 1896, and sentenced in one of the cases, by virtue of a law to which is not submitted, but excluded by the protocol of 1877, appears before his consul with the present protest, against the arbitrary and violation of the law of which is a victim, that through the representative of his nation may be elevated to the United States Government, so that it may obtain the immediate liberty of one who is suffering imprisonment illegally and has already been sentenced unjustly, and besides that I demand from the Spanish Government an indemnity in the sum of [illegible], damages caused by the said Government in depriving me of my liberty arbitrarily decreeted and against the solemn law of treaties.

At the date of this protest and claims of damages the undersigned has already suffered one year and eleven days of illegal imprisonment in a fortress.

So the United States Government can not consent that, contrary to the expressed laws, a citizen of his nation be deprived in such a manner of his own liberty by a foreign Government.

JULIO SANGUILY.

CABAÑAS FORTRESS, *March 6, 1896.*

Memoir presented to the United States Government by Julio Sanguily, a citizen of same, demanding his liberty and indemnity of the Spanish Government for reason of the unjust imprisonment of which he is the victim.

The treaties and protocols in force between the United States of America and Spain relating to its citizens and subjects are laws.

The first treaty in the chronological order is that of 1795. That treaty was ratified in 1819 for another one, with exception of articles 2, 3, 4, and 21 and the second clause of the twenty-second.

The seventh clause of the treaty of 1795 remained, therefore, in force. Said clause says: "That the citizens of the United States shall be granted free access to all judicial procedures and to be present at all hearings and examinations relating to same."

As that clause was not sufficiently clear, several conferences were had between the minister plenipotentiary of the United States at Madrid and the minister of state of His Majesty the King of Spain, agreeing definitely in 1877 to sign on the 12th of January of said year the protocol, which, according to its preamble, has for its object the following: "To terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure and to make declaration on both sides as to the understanding of the two Governments in the premises and respecting the true application of said treaties."

That protocol has been signed by the Hon. Caleb Cushing, for the United States, and by His Excellency Señor Don Fernando Calderon y Collantes, minister of state of the Spanish Government, the president of the council, His Excellency Señor Don Antonio Canovas del Castillo, confirming same and communicating it to the governor and Captain-General of Cuba through a royal order.

Said protocol ends with the following words: "In order to give the Government of the United States the completed security and good faith of His Majesty's Government in the premises, command will be given by royal order for the strict observance of the terms of the present protocol in all the dominions of Spain, and specially in the Island of Cuba."

The exponent was indicted by military jurisdiction in two cases—one for the rebellion, and the other for kidnaping. The consul-general of the United States demanded immediately of the Spanish authorities, and referring to article 1 of the protocol of January 12, 1877. The Spanish authorities, recognizing the justice of that demand, consented that the case would pass to the civil jurisdiction.

This action of the Spanish Government in the Island of Cuba proves that they recognize the protocol, because the first of its clauses was fulfilled. But the Spanish Government has not recognized all the other clauses of the protocol, having violated them, and the exponent goes to prove it.

All the protocol is united to the law of April 17, 1821. That law has never been applied to Spanish subjects in the Island of Cuba. It is an especial law of Spain, and if it was published in Cuba in El Diario del Gobierno Constitucional de la Habana, dated July 10, 1821, was a new reference; and so it is that article 37 of same declares that the dispositions of that law as understood are limited to provinces of Spain and adjacent islands.

The mentioned law of April 17, 1821, was never a law in Cuba for the Spanish subjects. But the Spanish minister by common consent with that of the United States having selected it exceptionally, to proceed and resolve only when concerning to citizens of the United States.

In accordance with the treaties, the citizens of the United States condemned by the Spanish authorities in criminal cases must be subjected to the especial law exclusive of any other law.

Examining now the protocol of 1877, said protocol having been fulfilled by the Spanish Government only in the first clause, article 2 refers to those who may be arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821.

Article 3 refers to those who may be taken with arms in hand, mentions as law for the citizens of the United States, adding: "In conformity with the provisions of articles 20 to 31 of the same law."

Those articles from 20 to 31 direct that the trial must be public, the witnesses testify in public in the presence of the accused or counsel; that the counsel or the accused can make observations or examine the witnesses, that after the evidence the counsel may expose to the judge all he may deem convenient to his client, and after the counsel has been heard the judge may pronounce sentence.

The sentence pronounced by the ordinary judge shall be referred to the audiencia of the judicial district, in accordance to article 5 of the protocol, referring again to the law of April 17, 1821, and before the audiencia, according to this law, the citizens of the United States can present new evidence, and his counsel speaking afterwards, the audiencia, composed of six judges, among them necessarily the president, shall pronounce sentence lastly.

The law of April 17, 1821, which the protocol guarantees, has not been conceded to the exponent, and has been condemned by another law in which the process has been secret. The witnesses have not testified in the presence of the accused or his counsel, and has been subjected to oral process where there is only one, sentence having been pronounced by five judges and not by six, as the law of April 17, 1821, requires.

Has already been condemned in one of the cases, and the other is being finished in the same manner.

Besides, in the oral process, conviction can be agreed without process at the conscience of the judges, and the law of April 17, 1821, says "that the crime charged in the indictment must be fully proved."

The exponent is suffering imprisonment in a military fortress nearly twelve months for reason of a law not included in his case, therefore violating the agreement of the treaty or protocol.

Moreover, the imprisonment is founded in the facts and antecedents instituted in the case by the military jurisdiction where the cases were initiated.

In the protest accompanied with this exposition swore in the name of Almighty God not to know the law of April 17, 1821, a law that protected him so much, and now repeats the same solemn oath. Therefore invokes in the name of justice that the liberty taken from him so arbitrarily be restored immediately.

Besides the damages caused by the privation of his liberty, add the injury caused his honor, charging him with the infamous crime of kidnaping, a charge of which he is entirely innocent; and said charge had been published in the newspapers on several occasions.

The two newspapers inclosed, La Lucha and Diario de la Marina, having the largest circulation in Cuba, published to the injury of the exponent his complicity in the case of kidnaping, instituted against him by the mystery of a secret process.

The imprisonment and the case of kidnaping have been realized, applying to him a law of which he was excepted by virtue of a treaty between the United States and Spain.

How much is the damages value?

The nation that breaks a treaty to imprison conveniently a foreign subject exempted by a law of said treaty and subjects him to an inquisitorial proceeding by which he is dishonored through the infamous and repugnant nature of the crime charged him, such nation is obliged to pay the damages occasioned so arbitrarily.

The exponent estimates the damages caused by privation of his liberty and his honor, the two most valued treasures of the human being, in the sum of [illegible].

It must be taken also into consideration that the exponent, besides suffering imprisonment since February 24 of last year, has been incommunicated during twelve days, thus separated from his family and the world; that cruel and arbitrary incommunication was not even ordered by the civil authority, but by the military jurisdiction, an authority twice unqualified—first, because it was a military authority prohibited by the treaty, and, second, because the incommunication was effected contrary to the law of 1821.

The inclosed copy of protest of the consul-general of the United States, dated April 5, 1896, confirms the above fact.

From the prison he claims justice from the Government of his nation and invokes in the name of said justice and the law of treaties to demand of the Spanish Government his immediate liberty and also the immediate payment of the indemnity lawfully claimed.

In order that the Government of the United States may have full knowledge of the case, inclosed is copy in Spanish of the law of April 17, 1821, also copy in English of the Cushing-Collantes protocol, which refers to the former law.

Confirming the facts mentioned in the protest and memoir, the Spanish tribunal that passed the sentence for rebellion did not consent to send to the United States Government authenticated copy of the process and imprisonment, refusing previously that the consul-general of the United States should examine the case; and that opposition of the Spanish authorities was because they did not wish that the United States Government should be aware of how the treaty of 1877 had been violated, not having observed the procedure of the law of April, 1821, notwithstanding the cases against the accused had been transferred to the ordinary tribunal, that in the procedure the rules of the treaty should be observed.

And it can not be any other reason founded by the refusal of the judicial authorities that the United States Government should see the cases mentioned.

There can not be any ignorance alleged on the part of the Spanish tribunal. No tribunal ignores the laws of its country; therefore everything has been the work of bad faith.

JULIO SANGUILY.

HABANA, *March 6, 1896.*

Sanguily is a man of elegant accomplishments, a man of noble aspirations, a man of honorable deeds, who to-day would greatly prefer death to dishonor, and he is buffeted and kicked about in the Senate of the United States, derided and mocked at, simply because, not that he has appealed to us for justice, but because on the 1st day of February, 1897, the President of the United States, in obedience to a resolution offered by the Senator from Florida [Mr. CALL], sent in the record contained in the State Department of the treatment of that man. The Senate waited upon it, notwithstanding the honorable Senator from Florida next pursued this subject by a resolution, which he insisted that we should consider, and he pressed it, sir, with that vehemence and strength which is due to an honorable Senator inspired with thoughts of justice toward suffering manhood. Finally we took it up, because we felt that there was no hope for Sanguily but pressure to be brought at least by the Senate of the United States.

In the very first communication which was made by Ramon O. Williams this amnesty is called to the attention of our Government, which applies to all men who had even taken part in the insurrection by agreement or by overt act, whether they were found with arms or without arms, that they should be pardoned, should be amnestied, whenever they came in and submitted to the authorities. That amnesty was issued while Sanguily was locked up in prison. He was arrested on suspicion the day before the revolution broke out. While he was locked up in prison, this amnesty was issued. Of course we supposed, and everyone else supposed, that that would naturally dismiss the Spanish prosecutions against him. His offense, if committed at all, must have been committed antedating that amnesty and before he was locked in that prison, for a conspiracy was all that they have ever charged. Here stood the offense perfect and complete, if it had ever been committed, at the date of the pronouncement of that amnesty.

Why, then, was he not entitled to the benefit of it? Ah, sir, the reason stands out prominently that, while everybody else got the benefit of it, Sanguily was an American citizen and was discriminated against. That is the only reason. No man can argue out of this situation. You may shut your eyes to it and run away from it, but when you allow common sense and reason to operate in respect to these facts, that is the situation, and that is the result.

There stood that amnesty. When Sanguily was put upon trial he pleaded it. His counsel got up in court and called attention to it, stating that the proclamation of amnesty was made when Sanguily was locked in jail, and that he was not taken—and the evidence showed that he was not taken—with arms in his hands. He pleaded discharge from prosecution. The court overruled the plea, and held him. Who can account for that upon motives or sentiments or ideas of justice or right or honesty or uprightness? He was held contrary to that plea, because, and only because, he was an American citizen. When the counsel for the State came to argue that case against Sanguily upon this manufactured evidence, which would not have convicted a negro of bad reputation of chicken stealing in the South, he goes on to descant upon that very fact.

I can not for the moment lay my eye upon that paper, but it is in one of the papers which is published in this report, in which the prosecuting attorney dwells with great emphasis and decidedly bad feeling upon the idea that Sanguily should have left his native land and come to the United States, where nothing but hostile sentiment pervaded the people of this country, and have accepted naturalization at the hands of this Government. A decent man in his common senses, in his rational mind, who could not find a reason for preferring the Government of the United States to the Government of Spain under any circumstances, must have some very strong attractions or attachments in Spain or Cuba to draw him away from this hospitable and splendid land, where this young fellow was educated in our colleges.

He had acquired a love for the people of the United States; and that is one of the bitterest things that Spain has to encounter, that her young men and her young women of good family and good sense and good breeding and good fortune, or good talents and abilities of any kind, witnessing the splendid developments and the glories of this great Republic just across the narrow divide of waters between Florida and Cuba, stand there and look from their home trees out upon the north, and desire above all things that God would bless them with American citizenship. I hope that the flame that burns in Cuban hearts to-day in behalf of this splendid Republic, its institutions, its people, and its history, will continue to burn until the altar shall be built in Cuba upon which that flame shall fasten itself like the fire which descended from heaven upon the altar in the temple of David, and stand there and burn forever.

I will turn to the last trial and see what the counsel who prosecuted had to say about the case. In the first part of the trial the diatribe was much more prolonged and specific and cutting; it was even almost equal to the irony of the Senator from California [Mr. WHITE], which seemed to be quite red-hot, if not white hot, against Sanguily and all the people who had any respect for his wounds, his character, and his devotion to human principles.

The fiscal—

That is, the prosecuting attorney—

laid special stress upon the testimony of the accused, who had stated, when interrogated by the court, that he had not accepted the convention of Zanjon, of 1878, but had gone abroad to the United States, whence he did not return until 1879, and then as a citizen of the United States, and bitterly censured him for his acts of renouncing his nationality, of accepting the citizenship of another country, even of such a country as the United States.

Mr. CAFFERY. Will the Senator kindly inform me from what page he is reading?

Mr. MORGAN. Pages 93 and 94 of the report of the committee—

here the fiscal took occasion to pronounce a decided eulogium of the United States—of that friendly and powerful nation that feels bound in dignity to protect its adopted citizens who had privileges here that even those who had not ceased to be Spaniards did not enjoy, and of again returning to the land of his birthplace, of his forefathers, and of his wife and son, to resume his residence, and forgetful of the duties imposed on him as a foreign citizen to remain neutral, to conspire to head a revolutionary movement, issuing commissions and executing preparatory acts of rebellion such as recruiting men and acquiring arms and ammunition.

And while he says the proof is positive upon those propositions, there is not one particle of proof. That man lied in his throat in the presence of the court when he said so upon the record.

Now, why are we censuring Mr. Sanguily for putting in this plea of amnesty? He did not get it. He was pressing his plea of amnesty for two years. That did not require of him to make any false confessions; that did not require of him that he should come and plead guilty to an accusation of rebellion and treason, and that he should acknowledge that he deserved the punishment of a life in prison and in chains. I should think that anyone would prefer to receive the benefits of an amnesty, which requires nothing of him in the existing state of facts, to being compelled to put in a plea for pardon for an offense of which he knew he was not guilty.

And, Mr. President, they seem to have had a great deal of trouble in getting this plea of pardon properly hurried up. The [illegible]dent of the United States has not yet got any information [illegible]; he can not have; otherwise he would have self-respect enough, if he did not have enough for the Senate, to send in a message here informing us of the consummation of this pardon, in order that we might cease work upon this resolution. He can not have it in honor and justice to his own reputation as a man and President; otherwise it would have been here. The Senate of the United States in solemn deliberation acting upon a matter of this kind, entitled to receive evidence of this kind or information of this kind sent from the President of the United States, is denied any recognition in the premises; the evidence is withheld, if it exists, and we are expected to decide this case according to our own feeble judgment—a lot of intelligent gentlemen whose opinion, alas, amounts to nothing! That is what the Secretary of State said about us, and he said it in the ear of the Spanish minister here, in order that Spain might have a sufficient degree of contempt for this body and the other House of Congress. "The opinions of a set of gentlemen which, when expressed, amount to nothing." "I am the great I am of this Government; I am the Government, and what these other men may do dangling about and around the fringe of things, what opinions they may express, may do very well for comment in the social circle or possibly for a question of debate in a debating society, but when you come down to facts, I am the Government; what I do is done, and what I do not do you have no right to touch." That is the situation.

Here came that resolution from the committee. The committee asked to set a day for the consideration of it, although it was another day of chains and imprisonment for Sanguily. If any Senator on this floor had to suffer one such day as that, though he should live for a hundred years, he would never forget that day. The humiliation it would work upon his heart would be so depressing, and the scars that were left there would be so deep and so annoying, that he would forget the most of life when he had to turn to that dismal day spent in a Spanish prison, an innocent man under unjust accusations and deserted by his Government. Sanguily had another day of it, and days have been added since the 1st day of February up to to-day, and for every day added to it somebody is responsible. God and man will both hold somebody responsible for every added day of Sanguily's sufferings in that prison.

Mr. President, when this committee came into the Senate with this report and gave a day upon it, I say there was still another day added to Sanguily's torment, although we could not help ourselves. We knew what was coming here. We knew that Spain had her advocates upon this floor for anything she has attempted to do—not men merely to excuse her, to palliate the situation, but absolute advocates for all the tyranny she has shown in Cuba. We knew that, and we knew we would have to confront it; but we supposed that our duty was none the less incumbent and peremptory on that account, for the man who has a great and solemn duty to perform can not stop and look at the obstacles that may confront him. If he is honest, he will look to the result and will try to reach it, though he may be foiled, as we have probably been here; but the introduction of the resolution put the cable wires into motion, kindled up the fires beneath the sea, and here we find information of a cable arrangement printed in the newspapers here this morning, said to have come across the cable, that Sanguily's counsel, Mr. Dominguez, had entered an abandonment of his appeal from his last condemnation to the supreme court of Spain, and thereupon the Queen of Spain had made it a special case and sat down and granted him a pardon—a pardon by cable! Why? What was the hurry about it? Because the Queen of Spain knew that she could not stand the arraignment that was being made in this Senate.

If that royal head, for which I have great respect, had conceived for one moment that the conduct of her Spanish subjects in Cuba could be justified upon any law, international law, treaty law, law of humanity, she would have said, "My royal word is at stake for the preservation of these laws, and I will not yield by cable a pardon to this man Sanguily. I will have his case set before me on the trial record, and I will examine it," like the President of the United States would examine a pardon petition here upon the record, and determine in his own cool and quiet judgment, according to conscience and right and law, whether or not the man was entitled to a pardon. But here the agreement is cabled to Spain, and as soon as the wires can bring it from the royal hand—the papers state that she signed the pardon with her own hand—without ever looking into Sanguily's case, startled and alarmed by the Nemesis of justice that was about to overtake her, she shrank from the collision and granted this pardon.

The duress, Mr. President, was as great upon Spain even as it had been upon Sanguily. What was the duress upon Spain? Nothing but being confronted with the truth. That was all. This message sent in here and the report based upon it and the resolution reported to this honorable body convinced her that the cheapest way out of this affair was, first of all, to get Sanguily to put himself in a condition of self-abasement and self-condemnation, then to grant him a pardon, and then to escape the fine that she saw she would be obliged to pay for this man's sufferings. "Money makes the mare go," and it seems to have had that effect in this case. "I have got poor Sanguily," says the Queen of Spain, "locked in a dungeon. I have got the waiting wife and little boy outside, who have been for two years living upon the charity of friends: I have got his character in my grasp; I have got him condemned contrary to the treaties with the United States and the law of Spain itself; he is my prisoner, and as much in my power as the timid mouse is in the power of the cat when he is playing with him before he eats him up." That is the way Spain had Sanguily; and then they begged Sanguily to dismiss his appeal in order that they might get a chance to pardon him!

Oh, what welcome news was that to this President in our White House, who has been down upon his hunkers now for two years praying with Spain to release him! How glad his honest and noble American heart must be, and in what wild transports of joy must be his magnificent person when he hears that after all, by the combination between the Crown of Spain and the President of the United States, they have now taken a poor creature and have at last dragged out of him a condition where they can escape paying damage and possibly have the liberty, like the sluggard, of sleeping and snoring while Americans suffer!

That is a lovely thing. There has that much good come out of it, Mr. President. There is one happy heart in this country, and that is the heart which for two years has been evading its duty of relieving Sanguily, when it was charged in the very first, the initial correspondence on this subject, that the treaty was being violated, as has often been charged since. That heart, which was engaged with all this knowledge of the breach of the treaty before his eyes, driven in upon his consideration, now finds that after two years of consideration, weighty consideration, he is able to escape through the sufferings of poor Sanguily.

Mr. President, he escapes two duties, one to his country and the other to his manhood. I am willing that he should escape both. I am willing, if it is to be the fate of Sanguily, that he should thus be immolated, thus destroyed: but I wash my hands of it here in the presence of the Senate of the United States. I am not guilty of having destroyed this poor man. I am not guilty of that act of cowardice which has exposed him to extreme penalties and compelled him to listen to extreme demands of injustice, demands which violate the integrity of the Government of the United States in its relations to him. I am not guilty of that, thank God! I commend those who can find any comfort in Sanguily's fate and condition to a diligent search for that comfort, for I must think when in their most thoughtless moments the name of Sanguily shall hereafter occur to them there will be a startling jar in the bosom that will satisfy them that some great wrong has been done which can properly be laid at their doors.

Now, once more about the question whether the matter was presented in regard to these treaties: whether it was pressed upon the consideration of the Government of Spain by the Government of the United States. Joseph A. Springer, our consul at Habana, in the absence of Mr. Lee, I suppose, or in the absence of Mr. Williams, May 4, 1895, made a communication to Mr. Uhl, who was then First Assistant Secretary of State. I will not read the whole of it, as some parts do not bear particularly upon this matter:

> I have now the honor to accompany copy and translation of a communication received to-day from the Acting Captain-General to the effect that orders had been given to have copies made by the special judge of instruction of those parts of the cause instituted against Julio Sanguily and others, for conspiracy, for rebellion, which affect the American citizens, Messrs. Julio Sanguily and José Maria [Timoteo] Aguirre Valdes, which copies would be shortly sent to the civil jurisdiction of this city, his excellency having waived the military jurisdiction in favor of the civil jurisdiction as respects the said parties.
>
> I understand that to-day is the tenth day that Mr. Sanguily has been "incommunicado" (in solitary confinement) by order of the military authority, not allowed the visits of his family, or even to see his advocate appointed by him for his defense.

That was pretty close confinement.

On the 26th day of April Mr. Williams had sent a dispatch to Mr. Uhl, which I will read:

> I have the honor to inform you that in compliance with the telegram of the honorable Secretary of State of the 16th instant, I addressed a communication yesterday to his excellency the general in charge of the Captaincy-General, asking for the transfer of Mr. Julio Sanguily on the second charge from the military to the civil jurisdiction for trial, in accordance with the requirements of the agreement of the 12th of January, 1877, and entering at the same time the formal protest of the Government of the United States before the government of this island against any further delay in his transfer to the civil jurisdiction; protesting alike against all the proceedings hitherto practiced or that may hereafter be practiced by the court-martial now trying him, because they are in clear contradiction of the said agreement between the two nations.

Mr. President, I have read this more for the sake of reaching the ears of some of the members of the committee who seem to overlook the proposition than for any other purpose. I desire to show that in the very beginning of this proceeding, under the instructions of the Department here, our consul was directed to protest that no part of the military proceeding held against Sanguily in either of these cases should form a part of the judicial or civil proceedings afterwards had, but they had to start de novo; they had to abandon the inquisition of the military tribunal; they had to abandon the record which they made ex parte and without conferring with him at all. They could not, under the act of 1821 and the protocol of 1877, use that evidence against Sanguily, for that law, which is made a part of the treaty, expressly forbids it.

So our Government protested and kept on protesting. Now, here again, as late as December 24, 1895, Mr. Williams again writes on this subject:

> With reference to previous correspondence relating to the arrest and trial of the American citizen Mr. Julio Sanguily, for rebellion against the sovereignty of Spain in this island, I have now the honor to inclose a copy and translation of a communication received under date of the 8th ultimo from

> the chief justice of the royal audiencia of the province of Habana, asking for a literal copy of the formal protest I addressed the governor-general by order of the Department on the 25th of last April—

That is, from April to December—

> against all the proceedings that had been practiced then or that might be practiced in the future by the military jurisdiction in the trial of Sanguily, because contrary to the provisions of the Collantes-Cushing protocol of the 12th of June, 1877, which requires that the above should be tried exclusively by the ordinary or civil jurisdiction.
>
> I also inclose copy and translation of my answer to the chief justice, with which I accompany copy of my said protest. I sent a copy of this protest to the Department with my dispatch, No. 2491, of the 25th of April last.

There we began to make that point in April. As soon as this man had got out of the first case of secret imprisonment so that the consul could have a chance to see him and know what was in his case, right then and there our Government protested and continually it has protested up to this very hour that no part of the military proceedings against Sanguily could be used against him under any circumstances or in any phase of the case.

But they have gone on, and up to the very last trial, Lee himself protesting again about it, they still resorted to their military proceeding. They still took what they call their ex parte confession of the witness, made at the hour of 11 the night he had been arrested, doubtless alarmed, with no one to protect him, no one to know whether the officer took a correct record of his case or not. That is called here an open trial in a place of justice. Ah, Mr. President, how are the mighty fallen!

Now, I look back to earlier days, during the former Administration of Mr. Cleveland, and I recall to the attention of the Senate the case of A. K. Cutting, over in Mexico. Do you remember it? Thomas F. Bayard was then Secretary of State, and I trust that in his honorable association with the great and brave people of Great Britain he has not forgotten enough of his Americanism and enough of British sentiment also to have humiliated himself to the position of the present Secretary of State upon these questions. I hope not, and I believe not.

Now, what is it? Here is Bayard's dispatch to Mr. Jackson, of Georgia, who was then our minister to Mexico:

> You are instructed to demand of the Mexican Government the instant release of A. K. Cutting, a citizen of the United States, now unlawfully imprisoned at Paso del Norte.

Ah, heroic language, and it worked its results right along.

> By the documents before me, the following facts appear:
>
> On June 18 last A. K. Cutting, a citizen of the United States, who for the preceding eighteen months had been a resident "off and on" of Paso del Norte, Mexico, and as to whose character for respectability strong evidence has been adduced, published in a newspaper of El Paso, Tex., a card commenting on certain proceedings of Emigdio Medina, a citizen of Mexico, with whom Mr. Cutting has been in controversy. For this publication Mr. Cutting was imprisoned on the 22d of June last at El Paso del Norte, in Mexico. * * * But the paper was not published in Mexico, and the proposition that Mexico can take jurisdiction of its author on account of its publication in Texas is wholly inadmissible and is peremptorily denied by this Government.

He did not wait to find out what the supreme court of Mexico would say about it—"peremptorily denied."

> It is equivalent to asserting that Mexico can take jurisdiction over the authors of the various criticisms of Mexican business operations which appear in the newspapers of the United States. If Mr. Cutting can be tried and imprisoned in Mexico for publishing in the United States a criticism on a Mexican business transaction in which he was concerned, there is not an editor or publisher of a newspaper in the United States who could not, were he found in Mexico, be subjected to like indignities and injuries on the same ground. To an assumption of such jurisdiction by Mexico neither the Government of the United States nor the governments of our several States will submit. They will each mete out due justice to all offenses committed in their respective jurisdictions. They will not permit that this prerogative shall in any degree be usurped by Mexico, nor, aside from the fact of the exclusiveness of their jurisdiction over acts done within their own boundaries, will they permit a citizen of the United States to be called to account by Mexico for acts done by him within the boundaries of the United States. On this ground, therefore, you will demand Mr. Cutting's release.
>
> But there is another ground on which this demand may with equal positiveness be based. By the law of nations—

Mark the expression—

> By the law of nations no punishment can be inflicted by a sovereign on citizens of other countries unless in conformity with those sanctions of justice which all civilized nations hold in common.

Ah! what a splendid statement that is of that glorious code, the law of nations. Let me repeat it:

> By the law of nations no punishment can be inflicted by a sovereign on citizens of other countries unless in conformity with those sanctions of justice which all civilized nations hold in common.

Where is there a nation, Turkey not excepted, that will hold in common with Spain the incarceration of this bleeding and beseeching American citizen for his treaty rights for two years under suffering such as human pen or tongue can never describe, and what government, but the Government of the United States, under the Administration of Grover Cleveland, could stand by quietly and silently and see such things inflicted without so much as raising its hand except to provide a way to slip out of the case? How are the mighty fallen, I repeat! When this grand Bayard made this utterance of international law, our Government and the Senate had not recoiled from their dignity and their power and their duty. We had not then become the apologists of tyranny, cruelty, murder, rape, arson, and universal destruction. We are now. He proceeds:

> Among these sanctions are the right of having the facts on which—

Let me call Senators' attention to this—

> Among these sanctions are the right of having the facts on which the charge of guilt was made examined by an impartial court, the explanation to the accused of these facts, the opportunity granted to him of counsel, such delay as is necessary to prepare his case, permission in all cases not capital to go at large on bail till trial, the due production under oath of all evidence prejudicing the accused, giving him the right to cross-examination, the right to produce his own evidence in exculpation, release even from temporary imprisonment in all cases where the charge is simply one of threatened breach of the peace, and where due security to keep the peace is tendered. All these sanctions were violated in the present case

That is in the case of the publication of the alleged libel. They were all violated here in the face of the official authority—violated against protest made by the counsel of Sanguily in both of these trials. He was convicted upon testimony that was not sworn to, upon reports of police officers who did not even give the names of their informants. What would Bayard have said to that? What has he said about it—for the cases are exactly parallel?

> Mr. Cutting was summarily imprisoned by a tribunal whose partiality and incompetency alike were shown by its proceedings.

Take the proceedings here, Senators, and see whether they do not show incompetency or else mischievous partiality and malice.

> He was refused counsel.

This man was not only refused counsel, but the counsel who defended him for no offense that Mr. Lee mentions, to say the least of it, except defending him, at the time of the latest dispatch to our Government, was occupying a cell whose prison bars confronted those of Sanguily. The witness who testified before and had exculpated him in respect of the message that he bore to Betancourt, showing that he did not know Sanguily, never met him, never spoke to him, had been shot to death in his Spanish prison. The counsel who took up the case on appeal to Madrid, and argued it there and gained it, was deprived of his office, disbarred, and is now suffering the penalties of that privation.

> Mr. Cutting was summarily imprisoned by a tribunal whose partiality and incompetency were alike shown by its proceedings. He was refused counsel—

So was Sanguily—

> he was refused an interpreter—

So was Sanguily—

> to explain to him the nature of the charges brought against him.

Here is the testimony in the case of the *Competitor*. A poor little man—I do not call him a poor little man except in the sense that he is a young man; he belongs to a family that is greatly respected, as the Senator from Arkansas [Mr. JONES] on my left knows the family—(to Mr. JONES) do you not know him?

Mr. JONES of Arkansas. I know the family.

Mr. MORGAN. It is a respectable family in Arkansas. The young man went out to make his first reputation in life as correspondent for a Florida paper. He got on a little sloop of perhaps three or four hundred tons burden, merely going to the Island of Cuba, without arms or preparation for war or enlistment or anything of the kind. He was seized there. He stayed on board the ship. He did not go with the balance. He did not feel like escaping, because he felt no guilt. He was seized, put into prison; he was made incomunicado; he was tried under military authority. They started to try him under that, and transferred the trial into the civil court. Here are two gentlemen who were sworn before the Committee on Foreign Relations. Dr. Diaz was one of them, and the other was the correspondent of the New York World. Here is their testimony in respect of the trial in the *Competitor* case. One of the defendants, I think it was young Melton, after the court had been engaged in [illegible]cution of him for an hour or so, was asked to stand [illegible]. I believe I am putting it correctly. Here is my colleague in the examination, the Senator from Minnesota [Mr. DAVIS], and he will correct me if I am wrong. When he stood up, he was asked what he had to say against the accusation.

He said: "I do not know what it is. I do not read Spanish. I have heard something read here, but I do not know what it is. I can not answer to something that I do not understand." Instantly judgment of death was pronounced upon him, and that man is in Cabanas prison to-day. That was eighteen months ago, was it not? It must have been eighteen months ago. Dr. Diaz was there and saw it. He testified in the same way with the correspondent of the New York World. They both came here and swore to it. A perfect mockery! I have applied twice in the last eighteen months to get from the Government of the United States information about the *Competitor* case, and the first time the President returned the resolution and said it was not compatible with the public welfare to give us the information.

Now, there was a pretense, beyond question, utterly unjustified, for section 2001 of the Revised Statutes expressly requires him as President to make a return to the Congress of the United States of the facts attending all such cases. Instead of obeying the statute, he would not even respond to a resolution of the Senate, but took shelter under the privilege we gave him of hiding the facts if he did not think it was compatible with the public welfare to furnish them. Then, finally, here seven or eight days ago we got, in conjunction with the other case, the case of Melton and several other *Competitor* prisoners, a statement; but that statement is entirely imperfect. It contains no record of the trial. It contains nothing of the evidence adduced. It does not contain the accusation. It is the most meager thing that ever was seen. And our Government has slept upon the rights of this young man from Arkansas, and he is there, a native-born American citizen, if an Arkansas man can be a native-born American citizen, and I suppose he can. He is there; he is that sort of a man; he has been suffering from that time to this for no offense in the world except that he accepted employment from a little newspaper in Florida and went down there to try to get information upon which he could get a little start in life.

There is this young American citizen. Another case is here, but there is no use of going over the cases. They are numerous. Here is the record. I have not the time to stop to read them. I will conclude what I was reading from Mr. Bayard, and then I will close. I know the Senator from New York has an engagement with the Senate at this time to-day, and I ought not to have trespassed upon the time as much as I have:

He was refused counsel; he was refused an interpreter to explain to him the nature of the charges brought against him; if there was evidence against him it was not produced under oath, with an opportunity given him for cross-examination, but was refused to him; and after a trial, if it can be called such, violating, in its way, the fundamental sanctions of civilized justice, he was cast into a "loathsome and filthy" cell, where, according to one of the affidavits attached to Mr. Brigham's report, "there are from six to eight other prisoners, and when the door is locked there are no other means of ventilation"—an adobe house, almost air-tight, with a "dirt floor."

That would be a palace beside the place Sanguily has been in.

He was allowed about 8½ cents, American money, for his subsistence. He was not furnished with any bedding, not even a blanket. In this wretched cell, subjected to pains and deprivations which no civilized government should permit to be inflicted on those detained in its prisons, he still languishes, and this for an act committed in the United States, and in itself not subject to prosecution in any humane system of jurisprudence, and after a trial violating the chief sanctions of criminal procedure.

These circumstances you will state as giving an additional basis, a basis which, if it be established, this Government will not permit to be questioned for the demand for Mr. Cutting's immediate release.

Mr. GRAY. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. GRAY. I should like to call the attention of the Senator from Alabama to the difference between the Cutting case and the Sanguily case, and in doing so I want to premise that I sympathize thoroughly with this Cuban patriot. I denounce and have denounced the hardships and cruelties to which he has been subjected. I think they are contrary to civilized procedure of any kind. But, in simple justice to the present State Department, I desire to point out that the Cutting case referred to what is known as extraterritorial crime, and was discussed by Mr. Bayard as a question of international law upon which this Government took a very pronounced position, in consonance with that of all the other civilized governments, that a crime committed in the United States could not be punished in the Republic of Mexico or within the territory of any other civilized government than the United States. He properly stood upon that proposition, and made a peremptory demand for the delivery of the prisoner, who had been arrested under those circumstances.

In the case of Sanguily we have an arrest made for an alleged crime that is recognized by a treaty between the United States and Spain. If I remember rightly, he was arrested for participating in or being cognizant of——

Mr. MORGAN. He was arrested for conspiracy.

Mr. GRAY. Or for a conspiracy looking to a rebellion against the authority of Spain. That was a municipal offense. Sanguily was within the territory of the country against whose laws he was charged with having conspired.

Mr. MORGAN. So was Cutting.

Mr. GRAY. And the offense alleged to have been committed was committed in that territory, and that offense was recognized, as I said before, by solemn agreement between the United States and Spain, in which it is said that:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

The diplomatic activity of the State Department was exercised from the time of his arrest down to the successful issue of that activity in having him tried before a civil tribunal in conformity to the obligations of this treaty. The correspondence which has been sent to the Senate shows that activity was unremitting, that demands never ceased on the part of the Department of State until the trial before a civil tribunal, as secured by that treaty, was obtained for Sanguily. That is the difference between this case and the case of Cutting.

Mr. MORGAN. The last point of difference is a very valuable fact. On the part of Mr. Bayard demands did cease. The demand was made for his instant release—it was enforced. On the part of Mr. Olney, demand after demand was made, refused by every tribunal that got hold of it in Cuba, defiantly and insultingly, and still not enforced. The demands were both entirely distinct. Bayard succeeded because he stood up to what he said; Olney failed because he did not.

Mr. GRAY. Mr. Olney, if the Senator will allow me again, succeeded in getting all that he had a right to demand under the treaty, and that was a civil trial, the trial of Sanguily before a civil tribunal instead of a military tribunal.

Mr. MORGAN. The Department in three or four dispatches said, you can not have jurisdiction to unite proceedings of a military court with a civil court. Your military proceedings have not anything to do with it; and yet they tried him upon that united record against which our Government protested every time. There was the main ground, the want of jurisdiction in the court; that and the fact that there were only five judges, when there ought to have been six.

It is true that in a large sense the cases are not parallel in respect to the locality at which the offense was alleged to have been committed, and yet the Government of Mexico did contend, and very rationally, it appears, too, that the publication of a libel is of the essence of the offense, and that the publication was notoriously made by Cutting in Paso del Norte, because he sent the papers there addressed to different individuals, through the Mexican post-office, and communicated his libel against this man there in Paso del Norte through as many readers as he could get it into the hands of; he made his publication, in fact, there. But Bayard does not stand there. The Senator from Delaware omits the second point. Here is where I stand with Bayard. I will repeat it:

But there is another ground on which this demand may, made with equal positiveness, be based.

After getting rid of this territorial or extraterritorial question.

By the law of nations no punishment can be inflicted by a sovereign on citizens of other countries unless in conformity with those sanctions of justice which all civilized nations hold in common.

That is a broad enough text for me. No man can say that that great principle has not been violated flagrantly and defiantly in the facts of this case.

Mr. President, I beg pardon of the Senator from New York for having intruded upon him to the extent I have done. Before taking my seat I wish to say in behalf and in the defense of the Committee on Foreign Relations that, while we have from time to time received intimations that efforts were in progress to obtain a pardon for Julio Sanguily, some of those intimations doubtless came through the State Department or from the State Department, but they came to the chairman of the committee as sacred personal secrets and I for one refused to listen to them. I will not permit myself to sit in a committee and listen to personal confidences between the chairman of that committee and the Secretary of State which I am forbidden, when I hear the facts, to come into the Senate and descant upon to my brother Senators. You do not send me to that committee room for any purpose of secretion. But this way of getting along, which I despise, is what we have been subjected to in this business; and every once in a while would outcrop an intimation that if we did not go to the bottom of this thing, if we did not make a report but gave delay, Sanguily would be pardoned. I never saw the day when, if Sanguily were my brother, I would have asked pardon under the circumstances unless I found that I belonged to some government that did not have sufficient self-respect and regard for the rights of American citizenship to demand my right.

Mr. STEWART. Will the Senator allow me a suggestion?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nevada?

Mr. MORGAN. Yes, sir.

Mr. STEWART. Does the Senator doubt that he was one of the instrumentalities through which this pardon, if it be a pardon, was obtained? Does he not see the connection between the report of the Foreign Relations Committee of the joint resolution and the action taken in Madrid? The papers all stated that it was over there reported, and that they were considering the matter, and in consequence of it were very much agitated. Does he suppose there would have been any action taken of any kind if he had kept quiet; even an attempt to evade it or get out of it?

Mr. MORGAN. The Committee on Foreign Relations have not taken up one fact, hint, or suggestion outside of the message of the President of the United States. They have presented this case exclusively and solely upon the facts stated in that message.

Mr. STEWART. I do not question that.

Mr. MORGAN. While there might have been many grounds of suspicion and belief, we have not considered them. We have confined ourselves to the record of facts.

Mr. STEWART. The Senator does not comprehend what I mean. I mean to say there would have been no movement whatever anywhere if it had not been instigated right here in the Senate Chamber.

Mr. MORGAN. It had not been for two years, and I supposed a year's trial was long enough to find out what they would do. They allowed Sanguily to swelter in that horrible den, that prison, secluded not from the joys of life, but from life itself, for life, and everything of the sort for two years; and it was not until there was activity in the Senate and in the Committee on Foreign Relations that there came this loading of the cables with cablegrams which resulted in his pardon.

Well, I repeat, if Sanguily was my brother, and was circumstanced as he is, I would say to him, "Accept no pardon for an offense unless you are guilty of it." There is time enough for a guilty man to ask a pardon, but an innocent one ought never to be compelled to do it. It is an injustice to him and a dishonor to the man who compels him to do it. This man was innocent upon the face of the testimony. He was innocent under the moral law, the international law, the municipal law of Cuba, under the treaty law. The court that tried him had no jurisdiction, and if ever a case can arise in the United States that more clearly demands the interference of the Government, as it was made by Bayard in that case from which I have just been reading, I hope I shall not live to see it.

What would have been done if the testimonial of Martin Koszta had been examined into before the liner could have been pulled upon the gun that was loaded to sink that Austrian ship in the event he was not surrendered into the hands of the American admiral? Ah! we had admirals then; we had Daniel Websters then; we had men of power, of good, pure consciences, unshaken by the desires of official position or by the tenderness of former political associations.

I regret, Mr. President, that I have been compelled to take the floor in the Senate of the United States, especially upon a bill that is not appropriate to my discussion, and to make this presentation of the facts; but after inviting the Senate of the United States as a member of this committee, along with the unanimous expression of that body, to pass such a resolution as we have reported, I could not consent to say to the world I was satisfied to stop this case upon the rumor of a cablegram announcing a pardon for Julio Sanguily.

Mr. CALL. Mr. President, I shall not occupy the attention of the Senate for any length of time. The Senator from California [Mr. WHITE] and the Senator from Maine [Mr. HALE] treat this discussion very lightly.

The Senator from California says that I have been a chronic speaker on the side of Cuba. If that be true, the Senator from California has been a chronic speaker on the side of Spain. I introduced a resolution here to inquire into the facts relating to the death of another American citizen charged to be murdered under circumstances of extreme cruelty by the Spanish authorities in a prison at Guanabacoa, Cuba. I desire to present for the consideration of the Senate—and I shall ask that that resolution be taken up to-morrow—the following dispatch contained in the Herald, and alleged to be authentic:

General Lee calls upon Mr. Olney for a "war ship immediately," and declares, "I can not and will not stand another Ruiz murder."

The dispatch is given, as follows:

OLNEY, *Washington:*

Have demanded release of Scott, American citizen, who has been kept in prison and incommunicado, without due process law, eleven days.

Trust you appreciate gravity situation and are prepared to sustain me.

Must have war ship immediately. How many ships have you at Tampa, Key West, and southern waters, and are you prepared to send them here, should it become necessary?

I cannot and will not stand another Ruiz murder.

LEE, *Habana.*

I do not know whether this dispatch is authentic or not. Coming, as the former communication did, from Mr. George Eugene Bryson, whom I know, and confirmed by the correspondent of the Herald, I take it that it is authentic; and certainly there should be no objection to a resolution demanding that the Department should make an inquiry in regard to the truth of this statement in a newspaper of the character of the Herald.

Mr. MORGAN. Does the Senator from Florida know whether the press dispatch in regard to the pardon of Sanguily is authentic?

Mr. CALL. I do not.

Mr. MORGAN. The Senator knows as much about one as the other.

Mr. CALL. I know as much about one as the other.

Mr. GRAY. Mr. President, the question just asked by the Senator from Alabama induces me to say a single word in regard to what I think has been abundantly displayed by the extracts read from this correspondence during the Senator's speech. They have shown, and he has stated, the activities of the State Department from the moment almost of the arrest of Sanguily down to this time, exerted in his behalf.

As I said a moment ago, under the treaty obligation imposed upon us equally with Spain, we were compelled to recognize the right of Spain to arrest and hold for trial any person, whether a citizen of the United States or not, who is charged, sufficiently charged, with the offense of sedition, treason, or conspiracy against the institutions, public security, integrity of territory, etc., of Spain. Sanguily having been so arrested and tried before a military court, protest was at once made by the Department of State of the United States and a peremptory demand was made that treaty obligations should be respected, and he was turned over to the civil court to be tried according to the stipulations of that treaty. That trial was had according to the procedure, I presume, obtaining in Spain in courts of that kind, very different, I imagine, from that to which we are accustomed in this country where the common law prevails. It would seem that in Latin countries the harsh rule obtains that a prisoner is presumed to be guilty until he is proved innocent. I understand that depositions can be read against him without that security which attaches to every person charged in an American or English tribunal of being brought face to face with his accusing witnesses.

But however that may be, we bound ourselves, as we bind ourselves always with countries having that code of laws, to respect their action under their municipal law, and everything was obtained to which we were entitled by the treaty, when we at last did obtain from Spain under this demand, the peremptory demand of the Department of State, that Sanguily should be tried before a civil tribunal.

There were objections to that first trial, which was had, I think, as far back as November, 1895, and an appeal was taken to the higher court at Madrid, a supreme court, an appellate court at all events, and the verdict and judgment in the civil court which had condemned Sanguily was set aside and a new trial was had as late as December 23, 1896.

Now, what could the State Department have done in that interval? We were bound by our treaty, and however sad and deplorable the state of Sanguily was—and I have no doubt it was deplorable and sad in an extreme degree—we were as much bound to respect the obligation that we had undertaken by entering into that treaty as Spain was. So when he was retried after the first trial had been set aside by the appellate court, only as long ago as the last week in December, 1896, and then condemned, upon the application of Sanguily and his counsel the State Department intervened again to have him relieved from the penalty that was imposed upon him by Spanish law and in a Spanish court. And from that time to this, so far as this correspondence goes, and so far as all the information I have been able to obtain goes, the State Department has been active in season and out of season in pressing upon Spain the propriety and necessity of relieving Sanguily from the penalties of the law under which he had been condemned. At last, after the not very long interval since December 23, 1896, those intercessions and that interference on his behalf have resulted in his pardon and release, and we have in the newspapers to-day telegraphic statements—doubted by some members on this floor whether it be authentic or not—that he has actually been released. But I have the pleasure of holding in my hand an Associated Press dispatch, just received, which I am sure that every member of the Senate and every person within sound of my voice will be glad to hear. It is to this effect:

WASHINGTON, *February 26, 1897.*

Secretary Olney has received a cable from Consul-General Lee as follows: "Sanguily released to-day."

However he was released, that was the end that we had in view. These other matters may come up afterwards; but here was this American citizen languishing in a Spanish dungeon and our interference was sought that he might be delivered from th[illegible]e. He has been delivered, thank God, and is to-day a f[illegible]. So much has been accomplished by an American Secretary of State, who throughout all this sad business has never failed to assert the rights and dignity of this country in behalf of this Spanish-American citizen.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. DANIEL. Does the Senator claim that the conduct of the Spanish authorities toward Sanguily was legal under our treaty?

Mr. GRAY. I claim that we were in no situation to determine that question while this man was languishing in the dreary hours of our investigation in a Spanish dungeon; that the first thing to do was to open the prison doors and allow this Spanish-American to go free into the glad sunlight that shines upon the Senator from Virginia to-day, and to share with him the privileges of breathing the free air of heaven. That is what I wanted accomplished, and that is what the Senate has accomplished.

Mr. DANIEL. I am very glad it has come at last, and we can say, at least, that the resolution of the Senate brought in day before yesterday has not delayed it. I would ask the Senator, however, if he takes the ground now that the treatment of Sanguily was legal, why was it that Mr. Uhl on the 21st of May, 1895, took the ground that it was illegal? I should like to know why it was that the State Department of the United States, now nearly two years ago, declared that the military arm had no judicial cognizance over our citizens at any stage, and why it was that these protests were made against the conduct of Spain if it was legal, and, if it was not legal, why we have waited a year and a half to let Mr. Sanguily get the benefit of our action?

Mr. GRAY. That is a pretty long question, Mr. President; but if the Senator wants an answer I will say it is because the American Secretary of State and his assistant, Mr. Uhl, were, in season and out of season, pressing the extreme contention of the Government of the United States against Spain in behalf of this unfortunate prisoner, because they left no point unurged, because they left no energy unemployed, that might produce the result which has been brought about at last to-day.

I am not concerned just now, when Mr. Sanguily is breathing for the first time in these long dreary months the air of freedom, to go back and discuss as on a certiorari the legality of this judgment. It may have been illegal. Certainly, according to our Anglo-American ideas of the administration of justice, it violated many of the fundamental rules that ought to govern where the liberty or life of a citizen is involved. But, Mr. President, I do not know but that these rules of administration are common to all Latin countries. I know there is a vast difference between the administration of criminal law in the countries where the civil code obtains and in our own, and that the difference between their codes and ours is very much in our favor. I rejoice that we live under a system of laws that secures the rights of the citizen and of the humblest person who is brought before the bar of a court charged with a serious crime, and that he is presumed to be innocent until he is proved to be guilty. But what has that to do with the charges that have been made here, I submit, without wishing to use the word offensively, recklessly, to-day against the conduct of the State Department, when every bit of this correspondence, every bit of the evidence, proves its untiring activity in regard to the case of this Spanish-American citizen, who has been in Cuba all these years with the protection of his naturalization papers in his pocket?

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Maine?

Mr. DANIEL. I should like to ask the Senator from Delaware one more question. Why was it that our consul, in pursuance of Instructions from the State Department of May 16, 1895, uttered the protest to the Spanish Government in the name of this country that "All proceedings hitherto practiced in this case, or that may hereafter be practiced in this case by the court-martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations?" I ask the Senator if he considers that the State Department has done its duty, in permitting an American citizen to lie incarcerated for two years after laying before the government that holds him a formal protest and charge that it is lacking and illegal, and if he means to defend upon the floor of this Senate such ation as this?

Mr. GRAY. Mr. President, I am not here by any means to defend all the proceedings, or any of them, that have taken place in the courts that tried Sanguily. I think that that case and some others are a disgrace to the civilization of our age. I think that cruelties have been practiced upon the Island of Cuba upon men who were entitled to the treatment which human beings are entitled to everywhere, cruelties that put that country almost out of the pale of the protection of the family of civilized nations. But we are dealing, and the State Department is compelled to deal, with Spain as one of that family of nations with whom we have treaty obligations; and I have read already in the hearing of the Senate what some of those treaty obligations are. They unquestionably recognize the right of Spain to arrest and try before civil tribunals persons charged with the crime of treason or sedition or conspiracy against the institutions, laws, or security of the King of Spain.

This man having been so arrested and tried before a military tribunal illegally and contrary to the obligation of that treaty, protest was made by the State Department immediately, in the very dispatch to which the honorable Senator from Virginia refers me, April 25, 1895, less than two months after he was arrested, stating peremptorily, and in language as emphatic as could be employed, that the Government of the United States would not tolerate for one moment the trial, condemnation, and punishment of this man by a drumhead military court. Thereupon, and as a result of that interposition, he was turned over to a civil court, and that civil court having tried him and condemned him, an appeal was taken to the appellate tribunal in Madrid, the supreme court of judicature there, and the judgment and condemnation obtained in that civil trial was set aside and reversed, and then another civil retrial was had only last December, the 23d and 24th of the month.

What could we have done in the meantime? Spain could have said, "We are resorting to our accepted code of laws," doing just as the United States would have done if, during the rebellion, a person had been charged with communicating with the enemy and tried in a district court of the United States and England had protested that the prisoner was an English subject and that he must not be tried at all. We would have appealed to our statute book and said, "We have nothing to do with the justice of the findings of the jury or the judgment of the court; our municipal laws govern, and we must obey and stand by our municipal law."

Mr. HOAR. If the Senator will allow me, it was like the case of McLeod.

Mr. GRAY. Yes, sir.

Mr. DANIEL. I beg leave to remind the Senator that this man was not found in rebellion, and it was especially provided that as to those without arms in their hands they should be differently treated.

Mr. GRAY. So we demanded; so the Secretary of State demanded, for it was because he was not found with arms in his hands that this treaty gave the right to the United States to demand his trial by a civil tribunal.

Mr. DANIEL. It was done again after the demand.

Mr. GRAY. What was done?

Mr. DANIEL. He was again "incomunicado," put in prison again upon another charge.

Mr. GRAY. I can not talk Spanish.

Mr. DANIEL. I thought you talked Spanish.

Mr. GRAY. You attribute too many accomplishments to me.

Mr. DANIEL. You are talking pretty good Spanish now, if you will excuse me.

Mr. GRAY. I am trying to talk pretty good English, or pretty good American, just as the Senator chooses.

Mr. DANIEL. I merely wanted to call the attention of the Senator to the fact that Mr. Uhl calls the attention of our consul to the fact. He says:

> By no fiction can proceedings of military judge instructor be deemed the act of an ordinary court of first instance. Assumption of such cognizance in Aguirre case and rearrest of Sanguily, after submission to civil court, apparently for mere purpose of asserting military jurisdiction in summary proceedings, were an exercise of functions against which you will enter protest, reserving all rights of this Government and its citizens in the premises.

Now, I will ask the Senator if he does not think that, after making so many protests in one case after another, the presence of military power on the scene of action would have improved the situation?

Mr. GRAY. Mr. President, the Senator from Virginia is rather trying to lead me off into a discussion of some minute details of this correspondence. All I started out to assert, and what seems to provoke his questions, has been that so far as this correspondence goes, so far as any evidence that we have before us in this Senate or elsewhere that I know of goes, the State Department has done its duty in actively pressing the rights of Sanguily as an American citizen, and claiming and obtaining for him a trial in accordance with the stipulation of that treaty.

Now, the Senator says, "Oh, but there was no evidence before that court to convict him." I do not know but the Senator is right. I do not know but that in Spain or in Cuba in times of great excitement courts may be organized to convict. God knows it has been charged that courts in this country of ours have been organized to convict in times of great excitement, and have convicted American citizens. No one who recollects the military tribunals of war times will deny this.

But, however that may be, the State Department could not go down and stand before the tribunal and urge before it an argument as counsel for the defense could urge on the law or the facts tending to the acquittal of Mr. Sanguily. The King of Spain is as much bound to stand by the judgment of his courts as the President of the United States is to respect the judgment of a State court or of a United States court.

The Senator from Massachusetts reminded me a moment ago of the celebrated case of McLeod in 1838, was it not?

Mr. HOAR. I think in 1842 or 1843.

Mr. GRAY. In 1842 or 1843, during an émeute across the American border, McLeod had committed a murder. He was tried in an American court and acquitted. The British Government demanded possession of him on the ground that he was a member of a military expedition, if that be the fact—the Senator from Massachusetts will correct me if I am wrong—and he was tried and acquitted in a court of the State of New York.

Mr. HOAR. If the Senator will pardon me, Alexander McLeod was a Canadian, a British subject. He was arrested in this country on the charge of having been a member of an expedition on the steamer *Caroline*. At any rate, an American citizen was killed in that expedition. Thereupon the British Government claimed that he was in one of the British military forces, and demanded the discharge of McLeod, he not being responsible for an act avowed by his Government. Our Government insisted that that question must be tried in a New York court and that the question of the validity of that defense must be set up there. Contrary to the demand of the British Government, the trial was proceeded with.

Mr. GRAY. That was in a State court of New York?

Mr. HOAR. Yes; a State court of New York, and the man was acquitted.

Mr. DANIEL. By the courtesy of my friend, I will ask one more question, if it will not interrupt him. The Senator agreed in reporting the joint resolution demanding the release of Sanguily, and is in favor of it, is he not?

Mr. GRAY. Mr. President, I do not know by what authority the Senator speaks of what happened in committee.

Mr. DANIEL. I beg pardon of my friend. He is in favor of the resolution, is he not?

Mr. GRAY. I am not in favor of the resolution now, that Sanguily is released. I do not want to have him arrested again.

Mr. DANIEL. But you were in favor of it?

Mr. GRAY. I am more in favor of Sanguily's liberty than I am of succeeding here in the trial of a certiorari case with the Senator from Virginia.

Mr. DANIEL. That is all.

Mr. GRAY. And Sanguily will have no thanks to give to the eloquence of the Senator from Virginia, in which we all so much delight——

Mr. DANIEL. I am not seeking for thanks.

Mr. GRAY. If it should result in some irritation of that somewhat harsh and despotic Government and should place him in bonds again. Let us get him home first, if his home is on this soil, and put our arms around him, and say, "You are free, and we intend that you shall stay so." That is all I want done with Sanguily. And then we will treat this matter with Spain afterwards.

Mr. DANIEL. I wish to ask the Senator if he has official information of Sanguily's release?

Mr. GRAY. I have here a dispatch purporting to be from the State Department, a telegram from Consul-General Lee, dated to-day, which reads:

> Sanguily released to-day.

That that is a fitting end to all our aspirations here, we all agree.

Mr. DANIEL. By whom is that dispatch signed?

Mr. GRAY. It is an Associated Press dispatch, stating that Mr. Olney states to its correspondent——

Mr. DANIEL. A press dispatch not signed?

Mr. GRAY. An Associated Press dispatch obtained from the reporters' gallery up there [indicating], stating that Secretary Olney had shown to its representative a cable dispatch from Consul-General Lee, reading:

> Sanguily released to-day.

I take it that that is correct.

Mr. DANIEL. Is there any condition imposed upon it?

Mr. GRAY. That is all I know about it.

Mr. HILL. Without intending to offer any opposition to the Indian appropriation bill, which I do not desire to do, I will say that there are matters to be considered in executive session which require attention, some important matters which we should act upon. It is for that purpose alone that I now move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. May I ask the Senator to yield one moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. HILL. Yes, sir.

Mr. ALLISON. I am satisfied that the Indian appropriation bill, if we can go on with it, will be disposed of within an hour. I think most of the matters of dispute have been so arranged as that very little time will be taken in the consideration of the bill; and I wish the Senator from New York would waive for the moment his motion to go into executive session until this bill is disposed of. I assure the Senator that the Indian appropriation bill will take but a very short time, in my belief, and certainly the Committee on Appropriations would feel compelled to go on with the bill unless the Senate feels that it should decide to take up executive business.

Mr. HILL. I see the force of the suggestion of the Senator from Iowa. I therefore ask unanimous consent that in one hour from now we proceed to the consideration of executive business.

The PRESIDING OFFICER. Is there objection?

Mr. ALLISON. Say at the conclusion of the Indian appropriation bill. I hope that will be done.

Mr. CULLOM. There will be no objection if that be done.

Mr. BROWN. I think I shall have to object to an executive session.

The PRESIDING OFFICER. Does the Senator from New York accept the modification suggested by the Senator from Iowa?

Mr. HILL. What is the modification?

The PRESIDING OFFICER. To go into executive session immediately after the disposal of the Indian appropriation bill.

Mr. HILL. That is all right.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that, as soon as the Indian appropriation bill is disposed of, the Senate shall proceed to the consideration of executive business.

Mr. GORMAN. I object, Mr. President.

Mr. HILL. Then I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate proceed to the consideration of executive business.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 48; as follows:

YEAS—20.

Allen,
Blanchard,
Caffery,
Call,
Cannon,
Chandler,
Chilton,
Gray,
Hill,
Lindsay,
Martin,
Mills,
Murphy,
Roach,
Smith,
Turpie,
Vest,
Vilas,
Voorhees,
White.

NAYS—48.

Aldrich,
Allison,
Bacon,
Baker,
Bate,
Berry,
Brown,
Burrows,
Carter,
Cockrell,
Cullom,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gorman,
Hale,
Hansbrough,
Hawley,
Hoar,
Jones, Ark.
Lodge,
McBride,
McMillan,
Mantle,
Mitchell, Wis.
Morgan,
Nelson,
Pasco,
Peffer,
Perkins,
Pettigrew,
Platt,
Pritchard,
Pugh,
Quay,
Sherman,
Shoup,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Walthall,
Wetmore,
Wilson.

NOT VOTING—22.

Blackburn,
Brice,
Butler,
Cameron,
Clark,
Daniel,
Gear,
George,
Gibson,
Gordon,
Harris,
Irby,
Jones, Nev.
Kenney,
Kyle,
Mitchell, Oreg.
Morrill,
Palmer,
Proctor,
Sewell,
Warren,
Wolcott.

So the motion was not agreed to.

Mr. PETTIGREW obtained the floor.

Mr. WALTHALL. Mr. President——

Mr. PETTIGREW. I yield to the Senator from Mississippi.

Mr. WALTHALL. I offer an amendment to come in after the word "services" on page 57, line 2, of the bill.

The PRESIDING OFFICER. A point of order is now pending. As soon as the point of order is disposed of, the amendment proposed by the Senator from Mississippi will be considered. The amendment can be now considered by unanimous consent.

Mr. WALTHALL. I ask unanimous consent of the Senate to consider the amendment which I propose at this time, as I am obliged to leave the Chamber within the next thirty or forty minutes.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that an amendment which he proposes may be now considered. Is there objection? The Chair hears none. The amendment will be stated.

The SECRETARY. In line 2, page 57, after the word "services," it is proposed to insert:

> That the said commission shall without delay enroll the Choctaws now resident in the State of Mississippi as citizens of the Choctaw Nation, and such Choctaws who possess at least one-eighth of Choctaw blood shall be enrolled on a special roll, and are entitled to all the rights of Choctaw citizenship, except in the annuity under the treaty of 1830, as therein provided.

Mr. PETTIGREW. Mr. President, the amendment offered by the Senator from Mississippi peremptorily requires that these Indians in Mississippi shall be placed upon the rolls. I have not had an opportunity to examine this question, so as to know whether they are entitled to be placed on the rolls or not, and entitled to a share of the property of those tribes; but I am willing to trust the commission, which have power and authority to investigate the question as to whether they are Choctaws or not and entitled to a share of this property. I therefore offer an amendment which I send to the desk as a substitute for the one offered by the Senator from Mississippi.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary read as follows:

> That the commission appointed to negotiate with the Five Civilized Tribes in the Indian Territory shall examine and report to Congress whether the Mississippi Choctaws, under their treaty, are not entitled to all the rights of Choctaw citizenship except an interest in the Choctaw annuities.

Mr. PETTIGREW. I appeal to the Senator from Mississippi to accept that as a substitute for his amendment.

Mr. WALTHALL. I should prefer very much to have the amendment in the form in which I submitted it, but I shall not detain the Senate at this late hour in discussing the matter. I will accept the substitute proposed by the Senator from South Dakota.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. WALTHALL. I will ask to have inserted the fourteenth article of a treaty between the United States and the Mingoes, chiefs, captains, and warriors of the Choctaw Nation, made at Dancing Rabbit Creek, on the 15th of September, 1830, and also a communication from the Secretary of the Interior, transmitting certain information bearing upon this subject, which he sent us the other day in response to a resolution of the Senate, in order that this amendment may be understood by all concerned.

The PRESIDING OFFICER. The matter referred to by the Senator from Mississippi will be inserted in the RECORD in the absence of objection. The Chair hears none.

The papers referred to are as follows:

ART. XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of 1 section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

DEPARTMENT OF THE INTERIOR,
Washington, February 17, 1897.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, dated 11th instant, viz:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the following information:

"First. A copy of the memorial of the Choctaw Nation of December 24, 1889, relative to the Mississippi Choctaws.

"Second. Deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, of February 24, 1843, before United States Commissioners Clayborne and Graves, relative to importance of the fourteenth article of the treaty of 1830.

"Third. Whether or not the Choctaws entitled to remain in Mississippi by the fourteenth article were reported by United States Commissioners Murray and Vroom to the President of the United States on July 31, 1838, as having been in a great number of cases forced to remove from the reservations granted them by the fourteenth article.

"Fourth. Whether or not the Mississippi Choctaws were parties to any subsequent Choctaw treaty, or have ever executed a relinquishment of their rights of Choctaw citizenship."

In response thereto I transmit herewith copy of a communication of 15th instant from the Commissioner of Indian Affairs and accompanying papers.

As to the question of whether or not the Mississippi Choctaws were parties to any subsequent treaty to that of 1830, or have ever executed a relinquishment of their rights of Choctaw citizenship, the Commissioner says that four treaties in which the Choctaw Nation has been interested have been entered into since that of 1830, but that he can not find in any of them anything to indicate whether the Choctaws in Mississippi were a party to any of them as a distinct faction or otherwise; neither does he find any provision by which the Choctaw Indians in Mississippi relinquish any rights of Choctaw citizenship they may have acquired under the fourteenth article of 1830, or otherwise.

Very respectfully,
D. R. FRANCIS,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1897.

SIR: I am in receipt, by Department reference for immediate report, of a resolution of the Senate calling for certain information relative to the Choctaws in Mississippi, as follows:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the following information:

"First. A copy of the memorial of the Choctaw Nation of December 24, 1889, relative to the Mississippi Choctaws.

"Second. Deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, of February 24, 1843, before United States Commissioners Clayborne and Graves, relative to importance of the fourteenth article of the treaty of 1830.

"Third. Whether or not the Choctaws entitled to remain in Mississippi by the fourteenth article were reported by United States Commissioners Murray and Vroom to the President of the United States on July 31, 1838, as having been in a great number of cases forced to remove from the reservations granted them by the fourteenth article.

"Fourth. Whether or not the Mississippi Choctaws were parties to any subsequent Choctaw treaty or have ever executed a relinquishment of their rights of Choctaw citizenship."

In reply I have the honor to inclose a copy of the memorial of the Choctaw Nation adopted by the legislature of that nation and approved by its principal chief on December 24, 1889, said memorial relating to the Mississippi Choctaws.

I also inclose a copy of the deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, taken on February 24, 1843, before United States Commissioners John F. H. Clayborne and Ralph Graves, relative to the importance of the fourteenth article of the Choctaw treaty of 1830 (7 Stat. L., 333).

I also inclose an excerpt from a report made by United States Commissioners J. Murray and P. D. Vroom to the President of the United States on July 31, 1838, in which they state that in a great number of cases Choctaws in Mississippi were forced to remove from reservations granted them under the fourteenth article of the treaty above mentioned. These last two named copies are made from the printed record of the Court of Claims in case No. 12742, "The Choctaw Nation of Indians *vs.* The United States."

On account of the limited time within which I have to make this report, I have not been able to search the files of this office for the original of the report of the Commissioners from which these copies are taken.

As to the question of whether or not the Mississippi Choctaws were parties to any subsequent treaty to that of 1830, or have ever executed a relinquishment of their rights of Choctaw citizenship, I have to state that four treaties in which the Choctaw Nation has been interested have been entered into since that of 1830, as follows:

Treaty of 1837 (11 Stat. L., 573), by which the Chickasaws were permitted to form a district in the Choctaw country in the Indian Territory, and certain adjustments of rights between the two nations in the lands ceded to the Choctaws prior thereto were accomplished.

The treaty of November 4, 1854 (10 Stat. L., 1116), by which the boundary line between the Choctaw and Chickasaw districts in the Choctaw Nation was provided to be run.

The treaty of 1855 (11 Stat. L., 611), entered into for the purpose of readjusting the relations between the Choctaw and Chickasaw nations, and the treaty of 1866 (14 Stat. L., 769), readjusting the relations of the Choctaw and Chickasaw nations with the United States after the civil law.

There is nothing that I can find in any of these treaties to indicate whether the Choctaws in Mississippi were a party to any of them as a distinct faction or otherwise. These treaties were negotiated with the Choctaw and Chickasaw nations as bodies politic and there is no recognition of any separate factions of either of said nations.

Neither do I find any provision in any of said treaties by which the Choctaw Indians in Mississippi relinquish any rights of Choctaw citizenship they may have acquired under the fourteenth article of 1830 or otherwise.

Very respectfully, your obedient servant,
THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES.

Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

Whereas they are denied all rights of citizenship in said States; and

Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore,

Be it resolved by the general council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provision for the emigration of said Choctaws from said States to the Choctaw Nation.

The national secretary is hereby instructed to furnish a certified copy of this memorial each to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the Commissioner of Indian Affairs, with the request that they do all they can to secure the accomplishment of the object of this memorial, and this resolution shall take effect and be in force from and after its passage.

Approved December 24, 1889.

B. F. SMALLWOOD, *P. C. C. N.*

This is to certify that the foregoing is a true and correct copy of the resolution of the general council of the Choctaw Nation passed and approved in extra session in December, 1889.

Witness my hand and the great seal of the Choctaw Nation this 30th day of December, A. D. 1889.

[SEAL.]
J. B. JACKSON,
National Secretary Choctaw Nation.

BOARD OF CHOCTAW COMMISSIONERS,
Hopahka, February 24, 1843.

Direct interrogatories to be propounded to Greenwood Leflore, a witness on the part of the United States, summoned at the instance of Messrs. Poindexter and Kirksey, on their suggestion that many of the claims presented by Choctaws for the consideration of this board are fraudulent and void, to be used as evidence in the investigation of said claims.

First interrogatory. Have you any interest whatever, either as claimant, agent of claimants, or otherwise, in any claims under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit Creek, which were presented before the former board of commissioners, or which have been presented or are to be presented for the consideration of this board?

Second interrogatory. Do you know of any frauds committed or attempted to be committed upon the Government of the United States by any Indian or class of Indians or their agents in cases of such claims?

Third interrogatory. Do you know or have you heard of any Indian who has ever removed to the Choctaw country west of Mississippi and has since returned to the country ceded by the treaty of 1830 and is now residing here? If you do, give us his name, and describe him so particularly, if you can, that this board may be able to recognize him should he come before them in person; and if any such person be dead give us his name and the names of his family and relations, so that a claim in behalf of his heirs may be detected.

Fourth interrogatory. Do you know how many Indians or heads of families there were who applied or offered to apply for the benefit of the fourteenth article of the treaty?

Fifth interrogatory. Were you not one of the chiefs who negotiated this treaty on the part of the Choctaws, and did you not make yourself acquainted with the extent of the benefits realized by your people from most of its provisions?

JOHN F. H. CLAIBORNE,
RALPH GRAVES,
Commissioners.

The answers of Greenwood Leflore to the interrogations propounded on his direct examination before the board of commissioners sitting at Hopahka, as a witness on the part of the United States, summoned at the instance of Messrs. Poindexter and Kirksey, on a suggestion that many of the claims presented by Choctaws for the consideration of this board are fraudulent and void, to be used as evidence in the investigation of said claims.

To the first interrogatory I answer that I have no interest whatever in any claims under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit Creek, which were presented before the former board of commissioners, or which have been presented or are to be presented for the consideration of this board. I was provided for by the supplement of the treaty, and have received from Government a patent for my land. I was also the purchaser of two or three small reservations under the nineteenth article, about which there never has been any difficulty. I have never had anything to do with any claims under the fourteenth article, nor with any under the nineteenth article, which would come before this board.

To the second interrogatory I answer that I do not know of any frauds committed or attempted to be committed upon the Government of the United States by any Indian or class of Indians or their agents in cases of such claims.

To the third interrogatory I answer that I do not know, nor have I ever heard, so far as I can now recollect, of any persons who ever removed to the Choctaw country west of Mississippi and have since returned to the country ceded by the treaty of 1830, and are now residing here, except John F. Price, William Leflore, and Anthony Turnbull. The first is a white man who had a Choctaw family; the second is my brother, and the third is a mixed-blood Choctaw. The first never made a claim for land, not being entitled to a reservation under any provision of the treaty, and the other two were provided for, one by the supplement, and the other, by the nineteenth article, had their lands reserved, and sold them before their emigration west. I can recollect no others, and do not believe I ever heard of any others, and none of them can be claimants before the present board.

To the fourth interrogatory I answer that I do not know how many Indians or heads of families there were who applied or offered to apply for the benefit of the fourteenth article of the treaty.

To the fifth interrogatory I answer that I was one of the chiefs who negotiated this treaty on the part of the Choctaws, and am sorry to say that the benefits realized from it by my people were by no means equal to what I had a right to expect nor to what they were justly entitled by the stipulations of the treaty on the part of the Government. The treaty was made at the urgent solicitations of the commissioners of the Government, and upon their abundant assurances that its stipulations would be faithfully carried out.

Confiding in these assurances and in the honor of Government to comply with the treaty, if it should be ratified at Washington, and conceiving it, under the circumstances, a measure of policy, if not of necessity, so far as the Choctaws were concerned, I urged it upon my people in the face of a strong opposition, which I finally determined, if possible, to remove by suggesting the insertion of the fourteenth article. This article was accordingly inserted, and, believing it removed the principal objection to the treaty, I signed it myself and procured for it the support of many who were previously hesitating and undetermined. After the treaty was ratified I was active in urging forward the emigration of the people, and induced most of those in the part of my district where I resided to remove west. I think there were very few in the vicinity of my residence who applied for the benefit of the fourteenth article, and the most of them, I think, were duly registered and got their lands reserved.

This article was inserted to satisfy those in the southern part of my district and other parts of the Choctaw country who were opposed to the treaty and were inimical to me from an impression which prevailed among them that I wished to sell their country and force them to go west. After the treaty I did not consider myself any longer chief, and as I was engaged in preparing the people for the first emigration, and actually accompanied it, my intercourse with the Indians was confined to those in my part of the country who sustained me in my course and were preparing to remove west, and I never troubled myself about the course pursued by those who had been opposed to my measures, had rejected my advice, and were determined to remain in the ceded country. I do not, of course, know how many of them applied for the benefit of the fourteenth article.

Before closing my answer to this interrogatory I think it proper to state that about three years after the treaty I was present at Columbus during the excitement which arose there at the time of the land sales about the contingent locations of the fourteenth-article claimants, and hearing a remark made by one of the agents of these claimants in a public speech to a large assembly of people, charging the chiefs who had made this treaty with bribery and corruption, I arose after he sat down and retorted the charge of fraud in as severe language as I could command. I was excited, and might have said more than was proper; but I felt, in the absence of any positive knowledge on the subject, that I had a right to impute any motives to one who could make such a serious and unfounded charge affecting my character as one of the chiefs who had been mainly instrumental in making the treaty. I knew that the locating agent, who lived in my section of country, had been furnished with a list containing but few names of persons registered under the fourteenth article of the treaty, but did not at that time know that many had applied to the registering agent for the benefit of this article whose applications had been rejected.

I have never since then taken any pains to inform myself particularly about their claims, and I do not know how many received the benefit of this article, or, being entitled to the benefit of it, failed to realize it. I would also add that the commissioners on the part of the United States went to the ground, at Dancing Rabbit Creek, much prejudiced against me, and would have no intercourse with me. They believed they could make a treaty with the other chiefs without my aid, and attempted to do so. After ten or twelve days of fruitless negotiations with them they failed entirely to make any treaty. The commissioners then came to me and made many apologies for their neglect of me, saying they had been deceived and misled in regard to me by many misrepresentations, and then solicited me to enter into negotiations with them. I then told them if they would embrace in the treaty such provisions and articles which I suggested, the fourteenth article being one of them, I would undertake to make a treaty in two days. They agreed to the articles I suggested, and in twenty-four hours I had the treaty made.

GREENWOOD LEFLORE.

Sworn to and subscribed before us, at Hopahka, this 24th February, 1843.

JOHN F. H. CLAIBORNE.
RALPH GRAVES.

To the President of the United States:

SIR: * * * In all cases where the claimant has been actually expelled from his possession within the five years, or in which the land he occupied had been sold by the Government and surrendered to the purchaser, or where the claimant died in possession, the board have considered the cases as standing on the same ground as cases of continued residence, and have allowed them.

It is proper also to state that since the board received a copy of the supplemental law they are not aware that any case has been presented to them in which the claimant has removed west of the Mississippi. A few such cases had been heard before, and, as they were upon the records, the board have thought it proper to report them with the rest.

There are many cases also in which claimants have removed from the lands occupied by them at the time of the treaty in consequence of the settlement of the whites in their neighborhood. This and the consequences naturally resulting from it, and the proofs offered of its effects upon their minds, have induced the board to recommend such cases to Congress for allowance.

The Choctaw Indians are shy and reserved in their intercourse with the whites, and do not readily mix with them; it is proved in a great number of cases that they have been most wantonly abused and ill-treated by them, and that they could not live in peace in the same neighborhood. The large stocks of cattle and hogs introduced by the white settlers destroyed their crops, and their houses and cabins were torn down, burned, or taken possession of by them when they left home on their necessary hunting expeditions or to seek employment in picking cotton, etc. Under these circumstances they were compelled in a great number of cases to remove.

It is in proof also that many removed in consequence of reports circulated among them that the lands occupied by them had been sold by the Government, and when it was impossible for them to ascertain the truth or falsehood of such reports. They well knew, however, from bitter experience, that whether true or false, they were at the mercy of their white neighbors. The instances are not rare, as the evidence abundantly shows, in which families have been wantonly driven from their homes, and have for several years been wanderers, living about in all seasons in open camps, and seeking a precarious subsistence, which scarcely sufficed to keep them alive.

* * * * * * *

All of which is respectfully submitted.

J. MURRAY,
P. D. VROOM.

WASHINGTON CITY, *July 31, 1838.*

Mr. PETTIGREW. I understand the pending question is the point of order raised by the Senator from Tennessee [Mr. BATE].

The PRESIDING OFFICER. That is the matter pending at the present time.

Mr. PETTIGREW. I am ready to vote on the question if the Senate is. I do not care to make any remarks. I ask, however, to have it submitted to the Senate.

Mr. VILAS. Will not the Chair rule upon it? The point of order is addressed to the Chair.

The PRESIDING OFFICER. The Chair will state that the point of order is against the amendment beginning in line 19 on page 57, and going down to line 7 on page 59. The point of order, the Chair understands, is that it is general legislation.

Mr. PLATT. I understood when the point of order was raised that it referred only to the clause of the amendment which is found on page 59, relating to the acts, ordinances, and resolutions of the council. I wish that the Senator from Tennessee would confine the point of order to that portion of the amendment.

Mr. BATE. The point of order is against the clause beginning at line 19, where it establishes the court. The point of order first was to apply against the clause beginning on page 57, line 2, "*Provided further*," but that was stricken out.

The PRESIDING OFFICER. The Senator from Tennessee will please state how far his point of order extends.

Mr. BATE. From the matter in line 19 down to——

Mr. VILAS. Down to line 6 on page 59.

Mr. BATE. Down to line 6 on page 59.

The PRESIDING OFFICER. That was the statement made by the Chair.

Mr. PLATT. I wish to make an appeal to the Senator from Tennessee to withdraw his point of order as to so much of the amendment as relates to the courts. It is of such great importance that I trust that he will not make his point of order as to that portion of the amendment.

Mr. BATE. I should be glad to withdraw it if I could consistently.

The clause against which I interpose the point of order is the most vital part in the whole amendment, in my opinion, because it gives jurisdiction to the court. I do not want to lop off the limbs and leaves of the tree and let the trunk stand. It takes away from the Indians every single power they have in the way of settling their own matters by their own courts, which power was granted to them by the Government, and the amendment says exclusive jurisdiction shall belong to the court which you propose to establish. If we are going to wipe out all that, then of course I would yield to the appeal; otherwise I can not. I ask for the ruling of the Chair.

Mr. VEST. I offered the amendment which eliminates the provisions in regard to allotting the lands in severalty and in regard to the leases, and in regard to the veto power over acts of the Indian council, in a spirit of compromise and in order that the least possible friction should occur as between the Indians and the Government of the United States. I endeavored to explain, to the best of my ability, how impossible it is to administer any law when there are two systems vitally antagonistic and inconsistent existing in the same territory.

Now, the Senator from Tennessee, not satisfied with eliminating the most objectionable features, certainly, insists upon his point of order as to what it is evident is absolutely necessary in the interest of peace and good government not only in the Territory but in the adjoining States. What is the point of order? That the amendment proposes general legislation. We establish a commission by two acts, both of them appropriation laws. We defined in connection with the appropriation of money, as we had a right to do, in my judgment, the functions and duties of the commissioners. The Senate deliberately declared that we had [illegible] to do this, and those statutes are in operation and the commission is in the Territory, and has been there for three years, and it will remain there. It has been successful in its work.

What do we propose now? Simply to enlarge the functions and the duties of the commission. This is a question res adjudicata as far as this tribunal is concerned. The other legislation commenced this work, and we simply enlarge upon it. I shall make no appeal to the Senator from Tennessee, for he will do his duty as I am endeavoring to do mine, but I do appeal to the Senate. Here is a great emergency in regard to an important portion of this country. As the Senator from Arkansas said to-day, most pertinently and truly, if we take a backward step now, if we defeat the amendment on any ground, we give new life to those in that Territory who will insist upon the present condition of things, and that condition is not only dangerous but disgraceful and outrageous beyond any description of mine.

I appeal to the Senate that if ever there has been a case where no technicality should be allowed to come between us and a great duty it is now.

Mr. STEWART. I wish to suggest that a different rule by custom prevails with the Indian appropriation bill than with any ordinary appropriation bill. In every Indian appropriation bill, in order to administer the affairs of the Indian Bureau and to carry out the policy adopted by Congress, it is necessary to incorporate a great deal of legislation, and if this bill is subjected to the rigid rules that apply to other appropriation bills, then there must be a new system altogether.

Both Houses have acted upon the theory that they will put in the Indian appropriation bill all the germane legislation necessary to carry out that policy. Nearly all the legislation in regard to Indians was incorporated in the general Indian appropriation bill, and it must of necessity be so, unless there is a radical change in the entire policy. The technical objection to following the policy which has been followed by both Houses from time immemorial in compliance with a rule that can not be applied to the rest of the appropriation bills is a violation of precedent, because the precedents and practice grow up under the rules and become a part of them. They have the force of rules. The general legislation that is incorporated in the Indian appropriation bill to carry out the policy in dealing with the Indians is absolutely necessary. It has been adopted at every session of Congress when I have been here. It must be now.

Mr. VILAS. I wish to make only one observation. The appeals which have been made here illustrate perfectly well the flagrant violation of the rules of the Senate which Senators wish to accomplish, if possible, in order to carry out their ends. The Senate has made itself a spectacle in the country, not so much for the want of rules as for the want of its own obedience to the rules which are prescribed. It is incumbent upon the presiding officer of the Senate to read the rules and administer them fearlessly and firmly and according to their spirit and meaning. I hope that the rule of the Senate will be observed in this instance and that we shall not set another example to add to those which have drawn upon the Senate deserved comment.

The PRESIDING OFFICER. The former occupant of the chair has been in the habit of submitting questions similar to this one to the Senate, in order that the voice of the majority of the body might prevail. The temporary occupant of the chair does not feel justified, under those circumstances, in substituting his individual opinion for that of the majority of the Senate. Therefore the question is submitted to the Senate.

Mr. BATE. On this very question the Vice-President himself ruled without submitting it to the Senate.

The PRESIDING OFFICER. The Chair has examined the ruling upon the item in the bill a few years ago, and finds it entirely different from the present question.

Mr. VILAS. I wish to add one word, since the point of order is to be submitted to the Senate. In the last Congress we passed a law, independently of the appropriation bill, creating courts in the Indian Territory and giving them their jurisdiction. That was general legislation. In former days the President of the United States negotiated with the Five Civilized Tribes treaties in which were inscribed the solemn engagements of the United States to those tribes, and they were ratified by the Senate. That was general legislation.

Now it is proposed, upon an appropriation bill brought in here, not by the committee to whom we have specially referred and delegated jurisdiction to consider matters relating to the Five Civilized Tribes, for we have just such a committee, but brought in here by the Appropriations Committee, and in defiance of the rules of the Senate, to strike down utterly all the solemn engagements of the Government of the United States with those tribes of Indians, upon which they have relied with a trusting faith in the honor of tha United States. We propose to change the very law which we passed only in the last Congress creating the courts in that territory, and the Senate is asked to say that that is not general legislation.

Mr. BATE. Mr. President, I do not desire to detain the Senate on this question, but it seems to me it is so vital to these civilized tribes of Indians that the Senate ought to consider it. If we are to override the rules of the Senate, let us withdraw the rule; let us set it aside; but if we have it here, let us respect it. In my opinion there can be no question on earth in regard to this being an increase of the judical power, to say the least of it, and if it is, it is obnoxious to the rule. I beg to say further that this right is conceded to the Indians by the most sacred obligation that a government can enter into. You find here every treaty from 1830 down to 1866 and the agreement finally made in 1875, recognizing these rights which we now propose to strike down from the Indians.

I call the attention of the Senate to that fact, because we want to do what is legally right and what is morally right. It is a proposition to put the Dawes law, which is now in existence, into execution there. It has been successful to some extent, and these Indian tribes come along and say, "We are willing to do that; give us a chance; we want time." Now, instead of giving them time, while you hold out that negotiation to them, you brain them with this bludgeon and say, "We will pass this law depriving you of all your rights." That is the situation. We want to strike down these people, while at the same time holding in the other hand the proposition of negotiation. That is presented to the Senate as a moral, an upright, a proper thing to do. I say, it looks to me like it is unmanly, immoral, and vicious legislation.

I know the fate of the Indians is trembling in the balance. It is the sword of Dionysius hanging suspended by a hair as it trembles over the neck of Damocles. A single twitch of the hair may take his life. So it is with the Indians. They are standing upon a pivot, upon the brink of ruin, and the Senate is called upon to knock from under them the last prop that is sustaining them. I hope the Senate will not do so and that we will take action as I have indicated.

The PRESIDING OFFICER. The question is, Is the the pending amendment in order?

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GEAR. I transfer my pair with the Senator from Georgia [Mr. GORDON] to the Senator from Wyoming [Mr. WARREN] and vote "yea."

The PRESIDING OFFICER (Mr. PASCO, after having voted in the negative). The present occupant of the chair announces his pair with the Senator from Washington [Mr. WILSON], and withdraws his vote.

The result was announced—yeas 36, nays 24; as follows:

YEAS—36.

Bacon,
Baker,
Berry,
Blackburn,*
Brice,
Butler,
Call,
Cannon,
Carter,
Cockrell,
Davis,
Dubois,
Elkins,
Frye,
Gallinger,
Gear,
Jones, Ark.
Kenney,
Lindsay,
McBride,
McMillan,
Mitchell, Wis.
Morgan,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Quay,
Roach,
Shoup,
Stewart,
Teller,
Vest,
Wetmore.

NAYS—24.

Aldrich,
Allen,
Allison,
Bate,
Brown,
Burrows,
Caffery,
Chandler,
Chilton,
Daniel,
Faulkner,
Hill,
Hoar,
Lodge,
Mills,
Murphy,
Pugh,
Sherman,
Smith,
Tillman,
Turpie,
Vilas,
Voorhees,
White.

NOT VOTING—30.

Blanchard,
Cameron,
Clark,
Cullom,
George,
Gibson,
Gordon,
Gorman,
Gray,
Hale,
Hansbrough,
Harris,
Hawley,
Irby,
Jones, Nev.
Kyle,
Mantle,
Martin,
Mitchell, Oreg.
Morrill,
Palmer,
Pasco,
Pritchard,
Sewell,
Squire,
Thurston,
Walthall,
Warren,
Wilson,
Wolcott.

The PRESIDING OFFICER. The Senate decides that the amendment is in order.

Mr. ALLISON. I move that the Senate take a recess from 6 o'clock until 8 o'clock this evening.

The motion was agreed to.

Mr. VILAS. I move to strike out the words "full and exclusive" before the word "jurisdiction" in the twentieth line on page 67.

Mr. President, I would be very glad to find some basis upon which—something like justice and decent consideration for the solemn engagements of the United States—we could carry on the invasion of that Indian people by our appropriation bills if the progress of the invasion can not be resisted. The amendment as it is proposed by the Committee on Appropriations undertakes to sweep away the very solemn engagement made by this country with the Five Civilized Tribes. We have, in the manner by which the United States executes its most solemn covenants, agreed to give the Five Civilized Tribes their own government., We agreed to give them their own lawmaking councils, their own courts, and under the courts which they instituted, under the councils which they established, they progressed in their own way to a degree beyond that which any other Indians in this country have ever attained. There was no trouble with their progress, there was no trouble with their development, until white men, in violation of the solemn promises of the United States, invaded their territory and undertook to throw down their usages and customs.

Now, sir, not in response to the necessities of the Indians, not in response to any demands which faults of theirs invoke judgment from us, but purely and simply that the progress of invasion upon their rights may be stimulated and assisted by the United States Government, it is proposed to trample down their courts, their councils, and all there is of their own government which they have maintained under the promise of our protection.

Mr. JONES of Arkansas. I should like to ask the Senator from Wisconsin if he believes the United States judges selected by the President of the United States, and appointed to preside over the courts in that country, are less honest than the incompetent men who are selected by Indians to preside over their courts?

Mr. VILAS. Mr. President, I do not. I should be much better satisfied to have the United States judges administer the law there than to have the Indian courts do it.

Mr. JONES of Arkansas. That is all that it is proposed to do.

Mr. VILAS. But, sir, I have no right to tell those Indian people, when we covenanted with them that they should govern their own country and their courts should administer justice after their laws, that we will take them by the throat and subject them to ourselves. For that reason I move to strike out these words in order that we may extend to our judges jurisdiction to try the cases concurrently with theirs, as a primal step in this invasion. All the force and effect of the amendment which I propose is simply to so far moderate the demand which we are making upon them (or rather it seems to me to be the cruel and unjust invasion of their rights we are projecting) as to strike out those words which shall give our courts entire and exclusive jurisdiction, and leave them to exist side by side with the Indian courts.

Now see, Mr. President, and I hope Senators will recognize where this leaves the case. Our United States courts will then be there in their territory with a completely concurrent jurisdiction with their courts. Already the jurisdiction of the United States courts is conclusive in all cases in which a white man is concerned. All that I am asking to do here now is to prevent taking away from them the jurisdiction of their own courts in suits between Indians themselves. That is all that I ask.

The amendment of the committee undertakes to destroy not their courts for white men, but their courts for Indians. No, it goes a good deal further than that: for if our United States courts are to decide all the causes that arise between the Indians, as well as between Indians and white men, which they now have the jurisdiction to do, if they are to decide all causes of every description, if they are to decide them according to the laws of the United States and the laws of the State of Arkansas extended over that Territory, then all there is left of their autonomous government is gone. What is there of a country whose laws can not be enforced, whose courts are gone, whose officers have no power? And thus it is, sir, that by this single act we are at once stripping those people of every advantage which they have so long possessed with such benefit to themselves, and based upon the solemn covenants of this Government.

Sir, we have been talking here for two or three days about protecting the rights of an American citizen whose citizenship depended only upon some act without the accompaniment of a single article of benefit to this country, and yet all at once we are about to trample down these people who have lived in this country from their birth, whose ancestors lived here, who gave up their own territory to occupy this upon the faith of our obligation to preserve it to them. We will trample them down with a ruthlessness and recklessness of right such as has hardly been shown in Cuba to any of the people who have been abused and injured there.

I would be glad, as I said, to find some way to agree with this amendment, or at least to have it less violent and less oppressive than it is. I appeal to those gentlemen who seek it. If we begin by giving to our courts a concurrent jurisdiction with theirs, I think we have gone far enough at this time.

At the last session of Congress we passed laws which almost denuded them of their rights. Let us not carry it so far at this session of Congress that nothing remains. Let us at least try to preserve the semblance of fair dealing, and if we do add something to the force of the persuasion which the Dawes Commission is addressing to those people, yet let us add it so that in the end we may secure an agreement with them and that this thing shall be done less by the violence of arbitrary enactment than by the consent of the Indians, however that consent may be obtained.

I do not desire, sir, to occupy the attention of the Senate or to protract the discussion, but I can not suffer this thing to pass in this way without some effort to do what seems to me the duty incumbent upon me, much as I should be glad to escape it.

Mr. GALLINGER. Mr. President, a few moments ago unanimous consent was given that we should take a recess at 6 o'clock until the hour of 8 o'clock. Since then several Senators have appealed to me to ask that that order may be changed, so that the recess may be taken until half past 7, and that from half past 7 until 8 o'clock be occupied with the consideration of pension bills on the Calendar, and no other business to be done from that time until 8 o'clock. I will ask the chairman of the Committee on Appropriations if this will be agreeable to him, if the Senate will consent to it?

Mr. ALLISON. It will be agreeable to me, if the Senate agrees to it.

Mr. GALLINGER. I ask unanimous consent that my request be acceded to.

Mr. BATE. I hardly think that will give sufficient time to Senators to get their dinners and return to the Chamber. I know yesterday evening when we came back we remained here quite a little while before there were more than twenty Senators in the Chamber.

Mr. GALLINGER. I will say that several Senators on the other side of the Chamber have appealed to me to make this request. There is no case on the pension Calendar in which I am personally interested.

Mr. BATE. I do not wish to interfere with the Senator, but merely make the suggestion. A good many of us live quite a distance from the Capitol.

Mr. JONES of Arkansas (to Mr. GALLINGER). Ask unanimous consent.

Mr. GALLINGER. I ask unanimous consent to modify the agreement in regard to the recess as I have suggested.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the agreement heretofore made be modified so that the Senate will convene after the recess at half past 7 o'clock instead of 8 o'clock, with the understanding that no other business be done, but that the time be devoted to pension bills on the Calendar.

Mr. VILAS. And no other business but pension bills shall be transacted?

Mr. GALLINGER. That alone.

The PRESIDING OFFICER. And that no other business shall be transacted.

Mr. BROWN. I understand, then, that another unanimous consent can not be obtained for any other purpose?

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. No other bills can be considered except those included within the unanimous consent. Is there objection to the request?

Mr. BROWN. Is it understood that no other unanimous consent can be obtained?

Mr. GALLINGER. That is it.

The PRESIDING OFFICER. It excludes all other matters, whether by unanimous consent or otherwise. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. GALLINGER. The time is to be consumed in the consideration of pension bills only.

The PRESIDING OFFICER. Unobjected pension bills already on the Calendar.

Mr. PLATT. Mr. President, it is very unsatisfactory to attempt to debate a matter of this sort under circumstances in which the Senate is placed almost at the close of the session and almost at the close of the day, but I think that I ought to occupy a few minutes' time in reply to the Senator from Wisconsin [Mr. VILAS].

I know that the Senator from Wisconsin would be glad to have the carnival of crime and the saturnalia of corruption which is going on in the Indian Territory among the Indians and by means of Indian courts put an end to. I am sure he desires that. I think that he recognizes, as we who are familiar with that situation do, that never in the history of the world was there a condition of affairs so disgraceful and so deplorable. The means by which that disgraceful and deplorable condition is kept up [illegible] courts.

Mr. President, I am not going into the question of treaties. It extends over a long period of our history. Men of great legal ability who have gone into it, who have investigated it thoroughly, do not believe that in this provision there is any violation of any treaty which we have made with the Indians, either in the early history of this Government or more recently. But that is too long a subject, too complicated a subject, to discuss in the few minutes which I may be permitted to occupy.

I take the other ground that, if there is any treaty which by its letter stands in the way, that treaty has been violated in its spirit by those Indians, until the United States not only is no longer bound to observe it, but is bound to step in and exercise its duty and its power to take care of those Indians.

The Senator from Wisconsin talks as if they were all Indians who are in control of those courts; as if white people had gone there and invaded that Territory, and were seeking to despoil the Indians. Not at all, Mr. President. The people who are responsible for this corruption, for this deplorable condition of things, are as white as you or I, sir. They are Indians under the Indian law. They have been admitted by the Indian tribes as Indian citizens; they have come in complete control of the Indians, and are running legislatures and courts for their own benefit, and not for the benefit of the real Indians.

Mr. STEWART. Will the Senator state what is the proportion of whites and Indians?

Mr. PLATT. About one-third of the Indians in the Five Civilized Tribes are full bloods, and two-thirds are either of mixed blood or white people. By the laws of those tribes, when a man marries an Indian woman, he becomes an Indian for all purposes of their laws, and white people have gone there and become Indians by marrying women with Indian blood, for the purpose of enriching themselves and despoiling the real Indians. That thing has been carried on until the whole community have come under the power of those white men, who are now insisting upon treaties originally made with the Indians.

Now, about those treaties. Those treaties were made when it was supposed that a white man would not go to that country. They were made by the Indians upon the representation that they wanted to be kept away from white people and that white people should be kept away from them; that they wanted to live by themselves, have their own courts—their Indian courts, their Indian legislatures, their Indian laws. They have not only violated the spirit of those treaties in this, but they have allowed white people to become Indians. But all those white people who are Indians in that country are not intruders at all. They have gone there by permission of the Indians. The spirit of the treaty whereby we agreed that they should live by themselves and have their courts has been utterly violated by the Indians; and I insist upon it that the United States, in making those treaties, did not absolve itself from the duty, if the Indians so conducted that they were to be overrun by white people, to step in and take care of those Indians, the real Indians, to see that they were not despoiled by white people whom they themselves had brought among them.

Mr. President, there is only one way to remedy this state of affairs, and that is to give our courts jurisdiction there. The Indian courts are so utterly corrupt that injustice is bought in them at every term of the court openly and notoriously. Justice is not administered. If the amendment of the Senator from Wisconsin should prevail, giving concurrent jurisdiction to the United States courts with the Indian courts, it would simply amount to this, that the men who were honest would go into the United States courts, and the men who were dishonest would go into the Indian courts, until they would be purely dishonest bodies and dishonest means of the so-called administration of justice.

I do not believe that there is anything in this amendment which violates the spirit of any treaty we have made. I do not believe that the United States, in making an agreement with the Indians, is bound to keep the letter of that agreement when the Indians have so conducted themselves that to keep the letter of it will destroy its spirit and destroy the Indians also.

But with regard to treaties, the Seminoles have none which guarantee them any courts. The Choctaws and Chickasaws have entered into an agreement whereby they have agreed to give up their courts, and if this amendment passes it will not be three months before the other Indian tribes, the Creeks and the Cherokees, will also have agreed to surrender their courts.

Mr. President, this is the most important piece of legislation that has been proposed for the settlement of this difficulty, for the settlement of this disgrace, this burning shame, this blot on our system of government; and the Senators who insist now upon keeping the letter of the treaties, as it seems to me, are sticking in the bark, and are unconsciously asking the Senate to do great wrong and injustice by keeping to the technical letter of treaties.

Mr. BATE. Mr. President, I wish to say but a few words in response to the remarks which have just been concluded by the Senator from Connecticut [Mr. PLATT]. They induce me to present some letters from leading citizens of that country. I have those letters here. I do not propose to comment upon them, but I wish them to go into the RECORD as a controversion and contradiction of what the Senator has said in regard to the morals of those people and in regard to the criminality and saturnalia of crime of which the Senator spoke.

Two of the letters are from judges of the court there, one is from a Baptist minister and there are one or two others from prominent people there. The letters are short, but they show just to the contrary of what the Senator has stated, and show that there is a better average morality per capita there than in any of the States of the Union. There may be troubles in that Territory, as there are troubles elsewhere. Those people are not responsible for that. It is the fault of the white men who are there, the white men who have crowded out the Indians. The Indian has been driven to the jumping-off place, and now that he has reached that condition, you propose to strike him down, and deny him the last vestige of right, which is this little court of his own, where he has his magistrates and constables to administer justice where nobody but Indians are tried. That is what you propose to do now, by giving exclusive jurisdiction to the courts which are to supplant the Indian courts.

Mr. President, the United States courts are already there. Those courts have jurisdiction in cases between white men and Indians and between white men exclusively; but the Indians have a little court of their own, exerting that power which was given them under every treaty. The Senator from Connecticut says the treaties do not do that. I have read the language, and it is in print to-day. They do it in every instance.

Talk about the morals of those people! Mr. President, I challenge history, I challenge the Senator's historical knowledge, to point out, from the day of the rape of the Sabines in Rome down to the present day, an instance where any single nation of people have ever advanced in civilization from a barbarous condition to the condition in which those Indians now are. They have their schools, they have their churches, they have their capital at Tahlequah, with 3,000 inhabitants. How many churches are there, Mr. President? Twelve churches, I understand; at any rate, they have eight or ten, Moravian, Unitarian, Baptist, Methodist North and South, Presbyterian, and others. That is not all. There are negroes there, and they have a separate church for the negroes. They also have their schools, with 200 pupils, male and female, in separate institutions, with separate teachers, at the public expense.

Mr. President, talk to me about these Indians being desperadoes and being immoral and vicious and bad people! We should take the beam out of our own eye before we take the mote out of our brother's. We have these troubles at home all around us daily. I trust matters will improve in that Territory. I hope that the Christian religion will advance and relieve the present state of affairs. The Christian religion has already done much for the people of that Territory. It has elevated them from barbarism into civilization, and it is making advances there now. I say it is historically true, as I am informed, that there are more members of Christian churches and communicants among this tribe of Indians per capita than there can be found in any State in this Union, and yet we are told by the Senator from Connecticut that a saturnalia of crime exists there.

These things, Mr. President, are historic. They may have troubles in the Indian country. There are, of course, marauders there just as there are in other portions of this country. But the gist of this thing is, Will you override the sacred obligation that this country has entered into with these poor creatures?

I have listened here for the last few days, and particularly during the last week of this session, to appeal after appeal in behalf of the unfortunate Cubans. Not only that, sir, but lamentations loud and long have been uttered in favor of the Armenians, inhabitants of a country three or four thousand miles away from us. Furthermore, we have heard much said here about the arbitration treaty. Why is that treaty favored? Because it will benefit mankind. But you say, Does that help us? The very men who advocate that treaty, the very men who advocate the cause of Cuba, and who shed tears over Armenia, are the men who now stand on tiptoe, with their ears pricked to hear a sweet sound that may come from Crete.

It is our duty, sir, according to my view of this matter, to maintain the status quo with these Indians. Let your courts which are there now have the jurisdiction which they at present exercise. We do not propose to disturb that, but do not let us extend their jurisdiction; do not let us make it exclusive; do not sweep away the rights of the Indian in a judicial point of view.

Mr. President, it is a part of their social organism to have these courts, which have been allowed by our Government in every treaty we have made with them. Theirs is a tribal organization; and I say, sir, you may look to the history of the Indian race, and wherever you have found the tribal organization of the Indians has been disturbed you have destroyed the Indians. The tribal relation is their natural condition, and whenever it is maintained as it is amongst these civilized tribes, with the laws of Christianity and the influence of the good people of this country thrown around them, as it has been, you find that they become elevated to a high point of civilization, surpassing, as I have said, any race of people known to history.

The question now is, shall we take the last prop from under them, which is their own courts, thereby giving exclusive jurisdiction to the courts presided over by judges whom we have sent there?

I do not care to say anything further upon the subject, Mr. President, but I hope the amendment will prevail. It is a proper, it is a just amendment; it goes to the merits of this case, and I shall vote for it.

I now formally request that I may be permitted to insert in the RECORD three or four letters of about twenty-five lines each from Judge Parker, Judge Bryant, Mr. King, the principal of the American Baptist Home Mission Society, and Mr. Wisdom, the United States Indian agent.

The PRESIDING OFFICER. If there be no objection, the papers indicated by the Senator from Tennessee will be inserted in the RECORD. The Chair hears no objection, and it is so ordered.

The papers referred to are as follows:

OFFICE UNITED STATES DISTRICT JUDGE,
EASTERN DISTRICT OF TEXAS,
Galveston, Tex., March 9, 1896.

DEAR SIR: As you are aware, for nearly six years I have been on the bench, and among other places hold court at Paris, Tex. During this time my duty has led me to a careful study of the conditions existing in the Indian Territory. The courts at Paris and Fort Smith have improved the Territory very much in ridding the country of lawless men, and if a comparison is made with any adjoining country, considering area and population, it will be found that less crime is committed in the Territory than any contiguous Territory or State of equal size. This is due solely to the fearless and certain enforcement of the law by the above courts.

If you look to Oklahoma, you will find that crime is practically unpunished as compared with the Indian Territory. Many circumstances combine to make the Paris and Fort Smith courts preferable, but the main reason is, the juries are not acquainted with the parties or witnesses, are not related to nor interested in them, except to do their duty firmly and fairly, and consequently the innocent are protected and the guilty punished.

The records of these courts will compare favorably, to say the least, with any court on earth. The Indian is seldom a defendant in my court. The crimes are committed by white men nearly altogether, and they are generally fugitives from justice from the States.

The question of governing the Indian Territory is a simple one. If the United States will follow strictly its treaty obligations and expel all intruders from the Indian country, the question is then settled. The trouble comes from the intruder, and when he is removed, the cause is removed and the trouble ceases.

If Congress puts the Indian Territory into a Territorial form of government, or takes the jurisdiction from Paris and Fort Smith and gives it exclusively to the courts in the Indian country, crime will rule the day; life and property will not be safe. In making this statement I desire to be distinctly understood as not reflecting on the judges or marshals of those courts. They are gentlemen and good officers and will do all that anyone can do to enforce the law. The fault is not with them. If the juries are composed of white men, in many verdicts of fact feeling will determine it, and the Indian will sincerely think it does in all. If the juries are composed of Indians, the white men will think the same. If the juries are composed of both, they will agree possibly in one case out of ten. In any event, either the white or Indian element will have no confidence that the verdicts are impartial. You know there are many feuds in the country, and they play no small part in the enforcement of law.

The Indians and the law-abiding white men in your country have confidence in the juries at Paris and Fort Smith, because they are not involved in the local feuds and local interests, not related to nor acquainted with the defendants, and consequently can have no motive to do other than right. If the United States will expel the intruder, let the tribal relations stand as they are, the question is settled and settled right. Many white men live in the Indian country that are honest and good citizens, but they comply with all regulations, are not in the criminal courts, and this letter does not apply to them. I refer to the large class of white men in your country who live by crime.

I would write more fully, but I am very busy here and have not the time. I will add, personally, it would be to my interest to lose the jurisdiction at Paris; it would relieve me of great labor and annoyance, but interest does not control me. I have given you my real convictions on this question.

Yours, truly,
D. E. BRYANT.

Hon. HOLMES COLBERT,
Washington, D. C.

Charge of Judge Stewart, December 1, 1894:

* * * * * * *

"And I say now, and I say it everywhere, and I am proud to say it, that I lived on the border, right on the edge of the Chickasaw Nation, for years before I came to this country, and I will say that there never has been a more law abiding people than the people of this Territory. Why do I say it? These people were here for years without law; these white men who came in here with the permission of the Indians had intercourse with each other to protect their rights; they had no law to protect them against crime; yet these men went out and built towns, they erected churches and schoolhouses, and the good order of society was preserved and maintained without law, and now for the world to say that this Territory, as a whole, is more lawless than other new countries is a slander on the good people of this Territory, and it is not true. I have seen it and I know it."

WASHINGTON, D. C., *December 20, 1894.*

SIR: In accordance with your knowledge of crime in the Cherokee Nation, were there as many as fifty-three murders committed there during September and part of October last, and no attempt to make arrests?

W. A. DUNCAN.

To Judge I. C. PARKER, *Fort Smith, Ark.*

FORT SMITH, ARK., *December 21, 1894.*

To Hon. W. A. DUNCAN,
Cherokee Delegate, National Hotel:

In reply to your dispatch of 20th, I state four cases of murder were reported to United States commissioners here as having occurred in the Cherokee Nation during the whole of September and October last. Arrests in all cases.

I think all the cases over which court had jurisdiction were reported. These were cases over which court here had jurisdiction. There were probably as many more cases of murder committed by Indians upon Indians. There was more crime than usual during these months, owing to the number of reckless men attracted to that country by payment to the people of so large a sum of money. The story that there were 53 murders committed in the Cherokee Nation during the month of September and part of October for which no one was brought to justice, in my opinion, is a grave mistake. Some one has imposed on the author of the statement to the committee. I do not believe any such statement is warranted by the truth, and I think a gross injustice is unintentionally done your people by such statement.

I. C. PARKER.

CHEROKEE ACADEMY,
Tahlequah, Ind. T., January 15, 1895.

HONORED SIR: I have read with interest the newspaper report of your reply to the report of the Dawes Commission. Allow me to add my humble indorsement thereto. After a three years' residence in your nation, with perfect liberty to observe your people, and every possible opportunity to study their customs and the administration of your Government, with no possible political limitations, and in a work that brings men of all classes and conditions together on common ground, and having traveled the length and breadth of your country in public and private conveyance, I am free to say that I have ever found the enforcement of law as effectual, and the safety of persons and property as sure as in any of the well-governed Atlantic Seaboard States in which I made my home for many years. And this is especially true of the safety of our women from insult and annoyance upon our streets, or on the highways, where they frequently travel unattended for many, many miles together. I have never heard of a single instance where the slightest insult or indignity has been offered them.

I may say also upon the grave question at issue, merely as the conviction of one who has the best interest of your people at heart, and who has no personal gain or loss in the balance, that any of the plans submitted for a change of government for the Cherokee Nation (I know nothing about the others) must be detrimental to the best interests of the Cherokee people, if not of fatal result to the full-blood Indians.

Believing the position of yourself and your delegations to be the only correct one in the face of the facts, allow me to wish you godspeed toward success in your noble efforts for your people.

WALTER P. KING,
Principal under the American Baptist Home Mission Society.

Hon. C. J. HARRIS,
Principal Chief of the C. N.,
National Hotel, Washington, D. C.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., January 5, 1895.

SIR: I am in receipt of your letter of December 18, 1894, in which you state that a statement was made on that day, before the House Judiciary Committee, that 53 murders had been committed in the Cherokee Nation from the 15th of September to the 28th of October, for which no one had been brought to justice. You also ask if I have any information to prove or disprove this statement, or if I give it any credit.

I would respectfully state that my information discredits any such statement, and I do not believe it to be true.

I know that the Cherokees, as a rule, apprehend and punish all criminals, and their laws are reasonably well executed.

Whenever I have called upon the Cherokee authorities to assist me in capturing outlaws they have always responded.

Very respectfully,
DEW M. WISDOM,
United States Indian Agent.

J. F. THOMPSON,
Cherokee Delegate, care National Hotel, Washington, D. C.

Mr. TELLER. Mr. President, we owe to these Indians just the same obligation that we owe to any other class of our population, and that is to secure them a proper government. We practically agreed to do that when we made our treaties with the Indians, but they have shown themselves incapable of managing their own affairs in a way to bring peace and order and quiet and to do justice to the citizens of that country.

Three years ago a committee of this body went down to the Indian Territory and took testimony as to the condition there, and came back and made a report of the condition. That report is on file. It shows the necessity for this class of legislation.

METROPOLITAN RAILROAD COMPANY.

Mr. HILL. With the kind permission of the Senator from Colorado, I rise to a question of privilege. I introduced yesterday, in behalf of the Senator from Nebraska [Mr. ALLEN], a concurrent resolution calling for the recall of a bill from the President, and said that it could go over until to-day. It was called up this morning, as I supposed it would be, but instead of it another resolution was called up which was not the one I offered in behalf of the Senator from Nebraska. It was waived. I desire to know why it was that the concurrent resolution was not laid before the Senate this morning as a part of the morning business. I ask that it may be called up now and passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. TELLER. Will it take any time?

Mr. HILL. It ought not to.

Mr. ALLEN. Oh, no.

Mr. PETTIGREW. What is it?

Mr. HILL. It is to recall a bill from the President, in accordance with the resolution I offered yesterday.

Mr. PETTIGREW. I should like to know whether it is simply to correct a clerical error?

Mr. ALLEN. Yes; a clerical error.

Mr. HILL. It is not my bill. It is a matter of courtesy on my part to another Senator. The Senate passed the wrong resolution.

Mr. PETTIGREW. I think if the Senator from New York could remain in the Senate long enough, he would get full information with regard to the powers of the body. I am glad he has discovered this one.

Mr. HILL. Yes, sir; the resolution is correctly drawn.

Mr. TELLER. Let it be taken up. I do not want to spend much time over it.

The PRESIDING OFFICER. The concurrent resolution will be read for information.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the President be, and is hereby, requested to return to the House for correction the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FAULKNER. I object to the consideration of the resolution. I do not know the object of the resolution.

Mr. HILL. The Senator knows, permit me to suggest, because I discussed the question with him yesterday.

Mr. FAULKNER. The Senator never gave me any reason for it.

Mr. HILL. Was not the Senator from West Virginia in the chair when I offered the resolution?

Mr. FAULKNER. I was, but the Senator never gave me any reason why the resolution should be passed. As a member of the subcommittee, I do not know any reason why it should. I can not agree to a concurrent resolution recalling the bill from the President unless I know the reason why it is to be done.

Mr. ALLEN. I should like to ask the Senator from West Virginia if he wants to take advantage of the technical mistake of the Presiding Officer in not laying this resolution instead of the other one before the Senate?

Mr. FAULKNER. I would ask the Senator, in reply, if he would want to take advantage of the District Committee when every member of it was engaged in public business elsewhere when the matter was taken up this morning? If they had been here they would have discussed the question, and the propriety of passing the resolution.

Mr. ALLEN. When the resolution was submitted almost every member of the District Committee was here.

Mr. FAULKNER. There was——

Mr. HILL. The Senator from West Virginia was in the chair. Why was the wrong resolution presented this morning instead of the one I offered in behalf of my friend the Senator from Nebraska?

Mr. FAULKNER. That I do not know. I was in the committee room.

Mr. VEST. Let me make an inquiry. Does the Senator from West Virginia state that the right resolution was offered?

Mr. FAULKNER. Two resolutions was offered yesterday, one by the Senator from Nebraska. Then the Senator from New York called the attention of the Senator from Nebraska to the fact that it requires a concurrent resolution to accomplish the result he had in view, and at the request of the Senator from Nebraska the Senator from New York, for that Senator, prepared a concurrent resolution and offered it to the Senate, and it went over until today.

Mr. HILL. It is there now.

Mr. ALLEN. Was it not in lieu of the simple Senate resolution?

Mr. FAULKNER. I do not know how it was offered; I do not remember the language, but it was offered with that view. This morning, while the District Committee was engaged with its public duties, when the morning hour came on, this resolution was passed without any objection whatever. It would have been objected to by the District Committee if any of the members of the committee had been present. I can say that to the Senator frankly.

Mr. HILL. That has nothing to do with it. I was entitled, or the Senator from Nebraska was (for I care nothing about the bill; I know nothing about it; I did it as a pure act of courtesy to him), to have the concurrent resolution laid before the Senate as a part of the morning business. I supposed the resolution laid before the Senate was the one I offered.

Mr. FAULKNER. I made a very fair proposition to these gentlemen. If they can give any reason why the bill should be recalled from the President, then, of course, I will not object to the resolution being considered.

Mr. HILL. What is the Senator's statement?

Mr. FAULKNER. If the Senator can give any reason why it is the duty of the Senate to recall the bill from the President, I will not object to the consideration of the resolution; but there ought to be some reason given to the Senate.

Mr. HILL. I have already explained that I am not opposed to the bill. I know nothing in regard to it. I was consulted about it by the Senator from Nebraska. He kindly asked me to put it in form, as I have been giving some little attention to the question suggested—the recall of a bill from the President. That is all. It was purely as a matter of courtesy that I offered it. I supposed it was laid before the Senate this morning, until the Senator from Nebraska called my attention to the fact that the wrong resolution was laid before the Senate, not the one I offered.

Mr. FAULKNER. I will say to the Senator from Nebraska, that if he can give any good reason why the resolution should be passed and the bill recalled from the President, I will not interpose any objection; but there ought to be some reason stated.

Mr. ALLEN. The Senator from West Virginia knows the reasons, and he has known them for a month or more.

Mr. FAULKNER. If it is the reason——

Mr. ALLEN. No, no; there are a variety of reasons.

Mr. FAULKNER. If it is the reason as to which I stated, I would oppose the resolution. I will oppose it.

Mr. ALLEN. The Senator is not in ignorance of the reasons, and he has not been for several weeks.

Mr. FAULKNER. If that is the only reason, then I do not think the public interest would justify us in recalling the bill from the President.

Mr. ALLEN. I want to say that in my judgment the conference report was deliberately slipped in and passed in the absence of several Senators who were known to be antagonistic to the bill.

Mr. GALLINGER. I will say in behalf of the chairman of the committee, who does not seem to be present, that he resents any such imputation.

Mr. ALLEN. I know he resents it. I understand the Senator from New Hampshire resents it.

Mr. GALLINGER. I do not, because I do not know anything about that part of it.

Mr. FAULKNER. If the Senator will permit me, I think if he will look at the RECORD he will find that there has been no bill which has had the deliberation, the length of time bestowed on it in the Senate as the bill of which he is speaking and the conference report thereon have had. The conference report was here from the 13th of January until the middle of February.

Mr. ALLEN. I have been in the Senate every day with the exception of a day or two from the opening of Congress until this moment, occasionally being in the cloakroom and out in the committee room, as my duties required me to be. I never could be here when the bill was mentioned by a member of the District Committee. I would come in after a time and find that some order had been made in relation to it.

Mr. GALLINGER. Will the Senator permit me?

Mr. ALLEN. Certainly.

Mr. GALLINGER. This bill was referred to the Senate committee on the 21st day of December, reported to the Senate on the 13th day of January, passed the Senate on the 5th day of February; on the 8th day of February the conferees failed to agree and reported, and it went back to them; on the 23d day of February, 1897, the conference report was agreed to, and on the 24th of February the bill was signed by the Presiding Officer.

Mr. ALLEN. I am not disputing that. It is not pertinent to the question at all.

Mr. GALLINGER. It shows simply that the bill has had most careful consideration and deliberation.

Mr. ALLEN. Most deliberate, doubtless, but it was always at a time when the opponents of the bill were not present.

Mr. FAULKNER. I wish to say, in justice to the committee, and I think the Senator from Nebraska ought to admit it, that he never called the attention of any member of the committee to any objection to the bill up to the time when he presented the resolution. At least, if he did so, I never heard of it, and I never heard of any objection either to the bill or to the conference report except from the senior Senator from Missouri [Mr. COCKRELL]. I would not sign the conference report until he was thoroughly satisfied with the modifications of it to suit his views. That is the sole objection I ever heard to the bill from any Senator.

Mr. ALLEN. What can be the objection to allowing the concurrent resolution to pass, and let the bill come back and be considered?—because it can be considered before Congress adjourns.

Mr. GALLINGER. Is unanimous consent asked?

The PRESIDING OFFICER. The proposition before the Senate——

Mr. BURROWS. I desire to say to the Senator from Nebraska that my colleague, the chairman of the Committee on the District of Columbia, is called out of the Chamber and is not here at this time, and I shall have to object myself to the resolution being taken up in his absence. So I ask that it may be passed over.

Mr. TELLER. If that is the case, I should like to proceed.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. I object, most decidedly.

Mr. HILL. I rise to a parliamentary inquiry. What is the effect of the error of the Presiding Officer, or the error of the clerks, in not handing down the concurrent resolution as a part of the morning business? Will it not come up to-morrow morning?

Mr. TELLER. Certainly.

Mr. GORMAN. It will.

Mr. COCKRELL. It ought to.

Mr. HILL. I want a ruling to that effect, and then we will decide.

The PRESIDING OFFICER. The Chair understands that the concurrent resolution will come up regularly to-morrow morning.

Mr. COCKRELL. Let it come up to-morrow morning, just as it ought to have come up this morning.

Mr. FAULKNER. I will say frankly that if the Senator from Nebraska will ask unanimous consent that the resolution may be treated as a part of the morning business to-morrow, personally I will not object, and I do not think any other Senator will object, under the circumstances.

The PRESIDING OFFICER. There can not be any objection, inasmuch as the resolution has not been submitted to the Senate as a part of the morning business.

Mr. FAULKNER. If there is not consent, the resolution will go to the Calendar.

The PRESIDING OFFICER. The resolution is entitled to its day. The Chair understands that the request for unanimous consent for the present consideration of the resolution is denied. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. ALLEN. Mr. President——

Mr. TELLER. I have been yielding. I do not want to interfere if the concurrent resolution can be disposed of.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. TELLER. Certainly.

Mr. ALLEN. I desire to ask the Senator from West Virginia and the Senator from New Hampshire, in view of the fact that there was a clerical error in not laying the resolution before the Senate this morning, to allow it to be corrected now, so that the RECORD shall show the passage of the concurrent instead of the Senate resolution.

Mr. GALLINGER. We must object to that. We have no objection to the resolution coming up when we are present. It came up this morning when every member of the committee was absent. I have no objection to its being considered to-morrow morning.

Mr. ALLEN. I understand the Senator objects to the resolution, however.

Mr. GALLINGER. I shall oppose it with all the power I have.

Mr. ALLEN. No doubt.

Mr. GALLINGER. It is not much, but all I have.

Mr. ALLEN. Doubtless, if the Senator uses all his power, the resolution will be defeated.

Mr. GALLINGER. That depends upon circumstances.

Mr. COCKRELL. Will the Senator from Colorado yield to me?

Mr. TELLER. Certainly.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

Mr. BROWN. On that I ask for the yeas and nays.

Mr. ALLISON. I submit to the Senator from Missouri that it will take ten minutes to call the roll.

Mr. FRYE. We will take a recess at 6 o'clock.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate took a recess until 7.30 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 7.30 p. m.

Mr. HOAR. I ask unanimous consent to call up the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia."

Mr. PEFFER. That is not a pension bill.

Mr. GALLINGER. When the order was made, I suggest to the Senator from Massachusetts, an agreement was entered into that no other business but action upon unobjected pension bills would be done during this half hour.

Mr. HOAR. Very well.

Mr. GALLINGER. I should be happy to yield, of course; but that agreement was made on the floor at the suggestion of several Senators.

The PRESIDING OFFICER (Mr. PASCO in the chair). Under the unanimous agreement entered into this afternoon, unobjected pension bills on the Calendar will now be considered, and the Secretary will read the first bill.

MALACHI SALTERS.

The bill (H. R. 9319) granting a pension to Malachi Salters was considered as in Committee of the Whole. It proposes to place the name of Malachi Salters, late a sergeant of Company F, Ninth Regiment of Illinois Volunteer Cavalry, upon the pension roll of the United States, and to grant him a pension of $50 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE FOWLER.

The bill (S. 3237) granting a pension to Annie Fowler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Brigadier-General," to strike out "Edwin" and insert "Edward;" and in line 7, after the word "Fourteenth," to strike out "New York Regiment" and insert "Brooklyn (Eighty-fourth New York Volunteers);" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the limitations of the pension laws, the name of Annie Fowler, widow of Col. and Bvt. Brig. Gen. Edward B. Fowler, of the Fourteenth Brooklyn (Eighty-fourth New York Volunteers).

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE WEIRER.

The bill (H. R. 2689) granting a pension to Charlotte Weirer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "in lieu," to strike out "of all pension granted" and insert "of the pension she is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Weirer, widow of Antonio Weirer, late of Company E, Second Regiment United States Artillery, and pay her a pension of $12 per month, in lieu of the pension she is now receiving

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALPHONZO O. DRAKE.

The bill (H. R. 7205) granting a pension to Alphonzo O. Drake was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" and in the same line, after the word "month," to strike out "in lieu of the pension he is now receiving;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 a month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANDREW J. MOLDER.

The bill (H. R. 6757) granting a pension to Andrew J. Molder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Molder, late a private in Capt. John Miser's Company, Hempstead County Arkansas Militia, and to pay him a pension of $12 per month.

The PRESIDING OFFICER. There is a mistake in the spelling of the word "captain." The bill will be amended by inserting the correct spelling, in the absence of objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNA G. VALK.

The bill (H. R. 7055) increasing the pension of Anna G. Valk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "thirty-five;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Anna G. Valk, widow of William W. Valk, late surgeon of the Fourth Maryland Volunteer Infantry, to the sum of $35 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELI D. WALKER.

The bill (S. 583) to grant a pension to Eli D. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "from and after October 1, 1891;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli D. Walker, late a private in Company I, One hundred and sixty-first Ohio Infantry Volunteers, and to grant him a pension of $12 per month.
>
> SEC. 2. That this act shall be in force from and after its passage.

The amendment was agreed to.

Mr. GALLINGER. I suggest that section 2 be likewise stricken out. It is unusual.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE A. BEACH.

The bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers, was considered as in Committee of the Whole. It proposes to grant a pension of $12 a month to Hattie A. Beach, child of Erastus D. Beach, late private of Company H, One hundred and forty-third Regiment New York Infantry Volunteers.

Mr. GALLINGER. In line 5, after the word "Beach," I move to insert the words "dependent and helpless."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers."

JERE SMITH.

The bill (H. R. 5128) to increase the pension of Jere Smith was considered as in Committee of the Whole. It proposes to place the name of Jere Smith, a sergeant of Company F, Thirteenth Regiment of Tennessee Cavalry, on the pension roll at $12 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. JOHN H. GEARKEE.

The bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maj. John H. Gearkee, late of the Twenty-second Regiment of Iowa Volunteer Infantry, at $50 per month, said pension to be in lieu of the one he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID N. THOMPSON.

The bill (H. R. 6765) to increase the pension of David N. Thompson was considered as in Committee of the Whole. It proposes to increase the pension now paid to David N. Thompson, late a private of Company C, Thirty-fourth Regiment Illinois Infantry Volunteers, and to pay him $30 per month, in lieu of the pension that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA A. KIRKPATRICK.

The bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca A. Kirkpatrick, widow of William A. Kirkpatrick, late a sergeant and second lieutenant in Company F, Sixty-third Regiment of Illinois Volunteer Infantry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASSIUS M. CLAY, SR.

The bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Cassius M. Clay, sr., a major-general in the volunteer service of the United States in the war of the rebellion, and pay him a pension of $50 per month, in lieu of any pension he may now receive on account of such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM N. WELLS.

The bill (H. R. 6268) to increase the pension of William N. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William N. Wells, late acting master United States Navy, at $30 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHEPPARD.

The bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sheppard, late private of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and to grant him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HELEN A. DE RUSSY.

The bill (H. R. 6159) to increase the pension of Helen A. De Russy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Helen A. De Russy, of Washington, D. C., widow of Col. Rene E. De Russy, Corps of Engineers, and brevet brigadier-general, United States Army, and to pay her a pension of $50 per month, the same to be in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY C. SAWYER.

The bill (S. 3393) to increase the pension of Wesley C. Sawyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Wesley C. Sawyer, late captain Company H, Twenty third Massachusetts Volunteers, and pay him a pension of $50 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ARETHUSA WRIGHT.

The bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Arethusa Wright, of Sheridan, Oreg., at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mrs. Arethusa Wright, of Sheridan, Oreg."

LEROY M. BETHEA.

The bill (H. R. 7317) to increase the pension of Leroy M. Bethea was considered as in Committee of the Whole. It proposes to increase the pension of Leroy M. Bethea, of Wilcox County, Ala., from $12 to $25 per month, for services in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY ROBERTS.

The bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Nancy Roberts, widow of Jesse Roberts, late a private in Company A, Forty-ninth Kentucky Volunteer Infantry, on the pension roll at $12 per month.

Mr. PEFFER. I am satisfied there was a mistake in preparing the report. I ask the Senate to recede from its amendment, so as to let the amount stand as it was reported.

Mr. GALLINGER. I think that course is proper.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CATHERINE G. LEE.

The bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee was considered as in Committee of the Whole. It proposes to place upon the pension roll, and to pay her a pension of $12 per month, the name of Mrs. Catherine G. Lee, the daughter of William Rosser, a soldier of the Revolutionary war from the State of Virginia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA D. BEEBE.

The bill (H. R. 6915) granting a pension to Julia D. Beebe was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon of the One hundred and fifty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA W. HOLLIDAY.

The bill (H. R. 7422) granting a pension to Lydia W. Holliday was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Lydia W. Holliday, of Wheeling, Ohio County, W. Va., late army nurse in the army hospitals of the United States Volunteers, in the late war, from 1861 to 1865, on the pension roll, at $20 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HARRIET CLARISSA MERCUR.

The bill (S. 3183) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "forty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Clarissa Mercur, widow of Prof. James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y., and pay her a pension of $40 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GROTIUS N. UDELL.

The bill (H. R. 3605) granting a pension to Grotius N. Udell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Grotius N. Udell, late private of Company B, Sixth Regiment Iowa Infantry, and to pay him a pension of $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER ABERCROMBIE.

The bill (H. R. 4076) for the relief of Abner Abercrombie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner Abercrombie, of Monroe County, Ga., late a private in Captain Ashurst's Company of Alabama Volunteers in the Indian war of 1838, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. SPOFFORD.

The bill (H. R. 6730) granting a pension to Edward C. Spofford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edward C. Spofford, late a sergeant of Company F, Thirty-fifth Massachusetts Volunteer Infantry, and pay him a pension of $30 per month from and after the passage of this act, in lieu of the pension now received by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMILY M. TYLER.

The bill (H. R. 6560) to increase the pension of Emily M. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily M. Tyler, widow of Erastus B. Tyler, late a brevet major-general of United States Volunteers, at $50 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE L. GREIG.

The bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie L. Greig, widow of the late Theodore W. Greig, brevet major of volunteers, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN MARIA MEINHOFER.

The bill (H. R. 8942) granting a pension to Ann Maria Meinhofer was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Ann Maria Meinhofer, widow of Louis Meinhofer, late a private in Company B, Forty-first New York Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. FRANCES C. DE RUSSY.

The bill (S. 2125) granting a pension to Mrs. Frances C. De Russy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in line 7, before the name "Gustavus," to insert "and brevet brigadier-general;" so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, the name of Frances C. De Russy, widow of the late Col. and Bvt. Brig. Gen. Gustavus A. De Russy, of the United States Army.

Mr. COCKRELL. I thought we had already passed that bill.

Mr. GALLINGER. There are two pension bills where the beneficiaries have similar names, I will say to the Senator.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES EGANSON.

The bill (H. R. 7451) for the relief of Ja[illegible], of Henderson, Ky., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Eganson, late seaman United States Navy, serving on ships *Pennsylvania* and *United States*, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE A. BRADLEY.

The bill (S. 3707) granting a pension to Catherine A. Bradley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine A. Bradley, widow of James F. Bradley, captain of Company F, One hundred and second Regiment United States Colored Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. DONOHUE.

Mr. GALLINGER. I have one bill in charge that I intended to report this morning. I ask permission to report it and have it considered at this time. I report back from the Committee on Pensions without amendment the bill (H. R. 6038) to increase the pension of Joseph M. Donohue, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place the name of Joseph M. Donohue, of Shelby County, Ky., late a private in Company A, Fifteenth Kentucky Regiment, on the pension roll as a pensioner at $12 per month instead of $6 per month, which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL (at 7 o'clock and 50 minutes p. m.). I move that the Senate take a recess until 8 o'clock.

The motion was agreed to; and at the expiration of the recess (at 8 o'clock p. m.) the Senate reassembled.

ENGROSSING AND ENROLLING OF BILLS.

The PRESIDING OFFICER (Mr. PASCO in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine [Mr. HALE] to the resolution.

Mr. ALLISON. It ought to pass.

Mr. HOAR. As a matter of course.

Mr. HALE. I ask concurrence on the part of the Senate.

The concurrent resolution was considered by unanimous consent, and agreed to.

PETITION.

Mr. CALL presented a petition of sundry citizens of Ocala, Fla., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT POLICE COURT.

Mr. HOAR. I ask the Senate to lay aside the pending order informally that I may call up the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia."

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 10, after the word "of," to insert the words "the United States, the District of Columbia, or;" so as to read:

That section 4 of the act entitled "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891, be, and the same hereby is, so amended as to read as follows:

"SEC. 4. That in all cases tried before said court the judgment of the court shall be final, except as hereinafter provided. If, upon the trial of any such cause, an exception be taken by or on behalf of the United States, the District of Columbia, or any defendant to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the court of appeals of the District of Columbia for the transaction of business to be brought before it under this act, and for the time and method of the entry of appeals, and for giving notice of writs of error thereto from the police court of the District of Columbia; and if, upon presentation to any justice of the court of appeals of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said court of appeals, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals, as hereinbefore provided.

The amendment was agreed to.

The next amendment was, in line 34, after the word "any," to strike out the word "defendant" and insert the word "party;" and in line 36, after the word "his," to insert the words "or its;" so as to read:

Any party desiring the benefit of the provisions of this section shall give notice in open court of his or its intention to apply for a writ of error upon such exceptions, and thereupon proceedings therein shall be stayed for ten days.

The amendment was agreed to.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if there is any provision made in this bill for the allowance of a writ of error provided the justice to whom it is presented refuses?

Mr. HOAR. Yes; there is the same provision which applies now in all United States jurisprudence, that there may be an application to the court above, and if the justice thinks proper, he orders it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MEMORIAL MUSEUM.

Mr. HAWLEY. I have the consent of the Senator in charge of the Indian appropriation bill now pending to enter a motion requesting the return of a certain bill from the House of Representatives. I will not take up the time now to explain the matter, but I give notice that I will move that the Senate request the House of Representatives to return to this body Senate bill 3608. I will call up the motion afterwards for action.

Mr. CHANDLER. What is the title of the bill?

Mr. HAWLEY. That compels a little explanation. I am sure the Senate did not fully understand the purport of the bill. It gives away a portion of the Washington Monument Lot. Nothing on earth is good enough to come into the ground which is dedicated to that magnificent monument, the admiration of the world. The Washington Monument Lot is not mentioned in the bill, but the description will show that it takes a piece, about an acre, out of the lot.

Now, we decided long ago that we would erect no more buildings on the reservations in this city. Senators who have been here for some time will remember the prolonged discussions that arose over the location of the Congressional Library. Many Congressmen desired to place the building upon some one of the reservations, saying we had public land enough; that we were under no necessity of buying other land. The better sentiment of Congress prevailed, and the Library is where it ought to be, as every man of taste will say, a very noble adornment of this city and an honor to the nation.

I then said, and others said, that we never, never would consent to an encroachment of any sort upon these reservations. If we continue this, we shall have, perhaps, in the Washington Monument Lot buildings used for honorable purposes like this one, but they will be of incongruous architecture—a village of incongruous architecture—and posterity will curse us for the mauling and mangling of the noble plan of this grand city.

So, while I am perfectly willing to vote for any necessary appropriation or be taxed personally to buy any other piece of ground to obtain a suitable site for the noble purpose of the bill, I still adhere to my views—no buildings on the reservations, and, above all things, no building on the Washington Monument Grounds. No man shall exceed me in profound admiration and respect for the Daughters of the Revolution. They are doing a noble work, reviving not only intellectual creeds of patriotism, but a blessed sentimental love of country.

They shall have a museum and a good place for it; we will buy them any proper location, but I do beg the Senate to say that it shall not be on the Washington Monument Lot. That is the purport of Senate bill 3608. I do not think Senators knew it. I doubt if there has been a meeting of the Committee on Public Buildings and Grounds this winter. I have consulted three gentlemen on that committee, and they never knew of the bill at all.

Mr. CHANDLER. I ask the Senator to request unanimous consent to move the recall of the bill.

Mr. HAWLEY. I will be glad to do so. I will do so at this moment, if Senators say so.

Mr. TELLER (to Mr. HAWLEY). Do it now.

Mr. HAWLEY. I move that the Senate request the House of Representatives to return Senate bill 3608.

The PRESIDING OFFICER. The Senator from Connecticut moves that the House of Representatives be requested to return Senate bill 3608, the title of which will be stated.

The SECRETARY. A bill setting apart a plot of public ground in the city of Washington in the District of Columbia for memorial purposes under the auspices of the National Society of the Daughters of the American Revolution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

CALEB L. JACKSON.

Mr. PETTIGREW. I demand the regular order.

Mr. QUAY. I wish to have passed a bill to correct the military record of a soldier. It will not take half a minute.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. PETTIGREW. I will yield to the Senator from Pennsylvania provided the bill leads to no discussion, but not after this.

Mr. QUAY. Certainly it will not lead to discussion. It is merely a bill to complete a military record. I ask the Senate to proceed to the consideration of the bill (H. R. 6417) to complete the military record of Caleb L. Jackson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against Caleb L. Jackson as a member of Company D, One hundred and forty-sixth Regiment of New York Volunteers, and provides that it shall be held and considered that the said Jackson died on or about the 4th day of June, 1863, while in the military service of the United States, and on account of disability incurred in such service and in line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Several Senators addressed the Chair.

Mr. PETTIGREW. I insist upon the regular order.

Mr. BRICE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. PETTIGREW. I insist upon the regular order.

Mr. PALMER. Will the Senator from South Dakota yield to me?

Mr. BRICE. I ask the indulgence of the Senator from South Dakota——

The PRESIDING OFFICER. The Senator from South Dakota declines to yield.

Mr. PALMER. Will the Senator from South Dakota consent that I may ask for the present consideration of Senate bill 588, for the relief of William H. Hugo?

The PRESIDING OFFICER. The Chair will state that the Senator from South Dakota has just declined to yield to the Senator from Ohio.

Mr. PALMER. But I still hope the Senator from South Dakota will yield to me, on account of the peculiar merit of this claim.

Mr. PETTIGREW. I insist upon the regular order. We could spend the entire evening in calling up bills from the Calendar, but I should like to dispose of the Indian appropriation bill to-night.

Mr. ALLISON. We must dispose of it to-night.

Mr. PALMER. I understand the Senator from South Dakota declines to yield.

The PRESIDING OFFICER. The Senator from South Dakota insists upon the regular order.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The PRESIDING OFFICER. The pending question is on the adoption of the amendment offered by the Senator from Wisconsin [Mr. VILAS] to the amendment reported by the Committee on Appropriations inserting the matter on page 57 of the bill. Is the Senate ready for the question? [Putting the question.] The noes appear to have it.

Mr. VILAS. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were not ordered.

Mr. BROWN. I ask that the amendment be read at the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 20, page 57, before the word "jurisdiction," strike out the words "full and exclusive;" so as to read:

That the United States courts in said Territory shall have jurisdiction, etc.

Mr. BROWN. The pending question is on the adoption of that amendment?

The PRESIDING OFFICER. The pending question is on the adoption of the amendment just stated.

Mr. TELLER. Mr. President, I had the floor when the Senate went into executive session.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. TELLER. I do not intend to make any lengthy remarks. I called attention to the fact that the Senate had sent a committee to the Indian Territory some three years ago, and the committee made a report to the Senate of the condition of affairs in the Indian Territory. I judge from the remarks of the Senator from Wisconsin [Mr. VILAS] that he never read that report, because he seems to think that if we take from these Indians the right to hold their own court we shall be doing them some injustice and that it will be against their will.

There is in no country that I know of a civil condition like that in the Indian Territory. Perhaps there is no community in the world where so few, in proportion to the whole number, control and manage the affairs of the nation or community as in the Indian Territory. The great body of the Indian people have no voice or lot, so to speak, in the management of its affairs. Its political affairs are controlled by a few; they have the advantage of all the wealth of the nation; and the courts instituted many years ago by the Indian community, and to which they are entitled if we maintain the strict letter of the treaty, I have no doubt are not such courts as civilization and commerce and trade require.

The committee that went from this body to the Indian Territory took especial pains to look into the condition of the Indian judiciary, and I think I state it mildly when I say that perhaps in no community in the world are there more inefficient courts than there. I do not believe I should overstate it if I should say that in no community in the world are there courts so corrupt as those in that country. Numbers of citizens of that Territory came to us and presented cases of their individual experience in those courts. I recall a good many of them, but I recall one in particular, which I think I may mention.

A reputable man in the Territory came and told us that he had a contest as to his right to the possession of certain lands. He went into court as the plaintiff. After he had got into court, the judge sent him a note saying that if he would pay him $300 he would give him the decision. The case was to be tried by a jury. The jury was called, and the foreman of the jury, not intending that the judge should have much advantage of him in the way of a financial transaction, sent a note to the plaintiff's counsel, telling him that for $40 he would give him the verdict of the jury. This citizen, thinking that that was not the proper way to secure justice, declined to make the arrangement. He found the jury against him, and of course he was defeated.

Mr. PLATT. And, Mr. President, the result of that lawsuit is that a white man who by marrying an Indian wife has become an Indian, owns a town of 2,000 inhabitants.

Mr. VILAS. On what evidence is such a statement as that made about a court or a jury? Is there any testimony about it; has there been any trial of it?

Mr. TELLER. I have been stating what a citizen told us.

Mr. VILAS. Oh, yes.

Mr. PLATT. It is notorious there, and there is not any question about it.

Mr. TELLER. That is not the only instance where similar occurrences have taken place. I have been at a trial in the woods where one of these courts was in session, where a man was being tried for his life. I do not know what the methods were; but it seemed to be generally understood around there that the man was in no possible danger, because his friends were there with a sufficiency of currency to see that he was not convicted. Possibly that statement was not true, but the air was absolutely full of such talk. At any rate, the man got off. I listened to the testimony, and I doubt very much whether he would have gotten off in any other community; but he did get off there. It seems to be a common thing for people there to say, "Oh, he will not be convicted, because Mr. So-and-so is here, who will see that he is not convicted." That is the condition all over that country. I do not mean, of course, to say that every judge does that; but a great many of them do it.

I repeat, a great number of Indians came to us and said: "Above all things we want an opportunity, if we have a contest about property, to go into the United States court." I have no doubt that if the matter could be submitted to the Indians who would act independently, a great majority of them would be delighted to have the opportunity of having the security and certainty of justice which they would get in the United States courts.

Now, why should the Senator from Wisconsin complain? I said, when I opened my remarks before the recess, that we are under obligation to give to the Indians a decent government. We have the power to legislate for them absolutely. [illegible] we have made a number of treaties with them, and that some of them may stand in the way; but a treaty, after all, is but a statute, it is but a law, and there is no more crime in abrogating a treaty by law than there is in the repealing of a statute. It depends, of course, upon what the character of the repealing statute may be.

So far as the people's property rights are concerned, we have no power to take away any such rights; but when it comes to a question of political rights, we are as absolute over them as we are over the citizens of this District; we are as absolute as any State legislature over the political affairs of a State; and if a member of a legislature should get up and insist that they had enacted a law on a certain subject heretofore, and that a bill pending proposed to repeal it, and that that was a great crime, he would not be any further out of the way than is the Senator from Wisconsin when he treats this transaction as a violation of a treaty.

We have made innumerable treaties with these Indians which it is neither to their interest nor to ours should be maintained, and we have not attempted to maintain them. If we found it to our interest, we would see that the treaties were not maintained, and if they found it to their interest, they would see that they were not maintained.

We stipulated that they might go to and remain in that Territory in isolation; we agreed to protect them in that isolation; that they should remain there by themselves, subject only to their own law, without interference by anybody. Mr. President, it was the Indians themselves who made that condition impossible of execution on our part.

I was told recently by a man who is an Indian—although nobody would know it to look at him; but he is an Indian in law—that in some neighborhoods there are ten white men to one Indian; but I believe from my observation, and the best information I can gather, taking the whole Indian Territory, there are five white men to one Indian.

Those white men went there by the invitation of the Indians; they are not there in violation of our treaties, because we were only to remove such persons as the Indians insisted should not go into that country; but the Indians took them in, invited them there, and they are the people who have made that country worth living in.

Of course we have taken jurisdiction of all the white men, and we have established courts; but still one Indian may bring another Indian into these corrupt, incompetent courts, where there is neither protection for person or property, and where, if they get justice at all, they are compelled in a great many cases, if not in a majority of cases, to buy it. There is no use of mincing words about this subject. There is not on the face of the green earth, in my judgment, a country where there is more corruption than there is in that Territory in their legislative affairs and in their judicial affairs.

It is incumbent upon us to see that they have honest and capable courts, and no one should say that is a hardship when we say that every controversy, whether it arises between an Indian and an Indian or an Indian and a white man, or between white men and white men, should be submitted to the Federal courts. Those courts have always been of the very highest possible character; and I believe I may say that the courts there now and the United States judges there now are men of the highest character, and nobody complains that there is any want of protection to life, liberty, and property in those courts.

When the Senator from Wisconsin gets up here and tells us that the pending proposition is a violation of the treaties, I say it is not a violation of the treaties. It may be that we may abrogate a treaty, but if we do, we do it in a constitutional and legal manner. The Senator is a lawyer, and ought to distinguish between a violation of a treaty and the abrogation of a treaty. There never was a treaty made where the right was not reserved by the party making it to abrogate it whenever the conditions required it. There never was a treaty made between two nations where there was not a reserved power of abrogation, and that will always be the case. That will be the case with a treaty of arbitration or anything else, and especially, as suggested to me by a Senator on my left [Mr. DAVIS], for a breach of it. The Indians have failed to keep the provisions of the treaty on their part.

Mr. VILAS. In what respect?

Mr. TELLER. In the respect that they have covenanted with us that they would maintain a decent government there. They have not done so. If the Senator will look over the treaty, he will find that those Indians have agreed to maintain a government to give protection to all classes, and they have not had such a condition there for many years.

Mr. President, I shall not attempt to detail the condition there. Senators know something about it. There is not any community in the United States in any such condition, and no such condition has ever elsewhere existed. The crime, the murder, theft, and other things that are going on there are beyond comparison with any other community that has ever existed on this continent. I do not mean to bring an accusation against all those people. There are a great many people down there who are good people, and they are Indians, too; but they are not those who are standing with the Senator from Wisconsin to-day. They are the men who want to see the strong hand of the Government put out.

We paid those people immense sums of money. We paid it to them upon the theory that every Indian there participated with every other Indian; that all men stood alike. There can be no complaint of the want of benevolence and generosity on the part of the United States, because we paid them more than their lands were worth. That should be divided among them per capita. When our committee were there Indians would appeal to us, and say, "If any more money is to be paid to us, do not let it be paid through the nation; see that it is paid through a United States officer, for that is the only way that we shall ever get it."

Mr. President, I could take an hour to detail the methods by which they swindle the poor Indians, who live in the bush and the brush, as they were detailed to us not by the Indians themselves, not so much by those who had suffered, for they were too ignorant to do that; but many of them who had stood by and looked on knew there was no method of redress save through the strong hand of the United States.

Whatever may be said about our treatment of the Indians, we have dealt with the Indians in the Indian Territory most munificently and magnificently. We bought them out in Mississippi and Georgia in 1828, 1829, or 1830; we commenced negotiations with them, and paid them immense sums of money. Considering at the time the poverty of the American people, the sums were immense. We moved them out to that country and gave it to them. I do not know how much right we had to do that; I believe we took it away from one tribe of Indians, perhaps, to give it to another; but we gave them that land to which they had no claim, or we paid them immense sums of money, and have been paying them immense sums of money since.

A few years ago we paid the residue of it; and for their title, which was disputed by a great many, we paid immense sums. We have treated them in such a way that no complaint ought to be made; and now we say to them, "We intend that every Indian in that Territory shall have the same right with every other Indian." We find, however, that one man has got three or four farms, another man has got a hundred, another man has got fifty; and we say, "You are not carrying out the purpose for which you were put upon this land; you are not giving to all the tribes the benefit of this great fund." We might say to them, "You have stolen most of the money paid into the hands of your rulers; you have not stolen the land, but you have stolen the usufruct of it."

I know they told me that one Indian had 150 farms rented out, while there were plenty of Indians living along the streams cultivating an acre or two of land. I found one man there who, I was told, had an income of $20,000 a year. He is an Indian under the law, but he is a white man in fact. He became an Indian under the law by marrying an Indian woman—a white woman who had married an Indian, and thus became an Indian under the law, and when her first husband died, she married this white man, and then he became an Indian. He had an income, we were told, from the town in which he had settled, of $20,000, and yet he had not a drop of Indian blood in his veins, nor had his wife, from whom he had derived this great advantage. That man is one of those who are talking about the great crime of removing people from the protection of Indian law, and putting them under the protection of the laws of the United States.

We passed on the railroad through a community where the country was settled, and I think upon every quarter section was a farm. In going miles there was not an Indian to be seen, but the whole community was a white settlement, and every white settler in the entire community for more than twenty miles was paying tribute to a single man, a white man who had married an Indian woman.

Mr. President, that is the condition all over that country, and those are the men who can induce some people who are friendly and kindly disposed toward the Indians, but ignorant of the true condition, to protest against any legislation that shall take from them their ill-gotten gains and the lands to which they are not entitled and divide them amongst the Indians.

That is all that is proposed by this amendment. First, we say we will give to the Indians the protection of the Federal courts. I do not see how any American citizen can complain of that. Nobody can pretend anywhere that the Indian will derive any more benefit from his Indian court than he will from a white man's court. Nobody can suppose, and nobody can believe, that the Indian will be better off. Shall we allow them to continue this system of jurisprudence simply because we have made a contract with them that they should have their own courts? Mr. President, such contracts, if made, had better be abrogated than kept.

That is all that has been attempted. The Committee on Indian Affairs of this body have carefully examined this proposed legislation. Senators who, like the Senator from Missouri [Mr. VEST], live on the border of that country, who have been familiar with it for twenty or thirty years, and all the people, I believe, who live in that section on both sides of the Territory, who have as much interest and as much attachment for the Indians as anybody who lives in any other section of the country, favor such legislation. I will say here that the best friends of the Indian are found amongst the people who live in his neighborhood and by the side of him. They are the men who know his weaknesses and his wants; they are the people who are ready to help him and lift him up. There is no antagonism felt for him by them. They know what is good for him.

We have to-day heard the Senator from Missouri, who has had large experience with these people, discuss this matter; and I do not think he has said anything about the condition of that country compared with what he might have said. It is a little difficult for one to come here and make these charges; but we might as well understand the truth about the matter.

The time has come when this condition must be changed, when there must be protection to life and property in that Territory; and the first step toward it is to give those people courts; to make a place where every Indian, whenever he thinks his interests are being intrenched upon, may go and have redress. We want to

open the United States courts to every Indian who may think he is being imposed upon by others. That is all there is of it, Mr. President; and if the Senator from Wisconsin had, as the Senator from Connecticut, the Senator from South Dakota, and myself, spent a week there and found the facts, and when we came back and made a report as mildly as we could consistently with the truth, I am sure he would not feel that it was incumbent upon him to stand here as the defender of a system which is a stench in the nostrils not only of the white man, but of the Indian.

Mr. HOAR. Mr. President, it does not seem to me that it is necessary to discuss the theory of the power of abrogating treaties, as stated by the Senator from Colorado [Mr. TELLER]. It ought, it seems to me, as he has stated it, to have a considerable limitation. But it seems to me that these Indian treaties are very different things from ordinary treaties with entirely independent nations. They are like the promise made by a father to his son, or by a guardian to an insane ward or a spendthrift ward.

Mr. TELLER. Or a minor.

Mr. HOAR. Or a minor ward. Now, after a bargain is made, the father is bound by his honor and good faith and duty, of course, to keep his promise, in substance, and he has no right to break it for his own advantage and for the sake of getting something for himself; but, after all, he is the representative of the boy's interest, and not the boy. Now, if a father promises a son that, if he will attain a certain rank at school, he shall spend his vacation in New York, and it turns out that there is a pestilence in New York, is he obliged to keep that promise? Or suppose he finds that the boy has contracted bad habits which would make it perdition to him to be allowed some indulgence the father has promised him, some luxury which his doctor has said would be ruinous to the boy's health, should the father keep such a promise? He must, from the necessity of the case, be the representative and the judge of both sides.

Now, we are the supreme legislator for the Indian; we must be, and if we agree that an Indian shall have courts of his own, or a legislature of his own, or have certain indulgences which belong to civilized man, and it turns out in experience that keeping that promise in its letter is the ruin of the Indian himself, we are discharged from our obligation.

I will go as far as my honorable friend the Senator from Wisconsin [Mr. VILAS] in saying that it would be base and wicked, after we have got Indian lands, or any other thing which was Indian property, or after we had settled with them a claim which was doubtful, upon the consideration that we would do something for them in the way of paying them money or anything else, to break that promise for our own purposes. And I do not understand that the Senator from Colorado, or any other member of this committee, differs from the Senator from Wisconsin on that proposition.

Mr. TELLER. Not at all.

Mr. HOAR. But they say that, having undertaken to give the Indians this kind of autonomy, legislative and judicial, it has turned out that the Indian is being ruined by it. You might just as well do as our ancestors would have done if they had been making a bargain with them. Suppose that we passed a law one hundred years ago that we would give a tribe of Indians 100 hogsheads of rum a year forever, and it turned out that we have thereby created a nation of drunkards, who are getting delirium tremens whenever that gift was carried out, would we not consider it a duty to repeal that law?

This account of the state of things in the Indian Territory does not come from the class of persons who, whether justly or unjustly, are charged with being greedy for Indian lands. This pitiful picture comes from men who have endured obloquy and opposition as the humane and disinterested friends of the Indian.

Take my late colleague, Mr. Dawes. Mr. President, there is not an example in our recent public life of a statesman who deserves the honor and gratitude of the American people, and especially of the Indian, as he does. He came into this body a great political leader. He had led the House of Representatives through the stormiest and most difficult period of its recent history, perhaps of its entire history, with a vigor and a power that none of the great leaders of that time surpassed or hardly equaled. He came in here and, laying aside very largely the ordinary object of ambition and of political desire, which would have given him a fame and political power which human nature likes to enjoy, he devoted himself to a thorough and intelligent study of the Indian problem.

Wherever there was an attempt to do a wrong to a poor Indian, you found him at the Department of the Interior or at the Indian Office or on his feet in the Senate protesting. He spent his summers in visiting those countries and in studying that problem, and there are few of the philanthropists among mankind who deserve a crown of laurels for their disinterested, faithful, wise, and honest work more than he. Now he comes back with a picture, which the Senator from Connecticut [Mr. PLATT] confirms.

I cite these names, Mr. President, rather than those of the Western Senators, because of the imputation sometimes cast upon some persons in that part of the country of an indifference to Indian rights, and it turns out that here are those wards of ours that we are to legislate for, in which the United States is, in keeping the word of promise to the ear, breaking it to the hope.

When we said we would give them an Indian court did we promise to give them what is no court, but a corrupt partisan on the bench, bribed and bought? That is not keeping a treaty; that is not doing the duty of a guardian; that is not doing the duty of a legislator; that is not doing the duty of a friend.

Mr. President, suppose we had not any treaty, and that there were Indians for whom we were legislating, and they had property, and they were using their property in this way, or it was being taken from them by leeches and bloodsuckers. We should not have a right to take that property from them and put it in the United States Treasury for the benefit of the people, but it would be our duty to take it from them and put it into the hands of some other guardianship than their own. Now, this treaty right being respected to its full extent is nothing but protecting the property of these wards, and when we enact that that property shall be secured and protected by the best tribunal we can devise, we are keeping the treaty, and we are keeping it for their benefit and not for ours.

So I expect to follow the humane Senator from Connecticut; I expect to follow the experience of the Senator from Colorado, who has had something to do with the administration of such things in executive as well as legislative capacity, in removing from these courts what has been described, the correctness of which description no one can contest, and providing two courts composed of men whom we know we can trust.

Mr. STEWART. I have just a word to say in regard to this matter. We entered into a treaty with these Indians that they should have Indian courts. They were separated from the whites and lived in a tribal relation. They have no Indian courts; they have no possibility of Indian courts. There are, as stated in these reports, at least five white men to one pure-blooded Indian. Now, will anybody say that where there are only one-fifth of them pure-blood Indians they can have Indian courts? By inviting the whites in there they have wholly incapacitated themselves to hold courts at all. They do not have any control over the courts. The white influence is entirely predominant, and while there are a great many good, honest people there, as there are everywhere, there are a great many who have gone there and married Indian women for the purpose of what they could make out of it.

The description of these courts and of the condition there, as given in the Dawes report and in the report of our own Senators, is such, it seems to me, that if anybody will read it carefully, will listen to it, he will see that the whole purpose of the treaty is gone; that the Indians are not capable of carrying out their part of it, and establishing and maintaining Indian courts, because they are but a remnant of the population. They have no power there at all. That condition of things having taken place, they being unable and being insufficient in number to maintain courts or laws, it seems to me it is the duty, under the treaty, for the United States to give them courts, and to give them honest courts, because there is in the proper sense no Indian rule there at all.

It is the rule of the white man, and the white man must necessarily be governed by law, or he will not be a good citizen. We all know that. He must be restrained. A few of the leading Indians, very few, and a great number of whites who have gone there as adventurers have control of this government, and the whole purpose of the treaty is subverted. If we carry out that treaty in its spirit, we will establish courts and give the Indians the benefit of the law which the treaty contemplated.

Mr. ALLISON. I ask unanimous consent that the debate upon this amendment may be continued under the five-minute rule until the vote is taken.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the debate upon the pending am[illegible] shall proceed under the five-minute rule.

Mr. VILAS. I wish to make some observations.

Mr. ALLISON. Then I will modify my request. I ask unanimous consent that after the Senator from Wisconsin shall have concluded his remarks, the five-minute rule shall be applied to this amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. VILAS. I do not know of any other Senator who wishes to speak on it.

Mr. ALLISON. Very well.

Mr. VILAS. Mr. President, the Senator from Colorado [Mr. TELLER] asked why I should complain, and he spoke once or twice as if in making the remarks I made I were merely echoing the complaint of some of the Indian people whose rights are to be rudely trampled upon. I have not spoken to one of them on the subject. I have never discussed the question concerning their rights in this matter with one of those people or given any heed to them. I do not make a personal complaint. I presume nothing that can be said will now stay the action of the Senate as nothing heretofore has ever stayed the action of the Senate in dealing with these Indian people, but I do still venture to say that when the United States makes a solemn agreement it ought to keep it.

I utterly repudiate any such code of law or ethics as that laid down by the Senator from Colorado, that we are to keep a covenant so long only as it comports with our interests; that we can break treaties made with people so soon as we find that we are not deriving benefit from our engagement and they are.

The United States made a bargain with these several tribes. The Senator from Colorado says that we paid them a great deal of money. Sir, it was an insignificant sum of money. We have paid other tribes vastly greater sums since that time for their lands. But are we to break our bargain because now, sixty years afterwards, we think we paid them too much? Is our engagement dependent upon our subsequent judgment of the consideration we gave for their lands? No, sir. And precisely in the same way it seems to me we can not, as men of honor, burden it with such sweet sophistries as our friend the Senator from Massachusetts [Mr. HOAR], with all his distinguished ability, has endeavored to ingraft upon this discussion.

But when the United States bargains with a tribe of Indians that if they will surrender their homes and their lands for a new home and a patent in fee, with the right of absolute government by themselves, is the United States by and by, when greedy citizens thrust themselves unbidden upon them and have destroyed or disturbed their comfort in defiance of the engagement of the United States to protect them, to turn around and say, "We will ravish the rest from you of what is yours; we will kick our engagement under foot, not because we want it, but in tender consideration of you poor people."

Yet that very people have progressed since the time when they were given their separate government as no barbarians ever before progressed in the march toward civilization. Those people who were raw Indians when they went there established for themselves governments and courts and legislatures, and until white men came upon them, reckless of every right of theirs and greedy as devils let loose, they were making such gains that they needed no kind father's hand to spare them from themselves.

Mr. HOAR. May I ask the Senator from Wisconsin a question?

Mr. VILAS. Certainly.

Mr. HOAR. Suppose this bargain had been made with individuals who had become insane, what would the Senator do then?

Mr. VILAS. Suppose the Senator had made a bargain with some individual person who subsequently became insane, would the Senator answer that he would not keep it?

Mr. HOAR. No. If I were the guardian, I would deal with him, an insane person, so as to see that his interests were properly dealt with. But the trouble with what the Senator from Wisconsin is talking about is that nobody proposes it.

Mr. VILAS. Nobody proposes to do anything except in the interests of the Indian, and that race of Indians, which have prospered and advanced in civilization until but a few years ago they were pointed to with pride as an evidence of what an Indian people could become, are now to be treated as unworthy of expressing an opinion about their own desires simply because we want their land.

Take the Senator from Nevada [Mr. STEWART]. He says the Indians have incapacitated themselves for conducting government because they have suffered white men to come in upon them. In each one of the treaties with these people the United States solemnly promised them that they would use their whole force to prevent these intruders from coming upon them, and only so long ago as just four years, when we wanted that fine body of land known as the Outlet, we stipulated and bargained with the Cherokees and enacted into a statute that we would remove their intruders and relieve them from those persons who were crowding in upon them and denying them their rights. And one of the stipulations of the engagement was, not that the United States would tell whom it was good for them to have among them, but that they should decide, in accordance with the agreement which was made—let me read a word from it, for this was the bargain made with the Cherokee Nation when they made cession of that 6,000,000 acres—

> For and in consideration of the above cession and relinquishment the United States agrees, first—

It was the prime consideration which they demanded—

> that all persons now resident or who may hereafter become residents in the Cherokee Nation and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment, etc., shall be removed in accordance with the treaty.

Sir, has ever a man been removed?

Mr. TELLER. Many of them.

Mr. VILAS. Are not the hordes in that country there in defiance of the Indian's rights?

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. VILAS. Certainly.

Mr. PLATT. The intruders referred to were about 6,000 persons who claimed to be Indians. The other persons who are there are white people who do not claim to be Indians, but who have been permitted to come there by the citizens, and are not called intruders.

Mr. VILAS. Were the 6,000 removed?

Mr. PLATT. That question is practically settled. We afterwards had an appraisal of the improvements which those persons had put on their lands, and they have been paid for those improvements, and most of them have gone from the Territory.

Mr. VILAS. I only read that as a single illustration.

Mr. HOAR. I should like to ask my honorable friend, if I am not interrupting him too much, what he proposes to do? In the first place, is the picture of these courts drawn here and drawn by Mr. Dawes in his report a true one, in his judgment? If it be true, as stated by Senators on this floor and as stated by Mr. Dawes, what does the Senator propose to do? Shall it continue? Shall the United States allow a court in which a judge gets $300 from a party for a judgment and the jurors get $40 apiece for a judgment to continue perpetually? Now, I should like to know what the Senator's view is?

Mr. VILAS. I wish to ask the Senator from Massachusetts if he thinks our fathers would have established government, if in forming its institutions, they had considered a rumor that some time or other there was bribery of a jury or of a court?

Mr. HOAR. That is not a fair answer to my question.

Mr. VILAS. I think this is the third session of Congress in which I have heard this same story as the reason why we should despoil these people.

Mr. HOAR. The Senator does not answer my question. Does the Senator believe Mr Dawes's statement, and Mr. PLATT'S statement, and Mr. TELLER'S statement on that subject? That is what I should like to know. I do not want to ask him as to the veracity of those gentlemen; but does the Senator believe they are correct in their statements?

Mr. VILAS. I have no doubt whatever——

Mr. HOAR. It is a practical question.

Mr. VILAS. That there are evils in that country which need correction?

Mr. HOAR. That is not my question. It is a very interesting matter. Have these gentlemen given us a correct picture of those courts?

Mr. VILAS. I doubt it very much.

Mr. HOAR. Well.

Mr. VILAS. Now I will state my answer, if the Senator desires.

Mr. HOAR. The next question, then, would be, if it is a correct picture, what would the Senator do about it?

Mr. VILAS. Before I undertake to throw down established institutions, contrary to our solemn engagements, I would have a thorough inquiry and a careful examination, and I would have my bill taken up as a proper measure and not jammed through on an appropriation bill. If there is any court in the Indian Territory that renders a judgment more reckless of rule and law than that such a measure as this is not general legislation upon an appropriation bill, where is the judgment?

Mr. HOAR. That is another proposition. I should like to know and I ask whether the Senator really believes that the report of the committee of this body who visited the Territory for that purpose and the report of the Dawes Commission, the official authorities visiting those Indians, is true or not; and if it be true, whether he thinks that state of things should continue. And the Senator replies by saying that he thinks the Senate did very wrong in letting this legislation in on the appropriation bill. I voted with the Senator on that.

Mr. VILAS. I understood the Senator did.

Mr. HOAR. But what I want to know, if the Senator is willing to tell me, is whether he thinks the report of the Senators and of Mr. Dawes and his Commission, as friendly a judge of the Indians as ever existed, is true? I am acting on that belief, and if it be true, then I should like to know what the Senator from Wisconsin would suggest?

Mr. VILAS. I do not think the Senator derives from that report anything but a one-sided view of the condition that exists there. Of course I am not distrusting the good faith or the veracity or the excellent judgment of those men; I know it; but they are presenting only a single side of the picture, and they are presenting it as darkly as possible, almost. On the other hand, we have such information as the Senator from Tennessee produced here to-day, statements of clergymen, statements of agents and persons of excellent character, just as much character, just as good judges, as those gentlemen, who say the Indians are doing well in many respects.

I do not doubt that there are a great many violations of law.

We do not, as I had occasion to point out a little while ago, set them a very good example of law when we trample down our own rules in order to trample them down too. I do not wonder that the Indians can not understand our methods. I remember too, sir, that with all our self-exploitation, as honest and upright man as ever was in this country, old General Harney, testified before a committee of Congress that in fifty years' service of this country in the West he had never known the Indians to be the first to break a treaty, and had never known one to be kept to them.

I will answer the Senator in another aspect. I have been very desirous of having something done with the Indian Territory. I am violating no confidence and saying nothing of self-praise when I say that the very bill upon which the Dawes Commission was enacted I wrote and participated in its enactment. I have desired the success of the Dawes Commission. At the last session of Congress, after various provisions had been attempted to be made for the purpose of crowding down these Indians had been ruled out of order by the Vice-President, I offered an amendment which was adopted by the Senate to continue the Dawes Commission and making an appropriation for them, and the conference committee wrote the whole thing in there afterwards.

Now, I am not going to do more than point out the right of these people, and there I am going to leave it. I know perfectly well how fruitless it is to struggle against any combination here to obtain an end through an appropriation bill, such as we have seen manifested in this case, but I am going simply to point out the ground upon which we stand and upon which I think we have a right to expect another judgment.

Let me observe the fifth article of the treaty with the Cherokee Nation, which was made in 1835:

> The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory,

Yet, although the United States gave them a perpetual covenant, it is with the understanding that they could extend to them afterwards that sort of fatherly love and care which entitled them to break up whenever the United States wanted the territory.

> But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians.

The only qualification under our laws relating to intercourse with Indians; in everything else we stipulated it should be their councils' right forever to pass. Yet, sir, this very amendment proposes to substitute courts of the United States, to disregard their laws, and to practically leave their councils without any authority whatever.

By and by, and that only thirty years ago, there was another treaty made with them. They wanted the Cherokees to do something, and they procured from the Cherokees an agreement, or made another treaty with them, in which, in article 13—

> The Cherokees also agree that a court or courts may be established by the United States in said Territory, with such jurisdiction and organized in such manner as may be prescribed by law: *Provided*, That the judicial tribunals of the nations shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation, by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty.

There is the explicit provision of the treaty, which it is unnecessary that we should trample down. When the Senator asks what I would do, I have suggested by the establishment of the Dawes Commission, by the continued effort to treat with the Indians, by dealing with them honestly, that we should secure their engagement again in a fair way to exchange the present condition of things for that which we may represent and show them to be applicable. It is entirely possible there is nothing but the terrific haste of some persons to obtain their ends which is urging on this legislation.

Only within a year a very marked advance has been made by the Dawes Commission. They have agreed with these people upon the obtaining of certain steps which look to a final adjustment of the whole matter. It is reasonable to believe that we can do it, and my earnest hope and prayer have been that instead of doing this deed of wickedness and disregard of our rights we should facilitate in a reasonable and proper way the accomplishment of the object for which the Dawes Commission was established.

Mr. President, I do not desire to detain the Senate. I have presented the idea I wished to present on the subject, and with that I shall leave it.

Mr. PLATT. Mr. President, I wish to reply to the Senator from Wisconsin in a single sentence. He talks about the sacredness of some treaties, to keep which is to violate every reason for which the treaty was made. As the Senator from Alabama [Mr. MORGAN] to-day referred to the Scriptures, I wish to answer the entire argument of the Senator from Wisconsin in a scriptural quotation:

> For the letter killeth, but the spirit giveth life.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment to the amendment?

Mr. VILAS. We ought to have on this question, I think, the yeas and nays.

Mr. HOAR. I hope the vote will not be taken now, but that it may be deferred until to-morrow morning. ["No!" "No!"]

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). The question, I understand, is upon the amendment of the Senator from Wisconsin?

The PRESIDING OFFICER. It is upon the amendment offered by the Senator from Wisconsin to the amendment of the committee.

Mr. BROWN. I vote "yea."

Mr. BACON (after having voted in the affirmative). I misunderstood the question. I thought it was upon the amendment of the committee. I ask that the amendment offered by the Senator from Wisconsin be read.

Mr. CULLOM. I think we had better start again and call the roll over. I do not think anyone knows exactly what we are voting on.

Mr. BACON. The discussion has lasted so great a length of time that we have lost sight of the precise question. I ask that the amendment offered by the Senator from Wisconsin may be read at the desk.

Mr. HOAR. I ask unanimous consent that the roll be called over again after the reading of the amendment.

Mr. CULLOM. After the reading of the amendment offered by the Senator from Wisconsin to the amendment of the committee.

The PRESIDING OFFICER. Unanimous consent is asked that the roll call be again commenced. Is there objection? The Chair hears none. The amendment upon which the vote is to be taken is the amendment offered by the Senator from Wisconsin to the amendment of the committee, which will now be read; and then the roll will be immediately called, as it has already been commenced. The Secretary will state the amendment to the amendment.

The SECRETARY. On line 20, page 57, it is proposed to strike out the words "full and exclusive" before "jurisdiction;" so that the clause will read:

> That the United States courts in said Territory shall have jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted, etc.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment to the amendment.

Mr. PALMER. Before the call commences I should like to state——

The PRESIDING OFFICER. The Chair will state that the matter is not debatable, as the roll call had commenced and several Senators had responded to their names.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote, I withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. As my colleague [Mr. MITCHELL of Oregon] is paired with the senior Senator from Wisconsin [Mr. VILAS], by consent of the Senator from Wisconsin, I have transferred my pair to my colleague, so that we may vote. I vote "nay."

Mr. MANTLE (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. ROACH (when his name was called). I have a general pair with the Senator from California [Mr. PERKINS]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. ROACH. I announced my pair, but I have the privilege of voting to make a quorum. I vote "nay."

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. I am informed by his colleague that if the junior Senator from Rhode Island were present he would vote as I have voted. I therefore permit my vote to stand.

Mr. PALMER (after having voted in the affirmative). I perceive that the Senator from North Dakota [Mr. HANSBROUGH] did not vote. I withdraw my vote.

Mr. GALLINGER. I am paired with the senior Senator from Texas [Mr. MILLS], and I suggest to the Senator from Illinois that we transfer the pairs, so that the Senator from Texas [Mr. MILLS] and the Senator from North Dakota [Mr. HANSBROUGH] will stand paired.

Mr. PALMER. That arrangement will be satisfactory. My vote will then stand.

Mr. GALLINGER. I vote "nay."

The result was announced—yeas 8, nays 40; as follows:

YEAS—8.

Bate,
Brown,
Chandler,
Gray,
Palmer,
Pasco,
Vilas,
White.

NAYS—40.

Aldrich,
Allen,
Allison,
Bacon,
Berry,
Blackburn,
Brice,
Butler,
Call,
Cannon,
Chilton,
Cockrell,
Cullom,
Daniel,
Dubois,
Gallinger,
Gorman,
Hawley,
Hoar,
Jones, Ark.
Lindsay,
McBride,
McMillan,
Nelson,
Peffer,
Pettigrew,
Platt,
Proctor,
Pugh,
Quay,
Roach,
Sewell,
Shoup,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Vest,
Wilson.

NOT VOTING—42.

Baker,
Blanchard,
Burrows,
Caffery,
Cameron,
Carter,
Clark,
Davis,
Elkins,
Faulkner,
Frye,
Gear,
George,
Gibson,
Gordon,
Hale,
Hansbrough,
Harris,
Hill,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lodge,
Mantle,
Martin,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Perkins,
Pritchard,
Sherman,
Smith,
Turpie,
Voorhees,
Walthall,
Warren,
Wetmore,
Wolcott.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations.

Mr. PALMER. I rise for information having reference to this same amendment reported by the committee. I ask the attention of the Senate, and particularly of the Senator from South Dakota [Mr. PETTIGREW], to that part of the amendment which commences on line 19, page 57. I want to get from him his interpretation of the language that follows. I read:

> That the United States courts in said Territory shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted—

The word "of" was inserted after the word "and," in line 22; so as to read—

> and of all criminal causes for the punishment of any offense committed after the passage of this act by any person in said Territory.

I wish to ask the Senator whether the purpose is to abolish all the Indian courts? As a matter of course, there can be no difference between abolishing courts in express terms or taking from them all jurisdiction. I then read further——

Mr. PETTIGREW. Shall I answer the Senator from Illinois now?

Mr. PALMER. I will at this point be glad to hear from the Senator.

Mr. PETTIGREW. I will state that the purpose of it is to take away the jurisdiction of the Indian courts as to all cases and offenses hereafter. It would leave those courts, however, in existence to dispose of the business on hand at the present time. But as to all new cases, all new crimes, all new offenses, from the time this bill becomes a law, the jurisdiction is placed in the United States court. That is the purpose of the committee amendment.

Mr. PALMER. I understand, then, that the purpose of the language which I have just read is to practically abolish all the Indian courts?

Mr. PETTIGREW. That is the purpose.

Mr. PALMER. And that they shall have no jurisdiction hereafter?

Mr. PETTIGREW. Hereafter.

Mr. PALMER. But that they may exercise such jurisdiction as they now have in causes pending before them?

Mr. PETTIGREW. Yes; pending before them.

Mr. PALMER. Now, I should like information upon another point. Beginning in line 24, the amendment proceeds:

> And the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, etc.

May I be permitted to inquire whether the commissioners appointed under existing laws have any final jurisdiction whatever?

Mr. PETTIGREW. They have.

Mr. PALMER. What is that jurisdiction?

Mr. PETTIGREW. They have the jurisdiction of a justice of the peace to try and determine civil actions where the sum involved is not greater than $100.

Mr. PALMER. Who appoints the commissioners?

Mr. PETTIGREW. They are appointed by the judges.

Mr. PALMER. By the judges?

Mr. PETTIGREW. Yes; the same as United States court commissioners are appointed elsewhere.

Mr. HOAR. They are appointed by the courts, not the judges.

Mr. PALMER. My doubt would be whether a court can give judicial functions to its appointees. The commissioners appointed by the United States courts have no judicial powers. Although they have powers that very nearly resemble those that are judicial, I should doubt exceedingly the right of any court to create judicial officers.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PALMER. I am very glad that it has. I may be permitted at least to ask a question for information.

Mr. HOAR. Mr. Webster declared in the Senate a great many years ago that these provisions of the Constitution of the United States were not applicable to the Territories, and that our power of legislation in regard to the Territories was not fettered; and I think that has been the understanding ever since. Undoubtedly all the constitutional provisions which declare what is of common right, like the prohibition to try a man twice for the same offense or to take his property without due process of law, etc., will be scrupulously observed, and should be; but perhaps they would be treated as limitations on the legislative power. But the power to create judicial officers or the exercise of judicial functions by officers not appointed for life, which would not be permitted in the States, is not denied to Congress so far as it relates to a Territory. I suppose that is the well-settled law.

Mr. ALLEN. I suggest to the Senator in charge of the bill to strike out the word "full," in line 20, on page 57, and insert the word "original." That will make the amendment comply more closely with the language used in the law books.

Mr. PETTIGREW. The Senator will find that the jurisdiction of these courts is prescribed by special statute.

Mr. ALLEN. The sentence reads:

> That the United States courts in said Territory shall have full and exclusive jurisdiction, etc.

The law book used the expression "original and exclusive jurisdiction." The word "full" is not equivalent to "original." I suggest that there may be some trouble in the tribunals there respecting that matter.

Mr. PETTIGREW. I have no objection to the amendment to the amendment.

Mr. ALLEN. Then I move to strike out the word "full," in line 20, after the word "have," and to insert "original."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 20, page 57, after the word "have," strike out the word "full" and insert the word "original;" so as to read:

> That the United States courts in said Territory shall have original and exclusive jurisdiction, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon agreeing to the amendment of the committee as amended.

Mr. VILAS. I should like to ask the Senator in charge of the bill if, since the motion of the Senator from Missouri [Mr. VEST] was adopted striking out fifteen lines on page 57, the words in line 24, page 58, and in lines 1 and 2, on page 59, ought to go out of the bill? Those words relate only to the words which were included in the amendment before it was changed by the motion of the Senator from Missouri. The first half of the sentence ought to be retained and the last member of it rejected, it seems to me.

Mr. PETTIGREW. The words the Senator refers to are, I think, the last three lines on page 58 and the first two lines on page 59.

Mr. VILAS. The last part of the last line on page 58 and the first two lines on page 59.

Mr. PETTIGREW. That simply provides, as to any one of the tribes which makes an agreement through the commission appointed to make an agreement with them, that this act shall not apply after the agreement is ratified by Congress. If we ratify an agreement which takes care of all the questions in this act——

Mr. JONES of Arkansas. But there is nothing that this will apply to, since the provision was stricken out on the motion of the Senator from Missouri this morning. It seems to me if it were modified so as to leave stand the words "That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes," and stop right there, it will be complete; and the other is practically inoperative on account of the amendment made to the amendment this morning.

Mr. PETTIGREW. I am not so sure about that. I do not see why they could not make an agreement to change absolutely the jurisdiction of courts or substituting another court or a different court. They might make a contract with these people that we would ratify which would take that nation out of the jurisdiction of the court constituted by this act. I can see no harm in leaving the words in the bill.

The PRESIDING OFFICER. The question is upon the committee amendment as amended.

Mr. PALMER. May I ask the Senator from South Dakota whether it is the purpose of the amendment to make the members of these tribes citizens of the United States? I find this language, commencing on page 58:

> Now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

Is it the purpose of the amendment to limit juries to the Indian tribes, or is it meant to declare that any citizen may be a competent juror? Now, it happens in this case that there are white people in that Territory who are citizens of the United States. Would they be competent jurors?

Mr. PETTIGREW. As the law now stands, only persons who are not citizens of the tribes can act as jurors in the United States courts; but as we confer jurisdiction over citizens of these tribes, we also allow those who can speak the English language to act as jurors. That is the force and effect of the provision.

Mr. PALMER. With other citizens?

Mr. PETTIGREW. With other citizens.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment of the committee.

The amendment was agreed to.

Mr. JONES of Arkansas. I should like to ask if the amendment offered by the Senator from Mississippi [Mr. WALTHALL] was adopted by the Senate?

The PRESIDING OFFICER. It was adopted as amended.

Mr. PETTIGREW. The substitute which I offered for it was adopted.

Mr. JONES of Arkansas. Very well.

Mr. PETTIGREW. I now offer an amendment to come in on page 30, at the end of line 8.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, after line 8, it is proposed to insert:

> The Secretary of the Interior is directed to negotiate through an Indian inspector with the Allegheny and Cattaraugus Indians in the State of New York for an allotment of all the lands in their reservation to the Indians entitled thereto in severalty; and the agreement, if any, shall not be binding until approved by Congress.

Mr. COCKRELL. Does that amendment say that they shall make their report to Congress?

Mr. PETTIGREW. It says that the agreement shall not be binding until ratified by Congress.

Mr. COCKRELL. Let them make their report to Congress.

Mr. PETTIGREW. I have no objection to that.

Mr. COCKRELL. I ask that the amendment be again read.

The Secretary read the amendment.

Mr. COCKRELL. The amendment should read:

> The agreement, if any, shall be reported to Congress.

Mr. HOAR. I think a proper way, instead of having all these subordinates report directly to Congress, would be to provide that the agreement should be reported to the Secretary of the Interior, and then laid before Congress.

Mr. COCKRELL. That is right. Let it read:

> The agreement shall be reported to the Secretary of the Interior, and by him submitted to Congress for approval or disapproval.

Mr. PETTIGREW. The amendment says it shall not be binding until ratified by Congress, and as it is made by the regular officer of the Department, an inspector, I do not see how he could report to anybody else but to the Secretary of the Interior. However, I do not object to the Senator's amendment.

Mr. CALL. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment will be read as amended.

The Secretary read as follows:

> The Secretary of the Interior is directed to negotiate through an Indian inspector with the Allegany and Cattaraugus Indians in the State of New York for an allotment of all the lands in their reservation to the Indians entitled thereto in severalty, and the agreement, if any, shall be reported to the Secretary of the Interior, and by him reported to Congress for approval or disapproval.

Mr. ALDRICH. The other language is better than the language now proposed.

Mr. CALL. I do not know anything about this amendment. There may be some discussion about it, but I have a memorial on the subject.

Mr. PETTIGREW. Let the amendment be read.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. CALL. I have been requested to ask the attention of the Senate to a memorial of the Seneca Indians in connection with this amendment.

I supported an amendment similar to this at the last session, in connection with the New York Senator.

I have no knowledge on the subject, and have done all that I promised to do in bringing this memorial to the notice of the Senate, without expressing any opinion on the subject.

Mr. STEWART. While the amendment is in preparation, I wish to offer an amendment.

Mr. ALLEN. I want to call attention to this matter.

Mr. STEWART. While that amendment is in the course of preparation will the Senate receive an amendment which I offered last night?

The PRESIDING OFFICER. The amendment of the Senator from South Dakota [Mr. PETTIGREW] will be passed over temporarily, and the amendment of the Senator from Nevada will be stated.

Mr. STEWART. It is an amendment which I offered last night. An objection was then made on account of its not having been referred to a committee. That objection has now been disposed of.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, after line 2, it is proposed to insert:

> To reimburse the county of Ormsby, State of Nevada, for money expended in the purchase of improvements on lands donated to the Government for an Indian school, $6,375.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. ALLEN. I call attention to some amendments offered by me last evening, which were laid over until to-day. I desire to have them now taken up.

The PRESIDING OFFICER. The Chair will recognize the Senator from Nebraska as soon as the pending amendment is disposed of.

Mr. COCKRELL. I offer the amendment now in the form in which I send it to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota [Mr. PETTIGREW], as modified by the Senator from Missouri [Mr. COCKRELL], will be again stated.

The Secretary read as follows:

> The Secretary of the Interior is directed to negotiate, through an Indian inspector, with the Allegany and Cattaraugus Indians in the State of New York for an allotment of all the lands in their reservation to the Indians entitled thereto, in severalty, and report the result to Congress, and the agreement, if any, shall not be binding until approved by Congress.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. TELLER. I do not know that I shall object to that amendment going in, because I suppose they might try the allotment plan; but I know that it does not come from the Indians. I know they do not desire any allotment, and I do not believe they ought to have it.

Mr. CALL. The purport of their memorial is that they do not desire it.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. ALLEN. I call for the reading of the amendment to which I referred.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. At the bottom of page 26 it is proposed to insert:

> That the adult allottees of land in the Peoria and Miami Indian Reservation, in the Quapaw Indian Agency, Ind. T., who have received allotments of 200 acres each, may sell 100 acres each of said allotments and all inherited lands, on obtaining the consent of the Secretary of the Interior in each individual case, which sale shall be afterwards approved by him.

Mr. PALMER. I am opposed to that amendment. I should like to raise the point of order against it, if I can do so.

The PRESIDING OFFICER. Does the Senator from Illinois raise the point of order against the amendment?

Mr. PALMER. I do.

Mr. ALLEN. I hope my friend from Illinois will not do that.

The PRESIDING OFFICER. The Senator from Illinois will please state his point of order.

Mr. ALLEN. This is desired by the Indians themselves. They are a civilized tribe of Indians. They have 200 acres of land each, and many of them are competent and intelligent business men, and they want to sell a portion of the land. The Senator from Illinois knows very well that the Indians do not cultivate very extensive farms. This amendment proposes to permit them to sell one-half of their inheritance, providing the Secretary of the Interior, in the first instance, gives his consent to it, and then, after the contract is made, it must go back to him in each case for his approval or disapproval.

Mr. PALMER. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANTLE. I now desire to offer an amendment moved by me last night on behalf of the Committee on Indian Affairs, which was objected to by the Senator from Iowa [Mr. ALLISON], and the point of order raised against it. I understand that the Senator from Iowa is willing to withdraw his objection and permit the amendment to be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert, after line 3, on page 43, the following:

> That there be paid to the Naalem Band of the Tillamook tribe of Indians, of Oregon, the sum of $10,500, to be apportioned among those now living and the heirs of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that for this purpose there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,500: *Provided*, That said Indians shall accept said sum in full of all demands or claims against the United States for the lands described in said agreement made with them, dated the 8th day of August, 1851.

Mr. MANTLE. I do not care to discuss the amendment, unless some explanation is desired. As a report has been made upon the matter and printed, I presume Senators understand what the amendment is.

Mr. LINDSAY. I will ask the Senator whether the amendment contemplates the payment of the money per capita to each individual Indian, or, if to the tribe, to what authority?

Mr. MANTLE. It proposes to pay this money to the remnant of the tribe. I understand there are only about seventeen members of the tribe now living. This claim has been pending a good many years, and there is absolutely no objection to it from any official source. Upon the other hand, the claim has been recommended and its payment advocated by every Secretary of the Interior, every Commissioner of Indian Affairs, and everyone who has had anything whatever to do with it since the time the debt was contracted.

Mr. LINDSAY. I do not make the inquiry in any spirit of objection to the amendment——

Mr. MANTLE. I understand.

Mr. LINDSAY. But only to ascertain to whom this money is proposed to be paid.

Mr. MANTLE. It is proposed that the money shall be distributed per capita among the members of the tribe now living and the heirs of those who are dead. It does not appear that they have ever received a cent for the land.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. MANTLE].

The amendment was agreed to.

Mr. ALLEN. I call attention now to the other amendments which I offered yesterday, and which were passed over. I ask, first, action on the amendment with reference to the Sisseton and Wahpeton Indians.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after the amendment adopted after line 3, it is proposed to insert:

> That the annuities of the Sisseton and Wahpeton bands of Dakota or Sioux Indians arising under the treaty of July 23, 1851, between said bands of Indians and the United States, which annuities were declared forfeited by the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, be, and the same are hereby, restored and continued from the time of the last payment before said act forfeiting the same to July 1, 1902, the date of the expiration of said treaty of July 23, 1851; for which purpose a sum of money sufficient to pay said annuities is hereby appropriated out of any money in the Treasury not otherwise appropriated; and after deducting all sums actually paid to said Sisseton and Wahpeton Indians, by reason of said treaty of July 23, 1851, the sum remaining unpaid, after deducting and paying attorneys' fees in accordance with agreement with said Indians on file in the office of the Commissioner of Indian Affairs, the balance shall be paid per capita to said Indians or disbursed for their benefit for such objects and purposes and in such manner as the Secretary of the Interior may deem for their best interests, or deposited in the Treasury for the use and benefit of said Indians, and paid to them or expended for their benefit in such manner as the Secretary of the Interior may direct; and on all sums remaining in the Treasury of the United States said Indians shall receive interest at the rate of 4 per cent per annum, said interest to be paid to them per capita on the 1st day of November of each year.

Mr. ALLISON. That amendment was read last evening, and I made the point of order against it that it was general legislation. I have since consulted with the Senator from Nebraska respecting this matter, and I have prepared an amendment in substitution of that amendment and to one other offered by him.

Mr. ALLEN. Yes, sir; the one in reference to the Wapakootas and Medawakantons.

Mr. ALLISON. If the Senator from Nebraska will accept the amendment which I send to the desk as a substitute, I will withdraw the point of order.

The PRESIDING OFFICER. The substitute proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 42, after line 2, it is proposed to insert:

> That the Secretary of the Interior is hereby directed to report to Congress, as soon as practicable, or at its next regular session, copies of all treaties or agreements made with the Sisseton and Wahpeton bands of Dakota or Sioux Indians prior to and since 1863; also a statement in detail, as far as practicable, of all amounts or sums paid to said Indians under said treaties or otherwise, including amounts for subsistence since said period; also the extent of reservations granted to them by said treaties or agreements, or any of them, and amounts now in the Treasury arising from the sale of their reservation or portions thereof; also a statement of all the appropriations made for or on their behalf since said period, or on behalf of any of them. The Secretary of the Interior shall also make a like report respecting the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians; also including any and all amounts paid to said bands, or any of them, under treaties and appropriations made since 1863 for the benefit of the Sioux of different tribes, including the Santee Sioux, of Nebraska. The Secretary of the Interior shall also embrace in his report a statement of annuities due, if any, and unpaid to said Indians prior to the passage of the forfeiture act of 1863.

Mr. ALLEN. I suggest to the Senator from Iowa the propriety of adding to the Sissetons and Wahpetons the same language that is added to the Santee Sioux; that is, the closing portion of the amendment. One thing which I think ought to be made prominent in the report of the Secretary of the Interior is the amount of money the Government has received from the sale of these lands. To illustrate, the 320,000 acres of land in one body that the Government of the United States got from these Indians, paying, all told, 30 cents an acre for them—that is, we did not pay them 30 cents, but we agreed to pay them the interest on 30 cents—and the Government got that land and sold it for $1.25, and possibly more, an acre.

Mr. ALLISON. I think the amendment covers all the essential points.

Mr. ALLEN. I suggest to the Senator from Iowa that it probably does cover them as to the Santee Sioux, but does not cover them as to the Sissetons and Wahpetons.

Mr. COCKRELL. I want to ask the Senator if that is a substitute for the amendment of the Senator from Nebraska?

Mr. ALLISON. Undoubtedly.

Mr. COCKRELL. That is what I supposed.

Mr. ALLISON. I propose to have this amendment placed in the bill where I have indicated, and the other amendments are to be dropped by the Senator from Nebraska.

Mr. ALLEN. Yes, sir.

Mr. ALLISON. All the information required is to be found in the amendment as I proposed it. I think there is no modification necessary.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa, the Senator from Nebraska having withdrawn his amendment, as the Chair understands.

Mr. ALLEN. I withdraw the amendment I offered.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Iowa.

The amendment was agreed to.

Mr. JONES of Arkansas. I ask the Senate now to take up some of the amendments I offered last evening, and which were laid over.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. On page 18, after line 4, it is proposed to insert:

> That the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debt to the Government of the Creek Nation: *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt, or issued its warrants representing the same, for a full and valuable consideration, and that there was no fraud in connection with the incurring of said debt or the issuing of warrants.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Arkansas.

Mr. WILSON. Mr. President, it seems to me that before we adopt that amendment there ought to be some explanation by the Senator of the character of this debt. If it is simply warrants held by certain people scattered over the country, who are seeking in this manner to get the cash, the full par value, on these warrants, which probably were obtained at a great discount—of which, of course, I have no knowledge, and perhaps the Senator can correct me, if I am mistaken—anyhow, I should like to have some explanation of the amendment.

Mr. JONES of Arkansas. I think if the Senator had listened to the reading of the amendment, he would have been satisfied that any difficulty such as he suggests is guarded against in the amendment.

Mr. WILSON. I beg to assure the Senator from Arkansas that I listened to every word of the amendment. I understand this matter is to be examined into and is to be reported upon, and if it shall be found that no fraud of any kind is shown, that then it is to be paid, and it is to have the approval of the Secretary of the Interior first. I undertake to say that no fraud will be shown, that the $300,000 will be paid out if this amendment is adopted, and I should like to know something of this debt before we adopt an amendment paying this amount out of the trust fund of this Indian nation.

Mr. JONES of Arkansas. Mr. President, the language of the amendment which I thought had possibly escaped the attention of the Senate is:

> *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt, or issued its warrants representing the same, for a full and valuable consideration, and that there was no fraud in connection with the incurring of said debt or the issuing of warrants.

Mr. ALLISON. I should be glad to have the Senator read the first clause of that amendment.

Mr. JONES of Arkansas. It reads:

> That the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debt to the Government of the Creek Nation.

Mr. ALLISON. That surely should require the assent in advance of the Creek Nation to such payment.

Mr. JONES of Arkansas. The Creek Nation is asking for it. Their petition is here, presented by officers of that nation.

Mr. ALLISON. Then it should be stated in the amendment "with the consent and authority of the Creek Nation filed with the Secretary of the Interior." Is this amendment reported from any committee?

Mr. JONES of Arkansas. I think it has not been. The matter is before the Committee on Indian Affairs, but my impression is that the amendment has not been reported. There are two agents of the Creek Nation here, accredited by the Creek council, asking that this appropriation be made. The reason they give for asking for this appropriation is that there are $105,000 outstanding of debts incurred by the nation for the building of certain schoolhouses and the establishment of certain schools; that there are outstanding $230,000 of warrants, which have been incurred in the administration of their affairs as a nation, making a total of $335,000 outstanding of the debt. They sent these two agents here from the council, authorized by the governor, asking that they be allowed to use a sufficient sum of their money in the Treasury to pay these debts. The limitations were prepared by members of the Committee on Indian Affairs, though I believe the amendment has not been voted on by the committee.

Mr. ALLISON. Then I suggest, if this amendment is to be adopted, that it provide for the assent and approval of the council of the Creek Nation, to be passed after the passage of this act and to be filed with the Secretary of the Interior.

Mr. JONES of Arkansas. I have no objection to the amendment. I shall be glad to have any limitation of that sort put on the payment of the money. If the Senator from Iowa will suggest the amendment that he would like to have go in, it can be inserted.

Mr. ALLISON. I would suggest to insert:

> Upon the properly authenticated demand of the Creek Nation after the passage of this act.

Mr. JONES of Arkansas. At the beginning of the amendment?

Mr. ALLISON. Yes.

Mr. PEFFER. While the Senate is considering the phraseology of the amendment, I will take the liberty of suggesting that it would be well to have an officer appointed, either an individual or several of them, to examine into the facts and report them to Congress.

Mr. ALLISON. Before the payment is made?

Mr. PEFFER. Before the payment is made.

Mr. JONES of Arkansas. This requires that the Secretary of the Interior shall do that.

Mr. TELLER. He will provide the method.

Mr. PEFFER. Does it require him to disburse the money?

Mr. JONES of Arkansas. It requires him to investigate before he pays a dollar.

Mr. TELLER. And then he has to disburse it.

Mr. JONES of Arkansas. Then he has to disburse it.

Mr. WILSON. My recollection is that the Committee on Indian Affairs pretty thoroughly investigated this matter at the time when the two representatives were before the committee asking for the allowance of this money. That was some time ago. I do not recall fully all the facts, but my recollection is that from the statements made by the agent of the Indian council the appropriation did not meet with the entire approval of the Indian Affairs Committee.

Now, my objection is that we are in every Congress coming here and taking these trust funds, gradually appropriating them for this purpose and that, and if it is to continue a little longer, there will be none of them left. These people have issued a large amount of county or Territorial warrants——

Mr. JONES of Arkansas. National warrants.

Mr. WILSON. Or national warrants (I do not know by what name they may be called in that country; they are the same as our county warrants in the West) and doubtless these warrants are to-day in the hands of the much-despised goldbugs. They are here in this manner and in this way seeking payment of the same. I have been greatly in hopes that the resources of that section of country, their rentals, might keep up their schools, etc., without intrenching upon their trust funds, and I regret to see an amendment of this character proposed to the Indian appropriation bill without first having received full and complete consideration and recommendation by the Committee on Indian Affairs.

Mr. ALLISON. Let me ask the Senator from Washington if there is a recommendation from the Secretary of the Interior for this payment?

Mr. JONES of Arkansas. There is; and from the Commissioner of Indian Affairs.

Mr. WILSON. I am very much obliged to the Senator from Arkansas for answering the question of the Senator from Iowa.

Mr. JONES of Arkansas. I will withdraw what I said just now, and let the Senator from Washington answer. I do not want to interrupt.

Mr. WILSON. Oh, no. The Senator from Arkansas entirely misunderstands me. If he had only waited a moment, he would have heard. I was about to say that I do not recall that there had been any such recommendation before the committee, but I do recall, I will inform the Senator from Iowa, that these two representatives appeared before the committee. The Senator was present at the time.

Mr. ALLISON. I ask that the amendment may be stated as amended.

The Secretary read as follows:

> Upon the properly authenticated demand of the Creek Nation, made after the passage of this act, the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debts of the government of the Creek Nation: *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt and issued its warrants representing the same for full and valuable consideration, and that there was no fraud in connection with the incurring of said debt and the issuing of warrants.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Arkansas. I ask the Senate now to take up the next amendment which I offered last night.

The SECRETARY. On page 11, after line 25, it is proposed to insert:

> For fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely, for arrears of interest, at 5 per cent per annum, from December 31, 1840, to June 30, 1889, on $184,143.09 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of treaty of June 22, 1852; and for arrears of interest, at 5 per cent per annum, from March 11, 1850, to March 3, 1890, on $56,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, $558,520.54, to be paid to the treasurer of said nation upon requisition signed by the governor and national secretary of the Chickasaw Nation, and to be immediately available.

Mr. ALLISON. I make the point of order upon the amendment that it is not estimated for, and that it is a pure claim and an absolute gratuity. I believe it has the partial sanction of [illegible] Committee on Indian Affairs, although I am not sure about [illegible]

Mr. JONES of Arkansas. The amendment passed [illegible] Committee on Indian Affairs almost unanimously; [illegible] there may have been one or two votes against it. I am not sure about it. I think there was but one. It was reported to the Senate and referred to the Committee on Appropriations.

Mr. ALLISON. That does not make it in order.

Mr. JONES of Arkansas. I think the fact that it is an appropriation to carry out treaty stipulations with the Chickasaw Indians does make it in order.

Mr. TELLER. That is a mooted question.

Mr. JONES of Arkansas. I will not detain the Senate at this late hour in making a statement about it further than to relate the facts, as I understand them, in a word.

Between 1830 and 1835 the Chickasaw Indians sold their lands on this side of the Mississippi River and put the money into the Treasury of the United States. They had an agreement with the Government of the United States that they should receive 5 per cent interest on that fund. In 1840 the United States erroneously used $180,000 of that fund. In 1850 it erroneously used $60,000 of that fund, and of course there was no interest paid on those items after they were taken out of the trust fund.

In 1854 there was a treaty between the Chickasaw Indians and the Government of the United States, in which, in article 4, the statement was made that the Chickasaw Indians claimed that there had been funds improperly taken out of their trust funds, and it was agreed between the parties that the Secretary of the Interior should take up and determine the question whether these sums had been improperly taken out of the trust fund, and that his finding should be final.

Now, there was no action under that agreement solemnly made between the Government of the United States and these Indians until Mr. Lamar, Secretary of the Interior, thirty years after that time, took up the question. It being an old question, it was referred to the Court of Claims to find the facts. The Court of Claims found the facts. It reported that these sums had been erroneously taken out of the funds of the Indians, and the funds were restored by act of Congress to the trust fund of the Indians. From 1887 the interest has been paid on the $180,000, and from 1889 or 1890 it has been paid on the $60,000.

The claim of the Indians is that there ought to be the same interest paid on these funds from the time they were taken out of the trust fund until they were restored that would have been paid if by the mistake or the wrongful act of the Government this money had not been taken out of their funds. That is the statement in a nutshell, as I understand it.

The Court of Claims did not undertake to pass on the question of interest. While I do not understand how it would be possible for them to have any question about the propriety of paying interest on funds taken out in this way, they said the question of the payment of interest was a matter to be settled by the legislative branch of the Government, and they left that to be determined by Congress. I believe the money is fairly and justly due these people. If we had settled this debt when the Indians insisted that it should be done—if, instead of the Secretary of the Interior failing to take up and determine this question and decide what was right between the Government and these Indians, he had done so, the interest on this fund would have been paid all along from then until now.

It seems to me the Government of the United States ought not to take advantage of the neglect of the Secretary of the Interior to take up and determine this question, the Indians being willing that the Secretary himself should render his finding and agreeing in the treaty that his finding should be final.

I have said all I care to say about it. I believe I have stated the facts fairly.

Mr. PLATT. As one member of the Indian Affairs Committee, I did not agree to report this amendment to the Senate to have it go before the Appropriations Committee and be placed on the appropriation bill. I do not think it ought to be put on the appropriation bill, because there is no time to go into the question.

Mr. CULLOM. It is merely a claim.

Mr. PLATT. There is no time to go into the history of the whole case.

It is true that there has been restored to these Indians about $240,000 through the action of the Committee on Appropriations. It took one of the findings of the Court of Claims one year, and then it was not satisfied with the other, and referred it back to the Secretary of the Interior. The Secretary of the Interior indorsed the finding of the Court of Claims, and so it was paid through the Committee on Appropriations. But that was $240,000. Now, here is a claim for $585,000 for interest to be paid on the $240,000 principal.

Without going into the whole history of this case, which is a long and somewhat interesting one, there is one feature of it which it seems to me ought to be considered by the Senate in determining whether or not it will pay this interest. These funds were invested by the United States in State bonds, a considerable portion of them being invested in the bonds of the State of Arkansas. The United States was not bound by law or in equity or in any other way to assume the securities. The State of Arkansas and other States, the bonds of which were in this fund, defaulted, and the United States assumed the debt in order that the Indians might not suffer; and they pay a good deal more than interest by assuming the debt and the interest on the securities, being the bonds of the States which did not pay them. It seems to me that that certainly as an equitable consideration ought to come in. But I am not going to discuss the merits of this question on a point of order.

Mr. ALLISON. The Senator from Arkansas alludes to the fact that this payment is to be made under the fourth article of the treaty of 1854, whereby there was to be a restatement of accounts between the Indians and the Government. That restatement of accounts, although provided for in 1854 was not made until Mr. TELLER, now a member of this body, came into the Interior Department, and then he, under what is known as the Bowman Act, referred the whole question to the Court of Claims to state an account.

Mr. PETTIGREW. Secretary Lamar.

Mr. ALLISON. Secretary Teller made the submission.

Mr. PLATT. Secretary Lamar indorsed it.

Mr. ALLISON. Secretary Teller made the submission. The Court of Claims allowed $240,000 of errors in the statement of account. In restating this account they held the Government to be bound for $50,000 paid to Hon. William M. Gwin, who at one time was a member of this body, and received under contract made with those Indians $50,000 out of that sum which he had secured for the Indians. It is shown by the testimony fairly well that these Indians made an agreement to pay him $50,000 if he would secure for them certain allowances which had been refused. The Court of Claims allowed the Indians for that $50,000 in restating the account. They alluded to the question of interest, and stated that as between individuals a restatement of account did not authorize interest upon a readjustment of items, and that the question of interest was purely an equitable one in the discretion of Congress, and in the report they allowed $240,000 in all.

When the report came to the Committee on Appropriations, we were asked to make an appropriation for that sum. We reinvestigated, so far as we could, the findings and statements and evidence before the Court of Claims, and we made up our minds that the $50,000 paid to Mr. Gwin was paid under the authority of the Indians, and that they had no right to ask the Government to reimburse them for that sum; and instead of appropriating $240,000 we appropriated $184,000. We allowed, however, a restatement of the account by the Secretary of the Interior and a reexamination of it as respects the Gwin claim. Mr. Noble, then the Secretary of the Interior, made a restatement of the account, and said upon the whole he thought it was wiser and better for the Government to pay that sum. He submitted an estimate for the amount, as Secretary Lamar had submitted an estimate for the whole amount four years before, and upon this report of Secretary Noble we appropriated the remaining $50,000.

This account covered a good many items of expenditure made by the Government under treaties for subsistence, transportation, and various things which, upon restatement, were found to be excessive. These amounts were not taken from the funds that were in the Treasury as trust funds, but they were a part of the funds authorized by treaty stipulations to be paid to these Indians for certain purposes.

After the provision for a restatement of account was put into the treaty of 1854, it lay sleeping there until 1885, apparently without any urgency as respects the restatement of account, and in 1885 this question was resurrected and submitted, and the Secretary of the Interior approved the finding of the Court of Claims and allowed them $240,000, and we appropriated the money and they have received it.

Now comes the suggestion of $585,000 of interest to be paid out of the Treasury, including interest upon the $50,000 which was paid to Mr. Gwin upon the direction certainly of the accredited agents of these Indians here in the city of Washington. I undertake to say that a more glaring gratuity was never projected into the Senate. I make the point of order on the amendment.

The PRESIDING OFFICER. The Chair will request the Senator to state again the grounds on which he bases the point of order.

Mr. ALLISON. The grounds of the point of order are that, as shown by these reports and the statements, it is not under treaty stipulations, but is a gratuity to these Indians, as shown by the reports which I have on my desk; an equity about which we have absolute discretion, and that it is in the nature of a private claim of an Indian tribe. So it has no foundation whatever.

Mr. JONES of Arkansas. I will ask the Senate to indulge me for a moment to reply to the statement made by the Senator from Iowa, as I can not agree that it shall go unchallenged in the Senate, if I understand this case.

Article 4 of the treaty of which I speak, and which the amendment proposes to carry into effect, is in these words:

> The Chickasaws allege that in the management and disbursement of their funds by the Government they have been subjected to losses and expenses which properly should be borne by the United States. With the view, therefore, of doing full justice in the premises, it is hereby agreed that there shall be, at as early a day as practicable, an account stated, under the direction of the Secretary of the Interior, exhibiting in detail all the moneys which from time to time have been placed in the Treasury to the credit of the Chickasaw Nation, resulting from the treaties of 1832 and 1834—

That was their trust fund—

> and all the disbursements made therefrom.

"And all the disbursements made therefrom."

> And said account, as stated, shall be submitted to the Chickasaws, who shall have the privilege, within a reasonable time, of filing exceptions thereto, and any exceptions so filed shall be referred to the Secretary of the Interior, who shall adjudicate the same according to the principles of law and equity, and his decision shall be final and conclusive on all concerned.

I will not detain the Senate by going over all the details, but I will read what the court said on the question of interest, and I will read the statement of the account as stated, and then I shall be willing for the Senate to determine whether or not it was part of the trust fund. These are the words of the court:

> In an action between individuals interest would also be allowed, for the issue presented is one of unauthorized disbursement by a trustee of trust funds expressly stipulated to be held invested in interest-bearing securities.
>
> We refrain, however, from expressing any opinion on this subject, as the question must necessarily be taken to the legislative department of the Government, which alone has power to grant relief, which will consider the equities of the case, and which will decide whether it is one wherein the doctrine should be waived that, as the sovereign does no wrong and is ever ready and willing to pay just debts, the Government pays no interest.

"The sovereign does no wrong," and yet by treaty stipulation we agreed (section 4 of the treaty of 1854) that the Secretary of the Interior should state this account, and still it was not done for more than thirty years. The sovereign, of course, does no wrong, but ought not to pay interest, because it was not to be blamed for that delay.

Now, the items, as stated from the office, of which this account consisted are as follows:

> Chickasaw general fund—

This is from the finding of the court—

> Chickasaw general fund:
> Payments of transportation and demurrage to S. Buckner (charged against the trust fund prior to December 31, 1840), $58,299.

And yet the Senator from Iowa says this was not a trust fund.

Mr. ALLISON. No; I did not say that. I said it had not been placed in trust bearing interest. That fund was a part of the $6,000,000 that was used to transport these people across the Mississippi and into the Indian Territory. It was to be used for that purpose, and the remainder of it not used, as I recollect now—I do not remember the obligations of the treaty—was to be part of the trust fund.

Mr. JONES of Arkansas. Whatever it was, the courts said it was taken out of the trust fund, and taken out erroneously.

> Payments to conductors of emigration (charged prior to December 31, 1840), $26,563.68.

The same time exactly. Now comes the other item:

> Payment to assignees of William M. Gwin (charged prior to March 12, 1850), $56,021.49.

Mr. ALLISON. Will the Senator allow me? How could the William Gwin payment be taken out of the trust fund when William Gwin agreed to secure the placing in the trust fund of a certain amount of money? One hundred and twenty-five thousand dollars was ordered to be paid to them, and he took $50,000 out of the sum before it was put into the trust fund.

Mr. JONES of Arkansas. The court finds that out of the Chickasaw general fund these three items were taken. It mentions the Gwin payment among the others. Out of the incompetent fund the other item, $59,000, was taken.

We had agreed by treaty stipulation to pay the interest on this money. I admit that the sovereign ought not to do any wrong; but I believe as firmly as I believe that I am living that the Government is under every moral obligation on earth to pay interest on every dollar of this money that went into the trust fund of these Indians, and was misappropriated. Would not the interest have been paid if the money had remained in the trust fund? Will anybody pretend to deny it? We paid interest on it before it was taken out. We have paid interest since it was put back. Why not pay interest in the interim? Why not pay interest for all that time?

The Senator complains that this amounts to $500,000. Whose fault is that? If the Secretary of the Interior had made the restatement in 1854, when it should have been made, it would have amounted to a bagatelle, but when our own neglect has allowed this to stand for more than thirty years, refusing to do justice to these people, I must think that a complaint of the amount of the interest that is due can not be charged as a fault on the part of the Indians, and it ought not to be a just ground for complaint against the amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Iowa to raise the point of order that this is a claim. The Chair will read the rule applicable to the case. Section 4 of Rule XVI provides that:

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The amendment purports on its face to be for the purpose of carrying out certain treaty stipulations with the Chickasaw Nation, but it appears from the statement of the case that has been made that the amount actually agreed to be paid under the treaty has been paid; that the amount has been approved by the Secretary of the Interior and has been paid, but that there is a claim for a still further amount of interest which has never yet been adjudicated. That being the case, it is not included in the exception to the rule. The point of order is sustained.

Mr. JONES of Arkansas. I wish to offer another amendment.

The SECRETARY. On page 11, after line 25, it is proposed to insert:

> That the disbursing officers of the Treasury be, and they are hereby, directed to pay, from any money in the Treasury not otherwise appropriated, to the trustee or legal representatives of Eli Ayres the sum of $58,155.46: *Provided*, That such payment when made shall operate as a final settlement in full, as between the said trustee and legal representatives of said Eli Ayres, his or their heirs or assigns, and the United States, for any claim against the United States which—

Mr. ALDRICH. This is evidently a private claim. I suggest there is no use to take the time of the Senate at this late hour by reading the whole of the amendment. The first part of it shows it to be a private claim, and subject to the point of order.

Mr. JONES of Arkansas. If the Senator from Rhode Island will hear it all, he may possibly know more about it; but as he seems to know what it is without reading it——

Mr. ALDRICH. The first sentence in the amendment shows that it is a private claim.

The PRESIDING OFFICER. The Chair will be unable to rule upon the amendment until it has been presented in full.

The Secretary resumed and concluded the reading of the amendment, as follows:

> Said Ayres may have had during his lifetime by reason of the fact that he purchased, and there was conveyed to him, the right and title of certain Chickasaw Indians to 124,160 acres of land in the State of Mississippi, held by such Indians under the provisions of a treaty made by the United States with the Chickasaw Nation of Indians on the 24th day of May, 1834, and which said lands so purchased by said Ayres were appropriated and disposed of by the United States; the deeds by which said Indians conveyed said lands to said Ayres to be duly surrendered upon the payment to said trustee or legal representatives of the amount herein appropriated: *And provided further*, That when said deeds are so surrendered to the United States, and said payment so made to the trustee or legal representatives of said Eli Ayres as aforesaid, this act shall operate to forever quiet all such land titles in the State of Mississippi heretofore and now affected by reason of the appropriation and sale or other disposition of the lands so purchased by said Ayres of said Indians, as herein set forth. The said amount of $58,158.46 is hereby made immediately available.

Mr. ALDRICH. I raise the point of order that it is a private claim.

The PRESIDING OFFICER. The Chair would like to hear the Senator from Arkansas upon the point of order.

Mr. JONES of Arkansas. I have nothing to say. I submit the amendment. To be frank about it, however, the amendment is a private claim. There is no question about it.

The PRESIDING OFFICER. The Senator from Arkansas admits the point of order. It will therefore be sustained.

Mr. McBRIDE. I offer the amendment which I send to the desk.

The SECRETARY. On page 53 strike out lines 10 to 17, inclusive, and insert:

> For support and education of 300 pupils at the Indian school, Salem, Oreg., at $167 per annum each, $50,100; for pay of superintendent at said school, $1,800; for the erection of a school and assembly building, and dining hall and kitchen, and other necessary buildings, $15,000; for general repairs and improvements, $5,000, for steam-heating plant, $15,000; in all $86,700.

Mr. PETTIGREW. This is a substitute for the provision now in the bill. This school has been enlarged, so that it takes a larger sum of money to manage it. The amendment is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs. I have the letters here, which I shall be glad to have printed in the RECORD.

The PRESIDING OFFICER. The letters will be printed in the RECORD, as requested, without being read, in the absence of objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 18, 1897.

The honorable SECRETARY OF THE INTERIOR.

SIR: My attention has been called to the needs of increased capacity for the Indian Industrial School at Salem, Oreg., and upon request of Senator McBRIDE, from that State, I have the honor to modify my estimate of appropriations for this school. That estimate was as follows:

Support of 250 pupils	$41,750
Pay of superintendent	1,800
General repairs	[illegible]
Steam heat	[illegible],000
Total	58,350

The capacity of this school is between 250 and 300 pupils, but that capacity refers almost entirely to dormitory accommodations, as the school building and dining hall are entirely inadequate for the accommodation of even 250 pupils. The total enrollment for this school for 1896 was 350 pupils. Under the present management the school has prospered to a considerable extent, and, as stated in my annual report, I am of the opinion that this school should be enlarged. It is the only nonreservation school of any size on the Pacific Coast, and being located near the Indian population of the Northwest can be filled at less expense than in the majority of instances. Climatic conditions, also, demand that there should be a large nonreservation school for the Indians of that section. Salem, by reason of its location, presents the most available point for this purpose. Superintendent Potter states that in order to increase the capacity of his school it will be necessary to give him additional buildings, and therefore desires to have a new school and assembly building, a new dining hall and kitchen, three small cottages for employees, and a shop building; all of which to be heated by steam, thus doing away with the dangerous method at present used of warming the buildings by stoves. I would therefore respectfully recommend that, in view of the circumstances, that my first estimate be changed so as to read as follows:

Support and education of 300 pupils at the Indian school, Salem, Oreg., at $167 per annum each	$50,100
Pay of superintendent at said school	1,800
For the erection of a school and assembly building, and dining hall and kitchen, and other necessary buildings	15,000
For general repairs and improvements	5,000
Steam heating plant	15,000
Total	86,900

The increase in the estimate for steam heating plant is rendered necessary on account of the additional buildings asked for, which require to be heated. By the expenditure of this additional amount, I am of the opinion that the efficiency of this school will be enhanced very largely, and that it will extend its influence throughout the Northwest. While the appropriation is only increased for 50 pupils, yet, under the economical management of the superintendent, he will unquestionably maintain a much larger number. As before stated, the utmost capacity of the school is taxed, and I am informed by the superintendent that many are therefore necessarily turned away. The improvements asked for will give the Pacific Coast a most excellent nonreservation industrial school.

Very respectfully.

D. M. BROWNING, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1897.

SIR: I am in receipt of your communication of 18th instant, addressed to the Commissioner of Indian Affairs, and also your letter of 22d, to me, relative to an amendment intended to be proposed by Mr. MCBRIDE to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, viz: On page —, strike out the clause making appropriations for the Indian school at Salem, Oreg., and insert the following in lieu thereof:

"For support and education of 300 pupils at the Indian school, Salem, Oreg., at $167 per annum each, $50,100; for pay of superintendent at said school, $1,000; for the erection of a school and assembly building and dining hall and kitchen, and other necessary buildings, $15,000; for general repairs and improvements, $5,000; for steam-heating plant, $15,000; in all, $86,100."

In response you are informed that under date of the 18th ultimo the question of increasing the capacity of this school was submitted by the Commissioner of Indian Affairs (copy herewith), and I have had the matter under advisement, and have concluded, in view of the statements contained in the Commissioner's letter, to recommend that the proposed amendment be adopted.

Very respectfully,
D. R. FRANCIS,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Oregon [Mr. MCBRIDE].

Mr. COCKRELL. What does the Senator propose to strike out?

Mr. PETTIGREW. Simply a whole paragraph, and inserting what has been read.

Mr. COCKRELL. On what page?

Mr. PETTIGREW. On page 53.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The SECRETARY. On page 53 strike out beginning with line 10 down to and including line 17, in the following words:

For support and education of 250 Indian pupils at the Indian school, Salem, Oreg., at $167 per annum each, $41,750; for pay of superintendent at said school, $1,600; for general repairs and improvements, $5,000; for steam heating plant, $10,000; in all, $58,350.

The amendment was agreed to.

Mr. DAVIS. I offer an amendment in lieu of the one I offered last night.

The SECRETARY. After line 3, page 35, it is proposed to insert:

And nothing in section 27 of chapter 543, volume 26, of the United States Statutes at Large, pages 1028 and 1029, shall be construed to apply to any contract for services for the prosecution of any claim against the United States or the Indians named in said section, and which had been prosecuted to its final allowance by the Department before which it was prosecuted within the period stated in said contracts, and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs, and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section 2103 of the Revised Statutes of the United States, and in all such cases the Secretary of the Interior shall cause all claims for service under such agreements to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong, and so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals, in the Treasury of the United States: *Provided*, That the amount so audited, allowed, and paid shall not exceed the sum of $44,000.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Minnesota [Mr. DAVIS].

Mr. ALLISON. I make the point of order upon the amendment that it is legislation.

Mr. DAVIS. I have no doubt, under the spirit of the ruling of the Chair made a few moments ago, that the amendment is subject to that objection. I am very sorry for it. It is a just amendment.

The PRESIDING OFFICER. The point of order is sustained. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. ALLISON. Let them be concurred in in gross, unless certain amendments are to be reserved.

Mr. VILAS. I was going to ask for the reservation of the one amendment simply to make a remark upon it: that is all; not to take a vote.

Mr. PALMER. I desire to propose two amendments on page 71.

The PRESIDING OFFICER. The amendments indicated will be reserved.

Mr. CULLOM. My colleague proposes to offer new amendments.

Mr. PALMER. I propose to strike out the words "power to contract," etc., on page 71, line 2.

The PRESIDING OFFICER. That is a committee amendment on page 71. The Senator from Illinois had better reserve that amendment and let the others be acted upon.

Mr. PALMER. I want to reserve those two amendments.

The PRESIDING OFFICER. Are there other amendments to be reserved?

Mr. VILAS. I should like to have, for a moment, the amendment in respect to the Uncompahgre Ute Reservation reserved. I do not intend to ask for any vote upon it, but I should like to have it reserved.

Mr. COCKRELL. Those three amendments are reserved.

The PRESIDING OFFICER. Two amendments; the one indicated by the Senator from Illinois and the one indicated by the Senator from Wisconsin will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. There are two exceptions. The Senator from Illinois [Mr. PALMER] is now recognized with reference to the amendment which he had reserved.

Mr. PALMER. I desire to strike out on page 71 the words "power to contract through their duly authorized commissioner, agent, or attorney," and insert the words, "capacity to sue and be sued." The whole paragraph relates to the Old Settler or Western Cherokee Indians.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment made as in Committee of the Whole.

The SECRETARY. On page 71, line 2, after the word "with," strike out the words "power to contract through their duly authorized commissioner, agent, or attorney" and insert the words "capacity to sue and be sued;" so as to read:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with capacity to sue and be sued.

Mr. PALMER. I desire to insert the words "capacity to sue and be sued," so that the provision shall not be held to ratify any contract that may have been heretofore made.

Mr. PETTIGREW. I have no objection to the amendment.

Mr. TELLER. The very purpose of submitting the whole thing is that the court could try it upon the contracts which they have made. If this amendment is made, it practically nullifies the whole theory and spirit of the submission.

Mr. PALMER. I do not think so.

Mr. TELLER. Of course. We have provided in another place that they may be sued, and they are not asking to sue.

Mr. PALMER. The real effect of the language I propose to strike out would be to validate the contracts already made. I do not think it is necessary at all that those contracts should be validated. The force and effect of those contracts should be determined by the Court of Claims. I propose to amend so as to read:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians with the capacity to sue and be sued, etc.

As it now stands, it reads:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power to contract through their duly authorized commissioner, agent, or attorney, etc.

If it is not intended to validate contracts that would otherwise be invalid, the mere capacity to sue and be sued, of a standing in the Court of Claims, would be given by the words I propose to substitute. But the effect of the words I propose to strike out would be to validate the contracts which would be involved in the very authority given to the Court of Claims to adjudicate these matters.

Mr. TELLER. It is nothing of the kind. It simply says that these people may have made contracts, and it leaves it to the court to determine whether they have made them or not. It is said that they had the power to make them. The court determines whether they have made the contracts.

Mr. PLATT. There was a question as to whether these Indians were so much a tribe that they had power to contract, and it is simply to cover that. That is the reason why it was inserted.

Mr. TELLER. It does not validate a contract.

Mr. PALMER. I do not believe a word of it. I believe that the real intent and office and effect of the words that I propose to strike out is to validate contracts. This is a matter between the United States and these claimants, and while the United States may have no power to validate contracts between private parties, it may validate contracts with itself or contracts that it is called upon to execute. I insist upon the amendment, because this will give them a standing in the court, but will determine nothing as to their rights.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Illinois to the amendment made as in Committee of the Whole. [Putting the question.]

Mr. PALMER. On that I ask for the yeas and nays. ["No!" "No!"] I must do it, because I insist upon the amendment.

Mr. CHANDLER. I ask that we may have the amendment read that the Senate is to vote upon.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The SECRETARY. In line 2, page 71, after the word "with," it is

proposed to strike out the words "power to contract through their duly authorized commissioner, agent, or attorney," and to insert the words "capacity to sue and be sued;" so that it will read:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with the capacity to sue and be sued.

Mr. CULLOM. I hope the vote will be taken over again without calling for the yeas and nays. If the Senate votes on it again, perhaps it will allow the amendment to be made.

Mr. PETTIGREW. Let the amendment go in.

Mr. CHANDLER. I hope the Senator from Illinois will not call for the yeas and nays, because it may delay the passage of the bill.

Mr. NELSON. Mr. President——

Mr. CHANDLER. I do not yield to the Senator from Minnesota.

Mr. CULLOM. I simply ask that the vote may be taken over again by a viva voce vote.

Mr. QUAY. I understand the Senator from South Dakota has accepted the amendment.

Mr. PETTIGREW. I have no objection to it.

Mr. CHANDLER. I have not yielded to anyone. I wish to address myself to the amendment. I do not think that the yeas and nays ought to be called, because it may delay the business of the Senate. I wish that the pending bill could be disposed of to-night, but it ought to go over until to-morrow morning, because there may be some votes upon material questions.

Mr. ALLISON and others. No, no.

Mr. CHANDLER. Very good.

Mr. CULLOM. Let us have another vote on the amendment of my colleague.

Mr. TELLER. Let us take another vote on it. I do not care.

Mr. CHANDLER. I hope the Senator from Illinois will not insist upon the yeas and nays on his amendment.

Mr. TELLER. No one has insisted upon the yeas and nays.

Mr. QUAY. I wish some Senator would inform me why a vote is to be taken on an amendment which has been accepted by the Senator in charge of the bill?

Mr. COCKRELL. Let the Chair have an opportunity of announcing that the objection is withdrawn and the amendment has been accepted.

The PRESIDING OFFICER. The Chair will state, on the question of the adoption of the amendment submitted by the Senator from Illinois, that the Chair understands the request for the yeas and nays to be withdrawn.

Mr. PALMER. Am I correct in my understanding?

Mr. TELLER. Let the vote be taken over again.

Mr. CULLOM. Yes; let the vote be again taken without the yeas and nays.

Mr. PALMER. Very well.

The PRESIDING OFFICER. The Chair will again put the question on the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. There is one more amendment to receive the action of the Senate, and that is the one reserved by the Senator from Wisconsin [Mr. VILAS] on page 66, in relation to the Uncompahgre Indian Reservation.

Mr. VILAS. With reference to that I only want to make one remark. We had some question the other day with respect to the quantity of minerals which had been reported by the Geological Survey, and their value, and my distinguished friend from Colorado [Mr. TELLER] was of the opinion that it did not amount to much. I want to give the figures just in a moment from the special report on that subject made by the Geological Survey, and instead of elaborating, I will simply say that they sum up the amount of tons of that mineral as disclosed in six veins, which they name at 29,744,000 tons.

Mr. TELLER. That is the St. Louis property.

Mr. VILAS. No; that is in the Uncompahgre Ute Reservation.

Mr. TELLER. The St. Louis property is the only property that ever has been worked. No other has been worked.

Mr. VILAS. I am reading from what is said in the report in respect to the Uncompahgre Ute Reservation, that the amount in the six veins, which they name and of which they give a map disclosing the particular location and all, is above 23,000,000 tons.

Mr. TELLER. I will say that on the ground in dispute there never has been a location made, and there is no law to make locations. The Geological Bureau are talking about another place. They are talking about the property that is owned by the St. Louis company.

Mr. VILAS. The Senator is simply mistaken.

Mr. TELLER. I am not mistaken at all.

Mr. VILAS. Here are the maps, and here are the veins described and shown on the Uncompahgre Ute Reservation.

Mr. TELLER. The St. Louis company owns the property.

Mr. PETTIGREW. If there is that much mineral in it, it is not worth anything, for it would supply the world for thousands of years.

Mr. VILAS. The report not only shows this quantity of mineral there by the figures of the Geological Survey, each vein carefully stated in full detail—which I shall not take the time to read—but the commercial value of the mineral is set forth, showing that the present price per ton in Chicago and St. Louis is from $40 to $50, and, even with hauling it nearly 100 miles by wagon, the cost of delivering it is but about $25 to $30 a ton, which can unquestionably be immensely reduced. If we estimate it, therefore, at but $10 a ton, the value of that mineral goes above $200,000,000.

Mr. STEWART. That is only their estimate.

Mr. VILAS. Of course it is such an estimate as the Geological Survey would make from a careful examination of the veins, measuring their length and width, and the calculations they make in regard to them. Of course it is not a mineral location, and nobody pretends that it is: but this is the Geological Survey's report.

Mr. TELLER. There is no possible way for the Geological Bureau, or anyone else, to tell what is in an undeveloped region; and if they have made any statement as to quantities in a mine, it is a developed mine, for from a hole 10 feet deep nobody can tell anything about it. They are talking about a property that has been located and filed on by the parties who have gone in there; but not a single filing has been made on this land proposed to be opened, for it can not be made.

Mr. VILAS. Nobody pretends that it is a mineral location.

Mr. TELLER. Then they can make no estimate.

Mr. VILAS. Of course they can; but they can not make as complete a one as they could by digging; but they can make a very good estimate.

I do not desire to take up the time by asking for a vote, but I want to call attention to the fact that, so far from overestimating, unquestionably the value of that mineral deposit was underestimated in what I said in regard to it.

Mr. PALMER. I wish to propose a further amendment. After the word "attorney," in line 3 on page 71, in the committee amendment, I move to strike out the words:

And the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

Mr. TELLER. I would say that those words were moved to be stricken out, and the amendment was voted down in the Senate. I suppose, of course, technically, the Senator can move the amendment over again, but are we to go over this fight again?

Mr. PETTIGREW. We have voted on the amendment in the Senate as well as in Committee of the Whole.

Mr. PALMER. I do not understand it to be so.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, inserting the clause in relation to the Uncompahgre Indian Reservation in Utah, as it has been amended. [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment is concurred in.

Mr. TELLER. What is the amendment which the Senator from Wisconsin reserved?

The PRESIDING OFFICER. The amendments adopted with reference to the Uncompahgre Indian Reservation.

Mr. ALLISON. Let us have the third reading of the bill, Mr. President.

Mr. HILL. I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator will not do that, but will allow the bill to pass. It has passed every stage now except the third reading.

Mr. HILL. The Senator from Illinois is entitled to be heard and to have an opportunity to offer his amendments.

The PRESIDING OFFICER. The Senator from Illinois has the floor, and will be heard.

Mr. PALMER. I move, beginning with line 3, and concluding with line 6, on page 71, to strike out the words:

And the operation of sections 2103 and 2104 of the Revised Statutes of the United States is otherwise hereby suspended as to said actions.

The PRESIDING OFFICER. The Chair will inform the Senator from Illinois that that amendment has already been concurred in, and that his motion comes too late.

Mr. PALMER. If it is too late, I submit; but I did not hear the question put on the amendment.

The PRESIDING OFFICER. All the amendments made in Committee of the Whole have been concurred in in the Senate. The bill is in the Senate and still open to amendment.

Mr. CHANDLER. The Senator from Illinois had intended, as he told me, to reserve this amendment to be voted on in the Senate.

Mr. PALMER. I announced my intention to do so.

Mr. CHANDLER. And this amendment reaches the whole root of this business. There is an attempt here to create contracts by law which do not otherwise exist. I submit that this amendment should be voted on.

Mr. PALMER. I gave notice of it.

The PRESIDING OFFICER. The Chair will state that the only way to reach the matter now is by a reconsideration, the Senate having acted.

Mr. BATE. I move a reconsideration, Mr. President.

Mr. STEWART. Let the reconsideration be had by unanimous consent.

Several SENATORS. All right.

Mr. PALMER. If that shall be agreed to, I have no objection.

The PRESIDING OFFICER. Unanimous consent is asked that the adoption of the amendment which appears upon pages 71, 72, and 73 be reconsidered.

Mr. TELLER. As to all those items?

The PRESIDING OFFICER. The motion is that the amendment be reconsidered. Is there objection? The Chair hears none, and it is so ordered.

The amendment now offered by the Senator from Illinois will be stated.

The SECRETARY. After the word "attorney," in line 3, on page 71, it is proposed to strike out the words:

And the operation of sections 203 and 204 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Illinois to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment as amended.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I now move that the Senate proceed to the consideration of the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The motion was agreed to.

Mr. ALLISON. I should be glad to proceed a little while with this bill to-night, not with a view of considering any controverted questions, but to make some progress with the reading of the bill; and I desire to give notice that immediately after the routine morning business to-morrow I shall ask the Senate to proceed with its consideration. There are very few controverted questions in this bill, and I think it will take but a short time to dispose of it. I now yield to the Senator from Ohio.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BRICE. I ask unanimous consent for the present consideration of the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

I will state, if I may, for the information of Senators, before asking for the reading of the bill, that this is a bill for extending the present law governing the refunding of bonds in the Territory of Arizona so as to include other Territories, without making any other substantial change. It is not a bill validating bonds, or a bill changing the character or status of bonds, except authorizing the refunding of bonds at a lower rate of interest in the adjoining Territories precisely as is now and has been for some years the law in the Territory of Arizona.

Mr. JONES of Arkansas. Has the bill passed the House of Representatives?

Mr. BRICE. It has.

The PRESIDING OFFICER. The bill will be read for information.

Mr. BRICE. If the Senator desires any examination of the bill, I will ask that the bill be now read and shall not press its passage until the Senator has had an opportunity to examine it.

Mr. THURSTON. The bill passed the other House and came to the Committee on Territories and has been very carefully amended in that committee so as to exclude the refunding of any future indebtedness, or of any indebtedness which is not interest bearing. It only extends substantially the provisions of the present laws of Arizona to the refunding of the interest-bearing indebtedness of the other Territories as they exist at the present time.

Mr. WHITE. I call the attention of the Senator from Nebraska to the other fact, that the committee have reported in favor of eliminating section 16 of the bill, which, perhaps, would have the effect of validating certain bonds. The committee had not time to investigate it, and therefore reported in favor of eliminating that provision of the measure.

Mr. THURSTON. That is also true.

Mr. DAVIS. The committee gave particular attention to the bill, scrutinized it at several meetings, and had it examined by a subcommittee. It is an extension, almost in identical terms, to the other Territories of the act passed two years ago, I think, in regard to Arizona, which has worked extremely well. The Delegates from all the Territories were consulted; there was no objection to it, and, indeed, there was a very general desire for its passage.

The PRESIDING OFFICER. The bill will be read by title for information.

The SECRETARY. A bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the bill may be now proceeded with. Is there objection? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with amendments.

Mr. ALLISON. I am told by the Senator from Nebraska that there are several amendments to the bill. Why not consider the amendments as they are reached in the reading of the bill, and thus save an additional reading?

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the amendments to the bill may be considered as they are reached. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Territories was, in section 1, line 5, before the word "indebtedness," to insert "interest-bearing;" and in the same line, after the words "United States," to strike out "and such future indebtedness as may be or is now authorized by law;" so as to make the section read:

That for the purpose of liquidating and providing for the payment of the outstanding and existing interest-bearing indebtedness of the Territories of the United States the governor of each Territory, together with the Territorial auditor and Territorial secretary, and their successors in office, shall constitute a board of commissioners for the Territory in which they hold office, to be styled the "loan commissioners of the Territory," and shall have and exercise the powers and perform the duties hereinafter provided

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "due," to strike out "or that is now or may be hereafter authorized by law;" in line 12, before the word "indebtedness," to insert "interest-bearing;" and in line 13, after the word "due," to strike out "or is now or may be hereafter authorized by law;" so as to make the section read:

SEC. 2. That it shall be, and it is hereby, declared the duty of the loan commissioners of each Territory to provide for the payment of the existing indebtedness of such Territory due and to become due, except such indebtedness as has been recognized or covered by reason of an act of the legislative assembly of New Mexico, approved January 28, 1887, entitled "An act to amend an act entitled 'Militia' and acts amendatory thereof," and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest, or either, of the legal interest-bearing indebtedness hereby provided to be paid, and also that which may at any time become due, the said commissioners shall from time to time issue negotiable coupon bonds of the Territory when the same can be done in harmony with this act.

The amendment was agreed to.

The next amendment was, in section 4, line 6, after the word "treasurer," to insert "or have his engraved signature thereon;" so as to read:

That coupons for the interest shall be attached to each bond, so that they may be removed without injury to or mutilation of the bond.

They shall be consecutively numbered and bear the same numbers as of the bond to which they are attached, and shall be signed by the Territorial treasurer or have his engraved signature thereon.

The amendment was agreed to.

The next amendment was, in section 9, line 15, after the word "supervisors," to insert "or commissioners;" and in line 17, after the word "supervisors," to insert "or commissioners;" so as to make the clause read:

The Territorial board of equalization, or, on the failure of said board, the Territorial auditor, shall determine the rate of tax to be levied in the different counties in the Territory to carry out the provisions of this act, and shall certify the same to the board of supervisors or commissioners in each county and to the municipal and school authorities; and the said board of supervisors, or commissioners, or authorities, are hereby directed and required to enter such rate on their assessment rolls in the same manner and with the same effect as is provided by law in relation to other Territorial, county, municipal, and school taxes.

The amendment was agreed to.

The next amendment was, in section 10, line 27, after the word "supervisors," to insert "or commissioners;" in line 33, after the word "supervisors," to insert "or commissioners;" in line 39, before the word "county," to insert "interest-bearing;" in line 42, before the word "indebtedness," to insert "interest-bearing," and in line 43, after the word "allowed," to strike out "or that may be hereafter allowed by law;" so as to make the clause read:

The board of supervisors or commissioners of the counties, the municipal and school authorities are hereby authorized, directed, and required to report to the loan commissioners of the Territory their bonded and outstanding indebtedness; and said loan commissioners shall, on written demand of any taxpayer or holder of said indebtedness, require an official report from the board of supervisors or commissioners of counties, the municipal or school authorities, of their bonded and outstanding indebtedness; and said loan commissioners shall have the same power to enforce said order and compel the production of evidence as a court of competent jurisdiction; and said loan commissioners shall provide for the redeeming or refunding of the interest-bearing county, municipal, and school district indebtedness, and shall refund said indebtedness in the same manner as other Territorial indebtedness, and they shall issue bonds for any interest-bearing indebtedness now allowed to said county, municipality, or school district.

The amendment was agreed to.

The next amendment was, in section 11, line 3, after the word "funded," to strike out "bearing a higher rate of interest than 4 per centum," and in line 8, before the word "bonds," to strike out "lower interest-bearing;" so as to read:

That whenever any of the holders or owners of any bonds, warrants, or other evidence of indebtedness of the kind and description in this act authorized to be funded, desire to surrender the same to the loan commissioners on or before the maturity of said indebtedness and exchange such bonds, warrants, or other evidences of indebtedness for the bonds by this act authorized to be issued, it shall be the duty of the loan commissioners to receive and cancel the indebtedness so surrendered and issue in lieu thereof to said holders or owners of said surrendered obligations 4 per cent Territorial bonds.

The amendment was agreed to.

The next amendment was, in section 16, line 1, after the word "that," to strike out:

The provisions and requirements of this act shall apply to and be in full force and effect in all the Territories of the United States; and all outstanding bonds, warrants, and other evidences of indebtedness of said Territories, and the counties, school districts, and municipalities within said Territories heretofore authorized by legislative enactments of said Territories, or by Congress, and which said bonds, warrants, and other evidences of indebtedness have been sold, donated, or exchanged in good faith, and which are now held by innocent purchasers by purchase, donation, or exchange, shall be funded as in this act provided; and all of said bonds, warrants, and other evidences of indebtedness so authorized, issued, sold, donated, or exchanged as aforesaid are hereby confirmed, approved, and validated, and shall be funded as in this act provided.

And insert:

The United States shall in no way be liable for any of the indebtedness in this act authorized to be funded.

So as to make the section read:

SEC. 16. That the United States shall in no way be liable for any of the indebtedness in this act authorized to be funded.

The amendment was agreed to.

The next amendment was, in section 17, line 4, after the word "eighty-six," to strike out:

Known as the Harrison Act: *Provided, however*, That the present existing and outstanding indebtedness, together with such warrants as may be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school governments for the year ending December 31, 1898, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the Harrison Act.

So as to make the section read:

SEC. 17. That nothing in this act shall be construed to authorize any future increase of any indebtedness in excess of the limit prescribed by the act of Congress approved July 30, 1886.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BRICE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. THURSTON, Mr. SHOUP, and Mr. WHITE were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I ask that the Post-Office appropriation bill may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill indicated, which will be read by title.

The SECRETARY. A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

Mr. QUAY. Mr. President——

Mr. ALLISON. I was about to move that the Senate adjourn.

Mr. QUAY. I wish to suggest to the Senator, and I trust he will withdraw his motion for the purpose of permitting me to make the suggestion, that the Senate might now devote five or ten minutes to the consideration of the measure known as the Little bill, to prohibit the sale of intoxicating liquors in the Capitol.

Mr. ALLISON. I certainly have no objection if the Senator thinks he can pass the bill to-night.

Mr. QUAY. I should be very glad, if the Senate will indulge me, to call up the bill.

Mr. HILL. We last evening passed a substitute for that bill, which is a measure to provide an additional supply of pure and wholesome water for the District of Columbia. That answers the purpose.

Mr. QUAY. We can take care of the water, and the tea, too.

Mr. ALLISON. I am satisfied that it will be impossible to dispose of the bill to-night, in view of the thinness of the Senate.

Mr. QUAY. Then I give notice that I will call it up to-morrow.

Mr. HILL. I give notice that I will oppose it.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 27, 1897, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1897.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. Elon Farnsworth Willcox, Sixth Cavalry, to be captain, February 6, 1897, vice Carter, Sixth Cavalry, appointed assistant adjutant-general, who resigns his line commission.

Second Lieut. Milton Fennimore Davis, Fourth Cavalry, to be first lieutenant, January 14, 1897, vice Michie, Second Cavalry, appointed adjutant.

Ordnance Department.

Maj. Isaac Arnold, jr., to be lieutenant-colonel, February 22, 1897, vice Parker, deceased.

Cavalry arm.

Second Lieut. James Augustine Ryan, Tenth Cavalry, to be first lieutenant, February 3, 1897, vice Preston, Ninth Cavalry, appointed adjutant.

Second Lieut. Frank Merrill Caldwell, Third Cavalry, to be first lieutenant, February 6, 1897, vice Willcox, Sixth Cavalry, promoted.

Infantry arm.

First Lieut. Benjamin Ward Leavell, Twenty-fourth Infantry, to be captain, February 12, 1897, vice Bullis, Twenty-fourth Infantry, appointed paymaster, who resigns his line commission.

CONSULTING ENGINEER, INTERNATIONAL BOUNDARY COMMISSION.

W. W. Follett, to be consulting engineer of the United States on the International (Water) Boundary Commission provided for in the convention with Mexico of March 1, 1889, to fill a vacancy.

PROMOTIONS IN THE NAVY.

Lieut. Commander Uriel Sebree, to be a commander in the Navy from the 24th day of February, 1897, vice Commander Francis M. Green, retired.

Lieut. Uriah R. Harris, to be a lieutenant-commander in the Navy from the 24th day of February, 1897 (subject to the examinations required by law), vice Lieut. Commander Uriel Sebree, promoted.

Lieut. (Junior Grade) Augustus N. Mayer, to be a lieutenant in the Navy from the 24th day of February, 1897 (subject to the examinations required by law), vice Lieut. Uriah R. Harris, promoted.

UNITED STATES DISTRICT JUDGE.

William W. Clark, of North Carolina, to be United States district judge for the eastern district of North Carolina, vice Augustus S. Seymour, deceased.

POSTMASTERS.

Alice B. Bussey, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia, in the place of Alice B. Bussey, whose commission expired January 4, 1897.

Ira R. Allen, to be postmaster at Fairhaven, in the county of Rutland and State of Vermont, in the place of Warren L. Howard, removed.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 26, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. MILES. Mr. Speaker——

Mr. PERKINS. I desire to present a privileged report.

Mr. MILES. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Maryland rises to a question of personal privilege.

Mr. MILES. Mr. Speaker, in the consideration of the bill H. R. 4808, from the Judiciary Committee, of which I have the honor to be a member, on yesterday I participated to some extent in the colloquial debate. The gentleman from Illinois [Mr. HOPKINS] laid down a certain proposition of law to which I respectfully and particularly called his attention, and I begged leave to differ with that gentleman on the principle of law as he had stated it. I had no objection to the position which the Reporter's notes as taken yesterday indicated that I had taken on the principle of law then under discussion. I supposed that the RECORD this morning would show his position and mine as taken on yesterday. I find, however, this morning that the gentleman from Illinois has seen fit to correct the RECORD in such a way as to reverse positions with me, and to put me in the position of denying a proposition of law which I consider sound.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MILES. Certainly.

Mr. PAYNE. The gentleman refers to the gentleman from Illinois [Mr. HOPKINS]. I notice that he is not here. Will not the gentleman defer until the gentleman from Illinois comes in?

Mr. MILES. I would like to say, Mr. Speaker, that I would gladly do that, except that I will be compelled to ask leave of absence on account of sickness in my family, and may be away a few days. I desire that the RECORD shall be corrected, in order that I may be put right before I shall leave. I have no disposition to insist that the motion which I shall presently make shall be acted on now, namely, that the RECORD be corrected so as to conform to the notes of the Reporter, which I have before me, and which I propose to have read. I have no objection whatever to the gentleman from Illinois correcting the RECORD so as to sustain his well-known reputation as a lawyer; but I have very serious objection to the gentleman so correcting the RECORD as to put me in a ridiculous position, and to put me before the lawyers of this House and the country in the position of denying the very proposition of law which he himself was denying. I shall, therefore, ask, Mr. Speaker, that the Reporter's notes as taken be read; that the notes as corrected by the gentleman from Illinois be read; and I shall move that the RECORD, on page 2359, containing the remarks of the gentleman from Illinois, be amended so as to conform with the Reporter's notes.

The SPEAKER. The Clerk will read as indicated by the gentleman from Maryland.

Mr. MILES. I would like to call the attention of the Speaker to the fact that, although the Reporter's notes are interlined, the Clerk will be able to read very distinctly what was said. The gentleman from Illinois being absent, I have no disposition to seek to put him in a false position. I believe he made a bad break as a lawyer, but I believe him to be a good lawyer, and a little too much of a tactician for me. I desire, Mr. Speaker, simply to put myself right; I am perfectly content, however, and want it understood that so far as I am concerned the whole matter may be stricken out, in order to protect the gentleman's reputation as a lawyer.

Mr. PAYNE. I still suggest to the gentleman to let this matter stand over until the gentleman from Illinois [Mr. HOPKINS] comes in.

Mr. MILES. This is my only opportunity.

Mr. GROUT. I understand the gentleman says it may lay over for action?

Mr. MILES. Until next week, when I expect to be here, if the gentleman considers it of sufficient importance.

Mr. PAYNE. I think the gentleman from Illinois [Mr. HOPKINS] will be in in a few minutes. He is in the city, and no doubt he will be here directly.

Mr. MILES. I would like to have the Reporter's notes read. I want the Reporter's notes read without the interlineations, and then I desire that the Reporter's notes shall be read with the interlineations which were made by the gentleman from Illinois.

The Clerk read as follows:

Mr. RAY. My friend from Illinois [Mr. HOPKINS] does not claim that the sureties on a sheriff's or a marshal's bond are liable in case he makes a mistake?

Mr. HOPKINS of Illinois. I undertake to say that if an action would lie against the principal without a bond, then, in my State, if the deputy makes a false arrest his principal, the sheriff, is liable for it, and his bondsmen are liable upon an action brought against the principal, the sheriff.

Mr. WATSON of Ohio. What does a marshal or a sheriff give bonds for?

Mr. HENDERSON. Not against murder.

Mr. WATSON of Ohio. Against breach of the peace?

Mr. RAY. Against murder and against assault and battery——

Mr. HOPKINS of Illinois. A sheriff gives bond against his illegal acts, and against the illegal acts of his deputy, and his bondsmen are liable for his acts under color of his office.

Now, allow me to state my proposition a little further. These gentlemen seem to take exception to it.

Mr. WATSON of Ohio. Not all of us; I agree with the gentleman.

Mr. HOPKINS of Illinois. Under the law as it exists to-day the bondsmen of these officers of the courts are liable for their illegal acts. If a sheriff arrests unlawfully a constituent of mine, that constituent has a right to sue the bondsmen. But in this bill there is no such provision. And the remedy which is proposed here is a remedy without any merit whatever, because these post-office inspectors are in general men without any property. There is no method of garnisheeing the salaries paid by the Government of the United States. If, therefore, a post-office inspector is clothed with the authority proposed in this bill, there is absolutely no remedy for a man who may be unlawfully arrested by such an official. So it seems to me that if gentlemen here desire to give to post-office inspectors authority which they do not now possess, the bill ought to be elaborated so as to make these men liable for their unlawful acts. That the bill as now framed does not do this is my chief objection to its passage in its present form.

Mr. MILES. Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal acts of that officer, or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

Mr. HOPKINS of Illinois. I mean to say that as the bond runs, the bondsman are liable to pay whatever judgment is rendered against the officer.

Mr. MILES. Of course; but can judgment be rendered for any unlawful act that he may commit?

Mr. HOPKINS of Illinois. I undertake to say that it can in Illinois; and such ought to be the law everywhere.

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. HOPKINS of Illinois. Well, I understand the law is the same in Ohio and most of the States.

Mr. BURTON of Missouri. I desire to yield five minutes to the gentleman from New York [Mr. RAY] and then I wish to reserve the balance of my time. I trust the Chair will recognize, at the end of five minutes, the gentleman from Arkansas [Mr. TERRY].

Mr. RAY. Mr. Speaker, some of these gentlemen have taken issue with me as to the law in this case as I have stated it. I said that any man who would read the statutes would not make the statement that some of these gentlemen have made, and I was contradicted by some of my wise friends. Now, the Congress of the United States has passed a law on this subject, and I desire to read it. Perhaps I do not understand it, but I think I do. Section 788 of the Revised Statutes of the United States reads as follows:

The Clerk read as follows:

Mr. RAY. My friend from Illinois [Mr. HOPKINS] does not claim that the sureties on a sheriff's or a marshal's bond are liable in case he makes a mistake?

Mr. HOPKINS of Illinois. I undertake to say that if an action would lie against the principal without a bond, then, in my State, if the deputy makes a false arrest acting under the color of his official authority, his principal, the sheriff, is liable and his bondsmen are liable upon an action brought against the sheriff.

Mr. WATSON of Ohio. What does a marshal or a sheriff give bonds for?

Mr. HENDERSON. Not against murder.

Mr. WATSON of Ohio. Against breach of the peace?

Mr. RAY. Against murder and against assault and battery——

Mr. HOPKINS of Illinois. A sheriff gives bond for the faithful discharge of his duty and that of his deputies, and his bondsmen are liable for his acts under color of his office.

Now, allow me to state my proposition a little further. These gentlemen seem to take exception to it.

Mr. WATSON of Ohio. Not all of us; I agree with the gentleman.

Mr. HOPKINS of Illinois. Under the law as it exists to-day the bondsmen of these officers of the courts are liable for their illegal acts. If a sheriff arrests unlawfully a constituent of mine, that constituent has a right to sue the bondsmen. But in this bill there is no such provision. And the remedy which is proposed here is a remedy without any merit whatever, because these post-office inspectors are in general men without any property. There is no method of garnisheeing the salaries paid by the Government of the United States. If, therefore, a post-office inspector is clothed with the authority proposed in this bill, there is absolutely no remedy for a man who may be unlawfully arrested by such an official. So it seems to me that if gentlemen here desire to give to post-office inspectors authority which they do not now possess, the bill ought to be elaborated so as to make these men liable on good and sufficient bonds for their unlawful acts. That the bill as now framed does not do this is one of my objections to its passage in its present form.

Mr. MILES. Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal acts of that officer, or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

Mr. HOPKINS of Illinois. I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

Mr. MILES. Of course; but can judgment be rendered for any unlawful act that he may commit?

Mr. HOPKINS of Illinois. I undertake to say that it can in Illinois, if done under color of his office; and such ought to be the law everywhere.

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. HOPKINS of Illinois. Well, I understand the law is the same in Ohio and most of the States.

Mr. BURTON of Missouri. I desire to yield five minutes to the gentleman from New York [Mr. RAY], and then I wish to reserve the balance of my time. I trust the Chair will recognize, at the end of five minutes, the gentleman from Arkansas [Mr. TERRY].

Mr. RAY. Mr. Speaker, some of these gentlemen have taken issue with me as to the law in this case as I have stated it. I said that any man who would read the statutes would not make the statement that some of these gentlemen have made, and I was contradicted by some of my wise friends. Now, the Congress of the United States has passed a law on this subject, and I desire to read it. Perhaps I do not understand it, but I think I do. Section 788 of the Revised Statutes of the United States reads as follows:

Mr. MILES. Now, Mr. Speaker, as my attention has been called to the fact that the gentleman from Illinois [Mr. HOPKINS] is absent, I desire to say that if it is understood that my motion that the RECORD be corrected so as to conform to the notes of the stenographer shall remain pending, I will not insist upon its consideration at this time, but will wait until the gentleman from Illinois can have an opportunity to be heard upon it if he so desires.

Mr. PAYNE. I hope that will be done.

The SPEAKER. The gentleman from Maryland must make some motion.

Mr. MILES. I have made a motion. I have moved that the RECORD, on page 2350, containing the remarks of Mr. HOPKINS of Illinois, be so corrected as to conform to the notes of the Official Reporter.

The SPEAKER. The gentleman moves that the RECORD be corrected on page 2350, in the part indicated by him, so as to conform to the notes of the stenographer. That is the motion now pending before the House.

Mr. MILES. Now, Mr. Speaker, I ask unanimous consent, in deference to the gentleman from Illinois, that my motion lie over until he can have an opportunity to be present and be heard upon it.

The SPEAKER. The gentleman from Maryland asks unanimous consent that his motion lie over subject to being called up by him; not, however, to interfere with——

Mr. MILES. I can not make any qualifications of my request, Mr. Speaker.

The SPEAKER. The fear of the Chair is that, as the time will be very much occupied from now until the end of the session, this matter might interfere with more urgent public business.

Mr. MILES. Well, Mr. Speaker, I am not responsible for this error, and I am not content that the RECORD shall stand so that the gentleman from Illinois and I shall appear to have exchanged positions upon a legal proposition, and if I am not permitted to have the motion lie over in deference to the gentleman from Illinois, then, in deference to myself, I must insist upon its being disposed of now.

The SPEAKER. The Chair merely desired to know how long the gentleman desired to have the motion lie over.

Mr. MILES. If I can not have unanimous consent that it lie over, I shall insist upon having it disposed of some time before 3 o'clock to-day, as I shall be compelled to leave at that time.

Mr. PAYNE. If it is to go over to be called up during the day, I do not see any objection to that.

The SPEAKER. The gentleman from Maryland asks unanimous consent that this motion lie over for the present, to be called up at some time during the day.

There was no objection, and it was so ordered.

CORRECTION.

Mr. BARTHOLDT. Mr. Speaker, I desire to correct the Journal. On page 5 of volume 1 of the Journal of this Congress, published a few days ago, I find that my name is omitted from the list of those who cast their votes for the honored occupant of the Speaker's chair. By reference to page 4 of the RECORD it will be seen that I did cast my vote for Hon. THOMAS B. REED for Speaker of this House, and I will add that if I had had ten votes I should have cast them all the same way.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHARLES W. STONE. Mr. Speaker, I move to suspend the rules and pass the bill S. 3547, with the amendments recommended by the Committee on Coinage, Weights, and Measures.

Mr. QUIGG. Mr. Speaker, I demand a second.

ORDER OF BUSINESS.

Mr. MORSE. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MORSE. I have been examining the Manual, and I think I am entitled to have consideration of House bill No. 366, which was under consideration on last suspension day. I ask the attention of the Chair to page 348 of the Manual, which says that on the third Monday of each month——

The SPEAKER. If the gentleman from Massachusetts will suspend, the Chair will try to see that justice is done him.

Mr. MORSE. I thank the Speaker. I trust that he will see that I do not lose any of my rights.

The SPEAKER. The Chair will see that the gentleman from Massachusetts does not lose either his rights or his privileges.

INTERNATIONAL MONETARY CONFERENCE.

The bill (S. 3547) was read, as follows:

Be it enacted, etc., That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. McRAE, Mr. QUIGG, and Mr. DOCKERY demanded a second.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. McRAE. I object.

The SPEAKER. The Chair desires to submit the question to the House. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] moves to suspend the rules and pass the bill (S. 3547), which has been read, with certain amendments which have been reported to the House from the Committee on Coinage, Weights, and Measures, and the question is upon the suspension of the rules.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. It may be that there is no rule of the House and no custom that would control in the matter, but the gentleman from Arkansas [Mr. McRAE], who is a member of the committee and is opposed to the principle of this proposition, as I understand, rose and demanded a second. The Chair, in his discretion, recognized the gentleman from New York [Mr. QUIGG] as calling for a second. The effect of that recognition, under our rules, is to put the control of the time on both sides in the hands of gentlemen on the same side of the question.

The SPEAKER. The gentleman is correct as to the practice, but the Chair was informed, or supposed he was informed, by the gentleman from Arkansas that he was in favor of the proposition, and therefore told him that he thought he ought to recognize somebody who was opposed to it. If the Chair was mistaken in that, he will accord recognition to the gentleman from Arkansas.

Mr. RICHARDSON. I was under the impression that the gentleman from Arkansas was opposed to the proposition.

The SPEAKER. Possibly the Chair misunderstood.

Mr. McRAE. I did state to the Chair that I would perhaps vote for this bill, but explained——

Mr. McCREARY of Kentucky. Mr. Speaker, a parliamentary inquiry——

The SPEAKER. The Chair would like to have the present one disposed of.

Mr. McRAE. I stated to the Chair the exact position I occupied toward this bill. While I have no faith in the scheme proposed by the bill, I expect——

Mr. GROSVENOR. I rise to a point of order.

Mr. McRAE. I expect, if we are fairly treated, and an opportunity given to explain why, to vote for it.

Mr. GROSVENOR. I make the point of order that debate on the question is not in order at this stage.

The SPEAKER. The gentleman from Arkansas is not debating the question. He is simply making a statement in regard to the parliamentary situation—correcting a misunderstanding that may have existed.

Mr. RICHARDSON. Besides, there is already a point of order pending.

Mr. McRAE. While I am opposed, as I believe the most of the Democratic party are opposed, to this method of reaching the question, yet those of us who were members of that committee have felt that it was our duty to consent to the reporting of the bill, and perhaps we may vote for it, in order that the judgment of the people as registered in the November election in favor of an international agreement may be promptly and fairly tested. We thought that the minority in this House and the minority on the committee should at least have the right to control a part of the little time allowed, and for that purpose and for these reasons I sought recognition.

The SPEAKER. The Chair desires to recognize members in accordance with a distinct understanding that a part of the time goes to one side of the question and a part to the other. The Chair hopes the gentleman from Tennessee will accord to the Chair a desire to carry out that understanding.

Mr. RICHARDSON. Unqualifiedly. I indorse the position of the Chair in this matter. I was under the impression that the gentleman from New York [Mr. QUIGG] agreed with the gentleman from Pennsylvania; and I meant no reflection on the gentleman from New York in opposing the recognition made by the Chair. I thought the minority of the House ought to control the time in opposition to the measure. But I think the Chair is correct if the gentleman from Arkansas occupies the position which I now understand him to state that he does.

The SPEAKER. Is there objection to considering a second as ordered?

Mr. McCREARY of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will proceed.

Mr. McCREARY of Kentucky. Under the rule, if the pending motion be seconded, only twenty minutes are allowed for debate on each side. I desire, at the proper time, to move that one hour be allowed on each side. This is a very important bill.

Mr. DINGLEY. The time can only be extended by unanimous consent.

Mr. McCREARY of Kentucky. I am aware of that. I desire to ask unanimous consent at the proper time.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

So the motion to suspend the rules was seconded.

The SPEAKER. Twenty minutes on each side are now allowed for debate. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] is recognized to control the time in the affirmative, and the gentleman from New York [Mr. QUIGG] to control the time in the negative.

Mr. McCREARY of Kentucky. I ask unanimous consent (though I would prefer that the request be made by my friend from Pennsylvania) that one hour be allowed for debate on each side of this question. This is a matter of international importance. This is one of the most important bills that we have had before the House of Representatives. And I should like to occupy fifteen or twenty minutes myself. I had the honor of participating in the last international conference on this subject, and there are some questions connected with it that I should like to bring to the attention of the House.

The SPEAKER. The gentleman from Kentucky [Mr. McCreary] asks unanimous consent that the time for debate be extended so as to allow one hour on each side. Is there objection?

Mr. GARDNER. I object.

Mr. GROW. I hope the gentleman from New Jersey [Mr. Gardner] will withdraw his objection. On a question of this kind a debate of two hours is certainly not too long.

Mr. GARDNER. Upon the appeal of gentlemen around me, I withdraw the objection.

The SPEAKER. Is there further objection? The Chair hears none, and the time for debate is extended accordingly. The gentleman from Pennsylvania [Mr. Charles W. Stone] is recognized.

Mr. BAILEY. I ask unanimous consent, in view of the extension of time, that the two hours shall be so divided that gentlemen represented by the gentleman from New York [Mr. Quigg], who believe in the maintenance of a single gold standard, shall have one-third; gentlemen represented by the gentleman from Pennsylvania, who believe in international bimetallism, shall have one-third, and that the gentleman from Arkansas [Mr. McRae] shall be permitted to control one-third of the time in behalf of those who believe in independent bimetallism.

Mr. DINGLEY. The artificial distinction which the gentleman is making can not be admitted.

Mr. BAILEY. Of course the granting of the request does not agree to the distinction.

Mr. DINGLEY. Let the time be divided between those who are in favor of this bill and those who are opposed to it. That is all there is of it.

Mr. BAILEY. The gentleman knows very well that there are three different views in the House on this question.

Mr. MILNES. Regular order.

Mr. TERRY. Let us have a little fair play about this matter, instead of calling for the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. Charles W. Stone] is recognized.

Mr. CHARLES W. STONE. Mr. Speaker, in order that there may be no misunderstanding, I desire to ask the Chair whether the extension of time was in addition to the twenty minutes allowed under the rule or whether it included the twenty minutes.

The SPEAKER. It included the twenty minutes.

Mr. McCREARY of Kentucky. Mr. Speaker, one other question. At the time I asked for the extension, I said that I should want fifteen or twenty minutes myself.

The SPEAKER. That was not included in the request submitted by the Chair.

Mr. McCREARY of Kentucky. I hope I may have that time.

Mr. HENDERSON. Let us have the regular order, and go on with this bill.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. I know that, under the rule, the gentleman having charge of a bill, under the motion to suspend the rules, controls the twenty minutes provided for in the rules. I desire to inquire whether he will control the whole hour, under the agreement that has been made, and whether the gentleman from New York [Mr. Quigg] will control the hour on the other side.

The SPEAKER. The Chair understands, unless some special provision is made, that the gentleman from Pennsylvania [Mr. Charles W. Stone] will be recognized to control the hour on the one side and the gentleman from New York [Mr. Quigg] to control the hour on the other side.

Mr. McMILLIN. I think there ought to be some equitable disposition of the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. Charles W. Stone] is recognized, and the debate begins at a quarter before 1 o'clock.

Mr. CHARLES W. STONE. Mr. Speaker, the purpose of this bill as it came from the Senate was very simple and easily understood. It provided merely for representation of the United States in any international monetary conferene that may be called, and it authorized the President of the United States to call such conference, if, in his judgment, that course seemed judicious.

The committee of the House of Representatives having charge of this bill have recommended some additional features. They propose to vest in the President not simply the power to call a conference, but to prepare for the conference, if necessary, or to substitute for it the plan of negotiation by diplomatic communication.

It is a fact, stated by our representatives at the last conference, that in that conference they were embarrassed, owing to the fact that they had not, as they expressed it, that knowledge of the autonomy and the monetary systems of the nations with which they were to confer that enabled them to formulate propositions which would be likely to be patiently and favorably considered by those nations; and it is in part in aid of a monetary conference, as preliminary thereto, that we propose to vest in the President the right to appoint special commissioners to conduct any preliminary negotiation that may be necessary and that may contribute to the success of the conference.

If in his judgment it is deemed best, if it is deemed that he can promote the purpose of the bill better by commissioning men with special qualifications to conduct diplomatic negotiations with the nations separately in lieu of a conference, this bill provides that he may do it. It simply proposes to vest in the Executive all appropriate means to attain the end which the bill has in view.

As gentlemen are aware, there is an existing law providing for the appointment of commissioners to an international conference by the Senate and the House as well as the President. This bill employs practically the same phraseology in expressing its purpose. A further amendment to the Senate bill now under consideration provides that the existing law shall be repealed, so that there shall be no question whether the proposed legislation is simply supplementary to the present law or whether by implication it repeals it. The committee say that it is prudent and proper, to avoid misunderstanding, that there should be an express repeal, and that the exclusive power of designating the representatives of this country at the international monetary conference shall be vested in the President.

Now, as to the general purpose of the bill, I do not propose in anything that I shall say to open the door for an academic discussion of the relative merits of silver and gold or of the question of a single or a double standard. That question was debated on a hundred thousand platforms throughout this country before the last election, and the verdict of the people was rendered. A fair concensus of the opinion of the voters of the country would indicate that the people of the United States are in favor of what is termed bimetallism, but they differ in the methods by which they will attain it, and the basis upon which they would have it rest.

The majority of the voters of this country have pronounced in unmistakable terms that they propose to attain it by no methods and to have it rest on no basis that shall lower the present standard of value or diminish by the hundredth part of a cent the value of a single dollar that now exists in our currency. They insist that the end in view shall be attained only with due reference to that fundamental principle, and that such end can be attained with due regard to that principle only by the concurrent agreement of the principal commercial nations of the world. We have announced a distinct purpose, a distinct pledge, if you please, that we will endeavor to promote this end by that means, and by that means simply; and the purpose of this bill is to crystallize into statutory form that express sentiment, purpose, and pledge of the American people.

Now, sir, it may be said—it frequently is said—that a conference will be but a vain and useless thing; that we have held four conferences, and that they have been failures. It is true, Mr. Speaker, that we have held four conferences, and it is true that they have not been productive of practical results; but it is also true that the last conference had so much promise of practical results that it saw fit to adjourn with a view of meeting again and continuing the investigation. It is also true, Mr. Speaker, that within the two or three years that have elapsed there has been a decided change in the condition of affairs. The popular branch of the British Parliament twice has passed resolutions favoring an international conference, and they passed them once, at least, without opposition. It is also true that the popular branch of the German legislative body has passed a resolution to a similar effect. It is also true that the French Chamber of Deputies, echoing the declarations of the minister of finance of France, has declared its purpose and its desire to promote this object.

So, sir, with the change of the control of the ministry of England, with the practical change in the zeal and earnestness, at least, of the attitude of France, with a declared interest in this matter in the legislative body of Germany, we approach another conference under entirely different circumstances from those which characterized the opening of the last. And then again, what I deem an important matter, the United States goes into that conference under an entirely different condition of affairs. It was announced in the conference of 1892, by the chairman of our delegation, that the United States then occupied simply a temporary position, prepared to travel one way or the other, as its policy and interest might dictate. The United States enters another conference now with a declaration of a positive purpose and policy. It enters that conference saying to the other nations, "We come to you in agreement substantially; we come not as suppliants, asking any special favor to ourselves, we come to stand by the commercial nations of the world upon whatever basis they may determine, and to compete with them, to struggle with them, if necessary, for our share of the space upon that platform. We come with an avowed purpose, and we ask of them, not simply as a favor to us, but as a matter of common concern, as a matter of interest to them as well as to us, to consider this great question." I apprehend the representatives and the statement of the United States will be listened to in a manner which we have not been listened to before.

I do not undertake to say, Mr. Speaker, that an international conference is bound to be a success. I do not undertake to say that it will certainly result in the attainment of the purpose stated in the first section of this bill, but I do mean to say that it may result in that conclusion; and I insist that so long as there is reasonable possibility of success we ought in good faith to the American people to make an honest and an earnest effort to attain it. I do not undertake to say that the entire purpose contemplated by this bill may be attained; but I do say that there is a strong probability that something may be done. I say that some step in advance may be taken; and if you can secure an agreement that binds the great commercial nations of the world upon any proposition that recognizes the fact that this is a question of common concern, that it ought to be dealt with as a matter of common concern by all these nations, it is a long step in advance. But, sir, whether this shall be a success or failure, whether practical results shall come from it or not, it is time that the question was settled. If it shall succeed, if beneficent results shall come to this people and to the world, we shall all be gratified. If it shall not succeed, then there will be removed from the domestic arena an important factor which now seems to enter into the solution of our currency question.

So, sir, I say we ought to proceed, we ought to sound and sound to the bottom the possibilities of some practical results from this line of action. Upon these grounds, Mr. Speaker, upon the ground that there is a possibility, that there is a reasonable probability of progress, if not the attainment of the entire purpose in view, upon the higher ground of a moral obligation arising from a distinct and positive pledge to the American people, I ask for the passage of this bill. We have made an honest promise, a deliberate promise, and a promise by and to an honest people ought to be honestly and fairly recognized, and honestly put into practical operation. [Loud applause.]

Now, Mr. Speaker, I do not propose to use the time which I would like to occupy, but which many gentlemen upon this floor also have some claim to; and I desire as far as possible to divide it in such a way as shall be fair to the various elements desiring to be heard on this question.

Mr. HARTMAN. I desire to ask the gentleman a question. Has the gentleman any information which he would be willing to give to the House as to the effect, or the probable effect, of the additional amendments which are put on the bill?

Mr. CHARLES W. STONE. In answer to the inquiry of the gentleman from Montana, I have only to say that the amendments placed upon the bill are designed to give it greater efficiency, and in consultation—not consultation, but conversation—with various friends of the bill in the Senate, I am advised that they are regarded as valuable and important additions to the bill, which would rather tend to facilitate than to impede its passage. How much time have I occupied, Mr. Speaker?

The SPEAKER. The gentleman has occupied fourteen minutes.

Mr. CHARLES W. STONE. I will yield fifteen minutes to the gentleman from Kentucky [Mr. McCreary], who was a member of the last international monetary conference.

Mr. McCREARY of Kentucky. Mr. Speaker, I shall support the Senate bill and also the amendment offered by the committee. The object of the proposed legislation is to secure, by an international monetary conference, or by diplomatic negotiations, "an international agreement establishing a fixity of relative value between gold and silver as money by means of a common ratio between those metals, with free mintage at such ratio." The bill fixes no time for the conference to be called or for the diplomatic negotiations to commence; but I have confidence that the incoming President, who is vested with such important power, will act promptly and wisely. I am in favor of the bill because I wish to do all in my power to promote bimetallism, and also because I desire to give Republicans every opportunity to comply with the pledge made in their last national platform.

The demands of commerce, agriculture, industry, and finance in the great and growing nations of the world, where progress and development, telegraphic communication, and railway facilities are so conspicuous, make it absolutely essential that there should be a currency which is safe and sound and of a common standard of value, and receivable by the people of every commercial nation on earth. That there is a growing feeling in our country in favor of an international agreement is very manifest. Both of the great political parties referred favorably to an international monetary conference in their national platforms in 1892, and in 1896 the Republican party in national convention declared:

> We are opposed to the free coinage of silver except by an international agreement with the leading commercial nations of the world, which we pledge ourselves to promote; and until such agreement can be obtained the existing gold standard must be preserved.

In addition to this, the President-elect, McKinley, declared in his letter of acceptance that he would use all proper means to promote an international agreement. The introduction of this bill, and its almost unanimous support in the Senate and the support it will receive in the House of Representatives, presents additional evidence that the people and their representatives are not in favor of the single gold standard, but that they earnestly desire pure and genuine bimetallism. When we add to this the fact that at the last November election six and one-half millions of voters cast their votes for a candidate for President who was in favor of the free and unlimited coinage of gold and silver at the ratio of 16 to 1 by the United States alone, the conviction that the people are in favor of bimetallism is clear and certain. The method of obtaining bimetallism seems to be the point of difference between the people of our country, and this is the problem which is to be solved. It is certain, however, that the last November election showed that the voters of our country were by an immense majority in favor of the concurrent use of gold and silver as a circulating medium of exchange at a fixed relative value as standard coin and legal tender. The Democratic party proposed to solve the problem by the free and unlimited coinage of gold and silver by the United States alone. The Republican party opposed this proposition, and pledged its best efforts to bring about bimetallism through an agreement between our country and other leading commercial powers. I have no doubt that thousands and perhaps hundreds of thousands of voters in the United States voted against the Democratic candidate for President and for the Republican candidate for President because they believed an international agreement was possible, and that this could be brought about with less disturbance to business and values and less danger to existing conditions than by the independent action of the United States.

The time has now come when we have an opportunity to try to solve the problem and determine whether international bimetallism is practicable. We have reached a situation when honest, earnest efforts should be made to secure an international agreement with the great commercial nations of the world; and if success should not be attained, then we will be ready to consider some other plan. It is certain that the demand for an international monetary agreement will not cease until it is accomplished or until an earnest effort results in failure. If it succeeds, I shall rejoice and be glad that the most momentous question now engaging the attention of the civilized world has been settled. If it fails, the tendency in favor of independent action by the United States alone will be greatly strengthened.

In this connection I can not omit to speak of the distinguished Senator who, as a preliminary promoter of international bimetallism, is now in Europe. He does not seem to have been successful in England, but his earnest efforts and the generous donation of his time, and the indorsement which it is claimed is given to him by those now high in authority, or soon to be high in authority, are confessions that something is desired or needed in monetary affairs other than that we now have.

Mr. COX. I would like to ask the gentleman two or three questions.

Mr. McCREARY of Kentucky. My time is limited. Give me one of them now. I yield for one question only.

Mr. COX. Did you not state on the floor of this House that at the last international conference, of which you were a member, the trouble in reaching bimetallism by international agreement was owing to the attitude of England?

Mr. McCREARY of Kentucky. My statement was not so broad as that. There were other causes. England has always stood like a lion in the way, obstructing movements toward international bimetallism. She is a creditor nation, and has had the single gold standard since 1816, and many believe she will never become a party to an international monetary agreement for the free coinage of gold and silver until other nations have entered into the compact and the situation compels her to such action. I hope she will join the movement after a while. I have no doubt the distinguished Senator who crossed the ocean in the interest of bimetallism found more encouragement in the Latin Unio[illegible]tries (France, Belgium, Switzerland, Italy, and Greece) [illegible] also in Spain and Russia, where silver and gold are used in nearly equal quantities as money, than he received in England.

I believe the nations of Europe, with perhaps the exception of the Scandinavian countries (Norway, Sweden, and Denmark), will gladly meet in conference with our country. Since I had the honor of being a member of the international monetary conference which met in Brussels, Belgium, in November, 1892, I have received many letters from the delegates composing that conference. I shall briefly refer to several letters received by me during the last month from distinguished and influential persons residing in some of the great commercial nations of Europe. Alfred de Foville, director of the mints in France, in his letter dated January 13, 1897, says:

> On the 9th of December last our prime minister, Meline, said to the Chamber of Deputies, relative to the agricultural crisis: "As to the remedy, it is

> clearly indicated. It is to return to a state of thing which up to 1873 assured the safety of affairs—the reestablishment of a fixed relation between gold and silver."

Montefiore Levi, president of the Brussels monetary conference of 1892, and now a Belgian senator, in his letter dated January 11, 1897, says:

> My firm belief is that if the United States proposes a conference it would meet with universal acceptance.

G. M. Boissevain, a delegate to the Brussels conference from the Netherlands, and the author of several important works on bimetallism, says in his letter dated January 16, 1897:

> It is certain that my Government is as strongly as ever in favor of an international bimetallic arrangement, provided it can be secured on a solid basis, and in this opinion the Government is heartily supported by public opinion. I have a very strong feeling that it would be very desirable and necessary for your Government to invite a conference jointly with a European Government—let it be with France, best of all.

I have another letter, dated January 9, 1897, from one of the most prominent and influential members of Parliament in England, whose name I am not authorized to make public, who says:

> It has long appeared to me that the only feasible way of bringing about an international agreement was for France and the United States to join in one at once at 15½ or 16 to 1. I look to France and the United States, by acting boldly, as the only countries fitted to move the question forward. * * * I should hope that if France and the United States agree to open their mints to silver and enter into an agreement for a term of years, England would open the Indian mints, and I believe Germany and other countries could be got to coin silver. France and the United States, with open mints in India, would be strong enough to maintain the parity. * * * When the ratio was once established, I should not despair of Germany and Russia and Austria, and even of England, ultimately joining. But two powers at least must lead the way. These powers must be France and the United States.

The suggestions of this able financier and distinguished member of Parliament are worthy of the kindest and most careful consideration. If the Latin Union countries were able under an international agreement to maintain the parity of gold and silver for many years, the question of the United States and a part of the nations of Europe entering into an agreement is well worthy of examination and consideration, especially when, as he says, Germany, Russia, and Austria, and even England, might ultimately join.

Mr. Speaker, I have been asked what international monetary conferences have accomplished. Four international monetary conferences have been held in the last thirty years. The first conference was held at the invitation of France, and met at Paris on June 17, 1867. The second conference met at the invitation of the United States at Paris, August 16, 1878. The third conference was called by France and the United States, and held in Paris in 1881. The fourth and last conference was held at Brussels in 1892. There were but nine nations represented in the conference of 1878, and thirteen nations represented in 1881. At the last conference, held in Brussels in 1892, twenty nations were represented and all the delegates were in their seats the first day the conference assembled. This showed the deep interest the nations of the world were taking in monetary questions, and that this interest had increased as the years had advanced. When the conference assembled at Brussels, the chairmen of the respective delegations, speaking for each of the twenty nations there represented, admitted that there was a serious monetary condition in Europe, and the minister of finance of Belgium, Mr. Berneart, in his address inaugurating the conference, declared that those who will find a remedy for the difficulties and perils of the actual monetary situation will certainly merit well of humanity; and Mr. Montefiore Levy, on accepting his high office as president of the conference, said with much force that the delegates had assembled to find, if it exists, a means of palliating by a more general use of silver in monetary affairs the serious inconvenience from which every civilized nation suffers to a more or less degree. I refer to these statements to show the great interest in monetary conferences and the universal admission that the monetary condition of Europe needed relief. While the monetary conferences that have been held were not successful on the main question, they made substantial progress in the development of bimetallism and helped to educate the people and open the way for that international agreement which I hope will come after a while.

I have been asked also if the prospect of success is better now than heretofore.

I believe the prospect for international bimetallism is better now than ever before. When the first conference was held, only about half of the nations of Europe participated. At the last conference all sent delegates. In the last year the French Chamber of Deputies and the German Reichstag have each declared in favor of a monetary conference, in order to secure an international agreement for the rehabilitation of silver at a common ratio with gold, and in England the House of Commons urged upon the Government the advisability of doing all in their power to secure, by international agreement, a stable monetary par of exchange between gold and silver.

The latest information I have seen on this subject is in the February number of the National Review, published in London, which contains an important review of the bimetallic situation in Europe by the several leaders of the movement in England, France, and Germany.

Dr. Edmond d'Arters, secretary of the French Bimetallic League, declared that there is no doubt that the French Government and a great majority of the French Parliament are in favor of bimetallism.

Dr. Otto Arendt, a member of the Reichstag and of the Prussian Diet, declares that only England blocks the way. Germany, he says, will participate in a conference called by any other power.

Lord Aldenham, who is a director of the Bank of England, says:

> There is no doubt that France and the United States, by agreeing together, would themselves maintain a bimetallic law.

The action of legislative bodies and the declarations of prominent statesmen in the leading commercial nations of Europe show that the desire for international bimetallism is increasing.

I am heartily in favor of the amendment offered by the Committee on Coinage to the Senate bill which authorizes the President in his discretion to appoint one or more commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purposes specified in the Senate bill.

The greatest obstacle encountered in all the international monetary conferences, and particularly in the Brussels conference, was that the delegates were not vested with authority to make an agreement, and were compelled to deal with important questions theoretically rather than practically. One of the chief officers of the Bimetallic League in England stated a few days ago his opposition to any conference being summoned unless an agreement has been arrived at beforehand by the countries concerned, and many prominent bimetallists in Europe have recently expressed substantially the same opinion.

If it is possible to arrive at an agreement before the conference meets, the best plan I know of is through diplomatic negotiations.

I believe gold and silver should be maintained side by side; they should be equal in purchasing power, equal in debt-paying power, equal in legal-tender quality.

The position of the United States stands recorded in the act of Congress passed by the Senate and House of Representatives and approved by the President November 1, 1893, and there is no later law on this subject. It is as follows in part:

> And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets, and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

The legislation now pending is for the purpose of securing international bimetallism. The bill as amended should be passed unanimously. Let us do all that can be honorably done to secure international bimetallism, and if, after an honest, sincere effort, the great commercial nations of the world will not join us, then the brave, patriotic, self-reliant, and self-confident people of our great Republic will determine what the United States shall do alone.

Mr. Speaker, "there is a divinity that shapes our ends, rough hew them how we will." Monetary problems and other problems are being solved in a way not expected by some. No longer can genuine bimetallism be opposed, as has so often been done, because of the enormous overproduction of silver. In 1890 the production of gold in the world was $118,000,000, and the production of silver about $200,000,000. In six brief years, as if the great Creator of man and of the world had interposed to answer the argument, the amount of gold annually produced in the world nearly doubled, while the amount of silver annually produced increased but little, and the Director of the Mint shows the remarkable fact that in 1896 the world's production of gold was $215,000,000 and the world's production of silver was $215,000,000, coinage value.

No longer can it be claimed that the election of a President will restore prosperity and bring every blessing to our country, for low prices, breaking banks, sheriffs' sales, armies of unemployed men and women, and the absence of a prosperity which cometh not refute the claim.

No longer can it be claimed that the per capita of money in the United States is just and sufficient, for the report of the Director of the Mint shows that in this the most progressive country on earth, surpassing all others in its agriculture, manufactures, mines, railroads, telegraphs, and enterprises of every description, all of which require large amounts of money, the per capita of money in the last quarter of a century has increased less than in any other great country in the world except France, where the per capita has for many years been a third more than in our country.

Since 1873 the per capita of money in the United States has increased $2.67, or from $21.36 to $24.03. In Great Britain it has more than doubled, having increased from $9.90 to $20.80. In Germany it has increased from $18.59 to $19.28. In Belgium the per capita has doubled, having increased from $14.44 to $28.49, and in Italy it has also doubled, having increased from $4.88 to $9.96.

No longer can it be doubted who are the heaviest losers under existing conditions. There has been a loss to the farmers of this country on their products of nearly one-half by the fall in prices since 1875. I have here an exhibit made by Mr. Barker February 6, 1897, in which he gives the estimated acreage and value of the cereal crops of the United States for 1875, 1885, and 1895 and 1896, which I will insert in the RECORD:

Cereal crops of 1896 and estimation of what their value would have been at 1895, 1885, and 1875 prices.

Crop.	Area, 1896	Value, 1896.	What the value would have been at prices realized in—		
			1895.	1885.	1875.
	Acres.				
Corn	81,627,000	$491,007,000	$561,042,570	$700,338,630	$1,011,958,530
Wheat	34,619,000	310,603,000	241,996,810	278,682,850	386,594,230
Rye	1,831,000	9,961,000	11,582,230	16,830,520	19,912,970
Oats	27,566,000	132,485,000	161,812,420	217,220,060	289,642,420
Barley	2,951,000	22,491,000	28,204,880	35,530,040	49,370,230
Buckwheat	755,000	5,522,000	6,862,950	6,983,000	9,648,850
Total	149,349,000	972,000,000	1,012,501,860	1,257,594,230	1,777,117,230

Not only has the farmer lost nearly one-half of the amount he should have received on his products, but he has lost heavily in the decrease in value of his land. The census report of 1890 shows that the property, real and personal, in the United States was of the value of $65,037,091,197, and that real estate, with improvements thereon, was valued at $39,544,544,333. According to the best information obtainable, real estate has shrunk in value nearly one-third, but the indebtedness of individuals and corporations, which has been stated by unchallenged authority to be sixteen thousand millions of dollars, has not shrunk, neither has the interest been reduced.

In the light of these facts who can doubt that something is radically wrong. The consensus of opinion is that our monetary system is one of the great causes, if not the greatest cause, of reduction in values, depression in trade, and want of confidence in business circles.

Our whole monetary system should be revised. I regret that my limited time will not permit me to say more on this important subject. The important act to be performed now is to secure bimetallism by international agreement, if possible.

I wish to say in conclusion that the passage of the pending bill will attract attention all over the world, and the people of the United States will watch with the deepest interest the debates and conclusions of the conference and regard its success as the crowning glory of the nineteenth century. The commissioners who will be appointed should go abroad with the indorsement of all parties. The nations of the world should understand by the action of our Congress that we are united and in earnest, and that we desire a fair and just settlement of this question for the benefit of the people and in the interest of nations.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. McCREARY of Kentucky. I should like to have five minutes more to finish my remarks.

Mr. CHARLES W. STONE. I should be glad to yield to the gentleman, but in view of the promises I have made to other gentleman I can not do so.

Mr. McCREARY of Kentucky. I ask, then, permission to extend my remarks in the RECORD.

There being no objection, leave was granted.

Mr. QUIGG. Mr. Speaker, I yield twenty minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. MILES. I believe it was understood this morning that I might have an opportunity, notwithstanding this discussion, to call up again the question of privilege which I raised this morning. The gentleman from Illinois [Mr. HOPKINS] is now present, and I want to allow him the opportunity which I stated I was content that he should have.

Mr. QUIGG. That does not come out of the time of this debate, I suppose?

Mr. HOPKINS of Illinois. Mr. Speaker, I requested the reporters to give me the notes of the remarks of the gentleman from Maryland, made this morning, and was waiting for them to be written out, but I had just as soon take the matter up now, if it is the wish of the gentleman.

Mr. MILES. I have no objection.

Mr. HOPKINS of Illinois. I ask the Reporter to allow me to take the notes of the proceedings of yesterday.

Mr. DINGLEY. I suggest that this be postponed until the bill under consideration is concluded.

Mr. MILES. Mr. Speaker, it was well understood this morning that I should have the opportunity which I am now insisting upon. The gentleman from Maine [Mr. DINGLEY] was not present. I assigned as a reason that it would be important for me to leave——

Mr. DINGLEY. But can it not be postponed just as well until this bill is completed?

Mr. MILES. The gentleman was not present when I stated the reason this morning. I can not consent to that, for the reason that I shall be compelled to leave here at 3 o'clock on account of sickness in my family. It will only take a few minutes, as far as I am concerned.

Mr. HOPKINS of Illinois. Mr. Speaker, I did not hear the statement of the gentleman from Maryland this morning, because I was not in the House. I have since conferred with him. The question that he propounded to me yesterday is as follows:

> Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal act of that officer; or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

This came up in a running debate, in which the gentleman from New York [Mr. RAY] took, as I supposed, a radical position. I did not fully understand the question of the gentleman from Maryland [Mr. MILES] at the time, and supposed that his position was identical with the one taken by the gentleman from New York [Mr. RAY]. My answer was:

> I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

His rejoinder was:

> Of course; but can judgment be rendered for any unlawful act that he may commit?

My answer, as taken by the Reporter, was:

> I undertake to say that it can in Illinois; and such ought to be the law everywhere.

What I desired to impress upon the House yesterday was that the officer and his bondsmen were liable for his acts as such officer while done under the color of his office. When I came to look at my answer as taken by the Reporter, I thought that was not sufficiently clear, and I inserted what my understanding of the law then was and always has been, that he is liable for his acts "done under color of his office."

I inserted those words, which the gentleman complains of, because of the subsequent answer which he made.

Mr. MILES. What was that subsequent answer? The gentleman should read it, in justice to me.

Mr. HOPKINS of Illinois. The subsequent answer of the gentleman is:

> Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. MILES. That is, as you stated it.

Mr. HOPKINS of Illinois. The gentleman's position on the law, as he stated it, was correct law, and as I have understood it, and as I supposed the House understood my position. Now, in inserting the words—

> If done under color of his office—

I simply did what has been done by every member of this House in the revision of his remarks where the notes of the Reporter do not state his position as he intended to state it. I did no more than the gentleman from New York or any other member has done in doing that. I did not look at the gentleman's answer yesterday, to see whether I had misconstrued the position of the gentleman from Maryland, and did not notice it until the gentleman called my attention to it after I came in on the floor this morning.

Mr. MILES. The gentleman will admit, however, I think, that the question which I asked him clearly shows that I had a correct apprehension of what he said.

Mr. HOPKINS of Illinois. Your original question, as I understood it, and as I was seeking to state it to the House——

Mr. MILES. But you evidently misunderstood me, did you not?

Mr. HOPKINS of Illinois. Yes; I misunderstood your first question. So that in inserting the words—

> If done under color of his office—

I simply exercised the privilege that has never been denied to any member on this floor, and that is constantly practiced by members in revising their remarks.

Mr. COLSON. I ask unanimous consent that the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Maryland [Mr. MILES] be considered as most excellent lawyers. [Laughter.]

Mr. MILES. Mr. Speaker, I do not wish this House to consent to any such general proposition. I think the gentleman from Illinois is an excellent lawyer; I am only a humble member of that great profession; but in this particular instance an humble member of that profession was right, and is willing and content to insist upon the statement that he was right before this high tribunal. The gentleman from Illinois, as I now understand him, has stated to the House that he misapprehended my question, and that, therefore, he was to some extent wrong, or stated the proposition of law a little too broadly, and that he revised the Reporter's notes so as to confirm the proposition of law which I had laid down. Is that correct or not?

Mr. HOPKINS of Illinois. The gentleman does not understand me to convey the idea that I have misstated him?

Mr. MILES. I do not want to be understood in that way. I do not believe the gentleman undertook, or now undertakes, to misstate me. I accept, Mr. Speaker, in good faith, the explanation which the gentleman has made to the House, and I am content that the matter shall drop where it is. [Applause.]

INTERNATIONAL MONETARY CONFERENCE.

The SPEAKER pro tempore (Mr. GROSVENOR). The Chair recognizes the gentleman from Arkansas for twenty minutes.

Mr. McRAE. I yield five minutes to the gentleman from Florida.

Mr. QUIGG. Does this come out of the time for debate?

The SPEAKER pro tempore. Ten minutes' time has been consumed and will not be considered as having been occupied during this debate.

Mr. QUIGG. I do not know that I understand the Chair to state that the ten minutes is to be deducted from the two hours' debate?

The SPEAKER pro tempore. Debate has been suspended for five minutes. The debate will now continue for the two hours originally agreed upon.

Mr. QUIGG. Excepting the ten minutes?

The SPEAKER pro tempore. The debate will continue for the full time of two hours.

Mr. SPARKMAN. Mr. Speaker, I shall occupy but a few minutes of the time of this House in stating the reasons which impel me to give this measure my support. I voted in the committee to report this bill to the House, and I shall vote here to pass it through the House, because, in my judgment, the people of this country, and a large majority of them, too, are in favor of bimetallism, at least by and through an international agreement. If there is anything in the history of this country during the past twelve months that has been emphasized above everything else, it is that the people desire bimetallism.

When the two great political parties of this country assembled in their respective national conventions last year, each one as I read their platforms declared in favor of bimetallism. True, the Republican party only favored this condition of things through international agreement, but they pledged themselves to use their best efforts to bring about an international agreement, which should result in giving the people bimetallism. The Democratic party did not go so far as that, but considering the conditions surrounding the country and the difficulties lying in the way of international agreement, and recognizing the great necessity of early action, declared in favor of bimetallism at the ratio of 16 to 1. On these two propositions, plainly set forth, each party went to the country and something like 14,000,000 of voters attested the devotion of the people to the double standard.

Now, Mr. Speaker, certainly the Republican party can not object to this bill, which has for its object the furthering of bimetallism by international agreement, as they stand committed to that proposition; nor can the Democratic party object, because the same necessities and conditions which justified them in demanding the free coinage of silver, even at the ratio of 16 to 1, would induce them to agree to a proposition that would give them similar results by international agreement.

Again, Mr. Speaker, I favor the passage of this bill because I think if its provisions are carried out in good faith it will redound to the benefit of the people of this country. As I view the situation which confronts us to-day, I feel that the best interest of the country will be conserved by a return to the bimetallic system, and especially so if it is brought about by international agreement. Many, even of those who supported the Democratic ticket, seemed to think that the proposition to coin gold and silver alike at the ratio of 16 to 1 was an experiment more or less dangerous; but certainly no bimetallist can find any objection to the adoption of that system through the concert of the great commercial nations of the world. And these are the objects and purposes of this bill.

Now, Mr. Speaker, I am not one of those who think that the provisions of this bill can not be carried out, and that the efforts we are making to-day are doomed to failure. On the contrary, I believe that the plan as outlined in this bill can be conducted to a successful termination, provided the proper effort is made to attain success. I believe that success or failure depends largely upon the incoming Administration, which will be charged with the execution of the provisions of this bill.

If an honest, earnest effort is made in that direction, then I believe success will crown the efforts of the President, and he will not have gone out of office before bimetallism by international agreement will have become an accomplished fact, or before such steps shall have been taken as will assuredly bring it about in the near future; but if he should disregard the wishes of the great body of American people, so recently expressed at the polls, and, listening to the whisperings of the small minority who believe in a single gold standard, should make no determined effort in the direction of international agreement upon this great question, then nothing will be accomplished and we had as well not pass this bill, as it is a waste of time and effort.

I repeat, Mr. Speaker, that there is no reason why with proper effort the objects and purposes of this bill should fail of accomplishment. Why, Mr. Speaker, ours is the most powerful nation on the face of the earth, and her influence when properly exerted is correspondingly great. Our past history affords many illustrations of this truth. Three-quarters of a century ago, when in our infancy, a President of the United States promulgated a doctrine alike startling and far-reaching in its effects. This was none other than the Monroe doctrine; and although we were weak then as compared with our present condition, all the great nations of the earth practically acquiesced in our claims thus clearly and plainly made, and to-day no principle of national law is more firmly established than the rights we then asserted.

Still more recently, and within the past few weeks, by and through the influence of this country, a treaty has been signed by the agents of the two English-speaking countries which, if formally ratified, as it doubtless will be, will make war between them a thing of the past. And when, through the same influence and the example set by these two great countries, the provisions of this treaty shall have extended to the other nations of Europe arbitration will take the place of sword and universal peace will prevail throughout the world. Then the large standing armies of Europe, which tax the resources of those great countries to their uttermost, will be disbanded and the millions of men forming them will be returned to peaceful pursuits, and, entering the various fields of industry, will contribute much toward bettering the condition of mankind and toward the material progress of the world.

If, then, our influence in all these great undertakings has been so potent among the nations of the earth, why should we fail of success in our efforts to bring about bimetallism by agreement between these nations? I see no reason, Mr. Speaker, except indifference. If we try, I believe success is possible. If we make no effort, or if the Republican party is not sincere in this matter, we will not succeed within the next four years at least. The opportunity is the Republicans, and the responsibility is likewise theirs. They have sought the former, and they can not escape the latter.

Mr. McRAE. I yield five minutes to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, in the five minutes allotted me to address the House upon the pending measure, I desire frankly and plainly to state the position of the silver Republicans with reference to this bill. We intend to cast our votes in favor of the passage of the bill. In so doing, we desire to distinctly disavow any belief at all that there will result from its passage any international agreement for the achievement of bimetallism; and at the same time we desire to register our unqualified detestation of the idea embodied in the declaration which is made that we must have the consent of the leading commercial nations of the earth before we can legislate for ourselves. We desire to denounce that declaration of national incapacity as un-American, unpatriotic, humiliating, and degrading. We call attention to the fact that all of the international conferences which have been held in the past to achieve bimetallism have been dismal failures. We call attention further to the fact that, from the authority of the London Statist, which ought to be good authority in a gold-standard House, it appears that Great Britain enjoys an annual advantage each year in the matter of exports and imports of $245,000,000. In addition to that, she takes annually over $200,000,000 increased amount of our products in payment of interest, when the value of that property is measured by the scale of prices of 1895 as compared with the scale of 1890. Who believes that, thus enjoying an aggregate advantage of $425,000,000 per annum under the existing gold standard, Great Britain will ever consent to its surrender by an international agreement?

Again, I want it distinctly understood, Mr. Speaker, that no longer is there any opportunity to juggle with the word "bimetallism." Why? Because the word "bimetallism" does not appear in the platform at all.

Mr. ANDREWS. Mr. Speaker——

Mr. HARTMAN. I decline to yield, Mr. Speaker; I have but five minutes.

The pledge of the platform says, in plain words:

> We are therefore opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved.

That statement is a solemn pledge, first, to oppose free coinage except by international agreement, and second, failing in such agreement, to maintain the existing gold standard. Therefore, Mr. Speaker, I want to impress upon this House the fact that no longer can they bring up before the American people the definition of bimetallism which was born in the mind of a distinguished Senator of the United States, and which means the maintenance of the gold standard, with silver as a subsidiary coin. That will not fulfill the pledge. An international agreement that England shall take so much silver, Germany shall take so much silver, France shall take so much silver, and that we shall have an enlarged use of silver, will not fulfill the pledge. It must be a straight, unequivocal, unqualified agreement to open the mints of the nations of the earth to the free and unlimited coinage of gold and silver at an established ratio, without any discrimination against either, each to be used as standard money. Mr. Speaker, we propose, as I have said, to respond to the demand of the platform and to give an opportunity to the Republican party to carry out their pledge. If they fail to carry it out, they fail to keep their promise. If they attempt to carry it out, they will fail to achieve international bimetallism.

Mr. McRAE. I do not think, Mr. Speaker, that it is fair that we should be required to occupy all our time before the gentlemen on the other side say anything; but that is the condition upon which we are allowed any time at all. As I desire to occupy only five minutes, I hope the Chair will notify me when that time has expired.

The question presented to us to-day by this bill, as I understand it, is whether this House will authorize the majority party to do what it promised by its platform adopted June 18, 1896, which declares that—

> We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our Government. We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved.

Upon that platform they went to the country, with Mr. McKinley as their candidate. In opposition the Democrats, Populists, and Silverites nominated Mr. Bryan on platforms declaring for the free and independent coinage of silver. The Democratic platform is as follows:

> We demand the free and unlimited coinage of both silver and gold at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation.

These two candidates, with these two propositions, Mr. Speaker, went to the people in November last, and if the returns are to be accepted as the proper judgment of the people, a proposition we can not now dispute, a majority of the people have decided that the Republican party, at least for the next four years, shall have an opportunity to bring about international bimetallism. I do not believe that it can be done. The declarations of all the political parties and the utterances of speakers throughout the country in the last campaign show that almost all of the people, without regard to party affiliation, believe in bimetallism, and so I think that since we can not get it independently at present we ought to put no obstructions in the way of those who believe in this method of reaching the question.

The Democratic party, the minority party in this House, is willing, I think, that the Republican majority and the new Administration which is to be inaugurated next week shall be given full opportunity and power and as many methods as is possible to devise to accomplish international bimetallism, if such a thing can be done. So far as I am concerned, I want the test and trial made as promptly as possible, for it is important that something be done to relieve the people from the present strain. We all know that the country is in a desperate condition and demands the careful attention of every patriotic citizen, be he Republican, Democrat, or Populist. We know that banks and business houses are failing every day, that thousands and millions of people are out of employment. We know that all branches of business are prostrated and values are falling.

We believe that this is because of the lack of a sufficient volume of redemption or real money; and with this condition confronting us we should not hesitate to take any step or try any plan that looks toward accomplishing what is needed. While I have no faith in this method, I hope it may succeed. The gentlemen who are by the favor of the people to conduct the affairs of this Government for the next four years ought to have the hearty cooperation of all friends of silver in their efforts to establish international bimetallism, for if they fail, I want this to be the last of such efforts. When we find Germany, England, and France with one-half of the gold of the world, and the annual interest charges to them from the other part of the world absorbing all the products of the gold mines of the world, it is unreasonable to suppose that those countries will agree with the United States, a debtor country, to assist her in securing bimetallism. But if you can get it that way, do so. If you fail, the people will, I think, demand of you, four years from now, to answer why; and if you do not make an honest effort, and do not recede from the position which you took in the canvass of 1896, I believe they will do for you in 1900 what they did last year for the retiring Administration. The people of this country, with their increasing business, do not intend to continue upon the gold standard if there is any possible way by which it can be changed. This is the opportunity for the Republican idea. If it fails, as I think it will, we shall demand independent action on the part of the United States.

[Here the hammer fell.]

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. McRAE] has five minutes remaining.

Mr. McRAE. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, we have had several international conferences, and they have resulted in nothing. The gentleman from Kentucky [Mr. McCREARY] has confessed this morning that the great trouble in these conferences lies with England. Is there any man in this House who supposes that England is going to yield the great advantage which she enjoys under the existing system? Suppose, Mr. Speaker, this conference should be appointed and it should utterly fail; then I want to ask, gentlemen, what are you going to do? What kind of security are you going to get? What kind of legislation are you going to have?

[Here the hammer fell].

Mr. McRAE. I yield four minutes to my colleague on the committee, the gentleman from Texas [Mr. COOPER].

Mr. COOPER of Texas. Mr. Speaker, in the Committee on Coinage, Weights, and Measures I gave my assent to this proposition. I expect to give my assent to it again when the vote is taken. But I say now that I believe this measure to be a will-o'-the-wisp. I believe that by this bill we are undertaking to do circuitously that which we ought to do directly and which we have the power to do independently of any nation on the earth. Four conferences of the kind provided for in this bill have been held; and it has been observed, I think, that at each conference the chance of obtaining the coinage of both gold and silver upon equal terms and so as to perform equal functions is getting further away from us.

We want to increase the volume of money in this country, and we want the volume of money to keep pace with population and commerce, and we want actual money. What gives value to money? It is the demand, and it is this that gives value to any article. It is use and demand that fixes the price and value of all things. Mr. Speaker, if this country alone can furnish the demand for the quantity of silver that is produced in the world, then it can give it the highest possible value and can sustain that which is asked, namely, a parity between the two metals.

It is insisted that we must have the agreement of other nations in order to sustain the parity or value of the two metals when coined. It is asked that we have a conference of this kind in order to secure the assent of England to bimetallism, or to the free and equal use of both gold and silver in this country. Sir, for eighty years England has refused to assent to bimetallism; since 1816 she has declined to place silver and gold upon equal terms. Yet from that period up to the demonetization of silver in 1873 there was no disparity in the value of the two metals. We do not need the concurrence of England in order to establish and maintain bimetallism, nor can we get it, because she is a creditor nation and it would not be to her interest to increase the volume of money, which would be done by the free coinage of silver.

Mr. Speaker, from a partisan view, it is, of course, immate[illegible] to me or to those on this side of the House what course [illegible] pursued by the party which is responsible for legislation here. But I remember, and I give it as a reminder to the other side, [illegible]t four years ago we had a platform declaring, as I construed [illegible]—and it was so construed all over this country—for [illegible]age of silver, accompanied with a declaration about maintaining a parity between the two metals, yet when that platform came to be construed the parties then in power construed it to mean the continuation of the single gold standard. The Republican party has now been placed in charge of the affairs of the Government upon a platform declaring that they will do all that they can to promote the free coinage of silver by international agreement. Yet that platform is to-day being construed by a large and strong element of that party to mean a single gold standard. They say that at the last election the issue was drawn between the single gold standard and the free coinage of silver and gold, and that upon that issue the people have decided, and therefore the platform must be construed in the light of events subsequent to the writing of the platform, and that such events justify the conclusion that the plank in the platform means the maintenance of the present single gold standard; and by this they argue that on this question the people are evoluting, and that they will never turn back to what those gentlemen term the "barbaric" system of the use of silver.

Mr. Speaker, it is immaterial to us from a partisan standpoint what course the gentlemen on the other side may pursue; but being interested in promoting the prosperity of the country, in increasing the volume of money, in furnishing to the people that character of money which will circulate freely and equally everywhere, we demand as Democrats the free coinage of silver and gold upon equal terms—that they may both perform in this country the functions of money; and that this be done without waiting the advice, aid, or assent of any nation on earth.

[Here the hammer fell.]

Mr. QUIGG. It does seem to me that as this debate has proceeded the Republicans of this body must feel a decided nausea at the meal which their Committee on Coinage, Weights, and Measures have invited them to digest in this bill. They have heard from Democrats of the sort that supported the mule ticket, and from Democrats of the sort that supported the Bryan ticket, and from "Pops" of the sort that supported both tickets, that they are going to vote for this bill; and now Republicans, after having fought and won the most desperately contested campaign that this country ever saw, upon the distinct proposition that free silver was a humbug and a wrong, are asked to do something that throws a doubt upon the sincerity of their professions and tends to persuade the people that the Republican position was wrong and that free silver was right.

You can no more get away from the fact that the country will receive our vote—if to-day we pass this bill—as a concession to Bryanism any more than you can get away from the proposition that we fought and won the battle of 1896 on the gold standard; for that is how we did win it. If the Republicans who are asking us to pass this bill had had their way at St. Louis, we should have adopted a straddle platform and should have been hopelessly and deservedly defeated.

I oppose this bill, Mr. Speaker, first, because it is unnecessary as to its object; second, because it is inexpedient and unsuitable as to time and place, and third, because if any results are to follow, either upon the business of the country or upon the welfare of the Republican party, they must be distinctly dangerous.

What is the use of the bill, anyway? The President of the United States has a machine, for which we pay nearly $3,000,000 a year, by which he can conduct diplomatic negotiations. If he wants to find out the temper of any government upon any subject, all he has to do is to set in motion the machinery ordinarily and regularly provided for him, and he straightway discovers all that can be found out by any method of inquiry. Have we not proved by the results of three of these monetary conferences that the ordinary diplomatic machinery is as competent to get results as any such as is here proposed?

Why, sir, we had one conference when silver and gold were at par, and the question simply was how to keep them there. Yet it was impossible to reach an agreement. We had another when silver and gold were only at two points difference, and the question was how to bring them together just two points. But even in that condition agreement was impossible. We had a third when they were about twelve points off, and at that conference nobody so much as suggested a plan by means of which he was willing to say, on his reputation as an economist, that he thought a ratio could be established and held.

We are now invited to create another conference, and at a time when silver is not two, nor ten, nor twelve, but sixteen points away from the ratio that is proposed and intended by the advocates of this bill. The true ratio is now 32 to 1, not 16 to 1; and if we could not hold them together when they were together, and could not reconcile them when they were only two points off, or when they were only ten points off, how can it be supposed that success in this bimetallic enterprise is now possible?

Mr. LACEY. May I ask the gentleman a question?

Mr. QUIGG. I should rather not be interrupted. I have only a few minutes.

The gentleman from Kentucky [Mr. McCreary] said that the reason why we failed in these previous conferences was because the Governments empowering the commissioners did not give them a free hand. Well, are your commissioners under this bill going to have a free hand? Why, you know they are not. You know, indeed, there is no way by which you can give them a free hand. You know that the Constitution of your country requires that every treaty that is entered into upon any subject shall come to one branch of this Congress to be ratified. You know that the only authority that could be given to the delegates under this bill is the same which has always been given and no more, and there is no reason to suppose that the delegates from any country will enjoy a larger liberty than ours. It is quite true that they have not had a free hand. They have always gone to the scene of a conference apologizing to one another because they knew they could not do anything, and because they knew they were not expected to do anything.

I object to this bill because it is improper. This Congress has nothing to do with the declaration at St. Louis. The persons who were elected under that platform, to whom this country gave authority under the declaration of 1896, will be in this Capitol—when? Why, in just one week from now, and yet we are told that in advance of their arrival, before they have had any opportunity to consider what policies they will pursue, we must support a bill that comes to us from a Populistic Senate, a body that has defeated every measure for the relief of the Treasury that the Republicans of this House have passed; that we must accept its construction of what our party promised at St. Louis, and with its construction tie the hands of those by whom we shall be succeeded. I say that we have no business to muss with this question at all. We should leave it to be dealt with by those who were commissioned last November. It is they who have the right to construe that verdict and to say what measures they will adopt to give it effect.

In the report which the Committee on Coinage has sent in here in advocacy of this bill they quote from the Republican platform certain observations concerning an international agreement, which are held to be a promise to do something. But there is no promise to do this thing. We did not say in that platform what we should do. We did not say we would call an international conference. We did not define by what means the agreement should be promoted. We left all such questions to be decided in the light of events. Nor did we say only that we would do something to promote international agreement. We said very much more than that, and it is to be observed that the gentleman from Pennsylvania [Mr. Charles W. Stone] has left out of his report all the other words, the further words, that were used at St. Louis concerning our financial position. I want to read the whole of that plank, in order that the Republicans of this body shall have it in its entirety in their minds when they vote on this proposition. Now listen to this:

> The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the redemption of specie payments in 1879.

A Member. Specie?

Mr. QUIGG (continuing reading)—

> Since then every dollar has been as good as gold.
>
> We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country

Does that look like any more nonsense on the subject of a conference?

> We are, therefore, opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved. All our silver and paper currency must be maintained at a parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

That is the pledge on which we defeated the combined forces of Democrats and Populists, so valiant here in support of this bill. And we won our victory, not because of what we said concerning an international agreement, but in spite of it. I oppose this bill, in the next place, because if it is going to have any results at all they are bound to be dangerous to the commercial prosperity of the country. We have to-day the same standard that we have had for twenty years. We have to-day the monetary standard under which we were doing business when the McKinley bill was in operation. We had then the highest and the greatest prosperity that this country or any other country under the sun ever enjoyed. That prosperity was interrupted by a bill that locked up the capital of the country, suspended production, and drove labor into idleness, and by propositions that were aimed, as this is aimed, at a double standard and financial confusion. Instead of giving place in our policies to any more follies of this sort, follies which have always been expensive to the Republican party, we should hold aloof from them and repress them.

I warn the Republicans of this House against any more nonsense on the subject of free silver. I warn them against any more attempts to fool the people of this country. We have always been defeated and rebuked when we have engaged in that kind of enterprises. We took on every stump the plain position that the gold standard ought to be maintained, and from that position we should not depart. I reserve the balance of my time.

Mr. Towne and Mr. Milliken rose.

Mr. QUIGG. I yield to the gentleman from Maine for a question.

Mr. MILLIKEN. I would like to ask my friend, in the first place, whether he thinks the Republican party was "fooling the people of this country" when they put in their platform the proposition that they would do all they could for international free coinage; and, in the second place, whether, when we get a ratio between gold and silver agreed to by the commercial nations of the world—and that is what the proposition is in the platform and what it means in this bill—whether that is going to interfere with the prosperity of the country; and whether the people of this country will be frightened by a bimetallic currency that is consented and agreed to by the commercial nations of the world?

Mr. QUIGG. The gentleman has asked me two questions that would take at least an hour and a half adequately to answer. But I will say, in the first place, that the men to construe the platform of 1896 and to adopt the measures to give it effect are the men who were elected under it, not the men who are here now and about to go home. To the second question I answer that I do not believe, nor is there any reason why anybody should believe, that this international conference, if called, will have any better or other results than all the other international conferences have had, which is

none at all; and, in the second place, that if an agreement were reached by an international conference upon any ratio whatever, I do not believe that the ratio would stay put. These are the answers. Now I yield to the gentleman from Minnesota for a question.

Mr. TOWNE. I wish the gentleman from New York would kindly state whether his construction of the platform of 1896 is that it embraces a promise to use the endeavors of the incoming Administration honestly and promptly to secure genuine free silver coinage by agreement with the leading commercial nations of the world.

Mr. QUIGG. I will say to the gentleman from Minnesota that I shall give my answer to that question in the next Congress, and to those who were elected with me to membership in that body. [Applause.]

Mr. TOWNE. Is that your answer? If you are content with it, I am, and the country will hold you to it.

Mr. QUIGG. I am absolutely content with it. How much time have I used, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has twenty-two minutes remaining.

Mr. QUIGG. Will the gentleman from Pennsylvania use a portion of his time now?

Mr. CHARLES W. STONE. I yield five minutes to the gentleman from Pennsylvania [Mr. Grow].

Mr. GROW. Mr. Speaker, by reason of the relative production of gold and silver in the world for the last forty years, without some agreement among commercial nations for the use of silver as a money metal, the question of a standard of value in the money unit would be no longer one of bimetallism—that is, of gold and silver circulating on a parity with each other as standard money of ultimate redemption.

BIMETALLISM ONLY BY INTERNATIONAL AGREEMENT.

Without such agreement the question will be simply whether the standard of value shall be gold, with silver circulating in subsidiary coin, or whether the standard shall be silver alone, without any gold in circulation as money.

For more than five hundred years in all nations it has been a conceded fact, which Sir Thomas Gresham, master of the British mint under Queen Elizabeth, formulated about 1560 in the following words, known since that time as Gresham's law:

> When two sorts of coin are current in the same nation of like value by denomination, but not intrinsically, that is, in market value, that which has the least value will be current, and the other as much as possible will be hoarded or melted or exported.

This statement of a fact of universal application in the experience of nations through all time varies in its wording but little from that of Nicolas Oresme, a Frenchman, one of the counselors of Charles V in his treatise on money in 1370, almost two hundred years before Gresham. Oresme's statement is:

> That the legal ratio of coins must conform strictly to the relative market value of the metals; that if the fixed legal ratio of coins differs from the market value of the metals, the coin which is undervalued entirely disappears from circulation.

In our present money circulation there are two sorts of coin, one of gold, the other of silver; of the same value by denomination, but not intrinsically, i. e., in market value. They both circulate now on a parity with each other, because the Government has pledged its faith, in a duly enacted law, to keep them so, and has promised to keep in its Treasury not less than $100,000,000 in gold for such purpose. By reason of that pledge, an American silver dollar buys in market just as much of anything as a gold dollar. And a paper dollar buys just as much of anything as either a silver or a gold dollar. Take away that pledge, which is entirely independent of our coinage laws, and our gold and silver coins would immediately come under the operation of Gresham's law, which is just as fixed and immutable as Newton's law of gravitation. Take away this Government pledge, and so long as silver should have a less market value than its denomination, gold would not circulate as money. There would then be only silver in circulation so long as there should be any considerable difference in the market value of the two metals, unless both were kept in circulation by some specific agreement among the nations.

Many persons believe that the passage by Congress of a law to reopen the mints of the United States to the free and unrestricted coinage of silver at a ratio of value of 16 ounces of silver to 1 ounce of gold would of itself restore the silver of the world to its former market price of $1.29 cents an ounce, while it is now selling in all the markets of the world for less than 63 cents an ounce, making the commercial value of our silver dollar about 53 cents. In support of such belief it is claimed that this nation is great enough, rich enough, and powerful enough to legislate on any subject in its own way. Whatever may be claimed for this nation in greatness and power, in territorial extent, in vastness of material resources, and in its ever-increasing wealth and population—grant it all—but this nation is not great enough, rich enough, or powerful enough, nor is any other nation, nor are all the nations of the world put together great enough, or powerful enough, to make 53 cents in commercial value buy in the markets of the world 100 cents in commercial value. This nation is, however, great enough and powerful enough, and so is any other nation, no matter how poor or weak it may be, to make 53 cents in commercial value pay a debt to its own citizens of 100 cents.

There is no nation on the face of the earth, and there never will be one, great enough or powerful enough to fix by law the value in the money unit except for debt paying. Law everywhere makes and fixes the unit of valve, but the dealers in the commodities for which money is exchanged make and fix the real value in the unit. Value in money for trade and commerce is no more the creature of law than is the value in flocks, herds, and cultivated fields. The expectation of acquiring wealth through some theory of legislation has always been more alluring to mankind than by the slow process of labor and economy. But it is not in the power of human ingenuity to devise any scheme by which debased or depreciated money can be used successfully to develop the industries of a country or add to the wealth of a nation.

BUSINESS MAKES MONEY PLENTY.

The advocates of free and unrestricted coinage of silver, no matter what its commercial value may be, have a ready answer to all objections in the question, How can there be too much money? That depends upon its quality. If it is poor money, there is always too much. If good money, then never too much, if there is any use for it. The mere existence of money, no matter how much there may be, creates no business. Money not in circulation neither makes business nor adds anything to what is called prosperity. Business puts money into circulation, not the making of it. While there can not be great prosperity without money, yet business itself must first call for capital, for its development or its enlargement. And capital, which is only accumulated wealth, then furnishes the money for such purpose. Thus is created the demand for labor, and employment gives to labor its purchasing ability, for without employment it has none. In that way comes what is called prosperity. The mere fact of an abundance of money in existence but not in circulation can not make it. There never has been so large an amount of money in this country in time of peace as there has been for the last five or six years. Yet business never languished more, and the ability of labor to buy has seldom, if ever, been less.

There is of money in the country now over sixteen hundred million dollars, all good money, based on gold. A per capita, in round numbers, of $24, being greater than that of any nation, except France, Belgium, Australia, and the Netherlands. It is $3 per capita greater than the per capita in Great Britain. The per capita in gold and silver in this country is equal to that of Great Britain, and greater than that of any other nation except those already mentioned. France has more gold and silver and less paper than any nation. Her per capita is greater than that of any other nation, being $35.97, with only 84 cents of it in paper.

MONEY PER CAPITA.

The following table shows the money per capita and the kind of money in the seven nations having the largest money per capita, and the monetary system of the nation:

Nation.	Gold.	Silver.	Paper.	Total.	Monetary system.
France	$22.19	$12.94	$0.84	$35.97	Gold and silver.
Belgium	8.72	8.71	10.38	27.81	Do.
Australia	24.47	1.49	....	25.96	Gold.
Netherlands	6.21	11.96	6.08	24.25	Gold and silver.
United States	8.78	8.80	5.93	23.50	Do.
United Kingdom	14.91	2.96	2.91	20.78	Gold.
Germany	12.21	4.20	1.18	17.59	Do.

There is no single silver standard nation in the world that has a money per capita of over $18. Mexico has $4.95 and Russia has $8.46. These two nations are fair representatives of the silver nations in their per capita.

The coinage of silver money of all denominations in the mints of the United States from April, 17[illegible], to February, 1873, was $143,813,598.70; since 1873 to December, 1895, it has been $543,794,030.70, being about four times greater in coinage value for these twenty-two years since 1873 than for the eighty-one years preceding. The money per capita now is greater than ever before in time of peace. Ten years preceding 1892, which is conceded by everybody to be a period of equal if not greater business prosperity than in any other like period in our history, there was through it all the same kind of money we have now, except that there was less per capita and less of silver money. Whatever depression, therefore, there may be in the business of the country, or want of prosperity in its industries at this time, can not possibly be caused by a lack of money, especially in the coinage of silver.

COINAGE OF GOLD AND SILVER.

The coinage of silver money in the United States for the ten years preceding 1893, the year the law was repealed for Government purchase of silver bullion, was, coinage value, $301,996,941, and the coinage of gold for the same time was $371,095,781, the silver coinage for the ten years being $31,000,000 greater than the gold. The world's coinage of silver money for the ten years preceding 1893 was, coinage value, $1,340,558,658, and the world's coinage of gold for the same period was $1,264,181,751, the silver coinage of the world for these ten years being $76,000,000 greater than the gold. For the year 1873 the world's coinage of silver money, coinage value, was about one-half as much as the coinage of gold. For the year 1888 the world's coinage of gold and silver was almost identically the same, each being, in round numbers, $135,000,000. For the three years ending with 1895 the world's coinage of gold alone was $691,042,987, being a larger average annual coinage of gold than the average annual coinage of both gold and silver from 1881 to 1887. Whatever may be the condition, therefore, of the business of this country at the present time can not possibly result from too little coinage of silver money any more than from too little coinage of gold. For the coinage of silver, like its production in the last twenty years, has greatly exceeded that of any equal period in the history of mankind. The public mind at this time is not so much disturbed about the quantity of money as about its quality, and as to what may be its character in the future.

Jefferson, in his notes on coinage in 1786 to Robert Morris, then Superintendent of Finance, says:

> The proportion between the value of gold and silver is a mercantile problem altogether. Just principles will lead us to disregard legal proportions altogether and inquire into the market price of gold in the several countries with which we shall principally be connected in commerce, and to take an average from them.

He recommended "the appointment of persons to inquire what are the proportions between the volume of the value of fine gold and fine silver at the markets of the several countries with which we are, or probably may be, connected in commerce, and what would be the proper proportion here, having regard to the average of the value at these markets." Jefferson, unlike many of the professed statesmen of to-day, did not think it wise to attempt to settle legal proportions between gold and silver without reference to the market value of the metals in the nations with which we should be connected in commerce. That the present market value of silver could be materially changed by the mere passage of a law by Congress for its free coinage at its old ratio of value to gold would seem to be utterly impossible, in view of the relative production of gold and silver in the world since 1850 and the decline in the market value of silver since 1859.

WORLD'S PRODUCTION OF GOLD AND SILVER.

The following statements of the production of gold and silver, including market price and coinage value of silver, are based upon the tables compiled by Dr. Adolph Soetbeer, who is, as all know, a most competent and reliable authority on these subjects. His tables of production and price, with the additions of the Directors of the Mint, for four hundred years are embodied in the Annual Report of the Director of the United States Mint for 1895 and 1896.

The following table shows the world's production of gold and silver, coinage value, from 1841 to 1895, both years inclusive, in periods of ten years each, except for the last five years:

Years.	Gold.	Silver.
1841-50	$363,928,000	$324,400,000
1851-60	1,332,981,000	372,261,000
1861-70	1,263,015,000	507,174,000
1871-80	1,150,814,000	918,578,000
1881-90	1,060,075,000	1,258,846,900
1891-95	815,664,500	1,025,742,300
Since 1850 (45 years)	5,622,550,100	4,122,602,200

The silver production of the world, coinage value, for the twenty years from 1855 to and including 1875 was $1,104,588,000; for the twenty years from 1875 to and including 1895 it was $2,833,845,200, being $1,729,257,200 greater for the twenty years ending with 1895 than for the twenty years ending with 1875. While the silver production of the world, coinage value, for the ten years ending with 1860 was less than a third in value of the gold production for that period, the production for the ten years ending with 1895 was $349,678,100 greater in value than the gold production for the same period.

The following table shows the production of gold and silver in the world in ounces and coinage value for each of the following years:

Year.	Gold.		Silver.	
	Ounces.	Value.	Ounces.	Value.
1840	652,291	$13,484,000	19,175,867	$24,793,000
1850	1,760,502	36,393,000	25,090,342	32,440,000
1860	6,486,262	134,083,000	29,095,428	37,618,000
1870	6,270,086	129,614,000	43,051,583	55,663,000
1895	9,688,821	200,285,700	169,180,245	218,738,100

The great increase in the world's annual production of gold began in 1850. The great increase in silver began in 1860. The world's production of silver, coinage value, for the year 1840 was, in round numbers, $25,000,000; for the year 1860 it was, in round numbers, $38,000,000, being less than a third in value of the gold for that year. Its production for the year 1870 was $56,000,000, and for 1895, in round numbers, it was $219,000,000.

MARKET PRICE OF SILVER.

The world's annual production of silver and market price since 1859 was as follows:

Year.	Ounces.	Coinage value.	Market price	Price less than 1859.
1859	29,095,428	$37,618,000	$1.36	....
1861	35,401,972	45,772,000	1.33⅜	.02⅝
1870	43,051,583	55,663,000	1.32¾	.03¼
1873	63,267,187	81,800,000	1.29¼	.06¾
1875	70,386,758	91,585,773	1.24⅝	.11⅜
1880	78,775,602	101,851,000	1.14⅝	.21⅜
1886	93,297,290	120,626,800	.99⅝	.36⅜
1894	167,752,561	216,892,200	.63⅛	.72⅞

In 1859 the market value of silver was $1.36 an ounce, the highest price ever known, before or since. Its market price in 1861 was $1.33⅜ an ounce, being 2⅝ cents an ounce less than in 1859; the world's production for that year, coinage value, in round numbers was $46,000,000. Its market price in 1870 was $1.32¾ an ounce, being 3¼ cents less than in 1859, and its production for that year was in round numbers $56,000,000. Its market price in 1873 was $1.29¼ an ounce, being 6¾ cents an ounce less than in 1859, and the world's production for the year 1873 was in round numbers $82,000,000. Its market price in 1875 was $1.24⅝, being 11⅜ cents less than in 1859; the world's production that year was in round numbers $92,000,000. Its market price in 1880 was $1.14⅝, being 21⅜ cents less than in 1859; the world's production was in round numbers $102,000,000. Its market price in 1886 was 99⅝ cents an ounce, being 36⅜ cents an ounce less than in 1859; the world's production for that year was in round numbers $121,000,000. Its market price in 1894 was about 63⅛ cents an ounce, being 73 cents an ounce less than in 1859; the world's production for 1894 was in round numbers $217,000,000.

This great increase in the world's production of silver for the last twenty years and the present production of both gold and silver, with their prospective increase for the future, renders it absolutely impossible for the free coinage of silver by this nation alone at a ratio of value to gold of 16 to 1 to add materially to the market value of silver.

COINAGE CREATES NO VALUE.

Reopening the mints to free and unrestricted coinage of silver would not create a single purchaser for it. The owners of the bullion brought to the mints would be the owners of the money coined therefrom. Coinage itself only stamps upon the coin its denomination, which is in reality only the same thing as stamping on it the weight and fineness of the metal out of which it is coined. That is all that law can do, except to fix the amount of indebtedness which the denomination of the coin would pay within the jurisdiction of the law. Law makes and fixes its denomination and debt-paying value. Its commercial value is fixed by the dealers in the commodities for which it is exchanged. As the uses of money for debt paying are so much less than its uses for trade and business, if its commercial value is much less than its debt-paying value it will fall to its commercial value for any purpose after the debts are paid existing at the time of its coinage or the fall in its market value. For all creditors, before creating a debt, if they know what the debt can be paid in, will see to it that the amount of the debt is enough greater to meet the difference, whatever it may be, in the commercial value and the debt-paying value of the legal tender to be received.

With free coinage the owner of silver bullion would have two ways of disposing of it. One, to sell it in the market, just as he does now; the other, to take it to the mint and have it coined. After coinage he would then have two methods of disposing of his coin. One, to pay his own debts, if he had any; the other would be to buy something with it. In debt paying it would pass at its denominational value to a person within the jurisdiction of the law under which it was coined. Its purchasing value in business would be its commercial value; that is, the market price of the metal out of which it may be coined. And there is no ingenuity of the human intellect that could by law change these conditions of trade.

Since Abraham paid Ephron for the Cave of Machpelah 400 shekels of silver, "current money with the merchant," mankind in business transactions with each other have dealt in realities, not in fictions; and that will continue to be the case until the acquisition of property ceases to be a desire of the human heart and the love of money is no longer an incentive to action. In this earliest business transaction settled with money (of which we have any account), it was money current with the merchant. From that time to this the merchant—that is, the dealer in property for which money is exchanged—determines what money shall be current by fixing its commercial value, in receiving or rejecting it in trade for commodities, or in payment for property purchased.

The decline in market value of silver began while all the mints of the world were open to its free coinage, just as they had been for years before. No mint of any nation was closed before 1870. Silver, with its yearly increasing production, has continued to decline in market price since 1860, and it never has at any time regained the market price it sold for in 1870. Without some agreement, therefore, with the leading commercial nations as to the use of silver as a money metal, three grave questions in our monetary affairs will be presented for final settlement: First, whether we shall have a single silver standard, without any gold circulating as money; second, whether we shall continue the gold standard that we now have, with the pledge of the Government to keep silver money in circulation as now coined on a parity with gold; third, whether we shall have a single gold standard with silver circulating in subsidiary coin, on its market value for coinage, just as we had both metals from 1806 to 1878.

Without some agreement with or concurrent action by other nations for the use of silver as a money metal the result of reopening the mints of the United States to the free and unrestricted coinage of silver at a ratio of value of 16 ounces of silver to 1 ounce of gold, with the present market value of silver, would be: First, to drive all gold in this country out of circulation as money. Second, all debts due American citizens would be paid, if paid at all, at about 50 cents on the dollar, while all debts of American citizens due to citizens of foreign countries, not having a single silver standard, must be paid, if paid at all, at 100 cents on the dollar. A foreigner could buy silver bullion at the present market price of silver costing about $500,000, and take it to the mints of the United States, have it coined into about 1,000,000 of our standard dollars, and with such dollars he could pay a million dollars of indebtedness to citizens of this country, while an American citizen with a million of our standard silver dollars could pay only about $500,000 of indebtedness to citizens in foreign countries not having a single silver standard. Third, while the rate of wages would probably remain about the same as now, they would be payable in this depreciated silver money, which would then be the standard in our money unit. Thus would be established in reality for this country a single silver standard of money.

Should we keep the double standard as we now have it, by reason of the guaranty or pledge of the Government to keep silver, as money, on a parity with gold, no matter what the market value or the ratio of coinage might be, it would, so far as the Government is concerned, be in reality the same as having a single gold standard. For in all business fairness and honest dealing, even without such guaranty or pledge, the Government must pay gold on all its obligations, unless some other kind of payment is specifically named. In all cases where the debtor does not make legal tenders for the payment of debts, the debtor has the option of paying in any tender, if there is more than one; yet where the debtor himself makes the legal tenders, his creditors have the option as to which legal tender, if there is more than one, they will receive in payment of their debt. If that were not the case, then the debtor could make a worthless tender for the payment of debts, while there might be a good one in existence. In such case, if the debtor could select the legal tender for the payment of his debt, it would be a violation of the first great precept in equity, that the wrongdoer can not take advantage of his own wrong.

So long as 371¼ grains of pure silver—the weight fixed by our coinage law for a dollar in silver—was the equivalent in market value of 23.22 grains of pure gold—the weight fixed by our coinage law for a dollar in gold—the market value of each kept them as money, on a parity with each other, without any Government pledge or guarantee. So long as silver bullion sold in market for $1.29 an ounce, and it was coined into money at a ratio of 16 ounces of silver to 1 ounce of gold, each would exchange for the other, as 2 bushels of corn at 50 cents a bushel would be the equivalent of 1 bushel of wheat at a dollar, provided each sold in market as readily as the other at these prices. But when silver bullion of the same fineness fell in market value below $1.29 an ounce, then the parity in money value between it and gold was broken. At $1.29 an ounce 16 ounces of silver was the equivalent in market value of 1 ounce of gold, and each was selling in market as readily as the other.

FREE COINAGE OF GOLD AND SILVER.

So long as silver retained a market price of $1.29 an ounce, individuals owning silver bullion, the same as those owning gold bullion, could take it to the mint and have it coined into money of such denominations as might be fixed by law, without expense to themselves, for the reason that the silver was of the same market value before coinage as after. Its coinage, therefore, being only for the convenience of the public in doing business, was without expense to the owner, so it was called free coinage. But the owner of the bullion put the money coined into circulation and had whatever advantage might result from changing it from bullion to money. It made no difference how much silver bullion was coined into money so long as its market value at the relative ratio of coinage with gold was the same. That is, so long as 16 ounces of silver was equivalent, or nearly so, in market value to 1 ounce of gold, the mints of the world were everywhere open to the unrestricted coinage of silver. From 1792 to 1873 the mints of the United States were open to the free and unrestricted coinage of silver, except that the coinage of silver dollars was suspended from 1806 to 1834 by an order of Jefferson. The total coinage of silver of all denominations from 1792 to 1873 in the mints of the United States was done for individuals, and amounted to $143,813,598. Since 1878 all coinage of silver in the mints of the United States has been from bullion purchased by the Government, and the mints have been closed to the coinage of silver for individuals. But the total coinage of silver of all denominations from 1873 to December 31, 1895, was, as before stated, $543,794,030, being almost four times greater in these twenty-two years than for the eighty-one years preceding. For each of these silver dollars, or for the certificate which represents them, so coined and paid out the Government has received 100 cents, no matter what it paid for the bullion it purchased or what the market value of silver may have been.

Hence in business fairness the Government pledge to keep silver money on a parity with gold. But the reopening of our mints to the free and unrestricted coinage of silver at the old ratio of 16 to 1 would of necessity change all this. The Government would then cease to coin on its own account, and individuals would again put silver money into circulation coined out of their own bullion; and whatever profit or advantage there might be in the coinage would be theirs instead of the Government's. The Government could not, therefore, stand responsible for the money thus coined, and it would go forth, as in all cases of free and unrestricted coinage of money, without any redeemer except its own intrinsic value.

USE OF CREDIT INSTRUMENTALITIES.

If it would not be advisable for this nation to adopt either of the foregoing plans in its monetary affairs, then the only other alternative, in case of no agreement among the nations, would be a single gold standard in our money unit, with silver circulating as subsidiary coin. Whether that would be advisable and could be done successfully would depend, first, upon whether there is gold enough in the world for the world's business should all nations adopt it as the standard in their money of ultimate redemption, and whether, in case that should be done, there would be a reasonable probability that the future annual production of gold would be sufficient for any increase there might be in the world's business. To ascertain whether such a result would be possible, there are many considerations to be considered in connection therewith, and upon which ultimate success would largely, if not wholly, depend.

Reliable statistics show that of all the business transactions of the people of commercial nations as now transacted not to exceed 8 per cent of the volume of such transactions are made with actual money. The other 92 per cent is made with what is called substitute money or credit, like bank bills, bills of exchange, checks, drafts, letters of credit, and certificates of various kinds. This substitute or credit money answers just as well if not better for the transaction of business, if it is at all times convertible at the will of the holder at its face value into money of real or commercial value, commonly called intrinsic value. To illustrate, 1,000 persons owe each to the other $1. The first one has a dollar deposited in the bank. He draws a check on the bank [illegible] a dollar and passes it to his creditor, who takes it, if he believes it will be paid when presented at the bank. The second one [illegible] the same, and so it passes from one to the other until it again reaches the drawer of the check. One thousand dollars of indebtedness has been discharged and not a dollar in actual money has been used in doing it. This process is the same in large [illegible] transactions by which business is done on what is called credit. But it could not be done at all without the actual dollar, which is called the money of ultimate redemption, nor without confidence that the dollar itself would be paid when the check should be presented. Without such confidence the dollar itself would have to be used in each transaction.

While the check was the instrument used to discharge $1,000 of indebtedness, yet the check itself was not paid, and no matter how many times it might be passed it would not be paid until the holder received for it $1 in commercial value. By its use the creditor simply exchanges one debtor for another. But without the confidence that the dollar of commercial value promised would be paid whenever the check should be presented, the first creditor to whom it should be offered would refuse to take it, and so on with every other one. The same would be true with the purchaser of commodities. No one would take the check for his commodity except in full faith and confidence that the dollar of commercial value which it promised was on deposit to be paid whenever called for. Law makes all the regulations for the use of substitute money, and makes and fixes the money unit in the standard of value, but can not make or fix the value in the unit itself except for debt paying. There must therefore be the actual commercial value in the money of ultimate redemption called for in all this substitute money, or it would be no better than the paper rags of which it is composed.

The record of the clearing house of the city of New York, where all the business transactions passing through the banks of that city are settled daily, shows that not more than 8 per cent of the amount of business transactions are settled with actual money. The following statement is taken from the annual report of the clearing house of New York City for the year 1895.

The clearing-house transactions for the year have been as follows:

Exchanges	$28,264,379,126.23
Balances	1,896,574,349.11
Total transactions	30,160,953,475.34

The average daily transactions:

Exchanges	$92,670,095.49
Balances	6,218,276.55
Total	98,888,372.04

The average daily transactions for 1895, in round numbers, were $100,000,000. The actual money used in settling the final balance was, in round numbers, $6,000,000. As standard or coin money of commercial value is not consumed or destroyed, the same $6,000,000 would pay the balance of $100,000,000 of transactions the next day just the same, and so on through the year. From bank reports and reliable estimates there is at this time in this country about $600,000,000 in gold. That is a sufficient amount of actual standard money with our present facilities of communication and transportation to sustain in ordinary times of business confidence a volume of daily business transactions of ten thousand million dollars; which would be one hundred times greater than the daily business transactions of the city of New York, as shown by the report of its clearing house.

While this 8 per cent of the volume of business transactions in real money, that is, money of intrinsic value, might be sufficient in times of business confidence, yet to make sure that such confidence would not be injuriously affected in times of panicky distrust it is necessary that there should be in existence a larger amount of real money of ultimate redemption than 8 per cent of the volume of ordinary business transactions. Exactly how much larger it should be is not easily determined. That would depend upon facilities for communication and the cost and time in transportation. Less money would be required the greater the facilities, and the less the time and the cost in both communication and transportation. It would depend also largely upon what was used as money, and what was the standard of value in the money unit.

STANDARD MONEY.

What is money? What are its uses, and how can it be affected by law? Money is what is used to facilitate the exchange of commodities and the transfer of property, and to pay for the property transferred, and the difference in the values of the commodities exchanged. The essential requisites for standard money, that is, money of ultimate redemption, are:

First. That it shall retain the same value when paid out that it had when it was received; otherwise some one would be a loser by its use.

Second. That it shall contain the greatest amount of commercial value in the smallest space; for weight and bulk affects both convenience and expense in its use.

Third. That it shall be regarded by all who use it of the same commercial value; otherwise the uncertainty in the discounts or premiums to be agreed upon would destroy its uniform and certain value.

Fourth. That it shall be of a substance indestructible by fire, thus avoiding loss or the risk and expense of insurance.

Gold possesses all these requisites for such money in a greater degree than any other known substance; hence it has been used as money by all commercial nations. An additional reason to the inherent qualities already mentioned why gold is preferable as money over any other known metal is that it varies less in amount and cost of production from year to year, as proven by the experience of four hundred years, if not for all time. Another reason in its favor, the others being conceded, is its beauty. Everywhere and in everything, all else being equal, beauty rules the world. Silver has one of the requisites of standard money, the same as gold; it is indestructible by fire; but in all other respects it is not equal to gold as a money metal. While both gold and silver have been used as money from the earliest times, yet gold has always been regarded as the most desirable. In our earliest record of mankind, one branch of the river that went out of the Garden of Eden compasseth the land of good gold.

How is the standard of value in money fixed and what are its requisites? The standard or measure of anything must partake of the nature of the thing of which it is the standard. If it is the standard of length, it must itself have length, like the yardstick. If it is the standard of weight, it must itself have weight, like the pound. So of the standard of cubic contents, like the bushel. In the standards and units of weights and measures value is not involved; therefore law makes and fixes the standard. The words of the Constitution are:

> Congress may coin money, regulate the value thereof, and fix the standard of weights and measures.

Law makes and fixes the unit of value, just as it makes and fixes the unit of weights and measures; but it does not make or fix real value in one case any more than in the other. It regulates the relative value in one case and fixes the standard in the other. It regulates the value in money by fixing the alloy and the relative weights of the metals in exchangeable value.

THE UNIT OF VALUE.

The units fixed by law are only part of the arithmetic intended to facilitate a final settlement and payment of balances in business transactions. With us the unit of value is a dollar. In England it is a pound sterling. In France it is a franc, and so on, differing in different nations. These units differing in different nations, made by law for convenience, could be changed into any others, and the new ones would answer just as well; but the value in the money unit itself is not made by law. That the value in the standard of value varies with the amount of commodities, like wheat, corn, or cotton, which it would buy at different times is a perfect absurdity. If that was the case, then the commodities, varying in their production with the seasons, would be the standard of value. The standard of value could not itself be changing with abundant or short crops, or by decreasing or increasing demand for them. As the standard of value measures the value in all commodities, it can not itself be changing in its own value by the increasing or lessening quantity of any commodity.

The standard of value in the money unit of nations is a certain number of grains of gold, not so many bushels of potatoes, beets, or onions. The value of a grain of gold of certain fineness has been fixed by the acquiescing consent, the consensus of opinion of commercial nations, and it is of the same commercial value in them all. It is an absurdity that the standard of value by which the value in all commodities is measured could itself vary with the seasons, hot or cold, wet or dry, upon which depend the supply and demand of the commodities produced. Abundant or short crops, supply and demand in commodities, determine how many grains of gold shall be paid for them at different times. And the number of grains of gold will vary with the supply and demand of the commodity; but the value of the grain of gold itself does not vary, and can not while it continues to be the standard. If it did, it would no longer be a standard any more than would a yardstick 36 inches long be the standard of the yard in length if it was expanding and contracting with wet or dry weather.

In the report to Congress made by Robert Morris in 1782 on coinage and establishing a mint he says:

> It is right that money should acquire a value as money, distinct from that which it possesses as a commodity, in order that it should be a fixed rule whereby to measure the value of all other things.

Unlike the wise statesmen of our times, he did not think all other things called commodities could measure the value in gold or in the standard of the money unit. A grain of gold is the unit in weight of the money standard of value in all commercial nations to-day, and by it is settled and paid the balances in trade of them all, no matter whether gold or silver standard nations, in their domestic policy. Twenty-three and twenty-two hundredths grains of gold of a certain fineness is a dollar in our legal unit of value. A hundred and thirteen and one-tenth grains of gold of a certain fineness is a pound sterling in the legal unit of value in English money. But the value of the grain of gold is the same in either. Four cents three mills and a fraction is its value in our money, and it is equivalent to that value in the money of any commercial nation. Multiply 23.22—the number of grains in our dollar—by four cents three mills and a fraction, and the sum will be within a small fraction of 100 cents—i. e., our dollar. Multiply 113.1—the number of grains of gold in a pound sterling—by four cents three mills and a fraction, and the sum will be $4.86 and a fraction—the value of a pound sterling in our money, without reference to exchange. So with the gold in the money unit of any nation. The grain of gold of a certain fineness is everywhere the same in standard value, and what are called premiums or discounts are in reality only the discounts or varying amounts in value of what is to be exchanged for the gold.

PURCHASING POWER OF GOLD.

We hear much about the purchasing power of gold varying at different times, implying that the value of the gold unit in the standard of value itself is of greater or less value at one time than another. This is a confusion of terms in the use of language. The cheapening of the cost of commodities by reason of inventions in labor-saving machinery, greater skill in various appliances of human ingenuity, may so reduce the cost of any commodity that the same number of grains of gold will purchase a much larger quantity at one time than another, the supply and demand remaining the same; but the value in a grain of gold would be the same in either case, and must continue to be the same so long as it is the standard of value. Will anyone contend that because wheat sold six months ago for 50 cents a bushel and now sells for $1 the value in the grain or ounce of gold that paid for it is now one half what it was six months ago? Can the value in the grain of gold itself, in the money unit of the standard of value, which measures the value in all commodities, be varying with the supply and demand of the commodities themselves? If so, then there is no fixed standard of value independent of the supply and demand of the commodities. If that were the case, then the value in the money unit of the standard of value shrinks and expands to meet the conditions of supply and demand, and what is called the purchasing power of gold would then be greatest when the supply of commodities is greatest and the demand least, no matter what the cost of production might be, and vice versa in their supply and demand.

The value of the grain of gold in the money unit of the standard of value must remain the same through the varying conditions of supply and demand and cost of production in commodities, or there could be no such thing as a fixed standard of value. If that is not the case, then it is possible to have a fixed standard of weights and measures, but impossible to have a fixed standard of value, the most essential thing in all the business affairs of life, that will not be varying with the supply and demand and cost of production of commodities, the value of which is to be measured by the standard itself. The greater purchasing power of gold at one time over another consists in the cheapening of the cost, or the increase of supply over demand, of the commodities purchased, and not in an absolute increase in the value of a grain of gold. It may take more grains of gold at one time than another to buy the same quantity or amount of commodities, by reason of their greater or less cost in labor, by abundant or short supplies; but the real value in the grain of gold in the money unit of the standard of value must remain the same, and the variation in the amount or quantity of commodities that it will buy is not in the value of the unit, but in the greater or less cost of, or the respective supply and demand of, what is to be exchanged for it. No matter how many grains of gold, more or less, any commodity may at any given time command in the market, the value in the grain of gold itself continues the same, and that must necessarily be the case so long as it is the standard of value in the money unit of nations. It can no more be changed by one nation than can the mathematics of the world be changed by a nation attempting to change the axiom of the multiplication table that twice 1 are 2 into twice 1 are 4.

The scale of feet and inches on the stone or iron pier for marking the rise and fall of the tides or the flow of rivers marks the depth of the surrounding water, no matter how much or how little there may be; so the standard of value measures the rise and fall in the value of all commodities by the number of grains of gold which are required in payment. But the value in the grain of gold itself, so long as it is the standard, can no more vary than can the inches in the feet of the scale on the stone or iron pier. If it does, then it is no longer the standard of value, and the value in commodities would be measured by something else.

ONE STANDARD OF VALUE.

For a money standard of value the world might have selected some other metal, or it might have placed a different value on a grain of gold. But as that has not been done, any attempt to change it now would be like an attempt to change the mathematics of the world. There can be but one real standard of value in use in the same nation at the same time, no matter what may be in use as money. All attempts to fix a double standard, as it is called, has always required more or less legislation to keep both in circulation. While changes in alloy and relative weights have been resorted to for that purpose, the value in the grain of gold itself has remained unchanged.

Congress in 1853 changed all the silver coins of less denomination than the dollar from being proportionate parts of 412½ grains of standard silver to proportionate parts of 385 grains and a fraction, and fixed the legal tender for all silver at $5, which continued until 1873. The changes in legislation in 1834, 1853, and in 1873 were all made in order to keep a double standard, by keeping silver circulating on a parity with gold as a money metal.

Hamilton, in his report as Secretary of the Treasury on the establishment of a mint in 1791, said:

> As long as gold, either from its intrinsic superiority as a metal, from its rarity, or from the prejudices of mankind, retains so considerable a preeminence in value over silver as it has heretofore had, a natural consequence of this seems to be that its condition will be more stationary. The revolutions, therefore, which may take place in the comparative value of gold and silver will be changes in the state of the latter rather than that of the former. One consequence of overvaluing either metal in respect to the other is the banishment of that which is undervalued. There is scarcely any point in the economy of national affairs of greater moment than the uniform preservation of the intrinsic value of the money unit. On this the security and steady value of property essentially depends.

This declaration of Hamilton applies to all time and to all nations.

The standard of value in the dealings of mankind must be a fixture. Otherwise, how could agreements be made for future execution? If it is proposed to buy cloth of the merchant for future delivery, how could the merchant fix a price per yard if he could not tell what the length of the yardstick by which it must be measured would be at the time of delivery? If there were two yardsticks fixed by local law different in number of inches, then, of course, it would have to be specified which should be used. But if all mankind consented and tacitly agreed that the space measured by 36 inches would be a yard in all the dealings of mankind which were to be settled by measurement, that would be a standard of length which nobody would take into account as liable to vary, and whatever local legislation there might be would only relate to adapting other things to it. So with the world's standard of value in gold. All legislation has been only in relation to its debt paying, and to adapting other things to it in debt paying, or in exchangeable value.

As gold possesses all the requisites for a money standard of value and is in every way preferable as a money metal, there can not possibly be any objection to making it the standard of value in all commercial nations, provided that as standard money of ultimate redemption there would be enough of it in the world for the world's business, and that there would be a reasonable probability that its annual increase in production would be sufficient for any increase there might be in the world's business transactions. Whether that would be possible depends upon the relative production of gold and silver in the past, and the present annual production of gold, and its probable production for the future.

The world's annual production of gold alone now exceeds the annual production of both gold and silver twenty years ago or for any time previous to that. The world's coinage of gold alone into money for the three years ending with December 31, 1895, was $691,052,047, an average annual coinage of $230,350,682, being in round numbers $5,000,000 larger than the average annual coinage of both gold and silver from 1878 to 1888. The world's coinage of both gold and silver for the nine years from 1878 to 1888 was $2,033,725,461, being an average annual coinage of $225,969,495, which is $4,381,187 less than the average annual coinage of gold alone for the three years ending with 1895.

As neither gold nor silver are consumed, and as they are indestructible by fire or floods, all the gold and silver produced since the beginning of time is to-day in the keeping of mankind, except what may have been used in the arts and in manufactures, and the little that may have been lost in use.

Dr. Soetbeer's tables show that if the mints of all nations had been closed in 1850 to the coinage of silver into money, except what was then in existence, the world's annual production of gold since that time, as shown by these statistics of its production, would have been more than sufficient in standard money—i. e., money of ultimate redemption—for the world's business, just as it has been conducted from that time to this. And the annual production of gold at the rate of its production since 1891 would be sufficient in standard money for any probable increase in the world's business for the future.

For the year 1850, the beginning of the great increase in gold, the world's production was $36,393,000, and that was double the production of any previous year. For the [illegible] the world's production was $13,484,000, an increase in annual production in the ten years from 1840 to 1850 of $22,909,000. The world's entire gold production for twenty years preceding 1850 was $498,769,000, being an average annual production of $24,938,450. But the increase in the annual production of gold in the ten years immediately preceding 1850 having been $22,909,000, add that amount to the $24,938,450, average annual production for the twenty years, would make $47,647,450. Call it, in round numbers, $50,000,000 annual production of gold required for the world's business in standard money of ultimate redemption in 1850, in addition to the silver money then in use. That would be an amount in annual production more than three times greater than any year before 1840, and more than double any year previous to 1850. Then multiply $50,000,000 annual production by forty-five, the number of years from 1851 to 1895, inclusive, would make the sum of $2,250,000,000 in gold production required in standard money for the world's business for the forty-five years from 1851 to and including 1895.

WORLD'S SUPPLY OF SILVER GREATER THAN DEMAND.

When silver reached an annual production in 1860 of $37,618,000, its market price began to fall. In 1870 it had fallen 8¼ cents per ounce below its price in 1859. In 1870, as I have already stated, the mints of all nations were open to the free coinage of silver just as they had been for years before, so that the closing of the mints could not have effected the fall in price. Silver continued to decline in market price and was 6¼ cents an ounce less in 1873 than in 1859, and it never regained its market price of 1859 or 1870, notwithstanding the purchase by the Government for a number of years of substantially the entire silver production of American mines. But it continued to decline in all the markets of the world, until now it is less than one-half the price it sold for in 1870. The world's annual production of silver, therefore, had reached a supply before 1870 beyond the world's demand for its use, otherwise it would not have fallen steadily in market price for the ten years after 1859 and before the closing of any mint. This fact indicates that an annual production of silver of about $37,000,000 was all that the world's business required in 1870, for demand and supply regulate the market price of every product of labor.

The entire production of silver in the world for the twenty years preceding 1870 was, coinage value, $879,435,000, being an average annual production for that period of $43,971,750. Call it in round numbers $44,000,000. The decline in market value of silver from 1859 to 1870 of 3¼ cents an ounce, which it never regained, is conclusive, as I have already stated, that the world's production of silver had then in annual production reached, if it had not already passed, the limit required by the world in silver for its business transactions. But whether it had or not, that was the world's entire production for the twenty years. The increase since that time in the facilities for communication, the lessening of time and the cheapening in expense of transportation, would seem to render unnecessary any considerable increase of annual production in order to meet any increase there might have been in the world's business.

It is obvious that the world's increased facilities for doing business since 1870 have been much greater than the world's increase in population since that time. But call the average annual production of silver required for the world's business after 1870 in round numbers $44,000,000, which is a larger annual production than for any year before that time. Multiply this average annual production by twenty-five, the number of years from 1870 to 1895, inclusive, would make a sum of $1,100,000,000 as the amount of silver required from 1870 to and including 1895. To that amount add the entire production of silver from 1851 to 1870 of $879,435,000, making a total sum of $1,979,435,000, which would be what the world's business would have required in silver production, from 1851 to 1895, for its business transactions just as they were conducted during that period. On this basis of calculation the world would have required in standard money for all its business transactions of both gold and silver a production in these forty-five years from 1850 to 1895 of $4,229,435,000.

GOLD ENOUGH FOR THE WORLD'S BUSINESS

The gold production of the world alone for this period from 1850 to and including 1895 was $5,622,530,100. So for these forty-five years from 1850 to 1895 if there had been no silver money in circulation except as subsidiary coin, there would have been a surplus in the world's production of gold of $1,393,095,100 over and above settling in gold the balances in the world's current business just in the way it was conducted. This $1,393,095,100 is the amount in gold production since 1850 over and above the world's business requirements for this period, in standard money of ultimate redemption, which might have been used additionally in the arts and manufactures, or to meet any unforeseen contingency in the world's business.

The increase in the world's production of gold, therefore, for the last twenty-five years shows conclusively that there is gold enough in the world for standard money—that is, money of ultimate redemption—for the world's business, without silver at all, except in subsidiary coin. With the present commercial value of silver in the markets of the world, and with the relative annual production of gold and silver, if there shall be no agreement with leading commercial nations for the use of silver as a money metal, then the great question to settle in our monetary policy will be whether we shall have a gold standard with silver circulating in subsidiary coin, just as we always had it after the time Jefferson suspended the coinage of silver dollars in 1806, until the coinage of silver dollars was resumed in 1878, or whether we shall have a single silver standard without any gold in circulation as money. For, as proven by the experience of all nations through all time, there can be no such thing as money coins, circulating at the same time in the same nation, coined at a ratio of value to each other differing materially from the commercial value of the metals out of which they are coined, without a specific government guaranty, or some arrangement for their redemption at their denominational value.

Mr. CHARLES W. STONE. I now yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am not willing to allow the gentleman from New York [Mr. QUIGG] to interpret the Republican platform for me. [Applause.] I do not understand that document as he has attempted to interpret it here, and I do not believe that the Republicans of the United States understood it as he attempts to give it interpretation. I find in that platform, Mr. Speaker, a pledge that the Republican party would use all honorable exertions to labor to secure the very international agreement that is looked to in this bill. It must be remembered that the Republican party does not change its views every year, and that the Republican platform of 1896 is but a continuation of the platform of 1892. There is no material difference between them. Every declaration that you find in one you find clearly stated in the other, or find to be a fair and just implication from that which is stated.

In 1892 we expressly commended the efforts that were then being made by a Republican Administration in the direction of an international conference. When we made the declaration that we did make in the platform, that we would use all honest efforts to secure international agreement, every man understood that that was in continuation of the policy of the last Republican Administration, and through this very means of an international conference. That, I say, was the understanding of everyone. I want to disclaim again, Mr. Speaker, the right of the gentleman from New York to interpret the platform to mean that we pledged ourselves irrevocably to a gold standard and against the free coinage of silver. Our declaration ought not to be so construed by anyone. Here it is:

> The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payment.

"Specie payment," observe—not gold. It plumes itself upon that fact.

> Since then every dollar has been as good as gold. We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are therefore opposed to the free coinage of silver except by international agreement—

"Except by international agreement." "Except" is the emphatic word. There is a pledge that we are in favor of the free coinage of silver through an international agreement. No man can escape that language. The platform goes on—

> except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved.

Do you find in that language an irrevocable pledge for all time to the gold standard? The pledge is that "until" we can secure this international agreement "which we pledge ourselves to promote," we will maintain the existing gold standard.

Mr. Speaker, with the views that I have of this platform, I could not utter the sentiments the gentleman from New York has uttered without regarding myself as an apostate from Republicanism and as recreant to the pledge. [Applause.]

Mr. QUIGG. I yield ten minutes to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I am opposed to this bill. I can not give it my support. In my humble opinion bimetallism, that is, the concurrent circulation of gold and silver at a fixed ratio, each as a money of ultimate redemption, is a thing of the past, and I have no disposition to attempt to revive it. In my judgment, too, bimetallism is an absolute impossibility. I take no stock, sir, in the proposition that a mere statute can create values. A legislative enactment can no more control the immutable laws of trade than it can control the laws of God. When the market ratio between two metals is one thing, it can not by the simple edict of a legislative body be changed to another thing. The law of supply and demand will inevitably perform its perfect work, and the market ratio and not the legal ratio will prevail. We know something, sir, of bimetallism from our own experience.

Up to 1834 we had it in theory, as a matter of law, but as a matter of fact during all of that period we were upon a silver basis; we had only silver monometallism, gold having risen to a premium and gone out of circulation. Since 1834, down to the present, while for most of the time we have had bimetallism written in our laws, we have in fact been upon the existing gold standard. England tried bimetallism for years prior to 1816, and yet she was always on a monometallic basis, either on the gold basis or on the silver basis, according to which of the metals was the cheaper.

Mr. Speaker, if the immutable laws of trade, operating through the relation of supply and demand, make bimetallism impossible to a single nation, will you tell me how you can possibly expect that these laws will work any different results under an agreement for bimetallism among several nations? If every nation on the face of the globe to-day were to agree to the free coinage of gold and silver at a fixed ratio, in a short time you would have monometallism, either gold or silver, according to whichever metal was least in demand in the markets of the world.

Mr. TOWNE. Will the gentleman yield for a question?

Mr. JOHNSON of Indiana. No, sir. I mean no discourtesy to the gentleman, but my time is limited.

Mr. Speaker, relief for the country is to be found in standing by the gold standard, which is as naturally evolved from the progress

of mankind as is the telegraph, the sewing machine, or the great transatlantic ocean steamer; which is evolved from the necessities of trade and commerce, and not from a conspiracy upon the part of one class against the rights and interests of another class, as is often falsely asserted. Of this I have not the shadow of a doubt—gold is the best tool of trade, and is best adapted to the needs of a high civilization and a great commercial nation like our own. We should stand by the existing gold standard, sir, floating with it all the silver that we can safely maintain at a parity with it by the gold valuation. We should retire our greenbacks and our United States notes. We should divorce the Government from any of the functions of a bank of issue. We should put the burden of issuing paper money on the banks, where it properly belongs, they being amply able, under a well-devised system of banking and currency, to sustain it. We should so amend our national banking law as to give to the country not simply a sound and uniform paper currency, but also a currency ample in volume—one which can be diffused through the length and breadth of the land, to all sections—an inexpensive and elastic currency, which the people can everywhere have at a reasonable rate of interest with which to effect their daily exchanges and carry out their extraordinary undertakings. This is the only safe and sensible course to be pursued—the only one which will be sure to establish us upon a sound financial basis.

I am opposed to this measure, Mr. Speaker, for another reason. It is absolutely impossible to get the leading nations to agree to the free coinage of gold and silver at a fixed ratio. Is not our experience worth something to us upon this point? Four international conferences have assembled, and each one of them has terminated without doing anything toward promoting an international agreement. What has occurred recently to make us believe that there will be any change of sentiment upon the part of the other nations? On the contrary, all the leading commercial nations are now upon the existing gold standard, or, if not, they are anxiously striving to get there. Gentlemen say that certain legislative bodies abroad have recently declared in favor of an international conference; but, sir, is this anything more than occurred before some of the past conferences were held? The time was never more unpropitious for securing from other nations an agreement for the free coinage of the two metals at a fixed ratio than it is at the present time. I doubt not that a conference of the great commercial countries could be assembled. They would listen courteously to our proposals, discuss the economic questions involved, and then politely refuse to enter into any arrangement, and bid us good-bye, just as they have done on former occasions.

Certain gentlemen have risen on this floor and said that they had no faith in the success of this project, but that they were going to vote for it anyhow. I prefer, sir, to take the more logical position that this is a senseless proposal, without possibility of accomplishment, and therefore unworthy of my support. I propose to have the courage of my convictions and cast my vote against it. Mr. Speaker, how much longer shall we continue to temporize with this silver question? How much longer shall we continue to present to our countrymen and to the world the spectacle of our weakness, our vacillation, and our folly?

Why, sir, just at this time the great agitator who was the Democratic nominee for President in the last campaign, and who has renominated himself as the standard-bearer four years hence, is perambulating the country, rallying and organizing those who believe in a debased silver dollar for a renewal of the contest at the polls. Just at this very time the free-silver Republicans of the Senate and House, who walked out of the St. Louis convention to clasp hands with Populism and Democracy for a short-weight dollar, who went upon the stump and declared that the Republican party was irrevocably wedded to the gold standard, and that the bimetallism by international agreement, which it had suggested, was an absurdity and incapable of being attained, are issuing their address to the country, calling upon free-silver Republicans to organize in all the States and Territories of the Union to again do battle for a 50-cent dollar.

These advocates of remonetization of silver at the ratio of 16 to 1 are making no apologies or concessions; they have nothing in common with you in this measure. They are perfectly willing to see you stumble, and are biding anxiously their opportunity for another onslaught upon public and private credit. What is our plain duty in such an hour as this?

We should clasp our hands firmly to our swords; we should adjust our helmets; we should tighten our cuirasses; we should step bravely and resolutely into the arena of conflict, prepared once more to put our principles to the test and to battle nobly and courageously to maintain them.

I protest, sir, that the verdict which you will render, if you pass this senseless bill, will be that William McKinley ought to have been defeated last November, and that William J. Bryan ought to be inaugurated President of the United States on the 4th day of next March. [Applause.] You were obliged to temporize and to compromise on this question by the act of 1878, and you suffered the consequences. You were compelled again to violate sound monetary principles by the passage of the act of 1890, and the great distress under which the country is laboring to-day is in a measure owing to the fatal economic mistake which you made when you passed that act.

Let us now and henceforth have a little more courage, a little more resolution, than was displayed in the past. Let us not vacillate; let us not hesitate any longer. We are eternally right on the subject of the gold standard. We have won the field. Why should we now abandon it? Why pass a bill which will be construed all over the country as an admission upon our part that after all Mr. Bryan and his economic falsehoods are in a large measure entitled to public consideration and respect; that he is at least halfway right?

Ah, but we are told, Mr. Speaker, that the Republican platform requires us to do this thing; and you will mark, sir, that no class of men have been so solicitous to have the Republican party carry out the alleged pledges of its platform as the Democrats who fought against us with desperation and attempted to defeat us at the polls. We have, too, the refreshing spectacle of Republican free silverites who abandoned their party to battle for their financial heresies—those gentlemen who went on the stump in the recent campaign and proclaimed that the gold standard was an outrage and a conspiracy and that the Republican party was wholly unworthy of public confidence—now, after they have been defeated, not only insisting that we shall fulfill the pledges of our platform but actually undertaking, as the gentleman from Montana has done, to tell us what definition of bimetallism we have created for the future. They are supplementing all this with an open threat and declaration that they are now organizing, and propose, when this measure fails in operation, to meet us at the polls at the biennial election and at the next Presidential election, and force upon us a repudiation of public and private credit, and the adoption of a dollar which should be everywhere repudiated by advancing civilization and the intelligence of the nineteenth century.

Mr. Speaker, I know not what others may do in this matter. Speaking my individual preference and my individual conviction I say to this House that I shall take no step backward, but that I shall vote against this proposition, because I believe that bimetallism is a sham and a fraud, and that the existing gold standard ought to be maintained for the benefit of the very people in whose name it is so adroitly assailed and for the additional reason that I believe that the nations of the Old World will regard this invitation to a conference just as they have regarded the invitations we have previously extended, with outward courtesy, but at the same time with secret contempt, and that no good can possibly come of a conference, even if it is assembled.

Mr. CHARLES W. STONE. I yield four minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. McMILLIN. Mr. Speaker, we have only to witness the spectacle to which the House has been treated to-day to be confirmed in the contention of the Democratic party during the l[illegible] campaign that the plank on the currency question that was inserted in the Republican platform was only placed there for the purpose of catching votes. The irreconcilable divisions that exist on the other side are sufficient to show that if this question were left to the Republican party there could be no bimetallism in this country.

The party criticised the Democratic Administration a few years ago, charging it with an "effort to demonetize silver." [illegible] in its last platform it pledged itself to maintain the gold standard till an international agreement could be had with foreign nations in favor of it. If the foreign nations never agree fo[illegible] to [illegible]ove in that direction, we promise to stand still.

Does anyone think England will give her consent? Will she go for bimetallism? Is she not the "leading commercial nation" outside the United States, or, at least, one of the leading commercial nations? It is vain to expect it of her.

For one, and speaking, I think, the sentiments of the majority on this side, we propose to vote for this resolution, although we know, or believe, that it is destined to result in failure. But we do not propose to put any obstacle in the way of those who pretend to be in favor of bimetallism. For one, I stand where I have always stood on this question. I have ever believed—and I have voted as I believed—that it was the duty of the American people to establish a currency system for that people. I have believed, and yet believe, that it is within the power of the United States to make possible the free and unlimited coinage of both gold and silver at the ratio of 16 to 1, and I regret that we can not have that proposition put through here to-day instead of the one that is before us. I have voted for free coinage of silver every time it has been before Congress since I became a member.

I have always believed in free coinage. I believe that the people of the United States, who do 32 per cent of all the banking done in the world, 31 per cent of all the manufacturing that is done in the world, who have a majority of all the railroads that have been laid down in the world, whose agriculture and expenditures for education both surpass those of Great Britain, France, Germany, Austria, and Italy combined, and who do a majority of the carrying trade of the world, can, if they will, maintain the free and unlimited coinage of silver.

I beg gentlemen on the other side of this Chamber to remember that beyond them and out of their reach, by their own act, the settlement of this question has been placed; they have no control now. Those Republicans who believe in free silver have tied their own hands. The incoming President has already selected as his Secretary of the Treasury one who had heretofore been a Democrat, but who departed from his party, who bolted its platform and abandoned its ticket because he did not believe in the free and unlimited coinage of silver. If quoted correctly, he does not favor silver.

You sent over to the other side, in a quiet, unofficial way, a distinguished and bright statesman, Mr. WOLCOTT, who has been wandering from court to court, and bowing at the feet of statesman after statesman there, pleading in vain for some little recognition of the rights of silver. The poor dove that day after day returned to the ark, weary-winged and leafless, was a no more sad spectacle than he when he returns to the Republican party now, announcing that he can accomplish nothing, and that in foreign climes he finds no dry land on which to settle his party's drifting and dilapidated ark.

Go on, gentlemen, with your work. Do yourselves no harm in your straitened and uncertain condition. The people of the United States are for free silver coinage, and the people of the United States will have free silver, despite your schemes. [Applause.]

[Here the hammer fell.]

Mr. CHARLES W. STONE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has seventeen minutes remaining.

Mr. CHARLES W. STONE. I yield three minutes to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Speaker, I am in favor of this bill and shall vote for it with pleasure. I deny the right of the gentleman from New York [Mr. QUIGG] to place a construction upon the last national Republican platform which this House shall accept. I deny his interpretation of the financial plank of that platform, which undertakes to commit the Republican party, now and forever, to gold monometallism. I deny his assertion, made upon the floor of this House, that that construction carried the last national election. I say to him now, and I say to the members of this House, that if that construction had been accepted by the people of this country, that grand representative of American manhood and the highest possibilities of American life, William McKinley, would not be inaugurated on the 4th day of next March President of this Republic.

The American people do not believe now, and I doubt if they will ever believe, in gold monometallism in the United States; but they do believe in gold as a standard of value, with as much silver in circulation as can be maintained on a parity with gold.

Neither are they in favor of absolute free silver. What we want is an international monetary conference that, if possible, will adjust this great and all-important question so as to meet, as far as possible, the demands of international commerce; and if we can not do it, let us try to make the nearest approach to it that it is possible to make.

I ask the Republican members of this House what we can say to the Republicans of the nation if we fail to keep the pledge made in the last Republican platform? I agree with the distinguished gentleman from Iowa [Mr. HEPBURN] that we agreed and bound ourselves in that platform to an international monetary conference, and unless we keep faith with the people of this Republic upon that subject, we can not escape their condemnation, and ought not to ask them again to indorse us at the polls. I hope this bill will pass. I have faith in the wisdom of the commission that will be appointed and in their judgment and loyalty on all questions that will affect this Republic. The people are looking forward to some legislation of this kind, and I trust this House will have the courage to pass this bill.

Mr. CHARLES W. STONE. Mr. Speaker, I hope the gentleman from New York will now use his time.

Mr. QUIGG. I yield eleven minutes, the balance of my time, to the gentleman from Massachusetts [Mr. KNOX].

Mr. KNOX. Mr. Speaker, we are confronted here to-day with the spectacle of a bill presumably proposed by the Republican party, supported almost unanimously by the members of the Democratic and Populist parties upon this floor. I listened to the remarks of the distinguished gentleman from Iowa [Mr. HEPBURN]. He did not wish that the gentleman from New York [Mr. QUIGG] should construe the Republican platform for him. I say that I do not wish the distinguished gentleman from Iowa [Mr. HEPBURN] to construe the Republican platform for me. But I would far rather that he would do it than stand here and have the Democratic party and the Populist party construe the Republican platform for me. I have respect for those gentlemen and for their views. We met them fairly in open conflict; but I do not wish them to construe for me as a Republican the provisions of the platform under which we carried the country in November. Neither can I prevent distrusting their generous efforts to help us forward with this bill. I think they do it not in the interest of Republicanism, but in the interest of Populism, which has now got control of the Democratic party.

Now, Mr. Speaker, I do not intend to enter upon any general discussion of the principles of bimetallism; but I have heard nothing said in this discussion to change my view that bimetallism in the sense of the concurrent circulation of two metals as money at an arbitrary ratio, with free coinage for both, is an impossibility. I do not believe that you can create and maintain the value of a commodity by law. I do not believe you can create and maintain the relative value of two commodities by law. The demand for a metal for coinage may affect its value, but only to a degree. Other important considerations will determine its market value.

Now, Mr. Speaker, I think bimetallism and free coinage are a contradiction in terms; and that the only possible bimetallism is by preserving one as a standard and keeping the other as subsidiary. But I will not enter upon a discussion of this question; neither will I discuss any question of party policy or individual loyalty to party. I say they are not involved in this measure. I simply oppose the present bill at the present time. It is a bad bill. It is bad, in the first place, because it specifically provides that in whatever way a fixity of relative value of the two metals is to be brought about, it must be accompanied by free coinage. It does not leave it open to any conference that may be called for the purpose of securing international agreement to provide for an enlarged use of silver in any other way. The conference called, under the terms of this bill, when they meet, will find themselves bound hand and foot to the proposition that they must accompany whatever provision they may make with a provision for the free coinage of silver.

This bill is a bad bill, Mr. Speaker, because it does not prescribe any way or method by which free coinage is to be brought about, or by which fixity of relative value of the two metals is to be brought about. Is it not of considerable consequence that before we pass a bill of this importance the Congress of the United States should consider and determine in what way that is to be brought about? Should we not consider what propositions are to be submitted to this conference? Shall we go into this thing entirely in the dark? Ought not some proposition to be formulated? Why, the gentleman from Kentucky [Mr. MCCREARY] said the other conferences failed because they had no authority. What authority has this conference? I ask the gentleman in charge of the bill to tell us what this conference can do? They have nothing stated to them upon which they can act. This bill is a bad bill, and we are to have no opportunity for amendment. I refer to the way it is proposed to be put through under a suspension of the rules. An amendment was prepared which should contain the other provisions of the Republican platform, an amendment which says that—

> In thus authorizing the calling of an international conference, as described in section 1 of this act, the Government of the United States hereby declares "that it is unreservedly for sound money, that it is unalterably opposed to every measure calculated to debase the currency or to impair the credit of this country, that until such an agreement as this act contemplates can be obtained, the existing gold standard must be preserved and all our silver and paper money must be maintained at a parity with gold."

Mr. Speaker, is there a Republican who would have voted against that amendment? Is there a Democrat or a Populist who would have voted for it? And yet, sir, with this important measure before us, we, standing here and seeking an opportunity to support the Republican platform, are prevented from even offering an amendment, by gentlemen endeavoring to pass this bill under a suspension of the rules. This bill is a bad bill, as I have said, because it prescribes no method, while it declares for free silver. We do not know exactly what that declaration means, but we know one thing that it means. It means that silver is to be overvalued and that the overvaluation is to be maintained by the stamp of the Government. It means that a large part of the value of circulation is to be maintained by the fiat of the Government. That is Populism. That is the fundamental doctrine of Populism. Mr. Speaker, that is the doctrine that lies at the foundation of an irredeemable paper currency, and I say here, and I think the House will bear me out in the statement, that an irredeemable paper currency is what the Populists are after, and that if the nations of the earth can be brought to that ground, the real Populistic heaven will have been discovered.

Mr. WATSON of Ohio. What maintains the greenback at a parity with gold now?

Mr. KNOX. What maintains the greenback at a parity with gold? Not fiatism. The greenback is simply a promise to pay on demand. To pay what? To pay gold; and the Government of the United States is behind that promise. But when you stamp

upon a piece of silver that it is worth more than it is worth and circulate it as money, that is fiatism; that is Populism; that is on the basis of an irredeemable currency.

Mr. TOWNE. Let me ask the gentleman what maintained the parity of the silver dollar between 1878 and 1890?

Mr. COOPER of Wisconsin. Before the pledge was made.

Mr. TOWNE. Yes; before the pledge was made which has been cited to-day as the cause of the parity.

Mr. KNOX. If I can make myself understood by the distinguished gentleman, I will answer him. My position upon bimetallism is that a certain amount of silver can be circulated as money, and that is true bimetallism. The parity was maintained because the amount of silver that was coined into dollars was limited, and because the coinage was made by the Government upon Government account, and was entirely controlled by the Government. Does that answer the gentleman's question?

Mr. TOWNE. I understand the gentleman, then, to concede the principle that the maintenance of the parity depends upon establishing a demand sufficient to employ the supply.

Mr. KNOX. Not at all.

Mr. TOWNE. Reconcile that with your other answer.

Mr. KNOX. The market value of the commodity, which is silver, will be maintained by the considerations which maintain the market value of any other commodity; but I say that none of the questions which the gentleman addresses to me apply to money when it is used as token money, when its amount is limited, and when the coinage is not free, but is simply made on Government account.

Mr. TOWNE. Does the gentleman contend that the silver dollar between 1878 and 1890 was token money?

Mr. KNOX. It was a legal tender.

Mr. TOWNE. It was standard money, was it not?

Mr. KNOX. For all purposes.

Mr. TOWNE. Why, then, do you speak of it as token money?

Mr. KNOX. I say it stands precisely upon the principle of token money as long as the amount of the coinage is limited and the coinage is done upon Government account.

Mr. QUIGG. The gentleman from Minnesota does not mean to suggest that the silver in the dollar does the buying, does he?

Mr. KNOX. No, he does not mean that.

Mr. TOWNE. I mean to suggest that——

[Here the hammer fell.]

Mr. TOWNE. I would like time to tell you what I mean. [Laughter.]

Mr. CHARLES W. STONE. Mr. Speaker, I yield six minutes to the gentleman from Maine, Mr. DINGLEY. [Applause.]

Mr. DINGLEY. Mr. Speaker, in the six minutes which have been allotted to me I can only briefly suggest two reasons why I shall support the pending bill. First, it is in response to the clear, distinct, unequivocal pledge of the Republican party in the last campaign. [Applause.] Mr. Speaker, sometimes resolutions are adopted in national conventions hastily and inconsiderately that have no binding force, but everyone who is acquainted with the circumstances under which the St. Louis convention was held understands that this feature of the platform was a clear, distinct, and well-considered declaration of the Republican party. [Applause.]

The Republican party at St. Louis declared against the free coinage of silver by the independent action of this country, because they believed, as I believe, and as every scientific bimetallist in the world outside of politics believes, that such independent free coinage of silver at the ratio of 16 to 1, would be nothing in the world but silver monometallism and a silver standard. But the party said at the same time that they would promote, so far as in their power, an international agreement for the free coinage of silver under conditions which should make every dollar in silver as good as every dollar in gold; and that pledge it is our duty to-day by the passage of this bill to endeavor to redeem. [Applause.]

Secondly, Mr. Speaker, I am in favor of the passage of this bill because I believe that its defeat under the circumstances under which it is presented, and in view of the pledge which we made at the St. Louis convention, would result in a great injury to the sound-money cause. [Applause.] It must be understood that there are in this country thousands—yes, millions—of voters who, while opposed to the free coinage of silver by this country alone, because they believe that would give us simply silver monometallism, as I believe it would, are yet in favor of an honest effort to secure an international agreement upon this point, because they believe that if that can be secured through the cooperation of the great commercial nations of the world it would give us a currency every dollar of which would be as good as gold, and that we should thus have a gold standard or its equivalent. That is what they believe.

Now, in view of the fact that there are these millions of people who believe that this can be accomplished, I hold, without entering upon any discussion as to the probabilities of success, that it would be a great mistake for this side of the House under those conditions not to meet the wishes of those men and make an earnest endeavor to obtain such an international agreement. If it fails, then we shall have done our full duty in the premises and no harm will have happened. If it succeeds, then we shall have secured throughout the commercial world a universal common standard of value that will promote international trade. [Applause.] I believe, therefore, under these circumstances, without entering upon the discussion of the various questions involved, that it is the duty of every Republican, in view of the pledge that we made, in view of the fact that we should damage the cause of sound money by refusing to meet our pledge, to vote for the pending bill.

The suggestion that this is not the time to act is purely technical. The bill is here before us; and we must meet it one way or another. We as Republicans or we as sound-money men can not go to the country and say that if this measure had been presented to us two months hence, we would favor it; but now we are opposed to it. We can not dodge in any such way. [Applause.]

One word further. When the suggestion is made that gentlemen in favor of the free coinage of silver at 16 to 1 by this country alone are voting for this bill, I want you to read between the lines of speeches condemnatory of this bill which have been made here and elsewhere and you can infer that nothing would please some of them so much as to see this bill defeated to-day; and if their votes would do it without shouldering the responsibility for such action, I fear they would be so cast.

Mr. TOWNE. Will the gentleman yield for a moment?

Mr. DINGLEY. I can not yield.

The SPEAKER. The time of the gentleman from Maine [Mr. DINGLEY] has expired.

Mr. TOWNE. I desire simply to say——

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. TOWNE. I think I am entitled to rise to a question of personal privilege. The concluding remarks of the gentleman from Maine referred to those who believe in the free coinage of silver and gold at the ratio of 16 to 1, of whom I am known to be one——

The SPEAKER. The Chair thinks that is not a question of privilege.

Mr. TOWNE. The gentleman chooses to impute to us a sinister motive in voting for this bill——

The SPEAKER. In the opinion of the Chair, the gentleman does not present any question of privilege at all.

Mr. CHARLES W. STONE. I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, important declarations in political platforms are never the result of accident, but are always the result of design. They are always born of conditions existing in the constituents of the party that gives the utterance. The Republican convention at St. Louis was a representative body of a great party in the country, and the men who went there and represented their several constituencies understood the conditions at home. They did not go to St. Louis to declare a platitude nor to make a mere declaration that was not demanded by existing conditions and that was not in consonance with the opinions of their constituents. The Republican party at the threshold of the campaign was met by the question of what should constitute its financial plank, and looking to what the party had done and what it had already pledged itself to do, it found that it had put into the statute book of the United States the declaration that [illegible]ry pledged itself to the maintenance of the parity bet[illegible] gold and silver on November 1, 1893, when a Republican Congress, by the almost solid vote of its party in both Houses, repealed the Sherman purchasing clause and enacted the following:

> That it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both gold and silver into money of equal intrinsic and exchangeable value.

That was the law of the United States of America when the St. Louis convention assembled and the platform was adopted, and yet the gentleman from New York [Mr. QUIGG] comes here and tells us that the Republican party is under no obligations in regard to the parity of this coinage, but is a single gold standard party. The compromises of the St. Louis convention produced the result that we have before us, and I want to read a single paragraph from the proceedings of that convention, which will show what the understanding of the representatives there present was when this plank was brought in.

I will say, first, that that was a memorable occasion, one that no man who witnessed it will ever misunderstand. It was an occasion that will be a warning to a great many men in this country that they must obey party dictation and follow party standards, or cease to be members of that political party.

Mr. QUIGG. What does the gentleman mean by that?

Mr. GROSVENOR. I mean exactly what I say.

Mr. KNOX. Does the gentleman mean to read anybody out of the party?

Mr. QUIGG. I want to say that I will not accept the voice from Ohio.

Mr. GROSVENOR. Oh, the gentleman will follow his party. He is a good Republican. He is just out on a mistaken notion——

Mr. QUIGG. I will follow the voice of my constituents right along.

Mr. GROSVENOR. I am going to talk with you about your constituents in a moment. [Laughter.]

I read from the official report of the proceedings of the St. Louis convention. I will give the language that was sent out to a listening world, borne upon the magnificent voice of a most distinguished Ohioan, now Senator Foraker, who is soon to take his seat at the other end of the Capitol, pledged to stand by this platform, giving force and effect to all its language and all its promises. No one who was present in that convention will ever forget the splendid delivery of that platform and the magnificent reception which it received:

> The Republican party is unreservedly for sound money. [Great applause.] It caused the enactment of a law providing for the redemption of specie payments in 1879. Since then every dollar has been as good as gold. [Applause.] We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. [Applause.] We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the earth——
>
> [The speaker was here interrupted by a demonstration of approval on the part of a large majority of the delegates which lasted several minutes. Continuing, Governor Foraker read as follows:]
>
> which agreement we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be maintained. All of our silver and paper currency must be maintained at parity with gold, and we favor all measures designated to maintain inviolable the obligations of the United States, of all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

There was a scene never to be forgotten. Days had been spent in considering the platform, efforts had been made to compel candidates for President to more specifically announce their particular views upon this particular question, and finally the convention was brought face to face with the work of its committee, which had been carefully studied, fully deliberated upon, and finally brought forward for the action of the convention.

Now there came an issue, a crisis in that convention, when every representative of every constituency had an opportunity to declare whether he was satisfied or not satisfied with that declaration. A call of the States was demanded, and under the representative rules of a Republican convention every Republican representative had a right to stand up and record his vote for or against that platform, or that single section of the platform, voted upon as a separate and distinct proposition. They did not rush the platform through as a whole, but upon the demand for a vote upon the single resolution the States were called, and I am going to read the votes of four States on that occasion. That was the time to have protested. That was the time to say that it was a humbug. That was the time to deny the leadership of the committee on resolutions. When the State of Indiana was called, there were 30 votes, of thirty great Republicans, representing that great constituency, and all thirty of them voted "aye." [Applause on the Republican side.]

Mr. JOHNSON of Indiana. Inasmuch as the gentleman has referred to Indiana, he will permit me to remark that I never made an argument in the last campaign against free silver and its heresies that I did not necessarily strike bimetallism squarely in the face.

Mr. GROSVENOR. Very well, then, the gentleman struck his party in the face.

Mr. JOHNSON of Indiana. Not at all.

Mr. GROSVENOR. Now, we come down to the great State of Massachusetts.

Mr. JOHNSON of Indiana. I wish to say to the gentleman——

Mr. GROSVENOR. Now, the gentleman from Indiana has had time in his own right and has talked a good deal.

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. JOHNSON of Indiana. The gentleman from Ohio ought not to reproach anybody for talking a good deal.

Mr. GROSVENOR. Well, "the gentleman from Ohio" does not talk as fast as the gentleman from Indiana, and does not talk as sweetly.

Mr. JOHNSON of Indiana. He talks a good deal oftener.

Mr. GROSVENOR. And his voice is not as musical to himself.

Mr. JOHNSON of Indiana. Nor to anybody else.

Mr. GROSVENOR. Now we come to Massachusetts. Massachusetts was represented in that convention by her great leaders, men who understood the wishes of their constituency. One of them, the distinguished Senator, Mr. LODGE, had had much to do with the framing of the platform, and it is claimed for him, and I have never heard it disputed, that it was his pen that drafted the language of this financial plank. Massachusetts cast 30 votes, all solidly "aye." Then we come to the great Empire State. Among her leading men was the Hon. Thomas C. Platt, soon to become a Senator from the Empire State, and the whole 72 of them voted "aye." So did Pennsylvania, and so did 812 out of 924 representatives. Among the "ayes," among the States that cast their vote solidly and without protest for that plank of that platform, with its interpretation fully known and fully understood, was the grand old New England State of Connecticut, then represented by a delegation intelligent, patriotic, and wise.

I will at this point, Mr. Speaker, reproduce the table showing the "ayes" and "noes" upon the financial plank. It will be seen that of the 110½ votes cast against the plank, practically all of them came from States that afterwards cast their vote for Mr. Bryan:

State.	Vote.	Aye.	No.
Alabama	22	19	3
Arkansas	16	15	1
California	18	4	14
Colorado	8	......	8
Connecticut	12	12	......
Delaware	6	6	......
Florida	8	7	1
Georgia	26	25	1
Idaho	6	......	6
Illinois	48	46	2
Indiana	30	30	......
Iowa	26	26	......
Kansas	20	15	5
Kentucky	26	26	......
Louisiana	16	16	......
Maine	12	12	......
Maryland	16	16	......
Massachusetts	30	30	......
Michigan	28	25	3
Minnesota	18	18	......
Mississippi	18	18	......
Missouri	34	*33	......
Montana	6	......	6
Nebraska	16	13	3
Nevada	6	......	6
New Hampshire	8	8	......
New Jersey	20	20	......
New York	72	72	......
North Carolina	22	7½	14½
North Dakota	6	6	......
Ohio	46	46	......
Oregon	8	8	......
Pennsylvania	64	64	......
Rhode Island	8	8	......
South Carolina	18	18	......
South Dakota	8	7	1
Tennessee	24	23	1
Texas	30	30	......
Utah	6	......	6
Vermont	8	8	......
Virginia	24	17	7
Washington	8	8	......
West Virginia	12	12	......
Wisconsin	24	24	......
Wyoming	6	......	6
Arizona	6	......	6
New Mexico	6	2	4
Oklahoma	6	......	6
Indian Territory	6	6	......
District of Columbia	2	2	......
Alaska	4	4	......
	924	812½	110½

* One absent.

Mr. HARDY. And the gentleman from New York was a delegate to that convention?

Mr. QUIGG. Yes, I was, and voted for the platform and shall construe it in the Fifty-fifth Congress.

Mr. GROSVENOR. It does not need any construction. We did not need any construction of it during the campaign.

I was saying that more than 100 men who will ornament the next House of Representatives on the Republican side owe their election to that platform and an honest espousal of it before the masses of the people. [Applause.]

Now, what have we here? The Republican party on this floor is called upon to act to-day. This bill is here for action, not repudiation. This bill came from the gathered wisdom of its friends at the other end of the Capitol; it came in obedience to the voice of the Republican party. True, a great many men got on board of the Republican ship during last summer. Are we to turn from our own proposition because Democrats voted with us? Quite the reverse. When we saw them drowning in the water, we gathered them up and took them ashore, and we have planted them on the rock of honest money and good government, and the Republican party owes nothing more to the men who have joined it for principle. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. I ask unanimous consent to put certain of the paragraphs that I imperfectly read into my remarks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to suspend the rules and pass the Senate bill as amended.

Mr. McMILLIN. Mr. Speaker, let us have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—ayes 281, noes 4, not voting 70; as follows:

YEAS—281.

Abbott,
Aldrich, T. H.
Aldrich, Ill.
Allen, Miss.,
Anderson,
Andrews,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Bailey,
Baker, Kans.
Baker, Md.
Baker, N. H.
Bankhead,
Barham,
Barney,
Bartholdt,
Bartlett, Ga.
Beach,
Bell, Colo.
Bell, Tex.
Bennett,
Berry,
Bingham,
Bishop,
Black,
Blue,
Boatner,
Bowers,
Broderick,
Brosius,
Brumm,
Buck,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Capron,
Chickering,
Clardy,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Cockrell,
Codding,
Coffin,
Colson,
Connolly,
Cooke, Ill.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Corliss,
Cousins,
Cox,
Crisp,
Crowther,
Crump,
Culberson,
Cummings,
Curtis, Iowa
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Danford,
Daniels,
Dayton,
De Armond,
De Witt,
Dingley,
Dinsmore,
Dockery,
Dolliver,
Doolittle,
Dovener,
Eddy,
Ellett,
Ellis,
Erdman,
Evans,
Fairchild,
Faris,
Fenton,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hager,
Hall,
Halterman,
Handy,
Hardy,
Harmer,
Harris,
Harrison,
Hart,
Hartman,
Hatch,
Heatwole,
Hemenway,
Henderson,
Hendrick,
Henry, Ind.
Hepburn,
Hermann,
Hilborn,
Hill,
Hooker,
Hopkins, Ill.
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hurley,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Jones,
Joy,
Kerr,
Kiefer,
Kirkpatrick,
Kleberg,
Kyle,
Lacey,
Latimer,
Lawson,
Layton,
Lefever,
Lewis,
Linney,
Little,
Livingston,
Long,
Loud,
Loudenslager,
Low,
Maddox,
Mahany,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McEwan,
McLachlan,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miller, Kans.
Miller, W. Va.
Milliken,
Milnes,
Minor, Wis.
Mitchell,
Mondell,
Money,
Moody,
Morse,
Mozley,
Murray,
Neill,
Newlands,
Northway,
Ogden,
Otjen,
Overstreet,
Parker,
Patterson,
Payne,
Pearson,
Pendleton,
Perkins,
Phillips,
Pitney,
Poole,
Powers,
Price,
Prince,
Pugh,
Ray,
Reeves,
Reyburn,
Richardson,
Robertson, La.
Royse,
Russell, Conn.
Sayers,
Settle,
Shafroth,
Shannon,
Sherman,
Shuford,
Simpkins,
Skinner,
Smith, Mich.
Snover,
Sorg,
Southard,
Southwick,
Spalding,
Sparkman,
Spencer,
Sperry,
Stallings,
Steele,
Stephenson,
Stewart, Wis.
Stone, C. W.
Stokes,
Stone, W. A.
Strode, Nebr.
Strong,
Strowd, N. C.
Sulloway,
Swanson,
Taft,
Talbert,
Tate,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tracey,
Treloar,
Tucker,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
White,
Williams,
Willis,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Wood,
Woodard,
Woodman,
Woomer,
Wright,
Yoakum.

NAYS—4.

Henry, Conn.
Johnson, Ind.
Knox,
Quigg.

NOT VOTING—70.

Acheson,
Adams,
Aitken,
Aldrich, W. F.
Allen, Utah
Arnold, Pa.
Babcock,
Barrett,
Bartlett, N. Y.
Belknap,
Boutelle,
Brewster,
Bromwell,
Brown,
Catchings,
Cobb,
Cook, Wis.
Cowen,
Crowley,
Denny,
Draper,
Fowler,
Hadley,
Hainer, Nebr.
Heiner, Pa.
Hicks,
Hill,
Hopkins, Ky.
Howard,
Hutcheson,
Kem,
Kulp,
Leighty,
Leisenring,
Leonard,
Lester,
Linton,
Lorimer,
Maguire,
Mahon,
Marsh,
Martin,
McClure,
McCormick,
McLaurin,
Miles,
Miner, N. Y.
Moses,
Murphy,
Noonan,
Odell,
Otey,
Owens,
Pickler,
Raney,
Rinaker,
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Scranton,
Shaw,
Smith, Ill.
Stahle,
Stewart, N. J.
Strait,
Sulzer,
Thomas,
Wilber,
Wilson, Idaho.

The following pairs were announced:

Until further notice:

Mr. BARRETT with Mr. CATCHINGS.
Mr. MAHON with Mr. OTEY.
Mr. KULP with Mr. SHAW.
Mr. PICKLER with Mr. MINER of New York.
Mr. BROMWELL with Mr. STRAIT.

For this day:

Mr. McCLURE with Mr. McLAURIN.
Mr. WILBER with Mr. MILES.
Mr. HAINER of Nebraska with Mr. HUTCHESON.
Mr. COOK of Wisconsin with Mr. RUSSELL of Georgia.
Mr. STEWART of New Jersey with Mr. OWENS.
Mr. HICKS with Mr. CROWLEY.
Mr. WILLIAM F. ALDRICH with Mr. FITZGERALD.
Mr. THOMAS with Mr. COBB.
Mr. SMITH of Illinois with Mr. DENNY.
Mr. SCRANTON with Mr. SULZER.
Mr. LINTON with Mr. MOSES.
Mr. BELKNAP with Mr. RUSK.
Mr. LEONARD with Mr. LESTER.

On this question:

Mr. ADAMS with Mr. LEISENRING.

Mr. BAILEY. Mr. Speaker, the gentleman from Maryland, Mr. MILES, was called away on account of sickness in his family, and asked me to request leave of absence for him, and also to say that if he had been present, he would have voted "yea."

Mr. WALKER of Virginia. I ask if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. WALKER of Virginia. I desire to vote.

The SPEAKER. Was the gentleman present at the time when his name should have been called, and listening, and failed to hear?

Mr. WALKER of Virginia. I was. It was not called, I think.

The name of Mr. WALKER of Virginia was called, and he voted "yea."

Mr. DANFORD. Mr. Speaker, I desire to announce that the gentleman from Pennsylvania, Mr. SCRANTON, was unavoidably called out of the House a little while before the roll was called. If present, he would have voted "yea."

Mr. BRUMM. Mr. Speaker, my colleague, Mr. STAHLE, was unavoidably called from the House before the vote was taken. I wish to state that if present he would have voted "yea."

The SPEAKER. On this question the yeas are 281, the nays are 4 [loud applause]; two-thirds having voted in the affirmative, the rules are suspended and the bill is passed as amended.

PRINTING OF CONSULAR REPORTS.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Printing:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the annual reports of the consuls of the United States upon foreign industries and commerce. In view of the value of these reports to the business interests throughout the country, I indorse the recommendation of the Secretary of State that Congress authorize the printing of a special edition of 10,000 copies of the general summary entitled, "Review of the World's Commerce," and of 5,000 copies of "Commercial Relations" (including this summary), to enable the Department of State to meet the demand for such information.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 26, 1897.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 3722) granting a pension to Mrs. Hannah L[illegible]er Stevenson, widow of the late Brig. Gen. John D. Stevenson;

A bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River;

A bill (S. 3725) to prevent the importation [illegible] and unwholesome tea; and

A bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

A bill (H. R. 8706) to correct the military record of Patrick Hanley;

A bill (H. R. 6792) granting a pension to Hannah R. Quint;

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists;

A bill (H. R. 5[illegible]) granting a pension to Amanda M. Way, as army nurse;

A bill (H. R. 3842) to increase the pension of Edward Vunk; and

A bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church.

The message also announced that the Senate had passed with amendments the bill (H. R. 8582) to allow the bottling of distilled spirits in bond in which the concurrence of the House was requested.

REMOVAL OF SNOW AND ICE IN WASHINGTON, D. C.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7[illegible]20) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first amendment of the Senate and agree to the same with an amendment as follows: After the word "to," in line 8 of section 1, insert the word "be;" and that the Senate agree to the same.

That the House recede from its disagreement to the second, third, fourth, fifth, and sixth amendments of the Senate, and agree to the same.

G. M. CURTIS,
AD. MEYER,
Managers on the part of the House.

JAMES McMILLAN,
CHAS. J. FAULKNER,
LUCIEN BAKER,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The Senate amended the House bill by inserting the word "agent" for the word "owner" wherever it occurred. The House accepted the amendments of the Senate, but a clerical error having been made in the official copy of the print of the bill, the bill was sent to conference, and the clerical error has been corrected by the insertion of the word "be" in line 8, so that the phrase shall read "cause the same to be removed."

The conference report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, asked a conference with the House of Representatives on the bill and amendment, and had appointed Mr. HAWLEY, Mr. SHOUP, and Mr. WALTHALL as the conferees on the part of the Senate.

TARIFF HEARINGS.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged report, which I send to the desk.

The report was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the two Houses of Congress 15,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House.

The Committee on Printing having had under consideration House concurrent resolution No. 70, for the printing of 15,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, recommend that the same be agreed to, with amendments, as follows:

Strike out, in line 3, the word "fifteen" and insert "ten."

In lines 5 and 6 strike out "5,000" and insert "3,250."

In lines 6 and 7 strike out "10,000" and insert "6,750;" so that it shall read: "That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House."

These hearings will occupy two volumes, and the Public Printer estimates the cost of the work under this resolution as amended at $10,666.

The amendments were agreed to.

The concurrent resolution was then adopted.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

FOREIGN DECORATIONS FOR AMERICANS.

Mr. GROSVENOR. I have bills and resolutions, four in number, relating to allowing certain distinguished Americans to accept decorations. They have passed the Senate and are reported favorably in the House, and I should like to have them disposed of at this time.

The SPEAKER. The Clerk will report the first bill.

PROFS. SIMON NEWCOMB AND ASAPH HALL.

The Clerk read as follows:

Resolved, etc., That Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, be, and they are hereby, authorized to accept from the Government of the Republic of France the decorations awarded to them, respectively, for their services to the French Academy of Sciences as corresponding members.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

The Clerk read as follows:

Be it enacted, etc., That Rear-Admiral W. A. Kirkland, United States Navy, be, and he is hereby, authorized to accept a gold box presented to him by the Emperor of Germany.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M'CARTY LITTLE.

The next business was the resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration.

The joint resolution was read, as follows;

Resolved, etc., That Lieut. William McCarty Little, of the United States Navy, be, and is hereby, authorized to accept from the King of Spain, through the Queen Regent, the decoration of the cross of ordinary commander of the Order of Isabella the Catholic in recognition of his services in Spain in connection with the Columbian Exposition.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. Mr. Speaker, I would like to know what the services referred to in the resolution were. In view of certain relations that we all perfectly understand, I doubt the propriety of passing this resolution, and I object.

The SPEAKER. Objection is made. The Clerk will report the next resolution.

HERBERT H. D. PEIRCE.

The Clerk read as follows:

Be it enacted, etc., That Herbert H. D. Peirce, secretary of legation at St. Petersburg, be, and he hereby is, authorized to accept a medal conferred upon him by the Imperial Russian Government in recognition of his services at the time of the coronation of the Czar.

Mr. GROSVENOR. The decoration in this case, as I understand, is a very small matter—a gold snuffbox or something of that kind. I do not know the details, as the resolutions do not come from my committee.

Mr. BAILEY. To my mind, Mr. Speaker, it is almost inexplicable that an American would want a decoration from any foreign government.

Mr. GROSVENOR. Well, these are not strictly decorations. They do not carry titles or anything of that kind.

Mr. BAILEY. I know; but some of these are cases of accepting decorations.

Mr. GROSVENOR. It is a custom to recognize the services of distinguished officers in connection with these international expositions.

Mr. BAILEY. This, I understand, is a proposition to recognize services rendered in the coronation of the Czar of Russia, and to that I object.

Mr. GROSVENOR. I do not know anything about that.

Mr. HITT. Will the gentleman from Ohio permit me a remark?

Mr. GROSVENOR. Certainly.

Mr. HITT. This medal is a form of international courtesy which has been extended by the Russian Government to many other governments; and to refuse it, or to authorize or necessitate its refusal, would be simple churlishness, because every other nation has accepted it. A refusal would be just like refusing an answer to a polite salute.

Mr. BAILEY. I decline to allow the gentleman from Illinois [Mr. HITT] to characterize my conduct as "churlish."

Mr. HITT. I did not impute any such thing to the gentleman. I spoke of the character of the act as it would be construed by people who are accustomed to the international usages. This matter is wholly unimportant and trivial to us in our view. But in the intercourse of nations these acts are so ordinary that they only attract attention when the customary compliance with usage is refused.

Mr. BAILEY. The gentleman from Illinois persuades me to yield; and while I think this is a very small thing for an American to want, still I will not raise any objection.

I am told that the proposition to accept something from the Government of Spain grows out of our Columbian Exposition, and while I do not know that this is a time for an American to be accepting decorations from Spain, yet in view of the fact that this relates to our own exposition I withdraw my objection.

Mr. GROSVENOR. This refers to an incident which occurred many years ago.

There being no objection, the House proceeded to the consideration of the bill; which was read three times, and passed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On February 25, 1897:

An act (H. R. 1095) granting a pension to Annie M. Ermer;

An act (H. R. 4548) granting a pension to Mary L. Arnold;

An act (H. R. 4655) granting a pension to Frederick A. Driscol;

An act (H. R. 446) to increase the pension of Julia H. H. Crosby;

An act (H. R. 8898) to increase the pension of Elizabeth Wellons;

An act (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

An act (H. R. 8037) for the relief of John McLain, alias Michael McLain;

An act (H. R. 3926) to correct the war record of David Sample;

An act (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

An act (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; and

An act (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

The following bills were presented to the President on the 13th of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, they have become laws without his approval:

An act (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell; and

An act (H. R. 1323) for the relief of Ira H. Sweatt.

WILLIAM M'CARTY LITTLE.

The SPEAKER. Objection is withdrawn to the consideration of the resolution, which will be read.

The Clerk again read the joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain.

The House proceeded to the consideration of the joint resolution; which was read three times, and passed.

DECORATIONS FROM HAWAIIAN GOVERNMENT.

On motion of Mr. GROSVENOR, by unanimous consent, the House proceeded to the consideration of the bill (S. 150) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian Government.

The bill was read, as follows:

Be it enacted, etc., That Rear-Admiral George Brown, United States Navy, be, and he is hereby, authorized to accept a decoration of a Knight Grand Officer of the Royal Order of Kalakaua, conferred upon him by the King of the Hawaiian Islands on December 5, 1890, in recognition of his services to the King upon the occasion of his visit to California;

That Ensign George P. Blow, United States Navy, be, and he is hereby, authorized to accept a decoration of the Royal Order of Kalakaua, conferred upon him by the Queen of the Hawaiian Islands in recognition of his services to the late King;

That Lieut. George S. Dyer, United States Navy, be, and he is hereby, authorized to accept a decoration of a Knight Companion of the Royal Order of Kalakaua, conferred upon him by the King of the Hawaiian Islands on December 5, 1890, in recognition of his services to the King upon the occasion of his visit to California;

That Frank Laviere, of the U. S. S. *Charleston*, be, and he is hereby, authorized to accept a medal of honor conferred upon him by the Queen of the Hawaiian Islands, in recognition of his services to the late King;

That Capt. George C. Remey, United States Navy, be, and he is hereby, authorized to accept a decoration of a Knight Commander of the Royal Order of Kalakaua, conferred upon him by the King of the Hawaiian Islands on December 5, 1890, in recognition of his services to the King upon the occasion of his visit to California;

That Medical Inspector George W. Woods, United States Navy, be, and he is hereby, authorized to accept a decoration of the Royal Order of Kalakaua, conferred upon him by the Queen of the Hawaiian Islands in recognition of his services to the late King.

The bill was ordered to a third reading, read the third time, and passed.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. DALZELL submitted a resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

The SPEAKER. The Chair understands that the law provides for this proceeding, and that it is necessary for the transaction of business.

The resolution was agreed to.

MEMORIAL BUILDING, DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. MORSE. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

Be it enacted, etc., That there be set apart for the permanent use of the National Society of the Daughters of the American Revolution, for the erection of a memorial building thereon, a portion of the reservation or public ground owned by the United States, in the city of Washington, D. C., described as follows, namely: A plot 200 feet square at the intersection of Fourteenth street and B street, bounded on the north by B street and on the east by Fourteenth street. Said land shall be used only for the purposes of a memorial building to commemorate the services and perpetuate the memory of the heroes of the Revolutionary war, to be erected and owned by the National Society of the Daughters of the American Revolution, and when it ceases to be used for that purpose it shall revert to the United States and all rights hereby granted shall determine and cease.

Mr. MORSE. I desire to offer an amendment.

The SPEAKER. The gentleman from Massachusetts moves to suspend the rules and pass the bill with the amendment which the Clerk will read.

The Clerk read as follows:

Provided, That the plans and specifications for such building shall be approved by the Secretary of the Treasury before the construction thereof shall be commenced, and that said building shall be completed within ten years from the passage of this act.

Mr. BLUE. I demand a second on the motion to suspend the rules.

Mr. MORSE. I ask that a second may be considered as ordered.

Mr. BLUE. I object.

Mr. MORSE and Mr. BLUE were appointed tellers; and the question being taken on seconding the motion to suspend the rules, it was seconded; there being—ayes 131, noes 8.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

Mr. MORSE. I rise to a parliamentary inquiry. This identical bill, without the amendment, has passed the Senate. Is it in order now to move to substitute the Senate bill with the amendment?

The SPEAKER. The Chair understood that the gentleman presented a Senate bill.

Mr. MORSE. No, sir. The two bills are identical; but I presented the House bill with an amendment which has been deemed necessary to meet the objections of certain gentlemen.

Mr. HEPBURN. Mr. Speaker, I want to inquire of the gentleman from Massachusetts [Mr. MORSE] if he has offered the amendment proposed by the committee of this House?

Mr. MORSE. Not exactly, but substantially.

Mr. HEPBURN. Allow me to suggest to the gentleman that there is a very material difference.

Mr. MORSE. The bill as reported to the House came from the Committee on Public Buildings and Grounds. That was the bill that was under consideration by the House. Now, Mr. Speaker, I ask unanimous consent, if that is necessary, to substitute the Senate bill for the House bill as amended.

Mr. BLUE. I object.

Mr. MORSE. Then I ask a vote on the House bill as amended.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. BLUE. I desire to yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to call the attention of the House to the fact that a House bill identical, I think, with that of the Senate was introduced and referred to the Committee on Public Buildings and Grounds. They reported the bill back, recommending its passage, with a very important amendment, a[illegible] amendment differing very materially from the one proposed b[illegible] the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Will the gentleman from Iowa allow me to correct him. The Senate bill was not referred to the Committee [illegible]n Public Buildings and Grounds, but was referred to the Commit[illegible] on the District of Columbia.

Mr. HEPBURN. Well, I may have been mistaken abo[illegible] the committee; but the point I want to make is that a committee of this House thought that the bill ought to be guarded, and they have proposed an amendment. The gentleman has not seen fit to adopt that amendment or to offer it.

Again, I want to call the attention of the H[illegible] the fact that this organization is not the original Daughters of the Revolution. This is an offshoot from that, a sort of rebellion against it, which has not succeeded as was expected. It is not the great order that we are familiar with, but it is a sort of side show growing out of it. The real society is the Daughters of the Revolution. Three or four years ago certain ladies, as I am informed, who were dissatisfied with a certain election, saw fit to bolt the society and established this society. Now, this is a lingering, sickly institution, and I think if we are going to recognize a society of the Daughters of the Revolution, a very proper one, perhaps, to be recognized in this way, we ought to take the real society and not the bogus one, and we ought, if we make a grant, to make it with proper limitations, such as the committee of this House felt to be necessary.

Mr. HULL. Will the gentleman yield for a question and a statement? I think my colleague is mistaken as to the relative standing of the societies. The society asking this has some 18,000 membership, while the one he refers to has but 2,000.

Mr. HEPBURN. Oh, the gentleman is entirely mistaken.

Mr. HULL. I am not mistaken. I am stating what I know.

Mr. HEPBURN. The society that was in session here a few days ago was the Society of the Daughters of the Revolution.

Mr. HULL. Yes.

Mr. HEPBURN. There were 2,000 people here in attendance upon that.

Mr. HULL. And they are the ones who are asking this.

Mr. HEPBURN. I beg your pardon.

Mr. GROSVENOR. The gentleman from Iowa [Mr. HULL] is correct about that. They are the ones who are asking this.

Mr. HULL. They are the ones who are asking this.

Mr. HEPBURN. This society which is asking this donation from the House is an offshoot from the other.

Mr. GROSVENOR. Whatever it may be, it is the one just in session in this city.

Mr. HULL. It is the one now in session, which overshadows all the others.

Mr. HEPBURN. I yield back the time granted to me by the gentleman from Kansas [Mr. BLUE].

Mr. JOHNSON of California. I should like to ask a question, to determine my vote on this bill. Is it the Society of the Daughters of the Revolution that has just been in session in this city that is referred to by this bill?

Mr. HEPBURN. That is not my understanding.

Mr. HULL. Oh, yes; it is.

Mr. SPALDING. Yes; it is.

Mr. SHERMAN. I should like to say to the gentleman from Iowa [Mr. HEPBURN] that I was personally waited upon by a committee of the society of ladies that was recently in session in this city, and which may be still in session. I do not know anything about this title of either society, but this society in session in Washington is the society intended to be covered by this bill.

Mr. HEPBURN. I may be in error about it. This is the point I am making. This society here is an offshoot, or the bolters, as we would say if they were men in connection with a political party. They have set up a new society of their own.

Mr. SHERMAN. May I say to the gentleman——

Mr. POWERS. May I ask the gentleman if it is not true that these two organizations have practically come together and settled their differences?

Mr. HEPBURN. I do not know.

Mr. POWERS. I am told so by some of the members who are present in the city at this time.

Mr. HEPBURN. They should let us know before we make this national grant.

Mr. POWERS. I would say to the gentleman that the general organization now holding its sessions in this city is very far from being a sickly organization. It has a strong, large delegation of ladies from all over this country, and if he could see those ladies as I have in the last few days where I reside, he would come to the conclusion that they were far from being sickly.

Mr. MORSE. I yield now to the gentleman from Pennsylvania.

Mr. CHARLES W. STONE. Mr. Speaker, I introduced this bill, and consequently have some knowledge as to the parties for whose benefit it was introduced. The bill was introduced in behalf of the Daughters of the American Revolution, an organization the continental congress of which, the general congress of which, met in this city about a week ago, and which is still in session. It is an organization comprising 16,000 to 18,000 members, scattered throughout every State in this Union, with a subordinate organization in every State and Territory except Alaska. It has a national charter granted by the Congress of the United States; and one of the duties imposed upon it is that it shall report to the Secretary of the Smithsonian Institution such matters as he may deem proper for publication. This may be an offshoot of some other organization, but if so it has far outgrown it. The child is far stronger than its mother.

Mr. HULL. Swallowed it up.

Mr. CHARLES W. STONE. And has practically swallowed it up. I understand, as the gentleman from Vermont [Mr. POWERS] has stated, that negotiations have been in progress for some time, and that they are practically consummated, leading to the merging or union of the two societies, the Daughters of the Revolution and the Daughters of the American Revolution. There are two societies of Sons of the American Revolution, and the relative strength of these two organizations is entirely different from the relative strength of the two organizations of ladies.

Now, this organization is one of great strength, and has got a fund already raised for this building. It has a national charter, granted by Congress, and the obligation is imposed upon it to report to a national officer, and it simply asks that this little piece of land, not occupied for anything else, may be set apart for their use, while they use it, for memorial purposes; simply that they may erect their building, of colonial architecture, of proper design, intended as a museum, where they may preserve those things that illustrate the character and manner of life of the Revolutionary period. They desire in this city of Washington, full of memorials of the late war, to build one single memorial building, without a cent of money from the Government, simply to perpetuate the memory of the fathers of the Revolution. They ask no title; they simply ask the privilege of occupying this unoccupied land just so long as they occupy it for memorial purposes and no longer.

Mr. MORSE. I yield two minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, just one minute. If my friend from Iowa [Mr. HEPBURN] will notice, this is the National Society of the Daughters of the American Revolution. My understanding is that there are two societies—the Daughters of the Revolution and Daughters of the American Revolution. The latter, an offshoot, perhaps, of the former, has grown about ten times the size of the original parent. Now, their differences have been adjusted, and now they have agreed upon formation into a united society, making a new membership of both of the old societies. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. What is the name?

Mr. SHERMAN. The National Society of the Daughters of the American Revolution.

Mr. HEPBURN. The gentleman is satisfied as to the facts in regard to this union of the societies?

Mr. SHERMAN. I am; certainly.

Mr. MORSE. I yield three minutes to the gentleman from Tennessee [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I do not care to take any of the time of the House, except simply to corroborate the statement made by my good friend from New York [Mr. SHERMAN] and the gentleman from Pennsylvania [Mr. CHARLES W. STONE] who preceded me, and to add that the differences that have existed between these two societies, one being the parent and the other the daughter, are rapidly approaching adjustment. And I might further add, in order to satisfy some little objection I have heard upon the floor, that this land is now public property, and the agreement with this patriotic organization in the bill is so guarded that if it ceases to be used for the purposes intended by this bill the ground and the improvements thereon revert to the Government. I hope there will be no objection to the passage of this meritorious measure.

Mr. MORSE. I reserve the remainder of my time.

Mr. HEPBURN. I would like to ask the gentleman from Massachusetts if he is willing, instead of the amendment he has offered, to substitute for that the amendment of the committee. If he will do that, after the statement made by the gentleman from New York, I have no objection to the passage of the bill.

Mr. MORSE. Mr. Speaker, I would simply say that I have conferred with some gentlemen on this floor, and it was found that the amendments of the Committee on the District of Columbia were so drastic that practically they would destroy the bill. The gentleman from Iowa [Mr. HEPBURN] would see if he had time to read the report.

Now, this building is to cost $100,000; and it has to be completed within a year. Gentlemen would not agree to that; that is unreasonable. They have raised a large amount of this money, but still have a large amount to raise. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] has just told us that this fund is now in readiness.

Mr. CHARLES W. STONE. Oh, no. I said that $25,000 was in hand.

Mr. MORSE. If the gentleman from Iowa will look into the matter, he will be satisfied that the amendment I have offered covers all his objections. I ask that that amendment be read once more.

The SPEAKER. The amendment may be read in the time of the gentleman from Massachusetts.

The amendment was read, as follows:

Provided, That the plans and specifications for such building shall be approved by the Secretary of the Treasury before the construction thereof can be commenced, and the said building shall be completed within ten years from the passage of this act.

Mr. HEPBURN. Now, Mr. Speaker, I ask for the reading of the amendment proposed by the committee of this House.

Mr. BLUE. It may be read in my time, Mr. Speaker.

The amendment recommended by the Committee on the District of Columbia was read, as follows:

Provided, That before the construction of any such building upon said land shall be commenced pursuant to the right herein conferred the plans and specifications therefor shall be approved by the Secretary of the Treasury: *Provided also*, That the cost of said building shall not be less than $50,000, and also that said society shall furnish to the Secretary of the Treasury satisfactory proof of its ability to complete said building in accordance therewith: *And provided*, That the construction of said building shall be commenced within one year from the passage of this act and completed within five years

Mr. BLUE. Now, Mr. Speaker, I am opposed to this measure, not because this is a patriotic society, nor because I object to the erection of such a building or to the establishment of such institutions. But the capital city of this nation has been laid out on a general plan, with a parking system equal to that of any city in the world, and the chief beauty and glory of the capital of the Republic of the United States in coming time will be the adornment of the breathing places that are a part of this great plan. That plan ought not to be marred. This is merely furnishing a precedent for other encroachments which will eventually follow, and if this patriotic institution is to be permitted to appropriate a portion of one of the public parks, worth perhaps $150,000, other institutions, equally deserving, equally patriotic, will in time insist upon the same privilege. For that reason, Mr. Speaker, if this Government is to be compelled to donate a site for this building, I would very much prefer to vote an appropriation for the purchase of a suitable lot upon which the building could be erected than appropriate a part of one of the parks and thus mar the beauty of this splendid and glorious capital. I am against the bill for that reason.

I am against the bill as it now stands for a further reason. There is no good ground for the opposition which the gentleman from Massachusetts [Mr. MORSE] makes to the amendments proposed by the committee. If a portion of this public park, within the shadow of the Smithsonian Institution, in a beautiful portion of this great city, is to be occupied by a building belonging to this society, is it not wise to vest some executive officer of this Government with authority to pass upon the suitableness of the plans and specifications, so that the marring of the public grounds shall be as slight as possible?

Mr. MORSE. That is in my amendment.

Mr. BLUE. I did not so understand it.

Mr. CHARLES W. STONE. Yes; it is in the amendment.

Mr. BLUE. I think the gentleman is mistaken, and that he will find on examination of the amendment that it is not clearly stated; but if it is there, that disposes of so much of the objection. But, Mr. Speaker, what objection can there be to requiring this society to make a showing of its ability to construct this building? What objection can there be to fixing some reasonable limit of time for the commencement of this building? Is the Government to be required to turn over to this society for a period of ten years the exclusive right to use a portion of a public park under an option? Further than that, it has been disclosed in the discussion of this question that this society which seeks this donation was, at one time at least, divided into two rival branches.

Now, there is no assurance that this temporary coalition is to last, and perhaps long before the ten years have expired there will be two adverse wings of the society, each claiming the rights which this bill is intended to confer. Gentlemen say that the bill provides only for the "use" of this public square. Ah, but it is a perpetual use, and that means, in substance, that whatever may be the wording, however it may be explained that we give a mere "use," it really is equivalent to the conveyance of a fee simple, subject to forfeiture only when the society ceases to use the land for the particular purpose named in the bill. Mr. Speaker, I trust that this House will look into the matter well before voting a portion of one of the public parks of this city for this purpose without any sufficient restriction as to the time within which the building shall be constructed and without any sufficient regulation as to the character of the building that is to be erected there. But, if it is the sense of this House to pass this bill, then I trust that the gentleman from Massachusetts [Mr. MORSE] will give an opportunity for reasonable amendment before the vote is taken.

Mr. Speaker, I reserve the balance of my time.

Mr. MORSE. I yield ten minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I heartily agree with the gentleman from Kansas [Mr. BLUE] in his general proposition. I have always opposed taking public parks for public buildings. I believe that much of the beauty of this city consists in its beautiful parks. Distributed as they are all over the city, these small parks are more useful in the beautification of the city than if the same amount of land were aggregated in one location, which would be less convenient for the mass of the people.

But, Mr. Speaker, this is not a proposition to erect a public building for the use of the Government. We place in the public parks equestrian statues; we place there monuments to commemorate the great dead of our country, who gave their lives for its salvation. This building is to be a monument to the men of the Revolution, the men who for seven years fought to establish the Government under whose protecting shield we live to-day, and not only to establish free government, but to establish a home and a fortress for freedom upon the face of the globe.

If I had time, it would, of course, be easy to picture the great services and sacrifices and the heroic achievements of those men that have cast luster upon this great nation. Now, a patriotic society formed of patriotic women of this country are raising a fund (a part of which has been raised) to erect a building which shall be a monument to commemorate the achievements of the Revolution and which shall stimulate the patriotism of the younger generation that is growing up to-day and generations to come.

Why, sir, it is no new thing to do this. Every civilized nation on the globe has taken some means to commemorate the great achievements of those who have deserved well of their country. Greece did it; Rome followed her example. The people of those nations were not willing that the achievements of their great men should be recorded only in musty volumes upon the shelves of the student. They wanted those achievements brought before the eyes of the people in brass and stone, so that they might be reminded of the virtues of their great men and emulate their example.

While I agree with the gentleman from Kansas that as a general principle the parks should be preserved, I look upon the present proposition not as one to erect a building for public use, but rather a measure for erecting a building which shall serve as a monument and adorn any park of this city rather than mar it.

It is proposed to erect this building at the corner of Fourteenth street, immediately behind those shabby old buildings now there; and I have the hope that if we should put there such a monument as this building will be, it will have some influence in finally causing the removal of those old buildings, so that we may more conveniently have access to those public grounds.

My friend from Kansas [Mr. BLUE] wants to limit very strictly the time within which this building shall be erected. Why, sir, if gentlemen will look into the history of our public buildings, they will find that it would be very unreasonable to limit the time to less than ten years. How long has the post-office building down here been in course of construction? Why, sir, almost as long ago as I can remember, I was somewhat conspicuous in getting a bill passed by this House appropriating money to erect that post-office building. It has been growing and growing—not so fast as a hop vine in summer, but we hope that in the course of this generation it will be completed. My venerable friend from Pennsylvania [Mr. GROW], who occupied a distinguished position in this body almost a generation ago, reminds me of the fact that we were thirty years building the Washington Monument. And now, when a patriotic society of the women of this country, asking nothing of the Government in the form of money, propose to expend the contributions raised by themselves upon a monument to the men of the Revolution, you want to restrict them as to the time within which the building should be completed. You want to compel them to commence the building within one year. Why, sir, it was two years after the bill passed this House appropriating money for the post-office building in this city before the first blow was struck.

[Here the hammer fell.]

The question being taken on the motion of Mr. MORSE to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

EVENING SESSION DISPENSED WITH.

Mr. PAYNE. I ask unanimous consent that the session for this evening be dispensed with, and that the present session continue until the House determines to adjourn.

There was no objection, and it was ordered accordingly.

COMMON CARRIERS AND THEIR EMPLOYEES.

Mr. ERDMAN moved to suspend the rules and pass, with the amendment of the Committee on Interstate and Foreign Commerce, the bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees.

The bill was read, as follows:

Be it enacted, etc., That the provisions of this act shall apply [illegible] common carrier or carriers and their officers, agents, and [illegible], except masters of vessels and seamen, as defined in section [illegible] Statutes of the United States, engaged in the transportation [illegible] or property wholly by railroad, or partly by railroad and partly by water, when both are used under a common control, management, or arrangement, for a continuous carriage or shipment from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or car service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier, either to the public or to the private parties concerned.

The wages paid by carriers subject to this act for any service rendered or to be rendered in the transportation aforesaid, or in connection therewith, or for the receiving, delivering, storage, and handling of such property, and the rules and regulations governing such employees, shall be reasonable and just. This provision shall not affect the right to make contracts for such wages not in contravention of any of the provisions of this act.

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy with all practicable expedition, put themselves in communication with the parties to such controversy and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

SEC. 3. That whenever a controversy shall arise between a carrier subject to this act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however*, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within forty-eight hours after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That pending the arbitration the status existing immediately prior to the dispute shall not be changed.

Second. That the award shall be filed in the clerk's office of the circuit court of the United States for any district wherein the employer carries on business, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit, except that no person shall be punished for his failure to comply with the award as for contempt of court.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award, without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award, without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section 4.

SEC. 4. That the award being filed in the clerk's office of a circuit court of the United States as hereinbefore provided shall go into practical operation, and judgment shall be entered thereon accordingly; at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 5. That every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of a district or circuit court of the United States, and when so acknowledged shall be delivered to the chairman of the Interstate Commerce Commission, who shall at once cause a notice in writing to be served upon the arbitrators fixing a time and place for a meeting of the arbitrators.

If an agreement of arbitration shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall decline to call a meeting of arbitrators thereunder unless, upon evidence satisfactory to them, it be shown that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 6. That during the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet strikes or boycotts against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, or without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages.

SEC. 7. That in every incorporation under the provisions of chapter 567 of the United States Statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations; but members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of the provisions of this section; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 8. That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor after due notice to such employees.

SEC. 9. That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, unlawfully attempt or conspire to prevent such employee from obtaining other employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000.

SEC. 10. That a sufficient sum of money to pay the traveling and other necessary and proper expenses of the arbitrators appointed and serving under this act, and to pay all other necessary and proper expenses of any conciliation or arbitration had hereunder, to be audited and allowed by the Chairman of the Interstate Commerce Commission, is hereby appropriated, for the fiscal years ending June 30, 1897, and June 30, 1898, out of any money in the Treasury not otherwise appropriated.

SEC. 11. That the act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October 1, 1888, and the provision contained in section 7 of an act approved June 13, 1888, "directing the Commissioner of Labor to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may interfere with the welfare of the people of the different States," are hereby repealed.

Mr. DOCKERY. I demand a second on the motion to suspend the rules.

Mr. ERDMAN. I ask unanimous consent that a second may be considered as ordered.

There being no objection, it was ordered accordingly.

The SPEAKER. There are now forty minutes for debate, of which the gentleman from Missouri [Mr. DOCKERY] will control twenty and the gentleman from Pennsylvania [Mr. ERDMAN] twenty.

Mr. ERDMAN. Mr. Speaker, this is a bill providing for the adjustment of labor difficulties arising between interstate carriers of commerce and their employees. It provides, in the first place, that it shall affect only those who are interested in carrying interstate commerce. It is a bill that passed the House in the Fifty-third Congress unanimously. It was agreed upon by the chiefs of the labor organizations and by representatives of railroad organizations, or persons who had supervised railroad organizations, and is understood to be satisfactory to all parties concerned. It is the same principle that is contained in the St. Louis and Chicago platforms.

It provides that in all difficulties between railroad carriers and their employees the Commissioner of Labor and the chairman of the Interstate Commerce Commission shall endeavor by mediation and conciliation to procure an adjustment, and if they can not do it, then it provides for the voluntary arbitration of the difference. The purpose is to have arbitration before violence, before a blow is struck. After that, it has been found usually too late to arbitrate. It provides that the railroad people may designate one arbitrator, and that the employees may designate the other, the third to be chosen by the two, and if they fail to agree, then by the Commissioner of Labor and the Chairman of the Interstate Commerce Commission. It provides that these arbitrators may hear and determine the dispute, and when they have submitted to this agreement, pending that, that the railroad company will not discharge, and that the railroad employees will not quit work. The purpose is to prevent strikes, and to have by mediation and conciliation at first, or in the event of the failure of that, then by arbitration, a determination of the dispute between them. It is not compulsory in any sense. It is not selling the freedom of the men, as some who have opposed the bill have thought.

The Commissioner of Labor, Mr. Carroll D. Wright, recently addressed a letter to a gentleman, in which he says of this bill:

> Instead of contemplating involuntary servitude, the bill, it seems to me, places labor and capital on an equality as to the enforcement of contracts; and furthermore—and I am willing to admit that this is the chief reason for my liking the bill—it gives labor organizations an opportunity to dignify their bodies in ways that have not been open to them heretofore. It gives them the right to be heard in courts upon all questions affecting the conditions and terms of their employment through the officers and representatives of their associations, whether incorporated or unincorporated. It was upon this point that the Dallas matter turned. The judge did not follow the suggestions of the Attorney-General, however. The bill provides that no reduction of wages shall be made by receivers without the authority of the courts therefor after due notice to such employees. Practically, this is a bill of rights that the workingmen, so far as railways are concerned, can not claim at present. The bill, further, is a new charter for workingmen, for it restrains employers subject to its provisions from requiring employees as a condition of employment to enter into obnoxious agreements, such as not to become members of labor associations or organizations. Nor can members of organizations be discriminated against because of their membership, and it leaves men to exercise their own free will as to charitable, social, or beneficial auxiliaries of railway corporations, and it furthermore restrains employers from attempting to injure employees through black lists. All these things, it seems to me, commend the bill, not only to the members of the great railway organizations, but to organized and unorganized labor everywhere, and instead of subjecting them to any kind of servitude, whether voluntary or involuntary, it gives them rights which are questioned, at least, at the present time.
>
> I am, sincerely yours, CARROLL D. WRIGHT.

Mr. Speaker, I reserve the balance of my time.

Mr. DOCKERY. Mr. Speaker, I demanded a second on this bill in order that the gentleman in charge of it [Mr. ERDMAN] might make an explanation to the House. I know nothing myself as to the provisions of the bill. I now yield such time to the gentleman from California [Mr. MAGUIRE] as he may desire.

Mr. MAGUIRE. Mr. Speaker, I am opposed to this bill because I see in it the beginning of a most dangerous surrender of the individual liberty of all American laborers. To-day we invade the liberty of laborers employed or to be employed, either directly or indirectly, in interstate commerce. To-morrow the principle and the restriction will be applied to other classes, and so it will proceed by stages until all laborers will be included in judicial serfdom. This bill extends to other occupations the form of involuntary servitude now enforced in the occupation of seamanship. It extends the principle of industrial slavery now prevailing in the merchant marine to interstate (inland) commerce.

It is said by the author of the bill that arbitration under the bill is to be purely voluntary. So it is nominally, but the power exists in every railroad corporation in this country, immediately on the passage of this bill, to compel every man employed at manual labor, in connection with interstate commerce, to subject himself to a judgment such as is provided for in the bill and to the penalties provided for its disobedience.

Mr. ERDMAN. Will the gentleman permit an interruption?

Mr. MAGUIRE. Yes, sir.

Mr. ERDMAN. Will the gentleman point to one section of the bill that permits that?

Mr. MAGUIRE. There is no such provision in the bill. The provision for making the arbitration provided for universal and compulsory is not in the bill, but in the conditions that environ laborers of all classes, and which will enable employing corporations to force them to accept employment under the penalties and limitations of the arbitration law. The very conditions that drive these laborers to seek this legislation will drive them to slavery under its provisions.

I do not hope to prevent the passage of this bill, but in the utmost kindness and sincerity I warn the laborers who are urging its passage that it is dangerous legislation and will be a sad disappointment to them. A similar act applying to seamen engaged in the coastwise trade of this country, passed in 1890, was as voluntary in its letter as this is, but the shipowners determined that it was best that they should employ all their men under the provisions of that act, and they soon contrived by combination to compel every man whose necessities drove him to seek employment in that service to come in under the provisions of the act. So with this bill. Any railroad company in this country can, within twenty-four hours after the passage of this act, provoke a controversy with its men which will compel them either to enter upon the evils, wastefulness, and injury of a strike or to accept the temporary expedient of submitting to all the terms of this enslaving arbitration. When they submit to arbitration, the status quo, the condition prevailing just before the controversy, is to be maintained without limit of time until the arbitrators shall reach a decision—perhaps for two or three years. The men are bound to continue in the employment of employers whom, perhaps, they do not want to serve. They will be compelled to continue in an employment the conditions of which may have become distasteful and oppressive to them; but under the bill they must continue in that employment under conditions amounting to involuntary servitude.

When the award is made, they are bound again, pursuant to the award and regardless of their own wishes, to continue in the employment for another year. They are bound to remain in the employment of their judicially imposed masters, no matter how obnoxious the employment may have become, unless they have a right to seek discharge from the obligation upon grounds that are made exceptions by the terms of the bill.

Another thing. The individuality of the employee is lost under the bill. The bill provides that a majority of a railway laborers' organization may bind the others, not only to submit to arbitration, but to all the terms and penalties of the law. I very much doubt the constitutionality of that provision—nay, I know it is not constitutional.

It is my opinion and the opinion of the attorneys consulted by the representatives of the American Federation of Labor that the terms of the bill will apply to all mechanics and laborers engaged in the building and repairing of locomotives and cars, for they are incidentally employed in railroad operation, and may be held in certain cases to be employed in interstate commerce. A majority of any organization of laborers so employed can, under the provisions of this bill, compel the minority, without their consent or contract, against their will, against their protest, to submit to the arbitration and to the award. They are, equally with those who consent, to be compelled to submit to all the conditions of the law during the whole period of the arbitration and for a year afterwards. Some of the penalties, criminal penalties, that were originally provided for in the arbitration scheme and made part of the bill when first introduced have been stricken out; but I say to you that when the principle has been established, and the domination of railroad companies over their employees has been secured under this bill, the battle will then commence for extending the pains and penalties by which the partially enslaved laborers of this great department of human labor will be submerged and oppressed with all the severities that were originally proposed.

The gentleman says that all of the labor organizations, so far as he knows, favor this bill.

I am not authorized to speak for any labor organization in this matter. I speak only for my own principles, but I know that the American Federation of Labor regards this measure as a serious menace to the liberties and to the best interests of American laborers. It opposes the bill because it knows that the rights of labor are to be secured only through liberty and not through the permanent surrender of the liberties of the laborer for apparent temporary gain.

I yield back the remainder of my time to the gentleman from Missouri [Mr. DOCKERY].

Mr. ERDMAN. I yield five minutes to the gentleman from Iowa.

Mr. HEPBURN. The only purpose for which I desire time is to ask three or four questions of the gentleman in charge of the bill. Is it not true that the five great orders of railway employees are a unit through their properly constituted officers in asking for the passage of this bill?

Mr. ERDMAN. They ask for it; and they are here to-day pressing for it.

Mr. HEPBURN. These organizations are the organization of engineers, the organization of firemen, the organization of switchmen, and the organization of brakemen. These organizations are the ones affected by the bill.

Mr. ERDMAN. They are; and they are pressing for it here; and not a single member of the American Federation of Labor is affected by it. If the gentleman who has just concluded spoke for them, he spoke for some one who has no interest in it, not more than the snap of my finger; and he, I understand, can not afford to have the principle of arbitration in dispute go forward in this country. I yield two minutes to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, I have been detained from the House most of the day on matters of vital importance to my district. I returned but a short time ago and found that a vote on the international monetary conference had been taken during my enforced absence. My views on that subject are possibly known to some members of the House; but I feel it but right to state that if present I should have been compelled by conscience and duty to vote "nay."

Mr. ERDMAN. I yield one minute to my colleague [Mr. PHILLIPS].

Mr. PHILLIPS. Mr. Speaker, I simply wish to confirm what has been said by my colleague, Mr. ERDMAN, in regard to the various labor organizations connected with the railroad service, whose representative men have approved the measure. It has not been opposed by railroad owners or officials, but, so far as the Committee on Labor has been informed, it has met their approval.

This bill has been very carefully considered by the Committee on Labor. It has heard the representatives of labor fully, both in the last Congress and in this.

The importance of the railroad service to our people can not be overstated. Their daily needs are largely supplied by it, in fact; fuel, food, all the commodities of life. A strike which would involve our railroad systems would be appalling. This bill is designed to obviate such disaster by settling all disputes in a peaceful way. The principle of arbitration was indorsed by the Republican platform at St. Louis, and, in fact, by all political parties. It is in harmony with the most advanced thought of the age, and should obtain.

Of all bills before our committee this has had most careful and thorough consideration. It passed unanimously in the Fifty-third Congress, and I hope that a vote will be immediately taken and that the measure may pass this Congress.

Mr. ERDMAN. I yield one minute to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, for the information of the House I desire to state I am in receipt of a very short letter on the subject that I will read:

> THREE BRANCH LODGE, No. 394,
> BROTHERHOOD OF LOCOMOTIVE FIREMEN,
> *Argenta, Ark., February 18, 1897.*
>
> DEAR SIR: The inclosed circular will explain to you what is required, and is the unanimous request of this lodge. You are respectfully requested to use your influence and utmost endeavors to have these bills passed.
> Yours, for justice,
> JAMES McCARTHY, *Master.*
> A. H. ANDREWS, *Secretary.*
>
> Hon. WM. L. TERRY.

This is from the Brotherhood of Locomotive Firemen. Included in the list of bills is the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill. This labor organization states that they are in favor of all these bills. [Cries of "Vote!" "Vote!"]

Mr. DOCKERY. Mr. Speaker, I demanded a second in order to get an explanation of the bill, and in the light of the discussion I shall support the measure.

The question was taken; and, in the opinion of the Speaker, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

UNWHOLESOME TEAS, ETC.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass Senate bill No. [illegible]. The original bill is on the Speaker's table, and I wish the Clerk would read from the original Senate bill, as I think there are one or two minor amendments.

The bill was read, as follows:

> *Be it enacted, etc.,* That from and after May 1, 1897, it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited.
>
> SEC. 2. That immediately after the passage of this act, and on or before February 15 of each year thereafter, the Secretary of the Treasury shall appoint a board, to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea; that the persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year; that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of the Treasury by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of $50 per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs."
>
> SEC. 3. That the Secretary of the Treasury, upon the recommendation of the said board, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the custom houses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section hereof.
>
> SEC. 4. That on making entry at the custom-house of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or at the discretion of the Secretary of the Treasury, such samples shall be obtained by the examiner and compared by him with the standards established by this act; and in cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section 7, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in section 7: *Provided, however,* That the bond above required shall also be conditioned for the payment of all custom-house charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this act.
>
> SEC. 5. That if, after an examination as provided in section 4, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section 6, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the custom-house unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous: *Provided,* That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in section 6.
>
> SEC. 6. That in case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to a board of three United States general appraisers, to be designated by the Secretary of the Treasury, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.
>
> SEC. 7. That the examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section 4 of this act, shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or boards of United States general appraisers under the provisions of this act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis.
>
> SEC. 8. That in cases of reexamination of teas, or merchandise described as teas, by a board of United States general appraisers in pursuance of the provisions hereof, samples of the tea or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee, if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The board of United States general appraisers herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding $5.
>
> SEC. 9. That no imported teas which have been rejected by a customs examiner or by a board of United States general appraisers, and exported under the provisions of this act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition.
>
> SEC. 10. That the Secretary of the Treasury shall have the power to enforce the provisions of this act by appropriate regulations.
>
> SEC. 11. That teas actually on shipboard for shipment to the United States at the time of the passage of this act shall not be subject to the prohibition hereof, but the provisions of the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, shall be applicable thereto.
>
> SEC. 12. That the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, is hereby repealed, such repeal to take effect on the date on which this act goes into effect.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. MILNES. Mr. Speaker, I demand a second. I would like to hear something about this bill.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. COX. I object.

The SPEAKER. Objection is made, and the gentleman from New York [Mr. PAYNE] and the gentleman from Michigan [Mr. MILNES] will act as tellers.

The House divided; and the tellers reported—ayes 80, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. PAYNE] and the gentleman from Michigan [Mr. MILNES] will control the time.

Mr. PAYNE. Mr. Speaker, in 1883 Congress passed an act to prevent the importation of impure and unwholesome tea, or tea harmful to health. We tried then to make as good a law as we knew how; but notwithstanding the stringency of that law, which provided for the reexportation of all teas which did not come up to the standard, we find that to-day more poor, unwholesome tea, more tea sweepings and drug teas, are thrown upon the American market than upon all the other markets of the world. Our people consume more bad tea than all other countries. This is a subject about which we have heard a good deal for several years past in the Committee on Ways and Means. People interested in the tea trade, and interested in having only pure, wholesome teas imported into the United States, have appeared before that committee and set forth their various grievances and the difficulty of enforcing the old law. That law provided for inspectors to be appointed from men who were importers. Of course it was only human nature for those merchants to favor each other sometimes, and to favor themselves always in their decisions, and there was no appeal except to this board of merchants. The consequence is that the importation of poor teas into this country has increased.

This bill is the result of the united efforts of the people engaged in the tea trade, the people anxious for wholesome food, the Treasury Department, the Senate of the United States, and the Committee on Ways and Means. A bill nearly identical in language and entirely identical in character was recommended by the Ways and Means Committee some days ago, and reported unanimously from that committee to the House. This particular bill was introduced into the Senate, and referred to the Committee on Commerce there, was unanimously reported to the Senate by that committee, and was passed by the Senate and sent over here this morning. In brief, the bill provides that the Secretary of the Treasury shall appoint seven inspectors of tea in the United States, to be chosen from those who are experts in tea. These seven men are to receive each a salary of $50 a year, to be paid out of the moneys appropriated for customs expenses. They are to meet upon the passage of the bill, and every year thereafter——

Mr. COX. Did the gentleman say $50 a year?

Mr. PAYNE. Fifty dollars a year each. They are to meet every year and establish uniform standards of purity and fitness for consumption, which standards are to be embodied in samples. Those samples are to be duplicated. There will be one at New York, one at Chicago, one at San Francisco, and the others are to be at such other places of import as the Secretary of the Treasury shall designate, and with those samples all importations of teas are to be compared. If the importation comes up to the samples, it can come in free of duty for consumption in the United States. If the importation does not come up to the standard, it is to be reexported and excluded from consumption here.

Mr. LACEY. How is the comparison to be made?

Mr. PAYNE. It may be by pouring hot water on the tea and making drawings of it, and comparing it with the sample in that way, or it may be done by chemical analysis, if necessary. The provisions for making the comparison are ample.

Mr. LIVINGSTON. Does the gentleman expect to get an honest performance of duty on the part of these inspectors at a salary of $50 per annum each? I wish you would explain how that can be done.

Mr. PAYNE. In the first place, the bulk of the inspection will be made by the customs officers, and these special inspectors will be called upon only where it is found necessary. I do not think there will be any difficulty about it. The Secretary of the Treasury thought the salary was ample and that he could secure the best talent for that amount, and gentlemen familiar with the business give assurances to the same effect.

Mr. COX. Are these offices under the civil service? [Laughter.]

Mr. PAYNE. The bill does not extend the civil-service rules to these inspectors. [Laughter.]

Mr. STEELE. All the honest tea importers are in favor of this bill, and will cooperate with the custom-house officers.

Mr. PAYNE. Yes, every one of them in the United States.

Mr. MILNES. The gentleman says that this bill has been asked for by the tea dealers?

Mr. PAYNE. Yes, sir; by the tea trade.

Mr. MILNES. By the importers?

Mr. PAYNE. Yes; and by others engaged in the business.

Mr. MILNES. Has the bill been approved or asked for by the trade journals of the country?

Mr. PAYNE. I have not read the trade journals, and can not answer that question; but I know that some of those journals have advocated very earnestly the passage of this bill, or of a similar bill which was proposed some time ago.

Mr. MILNES. Have the medical journals made any complaint as to the impurity of the teas imported?

Mr. PAYNE. I am unable to say. I am not in the habit of reading the medical journals.

Mr. MILNES. I have asked these questions because I want to know the reasons for the passage of the bill. I want to find out whether anybody outside of the tea importers are asking for its passage. If the people of the country who consume tea are not complaining of its impurity, if the trade journals are making no complaint, and if the medical journals are not urging the passage of the bill as promotive of the public health, I can see no reason for its passage. It seems to me that if the importers are the only persons asking for it, they must have some object of their own in view, and I should like to know what it is.

Mr. PAYNE. Because I do not happen to know what may be in the trade journals or the medical journals, it does not follow that those journals are not in favor of this bill. I do know that there has been a universal demand from all classes for some legislation which will secure to the people pure tea. This demand has gone so far that there have been applications time and again to the Committee on Ways and Means to impose such a duty upon tea as will exclude all poor tea. Various modes of relief have been devised. Everyone interested has seemed to be anxious for the passage of some such bill as this.

Mr. CLARDY. Who are to be the judges whether the samples provided by these commissioners compare favorably with the samples imported? The custom-house officers?

Mr. PAYNE. First, the custom-house officers; and if they can not tell, then the inspectors themselves. The inspector can be sent for, or the samples can be sent to the inspector. In the meantime the tea is held in the custom-house. If the decision is that the article is not fit for consumption, then the owner must give bond and remove it from the United States within six months. From the action of the inspectors an appeal may be taken to a board of three appraisers designated by the Secretary of the Treasury from the general appraisers of the United States. These appraisers, in determining the appeal, can call in any expert on the subject of tea to aid them in the determination of the question.

Mr. NORTHWAY. If this bill be passed, and rigidly enforced, what will be the effect upon the price of tea?

Mr. PAYNE. I do not think it will affect the price of good tea at all. Nor do I think it will affect the price of poor tea, if it be genuine. The habit is to collect this spurious stuff—the sweepings, the tea dust, the old tea leaves that have been allowed to remain so long on the tea plant that a large amount of tannin has developed in the leaf—and to mix these with a small quantity of pure tea, and then sell this spurious article throughout the country by means of various devices, such as the offering of chromos and gifts of various kinds. So far as regards any decent article of tea, I do not think this measure can increase the price. The universal opinion of the tea trade is that it will give to the public a sound article of tea at the same retail price for which good tea is selling to-day.

Mr. QUIGG. Will my colleague allow the point to be enforced that there is no other machinery in the bill for carrying out its provisions, especially as to judging of the tea, than the ordinary machinery now in use in the case of all importations?

Mr. PAYNE. That is true except as to these seven inspectors at $50 a year each. That is the entire additional expense to be incurred.

Mr. QUIGG. The purpose that they serve is simply to provide samples?

Mr. PAYNE. Yes, sir.

Mr. MILNES. As I understand, probably 90 per cent or more of all the tea coming into the United States comes to the port of New York or San Francisco?

Mr. PAYNE. Well, there is Chicago.

Mr. MILNES. The Chicago teas, I presume, all come from San Francisco.

Mr. PAYNE. Oh, no. Chicago is a port of entry; much of the tea coming there never sees San Francisco at all.

Mr. MILNES. Then it comes to the port of New York originally, does it not?

Several MEMBERS. Oh, no.

Mr. MILNES. Does this demand for the passage of the bill come from importers in different sections of the country?

Mr. PAYNE. It does.

Mr. MILNES. It is not confined to importers at New York City?

Mr. PAYNE. It is not. The importers throughout the country are united upon the measure.

Mr. HOPKINS of Illinois. There is a general demand for [illegible].

The question being taken on the motion of Mr. PAYNE to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly [illegible] bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse;

A bill (H. R. 6792) granting a pension to Hannah R. Quint;

A bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church;

A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists;

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898;

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

A bill (H. R. 3842) to increase the pension of Edward Vunk;

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

A bill (H. R. 8706) to correct the military record of Patrick Hamley; and

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

TEMPORARY BICYCLE MESSENGERS.

Mr. ALDRICH of Illinois. Mr. Speaker, I have an emergency resolution, a small matter.

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH], chairman of the Committee on Accounts, presents a resolution.

Mr. ALDRICH of Illinois. I present it individually, and ask consent for its consideration, which I presume will be granted.

The SPEAKER. The Clerk will report the resolution.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ for the remainder of the session two bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid each out of the contingent fund of the House of Representatives, at $5 per day.

Mr. DOCKERY. That is the usual resolution.

Mr. ALDRICH of Illinois. That is the usual resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

And then, on motion of Mr. PAYNE (at 5 o'clock and 24 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the veto message of the President of the United States on the bill of the House (H. R. 6902) entitled "An act granting a pension to Mrs. Mary A. Viel," reported the same, accompanied by a report (No. 3040); which said veto message, bill, and report were referred to the House Calendar.

Mr. DOOLITTLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 3042); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on the Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 4979) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statotes of the United States, relating to Presidential elections, reported the same without amendment, accompanied by a report (No. 3044); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, reported the same without amendment, accompanied by a report (No. 3045); which said bill and report were referred to the House Calendar.

Mr. ALDRICH of Illinois, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10369) to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or any of its accessories, reported the same without amendment, accompanied by a report (No. 3046); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, reported the same without amendment, accompanied by a report (No. 3047); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported the same without amendment, accompanied by a report (No. 3048); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River, reported the same without amendment, accompanied by a report (No. 3050); which said bill and report were referred to the House Calendar.

Mr. WHITE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9845) to provide for the purchase of a site and the erection of a public building thereon at Streator, in the State of Illinois, reported the same without amendment, accompanied by a report (No. 3051); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENNY, from the Committee on Claims, submitted a supplemental report on House resolution No. 411, for the relief of Samuel Lee; which said supplemental report (No. 2939, part 2) was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MILES, from the Committee on the Judiciary: The bill (H. R. 568) for the relief of the International Cotton Press Company of New Orleans, La. (Report No. 3043.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 9132) for the relief of W. D. Catlett, of West Virginia. (Report No. 3052.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Proof to accompany House bill No. 6079, for the relief of Jerry Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Proof to accompany House bill No. 6733, for the relief of George W. Winters—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Statement to accompany House bill No. 6078, for the relief of William H. Lankford—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: A bill (H. R. 10368) providing for the preservation of the petrified forest of Arizona—to the Committee on the Public Lands.

By Mr. ALDRICH of Illinois: A bill (H. R. 10369) to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or any of its accessories—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: A concurrent resolution (House Con. Res. No. 73) to print 5,000 copies of Commercial Relations for 1895 and 1896—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10370) granting a pension to Mary A. Panabaker—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: A bill (H. R. 10371) to confer the rank of lieutenant-colonel upon E. Y. Goldsborough—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Resolutions of the Rhode Island Historical Society, of Providence, R. I., in favor of the publication of the names of heads of families and other detailed information as shown by the First Federal Census—to the Committee on Printing.

By Mr. BAILEY: Petition of Henry Klappenbach and other citizens of Eagle Pass; Louis Garner and others, of Van Alstyne, and R. A. Gladish and others, of Hempstead, in the State of Texas, asking for the passage of the antirailroad ticket scalping bill

(H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Petition of James S. Cowden and others, of Vienna, Va., in favor of House bill No. 9805, to promote aerial navigation—to the Committee on Military Affairs.

By Mr. BERRY: Petition of John S. Boylson and other citizens of Covington, Ky., favoring the passage of the Cullom and Sherman bill to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. C. De Garma and other citizens of Covington, Ky., praying for the passage of House bill No. 10108 and Senate bill No. 3580, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. BULL: Resolution of the Rhode Island Historical Society, in favor of the passage of the Morrill resolution providing for the printing of the names of heads of families and other detailed information as shown by the First Federal census—to the Committee on Printing.

By Mr. FLETCHER: Petition of Henry Jajeski and other citizens of Minneapolis, Minn., asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FOOTE: Petition of Sherman Williams, of Glens Falls, N. Y., favoring the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: Petition of Thomas Gibson and other citizens of Groton, Mass., in favor of extending the Government mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. NEILL: Petition of B. F. Brown & Co. and 14 other citizens of Baldknob, Ark., praying for the passage of Senate bill No. 3545 and House bill No. 10030, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: Petition of the Young Men's Christian Association, also of the Madison Street Methodist Episcopal Church, of Chester, Pa., favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Westchester, Pa., for the enactment of laws for the better observance of the Sabbath in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Union Star Council, No. 204, United American Mechanics, of Fernwood, Pa., praying for the passage of the Cameron resolution relative to Cuba, and for granting belligerent rights immediately—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Sundry petitions of citizens of the State of New York, viz: J. Smith and 2 others, of Hyde Park; Louis McDonald and 5 others, F. L. Grandy and 9 others, of Owlshead; William Dunbar and 9 others, of Forestport; William H. McLoughlin and 18 others, of Rome; William McMullin and 18 others, of Delhi; V. H. Smythe and 15 others, of Clinton; E. H. Doody and 10 others, of Sylvan; M. L. Barry and 16 others, Hitchcock, Darling & Co. and 17 others, and Hoffman House Company and 17 others, of New York City; C. Waterman and 12 others, of Syracuse; M. Ditton and 15 others, of Buffalo; William Milander and W. E. Ford, of Rochester; Charles Horner and 8 others, of Saranac Lake; N. W. Mahar and 17 others, of Greenbush; Edward A. Spice and 9 others, of Canastota; H. C. Williamson and 12 others, of Watervliet; James Ryan and 20 others, of Greenbush; William Welch and 9 others, of Jordan; Ralph Stewart and 12 others, of Whiteplains; G. W. Elder and 10 others, of New York City and Brooklyn; also of T. B. McEvoy and 17 others, of Carbondale, Pa., and J. P. McEvoy and 16 others, of Throop, Pa., in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENSON: Petition of citizens of Menominee, Mich., praying for the passage of House bill No. 10030 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHINGTON: Petition of L. P. Lowrie and other citizens of Monteagle, Tenn., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. WELLINGTON: Petition of citizens of Baltimore, Md., asking for an appropriation to pay depositors who lost by the failure of the Freedman's Savings Bank—to the Committee on Appropriations.

Also, petition of Gideon Bussard, for payment of bill for stores and supplies furnished the United States Government during the late war—to the Committee on War Claims.

By Mr. WOOD: Petition of J. T. Spelman and other citizens of Clark County, Ill., praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 27, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

SUPPLEMENTAL SCHEDULES OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th instant, supplemental schedules of claims amounting to $21,419.27, allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS AGAINST THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting estimates of appropriation of $484.25 to pay certain judgments against the District of Columbia; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MARTIN T. M'MAHON.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to a resolution of the 24th instant, calling for a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act of March 3, 1887, to provide for the bringing of suits against the Government of the United States, transmitting an additional judgment in favor of Martin T. McMahon, for which an appropriation of $3,629.70 is required; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS IN INDIAN DEPREDATION CASES.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of the judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company, of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3725) to prevent the importation of impure and unwholesome tea.

The message also announced that the House had passed the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees; and

A bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church;

A bill (H. R. 5472) concerning delivery of letters in towns, villages, and other places where no free delivery exists;

A bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse; and

A bill (H. R. 6792) granting a pension to Hannah R. Quint.

ST. LOUIS RIVER BRIDGE.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

Mr. VILAS. I hope the Senator will not press that motion this morning.

Mr. QUAY. It must be pressed now or never.

Mr. VILAS. Well, it would consume a great deal of time if that bill were taken up for consideration.

The VICE-PRESIDENT. The Chair desires to state that the motion can not be entertained. The Chair will submit the request, but until the morning business is concluded, or until one hour has elapsed, under the rule which the Chair had read the other morning, a motion to proceed to the consideration of a bill on the Calendar can not be entertained. The Chair submits to the Senate the question, Is there objection to the request of the Senator from Pennsylvania?

Mr. VILAS. I am sorry to be obliged to say that I am not ready to consider that bill yet.

Mr. QUAY. I should be glad to have the Senator from Wisconsin state when he will be ready to proceed to the consideration of the bill.

Mr. VILAS. I shall be ready just as soon as I receive the memorial of the legislature of Wisconsin, which I have not yet received.

Mr. QUAY. The mails seem to be very slow between here and Madison, Mr. President.

Mr. VILAS. It is only two days, I believe, since the Senator informed us that the memorial was to be sent to the governor for his approval.

Mr. QUAY. It was passed on the 19th.

Mr. VILAS. It has hardly had time to get here yet.

Mr. QUAY. It was to be presented to the governor on Wednesday, the 24th.

Mr. VILAS. Very well.

CREDENTIALS.

Mr. CULLOM. I present the credentials of Charles W. Fairbanks, chosen by the legislature of Indiana a Senator from that State for the term beginning March 4, 1897; which I ask may be read and printed in the RECORD.

The credentials were read, and ordered to be placed on file, as follows:

In the name and by the authority of the State of Indiana.

To all who shall see these presents, greeting:

I, James A. Mount, governor of the State of Indiana, do hereby certify that on the second Tuesday after the meeting and organization of the general assembly of the State of Indiana, on to wit, the 19th day of January, 1897, each house openly and by viva voce vote cast a majority of the whole number of votes for Charles W. Fairbanks, an inhabitant of said State and of the age of 30 years and upwards, and who has been nine years a citizen of the United States, for Senator, to represent the State of Indiana in the Senate of the United States for the term of six years commencing on the 4th day of March, 1897. At 12 o'clock meridian on the following day, the two houses convened in joint assembly, and the journal of each house having been read, showing that said Charles W. Fairbanks had received a majority of all the votes cast in each house, he, the said Charles W. Fairbanks, was declared duly elected Senator to represent the State of Indiana in the United States Senate for the term of six years commencing March 4, 1897.

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis, this 21st day of January, in the year of our Lord 1897, the eighty-first year of the State, and of the independence of the United States the one hundred and twenty-first.

JAMES A. MOUNT.

By the governor:
[SEAL.]

WILLIAM D. OWEN,
Secretary of State.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Wyandotte, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Dorr, Mich., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to prevent interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Blissfield and Palmyra, in the State of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of S. M. Stevens Lodge, No. 150, Brotherhood of Locomotive Firemen, of Marquette, Mich., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the North Capitol and Eckington Citizens' Association, of the District of Columbia, praying that the Library of Congress be opened to the public from 9 a. m. to 10 p. m., Sundays and legal holidays excepted; which was referred to the Committee on the Library.

Mr. CAMERON presented a petition of the Moravian Christian Endeavor Society, of Lititz, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Pennsylvania State Association of School Directors, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union of Ida Grove, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Eastern Branch National Home for Disabled Volunteer Soldiers, of Togus, Me., remonstrating against the adoption of the proposed amendment to the general deficiency appropriation bill which virtually takes from the control of the officers of the National Home a fund known as the post fund, and places it in charge of the War Department; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying Congress to appropriate money to be used on the public improvements of the country and to employ 1,000,000 persons for the period of ten years, allowing 300 working days per annum, and to pay an average of $2 per day to each and every person employed; which was referred to the Committee on Finance.

He also presented a petition of Mount Pleasant Lodge, No. 329, Brotherhood of Locomotive Firemen, of Chicago, Ill., and a petition of Twin City Lodge, No. 39, Brotherhood of Locomotive Firemen, of Rock Island, Ill., praying for the enactment of legislation punishing contempts of court, for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented the petition of Mrs. G. H. Reed, of Bloomington, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to regulate the liquor traffic in the District of Columbia; which were ordered to lie on the table.

He also presented a petition of Branch No. 77, National Association of Post-Office Clerks, of Elgin, Ill., praying for the enactment of legislation reclassifying clerks in the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of the Reformed Presbyterian Church, of Marissa, Ill., and a petition of sundry citizens of Enterprise, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying that the present tariff on Mexican oranges remain unchanged; which was referred to the Committee on Finance.

He also presented the petition of C. M. Patterson and G. H. Gargus, of Hettick, Ill., and a petition of sundry citizens of Alton and Chesterfield, Ill., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Commercial Club, of Chicago; of the officers of the Quarterly Meeting of Friends' Church, of Chicago, and the Fortnightly Club, of Moline, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of business firms of Chicago, and of sundry citizens of Aurora, Moline, Joliet, Oak Park, and Chicago, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Illinois and New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GORMAN presented a petition of sundry business firms of Baltimore, Md., praying for the speedy enactment of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of A. L. Boggs, jr., and sundry other citizens of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of members of the East Baltimore (Md.) Station Methodist Protestant Church, praying for the ratification of the pending arbitration treaty with Great Britain, provided it meets with the convictions of the Senators from that State; which were ordered to lie on the table.

He also presented resolutions of the committee on philanthropic labor of the Baltimore (Md.) Yearly Meeting of Friends, representing a membership of 3,000 persons, residing in Pennsylvania, Maryland, Washington City, and Virginia, expressing their belief that the cause of temperance will be advanced by prohibiting the sale and use of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Anti-Saloon League of Baltimore, Md., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

He also presented the memorials of C. S. Murphy and sundry other citizens of Lonaconing; of H. McJenness and sundry other citizens of Oxford; and of John Odgers and sundry other citizens of Frostburg, all in the State of Maryland, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented the petition of J. B. Morrow, publisher of the Times, of Ellicott City, Md., and the petition of G. W. M. Cardell, publisher of the Leader, of Williamsport, Md., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

He also presented petitions of the Ministers' Conference of Baltimore; C. L. Marburg and sundry other citizens of Baltimore; Lee B. Bolton and sundry other citizens of Baltimore; the faculty of the Baltimore City College; H. S. Platt and sundry other citizens of Baltimore; T. J. Packard and sundry other citizens of West River; J. R. Ewing and sundry other citizens; W. W. Hopkins and sundry other citizens; and of E. J. Rinehart and sundry other citizens, all in the State of Maryland, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Representative Meeting of the Baltimore Yearly Meeting of the Religious Society of Friends (Orthodox), residing in Maryland, Virginia, and the adjacent parts of Pennsylvania, praying the Senate to embrace the present favorable opportunity to conclude a treaty of arbitration between the United States and Great Britain; which was ordered to lie on the table.

He also presented resolutions of the committee on philanthropic labor of the Baltimore (Md.) Yearly Meeting of Friends, representing a membership of 3,000 persons, residing in Maryland, Pennsylvania, Washington City, and Virginia, expressing their sympathy with and praying that the treaty of arbitration with Great Britain may receive favorable consideration, provided that its terms commend themselves to the Senate as safe to the nation and effectual in securing the objects sought to be obtained; which were ordered to lie on the table.

Mr. DANIEL presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Delcassion Club, of New York City, and a memorial of the Speranza Club, of New York City, remonstrating against the passage of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of Council No. 103, Royal Arcanum, of Norwalk, Ohio, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Presbyterian church of South Charleston, Ohio, and a petition of the Pleasant Ridge Christian Endeavor Society of Cincinnati, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petition of Rev. E. A. Jester, of Youngstown, Ohio, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Congregational Club, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BRICE presented a memorial of 118 citizens of Findlay, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented the petition of George B. Troub, of Hicksville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of the O. E. Bell Company, of the Cincinnati Silver Company, of the Carlisle-Osborne Company, and of the Tiffany Jewelry Company, all of Cincinnati, Ohio, praying for the enactment of legislation providing 1-cent letter postage; which were ordered to lie on the table.

He also presented the petitions of Charles Mels & Co., of A. & A. W. Sommerfield & Co., of the W. B. Carpenter Company, Albert Mayer & Bro., Goldman, Beckman & Co., the Clemen Toy and Stationery Company, Henry Gershofer & Co., Frederick Silberberg & Co., George H. Dean and Kibe Bros., the Cincinnati Woolen Company, and of G. Sturn & Sons, all of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Lodge & Shipley Machine Tool Company, of Cincinnati; of Oscar Onken & Co., of Cincinnati; of the Kennard Shoe Company, of Cleveland; Sherwin-Williams Company, of Cleveland; the M. H. Alexander Company, of Cincinnati; A. J. Wenham's Sons, of Cleveland; the Nicola & Stone Lumber Company, of Cleveland; the L. H. Whitcomb Company, of Cleveland, the Citizens' National Bank, of Akron, the Pliny Watson Company, of Toledo; the Merchants and Manufacturers' Exchange Company, of Cleveland; the Diebold Safe and Lock Company, of Canton, and of McGowan Bros., of Steubenville, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. GRAY presented the memorial of Wilbur F. Crafts, superintendent of the Reform Bureau of Washington, D. C., remonstrating against holding the proposed Sunday session of the Senate; which was ordered to lie on the table.

Mr. THURSTON. I present a telegram in the nature of a memorial, remonstrating against carrying into execution the recent Executive order for the extension of the forest reservations. This is an important matter, and I ask to have the memorial incorporated in the RECORD.

There being no objection, the memorial was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

OMAHA, NEBR., *February 26, 1897.*

JOHN M. THURSTON,
United States Senate, Washington, D. C.

At a meeting of the Commercial Club of the City of Omaha, held at Omaha on the 26th day of February, A. D. 1897, the following resolution was unanimously adopted:

"The Commercial Club of the City of Omaha, interested in the growth and development of the transmissouri country, and particularly of the State of Nebraska, is greatly alarmed at the promulgation of an executive order by the President of the United States by which 21,000,000 acres of public lands in the Northwest are reserved from exploration, settlement, mineral development and filing, and railroad construction. Of these 21,000,000 acres of land, which, added to the 17,000,000 acres heretofore reserved, makes nearly 40,000,000 acres of the public domain, 3,000,000 are in the State of Wyoming and the Black Hills of South Dakota, which country is directly tributary to the State of Nebraska, and is one of the sections largely supplied by agricultural products of this State. In view of the alarming and disastrous results to flow from this executive order, it is

"*Resolved*, That while in sympathy with any legitimate effort to protect the forests of the public domain, we believe that this sweeping order will have no such result, but by making the so-called timber country an uninhabited waste, will increase the danger of the destruction of forests by fire, and in view of the fact that large sections of these proposed reservations are now settled by agriculturists and miners, whose industries must cease if this executive order shall continue in operation, we call upon our Senators and Representatives in Congress by proper legislation to annul the said order, believing that the present stringent laws are sufficient, if enforced, to fully protect timber on the public domain.

"*Resolved*, That these resolutions be telegraphed to the Senators and Representatives in Congress from the State of Nebraska, to be by them presented to the two Houses of Congress."

J. E. UTT,
Secretary Commercial Club.

Mr. TURPIE presented a memorial of the Irish-American Club of Indianapolis, Ind., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of E. C. Atkins & Co., of Indianapolis, Ind., and a petition of Dean Bros., of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. BATE presented a petition of the Chamber of Commerce of Nashville, Tenn., praying that an appropriation be made for the Cumberland River improvements in that State; which was ordered to lie on the table.

He also presented a petition of sundry lumber manufacturers of Nashville, Tenn., praying that a duty be placed on foreign logs and lumber; which was referred to the Committee on Finance.

He also presented the petition of Prescott F. Hall, secretary of the Immigration Restriction League, praying for the adoption of the report of the committee of conference on the so-called immigration bill; which was ordered to lie on the table.

He also presented the petitions of R. B. Currey, grand regent Royal Arcanum, and sundry other citizens of Nashville; of S. S. Finley, grand vice-regent Royal Arcanum, of Tennessee; of L. David and sundry other citizens of Knoxville; of the United Order of the Golden Cross, Grand Commandery of Tennessee, and of

S. Rosenthal, past grand regent, and sundry other citizens of Chattanooga, all in the State of Tennessee, praying for the enactment of legislation regulating beneficiary societies, orders, and associations; which were ordered to lie on the table.

He also presented the petitions of E. L. Wilson and sundry other citizens of Columbia, of H. B. Norwood and sundry other citizens of Pikesville, of J. A. Cotton and sundry other citizens of Waverly, of L. P. Lowrie and sundry other citizens of Monteagle, of Ed. McElhinney and sundry other citizens of Tennessee City, of W. C. Wert and sundry other citizens of Kingston Springs, of V. A. Rushing and sundry other citizens of Box, of William Owen and sundry other citizens of Sequachee, and of Post C, Travelers' Protective Association, of Knoxville, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorials of J. D. Cox and sundry other citizens of Jonesboro, Tenn.; of the Tribune Printing Company, of Knoxville, Tenn.; of J. W. Case and sundry citizens of Johnson City, Tenn., and of Houghton, Mifflin & Co., publishers, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented petitions of the Spurlock-Neal Company, of Nashville; of Jo. I. Ivins, publisher of the Post, of Athens; of George W. Ochs, publisher of the Times and manager of the Tradesman, of Chattanooga; of J. E. & S. F. Brading, publishers of the Staff, of Johnson City, all in the State of Tennessee; of Thomas R. Cree, of New York, and of W. R. Tucker, secretary of the National Board of Trade, praying for the passage of the so-called Loud bill, relating to second class mail matter; which were ordered to lie on the table.

Mr. WETMORE presented a petition of the officers of the Baptist church of Saunderstown, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the officers of the Baptist church of Saunderstown, R. I., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry churches and societies of Rhode Island, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was ordered to lie on the table.

He also presented a petition of the Rhode Island Historical Society, praying for the passage of the joint resolution (S. R. 195) providing for the printing of the names of heads of families and other detailed information as shown by the First Federal Census; which was referred to the Committee on the Census.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Stephen Salisbury and sundry other citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Rev. J. D. Murphy, of Sedalia, Mo., and a petition of the St. Louis (Mo.) Exposition and Music Hall Association, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet, reported it with amendments.

Mr. PLATT. I am directed by the Committee on Patents to report the bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent, without amendment. I had supposed that I had reported it before, but I fail to find it on the Calendar.

The **VICE-PRESIDENT.** The bill will be placed on the Calendar.

Mr. HALE. I report back from the Committee on Appropriations the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, with amendments, and submit a report thereon. I give notice that I shall call it up at an early day.

The **VICE-PRESIDENT.** Meanwhile the bill will be placed on the Calendar.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. BLANCHARD on the 23d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PROCTOR on the 26th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER (for Mr. PROCTOR), from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported it with amendments; and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10178) for the relief of Francisco Perna, reported it without amendment, and submitted a report thereon.

DANIEL DRAWBAUGH.

Mr. PLATT. I desire to move the recommitment to the Committee on Patents of the bill (S. 1458) for the relief of Daniel Drawbaugh. A member of the majority of the committee has asked me to have the bill recommitted.

Mr. BERRY. I did not hear the statement of the Senator from Connecticut. What is the proposition? I failed to hear it.

Mr. PLATT. I asked to have the bill recommitted to the Committee on Patents.

Mr. BERRY. For what reason? Will the Senator state the reason?

Mr. PLATT. The bill was reported by a bare majority of the committee, and one of the committee who was in favor of the report has requested me to have it recommitted to the committee.

Mr. BERRY. If a majority of the committee desire to recommit it, of course I can make no objection. I did not know anything about it. My attention had not been called to it. I was one of the majority.

Mr. PLATT. Indeed, two of the members who were in favor of reporting the bill favorably have requested me to have it recommitted.

Mr. BERRY. That being true, I will make no contest about the matter. I had not had any information in regard to it, however, and I was one of the majority who agreed to report the bill favorably.

The **VICE-PRESIDENT.** In the absence of objection, the bill will be recommitted to the Committee on Patents.

PAY OF STENOGRAPHERS OF COMMITTEES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the following resolutions, reported them severally without amendment; and each was considered by unanimous consent, and agreed to:

> *Resolved*, That the Committee on Public Lands, in carrying on the investigation into the issue of patents for the lands embraced in the Perrine grant in Florida, be authorized to employ a stenographer, to be paid out of the contingent fund of the Senate.
>
> *Resolved*, That the stenographer employed to report the hearing before the Committee on the Library, February 13, 1897, in relation to the bill (S. 3587) to incorporate the National Society of Colonial Dames of America, be paid from the contingent fund of the Senate.
>
> *Resolved*, That the stenographer reporting the hearings on the Loud bill, before the Committee on Post-Offices and Post-Roads, on January 16, 23, and 30, 1897, be paid out of the contingent fund of the Senate.
>
> *Resolved*, That the stenographers employed to report the hearings before the Committee on the Judiciary, relating to the nomination of Henry E. Davis to be attorney of the United States for the District of Columbia, be paid from the contingent fund of the Senate.

TARIFF HEARINGS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to.

> *Resolved by the House of Representatives (the Senate concurring)*, That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House.

SPECIAL EDITION OF CONGRESSIONAL DIRECTORY.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the Committee on Printing be, and it is hereby, directed to prepare and have issued a special edition of the Congressional Directory for the use of the extraordinary session, should one be called, and that said edition be ready on the first day of the session; and that the same compensation be allowed for the compiling and editing of said edition as is authorized by law for the regular editions, the same to be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3731) to punish obstruction of the exercise of constitutional power by either House of Congress; which was read the first time by its title.

Mr. HOAR. I desire to have the bill read in full.

The bill was read the second time at length, as follows:

> *Be it enacted, etc.*, That any Senator or Representative who shall willfully and without reasonable cause, for the purpose of preventing action by the House of Congress to which he belongs, absent himself therefrom; or any member-elect to either House of Congress who shall willfully and without reasonable cause refuse or neglect to take or subscribe the oath or affirmation required to qualify himself for membership therein for such purpose shall be punished by a fine not exceeding $1,000.
>
> SEC. 2. The office of Senator or Representative in Congress may be resigned by filing a written resignation with the Secretary of the Senate or Clerk of the House of the person resigning as a member or by the willful refusal to attend the sessions thereof for the purpose set forth in the first section, proved by a conviction in pursuance of the provisions thereof. The failure of a member-elect of either House of Congress to qualify, for the purpose of preventing its organization or its action as aforesaid, shall, after conviction, be deemed and taken to be a refusal to accept the office, which shall thereupon become vacant, and the proper proceedings shall be had for choosing a person to fill the vacancy according to law.

Mr. HOAR. Mr. President, it is needless to say that I do not expect to get action on this bill at the short remainder of the present session. But I introduce it now because it does not relate to a danger especially affecting the proceedings of Congress or of either House, although it is one which is very likely to arise some time in the future here. I hope, however, the bill may be enacted at a time when the matter is not practically a danger, and that it may, perhaps, afford to the States a suggestion which will save the country from what now is one of its most imminent perils affecting the integrity of our institutions.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if there are any facts in existence, if there is any neglect of duty on the part of Members of the House or Senators, warranting the introduction of a bill of this kind?

Mr. HOAR. The very reason why I introduce it now is because there is no such fact likely to divide parties or to excite passion.

Mr. ALLEN. I did not know but that there was some present danger.

Mr. HOAR. Not in either House of Congress that I am aware of. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALTHALL introduced a bill (S. 3732) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO APPROPRIATION BILLS.

Mr. PUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF STENOGRAPHERS OF COMMITTEES.

Mr. PETTIGREW submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved*, That the compensation of the stenographer employed to report the hearing by the Committee on Indian Affairs in relation to the removal of the Lower Brule Band of Sioux Indians from their homes south of White River, South Dakota, be paid out of the contingent fund of the Senate.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved*, That the stenographer employed to report a statement before the Committee on Naval Affairs relative to torpedo-boat destroyers be paid from the contingent fund of the Senate.

ARBOR DAY.

Mr. PROCTOR submitted the following concurrent resolution; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Printing:

> *Resolved by the Senate (the House of Representatives concurring)*, That there be printed and bound in cloth 12,000 additional copies of Arbor Day: Its History and Observance, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture.

INVESTIGATION OF BOND SALES.

Mr. PEFFER. I offer the resolution which I send to the desk, and ask that it may be read and lie over.

The resolution was read and ordered to lie over, as follows:

> *Resolved by the Senate*, That the Committee on Finance be, and it is hereby, instructed to report to the Senate during the present session of Congress what action the said committee has taken in the matter of the investigation under the resolution adopted at the last session of Congress directing an investigation of bond sales by the Secretary of the Treasury.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following acts:

An act (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

An act (S. 3614) to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River; and

An act (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BUTLER. I desire to enter a motion to reconsider the vote by which the Senate yesterday passed the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

The **VICE-PRESIDENT.** The motion will be entered, as indicated by the Senator.

METROPOLITAN RAILROAD COMPANY.

The **VICE-PRESIDENT.** The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from New York [Mr. HILL].

Mr. QUAY. I move that the pending order be laid aside, and that the Senate proceed to the consideration of the labor-commission bill.

The **VICE-PRESIDENT.** The Chair will state that the motion can not be entertained until the morning business is concluded.

Mr. QUAY. I supposed it was concluded.

The **VICE-PRESIDENT.** It is not yet concluded. The Chair lays before the Senate the resolution of the Senator from New York, coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. HILL on the 25th instant, as follows:

> *Resolved by the Senate (the House of Representatives concurring therein)*, That the President be, and is hereby, requested to return to the House for correction the bill (H. R. 9347) to authorize the extension of the Metropolitan Railroad Company of the District of Columbia.

The **VICE-PRESIDENT.** The question is on agreeing to the resolution.

Mr. GALLINGER. I should like to have the Senator from New York [Mr. HILL] or the Senator from Nebraska [Mr. ALLEN] explain to the Senate the necessity for returning this bill to the Senate for correction. The Committee on the District of Columbia, who considered this matter at great length and with the utmost care, are not cognizant of any necessity for the return of the bill. Before the question is taken on the adoption of the resolution it is due to the Senate that some explanation should be made to the Senate by the Senators introducing these resolutions as to why the bill should be returned.

Mr. HILL. The Senator from New Hampshire seems to place some stress on the fact that the Senator who introduced the resolution should give some reason for its adoption. As the Senator is well aware, I stated when I introduced the resolution that I did so at the instance of the Senator from Nebraska, who had been called out of the Chamber at the time and who undoubtedly will give good reasons for its adoption. It is an ordinary resolution, such as it has been the practice of the Senate to adopt, and is carefully framed to avoid any constitutional difficulties that might arise. As to the merits of the matter, the Senator from Nebraska of course can explain. I know nothing about the merits of the bill itself. I have personally no objection to it, because I know nothing about it.

Mr. ALLEN. The resolution was drafted and introduced by the Senator from New York at my request, in consequence of my being called from the Chamber at the time on business which could not be neglected. It was my design, and I supposed the Senate understood the fact, that the resolution should be treated as a substitute for the Senate resolution which I had introduced a few moments before that time; and yesterday morning, when the resolution was laid before the Senate, I supposed it was the concurrent resolution which is now before the Senate, and that that resolution was adopted, until some hours after, when my attention was called to the fact that it was simply the Senate resolution and not the concurrent resolution that had been agreed to.

The Senator from New Hampshire understands quite well why this resolution is introduced. He understands fully as well as I do, if not better, the reasons for its introduction. This company has been engaged in a controversy with certain of its employees. The company blacklisted certain employees in consequence of their exercising the rights of citizenship. That fact was brought fully to the attention of the Committee on the District of Columbia, as I am informed by those who were before that committee on an investigation. No attention whatever seems to have been paid to the requests or to the complaints of these persons. No attempt whatever, as I understand it, was——

Mr. GALLINGER. If the Senator will permit me, we allowed them to be heard for a full hour before our committee.

Mr. ALLEN. That was very gracious, indeed.

Mr. GALLINGER. Yes; it was, under the circumstances, very gracious.

Mr. ALLEN. Any ordinary American citizen ought to feel very thankful——

Mr. ALLISON. I see that this is likely to lead to debate, and it can be considered at a later hour in the day. I move that the Senate proceed to the consideration of House bill 10289, the Post-Office appropriation bill.

Mr. ALLEN. Pardon an inquiry. I should like to understand how the Senator from Iowa can, without my consent, get the floor and make a motion while I am talking?

Mr. ALLISON. Certainly I can not. If the Senator is on the floor, I do not ask it.

The VICE-PRESIDENT. The Chair will state that the Senator from Nebraska is entitled to the floor, having been recognized.

Mr. ALLISON. I do not wish to take the Senator from the floor.

Mr. ALLEN. I shall yield the floor in a few moments. I was proceeding to say, when the Senator from Iowa interrupted me——

Mr. ALLISON. I beg the Senator's pardon.

Mr. ALLEN. Oh, certainly.

Mr. ALLISON. I supposed the Senator had taken his seat.

Mr. ALLEN. There was nothing wrong in it at all. It is perfectly proper.

I was saying that any average American citizen ought to feel extremely grateful that the District Committee would give him or his friends an hour of their valuable time upon a matter of the importance of this bill. But it does not seem to have amounted to anything. The Senate is not even informed as to the result of the investigation. The Senator from New Hampshire, who called upon me a moment ago for an explanation of the resolution, within five minutes of that time himself develops the fact that there was a contest before the committee of which he is a member. He knew, and knows now, and the committee knows quite well, that there was a very strong contest before that committee; and I am led to believe that those Senators knew there was opposition in the Senate to the passage of the bill in its present form. It is very singular that among the number of Senators on this side and some on the other side who have opposed this measure without certain concessions and certain amendments—they have been unable to be in the Chamber when it was taken up in any of its various stages and considered.

Mr. McMILLAN. I desire to state in answer to the Senator that the bill was passed in the Senate in its regular order, having been taken up when it was reached on the Calendar. The bill passed the House on the 17th day of December and three days later was referred to the Committee on the District of Columbia. It was not reported to the Senate until January 13, and then only after a full hearing. It was on the Calendar until February 5, and during that time I heard no word of opposition to the bill from any quarter. On the contrary, the committee received many letters asking for its passage. The Senate having agreed to take up the House bills on the Calendar, the Metropolitan bill was passed on February 5, without either being called up or opposed by a single Senator. Afterwards the Senator from Missouri [Mr. COCKRELL] said that he was intending to oppose certain provisions of the bill, and before the conference report was submitted the bill was changed so as to meet his objections. In this way the only objection I ever heard from any Senator until to-day was overcome. As I said, the bill passed in the usual way.

Mr. SHERMAN. Without objection?

Mr. McMILLAN. Without any objection whatever. I wish to repeat that, after the bill was reported and before its passage, no Senator, either on the floor of the Senate or anywhere else, ever made any objection to the bill to me, nor am I aware that a Senator made objection to any other member of the committee. The only objection ever made to the bill was made by the Senator from Missouri [Mr. COCKRELL], as I have explained. He took exception to the clause which related to changing certificates of indebtedness into stock. That provision was eliminated in conference, and the conference report was made by me, as usual, after the House had accepted the report of the committee of conference.

Mr. ALLEN. I am not at all prepared to say that that statement is not correct, but I say that it is rather a remarkable circumstance that in the various stages of the bill, in being reported and acted upon in the Senate, and in the various stages of the conference report, it so happened that all of these orders have been taken and the action of the Senate has been taken when those who were opposed to the measure in its present form were absent from the Chamber, although I think they have attended with systematic regularity. I do not say, of course, that the Senator from Michigan, or any other Senator, had any purpose in slipping this measure through in the absence of those who opposed it. I would not be guilty of a remark of that kind. But it is a singular fact that every time the bill was brought up here and considered, it was when every Senator who was opposed to it in its present form was temporarily absent from the Chamber; and there are a number of Senators who are opposed to it.

As I am informed, the District Committee had before it a number of witnesses who testified to the fact that this road was guilty of depriving many of its oldest and most trusted employees of their right of citizenship. It made war upon them because they were members of the Knights of Labor, and discharged them from their positions not by reason of the fact that they were incompetent or neglectful of their duties, or that their habits were not perfect, but because they refused to dissolve their connection with that organization. The committee had before it the original evidence, as I am informed, a copy of which I send to the desk and ask the Secretary to read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF GENERAL ASSEMBLY,
ORDER OF KNIGHTS OF LABOR, 43 B STREET NW.,
Washington, D. C., February 8, 1897.

To the honorable Senate and House of Representatives:

For several months past the Metropolitan Railway Company, of the District of Columbia, has been engaged in a persistent and determined attempt to deprive its employees of the rights guaranteed by the laws of the United States to belong to any lawful labor organization which they may choose to join. In pursuit of this object, the said company have intimidated, discharged, blacklisted, and terrorized its employees, who are citizens of the United States, and entitled to the protection of its laws. The said Metropolitan Railway Company, which engaged in this criminal course of conduct, robbing its employees of their most sacred rights, is enjoying the possession and profit of a very valuable franchise as a gift from the people of the United States, and are to-day asking a still further grant of valuable privileges in the streets of the city of Washington, in the shape of H. R. No. 9847, which is now before your committee.

In behalf of the workingmen, whose rights are being trampled upon by this company in the most outrageous and criminal manner, we protest that your committee should not grant to this Metropolitan Railway Company the privileges asked for in H. R. No. 9847, or any other privileges, until said company complies with the laws of the United States, and grants to its employees the rights which they are entitled to under the law. To do otherwise, and to grant to this company the privileges it now asks would be to sanction their criminal acts already committed and to encourage them to still further violate the law and infringe on the rights of the poor and comparatively defenseless workingmen in their employ.

In pursuit of its policy of intimidating and coercing its employees to give up their rights as American citizens, the Metropolitan Company has already discharged and blacklisted fourteen men, twelve of them immediately after the closing of the session of Congress in June. They did not dare, apparently, to engage in so glaringly criminal an act while Congress was in session.

The twelve men discharged and blacklisted on the 25th of June last were the oldest and most competent employees of the company, and were victimized for no other reason than that they were active members of an assembly of the Knights of Labor. It was admitted by the officials of the company that they were honest, sober, and competent, and, so far as the services rendered by them to the company, no fault could be found.

The only cause assigned for their discharge was to the effect that they had interfered with certain legislation desired by the company at the hands of Congress; which charge was proven to the company to be absolutely false. The general officers appealed to every member of Congress, asking that they would address President Phillips on the subject of the discharge of these men, and request their reinstatement; to this appeal many of the honorable members of both Houses responded, but to all of these letters President Phillips turned a deaf ear. The company was not satisfied with merely discharging the men, but for some reason best known to the company, the men have been prevented largely from securing employment elsewhere, either the company directly prevented them from securing employment or else some tangible agreement must exist between the companies, providing that an employee who is discharged or who leaves the service of one company shall not be employed by another. The only trouble with these men seems to have been that they were members of organized labor, members of the Knights of Labor. For some time prior to the organization of the assembly, and since its organization, it was the policy of the company to require from all applicants for employment in the service of the company an agreement that they would not connect themselves with any organization of labor, should they be appointed to a position in the service of the company.

This is proven by the following affidavits of reputable citizens and business men of this city who were interested in an endeavor to secure employment for some of their friends:

DISTRICT OF COLUMBIA, *County of Washington, ss.*

Personally appeared before me this 6th day of July, A. D. 1896, James E. Gessford, who, being duly sworn, deposes and says:

That he is engaged in business at Ninth and U streets northwest, in the city of Washington, in keeping a drug store. That after the Ninth street electric cars were started he was requested by Mr. Talliferro, who desired to secure an appointment as motorman, to see President Phillips at his office, together with Mr. Lewis J. Brown and Mr. Talliferro. Mr. Phillips promised us his appointment, conditioned, as he said, "that you will promise me that he (meaning Talliferro) shall not join the Railway Street Assembly, as I intend to get rid of all these union men in such a way that they will not know how it was done, and if you learn of his joining any such union you will report it to me, and I will discharge him."

(Signed by) JAMES E. GESSFORD.

Subscribed and sworn to before me this 6th day of July, 1896.
[SEAL] OSCAR NAUCK,
Notary Public, D. C.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Personally appeared before me, this 6th day of July, A. D. 1896, Lewis J. Brown, who, being first duly sworn, deposes and says:

That he went to see President Phillips with Dr. Gessford, to secure the appointment of Mr Talliferro as motorman on the Ninth street cars, and that President Phillips promised Mr. Talliferro's appointment if Dr. Gessford and myself would promise him that he (meaning Mr. Talliferro) would not join the Street Railway Union, as he said he intended to discharge all the union men, one by one, in a way that they would never know the cause thereof.

(Signed by) LEWIS J. BROWN.

Subscribed and sworn to before me this 6th day of July, 1896.
[SEAL] OSCAR NAUCK.
Notary Public (D. C.).

Here we have positive proof that the management of the Metropolitan Railway is guilty of a criminal violation of the laws of the United States.

Section 5508 of the Revised Statutes provides:

"PENALTY FOR EMPLOYERS' CONSPIRACY.

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, with intent to prevent or hinder his free exercise or enjoyment of any right or privileges so secured, they shall be fined not more than $5,000, and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

In view of the foregoing, we desire in the name of justice and fair play to enter our protest against this corporation being granted any privileges at the hands of your honorable body until it agrees to adjust the wrongs it has perpetrated upon the citizens who, to earn an honest livelihood, were compelled to accept service with the company. We are willing to submit the whole controversy to a disinterested tribunal to arbitrate the differences, and our people will accept the result, whatever it may be. Until then, we protest against any further grants of any kind whatever to the Metropolitan Railway Company, because the company have no legal or moral right to enjoin its employees from associating themselves together for a legitimate purpose, nor have they any legal or moral right to compel American citizens to surrender any of their constitutional rights as a condition of their obtaining employment with the company.

To allow this company to go on in its present course would mean that all corporations deriving their powers from legislative authority would be allowed to dictate to their employees as a master would to his slaves. Congress has entire power in the matter; it can prescribe the conditions under which a corporation may do business that seeks a franchise at its hands. This corporation should be compelled to adjust the present difficulties and give a guaranty that it will not resort to such un-American treatment of its employees in the future before any other privileges are conferred on it or any extension of its franchise is granted.

Such violations of law as this company is guilty of fully warrant Congress not only in refusing any further privileges, but are ample justification for steps being taken to revoke the grants already made to the Metropolitan Railway. It is a menace to the rights of every workman in the District of Columbia to permit such a corporation to continue in business here.

Very truly,

JAMES R. SOVEREIGN,
General Master Workman.
T. B. McGUIRE,
General Worthy Foreman.
JOHN W. HAYES,
General Secretary-Treasurer.
ANDREW D. BEST,
H. B. MARTIN,
DANIEL BROWN,
General Executive Board, Knights of Labor.

Mr. ALLEN. Mr. President, my information is to the effect that all the facts in this article and in these affidavits were fully before the Committee on the District of Columbia before this bill was reported favorably, and I should be glad to know from the chairman of that committee, as we proceed, why the evidence taken by the committee has not been reported to the Senate, so that the Senate might be properly informed upon the subject.

Mr. McMILLAN. I will state in reply that the customary hearing was given to the representatives of the Knights of Labor before the full committee, and there were present also the president and other officers of the railway company. Both sides were heard, and after going into the matter very fully it was decided by the committee, I think unanimously, that it was not wise for them to interfere and attempt to compel the railroad company to employ again the very men whom they had discharged. The railway company claim that these men were trying to disorganize the labor on their road; and while these were good men, yet they were engaged in a scheme to compel every man on the road to become a Knight of Labor or compel him to leave, and in that way they seemed to make some trouble.

Mr. ALLEN. And the committee thought, of course, that the railroad company was right, and that the men were wrong to have refused.

Mr. McMILLAN. We did not decide whether these men were right or wrong; we decided that such legislation had nothing to do with the bill under consideration. If the company had done some wrong to these men they had the courts to go to, and we thought that was the proper place for them to go.

Mr. ALLEN. Yes; but why did not the committee report these hearings?

Mr. McMILLAN. I will say, also, that the railway company did not ask for the extension of their line. It was asked for by the people on Columbia Heights, who were desirous of having the road extended, and the bill is in the interest of the people of the District, not in the interest of the railroad company. The hearings are reported for the use of the committee. It is not customary to report them to the Senate.

Mr. ALLEN. That is the old, old story. The company is not responsible for anything, and did not ask for anything, but the people asked for it, who are not connected with the company. I will not say to the Senator that I do not believe that at all, but I would need pretty strong evidence to induce me to believe that the company did not want to extend its road and make all the money it could, and that it was merely an eleemosynary association or corporation, ready to sacrifice its interest at the demand of the people of Columbia Heights. That does not answer the question at all. The Senator from Michigan gives no reason why the hearings were not reported. The Senator does not deny that it was made to appear before the committee of which he is chairman that the company was depriving these citizens of the United States of their rights of citizenship.

Mr. GALLINGER. If the Senator will permit me, no such matter was made to appear to the satisfaction of any member of the committee—not one.

Mr. ALLEN. I do not say to their satisfaction.

Mr. GALLINGER. Certainly not.

Mr. ALLEN. I do not suppose they could be satisfied in some respects.

Mr. GALLINGER. Probably not on the lines the Senator is traveling on.

Mr. ALLEN. But I say to the Senator from New Hampshire it is singularly suspicious that the hearings have not been reported to the Senate, so that the Senate and the world could know what took place there.

Mr. GALLINGER. The committee had no authority to employ a stenographer and to use the public funds for the purpose of having the hearing reported. It is a very unusual thing for any committee of the Senate to report hearings to the Senate in returning a bill.

Mr. ALLEN. It is not an unusual thing at all. There were six or seven different claims allowed this morning out of the contingent fund of the Senate for hearings before different committees.

Mr. GALLINGER. I will say to the Senator that I have myself reported from the Committee on the District of Columbia, and they are now on the Calendar of the Senate, seven very important bills, on every one of which I had a hearing, but I have not thought it necessary or proper to report those hearings to the Senate. I have reported the facts.

Mr. ALLEN. That does not answer it at all.

Mr. BACON. If the Senator from Nebraska will permit me, I will state that there are certain hearings where it is proper and necessary that the testimony should be reported. Those hearings are confined to cases where a particular subject-matter is sent to a committee for investigation, like, for instance, the investigation which was had before the Naval Committee as to the price of naval armor, etc. This matter of the complaint of these employees was never committed to the committee by the Senate, but came up incidentally. Here is a House bill which simply proposes to give the railroad company the right to extend its line.

Now, as a collateral matter, altogether outside of any matter submitted to the committee by the Senate, there arises an issue which is made by certain employees, who say that this additional franchise ought not to be granted to the company because it has treated its employees improperly. Certainly there was nothing in that which would require that the committee should return any report to the Senate upon the subject, because it did not relate to any matter which was pending before the Senate.

While I am on my feet, I want to say one thing, if the Sen[illegible] from Nebraska will pardon the interruption. It is very well for the Senator from Nebraska, if he sees proper, to bring this matter to the attention of the Senate and for him to att[illegible] legitimately to defeat the bill, but I do protest, Mr. Presid[illegible] proper in so doing that he should seek to asperse the motives and the character of the men who are upon the District Committee.

Mr. ALLEN. It is not——

Mr. BACON. I hope the Senator will pardon me just one moment further.

Mr. ALLEN. Certainly.

Mr. BACON. The service upon the District Committee is extremely onerous. It is a very thankless task the members of that committee have to perform. It is one of great difficulty. From the beginning of the Senator's speech to the present time he has failed to confine himself to the discussion of the question as to whether the committee has acted improperly in an error of judgment as to the manner in which the proceeding has taken place, but has thrown insinuation after insinuation upon the committee in regard to this matter. For instance, the Senator in the beginning repeated time after time the statement that it was very strange that the bill was brought up before the Senate each time when no Senator who was opposed to it was present, and that in the face of the statement by the chairman of the committee that it had not been brought up at any irregular time, but that it had only proceeded in its regular way. Yet the Senator still repeated the statement that it was extremely strange that whenever it came up the Senators who were opposed to it were absent. If the Senators who were opposed to it were absent at the time when it came up in its regular order, it was certainly not the fault of the committee, but only the fault of the Senators themselves that they were not in their seats.

Mr. ALLEN. Probably after a time the Senator from Georgia will prohibit me from talking upon the subject at all or drawing any deductions whatever.

Mr. BACON. I have for the past two years listened with very great pleasure to more than one speech of the Senator from Nebraska, and it is the first time that I have interrupted him.

Mr. ALLEN. I do not object to the interruption. I am always glad to submit to an interruption on the part of my friend from Georgia.

But, Mr. President, I am not yet prepared, like the men who are in the employ of the street railway company, to abdicate my rights as a citizen or as a Senator. I shall do that at the proper time. I shall draw my own deductions, whether they are correct or incorrect. The world can determine that fact. If my logic is at fault, the Senator from Georgia or the Senator from Michigan or the Senator from New Hampshire may correct it if they see fit.

I have not impugned the motives of this committee, and have not impugned the motives of any one of them, and do not now. I want to disclaim as publicly as I can any purpose whatever of impugning the motives of any member of the District Committee, but I must be permitted, in the same connection, to state the facts as I understand them to exist, and to draw my own deductions from those facts, and, much as I prize the opinion and judgment of the gentlemen composing that committee, I am not yet prepared to take their judgment in place of my own. I have acted for fifty years upon my own judgment, and I propose to act the remainder of my life upon my own judgment.

It is not denied that the fact recited in this paper was before that committee; it was made to appear by the affidavit of James E. Gessford, that Mr. Phillips, the president of the Metropolitan road—

> Promised us his appointment conditioned, as he said, that you will promise me that he (meaning Taliferro)—

That is the applicant—

> shall not join the Railway Street Assembly, as I intend to get rid of all those union men in such a way that they will not know now it was done, and if you learn of his joining any such union you will report it to me, and I will discharge him.

That fact is not denied; that fact was before the Committee on the District of Columbia.

Mr. GALLINGER. And it was denied most emphatically.

Mr. ALLEN. Oh, yes; but how do we know it was denied?

Mr. GALLINGER. I say so.

Mr. ALLEN. Oh, the Senator says so. That settles it. But where is the evidence that it was denied?

Mr. GALLINGER. The same evidence the Senator has. He has the word of a Knight of Labor. I give the word of a Senator of the United States.

Mr. ALLEN. I have an affidavit, an affidavit that would subject a man to indictment for perjury if it were not true.

Mr. GALLINGER. Does the Senator want my affidavit?

Mr. ALLEN. No, but I want the evidence the Senator heard in the committee. I do not want any secondary or hearsay evidence.

There was the deliberate statement of the president of this road that he intended to disorganize the Street Railway Association. Mr. President, if the street railway employees had made that declaration respecting the railroad company, it would have been regarded as something just short of treason, and it would have been suppressed by the occupant of the White House if it had been declared in the street, in consequence of their not having a building in which to meet.

The Senator from New Hampshire says they are not concerned in this matter at all. That seems to be entirely correct. The affidavit of Louis J. Brown shows in substance the same thing. Here was this company, an applicant to Congress for additional powers, for an extension of its charter power, yet putting its feet upon those who were laboring for it; and the District Committee of this body loaned its influence to the triumph of the company and to the dethronement and destruction of labor.

Mr. GALLINGER. Now, if the Senator will permit me——

Mr. ALLEN. Certainly.

Mr. GALLINGER. His misinformation is monumental.

Mr. ALLEN. No doubt of it.

Mr. GALLINGER. It is monumental. The Committee on the District of Columbia considered this bill, reported it here, and it was placed on the Calendar. After it was on the Calendar, those gentlemen appeared and asked the courtesy of a hearing, the bill being on the Calendar. We listened very attentively to them—I said a moment ago for an hour, but it was two hours. The president of the company also made a statement to the committee. The committee then considered the subject at two or three different meetings, went all over the ground, considered it with the utmost care, and concluded that there was nothing in this matter that ought to influence us to deny this right, which the citizens desire more than the railroad company. Then the committee simply allowed the bill to remain on the Calendar, and it was considered in its proper way. That is all there is to it. The Senator from Nebraska is getting up a tempest in a teapot about this matter. It is not going to influence anybody, unless it may be some of his constituents. This thing is perfectly understood.

Mr. ALLEN. I have no doubt it is perfectly understood by the Senator from New Hampshire, and I have no doubt that he regards it as a tempest in a teapot. I have no doubt he is perfectly willing to line up with this street railway company against its employees.

Mr. GALLINGER. I am, if it is in the right.

Mr. ALLEN. It is much easier to stand with the strong and the powerful than it is with the weak and the humble; it is easier to stand in this Chamber and excuse the conduct of a great corporation like this in their abuse of their employees and in their depriving their employees of their rights than it is to stand and advocate the cause of the employees. Of course, occasionally these men, who are driven from their positions where they earn a livelihood for themselves and their families, receive a few crocodile tears from some of those gentlemen, but they rarely receive their votes when the vote will be of any benefit to them.

No, Mr. President; it was the duty of the District Committee, if it had a hearing upon this matter, to report the facts to the Senate, so that we could know exactly what the facts are and whether the bill reported by that committee ought to be amended or ought not to be amended. The Senator from New Hampshire may congratulate himself, if he sees fit, upon the fact that the District Committee has discharged its duty to these men in this case; he may console himself, if he desires, with that thought; but I do not believe the District Committee did its duty as it ought to have done without reporting the facts to the Senate and without recommending an amendment to this bill requiring an adjustment of the difficulty between this railroad company and its employees; and nothing that he may say or that any member of that committee may say will change my mind in that respect.

Mr. MILLS. Mr. President, I do not rise for the purpose of criticising the Committee on the District of Columbia. I apprehend that those who wish to serve these employees have misapprehended the proper remedy for the evil complained of. I want to get this bill back before the Senate, in order that I may offer an amendment to the bill and have it voted on in this body.

This is an act of incorporation. This company is a creature of law; it can not exist without the fiat of law; it does exist by the fiat of law. In the creation of this corporation Congress can impose whatever conditions it pleases, and see to the enforcement of those conditions. These corporations are created for public benefit; for public purposes; for the benefit of the whole people of the country; and every provision necessary to carry out that purpose ought to be placed in the act of incorporation. I am anxious to have the amendment placed in this act of incorporation, because an act of incorporation is in the nature of a contract, and a contract which it has been held by some courts it is impossible for the lawmaking power to change after it is once made.

I take it for granted that the policy which we have usually pursued to amend or alter a charter has been retained in the original charter in this case; but if it has not, here is the place to put a condition for the protection of the employees of this corporation.

We have heard much, Mr. President, about arbitration—arbitrating grave international questions and arbitrating questions between corporations and their employees all over the country. The working people have been demanding the creation of some tribunal of that sort; but here is the place to insert in this bill, which I wish to get back before the Senate, a provision that no employee of this corporation shall be discharged by the persons conducting its business until charges shall have been preferred against him and sent before the Commissioners of the District of Columbia, who shall have authority to hear evidence and to pass upon the validity of the charges, and that, if the charges are not supported, this corporation, created by law, shall not have the power to discharge its employees.

Freedom of speech is an inheritance of every American citizen; everyone has the right to discuss all public business, and the public business of all corporations created by law, and no corporation should be permitted to discharge its employees because some one of them, as an American citizen, has questioned the validity or the rightfulness of its action. He should not, for such reason, be incontinently dismissed from its service, and to have no remedy at all.

I state to my friend that I am not criticising him, nor any member of the committee, for what has been done. I want to offer my amendment, if we can get the bill back, and let the Senate vote upon it. I shall then be satisfied. I want to insert an amendment that this public corporation, created by law, shall not discharge its employees at will, without grave charges made against them, and those charges heard and determined by the Commissioners of the District of Columbia.

Mr. GALLINGER obtained the floor.

Mr. FAULKNER. I ask the Senator from New Hampshire to yield to me for a moment.

Mr. GALLINGER. Certainly, with pleasure.

Mr. FAULKNER. Mr. President, I want to be perfectly frank with the Senate in reference to the position I occupy touching the entire subject-matter that is now brought before us.

My attention was brought to the subject alluded to by the Senator from Nebraska [Mr. ALLEN], and I myself felt that something should be done in order to meet the demands of the men who claim that they were dismissed by this corporation because of the fact that they were members of a labor organization, and, although I was not present when the bill was passed in committee, and it had been placed upon the Calendar some two weeks, when I was called upon by these gentlemen I appealed to the chairman of the committee to give them a full hearing upon the subject of their complaints. In response to the appeal I made on their behalf, it was determined that the whole committee would hear the complaints of these men, and give notice to the railroad company of the hearing, so that its representative could also be present and contradict or controvert any proposition submitted by the Knights of Labor.

In pursuance to that agreement, the full committee met, both sides in this controversy were fully heard, and a large number of affidavits were submitted on behalf of the labor organizations and affidavits were submitted on the other side by the parties directly interested controverting the whole proposition. The gentleman who had been president of the railroad company, and who had been charged with making the statement contained in the affidavit which was read at the desk, was no longer connected with the company; he had resigned some few months before—I think some six or eight months ago—and Mr. Harries, who had been elected in his place, was before the committee, and the commitee questioned him and cross-questioned him as to his policy upon this subject. He stated in a succinct, clear, and definite manner the policy of his administration—a policy as to which, he said, no board of directors could influence or control him; that the question of belonging to a labor organization would not have the slightest influence with him either as to the employment or the discharge of any employee; that he himself was a member of the labor organizations of this city; that he was a member in good standing with these organizations; that he sympathized with their purposes and their objects, and that under no circumstances, even if an order should be passed by the board of directors, would he ever consent to be made the subservient tool of any policy that would affect the rights and liberty of a laboring man to join such organizations and to participate in the benefits which flow from them.

Being satisfied of that policy by the now existing organization of this railroad company, realizing that this was a collateral matter, which did not enter into and could not affect the merits of the question which was before the Senate, which was the giving of a great public benefit to a large number of citizens who are now compelled to walk up and down that long hill at Columbia Heights in the rain and slush and snow of winter and in the heat of summer, and believing that the purpose of the extension was a great public purpose, and not for the pecuniary advantage of that railroad company, I felt compelled, though I have all the sympathies which the Senator from Nebraska and the Senator from Texas have in reference to this matter, to say in the interest of the public that we should not put any obstruction in the path of the passage of the bill.

Mr. ALLEN. Will the Senator permit me a moment?

Mr. FAULKNER. Certainly.

Mr. ALLEN. Could we not have required this corporation to make an adjustment with these men?

Mr. FAULKNER. If we had said—and that was the only way it could have been done—we will not pass this bill until the railroad company makes some adjustment with these men. And that is what I was asked to do and that is what I had determined to do, until I realized from the testimony before us that the policy of this company was not antagonistic to the rights of these men.

Mr. MILLS. Does the Senator not think that the adoption of my amendment would have a good effect?

Mr. FAULKNER. I do not think it would. I do not think that any corporation or anybody else has the right to transfer my employees over to another organization or body of men to say whether I shall discharge them or not.

Mr. MILLS. Do you not think that Congress had the right to require that in the grant of the act of incorporation of that company?

Mr. FAULKNER. Congress has power to impose any conditions upon the grant of franchises that it chooses to impose; but I say that I have no fear that Congress will ever pass a law which will provide that the employees of anybody, or any corporation, shall be transferred over to a board of commissioners to decide whether they shall continue as employees or not.

Mr. ALLEN. Does the Senator justify the discharging of its employees by this corporation?

Mr. FAULKNER. No, sir; and I said I did not. I said that my sympathies on that subject were as strong as were the Senator's, and when I became satisfied that the policy of this company was not to do any such thing, then, under those circumstances, I could not and would not in the public interests interpose objections to the bill.

Mr. ALLEN. Does the Senator know that these corporations have blacklisted employees as if they had been guilty of crime?

Mr. FAULKNER. I will state that it was proved as conclusively as proof could be made that there is no blacklisting in the District of Columbia. On that point I was satisfied, and I came to the conclusion that there was no blacklisting on the part of the corporations in this District.

I have some question of doubt as to the other point, as to whether the evidence did not sustain the allegation that these men were, perhaps by reason of being agitators, as they were called, quietly discharged, but on the question of the blacklisting my mind is thoroughly satisfied.

Mr. ALLEN. Do I understand the Senator to say that because these men were agitators, as they were called—that is, American citizens who expressed their opinions—they were discharged in consequence of that fact?

Mr. FAULKNER. No, I do not mean that. I mean just what I say, and not what the Senator says. I mean to say that the impression was left on my mind, after hearing all the evidence, that by reason of the fact of these twelve men being active and earnest in trying to build up their organization, the railroad labor union, or whatever it may be called, urging men, and, as the officers of the railroad company claim, threatening them, so as to force them to join the labor organizations, did have an influence on the discharge of those men, but that was under a different administration of the Metropolitan Railroad Company. But the present president of that corporation, being a labor-union man himself, in full sympathy with labor and with organized labor, and he having assured the committee that it was his deliberate and well-considered policy not to interfere with them in any way, with the proof that there is a large number of labor-union men still in the employment of the company, and that they had never been interfered with, and with the statement of the president of the company that he had never asked any man whether he was a member of a labor union or not, and never would ask it in the employment of men by that company, convinced me that under the policy now existing there is no possibility whatever of this offense being committed.

Again, Mr. President, I should not be willing to recall this bill, even if I were in favor of the amendment of the Senator from Texas. When you make a law of that kind, it ought to apply to all corporations. Do not single out the very best corporation, the finest street railroad in the whole country. It has organized and gone to the expense, under a provision passed by this Congress which compelled them to do it, of putting in a magnificent line of railroad here at tremendous expense. Do not single out that particular railroad company and leave all the others out, but pass a general law for this District, if the Senator from Texas desires to do that. Then the question will come up for fair and full discussion as to the policy of transferring and turning over the question of the discharge of any employee of a corporation to be considered and heard by the District Commissioners.

Mr. President, I am a friend of organized labor, but I never would vote for such a provision as that. I recognize the rights of both parties in this great controversy—the right of labor to organize for self-protection, and the right of every man who employs labor either to discharge it or retain it, as, in his judgment, he believes his interest may be promoted. The laboring men can never receive protection by any provision of law of that character; they must receive it by combining, as capital combines, in labor organizations, and making the fight. For that reason I have always approved of organized labor.

Mr. ALLEN. Does the Senator approve of organized capital overriding labor?

Mr. FAULKNER. No, sir; I do not; but I say your puny acts of legislation can not affect this question. Laboring men must have the manhood and courage to stand up and organize themselves; and when they do so, they are the equals of capital. Segregated, separated, and isolated, each man for himself, he is no competitor with capital; but when labor is organized it is the equal of capital at any time.

Mr. ALLEN. Will the Senator permit me to suggest that he is throwing his great influence for organized capital against organized labor in this important transaction?

Mr. FAULKNER. No, sir; I am not. I am saying, as a Senator on this floor, looking at the interests which are committed to me, that I can not let a collateral matter come in here and stop a public improvement, demanded by the citizens of this District, when I am satisfied that under the present policy of this company no such offense will ever again occur.

Mr. GALLINGER. Mr. President, I shall not occupy much of the valuable time of the Senate this morning in presenting this case as I understand it, but I do beg the indulgence of the Senate for a very few minutes.

I turn to the CONGRESSIONAL RECORD of yesterday, and I find the Senator from South Dakota propounded an inquiry to the Senator from Nebraska in these words:

> Mr PETTIGREW. I should like to know whether it is simply to correct a clerical error?
>
> Mr ALLEN. Yes; a clerical error.

The Senator from Nebraska yesterday wanted to get this bill back to correct a clerical error, and now this morning he wants to get it back, according to his own testimony, to put a provision on it compelling this corporation to restore to their service certain men whom they have dismissed, and the Senator from Texas [Mr. MILLS] wants to get the bill back to put on two or three sections of United States statutes, which apply to this question, and which are found in the laws at the present time, and are operative as regards this proposition.

Mr. MILLS. I wish my friend would not misstate my position. I said nothing about putting on any provision of the statutes.

Mr. GALLINGER. What the Senator proposes is in the statutes to-day, and applies to this and all other corporations.

Mr. MILLS. There is no such provision in the statutes. I shall not interrupt the Senator now, however, but I shall take the floor when he concludes.

Mr. GALLINGER. The Committee on the District of Columbia, as the Senator from Georgia [Mr. BACON] very properly and correctly stated, is a committee which is doing a vast amount of gratuitous and unappreciated work. They are considering legislation for this great District, and they are giving their valuable time, to the neglect of duties that pertain to their own States. They are listening to arguments and speeches and to all sorts of things which all sorts of men want to be heard upon in this District: and I do not deny the right of those men to demand of this committee that they shall be heard.

As regards the present bill, the committee gave it a long and careful consideration. Then it was reported to the Senate and placed upon the Calendar. These gentlemen appeared and asked for a hearing. That hearing was granted to them. We listened to them for two hours, and we took into consideration every argument they made. They presented the paper which has been read from the desk. That paper was sent to me almost a year ago, and I was commanded to telegraph certain gentlemen here representing this corporation that unless they restored these men I would, as a member of the Committee on the District of Columbia and as a Senator, obstruct future legislation in their interest. That is not anything new to us. We have heard of it for a long time. Two gentlemen did make affidavits—at least their affidavits are there in print. They did not appear before the committee, but they swore that they understood that this corporation had discharged these men because they belonged to organized labor.

On the other side, Mr. Samuel L. Philips, one of the best known men in the city of Washington, who was president of that railroad company at one time, has given a long affidavit denying every allegation that is made in that direction. Another gentleman, whose name I need only mention to have it recognized, Mr. H. B. Colman, made a similar affidavit, which is on my desk. Another gentleman, Mr. S. Thomas Brown, gave a similar affidavit. He is a gentleman of integrity and standing in this community. Mr. Robert D. Weaver also gave an affidavit denying these allegations. Mr. A. B. Grinnell likewise made an affidavit in the same line. We listened to all this testimony, we gave it careful consideration, and the committee were of opinion that this was a controversy which did not belong at the present time in the Congress of the United States. The bill was on the Calendar. The complaints that these men made—the hardships, if you please, that may have been imposed upon them—had a remedy in the courts of the District of Columbia. This bill simply proposed a small extension of this road. The president of the road appeared and said: "Our company do not care whether you give this charter or not: the citizens living along the line of those streets are demanding that this extension shall be made."

I will say to the Senate, Mr. President, that scores of those men have been to me; they have been to me during the last two days begging of me that the bill shall not be recalled from the President of the United States, because they want the advantages of rapid transit which other citizens in other portions of the District of Columbia have.

Here is this great corporation. It is a great corporation; in my judgment the finest street railway in the United States, and perhaps the finest street railway in any city of the entire world. These men were compelled by Congress to put in an underground system of electricity. They spent $2,300,000 to put in that system of underground propulsion, and they are to-day heavily in debt. They are giving the citizens of this District, in my judgment, the best transit that can be found in any city on the American continent, and, as I say, perhaps in any city of the world.

Mr. ALLEN. Will the Senator permit me?

Mr. GALLINGER. For a moment.

Mr. ALLEN. Does that justify their brutal conduct of their men?

Mr. GALLINGER. It does not justify anything. Neither would it justify us in striking a blow at this corporation at the dictation of a few outside men who imagine they have grievances or at the dictation of the Senator from Nebraska.

Mr. George H. Harries is at the head of the corporation. Who is Mr. George H. Harries? He is a man who has come up from the ranks; who worked his way up through a printing office. He is to-day a member of the labor organizations of this country. He is in profound sympathy with every man who is struggling as he has had to struggle. The Senator from Nebraska intimates that I stand here as the champion of a corporation against the rights of human labor. I myself am a member of the International Typographical Union. I know what it is to struggle for a living. I know what every workingman in this country has to contend against, and when the Senator from Nebraska intimates that I have not as much sympathy with laboring men in this country as he has, he has not a correct knowledge of the struggles I have had to get a living in this world.

Mr. President, I am in profound sympathy with these laboring men, and I am in profound sympathy with every laboring man who belongs to labor organizations, as I belong to labor organizations; but that is no reason why I should stand here and do a wrong to a corporation at the dictation of some outside men who come here and demand that they shall be restored to their places, that their wages shall be paid from the hour they were discharged, and this corporation shall be taken by the throat by these men and compelled to do their bidding. I resent it, I resist it, and I say the Senate of the United States can not afford to make any such record as that.

We have given this matter careful consideration. We have listened attentively to these men who imagine they have grievances and who perhaps have grievances, but Mr. Harries, who is at the head of this corporation, is a union man; he is in sympathy with labor; he says the question of unionism or nonunionism has never been raised, so far as the employees on the road are concerned, and I believe that in his hands the interest of labor as well as the interest of the men who are employing him is absolutely safe, and that we do not want any further legislation on this little bill for the purpose of protecting here the interests of labor or capital in the District of Columbia.

The time of the Senate is very valuable. Many other things might be said, but I will not weary the Senate in stating them. Both sides of the question have been heard; I think the matter is fully understood, and I now move to table the resolution offered by the Senator from Nebraska.

Mr. ALLEN. I hope the Senator will not do that.

Mr. BACON. I trust the Senator from New Hampshire will withdraw his motion.

Mr. ALLEN. I hope the Senator from New Hampshire will not undertake to enforce any gag rule of that kind.

Mr. GALLINGER. I have made the motion in entire feeling that I am doing the right thing.

Mr. BACON. I desire to be heard.

Mr. GALLINGER. If Senators desire briefly to be heard, I will withdraw the motion for that purpose.

Mr. BACON. I rose before to address the Senate, not upon the merits of the question, but impelled simply by the desire to repudiate and repel what I thought were unjust aspersions on the part of the Senator from Nebraska against the membership of the District Committee of this body.

I do not wish to do anything further on that branch than to say that of course I recognize the right of the Senator from Nebraska to criticise, legitimately, any action of the committee, and not only that committee, but any other committee, but I do not think it was within the legitimate sphere of criticism to suggest that the committee, by trickery, has got through this body a bill which it could not have got through under any other circumstances.

Mr. ALLEN. I did not suggest anything of the kind.

Mr. BACON. I accept the Senator's disclaimer, and I am very glad to do so.

Mr. ALLEN. I suggested nothing of the kind.

Mr. BACON. The thing which the opponents of the bill before the committee desired to have done was that an amendment should be put upon the bill which would require the company to arbitrate the issue between itself and these employees. I favor the principle of arbitration between large corporations and their employees, because I recognize the fact that employees, even in their aggregate capacity, are not in position to cope with the power of great corporations. But I do not recognize the propriety, and I think this point ought to be made to appear clearly to the Senate, of a special bill for a special arbitration in a particular case.

I desire to say to the Senator from Nebraska, favoring, as I know he does, the principle of arbitration, that if he wishes to reach this matter in a practical way, to the benefit of those whose interest he advocates here, and for whose interests I do not admit that he has any superior regard to myself, let him introduce a general bill for the purpose of submitting to arbitration disputes between corporations in the District and their employees. Let him advocate it, and when it is put to a vote he will find that I will vote for it; but I will decline to vote for arbitration in a particular case against a particular company.

Mr. ALLEN. Will the Senator permit me to suggest that the Senator from Pennsylvania [Mr. QUAY] has a bill of that kind before the Senate, and he can not even get it up and get a hearing.

Mr. BACON. It certainly is not the fault of the District Committee that it can not be got up. The thing for the Senator from Nebraska to do is what I have suggested.

Mr. FAULKNER. I do not understand the Senator from Nebraska to say that the bill is confined solely to the District, and went to our committee. It is a general bill.

Mr. ALLEN. It is a general bill. It is such a bill as the Senator from Georgia referred to.

Mr. BACON. What is its scope? Is it confined to the District or does it go outside into the United States generally?

Mr. ALLEN. It takes in the District and the whole United States.

Mr. BACON. It is very difficult, as the interests are so varied, to get a bill framed which will meet the approval of everybody.

But if the Senator wants this particular matter to be effected in the District of Columbia, if he wishes to reach the particular evil which he says exists in this case—I shall not stop to discuss the merits of it—the way to do it is to secure a general bill which will insure arbitration between corporations in the District of Columbia and individual employees. I submit to the Senate, however, that it is opposed to every principle of law to incorporate upon the bill what was demanded, that there should be arbitration in this particular case. If the law of arbitration is to exist—and I repeat I favor it—it ought to be a general law, and not a provision for arbitration attached to a particular bill, and relating not only to a particular corporation, but to a particular dispute with one corporation. If the Senator from Nebraska introduces such a bill as I have indicated, he will not be a more earnest advocate than I; he will not more certainly vote for it than I will.

Mr. GALLINGER. I renew my motion to lay the resolution on the table.

Mr. ALLEN. The Senator will not undertake to cut off debate?

Mr. GALLINGER. I prefer to have the vote taken.

Mr. ALLEN. Then I will take occasion at another time to correct some of the glaring errors and misstatements of the Senator from New Hampshire.

Mr. GALLINGER. That is all right.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from New Hampshire to lay on the table the pending resolution.

Mr. ALLISON. I ask that the vote may now be taken on the resolution. Let us test the sense of the Senate upon it.

Mr. HILL. The Senator from Nebraska asks the ordinary courtesy to speak. Let us extend it to him, whether or not we agree with the resolution.

Mr. BACON. I hope the Senator from Nebraska will be permitted to speak. I appeal to the Senator from New Hampshire to withdraw his motion for that purpose.

Mr. ALLISON. I then shall feel constrained to move to proceed to the consideration of the Post-Office appropriation bill.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire, which is not debatable.

Mr. ALLISON. Very well.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE].

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], but I am sure that he would vote "yea," and therefore I will vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I therefore withhold my vote.

Mr. THURSTON (when his name was called). I have a pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I desire to inquire whether the senior Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. I am paired with that Senator, and therefore withhold my vote.

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. WILSON. I announce my pair with the Senator from Florida [Mr. PASCO].

Mr. NELSON (after having voted in the affirmative). I have a pair with the Senator from Missouri [Mr. VEST], who, I see, is not in his seat. I therefore withdraw my vote.

Mr. PERKINS (after having voted in the affirmative). I desire to inquire if the junior Senator from North Dakota [Mr. ROACH] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PERKINS. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. DUBOIS. I take the liberty of transferring my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from South Dakota [Mr. KYLE]. I am assured that the Senator from South Dakota would vote "nay." I am not certain how the Senator from New Jersey [Mr. SMITH] would vote.

The result was announced—yeas 30, nays 25; as follows:

YEAS—30.

Aldrich,
Allison,
Brown,
Burrows,
Caffery,
Carter,
Chandler,
Cullom,
Elkins,
Faulkner,
Frye,
Gallinger,
Gibson,
Hale,
Hansbrough,
Hawley,
Hoar,
Jones, Nev.
Lodge,
McMillan,
Mitchell, Wis.
Morgan,
Morrill,
Platt,
Proctor,
Quay,
Sewell,
Sherman,
Shoup,
Wetmore.

NAYS—25.

Allen,
Bacon,
Bate,
Berry,
Blackburn,
Butler,
Cameron,
Cannon,
Chilton,
Daniel,
Dubois,
Gray,
Hill,
Lindsay,
Mantle,
Martin,
Mills,
Murphy,
Palmer,
Peffer,
Pettigrew,
Pugh,
Voorhees,
Walthall,
White.

NOT VOTING—35.

Baker,
Blanchard,
Brice,
Call,
Clark,
Cockrell,
Davis,
Gear,
George,
Gordon,
Gorman,
Harris,
Irby,
Jones, Ark.
Kenney,
Kyle,
McBride,
Mitchell, Oreg.
Nelson,
Pasco,
Perkins,
Pritchard,
Roach,
Smith,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vest,
Vilas,
Warren,
Wilson,
Wolcott.

So the resolution was laid on the table.

HOUSE BILLS REFERRED.

The bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees was read twice by its title, and referred to the Committee on Education and Labor.

The bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask the Chair to lay before the Senate the international monetary conference bill which has come from the House of Representatives.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (H. R. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

Mr. CHANDLER. I ask that the bill with the amendments of the House of Representatives may be printed for the use of the Senate. I shall call it up on Monday for action.

Mr. GORMAN. I ask that the House amendments may be stated. Let us hear them.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. The amendments of the House of Representatives are, on page 2, section 2, at the end of line 4, to insert:

> And he is further authorized, if in his judgment the purpose specified in the first section hereof can thus be better attained, to appoint one or more special commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purpose specified in the first section hereof. And in case of such appointment so much of the appropriation herein made as shall be necessary shall be available for the proper expenses and compensation of such commissioners or envoys.
>
> SEC 3. That so much of an act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," as provided for the

appointment of delegates to an international conference and makes an appropriation for their compensation and expenses, be, and the same is hereby, repealed.

Amend the title so as to read: "An act to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement."

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. CHANDLER. I shall on Monday move to concur in the amendments of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1743) to establish an additional land office in the State of Montana:

A bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company: and

A bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;" and

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The message further announced that the House had passed the bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the lands contained in the same to entry with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CURTIS of New York, and Mr. TYLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution to print, for distribution by the Department of State, 5,000 copies of the Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc.; in which it requested the concurrence of the Senate.

JULIO SANGUILY.

Mr. DANIEL. I avail myself of this opportunity, Mr. President, after consultation with the Senator from Iowa [Mr. ALLISON] who is in charge of the Post-Office appropriation bill, simply to present certificates of naturalization of Julio Sanguily from the State of New York, and to ask that they may be made a part of the CONGRESSIONAL RECORD. They were kindly furnished me by the senior Senator from New York [Mr. HILL], to whose courtesy I am much indebted.

I would also ask, Mr. President, in connection therewith, that there may be inserted in the RECORD section 2167 of the Revised Statutes of the United States, page 379, which contains the provision as to the naturalization of aliens under the age of 21 years, from which it will be seen that the certificates of naturalization are in conformity with that section.

I have no desire either to enter into any discussion or to provoke any at this stage.

Mr. HOAR. To what section does the Senator refer?

Mr. DANIEL. Section 2167 of Revised Statutes.

Mr. ALLISON. I have no objection to the request of the Senator from Virginia, provided it does not lead to debate. If it does, I shall call for the regular order.

Mr. DANIEL. I was just about to state that I did not intend to enter into any discussion and hoped that I would not provoke any.

Mr. ALLISON. Very well.

Mr. HOAR. Mr. President, I think it is quite reasonable that the request of the Senator should be granted. I do not wish to enter into a discussion of the matter at this time, but I wish to point out an additional section of the Revised Statutes which I wish to have go into the RECORD with the section referred to by the Senator.

Mr. DANIEL. I hope that may be done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. HOAR. Let it be stated from the desk, or let the Senator himself state it.

The VICE-PRESIDENT. The Senator from Virginia will please state his request.

Mr. DANIEL. That the credentials of naturalization of Julio Sanguily may be printed in the RECORD, and also section 2167 of the Revised Statutes to follow thereafter.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. I consent, on what I am sure will be agreed to, that section 2170 of the Revised Statutes be also added.

Mr. COCKRELL. That is right.

Mr. HOAR. Before the request of the Senator from Virginia passes, I should like to suggest that the matter to be printed in the RECORD be inserted as of time immediately before the taking up of the Post-Office appropriation bill. We do not want it thrust in the midst of another subject, where we can not find it easily.

Mr. DANIEL. That may be done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none, and the papers, together with the section of the Revised Statutes referred to by the Senator from Virginia, and also the section referred to by the Senator from Massachusetts, will be printed in the RECORD.

The certificate of naturalization of Julio Sanguily is as follows:

No. 23.

The people of the State of New York, by the grace of God free and independent,

To all to whom these presents shall come or may concern, greeting:

Know ye, that we, having examined the records and files in the office of the clerk of the county of New York, and clerk of the supreme court of said State for said county, do find certain affidavits in the matter of Julio Sanguily, on his naturalization—minor, there remaining, in the words [SEAL.] and figures following, to wit:

Superior court of the city of New York.—In the matter of Julio Sanguily, on his application to become a citizen of the United States—minor.

STATE OF NEW YORK, *City and County of New York, ss:*

Joseph M. Mestre, of 450 West Twenty-third street (attorney), being duly sworn, doth depose and say that he is well acquainted with the above-named applicant; that the said applicant has resided in the United States for three years next preceding his arrival at the age of 21 years; that he has continued to reside therein to the present time; that he has resided five years within the United States, including three years of his minority, and that he has resided in the State of New York one year at least, immediately preceding this application; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and deponent verily believes that for three years next preceding this application it has been the real and honest intention of the said applicant to become a citizen of the United States.

JOSEPH M. MESTRE.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

STATE OF NEW YORK, *City and County of New York, ss:*

Julio Sanguily, of corner of Forty-second street and Fifth avenue (gentleman), the above-named applicant, being duly sworn, says that he has arrived at the age of 21 years; that he has resided in the United States three years next preceding his arrival at that age, and has continued to reside therein to the present time; that he has resided five years within the United States, including the three years of his minority, and that he has resided one year at least, immediately preceding this application, within the State of New York, and that for three years next preceding this application it has been his real and honest intention to become a citizen of the United States.

JULIO SANGUILY.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

I do declare on oath that it is my bona fide intention, and has been for the three years next preceding this application, to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly to the King of Spain, of whom I was before a subject.

JULIO SANGUILY.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

I, Julio Sanguily, do solemnly swear that I will support the Constitution of the United States, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly to the King of Spain, of whom I was before a subject.

JULIO SANGUILY.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

All which we have caused by these presents to be exemplified, and the seal of our said supreme court to be hereunto affixed.

Witness Hon. Roger A. Pryor, a justice of the supreme court for the city and county of New York, the 26th day of February, in the year of our Lord 1897, of our independence the one hundred and twenty-first.

[SEAL.] HENRY D. PURROY, *Clerk.*

I, Roger A. Pryor, a presiding justice at a special term of the supreme court of the State of New York, for the city and county of New York, do hereby certify that Henry D. Purroy, whose name is subscribed to the preceding exemplification, is the clerk of the said county of New York and clerk of said supreme court for said county, duly elected and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the exemplification is the seal of our said supreme court, and that the attestation thereof is in due form.

Dated New York, February 26, 1897.

ROGER A. PRYOR,
Justice of the Supreme Court of the State of New York.

STATE OF NEW YORK, *City and County of New York, ss:*

I, Henry D. Purroy, clerk of the supreme court of said State, in and for the city and county of New York, do hereby certify that Hon. Roger A. Pryor, whose name is subscribed to the preceding certificate, is presiding justice at a special term of the supreme court of said State in and for the city and county of New York, duly elected and sworn, and that the signature of said justice to said certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, this 26th day of February, 1897.

[SEAL.] HENRY D. PURROY, *Clerk.*

No. 24.

The people of the State of New York, by the grace of God free and independent,

To all to whom these presents shall come or may concern, greeting:

Know ye, that we, having examined the records and files in the office of the clerk of the county of New York, and clerk of the supreme court of said State for said county, do find a certain certificate of naturalization there [SEAL.] remaining, in the words and figures following, to wit:

United States of America, State of New York.

CITY AND COUNTY OF NEW YORK, *ss:*

Be it remembered, that on the 6th day of August, in the year of our Lord 1878, Julio Sanguily appeared in the superior court of the city of New York (the said court being a court of record, having common-law jurisdiction, and a clerk and seal) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the several acts of the Congress of the United States of America for that purpose made and provided. And the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by the said acts required:

Thereupon it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted by the said court, to be a citizen of the United States of America.

In testimony whereof the seal of the said court is hereunto affixed this 6th day of August, 1878, and in the one hundred and third year of our independence.

By the court.

[SEAL.] THOMAS BOESE, *Clerk.*

All which we have caused by these presents to be exemplified, and the seal of our said supreme court to be hereunto affixed.

Witness Hon. Roger A. Pryor, a justice of the supreme court for the city and county of New York, the 26th day of February, in the year of our Lord 1897, of our independence the one hundred and twenty-first.

[SEAL.] HENRY D. PURROY, *Clerk.*

I, Roger A. Pryor, a presiding justice at a special term of the supreme court of the State of New York, for the city and county of New York, do hereby certify that Henry D. Purroy, whose name is subscribed to the preceding exemplification, is the clerk of the said county of New York and clerk of said supreme court for said county, duly elected and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the exemplification is the seal of our said supreme court, and that the attestation thereof is in due form.

Dated New York, February 26, 1897.

ROGER A. PRYOR,
Justice of the Supreme Court of the State of New York.

STATE OF NEW YORK, *City and County of New York, ss:*

I, Henry D. Purroy, clerk of the supreme court of said State, in and for the city and county of New York, do hereby certify that Hon. Roger A. Pryor, whose name is subscribed to the preceding certificate, is presiding justice at a special term of the supreme court of said State, in and for the city and county of New York, duly elected and sworn, and that the signature of said justice to said certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court this 26th day of February, 1897.

[SEAL.] HENRY D. PURROY, *Clerk.*

The sections of the Revised Statutes referred to are as follows:

SEC. 2167. Any alien, being under the age of 21 years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of 21 years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States without having made the declaration required in the first condition of section 2165; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

COMMERCIAL RELATIONS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the "Review of the World's Commerce," etc., being part of said Commercial Relations.

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PETTIGREW. I move that the Senate insist on its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

ADDITIONAL JUDGES IN INDIAN TERRITORY.

Mr. PETTIGREW. I desire to have certain papers relating to appointment of additional judge of United States court for the central district of the Indian Territory printed as a document to accompany the Indian appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

SUGAR LOAF RESERVOIR SITE.

Mr. TELLER. A Senate bill has been returned from the other House with some amendments. I desire to have action on the bill. The amendments are of no great importance, and I desire that they be concurred in. I ask that the amendments may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry; which were, in line 10, after the word "at," to insert "public auction after thirty days' notice by advertisement;" in the same line, after the word "price," to strike out "of $2.50 per acre," and insert "at a price not less than $2.50 per acre;" and in line 12, after the word "prescribe," to insert "so as to secure the early building and permanent maintenance of a reservoir for the storage of water to increase the flow of the Arkansas River, as contemplated by the Government in reserving the reservoir sites of the arid region; but nothing herein shall prevent the purchasers, or their assigns, from using said water for mechanical, manufacturing, or other purpose which does not materially lessen said contemplated increased flow."

Mr. TELLER. I move that the Senate concur in the amendments.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. QUAY. Will the Senator from Iowa yield to me while I make a motion that the Senate take up what is known as the labor-commission bill?

Mr. HALE. I object for the present.

Mr. ALLISON. What is the request?

Mr. QUAY. My request was directed to the Senator from Iowa. The request was that the Senator from Iowa yield to me, that the appropriation bill might be temporarily laid aside while I make a motion to take up the labor-commission bill.

Mr. ALLISON. I am told by Senators around me that that bill will give rise to debate. If there can be unanimous consent that a vote shall be taken upon it, I might yield for that purpose. If it is to be taken up and displace the appropriation bill, I must object.

Mr. QUAY. The Senator from Maine objected yesterday to the consideration of the bill. I do not know whether he will or will not object to the proposition for unanimous consent.

Mr. HALE. I do object.

Mr. QUAY. Do I understand that the Senator renews his objection?

Mr. HALE. For the present.

Mr. QUAY. So that unanimous consent can not be had?

Mr. ALLISON. Mr. President——

Mr. QUAY. The Senator from Maine, however, says "for the present." Shall I take that as an intimation——

Mr. HALE. I will confer with the Senator from Pennsylvania about the matter during the course of the day.

Mr. ALLISON. I ask for a vote on the motion that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the committee amendments may be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Free-delivery service," on page 3, line 13, after the word "service," to strike out "at Detroit;" in line 14, before the word "thousand," to strike out "sixty" and insert "ninety," and in line 15, before the word "thousand," to strike out "twenty-four" and insert "fifty-four;" so as to make the clause read:

For incidental expenses, including twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes,

> planting posts and pedestals, at $300 per annum; letter boxes, package boxes, posts, satchels, repairs, marine free-delivery service, etc, $90,000; in all, $13,254,000.

Mr. ALLISON. In line 14, after the word "service," I move also to strike out the words "and so forth."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 19, to strike out:

> The Postmaster-General is authorized to apply to the payment of the salaries of letter carriers for the fiscal year 1897 the sum of $23,000, being an unexpended balance of $13,500 of the appropriation for the current fiscal year for street letter boxes, posts, and pedestals, and an unexpended balance of $9,500 of the appropriation for the current fiscal year for package boxes.

Mr. ALLISON. I have a letter from the Postmaster-General asking that this paragraph, which the committee struck out, may be retained in the bill. The committee recommended the striking out of this provision because it is usual to make these reappropriations in the deficiency bill, but as it is a matter of no special importance I hope the Senate will disagree to the amendment of the committee.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The Secretary continued the reading of the bill and read lines 4 and 5 on page 4, as follows:

> For experimental rural free delivery, under the direction of the Postmaster-General, $50,000.

Mr. PLATT. I do not know that there is any better place in the bill to call attention to a matter which I have in mind. Last year there was, as the appropriation bill left the Senate, a provision in it for $50,000, which might be applied to defray the expense of what was called "experimental free delivery." There were some thirty offices in the country where there was an experimental free delivery. Some of them were self-supporting; among others one or two, one certainly, in Connecticut; and I took a very great interest in having that experimental free delivery continued, at least in the offices where it was self-supporting. But in conference that provision was reduced to $10,000 in the following words, under the head of "Free-delivery service:"

> *Provided further*, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

When the conference report was presented last year, I called the attention of the chairman of the committee to the fact that the word "may" had been inserted, and asked him whether he understood that the experimental free delivery would be continued, at least in those offices which were self-supporting, and the chairman informed me that he did so understand it. I will read a little from the RECORD of last year—a very little. The chairman stated that—

> The sum of $50,000 was stricken out and $10,000 inserted in lieu thereof, and in addition to that the amount heretofore appropriated for this purpose and still unexpended is made available in the future.

I said:

> I notice that a little more is done than to strike out $50,000 from the Senate amendment and insert $10,000.

Then I stated how the Senate amendment read, and continued:

> I see that the word "may" has been inserted. It is a small word, but I am very much afraid it may come to be a very important word. It now reads: "*Provided further*, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery."
>
> As we understand that the Postmaster-General is not very favorable to these experiments, the little word "may" may result in there being no experimental free delivery after the 1st of July, 1896.
>
> Mr. ALLISON. The Senator from Connecticut will also observe that the amount heretofore appropriated for this purpose and still unexpended is made available. The word "may" is not inserted there. I have no doubt that the Postmaster-General will so use the money.
>
> Mr. PLATT. While I am on my feet I wish to ask a question. Have the conferees any information upon the subject as to whether even in towns where the delivery has been paying its way it will be continued after the recommendation of the Postmaster-General, as I remember, that the whole matter should be discontinued?
>
> Mr. ALLISON. I understand from the House conferees that that will be done. They had a consultation with the Postmaster-General. I have no doubt it will be done. I think in appropriations where the words "may in his discretion" or "in the discretion of the Postmaster-General" are not inserted it is generally regarded as equivalent to "shall."

The word "not" has evidently crept in there by mistake. The Senator from Iowa intended to say where those words are inserted they should be regarded as equivalent to the word "shall."

Notwithstanding that, immediately after the 1st of July, 1896, the free delivery in all those towns was discontinued at once. The attention of the Postmaster-General was called to it. His attention was called to what was stated here by the chairman of the conferees on the part of the Senate. He was thus informed that the intention of Congress was that that service should be continued. Yet, exercising a discretion which was given to him, he discontinued all of that service. I suppose nothing can be done about it now, but it was not according to the understanding of Congress, and the Postmaster-General knew that it was not; he discontinued those offices when he knew that the intention of Congress was the other way. I am sorry that I have not the correspondence showing somewhat the arbitrary way in which he dealt with this matter. I simply wish to call attention to it to show how the head of a Department overrode what he knew to be the intention of Congress, and that after his attention was called to it.

Mr. BUTLER. The Senator from Connecticut directs his remarks, I think, against lines 4 and 5, on page 4.

Mr. PLATT. I do not direct my remarks against any lines in the bill; but I thought it was a good place to call attention to what had been done in the past.

Mr. BUTLER. I understand that this appropriation is for experimental rural free delivery.

Mr. PLATT. An entirely different thing.

Mr. BUTLER. The Senator is discussing the experiments in cities and towns?

Mr. PLATT. In towns having a less population than the number which the law requires. There was a law that in towns having less than 5,000, I believe it was, there might be experimental free delivery.

Mr. BUTLER. That is covered by another paragraph in the bill.

Mr. PLATT. I think not.

Mr. BUTLER. I think so. Has the Senator from Connecticut any information that the Department has discontinued its experiments in rural free delivery?

Mr. PLATT. There is a distinction between rural free delivery, which has been established within the past year, and experimental free delivery, as it was called, which existed up to the commencement of the past year.

Mr. BUTLER. There never was any experiment until the last appropriation was made one year ago.

Mr. PLATT. The Senator from North Carolina could not have heard what I said, I think. Before the passage of the last appropriation bill there were about 30 towns in the United States where under a provision in former appropriation acts free delivery had been established, those towns not having the number of population necessary under the general law. There was great discussion here last year as to whether that was to be abandoned or should be continued; and it was stated by the chairman of the committee that under the $10,000 appropriation in last year's appropriation act he had no doubt it would be continued; that the conferees on the part of the House had had a consultation with the Postmaster-General and they said it would be continued. Yet immediately after the 1st of July, 1896, it was arbitrarily abandoned by the Postmaster-General.

Mr. BUTLER. The item under consideration is for experimental rural free delivery, under the direction of the Postmaster-General, $50,000.

Mr. PLATT. I do not object to that item. I am in favor of it.

Mr. BUTLER. I intended to offer an amendment to that provision. I see from the last report of the Postmaster-General, on page 25, he states that this appropriation, which is a cumulative appropriation—that is, a few years ago an appropriation of $10,000 was made for this purpose. The report of the Postmaster-General for 1895 stated that that was so small it was not sufficient to make a fair experiment, and therefore last year, in the Post-Office appropriation bill, I offered an amendment appropriating $40,000, and to make available, in addition to the $40,000, the cumulative appropriation of $10,000 for two or three years, that had been running and had not been used, to make these experiments. The Postmaster-General reports that he is now making these experiments and that—

> Care has been taken to choose territory in starting widely divergent in physical features and in the occupations and density of its population.

He says:

> I shall at a later date prepare for the information of Congress such data as the experience of a limited period may furnish the Department.

The pending bill continues the appropriation. It is not as large as the Postmaster-General has had, because it was about $70,000 last year—$40,000, with the appropriations which had accumulated. This year he is given $50,000 to continue it. We have no data to show whether $50,000 is sufficient or not, but certainly the experiment should be continued, for the Postmaster-General states that he is not yet ready to make a report as to the success of the experiment. I think that instead of reducing the appropriation it ought to be increased, so that he could make experiments in more than two or three localities. I understand that he is now making one experiment in Massachusetts, in a densely populated section, and he is making another, I think, in West Virginia, in a sparsely settled section. There should be a sufficient amount to make experiments in half a dozen different counties widely differing in condition, but we do not know how much is necessary, for the Postmaster-General does not give us any information as to how many places he is now making experiments in and how much is necessary. This information I have obtained unofficially. Therefore I will not offer an amendment, though I think there should be an increased

appropriation. In the absence of information of any kind, except the fact that he is making the experiment, I will be satisfied that the appropriation shall go on until we can get some report from the Postmaster-General as to what is done and what can be done and what will be necessary.

The Secretary resumed the reading of the bill. The next amendment was, on page 5, line 1, before the word "expenses," to strike out "Miscellaneous" and insert "Stationery and necessary miscellaneous and incidental;" so as to make the clause read:

> Stationery and necessary miscellaneous and incidental expenses for the money-order service, $7,000.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Second Assistant Postmaster-General," on page 5, line 13, before the word "fifty," to insert "one hundred and;" and in line 15, after the word "devices," to insert "by purchase or otherwise;" so as to make the clause read:

> For mail messenger service, $1,000,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of $150,000 of this amount in the transportation of mail by pneumatic tubes or other similar devices by purchase or otherwise.

Mr. ALLISON. I move to amend the amendment by inserting after the word "amount," in line 14, the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to line 9, on page 6, the last clause read being as follows:

> For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper and other supplies from the manufactories to the post-offices and depots of distribution, $29,000,000.

Mr. BUTLER. I should like to offer an amendment, which I think will not be subject to a point of order. In line 9, after the word "dollars," I move to insert:

> *Provided*, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

We have, practically, no law regulating the price to be paid per ton for carrying the mail. We have simply a maximum rate that was fixed a number of years ago, and the Postmaster-General has the discretion to fix any price—at that maximum or lower. But since that maximum was fixed, transportation rates for passengers and freight have been reduced. The reduction in freight rates has been nearly 40 per cent; the reduction in passenger rates has been about 15 per cent, and yet here the Government is paying now as much for mail as was paid before these reductions were made by the railroad company to private individuals.

We have heard a great deal about the deficit of the Post-Office Department. If we want to stop that deficit, let us apply common business methods to the conduct of this Department, such business methods as any private individual would adopt in the management of his own business. Our Government pays for the service the railroads render the Government in hauling the mails about $30,000,000 a year, while the whole star-route system of the country costs only about $5,000,000. The star-route service, running out from every county, city, and railroad station, and ramifying the country districts, which we would expect to cost a very large amount of the expenses necessary to maintain the Post-Office Department, costs but about $5,000,000.

Mr. President, this amendment simply proposes that the Government shall stand on the same footing as express companies, private individuals, and corporations that have dealings with the railroad companies. It simply, in a general way, requires the Postmaster-General, in making the contract with each railroad company and fixing the amount to be paid for the mail hauled, not to pay more than express companies and other people pay the railroads for a similar service. If the Government wants to go into the business of giving free gifts, then I say, let us find those who are needy and poor. Let us give it to the poor Indians, the wards of the nation. If we are going to throw away money, let us give it to the soldiers who fought for their country; let us give it to the paupers, or the widows and orphans; but in a common business transaction let us deal with common business methods.

I submit that, inasmuch as the Postmaster-General has never seen fit to make a contract for less than the maximum rate, it is fitting and proper as well as high time that Congress should at least request and direct him to pay no more for this service than others pay the railroads for similar services.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from North Carolina.

The SECRETARY. After the word "dollars," in line 9, on page 6, insert:

> *Provided*, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Mr. ALLISON. That is already in the statute. The Postmaster-General can not do that under existing law. I have no objection to the insertion of the provision. It is a mere reenactment of what is now the law.

Mr. BUTLER. Then there can be no objection to it.

Mr. ALLISON. Certainly not.

Mr. BUTLER. All right.

Mr. PETTIGREW. Mr. President, the question of the pay to the railroads for transporting the mails has received some attention, and the committee have placed in the bill an amendment which provides for a committee composed of members of this body and the House of Representatives to investigate and report upon this whole question; and there certainly seems great necessity for it.

After all, the railroad mail service is but an express service, for the average speed of the railway mail trains of this country is but 26 miles an hour, and the average distance the mail is carried is but 418 miles. Yet we are paying, according to the report of the Post-Office Department, 8 cents a pound for the transportation of mail matter, a much larger sum than the express companies charge for a like service, and they not only pay the railroads for the service, but pay their own officers and gain a profit besides, and in many instances a very large profit. In dealing with this matter the Government of the United States has paid no attention, it seems to me, to the ordinary methods of business, and in no instance for years has it pursued that course which any prudent business man would have pursued.

We pay as much per pound to-day for carrying the mails upon the railroads in this country as we paid in 1878. What business man in the United States doing an express business for which he paid from twenty to thirty million dollars a year would have continued to have paid without murmur or complaint the same price to-day that he paid in 1878? The cost of carrying the mail since 1878 has been reduced nearly one-half, and yet no effort has been made on the part of the United States to secure any reduction whatever. Nineteen years have rolled by, the volume of mail has increased enormously, and yet nothing has been done. To-day the New York Central Railroad, between New York and Buffalo, receives from the Government of the United States compensation sufficient to pay the interest on the cost of a double-track railroad every year. They obtain interest at 5 per cent on a cost of $60,000 a mile of road for the mail service alone, and yet no effort is made to secure a reduction. The mails of the country would be carried at a profit to the Government if we paid only what the service is worth for railroad transportation. This one reform would wipe out the deficiency in postal revenue.

Further than that, instead of decreasing the amount of mail that can be carried at a 1-cent rate, it ought to be increased. It can be carried for that rate at a profit. Second-class mail matter in this country can be carried by the railroads of this country at a profit at 1 cent a pound, and yet we are paying 8 cents. I believe I can demonstrate that proposition to the satisfaction of every person within the sound of my voice; yet Senators rise and talk about economy, and cut off an appropriation of $10,000 for necessary surveys in the West, while year after year they have voted to pay millions upon millions more than it is worth for the railway-mail service. I believe we can save eight or ten million dollars a year from this one item alone and yet pay all the mail service is worth.

In the report of the Postmaster-General for 1890 he makes this statement, calling the attention of Congress and the people of the United States to this question, and yet nothing has been done about it:

> In the past twelve years no reduction of rates has taken place, though the freight rates upon all railroads have been steadily lowered. During this period the weight of the mails has largely increased. It is quite reasonable to say that the reduction in freight rates gener[illegible] 1878 and 1890 is not less than 20 per cent, and in many instances it is much more. The largest expenditure of the Department is for transportation. The estimates just sent to the Treasury for the next fiscal year cover $22,610,128.31 for railroad transportation alone.

This bill carries $29,000,000, and there is no reduction yet, although years have rolled away since that report was made.

Finally we have this bill, in which provision is made for investigating this subject, and I am making these remarks for the purpose of calling the attention of the Senate and the House of Representatives to this question, so that this provision shall remain in the bill if the bill becomes a law.

Now, let us see what it is worth to perform this service. The report of Postmaster-General Bissell in 1894, page 53, shows that the average price paid for carrying mail was 8 cents a pound. Mr. Wilson, in his report of 1895, on page 31, makes the same statement. The report of the Postmaster-General for 1889, page 90, shows that the average haul of postal matter was 448 miles. You can make money carrying it in wagons at the price paid. The freight rate into the Black Hills before the days of the railroads, a distance of 205 miles, was $20 per ton. Yet we are paying $160 per ton for carrying the mails a little more than twice that distance.

True, we get a greater speed, but because we get the speed is no answer to the objection to this high rate unless the service is worth the price.

Mr. President, the Texas Pacific and Southern Pacific railroads carry caps, boots, cassimeres, and hardware from New Orleans to San Francisco for eight-tenths of a cent a pound, a distance of

1,500 miles, three times as far as the average distance the mail is carried, yet we pay 8 cents a pound for carrying the mails, or more than ten times as much. That, however, is not express service. But before I get through I shall show that freight rates are but a little larger than are charged for express service.

The distance from New York to Boston, in round numbers, is about 250 miles. The Adams Express Company carries 100 pounds for a cent a pound, and they carry the same amount from New York to Cleveland, a distance of five or six hundred miles, for a cent and three-quarters a pound.

The weight of the mail between New York and Boston or New York and Cleveland is greater than the weight carried by the express company on any of its trains, and yet we pay 8 cents a pound.

But here is a more interesting illustration. Milk is shipped by the railroads on the express trains, on the passenger trains, to New York, a distance of 396 miles, and the cans returned for nothing, for one-sixth of a cent a pound, and cream for one-fourth of a cent a pound, a uniform rate for the whole distance.

In an investigation had before the Interstate Commerce Commission last year, Mr. George R. Blanchard, representing the roads, testified that the distance could be extended to 1,000 miles with a uniform rate from every station, and that milk could be carried at a profit for one-sixth of a cent a pound over the whole distance, and one-fourth of a cent a pound over the whole distance for cream: yet we pay 8 cents for 448 miles.

Mr. Joseph H. Choate, who appeared for the railroads in one of those investigations, stated that a rate of one-half cent a pound on 40-quart cans of cream, and at one-third of a cent a pound on 40-quart cans of milk, and half those rates on bottled cream, brought a profit of from two to three hundred per cent, and he insisted on continuing the transportation. The dairymen near New York objected, and made complaint because the railroads brought the cream 400 miles and the milk for 400 miles at the same price that they charged for bringing it 50 or 60 miles. The railroad companies resisted a reduction of the rates for the long haul, which shows conclusively that they could do the business at a profit.

Mr. HAWLEY. If the Senator will allow me to interrupt him a moment, I will call his attention to the obvious fact that in the carrying of milk cans, with which we are all no doubt entirely familiar, the railroad company puts them on the car and then takes them off again at the proper point, whereas in the case of the mail service the railroad has nothing to do with it, but the Post-Office puts its innumerable packages in the cars and throws them out, and the railroad company has nothing to do but haul the car.

Mr. PETTIGREW. That is a very excellent suggestion, and in accordance with the facts.

Mr. ALLISON. I think it ought to be said in this connection that, as respects the cost to the railroads of transporting the mails, they are obliged to deliver the mails to post-offices that are within 80 rods of a railway station: and we have in this bill an appropriation for railway-messenger service—which means between the stations and the post-offices—of $1,300,000, or whatever the sum may be. That only covers about one-fifth of the post-offices, the mail to the other four-fifths being delivered by the railroad companies, and they certainly must pay something for those deliveries.

Mr. PETTIGREW. Oh, Mr. President, nearly all of those stations where a railroad company delivers the mails are within the 80-rod limit of the depot: they are small affairs; country stations, where the mail is thrown upon the top of the omnibus that goes to the train for passengers.

Mr. GEAR. I will state to the Senator these "small affairs" cost the railroad companies from seventy-five to one hundred and fifty dollars a year each.

Mr. PETTIGREW. No doubt they cost something, but perhaps not that much. They cost probably from $25 to $150 per year.

Mr. GEAR. I know whereof I speak when I say the cost is from seventy-five to one hundred and fifty dollars in each case, and if you will multiply that by the number of stations, you will find that it is not by any means a small affair.

Mr. PETTIGREW. They receive $29,000,000, and it is a small affair compared with the vast sum they receive for carrying the mails. When the representative of the railroads appeared before the Committee on Appropriations—I refer, Mr. President, when I say "representative of the railroads" to the Second Assistant Postmaster-General—the only argument he made for continuing this service at 8 cents a pound was that they had to deliver the mail from the car to the post office where the stations were within 80 rods of the post-offices.

Mr. GEAR. I will state to the Senator that the $29,000,000 he alludes to is for all the service, not the delivery of the mail at these stations. Again, the compensation of some of these roads has been reduced, and not, as the Senator said, reduced a very small amount. I live on a fast-mail line, which extends 500 miles. That road is a land-grant road, and its compensation for this service has been reduced three different times, 20, 10, and 5 per cent. The reduction on that road amounts to more money than the original value of the lands which that road received from the Government. The road received 460,000 acres, which were open to entry and could have been bought by anybody for $1.25 an acre.

Mr. PETTIGREW. I did not yield to the Senator to make a speech.

Mr. GEAR. I did not want to make a speech. I merely wanted to put you right.

Mr. PETTIGREW. I can answer every proposition the Senator makes.

Mr. GEAR. I say these reductions amount to twice as much as the lands were worth when they were granted.

Mr. PETTIGREW. You can find instances where the receipts of the railroads are small: but I contend it is not individual cases or isolated railroads that make an argument as against the proof, which is uniform, which shows there has been no reduction in the price paid for this service since 1878; and yet the cost of the service has decreased since that time nearly one-half. Whatever may be said, the compensation has continued the same.

Mr. GEAR. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. PETTIGREW. I decline to yield further. I shall be glad to hear the Senator when I get through.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield.

Mr. GEAR. All right.

Mr. PETTIGREW. I have just read from the report of the Postmaster-General for 1890, in which he states that at that time no reduction had been made in this rate since 1878, and I assert that no reduction has been made since 1890.

But in addition to the payment for carrying the mail we allow $3,600,000 as compensation for the mail cars in this bill: and I assert that you can purchase new mail cars for every mail car now in the service for $500,000 less than the amount we are to pay next year for the use of those in the service, and that every year for the last twenty years we have paid more for the use of postal cars than new cars would cost. The life of one of these cars is from twelve to twenty years; and therefore we have paid twenty times over the cost of new cars in the last twenty years.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. PETTIGREW. I yield to the Senator.

Mr. BUTLER. I inquire of the Senator whether new cars could not be built for one-half of what we pay for the rent of them?

Mr. PETTIGREW. No; not for one half, but they can be built for five or six hundred thousand dollars less than what we are going to pay for the use of the cars for the next fiscal year. We could buy them over and over and over again for what we pay for the use of them.

Then we pay for carrying the mails in those cars 8 cents a pound, and we have continued this system for years. I trust it will come to an end; I trust that when we get the report of this commission that we may be able to correct these evils. The only wonder is that we have not done it long ago.

What is more, Mr. President, the Texas Pacific and Southern Pacific, when attacked for carrying freight from New Orleans to San Francisco at eight-tenths of a cent per pound, resisted increasing the rate, because they could carry it for that. They were carrying, however, foreign goods, not American manufactures, and American manufacturers complained because they had to pay nearly twice as much. The matter was brought before the Interstate Commerce Commission, and it was taken into the courts, and the roads hired lawyers, and they fought it through; they fought for the privilege of carrying this freight for eight-tenths of a cent a pound over the whole distance, and won their case.

What good is your tariff with a condition like that? Our foreign railroads—and they are nearly all owned in foreign lands; the officers of the road are simply the hired men to conduct the business—can place a rate upon foreign goods to distant interior points of this country which will absolutely destroy the protection of any tariff you choose to pass.

The Southern Pacific and Central Pacific railroads carry freight from New Orleans to San Francisco manufactured in foreign countries for a little over one-half of what they will carry goods manufactured in this country of a like character. That will be one of the questions to which the Senate ought to pay attention when we come to pass our new tariff bill, the modern recipe for prosperity.

Yet more, Mr. President. In regard to freight rates in England, let us see what has been accomplished there. The Great Eastern Railway of England, with a thousand miles of track, will carry farm products over its whole system, the whole distance of a thousand miles, for the rates I shall mention. Farm products, done up in packages of 20 pounds, so that they are convenient to handle like an express package, can be carried upon fast trains

over the whole 1,000 miles for 8 cents, considerably less than half a cent a pound; yet we pay for carrying the mails 8 cents a pound, or twenty times as much. From 20 to 25 pound packages can be carried for 10 cents over the whole system, and our railroads can carry the mails at a profit for the same price. This is the rate fixed by this road: 25 to 30 pounds for 12 cents, 60 pounds for 25 cents, over the whole system—the whole thousand miles—yet the average haul of the mails in this country is but 448 miles, according to the report of the Postmaster-General, and we pay 8 cents a pound.

Mr. ALLISON. What is the average haul over the line of which the Senator speaks?

Mr. PETTIGREW. I do not know what the average haul is, but they will haul it the whole thousand miles for these prices.

Mr. ALLISON. I understand that; but the Senator knows that that railroad, which has a thousand miles of track, has it within a radius of a few hundred miles.

Mr. PETTIGREW. I understand perfectly well the statement of the Senator; but the difference is between paying only 25 cents for 60 pounds and 8 cents a pound. That rate is fixed voluntarily by the road itself, and yet we have continued since 1878 paying this enormous price, and no effort has been made to reduce it.

Mr. FAULKNER. I ask the Senator from South Dakota, if he will permit me, whether or not the Second Assistant Postmaster-General did not say that that statement was an error, and that, so far as he was able to ascertain the facts, the cost of carrying the mails was about 1¾ cents per pound.

Mr. PETTIGREW. The report of the Postmaster-General for 1894, page 33, is that it costs 8 cents per pound, and he figures up what is lost between what is received and what we pay for carrying the mail. This was Mr. Bissell's report. Mr. Wilson in his report for 1895, on page 31, makes the same statement.

Oh, yes; the Second Assistant Postmaster-General came before the committee, and I should like to have every Senator read his testimony. I read an extract from it. I put to him this question:

> You told us something of your business before you went into the post-office service.
>
> Mr. NEILSON. Yes.
>
> Senator PETTIGREW. What was that?
>
> Mr. NEILSON. I was in the railroad service.
>
> Senator PETTIGREW. What railroads?
>
> Mr. NEILSON. I was on the Northern Pacific and on the Erie. I was on the Erie for twelve years and on the Cincinnati, Hamilton and Dayton for eight years.
>
> Senator PETTIGREW. Which road did you leave at the time you went into the Department?
>
> Mr. NEILSON. The Cincinnati, Hamilton and Dayton.
>
> Senator PETTIGREW. What is the full name of that road?
>
> Mr. NEILSON. The Cincinnati, Hamilton and Dayton.
>
> Senator PETTIGREW. What was your position on that road?
>
> Mr. NEILSON. General superintendent of the road.
>
> Senator PETTIGREW. Who was your predecessor in the post-office service?
>
> Mr. NEILSON. Mr. J. Lowrie Bell.
>
> Senator CULLOM. He was a railroad man, too, was he not, or had been?
>
> Mr. NEILSON. He is now the general traffic manager of the Central Railroad of New Jersey.

He resigned his position of general superintendent of a railroad to become Second Assistant Postmaster-General, with a salary of $4,000 a year. I say we heard from the railroads when we heard from the Second Assistant Postmaster-General. No doubt when he goes out of office after the 4th of March he will again enter the railroad service with a large salary. The general superintendents of railroads get all the way from ten to thirty and forty thousand dollars a year, and he resigned the position of general superintendent to take $4,000 a year. Perhaps he did it for glory. I will refer to some other things he said, in answer to the Senator from West Virginia.

I asked him how far the average haul of the mail was, and he said a thousand miles. He has studied this question, and his testimony is valuable, is it not, Mr. President? Then he stands up and says the reports of the Postmasters-General are not correct, that we do not pay 8 cents a pound; and he did not know how much we paid, nor how far the haul was. The Superintendent of the Railway Mail Service, who was just beside him, corrected him, and said the average haul was not over half that distance. The official reports of the Department show that the average haul is 448 miles. I suppose he had not had time to read the reports. He was made Second Assistant Postmaster-General in the interest of the railroads, and knew what he was there for, and did not propose to do anything else.

Mr. President, the express companies carry 100 pounds from New York to New Haven for a half cent a pound, to Boston for 1 cent a pound, to Cleveland for 1¾ cents a pound, to New Orleans for 5 cents a pound, and we pay 8 cents a pound from New York to New Orleans, when our average haul is but 448 miles. The express companies will haul express a thousand miles for 5 cents a pound; they will carry express packages from New York to Elizabeth, 25 miles, for four-tenths of a cent per pound; to Jersey City for one-quarter of a cent; and this includes the delivery from domicile to domicile.

What more, Mr. President? As I said, this bill carries an item of $3,600,000 for the use of postal cars. Let us see how the railroads have responded to this generosity on the part of the Government; let us see how they have met these gifts; let us see how they have felt toward this Government for these enormous contributions, which in the last fifteen years have amounted to millions upon millions of dollars.

In the first place, they cheat every time they weigh the mails.

Mr. WILSON. How often is the mail weighed?

Mr. PETTIGREW. It is weighed once in four years, or oftener if they desire it.

Mr. WILSON. Does the Senator know whether there is or is not a reweighing?

Mr. PETTIGREW. Last spring—I will read first from the report of the Postmaster-General under the head of "Weighing the mails," from the report of 1896:

> The Department takes every precaution at its command to insure honest weighing of the railroad mails. But this has not prevented one or two attempts on the part of railroad officials to pad the mails during the weighing season.

Mr. GORMAN. From what page does the Senator read?

Mr. PETTIGREW. Page 35. The report continues:

> In the case of one of the more important lines the effort to do this was so clear—

It must have been very clear to awaken that Department—

> and the Department secured through its inspectors such detailed and damaging evidence that I transmitted the papers to the Attorney-General, with request for criminal prosecution.

It must have been a very bad case.

> Existing statutes, however, are so defective that some changes in the criminal law are imperatively necessary to insure the conviction and adequate punishment of those who attempt or who perpetrate such frauds on the Government.

What are the facts? The Seaboard Air Line procured 16 tons of public documents, franked by some member of the House of Representatives or of the Senate. They can secure them without the connivance at all of the persons who frank them. They ship them back and forth to their station agents. They ship this franked matter during the weighing season to a station, and have their agents take out the packages from the bags, redirect them, and mail them again. So they kept these 16 tons of frankable matter going for thirty days. The Department determined to have a reweighing. They had a reweighing for thirty days more, and then the railroad company secured an extra edition of a newspaper that weighed 5 tons; they shipped that back and forth along the line and distributed it over the line during the thirty days, and when the Postmaster-General complained, they asked him what he was going to do about it. And Mr. McBee, the manager of the road, asked the Postmaster-General why the Seaboard Air Line had been singled out for criticism for stuffing the mails during the reweighing period, when it was well known that all railroads practiced the same fraud upon the Government. So it is the general practice. There is no doubt about it. Everybody knows it. We do not need to investigate the matter much to learn that fact.

What is more, Mr. President, in addition to that they have set up a mail service of their own. Not only have they carried their own letters, which is the paying part of the mail service, but they carry each other's mail and distribute it from one road to another, and they set up a regular system of post-offices to carry the railway mail. There is great profit in carrying the mail which should pay 2 cents postage, and so the railroads have organized on their own hook a postal system which defrauds the Government out of hundreds of thousands, and I believe millions, of dollars a year because that branch of the service, the carrying of letters, is profitable.

In the Postmaster-General's report made in 1896, page 215, attention is called to this point by the Second Assistant Postmaster-General. It seems at first glance very astonishing that the Second Assistant Postmaster-General should call attention to this matter, but the employees began to use this railroad post-office. The employees handling the railway mail put their own letters into it, and the Second Assistant Postmaster-General then began to call attention to the matter. It got to be an enormous abuse. The railroads got nothing for doing the service. So long as they could do it for each other, it was a saving to their revenues—these foreign-owned corporations of ours; our masters rather than our servants—and they found no fault, but the very moment the employees began extensively to send their letters through the railway post-office service, the only way to get around it was to abolish the system. So the Second Assistant Postmaster-General calls attention to it and asks that legislation may be had to stop this practice.

The following from the report of the Postmaster-General for 1896 is of interest in this connection:

> It was found upon close investigation, which was brought out more particularly by the detection of private correspondence being carried on under the cover of what is known as a "railroad business" envelope, that in some cases the families of employees were using this method of communicating with outsiders as well as those connected with the railroads. A careful investigation also disclosed the fact that the railroad companies themselves were misusing the privileges granted them by the Department in the character of their own correspondence and acting as intermediate carriers of mail between other companies and individuals. In connection with this misuse of the postal privileges granted the railroad companies, schemes had been worked

out and interchange offices had been established which formed a complete system of postal facilities.

July 2, 1896, the Postmaster-General issued Order No. 422, calling the attention of the railroad companies to the unpropriety of their actions in such matter and requesting them to conform to sections 3985 and 3983 of the Revised Statutes, and notifying them that the statutes would be rigidly enforced.

So this is the response we have received to this enormous payment, to this generous treatment. They cheat us in regard to weighing the mails; they set up post-offices of their own, and a post-office mail service of their own to carry first-class mail matter, upon which class of matter there is a large profit to the Government. If there is a necessity for the reduction of expenses, here is a field where economists can profitably exercise their talents.

Mr. President, when the Indian appropriation bill was under consideration the Senator from New Hampshire [Mr. GALLINGER] was clamorous for economy. He talked about the deficiency of revenue and the depleted Treasury. He wanted to strike off an item of four or five thousand dollars for an Indian school in the West. Here is a chance for him to develop his genius. Here is a chance for him to exercise his talents in the interest of real economy, and yet he is silent upon this subject.

Mr. GORMAN. I should like to inquire of the Senator whether he does not believe that the present law gives sufficient authority to the Postmaster-General to prevent this abuse, and whether it has not grown up simply because of a want of proper administration?

Mr. PETTIGREW. I doubt if the present law is sufficient to reach all these difficulties, but I do believe that there is ample power to secure a reduction of these rates if they wanted to do it. But how can you expect that they will do anything when one Administration after another, it makes no difference whether it is Democratic or Republican, appoints railroad employees, who resign salaries four and five times greater than the Government pays to enter this service?

Mr. GORMAN. I made special inquiry, if the Senator will pardon me, as to the feature he was speaking of last, that is to say, the custom which has grown up with the railroad companies to establish postal facilities of their own. I believe the Postmaster-General, in the very report that the Senator read from, claims that having brought the Attorney-General's attention to the provisions of the law, he has since made regulations which will prevent further abuse in that line.

I do not understand the Senator to say that it is a defect in the law. The Senator will find it on page 216 of the Postmaster-General's report. He claims that he has corrected that abuse. So, if that be true, no further legislation by Congress is necessary. It only requires a vigorous and honest administration of the Post-Office Department so far as that particular branch of the service is concerned.

Mr. PETTIGREW. These railroads come to Congress and want legislation to compel them to keep their agreements with each other. My observation is that the present law is not sufficient to make them keep an agreement with the Postmaster-General; that the penalty must be severe and the punishment certain before they will obey the statute or keep an agreement with the Department.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. PETTIGREW. Certainly.

Mr. BUTLER. Does not the Senator know that the present law gives the Postmaster-General full power to have the mails weighed as often as he sees fit, and to refuse to certify the weight until he is satisfied that it is an honest weighing? So under the present law the Postmaster-General can have a weighing every thirty days, if he thinks necessary, and refuse to certify it. The roads would never get a chance until he makes the contract, and when he makes the contract for a given amount of money, there the Government's responsibility begins and not before. The trouble now is that they allow this padding to go on constantly, incessantly, on every railroad in the country, and the Postmaster-General has ample authority and power now conferred upon him by statute to prevent it. The two great abuses are, first, that the Government pays too high a price for the carriage of the mails; and second, that it pays for mail that is not carried. It pays for a vastly larger weight of mail than is actually carried.

The Postmaster-General can correct both abuses, because one statute gives him the power to weigh the mails and to see that there is an honest weighing and not to certify until it is done. The other statute gives him the power to fix the rate per ton. He can fix it. He has ample authority to put it at anything he pleases below a certain maximum. He can not go over a certain amount fixed by law. That amount, as has been stated, was fixed in 1878, and we are now exactly paying that maximum established in 1878. Every abuse that is complained of the Postmaster-General can correct and put a surplus into the treasury of that Department instead of having a deficit, if he sees fit to exercise his power under the present law.

Mr. PETTIGREW. It is hardly necessary to answer the Senator from North Carolina, as he proceeded to do that himself. However, while the Postmaster-General can reweigh and can weigh as often as he chooses where he thinks frauds have been practiced, still he says in his report for 1896:

> Existing statutes, however, are so defective that some changes in the criminal law are imperatively necessary to insure the conviction and adequate punishment of those who attempt or who perpetrate such frauds on the Government.

So that after all the statute is defective, and he realizes, having been in the railroad service all his life, that it is only the sure conviction of a criminal offense that will make a railroad official obey the law. I shall be very glad, however, if the next Postmaster-General shall see fit to exercise the power he has under existing statutes to correct this evil.

Mr. President, I did not intend when I rose to discuss this question to occupy the time I have devoted to it. I intended simply to call attention to these figures, to these facts, to compare the prices we are paying with the prices individuals pay for similar service, for the purpose of emphasizing the importance of retaining this provision in the bill, which creates a commission to investigate the frauds connected with this service. I think, however, that we ought to amend it by providing that not more than 80 per cent of the amount paid last year shall be paid in the next fiscal year for this service. That would strike off one-fifth of the amount we are now paying at once, and thus save nearly $6,000,000.

I will not make that motion, however; and I will not make it for the reason that under existing law if the amendment offered by the Senator from North Carolina is adopted, the Postmaster-General can apply the remedy if he pleases, and I hope he will do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment stated by the Senator from North Carolina.

Mr. ALLISON. Let it be read.

Mr. HANSBROUGH. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 9, page 6, it is proposed to insert:

> *Provided*, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Mr. ALLISON. The amendment certainly is objectionable. It does not apply to the paragraph under consideration. It should be "railway mail between said points."

Mr. BUTLER. Weight and distance being the same, I submit that when you say "like service"——

Mr. ALLISON. "Between said points." We are dealing now with this transfer.

Mr. BUTLER. No.

Mr. ALLISON. I move to add "between said points."

Mr. BUTLER. Before the Senator makes the motion, I will call attention to the fact that the amendment comes in at line 9 and not at the end of line 17. I purposely put it in line 9 so as not to affect the special amendment the committee propose to add.

Mr. ALLISON. I object to the amendment.

The PRESIDING OFFICER. The Senator from Iowa moves to amend the amendment by inserting what will be stated.

The SECRETARY. It is proposed to insert the words "between said points;" so as to read:

> By express companies for like service between said points.

Mr. ALLISON. I withdraw my suggestion. I supposed the amendment of the Senator from North Carolina was to be inserted after the word "dollars" in line 15.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn.

Mr. ALLISON. Of course the amendment suggested by the Senator from North Carolina should not be adopted at this time. If we are to have an investigation of this subject, I think we had better know something about the rates that ought to be paid. Of course if we want to decide now and investigate afterwards, the Senator from North Carolina seems to know about this matter, and I confess I do not——

Mr. BUTLER. I submit that the investigation will be all right in due time, but this applies to the present year. It will be another year before we can have the result of the investigation. It is simply that the Government shall not pay for like service more than others are paying, and there can be no objection to that.

Mr. ALLISON. I make the point of order upon the amendment that it changes existing law and therefore is not in order.

Mr. PETTIGREW. I understood the Senator accepted the amendment when it was offered, and said it conforms to existing law.

Mr. ALLISON. I accepted it conditionally, because I supposed it applied to this particular provision as to the transfer.

Mr. PETTIGREW. I do not know that I particularly object. I am willing that the incoming Administration, inasmuch as they have power to correct these evils, shall try their hand at it.

Mr. ALLISON. I hope the Senator from North Carolina will also take that view as respects the new Administration.

Mr. PETTIGREW. I do not believe they will do it, however.

Mr. BUTLER. Do I understand the Senator from Iowa to say that this proposes to change existing law?

Mr. ALLISON. I think it changes existing law. The rates for railroad transportation are fixed by statute, and if there is a statute which incorporates the suggestion of the Senator from North Carolina I am not aware of it. If he will show it to me, then I will say, of course, that it does not change existing law.

Mr. BUTLER. I call the Senator's attention to the Revised Statutes, section 4002, and I ask the Secretary to read it.

The Secretary read as follows:

> SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:
>
> First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.
>
> Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200, and $25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Mr. FAULKNER. Mr. President, it strikes me that it would be unwise for us at this time to make an ironbound law with reference to this subject, as provided by the amendment of the Senator from North Carolina. The reason why I think so is that the bill provides for a commission to investigate the very subject upon which it is proposed by the Senator from North Carolina to legislate definitely and positively. We had some little evidence before the committee as to the question of cost between the railroad transportation by mail and by express, and in comparing them I think that up to 4 pounds the difference was about 2 cents lower by express than by mail. That was the rate submitted to the committee.

There are a great many things in connection with this matter, and the Senate should not enact this proposition into law without considering them. So many things enter into it, in fact, that the committee found themselves absolutely unable, without investigation through a commission, to determine what is fair and just upon this question. If the Senator from North Carolina will notice, the commission is required to make its report the 1st of next January, so that we can have it here before Congress when the appropriations are to be made for the next fiscal year.

For example, the express car is a cheap car compared with the cost of a mail car. It has nothing in it whatever—it is a mere box car—except that at one end they put in some pigeonholes, while a large amount of paraphernalia is necessary for a mail car. An express car is not required to be heated or lighted under the terms of the contracts with the railroad.

Mr. BUTLER. May I interrupt the Senator from West Virginia for a moment?

Mr. FAULKNER. Certainly.

Mr. BUTLER. I call the Senator's attention to lines 18 and 19 of the next paragraph, which we have not yet reached:

> For railroad post-office car service, $3,600,000.

That is for the rent of the cars after paying the railroads for hauling this matter, and also for keeping them lighted, heated, and the general furnishing of the car.

Mr. FAULKNER. I understand that.

Mr. BUTLER. So it is proposed to make an appropriation here for the service of which the Senator is speaking that is twice what it will cost, and I can prove it to the Senate or to any committee.

Mr. FAULKNER. We are going to attempt to prove that, if we can, through the commission; and we determined to be as liberal as possible. We determined to invest the commission with such powers that they can employ the finest experts who can be obtained in the United States to investigate thoroughly and to probe this whole question to the bottom, so that when we do act we can act intelligently.

For example, there are 40,000 stations in this country. This information came to me as the result of a very brief examination before the committee. At only 7,000 of those 40,000 stations in this country are contracts made by the Government for the transportation of the mail from the station to the post-office, and it costs two or three million dollars to do it. At the remainder, 33,000 stations, the railroad companies, as included in the cost of transportation, are compelled for that compensation to transport the mail from the stations to the post-office, to provide rooms for the mail to be stored at night, to be responsible for the mails, to employ the men necessary to handle the mail at the stations, and also to have the trucks, etc., necessary to transact that business.

Mr. BUTLER. May I call the attention of the Senator to the fact that all the points he is making are outside of the amendment entirely?

Mr. FAULKNER. I understand that the amendment——

Mr. BUTLER. They are entirely outside the amendment.

Mr. FAULKNER. I understand that the amendment of the Senator is to limit the cost of transportation to the sum paid by the express companies.

Mr. BUTLER. For like service. That is the proviso.

Mr. FAULKNER. "Like service."

Mr. CALL. What is "like service?"

Mr. FAULKNER. It is impossible to say what "like service" is, in the first place, and it will be impossible to compare the mail service with the express service. The express companies are insurers of their own goods. The express companies handle all their own goods. The express companies have to pay rent for every one of the rooms in the stations which they must have in order to handle their business. They have to provide their own men to handle the goods at the station. They have to provide, also, the trucks upon which they have to handle them. The amount for the transportation of mail clerks of itself would reach up to $3,000,000 if fare was paid for the transportation of these men upon trains at the ordinary rates. All that is done and included in the cost of transportation, and it is not required by the express companies. So it is almost impossible to make a comparison between the cost of the two services, and yet the Senator forces that comparison by the proposition to enact a specific and distinct law to that effect.

Mr. BUTLER. It leaves that in the discretion of the Postmaster-General, and requires him to say what is a similar service and what is not, and then the Postmaster-General in his next report will give the Senate information that he has never given to the public so far, and he will tell you why he pays the railroads so much and what is similar and what is dissimilar service. The amendment is not ironbound. It is simply of a nature that requires the Postmaster-General in his discretion not to pay for a like service more than the express companies and individuals pay.

Mr. FAULKNER. If the amendment of the Senator be adopted, I do not know that it would not increase the cost of the transportation of the mails. But we do not care about relying upon the report of the Postmaster-General when we here have appointed our own commission.

Mr. BUTLER. You have not appointed it yet.

Mr. FAULKNER. We hope to appoint it.

Mr. BUTLER. Let us discuss that question when we get to it.

Mr. FAULKNER. And we believe that we will succeed in getting the Congress of the United States to make a thorough investigation of this matter through the commission. I assume that where a great public question of this character is brought before Congress, for the purpose of investigating the amount of appropriation necessary to defray the public expenditures upon a very complicated and difficult question, it will not refuse to appoint the commission.

I therefore insist upon the point of order suggested by the chairman of the Committee on Appropriations, that this is general legislation; that it is not reported from any committee; that it has the indorsement of no committee, and has not been referred to the Committee on Appropriations one day before it was offered in the Senate.

Mr. CHANDLER. May I ask to have the amendment stated before the Chair rules upon the point of order?

The SECRETARY. After the word "dollars," in line 9, page 6, it is proposed to insert:

> *Provided*, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Mr. CHANDLER. Mr. President, I am not in favor of the amendment of the Senator from North Carolina. I think the whole subject should be investigated, and that question will come up later in the consideration of this bill, but I am not willing to assent to the proposition that there is a rule of the Senate that we can not in making an appropriation of $29,000,000 put any limitations upon the methods in which it shall be expended to accomplish the general purpose intended. We are not obliged to pay this money in the precise way that former appropriations of this kind have been paid out. It is customary, and it is a good custom and a proper practice, to put upon large appropriations specific limitations and directions as to how the expenditures shall be made.

Mr. ALLISON. If the Senator will allow me, that is in cases where specific limitations have not already been put by law upon the appropriations.

Mr. CHANDLER. I appreciate the distinction made by the Senator, and he may possibly be right in this case, and yet it is a doctrine as to the construction of our rules which I am not willing fully to admit, that where a large appropriation is made and an amendment is proposed that it shall be paid in a particular direction, that it shall not be used for a particular purpose, that that amendment is out of order. I am not willing to assent to that doctrine at this time.

Mr. BUTLER. Mr. President, I had read a few moments ago section 4002 of the Revised Statutes. Those who paid attention to the reading of that statute will notice that it fixes a maximum rate and leaves it to the discretion of the Postmaster-General to reduce it from time to time in his judgment. There have been two amendments to that statute, which is before you. One was in 1876, which reduced the maximum 10 per cent. I will not ask that that be read unless it is called for, as it would take time. In 1878 there was another amendment passed by Congress reducing the maximum rate 5 per cent, leaving all the provisions of the act which is before you in full force, simply reducing the maximum rate.

I submit that it is not new legislation in the appropriation bill, it is not general legislation that is subject to the rule of order, when you are making an appropriation of $29,000,000, to say, provided that not more of this amount shall be used for this service than is paid for like services by other individuals and corporations. We have already put the matter in the discretion of the Postmaster-General. This is simply calling his attention to a limit and asking him to use his discretion that the Government shall not pay more for this service than others pay for a like service. It is merely a limitation upon the appropriation, and I submit it is not subject to the point of order.

Mr. FAULKNER. That the point of order may be definitely known to the Chair, I will state that I make first the point of order that the amendment proposes to incorporate into the law general legislation that is not there, that it makes a limitation upon the Postmaster-General which is not in the law, and therefore changes existing law. The second point is that it is an amendment to an appropriation bill not reported by any committee. Another point is that it was not even reported by a committee and referred to the Committee on Appropriations for consideration a day before it was presented in the Senate.

Mr. BUTLER. If the Senator from West Virginia says that the amendment changes existing laws he admits that the Postmaster-General is paying more to-day for services than he ought to pay.

Mr. FAULKNER. No; I say that the law stating what his discretion shall be as to a given maximum amount, the amendment adds an additional provision that, although the maximum remains, in addition to that he is not to pay more than is paid by the express companies; and it is an additional provision and limitation that is not in existing law.

Mr. BUTLER. It is a mere limitation on the appropriation.

Mr. ALLISON. Let us have the ruling of the Chair.

Mr. CHANDLER. I will say something before the ruling is made, with the permission of the Senator from Iowa.

Mr. ALLISON. Certainly.

Mr. CHANDLER. The Senator from West Virginia can not be serious in his last proposition. There is no requirement that an amendment of this kind shall be reported by a committee of the Senate and referred to the Committee on Appropriations.

The amendment does not add any sum to the amount appropriated. If it increased the appropriation or added a new item, the Senator would be right; but when the Senator says that a mere provision not increasing an appropriation, but limiting the manner in which that appropriation is to be expended, must be notified to the committee of which he is an honored member before it can be offered in this Chamber, he is mistaken. So the Senator is pushed again upon the original proposition that the amendment changes existing law.

Mr. President, I repudiate the idea that when these annual appropriations are made, as they are required to be made year after year, there can not be a limitation on any one of the appropriations as to the manner in which it shall be expended which can be proposed by any Senator in this body when the appropriation bill is under discussion and whether any notice is given of it or not. I submit to the good judgment of the Senator from West Virginia that he is entirely wrong in his point of order.

The PRESIDING OFFICER. By the terms of existing law the amount to be paid by the Postmaster-General for the transportation of mails is to be determined by certain definite factors consisting of distance and weight. The proposed amendment suggests that hereafter, should the amendment become a law, the Postmaster-General shall deviate from the definite quantities now prescribed by the statute and inquire concerning the amount paid by certain express companies between different points. The proposed amendment, the Chair believes, would change essentially the basis of computation from definite factors to a wide, broad, indefinite field which might be constantly shifting. The Chair thinks the point of order is well taken.

Mr. BUTLER. I feel constrained to appeal from the decision of the Chair. Before entering the appeal, though, the Chair will pardon me that I may ask the Senator from Iowa a question. I should like to ask the Senator from Iowa if he would make a point of order against a proposition to reduce this appropriation from $29,000,000 to $20,000,000?

Mr. ALLISON. I do not know what I shall do on any particular amendment until it is offered and read at the desk.

Mr. BUTLER. I submit that I do not wish to offer an amendment of that kind, though I am prepared to furnish ample evidence to the Senate (and I will take the time of the Senate to do it on that amendment) that $20,000,000 is more than sufficient to pay for the railway mail service of this country. I do not wish to limit the amount, but I prefer to leave the whole appropriation of $29,000,000 and provide that only so much of it shall be used as is necessary to pay a rate to the railroads similar to that which they now get from express companies and other business concerns. I submit that that is fairer. I submit the point of order can not be made by the chairman against a proposition to reduce the appropriation to $20,000,000 or any other amount. If he were to make the point, the Chair would not sustain him.

Then, why is not this better, because it leaves the whole matter with the Postmaster-General, and on its equity? It needs no proof to show that it is fair. It is fair on its face. If $29,000,000 is necessary, then expend it; if $20,000,000 is necessary, expend it. But I will take the time of the Senate to prove that $20,000,000 is more than sufficient, if the point of order is insisted upon against this amendment.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. GEAR. I suggest the lack of a quorum.

Mr. ALLISON. A call of the roll will bring a quorum into the Senate if the yeas and nays are demanded on the appeal.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BATE. What is the direct point upon which we are to vote?

Mr. ALDRICH. I move to lay the appeal on the table.

Mr. CHANDLER. I heard the want of a quorum suggested by the Senator from Iowa [Mr. GEAR].

The PRESIDING OFFICER. The Senator from Iowa [Mr. GEAR] suggests the absence of a quorum in the Chamber. The Secretary will call the roll.

Mr. GEAR. My colleague suggests that a vote by yeas and nays will develop the presence of a quorum. I will withdraw the call.

Mr. ALDRICH. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Iowa has suggested the absence of a quorum, and——

Mr. BATE. I ask what is the question that it is moved be laid on the table?

The PRESIDING OFFICER. Pending the determination of the presence or absence of a quorum, the Senate can not, as the Chair understands, transact business. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,
Allison,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Call,
Cameron,
Cannon,
Carter,
Chandler,
Chilton,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gordon,
Gorman,
Gray,
Hansbrough,
Hawley,
Hill,
Jones, Ark.
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Morrill,
Murphy,
Nelson,
Palmer,
Peffer,
Perkins,
Platt,
Quay,
Roach,
Sewell,
Sherman
Shoup,
Stewart,
Teller,
Turpie,
Vest,
Vilas,
Walthall,
Warren,
Wetmore.

The PRESIDING OFFICER. Fifty-five Senators have responded to their names on the call of the roll. A quorum is present.

Mr. ALDRICH. I move to lay the appeal on the table.

Mr. BUTLER. Let us have the yeas and nays on that, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina appeals from the ruling of the Chair, and the Senator from Rhode Island moves to lay the appeal on the table.

Mr. COCKRELL. Now, will the Chair please state exactly what the proposed amendment is and the ruling of the Chair on it?

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to insert, after the word "dollars," in line 9, on page 6:

Provided, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

The PRESIDING OFFICER. The Senator from Iowa [Mr. ALLISON] made the point of order that the proposed amendment changes existing law. The further point was made that it had not been reported by nor referred to any committee of the Senate.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Upon that point of order the Chair held, if the Senator from North Carolina will permit the Chair to state the parliamentary situation, that the proposed amendment changes existing law in this, that under the provisions of section 4002 of the Revised Statutes of the United States weight and distance constitute the basis upon which the cost of carrying the mails is computed, whereas the proposed amendment contemplates computations based upon the rates of express companies, indefinite and unknown quantities, as the basis upon which the maximum shall be fixed; and the Chair therefore sustained the point of order.

Mr. BUTLER. Now, if the Chair will pardon me, Mr. President——

Mr. ALDRICH. Debate is not in order.

The PRESIDING OFFICER. A motion is pending to lay the appeal of the Senator from North Corolina on the table.

Mr. BUTLER. I think the Chair recognized me, and no one will object if I call attention to the answer made to the point of order.

Mr. ALDRICH. Debate is not in order on the proposition, and I ask for the regular order.

Mr. BUTLER. I submit to the Chair——

The PRESIDING OFFICER. The Senator from Rhode Island makes the point of order that debate on the motion to lay the appeal on the table is not in order.

Mr. BUTLER. Is it debate to state the grounds briefly, without any debate, upon which the point of order was made, and the answer to the point of order?

Mr. GALLINGER. Of course it is.

Mr. BUTLER. If the Chair will pardon me——

Mr. ALDRICH. I ask for the regular order. Debate is not in order.

Mr. BUTLER. There are a number of Senators now here who did not hear the debate and the ground upon which an appeal was taken from the decision of the Chair.

The PRESIDING OFFICER. Upon the point of order made by the Senator from Rhode Island, under the rule the Chair must hold that debate is not in order on the motion to lay the appeal on the table.

Mr. MILLS. The question is now on laying the appeal on the table.

Mr. BUTLER. Then I ask unanimous consent to state my position and to restate the reason why I maintain the amendment is in order. I am now appealing to the Senate to decide whether or not it is in order. The point of order having been made, I ask unanimous consent to state to the Senate on what ground I made the appeal. Many Senators are now present who were not here when I stated my ground for the appeal.

Mr. ALDRICH. How much time does the Senator want to take?

The PRESIDING OFFICER. The Senator from North Carolina has not stated the length of time he desires to occupy.

Mr. BUTLER. A minute or two will be just about the time necessary.

Mr. ALDRICH. All right; I am willing.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to be permitted to proceed for two minutes to state his position with reference to the pending question. Is there objection? The Chair hears none; and the Senator from North Carolina will proceed.

Mr. BUTLER. I call the attention of the Senate to the fact that if I had moved to reduce the appropriation of $29,000,000 to $20,000,000, it would have been entirely in order, and nobody could have objected to it. I preferred to put in this amendment, which requires that the Postmaster-General shall not pay more for carrying the railway mail than is paid by express companies for a like service. That is more equitable. I submitted that that was arriving in a more equitable way at the same result we would get by reducing the appropriation.

Now, the amendment does not change the method of computation fixed by present law. Why? We have a system of weighing the mail. It does not change the amount of mail to be carried; it simply requires that the Postmaster-General shall not pay more per ton than is now paid by express companies. It does not make any difference whether the weighing shows one ton or a million tons; it simply provides that we shall not pay more per ton for a like service for a like distance. I claimed that it did not change the existing law, but was simply a limitation on the appropriation, and on that ground I appealed from the decision of the Chair.

Mr. CULLOM. Now, I hope we shall have a vote on the motion and proceed with the bill.

Mr. BUTLER. To expedite matters, I will ask that this may go over. As the merits of the question will come up under the provision to establish a commission, I will withdraw the appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Senator from North Carolina withdraws the appeal from the ruling of the Chair. The Secretary will report the next amendment of the Committee on Appropriations.

The next amendment of the Committee on Appropriations was, on page 6, line 8, after the word "dollars," to insert:

And the Postmaster-General is hereby authorized, in his discretion, to pay from the foregoing appropriation for the special transfer and terminal service between the Union Station at East St. Louis, Ill., and the Union Station at St. Louis, Mo., including the use, lighting, and heating of mail building, and the transfer service at St. Louis, at the rate of not exceeding $50,000 per annum, beginning on the 1st day of July, 1897.

The amendment was agreed to.

The Secretary read the next clause in the bill, as follows:

For railway post-office car service, $3,600,000.

Mr. BUTLER. I offer the following amendment to come in after the word "dollars," in line 19, page 6:

Provided, That not more than 10 per cent of the cost of the cars shall be paid for said service.

Mr. President, this paragraph——

Mr. ALLISON. I make the point of order on the amendment that it changes existing law. I do not wish to interfere with the Senator's observations, but undoubtedly——

Mr. BUTLER. If the Senator from Iowa will pardon me, I should like to ask what existing law the amendment changes?

Mr. ALLISON. The rates for car service are fixed by law now, by section 4003 of the Revised Statutes, I believe.

Mr. BUTLER. I ask for the reading of section 4003 of the Revised Statutes.

Mr. ALLISON. I will withdraw the point of order to save time, and let the Senator have a vote on his amendment.

The PRESIDING OFFICER. The point of order is withdrawn on the amendment proposed by the Senator from North Carolina.

Mr. BUTLER. Mr. President, here is an appropriation for $3,600,000—for what? Simply for the rent of postal cars. How many postal cars? Less than 500 are in use to-day to carry the mails of the country; and here is an appropriation, as I say, of $3,600,000 for the rent of those cars. The postal cars do not cost over $3,500 or $4,000 each to build, and to build the 500 cars will not cost the amount of money which is appropriated in this bill.

I submit that we have already voted $29,000,000 to pay the railroads for hauling the mails. That is at least from twelve to fifteen million dollars more than the railroads charge for like service for me, and for you, sir, for manufacturing concerns, and for express companies. We are paying $160 a ton, when but from $50 to $100 per ton is paid by others for like service.

In addition to that, here we are asked to appropriate $3,600,000 for the rent of cars. The cars put up at auction to-day would not sell for half of it. The Government can to day go into the market and buy 500 postal cars better than those which are used in the postal service for less money than this.

I submit that if we are to pay this enormous price for carrying the mail, we should not also pay rent on postal cars, and that, if we do pay that rent, we should not pay more than 10 per cent of the cost of the cars. That is the amendment.

The existing law says that the maximum rate which the Post-Office Department can pay for these cars is $25 per mile per annum for cars of 40 feet in length; $30 per mile per annum for cars of 45 feet in length; $40 per mile per annum for cars of 50 feet in length; $50 per mile per annum for railway post-office cars of from 55 to 60 feet in length. That is the maximum rate; and yet to-day I make the statement, and defy contradiction, that the Post-Office Department is paying over $50 for every postal car in use, when even the maximum is only $25 for a car 40 feet in length. They pay on every car as if it were 60 feet in length.

I ask the attention of the Senate to some of the business methods we have had in the Post-Office Department. I call attention to the case of the Pennsylvania Railroad Company between New York, Pittsburg, Cincinnati, St. Louis, and Chicago. We paid this company for the use of 69 cars in one year the sum of $515,000. That amounts to $7,327 a car. We paid the Pennsylvania Railroad $7,327 a year for the use of each car, when the car did not cost but $3,500.

I call the attention of the Senate to another case, that of the New York Central. We paid that company for the use of 50 cars last year, and for those cars we paid $425,000; that is $8,500 a year for the rent of each postal car, when the cars cost only $3,500 apiece.

I submit that it is no wonder that there is a deficit in the Post-Office Department. There is not a private business in the country which would not be bankrupt in one year with such business methods as those. We pay over twice for the rent of the car what it would cost to build it and own it; and, in addition, we pay $160 a ton for mail, while the express companies can have it carried for less than $100.

It is a matter for the Senate. If it pleases the Senate of the United States to thus squander the people's money, if it pleases the people's representatives to thus throw it away, then let no man who votes for such a proposition as this talk about economy and the interests of good government hereafter.

Mr. President, these are grave statements which I make, and I challenge any Senator on this floor to rise to his feet and question them, for I am here armed with the proofs. I have no more to say, I do not wish to take the time of the Senate.

Mr. CULLOM. I shall not reply to the Senator, but I should like to have a vote at once.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

Mr. BUTLER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER (Mr. THURSTON in the chair). Is the demand seconded?

Mr. ALDRICH. Have a sufficient number of Senators seconded the demand for the yeas and nays, Mr. President?

The PRESIDING OFFICER. The demand for the yeas and nays, in the opinion of the Chair, is not seconded.

Mr. ALLISON. I move to lay the amendment on the table.

Mr. MILLS. Let us have the yeas and nays on that.

Mr. BUTLER. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Senator from Iowa moves to lay the amendment proposed by the Senator from North Carolina on the table, and on that the yeas and nays are called for.

Mr. CALL. I hope the Senator from Iowa will withdraw his motion for a moment.

The PRESIDING OFFICER. Are the yeas and nays demanded?

Mr. MILLS. Yes; they are demanded, Mr. President.

Mr. ALLISON. Does the Senator from Florida wish to speak to the amendment?

Mr. CALL. Only to make a single observation.

Mr. ALLISON. I will withdraw my motion for a moment to enable the Senator to do so.

Mr. CALL. Mr. President, with reference to this amendment, I should be very glad to cooperate with the Senator from North Carolina in any measure reasonably fair for a reduction to a proper extent, giving reasonable compensation to the carriers for the railway mail service, but I think that the Senator from North Carolina is not doing a benefit to that purpose in this motion, although he so intends, because there are many of us who would like to vote for the amendment who can not ignorantly do so at this moment of time, with the few days only of this session yet remaining to pass these bills, without time to consider even the information which the Senator personally may have upon the subject, and venture upon something which may interfere with the reasonable compensation and the efficiency of this service at this time. Without any information, however much we may be disposed to do so, it seems to me not to be in the interest of the very purpose which the Senator desires to accomplish.

Mr. BUTLER. Will the Senator from Florida permit a question?

Mr. CALL. Certainly I will.

Mr. BUTLER. The amendment I propose simply provides that we shall not pay more than 10 per cent of the cost of the cars for the rent of them. Is not that a fair and clear proposition?

Mr. CALL. That seems to me a very indefinite idea upon this subject. It might be the whole cost of the railway car upon some particular route that might be necessary to be paid for. There is no relation between the arbitrary amount of 10 per cent and the reasonable cost of the service. Those two things have no kind of connection with each other. It is for that reason that I deprecate, in the interest of those who really desire to accomplish the objects sought by the Senator, that he should now offer this amendment.

Mr. BUTLER. This does not cover the service.

Mr. ALLISON. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to lay upon the table the pending amendment.

The motion was agreed to.

Mr. ALLISON. I desire to offer a modification of the amendment beginning in line 20, on page 6, and ending in line 3, on page 8. It is simply providing that the committee's suggestion in that amendment shall be changed to a commission, this Congress not having the power, I think, to appoint committees for the next. I send to the Secretary's desk the modification which I propose to make.

The VICE-PRESIDENT. The proposed modification will be stated.

Mr. ALLISON. It is to come in at the end of the amendment.

The SECRETARY. It is proposed to substitute for that portion of the bill beginning in line 19, on page 6, and ending in line 3, on page 8, the following:

> That a joint commission is hereby created consisting of three Senators, members of the Fifty-fifth Congress, to be appointed by the present President of the Senate, and three members elect of the House of Representatives of the Fifty-fifth Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-fourth Congress. Said joint commission shall make full inquiry into and examination of the whole subject of mail transportation and the cost thereof; and said commission is authorized to employ not exceeding two experts in aid of said commission, who shall receive such compensation as the commission shall determine to be just and reasonable. The Postmaster-General shall detail from time to time such officers and employees as may be requested by said commission in its investigation. Said commission may employ a clerk and stenographer and such other clerical assistance as may be necessary. Said commission is authorized, for the purposes of said investigation, to take the testimony of witnesses and send for persons and papers, and, through the chairman of said commission, or the chairman of any subcommittee thereof, to administer oaths. Said commission may also examine witnesses and papers respecting every item of expense entering into the cost of such transportation and the best practicable methods of diminishing the aggregate cost of such transportation consistent with the efficiency of the mail service, and shall make report to Congress on or before February 1, 1898, with such recommendations as respects said subjects as it may deem advisable; and shall also report such testimony taken in the course of such investigation. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of the said commission as herein provided for, on the certificate of the chairman of said commission. In case of vacancy by resignation or otherwise of any member of said commission, the vacancy may be filled by the presiding officer of the Senate or House in which such vacancy occurs.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. ALDRICH. I suggest a modification of that amendment where it reads, "to be appointed by the present President of the Senate," by striking out the words "the present President," so as to leave it "to be appointed by the Senate." I do not know who "the present President of the Senate" is. That is an unusual phrase to use in legislation; and it is a little uncertain when this law will go into effect. It may go into effect after the 4th of March. If it means the present Vice-President, he will be then out of office.

Mr. COCKRELL. It can not go into effect after the 4th of March.

Mr. ALDRICH. That is true; but it may go into effect too late for the commission to be appointed by the present presiding officer of the Senate. What it means I do not know. If it means the present Vice-President——

Mr. HOAR. Why not say "by the President of the Senate?"

Mr. ALDRICH. It is an unusual sort of phrase.

The VICE-PRESIDENT. Is there objection to the modification suggested by the Senator from Rhode Island?

Mr. CHANDLER. Before the suggestion of the Senator from Rhode Island is acted upon, I ask that the last clause in relation to filling vacancies in the proposed amendment of the Senator from Iowa may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> In case of a vacancy by resignation, or otherwise, of any member of said commission, the vacancy may be filled by the presiding officer of the Senate or House in which such vacancy occurs.

Mr. CHANDLER. There is nothing in that such as has been stated. That, I think, is correct, and it seems to me the suggestion of the Senator from Rhode Island is rather wide of the mark.

I will ask the Senator from Iowa whether, after the amendments are adopted to the substitute amendment, he desires to proceed with the discussion on the amendment at this time or to pass it over until he has finished the rest of the bill?

Mr. ALLISON. I think we might as well proceed with this discussion now, as the remainder of the bill ought not to occupy much time and the Senate at this hour is very full, and this is a most important amendment to the bill.

Mr. CHANDLER. Then, Mr. President, I shall ask leave to make a suggestion after the amendment proposed by the Senator is acted upon.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from Iowa?

Mr. GORMAN. There is objection, Mr. President.

Mr. HILL. I was going to suggest that if this whole scheme is to be discussed before the committee amendment is amended, ought not the discussion to proceed now?

Mr. ALDRICH. It can proceed just as well with my amendment pending as in any other way.

Mr. CHANDLER. The objection to that is that there will be two amendments pending at the same time. I wish to move to strike the amendment entirely out, and therefore it will be more convenient to dispose of the amendment of the Senator from Rhode Island or have him withdraw it.

Mr. ALDRICH. The fact that that amendment is pending will not interfere with the Senator from New Hampshire moving to strike the whole paragraph out or to vote against it, which is the same thing. The question is on the adoption of the amendment.

Mr. CHANDLER. If the parliamentary position of the Senator from Rhode Island is correct, I move to strike out the whole amendment as proposed to be amended and to insert what I shall send to the desk.

Mr. ALLISON. If the Senator will allow me a moment, I hope the Senate will consider the amendment which I sent to the Clerk's desk as if it were printed in the bill as an amendment of the Committee on Appropriations, so that any amendment to it will be regarded as an amendment to the amendment proposed by the committee. This is done as a matter of convenience.

Mr. CHANDLER. To consider the proposed amendment of the Senator as adopted and the motion of the Senator from Rhode Island as pending?

Mr. ALLISON. No; I do not desire to consider it as adopted. I merely substitute what I sent to the Clerk's desk and had read by the Secretary for what is printed in the bill, and that is to be the amendment pending.

Mr. CHANDLER. Now, I move to strike it all out and insert what I send to the Secretary's desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire to the amendment will be stated.

The SECRETARY. It is proposed to substitute for the amendment proposed by the Senator from Iowa [Mr. ALLISON] from the Committee on Appropriations the following:

> That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions shall be examined by a postal reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendations for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available and to be expended according to the direction of the Postmaster-General, said commission to expire on the 31st day of December, 1897.

The VICE-PRESIDENT. The question is on agreeing to the substitute amendment of the Senator from New Hampshire, which has just been read.

Mr. CHANDLER. Mr. President, I desire to call the attention of the Senate to the attitude of the question as now presented. The amendment proposed by the Senate Committee on Appropriations simply proposes to investigate the one subject of the cost of the transportation of the mails. The amendment evidently is directed toward the consideration of the cost of railway mail transportation. There is an elaborate machinery provided; great powers are given to this commission; the time for its work is extended until February 1, 1898, and the large sum of $50,000 is placed at the disposal of the commission. The commission may go to any railroad office, enter into it, and call for all its books and papers.

> Said commission may also examine books and papers respecting every item of expense entering into the cost of such transportation.

This commission is vested with immense powers over the railroad companies of the United States, as great powers as I can conceive that it is possible to give to a commission created by act of Congress over any of the corporations of this country.

Mr. President, it may be that it is wise to do this. I am aware that the $30,000,000 expended yearly for compensation to the railroads for transporting the mails, in addition to the three millions and a half paid them for the railway post-office service, is deemed by many to be excessive.

I have heard, in a general way, the statement made that it is twice as large as the amount that ought to be paid to the railroads; that is to say, instead of $30,000,000, $15,000,000 should be paid. Others contend that if the railroads were paid only what they ought to be paid, there could be a saving made of at least $10,000,000 every year. The expenditures of the Post-Office Department are about $92,000,000. The annual deficit, paid for from the Treasury from moneys received by taxation, is about $12,000,000, and it is claimed by those who believe that these expenditures for railway transportation can be reduced that at least the whole amount of the deficit which is found to exist from year to year in the revenues of the Post-Office Department could be made up by the saving of at least $12,000,000 in the amount paid to the railroads.

Mr. President, that is a very important subject. It is a subject which must be dealt with by the Government and by the Congress of the United States. The Senator from North Carolina has submitted, in a supplemental and minority report from the Committee on Post-Offices and Post-Roads, a very forcible statement on the subject of the amounts paid by the United States for railway mail transportation. The subject must be taken up, investigated, and remedies applied for existing abuses, if upon investigation it shall be found that there are existing abuses.

The amendment of the Appropriations Committee proposes to deal only with this one subject in connection with the postal service, the one question whether or not we pay too much to the railroads for the transportation of the mail. There are, however, other alleged abuses in connection with the mail service. The investigations that have been made by the Committee on Post-Offices and Post-Roads in connection with the Loud bill have developed very serious abuses in the existing methods of the Post-Office Department. They are abuses which it is very likely are justified or authorized by the existing laws in reference to first, second, third, and fourth class mail matter. The abuses most complained of are those as to second-class mail matter; that is to say, in connection with the 1-cent per pound rate of postage on newspapers and periodicals. I will state the whole abuse in connection with newspapers and periodicals. First, the great number of sample copies, as they are called, of newspapers and periodicals introduced into the mail; and secondly, the publication as serials of books, works on literature and science, and other books of great bulk, literature valuable, literature harmless, and also literature much of which is claimed to be worthless and harmful to the community.

The Committee on Post-Offices and Post-Roads found a very widespread interest in this subject. They found hundreds and thousands and even millions of our people interested in the preservation and perpetuation of the so-called abuses. There were members of the committee besides the Senator from North Carolina who were opposed to any attempt at this session to deal with these alleged abuses, which fill the mails with thousands of tons of printed matter which it is alleged is carried by the Government at 1 cent a pound, a price far below the cost of carrying it. This immense number of tons of matter increases the compensation paid to the railroads of the country, these enormous sums which it is claimed are causing the great deficit that exists in the postal service and which it is believed will continue to increase until some remedy is applied.

Mr. BUTLER. Will the Senator from New Hampshire permit me?

Mr. CHANDLER. Certainly.

Mr. BUTLER. The Senator from New Hampshire states that 1 cent a pound is far below the cost of transporting second-class matter. I wish to correct him by stating that it is probably below what the Government pays. In that sense the statement may be correct. But I wish to state here, and I am sure he will agree with me, that it is not below the cost that the Government ought to pay, and which the Government would pay if the two amendments I offered this morning had been adopted. We could carry the mail at 1 cent a pound and put a surplus in the Treasury, instead of having a deficit, if we were to stop the exorbitant rates we are paying, more than the express companies and individuals pay, and also stop the enormous payments for car service, twice as much as the cars are worth.

Mr. CHANDLER. I am not certain the Senator from North Carolina is right in his statement. Undoubtedly the bare cost of transporting second-class matter from city to city is not much more than 1 cent a pound, but the Senator must bear in mind that I meant, in speaking of the cost of second-class matter, not merely the cost of railroad transportation, but the cost of receiving that matter at the post-office where it is deposited and of delivering it at the post-offices where it is received. The cent a pound, as representing the mere cost of transportation of so many tons of matter from city to city, is one thing. The total cost of receiving the mail matter and handling it and delivering it to the persons for whom it is designed, which includes, of course, the second-class matter's share of the general expenses of the Post-Office Department, is another thing.

Mr. BUTLER. In that connection, with the permission of the Senator, I wish to say that the entire cost of receiving, carrying, and delivering the mails would be less than that amount if the Post-Office Department was properly managed and if the Government owned its own cars and simply paid for the hauling of them what railroads haul express cars for.

Mr. CHANDLER. That is the Senator's opinion.

Mr. BUTLER. I can prove it.

Mr. CHANDLER. But there is as yet no evidence to demonstrate that the Senator is correct.

This subject has been investigated during the present session by the Committee on Post-Offices and Post-Roads, and incidentally the committee considered the question as to the expediency of adopting 1-cent letter postage in this country. They considered the subject of the extension of rural free delivery in this country. The committee took a general survey of the whole subject of the postal service, not merely that portion of it which relates to the cost of the transportation of the mails by the railroads, but that portion of it which relates to the whole subject of the classification of mail matter and of the rates of postage which are paid and which ought to be paid in this country by the patrons of the Post-Office Department.

Mr. President, the result was not satisfactory to the committee. There has not been sufficient time, with the examination we have been able to give, to frame a satisfactory bill. It became evident that the measure from the House, House bill No. 4566, known as the Loud bill, could not be passed at this session. Amendments were prepared to the bill by the acting chairman of the committee which he thought would be valuable. The bill was reported and placed upon the Calendar of the Senate with a report which I now hold in my hand, No. 1517, made on the 22d day of February. All of this was done with no expectation that the bill would pass, but with a distinct realization of the fact that it was impossible at the present session to have any legislation whatever on this great subject.

Having reached that conclusion, the Committee on Post-Offices and Post-Roads deemed it advisable to set on foot a commission to make inquiry into all these points of dispute, not merely the question of the cost of the railroad transportation of the mail, not merely one abuse or another abuse as to second-class matter, but all the questions that enter into and affect the question of railway mail transportation; and the committee have reported the amendment to the Post-Office appropriation bill which I have offered in lieu of the amendment proposed by the Senate Committee on Appropriations.

Mr. President, the commission proposed by the Senate Committee on Post-Offices and Post-Roads has this merit at least: It is an economical commission. It is proposed that it shall consist of the chairman of the Senate committee and the chairman of the House committee, the next Postmaster-General, and two civilians to be appointed by the President of the United States, and the sum of only $10,000 is proposed to be appropriated to pay for the services of the two civilian commissioners and the expenses of the commission. But to the commission is committed all these questions—the question of the cost of railway mail transportation, the question of existing abuses in the Railway Mail Service, and the question what shall be the rates of postage, and whether or not the condition of the postal service is such or could be made such that 1-cent postage on letters can be granted to the people of this country.

Mr. President, that is the conclusion the committee has reached; it is the best conclusion which the committee can reach, and the committee I think in all its membership stands before the Senate asking that there may be a commission, constituted as the Senate may please in its discretion, to investigate not one part of this subject, but every part of it; and that it shall not only inquire carefully into the cost of the transportation by the railroads of such matter as is now admissible into the mails, but also into the question what matter shall be transported in the mails, into the question whether or not there are not now admissible into the mails publications and matter that ought to be excluded from the mails, whether a reduction in the deficit of the Post-Office Department can not be accomplished not only by reducing the amount paid to the railroads, but also either by excluding from the mails matter that ought not to be carried therein or by imposing upon such matter an adequate rate of postage which shall compensate the Government for the cost of carrying it

We are confronted on this view of the case by the proposition of the Senate Committee on Appropriations, which, although it creates a commission with great power and proposes to give it $50,000 with which to pay its expenses, provides for no investigation whatever of all these other subjects, no inquiry whatever into all these alleged abuses, but limits the work that is to be done by the commission solely to the one proposition that there may be some reforms instituted in connection with the cost of the railway mail transportation.

Mr. President, I say in all seriousness to the Senator from Iowa who advocates the proposition of the Committee on Appropriations that this whole subject ought to be investigated either by the commission which he proposes or by the other commission, or by a different commission from either, or in some appropriate way, such as shall find favor with the Senate. I hope that there may be a modification of the amendment as proposed by the Senate committee, and that if there is not a modification of it, the amendment proposed by the Senate Committee on Post-Offices and Post-Roads may be substituted. That committee have given a great deal of time to this question during the short session. I do not understand that the Committee on Appropriations have given any considerable time to the investigation of the subject of railway mail transportation. They have taken up the appropriation bill; they have seen this large appropriation of $29,000,000 required for railroad transportation, and $3,600,000 for railway postal-car service, and they have devised this proposition for a commission. But they have been satisfied with a limited inquiry which I take occasion to say in all earnestness will be inadequate to the subject. The whole subject ought to be investigated by a commission, if a commission is constituted, or there ought to be no commission whatever, and the question ought to be left to the Postmaster-General and to the regular and usual methods of preparing for legislation by Congress.

Mr. STEWART obtained the floor.

Mr. ALLISON. I ask the Senator from Nevada to yield to me for one moment, that I may now make an arrangement for the remainder of the day's session. I think it will be most convenient for Senators if we take a recess from 6 o'clock until 8 o'clock this evening.

In connection therewith I desire to state that it is absolutely essential, if we are to deal with the appropriation bills between now and the 4th of March, that the Senate shall continue in session until a very late hour to-night, or at least until we can pass the Post-Office appropriation bill and the sundry civil appropriation bill. Unless these two bills can be passed before we adjourn to-night, it will be necessary for us to have a session on the Sabbath day, and I hope we will not be compelled to do so. Therefore it is essential, I repeat, that these two bills shall be passed before the adjournment this evening.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. HILL. What is the precise request?

The VICE-PRESIDENT. The Senator from Iowa will kindly restate his request.

Mr. ALLISON. It is that at 6 o'clock this evening the Senate shall take a recess until 8 o'clock.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEWART. I ask for the reading of the substitute.

The Secretary read as follows:

> That the question concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions, shall be examined by a postal reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendations for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available and to be expended according to the direction of the Postmaster-General; said commission to expire on the 31st day of December, 1897.

Mr. STEWART. Mr. President, I much prefer the amendment of the committee. The scope of the reform proposed by that amendment is large enough. It will require a great deal of investigation and time. It is a reform also which must be dealt with by Congress and not by the Department. It must be dealt with with a strong hand. The other reforms suggested are simple, and if the Postmaster-General will keep his accounts in such a manner as to advise Congress where the abuse is, it can be very easily reached.

I am of the opinion that there are no abuses under the law so far as mail matter is concerned which can not be remedied by departmental rulings and by properly executing the laws. The scheme of cutting off second-class mail matter has been directed thus far, so far as it has been promoted by those outside of the two Houses of Congress, to the cutting off of the distribution of literature under the pretense that some bad literature may go through the mails, and under the false pretense that it is the literature—the books and the pamphlets—which loads down the mail more than anything else, whereas the fact is that the vast increase in the second-class matter grows out of the stuffed Sunday editions of the dailies. I do not know the amount of these editions that go through the mails, but I do know that many of the large Sunday editions weigh from 12 to 18 ounces. Some of the Sunday editions of the large dailies average a pound, as they are damp when they are sent out from the offices. Suppose a great daily has a circulation of 200,000 copies, which go through the mail. That is 200,000 pounds which go out of that establishment, if they have that amount of circulation, and there appears to be rivalry among the great dailies to have the largest Sunday edition. I do not believe there is any paper in the United States in favor of this system; but if one paper does it, another must, and each, in the enterprise of business, must send out a larger edition and more pictures, and more painting, and more stories than the other, if they are to compete in that field.

Everybody knows that the Sunday edition is a most inconvenient paper. I have seen gentlemen, when it was offered to them on the street, after they had called for it, because it was so large, refuse to buy it. When you have, it if you are not very strong, you want a servant to carry it. The literature that goes into the stuffed Sunday editions of the dailies may be all very well: some of it is interesting; but it can not compare with the literature that goes into the mails of well digested periodicals and reprints of standard works. Having made this raid upon this particular kind of matter, without taking into consideration anything else, and getting up the amount of excitement they have in regard to the Loud bill, it seemed to me there was some other motive than to curtail expenses, and it is generally understood in the country that the movement to force the Loud bill through is nothing more or less than a movement to prevent the discussion of economic questions, an attempt to prevent the people from having both sides of the money question presented to them. It is known very well that the great commercial press takes one side. It is known very well that the telegraph companies and the railroad companies, or those who manage them, take the same side of this question, and to facilitate the circulation of literature on their side of the question is very natural. Newsdealers discard literature advocating bimetallism. It is not sold on the railroads, it is not sold on the news stands; it is practically boycotted, so that it can not reach the people.

Now, the mails furnish the people a convenient opportunity at a reasonable price to get this literature. They also furnish an opportunity at a reasonable price to get standard works to put in their libraries. They could not afford to buy bound books at the price charged and pay the freight, because they can get five or six or ten books for the same price through the instrumentality of the mails. You will find throughout the country that the small circulating libraries, which are praised so highly, are largely composed of paper-bound books that have gone through the mails.

An educational frank has been attached, and it ought not to be. The Postmaster-General could keep a separate account, but that he has not done. I called upon him to ascertain the average weight of the newspapers that go through the mail on week days and the Sunday dailies. He could keep a few headings that might be readily suggested and see what literature weighs down the mails. The question can be reached without a laborious investigation.

But the other question the committee has dealt with requires an investigation. It requires an investigation to learn what the railroad companies can afford to carry this mail for, and what is paid them for similar service; and it requires a great deal of strength and impartiality to deal with the question of contracting with them. The other question is simple.

If we can have the railroad service properly arranged, and such abuses of second-class mail matter cut off as the Postmaster-General

can now do by his authority under rules and regulations which he may enforce, I believe that we can have 1 cent postage and not have any deficiency in our revenues. I believe that can be accomplished. If it is thought necessary to accomplish that by cutting off something that is weighing down the mails, and that is presented to us, it will be a single proposition that we can deal with.

As to this reform which I suggest, call your newspaper men and ascertain the weight and investigate that one point. Any committee can at once investigate the average weight of a newspaper. It will not be over 4 ounces. You can not find one during the week, with all its advertisements, that will weigh over 4 ounces. If it is desirable to have these great Sunday editions, let them be heard on that question. I doubt whether the newspapers themselves want that, because it is impoverishing them. They are running a race in this extravagance which makes it very difficult for the newspapers to maintain themselves. I do not believe it pays, though no one can get out of it while it goes on. This question can be very easily ascertained by a committee and by the Postmaster-General; but when you take up this railway system, which involves contracts and considerations of all the circumstances before the contracts can be made, the situation of the roads, what they do other service for, and what they can afford to do this for, it is a large investigation, and the labor imposed upon that committee is sufficient to occupy its attention without loading it with this other matter of detail which can be so easily disposed of by the Department itself.

Mr. DUBOIS. Mr. President, I am led to make a few remarks on account of the prospect of staying here every night until midnight, and of meeting on Sunday, which is not pleasing to the Senators; nor is it pleasing to the people of this country that the Senate should be compelled to be in session on Sunday. I am impelled to make these remarks through the scoldings which we get from the Senator from South Dakota [Mr. PETTIGREW], through the scoldings which we get regularly from the Senator from Maine [Mr. HALE], and from the warning which we have just received from the chairman of the Appropriations Committee [Mr. ALLISON], that unless we devote ourselves constantly to the business in hand, unless we refuse to discuss any matters which might appear to us to be of interest, we shall be compelled to stay here all the time or else the appropriation bills will fail.

If I were to be a member of the next Senate, I would not make any remarks now, but would renew a fight at that time which I led in this Chamber this Congress, to divide the appropriations. No good argument was ever given why the appropriation bills should not be divided and sent around to the various committees, where they belong. The members of the Committee on Appropriations have vast powers in this Chamber. They absorb almost all the power here. They put on amendments in their committee room which lead to long debate. It is with them to say what amendments will go on. They please themselves. They usurp the legislative power of this Chamber almost, and after the debate comes on the amendments which they themselves put on, they scold members here when they want to discuss matters of interest to themselves, their States, and the country.

I think the next Senate should divide the appropriations. It will be an elegant time. No party will have a majority in this Chamber. The Republican party can not organize the next Senate. There is a distinct party here now called the Silver Republican party. They will not cooperate with you. You have not the power to organize the Senate.

Mr. NELSON. Who are you referring to?

Mr. DUBOIS. You will not organize your Senate.

Mr. NELSON. Who are you referring to when pointing over here?

Mr. DUBOIS. I am referring to the Republicans.

Mr. NELSON. What have you got against them?

Mr. DUBOIS. I have this against them, that while saying to us for years, "We will help you make this fight for silver," you came out at St. Louis as the advocate of the single gold standard; and when you did it, as you were warned there, you lost the Pacific Coast Senators. Just so fast as the people of that section have an election for a Senator, just so fast will a Republican Senator go down. There have been seven Senators elected there to take the places of seven Republicans. One Republican comes back of the seven. Just so fast, I say to you, as the people there have a chance to express themselves, just so fast will you lose a Republican Senator if you cling to the single gold standard.

You can not organize the next Senate, nor can you organize any other Senate. As we said at St. Louis, the Republican party as a party has written its last law on the statute books of this country. If you get your tariff bill through, it will not be by Republican votes. You have not enough of them; you can not get them; they do not belong to you, and you will be further from getting them in the Senate after two years.

Therefore I say it will be a good time at the beginning of the next Senate to reorganize the Committee on Appropriations. There will be no candidates for President; there will be no reason why you should not distribute the appropriations. Nobody knows who is to compose that committee. Nobody knows who is to be the chairman of it. And in view of the surroundings here now which confront us, when we can do nothing at all except sit here night and day or have the appropriation bills fail, in view of this situation fresh in your minds, in the session which is to come I trust you will at once reorganize the Senate by distributing the appropriation bills, and putting them in the hands of the various committees where they belong. No argument has ever been advanced against it which is good.

Mr. HILL. Mr. President, the House of Representatives passed the Loud bill upon the theory that it was to do away with certain abuses in regard to second-class mail matter. No other legislation has been proposed seriously. That bill may be a good bill or it may not. It depends upon what view is taken of the question. The bill came to the Senate and the Post-Office Committee, not the Appropriations Committee, entered into an investigation of the whole subject-matter upon which that bill was based, and reported a bill, not as the judgment of the committee, but in order that the matter might be placed before the Senate, a tentative measure. There is no effort to be made to pass it. That same question, as to what shall be done in regard to second-class mail matter, is to confront the next Congress.

As has been well stated by the acting chairman of the Committee on Post-Offices and Post-Roads, that committee formulated a scheme for a commission and tendered it to the Appropriations Committee. The Appropriations Committee have never spent an hour upon the subject. They took the Post-Office Committee scheme and you do not recognize it when it comes out of the committee. They do not propose to investigate a single question out of which arose the Loud bill. Not a single abuse is to be investigated, but simply the question as to the cost of the transportation of the mail by the railroads; and now it is seriously proposed by the Committee on Appropriations that the one single subject shall be investigated.

Mr. CARTER. If the Senator will permit me, this is probably one of the most important items in the bill, and it is very essential indeed that Senators who are to vote upon it should be present while it is being discussed. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VILAS in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Bate,
Berry,
Blackburn,
Brice,
Brown,
Burrows,
Butler,
Call,
Cannon,
Carter
Chandler,
Chilton,
Cockrell,
Cullom,
Daniel,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gordon,
Gray,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lindsay,
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Morrill,
Murphy,
Nelson,
Peffer,
Perkins,
Pettigrew,
Pritchard,
Pugh,
Quay,
Roach,
Sewell,
Shoup,
Stewart,
Teller,
Turpie,
Vilas,
Walthall,
Wetmore,
Wilson.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The Senator from New York will proceed.

Mr. HILL. Of the two schemes, the one proposed by the Post-Office Committee and the one proposed by the Appropriations Committee, both intend the investigation of the subject of charges of railroads for mail transportation. So far so good; but that will not reach the desired information; that will not enable the next Congress to properly legislate. It is but a branch of the subject. Ordinarily it would seem as though, if the subject of mail matter was to be inquired into, at least the suggestion made by the Post-Office Committee should be followed. It strikes me that it is somewhat disrespectful to the Post-Office Committee that its scheme, which is a broad one, a liberal one, an extensive one, whereby we can procure sufficient legislation to remedy these abuses, should not be followed, and that we should be switched off from that proposition to a single question now proposed by the Appropriations Committee.

Mr. President, until the Loud bill was discussed there had been no suggestion from any place in regard to the investigation of railroad charges. The whole thing arose in connection with the investigation had in regard to the Loud bill. These various subjects will confront the next Congress. I call the attention of the Senator from Nevada [Mr. STEWART] to the fact that in the next Congress the very same difficulty will present itself that presents itself now; that there is no adequate data as to precisely what this superfluous second-class mail matter costs for its transportation. I listened to his argument before the committee (and he made a very able one, and it impressed me greatly), in which he stated that according to the present methods of keeping the books in the

Post-Office Department it is difficult to tell precisely with any sort of accuracy how much this second-class mail matter, which is regarded as objectionable, costs the Government to carry. That same difficulty will meet you at the threshold of your next inquiry. Why make two bites of a cherry? Why not take the whole subject up, and in an appropriate and legitimate manner, as recommended by the appropriate committee? Why branch off upon the one subject of simple railroad transportation, the one subject as to what the railroads charge for carrying the mail?

I have no doubt that the amount can be reduced, but not so easily as some people say. It is not to be determined so readily. It is not possible that it can be determined upon a mere glance at the figures. The railroads will have something to say upon this subject. It is not possible that every Postmaster-General has been paying, year after year through their respective terms, so much more than was really necessary. There will be two sides of the question, and possibly you may find, when you get through, that no reduction can be made. Then these other questions will come up as to what properly should be carried as second-class mail matter. My friend from Nevada suggests that the newspapers ought to sort of abandon their great big Sunday additions. He will have considerable difficulty in convincing the newspapers that they ought to do it. Are all the questions as to how much should be permitted to pass as second-class mail matter to be determined by this commission? No. After we have had an investigation, a partial one, simply, for the purpose of this legislation in regard to divers subjects involved here, it is proposed to abandon all that, although the committee frankly tell us that we have not really enough upon which to predicate a good bill; that we need more information in regard to the subject, and that the present bill is not to be pressed, and suggest the appointment of a commission. You abandon all that and propose simply to investigate one single portion of it, and appropriate $50,000 for that purpose.

Mr. President, I think it is bad policy. In the first place, no committee of the Senate has suggested it except the Appropriations Committee. The scheme has not originated in some other committee and been referred to the Appropriations Committee. No scheme has been presented by a standing committee of the Senate and referred to the Appropriations Committee, except the one proposed by the Post-Office Committee. Is it not desirable from every point of view that the chairmen of the respective committees, the Post-Office committees of the two Houses, should be upon this commission? Upon whom is the next Congress to rely for legislation? Ought they not to be familiar with the subject so that they can explain it? Ought they not to be familiar with the investigation? Is it not good policy that they should be members of this commission? Ought not the Postmaster-General, who is to recommend or disapprove this thing, to be consulted and to be a member of the commission? Certainly, it strikes me that way.

Then the Post-Office Committee's project is the appointment of two civilians. Now, we might as well be frank about that. It has been suggested that certain ex-Postmasters-General would be appropriate members of the committee, and there is great propriety in the suggestion. They are men who have for years given this subject their attention, who know in regard to whereof they speak. Therefore it strikes me that there is great force in the suggestion that the scheme as outlined by the regular committee of this body on this subject, which was the first to inaugurate and the first to present plans here, should be adhered to, and not this late scheme which is presented, which involves but one single point of this controversy. Ordinarily it would seem that these views should be accepted, and readily so.

What argument is there upon the other side? I do not know of any. What committee has suggested that the railroads were overcharging? Nowhere lately has any such suggestion been made. No doubt they are overcharging, it is said. That may be true; but that is one simple point around which revolves only a portion of the controversy.

In the first place, there is a demand among the people for the reduction of letter postage from 2 cents an ounce to 1 cent an ounce. Who is authorized here to say that that can be safely done? No one. It may be said that can be done if we reduce the price paid to the railroads. Possibly that may be so; but possibly it may be found that the reduction will not be sufficient to justify that outlay. Then what are you going to do? You must then make reforms in other directions. But you have not investigated whether reforms can be made in other directions. Can you change the rates on second-class mail matter? If so, to what extent? You have not investigated. Therefore, it strikes me the proper course for us to pursue is to take up the scheme to which the Post-Office Committee has given considerable attention, and which it has formulated under the lead of the distinguished Senator from New Hampshire [Mr. CHANDLER].

Mr. President, I am not going to allude to what the Senator from Idaho [Mr. DUBOIS] so appropriately said. When it comes to a conference committee, what is the effect? Members of the Appropriations Committee, who have nothing to do with post-offices, are to go into a conference on the Post-Office appropriation bill with members of the House Post-Office Committee; and the members of the Senate Post-Offices Committee are to remain over here at their places watching the Appropriations Committee to see what they do. That is the theory upon which our committees are made up.

It strikes me, Mr. President, that it would have been far better to have adopted the scheme suggested by the chairman of the committee who has proposed it here. The Senator from Rhode Island [Mr. ALDRICH] has offered an amendment to the committee's scheme.

Mr. ALDRICH. I intend to withdraw the amendment, if I ever get an opportunity.

Mr. HILL. It would not have made the plan harmonious if that amendment had been adopted; but I do not think that the scheme as proposed by the committee should be at all entertained. A commission would be better composed of the chairmen of the respective Committees on Post-Offices and Post-Roads of the other House and of this, the present Postmaster-General, the next Postmaster-General, and two private citizens. It strikes me that is proper; it strikes me that that is the right way to investigate the whole subject, so that you can take up your Post-Office bill at the next session of Congress and can provide in one comprehensive measure all the legislation which may be necessary for the purpose of enabling these reforms to be accomplished.

You can not stop this discussion by passing this bill. This bill only enables you to obtain more money. Then the question will arise as to whether you are still going to continue the second-class mail matter and such literature to the extent you do now. The moral question, which has been argued so largely and which entered into the discussion in the other House, will still continue as to whether what is called slush literature is to be carried on a par with your best literature—all those questions will again confront you.

Why not appoint such a commission as has been suggested after the most mature reflection, and thus expedite the investigation which will itself be effectual to accomplish such reforms? With all due respect to the Appropriations Committee, it seems to me that the single scheme upon which they have entered will not prove effective.

Mr. ALLISON. I desire to say a word or two, Mr. President, before the vote is taken upon the amendment of the Senator from New Hampshire [Mr. CHANDLER], and I shall content myself with discussing the present question and not those questions which are to arise in the next Congress, although I am very glad to have the advice of my neighbor and friend here [Mr. DUBOIS] as respects what ought to be done in the next Congress about committees, as also the advice of the Senator from New York [Mr. HILL] on the same subject, as we shall not have the opportunity then.

Mr. President, the question of selecting a commission to deal with this subject is an important one, I agree. Respecting the desire or the alleged threat of the Committee on Appropriations in any way to ignore the Committee on Post-Offices and Post-Roads, there was no such purpose. The amendment which the committee instructed me to report was practically formulated and agreed upon before the Committee on Post-Offices and Post-Roads had made any report, and I will say that it was the judgment of the Committee on Appropriations that, inasmuch as it was charged that the railways were receiving a very large compensation, a compensation far beyond the cost of transportation, that that question lay at the bottom really of this whole subject.

We may as well understand here, as the people understand everywhere, that the question of dealing with the transmission of intelligence is a subject in which the people of this country are interested, and they will from time to time see to it that whatever can be done to facilitate the transmission of that intelligence will be done. That is the first and primary thing. The people do not wish to pay exorbitant prices for that transportation, nor do they wish to pay any postage rate that is beyond a rate sufficient to make the system self-sustaining. The complaint on the one hand is the complaint of a deficiency of postal revenue, and on the other hand it is the statement that we should reduce the rate of postage from 2 cents an ounce to 1 cent an ounce, and that that should be done immediately, without reference to the question of the cost of transportation. That might be advisable if we could take from the Treasury a sum beyond that which is now necessary to be taken in order to make up the deficiency of the revenue, but in the present condition of the Treasury that is impossible.

It seems to me, therefore, that the first question to be decided in the solution of this problem is the question of the cost of transmitting the mails of our country with celerity, and having a mail service which is efficient.

It can not be denied that each and every year, certainly for the last twenty years, there has been improvement respecting the efficiency of the mail service. That improvement has been seen everywhere. It is also true that with the hard times, if I may use

that phrase, we have had in the last two or three years in our country, the deficiencies in our postal revenues have been less relatively than they were in prosperous times years ago, whilst the efficiency of the service has been greatly increased.

I remember, Mr. President, the first bill that I had charge of as a member of the Committee on Appropriations was the Post-Office appropriation bill. It was for the fiscal year 1874, and I had occasion then, and I have often thought of it since, to observe that the expenditures for the postal service during the prior year were $28,000,000, and the revenue which was derived from the postal service was $22,000,000, thus giving a deficit of $6,000,000 upon an expenditure of $28,000,000. After an interval of twenty-two years, we have here upon our table a bill appropriating more than $92,000,000, with an estimated deficit by our Postmaster-General in his report of less than $1,900,000, thus showing that, with all the complaints which have been made as to the railway service, as to the insufficient pay of mail carriers, as to the insufficient pay given to the postal clerks, as to this inundation, if I may call it so, of what is termed second-class mail matter, which is run over this country by postal cars and on railway trains at 50 miles an hour—with all these imperfections, which the Senator from New York and the Senator from New Hampshire have so well stated here, it is found that year by year the postal revenue, so far as it concerns the cost of service, has diminished relatively; and in the face of it all we have seen, during the twenty-two years of which I am speaking, this country girded with lines of railroads from the Atlantic to the Pacific. We have seen them spread over this country, north and south, east and west, like spiders' webs, not carrying the slow trains of 20 miles an hour, but carrying from coast to coast railway trains running upon an average more than 35 miles an hour between ocean and ocean, and each and every one of those trains carrying this second-class mail matter at the rate of 1 cent per pound. We carry letters at the rate of 2 cents for each ounce.

Every person who is familiar with the question of railroad rates knows that if we pay the cost of transportation of this mail matter according to its mileage, we should go back to the primitive condition in which we were when I was a student at college, and when, being more than 300 miles from home, I was obliged to pay 25 cents postage for each letter I received.

In 1873, when I had charge of the Post-Office appropriation bill, the rate of letter postage was 3 cents for each half ounce, and in 1883, ten years later, we reduced that postage upon letters one-third, and later we reduced it by providing that 2 cents should be the rate for letters of 1 ounce or less.

So that in twenty-two years of our service, with all these imperfections, and with all these laws standing upon the statute books as to the method of dealing with this question—to wit, weight and speed as the chief elements—we find that we have been able to reduce the postage upon letters at least one-third, carrying, as has been said here upon this floor, intelligence, and spreading it over every portion of this country—to our valleys, across our mountains—at the rate of a cent a pound; and with it the entire deficiency for 1898, as shown by the Postmaster-General in his estimate, will be less than $2,000,000 upon an expenditure of more than $92,000,000, as against $6,000,000 in 1873 upon an expenditure of $28,000,000.

Mr. President, with all these difficulties in our pathway, and with Senators on this floor stating that this railway service is an extravagant service—which I am not prepared to say is true or untrue—I can state as my belief that, as to the great body of the 181,000 miles of railroads in the United States, this pay is not extravagant when you take into consideration the efficiency of our railway mail service. But when it is stated here, and in the newspapers, and elsewhere, that the remedy for this deficiency is not in the reduction of letter postage to 1 cent, but lies in the destruction of our present system of fast railway mail trains, and that it can not be accomplished in any other way than by reducing the railway rates, then I think it is worth while upon a matter of so great moment, involving, as it does, this year $29,000,000, that we should have a careful investigation regarding it.

Mr. HILL. Will the Senator from Iowa allow me a moment?

Mr. ALLISON. I will.

Mr. HILL. Is the Senator able to inform the Senate whether his associates upon the Appropriations Committee concur with him in the belief that the rates now paid to the railroad companies for transportation are not extravagant?

Mr. ALLISON. I believe there is a rule in the Senate which prohibits us from stating what occurs in a committee of this body, but I do not think that I need to disclose what is said in the Committee on Appropriations if I say here that I know members of the Committee on Appropriations differ from me upon that subject.

Mr. HILL. I assumed that the theory upon which the investigation had been ordered was that at least a majority of the committee were convinced that the charges were extravagant, and hence the necessity for an investigation.

Mr. ALLISON. I only wish to add that the Senator from South Dakota [Mr. PETTIGREW] who is a member of the Committee on Appropriations has already spoken upon this subject, and other members have spoken in the Chamber, stating that they believed that the compensation is greater than it ought to be, and I have an opinion that on some railways it may be higher than it ought to be; but, taking the aggregate of the great railway lines in this country of 181,000 miles, more of them are transporting this mail at a loss than are carrying it at a large profit.

Mr. CULLOM. Mr. President, as the Senator from New York refers to the Committee on Appropriations, I desire only to speak for myself. In that committee every year for several years since I have been a member of it this same subject has come up, and we are met with a want of knowledge of what actually ought to be our course with reference to the specific appropriations in the Post-Office appropriation bill. I remember two or three years ago, when I happened to be chairman of the subcommittee, we had the same kind of controversy, and we decided it as the committee has this year and for the same reason, that we did not know exactly what ought to be done, and we feared to do anything, lest we might cripple the service and thereby produce complaint on the part of the people with reference to it. So it has gone on, until this year we had a hearing and action was taken in the committee with reference to what we should do. We had the Second Assistant Postmaster-General before us, and some others. If the Senator from New York will read the testimony which we took in the committee, he will find a tolerably extensive statement made by Mr. Neilson, who is the Second Assistant Postmaster-General, which shows that we should be doing an injustice to the railroads carrying the mails if we were to undertake to make a reduction without further information. Hence it has been that the Committee on Appropriations felt that they could not afford to allow this thing to go on longer without an investigation, so as to satisfy themselves, and to satisfy the Senate and the country as well whether we were paying too much or too little to the railroads.

I for one have felt that possibly we were paying too much; but when we get the testimony of the officer in charge of the subject, and find he says that we are not, I am not prepared to say that I shall make a cut with my eyes shut, and reduce the cost of transportation of the mails. I prefer that we should find out whether we are paying too much or not, and then act accordingly.

Mr. ALLISON. Mr. President——

Mr. HILL. While the Senator from Illinois is on that point——

Mr. ALLISON. I yield to the Senator from New York.

Mr. HILL. Was the question discussed in the committee—if it is an improper question I shall withdraw it—as to the desirability of including the investigation on the other lines?

Mr. CULLOM. What does the Senator mean by "the other lines?"

Mr. HILL. I assume that when the committee had this subject up, it did not neglect to notice the report of the Postmaster-General upon this subject which I hold in my hand.

Mr. CULLOM. Certainly not.

Mr. HILL. In that report the Postmaster-General calls attention to the fact of the abuses in regard to second-class mail matter.

Mr. CULLOM. So far as that is concerned, we have felt that the Committee on Post-Offices and Post-Roads had that subject under investigation, and that they were about to report or had reported a bill, and we did not undertake to go into the question of what character of mail matter should be carried by the railroads, or by anybody else. We did undertake, however, so far as we could, to satisfy ourselves whether at this moment we had information enough to justify us in changing the rates which have been given and are now given under the law. So we provided for this commission, as it is termed, to go at once into the investigation and ascertain that substantial fact which involves the expenditure of nearly $32,000,000. It seems to [illegible] Senator from New York, who is a member of the Committee on Post-Offices and Post-Roads—which has had the subject of the character of the mail being carried under their control for a number of years—and his committee, are the proper persons who ought to be prepared to say whether this kind of mail, that, or the other, shall be carried by the railroads or any other transportation companies.

Mr. ALLISON. Mr. President——

Mr. CALL. Will the Senator from Iowa allow me to say a word?

The PRESIDING OFFICER (Mr. VILAS in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. ALLISON. I yield to my colleague on the committee.

Mr. CALL. I have been a member of the Committee on Appropriations for many years, and I will say for myself that there was no information furnished to that committee upon which an intelligent opinion can be formed whether or not the compensation paid to railroad corporations for the carriage of the mails is too great, and that I would be unwilling to go blindly into a reduction of it which might impair the efficiency of the service. The carriage and distribution of the mails in the United States is a matter of the greatest public interest. Its efficiency is a matter of great concern; it is a vast subject, and therefore while I, as I suppose every other member of the committee and possibly every other

Senator, would be glad to see the price reduced to the smallest point that would pay a reasonable and liberal compensation to the carriers, yet I should be entirely unwilling blindly to undertake anything which might impair the efficiency of the system. Without a careful examination and giving a fair hearing to all parties—the corporations' side as well as the people's side—it is impossible for anyone to form an intelligent opinion upon the subject.

Mr. ALLISON. Mr. President, I desire to state that there was no intention or purpose to impinge in the slightest degree upon any investigation that might be going on by the Committee on Post-Offices and Post-Roads. Indeed, as respects the question of second-class mail matter, except incidentally, it is not involved in this amendment. Of course, it would be proper for the commission to ascertain whether or not it is important that a serial number of Dickens's works or those of any other well-known author should be sent across the country at 50 miles an hour and thus be paid for at the rate specified by the Revised Statutes, or whether some means could not be devised whereby that class of mail matter could be carried at lower rates of payment to the railways and still be as effective in diffusing intelligence among the people. Therefore we could not very well deal with the question of railway compensation without taking into account in a greater or less degree the question of the character of the matter to be carried.

The matter of railway pay lies at the bottom of the question, and no one, it seems to me, can be more familiar with that than the Senator from New York [Mr. HILL].

Mr. HILL. I was going to suggest to the Senator from Iowa that the character of the literature would not affect the question of the rate. In other words, if a book, a volume, a pamphlet, weighs so much, it does not make any difference to the railroad company whether it is Jack the Murderer, or whether it is a copy of Dickens's works.

Mr. ALLISON. The Senator wholly misapprehended my point. I am sorry that I did not make myself understood.

My point is that as to matter that requires immediate and quick delivery, like the New York World or the New York Journal or the New York Tribune, or any of the other of our great newspapers in our large cities, it would not do to carry them upon a mail train going at the rate of 20 miles an hour; but if a serial book did not happen to reach its destination at the rate of 50 miles an hour, or if I wanted to send a pair of boots to my home under the 4-pound rule, that might possibly go at a slower rate than a letter. It would not be necessary for it to be carried over this country at the rate of 50 miles an hour from ocean to ocean. These are topics that intelligent men, whether they are on a commission or on a committee, must deal with in considering this great and comprehensive question of diffusing intelligence through the monopoly of the Government, maintained since its foundation.

There are three or four elements in the bill of cost. One is the railroad mail service, which is the largest of all. Another important element is the mail carriers, who, in sunshine and storm, in early morning and eve, go from house to house in cities and towns having the requisite population and carry the mail to the homes of the people and to their places of business. There is in the pending bill an appropriation of $13,000,000 to pay for that service and to provide for that expenditure. We did not embrace it within the purview of this examination. Twenty years ago it was as unknown as the axis of the earth. It is the invention of an official of the Post-Office Department, who conceived the idea of that method of dealing with the question.

The Senator from New Hampshire in his amendment proposes, although we confine the delivery of mail matter through the mail carriers to cities of 10,000 inhabitants, or where the revenues amount to $10,000 annually, that we shall inquire into the question of delivering the mail to all the rural homes, and there are 12,000,000 homes in the United States. I submit that that is not a necessary topic of inquiry in our consideration, because if we can extend and enlarge this delivery by carrier, we must do it gradually, ascertaining from time to time the expenditure. The letter-carrier system, which was unknown twenty-five years ago, has become a most important element in the distribution of the mail, and because these letters are so carried, they add to the cost of the postal service.

Mr. Neilson—I do not know whether he is a railway man, whether he is a Democrat, or what his particular relation to parties or people may be; he seems to be a man of intelligence—stated that on a route of 250 miles there was a profit to the Government in having mail matter carried at 1 cent a pound, but it is when you come to reach over beyond these great cities and beyond these aggregate populations and centers of population that you find there is an increase in the cost of the service.

I have no wish, and I do not think the Committee on Appropriations have, as to the method in which this shall be done. We have proposed what we believe to be the wisest and best course, and have submitted it to the Senate. That it should be done I think we all agree. The Senator from New Hampshire and the Senator from New York find fault with us for bringing in this scheme and plan because we brought it in after theirs. Our scheme and plan originated before we knew of theirs, and when we looked it over we thought that ours was better than theirs for the reason that it made the primary inquiry not the question of the rural delivery or the question of second-class matter, but the great question of the cost of transportation.

Now, we may have been mistaken about that, and if we have been and are mistaken I certainly shall find no fault, nor do I think the Committee on Appropriations will find any fault, with the Senate for believing the plan of the Committee on Post-Offices and Post-Roads to be the wisest and best.

Mr. CARTER. Mr. President, the subject-matter partially referred to in the proposed amendment of the committee has been very carefully considered in the Committee on Post-Offices and Post-Roads of this body for the last six or eight months. The proposition of the Committee on Appropriations to ignore the recommendations of the Committee on Post-Offices and Post-Roads brings up for consideration primarily a question of order in the disposition of the public business in this body. For the convenience of the Senate, the better to dispatch the business of the Republic presented here, it has been deemed necessary to subdivide the membership into committees, and if the matter will be considered for a few moments in the light of the necessity for this distribution to committees, a parallel can be drawn here applicable to every committee in the Senate, which will show the fallacy of the position of the Committee on Appropriations.

For instance, we have a Committee on Military Affairs, selected with special reference to the experience and capacity of the Senators who compose it to deal with that particular branch of the public service. Suppose, after the Committee on Military Affairs shall have spent an entire year in ascertaining the cost of maintaining the troops of the Army at different places throughout the United States, it shall come to the Committee on Appropriations and ask the incorporation of a clause in an appropriation bill which will enable the committee to acquire information not at its disposal in the committee room. In that request the Committee on Military Affairs would demand sufficient authority to send for persons and papers and to secure data relating to the whole matter of maintaining the Army on the most economical basis possible. Presume, then, in order to complete the parallel in this case, the Committee on Appropriations, ignoring the request of the Committee on Military Affairs, substitutes an amendment which merely proceeds to inquire the cost of beefsteak in the city of Chicago, thereby suggesting that the inquiries of the regular committee in other directions are either ignorantly proposed or utterly without necessity.

Again, a subject which has been seriously debated in this Chamber is that relating to the cost of armor plate for vessels in the Navy. The armor plate seems to be composed of a variety of metals, prepared under a process of a complicated character. A question has arisen whether the armor plate can be produced for less money, and a reasonable profit made by the manufacturers, than the Government has heretofore been required to pay. The Committee on Naval Affairs presents that inquiry, and in connection with it says "the Committee on Naval Affairs requires additional information before being able to reach an intelligent judgment on the question of the cost of armor plate," and the Committee on Appropriations is requested to incorporate an amendment which will enable the committee to acquire the information desired. The parallel will be complete as applicable to the point before the Senate if the Appropriations Committee should thereupon reply by proposing an amendment to inquire into the cost of pig iron in the Lake Superior country.

In the case before the Senate the Committee on Post-Offices and Post-Roads has been for a long time flooded with petitions and protests relating to what has become popularly known as the Loud bill, which embodies propositions to increase the rates of postage on second-class mail matter. The committee reached the conclusion that it could not intelligently pass upon that bill and its effects on the revenues of the Post-Office Department without more information, fuller light, than the records furnished or the committee could acquire from the witnesses examined. In consequence of the necessity for legislation apparently and of the desire of the committee intelligently to pass upon the question, the worthy acting chairman of the committee proposed to the Appropriations Committee the addition of an amendment which would enable the Post-Office Committee to proceed with its investigation, whereupon, as a response to this reasonable demand, the Committee on Appropriations says, "We will provide on our own account for a commission to inquire into the cost of railroad transportation of the mails."

The response is as full and as complete as would be the response in the armor-plate inquiry by announcing to us the cost of pig iron or iron ore in the Lake Superior country or north of it. It would be just as reasonable a response as if upon inquiry the Committee on Pensions, believing that the pension roll was increasing without just cause, desired to investigate the question, and the Committee on Appropriations would respond by saying, "This committee, on its own account, will inquire the cost of paying the widows' pensions and let the balance of the subject go."

Mr. President, the question of deficiency in the revenues of the Post-Office Department can not be intelligently or fairly determined as to cause or cure by the investigation of any special or specific fact or circumstance connected with the service. It will be necessary, in conjunction with the matter of railroad transportation, to take into account the matter of tonnage, it being quite obvious that the railroad companies can afford to transport a large tonnage over their roads at a less rate proportionately than half the quantity or weight; and this might be carried on indefinitely.

The chairman of the Committee on Appropriations, in the course of his argument in support of the committee amendment, not only admitted but proclaimed the ineffective and incomplete character of the committee amendment when he suggested that when we arrived at a reasonable conclusion it would be necessary to go beyond the purview of the amendment and to inquire into the rates of postage, to inquire into tonnage, to inquire into classifications, to inquire, in short, into each and every item proposed in the amendment presented by the worthy acting chairman of the Committee on Post-Offices and Post-Roads. It has been suggested that another commission can be provided for the purpose of inquiring into the particular matters concerning which the Post-Office Committee desires special information. It is a sufficient reply to that to say that the two committees investigating would be compelled to travel over the same identical ground in so far as the railroad transportation question is concerned.

It does seem that the amount proposed to be appropriated by the Committee on Appropriations for the investigation within the next twelve months is excessive and unnecessary. After careful consideration it seemed to the Committee on Post-Offices and Post-Roads that the sum of $10,000 would be entirely adequate, considering the fact that the services of Government officials on the regular pay roll of the Government would be available for the use of the investigating body. It is difficult to see why the Committee on Appropriations insists upon conducting an investigation into a special subject when the demand comes for a general investigation, which we hope may not only result in acquiring such information as will enable us to dispose of the constantly recurring deficiency, but may enable Congress to provide a reduction in the existing postal rates as well.

Mr. TELLER. It seems to me that the members of the Committee on Post-Offices and Post-Roads have entirely misunderstood the purpose of the proposed commission or the necessity for it. As a member of the Committee on Appropriations, I should like to say that I never heard, when we proposed this amendment, that the Committee on Post-Offices had proposed any examination into the question of transportation.

Mr. CHANDLER. There was such an amendment before the Senator's committee when the subject was taken up.

Mr. TELLER. If it was, my attention was not called to it. It might have been there before we got through, but it was not there, I think, when the question arose. The chairman of the committee says it was not there before we got through.

Mr. ALLISON. Just as we finished the bill we found it.

Mr. TELLER. It was not there, or, if it was, our attention was not called to it. If it had been there, our attention would have been called to it when the bill was taken up.

Some time ago the attention of the country was attracted to this question by an article in one of the leading journals of the day, declaring that we were paying to the railroad companies about $10,000,000 more for the mail service than we should pay. We know, also, that the question as to whether the Government is charging proper rates upon material carried was discussed and considered in another place.

Now, the main purpose of the inquiry which the Post-Office Committee proposes is one that is entirely different, except it may include this, from the inquiry our committee proposes to make. When the House bill came before the committee, there were some members of the committee who believed that the rates now being paid for transportation were excessive. I confess I am one of that number. When we commenced to deal with the question, we found that, while it might be excessive in some sections and on certain roads, it might not be more than sufficient compensation to secure good service in others, and the committee were soon aware that they had not such information as to cost in different sections of the country to enable them intelligently to act on this question. Therefore the committee were disposed to take the action of the House of Representatives, where the bill had originated, as prima facie correct, and then to determine in some way, if possible, by the next time they were called upon to act, whether or not that was a correct sum.

The inquiry was limited because the committee felt that their jurisdiction required them to limit them to the simple inquiry, "Are you paying too much?" In other words, the inquiry was the question, Is the appropriation too large or not? That was perfectly legitimate for the Appropriations Committee to consider, and, if the Appropriations Committee did not have sufficient information, it is perfectly proper, in accordance with the constitution of the committees and the purpose for which they are created, to inquire and get the information, and to get it as best they could.

The question proposed by the Committee on Post-Offices and Post-Roads as to whether they should have 2-cent postage or 1-cent postage is an entirely different question, and one that the Committee on Appropriations would not attempt to deal with, because it would be a perversion of the purpose for which that committee was created. The other question also as to what should be the charge upon the different kinds of mail matter carried through the mail was, in my judgment, a question that the Committee on Appropriations did not have jurisdiction of. That is a question, as is the other, that properly belongs to the Committee on Post-Offices and Post-Roads. It is an investigation that they are supposed to be able to make, and an investigation that they can make at any time, with or without the authority of the Senate.

Now, there is not any reason why they may not go on with that inquiry if they choose; that they may add to it, if they choose, the other, which I think is not foreign to their jurisdiction, as to the limitations of the payments that we are making and what should be the policy. Whether the Government should own its own cars or whether the Government should rent them is not a question, in my judgment, for the Appropriations Committee, but a question for the Post-Office Committee, and they could properly extend their inquiry to that also. It seems to me that the members of the Post-Office Committee have entirely misunderstood the purpose of this inquiry. There is nowhere an intention to invade their jurisdiction, and in my judgment there is no invasion of it whatever. When you consider the fact that this is a question that may be determined on the one line and speedily, it seems to me that it is not wise to load it up with the other questions, which are not questions of mathematics, but are questions of policy. It is a very easy thing to determine what we ought to pay these railroad companies compared with what it is to determine the policy as to the amount charged and what shall be the character of the mail matter that is to be carried, and what shall be charged for the different classes of mail matter.

I myself am anxious to get the information on the very simple point as to what is a proper compensation to be allowed to the railroad companies for a proper postal service on their lines. I know that you can not apply any general rule. When we sought to strike off a percentage of the whole appropriation, we discovered at once that, while we might be doing great justice when applied to some sections of the country and to some railroads, we would be doing great injustice when applied to other lines in other sections of the country. Because of that, we thought it was better to go on as we were for a short period, and for that purpose the committee insisted that this finding should be speedy, and that we should have by the time the next appropriations came the knowledge needed. It can not be had on the line proposed by the Post-Office Committee; it can not be got in time; and when it is obtained, if it is connected with all these other questions, there will be much delay and much confusion about applying the information. The simple desire of the committee is that we may have the knowledge as to what it costs these railroad companies to carry the mails, and what is a fair [illegible] for the service they render.

Mr. CHANDLER. Mr. President, I rise with some diffidence to speak again on this subject, in view of the uneasiness manifested by the Senator from Iowa [Mr. ALLISON]. [illegible]ning his remarks he made what seemed to me a distinction that I never yet had heard, as to the rights of Senators to speak upon this floor. He classified Senators into those who are going out of the Senate on Thursday next and those who remain after next Thursday, and seemed to be quite impatient at the idea that any Senators whose term might expire on the 4th of March should venture to say anything on the bills pending before the Senate, especially upon any proposition coming from the Appropriations Committee.

Mr. ALLISON. Mr. President, I am sure the Senator from New Hampshire does not wish to do an injustice to me.

Mr. CHANDLER. I was surprised at the Senator's remarks.

Mr. ALLISON. I expressed no impatience, but think, on the contrary, I have shown patience as respects this bill.

Mr. CHANDLER. The Senator sneered at Senators upon this floor who had shown a disposition to take part in this discussion, and called attention to the fact that they go out of the Senate next Thursday, when he would be rid of them. I felt that the suggestion was unworthy of the Senator from Iowa and not in accordance with his usual grace and courtesy toward members of the Senate.

Mr. ALDRICH. I am sure that the Senator from Iowa needs no defense at my hands; but I understood the Senator from Iowa to express his gratitude that those Senators were willing to give us their advice while they had an opportunity before they left the Senate.

Mr. CHANDLER. The Senator from Rhode Island illustrates exactly the remarks of the Senator from Iowa, and leads me to do no injustice to the Senator from Iowa when I say that he sneeringly alluded to that fact, and taunted the Senators with the fact that they were going out by expressing his gratitude to them because they were willing before going out, or seemed inclined before going out, to advise the Appropriations Committee of the Senate in reference to matters of legislation.

Mr. President, I am sorry the Senator from Iowa did this. I never heard him say anything of that kind before in the Senate. I attribute it to that degree of uneasiness which affects the best of men when they become members of the Appropriations Committee. They are in a chronic state of sensitiveness if anyone ventures to criticise their action or to differ with them upon this floor; and we may expect to see more of it between now and the close of the session. We are here with four or five appropriation bills not disposed of, involving vast sums of money, loaded down with legislation. The committee are anxious to get those bills through, and every one of us may well feel, whenever he rises to speak, as if he were incurring in some slight measure at least the disapprobation of the committee for speaking at all.

I hope Senators will not be discouraged on that account from saying their mind, for I can assure them that after the session is over the members of the Appropriations Committee, one and all, including their very valuable and ever-ready assistant, the Senator from Rhode Island, will resume their usual sweetness and good temper, and the world and the Senate will go on just as before. But I hope that no Senator, be his term long or short, be it six years or four years or four days, will refrain while he is here from discussing every subject that is before the Senate in accordance with his convictions of duty.

Mr. President, this is a very simple question. We all agree that there should be an investigation. It is a mere question as to how that investigation should be made. The Committee on Appropriations decide to have it made by a commission to be composed, so far as the Senate is concerned, of the members of the Committee on Appropriations. We know very well beforehand who are to be the Senate members of this commission. They are to be members of the Committee on Appropriations. The contrary is the case in the House of Representatives. There the Post-Office Committee will furnish the three members; and so we shall have a commission to deal with this important subject composed of three of the members of the Senate Committee on Appropriations and three members of the House Committee on Post-Offices and Post-Roads.

Mr. PLATT. How does that follow?

Mr. CHANDLER. I will content myself, as far as the inquiry of the Senator from Connecticut is concerned, by saying that it will follow, as I happen to know.

Now, Mr. President, where is the Committee on Post-Offices and Post-Roads of the Senate, whose chairman is now absent? That committee can pass upon the controversies concerning the confirmation of postmasters; it can sit on little petty and contemptible questions that mainly constitute its business in connection with the question whether a Republican shall be confirmed as postmaster, or a sound-money Democrat confirmed as postmaster, or a Bryan free-silver Democrat confirmed as postmaster, or occasionally, now and then, once in a hundred, a Republican woman or man shall be confirmed. It can do that; and if a postmaster has his post-office robbed of a few hundred dollars, then the members of the Senate committee can investigate those questions and recommend to the Senate whether or not to relieve the postmaster.

But when a great question comes up, the greatest question of all in connection with the matter of postal reform, whenever the question of the cost of railway mail transportation comes up, and the Committee on Post-Offices and Post-Roads, which has begun an investigation of this subject and of the abuses that have crept into the postal service, ventures to suggest an humble commission, an economical commission, but a commission authorized to go over the whole subject, every part of it, from top to bottom, from right to left, their recommendation for such commission is treated with scorn by the Committee on Appropriations. It is not even seen by the members of the committee who have carefully made up this amendment, and the Appropriations Committee of the Senate takes control of the subject, organizes a commission, gives them $50,000, gives them almost tyrannical, certainly inquisitorial, power over the railroads of the country; and when the members of the Post-Office Committee of the Senate venture to suggest that the whole subject ought to be investigated and that their method may be on the whole the best, the Senator from Colorado [Mr. TELLER] tells them that it is none of their business, that it is a matter which belongs to the Senate Committee on Appropriations.

Mr. President, there is a little too much of this kind of concentration of power in the Senate. There is a good deal of talk about the concentration of power in another branch of Congress. There is quite as much of it here. The concentration of power is where the control of the money of the Government is accumulated in a few hands, and that is in the Senate Committee on Appropriations. The way in which the Committee on Appropriations have dealt with this modest suggestion of the Senate Committee on Post-Offices and Post-Roads is as good an illustration as you could have as to the manner and method of doing business in the Senate of the United States by the Senate Committee on Appropriations and the Senator from Rhode Island.

If the ordinary methods of investigation are not sufficient, if the recommendations of the Postmaster-General in reference to the subject are not sufficient so far as recommendations are concerned, if the recommendations of the two Committees on Post-Offices and Post-Roads in the House and the Senate on these subjects in the ordinary course are not sufficient, and an investigation is to be made by a committee or a commission (the chairman of the committee, the Senator from Iowa, first brought in a committee and he rose an hour ago and said he had found out that you can not appoint a committee in this way and he changed it to a commission), if a commission is to be appointed to deal with this question, why in heaven's name can it not take up the whole subject? Why is it necessary that the business of investigation should be monopolized by the Committee on Appropriations and this vast sum of money and these vast powers should be accumulated in their hands, and when Senators venture to criticise the proposition which the Senate committee has made, why is it to be suggested to them that their terms expire on the 4th of March, when the Senate Committee on Appropriations, sacred be its name and its character, will not have to endure the criticism of those Senators any longer?

Mr. ELKINS. May I interrupt the Senator from New Hampshire for an inquiry? Does the amendment proposed by the Appropriations Committee limit the selection of this commission to the members of the Appropriations Committee?

Mr. ALLEN. We can not hear the interesting conversation going on between the Senator from West Virginia and the Senator from New Hampshire.

Mr. ELKINS. I asked permission of the Senator from New Hampshire if I could interrupt him. I am sorry the Senator from Nebraska did not hear me.

Mr. ALLEN. I am sorry, too.

Mr. ELKINS. I simply wanted to ask a question. I do not occupy the attention of the Senate often.

Mr. ALLEN. I wanted to hear it.

Mr. ELKINS. Does the proposition coming from the Appropriations Committee limit the selection of the commission to the Appropriations Committee or does it permit the Vice-President to select from members of the Senate?

Mr. CHANDLER. I do not know how it will finally read when the Senator from Iowa and the Senator from Rhode Island finish it, but as it stands now it is to consist of three Senators to be appointed by the present President of the Senate.

Mr. HILL. If the Senator will allow me, I will state that it has been changed twice since they brought it in.

Mr. CHANDLER. The Senator from Rhode Island moved that it should be chosen by the Senate, which would be a fair method of doing it, but some one whispered to him, and he withdrew his proposition. The Senator from West Virginia had better not ask me too many questions.

Mr. ELKINS. Why should I not do so? What is the reason the Senator can not answer my questions?

Mr. CHANDLER. For the reason that the Senator will challenge me as to how I know that three members of the Appropriations Committee will be appointed if this clause becomes a law, and frankly I do not want to tell him how.

Mr. ELKINS. If the Senator will permit me, I want to know, if that is the case, how he knows it? It is not the language of the amendment.

Mr. CHANDLER. I know it is to be so, but I will not tell the Senator how I know it.

Mr. ELKINS. If the Senator will allow me, it might make a difference in the vote on this very proposition whether the Appropriation Committee is to furnish the three members or whether they are to be selected from the Senate.

Mr. CHANDLER. The Senator knows very well how conference committee are appointed, does he not?

Mr. ELKINS. Yes; I know the ordinary way.

Mr. CHANDLER. This committee will be appointed in the same way.

Mr. ELKINS. I do not know; it is not in the language of the amendment, as I understand it.

Mr. CHANDLER. I know that. The Speaker of the House always appoints the conference committee of the House, and the presiding officer of the Senate always appoints the conference committees of the Senate, and I am obliged by the Senator to tell in the presence of everyone that it is always done by a little slip

that is handed up to the desk by somebody. That slip I think is made out in this case, if the Senator will allow me, but I can not tell him how I know.

Mr. ELKINS. May I ask the Senator if he has talked with the Vice-President on the subject?

Mr. CHANDLER. No; I have not. I only have in mind the slip that is to go up. The Vice-President has it entirely within his power to tear up the slip and write another, but he never does.

Mr. ELKINS. May I ask the Senator one other question?

Mr. CHANDLER. I do not think the Senator ought to pursue this line of inquiry into the customs and practice of the Senate.

Mr. ELKINS. Does the Senator know the members of the commission who are to be appointed? Is he advised who they are?

Mr. CHANDLER. I have a suspicion, Mr. President.

Mr. ELKINS. Why should he not state it for the information of the Senate?

Mr. CHANDLER. They are excellent men, I will say to the Senator.

Mr. ELKINS. Then the Senator ought to be satisfied.

Mr. CHANDLER. They will do no injustice by the railroads of this country if they are appointed.

Mr. ELKINS. Are the railroads to be benefited?

Mr. CHANDLER. The railroads will not receive any injury from them.

Mr. ELKINS. The railroads are in a bad way with two committees of the Senate contending as to which shall spend a whole summer in investigating them at an expense of $50,000, as I understand it. The fight is not in the interest of the railroads, but as to which committee shall be permitted to investigate them.

Mr. CHANDLER. I am afraid we shall devour the Senator from West Virginia with them. [Laughter.]

Mr. ALLISON. The Committee on Appropriations has not any purpose to take charge of the matter.

Mr. ELKINS. It seems to me to be a fight as to what committee shall administer on the remaining assets of the railroads.

Mr. CHANDLER. I decline to be interrupted further, Mr. President. I am nearly through.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from New Hampshire declines to yield further.

Mr. CHANDLER. The proposition of the Senate Committee on Post-Offices and Post-Roads names every subject connected with this whole question; it names the subject of the abuses as to second-class mail matter; the question as to the expenses of the free delivery; the question of the reduction of railroad transportation; the reduction of postage, postage on letters, and other like questions. It sends them all to a commission to consist of the chairman of the House Committee on Post-Offices and Post-Roads and the chairman of the Post-Office Committee of this body, without regard to their personality.

They occupy those official positions, and the chairman of the Committee on Post-Offices of the other House is the chairman of the committee which also has the Post-Office appropriation bill. The chairman of the committee of the Senate does not have the Post-Office appropriation bill. The Post-Office appropriation bill, when it comes to the Senate, goes into the hands of the Committee on Appropriations. The proposition now before the Senate on my motion, reported from the Committee on Post-Offices and Post-Roads, selects those two chairmen, it selects the next Postmaster-General, and then provides that the President of the United States shall appoint two citizens from private life.

I submit that that commission, which is a little out of the ordinary routine, which is a little different commission from that which is constituted by making up a commission the way in which conference committees are made up in the two Houses, which always carry out, if they can, not the wishes of the Senate or the wishes of the House of Representatives, but the wishes of the committee from which they are appointed. I submit, if there is to be anything but a mere formal inquiry into this great subject-matter, this is a better way to constitute the commission.

Mr. President, I feel somewhat in earnest about this matter, and I speak with some freedom upon this subject. I speak with the more freedom because I am only the acting chairman of the Committee on Post-Offices and Post-Roads, and it never has been my purpose to take an active part in the management of its affairs, but, the chairman of the committee being absent, I speak in the interest of a great committee of this body, in the interest of a committee which is entitled to have something to say and which is entitled to have something to do with the large matters connected with the postal service, and not to be confined to little matters in connection with that service. I believe that I echo the sense of four-fifths of the Senators here when I say that, if a commission is appointed to investigate the questions connected with the postal service, if there is any such a thing as a fair organization of the Senate, an equality among the members of the Senate, an equality among the committees of the Senate, the method of doing it ought to be that recommended by the Committee on Post-Offices and Post-Roads, and not that recommended by the Committee on Appropriations.

Mr. ALDRICH. Mr. President, the questions involved in the amendment before the Senate are very simple. They have been disclosed in the debate by the members of the committee on the floor of the Senate. It appears that in the consideration of the Post-Office appropriation bill a proposition was made to reduce the pay to railroads for carrying the mails. All the members of that committee say very frankly that they had not before them the data to enable them to make an intelligent reduction, if reduction was to be made in regard to this matter, and they very naturally proposed an investigation, which is limited to the time between now and the next regular session of the Fifty-fifth Congress. This was a fair, intelligent, businesslike proposition, involving one single inquiry by the methods always used by the Senate, by some members of the Appropriations Committee, or perhaps some other members to be appointed by the presiding officer, whose duty it should be to ascertain the facts in regard to the cost of the transportation of mails and such other facts as should be pertinent to the appropriation for that purpose.

Now, the Senator from New Hampshire and other members of the Committee on Post-Offices and Post-Roads come in here and say that certain recommendations of theirs have been ignored; that certain prerogatives of theirs have been neglected by the Senate or by the Committee on Appropriations.

What are the facts? The Committee on Post-Offices and Post-Roads have had two years with full power to investigate any abuses which exist in the Post-Office Department or anywhere else in connection with the subjects before them, and full power to present to the Senate any legislation which they thought was necessary or desirable to reform those abuses. What have they done in those two years? What bill have they presented to the Senate for its action in those two years? If they believed that these abuses existed, as the various members of that committee say they believe, why have they not suggested some remedial legislation in that matter?

The House of Representatives sent to this body on the 7th of January last a bill which was heralded all over the country as a reform bill. It went to the Committee on Post-Offices and Post-Roads. It had to do with the very question which the Senator from New Hampshire is now asking the Senate to investigate. What did that committee do with that bill? They kept it in their possession until the 22d day of February, when they reported it back to the Senate. How? Not with the suggestion that the bill should pass, that these reforms should be inaugurated by the methods suggested by the language of the bill, or in any other form, but with amendments reducing the cost of letter postage from 2 cents to 1 cent. I think every member of that committee, without a single exception, has said upon this floor this afternoon that he did not know whether we could now afford to reduce letter postage from 2 cents to 1 cent, and the very purpose of the investigation suggested by the Senator from New Hampshire is to ascertain whether we can or not. Yet their recommendation, and their sole recommendation, as I remember it, of the amendment to this great reform bill which comes to us from the House of Representatives is to reduce letter postage from 2 cents to 1 cent.

Has there been any restriction on the part of anybody, on the part of the Senate, or on the part of the Committee on Appropriations as to the intelligence or as to the zeal of the Committee on Post-Offices and Post-Roads in connection with these affairs? Who has been restraining the Committee on Post-Offices and Post-Roads for the last two years when they believed and knew that these abuses existed, and they have not only not tried to investigate them, but they have suggested no remedy whatever, but, on the contrary, they have held in their possession the only remedy that has been suggested anywhere else in regard to this matter.

Mr. HILL. Will the Senator allow me a moment?

Mr. ALDRICH. Certainly.

Mr. HILL. Our efforts to get a quorum of the committee were very largely interfered with by a member of the Appropriations Committee, who appeared before us on several occasions in opposition to the Loud bill, and raised the technical question of no quorum. We were also involved in the question of the confirmation of postmasters, which of course was a political matter, if I may say so, which largely interfered with the business of the Post-Office Committee.

Mr. ALDRICH. I am very much surprised that any member of the Senate not a member of the Committee on Post-Offices and Post-Roads should have sufficient power over the majority of that committee to restrain them by sweet words or otherwise during the whole of these two years from doing a duty which they to-day have suddenly discovered is paramount upon them, namely, to investigate the great abuses which exist in the Post-Office Department. If they had had the same amount of zeal and patriotism which they have disclosed to-day upon this floor, does the Senator from New York seriously mean to say that any member of the

Committee on Appropriations, or other member of this body, would have prevented them from having any meeting for all these months, for the past two years?

Mr. HILL. But people have been sent from different portions of the country with the request to the committee that they be heard, and of the limited time at our disposal we gave them as much as we could, as representing all the different interests from Maine to California and Texas, in order that they might have a full and a fair hearing. Suggestions have been made by members outside and in, but we did the best we could in the limited time at our disposal, and finally concluded that we had not time to prepare a proper bill, and reported the measure for the consideration of the Senate, each member of the committee reserving the right to make any suggestion he saw fit in regard to it.

Mr. ALDRICH. Why a limited time, I should be glad to ask the Senator? The service of this committee commenced on the 4th day of March two years ago. It was not necessary, if these abuses existed to the extent which these gentlemen have stated, to have waited for action in another body. They certainly were not restricted in their zeal from the fact that the bill did not come here from the coordinate branch.

It seems to me, with all due deference and with the kindest feelings toward members of the Committee on Post-Offices and Post-Roads, that it comes with ill grace from them to lecture the Senate or the Committee on Appropriations or anybody else on account of the fact that they have not done what they claim to-day as their paramount duty in regard to this very business.

Mr. HILL. I assume the Senator knows the difficulty of conducting an investigation of that extent and character during a session of Congress, especially a session like this, which is drawing to a close, and when the bill did not get to us until after the middle of January.

Mr. ALDRICH. The bill has nothing to do with that question. I beg the Senator's pardon.

Mr. HILL. That bill was the one which attracted public attention to the abuses, or the alleged abuses.

Mr. ALDRICH. But, as a matter of fact, there is no constitutional prohibition upon the Senate from originating a bill to correct abuses in the Post-Office Department that I know of.

Mr. HILL. The extravagant compensation which has been paid for years to the railroads of the country has been evident to the Committee on Appropriations, and yet you have done nothing to stop them; and all of a sudden you have seen a new light, and now come in and want an investigation, and the chairman of the Committee on Appropriations has avowed that he does not think that any extravagant compensation has been paid.

Mr. ALDRICH. I have never heard until within the last two or three days——

Mr. HILL. I should like to have your views as to whether you really think that the railroads are receiving extravagant compensation.

Mr. ALDRICH. I have never had any occasion to investigate that subject.

Mr. HILL. And you do not know anything about it?

Mr. ALDRICH. I have never been a member of any committee whose duty it was to investigate this subject, but I hope and I trust that I should be found doing my duty, if I were a member of such committee, with quite as much zeal as the members of the Committee on Post-Offices and Post-Roads have shown.

The bill to which the Senator refers has been pending in the other House for more than a year. It has been publicly discussed in the press for, I think, more than two years, and the principles involved in it were as well known, I take it, to the members of the Post-Office Committee a year or ten months or nine months ago as they are to-day.

Mr. STEWART. They know nothing about the matter to-day. [Laughter.]

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. ALDRICH. Yes.

Mr. CHANDLER. Why is the Senator arraigning the Post-Office Committee for not proposing legislation? I have not arraigned the Committee on Appropriations for not legislating, and why does the Senator arraign us for being delinquent in our duty? Retaliatory arguments are fair enough when the facts warrant them. If that argument has to go on, I shall certainly ask the Senator where our resolution is for distributing the appropriation bills, which was referred a year ago to his committee, with the promise that on the first Monday of December he would report it; and we have not heard from it yet.

Mr. ALDRICH. The resolution to which the Senator refers was referred to the Committee on Rules, with the understanding that there was a full knowledge and determination on the part of the majority of the Senate at least that it was not likely to be reported very soon from the Committee on Rules, as I have already stated, and I think in the hearing of the Senator from New Hampshire.

Mr. HILL. The Committee on Rules is rather a conservative body.

Mr. ALDRICH. The committee did not have an opportunity to consider that question during the recess, and so they came in here at the beginning of the session and asked for an indefinite extension of the time. They admitted the fact that they had not had an opportunity to secure action, and the Senate has released the committee from any subsequent obligation on their part.

Mr. GALLINGER. The Senate never granted that.

Mr. HAWLEY. That is all "too thin," Mr. President. When we went away from here we were distinctly assured that on coming back in December that subject would be taken up. I am not likely to forget it, for I remember it very well. I remember the Senator's coming in and, with his seductive smile, asking that more time be given to the committee. We knew well that it would be more; we knew it meant all time should be given, and that no report would ever be made.

Mr. ALDRICH. I think the Senator from Connecticut and the Senator from New Hampshire will admit that, so far as the Senate, or a majority of the Senate at least, was concerned, there was no expectation or determination on their part that any movement should be inaugurated, by the Committee on Rules or otherwise, to distribute the appropriation bills at this session. I think we are not acting contrary to the spirit and intention of the Senate itself.

Mr. CHANDLER. If the Senator will allow me a word, I remember how sly—I mean how seductive and gracious—he was when he got that extension of time, and Senators yielded solely because of the extreme sensitiveness of the members of the Committee on Appropriations on the subject of the distribution of appropriation bills and their disposition to make it a personal matter with every Senator who thought the appropriation bills ought to be distributed; and I have been cowed in that way, as I continually am in the Senate, by having these personal assaults made upon me. [Laughter.]

Mr. CULLOM. I am very sorry that the Senator from New Hampshire is so humiliated and cowed, as he says; but I think there is no occasion for any ill feelings in reference to this subject. I take it that both the Committee on Post-Offices and Post-Roads and the Committee on Appropriations have desired to do their duty as best they could; but it is true that while we are in session we are so overwhelmed with work that it is very difficult to make extended examinations during the sessions of the Senate. I hope, however, that it will be conceded that all of us are trying to do the best we can for the interests of the Government.

I desire to refer again to a letter written by the Second Assistant Postmaster-General, which Senators will find upon their tables in connection with other testimony taken. It is a letter prepared by that gentleman, who is familiar with the transportation business, and who has the reputation of being a first-class officer. He gave us this letter at our request, after examining him somewhat lengthily, he being before us. There were some matters which he could not answer at the time, and we asked him to write a letter or make a statement of what he knew about them and to give it to us subsequently. Let me say—I do not know whether it has been referred to already—that the question as to what ought to be allowed by the Government for the transportation of the mails is substantially in the hands of the Postmaster-General. As a matter of fact, I think we have a right to complain somewhat, as no one who has been in the office of Postmaster-General, either under Republican administration or Democratic administration, has done his whole duty in reference to this subject. But I rose for the purpose of reading this paragraph from Mr. Neilson's letter:

> I have added such statements as could be prepared in so short a time, and trust this explanation may make them plain to you, and justify my opinion that the present amount paid for the service is not excessive, and that while, as Senator TELLER remarked, "most everything else had been reduced, excepting the railroads, and they should come down also," the facts are that so many improvements have been made in the facilities given the Department, the greater number of trains placed at its disposal, and so much more than was formerly required—asked of them—that I am sure a reduction would operate against the interest of the Department.

There is a declaration by an officer charged especially to look after that question, and he says "I am sure that a reduction would result in injury to the Department." In what way? The gentleman means that it would cripple the mail service to the people of the United States.

Mr. ELKINS. May I ask the Senator a question?

Mr. CULLOM. Certainly.

Mr. ELKINS. Is there any objection to letting both of these commissions go on and have the fullest kind of an investigation?

Mr. CULLOM. I have had the idea myself that it was particularly within the purview of the Committee on Post-Offices and Post-Roads to make the investigation as to the rate of postage, as to what should be allowed to be carried in the mails, and at what rate, and as these appropriations come to the Committee on Appropriations from the other House, carrying with them millions of dollars, it becomes our special duty, so long as that function is devolved upon the Committee on Appropriations, to ascertain specifically whether these amounts are necessary and right.

Mr. ELKINS. Will the Senator yield to me for one moment?

Mr. CULLOM. Certainly.

Mr. ELKINS. Are the two propositions inconsistent? Why not have both of these commissions?

Mr. CULLOM. If the Committee on Post-Offices and Post-Roads desire their amendment adopted as a separate measure, all right. I have no objection to it; and let them make the investigation in reference to those particular features.

Mr. ELKINS. With the understanding that both commissions will go on and be authorized by Congress to investigate. Is there any objection to that?

Mr. CULLOM. That is a matter for the Senate to determine. I wish to read a little further from this letter:

> If I remember correctly, I gave you my views of the subject of ownership of the postal cars; therefore will not trouble you with it again, except to say there would be no advantage in such an ownership, with almost a certain great disadvantage and unnecessary expense.

Mr. President, the Committee on Appropriations have felt that possibly the amount paid for the transportation of mails is too great. I remember two years ago, I think it was, when the distinguished Senator from Wisconsin [Mr. VILAS] who is now in the chair, raised that question, that he was very strongly impressed with the feeling that we were paying too much. I sympathized with that feeling, and yet the Committee on Appropriations not having special charge of postal matters, we went on with the best light we could get at that time, and sustained the rates that were in the bill and that the law provided for, I believe.

So another year came along, and another, and here we are again having to face the same question. So far as I am concerned, I have become tired of it. Before I have to vote upon another appropriation bill for the postal service I wish to have some report that will demonstrate whether we are paying too much or paying too little, or whether the present rate is right. Now, that is all there is in it.

I wish to say another thing. We can not deal with the question of appropriations for the mail service as though it were a matter of no consequence whether or not we cripple the service. The postal service is nearer to the great body of the people of this country than any other public service that is rendered. It comes to every man's door. Every man, woman, and child are interested. We have got in the way of having fast mails, rapid postal service, and extending it all over the country, and the committee which would blindly adopt a policy that would result in crippling the service as we have it to-day would be condemned at once by the people of the whole United States. So it is that the Committee on Appropriations have hesitated to take any steps, from time to time, looking to an investigation. The Post-Office Committee have had the opportunity of doing so. We felt this year, however, in view of the fact that the increase in the appropriation seemed to be larger than usual, and as the question was raised whether we should make a cut of 20 per cent or 10 per cent upon the amount appropriated for carrying the mails, that it was time for us to take a step to find out exactly what the truth is about it; and hence the proposition for a commission, reported by the chairman of the committee.

I hope there will be no feeling about it. I am sure I have none. I have believed, in spite of the report of the Post-Office Department, that perhaps there ought to be a cut, but I am not willing to do it so far as my own vote goes until I know more about it than any of us know to-day.

Mr. BURROWS. Mr. President, I agree with the Senator from Rhode Island that this is a very simple matter. There are many things about which there is not the slightest controversy. One is that the Post-Office Department is not self-sustaining. Secondly, the impression prevails that there is extravagance in connection with its administration, and that there is a broad field for reform. So far, we are all agreed, and the only controversy presented to the Senate at this time is how this reform shall be brought about. It is agreed that in order to inaugurate the reform intelligently it is an essential prerequisite that an investigation shall take place.

It is proposed by the Committee on Appropriations to create a commission consisting of three Senators and three members of the other House, to be appointed as indicated in the amendment, and to appropriate the sum of $50,000 for the expenses of the commission authorized by the amendment, to employ two experts, and to report the result of the investigation to Congress February next. The Committee on Post-Offices and Post-Roads, charged especially with the examination of questions connected with the postal service, have for a long time been conducting an investigation looking to reform in this Department. I have before me the testimony taken by that committee, numbering nearly 225 pages of printed matter, and upon that investigation the committee have made a report that an investigation ought to be had.

It seems to me as a matter of business (because that is all there is in this question) that the suggestions embodied in the amendment by the Senator from New Hampshire [Mr. CHANDLER], the acting chairman of the Committee on Post-Offices and Post-Roads, is most wise. It creates a commission by making the chairman of the Committee on Post-Offices and Post-Roads of the Senate a member of that commission; secondly, it makes the chairman of the Committee on Post-Offices and Post-Roads of the other House a member of the commission; and, thirdly, it constitutes the Postmaster-General a member, and then authorizes the President to appoint two civilians.

In making a commission of this kind some regard ought to be had for the qualifications of the members constituting it. The Committee on Post-Offices and Post-Roads, as I have said, have had this subject under investigation and examination, and while I have no desire to intimate at all that the Committee on Appropriations is not perhaps possessed of great information, yet I do submit that the Committee on Post-Offices and Post-Roads of the Senate, having had the matter under consideration, with that knowledge and with this vast amount of evidence before the committee, will be at once prepared to enter upon a thorough and intelligent investigation of the subject. So the chairman of the Committee on Post-Offices and Post-Roads of the House is fully qualified to act as a member of the commission. Then it is provided also that the commission shall have as one of its members the Postmaster-General, as I have said, which would bring to the deliberations of the commission the entire and the accumulated knowledge of the Post-Office Department to aid the commission in its investigation. Then add to this commission two civilians, appointed by the President, and you will have a commission that will make a thorough and complete investigation of the subject.

Then, too, the expense attending it is very much less than that proposed by the Committee on Appropriations, whose proposition is to appropriate $50,000 for the investigation. Of course, the members of the commission from the Senate and the members of the commission from the House will receive no compensation, but the $50,000 is for the two experts to be employed. It seems to be a very liberal appropriation. Under the amendment desired by the Senator from New Hampshire but $10,000 is to be appropriated. I therefore favor, and favor most heartily as a business proposition and as a sensible proposition, the amendment proposed by the Senator from New Hampshire. I am at an utter loss to understand why the Committee on Appropriations, desiring the investigation as we do, will not consent to that method, and I have yet to hear one suggestion from anyone of any objection to the method of investigation proposed by the Senator from New Hampshire.

I have no desire to say anything about the question of distributing the appropriation bills. My views, I think, are known upon that question. The present method of considering appropriation bills is one of the absurd things in the rules of the Senate. The time will come, I do not know when, when the various committees of the Senate having jurisdiction of a particular subject will have the appropriation connected with that branch of the service in charge also. I say I do not know when that will come.

This measure, the Loud bill, went to the Committee on Post-Offices and Post-Roads because it is the only committee having jurisdiction of the subject, and, as I said before, we made as thorough and complete an examination of it as possible and reported from that committee a proposition for a commission, and the amendment offered by the Senator from New Hampshire is that proposition slightly modified. Now, the [illegible] having been done by the Committee on Post-Offices and Post-Roads, it is proposed to take the matter away from their jurisdiction, and the suggestions of the Committee on Post-Offices and Post-Roads are to be utterly ignored after the hearings have been had before that committee, covering 225 pages, against a hearing covering only 30 pages before the Committee on Appropriations. I care nothing about that. I simply say that as a business proposition the plan suggested by the Senator from New Hampshire, which has the cordial support of the Committee on Post-Offices and Post-Roads, is the wise, sensible, efficient manner of reaching a conclusion in this matter.

Mr. BUTLER. I have the consent of the acting chairman of the Committee on Post-Offices and Post-Roads to offer an amendment to the amendment, which he will accept and incorporate as a part of the amendment.

The PRESIDING OFFICER (Mr. VILAS in the chair). The amendment to the amendment will be stated.

The SECRETARY. At the end of line 3, after the word "mails," it is proposed to insert:

> The reduction of the cost of railway-car service and the advisability of the Government owning the postal cars necessary and paying the railways mileage rates for hauling the same.

Mr. BUTLER. That is one of the subjects to be investigated.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. BUTLER. Certainly.

Mr. HOAR. Mr. President, I do not wish to say anything about the general question between the Committee on Post-Offices and Post-Roads and the Committee on Appropriations, and still less about the very important question of changing what the experience of the Senate for a great many years has established, the system and jurisdiction of our committees, but I wish to express my protest and my earnest disapprobation of all these schemes for making commissions which are to be composed partly of members of the Senate and the House and partly of persons appointed by some other authority, whether the President of the United States or anybody else. The members of the Senate who go on one of these commissions go on there as a committee of the Senate. It is a legislative function and a legislative function of the highest importance and dignity in this world, certainly in this country, and I do not conceive that we have the right to impose upon our members the duty of acting upon committees with other persons on an equality.

Now, how are they to report? It may very well be that this report, which is in substance nothing but the report of a committee of the Senate or of a joint committee of the two Houses, will be made in opposition to the opinion of every member of this body, and we shall have here introduced into the Senate in the ordinary legislative way propositions and conclusions which the persons who introduce them as a committee can not defend conscientiously, because they are opposed to the conclusions and which there is no one else to defend.

I conceive that whether this body, which is the investigating board, is to be a committee of this body alone or not (and I think the same criticism applies to this plan which is urged in regard to the labor commission), the committee of this body, or of this and the other House, should have the authority, and the other persons, whether appointed by the President or not, should be experts, making the investigation under their direction. I believe it would be a serious surrender of the dignity and the authority of the Senate to undertake to constitute a commission of the class proposed.

I like the scheme of having whoever is appointed by this body employ its experts, direct them to make such investigation for them as they see fit, and direct them to express their expert opinions if they see fit. The experts may be appointed by the President of the United States and brought in, just as we might take officers of the Navy and Army and call them before a committee and get their results. But it seems to me that we shall find it an infinitely awkward and mischievous principle if we undertake to inaugurate the practice of having boards into which we send our committees, nominally as equals but not equals, because the number of the board is sufficient to overthrow the representatives of the Senate in all cases.

You have an investigation proposed. The members of the Senate who are on this commission want a certain kind of an investigation; they know what the Senate desires; they know what the Senate wants to learn; they know what they themselves desire to learn as a committee having the subject in charge, and then the experts come in and say: "We will vote you down and will not come into that. We think we want a certain other inquiry, which will not help the Senate in the least in your opinion, but in our opinion it ought to be made, and we will not ask one of the questions that you want to put, but all the questions we ask will be questions you do not want to put."

Mr. President, this is a subject on which I should like to spend twenty or thirty minutes. There are a good many other reasons which could be stated, but I have not time to do it, because I have something else to do; but I wished simply to make these remarks, not as an argument, but as a protest against the whole plan and system.

RECESS.

The PRESIDING OFFICER (at 6 o'clock p. m.). The hour of 6 o'clock having arrived, the order of the Senate takes effect, and a recess will take place until 8 o'clock to-night.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House returned to the Senate, in compliance with its request, the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

The message also announced that the House had passed the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes;

A bill (H. R. 9631) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder;

A bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;"

A bill (H. R. 10301) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1891, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;" and

A bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 153) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian government;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A bill (S. 3340) authorizing Herbert D. A. Pierce to accept a medal from the Russian Government;

A bill (S. 3725) to prevent the importation of impure and unwholesome tea;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 3102) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 5128) to increase the pension of Jere Smith;

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6815) granting an increase of pension to Maj. John H. Gearkes;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain; and

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France.

PETITION.

Mr. PEFFER presented the petition of S. Henneigh and sundry other citizens of Kansas City, Kans., and the petition of Rev. W. B. Slutz, of Wichita, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

BILL INTRODUCED.

Mr. CALL introduced a bill (S. 3733) granting a pension to Elizabeth Pittman; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. WILSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 9631) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 10301) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10090) to amend an act entitled "An act to regulate commerce," was read twice by its title.

Mr. CULLOM. I ask that that bill may remain upon the table for the present.

The VICE-PRESIDENT. It will be so ordered.

The bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota," approved April 24, 1891, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Minnesota and Wisconsin," was read twice by its title.

Mr. QUAY. I ask that the bill may lie on the table.

Mr. VILAS. I supposed it should go to the Committee on Commerce.

Mr. QUAY. The same bill has already been reported from the Committee on Commerce.

Mr. VILAS. I should like to be heard before the Committee on Commerce upon this bill.

Mr. QUAY. It is the same bill which was reported some time ago by the Senator from Missouri [Mr. VEST].

Mr. VILAS. I would be very glad to have the committee consider it.

Mr. QUAY. I do not think the Senator would gain anything by a reference of the bill. I move that the bill lie on the table.

Mr. VILAS. That is not the proper motion.

Mr. ALLISON. The bill would naturally lie on the table, unless there is some specific disposition made of it.

The VICE-PRESIDENT. The bill will lie on the table.

The bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, was read twice by its title.

Mr. PERKINS. As this is substantially Senate bill 3533 upon our Calendar, I ask that Senate bill 3533 be indefinitely postponed, and that this bill be substituted in its place on the Calendar.

The VICE-PRESIDENT. In the absence of objecteon, it will be so ordered.

ALABAMA RIVER BRIDGE.

Mr. MORGAN. Before we proceed with the appropriation bill I ask unanimous consent for the present consideration of a House bill.

The PRESIDING OFFICER (Mr. VILAS in the chair). The bill will be read by title.

Mr. ALLISON. I do not object to the consideration of this bill if it is an uncontroverted bill that in no way will lead to discussion.

Mr. MORGAN. There is no chance for discussion about it.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MORGAN. In line 13, I move to strike out the word "six" and insert the word "seven," so as to read "eighteen hundred and ninety-seven."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GRACELAND CEMETERY.

Mr. JONES of Arkansas. There is a House bill here to amend an act which authorizes the board of officers of a cemetery to sell certain property here in the city. It is only eight lines long, and I presume there can be no objection to it in the world. I ask unanimous consent that it may be taken up and put on its passage.

Mr. HAWLEY. What cemetery is it?

Mr. JONES of Arkansas. It is the Graceland Cemetery.

The PRESIDING OFFICER. The bill will be read for information.

Mr. ALLISON. To these little bills that lead to no debate or discussion I do not object, and for a few minutes may be considered.

Mr. GALLINGER. This bill will not lead to debate. It is a very important measure.

Mr. ALLISON. I do not object to its consideration, but I will object to any bills that in any way lead to debate.

Mr. CHANDLER. It is the Graceland Cemetery bill, and it ought to be passed.

Mr. GALLINGER. By all means.

The Secretary read the bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH P. PATTON.

Mr. HAWLEY. The bill (H. R. 10290) for the relief of Joseph P. Patton proposes to relieve a man from an unjust dismissal. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to correct the record of the War Department in the case of Joseph P. Patton, late first lieutenant of Company C, Fifth Regiment of Ohio Volunteer Cavalry, by revoking the order of his dismissal and granting him an honorable discharge, to date September 21, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHIAS PEDERSEN.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4310) for the relief of Mathias Pedersen, to report it favorably without amendment. It is a small bill, and as it is a House bill and involves only a question of $300, I ask that it may be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mathias Pedersen, late of Spring Valley, Rock County, Wis., $300, being the sum unlawfully collected from him on November 27, 1863, by the board of enrollment, namely, $300, to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRIBUTION OF PUBLIC DOCU[illegible]

Mr. GORMAN. I report from the Committee on Printing a joint resolution and ask for its present consideration.

The joint resolution (S. R. 200) regulating the distribution of public documents was read the first time by its title and the second time at length, as follows:

> *Resolved by the Senate and House of Representatives, etc.*, That the time allowed members of the Fifty-fourth Congress to distribute public documents now to their credit, or to the credit of their respective districts or States, in the Government Printing Office, the Interior Department, the Navy Department, or any other Department or Bureau, and to present the names of libraries, public institutions, and individuals to receive such documents, be, and the same is hereby, extended to December 1, 1897, and the time for such distribution by members of Congress who have been or may hereafter be reelected, shall continue during their successive terms and until their right to frank documents shall cease.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS IN CUBA.

Mr. GORMAN. I report from the Committee on Printing the notes of a hearing before a subcommittee of the Committee on Foreign Relations on the condition of affairs in Cuba. I move that the hearing be printed as a document, so that every Senator may be able to get a copy of it.

The motion was agreed to.

INDIAN DEPREDATIONS.

Mr. BROWN. I ask leave to call up Senate bill 2726. It is a bill that there has been some little demand to have taken up. It is a short bill.

The PRESIDING OFFICER. The bill will be read for information.

Mr. ALLISON. I do not object to the consideration of the bill if it does not give rise to debate.

The Secretary read the bill (S. 2726) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Mr. CHANDLER. I object to the consideration of that bill.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

HOUSE BILLS REFERRED.

The bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

IMPERSONATION OF DISTRICT INSPECTORS OF HEALTH.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia. It is an important bill that will not lead to discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. M'RAE.

Mr. BACON. I ask the Senate to consider the bill (H. R. 610) for the relief of John F. McRae.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John F. McRae, of the county of Telfair, in the State of Georgia, $162, for services rendered as deputy United States marshal of Georgia in the year 1859.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES DEAL.

Mr. ALLEN. I desire to make a favorable report from the Committee on Claims. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 5597) for the relief of Charles Deal, to report the same.

Mr. HILL. A similar bill passed the Senate and House at a previous session and went to the President, and got there five minutes too late. It is again reported, and I should like to have present consideration. It will take but a moment.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Charles Deal, late a deputy collector of customs at Champlain, N. Y., $240.01 for expenses incurred by him in the case of Hugh O'Hara against said Deal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi; and

A joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States.

BURIAL IN NATIONAL CEMETERIES.

Mr. HAWLEY. I have just one more bill. Of the nurses who served during the war there are a few survivors. Some of them desire to be buried in a national cemetery, near the men they cared for. This bill gives the legal permission.

The PRESIDING OFFICER. The Senator from Connecticut asks for the present consideration of a bill, which will be read for information.

The Secretary read the bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries.

Mr. ALLISON. After this bill is disposed of, I desire to call for the regular order.

Mr. QUAY. I trust the Senator from Iowa will pardon me while I call up a bill which I think will create no discussion.

The PRESIDING OFFICER. Is there objection to the bill called up by the Senator from Connecticut [Mr. HAWLEY], and which has been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. I will hear the Senator from Pennsylvania.

Mr. QUAY. I was about to ask the Senate to take up the bill the consideration of which I moved just previous to the adjournment last night. It is what is known as the Little bill, and prevents the sale of intoxicating liquors in the Capitol.

Mr. HILL. I object.

The PRESIDING OFFICER. Objection is made.

REMOVAL OF SNOW AND ICE IN THE DISTRICT.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: After the word "to," in line 8 of section 1, insert the word "be;" and the Senate agree to the same.

That the House recede from its disagreement to the second, third, fourth, fifth, and sixth amendments of the Senate, and agree to the same.

JAMES McMILLAN,
CHAS. J. FAULKNER,
LUCIEN BAKER,
Managers on the part of the Senate.
G. M. CURTIS,
AD. MEYER,
Managers on the part of the House.

Mr. HILL. What are those amendments; the second, third, fourth, fifth, and sixth?

Mr. McMILLAN. Amendments simply putting in the word "agent," so as to read "owner or agent," and to cover the property that is owned by agents in the District of Columbia. That is all. The House conferees agreed to the amendments of the Senate.

Mr. WHITE. I will inquire if that expression is involved in the definition of a penalty. Is the use of the word "agent" in the definition of a penalty in the original bill?

Mr. McMILLAN. It simply gives notice to agents, so that agents will be notified as well as owners, that snow and ice shall be cleared from the sidewalks.

Mr. WHITE. It requires notice to the agents?

Mr. McMILLAN. Yes, sir.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, reported it without amendment.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I call for the regular order.

The PRESIDING OFFICER. The Senator from Iowa calls for the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

Mr. QUAY. If the Senator from Iowa will permit me, I will take the floor for one moment on the regular order.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. ALLISON. The Senator from Pennsylvania says that he has something to say in connection with the appropriation bill.

Mr. QUAY. A practical elucidation of the relations between the Post-Office Department and the railway companies, which throws a deal of light upon the question of the propriety of the present appropriation to those companies, is contained in a letter to the distinguished Senator from Iowa, the chairman of the committee, from Mr. Neilson, the Second Assistant Postmaster-General, which I desire to put on record as a part of my remarks, and the only remarks I propose to make, on the pending amendment, and I send it to the desk to be read. If the Senator from Iowa would prefer, I will have it printed in the RECORD without reading.

Mr. ALLISON. I hope the Senator will allow the letter to be printed in the RECORD without reading.

Mr. QUAY. That is satisfactory.

Mr. ALLISON. It is on the table of Senators.

The PRESIDING OFFICER. The letter will be printed in the RECORD, in the absence of objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 20, 1897.

DEAR SIR: In compliance with your instructions of Saturday morning, I beg to submit the following data, which I trust will be of service to your committee in their search for information in regard to the transportation expenses of this Department in connection with the question of proper and just remuneration to the railroads for such service as they render the Government in transporting the mails. I am particularly gratified at being thus permitted to give you the facts, because I fear some of the gentlemen of your committee did not fully appreciate the embarrassment of Captain White and myself in not being able to supply, at a moment's notice, all the information they required. This is a very large and important question; one that can not be treated or explained without most careful preparation for fear of misleading those who are interested in the importance of the service, and the obligation to the Government that I feel rests upon a few of us who have the management of the details in giving correct information from the postal-service standpoint.

The necessity of treating this very important question most cautiously is impressed upon us who daily handle the mails and realize the necessity of frequent and fast service, and the value of a desire on the part of the transportation companies to meet any requirement of the service. If all profit or advantage to these transportation companies is eliminated, I am satisfied the result which will naturally follow, by a loss of interest on their part, will redound to the disadvantage of the Department and loss of revenue by a falling off of first-class mail, which we are rapidly building up with the present arrangement and help of the railroads. I fully realize that the general idea of the service and possibilities differ from those I have endeavored to impress upon the gentlemen of your committee, and also some of the members of the House, but I feel it is my duty to state that which I know to be true and believe to be for the best interest of the service.

The backbone of the mail service is the railroad. To insure success to the Department and satisfaction to the public, the arrangements between the Department and railroads must, of necessity, be agreeable and satisfactory to both. This relationship can hardly be hoped for should close bargains be driven or the service be forced at a loss, or at less than cost; and I beg to suggest that any modifications and changes should only be made after a most careful and arduous investigation; made by such experts as you have at your command, who, I am sure, would at the same time gain much valuable information upon the question of properly adjusting the postal rates and classifications, which evidently need proper treatment.

As a sample of facts shown by the attached statements, I beg to call your particular attention to the line spoken of between Philadelphia and Pittsburg on the Pennsylvania Railroad. Train 7 runs seven times a week between the above points. The distance is 353.8 miles. It is a special mail train consisting of six cars entirely for Department use. Four of them are 60-foot postal cars paid for by the Department at the rate of $50 per mile per annum, which covers the service both ways, which is the case in all car allowances, making the actual pay $25 per mile per annum, which makes the cost to the Government per mile run 6¼ cents per car, amounting to $24.18 per car per trip for the use of the car alone. The other two are 60-foot storage cars which are not paid for. The total weight of mail carried in the six cars is 70,515 pounds, or 35 tons, a load that could easily be carried in the storage cars without the expense of the postal cars if the Government does not care to do post-office work in separations, etc., en route. I bring in this point here because Senator TELLER was disappointed that I did not give more items.

I will, therefore, show each point I can and trust you will pardon me if I quote too many. In other words, the railroad company could easily accommodate the load of mail in two cars and have the four other cars for other service if the Department did not require these additional facilities for postal work. About 4 tons of mail is properly accredited to each postal car, which cost for transportation (or weight) 2¼ cents per mile run. 353 miles gives $81.19, which, added to the $24.18 paid for car service, makes $105.32 per car for the run from Philadelphia to Pittsburg—353.7 miles. You will of course observe that practically one-fourth of the $105.32 is for post-office use. Consider this train from another standpoint. Were there no postal cars needed, the Government might be saved the entire expense of the four cars—$96.72 per trip—and the railroad permitted to earn additional revenue on this train by catering to other service to the extent of four cars, or two-thirds of the train. The above is the practical description of the special-train service, which must also be considered from the general-service standpoint of which it is a more important feature, drawing, as it does, nearly all the pay for the route.

This road provides 50 trains one way on our schedule. The 49 other trains, nearly all of which are daily, show a difference in cost of from one-half of this amount per trip or per mile to nine one-thousandths of a cent per mile, and less than one-half a cent per mile for 31 of these trains. While 1 train shows (special mail train 7) expense of $105.32 per car, there are 33 trains upon which you have more or less service for various mileage, receive an amount equal to $1.76 per trip of 353 miles, or practically nothing for the service. This is introduced as an example of the point I endeavored to make on Saturday, of service rendered for practically nothing on the majority of trains run on the large roads.

I do not understand that any one questions the propriety of the pay, at present, as applied to smaller roads, or roads transporting small quantities of mail. I have, therefore, selected the larger roads in hopes of showing you that which is true, that the roads with the greater service in reality render as much, if not more, service in proportion to the pay received than the smaller ones. To illustrate the peculiarities of the service on large roads, as compared with that of the smaller roads who only furnish a few trains each way daily, the road mentioned as having 50 trains west bound, seven and six times a week service, has 5 trains with postal cars, 7 trains with compartments, and 38 trains on which the mail is handled by baggage masters in baggage cars at almost no cost to the Government.

Some of the incidental expenses that the transportation companies are obliged to incur in carrying the mails may be classified thus: Laborers at large stations for handling and transporting the mails, and the delivery of mails to all post-offices, except at terminal points and those beyond the regulation distance. These two items alone cost from 15 to 20 per cent of the total amount received from the Government. There are 40,000 post-offices served by the railroads in this country. Seven thousand of them have what is known as mail-messenger service, which is paid for by the Government at a cost of $1,175,000. There are 33,000 post-offices supplied at the expense of the railroads because they are within the 80 rod distance. This would be three times the expense of the 7,000 post-offices to the Government, or about 10 per cent of the entire railroad allowance. The same companies are obliged to furnish office and transfer rooms, including light and fuel. The expense of the above items is very much larger in proportion to the service on Eastern than on Western roads, on account of the frequency of transfer junctions, value of property, number of post-offices, large towns, etc.

There are two other important factors in the question that slipped my mind in the verbal description. The transportation of postal clerks and officers of the Department, including inspectors and other employees, and the liability for accidents, both personal and otherwise. Transportation is furnished to the entire number of postal clerks and others of the Department while on duty to the extent of, say, 3,000 persons daily, $5 per day, which would be an inside estimate of the cost of the tickets if the Government was required to purchase transportation. This would amount to $15,000 per day, or a total of $4,695,000 per year of three hundred and thirteen days. My impression is that an actual count of those using the Government commission, or an order for free transportation, would greatly exceed this amount and would come much nearer half as much again.

The accidents referred to are of two kinds: One to the postal clerk (who rides free of charge), who, in case of injuries received while on the trains, usually brings suit against the companies and recovers damages for personal injuries; the other for damage done to persons or property by the postal clerk by carelessly throwing off pouches while the train is in motion. There are quite a number of personal cases against the companies in process of settlement all the time. We have no records of either these cases or the number of cases of damage caused by the carelessness of clerks, but I can safely assure you that it amounts to a large sum of money. As an illustration: The last year of my service on the Cincinnati, Hamilton and Dayton Railroad I paid out $7,500 for the carelessness of a postal clerk at one point in throwing pouches off on a platform full of people waiting for the train, injuring badly three and slightly five persons. Our entire mail service paid us $90,000 a year. So 8 per cent of the entire revenue for one year was paid out on account of one accident. You, of course, understand there is no way the railroads can recover any such money from the Government.

The postal-car question is one that I fear has never been fully understood. It appears to be the general idea and belief that the railroad companies would, of necessity, be obliged to furnish such cars for the transportation of mails whether paid for them or not. This is not the case with either the postal car or the combination or partial car, for which they are not paid. In the case of the postal car the illustration given in the Pennsylvania Railroad train 7 case, in the beginning of this report, is a fair sample. Two storage cars would perform the service as far as the railroad portion of the responsibility and necessities are concerned, and not be overloaded with the 35 tons.

The additional four cars simply add to the expenses in hauling, maintaining, original cost, etc. In the case of trains with only one postal car, without a storage car, the mail so hauled, were it not for the Government necessities of working in transit, would find a place in the ordinary baggage car without expense to them of hauling the postal car, maintaining, original cost, etc., as above. I think this will illustrate to you the fact that the railroads really have no use for the postal car that we require them to furnish, equipped in such a manner that it can not possibly be used for any other purpose.

The combination (or partial car) is a somewhat similar expense. On lines that do not require a full 40-foot car, and where the Government requires the service for separation of one or more postal clerks, the railroad companies are required to partition off a portion of the baggage car, from 15 to 40 feet in length, fitting up this space in the same manner as a postal car for a mail service, say of from 250 to 2,500 pounds of mail. They are given no allowance for the special use of this portion of the car, while it really causes the use of the baggage car, because if this space were not required for postal work the railroads, in most cases, would run a combination baggage and smoking car in place of the baggage car and a smoker, with the small quantity of mail stored in one portion of the baggage end, thus saving expense in handling one [illegible], maintaining, and original cost.

The revenue of a 60-foot postal car, at $25 per mile run, to a rail[illegible] pany is about $8,000; cost of hauling about $14,000; maintaining, [illegible] ing, etc., about $1,200, making a shortage on [illegible] account alone [illegible] per annum, allowing nothing for interest, re[illegible] ten years, replacement in case of accident, etc., upon an inve[illegible] possible loss of $8,000. The above case is figured out upon the most [illegible]ring terms, i. e., $50 per mile per annum for a 60-foot car both ways, or $25 one way.

The facts of the case are different, because the Government is paying for more 40 and 50 foot cars than for 60-foot cars. A 40-foot car, at $25 per annum, only pays half the amount given a 60-foot; a 50-foot car pays a little more than a 40-foot car, while the expenses are in a general way, excepting that of construction, about the same for each of the three sizes. It is hard to say what is most important and where lines in the service can be drawn. Each person is interested in his one or two letters as much as those who mail hundreds. The first-class mail will naturally be the money earner of the Department. To increase that, every effort should be made.

The Department is making great efforts to improve what might be termed local short-haul mail. To do this combination cars and postal clerks are needed. A very few pounds—say, roughly, 5—will pay the Government expense of clerks; but the value to the railroad company who furnishes the partial car is so near nothing it would hardly be considered. This service is most important to country and suburban districts, and is being pushed there.

If I had the data to give you what might be termed the grand totals of all service, including actual mileage, weights, etc., taking into consideration all service, I am satisfied your committee would be astonished at the low rate shown.

Our estimates show an average of 406 pounds of mail per train mile, the actual cost of which to the Government is 10.76 cents per mile run, giving a rate of about two one-hundredths of a cent per pound per mile.

I have added such statements as could be prepared in so short a time, and trust this explanation may make them plain to you, and justify my opinion that the present amount paid for the service is not excessive, and that while, as Senator TELLER remarked, "most everything else had been reduced excepting the railroads, and they should come down also," the facts are that so many improvements have been made in the facilities given the Department, the greater number of trains placed at its disposal, and so much more than was formally required—asked of them—that I am sure a reduction would operate against the interest of the Department. If I remember correctly, I gave you my views of the subject of ownership of the postal cars; therefore, will not trouble you with it again, except to say there would be no advantage in such an ownership, with almost a certain great disadvantage and unnecessary expense.

I believe the work of a competent committee would result in a great benefit to the Department. Much valuable information would be gained and many of the misunderstood features would be cleared up and properly explained, and I feel satisfied would do much to indorse the idea that I have endeavored to make plain, in addition to offering such suggestions as they might see proper as to the newspaper and other bulky service, which can be handled to the advantage of the postal revenue under the same circumstances.

With great respect, I am, very truly,

C. NEILSON,
Second Assistant Postmaster-General.

Hon. WILLIAM B. ALLISON,
Chairman Appropriations Committee, United States Senate, Washington, D. C.

Statement showing the cost of transportation and railway post-office cars per trip and the cost per mile per trip of trains on certain routes.

	Transportation.	Railway post-office cars.
Route 107011, New York to Buffalo, N. Y., 439.5 miles; New York Central and Hudson River R. R. Co.		
Train 11, west bound	$1,118.72	$150.52
Train 11, east bound	255.45	30.10
Total cost per round trip	1,374.17	180.62
Average	687.08	90.31
Cost per mile, west bound	3.22	.34
Cost per mile, east bound	.58	.06
Total cost per mile (both ways)	3.81	.40
Average	1.90	.20
Train 3, west bound	150.32	35.10
Train 2, east bound	69.39	35.10
Total cost per round trip	219.71	70.20
Average	109.85	35.10
Cost per mile, west bound	.34	.07
Cost per mile, east bound	.15	.07
Total cost per mile	.49	.14
Average	.24½	.07
Route 195035, Boston to Providence, 43.56 miles; New York, New Haven and Hartford R. R. Co.		
Train 6, east bound	13.71	2.81
Train 57, west bound	8.29	2.81
Cost per round trip	22.00	5.62
Average	11.00	2.81
Cost per mile, outward	.31	.06
Cost per mile, inward	.18	.06
Total cost per mile	.49	.12
Average	.24½	.06
Route 139002, Chicago, Ill., to Union Pacific Transfer, Iowa, 489.9 miles; Chicago and Northwestern Rwy. Co.		
Train 15, west bound	221.57	24.24
Train 8, east bound	70.91	24.24
Cost per round trip	292.48	48.48
Average	146.24	24.24
Cost per mile, west bound	.45	.04
Cost per mile, east bound	.14	.04
Total cost per mile	.59	.08
Average	.29½	.04
Route 139001, Chicago, Ill., to Milwaukee, Wis., 85 miles; Chicago and Northwestern Rwy. Co.		
Train 13, west bound	17.38	4.68
Train 2, east bound	9.32	4.68
Cost per round trip	26.70	9.36
Average	13.35	4.68
Cost per mile, west bound	.20	.05
Cost per mile, east bond	.10	.05
Total cost per mile	.30	.10
Average	.15	.05
Route 118025, Danville Junction (n. o.), Virginia, to Atlanta, Ga., 409.2 miles; Southern Rwy. Co.		
Train 35, south bound	345.09	32.90
Train 36, north bound	82.17	32.90
Cost per round trip	427.26	65.80
Average	213.63	32.90
Cost per mile, south bound	.84	.08
Cost per mile, north bound	.20	.08
Total cost per mile	1.04	.16
Average	.52	.08
Special facilities.		
Train 35, south bound	70.10	----------
Cost per mile	.17	----------

Route 107011, New York to Buffalo, 439.52 miles; New York Central and Hudson River Railroad Company.

Train 11, west bound, carries 7 cars (5 postal and 2 storage); the railway post-office cost per train ($150.52) is for 5 postal cars, an average of	$30.10
Average weight carried, 4 tons; transportation cost per car	109.12
Total	139.22

On this route there are 32 trains west bound carrying mail; 4 have postal cars, 28 have none. Sixteen of these trains cost less than $9 per trip for the entire service over whole distance.

Train 14 east bound carries four 60-foot railway post-office cars, for which the company is paid $10,987.50 per annum per car, or for each car per trip	$30.10
Average weight carried per car about 2½ tons, for which the company receives $23,310.37 per annum, or for each trip	63.86
Total per trip per car	93.96

On this route there are 41 trains east bound carrying mails; 5 have postal cars, and the remainder have none. Twenty-two of these trains cost less than $9 per trip for the entire service over the route.

Train 3 carries one 60-foot railway post-office car, for which the company is paid $10,987.50 per annum, or for each trip	$30.10
Average weight carried, 4½ tons, for which the company receives $47,062.08 per annum, equal to per trip	128.90
Total per trip	159.00
Train 2 carries one 60-foot railway post-office car, pay, $10,987.50 per annum, pay per trip	30.10
Average weight carried 2¼ tons, for which the company receives $21,720.81 per annum, equal to, per trip	59.48
Total per trip	89.58

Route 195035, Boston to Providence, 43.56 miles; New York, New Haven and Hartford Railroad Company.

Train 6 carries one 50-foot railway post-office car, for which the company receives $897.00 per annum, equal to, per trip	$2.81
Average weight carried 4½ tons, for which the company receives $1,262.79 per annum, equal to, per trip	13.71
Total per trip	16.52
Train 57 carries one 50-foot railway post-office car, for which the company receives $879.00 per annum, being per trip	2.81
Average weight carried 2½ tons, for which the company receives $2,597.53 per annum, equal to, per trip	8.29
Total per trip	11.10

On this route there are 61 trains carrying mail. Of these, 4 carry railway post-office cars; 2, apartment cars, and the residue perform closed-pouch service over all or part of the route. On 53 trains the allowance per trip is less than $2.20.

Route 139002, Chicago, Ill., to Union Pacific Transfer, Iowa, 489.90 miles; Chicago and Northwestern Railway Company.

Train 15 carries two railway post-office cars, one of which is paid for at $8,848.75 per annum, being per trip	$24.24
Average weight carried 3 tons, for which the company receive $40,435.62 per annum, being per trip	110.78
Total per trip	135.02
Train 8 carries one railway post-office car, which is paid for at $8,848.75 per annum, being per trip	24.24
Average weight carried 2 tons, for which the company receives $25,884.42 per annum, being per trip	70.91
Total per trip	95.15

On this route there are 21 trains which carry mail, on 9 of which railway post-office cars are operated over all or part of the route, 8 carry apartment cars, and 4 perform closed-pouch service. On 6 trains the allowance is less than $12 per trip.

Route 139001, Chicago to Milwaukee, 85 miles; Chicago and Northwestern Railway Company.

Train 13 carries one railway post-office car, for which the company is paid $1,710 per annum, being per trip	$4.68
Average weight carried, 2½ tons, for which the company is paid $6,346.47 per annum, being per trip	17.38
Total per trip	22.06
Train 2 carries one railway post-office car, for which the company is paid $1,710 per annum, being per trip	4.68
Average weight carried, 1½ tons, for which the company is paid $3,401.94 per annum, being per trip	9.32
Total per trip	14.00

On this route there are 43 trains carrying mail over all or part of the route, 11 of which carry railway post-office or apartment cars, and the residue perform closed-pouch service. On 32 trains the allowance is less than $2 per trip.

Route 118025, Danville Junction to Atlanta, 409.20 miles; Southern Railway Company.

Train 35 carries two 60-foot railway post-office cars, for one of which the company is paid $10,235 per annum, being per trip	$28.04
Average weight carried in one car estimated at 6 tons, for which the company is paid $62,978.96 per annum, being per trip	172.54
Pay per trip	200.58
Add for special facilities	70.10
Total	270.68
Train 36 carries two 60-foot cars, for one of which the company is paid $10,235 per annum, being per trip	28.04
Average weight carried in one car estimated at 3 tons, for which the company is paid $14,998.48 per annum, being per trip	41.08
Pay per trip	69.12

On this route 12 trains are carrying mail over all or part of its length. Railway post-office cars are carried on 8 of these trains, and apartment cars on 4 trains.

Route 121066, Dupont, Ga., to Port Tampa, Fla., 277.56 miles; Savannah, Florida and Western Railway Company.

Train 35 carries one 40-foot railway post-office car, for which the company is paid $3,420 per annum, or per trip	$9.37
Average weight carried, 2½ tons, for which the company receives $22,333.32 per annum, or per trip	61.18
Total per trip	70.55
Train 34 carries one 40-foot railway post-office, for which the company is paid $3,420 per annum, or per trip	9.37
Average weight carried, 1½ tons, for which the company receives $9,082.77 per annum, or per trip	24.89
Total per trip	34.26

On this route there are 12 trains carrying mail. Railway post-office cars are paid for on two trains. On 10 trains closed-pouch and apartment service is performed. On 5 trains the allowance is less than $5 per trip; on 4 it is less than $21 per trip.

Mr. ALLISON. I ask unanimous consent that the amendment under consideration when the Senate took a recess may be passed over until the Senate is fuller, and also the paragraph on page 8, beginning at line 17 and ending at line 3 on page 8, and that we may go on and consider the remainder of the bill.

Mr. GORMAN and others. That is right.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the pending amendment may be passed over and also the paragraph on page 8 of the bill. Is there objection? The Chair hears none, and it is so ordered.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 8, line 4, to increase the appropriation for railway post-office clerks from $8,000,000 to $8,182,000.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "thousand," to strike out "two hundred and twenty-five" and insert "three hundred;" and in the same line, after the word "dollars," to strike out "*Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service" and insert "and the Postmaster-General shall report to Congress at its next regular session the prices paid for such service in detail;" so as to make the clause read:

> For inland transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $300,000; and the Postmaster-General shall report to Congress at its next regular session the prices paid for such service in detail.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Fourth Assistant Postmaster-General," on page 11, line 14, before the word "thousand," to strike out "including salaries of inspectors, etc., and for per diem allowance to inspectors in the field while actually traveling on business of the Department at the rate of $3 per day, exclusive of Sundays excepting in cases of emergency, four hundred," and insert "three hundred and fifty-eight;" and in the same line, after the word "dollars," to strike out the following proviso:

> *Provided*, That post-office inspectors, excepting those receiving salaries of $2,500 per annum, may be paid in excess of the $3 per diem allowed by this act for such items of actual and necessary personal expense incurred in the discharge of their official duties, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the date or dates which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector reciting the objects of, amounts of, and necessity for, such expenditures, may be accepted in lieu of the vouchers: *And provided further*, That post-office inspectors shall be paid, out of any money hereby appropriated, a salary at the rate of not exceeding the following: For first year's service, $1,200; second year, $1,400; third year, $1,600.

So as to make the clause read:

> For mail depredations and post-office inspectors, $358,000.

Mr. CHANDLER. I should like to ask the Senator from Iowa what the effect is of these erasures upon the compensation, or rather upon the expense account, of the inspectors when they are in the field? The bill as it came from the House I understand reduced the allowance to inspectors from the present rate. Now, the Senate committee strikes all those provisions out. Does that leave the allowance to inspectors for expenses when traveling on business for the Department as now provided by law?

Mr. ALLISON. It does.

Mr. CHANDLER. That was the intention of the committee?

Mr. ALLISON. It was the intention of the committee to leave that matter as the law now provides.

Mr. CHANDLER. That will be the effect of the amendment?

Mr. BURROWS. It leaves their per diem pay the same as now?

Mr. ALLISON. The same as now.

Mr. CHANDLER. I will ask how the committee obtained the reduction of appropriation from $400,000 to $358,000? If the Senator can state, I should like to know why that was reduced.

Mr. ALLISON. This was the estimate of the Department. We did not feel that we had authority or that it was wise to exceed the estimate of the Department.

Mr. CHANDLER. The House enlarged the Department's estimate, then, I understand?

Mr. ALLISON. The House had enlarged the Department estimate. If the Senator will allow me a moment, I will state that the appropriation for the current year is $300,000. The Department estimate was $358,311. We left off the fractional hundreds and appropriated as the estimate of the Department provided for.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, after line 9, to strike out:

> Section 413 of the Revised Statutes is hereby amended so as to read as follows:
>
> "SEC. 413. The Postmaster-General shall make the following annual reports to Congress:
>
> "First. A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year, the amount of postage which accrued within the year, the amount of engagements and liabilities and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.
>
> "Second. A report of the amount expended in the Department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.
>
> "And the Postmaster-General shall cause all of such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law."
>
> Section 4020 of the Revised Statutes is hereby amended so as to read as follows:
>
> "SEC. 4020. The Postmaster-General may appoint two agents to superintend the railway postal service, each of whom shall be paid out of the appropriation for the transportation of the mail a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than $4 a day; and the Auditor for the Post-Office Department shall charge to the appropriation for mail transportation the salary and per diem of the assistant superintendents of the postal railway service, and to the appropriation for the free delivery system the salary and per diem of the special agent detailed for that service."
>
> Section 4045 of the Revised Statutes is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 13, line 21, after the word "detail," to insert "as far as practicable," and in line 22, after the word "service," to strike out "as provided in this appropriation act;" so as to make the clause read:

> The Postmaster-General shall for the fiscal year 1899, and annually thereafter, submit in the annual estimates to Congress in detail, as far as practicable, for expenses of the free-delivery service.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLEN. I should like to ask the Senator from Iowa what effect it will have upon section 4 of the act of July 16, 1894, to make the change in line 3, on the last page, inserting the word "ten" where the word "seven" occurs?

Mr. ALLISON. Under the act of 1894 money orders may be destroyed at the end of ten years. They accumulate from year to year, so that there is an immense quantity, of course, in the crypt of the Post-Office Department. It is estimated by the authorities of the Post-Office Department that it is perfectly safe to destroy the money orders at the end of seven years rather than at the end of ten. So far as I have been able to examine the question, I think it might be reasonably done at the end of five years; but inasmuch as the House had fixed seven years, we did not in the committee propose a change.

Now, Mr. President, we will return to the amendment which was under consideration when the Senate took a recess.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The pending question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER] to the amendment reported by the Committee on Appropriations, which will be read.

The Secretary read as follows:

> That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the reduction of the cost of railway-car service, the advisability of the Government owning the postal cars necessary and paying the railways mileage rates for hauling the same, the adoption of 1-cent postage for single letters, and other like questions, shall be examined by a postal-reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendation for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available, and to be expended according to the direction of the Postmaster-General; said commission to expire on the 31st day December, 1897.

Mr. CHANDLER. It occurs to me to say in reply to the remarks of the Senator from Massachusetts [Mr. HOAR], made just before the recess, that I do not think there is any objection to constituting a commission composed partly of members of the two Houses, the Senate and the House, and of civilians. The Senator from Massachusetts put himself upon record as opposed to a commission of that sort on the ground that possibly the members of Congress might find themselves outnumbered in such a commission, and then there would be an awkward result when their report should be made to Congress. If a commission of this kind was invested with power to do things, I should think that criticism of the Senator might have some force. But it is a mere committee of inquiry. The gentlemen who compose a commission of this sort, taking the case we now have, a Senator, a member of the House, a Postmaster-General, and two civilians, will have no power vested in them. These gentlemen would have no power to do anything except to make inquiry. They ascertain facts.

It may be fairly presumed that a commission composed of such gentlemen as would meet on this occasion would make a safe investigating committee. They would not quarrel while they were ascertaining facts, and when the facts were ascertained and it became necessary to make a report to Congress it would not be material, if they happened to differ, that they should differ in their conclusions. It would be a difference fraught with no evil consequences. Each member of the commission, it might so happen, would make a separate report of his conclusion, and no harm would be done. I can not think that there is any gravity in the objections made by the Senator from Massachusetts, even if we supposed that the commission would split up, so to speak, in their opinions after ascertaining such facts as they could reach. On the other hand, the Senator from Massachusetts wholly overlooks the benefits to result if a commission of this kind should happen to be unanimous in its conclusion.

If we could have upon this important subject—the question of abuses in second-class matter, the question of the rates of postage on the various kinds of mail matter, and the question of the fair compensation to the railroads for transporting the mails—a commission, which should consist of a member of the House, the chairman of a committee, the chairman of the Committee on Post-Offices and Post-Roads; of a member of the Senate, the chairman of a committee, the chairman of the Committee on Post-Offices and Post-Roads; the Postmaster-General, and two eminent citizens, to be named by the President of the United States, and if we could have a unanimous report upon these questions from such a commission, surely a very important and valuable result would have been reached. The questions that now trouble us, that trouble the Committee on Post-Offices and Post-Roads, that give great anxiety and labor and tribulation to the Committee on Appropriations, would be solved in a way that would give satisfaction to the House and the Senate, and I doubt not to the American people.

So, Mr. President, while I respect highly the judgment on great questions and on small questions of the Senator from Massachusetts, I do not conceive that the reasons which he gave for opposing this commission as proposed by the Committee on Post-Offices and Post-Roads and favoring the commission proposed by the Senate Committee on Appropriations were forcible and valid reasons which ought to influence our action.

The commission as proposed by the Senate Committee on Appropriations is an anomaly. I have already called attention to the fact that the committee at first thought they could create a joint committee of the two Houses by act of Congress, and upon reflection they discovered that they ought not to create a joint committee, but that they can create a commission.

The Senator from Massachusetts says a commission composed wholly of members of Congress is all right and proper, but a commission composed partly of members of Congress and partly of public officials outside of Congress and partly of private citizens is objectionable. It seems to me that, considering the end which is sought to be accomplished here of a proper investigation, a useful investigation, by both the committees, the Senator from Massachusetts sticks in the bark when he objects to one method, to wit, the method of the Committee on Post-Offices and Post-Roads, and is willing to adopt the method proposed by the influential and potent and all-prevailing Committee on Appropriations.

I hope, therefore, that Senators who are willing to have a commission of any sort will think the commission proposed by the Committee on Post-Offices and Post-Roads just as good a commission as that which the Senate Committee on Appropriations in their wisdom have proposed to constitute.

Mr. GORMAN. Mr. President, the proposition that comes from the Committee on Appropriations for the appointment of a joint committee to investigate the question of mail transportation is the only one that could properly come from that committee at this time and under present conditions and circumstances. It is admitted on all sides that the expenditures of the Government have now reached a point that we must make an honest and earnest effort to reduce them, and to reduce them without in any way impairing the efficiency of the public service.

We have before us from the Departments estimates for the coming year amounting to over $530,000,000. Already up to this day the expenditures of the Government are exceeding the revenues by nearly $50,000,000 during the present portion of the fiscal year, and there is no bright prospect of any increase in the revenue and no way to meet the deficiency except to reduce the appropriations or increase taxation.

There has been a general belief that in the Post-Office Department, whose expenditures exceed by eight or nine million dollars the receipts of that Department, economies should be introduced without in any way impairing the efficiency of that great service which every man and woman and child in the United States is interested in; and the one item that seemed to attract the greatest attention of the Representatives of the people is the item which embraces over $30,000,000 for the transportation of the mails.

The former Postmasters-General have called attention sharply to that particular item. The distinguished Senator from Wisconsin [Mr. VILAS], who when Postmaster-General attempted himself, as Postmaster-General, as he had the power to a great extent to do under the law, to correct what were considered excessive payments on that account, succeeded to some extent. So far as I know, that is the only instance of any Postmaster-General in my time making any impress upon the payments on that account.

We have labored in Congress to correct that extravagance, if it be an extravagance. We have sought to gain information. The President of the United States has been requested to appoint commissioners to take testimony and to examine into the details and see whether the Government was paying too much to the transportation companies. We have tried a commission authorized by an act of Congress directing the Postmaster-General to make the investigation, and both of those commissions have been without fruit; no result whatever has come in the interest of the people; no recommendation either from the commission appointed by the President of the United States or that appointed by the Postmaster-General has come to Congress proposing any material reduction.

The only reductions which have been made have been made arbitrarily by Congress in spite of the reports of commissions. One reduction was arbitrarily made by the Appropriations Committee in the House of Representatives and the Senate, concurred in by both bodies: a reduction of 10 per cent, without regard to the service, and with very little knowledge except the general belief that we were paying too much. A second reduction of 10 per cent came. Both those reductions emanated from the great Appropriations Committee in a coordinate branch of the Government, and were concurred in by us.

Mr. President, when we considered this appropriation bill, with the estimates to which I have referred, and with the receipts of the Government before the committee, with the fact that the Post-Office Department is spending eight and ten million dollars more than its receipts, the one item that came up for reduction, so far as the committee was concerned, was this matter of transportation.

The other question, the question as to second-class mail matter and the rate of postage, was being dealt with by the Post-Office Committee of this body, and therefore the Appropriations Committee had naught to do with it. The Appropriations Committee were dealing with this expenditure, not with the policy of the Department as to the rate of postage or the class of matter which was to be embraced, but with this expenditure.

I submit to the Senate, to the Senator from New Hampshire, and to other Senators who have criticised the Committee on Appropriations, that we have dealt with the only branch of the question with which the Committee on Appropriations should have dealt. It was not one embraced in any other inquiry or investigation, and it belonged properly here to the Appropriations Committee. As was stated by the distinguished Senator from Colorado [Mr. TELLER], no reduction in the transportation rates has been made since 1878, and yet there has been a reduction in the cost of the transportation of everything on the face of the earth of nearly one-half since that date. The Committee on Appropriations were not prepared to make a reduction, for they had no data which showed what the reduction should be, and how great it should be.

The Post-Office Department as now constituted is opposed to any reduction whatever. That Department claims that they are not paying too much. They admit that there has been no reduction, while everything else has been reduced; but they say that it is their information that the increased cost to the railroads, the cost for increased bulk, has more than made up for what would be a proper reduction. The statements of those officers have not made any impression upon me. I believe that they are mistaken. All of the members of the committee were under the impression that the subject should be thoroughly inquired into. Inquired into how? In view of the past history of this matter, we believed that the best method was to inquire into it through members of this body and members of the other body, precisely as we inquired into the control and conduct of the great Departments of this Government, the Treasury Department, the Post-Office Department, and all the other Departments located in Washington, to see what reforms could be made and what economies could be introduced.

I know, and the country knows, that it has become the fashion in the newspaper press and through other sources to endeavor to make the public believe that there is extravagance in Congress; and yet I assert to-night that, notwithstanding we have had two

Democratic Administrations and one Republican Administration in the executive branch of the Government, there has not been in twelve years any recommendation or any act of the executive branch of the Government which has reduced these expenditures materially, and all of the reforms and all of the economies in this service have come alone through Congressional action and through Congressional inquiry.

Mr. CULLOM. Although the law gives the Department the authority to make such reforms.

Mr. GORMAN. I thank the Senator from Illinois for the suggestion. The law gives them perfect authority to institute these reforms, but we might as well look the facts squarely in the face, at least as to the Post-Office Department.

I said a moment ago that the only Postmaster-General within my knowledge who has attempted to deal with this question of mail transportation was the distinguished Senator from Wisconsin [Mr. VILAS]; but he had not left the Department six months before every economy he had introduced was wiped away, and the transportation companies practically not only received all they had received before, but their compensation has been constantly increasing from that day to this.

Mr. WHITE. Will the Senator from Maryland permit a question?

Mr. GORMAN. Yes.

Mr. WHITE. In the Senator's long service in this body when this question regarding the transportation of mails has arisen, does the Senator from Maryland know of any case, excepting the case of the Senator from Wisconsin when he was Postmaster-General, where, except on the part of Congress, there has been a bona fide effort to control this railroad extortion, which everyone seems to admit actually exists?

Mr. GORMAN. That was the statement I made, but it is made more clearly, however, by the honorable Senator from California.

I do not impute to the men who are in the Post-Office Department, or those who preceded them, a want of ability or of courage to act; but the fact is, Mr. President, that the great power of those corporations, who control everything, who are powerful enough to dictate policies and make and unmake public men, is so omnipotent that no executive officer has been found in the last twelve years, except in the single instance and to the extent to which I have indicated, who has attempted to reduce the compensation for mail transportation.

I have read the message of the present President of the United States asking this Congress to economize in its expenditures. I have seen statements emanating from the executive branch pointing out the extravagance of Congress, and yet when you come to turn to the estimates you find the very agents of the President who makes these declarations for economy sending Congress estimates higher than have ever before been made in the history of the Government; estimates which, on their face, amount to about $517,000,000 for the next fiscal year, omitting from the computation $17,000,000 more for rivers and harbors, for the improvement of which continuing contracts are made which will make the aggregate $534,000,000. I have seen executive officers preach economy and call attention to the extravagance of Congress, when I have not known this Administration or the preceding one to go substantially to work for the purpose of decreasing the expenditures of the Government in those matters which would not affect the general welfare or the proper conduct of the affairs of the Government.

You may take the matter of the reduction of the cost of your armor plate. Where did that come from? It came not from anyone who has the control of the purchase of armor or the technical knowledge in regard to it, but it emanated from the committee of which the distinguished Senator from New Hampshire is an honored member, the Committee on Naval Affairs. So it runs through all these great branches.

Now, I submit to the Senator from New Hampshire, practical as he is, and I submit to the Senate of the United States, that if we desire to make these reforms and bring about these economies we must take one subject at a time. The easiest way to kill a great reform and to promote extravagant expenditures is to preach economy, for one to declare himself as being better than his fellows, and then antagonize every proposition that goes to an actual and earnest reform. The easiest way to do it is to load down a proposition, to make it so broad that it will never reach a conclusion; and that, in my poor judgment, will be the result of the amendments offered by the distinguished Senator from New Hampshire, if they should be adopted. His proposition embraces within its scope more than can be handled by any one commission in the time named, for no commission could take up more than that one subject, which ramifies every section of the Union, which embraces every transportation line by rail and water in the United States; and with the best experts that they can get it will be all that they can do to bring to Congress in February next an intelligent statement of the real condition and the information which will enable us to determine what rates shall prevail hereafter.

That is all that is sought to be done; and why is it sought to be done in the way in which the committee proposed? I suppose I am not violating any confidence when I say that some of us on this side of the Chamber proposed that it should be by a commission appointed by the two presiding officers, the present Vice-President and the present Speaker of the House of Representatives. It so happens that there is a difference in the political faith of those two officers, but all of us have perfect confidence in their integrity. They would appoint a commission which would fairly represent both, if you please, of the great political parties of the country, although there is no politics in this matter of the payment for the transportation of the mails; but the appointment of a commission in that way would give confidence, and we should consider their recommendations as being more fair, when we come to deal with them hereafter, if there should be a fair representation made on a commission appointed by the presiding officers of the respective Houses.

It does seem to me, Mr. President, in view of these facts, and in view of the further fact that the matter embraced in the suggestion of the Senator from New Hampshire, covering the great policies of the Department, which affects the newspapers and publishers all over the country in the fixing of the rate of postage, is a matter of the highest legislation, belonging alone to the Post-Office Committee; and I should not have any objection at any time to empowering that committee with full authority to examine and report upon that subject whenever they see proper; but, in my judgment, you can not embrace such a provision on a great appropriation bill, whilst you may a question as to the fixing of compensation.

Mr. HAWLEY. Mr. President, I heartily sympathize in general with the views expressed by the Senator from Maryland, but I beg leave ask him whether he has overlooked—perhaps he has not—the fact that the railroad mileage has increased within the five or ten or twelve years of which the Senator has been speaking, I do not know how much, but perhaps 8 or 10 per cent, and that the population of the country since 1890 has doubtless increased not less than 11 or 12 per cent. So that if we suppose this compensation to have been correctly adjusted some twelve years ago, according to the increased bulk of the mails and the distance traversed, there would be a very natural growth of 8, 10, 12, or 15 per cent, roughly estimating, in the absolutely necessary and just expenditures of that Department fairly made. But I can not help sympathizing with those who believe that we have been paying more than necessary to the railroad companies for the transportation of our mails when we come to look at the rates at which they carry ordinary goods.

Mr. VILAS. Mr. President, I do not wish to occupy a very great length of time, but I want to make a few observations with respect to this matter.

The first idea in respect to our postal service is, as it seems to me, that it should be the best, the most efficient of any in the world, if we can make it so. Starting with that postulate, two other fundamental ideas in respect to this Government would seem to be absolutely recognized by everyone who will [illegible] of it. The first is that such a service should be obtained at the most reasonable cost; its economy should be a true economy—an excellent service, but at the lowest cost as well as the obtaining of the best service.

The next suggestion is that that cost should be assessed upon the beneficiaries of the service fairly. Our taxation for the support of the Post-Office Department is in the form of a special assessment intended to be corresponding in degree and extent with the benefits conferred upon those for whom the service is maintained.

Now, sir, intending in no case to be understood as meaning by any reduction of cost or expense to diminish in the least degree the full excellence and value of that service, it has seemed to me for many years that the extent of expenditure for the maintenance of the service was highly extravagant. I shall not stop to argue that proposition at length; but ten years ago I had occasion, in making a report upon this subject, to say for the information of Congress, so far as I could give it, a number of things and to make a number of suggestions in respect to that unnecessary cost and the best way of relieving it. Afterwards in the Senate I have tried to insist upon similar ideas, or upon some of them, but encountered in every instance the opposition of powerful influences, and we are never to deal with this subject until we arm some authority with power and until we establish in that authority the men who will exercise the power which the subject demands.

In 1838 the Parliament of England passed a law, which has never since been changed, I believe, for the government of their postal service in reference to the employment of railway mail carriers; at least it had not been changed at the last time I had occasion to look into the subject, and I think it never has been.

I recommended to Congress the first element of that system, and that was this: That an absolute authority should be given to the officers of the United States to compel any railroad to carry the mails. I undertook when charged with departmental service to cut off payments to the railroads which were without a particle of authority of law. I cut them off. A million dollars had been paid for the use of apartments in cars in the likeness of railway postal cars, without a particle of authority to do it. The expenditure had run up to some $90,000 a year at the time when I had the first occasion to look into it; and it was cut off in every instance at once; but the railroads threatened that they would not carry the mails; and one railroad company, the Old Colony Railroad of Massachusetts, refused to carry the mails, notwithstanding, of course, that no payment not otherwise authorized by law was made to that road or any other; and therefore they did not carry the mails for a long time in consequence of that.

No step can be taken on this subject if you are to put the Department, or leave it as it now is, at the mercy of the powerful influences and combinations which exist in the country. The first recommendation which I more than once undertook to present to Congress was that the Department should be vested, as it is vested in Great Britain, with the power to compel railroad companies enjoying all the benefits of Congressional protection, through interstate-commerce laws and the Federal guardianship of interstate-commerce interests, to recognize their duty and comply with it by carrying the mails at such rates of compensation as the law should authorize.

Mr. ALLEN. What is to prevent the courts from compelling them to perform this service by a writ of mandamus?

Mr. VILAS. Mr. President, for want of a law to compel it, there has always been a doubt whether the courts would compel it, although in some instances the attempt has been made. I shall not stop to go into the history, because, so far as judicial action is concerned, it can not, I think, be affirmed that it can be counted on as a sure reliance, and perhaps I ought to add that it is even doubtful if the courts possess the power. They need a law, which the courts could then administer without any difficulty.

The next thing in the English system, after having prescribed that obligation, is to leave it to the Postmaster-General to make an agreement with the railroads to carry the mail upon such terms as he sees fit, or as the two can agree upon, precisely, in other words, as a great business corporation in the United States conducts its affairs. Every express company probably in the United States owns its cars. The great packers of meat—Armour, Swift, the Cudahys—own their cars, and as many of them, I venture to say, are owned by each one of those concerns as all the postal cars in the United States. Yes, the Fish Commission—that is an excellent illustration, for which I thank the Senator from Maryland [Mr. GORMAN]—the Fish Commission of the United States owns its own cars. The large breweries own their cars, as the Senator from Missouri [Mr. VEST] suggests.

The English system, as I was about to add, has been for the postmaster-general to make a bargain with the railroad companies. When they can not agree, the law authorizes and provides for a method of arbitration to settle the rate of compensation, but that is almost never; for with a wise and able and strong department authorized to conduct its affairs according to business principles, willing to deal fairly with the railroad companies, there has rarely been a controversy of any serious kind, as I am informed. Yet the English postal system, with the penny postage there as here, 1 penny, or 2 cents an ounce, yields a net revenue to the British Government, I think, of from ten to eighteen millions a year, though it is a vastly smaller service than ours, it must be remembered.

We have in our railway service almost as many miles of road as all the rest of the world together. We had in 1886, when I pointed out in a report a comparison of the figures, but possibly the relationship has somewhat changed since, because there has no doubt been a greater expansion of railroad mileage in other parts of the globe than in our own country in the last ten years.

Sir, we have had commissions, as was said by the Senator from Maryland. In 1874 the Senate appointed a commission of its own, that is, a committee of its own, to make an inquiry. It made an interesting report, but no special legislation followed. I believe we are still living under the law of 1873.

Mr. ALLISON. We are, with the exception of two reductions and a reduction as to the land-grant railroads of 10 per cent additional.

Mr. VILAS. Yes, I overlooked that. That is true. In 1876 Congress passed an act for a commission to examine the railway mail service by three persons. They studied it intently, and undertook to evolve a scheme of compensation which should be adjusted to the elements of weight, of car space, of speed, and of frequency of trains. The difficulty was that, trying to establish a single rule to go through the labyrinth of railroads throughout the United States and deal with all those considerations at once, they came to no agreement, and only reported intelligently an account of things, but rather too mystifyingly to result in legislation, and nothing was done.

Mr. FAULKNER. That was a Presidential commission.

Mr. VILAS. Yes; that was a Presidential commission. Subsequently the Department made an inquiry; but it amounted to nothing practical.

Sir, it occurred to me, and I presented that view in 1887, that the true course was, if we wanted to begin, and it seemed to me necessary to begin with care, and not expose the service—the true course was to begin by owning our postal cars.

Now, why? The statute of 1873, which has always since remained in force, saving only as to rates, provided that railroad companies should be compensated upon a graduated scale according to weights alone, and that graduated scale of weights and prices according to weights was to be fixed per mile of railroad per year for a term of four years. But for that the statute provides that the railroads shall furnish—

> Sufficient and suitable room, fixtures, and furniture in a car or apartment, properly lighted and warmed, for route agents to accompany and distribute the mails.

Now, if we stood upon that alone, every railroad would be obliged to furnish everything necessary. In addition to that, they were required to convey the mails with due frequency and speed upon all such trains and in such manner as the Postmaster-General prescribes; to deliver the mail into terminal post-offices and into all way offices not more than 80 rods distant from the station, and to carry without charge post-office inspectors and special agents, mail bags, blanks, stationery, and supplies. That was the obligation of the statute upon railroads as a condition of receiving this ratable pay for transportation.

Now, it will be observed next that the mail is by far the best paid service of any that the railroads perform. I state it without the least qualification and am sure it can not be challenged. When they had amounts large enough to require a full car, they were just as much obliged to provide and it was just as profitable and more profitable to provide a full car to be carried full of mail than it was to carry a half car of mail and provide half a car.

But, sir, in that complication of things, which led to the statute of 1873, there was a struggle of the larger roads for more pay, and the statute was adopted, hastily, as it were, put upon the appropriation bill, and then a commission ordered the very next winter to inquire into the subject, or a committee ordered by the Senate, and in two years another one. The statute was never satisfactory, although it has existed for twenty-four years. It was unsatisfactory in its origin, and almost immediately was attacked. That statute then superadds that, whenever the Postmaster-General shall require it, in every case in which the railroad company uses a full postal car it shall have additional pay for the use of that car. The very time when their business of mail carriage is most profitable to them we superadd rent, as it were. It is not called by that name, but that is a convenient name to call it—rent for the use of the car. If the car is but 40 feet in length, $25 per mile; if the car is 45 feet, $30; $40, if 50 feet, and $50 if it is a 55 or 60 foot car.

Although I find that the Second Assistant Postmaster-General, in the recent inquiry before the committee, upon mere general statement, without particularization of facts, has disputed the correctness of these conclusions, I wish to say that in the inquiry I had to make then I had the aid of as accomplished, skillful, business, and expert railroad man as I believe there is to be found, and as the result I reported at that time:

> Careful inquiry discloses that very many of these cars, such as they are, would not cost to build $3,000 each; that the best 50-foot cars can be built for $4,000 to $4,500 each; a new 60-foot car, equal to the most complete and handsome now in the service, for not over $4,000, and that taking together all the post-office cars in the United States their average value does not probably exceed $3,500.

I was speaking of this but a day or two ago with the distinguished Senator from Ohio [Mr. BRICE], whom everybody here will recognize as probably as well informed on that subject as any man can be. He told me that the cost of cars had been since much reduced.

Mr. FAULKNER. If the Senator will permit me, the statement before the committee was that a 60-foot car cost about $6,000 now. That was the estimate before the committee.

Mr. WHITE. May I ask the Senator whether that is more than the cars formerly cost?

Mr. FAULKNER. It is.

Mr. ALLISON. It is a different car.

Mr. WHITE. Is it more expensive to build a car now than it was years ago?

Mr. FAULKNER. Yes, sir; it is a different car, with additional furniture and different requirements of the Post-Office Department, which make it cost about $6,000.

Mr. VILAS. I was about to add that there had been some additional features of cost added to cars, such, for example, as the introduction of the Pintch system of gas and some other features of that kind which have somewhat added to the cost of cars. But it is the superlatively best postal car, equipped with all the features of the highest experience, that reaches a cost of $6,000 to-day, in my opinion.

I found at that time that this was also true, that $60 a month for each car in use is ample provision for cleaning, heating, lighting, supplies of oil, ice, dusters, scrub brushes, soap, lamp fixtures, pails, and other minor articles of daily use, embracing all necessary labor and including ordinary repairs.

Mr. FAULKNER. I should like to state here that it was the testimony of Mr. White before our committee that the cost of a car was about $1,200 a year.

Mr. VILAS. That makes it about $480 more than this estimate. I am perfectly satisfied that it is excessive. I saw the statement. There is no occasion for so high an outlay on the average. There may now and then be cases for outlay upon special cars, but upon an average there is no occasion for that outlay.

Then, sir, I was satisfied—and every car in the United States was enumerated; the full number, including all held in reserve, as well as all in use—that at that time all of the cars in the United States could be bought for $1,600,000; add for cleaning, etc., at $720 a year apiece for the 342 in use, the cost of operation would be $246,240, making a total of $1,846,240. Yet it was necessary under the statute as it stood to estimate a sum of $2,000,000 to pay for the use of them for a single year, the exact amount being $1,881,580, but making allowance for the increase it would be $2,000,000, and in this bill, if I am not mistaken, the amount is $3,600,000. Now, observe that all that is in addition to transportation rate paid.

I take the last report of the Postmaster-General, and I turn to the table giving the statistics of the railway lines between New York and Buffalo on the New York Central and Hudson River Railroad, length of route, 439.52 miles; pay per mile for transportation—that is, outside of the rent of cars—$2,588.09, making total annual rate of pay for transportation $1,137,517.31. That is simply for hauling the postal cars. On that route there are ten lines, as they are called—that is, ten cars of 60 feet each—for which, at $50 apiece, $500 per mile was paid, making a payment for the one year for those ten cars, that could not be worth over $60,000 at the highest price known, $219,760, in addition to the full rate of transportation for drawing them, a rate of transportation which includes furnishing the cars according to statute. Now, that illustrates it.

I turn to another. Let me take this route, No. 110001, Philadelphia and Pittsburg, on the Pennsylvania Railroad, 350 miles in length; pay per mile for transportation, $2,081.07; annual rate of pay for transportation, $736,282; nine cars, 60 feet, $450 per mile annual rate of pay; total for the rent of the nine cars, $159,210.

In any case they would cost at the highest rate known, $54,000. In either one of those cases we have paid three times the value of the cars, if we assume them to cost the highest price.

Now, those are simple illustrations; they are among the heavier and more striking illustrations, taken from that report as it has come in to us from the last submission of the Postmaster-General.

Mr. FAULKNER. Will the Senator permit me?

Mr. VILAS. Certainly.

Mr. FAULKNER. This was a new subject to me until we investigated it in committee, but I will give the Senator an illustration and ask him how he explains it in reference to fixing the cost. The chief clerk of the Railway Mail Service, I think it was, testified that between New York and Philadelphia we paid for 19 mail cars per day. That was the number we paid for, and he said that by an arrangement with the different roads running between those two cities, in allowing mail to be carried in part of the baggage car or compartment car, baggage and mail, there were between those cities 104 trains carrying the mail, and yet we paid for only 19 trains. That was by an arrangement made between the Department and the company.

Mr. VILAS. I am unable to answer in respect to facts of which I have no knowledge, but I turn to that route.

Mail route 109001, New York and Philadelphia, distance 90.65 miles; annual rate of pay for transportation, $3,151.53; $285,686 for transportation; postal cars, twelve lines of 60 feet and two lines of 40, making $650 per mile; paid for those, $58,272.50. Those twelve cars of 60 feet are probably cars that have been a good while in service, but if they were of the highest cost known they would come to $72,000, and the two cars of 40 feet might come to $7,000 more, or say $80,000, as the entire cost of the cars for the use of which for one year we paid $58,278.50.

Mr. FAULKNER. The Senator does not seem to get the point. We paid for but 19 trains between those cities, yet I am informed by an arrangement with the companies running between the cities we had the benefit of 104 trains, half each way.

Mr. VILAS. I do not know how that may be. I have taken the facts as they are reported to us by the Postmaster-General in respect to that case, as in respect to others. If there were other trains used, the mail was carried on baggage cars or some other cars. They did not draw extra postal cars.

Mr. FAULKNER. No.

Mr. VILAS. No. I was about to add——

Mr. FAULKNER. I was going to say that there was no compensation paid them for the additional trains, from 19 to 104.

Mr. VILAS. They were paid for the weight of the mail carried.

Mr. FAULKNER. No.

Mr. VILAS. And the transportation paid by weight is an abundant rate of pay for the service. They furnished only 14 postal cars, but if they transported mails in other cars they were paid by weight.

Mr. FAULKNER. I understood this gentleman from the Department to state that they were paid for 19 trains between those two points.

Mr. WHITE. Does the Senator from West Virginia contend that any railroad company in this country ever carried a pound of mail without being paid for that pound of mail?

Mr. FAULKNER. Yes, sir; there were two instances of that kind given before the committee.

Mr. WHITE. It must be a mistake in the company's procedure.

Mr. FAULKNER. But the testimony of these Department officials was that not one dollar of compensation was paid for these trains carrying the mail in excess of the 19 trains. Now, whether that came in with the weighing of the mail on the 19 trains at the time it was weighed I do not know.

Mr. WHITE. The railroads have been paid for every pound they ever carried.

Mr. VILAS. We do not pay railroad companies according to the number of trains. We pay them according to the weight of mail they carry, and the weight of mail they carry is increased, doubtless, by the more trains they use; that is to say, there would be on a road where there is greater frequency of trains likelihood of larger business.

Mr. FAULKNER. But the point made by the officials was that this gave a greater facility for the transaction of business, and that they induced the companies to accept this mail and to put it into their baggage cars and to put a postal clerk on the baggage car for the purpose of distributing in the interests of the public, without any compensation whatever.

Mr. CHANDLER. If the Senator from Wisconsin will allow me, there ought to be no mistake about this. Does the Senator from West Virginia mean to say that the mail bags on the cars which were carried outside of the postal cars were carried for nothing by the railroad?

Mr. FAULKNER. I understood the Department officials to state distinctly that this service rendered in excess of the 19 trains was absolutely without compensation.

Mr. CHANDLER. The Senator overlooks the fact that the railroads were paid by weight of mail so much.

Mr. FAULKNER. No.

Mr. CHANDLER. The weighing being at such times as the Postmaster-General prescribed. All that these officials who were testifying before the Senator from West Virginia meant was that in addition to carrying in the postal cars the road carried in their ordinary cars. But they were paid for the weight of mail in all the cars.

Mr. FAULKNER. Of course, that mail was weighed at a certain period, once in four years, and then by an arrangement with these companies, for the purpose of facilitating the transaction of the business and the carrying of the mails, the Department induced them to carry it upon separate trains. Of course, the weight of the mail at the time it was weighed between those two cities [illegible] paid for.

Mr. CHANDLER. It included transportation on all kinds of cars.

Mr. FAULKNER. But the facilities to be given by the contract with these companies were only on 19 trains, whereas they furnished these facilities to the public to the extent of 104 trains.

Mr. VILAS. The railroad companies are generous and liberal, but they generally get a quid pro quo in some form or other. One way in which special facilities are obtained from the roads is by giving them all the mail that would go in a certain direction, for example, except in one or two instances where they have wasted money, like one in this bill now, what is called the special-facilities appropriation. Fast routes have been secured by the agreement of the Department to mass on a line of road all the mail which would naturally go that way, instead of sending it by other roads, or which could as well be sent that way as by other roads. In that way fast-mail service was secured to Kansas City, gaining a day to points in the Southwest, by arrangement with the Pennsylvania Railroad, all the compensation they got being the regular compensation, but more money because they carried more mail, and for that they were very willing to give extra facilities, although the more mail they carried the less the rate per weight.

I am only pointing out these illustrations to show by facts and figures why it is that I think there is an unnecessary expenditure for railroad mail service.

I will show it in another way in just a word. In 1887, nine years before the present bill was reached, the estimates of the Department for inland transportation by railroad routes and the appropriation were the same—$17,000,000. Now it is $29,000,000 in the pending bill.

Mr. WHITE. How long ago?

Mr. VILAS. Nine years ago. The growth has been from $17,000,000 to $29,000,000—$12,000,000 in nine years. The growth in the mileage has been moderate. There has been in that time little or no increase in facilities. There has been a considerable increase in the mails, but nothing, in my opinion, to compare with that increase. You can see at once by some other general figures, which I can give in an instant——

Mr. ALLISON. Will I disturb the Senator if I call his attention to the fact that in the ten years there has been an increase of 50,000 miles of railroad, or nearly one-third in ten years?

Mr. VILAS. It may be that the increase has been as great as that in ten years. That would have naturally added, if it was a full third, between five and six million dollars.

Mr. WHITE. I will say to the Senator, if the Senator from Wisconsin will permit me, that the increase of mileage does not mean an increase in the mail carried, because the mileage may have been in portions of the country where the amount of mail was not so great as in the great centers.

Mr. ALLISON. That is undoubtedly true. The increase of railway mileage was in the sparsely settled regions.

Mr. WHITE. Precisely.

Mr. ALLISON. Of course, but the railroads all carry mails.

Mr. WHITE. Certainly.

Mr. ALLISON. As in the case of the Great Northern, recently completed.

Mr. WHITE. The amount is insignificant, however, as compared with the great centers.

Mr. ALLISON. Undoubtedly.

Mr. VILAS. I think there is no question about it that the cost has been extended in accordance with existing law, but what I am doing is to arraign the operation and effect of existing law, and I suggest as an evidence the fact that that law has increased the mail-service expenditure for this item from $17,000,000 to $29,000,000 in nine years. We can not but know that there has been no such increase in the service as to require such an enormous increase of expenditure in nine years, and if you add sixteen hundred thousand dollars for the railway postal cars, it makes $30,600,000. The service has grown, but it has not grown at that rate.

Now, I do not wish to take more time. I was trying simply to show by some striking illustrations of this kind that there is foundation for the belief that if we had strong hands with sufficient power applied to the subject we could work a great saving to the Government. That is my proposition.

However, I notice in this testimony one statement which I do not wish to let pass without inviting the attention of the Committee on Appropriations to it. The Second Assistant Postmaster-General testifies——

Mr. WHITE. On what page?

Mr. VILAS. On page 14 Mr. Neilson says:

> We pay for a certain class of service. When we have postal cars we pay for the postal cars in the service, and when we do not have postal cars they furnish apartments or carry closed mails in baggage cars.
>
> Senator FAULKNER. How many services have you on that route?
>
> Mr. NEILSON. We have on that route 104 services, and of those we pay for 18 only.

That may relate only to the trains between New York and Philadelphia, but if it has any relation to the old disused practice of paying for parts of cars the committee ought to see to it that the practice is discontinued, for there is no law for it, and it was cut off entirely many years ago. If there are payments being made for parts of cars, they are illegal payments.

Now, just a few words with reference to the other branch of the subject. The one which I have spoken to is the only one that the Committee on Appropriations deals with; but the Committee on Post-Offices and Post-Roads had a still larger subject to deal with. They had to deal with the other branch of the question, the consideration of what is a fair rate of taxation to impose on the beneficiaries of the postal service by way of special assessment for the benefits received. The Committee on Post-Offices and Post-Roads assert that the rate of taxation is now grossly disproportioned, and I purpose to call attention to one or two facts on that subject in this report.

The total receipts for the last year of the postal service were eighty-two and a half million dollars in round numbers. Of that, seventy-eight and a half million, or all but $4,000,000, in round numbers was from postage stamps, stamped envelopes, newspaper wrappers, etc.

Of the $79,000,000 in round numbers of stamps issued—not quite as much receipts, but generally they correspond year by year—$58,221,000 were for letter stamps, and of these forty-three and a half million dollars were from 2-cent stamps; postage-due stamps, $450,000; ordinary stamped envelopes, about $13,300,000, and postal cards, $5,300,000. Of stamps, stamped envelopes, and postage due, that is, simply letter mail, the total receipts are about $71,000,000; $71,000,000 out of $79,000,000. Postal cards make up $5,300,000 of the rest. And what does second-class matter pay? Two million eight hundred and nineteen thousand one hundred and seventy-seven dollars, about one-thirtieth of the revenues. But second-class matter imposes not less than 40 per cent, in my opinion, of the cost of the service.

The entire weight of second-class matter carried is given in the Third Assistant Postmaster-General's report at 349,000,000 pounds in round numbers. But you must go further in order to understand its share of service. It is not only that it loads down our trains, but it loads down our carriers, and it is not too much to say that it doubles the work in the post-offices, for this second-class matter has to be handled, and in every other town except the town where it is issued carriers have to distribute it in their mails. Substantially so, though there is a qualification I will not stop to enter into now.

Then of the twelve or thirteen millions for free-delivery system, of the seventeen or eighteen millions for post-office service, there is a large proportion to be charged to this class of matter in addition to its share of the $33,000,000 for railway transportation, and for the five or six million dollars for star-route transportation. It is a moderate estimate, in my judgment, that 40 per cent of the cost of the service is due to second-class matter, which pays about one-thirtieth of the receipts.

Now, what there is to be said about that is this, in a word: We are putting upon men who send letters an enormous and excessive overcharge of taxation. We are making them pay for the service vastly out of proportion to the benefits which they enjoy. Therefore the amendment which the distinguished Senator, the active and able and energetic chairman of the Post-Office Committee during the present session of Congress proposed, extends to a consideration of the greater loss to this service from the failure to properly assess its taxation, and that is laid down by the Postmaster-General in the last report as the great and overwhelming grievance of the postal service to-day. That is what the Loud bill aimed at.

Now, Mr. President, we undertook one special thing. We undertook to carry news matter cheaply. That is the theory of second-class matter. That is right. We can afford perhaps to tax the people to distribute news matter; but under the name of news matter we have become the carriers of pretty much the literary publications of the day in the form of great periodicals, in the form of republications of the literature of Europe and of this country, and in the form of the massive, terrible, and oppressive Sunday newspapers.

Mr. BUTLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. VILAS. For a question only, for I have occupied the attention of the Senate so much longer than I meant to do, I feel as though I were a trespasser.

Mr. BUTLER. The Senator having been Postmaster-General, I wanted to ask him if he could give the Senate any information as to the proportion between the second-class matter that is in the shape of reprints and books and the second-class matter that makes the big newspapers and the Sunday edition of the dailies? You complain of the immense amount of second-class matter, but if there is any information that can be obtained it is the information we need now as to the proportion of these two kinds of matter.

Mr. VILAS. I have not given attention to any figures for a good many years on the subject as to what is purely news matter and what is literature rather than news in the second-class matter. I am not able to state from any examination recently made, nor do I remember the examinations which were made at the time when I was more nearly connected with the service sufficiently to authorize me in making any affirmation on the subject. It is not difficult to ascertain. I could direct an inquiry that would ascertain it in thirty days with hardly any expense at all. Simply have the postmasters at the several post-offices where that matter comes in make examination for a certain length of time, from which you can arrive at an almost certain proportion for the service.

Mr. BUTLER. I would not have interrupted with what is not pertinent exactly to this question, but he was making a point in favor of the Loud bill, which is not under discussion.

Mr. VILAS. I must decline to discuss with the Senator from North Carolina what is foreign to the point I am now making to the Senate. I am calling attention to the fact only that this alleged abuse, whether it be abuse or not, having been submitted to the consideration of the Post-Office Committee, they thought (and I most heartily coincide with that judgment) that the investigation into the evils of the service and the reforms that are due to it should not omit that colossal error, calling it by the least offensive name, in the distribution of the taxation which maintains the service.

I wish to add that for that reason we have insisted upon a commission being created which should inquire into those evils. The commission proposed by the Committee on Appropriations is limited simply to an inquiry into the mail service. The commission is to make full inquiry into and examine the subject of mail transportation and the cost of it. It takes a page and more to state that full proposal which the Senator from New Hampshire comprised in a very few words:

> That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1 cent postage for single letters, and other like questions.

Mr. STEWART. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. STEWART. How can a committee ascertain the character of second-class matter which is loading the mails unless the postmaster will arrange to keep separate accounts as to the great dailies, the Sunday editions, and as to the books? He need only make three or four divisions. Could any committee ascertain about it unless the accounts are kept so that they can see where the abuse is?

Mr. VILAS. Of course that account must be kept, but it is the commonest thing in the world to order, for a period of thirty days, inquiries of that kind in the post-offices where you want to ascertain certain facts. I have had occasion to do it a great many times. It is one of the peculiar advantages of the proposal of the Senator from New Hampshire to have the Postmaster-General at work with the commission, so that such inquiries as can be made by a proper use of the postal service may be made without extra cost or charge. All that is easy enough to do if you use your machinery properly.

Mr. STEWART. I can give him a list of inquiries to make in half an hour which would classify it so that we could see where the trouble is.

Mr. VILAS. Undoubtedly the committee will avail themselves of the abilities of the distinguished Senator from Nevada with the greatest pleasure.

Mr. STEWART. But we want the ability of the Postmaster-General. He reports that there are abuses here in the gross and is not able to give anything but the aggregate weight of second-class matter, and gives no information. All he could tell me was the aggregate weight of the weeklies that went free in the county—the local papers. He gave me the aggregate weight, and that is the only division he had. He had no division whatever between the books and between the large papers and small ones. Then, in the report here of Mr. Loud, without any division about it, he says all the trouble comes from a certain portion of this matter, without knowing the fact that it comes from the literature that goes through. What I complain of is that this thing does not need any investigation except to give us the fact, which can be got by bookkeeping.

Mr. VILAS. This commission, when it shall have been appointed, will see to that, I presume, and will inform the Senator from Nevada in all those particulars in respect to which his mind is now groping in darkness.

Mr. STEWART. I shall have no hope of that if the amendment of the Senator from New Hampshire prevails, and from the report I have already here before me of the gentlemen who are likely to act with him on the other side, I do not know that I should have any hope.

Mr. VILAS. I hope the Senator will not charge up too much to me in the way of time, for I feel a little guilty now. I have pointed out, sir, just the difference between these two so far as the subjects are concerned. There is a difference in the way in which the committees are appointed. It is said by the distinguished Senator from New Hampshire, somewhat caustically, that he knows what the commission will be; that it will be made up from the Committee on Appropriations if the proposal of the Committee on Appropriations is adopted.

We ought to be able to determine in a very few moments how we will make up the commission. The great difficulty is, What shall be the subjects of it? The especial advantage in my opinion of the proposal of the Committee on Post-Offices and Post-Roads is that it is comprehensive of the subjects which require examination.

Now, one other remark that I wish to make with reference to the very interesting observations so eloquently made by the Senator from Maryland [Mr. Gorman] this evening. He inveighed against the great expenditures and increase of expenditures. Well may he do so. The burdens imposed upon the people of this country are tremendous, and I think one of the occasions of the suffering they have endured in the last three or four years has been the heavy burden charged upon them for public expenditures. But with reference to this particular subject, that should make no difference, for the Post-Office budget ought to be equivalent on each side of the ledger.

Our expenditures should be as moderate as they could be to obtain the best service, but every dollar of those expenditures should be raised out of the beneficiaries of the service by a just special assessment. In that case the general burden upon the people would be increased in no measure whatever by the figures of the Post-Office Department. However, the Senator from Maryland is quite justified, because we are paying $8,000,000 a year of deficiencies, charging it over to the general public in addition to the very heavy disproportion of special assessment imposed upon those who indulge in correspondence.

Mr. GORMAN. The Senator did not understand me to take any other position than the one he occupies?

Mr. VILAS. I am quite sure not, but I wanted simply to point out the fact that the argument which the Senator from Maryland made will be addressed with still greater force against some other bills in particulars where every dollar that is saved is a dollar relieved from the weight of taxation upon the public at large.

Mr. GORMAN. All I desired was to relieve the public generally from this tax of $8,000,000.

Mr. VILAS. In that particular case there is one stroke, of course, that ought to be laid for the benefit of the public.

Mr. President, I feel that I have already trespassed too long upon the attention of the Senate.

Mr. BUTLER. Mr. President——

Mr. ALLISON (at 10 o'clock and 15 minutes p. m.). I ask the Senator from North Carolina to yield to me for a moment.

Mr. BUTLER. I wanted to make some remarks on the pending amendment.

Mr. ALLISON. I understand. I want the Senator to yield to me for only a moment.

Mr. President, I ask unanimous consent that one hour from this time we may vote upon the pending amendment.

The VICE-PRESIDENT. Is there objection?

Mr. CHANDLER. I object.

Mr. WHITE. I ask if the request be made in that form that the five-minute rule be annexed to it.

Mr. ALLISON. After one hour?

Mr. WHITE. No; from this time on.

Mr. ALLISON. Then I will make another suggestion. It is that after the Senator from North Carolina shall have concluded, the five-minute rule shall apply to this amendment, and that in one hour and a half from now we shall take a vote.

The VICE-PRESIDENT. Is there objection?

Mr. CHANDLER. This whole controversy arises from the determination of the Committee on Appropriations to carry through this particular method of theirs of investigating this subject. It is nothing that comes from the House of Representatives. It is an invention of that committee, and it ought to go out of the bill. If the proposition made by the Senate Committee on Post-Offices and Post-Roads is not agreed to, if their recommendation is not taken, there ought not to be any agreement; and I object to any agreement in connection with this bill, and I shall continue to do so.

Mr. ALLISON. Does the Senator object to any agreement?

Mr. CHANDLER. To any agreement whatever as long as this amendment stays in the bill.

Mr. ALLISON. Do I understand the Senator from New Hampshire to desire to test the sense of the Senate whether the amendment shall go out? If so, it can be laid on the table, if that is the wish of a majority of the Senate.

Mr. CHANDLER. Of course.

Mr. ALLISON. Having made an effort to secure wit[illegible] reasonable time a disposition of this amendment, when [illegible] Senate can vote it up or vote it down, or lay the whole subj[illegible] the table, if no arrangement can be made, of course I [illegible] further suggestion to make.

Mr. BUTLER. Mr. President, we have just had an illustration of one of the greatest troubles, if not evils, which now beset the work of this Senate. The Committee on Appropriations is attempting to usurp the rights and functions of all other committees. Here is a committee, a committee specially appointed to deal with a special matter, the matter relating to the postal system of the Government; a committee which, if not selected specially with a view to their fitness, certainly has had put upon them certain specific and special duties which makes them more familiar with postal affairs than they otherwise would be. Now, this committee is entirely ignored by the autocrats of the Senate. I hope it is not offensive when I refer to the Committee on Appropriations as the autocrats of the Senate. If it is offensive, then I regret to say that it is true, as we have had it demonstrated here in the present case.

What is the Committee on Post-Offices and Post-Roads appointed for? Simply to confirm postmasters or reject them? Why have this farce of appointing a committee on this great and important Department of the Government, selecting men, and having them term after term give their special attention to postal matters, if their work and their deliberations and their recommendations are to be swept away with a pop of the finger by a committee that was not appointed to consider and recommend to the Senate legislation on these matters? Why not abolish, then, all committees except the Committee on Appropriations? I am sure that I do not care to serve on a committee which is simply a farce.

Mr. President, the policy of the Committee on Appropriations is bringing the hour near when the Senate will not submit longer to such methods in legislation. The self-respect of every Senator here, no matter how much he may regard the members of the Committee on Appropriations for their personal character, their great learning and experience, will force him to vote to distribute the appropriation bills and these important matters of legislation to committees specially appointed to consider them. The House has already done this, and the change works admirably. Such a change in the Senate would add to the speed and thoroughness of the work of this body.

The Committee on Post-Offices and Post-Roads has been lectured this afternoon and told that it was incompetent, or at least inefficient, and that has been given as a reason why the Appropriations Committee have usurped or taken unto themselves the entire jurisdiction of this matter, without heeding the recommendation of those who have considered the matter for many days and weeks and months. We were lectured this evening, and told that we had had plenty of time and had done nothing and made no recommendations, and the inference was that the Committee on Appropriations considered us incompetent, and therefore took charge of the matter. There are two reports from the Post-Office Committee asking for action. The Committee on Appropriations charge that the majority report did not ask for action. Here is the minority report, which asks for action. It offers matters of legislation, and it offers a reform which I claim, and the claim is sustained by facts and argument in this report, will remedy the evil. I ask the Secretary to read the substitute which I submit in the minority report for the Loud bill, covering this very matter.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Amendment intended to be proposed by Mr. BUTLER to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, viz: Strike out all after the enacting clause and insert the following:

"That, it being the policy of the United States to carry the mails in the railway mail service in cars belonging to the Government and pay to the railroad companies mileage rates for hauling the same, the Postmaster-General be, and he is hereby, authorized to advertise for six months for sealed proposals to furnish to the Government first-class mail cars of the best and most substantial structure, sufficient in numbers to perform the railway mail service of the United States. At the end of such advertisement, the Postmaster-General shall open such bids and award to the lowest responsible bidder or bidders a contract for such cars, to be delivered to the Government within six months thereafter. And upon the purchase and delivery of such cars the United States mails shall be carried in said cars, and shall be hauled over the railway lines of the United States under contract with the Postmaster-General: *Provided*, That the charge therefor shall not be greater than is paid by express companies and other parties for similar service.

"SEC. 2. That every railroad contracting with the Government to haul its mail cars shall examine and approve the Government's cars as safe and in good condition, and the said company shall be required in the same contract to keep such cars in repair and treat them in all respects as the first-class cars of the said railroad companies shall be treated on its lines, and to be allowed a reasonable compensation therefor, to be fixed in the contract; and any damage which said cars, the persons connected therewith, or the mail matter contained therein may sustain shall be at the risk of the railroad company, for which the Government shall not be responsible. Neither shall the Government be liable for any damage to other cars in the train or to passengers or freight thereon by reason of any defect in the mail car of the United States in such train; and all of these conditions shall be made a part of the contract.

"SEC. 3. That it shall be the duty of the Postmaster-General to cause separate accounts to be kept in his Department which shall show the following facts: First, the comparative cost per pound of handling first-class matter, constituting what is known as letter mail, and the second-class matter; second, the difference in the weight of the ordinary week day editions of the daily newspapers and the aggregate weight of Sunday editions of such newspapers during the ensuing fiscal year; third, the weight of books, pamphlets, and periodicals, other than newspapers, that now pass through the mails at second-class rates.

"And the Postmater-General shall iovestigate and report any other matters of reform upon which legislation is needed to decrease the expenses of the Department, without in any way limiting the mail facilities which are now furnished by the Government."

Mr. BUTLER. Mr. President, there is a specific proposition for legislation, one carefully drawn, and the report sustains it with the facts, figures, and evidence sufficient, it seems to me, to convince any fair-minded and reasonable man who wants the reforms stated; and everybody here says he wants them. Why does not the Committee on Appropriations accept that or tell us where and how that proposition will not bring the reforms which they desire?

The substitute for the Loud postal bill which has just been read will stop the deficit in the Post-Office Department. It will save enough in the transportation of railway mail to not only stop the deficit and retain all the privileges of second-class matter, but also to give us 1-cent letter postage.

I, as one of the members of the Committee on Post-Offices and Post-Roads, should be glad to have the suggestions and advice of the Committee on Appropriations about whatever we offer. If the proposition of the minority is not competent to cure the evil, I certainly should be glad to have the suggestions and reasons of that committee as to why it will not. But, no; we hear nothing from them as to why these provisions will not correct the evils. They simply propose to take the whole matter from the hands of the Committee on Post-Offices and Post-Roads, create a commission of their own, and the Post-Office Committee can run around and ask them twice a week what they are doing; the Post-Office Committee must sit down and hold its hands to hear from the Appropriations Committee as to when we shall consider other matters of reform, or as to whether we shall consider them at all.

Here is a distinct proposition from the Committee on Post-Offices and Post-Roads, which provides for the Government buying the postal cars necessary for the Railway Mail Service, and then for paying the railroads mileage rates to haul these cars not more than the express companies now pay for a like service. The distinguished Senator from Wisconsin [Mr. VILAS], who has been Postmaster-General, and who is a member of the Committee on Post-Offices and Post-Roads, stated to-night in his speech that the postal cars could be bought and equipped for $1,800,000. The minority report of the committee also sets out these same facts and many others, which it seems that the Appropriations Committee is not familiar with. The bill which the Committee on Appropriations has reported, and which we are now considering, appropriates just twice that amount for the rent of those cars for one year. It seems to me that the advice of the Committee on Post-Offices and Post-Roads had better be listened to in that respect, if the interests of the Government are to be subserved, if economy is to be the watchword. If the Committee on Appropriations are to guard the Treasury, if they are to scrutinize and limit appropriations to the necessities and means of the Government, and no more, then why will they insist on appropriating just twice as much money for the rent of the cars as all the postal cars equipped for service would cost?

Mr. STEWART. In less than one year.

Mr. BUTLER. Yes; in less than one year. Those cars will last twenty years, and yet this bill appropriates exactly twice as much for rent in one year as it would cost to buy the cars and equip them, and then have them for twenty years as the property of the Government. If we are to rent these cars, then certainly we should not pay more for their use in one year than they are worth. It is absurd; it is monstrous.

This amendment provides that the Postmaster-General shall advertise for sealed proposals to furnish those cars. It provides then that the Government shall pay a fair and reasonable rate to the railroads for hauling those cars, provided it is not more than that paid by the express companies for a like service.

The Postmaster-General has the power under existing law to stop the deficit. The deficit is caused—

First. By paying the railroads more per ton for carrying the mails than is paid by anyone else for a like service. We are paying as much now per ton as we paid twenty years ago, yet during that time freight rates have been reduced 40 per cent, and passenger rates have been reduced over 18 per cent. Everything has been reduced but the price the Government pays the railroads for carrying the mails. The Postmaster-General has the power to lessen these rates under existing law, but he does not.

Second. By paying the railroads for more weight of mail than they carry. The Postmaster-General could stop this fraud under present law if he would.

Third. By paying for the rent of the postal cars each year twice as much as it would cost to buy the cars outright. The Postmaster-General can reduce this rent if he desires.

Now, the minority has offered a substitute for the Loud bill that will remedy these evils which the Postmaster-General has failed to remedy. If the Government owns its own cars, then there can be no padding of the mails during the weighing period. There will be no rent on cars to be paid. Then the substitute provides that the Government pay no more to the railroads for hauling its cars than express companies pay for a like service.

In addition, it provides for what this proposed commission, if appointed by either amendment, can not do; it provides for information which any commission would need, and which the committee to-day needs; it provides for having this second-class mail matter weighed separately; it provides for the big Sunday and holiday editions being weighed separately, and it provides for such information as would enable us or any other committee to intelligently point to the evils and to suggest the reforms necessary to cure them. That should be enacted if the other provision is not enacted.

Instead of recognizing and accepting this business proposition, the Committee on Appropriations, after reporting a bill appropriating $30,000,000 for the railroads to compensate them for hauling the cars, appropriates $3,600,000 for rent, twice what the cars are worth, and then turns and asks that they have a commission of their own to investigate this whole matter, and take it out of the hands of the Post-Office Committee. Then they lecture us because we have done nothing.

We have done something; we have done a great deal outside of the routine work of the committee. We have investigated this question of railway transportation of the mails as thoroughly as

we can with the limited information that we have been able to get from the Postmaster-General.

This is a proposition coming from the Post-Office Committee; this is a proposition which has been fully matured; it is a proposition on which the Committee on Post-Offices and Post-Roads has gathered data and information and facts to sustain it. There is also a provision that the Postmaster-General himself shall be a commission by himself, and shall report any other matters of reform which will lessen the cost to the people and not reduce the efficiency of the mail service.

Mr. President, the Committee on Appropriations has just threatened us that if we detained them much longer they would shut off discussion on this whole question, move to table the amendment, and proceed roughshod over the committee and the whole Senate. I submit that is quite a spectacle in a body like this, with each Senator representing in part a sovereign State; men holding views and opinions; men who are ready to sustain their views and opinions with facts which they have labored to obtain and dug up with much research, that a committee flooded with work, a committee which has not time to consider these matters, shall take charge of this subject which belongs to another committee, and a committee which has given more attention to it than any other committee could, and then quietly and cooly inform the Senate and all Senators on other committees that "We will shut you up and cut you off when we get ready." In fact the chairman of the Appropriations Committee was about to threaten us, I think, that he was about to make the motion to-night to table this recommendation, when he looked around and saw there was not a quorum. That is the method which is adopted in everything which is offered here which the Committee on Appropriations puts its veto upon.

Mr. President, I am supporting the report from the Committee on Post-Offices and Post-Roads because I am a member of the committee. Our committee has not been unanimous; there is a majority and minority report; but I think what would be better than a commission, as proposed by the Committee on Post-Offices and Post-Roads or as proposed by the Committee on Appropriations, would be for the Post-Office and Post-Roads Committee to be allowed to offer its own remedial legislation or give instructions to the Committee on Post-Offices and Post-Roads—and I suggest to the Committee on Appropriations to give us those instructions, if they hold the key to the Senate, and lecture us again, if they see fit, for our incompetency—to consider this matter further, investigate it, and bring in later recommendations for legislation to cover it.

I submit that if the Committees on Post-Offices and Post-Roads in the Senate and House of Representatives are not the best and the most competent men for this work, in view of the fact that they have been serving on those committees and giving their special attention to matters on this line, if they are not the persons who are most familiar with it, who can better investigate the matters that should be investigated than anyone else, then, certainly, the men on those two committees are very inferior men and will average lower than the members of any committee in the Senate or in the other House. How can you go outside and take citizens not members of this body, how can you find members of the Committee on Appropriations who are as familiar with these matters as the members of the Committee on Post-Offices and Post-Roads? The committee has proceeded along this line. If the Senate wants the committee to do something it has not done, I submit that the Senate ought to instruct by resolution or by a paragraph in an appropriation bill the two committees of the Senate and House on Post-Offices and Post-Roads to investigate this whole matter further and report to Congress at a given time.

The Committee on Appropriations proposes to investigate simply the matter of railway rates. That is an important matter and should be investigated; but even if their commission is to be appointed their commission ought to investigate further than that; they ought to investigate the question as to whether or not the Government should own its postal cars and pay the railroads mileage rates for hauling them.

The Senator from Illinois [Mr. CULLOM] this evening quoted as high authority the Second Assistant Postmaster-General. In his testimony, which I hold in my hand, he admitted that that was a separate and distinct feature for consideration, and he treated the matter of amounts paid to railroads for weights and the question of postal cars as two separate and distinct questions.

But I submit that any inquiry that that committee or commission would make would be imperfect, and would never go to the root of the trouble unless they would inquire into the matter of postal cars and report to the Senate the facts about the rent of cars of corporations and the use of cars owned by the Government. But even if their commission was to go that far, it would not cover all the matters that have been considered by the Committee on Post-Offices and Post-Roads. The whole matter covered by the majority and the minority report of the committee should be covered by any commission, if it is to be appointed.

I do not fear investigation on the question of second-class matter. I court it, and I court it whenever we can get from the Post-Office Department information that my substitute calls for, to show what part of that weight is due to the holiday and Sunday editions of some daily newspapers, and what part is due to books like Coin's Financial School and other books published in serial form, which go as second-class matter.

I submit, Mr. President, that if the proposition of the Government owning its postal cars and paying no more for hauling them than do the express companies be adopted, the proposition for 1-cent postage can be adopted without increasing the appropriations for the Post-Office Department. If it can be done, as I believe it can, then I shall be glad to see that proposition for 1-cent postage included in the investigation.

I shall be glad to see the fullest investigation of these questions. If the report of the Committee on Post-Offices and Post-Roads shall be adopted, and if the substitute which we offer to the proposition of the Appropriations Committee shall be adopted, then this whole matter will be investigated, and we can set at rest once and forever all of these statements about second-class mail matter bankrupting the Government; we can set at rest every charge which has been made to discredit the ability of the Post-Office Department to conduct the postal system in a cheap and effective manner, or to place the evil where it does not belong. Let the whole matter be uncovered, and let the Senate, with all the facts before it, then proceed to legislate.

This proposition coming from the Committee on Post-Offices and Post-Roads, then, includes 1-cent postage; it includes the question of railroad rates; it includes the proposition for the Government to investigate whether or not it is best for it to own its postal cars, as do the express companies, the breweries, the Fish Commission, and every other big enterprise. It covers that. It covers the question of second-class matter, and it covers every question which has been agitated through the press in drawing attention to the Post-Office Department and its management at the present time.

Why limit it? If it shall be limited, then let the committee which is specially charged with this subject investigate it. Let the Committees on Post-Offices and Post-Roads of the House and of the Senate do the investigating. I should prefer even that to our own report; but that is vastly preferable to what the Committee on Appropriations offer us. Certainly the proposition which is offered by this committee should be adopted, or the committee itself should investigate this matter, if any one investigates it.

I should think the Committee on Appropriations and all of its members would be glad to be relieved of this arduous work. Why is it that they attempt to draw under their capacious wing everything within the range of human inquiry and human action? Are they jealous of any rights or privileges or power that any other committee has, or do they think they can do it better than anybody else?

Mr. ALLISON. I ask the Senator from North Carolina to yield to me.

Mr. BUTLER. I yield to the Senator from Iowa.

Mr. ALLISON. Mr. President, it must be apparent to every Senator on this floor that it will be impossible to pass the appropriation bills within the short time left of the present session unless we make progress with them. I have seen enough in the course of this debate to convince me that it is the purpose of certain members of the Senate to prolong the debate upon the pending proposition.

The Committee on Appropriations, finding that no action had been taken upon the subject of railroad transportation, there being a difference in the Committee on Appropriations as to the method of dealing with this important subject, covering nearly $33,000,000, believed it was wise to make provision for a joint committee of the two Houses to make an investigation of the subject of railway transportation and its incidents, in order to have full information upon the subject by the time the next appropriation bill for the postal service should be required to be passed by Congress. Believing that the committee sought to make a provision which would secure investigation of the subject; believing, also, that it was an intricate one and requiring the aid of experts as to the true relation between the Government and these transportation companies, they made the best provision they could upon the subject at the present session of Congress.

The Committee on Appropriations, and no member of [illegible] so far as I know, has had the slightest desire or expectation, I may say, of participating in the examination. We provided, as we thought, for an impartial examination of the subject, as to the two great political parties, the Vice-President representing one party and the Speaker of the House representing the other, so that by the natural coincidence of the situation there would be an impartial investigation; that it would be confined practically to the great question of railway transportation, without [illegible] in the slightest degree upon the prerogatives or the duties or the expectations of any other committee of the body.

We had no intention or purpose in any way of infringing upon the rights of the Committee on Post-Offices and Post-Roads. We had seen no reports from that committee until our suggestion of recommendations had been completed, either as respects railway cars, railway transportation, second-class matter, 1-cent postage, or anything relating to that subject, although the Congress is about to expire. Therefore, with a motive that looked to the reduction of the expenditures of the Government, we sought to bring in here for the consideration of the Senate and for its vote and its action a method of making an impartial and thorough investigation of the subject in order that the next Congress might deal with it.

Now, I am satisfied that it is impossible for us to deal with the amendment without imperiling not only this great service as respects the appropriations for it, but also not only the pending bill but the sundry civil appropriation bill, which carries with it appropriations for all the great operations of our Government, the fortifications appropriation bill, the naval appropriation bill, the deficiency appropriation bill, and the District of Columbia appropriation bill, each and all of them for the carrying on of the affairs of our Government.

Believing that these bills are imperiled by the prolonged discussion (and I find no fault with any Senator who has participated in it, because under our rules it is the right of Senators to debate these questions as long as they desire to do so), in order to eliminate one serious question from our deliberations, I move to lay on the table the amendment of the Committee on Appropriations, which will carry the amendment with it.

Mr. WHITE. Will the Senator withhold his motion for an instant? I wish to make a suggestion. If it is possible to obtain a vote upon the pending amendment without this motion, I hope it will be done. There is a great deal of complaint, which all of us have been subjected to, regarding railroad extortion, and if the Senate can agree upon a system of examination we ought to have it, and if we can have a vote upon the amendment of the committee it seems to me it ought to be taken. If not, I agree with the Senator that he should make the motion he has indicated.

Mr. ALLISON. I have been notified over and over again that this can not be done.

Mr. STEWART. Why not ask unanimous consent?

Mr. WHITE. Why not ask unanimous consent, and if it is refused I will concede that the Senator should make his motion.

Mr. CHANDLER. If the sense of the Senate is to be taken upon this question, there should be a full attendance in the first place; secondly, there should be full debate upon the question, which has not been had. If the Senator from Iowa will make his motion in good faith, as I know he does, I certainly will ask Senators who are ready to speak to refrain from speaking.

Mr. ALLISON. I move to lay on the table the amendment of the Committee on Appropriations. That carries any amendments that may be pending to it.

The VICE-PRESIDENT. The Chair so understands. The question is on agreeing to the motion of the Senator from Iowa to lay on the table the amendment proposed by the Committee on Appropriations.

The motion was agreed to.

Mr. ALLISON. I ask now for the consideration of the next amendment which remains undisposed of.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 24, after the word "service," it is proposed to insert:

> In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

So as to make the clause read:

> For necessary and special facilities on trunk lines from New York and Washington, to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service. In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast mail facilities.

Mr. BUTLER. I move to strike out the clause just read, from line 17, on page 8, down to line 3, on page 9, inclusive.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. ALLISON. I ask now for the consideration of the next amendment which remains undisposed of.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 24, after the word "service," it is proposed to insert:

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Mr. BUTLER. I move to strike out the clause just read, from line 17, on page 8, down to line 3, on page 9, inclusive.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. BUTLER. Mr. President, this is a subsidy, pure and simple. It should be stricken from the bill. Subsidies are bad enough when the people get some benefits in return for them, but they are utterly indefensible when they are voted as a free gift. I challenge the Committee on Appropriations or any Senator on this floor to give a single good and sufficient reason for appropriating this sum of $171,238.75. No estimate has been made or submitted for it. No head of any Department has recommended it. But on the other hand the head of the Post-Office Department has positively refused to recommend it. I have heard the Postmaster-General and the Assistant Postmasters-General often quoted here in this discussion so far. I have here some reports, and I hope those who have asked us to listen to the suggestion of the Postmaster-General and the Second Assistant Postmaster-General and all the generalettes will now pay due heed to what the Postmaster-General says about this subsidy.

Mr. CULLOM. It has been read a dozen times.

Mr. BUTLER. It has been read a dozen times and twenty times, and yet it has not converted the Senator from Illinois.

Mr. CULLOM. Yes, it has.

Mr. BUTLER. Will the Senator vote with me on my motion?

Mr. CULLOM. I always have voted in that way.

Mr. BUTLER. Good. The Senator from Illinois will vote with me on this motion, and he always voted against this subsidy. I am glad to have such valuable authority in addition to the Postmaster-General to back up my motion.

Several Senators around me say let us have a vote and we will knock out the section and carry my motion. If the chairman of the Committee on Appropriations will agree to the motion, I will not detain the Senate for another minute.

Several SENATORS. Vote!

Mr. STEWART. What is the motion?

Mr. BUTLER. I have made a motion to strike out the clause which proposes to vote a special subsidy to certain railroads in addition to the enormous price that we now pay these corporations for hauling the mails. Several Senators seem very anxious to have no discussion of this matter. I should judge that they favor the subsidy, for reasons best known to themselves, or else do not understand the facts in the case. In either event discussion is very necessary. I do not desire to detain the Senate at this late hour, but unless the committee will agree to the motion, or unless there is some indication that the Senate is ready to sustain the motion, I shall detain the Senate to put on record the reason why it should be stricken out.

Mr. FAULKNER. The committee can not agree to it.

Mr. DANIEL. It is a part of the bill as it comes from the other House.

Mr. WILSON. I want to hear from the generalettes the Senator was talking about.

Mr. GORDON. May I ask the Senator from North Carolina a question? If I understand his threat aright, it is that unless the Senate and the committee yield to his demand he will kill the bill by talking it to death.

Mr. BUTLER. I am very glad to see the Senator from Georgia. I am glad to welcome him back to the Senate. I regret that he got in just in time to misunderstand me, and to suppose that I was threatening him and the Southern Railroad.

Mr. GORDON. When the Senator says that unless the committee yields he intends to do so and so, I think I am entitled to the interpretation I put upon his remarks; and I ask him for information.

Mr. BUTLER. I will be glad to give the Senator information.

Mr. WILSON. I hope the Senator from North Carolina will proceed. He started out with a proposition to give us information about the Postmaster-General and the generalettes. Now, I want to hear from the generalettes, and I hope the Senator will proceed.

Mr. BUTLER. I am very glad to find the Senator from Washington in the humor to be informed; and it seems that there are others who need to be informed. I will proceed to give them information which will make it impossible for them to vote for this subsidy, unless it is their purpose to take this much of the people's taxes and give it to certain railroads as a gift.

This morning I spoke at some length, showing that the rates now paid the railroads for carrying the mails were unreasonably high. I showed that we are now paying as much per ton for carrying the mails as we paid twenty years ago, yet during this time freight rates have been reduced 40 per cent and passenger rates have been reduced over 18 per cent. Besides, I showed that twenty years ago we paid the railroads more for carrying the mails that anyone else then paid for a like service. The Senator from South Dakota [Mr. PETTIGREW], and others also, spoke at some length on the same line. No Senator was able to controvert a single fact

and proposition which we laid before the Senate. Besides, we showed that the Government not only pays too high a rate, but that we pay for more weight than is carried. The railroads pad the mails during the weighing season of one month, and then the Government pays on that weight for the next forty-seven months. The fraud and robbery by this method alone runs up into the millions of dollars.

In short, it has been demonstrated, proved, and not questioned by anyone that we are to-day paying an exorbitant rate, nearly twice as high as should be paid to carry the mail. We now pay about $32,000,000 to the railroads for this service. One man says it is $12,000,000 too much; another says it is $10,000,000 too much; another says it is $15,000,000 too much, but every Senator on the floor admits that it is too much.

Now, that is a fact which has been demonstrated here. Everybody admits that it is too high; that the contract price which we now pay to the railroad companies for carrying the mails is too high.

The Committee on Appropriations recognized it was too high by offering to investigate the exorbitant prices paid; the Committee on Post-Offices and Post-Roads recognized it (see majority and minority reports from the Committee on Post-Offices and Post-Roads on the Loud bill); every Senator who has spoken recognized it. Yet this morning, when I offered an amendment to this appropriation bill providing that the Postmaster-General should not pay the railroads more for carrying the mails than express companies and others pay the railroads for a like service, what did the Senate do? You voted down the amendment and gave your sanction and approval to the gigantic steal that is now going on.

Mr. President, that is not all. In addition to the heavy appropriation in this bill to pay the railroads for hauling the mails, there is another item appropriating $3,600,000 to pay the railroads for the rent of the cars in which the mail is carried. I showed this morning that that was twice as much as all the postal cars were worth. There are not more than 500 postal cars in use. These cars cost only about from $3,500 to $4,000 each. Therefore the Government could buy every one of these cars for less than $2,000,000. These cars last about twenty years, yet this bill proposes to pay $3,600,000 rent for them in one year. At this rate, in twenty years the Government would pay $72,000,000 for the use of cars that it could buy and own for less than $2,000,000. This is the most reckless and astounding business proposition that I have ever heard. Yet, this morning, when I moved to amend this item by providing that the Postmaster-General should not pay more rent than 10 per cent of the cost of the cars, what did the Senate do? It voted the amendment down. How Senators can justify their votes to their consciences and to their duty to the taxpayers is beyond my comprehension. Here we vote away millions of the people's money into the pockets of the railroads without a single reason or excuse for so doing. No Senator has dared to try to give a single reason or excuse. It is shameful, it is robbery; but this is not all.

Mr. President, the pending bill proposes that in addition to the high prices we pay for hauling mail, in addition to the high prices we pay for car rent, we shall pay a special extra subsidy over and above the high price we pay per ton for carrying the mails and the high price we pay for rent of postal cars.

Mr. GALLINGER. This is in the discretion of the Postmaster-General.

Mr. BUTLER. Is it? Now let me read you what the Postmaster-General says about that.

Mr. GALLINGER. But I read the bill.

Mr. BUTLER. But what does the Postmaster-General say about this provision?

Mr. GALLINGER. If the Senator will permit me, it is in the discretion of the Postmaster-General—

> *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. BUTLER. That same argument has been used here every time this subsidy has been extended. Now, what does the Postmaster-General say in his last report, for 1896? He says:

> Congress has appropriated each year during the last twenty years a specialty fund for a fast-mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is $190,614.22.
>
> There has been a difference of opinion as to the necessity for making these appropriations, but—

And to this I call the attention of the Senator from New Hampshire—

> as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Mr. President, there never has been a Postmaster-General, as far as I know, who has advised and recommended that subsidy. There never has been even a postmaster-generalette who has recommended or advised it. The Postmasters-General have advised against it, but their advice is never taken by Congress, and for some reason each year it made the appropriations while the Department protested, and at last the Department stopped protesting, and now the Postmaster-General simply says, "I pay it out because we recommend you not to appropriate it, and you must want me to pay it out or you would not appropriate it. Therefore I suppose I am carrying out the direction of Congress."

Mr. President, let us see what some of the Postmasters-General have said about this. I will start with Postmaster-General Wanamaker, and I could read from this back for twenty years:

> In my judgment, the ordinary compensation now allowed by law should secure from railroads hearty cooperation with the Department in the establishment of such schedules as will accomplish a maximum amount of good mail service, and whenever this is done the compensation is sure to be advanced, occasioned by the natural increase in the quantity of mails transported.
>
> The railroads associated with all large cities and trade centers of the country have an interest, independent of the compensation allowed directly by the Government, in cooperating with the Post-Office Department in its efforts to expedite the distribution of newspapers to the outlying districts early in the morning, and in the quickening of commercial mails after the close of each day's business, and it ought to be possible, within a very few years, to dispense altogether with preferential allowances for special facilities, and still be within the power of the Department to maintain and further advance the high standard that has been reached by the Railway Mail Service train schedules that now prevail.

Now, I call special attention to this closing sentence. Postmaster-General Wanamaker says:

> In dwelling so fully upon the subject of allowances for special facilities, I do not wish to be understood as criticising the occasion which first led to the granting of them.

That is the Postmaster-General's report for 1890.

This is from Postmaster-General Wanamaker's report for 1891. I ask the Secretary to read the two paragraphs beginning with "No recommendation."

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

> No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both ordinary and special transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.
>
> The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and to some extent paralleling the roads which received the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started, it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowances for ordinary mail and car transportation, independent of the special service has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation added together ten years ago; and as most of the special-facility routes will have their compensation readjusted, commencing with July 1, 1892, when their pay, it is estimated, will be increased still further, at least 20 per cent, this office has not felt satisfied in recommending the continuance, after June 30, 1892, of any portion of the present special-facility allowance.

Mr. BUTLER. Mr. President, the Postmaster-General not only refuses to recommend an appropriation, but he states that this special subsidy business is an annoyance and a hindrance to the Post-Office Department. He states it is unjust. He does not say that men come here and lobby Congress for the special subsidies, but he calls attention to how unjust Congress is to fix a rate and then to pick out certain lines of railroads and pay them a subsidy which is not necessary to improve the service, and which, he states, is not necessary to get the fast-mail facilities; that it is an annoyance to the Department in managing the postal system.

Mr. President, was there ever a case before, besides the special mail facilities, where Congress deliberately and persistently continued to appropriate large sums of money when the Department recommended against it? Who can give any [illegible] for it? Who has shown that the Department did not know what it was talking about? Who has ever answered the statements of the Postmaster-General and shown how this would help the fast-mail facilities when he says it will not, and is not needed?

Postmasters-General have said year after year that it was throwing the money away. They have repeatedly stated they had rather not have it; that it was an annoyance; that it was unfair; that it was discriminating, and that they could get all the fast-mail facilities they needed under the discretion given them by the statutory law that has been read to-day—section 4002 of the Revised Statutes.

I want to know why; what influence, what pressure, it is that puts through this subsidy year after year and no reason given for it. It does not add one hour, one minute, as the Postmaster-General states, to the mail facilities; it does not make the time quicker; it does not improve the service, and yet here we vote away this money as a free gift. I think it would be just as well to move that this money be appropriated direct to the Sound Money Club in New York. Why not do that? If we are going to throw it away, if we are going to give it to railroad corporations that contribute large amounts of money to the gold-trust campaign fund, let us send it direct to the Sound Money Club of New York—this William street performance, this William street reform club that has been flooding this country with gold literature and monopoly literature, while it was charging the silver men with disturbing business by talking for financial reform. Yet that stuff has been going out as regularly as clockwork, and this very railroad here asking a subsidy has been cheek by jowl with this concern, with the gold trust of New York, of London, in trying to fasten the single gold standard on the country, and still here the Senate adds to their campaign fund, makes them a free gift, and enables this one line, if necessary, to give $196,000 to the sound-money campaign fund without taking a dollar out of their treasury. I think we had better just appropriate it to the Sound Money Club of New York and be done with it.

Here is the Postmaster-General's report—Postmaster-General Bissell—for the year 1894. I will read part of it:

> In submitting the estimates for the fiscal years of 1893, 1894, and 1895 this office declined to include the item of "special facilities," for reasons heretofore stated

He got tired of stating them. He has stated them here twice. This time he simply calls attention to the fact that he has already stated them. Then what does he say under it? That the Department declines to recommend the appropriation. But that very year Congress voted it without one particle of evidence, with the Post-Office Department asking the Government not to waste the money.

Now, here we have a deficit of $8,000,000. We have been talking to-day about how to make both ends meet, and yet here is where the Postmaster-General shows you are throwing away that much money. Then why do we vote it?

Mr. President, here is the Postmaster-General's report for 1895. He says:

> In submitting estimates for the fiscal year 1893-94, 1895-96, this office has declined to include the item of special mail facilities for the reasons heretofore stated.

He was tired of stating them. He stopped stating them. He simply calls attention to the fact that he has stated them, and stated them, and stated them. What does he say right under it?

> No estimate is submitted by this Department for the next years for those facilities.

He does not even submit an estimate, because it is unnecessary; it is a waste of money; it is an annoyance to the Department. A former Postmaster-General's report stated that if ever there was any necessity for this appropriation in the beginning, it was like having a protective tariff for infant industries; but after they were grown and able to stand on their feet, he did not think they needed what infant industries needed, and therefore he declined to recommend it.

I can understand how some Senators who live along the line of these railroads may have been made to feel by arguments presented to them by persons whom they know connected with the railroads that this would be a great accommodation to them and would help them in many ways. I can understand how they could be made to feel kindly toward the roads, helping it as a business proposition, probably. No doubt a great many Senators have voted for this without ever reading the Postmaster-General's report. No doubt their only information was what was stated to them by persons who were their friends, and who were the presidents of these roads or connected with them. A man naturally would feel kindly to a road running through his State and would be willing to help the road if he thought he could add some facilities to the people living in the State. This line runs through North Carolina. If the Postmaster-General was to say that this appropriation was necessary, or if there were data and facts offered to show it was necessary to improve the mail facilities of my State and the States below it and above it, then I should be one of the first to vote for it, if I was convinced it was necessary. But the facts are all to the contrary.

Mr. President, these railroad corporations stepped in the last campaign over the dead line that business corporations, that public corporations, should not dare to step over in a free country. These railway corporations, owning great public franchises, these railway corporations exercising great public functions that touch the welfare of every business as well as almost every individual in the country, instead of keeping themselves within the lines of their business as business corporations, performing a public service and receiving the protection of the law—what did they do? They entered the last campaign as a ward politician or heeler would enter it for his man. They have grown great and powerful, rich and fat, off of the substance of the land. Our people have felt so kindly toward the railroads, every State has felt so kindly toward them, we have been so anxious to extend them, to broaden their lines, to have them ramify every section of our country, that we have granted almost any and every thing that they have asked. We have granted them charters with unusual and startling privileges, we have voted them subsidies, bonds, help, protection, as no other corporation or individual in America has been favored. Under these highly favored conditions they have grown so powerful, so rich, that they felt that they were almost independent of the people in the last campaign. They defied the public and entered into a political campaign as a partisan enters into it for his candidate. They contributed in that campaign large sums of money that they had gathered from the people. They contributed it on the side that some in this Chamber favored and some opposed. They stepped over the line.

And now, Mr. President, I want to say that if they have made enough money that they feel they can throw it into a political campaign to shape the results, and if they are enough interested in the result of a political campaign to spend millions of money, then I submit that it is getting time for Congress and the people's representatives to deal with them on strictly business principles. I submit that the time has come to stop granting favors for the asking, to stop voting subsidies by the thousands and millions, but to deal with them as one business man deals with another.

The cry that these corporations raised in the last campaign was that they were interested in the laboring man; that if a free-coinage bill should be passed their employees would have their salaries reduced, and that they would have to dismiss a part of their employees. They pleaded eloquently through their circulars which they distributed and handed out with each man's pay. How many men here saw them? Every railway employee had his little gold circular stuck into his hand when he drew his pay, and he was told that it was to the interest of that employee and the company for him to vote against free silver. Mr. President, they hid their motives and purposes behind the laboring man.

Now, I took them at their word. I wanted to see what their record had been toward their employees, and I have here a little statement that is condensed from the report of the Interstate Commerce Commission. It contains the total number of railway employees on June 30 in each year from 1890 to 1895, inclusive. I shall ask to have the table printed in the RECORD, but I wish to call the attention of the Senate to the fact that in 1893 there were employed on the railroads of this country 873,602 men. In the year 1895 that number had been reduced to 785,034.

The total number of all railway employees on June 30 in each year, 1890 to 1895, inclusive, was—

1890	749,301	1893	873,602
1891	784,285	1894	779,608
1892	821,415	1895	785,034

What does the next table show? It shows that the railway mileage track had been increasing while they were decreasing their employees.

The next table shows the single-track mileage operated each year from 1890 to 1895. How much track did they have in 1890? One hundred and sixty-three thousand five hundred and ninety-seven miles. How much did they have in 1895? One hundred and eighty thousand six hundred and fifty-seven miles. They increased their mileage 17,160 miles, and reduced the number of their employees 88,568.

The single-track mileage operated at each corresponding period was—

1890	163,597	1893	176,461
1891	168,402	1894	178,708
1892	171,563	1895	180,657

The number of employees per 100 miles of line for these years the next table shows, ending June 30, respectively, and is stated as follows in that report. I have this table from 1890 to 1895, which I will publish in the RECORD.

The number of employees per 100 miles of line for these years, ending June 30, respectively, is officially stated to be as follows:

1890	479	1893	515
1891	486	1894	444
1892	506	1895	441

Thus it will be seen that in 1893 they had 515 men employed on every hundred miles of railroad. In 1895 they had reduced that number to 441 on each hundred miles.

Mr. PALMER. Will the Senator from North Carolina permit me to ask him a single question?

Mr. BUTLER. Certainly.

Mr. PALMER. Why did they do it?

Mr. BUTLER. They did it to increase their own profits, without any regard to the rights of their employees or the interests of the public. One thing is certain, their action illustrates one of the beauties of the gold standard. We certainly had the gold standard, and bonds were being issued constantly. They said if we had free silver they would have to reduce the number of their employees and reduce their salaries. This table shows that they reduced the number of employees and reduced their salaries, while the number of miles of railroad operated was increasing all the time. Not only that, but another table which I will soon present shows that they increased the salaries of their officers while they decreased the salaries of their employees. They did this under the gold standard; and yet they were trying to make the people believe that they would have to do that

very thing if the country adopted a free-silver law. They were trying to fool the country. The policy of the railroads under the gold standard is to do just what they are now doing, and have been doing; yet they charge that they would have to do it under free silver.

Mr. PALMER. Mr. President, may I be allowed to remark that I suppose the railroads hired all the employees they needed, and if they reduced the number it was because they could not make money enough to pay them? I suppose that was the reason.

Mr. BUTLER. Then why did they increase the salaries of their big officials, who were already getting from fifteen to twenty thousand dollars a year?

Mr. PALMER. I do not know that that is true.

Mr. BUTLER. It is true, and I will give the Senator the facts and tell him where I get them before I get through. I have them all here.

Mr. PALMER. That they did it is possible. I do not know why they did it.

Mr. BUTLER. The salaries of the men who were getting $50,000 a year had to be increased in hard times, and the wages of the men getting but $1.50 a day had to be reduced to $1.25.

Mr. PALMER. Why was that?

Mr. BUTLER. Because we have turned over a great public function, which is a monopoly, into the hands of private individuals and allowed them to run it according to their own greed, their own desires, and in the interests of their own pocket.

Mr. PALMER. That is no answer.

Mr. BUTLER. It is an answer, and one that they would like to dodge, but it is a true answer.

Mr. PALMER. I do not think so.

Mr. BUTLER. They run those great public functions for their own profit and for their own emolument, and not with regard, as they ought to do, to the public interest.

Mr. PALMER. Does not the Senator from North Carolina manage his own business in the same way?

Mr. BUTLER. If my business were one which concerned every citizen in America; if it were one that was important to life, liberty, and property, and the welfare of the nation; if my business were the operation of a great public function, its management should not be allowed to be dictated by my own greed and selfishness and self-interest.

Mr. PALMER. But would the Senator do it?

Mr. BUTLER. I expect that any poor, weak human nature that is clothed with the management of a great public function and is allowed to run it simply by the dictates of his own greed and self-interest would do the same thing.

Mr. PALMER. I expect so.

Mr. BUTLER. I expect so; but you must remember that the Bible tells us not only to avoid evil, but to avoid the appearance of evil. It is your fault and mine if we nurture and encourage and support a system which gives greed and self-interest a chance to oppress humanity, a chance to paralyze industry, a chance to build up one industry and tear down another. Are you and I doing our duty as good citizens when we allow this power to be put into the hands of men and to stay there unrestrained, which can close up every oil refinery in the country but one, and make an absolute monopoly out of the Standard Oil Company? That company would never be a monopoly without railway collusion. The responsibility for this rests upon the representatives of the people.

Mr. WILSON. I rise to a question of order. I certainly hope the distinguished Senator from North Carolina will avoid the appearance of evil by not threatening the distinguished Senator from Illinois.

Mr. PALMER. I am very much obliged to the Senator from Washington, but, inasmuch as I have not complained, I do not know why the Senator should interfere.

Mr. WILSON. Well, Mr. President, I certainly am aware that the distinguished Senator from Illinois, who has for many years protected himself, will be able now to protect himself from the very vigorous assaults of the distinguished Senator from North Carolina who seems to have taken unto himself all the business of the United States.

Mr. BUTLER. I regret that the Senator from Washington feels the neglect that he has not been given any attention in this discussion, but I must tell him that the distinguished Senator from Illinois illustrates my point and suggestion and typifies the question under discussion better than the Senator from Washington now does, or probably will be able to do when his hairs are equally as gray as those of the Senator from Illinois. Therefore I beg to submit that I may be allowed to continue for the present to address my remarks to the Senator from Illinois so long as it is his pleasure.

Mr. WILSON. I shall not further interrupt the distinguished Senator, Mr. President, but I regret he has made any reference to my gray hairs. [Laughter.]

Mr. PALMER. No; I do not think he has. I think he refers rather to the baldness of the Senator. [Laughter.]

Mr. WILSON. He ought to have done so, but he did not; he knows so much upon every question, but he is as much mistaken in regard to my gray hairs as he is upon some of the questions he is discussing. I, unfortunately, have not any gray hairs; I wish I had. I was only trying to ascertain, if I could—because I rose in the first instance and requested to hear from the Senator from North Carolina—the reasons for his motion to strike out this amendment. I do not know what the Standard Oil Company has to do with it or anything of that sort. Let us reach a vote.

Mr. PALMER. The Senator need not be eager to come to the assistance of the Senator from North Carolina. I do not think he needs, and I certainly do not need, the help of the Senator from Washington. I do not ask his assistance, and unless the Senator from North Carolina has violated some rule of order of the Senate, I insist that there is no occasion for interference.

Mr. WILSON. Mr. President, of course I accept with all due grace the lecture of the Senator from Illinois. I can make no reply to the learned Senator, but the proceeding was so dramatic and the Senator from North Carolina was so dignified, not to say threatening, that I thought possibly the Senator from Illinois might pardon, even in a youth, some slight interference in his behalf.

Mr. BUTLER. The Senator is entirely pardoned if he will simply not offend again in the days of his youth.

Mr. President, I was answering a very pertinent question propounded by the Senator from Illinois, and explaining to him why probably any man placed as the managers of great railway corporations are placed would do as they do; certainly the average man, or the majority of men, would do so; and I expect the Senator and I would do just as they do; but that would not excuse those who allowed us to do it or made it possible for us to do it.

The question is not whether we would do that, but the question is whether it is public policy for us to be allowed to do it. The question is whether or not the Government, this Senate and this Congress, should take cognizance of such conduct in men holding important franchises and managing great public functions and instruments of commerce.

The railroads entered into the last campaign, as I have stated, and did so under false pretenses. They became partisans for the single gold standard; they contributed to the campaign fund; and they not only contributed, but they tried to make their employees, whether they wanted to do so or not, vote that way—a certain kind of coercion. They abused the tremendous power that the people, in their friendly feeling toward railroads, had put in their hands, and used it to try to thwart the will of the American people on one of the most vital issues in government. I was calling attention to their conduct, and I was showing that every argument they used in the last campaign as to what those men would have to do under free silver, they had already done under the gold standard.

To proceed, these tables show an increase in mileage each year and a yearly greater number of men dismissed. More than one-tenth of the total number of men employed on the railways of the country were dismissed, while the railway mileage was increasing and the pay of the big-salaried officers was increasing. In 1895, this number of men deprived of railway employment in 1894, was only decreased by 5,426, leaving 88,568 persons, or more than one-tenth of those having work on railways in 1893, unable to return to their customary labor. Again, while from 1890 [illegible] 1893 the number employed per 100 miles of road increased fr[illegible] 479 to 515, it dwindled to 444 in 1894 and 441 in 1895, less th[illegible] in 1890, notwithstanding the railway mileage had increa[illegible] more than 17,000 miles. The notable decrease, however, is th[illegible]tween 1893 and 1894, when the 93,994 persons were th[illegible] of work, and the number of men hired per 100 miles [illegible]ished from 515 to 444.

The foregoing figures and those hereinafter used as the basis of calculations are taken from the report on Statistics of Railways in the Unites States for the year ending June 30, 1895, lately published by the Interstate Commerce Commission. This report gives the number of persons employed for the years above mentioned in the various branches of railway service, and the average daily rate of pay to such persons throughout the United States. In 1893 considerably increased wages were paid to different classes of these employees, and there were slight increases to some subordinate classes in 1895 over 1894, but this was offset by a number of decreases also made in that year to other than those receiving the highest grades of pay. The significant shrinkage of wages took place in 1894 along with the great reduction in number employed, above noted, and from the latest figures obtainable there does not appear to have been any material increase since in rate of pay to the great mass of railway labor or in the number of persons employed. A comparison, therefore, of the figures for 1893 and 1894 will not only show such shrinkage during a single year, but will approximately indicate the situation at a recent period as compared with that which existed in 1893.

I have here a table, which I have carefully prepared, showing the number employed in each class and the average daily compensation in dollars for the years ending June 30, 1894 and 1893. Without taking the time of the Senate to read it, I shall insert the table in the RECORD.

The table is as follows:

Number employed in each class, and average daily compensation in dollars, for years ending June 30, 1894 and 1893.

Class.	1894.	1893.
General officers	5,257	6,610
Other officers	1,778	....
General office clerks	24,779	27,584
Station agents	28,199	28,019
Other station men	71,150	75,181
Enginemen	35,466	38,781
Firemen	36,327	40,359
Conductors	24,823	27,537
Other trainmen	63,417	72,959
Machinists	29,245	30,869
Carpenters	36,328	41,878
Other shopmen	84,359	93,709
Section foremen	29,660	29,699
Other trackmen	150,711	180,154
Switchmen, flagmen, and watchmen	43,219	46,048
Telegraph operators and dispatchers	22,145	22,619
Employees—account floating equipment	7,469	6,140
All other employees and laborers	85,276	105,166
Unclassified	---	284
Total	779,608	873,602

I have here another table, showing the pay that these various classes received each year, which I shall also insert in my remarks.

The table is as follows:

Class.	1894.	1893.
General officers	$9.71	$7.84
Other officers	5.75	....
General office clerks	2.34	2.23
Station agents	1.75	1.81
Other station men	1.63	1.65
Enginemen	3.61	3.68
Firemen	2.03	2.01
Conductors	3.04	3.08
Other trainmen	1.89	1.91
Machinists	2.21	2.23
Carpenters	2.02	2.11
Other shopmen	1.69	1.75
Section foremen	1.71	1.75
Other trackmen	1.18	1.22
Switchmen, flagmen, and watchmen	1.75	1.80
Telegraph operators and dispatchers	1.93	1.97
Employees—account floating equipment	1.97	1.96
All other employees and laborers	1.65	1.70

These tables enable us to determine from what classes men were discharged in the year ending June 30, 1894, whether the number of employees in any class was increased, what classes of employees had their wages decreased or increased during that year, and the extent of increases or reductions in force and pay in each class. It is observed that in 1893 "general officers" and "other officers" are apparently reported together, the total number being 6,610, with an average daily pay for both of $7.84, while in 1894 these two classes are reported separately. From the number given for each class of officers in 1894, and the average daily pay of each, also given, it appears that the average pay of "general officers" and "other officers" together was $8.70 per day in 1894 as compared with $7.84 in 1893, representing an average increase in officers' daily pay of 86 cents.

There is also to be noted an increase of 11 cents per day in the pay of "general office clerks," though the number in this class was reduced by 2,805. The number of station agents was slightly increased, but their pay was decreased. They reduced every class but the general officers. These are the only ones beside the general officers who were not reduced in pay. They increased their pay 11 cents, but reduced the number over 2,000. All other classes suffered a decrease, both in number and in pay in that year, except "employees—account of floating equipment," who, increasing to 7,469, obtained an advance of 1 cent per day. The increases in disbursements for "general officers" and "other officers" and "employees—account of floating equipment" amounted, on the basis of number employed and average rates of pay stated, to a total of $12,114.34 per day, or $4,421,734.10 for the year of three hundred and sixty-five days. Although "general office clerks" had their compensation raised 11 cents, the decrease in the force stated operated to diminish the total compensation by $3,529.46 per day, or $1,288,252.90 for the year.

The next table I should like to have printed shows the number of men dismissed in 1894 and to what classes they belonged. The total number dismissed is 95,922. The table will show to what class each belonged.

The men dismissed from work in 1894 came from classes as follows:

General office clerks	2,805
Stationmen (not agents)	4,031
Enginemen	3,315
Firemen	4,032
Conductors	2,714
Other trainmen	9,542
Machinists	1,624
Carpenters	5,550
Other shopmen	9,350
Section foremen	39
Other trackmen	29,443
Switchmen, flagmen, and watchmen	2,829
Telegraph operators and dispatchers	474
All other employees and laborers	20,174
Total number dismissed	95,922

The next table shows the loss to the railway's employees by being dismissed from service. There were 4,031 stationmen dismissed; the average pay of each was $1.63 a day. This made the total loss $6,578.53 a day to that class of men dismissed. I show what the salary of each of the other men in each class who were dismissed would have been. The total is over $57,000,000.

Excluding "general office clerks," who received an advance in pay, the loss per day suffered by these dismissed employees amounted, at the lower pay for 1894, to the following sums:

Stationmen (not agents), 4,031, at $1.63	$6,570.53
Enginemen, 3,315, at $3.61	11,967.15
Firemen, 4,032, at $2.03	8,184.96
Conductors, 2,714, at $3.04	8,250.56
Trainmen, 9,542, at $1.89	18,034.38
Machinists, 1,624, at $2.21	3,589.04
Carpenters, 5,550, at $2.02	11,211.00
Shopmen, 9,350, at $1.69	$15,801.50
Section foremen, 39, at $1.71	66.69
Trackmen, 29,443, at $1.18	34,742.74
Switchmen, flagmen, and watchmen, 2,829, at $1.75	4,950.75
Telegraph operators and dispatchers, 474, at $1.93	914.82
Other employees and laborers, 20,174, at $1.65	33,287.10
Loss per day	157,571.22
Loss for the year	57,513,495.30

Mr. President, just think of these men thrown out of employment and their families in want. The loss to these men thrown out of employment is $157,571.22 per day—a loss to them and their families of $57,513,495.30 a year. This done in order to increase the number of general officers and to increase the salaries of those already getting $50,000 a year. This done in order that money might be saved to contribute to the gold-bug campaign. This done to help the shylocks of two continents to win an election and get a firmer and more cruel hold upon the lifestrings of the nation. No goldite ever did anything for labor. Every goldite is for low wages and hard times.

Mr. NELSON. I raise the point of no quorum.

Several SENATORS. Oh, no.

Mr. FAULKNER. The Senator has not been recognized by the Chair. He can not make that suggestion.

Mr. NELSON. I withdraw the point.

Mr. BUTLER. I am willing to have a vote taken on this proposition as soon as I can present one more important table and comment on it briefly, but I will not agree, if I can get enough seconds, for a vote to be taken without having the yeas and nays spread on the minutes, and if the yeas and nays are called——

Mr. ALDRICH. We will give you the yeas and nays.

Mr. BUTLER. It will disclose the absence of a quorum.

Mr. ALDRICH. Oh, no.

Several SENATORS. No.

Mr. BUTLER. I am not ready for a vote. I am not through talking——

Mr. PALMER. I think the Senator from North Carolina has a right to proceed in his own way without being interrupted.

Mr. CHANDLER. I notice that the Senator from North Carolina understands his right very well. I only want to ask the Senator how much longer he desires to debate this matter, and when he will be willing to allow this precise question, not the whole bill, to be voted upon?

Mr. BUTLER. I would be tempted to debate this question for the next week if I thought I could kill all the steals in this bill in that way, or run them to the end of the session to kill it, because it is time for the Government to get down to sound and common-sense business methods and stop paying these subsidies. These subsidies should not be given to these corporations unless we want to make a free gift to the greatest champions of the gold standard, and those who have gone beyond their privilege and duties and their proper province. If we want to make gifts, I make the point that there are plenty of people who need the money. We can make gifts to those who need it.

Mr. President, I trust that the Senator from Minnesota will not insist upon raising the question of no quorum, because if a Senator wants to go to the cloakroom, I do not want him to hear me. If he has made up his mind whether he is going to vote for the subsidy or not, and does not want to hear the facts that I have taken the

trouble to get, then I do not care for him to hear what I have to say. I am doing my duty when I present these facts to the Senate. I propose to present them. The Senate will take the responsibility of saying whether the subsidy shall be voted after the facts have been presented. My responsibility ends when I present these facts and my vote is cast.

Mr. CHANDLER. Will the Senator allow me for one moment? Of course I am interested in the argument the Senator presents. I myself believe that the railway mail pay is excessive in this country. I believe we are paying the railroads more than we ought to pay them. Notwithstanding that fact, I am unwilling by my vote to deprive the South of the expedition for her mail which this amendment gives.

There may be difference of opinion as to whether this money is necessary; it may be excessive pay to the railroads; but nevertheless here is a fast-mail route from New York, through Washington, on down through the Senator's State, I do not know to exactly what point, Atlanta, some point in Florida, and to New Orleans, it may be. It certainly would be treated as a sectional vote if I were to vote to take away this fast-mail route to the South. I have uniformly voted for it whenever the question has been raised, and I should like the privilege of voting that way to-night.

Mr. BUTLER. The Senator from New Hampshire admits that we are paying an excessive price for carrying the mail; that we are paying more for the cars than we ought to pay. Then why is it not consistent and proper for him to take the position that we ought to vote against all the subsidies? Right under this provision is another for a subsidy out West and in other places. Why vote for any of the subsidies when we are already paying more than the service is worth? This subsidy does not add one particle to our mail facilities. It is not a subsidy voted to the South, or to the people along the line of the railroads; it is a clear gift in the pockets of the railroads, that is all. I do not ask it as one from the South. I represent my State in part. Whether my colleague will agree with me upon it or not, I will stand up here and give the facts and my reasons for it, and go before my constituents and get their indorsement of it. I want to say that there never has been any man here who has voted for it since the question has been mooted, when the Democratic party held its sway in the State, that he did not sooner or later have to face that question on the stump, and it was one of the most effective agencies in carrying him down. He could not give any good and sufficient reason for it. I will not call any names, but it was one of the most powerful arguments against some who were defeated who were especially prominent in support of it.

I can speak for my constituents on this subject. There are Senators here to speak for the rest of the South. I am ready to vote for it if any man can show me any reason why it is necessary to give the people of the South the mail facility that we now have. The Postmaster-General and everyone else in authority say it is not. Nobody can prove or show or ever has dared to say it was necessary.

Mr. President, I submit that if what Senators have said here to-day be true, there is not a Senator on this floor who can conscientiously, from my standpoint, vote for the subsidies in the Southwest or anywhere else. Here we are about to create a commission to try to reduce what is paid. Here is an ex-Postmaster-General himself who has told you frequently and to-day how excessive is the amount paid the railroads, and here is the proposition to add a subsidy on top of what we now pay, which is 100 per cent, almost, more than necessary.

Mr. CARTER. Will the Senator explain how the Postmaster-General is compelled to expend this money in view of this proviso, to wit:

> *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service?

Mr. BUTLER. I will answer the Senator from Montana with the mouth of the Postmaster-General. He has protested against it time and again. Different Postmasters-General have said that these subsidies were an annoyance instead of a help to the postal service. They have asked Congress time and again not to appropriate for it, that they already had proper discretion and sufficient power to pay; and now the Postmaster-General explains why he threw away the money after he asked you not to appropriate it. I ask the Secretary to read what the Postmaster-General says.

The Secretary read as follows:

> SPECIAL FACILITIES.
>
> Congress has appropriated each year during the last twenty years a specialty fund for a fast-mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is $196,614.22.
>
> There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Mr. BUTLER. There is the answer. Since Congress has insisted and persisted in voting it, the Postmaster-General says he can interpret it in no other way than that they mean for him to expend it. That is what he says himself in his report. That is the last report. They have given their argument time and again, until they got tired of it, and now the Postmaster-General simply refers you to the argument.

He says he does not know what else to do when Congress insists upon voting it when it is not necessary; they must mean to give it to the road, and he gives it. There is the answer.

It is said by some who oppose the gold trust, yet who favor this subsidy, that we can not afford to fight everything. That may be true in some respects, but I submit that every man who opposes the gold standard, and who sincerely favors financial reform, if only to the extent of free silver, must, if he is honest and sincere, fight any and all the allied forces that combined and concentrated their powers for the shylocks and against the interests of the people in the last campaign. Any man who is sincerely for the free coinage of silver and puts that question and the interests of the people above his own personal interests can not afford to vote for a subsidy to railroad companies that were the most active and effective agents of the gold gamblers in the last campaign. If the railroads had not gone into politics, and coerced and intimidated not only their employees but shippers and the public generally, William J. Bryan would have been elected President by a handsome majority. Shall we vote subsidies to those who are now reducing the pay of their employees in order to raise a campaign fund to help the shylocks and monopolists defeat the will of the people again in 1900? Those who are honestly against the gold standard can not make terms with the railroads without betraying the people and the cause of financial reform. The action of these railroads in the last campaign has made it necessary for every patriot to deal with them just as we must deal with the bankers, bondholders, and the gold trust.

In this connection I will embody in my remarks a leaflet sent out by the campaign committee of the People's Party showing why the railroads are in politics:

> WHY THE RAILROADS ARE IN POLITICS—THE ROTHSCHILDS WRECKING AND BUYING UP THE RAILROADS IN ORDER TO CONTROL TRANSPORTATION AS WELL AS FINANCE.
>
> In 1893 when the Rothschild combination was raiding the Treasury for gold for their gigantic Austrian speculation, at which time it was the duty of the Administration to pay Government obligations in silver, the scope of the entire scheme was not developed. The Austrian debt was changed from $2,400,000,000 of bonds payable in silver to $2,800,000,000 of bonds payable in gold. It is asserted, and it is probably true, that more than $200,000,000 was made by that single transaction. Austria was robbed and her debt practically doubled. The United States was betrayed, its Treasury wrecked, and a panic inaugurated under the pressure of which the only law on the statute book recognizing silver as money was swept away. It is estimated that during Cleveland's Administration four thousand millions of railroad and other securities have gone to the bad and that honest investors have lost that vast sum.
>
> This was not all of the gigantic plan in which the Administration of President Cleveland played and is still playing so conspicuous a part. Nearly all of the railroads of the country were wrecked. It is stated in the public press that that same Rothschild combination, acting through their agents, Morgan and Belmont, as they have done in the [illegible] bond deals during Cleveland's Administration, have absorbed all the railroad transportation east of the Mississippi River, except the Pennsylvania and the Vanderbilt lines, and that they have a longing eye for the Pennsylvania, which is in danger of following in the same path that all the other great railroads have gone. The most surprising fact in all these gigantic operations is that since Bryan's nominations at Chicago and St. Louis the absorption by purchase under judicial sale of railroads has been enormous. The Reading, costing [illegible], and only in debt [illegible], sold for the paltry sum of [illegible]. The Northern Pacific, with between two and three hundred millions of obligations outstanding, sold at judicial sale for the small sum of [illegible]. The entire Southern system, except the Seaboard line, has been owned by the [illegible] for several years. The Seaboard line has now been taken in by that [illegible] syndicate within the last few days. Why is it that this vast [illegible] combination is perfecting its title to American railroads just at this [illegible]? It is well known that they own railroads to wreck them; that it is their policy after a road has been wrecked and bought for a [illegible] to [illegible] and restock it, run it for dividends until the bonds [illegible] sold, and then rewreck it and go through the same process. [illegible] wrecking railroads during the present campaign is evidence that the Rothschild combination think it probable that Bryan will be elected, in which event they could stock and bond their railroads and sell them at a vast profit. In case, however, Bryan should be defeated they have another recourse. They will cut down wages to the starvation point. Such cuts would be followed by labor strikes, which would be put down by the strong arm of the Federal Government, and thus the form of our Government would be changed.
>
> There is no doubt that it is the [illegible] policy of every European monarch, as well as of the great Rothschild money combination, to consolidate the Federal Government of the United States and make it a despotism. It is hard to find a money dealer on either side of the Atlantic who will not tell you that what is wanted is a strong government to make the people behave. If Bryan is elected, hundreds of millions will be made in these railroad deals in the next few years of general prosperity. If he is defeated, wages will be reduced, dividends will be made, and the stocks and bonds will be sold all the same, and millions will flow into the coffers of the gold combination.
>
> We ask the people to watch these grand railroad deals and see what connection they have with the raiding of the Treasury by the Cleveland-Rothschild combination, which has continued from that time until now. They will appreciate why it was that this great money combination desired to wreck railroads and depress prices; it was that they might gather in, as they have gathered in, the railroads of the country and control transportation as well as finance.
>
> This explains the pernicious activity of the railroad corporations against Bryan and silver and for McKinley and gold. In short, the gold trust is for McKinley; every railroad in the United States is for McKinley; the banks of Europe and America are for McKinley; every monarchical government in Europe is for McKinley; the sugar trust is for McKinley; the coal trust is for McKinley; the standard oil trust is for McKinley; John Sherman is for

McKinley; Mark Hanna is for McKinley; Pierpont Morgan is for McKinley. We defy any man to show a trust or unlawful combination, manipulator of the currency, intriguer with Rothschild's combination, gold gambler, stock jobber or money changer who is not for McKinley. No man of them who is for McKinley ever did anything to advance the wages of labor or to benefit the masses. On the contrary, every goldite in the country is for low wages and hard times.

Therefore, it is not only to the interest, but the duty, of every patriotic American citizen to vote against McKinley and this infamous combination of trusts and monopolies behind him.

Mr. NELSON. Will the Senator from North Carolina allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. NELSON. What objection is there now to taking a vote upon the amendment immediately? It is now almost Sunday morning. Can we not take a vote before the Sabbath morning comes in?

Mr. BUTLER. If I thought it would have a very beneficial effect upon the Senate in the interest of economy, in the interest of not throwing away the people's tax money, in the interest of the economy that we have all talked for to-day—if I thought that it would cause Senators to be influenced more by the interests of the people than by the interests of the corporations, I should say, let us take the vote on the eve of Sunday morning.

Mr. NELSON. Let us try the experiment.

Mr. BUTLER. Mr. President, the Senator almost persuades me. I shall ask permission, since I have partially covered this matter, to put into the RECORD, at the proper place in my remarks, without detaining the Senate by reading it, some other matter which I have prepared. It is a statement pertinent to the discussion to some extent, but of course it shows, and is intended to show, the position of the railroads in the last campaign; and it calls attention to the fact that we stand to-day in a different relation as a Senate to them to what we have stood before. The time has come to deal with them as business corporations and not as a matter of sentiment and favor, especially when they go into politics, as they did in the last campaign, and champion one side of the great question dividing the country.

Mr. President, when I was interrupted a few moments ago by the Senator from Minnesota raising the question of no quorum, I was discussing the amount lost each year by those who were dismissed from employment by the reduction of employees of the railroads. I have a few more words to say about that matter.

This amount, $57,513,495.30, was in a single year taken from the earnings of subordinate railway employees, not by reductions throughout these classes, but by actual dismissal of 93,117 persons, nearly all men, on whom doubtless three times that number were dependent for support. Fifty-seven and a half million dollars suddenly taken from fully 300,000 persons at the close of the nineteenth century by dismissal from a hitherto reliable and steady employment because our wretched financial system permitted a few bankers to inaugurate the "panic," destroy business confidence, and paralyze industry! Still, whatever the cause, why was it done? Why were so many made homeless and destitute, or nearly so? Why was other labor, already suffering from contracted business because of contracted currency, made to feel the weight of this added competition for employment in other branches of industry? Why, if retrenchment was imperative, was not this fifty-seven and a half millions taken pro rata, and with reference to amount of compensation received, from all classes of employees and officers, instead of depriving nearly 100,000 men of their customary livelihood? Why during this single year was the number of general and other officers employed so greatly increased, while the number of subordinate employees was so largely decreased? Why was it that during this beginning year of the panic more "officers" were required for a so greatly diminished industrial army?

But besides the dismissals from the ranks of railway employees, there were reductions in the pay of the less than nine-tenths who were retained. How much these cuts amounted to is not indicated by merely noting the lower average daily pay stated in the table above set forth, but the aggregate is easily calculated. Mr. President, I have here another very interesting table. In this computation we only include those classes from which the dismissals above mentioned were made:

Station men (not agents)	$1,423.00
Enginemen	1,773.30
Firemen	393.27
Conductors	982.82
Trainmen	1,288.34
Machinists	3,540.40
Carpenters	3,290.52
Shopmen	5,061.54
Section foremen	1,186.40
Trackmen	6,028.44
Switchmen, flagmen, and watchmen	2,101.95
Telegraph operators and dispatchers	885.80
Other employees	4,293.80
Loss per day	32,186.60
Loss for the year	11,748,100.00

During the identical year (ending June 30, 1894) when this vast sum of nearly eleven and three-fourths millions was secured by paring down the wages of subordinate employees from 1 to 18 cents a day, the aggregate amount paid to general and other officers was, upon the average stated, increased by the sum of $3,447,998.05; that is to say, nearly one-third of the eleven and three-fourths millions taken from subordinate employees was added to the salary account of the officers. This includes the salaries paid to the additional officers employed in that year. The loss to the subordinate classes arising from dismissals and reduced wages amounted, as above shown, to $69,261,604.30. After allowing for all errors resulting from the use of average rates of pay, the compensation paid to subordinate railway employees in 1894 as compared with the fiscal year 1893 was apparently diminished fully $60,000,000.

The paternal solicitude manifested by very many managing railway officials for the welfare of the subordinate railway employee during the campaign just closed, the fears they expressed that he would not vote on the side of the "sound money" which he had been receiving in such unstinted portions, and the earnest and often successful efforts of those managers to delude the employee into believing that his prosperous lot would be changed into a condition of starvation on half pay, all become really ludicrous in the light furnished by a study of the figures above given. Not less than $60,000,000 was taken from the great mass of railway employees in a single year, and beyond question a very large proportion of this sum was again "saved" in 1895 and 1896. The men who pilot the train, who govern the train, who serve the train, who switch the train, who make the track safe for the train, who repair the train, who, in fact, operate the road and compose an army of protection and safety to hundreds of millions of passengers and billions of dollars' worth of moving property, are freely made to bear the brunt of untoward circumstances. On the other hand, those who manipulate the company's finances, who devise schemes by which this or that large shipment is secured at any sacrifice of revenue, who establish a tariff of charges only to break it, who often are able to "stand in on the ground floor" in little side schemes for money getting which operate to the detriment of the road, but to the betterment of their own pockets, raise their wages, when hard times come, out of "savings" produced by shaving down the pay of subordinates or diminishing the number of men employed.

These startling figures almost persuade one to believe in the existence of a "trust" in railway pay as there is in sugar, meat, iron, coal, oil, lumber, leather, coffins, shrouds, and practically everything we need to live with or die with.

Nearly a hundred thousand men turned from work on railways in a single year! Sixty million dollars taken from subordinate railway employees in a single year! Millions of dollars added to the salaries of railway officials in the same year! How easy it is to practice economy with other people's money! All this happened before the issues of the national campaign were framed, but the conditions were continued throughout that struggle and are with us in all essential respects to-day. What was done with that sixty millions and various other millions "saved" in recent years from operating expenses of railways must be reserved for another chapter. The purpose of the foregoing is to expose one single stupendous sham, and to point out to railway employees and the public how much of prosperity and decent maintenance have been recklessly wasted to secure as good railway balance sheets as possible under the blessed sound-money conditions that have had full sway in the United States in recent years.

Now, how can any Senator who opposes the gold standard vote to turn over the money taxed from the people to these gold-bug corporations? It is a gift. No gold Senator can do it unless he thinks it right to subsidize these corporations out of the public Treasury to enable them to contribute more next time to the gold-bug campaign.

Mr. President, I am sorry that I did not have these statistics in the last campaign. I have prepared them since. They would have answered all of the demagogy and humbuggery that the railroads used to fool their employees and to help to fool the country. In spite of their power and the money that they now wring from us in their tolls and fares and that we vote to them in subsidies, we hope to get the truth to the people before the next election, and to redeem the country in spite of them and their power thrown against the interest of humanity.

Mr. TILLMAN. Mr. President, I shall detain the Senate but a moment, but I feel constrained, as a representative of one of the Southern States, to explain why I, who am perhaps as radical a man in my views on the question of subsidies and of the rule of corporations and the influence and control they exert in legislation, which was discussed by the distinguished Senator from North Carolina, think it is absolutely just and proper that the motion to strike out should not prevail, and that the subsidy proposed should be continued in the appropriation bill.

Our mail facilities in the South are none too good. It is well known that the policy of the Government in distributing mail through the country is to reach into the remotest sections without regard to cost. You send the star routes into the backwoods if

there are but a dozen people there, although it may cost forty or fifty or a thousand times more than the revenue derived from the cancellation of stamps. Why do you do it? Because people in those remote settlements have some rights.

Now, when you consider the fact that by reason of its dense population and wealth and the amount and rapidity of travel on the trains which accommodate the traveler between the Eastern and Western sections of this country north of the Ohio and then compare it with the sparse settlements in the South and the inability of the railroads to furnish fast trains and pay expenses, you see at once the analogy between supplying the remote settlements with star routes without regard to cost and the case we are now considering. If you deny the Southern people and those cities mentioned in the amendment this fast train, you delay the mails from twelve to fourteen hours to the great injury of ten or twelve States.

Mr. BUTLER. It will bring nothing to the Southern people; every dollar of this subsidy will go into the pockets of the railroads. You say it will add to our fast-mail facilities. I deny it. Where is your testimony and your evidence? Show a particle.

Mr. TILLMAN. It is not a question of testimony or evidence. It is a question simply with the Postmaster-General. If he does not think it is right and proper, he is allowed under the statute not to spend this money. If he will not do his duty, it is not our fault.

Mr. BUTLER. How would the distinguished Senator——

Mr. DANIEL. I call the attention of the Senator from South Carolina to the fact that he is required not to spend it unless he believes in his own judgment that it is necessary.

Mr. TILLMAN. You mean to saddle the responsibility on us, because it is in an appropriation bill, and you want the Postmaster-General to say because we put it there he must spend it.

Mr. BUTLER. He has the courage to advise you not to do it, and that is as much courage as it would take to vote against a subsidy if he were a member of this body. And when he has had the courage to do that you go and vote it and tell him to spend it, and he explains in his report that he throws it away because you voted it in spite of his recommendation to the contrary.

The distinguished Senator from Wisconsin, who has been Postmaster-General, explained to-day how it was that the Postmaster-General was placed in an awkward situation in attempting to carry out the law or do his duty when he had to contend single-handed without the help of Congress against these combined monopolies who have such a hold upon our country and its interests. He explained to-day fully the difficulties he had to meet with as Postmaster-General, and it made me tremble for the Government to see a man with his firmness and courage stand up here and acknowledge and admit the difficulties that a Cabinet officer has in carrying out and doing his duty unless Congress will come to his back and prevent the railroads and combined trusts and monopolies from centering their pressure upon him.

Mr. TILLMAN. When there are so many other villainies in this bill, so many iniquities, I accept the payment for the transportation of the mails which the Senator pointed out, and I am unwilling, with all the villainies in this appropriation bill, to vote against this one for my own section of the country to give it rapid mail facilities.

Mr. BUTLER. Your argument would be, if my son steals, do not condemn him; if somebody else's son steals, then condemn him.

Mr. TILLMAN. I am tired of so much sentimentality in the South and no practicability. I think if we have got to have these iniquities we should have our share of the benefits.

Mr. BUTLER. That is a nice grab game. I have heard that before, when spoilsmen say, "What are we here for but for the spoils?" Each one grabs what he can, and let the devil take the hindmost.

Mr. TILLMAN. The South always has taken the hindmost.

Mr. BUTLER. The Senator from South Carolina will be joining the tariff barons here in a few days and saying, "Show me how I can loot the country for South Carolina. I am one of your gang."

Mr. TILLMAN. I beg your pardon, but I will join with the representatives of the tariff barons in giving this country all the tariff physic that it can be gagged and forced to take down. That is the only way to bring the people to their senses and lead them to a change in the financial policy as a means of relieving the ills we suffer.

Mr. BUTLER. Then the gentleman's argument is for us to increase these appropriations, and instead of voting $196,000, let us vote away $196,000,000, to let the country see how unworthy we are as their representatives.

Mr. TILLMAN. You will not get relief until you convince the masses of the people that there are a lot of robbers here representing the other robbers, and that they must change the personnel of this body.

Mr. BUTLER. And the Senator from South Carolina is joining in the scramble, and says, "Let me share the booty while the robbery is going on. Let me in and I will be one of the robbers to convince the people that we are all robbers."

Mr. TILLMAN. We of the South all pay our share of taxes. We send North every year one hundred and fifty or seventy-five million dollars, and most of it never comes back. Why not let us have the $171,000 for improved mail service?

Mr. BUTLER. Every one of these excessive charges that is paid for carrying the mails over the country and for rent of postal cars that the Senator speaks of is paid to Southern railroads. They get all the excessive pay we were talking about to-day; they get all the excessive pay for postal cars that we were talking about to-day. But you are not satisfied with that excessive pay. You want to put a subsidy on top of it and in addition to that.

Mr. TILLMAN. I should like to stop the whole business, but we can not do it; and I do not believe in depriving our people of this small benefit because of opposition to the policy pursued in conducting the Government.

Mr. BUTLER. Then let us vote against all subsidies. There are only a few in this bill. Let us vote against them, West as well as South, and do our duty. This is not a subsidy for the benefit of the people. It is a subsidy for the benefit of the railroad kings, for them and them alone. It should not pass. You know it is wrong.

Mr. TILLMAN. Mr. President, I shall detain the Senate but a moment, but I feel constrained, as a representative of one of the Southern States, to explain why I, who am perhaps as radical a man in my views on the question of subsidies and of the rule of corporations and the influence and control they exert in legislation, which was discussed by the distinguished Senator from North Carolina, think it is absolutely just and proper that the motion to strike out should not prevail, and that the subsidy proposed should be continued in the appropriation bill.

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Now, when you consider the fact that by reason of its dense population and wealth and the amount and rapidity of travel on the trains which accommodate the traveler between the Eastern and Western sections of this country north of the Ohio and then compare it with the sparse settlements in the South and the inability of the railroads to furnish fast trains and pay expenses, you see at once the analogy between supplying the remote settlements with star routes without regard to cost and the case we are now considering. If you deny the Southern people and those cities mentioned in the amendment this fast train, you delay the mails from twelve to fourteen hours to the great injury of ten or twelve States.

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Mr. BUTLER. The Senator from South Carolina will be joining the tariff barons here in a few days and saying: "Show me how I can loot the country for South Carolina. I am one of your gang."

Mr. TILLMAN. I beg your pardon, but I will join with the representatives of the tariff barons in giving this country all the tariff physic that it can be gagged and forced to take down. That is the only way to bring the people to their senses and lead them to a change in the financial policy as a means of relieving the ills we suffer.

Mr. BUTLER. Then the gentleman's argument is for us to increase these appropriations, and instead of voting $196,000, let us vote away $196,000,000, to let the country see how unworthy we are as their representatives.

Mr. TILLMAN. You will not get relief until you convince the masses of the people that there are a lot of robbers here representing the other robbers, and that they must change the personnel of this body.

Mr. BUTLER. And the Senator from South Carolina is joining in the scramble, and says, "Let me share the booty while the robbery is going on."

Mr. TILLMAN. We of the South all pay our share of taxes. We send North every year one hundred and fifty or seventy-five million dollars, and most of it never comes back. Why not let us have the $171,000 for improved mail service?

Mr. BUTLER. Every one of these excessive charges that is paid that the Senator speaks of is paid to Southern railroads. They get all the excessive pay we were talking about to-day; they get all the excessive pay for postal cars that we were talking about to-day. But you are not satisfied with that excessive pay. You want to put a subsidy on top of it and in addition to that.

Mr. TILLMAN. I should like to stop the whole business, but we can not do it; and I do not believe in depriving our people of this small benefit because of opposition to the policy pursued in conducting the Government.

Mr. BUTLER. Then let us vote against all subsidies. There are only a few in this bill. Let us vote against them, West as well as South, and do our duty. You know it is wrong.

Mr. ALLISON (at 12 o'clock and 15 minutes a. m., Sunday, February 28). Mr. President, I ask unanimous consent that a vote shall be now taken upon this amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Carolina to strike out the clause which has been read.

Mr. BUTLER. I hope we shall have a roll call.

Mr. ALLISON. The yeas and nays will be taken on the amendment.

Mr. GORMAN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. Let the amendment be read. I ask that the clause proposed to be stricken out be reread.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out after line 16, on page 8:

For necessary and special facilities on trunk lines from New York and Washington, to Atlanta and New Orleans, $171,238.75.

Mr. BATE. That is sufficient. I understand.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from North Carolina [Mr. BUTLER].

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). Under the circumstances, owing to the condition in the Senate this evening and the fact that this is not a political question, I will not regard my pair, and vote "nay."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. My colleague [Mr. MITCHELL of Oregon] is paired with the Senator from Wisconsin [Mr. VILAS]. The Senator from Wisconsin and I have arranged to transfer our pairs, and I vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD], but inasmuch as he and I agree on this subject, I desire to vote. I vote "nay."

Mr. QUAY (when his name was called). I have a general pair upon all subjects with the Senator from Alabama [Mr. MORGAN]. Upon this question I do not know how he would vote, but I believe that under existing conditions he will justify me in violating the pair to vote "nay," as I do.

Mr. SEWELL (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. MITCHELL]. I do not know how he would vote on this subject if he were present. I should vote "nay."

Mr. FAULKNER (when Mr. WALTHALL'S name was called). I was requested by the Senator from Mississippi [Mr. WALTHALL] to state that he is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I have again to announce my pair with the Senator from Florida [Mr. PASCO], and to state that he is detained from the Chamber by sickness to-day. [A pause.] I am informed by his colleague [Mr. CALL] that he would vote "nay," and therefore I will vote.

Mr. CALL. I think my colleague would vote "nay," under the circumstances.

Mr. WILSON. I vote "nay."

The roll call was concluded.

Mr. BACON (after having voted in the negative). I permit my vote to stand, although the Senator with whom I am paired is absent. I understand that he would vote the same way I do if present.

Mr. McMILLAN (after having voted in the negative). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Believing that he would vote as I do, I will let my vote stand.

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I voted, but I do not know how he would vote if present, and I shall have to withdraw my vote. [A pause.] I am advised that the Senator with whom I am paired would vote "nay" upon this proposition, so I will allow my vote to stand.

The result was announced—yeas 8, nays 41; as follows:

YEAS—8.

Baker,
Bate,
Berry,
Butler,
Chilton,
Lodge,
Pettigrew,
Vilas.

NAYS—41.

Allen,
Allison,
Bacon,
Brice,
Brown,
Burrows,
Call,
Cannon,
Carter,
Chandler,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Frye,
Gibson,
Gordon,
Gorman,
Hawley,
Hill,
Jones, Ark.
McBride,
McMillan,
Martin,
Nelson,
Palmer,
Peffer,
Perkins,
Platt,
Pritchard,
Proctor,
Quay,
Roach,
Shoup,
Squire,
Stewart,
Thurston,
Tillman,
White,
Wilson.

NOT VOTING—41.

Aldrich,
Blackburn,
Blanchard,
Caffery,
Cameron,
Clark,
Davis,
Elkins,
Gallinger,
Gear,
George,
Gray,
Hale,
Hansbrough,
Harris,
Hoar,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lindsay,
Mantle,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Pasco,
Pugh,
Sewell,
Sherman,
Smith,
Teller,
Turpie,
Vest,
Voorhees,
Walthall,
Warren,
Wetmore,
Wolcott.

So the amendment was rejected.

The VICE-PRESIDENT. The question is upon agreeing to the committee amendment. The amendment will be stated.

The SECRETARY. After the word "service," line 24, insert the words:

In the discretion of the Postmaster-General, any unexpended balance of appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

The amendment was agreed to.

Mr. VILAS. I wish to ask the Senator from Iowa in charge of the bill if the appropriation for $80,000 for the Oceanic Steamship Company is not a new appropriation of a subsidy in addition to what has heretofore been paid them?

Mr. ALLISON. It has been paid for two years.

Mr. VILAS. It is a continuation of the same payment?

Mr. ALLISON. It is a continuation of the same payment.

Mr. VILAS. In that case I will not stop to contest it now at this late hour of the night, although I would like to call attention to the fact that that company is not within the category of those entitled to the subsidy under the general act for that purpose, and having been invited by the Post-Office Department to bid it was unable to do so, having but two vessels of American registry.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move now that the Senate proceed to the consideration of the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. HILL. I hope not to-night.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

Mr. HILL. Mr. President——

Mr. ALDRICH. The motion is not debatable.

Mr. ALLISON. The Senator will allow me a moment. Is the bill before the Senate?

The VICE-PRESIDENT. The Chair has not submitted the motion for the reason that the Senator from New York addressed the Chair upon the bill.

Mr. HILL. I was about to make a suggestion that we ought not to proceed with the bill to-night.

Mr. ALLISON. I will say to the Senator from New York that it is not my purpose to finish the bill to-night. I think it is absolutely impossible to do that.

Mr. HILL. Yes; I think so myself.

Mr. ALLISON. But I should like to make progress with it, and any sharply contested matter in the bill I will allow to be passed over until to-morrow. I trust that we shall make progress with the bill to-night, and I hope there will be no objection to it.

Mr. GORDON. If the Senator from Iowa will allow me to make a suggestion, would it not be wiser for us to meet earlier in the morning, and get some sleep to-night?

Mr. ALLISON. I think it is necessary that we should make progress with the bill to night, and I hope there will be no objection to it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The Secretary proceeded to read the bill.

Mr. VILAS. I wish to make one suggestion. Can there not be a unanimous-consent agreement that no other business shall be considered to night except this bill?

Mr. STEWART. Oh, no. Then everybody would go away.

Mr. FAULKNER. That is a fair proposition.

Mr. JONES of Arkansas. Why not agree to that?

The VICE-PRESIDENT. Does the Senator ask to have the suggestion submitted?

Mr. VILAS. Yes. I ask unanimous consent that no other business shall be considered except the sundry civil bill at the session to-night before a recess or adjournment is taken.

The VICE-PRESIDENT. The Chair submits the request of the Senator from Wisconsin. Is there objection to the request of the Senator from Wisconsin?

Mr. BATE. I suppose nothing will be done except the reading of the bill. There will be no contest over the amendments to-night.

Mr. ALLISON. I will say to the Senate that if any Senator for any reason is compelled to be absent from his seat this evening and to-morrow, and will state that fact, I shall be willing that it may be reopened to that extent. What I desire is that we shall make progress with the bill. Certainly, I do not desire that any Senator shall be deprived of his proper right to discuss the bill.

Mr. CULLOM. Then all Senators will go away.

Mr. ALLISON. I think if Senators will trust me about this bill there will be no special harm done with it.

Mr. FRYE. That is all right.

Mr. NELSON. Mr. President, will the Senator from Iowa allow me to make a suggestion to expedite business?

Mr. ALLISON. I will.

Mr. NELSON. I suggest that the formal reading of the bill be dispensed with.

Mr. ALLISON. That is a very good suggestion, and I intended to make it myself. I ask that the formal reading of the bill may be dispensed with.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. ALLISON. I also ask that the committee amendments may be considered first.

Mr. CULLOM. That is right.

Mr. GORMAN. I understand that the request submitted by the Senator from Wisconsin has been agreed to.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Wisconsin.

Mr. QUAY. What is the request?

Mr. FRYE. That was agreed to, I understand.

Mr. QUAY. What is the request?

Mr. FRYE. That no other business shall be done to-night.

The VICE-PRESIDENT. The Chair will ask the Senator from Wisconsin.

Mr. QUAY. I thought he withdrew his request?

Mr. CULLOM and others. No, no.

Mr. VILAS. A good many Senators desired that that request should be made. I am not desirous to do anything against the wishes of those who are in charge of the bill. I thought it would facilitate action upon the bill.

Mr. QUAY. I understood that I had removed the objection of the Senator from Wisconsin to proceeding in the ordinary way. I was mistaken.

The VICE-PRESIDENT. Shall the reading of the bill be proceeded with?

Mr. FAULKNER. The request of the Senator from Wisconsin has not been submitted, or else it has been agreed to, and we want to know which.

The VICE-PRESIDENT. The Chair again submits to the Senate the request of the Senator from Wisconsin. Is there objection?

Mr. HILL. What is the request?

Mr. FAULKNER. I understand the request is that there shall be no other business than the sundry civil bill until either adjournment or recess.

The VICE-PRESIDENT. The Chair so understands. Is there objection? The Chair hears none, and it is so ordered. The reading of the bill will proceed.

The Secretary proceeded to read the bill.

Mr. ALLISON. I ask that the reading may be interrupted, in order that at this time we may settle the question of a recess. I hope that unanimous consent will be given that when we take a recess it will be until 3 o'clock in the afternoon.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Iowa that when the recess is taken to-night it be until 3 o'clock this afternoon. Is there objection?

Mr. HILL. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HILL. I insist on the regular order.

Mr. ALLISON. Then I move that when a recess be taken to-night it be until 3 o'clock this afternoon.

Mr. HILL. I raise the question of no quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Baker,
Bate,
Berry,
Brice,
Brown,
Burrows,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Gibson,
Gordon,
Gorman,
Hawley,
Jones, Ark.
Lodge,
McBride,
McMillan,
Martin,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Proctor,
Quay,
Roach,
Shoup,
Squire,
Stewart,
Thurston,
Tillman,
Vilas,
White,
Wilson.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HILL. Mr. President, I desire to state that I have moved on several occasions for an executive session of the Senate, and my motion has been interfered with by appropriation bills. I do not wish to antagonize the appropriation bills, but I think that the Senate should have an executive session, and I think we should fix a time, so that Senators may know when it is going to be held, that they may be present. I am not asking that any particular action should be had in executive session, but that there should be an executive session to dispose of whatever executive business is before the Senate.

That is nothing but common fairness, and my request should not be refused. If the ordinary and usual request of a Senator is refused, he naturally feels as though he must antagonize those who antagonize him. I am not asking that any particular nomination shall be confirmed; I am simply asking that there shall be an executive session, and that an opportunity shall be afforded to pass upon various nominations. If some nominations are to be confirmed, the appointees will have to give their bonds, and they must have them returned before Congress adjourns, as everyone knows. I do not think we ought to do by indirection what we will not do directly.

It is for that reason that I have suggested that we ought not to go on with this bill, at least until there can be some understanding with regard to when we are going to have an executive session. Every time when an appropriation bill is reported and passed another one is put immediately in its place, and if I remain silent, I shall be cut off then by saying, "You can not have an executive session now, because we have an appropriation bill before the Senate."

Mr. ALLISON. The Senator must see that I am facilitating just what he wants by asking that this appropriation bill be now considered.

Mr. HILL. When this bill is disposed of, the Senator will ask to take another appropriation bill up immediately.

Mr. ALLISON. Very well; but these bills must be passed within a day or two, in order that they may go to the other House and become laws. The next bill which will probably be considered will be the naval appropriation bill, which will take, I hope, a very short time. Then the deficiency bill will be considered, or the fortifications bill, and probably the District of Columbia appropriation bill will be the last one considered, though it is important to consider it early, I know. Certainly, whatever is done to-night will facilitate just what the Senator from New York desires, because I must submit that these appropriation bills are more important than by any possibility prolonged executive sessions can be. I do not wish to interfere with the Senator's desires about an executive session.

Mr. HAWLEY. I will make a suggestion. The time is very precious to-night. We might have made very considerable progress with this bill even while we have been talking. There will be no difficulty about having an executive session on Monday. I do not know what good will result from talking about it now. I myself would agree to give unanimous consent for an executive session at some hour agreeable to the Senator in charge of the appropriation bill.

Mr. CHANDLER. I should like to address a suggestion to the Senator from New York. The question that ought to be settled is the question of the recess to-night. It has been suggested that the recess should be until 3 o'clock this afternoon. As the Senate knows, I have voted steadily for executive sessions, and I am willing to give notice now that two hours after we reassemble in the afternoon, say at 5 o'clock, I shall move an executive session.

Mr. HILL. I am obliged to the Senator, but I hardly think we can have it this afternoon. I do not believe we can get a sufficient number of Senators here.

Mr. CHANDLER. Then we can not do any business.

Mr. CULLOM. Say on Monday.

Mr. CHANDLER. I give notice, then, that I will make the motion within two hours after the reassembling of the Senate.

Mr. JONES of Arkansas. I should like to ask whether there is not an agreement that nothing shall be done except to proceed with the consideration of the sundry civil bill to-night?

Mr. HILL. I am not asking for an executive session; but I want to see fair play in the spirit of fairness that usually characterizes me. I do not want to be obstreperous about it. I do not want to compete with appropriation bills, and yet all the time they are put in my way.

Mr. FAULKNER. If the Senator will permit me, I will state frankly that if we could have had a full Senate this evening, there would have been a motion made to proceed to the consideration of executive business.

Mr. HILL. I do not think that the evening is the proper time. There are some gentlemen in the Senate who are rather old, and it would be a hardship on them.

Mr. FAULKNER. I do not think we can have an executive session before Monday.

Mr. HILL. Why can not there be a general understanding that on Monday at 1 o'clock we shall go into executive session? Why not have that, if you intend to give an opportunity to attend to executive business?

Mr. CHANDLER. Does the Senator ask for unanimous consent?

Mr. HILL. I suggest that we fix some time, so as not to take advantage of the absence of any Senator.

Mr. ALLISON. The difficulty is owing to the morning hour consuming the time until 1 o'clock, and if we go into executive session at 2 o'clock, that practically ends the legislative business of the day.

Senators will bear in mind that for the last week or ten days we have only been considering appropriation bills in the evenings. Business of one kind and another—I need not go into a statement of what it has been—has intervened to occupy hours and hours. I have protested against it, knowing that we would be in the situation we are to-night unless we progressed with the appropriation bills.

Here is a proposition that we shall go into executive session at an early hour on Monday, which means that the day will be gone. If the Senators will allow the appropriation bills to be placed in a position where they can be considered in the other House and dealt with there, there will be plenty of time to hold the executive session they desire, if they are disposed to go into it. I should be willing to consent to a later hour on Monday for an executive session, so that the day will not be wholly occupied with that business.

Mr. HILL. I suggest 4 o'clock.

Mr. ALLISON. Very well; I shall be willing, so far as I am concerned, to give way at 4 o'clock, although I think that is a very dangerous business.

Mr. COCKRELL. There will be no trouble about that.

Mr. ALLISON. We shall be here, and there will be an all-night session, practically, on Monday.

Mr. HILL. Then at 6 o'clock we shall take a recess anyhow. That is the difficulty about it. Why not make it 4 o'clock? One hour is just as good as another for appropriation bills if we can keep a quorum. I ask unanimous consent that on Monday at 4 o'clock the Senate go into executive session.

Mr. JONES of Arkansas. Is not that a violation of the previous unanimous consent?

Mr. CHANDLER and Mr. HILL. No.

Mr. JONES of Arkansas. We agreed to-night that we should do nothing but consider the appropriation bill, and now we are agreeing as to what shall be done on Monday. That is certainly doing something which is palpably a violation of the agreement.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New York, that at 4 o'clock on Monday the Senate go into executive session. Is there objection?

Mr. BROWN. As I understand it, we have already agreed by unanimous consent that we shall do no other business than that connected with this appropriation bill to-night. Immediately thereafter we are asked to perform one of the most important functions of the Senate, to wit, make an order absolute to go into a particular class of business on Monday, at 4 o'clock. I consider at least that is a violation of the agreement, and I object.

Mr. CHANDLER. Then I give notice that I shall move on Monday at 4 o'clock that the Senate go into executive session.

Mr. ALLISON. I now ask unanimous consent that when we take a recess it shall be until 3 o'clock this afternoon.

The VICE-PRESIDENT. Is there objection?

Mr. ALDRICH. I suggest that it is necessary in that connection probably to fix an hour at which we shall take a recess, because we may be in a position at the hour we desire to take a recess when there will be no quorum, and we shall have to adjourn, as it would require a quorum to take a recess.

Mr. COCKRELL. Oh, no; we can fix the time for the recess now.

Mr. ALDRICH. The only agreement is that when we take a recess we shall take it to a certain time. It requires a quorum to take a recess at the time.

Mr. ALLISON. Then, if there is that difficulty, I will propose to fix the hour for taking a recess at half past 2 o'clock to-night until 3 o'clock this afternoon.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. BUTLER. I object.

Several SENATORS (to Mr. ALLISON). Then make the motion.

Mr. ALLISON. I move, then, that at half past 2 o'clock we take a recess until 3 o'clock this afternoon.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Public buildings," on page 2, after line 23, to insert:

For post-office and court house at Charleston, S. C.: For completing the approaches and grounds around the building, $12,000.

Mr. TILLMAN. I desire to offer an amendment to the amendment of the committee.

The VICE-PRESIDENT. The amendment to the amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 2, in line 26, before the word "thousand," it is proposed to strike out "twelve" and insert "fourteen;" so as to read "$14,000."

Mr. ALLISON. The estimate of the Department is that this work can be done for $12,000. I hope the Senator will not insist on his amendment.

Mr. TILLMAN. I beg the Senator's pardon. He is in error. The Supervising Architect has written a letter in which he states that $12,000 is not sufficient, and that it will be necessary to have $14,000 in order to complete the work.

Mr. QUAY. I invite the attention of the Senator from Iowa to this proposed amendment. The facts are that this amendment, which was referred to the Committee on Public Buildings and Grounds, appropriates for the post-office at Charleston. The committee addressed a communication to the Supervising Architect of the Treasury, who, after the amendment had been referred to the Committee on Appropriations inserting $12,000, advised us that it would require $14,000 to do the work. I trust the Senator from Iowa will permit the amendment to prevail.

Mr. ALLISON. On that statement, I shall not object to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 19, after the word "dollars," to insert:

And not to exceed $20,000 of this sum may, in the discretion of the Secretary of the Treasury, be used to purchase additional land for the site of said building.

So as to make the clause read:

For public building at Helena, Mont.: For continuation of building under present limit, $100,000, and not to exceed $20,000 of this sum may, in the discretion of the Secretary of the Treasury, be used to purchase additional land for the site of said building.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to insert:

For public building at Racine, Wis.: Authority is hereby given to the Secretary of the Treasury, if he shall deem it expedient in the interest of the public service to accept the bid of $9,486, now filed for the substitution of stone for brick terra cotta in the public building now in process of construction at Racine, Wis., in accordance with the amended plans for the same already prepared by the Supervising Architect of the Treasury.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert:

For public building at Topeka, Kans.: To enable the Secretary of the Treasury to purchase 50 feet front of ground, or so much thereof as may be needed, adjacent to the ground now owned by the Government on which the public building at Topeka, Kans., occupied as a post-office and other Government offices, is located, not to exceed $25,000; and to enable the Secretary to enlarge the said building for the better accommodation of the post-office and other Government offices, and to supply the same with the necessary fireproof vaults, elevator, and other fixtures and appliances for the more convenient, safe, and ready dispatch of the public business, $75,000; in all, $100,000: *Provided*, That the plans, specifications, and full estimation of said building shall be previously made and approved according to law: *And provided further*, That said building, so enlarged, shall be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet on the north.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

For post-office at Worcester, Mass.: To enable the stamp room to be transferred to what is now the money-order lobby, and a new lobby to be provided, under the direction of the Secretary of the Treasury, $3,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

Mr. BROWN. I should like to offer an amendment, if this is the proper time to do it.

Mr. ALLISON. Unanimous consent was given that the committee amendments should be first considered. I will notify the Senator at the proper time for him to offer his amendment.

Mr. BROWN. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, after line 10, to insert:

That the sum of $325,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,733 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owners at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "grounds," to strike out "and approaches;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, $250,000; of which amount the sum of $30,000 to be used for the marine hospitals and quarantine stations: *Provided*, That of the sum hereby appropriated not exceeding $10,000 may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person $6 per day.

The amendment was agreed to.

The next amendment was, under the head of "Light-houses, beacons, and fog signals," on page 11, after line 4, to insert:

New Haven Harbor Breakwater light and fog-signal station, Connecticut: For establishing a light and fog-signal station on the outer breakwater, entrance to New Haven Harbor, Connecticut, $25,000; and the total cost of establishing said light and fog-signal station, complete, under a contract which is hereby authorized therefor, shall not exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

West Bank light and fog-signal station, New York: For establishing a light and fog-signal station on or near the west bank, New York Harbor, $50,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 23, to insert:

Orient Point light and fog-signal, New York: For erection of a light-house with fog signal at the site of the beacon heretofore standing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, New York, $30,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 3, to insert:

Overfalls Shoal light-vessel, New Jersey: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $90,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to strike out:

Bull Bay light station, South Carolina: For the reestablishment of the station on a new site, $10,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

Reimbursement of losses of light keepers in the Sixth light-house district: For reimbursements of keepers of lights, the officers and crew of a light vessel, and the keeper of a buoy depot in the Sixth light-house district, for personal losses sustained during the cyclones of August, 1893, while on duty, $2,399.13.

The amendment was agreed to.

The next amendment was, at the top of page 13, to insert:

Light vessel and two float lights at Ballards Reef, Detroit River: For light vessel and two float lights for marking the new channel at Ballards Reef above Limekiln Crossing on the lower Detroit River, $1,500.

The amendment was agreed to.

The next amendment was, on page 15, line 1, before the word "thousand," to strike out "four hundred and fifty" and insert "five hundred," and in line 2, after the word "dollars," to insert:

Provided, That of this amount the sum of $25,000 shall be used for the establishment of gas buoys on the Great Lakes and connecting waters.

So as to make the clause read:

Expenses of buoyage: For expenses of establishing, replacing, and maintaining buoys of any and all kinds, spindles, and day beacons, and for incidental expenses relating thereto, $500,000: *Provided*, That of this amount the sum of $25,000 shall be used for the establishment of gas buoys on the Great Lakes and connecting waters.

The amendment was agreed to.

The next amendment was, under the head of "Revenue-Cutter Service," on page 20, line 4, after the word "dollars," to insert the following proviso:

Provided, That any chief engineer of the Revenue-Cutter Service who has held the office of engineer in chief shall hereafter receive the pay and emoluments of a captain of said service, and shall be eligible for appointment to the office of captain of engineers in said service, with the pay and emoluments of such captain.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

For the purchase of ten eophones, at not exceeding $400 each, $4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," on page 23, line 21, to increase the appropriation for field expenses from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 18, to insert:

For the construction of a tidal indicator in the harbor of San Francisco, Cal., $2,500.

The amendment was agreed to.

The next amendment was, on page 24, line 26, to increase the appropriation for examination of reported dangers on the Atlantic, Gulf, and Pacific coasts, and to continue the compilation of the Coast Pilot, etc., from $3,300 to $5,100.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to insert:

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the measurement of the earth, $1,500.

The amendment was agreed to.

The next amendment was, on page 26, line 20, to increase the total appropriation for field expenses of the Coast and Geodetic Survey from $15,800 to $31,600.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," on page 29, line 19, after the word "For," to strike out "two" and insert "three;" so as to read:

For three, at $2,000 each.

The amendment was agreed to.

The next amendment was, on page 30, line 21, to increase the total appropriation for pay of office force of the Coast and Geodetic Survey from $134,470 to $136,470.

The amendment was agreed to.

The next amendment was, on page 31, line 5, after the word "supplies," to strike out "for extra engraving and drawing;" so as to make the clause read:

For copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; and for photolithographing charts and printing from stone and copper, for immediate use, $15,500.

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "gas," to strike out "electricity for lighting and power;" so as to make the clause read:

For stationery for the office and field parties, transportation of instruments and supplies, when not charged to party expenses, office wagons and horses, fuel, gas, telegrams, ice, and washing, $6,000.

Mr. PERKINS. I wish to ask the chairman if he will not permit those words to stand. It is simply for the use——

Mr. ALLISON. I understand the matter. It was an oversight in striking out the words. I ask that the amendment may be disagreed to.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, line 7, after the word "dollars," to insert:

Of which sum $3,500 may be used for necessary drawings and illustrations for publications of the National Museum.

So as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, $160,000, of which sum $3,500 may be used for necessary drawings and illustrations for publications of the National Museum.

The amendment was agreed to.

The next amendment was, on page 34, line 5, after the word "subsistence," to insert "purchase and;" and in line 14, before the word "bank," to strike out "west;" so as to make the clause read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals, including salaries or compensation of all necessary employees, and general incidental expenses not otherwise provided for, $55,000; one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States; and of the sum hereby appropriated $5,000 shall be used for continuing the entrance into the Zoological Park from Woodley Lane, and opening driveway into Zoological Park from said entrance along the bank of Rock Creek.

The amendment was agreed to.

The next amendment was, on page 37, line 4, after the word "Station," to strike out "Custodian and fish-culturist, $900," and insert:

Superintendent, $1,500; laborer, $600; in all, $2,100.

So as to make the clause read:

Gloucester (Mass.) Station: Superintendent, $1,500, laborer, $600: in all, $2,100.

The amendment was agreed to.

The next amendment was, on page 37, line 12, before the word "laborer," to strike out "skilled;" so as to read:

Woods Holl (Mass.) Station: Superintendent, $1,500; machinist, $960; fish-culturist, $900; pilot and collector, $720; three firemen, at $600 each; one laborer, $540.

The amendment was agreed to.

The next amendment was, on page 39, line 18, after the word "dollars," to strike out "two laborers, at $540 each" and insert "laborer, $600; laborer, $540;" and in line 21, before the word "dollars," to strike out "five hundred and sixty" and insert "six hundred and twenty;" so as to make the clause read:

Baird (Cal.) and Fort Gaston (Cal.) stations: Superintendent, $1,500; foreman, $1,080; foreman, $900; laborer, $600; laborer, $540; in all, $4,620.

The amendment was agreed to.

The next amendment was, on page 39, line 23, after the word "dollars," to strike out "three laborers, at $540 each" and insert "laborer, $720; two laborers at $600 each;" and on page 40, line 2, before the word "hundred," to strike out "one" and insert "four;" so as to make the clause read:

Clackamas (Oreg.) Station: Superintendent, $1,500; laborer, $720; two laborers, at $600 each: in all, $3,420.

The amendment was agreed to.

The next amendment was, on page 42, line 19, to increase the appropriation for propagation of food fishes from $125,000 to $140,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 18, to insert;

Fish hatchery in New Hampshire: For the establishment of a fish cultural station in the State of New Hampshire at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, including purchase of site, construction of buildings and ponds, and its equipment, $15,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 44, after line 5, to strike out:

For all other necessary expenditures, to enable the Commission to properly carry out the objects of the "Act to regulate commerce" (including expenditures for counsel), to give effect to the provisions of said act and all acts and amendments supplementary thereto, $250,000.

And insert:

For all other necessary expenditures, to enable the commission to give effect to the provisions of the "Act to regulate commerce," and all acts and amendments supplementary thereto, $250,000, of which sum not exceeding $25,000 may be expended in the employment of counsel.

The amendment was agreed to.

The next amendment was, under the same head, on page 44, line 17, before the word "thousand," to strike out "fifty" and insert "forty-one;" so as to make the clause read:

In all, $241,000.

The amendment was agreed to.

The next amendment was, on page 45, line 5, after the word "ninety-eight," to insert "including the return of said Government exhibit;" after the word "hundred," in line 6, to insert "and seventy-five;" and in line 7, after the word "dollars," to insert:

Provided, That the cost of building or buildings for the Government exhibit shall not exceed $75,000.

So as to make the clause read:

Omaha exposition: For construction of building or buildings and for Government exhibit, including each and every purpose connected therewith, at the Transmississippi and International Exposition at the city of Omaha, in the State of Nebraska, as provided by and within the limitations and restrictions of the act approved June 10, 1896, entitled "An act to authorize and encourage the holding of a Transmississippi and International Exposition at the city of Omaha, in the State of Nebraska, in the year 1898," including the return of said Government exhibit, $275,000: *Provided*, That the cost of building or buildings for the Government exhibit shall not exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 9, to insert:

Treasury Department: That the Secretary of the Treasury shall appoint, by transfer from a clerkship of class 1, a librarian for the Treasury Department, at a salary of $1,200 per annum; and to pay the same for the remainder of the present fiscal year the sum of $400 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and for the fiscal year 1898 the further sum of $1,200 is hereby appropriated out of any money in the Treasury not otherwise appropriated; in all, $1,600.

The amendment was agreed to.

The next amendment was, on page 45, line 22, before the word "freight," to strike out "including;" in the same line, after the word "freight," to insert "salaries of superintendents, counters, messengers, and watchmen;" and in line 23, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

Paper and stamps: For paper for internal revenue stamps, freight, salaries of superintendent, counters, messengers, and watchmen, $50,000.

The amendment was agreed to.

The next amendment was, on page 47, line 23, before the word "paper," to insert "distinctive;" so as to make the clause read:

Distinctive paper for United States securities: For distinctive paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $75,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

To enable the Secretary of the Treasury to continue the scientific investigation of the fur seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution, approved June 8, 1896, $5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898. And the Secretary of the Treasury is hereby authorized to pay to Dr. Leonhard Stejneger the sum of $900, and to F. A. Lucas the sum of $600, for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries under said joint resolution, out of the appropriation therein made for such investigation.

Mr. NELSON. After the words "nine hundred," in line 17, I move to insert the word "forty," so as to read "$940;" and in line 18, after the words "six hundred," I move to insert "thirty," so as to read "$630."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 55, after line 17, to insert:

Publication of Supplement to Revised Statutes of the United States. To enable the Secretary of the Treasury to pay, when the work shall be completed, for preparing and editing a Supplement to the Revised Statutes of the United States for the second session of the Fifty-fourth Congress, under the act of February 27, 1877, $1,000; and hereafter the Supplement to the Revised Statutes shall only be published at the expiration of a Congress, and in one volume, and all expenses of preparing and editing the same shall not exceed $1,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 3, to insert:

Bounty on sugar. For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, $1,085,156.06, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

Mr. ALLISON. I ask that the amendment may be passed over.

The PRESIDING OFFICER. The amendment will be passed over without action, if there be no objection. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 56, after line 22, to insert:

Payment to A. T. Kimball: To pay A. T. Kimball, of Brainerd, Minn., in full for all loss and damages sustained by him to his property from a break in the Pine River Reservoir, Minnesota, one of the head waters of the Mississippi River, $2,941.13.

The amendment was agreed to.

The next amendment was, on page 58, after line 14, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, $100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, after line 18, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames under the direction of the Joint Committee on the Library, $1,500.

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

For additional bookcases and shelves to accommodate the increase of law books and to protect rare and valuable books and manuscripts in the Law Library of Congress, $400, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

For the necessary care and repair of the steam-heating and ventilating apparatus of the Senate, including air ducts, elevators, legislative bell service, and all machinery relating thereto in the Senate wing of the Capitol, and also the Supreme Court, and including materials and tools, under the direction of the Architect of the Capitol, $3,165.

The amendment was agreed to.

The next amendment was, on page 61, line 17, to increase the appropriation for reproducing plats of survey, under the direction of the Commissioner of the General Land Office, from $2,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

That the provision of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," under the title "Surveying the public lands," which reappropriates the sum of $125,000 for the survey of the public lands within the limits of land grants made by Congress to aid in the construction of railroads, and to be reimbursed by the railroad companies and reappropriated for continuing such surveys, shall be used in such proportion as may be necessary to pay for field examination and necessary clerical work in the office of the surveyor-general, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

For survey and appraisal of the Fort McPherson abandoned military reservation, in Nebraska, $500.

The amendment was agreed to.

The next amendment was, on page 64, after line 22, to insert:

For surveying that portion of the boundary line between Idaho and Montana beginning at the intersection of the thirty-ninth meridian, with a boundary line between the United States and the British Possessions, including the retracing of so much of the international boundary line as may be found necessary for the determination of said intersection, then following said meridian south until it reaches the summit of the Bitter Root Mountains, and for locating points on said meridian by triangulation from the Spokane base of the United States Geological Survey, and on the continuation of said boundary line along the Bitter Root Mountains between Idaho and Montana, $7,600, or so much thereof as may be necessary, to be immediately available: *Provided*, That the Secretary of the Interior shall direct that the survey shall be executed under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose, and such survey shall be executed under instructions to be issued by the Secretary of the Interior, and that in either case the survey of said line be approved and accepted upon recommendation of the Director of the Geological Survey: *Provided further*, That the Secretary of the Interior may use so much of the above appropriation as will pay for the surveying and determining of said meridian and said boundary line as herein above provided, at such rates as he, in his discretion, may fix: *Provided further*, That the plats and field notes thereof prepared shall be approved and certified to by the Director of the Geological Survey, and three copies thereof shall be returned, one for filing in the surveyor-general's office of Idaho, one in the surveyor-general's office of Montana, and the original in the General Land Office.

And such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are declared to be inoperative as respects such survey.

The amendment was agreed to.

The next amendment was, on page 68, line 9, before the word "thousand," to strike out "sixty" and insert "sixty-five;" and in the same line, after the word "dollars," to insert:

And all moneys received from the sale of topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, shall be deposited with the Treasurer of the United States to the credit of the appropriation for engraving and printing the geological maps of the United States.

So as to make the clause read:

For engraving and printing the geological maps of the United States, $65,000; and all moneys received from the sale of topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, shall be deposited with the Treasurer of the United States to the credit of the appropriation for engraving and printing the geological maps of the United States.

The amendment was agreed to.

The next amendment was, on page 68, line 20, to increase the appropriation for gauging the streams and determining the water supply of the United States, etc., from $10,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 69, line 1, to increase the total appropriation for the United States Geological Survey from $179,100 to $191,100.

The amendment was agreed to.

The next amendment was, on page 71, after line 11, to insert:

To construct additional accommodation at the Government Hospital for the Insane for the insane received from the National Home for Disabled Volunteer Soldiers, $75,000.

The amendment was agreed to.

The next amendment was, on page 73, line 9, after the word "purposes," to insert "including cost of transportation;" so as to make the clause read:

Reindeer for Alaska: For support of the reindeer station at Port Clarence, Alaska, and for the purchase and introduction of reindeer from Siberia for domestic purposes, including cost of transportation, $12,500.

The amendment was agreed to.

The next amendment was, on page 74, line 1, after the word "dollars," to insert "to be immediately available;" and in line 10, after the word "tailrace," to insert:

Provided, however, That the foregoing proviso and condition, and nothing therein contained, is intended to absolve the United States from making the improvements and needed repairs it is required to make, if any, under existing contracts heretofore made and entered into by the United States and the Moline Water Power Company.

So as to make the clause read:

For extraordinary repairs of the Rock Island Arsenal water power, especially necessary for securing the same against destructive accident or injury during high water and freshets in the Mississippi River, $28,150, to be immediately available: *Provided*, That before work is commenced under this appropriation the Moline Water Power Company shall secure the United States, to the satisfaction of the Secretary of War, against interference or action for damages from the city of Moline, or others, for interfering with the flow or discharge of sewage and water from the city of Moline through the old tailrace in rear of the upper or Moline dam by the construction of the proposed earth embankment in rear of said wall and in said old tailrace: *Provided, however*, That the foregoing proviso and condition, and nothing therein contained, is intended to absolve the United States from making the improvements and needed repairs it is required to make, if any, under existing contracts heretofore made and entered into by the United States and the Moline Water Power Company.

The amendment was agreed to.

The next amendment was, on page 74, after line 20, to strike out:

That the proviso in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, being chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and which proviso is in the appropriation for the Rock Island Bridge, in the following words: "*Provided further*, That the Secretary of War shall not, under the act 'to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith,' approved March 3, 1885, permit the lower section of said bridge to be occupied by any street railway without paying a reasonable rent therefor," be, and the same is hereby, amended by adding after the final words, "paying a reasonable rent therefor," the following words: "unless said company, in lieu of such rent, shall furnish and deliver at the electric motor on the draw of the bridge the necessary and proper electric power for operating the draw, to the satisfaction of the Secretary of War, so long as said company occupies or uses said bridge for railway purposes."

The amendment was agreed to.

The next amendment was, on page 79, after line 15, to insert:

Toward the expenses of unveiling the bronze statue erected to the memory of the late Samuel D. Gross on the Smithsonian grounds, $500.

The amendment was agreed to.

The next amendment was, on page 80, line 11, before the word "burner," to strike out "5-foot" and insert "6-foot;" and in line 13, before the word "dollars," to strike out "sixteen" and insert "twenty;" so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lampposts; purchase of matches, and repairs of all kinds; fuel and lights for office, office stable, watchmen's lodges, and for the greenhouses at the nursery, $15,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than $20 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act; and said lamps shall burn every night on the average from forty-five minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 5 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 81, line 9, after the word "night," to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" and in line 12, after the word "dollars," to strike out:

Provided, That all wires shall be placed underground, and that the conduits, wires, lamp posts complete, shall be furnished by the electric [illegible] company without expense to the United States, and that 25 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And insert:

Provided, That hereafter there shall be no extension of electric lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia for the purpose of laying electric wires, cables, or conduits therein until specifically authorized by law.

So as to make the clause read:

For lighting 32 arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks, three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, $2,920: *Provided*, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia for the purpose of laying electric wires, cables, or conduits therein until specifically authorized by law.

Mr. ALLISON. I ask that the amendment on page 81, from line 7 to line 24, inclusive, be passed over.

The PRESIDING OFFICER. The amendment will be passed over, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 83, line 11, before the word "thousand," to insert "and fifty;" and in line 12, after the word "dollars," to insert "of which not less than $50,000 shall be expended at the military post at Spokane, Wash.;" so as to make the clause read:

For the construction of buildings at, and the enlargement of such military posts as, in the judgment of the Secretary of War may be necessary, $450,000, of which not less than $50,000 shall be expended at the military post at Spokane, Wash.

The amendment was agreed to.

The next amendment was, on page 85, line 15, after the word "available," to insert: "And not more than $10,000 shall be expended for the completion of a road, beginning on the Ishawood River, at the east line of the forest reserve, adjacent to the Yellowstone Park on the east and continuing up said river as nearly as practicable across the forest reserve of the national park, south of the Yellowstone Lake, and to a junction with the present park road system;" and in line 22, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

Improvement of the Yellowstone National Park: For the repair and maintenance of existing roads and bridges and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, including not exceeding $5,000 to be immediately available; and not more than $10,000 shall be expended for the completion of a road, beginning on the Ishawood River, at the east line of the forest reserve adjacent to the Yellowstone Park on the east, and continuing up said river as nearly as practicable across the forest reserve of the national park, south of the Yellowstone Lake, and to a junction with the present park road system, $50,000.

The amendment was agreed to.

The next amendment was, on page 87, line 12, after the word "dollars," to strike out:

And the Secretary of War may lease the lands of the park at his discretion either to former owners or other persons for agricultural purposes, the proceeds to be applied by the Secretary of War, through the proper disbursing officer, to the maintenance of the park.

So as to make the clause read:

Gettysburg National Park: For continuing the work of establishing the National Park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates, marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $50,000.

The amendment was agreed to.

The next amendment was, on page 88, line 10, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

For improving Hudson River, New York: Continuing improvement, $375,000.

Mr. ALLISON. I ask that that amendment be passed over.

The PRESIDING OFFICER. The amendment will be passed over, without objection.

The next amendment of the Committee on Appropriations was, on page 88, line 17, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $300,000.

Mr. ALLISON. I ask that that may be passed over also. We have reduced the amount reported from the House.

Mr. WHITE. The request is that the amendment shall go over, I understand?

Mr. ALLISON. That it shall go over until this afternoon. I desire that the others shall be read, so that we shall not be obliged to recur to them.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 88, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 88, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Savannah, Ga.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland Sound, Georgia and Florida: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Portland, Me.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Rockland, Me.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 10, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Boston, Mass.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 89, line 13, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: For continuing improvement, $412,500.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 89, line 20, before the word "dollars," to strike out "four hundred and fifty thousand six hundred and sixty-eight" and insert "three hundred and thirty-eight thousand;" so as to make the clause read:

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, $338,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 89, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 90, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 90, line 4, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 90, line 11, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

Improving harbor at Duluth, Minn., and Superior, Wis.: For continuing improvement, $375,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 90, after line 11, to insert:

Improving harbor at Oakland, Cal.: For continuing improvement under present limit, $30,000. And the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving harbor at Oakland, Cal., is hereby amended to read as follows:

"Improving harbor at Oakland, Cal.: Continuing improvement under existing project, $30,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $90,000: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount hereby authorized to be expended."

The amendment was agreed to.

Mr. WHITE. At this point I would suggest to the chairman of the committee that I should like to insert an amendment with which the Senator from Iowa is familiar, which gives Mr. Rogers, a member of the Coast and Geodetic Survey, who was appointed upon the Santa Monica and San Pedro board, the same privileges accorded to Admiral Walker, to wit, the right to collect the amount of money, at the discretion of the Secretary of War, which he may expend for his maintenance during his service there. I believe there is no objection to the amendment, as it simply puts him upon the basis upon which we put Admiral Walker the other day by a bill which passed both Houses of Congress. It is a very small matter, and I presume there is no desire to discriminate against him.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. After line 6, page 91, it is proposed to insert:

The officer of the Coast and Geodetic Survey detailed to serve on the board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. ALLISON. I will not object to the amendment, as it is only allowing to this officer what has already been allowed to Admiral Walker; but I desire to say that it is my wish that no amendment shall be offered to the bill to-night that has not been considered by the committee. I merely give that notice now.

Mr. WHITE. I suggest that the amendment might be considered as agreed to, having been read, so that we may not have to go through with it again hereafter. I think no one will have any objection to the amendment.

Mr. ALLISON. My object is that we may be able to say to those Senators who are not present at this late hour that there has nothing been done upon the bill to-night that does not appear either in our printed amendments or in the printed bill.

Mr. WHITE. Let it be understood, then, that when this point in the bill is reached, this amendment shall be considered in its regular order, being considered as open, not to go in the bill at this time, but that it will be resuggested to the Senate when we consider the bill again.

The PRESIDING OFFICER. That will appear.

Mr. PETTIGREW. I should like to inquire of the chairman of the committee what was done with the amendment on page 54 in regard to continuing investigations in regard to Alaska seals?

The PRESIDING OFFICER. That was adopted.

Mr. PETTIGREW. I wish to have the amendment reconsidered, as I wish to move a substitute for the whole paragraph this afternoon.

The PRESIDING OFFICER. The Senator from South Dakota asks that the amendment on page 54 be reconsidered.

Mr. ALLISON. By unanimous consent that may be done.

Mr. NELSON. That does not apply after the words "ninety-eight" in line 15.

Mr. ALLISON. No; the Senator from South Dakota desires to offer a substitute for the first portion of that amendment.

Mr. NELSON. From the end of the fifth line down to the word "and," in line 15.

Mr. WHITE. From the end of line 5.

The PRESIDING OFFICER. To the words "eighteen hundred and ninety-eight," in line 15.

Mr. PETTIGREW. I do not know that I care anything about the claim that seems to have been put in here.

Mr. ALLISON. These are not claims. They are accounts allowed to these officers who went out to these islands last year.

Mr. PETTIGREW. I did not object to it if it was a claim.

The PRESIDING OFFICER. Does the Senator from South Dakota desire that the amendment be reconsidered?

Mr. PETTIGREW. Yes. From line 6 to line 15.

The PRESIDING OFFICER. If there be no objection, the amendment will be reconsidered.

Mr. PETTIGREW. And let the item be passed over until to-morrow.

The PRESIDING OFFICER. The amendment will be passed over without action.

Mr. ALLISON. It is reconsidered by unanimous consent.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 91, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 91, line 16, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Locks and dams in Allegheny River, Pennsylvania: For continuing improvement by construction of locks and dams at Herr Island, above the head of Six-Mile Island, and at Springdale, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 91, after line 16, to insert:

Improving the Great Kanawha River, West Virginia: Completing improvement, $275,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 91, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving upper Monongahela River, West Virginia: For continuing improvement by the construction of six locks and dams, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. SQUIRE. At line 7, page 9, after conference with the chairman, I wish to introduce an amendment.

Mr. ALLISON. There is an agreement that the committee amendments shall be first considered. The Senator did not hear me say a moment ago that it is my wish that no amendments shall be offered to-night that are not found in the printed bill.

Mr. SQUIRE. I might pursue the same course the Senator from California [Mr. WHITE] did, and offer the amendment for consideration hereafter.

Mr. ALLISON. I think that would confuse the action on the bill more or less. I trust the Senator will not press it now.

Mr. SQUIRE. All I want is to get it before the Senate at the proper time, and I thought I could do as the Senator from California did just now.

The PRESIDING OFFICER. The amendment was passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 91, after line 22, to insert:

Improving the Ohio River: For continuing construction of Dams Nos. 2, 3, and 4, between Davis Island Dam and Dam No. 6, $400,000; and the provision in the river and harbor appropriation act of June 3, 1896, authorizing contracts to be made for improving Ohio River by the construction of dams Nos. 2, 3, 4, and 5 is hereby amended to read as follows:

"*Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of the material and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,900,000, exclusive of the amount herein appropriated: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

The amendment was agreed to.

The next amendment was, on page 92, after line 17, to insert:

Improving Kentucky River, Kentucky: For completing locks and dams Nos. 7 and 8, $200,000; and the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving Kentucky River, Kentucky, is hereby amended to read as follows:

"*Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement in accordance with the present project for same, to be paid for as appropriatons may from time to time be made by law, not exceeding in the aggregate $1,349,000, exclusive of the amount herein and heretofore appropriated: *Provided*, That of the amount authorized to be expended, $83,000, or so much thereof as may be necessary, may be expended in addition to the $200,000 herein appropriated in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

The amendment was agreed to.

The next amendment was, on page 93, line 21, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Yazoo River, Mississippi: For continuing improvement of mouth of Yazoo River and harbor of Vicksburg, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 93, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Bayou Plaquemine, Louisiana: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 94, line 2, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: For continuing improvement by construction of locks Nos. 5, 6, and 7, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 94, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Falls of Ohio River at Louisville, Ky.: For continuing improvement, including Indiana Chute Falls, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 94, line 13, after the word "dollars," to insert:

In pursuance of the provisions of "An act making appropriations for the construction, repair, and improvement of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896; and it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River, that all of the work in the improvement of said river which was recommended or suggested to be done in

> the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1896, may be done: *Provided*, That the total cost of such improvement or work shall not exceed the limit provided for in said act.

So as to make the clause read:

> Improving Chicago River, Illinois: For continuing improvement from its mouth to the stock yards on the South Branch, and to Belmont avenue on the North Branch, $113,000, in pursuance of the provisions of "An act making appropriations for the construction, repair, and improvement of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896; and it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River that all of the work in the improvement of said river which was recommended or suggested to be done in the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1896, may be done: *Provided*, That the total cost of such improvement or work shall not exceed the limit provided for in said act.

The amendment was agreed to.

The next amendment was, on page 95, line 4, before the word "dollars," to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

> Illinois and Mississippi Canal: For continuing construction, $750,000.

The PRESIDING OFFICER. The amendment in relation to the Illinois and Mississippi Canal, which has just been stated, goes over without action.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 7, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, $30,000

Mr. ALLISON. That amendment should also go over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 13, after the word "cents," to strike out:

> And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo

So as to make the clause read:

> Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $573,333.33.

The PRESIDING OFFICER. That amendment will go over without action.

The next amendment of the Committee on Appropriations was, on page 96, line 16, after the word "dollars," to insert:

> And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo

So as to make the clause read:

> Improving Mississippi River: For continuing improvement of Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,583,333, and of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

Mr. ALLISON. That should be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 97, after line 9, to insert:

> A sum not exceeding $15,000, or so much thereof as may be necessary, of the money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River, may be used and is hereby made available for the payment of damages for lands and tenements overflowed or injured by the construction of a reservoir and dam at Gull Lake, Minnesota.

The amendment was agreed to.

Mr. NELSON. Going back to page 96, there is an amendment there to which I desire to call the attention of the chairman of the committee. The Committee on Commerce recommended the insertion of that amendment, in the first instance, to the Committee on Appropriations. We afterwards had a meeting of the Committee on Commerce, and decided to rescind that, and asked the Committee on Appropriations to keep it out. I do not know whether that action was communicated to the Committee on Appropriations or not, but that is what the Committee on Commerce finally did.

Mr. ALLISON. It was not communicated to our committee.

Mr. NELSON. Well, I have done my duty.

Mr. ALLISON. I have requested the Chair to pass that amendment over, and it has been passed over.

Mr. NELSON. If it has been passed over, very well; I do not want to delay matters.

Mr. ALLISON. On page 97, in line 9, after the word "Nebraska," I move to insert "to be immediately available;" so as to make the appropriation for continuing improvement of the Missouri River from its mouth to Sioux City, Iowa, immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 97, after line 16, to insert:

> And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates; and all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. ALLISON. That amendment should go over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 99, after line 15, to insert:

> Road to national cemetery, Pensacola, Fla.: For the purpose of shelling or otherwise improving to completion the roadway from Pensacola, Fla., to the national cemetery near that city, to be expended under the direction of the Secretary of War, $10,000, or so much thereof as may be necessary

The amendment was agreed to.

The next amendment was, on page 99, after line 21, to insert:

> Road to national cemetery, Springfield, Mo.: For the construction and completion of an extension of Phelps boulevard, the Government road from Springfield, Mo., to the national cemetery near that city, beginning at the north end of said boulevard and extending north to East Walnut street, a distance of about 800 feet, $2,700, or so much thereof as may be necessary: *Provided*, That a right of way 25 feet in width is donated to the Government.

The amendment was agreed to.

The next amendment was, on page 101, after line 9, to insert:

> For constructing an additional building for the Garfield Memorial Hospital, $35,000: *Provided*, That said hospital shall dedicate to the District of Columbia the ground for widening Florida and Grant avenues in conformity with the adopted and recorded plans of highway extensions

The amendment was agreed to.

The next amendment was, on page 103, after line 3, to insert:

> Military road, Wyoming: For the construction of a military road from Fort Washakie, Wyo., by the most practicable route near the Wind River and to the mouth of the Buffalo Fork of Snake River, near Jacksons Lake, in Uinta County, Wyo., to be expended under the direction of the War Department, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 103, after line 10, to insert:

> Deep Waterways Commission: For surveys and examinations (including estimates of costs) of deep waterways and the routes thereof, between the Great Lakes and the Atlantic tide waters, as recommended by the report of the Deep Waterways Commission transmitted by the President to Congress January 18, 1897, $150,000. Such examinations and surveys shall be made by a board of three engineers, to be designated by the President, one of whom may be detailed from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and one shall be appointed from civil life.

The amendment was agreed to.

The next amendment was, on page 103, after line 22, to insert:

> Improvement of Pearl Harbor. For the improvement of the entrance to Pearl Harbor, Hawaiian Islands, according to the report of Rear-Admiral J. G. Walker, submitted in Senate Executive Document No. 42, Fifty-third Congress, third session, $50,000, to be expended by the Secretary of War

The amendment was agreed to.

The next amendment was, on page 104, after line 3, to insert:

> Memorial bridge across Potomac River. To enable the Chief of Engineers of the Army to make the necessary surveys, soundings, and borings, and for securing designs and estimates for a memorial bridge from the most convenient point of the Naval Observatory grounds or adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, $2,500.

The amendment was agreed to.

The next amendment was, on page 106, after line 23, to insert:

> For brick water closet building, $1,700.

The amendment was agreed to.

The next amendment was, at the top of page 107, to insert:

> For building for out-ward of hospital, $6,000

The amendment was agreed to.

The next amendment was, on page 107, line 13, to increase the total appropriation for "National Home for Disabled Volunteer Soldiers" from $559,500 to $567,200.

The amendment was agreed to.

The next amendment was, on page 107, line 25, to increase the appropriation for "Hospital at the Northwestern Branch, Milwaukee, Wis.," from $28,500 to $30,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 4, to insert:

> For alterations of old hospital building, $6,000.

The amendment was agreed to.

The next amendment was, on page 108, line 10, to increase the total appropriation for the "Northwestern Branch National Home for Disabled Volunteer Soldiers at Milwaukee, Wis.," from $75,000 to $82,500.

The amendment was agreed to.

The next amendment was, on page 110, after line 24, to insert:

> For quartermaster's building, $8,000.

The amendment was agreed to.

The next amendment was, at the top of page 111, to insert:

> For one additional barrack, $22,000

The amendment was agreed to.

The next amendment was, on page 111, after line 2, to insert:

> For steam boilers, 600-horsepower, $11,500.

The amendment was agreed to.

The next amendment was, on page 111, line 10, to increase the total appropriation for the "Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans.," from $283,600 to $325,100.

The amendment was agreed to.

The next amendment was, on page 111, line 18, to increase the appropriation "for subsistence at the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal.," from $88,000 to $93,500.

The amendment was agreed to.

The next amendment was, on page 112, after line 2, to insert:

> For quarters for women nurses, $1,500.

The amendment was agreed to.

The next amendment was, on page 112, line 9, to increase the total appropriation for "the Pacific Branch National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal.," from $208,000 to $217,000.

The amendment was agreed to.

The next amendment was, on page 112, line 16, to increase the appropriation "for subsistence at the Marion Branch National Home for Disabled Volunteer Soldiers at Marion, Ind.," from $90,000 to $93,300.

The amendment was agreed to.

The next amendment was, on page 113, to increase the total appropriation for the Marion Branch of the National Home for Disabled Volunteer Soldiers at Marion, Ind., from $172,500 to $175,800.

The amendment was agreed to.

The next amendment was, on page 114, line 19, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

> To enable the Board of Managers of the National Home for Disabled Volunteer Soldiers to locate, establish, and construct a Branch of the National Home for Disabled Volunteer Soldiers within the limits of the town of Danville, in the county of Vermilion, State of Illinois, and for each and every purpose connected with such erection, establishment, and construction, to be immediately available, $150,000.

The amendment was agreed to.

The next amendment was, on page 114, after line 19, to insert:

> For the erection of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which Branch Home, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers, $100,000: *Provided*, That such Branch Home shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above named Home, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said Home as over other realty held by said Board until further enactment by the Congress of the United States

The amendment was agreed to.

The next amendment was, on page 115, line 16, before the word "thousand," to strike out "five hundred and seventy-four" and insert "six hundred and forty-three;" and in line 17, after the word "dollars," to insert:

> *Provided*, That all amounts disbursed from the appropriation for a Branch Home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that Branch, except such expenditures for inspections, services and supplies as may be required by the Board of Managers to be legally made by the general treasurer, and all such supplies shall be shipped and distributed as may be directed by the Board of Managers.

So as to make the clause read:

> In all, $2,643,646: *Provided*, That all amounts disbursed from the appropriation for a Branch Home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that Branch, except such expenditures for inspections, services, and supplies as may be required by the Board of Managers to be legally made by the general treasurer, and all such supplies shall be shipped and distributed as may be directed by the Board of Managers.

The amendment was agreed to.

The next amendment was, at the top of page 116, to insert:

> Soldiers' Home, District of Columbia: That hereafter, upon proper application therefor, the Medical Department of the Army is authorized to sell medical and hospital supplies at its contract prices to the Soldiers' Home in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 117, after line 12, to insert:

> For repairing vault, procuring and placing metallic shelving, file holders, etc., office of the register of wills, as per estimate of Architect of the Capitol, $2,000.

The amendment was agreed to.

The next amendment was, on page 120, after the word "for," to strike out "payment" and insert "fees;" so as to make the clause read:

> For fees of United States district attorney for the District of Columbia, $21,800.

The amendment was agreed to.

The next amendment was, on page 124, line 3, after the word "site," to insert "and;" and in line 5, after the word "purposes," to insert "incident thereto;" so as to make the clause read:

> To establish a site and for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes incident thereto, under the act of June 10, 1896, $50,000.
>
> For rent of United States court rooms, $90,000.

The amendment was agreed to.

The next amendment was, on page 124, line 11, after the word "New York," to strike out "and the northern district of Georgia;" so as to read:

> For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York.

The amendment was agreed to.

The next amendment was, on page 125, after line 10, to insert:

> Nicaragua Canal Commission: To continue the surveys and examinations authorized by the act approved March 2, 1895, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," into the proper route, the feasibility and cost of construction of the Nicaragua Canal, with the view of making complete plans for the entire work of construction of such canal as therein provided, $150,000; and to carry out this purpose the President of the United States is authorized to appoint a commission to consist of one engineer from the Corps of Engineers of the United States Army, one engineer from the engineers of the Navy, and one engineer from civil life, said commission to have all the powers and duties conferred upon the commission provided for in said act.

The amendment was agreed to.

The next amendment was on page 126, after line 11, to insert:

> International Conference of the Red Cross: For necessary expenses of delegates to represent the United States at the International Conference of the Red Cross to be held at Vienna, Austria, between the 20th and 24th days of September, 1897, $1,500, and for contribution on the part of the United States toward the expenses of said conference, $500; in all $2,000, to be expended under the direction and in the discretion of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 126, after line 21, to insert:

> UNDER THE POST-OFFICE DEPARTMENT.
>
> The Postmaster-General is hereby authorized and directed to pay to W. B. Cooley, late chief clerk of the Post-Office Department, and James R. Ash, chief of the division of correspondence therein, out of the appropriation of $40,365, made by the act approved March 3, 1891, for a new edition of the Postal Laws and regulations, the sum of $2,000, in such shares as he may deem proper, for preparing, compiling, codifying, and editing the said edition of Postal Laws and Regulations, and for making a new index thereto, the work having been done outside of office hours and at night, by direction of the Postmaster-General, and for this purpose said sum of $2,000 is hereby reappropriated.

The amendment was agreed to.

The next amendment was, on page 127, after line 23, to insert:

> For the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, $25,000, the same to be expended under the direction of the Joint Committee on Printing.

The amendment was agreed to.

The next amendment was, on page 128, after line 4, to insert:

> To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 128, after line 14, to insert:

> SENATE.
>
> For compensation of the officers, clerks, messen[illegible]ers in the service of the Senate, namely: Sixteen pages for the [illegible] at the rate of $2.50 per day each during the session, $4,7[illegible], or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 129, line 22, to increase the total appropriation for public printing and binding from $2,990,000 to $2,992,000.

The amendment was agreed to.

The next amendment was, on page 132, line 13, after the words "United States," to strike out "seven" and insert "nine;" and in line 15, after the word "court," to insert "of which sum $2,000 to be immediately available;" so as to make the clause read:

> For the Supreme Court of the United States, $9,000, to be expended under the direction of that court, of which sum $2,000 to be immediately available; and the printing for that court shall be done by the printer it may employ unless it shall otherwise order.

The amendment was agreed to.

The next amendment was, on page 133, line 19, after the word "boilers," to insert "to be placed in the new boiler house;" so as to make the clause read:

> For two additional boilers, to be placed in the new boiler house, to be immediately available, $20,000.

The amendment was agreed to.

The next amendment was, on page 133, after line 20, to insert:

That the Joint Committee on Printing shall cause to be prepared requisite plans for the necessary additions and improvements to the Government Printing Office which shall be fully adequate to meet all the present and future requirements of the Government.

The amendment was agreed to.

The next amendment was, on page 135, line 12, after the word "ninety-seven," to insert:

, and the time for such distribution by members of Congress reelected shall continue during their successive terms and until their right to frank documents shall end. And no copyright shall issue to any person for said compilation or any part thereof, but said compiler shall prepare a full table of contents and a complete index for such compilation, and he shall be paid therefor by the Public Printer, out of the appropriation for public printing and binding, such sum as the Joint Committee on Printing shall decide to be just and proper.

So as to make the clause read:

And provided further, That the time within which members of the Fifty-fourth Congress who are reelected to the Fifty-fifth Congress are required to designate persons to whom said compilation shall be sent, be, and same is, extended to include the term of the Fifty-fifth Congress; and that the time within which members of the Fifty-fourth Congress who are not reelected to the Fifty-fifth Congress are required to designate persons to whom said compilation shall be sent be, and is hereby, extended to the 1st day of December, 1897. That the time allowed members of the Fifty-fourth Congress to distribute public documents now to their credit, or the credit of their respective districts in the Interior or other Departments, and to present the names of libraries, public institutions, and individuals to receive such documents, be, and the same is hereby, extended to December 1, 1897, and the time for such distribution by members of Congress reelected shall continue during their successive terms and until their right to frank documents shall end, etc.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER (at 2 o'clock and 30 minutes a. m., Sunday, February 28, 1897). In accordance with its order, the Senate will now take a recess until 3 o'clock this afternoon.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 27, 1897.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF COMMERCIAL RELATIONS FOR 1895 AND 1896.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the concurrent resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS], chairman of the Committee on Printing, moves to suspend the rules and pass the resolution which the Clerk will report.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State, 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

The report (by Mr. PERKINS) was read, as follows:

The Committee on Printing, having had under consideration House concurrent resolution No. 73, to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being a part of said Commercial Relations, recommend that the same be agreed to.

This resolution is suggested by the President in a message transmitting a letter from the Secretary of State, communicated to the House of Representatives February 26, 1897, and ordered printed.

The Public Printer estimates the cost of the work under this resolution at $6,500.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Accordingly (two-thirds voting in favor thereof), the rules were suspended and the resolution was agreed to.

EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. THOMAS, from the Committee on Expenditures in the Navy Department, submitted a statement of expenditures of the contingent appropriations for the Navy Department for the fiscal year ending June 30, 1896, and asked that it be printed as a House document.

Mr. DOCKERY. What expenditures are reported here?

Mr. THOMAS. The contingent expenditures of the Navy Department, the contingent miscellaneous expenditures of the Hydrographic Office, and the contingent miscellaneous expenditures of the Naval Observatory.

Mr. DOCKERY. Has it been customary to print this?

Mr. THOMAS. It is customary to print it for the benefit of the Committee on Appropriations.

The SPEAKER. Without objection, the printing as a House document will be ordered.

There was no objection.

RIGHT OF WAY THROUGH PUBLIC LANDS FOR CANALS, ETC.

Mr. BOWERS. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, be, and the same is hereby, amended by adding thereto the following: "That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within limits of any park, forest, military or Indian reservations, for tramways, canals, or reservoirs, to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, for the purposes of furnishing water for domestic, public, and other beneficial uses.

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation."

Mr. DOCKERY. Mr. Speaker, I ask for a second, in order to secure an explanation of the bill.

Mr. BOWERS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from California [Mr. BOWERS] asks that a second be considered as ordered. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 5128) to increase the pension of Jere Smith;

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 6159) to increase the pension of Helen A. De Russy;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson; and

A bill (H. R. 6757) granting a pension to Andrew J. Molder.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake;

A bill (H. R. 7055) increasing the pension of Anna G. Valk;

A bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 2689) granting a pension to Charlotte Weirer.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3237) granting a pension to Annie Fowler;

A bill (S. 583) to grant a pension to Eli D. Walker;

A bill (S. 3619) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion;

A bill (S. 3393) to increase the pension of Wesley C. Sawyer;

A bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg.;

A bill (S. 3183) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.;

A bill (S. 2125) granting a pension to Mrs. Frances C. De Russy; and

A bill (S. 3707) granting a pension to Catherine A. Bradley.

The message also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

Also:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes under the auspices of the National Society of the Daughters of the American Revolution.

The SPEAKER. The gentleman from California is recognized.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Will the gentleman from California yield to me, so that I may make a motion with reference to a bill that has just come over from the Senate—in reference to the Indian appropriation bill. I simply desire to move, Mr. Speaker, that the House nonconcur in the Senate amendments to the Indian appropriation bill, and ask for a conference.

Mr. FLYNN. Mr. Speaker, pending that——

The SPEAKER. The gentleman from New York moves that the House nonconcur in the Senate amendments, and ask for a conference.

Mr. FLYNN. Pending that, Mr. Speaker, I desire to make a point of order on the bill under Rule XX:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

There is an amendment in that bill as it passed the Senate which changes the Territorial boundaries of Oklahoma and takes out 4,000 square miles of country and attaches it to the Indian Territory. I want it considered in the House if it is considered anywhere, Mr. Speaker; and I submit that point of order, if the Chair will hear me.

The SPEAKER. Certainly; the Chair will listen to the gentleman.

Mr. FLYNN. In the provisions of a bill I had the honor to have passed, the Senate amended it, and it came back here, and the Chair held under this rule that it was necessary, as it contained new matter, that it should be considered in Committee of the Whole, and it was referred to the committee; and after it came from the committee it went to the Calendar. The same provision——

Mr. RICHARDSON. It is impossible for us to hear what the gentleman is saying.

The SPEAKER. The House will be in order, and gentlemen will cease conversation.

Mr. FLYNN. Under Rule XX, where any new legislation has been added to a House bill, as has been done in this Indian appropriation bill, it is not subject to be referred to a committee of conference where new legislation that the House is entitled to consider in the Committee of the Whole has been added to it by the Senate. I made that point upon a very similar bill. I am specially interested in this bill, because of the fact that it undertakes to dismember the Territory which I have the honor to represent. Therefore, I make the point that under that rule this bill is not subject, under that point, as my attention has been called to it, to go to a committee of conference, notwithstanding the fact of the request of the Senate, and although they have appointed conferees, as previously held on the bill H. R. 3656.

The SPEAKER. On what ground does the gentleman make it a matter to be considered in Committee of the Whole?

Mr. FLYNN. Under this rule, that it contains new matter, which, if originating in the House, would make it subject to a point of order.

The SPEAKER. How would it be subject to the point of order if it originated in the House?

Mr. FLYNN. It would be new legislation on an appropriation bill.

The SPEAKER. It has not that meaning under the rule.

Mr. FLYNN. In addition to its being new legislation, there are other new appropriations in this bill.

The SPEAKER. But new legislation on an appropriation bill is not subject to the point of order that it must be considered in the Committee of the Whole. It is subject to the point of order that it can not be considered at all. But new legislation coming from the Senate is not treated in that way.

Mr. FLYNN. If the Speaker will pardon me, there are additional appropriations all through this bill, in amendments placed on it in the Senate, which are not proper on an appropriation bill.

The SPEAKER. That may be, but the gentleman made his point of order that this particular amendment should be considered in Committee of the Whole. Now, will the gentleman state upon what ground?

Mr. FLYNN. It makes new appropriations, and fixes a new court there, that would involve a charge upon the Treasury if no other; but in addition to that, there are lots of other appropriations in the bill.

The SPEAKER. Those items, if that be true, could be considered in Committee of the Whole.

Mr. FLYNN. But not this one. This one is obnoxious to the point of order. It contains a proviso for the establishment of a new court.

The SPEAKER. It simply provides that two terms of the United States court shall be held.

Mr. FLYNN. Yes, sir.

The SPEAKER. The Chair does not think that that is a matter that would go to the Committee of the Whole House.

Mr. FLYNN. Does the Chair think that a term of the United States court can be held without any charge on the Treasury?

The SPEAKER. It has already been provided for. That has been done often.

Mr. FLYNN. I beg the pardon of the Speaker, there has never been a term of the United States court held there.

The SPEAKER. The Chair does not remember ever having a case where an increase in the sittings of the United States court should go to the Committee of the Whole. If the gentleman can point out any such instance, the Chair would be glad for him to do so.

Mr. FLYNN. Then, in order to save the point, I will make it on another appropriation, made in reference to a provision for distributing the pay to the Creek Indians out of the Treasury, $300,000.

The SPEAKER. Where is that amendment?

Mr. FLYNN. It was offered last night in the Senate. I will find the RECORD directly.

Mr. SHERMAN. If the Chair will permit me, I will put my motion in another form. I will move to suspend the rules, which I believe I have a right to do, and nonconcur in the Senate amendments and ask for a conference thereon. I assume that that motion is not subject to any point of order.

The SPEAKER. The gentleman from New York, the chairman of the Committee on Indian Affairs, moves that the rules be suspended, that the Senate amendments be nonconcurred in, and that a committee of conference be asked for.

Mr. FLYNN. Mr. Speaker, I do not know how a suspension of the rules can do away with the rule which I have cited.

The SPEAKER. The suspension of the rules does away with all of them.

The question being taken on the motion of Mr. SHERMAN, the rules were suspended, the Senate amendments were nonconcurred in, and the House asked for a conference on the disagreeing votes.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

RIGHT OF WAY THROUGH PUBLIC LANDS FOR CANALS, ETC.

Mr. BOWERS. Mr. Speaker, the whole purpose of this bill is to amend the law, which now permits the [illegible] right of way "for tramroads, canals, reservoirs, and other purposes," by adding a provision that it may be given also "for domestic purposes."

Mr. LIVINGSTON. What is meant by "domestic purposes"?

Mr. BOWERS. Furnishing water for use for domestic purposes in houses and such uses. The existing law has been strictly construed. The bill was referred to the Interior Department, and the Secretary of the Interior and the Commissioner both suggested amendments. The bill has been amended in accordance with their recommendations and is now fully approved by the Department. The amendment is quite necessary. We may now cross public lands, but this does not give any right to cross reservations or parks or anything of that kind. It simply gives this permission for domestic purposes.

The rules were suspended and the bill was passed.

RIGHT OF WAY THROUGH FORT MORGAN RESERVATION.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk, being a bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, be, and the same is hereby, repealed.

Mr. LIVINGSTON. Where does that bill come from?

Mr. HULL. It is recommended by the War Department.

Mr. RICHARDSON. Mr. Speaker, I ask for a second.

Mr. HULL. I ask unanimous consent that a second may be considered as ordered.

Mr. Speaker, this bill has been prepared by the War Department, and it is very anxiously urged that it be passed now, so that the fortifications of Mobile Bay may be proceeded with. If gentlemen desire it, the report can be read, which gives a very full explanation of the whole situation. This railroad company has not entered upon the reservation at all or taken any steps to avail itself of the right of way, but in January of this year the Board of Fortifications located three batteries right on the line that has been granted as a right of way, and the authorities of the War Department believe that this repeal is necessary in order to prevent any trouble which might arise hereafter from the railroad company claiming the ground under the act passed by the Fiftieth Congress. This bill is recommended by the engineers of the Army and by the Secretary of War.

Mr. RICHARDSON. What committee reports the bill?

Mr. HULL. The Committee on Military Affairs.

Mr. RICHARDSON. I would be glad to hear the report read, Mr. Speaker.

Mr. HULL. Let the report be read in full.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. [illegible]) entitled "A bill to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888," being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile, and Navy Cove Harbor Railway Company, and for other purposes, having considered the same, recommend that it do pass.

[House Document No. 228, Fifty-fourth Congress, second session.]

WAR DEPARTMENT,
Washington, D. C., January 25, 1897.

SIR: I have the honor to transmit, herewith, a letter from the Chief of Engineers, United States Army, dated January 18, 1897, recommending the repeal of the act approved October 1, 1888 (H. R. [illegible], Fiftieth Congress, first session), copy inclosed, granting to the Birmingham, Mobile and Navy Cove Harbor Railway Company certain rights of way through the military reservation of Fort Morgan, Ala., bearing an indorsement from the Major-General Commanding the Army, concurring in the recommendation of the Chief of Engineers.

Very respectfully,
DANIEL S. LAMONT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 18, 1897.

SIR: I have the honor to return herewith letters of Mr. J. D. McCormick, of December 12, 1896, and January 2, 1897, concerning the right of way through the Fort Morgan Military Reservation, granted by act of Congress approved October 1, 1888, to the Birmingham, Mobile and Navy Cove Harbor Railway Company.

The locality of which Mr. McCormick desires Coast Survey map is embraced in Chart No. 188 of that survey, Mobile Bay and entrances. This chart is not distributed by this Department, but it may be purchased from the United States Coast and Geodetic Survey, Washington, D. C., at 50 cents per copy.

The act of Congress mentioned (copy inclosed) grants to the Birmingham, Mobile and Navy Cove Harbor Railway Company a right of way through the Fort Morgan (Ala.) Military Reservation on a line described in the act, with terminal facilities and the right to erect a wharf and to fill into the water along the said right of way, "and thus acquire additional space and to enjoy other riparian rights." This act does not require the approval of the Secretary of War of the rights granted, except as to the location and dimensions of the wharf and buildings thereon and such docks as he may permit to be erected along the right of way, nor does it contain any limitations as to the time of commencing or of completing work. It is provided in the act that Congress may at any time cancel the concession granted by it. So far as is known to this office, the act has not been repealed nor amended.

At the time of the consideration of this act in 1888 the probability of construction of modern works of fortification at Fort Morgan was remote. Since that time, however, extensive works of defense have been commenced and are now in progress there, and a garrison or a post guard probably will be stationed there.

In my opinion, under the conditions now existing, and likely for some time to exist, at Fort Morgan, no railroad company should be permitted to extend its road so far through the reservation. It is believed that there is ample space outside and to the eastward of the military reservation for the purposes of the railway company.

The reason for desiring to enter upon the reservation is because of the greater ease of reaching deep water with a wharf, and therefore a decrease of construction expenses. No compensation of any kind is offered to the United States for this valuable concession.

The records of this office do not show that the Birmingham, Mobile and Navy Cove Harbor Railway Company has availed itself of any of the privileges granted by the act mentioned, although a period of more than eight years has elapsed since the passage and approval of the act.

A blue print showing the Fort Morgan Reservation, the proposed location of the batteries (A, B, and C), and the right of way granted to the railway company is herewith. It will be noted that, should the road be built, access to the reservation on the bay or sheltered front will be entirely cut off excepting at the site of the present Government wharf. The difficulty of guarding the reservation and the defensive works there against trespass by an undesirable class of people will be largely increased.

I have the honor to recommend that Congress be requested to repeal the act of October 1, 1888, hereinbefore referred to, and to cancel all concessions thereby made to the Birmingham, Mobile and Navy Cove Harbor Railway Company. Should it seem desirable later to permit access to the reservation on lines under the control of the Secretary of War, such access can be granted by revocable lease, under act of Congress approved July 28, 1892 (27 Stat. L., 321), under terms which would permit at least a partial control over the operations of the lessees, and some compensation to the United States for the privilege granted. As the care of the reservation and of the defensive works when built will be in the charge of troops, it is suggested that the matter be referred to the Commanding General of the Army for his consideration.

Very respectfully, your obedient servant,
W. P. CRAIGHILL,
Brig. Gen., Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

[First indorsement.]

HEADQUARTERS OF THE ARMY, *Washington, January 21, 1897.*

Respectfully returned to the honorable the Secretary of War, concurring with the Chief of Engineers in the within recommendation.

NELSON A. MILES,
Major-General Commanding.

An act to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Birmingham, Mobile and Navy Cove Harbor Railway Company the right of way through the military reservation at Fort Morgan, Ala., for roadbed, tracks, side tracks, and terminal facilities, not exceeding 50 feet in width, along the northern high-water line of said reservation and extending from the eastern boundary of the said reservation westward along the shore to a point 100 feet east of the east side of the present Government dock, at or near which point the said company may erect a wharf, after the Secretary of War shall have approved of the location and dimensions thereof, with such sheds and buildings as can be accommodated thereon, and the said company shall also have the right to fill into the water along the right of way so granted, and thus acquire additional space and to enjoy other riparian rights: *Provided, however*, That no buildings or other incumbrances shall be erected on said right of way except upon said wharf, but the Secretary of War may give permission for the erection along said right of way of a dock or docks upon limitations to be prescribed by him: *And provided further*, That Congress may at any time cancel this concession, and the President may, when in his judgment necessity demands, destroy any structures hereby authorized.

Approved October 1, 1888 (25 Stat. L., 500).

Mr. HULL. Now, Mr. Speaker, I ask for a vote.

The rules were suspended and the bill was passed.

RIGHT OF WAY THROUGH FORT SPOKANE MILITARY RESERVATION.

Mr. HULL. Mr. Speaker, I send to the desk a Senate bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the St. Paul, Minneapolis and Manitoba Railway Company a right of way 100 feet wide, on such route as the Secretary of War may designate through the Fort Spokane Military Reservation, in the State of Washington. If said railroad shall not be built across said reservation within three years next after the passage of this act this grant shall absolutely cease and determine.

Mr. DOCKERY. Mr. Speaker, I ask for a second, in order to have an explanation of this bill.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. HULL. Mr. Speaker, the Government is now erecting a post at Spokane Falls, in the State of Washington. The Secretary of War reports that if we do not grant this right of way, under the restrictions provided in the bill it will be necessary for the Government to build a temporary road into the reservation for the purpose of carrying supplies during the construction of the post. The Secretary further reports that the road will be a permanent benefit to the post in the delivery of supplies. If gentlemen desire it, I ask that the report from the War Department, which is very short, be read. I think it will give all the information desired on this subject.

Mr. TERRY. Ought not this bill to contain the usual provision, reserving to the Government the right to cancel this concession? We have just had before us a bill to repeal one of these concessions.

Mr. HULL. This bill was prepared at the War Department; and it provides that the Secretary of War shall regulate where this road shall run.

Mr. TERRY. I think the bill ought to contain such a provision as I have indicated. The bill which we had under consideration a few moments ago illustrates the importance of a reservation of this kind.

Mr. HULL. After the report is read, if the gentleman desires to offer an amendment, I shall have no objection. I have presented the bill just as it has been sent to us by the War Department. The bill has already passed the Senate; and I suggest that at this late day of the session it would be well not to add an amendment, unless it be considered very vital. Let the report be read.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. [illegible]) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, having considered the same, recommend that the bill do pass, and attach hereto as a part of the report the letter of the Secretary of War.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 20, 1897.

SIR: I have the honor to return herewith House bill [illegible], Fifty-fourth Congress, "to grant a right of way through the Fort Spokane Military Reservation," etc., which has been referred to me for information.

This Department not only has no objection to the passage of the bill, but recommends its favorable consideration. The route proposed to be designated, and which is understood to be satisfactory to the railroad company, will insure railroad facilities for the post now building at Spokane, and which would otherwise be constructed at Government expense. The route will also be more direct and convenient in other respects than now exists.

Very respectfully,
DANIEL S. LAMONT,
Secretary of War.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs, House of Representatives.

Mr. TERRY. I move to amend the bill by adding these words:

Provided, That the right to repeal, alter, or amend this act is hereby reserved.

Mr. HULL. I hardly think that amendment is in order. I yield to the gentleman from Washington [Mr. HYDE], who, I think, can satisfy the gentleman from Arkansas [Mr. TERRY] as to the propriety of this bill.

Mr. HYDE. Mr. Speaker, this reservation is a large one; and the route over which the railroad company expect to build this road will not interfere with the use and occupation of the reservation by the Government. The reservation was donated to the United States. I am familiar with it. It is located within 3 miles of the city of Spokane, where I live. The difficulty in regard to the amendment suggested by the gentleman from Arkansas is that its adoption would probably result in the failure of the bill. The bill already provides that the Secretary of War shall fix the location of the road, and that it must be built within three years. It will be an advantage to the Government to have the road built, because it will facilitate access to the reservation, there now being no railroad less than 3 miles distant from the reservation. I hope the gentleman will not press the amendment.

Mr. TERRY. Mr. Speaker, I have no idea that the adoption of this amendment by the House will defeat the passage of the bill, because bills granting concessions to companies of this kind can always get consideration at either end of this Capitol. I have no doubt that this amendment could be concurred in five minutes after the return of the bill to the Senate. I think the provision an important one to the Government. In the action we have just taken with regard to Fort Morgan, we have seen the importance of a reservation of this kind. While, looking at the matter from the present point of view, it may appear that we shall never need to cancel this concession, yet circumstances might change so as to make it very important to the Government to repeal this act. I insist upon the amendment.

Mr. CANNON. I wish to say a word to the gentleman from Arkansas [Mr. TERRY]. The Secretary of War recommends the passage of this bill. This is a new post. The site was donated to the Government by citizens of Spokane. The reservation is a large one. It seems inevitable that we should construct a small post there. Let me say to my friend that, having a fairly full knowledge of the matter, I do not think any trouble will ever result from the action proposed. In fact the tendency and necessities of the Government with regard to posts are toward the seaboard. It is inevitable—and no doubt proper enough—that we should erect a small post on this reservation. But, after all, when this small post is completed, it will probably be larger than it ever will be again.

Mr. TERRY. Does my friend from Illinois think that this amendment would endanger the enactment of the measure into a law?

Mr. CANNON. Oh, I do not know. These are the closing hours of the session, and the Senate, if it performs its functions in the passage of appropriation bills, has apparently on its hands as much as it can get through with between now and the adjournment.

Mr. TERRY. I have so much confidence in the judgment of my friend from Illinois, and he has appealed to me so strongly, that for his sake, and in view of the special circumstances stated by him, I withdraw the amendment.

The question being taken, the motion to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

SUGAR LOAF RESERVOIR SITE, COLORADO.

Mr. SHAFROTH. I move that the rules be suspended so as to pass with amendments the bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry.

The SPEAKER. The bill will be read.

Mr. LACEY. The gentleman's motion is to pass the Senate bill with amendments, and those amendments appear in the bill by interlineation.

The bill as amended was read, as follows:

Be it enacted, etc., That the public land embraced in the reservoir site known as Sugar Loaf Reservoir site, No. 5, located in Lake County, Colo., which was withdrawn from entry and settlement under the provisions of the act making appropriations for sundry civil expenses of the Government, approved October 2, 1888, is hereby restored to the public domain, and the Secretary of the Interior is hereby authorized to dispose of the same at public auction, after three days' notice by advertisement, at a price not less than $2.50 per acre, under such regulations as he may prescribe, so as to secure the early building and permanent maintenance of a reservoir for the storage of water to increase the flow of the Arkansas River as contemplated by the Government in reserving the reservoir sites of the arid region. But nothing herein shall prevent the purchasers or their assigns from using said water for mechanical, manufacturing, or other purpose, which does not materially lessen said contemplated increased flow: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases.

Mr. TERRY. Mr. Speaker, in order to have an explanation, I demand a second.

Mr. SHAFROTH. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Unanimous consent is asked that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SAYERS. Mr. Speaker, I ask the gentleman to have read, in his time, the report of the Interior Department upon this subject, because I regard it as a matter of some importance that the House should act understandingly upon this question. Whoever owns the reservoir sites controls a very large acreage of the surrounding land. I believe Congress some years ago passed an act reserving these reservoir sites from entry.

Mr. SHAFROTH. I will explain that. I ask for the reading of the report in my time.

Mr. SAYERS. We do not want, in the closing hours of this Congress, to undo what Congress deliberately did several years ago.

Mr. SHAFROTH. I will explain that fully.

Mr. SAYERS. Very well.

The SPEAKER. The Clerk will read the report.

The report (by Mr. SHAFROTH) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 2232) entitled "A bill to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry," respectfully report:

Under and by virtue of acts of Congress, passed October 2, 1888, and August 30, 1890, various reservoir sites were reserved by the United States from entry under the public-land laws. It is difficult to find the purpose of the Government in reserving these reservoir sites, unless it was in contemplation of entering upon a system of internal improvements in constructing reservoirs for the purpose of irrigating the public arid lands. The Government has done nothing since that time toward making such improvements. It is manifestly unfair that the Government should prevent the utilization of reservoir sites, unless it intends to improve the same.

The Sugar Loaf Reservoir site is situate about 6 miles from Leadville, Colo. Over 600 acres situate in the center thereof was taken up under the land laws of the United States and patents thereto issued prior to the time it was reserved by the Government. It is not likely that the Government, under these conditions, would ever utilize this reservoir site even if it should enter upon a policy of building reservoirs.

The bill simply restores the land embraced in such site not heretofore patented to the public domain, subject to disposal according to existing law at double the ordinary Government price.

The Interior Department has approved the passage of this bill, as shown by the letter hereto annexed.

The committee therefore recommend the passage of this bill.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 12, 1896.

SIR: I have the honor to acknowledge the receipt, by reference from Department, for report in duplicate and return of papers of a letter of Hon. H. M. TELLER, inclosing copy of a bill (S. 2232) requesting the opinion of the Department whether it would be in the interest of the Government to have a reservoir constructed upon this site by private parties.

The bill is entitled "A bill to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry," and provides "that the public land embraced in the reservoir site known as Sugar Loaf Reservoir site, numbered 5, located in Lake County, Colo., which was withdrawn from entry and settlement under the provisions of the act making appropriations for sundry civil expenses of the Government, approved October 2, 1888, is hereby restored to the public domain, and the Secretary of the Interior is hereby authorized to dispose of the same at the price of $2.50 per acre under such regulations as he may prescribe: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases."

The reservoir site designated covers an area of 1,914.96 acres, of which about 1,058.13 are subject to reservation, the remaining [illegible] acres having been taken up under the public-land laws.

The reservoir site was recommended for segregation [illegible] Director of the Geological Survey October 11, 1889, and October 24, [illegible]. The segregation was approved by the Secretary of the Interior August 18, 1894. The land involved was, by virtue of that approval, reserved under the terms of the act of October 2, 1888 (25 Stat. L., 505-526), as amended by act of August 30, 1890 (26 Stat. L., 371-391).

The records of this office show that on October [illegible], 1892, an application for right of way, under sections 18 to 21, act of March 3, 1891 (26 Stat. L., 1095), for a reservoir by certain individuals was rejected, and that on October 1, 1895, another application under the same act was rejected, this office holding that sites segregated under the terms of the acts of 1888 and 1890, supra, were not subject to appropriation under the act of 1891, supra. No appeal was taken from either of these decisions.

It is apparent that the purpose of the bill is to cause the lands embraced in the Sugar Loaf Reservoir site to be appropriated for the purposes contemplated by their segregation, to wit, for irrigation, and that the bill is intended to afford relief which was denied by the action of this office in holding that these sites were not subject to appropriation and use for reservoir purposes under the act of March 3, 1891.

Since the decision above referred to was rendered, I rendered a decision on November 21, 1895, upon the application of the Blue Water Land and Irrigation Company, a copy of which is herewith transmitted, in which it was held that the act of March 3, 1891, was intended to provide the means for the utilization of those sites and that it fulfilled the purposes contemplated by their segregation.

To allow these sites to be appropriated under the act of March 3, 1891, would, in my opinion, be more in accordance with the purpose of Congress in providing for their segregation, to wit, the construction of reservoirs for the reclamation of arid lands, but if it should be held that these lands can not be appropriated under that act I recommend the passage of the bill, for the reason that it is apparent that the Government will not undertake to construct reservoirs upon these locations, and the only manner in which they can be utilized, or the objects contemplated by their segregation accomplished, will be to allow them to pass into the hands of private parties for the purpose of constructing reservoirs thereon.

E. F. BEST,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. SHAFROTH. Mr. Speaker, this bill as it passed the Senate provided that this reservoir site should be opened to public entry for reservoir purposes at $2.50 per acre. The Committee on Public Lands of the House approved the bill in its form as it came from the Senate. Since that time it has been suggested that perhaps the reservoir site was more valuable than $2.50 per acre, and therefore that the Government should get the best price that it could, and so we have thought it best to put in an amendment, which is as follows:

> The Secretary of the Treasury is hereby authorized to dispose of the same at public auction, after thirty days' notice by advertisement, at a price not less than $2.50 per acre.

And in order to be sure that this water which would be conserved in this reservoir would be of great benefit for irrigation, the following amendment was also added:

> So as to secure the early building and permanent maintenance of a reservoir for the storage of water to increase the flow of the Arkansas River, as contemplated by the Government in reserving the reservoir sites of the arid region, but nothing herein shall prevent the purchasers or their assigns from using said water for mechanical, manufacturing, or other purposes which do not materially lessen said contemplated increased flow.

Now, it seems to me that this is eminently a just bill. Here is a reservoir site which can be used not only for irrigation purposes, but the water can also be used for mechanical purposes. It would be wrong for the Government to reserve this site and not permit the water to be used for mechanical purposes, when at the same time its use would benefit irrigation.

Mr. SAYERS. Will the gentleman allow me?

Mr. SHAFROTH. Certainly.

Mr. SAYERS. If the bill should become a law with the amendments that you contemplate, is there any probability of the reservoir site getting into the possession of a company which would monopolize the water?

Mr. SHAFROTH. It could not monopolize the water. Under the laws of our State no man or company has an ownership in water. He can utilize it. He can take the water and use it for mechanical purposes, but he is bound to turn it back into the stream, and those who have lands to be irrigated in the valleys below have a right to appropriate the water for that purpose, according to certain laws existing in that State.

Now I should like to yield to the chairman of the Committee on Public Lands [Mr. LACEY].

Mr. JOHNSON of California. Will the gentleman allow me to ask him a question for information?

Mr. SHAFROTH. Certainly.

Mr. JOHNSON of California. We passed a reservoir bill the other day, which has passed the Senate and gone to the President. I should like to ask the gentleman if that does not cover this case?

Mr. SHAFROTH. It does not.

Mr. LACEY. I was about to explain that very matter.

Mr. JOHNSON of California. Very well.

Mr. LACEY. Mr. Speaker, a few days ago this House passed a bill in regard to reservoir sites, opening them up under the right-of-way act of 1891. That, however, is for irrigation purposes. This particular reservoir is 140 miles from any locality where water can be used for irrigation. Consequently the site is not immediately available for that purpose. The reservoir site consists of about 1,900 acres, of which 800 acres are already occupied. The core or center of the reservoir site is now flooded, and this proposition is to enable the present occupants to enlarge their occupation, so as to take in the balance of the site, raising the height of the dam and impounding that much more water. This can not be done under the law that we passed the other day, for the reason that the water is to be used in the first instance for power purposes at the city of Leadville, while the bill which we passed the other day provides for the use of water for irrigation purposes alone. In order to protect the use of the water for irrigation purposes, the amendment suggested by the gentleman from Colorado [Mr. SHAFROTH] has been incorporated in the bill which he moves to suspend the rules and pass.

Mr. SHAFROTH. I ask for a vote, Mr. Speaker.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. HEPBURN. Is it not true that the State of Colorado and its representatives, both in this House and in the other branch, have been the most earnest propounders of this general system of irrigation; and is it not also true that these reservations have been made largely through the instrumentality of the representatives of that State?

Mr. SHAFROTH. Well, I can not say as to that. These reservoirs were set aside under an act of Congress passed in 1888.

Mr. HEPBURN. I will now ask the gentleman, then, if it is true, some reason for the change of policy. Why is it that you want to gouge out here and there for the particular advantage of private individuals?

Mr. SHAFROTH. I will state that the reason, no doubt, why the measure for the preservation of reservoir sites was deemed in the first instance a proper measure is that the reservoir sites were opened to private entry by homesteaders and preemptors. They could be located upon by any person desirous of taking up a homestead or a preemption claim, which was evidently improper. I hope the gentleman from Iowa will give me his attention. Since the land laws of the United States permitted a person to locate a homestead in a reservoir site, it was manifestly improper that that should be done; and the intention, no doubt, in the passage of the act was to make a reservoir site subject to entry only for a reservoir. Following that there was legislation permitting the occupation of reservoir sites, passed in 1891; and the Commissioner of the General Land Office held that under the law every reservoir site that had been reserved was open to public entry, but the Secretary of the Interior held otherwise. The Department requested legislation, and there was some legislation passed through this House the other day making reservoir sites open to entry for irrigation purposes only. Now, the object of this bill, and the reason why it is a special bill, is that this particular reservoir is high up in the mountains, and as the gentleman from Iowa [Mr. LACEY] has stated, this reservoir is 140 or 150 miles from any land that can be irrigated by the water from it; but the water can be used there for generating power. The power conveyed through electrical appliances will be of great advantage for use in the mines at Leadville and for the purposes of manufacturing.

Mr. BOWERS. And it does not lessen the amount of water for irrigation?

Mr. SHAFROTH. And it does not lesson the amount of water for irrigation purposes. Now it seems to me that, under these circumstances, there ought not to be any objection made.

Mr. JOHNSON of California. I would like to ask the gentleman a question. I heard the gentleman from Iowa, the chairman of the Committee on Public Lands, say that half of this land had already been taken.

Mr. SHAFROTH. Eight hundred acres was taken up before the reservoir was reserved by the Government by preemptors and homesteaders, and patents were issued to them by the United States.

Mr. JOHNSON of California. And they have built a dam?

Mr. SHAFROTH. I do not know.

Mr. JOHNSON of California. I understood the gentleman from Iowa to say that the dam was there and that the water company had taken the earth there.

Mr LACEY. The additional share was to be used for reservoir. The dam itself is in the center now occupied.

Mr. SHAFROTH. It can not be any detriment to anybody.

Mr. JOHNSON of California. Then I understand the gentleman to say that it does not give a monopoly to the company there?

Mr. SHAFROTH. This bill opens it up to competition and to bidding at public auction; and then it fixes the minimum price for the land at $2.50 per acre. The land can not be used for any other purpose, and is not worth 10 cents an acre for agricultural uses. There can not be a monopoly, because under the laws of the State of Colorado the waters are for the people, and the county commissioners of the county where the water is used fix the price of the water.

Mr. HEPBURN. Will the gentleman permit this suggestion? Is not your purpose now to use this water for mechanical and other purposes absolutely destructive of its use for irrigation?

Mr. SHAFROTH. Oh, no.

Mr. HEPBURN. The theory of irrigation is this: You store the water there in these great reservoirs to use in time of drought or in the summer season.

Mr. SHAFROTH. Yes.

Mr. HEPBURN. Then it is taken for purposes of irrigation?

Mr. SHAFROTH. Yes.

Mr. HEPBURN. But according to your argument, you want to use that water in the winter time, so that you are absolutely preventing the storage of the water in any great quantity.

Mr. SHAFROTH. In reply to the gentleman, I wish to say this: That during the winter months there is plenty of water, and consequently they can run their machinery by the overflow water from the dam. They will need all the waters stored to run their machinery during the summer months when the lands need the water most for irrigation, and consequently both purposes are served.

Mr. HULL. May I ask the gentleman a question?

Mr. SHAFROTH. Yes, sir.

Mr. HULL. I understand that the proposition is to use simply the overflow. You do not propose to draw the water entirely out of the reservoir?

Mr. SHAFROTH. In this way we shall no doubt get a great increase in the waters that are available for irrigating purposes, but at the same time the people desire to use this water for mechanical purposes also. My colleague, Judge BELL, represents the entire irrigating district below this reservoir site, and this bill as amended is perfectly satisfactory to him, and I now yield to him.

Mr. BELL of Colorado. Mr. Speaker, this bill originally was antagonized by me because it did not provide that the water should be used in such a way as not to interfere with the contemplated increased flow of the Arkansas River during the dry season. I introduced a bill which was in conflict with this, providing that Congress should cede this reservoir to the State of Colorado, so that the State itself might improve it instead of leaving it to be done by private individuals. We sent that bill to the Secretary of the Interior and he reported upon it, saying that private individuals owned the bottom of that reservoir and had owned it before it was set apart for that purpose, and that they opposed the ceding of the reservoir to the State of Colorado or to anybody else unless the parties to whom it might be ceded would come forward and buy out the individuals that had located and patented the bottom of the reservoir before it was set aside for this purpose. The only reason why this is a special case is that private individuals now own the bottom of that reservoir. The place where the dam ought to be built is on the public domain. If the owners of the bottom owned the place to build the dam, they would be independent, but they do not own the point where the dam should be built.

They do not want this water for irrigation purposes at all. They want it for the purpose of establishing a great electric plant, and they desire to hold the water back until the time of scarcity. From the 1st of March until about the middle of July the water is overflowing in the Arkansas. Nobody needs it. What these people desire is to keep back the water until August, to store it up for the purpose of running their machinery in August and September. That is their object. They propose to turn it loose in a regular stream from the 1st of August until the last of September, a so that it will inure to the benefit of the people on the lower river.

Mr. HEPBURN. There are certain persons who hold the lower levels now, are there not?

Mr. SHAFROTH. Yes, sir.

Mr. HEPBURN. Then no one can utilize this site without overflowing those lower lands?

Mr. BELL of Colorado. No, sir.

Mr. HEPBURN. Then there is no probability of any competition in this matter, is there?

Mr. BELL of Colorado. No, sir.

Mr. HEPBURN. Then what is the use of talking about the fairness of an auction sale?

Mr. BELL of Colorado. I do not think there is anything in that.

Mr. SHAFROTH. The reason for that provision is the Senate bill provided a rate of $2.50 an acre, but various objections were made by gentlemen who thought that the land was worth a great deal more, or might be, and in order to satisfy them that provision about an auction sale was put in. I wanted the bill to go through just as the Senate passed it, but at the same time this amendment was thought wise under the circumstances, though I do not believe the land will bring more than $2.50 an acre.

Mr. BRUMM. May it not bring less?

Mr. SHAFROTH. The minimum price fixed is $2.50 an acre, while the minimum price of the public lands in that district is $1.25 an acre.

Mr. FARIS. May I ask the gentleman a question?

Mr. SHAFROTH. Yes, sir.

Mr. FARIS. You say they are desirous of storing this water for the purpose of running a great electric plant?

Mr. BELL of Colorado. Yes, sir.

Mr. FARIS. To whom do you refer by "they?"

Mr. BELL of Colorado. I refer—and it is just as well to be plain about this—to the men who own the bottom of this reservoir; and I want to state further that, if I remember aright, there are several reservoirs on the head of the Arkansas River, not one of them improved, and probably every man in this House will be dead and buried before any other reservoir than the one we are now considering will be improved. I am told it will take some $300,000 to build this dam, and those who are familiar with mining know that it is absolutely necessary, in order to mine cheaply, that you shall have one great power plant which will lease a wire to every mine in the district, so that one man, or one set of men, can supply a thousand mines with power much cheaper than each one can supply itself. But I support this bill upon only one ground. The farming lands are all in my district, on the lower part of the river, and we are in favor of getting this dam built, so that we may have the benefit of this water without any cost to ourselves. But the object of these other parties is different from ours. Their object is to use this water at the same time that we want the increased flow of the Arkansas River. When they increase the flow, we get the benefit of it.

Mr. HENRY of Indiana. How is that secured?

Mr. BELL of Colorado. The bill itself provides that this water shall not be used in any manner to interfere with the increased flow of the Arkansas River, as contemplated in the act establishing this reservation system. Let me tell the gentleman also that this land is not worth 25 cents an acre for any purpose except as a reservoir; and there are a number of others right there that anybody can take who wishes to do so.

Mr. HENRY of Indiana. Has not the gentleman already stated that the bottom of this reservoir is private property and not controlled by the Government as part of the reservation?

Mr. BELL of Colorado. Yes, sir; and the Department reported to the Committee on Public Lands that before this land should be ceded to Colorado the State should be required to buy the interest of those private individuals. But the other day I abandoned my bill looking to that end when I got through an amendment on a general bill providing that the State might take possession of any unappropriated reservoir.

Mr. HENRY of Indiana. What I want to know is this: If the bottom of that reservoir is private property, how are you going to make it public property?

Mr. BELL of Colorado. There were about 800 acres, as I remember, patented by private individuals for the purpose of storing this water before the reservation was made. When the surveyors got there, they set apart 1,900 acres, taking a great rim and a place below for a dam. When the private individuals concluded to build a dam, the proper place for a dam was found to be on Government property which has been reserved.

Mr. HENRY of Indiana. I again ask the gentleman this question: If those private individuals have the interest stated in that property, how is this bill going to make it public property?

Mr. BELL of Colorado. It does not interfere with that at all.

Mr. HENRY of Indiana. Then you propose to give these individuals the privilege of adding to their private property by buying additional land?

Mr. BELL of Colorado. Yes, sir; by buying enough additional land to make their present property available.

Mr. HENRY of Indiana. And this additional land will all be private property and under the control of these private individuals?

Mr. BELL of Colorado. Yes; but subject to the control of the State and to the provisions of this bill.

Mr. HENRY of Indiana. Subject to the laws of the State so far as they may affect the use of the land for irrigation purposes?

Mr. BELL of Colorado. Yes, sir; and subject to the conditions of this grant.

Mr. LACEY. When these parties take this additional land from the Government and make this enlargement, they do so subject to regulations to be prescribed by the Secretary of the In[illegible]

Mr. BELL of Colorado. Yes, sir.

Mr. LACEY. So that there is additional pro[illegible] in the way of securing this land for irrigation purposes?

Mr. BELL of Colorado. Let me make a further explanation. Here is a point that some gentlemen do not seem to grasp readily, because they are not familiar probably with the conditions there. We in my district have desired this land for storing water for irrigation purposes. I have antagonized this bill until this amendment which I have framed myself was put on, because I represent the irrigation interest. I had a bill antagonizing this measure and trying to have this reservoir site set apart to the State. But I secured an amendment to this bill providing that the private owners should not interfere with our irrigation operations or with the increased flow of water which was contemplated when this land was set apart as a reservoir site.

Now, in this bill we have provided everything necessary to make this reservoir inure to the benefit of the farmer without the farmer expending any money. At present we can not use this reservoir site unless we are informed that we put up this $300,000. These men have agreed to put in the cost for the mere purpose of having this water run through their mill wheel, which will not materially lessen the flow.

Mr. HENRY of Indiana. With whom do they make that agreement?

Mr. BELL of Colorado. It is in the bill. I wrote the amendment myself which has been put on the bill; that is, they must comply with the law in building and maintaining a reservoir as contemplated by the original act reserving this ground.

Mr. BOWERS. The proposition is just this, is it not, that all the power derived shall be subservient to irrigation——

Mr. BELL of Colorado. Yes, sir.

Mr. BOWERS. That the supply of water for irrigation shall not be lessened; that these parties may develop that power without decreasing the irrigation facilities. That is the proposition, is it not?

Mr. BELL of Colorado. It is.

Mr. SHAFROTH. This reservoir site is situated in my district. We want the water for mechanical purposes. Gentlemen in other districts want it for irrigation purposes. It can be made to serve both purposes. The bill has been reported unanimously by the Committee on Public Lands. I ask for a vote.

The question being taken, the motion of Mr. SHAFROTH to suspend the rules and pass the bill as amended was agreed to (two-thirds voting in favor thereof).

PATENTS TO CERTAIN LANDS IN FLORIDA.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules and pass, with the amendments recommended by the Committee on the Public Lands, the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842.

The bill was read, as follows:

Be it enacted, etc., That patents shall be issued to the persons in possession and occupation of all land settled upon under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of east Florida," approved on the 4th of August, A. D. 1842, where the land has been in the occupation and possession of the person who actually settled thereon, his widow, or heirs at law or assigns, from whom a right of possession to said land under said act has been derived for the period of twenty years next preceding the approval of this act.

SEC. 2. That the right and title of all persons embraced in the first section of this act is hereby confirmed to them, their heirs and assigns, to the 160 acres embraced in the original settlement under the said act of Congress.

SEC. 3. That proof of the possession and occupation of said land for the period of twenty years, and of the fact of application for settlement under the said act of Congress, shall be held to be conclusive, as against the United States, of settlement under the said act of Congress, and of compliance with all the requirements of said act.

SEC. 4. That all persons claiming the benefit of this act shall be required to make the proof required herein within two years from the date of its approval, before the officers who are authorized to take similar proofs under the homestead laws; and the requirements of these laws, as to notice, contests, appeals, and the course of procedure, shall, wherever they are applicable, apply to all cases arising under this act.

SEC. 5. That nothing contained in this act shall be so construed as to interfere with any valid adverse right, asserted under any law of the United States, to any of the lands settled upon under the armed occupation acts.

Mr. DOCKERY. Mr. Speaker, in order that there may be some explanation of the bill, I demand a second.

Mr. SPARKMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, many years ago, while Florida was a Territory, a law was passed by Congress called the "armed occupation act," under which any individual who desired so to do could go into that Territory and settle upon any of the lands therein, and after having made certain improvements and having made proof of settlement, cultivation, and improvement for five years, could obtain a patent to the land. This act was passed for the purpose of encouraging people to go into that Territory and take armed possession of the vacant lands there, the whole southern portion of the Territory being in the possession of the Seminole Indians. A great many people availed themselves of the provisions of this act and went onto lands selected by them, mainly in the southern and middle portions of Florida, cultivated the same, made proof, and some of them obtained patents. This was anterior to the civil war. In some cases, however, the proof made was never sent to the Land Office at Washington, but during the civil war was carried about, first to one place and then to another, until finally lost or destroyed, so that it can not now be found. Hence these people have never been able to obtain patents to their lands. This bill is for the purpose of permitting them or their descendants—who I am informed are not more than one hundred in number—to make final proof again and obtain patents to the lands on which they or their predecessors have lived in good faith during all these many years.

Mr. DOCKERY. Is this bill approved by the Commissioner of the General Land Office?

Mr. SPARKMAN. Yes; and if the report were read, it would show that it also meets with the approval of the Secretary of the Interior. He recommends its passage with certain amendments, which have been adopted by the committee.

Mr. DOCKERY. And the bill is unanimously recommended by the Committee on the Public Lands?

Mr. SPARKMAN. Yes; unanimously recommended by the Committee on the Public Lands.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. SPARKMAN. There is a committee amendment.

The SPEAKER. That has been read.

Mr. SPARKMAN. Yes.

Mr. LACEY. Section 5 was added by the House committee.

The SPEAKER. That has been read.

Mr. SPARKMAN. Yes.

The SPEAKER. The question is on suspending the rules and passing the Senate bill as amended.

Accordingly (two-thirds voting in favor thereof), the rules were suspended and the bill, as read, passed.

ADDITIONAL LAND OFFICE, MONTANA.

Mr. HARTMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1743) to establish an additional land office in the State of Montana.

The bill was read, as follows:

Be it enacted, etc., That all that portion of the State of Montana bounded and described as follows: Beginning at a point on the national boundary line where the same would be intersected by the range line between ranges 14 and 15 west of the Montana principal meridian when projected (this line being the present boundary between the Helena and Missoula land districts); thence south on said range line between ranges 14 and 15 west to the southeast corner of township 22 north, range 15 west; thence west on township line between townships 21 and 22 north to the southwest corner of township 22 north, range 23 west; thence north on range line between ranges 23 and 24 west to the sixth standard parallel north; thence west on said standard parallel to the southwest corner of township 25 north, range 26 west; thence north on range line between ranges 26 and 27 west to northeast corner of township 26 north, range 27 west; thence west on township line between townships 26 and 27 north to the northeast corner of township 26 north, range 30 west; thence north on range line between ranges 29 and 30 west to northeast corner of township 27 north, range 30 west; thence west on township line between townships 27 and 28 north to the northwest corner of township 27 north, range 31 west; thence north on range line between ranges 31 and 32 west to the seventh standard parallel north; thence west along the seventh standard parallel north to the western boundary of the State; thence north on said boundary line to the northwest corner of the State on the national boundary line on the forty-ninth parallel, north latitude; and thence east on said national boundary line to the place of beginning, be, and the same is hereby, constituted a new land district, to be called Flathead land district of the State of Montana, and the land office for said district shall be located at the town of Kalispell.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

Mr. TERRY. For the purpose of having an explanation, I ask for a second.

Mr. HARTMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Montana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. HARTMAN. Mr. Speaker, I presume a second was demanded in order that some interrogatories might be submitted. I am ready to answer any which may be submitted, if I can.

Mr. TERRY. I want an explanation of the purpose of the bill.

Mr. HARTMAN. The bill is reported favorably by the Committee on the Public Lands. It passed the Senate on the 5th day of last March. It has the indorsement of the Secretary of the Interior and of the Commissioner of the General Land Office.

I will state to the gentleman that the bill proposes to create a new land district in the northwestern part of Montana, in which proposed district there are 5,500,000 acres of land. The way the district is now located with reference to railroad facilities, a large number of the inhabitants, probably three or four thousand, who have business to do with the land office are compelled to travel from 150 to 400 miles in order to get to Missoula, where the land office of this district is now situated.

Mr. TERRY. Then the purpose of the bill is to accommodate the people out there?

Mr. HARTMAN. It is.

Mr. TERRY. And not for the purpose of creating any new office?

Mr. HARTMAN. Not at all. It creates a new office, but that must be done in order to accommodate these people.

Mr. TERRY. Can the gentleman advise me as to how these offices will be filled? Will they be filled under the civil service?

Mr. HARTMAN. I know nothing about that and I care nothing about that, excepting that I do want the office established for the accommodation of the settlers who are establishing their new homes in that country and developing it.

Mr. TERRY. You are pretty certain that you will have nothing to say about who they shall appoint?

Mr. HARTMAN. I am pretty certain that I shall have nothing to say about who shall be appointed; and I am frank to say I do not care about who is appointed, so long as the appointees are competent and proper persons.

Mr. CANNON. How many land offices are there in the State of Montana?

Mr. HARTMAN. There are five; and there are 145,730 square miles in the State, or 92,000,000 acres of land.

Mr. CANNON. I want to say to the gentleman that, without having knowledge sufficient to antagonize this bill, in the State of Illinois, in which there is hardly 40 acres of land upon which an

honest man can not make a living for his family, and which was settled and the land entered and sold substantially before the days of railroads, as I recollect, there never were but two land offices in the State.

Mr. HEPBURN. Oh, my, yes!

Mr. CANNON. I think that is right.

Mr. HARTMAN. I am not able to dispute the statement of the gentleman; but I will say this, that in point of area the State of Illinois is very small compared to the State of Montana. I want to state to him that the State of Montana contains more acreage than all the New England States, New York, New Jersey, Delaware, and Maryland, by nearly 11,000 square miles.

Mr. CANNON. I understand that exactly; but, after all, that argument is fallacious, for the reason that the gentleman's State does not contain land, over 12 or 15 per cent of it, that under the most favorable circumstances can be used by the human animal.

Mr. HARTMAN. The gentleman is mistaken about that. But I want to say further that there is no reason why we ought not to have this additional land office. Your people were able to travel right across the prairie. We have got to travel along the water courses as they come through the mountain gorges and through the mountain canyons.

Mr. LACEY. Let me suggest to the gentleman that this new place will also be on the line of the Great Northern Railroad, and a person living upon the line of that road can not reach the present office with the convenience that he could reach Kalispell. By reason of the construction of that great road it becomes a common central point for a radius of 300 or 400 miles in diameter, and before this road was built the other locations were as near as this would have been.

Mr. HENDERSON. How far will this office be from the nearest one?

Mr. HARTMAN. It will be about 300 miles, the way they have to travel; and in many instances the present office is from 150 to 400 miles from the homes of settlers.

Mr. LOUD. Will the gentleman have read the language in which the Interior Department indorses this?

Mr. HARTMAN. Certainly.

Mr. LOUD. They have a great many ways of indorsing propositions.

Mr. HARTMAN read:

DEPARTMENT OF THE INTERIOR, *Washington, March 17, 1896.*

SIR: In compliance with your request of the 13th instant for suggestions on Senate bill 1743, to establish an additional land office in the State of Montana (at Kalispell), I inclose herewith a copy of a letter on the subject by the Commissioner of the General Land Office, in which he states that "the bill now submitted conforms to the suggestions made by this office, and there is no objection to its enactment."

I concur in the Commissioner's report.

Very respectfully,

HOKE SMITH,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

Mr. LOUD. What were the suggestions made by the office?

Mr. HARTMAN. If you want it, I will read what the Commissioner of the General Land Office says:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 16, 1896.

SIR: I have received, by your reference for report, a communication from Hon. J. F. LACEY, chairman House Committee on the Public Lands, dated the 13th instant, inclosing a copy of bill (S. 1743) to establish an additional land office in the State of Montana, passed by the Senate March 5, 1896, upon which any suggestions which this office may deem proper are requested by the committee.

In reply, I have the honor to state that a bill for the purpose indicated was submitted to this office on January 30, 1895, from the Senate Committee on Public Lands, but as the description of the boundaries of the proposed district was mostly on imaginary lines, this office suggested that it be amended to conform to the lines of established surveys, and that if this were done it was believed that the new district would serve a great convenience to the public, and would meet the approval of this office.

It appears that the bill now submitted conforms to the suggestions made by this office, and there is no objection to its enactment.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. LOUD. I will suggest to the gentleman that we almost daily recommend persons to high political offices on just such recommendations—noncommittal.

Mr. HARTMAN. If the gentleman will not include me in that statement, that may be so.

Mr. HENDERSON. I regard Judge Lamoreux as one of the most conservative men we have in the public service.

Mr. LOUD. But he has not said anything.

Mr. HENDERSON. I regard that letter as being conclusive that this ought to be done.

Mr. LOUD. I would like to have that statement put with the letter for future reference.

Mr. HENDERSON. Judge Lamoreux is a man of very few words, one of the most painstaking men we have in the service, and if he saw any objection to the bill he would have pointed it out.

Mr. HARTMAN. If there be no other questions, I will ask for a vote.

The question was taken on suspending the rules and passing the bill; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill passed.

ORDER OF BUSINESS.

Mr. SHERMAN. I demand the regular order.

BOTTLING DISTILLED SPIRITS IN BOND.

The SPEAKER laid before the House the bill (H. R. 8582) to allow bottling of distilled spirits in bond.

The bill and Senate amendments were read.

Mr. EVANS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. EVANS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

MILITARY NATIONAL PARKS.

The SPEAKER laid before the House the bill (H. R. 7820) to prevent trespassing upon and provide for the protection of military national parks.

The bill and Senate amendment were read.

Mr. HULL. I move that the House nonconcur in the Senate amendment and agree to the conference requested.

The motion was agreed to.

The following conferees were appointed: Mr. HULL, Mr. CURTIS of New York, and Mr. TYLER.

JURISDICTION OF POLICE COURT, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," etc., with amendments of the Senate thereto.

The bill and amendments were read; and the amendments of the Senate were concurred in.

BRIDGE ACROSS THE ST. LAWRENCE.

The SPEAKER. The Chair lays before the House the bill S. 3721, being a bill the like of which has been reported favorably by a committee of this House, which committee now directs that the bill be called up.

Mr. SHERMAN. Mr. Speaker, I ask that the bill be read.

The bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River was read.

Mr. TERRY. Mr. Speaker, I would like to ask if this bill contains the usual provision in regard to telegraph and telephone lines?

Mr. SHERMAN. It contains all the usual provisions of a bridge bill. It has been submitted to the War Department and approved by that Department, and has been favorably reported by the House committee. I have the report here, if the gentleman from Arkansas would like to hear it.

Mr. TERRY. I do not care about hearing the report. I just want to know whether the bill contains the usual provision in regard to telegraph and telephone lines.

Mr. SHERMAN. I think the bill does contain that provision.

Mr. TERRY. I did not hear it in the reading of the bill.

Mr. SHERMAN. I think it will be found in section 3.

Mr. TERRY. The gentleman has the bill there. I wish he would examine and see if it contains that provision.

Mr. SHERMAN (after examining the bill). I do not find it at this moment, though I thought I saw it in the bill when I read it before.

Mr. TERRY. If it is not there, it ought to be inserted.

Mr. SHERMAN. If it is not in the bill, I am ready to accept such an amendment, if the gentleman desires to offer it.

Mr. BENNETT. Mr. Speaker, I trust the gentleman from Arkansas will not insist on offering an amendment. This bill has passed the Senate and we have reached so late a period of the session that if it is sent back now we may not be able to have it disposed of before the adjournment. The bill as it stands has been approved by the Secretary of War and probably contains all requisite provisions.

Mr. TERRY. I am only surprised that the absence of that provision should have escaped the vigilance of the Committee on Interstate and Foreign Commerce, because such a provision is usually inserted in all these bills, and should be in this one; but I have no desire to obstruct the passage of the bill. Therefore I will not insist on the amendment, but will content myself with directing the attention of the honorable chairman of the committee to the point.

Mr. SHERMAN. I ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF COMMITTEES.

The SPEAKER directed the Clerk to call the committees.

Mr. SHERMAN (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by direction of the Interstate Commerce Committee, I call up the bill (H. R. 10367) to revise and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela.

The bill was read.

Mr. SHERMAN. I yield to the gentleman from Pennsylvania [Mr. DALZELL], who will explain the object of this bill.

Mr. DALZELL. Mr. Speaker, this is simply a bill to extend the time for the completion of this bridge. The parties who are interested in it have met with some obstacles in the way of prosecuting their work, and under the original act they would have to stop work at this time. The object of this bill is to extend the time so that they may have an opportunity to complete the bridge in accordance with the original requirements.

Mr. HEPBURN. Mr. Speaker, the Committee on Interstate and Foreign Commerce supposed that they had already made provision for bridges enough to cover the entire Monongahela River and turn it into a tunnel [laughter], but the gentleman from Pennsylvania [Mr. DALZELL] succeeded in discovering a place where another bridge might be located. This is the result of his explorations, and the report of the committee is unanimous. [Laughter.]

Mr. DALZELL. "The gentleman from Pennsylvania," knowing what the intention of the Committee on Interstate and Foreign Commerce was, has been assiduously endeavoring to help them to carry out that intention. [Laughter.]

Mr. PAYNE. I want to suggest to the gentleman from Iowa [Mr. HEPBURN] whether it would not be well to offer an amendment now providing for bridging over the whole Monongahela River? [Laughter.]

Mr. HENDERSON. Mr. Speaker, I suggest that the gentleman from New York is not discussing the "Monongahela" that he is familiar with. [Laughter.]

Mr. PAYNE. I should not presume to discuss that kind in the gentleman's presence. [Laughter.]

Mr. HOPKINS of Illinois. I do not think it will be necessary to take the course suggested by the gentleman from New York, because I do not suppose there is space enough left for another bridge. [Laughter.]

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE OVER THE ST. LOUIS RIVER.

Mr. SHERMAN. Mr. Speaker, on behalf of the same committee, I call up the bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge authorized to be constructed under an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," be, and the same is hereby, extended until the 1st day of August, A. D. 1897.

Mr. SHERMAN. Mr. Speaker, this is merely an extension of time for this construction from the 24th day of April in this year until the 1st day of August. The bridge is nearly completed now. This bill does not in any way change existing law, and the original act contains all the usual safeguards.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANTITICKET SCALPING BILL.

Mr. SHERMAN. I now call up House bill No. 10090, to amend the act entitled "An act to regulate commerce."

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of every common carrier subject to the provisions of said act to regulate commerce to provide each agent who may be authorized to sell tickets or other evidences of transportation, subject to said act, of the holder's right to travel on the line of such carrier, or on any line of which such carrier's line shall form a part, with a certificate setting forth the authority of such agent to make such sales; which certificate shall be attested by the signature of said common carrier, or, whenever such common carrier is a corporation, by the signature of one of its principal officers and by its corporate seal, and shall be posted in a conspicuous place in the office or place of business of such agent in such manner as to be in full view of the purchasers of tickets.

SEC. 2. That it shall be unlawful for any person not possessed of such authority, so evidenced, to sell, barter, or transfer, for any consideration whatever, the whole or any part of any ticket, pass, or other evidence of transportation, subject to said act to regulate commerce, of the holder's right to travel on any line of any common carrier subject to the provisions of said act: *Provided*, That the provisions of this act shall not apply to a purchaser of a ticket in good faith for personal use in the prosecution of a journey.

SEC. 3. That any person or persons violating any of the provisions of, or neglecting to comply with any of the requirements of, the preceding sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which the offense was committed, be subject for each offense to a fine not exceeding $1,000, or imprisonment for a term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 4. That every common carrier subject to the provisions of said act to regulate commerce that shall have sold any ticket or other evidence of transportation, subject to said act, of the holder's right to travel on its line, or on any line of which it forms a part, shall, if any part of such ticket be unused by the purchaser thereof, redeem the same upon presentation thereof by the purchaser at the general office of such carrier, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket of the same class between the points for which said ticket was actually used. If the point at which the purchaser of said ticket shall have terminated his journey be not the place where the general offices of the carrier selling said ticket are located, and the agent at such point, either of the carrier selling the same or of any carrier over whose line said ticket reads, shall, upon the surrender of the unused portion of said ticket within thirty days after the purchaser of said ticket terminates his journey, give to such purchaser a receipt therefor, describing said ticket and stating the point or place where the journey terminated, and said carrier selling such ticket shall, upon presentation of said receipt, pay over to said passenger, or upon his order, the amount thereupon found due.

SEC. 5. That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or transportation in imitation of, or purporting to be in imitation of such transportation issued by a common carrier or common carriers, subject to said act, for travel over its line, or over any line of which its line shall form a part, or who shall knowingly alter any genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or issue, publish, or sell, or attempt to issue, publish, or sell any such altered genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or any such falsely made or counterfeited passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, as aforesaid, shall be deemed guilty of a felony, and shall, upon conviction, be fined not more than $5,000 for each offense, and shall be imprisoned, in the discretion of the court, for a term not exceeding two years.

Mr. NORTHWAY. I raise the question of consideration against this bill.

Mr. TERRY. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear it.

Mr. TERRY. Is this question to be submitted without debate?

The SPEAKER. Without debate.

Mr. TERRY. I ask this further parliamentary inquiry: Whether it would be in order to antagonize the consideration of this bill——

The SPEAKER. It would not be.

Mr. TERRY. By a proposition to consider another bill on the same Calendar?

The SPEAKER. It would not be. The question is, Will the House consider this bill?

The question having been put,

The SPEAKER. The ayes seem to have it.

Mr. NORTHWAY and others called for a division.

The question being again taken, there were—ayes 73, noes 50.

Mr. TERRY. Let us have tellers.

Mr. NORTHWAY. I call for the yeas and nays.

The yeas and nays were ordered, 34 voting in favor thereof, more than one-fifth of the last vote.

The question was taken; and there were—yeas 153, nays 70, not voting 132; as follows:

YEAS—153.

Acheson,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Andrews,
Arnold, Pa.
Avery,
Babcock,
Bailey,
Barham,
Barney,
Bennett,
Bingham,
Bishop,
Black,
Blue,
Boatner,
Boutelle,
Broderick,
Brosius,
Buck,
Calderhead,
Cannon,
Catchings,
Chickering,
Clardy,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Codding,
Cook, Wis.
Cousins,
Crisp,
Crowley,
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Daniels,
Denny,
Dolliver,
Doolittle,
Draper,
Eddy,
Ellis,
Erdman,
Evans,
Fairchild,
Fischer,
Fletcher,
Foote,
Foss,
Gamble,
Gardner,
Griffin,
Grosvenor,
Hall,
Hardy,
Harrison,
Heatwole,
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hermann,
Hitt,
Hooker,
Hopkins, Ill.
Howe,
Howell,
Hubbard,
Hull,
Hurley,
Hyde,
Jenkins,
Johnson, Cal.
Joy,
Kirkpatrick,
Kleberg,
Kyle,
Lacey,
Lawson,
Layton,
Lefever,
Leisenring,
Leonard,
Lewis,
Livingston,
Long,
Lord,
Loudenslager,
Low,
Maddox,
Mahon,
McCall, Tenn
McCleary, Minn.
McCreary, Ky.
McLachlan,
Meiklejohn,
Meyer,
Miller, Kans.
Milliken,
Miner, Wis.
Mitchell,
Mondell,
Money,
Moses,
Mozley,
Murphy,
Payne,
Pendleton,
Perkins,
Pitney,
Raney,
Ray,
Reeves,
Richardson,
Rinaker,
Robertson, La.
Royse,
Russell, Conn.
Scranton,
Shannon,
Sherman,
Simpkins,
Smith, Mich.
Snover,
Southwick,
Sparkman,
Sperry,
Steele,
Stephenson,
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Tawney,
Tayler,
Thomas,
Tracey,
Turner, Ga.
Turner, Va.
Van Horn,
Walker, Va.
Wanger,
Warner,
Watson, Ind.
Wheeler,
Willis,
Wilson, Idaho
Wilson, N. Y.
Wood,
Woomer,
Wright.

NAYS—70.

Abbott,
Anderson,
Arnold, R. I.
Baker, Md.
Baker, N. H.
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Bowers,
Burton, Ohio
Connolly,
Cooke, Ill.
Cooper, Tex.
Corliss,
Cox,
Culberson,
Danford,
De Armond,
De Witt,
Dockery,
Dovener,
Ellett,
Faris,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Grout,
Hager,
Hendrick,
Henry, Ind.
Hilborn,
Howard,
Jones,
Kerr,
Kiefer,
Knox,
Leighty,
Linney,
Little,
Maguire,
Mahany,
McCall, Mass.
McCulloch,
McMillin,
McRae,
Milnes,
Moody,
Morse,
Neill,
Ogden,
Overstreet,
Patterson,
Shuford,
Southard,
Stallings,
Strowd, N. C.
Sulloway,
Taft,
Talbert,
Tate,
Terry,
Towne,
Tracewell,
Updegraff,
Van Voorhis,
Walker, Mass.
Watson, Ohio
White,
Williams,
Woodard.

NOT VOTING—132.

Adams,
Aitken,
Allen, Miss.
Allen, Utah
Apsley,
Atwood,
Baker, Kans.
Bankhead,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Berry,
Brewster,
Bromwell,
Brown,
Brumm,
Bull,
Burrell,
Burton, Mo.
Cobb,
Cockrell,
Collin,
Colson,
Cooper, Fla.
Cooper, Wis.
Cowen,
Crump,
Cummings,
Curtis, N. Y.
Dayton,
Dingley,
Dinsmore,
Fenton,
Fitzgerald,
Fowler,
Goodwyn,
Graff,
Griswold,
Grow,
Hadley,
Hainer, Nebr.
Halterman,
Hanly,
Harmer,
Harris,
Hart,
Hartman,
Hatch,
Heiner, Pa.
Hicks,
Hill,
Hopkins, Ky.
Huff,
Hulick,
Huling,
Hunter,
Hutcheson,
Johnson, Ind.
Johnson, N. D.
Kem,
Kulp,
Latimer,
Lester,
Linton,
Lorimer,
Marsh,
Martin,
McClellan,
McClure,
McCormick,
McDearmon,
McEwan,
McLaurin,
Mercer,
Meredith,
Miles,
Miller, W. Va.
Miner, N. Y.
Murray,
Newlands,
Noonan,
Northway,
Odell,
Otey,
Otjen,
Owens,
Parker,
Pearson,
Phillips,
Pickler,
Poole,
Powers,
Price,
Prince,
Pugh,
Quigg,
Reyburn,
Robinson, Pa.
Rusk,
Russell, Ga.
Sauerhering,
Sayers,
Settle,
Shafroth,
Shaw,
Skinner,
Smith, Ill.
Sorg,
Spalding,
Spencer,
Stahle,
Stewart, N. J.
Stewart, Wis.
Stokes,
Strait,
Strong,
Sulzer,
Swanson,
Thorp,
Treloar,
Tucker,
Tyler,
Wadsworth,
Washington,
Wellington,
Wilber,
Wilson, Ohio
Wilson, S. C.
Woodman,
Yoakum.

So the House decided to consider the bill.

The following pairs were announced:

Until further notice:

Mr. HARMER with Mr. HUTCHESON.
Mr. BROMWELL with Mr. STRAIT.
Mr. PICKLER with Mr. MINER of New York.
Mr. KULP with Mr. SHAW.
Mr. MAHON with Mr. OTEY.
Mr. BARRETT with Mr. CATCHINGS.

For this day:

Mr. HUFF with Mr. RUSSELL of Georgia.
Mr. HULICK with Mr. SWANSON.
Mr. MCCLURE with Mr. MCLAURIN.
Mr. WILBER with Mr. MILES.
Mr. BARTHOLDT with Mr. LESTER.
Mr. OTJEN with Mr. BERRY.
Mr. HAINER of Nebraska with Mr. DENNY.
Mr. ARNOLD of Pennsylvania with Mr. HART.
Mr. HICKS with Mr. WASHINGTON.
Mr. HUNTER with Mr. YOAKUM.
Mr. LINTON with Mr. ALLEN of Mississippi.
Mr. DINGLEY with Mr. BANKHEAD.
Mr. BELKNAP with Mr. RUSK.
Mr. STEWART of New Jersey with Mr. OWENS.
Mr. REYBURN with Mr. DINSMORE.
Mr. SETTLE with Mr. MILES.
Mr. SMITH of Illinois with Mr. LATIMER.
Mr. WADSWORTH with Mr. TUCKER.
Mr. WELLINGTON with Mr. SULZER.
Mr. TRELOAR with Mr. SORG.
Mr. MCCORMICK with Mr. COCKRELL.
Mr. MERCER with Mr. MCCLELLAN.

On this question:

Mr. QUIGG with Mr. NORTHWAY.
Mr. POOLE with Mr. PUGH.
Mr. COLSON with Mr. SAYERS.

The result of the vote was announced as above recorded.

Mr. SHERMAN. Mr. Speaker, I offer the following amendments as committee amendments to the bill.

Mr. BOWERS. Mr. Speaker, I desire the report read before any amendment is read.

The SPEAKER pro tempore (Mr. HEPBURN). The report can be read in the gentleman's time when he is recognized. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend section 2 as follows:

"Strike out all after the word 'provided' and insert:

"'That the purchaser of a transferable ticket in good faith for personal use in the prosecution of a journey shall have the right to resell same to a person who will, in good faith, personally use it in the prosecution of a journey.'

"And add thereto the following:

"'*And provided further*, That nothing in this act shall prevent the properly authorized agent of any transportation company from purchasing from the properly authorized agent of any other transportation company a ticket for a passenger to whom he may sell a ticket to travel over any part of the line for which he is the properly authorized agent, so as to enable such passenger to travel to the place or junction from which his ticket shall read.'"

Mr. BOWERS. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOWERS. I want to know if it is in order to present amendments after a request has been made for the reading of the report and before the matter is properly before the House? I have asked that the report of the committee be read, and now the gentleman is offering amendments before that is done.

The SPEAKER pro tempore. The gentleman has no right to have this report read, except in his own time, and the Chair announced to him that in his own time, when he was recognized, he could have the report read.

Mr. BOWERS. Well, I may never be recognized, and I supposed it was the right of the House to have the report read.

The SPEAKER pro tempore. The report is printed.

Mr. BOWERS. I make the point of order that amendments are not in order at this time.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. CROWTHER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CROWTHER. At what period in the discussion of this measure will amendments be in order?

The SPEAKER pro tempore. They are in order whenever a gentleman is recognized and has the floor. There are amendments pending, however. The Clerk will continue the reading of the amendments proposed by the committee.

Mr. MOODY. I ask unanimous consent that the amendments be read from the beginning.

Mr. SPALDING. We failed to hear them.

The SPEAKER pro tempore. In the absence of objection, the Clerk will report the first amendment proposed by the committee.

The amendments already read were again read.

The SPEAKER pro tempore. The question is upon the adoption of the first amendment.

Mr. NORTHWAY. Is it proper to offer an amendment to a section before the section has been read? We have not had any debate upon the bill yet.

Mr. SHERMAN. I do not desire a vote upon the amendments now. I offer the amendments now and ask that they be read. When the reading is finished, I shall move the previous question, and then see if we can not obtain some arrangement for a discussion of the bill.

The SPEAKER pro tempore. The Chair was too hasty. [illegible] amendments are now offered for infor[illegible], after [illegible] the bill will be read.

The Clerk read as follows:

Insert in section 4, in line 5, page 2, after the word "shall," the following: "If the whole of such ticket be unused, redeem the same, paying therefor the actual amount at which said ticket was sold, or."

Insert in section 4, in line 22, page 3, after the word "due," the following: "*Provided*, That all of the common carriers subject to the provisions of this act shall, if presented within thirty days after this act takes effect, redeem all valid unused tickets of their issue then lawfully in the possession of any person."

Mr. SHERMAN. I move the previous question on the bill and the amendments to its passage.

Mr. BOWERS (speaking at the same time). I move that the House do now adjourn.

Mr. SHERMAN. I assume that the gentleman can not take me off the floor.

The SPEAKER pro tempore. The gentleman from New York [Mr. SHERMAN] moves the previous question on the bill and amendments to its passage.

Mr. BAILEY. I hope the gentleman from New York is not going to try to pass a bill of this importance in this way.

Mr. SHERMAN. I stated a moment ago that after making this motion I should attempt to get some arrangement entered into by unanimous consent to give more time for discussion than is allowed under the previous question. It can only be done by unanimous consent.

Mr. NORTHWAY. But I submit, Mr. Speaker——

Mr. TERRY. What time is the gentleman willing to concede for the discussion?

Mr. SHERMAN. What time does the gentleman want?

Mr. TERRY. I think we ought to have about four hours.

Mr. SHERMAN. Would not the gentleman like four days? We have lots of time, within a few days of the close of the session.

Mr. TERRY. I am making a modest request. My friend suggests four days. This is a very important measure. It changes the entire purpose of the interstate-commerce act. It is a bill to strengthen the hands of the railroads.

Mr. SHERMAN. I can not yield to the gentleman further. I desire to consent to anything that is in reason, but when four hours are asked for, we can not do it.

Mr. NORTHWAY. Mr. Speaker, this is the first time during this Congress that we have seen the gentleman in charge of a measure move the previous question and then say after we carry it we will agree upon a time, when he knows a single objection would prevent any agreement being carried out.

Mr. SHERMAN. The gentleman has not asked that thing. The gentleman is moving the previous question. The simple proposition is that we are now trying to agree upon some time.

Mr. COX. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COX. If the matter in regard to time is agreed about, and the previous question is ordered, is the bill then open to amendment?

The SPEAKER pro tempore. It is not.

Mr. COX. Then the whole object is to cut off amendments to the bill.

Mr. SHERMAN. Mr. Speaker, I now ask unanimous consent that general debate be closed in an hour and a half, one half of the time to be controlled by the gentleman from Virginia [Mr. Ellett], and one half by myself; and that at the end of that time the previous question be considered as ordered on the bill and amendments offered by the committee.

Mr. COX. And no other amendments to be allowed?

Mr. SHERMAN. No, sir.

Mr. BOWERS and Mr. MAHANY. I object.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that general debate be closed in one hour and a half, one half of the time to be controlled by the gentleman from Virginia and the other half to be controlled by the gentleman from New York. Is there objection?

Mr. POWERS and Mr. MAHANY. I object.

The SPEAKER pro tempore. Objection is made.

Mr. TERRY. Let me suggest to the gentleman in charge of the bill that he ought to give at least three hours. This is a very important matter, and if the bill is right it surely should stand the light of discussion.

Mr. SHERMAN. I will make one more request in reference to this discussion. I see the gentleman from Missouri desires to make an inquiry.

Mr. DOCKERY. I desire to know whether I understand the gentleman in charge of this bill correctly. Do I understand that his proposition is to debate this bill for a time that may be agreed upon, and also that he proposes that there shall be no opportunity to amend the bill?

Mr. SHERMAN. That was the proposition. The gentleman correctly understands it.

Mr. COX. That is what he meant?

Mr. DOCKERY. I think it is not particularly fair to refuse the right to offer amendments except to the committee, and those amendments have now been read.

Mr. BLUE. The gentleman from New York——

Mr. SHERMAN. I modify my request by making it two hours, but otherwise that the request be as it was originally stated.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the debate be limited to two hours——

Mr. ELLETT. Mr. Speaker, it is an extremely undesirable thing to cut off all possibility of amendment after a thorough discussion of the subject-matter of this bill. What is the use of discussion if there can not be opportunity for amendment?

Mr. CANNON. Regular order!

Mr. NORTHWAY. I understood that the amendments were only read——

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BAILEY. I will object unless——

Mr. COX. I object.

The SPEAKER pro tempore. Objection is made.

Mr. BAILEY. I did not make objection.

Mr. SHERMAN. I ask that the previous question be ordered.

The SPEAKER. The gentleman from New York moves the previous question upon the bill and amendments.

Mr. MILNES. Pending that motion, I desire to move that this bill be recommitted with instructions to strike out——

The SPEAKER. The bill has not reached the point when that motion will be in order. The Chair will recognize the gentleman when that point is reached.

Mr. MILNES. A parliamentary inquiry. Is not a motion to commit in order pending a motion for the previous question?

The SPEAKER. A motion to commit will be entertained when the bill has been ordered to be engrossed. Then the Chair will submit that motion.

Mr. NORTHWAY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. NORTHWAY. Do I understand that the Chair is putting the motion on the amendments? I understand that there are no amendments pending.

The SPEAKER. The Chair understood that there were amendments pending.

Mr. NORTHWAY. They were read for information.

The SPEAKER. The committee amendments are offered with the bill, and have been read to the House already.

Mr. NORTHWAY. Is that in order before we read the sections to which they apply?

The SPEAKER. The bill was all read, the Chair understands.

Mr. NORTHWAY. Oh, no; we have not read the sections.

The SPEAKER. No; because that is done in Committee of the Whole. The bill is not read by sections in the House.

Mr. MILNES. A parliamentary inquiry. Would it be in order to move that we go into Committee of the Whole for the consideration of this bill?

The SPEAKER. It would not.

Mr. TERRY. I appeal to the gentleman to give at least three hours for debate.

The SPEAKER. The question is on the motion for the previous question.

Mr. JOHNSON of California. Mr. Speaker, before we pass that point, I ask by unanimous consent that there be three hours for the consideration of this bill, an hour and a half on a side. It is an important bill, and while I am for the bill myself, I do not like it to be passed without the gentlemen opposed to it having an opportunity to be heard.

The SPEAKER. Unless the gentleman withdraws the motion for the previous question the Chair will have to put it.

Mr. SHERMAN. "The gentleman" can not withdraw it except on a proposition for two hours' discussion.

Mr. TERRY. I appeal to the House in the interest of fair play——

The SPEAKER. The question is on the demand for the previous question.

Mr. MAGUIRE. Mr. Speaker, a motion to adjourn was made by the gentleman from California [Mr. Bowers], which I understand is in order.

The SPEAKER. At what time?

Mr. MAGUIRE. Immediately after the motion made by the gentleman from New York [Mr. Sherman] for the previous question.

The SPEAKER. The gentleman from California moves——

Mr. SHERMAN. Mr. Speaker, I had the floor at the time, and I did not yield to the gentleman from California to make any motion. No such motion was made by any gentleman properly on the floor.

The SPEAKER. The gentleman would have the right to make the motion after the gentleman from New York [Mr. Sherman] had submitted his motion for the previous question.

Mr. SHERMAN. But he did not do it at that time. If my memory serves me correctly, he attempted to make the motion while I occupied the floor, and while we were attempting to make some arrangements about the time for discussion.

Mr. BOWERS. I make the motion to adjourn now, Mr. Speaker.

The SPEAKER. The gentleman has a right to make that motion.

Mr. MILNES. Mr. Speaker, on that motion I ask for the yeas and nays.

Mr. BOWERS. I ask for tellers.

Tellers were ordered; and the Speaker appointed Mr. Sherman and Mr. Milnes.

Mr. CANNON. A parliamentary inquiry, Mr. Speaker. Does not the demand for the yeas and nays supersede the demand for tellers?

The SPEAKER. It does.

Mr. CANNON. Well, that demand was made by the gentleman from Michigan.

The SPEAKER. The Chair did not hear the gentleman.

Mr. SHERMAN. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 56, nays 175, not voting 124; as follows:

YEAS—56.

Abbott,
Bailey,
Baker, Kans.
Baker, N. H.
Barney,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Bowers,
Cooper, Tex.
Cox,
Dayton,
De Armond,
De Witt,
Dockery,
Ellett,
Faris,
Fenton,
Fitzgerald,
Grout,
Hager,
Henry, Ind.
Johnson, N. Dak.
Jones,
Kerr,
Latimer,
Leighty,
Linney,
Little,
Maguire,
Mahany,
McCulloch,
McRae,
Milnes,
Moody,
Moses,
Ogden,
Overstreet,
Pendleton,
Richardson,
Shuford,
Stallings,
Stokes,
Strowd, N. C.
Sulloway,
Talbert,
Tate,
Terry,
Tracewell,
Tyler,
Updegraff,
Watson, Ind.
White,
Williams,
Wilson, S. C.
Woodard.

NAYS—175.

Acheson,
Aldrich, T. H.
Adrich, W. F.
Aldrich, Ill.
Anderson,
Andrews,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Barham,
Beach,
Bennett,
Bingham,
Bishop,
Black,
Blue,
Boatner,
Boutelle,
Broderick,
Brosius,
Brumm,
Buck,
Bull,
Burton, Mo.
Calderhead,
Cannon,
Catchings,
Chickering,
Clardy,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Cockrell,
Codding,
Coffin,
Cook, Wis.
Cooke, Ill.
Cooper, Wis.
Corliss,
Crisp,
Crowley,
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Daniels,
Denny,
Doolittle,
Draper,
Ellis,
Erdman,
Evans,
Fairchild,
Fischer,
Fletcher,
Foote,
Foss,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Hall,
Hardy,
Harrison,
Hartman,
Heatwole,
Henderson,
Hepburn,
Hermann,
Hill,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Howe,
Howell,
Hubbard,
Hull,
Hurley,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Joy,
Kiefer,
Kleberg,
Knox,
Kyle,
Lacey,
Lawson,
Layton,
Lefever,
Leisenring,
Leonard,
Lewis,
Livingston,
Long,
Loud,
Loudenslager,
Low,
Maddox,
Mahon,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McCreary, Ky.
McDearmon,
McLachlan,
McMillin,
Meiklejohn,
Meyer,
Miller, Kans.
Miller, W. Va.
Milliken,
Mitchell,
Mondell,
Money,
Morse,
Mozley,
Murray,
Patterson,
Payne,
Perkins,
Pitney,
Powers,
Raney,
Ray,
Reeves,
Royse,
Russell, Conn.
Sauerhering,
Scranton,
Shafroth,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Sorg,
Southard,
Southwick,
Spalding,
Spencer,
Sperry,
Steele,
Stephenson,
Stone, W. A.
Strode, Nebr.
Strong,
Tawney,
Tayler,
Thomas,
Thorp,
Tracey,
Turner, Ga.
Van Horn,
Van Voorhis,
Walker, Mass.
Walker, Va.
Wanger,
Warner,
Washington,
Wheeler,
Willis,
Wilson, Idaho
Wood,
Woomer,
Wright.

NOT VOTING—124.

Adams,
Aitken,
Allen, Miss.
Allen, Utah
Apsley,
Baker, Md.
Bankhead,
Barrett,
Bartholdt,
Bartlett, N. Y.
Belknap,
Berry,
Brewster,
Bromwell,
Brown,
Burrell,
Burton, Ohio
Cobb,
Colson,
Connolly,
Cooper, Fla.
Cousins,
Cowen,
Crump,
Culberson,
Cummings,
Curtis, N. Y.
Dingley,
Dinsmore,
Dolliver,
Dovener,
Eddy,
Fowler,
Gillett, Mass.
Grow,
Hadley,
Hainer, Nebr.
Halterman,
Hanly,
Harmer,
Harris,
Hart,
Hatch,
Heiner, Pa.
Hemenway,
Hendrick,
Henry, Conn.
Hicks,
Hilborn,
Hitt,
Howard,
Huff,
Hulick,
Huling,
Hunter,
Hutcheson,
Kem,
Kirkpatrick,
Kulp,
Lester,
Linton,
Lorimer,
Marsh,
Martin,
McClellan
McClure,
McCormick,
McEwan,
McLaurin,
Mercer,
Meredith,
Miles,
Miner, N. Y.
Minor, Wis.
Murphy,
Neill,
Newlands,
Noonan,
Northway,
Odell,
Otey,
Otjen,
Owens,
Parker,
Pearson,
Phillips,
Pickler,
Poole,
Price,
Prince,
Pugh,
Quigg,
Reyburn,
Rinaker,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Sayers,
Settle,
Shaw,
Skinner,
Smith, Mich.
Sparkman,
Stahle,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Strait,
Sulzer,
Swanson,
Taft,
Towne,
Treloar,
Tucker,
Turner, Va.
Wadsworth,
Watson, Ohio
Wellington,
Wilber,
Wilson, N. Y.
Wilson, Ohio
Woodman,
Yoakum.

The following additional pair was announced:

Mr. Aitken with Mr. Culberson, for this day.

The result of the vote was then announced as above recorded.

Mr. MAGUIRE. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from Naw York [Mr. Sherman] in charge of the bill; or, rather, the demand for the previous question having been made, the question is on ordering the previous question.

Mr. MAGUIRE. I rise to a privileged motion, Mr. Speaker. I move to lay the whole matter on the table.

Mr. HOPKINS of Illinois. I make the point, Mr. Speaker, that that motion is dilatory.

Mr. MAGUIRE. I make the motion under subdivision 4 of Rule XVI.

Mr. HOPKINS of Illinois. The gentleman's motion is dilatory, and I make that point against it.

The SPEAKER. The gentleman from Illinois makes the point that the motion of the gentleman from California is dilatory. The Chair sustains the point of order, and the question is on ordering the previous question.

Mr. NORTHWAY. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 80, not voting 144; as follows:

YEAS—131.

Acheson,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, Ill.
Andrews,
Arnold, Pa.
Atwood,
Avery,
Babcock,
Bennett,
Berry,
Bingham,
Bishop,
Blue,
Brewster,
Broderick,
Brosius,
Brumm,
Bull,
Burton, Mo.
Cannon,
Catchings,
Chickering,
Clark, Iowa
Clark, Mo.
Clarke, Ala.
Codding,
Connolly,
Cook, Wis.
Cousins,
Crowley,
Curtis, Iowa
Dalzell,
Daniels,
Denny,
Doolittle,
Draper,
Ellis,
Evans,
Fairchild,
Fischer,
Foote,
Foss,
Gamble,
Gardner,
Gillet, N. Y.
Goodwyn,
Graff,
Griffin,
Griswold,
Hall,
Hardy,
Harrison,
Heiner, Pa.
Henderson,
Henry, Conn.
Hepburn,
Hicks,
Hill,
Hooker,
Hopkins, Ill.
Howe,
Howell,
Hubbard,
Hull,
Hyde,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Joy,
Kiefer,
Kirkpatrick,
Kleberg,
Kyle,
Lacey,
Lefever,
Leisenring,
Leonard,
Lewis,
Livingston,
Long,
Low,
Mahon,
McCall, Tenn.
McCreary, Ky.
Meiklejohn,
Mercer,
Miller, Kans.
Mitchell,
Money,
Morse,
Mozley,
Payne,
Perkins,
Pitney,
Powers,
Price,
Prince,
Raney,
Reeves,
Reyburn,
Rinaker,
Royse,
Russell, Conn.
Scranton,
Shannon,
Sherman,
Simpkins,
Smith, Ill.
Snover,
Southwick,
Spencer,
Steele,
Stephenson,
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Tawney,
Thorp,
Tracey,
Turner, Ga.
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Washington,
Willis,
Wood,
Woomer,
Wright.

NAYS—80.

Abbott,
Anderson,
Arnold, R. I.
Baker, Kans.
Baker, N. H.
Barney,
Bartlett, Ga.
Bell, Colo.
Black,
Bowers,
Buck,
Burton, Ohio
Clardy,
Colson,
Cooke, Ill.
Cooper, Tex.
Cooper, Wis.
Cox,
Crisp,
Crowther,
Danford,
De Armond,
Dockery,
Ellett,
Faris,
Fitzgerald,
Gibson,
Grout,
Hager,
Hendrick,
Henry, Ind.
Johnson, N. Dak.
Kerr,
Knox,
Layton,
Leighty,
Linney,
Little,
Maddox,
Maguire,
Mahany,
McCall, Mass.
McCleary, Minn.
McCulloch,
McDearmon,
McMillin,
McRae,
Milnes,
Minor, Wis.
Moody,
Moses,
Ogden,
Overstreet,
Patterson,
Pendleton,
Richardson,
Sauerhering,
Sayers,
Shafroth,
Shuford,
Sorg,
Spalding,
Sparkman,
Stallings,
Stokes,
Strowd, N. C.
Sulloway,
Talbert,
Tate,
Terry,
Towne,
Tracewell,
Turner, Va.
Tyler,
Updegraff,
Watson, Ind.
White,
Williams,
Wilson, S. C.
Woodard.

NOT VOTING—144.

Adams,
Aitken,
Allen, Miss.
Allen, Utah
Apsley,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barrett,
Bartholdt,
Bartlett, N. Y.
Beach,
Belknap,
Bell, Tex.
Boatner,
Boutelle,
Bromwell,
Brown,
Burrell,
Calderhead,
Cobb,
Cockrell,
Coffin,
Cooper, Fla.
Corliss,
Cowen,
Crump,
Culberson,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Dayton,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Dovener,
Eddy,
Erdman,
Fenton,
Fletcher,
Fowler,
Gillett, Mass.
Grosvenor,
Grow,
Hadley,
Hainer, Nebr.
Halterman,
Hanly,
Harmer,
Harris,
Hart,
Hartman,
Hatch,
Heatwole,
Hemenway,
Hermann,
Hilborn,
Hitt,
Hopkins, Ky.
Howard,
Huff,
Hulick,
Huling,
Hunter,
Hurley,
Hutcheson,
Jones,
Kem,
Kulp,
Latimer,
Lawson,
Lester,
Linton,
Lorimer,
Loud,
Loudenslager,
Marsh,
Martin,
McClellan,
McClure,
McCormick,
McEwan,
McLachlan,
McLaurin,
Meredith,
Meyer,
Miles,
Miller, W. Va.
Milliken,
Miner, N. Y.
Mondell,
Murphy,
Murray,
Neill,
Newlands,
Noonan,
Northway,
Odell,
Otey,
Otjen,
Owens,
Parker,
Pearson,
Phillips,
Pickler,
Poole,
Pugh,
Quigg,
Ray,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Ga.
Settle,
Shaw,
Skinner,
Smith, Mich.
Southard,
Sperry,
Stahle,
Stewart, N. J.
Stewart, Wis.
Strait,
Strong,
Sulzer,
Swanson,
Taft,
Taylor,
Thomas,
Treloar,
Tucker,
Van Voorhis,
Walker, Mass.
Watson, Ohio
Wellington,
Wheeler,
Wilber,
Wilson, Idaho
[illegible]
[illegible]
[illegible]man,
[illegible]um.

So the previous question was ordered.

The following additional pairs were announced:

On this vote:

Mr. Thomas with Mr. Wheeler.

For the rest of the day:

Mr. Corliss with Mr. McClellan.

Mr. Smith of Michigan with Mr. Jones.

The result of the vote was announced as above stated.

The SPEAKER. The question is first on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the bill.

The question having been put,

The SPEAKER. The [illegible] seem to have it.

Mr. MAHANY. I call [illegible] a division.

Mr. NORTHWAY. I [illegible] to a question of privilege. There has been no debate on this bill in any form. The previous question having been ordered, we are entitled, as I understand, to a certain length of time for debate.

The SPEAKER. The Chair understood that there had been debate.

Mr. NORTHWAY. There has been no debate whatever, as I understand.

The SPEAKER. If that is the case, and the right of debate is claimed, there must be twenty minutes' debate on each side.

Mr. NORTHWAY. I think we are entitled to that.

The SPEAKER. Certainly. The Chair supposed that there had been debate while he was absent. The gentleman from New York [Mr. SHERMAN] is recognized.

[Mr. SHERMAN addressed the House. See Appendix.]

[Mr. WHEELER addressed the House. See Appendix.]

Mr. SHERMAN. I reserve the balance of my time, and ask that the opponents of the measure shall occupy their time; and then I will yield the remainder of my time to the gentleman from Iowa [Mr. HEPBURN] to close the debate.

Mr. ELLETT. I yield five minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, since I have been in Congress I have had the honor to serve on the Committee on Interstate and Foreign Commerce. In the Fifty-third Congress there were two propositions pending before that committee. One was to amend the interstate-commerce law in various respects, and particularly to enable the railroads at competitive points to enter into pooling arrangements. The other was substantially the bill that is now pending before the House. I supported the pooling measure, for the reason that in my judgment it would give stability to rates at the competitive points and would have the effect of reducing rates at noncompetitive points. I therefore supported the pooling measure; and I opposed what was known as the "anti-scalping" bill. Now, so far as the fourth section of this bill is concerned, which provides for the punishment of anyone who forges a pass or a railroad ticket, no member would go further in voting for a measure such as that than I would. But this bill, in its main features, Mr. Speaker, has but one object, and the House may as as well understand it now. It is simply to protect the railroads in discriminating against noncompetitive points. The railroads themselves have created the conditions out of which the scalper makes his money. If the railroads did not discriminate against noncompetitive points, the business of the scalper would go. He could not exist an hour if the railroads ceased to discriminate against localities that are not competitive points.

Now, Mr. Speaker, there is one further objection that I have to this bill, and that is in respect to the penalties imposed. The third section of the bill provides that a person or persons violating the preceding section shall be subject to punishment. That does not include the railroad corporation itself. The duty imposed upon the railroads is embodied in the fourth section of the bill, which is not covered by the penal section. I wish to impress upon the House just for a moment the effect of this bill. Let me make a single illustration. If you were at Chicago to-day and wanted to buy a ticket from Chicago to New York by way of Washington, you would be charged $18 for the ticket. If you wanted to buy a ticket from Chicago to Washington only, you would be charged $17.50. Now, under existing conditions when the traveler gets to Washington, on his way to New York, he stops over here, the balance of his ticket gets into the hands of a ticket broker, and it is sold to some one wanting to travel from Washington to New York, the fare from Washington to New York being, I believe, $6.50.

The SPEAKER. The time of the gentleman has expired.

Mr. ELLETT. I give the gentleman time to cover that point.

Mr. PATTERSON. Now, should the traveler, paying $18 for a ticket from Chicago to New York, come to Washington, and there stop his journey, there would only be due him under this bill the sum of 50 cents. The agent here would give his receipt for the ticket, and at some time in the future the railroad company's main office would refund 50 cents. That is the meaning of this bill. In my judgment, this bill has but one effect, and that is simply to permit the railroads to discriminate against noncompetitive points, and to protect them in so doing. [Loud applause.]

Mr. ELLETT. I yield five minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, the gentleman from New York [Mr. SHERMAN] refers to the fact that many petitions have been received in favor of this bill; and no doubt many well-meaning people have been deceived, but he must recollect that the real nature and purpose of this bill have been carefully disguised. These petitions were formulated and circulated by the railroads. The petitions coming from my district refer to it as a bill for the "protection of the public, and to prevent counterfeiting railroad tickets." Nearly all of them sent to me were printed on the same kind of paper and on the same typewriter, and mailed in a railroad envelope. The real title of the bill, Mr. Speaker, correctly stated would be, "A bill to strengthen the hands of the railroad pools and force all railroad companies to stand up to the pool against the people." Any man who will carefully read the bill with a discernment and understanding that can read "between the lines," will see that it means nothing else, and that such is its real object. "Protection of the public," Indeed! Whoever heard of the railroads going to all the trouble they have in this matter to put through any legislation for the protection of the public?

In order to perceive more clearly the ulterior effect and purpose of this measure, it is necessary to consider the conditions that have given rise to the business of ticket brokerage. Years ago, when there were fewer railroads, whenever there was a proposition to regulate their freight or passenger rates by law, or a railway commission, the favorite and stock-in-trade argument against it was that it would "discourage railroad building," and that if you would let them alone, we would "get more roads," and the "natural law of competition would reduce rates," just as it is now argued that by protective tariffs you encourage the building of more factories, and thereby bring down the price of manufactured goods; but as in the case of manufacturers, trusts and combinations were made to hold up prices, so in the case of railways, pools and combinations were entered into to nullify as far as possible the natural law of competition.

If the weaker lines, in order to obtain as much local business as possible, attempted to stand out against the great trunk lines or stronger roads, a rate war would be inaugurated against them, and sooner or later they would be driven to the wall and forced to go into the pool and surrender all independent action of their own. Here, for instance, are two lines from Chicago to Kansas City; one is 525 miles in length, the other only 458. The shorter line, having the advantage of quicker transit, is, naturally, the stronger. It can leave Chicago at 6 o'clock in the evening and reach Kansas City at 8.30 in the morning. A train on the long line, leaving Chicago at the same time, does not reach Kansas City until 4.30 in the evening. The quicker transit line sells a ticket to Kansas City for $12.50. The longer line, in order to obtain business, is willing to sell a cheaper ticket, and get a cheaper class of business, from a class of people who have "more time than money." God knows, Mr. Speaker, there are plenty of that class in this country now, but the pool compels the long line to charge $12.50, just the same as the short line.

Now, while the rate war is going on, to force the weak line into the pool, tickets from Chicago to Kansas City can be bought for $3, and by ticket brokers the same as anyone else. The war rate is $3. The regular rate from Chicago to Kansas City is $12.50. The regular rate from New York to Chicago is $20, and from New York to Kansas City by way of Chicago is $31.50. A party goes to the New York railroad office and finds the price of a ticket to Kansas City is $31.50. He goes to the ticket broker, who says: "I will get you to Kansas City for $25." How does he do this? Does he have to forge or counterfeit a ticket or perpetrate a fraud? He simply goes to the railroad office and buys a ticket from New York to Chicago for $20, hands that to his customer, and gives him a prepaid order on his broker in Chicago for a ticket from there to Kansas City, for which the Chicago broker charges the New York broker $4, or $1 more than the $3 it cost him. Each broker makes $1 and their customer saves $6.50. And yet we are told that a bill to destroy ticket brokers is a bill to "protect the traveling public!"

In the case just given the broker has taken advantage of a rate war, where stronger lines are engaged in driving weaker ones into a pool to force up rates against the traveling public. Naturally the strong lines are indignant that the ticket brokers should be hanging on their flanks on such occasions. It makes the process of forming pools a little more costly. Again, when the weak line has been driven into the pool and forced to charge $12.50 for a ticket from Chicago to Kansas City, just the same as the quicker transit line, it soon finds its passenger business falling off, but it dares not sell at its railroad office a ticket for less than the rate fixed by the pool. But it naturally seeks to evade its tyranny and does so through the medium of the ticket broker, who gets it custom by disposing of its tickets at lower rates.

The stronger line, through the natural promptings of greed, resorts to similar tactics, and so the front door of the ticket broker's office becomes the back door of the railway offices, through which a number of them are sneaking out to evade the requirements of the pool. Destroy the ticket broker, and you strengthen the hands of the pool and defeat the very purpose for which the Interstate Commission was organized. And yet we are gravely told that "the Interstate Commission has recommended the passage of this bill!"

Now, let us take another case, where the railroads are engaged in discriminating in favor of a large city against a smaller one. The regular rate for a ticket from Chicago to New York by way of Washington is $18, and the regular rate from Chicago to

Washington is $17.50, or only 50 cents less from Chicago to Washington than from Chicago to New York by way of Washington. And yet if you buy a ticket from Washington to New York you will have to pay $6.50 for it. A traveler wants to come to Washington, and goes to the railroad office and finds the ticket will cost him $17.50, or nearly as much as a ticket to New York, which is only $18. He goes to a ticket broker, who says: "I will get you to Washington for $14." Does the broker forge or counterfeit a railroad ticket? He simply goes to the railroad office and buys a ticket to New York by way of Washington, sells that to the traveler for $19, and says, "Here is an order on my broker in Washington to pay you a rebate of $5 on presentation to him of the Washington to New York part of this ticket." The Washington broker afterwards sells that ticket for about $5.75 to some traveler going to New York, and makes for himself about 75 cents by the operation and saves the traveler about the same amount.

In this case the ticket broker has taken advantage of the fact that the railroads are discriminating against Washington, and to the extent above stated he has modified that discrimination, which the Interstate Commission, with all its power and expense to the Government, has never been able to do. And yet we are gravely told that the Interstate Commission, organized to prevent discriminations, has recommended the passage of this bill, and that "good people and church people, all over this land, have petitioned us to pass it!"

It is perfectly evident, Mr. Speaker, that the wrongful acts of the railways themselves have furnished business for the brokers. The scalper's business is simply the outgrowth of the railway discriminations and railway pools, and yet the proposition of this measure is to lop off the outgrowth and leave the railways undisturbed to continue in their wrongful acts. The pretense that the scalper promotes unjust discrimination by enabling people to purchase tickets at less than lawful rates is perfectly absurd. The Interstate Commission has established no legal rates, and the so-called "published rates" are simply those established by the unlawful pools themselves; so that the real substance of this complaint is that the broker is the medium by which the pool rates may be evaded; and that is the precise reason why the railways are seeking to have his business outlawed. Equally absurd is the talk about "preventing counterfeiting." There is already abundant law to punish that, and if the ticket brokers have been guilty of that offense, why is it that none of them have ever been convicted? Are the railroads too poor to employ detectives to catch and able counsel to convict them? Do they need an act of Congress and the help of the Federal Treasury to punish counterfeiters?

Coming now to another feature of this most remarkable measure, we find that it proposes to prohibit absolutely any ticket broker from engaging in his usual calling and occupation, and to punish him by a fine of as much as $1,000, and by imprisonment as much as one year, if he does so engage. Mind you, it not only proposes to visit this punishment upon those who have been guilty of selling false, forged, or counterfeited tickets or some other act of fraud or dishonesty, but also upon each and every ticket broker who dares to carry on his usual business, even in the manner I have before stated. Is it right or is it constitutional to so punish an American citizen? Upon this point I only deem it necessary to quote from an eminent law writer who is recognized as an authority upon such matters. He says:

> It is not contended that the business of ticket brokerage is in itself of a fraudulent character. The business can be honestly conducted by honest men. It is only claimed that in its prosecution the business presents manifold opportunities for the commission of fraud. As has already been stated, the police regulation of an employment may extend to any length that may be necessary for the prevention and suppression of fraud in its pursuit; but an honest man can not be denied the privilege of conducting the business in an honest and lawful manner because dishonest men are in the habit of practicing gross and successful frauds upon those with whom they have dealings. If that were a justifiable ground for abolishing any business, many important, perhaps some of the most beneficial, employments and professions could be properly prohibited. There is no profession or employment that furnishes more abundant opportunities for the practice of frauds upon defenseless victims than does the profession of the law, and that profession has its ample proportion of knaves among its votaries, although the proportion is very much smaller than is popularly supposed. But it would be idle to assert that, because of the frequency of fraudulent practices among lawyers, the State could abolish the profession and forbid the practice of the law. There is no difference in principle between the two cases. The business of ticket brokerage does afford many opportunities for fraud and deceit, and it may on that account be placed under strict police surveillance. But the business serves a useful end, when honestly conducted, and the constitutional liberty of the ticket broker is violated when he is prohibited altogether from carrying on his business. (Tiedeman's Limitations of Police Power, page 293.)

Now, Mr. Speaker, with whom did this proposed legislation originate? It originated with the powerful railroad corporations of this country. When was it ever known that they came to Congress asking for any legislation that was in the interest of the public? Can any man name a single measure that those railroad companies have ever asked for that was in the interest of the public? Whenever they ask for legislation in the interest of the public, the leopard will change his spots and the Ethiopian the color of his skin. It is an old maxim, "Beware of the Greeks when they come as messengers bearing gifts!" And when the railroad companies come here and ask for legislation professedly in the interest of the people, let the representatives of the people beware of the Trojan horse!

I tell you, sir, that the effect of this legislation will be to strengthen the hands of the railway pools and to weaken every power that now resists them. This measure may become a law, Mr. Speaker; I recognize the strength of the influences and forces that have been mustered to its support.

I make no quarrel with nor challenge the motives of anyone who may differ from me on this or any other subject; but, entertaining the views and opinions that I do, I would be recreant to my sense of duty if I did not oppose it, and I would resign my seat in Congress before I would vote for the passage of such a bill as this.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all gentlemen who speak upon the bill be permitted to extend their remarks in the RECORD.

Mr. MAGUIRE. Mr. Speaker, in view of the fact that debate has been cut off, I ask that all members have leave to print on this question.

Mr. PERKINS. Mr. Speaker, I suggest that the same restriction be put upon this proposed leave that was made in a similar motion the other day, limiting the time to five days and confining the leave to print strictly to this question.

Mr. HEPBURN. Mr. Speaker, I interpose an objection to the last request, not to that of my colleague on the committee.

The SPEAKER. Objection is made to the request of the gentleman from California, and the Chair will put the request of the gentleman from New York, that members who have spoken upon this question have leave to extend their remarks in the RECORD during the next five days. Is there objection?

Mr. MAGUIRE. I object.

The SPEAKER. Objection is made by the gentleman from California.

Mr. ELLETT. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. NORTHWAY].

Mr. NORTHWAY. Mr. Speaker, I shall not have time to discuss the various phases of this bill within the limit of five minutes, but I desire to call attention to one or two points. The bill as it stands provides for pains and penalties to be inflicted on innocent passengers, but nowhere in the bill is there any provision for any pain, fine, or anything else in the nature of a penalty upon anyone connected with the railroad company, for refusing to do anything that he is called upon to do under the bill. If the ticket agent refuses to give you your receipt, there is no penalty, no fine, but the poor passenger can be sent to the penitentiary for a year, or assessed in damages for $1,000, for a single violation of this proposed law.

Let me call attention to the fact that this bill is the result of an organization on the part of the railroad companies to engage in pooling in the selling of tickets. It is said that a railway company has the right to write "nontransferable" on your ticket and that then you have no right to sell it. Why do they not undertake to do it? I will tell you. It is for two reasons. First, they are afraid that the law would not back them up in it, and second, they know that the people would not submit to it unless there was a law compelling them to do so. And here, in an amendment which has been put in to-day—not printed so that we can read it—is the very language which will ruin every passenger who desires to sell a ticket. The amendment reads:

> Strike out all after the word "*Provided*," in the second section, and [illegible] "That the purchaser of a transferable ticket in good faith for personal [illegible] the prosecution of a journey shall have the right to resell the [illegible] son who will in good faith personally use it in the prosecution [illegible]."

Pass this bill with that provision, and then two strong railroad lines competing between two points will write upon their tickets "not transferable;" and then, the railroad companies having Congress to back them up by the forms of law, the passenger dare not sell his ticket to anybody, not even to his own wife or child, to make a return journey. You may pass such a law—you will put it through, in all human probability—but I warn you that you will hear from it inside of a year. [Applause.]

There is another thing to which I wish to call attention. The amendment which I have just read provides that if the ticket is transferable the holder of the ticket may have the right to resell it to a person who will in good faith personally use it. Suppose I purchase a ticket and can not complete my journey; suppose I sell it in good faith to the gentleman from Illinois [Mr. HOPKINS] or any other gentleman. Suppose that the person to whom I sell the ticket does not use it himself, but sells it to somebody else. What happens under this amendment? I am liable to be sent to the penitentiary for a year and fined to the amount of $1,000, because in the contemplation of this amendment I have violated the law, for, though I am allowed to sell the ticket, I must sell it to a person who will in good faith personally use it. I am obliged, therefore, to see that the man to whom I sell the ticket does use it in good faith. The effect of this bill, then, is simply to stop the reselling of tickets in any form—to give a railroad company the benefit of all the unused portion of a ticket, or to compel you to sell that unused portion to the company.

The gentleman from New York [Mr. SHERMAN], in defending the fourth section of this bill, states that you may return your ticket to an agent of the railroad company, and may take his receipt, and that he will then forward the ticket to the main office of the company, get the money for it, and give it to you. Sir, that is not in the bill. The provision is that the agent will give you a receipt, which will be redeemed when presented at the home office. The burden is thrown upon all passengers of taking the chance of losing these certificates. Some of these unused portions of tickets may be worth only 20, 30, 40, or 50 cents; and the holder of them must take the chance of sending them a thousand miles, and of losing them in the mails.

All these burdens are heaped upon passengers; and they are all for the benefit of the railroad companies. You may pass this bill if you wish to do so. You have the full power to pass it. But I urge you to think the matter over after you have passed the bill, and see whether you have acted in the interest of the public. We are here to act for the patient, nameless millions—not for corporations. The corporations have no difficulty in getting a hearing. I doubt whether in my own county there is an employee of a railroad company who has not joined in petitioning for the passage of this bill; and three or four preachers who have been threatened that their tickets may be taken from them if this thing is persisted in have also sent in their petitions.

Think of it! In my own village a petition was gotten up, signed by all the railroad employees there, while the entire public having no connection with railroad corporations thundered against the measure and were indignant and outraged at the means by which it was worked up. Railroad men! You have 100,000, you can probably have a million, people signing these petitions—members of the Brotherhood of Locomotive Engineers, railway trainmen, station agents, etc.; they are all signers of these petitions, of course. The supporters of this bill kindly inform us that this is a measure in the interest of the people. Sir, there was never an assault made by moneyed powers upon the rights of the millions that was not accompanied by the sweet assurance that it was for the benefit of the dear people. Injustice always comes clothed in the garb of justice, that it may more surely stab to the death that in whose name it fraudulently appeals.

Do you think that this mighty lobby (the most powerful I have ever seen about the Capitol) is here in the name of the people? Do you think the railroad companies who are urging clergymen, many of whom are carrying in their pockets tickets purchased largely below ordinary rates, to sign printed petitions furnished for the purpose by such companies, asking members of Congress to support this pending measure, are doing so for the benefit of the traveling public? But we are told that this measure will, if enacted into law, work no hardship, because it provides that the company selling a ticket shall redeem any unused portion of such ticket. Do you not know that such a provision is but a snare?

How is it proposed to redeem the unused portion of a ticket? Mark the exceeding liberality of the measure. The passenger who desires to have redeemed the unused portion of a ticket must step into the office of the company where he breaks his journey, surrender his ticket, and receive (mark how kindly considerate the company is) a receipt from the company's agent which, when presented to the home office of the company, will entitle him to receive in return for such unused ticket a sum of money which equals the difference between the amount paid for such ticket and the fare one way between the starting point and the station where such receipt is issued. The home office may be a thousand miles away, but the passenger must take the chances of having his receipt lost or stolen and also of the refusal of the company to redeem such receipt. The amount may be small and the trouble great, but no matter, for we are told that the public may be ——.

Why should not such agent, instead of giving a receipt, pass out the small amount of change needed to redeem such ticket and so save the passenger from further trouble?

Why, of course it is easy to understand why, because many of such receipts being for small sums will never be presented for redemption, and so the company will save all such amounts.

Let me state a case to show how this bill, if enacted, will operate against the passenger.

The price of a round-trip ticket between this city and New York is $10, while the price of a ticket from this city to New York is $6.50. Suppose a passenger who holds a round-trip ticket when he reaches New York desires to go to some other part of the country and so will not need the return portion of his ticket.

Now, he can sell such unused portion to a broker or some other person for probably $5, for anyone who buys it will save on his fare from New York to Washington $1.50.

But let this bill but become law and such passenger can not sell his ticket to a broker without becoming liable to a penalty of not to exceed $1,000, and an added penalty, if the court sees fit, of imprisonment in the penitentiary for one year.

Under this enactment such passenger can dispose of his unused ticket to the company selling it for just $3.50 only, for that is the difference between the price paid for the ticket, $10, and the price of a fare one way, $6.50.

So this law will cheat, that is the proper word, the passenger out of $1.50 worth of property which he has honestly bought and paid for, and which he should have the undoubted right to sell as he sees fit just as much as he should have the right to sell his horse or cow, but in the selling of which to a broker, under this law, he lays himself liable to be treated as a felon and confined in the penitentiary for one year, and his family robbed of a thousand dollars to pay his fine. In the name of justice, is there no limit to this outrage?

Do you suppose the people will tamely submit to such unwarrantable interference with the right of contract and with the right to honestly buy and as honestly sell property?

They may be long-suffering, but the time comes when, in the wild rush of passion and prejudice, they will strike back such blows of retaliation, unjust it may be, as will injure these great corporations and so indirectly injure the public. But these companies must remember then that they were the aggressors, and that the people will not tamely submit to being branded as felons and incarcerated in felons' cells for honestly disposing, as they may see fit, of that which they have bought of the companies who seek to brand them as felons or incarcerate them in a felon's cell.

I will join in any just measure which will punish all persons for frauds practiced upon these companies, and for every improper or unlawful use of a ticket, but I will ever protest, while I represent the intelligent constituency I do, against any and all infringements upon the people's rights. [Applause.]

[Here the hammer fell.]

Mr. ELLETT. I yield two minutes to the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. Mr. Speaker, I have known hours and sessions and days and weeks of this Congress to be frittered away upon trivial and unimportant questions; yet I see members of the Republican party, fresh from the triumph of a national election, "railroading" through this bill which concerns the rights and interests of the whole traveling public, and in a special manner the great business communities, in so far as it affects the convenience of commercial travelers—we behold, I say, the majority of this House rushing this bill through under a gag law which prevents anything like an adequate discussion of the merits or demerits of the measure. It almost seems as if what our opponents charged against us in the last campaign is about to be verified by our official conduct here, that the saturnalia of corporate greed, under the direction of the Republican party, is to take possession of the Republic. [Loud applause.]

I have no time in the two minutes allotted me to do more than adduce one argument against the adoption of this bill; and that is an argument to the force of which the history of my own State bears record. The people always keep their obligations to the railroads; the railroads, if they can avoid it, very seldom honor their obligations to the people. [Applause.] In making that statement I hope I am too intelligent to be animated by any unworthy prejudice against these great agents of civilization, which bind together the cities, States, and sections of our country in the fellowship of progress.

But facts are facts. The railroad magnate came to the constitutional convention of New York, and said: "If you abolish the free-pass system now in vogue, we will reduce the passenger fares at once and the public will appreciate the boon." Thereupon the people of the State of New York, through their constitutional representatives, enacted a law forbidding officers or employees of the State to ride upon free passes. That law has been in operation for three years or more, but up to date there has not been the slightest indication on the part of these railroads that they would fulfill their part of the agreement and reduce passenger rates for the benefit of the people.

Mr. Speaker, there is no opportunity to discuss the spurious petitions adduced in favor of this iniquitous measure, but, as a more than sufficient offset, I submit a list of twenty-six representative American journals which have denounced the bill now before us. They are as follows: New York Times, Syracuse News, Denver Republican, New York Evening News, Omaha World-Herald, Chicago Journal, Toledo Commercial, Staunton (Va.) Argus, Kansas City Star, Arkansas Gazette, Charleston Post, Detroit News, Dallas Herald-Times, Memphis Commercial-Appeal, Louisville Courier-Journal, Chattanooga Times, Duluth Evening Herald, Cleveland Plain Dealer, Wheeling Register, Sioux City Journal, Richmond State, Cleveland Leader, Roanoke Times, Baltimore Herald, New York World, St. Louis Star. These are by no means all. Throughout the land, wherever the people have been able to make their wishes heard, there is an ever-increasing chorus of protest against the passage of this legislation.

[Here the hammer fell.]

Mr. ELLETT. I yield two minutes to the gentleman from California [Mr. MAGUIRE].

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. ELLETT. I yield one minute to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. It is not right, Mr. Speaker, to pass a bill of this importance without the privilege of debate and the opportunity to offer amendments. This practice in recent years has become so familiar to this body that it seems no longer to occasion comment or criticism. From the extreme of unlimited debate the parliamentary pendulum has swung to the other equally reprehensible extreme of practically no debate at all upon great questions. The rule of this body is the arbitrary will of a majority buttressed upon the expression of committees only. The House has substantially relinquished its functions as a deliberative body. Committees rule here ofttimes by the wanton application of the previous question. The individual Representative is minimized. The House of Representatives itself no longer attracts the attention of the country as in other days. The scepter has indeed departed from Judah. When issues affecting the Republic are considered, the body at the other end of the Capitol, in the main, challenges the attention of the country.

How often have we witnessed the passage of bills carrying enormous liabilities—in one instance of more than seventy-five millions, in another exceeding fifty millions—at railroad speed. Over and over again the passage of measures affecting all the people is accelerated with parliamentary whip and spur.

This bill, Mr. Speaker, is of vital moment to the traveling public. It also affects the vast railway system of the United States, and yet it is to be rushed to a vote without offering an opportunity to perfect it by amendment and with the limitation upon debate of twenty minutes all told.

I would not, sir, knowingly do injustice to any railroad. I would deal with them as I would deal with the people. Both are alike entitled to equal and exact justice from Congress. Neither should ask or receive an unfair advantage.

The railroads should have an equality of opportunity in so far as legislation can properly promote such a policy. The people demand and must be accorded a like privilege.

Along the lines of legislative action which are in harmony with this fundamental doctrine of the Republic I desire to move. I will go no further to promote the interests of any class of our people, it matters not how worthy they may be. In the brief moment so kindly yielded by the gentleman from Virginia [Mr. ELLETT] I only desire to add a single word.

An appeal comes from one of my warmest friends urging me to support this bill; but, sir, as I understand its provisions, it seems that I should surrender my commission as the Representative of the splendid Third Missouri district rather than support the vicious principle involved in this measure. [Applause.] In my judgment its effect will be to stifle competition and legalize railroad pooling as to passenger rates. I shall oppose the bill, and I hope the House will vote it down. [Applause.]

Mr. ELLETT. Mr. Speaker, it is with great reluctance that I presume to differ with the Interstate Commerce Commission and my colleagues of the Committee on Interstate and Foreign Commerce. I have always made it a rule to concur with the majority of the committee when I differed with it in minor details or nonessentials, but when I differ on what I consider to be some essential principle of equity or justice, it is my duty as a Representative to do all in my power to sustain what I deem the right and vigorously oppose the wrong. Hence the minority views set forth by myself in opposition to House bill No. 10090.

The reasons why I do not think this bill should become a law are as follows, viz:

First. It is highly improper to rush so important a measure as this through the House with virtually no debate thereon.

Second. The committee has had no information upon the subject except that which comes from the published reports of the Interstate Commerce Commission, which show that they are based on reports received from railroad officials who are interested parties. The representatives of ticket brokerage, which this bill proposes to destroy, have been given no opportunity of a hearing either before the Interstate Commerce Commission in reply or before the Committee on Interstate and Foreign Commerce.

Third. The bill would destroy a business of thirty years' standing, which is in the interest of the public in that it promotes healthy competition in passenger traffic and prevents the carrying out of illegal compacts.

Fourth. By the destruction of the business named the public would be compelled to pay higher rates for passenger fares without receiving a benefit in return for this deprivation.

But first let us consider the legal objections to this bill and then we will take up other reasons why it should not become a law.

First legal objection.—The restraints and prohibitions which this act seeks to impose upon the right of a holder of a railroad ticket to sell or transfer it for a consideration are not valid.

An ordinary railroad ticket purports upon its face to be good in the hands of the holder. The original purchaser may never use it, but one of the essential qualities of the ticket which he has bought is its transferability. This quality is part of the consideration of his purchase. Hence the recognized legal right of the purchaser who has paid value for the ticket which he holds to sell it for value. It may be bought and sold as freely as any other chattel or evidence of right which passes by delivery. Owing to a variety of causes, a lawful traffic has sprung up in this article of recognized and known value—and in all large cities—where the buyer and seller call in the aid of the broker, in dealing in almost every article of traffic, the holder will always find a market for his unused ticket at the office of the ticket broker. The farmer who sells his grain upon the market, the corporation that issues its stock, and the railroad company who sells its ticket entitling the holder to a passage, each transfers to the purchaser a species of property, with the right impressed upon it to dispose of it to anyone for whatever he pleases.

> The third absolute right of every Englishman—

Says Blackstone—

> is that of property, which consists in the free enjoyment and disposal of all his acquirements without control or diminution save by the laws of the land.

And Chancellor Kent says:

> The exclusive right of using and transferring property follows as a natural consequence from the perception and admission of the right itself. * * * The power of alienation of property is a necessary incident to the right.

Transferability and value can not, therefore, be taken from the owner of a ticket by an act of Congress unless the expressions "the law of the land" and "due process of law" mean, among other things, an act of Congress.

Judge Comstock says in Wynehamer *vs.* The People (13 N. Y., 392):

> To say, as has been suggested, that "the law of the land" or "due process of law" may mean every act of the legislature which deprives the citizen of his rights, privileges, and property leads to a simple absurdity. The Constitution would then mean that no person shall be deprived of his property or rights unless the legislature shall pass a law to effectuate the wrong, and this would be throwing the restraint entirely away.

And Chancellor Kent says (2 Com., 13):

> The better and larger definition of "due process of law" is that it means law in its regular course of administration through courts of justice.

Suppose the farmer procures the passage of a law that all products of the farm sold and not eaten by the purchaser shall be returned to him for redemption at cost price, a parallel absurdity would be presented. Are the restraints and prohibitions which this act seeks to impose upon the right of the holder of a railroad ticket to sell or transfer it for a consideration valid? One of the fundamental limitations upon the power of Congress is that which provides that the citizen "shall not be deprived of his property without due process of law." It is well settled that an act of Congress is not "due process of law." (See Amendments Constitution, Article V.)

"Property," within the meaning of this provision, is "ev[illegible]thing which has an exchangeable value." (Swayne, J., 16 [illegible], 127.) The right of property has been def[illegible] as "th[illegible]ive right of using and disposing of a thing [illegible]." [illegible]vier's L. Dict., volume 2, 346.) Its "free use, enjoyment, [illegible] disposal." (Blackstone's Com., volume 1, 138.)

"The power of alienation," says Chancellor Kent (Kent's Com., volume 2, 310), "is a necessary incident to the right." An examination of the provisions of this act will show that in a majority of cases it is substantially destructive of this "right of alienation." The right of property must embrace not only the thing itself, but its ordinary and essential characteristics, of which the power of sale is one. The protection of property must necessarily extend to that essential and valuable right, and every law which makes it criminal for him to exercise that right deprives him of his property "without due process of law."

It is difficult to distinguish such a law from a law which would prohibit the buyer of a barrel of flour from selling it to anyone but the manufacturer, and everyone from selling it but the manufacturer's agent. If it is in the power of Congress to retain for the railroad company by penal statute the control of and exclusive right to repurchase the transferable ticket which it has issued, it would seem to be in its power to extend the same protection to each peculiar interest, and thus bind the hands of the citizen in the interest of every monopoly.

Second legal objection.—This act confiscates the property of the citizen without just compensation.

"Congress in exercising supreme control over the regulation of commerce can take private property only on payment of just compensation." (Monongahela Navigation Co. *vs.* U. S., 148 U. S., 312.)

Any law which prohibits the citizen from engaging in a lawful occupation is invalid.

Third legal objection.—This act does prohibit anyone from engaging in an occupation which, in my judgment, is a lawful one. It not only prohibits citizens from engaging in that occupation in the future, but deprives those who have already engaged in it of their chosen means of livelihood. Because these tickets are transferable and the proper subjects of purchase and sale, and owing to the differences in rates which railroads have established at different points, charging at one point one price and at another another price for traveling the same distance, a regular traffic in them has grown up.

In all our large cities there are firms engaged in buying and selling railroad tickets as a regular occupation. They have offices and have invested their means in a stock in trade. They have acquired whatever special knowledge is necessary for its successful prosecution. Their business is open and their places of business are known to the traveling public. For years past the business has been as much the chosen occupation of a class of citizens as the business of buying and selling grain or any other merchantable commodity. There has been nothing hitherto in the nature of the business which has made it contrary to law. Those engaged in it buy and sell an article which is in its nature a lawful subject of purchase and sale. Their business is a lawful one. The effect of this law is to prohibit it. All citizens are forbidden by law from engaging in it, and those who have chosen it as an occupation, if they obey this law, will be compelled to abandon it.

The right to pursue a lawful occupation is a fundamental right of the citizen. If a constitutional guaranty were needed for its protection, it is found in that provision of the bill of rights which guarantees to him "life, liberty, and the pursuit of happiness."

The theory upon which political institutions rest is that all men have certain inalienable rights; that among these are life, liberty, and the pursuit of happiness, and that in the pursuit of happiness all advocations, all honors, all positions, are alike open to everyone. (Cummings *vs.* State, 4 Wall., 321.)

> There is no more sacred right of citizenship—

Says Justice Bradley—

> than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more nor less than the sacred right of labor. (Live Stock Assn. *vs.* Crescent City, 1 Abb. U. S. R., 388.)

And in the famous Slaughterhouse Cases (16 Wall., 122) it is decided that—

> A law which prohibits a large class of citizens from adopting a lawful employment or from following a lawful employment previously adopted does deprive them of liberty as well as property without due process of law. Their right of choice is a portion of their liberty: their occupation is their property.

In Arrowsmith *vs.* Burlington (4 McLean, 497), the court says, "A freeman may buy and sell at his pleasure. This right is not of society, but from nature. He never gave it up."

The right of every citizen to pursue a lawful occupation is guaranteed to him by the fundamental law.

There is no right so essential to his happiness, or so intimately connected with the enjoyment of the property which he may acquire. If Congress can constitutionally prohibit him from carrying on the business of buying and selling railroad tickets, it can prohibit him from buying and selling grain, stocks, provisions, or any other article of trade. So long as he carries on his business by honest and fair means, it is as much entitled to the protection of the law as any other lawful occupation.

There is undoubtedly vested in the legislatures of the States an undefined power known as the police power, which extends to all regulations affecting the health, good order, or morals of society.

It is, however, well settled that the legislative power can not give to an act the character of a police regulation by calling it such. The law must relate to a subject which is the proper subject of police regulation. The legislative branch of the Government can not, under pretense of police regulations, encroach on the rights of the citizen.

It has been claimed by the promoters of this bill that it was designed to prevent fraud upon travelers by persons falsely representing themselves as the agents of railroads. But such is not the design or scope of the act. If it prohibited such false representations and provided for their punishment, it would be a legislative exercise of police power. Instead, however, of providing for the punishment of those who make use of fraudulent methods of carrying on the business, it prohibits the business itself.

The fact that misrepresentation can be made use of in buying and selling an article is no justification for a law which prohibits its purchase and sale altogether.

But enough as to the law. Now let us look to the facts relating to this proposed bill.

The facts clearly establish that a large majority of the people are benefited by and therefore favor the ticket brokerage business, as the people secure cheaper tickets through the people's agents—the ticket brokers. The only interests benefited are the amalgamated railroad systems, who desire to monopolize the entire railroad business of the country; therefore, it is a case of the people versus these strong lines.

Not all railroads favor this bill. Weaker and independent lines know that ticket brokerage alone saves them from the three powerful passenger associations or trusts, and the bankruptcy and final absorption which would follow if they were absolutely under the dictation of these associations. This check upon the concentration of all the railroads of the country in a few hands is one of the greatest benefits derived by the people through ticket brokerage. A striking illustration of this is when weaker lines are boycotted by order of the associations. But for ticket brokerage the weaker lines would get no through passengers and would consequently have to stop their trains. In all such cases the interests of the broker and the people carry them to the support of the boycotted line and enable it to successfully resist the boycott.

Another valuable consideration to the public is the unsurpassed convenience and generality of information the many brokers' offices throughout the country afford the traveling public. I knew a business man to be in New York with a return Baltimore and Ohio coupon to Washington. He suddenly had a call farther South, and learning that the Baltimore and Ohio train would not make connection with the Atlantic Coast Line, he went to a broker, paid him 50 cents, and procured a ticket over the Pennsylvania road, made direct connection, saved six hours and thirty-five minutes in reaching his destination, besides considerable living expense had he been forced to wait in New York City. Did the Baltimore and Ohio lose anything? Did the Pennsylvania lose anything? No. The broker made 50 cents out of the passenger, and the passenger saved many times this in expense and six hours and thirty-five minutes, and boasted of the convenience and profit the broker had been to him. How many just such cases do you suppose occur daily in the great city of New York alone? It would be unreasonable to doubt that the other great cities of the country would daily run such examples up into the thousands, saving to business men many valuable hours besides money.

One of the greatest benefits to the traveling public is the quickness and ease with which the information is acquired from brokers respecting the various routes through any section of the country. The information obtained from the broker of the advantages and disadvantages of the various routes could not be had except by personal solicitation at the local office of each company. And even in this case the passenger talks with a decidedly interested party, and is not liable to be as fairly, frankly, and fully advised as he would be by a broker.

When a passenger buys a ticket what does he buy? Surely not the paper or pasteboard. He receives nothing for his money until he has been given the service by the company which the ticket promises. To prohibit the transfer of this service when it is ascertained by the purchaser that he can not personally use it is as unjust as to decree that a man shall not sell a coat that does not fit him simply because he designed to wear it when he ordered it. How is it unfair, unjust, or unprofitable to the railroad company? They have received all they asked to perform the service—every dollar. Does it cost them any more to haul one man than another? If they were in any way required to receive less than they offered to perform the service for, then their complaint would at least be clothed in reason and deserve some consideration. But they come confessing, by the possession of the tickets by the public, the receipt of their own fixed consideration, and ask legislation to impose hardship or loss upon the purchaser, that their revenues may be enlarged by not rendering to some one the service for which they have been paid. Well they know that in commercial America, where the telegraph so readily advises business men of the necessities of trade, that some great portion of the commercial army is hourly directed to change its line of march, and if they can by these changes secure what the business world now saves to itself through the brokers, their coffers would swell immensely.

It would not be attempted but that they know the business of the country must be prosecuted even if at increased cost. One would suppose that, owing to the increased freight traffic resulting from the labors of the traveling man, the railroads would be disposed to decrease his personal expenses. But such is not so. They are endeavoring to increase the expense rather than diminish it, by depriving him of the privileges he now enjoys through the ticket broker.

The chief plea of those advocating this measure is the counterfeiting and forging of tickets, and the dishonesty of some brokers. As to the first, everyone desires that the crime of counterfeiting and forging shall be suppressed. For myself, I would prefer to leave it to the States to punish such crimes within their borders; but if their laws are not sufficiently clear and comprehensive, I would gladly welcome a law of Congress punishing the counterfeiting and forging of interstate tickets. The chairman of the executive committee of the Ticket Brokers' Association stated in a hearing upon this bill before the Senate committee a few days since that the brokers would rejoice in the passage of such a law. As to the dishonesty of the brokers, every investigation has shown and will show that they are as honest as any other class of American citizens. And the absurdity of proposing to prohibit any pursuit because some who follow it are dishonest can not be more strikingly illustrated than by the railroad business itself.

Gentlemen on the other side admit that some railroad officials

are dishonest. Would they remedy this by abolishing the railroad business? Or will the abolition of ticket brokerage make all railroad officials honest? On the contrary, it would be impossible to devise a system that would furnish greater facilities for fraud than this bill places at the disposal of the authorized ticket agent. To illustrate: The rate from Chicago to New York, via Washington, is $18; the rate from Chicago to Washington is $17.50, and from Washington to New York is $6.50. If you deprive the people of the ticket broker, to whom they can always readily dispose of the unused portion of tickets, you force them to sell these unused tickets at less than value to the so-called "authorized agent." Now, what is to prevent this "authorized agent" from paying the 50 cents for the redemption of the ticket on his own account and selling it at what he pleases and putting the amount into his pocket? It is evident that the object of the bill is to secure to the great railroad systems the sums the traveling public now save through the broker; but as for correcting fraud, I have shown that it tends to increase it by offering additional temptation.

In justice to the brokers it should be stated that their association protects the innocent and unwary traveler for whom the railroads and Interstate Commerce Commission seem to have such great solicitude, by paying the traveler for all illegal tickets sold him by one of its members, and expelling the offending member.

No one is more in sympathy with the purposes of the interstate-commerce law than myself. Its primary object was to prevent discrimination in freight and passenger rates, and, as understood, the Interstate Commerce Commission was created to enforce this as far as it laid in the power of Congress to do so.

I do not wish or intend to reflect on the honest purpose of the Commission, but in so far as the ticket broker is concerned they seemed to have lost sight of the purpose of the law and the object of their creation, for everyone knows that if the railroads would stop discrimination the ticket brokers' business would be at an end. No statute is necessary, but the simple cooperation of the railroads in the original purposes of the Interstate Commission law. But the Interstate Commerce Commission seem to have overlooked this fact, and it is but natural that they should have done so, as they have, from their own reports, clearly been guilty of the unjust and un-American course of securing all of their information from the railroad associations and of having failed to accord a hearing to the representatives of the Ticket Brokers' Association, though they have severely criticised and stigmatized them as criminals, annually, in each of their reports, since 1890. And this, though the brokers have frequently requested to be heard.

The duties of the Interstate Commerce Commission are quasi judicial; and what greater outrage to the American sentiment of fair play and the fundamental principle of constitutional liberty could be pictured than for an American court to pass criminal sentence upon a citizen without informing him of the nature of the charge against him; without confronting him with his accusers and the witnesses against him, and without giving him an opportunity to be heard in his own behalf?

In conclusion, I submit to this House that had the Interstate Commerce Commission made an investigation of this matter they would never have stated that there was a popular demand for the enactment of this law. But they would have known the following facts: That twenty-four State legislatures and three successive Congresses have dropped this identical bill into the waste basket; that a hundred thousand traveling salesmen, who are the most expert and experienced travelers in America, and who should know what is to their interest, are knocking at the doors of Congress, through their associations, requesting that this bill be defeated; that manufacturers and merchants all over the land, who know their business interests, have united in this request. And they would have concluded that the people, and especially the medium rich and the poor, who constitute the large majority, are opposed to and not in favor of this bill. And they would have recognized the most important fact of all, that the ticket broker was a public benefactor rather than a public nuisance, and the sole parties to be benefited by such a law were those powerful railway systems of the country who expect by such legislation so much the sooner to absorb all the systems of the land practically into one grand monopoly.

The Republicans on this floor have a large majority, and, having virtually made this a party measure by applying the party whip all along the line, it does appear, as has been so well said by the gentleman from New York [Mr. MAHANY], a Republican himself, that the Republican party is making good our charge against it. The gentleman from New York said:

> It almost seems as if what our opponents charged against us in the last campaign is about to be verified by our official conduct here, that the saturnalia of corporate greed, under the direction of the Republican party, is to take possession of the Republic. [Loud applause.]

And I again indorse the gentleman from New York when he disavows prejudice against railroads in the following words:

> In making that statement, I hope I am too intelligent to be animated by any unworthy prejudice against these great agents of civilization, which bind together the cities, States, and sections of our country in the fellowship of progress.

No, Mr. Speaker; I am not prejudiced against railroads, but in the interest of the people, in the interest of the traveling public, and in the interest of the weaker lines, I oppose this vicious legislation, which can only benefit completed and strong systems by enabling them to first bind the weaker hand and foot and ultimately to absorb them, greatly to the injury of the public and the country.

Mr. SHERMAN. I yield the balance of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to remind gentlemen who have made such dolorous complaints about the majority railroading this bill through that the majority ordering the previous question has been two to one, and I want to remind them further that a proposition was made for debate that there should be an hour on a side. Instead of accepting that——

Mr. ELLETT. We asked two hours.

Mr. HEPBURN. Instead of accepting that, you wasted the time by filibustering processes.

Mr. MAHANY. It was not enough.

Mr. TERRY. You refused us three hours.

Mr. HEPBURN. I want to remind the gentleman from Ohio [Mr. NORTHWAY] that his solicitude about those who will be affected by the amendments of the committee is a little misplaced. He sympathizes with the man who has made a contract not transferable, who, in violation of his contract, proposes to transfer it. He is very solicitous that the man who is attempting to commit a fraud shall not, in addition to that, commit a crime.

This bill interferes with no contract that is made. It gives to every man all the rights that he has under the contract that he has made. These gentlemen seem to think that in some way or other he should have a guardian to invest him with rights that he himself does not care to secure.

Certain gentlemen tell us that they are opposed to this bill because it is going to make preferences and discriminations possible. Not so. It is to prevent a widespread system of preferences and discriminations. Gentlemen say that it is right and proper for the weaker railroads to sell in quantities their tickets to the scalper, and for him to disseminate them. Is not that discrimination? Not only a discrimination against localities, but it is an attempt to take advantage of those of the locality he is apparently dealing in good faith with. But let me remind gentlemen that this bill does not necessarily prevent that kind of traffic. It simply requires that when men engage in it they shall confess the fact. That is all. Every ticket that can be bought now from a railroad company by a scalper can be bought under the provisions of this law.

The only change required is that if a railway company proposes to make that scalper its agent for the sale of tickets it shall give him a certificate of that fact, and that the scalper shall expose the certificate in his place of business. Further it makes no limitation upon him in that direction of any kind. Every right that he has now in dealing with a railway company—"the weaker roads"—every kind of traffic that he can engage in now, he can engage in under the provisions of this law, provided there is proper publicity given to the transaction and that the company selling him the ticket shall constitute him its agent. Why should not that be so? What possible objection is there to that? None in fair dealing and in honesty. The pretense of my friends on that side of the House [illegible] they are laboring now in the interest of the "dear people [illegible] a delusion, a misstatement, a fraud.

There is nothing in it. The bill protects the people. [illegible] in the interest of the people. It works no hardship [illegible] upon the people. It is in their interest in another direction. The Interstate Commerce Commission, after investigating the matter, found that this illegitimate business, the business of these self-constituted middlemen—middlemen whom that side of the House are always railing against in platforms and in political speeches—costs more than a million dollars. Who pays that? The people whom our friends are so much interested in, who get the difference in the unused ticket that they are compelled or fancy they are compelled to sell—the difference between the price the scalpers give and the price the company must pay the holder under the provisions of this bill.

After this bill becomes law there is no such compulsion upon the holder of an unused ticket. He is not remanded to the ticket broker, but under the provision of this bill the railroad company must pay. Now, they do not get from the ticket scalper as large a sum as they will get, under the provisions of this bill, from the railroads. The scalper's ticket is sold all over the United States. The ticket scalper is in all large cities, and the people whom these gentlemen are so solicitous about support him. He becomes, by reason of this bill, if he is not now, a superfluous and unnecessary middleman. Now he gives a pittance for the unused ticket. Under the bill the railroad company must pay full value. The Interstate Commerce Commission, year after year, after giving a careful attention to this subject, have asked the passage of this law; repeatedly, over and over again, they have made their requests, backed by cogent arguments. I think the House ought now to listen to them. I think that all they have said is shown to have the merit of argument, the logic of common sense and of justice to the people behind it.

Mr. ELLETT. Mr. Speaker, I understand that the gentleman who objected has withdrawn his objection, and I make the request that all gentlemen who have spoken upon this question may have permission to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all gentlemen who have spoken upon this subject may have leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

Mr. ELLETT. I demand the reading of the engrossed bill.

The SPEAKER. It has not yet been ordered to be engrossed. It is after it has passed to that stage that the reading of the engrossed bill can be demanded.

Mr. BAILEY. I think the rule provides that it can be done at either time. I think the rule has been construed that it can be done before or after, and therefore I did not in the beginning raise the point that could be made here. That is the only reason why I will not make a motion to recommit at this time.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken; and the bill was ordered to be engrossed for a third reading.

Mr. ELLETT. I now demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Virginia demands the reading of the engrossed bill. That not being present, the matter will lie over until the engrossed bill is produced.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. Preceding the engrossment of the bill, would it be in order to move to recommit the bill?

The SPEAKER. The Chair thinks not. The Chair thinks that should come after the third reading.

Mr. BAILEY. That is my own opinion; and that is the reason I desired to make the motion a moment ago.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *February 26, 1897.*

Be it resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes under the auspices of the National Society of the Daughters of the American Revolution.

PREVENTION OF CONTAGIOUS DISEASES.

Mr. BENNETT. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I ask for the consideration of the joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States.

The resolution was read, as follows:

Whereas in view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States: Therefore,

Resolved by the Senate and House of Representatives, etc., That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons should be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

Mr. DOCKERY. Mr. Speaker, I think we ought to have some explanation of this.

Mr. McMILLIN. Mr. Speaker, I would inquire whether this comes up on a motion to suspend the rules or on a request for unanimous consent? How did it get before the House?

Mr. BENNETT. I have presented it under the call of the committee. Mr. Speaker, I ask that the report be read as a part of my remarks.

The report (by Mr. BENNETT) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, submit the following report:

In view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States, this legislation is deemed necessary.

Section 3 of the quarantine act of February 15, 1893, provides that—

"Where the State or municipal health authorities fail or refuse to enforce the quarantine rules and regulations of the Treasury Department, the President shall execute and enforce the same, and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose."

Before the President can be called upon to adopt the measures enacted above, evidence must be furnished him that the quarantine authorities are not enforcing the regulations; opportunity must be given the quarantine officers to refute the charges, and while the matter is being discussed disease is liable to be admitted.

The proposed law would give the Secretary of the Treasury the right to appoint immediately, when he considered it necessary, an inspecting officer, attached to the national quarantine service, and the proposed law would give greater force to the position of such officer, and in fact to the officers at all the quarantine stations.

This joint resolution has received the approval of the Treasury Department in a letter of date of February 12, 1897, in which the Secretary states that this measure is rendered necessary in view of the alarming reports from India and Europe concerning the spread of the bubonic plague.

Your committee has given this matter their attention and consider the subject so important as to call for general legislation, and hence recommend the passage of the joint resolution.

Mr. BENNETT. Mr. Speaker, I move the adoption of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MILNES. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. MILNES, the Speaker declared that the noes seemed to have it.

Mr. MILNES. I ask for a division.

The House divided; and there were—ayes 72, noes 90.

So the motion was rejected.

DEEP WATERWAYS BETWEEN THE LAKES AND ATLANTIC OCEAN.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the commissioners.

The report of the Committee on Printing was read, as follows:

The Committee on Printing having had under consideration Senate concurrent resolution No. 59, for the printing of 5,000 additional copies of the message of the President of January 18, 1897, and the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, recommend that the same be agreed to.

The Public Printer estimates the cost of the work provided for under this resolution at $4,000.

The rules were suspended and the concurrent resolution was adopted.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. LOUD (when the Committee on the Post-Office and Post-Roads was called). Mr. Speaker, I desire to call up the bill (S. 1811) to extend the uses of the mail service.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable, suspend its operation altogether.

SEC. 2. That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery. Upon failure at any time for ten days to redeem said coupons in cash the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

SEC. 3. That all cards and envelopes furnished by the United States Economic Postage Association shall conform in size to the requirements of the Post-Office Department; shall be used only for return messages; shall have printed thereon, and upon the coupon attached thereto, the address of the individual, firm, company, or corporation to whom such cards and envelopes are to be returned; and may also have printed upon the address side the penalty prescribed for any violation of this act, and upon each coupon such words as will indicate that the postage will be paid when the card or envelope is delivered to the addressee.

SEC. 4. That it shall be unlawful to mail, and postmasters and other postal officials shall refuse to send or carry in the mails, any envelopes or cards of the said association on which the name of the individual, firm, company, or corporation imprinted thereon has been erased; and any person convicted of the violation of this statute shall be fined not exceeding $100, or imprisoned not more than thirty days on failure or refusal to pay the fine.

SEC. 5. That said association shall pay postage upon each and every piece of matter passing through the mails, which shall be patented or now or hereafter owned by said association or its successors.

SEC. 6. That said association shall, if required by the Postmaster-General, at all times keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of said coupons daily or weekly, or monthly.

SEC. 7. That in every case where an envelope of the said association when mailed carries more than a single-rate message, the postmaster shall place upon the coupon attached to said envelope and cancel as many postage-due stamps as may be required by existing law, in the same manner as is now done with all other similar mail matter; and the said association shall redeem and pay for the stamps so added to the coupons at the same time that the coupon is redeemed and paid for.

SEC. 8. That postmasters shall cancel all coupons attached to the cards and envelopes of said association in the same manner that stamps are now canceled, and shall be entitled to the same compensation for canceling said coupons as is allowed for the cancellation or sale of stamps.

SEC. 9. That nothing shall be paid by the United States Government for or on account of any patent owned by the United States Economic Postage Association, and no claim for damages shall be made or exist against the United States for or on account of the alteration, amendment, or repeal of this act.

Mr. HOPKINS of Illinois. Mr. Speaker, does this come up under the call of committees, or on a motion to suspend the rules?

The SPEAKER. On the call of the committees.

Mr. CANNON. Mr. Speaker, this is a Senate bill, I understand?

The SPEAKER. It is a Senate bill.

Mr. CANNON. Well, I make the point of order that it is a bill which should receive its first consideration in Committee of the Whole. I listened to the reading as best I could, and it seems to me that the bill clearly affects the revenues of the Government and makes a charge upon the Treasury.

The SPEAKER. The Chair was not listening to the reading, and he will be glad if the gentleman from Illinois will kindly point out the features of the bill which he thinks make it subject to the point of order. The Chair, following out the wishes of the House, desires that there shall be no matter introduced under the call of committees which involves expenditure on the part of the Government, or appropriation, or revenue. He has intended to carefully exclude all matters of that kind.

Mr. HOPKINS of Illinois. Mr. Speaker, if the point made by my colleague from Illinois [Mr. CANNON] is not well taken, I desire to raise the question of consideration on the bill.

The SPEAKER. That will be decided after the point of order is disposed of.

Mr. CANNON. Mr. Speaker, it seems to me from a very hasty glance at this bill that it is subject to the point of order. I am not so familiar with it as the gentleman from Pennsylvania [Mr. BINGHAM], but it seems to require an account to be kept by every postmaster in the country, involving, necessarily, an increase of force, and it requires additional work to be done by accounting officers——

Mr. LOUD. Mr. Speaker, we can not hear what the gentleman is saying.

The SPEAKER. The House will please be in order.

Mr. MAHANY. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. MAHANY, the Speaker declared that the ayes seemed to have it.

Mr. HENDERSON. I ask for a division.

The House divided; and there were—ayes 81, noes 107.

So the House refused to adjourn.

Mr. HENDERSON. Mr. Speaker, I would like to say a word on the point of order. It seems to me that the point made by the gentleman from Illinois is not well taken. He assumes, because there is certain work to be done if this bill becomes a law, that that will entail a burden upon the Government. I do not think that brings the bill within the rule. The gentleman merely makes an assumption. There is no new arm of the Government provided for in the bill; there is no new force provided for; there is no appropriation in the bill. It simply proposes to carry out a certain work for which the Government is now thoroughly equipped, and non constat but the amount of work will be less, as I believe it will be under the provisions of this bill if it becomes a law. The ground of the gentleman's point of order is purely speculative. There is no direct charge upon the Treasury in the bill, no appropriation, nothing that brings it within the rule, and I believe it is properly upon the House Calendar and not subject to the point of order.

Mr. BINGHAM. Mr. Speaker, the proposition is made in this bill, for the first time in the history of the Government, to give out to a private corporation the printing of what may be called the securities of the Government. Our postage stamps, which are now printed in the Bureau of Engraving and Printing, have been declared by Congress to be securities of the Government. Now, this bill proposes to allow a private concern to attach to postal cards and to the envelopes now printed by the Government as a part of its securities these coupons, sold by this company to any persons who may wish to use them in the mails in connection with postal cards or envelopes. Now, in every post-office of the country where these coupons may arrive, they must be set aside and an account kept so that this company may come in and redeem them. This of necessity will require the employment of additional force by the Government. It can not be otherwise. The stamps that now carry letters are canceled by the clerical force of the postal system. Not so with these coupons. A settlement must be made at the office of final delivery; and, as I have said, the keeping of the accounts for the purpose of making this settlement with this company will require additional clerical force.

The SPEAKER. The Chair thinks that the point made by the gentleman from Pennsylvania is a mere matter of argument.

Mr. BINGHAM. It may be a matter of argument, but it is also clearly a matter of fact.

The SPEAKER. To sustain this point of order, in the opinion of the Chair, something further is required than has thus far been presented. Unless some other argument be submitted, the Chair will have to overrule the point of order.

Mr. HOPKINS of Illinois. I now raise the question of consideration. This is a bill which ought not to pass this House at this time.

Mr. LOUD. I suggest that the gentleman is debating the proposition.

The SPEAKER. The question of consideration is raised by the gentleman from Illinois [Mr. HOPKINS]. The question is, Will the House consider the bill?

The question being taken, there were on a division (called for by Mr. LOUD)—ayes 54, noes 84.

Mr. MAHANY. No quorum, Mr. Speaker.

The SPEAKER. The Chair thinks there is a quorum present. [After counting the House.] There are 187 members present—a quorum. The noes have it, and the House refuses to consider the bill.

Mr. LOUD. Mr. Speaker, I think we are in bad temper, and therefore I move that the House adjourn.

The question having been put,

The SPEAKER. The noes have it.

Mr. MAHANY. I call for a division.

The question being taken, there were—ayes 83, noes 110.

Mr. MAGUIRE. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion to adjourn was rejected.

BRIDGE ACROSS THE YAZOO RIVER AT GREENWOOD, MISS.

Mr. LACEY. I call for the regular order.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] informs the Chair that by mistake the Committee on Interstate and Foreign Commerce was passed over before he had opportunity to address the Chair. The gentleman wishes, as the Chair understands, to call up a bridge bill. In the opinion of the Chair, it is fair that the bill should be reported.

The bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, was read.

Mr. PATTERSON. I will merely state to the House that this bill is in the usual form and has been approved by the War Department.

The SPEAKER. Is there objection to the consideration of the bill under the rule?

Mr. HARDY. Is this a proposition to build a bridge over the Yazoo River near Yazoo City, Miss.?

Mr. CATCHINGS. No, sir; this proposed bridge is to be near Greenwood, very far north of Yazoo City. The people of the county interested desire to build this bridge at their own expense.

Mr. HARDY. I have made the inquiry because I think they ought to have had a bridge at Yazoo City many years ago, when certain gentlemen down there put my old friend Colonel Morgan (now dead and gone) upon a plank and sent him adrift in the Yazoo River because he was a Republican in the South.

Mr. WILLIAMS. I have the pleasure of stating to the gentleman that if Colonel Morgan were there now, we could set him adrift upon a first-class steel bridge with a draw in it. [Laughter

Mr. HARDY. I wish you had had it before.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed [illegible] read a third time; and it was accordingly read the third time, [illegible] passed.

On motion of Mr. PATTERSON, a mo[illegible]sider the last vote was laid on the table.

DESERT LANDS.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 9931) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder.

The bill was read, as follows:

Be it enacted, etc., That in all cases of existing desert-land entries where yearly proof for any year or years of final proof has not been made the time for making all such yearly proof or proofs and final proof is hereby extended for one year from the date of the passage of this act; and in such cases when the annual expenditure of $1 per acre has not been made for any year or years the failure to make such expenditure shall not work a forfeiture, but the time within which all such expenditures may be made is hereby extended for one year from the date of the passage of this act; and in such cases the time for making final proof and payment is hereby extended for one year from the date same would otherwise have become due: *Provided*, That the provisions of this act shall not extend to any entry where final proof and payment have been due for one year or more prior to the passage of this act: *And provided further*, That nothing in this act shall be so construed as to deprive any party of any right now existing under the regulations governing contests in land cases.

Mr. LACEY. If I can have the attention of the House for just a minute, I think I can make this bill perfectly plain. It was drafted by the Commissioner of the General Land Office and introduced at his request. It is to give one year's additional time to desert-land entries.

The necessity for this grows out of the exceedingly hard times of the last year. In several instances this extension has been granted as to some reservations. There is a large quantity of land that has been taken under the desert-land law, and the persons taking the land are required to expend $1 an acre upon it each year. This extends the time one year in which to make a final proof of the expenditure of this money in ditching and the other requirements of the desert-land law. It is a departmental bill, and is pressing. It must be passed now if at all. It involves no expense to the Government.

I ask for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson—to the Committee on Invalid Pensions.

A bill (S. 3237) granting a pension to Annie Fowler—to the Committee on Invalid Pensions.

A bill (S. 583) to grant a pension to Eli D. Walker—to the Committee on Invalid Pensions.

A bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion—to the Committee on Invalid Pensions.

A bill (S. 3393) to increase the pension of Wesley C. Sawyer—to the Committee on Invalid Pensions.

A bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg.—to the Committee on Invalid Pensions.

A bill (S. 3182) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.—to the Committee on Pensions.

A bill (S. 2125) granting a pension to Mrs. Frances C. De Russy—to the Committee on Invalid Pensions.

A bill (S. 3707) granting a pension to Catherine A. Bradley—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6757) granting a pension to Andrew J. Mohler;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer;

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 1983) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

A bill (H. R. 5126) to increase the pension of Jere Smith;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson;

A bill (H. R. 6966) to increase the pension of William N. Wells;

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France;

A bill (S. 3340) authorizing Herbert H. D. Peirce to accept a medal from the Russian Government;

A bill (S. 3725) to prevent the importation of impure and unwholesome tea;

A bill (S. 153) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian Government;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain;

A bill (H. R. 4076) for the relief of Abner Abercrombie; and

A bill (H. R. 3605) granting a pension to Grotius N. Udell.

ANTITICKET SCALPING BILL.

The SPEAKER laid before the House the engrossed copy of the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce."

Mr. NORTHWAY. I rise to a point of order. The Committee on Interstate and Foreign Commerce having been passed, and other committees having been called, how do we get back to that committee?

The SPEAKER. Under the order of the House for the previous question to the passage, which makes it a question of the highest privilege. The Clerk will read the engrossed bill.

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BAILEY. I desire to make a motion to recommit with instructions. I move to strike out, in line 7 of section 4, the words "the general," and in lieu thereof insert the word "any;" and beginning with the word "if," in line 11 of section 4, strike out the remainder of the section. Also, strike out the whole of section 5 and transpose section 3 so that it shall become section 4; and "section 4" shall be amended to read "section 3."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas [Mr. BAILEY].

The question was taken; and on a division (demanded by Mr. MAHANY) there were—ayes 46, noes 120.

Mr. MAHANY. No quorum.

The SPEAKER. The Chair thinks there is plainly a quorum present.

Mr. ELLETT. I demand the yeas and nays.

Mr. SHERMAN. I make the point that that is dilatory.

The SPEAKER. A demand for the yeas and nays can not be regarded as dilatory.

The question being taken on ordering the yeas and nays, they were refused, 26 members (not one-fifth of the last vote) supporting the demand.

Accordingly, the motion of Mr. BAILEY was rejected.

The question being taken on the passage of the bill, on a division (demanded by Mr. NORTHWAY and Mr. MAHANY), there were—ayes 142, noes 51.

Mr. ELLETT and Mr. MAHANY demanded the yeas and nays.

The question was taken on ordering the yeas and nays, and the Speaker announced 36 members in support thereof—not one-fifth of the last vote.

Mr. ELLETT and Mr. MAHANY demanded the other side.

The question being taken, there were 148 in the negative.

Accordingly (not one-fifth supporting the demand therefor), the yeas and nays were refused.

Mr. TERRY. I ask for tellers.

Tellers were refused, 24 members, not a sufficient number, supporting the demand therefor.

Accordingly, the bill was passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEISENRING, for Monday and Tuesday, on account of important business.

To Mr. WANGER, for one day, on account of important business.

To Mr. BOATNER, for the remainder of this session, on account of important business.

To Mr. CUMMINGS, on account of death in his family.

And then, on motion of Mr. HENDERSON (at 5 o'clock and 43 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Washington, Mount Vernon and Alexandria Railroad Company, transmitting the annual report of said company, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter of the Chief of Engineers, report of survey of Elizabeth River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROSIUS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 875) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, reported the same with amendment, accompanied by a report (No. 3054); which said bill and report were referred to the House Calendar.

Mr. WHITE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9729) to provide for the purchase of a site and the erection of a public building thereon at Carlinville, in the State of Illinois, reported the same without amendment, accompanied by a report (No. 3055); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. ANDREWS, from the Committee on Invalid Pensions, reported (Report No. 3056) the bill (H. R. 5884) granting a pension to Sarah E. Ingham, late an army nurse; which said bill and report were referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petitions; which were referred as follows:

Petition of citizens of Port Perry, Pa., in favor of the passage of the McMillan-Linton bill relating to beneficiary societies—Committee on the Judiciary discharged, and referred to the Committee on the District of Columbia.

Petition of the Royal Society of Good Fellows, in favor of the passage of the McMillan-Linton bill—Committee on the Judiciary discharged, and referred to the Committee on the District of Columbia.

Petition from the Madison Street Methodist Episcopal Church, of Chester, Pa., for the passage of a bill to raise the age of protection of girls—Committee on the Judiciary discharged, and referred to the Committee on the District of Columbia.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 10372) providing for the enrollment of the Mississippi Choctaws, and for other purposes—to the Committee on Indian Affairs.

By Mr. WALKER of Massachusetts: A concurrent resolution (House Con. Res. No. 74) to print 10,000 copies of the report of hearings before the Committee on Banking and Currency, Fifty-fourth Congress—to the Committee on Printing.

By Mr. FOSS: A memorial of the legislature of the State of Illinois, urging the passage of the House bill for the classification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: A memorial of the legislature of the State of Minnesota, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10373) granting a pension to Anna J. Turner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Youghiogheny Lodge, No. 302, Brotherhood of Locomotive Firemen, of Connellsville, Pa., asking for the passage of the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill—to the Committee on Labor.

Also, resolutions of Colonel W. S. Black Post, No. 59, Grand Army of the Republic, of McKeesport, Pa., praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Burgettstown, Pa., for the passage of bills for the further prevention of cruelty to animals; raising the age of protection to 18 for girls in the District of Columbia; for the District Sabbath law; for a law against interstate gambling by telegraph, and for the prohibition of liquor selling in the Capitol building—to the Committee on the District of Columbia.

By Mr. BAKER of Maryland: Petition of the Hopewell Methodist Episcopal Church and the Epworth League of Woodlawn, Cecil County, Md., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on the Judiciary.

By Mr. BAKER of New Hampshire: Protest of F. J. Perry and 26 other citizens of Washington, D. C., against the passage of the Sherman bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of W. A. Leonard, of Angleton, Tex., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. W. Carlton and other citizens of Temple, Tex., in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Resolution of the Veterinary Medical Association of Iowa, protesting against the passage of Senate bill No. 1552, restricting vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Iowa, asking for the passage of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

By Mr. DALZELL: Resolution of the Nebraska Beet Sugar Association with respect to tariff duties—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolutions of the St. Paul Chamber of Commerce, in favor of extending the civil service so as to include the consular system—to the Committee on Foreign Affairs.

Also, protest of F. M. Hutchinson and 32 other citizens of Minnesota, against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Petition of George Miller and other citizens; also of S. Y. Pitts and others, of Chillicothe, Mo., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of F. H. Paul and 24 other citizens of Manchester, Iowa, urging the passage of the McMillan-Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. HULL: Petition of Charles Howrey and 41 other citizens of the State of Missouri, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KERR: Petition of George W. Warner and other citizens of Norwalk, Ohio; also of N. H. Loose of Shelby, Ohio, also of R. L. Mayer, in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Petition of the St. Paul (Minn.) Chamber of Commerce, in favor of extending the civil service so as to include consulships—to the Committee on Foreign Affairs.

By Mr. KIRKPATRICK: Petition of the Young Men's Christian Association and others, of Parsons, Kans., favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Resolution of the Ohio State [illegible] health praying for the passage of the bill providing for a permanent census service—to the Committee on Appropriations.

Also, resolutions of the Ohio State Labor Assembly, praying for such legislation as will contribute to the immediate recognition and relief of the Cuban patriots—to the Committe on Foreign Affairs.

By Mr. McCLEARY of Minnesota: Petition of President Edward Searing and Prof. Charles F. Koehler, of the State Normal School at Mankato, Minn., praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of James S. Barkman, secretary of Little Rock Division, No. 131, Order of Railway Conductors, asking for the passage of the Erdman arbitration bill, the Hill contempt bill, and the Phillips commission bill—to the Committee on Labor.

By Mr. MERCER: Petition of George Chaplin and other citizens of Omaha, Nebr., in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Congregational, Baptist, and Methodist Episcopal churches, the Woman's Christian Temperance Union, and Lodge No. 250, Independent Order of Good Templars, of Winchester, Mass., for the suppression of the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PICKLER: Sundry petitions and resolutions urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. SORG: Petition of the Ohio State board of health, Columbus, Ohio, for a permanent census service—to the Committee on Appropriations.

By Mr. SOUTHARD: Petition of S. H. Rodebaugh and 2 other citizens of Lindsey, Ohio, in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Ohio State Medical Society, in favor of House bill No. 8777, to provide for the examination of immigrants at ports of debarkation—to the Committee on Immigration and Naturalization.

By Mr. TRUMAN H. ALDRICH: Petition of colored citizens of beat 12, Hale County, Ala., for relief from military duty—to the Committee on the Judiciary.

By Mr. WHEELER: Sundry petitions of Robert Andrews and 66 other citizens, I. James and 18 others, P. Brown and 22 others, H. A. Skeggs and 19 others, J. E. Brown and 21 others, W. R. Rutland and 10 others, C. C. Ledbetter and 21 others, R. C. Gunter and 24 others, I. G. Grayson and 21 others, and L. W. Houston and many other citizens, in the State of Alabama, favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

[*Continuation of proceedings, legislative day, Saturday, February 27, 1897.*]

The Senate reassembled at the expiration of the recess, at 3 o'clock p. m., Sunday, February 28, 1897.

EXTENSION OF FOREST RESERVATIONS.

Mr. ALLEN presented a telegram, in the nature of a memorial, remonstrating against carrying into execution the recent Executive order for the extension of the forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 26, 1897.*

Senator W. V. ALLEN, *Washington, D. C.:*

"Whereas by an Executive order issued February 22, 1897, by Grover Cleveland, President of the United States, 21,000,000 acres of public lands in the States of the Northwest have been reserved from occupation and settlement, of which 3,000,000 acres are in the State of Wyoming and the Black Hills of South Dakota, making with lands heretofore reserved 40,000,000 acres in area of the public domain closed to development; and

"Whereas such order has as its result the destruction or abandonment of many important industries now in prosperous existence in said territory, being agriculture, manufacturing, and mining; and

"Whereas the growth of said country in material wealth and population is of the greatest importance to the agricultural States of the Missouri and Mississippi valleys, and particularly to the State of Nebraska: Therefore,

"*Be it resolved by the senate of the State of Nebraska,* That we do not believe that the forests upon the public lands can be preserved by making such large sections of the country an uninhabited waste, but such abandonment would greatly increase the destruction by fire and from lawlessness.

"*Resolved,* That the existing laws punishing the cutting or waste of timber upon public lands are ample for forest preservation if enforced by the courts.

"*Resolved,* That we urge upon the Congress of the United States immediate legislation annulling said Executive order and taking the needed action that the important industries already established may continue and receive the fostering care of the law instead of being destroyed by it.

"*Resolved,* That the secretary of state be requested to transmit these resolutions by telegraph to our Senators and Representatives in Congress."

Dear Senator, will you kindly see that all Nebraska members of Congress are furnished a copy of this resolution.

W. F. PORTER, *Secretary of State.*

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The amendment on page 54 which was passed over will be stated.

The SECRETARY. On page 54, after line 5, the Committee on Appropriations report to insert:

> To enable the Secretary of the Treasury to continue the scientific investigation of the fur-seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution approved June 8, 1896, $5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898. And the Secretary of the Treasury is hereby authorized to pay to Dr. Leonhard Stejneger the sum of [illegible], and to F. A. Lucas the sum of [illegible], for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries under said joint resolution, out of the appropriation therein made for such investigation.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations which has just been read.

Mr. PETTIGREW. I should like to have the amendment passed over for a few moments, and take up some of the other amendments.

The VICE-PRESIDENT. The amendment will be passed over for the present. The next amendment of the committee which was passed over will be stated.

The next amendment was, on page 56, after line 3, to insert:

> Bounty on sugar: For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, $1,085,156.00, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. VEST. I am compelled to ask for the yeas and nays upon the amendment. I do not care about discussing it, but I want to have the question taken by yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], and my colleague [Mr. MITCHELL of Oregon] has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. We have arranged to transfer our pairs so that the Senator from Wisconsin and I may vote. I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. THURSTON]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLANCHARD (after having voted in the affirmative). I desire to transfer the pair I have with the Senator from North Carolina [Mr. PRITCHARD] to my colleague, the senior Senator from Louisiana [Mr. CAFFERY]. I have already voted.

Mr. PALMER (after having voted in the negative). I did not observe whether the Senator from North Dakota [Mr. HANSBROUGH] voted or not.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PALMER. I withdraw my vote.

Mr. BURROWS (after having voted in the negative). Has the senior Senator from Louisiana [Mr. CAFFERY] voted?

Mr. BLANCHARD. I will state to the Senator from Michigan that I transferred the pair which I had with the Senator from North Carolina [Mr. PRITCHARD] to my colleague [Mr. CAFFERY], who is absent, so that the Senator from Michigan is at liberty to vote.

Mr. BURROWS. Then my vote will stand.

Mr. HOAR (after having voted in the affirmative). Has the Senator from Alabama [Mr. PUGH] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. HOAR. I withdraw my vote. I am paired with the Senator from Alabama [Mr. PUGH].

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. ROACH]. I am informed that if present he would vote "yea." I will therefore permit my vote to stand.

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Allen,
Allison,
Blanchard,
Brice,
Brown,
Call,
Cannon,
Carter,
Chandler,
Clark,
Cockrell,
Cullom,
Daniel,
Elkins,
Faulkner,
Frye,
Gallinger,
Gibson,
Gray,
Hale,
Hawley,
Jones, Ark.
McBride,
McMillan,
Mantle,
Martin,
Murphy,
Nelson,
Perkins,
Quay,
Shoup,
Squire,
Stewart,
Teller,
Vilas,
Warren,
White.

NAYS—12.

Baker,
Bate,
Berry,
Burrows,
Chilton,
Gorman,
Hill,
Mills,
Peffer,
Pettigrew,
Sherman,
Vest.

NOT VOTING—41.

Aldrich,
Bacon,
Blackburn,
Butler,
Caffery,
Cameron,
Davis,
Dubois,
Gear,
George,
Gordon,
Hansbrough,

Harris,
Hoar,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lindsay,
Lodge,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Palmer,
Pasco,
Platt,
Pritchard,
Proctor,
Pugh,
Roach,
Sewell,
Smith,
Thurston,
Tillman,
Turpie,
Voorhees,
Walthall,
Wetmore,
Wilson,
Wolcott.

So the amendment was agreed to.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The next amendment was, on page 81, line 9, after the word "night," to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" so as to read:

> For lighting 32 arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks, three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, $2,920.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 81, line 12, after the word "dollars," to insert the following proviso:

> *Provided,* That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. McMILLAN. I desire to ask the Senator from Iowa if he intends to press this amendment now on the bill? The same amendment is on the District of Columbia appropriation bill, and it does not seem to have any place here.

Mr. ALLISON. I will ask the Senate for the present to pass over this amendment, it having been read, and to take up the amendments on page 88, relating to rivers and harbors.

The VICE-PRESIDENT. The amendment will be passed over. The Secretary will read the first amendment, at the point indicated.

The next amendment was, on page 88, line 10, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

> For improving Hudson River, New York: Continuing improvement, $375,000.

The amendment was agreed to.

Mr. VEST. I should like to make an inquiry of the chairman of the committee. I should like to ask him what was done with the amendment on page 7 in regard to purchasing the Corcoran Art Gallery building?

Mr. ALLISON. That was agreed to last evening.

Mr. VEST. I ask for a reconsideration of the vote by which the amendment was agreed to. I was compelled to go home before the Senate adjourned.

Mr. ALLISON. That is all right. The vote may be reconsidered by unanimous consent.

The VICE-PRESIDENT. In the absence of objection, the vote is reconsidered.

Mr. ALLISON. I hope that we will now go on with these amendments.

Mr. VEST. Of course I do not want to disarrange the order.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The next amendment was, on page 88, line 17, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $300,000.

Mr. WHITE. There are several amendments of a nature precisely like the pending amendment, showing that the committee has reduced the appropriations made by the House. I would inquire of the committee why that reduction was made. The amount placed in the bill by the House, I understand, was the amount estimated by the Department. I inquire of the chairman of the committee what is the fact with reference to that matter. If the Senator from Iowa was not listening, I will repeat. The item under consideration is the Humboldt improvement. I notice that there are several of that type. Of course, we wish to be treated simply as others are being treated, but I should like to know why the amount was reduced and whether the House amount was not the sum estimated by the Department.

Mr. ALLISON. In response to the inquiry of the Senator from California, I will be glad to make a few observations respecting all these items that were reserved last night, because they all stand practically upon the same basis.

It may be truthfully said that the Department has made no estimate as respects any of the improvements that are in this bill and reserved where we have reduced 25 per cent the appropriation proposed by the House. There is a statement in the Book of Estimates, in the latter part of that book, from the Chief of Engineers, saying that he can usefully expend during the next fiscal year the several amounts appended to each item of these public works, but there is no departmental estimate. These works are not included in the total of the estimates of appropriation; they are not counted as estimates in the Book of Estimates; but they were authorized, I will say to the Senator from California, in the river and harbor act of last year.

Mr. WHITE. The Senator is mistaken as to the Humboldt item, which was earlier, the work has been in progress under an old contract.

Mr. ALLISON. I was about to state that these items were included in the river and harbor act of last year, with the exception of perhaps three or four, of which the Humboldt appropriation is one. In the testimony taken by the House Committee on Appropriations the engineer officers who were examined by that committee stated that as an engineering question they could expend usefully and properly the amounts estimated; but I called the attention of the Senator from California and other Senators to the peculiarity of these reserved amendments. In nearly every case the estimate is exactly $400,000. The improvement at Humboldt, and I think nine-tenths of those items that were reserved last night, are appropriations of $400,000. Therefore it rests in the discretion of Congress to say whether we will appropriate this year $350,000, $375,000, or $300,000, or three-quarters of the amount that was estimated for by the engineers.

Most of these items are mentioned in the river and harbor act as improvements that are to be let by contract, and the whole contract can be made for the completion of the improvement, so that if a contractor bids he bids for the whole improvement or a part of it, as the case may be, and he is paid on his contract as appropriations from time to time are made by Congress.

It was the judgment of the Committee on Appropriations, after going over all these items carefully, that it was the part of wisdom under all the circumstances of the appropriations at this session that these public improvements could go on usefully and properly with the appropriations that we have proposed to make. Many of them are not yet under contract, which is not the case with Humboldt. Some of them have just been contracted for. In other cases there are advertisements now out for bids. So, in the nature of things, these improvements do not stand in the same category with those improvements that are about to be completed.

Now, that is not all there is of it. I will say that the committee afterwards, in reviewing their work, did believe that an exception could fairly be made as respects the harbor of Boston, that being an improvement imperatively necessary in order to carry on the commerce of that great city, by deepening the channel so that vessels drawing 22 or 25 feet of water can enter the harbor. With that exception the committee think that these are wise and proper reductions. But that is a question for every Senator as much as it is a question for the committee. If Senators believe that we have the ability and that it is the part of wisdom to appropriate as the House has appropriated, of course it is a matter of no special importance to the committee more than to any other Senator on this floor.

I have the Senator from Delaware [Mr. GRAY] in my eye. As respects the great improvement of the Delaware River, which was in the river and harbor bill, at a maximum cost of $4,000,000, that whole work, I am told, has been contracted for recently [illegible] $1,660,000, or about that sum. So the work is to be begun, [illegible] to cost less than one-half of the cost estimated two years [illegible].

Mr. President, I do not wish to debate this [illegible], [illegible] I submit it to the Senate without further obser[illegible].

Mr. FRYE. But these improvements should all be treated alike.

Mr. ALLISON. So I agree.

Mr. FRYE. Take, for instance, Portland, Me., and Rockland, Me. In each case the committee has cut down the House appropriation $100,000. My colleague was a member of the committee having this bill in charge. He undoubtedly consented to that cut down of $100,000 on the ground that the Treasury is not in a condition to be over and above liberal just now, and his constituents and mine would sustain him in doing that. But they would not sustain him or me unless all of these appropriations bore the same cut of $100,000.

There is another point, I will state, that the Senator did not seem to touch upon. I judge from the appropriations made here that instead of these being estimates of what ought to be done or what can be done, or what might profitably be done, they are simply following the law of Congress which provided that in certain cases not more than 25 per cent should be appropriated in any one year and in other cases not more than 50 per cent, and they have simply placed in here as an estimate 25 per cent in some cases and 50 per cent in another. It is not the usual estimate. The usual estimate is a careful survey of the work to see what ought to be done and what can be done profitably. That has not been done in these cases. They have taken the law as Congress passed it and then put down the amount which is the maximum amount we in the law allowed should be estimated for.

Mr. ALLISON. That is partially true, and yet the House did not follow that rule. Take an improvement, and a very important one, in which the Western States are deeply interested. The Senator from Illinois who sits near me and the one more distant from me are deeply interested in the construction of the Hennepin Canal. We provided in the river and harbor act last year that one-quarter of the money should be appropriated annually, or not to exceed that amount, if you please, for the Hennepin Canal, which, if it had been appropriated, would have been an appropriation of $1,300,000, whereas the House of Representatives, in the exercise of their judgment and discretion, reduced the appropriation to $1,000,000. To show that we have at least endeavored to be impartial, I have consented as a member of the committee that this appropriation should be reduced one-quarter with the others; that is, to $750,000.

Mr. CULLOM. And I agreed to the arrangement because it seemed to be necessary in the interest of the Treasury, and because I supposed it would be fair to all concerned.

Mr. ALLISON. As respects special appropriations, the Senator from Maine speaks of Rockland, Me., as one of the items, I suppose, where 50 per cent was to be appropriated.

Mr. FRYE. Yes.

Mr. ALLISON. I have here the statement of the engineer before the committee of the House of Representatives, in which he states that—

> The contract at Rockland, Me., has not been made, but the making of the contract has been authorized. Bids have not yet been called for, but will be called for in the near future. These bids involve an expenditure of $227,000—

In other words, that is all that has been advertised for at Rockland, Me.—

> not the entire work provided for—it being the idea that $227,000 is for the protection of the breakwater. We think we can also get figures for dredging inside by letting this contract.
>
> The CHAIRMAN. The contract requires an appropriation of $227,000 for this year?
>
> Colonel MACKENZIE. Yes; we have on hand $25,300, which will be required for superintendence; $227,000 is the amount to be paid to the contractor.
>
> The CHAIRMAN. That is all you will need for the next fiscal year at Rockland?
>
> Colonel MACKENZIE. Yes, sir.

And so on. There is the statement before the House committee that $227,000 is all that is needed, and we have in this bill, as we cut it down, provided for $300,000. So I submit to the Senator from Maine that with this testimony before the Committee on Appropriations it was not a difficult thing for us to convince his colleague that $300,000 would be ample provision there.

Now, I will take the case of Portland, Me., which we know is an important city in our country, and has an important improvement, and is, I believe, one of the 50 per cent class. I am not sure about it.

Mr. WHITE. May I interrupt the Senator to ask him from what document he is reading?

Mr. ALLISON. I am reading from the hearings before the subcommittee of the House Committee on Appropriations, wherein the engineer officer of the Army having charge of this work was examined as respects each of these items of appropriation.

Mr. VEST. I should like to ask the chairman a question.

Mr. ALLISON. Certainly.

Mr. VEST. How many of the continuing contracts in the river and harbor act are not provided for by the sundry civil bill now before us?

Mr. ALLISON. Including our amendments, they are all provided for, with, I think, one or two exceptions, and in those cases there is some question as to the limit of cost, etc. I have an amendment somewhere upon my desk which I shall be glad to propose, covering one of those items.

Mr. VEST. I want the Senator to know, because every Senator is necessarily better acquainted with matters concerning his own State, that we have a continuing contract for the Missouri River and there is nothing in the bill for it. I think I can name several others.

Mr. ALLISON. For the Missouri River?

Mr. VEST. Yes; we have a continuing contract, and my constituents are writing and telegraphing me to know why it is that appropriations are made in the sundry civil bill for the other continuing contracts, but not for the Missouri River.

Mr. ALLISON. That is an oversight if it is not here. What does this item mean? I call the attention of the Senator to pages 96 and 97:

> Improving Missouri River from mouth to Sioux City, Iowa—

The Missouri empties into the Mississippi, and under the Missouri River Commission it extends to Sioux City.

> For continuing improvement of Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission——

Mr. VEST. That is a part of the river, it is true.

Mr. ALLISON—

> surveys, permanent bench marks, and gauges, $300,000.

If we have not made sufficient provision under all the details of the river and harbor bills, it is because these amendments are put every other year—every year practically—upon the sundry civil bill, under continuing contracts, which oblige us to examine in detail and anew and freshly every item of the river and harbor appropriations, so that when we make suggestions of amendment to the Senate we may know that the amendments we propose are reasonable and proper so far as our recommendations to the Senate are concerned.

So, Mr. President, we have dealt with this matter in the brief time allotted to us as well as we could deal with it. If we lack information, it is because we have not had the extended inquiry from year to year or once in two years that the Committee on Commerce have been able to give to these great works of public improvement. We have endeavored to deal as wisely and well as we could with all these great works of public improvement, trying if possible to reduce somewhat the total aggregate for them during the coming fiscal year until we can have at least a probability that our income and our expenditure will more nearly equal each other.

Mr. BLANCHARD. I desire to state to the Senator from Iowa, the chairman of the Committee on Appropriations, that the amount he has just read relating to the Missouri River item in the bill is exactly the amount which was authorized to be appropriated for that river by the river and harbor act of June 30, 1896. Here it is before me; it says:

> *Provided*, That on and after the passage of this act additional contracts—

For the Missouri River—

> may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $300,000 per annum for three years, commencing July 1, 1897.

That is the amount which you left in the bill for the Missouri River, and it is in full compliance with the law upon that subject.

Mr. ALLISON. I endeavored to say so a moment ago.

Mr. FRYE. I hope the Senator from Iowa did not understand me as complaining that there was a cut down in Maine. I do not complain that there was a cut down. I was simply saying that the items must stand or fall, all of them together; that there are no exceptional cases. There were none of the usual estimates, and therefore there are no exceptional cases; and if the trial is to be made upon one, the result of that trial should determine the whole.

Mr. WHITE. Mr. President, I directed attention to the item regarding Humboldt Harbor for the purpose of getting an explanation in reference to the entire matter. I appreciate the labors of the Committee on Appropriations, and it is a source of wonder to me that the gentlemen composing that committee are able to discharge their duties so effectively. I merely desire that the rule applicable to other places shall be applied to my own State. I wish no discrimination in favor of my State. I only wish that she shall be treated as other States have been treated, and from the statement made here I have no doubt that that is the case.

I have no detailed information as to the exact sum of money necessary for Humboldt. I know that the work has been progressing some time and very successfully, and that it is being completed for a far less sum of money than that originally estimated. I hope this amount will not be found too small to enable the improvement to go on. But I will interpose no objection and will ask for no vote upon the proposition to which I have already alluded.

Mr. CHILTON. Mr. President, I wish to state that one item in the bill which is cut down will be found on page 89.

> Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, $400,000.

That appropriation of $400,000 in the bill as passed by the House has been reduced to $300,000. It seems to me that the reduction ought not to have been made. That is a very important work. Two rivers enter Sabine Lake, and a very considerable commerce is being rapidly built up in the neighborhood of the pass.

I am aware that to make a fight on an item for one single harbor, in the face of the acquiescence of other Senators similarly situated, will be unavailing, but I do think it was a mistaken policy on the part of the Appropriations Committee to cut down the appropriation for the improvement of this particular harbor.

In this connection, I may say that I would probably derive more consolation from the state of the case if the committee had treated Texas as they seem to have treated California, by cutting down at one place and putting in a new appropriation for another. I see that while they have cut down the Humboldt item——

Mr. WHITE. If the Senator from Texas will permit me, it is no new appropriation whatever. There is not a cent appropriated by the bill outside of the amount reduced from the House estimates. The Oakland item is no increase at all, but simply the rectification of an error.

Mr. CHILTON. It is here in italics. I notice that it is put in as an amendment to the bill as it came from the House.

Mr. WHITE. If the Senator will allow me——

Mr. CHILTON. I am not complaining of the change made in

regard to California. That is not the point that I am driving at; but I am merely pointing out that in the case of California improvements there seems to have been an amendment which makes up at Oakland what apparently is cut off at Humboldt.

As I stated, I think the appropriation for the Sabine Pass improvement ought not to have been reduced, but it seems to be treated as other items of like character, and while I think it ought to have been made an exception, yet at this hour and under all the circumstances I do not feel warranted in undertaking to change the action of the Committee on Appropriations.

Mr. WHITE. That there may be no misapprehension in relation to this Oakland item, I will state to the Senator from Texas that when the river and harbor bill was made up, the exact sum referred to in the amendment was incorporated in it for the improvement of Oakland Harbor. The Department ascertained from subsequent estimates that the limit should have been higher, but instead of seeking to make the limit higher we merely made it mandatory on the Department to go on under the present estimate, believing as we do that the work can be carried on for it. We are simply getting the money which we would be entitled to anyway under the law, as we consider it. We are interpolating the view of Congress, views of the statute, rather than that taken by the Department, and we have ignored the departmental estimate requiring the expenditure of more money.

Mr. BLANCHARD. Mr. President, I have a like interest with the Senator from Texas who has just now addressed the Senate in the appropriation made by this bill for the improvement at Sabine Pass. Sabine River forms the boundary between the States of Texas and Louisiana. Like the Senator from Texas, I regret the necessity which impelled the committee to reduce this appropriation from $400,000, as fixed by the House, to $300,000. But since this seems to be a general policy in respect to these appropriations, adopted by the Committee on Appropriations, and as no invidious discrimination is made against Sabine Pass, I am not disposed to contest the committee amendment.

I will, however, Mr. President, take this occasion to say that no more important harbor work is going on in the United States at this time than that at Sabine Pass. No work so far done by the Government in the way of harbor improvement has been productive of better results than that at Sabine Pass.

A few days ago I had occasion to inquire of the War Department relative to the depth of water over that bar, and was informed by the Chief of Engineers that they now have 24 feet where formerly they had only from 10 to 12 feet. It is a work which promises to meet the fullest expectations of the engineers of the Government at the time they recommended the project to Congress, and the results already obtained fully justify the large appropriations made by Congress for the improvement of that harbor.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendments passed over will be stated.

The next amendment was, on page 88, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 88, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving harbor at Savannah, Ga.: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving Cumberland Sound, Georgia and Florida: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving harbor at Portland, Me.: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving harbor at Rockland, Me.: For continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, on page 89, line 10, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving harbor at Boston, Mass.: For continuing improvement, $300,000.

Mr. ALLISON. On this item the Committee on Appropriations reconsidered their judgment and recommend that the amendment be disagreed to.

Mr. CULLOM. That was reconsidered.

Mr. HOAR. It is to be disagreed to.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The next amendment was, on page 89, line 13, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" so as to make the clause read:

> Improving harbor at Buffalo, N. Y.: For continuing improvement, $412,500.

The amendment was agreed to.

The next amendment was, on page 89, line 20, before the word "dollars," to strike out "four hundred and fifty thousand six hundred and sixty-eight" and insert "three hundred and thirty-eight thousand;" so as to make the clause read:

> Harbor of refuge, Delaware Bay, Delaware: For continuing construction, $338,000.

The amendment was agreed to.

The next amendment was, on page 89, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, $300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, $300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 4, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

> Improving harbor at Cleveland, Ohio: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 11, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

> Improving harbor at Duluth, Minn., and Superior, Wis.: For continuing improvement, $375,000.

Mr. VILAS. I should like to ask the chairman of the committee if there is any danger that the Engineering Department could not let the contract if the amount appropriated during the ensuing year should be less than the amount that would be necessary for the contract to be let at? Colonel Mackenzie states that, if they get their lowest expected bid on this contract (and the bid was to be opened in February, I believe), it would require $500,000. I do not wish to interpose an objection to any reduction of expense or to any reduction of the appropriations nor to make any complaint when all are treated alike. But it would be a misfortune if this appropriation were made so small as to deny the making of the contract.

Mr. ALLISON. I do not think there is the slightest difficulty in that regard. The contracts will, of course, be made for the whole improvement in these cases, and I understand that will be the case here.

Mr. FRYE. The contractor agrees to receive his pay as appropriations may be made from time to time by Congress.

Mr. ALLISON. I do not think there is the slightest difficulty about that. Indeed, I had a consultation with the [illegible] about the reductions proposed by the Senate committee, [illegible] do not think there will be any great interference to any of these works on account of the reductions.

Mr. VILAS. Colonel Mackenzie states that—

> The contract requires the contractor to dredge not less than 5,000,000 yards a calendar year. The estimates for that dredging were 15 cents, and Major Sears hopes to receive a bid as low as 10 cents.

Mr. NELSON. I can give some light upon that subject, as I have just seen the bids. One of the bidders was here the other day; and while the estimate was for 15 cents a yard, he says the bids of three bidders were identically the same for three classes of work, namely, at 7½, 8, and 10 cents a yard, which is lower than any bids heretofore made.

Mr. BLANCHARD. On the question just raised by the Senator from Wisconsin [Mr. VILAS], I wish to say I hold in my hand the river and harbor appropriation act of 1896, and find the language in regard to this project to be this:

> And contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto.

This relates to the harbors of Duluth and Superior City; and under that authorization the Secretary of War can make, and will make, if he has not already done so, contracts to complete the project.

When these contracts are entered into, payments under them can only be made as the money is appropriated by law. In other words, under the contracts made pursuant to this authorization of law, instead of the contractor receiving $500,000, as was provided for in the House bill, he will only be paid $375,000 in the next fiscal year if the amendment recommended by the Senate committee to the House bill is adopted. But the amendment does not interfere in any way with the making of contracts for the completion of the project, leaving to future Congresses to provide the funds to meet in full the contract obligations of the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, $300,000.

The amendment was agreed to.

Mr. SQUIRE. I have an amendment to offer at that point.

Mr. FAULKNER. Unless the Senator's amendment is an amendment to an amendment of the committee I hope he will reserve it until the committee amendments are disposed of, according to the unanimous-consent agreement.

Mr. SQUIRE. Very well.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 16, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Locks and dams in Allegheny River, Pennsylvania: For continuing improvement by construction of locks and dams at Herr Island, above the head of Six-Mile Island, and at Springdale, $300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 22, before the word "hundred," to strike out "three" and insert "four;" so as to read:

Improving upper Monongahela River, West Virginia: For continuing improvement by the construction of six locks and dams, $300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 93, line 21, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Yazoo River, Mississippi: For continuing improvement of mouth of Yazoo River and harbor of Vicksburg, $300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 93, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Bayou Plaquemine, Louisiana: For continuing improvement, $300,000.

Mr. CAFFERY. I was not here when the reasons were given by the chairman of the committee in charge of the bill for the reductions in appropriations which the committee have reported. I ask the Senator from Iowa, in a few words, to explain to me the reason for this 25 per cent reduction.

Mr. ALLISON. The same reason applies to this improvement that is applied to all the other improvements. It is left to the discretion of Congress to make such appropriation as it sees fit to make under existing conditions. There has been no estimate for any of these improvements in the regular estimates of the Department. They are made simply upon the statements of the engineers that certain amounts of money may be usefully and properly expended on these works.

Mr. CAFFERY. I do not know how it may be as to others, but this improvement is the most important and necessary in my State, excepting only the improvement of the jetties at the mouth of the Mississippi River. This improvement is different from most improvements. In the portion of the State where I live about 50 per cent of the freight charges that are now imposed upon the people living there are, by reason of the monopoly of traffic, in the hands of the railroads; and if any exceptions are to be made to the rule adopted by the committee, this is one that ought to be included in the exception.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 94, line 2, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: For continuing improvement by construction of locks Nos. 5, 6, and 7, $300,000.

Mr. BATE. Mr. President, I feel that I am compelled, in the name of my constituents, to object to the adoption of that amendment, and because I believe it right that I should do so. I know, however, that those I in part represent are not a very selfish, but a generous people, and they are not disposed to ask anything that others similarly situated do not get, but I think this work on the Cumberland River above Nashville is a little differently situated and surrounded by different conditions from most, if not all, of the others in the bill. I do not understand from the statement made by the chairman of the Committee on Appropriations that all of these river and harbor appropriations were reduced 25 per cent of the amounts appropriated by the House, but that those of them which will complete the work are permitted to remain as the House fixed them, and all of those that are known as continuing contracts are cut 25 per cent.

The situation, however, in relation to the improvement of the Cumberland River above Nashville is a little peculiar. The appropriation by the House for this work was $400,000, for continuing this work and as part payment of it. This amount can be profitably used as indicated.

Locks Nos. 1, 2, 3, and 4 on Cumberland River have been constructed. The river and harbor bill of last session contained authority for the construction by contract of Locks 5, 6, and 7 (Lock 5 had already been commenced). The amount appropriated was $600,000. The advertisement for bids for completing Lock 5 and for construction of Locks 6 and 7 have been made or are now ready to be made. The House bill contained $400,000 as part payment for this work. Importance attaches to keeping this $400,000 in the bill, for the reason that the Department holds that it is inexpedient to put the dams in the locks until the entire number, including Lock 7, is completed. Therefore, none of the locks already built can be utilized until the work on Locks 5, 6, and 7 is done. When these are completed, it will bring the work to the point where the railroad from the coal fields strikes Cumberland River, at or near Carthage, Tenn. The work is therefore important as opening a new and great coal region to the Cumberland, Ohio, and Mississippi valleys.

The Secretary of War, on being advised of the condition some few weeks since, and that damage was likely to occur at a point where the work has already been completed for the want of some other work, recommended that these other contracts should be entered into and that the other work be consummated. There were substantial reasons for this. One was that the seventh lock, as I have said, strikes a point where the finest coal in that region of country is transferred by rail to the Cumberland River, and thence finds its way out to the great valleys of the South and West. This is an inducement for the early completion of this work. The work already done is utterly useless, and will be until Locks 5, 6, and 7 are completed. In consideration of these facts, the money having been appropriated, the Secretary ordered the work to proceed. Lock 5 is now under contract—at least the advertisement has been made for bids to do the work upon it, and bids have doubtless been filed for the work. These facts should take this improvement out of the line and out of the rut in which the committee seems to be running, and let it be regarded, as I think it is, an exception to their rule in regard to these appropriations, and I appeal to the Senator who, as chairman, has charge of this bill that it be made an exception to the extent I ask.

The Secretary of War has said that $400,000 would be necessary for that work, which is under advertisement, and yet the committee reports to cut down the amount to $300,000, when it will take $400,000 to complete it. I think the appropriation should be permitted to stand as it came to us in the bill from the House of Representatives.

I do not want anything that is wrong. I heard what the Senator from Iowa, the chairman of the committee, said in regard to these reductions, and I am willing to stand with others and suffer as they do; but if there is to be an exception made, this is a case in which it should be done. Hence I ask the chairman of the committee to allow us to have the $400,000 appropriated by the House, instead of the $300,000 proposed by his committee. That is all I wish. I do not desire to make any fuss about it, but I felt it my duty to state these facts. This improvement is out of the ordinary channel, and, as I have said, I think, therefore, it ought to be made an exception, and the amendment of the committee be disagreed to.

Mr. ALLISON. Only a word. The contract has not yet been let for this work and no one knows exactly what it will cost. There are a number of locks and dams to be built. Of course if we appropriate $300,000 it will not go so far as $400,000. This Lock No. 5 is already in the course of construction, is it not?

Mr. BATE. I do not know; I can not say about that, but it has certainly been advertised, and some of the bids are in.

Mr. ALLISON. My information is that it has not yet been advertised, but I may be mistaken about that.

Mr. BATE. Lock 5, to be completed, was advertised some weeks ago. I can not say they are at work on the lock, however.

Mr. ALLISON. Of course that is immaterial.

Mr. BATE. Certainly.

Mr. ALLISON. Lock No. 5 is under construction and will probably be finished during the coming summer. Then there are several other locks to be built. Each one of those locks and dams costs about $250,000. I think it may be safely said that the appropriation for which we provide here will complete the lock already under construction and go far toward the work upon two others. It will be very easy to make a contract for one or two or three or four of those locks. So I do not think the Senator from Tennessee makes out a case for an exception.

Mr. BATE. I regret that exceedingly; but I do not wish the Senator to understand me as saying that the work is now being performed, but I do say that advertisements have been made for Lock No. 5. As to the others, I do not know. The Secretary of War recognized the necessity, as I have stated, for the work; he has advertised for bids; specifications have been made and submitted to the Department, and under them the advertisements have been made. It does seem to me, therefore, that that takes this out of the ordinary situation, and that it should be made an exception, as I have appealed to the Senator to do.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been reserved was, in line 6, on page 94, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Improving Falls of Ohio River at Louisville, Ky.: For continuing improvement, including Indiana Chute Falls, $300,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 4, before the word "dollars," to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Illinois and Mississippi Canal: For continuing construction, $750,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 7, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, $300,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 13, after the word "cents," to strike out:

And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

So as to make the clause read:

Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $673,333.33.

Mr. BERRY. Mr. President, this amendment is connected with another amendment following on page 96. The provision in the bill as it came from the House was that $100,000 should be taken from the Upper Mississippi River—that is, between Cairo and St. Louis—and applied to the river 8 miles above Cairo, where a break has taken place near Cache River. The committee have stricken out that provision, which provides that it shall be taken from the upper river and provided in the bill that it shall be taken from the appropriations for the river from Cairo down to the Passes at the mouth of the river.

In regard to the amendment striking out the provision that the money shall be taken from the upper river, if the committee see proper to strike that part of the bill out I have no objection, and leave it to be paid out of the general fund in the Treasury. But I do object to taking money from the lower river and using it for an improvement for the upper river. Different appropriations are made, one for the upper river from Cairo to St. Louis, or the mouth of the Missouri River, and the other from Cairo to the mouth of the Mississippi. This proposition is for an improvement in the upper river 8 miles above Cairo. The other House said the money should be taken from the appropriations above Cairo. The Senate committee have stricken out that it shall be taken from the upper river, and that the $100,000 shall be taken from the lower river.

When this proposition came before the Senate Committee on Commerce, it was referred to a subcommittee of three. That committee first agreed to report in favor of the proposed amendment, and so reported to the Senate. Afterwards action was had on the subject in the Commerce Committee, and they reversed the action by which it was provided that the money should be taken from the lower river, and recommended that $100,000 be appropriated for that purpose, without taking it from the appropriations either above or below, the same as has been done in regard to Pass a Loutre, near the mouth of the Mississippi River. I do not think that it is fair that this money for the improvement in the upper river should be taken from the appropriation for the lower river.

In regard to striking out the provision that the money shall be taken from the appropriation for the upper river, to that I do not object; but I do object to the amendment which takes it from the lower river, because that is not fair. It is a different appropriation, different in the river and harbor act, and has always been so considered; and it is under the control of the Mississippi River Commission.

It is true that Colonel Mackenzie, of the War Department, has made a recommendation of that kind; but I want to say to the Senator from Iowa that this river is not under the control of Colonel Mackenzie. It is, as I have stated, under the control of the Mississippi River Commission, and Colonel Mackenzie can not make estimates with regard to it; he can not know whether the appropriations can be taken from that work without injury to the lower river.

I repeat, that I have no objection to striking out the provision taking it from the upper river, but I do insist, if that is done, that it shall be made an appropriation directly from the Treasury, the same as was done by the bill for the passes at Pass a Loutre. I do object to it being taken from the appropriation which belongs to the river below.

Mr. FRYE. As the Senator from Arkansas says, we have investigated this in the Committee on Commerce, and I wish to say that I am satisfied that it is not necessary now to take the appropriation from either river, and that this amendment which the committee has inserted may just as well be disagreed to. The engineer officers who were before us told us that they did not think there was any immediate necessity. In my judgment, this amendment can wait for the next river and harbor bill just as well as to have this very intense quarrel which will be aroused over taking it from either the lower river or the upper river.

Mr. CULLOM. Mr. President, the Senator from Maine seems to be very certain about the condition at the south end of my State, a great deal more so than I am. The truth about it is that whatever the engineers say in regard to the matter, there is imminent danger of great disaster to that locality, including the Government property; and while I am not so strenuous as to insist upon it, if it is bitterly opposed by either the north or the south end that it shall come out of either appropriation, I do insist that the emergency existing there now demands an immediate appropriation.

I am sorry to say I have not with me here now hundreds of dispatches from persons living in the neighborhood, showing the condition of things there at this moment or within the last few days, insisting that an appropriation should be made, because there is imminent danger of great destruction of property, and most likely the destruction of the city itself.

Mr. CAFFERY. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. CAFFERY. Has not the engineer in charge reported that there is no immediate danger?

Mr. CULLOM. I have heard it stated that he did not think there was any such danger, and I understand that Major Handbury, who is not upon the ground, says he did not think there is any immediate danger. There is no evidence here that he has been there in a month, and within twenty-four hours the earth has caved in there and gone into the river for a space of almost 50 yards in width. The shore is caving in.

A disaster may possibly not occur, but there is imminent danger of the earth continuing to cave in, which, it seems to me, makes an emergency that an appropriation should be made, so that the Government can protect the property not only of the people of the city, but the national cemetery there, which is very near Cache River.

I shall have a map here in a moment showing exactly the situation. The statement is that the Mississippi River, which makes a short bend there, is going across into what is called Cache River, 6 or 7 miles above Cairo, and not very far from the national cemetery. The moment that water gets into Cache River the result will be that the cemetery will be washed away and property in the city of Cairo will be endangered.

It seems to me that wherever this appropriation may come from, we can not afford to sit here and hear the appeals of the people from that locality coming to us that there is imminent danger, and refuse to do what they are asking.

If this money is not necessary to be spent, we do not wish to spend it, but we do want an appropriation made which will enable the Government to prevent that danger in case it becomes more and more imminent.

I have now the map and can show to the Senate from it exactly how the situation is. Here is Cairo down here [indicating], here comes the Mississippi River down here and going up this way [indicating], the red lines indicating the rapid progress that is being made there in the cutting in, near Beach Ridge, as it is called, and only a little distance from where the water will have to go before it will reach Cache River. Should it do so, the result will be that it will tear up two or three or four railroads, change the whole current of the river there, and work great disaster to those people and to the Government property itself.

So far as I am concerned, if the Senate prefer that an appropriation of $100,000 be made outright, subject to be used by the Secretary of War when the danger is imminent, I am perfectly content to leave the appropriation for the north and south river as well; but it occurs to me that after all that has been done, and that is being done for the Lower Mississippi River—millions and millions of dollars of appropriations being made almost every year to protect that river—nobody knows what has been done. So far as I am concerned, I do not know; and I have never supposed anybody did——

Mr. BERRY. Will the Senator permit me to say one word?

Mr. CULLOM. Yes.

Mr. BERRY. When the Senator gets into the question of what has been done for this locality or that locality, I think we can show that a great deal of money has been appropriated for divers and various projects, including the Upper Mississippi River and the Hennepin Canal. But I do not care to go into that, because any Senator upon this floor can make a showing that in the expenditure of money his State has not had an even divide.

The chairman of the committee thinks this appropriation is not at all necessary. I do not say that. If it is believed to be necessary, if there is danger of destruction to Cairo, I would not object to $100,000 being appropriated for it either from the upper river or from the Treasury generally, but I do object that it is unfair to take it from the lower river, which is a separate and distinct appropriation from that of the upper river. I am not fighting the Senator's appropriation.

Mr. CULLOM. I understand.

Mr. BERRY. And, therefore, I think, while a great deal has been done for the Lower Mississippi, there has been a great deal done for other waters throughout all the States of this Union; and I do not think comparisons can be made which will show that we have had advantages over others.

Mr. CULLOM. I want to say that I voted with great pleasure for those appropriations. I believe in the improvement of rivers and harbors. They are regulators and cheapeners of the commerce of this country. I propose to vote for their improvement, but I really think that while such rivers as the Lower Mississippi have had two and a half million dollars, and a little more in the bill now—I have forgotten how much it got last year, but probably about the same amount or more——

Mr. BLANCHARD. I will state to the Senator it was $625,000.

Mr. CULLOM. I had forgotten what it was; but under the circumstances it seems to me, and it seemed to the Committee on Appropriations, that the little sum of $100,000 to protect the river there and put and keep it in its channel was not a bad thing to do, and that it could be spared from the appropriation for this year. We shall make a river and harbor bill next year, and we supposed it was not unfair to take the money from the lower river. That is all I meant to say. I am a friend to the Mississippi River, whether it be at the north or the south end, and I expect to continue to be.

Mr. BERRY. So am I.

Mr. CULLOM. The Senator from Arkansas knows, because he has corresponded with gentlemen who have an interest in that region, that there is very much alarm there for fear they are going to be washed away.

Mr. BERRY. That is all true.

Mr. CULLOM. What I contend is that when that sort of an emergency exists there, it calls upon Congress to make an appropriation in some way, either taking it from the Mississippi River appropriation which we are making here, or making a new appropriation, so that the emergency, if it shall arise, may be met, and so that the people there may be protected as well as the Government property.

Mr. PALMER. Mr. President, it is a matter of profound interest to the people of that particular locality that the Mississippi River shall be prevented from encroaching in the direction of the valley of the Cache.

I think there is an eminent propriety in taking this appropriation from the lower river, because, if the Mississippi River should find its channel north of Cairo, it would disturb not only that particular locality, but it would greatly affect the condition of the river below Cairo.

I had a conversation with some gentlemen of very great experience, river men, who have known the Cache River almost ever since it was a river, and they tell me that there is imminent danger—from the peculiar materials of which Cairo Point is composed, and from the known fact that Cache River was once the channel of the Mississippi River—that the river will force its way into the Ohio above Cairo, and that if that should happen it would have the most serious consequence to the lower river, and would disturb, alter—indeed, affect—its navigability. Nobody can tell what the consequences would be.

Mr. CAFFERY. Will the Senator from Illinois allow me?

Mr. PALMER. With pleasure.

Mr. CAFFERY. I desire to ask the Senator whether the condition of the land where this crevasse is imminent, where the water is liable to break over into Cache River, is about the same that it has been for some time heretofore.

Mr. CULLOM. If my colleague will permit me to answer, I will say that within a week it has caved in quite a distance.

Mr. CAFFERY. Then the danger of that break is no sudden thing.

Mr. CULLOM. It has become more imminent. If my colleague and the Senator from Louisiana will allow me——

Mr. CAFFERY. I desire to ask one other question.

Mr. FRYE. This can be settled in two minutes on this suggestion.

Mr. CULLOM. I have no desire to discuss the matter or to protract the debate, or to interfere with the interest of other localities, if we can get along without it, and I propose this, if it can be accepted without further debate, to come in in place of what is in the bill:

> For the purpose of preventing the Mississippi River from breaking through into the Cache River at or near a point known as Beach Ridge, a few miles north of Cairo, whereby the national cemetery at Mound City, at the mouth of the Cache River, and the marine hospital at Cairo, would be in imminent danger of destruction, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BLANCHARD. Will the Senator from Illinois permit me to ask him whether, if that is to be adopted, this amendment which we are now considering would be adopted——

Mr. CULLOM. That will go out.

Mr. BLANCHARD. And the next one following would be disagreed to?

Mr. CULLOM. No; we would disagree to both of these in the bill.

Mr. BLANCHARD. Disagree to both?

Mr. CULLOM. This will take the place of the one in the bill and the one stricken out.

Mr. BLANCHARD. I will ask the Senator, then, if he proposes that as a substitute for the lines stricken out here?

Mr. CULLOM. Yes; and the other lines which are in, whichever the Senate prefers.

Mr. BLANCHARD. In other words, that would be a new proposition to be incorporated in the bill at this point.

Mr. CULLOM. It is immaterial to me at what point it is put in, so that it is put in the bill.

Mr. GORMAN. Mr. President——

Mr. BLANCHARD. The Senator from Maryland will pardon me for one moment. It is a substitute, if the Senator will allow me, for the lines stricken out on page 95——

Mr. CULLOM. Certainly.

Mr. BLANCHARD. And for the lines retained, beginning in line 16, on page 96, down to the word "Cairo," in line 24.

Mr. CULLOM. Certainly. It is a substitute for what is stricken out, and also for what it is proposed to put in.

Mr. BLANCHARD. That would leave it in this shape, that $100,000 would not be taken from the appropriation for the Mississippi River above the Ohio nor from the appropriation for the Mississippi River below the Ohio. That would settle the controversy.

Mr. CULLOM. It would be in another place, and it is suggested in order to get along with this bill, and to secure an appropriation that can be used in case it shall be necessary, in the judgment of the Secretary of War.

Mr. BLANCHARD. I will state that if this amendment be adopted it will obviate all controversy.

Mr. PALMER. I must assert my rights. I am entitled to the floor.

The VICE-PRESIDENT. The Chair will state that the Senator from Illinois [Mr. PALMER] has been recognized and is entitled to the floor.

Mr. CULLOM. I interrupted my colleague because I wanted to call his attention to the amendment I proposed more than for any other purpose; and I beg his pardon.

Mr. PALMER. The original clause in the bill as it came from the House would be entirely sufficient to accomplish the object that I have in view:

> Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $673,333.33; and of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

Now, I have no particular preference as to what sum it shall be taken from, but the necessity for it is perfectly apparent.

Mr. CULLOM. I will offer the amendment to take the place of the amendment that was stricken out, as well as of the one put in, which is upon the next page.

I will state that the amendment stricken out by the committee was concurred in last night, I think, so that I will offer this as a substitute for the provision on page 96, beginning after the word "dollars" in line 16 and continuing down to line 24 on that page.

The VICE-PRESIDENT. The Chair will state to the Senator from Illinois that the amendment referred to was passed over, and not concurred in, as the Senator seems to suppose.

Mr. CULLOM. My recollection was that the amendment to strike out was agreed to.

Mr. BLANCHARD. Will the Senator from Illinois permit me for a moment? If he will offer his substitute for the lines on page 96, to which he has just now referred, and have it adopted in lieu of that——

Mr. CULLOM. Certainly; and the other can be stricken out.

Mr. BLANCHARD. And then adopt the committee's amendment on page 95, it would cover the whole transaction.

Mr. CULLOM. It is very simple.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

> For the purpose of preventing the Mississippi River from breaking through into the Cache River at or near a point known as Beach Ridge, a few miles north of Cairo, whereby the national cemetery at Mound City, at the mouth of the Cache River, and the marine hospital at Cairo would be in imminent danger of destruction, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BERRY. That is in lieu of the amendment?

Mr. CULLOM. It is in lieu of the amendment in the bill?

Mr. GORMAN. Mr. President, I dislike very much to interfere with the distinguished Senator from Illinois. I believe it is possible that this is a case of emergency.

Mr. CULLOM. I have no doubt of it.

Mr. GORMAN. I say that from the statements made by the distinguished Senator from Illinois [Mr. CULLOM] on the floor and in the committee. But I wish to call attention to the fact that the appropriations contained in the pending bill, so far as I know and believe, are only those made in conformity with the law already existing, and that in no case have we attempted to make of this great appropriation bill a river and harbor bill.

Now, this amendment which is offered, appropriating the small sum of $100,000, makes the pending bill practically a river and harbor bill.

Mr. BERRY. Will the Senator permit me to say one word there?

Mr. GORMAN. Certainly.

Mr. BERRY. If this were an original amendment proposed by the committee, the Senator from Maryland would be right, but it is in lieu of a provision in the bill as it came from the House of Representatives, providing that this work should be done, the appropriation to be taken from the appropriation already made for the upper river.

Now, it occurs to me that if the money can not be spared from the appropriation for the upper river, and that part of the amendment is stricken out, and we make an appropriation for the work, it is not a river and harbor bill, and is an exception to the rule which the Senator has laid down.

Mr. GORMAN. The Senator from Arkansas argues the case like the intelligent lawyer that he is, but, after all, the bottom fact is that this is a new provision which has never been considered by either House of Congress, and is precisely on a footing with every provision of a river and harbor bill making an appropriation for a new work.

As the provision came from the other House, it was to divert and to apply $100,000 from the amount already appropriated for the improvement of this river. It provided for taking it from the river above the mouth, not increasing the appropriation, not increasing the project on hand, but simply directing that it should be applied to a particular locality.

Mr. President, it seems to me that our friends on the Mississippi River, both above and below, ought to recognize the fact that we have kept in the bill the entire appropriation for that river as it came from the House, one-fifth of all the amount required by the law for the improvement of that river. We have made an exception of that great body of water. We have stricken down one-fourth of all the appropriations made for all rivers and harbors except this one. In this case we have made an exception for the Mississippi River, both above and below its mouth.

Mr. BLANCHARD. Will the Senator from Maryland yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. BLANCHARD. I desire to call the attention of the Senator to the law under which the appropriation is made for the Lower Mississippi River, and that law shows that the statement of the Senator is erroneous. The law requires the $2,583,000 to be appropriated. It is the law of June 3, 1896.

Mr. GORMAN. Will the Senator read the provision?

Mr. BLANCHARD. I will:

> Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $[illegible],000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building and repairing of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, such improvement, surveys, building and repairs of levees to be made and carried on in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $8,375,000, exclusive of the amount herein appropriated—

Mr. GORMAN. That is all that applies to this appropriation.

Mr. BLANCHARD. One minute. I have not completed my statement.

Mr. GORMAN. I gave way to the Senator for a question, or for a suggestion in regard to the law, but I prefer to go on now and he can take the floor afterwards.

Mr. BLANCHARD. Very well.

Mr. GORMAN. The provision which the Senator from Louisiana has read this moment was that not more than $5,000,000——

Mr. BLANCHARD. Eight million three hundred and seventy-five thousand dollars.

Mr. GORMAN. As appropriations from time to time may be made by law, not exceeding in the aggregate $5,025,000, exclusive of the amount therein appropriated. That provision was that it should not exceed that amount in one year; so there was a provision in the law that in making continuous contracts for all the great harbors of the country, but 25 per cent of the limit should be appropriated. It was not to exceed that. As it came from the House of Representatives, the bill provided for the full appropriation of 25 per cent on all the harbors, and gave one-fifth, as required by the act, to the Mississippi River.

Now the Senate committee and the Senate by its action to-day have reduced every other appropriation, leaving to the Mississippi River, both above and below, the full amount estimated by the Department; and hence I say the committee of the Senate has treated the Mississippi River as it ought to be treated, in my judgment, as an exceptional case.

The friends of the Mississippi River, both above and below, now come to the Senate and ask them to make an entire new provision, one that was never considered in the river and harbor bill, and to put it on the pending bill which is intended and which must be kept simply as a bill carrying the appropriations required by law to be made, and is not a river and harbor bill.

Mr. BLANCHARD. I ask the Senator from Maryland to yield to me that I may complete the statement which I began and which he prevented me from concluding.

Mr. GORMAN. Very well.

Mr. BLANCHARD. If the Senator had allowed me to read on a little further he would have seen that the Appropriations Committee of the House placed in the bill for the Lower Mississippi River exactly the amount which the law says must be placed in the act annually. I read further:

> *Provided further*, That for the fiscal year ending June 30, 1897, said contracts, and materials purchased, and work done otherwise than by contract shall not exceed the sum of $625,000—

That was for the first year—

> and thereafter shall not exceed the sum of $2,583,333 annually for the three years beginning July 1, 1897.

The appropriation of $2,583,333, which Senators find in the bill, is exactly the amount which the law states must be placed in there annually for the three years beginning July 1, 1897.

Mr. GORMAN. The Senator from Louisiana will scarcely make that argument. The law provides that not exceeding the amount shall be appropriated. It is the maximum that is provided for by the law and not the minimum, and so with the limit for all the harbors in the country. The appropriations for the contracts shall not be made to cover more than one-fourth of the amount.

Now, on account of the condition of the Treasury, the Committee on Appropriations have reduced all the other appropriations for harbors and rivers in the United States one-fourth. They have taken 25 per cent off of it, and we have made an exception in the case of the Mississippi River, giving it the full benefit of the maximum provided for in the act which the Senator has just read; and here comes a proposition, the only one on this bill, as offered now by the distinguished Senator from Illinois [Mr. CULLOM], that we will make a special provision, a new law, provide for entering into a new contract, and authorize the expenditure of $100,000, which is not provided for by law, making this a river and harbor bill.

Mr. President, I appeal to Senators on this floor who are in favor of river and harbor improvements, as I am, to the Senators on the Mississippi River, who have been dealt with liberally and who ought to be dealt with liberally, who have been made special favorites by the committee and by the Senate in considering this bill, not to put in generally these appropriations which mean so much for commerce and the prosperity of our country. This bill as it stands to-day is the most extravagant that has ever been considered by either House of Congress. It contains as amended appropriations of over $51,000,000, $17,000,000 of which, as the bill came here, was for river and harbor improvements. More money is carried by this bill than the condition of the Treasury will warrant, and I submit that, in view of the history and action of those who are to cooperate with us in making these laws, we ought to be careful and not to overstep the bounds of proper legislation.

This provision has no place here. In the Committee on Appropriations—I think I have a perfect right to speak of it—in the anxiety of members of this body to make provisions for improvements, $4,000,000 was attempted to be placed upon the bill for new enterprises. There are Senators on this floor, and I am one of them, who would feel that we were bound to look after the interests of our sections of the country, and to ask that new items should be placed upon the bill if it is to be opened and to be made a river and harbor bill.

In this particular matter, there is some question as to the propriety of it, made by the engineer. I know nothing of it personally. I have been prepared to take the statement of the distinguished Senator from Illinois as to the necessity of it, although the engineer in his letter states that there is none whatever, provided you take it from that great appropriation made for the Mississippi River. What is $100,000 out of two million and odd hundred thousand for the Lower Mississippi River, or the $600,000 for the upper river? It does seem to me that our friends who are anxious for the improvements ought to agree that one-half of it shall be taken from the appropriations for the Mississippi River above and one-half from the appropriations for the river below, and not violate the law, not make a precedent which will break us down, if not in this bill, I fear in the bills to come, which will make appropriations hereafter on this bill so great that the bills can never become laws.

Now, I do not desire to impede the progress of the bill or to prevent the improvement, and the amount is so small that I would not have consumed so much of the time of the Senate but for the fact that my friend the Senator from Illinois [M. CULLOM], who I know is anxious in regard to this matter, and who happens to be a member of the Committee on Appropriations, as I am, has had to stand and say to other Senators "It is impossible for us under the law and with any proper conception of our duty in the Appropriations Committee to open this bill for new enterprises." I trust he will modify the amendment which proposes to strike out the provision as it came from the other House, and let the $100,000 to be taken one half from the appropriations for the river above and one half from those for the river below. That, it seems to me, is a fair compromise. It is a mere bagatelle, so far as these improvements are concerned. It saves a world of trouble, and it will probably save the appropriations that ought to be made in the future.

Mr. CULLOM. I am greatly embarrassed to have to continue this discussion for another moment, because I have been very anxious to get along with the bill, and I made the suggestion and offered the amendment on the supposition that there would be no opposition to that mode of disposing of the question.

Mr. President, if it were an ordinary appropriation for an improvement, I would be the last man, I think, who would insist upon a dollar where it is not estimated or recommended by the department having it in charge, but here is a condition that confronts those people and the Government in such a way that I would be recreant to my duty if I did not insist that an appropriation from some source should be made to protect the river. It is not an ordinary appropriation, and it is not outside of the bill, as I think, either. It is the regular improvement of the Mississippi River. It is true, as the Senator from Maryland says, that it becomes to an extent a river and harbor measure. But this is an emergency which makes it my duty to insist upon it, because I know exactly what the condition of affairs there is.

I want to make one suggestion to show that the emergency is liable to become so imminent that in any twenty-four hours the water will break through from this point on the Mississippi River into the Cache River. There is a little point called Beach Ridge, into which the water has been cutting and cutting for some time, until the point is nearly taken away. When that point shall be taken away, there will be nothing but marsh almost on the other side next to the Cache River, and it will go through without any sort of obstruction; there will be no such thing as stopping it. The amendment should be adopted as I have proposed it, unless it can be arranged to take the money from the appropriations for both ends of the river. I will be perfectly contented if Senators will agree to that, and I wish they would, because it is an embarrassment to me to insist upon it outside of that clause. It is a little irregular, but here is an emergency which, it seems to me, requires the Government to do something, whether it is regular or irregular, in the particular form which the amendment may be placed.

I wish to say that if the Senators especially representing the north end of the river and the south end of the river will agree that the amount shall be divided equally, I shall be entirely content. I shall be very glad if they will do so, and I shall have the amendment prepared so as to fit that condition. I pause for a moment to see whether that can not be done.

Mr. VEST. I could not agree to take this appropriation from the appropriations for the upper and the lower river, or to take any part of it from the appropriation for the upper river. Here is a letter which I have received from the Chief of Engineers, giving information from the engineer in charge of the river. I will ask that it may be read. When I first noticed this provision in the public press, I addressed a communication to the Corps of Engineers asking what were the facts in regard to it, whether that amount of money, $100,000, could be taken from the upper river, and here is the reply.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 17, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of February 16, 1897, relating to the diversion of $100,000 from the appropriation for improving the Mississippi River between the Ohio and Missouri rivers to the protection of the bank of the Mississippi River above Cairo, Ill.

Maj. Thomas H. Handbury, Corps of Engineers, the officer in local charge of this section of the Mississippi River, is of the opinion that there is no immediate danger of the river cutting through into the Cache River and thence into the Ohio, and he does not consider the proposed work at the present time so great a necessity as to justify the diversion of funds from other work more important to the interests of navigation. He is also of the opinion that this bank protection, if undertaken, will cost far more than $100,000.

In my opinion the proposed diversion of $100,000 from the appropriation for improvement of the Mississippi River between the mouths of the Ohio and Missouri will materially affect the interests of that important work.

If it be the will of Congress that the bank above Cairo be immediately protected, it is respectfully suggested that the work be otherwise provided for than by diverting money from the improvement of the Mississippi between the Ohio and Missouri. The caving bank in question is a few miles above Cairo, but the effect of a cut-off would be felt below the mouth of the Ohio, and it is a question whether any work looking to the prevention of such cut-off is not a more proper charge against the item of $2,583,333 in the sundry civil bill for continuing improvement of the Mississippi River from Head of the Passes to the mouth of the Ohio River.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brigadier General, Chief of Engineers, United States Army.

Hon. G. G. VEST,
United States Senate.

Mr. BLANCHARD. Mr. President, the Senator from Maryland has attempted to make it appear that there is no difference between contracts made for the improvement of harbors and those authorized for improvements on the Mississippi and Missouri rivers. In point of fact, there is a great difference between them, one that has always been recognized by the River and Harbor Committee of the House and by the Commerce Committee of the Senate.

By way of illustration, take any one of the harbors of the United States that is now being improved under the continuous work, or contract, system. For instance, the harbor of Galveston. There we knew exactly how much money it would take to improve the harbor to the depth of water which the project called for. The commission of engineers appointed to consider this harbor and submit a project for its improvement stated in their report that the work completed would cost $7,000,000. Congress thereupon, a few years ago, authorized the Secretary of War to make a contract for the completion of the project of improvement recommended for Galveston Harbor, not to exceed in the aggregate $7,000,000. The river and harbor act which embodied this authorization appropriated the first installment to meet the early payments under the contract to be made for this work, and the remaining payments were to be made as Congress should from time to time make appropriations therefor, which appropriations, it was contemplated, should be made on that one of the general appropriation bills known as the sundry civil appropriation bill.

Under the authorization for the making of the Galveston contract, a contract was let to certain bidders. They took it at a sum within the aggregate amount fixed by Congress. The first payments under that contract were made out of the first installment which the river and harbor act that authorized the contract appropriated. Then subsequent payments were made from time to time as the money was appropriated by law, in the sundry civil appropriation acts.

But when it came to the Mississippi River and the Missouri River it was impossible for the engineers to state how much money was required to complete the rectification and the improvement of those rivers. They could not submit a project and estimates for the completion of the works of improvement of those rivers. Therefore it became necessary to state some amount of money to the extent of which contracts on those rivers should be authorized, and a limit of time in which the money was to be expended. No contract to complete the improvement of the Mississippi River could be authorized, because no one could tell, as could be done at Galveston Harbor, how much it would take to improve the river. But Congress thought continuous work on the river should be authorized, and the contract system should be applied. So, not being able to state how much money would be needed to complete the works on the Mississippi River, and thus not deeming it advisable to authorize contracts to complete, the river and harbor act of 1892 authorized the sum of $10,000,000, and the river and harbor act of 1896 authorized $9,000,000, which money was to be expended within four years. All the $10,000,000 authorized by the first-named act was appropriated and expended in the four years following, and we are now on the $9,000,000 authorization of the second-named act. If this money is not appropriated in the four years named in the act, the appropriation lapses and the money is lost to the river. Not so with the harbors, like at Galveston, or Yaquina Bay, or Humboldt Bay, and others, for if Congress fails to appropriate in the sundry civil act of this year for those harbors, the money is not lost to them. There is no limit of time as to the completion of those harbor works. If the money as to them be not appropriated one year, it may be the next.

But as regards the Mississippi and Missouri rivers, the law requires the money to be appropriated within four years, and if not appropriated in that time it is lost to the rivers. As to the Mississippi River, the law says explicitly that not exceeding $2,583,333 per annum shall be appropriated. Now, it is clear that if this sum is not appropriated in this bill the deficit can not be made up to the river in the next bill, for not exceeding $2,583,333 can be appropriated by the terms of the law in any one of the fiscal years named in the act of Congress.

Therefore it is necessary for Congress, under the law authorizing the expenditure of the $9,000,000 on the Mississippi River in the four years, to appropriate the maximum sum named in the act to be appropriated each year.

The Senator from Maryland must see that if that amount of money is not appropriated in this bill it is lost to the Mississippi River, and surely he does not desire that.

Mr. CAFFERY. Mr. President——

Mr. BLANCHARD. I yield to my colleague.

Mr. CAFFERY. Do I understand my colleague to say that if a less sum than the maximum is appropriated in any one year the sum total is to be diminished by that amount? In other words, would the improvement lose the $9,000,000 in the annual aggregate of improvements if one annual appropriation was less than one-fourth of it?

Mr. BLANCHARD. I will answer my colleague by stating that the river and harbor act of 1896, which authorizes the expenditure of the $9,000,000 upon the Lower Mississippi in four years, distinctly states that for the first year $625,000 shall be appropriated and expended, and for the next three years not exceeding $2,583,333 is to be appropriated. In this way the $9,000,000 is to be appropriated in the four fiscal years.

Mr. CAFFERY. And must not be less?

Mr. BLANCHARD. The $9,000,000 is to be appropriated and expended in four years, the first year six hundred and odd thousand dollars and the next three years two million five hundred and eighty-odd thousand dollars. I will say to my colleague that the first installment of $625,000 was appropriated by the appropriation act which made this authorization. We are now proceeding to appropriate for the second installment, and should it be less than $2,583,333 the deficit can not be made up without a new act of Congress. In other words, under existing law the deficit is absolutely lost to the river. This construction was placed upon the law by the River and Harbor Committee of the House when the act authorizing the expenditure was passed. I repeat, this money must be appropriated in the four fiscal years named in the act authorizing the expenditure, and it can not be appropriated thereafter except by a new direction of Congress.

Mr. BERRY. If any of it is diverted, it is gone.

Mr. BLANCHARD. And if any of it is diverted, it is gone.

Mr. GORMAN. Will the Senator permit me, for I think he has unintentionally rather misstated my position in this matter?

Mr. BLANCHARD. I should certainly desire to be corrected by the Senator if I have done so.

Mr. GORMAN. What I contended about the appropriation is that under the river and harbor act Congress can, in its discretion, appropriate whatever amount it sees proper, and that we are not bound under that law or under the contract to appropriate the whole amount this year. I agree that the aggregate amount to be expended is fixed by law and will not be changed. I stated that I did not antagonize, either in committee or on the floor, nor do I now, the making of the full appropriation for the Mississippi River, both above and below. I am heartily in favor of it. All I have asked is that the friends of that great improvement will not compel us in this case to make an entirely new appropriation that is not provided for by law; in other words, to save us from making a river and harbor appropriation on the sundry civil bill. That is all I have asked.

Mr. BLANCHARD. The Senator from Maryland does not now, as I understand him, controvert that there is a very decided difference between the contracts authorized by law for the improvement of the harbors of the United States and those for the improvement of the two great rivers named. He does not controvert, as I understand his position, that if the $9,000,000 is not appropriated in the four fiscal years that that portion which is not so appropriated is absolutely lost to the river.

Mr. GORMAN. That is true.

Mr. BLANCHARD. The Senator says that is true. Then, if that be true, Congress in the present sundry civil bill should appropriate, as the committee have authorized to be done, the full amount of the two million five hundred and eighty-odd thousand dollars which the law mentions as the maximum sum to be appropriated for the Lower Mississippi River for each of the three fiscal years beginning with July 1, 1897.

The Senator says that they treated the Mississippi River with greater consideration than the harbors because they did not reduce the appropriation. If they had reduced it, the amount of the reduction would be lost, and that is why it was not reduced.

The Senator from Illinois is exceedingly anxious that $100,000 shall be expended for the purpose of preventing what is supposed to be the danger of a crevasse from the Mississippi River into the Ohio River 8 miles above the mouth of the Ohio River. That matter, it seems, was presented to the House Committee on Rivers and Harbors, and, believing that it was a good case, they authorized the expenditure of $100,000 to prevent the crevasse, and very properly directed it to be taken from the appropriation for the Mississippi River between the mouth of the Ohio and the mouth of the Missouri River. This threatened cut-off is along that reach of the river.

While it is true that the Mississippi River is one great national highway, beginning, so far as its navigation is concerned, at St. Paul and extending to the Gulf of Mexico, nevertheless Congress has not treated the river as a whole as regards its improvement. It has subdivided it into sections for the purpose of its rectification and improvement. It is now, and has been for years, divided into three sections—from St. Paul to the mouth of the Missouri River, from the mouth of the Missouri River to the mouth of the Ohio, and from the mouth of the Ohio to the Gulf of Mexico. For these three stretches of the river distinct appropriations have from time to time been made by Congressional action. So it is in the last river and harbor act. The river is divided into these three sections, and a certain amount of money is authorized to be appropriated annually for each of the three sections. Between the mouth of the Missouri and the mouth of the Ohio a large sum of money is directed to be expended annually for four years, and the present sundry civil bill carries the second installment of that authorization. Now, the Senator from Illinois, a member of the Committee on Appropriations of the Senate, changed the proposition as it was recommended by the House Committee on Rivers and Harbors and adopted by the House.

Mr. CULLOM. Will the Senator allow me to interrupt him? It was not my action that suggested the change at all. I submitted to the judgment of the committee that it was better to take it from the lower river than from the upper. It was entirely a matter of judgment on the part of the committee that that change was made, but I did not suggest it as a matter of fact; I acquiesced in what seemed to be the judgment of the Committee on Appropriations.

Mr. BLANCHARD. The proposition, then, was changed by the Committee on Appropriations from the way it was adopted in the House. This threatened crevasse, I will call to the attention of Senators, is not along that reach of the river from the mouth of the Ohio to the Gulf, but is along that reach of the river from the mouth of the Ohio northward to the mouth of the Missouri River. What right have those gentlemen in the State of Illinois, at whose instance this appropriation of $100,000 is proposed to be made, to ask that it be taken from the appropriation for that portion of the Mississippi River below the mouth of the Ohio? I will say to the Senators from Illinois that we have as much to attend to in the way of crevasses and river improvements and prevention of floods in the Lower Mississippi River as we can possibly attend to. That is a vastly important reach of the Mississippi River.

Mr. PALMER. Will the Senator allow me [illegible] remark to him?

Mr. BLANCHARD. Certainly.

Mr. PALMER. If the Mississippi River shall break into the valley of the Cache, the mouth of the Ohio would be above on the Mississippi, and not below Cairo, as it is now?

Mr. BLANCHARD. Mr. President, you observe from the map which the Senator from Illinois who sits on the other side of the aisle [Mr. CULLOM] exhibited to the Senate that this threatened crevasse is on the Illinois side of the Mississippi River, at a point 8 miles above Cairo, and, if the crevasse occurs, the water of the Mississippi River, or a portion of the water of the Mississippi River, would be diverted into the Cache River, which runs southeasterly a short distance and then empties into the Ohio River. Now, the water which escapes through this crevasse from the Mississippi River above the mouth of the Ohio River would flow into the Ohio River a few miles above the city of Cairo, and, not being able to run upstream, there would be no place for it to go except down the Ohio River and back into the Mississippi River. In other words, that crevasse, about which these gentlemen are concerned, would not affect the Lower Mississippi River at all. Every drop of water that escaped through the crevasse would find its way into the Ohio River and then back into the Mississippi River, and thus on to the Gulf. There would be no depletion of the quantity of water in the channel of the lower river by this crevasse. It is no concern, Mr. President, of that lower stretch of the river whether this crevasse occurs or not, because the navigable channel of the lower river would not be affected. There would not be less water in that channel on account of the crevasse.

So it is a palpable injustice to the Lower Mississippi River to take from its appropriation $100,000 to prevent a threatened crevasse on the Illinois side of the Mississippi River above the mouth of the Ohio. You might as well take $100,000 from the Army appropriation bill. If this diversion of money is to be made at all, it should be made from that stretch of the river between the mouth of the Ohio and the mouth of the Missouri.

"But," says the Chief of Engineers, "the amount of money available for the river between the mouth of the Ohio and the mouth of the Missouri should not be diminished by taking from it this $100,000;" and then he goes on to state in his letter that if this diversion is to be taken from any of the appropriations authorized by law for the Mississippi River it can better be spared from the appropriation for the Lower Mississippi River.

Mr. President, the Chief of Engineers is not authorized by law to speak for the appropriations, either as to their amount or their expenditure, which Congress makes for the Lower Mississippi River. He is authorized to speak for the appropriations which Congress makes for the Mississippi River above the mouth of the Ohio, because above the mouth of the Ohio the improvement of the Mississippi River is directly under the Engineer Corps, of which the Chief of Engineers is the head, but below the mouth of the Ohio River the improvement of the Mississippi River is by law under the direction of the Mississippi River Commission, and the Secretary of War and the Chief of Engineers have nothing whatever to do with it, except to approve the recommendations of the Commission.

General Wilson, the Chief of Engineers, is not the official designated by law to state what amount of money is needed for the improvement of the Lower Mississippi River, nor is he the official designated by law to say that this hundred thousand dollars can be better spared from the Lower Mississippi River than it can from the upper reaches of the river. The Mississippi River Commission, who have charge of the Lower Mississippi River, have not been consulted in this matter. It is upon their recommendations and their estimates that the lower river is appropriated for, and the $9,000,000, about which I have been speaking, that was placed in the last river and harbor act was so placed there upon the estimates made not by the Chief of Engineers or the Secretary of War, but upon estimates submitted under the law by the Mississippi River Commission. We have nothing from the Mississippi River Commission stating that this hundred thousand dollars can be spared from the lower river. All that there is to base this proposed diversion of a hundred thousand dollars on is this letter of the Chief of Engineers, who has nothing to do with either the estimates for the lower river or their expenditure beyond the approval of the projects of the river commission.

I am not here for the purpose of fighting an appropriation of $100,000 to prevent this threatened cut-off, but I am here to object to its being taken from moneys justly belonging to the lower river.

Mr. CULLOM. Will not the Senator consent to a division of the amount, and let one-half of the money come from the Lower Mississippi and the other half from the Upper Mississippi?

Mr. BLANCHARD. The Senator asked that question a little while ago of the Senator from Missouri, and the Senator from Missouri declined. The Senator from Illinois has now pending an amendment making a separate, independent appropriation of $100,000 for this work, which would prevent it being diverted from either the upper river or the lower river. That proposition, I think, ought to be adopted, and I believe the Senate will adopt it.

Mr. BERRY. Let us have a vote on the Senator's proposition.

Mr. CULLOM. Allow a vote on that and have it settled, so far as the question of the original appropriation is concerned.

Mr. BLANCHARD. All I am concerned about is to prevent an injustice from being done to the lower river. If this crevasse was along any part of the Mississippi River below the mouth of the Ohio River, the money to stop it would very properly come out of the appropriation for the lower river to prevent it; but it is above the mouth of the Ohio River. I trust the Senate will adopt the substitute proposition of the Senator from Illinois.

Mr. CULLOM. I should like to modify the proposition by adding at the end of the amendment the words "to be immediately available."

The VICE-PRESIDENT. The amendment will be so modified.

Mr. VEST. That is right. I hope that that proposition will be adopted. Make the appropriation of $100,000, and not take it from either end of the river.

Mr. BERRY. That is right.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Illinois as modified.

The amendment as modified was agreed to.

Mr. CULLOM. The amendment on page 95 will be considered as stricken out of the bill and this amendment agreed to. The other goes out of the bill because this amendment is a substitute for it.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. BERRY. It goes out under this agreement, I will state.

The VICE-PRESIDENT. The Chair so understands.

The next amendment which had been reserved by the Committee on Appropriations was, after line 16, page 97, to insert:

> And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates; and all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. VEST. Mr. President, I want to enter my opposition to that amendment. I should like to hear from the chairman of the Committee on Appropriations why he is disposed to force us to make up a river and harbor bill every year. It is bad enough to make one every two years, and it is proposed by this amendment to make a river and harbor bill every twelve months.

Mr. ALLISON. The amendment explains itself. The idea of the amendment is that we shall eliminate from the sundry civil bill hereafter the river and harbor element.

Mr. VEST. I have no objection to that.

Mr. ALLISON. And have it dealt with by some other committee of this body, possibly the Committee on Commerce. The Committee on Appropriations is not anxious to have its jurisdiction enlarged, and in order to show that at least in one instance we wanted to minimize the extraordinary powers of the Committee on Appropriations, we thought we would recommend this amendment.

Mr. CAFFERY. Mr. President, it occurs to me that the criticism made by the Senator from Missouri is correct, it being the language that an annual estimate shall be made of these different sums to be appropriated. Now, in a continuous contract, where a sum of money is awarded to a contractor under such a contract, how can an annual estimate be made when a contract is taken in a lump sum? I would ask the Senator from Iowa how that would work? This amendment provides for an annual estimate by the Chief of Engineers. In the case of continuous contracts providing for a lump sum, the work to be done in three or four years, how does the annual estimate come in? What is the purpose of requiring it?

Mr. ALLISON. What does the Senator regard as the value of the statements made by the Chief of Engineers as to the appropriations which are now in this bill? They are not annual estimates. Why should not we have, I will ask the Senator, the responsible indorsement, first, of the Secretary of War and, secondly, of the Secretary of the Treasury as to these expenditures and appropriations, as much as we should their estimates and indorsements of other appropriations they have asked us to make under the law?

Mr. CAFFERY. The annual estimates of expenditures is a very good thing in its place. The continuous-contract system has been recently adopted; it is not of very ancient date. When a continuous contract is made, and a lump sum is appropriated for such work, of course you can divide the number of years which that work will take, and get an annual estimate. That is a mere mathematical calculation.

Mr. ALLISON. It may be, and it may not be.

Mr. CAFFERY. What I wanted to know was whether, if this annual estimate for separate works was insisted upon as an independent estimate, it would conflict with the continuous-improvement plan?

Mr. ALLISON. I think not. So far from it, it would only promote that plan, requiring the Secretary of War to give us the information which would require the necessary appropriations to be made under these continuous contracts.

Mr. CAFFERY. If we have those estimates already, what is the particular use of requiring specially an estimate to be made hereafter?

Mr. ALLISON. We do not have those annual estimates. We have no estimates this year from the responsible head of the Department, the Secretary of War; nor have we any estimates incorporated in the Book of Estimates, and carried into the sum total of the estimates of expenditure of the Government. Now, why should we exempt these appropriations from that general routine, if it be routine or if it be of value to Congress in making appropriations? Why not have it apply to rivers and harbors as well as to other public improvements?

Mr. FRYE. Mr. President, I do not think the Senator exactly understands the estimates. This bill is exceptional. Nearly all of the items are for contracts which either have not yet been entered into, or where proposals have been made, or where they intend to make a contract authorized by law one year ago. The only way to make an estimate on a new contract is the way pursued in this case in nearly every item, by simply limiting the amount, as the law limits it, to 25 per cent in some cases and 50 per cent in others; but that is not the way they will estimate hereafter. After the contract is made, then the way they estimate is to take a return from the contractor for the amount of work which he has done and the pay to which he is entitled, and that is sent to the Committee on Appropriations for the full amount. That is an estimate exact; it can not be questioned; and there is nothing for the Committee on Appropriations to do except to make the appropriation. That is all there is to it.

Mr. ALLISON. That has not been done.

Mr. FRYE. In this case.

Mr. ALLISON. This year that has not been done.

Mr. FRYE. But it will be done next year.

Mr. ALLISON. That may be. We simply provide that it shall be done. It has not been done this year, and therefore the Committee on Appropriations have had no guide except such information as they could gather. They have not even this year adopted the suggestion the Senator from Maine makes; they have not estimated or provided in the appropriation, as the bill came to us, for one-fourth, one-third, or 50 per cent of those contracts.

Mr. FRYE. I object, Mr. President, to this amendment very seriously. These items appear here upon the sundry civil bill now, simply because, as a rule, they are debts against the United States under contracts, and therefore the proper place for them is on the sundry civil bill.

Mr. ALLISON. Let me ask the Senator if they are debts of the Government under contract, why are they not estimated for? We estimate for the pages, the clerks, the stenographers, and all our employees here detailed, and those estimates are found in the Book of Estimates. Why? Because they are necessary expenditures to be made, and appropriated for in order that they may be made.

All we desire is the information that the heads of Departments ought to give us as to the amount of money that should be appropriated for this or that particular work.

Mr. FRYE. Does the Secretary of War send in an estimate?

Mr. ALLISON. The Book of Estimates, under the law, is required to be made up by the Secretary of the Treasury and sent here as estimates of appropriations; and, under our rules, when these estimates are found in the Book of Estimates amendments in accordance with these estimates are in order under our rules and may be offered here; but we have no such estimates in the Book of Estimates as to any one of these contracts.

Mr. FRYE. But the Committee on Commerce never has any estimates from the Treasury Department. All the estimates that come to the Committee on Commerce on which the river and harbor bills are made up are simply estimates of the Secretary of War.

Mr. ALLISON. They are estimates; that is, they are statements which come from the Engineer Bureau, first, as to the propriety of these public works, and, secondly, as to the amount of money necessary to carry on or complete them. Therefore, of course, the Committee on Commerce has no estimates in the sense of the provision of law requiring estimates; but when a work is authorized, and when an amount of money is required to be expended, in every case the amount ought to be incorporated in the Book of Estimates, so we may know at the beginning of a Congress how much the Secretary of the Treasury and the different heads of Departments think ought to be appropriated to carry on the great business of this Government; and they ought to send us their views as to the necessary amount of money that should be expended for rivers and harbors, as well as for everything else in our Government.

Mr. FRYE. Mr. President, I simply want to say a very few words. My principal objection to this amendment is that it will provide for a river and harbor bill every year hereafter. You send those estimates from the Secretary of the Treasury or the Secretary of War to the Committee on Commerce, and every appropriation for any river and harbor in the United States is entirely germane and relevant, and you could not succeed in keeping back the enormous pressure which there is upon the Committee on Commerce for river and harbor improvements. That pressure is entirely legitimate, and it comes from this, that while ten or fifteen years ago 10 or 12 feet of water would float nine-tenths of the freight vessels of the United States, to-day it takes from 25 to 30 feet to float the same freighting vessels. Then you could carry freight on a vessel of two or three hundred tons; to-day, with any profit, you must have a vessel which will carry from three to six thousand tons; and they are building them on the Lakes to-day of 6,000 tons. Those vessels must have harbors to go into, and those harbors must have water from 25 to 30 feet; and the pressure, which I say is entirely legitimate, is coming from all over this country for increased appropriations for rivers and harbors. We have done everything we possibly could to hold on to this matter. We have provided, in the first place, by a law, that in every case there shall be a preliminary examination, and that that preliminary examination shall simply be an opinion on the part of an engineer as to whether or not any improvements at all should ever be made and whether or not commerce requires it. That takes two years. Under our present arrangement, then, if the report be in favor of an improvement, we provide in a river and harbor bill for a survey. That takes two years longer, and thus we have deferred that application for four years.

Now, the moment you undertake to send to the Committee on Commerce this jurisdiction which you provide for in the amendment, you have opened up a river and harbor bill every year; and every other year, if these appropriations come in—for the regular river and harbor bill comes in every other year—there will be a river and harbor bill so enormous, taking in all the regular appropriations we must make, that it will be top-heavy and drop over of itself. I think it would be a very great misfortune to have this amendment adopted.

Mr. HOAR. I move to strike out the part of the amendment following the word "estimates," in the twenty-first line. I think it is liable to the clear point of order of being a change of the rules of the Senate, which can only be made in the way prescribed in those rules, and it seems to me that while it may not be of great importance in itself, yet it is a very objectionable thing to tie up this body by a statute in regard to the action of the several committees of the Senate. It never has been heard of in our legislation except in the case of certain public expenditures.

Mr. ALLISON. Does the Senator make a point of order on the last part of the amendment?

Mr. HOAR. Yes. In regard to the matter of public printing, which is a mode of expending money placed in the power of the Senate without requiring a joint resolution to be approved by the President, we have certain statutes, and there is a certain statute in existence now in regard to spending money for surveys, I believe, in regard to river and harbor matters, but here is a proposition providing by statute, which is irrepealable except by another statute, that certain committees of the Senate shall exercise certain functions and make certain reports every year. I do not believe it is consistent with the Constitution, which gives each body the power to make rules and regulations for its own government and to appoint its own committees. Even if it were in accordance with the Constitution, I think it might put into the mind of the other House an idea which they may act upon in a way which will plague us very much hereafter, if we pass it. So that, as a matter of expediency, I think this ought not to be done, and I make the point of order on so much of the paragraph—but I suppose it applies to the whole paragraph, unless the latter part is stricken out by the committee—I make the point of order that it is a change of rules, which can no more be done by a statute than can a rule be changed except in the manner provided for.

The VICE-PRESIDENT. The Senator from Massachusetts makes the point of order against the amendment.

Mr. HOAR. Let the last four lines of the proposed amendment be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> And all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. HOAR. That matter is provided for by our rules now, and always has been, and always must be until we change the rules.

Mr. BLANCHARD. Mr. President, I desire to state that I think the point of order made by the Senator from Massachusetts is certainly good, and further to state that the friends of the river and harbor improvements in the Senate can not afford to ado[illegible] any such amendment as that proposed by the Committee on Ap[illegible]priations, even if the point of order be not good.

I wish to state here that if that amendment were adopt[illegible]d a separate bill, another annual appropriation bill, made necessary to carry these appropriations for money to me[illegible] under existing river and harbor contracts and those of the future, it would endanger the success of river and harbor improvement in this country.

I think the point of order is well taken, and, if it be not, the amendment should be voted down by the Senate.

The VICE-PRESIDENT. The Chair has no hesitation in sustaining the point of order made by the Senator from Massachusetts.

Mr. FRYE. To the first five or six lines of the amendment nobody objects.

Mr. ALLISON. We bow to the decision of the Chair on the point of order that the last four lines of the amendment shall go out. I understand that there is no objection to the first part of the amendment.

Mr. FRYE. The first part is all right.

The VICE-PRESIDENT. The question is on agreeing to the remaining part of the amendment, which will be stated.

The SECRETARY. On page 97, after line 16, it is proposed to insert:

> And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates.

The VICE-PRESIDENT. Without objection, that portion of the amendment which has just been read will be agreed to.

Mr. ALLISON. There is an amendment on page 81, line 7, which I ask to have now considered.

The VICE-PRESIDENT. The amendment indicated by the Senator from Iowa, which was heretofore passed over, will be stated.

The SECRETARY. On page 81, after the word "night," at the end of line 9, the Committee on Appropriations reported to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" so as to read:

> For lighting thirty-two arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, $2,920.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which was passed over was, on page 81, line 12, after the word "dollars" to strike out:

> *Provided*, That all wires shall be placed underground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric-light company without expense to the United States, and that 25 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And insert:

> *Provided*, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. McMILLAN. I offer the amendment which I send to the desk in lieu of the amendment of the committee which has just been stated.

The VICE-PRESIDENT. The amendment of the Senator from Michigan to the amendment will be stated.

The SECRETARY. It is proposed to substitute for the amendment of the Committee on Appropriations the following:

> Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits for electric lighting purposes in any road, street, avenue, park, or reservation except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public lighting connections with conduits already in the portion of the street proposed to be lighted. And nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or legality of the construction of any conduits made since June 18, 1896, or as validating any such conduits.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan to the amendment of the committee.

Mr. McMILLAN. I understand my amendment to the amendment is accepted by the committee.

Mr. ALLISON. The effect of the amendment of the Senator, as I understand it, is to strike out all after the word "dollars," in line 12, on page 81, including the proviso the committee recommended should be stricken out, and also the proviso it reported to insert.

Mr. McMILLAN. Yes.

Mr. HILL. Will the Secretary read the last two lines of the amendment offered by the Senator from Michigan?

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

> And nothing herein contained shall be construed to effect in any way any pending litigation involving the validity or legality of the construction of any conduits made since June 18, 1896, as validating any such conduits.

Mr. HILL. Mr. President, I have heretofore opposed certain portions of this amendment. I am somewhat reluctant on this day to engage in any extensive debate upon the propriety of this amendment as a whole, and my reluctance is based upon several reasons. In the first place, I was one of those who doubted the propriety of our meeting to-day for the purpose of enacting legislation for the people of the United States. My attention had been called to various petitions presented to the Senate by honorable Senators asking for the enactment of a rest day for the District of Columbia, and I was disposed to acquiesce in the sentiment expressed in those petitions, one of which I shall now read:

> *To the honorable the Senate of the United States, in Congress assembled:*
>
> We, the Woman's Christian Temperance Union of Westchester, Chester County, Pa., respectfully petition your honorable body to enact a law for Sabbath observance in the District of Columbia equal to the best of the similar laws of individual States.
>
> ALICE LEWIS, *President.*
> LOUISA E. CALDWELL, *Secretary.*
> L. M. COBB, *Treasurer.*
> *Representing 69 members.*

I had previously presented other petitions from the Woman's Christian Temperance Union upon the same subject and other subjects.

In connection therewith the distinguished Senator from Michigan [Mr. McMILLAN] who offers this amendment on this day to enact legislation introduced a bill, which I will have the honor of reading.

> A bill to protect the first day of the week, commonly called Sunday, as a day of rest and worship in the District of Columbia.
>
> *Be it enacted, etc.*, That on the first day of the week, known as the Lord's Day, set apart by general consent in accordance with divine appointment as a day of rest and worship, it shall be unlawful to perform any labor, except works of necessity and mercy and work by those who religiously observe Saturday, if performed in such a way as not to involve or disturb others; also to open places of business or traffic, except in the case of drug stores for the dispensing of medicines; also to make contracts or transact other commercial business; also to engage in noisy amusements—

Whatever that may mean—

> * * * also to perform any court service, except in connection with arrests of criminals and service of process to prevent fraud.

Then the bill provides very severe penalties for violations of its provisions. But, before speaking on the amendment, I desire to ask the distinguished Senator from Michigan whether that bill was enacted into law? Hearing no response, I assume that the bill was not enacted into a law, although by its terms it was broad enough to prevent the enactment of any law by the Congress of the United States on this day. For these reasons, Mr. President, I hesitate to engage in a general debate in the face of this petition of 69 honored members of the Christian Temperance Union, and in the light of the bill presented by my distinguished friend from Michigan, I hesitate to oppose his amendment on this day. I understand a similar amendment substantially is to be proposed to the District of Columbia appropriation bill, and perhaps that may be taken up to-morrow, when possibly I may engage in some debate upon this general question.

Mr. President, seriously in regard to this amendment—my friend the Senator from Kentucky [Mr. LINDSAY] asks me if I have not been serious all the while. That is a reflection upon the remarks I have already made.

I do not think this is a wise amendment. If it were earlier in the session, I should be disposed to oppose it seriously, but because of the present state of the business and for other reasons, I do not see fit at this time to offer opposition to it. It makes one provision in regard to the prevention of the erection of overhead wires which I do not think will meet with public approval. It prevents the erection of overhead wires outside of the city of Washington and in the country portions of the District of Columbia. I am assured that it is likely that some legislation may follow in the near future, possibly at the extra session, whereby the people living in the country districts, who are not supplied with gas, may be enabled to be supplied with electric light in some form or other.

My next criticism of the amendment is that it allows house connections with conduits adjacent to the premises with which such connection is to be made. The inquiry I desire to make of the distinguished Senator from Michigan is, whether it is understood by himself and the committee that this would permit house connections where the conduit is on the opposite side of the street from the house?

Mr. McMILLAN. I will state in reply to the Senator from New York that it certainly means to enable the people living on both sides of the street to make such connection. That is all it does.

Mr. HILL. Although the conduit is upon only one side?

Mr. McMILLAN. Yes, sir; that is always done.

Mr. HILL. I accept that as a proper interpretation of the amendment, and acquiesce in it.

My other suggestion is simply this: There is litigation now pending, involving the question of the validity of the construction of certain conduits since June 18, 1896, and the object of the amendment, very properly, is to prevent this act from affecting it in any way. It would simply have been necessary to say that "nothing herein contained shall be construed to affect in any way the pending litigation." But there is added "or validating any such conduits." I think that is the last wording. I suggest simply an amendment to insert "or invalidating." That should be added, and I ask the Senator from Michigan to accept the amendment.

Mr. McMILLAN. I have no objection to that amendment if the Senator from Iowa will agree to it.

Mr. HILL. With these suggestions, I have no opposition to offer at this time.

The VICE-PRESIDENT. Does the Senator from Michigan accept the amendment?

Mr. McMILLAN. I do.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. ALLISON. I understand this phraseology was very carefully prepared. I do not know that the suggestion of the Senator from New York materially changes the amendment, but I understood the amendment was satisfactory to the Senator from New York. Will the Senator repeat his amendment?

Mr. HILL. It is to add, after "validating," the words "or invalidating." That is, that this provision shall neither validate nor invalidate it. I regard the last expression as unnecessary.

When you say that nothing herein shall affect the litigation, it is going far enough.

Mr. ALLISON. Let me suggest that we modify the amendment so that it shall read that "nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits."

Mr. FAULKNER. The word "legality" is already in. The Senator's amendment does not propose to strike that out.

Mr. HILL. It is not necessary to insert it in that place.

Mr. ALLISON. Let us say "validating or invalidating."

Mr. HILL. After the last word "validating" I wish to insert the words "or invalidating."

Mr. ALLISON. Every one would understand the phrase "pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896."

Mr. FAULKNER. That strikes out the latter part of the amendment.

Mr. HILL. It strikes out the latter part?

Mr. FAULKNER. Yes.

Mr. ALLISON. It strikes out all after the words "eighteen hundred and ninety-six."

Mr. HILL. All right.

Mr. FAULKNER. I think the Senator will find that is a better method of expression.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. GORMAN and Mr. VEST. Let it be stated.

The SECRETARY. After the word "dollars," in line 12, page 81, it is proposed to insert:

> Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits or erect overhead wires for electric-lighting purposes in any road, street, avenue, highway, park, or reservation, except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public-lighting connections with conduits already in the portion of the street proposed to be lighted; and nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896.

Mr. GALLINGER. Mr. President, I feel, as the Senator from New York expressed himself, indisposed to discuss a question of this kind on this day, and yet I can not let the matter pass without making a few observations regarding it.

This is establishing two electric-light companies in the city of Washington. If that is to be the policy of the Congress, I do not know that I have any right to find fault, but I want to call attention to a remarkable fact, and that is the change of front on the part of the Commissioners of the District of Columbia in reference to the matter of competing electric-light companies in this great city.

On the 8th day of February, 1896, when a bill was under consideration by the Committee on the District of Columbia for the purpose of chartering a new gas company, the Commissioners of the District, the same gentlemen who are now in that high office, addressed a communication to the committee, a portion of which I desire to read. They protested against the incorporation of a second gaslight company in the District, and they gave their reasons for it as follows:

> The Commissioners, however, in reporting upon all similar bills proposing to grant the privilege of tearing up the streets for the purpose of laying gas pipes or conduits therein, whether for the use of a telephone company or an electric-light company, have taken the ground that it was against the public interest to grant privileges of this kind to new companies; that the business carried on by such companies was under such conditions as to make a monopoly desirable, if not necessary. That, aside from the great damage to the pavements and the inconvenience to the public occasioned by digging up miles of public streets, it is not necessary or wise to duplicate any gas pipes or conduits in the public streets, for Congress has full power to regulate the rates to be charged by such companies, as well as to correct any other evils. The same majority in Congress which determines that a new telephone company, a new gas company, or a new electric-light company must be chartered to give the public its rights, can bring about the same result by controlling existing companies and with much less inconvenience to the public. Indeed, whether a new company be chartered or not, the public must be permanently protected, if at all, through the limitations provided by Congress, rather than by competition, except under conditions hereinafter mentioned.

That was the opinion of the District Commissioners, the same gentlemen who occupy those positions to-day, on February 8, 1896, a little over one year ago. Acting upon their advice, the District Committee reported against chartering a new gas company, and the Senate ratified their decision in that regard. It seems to me very remarkable that in so short a period of time these honorable gentlemen should have so completely changed front and that they should now be using their great powers as Commissioners of the District to install in the city of Washington a competing electric-light company.

On a former occasion I ventured to suggest in very plain language some of the reasons why I believed that this thing was done. I do not propose to-day to repeat them. Perhaps at some other time, when the Senator from New York discusses this question further, I may have occasion to go into it a little more at length.

A few months ago, however, I will suggest, indeed not many weeks ago, when the Senator from New York was filibustering here against the passage of the joint resolution that was proposed for the purpose of calling a halt to this invasion of the streets by this company, a somewhat similar matter was before the District Commissioners, and I want to read what the District Commissioners said about it. That related to the market company in this District, and they were interviewed concerning an order that they had issued or were about to issue, and they were asked:

> But you have issued an order to remove them, have you not?—

That was the farmers and truckmen and truckwomen who are about the market—

> We have.
> Has it been revoked?
> It has not.
> Do you propose to revoke it?
> There is no necessity for revoking it. We do not intend to disturb them, because it seems to be the intention of the two District committees to legislate upon the subject.

When Mr. Commissioner Truesdell made that answer to a query that was propounded to him concerning matters relating to the market company we had before Congress a resolution on this very subject, and yet, while they held up the order concerning the market company, they hastened to give permits to the new electric-light company to invade our streets and to carry their conduits for miles before they came to a lamp-post which they were going to furnish with light. It is a very extraordinary condition of things.

I want to say here now that the president of the Potomac Electric Light Company last year, when he was seeking legislation of Congress, came to me personally, and time after time said to me that he had no desire to put his conduits east of Rock Creek; that he simply desired to have them in the territory west of Rock Creek. I venture to say that the Committee on Appropriations understood him to make the same statement, and that the legislation of the last Congress looked to permitting that company simply to put their conduits on the other side of Rock Creek, and not to invade this territory.

And yet after that legislation was enacted the Commissioners of the District of Columbia, in my judgment without authority—and I challenge any authority they may think they possess on the subject—hastened to permit this company to tear up our streets, and to carry their conduits 8 or 9 miles over the streets of this city, and even last night, in the darkness, a further conduit was laid in a certain street in the city of Washington.

Mr. VEST. Will the Senator from New Hampshire be kind enough to state whether that question was not passed upon by the courts here, both by Mr. Justice Cole and then by the appellate court?

Mr. GALLINGER. I think the question is pending before the court at the present time.

Mr. VEST. I will ask the Senator if the decisions have not been published, and have not become a part of the judicial history of the country?

Mr. GALLINGER. I think Mr. Justice Cole did deny the application for an injunction.

Mr. VEST. Was that not afterwards affirmed by the court of appeals?

Mr. CHANDLER. No.

Mr. GALLINGER. I do not so understand it.

Mr. CHANDLER. By no means.

Mr. GALLINGER. By no means.

Mr. CHANDLER. The case has not yet [illegible] heard before the court of appeals.

Mr. VEST. The decision has been made, as I understand it, and I think I can produce the record.

Mr. CHANDLER. The Senator is wrong.

Mr. GALLINGER. The decision was upon an interlocutory question, and the main question is now before the courts.

Mr. CHANDLER. My colleague will allow me to say that the application was for an injunction pendente lite, which was refused.

Mr. GALLINGER. Precisely.

Mr. CHANDLER. Now the litigation goes on.

Mr. GALLINGER. I feel a hesitancy about going into this question at length, and I shall not do so. What I shall say, I say in the utmost kindness; but it is a remarkable circumstance that certain things have taken place in the District on the question of electric lighting that are matters of history and record. I venture to say that there has been discrimination practiced during the last six months, or thereabouts, as between these two electric-light companies, that will not bear very close investigation.

By the act of June 11, 1896, making appropriations for the District of Columbia, the Potomac Company was authorized to lay conduits west of Rock Creek, and there is a provision in that same law giving the right to the United States Electric Light Company to build conduits to Washington Heights and Columbia

Heights and Mount Pleasant. Let us see how these two companies have been treated. Permits were issued by the Commissioners to the Potomac Company immediately after the date of the act for the building of the conduits in the territory west of Georgetown, and notwithstanding an application had been before the Commissioners for the extension of the conduits of the United States Electric Lighting Company to Washington Heights and Columbia Heights since November, 1895; notwithstanding that an application was made under the act of June 11, 1896, within a week following that act, that permits to build to Columbia Heights should be issued, no answer was made to that application until the 2d day of December, 1896, or, in other words, a few days before the assembling of Congress.

I want to make another statement. The Commissioners made inquiry of the United States Electric Company in July last if they would furnish twenty-four lights on H street, along which conduits were built. The company immediately replied that they could, naming a price. Nothing further was heard of the matter until about one month ago. It took the Commissioners five months to determine whether or not the proposition that they themselves had made to the electric-light company should be carried out, when the company responded that they were ready to furnish those lights; but it took them only one night to determine that permits should be issued to this new company, which was in territory on this side of Rock Creek, in my judgment, if not in violation of the law, at least in violation of the solemn statement that their officers made to Congress and to individual members of Congress, and they have been permitted to ride roughshod over Congress and over the act passed last year and over the judgment of the men who acted upon this proposition when it was before the Congress of the United States.

Mr. President, that is all I care to say to-day. I know it is foreordained that the amendment offered by the distinguished chairman of the Committee on the District of Columbia is to go into the bill. I understand substantially an agreement has been reached in that direction, and for that reason it would be futile for me to undertake to oppose it if I felt disposed to discuss the question at greater length. I shall content myself so far as the present is concerned in voting against the amendment the Senator from Michigan has offered to the bill at the present time, and as I before said, when this matter comes up in the future, as I presume it will, and when we shall have an opportunity on some other day than the seventh day of the week to discuss this entire question, I shall be pleased to join issue with my distinguished friend the Senator from New York, and I shall undertake to make it appear to the satisfaction of the Senate that this company which is now to receive from the Congress of the United States in the pending bill, if the amendment is adopted, the same rights and privileges that are accorded to the United States Electric Company, does not deserve the confidence of, or a single dollar of appropriation from, the Congress of the United States.

Mr. HILL. I regret that my distinguished friend the Senator from New Hampshire should attempt to filibuster against the adoption of the amendment.

Mr. GALLINGER. I am not filibustering, and the Senator knows it.

Mr. HILL. Mr. President, he protests too much. He already announces that it is foreordained. That is good Presbyterian doctrine, I suppose.

Mr. GALLINGER. Yes.

Mr. HILL. It is foreordained that it is to be adopted. Now, it never had been foreordained that the joint resolution offered by the District of Columbia Committee was to be passed when it was introduced, and it was because I had some doubt about its propriety as well as on the question whether it ever would be adopted that I indulged in a few observations, as my friend the Senator from Florida [Mr. CALL] always says, in opposition to the amendment.

Mr. GALLINGER. Will the Senator form New York permit me.

Mr. HILL. Yes.

Mr. GALLINGER. The Senator from New York knows very well that the joint resolution would have been adopted by a four-fifths vote of the Senate had he not filibustered against it day after day and talked it to death. The Senator knows that.

Mr. HILL. There were three days of debate on the joint resolution.

Mr. GALLINGER. The Senator occupied all that time.

Mr. HILL. I opened the debate on the first day, and I was replied to by the distinguished Senator from West Virginia [Mr. FAULKNER] on the next day, and the very next day I tried to get my friend the Senator from New Hampshire into the debate, but he now says that he was secure of having four-fifths of the Senate in his pocket ready to deliver them in favor of that bill without any argument.

Mr. GALLINGER. Oh, no.

Mr. HILL. Now, I rather doubt that statement.

Mr. GALLINGER. If the Senator will not——

Mr. HILL. Wait a moment.

Mr. GALLINGER. With the Senator's permission——

Mr. HILL. The Senator should ask my permission before he proceeds.

Mr. GALLINGER. Certainly.

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. Certainly.

Mr. GALLINGER. I have no intention of disturbing the Senator from New York except through his courtesy.

Mr. HILL. It is no disturbance whatever. We are prohibited by the McMillan bill from having any disturbance on this day.

Mr. GALLINGER. The Senator could not get up a disturbance with me if he tried.

Mr. HILL. I shall not try.

Mr. GALLINGER. The Senator knows that he will not deceive the Senate——

Mr. HILL. I am not trying to.

Mr. GALLINGER. Cunning as he is and adroit as he is as a lawyer and debater, the Senator will not deceive the Senate into the notion that he had not so announced his purpose, and that it was not his purpose to talk the joint resolution to death. He had the ability to do it. There was time enough, and he could occupy all the time, and he did occupy all the time, until the friends of the resolution saw it was hopeless to press it any further.

Mr. HILL. The joint resolution did not need much investigation; it did not need much talk. It was so thin, so transparent, so shadowy, that it simply required an inspection of it to see that it ought not to pass. There never was a time in the Senate when it could have received even a majority, much less four-fifths of the Senate. If the Senator thought it could pass, why was it not continued in discussion instead of attempting to put it on an appropriation bill?

Mr. GALLINGER. I have not attempted to put it on an appropriation bill.

Mr. HILL. Having been charged with the heinous crime of filibustering, of which, of course, in the Senate I would never be guilty, I simply rose for the purpose of repelling the suggestion, and to say that instead of feeling bad over the adoption of the amendment, the Senator from New Hampshire, in behalf of the people of the District of Columbia, ought to rise here and congratulate them that at last they are to be relieved from the odious monopoly that has existed for so many years, and that we are from this time forward, as he says, for which he seems to have great regret, to have honest, fair, and just competition.

Now, it is not for me to defend the action of the Commissioners of the District of Columbia. I am familiar with some of their actions. The Commissioners have to adapt themselves to the legislation of Congress so far as they can, and when the sentiment of Congress seemed to be in favor of an opposition gas company they were rather inclined to favor it. When it changed, they went the other way. I could, if I were not reluctant to enter into a debate on this day, take up the record and show that my friend the Senator from New Hampshire changed his opinion upon this question of a competitive light company, and his conversion was quicker than that of Saul of Tarsus. Will the Senator deny that he was at one time the champion of a new and additional company in this city?

Mr. GALLINGER. Does the Senator desire an answer?

Mr. HILL. On some other day, not to-day.

Mr. GALLINGER. Very well.

Mr. HILL. Some other day when we take up this discussion, and when my friend recovers from his disappointment, we will discuss it.

Mr. GALLINGER. I am not disappointed. I am afraid the Senator will not be here at that other day.

Mr. HILL. I will be here for three or four days, and I hope my friend will not put off the reply to me until, by reason of circumstances beyond my control, I shall not be here. I have no doubt my friend is very glad to be relieved of my presence after the 4th day of March.

Mr. GALLINGER. Oh, no; we all enjoy the Senator from New York. He is amusing.

Mr. HILL. The Senator does not act as though he enjoyed my presence.

Mr. GALLINGER. He is amusing.

Mr. HILL. In fact, he seems to be disturbed about it.

Mr. President, I rose not to debate the question, but to say that I am sorry my friend sees fit, almost solitary and alone, to oppose the amendment. I do not like some of its terms. It is not the terms that enlarge competition in the District of Columbia that I do not like. It is the terms that restrict competition, the terms that will prevent what I think the people of the District of Columbia have long wanted; and I congratulate them, and I congratulate the Senate, that from this time forward we are to have what he says—two electric-light companies competent to do business in any part of the District of Columbia; and, instead of being a calamity and a misfortune, it will prove to be a benefit to the people of the District.

Mr. GALLINGER. A single word, and I will be ready for a vote. The condolences of the Senator from New York are accepted and appreciated. I regret personally that the Senator from New York, because of circumstances beyond his control, will not be here after the 4th day of March to discuss this question when we can debate it at length. I simply desire to add a word in answer to the felicitations of the Senator from New York to the people of the District that at length they are to have competition in the matter of electric lighting. It is a matter of a great deal of doubt in my mind whether that competition will last very long, inasmuch as this new electric-light company, which, in my judgment, is given privileges that it ought not to be given by Congress, has already made a proposition or propositions to dispose of its rights and its property to the United States Electric Light Company, which, beyond doubt, in the near future will be an accomplished fact. The efforts of the Senator from New York will simply have resulted in putting a little more money into the pockets of some gentlemen who have come here and by a great deal of cunning and artfulness have found a lodgment in the District under the name and title of the Potomac Electric Light Company.

Mr. HILL. The people are to be congratulated that it will take less money out of the pockets of the taxpayers of the city for electric-light service than heretofore.

Mr. HAWLEY. Mr. President, I can not forbear to express my great astonishment that a gentleman of so much experience in legislation and in the general business matters of the world should tell us that two electric-light companies will continue in competition, digging up the streets. It never was known and it never will be. It is perfectly well understood, an irrevocable economic law, that wherever combination is possible, competition is impossible. That was discovered long years ago in the building of railroads. These companies will not be organized one fortnight without a distinct understanding, if not a consolidation. Every experienced man, I appeal to the world, knows that to be true. What utter nonsense to suppose that our streets will be terraced and dug and trenched here continually in a race between two electric companies. It would be supreme folly on their part, a folly not surpassed except by our folly in permitting it.

Mr. HILL. That argument has been used time and time again to justify every monopoly that has been created. Since this new company has started there has been a material reduction not only in the price charged to the city but in the price that will be charged for services to citizens. It is evident now, from the very reductions contained in the pending bill, that there is to be a material reduction in price. My friend says that possibly the companies may combine. There is no way to prevent that. The natural effect of giving two companies equal privileges in a district is to reduce the price. They may combine hereafter. They may circumvent the people. It may be imagined that they will do lots of things in the future, but the general effect of having two companies having no interest with each other is to compete for service. These companies can do it, and I trust they will do it and continue to do it for the benefit of the people of the District.

Mr. HAWLEY. Just a word, Mr. President, and I will not detain the Senate further. For an illustrious example of what I was saying, I point the Senator to the West Shore Railroad in New York in competition with the great New York Central. The West Shore went into the world with high promises and with defiances, expecting to do a rival business. In a very short time it was absorbed by the New York Central; and that is the general rule. The Erie Railroad and the Central can compete with the great Pennsylvania Railroad without any danger of a consolidation because of the very different circumstances, the wide distance apart, but put them in the same county, or within 10 miles of each other, and they would not be apart a week.

Mr. HILL. The circumstance to which the Senator alludes is a fatal one to his argument. Before the consolidation rates were reduced; even after the virtual consolidation rates were reduced; they never were less than they are to-day. The general effect of competing lines is reduced rates. There may be afterwards a combination or an understanding between them.

Mr. President, it will not do to say that there must be but one railroad company through a State. It will not do to say that there must be but one electric-light company in a city, but one gas company in a city, or any other corporation that has a monopoly. I know it can be said that Congress can fix the price, but how reluctant Congress is to fix the price in case there is but one company. The price will never be any larger in the District of Columbia than it is to-day. It has been steadily reduced during the last few years. I have the record and papers here that will show it. It never undoubtedly will be raised higher than it is to-day, and I believe that the price will steadily go down.

Mr. HAWLEY. The Consolidated Railroad, a very considerable corporation in New England, without any solicitation or legislation, reduced its passenger rates to 2 cents a mile. It has no competition. Competition is practically impossible on that road. The law of progress leads to reduction.

Mr. HILL. The New York Central Railroad has competition with two other railroads that run from New York to Buffalo and from there to the West. There is competition with this railroad. Competition is desirable. The same argument the Senator makes would vindicate and defend every trust made in the land against which we have protested in party platforms and against which we have protested in petitions and in speeches here in this Congress.

Mr. President, competition is desirable. There may not always be competition, or honest competition. Corporations may combine; that is all true; that is unavoidable in a free country like this; but after all it is for the benefit of the people that equal privileges should be afforded to corporations having facilities to transact the business of this country, such as electric lighting, gas companies, and so on. I trust the time will come when the people of the District of Columbia will realize the full benefit which they ought to realize and which I believe they will realize from the very step appropriately this day taken.

Mr. GALLINGER. A single word further, Mr. President, and I have done. It is a matter of history that the United States Electric Light Company seven different times made voluntary reductions in price, and it is a matter of history that there is not on record one single petition or alleged grievance against that company by any citizen of this great District.

Mr. HOAR. Are not their rates controlled by statute?

Mr. GALLINGER. Certainly. But as against the gas company there were protests; there was a loud clamor. The Senator from New York can not find on record a single complaint that was ever lodged against the United States Electric Light Company either as regards its service or the price that was charged for the product.

Mr. HILL. Does the Senator forget that I, a short time ago, presented a petition of a thousand citizens of this District?

Mr. GALLINGER. Yes; in favor of the Potomac Electric Light Company.

Mr. HILL. In favor of the Potomac Company, which desired a contract. Here are 82,000 people on the other side of this Capitol who are substantially without electric lights. I had a conversation with the owner of a block right within a stone's throw of the Capitol, while this question was pending, asking that we would permit this company to place conduits so that they could be supplied. There was a demand by the people of the District of Columbia to have it, and I trust they will get it under the provision.

Mr. GALLINGER. I trust the Senator will get permission before he makes a speech at my cost.

Mr. HILL. I trust I am not costing the Senator anything.

Mr. GALLINGER. That may be true. Yet it is a fact that conduits have been permitted to be laid by this new company within a few weeks for more than a mile, for more than 2 miles, from the city of Washington, and reached a point that the old company could have reached by extending its conduits 20 rods. Yet the Commissioners gave a permit to this new company as against the old company, and streets have been torn up in that way. We are situated a little differently here from some other localities in the country. Congress has absolute power to regulate the price that shall be paid for electric lights and for gas and for every other service that is rendered to the people of this District. When the Senator from New York says that this company has reduced the price of electric lights, I want to call the attention of the Senator to the fact that, while this company has made a proposition to furnish lights cheaper than the old company did, the District Commissioners have permitted this company to put in their lamp-posts so near together that it costs more to the city to light a street by the new company than by the old [illegible].

Mr. VEST. I will ask another question, if the [illegible] will permit me.

Mr. GALLINGER. With pleasure.

Mr. VEST. I am as anxious to get a vote as anybody, but since the matter has been gone into I should like to ask a question. It has been asserted here by the Senator from Connecticut [Mr. HAWLEY] and the Senator from New Hampshire [Mr. GALLINGER] that there will be no reduction of the cost of electric lighting in this city, and it is not proposed to reduce it.

Mr. GALLINGER. I never asserted that.

Mr. VEST. At any rate, the tendency of the argument is that there will be no reduction.

Mr. GALLINGER. No; the tendency of it is that there will be a reduction, because Congress can absolutely control it.

Mr. VEST. Very good. Now here is a provision submitted by this Potomac Company to insert in the District appropriation bill as section 3 that hereafter no electric-light company in this city shall charge more than 75 per cent of the price now charged for electric light. Now, we are bound to assume that this company, if it comes with such a proposition to Congress, will be bound by it in the future. There is a reduction of 25 per cent at once.

Mr. GALLINGER. Which Congress could have brought about if they had prohibited the tearing up of our streets for 9 or 10 miles and put just that provision in the appropriation bill controlling the old company.

Mr. VEST. The streets are in the same condition they were; and here is a proposition submitted by the House of Representatives which must be passed on by the Senate. I am curious to know why we do not incorporate in the present amendment the third section of the House bill. My friend from West Virginia [Mr. FAULKNER] says it comes in the District bill. If it does, I hope the Senate will prove that it wants to reduce the price of these electric lights by accepting that third section, which would bring down the price to the people of the District who are consumers 25 per cent.

Mr. FAULKNER. Will the Senator permit me to say a word?

Mr. GALLINGER. With pleasure. I am always glad to hear the Senator.

Mr. FAULKNER. I have listened to this controversy for some time. I am one of those men who, when I am in a fight, am ready to fight when there is anything to fight about; but there has been a sort of understanding here that this amendment would be agreed to, therefore there is no contest over it; and there being no contest, I do not want to fight when there is nothing to fight about. I do hope we may be allowed to come to a vote.

Mr. GALLINGER. The Senator from West Virginia is speaking in my right, and hence I feel at liberty to ask him who made this agreement?

Mr. FAULKNER. I was asked to look upon, to examine it; I said I would make no objection; and half a dozen other gentlemen said they were satisfied with it and thought it had better be made; and as that seemed to be a general understanding, there is no use to take up the time of the Senate on this question, but let us come to a vote and discuss this whole question on the District bill upon a secular day, as the Senator from New York says.

Mr. McMILLAN. Mr. President, I should like to say a word. This amendment was offered by me, and I have tried to harmonize all the different interests here. The Senator from New Hampshire was not consulted, but I did not suppose he would object to it. Conduits of two companies are now laid in the streets. They are there, and the amendment simply recognizes the fact that they are there and allows connections to be made with them. No extensions are allowed until Congress shall take action. This amendment was offered on my own responsibility. It has not the sanction of the District Committee as a committee. There is now no authority lodged with the Commissioners to allow house connections with the overhead or underground wires of the United States Electric Lighting Company, or with the conduits of the Potomac Electric Power Company. Such authority is proposed in the interests of the people of the District. If the conduits of the Potomac Company shall be declared illegal by the courts, this proposed legislation will have no effect on the legal status of the question. I would say also that the amendment just offered has been prepared without consultation with anyone aside from members of the Senate. Representatives of neither of the electric-light companies have seen the amendment.

Mr. GALLINGER. I will say for myself that I did not expect to be consulted, and I do not care whether I was consulted or not. My impression is that one of these electric-light companies was consulted and the other was not. That is my impression. But however that may be, I do not assent to the proposition that when Congress has absolute power over every corporation in this District, when Congress is legislating for this great city, we ought to permit rival companies to come in here and tear up our streets on the ground of economy, or on the ground of furnishing any product cheaper than one company would furnish it. If the argument is worth anything in favor of the Potomac Electric-Light Company, it would be equally as potent if another company came in, or another, or another; if ten more should come in, the same argument could be used. If a third company should come here and say we will furnish light a little cheaper than the Potomac Light Company, perhaps then the Commissioners of the District would rush to the rescue of that company as they did to the rescue of the Potomac Electric Light Company, and let them go to work and tear up the streets to install another electric-light company in the District of Columbia. I do not assent to that argument. Congress has absolute control over every corporation chartered by Congress, and Congress can determine absolutely and irrevocably the price that will be paid for electric lights or gas lights or any other service that any corporation supplies to the people of this District under the charter rights that they receive from Congress.

Now, Mr. President, this is all I care to say. I presume I stand substantially alone on this proposition, but there will be the same comfort to me in voting against this amendment that there will be for the distinguished Senator from Michigan and the Senator from New York and the Senator from West Virginia in voting for it. They were consulted: I was not. I did not expect to be consulted, but I simply wanted to enter my protest against this kind of legislation that gives to a company that came in here under the circumstances that this company did, and that has left our streets in the condition they are to-day, the same rights that the company has that has been doing service to these people for a great many years, the stock of which is held by the plain people of this District, and whose rights ought to be protected by the Congress of the United States.

The VICE-PRESIDENT. The question is on agreeing to the substitute submitted by the Senator from Michigan [Mr. McMILLAN].

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The next amendment of the Committee on Appropriations was, on page 7, after line 10, to insert:

> That the sum of $325,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,738 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owners at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

Mr. VEST. Mr. President, I shall make no apology for calling the attention of the Senate to this appropriation. I understand that it came from the Committee on Public Buildings and Grounds, of which I am a member; but it never was adopted in any meeting of that committee, and if assented to by a majority of the committee it was under the reprehensible practice of polling members upon the floor, a practice which ought to cease, in my opinion, at once.

Now, it is proposed here to take $325,000 out of the public Treasury to buy the old Corcoran Art Gallery building. I hope it is hardly necessary for me to say that I am in entire sympathy with the objects of that institution, and that no man reveres more the memory of Mr. Corcoran than myself; but it is a very distinct proposition as to the nature of the building and the appropriation of this large amount of money in the present condition of the Treasury.

It is stated in the amendment that this money is to be appropriated to the purchase of this building, in order to erect upon it a building for the Court of Claims. The United States to-day owns the most beautiful lot in this city, unoccupied, upon one end of which is the Attorney-General's Office, next to the new opera house, in front of Lafayette Park. We purchased that property some years ago from the Freedman's Bank for $250,000. It is immediately contiguous to the Treasury Department, to the Attorney-General's Office, and the State, War, and Navy Departments. Why should we take $325,000 and buy another lot upon the same street when we have this unoccupied ground, far superior in every regard to the site of the present or the old Corcoran Art Gallery?

Have Senators examined into this question? Do they know that it is proposed to sell us this ground for about $21 a foot? The old building that is there to-day is absolutely unfit for a court edifice. It has a mansard roof—an old fire trap that must be got rid of at once. The whole building must be remodeled. It was built specifically for an art gallery. There is not a room in it that can be adapted to the purposes of the transaction of the business of a court. Twenty-one dollars a foot for that property! I undertake to say that we can buy property in the vicinity of the new Corcoran art building for $1.50 a foot, certainly for $1.75, for it has been offered to the Government at that, and it will be just as good a site either for a hall of records or the Court of Claims as the site of the old Corcoran Art Gallery. I repeat, why should we purchase it, when we have this splendid lot more contiguous to the Departments and to the center of business in the city, the finest lot now that belongs to the Government, and peculiarly adapted for a building to be occupied by the Court of Claims?

I have looked into the records of the Committee on Public Buildings and Grounds and amongst my own papers to see if I could not produce to the Senate the written or printed proof that this building was offered to the Government for $275,000 within less than a year. I quote from my memory, as a member of the Committee on Public Buildings and Grounds, when we heard the trustees of this institution, gentlemen of eminent character, for whom I have great respect and who are my personal friends. It is my recollection that they asked us $275,000; I am certain it was not exceeding $300,000; and now it is proposed to unload that ground, which is no longer needed by this splendid institution, the Corcoran Art Gallery, upon the Government of the United States. If we are to practice any sort of economy, most unquestionably here is an opportunity to do it. It is too much the fashion in this District, whenever a piece of property can not be turned over to anybody else, to put it upon the people of the United States and upon their Treasury.

We have to-day hundreds and thousands of feet of unoccupied ground. I have advocated for the last eighteen years, since I have been a member of the Senate, the purchase of eligible sites for public buildings before the property largely advanced in value. I am glad to say that in one or two instances I have succeeded, and in none more conspicuously than in having an humble part in purchasing from the Freedman's Bureau the piece of property upon which the Attorney-General's Office is now located.

We have been lectured somewhat to-day in regard to the jurisdiction of the committees of this body. The question has lately been before us in regard to the sphere of action of the Committee on Commerce and that upon Appropriations. This very proposition has been pending before the Committee on Public Buildings and Grounds for two years and a half. We are now examining into it, and have been looking at eligible sites, particularly for a hall of records and the Court of Claims. Why is it now taken away from our committee and put in this appropriation bill by a committee that certainly could not have examined into all the details? We have had hearings from these trustees. I have gone in person and looked at different pieces of ground that were offered to us for a hall of records and the Court of Claims; and all at once I am confronted, without notice, with this appropriation, which forestalls any action that could be taken by the Committee on Public Buildings and Grounds, and is to take out of the Treasury $325,000.

Mr. President, even upon the Sabbath day I make no apology for bringing these facts to the attention of the Senate. I sympathize somewhat with the lacerated conscience and the tender, religious sensibilities of the Senator from New York and the Senator from New Hampshire; but I console myself that I am not responsible, if it be a desecration, for the business in which we are now engaged. If I had consumed the time of the Senate upon secular days with long orations upon impertinent issues that were not before the Senate, I should feel that I had been false to my Presbyterian education; but as I have not been, I take it for granted that what we are doing now is covered by those words of the Holy Text, that works of necessity are justified, even upon the holy Sabbath. And more than that, I happen to have seen in this bill, on page 126, a religious appropriation. The Senator from New York overlooked it. We appropriate in the bill $2,000 for the Red Cross Society, which is soon to meet in international conference at Vienna, in Austria. If this bill should fail, that appropriation for a work of holy charity would be defeated. More than that, I am informed by the Senator from Pennsylvania [Mr. QUAY], and it may be a matter of consolation to the Senator from New York, that he proposes to signalize this day by calling upon the Senate to pass the Little bill, which prohibits the use—not the sale, but the use and the giving away—of intoxicating liquors within the Capitol or upon the public grounds. If we can pass that measure, I hope that it will heal any religious wounds that are inflicted by the work in which we are now engaged.

Mr. GEAR. Mr. President, the Senator from Missouri remarked something about the report of the Committee on Public Buildings and Grounds. I had the honor of being a member of that committee, and was a member of the subcommittee in connection with the Senator from Montana [Mr. MANTLE]. We reported the bill to the Committee on Public Buildings and Grounds. They in turn adopted the report we made and recommended the purchase of this ground. In compliance with the request of the chairman of that committee, I polled the Committee on Public Buildings and Grounds in the absence of the Senator from Missouri. The Senator at the time was in the West.

A word as regards the value of this property. I made some investigation as to its value and also as to the kind of property. I think the Senator from Montana and myself went through the building from top to bottom. It is one of the best constructed buildings in the city of Washington. It is perfectly fireproof, with the exception of the roof. I admit what the Senator from Missouri says, that it needs a new roof or some addition certainly to make it more fireproof, but when it is perfected and completed, which can be done with a small amount of money, the building will be as well adapted for the purposes proposed as any building in the city. I hope the amendment will be adopted.

In reply to the statement of the Senator from Missouri, that he thought this building had been offered to the Committee on Public Buildings and Grounds for a less sum, I will state that I have been on that committee for a number of years, and the property has never been offered to the committee for less than $350,000, not $275,000.

Mr. ALLISON. There were two things which pressed themselves upon the Committee on Appropriations as to this purchase. The first was that the Attorney-General came to us, not once, but more than once, insisting that we must immediately provide somewhere for a building for the Court of Claims; that the situation of the business in the office of the Attorney-General was such as to require the rooms now occupied by the Court of Claims, and he expressed himself as absolutely impartial in respect to this recommendation because he soon expected to retire from office. We inquired of him what amount should be appropriated for the rental of a suitable building, and he said, after he had made considerable inquiry upon the subject, that a suitable building could not be rented for less than $10,000 per annum.

Then there came from the Committee on Public Buildings and Grounds this amendment proposing $350,000 for the purchase of a building from the trustees and guardians of the Corcoran Art Gallery, which is the result of the beneficence of the late Mr. Corcoran, of this city, who had given a very large sum of money for its maintenance and support, in addition to giving to it the building and grounds which we are about to purchase.

The Corcoran Art Gallery is as much dedicated and devoted to the educational interests of the people of the United States as is the Congressional Library, upon which we have expended $6,000,000; it is more open to the public, and has been all the time. Three days in the week the people who come here can get into that gallery free, and at other times at a very small expense. The trustees of that institution have erected a new structure which has cost over $700,000, without including the cost of the ground upon which it is erected. In that building is a large space for those who wish to engage in the study of art, and it is all free to them.

Now, I submit that, although the Committee on Appropriations reduced the purchase price of this building to $325,000, it is hardly worth while for us to say that we are paying $5,000 or $10,000 too much, even if we are. This building is adapted to the use of the Court of Claims, and it may be used by some other bureaus or offices of this Government. It is located on a valuable piece of land, well situated, in close proximity to three or four of the great Departments of this Government. It is land that we must have and will have in the near future.

The illustration made by the Senator from Missouri as to the part he took in the purchase of the old Freedman's Bank building is an illustration of what I say. I was a member of the Senate when we had a very similar debate as to the purchase of that building, when the arguments of the Senator from Missouri were wholly upon the other side. That building belonged to the creditors of the Freedman's Bureau, to the people who had deposited their small savings in the Freedman's Bank. It was said on this floor over and over again that the $250,000 we paid for that building was an extravagant price and far beyond its value, and yet property in that vicinity has so appreciated that the Government could realize from it, if it would sell it, more than twice the sum paid.

I argued here five years ago for the purchase of a piece of property adjacent to the building now occupied by the Attorney-General's Office, when it could have been bought for $90,000, and I was met with the same argument that is now made by the Senator from Missouri, that that was an exorbitant price; that it was favoritism to some people who lived in this District, who were obliged to sell it. That property, within six months of the time of that argument here for its purchase, was sold to a private person for $125,000, who is receiving now an annual rental from the building of $6,000, and yet it was an essential part of the public property we own on the corner of Pennsylvania avenue and Lafayette square.

So, Mr. President, the Committee on Appropriations, believing that it was a wise thing at this time for us to acquire this property—not only for the benefit of the Government, but as in [illegible] way relieving a great institution of art in our city from the embarrassments under which it labors, because of the [illegible] expenditure it has recently made in the [illegible] a new building—favored this amendment. That [illegible] about it.

Mr. VEST. Mr. President, the Senator from Iowa, of course, did not mean to suppress the fact that the principal objection to the purchase of the ground upon which the Lafayette Opera House is now located, immediately contiguous to the Attorney-General's Office, was a defect in the title. That was the argument made, and no lawyer in this Senate was able to answer it. It might have been that there was not a great deal in that defect, but it existed, and it was not thought by a large portion of us, as trustees for the Government, that we ought to put the money of the people of the United States in any title that had any defect at all.

But I will state to the Senator that I myself introduced in the Senate years before that a bill to purchase that same property when it was offered to us at $65,000, and before Mr. Blaine purchased it, but I could not get the Senate to pass that bill. It has been sold since for $100,000, and the defect in the title still remains, but is considered of very little importance by the present owners.

My friend from Iowa attempts to draw an analogy between this case and the purchase from the Freedman's Bank of the property upon which the Attorney-General's Office is located. The cases are entirely different. In the first place, there is no such property in the city of Washington, at least upon that street, in point of beauty, in point of location, in point of contiguity to the center of business of the town and the large Departments as the lot upon which is located the Attorney-General's Office. It is infinitely superior to the lot upon which the Corcoran Art Gallery building is located.

When the Senator speaks of the object of the Corcoran Art Gallery, he can not say anything in that behalf that I would consider exaggerated. As I said in the beginning of my few remarks, nobody can possibly have a greater regard for the memory of Mr. Corcoran and for the munificence and bounty which he exhibited in that and other acts of his life than I have. I was his personal friend; I loved him; and there was no more sincere mourner at his tomb than myself.

But, Mr. President, the Corcoran Art Gallery is one of the most munificently endowed institutions in the United States. Mr. Corcoran was not only a man of large heart and brain, but of large means, and every institution that he endowed was munificently endowed against the possibility, almost, of pecuniary liability or disaster in the future. No appeal can be made to the Senate to buy that property because the Corcoran Art Gallery is indigent. They have just put up for seven or eight hundred thousand dollars a beautiful edifice, and did it with money that has accumulated from year to year in their hands upon the amount which Mr. Corcoran originally gave for that purpose.

How was it in regard to the Freedman's Bank Building? Mr. Bruce was then a Senator from Mississippi, a colored man, and the only one in the Senate—a gentleman, an honor to his race, a man who I am proud to call my friend. I was associated with him, our committee rooms were contiguous, and I know him well. He appealed to me and to other Southern Senators to take the assets of the old Freedman's Bank, all that were left to that poor, oppressed colored race, whom I know as well as any man living, and pay them $250,000, all that the poor, ignorant depositors would ever get. Why, Mr. President, who could have resisted that appeal. I would have paid, I confess, more than the property was worth under the circumstances that surrounded that case, but it was the best purchase that this Government ever made.

I do not claim credit for myself, because I followed the venerable Senator from Vermont [Mr. MORRILL], and my conduct in the matter—for I was then comparatively a young Senator—was simply as his adjutant-general, proud to fight under such a leader in such a cause.

I would not say one word in this Senate against this proposed appropriation if it could be tortured into opposition to the object of Mr. Corcoran's bounty or into a reflection upon his memory; but we are here confronted with the proposition to pay $21 a foot for that property when it is not worth it.

Mr. ALLISON. Eighteen dollars a foot.

Mr. VEST. I have talked to real estate dealers and owners of property in the vicinity, and they estimate it at about $21. The improvements I count for nothing.

Only the Senator says that that building can be made into a court building. I beg, with great respect, to differ from him. It never was intended for a court building. The upper portion of it is an old fire trap with a mansard roof, condemned in architecture and condemned by the insurance companies. Take the roof off, and then you have got the walls, and even if they were thick enough, you would have to remodel the whole of the interior. Who that has had any experience in building does not know that the expense of pulling down an old structure like that and remodeling it is the worst sort of economy. And if we are to put up a building for the Court of Claims, it should be worthy of the Court of Claims and worthy of the Government of the United States. That house will never do for any such purpose.

But I appeal to the Senate not to make this appropriation, because I state, as a member of the Committee on Public Buildings and Grounds, that we are in anxious consideration and consultation upon this very question. We are to provide sites immediately for two buildings. We have passed four times in the Senate a bill to purchase a site for a hall of records, absolutely needed by every Department of the Government, and it is criminal negligence to put it off any longer. Every head of Department has reported that there must be such a hall. In the Quartermaster-General's Department there has been a fire twice, imperiling the records of this Government, which are invaluable; yet we have been unable, for some reason or other, in fifteen years to meet this exigent demand from the heads of the great Departments of the Government. I have reported that bill four times from the Committee on Public Buildings and Grounds unanimously, and it has unanimously passed the Senate four times, and yet we have not been able—it is not our fault, but the fault of the coordinate branch of Congress—to agree upon a site. We must have a site for a hall of records. That is a pressing demand upon us. The Court of Claims can wait a little while, but I grant that there should be a proper edifice for that court.

This property is too high. I have been told by property owners in the vicinity, who would certainly be interested in the Government making the purchase, that they were willing to sell their property, just as good, for a great deal less—I am afraid now to name the amount, because I might do injustice, but my impression is for $16 or $17 a foot.

I ask the Senate to let our committee dispose of this matter. We have not been derelict in our duty. We have endeavored, under all sorts of obstacles, to meet this demand for great public buildings in Washington, and it is not our fault if our bills have not been passed.

I will tell the Senator from Iowa—and I think he will recognize the truth of it—that the trouble with obtaining room for the Government of the United States in these Departments lies in the administration of the Departments. As soon as we put up a building, every head of a bureau wants eight or ten rooms for his bureau and two or three for himself. They are not satisfied to put four or five clerks, as should be the case, in a single room, and they never are put there until by the increase of business the space becomes so contracted that they are obliged to do it. If you put up any building, like the new post-office building, then every head of a bureau wants to take a floor; the head of the Department accedes to it; and you will find in that building, when it is finished, one man occupying a room, and, at the most, two men. The result is that we are constantly in need of room; and, if we were to continue to buy almost ad infinitum under the different administrations of the Departments, you would find the same trouble.

All I ask is that you give our committee time to consider this matter, and for one, as a member of that committee, I pledge to the Senate my word that we shall dispose of the subject at the earliest day possible in consonance with the best interests of the country.

Mr. TELLER. I should like to ask the Senator from Missouri if he will designate any building which is occupied by Government officials which has not more than one man in a room?

Mr. VEST. I do not know that I can, because they are all old buildings, except the new post-office, and now they are clamoring to put different bureaus of the Government into that building; and it has been suggested lately that the General Post-Office Department be moved into it.

I had something to do with the purchase of the ground on which the new post-office building stands and with the drafting of that bill. It never was contemplated to put the General Post-Office there. Our idea was to put the city post-office there, and possibly the Court of Claims or some bureaus of the Government, if there turned out to be sufficient room. But now the city post-office is demanding one-third more room than was contemplated at the time we commenced the construction of the building.

What I said in regard to the officers of the Departments is simply that when we erect a new building the rooms are not so distributed with reference to the business of the Department as they should be, and the result is that there is constantly a clamor for more room.

Mr. TELLER. It is notorious that the Post-Office Department has been for many years very badly housed and very badly crowded. It has been obliged to hire buildings outside at a great deal of expense. It is an equally notorious fact that the Interior Department for the last twenty years has been overcrowded, crowded to a shameful degree; crowded so that it is unhealthy for the occupants, there being in many of the rooms twice as many people as there ought to be; and the records have been removed from the rooms, where they properly belong, and placed in cases in the corridors. In every way those Departments have been crowded, and they are clamoring for more room. Both the Interior Department and the Post-Office Department are occupying rooms outside of the Department buildings, when they ought all to be housed under one roof.

I do not know but that there may be somewhere some official building of the United States that is not so crowded, but, so far as my observation goes, every building is as full as it ought to be, and some contain twice as many people as they ought to contain.

Mr. VEST. I do not think the State, War, and Navy Departments are crowded.

Mr. TELLER. I would not state so certainly of those, but I have never myself seen any large room occupied by one clerk, although such a thing may exist in those buildings; but I do know that both the Interior and the Post-Office Departments have been very badly crowded for the last twenty years.

Mr. VEST. That is true.

Mr. TELLER. And I know also that the Interior Department, if allowed to occupy both the Post-Office Department building and the building the Interior Department now occupies, except the outside rooms, which are rented—if those two buildings were turned over to the Interior Department, which is situated on F street, the Post-Office and the Interior Department building, the Interior Department would occupy every room in both and not have any waste rooms.

If the Government does not want to use the old Corcoran Art

Gallery for the purposes of the Court of Claims, there are a number of commissions and other Government bureaus which occupy rented buildings, which the Government could put in that building.

I myself would like to see the Government erect a good court building for all the courts, but there will be plenty of time for that after we buy this property.

Mr. MANTLE. I desire simply to say, Mr. President, that I was one of the subcommittee, acting with the junior Senator from Iowa [Mr. GEAR], who were appointed by the Committee on Public Buildings and Grounds to examine the building in question and make report to that committee. In company with the Senator from Iowa, I visited the building. We inspected it very thoroughly, going all over it, and after making numerous inquiries relative to the value of that property and of adjacent property, and after hearing the statements of people engaged in the real estate business in the city, we arrived at the conclusion that the price named in the amendment would be a very reasonable price for the property. It was our opinion, after such investigation as we were able to make—I am speaking as a layman of course—that suitable changes could be made without any great outlay of money, and that the building could be made suitable for a hall of records. So, Mr. President, we reported to the Committee on Public Buildings and Grounds in favor of the purchase of the old Corcoran Art Gallery at the price stipulated, to wit, $325,000.

I have nothing to add to that except to say that, in my judgment, after this investigation, it is a desirable piece of property for the Government to own at that price. It is located in a splendid quarter, adjacent to other Government buildings, and, from the very fact of its location, it must increase in value as the years go by.

Mr. VEST. Do I understand the Senator to say that the subcommittee reported to the Committee on Public Buildings and Grounds?

Mr. MANTLE. My impression is that we made up a report, but I do not think there has been a meeting of the Committee on Public Buildings and Grounds this winter. There have been one or two abortive attempts to secure a meeting.

Mr. VEST. We have had meetings, but this question was not reported to our committee, and there never was any consultation about it; but, as the Senator from Iowa [Mr. GEAR] stated, he polled the committee on the floor of the Senate.

Mr. MANTLE. I think that is true; but the report was made by the subcommittee, and the poll of members on the floor was based upon it.

Mr. VEST. But that report was never considered by the Committee on Public Buildings and Grounds.

Mr. MANTLE subsequently said: I want to recur for one moment to the subject of the Corcoran Art Gallery. I knew that a report had been made, but I could not lay my hand upon it at the time I discussed the matter, and I should like very much to have three or four letters from competent real estate dealers in the city, which were used at that time, incorporated in the RECORD with my remarks, so that they may be read. They bear directly upon the question of the value of the ground immediately surrounding the site in question.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

WASHINGTON, D. C., *March 6, 1896.*

DEAR SIR: Answering your inquiry, we would say that in our opinion lots 5, 6, 7, and 8, square 167, belonging to the Corcoran Gallery of Art, containing 17,733 square feet of land, and situated on the northeast corner of Pennsylvania avenue and Seventeenth street, are fully worth $20 per square foot, or $354,660, exclusive of the improvements.

The buildings upon these lots are substantial, and even at this day handsome ones, which we understand cost upward of $250,000 to originally erect. Their value to a prospective purchaser would, however, depend entirely upon whether they could be advantageously used, and could therefore not be estimated by us.

In connection with our valuation of this property it may be of interest for you to know that we are holding for sale the corner of Pennsylvania avenue and Jackson place—same square—at about $27 per square foot.

Very truly, yours,

THOS. J. FISHER & CO.

S. H. KAUFFMANN, Esq.,
President Corcoran Gallery of Art, Washington, D. C.

MARCH 6, 1896.

DEAR SIR: In reply to your inquiry in relation to the value of the land upon which the Corcoran Art Gallery is built, I will say that it is on lots 5, 6, 7, and 8, square 167, in this city, and I consider $350,000 a fair price for it, independent of the building.

Very truly, yours,

R. O. HOLTZMAN.

Mr. S. H. KAUFFMANN, *Washington, D. C.*

WASHINGTON, D. C., *March 26, 1896.*

DEAR SIR: In answer to the question what, in my opinion, would be a fair price for the Government to pay for the present Corcoran Gallery property, to be used for public purposes, I beg to say that I would regard $375,000 as a conservative valuation.

Very truly, yours,

MYRON M. PARKER.

S. H. KAUFFMANN, Esq., *City.*

WASHINGTON, D. C., *March 17, 1896.*

MY DEAR SIR: In reply to your inquiry of this date, as to the value of the Corcoran Art Gallery property, corner of Seventeenth street and Pennsylvania avenue, I have to say that I regard the property as worth for public purposes anywhere between $400,000 and $500,000. It is, as is well known, a building of special character and adapted only for the purposes for which it is now used or for the use of the Government. I understand you contemplate the sale of the property to the United States, and certainly there would be very little hesitation in the minds of any Senator or Representative in voting for the purchase of this property, the proceeds of same to be used for the benefit of the public, not for the people of Washington, but more largely for visitors from all parts of the Union.

I will be glad to furnish any further information you may desire.

Sincerely, yours,

B. H. WARNER.

S. H. KAUFFMANN, Esq.

Mr. CALL. I wish to make one remark only. If it was a wise and proper consideration, as stated by the Senator from Missouri [Mr. VEST], to buy the building belonging to the Freedman's Bureau and give an increased price for it, it is equally wise to purchase the Corcoran Art Gallery and give an increased price for that. If it is a public consideration to benefit the depositors in the Freedman's Bank, it is equally a public consideration to appropriate this money, which will be applied to the education of the American people in perpetuity in the higher branches of art, furnishing them employment and the means of earning a comfortable living and contributing to the advancement of human learning.

For that reason, and because this money will be a perpetual benefit to the advancement of mankind in learning, I shall vote for the amendment.

Mr. VEST. I distinctly stated, if the Senator will permit me, that the Freedman's Bank property was exceedingly cheap and the best purchase that this Government ever made; and I stated that this property is exceedingly dear.

Mr. CALL. Mr. President, cheapness does not contribute much in the question when it is a question of the advancement of mankind in progress and learning.

Mr. VEST. When I am engaged in that business, I think I will be as liberal as the Senator from Florida, but I am now engaged in the consideration of the expenditure of money for real estate by the United States Government.

I raise the point of order on the amendment that it is general legislation.

Mr. BACON. Before the point of order is submitted to the Senate or ruled upon by the Chair, I should like to ask the Senator from Missouri, as he said he had been consulting with real estate agents in regard to this matter, what, according to his best information, is the proper value of this property?

Mr. VEST. I think in the present state of the market, which is as low as it possibly can be in this city and elsewhere, fifteen or sixteen dollars a foot would be a liberal price for this property.

Mr. BACON. What would the total amount to at that price per foot?

Mr. VEST. I can not state exactly. I do not recollect the exact number of feet, but I think it would amount to in the neighborhood of $280,000. That would be an exceedingly liberal price for it. I do not want to do anybody injustice, but my recollection is that a gentleman proposed to sell us the property, I am pretty certain, for a sum not exceeding $300,000, but the market has gone down since. I have been told by gentlemen who own property in the vicinity, with whom I have talked about this matter, and whose names I could give to any committee, that they would be very glad to get $17 a foot for property that is just as eligibly situated and right in the immediate vicinity of the Corcoran Art Gallery.

Mr. MANTLE. May I ask the Senator from Missouri if in computing the price of the ground he makes any account for the building at all?

Mr. VEST. Very little, to be frank, because I have endeavored to state to the Senate that I thought all that could be used of the present building would possibly be the outer walls, if they were in a condition in which they could be used, which I doubt very [illegible] The whole building must be remodeled. It is utterly [illegible] purposes of a court of justice; it was built for a spec[illegible] purpose, for an art gallery.

I have had some little experience—not a great deal—in regard to old buildings. If I wanted to build on a lot containing [illegible] old building, I would tear down the old one and not even use [illegible] materials contained in it in the new one. When you come to [illegible]modeling an old building, it is just like an old wagon that has got to be repaired—you had better give it away and [illegible] one.

Mr. ALLISON. As I understand the S[illegible] from Missouri has made the point of order on the amendment, I desire to state the exact condition of the amendment. It is an amendment to provide the Court of Claims with a place for its sittings, and therefore it is a public purpose.

Therefore it is a public service. It is in lieu of the estimate which provides for the rent of a building for the Court of Claims. It is the judgment of the committee as respects that subject.

It is a public purpose in view of the statement made by the Senator himself, who says that the subject has been before the committee for more than a year.

Mr. HOAR. Will the Senator allow me? It seems that if anything could be an appropriation to carry into effect existing law it is an appropriation for a court.

Mr. ALLISON. Yes. I thank the Senator for stating more tersely than I did the exact purpose of the amendment. So that, so far from its being out of order, it is absolutely in order, as much as it is in order to provide money for the rent of any of the great public departments of this Government, which we do every year to the extent of $130,000 or $140,000.

The PRESIDING OFFICER (Mr. CHILTON in the chair). In view of the construction which has prevailed here, the Chair overrules the point of order.

Mr. MILLS and Mr. ALDRICH. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLS. I believe that concludes all the amendments of the committee.

The PRESIDING OFFICER. There is a committee amendment on page 91.

Mr. ALLISON. There are one or two other reserved amendments, and I desire to offer one or two amendments from the committee.

The PRESIDING OFFICER. The Chair is informed there is an amendment on page 91, which will be stated.

The SECRETARY. After line 6 on page 91 it is proposed to insert:

> The officer of the Coast and Geodetic Survey detailed to serve on the board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. FRYE. That is all right.

The amendment was agreed to.

Mr. ALLISON. I ask the Secretary now to state the next reserved amendment.

The SECRETARY. On page 54, after line 5, it is proposed to insert:

> To enable the Secretary of the Treasury to continue the scientific investigation of the fur seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution approved June 8, 1896, $5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898.

Mr. MILLS. Will not the Senator from Iowa allow me to have my amendment adopted now? He has no objection to it, and there may be objection to others, which will lead to debate, or something of that sort.

Mr. ALLISON. I should be glad to serve the convenience of the Senator, but I think nearly every Senator about me has an amendment, and I should prefer, if it is agreeable to the Senator, to consider the committee amendments first and get them out of the way.

Mr. MILLS. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. PETTIGREW. Mr. President, I do not believe we ought to continue this commission and again send a party of scientific men to Alaska for the purpose of viewing the destruction of our property by the Canadian seal poachers. It seems to me that has gone on long enough, and that unless we propose to deal summarily with the matter we had better abandon it altogether.

The fact is that in 1893 we submitted to arbitration the questions involved in a dispute with Great Britain in regard to protecting the seal fisheries in Bering Sea. The tribunal met at Paris, and after considerable discussion we were defeated on every proposition which was presented, and the tribunal finally formulated a series of provisions for the protection of seal life. Those provisions have entirely and utterly failed to accomplish their purpose. It was provided that no seals should be killed in the open waters of Bering Sea nearer than 60 miles to the islands, and it is well known that the seal herd visit the islands every season for the purpose of rearing their young, and that while the young are upon the rookeries their mothers fish in the surrounding waters. It is now shown that the fishing banks are more than 60 miles from the islands, and therefore the provisions of the Paris Tribunal afford no protection whatever.

The consequence is that sealing vessels, ships fitted out for the purpose, capture these animals in the water. The ships visit the waters every summer and kill the mother seals. The result is that we are spending large sums of money in sending men to watch the destruction of this property, and we receive no revenue whatever from the islands—no revenue whatever from the lease of these islands. We are expending about $400,000 a year to patrol the waters of Bering Sea and to send commissions there to look on while this work of butchery is performed.

The House of Representatives at the last session of Congress passed a law which provided first that an agreement should be secured, if possible, with Great Britain for the purpose of formulating regulations to protect these animals. The bill has been reported to the Senate from the Committee on Foreign Relations, and it is upon the Calendar. It provides that if Great Britain will not enter into such an arrangement before the next sealing season commences, the Secretary of the Treasury shall proceed to kill every seal as fast as it lands upon the islands and end this controversy. It seems to me that is what we ought to do. Instead of sending another commission to witness our own humiliation, we ought to destroy every seal as fast as it lands upon the islands, in the interest of humanity.

Mr. President, two years ago the reports of the Treasury agents showed that 20,000 young seals starved to death because their mothers were butchered at sea, and last year 27,000 starved to death. It is well known that these young seals will live for about six weeks before death comes to relieve them, and that they travel up and down these rookeries in great distress, searching for their mothers, and finally die. Are we to continue this condition of affairs?

Mr. GALLINGER. How many died last year?

Mr. PETTIGREW. Twenty-seven thousand. These young seals died upon the islands because their mothers were killed at sea. It seems to me that we ought to stop it in the interest of humanity. It seems to me cruel to continue this performance. It seems to me we ought, in the interest of humanity, to enact some law to destroy these animals and thus stop this disgraceful transaction.

Mr. President, because of this fact the company which has leased the islands and agreed to pay into the Treasury a certain sum of money for each seal that is taken, has refused to make payments, and we have not received a dollar of revenue since 1892—not one penny last year, not one penny any year since 1892. But what is the fact in regard to the expense of carrying on this transaction? We have paid out since 1890 $2,000,000 for the expense of a fleet and for men to patrol that field and watch the Canadian poachers take our property.

We have been regaled with arbitration treaties. We have implored the British Government to settle this question, to do away with this barbarous, inhuman performance in the Bering Sea, and yet they turn a deaf ear, refusing to do anything. Still they send one arbitration treaty after another. The last treaty which we received is one to arbitrate, as I understand, the one hundred and forty-first meridian of longitude. You might as well arbitrate the multiplication table. If this Administration remained long enough, if it did not find anything else to arbitrate, it would send here, I suspect, a treaty to determine whether Great Britain and the United States could agree upon the multiplication table. The one hundred and forty-first meridian of longitude can be determined by any engineer. It is well known that engineers have already determined its location within 400 feet of Central City, on the Yukon River, at the present time.

But, Mr. President, the British Government refuses to do one thing for the protection of seal life. I do not intend to enter into any discussion of the question at this late hour, but I wish to put before the people the record of this proceeding for the last few years.

The cost of patrolling the waters of the North Pacific and the Bering Sea since 1891 to date has been about $1,696,000. When we add other expenses it swells the total amount to more than $2,000,000, while the total revenue derived since 1891 is but $288,000, and not a cent of revenue has been received since 1892. In the meantime we have lost into the hands of the Canadians the enormous number of more than 2,000,000 fur seals, valued at least at $10,000,000, and from certain rulings of the Treasury Department since 1893 we have lost—at least we have not received the rightful revenue to us due from the company which rents the islands—$1,188,000. I have a table showing the revenue and the expenses since 1890 in connection with this matter.

SEAL ISLANDS OF ALASKA.

[Figures taken from Secretary of the Treasury.]

Cost to public Treasury since 1890.

As to the cost of policing Bering Sea and the North Pacific each year since 1890, I have to state that the honorable the Secretary of the Navy, upon request, has informed this Department that the cost of maintaining vessels of the United States Navy in these waters since 1890, including pay and rations of officers and crews and repairs to the vessels during and immediately following the performance of said patrol duty, was as follows:

1890	No patrol by Navy.
1891	$133,281.64
1892	231,931.31
1893	183,167.74
1894	452,768.18
1895	No patrol by Navy.

The expense incurred by revenue cutters in patrolling Bering Sea from 1890 to 1896, inclusive, including pay and rations of officers and men, is as follows:

1890	$36,846.66
1891	61,650.70
1892	66,672.57
1893	47,386.79
1894	56,459.68
1895	148,677.74
1896	150,000.00

The amounts which have been expended by the Government for the support of the native inhabitants of the seal islands of Alaska follow:

1893	$11,837.82
1894	18,819.44
1895	25,563.21
1896	25,000.00

While not requested by the resolution, I append a statement of the amounts expended for salaries and traveling expenses of agents to the seal fisheries of Alaska:

1890	$10,747.71
1891	15,396.83
1892	16,071.33
1893	11,168.27
1894	10,963.00
1895	10,318.38
1896	10,000.00
Cost of Paris tribunal (1893)	250,000.00
Total cost to public Treasury	1,975,587.54

Revenue derived since 1890.

Year.	Seals taken.	Amounts paid.	Amounts due and unpaid.
1890	20,995	$[illegible]9,673.88	$47,403.00
1891	13,482	46,749.21	131,628.64
1892	7,549	23,972.00	108,098.52
1893	7,500		132,187.50
1894	16,031		214,298.37
1895	15,000		204,375.00
1896	30,000		a348,750.00

a Due April 1, 1897.

Paid by lessees	$340,395.71
Due and unpaid	1,189,129.00

RECAPITULATION—LOSS TO PUBLIC TREASURY SINCE 1890.

Cost of protection	$1,975,587.54
Revenue refused by lessees	1,189,129.03
2,000,000 fur seals destroyed by Canadians	10,000,000.00
Total loss from 1890 to date	13,164,716.57

In order that the Senate may clearly understand the complete failure of every attempt made by this Administration to secure the least betterment of the shameful order of affairs on the seal islands of Alaska, the following concise epitome of the successive advances of Mr. Gresham and Mr. Olney, together with the rebuffs, is given.

First, Mr. Gresham leads off:

MR. GRESHAM TO SIR JULIAN PAUNCEFOTE.

DEPARTMENT OF STATE, *Washington, January 23, 1895.*

EXCELLENCY: I have the honor to inform you, for communication to your Government, of the deep feeling of solicitude on the part of the President of the United States with regard to the future of the Alaskan seal herd as disclosed by the official returns of seals killed at sea during the present season in the North Pacific Ocean, filed in the respective custom-houses of the United States and British Columbia, and by reliable estimates of skins shipped to London from the Asiatic coast by way of the Suez Canal.

It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transshipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Bering Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals, not only over 8,000 more than were killed in Bering Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season.

This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and it is respectfully submitted can not fail to convince Her Majesty's Government, that the regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent, and that, unless a speedy change in the regulations be brought about, extermination of the herd must follow. Such a deplorable result should if possible be averted.

The experience of the past year under the regulations has demonstrated that not alone are the United States and Great Britain deeply interested in the preservation of the seal herd; Russia and Japan have interests commercially almost as important. Any new system of regulations of necessity should embrace the whole North Pacific Ocean from the Asiatic side to the American side, and should be binding upon the citizens and subjects alike of all these countries.

In order to add to our scientific knowledge upon this question as to the habits of the seal, its feeding grounds, and the effect of pelagic sealing upon the herd, and other similar questions, the President deems it advisable to suggest to Her Majesty's Government, and to the Governments of Russia and Japan, that a commission be appointed, consisting of one or more men from each country, eminent for scientific knowledge and practical acquaintance with the fur trade. This commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effects of pelagic sealing on the herd and the proper measures needed to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

[Senate Ex. Doc. No. 67, Fifty-third Congress, third session, pages 160-161.]

I am directed by the President to propose for the consideration of your Government, and the Governments of Russia and Japan, the appointment of such a commission, and I am further directed to suggest that during its deliberations the respective Governments agree upon a modus vivendi, as follows:

"That the regulations now in force be extended along the line of the thirty-fifth degree of north latitude from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Bering Sea be absolutely prohibited pending the report of such commission."

Inasmuch as the sealing season will shortly commence, and the fleet will leave the western coast for the sealing grounds, I beg to suggest the necessity of speedy action in regard to this proposition.

I have, etc.,

W. Q. GRESHAM.

To this urgent letter, accompanied by detailed statements of proof of the utter failure of the Paris regulations, asking for a prompt reply before the sealing season should open for 1895 and the vessels get beyond recall, the British Government (influenced by Canadian interests) made the following tardy and abrupt reply, denying everything that the United States Government complained of:

[Handed to Mr. Uhl by Sir Julian Pauncefote, May 27, 1895.]

INSTRUCTIONS TO SIR JULIAN PAUNCEFOTE.

No. 93.] FOREIGN OFFICE, *May 17, 1895.*

SIR: I have received your excellency's dispatch, No. 29, of the 24th January, inclosing a note from Mr. Gresham, of the 23d January, relative to the operation of the regulations laid down by the Paris Tribunal of Arbitration for the fur-seal fishery, and the view entertained by the President of the United States that, the regulations having failed in their object, further provisions are required to preserve the herd from extermination.

In order to avert this result Mr. Gresham had been directed to propose:

That a commission should be appointed by the Governments of Great Britain, the United States, Russia, and Japan, consisting of one or more men from each country, eminent for scientific knowledge and practical acquaintance with the fur trade. This commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effect of pelagic sealing on the herd and the proper measures needed to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

That during the deliberations of this commission the respective Governments should agree upon a modus vivendi as follows:

"That the regulations now in force be extended along the line of the thirty-fifth degree of north latitude, from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Bering Sea be absolutely prohibited pending the report of such commission."

Her Majesty's Government have given the facts set forth by Mr. Gresham in support of these proposals their most serious consideration, but after examining attentively the figures and information at their disposal they have come to the conclusion that the condition of affairs is not of so urgent a character as the President has been led to believe.

In the second paragraph of his note Mr. Gresham states:

"It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transshipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in pelagic sealing. It would further appear that the vessels engaged in Bering Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals—not only over 8,000 more than were killed in Bering Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season."

He goes on to say—

"This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and, it is respectfully submitted can not fail to convince Her Majesty's Government, that the regulations enacted by the Paris Tribunal have not operated to protect [illegible] herd [illegible] that destruction which they were designed to prevent, [illegible] a speedy change in the regulations be brought about, ex[illegible] herd must follow. Such a deplorable result should, if possible, be averted."

I must, in the first place, observe that arguments based on figures which include the pelagic catch on the Asiatic or western side of the Pacific are calculated to lead to erroneous conclusions as to the working of the regulations, and as to their effect on the seals frequenting the Pribilof Islands.

There can be no doubt that there has been a large increase in the number of seals taken off the Japanese coast last year in comparison to any previous year. The total number taken there in [illegible] was only a little over [illegible], while last year it appears from the returns to have been not less than 51,[illegible].

But no point has been more constantly insisted upon by those who have examined and argued the question on behalf of the United States than that the seals frequenting the eastern and western sides of the Pacific form two absolutely distinct bodies or "herds" and do not intermingle. In the opinion of the experts and counsel employed on behalf of Great Britain this doctrine was pushed too far. They held that a certain amount of intermingling might and indeed did take place in Bering Sea. But though our knowledge of seal life is still far from complete, it may certainly be held as tolerably established that the two main bodies of seals are distinct, and that increased pelagic catch on the Japanese coast does not constitute a serious menace to the seals frequenting the Pribilof Islands.

Whether that increased catch can be continued without serious diminution of seal life on the Asiatic side is a question which has still to be tested by experience.

For the present the regulations apply to the eastern side only, and their success or failure must be judged solely by their effect on the herd which they were intended to protect. I proceed, therefore, to examine that effect as shown by the figures in the possession of Her Majesty's Government.

From the table printed at page 207 of the report of the British commissioners it appears that in the years 1889, 1890, and 1891 the pelagic catch on the eastern side was as follows:

1889	42,870
1890	51,[illegible]
1891	[illegible]

These figures include the catch of both British and American vessels.

The figures of the American catch for later years are not available, but the Canadian catch on the eastern side in 1891, 1892, 1893, and 1894 are given in the official report as follows:

1891	52,995	1893	28,613
1892	39,167	1894	38,044

The American catch for 1894 on the eastern side is given in the table inclosed in Mr. Gresham's other note, forwarded in your excellency's dispatch No. 29, as 17,578, so that the total catch on that side last year was 55,622. This, as contrasted with the catch of 1891, shows a diminution of about 12,500.

In that year, though the modus vivendi was partly in force, the Canadian catch in Bering Sea was 29,146, whereas in 1894 it was only 21,425. This shows a diminution of about 10 per cent in the catch.

Her Majesty's Government have no returns of the American pelagic catch in Bering Sea in the season of 1891, and are therefore unable to make a comparison between the total catch there in that year and in 1894. They are unable to understand on what grounds Mr. Gresham has stated the total in 1891 to have been less than 21,585, when, according to their information, the Canadian catch alone was 29,146.

Turning now to the number of vessels employed in the fishery, these do not appear to have increased, but, on the contrary, to have decreased.

There are no trustworthy figures available as to the United States sealing vessels previous to those now furnished for 1894 by Mr. Gresham, but there are full official returns with regard to the Canadian sealing fleet, and the following table, showing the numbers and operations of the fleet during the last four years, is interesting in this connection:

Year.	Number.	Tonnage.	Number of hunters.		Total catch on both sides of the Pacific.
			White.	Indian.	
1891	51	3,378	716	336	50,495
1892	66	4,450	961	511	46,362
1893	55	3,743	847	482	68,231
1894	59	3,866	898	518	40,485

It will be seen from these figures that the number of Canadian vessels and the number of hunters employed on them last season is below that of 1892, the great falling off in 1893 being due to wrecks and seizure of vessels in the previous year.

As regards the total number of vessels, both British and American, employed in the fishery, these are given at page 185 of the United States case before the Tribunal of Arbitration as 115 in 1891 and 121 in 1892, while in 1894 they were only 92—a most material decrease.

The number of vessels and of men employed on them having thus decreased, while the total catch on both sides of the Pacific has undoubtedly increased, it is clear that there has been a general increase in the average catch per man and per vessel. This is no doubt due in considerable degree to increased efficiency, to the fact that under the regulations the use of the spear has largely replaced that of firearms, and that consequently fewer of the seals shot or speared were lost. Much is probably the result of those accidental circumstances of weather and climate which go to make a good fishing season. But the fact tends also to show that more seals were met with than before, and from this point of view the increased catch does not point to any imminent danger of extinction of the species.

As regards the effect of the regulations on the number of seals frequenting the Pribilof Islands, it seems premature to attempt to form an opinion.

Her Majesty's Government have noted the fact, which is not quoted by Mr. Gresham, but has been stated on authority, that only 16,000 seals were allowed by the United States Treasury agent to be killed on the Pribilof Islands during the last season. It is a feature of the question which deserves attention, but in the absence of information as to the standard weight of skins and other conditions fixed by that officer, it is not possible to estimate the significance of this restriction. It does not, however, necessarily point to any grounds of immediate apprehension, as only 20,000 seals could be taken in 1890, though the standard in that year was undoubtedly low.

In any case, as the number of seals taken outside Bering Sea on the American side was, owing to the regulations, much less than usual, and pelagic sealing does not begin in that sea till the 1st of August, by which time killing on the islands is over, it is evident that the small take on the islands was not due to the results of the pelagic catch of last year.

Taking all these circumstances into consideration, Her Majesty's Government can not agree that any sufficient evidence as yet exists to show that the regulations have failed in their effect or that there is such urgent danger of total extinction of the seals as to call for a departure from the arbitral award by which the two nations have solemnly bound themselves to abide.

The arbitrators had before them all the information both as to the condition of the herd and the results of pelagic sealing which the resources of both nations could supply, and after exhaustive consideration they, in the judicial exercise of their discretion, fixed five years as the period after which the regulations might be revised. Only one year has elapsed, and beyond the fact that though the sealers have scrupulously adhered to the regulations, they have had a successful season, there is no substantial ground to support the contention that the period for revision of the regulations fixed by the arbitrators ought to be so materially curtailed.

To set aside their authority upon so slight a ground would, in the opinion of Her Majesty's Government, be a most serious blow to the authority of arbitral decisions, and to the general principle of arbitration which both Governments have at heart to promote.

Her Majesty's Government are, however, anxious to do all in their power to contribute to a fair and thorough examination of the facts connected with the seal fishery, and to the adoption in useful time of any measures which may be necessary for the preservation of the species. They have examined carefully the specific proposals contained in Mr. Gresham's note, in order to see how far any portion of them could be accepted with this view, having due regard to the important British interests involved.

As regards the proposed modus vivendi for this season, Her Majesty's Government regret that they find themselves unable to accept this proposal.

Even if some adequate grounds had been furnished for its adoption in the interest of the fishery, it is to be remembered that the sealers have already almost all started and are now scattered over the whole breadth of the North Pacific, where it is impossible to warn them.

They have made their preparations on the assumption that the interference and interruption to which their industry has been subject more or less for the last ten years had at length come to an end, and that the conditions under which it might be prosecuted had at last acquired some permanence and stability. To spring upon them again in the midst of their operations so stringent a proposal as that of the United States would be an act of great injustice, and would involve Her Majesty's Government in the payment of heavy compensation.

The measure suggested would in fact put an end to pelagic sealing, as it would have only the first four months of the year, when from various causes comparatively few seals are caught, while the sealers would have to lay their vessels up during the remaining two-thirds of the year. The adoption of such a restriction under present circumstances, and upon the only grounds which can be adduced to justify it, would be almost tantamount to an announcement that whenever there has been a successful pelagic fishing, steps will at once be taken to prevent the recurrence of such an event.

Nor can Her Majesty's Government believe that the appointment at present of an international commission, such as is suggested by Mr. Gresham would lead to any useful result.

It will be remembered that the commissioners appointed by the United States and Great Britain who visited the islands in 1891 to examine this same question found themselves unable to agree, except as to a few vague general statements, and presented reports in which they differed widely, not only as to the remedial measures necessary, but even as to many of the most important facts in seal life, and only the same result can be expected from a second more numerous commission.

Such commissioners, it must be borne in mind, can only be on the islands for a few weeks at most, while the period during which the seals frequent the islands extends from May to October or November, and the phases of seal life exhibited are constantly changing.

The question to be dealt with is the progress and the growth or decrease of the herd, and the information required to enable it to be effectively grappled with can only be gathered by continuous observations carried on constantly during the greater part of the period that the islands are resorted to by the seals, and extending over a series of years. The new commission might, no doubt, be able to gather some new facts as to seal life, but nothing but continuous and comparative study could qualify it to form a judgment as to the effects which the pursuit of the seals at sea and the slaughter on land are producing on the herd, and to suggest any remedial measures with confidence and authority.

Instead of appointing such a commission, though possibly as a preparatory step to its appointment, Her Majesty's Government would propose the appointment of agents to reside on the seal islands and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect of the fishing upon the preservation of the herds.

If such agents appointed by the United States and Great Britain were to conduct investigations jointly during the next four years, both Governments would by that time have, with the particulars derived from the sealers' logs and other sources, a body of information which would enable the two nations to approach the question of revising the regulations in a thoroughly scientific manner, and to protect, as far as possible, the numerous and varied interests involved in the seal fishery.

Her Majesty's Government do not wish, however, to be understood as desiring to postpone all discussion until that date. The agents would naturally make their reports at regular and not too distant intervals, and if the facts disclosed in these reports, or information obtained from other sources, should at any time show a state of things urgently calling for remedial measures, Her Majesty's Government would be willing at once to examine with the Government of the United States the method in which such measures could best be applied. Similarly they will be ready to do what is in their power to obtain early returns of the results of the fishery during the present year, in order that they may be examined by the two Governments at the first practicable moment.

If these proposals recommend themselves to the Government of the United States, it might be desirable also to approach the Russian Government with a view to the appointment of similar agents on the Commander Islands. There is little independent information available in regard to the conditions of seal life on these islands, and as the Russian Government desire that the regulations made by the arbitrators for the western side of the Pacific should be extended to the eastern side, it seems reasonable that there should be inquiry how far such extension is necessary and applicable.

Your excellency is authorized to read this dispatch to Mr. Gresham, and if he should so desire, to hand him a copy of it.

This distinct and abrupt refusal of the British Government was shadowed by a cable outline of its negation on the 9th of May that stirred Mr. Uhl, then Acting Secretary of State, so badly that he at once prepared and sent the following:

MR. UHL TO SIR JULIAN PAUNCEFOTE.

DEPARTMENT OF STATE, *Washington, May 10, 1895.*

EXCELLENCY: On the 23d of January last the Secretary of State had the honor to address you an important communication respecting the President's deep solicitude with regard to the future of the Alaskan seal herd and suggesting to Her Majesty's Government that a commission be appointed on behalf of Great Britain, Russia, Japan, and the United States to investigate and report touching the effects of pelagic sealing and the proper measures needful to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins; and, furthermore, proposing that during the deliberations of such a commission a modus vivendi be agreed upon extending the area embraced in the regulations of the Paris Tribunal along the line of the thirty-fifth degree of north latitude to the Asiatic shore, and absolutely prohibiting sealing in Bering Sea pending the report of such commission.

At the date of that proposition but little time remained available for reaching an agreement between the two Governments, parties to the Paris award, which could be made effectual during the present sealing season, and for obtaining the concurrence of the other Governments interested, Russia and Japan; and early action upon the subject was naturally expected. This Department is, however, yet without information as to whether Her Majesty's Government is prepared to take effective steps as suggested to check the appalling diminution of the Alaskan seal herd within the area of the award and avert the imminent destruction of the important industries to which the seal fisheries give rise.

At this late day the proposition for a quadruple investigation and report can scarcely be executed during the present year, and while it remains a matter for urgent consideration in provision of next year's needs, the delay brings into more immediate and urgent prominence the second branch of the proposal, and especially the imperative need of agreeing upon the absolute closure of Bering Sea to pelagic sealing until the four Governments may reach a convenient accord on the general features of the problem.

Extended consideration of the subject, since Mr. Gresham's note of January 23 was written has not only confirmed the grave apprehensions then expressed, but has forced upon this Government the conviction that further suggestions designed to expand by mutual agreement the scope of the Paris award, in order to make it more effective for the purpose of preserving the fur-seal herd, are warranted by the information now in possession of this Government.

The sealing season of 1894 was the first during which the provisions of the Paris award were applicable, and the pelagic catch of seals, both without and within the area defined in the award, proved to have been the largest ever known.

The statistics of the seal catch, as estimated in another note addressed to

you by the Secretary of State on the same day, January 23, are confirmed by later knowledge. Reliable information discloses that 138,823 skins taken by pelagic sealers in the North Pacific and in Bering Sea from the American, Russian, and Japanese herds during the season of 1894 were sold in London. Careful estimates show that about 3,000 were retained in the United States for dressing and dyeing, making a total of 141,823. To this should be added about 300 which were known to have been on a vessel believed to have been lost, making the total catch about 142,000, of which 56,686 were taken within the area covered by the Paris award.

The following table gives the number of skins taken by pelagic sealers within said area during the years 1890-1894, inclusive:

1890	40,809	1893	28,613
1891	45,941	1894	55,686
1892	46,642		

It may be estimated within moderate bounds that these figures represent only about one-third of all the seals killed, the bodies of the greater part not being recovered.

An examination of these figures must satisfy the most skeptical mind that the fur-seal herd will be speedily exterminated unless the scope and the details of the award shall be supplemented by enlarged regulation.

So far as the articles of the award relating to the North Pacific Ocean, exclusive of Bering Sea, are concerned, whereby all seal fishing from May to August is forbidden, much good has been accomplished, and favorable results were apparent on the breeding islands early in the season. The fatal defect in the scope of the award, however, was in opening Bering Sea during August and September to pelagic sealing and prohibiting only the use of firearms. It has been claimed—and there is evidence in support of the claim—that the spear is as destructive in Bering Sea as the shotgun, and some experts believe that even greater destruction is accomplished by the use of the spear than by guns, for the reason that the noise of the latter frightens away many seals which may be easily killed while sleeping on the water by spearmen. While the herd is traveling in the North Pacific Ocean, away from the islands, it is very difficult to kill seals with spears, as they are constantly swimming and rarely found asleep on the surface. In Bering Sea, however, the females leave their pups on the islands and go out for a distance of 100 or 200 miles, far beyond the inhibited 60-mile zone, to feed. They are there found in large numbers asleep on the water and can easily be killed by the silent and skillful spearsman. The large number of pups found dead from starvation on the islands during the latter part of September and October, 1894 (12,000 by actual count on the accessible parts of the rookeries and 20,000 in all by careful estimates), shows the destructive effect of permitting any pelagic sealing whatever in Bering Sea.

With the closure of that sea to pelagic sealing, and with the enforcement of the closed season in the North Pacific Ocean as established by the award, it is believed that the seals would receive no more than a fair degree of protection, whereby seal fishing might continue to be profitable both on land and sea for a long time to come. Unless such a restriction in the scope of the award be made, the fur seals will be exterminated for all commercial purposes within a very few years at the most, and the dependent industries be destroyed. These considerations, joined to the official figures of last season's catch, which are now definitely known, fully bear out the wisdom and necessity of the proposals made in Mr. Gresham's note of January 23, making it more than ever the President's imperative duty to recall to the attention of Her Majesty's Government the defects in the form and scope of the Paris award, and in the legislation thereunder for carrying out its provisions, especially that enacted by the British Government; and I am directed by the President to earnestly renew, through you, the endeavor already set on foot to secure by mutual arrangement appropriate legislation on both sides, in order that the object of the award—to wit, the preservation of the fur-seal fisheries for the mutual and lasting benefit of the citizens and subjects of the two countries—may be effectually accomplished.

The contention of Her Majesty's Government that regulations framed for the purpose of carrying out the award should be coextensive with and limited by the terms of the award would seem to be sound, but this circumstance makes it the more incumbent upon the two parties to consider certain aspects in which the award fails to provide for contingencies which one brief year's experience has shown should be promptly met. No adequate remedy seems effective except through concurrent action, for Her Majesty's Government, by insisting on following the strict terms of the award, only emphasizes the glaring defects therein and demonstrates the need of an agreement to cure them. One of the most radical infirmities of this character, so conspicuous as to amount to a miscarriage of the undoubted purpose of the award itself, is found in Article VI, which prohibits the use of firearms and explosives in fur-seal fishing, the only exception being shotguns when used outside of Bering Sea. This prohibition is directed simply against the use of these weapons for one particular purpose—that of killing fur seal—leaving the possession and use lawful for all other purposes, such as killing whales, walrus, sea otter, hair seal, and other animals found within Bering Sea.

Experience has shown it to be almost a practical impossibility to detect a sealing vessel in the act of using firearms for this one prohibited purpose. Although the searching officer may be morally certain that firearms have been used, and may properly consider the mere presence of firearms on the vessel, if accompanied with bodies of seals, seal skins, or other suspicious evidence, sufficient justification (even apart from the provisions of section 10 of the act of Congress of April 6, 1894, which is applicable only to American vessels) for the seizure of such a vessel, it must be apparent that in proceedings for condemnation brought in a court thousands of miles away from the place of seizure it will be almost impossible to secure conviction and forfeiture on the ground of illegal use of weapons. Furthermore, under the procedure necessarily following the seizure of a British vessel, the United States officer delivers the vessel, with such witnesses and proof as he can procure, to the senior British naval officer at Unalaska. At the trial no representative of our Government is present, and the British Government must conduct the prosecution and must trust to such proofs and witnesses as the American officer could collect and furnish at the time. Under such circumstances forfeiture of the vessel could not be secured except in the clearest cases of guilt.

The prohibition of the use of firearms in seal fishing in Bering Sea can be effectually accomplished only by prohibiting the possession of firearms in that sea adapted to the killing of seals.

The provision of section 10 of the act of Congress of April 6, 1894, by which a presumption of a legal use from the possession of implements forbidden then and there to be used is raised, aids materially the enforcement of the award in the case of American vessels, to which, as I have said, our act alone applies. It is greatly to be regretted that no equivalent provision is found in the British act of Parliament enacted April 18, 1894, for carrying out said award: and in this connection it is significant that in the prior act carrying out the modus vivendi of June 15, 1891, for the prohibition of all sealing in Bering Sea (54 and 55 Victoria, chapter 19), a provision similar to that in the act of Congress above cited was inserted, as follows:

"If a British ship is found within Bering Sea having on board thereof fishing or shooting implements or seal skins, or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act."

The principle thus enunciated is so evidently just and necessary that it is not easy to understand why the latter British act, legislating upon the same subject, should have contained no similar provision in terms conforming to the intendment of the award. The Secretary of the Treasury is of the opinion that although an amendment bringing the present British act into harmony with the prior act and with the American statute in this regard would render the task of enforcing the award much easier, and give more effectual results, the most satisfactory amendment would consist in common legislation rendering a vessel a subject to forfeiture if found in Bering Sea with firearms on board adapted to the killing of seal.

It should further be provided by concurrent legislation that sealing vessels having implements or seal skins on board desiring to traverse the area covered by the award during the closed season if licensed, and during any season if unlicensed, should have such implements duly sealed and their catch noted on the log book (a privilege now accorded at the option of the master under the regulations of 1895, Article IV), under the penalty of forfeiture for violation of this privilege.

This privilege, however, as above stated, should not be accorded to vessels having firearms in Bering Sea.

It is further to be noted that under the British act of Parliament the provisions of the merchant shipping act (1854) with respect to official logs (including the penal provisions) are made applicable to sealing vessels. Said penal provisions, however, do not appear in the schedule attached to the copy of the act in the possession of the Department.

I have therefore to request that you will ascertain and inform me whether such penalties include the forfeiture of the vessel and cargo. Section 8 of the act of Congress expressly provides that any violation of the award or regulations will render the vessel and cargo liable to forfeiture. It is feared that because of the specific reference in the British act to the penal provisions of the merchant shipping act of 1854 as to official logs the failure of a vessel to keep log entries might not bring her within the general liability to forfeiture contained in the British act unless said merchant shipping act, now made a part thereof, contains similar provisions. During the past season log-book entries were duly made by United States sealing vessels in Bering Sea and were transmitted to Congress.

The Department is also informed that similar entries were made by British vessels in Bering Sea, which entries have been duly transmitted by the British Government. Many vessels, however, had cleared for the coasts of Japan and Russia as early as January, long before the passage of either the act of Congress of April 6, 1894, or the act of Parliament of April 18, 1894. Inasmuch as the award was not self-operative and contained no penalties for its violation, the Treasury Department considered that the penalties provided in the subsequent legislation were not retroactive, and could not properly be applied to the failure to make the log entries required by the award before the passage of such legislation. Entry was, therefore, permitted for the catch of seals on receipt of the master's oath that he cleared in ignorance of the provisions as to log-book entries. During the coming season collectors have been instructed rigidly to enforce the law as to log-book entries; and the exact status of the British law, therefore, becomes of great importance, so that an early answer to the present inquiry is very desirable.

While upon this subject of so amending the concurrent legislation of the two countries as to secure uniformity, I may invite attention to the fact that under the British act it is nowhere made the duty of the British naval officers to seize ships when found in violation of the law. Section 11 of the United States act imposes that duty on United States officers duly designated by the President. You will recall that Mr. Gresham adverted to this point in his note to you of April 10, 1894; and in your reply of April 11 you observed that, in your opinion, the word "may" would be construed as imperative, and that, in any case, the instructions to the naval officers would probably remove all doubt on the point. It is now submitted, however, that this detail is too important to be left to mere administrative interpretation of a statute which in terms omits to prescribe this most essential duty; and in the judgment of the President this discrepancy in the concurrent legislation of the two countries should no longer continue.

Besides advancing these considerations in regard to the concurrent legislation for regulating sealing in the North Pacific and Bering Sea, the Secretary of the Treasury has asked me to ascertain, through you, whether during the past season the British Government has employed inspectors to verify the log-book entries of British vessels as to the number and sex of seal skins landed, in like manner as provided by the legislation of this country. All skins entered during the past season at United States ports, except Port Townsend, were duly examined by expert inspectors as to number and sex. By an error, however, the skins entered at Port Townsend, although duly examined and counted, were not classified as to sex.

The Secretary of the Treasury further suggests that the British Government be requested to consent to the stationing of United States inspectors at British Columbian ports for the purpose of verifying said log entries of British vessels and examining the skins as to sex, reciprocally according the British Government a like privilege in United States ports. I have therefore the honor to make such a request, and to invite as early a response thereto as may be practicable.

In thus communicating to you, by direction of the President, the proposals and suggestions of this Government, I desire, by way of recapitulation, [illegible] especial stress upon (1) the necessity of immediate agreement to close [illegible] Sea absolutely to pelagic sealers pending consideration of [illegible] for extending the protective area of the North Pacific [illegible]-fifth parallel to the Asiatic coast, with the concurrence [illegible] Japan; (2) the proposal for a modus vivendi whereby the [illegible] concurrence of Great Britain, Russia, Japan, and the United States shall be lent to the protection of the fur-seal herds; (3) the appointment of a joint commission, as suggested in Mr. Gresham's note of January 23, 1895, and (4) the advisability, if not the proven necessity, for amending the concurrent legislation of the two countries for the expansion and more precise definition of the scope of the Paris award, and the duty of the two Governments thereunder.

I have, etc.,

EDWIN F. UHL, *Acting Secretary.*

No answer was ever received to that letter, and a few days ago I submitted a resolution in the Senate, which was adopted, calling for a copy of the letter and the reply. The Secretary of State informed the Senate that no reply had ever been received.

No answer being received, then Mr. Olney becomes restive; a shadow of the failure to get anything he ought to get fell upon him, and he follows Mr. Uhl's letter, above cited, with a long reiteration of the same, as follows:

MR. OLNEY TO LORD GOUGH.

No. 133.] DEPARTMENT OF STATE, *Washington, June 24, 1895.*

MY LORD: On the 27th ultimo Her Majesty's ambassador handed to Mr. Uhl a printed copy of an instruction from the foreign office, No. 82, dated May 17, 1895, in answer to Mr. Gresham's proposals of the 23d of January last, touching the necessity of further provisions to preserve the fur-seal herd of the northern Pacific and Bering Sea from extermination in view of the inadequacy of the regulations laid down by the Paris Tribunal of Arbitration, and specifically replying to the proposal of this Government for the appointment of an international commission by the Governments of the United States, Great Britain, Russia, and Japan, respectively, to investigate the fur-seal fisheries of those waters, and, pending a report by said commission, for a modus vivendi prohibiting sealing in Bering Sea and extending the regulations of the Paris award along the thirty-fifth degree of north latitude to the shores of Asia.

With regard to Mr. Gresham's statements concerning the startling increase in the pelagic slaughter of both the American and Asiatic herds, I note that the reply of the foreign office takes the position that this Government, because of its contention before the Paris Tribunal that the Asiatic and American fur-seal herds are distinct and do not commingle, can not now with propriety draw any inference as to the effect of pelagic sealing on the American fur-seal herd from figures indicating increased catches over previous seasons in the total of seals killed on the Asiatic and American sides of the North Pacific Ocean.

The claim is further advanced that, although the catch of fur seals during last season on the Asiatic side was greater than in any previous year, yet the catch taken from the American herd (that is, within the Paris award area), while admittedly larger than in most previous seasons, was, in fact, not as large as that of the season of 1891. And in this connection this Government is further reminded that the success or failure of the regulations established by the Paris Tribunal must be judged solely by their effect on the herd which they were "intended to protect."

I have the honor to reply that during the hearings before the Tribunal of Arbitration at Paris it was earnestly contended by counsel representing Great Britain that the Asiatic and American herds did commingle. That fact was disputed by the American counsel in the light of the evidence before them. The tribunal, however, was not called upon to make any definite finding upon this important question. While I do not wish to be understood as expressing any opinion upon the subject, yet, in view of the admission contained in the note of your Government, in which I cordially join, that "our knowledge of seal life is still far from complete," I feel that this disputed question as to whether said herds commingle still requires most careful consideration and study. It has been suggested that the American seal herd, even if not naturally commingling with the Asiatic herd, may have been driven over to Asiatic shores by incessant slaughter during the past seasons. If such were found to be the fact on careful investigation—which investigation is unfortunately refused by Her Majesty's Government—it might appear that the total slaughter of fur seals on both sides of the North Pacific Ocean has a more intimate connection with the present condition of the American fur-seal herd than is now admitted.

However this may be, the foreign office seems to have fallen into the serious error of assuming that the proposition of the United States Government contained in Mr. Gresham's note of January 21 last was selfish in its character, having application only to the material interests of the United States Government in the American, as distinguished from the Asiatic, fur-seal herd. Nothing could be further from the truth. The President acted in the desire to protect the fur-seal fisheries on both sides of the North Pacific Ocean, Asiatic as well as American, for the benefit of mankind. Incidentally, it is conceded, this might have resulted in benefit to the interests of the United States, but the proposition was based on broad humanitarian principles, no peculiar benefit or gain being sought save what would have occurred to all mankind from the proper regulation of these valuable fisheries. It will be recalled that a proposition of similar nature, limited to Bering Sea, was made by my predecessor, Mr. Bayard, through the United States ministers in England, Japan, Russia, and Sweden and Norway to those respective Governments in 1887, and that subsequently, at the request of Lord Salisbury, then Her Majesty's secretary for foreign affairs, its scope was broadened so as to embrace the whole northern Pacific Ocean, including Bering Sea, from the Asiatic to the American shores north of the forth-seventh degree of north latitude. Unfortunately, and apparently at the dilatory instance of the Canadian Government, this proposal was indefinitely postponed by Her Majesty's Government in June, 1888.

The development of valuable fur-seal fisheries off the coasts of Japan and Russia, followed by the closed season established by the Paris award, has induced many sealing vessels to frequent those waters, thus causing a notable increase in the pelagic slaughter off the Asiatic shores. The figures given by the foreign office included only the slaughter in Japanese waters. Adding the seals killed in Russian waters, we have a total of over 73,000 in 1893 and over 79,000 in 1894. It was to regulate the killing in those waters, as well as within the Paris award area, that Mr. Gresham's proposition of January 21 was made.

But even if it be assumed that the American and Asiatic herds are distinct and have never commingled, the fact still remains that the slaughter of the so-called "American" or "Alaskan" herd during the past season has been greater than in any season in the history of pelagic sealing. The foreign office's instruction states that about 12,500 fewer seals were killed from this herd in the award area in 1894 than in 1891. There is good ground, however, to conjecture that the British computation of seals killed in Bering Sea in 1891, namely, 29,146, swelling their total computation to 68,000, comprised a number of seals taken on the western side of that sea in the vicinity of the Russian islands. The figures for the catch in the same sea in 1894 (31,585), it should be remembered, are limited to seals killed on the eastern side within the area of the Paris award.

It was a matter of evidence before the Paris Tribunal that after the promulgation of the modus vivendi of June 15, 1891, 41 British vessels were warned out of the American side of Bering Sea by American cruisers between the dates of June 29 and August 15 of that year. It is believed that many of the vessels so warned went over to the Russian side of Bering Sea and made catches there. From statistics in the possession of this Government it would appear that some 5,432 seals were so taken—3,616 by British vessels and 1,816 by American vessels. There should be deducted, therefore, from the British figures 3,616, leaving about 23,000 as the catch of British vessels in the award area in Bering Sea during the season of 1891. A closely similar result is reached by careful examination of all the reported catches of 1891, and of the affidavits scattered through the cases and counter cases of the United States and Great Britain, whereby, deducting from the catch stated in the United States counter case, [illegible], the number of seals estimated to have been killed off the Russian coasts, 3,847, a result of 23,081 is reached. Adding to this computed British catch in Bering Sea during 1891 the number of seals computed as killed in Bering Sea by American vessels in that year, [illegible], the total number of seals killed and recovered within the award area in Bering Sea for the season of 1891 falls below 28,000.

The communication of the foreign office states the total catch of the American and British vessels within the award area, comprising the North Pacific, in addition to Bering Sea, in 1891, as 68,000. A careful computation made by the Treasury Department of the total catch for 1891, based on an elaborate calculation of all the evidence disclosed in the case and counter case of each Government, estimates the number of seals known to have been killed within the award area at 45,000, leaving about 18,000 undetermined as to the locality of the slaughter. Taking, however, the figures as given by the foreign office, 68,000, and subtracting the number estimated by other computations by the Treasury Department to have been killed in Russian waters, 8,432, we have left 59,568 as the maximum catch within the award area for 1891.

The official statement of the catch for 1892 contained in the report of the Canadian department of marine and fisheries credits 14,886 out of a total of 53,912 to the Asiatic shores; the report for 1891 gives only a total of 52,995, none being credited to Russian waters; neither does the report of the British commissioners of the catch of 1891 give any number as killed in said waters. While admittedly these Russian catches were relatively small in this year, and hence may by inadvertence have escaped the attention of the Canadian authorities, yet it is clear that the British computations of 1891 and 1892 are reached by different methods, omission, if not error, to the extent stated above being distinctly imputable to the figures of 1891.

In computing the catch of 1894, the instruction of the foreign office states that 55,602 seals were killed within the award area, including 17,558 as the catch of American vessels. It should be remembered, however, that in the Treasury Department tables, from which the details mentioned in Mr. Gresham's note of January 21 were taken, 6,838 skins taken by American vessels were stated as undetermined as to location. Assuming that those unlocated catches were divided between the American and Asiatic herds in the same proportion as the other skins landed during the season of 1894 at American ports by United States vessels, we should have for the total catch within the award area 55,686, plus 6,152, or 61,838 in all, representing the bodies actually recovered, disregarding those killed but not recovered, from two to five times as many, according to the evidence before the Tribunal at Paris.

This total of seals killed and recovered justifies the repetition of the statement previously made that the pelagic catch within the award area during the last year's season was the largest in the history of pelagic sealing, the nearest approximation being the season of 1891, in which, even on the theory of the British figures, not more than 59,568 seals were killed and secured. The significance of this catch of 1894 will be better appreciated when it is considered that only 85 vessels were employed as against 115 in 1891.

It is further contended in the foreign office note that the increased catch, with proportionately fewer vessels, indicates an increased number of seals in 1894 as compared with 1891, and consequently a better condition of the fur-seal herd. When, however, the startling decrease of seals on the Pribilof Islands, pronounced by experts to be at least one-half since 1890, taken in connection with the great destruction of pups from starvation on the islands last season, caused by the slaughter of their mothers at sea, is considered, it will appear, it is respectfully suggested, conclusively demonstrated that the increased catch is but a measure of the increased efficiency of the crews employed as hunters on the sealing vessels; that the seal herd is rapidly diminishing in numbers and that it is in danger of speedy extermination unless changes are made in the regulations established by the Paris award as proposed by this Government.

It is correctly stated by the foreign office note that the catch in the award area of last season outside of Bering Sea was less than during the season of 1893. It should be remembered, however, that it falls only a little short of the catch of 1893, and that it was taken during four months, January to April, while the catch of 1893 was taken during seven months, January to July. The prohibition in the award regulations of pelagic sealing during the months of May, June, and July, however, was calculated undoubtedly to do much good to the herd, and some favorable results might naturally have been expected early in the season on the islands. Nevertheless, after the sealing fleet had finished its work in Bering Sea, the alarming increase in the number of dead pups found on the islands (amounting by accurate estimate to about 29,000), revealed unmistakably the fatal error of the award regulations in opening said sea to pelagic sealing.

The marvelously increased efficiency of the pelagic seal hunters in the use of the shotgun and spear, as shown by the enormous catches of late years, and especially of the last season under the award regulations, can not fail, it is again submitted, to speedily deplete the fur-seal herd. This depletion has already necessitated a reduction of the land catches on the Pribilof Islands of 85 per cent since 1890, and the pelagic catches must soon decrease in like degree on peril of complete extermination. Reports of the coast catch of the present season of 1895 would seem to indicate that this decrease is already observable. It is to be presumed, however, that for some few years the pelagic slaughter in Bering Sea, the great nursery of the fur-seal herd, can be maintained at figures approximating to or possibly exceeding those of last year. But the end can not be far off. It is respectfully submitted that such slaughter as has taken place within the last year—largely of nursing females—affords conclusive evidence that the regulations as established by the Paris award are not giving that measure of protection that the arbitrators intended. Commercial extermination of the fur-seal herd—Asiatic as well as American—is imminent. It is to be deeply regretted, therefore, that Her Majesty's Government has declined our propositions for the appointment of an international commission, and for an efficient modus vivendi pending a more comprehensive agreement in which all the parties in interest may justly share.

While thus rejecting the suggested international commission and modus vivendi, the foreign office instruction suggests that resident agents be appointed by the United States and Great Britain to be stationed on the Pribilof and Commander islands, there to make joint investigation during the next four years, and to report from time to time as to the condition of the fur-seal fisheries.

Although this Government firmly believes that this suggestion of Her Majesty's Government is inadequate and can not satisfactorily take the place of an international commission of scientists, nor supply the need of all asked for in said modus, it is unwilling to block the way to a better approximate understanding of the important conditions of seal life.

It is thought, however, that the British suggestion may be advantageously modified in the interest of all concerned, and I am directed by the President to make a new proposition to Her Majesty's Government, based largely upon that now submitted by the foreign office, to wit: That three agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribilof islands, respectively; that these agents be instructed to examine carefully into the fur seal fishery and to recommend from time to time needful changes in the regulations of the Paris award and desirable limitations of the land catches of each of the said islands; that within four years they shall present a final report to their respective Governments, and that, pending such report, a modus vivendi be entered into extending the award regulations along the line of the thirty-fifth degree of north latitude from the American to the Asiatic shores.

The importance of the subject, of which the Governments interested must by this time be abundantly convinced, leads me to hope for the early and favorable attention of Her Majesty's Government to this amended proposal.

I have, etc.,

RICHARD OLNEY.

It will be noted in this letter of Mr. Olney that he fairly begs that, even if the British Government will not listen to a cessation

of the sea butchery, it agree to join with our Government in sending up a joint commission for the purpose of seeing the wretched truth which the Canadians deny.

Mr. Olney simply wasted his time. The following reply of the British ministry scornfully refuses to grant even this small boon, but is willing to let a Canadian agent or two go up informally to live on the islands and watch things. Then the British ambassador fairly rubs it in. He informs Mr. Olney that the United States State Department is utterly mistaken in its charge of injury to our fur-seal herd; that Mr. Olney does not know as much as he might have known had he been able to digest the data assembled. Let the reply to Mr. Olney speak for itself. Here it is:

LORD GOUGH TO MR. OLNEY.

BRITISH EMBASSY, *Newport, R. I., August 19, 1895.*

SIR: Her Majesty's Government have had under consideration your note No. 133, of the 24th of June last, containing a new proposal from your Government for the appointment of three agents by Great Britain, Russia, Japan, and the United States, respectively, to be stationed on the Kurile, Commander, and Pribilof Islands.

In your above-mentioned note a lengthy criticism is made of the figures relating to the catch of seals in successive years which were given in the Earl of Kimberley's dispatch No. 83, of May 17 last, to Sir Julian Pauncefote. A copy of this dispatch was left with Mr. Uhl on May 27 by his excellency. Those figures were taken from the Canadian official returns, the estimate of the total catch of 1891 (British and American) being that of the British Bering Sea commissioners. The statement that a small part of the catch of 1891 was actually made on the Asiatic side of Bering Sea has been noted, and steps are being taken to investigate this particular point.

I have the honor to state, however, at the same time, that in any case the criticisms of the United States Government do not appear to invalidate the contention of Her Majesty's Government that there has been no such alarming increase in the pelagic catch of seals on the American side as to justify any extension of the regulations solemnly laid down by an international board of arbitration for a fixed period of five years, after an elaborate examination and an exhaustive discussion of the voluminous evidence presented on both sides. Nothing but the absolute concurrence of the two Governments in the necessity of a change, based on new and undisputed facts, could, in the views of Her Majesty's Government, justify any departure from the regulations prescribed by that tribunal before the time appointed under the award for their revision, should such revision then be called for.

I have further the honor to point out that even on the figures given by the United States Government the catch of 1891 on the American side was practically the same as that of 1894, and that the greatly increased dexterity with which the sealers are credited, and especially the fact that the bulk of the catch was made with spears instead of firearms, justifies the conclusion that the catch of 1894 was secured at less cost to the herd than that of 1891.

I am authorized further to state, in reply to your above-mentioned note, that Her Majesty's Government can not recognize that Russia and Japan have any interest in the seal fishery on the American side of the North Pacific, and that they can not, therefore, take part in any inquiry on the Pribilof Islands in which those powers are associated, but Her Majesty's Government is ready to appoint at once an agent to inquire, conjointly with an agent of the United States alone, as already proposed; and they would also be ready to consider any request from the two powers concerned to join in an inquiry on similar terms with Russia and Japan, respectively, in the Commander and Kurile islands.

I have, etc.,

GOUGH.

In answer to the resolution which I introduced in the Senate calling for information upon this subject the reply which I have presented was not mentioned. No wonder Mr. Olney does not refer to this humiliating answer to his letter or to his own letter of the 24th of June, which brought it to him; yet he was explicitly asked for this correspondence by the Senate on the 17th ultimo. Mr. Olney, in complying with the request of the Senate, omits any reference to this abortive correspondence on his part, which is cited above. In order that the record shall be clear, the following copy of his reply to the Senate resolution is given:

54TH CONGRESS, 2d Session. SENATE. DOCUMENT No. 142.

FEBRUARY 20, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 17th instant, a report from the Secretary of State touching the reply of the British Government in regard to the failure of the negotiations of the Paris Tribunal to protect the fur-seal herd of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

The PRESIDENT:

The Secretary of State, to whom was addressed a resolution adopted in the Senate of the United States on the 17th instant, requesting him—

"To furnish for the information of the Senate a copy of the reply, if any has been made, to the letter addressed by Mr. Gresham to Sir Julian Pauncefote, dated 'Department of State, January 23, 1895' (it appears as No. 128, Senate Executive Document No. 67, Fifty-third Congress, third session, pages 160-161), calling the attention of the British Government to the utter failure of the regulations of the Paris Tribunal to protect the fur-seal herd of Alaska, and requesting a revision of the same"—

has the honor to lay before the President, with a view to its communication to the Senate in response to the resolution, a copy of the printed volume entitled "Papers relating to the foreign relations of the United States, with the Annual Message of the President transmitted to Congress December 2, 1895, Part I," wherein the paper so requested is found on pages 618-623. It is in the form of instructions addressed to the British ambassador in Washington, under date of May 17, 1895, of which a copy was handed to Mr. Acting Secretary Uhl by Sir Julian Pauncefote on May 27, 1895.

The same volume also contains a response in part to the described note of Mr. Secretary Gresham of January 23, 1895, being a note from Sir Julian Pauncefote to Mr. Gresham, transmitting copies of a report from the Canadian minister of marine and fisheries respecting the catch of the Canadian sealing fleet in the North Pacific during the season of 1894 (pages [illegible]).

Reference may also be appropriately made to Mr. Acting Secretary Uhl's note to Sir Julian Pauncefote, No. [illegible], of May 10, 1895, reciting and supplementing the considerations advanced in Mr. Gresham's aforesaid note of January 23, 1895, to which at that time no answer had yet been made. (Ibid., pages 610-615.)

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,
Washington, February 19, 1897.

Accompaniment: Volume of Foreign Relations of the United States for 1895, Part I.

In the full understanding of this complete and humiliating failure of the State Department to secure any betterment of these idle, costly, and cruel Paris regulations, Mr. Hamlin, representing the Treasury Department and speaking for the State Department, appeared before the Ways and Means Committee, and, in answer to a question by the chairman, February 18, 1896, he made the following remarkable statement:

The CHAIRMAN. Have you anything further, Mr. Secretary?

Mr. HAMLIN. I wish simply to add that I am informed that negotiations are now pending in the State Department with regard to the appointment of a commission similar to that provided in this bill. I have, of course, no official knowledge on this point. It is purely a State Department matter. I do not know what the present status is. I merely desire to call to the attention of the committee the fact that the matter is now in the course of negotiation between Great Britain and the United States.

The CHAIRMAN. The President says in his last annual message that on the 25th of January, 1895, the subject was presented to the British Government and a request was made to unite with this Government in formulating additional regulations for the preservation of seal life, and the President states in his message that up to the time he sent his message in, no response had been received from the British Government. Do you understand there has been a response received since?

Mr. HAMLIN. Yes, sir; I understand there has been a response to that.

The CHAIRMAN. If that is the case, we ought to know what the situation is. Have you anything further to suggest?

Now, why did Mr. Hamlin give the idea to that committee that he did not know that Great Britain had flatly refused to agree to any betterment of these shameful regulations of the Paris Tribunal? What was his object in holding out to that committee the idea that something of sense and decency was going to be done? Why did he not inform the committee that Mr. Gresham's request for a joint commission and a revision of those worthless regulations had been flatly refused? Mr. Hamlin certainly knew all about it, for he was in constant communication with the State Department, and was the authority for all the figures used in the Gresham, Uhl, and Olney letters which are cited above.

Mr. Hamlin was examined at length before this committee, and was followed by Professor Elliott, who evidently did not take much stock in the success of these negotiations. Although he could not have known anything about these State Department letters at the time, he made the following prophetic answer to Mr. DINGLEY:

Mr. Chairman, I desire, after having listened to Mr. Secretary Hamlin, to say very little upon those points upon which he has touched. He is generally wholly right in saying that the articles of the Paris Tribunal failed to serve the purpose for which they were created. Last year and in 1894 we had the most conclusive evidence of that failure, and that evidence was submitted to Great Britain January 21, 1895, by Secretary of State Gresham, and she was invited to join with us in a joint commission for the purpose of amending and changing those regulations. Up to this hour she has paid no attention to the request. It is perfectly natural that she will not until the last seal is gone. Canada holds this thing in her keeping; she is the one who beat us at Paris. She is too powerful at the British Court, and she will never let this thing go.

We can write these buttered letters, and I suppose they are passing [illegible] between the State Department and Lord Salisbury. They will not result [illegible] anything worthy of credit at all until we stop and finally untie our [illegible] and say to these Canadian butchers, "If you do not listen to decency, [illegible] take this life from you, and take it before you can get it." That is [illegible] argument to use. It is a waste of time to be polite and courteous [illegible] Mr. Hamlin. He is courteous, but if he had stood during the last [illegible] as I have and watched this brutal pelagic destruction he would not [illegible] as he does. We never have and we never can do anything [illegible] with these Canadian butchers, and the only way to do [illegible] hands by passing this Dingley bill; then we serve notice [illegible] game is up. They know that our hands are tied by the law [illegible] and they are taking these seals to-day; therefore, until we step forward and release ourselves from this position those buttered letters will [illegible] between the State Department and Lord Salisbury until the last seal is gone.

Now, one word about this question of the [illegible]. Our sole object in making the Paris award was to preserve that [illegible] from slaughter on the high seas. Great Britain agreed with us that it should be saved on the high seas. She entered into this joint [illegible] us with the implied faith on her part to us that it would save the [illegible], and we joined with her, and have faithfully executed the articles of this agreement. They have resulted in accomplishing exactly what they were created not to do. We asked Great Britain, in the light of that treaty faith, to help us to save this life by changing these rules. She refused. Now, do we violate any portion of that treaty when we go where we have perfect right to take that life, knowing that it is, all of it, now going into the hands of these butchers? I do not understand how any man can hesitate for a moment in saying that we should not allow this disgraceful and indecent exhibition of pelagic seal butchery to continue; for I can not conceive of any reputable man who could get up and ask for it. No Englishman could get up and ask for it, and nobody will but a Canadian butcher. I think this bill should be passed as quickly as it can; it is the only thing to be done to save these seals.

Mr. Elliott very clearly did not know what the exact tenor of those letters to which I have referred was, which he rightly supposed were passing between Washington and London, or had passed; and he is now proven to have been entirely right in his emphatic reaffirmation at a later point in this examination, where he used the following words:

> Professor ELLIOTT. Now, the idea of our standing here and paying annually half a million dollars to patrol the waters of the North Pacific and Bering Sea to facilitate the destruction of our own herd to-day in this indecent manner! This bill of Mr. DINGLEY is an act of mercy; it prevents this hideous torture of starving these young seals to death. It is an act of mercy and an act of decency, and, gentlemen, it ought to be passed to-day; and I think it would meet with acclamation all over the world. Talk about diplomacy and buttered letters! They will not amount to anything; this is a thing that ought to be done at once.
>
> The CHAIRMAN. What is your judgment of the probability under the first section of this act of securing, without the pressure of the last section, from Great Britain, through a commission, some additional regulations that will really protect and save this herd?
>
> Professor ELLIOTT. Nothing as long as such polite, decent arguments like Mr. Hamlin's prevail, but if we pass this bill——
>
> Mr. STEELE. And become indecent?
>
> Professor ELLIOTT. Not at all. We prevent the slow death and painful torture of these tens of thousands of motherless young by starvation on the islands. It is an act of mercy and decency.
>
> Mr. STEELE. That is an act of decency.
>
> Professor ELLIOTT. That is the best part of it. If the Canadians understand that we are going to take these seals—as soon as they find that out they will drop the subject, because it will not pay to go up there next summer. Then and only then they will listen to fair argument. If they find that we can do what we intend to do they will drop this thing at once; but, sir, as long as they know we stand here with our hands tied under the statutes of 1889, which this bill repeals, these sea wolves will stick on to that fur-seal hunt until the last seal is taken.

The emphatic and unanswerable address of Mr. Elliott before this committee February 18, 1896, in favor of the immediate action by Congress in passing the pending bill, so impressed that body that it unanimously agreed to the terms, and this bill was unanimously passed by the House on the 25th of February following; it came over to the Senate and, after full deliberation, the Senate Foreign Relations Committee reported it on March 4 without amendment, and it was made a special order for March 16, 1896.

Why was this bill not taken up? Solely because the State Department had given to certain Senators the idea that it was successfully "negotiating" with Great Britain, and, that being the case, the passage of this bill would "embarrass" the negotiations and probably defeat them.

Mr. Olney had been defeated "horse, foot, and dragoons" August 19, 1895, or six long months before this Dingley bill came into the Senate. He did not inform the Senate of that fact; and until these letters that prove it were published, a few weeks ago, it was impossible to show the utter failure of his efforts to better the shameful order of affairs on the seal islands of Alaska.

Nothing has been done last year; nothing but the useless and idle visit of several naturalists, who have been thrashing over the old seal straw that had been beaten out years ago. The American naturalists say that the present order of affairs is disgraceful and ruinous. The British naturalists deny it.

When the Canadians have taken the last of our seal herd under the existing regulations, they will then talk of revised regulations; and then, even then, they will agree to nothing that does not enrich them at our expense. They can do so if we sit down here and refuse to untie our own hands; they will do so just so long as we permit them.

I contend that if the existing condition of affairs is continued, the Treasury of the United States will not receive a dollar, not even the cost of watching the loss of this property during the next three years, and that at the end of that time there will be no seals left. The existing order of things will continue unless we pass some measure, emphatic in its terms, to dispose of this question. I insist that it is our duty to pass a bill providing for the killing of every seal on the islands unless the British Government will enter into some arrangement for the thorough protection of seal life. It is in the interest of humanity, it is in the interest of national honor to do so, and it is our duty to act at once.

If we send the commission to Alaska again this year it will be more than useless. The sending of a commission to these waters is simply used as a mask to shield the work of the destruction of this property by the Canadian fishermen. We do not prevent the destruction of our property. It is a useless expenditure of money. I think that the continuation of an effort to treat with the British Government longer upon these lines is a national disgrace. I present a table showing the number of seals now upon these islands.

Mr. GALLINGER. Can the Senator state the number in the aggregrate without any trouble?

Mr. PETTIGREW. About 400,000. From the best information I can obtain there are about 400,000 seals. The number last year was decreased about 87,000, 27,000 of which were the young pup seals which starved to death upon the rookeries.

Mr. GALLINGER. How much revenue would that yield to the Government?

Mr. PETTIGREW. If they were destroyed at once, it would yield a revenue of over $4,000,000. The table which I present shows all these facts and figures.

The result of a careful survey of the number of seals left on the Pribilof Islands last summer by the agents of the Treasury Department, headed by Dr. D. S. Jordan, is 450,000 seals of all ages, from newly born to aged adults. Elliott left 1,000,000 there in 1890, and 4,500,000 in 1874.

An expert analysis of the value of the residuum of the fur-seal herd, as it is left on the seal islands (Pribilof group), season of 1897-98.

NUMBER OF SEALS.

Class A—Male fur seals, 2 years old and upward	20,000
Class B—Male fur seals, 1 year old	50,000
Class C—Female fur seals, 2 years old and upward	180,000
Class D—Female fur seals, 1 year old	50,000
Total	300,000

VALUE.

(Markets of London, 1897-98, very much depressed, and quotations below are lower than normal.)

Class A—Average for single skins if killed on islands	$20.00
Class B—Average for single skins if killed on islands	10.00
Class C—Average for single skins if killed on islands	15.50
Class D—Average for single skins if killed on islands	10.00

PELAGIC VALUES.

Class A—Average for single skins, shot or speared	$10.00
Class B—Average for single skins, shot or speared	4.50
Class C—Average for single skins, shot or speared	10.00
Class D—Average for single skins, shot or speared	4.50

RECAPITULATION.

Value of fur-seal residuum if the herd is killed on land, season of 1898, to the public Treasury.

20,000 seals, class A	$400,000
50,000 seals, class B	500,000
180,000 seals, class C	2,790,000
50,000 seals, class D	500,000
Total value of residuum of Pribilof herd	4,190,000

Value of this residuum to the pelagic hunters.

If only class A seals are killed on land, as has been the rule up to date, then the female and yearling male residuum will be worth to pelagic hunters about as follows (market price remaining low as at present):

Catch of 1898—35,000 to 40,000 seals (chiefly class C)	$350,000
Catch of 1899—30,000 to 35,000 seals (chiefly class C)	250,000
Catch of 1900—20,000 to 25,000 seals (chiefly class C)	180,000
Catch of 1901—will be a failure to secure 5,000 seals.	

If the existing order of affairs is continued, the Treasury of the United States will not receive a dollar beyond the cost of watching the loss of this property during the next three seasons.

The existing order of affairs will continue unless the Dingley bill is passed at once by the Senate.

Commissions like the one which the pending bill continues are worse than useless. They are shams, and only serve to mask the shame and misery and robbery of the Canadian work. They do not check it in the least, and only provoke the derision of the pelagic hunters.

The whole business as it is now conducted is a reproach to our Government and an imposition upon the Treasury.

PELAGIC, 1896.

Seal skins sold for an average of £1 10s. 4d., or $7.58 apiece.

They cost the captors $1 to $2 apiece, according to size.

They cost for transportation, vessel charges, etc., to London and sale, $1.50 to $2 apiece.

A total average cost of $4 to $4.50 apiece leaves a profit of $3 per skin.

Mr. PERKINS. Mr. President, I hope the amendment proposed by the committee will be adopted. If the proposition to kill off the seals is intended as a bluff, if I may be permitted to use a Western slang term, it is unbecoming a great nation, and it would subject us to ridicule which we would properly merit. If it is proposed, as a line of action whereby we intend to be governed, to kill the seals because we can not take them and put the value of their product into our own coffers, then I say it is a confession on our part that as a Government we are incompetent to deal with a great question of this magnitude. It is unbecoming in us as a civilized nation. The reason why I favor the adoption of the amendment proposed by the committee, which authorizes the Secretary of the Treasury to continue in service a scientific commission to investigate this question, is because the commission appointed one year go under the act similar to this amendment has been productive of the greatest benefit to us. Under that law, which was passed by Congress one year ago, it was provided that the Secretary of the Treasury should provide for the employment of persons "to conduct a scientific investigation during the fiscal years 1896 and 1897 of the present condition of the fur-seal herds on the Pribilof, Commander, and Kurile islands in the North Pacific Ocean and Bering Sea." It then went on further to define their duties.

Under that resolution the Secretary of the Treasury appointed Dr. David Starr Jordan, president of the Leland Stanford Junior University, of Palo Alto, in California, one of the most distinguished scholars of the day, a scientist equal to the brightest in this or any other nation. He took as his assistants upon that commission, who were detailed for that purpose, two distinguished scientists connected with the United States National Museum, Leonhard Stejneger and Frederic A. Lucas. They went on board

the United States Fish Commission vessel *Albatross*. The Canadian Government and the British Government accepted the invitation proposed by our Government.

They placed at our disposal the results obtained by their commissioners, as did the Canadian Government, although the investigations carried on by the commissions appointed by those two Governments were entirely independent from those of our commission. Their commissioners were men of national and international reputation as scientists. D'Arcy W. Thompson, of the University of Dundee, and Mr. Gerald E. H. Barrett-Hamilton, of Dublin, were commissioners for Great Britain, and Mr. James M. Macoun and Mr. Andrew Halkett, of Ottawa, were commissioners for Canada.

They were absent some two months upon this commission, and in this preliminary report made by Dr. Jordan, which I hold in my hand, there is a detailed account of their work. It has been productive, I say, of more good than any scientific expedition ever sent out by any Government that did not cost more money than this one cost our Government. Their instructions were fully and in detail given by the Secretary of the Treasury. I will read only one clause, as I do not wish to weary the Senate. It says:

> The principal object of this investigation is to determine by precise and detailed observations, first, the present condition of the American fur-seal herd; second, the nature and imminence of the causes, if any, which appear to threaten its extermination; third, what, if any, benefits have been secured to the herd through the operation of the act of Congress and act of Parliament based upon the award by the Paris Tribunal of Arbitration; fourth, what, if any, additional protective measures on land or at sea, or changes in the present system of regulations as to the closed season, prohibited zone, prohibition of firearms, etc., are required to insure the preservation of the fur-seal herd.

This report goes on in detail to recite and give a daily journal of their observations. They have collated and presented to the country the habits of the seals and the conditions on the islands where the seals migrate during the summer months, how they return, and how the poachers have made prey upon them. The result is summed up here in a few words by Dr. Jordan. He says:

> That the way is open to a permanent, honorable, and amicable adjustment the present writer does not doubt. The facts in the case no longer admit of cavil. The high character and unquestioned ability of the commission of investigation appointed by Her Majesty's foreign office in 1896 afford a guarantee of judicial fairness in any future action of the British Government.

I am informed by private sources that the commissioners are in full accord with Dr. Jordan's views upon this great and important question not only affecting the interest of our country, but the commerce of the world, for every seal skin that is taken and sent to the market produces that much more of value and benefit in the great commercial markets of the world, as well as the useful employment afforded to the persons who take it and cure it. Dr. Jordan sums up his criticism as follows:

> I may here express my feeling that the monstrous proposition to destroy the seal herd because it has been injured by pelagic sealing ought not to be considered for a moment. It would be a confession of impotence unworthy of a great and civilized nation. Its result would be to transfer to ourselves any odium which has deservedly fallen upon those who would recklessly destroy a most useful and a most interesting race of animals.

There is the testimony of one of the leading scientists of the day. Mr. President, it should weigh in the scale of our calm and deliberate judgment against the theoretical proposition of some one who has imagined that we are suffering our honor to be tainted because some British vessels have on the high seas taken herds of seal that belong, we claim, to us. But if all our efforts fail, if we can not come to an amicable arrangement with Great Britain and Canada and Russia in reference to the zone where the fur seals inhabit and where they migrate to and from, and can not arrange with those countries so as to protect the seal, we have a plan whereby we can preserve them ourselves.

It is like the old Spanish Don who has his great cattle ranch. He brands his cattle and they go off into other places, and if they are taken by others the skin belongs to him and they are accused justly and convicted of felony. But imitating that, we can do what is more practical. The seal feed upon the water and after gorging themselves with fishes and animalculæ they sleep and float upon the waters. In that condition the poacher approaches them and with spear or gun he takes them. He does it because he wants the fur skin, which is valuable, and in doing that, as the Senator from South Dakota [Mr. PETTIGREW] says, he has destroyed perhaps the females which are on the islands considered sacred and are never permitted to be taken by our Government agents who are there to protect the interests of the Government in the seals.

It has been proposed by practical men who understand the fur seals, their habits, ways, and customs, that by branding the female seals the fur skin becomes worthless. It does not injure the animal. The result is that the incentive which is given to the poacher to go clandestinely and take the seals upon the high sea no longer exists, for there is no profit in the enterprise to him. Then by herding the male seals upon the islands for a few months or weeks we have nothing to fear from the poachers, for it can no longer become to them a profitable venture or enterprise.

So far as it has cost our Government for patrolling the seas we have our revenue cutters. The responsibility of caring for our crews and their equipment is just the same whether anchored in the placid waters of Puget Sound or San Francisco Bay or sailing upon the ocean. The only difference is in the fuel they consume. They should go to sea. They should patrol those seas, not only to prevent poachers from taking the fur seal, but for the purpose of preventing smuggling into the States of our country and the Territory of Alaska.

The fur seals of Alaska have been a profitable venture to the Government. From 1870 to 1890 the Government received in royalty for seal furs over $8,000,000, and to-day our contract with those who are leasing the islands is $60,000 per annum and $9 for every fur seal taken. If they have not paid, as the Senator from South Dakota charges they have not, surely they are indebted to our Government and the officers of the law have not enforced it.

Mr. PEFFER. How many seals are there now?

Mr. PERKINS. Dr. Jordan estimates that there are from 350,000 to 400,000 seals that they have already counted there. I have not been through the report in detail, but it is very, very interesting.

With this light before us, Mr. President, I say it would be unwise and impolitic for this Government to discontinue this paltry appropriation of $5,000 and not adopt the amendment offered by the Senator from South Dakota. We should be animated by higher motives than the little boy who said that if he could not have the candy himself he would spoil it, so that no one else could eat it. This is a great enterprise, and I should blush with shame for my country's honor if we should publish here that because you have been taking seals that we think belong to us, or that the result of the arbitration commission with England was not what we hoped or expected it would be, then we will kill off the seals, and nobody shall have the benefit of them.

Mr. GALLINGER. Is Professor Jordan's report a public document?

Mr. PERKINS. It is. It is entitled Observations on the Fur Seals of the Pribilof Islands: Preliminary Report. I succeeded in receiving an advance copy only yesterday.

Mr. GALLINGER. It is published by the Government?

Mr. PERKINS. It is published by the Government. I want to repeat, that he as authority is second to none in this country, and he is recognized as the peer of the scientists of other countries.

I do not wish to weary the Senate; but I am somewhat familiar by my long personal observation with the habits of the seals. I have been in the Bering Sea time and time again. I am familiar with our great possessions in Alaska, and therefore I can not refrain from replying to my friend from South Dakota, who, I think, has never been to any of those islands, and who, as I know, is animated, as he says, by philanthropic purposes that the poor young seal pups may not perish. I think we can find philanthropic work to engage our attention at home, caring for the [illegible] dumb beasts here, and let the seals go for [illegible] more. [illegible] the committee amendment will be adopted. I [illegible] me a letter, received a few days since, from Dr. Jordan, in which he says:

> England shows every indication of a desire to do the fair thing. This intention is especially clear in the fact that she has sent an honorable commission, which is familiar with all the facts ascertained by us, the head of the commission having been with me every day throughout the summer, and he and I being in agreement on all questions of policy as well as on all matters of fact, so far as was developed by our conversations during the expedition.

Mr. PETTIGREW. Mr. President, let us see what the situation is that we have to contend with. In 1893 we made an agreement, or, rather, we had a tribunal meet at Paris, and they made certain regulations or formulated certain provisions by which it was proposed to protect the seal life in those waters, and it was made unlawful to kill any seals within a circle of 60 miles about the island. We supposed that that would protect the animals; that the limit of 60 miles would give them a sufficient area in which to fish and feed their young. After those arrangements were made we found that the fish were not within the 60-mile circle. We found that one of these animals can swim 20 miles an hour at sea. We found that they go 200 miles from the island for fish, and they leave their pups upon the island. Each year since 1893 not less than 20,000 of the pups have starved to death because their mothers were killed at sea.

Now, the proposition is made to continue this condition until they all disappear. The proposition is made that the seals shall be killed one year after another, while their children starve to death, and thus serve the purposes of humanity. The simple proposition is, that we shall provide that if the British Government will enter into an agreement to protect this seal life they shall be protected, but if they will not we will destroy the entire life at once, and prevent this disgraceful scene of starvation; that is all. It seems to me it far more accords with the sentiment of philanthropy that this should be done than that the spectacle should be exhibited to the world of the starvation of the pup seals each season. Let us see what Mr. Jordan says about this matter:

SEALS KNOWN TO HAVE DIED ABOUT THE ISLANDS OF ST. PAUL AND ST. GEORGE FROM VARIOUS CAUSES, SEASON OF 1896.

Cows found dead on rookeries	131
Bulls	28
Bachelors	3
Pups, from trampling, drowning, straying, etc	11,045
Pups, from starvation	16,019
Bachelors (quota)	30,000
Pelagic catch	29,398
Total	86,624

The same thing will go on during the coming season, and what is Mr. Jordan's remedy? It is that we shall brand the female seals, so that the poachers will not capture them, because then, I suppose, the seal skins will be worthless. In the first place, perhaps it would be well to describe how the seals are killed. They employ Indians and white men who are expert spearsmen. Only a few days ago a large number of the most expert spearsmen in the world, who had been engaged in spearing porpoises in the Northern Atlantic, were taken across the continent to join the sealing fleet this year and engage in the business of the Canadian poachers. They go out in small boats and spear the seals. I suppose that Professor Jordan would have the seals come up to the boat and be looked over to see whether they were branded before the spearing operation was performed. The proposition is simply ridiculous.

Mr. President, this is our property, and if we have not courage enough as a people to protect it, if we have so much time to make arbitration treaties with Great Britain while this property is being destroyed and our fleet gather around the island and officially look on and see it done, it seems to me we had better remove the cause of irritation and take the property ourselves.

Mr. MORGAN. Mr. President, having been one of the board of arbitrators that settled, or supposed they had settled, this seal question, I have always had a delicacy in discussing it in the Senate, because it is the judgment of that board that seems to have led to the difficulty.

The board of arbitrators, in fixing the boundary within which seals should not be captured around the Pribilof Islands, adopted a 60-mile limit. Mr. Blaine, while Secretary of State, before the board met, had offered to the British Government to settle all of the controversy in regard to fur-seal fishing if they would agree to a 30-mile limit around those islands. As a matter of course, the arbitration was a little embarrassed by that offer of the American Government. It did not then appear, nor do I believe it appears now, that the female or mother seals, after their young had been born on this group of islands, would go 60 miles outside of the limit of those islands for the purpose of feeding. It is very true that by the evidence, which at the time we were investigating this subject was very meager, although there were 1,100 witnesses examined, it did not appear that the fish upon which these seals fed changed their feeding ground. The fish assemble in Bering Sea in very large quantities. Enormous masses of fish assemble there, and the seals of course follow them up and feed upon them. The fish change their feeding grounds, it now appears, sometimes as much as 150 miles away from the island, but before the commission met it was generally believed, and it was so testified by a great many witnesses, that the feeding of the seals was done somewhere within 30 or 40 miles of the island.

It may be that the trouble we have reached in this case has been due entirely to the migratory habits of the schools of fish; that they changed their feeding grounds and have therefore gone outside of the 60-mile limit, and the seals have followed them outside of the 60-mile limit, and there they have fallen within the reach of the spears and guns, or spears now, of the pelagic hunters. If that is true, it is something that can not be provided for in any other way than in the method Russia provided when she had possession of the Bering Sea.

I feel that the Government of the United States occupies an awkward predicament about this business, and I think that the attitude that we now hold toward it is one that has resulted from the mistake of the State Department and of the Treasury Department in insisting that the Government of Great Britain would join with them in regulations which were calculated to execute the decree or the award of that arbitration. That is where I believe the trouble is now and has been all the time since the award was delivered.

To run over the facts about this matter very briefly, Russia, for one hundred years before we got the ownership of those islands from her, had policed Bering Sea, which is almost an inclosed sea, and had kept out of it all intruders who might be there for the purpose of capturing the sea otter or the fur seal. No government in the world objected to it, and Russia exercised a free hand in the protection of the interests of her people and her Government in the Bering Sea waters.

That was the condition of this question at the time we acquired the ownership of those islands. It was something like twenty or twenty-five years later than the treaty of 1824 between Great Britain and Russia in regard to the right of fishing in the Bering Sea. That right at the time was directed to and was really confined to the whale fishing, and not to the fur-seal fishery, for the fur-seal hunting at that time was not designated as a fishery and never was so designated until by some unfortunate use of language that phrase was put into the treaty of arbitration.

Now, there was Russia occupying Bering Sea with her power of policing those seas for the purpose of protecting that great industry on the islands, which is of such a peculiar nature that it can not be protected in any other way than by exercising over Bering Sea a police jurisdiction, and you have got to take in the whole of that sea in order to make the policing effectual.

Russia gained in this way a prescriptive right by the common consent of the nations of the world thus to regulate and thus to protect that very important industry upon those islands, and she, following that prescriptive right, excluded all nations from that privilege, and nobody objected. The United States, however, became the purchaser of Alaska and of the Pribilof group of islands, the Aleutian Peninsula, and all that vast and very valuable body of land lying on the northwest of the Canadian Dominion. There is no doubt that in this acquisition the Government of the United States very greatly excited the jealousy and the anger of the British Government. The moment we took possession of the islands, and before we had even an opportunity to pass a law for their protection, the Canadian pelagic sealers went in there and commenced raiding the seal herds not merely upon the sea, but also upon the land, and in the first year of their raiding they destroyed 300,000 seals of that herd.

Thereupon Congress waked up and commenced providing very stringent legislation, applicable not to our people alone, but to all people, forbidding pelagic hunting anywhere in Bering Sea and within our limits, and our limits run on a line of longitude far to the west of the Pribilof Islands. In the exercise of the duty devolved upon the Executive by that act of Congress, some twenty-four or twenty-five ships which were out there violating that statute were seized—the first ship seized being an American ship owned in San Francisco; and so he followed on afterwards until we had seized and confiscated several of our own ships. But some twenty-two ships of Great Britain were seized and held subject to confiscation, and some of them were confiscated for violating those statutes of the United States.

Thereupon arose a controversy between Great Britain and the United States as to the international, or the oceanic rights, I will call it, of pelagic fishing, as they term it. They claimed that all of the open waters of the world were open to their fishing, that they could go anywhere they pleased to catch fish in any part of the sea the world round, and it was their privilege secured to them under the laws of nations. We denied it. We put our denial upon the ground, first, that we had a property in the seals themselves growing out of the peculiar habits of those animals which amounted to domestication, that in consequence of their natural habits they were really domestic animals and belonged to the Government of the United States, and in that ownership our Government excluded not merely the citizens of other nations from destroying these animals or capturing them, but prevented our own people from capturing them. The laws enacted were in the nature of game laws, and they applied to all the people in the world, our own included.

The controversy got to be a very sharp one. Vessel after vessel was captured and carried into our ports for confiscation. Thereupon the two Governments, finding themselves unable to settle the controversy, resorted to the favorite and famous project of arbitration.

At that time there was a strong party in the United States who demanded that the Government should plant itself squarely upon the same rights that we had acquired from Russia and vindicate them by the strong arm of power, if it was necessary to be done. There was another party in this country that you might call the business interests party, or the peace party, who contended that that great subject should be submitted to arbitration.

Thereupon the two Governments agreed to a treaty of arbitration, accompanied with a modus vivendi, which lasted, first, until they could make the treaty, and then lasted afterwards until the treaty could be executed by getting the award from the tribunal. They formulated a submission. They compelled the Tribunal of Arbitration, instead of insisting upon the rights of America that were peculiar to her, to plant themselves upon the international law, and when we came to look through the international law, which was the guide of our action, we found no precedent, and in the international law, if you find no precedent, you find no law, for the international law is nothing more nor less than an aggregation of precedents growing out of the practice of nations. There was the commission then chained down to the international law without a precedent, Great Britain claiming the universal right of fishing and we denying it upon the basis that the property was of such a peculiar character that the fishing laws did not apply to it. Well, as is usual in such cases, where the arbitration is made up of European arbitrators, the decision was against us, and it

will be so every time. This is the "advance agent of prosperity" on the subject of arbitration.

We find ourselves here to-night discussing the question whether we shall destroy these seals in order to get rid of that question, on the one hand, or whether we shall brand the female seals in such a way that the pelts, when taken, will be of no value, and therefore the industry will cease. Has all this resulted merely from that decision? It has not, because that commission, in forming rules and regulations for the government of pelagic hunting, went outside of international law and established such regulations as they believed, upon the evidence of 1,100 witnesses at the time, would be effectual to prevent any hunting of any important character, at least in Bering Sea; they forbade the use of firearms in Bering Sea in the destruction of seal life. They also limited, as I have said, a territory there of 60 miles, reaching out into the ocean in every direction from these islands, within which nobody, not an American citizen or anybody else, could be permitted to kill a seal under any circumstances, and that was supposed at the time to be an ample protection.

Was it? It was, if the Government of Great Britain had exercised common honesty in the execution of the award. She turned the Canadians loose upon our property there and from the moment we acquired possession, and when our statute was passed to protect that property against our people and her people, she denied their authenticity under the law of nations. We had a controversy about it; we had arbitration; we got the award: we got the regulations pledging each Government to enact statutes and to make subordinate regulations for the purpose of executing this general decree: and now what is the result? Here we are lamenting that the award was made, and trying to find some way of escaping from it. We first tolerated this state of facts, that while we were keeping eight or ten—as many as ten ships in that country—policing those seas, Great Britain has never furnished but one, and that ship stayed in the harbor at one of those Alaskan ports for more than two-thirds of the fishing season that she was sent out to protect.

Here is a Government now professing an earnest desire to protect these fur seals, uniting with us in an award. The award is rendered, requiring her to join with us in regulations for the purpose of protecting the seals; but when we come to the test Great Britain declines to do it. She made regulations during one season, and then declared that she would make no more; that she would not go any further in the direction of trying to protect those fur seals in the execution of that award; and here we find that the first difficulty that arises really between the United States and Great Britain, requiring action on our part, is a difficulty arising out of the nonexecution of an award. It is my deliberate judgment that if we get a general arbitration covenant with Great Britain, or with any other power, agreeing in advance to arbitrate all questions, the result will be just what is shown on this floor to-night—that we shall have more trouble in executing the award than we had in getting it, a great deal more.

There is to-day more danger of disturbance of friendly relations between the United States and Great Britain for her failure to execute that award than there ever was in the seal question when it first originated. If the Government of the United States had planted itself where it took ground in the beginning of Mr. Cleveland's Administration, upon the declaration then made of its right to seize and hold and confiscate the pelagic sealers there, and had maintained it, there would have been no fur-seal question disturbing us to-night, and we should have millions of fur seals instead of hundreds or thousands—a very valuable industry, one that ought not to be allowed to perish for the sake of civilization, for the sake of taste, and, above all, for the sake of a class of animals who have a peculiar domesticity imposed upon them by nature, which leads them to shelter upon those islands during the summer months, and makes them more dependent upon the protection of man than the cattle which range across the prairies of this country.

Well, here we are. I do not think that either of the expedients which have been offered here to-night are at all valuable. The destruction of the seals, however, in order to escape from the difficulty, strikes my mind with abhorrence. I can not realize the thought at all that it is proper in the United States Government to go and destroy the seals absolutely, and forever destroy that species of animal.

Mr. CARTER. On that point I should like to ask the Senator, who has given much thought to this matter, if the destruction of seal life would not at the same time destroy the only means of livelihood possessed by the Indians on the Aleutian Islands, and thus render them solely dependent on the charity of the Government?

Mr. MORGAN. They are dependent now on the charity of the Government. We have taken the subject out of their hands, and, if I may so say, consecrated by law this entire seal family or seal species as a resource of the Treasury. There is no citizen in the United States, not even those people who live in the Aleutian Islands, or any other person, who has a right to kill a seal. That is done entirely under the authority of the law and by the agents of the United States, and, if it is not done in that way, it is done unlawfully.

Mr. CARTER. But if the Senator will permit me, is it not true that the Alaskan Fur Seal Company have a contract with the Government, whereby they are permitted to kill a certain number of seals annually; and do not they employ the inhabitants of those islands almost exclusively in the work to be performed, and allow them of the seals killed certain portions for sustenance?

Mr. MORGAN. That is very true, and an important part of their support is the flesh of a certain class of seals that they eat during the killing season. We, by taking possession of those seals and declaring Government ownership over them, have come under an obligation to which we have always been faithful, of supporting those people; and it has cost a good deal of money to support those Aleuts up there, who have been engaged in seal hunting heretofore, and have lived largely on the products of their fisheries and hunting.

Mr. President, to return to the point I was making, one proposition offered is to destroy the seals absolutely. That looks like cutting off your nose to spite your face; it looks as if it were a timid way of treating a question of this kind, unbecoming to the United States; and it is cruel, if cruelty to animals enters into the consideration at all, because it destroys a very useful, a very innocent, and a very attractive species of animal. I do not know that I would vote for a law which would destroy any class of animals capable of contributing to the comforts and elegancies of life, and to the sustentation, incidentally, of the people who depend upon this thing for their livelihood. I do not think that I could vote for such a bill as that.

Then the idea of branding them and sending the females out is only to deter the pelagic hunters from killing the seals, because if killed, the pelt would be of no value. I think that would be a very difficult thing to do, and would lead to great complications and great troubles.

The thing to do is this: Let the Government of the United States require of Great Britain to carry this contract out in good faith. Why are we dodging and shying around the question all the time, when we know it is her fault, her deliberate fault, in refusing to execute the award according to its terms and its spirit also that this trouble has arisen. Great Britain, if she is in earnest about this, and honest or sincere about it, will come forward and join with us in good faith in executing this award. She does not do it. She sits by there and encourages this traffic, encourages it in every way. When we have seized vessels and confiscated them, Great Britain, in order to prevent her subjects in Canada from losing anything and from being discovered in pelagic hunting, actually voted the money and paid the cost. Those vessel owners now demand of us an arbitration. While we had them under condemnation, the Dominion Government voted the money and paid those people for those raids upon us; and it is now demanding the money back, and I suppose under existing circumstance will get it.

What are we to think of the attitude of the Government of the United States seizing over twenty-two British ships and carrying them into port for confiscation; and then they got us at last, when the pressure got to be pretty heavy and the resistance was somewhat strong on the part of Great Britain, where we would seize a vessel and put it again in the possession of its own captain and tell him to go back to one of his own ports and report there to the British authorities?

We would seize him and then abandon him. Here is where our spirit failed, and there is where the blunder [illegible] committed. We ought then, in the beginning of this co[illegible]ve stood by our statute, which is yet unrepealed on the statute books, and we should have declared that it was the duty of this Government, which involved its honor, to see its laws executed in that Bering Sea.

Now mark, if you please, the march of conviction on this subject of prescription rights. When I was in the Bering Sea Tribunal, and his honor Judge Harlan was there, I made the point that we were protected by prescription in our rights, and that it was a good doctrine of international law. Well, when we came to look through the international law, we could not find a precedent. We could find the principle everywhere in the municipal laws of all countries, in the common law of England—which is common to Great Britain and the United States—we could find the principle there, but we could not find any decision under international law sustaining the doctrine of prescription. When, however, we got to dealing with Venezuela, our Government insisted that the doctrine of prescription should come in, and Great Britain consented to it, making the prescription fifty years instead of sixty-five, you observe, so that the line that had been run by Schomburgk, and upon which Great Britain also planted herself, should necessarily become the line of division between Venezuela and Great Britain.

So the doctrine of prescription has come into being, and will determine that question in Venezuela; but it could not be tolerated that it should have any effect upon American rights in Bering Sea when we succeeded by purchase to the rights of Russia, although Russia had exercised this power without denial for a century before we got in there.

That is the picture; that is the situation. I think, Mr. President, that in continuation of the examination which has been heretofore made, which seems to have been very successful in ascertaining the actual situation in the island, the amount of seal life there is there and the losses that are being sustained—21,000 pups perishing there on the shore in a season—I think we had better continue this commission for the purpose not only of informing ourselves, but of informing Russia and France, who are interested in this question, and the whole civilized world as to the conduct of this peace-loving, arbitration-seeking Government of Great Britain. We had better continue it and get some more information. It involves only an expenditure of six or eight thousand dollars, I believe, and the labors bestowed there seem not to have been entirely completed.

I think the true policy for us now to observe is to continue that investigation, and then I do hope that the incoming Administration will have the fortitude—if I may use that expression in connection with such a subject—to insist that Great Britain shall comply with that award, and shall assist faithfully in its execution. If that is done, in my opinion we shall have no more trouble about the fur seal. By the time Great Britain is compelled to go to the expense of keeping a fleet there—such a one as we keep there—to protect the fur seals against the raids of her own people, then, perhaps, Great Britain will change her policy on that subject and conclude at last that it is best to let us alone. But we are peace seekers, or we have got to be since the beginning of the last Administration, when we shrank from a duty that we entered upon so boldly. We have got to be a nation of people who are all the time seeking shelter and cover. In other words, we are taking that attitude which was taken by an unfortunate class of American people in the time of the Revolutionary war, who sought British protection. I do not want any British protection: I want American protection. I want the rights of these people as they are guaranteed to us by the laws of nations and also by the award of that tribunal faithfully executed. I am in search of information now, in order to plant our feet upon firm ground, so that this incoming Administration may be able to demand of Great Britain that she shall perform her duty. Therefore, I am in favor of the Senate amendment.

The PRESIDING OFFICER. The question is on the amendment which has been read.

The amendment was agreed to.

Mr. ALLISON. I believe the amendments which were passed over have now been acted upon.

The PRESIDING OFFICER. The Chair so understands.

Mr. ALLISON. On page 5, line 12, after the word "expedient," I move to insert the word "and;" so as to read, "shall deem it expedient and in the interest of the public service."

The amendment was agreed to.

Mr. ALLISON. I move, in line 14, of the same clause, to insert the word "and" after the word "brick;" so as to read: "the substitution of stone for brick and terra cotta in the public building now in process of construction at Racine, Wis."

The amendment was agreed to.

Mr. ALLISON. On page 63, line 21, I move to strike out the word "reappropriates" and insert the word "appropriates;" and in line 22 to strike out the words "and twenty-five;" so as to read: "which appropriates the sum of $100,000 for the survey of public lands within the limits of land grants made by Congress to aid in the construction of railroads," etc.

The amendment was agreed to.

Mr. ALLISON. On page 68, line 4, after the words "United States," I move to insert "including the collection of statistics of gold and silver;" and in the same line to strike out "twenty" and insert "forty-five;" so as to read:

For the preparation of the report of the mineral resources of the United States, including the collection of statistics of gold and silver, $45,000.

The amendment was agreed to.

Mr. ALLISON. On page 88, line 13, after the word "Buffalo," I move to insert the words "including necessary observations and investigations in connection with the preservation of such channel depth."

The amendment was agreed to.

Mr. ALLISON. On page 94 I move to insert the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 94, in line 6, after the word "dollars," it is proposed to insert:

Provided, That the Secretary of War may carry to completion the present project of improving the falls of the Ohio River and Indiana Chute Falls, Ohio River, by contract, as provided in the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law June 3, 1896; or the necessary materials may be purchased, and the work done otherwise than by contract, in his discretion, if more economical and advantageous to the United States.

Mr. ALLISON. This is an amendment which was proposed by the Senator from Missouri [Mr. VEST] as a proviso to this appropriation, which has been reported from the Committee on Commerce, and it is the wish of the Engineer Department that it shall be inserted in the bill, in order that they may carry on this work otherwise than by contract, if they shall desire to do so.

Mr. LINDSAY. I ask the Senator from Iowa whether that would still leave the limit at $300,000?

Mr. ALLISON. The amendment does not change the amount appropriated.

The amendment was agreed to.

Mr. ALLISON. On page 97, after line 9, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 97, after line 9, it is proposed to insert:

The unexpended balance of the appropriation for the improvement of the Suwanee River, in Florida, may, in the discretion of the Secretary of War, be expended for deepening the west pass of the Suwanee River at its mouth.

The amendment was agreed to.

Mr. ALLISON. On page 73, line 10, after the word "transportation," in the clause making appropriations for reindeer in Alaska, I move to insert "whether by a vessel of the United States or otherwise."

The amendment was agreed to.

Mr. ALLISON. On page 86, after line 10, I move to insert as a separate paragraph what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 10, on page 86, it is proposed to insert:

To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the Lafayette or State road in Georgia from Lee & Gordon's mill, in that State, to the town of Lafayette, $25,000.

The amendment was agreed to.

Mr. ALLISON. On page 90, after line 4, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 4, on page 90, it is proposed to insert:

The Secretary of War is hereby directed to cause to be made a survey and estimate of cost of deepening and widening the straight channel in Maumee River and Bay, with a view to obtaining and permanently securing a channel of a uniform width of 400 feet and 20 feet deep at low water, the cost of said survey to be paid out of money already appropriated for the improvement of said channel.

The amendment was agreed to.

Mr. HOAR. I move to insert after line 3, on page 56, what I send to the desk, which will be agreed to without any objection, I am sure.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 3, on page 56, it is proposed to insert:

To enable the attorney to send copies of all acts of Congress to all judges of United States courts and the Territories, $100.

The amendment was agreed to.

Mr. HOAR. On page 125, line 2, after the word "dollars," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, line 2, after the word "dollars," it is proposed to insert:

That the President, with the advice and consent of the Senate, shall appoint three commissioners, whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States. That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion. That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change. That each of said commissioners shall receive a salary of $5,000 a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney-General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. MILLS. I offer an amendment to come in after line 22, on page 103.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 22, on page 103, it is proposed to insert:

That for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President from the Engineer Corps of the Army; and such board shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near said Pass of Aransas. It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination; the character of the work done and the cost of same; the character and cost of any unfinished work contracted to be done by said company; the probable result upon the deepening of the channel across the bar of any work contracted for or contemplated by said company, but not then finished; the value to the Government of all work done or contracted to be done by said company for the purpose of deepening said channel or removing said bar, and such other information as they may deem essential to be known to Congress in making future provision for the purchase of said works by the United States Government. Said board shall report the result of their investigation to the Secretary of War on or before the first Monday in December, 1897, and the Secretary shall immediately transmit the report to Congress; and $5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineers, the amount of such compensation for said services to be fixed by the Secretary of War.

The amendment was agreed to.

Mr. FRYE. As chairman of the Committee on Commerce, I desire to offer three or four amendments for absent Senators. The Senator from Florida [Mr. PASCO] is detained from the Chamber by ill health, and on page 89, after the word "dollars" in line 2, in the appropriation for improving Cumberland Sound, Georgia and Florida, I move to add the words "be immediately available."

The amendment was agreed to.

Mr. FRYE. On page 97, after line 16, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

That the Secretary of War be, and he is hereby, authorized to investigate the extent of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and to perform such experimental work as he shall deem necessary to determine some suitable and feasible plan or method of checking and removing such obstacle, so far as it is a hindrance to interstate or foreign commerce, and to report the results of such investigation and experimental work; and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay the cost thereof.

Mr. FRYE. After the amendment just adopted, I move to insert what I send to the desk.

The SECRETARY. After the amendment just adopted, on page 97, it is proposed to insert:

That the Secretary of War be, and he hereby is, directed to cause a survey to be made to examine into the feasibility and advisability of the improvement of the waterway beginning at a point at or near the site selected for Lock No. 13, on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream, to Bessemer, Ala.; thence up the valley to Birmingham, and beyond, to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said route between Five Mile Creek and Bessemer, Ala., so as to secure a channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line, and to ascertain the cost of such improvement; and the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

Mr. HALE. Let me ask my colleague whether that is a case of a continuing contract?

Mr. FRYE. No. It provides for a survey. It is practically nothing but a survey.

Mr. HALE. For an entirely new work?

Mr. FRYE. No; it has been surveyed before, but this is connecting with the Tombigbee River the river which runs from Birmingham down.

Mr. HALE. It is a provision for such a survey as is ordinarily put on the river and harbor bill.

Mr. FRYE. Such surveys as are ordinarily put on the river and harbor bill.

Mr. HALE. This will be a pretty good river and harbor bill.

Mr. FRYE. I am inclined to think it will be.

Mr. HALE. I think so.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. FRYE. I am instructed to offer the amendment which I send to the desk.

The SECRETARY. Following the amendment which has just been adopted, it is proposed to insert:

For the purchase of a dredge boat for use in the harbor improvement at Sabine, Tex., $100,000, and for the expense of operating the same during the fiscal year ending June 30, 1898, $30,000; in all, $130,000.

Mr. ALLISON. I understood that was to be a proviso to the appropriation for Sabine Pass.

Mr. FRYE. That it should be paid out of the main appropriation?

Mr. ALLISON. Yes.

Mr. FRYE. No; the committee cut that down $100,000. I did not intend to offer it in that way. The Senator misunderstood me, if he thought I did.

Mr. ALLISON. This is a separate and independent appropriation?

Mr. FRYE. It is a separate and independent appropriation. They could not afford to drop out $130,000 more.

Mr. HALE. What is to be done with the dredge?

Mr. FRYE. It is to operate between the jetties and keep it clear. It is very strongly recommended by the War Department.

Mr. HALE. The funds for this harbor are all included in the other appropriation, and they are under contract.

Mr. FRYE. They are all under contract.

Mr. HALE. What fund would the Secretary have with which to keep this boat employed?

Mr. FRYE. Only the appropriation which is made in the amendment. There is an appropriation of $30,000 in the amendment which I have offered.

Mr. HALE. It is an additional appropriation?

Mr. FRYE. It is.

Mr. HALE. It does not go with the continuing contract?

Mr. FRYE. It does not.

Mr. HALE. It is new matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. BROWN. I offer an amendment as to the public building at Salt Lake City, to come in after line 2, on page 7.

The Secretary of the Treasury is hereby authorized and directed to expend the $75,000 heretofore (in 1896) appropriated for the purchase of site and commencement of construction of a public building for court-house and post-office at Salt Lake City, the entire cost of site and building not to exceed $500,000.

This sum was voted in the last appropriation bill, but it has not been used by the Secretary of the Treasury, and I simply ask that he may be directed to proceed or it may be reserved as an appropriation.

Mr. ALLISON. I ask the Senator from Utah whether the limit of cost of the ground and building was placed at $500,000 in the last act?

Mr. BROWN. Not in the last amendment, but in the bill that passed the Senate, yes; and there is an estimate by the Supervising Architect and by the Committee on Public Buildings and Grounds.

Mr. ALLISON. I hope the Senator will consent to strike out that portion of the amendment.

Mr. BROWN. Certainly, if the Senator asks it.

Mr. ALLISON. I do not think we ought to do that in this bill, whatever else we do.

Mr. BROWN. I am willing that it shall be stricken out.

Mr. GORMAN. Let the amendment be read.

Mr. BROWN. I wish to say before it is read, as an excuse in regard to it, that the Secretary gives as a reason why he does not expend the $75,000 in purchasing a site that he does not know the limit of the cost of the building.

Mr. ALLISON. I understand the Senator's amendment is to authorize and direct him to purchase a site, and I take it that is as far as the Senator wants to go this year.

Mr. BROWN. The Senator is right. That is as far as I care to go this year, but at the same time the objection would be overcome by suggesting the limit of cost. That is the reason.

The VICE-PRESIDENT. The amendment as modified will be stated.

The Secretary read as follows:

The Secretary of the Treasury is hereby authorized and directed to expend the $75,000 heretofore (in 1896) appropriated for the purchase of site and commencement of construction of a public building, court-house, and post-office at Salt Lake City, Utah.

The amendment as modified was agreed to.

Mr. GEAR. I offer an amendment to be inserted after line 7, on page 96.

The amendment was read and agreed to, as follows:

Provided further, That the sum of $50,000 of said sum shall be expended for continuing the work of constructing artificial banks between the mouth of Flint River and running along the west bank of the Mississippi River to the mouth of the Iowa River.

Mr. GORMAN. I ask that the committee amendment on page 135, beginning in line 12, may be reconsidered, so that I may offer a substitute for a part of it from the committee.

The VICE-PRESIDENT. In the absence of objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. GORMAN. I offer a substitute for that part of the amendment beginning with the "And" in line 15.

The SECRETARY. It is proposed to strike out all after the word "And," in line 15, page 135, down to and including the word "proper," in line 21, and insert:

And the Public Printer will bind and deliver to the compiler of Messages and Papers of the Presidents 500 copies of said compilation bound in the same style of the personal copies of Senators, Members and Delegates. The compiler shall prepare a full table of contents and a complete index for such compilation, and he shall be paid therefor by the Public Printer out of the appropriation for public printing and binding such sum as the Joint Committee on Printing shall decide to be just and proper.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. Also from the committee, I offer another amendment.

The SECRETARY. On page 20, after line 16, it is proposed to insert:

For constructing and equipping a steam revenue cutter for service on the Atlantic coast of the United States, with headquarters at the port of New York, the sum of $175,000.

The amendment was agreed to.

Mr. GORMAN. On page 55, after the word "dollars," in line 12, I move to insert what I send to the desk.

The amendment was read and agreed to, as follows:

All immigrants upon their arrival in the United States shall be brought for proper examination to the place or places designated for that purpose.

Mr. HAWLEY. I am authorized by the Committee on Public Buildings and Grounds to move the amendment I send to the desk.

The SECRETARY. On page 7, after line 23, it is proposed to insert:

> The Superintendent of Public Buildings and Grounds and the Supervising Architect of the Treasury and the Architect of the Capitol are hereby constituted and appointed a committee to examine sites and consider the prices of lots suitable for the memorial building proposed to be built by the National Society of the Daughters of the American Revolution, to commemorate the services of the heroes of the Revolutionary war; and said committee shall make a report to Congress as early as possible.

The amendment was agreed to.

Mr. DANIEL. I beg leave to offer an amendment.

The SECRETARY. On page 4, after the word "dollars," in line 24, it is proposed to insert:

> For public building at Norfolk, Va.: For extension of limit of cost of site and building from $150,000 to $250,000, $100,000.

Mr. ALLISON. I reserve the point of order upon the amendment.

Mr. DANIEL. I will state that the public building at Norfolk, Va., was provided for by a bill passed in 1891; the site therefor was purchased and the building begun. But the Department recommended, the suggestion coming from them and not being inspired in Congress or elsewhere, that such a building as was needed at Norfolk would require more money. A bill to provide for such a building, fireproof and suitable to accommodate the various establishments at Norfolk, accordingly passed the Senate at its last session, and still lies unpassed in the House.

This building is estimated for by the Department, and the amendment is recommended by the Committee on Public Buildings and Grounds. It is an amendment in due course of business and is called for by the necessities of the occasion.

Mr. ALLISON. I have no doubt that everything the Senator from Virginia has stated is true. Yet the amendment proposes a change of existing law. If we should begin to enlarge the limits of cost of public buildings already in course of construction or where sites have been purchased, it would be impossible for us to have any end to this bill.

Mr. DANIEL. That is done in the pending bill.

Mr. ALLISON. I just asked the Senator from Utah [Mr. BROWN] to strike out a provision of that sort in an amendment he offered. I make the point of order that the amendment proposed changes existing law, and therefore can not go on the bill.

Mr. DANIEL. I beg leave to call attention, if I may be permitted to do so, to an item in this bill, just preceding the amendment which I have offered:

> For extension of limit of cost of site and building from $1,200,000 to $1,300,000, $100,000.

The amendment is exactly in accord with the construction of the bill which we have before us.

Mr. ALLISON. What page did the Senator read from?

Mr. DANIEL. Page 4.

The VICE-PRESIDENT. The Chair will inquire of the Senator from Virginia whether the amendment has been reported from a committee?

Mr. DANIEL. Yes, sir; it has been reported by the Committee on Public Buildings and Grounds, of which I have the evidence before me.

The VICE-PRESIDENT. The Senator's statement is all that is necessary. The Chair did not hear the Senator.

Mr. DANIEL. It has been reported from the Committee on Public Buildings and Grounds, and it is estimated for by the Department.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALLISON. Does the Chair decide that the amendment is in order?

The VICE-PRESIDENT. The Chair rules that the amendment is in order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SEWELL. I call the attention of the chairman of the committee to page 113, after line 6, where I move to insert:

> For new barn, $3,500; for electric-light plant, $10,000.

The amendment was agreed to.

Mr. ALLISON. The total must be changed.

Mr. SEWELL. The total should be changed to correspond with the increase.

Mr. ALLISON. The clerks will be authorized to make the change.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CLARK. I beg leave to offer an amendment.

The SECRETARY. After the word "survey," in line 9, page 66, it is proposed to insert:

> And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States the same as if said Executive orders and proclamations had not been made.

Mr. ALLISON. I reserve the point of order on the amendment that it is new legislation, entirely independent of any appropriation in the bill. However, I will waive the point for the moment, until the Senator from Wyoming can be heard.

Mr. CLARK. Mr. President, I have no desire to be heard on the amendment, except to present a few facts to the Senate in regard to the reservation that was made by the order of the President on February 22, which, to give it the most charitable interpretation that can be applied to it, was made, in my opinion, without full and proper information, and I ask the attention of the Senate to the amendment.

The amendment provides for restoring 21,000,000 acres of land to the public domain—21,000,000 acres of land that has been taken from the public lands of the United States, from the settlers, from the farmers, from the prospectors of the Rocky Mountain and coast region—on the recommendation of a committee appointed by the American Scientific Association. The ostensible object of the reservation is the preservation of the forests upon the 21,000,000 acres of land.

I wish to state to the Senate, that it may understand the situation, and I do it in no spirit of harsh criticism of the Executive, that on the 21,000,000 acres of land segregated from the public domain enterprise was stopped at the borders; the exploiting of mines was absolutely and entirely stopped; town sites were embraced. In these reservations are thousands of men to-day, with their farms upon the reservations, and all this was done without consultation, so far as I have been able to inform myself, with any Senator or any Representative in Congress from any of the States affected by the order.

That this reservation works and will work hardship, none can question. In my own State I can speak of my personal knowledge, and of other States I can speak from what the Senators and Representatives from those States have told me. In one reservation in my State, known as the Big Horn Reservation, something over a million acres of land have been taken from the public domain. That is at the summit of the Big Horn Mountains, in the northern part of the State, next to the Montana line. When we protest against this reservation, we are met by the statement that there are very few settlers there, as shown by the plats of the General Land Office, and yet that entire country is now, this day, full of men opening up a new mineral region, which we hope will pour immense quantities of wealth into the coffers of the country. They are compelled to pause with pick in the air because this reservation, withdrawing the lands, takes them away from the exploiting and the prospecting and the exploration of the mines.

If it had been desired to preserve the forests, the Big Horn forest reservation would have been dropped 100 miles to the south, because 100 miles, certainly 50 miles, to the south of that reservation is the very place where the forest needs preservation, if anywhere, because there are found forests that protect the head waters of the Big Horn and the other streams which carry the waters of that country, and which should be preserved.

I can not think that if true information had been given to the Executive this order would have been made. I do not question his authority to make the reservation of 21,000,000 acres of land in my own and adjoining States, under the strict letter of the law. I do, however, question his right to make it under the spirit of the law. The Congress of the United States in 1891, in the expiring moments of the Congress, passed a law that was not duly guarded in its terms. I can not believe that the Senate and the House of Representatives ever expected that it would be executed in the way it has been executed. That law provided that the President of the United States, when in his judgment it should be necessary for the preservation of the forests of the United States, should set apart as forest reserves such portions of the public domain as in his judgment might be necessary.

At the former session of the present Congress a law was passed appropriating $25,000, to be expended under the direction of the National Academy of Sciences, for the purpose of exploring our whole country, finding out the condition of our forests, and reporting and suggesting such legislation as was thought by them to be necessary and desirable. These gentlemen—and I was talking with one of them immediately after the order was issued; whether or not they used the appropriation I am not informed—five scientific gentlemen from the East, went to the Western States. They gleaned from some sources, from somewhere, what they considered to be information in regard to our forests, and they started in their work in July. Early in the fall they returned, and I assume that the President, acting upon their recommendation, has made the order withdrawing these 21,000,000 acres of land from settlement. I wish to state here that at least in one case, the only one as to which I inquired directly—the Big Horn Reservation of which I have spoken—an eminent scientist and a member of that commission acknowledged to me under the press of interrogatories that not a member of the commission had ever been upon this reservation or within miles and miles of it.

Now, I wish the Senate to understand the condition of affairs; that these reservations have been made without due consideration, without personal knowledge on the part of the commission as to whether or not any timber is upon the reservations, without any knowledge as to whether or not the water supply will be guarded; but arbitrarily, with the stroke of a pen, without consultation with any of the people of the States most interested, the order is made, and we ask the Senate, by legislation, to annul that order. It still leaves the President free under the law of 1891, if he makes the proper investigation, to segregate such parts of the public domain as will serve the purpose which the law contemplates. The adoption of this amendment means that the picks will again begin to strike in all these reservations, and that a man who has a home in these reservations can again go out and get his firewood from the timber on the public domain.

The effect of these reservations is that while care is taken in the proclamation to say that the settler who is there with a bona fide title shall not have his title challenged, yet in effect it provides that he shall not burn a stick of timber in all that land to light his hearth. All the reservations are made at the behest of these scientific gentlemen. I honor them for their knowledge; they are an ornament to the country; I read their reports with admiration; but they belong to that class of scientific gentlemen who think more of the forest tree than they do of the roof tree, and we have a whole lot of people in the West who think as much of their roof tree as the people of any other part of this nation.

We believe it is an injustice to us. We believe that instead of the development of our country being retarded, it should be advanced. We believe that the life of the man is worth more than the life of the tree. We have timber that can be used there for commercial purposes, and these scientific gentlemen ought to know it.

In some of the reservations, if this amendment be not adopted, or one like it, it means the absolute confiscation of hundreds of thousands of dollars of actual, tangible property, and I am not stating the fact too strongly. In a reservation that is made in the State represented by the Senator from South Dakota [Mr. PETTIGREW] there is a reservation that takes within its borders some of the greatest paying gold mines on the continent of America. Those mines absolutely can not be worked; they absolutely can not raise their product from the ground unless they have the benefit of the timber growing upon the public domain. Hundreds of thousands of dollars have been invested there, and hundreds of thousands of dollars have been virtually confiscated by this order which, in my judgment, was so hastily made on the anniversary of the birth of Washington.

Mr. President, I have felt a good deal of hesitation in offering this amendment. I am conscious of what it means. It means the annulling of a deliberate order of the Executive of this nation, and were I not impressed with the absolute necessity of this action, and the immediate necessity of present action, I would not have thought of offering the amendment. I respect the office of the Executive of this nation; there is no higher one on the face of the earth; but if, in order to protect the people of my own State or of an adjoining State, I am compelled to offer an amendment of this kind, it shall be offered. I hesitated in offering it, because I was told by members of the Senate that the adoption of the amendment would mean the veto or the failure of the sundry civil appropriation bill. I can not believe that that is possible. I can not believe that the President of this great Republic, if he has, as he must have, the good of his people at heart, would be so piqued because Congress, in its wisdom and after due deliberation, has seen fit to restore the homes of the people, that he would veto a great appropriation bill. But no matter if that should be the temper in which we meet the Executive, I for one am ready to meet the question on that ground, and I say here and now that neither on this bill nor any other will I sacrifice what I consider to be the well-being of the people of my State to satisfy the pique of any branch of this Government.

But it is urged that the amendment should be modified; that it should be made more moderate in its tone; that it should be put in a little different shape; that we should suggest that some exception should be made to the general order. In my judgment, it is either this or nothing. In my judgment, unless the whole order be revoked, the time will never come when these reservations will again be thrown open to the public domain. The lonely settler within the heart of the Big Horn or Jacksons Hole Reservation may remain lonely all his life because the President of the United States has placed a bar about him hundreds of miles perhaps, dozens of miles anyway, and at the edge of that has said to all the people of the United States besides, "You shall not go in and be a neighbor of this citizen, who has settled in good faith upon land which we want for a forest reservation."

Mr. President, there is no demand for these reservations, as such reservations have been made by the people of the States in which they lie. A gentleman had the assurance to tell me the other day, "It is needful that we should protect the frontier settlers." That, perhaps, is true. It is possibly true that the men who have prospected and exploited and lived under the hardships and toils of frontier life need some protection for themselves. But we have the experience of other parts of the country to caution us. We have the experience of the swamp-land act; we have the experience of a dozen other matters connected with the public-land surveys, and, in the light of that experience, we believe we know what is best for us.

No people on the face of the American continent are so anxious for the proper preservation of the forests and the water supplies of the West as the people of the public-land States. It means everything to us that they shall be properly preserved. But, on the other hand, it seems to us that the reservations should be made only when necessary; that they should be made only after an actual observation upon the ground. It appears to me impossible for four or five gentlemen, even though they stand at the head of the science of forestry in this country, to sit down at the Sheridan Inn, or elsewhere, 50, 60, 100, or 200 miles from a reservation and draw upon a map with any degree of intelligence the proper boundaries of a forest reserve.

Mr. President, I hope that the point of order reserved will not be insisted upon. This is the most vital question that has touched the people of the West during the present session of Congress. Gentlemen in the East can not appreciate it. You do not know how our people feel about it. You do not know what it means to us. It means the arrest of development in large parts of the West. It means the arrest of mining enterprises in large parts of the West. Some of these reservations are along railroads and town sites. It means that no man can warm his cold family with a stick of public timber, even though they be perishing, under the penalty mentioned in the law and the proclamation. We would not have complained of it had it been done with due deliberation. We do believe that it ought never to have been done except upon the best information obtainable, and I am satisfied that such has not been had.

I have spoken more especially with reference to my own State. I believe that other States are affected as badly or worse. I sincerely hope that the amendment may be adopted. It means more to us than the chairman of the Committee on Appropriations can conceive. It involves substantially the development of that whole Western country.

Mr. STEWART. I should like to have the amendment read.

The VICE-PRESIDENT. The amendment of the Senator from Wyoming will be again read.

The SECRETARY. After the word "survey," in line 9, page 66, it is proposed to insert:

> And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States, the same as if said Executive orders and proclamations had not been made.

Mr. STEWART. I should like to inquire of the Senator from Wyoming if those are all the States to which the order applies? Are there any other States?

Mr. CLARK. My impression is that the amendment covers all the reservations in the order referred to, and the only order of which complaint is made.

Mr. STEWART. Mr. President, I hope the amendment [illegible] be adopted. It is hard to realize what injury [illegible] come from such an order. We had a long and [illegible] here, which took several sessions of Congress before we could straighten it out, on account of the selections that were made for reservoir sites. A law was passed authorizing reservoir sites to be selected and set apart. That was all very well. They were to be surveyed and set up, but the language of the law was so construed by the Department that vast regions were first reserved, and then they got an Executive order that withdrew all the public lands from entry, closed every land office, and it took us a long time before we could get back by legislation to a point where the people could use the public lands in that part of the country.

Mr. CLARK. If the Senator will allow me a moment, I desire to state that this amendment has been favorably reported by the Committee on Public Lands. I neglected to state that fact.

Mr. STEWART. The selections were made, not from an examination of the reservations, not on the ground, but it was done here, taking the townships that were laid out even before they were surveyed, extending and marking them on the plats in the Department, they not knowing anything about what they were doing, and great hardship resulted from that proceeding.

I understand that the recent order includes about 23,000,000 acres. Am I correct?

Mr. CLARK. Twenty-one million acres.

Mr. STEWART. Twenty-one million acres are enough to make a large State. It excludes it from exploration and development, and will retard mining and the use of the lands for all time unless the restriction shall be removed. It is true that those who inhabit the country must necessarily use the timber. That is one of the necessary incidents of habitation. But in the mountain region, as a rule, there are vast areas of mountain land where timber grows on land which is not used for occupation. The timber can grow there, and it is very well to protect it; but to make a sweeping order without surveys, without knowing the limits, and to include the mineral and everything else, and stop the progress of the country it seems to me is very unwise.

If there had been surveys setting apart particular localities where there was no mineral, where people were not occupying the land, selecting localities in limited quantities, to preserve the timber at the heads of the streams, that would be all very well, if nothing more than that was contemplated. Now, instead of following that plan and surveying the land and knowing what was being done, so as to make a reasonable selection, here is a sweeping order covering 21,000,000 acres of land. It ought not to be set apart in this way. I think the President has been misled by enthusiasts who want to protect all the forests there are in the United States, and not have them used at all. They are generally persons who have been educated in countries where forests were preserved and cultivated, but that is a very different thing.

Mr. TELLER. Valuable trees.

Mr. STEWART. Valuable trees, etc. In other communities they had seen that done, and they undertake to apply it to a mountain region, where it is necessary that it should be open to exploration and development, if you are going to mine it at all. If silver mining has become so disreputable and wicked that it ought not to be prosecuted, let me say that those regions contain gold mines, and lead mines, and copper mines, coal mines, probably, and various other mines that are so essential, and it is necessary to prospect them and develop them if that country is going to grow. I think this is a very unwise way of proceeding. If it had come here with the maps and charts, so that we could see what they were reserving, and with a report as to the character of the lands, it would be all very well; but here 21,000,000 acres of land, which would cover an ordinary State, are included in an order without any investigation.

Mr. DUBOIS. And without consulting a single representative of the States in which the reservations are made.

Mr. STEWART. And it is done without consulting a single representative from that region. It seems to me it ought not to have been done. I think there is no danger at all that the President would veto a bill of that kind. I think if his attention had been called to it by some one in whom he had confidence (if he has confidence in anyone), if his attention had been called to this mode of excluding settlement and excluding prospecting and excluding explorations in that country—and those pursuits are the life of it; it can not prosper at all without them—he would not have made this sweeping order. He can not be so wedded to the order made (inasmuch as an order of that kind must have been made without reports and maps, and it was done without any consultation with the representatives) that he could take any offense if Congress should see fit to reopen those lands to the use of the people. If the commission of forestry will make the selections and make a report in reason, so that we can see where the reservations are and that the selections do not interfere with the community, and see that they do not contain mines that people are working and intending to work, and do not cut off the resources of the country, as we are all in favor of reserving the forests we will cooperate with them, but we do not propose to cooperate in this way, which is so destructive. I hope the amendment will be adopted.

Mr. CARTER. Mr. President, in the closing hours of the Fifty-first Congress an act was under consideration, entitled "An act to repeal the timber-culture laws, and for other purpose," which, while originally introduced for one special purpose, developed into a general revision of the public-land laws. Without previous consideration by any committee of Congress, as I am informed upon the floor of the Senate during the debate, section 24 was proposed as an amendment, and it is under and by virtue of authority contained in that section 24 that the President recently issued the proclamation complained of.

It is customary in all the Departments, I presume, certainly in the Department of the Interior, in dealing with public-land matters, immediately on the passage of a law by Congress, for the Department to promulgate rules and regulations for its proper and intelligent administration. Such was the course pursued specially with reference to section 24 of that act, and the mischief, if mischief exists in the cases brought now to the attention of the Senate, originated in the failure to comply with the rules and regulations promulgated at the time. No attempt was made to give notice to the citizens of the State in which the reservation contemplated was located; no attempt was made to consult the State officers or interested parties relative to the public welfare in the vicinity of the proposed reservation.

The rules and regulations promulgated in 1891 directed the special agents of the General Land Office in attempting to administer section 24 of the law to personally investigate upon the ground the condition of the country proposed to be included in a forest reservation. After ascertaining by such investigation of the physical character that the land could be properly included in a reservation, they were further directed to consult the State officers, the citizens residing in the vicinity, and further still to publish in the local paper printed nearest the proposed selection, likewise in a paper of general circulation in the State, a description of the land proposed to be embraced within the limits of the reservation, the notice to incorporate a clause inviting all persons liable to be injuriously affected to make known the basis of their opposition to the proposed action. Without attempting to explain those instructions, I will ask that they be read from the desk, as probably the reading will convey the information more rapidly than I could describe it.

Mr. FAULKNER. Will the Senator state whether those regulations by the Department were complied with?

Mr. CARTER. None of the conditions were complied with so far as I am informed, and I have made very diligent inquiry into the matter.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

[Circular of instructions relating to timber reservations.]

P.] DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 15, 1891.

TO SPECIAL AGENTS OF THE GENERAL LAND OFFICE.

GENTLEMEN: Your attention is hereby called to section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which reads as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public lands bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

To carry into effect said provisions it becomes important to reserve all public lands bearing forests or covered with timber or undergrowth on which the timber is not absolutely required for the legitimate use and necessities of the residents of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in the immediate vicinity of the particular lands in question.

In so doing it is of first importance to reserve all public lands in mountainous and other regions which are covered with timber or undergrowth at the headwaters of rivers and along the banks of streams, creeks, and ravines, where such timber or undergrowth is the means provided by nature to absorb and check the mountain torrents and to prevent the sudden and rapid melting of the winter's snows and the resultant inundation of the valleys below, which destroy the agricultural and pasturage interests of communities and settlements in the lower portions of the country.

For the purpose of securing the necessary data upon which to base recommendations for such forest reservations, the following instructions are issued:

Special agents, upon being detailed to secure the data in question, will proceed, without undue delay, to make in the districts assigned to them a thorough and careful personal examination of the public lands bearing forests or covered with timber or undergrowth, and ascertain by personal observation and by interviews with Government and State officials in the vicinity of such lands, and with citizens who have an interest in the public welfare, all facts pertaining to the value of said forests or timber lands for all uses, purposes, and requirements. The result of such investigations should be duly made the subject of report to this office.

In submitting such reports a recommendation should be made in each case as to whether the lands described should be set apart as a public reservation, setting forth in full the reasons for arriving at the conclusions stated. The agent should also in every instance, so far as practicable, procure and submit with his report the expression of opinion in writing of the officials and citizens interviewed by him relative to the special value of each tract or area of land reported upon.

In recommending reservations of timber lands, special agents should describe such lands by natural drainage basins; and whenever it is in the interests of the industries carried on in the district to except any lands within said basins from reservation by permitting the timber to be cut to meet the wants of the people, such excepted tracts should be described in Land Office terms, as sections, townships, ranges, etc.; but when surveys have not been extended over the lands thus excepted, the lands should be described by natural boundaries in such a manner that they may be readily distinguished from other lands, and that proper provision for their survey by Land Office methods may be made.

After making an examination of the timber lands of any drainage basin and having decided to recommend the same for reservation under the provisions of this circular, before submitting report in the matter a notice should be prepared by the agent stating that such recommendation will be made to the General Land Office, and setting forth a description of the basin, together with a description of any public lands embraced therein which it may be proposed to have excepted therefrom. It should also be stated therein that the object of such publication is to give timely notice of the proposed reservation in order that all parties interested, who either favor or oppose its establishment, may be afforded due opportunity to submit their views to this office, by petition or otherwise, for the purpose of having the same considered prior to the final establishment of such reservation.

This notice should be posted in the land office or offices of the district wherein such lands are situated, and a copy of the same should be published at least once a week for three successive weeks in some newspaper published in the county, or each of the other counties, wherein such lands are situated, and also in at least one other newspaper of general circulation in the State or Territory. If no newspaper be published in the county or counties in which the lands are situated, then the publication should be made in a newspaper published in the county nearest to such lands.

A printed copy of the notice of publication should be submitted with the agent's report, together with the affidavit of the publisher or foreman of each newspaper attached thereto, showing that the same was successively inserted the requisite number of times, and the dates thereof.

Should knowledge be acquired by the agent that any particular tract or

tracts of public timber land are being, or are likely at an early day to be, despoiled of the timber which should be preserved for climatic, economic, or other public reasons, and that the early reservation thereof is necessary, the agent should report the matter at once to this office, describing in general the location of said lands, and stating reasons for believing that necessity exists for early action. Should the services of a surveyor be required to locate and define by proper exterior bounds and lines any tract or tracts therein which should be excepted from reservation, he should submit an estimate as to the total cost of such survey and the time required to complete same. Upon receipt of such report proper measures will be promptly taken by this office in the premises.

Very respectfully,

T. H. CARTER,
Commissioner.

Approved.

GEO. CHANDLER,
Acting Secretary.

Mr. CARTER. It so happened in the course of events that I was connected with the land service at the time these regulations were promulgated, and assisted in the administration of the law for some time in conformity with these rules and regulations. Notwithstanding the precautions taken, giving timely public notice, we found that mistakes were made which injuriously affected citizens and important interests as well.

The complaint made against the mode of procedure in the case before the Senate for consideration rests upon the total failure to give any notice to any party in interest of the proposed reservation of these enormous bodies of land in the respective States. The serious consequences destined to follow this hasty and inadvertent action are most amply and fully illustrated. For instance, on the northern boundary of Montana a very large reservation has been described and proclaimed by proclamation. Upon the easterly boundary of that reservation there exists a mineral region said to contain deposits of copper in combination with gold and silver of fabulous richness. This fact became so apparent that at the last session of Congress the Government purchased about 900,000 acres of that land from the Blackfeet Indians at the price of $10 per acre or thereabouts, and provided that the land should be sold only to mineral claimants at $10 per acre. Before the land is actually surveyed or a dollar received by the Government to recoup it for that investment this proclamation is issued withdrawing the land from mineral entry, thus absolutely destroying the investment made by the Government for the purpose of encouraging the development of the mineral resources of the country.

Again, located near the city of Butte, in the State of Montana, there is one of the most remarkable deposits of copper yet discovered on the earth or within its crust, known as the Anaconda mine. It is a very large vein of ore. It requires an immense amount of timber each day to keep the walls and stopes from falling in and destroying the lives of men and closing up operations. Well-nigh a train load of timber is drawn daily to the Anaconda mine for the purpose of propping the stopes and levels and drifts. The pay roll of the company amounts to about $10,000,000 per year for disbursement in that country. The timber is procured for the purpose indicated in the upper portion of the Bitter Root Valley. The company has built upon the Bitter Root River a sawmill plant, at an expense of about $300,000, for the purpose of preparing the timber for the mines. The only readily available source of timber supply is at that point. Preparations were made to secure the timber there. A permit had been granted by the Department of the Interior to cut the timber. Yet upon investigation it is ascertained that the source of timber supply of the mine is incorporated in a timber reservation by a proclamation of which no human being in or out of Montana had notice until it emanated from the Executive hand, save, perhaps, those who recommended the action.

Mr. TELLER. No one in Montana had any knowledge of it?

Mr. CARTER. No one in Montana, no one in Idaho, no person connected with the representation of the State here, no State officer, no member of the company nor person connected with it, had any knowledge or notice whatever of the proclamation. What will be the result? It must be borne in mind that under existing law, for the purpose of protecting forests from spoliation, we are prevented from removing timber across State lines which happens to be cut on the public domain. Hence this company can not well go without the limits of the State to secure the supply needed, and, if it were driven to that necessity, the excessive cost of transportation in that part of the country would really jeopardize the mining operation; and the sawmill would be an absolute loss to the company.

I use this only for the purposes of illustration. There are other enterprises and other mines in that State which will be affected just as the Anaconda mine. Let me state here that the mineral output of that country, dependent for its continuation upon an untrammeled supply of timber to prop up the mines, amounts to over $50,000,000 per annum. I am asked by a Senator near me if a miner can cook his breakfast with wood taken from one of these reservations. Of course not, without incurring the pains and penalties prescribed in the proclamation.

Mr. LINDSAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. CARTER. Most assuredly.

Mr. LINDSAY. I ask the Senator if the amendment were so modified as to exclude from the operation of the President's proclamation timber necessary for mining and domestic purposes, whether it would not answer all the immediate necessities of the case, leaving the other portion to be investigated when the Senate has time to look into it?

Mr. CARTER. That would obviate some of the difficulty, but not all of the difficulty. The entire region over which these forest reservations extend is a mineral country. By the terms of the proclamation persons are prohibited from entering within the limits of the reservation to prosecute their regular occupation in seeking treasure. This constitutes an important industry in that country. Its pursuit involves the progress of its civilization; its success involves the wealth of the nation in that part of the country; and it contributes largely to the energies of the country at large.

In the State of South Dakota there exists a mine known as the Homestead, a mine that has been sending forth a steady stream of gold to the mints of the United States for well-nigh a quarter of a century. The entire hill is now held up by timber cut and put in there to prop up the points where the ore is extracted. Continuous timber supply is an absolute prerequisite to the continuance of the mining operations. I believe 160 stamps are dropping there to-night, crushing the ore, taking from the store of no human being, injuring no one, but adding to the wealth of all and giving employment in that part of the country, I am told, to several thousand men, whose families are located there and who are dependent upon the continuance of this mining operation for a livelihood. Towns, villages, farms, mines, mills, all the operations of the people of that region, have been indiscriminately included in a reserve, without any provision for the appointment of an agent for the people or to furnish them protection.

Mr. President, there can be no reflection upon the Executive in attempting through the legislative department of the Government to secure the uninterrupted development of the country. It can not be that pride of opinion will prevent the correction of a mistake when it is called to the attention of any officer of this Government. The difficulty in this matter arose not through any mistake of the President. The manner in which these matters are attended to in the executive office of the President we all understand. I have prepared a great many of such proclamations which were signed by the President in a pro forma manner. He did not undertake in any instance to inquire of me bounds or subdivisions, but accepted what came from the Department of the Interior as being the result of due deliberation and proper investigation.

Mr. GRAY. Will the Senator from Montana allow me to ask him a question for information?

Mr. CARTER. Certainly.

Mr. GRAY. Was there not a year or two years ago constituted by act of Congress a forestry commission, who were required to consider this whole matter and report recommendations to the President in regard to forest reservations?

Mr. CARTER. I understand that they were to report to Congress upon certain matters.

Mr. GRAY. I am inclined to sympathize with what the Senator is stating.

Mr. TELLER. I will read from the last sundry civil appropriation act what the Senator undoubtedly refers to. It was [illegible] in the last Congress:

Forested lands of the United States: To enable [illegible] the Interior to meet the expenses of an investigation and [illegible] National Academy of Sciences on the inauguration of a [illegible] policy for the forested lands of the United States, $25,000.

Mr. GRAY. Is that the whole of it?

Mr. TELLER. That is all of it; and I understand that is the commission which recommended the setting apart of these reservations.

Mr. FRYE. Did they recommend it to the President?

Mr. TELLER. They recommended it to the Secretary of the Interior, or to the President.

Mr. CULLOM. The President has the power to issue such a proclamation without a recommendation.

Mr. CLARK. The President has the power without any recommendation, under the law.

Mr. CARTER. Mr. President, the fate of the pending sundry civil bill can not hang upon the determination of the Senate in reference to this matter. Upon being advised that the plain regulations promulgated by the Department itself for the government of the Executive, for his guidance and information, have not been complied with, when it is made apparent that the people understood from those rules and regulations that timely notice would be given, and that in consequence they had no reason to apprehend what appears to be in this case an inadvertent and untimely action, the Executive will concur in the action of Congress, and most cheerfully concur, I have not the slightest doubt.

Mr. CANNON. I think, Mr. President, that if Senators will take this case home to themselves, there can be no question of the vote if the matter shall be allowed to go to a vote. There was withdrawn by the recent Executive order from the public domain an area of land larger than the entire land and water area of the State of Maine, four times as much as the entire land and water area of the State of Massachusetts, nearly two-thirds as much as the entire area of the State of Iowa. There are sitting in this body fourteen Senators from the States in which the reservations are located, and not one of the fourteen Senators was consulted with regard to the matter or knew anything concerning it until the publication of the order appeared in the newspapers.

It appears to me that if Senators will consider what their own feelings would have been to have had so large a portion of public domain in their States withdrawn from the use of the people, they will cordially support the amendment in its present form. I take the liberty of saying, without any concert of action with other Senators representing States similarly affected, that if the entire order can not be rescinded I would very much prefer to have it remain in its present form. In other words, rather than have any attempt to amend the proposition of the Senator from Wyoming, so as to provide a partial remedy for the wrong inflicted, I would prefer that we should submit for the time being to the entire wrong.

No two of these reservations are similarly situated. Eight hundred and seventy-five thousand acres of public land in the State of Utah were withdrawn from entry. That tract adjoins nearly 6,000 square miles set apart as Indian reservations. It includes the homes of settlers; it includes mines; it includes the timber which the people cut for their firewood, and some small forests, very small indeed, in which are located sawmills. The line comes down to within 2 or 3 miles of several towns. The perpetuation of the order for any considerable time must work a very grievous hardship upon all the people of that locality. It withdraws all the land of many valleys from the use of the flock masters. Men who have herds of cattle and flocks of sheep will not be permitted under the law and under the proclamation to graze them upon any portion of those lands. No one will be allowed except in danger of the penalty of the law to cut a stick of timber as large as your finger from a portion of that forest reservation.

It appears to me, Mr. President, that bearing in mind that all of the people of the West have been desirous of having reservations made which should protect the sources of their water supply, the disposition on the part of Representatives and Senators and the State officials to cooperate with the national Executive at any time at his behest in the selection of such lands for reservations as would protect the water supply, the least which the Senate and Congress can now do is at this first opportunity highly to resent an order the great effect of which must be a serious hardship upon the people of the West.

Mr. ALLISON. I withdraw my suggestion as to a point of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. CLARK].

Mr. PETTIGREW. Mr. President, I wish to say a few words in this connection. This Executive order withdraws from settlement and occupation about 1,000,000 acres of the mining district known as the Black Hills in South Dakota. That region is occupied by 10,000 people engaged in farming, stock raising, and mining. It is but sparsely timbered, and certainly no one who had examined it would have thought of making a forest reservation of it.

Without consulting any representative of the State of South Dakota, without consulting any of the people of South Dakota, the Executive has chosen to set that region apart as a forest reservation and withdraw it from settlement and occupation. Through the center of that tract of a million acres of land there is a railroad 50 miles in length, having stations every 6 to 10 miles, where people are engaged in all the productive industries that go with a farming, a stock-raising, and a mining country. There are several mines and mills, and hundreds of men are employed in the mines producing the precious metals. There is there a county seat, and in fact nearly the entire population of the county is embraced within the reservation. The county seat, Custer City, has a population of 1,200 people, and yet they are embraced within a forest reservation. The town of Keystone, where there are several large mines and mills, had a voting population last fall of 400. The only possible remedy that can relieve those people is the setting aside of this order absolutely. They can take no compromise whatever. The condition that they can cut timber from the public domain and carry on their mining operations would be but a slight relief.

I have a telegram, Mr. President, which I will read:

LEAD, S. DAK., *February 24, 1897.*

Senator R. F. PETTIGREW, *Washington, D. C.:*

President Cleveland's Executive orders, issued Monday, reserving nearly a million acres of land in the Black Hills of South Dakota for a forestry reservation, will ruin every industry here. Do all possible to have the order suspended. If you can, get it revoked until the people here can be heard. Please send me a copy of the order describing the location of the lands reserved.

T. J. GRIER.

The legislature of South Dakota has acted upon this matter, and sent me the following resolution:

A joint resolution memorializing the members of Congress of the United States from South Dakota, requesting the President to modify a certain proclamation respecting lands in the Black Hills in South Dakota.

Whereas the President of the United States, on the 22d day of February, 1897, issued his proclamation withdrawing from settlement certain unsurveyed mineral lands in the Black Hills within the boundaries of the State of South Dakota; and

Whereas the withdrawal of such lands from settlement, location, and appropriation will retard the growth and prosperity of this State, and the development of its mineral resources: Therefore

Be it resolved by the senate of South Dakota (the house of representatives concurring), That our Senators in Congress be instructed and the Representatives of this State in Congress be requested to do all in their power to obtain from the President such a modification of said proclamation as will leave open for location and appropriation the mineral lands of the Black Hills of South Dakota.

ANDREW E. LEE, *Governor.*

Mr. President, it seems to me that we can do nothing less than vacate this Executive order by the amendment, if we desire to do justice to the people whom we have encouraged to occupy that country.

Mr. WILSON. Mr. President, the lateness of the hour and the urgent desire to promptly pass the pending bill admonish me to say only a few words.

The State that I have the honor in part to represent was attached to the State of Montana in the withdrawal by Executive order in the Olympic range of, I believe, a little over 2,000,000 acres of land. I seriously doubt, Mr. President, whether any examination has ever been made by anybody of that reservation. As far as we who live in that State know, only three people have entered the Olympic range. It was, until within the last three years, a terra incognita, and had been but little prospected; but over on the other side, in the Cascade Mountains, under a previous Administration, there was a withdrawal for forestry reservation known as the Pacific Reserve. This included a large body of lands, and quite a hardship was imposed by making this withdrawal, for the reason that a large number of prospectors had located mineral claims in the Cascade Mountains. They sent a protest to Congress seeking advice and information. A bill was passed by the House of Representatives some time during the last session, was reported favorably by the Committee on Forest Reservations of the Senate, and is now pending.

If we should withdraw all the lands, as provided for in that bill, we would do about the proper and apposite thing. That would give an opportunity to preserve the timber. It would also give an opportunity for mineral locations, and the opportunity to develop the mineral industry of the Cascade Mountains. I think that bill ought to pass, or some amendment should be adopted to the pending bill which would give the locators in the mountains on the mineral lands an opportunity to develop them.

Mr. DUBOIS. I shall not detain the Senate, but I simply desire to have printed in the RECORD the statement which I hold in my hand, which shows the lands which have been reserved in the various States—amounting in all to 21,379,840 acres—in the last Executive order. I do this simply to make it a part of the record in order that the committee may use it in conference.

The VICE-PRESIDENT. The paper referred to by the Senator from Idaho will be printed in the RECORD, in the absence of objection.

The paper referred to is as follows:

FOREST RESERVATIONS.

[Proposed by the forestry commission of the National Academy of Sciences.]

		Area.*
Flathead, Mont		1,382,400
Lewis and Clarke, Mont		2,926,080
Bitter Root: Montana	691,200	
Bitter Root: Idaho	3,456,000	
		4,147,200
Priest River: Washington	92,160	
Priest River: Idaho	552,960	
		645,120
Washington, Wash		3,594,240
Olympic, Wash		2,188,800
Mount Rainier, Wash	2,234,880	
Excluding the Pacific Forest Reserve	967,680	
		1,267,200
Stanislaus, Cal		691,200
San Jacinto, Cal		737,280
Uintah, Utah		875,520
Teton, Wyo		829,440
Big Horn, Wyo		1,127,680
Black Hills, S. Dak		967,680
		21,379,840

NOTE.—The Pacific Forest Reserve area is not included in the grand total, for the reason that it is already reserved.

Mr. MANTLE. Mr. President, the objections to this Executive order have been so well stated that it is unnecessary for me to reiterate them. I rise simply to tender my thanks on behalf of the people of my State to the chairman of the Committee on Appropriations [Mr. ALLISON] for having withdrawn the point of order against the pending amendment.

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* Estimated in acres.

I am inclined to think that Senators do not apprehend the enormous mischief to be worked to the people of those States if this order should be permitted to remain in force. In the State of Montana there are over 5,000,000 acres of land set apart in this Executive order. A great deal of that land, thousands and thousands of acres of it, have not a stick of standing timber upon it, most of it having already been cut.

I come from a community in my State, Mr. President, which would be peculiarly affected by this order. It is a mining community, embracing about 50,000 people. If this order were to go into effect, I have no hesitation in saying that within two months 10,000 men would be thrown out of employment because of the inability of those mining companies to secure the timber with which to carry on their mining operations.

I think I might safely say that if this order is to stand and remain the law of the land it ought to be accompanied with a provision for enlarging the penitentiaries and the jails of that country, for two things are apparent, that either the industries and the activities of that section of country must cease or else the terms of this order must be violated every hour and every day. I do not want to see the people of the State of Montana reduced to this extremity or put in a position where, in order to exist, they will be compelled to violate the law of the country; and I appeal to Senators here to step in at this juncture and exercise a little of that generous sympathy, which we have been so willing and so ready to extend to others outside of the domain of the United States, to our own citizens, who are to be put into such a pitiable plight by the provisions of this order, if it is to remain in full force and effect.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wyoming [Mr. CLARK].

The amendment was agreed to.

Mr. THURSTON. I move to amend the bill by inserting after line 11, on page 73, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 11, on page 73, it is proposed to insert:

Domestic sugar production: To enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available land adapted thereto by irrigation or otherwise, and to investigate all other matters concerning the same, for cost of labor, traveling, and other purposes, $5,000.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in after line 16, on page 97, which has been reported favorably by the Committee on Naval Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 97, following the amendments already adopted after line 16, it is proposed to insert:

That the Secretary of War be, and he hereby is, authorized and directed to submit estimates of the cost of removing the ledge at Pulling Point, in Portsmouth Harbor, New Hampshire, so far as the same is an obstruction to navigation of large vessels going to the navy-yard.

The amendment was agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, at the end of line 11, it is proposed to insert:

That the Secretary of the Navy is hereby authorized and required to establish branch hydrographic offices at Duluth, in the State of Minnesota, Sault Ste. Marie, in the State of Michigan, and Buffalo, in the State of New York, the same to be conducted under the provisions of an act entitled "An act to establish a Hydrographic Office in the Navy Department," approved June 21, 1866; and the Secretary of the Navy is hereby authorized and directed to secure sufficient accommodations in the said cities of Duluth, Sault Ste. Marie, and Buffalo for said hydrographic offices, and to provide the same with the necessary furniture, apparatus, and supplies, and service allowed existing branch hydrographic offices, at a cost not exceeding $15,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. ALLISON. I hope that will be amended by saying "for this purpose" instead of "to carry out the provisions of this act."

The SECRETARY. It is proposed to strike out the words "provisions of this act," at the end of the amendment, and insert "for this purpose."

Mr. PETTIGREW. I accept that modification.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. GORMAN. I suggest to the Senator from Iowa that the amendment ought to be amended by striking out the words "and required." It is sufficient simply to authorize the Secretary of the Navy to make this investigation. The words "and required" occur twice, I think, in the amendment.

Mr. ALLISON. I think the Senator's suggestion would improve the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. It is proposed, in line 1, after the word "authorized," to strike out "and required;" and in line 10, after the word "authorized," to strike out "and directed."

Mr. PETTIGREW. I accept the modification of the amendment.

The VICE-PRESIDENT. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. PETTIGREW. I wish to submit some papers in connection with the amendment just agreed to, and have them printed in the RECORD.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The papers referred to are as follows:

WASHINGTON, D. C., *February 23, 1897.*

CHAIRMAN COMMITTEE NAVAL AFFAIRS,
United States Senate, City:

The Navy Department approves the amendment, intended to be introduced to the naval appropriation bill by Mr. PETTIGREW, for the establishment of branch hydrographic offices at Duluth, Minn., Sault Ste. Marie, Mich., and Buffalo, N. Y., but provisions should be made therein that the appropriation may also be expended for furniture, supplies, and services as now pertaining to existing branch hydrographic offices.

HERBERT.

STATEMENT IN FAVOR OF ESTABLISHING BRANCH HYDROGRAPHIC OFFICES.

The aim of these amendments is to establish on the Great Lakes, under the Hydrographic Office of the Navy Department, a set of branch hydrographic offices, such as now exist on the Atlantic and Pacific coasts. The great feature of branch offices consists of personal visits to ships and to nautical and shipping men, for the purpose of gathering new information of benefit to commerce, which information is sent to the main Hydrographic Office, where it is edited and published for the benefit of commerce generally. The branch offices also correct barometers, thermometers, chronometers, and charts for ships, and point out the latest charts; and each branch office contains on its shelves a complete set of the charts of the world, including sailing directions, pilot directions, etc. Each branch office also answers inquiries relative to nautical matters, such as the best route to pursue, existence of wrecks, port regulations, etc.

The library of charts in each branch office may be consulted by the public freely. Since charts must be corrected almost daily for the reception of new information, it is rarely attempted by any public library, other than branch hydrograpic offices, to keep a set of nautical charts. The main hydrographic office and the branch offices therefore provide the only complete libraries of nautical charts in the United States. On the Great Lakes it is now admitted by the best shipmasters that instrumental navigation, such as is used to safeguard the ships upon the oceans, should be extended to the lake region. It is the further object of the branch offices to encourage and facilitate advancement in the knowledge of navigation. Through the instrumentality of the Hydrographic Office two schools of navigation under private direction are already in successful operation on the Great Lakes, where there are under instruction a large number of officers of the Naval Reserve, owners of yachts, and captains and officers of merchant vessels.

The appreciation shown by the public, and by navigators, of the branch hydrographic offices on the Atlantic and Pacific coasts is the best reason that could be urged for the establishment of a set of branch offices on the Great Lakes. Through the instrumentality of the branch offices, the Hydrographic Office has secured a corps of voluntary observers of the mariners of all nations, the membership of which numbers from 1,500 to 2,000. The totals in the appended table show the immense amount of work done by these offices during the fiscal year 1896 for the benefit [illegible] It is shown that personal visits were made to 9,782 ships [illegible] were received; 11,544 barometers were corrected, [illegible] chronom[illegible]pared, 8,810 charts corrected for navigators, and [illegible] notices to [illegible] distributed.

It is remarkable that, notwithstanding the immense and rapidly growing commerce of the Great Lakes, the Government has done but little to help it, whereas a great deal of money has been spent from year to year to benefit commerce on the ocean. Nearly all of the maritime associations on the Great Lakes have passed resolutions favoring the establishment of branch hydrographic offices on the Great Lakes and highly approving the extension of the work of the Hydrographic Office in that region, where about 95 per cent of the commerce belongs to the United States.

Another feature of the branch offices is the display of a time ball, connected electrically each day directly with the Naval Observatory at Washington, whereby the correct time is given to mariners and the public generally. The immense store of data relating to marine meteorology now in the possession of the Hydrographic Office, which in amount exceeds that in possession of any other government, has been collected mainly through the instrumentality of the branch offices.

C. D. SIGSBEE,
Commander U. S. N., Hydrographer.

Mr. LINDSAY. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 93, in line 18, after the word "otherwise," it is proposed to insert "and said $83,000 shall be immediately available;" so as to read:

Provided, That of the amount authorized to be expended, $83,000, or so much thereof as may be necessary, may be expended in addition to the $50,000 herein appropriated in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise, and said $83,000 shall be immediately available.

The amendment was agreed to.

Mr. CHANDLER. Mr. President, the Senate Committee on the Census and the House Committee on Appropriations have agreed upon the preliminary organization of the Census Office for the purpose of taking the next census. It is the expectation that the volumes comprising the next census, instead of being twenty-five, as in the census of 1890, will not exceed five or six. The scope of the next census is to be defined by Congress at its next session; but it is very desirable that the preliminary organization shall be made immediately. I therefore, by direction of the Committee on the Census, ask that the provisions of the bill now upon the

Calendar of the Senate, which has been reported from the Committee on the Census and has been approved by the House Committee on Appropriations, may be added to this bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 70, after line 6, it is proposed to insert:

That there shall be at the seat of government a census office, the duties of which shall be the taking of the Twelfth and succeeding censuses and the collection of other information, as hereinafter provided.

That the census office shall be under the charge of a director of the census, who shall be appointed, as soon as practicable after the passage of this act, by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $6,000 per annum; and there shall be also an assistant director of the census, to be appointed in like manner, who shall be an experienced statistician and shall receive an annual salary of $4,000; and there shall also be in the census office, to be appointed by the director thereof, a chief clerk, at an annual salary of $2,500; five chief statisticians, at an annual salary of $3,000 each; one stenographer, at an annual salary of $2,000, and as a temporary office force, until the force of the census office shall be classified and provided for through regular appropriations, such number of employees, not to exceed 32 in all, as the director of the census may find necessary for the purpose of carrying out the provisions of this act, such employees to consist of clerks of classes 4, 3, 2, and 1, and at $1,000 per annum, watchmen, assistant watchmen, messengers, assistant messengers, laborers, skilled laborers, and charwomen. The chief statisticians herein provided for shall be persons of known and tried experience in statistical work. One of the clerks of class 4 shall be designated as disbursing clerk, and shall, before entering upon his duties, give bond to the proper accounting officers of the United States in the sum of $10,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the United States quarter-yearly or oftener, as may be found necessary, of all moneys and property which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

That the chief clerk, disbursing clerk, and the chief statisticians provided for in the preceding section may, in the discretion of the director of the census, and all other census employees authorized by this act below the assistant director of the census, shall be appointed in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the Government," approved January 16, 1883, and the amendments thereto and the rules established thereunder; but when requisitions are made upon the Civil Service Commission for certifications for the appointment of clerks in any of the grades herein provided for the said Commission shall, if the director of the census so indicates, give preference in certification from the eligible lists to persons who have served in the clerical force of the Eleventh Census.

That it shall be the duty of the director of the census to submit to the Secretary of the Treasury, on or before October 1, 1897, estimates for such classified force as he may deem necessary to carry out the provisions of this act relative to the census.

That during the necessary absence of the director of the census, or when the office of the director shall become vacant, the assistant director shall perform the duties of the director.

That the Twelfth Census shall be restricted to such specific topics and features as may be authorized by Congress, and to this end the director of the census shall proceed at once to make all necessary preparations for the next decennial enumeration, and shall submit to the Congress in December, 1897, a report, with recommendations, relating to such topics or features as he may deem adequate for the purpose intended by this act; and in his report he shall make such further suggestions and recommendations relating to the details necessary for taking the Twelfth and subsequent censuses and for the continuous work of a permanent census office as he may deem proper.

That the director of the census is hereby authorized to print and bind in the census office such blanks, circulars, bulletins, and other small matters as may be necessary and advisable for the proper conduct of the census office.

That such records, books, and files as relate to preceding censuses as may be necessary in conducting the work of the census office, and the printing-office outfit used in the Eleventh Census, or so much thereof as may be necessary, and such furniture and property of whatever nature used at the Eleventh Census as can be spared by the Secretary of the Interior, shall be transferred to the custody and control of the census office created by this act; and all such property, furniture, and records shall be inventoried by the proper officers of the Department of the Interior when such transfer is made to the director of the census, and a copy of the inventory shall be filed and preserved in the office of the Secretary of the Interior and in the office of the director of the census.

That the Director of the Census may authorize the expenditure of necessary sums for the traveling expenses of the officers and employees of the Census Office, stationery, and the necessary expenses incidental to the carrying out of this act, the furnishing of offices and the rent thereof, not to exceed a rental of $5,000 per annum, and the conduct and maintenance of the printing office herein authorized, and shall annually make a detailed report to Congress of such expenditures. And for the purpose of carrying out the provisions of this act relative to the census the sum of $75,000, to be available on the passage of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall continue available until exhausted; but nothing contained in this act shall be construed as changing existing law so far as it relates to the completion and the distribution of the results of the Eleventh Census.

Mr. GORMAN. I think that amendment is subject to the point of order that it is new legislation.

Mr. CHANDLER. I hope the Senator will not make the point of order. The amendment contains the appropriation for starting the next census. It is reported by the Committee on the Census, and this simply makes the necessary provision for organizing the census force by means of this appropriation. I would ask the Senator from Maryland [Mr. GORMAN] in all good faith why it is not in order?

Mr. GORMAN. This matter may have been considered by the Committee on Census, but it has not been referred to the Committee on Appropriations. It is certainly new legislation.

Mr. CHANDLER. Does the Senator make the technical point that it has not been referred to the Committee on Appropriations?

Mr. ALLISON. It has been.

Mr. GORMAN. It has been?

Mr. CHANDLER. Yes. It makes an appropriation for starting the next census, and I would like the Senator in all good faith to tell me why it is not in order—appropriating $75,000, and having been referred to his committee—to begin the organization of the next census.

Mr. GORMAN. I think it is general legislation.

Mr. CHANDLER. No; it is special legislation in connection with that subject.

Mr. GORMAN. There is no necessity whatever for loading this bill down. I have no doubt the general scheme of having a permanent census is a great one, but I think we had better let something go over until after the 4th of March. I can not withdraw the point of order.

Mr. CHANDLER. I do not wish to put any strain on the Chair to decide whether this is or is not in order, and I will take the decision of the Senator from Maryland and put the responsibility on him of objecting to the adoption of this amendment. But it is just as much in order and ten times as necessary as a great many amendments that have been put on this bill while the Senator from Maryland has sat in his chair and has not objected.

Mr. GORMAN. I should be glad if I could withdraw my objection to the amendment. But the temper shown in this body this afternoon indicated that anything on the face of the earth might be put on the pending bill. It has run up now, I think, to about fifty-four or fifty-five million dollars. We have made a river and harbor measure of this bill; we have made a public-buildings appropriation measure of this bill.

Mr. CHANDLER. All by the committee of which the Senator is a member.

Mr. GORMAN. No, but by the Senate.

Mr. CHANDLER. No; by the committee.

Mr. GORMAN. Here we stand to-night at nearly 11 o'clock with the largest appropriation bill that has ever passed Congress, one that carries more money than the condition of the Treasury will warrant, when every Senator is aware of the fact that from July last until to-day we have a deficiency of $18,000,000 in the Treasury—that is, the expenditures have been that much greater than the receipts; when every Senator is aware of the fact that if we continue to add amendments to this bill, and make provision for necessary and unnecessary objects, the probability is that we shall have to deal with this question again.

I do not hesitate to say that the Congress of the United States will be properly subjected to the charge of extravagance, to the charge of useless expenditures, to the charge of creating useless offices, offices piled up here at this session of Congress, when there can be no earthly necessity for it. There is no earthly necessity for it. We shall have time hereafter to consider whether we shall increase appropriations already amounting to $500,000,000 a year, when we are confronted, as we shall be within twenty-five days, with the question of increasing taxation. We ought not at this time, when a new Administration is about to take charge of the Government, to lay foundation for the charge that by prior extravagance we have compelled them to increase taxation. For one, I object to it. The Senator from Virginia [Mr. DANIEL] asks me how much the bill carries. I would say fifty millions as it came from the House of Representatives, and, with the additions made to it by the Senate, I have no doubt it will exceed $54,000,000.

Mr. ALLISON. Not quite so much.

Mr. GORMAN. Not quite so much, the Senator says. Well, $51,000,000, as reported by the Committee on Appropriations, and, in addition, whatever has been put on the bill by this body. But here is a proposition to make a new department of the Government. If it is wise, I have no doubt——

Mr. CHANDLER. This does not create a permanent Census Bureau.

Mr. GORMAN. Practically that is what it does.

Mr. CHANDLER. It begins the work of the next census this year; and it will save money to the Government to begin it this year.

Mr. GORMAN. That may be, Mr. President; but let it wait until after the 15th day of March, when we can consider it. I have no doubt that the committee which considered it have given it proper consideration, but I think it ought to come as an independent proposition when we can look into its details and can give time to its consideration, and not put it on an appropriation bill.

Mr. CULLOM. Mr. President, I wish to say just one word. I have believed for a good while that the manner in which we went to work to take the census was a very expensive one, and that there ought to be some change in the law, as to the time in which the work should begin. I do not suppose that it is necessary for me to say, because every Senator knows, that the taking of the census has been a most expensive affair, especially the last two censuses, as to which I myself have had some knowledge. This large expense has resulted for the greater part from the delay by the Government in making preparation for it.

We have allowed legislation to be neglected until we reached the very point of time when the work should begin. The consequence has been that from want of knowledge the results of part of the work done had to be discarded, and the whole thing resulted in a comparatively poor census and an exceedingly expensive one. Hence the Committee on Census this year concluded that we ought to report a bill at this session providing for the creation or the appointment of a census officer with some power to proceed and get ready for the work.

While this preliminary preparation may cost forty or fifty or sixty thousand dollars, I have no doubt that its expenditure would result in a saving to the Government of half a million dollars or more, whereas if we let it run along again until we reach the point of time at which we shall be forced into the performance of that duty, we shall again have an expensive census, and a census not so well taken as it might be if we should adopt this amendment or something like it, and thus prepare for the work, so that the Government might go at it in the right way.

I appreciate the remarks of the Senator from Maryland [Mr. GORMAN] with reference to the large amount carried by this bill, but the addition of the little sum proposed in the pending amendment will be but slight. I would not insist upon it if I did not believe that it would result in saving hundreds of thousands of dollars if passed at the present session. By the amendment some man would be appointed to take charge of this work and organize it, and lay the foundation for the taking of the census in the right way before the time comes for the actual doing of the work itself. I will go with the Senator from Maryland in trying to save money and avoid all unnecessary expenditure, but I think this is one of the things we ought not to hesitate about. If there is any way to save money in the performance of public duty, it is in preparation of the kind contemplated by this amendment. I therefore hope the Senator from Maryland will withdraw the point of order.

Mr. GORMAN. I can not do it, Mr. President.

Mr. CHANDLER. I wish to make a last appeal to the Senator from Maryland. The cost of the last census was over $11,000,000. This is an appropriation of $75,000 to start the organization of a census office, and surely the money will be saved to the Government by beginning now. I really hope the Senator from Maryland will withdraw his point of order. There are members of his own committee who think this thing ought to be started, and I do not like to have him try his annual economic fit upon me.

Mr. GORMAN. I am very glad always to oblige the Senator from New Hampshire. I think that annually he makes this same appeal to me to withdraw objection to appropriations of money.

Mr. CHANDLER. No, Mr. President, never before. This is the first time in ten years.

Mr. GORMAN. I must decline, Mr. President, to accommodate my friend on this occasion. He will have ample opportunity, and I want him and his friends to take the full credit after the 4th of March, to ring in the proposition that we ought to have established these offices. I do not want to deprive them of the opportunity, and I therefore insist upon the point of order.

The VICE-PRESIDENT. The point of order is made by the Senator from Maryland that the amendment is general legislation. The Chair is compelled to sustain the point of order.

Mr. CHANDLER. I am not at all disappointed in the Chair, but very much disappointed in the Senator from Maryland. [Laughter.]

Mr. CARTER. I offer an amendment, to come in on page 83, at the end of line 14.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 83, after line 14, it is proposed to insert:

And the Secretary of War may in his discretion use not to exceed $20,000 of said sum to purchase the former post traders' building at Fort Assinniboine, in Montana.

The amendment was agreed to.

Mr. SQUIRE. On page 91, after line 9, I move to insert the amendment which I send to the desk.

The amendment was read, and agreed to, as follows:

That the Secretary of War be, and he is hereby, authorized and directed to expend from the appropriation of $25,000 "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith," made by the "Act making appropriations for the construction, repair, and preservation of certain public works of rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of $10,000 for making a definite survey and location of the improvement of the said waterway from the head of Salmon Bay to termination on Smiths Cove, and connect with former survey from Lake Washington to head of Salmon Bay, and for preparing a cadastral map showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

Mr. SQUIRE. In connection with the amendment just adopted I submit certain papers, which I ask to have printed in the RECORD.

The papers are as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 24, 1896.

SIR: I have the honor to return herewith a letter, dated the 21st instant from the Senate Committee on Commerce, inclosing for the views of the War Department thereon S. 3309, Fifty-fourth Congress, second session, "A bill authorizing the Secretary of War to expend a portion of an existing appropriation for making a survey and location of the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, and preparing a cadastral map."

The river and harbor act of August 17, 1894, in making an appropriation of $25,000 for dredging Salmon Bay, and the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, provides that no part of said amount shall be expended on the improvement until the entire right of way and a release from all liability to adjacent property owners have been secured to the United States free of cost and to the satisfaction of the Secretary of War. By the sundry civil act of March 2, 1895, the authority of Congress was given for the expenditure of $5,000 from the appropriation of August 17, 1894, in making a definite survey and location and in preparing the papers necessary to secure the right of way to the United States. The report giving the results of this survey is printed in the annual report of the Chief of Engineers for 1896, page [illegible] et seq.

This survey, however, only included the route from Lakes Union and Washington to the foot of Salmon Bay. Since that time the Secretary of War has, in accordance with authority granted by law, selected the "Smiths Cove route," which necessitates the condemnation of right of way from Salmon Bay to Smiths Cove, over which portion of the route no survey has yet been made and for which survey no portion of the existing appropriation for the improvement of this waterway can be used without the special legislation herein proposed. The cost of such survey can not now be definitely determined, but it is not thought it will be $10,000. It is, therefore, suggested that after the word "dollars," in line 14 of the accompanying bill, there be added the words, "or as much thereof as may be necessary."

A copy of the bill as thus amended is herewith.

Very respectfully, your obedient servant,

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

SEATTLE, WASH., *February 25, 1897.*

Hon. WATSON C. SQUIRE,
United States Senate, Washington, D. C.:

Replying to yours of to-day, I have to say: The action of the Honorable Secretary of War, changing the route of Lake Washington Government Canal, pursuant to act of Congress, so as to debouch into Smiths Cove instead of Shilshole Bay renders necessary an additional survey to cover and connect that part of the canal running from head of Salmon Bay to Smiths Cove with the previous survey. The very same reasons exist for this as for the previous survey. Without it, the condition imposed in the appropriation for construction can not be met, for it is impossible for us to convey to Government a right of way or a release from damages that is unsurveyed and therefore undefined.

Our citizens are endeavoring with utmost good faith and diligence to meet the condition. They have procured an act of our legislature for condemnation of the right of way and all items of damages in order that the right of way and damages may be condemned and paid for and the right of way and release from damages be turned over to the United States. A suit is now pending under that act and in process of trial for such condemnation as far as the right of way and damages have been defined by survey. Our citizens are exceedingly urgent that the right of way and release be tendered to the Government as speedily as possible, and are only prevented from proceeding to condemn and tender the remainder of the right of way and items of damages by the failure of the Government to define by survey what it is exactly that the Government wants. Our city and country are practically a unit on this matter. It will be very strange if the Government refuses to define a condition which it requires to be met. We hope to hear within a few days that the amendment to the sundry civil bill will carry the item of $10,000 for this necessary and reasonable survey.

ROGER S. GREENE,
Chairman Lake Washington Government Canal Committee.

SEATTLE, WASH., *February 26, 1897.*

Hon. WATSON C. SQUIRE,
United States Senate, Washington, D. C.:

Replying to yours of yesterday, I beg to say our citizens are amazed at hesitation to appropriate $10,000 for survey of that portion of route for Lake Washington Government Canal recently changed by the honorable Secretary of War. Two previous appropriations await securing of right of way by us, which can not be completed until Government defines the ground of [illegible] new portion. Condemnation proceedings against 800 defendants are [illegible] trial and well toward completion for securing right of way so far as [illegible] by Government. All previous steps of the United States, of State [illegible] ture, and of our city and county will be placed in suspense and be [illegible] if provision is not made now for defining on the ground the [illegible] specified by Secretary of War. With full knowledge of [illegible] be no ground for withholding the amount needed to compl[illegible].

W. D. W[illegible], *Mayor of Seattle.*

Mr. HAWLEY. I am authorized by the Committee on Public Buildings and Grounds to offer the amendment which I send to the desk.

The SECRETARY. On page 2, after line 5, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the United States custom-house and post-office building at Bridgeport, Conn., for the use and accommodation of the Government office in said city, upon plans and specifications to be prepared by the Supervising Architect of the Treasury Department, the cost of said additional land and extension or addition not to exceed $100,000.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, to be inserted on page 55, after line 17. This amendment, I will say to the Senate, is in the nature of legislation, but is very much desired by the senior Senator from Vermont [Mr. MORRILL], who is unable to be present during these night sessions, and I will ask unanimous consent that it may be inserted in the bill.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 17, on page 55, it is proposed to insert:

Sections 2535 and 2536 of the Revised Statutes are hereby amended to read as follows:

"SEC. 2535. On and after October 1, 1897, there shall be in the State of Vermont two collection districts, as follows:

"First. The district of Vermont to comprise the counties now constituting the First Congressional district of Vermont, in which district Burlington shall be the port of entry, and St. Albans, Alburg, East Alburg, Swanton, Highgate, Franklin, West Berkshire, Windmill Point, and Richford, subports of entry.

"Second. The district of Memphremagog to comprise the counties now constituting the Second Congressional district of Vermont, in which district Newport shall be the port of entry, and North Troy, Derbyline, Island Pond, Canaan, and Beecher Falls subports of entry.

"SEC. 2536. There shall be in the district of Vermont a collector, who shall reside at Burlington, and whose salary shall be $2,000 per annum; and in the district of Memphremagog a collector, who shall reside at Newport, and whose salary shall be $2,000 per annum: *And provided further*, That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise, without appraisement, are hereby extended to each of the several ports in the two districts provided for herein, and to the subports of St. Albans, Richford, Island Pond, and Beecher Falls."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALLISON. I ask unanimous consent that the amendment may be agreed to. I will say that it has been referred to the Committee on Commerce, and has been reported favorably by that committee and referred to the Committee on Appropriations.

Mr. CHANDLER. In whose behalf did I understand the Senator from Iowa to say he offered the amendment? Did he say it was offered in behalf of the senior Senator from Vermont?

Mr. ALLISON. And the junior Senator, who sits by my side, I may also say.

Mr. CHANDLER. Although the senior Senator be absent, I feel that an amendment of this importance should not be adopted in his absence, unless vouched for by the junior Senator, who is present.

Mr. PROCTOR. I will say with reference to this matter that there are 35 collection districts in New England. I take these figures from the last report of the supervising special agent of the Treasury. Of those 35, there are 14 in Maine, 10 in Massachusetts, 5 in Connecticut, 3 in Rhode Island, 1 in Vermont, and 1 in New Hampshire.

Of course, Boston is the largest district. Senators will understand that the labor of a district depends more upon the number of entries that are made than upon the amount of the duties collected. The entries made in Vermont are three-fourths as many as the entire entries in the ports of Boston and Charlestown, and they are more than four times as many as the entire entries in the other thirty-three districts of New England. If the district is divided, as proposed, each district will be larger than any other district in New England, except the port of Boston and Charlestown.

Now, a word about the situation. The northern border of Vermont is a very wide one, and there are six or seven railroads coming in, some of them at the extreme northwestern corner and the others at the northeastern corner. The collector is located in the northwest. He is well located for about one-half of the business of the district, and very badly located for the other half, being separated from it by a mountain range. He can more easily get to Boston or New York, 300 or 400 miles away, than to the other end of his district. This measure is in the interest of economy, and provides for two collectors, each one in the center of his district.

Mr. GORMAN. Let me ask the Senator from Vermont when this provision is to go into effect?

Mr. PROCTOR. On the 1st of October. The term of the present collector will expire either in August or on the 1st of September. It gives him, of course, another month or two's lease of official life, but it goes into operation at the beginning of a quarter, which is important, and it is quite important that it should be determined on early, so that provision may be made for it. I have consulted fully with the present collector, who is a most able and excellent gentleman. The measure was framed, I may say, substantially in the Treasury Department, with the exception of a few details, and was submitted to the present collector.

Mr. GORMAN. I am, of course, in great sympathy with the Senators from Vermont in their desire to increase the number of public offices, and to get their fair share in Vermont of the number of collectorships. It is true that they have been discriminated against—Connecticut, Massachusetts, and Maine having had more than their full share. I had hoped, however, that this increase of offices, which must come, would be at least delayed until the party of which the distinguished Senator, as we understand on this side of the Chamber, is one of the prime ministers, should come into power in all branches of the Government.

I had hoped, after the many declarations which have been made by our friends on the other side in favor of civil-service reform, a reform which they have so much at heart, the core of which I understand to be that good men should be retained in office, that Mr. Bradley B. Smalley, who is one of the model collectors of the United States, would possibly be retained because of his great efficiency; and I am sorry to know that we are now to sacrifice him, and that he is to be the first victim, by legislation. I really think the Senator ought to spare us on this side of the Chamber the painful necessity of speaking to such an amendment at this time.

The result of the November election has brought to the country a new Administration, and our friends on the other side will shortly come into full possession of the offices, and not only of the present offices, but of an increased number. Vermont, however, has but one collector, and as this amendment does not, as they say, and as I understand, largely increase the expenses of the Government, and as it gives opportunity to two patriotic men to protect the flag and uphold the honor of the Government, I shall not make the point of order on it.

Mr. CHANDLER. I wish to say a few words in reference to the economy——

Mr. HALE. If the debate is to be continued, I raise the point of order.

The VICE-PRESIDENT. The point of order is made. The Chair recognizes the Senator from New Hampshire [Mr. CHANDLER] on the point of order.

Mr. HALE. If the matter is to be discussed further, I make the point of order.

Mr. CHANDLER. If the Senator will withdraw his point of order, I will not debate the question. Does the Senator accept the offer?

Mr. HALE. Yes.

The VICE-PRESIDENT. Is the point of order withdrawn?

Mr. HALE. It is withdrawn.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. In behalf of my colleague, I offer the amendment which I send to the desk.

The SECRETARY. On page 57, after line 4, it is proposed to insert:

For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the United States torpedo station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, $15,000; of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of $5,000: Frank Coughlin, Jeremiah Harrington, and Michael O'Reagan: *Provided*, That where the deceased left a widow and children the widow shall receive one-half and the children shall share alike.

Mr. HILL. I understand the Senator from Rhode Island to be imitating the tactics of the other Senator who offered an amendment. The Senator from Rhode Island offers the amendment on behalf of his colleague.

Mr. ALDRICH. My colleague has been detained, and I promised him before he went away that I would offer the amendment for him.

Mr. HILL. The other amendment was offered on behalf of an absent Senator. Still, from the names mentioned in the amendment, it looks a little Democratic, and I will not offer objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SQUIRE. I offer the amendment which I send to the desk, to come in on page 119, after line 14.

The SECRETARY. After line 14, on page 119, it is proposed to insert:

That the Secretary of the Interior be, and is hereby, authorized to apply the sum of $25,446.93, being balance remaining unexpended of the appropriation made by the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes," approved March 3, 1893, for the purchase of a site in the State of Washington, and for the erection of a penitentiary thereon, to the construction of a wing to the penitentiary building at Walla Walla, in the State of Washington.

That the Secretary of the Interior be, and is hereby, authorized to convey the land already purchased under the said act to the State of Washington and to transfer to the said State of Washington the penitentiary building when completed.

Mr. SQUIRE. Mr. President, I wish to say only one word. I am not going to discuss the amendment. I will simply refer to the fact that an appropriation of $30,000 was made for the penitentiary at Walla Walla in 1893. About $5,000, or a little more, of that money has been already expended under the direction of the Secretary of the Interior. The Secretary of the Interior, in his annual report submitted to Congress in December last, gives the reasons why this sum should be reappropriated. It has been already reappropriated, but on account of technical difficulties, which came as between the Department of the Interior and the Department of Justice, the Secretary of the Interior recommends that this appropriation be made; and the amendment has been drawn in consequence of a consultation by myself with the head of the Interior Department. I venture to ask that that portion of

the report of the Secretary of the Interior in relation to this subject be incorporated in my remarks.

PENITENTIARY BUILDING, STATE OF WASHINGTON.

In the deficiency appropriation act approved March 3, 1893 (27 Stat. L., 661), an appropriation for the purchase of a site in the State of Washington and for the erection of a penitentiary thereon was made in the following terms:

"Penitentiary building, Washington: To carry into effect section 15 of an act entitled 'An act to provide for the division of Dakota into two States and to enable the people of North Dakota and South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union and on an equal footing with the original States, and to make donations of public lands to such States:' For the purchase of grounds and the erection thereon of a penitentiary in the State of Washington, under the direction and supervision of the Secretary of the Interior, and upon such tract or parcel of land in said State as shall be designated by said Secretary, $30,000: *Provided*, That the money hereby appropriated shall be devoted exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said State; and the penitentiary of the State of Washington is hereby located at or near the city of Walla Walla, Wallawalla County, in said State."

Shortly after the passage of said act the governor of the State of Washington and the secretary of the board of directors of the Washington State Penitentiary called attention to the appropriation by Congress for the purposes above mentioned and claimed that it had been appropriated for the purpose of erecting a wing to the State penitentiary at Walla Walla, in which conclusion, however, the Department did not concur, inasmuch as the act in question did not in terms so provide or grant to the State of Washington the lands to be purchased or the penitentiary building to be constructed thereon, nor authorize the transfer of the same to the State by the Secretary of the Interior when completed.

Subsequently, in September, 1893, in response to an inquiry, the United States Senator from Washington (Hon. WATSON C. SQUIRE) was advised as to the view of the case aforesaid, and it was suggested, as the appropriation for the penitentiary was small, it might be advisable, in the interest of economy, to construct the same as a wing to the existing State penitentiary building, provided the United States could purchase the necessary ground and have the use in the construction, if required (without cost to the Government), of a part of said penitentiary wall, the absolute control, however, of the new wing to remain, upon completion, in the United States.

No response having been made to such proposition, in June, 1894, the Department, as a preliminary to the commencement of the work contemplated in the act, appointed a commission for the purpose of examining and recommending a suitable site near Walla Walla, Wash., on which to construct the penitentiary building. The tract selected by this board, consisting of 40 acres of land near the city of Walla Walla, was accepted by the Department, the title of the vendor thereof was approved by the Attorney-General, and thereafter, upon the conveyance of the land to the United States, the consideration named in the deed therefor, to wit, $4,000, was paid.

Thereafter plans and specifications for the penitentiary to be constructed near Walla Walla were prepared, but no contract for the work was let nor has any building been constructed, for the reason that the Attorney-General, who had been requested to direct an officer under his supervision in Washington to designate on the site purchased a suitable location for the building, declined to do so, holding in effect that it was evidently not the intention of Congress to provide, in the act of March 3, 1893, for the construction of a Federal penitentiary at Walla Walla, but merely one for the State of Washington. Subsequently that officer was requested to advise the Department whether the land purchased in the name of the United States as a site for such penitentiary building, and the building to be constructed thereon after its completion, could be transferred to the State of Washington without further legislation, to which the following reply was made:

"I have the honor to acknowledge your letter of the 12th instant, and to say in reply that I think further legislation is required in the matter of the penitentiary at Walla Walla, Wash. For the reasons stated in my letter of the 9th instant, I think the situation is anomalous. The appropriation (27 Stats., 661) under which you purchased grounds and propose to erect a penitentiary in the State of Washington is in terms made "to carry into effect section 15" of the enabling act under which the two Dakotas, Montana, and Washington were admitted into the Union. The act of March 2, 1881 (21 Stats., 378) had appropriated $30,000 for the erection of a penitentiary in the Territory of Dakota. Section 15 of the enabling act expressly granted to the State of South Dakota the lands acquired under the act of 1881 and any unexpended balances of the moneys thereby appropriated; and, having also transferred to Montana the penitentiary and all lands connected therewith at Deer Lodge City, provided:

"'And the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota.'

"This was merely a promise to make the four States equal by providing North Dakota and Washington with penitentiaries, as had been done with South Dakota and Montana. The act of 1893 (27 Stats., 661) was merely in the line of performing that promise. But, as I am advised that Washington already has a penitentiary, it seems to me the attention of Congress should be called to the matter before any further expenditure of money is made. Certainly there is no authority at present for the transfer of the land you have already bought with the money appropriated by the last-named act."

The attention of Congress should be directed to this matter to the end that if such was its intention originally, the act should be so amended as to authorize the construction of the penitentiary building provided for in the act of 1893 as a wing to the penitentiary building of the State of Washington at Walla Walla; furthermore, that authority be conferred upon the Secretary of the Interior to convey the land already purchased under said act to that State and to transfer to the latter the penitentiary wing when completed.

Of the appropriation of $30,000 for the purpose stated in the act of March 3, 1893, there has been expended for expenses of commission to select site for building, preparation of plans and specifications, and purchase of 40 acres of land, the sum of $4,553.07, leaving an available balance at this time of $25,446.93.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment.

The SECRETARY. On page 120, at the end of line 22, it is proposed to insert:

Provided, That hereafter the clerks of the several United States circuit and district courts in South Dakota, Montana, and Washington shall be entitled to charge and receive the same fees and compensation allowed by law to similar officers performing similar services in the States of North Dakota, Oregon, and Idaho.

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment that has been favorably reported by the Committee on Fisheries, and is recommended by the United States Commissioner of Fish and Fisheries.

The SECRETARY. On page 43, after line 25, it is proposed to insert:

For the purchase of the fish hatchery belonging to the State of California, located at Battle Creek, in said State, now operated by the United States Commission of Fish and Fisheries, together with water rights and privileges appertaining thereto, and 10 acres more or less of land adjoining said hatchery, $4,500.

The amendment was agreed to.

Mr. CHANDLER. In behalf of the chairman of the Committee on Immigration [Mr. LODGE], and in behalf of the committee, I offer an amendment.

The SECRETARY. It is proposed to insert at the end of the bill:

That the Secretary of the Treasury, for the purpose of carrying out the recommendations made in the report of the Immigration Investigating Committee, dated October 7, 1895, may make leases and renewals thereof, for a term not exceeding ten years, of certain lands on Ellis Island, New York Harbor, not exceeding 37,500 square feet, adjacent to and connected by bridge way with the main building, for the erection of a building to be used as a land and labor bureau.

Mr. GRAY. I should like to hear something about the amendment before it is voted on.

Mr. CHANDLER. I have some papers in my hand that show the project, but I will say that it is deemed by the immigration authorities advisable to have a large building erected there by private parties to aid in distributing immigrants around over the country.

Mr. GRAY. That matter has been brought up, it appears to me, before; it has been broached in the Senate, and it evoked some criticism and some opposition that the Government should be in partnership with private parties in this matter of regulating immigration into this country. It may be unobjectionable, but it does not seem so to me.

Mr. CHANDLER. I will say that the Senator is mistaken. The Government is not to be in partnership with any private parties. This simply authorized the lease of some ground.

Mr. GRAY. I understand, and if I am wrong the Senator will correct me, that the project is to lease Government land to private parties and erect buildings for the reception of immigrants who are now under the control of the Government immigrant inspectors, in order to distribute them throughout the country by the transportation agents who will have access to that building. I think that is almost too much of a project to incorporate at this late hour on Sunday night in an appropriation bill.

Mr. CHANDLER. I see no objection to it myself.

Mr. GRAY. I have given some thought to it. There is some objection to it.

Mr. ALLISON arose.

Mr. GRAY. I make the point of order on the amendment.

Mr. ALLISON. I arose to make the point of order on it.

Mr. CHANDLER. I suppose the point of order is no stronger, being made by two Senators, is it, Mr. President?

Mr. ALLISON. I think it is.

The VICE-PRESIDENT. The point of order is sustained.

Mr. FAULKNER. I feel some delicacy about asking recognition, but if there is no one else to offer an amendment, I rise to submit one.

On page 51, I move to have stricken from the bill the matter commencing with line 6 and to line 23, inclusive, which is the provision of the bill as it comes from the House, in reference [illegible] transfer of the General Post-Office Department and [illegible] bureaus under it to the city post-office building. Of course it is recognized that this was not intended originally for this purpose, but the object of my amendment is not to interfere, provided it is proper to make the transfer. Upon examination of the hearings before the committee of the House and other information which I have obtained, it is clear that there is at least [illegible],000 square feet of space less assigned to the General Post-Office in the city post-office building than they are now occupying in the offices in which they are at present located. They are to-day overcrowded, and can not properly work or perform their duties in their present location.

If this be a correct statement of the facts, shown in the hearings on pages 241 and 242, which was called to the attention of the committee before the bill was reported, I think it is proper that this matter should go into conference; and if, as I understand, there is a difference of at least nine or ten thousand square feet in favor of the present location, it may be remedied, if the committee think proper to make the transfer, by not including all the bureaus suggested in this amendment, but leaving some of them where they are located until further arrangements can be made. I want to put the matter in conference, so that it may be examined by the conferees.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 5, on page 51, it is proposed to strike out all of the bill down to and including line 23 on the same page, as follows:

> The Secretary of the Treasury shall notify the Postmaster-General as soon as the post-office building in the city of Washington is completed and ready for occupancy, and thereupon the Post-Office Department, including the Money-Order Office and the office of the Auditor for the Post-Office Department, including the records of said office now in the Union Building, and the office of the Topographer, shall be removed to said post-office building, and shall occupy therein, together with the city post-office, such rooms and other space as shall be assigned by the Postmaster-General, and thereafter said building shall be under the control of the Post-Office Department.
>
> As soon as the present Post-Office Department building is vacated as herein provided the same shall be turned over to and thereafter be under the control of the Interior Department, to be occupied by the Indian Office, General Land Office, and such other offices or parts of offices or bureaus of the Department as the Secretary of the Interior shall direct.

Mr. NELSON. I make the point of order against the amendment. It is plainly the object to get the amendment into conference, and I do not want it to get into conference. I do not want it to get into a position where it can possibly be in conference. If it is further insisted on, I shall call for a yea-and-nay vote upon it.

Mr. FAULKNER. It is a House provision, and no point of order can be made on my motion. It is made in absolute good faith to enable the conferees to ascertain whether this can be done, and if not fully, in justice to the public service, that they can take from it one or two of the small bureaus and leave them where they now are.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from West Virginia. [Putting the question.] The noes appear to have it.

Mr. FAULKNER. I call for the yeas and nays.

Several SENATORS. Oh, no.

Mr. FAULKNER. I withdraw the call.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MANTLE. I desire to offer an amendment to come in on page 8, after line 10.

The amendment was read and agreed to, as follows:

> To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site for a public building in the city of Butte, Mont., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $50,000. Said site shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet. The appropriation herein made shall be available during this fiscal year for the purchase of said site.

Mr. GALLINGER. I submit an amendment which in another shape has passed the other House of Congress, has been reported favorably by a committee of the Senate, and which does not carry a dollar of appropriation.

The SECRETARY. It is proposed to add at the end of the bill the following:

> That hereafter it shall be unlawful for any person or persons to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building in the District of Columbia, or upon any part of the public grounds upon which said building is situate. That any violation of this act shall be deemed a misdemeanor, and upon conviction shall, for each separate offense, be punished by a fine not exceeding $500. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act.

Mr. HILL. In the interest of temperance, I am compelled to object to this prohibition amendment.

Mr. GALLINGER. I am very sorry, considering the day and the occasion, that the Senator objects, but I presume the amendment is subject to a point of order. Does the Senator make the point of order?

Mr. HILL. I was one of those who protested against the session to-day, and I knew that a great deal of wrong was likely to be done.

Mr. GALLINGER. Does the Senator make the point of order?

Mr. HILL. If we are to have a session on Sunday and other days, we must have the usual appliances, such as a well-regulated restaurant. While I do not object to applying prohibition to New Hampshire, I do object to applying it to the District of Columbia.

Mr. GALLINGER. We will vote on the amendment if the Senator simply objects.

Mr. HILL. I object, and make the point of order that it is unconstitutional and out of order.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw the amendment?

Mr. GALLINGER. It had better be ruled upon.

Mr. HALE. Let the amendment be read.

Mr. GALLINGER. I will withdraw it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. VEST presented a memorial of 150 business men of St. Louis, Mo., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Bates City, Columbia, Liberty, and Mayview, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BIRDS AND ANIMALS IN YELLOWSTONE NATIONAL PARK.

Mr. HOAR. I desire to ask that the bill (S. 1651) to amend an act entitled "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," be recommitted to the Committee on the Judiciary. That is agreed to by the Senator who reported it.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BRICE. The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States passed the Senate a day or so ago, and a motion was made to reconsider the vote by which it was passed. I move to lay that motion on the table.

Mr. NELSON. I object. The Senator from North Carolina [Mr. BUTLER] is not in his seat, and he asked me to object in case the matter was brought up.

Mr. TELLER. Mr. President——

Mr. BRICE. I move to lay on the table the motion to reconsider, which I understand is not a debatable question.

Mr. NELSON. I move that the Senate adjourn.

Mr. TELLER (to Mr. NELSON). Do not do that.

Mr. BRICE. I ask unanimous consent to make a statement. I said to the Senator from North Carolina early in the evening that at this time in the evening I should make the motion. I understand he would have withdrawn the motion, but he did not care to withdraw the opposition to the bill, and I therefore said to him that this motion would be made at this time. It is late in the session. The motion is not debatable, and I ask for a vote on it.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Ohio.

Mr. NELSON. Is the motion debatable?

Several SENATORS. No.

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. NELSON. I shall call for a quorum if the motion is insisted upon.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the motion to reconsider.

Mr. PETTIGREW and Mr. NELSON called for a division.

Mr. TELLER. That will destroy the session for to-night. We might as well have the yeas and nays.

Mr. NELSON. I do not want this bill to go through, and I insist that it shall not go through to-night. I call for a division on the question.

The VICE-PRESIDENT. A division is called for.

Mr. CHANDLER. I suggest to the Senator from Ohio that he withdraw his motion and renew it at some other time.

Mr. STEWART. When there is a quorum present.

Mr. HALE. Evidently we can not get through with this to-night. There is no quorum present.

Mr. CHANDLER. And we can go on with other business.

Mr. FAULKNER. We might as well stop anyhow.

The VICE-PRESIDENT. Senators in favor of the motion will rise and stand until they are counted. The Chair has no discretion in the matter, a division being demanded.

Mr. FAULKNER. I ask for the yeas and nays.

Mr. CULLOM. I ask the Senator from West Virginia to withdraw the call for the yeas and nays, so that the Senator from Colorado can call up the District of Columbia appropriation bill, which ought to be read to-night.

Mr. NELSON. I can not withdraw the demand for a division, and I will explain why. There is one paragraph in the bill which Senators, if they knew of it, would never approve.

Mr. CULLOM. Then I hope the Senator from Ohio will not press his motion to-night.

Mr. ALDRICH. It is very evident there is not a quorum here, and this motion can not be disposed of to-night. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Monday, March 1, 1897, at 11 o'clock a. m.

SENATE.

MONDAY, *March 1, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. TELLER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

LIST OF CLAIMS ALLOWED.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th ultimo, a list of additional judgments rendered by the Court of Claims, amounting to $541,665.95; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LEGATION BUILDINGS ABROAD.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in connection with his letter of the 15th instant in regard to official residences for United States ambassadors and ministers, a dispatch from Mr. Wayne MacVeagh, United States ambassador at Rome, upon the subject; which was referred to the Committee on Appropriations, and ordered to be printed.

EDWARD BAXTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional settlement by the accounting officers of the Treasury in favor of Edward Baxter, special assistant United States attorney for the middle district of Tennessee, amounting to $6,500; which was referred to the Committee on Appropriations, and ordered to be printed.

WHARF AT WAKEFIELD, VA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for Government wharf at Wakefield, Va., $987; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

Mr. SQUIRE presented the credentials of George Turner, chosen by the legislature of Washington a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. SHOUP presented the credentials of Henry Heitfeld, chosen by the legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

REPRINT OF SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the Public Printer may be ordered to print the sundry civil appropriation bill with the Senate amendments numbered.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Rev. Dr. J. G. Butler, pastor of the Lutheran Memorial Church; of Rev. Howard Wilbur Ennis, of the Brotherhood of Andrew and Philip; of W. H. Pennell, chairman of the Christian citizenship committee of the District of Columbia Endeavor Union; of W. S. Dewhurst, president of the District of Columbia Epworth League; of Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; of Wilbur F. Crafts, superintendent of the Reform Bureau, and of Rev. L. B. Wilson, D. D., presiding elder, in behalf of two mass meetings of citizens, all in the city of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 6, of New York, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Rev. S. B. Ervin and sundry other citizens of Castine, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Rev. W. H. Hormel and sundry other citizens of Canton, Mo., and the petition of Rev. Z. M. Williams and sundry other citizens of Gallatin, Mo., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Foristell, Mo., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise; for the appointment of an impartial, nonpartisan industrial commission, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. BRICE presented a petition of the State board of health of Ohio, praying for the enactment of legislation providing for a permanent census service; which was ordered to lie on the table.

He also presented a petition of Samuel Arch & Co., of Cincinnati, Ohio, and a petition of Osborn, Hutchins & Hunt, of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of H. M. Parker, of Elyria, Ohio, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented petitions of the E. W. Vandusen Company, of Cincinnati; of H. Belmer, vice-president of the Cincinnati Barbed Wire Fence Company, of Cincinnati; of R. L. Ireland, assistant secretary of the Globe Iron Works Company, of Cleveland; of Stephens & Widlar, of Cleveland; of the Canfield Oil Company, of Cleveland, and of the Salem Wire Nail Company, of Findlay, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of Girard; of Mabel F. Hall, corresponding secretary of the Pleasant Ridge Young People's Society of Christian Endeavor, of Cincinnati, and of 44 citizens, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry citizens of North Adams, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Richard A. Ford, president of the District of Columbia Baptist Young People's Union, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. J. G. Butler, D. D., in behalf of a mass meeting of citizens of Washington, D. C.; of Rev. Howard Wilbur Ennis, of the Brotherhood of Andrew and Philip; of W. H. Pennell, chairman of the Christian citizenship committee of the District of Columbia Endeavor Union; of W. S. Dewhurst, president of the District of Columbia Epworth League; of Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; of Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, and of Rev. L. B. Wilson, presiding elder, in behalf of a union meeting held in Washington February 28, 1897, praying for the passage of the so-called Aldrich antiprize fight bill, to prohibit the transmission of pictures and descriptions of prize fights through the mails; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Woman's Club of Springfield, Mass., and a petition of members of the First Congregational Church of Amherst, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of the Central [illegible] Union of Brockton, Mass., remonstrating against the adoption of certain proposed amendments to the so-called seaman's bill; which was ordered to lie on the table.

Mr. ALDRICH presented the petition of John Worthington, editor of the Herald, of Newport, R. I., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented sundry petitions of churches and societies of Rhode Island, and the petition of Rev. John Evans and sundry other citizens of Westerly, R. I., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented sundry petitions of various churches and societies of Rhode Island, praying for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of Anthony, R. I.; of sundry churches and societies of Rhode Island; of members of the Congregational church of Kingston, R. I., and of Rev. John Evans and sundry other citizens of Westerly, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Young People's Societies of Christian Endeavor of the Globe Congregational, the Baptist, and the Methodist Episcopal churches of Woonsocket; of members of the Congregational Church and Christian Endeavor Society of Kingston; of sundry churches and societies, all in the State of Rhode Island, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. TURPIE presented sundry petitions of citizens of Royal Center, Atlanta, and Indianapolis, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. THURSTON presented sundry petitions of citizens of Brunswick, North Platte, Dawson, and Dewitt, all in the State of Nebraska, praying for the enactment of legislation regulating beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Bond County, Ill., praying for the enactment of a Sunday-rest law in the District of Columbia; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Staunton and Rockbridge, in the State of Illinois, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of J. A. Crosby, of Aurora, Ill., and a petition of the Young People's Society of Christian Endeavor and of the Court Street Methodist Episcopal Church, of Rockford, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Chicago and Peoria, Ill., and a petition of sundry citizens of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Dekalb, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Peoria, Chicago, and Monmouth, all in the State of Illinois, praying for the passage of the so called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented a memorial of District Assembly No. 9, Knights of Labor, of Chicago, Ill., and a memorial of the Amalgamated Workingmen's Association of Chicago, Ill., remonstrating against the passage of House bill No. 9647, to authorize the extension of the lines of the Metropolitan Railroad Company, in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BERRY presented a petition of sundry citizens of Nettleton, Ark., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, with amendments, and submit a report thereon. I shall call up the bill as soon as possible.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 1185) granting a pension to Rachel Patton, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1166) for the relief of Dorence Atwater, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ALLEN on the 11th ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred with the accompanying report to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Printing, to whom was referred the joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893, reported it without amendment.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion First Ohio Sharpshooters, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3733) granting a pension to Elizabeth Pittman, reported it without amendment and submitted a report thereon.

Mr. GALLINGER. From the same committee, I report favorably two vetoed pension bills—the bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat, and the bill (H. R. 1139) granting a pension to Caroline D. Mowatt—with the recommendation that they be passed, the objections of the President of the United States to the contrary notwithstanding.

The VICE-PRESIDENT. The bills will be placed on the Calendar.

HENRY A. DU PONT.

Mr. HOAR. I rise to submit a privileged report. It is the report of the Committee on Privileges and Elections in the case of Henry A. Du Pont, claiming a seat in this body from the State of Delaware. The report is signed by all the members of the Committee on Privileges and Elections, and is very brief. I ask that it may be printed in the RECORD without reading it, and that it also be printed as a document.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The report is as follows:

The Committee on Privileges and Elections, to whom was referred the petition of Henry A. Du Pont, of the State of Delaware, claiming a seat in the Senate from that State in virtue of an election by the legislature thereof on May 9, 1895, have considered the same, and report:

Mr. Du Pont presented to the Senate December 4, 1895, a petition for admission as Senator from the State of Delaware for what then remained unexpired of the term beginning March 4, 1895.

It appeared that at a joint convention of the two houses of the legislature of the State of Delaware, duly held on the 9th day of May, 1895, 15 votes were cast for Mr. Du Pont and 15 votes for other candidates. One of the votes cast for other candidates was the vote of the acting governor of the State of Delaware, who had succeeded to the executive chair on the death of the governor. He was a senator and the speaker of the Delaware senate at the time of the alleged election, the term of office for which he had been elected for senator and speaker having not expired. If he were entitled to vote, Mr. Du Pont was not lawfully elected. If he were not so entitled, Mr. Du Pont had a majority of 1 vote. The question of his right to vote depended upon the question whether his accession to the executive chair by virtue of the constitution of the State should deprive him of his title to vote as a senator.

That question was the only one raised in the discussion of Mr. Du Pont's title to a seat in the Senate. The Committee on Privileges and Elections reported in his favor and there was a full discussion of the question.

On the 15th day of May, 1896, the Senate passed the following resolution by a majority of one vote:

"*Resolved*, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895."

Mr. Du Pont now prays to have this question reopened. The grounds of his application, as stated in his petition and by his eminent counsel in an argument addressed to the committee, are:

First. That there was a mistake in the pairs as announced when the vote on this resolution was taken, so that a Senator who was in favor of Mr. Du Pont was paired against him. On investigation we find that no such mistake occurred, and that every Senator who desired to vote, who was in favor of Mr. Du Pont, either voted for him or was paired in his favor.

Second. That the petitioner expects to satisfy the Senate that it was wrong in its construction of the constitution of Delaware when it held that the vote of the acting governor for another candidate than Mr. Du Pont was lawful.

New Senators have entered the Chamber since the resolution just cited was adopted. Nothing else has changed. The case then stated and acted upon is the case now stated. The simple question is whether the Senate, notwithstanding its decision of May 15, 1896, will now admit Mr. Du Pont to a seat.

The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong. But the Senate is made by the Constitution the judge of the elections, qualifications, and returns of its members, and its judgment is just as binding in law in all constitutional vigor and potency when it is rendered by one majority as when it is unanimous.

It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its members or by their opinions as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases, and which the experience of mankind has found safe and salutary.

We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered or where, by reason of fraud or accident, it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

It seems to us very important to the preservation of Constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country that we should abide by this principle. There are few greater temptations which affect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted, it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

GEO. F. HOAR.
WM. E. CHANDLER.
J. C. PRITCHARD.
J. C. BURROWS.
GEO. GRAY.
DAVID TURPIE.
JAMES L. PUGH.
JOHN M. PALMER.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. VILAS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce.

Mr. FRYE subsequently, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. VILAS this day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations; which was agreed to.

AMENDMENT OF THE POSTAL LAWS.

Mr. CHANDLER submitted the following order; which was referred to the Committee on Printing:

Ordered, That Senate Report No. 1517, Fifty-fourth Congress, second session, be reprinted, with the minority report, for the use of the Senate.

On motion of Mr. CHANDLER, it was

Ordered, That 500 copies of Senate Report No. 1517, Fifty-fourth Congress, second session, be printed, with the minority report, for the use of the Committee on Post-Offices and Post-Roads.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 205) granting a pension to Mary O. H. Stoneman;

An act (S. 2729) granting a pension to Emma Weir Casey;

An act (S. 2877) granting a pension to Hiram Santas;

An act (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; and

An act (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. LODGE. I desire to enter a motion to reconsider the vote by which the Senate passed the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The motion will be entered.

Mr. LODGE subsequently said: A few minutes ago I entered a motion to reconsider the vote by which the sundry civil bill was passed, because in my absence last night, and in the absence of other members of the Committee on Immigration, an amendment was made to that bill, relating to the subject of immigration, changing the existing law very vitally, without any notice whatever to my committee or without any knowledge on our part that such an amendment was contemplated. I entered a motion to reconsider in order that I might, if possible, get the bill back here and have the amendment stricken out. I have received, however, assurances that the amendment will be abandoned in conference, and on that understanding I desire to withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn.

HARRIET M. KNOWLTON—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return herewith without approval Senate bill No. 719, entitled "An act to restore a pension to Harriet M. Knowlton."

Maj. William Knowlton, a most worthy volunteer soldier, died of wounds received in battle on the 28th day of September, 1864.

In 1865 his widow, the beneficiary named in this bill, was pensioned at the rate of $25 a month, commencing on the day of her husband's death, with an additional allowance for four minor children, dating from July, 1866.

She continued to receive this pension and allowance until November, 1867, when she married Albin P. Stinchfield.

Thereupon her name was dropped from the pension roll, she having by her remarriage lost her pensionable condition, and her children were pensioned at a small monthly rate from the date of their mother's remarriage until June 1, 1880, when the youngest became 16 years of age.

The beneficiary, after living with her second husband about twenty-two years, secured a divorce from him in the year 1889, and it is now proposed to pension the divorced wife as the widow of her deceased soldier husband at the rate she received while she was actually his widow thirty years ago.

Her pensionable relation to the Government terminated with her marriage, and her divorce from her second husband could not upon any ground of principle restore it. A departure from this rule, even in aid of cases of hardship, can not fail to establish precedents inviting the abandonment of reasonable and justifiable pension theories.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

Mr. GALLINGER. Mr. President, this is another case such as the President has been in the habit of vetoing during the last few weeks. I move that the bill and accompanying message be referred to the Committee on Pensions for further investigation.

The motion was agreed to.

WORLD'S COLUMBIAN COMMISSION REPORT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Congress:

I transmit herewith the report of the Board of Lady Managers of the World's Columbian Commission.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

NOTE.—The report and accompanying documents have been sent to the House of Representatives with a similar message.

Mr. SEWELL. I ask that the report may be referred to the Committee on Printing.

Mr. GORMAN. Let it be referred without printing.

The VICE-PRESIDENT. In the absence of objection, the report will be referred to the Committee on Printing, without printing.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. TELLER. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as they are reached.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

THOMAS W. SCOTT.

Mr. MARTIN. I ask the Senator from Colorado to yield to me, that I may request the present consideration of the bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal.

Mr. TELLER. I will yield, but I wish Senators would let [illegible] go on with the appropriation bill. Such matters can be called [illegible] afterwards. I yield to the Senator from Virginia, however.

The VICE-PRESIDENT. The bill will be read for infor[illegible].

The Secretary read the bill; and, by unanimous co[illegible], the Senate, as in Committee of the Whole, proceeded to i[illegible]ideration. It proposes to pay to Thomas W. [illegible] States marshal, eastern district of Virginia, $3[illegible]y reason of the custody of G. M. Bain, jr., of Norfolk, Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY A. PLETCHER.

Mr. TURPIE. I ask the courtesy of the honorable Senator from Colorado to permit me to call up a private pension bill.

Mr. TELLER. Is it a House pension bill?

Mr. TURPIE. Yes, sir; it is a House bill.

Mr. TELLER. I will have to yield for a House pension bill, I suppose, but I do not want to yield for anything else. I will yield in this one case.

Mr. TURPIE. I ask the Senate to proceed to the consideration of the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Wesley A. Pletcher, late of Company K, One hundred and sixty-first Regiment of Ohio Volunteers, a pension of $30 per month, in lieu of the pension now drawn by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORFEITED DOMESTIC SMOKING OPIUM.

Mr. MORRILL. I ask the Senator from Colorado to allow me to call up a bill which has to go to the other House on account of a slight amendment, and it is rather important that it should be passed at the present time.

Mr. TELLER. If the bill will not bring on any discussion, I will let the Senator from Vermont call it up.

Mr. MORRILL. If it does, I will withdraw it at once.

Mr. TELLER. I hope, however, that Senators will not appeal to me any more.

Mr. MORRILL. I ask the Senate to proceed to the consideration of the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

I will state that the Committee on Finance were unanimously of the opinion that instead of going into the business ourselves while we are trying to suppress it we should, instead of authorizing its sale at auction, authorize its destruction.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, in line 6, after the word "words," to strike out "may be sold to the highest bidder, pursuant to the provisions of section 3460, Revised Statutes, if not valued as therein provided at over $500; but if valued at more than $500 the sale shall be made pursuant to the judgment of the court in the proceedings for condemnation or forfeiture," and insert "shall be destroyed;" so as to make the bill read:

Be it enacted, etc., That section 40 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, be amended by adding at the end of said section the words "and shall be destroyed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORRILL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MORRILL, Mr. WHITE, and Mr. PLATT were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10107) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 8, after line 4, to insert:

Free public library: For librarian, $1,600; first assistant librarian, $900; second assistant librarian, $720; and for rent, fuel, light, fitting up rooms, and other contingent expenses, $3,500: in all, $6,720.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 10, line 13, after the word "advertised," to insert the following proviso:

Provided, That all penalties on taxes due and payable on or before the 1st day of July, 1896, be, and the same are hereby, remitted, provided that the taxes due and payable on or prior to said date are paid with 6 per cent interest on or before the 1st day of January, 1898.

The amendment was agreed to.

The next amendment was, on page 10, after line 25, to insert:

To enable the register of wills to compare, correct, and reproduce certain records, or will books, including clerical service and purchase of books, $2,000.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the word "paid," to insert "unless Congress shall hereafter specifically direct payment thereof;" so as to make the clause read:

For special repairs to market houses, $1,500. That the act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," be, and the same is hereby, repealed, and all proceedings pending shall be vacated; and no judgment heretofore rendered in pursuance of said act shall be paid unless Congress shall hereafter specifically direct payment thereof.

The amendment was agreed to.

The next amendment was, under the head of "Permanent system of highways," on page 12, after line 14, to insert:

For payment of judgments for the land condemned for the extension of Sixteenth street by the supreme court of the District of Columbia in case No. 419, District court, $210,000, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

To pay for lands to be condemned under the highway act approved March 2, 1893, for the extension of Rhode Island avenue from Le Droit avenue to Harewood avenue northwest, namely, for lands between Le Droit avenue and Harewood avenue, not exceeding $35,000, and for lands between Harewood avenue and Florida avenue, not exceeding $30,000, in all, $65,000, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 13, line 6, to increase the appropriation for assessment and permit work from $125,000 to $175,000.

The amendment was agreed to.

The next amendment was, in line 10, page 13, under the head of "Improvements and repairs," to increase the appropriation for work on streets and avenues named in Appendix Bb, Book of Estimates, 1898, from $100,000 to $200,000, namely:

Georgetown schedule, from $9,166 to $18,332.
Northwest section schedule, from $29,583 to $59,166.
Southwest section schedule, from $13,666 to $27,332.
Southeast section schedule, from $21,684 to $43,368.
Northeast section schedule, from $25,900 to $51,800.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to insert:

For paving with asphalt East Capitol street, between Eleventh and Thirteenth streets southeast, $7,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

For paving H street, between Twenty-second and Twenty-third streets northwest, $4,500.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 15, line 14, to increase the appropriation for suburban sewers from $36,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 15, line 19, to increase the appropriation for completion of the upper portion of the Rock Creek and B street intercepting sewer from $90,000 to $130,000.

The amendment was agreed to.

The next amendment was, on page 15, line 25, to increase the appropriation for constructing, in part, the Tiber Creek and New Jersey avenue high-level intercepting sewer from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Construction of county roads," on page 17, line 9, after the word "dollars," to strike out:

Provided, That the owners thereof shall dedicate the spaces for widening said Columbia road within the limits named, for conformity with the recorded plans of highway extensions.

And insert:

Provided, That if any surplus remains of the sum hereby appropriated, the same shall be expended for paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park: *Provided, however*, That the portions of Baltimore street and Twentieth street so paved are, or shall be, dedicated by the owners for conformity with the plans for highway extension.

So as to make the clause read:

For paving Connecticut avenue and Columbia road, between Florida avenue and Eighteenth street extended, $36,000: *Provided*, That if any surplus remains of the sum hereby appropriated, etc.

Mr. TELLER. I desire, by direction of the committee, to amend the proposed amendment by striking out, after the word "extension," in line 12, the words "*Provided*, That if any surplus remains of the sum hereby appropriated, the same shall be expended," and inserting after the word "for," in line 14, the words "regulating and;" so as to read "regulating and paving Baltimore street:" and in line 16, after the word "Park," to insert "$1,000." The clause would then read:

For regulating and paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park, $4,000: *Provided, however*, That the portions of Baltimore street and Twentieth street so paved are, or shall be, dedicated by the owners, for conformity with the plans for highway extension.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 17, after line 19, to insert:

For grading and regulating Clifton, Irving, Yale, Bismark, Harvard, Columbia, Steuben, Kenesaw, Wallach, and Thirteenth streets, from Seventh to Fourteenth streets, completing improvements, $8,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to insert:

For grading and regulating Sherman avenue, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

For grading and regulating Kenesaw avenue and Park road, $10,000: *Provided*, That Park road, or Park highway, between Kenesaw avenue and Klingle road, be dedicated to the District of Columbia, for conformity with recorded plans of highway extensions.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to insert:

For paving Spruce street, Le Droit Park, from Larch street to Harewood avenue, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 7, to insert:

For grading and graveling Albermarle street and opening same to Grant road, continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

For grading and graveling Twenty-second and Twenty-fourth streets, Langdon, $4,000 dollars.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to insert:

For grading and regulating Twelfth street extended, from Florida avenue to Mount Olivet road, $10,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 15, to insert:

For paving Massachusetts avenue extended, from Twenty-second street to Sheridan Circle, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 17, to insert:

For grading Pennsylvania avenue extended, southeast, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to insert:

For grading and regulating Emporia street, from Twelfth street to Brentwood road, $5,000: *Provided*, That the owners thereof shall dedicate the spaces for widening and extending said street within the limits named for conformity with the plans of highways extensions.

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert:

For continuing the improvement of the road extending from Broad Branch road to Chevy Chase Circle, $5,000: *Provided*, That as to the part of said road dedicated as a public highway in 1896, the owners of adjoining property shall dedicate the spaces for widening said part for conformity with the plans of highway extensions.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

For improving Thirty-seventh street between Back street and Tennallytown road at or near Schneider lane, $574.48 (the same being unexpended balance of appropriation of June 11, 1896, for paying court expenses and fees of commissioners, and paying for ground taken, and damages to property to open and extend said street), together with $500 additional for the same purpose.

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to insert:

For paving Spruce and Bohrer streets, from Larch street to Florida avenue, $7,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

For improving and protecting Connecticut avenue extended beyond Rock Creek, $10,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "paving," to insert "Princeton street and;" in line 22, before the word "dollars," to strike out "four thousand five hundred" and insert "nine thousand;" and in line 23, before the word "five," to strike out "forty thousand" and insert "one hundred and thirty-four thousand;" so as to make the clause read:

For grading, regulating, and paving Princeton street and Roanoke street from Thirteenth street to Fourteenth street, $9,000; in all, $134,500.

Mr. TELLER. That must be amended so as to correct the total. It should read "$138,000" in lieu of "$134,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 20, line 19, before the word "thousand," to strike out "thirty-five" and insert "eighty-five;" and in line 20, before the word "dollars," to strike out "sixteen" and insert "twenty;" so as to make the clause read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for storage and cartage of material, $185,020: *Provided*, That no more than $20 per annum for each street lamp shall be paid for gas or oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this act: *Provided*, That all of said lamps shall burn every night, on the average, from forty-five minutes after sunset to forty-five minutes before sunrise: *Provided further*, That before any expenditures are made from the appropriations herein provided for, the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 5 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 21, line 8, before the word "lighted," to strike out "now;" in line 9, after the word "Washington," to insert "on the 1st day of January, 1897;" in line 11, before the word "thousand," to strike out "and for necessary extension of such service, fifty-five" and insert "forty;" and in line 19, after the word "Washington," to insert:

Provided further, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations, in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

So as to make the clause read:

For electric arc lighting, including necessary inspection, in those streets lighted with electric arc lights in the city of Washington on the 1st day of January, 1897, $40,000: *Provided*, That not more than 25 cents per night shall be paid for any electric arc light burning from forty-five minutes after sunset to forty five minutes before sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less than 1,000 actual candle-power, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided further*, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations, in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. FAULKNER. I ask the Senator in charge of the bill to pass over this amendment.

Mr. TELLER. From the seventh line down to line 25?

Mr. FAULKNER. Yes; the whole paragraph relating to electric arc lighting.

Mr. TELLER. Let it be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, under the head of "Bridges," on page 23, after line 9, to insert:

That the Chief of Engineers of the Army shall report to Congress at its next regular session plans for and the cost of erecting a stone arch bridge, and also a steel bridge with stone foundations, over Rock Creek on the line of Massachusetts avenue extended, the full width of said avenue, and for this purpose the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the head of "Washington Aqueduct," on page 23, line 19, to increase the appropriation for engineering, maintenance, and general repairs from $20,000 to $21,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

Washington Aqueduct tunnel: The Secretary of War is hereby authorized and directed to resume work on the Washington Aqueduct tunnel and its accessories and the Howard University reservoir, authorized by section 2 of the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and to prosecute and complete the same; the work on the said tunnel and accessories to be carried on in accordance with the plans of the board of experts as set forth in its report dated January 17, 1896, House Document No. 166, Fifty-fourth Congress, first session, which plans have been approved by the Chief of Engineers and the Secretary of War. And to carry out the provisions of said act and this paragraph the balance remaining unexpended from the appropriations made by the said act of July 15, 1882, and by subsequent acts for said purpose, amounting to $[illegible],746.38, is hereby reappropriated, to be advanced out of the revenues of the United States, and not subject to the conditions of the capital account created by the act of July 15, 1882, and the sum of $[illegible],746.38 is also hereby appropriated, out of the surplus general revenues of the District of Columbia, to be applied to such parts of the work and in such order as to time as the Secretary of War may deem necessary to promote as soon as practicable the completion of the entire system of said works: *Provided*, That the sum herein set apart and appropriated shall be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers; and the work shall be carried on by contract or otherwise as the Secretary of War may deem best for the public interests.

The amendment was agreed to.

The next amendment was, under the subhead "For [illegible], and care of buildings and grounds," on page 28, after [illegible] 7, to insert:

Of the Wallach building, $1,000.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the name "Sumner," to strike out "Wallach;" so [illegible] to make the clause read:

Of the Curtis, Dennison, Force, Gales, [illegible], Grant, Henry, Peabody, Seaton, Sumner, and Webster buildings, at [illegible] each.

The amendment was agreed to.

The next amendment was, on page 29, line 13, to increase the total appropriation for public schools from $58,996 to $59,096.

The amendment was agreed to.

The next amendment was, on page 29, line 18, to increase the appropriation for repairs and improvements to school buildings and grounds from $32,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 29, line 21, to increase the appropriation for the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the appropriation for contingent expenses, including furniture, books, stationery, etc., from $28,500 to $29,500.

The amendment was agreed to.

The next amendment was, on page 30, line 19, to increase the appropriation for text-books and school supplies for use of pupils of the first eight grades, etc, from $38,000 to $42,000.

The reading of the bill was continued; and line 21, on page 30, was read as follows:

For purchase of water filters, $2,000.

Mr. GALLINGER. The Senator in charge of the bill, I understand, is not averse to amending that item so as to make the appropriation immediately available. The money is needed more now, owing to the condition of the water of the Potomac in the spring season, than it will be needed after July 1. In line 21 I move to insert the words "to be immediately available."

Mr. GORMAN. The amendment is all right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Buildings and grounds," at the top of page 31, to insert:

For one eight-room building and site, seventh division, county, $40,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

For one eight-room building and site, northeast, sixth division, $40,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 4, to insert:

For four-room addition to Birney School, eighth division, $8,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

For lot adjoining Curtis School building, to be acquired by purchase or condemnation, $5,000.

The amendment was agreed to.

The next amendment was, under the head "For Metropolitan police," on page 32, line 19, before the word "privates," to strike out "two hundred and eighty-six" and insert "three hundred and eighteen;" in line 21, before the word "privates," to strike out "one hundred and ninety-four" and insert "two hundred and twenty-six;" and on page 33, line 9, before the word "dollars," to strike out "five hundred and seventy-six thousand nine hundred and forty" and insert "six hundred and forty thousand three hundred;" so as to make the clause read:

For major and superintendent, $3,200; captain, $1,800; 3 lieutenants, inspectors, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; clerk, $900; 4 surgeons of the police and fire departments, at $540 each; additional compensation for 12 privates detailed for special service in the detection and prevention of crime, $2,880, or so much thereof as may be necessary; 9 lieutenants, at $1,320 each; 31 sergeants, at $1,140 each; 318 privates, class 1, at $900 each; 226 privates, class 2, at $1,080 each; 20 station keepers, at $720 each; 8 laborers, at $480 each; laborer in charge of the morgue, $600; messenger, $700; messenger, $500; major and superintendent, mounted, $240; captain, mounted, $240; 43 lieutenants, sergeants, and privates, mounted, at $240 each; 23 drivers, at $480 each; and 3 police matrons, at $600 each; in all, $640,300.

The Secretary read to line 13, on page 33, the last clause read being as follows:

Hereafter each of the members of the Metropolitan police shall be entitled to leave of absence each year with pay for such time, not exceeding twenty days, as the Commissioners shall determine.

Mr. GALLINGER. I do not propose to offer an amendment to the paragraph just read, unless the Senator in charge of the bill agrees to it, but I should like to ask the Senator from Colorado why the police officers, who are exposed to great danger, and who are very hard worked men, should not have the usual leave of thirty days with other employees of the Government? Would it not be simple justice?

Mr. TELLER. I know of no reason why they should not, except that the House did not give it to them in this bill.

Mr. GALLINGER. Will not the Senator allow the amendment to be received and let it go into conference?

Mr. TELLER. I will, and I will not object if the Senator moves to strike out the words "as the Commissioners shall determine." I do not think they should determine the duration of the leave of absence.

Mr. GALLINGER. In line 12 I move to strike out the word "twenty" and insert "thirty" before the word "days," and in the same line I move to strike out the words "as the Commissioners shall determine."

Mr. GORMAN. I wish to understand that.

Mr. GALLINGER. Does the Senator from Maryland desire a statement concerning it?

Mr. TELLER. I will state that if the clause was intended, as I think it was, that the Commissioners should determine when the members of the police force should take their leave it is all right, but as it stands it leaves the Commissioners with power to determine how many days of leave they shall have. That is wrong.

Mr. GORMAN. So that would be wrong, but the Commissioners must have power to determine when the leave shall be granted.

Mr. TELLER. That is what they should have, but not power to determine the number of days of leave.

Mr. GALLINGER. I suggest to the Senator from Maryland that this will simply put the matter into conference, and then it can be properly framed so as to give them thirty days in lieu of twenty days.

Mr. TELLER. I suggest to the Senator to amend by inserting "thirty" before "days," and then making it read "at such times as the Commissioners shall determine."

Mr. GALLINGER. I think that would be better. I will modify my amendment accordingly by moving to strike out "twenty" and inserting "thirty" before "days," and after "days" inserting "at such times."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "For the fire department," on page 34, line 11, before the word "foremen," to strike out "seventeen" and insert "eighteen;" in line 16, before the word "privates," to strike out "thirteen" and insert "twenty;" and in line 18, before the word "and," to strike out "fifty-nine thousand" and insert "sixty-five thousand six hundred;" so as to make the clause read:

For chief engineer, $2,000; fire marshal, $1,000; clerk, $900; 2 assistant chief engineers, at $1,200 each; 18 foremen, at $1,000 each; 12 engineers, at $1,000 each; 12 firemen, at $840 each; 4 tillermen, at $840 each; 18 hostlers, at $840 each; 120 privates, at $840 each; 8 watchmen, at $840 each; in all, $165,600.

The amendment was agreed to.

Mr. ROACH. At the end of line 19, I move to insert:

Hereafter each of the members of the fire department shall be entitled to leave of absence each year, with pay, for such time not exceeding thirty days, at such times as the Commissioners shall determine.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 34, line 21, to increase the appropriation for repairs to engine houses from $3,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 34, line 23, to increase the appropriation for repairs to apparatus and new appliances from $3,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 35, line 1, to increase the appropriation for the purchase of horses from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 35, line 6, to increase the appropriation for contingent expenses—horseshoeing, furniture, fixtures, etc.—from $9,000 to $10,500.

The amendment was agreed to.

The next amendment was, on page 35, line 7, to increase the total appropriation for miscellaneous expenses for the fire department from $39,000 to $14,500.

The amendment was agreed to.

The next amendment was, under the subhead "Increase fire department," on page 35, after line 9, to insert:

For exchange of old-style truck for aerial turntable truck, $3,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 13, to insert:

For house, lot, and furniture for one engine company, to be located in the section bounded by Seventh and Twelfth streets and C and F streets northwest, $26,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 35, line 20, after the word "dollars," to insert "to be immediately available;" and in line 21, before the word "hundred," to strike out "twenty-one thousand three" and insert "fifty-nine thousand eight;" so as to make the clause read:

For house, lot, and furniture for one engine company, to be located in Anacostia, $16,200, to be immediately available; in all, $59,800.

The next amendment was, under the head of "Telegraph and telephone service," on page 36, line 11, to increase the appropriation "for general supplies, repairs, new batteries, and battery supplies," etc., from $11,000 to $11,500.

The amendment was agreed to.

The next amendment was, on page 36, after line 13, to insert:

Extension of fire-alarm telegraph: For extension of fire-alarm telegraph, including new boxes, purchase and erection of the necessary poles with cross arms, insulators, pins, and braces, wire for extension of lines, and extra labor for stringing the wire, $15,000.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 37, line 9, after the word "dollars," to insert "two inspectors of garbage, at $1,200 each;" and in line 19, before the word "hundred," to strike out "thirty thousand nine" and insert "thirty-three thousand three;" so as to make the clause read:

For health officer, $3,000; nine sanitary and food inspectors, who shall also be charged with enforcement of garbage regulations, at $1,200 each; sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, $1,500; sanitary and food inspector, who shall be a veterinary surgeon for all departments of the District government and act as inspector of live stock and dairy farms, $1,200; inspector of marine products, $1,200; two inspectors of garbage, $1,200 each; chief clerk and deputy health officer, $1,800; clerk, $1,400; four clerks, at $1,200 each, two of whom shall act as sanitary and food inspectors; clerk, $1,000; messenger and janitor, $600; pound master, $1,200; laborers, at not exceeding $40 per month, $1,920; ambulance driver, $480; in all, $33,300.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

For incinerating all combustible waste collected in the District of Columbia and delivered at the furnaces, $15,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 8, to strike out:

For the purchase of a site for a contagious-diseases hospital, $110,000, or so much thereof as may be necessary.

And insert:

For two isolating buildings, to be constructed, in the discretion of the Commissioners of the District of Columbia, on the grounds of two hospitals and to be operated as a part of such hospitals, $30,000.

Mr. GALLINGER. Mr. President, in connection with this matter, I want to express my gratification that the Committee on Appropriations has reported this provision for two buildings in connection with the established hospitals of the city for the purpose, I take it, of treating contagious-disease patients. That is a matter of very great importance to the people of this District, and I want simply to make an allusion to the provision for a commission to investigate as to a suitable site for a hospital for contagious diseases. My conviction is that if these two isolated buildings are constructed they will practically answer all the requirements of the District so far as the treatment of contagious-disease patients is concerned.

There has been a great hue and cry in this District against establishing a contagious-disease hospital in the immediate vicinity of residences. In all the other cities of the country, so far as I know, hospitals for contagious diseases are in the heart of the city. It is so in Boston; it is so in New York; it is so in Detroit, and, I think, in every other city of the country. It is a well-established fact that there is no danger from contagious diseases if the buildings are properly constructed and the supervision is all in the direction of modern appliances.

I feel very confident, if these two buildings are constructed as provided for in the amendment reported by the committee on the grounds of established hospitals in the city, that they will answer all the requirements for many years to come. There are very few cases of contagious diseases that are not taken care of in the homes of the citizens; but now and then a case occurs where such patients are refused admission to the established hospitals, and, of course, the newspapers call attention to it and the people become alarmed.

I have no objection to this commission, but I am very fully persuaded, if the provision in lines 12 to 15, inclusive, for these two buildings is carried out, it will be found that we have adequately provided for all the necessities of this very importan case.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 38, after line 15, to insert:

That the Secretary of the Interior, the Surgeon-General of the Army, and the Supervising Surgeon-General of the Marine-Hospital Service are hereby constituted a commission to examine suitable sites for a contagious diseases hospital in the District of Columbia, and the lowest prices at which the same can be obtained, and the probable cost of suitable buildings, and to report the result to Congress at the beginning of the next regular session.

The amendment was agreed to.

The next amendment was, on page 41, after line 14, to insert:

Jail grounds, District of Columbia: For the erection, under the direction of the Attorney-General, of a brick or stone wall to inclose the grounds upon which the jail in the District of Columbia now stands, including the purchase of material and the employment of such skilled and other labor as may be necessary for the purpose, $20,000.

The amendment was agreed to.

The next amendment was under the head of "For charities," on page 45, after line 5, to strike out:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1898, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *Provided further*, That the sum hereby appropriated shall be expended under the conditions and limitations imposed in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1897, page 411, volume 29, Statutes at Large of the United States.

And insert:

For relief of the poor, $13,000.
For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500.
For the Women's Christian Association, maintenance, $4,000.
For Central Dispensary and Emergency Hospital, maintenance, $15,000.
For the Children's Hospital, maintenance, $10,000.
For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $2,500.
For the Washington Hospital for Foundlings, maintenance, $6,000.
For the Church Orphanage Association of St. John's Parish, maintenance, $1,800.
For the German Orphan Asylum, maintenance, $1,800.
For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, $9,500.
For St. Ann's Infant Asylum, maintenance, $5,400.
For Association for Works of Mercy, maintenance, $1,800.
For House of the Good Shepherd, maintenance, $2,700.
For the St. Rose Industrial School, maintenance, $4,500.
For St. Joseph's Asylum, maintenance, $1,800.
For Young Women's Christian Home, $1,000.
For Hope and Help Mission, maintenance, $1,000.
For Newsboys' and Children's Aid Society, maintenance, $1,000.
For Eastern Dispensary, maintenance, $1,000.
For Washington Home for Incurables, maintenance, $2,000.
For municipal lodging house and wood and stone yard, including rent, $4,000.

Mr. GALLINGER. Before this matter of the charities is passed, I desire to make a single observation. It will be remembered that when some former bills were under consideration, I took exception to the appropriations for certain institutions that are named in this bill. They are always left out by the House, and they are always inserted by the Senate.

Mr. President, it is very late in the session, and I fully appreciate the value of every moment of time, and I am not going to discuss this matter at present; but I am going to say that I feel somewhat differently about the matter this year, for the reason that there is a joint committee of the two Houses of Congress, of which I think the distinguished Senator from Michigan [Mr. McMILLAN] who is the chairman of the Committee on the District of Columbia, is chairman, engaged at the present time in making an investigation of the subject of charities in the District of Columbia. I have no doubt as to the thoroughness and completeness with which the committee will do this work; and, pending their investigation, I should not feel that it was either my privilege or my duty to discuss at length or to take any special exception to the provisions which the Committee on Appropriations of the Senate have thought it wise to put in this bill this year. I will content myself with expressing the hope that the special committee to which I have referred will speedily perfect its labors, and that by the time we have another appropriation bill of this kind before us, we may have from that committee a report which will give us complete and authentic information concerning this vexed question.

The VICE-PRESIDENT. The question is on the amendment of the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, after line 4, in the appropriations for Columbia Hospital, to insert:

For repairs and furniture, $5,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 8, in the appropriations for the Freedmen's Hospital and Asylum, to strike out:

For salaries and compensation of superintendent, who shall reside at the hospital, not to exceed $3,000; assistant superintendent, $900 (this position to be filled by a nonmedical graduate or student); five internes, at $120 each; superintendent of nurses, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000

And insert:

For salaries and compensation of the surgeon in chief, not to exceed $3,000; two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000.

The amendment was agreed to.

The next amendment was, on page 49, line 10, after the word "dollars," to insert "cook, $240;" and in line 12, before the word "dollars," to strike out "seven hundred and twenty-five" and insert "nine hundred and sixty-five;" so as to make the clause read:

Reform School for Girls: Superintendent, $1,000; treasurer, $900; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; cook, $240; in all, $4,965.

The amendment was agreed to.

The next amendment was, on page 49, line 22, to increase the appropriation "for maintenance of the Industrial Home School, including repairs," from $9,900 to $12,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 14, to insert:

And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1898, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

The amendment was agreed to.

The reading of the bill was continued to the end of the following clause:

That the joint select committee authorized by the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, to make inquiry and report concerning the charities and reformatory institutions of the District of Columbia, are hereby continued during the Fifty-fifth Congress, with all the powers and duties imposed upon them by said act. And any vacancies which may occur in the membership of said committee by expiration of service or otherwise of any Senator shall be filled by appointment by the presiding officer of the Senate, and any vacancies which may occur by reason of the expiration of service of any House members of said committee shall be filled by appointment to be made by the Speaker of the present House of Representatives from members elect to the House of Representatives of the Fifty-fifth Congress; and any vacancies which may occur by reason of death or resignation of any House member shall be filled by appointment to be made by the Speaker of the House of Representatives for the time being; and said committee shall have authority to sit during the recess, and shall make report as soon as practicable after the beginning of the first session of the Fifty-fifth Congress.

Mr. CALL. Mr. President, I simply wish to enter my protest against the enactment of statutes regulating the appointment of members of committees of the two Houses of Congress. There is certainly no power in any statute to be approved by the President of the United States authorizing any body, not even the House of Representatives, to regulate the appointment of committees for the Senate, because the Constitution itself authorizes each House to regulate its own mode of procedure.

The habit we have gotten into of late of providing, in statutes to be approved by the President of the United States, for the exercise of power conferred upon each House of Congress, and upon it alone, to appoint its committees and regulate its mode of procedure, I think ought to be reproved and ought to cease.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Militia of the District of Columbia," on page 52, line 20, to increase the appropriation "for expenses of rifle practice and matches" from $3,000 to $1,600.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That hereafter no electric-light company doing business in the District of Columbia shall charge or collect from the United States or any other consumer of electric arc or incandescent lights or electricity for power prices exceeding 75 per cent of prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. TELLER. On page 3, after the word "collector," in line 18, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "collector," in line 18, on page 3, it is proposed to insert "who shall, in the absence of inability from any cause of the collector, perform the duties without additional compensation."

The amendment was agreed to.

Mr. TELLER. On page 10, line 15, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 15, on page 10, before the word "be," it is proposed to strike out "ninety-six" and insert "ninety-five;" and in line 18, after the words "day of," to strike out "January" and insert "July;" and at the end of the same line to strike out "ninety-eight" and insert "ninety-seven;" so as to make the proviso read:

Provided, That all penalties on taxes due and payable on or before the 1st day of July, 1895, be, and the same are hereby, remitted, provided that the taxes due and payable on or prior to said date are paid with 6 per cent interest on or before the 1st day of January, 1897.

The amendment was agreed to.

Mr. TELLER. On page 12, in line 22, there is an error, to correct which I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, in line 22, after the word "March," it is proposed to strike out "third" and insert "second;" so as to read:

To pay for lands to be condemned under the highway act approved March 2, 1893, for the extension of Rhode Island avenue from Le Droit avenue to Harewood avenue NE., etc.

The amendment was agreed to.

Mr. TELLER. On page 14, after line 10, I move an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 10, it is proposed to insert:

For paving Morris street, between Sixth and Seventh streets NE., $4,000.

The amendment was agreed to.

Mr. TELLER. After the amendment just adopted, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

Removing cobblestones and repairing with asphalt blocks D street between Sixth and Seventh streets SE., $4,000.

The amendment was agreed to.

Mr. TELLER. I also propose an amendment to come in after the amendment just adopted, which I ask may be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For paving of North Capitol street between O and R streets, $9,000.

The amendment was agreed to.

Mr. TELLER. On page 17, line 22, after the word "streets," I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, in line 22, after the word "streets" where it occurs the second time, it is proposed to insert "and Roanoke and Princeton streets from Seventh to Thirteenth streets;" so as to make the clause read:

For grading and regulating Clifton, Irving, Yale, Bismark, Harvard, Columbia, Steuben, Kenesaw, Wallach, and Thirteenth streets from Seventh to Fourteenth streets, and Roanoke and Princeton streets from Seventh to Thirteenth streets, completing improvement, $5,000.

The amendment was agreed to.

Mr. TELLER. On page 19, after line 19, I move to insert:

For grading and regulating Providence, Lansing, Hartford, and Tenth streets, Brookland, $9,000.

For the purchase of land belonging to the Catholic University and lying between the west line of Eighth street east extended, according to the highway extension plan, the Metropolitan Branch of the Baltimore and Ohio Railroad Company, Bunker Hill road, and the north line of said university grounds, containing about 2 acres, $5,000, or so much thereof as may be necessary, to be paid wholly from the revenues of the District of Columbia.

For grading and graveling Joliet street from Connecticut avenue extended to Zoological Park, and acquiring same by purchase or condemnation, $5,000.

For grading and regulating Lowell street from Seventeenth street to Klingle Ford road, $10,000.

The amendment was agreed to.

Mr. TELLER. On page 20, line 2, in the appropriation for sweeping streets, I move to strike out "thirty" and insert "fifty;" so as to read "$150,500."

The amendment was agreed to.

Mr. TELLER. On page 29, after line 16, I move to insert:

For rent and care of Miner School buildings on Seventeenth street, $3,060

The amendment was agreed to.

Mr. TELLER. On page 31, after line 4, I move to insert:

For eight-room building and site in the vicinity of North Capitol and R streets, $40,000.

The amendment was agreed to.

Mr. TELLER. On the same page, in line 17, I move to strike out "fifty" and insert "eighty-three;" so as to read:

For completing Western High School, to be immediately available, $83,000.

The amendment was agreed to.

Mr. TELLER. On page 38, after the word "dollars," in line 3, I move to insert:

Provided, That said Commissioners may on and after the passage of this act enter into contracts, after due advertisement as required by law, under such regulations and specifications as they may establish, for incinerating such combustible waste for a period not exceeding three years, to terminate June 30, 1900: *Provided, further*, That said Commissioners are hereby authorized to make necessary regulations for the collection, transportation, and delivery of such refuse in the District of Columbia, and to annex to said regulations such penalties as will enable them to secure the enforcement thereof.

The amendment was agreed to.

Mr. FRYE. I should like to offer an amendment on this page. On page 19, after the word "dollars" in line 19, I move to insert:

For grading and regulating Michigan avenue, $10,000.

The Senator himself knows the importance of it, and there is no need of discussing it, in my judgment.

The amendment was agreed to.

Mr. TELLER. Now I ask the Senator to return to page 21.

Mr. FAULKNER. We had better disagree to the committee amendment there.

Mr. TELLER. Let the Senate disagree to the proposed amendment of the committee in line 9.

The SECRETARY. In line 9, page 21, the Committee on Appropriations report an amendment to insert "on the 1st day of January, 1897;" so as to read:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington on the 1st day of January, 1897.

The amendment was rejected.

Mr. TELLER. Now, let the Senate agree to the amendment of the committee to strike out, in line 10, "and for necessary extensions of such service, fifty-five" and insert "forty."

The SECRETARY. The Committee on Appropriations report an amendment, in line 10, to strike out "and for necessary extensions of such service, fifty-five" and insert in lieu thereof the word "forty;" so as to read:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington, $40,000.

The amendment was agreed to.

Mr. TELLER. Let the next committee amendment be stated.

The SECRETARY. In line 8, page 21, it is proposed to strike out "now;" so as to read:

For electric arc lighting, including necessary inspection, in those streets lighted with electric arc lights in the city of Washington, etc.

Mr. HILL. That word should be reinserted.

Mr. TELLER. It should remain in.

The amendment was rejected.

Mr. TELLER. Now we are ready for the amendments of the Senator from Michigan.

Mr. McMILLAN. I offer the amendment which I send to the desk.

Mr. TELLER. This is in lieu of the committee amendment.

The SECRETARY. On page 21, after the word "Washington," in lieu of the committee amendment it is proposed to insert:

Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits or erect overhead wires for electric-lighting purposes in any road, street, avenue, highway, park, or reservation, except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public-lighting connections with conduits already in the portion of the street proposed to be lighted; and nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1888, nor to prevent the United States Electric Lighting Company from extending conduits into Columbia Heights, Washington Heights, and Mount Pleasant, and within the fire limits, as specifically provided in the act of June 11, 1896, making appropriations for the expenses of the government of the District of Columbia; and the existing overhead wires of the Potomac Electric Power Company west of Rock Creek and outside of the fire limits are hereby authorized to be maintained for a period of one year from the passage of this act and no longer.

Mr. GORMAN. I should like to ask the Senator from Michigan to explain the latter clause, wherein specific privileges are granted for certain extensions.

Mr. McMILLAN. I will state that the latter clause referred to here simply enables the existing law to be carried out so far as the United States Company is concerned. In the latest District appropriation act it is provided that the United States Electric Lighting Company may extend its underground conduits and wires east of Rock Creek and within the fire limits to Mount Pleasant and Washington and Columbia Heights, under such regulations as the Commissioners may prescribe. Also, the same act limits to eight months the life of overhead wires west of Rock Creek and outside the fire limits. The added clauses simply preserve the rights of the United States Company on the one hand, and on the other authorize the continuance of the Potomac Company's wires west of Rock Creek, out in the suburbs, for one year. That is all.

Mr. GALLINGER. The overhead wires?

Mr. McMILLAN. The overhead wires.

Mr. GORMAN. I understand the provision will be for only one year.

Mr. McMILLAN. Yes; for one year. That will give time for legislation on the subject.

Mr. FAULKNER. I will explain that. The extension for one year is only as to the overhead wires of the Potomac Company outside of the fire limits, west of Rock Creek. They were limited in the appropriation act to eight months. Under the terms of the law they would really be required to take those wires down which are outside of the fire limits west of Rock Creek. The amendment extends that overhead system a year longer.

Mr. McMILLAN. These overhead wires are to furnish suburban houses with light. They are to furnish with light Tennallytown and suburban houses like those of Mr. Gardiner Hubbard and Mr. Waggaman, and others; and unless this, the amendment, is adopted the company can not furnish such lights after the eight months' period expires, which will be very soon. This extends the time.

Mr. GORMAN. What provision is proposed to be made to continue it? I do not see any, unless the Senator contemplates further legislation.

Mr. McMILLAN. I think we will have to have further legislation next year. We can not do anything more this year.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Michigan.

The amendment was agreed to.

Mr. TELLER. I ask unanimous consent that the clerks may correct the totals to correspond with the amendments.

The VICE-PRESIDENT. It will be so ordered.

Mr. McMILLAN. I offer an amendment. On page 19, after line 24, and after the amendment just adopted, I move to insert:

For the grading and improvement of G street from First street east to Fourth street northeast, $14,000.

Mr. TELLER. I should like to ask the Senator from Michigan if the amendment comes from the District of Columbia Committee?

Mr. McMILLAN. It does; and I would like to have a letter from the District of Columbia Commissioners, in approval of the amendment, printed in the RECORD. It shows the necessity for it.

The letter is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February [illegible], 1897.

SENATOR: Relative to your favor of the [illegible] instant requesting an early report on the amendment to the District bill for grading and improving G street from First street to Fourth street east, the Commissioners have the honor to say that in their judgment it would be of advantage to the northeast section to have the street paved. It is of easier grade than H street, and if paved throughout would relieve to a large extent the heavy travel on H street, which is also occupied by a rapid-transit street railway. The paving now proposed would be so much toward the paving of the street throughout; the street is already paved west of First street. H street crosses two sets of the Baltimore and Ohio railroad tracks, whereas G street only crosses one set. H street was graded and graveled several years ago, but on account of the inadequacy of appropriations for repairs to unpaved streets the roadway has not been kept in good repair and is now in poor condition. Five thousand dollars is not, however, a sufficient sum to pay for paving the street; $14,000 is a conservative estimate. Within the past few months permits for nine buildings on this part of G street have been taken out.

Very respectfully,

GEO. TRUESDELL,
Acting President Board of Commissioners, District of Columbia.

Hon. JAMES McMILLAN,
Chairman Committee on the District of Columbia, Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment.

The SECRETARY. On page 19, after line 24, and after the amendment already adopted, it is proposed to insert:

For the straight extension of Connecticut avenue: The Commissioners of the District of Columbia are authorized and directed to extend and open Connecticut avenue, on the straight extension of the line thereof as now established in the city of Washington, from Connecticut avenue extended, as now laid out and opened on the west side of Rock Creek, to Kalorama avenue on the east side of Rock Creek, thence by a curved line or offset to join with the present adopted and recorded location of Connecticut avenue, south of Kalorama avenue, and to include in Connecticut avenue a circular reservation at or near Kalorama avenue in line with the straight extension of Connecticut avenue, with suitable passageway around such circle; and also to include in such avenue such portions of the corners of squares at the intersection of Connecticut avenue with Kalorama avenue as the Commissioners may find necessary for ample and convenient connections of streets; and they are authorized and directed to abandon the deflected line for Connecticut avenue heretofore adopted, north of Kalorama avenue, and to conform the plan of highway extension to the extension of Connecticut avenue as aforesaid.

That, conditioned upon the dedication by the owners of the property lying within the lines of said proposed extension between the water-side drive on the east side of Rock Creek and the present extension of Connecticut avenue on the west side of Rock Creek, the sum of $200,000 is hereby appropriated, wholly from the revenues of the District of Columbia, to be immediately available, for the purchase or condemnation by the Commissioners of the District of Columbia of the property lying within the extension of Connecticut avenue and extending from said water-side drive southerly to Florida avenue.

As to all lots or parts of lots and improvements not purchased or contracted to be purchased within thirty days from the passage of this act, the Commissioners of the District of Columbia are instructed to commence suit for condemnation.

The Commissioners of the District of Columbia are hereby authorized to secure designs, by competition, for a bridge or viaduct across Rock Creek on the line of the extension of Connecticut avenue, and the sum of $2,000 is appropriated therefor.

Fifty thousand dollars is hereby appropriated for the immediate commencement of such bridge or viaduct after such designs shall have been secured.

Mr. GORMAN. I wish to make an inquiry of the Senator from Michigan, the chairman of the committee. I understand this provision makes an entirely new line, or practically a new line, for the extension of Connecticut avenue. It is practically a straight line which is proposed.

Mr. McMILLAN. It provides for the de[illegible] to Kalorama avenue; that is, beyond the houses that would be destroyed by the straight extension. Then the avenue turns into a circle to be located on Kalorama avenue, and from the circle extends in a straight line across Rock Creek to join the existing extension of Connecticut avenue. It is practically the deflected line, so far as the additional expense is concerned.

Mr. GORMAN. I am not antagonizing that general proposition, but what I wish to learn from the Senator is this: Two lines are laid down for the extension of this avenue, one a straight line, which practically conforms to the proposition now offered by the Senator, as I understand.

Mr. McMILLAN. Yes; practically.

Mr. GORMAN. With slight variations. The greater portion of it, the lower part, is on the straight line. But that is not the point I am after. I am ready to take the judgment of the Senator and his committee, but we provided in the statute two years ago that there should be no permits for buildings on either one of the lines, the straight line or the deflected line, and it is a very great hardship on everybody who owns property on both streets. If we are to settle it, ought we not to remove that embargo and allow the parties on the line laid down by the Commissioners to have permits? Has the Senator provided for that?

Mr. McMILLAN. I understand that if the amendment is passed it will settle the whole question.

Mr. GORMAN. I ask the Senator whether it would not require a specific provision?

Mr. McMILLAN. No, I think not. Until this is done, of course, they can not get permits, but when it is done permits will be granted.

Mr. GORMAN. The Senator is aware that in one or two of these cases, on Sixteenth street, great hardship resulted. All I desire is that when the line is adopted the property owners on the street shall have permits.

Mr. McMILLAN. This will relieve the situation.

Mr. TELLER. I do not know but that there should be some action to enable these people to have permits.

Mr. McMILLAN. I suggest to the Senator in charge of the bill that, if it should be found necessary, such an amendment can be inserted in conference. I am very sure, however, that it is not necessary.

Mr. TELLER. We can put it in in conference if it is necessary.

Mr. McMILLAN. It ought to be done, of course.

Mr. TELLER. It ought to be done here or in conference, but I do not know, without an opportunity to examine it, whether the amendment covers it or not.

Mr. GORMAN. Will the Senator read the law?

Mr. TELLER. This is the provision:

> That the Commissioners of the District of Columbia be, and they are hereby, required to examine into the proposed extension of Connecticut avenue from Florida avenue to the District line, and report to Congress, on or before the first Monday of December next, the comparative advantages and disadvantages and comparative cost of opening said Connecticut avenue on a straight extension of the line thereof as now established in the city of Washington, instead of opening the same on the deflected line heretofore adopted and now on file—

Here is the point—

> and that from and after the passage of this act no building permits shall be granted upon ground which would be covered by either extension of said Connecticut avenue until otherwise provided by law.

Mr. FAULKNER. I wish to call the attention of the Senator to the amendment, which I think clearly settles the question.

Mr. GORMAN. Let us hear it.

Mr. FAULKNER. After describing the street as selected as a permanent line, a definite line, the amendment says:

> And they are authorized and directed to abandon the deflected line for Connecticut avenue heretofore adopted, north of Kalorama avenue, and to conform the plan of highway extension to the extension of Connecticut avenue as aforesaid.

Mr. TELLER. I think that covers it.

Mr. FAULKNER. It covers it completely.

Mr. GORMAN. We had better make it specific. I suggest to the Senator to lay this matter aside for a second.

Mr. TELLER. The Senator from Michigan has another amendment, and while the Senator from Maryland is looking the point up we may proceed with his amendment.

Mr. GORMAN. I suggest that we say that the restriction which has heretofore been provided is hereby repealed.

Mr. McMILLAN. I move an amendment to my amendment which I think will cover the point.

The SECRETARY. It is proposed to amend the amendment by inserting at the end thereof:

> That the statute incorporated in the act of Congress approved June 11, 1896, making appropriation for the District of Columbia, reading as follows: "and that from and after the passage of this act no building permits shall be granted upon ground which would be covered by either extension of said Connecticut avenue until otherwise provided by law," is hereby repealed.

Mr. GORMAN. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McMILLAN. I offer the amendment which I send to the desk.

The SECRETARY. On page 36, after line 18, it is proposed to insert:

> *Provided*, That whenever there are telegraph or telephone poles or telephone conduits available for the use of said fire-alarm telegraph, the Commissioners of the District of Columbia are hereby authorized to make arrangement for the use of such poles or conduits without expense to the said District; and the authority granted to said Commissioners in the District of Columbia appropriation act approved August 7, 1894, to authorize the erection and use of telephone poles in the alleys of the city of Washington, shall be limited as follows: Hereafter no wires shall be strung on any pole or poles at a height of less than 30 feet from the ground at the point of attachment to said pole. Temporary permits may be granted by said Commissioners to string wires from cable poles or from existing overhead trunk lines to poles in or to be erected in alleys and from alley poles in one square to alley poles or house-top fixtures in another square, for the purpose of making necessary house connections from all cable poles and existing overhead trunk lines within the District of Columbia, such house connections to be made from the cable pole or overhead trunk line nearest the subscriber. Nothing herein contained shall be deemed to authorize the erection of any additional pole or poles upon any street, avenue, or public reservation within the said city, and such privileges as may be granted hereunder to be revocable at the will of Congress without compensation.

Mr. TELLER. I should like to inquire if this amendment comes from the Committee on the District of Columbia?

Mr. McMILLAN. It does.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McMILLAN. I desire to offer another amendment.

The SECRETARY. On page 52, after line 2, it is proposed to insert:

> *Provided*, That the clerk designated by the committee may be paid for clerical services such compensation as may be fixed by the committee in addition to any salary he may be receiving.

The amendment was agreed to.

Mr. McMILLAN. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add at the end of section 2:

> *Provided*, That so much of the money as is appropriated by this act for public works in the District of Columbia may, at the discretion of the Commissioners of said District, be made available from and after the 4th day of March, 1897.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment which has been favorably reported from the District of Columbia Committee and is recommended by the Medical Association of the District of Columbia. I think there will be no objection to it.

The SECRETARY. On page 49, after line 2, it is proposed to insert:

> *Provided*, That any legally licensed physician may attend private patients, when they occupy pay rooms, in any of the public hospitals in the District of Columbia.

The amendment was agreed to.

Mr. GALLINGER. I offer another amendment, which has been reported favorably from the Committee on the District of Columbia and was referred to the Committee on Appropriations.

The SECRETARY. On page 43, after line 11, it is proposed to insert:

> For the construction of a crematorium, which shall contain two alternating furnaces, a chapel, columbarium, and morgue for the reception, cremation, or keeping of bodies, to be erected on a site to be selected in the present cemetery for the burial of the indigent dead of the District of Columbia, and in accordance with plans and specifications to be approved by the Commissioners of the District of Columbia, $20,000, or so much thereof as may be necessary.

Mr. GALLINGER. The Senator in charge of the bill has appealed to me not to insist upon this amendment, but I do want to insist upon it, and in a very few words I will give my reasons for it. I trust it may go into conference and there have careful consideration.

A few months ago, I think it was in October last, in the Washington Star, a newspaper that is always very earnest and careful in looking after the interests of this great District, I found the following editorial:

> The District Commissioners will have to ask many things of the next session of Congress. One of the institutions that ought to materialize very soon is the combined crematory and morgue, in behalf of which so much can be said. Mr. Stoutenburgh reports that the potter's field is overcrowded; that superficial burial is now the rule because the numerous bodies already interred render deep burial impracticable without disturbing the older remains. Every intelligent person must understand the unhealthfulness of such a condition as now prevails. Cremation is the most sensible of all methods of corpse disposition. We have as yet no public crematory, nor do we have a morgue worthy of the name. A comparatively small sum of money will provide us with those necessaries.

I hold in my hand a communication from Mr. Stoutenburgh, the superintendent of the Washington Asylum, which gives some statistics as to the matter of burial in the potter's field; and I want to say to the Senate that if I should state the actual condition of things that prevail right here almost under the shadow of this Capitol, it, I think, would not require any further argument on my part to persuade the Senate that something ought to be done, and done immediately, either that a crematorium be established or that an additional burying place be immediately purchased for this institution.

It is a fact that to-day in the Potter's field, as I have before said, almost under the shadow of this Capitol, they are burying five persons in one grave, one over the other. It is a condition so unsanitary that it ought to receive the condemnation of Congress without one moment's hesitation. I could relate instances that would horrify the Senate, if I should mention them, that have occurred recently in this Potter's field. I could relate an instance where a public servant died, a former clerk, I think then out of employment, and was buried there under conditions which his friends found, when they came there to claim his remains, that would hardly bear repetition in the Senate of the United States.

Mr. Stoutenburgh recommends that this crematorium shall be established. It is not proposed to incinerate the remains of all the pauper dead who are buried there. Those who have friends who request or who themselves have requested that they shall be buried in the ordinary way will have their wishes carried out. The Committee on the District of Columbia listened to this matter very attentively and gave it careful consideration, and came to the conclusion that it was something that demanded immediate attention and consideration.

I have here the specifications of the proposed crematorium, which I desire to have put in the RECORD as a part of my remarks.

[Specifications of a proposed crematorium, to be erected on a site located at the almshouse, Washington, D. C.]

The plans as here presented are those of Samuel H. Brown, of Boston, Mass., and while they may seem at first quite too elaborate, it is thought that after a careful examination of the details of the specifications and plans that all persons interested in the proposed crematorium will be pleased with the character of the plans as shown in the accompanying drawings.

The plans look to the erection of two furnaces of that double alternating type built by the Brown Company, one of which is in successful operation at J. William Lee's undertaking establishment, Pennsylvania avenue, this city.

It is proposed to build these furnaces, one on each side of an ornamental brick stack, 90 feet in height. Surrounding this stack and furnaces it is proposed to build a substantial structure, the architecture of which it is designed to have of a character which will at once impress all with its appropriate structural beauty. The plans presented show a structure modern in form 56 by 67 feet, divided in the floor plan into the various halls and rooms required in the proper construction and the perfect operation of a crematorium. The first of these rooms is the chapel, 16 feet by 27 feet 10 inches; then the columbarium or vault room for the storage of the ashes of the dead, 16 feet by 16 feet 10 inches. These two rooms are at each side of the main entrance hall, this hall, 10 feet wide and 16 feet long, leading from the vestibule at the main entrance to the grand hall, in which are located the stack and two furnaces composing the crematorium. The grand hall itself is 56 feet long by 18 feet 4 inches at its extreme width, with a general width of 10 feet. There is an independent entrance or door at each end of the hall. Leading from the left-hand entrance is a door, which is the entrance to the morgue—a room 16 feet by 18 feet. Leading from the right-hand entrance of the hall is a door which opens into the so-called cooling room. The morgue, as required, is comparatively small. It is not designed as the city morgue for all dead, but is designed as a temporary repository for the dead to be cremated, while subject to removal by their friends for earth burial. It is proposed that all cremations shall be publicly advertised in the columns of the daily press for at least twenty-four hours before cremation takes place, except in cases of contagious diseases.

The cooling room above referred to is used for the storing of the funeral car and the cooling of the remains (which are in the form of ashes), and it is proposed to remove from the furnaces the ashes immediately after the cremation is completed. This is done by the removal of the interchangeable soapstone bed plate on which the cremation takes place. Leading from the cooling room is a door entering the fire room, which is 33 feet 6 inches by 18 feet 6 inches. The fire room is necessarily large, in order that fuel may be stored there, and that both furnaces, although some distance apart, may be operated at the same time by one fireman. The capacity of each furnace is so designed that it will cremate one subject every hour. It would seem perhaps that there would be only one furnace required, but it must be remembered that if cremation should be adopted, and the potter's field abandoned, that it would be absolutely necessary for safety that there should always be one furnace in reserve, thus enabling one to make repairs at any time without seriously obstructing the disposal by cremation of the dead.

THE COST OF CREMATION AS COMPARED WITH EARTH BURIAL.

In the ordinary cremation of two or three bodies a day the cost would not exceed $2 each. In case of an epidemic the cremation of 30 or 40 bodies every twelve hours might be accomplished at a cost not to exceed $1 each. It is estimated at present that for the next five years the burials at the potter's field will equal 1,000 each year. Based on this estimate the maintenance of a crematorium would not exceed annually over $2,000. The cost of burial is at present equal to this amount. If the District should adopt a crematorium, as here designed, it would solve the problem of a potter's field for at least twenty-five years to come, for the reason that the columbarium is designed sufficiently large to store in its vaults 25,000 or more cinerariums. The plan of cremation, as all know who are at all familiar with the subject, is the only sanitary way for the final disposal of the dead. The amount of appropriation required is no more than would probably be demanded for an available potter's field that would last the city only five years. The amount required to build a crematorium, as designed by these plans, is $25,000. This would include its maintenance for one year. A plan much cheaper in general construction might be presented; but inasmuch as this is the capital city of the nation, it is proposed to build this crematorium as a model for other cities to copy from. It is considered educational by the promoters, and the founding of such a public institution here will help to successfully solve a problem to which many of the largest cities in the country are now giving their careful attention.

It is hoped that the honorable Commissioners of the District of Columbia, their health officer, and the superintendent of the almshouse will each give their unqualified indorsement to the accompanying plans and the cause, and that Congress may look favorably on a proposition to immediately appropriate money for this purpose.

[Copy of letter of superintendent of Washington Asylum and potter's field.]

WASHINGTON ASYLUM,
Washington, D. C., October 23, 1896.

GENTLEMEN: I desire to call your attention to the rapidly increasing number of burials in potter's field cemetery:

For the year ending June 30—	Interments.
1890	558
1891	627
1892	665
1893	702
1894	785
1895	656
1896	785
Making a total of	4,778

The available ground suitable for this purpose is being rapidly exhausted and is valuable to the District for other purposes. But a short time will elapse before the District will be compelled to procure ground for this purpose at great expense. In view of these facts, I recommend that a crematorium be erected in connection with and on a site to be selected in the present cemetery, to be used in all cases where there is no objection made on part of relatives, or previously expressed wish made for ground burial by the deceased.

The ground as now available will last for a few years for the interment of all who might express a wish for ground burial, thus taking away any objection on the part of relatives of the deceased.

The proposed crematorium would have a chapel connected, where services would be held when desired, a receiving room with regulation low temperature, for the reception and keeping of bodies; a cooling room for the carriage, and a storage room for the final remains, such room to be fitted with porcelain or terra-cotta boxes or jars, numbered and labeled in such a manner that a correct record can be kept for identification, should the friends desire at a future time to reclaim the remains.

I estimate the cost of construction and operation for one year of such a plant at $25,000, and for the operation for each succeeding year at $2,000 per annum.

Very respectfully,

(Signed.) W. H. STOUTENBURGH,
Intendant Washington Asylum.

The honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

In view of the pressing need, I urgently request that an appropriation be asked for the construction and operation of the same to be placed in the estimates being made for appropriations by Congress.

Mr. GALLINGER. I also ask unanimous consent to insert the first ten pages of the publication which I hold in my hand. It is only about six pages of print, and will not occupy much space. It discusses the question of burial or cremation. It is an intensely interesting discussion of the question that I think ought to be brought to the attention of Congress; and then I will ask that the entire publication be sent to the committee of conference, if the amendment goes into the bill, so that the conferees may have an opportunity to inquire into and to some extent investigate this very important subject.

The matter referred to is as follows:

BURIAL OR CREMATION?

When death this tenement of flesh shall claim,
Entomb it not in darkness to decay;
But, purged of earth, on rushing wings of flame,
Let it mount upward into endless day!

America at the close of the century differs widely from America at the century's beginning. It was then an agricultural country, its population was widely scattered, and there were few cities of any considerable size. But a great change has been brought about during the past hundred years. We are now, to a large extent, a manufacturing and commercial people. We have many large and crowded centers of population; our cities have taken their place among the great cities of the world; and it is only a matter of a few years when we shall have in this country the greatest centers of population on the earth. It is evident, therefore, that the sanitary conditions which answered well enough a hundred years ago must now all be changed. So rapid has been our transformation from a rural to an urban nation that science has hardly kept pace with the needed reforms in sanitation.

There is one reform that has been too long delayed, but which, during the last decade, has been receiving wide attention from the best informed and most advanced people of the country; and that is a reform in our present method of disposing of our dead. The system of burial in the earth, which has obtained for so many centuries, and which would be tolerable in a thinly populated community, is not only most detrimental to a crowded community, but is absolutely incompatible with a proper regard for health and life. This subject has received much attention in the crowded communities of Europe, and it is now receiving more and more attention from thoughtful people in this country. When population was scattered, the country churchyard, remote from dwellings, and visited but infrequently, could do but little harm. But the crowded cemeteries near our large cities are to-day, in the common opinion of physicians, chemists, and other scientists, a great and constantly increasing source of danger to the living.

The popular supposition that the burial of a body several feet beneath the surface of the ground robs it, during its course of decomposition, of the power of contaminating the air above is a palpable mistake. The [illegible] emitted by the putrefying body are exhaled through the ground, even when it is buried 10 feet beneath the surface. These gases are most noxious. In many cases where graves have been reopened, their effect upon those inhaling them, even though for a moment, has been fatal. In addition to these pestilential exhalations, the decomposed matter which mixes with [illegible] and is washed by the rain through the ground contaminates the water supply within an extended area. It is a well-known fact, proved over and over again, that the vicinity of a graveyard is most unhealthful; that [illegible], typhoid fever, and kindred maladies of a fatal nature rage [illegible] more violently in such a neighborhood than elsewhere. This fact has [illegible] recognized to such an extent in Europe that enactments have been [illegible] in various countries prohibiting human habitation within a [illegible] radius of a graveyard. In Pomerania, after the raging of a [illegible], this limit was placed at as large a figure as 5,000 feet.

There are other agencies working in a cemetery [illegible] those of simple decomposition that are most disastrous to the health of surrounding residents. The researches of Dr. Pasteur, and of other almost equally renowned scientists, have disclosed the fact that earthworms, burrowing among the dead, bring to the surface the living germs of disease. These germs live for many years, and may be inhaled in the [illegible]. A commission of physicians from this country visited some years ago a yellow-fever district in Central America; and, in a graveyard where the victims of a scourge of yellow fever that had occurred eighty years before were buried, the living germs of the disease were still found in vast numbers on the surface of the ground. The digging up of a cemetery in South America, in which the victims of yellow fever had been buried three hundred years before, revived the pestilence, and it again raged in all its fury. It is the opinion of medical experts who have studied this question that one-third of the deaths occurring in the cities of this country arise from the inhalation of poisonous matter in the atmosphere; and of all sources of atmospheric pollution the cemetery is by far the worst.

It is not to be wondered at, therefore, that men who have at heart the interests of mankind should have given much thought to the subject of changing our present method of disposing of the dead. The other method which naturally suggests itself, in place of burial, is burning. Cremation is a practice that comes to us from the most ancient times. It was practiced by the Greeks, by the Romans, and by all the Indo-European tribes. All who have read Virgil's master poem will recall the beautiful but pathetic recital of the cremation of the devoted Dido. Remus, the founder of Rome, was also cremated, if we can believe the ancient records; and Julius Cæsar was burned upon a funeral pyre of the greatest magnificence. It is not, however, the desire of the modern advocates of cremation to follow in the footsteps of the ancients; for with them cremation took place in the open air, and in this way the poisonous gases, liberated by combustion, were permitted to escape, contaminating the surrounding atmosphere. In modern cremation not a particle of matter escapes until it has been absolutely decomposed into its constituent elements, and rendered as pure as sunlight itself.

Europe, being more crowded, was naturally the first to give thought to this matter; and some fifteen years ago crematories were erected in several

Italian towns; and later in other continental cities. Five years ago two crematories were built in Paris; and, within a few months, the French war department has made preparations for supplying the army with ambulatory crematories for disposing of the dead in battle.

The idea was first taken up in this country about twelve years ago. A cremation society was formed in New York, and later societies advocating this practice were organized in various cities of the country. In Boston there are two cremation societies, which number in their membership some of the most influential people in that vicinity, among them being such men as President Eliot and Prof. Francis J. Child, of Harvard College; Francis Parkman, the historian; Miss Alice Longfellow, the daughter of the poet; and many physicians of national reputation. The belief in cremation is spreading among all classes of thinking people, who plainly perceive that the continued well-being of humanity imperatively demands a change from the present custom of earth burial.

Objections are sometimes brought against this practice by certain people on what they very falsely allege to be religious grounds. They contend that cremation is of heathen origin. But as far as that argument goes, a very large number of the most useful arts and the most necessary customs of modern society have come down to us from the Greeks and Romans, who, if they are to be termed heathen, were certainly heathen of a high stage of intellectual development. If we should refuse to do whatever the pre-Christian nations did, we should return immediately to a barbarism worse than that of the dark ages. In reality, cremation is distinctly in keeping with the spirit of Christianity; for if Christianity inculcates anything, it inculcates that system of action that shall conduce most to the true welfare of man. And certainly Christianity can not be adduced by any devout and intelligent disciple of that belief as an opposing force against a great reform which will tend to sweep away much of the sickness and premature death which now do so much to rob life of its beauty, its happiness, and its value. Nowhere does the Bible forbid cremation; but everywhere it teaches that the essential part of man is the soul, that the body is only a temple for its indwelling, and that it is of worth only when the soul is within it. The most extraordinary argument advanced by some unthinking people, that cremation would make resurrection impossible shows a singularly crude and unchristian belief in the limitations of the Almighty. It is no more miraculous to raise the dead when all that remains is a handful of ashes, than it is to raise the body that has passed through the slow decay of years, and moldered into dust.

The chief objection against which advocates of cremation have to contend is sentiment, springing solely from custom. Men are accustomed to the thought of burying the dead beneath the ground, and consequently this seems less repugnant to them than the reduction of the body to ashes by fire.

But when one relegates the question of custom to the background and simply thinks of the two methods by themselves, comparing the one with the other, surely that of burial is inexpressibly more revolting. The two methods, of course, accomplish ultimately the same end—the resolution of the body into its chemical elements. In burial, however, the process is slow, requiring many years; and its method is most offensive and most injurious to all animal life in its vicinity, while in cremation it is quick, clean, and complete, and positively without any injury to the living. The only reason that burial seems to many people less repellent is because they refuse to think of the experience that awaits the body after it is consigned to the grave. They try to imagine the departed as keeping always the same form and condition as when laid at rest in the tomb. But this very refusal to accept the actual facts shows how revolting these facts are. The mind can not tolerate the true picture of the grave during the months and years that follow burial, when all that was once so beautiful has become hideous putrefaction, unspeakable in its corruption, polluting earth and air. The thought of it is overpoweringly abhorrent.

But, on the other hand, one may follow the process of cremation with neither loathing nor abhorrence. What more beautiful end of the body could there be than that, chastened and purified by fire, it should itself put on spirituality, and follow the spirit up into the great open vault of heaven! The gross and the corruptible, changed in a brief hour back into its elemental units, soars up into the sunshine, pure and free, and indestructible, until that day when the earth itself shall be destroyed. Which form of dissolution is the less revolting to an intelligent sentiment—the putrefaction of the tomb, or the purification of the flame?

In cremation, when the dead form has been reduced to its handful of ashes, these ashes can be deposited in an urn and placed in a proper repository—in the crematory itself, in the church, or in the home; or they may be buried beneath the sod and a monument erected, or, as was recently done by request, they may be buried beneath a rosebush, to bloom again into life in the beautiful flowers.

Mr. GALLINGER. I trust the amendment may be adopted.

The amendment was agreed to.

Mr. GALLINGER. I have only one further amendment. It is to come in after line 23, page 38, and I will say, inasmuch as this matter was very thoroughly discussed one year ago, and a similar amendment inserted in the bill, I do not care to discuss it, but will simply submit it with the hope expressed that it may go into conference with this bill.

The **VICE-PRESIDENT.** The amendment will be stated.

The **SECRETARY.** On page 38, after line 23, it is proposed to insert:

For the purchase of Analostan Island, in the District of Columbia, $112,500, or so much thereof as may be necessary, the validity of the title to be determined by the Attorney-General of the United States, the said sum to be immediately available; and the Secretary of the Treasury is authorized and directed to acquire said property by purchase from the owners at and for a sum not exceeding $112,500, or, if the same can not be so acquired, then by condemnation proceedings in accordance with the terms of an act of Congress approved June 25, [illegible], to provide for an eligible site for a city post-office in the city of Washington, D. C., with amendments thereto, approved August [illegible].

Mr. TELLER. I move to lay the amendment on the table.

The motion was agreed to.

Mr. FAULKNER. I send to the desk an offered amendment which has been passed by the Committee on the District of Columbia, and it is very essential in reference to the sanitary condition of the street adjoining Center Market.

The **VICE-PRESIDENT.** The amendment will be stated.

The **SECRETARY.** On page 14, after line 10, it is proposed to insert:

For paving the north half of B street, between Ninth and Tenth streets NW., [illegible]

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to come in at the end of the bill. It is offered by direction of the Committee on the District of Columbia.

The **VICE-PRESIDENT.** The amendment will be stated.

The **SECRETARY.** It is proposed to insert at the end of the bill:

For paying the engineering and legal expenses necessary in acquiring hereunder all the water rights not now owned by the United States at the Great Falls on the Potomac River, together with such lands at the Great Falls as are necessary to vest the title to the water rights in the United States and to enable the United States to use the water for all purposes, the sum of $5,000: *Provided*, That the property, water rights, and franchises of the Chesapeake and Ohio Canal Company shall be exempt from the operation of this provision; and the Secretary of War shall, within three months after the approval of this act, cause a survey to be made of such lands as he, with the advice of the Attorney-General, shall deem necessary to be taken hereunder; and he shall, within said time, file a written statement, in triplicate, specifying by metes and bounds the lands, and by proper designation the water rights, taken hereunder, in the office of the recorder of deeds in the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., which filing shall be a taking by the United States of the lands and water rights described and designated in said statement. Upon filing said statement and within thirty days thereafter, the Attorney-General shall cause proceedings to be commenced by petition in the name of the United States in the supreme court of the District of Columbia, making the known owners of the land and water rights taken parties defendant, and all persons interested therein but not known to the Attorney-General may be made parties defendant under the title "unknown owners;" and notice to the known owners shall be by personal service of a copy of the petition by any United States marshal in any judicial district where such owner or owners reside, and to the "unknown owners" by publication of a notice in a newspaper published in said District of Columbia and in said counties, specifying the nature of the proceeding and the time at or after which the matter will be heard, such notice to be published for thirty consecutive days in the District of Columbia, and once a week for four consecutive weeks in said counties; and said court may prescribe rules of procedure, conformable to the practice in like cases, to give the owners a fair hearing and secure speedy determination of the rights of the parties; and said court shall forthwith, after service and expiration of said notice, summon a jury to hear and determine, under its instructions, the compensation and damage, if any, to be paid to the owners for the said land and water rights. The Attorney-General may appoint special counsel for the United States familiar with the laws relating to riparian rights and hydraulics. Said jury shall consider only the present values of the land and water rights and not their values to the city of Washington for the special uses for which they are taken or to which they may be applied under the provisions of this act. Said court shall enter judgment against the United States for the amount or amounts ascertained as aforesaid; but, as said lands and water rights are taken for the use of the District of Columbia, said judgments shall be paid as judgments against the District of Columbia, 50 per cent thereof by the United States and 50 per cent by said District; and appeals may be taken from said judgments as in other cases. Where claims are now pending against the United States for compensation or damages for taking water, and the damaging of property by reason of such taking, at the Great Falls, such claims may be heard and determined in the proceeding hereunder.

Mr. TELLER. I make the point of order on the amendment that it is general legislation and of a most extensive character.

Mr. CHANDLER. The point of order is entirely clear against the Senator from Colorado. This is an appropriation, and the method of extending it is provided. Moreover, it is to carry out the provisions of a law passed at the present session of the Senate.

Mr. TELLER. It must be rather a defective law if it has to be enlarged in this way to carry it out.

Mr. CHANDLER. Only a few days ago a bill passed the Senate providing for condemning all the water rights at the Great Falls of the Potomac except those of the Chesapeake and Ohio Canal Company. This is the exact condensed substance of that bill.

Mr. ALLISON. Has that bill been signed by the President?

Mr. CHANDLER. The bill has passed the Senate, and the Senator knows very well there is a rule which allows amendments to be put on appropriation bills to carry out a decision or order of the Senate made at the same session.

Mr. ALLISON. Then all bills which have been passed by the Senate at the present session can be put on appropriation bills.

Mr. CHANDLER. All bills of this character, as the Senator knows very well; and he knows that this provision of law is as important as many provisions which have been admitted upon the bill. The chairman of the committee or the Senators in charge of appropriation bills sit here and see amendment after amendment made to these appropriation bills, and they admit them upon the bills because they believe the public interest requires legislation in this form. I admit that there is too much legislation upon appropriation bills, but that is no reason why there should be the discriminations made that I conceive are made here by Senators from the Committee on Appropriations in this bill in regard to amendments they object to and ought not to object to.

It is important that there should be no further delay in acquiring these water rights, just as it was important that there should be no delay in starting the census office. This amendment was reported by the Committee on the District of Columbia. The chairman of that committee believes it ought to be adopted at the present time, and every member of the committee, I think, believes so. I certainly hope the point of order will not be made, but that the Senators in charge of the bill will allow the amendment to be adopted.

Mr. TELLER. I must insist on the point of order.

The **VICE-PRESIDENT.** The Chair sustains the point of order.

Mr. GIBSON. On page 18, line 9, after the word "improvement," I move to amend by inserting "nine" before "thousand," instead of "five;" so as to read:

For grading and graveling Albemarle street and opening same to Grant road, continuing improvement, $9,000.

I will take occasion to say to the Senator in charge of the bill what perhaps he is not aware of as to the purpose of the amendment, that the money heretofore appropriated has been expended by the District Commissioners in contemplation——

Mr. TELLER. All right; let it go.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; and

A joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6730) granting a pension to Edward C. Spofford.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. EVANS, and Mr. MCMILLIN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10293) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1743) to establish an additional land office in the State of Montana;

A bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the lands contained in the same to entry;

A bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company;

A bill (H. R. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River;

A bill (H. R. 610) for the relief of John F. McRae;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (H. R. 5183) granting a pension to Wesley A. Pletcher;

A bill (H. R. 5597) for the relief of Charles Deal;

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond;

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal; and

A bill (H. R. 10290) for the relief of Joseph P. Patton.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CHANDLER. If I can have the attention of Senators, I will state that I gave notice I would move at this hour to take up the international monetary conference bill and move to concur in the House amendments. There are two or three Senators who desire to speak on that motion. Very little time is likely to be occupied in its consideration, and I am very desirous to proceed at this time. But the Senator from Maine has persuaded me not to insist upon the consideration of the international conference bill until after the naval appropriation bill has been disposed of.

I therefore ask the unanimous consent of the Senate at this time that the international conference bill may be taken up for consideration immediately after the naval appropriation bill is disposed of.

The **VICE-PRESIDENT.** Is there objection to the request of the Senator from New Hampshire?

Mr. GRAY. Will not the Senator in making his request for unanimous consent put a time limit upon the debate?

Mr. CHANDLER. I should be glad to do so if I thought there was a disposition to debate it at too great length. I do not think there is.

Mr. GRAY. I suggest half an hour.

Mr. CHANDLER. I will ask that half an hour may be allowed for the consideration of the bill, and that then the vote shall be taken.

Mr. ALDRICH. I do not think there is any occasion to make an arrangement of that kind. I do not think the discussion of it will be prolonged. I think we had better——

Mr. ALLISON. I suggest that one hour be allowed for discussion.

Mr. CHANDLER. I will say not exceeding one hour.

Mr. ALDRICH. I do not think there is any necessity to fix a time.

Mr. CULLOM. I think the time ought to be fixed; otherwise nothing else will be done. I hope the time will not be extended beyond an hour. There are many other measures to be considered at the present session.

Mr. GORMAN. I object to the request of the Senator from New Hampshire at this time. We can fix a time when we reach that point.

Mr. CHANDLER. The Senator objects to any understanding, then, in regard to the bill?

Mr. GORMAN. I do not object that it shall come up at all.

Mr. CHANDLER. It is to be taken up, then, immediately after the naval appropriation bill is disposed of.

Mr. ALLISON. I must object to unanimous consent to take up any bill hereafter unless there is a term fixed for its consideration. Otherwise we may occupy more time than it is possible to have occupied without cutting out reports of conference committees, and so on.

The **VICE-PRESIDENT.** The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

The **VICE-PRESIDENT.** The bill is before the Senate as in Committee of the Whole.

Mr. CHANDLER. Now I renew my request. I did not understand that anyone objected to taking up the international monetary conference bill immediately after the naval appropriation bill is disposed of.

The **VICE-PRESIDENT.** Is there objection to the request of the Senator from New Hampshire?

Mr. ALLISON. I must add to the request that the debate upon the amendments proposed by the House [illegible] one hour.

The **VICE-PRESIDENT.** Is there objection?

Mr. GORMAN. There is.

Mr. ALDRICH. I object to any arrangement now. We can not tell how much discussion the bill will require. I suggest to the Senator from New Hampshire to couple with his request a condition that its consideration shall not interfere with conference reports on appropriation bills.

Mr. CULLOM. There are other bills that are to be considered by the Senate at the present session, and I shall object unless the time shall be limited.

The **VICE-PRESIDENT.** Objection is interposed to the request of the Senator from New Hampshire.

Mr. HOAR. I desire to give notice that after the appropriation bills are disposed of, if there be any time, I shall press the bankruptcy bill, which has the right of way and is now the unfinished business, for which 500,000 poor men are waiting. I shall not interfere with the brief time required by the Senator from New Hampshire.

Mr. CHANDLER. It seems to me that unless I can have an understanding that the international monetary conference bill may be taken up I ought to move to take it up now, because I gave notice that I should do so at this time. I know it is a bill that can be briefly disposed of. I do not see why any Senator should object to its being taken up after the naval appropriation bill is disposed of.

The VICE-PRESIDENT. Does the Senator from New Hampshire submit a motion?

Mr. CHANDLER. I move to proceed to the consideration of the international monetary conference bill.

Mr. HALE. I hope that will not be done. That would displace the naval appropriation bill, which has just been taken up.

Mr. CALL. I ask consent at this time to place before the Senate a House bill, without disturbing the regular order. It will require only five minutes. It is a short bill of five lines. I hope the Senator from Maine will permit it to be considered.

The VICE-PRESIDENT. If the Chair can have the attention of Senators, the Chair will submit the request of the Senator from Florida for unanimous consent for the consideration of a bill.

Mr. HALE. I can not consent to anything being interposed.

Mr. CALL. If the Senator will allow me, it is a bill of only five lines, and immediate action is very important.

Mr. HALE. There are twenty Senators in the same situation; and the Senator from Illinois has notified me that if I shall give way to anything whatever he will move to take up the antiscalping bill.

Mr. CALL. I will withdraw the request.

The VICE-PRESIDENT. The Senator from New Hampshire moves to proceed to the consideration of the international monetary conference bill.

Mr. HALE. I hope the Senator from New Hampshire will not do that.

Mr. CHANDLER. No; I think it is better for me to withdraw the motion. I do not see why the Senator from Rhode Island should have objected when no one else did.

Mr. ALDRICH. I did not object at all to the consideration of the bill. I objected to fixing at present a time for debate upon it.

Mr. CHANDLER. The Senator from Rhode Island objected unless there was a limitation, and the Senator from Maryland objected to a limitation, and the thing is gone. I give notice that at the earliest possible moment I shall move to take up that bill.

Mr. HILL. I simply rise for the purpose of giving notice that about 3 o'clock I shall move that the Senate proceed to the consideration of executive business.

NATIONAL MILITARY PARKS.

Mr. HAWLEY. I rise to present a privileged report.

Mr. HALE. A conference report?

Mr. HAWLEY. A conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7380) to prevent trespassing upon and providing for the protection of national military parks, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree thereto with an amendment, as follows: In lieu of the matter stricken out insert the following:

"SEC. 4. That any person to whom land lying within any national parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States according to the statutes or code of practice of the State in which the park may be situated.

"SEC. 5. This act shall apply only to the military parks of the United States."

JOSEPH R. HAWLEY,
GEORGE L. SHOUP,
E. C. WALTHALL,
Conferees on the part of the Senate.
J. A. T. HULL,
D. G. TYLER,
Conferees on the part of the House.

Mr. HAWLEY. I ask that the report be adopted.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I ask the Presiding Officer to lay before the Senate the action of the House of Representatives on the Post-Office appropriation bill.

The PRESIDING OFFICER (Mr. Bacon in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. Allison, Mr. Pettigrew, and Mr. Blackburn were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I also ask the Chair to lay before the Senate the action of the House of Representatives on the sundry civil appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. Allison, Mr. Hale, and Mr. Gorman were appointed.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be acted upon as they are reached.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 6, after the word "fifty," to strike out "apprentices" and insert "boys;" so as to make the clause read:

For the pay of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers; receiving ships and other vessels; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of 11,000 petty officers, seamen, landsmen, and boys, including men in the engineers' force and for the Coast Survey Service and Fish Commission, and of 750 boys under training at training stations and on board training ships, at the pay prescribed by law, $8,235,385.

The next amendment was, under the head of "Bureau of Ordnance," on page 6, after line 12, to insert:

The Secretary of the Navy is hereby authorized and required to pay to the patentee the $25,000 appropriated in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 58171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee."

The amendment was agreed to.

The next amendment was, on page 12, line 14, to increase the appropriation "for contingent expenses, Bureau of Equipment," from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

Flags of maritime nations: The Secretary of the Navy is authorized to contract at once with a lithographic or color printing establishment having ample facilities for the suitable and satisfactory execution thereof for the printing of a new edition, to consist of 5,000 copies, of the book of "Flags of Maritime Nations," of which number 1,000 copies shall be for use of the Navy Department and 300 copies for use of the Revenue-Cutter Service; and the remaining copies shall be delivered to the Superintendent of Public Documents for distribution to the Senate and House of Representatives, 1,200 copies to the Senate and 2,500 copies to the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 20, line 23, after the word "cents," to insert "machinery to be placed in machine shop just completed, $50,000;" and on page 21, line 1, before the word "thousand," to strike out "eleven" and insert "sixty-one;" so as to make the clause read:

Naval station, Port Royal, S. C.: For grading and drainage, $7,579.25; railway track scales, $500; storage cistern, $3,757.88; machinery to be placed in machine shop just completed, $50,000; in all, $61,837.13.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the word "dollars," to insert "dredging a channel in Mare Island Strait to enable all classes of naval vessels to reach the navy-yard, $250,000;" and in line 17, before the word "thousand," to strike out "sixty-six," and insert "three hundred and sixteen;" so as to make the clause read:

Navy-yard, Mare Island, California: For extension of quay wall, $30,000; grading and paving about the stone dry dock, $10,000; dredging, $20,000; dredging a channel in Mare Island Strait to enable all classes of naval vessels to reach the navy-yard, $250,000; completing coppersmith's shop, steam engineering, $3,000; storage shed north of building No. 55, $3,785; in all, $316,785.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to insert:

Naval hospital, Chelsea, Mass.: To enable the Secretary of the Navy to cause the removal of the brick wall in front of the United States naval hospital, on Broadway, in the city of Chelsea, Mass., and to substitute in place thereof an iron fence, $8,000, and $1,000 of this amount, or so much thereof as may be necessary, shall be used to repair the sea wall on the water front of said naval hospital.

The amendment was agreed to.

The next amendment was, on page 23, after line 5, to insert:

Naval hospital, naval station, Port Royal, S. C.: For hospital at the naval station at Port Royal, S. C., $4,000.

The amendment was agreed to.

The next amendment was, on page 29, line 15, after the word "use," to strike out:

Provided further, That the Secretary of the Treasury is hereby authorized and directed to cause the naval supply fund to be hereafter credited with the net proceeds from sales of condemned naval supplies and materials other than condemned ordnance material, clothing, and small stores.

The amendment was agreed to.

Mr. ALLISON. For the convenience of Senators at this hour, I ask unanimous consent that the Senate, at 6 o'clock this evening, take a recess until 8 o'clock.

Mr. ALDRICH. I ask the Senator from Iowa to postpone that request until we ascertain what progress has been made upon the pending bill. That request may undoubtedly just as well be made two or three hours from this time as now.

Mr. ALLISON. Undoubtedly, and if it is the desire of the Senator that I shall postpone the request until that time, I shall do so; but it seems to me it is better to have the question settled now.

Mr. ALDRICH. In two or three hours from now we shall know what progress has been made with the pending appropriation bill.

Mr. ALLISON. But we know now that we shall be obliged either to sit continuously until a late hour to-night or take a recess.

Mr. ALDRICH. If the pending bill passes, I see no reason why the Senate should be kept here continuously, as we have been kept for the last three or four days.

Mr. HALE. We have two other appropriation bills to pass after the one now pending shall have been passed.

Mr. ALDRICH. True, we have two other appropriation bills to pass, but we have two days in which to pass them, and we have just passed one in an hour and a half.

Mr. HALE. But it is necessary that we shall have conferences with the House of Representatives on the amendments.

Mr. ALDRICH. The Senators on the conference committees will have time for the conferences. They certainly can not be in charge of bills in the Senate Chamber and attending conference committees at the same time.

Mr. HALE. No; but the reason we are anxious to pass the remaining appropriation bills at the earliest moment is in order that we may be enabled to go into conference.

Mr. ALDRICH. The Senate can pass the appropriation bills with great rapidity, I should say, from what we have witnessed.

Mr. ALLISON. It is true that the bills are read with reasonable rapidity, but we never know how much debate may arise on a bill before it is concluded.

Mr. ALDRICH. I suggest to the Senator that he postpone his request for a recess for two hours.

Mr. GORMAN. I suggest that if we make the arrangement for a recess now, we can adjourn later on if we find that we can properly do so.

Mr. ALLISON. Certainly.

Mr. ALDRICH. I have no objection, if it is understood that agreeing to take a recess now will not preclude the Senate from adjourning at any time.

Mr. GORMAN. Certainly not. It is in the power of the Senate to adjourn at any time it wishes.

Mr. ALLISON. I understand that the Senator from Rhode Island [Mr. Aldrich] waives his objection, and I ask unanimous consent that the request I have made be granted.

The PRESIDING OFFICER (Mr. Bacon in the chair). The Senator from Iowa ask that unanimous consent be given that the Senate at 6 o'clock will take a recess until 8 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Regular order, Mr. President.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the naval appropriation bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the Naval Academy, on page 36, line 22, after the word "English," to strike out "(after thirty years' service);" so as to read:

For 1 professor of mathematics, 1 of chemistry, 1 of physics, and 1 of English, at $2,500, etc.

The amendment was agreed to.

The next amendment was, in the same clause, on page 38, in line 7, after the word "dollars," to strike out:

Provided, That the proper pay officer of the Navy be, and is hereby, authorized to pay the professors at the Naval Academy, whose compensation was affected by the act making appropriations for the naval service for the fiscal year ending June 30, 1896, approved March 2, 1895, at the rate of compensation fixed by that act from July 1, 1896.

The next amendment was, on page 40, line 16, after the word "Academy" to insert "to be expended in his discretion;" so as to read:

For contingencies for the Superintendent of the Academy, to be expended in his discretion, $1,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract not more than three torpedo boats, to have a speed of not less than 30 knots, to cost in all not exceeding $800,000. And not more than two of said torpedo boats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest best responsible bidder. And in the construction of said torpedo boats all the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built except as to premiums, which are not to be offered, the notice of proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture.

The amendment was agreed to.

The next amendment was, on page 49, line 11, after the word "authorized," to insert "and authorized under this act;" and in line 12, before the word "hundred," to strike out "five million nine" and insert "six million four;" so as to read:

Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, and authorized under this act, $6,425,259.

The amendment was agreed to.

The next amendment was, on page 49, line 13, after the word "dollars," to strike out:

Provided, That section 2 of the act entitled "An act to increase the naval establishment," approved August 3, 1886, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That in the construction of all naval vessels the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy."

Mr. HAWLEY. I wish some one would tell us why the committee reports to strike out section 2 of the act of 1886. It seems to me a very sensible provision. I am told, however, that even if it be stricken out it will still be required under other permanent laws that all the steel shall be of domestic manufacture. I can not see why these lines should have the black lines drawn through them.

Mr. HALE. The question of domestic manufacture does not come up by the striking out of section 2, because that is a law at present, whether or not this be stricken out.

This provision as to section 2 was put in by the House, and it takes the place of the old provision which required that vessels should be constructed of steel of domestic manufacture having a tensile strength of not less than 60,000 pounds per square inch and an elongation in 8 inches of not less than 25 per cent. That is an ironclad provision, fixing certain limits of tensile strength and elongation.

The work that has been done in the Navy since th[illegible] was passed has convinced the head of the Department th[illegible] provision should be stricken out limiting it to 60,000 po[illegible] square inch and an elongation in 8 inches of 25 [illegible] has put in the words "and of the quality and ch[illegible] adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy." So the object sought to be gained by amending section 2 is to leave the strength and elongation to the Secretary under his own tests and not limit him to a 25 per cent elongation in 8 inches and to 60,000 pounds tensile strength per square inch.

The Committee on Appropriations, or a majority of the committee, thought it was better not to interfere with that, and to strike out this, which leaves the old law. But it leaves the provision for domestic manufacture just the same as it is and always has been. That portion of it is not involved.

Mr. HAWLEY. Do I understand, then, that the Secretary prefers—I do not know whether or not the Navy Department asks for this—not to be limited to the tensile strength spoken of in the law?

Mr. HALE. The Secretary has written a letter to that effect.

Mr. HAWLEY. He would rather go below it?

Mr. HALE. Yes; in some cases below and in some above it.

Mr. HAWLEY. I have no objection to leaving it to the discretion of the Department, because they have had so much experience that they ought to know precisely what they want by this time. We could hardly suppose that the Secretary of the Navy would build an inferior ship. I see no objection to the House provision.

Mr. HALE. In the debate in the House it was stated that the

Secretary of the Navy, in a letter which I hardly think it necessary for me to read, has recommended that in order to avoid those difficulties that section should be amended in this form:

> That in the construction of all naval vessels the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

Mr. HAWLEY. If the Secretary of the Navy wants it to stand as the House put it, I will vote against the amendment.

Mr. GORMAN. Has the Senator from Maine—I have not—seen any letter from the Secretary of the Navy requesting this, or is there only a statement made in the coordinate branch by the member in charge of the bill that such a letter is in existence? It has not come to my knowledge at all events, and I ask the Senator from Maine whether he has read such a letter?

Mr. HALE. No; I only read what was said by the chairman of the committee in the House. Of course, I can send for the letter, if it is desired. I have not myself seen the letter. I have no doubt that the Secretary stated in the letter just exactly what is given here.

Mr. GORMAN. That is very probable, but it is so radically changed, and it leaves such discretion with the officers of the Department, that it seems to me on first sight, and to some who are very much interested in this matter, that possibly there might grow up all sorts of conditions; that contracts would be changed after they were made.

I do not know whether or not there is anything in this suggestion. I do know, however, that in 1886 the Department itself, as well as the manufacturers of steel for the vessels, wanted to fix the minimum, not the maximum. It has been changed very radically from 1886 until now.

Mr. HALE. That is the reason which actuated the Senate committee, and I do not think any harm will come if the provision is stricken out and the law is left as it stands now.

Mr. GORMAN. That is what I desire to say to the Senator from Connecticut [Mr. HAWLEY], that it ought to be stricken out here at all events, so that the matter may go into conference; and if the gentlemen at the other end of the Capitol have information which has not been given officially to the Senate, it can be produced and considered. No such recommendation is contained in the report of the Navy Department, or that of the Chief of Ordnance. It is an entirely new provision, and it repeals a wholesome provision that was inserted in the law of 1883 so as to prevent any very great favoritism, if such was ever attempted.

Mr. HALE. It has been observed ever since.

Mr. GORMAN. It was a precaution, and, so far as I know, it has operated well. The only complaint stated is the one which the Senator from Maine read, although I could not hear all he read, that some plate were delivered at the Norfolk yard, or at the Newport News yard, which exceeded this strength, and when they came to bend them they were a little too brittle. That was the fault of the manufacturers, and very little of that has occurred.

Now, I think it is unwise that we should make any very radical change in the conditions under which the new Navy has been constructed since 1884. They have operated well. There is no complaint, so far as I know, and with full power already granted to the Secretary of the Navy we have built some magnificent ships, and the manufacturers say the conditions which are imposed upon them in the manufacture of armor plate to-day are very much greater than they were in 1886, when that law was passed. That only fixed the minimum. So I think it is unwise, in view of what is coming on, when we are to have a new Administration, that there should be any radical changes whatever in the conditions as we have applied them, and which have operated so well to build up the Navy. Let the new Secretary, as he comes in, have the same power that his predecessors have had, who have made such great reputations. Let him have the same power except as to the matter of the cost of armor, which is one that the Committee on Naval Affairs have been looking into. I trust for one that we shall not make these changes, particularly in the absence of a specific recommendation of the Department and a hearing upon the subject. It is too important.

Mr. HALE. I only wish to interrupt the Senator from Maryland to say that there is great force in what he has said, and I think the wisest thing is to strike it out until we get further information.

Mr. GORMAN. I trust it will be done.

Mr. HAWLEY. I would rather myself have an unnecessarily high test of tensile strength than to run the risk of getting inferior steel; but I do not make any further objection.

Mr. CHANDLER. I understand, then, that the result of the debate which has taken place is that the amendment proposed by the committee to strike out the proviso beginning in line 13, on page 49, is to be agreed to.

If that is done, the result will be that when the bill goes into conference, if the House committee have any reasons for modifying the characteristics which the steel must have, they can present those reasons to the committee of conference.

Mr. HALE. It is all left open.

Mr. CHANDLER. I certainly should be unwilling to have the provision that the steel shall be of domestic manufacture changed, and it will require very strong evidence to convince me (I agree with the Senator from Maryland) that we ought to reduce the qualities of the steel to be used. Does the Senator from Maine know whether it is proposed to allow a worse steel than that which is now used, or to insist upon a better steel?

Mr. HALE. No; I do not think that is the purpose of the Secretary. I think the object is to get a more adaptable steel in the form of structures that are now used. I have no doubt that the object is a good one. But the old law has worked well; great ships have been constructed under it, and, as the Senator from Maryland says, great reputations have been made under it, and I think we had better proceed slowly. Therefore, I think it is better that we should strike out the clause and leave the law as it is.

Mr. CHANDLER. There may be reasons why the characteristics strictly described in the existing law should be changed. If so, the House committee will be able to satisfy the Senate committee on that point.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 5, after the word "ninety-four," to insert "and the torpedo boats authorized under this act;" and in line 10, after the word "dollars," to insert "to be immediately available;" so as to read:

> Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1886; of those authorized by the act of July 19, 1892; of the vessels authorized by the act of March 3, 1893; of the three torpedo boats, act of July 26, 1894, and the torpedo boats authorized under this act; of the vessels authorized under the act of March 2, 1895; of the vessels authorized by the act of June 10, 1896, $7,230,794, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 50, line 16, after the word "tests," to insert "and no contract for armor plate shall be made at a rate to exceed $400 per ton;" so as to read:

> *Provided*, That the total cost of the armor, according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,210,000, exclusive of the cost of transportation, ballistic test plates, and tests, and no contract for armor plate shall be made at a rate to exceed $400 per ton.

Mr. CHANDLER. I suggest to the Senator from Maine to allow this amendment to be passed over until the whole clause with reference to the increase in the Navy is disposed of.

Mr. HALE. I have no objection to that course. The amendment can be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 20, before the word "That," to strike out "*And provided further*. That no portion of this armor shall be purchased until it has all been contracted for."

Mr. CHANDLER. I ask that this amendment may be passed over also.

The PRESIDING OFFICER. It will be passed over.

The reading of the bill was resumed, as follows:

> *And provided further*, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

Mr. GORMAN. I will move to strike out what has just been read, but I understand the Senator from Maine wants to proceed with his other amendments, and I merely give the notice now.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 51, to insert:

> In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed, he shall be, and hereby is, authorized to lease, purchase, or establish a Government armor factory of sufficient capacity to make such armor and to proceed to manufacture the armor necessary for said three battle ships. In executing this authority he shall prepare a description and plans and specifications of the land, buildings, and machinery suitable for the factory; and shall advertise for proposals to furnish such land, buildings, and machinery as a whole plant, or separately, for the land or buildings or the whole or any part of said machinery; and he shall make a contract or contracts for such land, buildings and machinery with the lowest and best responsible bidders. The Secretary shall also appoint an armor factory board, to consist of competent naval officers of suitable rank, to advise and assist him in executing the authority hereby conferred. For the establishment of said armor factory the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated, and in addition the sum of $1,000,000 is appropriated, to be used in making the armor of said three battle ships at said factory.

Mr. GORMAN. Let this amendment be passed over also.

Mr. HALE. Let it go over.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 52, line 1, after the word "dollars," to insert "of which sum $30,000 to be immediately available;" so as to make the clause read:

> Equipment: Toward the completion of the equipment outfit of the new vessels heretofore authorized by Congress, $162,623, of which sum $30,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

> Training vessel for Naval Academy: For one composite vessel, propelled by steam and sail, to be used for the training of cadets at the Naval Academy, including outfit, $250,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to strike out:

> Total increase of the Navy, $13,308,783.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to strike out:

> Total for naval establishment, $32,165,234.19.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Now, we will go back, if the Senate please, to the controverted points, which are on page 50, and are found in the proviso beginning in line 11. If the Secretary will read that clause, it will bring before the Senate exactly what is the subject of controversy.

Mr. CHANDLER. Before that is done, I wish to ask the Senator whether the amendment on page 48 for three torpedo boats has been adopted.

Mr. HALE. It has been agreed to.

Mr. CHANDLER. I desire now or later to move either to diminish the number or to increase the cost of those boats. I do not think that three boats such as we want to build can be built for $800,000.

Mr. HALE. Perhaps the Senator has not noticed the language there, which meets his idea exactly, for it says not more than three torpedo boats, so that the Department, if it chooses, can build two of the larger and swifter kind.

Mr. CHANDLER. I will examine it, and if I desire to move an amendment I will do so in the Senate.

Mr. HALE. That can be done. Let the Secretary state the amendment on page 50, line 16.

The SECRETARY. The Committee on Appropriations reports an amendment, after the word "tests," in line 16, page 50, to insert:

> And no contract for armor plate shall be made at a rate to exceed $400 per ton.

Mr. HALE. The action of the House is the result of a very thorough investigation into the whole subject of the purchase and price of armor plate for naval ships that was made by the Senate Committee on Naval Affairs. Without going into the details of that investigation, I may say that the general results were that the prices paid for armor were much too great; that the cost and the condition of the establishments producing the armor were so established that it was believed $400 was an ample price for armor to be purchased in the future, and so the Committee on Naval Affairs reported, after a thorough investigation by the committee and by the Secretary of the Navy. The researches and investigation made by the Secretary of the Navy were most complete and furnish as good a piece of work as any departmental officer has done in years, in my judgment.

The House committee and the House itself sanctioned this investigation and its results by figuring up how much armor plate would be wanted for the three vessels already authorized and fixing an aggregate amount at the rate of $400 per ton, but not in terms declaring that that should be the limit. The Senate committee voted to add the additional words, "and no contract for armor plate shall be made at a rate to exceed $400 per ton," so that the text of the bill when it becomes a law will carry with itself the limitation. I do not suppose that was actually needed as a guide to any Secretary who may administer the Department in the years to come, and who will make the contracts and buy armor, but it was thought better to put it in in terms. That is the reason, in short, why the proviso and the amendment to it are found in the bill. This is all I wish to say at present on the subject.

Mr. CHANDLER. I move to strike out the words "two hundred and ten thousand dollars" in line 15: to strike out the word "a" before the word "rate," in line 17, and insert "an average," and to strike out the word "four" before "hundred," at the end of line 17, and insert "three;" so that the general provision will be that the cost of armor plate for the three battle ships shall not exceed $3,000,000, and the provision reported by the Senate committee shall read "and no contract for armor plate shall be made at an average rate to exceed $300 per ton."

The Senator from Maine has briefly alluded to the investigations upon this subject. The Committee on Naval Affairs began its investigation under a resolution agreed to December 31, 1895. The course pursued by the Senate committee is stated in the report of that committee at the present session (Report No. 1453), and first recounts what the committee had done up to the passage of the appropriation act of June 10, 1896.

Mr. JONES of Arkansas. Will the Senator, before he begins his argument, allow me to interrupt him a moment, that I may ask him a question for information? I could not understand distinctly the amendment proposed by the Senator, but I thought he proposed to limit the cost of armor plate to $300 a ton.

Mr. CHANDLER. The Senator was correct.

Mr. JONES of Arkansas. The committee proposes, I believe, $400 a ton. Is that correct?

Mr. CHANDLER. The Senator is right.

Mr. JONES of Arkansas. I have not been able to examine this question as I should like to do, and I would be glad to have information upon one or two points. There has been a newspaper statement, if I read it correctly, to the effect that the Secretary of the Navy in his examination of the cost of armor plate placed it at $160 or $170 a ton, and that it had been furnished to some foreign government by the parties who have been supplying the Government of the United States at a rate of $250 a ton, or in that neighborhood, and also, that there is some proposition from an Illinois company to supply the Government with what armor plate it needs now at $350 a ton. I should be glad to have the Senator state to the Senate what the facts are. I am not familiar with them.

Mr. CHANDLER. I will not reply in one sentence to all the inquiries made by the Senator from Arkansas, but will state that the conclusion of the Secretary of the Navy as to the question of armor was that $400 per ton would be a fair price. The House committee and the Senate committee have adopted $400 as the price. The Senate committee have merely made the limitation as to price more specific than it was made by the gross amount of the cost of the armor of the three ships as fixed by the House committee.

I said that the report to which I alluded, submitted February 11, 1897, by the Committee on Naval Affairs, stated the course of the investigation made by the Senate Committee on Naval Affairs prior to the passage of the act of June 10, 1896. It will be remembered by Senators that the result of the debate a year ago was that no authority was given to the Secretary of the Navy to make the contract for armor for the three battle ships in that bill, but he was directed to make a further investigation and report to this session of Congress what would be a fair price for armor. The Secretary's report has been submitted to Congress, in which he reaches the conclusion that $400 a ton would be a fair price for armor. That report was sent in on the 5th day of January, 1897. It is House Document No. 151, Fifty-fourth Congress, second session; part 2 of the same document, January 25, 1897.

Mr. GORMAN. Will not the Senator oblige us by coming a little nearer to the center of the aisle, so that he may be heard on this side?

The PRESIDING OFFICER. Conversation will be suspended in the Chamber.

Mr. CHANDLER. I should be glad to talk in the center [illegible] aisle if this question only interested the Senator from Maryland and the few Senators in the Chamber who are giving attention to the subject, but I think it ought to engage the attention [illegible] all the Senators who remain in the Chamber.

Mr. GORMAN. I think so myself.

Mr. CHANDLER. Those Senators, at least, who understand the amendment which I am proposing should certainly listen to the arguments of the Senators who will oppose that amendment.

This report of Secretary Herbert is a very able document. The Secretary not only made inquiry here, but he made inquiry abroad; and I gladly join in the commendation of the zeal and diligence and ability and courage of the Secretary of the Navy which found embodiment in his report where he says that $400 will be a fair price for the contract for the armor for the three battle ships, which is a reduction of about $180 per ton below the price paid by the Secretary within a year for the armor for the *Kentucky* and the *Kearsarge*.

The whole case is before Senators in the report of the Committee on Naval Affairs and the report of Secretary Herbert. The committee simply say that a fair price for armor will be between $300 and $400 per ton, and they submit to the Senate and to the House of Representatives the responsibility of determining what price shall be paid. I will read the conclusion of the committee:

> The committee therefore conclude to report that a fair average price of armor will be between $300 and $400 per ton, and, without fixing the exact amount, to leave the question to be further considered by the committees and to be determined as may appear to be just when the naval appropriation bill is under discussion in the two Houses of Congress.

On page 19 of the report of the committee to which I am alluding is stated the Secretary's method of arriving at the sum of $400, and I will read:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196.00
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50.00
Making	246.00
Or in round numbers	250.00
He then adds for profit 50 per cent, or	125.00
Making	375.00
And then adds for nickel to be furnished hereafter by the contractors	20.00
Making	395.00
Or in round numbers	400.00

Upon page 20 of the report is an estimate making the price of armor $300, and that price was reached in a table which was prepared by me and for which I am alone responsible, except that the committee state that it was under discussion in the committee room while the report was being prepared. That statement was made up by considering the points stated in the report, which I will now read, beginning at the bottom of page 19:

> Certainly an allowance of $150,000 per year for maintaining an armor-making plant seems excessive; and in addition to the total cost of manufacture, which includes the materials in the ingot, the materials consumed in manufacture, the labor, the keeping of the plant ready for use, the shop expenses, the office expenses and contingencies, and the expenses of administration, superintendence, and engineering (see Secretary Herbert's report, page 25), to give an allowance of 50 per cent profit is too liberal.
>
> After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Here is the table prepared by me, of which I have spoken, and which is printed in the report:

Cost of labor and material per ton	$168.00
Add for reforging	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one-third per cent profit	70.00
	280.00
Add for nickel	20.00
Making the price for armor	300.00

Now, Mr. President, intending not to delay the Senate long in the discussion of this question, I declare my belief that the sum of $300 per ton is nearer a fair price—a just price as between the contractors and the Government for making armor—than $400 would be, assuming that the Government is prepared to contract for a sufficient number of tons of armor to make it an object for the contractors to keep their works in motion.

Mr. FRYE. The Committee on Appropriations fixes the price at $400?

Mr. CHANDLER. The Appropriations Committee, in the bill as they report it, take the Secretary's sum of $400. The Naval Committee, in its report, said a fair price would be somewhere between $300 and $400, leaving it to the Senate and the House to determine whether a limitation should be fixed by legislation.

Mr. GORMAN. But—I will ask the Senator for information—is it not a fact that the Naval Committee, as well as the Secretary, recommended $400 as the limit? It was my understanding that the Naval Committee, after final action, agreed to $400 a ton.

Mr. JONES of Arkansas. Mr. President, I rise to a question of order. I think there should be quiet in the Senate so that Senators may know what is going on.

The PRESIDING OFFICER. Senators will refrain from conversation in the Chamber.

Mr. QUAY. If the Senator from New Hampshire will permit me, in reply to the inquiry of the Senator from Maine [Mr. FRYE] as to what the Committee on Appropriations fixed as the price of armor, the facts attending the appropriation are that the Naval Committee having recommended or suggested $400 as a proper price for armor, the Naval Committee of the House, without inserting any provision fixing the price of armor in the bill, based the gross appropriation upon that valuation, and the bill was sent here in that shape. The Committee on Naval Affairs sent to the Committee on Appropriations an amendment which substantially provides that $400 shall be the limit of the price of armor.

Mr. FRYE. If the Senator will allow me, either Senator, I was not in when the pending bill was read, and I wish to inquire whether there is any provision, in case a limit is fixed, by which the armor can be procured, providing contracts can not be made?

Mr. CHANDLER. On page 51 there is an amendment authorizing the establishment of a Government armor factory in case the Secretary of the Navy shall find it impossible to make contracts.

The Senator from Maryland [Mr. GORMAN] and the Senator from Pennsylvania [Mr. QUAY] are mistaken, or I am mistaken, as to the action of the Naval Committee. The Naval Committee made its report, in which they said that a fair price would be between three and four hundred dollars. There it is, written in the report. The Naval Committee did not send to the Committee on Appropriations, to my knowledge, the provision that a contract might be made for armor at not exceeding $400 a ton.

Mr. QUAY. My understanding was that it was recommended by the Senator from New Hampshire from the Committee on Naval Affairs, and referred to the Committee on Appropriations.

Mr. CHANDLER. I do a great many things without knowing it, and I am not making any issue with the Senator from Pennsylvania as to the proposition which he and the Senator from Maryland have made that the Naval Committee sent this four-hundred-dollar amendment to the Committee on Appropriations. I will only ask him to produce evidence of that.

Mr. QUAY. That was my understanding.

Mr. CHANDLER. I think the Senator is mistaken, but I am cautious about matters as to which one's memory can not be certain. I do not have any recollection of any agreement of $400. I am quite certain that the Senator from Georgia [Mr. BACON] now in the chair, a member of the committee, who has given this subject close attention, never has agreed absolutely to the sum of $400, but did agree to the conclusion that a fair price would be between three and four hundred dollars, and that the question of price should be determined by the Senate and the House of Representatives during the passage of the naval bill. So I understand that the $400 proposition is before the Senate solely as the conclusion of the Appropriations Committee, of which the Senator from Maryland and the Senator from Pennsylvania are distinguished and active members.

Mr. QUAY. It seems to me, unless I am in error, that this amendment was drafted by the Senator from New Hampshire.

Mr. CHANDLER. The Senator is getting confused.

Mr. QUAY. Well, I may be.

Mr. CHANDLER. The Senator from New Hampshire was requested to draw the provision upon page 51 for an armor-plate factory to be established by the Government in case the sum fixed as the maximum price of armor should not be accepted by the armor contractors; but the Senator from New Hampshire—and here he is upon positive grounds—did not draft the provision of this contract which reads:

> And no contract for armor plate shall be made at a rate to exceed $400 per ton.

If he had drafted an amendment of that kind, he certainly would have inserted $300 per ton if the amendment had been drawn to meet his own views.

Mr. President, the sum and substance of this whole business is that, in my judgment, if you will give a contract large enough to these armor manufacturers, $300 a ton is enough. About that question the whole controversy, as it seems, should go forward. I admit that $300 a ton would be a small price, although a fair price, for the armor of these three ships. The sum of $400 per ton might be a fair price if a much less quantity of armor than that required for the three battle ships were to be contracted for.

The question of how much armor the Government will want during the next half dozen years is entirely for the determination of Congress, and not at all for the determination of the contractors. I think that those contractors could make a fair and reasonable profit on the armor for those three ships at $300 a ton. The reasons for it are stated in this estimate. The Secretary took the cost of labor and material as $196. That was the average of a half dozen estimates. I put the cost of labor and material at $168, that being the sum fixed by the Secretary's experts, three naval officers, capable, intelligent, upright men, who inquired into every fact necessary to enable them to make a reasonable estimate, and came to the conclusion that $168 was a fair price. So I take that, and I add for reforging what they say will be a fair price, $12, and make the sum of $180. The Secretary adds for the cost of labor and material $50 a ton, which, if there were 3,000 tons a year made at either of the works, would make $150,000 for the maintenance of a plant, which the Secretary has demonstrated in his report has already been paid for by the profits which have been given to those contractors for existing contracts up to this date. I came to the conclusion that $90,000 would be a large annual sum to give to these contractors for the maintenance of a plant which had already been paid for by the United States, and especially when in the estimate made for cost of labor and material there is included the cost of keeping the plant ready for use. The Secretary's experts included that in the sum of $168.

Mr. President, there is only one other difference between myself and the Secretary of the Navy in making this estimate. The Secretary, after he has ascertained the cost of labor and material

at $196 a ton, has added $50 a ton for the maintenance of the plant already paid for by the United States by the profits paid to the contractors, thus getting $246, which he calls, in round numbers, $250, and adds 50 per cent profit to that amount. I submit to the Senate that under those conditions 33⅓ per cent profit is sufficient.

It will be noticed that the cost of production, to which the Secretary of the Navy proceeds to add 50 per cent profit, is about the sum—$10 more, in fact—for which the Bethlehem Company made a contract to furnish armor to the Russian Government, and I call the attention of the Senator from Arkansas, who asked me this question, to this fact. Secretary Herbert takes $250 as the cost of the production of armor, including maintenance of plant, and allows 50 per cent profit at $250 per ton, or $10 more than the Bethlehem Company's contract with the Russian Government. The Bethlehem Company furnished about $600,000 worth of armor to the Russian Government at about $240 per ton. To be sure, they contend, and I think correctly, that they made no profit on that contract with the Russian Government. It is not likely, however, that they made a loss upon that contract. And here we have the conclusion reached by the Secretary that the cost of producing this armor is $250 a ton, a little more than the amount of the contract made by the Bethlehem Company with the Russian Government.

Mr. President, I submit, in all fairness, that 33⅓ per cent, to be added to this price of $250 per ton, is a more reasonable and just addition for profit than that which the Secretary of the Navy has adopted in his very liberal estimate of $400 a ton.

Mr. JONES of Arkansas. I have sent for the report of the Secretary of the Navy since asking a question of the Senator, and was just looking it over at the time he was speaking. On page 39 of the report I find this statement by the Secretary of the Navy:

> It has been determined that the cost of the labor and material in a ton of double-forged nickel-steel harveyed armor, including allowances for losses in manufacture, is $197.78. This comprises every element of cost in its manufacture save and except only the maintenance of plant.

Did I understand the Senator to say that the Secretary of the Navy found that $250 was the cost?

Mr. CHANDLER. Two hundred and fifty dollars was the cost. The Secretary of the Navy makes $196 the cost of labor and material, including the keeping of the plant in order; then he adds $50 a ton for the maintenance of the plant, making $246; which he increases, to make round numbers, to $250, then adds 50 per cent more for profit to that, making $375; and then he adds $20 for nickel, making $395, and he again increases this amount, to get round numbers, to $400.

Mr. JONES of Arkansas. But the Secretary states, as I see on page 42 of his report, that $400 a ton would allow a profit of 50 per cent.

Mr. CHANDLER. That is what he is estimating, as the Senator will see by the table submitted by the Secretary of the Navy toward the close of the report and which is embodied in the report of the Senate committee.

Mr. President, this is the evidence up to the time of the offer of the Illinois Steel Company. I am not familiar with that offer. I do not know what are the terms of that offer, or whether or not it has been submitted to the Senate. When the Senator from Maine [Mr. HALE], who is momentarily absent from the Chamber, comes in I shall ask him what he knows about the proposition from the Illinois Steel Company. It is my impression, however, that they have written to the Secretary of the Navy that if a sufficiently large contract can be given to them they will undertake to make this armor for $200 a ton. What they would consider a sufficiently large contract I do not know, and whether, if their offer were accepted, they would not find the difficulties in the way of the cost of establishing the plant and the perplexities and obstructions in the way of making armor coming up to the requirements of the Government so great that they would retreat from their offer, I can not say.

But, Mr. President, I do know this, that the expense of manufacturing iron and steel products in the United States is less at this moment than it has ever been in any past time. Now that competition has arisen between the great iron and steel producers of the country, the price of steel rails has gone down to seventeen or eighteen dollars a ton; and the Illinois Steel Company, which is making steel rails at a presumed profit at that rate, comes forward and says to the Secretary of the Navy that it is willing to make a large quantity of armor for the United States at the sum of about $200 a ton.

Mr. QUAY. Mr. President——

Mr. JONES of Arkansas. Will the Senator from New Hampshire allow me a moment?

Mr. CHANDLER. I will yield to the Senator.

Mr. JONES of Arkansas. This report of Secretary Herbert has been very highly spoken of by the Senator in charge of this bill, as well as by the Senator from New Hampshire, and there are some very striking things in it, which I notice going along; for instance, on page 84 of the report, I see this statement, which I shall read and ask the Senator if he concurs in the suggestion which the Secretary makes. He says:

> These two calculations both show net results. Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, whatever may have been the interest on working capital, all those and other charges were paid from the gross earnings of the company; only net earnings have been considered, and the results show that the company's investments in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

I should like to ask the Senator from New Hampshire if he regards that as a reasonable estimate, that the enormous plant which has been erected by these two companies has been absolutely all paid for, and 22 per cent in addition, on the Government contracts which they have already had?

Mr. CHANDLER. That is the carefully prepared estimate of Secretary Herbert, which I am glad to see the Senator is studying. That report has been before the Naval Committee of the Senate and the Naval Committee of the House of Representatives and it has been before the country since the 5th day of January, and there has been no serious impairment of that report made by the representatives of these two companies; but, on the other hand, we have the offer of the Illinois Steel Company to furnish armor in large quantities to the United States at between $200 and $250 a ton.

The Senator from Pennsylvania [Mr. QUAY] desired to interrupt me. I yield to him with pleasure, and will ask him if he knows what is the offer of the Illinois Steel Company?

Mr. QUAY. I was about to say, Mr. President, in response to the Senator from New Hampshire, that I think there is no real offer from the Illinois Steel Company to deliver armor at any price at any time. There has been talk of it, and there have been some suggestions in relation to a competing bid by an officer of the Illinois Steel Company who has been haunting the Capitol, but there is nothing substantial in it nor behind it. The Illinois Steel Company are not equipped to manufacture armor, and they can not produce steel rails at $17 a ton and make a profit.

The fact is that there has been a pool in existence for some time between the manufacturers of steel rails, but it has very recently been dissolved, and the price of rails knocked down to a very low figure, so low that I think all the steel-rail companies of the country now contracting to deliver steel are contracting to do it at a loss. The offer of the Illinois Steel Company is simply an attempt by that corporation to annoy another concern engaged in the steel-rail business which is also making armor, and which antagonized the Illinois Company in the dissolution of the steel-rail pool. That is all there is of it. There is nothing serious in the proposition.

Mr. CHANDLER. Then I understand the Senator from Pennsylvania to conclude that the Illinois Steel Company's offer is not made bona fide, but with the object of annoying or embarrassing the Carnegie Company and the Bethlehem Company in their armor contracts.

Mr. QUAY. That is an exact description of their proposition, so far as it is a proposition.

Mr. CHANDLER. I do not know but what that is so; I do not know that it is so; but I do know that the Illinois Steel Company have written the Secretary of the Navy, stating that they desire to bid for the armor for these three battle ships, and they will undoubtedly bid for that armor, provided there is sufficient time to be given by the Department to enable them to establish a plant.

This idea, Mr. President, brings me to the last suggestion I wish to make to the Senate, after having stated my belief that $300 [illegible] ton is a fair price to pay for the armor for these three battle [illegible]

The question as to whether there shall be any competition, [illegible] the contracts for the armor for these three ships are awarded, outside of the Bethlehem and the Carnegie companies, which are in combination, and will not be in competition, [illegible] upon the time that will be given for the furnishing of [illegible].

I am informed as to the time which would be required for the establishment of a new armor plant, that nine months would be amply sufficient to prepare in connection with any existing steel works the hydraulic press and the machinery necessary for the fabrication of armor. The press would have to be brought from abroad, possibly some portions of the machinery, but the report of Secretary Herbert shows that between five hundred thousand and seven hundred thousand dollars will be the cost of an armor-producing plant. The Secretary adds to the cost of the press and the machinery the cost of building, of the harveyizing furnaces, and various other items, as the result of which addition he reaches the conclusion that $1,500,000 will be the cost of a new armor plant.

I am not informed how much time can be given to new bidders for this armor. I am satisfied that $1,500,000—less than $1,500,000; that $1,000,000 will enable the Illinois Steel Company or the Cambria Steel Works or any one of three or four other large manufacturers of iron and steel in this country to prepare for making armor, and if time enough can be given there will be competition before the Secretary of the Navy for the privilege of furnishing this armor, and that competition, I am entirely certain, will result in an offer, if there is sufficient time to furnish the 8,000 tons of armor which are needed, to make the armor at for not exceeding $300 a ton. Therefore I think the Senate will be justified in adopting the amendment which I propose.

Mr. QUAY. I ask the Senator in charge of the bill to yield to me to enable me to secure the passage of a bill upon the Calendar at the present time for the construction of a bridge over the Monongahela River. It will not occupy more than five minutes.

Mr. HALE. I can not yield to the Senator from Pennsylvania, while I should be very glad to do so, because I have at least a dozen such requests. If we will continue the consideration of the pending bill, we will very soon be through with it, and there will be opportunity after the passage of the appropriation bills for all these bridge bills and others of that kind. But under the circumstances, I am constrained to decline.

Mr. QUAY. It is useless to suppose, then, that the Senator from Maine would permit me to call up the labor-commission bill at this stage of the proceedings.

Mr. HALE. Considering that that measure would occupy the rest of the time of the session, it would be useless.

Mr. GORMAN. Mr. President, I dislike very much to take up a single moment of the time of the Senate in the discussion of any matter at this late hour in the session, almost at its close, but I feel that the propositions pending in this bill are so radical, are so far-reaching in their effect, that the Senate of the United States ought not to make the changes proposed, either in the bill as it came from the other House or by accepting some of the amendments proposed by the Senate Committee on Appropriations in regard to the increase of the Navy.

After the warm discussions, involving politics as they did, in regard to the Navy prior to 1884, we entered in that year upon the system for the construction of a new navy that has met with the approval of the American people. It was simply that the designs of the ships should be made by the Navy Department; that the material from the keel to the gun should be manufactured by private parties in this country; that the Government of the United States should not attempt the almost impossible task for it of delving in the mines and bringing out ore and fashioning it into the great blocks of steel that are necessary in the construction of these ships; that if we did there would not only be failure, but the cost in all probability would be five times as great as that which we have paid private enterprises for the same work; that in the construction of the ship itself we should have competition between the navy-yards and private builders; that not only in the interest of the Navy, but in the interest of commerce, for the purpose of creating a great marine fleet to be engaged in commercial affairs, we should have a number of shipyards capable of putting on the ocean vessels equal to any constructed on the Clyde.

From 1884 up to this hour the system has worked in perfect harmony and with the greatest success the world has ever seen. As to the cost, no man until within the past two years has questioned that it was as economical as good administration could make it. It was greater per ship or per ton than the English and the French and the German Governments were paying for the construction of their vessels, but the conditions in this country were such that that was absolutely necessary. The cost of our labor was greater and our skill was not equal to that of the other nations which I have mentioned. But we have reached a point now, because of this encouragement, where we have been able not only to construct our own vessels, as the Secretary of the Navy now admits, practically within the cost of English ships of the same class, but we have been able to put upon the ocean vessels which compare with any that float.

Mr. President, to disturb unnecessarily a plan of action which has produced results as great as those I have named is a serious matter for Congress. I agree that it is the duty of Congress and the Secretary of the Navy to seek to obtain the material which enters into the construction of vessels at the lowest possible cost, and, while I give the Secretary of the Navy great credit for all he has said and done and for his thorough investigation into the question, the results of which are contained in the report now before the Senate, it is at the same time due to the Senate to say that that executive officer, nor none under him, suggested this procedure. It originated with the Committee on Naval Affairs of this body, so far as I know, and it was their inquiry that compelled the Department to make this investigation and to report the result. That Secretary, in my judgment, has wisely suggested that, if a limitation is to be applied by Congress to the cost of armor, it ought not to be a greater reduction than a limitation to $400 for a ton of 2,240 pounds, and I call the attention of the Senator in charge of the bill to the fact that we have failed in the amendment to insert a provision for a ton of 2,240 pounds.

But, Mr. President, coupled with this recommendation is another, as to which I can never agree with the Secretary of the Navy. It is said that if we make this reduction we ought to repeal the provision of law which requires the material to be of American manufacture. To that suggestion I never can give my consent. It is true he believes it would result in economy in the purchase of this material, notwithstanding the fact that we pay but little more for our armor than is paid by the governments of Europe. It has been said that all the manufacturers in the world of this class of material are in combine. It may be, although I do not know that that is the fact; but I do know that there has been but slight reduction in the cost to the English and French and German Governments for this class of armor, and our officers go so far as to say that there is no such armor made for any other government on the face of the earth; that ours is more expensive, not only in the material which is used in making it, but in the shapes of the pieces required in the construction of our ships.

Mr. JONES of Arkansas. Will the Senator from Maryland allow me to interrupt him?

Mr. GORMAN. Certainly.

Mr. JONES of Arkansas. Was not the armor which was furnished to the Russian Government identical with the armor furnished to this Government, and was not that furnished at less than $250 a ton, when this Government was paying $563 for the same kind of armor?

Mr. GORMAN. As I understand it, the Russian Government gave a contract to the Bethlehem Company for armor at $250 a ton, but it was not the same armor. It would not have stood the test. It was not the armor that our Navy requires for our vessels.

Mr. CHANDLER. I should like to ask the Senator from Maryland where he finds that fact recorded anywhere—that the armor furnished to the Russian Government for $240 a ton was in any manner inferior to the armor furnished to the United States?

Mr. GORMAN. I do not find it recorded in any of these reports that are before me, but that, as I recall it, was the statement of the manufacturers of the armor plate at the time, a year or two ago.

Mr. CHANDLER. If the Senator will permit me, I will say that the reason the manufacturers gave for going abroad was that they desired to demonstrate the superiority of American armor to foreign armor.

Mr. GORMAN. That is true.

Mr. CHANDLER. Then did they send inferior armor over there?

Mr. GORMAN. No, sir; they did not, as I understand, send inferior armor to that being used on the other side. It was armor superior to that which had theretofore been furnished to the Russian Government by the English manufacturers, and it met the highest tests of the Russian Government, and yet it was not equal to the armor placed on our vessels. The nickel was not in it. The process by which we have hardened armor, which has amazed the world, was not employed in the manufacture of the armor sent abroad. But the manufacturers had another object in view, I understand, and I will be perfectly frank about it. In order to keep their hands employed they wished to send out of this country that armor which constituted a surplus above that required by the Government of the United States. Then it has been said, and I have no doubt it is true, that it was sent abroad, in addition to that, to show the manufacturers on the other side of the water that we could compete with them, and it probably forced a combine of the armor manufacturers of the world. Now, I have no doubt that as a business matter this entered into it, although I have no positive proof of it; but the result of fixing the price in all nations would seem to warrant that conclusion.

Mr. President, coming to the proposition before us, I am heartily in favor of reducing the cost of these vessels just so far as we can do it without interfering with their fair construction; but I am not prepared to take a step here which will commit the Government to entering into the scheme of buying a great factory, or one or more factories, for the purpose of manufacturing armor. I am not prepared to commit this Government to the plan of going into the mines, or going into the regions where iron ore is located and buying the iron ore, or to going into combination with railroads for its transportation, and to the assembling of the material that is necessary to create steel.

The Secretary of the Navy says that to get this complete we must do one of two things—to do that un-American thing of buying our armor abroad, and not only armor, but all the material that enters into the ships, to go outside of the United States and get foreign workmen to create for us that which we have created because we have spent millions of dollars liberally, or else enter into the scheme of buying a factory.

Mr. ELKINS. Will the Senator allow me to interrupt him for a question?

Mr. GORMAN. With pleasure.

Mr. ELKINS. Do I understand the Senator from Maryland to oppose the next amendment, providing for the purchase of an armor-plate factory by the Government?

Mr. GORMAN. Of course I oppose the proposition that the Government shall enter into these great schemes to enlarge its scope.

Mr. JONES of Arkansas. Will the Senator allow me to ask him a question?

Mr. GORMAN. With pleasure.

Mr. JONES of Arkansas. Does the Senator think the statement made by the Secretary of the Navy, which has been so highly commended on this floor, is correct when he says:

> Only net earnings have been considered, and the results show that the company's investments— -

Speaking of the Bethlehem Company, I believe—

> in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

It has been only a few years since this enterprise began. Yet the plant has been built, and from the few contracts which the company have had with the Government this statement is that they have absolutely been paid back the whole of the millions of dollars which were paid for the plant and have 22 per cent profit besides. That has been the result of one or two contracts with the Government. Does the Senator believe that statement is true, and if so, does not the Senator believe that the prices paid are entirely too high, and that there ought to be a reduction in the price of armor or that some other change should be made?

Mr. GORMAN. The Senator from Arkansas is mixing up quite a number of questions in one. I have no doubt that profit, and great profit, has been made by the Bethlehem Company, who have manufactured the armor. Whether the Secretary of the Navy has had sufficient data to enable him to come to a conclusion fairly, I do not know. The manufacturers deny his statement, and insist that it is incorrect. I do believe that the manufacturers can reduce the price, and properly reduce the prices, and that we ought to reduce the price for the armor; but I say to the Senator from Arkansas that if he and the Senate desire to enter upon a scheme of creating and owning for ourselves, to be run by naval officers of this Government, a great plant to manufacture the armor, it will cost us four times as much as we have paid the Bethlehem people.

Mr. JONES of Arkansas. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

Mr. JONES of Arkansas. I am in no sense in favor of that sort of a scheme so far as I understand it, but it does seem to me that the statement made here by the Secretary of the Navy, which has been highly commended by Senators upon the floor, shows that the Government has been paying a monstrous price for the armor, and that it ought to be stopped. In reply to the statement made by the Senator just now, let me call his attention to the language of the Secretary. He says:

> If in any respect I have been misled by these figures, the error into which I may have fallen could have been prevented by the Bethlehem Company. It was informed that I was considering them, and when asked for certain additional figures it furnished them, but in response to my invitation to make further explanations it declined. It preferred to stand upon the inferences naturally to be drawn from these figures rather than to make further disclosures.

When the Secretary was making this investigation and was trying to get the company to explain if these deductions of his were not correct, they shut up like a clam and had nothing to say.

Mr. GORMAN. I have never had much faith in deathbed repentances. For four years has this distinguished officer—and I do not desire to say an unkind word of him—been in control of the Department, with a corps of efficient men around him who were educated by the Government, who are trained to look into all the details of the cost of material and to make plans for fashioning it into vessels, and until the Senate of the United States called the attention of the Department to the cost of this work, no suggestion of a reduction was ever made. No Secretary, from Mr. Whitney down to the day of this investigation, begun through the efforts of the Senator from New Hampshire [Mr. CHANDLER], ever suggested that it was an excessive price which we have paid.

On the contrary, Mr. Whitney and Mr. Tracy, and Mr. Herbert himself have all held that when the Bethlehem people were induced to put three or four million dollars into an enterprise as to which no man could tell whether it would be a success or a failure, they undertook for this Government, at a time when we could not do it ourselves, a risk which entitled them to a fair compensation. When they entered into that contract, it was with the understanding, so far as it could be made—and this is within my knowledge, coming to me as a member of the Committee on Appropriations from the then Secretary of the Navy, Mr. Whitney—that the contract to that one company for their risk should be at prices which would exceed the amount then appropriated by law. Afterwards, during Mr. Tracy's administration, when they failed to furnish the armor as rapidly as the Government required it, another contract was made with Mr. Carnegie. After the process had become perfect, after the skill had been acquired for manufacturing, then they came in at the same price at which the Bethlehem Company undertook this great risk in 1886.

Mr. JONES of Arkansas. Will the Senator excuse me for one more interruption? I do not like to interfere with him, but I am very much interested in this matter. After the Government of the United States has made a contract with the Bethlehem Company by which they have built a steel plant costing, as they say, more than $4,000,000 (which can be built, according to the estimates of foreign governments, for a million and a half dollars now), and after the whole $4,000,000 has been paid back to them, and 22 per cent in addition has been paid to them, I ask the Senator if, in his opinion, it is fair that we shall make other contracts with that company by which, according to the Secretary's estimate, we will pay more than 50 per cent profit on what they are to do, and by reasonable deduction from what he states in this report we will pay more than 100 per cent? I ask him if, after we have paid them for the plant, and have paid them for all the risk, and have paid them 22 per cent on the investment, there is any justification now to pay 50 per cent or 100 per cent on the work they are to do for the Government?

Mr. GORMAN. The Senator from Arkansas and I do not understand each other evidently. I am in favor of fixing a fair price for armor, and I am in favor of a reduction; but I am unalterably opposed, while we attempt such reforms and such economies, that, under the guise of saving money to the Government, the country and I shall be committed to a scheme that will cost the Government not only 22 per cent, but 200 per cent more before we get through with it. It is the habit of reformers to bring forth a striking proposition, and under that cover to inject a scheme which is monstrous in itself.

Mr. CHANDLER. May I ask the Senator, then, what he would do if, after a fair price was fixed for the armor, these two combined manufacturers refused to make the armor for that price?

Mr. GORMAN. I would do precisely what I tried to get the Senate to do one year ago and two years ago. I said then that I thought it was wise, in view of all interests, to limit the number of ships that we were to build, and to hold the Secretary of the Navy responsible for securing armor and ships at a fair cost; and if he failed to get it, that he should report the facts to Congress and show that there was a combination in the land strong enough to defy the Government. I would suspend the building of the Navy rather than to have such extortions practiced.

Mr. CHANDLER. Then I understand the Senator to say that if the Secretary could not get the armor for battle ships at a reasonable price, he would stop the building of the Navy rather than establish a Government plant?

Mr. GORMAN. I do. It would not last one year if we dealt with those people fairly. We had the question presented at the last session of Congress from another Department of the Government—the War Department, where we are about to enter upon the expenditure of $100,000,000 for fortifications. They came, as the Navy Department had been coming, and said, "Do not place any limitation whatever upon the cost of the great tubes for the 8, 10, and 12 inch guns," for which they were paying 27¼ cents a pound. The Committee on Appropriations not being able to get any data from the War Department, as they have never been able until this recent report from the Navy Department, said, "That is too great a price; we will limit it to a more reasonable price;" and we made it, I think, 24 cents a pound—saving eighty or ninety dollars a ton. There was not a manufacturer in the United States who manufactured that class of material who did not agree that it was a fair price, and every contract was taken, notwithstanding the Ordnance Bureau and the War Department from its head down said that we were destroying that great work.

So I would do in this case. I would limit the price within a reasonable figure—to $400 a ton of 2,240 pounds. That is a great reduction; but I do not want to couple with it a scheme which will compel us later on to enter into the establi[illegible] a great work for the manufacture of armor.

If my friend from Arkansas had had as much experience as I have had with navy and army officers, he would know that there is an immense amount of human nature in these gentlemen. They have struggled for the last fifteen years to control every branch of this industry. They have insisted from the beginning that private enterprise and private skill, the skill of the American workmen and the capital of the men who have invested their millions in this manufactory, shall be eliminated and that the Treasury of the United States shall be used to build up not only this class of factories, but all that are required for fashioning the material.

Mr. BACON. I was called from the Chamber momentarily, and I am not sure that I understand the Senator's position. Do I understand the Senator to object to the limitation that is expressed in the pending bill as to the price, or simply to the further provision which looks to the establishment of a plant if that price can not be secured? To which does he object; or is it to both?

Mr. GORMAN. I am not antagonizing the proposition to limit the cost to $400 for a ton of 2,240 pounds, as recommended, and I believe the Committee on Naval Affairs, of which the Senator is a member, recommended that that particular provision should be made; at least we so understood it in the Committee on Appropriations.

Mr. GRAY. I should like to ask the Senator from Maryland in regard to what was said in answer to the Senator from New Hampshire just now, as to what the Government should do if this firm or these two firms should be defiant and unreasonable and refuse to enter into any contract with the Government at all at the price fixed. I should like to ask why it would not be an occasion to the United States to take off the prohibition that now prevents competition from being thrown open to the world, and why should we not be able in that way to control an unreasonable home production by home combination?

Mr. CHANDLER. Let me say to the Senator from Delaware that the Secretary reports that, in his belief, the foreign armor manufacturers and the American manufacturers are all in the combination, and therefore we can not possibly have competition. Now, I ask the Senator from Delaware what would he do in that case?

Mr. GRAY. That would break the combination pretty soon.

Mr. CHANDLER. What would you do in the meantime? Would you go without battle ships?

Mr. GRAY. It is an impossible case that the Senator is speaking of.

Mr. CHANDLER. Before the Senator from Maryland goes on, I think one point ought to be stated, if the Senator from Maine [Mr. HALE] will give me his attention. While he was absent from the Senate Chamber, it was stated by two Senators that they understood this proposition as to $400 a ton now upon the bill to have been moved and proposed by the Senate Committee on Naval Affairs. I ask the Senator to state how that is.

Mr. HALE. The House fixed the limit of the money upon a four-hundred-dollar basis. The direct statement, in terms, of a four-hundred-dollar limit was moved in the Committee on Appropriations; not by the Naval Committee. Although the conclusion of a majority of the Naval Committee reached that result, the amendment was put on in the Committee on Appropriations. The amendment in terms as to $400 a ton was not by the Naval Committee, but by the Committee on Appropriations.

Mr. GORMAN. I am glad to have the statement of the Senator from Maine. I supposed that the Naval Committee had agreed that $400 a ton of 2,240 pounds, having been recommended by the Secretary of the Navy, was the amount that ought to be inserted in the bill.

Mr. BACON. No.

Mr. GORMAN. But the Senator from Georgia says no.

Mr. BACON. Perhaps I misunderstood the Senator from Maryland. In the confusion it is possible I did not hear him distinctly and correctly when I said no. I understood the Senator to speak of the amount of $400 a ton as having been agreed upon by the Senate Committee on Naval Affairs as a proper amount. Was I correct?

Mr. GORMAN. Yes; that is the statement I made.

Mr. BACON. The negative which I interposed was simply to that statement. The report of the Senate committee was that it ought to be between $300 and $400; in other words, $300 was the minimum and $400 was the maximum. Four hundred dollars a ton was never presented by the Senate committee to the Senate as the proper figure. The Senator from New Hampshire earnestly contended for $300. There were other members of the committee who thought it should be higher. The report of the Secretary of the Navy was about $400; and therefore, in order that the Appropriations Committee might have the full benefit of all the information we had, we gave them that as the latitude.

Mr. GORMAN. The bill as it came from the House attempted to make provision for the purchase of armor, fixing the total amount. Of course the number of tons that were authorized to be purchased would simply make it $400 a ton. The Secretary of the Navy recommended $400 a ton. As I now understand it, the Committee on Naval Affairs of the Senate have fixed it between $300 and $400 a ton, not coming to any definite conclusion as to what the exact amount should be. That is, I understand now, the attitude of the committee.

Mr. BACON. The exact situation of the committee was simply this, that rather than make a divided report, there being a difference of opinion among the members of the Senate committee, there was a general report made, fixing the two limits, rather than have each particular figure, representing the opinion of each of the different members, presented separately to the Senate.

Mr. GORMAN. The Committee on Naval Affairs, however, did agree with the Secretary of the Navy that to make effective this reduction in the price of armor, whether it be to $300 a ton, or $400 a ton, as recommended by the Secretary of the Navy, we must make provision to construct a great foundry for the purpose of taking the raw material as it comes from the mine and fashioning it into these plates.

I submit to the Senators who have so reported and who advocate that proposition that no government on the face of the earth has ever undertaken any such enterprise. The English Government has a splendid system of managing business affairs, and yet with its immense navy it has never entertained the idea of doing that. Take the Czar of Russia, or the Emperor of Germany, or the President of the French Republic, not one of those great magnates has ever thought it was wise for his Government to enter upon such an enterprise. There is not a scheme carried on by the Government of the United States in the manufacture of anything that does not cost twice as much as it would have cost if the manufacture were in the hands of private parties.

Mr. ELKINS. I wish to ask the Senator a question, if he will allow me.

Mr. GORMAN. Certainly.

Mr. ELKINS. I can not hear him very well.

Mr. GORMAN. I am very sorry. I am talking as loud as I can.

Mr. ELKINS. I want to know if the Senator favors $400 or whether he favors less or more?

Mr. GORMAN. I favor $400 a ton.

Mr. ELKINS. That is agreeing with the committee, as I understand?

Mr. GORMAN. I do, as a maximum, as a matter of course.

Mr. ELKINS. The Senator favors what is in the bill?

Mr. GORMAN. I do, so far as the price per ton of 2,240 pounds is concerned.

Mr. BACON. If I do not interrupt the Senator, I would be glad to ask him a question. I understand the Senator favors that possibly after having looked into it and after having come to the conclusion that that is a proper maximum limit.

Mr. GORMAN. No, I can not say that.

Mr. BACON. What does the Senator think is the proper limit?

Mr. GORMAN. No one Senator and no one committee can look into everything here, and I am content under the conditions of the report, taken in connection with the report of the Committee on Naval Affairs, who have examined it thoroughly or very largely, and the report of the Secretary of the Navy, to accept their conclusions and to fix $400 per ton as the maximum.

Mr. BACON. The question I wish to ask the Senator succeeding that is whether he apprehends that these two companies will refuse to make the armor at that figure? I will state the pertinency of my question. If there is no probability that they will refuse a contract at that figure, then this provision in the bill will never go into effect, because if they make it at that figure there will be no effort on the part of the Government to build a plant. It is only intended as a safeguard. We say this is the maximum; the Senator from Maryland is prepared to accept it as a maximum. Now, if in the face of the fact that Congress fixes that as a maximum and the two armor plants refuse to go on with the contract, I should like to know, from the very superior experience of the Senator from Maryland to that of mine, what would be the proper course for the Government to pursue in such a contingency?

Mr. GORMAN. I would do precisely as we have done in the past. I would wait until Congress could take up the question and act upon it. One year ago I stood in the Senate here begging the Senate, in the interest of the Treasury, not to make enormous appropriations for the Navy; not to order four battle ships, as the provision came from the House, but to cut it down to two, and, indeed, I should like to have had it one. But the Congress of the United States saw proper to order four great battle ships, with no armor for them, with no provisions for them, and you have them now on the stocks. I predicted that result would come. Three of those great battle ships, with the hull and keel ready and all the work completed that can be done except the armor, and there is no armor to be put on them because a provision was placed in the bill, at the suggestion of the Committee on Naval Affairs, that no contract should be made beyond a certain amount, and no contract was made. So you have three ships prepared almost for their armor, waiting for it. I should fix this amount and then wait, and if this combine is strong enough to defy the Government and not give it armor at a proper figure, and will not come to Congress and show the proper amount to be paid, we can afford to wait. There is no urgent necessity for it. You have enough ships now on the ocean to meet all present emergencies. But, Mr. President, there will be no waiting.

What I object to is the balance of the scheme, by which you commit yourself to it now by an appropriation and put it in the hands of the Department to establish this plant. The scheme will grow and it will come. I know after the Senator from Georgia has come in contact with these Departments long enough he will believe as I do.

Mr. BACON. I desire to state to the Senator from Maryland that the particular part of the bill which he is now antagonizing does not come from the Committee on Naval Affairs.

Mr. GORMAN. I understood the Senator from New Hampshire to say that it did.

Mr. BACON. No, sir, it does not, as I understand it. It is true it was drawn by the Senator from New Hampshire, but it was drawn at the request of the Appropriations Committee or some member of it, and it is a recommendation of the Appropriations Committee, and not a recommendation of the Naval Committee.

Mr. CHANDLER. The Senator from Georgia is mistaken partly. The Committee on Naval Affairs came to the conclusion stated in their report, that if the contracts for armor could not be made within such limit as should be fixed by Congress, there should be a Government armor-plate factory.

Mr. BACON. That is true; but that is not a part of the report of the committee submitting that particular amendment.

Mr. CHANDLER. The amendment in that form is not, but it was drawn by me at the request of the Senator from Maine [Mr. HALE], as embodying, as well as could be done, the idea of the Committee on Naval Affairs in case these two concerns should refuse to make the contract. I think if the Senator from Maryland, who seems to understand this subject so well and to think that there is no danger that these concerns will not furnish the armor for these three battle ships, would assure us that he knows they will furnish it for $400, we might get along without this proposition that excites his anger so much.

Mr. GORMAN. I do not know what the Senator from New Hampshire means by his last remark about my anger.

Mr. CHANDLER. I am very prompt to withdraw the word. I meant the Senator's intense opposition to a Government armor-plate factory, which is only proposed as an alternative in case these two companies will not make armor for $400 a ton. Now, the committee say that authority ought to be put in the act to go on and make the armor, because, as we know that the armor makers abroad and the armor makers at home are in a combination, then our three ships, the hulls of which are contracted for, must stand till the end of time without being completed unless the Government establishes a plant of its own, and nothing is further from the wish of the Committee on Naval Affairs or the Committee on Appropriations than to have a Government armor-plate factory. But I ask the Senator in all sincerity and with perfect respect, What in the world are we to do if these combined manufacturers will not take the fair price that we fix?

Mr. JONES of Arkansas. With the permission of the Senator from Maryland, I should like to ask the Senator from New Hampshire a question. Does the Senator from New Hampshire believe that the armor manufactured by the Bethlehem Company for the Russian Government at $240 a ton was manufactured at a profit?

Mr. CHANDLER. I do not think it was manufactured at a profit. I do think that they got their money back.

Mr. JONES of Arkansas. That they lost no money?

Mr. CHANDLER. I think they lost no money.

Mr. JONES of Arkansas. Then it would seem that if the Government of the United States would persistently refuse to pay anything more than a fair price, the companies will manufacture rather than allow their plants stand idle and rust, and I see no necessity for resorting to this method of having a Government plant to compel them to proceed with what would be a profitable business to them.

Mr. GORMAN. Now, Mr. President——

Mr. CHANDLER. I do not want to interrupt the Senator from Maryland, but the difficulty is, the Senator from Arkansas will see, that we have already authorized three great battle ships. The contracts were made six months ago for the hulls of the *Wisconsin*, the *Alabama*, and the *Illinois*. Now, we must get that armor in some way, and if we can not get it from these manufacturers at a fair price, we must establish our own armor-plate factory. The Senator from Maryland will excuse me.

Mr. GORMAN. It is all right. I am very glad we have reached a point where nobody will father this amendment. As a member of the Committee on Appropriations, I repudiate the idea that it ever originated with the Committee on Appropriations.

Mr. HALE. The Senator will remember that it was inserted by a vote of the Committee on Appropriations. There is no doubt about that.

Mr. GORMAN. Yes; but I ask the Senator if the understanding was not that this provision for an armor factory came to the committee after consideration by the Committee on Naval Affairs?

Mr. HALE. Undoubtedly.

Mr. GORMAN. Undoubtedly it did.

Mr. HALE. The report was read, or portions of it, in which, as has been stated by the Senator from New Hampshire, the conclusion of the committee was that the only way to prevent these companies from combining and refusing to furnish armor at a reasonable price was to authorize the construction of a Government plant; not that anybody expected it would be done, but if it was not done we would be at the mercy of these contractors; and on that statement, and on extracts of the report being read, the Appropriations Committee voted in this amendment for the purpose of enforcing the limitation.

Mr. GORMAN. But I ask the Senator from Maine whether he, as a member of the committee, would have entertained that proposition if it had not been understood that it had been considered by another committee and came to us after investigation?

Mr. HALE. Has anybody denied that?

Mr. GORMAN. I understand the Senator from Georgia denies it.

Mr. BACON. No; the Senator from Maryland misunderstands me, Mr. President.

Mr. GORMAN. I did not intend to misrepresent the Senator, of course.

Mr. BACON. I was not sufficiently explicit in my first statement. The Senator from New Hampshire corrected me, and I assented to the correctness of it as stated by him. While the committee had given its general assent to the proposition, this particular amendment had not been framed in the Committee on Naval Affairs, but was framed by a member of the committee subsequently thereto, at the request of a member of the Committee on Appropriations.

Mr. HALE. Undoubtedly, to carry out the idea; but that did not involve the principle in the least. It was the principle on the Committee on Naval Affairs.

Mr. GORMAN. That is all I have contended for. The Appropriations Committee have been charged with enough sins without the charge of originating this provision.

Mr. HALE. It was voted in by the Appropriations Committee.

Mr. GORMAN. As a matter of course, having emanated from another honorable committee of this body who had investigated the question. But Senators say it can go in this bill and will do no harm. I appeal to all Senators in this body who have had experience here and have watched the course of events, to know whether there is a single case where you have provided for the expenditure of a large amount of money that would increase the power of one of the Departments that it has not been availed of and the increase made. I appeal to every Senator who has been upon the Committees on Naval Affairs and Appropriations whether there has not been a constant struggle both by the Army and the Navy, by the Ordnance Bureaus of both of those Departments, to keep within themselves and to the exclusion of all private enterprises all the work in the making of the armament for this country, both that afloat and that on land.

But, Mr. President, more than that, I object to the whole scheme as it comes here from the House of Representatives, and as amended, except as to the limitation of the amount to be paid for this work. We have, as I said in the beginning, fixed a rule which has worked well. No fraud has been charged to amount to anything. The results have been almost perfection. That rule was to bring private enterprise and the Government officers into competition, to divide the work, to contract specifically with the men who furnish the material for the ships and the men who construct the ships. But what is the case in this bill? I ask Senators to look at it. I call the attention of my friend from Georgia to page 50 of the bill, the last proviso on that page, beginning after line 20:

> That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those [illegible] or with any one or more bidders, for the furnishing of the entire [illegible] of said armor, if he shall deem it for the best interest of the Government.

There is a provision which has crept into [illegible] bill, where a limitation is sought to be made, which would give greater discretion than Congress ever contemplated giving before in permitting a contract to be made for the whole work, for the armor as well as for the construction of machinery, and without limitation as to cost.

So it seems to me the wise thing in the expiring hours of Congress to do is to adhere to the system which we inaugurated, as I said, in 1884 or 1885, for which I want to give to the Senator from New Hampshire—who has been very much abused by my political associates for his work in the Navy Department—great credit for aiding at that time in putting the Navy Department in such a position as that we could support it on both sides of the Chamber, and from which such grand results have come to the country.

I beg the Senate, now that the control of the Government is about passing from one political party to another, not to change the conditions; not to open a door for abuses; not to open a door which will give greater power to officers who may favor this or that contractor. Let us keep it, so far as the law can keep it, precisely as we have had it under three different administrations against whom no charge of corruption or great mismanagement has been made.

We have had wonderful efficiency in the management of that Department nearly all the time, and I am sorry that in the closing hours of the administration of Mr. Herbert he should have permitted himself to go beyond the one recommendation of limiting the cost of the material for armor. I regret that he has encouraged and made it possible for others who have different views and possibly different motives to open the door and bring the Navy Department back to where it was prior to 1885.

Mr. HALE. Does the Senator regret that Secretary Herbert has made an investigation which shows that the Government can get this armor plate, the very best of it, for nearly $200 a ton less than has been paid for it heretofore? Is that a subject of regret to the Senator?

Mr. GORMAN. The Senator certainly has not been listening to me, if he makes that statement.

Mr. HALE. What is it the Senator regrets? That is the sum and substance of the investigation made by the Secretary and in the report of the Naval Committee and the result of the bill in the House and in the Committee on Appropriations here. The outcome of it all is that the Government is going to get this armor for nearly $200 a ton cheaper than ever before. Is that a thing to be regretted? It is undoubtedly a change——

Mr. GORMAN. Mr. President, I know the Senator has charge of many matters, and possibly he has been out of the Chamber a part of the time I have been speaking, or else I have not made myself understood.

Mr. HALE. I have listened to the Senator very attentively.

Mr. GORMAN. I have not regretted that the Secretary has made the recommendation for a decreased cost of armor. I only regret that, with his experience as the head of the Navy Department, he did not inaugurate a movement of that sort long ago, which probably he would have done had his attention been called to it. If he had done so without waiting until the suggestion was made by the Committee on Naval Affairs, the Government would have been very much better off; but when the Secretary goes further than that and makes a recommendation which opens the door to the establishment of a great Government factory for the purpose of manufacturing materials, I think he has gone beyond the limit. I think, at all events, this was unwise, and that Congress ought to antagonize that proposition.

Mr. HALE. That is a question for Congress to decide.

Mr. GORMAN. Very good. That is what we are trying to do.

Mr. HALE. That was one of the processes. The Secretary, having been dealing with these companies and being at their mercy, having no competition, there being a complete combination of the two companies, who could dictate prices, the Secretary, in his final conclusion, arrived at the result that the only way to enforce this reduction and compel these companies to make a reasonable contract at reduced rates was, if they said, "No; we will do nothing," to authorize him to establish a plant. I do not conceive in the realm of conjecture or proper calculation anything else that could be held over these companies which would compel them to a fair price. I do not expect it will be done. I have no doubt they will bow to the decision of Congress, but they will bow a hundred times more willingly and more immediately if the Secretary of the Navy is enabled to say to them, "Gentlemen, if you do not offer the armor for a fair price, Congress has put in my hands the power to establish a Government armor-plate factory, and rather than submit to your exactions the Government will establish an armor-plate factory." I can conceive of nothing else which will compel a fair price and a reasonable rate for armor.

Mr. GORMAN. I differ so widely with the distinguished Senator from Maine that he and I can not argue that question. I do not believe that it is necessary for this great Government of the United States to go with a club in its hand to these manufacturers and say, "If you do not do so and so, we will destroy you." The Congress of the United States ought, as a matter of fairness and justice, to fix the limit to which it will go; and if there is not enough business capacity or patriotism amongst all the manufacturers of the United States to furnish this armor at that fair price, then let the Government use its power and deal with the matter. I, in my personal transactions, would not go to an individual and deal with him in the way proposed here if I had the power to do so, and I would not have my Government do it.

There is no necessity, Mr. President, for such an extraordinary method. We have, as I stated a moment ago, as to another Department of the Government, the War Department, taken the same position. When every officer of that Department said to his chief, and said to us, "You can not reduce the price on the tubes for guns for our fortifications from $100 to $80 a ton," the Committee on Appropriations said, "That is a fair reduction;" and we made it. The result was that every pound of steel authorized to be made at the reduced price was made, because it was a fair reduction, and we propose at this session to make a still greater reduction, but there is no threat accompanying it.

Mr. HALE. I agree in many respects with the Senator, and I know I am not interrupting him. The Senator and I have had a great many experiences of this colloquial debate, and neither declines to yield to the other.

Mr. GORMAN. Certainly not.

Mr. HALE. It is the best kind of debate.

Mr. GORMAN. It is always for information, so far as I am concerned, and I always yield to the Senator with great pleasure.

Mr. HALE. I am aware of that.

I agree with the Senator in what is his fundamental view, that all of this work can be better supplied by contractors than it can be done by the Government. It can be done cheaper; it can be done more expeditiously; it can be done better. While that is true, human nature is always human nature, and human greed is always human greed; and if you get contractors who can do this work better than the Government establishments, more cheaply and more expeditiously, and who have a monopoly and fix their own prices, they will take advantage of the Government, and will prey upon it. The only way to keep them in limitations is to give the Department the authority, if needs be, to make its own product.

In naval ships, which are much better built in private yards, which are better ships and sooner launched, there never has been a statute authorizing the Secretary of the Navy to make private contracts for the building of battle ships that has not always had put into it a provision that if reasonable contracts could not be made by the Secretary with private parties he should build those ships in Government yards. That has always stood in terrorem, if I may use the phrase, over the contractors, and if two or three of them combined and said to the Secretary of the Navy, "We will not build this battle ship for $4,000,000, but will demand $5,000,000," the Secretary would say at once, "We will build it in a navy-yard," and that has always kept any combination from being effected on the building of battle ships.

Mr. JONES of Arkansas. Will the Senator allow me to ask him a question?

Mr. HALE. Certainly.

Mr. JONES of Arkansas. Assuming that the Senator's conjectures are true—of course they are based on the hypothesis that these people have a combination, and that they are so utterly heartless as to want to make all the money they can out of the Government—let me ask if there would not be this danger in taking the course suggested by the committee? In running over the Secretary's report it seems to me that both of these companies would be willing to dispose of their plants to the Government at cost if they could find the opportunity to do so. The report shows that they have been paid in full for the whole cost of the plant and 22 per cent more. If, by combination, they should refuse the Government contracts, and could thus unload this plant on the Government at an enlarged cost, would not that be the shortest way for the absolute robbery of the Government that could present itself?

Mr. HALE. Oh, no.

Mr. JONES of Arkansas. Would we not open the way for them to do so by doing that very thing?

Mr. HALE. No; because a Secretary can establish a thoroughly completed and well-equipped plant for the making of armor to-day for one-half of what it cost these companies, and which we have paid them for, and therefore no Secretary—we may give him the authority if we choose—unless they offer these plants at what a new one would now cost, no Secretary would take them. I do not expect that it will ever come about that we shall build a plant. I do not want it. I do not believe in Government work; it is, as I have said, more costly; but you may be put into a position where you may have to invoke this protection for the Government in order to hold contractors to liberal terms, just as we have done with regard to the construction of ships.

Mr. ELKINS. Then you are giving these two armor-plate factories to understand that this does not mean anything?

Mr. HALE. I do not say that.

Mr. ELKINS. That is simply a threat.

Mr. HALE. We are giving them notice, and that means a great deal. It means that unless they make a fair contract the Secretary is given power to take it away from them. That is just what it means.

Mr. ELKINS. Let me ask the Senator this question: Suppose one of these factories wants to unload its plant on the Government, are we not so legislating as to give the individuals or corporations running them an opportunity of unloading their plants on the Government at $1,500,000, and making it obligatory upon the Secretary of the Navy to buy those plants?

Mr. HALE. Not by any means.

Mr. ELKINS. If all the companies engaged in the manufacture of this armor stick together, then, as I understand it, the Secretary of the Navy is obliged to buy the plants.

Mr. HALE. Not by any means. It is placed in the discretion of the Secretary, and if he can get one of these complete plants by buying it, he may do so; but I may say that on the modern basis we can build to-day a good plant for 50 per cent of what these plants cost these companies.

Mr. ELKINS. Let me ask the Senator a question?

Mr. GORMAN. I thought I had the floor and yielded to the Senator from Maine to ask me a question.

Mr. HALE. The Senator has been very good-natured, I am sure.

Mr. ELKINS. I submit that the Senator from Maryland ought to farm out the floor for a little time to somebody who is not a member of the Committee on Appropriations. The members of that committee get up and consume all of the time of the Senate in apparently fighting each other, and yet at the same time it is all understood between them. One gets the floor, and then another takes it and yields it back, but nobody else who wants to say a word is given an opportunity if he is not in the charmed circle. [Laughter.] Now, I want to submit a few remarks on the business features of this proposition, but if this thing goes on I do not know how long I shall have to wait. I have waited for two hours now.

Mr. HALE. The Committee on Appropriations is large enough to differ.

Mr. ELKINS. But I have waited two hours while the floor has been occupied by Senators on that committee.

Mr. GORMAN. I believe I am entitled to the floor.

Mr. HILL. As the Senator is so good natured in yielding the floor to other Senators, I will make an appeal to him to allow me to submit a motion.

Mr. VEST. If the Senator from New York is going to make a motion, I ask to submit a conference report.

Mr. HILL. I yield for that purpose.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2989) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same; and the Senate agree to the same.

G. G. VEST,
S. B. ELKINS,
JOHN P. JONES,
Managers on the part of the Senate.
E. J. MURPHY,
JOSIAH PATTERSON,
Managers on the part of the House.

Mr. CULLOM. Do I understand that the report retains the three-quarters of a mile limit?

Mr. VEST. Yes; it is just as the bill was passed by the Senate.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The question is on concurring in the report of the conference committee.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake; and

A bill (H. R. 7422) granting a pension to Lydia W. Holliday.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2989) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks.

The message also announced that the House had passed the joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

The message further announced that the House had passed the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 10,000 copies of the Report of the Director of the Mint for 1896, and also to print 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for the year 1895; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 4810) for the relief of Mathias Pedersen;

A bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia; and

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

EXECUTIVE SESSION.

Mr. HILL. Mr. President, in pursuance with previous notice, I move that the Senate proceed to the consideration of executive business.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. I do not see that Senator in his seat, and for the present I shall withhold my vote.

Mr. HILL. I will state to the Senator from Louisiana that the Senator from North Carolina is expected back soon, and he told me to have him paired in favor of an executive session. So the Senator is at liberty to vote.

Mr. BLANCHARD. On that statement I will vote "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH].

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], but I am advised that we are agreed on the present proposition, and I therefore vote. I vote "nay."

Mr. VILAS (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. MITCHELL], but with the consent of his colleague [Mr. MCBRIDE], we have transferred that pair to the Senator from Mississippi [Mr. GEORGE]; so that the junior Senator from Oregon and I can vote. I vote "yea."

Mr. MCBRIDE. Under that arrangement, I am at liberty to vote, and vote "nay."

The roll call was concluded.

Mr. GIBSON (after having voted in the affirmative). I have a general pair with the Senator from Montana [Mr. CARTER], but in his absence I voted inadvertently. I am advised that he would vote "nay" if present; and I therefore withdraw my vote.

Mr. MCMILLAN (after having voted in the negative). I am paired with the Senator from Kentucky [Mr. BLACKBURN], and as he is not present, I withdraw my vote.

The result was announced—yeas 36, nays 26; as follows:

YEAS—36.

Bate,
Berry,
Blanchard,
Butler,
Caffery,
Cannon,
Chandler,
Chilton,
Clark,
Cockrell,
Daniel,
Davis,
Dubois,
Faulkner,
Gallinger,
Gray,
Hill,
Jones, Ark.
Jones, Nev.
Lindsay,
Mantle,
Martin,
Mills,
Murphy,
Nelson,
Palmer,
Proctor,
Pugh,
Stewart,
Teller,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
White.

NAYS—26.

Aldrich,
Allen,
Allison,
Baker,
Brown,
Burrows,
Cullom,
Elkins,
Frye,
Gorman,
Hale,
Hansbrough,
Hawley,
Hoar,
Lodge,
McBride,
Mitchell, Wis.
Morgan,
Peffer,
Platt,
Quay,
[illegible]
Sherman,
Shoup,
Thurston,
Warren.

NOT VOTING—28.

Bacon,
Blackburn,
Brice,
Call,
Cameron,
Carter,
Gear,
George,
Gibson,
Gordon,
Harris,
Irby,
Kenney,
Kyle,
Mitchell, Oreg.
McMillan,
Morrill,
Pasco,
Perkins,
Pettigrew,
Pritchard,
Roach,
Smith,
Squire,
Tillman,
Wetmore,
Wilson,
Wolcott.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 4550) granting an increase of pension to John X. Griffith; and

A bill (H. R. 4979) to amend sections 141 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; to which the signature of the Vice-President was subsequently announced:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 4903) for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake;

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River," approved March 1, 1893; and

A joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

ORDER OF BUSINESS.

Mr. HALE. I call for the regular order.

Mr. CHANDLER. I ask unanimous consent to call up the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent. It is a bill the passage of which was recommended by the Senate Committee on Naval Affairs.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Pending the request, the Chair lays before the Senate a message from the President of the United States.

Mr. CHANDLER. Certainly.

IMPRISONMENT OF AMERICAN CITIZENS IN CUBA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to the resolution of the Senate of the 24th ultimo, I transmit herewith a report from the Secretary of State covering copies of the correspondence and reports of the consul-general of the United States at Habana relating to all American citizens now in prison in the Island of Cuba not previously reported on.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 1, 1897.

Mr. HALE. Let the message and accompanying papers be referred to the Committee on Foreign Relations.

Mr. MORGAN. There is one paper accompanying the message that I desire to have read.

Mr. FRYE. Does the Senator feel certain that it ought not to be in confidence?

Mr. HALE. If there is any question about it——

Mr. CHANDLER. It is not sent in in confidence, I will say to the Senator.

Mr. TELLER. It is sent here as a public document.

Mr. CHANDLER. It is sent openly and publicly.

Mr. MORGAN. There is no secrecy about it.

The PRESIDING OFFICER. The Senator from Alabama requests that an accompanying document be read. The Secretary will read as requested.

The Secretary read as follows:

Mr. Lee to Mr. Rockhill.

[Telegram.]

HABANA, *February 9, 1897.*

Charles Scott, American citizen, arrested Regla this morning; charges not yet known.

Mr. Lee to Mr. Rockhill.

[Telegram.]

HABANA, *February 20, 1897.*

Charles Scott, a citizen of the United States, arrested Regla; no charge given. Been without communication jail Habana two hundred and sixty-four hours. Can not stand another Ruiz murder and have demanded his release. How many war vessels Key West or within reach, and will they be ordered here at once if necessary to sustain demand?

LEE.

Mr. Lee to Mr. Olney.

[Telegram.]

HABANA, *February 23, 1897.*

Situation simple. Experience at Guanabacoa made it my duty to demand, before too late, that another American who had been incomunicado two hundred and sixty-four hours be released from said incomunicado, and did so in courteous terms. If you support it, and Scott is so released, the trouble will terminate. If you do not, I must depart. All others arrested with Scott have been put in communication. Why should only American in lot not be? He has been incomunicado now three hundred and thirty-eight hours.

LEE.

Mr. Lee to Mr. Olney.

[Telegram.]

HABANA, *February 23, 1897.*

Demand complied with. Scott is released from incomunicado.

LEE.

Mr. Lee to Mr. Olney.

[Telegram.]

HABANA, *February 23, 1897.*

Scott released from incomunicado to-day on demand after fourteen days' solitary confinement in cell 5 feet by 11; damp; water on bottom cell. Not allowed anything sleep on or chair; discharges of the body removed once five days. Was charged with having Cuban postage stamps in the house. Scott says went always twelve hours without water; once two days; he was employee American Gas Company.

LEE.

Mr. HALE. Now, Mr. President, I call for the regular order.

Mr. FRYE. Let the message and accompanying papers be printed and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

REPORT OF DIRECTOR OF MINT, ETC.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 10,000 copies of the Report of the Director of the Mint for 1896; 5,000 for the use of the Director of the Mint, 3,000 for the use of the House of Representatives, and 2,000 for the Senate.

There shall also be printed and bound 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for the year 1895, for the use of the Director of the Mint.

There shall also be printed and bound 5,000 copies of the Coinage Laws of the United States; 2,000 for the Director of the Mint, 2,000 for the House of Representatives, and 1,000 for the Senate.

Mr. HALE. I ask the Senate to concur in the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

FOREST RESERVATIONS.

Mr. CARTER. I present a resolution of the legislature of the State of Montana, relative to the recently created timber reservations in that State. I ask that it be read for the information of the Senate, and referred to the conference committee having the sundry civil appropriation bill in charge.

The resolution was read and referred, as follows:

[TELEGRAM.]

HELENA, MONT., *March 1, 1897.*

We, the legislative assembly of the State of Montana, do earnestly protest against the recent order of the President setting aside large timber reservations in this State, knowing that its enforcement would seriously cripple and retard its development. For these and other reasons, we respectfully request that this order be at once revoked.

A. E. SPRIGGS,
President of the Senate.
ALBERT I. LOEB,
Speaker pro tempore of the House.
ROBERT B. SMITH,
Governor.
By T. S. HOGAN,
Secretary of State.

Hon. THOS. H. CARTER or Hon. LEE MANTLE,
United States Senate, Washington, D. C.

NAVAL APPROPRIATION BILL.

Mr. HALE. I can not consent to yield to a request for the passage of bills, and I ask for the consideration of the naval appropriation bill.

The PRESIDING OFFICER. The Senator from Maine calls for the regular order, which is the naval appropriation bill.

Mr. CHANDLER. Do I understand that the Senator from Maine declines to yield to let me have this little bill passed which has been recommended by the Committee on Naval Affairs?

Mr. HALE. I have called for the regular order, which unfortunately excludes the Senator from New Hampshire.

Mr. CHANDLER. It is a bill reported from the Senator's own committee, and a bill to which he gave his own consent.

Mr. HALE. At the proper time I will give my consent to its passage.

Mr. CHANDLER. And it is recommended by the very report on which we are now acting.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

Mr. HAWLEY. Have all the committee amendments been acted upon?

The PRESIDING OFFICER. All the amendments of the committee have been acted on except those relating to armor, the Chair is informed.

The pending question is an amendment proposed by the Senator from New Hampshire [Mr. CHANDLER], which will be stated.

The SECRETARY. On page 50, line 15, after the word "million," it is proposed to strike out the words "two hundred and ten

thousand;" in line 17 to amend the committee amendment by striking out the word "a" before "rate" and inserting the words "an average;" and in the same line to strike out the word "four" and insert the word "three;" so as to read "$300 per ton."

Mr. HAWLEY. Those amendments ought to be reserved for a fuller Senate.

Mr. HALE. We had better let the debate go on.

Mr. HAWLEY. Yes, if anyone wishes to debate. I have nothing to say, but they ought to be voted on when there are more here.

Mr. HALE. There will not be a vote until there is a quorum, of course.

The PRESIDING OFFICER (Mr. HILL in the chair). Shall the amendments be reserved?

Mr. HALE. They have been reserved to let the discussion go on.

The PRESIDING OFFICER. The Senator from Maryland, the Chair understands, is entitled to the floor.

Mr. GORMAN. I had the floor when the Senate postponed the consideration of the bill, but I had about concluded all I desired to say in a general way upon the amendment. I will reserve whatever else I have to say for an amendment that I shall offer later on. I do not care to discuss the general subject further at present.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. HALE. What is the particular amendment now pending?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 50, after the word "million," in line 15, it is proposed to strike out the words "two hundred and ten thousand;" and, in line 17, to amend the committee amendment by striking out the word "a," before "rate," and inserting "an average," and striking out the last word, "four," and inserting "three;" so as to read:

That the total cost of the armor, according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,000,000, exclusive of the cost of transportation, ballistic-test plates, and tests, and no contract for armor plate shall be made at an average rate to exceed $300 per ton.

Mr. CHANDLER. I will add to the amendment "of 2,240 pounds," so as to read "$300 per ton of 2,240 pounds."

Mr. QUAY. There is no objection to the latter amendment.

Mr. FRYE. Is that a committee amendment or the amendment of the Senator from New Hampshire?

Mr. PLATT. Do I understand that the words "two hundred and ten thousand," in line 15, are to be stricken out as a part of this same amendment? I should suppose that the question would be first on amending the committee's amendment.

Mr. CHANDLER. The Senator from Connecticut is right about that. So I will reserve the first amendment, which is intended to reduce the gross amount to be paid to correspond with the reduction of price per ton. I will withdraw that and let the question be on adding the words "an average" and substituting "$300 per ton" for "$400 per ton," and adding after "ton" the words "of twenty-two hundred and forty pounds."

Mr. HALE. I suppose the salient point of the Senator's amendment is the reduction from $400 to $300, and that the reductions in amount are computations which follow from that, so that the test question will be on the reduction of the amount of $400 reported in the bill by the committee to $300, as moved by the Senator from New Hampshire.

Mr. FRYE. Those are, I understand, maximum amounts—$400 and $300?

Mr. HALE. Yes; they are the maximum amounts.

Mr. PLATT. I should like to know exactly what the Senator from New Hampshire intends by inserting the word "average" in the clause "and no contract for armor plate shall be made at an average rate to exceed $300 per ton."

Mr. CHANDLER. That is very simple. All the armor plates are special plates. Every single plate in a ship is of a special shape. Nearly all are different from all others. There are some duplicates. Of course, being of different sizes and different weights and different shapes, one kind of plate costs more than another kind of plate. The turret plate costs more than the side armor of a ship. The calculations that have always been made as to cost of armor have been the average price per ton for all the armor of the ship. The intention is that in this case the average cost of the armor for the whole ship shall not exceed, if my amendment prevails, $300 a ton; and if the committee's amendment prevails, $400 a ton. The average cost of the armor for the *Kearsarge* and *Kentucky*, the pending contracts, is $553, I think. I will give the exact figures:

Under contracts made by Secretary Herbert for the armor for the *Kearsarge* and the *Kentucky* the Bethlehem Company is to supply 2,653 tons at a gross cost of $1,462,191.50, the prices varying from $515.40 up to $638.40 a ton, the average being about $551.15.

Carnegie & Co. are to furnish 3,007 tons at a total cost of $1,660,518.20, the prices varying from $515.40 to $575.80 a ton, the average being about $552.22.

So the committee's amendment, which accepts the price of armor recommended by Secretary Herbert—$400—saves $150 nominally on a ton. In fact it saves more, because the Secretary recommends that the contractors hereafter shall furnish the nickel, which would be about $30 a ton. So the committee's amendment saves about $180 a ton. My amendment would save about $280 a ton over the contracts for the *Kentucky* and the *Kearsarge*. The total saving on the Secretary's figures will be over $500,000 on each battle ship. If the Bethlehem Company got their money back when they made a contract with Russia at $240 a ton, at $300 a ton, the figures proposed by me, they would make a profit of $60 a ton.

Mr. PLATT. The *Kearsarge* was the last battle ship constructed?

Mr. CHANDLER. The *Kearsarge* and *Kentucky* are now under construction. The three new battle ships for which we are to provide the armor are the *Wisconsin*, the *Illinois*, and the *Alabama*.

The PRESIDING OFFICER. Three or four different amendments are pending. Which will the Senate have put first?

Mr. HALE. I suppose technically what is the significant amendment is the proposed reduction from $400 to $300 per ton.

Mr. QUAY. I suggest to the Senator from New Hampshire that a part of the amendment, to wit, that which fixes the weight per ton at 2,240 pounds, may go in by unanimous consent.

Mr. HALE. That has been adopted already, I understand.

Mr. QUAY. I think not.

Mr. HALE. I understood that it had been agreed to.

Mr. CHANDLER. I understand there is no objection to having the word "a" stricken out and the words "an average" put in; so as to read "at an average rate of," and adding after "ton" the words "of twenty-two hundred and forty pounds."

The PRESIDING OFFICER. Is there objection to the amendment of the committee? The Chair hears none, and it will be regarded as adopted.

Mr. HAWLEY. Upon that point I want to know if that is the usual basis?

Mr. HALE. All the computations have been made on that basis.

Mr. HAWLEY. The previous contracts were at that rate?

Mr. HALE. All the computations are based on it.

Mr. HAWLEY. The previous contracts were made at 2,240 pounds to the ton?

Mr. CHANDLER. They have been. That is no change. If those amendments to the amendment can be adopted, then the only question will be whether $300 a ton shall be substituted for $400 a ton.

The PRESIDING OFFICER. Without objection, those amendments will be made. Now, the question is whether "$300" shall be substituted for "$400" as the price per ton of 2,240 pounds.

Mr. FRYE. I should like to know what the Senator proposes in the event that they will not furnish the armor at $300 per ton?

Mr. CHANDLER. Was not the Senator present this afternoon during the discussion?

Mr. FRYE. I was not present when the Senator from New Hampshire discussed the question.

Mr. CHANDLER. If the Senator will kindly look at the bill, on page 51——

Mr. FRYE. A Government plant?

Mr. CHANDLER. He will see there a provision that—

In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed, he shall be, and hereby is, authorized to lease, purchase, or establish a Government armor factory.

Mr. FRYE. Would the Senator vote for that?

Mr. CHANDLER. Unquestionably. The Senato[illegible] Maine will bear in mind that we have the hulls [illegible] ships contracted for. We must have this armor, [illegible]ve it in this country. Suppose, at the price we fix, [illegible] two companies that are in combination—the only two companies that have a plant to make the armor—refuse to accept the price, what should we do if we do not establish a Government armor plant?

Mr. FRYE. I do not think I would vote for a Government plant under any circumstances.

Mr. HAWLEY. Nor I.

Mr. CHANDLER. I ask the Senator what he would do to get armor for those three ships? Would he let these people take the Government by the throat and either say, "You shall not have armor or you shall pay our price for it"?

Mr. FRYE. I would allow the Secretary of the Navy to make a contract at a reasonable price, and I would be sure when I named the price that it was entirely reasonable under all the circumstances.

Mr. CHANDLER. That is a sensible answer, if the Senator will allow me to say it. The sum of $400 the Secretary thinks is reasonable; the sum of $400 the Committee on Appropriations think is reasonable; and the sum of $300 several members of the Committee on Naval Affairs, possibly a majority of the Committee on Naval Affairs, think is reasonable; and we have before us the Carnegie contract with the Russian Government for similar armor at $240 a ton.

Mr. FRYE. I do not think that is any guide at all.

Mr. HAWLEY. Not the slightest.

Mr. FRYE. There are a great many reasons for making a contract with Russia which would not apply at all when making a contract in the United States. I can understand very well why they might be willing to sell to Russia for a great deal less than cost, with no profit at all.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from New Hampshire to the amendment of the committee.

Mr. **HAWLEY.** I do not think any question should be put to the Senate at present.

The **PRESIDING OFFICER.** What suggestion does the Senator from Connecticut make?

Mr. **HAWLEY.** If anyone wishes to make a speech, I will interpose no objection.

The **PRESIDING OFFICER.** A speech from anyone is now in order.

Mr. **GALLINGER.** Mr. President, I have a bill on my desk, and I judge that forty different Senators have to-day received telegrams concerning it. It concerns about 2,000,000 men, members of fraternal beneficiary societies in this country. It has passed the House and has been reported by the Committee on the District of Columbia favorably. I appeal to the Senator from Maine, while we are waiting for Senators to come in, to permit me to call up the bill and have it passed.

Mr. **HAWLEY.** What is the bill?

Mr. **GALLINGER.** It is a bill regulating beneficiary fraternal associations in the District of Columbia. It has passed the House, and has been favorably reported by the Committee on the District of Columbia.

Mr. **HAWLEY.** I never heard of it before.

Mr. **GALLINGER.** Two million men are interested in it and urge its passage.

Mr. **HAWLEY.** How about the other 68,000,000?

Mr. **HALE.** I do not think enough Senators are present to pass bills, and I ask for the regular order.

The **PRESIDING OFFICER.** The regular order is demanded.

Mr. **GALLINGER.** Then I raise the point of no quorum.

The **PRESIDING OFFICER.** The Secretary will call the roll to ascertain the presence of a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Allison,
Baker,
Bate,
Berry,
Brown,
Burrows,
Butler,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cullom,
Daniel,
Davis,
Dubois,
Faulkner,
Frye,
Gallinger,
Gorman,
Hale,
Hawley,
Hill,
Jones, Ark.
Kenney,
Lindsay,
Mills,
Mitchell, Wis.
Morgan,
Murphy,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Quay,
Roach,
Sewell,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Vest.

The **PRESIDING OFFICER.** Forty-six Senators are present. A quorum is present. The question arises upon the motion of the Senator from New Hampshire to strike out "$400" and insert "$300" in the amendment of the committee.

Mr. HAWLEY. Mr. President, this is not a new matter by any means. The matter of making armor and building steel ships, building guns, the proper division of that labor between private persons and the Government, was a subject of discussion some fifteen years ago, when the country seemed about to start upon a process of regeneration as to ships, guns, and armor. A policy was agreed upon then which has been pursued almost absolutely ever since that time. It is now proposed to reverse it; to change it very materially. It is proposed to fix a price for armor at which I venture no firm in the world will agree to make it.

If it is the intention of the gentleman who proposes it to compel the construction of a Government establishment, a great manufacturing plant to be kicked about by outrageous fortune and give rise to great scandals, then he is right in insisting upon fixing the price at $300 per ton. Governments generally abandoned that idea long ago. Great Britain made her experiments. At one time she made a partnership with a great concern for building ships and armor, etc. After a time she was so weary of it that she gave $320,000 to the firm to get out of her obligations to it.

In 1884 a select committee of the Senate was appointed. I shall have to give something of personal history, but I claim no credit in that matter, because after a thorough investigation we simply collected, boiled down, and gave the syllabus of the opinions of the great manufacturers of both Great Britain and America and of the wisest men of the Army and of the Navy. We deserve the credit of collecting the evidence and giving the syllabus.

July 3, 1884, the Senate appointed a select committee under the following resolution. I will summarize it. I will not read it all.

A select committee to inquire as to the capacity of steel-producing works in the United States to make steel of suitable quality and sufficient in quantity to furnish metal for guns of higher power, and the metal plates and other material for the construction of vessels of war, and for the armor or sheathing for such vessels. The committee shall also inquire as to the character and sufficiency of machinery and machine tools in the navy-yards, and also in private foundries and machine shops in the United States, for the construction of engines suitable for vessels of war, and for manufacturing guns for the proper armament of such vessels and of the seacoast defenses, and for the purpose of constructing iron and steel ships of war. Said committee shall also inquire into the best locations in the United States for manufacturing guns, engines, and armor for vessels, and for building iron and steel ships of war, and the best method of manufacturing and building the same, whether by the Government or by contract with private parties; said committee shall have power to sit, and so forth. The expenses, and so forth.

Under that resolution, with myself as chairman, Senator Miller, of California—whose place Mr. SEWELL soon took—Senators Miller, SEWELL, ALDRICH, MORGAN, and M. C. Butler were appointed. Their investigation was conducted the next winter and for a year, for their time being taken up by other engagements, it required nearly a year to make all the visits that they desired to make. That committee, in most cases by a full committee, in others by a subcommittee, visited the following companies, works, and yards:

The Morgan Iron Works, New York City; the Continental Iron Works, Greenpoint (Brooklyn), N. Y.; the West Point Foundry Association, Cold Spring, N. Y.; the Midvale Steel Company and the shipyards of Cramp & Sons, Philadelphia; the Cambria Iron Company, Johnstown, Pa.; the Bethlehem Iron Company, Bethlehem, Pa.; the Pennsylvania Steel Company, Steelton, Pa.; the shipyard of John Roach & Son, Chester, Pa. At Pittsburg: The Edgar Thomson Steel Works, the Pittsburg Bessemer Steel Works, the Homestead Steel Works; Park, Bro. & Co., Limited; the Pittsburg Steel Casting Company; Jones & Laughlin; Miller, Metcalf & Parkin, and the Keystone Bridge Company. The South Boston Iron Works, Boston, Mass.; the Tredegar Iron Works, Richmond, Va.; the navy-yards at Norfolk, Washington, and New York; the army ordnance proving grounds at Sandy Hook, N. J.; the naval ordnance proving grounds at Annapolis, and the torpedo station at Newport, R. I.; also witnessing there the maneuvers of the North Atlantic Squadron in August, 1884.

Two members of the committee, in England during the summer, took opportunity to visit the Woolwich Arsenal, the Chatham Dockyard, the proving grounds at Shoeburyness, and the works of Sir William G. Armstrong & Co. and R. & W. Hawthorn, at Newcastle-on-Tyne, Charles Cammell & Co. and Sir John Brown & Co., at Sheffield, and Sir Joseph Whitworth & Co., at Manchester.

Through Mr. Phelps, the minister of the United States, official permission was kindly and promptly granted to visit the Government works at Woolwich, Chatham, and Shoeburyness, and the private establishments were opened most frankly and cordially.

Mr. MORGAN of the committee visited the Pacific Coast and inspected the Mare Island Navy-Yard, the Union Iron Works, and the Pacific Rolling Mill Company's shops, and so forth. And an accomplished officer of the Navy accompanied the committee as a secretary, you might say, nominally, during this time.

Mr. **HALE.** What year was that?

Mr. **HAWLEY.** In 1884 and 1885. After calling a very large number of witnesses from these different firms and after asking their advice, the committee collected from them this volume of information. We came to this conclusion, to which I wish particularly that those Senators who may not have listened to me heretofore will listen. We inquired as to the facilities for doing all this work. Many men said we could not do it, that we had not facilities for it, and so forth. Our conclusions were as follows:

1. The United States is metallurgically independent for all purposes of warfare.

2. The manufacture of iron and steel for peaceful purposes has kept pace with the foremost science and skill of the world. For steel making the existing capacity is ample, but the heavy forging and finishing of guns and armor will require new and costly plants.

3. The machinery and machine tools of the navy-yards are sufficient for the building of engines, but much of it is obsolete and no longer economical; the means of building iron or steel ships are lacking. One yard has a good plant of limited capacity for finishing steel guns—

That is the Washington Navy-Yard—

and has done some good work.

4. As a partial check upon private builders and as a resource in case of necessity, some ships should be built in navy-yards, the parts to be furnished by private foundries. Ships in general should be built by private contract, and private yards are capable of doing the work. * * *

5. Armor plate and engines should be obtained wholly from private manufacturers.

6. The costly experiments of twenty-five years have reached a stage which justifies certain conclusions. Guns should be made of open-hearth steel, forged, breech-loading, chambered, of calibers ranging from 5 to 16 inches, of lengths ranging from 30 to 35 calibers. Armor and projectiles should be made of forged steel. The hydraulic forging press produces better results than the steam hammer, costs much less, and should be used for Government work. Ships should be constructed of steel, but certain minor classes may be composite of steel and wood.

Then provided for repairs at any yard or all yards.

7. The manufacture of guns suitable for ships and coast defense should be divided between private foundries and Government shops, the former providing the forged and tempered parts and the latter finishing those parts and assembling them.

That is done.

8. The Government should establish two factories for machine-finishing and assembling guns.

That has been done at the places suggested, the Washington Navy-Yard and the Watervliet Arsenal.

When the determination to contract for heavy guns shall have been reached, the localities for finishing them can easily be determined.

9—

The committee said—

All needed private capital is ready for cheerful cooperation with the Government in whatever it may require.

We summed up the capital that wished to help in this work of regeneration, and it was $40,000,000, capital that was willing to enter into contracts to build ships, armor, and guns and assist in any part of the work. Then the tenth was the important conclusion:

10. Proposals for armor and guns should require such quantities and extend over such a series of years as to justify private persons in securing the best plant. Payments should be made only for completed work and only the guaranteed bids of persons having capital and experience should be considered.

I say that was the policy from that time until the present, not because any committee discovered it, but because it was the summing up of the opinions of the men in the United States and in Europe who were best qualified. The Governments of France, and Russia, and England made all the experiments that the ingenuity of the Senator from New Hampshire could devise if we gave him the summer to do it in, and fell back substantially upon these identical features, and have been working on them.

As to the putting up of a Government plant, it is wholly and absolutely unnecessary. Nor do I believe in the wisdom of fixing a limit precisely for the manufacture of heavy armor. I do not think it is worth while to do it. I believe in giving your Secretary of the Navy the power that we used to give him under which he made great successes, not exactly an unlimited power, but a reasonably full power, and holding him to the responsibility. We did well under that. We got armor as cheap as it could be made in this country, and as cheap as it could be made in any other country when the difference in wages is taken into account and the difference, of course, in the cost of raw material and of the subsequent manufacturing and finishing processes. The experiment, I say, of gun making by a government altogether for itself is not, to my knowledge, going on anywhere in the world, and I think not as to armor, but I am not quite positive as to that. I know the most of it has been done as we have been doing it.

I think it would be a great deal better to take this provision as it came from the House and reject the proposition which says no contracts for armor plate shall be made at a rate to exceed $400 per ton. I would not only reject the proposition to limit it to $300, but the proposition to limit it to $400 per ton, satisfied that we should do better justice to ourselves and to the subject by that course of proceeding.

When we came to talk with the large manufacturers of steel as to what they would do in this matter, there were several things they insisted upon—contracts running over a period of years and large contracts—otherwise they would not promise to invest from two to four million dollars in the magnificent, the enormous plant that would be needed. There was another thing they could not insist upon, but it was something that I think was said by nearly every Government contractor with whom I have talked, and we have had Government contractors for guns of various styles in my own town for a great many years manufacturing the Colts rifles, the Sharps carbines, and the Enfield rifles that have been made for England or for Russia. The Hotchkiss guns have been made there, and guns have been made for the Government in New Haven.

We have had a great variety of gun factories covering this whole field. A great company is building up in Bridgeport now which proposes to take a heavy share in the manufacture of ordnance, from the 1-pounder Hotchkiss up. There is one expression of opinion that I heard from all those people. It is summed up in this, that the Government is the worst customer in the world; and why? They will tell you in many of those shops that they send inspectors there—in many cases young men of 25 to 30 years of age—who have learned a good deal from the books at Annapolis and West Point, but in practical knowledge of what is a good piece of steel or iron work, and what is sufficiently fitting, they do not begin, any half dozen of them, to equal one of the old mossy heads who have been forty years in the best shops of New England making iron and steel, whose eye is instinctive for everything in the nature of real effect, who will tell you weights by looking, who will tell how a journal works, tell how the nuts and screws work, and all sorts of things, and will give you a good idea of what your gun will be worth before it is built.

Those men do not like to have a youth come there and look on the underside of a gun carriage and find a little scar as big as a dime that no private contractor would think of objecting to, and say on account of it the piece is imperfect, and therefore it ought to be rejected. But they get along, and with all that perhaps they are willing to take the contract for all that. But then, some gentlemen, without any reflection, think that any one of these large shops can begin immediately to make any piece, large or small, from a watch up to the magnificent marine engine without preparation; that they have fair steel-working machinery already. They forget that great machine tools, some of them of great size and enormous cost, must be built in order to carry on the work.

For instance, the Bethlehem Iron Works put up a steel hammer weighing 100 tons, a magnificent mass of steel, which, on dropping on a piece of metal from an inch in thickness to a 20-ton piece of armor, heated to a white heat, would beat it into shape. That machine cost something to manufacture and costs something to work it, and then they changed, or some of them did, to forging by hydraulic pressure, working 20 tons of steel as a housewife works the dough—very similarly to that—putting upon it a great piece of cold steel, which will push it and press it backward and forward into all sorts of shapes. All of those things cost money and take time. They put up—and a magnificent thing it is and was when a committee of fourteen of us, including the distinguished chairman of the Committee on Appropriations [Mr. ALLISON], visited there some years ago—one of the finest works to be seen anywhere in the world, and an exhibition of the power of man in everyday matters.

When they went to all that expense, they did not wish to be met by a contract for one or two or three or four years, or have only a limited quantity of work to do; they did not wish to be bound absolutely to any limit of cost for the future; they did not wish to be told that Congress could come in three years hence and say to them, "You are making too much money at $100 a ton;" they wanted some leeway; they wanted a chance to talk with a wise Secretary of the Navy, and tell him what, in all reason, the work could be done for, and how it would compare with the work done on the great ships of Great Britain or the work done by such wonderful works as the Creusot establishment in France, or with what is being done by Russia, and tell him how much the corresponding work could be done for in this country.

One would suppose from the tone of the speechmaking here that the men who have established these magnificent works were not only entirely destitute of honor, but of patriotism as well. Does not any man who is familiar with the great work of mechanics know that they are proud of every piece of their work and that the most of them would not be willing for anything in the world to turn out an inferior product? They do not like to be employed upon cheap work. They like to do those splendid things which challenge comparison with the Creusot Works, and with Armstrong, and all those gentlemen. They are ambitious, they like their work; but if they are to be spoken of constantly as if they were jewing—to use a disagreeable phrase—as if they were screwing and twisting about and endeavoring to cheat the Government, I am sure many of them would say, "We will endeavor to find heavy steel work in making the shafting for steamers, etc., in private life, and the Government can go and take care of itself."

I think that any gentleman who has been familiar with Government contracts and such work for the last thirty or forty years past, to say nothing of what he may have read of other countries or heard of in his own country, will tell you that it is one of the unwise things to put up a complete Government plant of this sort.

Go to your Washington Navy-Yard, and you will see one of the finest shops in the world. It is true and one [illegible] conducted no doubt, but it costs a great deal more to do our work there than private people would do the same work for. They take the rough forging, only partly finished, great bands and cylinders for the biggest cannon, and refine them and polish them down to a thousandth of an inch; and you will see them there take great bands of steel 3 or 4 feet in thickness in external diameter and slip them down over a tube as easily as you put your glove on. That work is better divided. There is no necessity for the Government undertaking to manufacture anything that can be well done by private enterprise; it is far better for the country that it should be so done, that the Government may not be cumbered with great Government shops which, as people think sometimes, are likely to be governed by political influences, and the real expenses of the Government are swollen.

It is a far better way also to build ships in the private yards, and they mostly have been so built. Do you suppose that Cramp is not proud when one of his ships makes 19, 20, 21, 22, or 23 miles an hour? He would rather die than cheat the Government in a matter of that sort. He is prouder of the trial trip of one of those steamers than any man in any country is of any decoration his sovereign may have given him. It is in private establishments that things ought to be built.

In accordance with the conclusions of the committee as to ships, we reserve to ourselves the power to provide for ourselves the capacity to build war ships as a sort of protection, as a reserve resort if there should arise any great national necessity.

Our present system is correct. The amendment on page 51, in my judgment, is not put there with the idea of putting up any enormous establishment with a $4,000,000 plant, but as a sort of brutum fulmen against the private manufacturers, which they understand just as well as we do.

I say they will make the best work in the world for reasonable prices if we treat them like gentlemen, and give the Secretary of the Navy some leeway in making bargains with them. You can not restrict this by rule. They are changing all the while the character of that material; they have been improving by their harveyizing, and by the use of nickel alloy, and they are changing the form of the old-fashioned turret, which was simply a cheese box on a raft, as the old *Monitor* was called. Their idea goes to the changing of the turret so as to round it up toward the top and elongate it in the front, with the idea that when they are fighting head on, a shot can hardly hurt that turret, for when it strikes on the side it will strike it on a curve line, and go off over the top. It is a very different thing to build a vessel like that from what it was to build the ordinary cheese-box turret. That is a simple problem upon definite lines, an exact curve all the way round; it is on vertical and perpendicular lines. The other has to have many different systems of forging, and very different tools for cutting the plate down to a proper thickness. You can not make a contract for that work for $400 a ton. The cost will run much above that, but there are minor parts of the steel that might be made for $50 a ton.

The best way, in my judgment, by all means, for the safety of the country and for the sake of the excellence of the work, is to avoid all political combinations, to avoid all unnecessary manufacturing by the Government itself, and to leave this matter substantially where it has been.

Mr. SQUIRE. Without any previous intention of saying a word, the remarks of the Senator from Connecticut [Mr. HAWLEY] have caused me to rise for the purpose of stating in a very few sentences my emphatic concurrence in what he has said to the Senate.

For some years I happened to be engaged in the business of manufacturing small arms not only for the Government of the United States, but for several States of the Union and for foreign countries. I know something of the business of manufacturing arms for the Government, and I know something of the business of great concerns engaged in supplying material of war for the nations of the world. I know something of the relative cost of manufacture by private concerns and companies as compared with the cost of arms manufactured by the United States Government and by other governments of the world, and I venture to say in brief that I believe it to be for the advantage of this Government that it should encourage the manufacture of war material by companies and by private concerns rather than to engage in the manufacture as a Government, or rather than to extend the Government plants already existing for that purpose to any considerable extent.

My reasons for that are somewhat in the line of the suggestions advanced by the honorable Senator from Connecticut. I believe, in the first place, that the Government will get better work by such means. In the second place, I believe that the Government will get the work done at less cost; and, in the third place, I believe it to be unwise for the Government to extend its establishments so as to involve any political question in this business of manufacturing by the Government any further than may be necessary.

It has been shown in the past that in the manufacture of small arms the great companies, such as have been alluded to by the Senator from Connecticut, the Colt Company, of Hartford; the Remington Company, of Ilion, N. Y.; the Sharp Company, and other companies, manufacture small arms at less cost than they have been manufactured by the Government. I believe the lowest cost for the Springfield muzzle-loading rifle during the late war and just after that war was about $13 per arm. Private companies have been enabled to manufacture the same arms at a less cost, and to sell those arms to the Government of the United States at the price of $12.50 per arm. The price of breech-loading rifles sold to the Government, which formerly ranged from $37.50 to $42.50 per arm, has been reduced by private competition so that those private factories are enabled to supply those arms to the Government at a cost not to exceed $15 or $16 per arm.

If those things are true—and I know them to be true in the manufacture of small arms, in which the same system of superintendence, the same system of inspection or relatively the same system of inspection, should be employed as in the inspecting of the great guns manufactured for the Government and by the Government—then I believe it worthy of the attention of the Senate to consider very seriously as to the propriety of the Government of the United States engaging in the manufacture of the great guns or of armor steel. I believe it to be an unwise proceeding, and nothing short of absolute necessity should induce us as a Government to engage in the manufacture of armor plate.

It may be true that these manufacturers have made some profits. I believe they are entitled to all the profits they have made. I am not one of those Senators who would be in favor of jewing down those manufacturers and screwing them down to the last point, so that they would need to dock their pay rolls and dock their employees and reduce their wages. I believe in encouraging those large concerns. I believe in encouraging that class of talent and that class of labor. I believe that we should rather put a premium upon such work: that we should build up such private concerns and such large companies as are willing to engage in this business.

I have had some conference with men connected with some of those large establishments of the present day, men connected with large establishments like the Bethlehem Company, which the Committee on Naval Affairs visited, and which I visited in connection with the business of that committee, and they have said to me that they really did not particularly care for the business of the Government at the rate at which they were receiving under the system of inspection that they were required to adopt. I think it unwholesome for us to persist in an effort to reduce the price of armor plate below what those large concerns can produce it for at a reasonable profit: and, from such investigation as I have been able to pursue personally, I do not believe that the price of $400 per ton is any too much for them to receive.

It may be that in the discovery and in the inventions of the present day, of which we have heard so much of late, that the price of the ore from which steel is produced can be largely reduced. It may be that the cost of those processes may be reduced, it may be that innovations may occur from time to time, but those inventions will only come about through the stimulus that is acquired by reason of the necessities of the case, the competition that will come up, and by reason of the talent that is employed and the experience that is developed. From all this the Government of the United States will reap a large advantage, and I do not think it wise for us to be penny wise and pound foolish in this matter. I believe it would be pound foolish for the Government of the United States to undertake to provide a large establishment for the manufacture of armor plate.

What would be the result? Of course there would be the usual preliminary attention to matters that would take a large amount of time, that would take an amount of talent, an amount of inspection and surveying of the whole question. Time would be required to develop in that direction. Then there would be required the outlay, and it would be necessary to get the proper corps of men, the proper superintendence, the proper inspection; and all those things require some years in order to develop it to the proper degree of perfection. Then, when you have all this, the Government has to establish and maintain a vast establishment, a great company of men, officers, and inspectors, who have to be maintained. I do not think it wise for the Government to enter upon a project of this kind. I do not think it is economical. I believe it to be detrimental to the best interests of the Government.

If I might add a few more words, I believe this policy to be unfair to these companies and to the men engaged in this business. I believe they ought to have encouragement in the future. It was regarded as important during the war in the defensive policy of this Government that there should be large private factories. When we came to consider our sources of public defense, we always counted upon the large private establishments which could engage in the manufacture of arms and in the manufacture of war material. It is an element of strength to the Government.

It so happens that under the policy which has been pursued in the past we have a large establishment on the Pacific Coast for the building of ships—the Union Iron Works, of San Francisco. We also have a small establishment now engaged in the building of a steam torpedo boat and other steam vessels for the Government on Puget Sound, at Seattle, my own town.

I believe in the encouragement of private factories. I believe it is to the interest of the Government to encourage them rather than to concentrate such work into one or two great public establishments on the Atlantic Coast. Therefore I hope this amendment may be disapproved of by the Senate.

I have listened with great interest to the remarks of the honorable Senator from Connecticut, who is thoroughly well informed upon this subject, and to whom we should all look up as an experienced Senator, the chairman of the Committee on Military Affairs, and a member of the Coast Defense Committee, a man who has given great attention to this subject during all the past years, and I venture to say that no man in the Senate is better advised on this subject than the Senator from Connecticut; and for one I feel like heartily seconding his statement in every particular. I do not think he made a misstatement in his speech;

and it was for the purpose of emphasizing what he said that I rose to my feet.

Mr. ELKINS. Mr. President, this amendment carries with it an appropriation of $3,200,000. So far as I can learn from the discussion on this subject, it occurs to me that there is a wide difference of opinion as to what would be the proper cost of this armor plate per ton. One Senator says $300; one committee—the Committee on Naval Affairs—recommend, if I understand it, $300; and the Appropriations Committee say $400. When I read the report of the committee, I find it concludes that this armor plate is worth between three and four hundred dollars a ton.

Now, we are dealing with very large figures here. I know that no committee has ever come before the Senate asking for an appropriation without knowing something more definite than either the Committee on Appropriations or the Naval Committee seem to know about what they are asking here. When the committee comes here and talks about the cost being between three and four hundred dollars a ton, if you will stop to count the difference it is nearly a million dollars. If there is a difference of $100 a ton on each ship, that would be $270,000, and on three ships it would be $810,000. It seems to me that we had much better suspend the construction of these three battle ships than to go on with all the doubt and uncertainty which prevails as to what will be the proper cost of armor plate.

Mr. President, we have a great many battle ships. We have more battle ships than we have seamen to man them—I mean American seamen. If our Navy were called into action we could not man the vessels with American seamen. We have 76,000 seamen, two-thirds of whom are foreigners and one-third Americans. Your building up of the Navy now is something like building a head without a body. You can not sustain a navy without a merchant marine back of it; and we have no merchant marine.

We have more ships to-day than we can man, and why now, in the condition of the Treasury, depleted as it is, should we give this $3,000,000 to go on constructing these three battle ships, especially when there are no two Senators who agree as to what is the real cost per ton of armor plate? I do not think as Senators, trustees of the Government, and as business men called upon to dispose of the public funds and to vote appropriations, that we should do it recklessly. Let somebody ascertain; let the executive department of the Government ascertain what the real cost is, and not tell the Senate that it is between $300 and $400. I never knew so reckless a recommendation to be made when you come to deal with figures of this magnitude. Until the Senator from New Hampshire, leading the Naval Committee, or until the Appropriations Committee, which is assumed to know, or somebody else will find out definitely whether this armor plate is worth $100 or $200 or $300, or $600 a ton, as some say, I do not think we should go forward blindly making appropriations. We are called on here as Senators to vote without any very definite knowledge or information, without any accurate information. The Appropriations Committee has not time to look into the question, and the members of the Naval Committee do not agree even among themselves, and here is a difference of $810,000 in an appropriation of $3,000,000.

Now, suppose the president of a railroad company should make a recommendation to set aside a certain sum to do a piece of work and his vice-president should come in and say, "I recommend $800,000 less," what would be the duty of the board of directors? Simply to wait until they had definite information. We are proceeding without definite information, and if the Naval Committee and the Appropriations Committee can not give to the Senate definite information, in my judgment we had better suspend the construction of these battle ships until we can act intelligently in a matter of such magnitude.

But, Mr. President, my objection to this amendment is to that part of it which seeks to inaugurate the policy of this Government entering upon private business, if you please. The Naval Committee recommend by amendment that in the event that these armor-plate factories—and there are only two of them in the United States—do not take the price per ton Congress names, then the United States is to buy one of their factories and go into the business of making armor plate. One would suppose from the talk here that there were about forty or fifty armor-plate establishments ready to sell to the Government. If some things I have heard be true, some of these armor-plate factories will be very glad to sell to this Government at a million and a half dollars, and with this bill a law, all that the two armor-plate factories have to do is to come together and say, "We insist upon $500 a ton for armor plate." Then the Secretary of the Navy is authorized to buy one of them out and have it loaded onto the Government.

Who knows but what the owners of these factories would like to sell them for $1,500,000?

But suppose, Mr. President, we can not buy one of these plants. Is the Senate prepared now to vote that the Government of the United States shall go into the business of manufacturing armor plate? The Government buys shoes for the Army, buys clothing, buys blankets, and buys supplies of all kinds. What would be thought of a proposition to authorize the Government to establish factories and go into the business of making this article?

Mr. ALDRICH. Will the Senator allow me?

Mr. ELKINS. Yes, sir.

Mr. ALDRICH. I should like to ask the Senator, for information, whether the three battle ships upon which the armor plates are to be used are not now under construction?

Mr. ELKINS. I do not know; I suppose they are. You will have to go to the Naval Committee to find out. I do not know; but the Appropriations Committee ought to know.

Mr. ALDRICH. There is no possibility, I know——

Mr. BACON. Mr. President, we can not hear the question propounded by the Senator.

Mr. ALDRICH. I was asking the Senator from West Virginia whether the three battle ships are not already under contract.

Mr. ELKINS. Suppose they are?

Mr. ALDRICH. Then the armor plate must be obtained somewhere, or else the ships will be absolutely useless.

Mr. ELKINS. Why can you not suspend the contract? The Senator from New Hampshire [Mr. CHANDLER] says that the work has been already suspended for a year.

Mr. ALDRICH. Oh, no.

Mr. ELKINS. What would the ships be worth without the armor, the Senator asks. They would not be worth anything.

Mr. ALDRICH. That is exactly the question I am suggesting to the Senator, who says that we should go out of the armor-plate business, and not buy of these gentlemen or anybody else.

Mr. ELKINS. I beg your pardon. I did not say that.

Mr. SEWELL. If the Senator will allow me, the construction of ships, their frames, and so forth, is one thing, and the contract for armor is a subsequent matter, as it is not needed at the time when the construction of the ship itself is going on, but it is reserved, so as to find out from the Secretary of the Navy as to the proper price to be paid for armor in the future.

Mr. ALDRICH. What I am trying to find out from the Senator is whether it will not be necessary to obtain armor plate at some time from somebody before the ships will be of use?

Mr. ELKINS. It is not necessary for the Government of the United States to appropriate money and not know definitely the price or cost of the thing it buys, or how much it ought to pay. Somebody ought to tell the Senate what this armor plate is worth. There is not a Senator here who says he has definite information on the subject. The committee comes before the Senate and says the price should be from $300 to $400 a ton. When you come to talk about the three ships, it amounts to $270,000 each, and then Senators say a difference of $100 is nothing. But it does mean something; it makes a difference of $810,000 on the three ships. I do not want to vote upon a proposition, as a Senator and as a business man, without knowing whether I am paying too much or too little for what I am buying.

Mr. HALE. How does the Senator then——

The PRESIDING OFFICER. The Chair would inform the Senator that he can not be heard at the desk.

Mr. HALE. I was trying to get the Senator from West Virginia to hear me.

Mr. ELKINS. I can hear the Senator very well.

Mr. HALE. So far as I can judge from what the Senator says, he does not want anything done; he does not think we need any more ships.

Mr. ELKINS. I can tell the Senator I do not like to go fore[illegible] on in midnight darkness.

Mr. HALE. He wants everything made absolutely clear before he will consent to have any more ships. Now, this year, [illegible]hat was rather an unprecedented fashion for us, we have put no provision whatever for new ships in this bill; but [illegible] got three ships on our hands which were authorized [illegible] which have been contracted for, which are being built, [illegible] which are absolutely good for nothing and are dead matter unless we supply armor; and we have come to the point where investigation has shown that the prices heretofore paid for armor are too much, and the committee reports a limit of $400 per ton. Now, the Senator wants accuracy, and he can not get anything better than that. One man believes that $400 is too much: another believes that it is too little; but the committee reports $400, and the Senate is going to be put to the test of saying whether $400 shall be the limit. I have no doubt that when we fix that limit——

Mr. QUAY. Will the Senator from Maine allow me to interrupt him?

Mr. HALE. Certainly.

Mr. QUAY. I may be in error as to the facts, but my recollection is, at the last session of Congress the question of the equitable price to be paid for armor plate was submitted to the Secretary of the Navy, with instructions to examine and to report to Congress by the 1st day of January, and that his testimony before the Committee on Naval Affairs and his report to Congress gave evidence that $395 to $400 was, in his judgment, an equitable price for the armor. Am I mistaken about that?

Mr. HALE. That is a general statement of what took place.

Mr. QUAY. It is very particular as to the amount.

Mr. HALE. Yes.

Mr. QUAY. He gave to the Naval Committee and to Congress the figures fixed by the Committee on Appropriations in this bill.

Mr. HALE. He did, and the price we have fixed is based upon that report. It was a singularly bright and exhaustive examination, and, as I said to-day, it was as good a piece of work as any Secretary has done in years, and it brought light out of darkness to a much greater extent than I supposed it could be done. The report is based upon it and the bill is based upon it, and the limitation is fixed, and if the Senate passes it and it goes through, the contractors will accept it and be glad to accept it.

Mr. ELKINS. How does the Senator know it?

Mr. HALE. I have no doubt whatever as to that.

Mr. ELKINS. Why does the Senator say he has no doubt?

Mr. HALE. I have no doubt whatever for the reason that it is shown very clearly, and the contractors are bright men, that they can furnish the armor and make a profit at that price, and they will not venture to decline to furnish it.

Mr. ELKINS. I do not know how much time I should yield to the Committee on Appropriations.

Mr. HALE. The gentleman can stop it at any time. I do not know of any committee except the Foreign Relations Committee which refuses to have questions asked. I do not know of any other committee that reports things that are not true and then refuses to answer questions.

Mr. ELKINS. I have seen the time of Senators taken away from them by the gentlemen on the Appropriations Committee, one repaying to the other, and the Senator from Maine is declaring all the while that this colloquial debate is the best way to get at the facts.

Mr. BATE. We can not hear one word that is being said on the other side. It seems to be a private colloquy carried on there among a half dozen gentlemen on the floor.

Mr. HALE. It is very interesting to the parties engaged in it.

Mr. BATE. I desire to hear what is going on.

Mr. HALE. Now, if the Senator does not want me to go any further——

Mr. ELKINS. No; I want to ask a question.

Mr. HALE. I yield to the Senator to ask me a question.

Mr. ELKINS. If I give way to the Appropriations Committee, I will not get another chance to-night.

Mr. HALE. I yield for a question.

Mr. ELKINS. What does Great Britain pay for like armor?

Mr. HALE. Sometimes one price and sometimes another.

Mr. ELKINS. Please state, if the Appropriations Committee know, what price is paid.

Mr. HALE. Yes; we do know.

Mr. ELKINS. State it.

Mr. HALE. Different prices.

Mr. ELKINS. State some of the prices.

Mr. HALE. They pay in pounds what amounts in dollars——

Mr. ELKINS. State it in dollars.

Mr. HALE. As I say, they pay in pounds what amounts in dollars in some cases to $270, in some cases to $350, and in some cases to $400, and so it goes on at different prices.

Mr. QUAY. It seems to me, unless I err, that the average price is about $340.

Mr. PERKINS. Mr. President——

Mr. ELKINS. Another member of the Appropriations Committee.

Mr. PERKINS. I wish to answer my friend.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from California?

Mr. HALE. I yield the remainder of my time to the Senator from California.

Mr. ELKINS. I want this to be the last member of the Appropriations Committee I yield to in this discussion.

Mr. PERKINS. My friend asks what Great Britain is paying for armor plate. I desire to inform him that another foreign government in Europe, as appeared by the testimony before the Naval Committee, not the Committee on Appropriations, paid these same two companies—the same one company, for they have pooled their issues on prices—only $250 a ton for 2,400 tons of this armor plate, amounting to $600,000, and while the evidence was not direct, it appeared that it was delivered to them in Europe for that price.

Mr. ELKINS. Here is a member of the Appropriations Committee——

Mr. PERKINS. Of the Naval Committee, if you please.

Mr. ELKINS. You are on the Appropriations Committee, too. Now listen. Here is a member of the Naval Committee and a member of the Appropriations Committee who says that armor-plate contractors in the United States delivered armor plate in Europe—delivered, Mr. President; I put stress upon that word, because it costs at least $10 a ton to get it to Russia—in Russia for $250, but now he, a member of both of these committees, is sustaining the amendment which recommends $400 a ton. The Senator from Maine says he is definite—$400 a ton. I know he is definite, but another Senator, sitting in front of me, who has been Secretary of the Navy, says three hundred and fifty or three hundred dollars. He is groping in the dark, too, and does not know where he is on the question. I want to make myself plain. If nobody charged with finding out these facts knows anything about them, we had better suspend; we had better not have these three battle ships completed. They can stand where they are. The work is going on now, and we can wait for the armor plate until we know what it will cost.

Mr. ALDRICH. Will the Senator allow me?

Mr. ELKINS. What Senator would pay for anything until he knows what it is worth? Would these gentlemen go out into the market and buy clothes, or coal, or wood, or build a house, without knowing what it would cost? Not one of them.

Mr. HALE. The Senator has not located ignorance in the right place.

Mr. ELKINS. I do not know where it belongs. Whatever was done on this subject, nobody can find out anything about it.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. ALDRICH. Is it not true that a large proportion of the uncertainty in the mind of the Senator from West Virginia, and incidentally in the minds of the committees, is due to the fact that the contractors declined to give any definite information as to the cost of armor plate?

Mr. ELKINS. I know nothing about the contractors. The contractors attend to their side of the business, and they do not need a guardian. I think, sir, somebody else needs a guardian in this transaction, not the contractors.

I have no complaint to make of them. If a contractor can get $400 a ton out of the Appropriations Committee or the Naval Committee, who do not know anything about the subject, he will get it, or if he can get $500, he will get it. The contractor is not to blame for that. It is Congress, provided it pays too much.

This is a serious proposition. Here is a difference of $810,000, and the Senator from Maine says he can be definite and he can be positive. Here are the findings of the committee, and let me read one of the findings of the committee or the conclusion of the committee. It recommends to the Senate:

VI.

> That a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between $300 and $400 per ton of 2,240 pounds.

What is such a report as that worth?

Mr. HALE. Is that in the bill?

Mr. ELKINS. No, sir; it is your committee's finding.

Mr. HALE. It is not in the bill.

Mr. ELKINS. You say you want $400, when the committee tells us it is between three and four hundred dollars. Why do you not adopt what is advised by somebody who under the circumstances is presumed to know? I would never fix the highest price. If somebody advised me that the price of a product was between three and four hundred dollars I would never give him $400; never on earth.

But this is not all. The committee comes here with an amendment. Shall I call it vicious—the worst legislation I ever saw proposed in Congress—and say to armor-plate contractors, "If you do not take our offer we will buy you out?" That is, maybe, just what the contractor wants. "We will give you a million and a half for your plant, if you do not take the contract at this price." What a state of affairs! Here is a factory manufacturing shoes for the soldiers, or blankets. Suppose we should say in a bill, "We are going to give so much for shoes or blankets, and if you do not take that, we are going to give you more than your factory is worth, and run the business ourselves."

Mr. President, there is a principle involved in this matter. This Government should not be committed to the policy of going into private business and enter into the manufacture of armor plate any more than manufacturing army shoes or army blankets. Everybody knows this sort of paternalism is objectionable and unwise. There are some in the Senate who may vote for it, but I doubt whether even the Populists will follow the gentlemen into this kind of legislation.

Mr. HALE. Will the Senator allow me?

Mr. ELKINS. Certainly.

Mr. HALE. Is the Senator in favor of fixing any limitation?

Mr. ELKINS. I am in favor of finding out——

Mr. HALE. No, no.

Mr. ELKINS. In some intelligent way what this armor plate is worth, and then saying that that price shall be given.

Mr. HALE. We are confronted with the bill which we are considering to-night. We have to pass it to-night. I ask the Senator whether to-night he is prepared to fix any limit on the contractors, or does he take the position that he is not ready to fix any limit whatever?

Mr. ELKINS. How on earth am I to know? The Senator is asking me what with all the means at his command he ought to know, and he says, "Will you not fix some price?"

Mr. HALE. No; I do not ask the Senator that. I ask him if he is ready to fix any limit.

Mr. ELKINS. You do not know anything about it. How do I know? You are ready, however, to fix the highest limit, and you may be entirely right. I do not say this is enough, too much, or too little. I simply say we should have more information before voting.

Mr. HALE. I am asking the Senator whether he is ready to fix any limit?

Mr. ELKINS. I am not, because I am not advised.

Mr. HALE. That is what it amounts to. The Senator does not want these contractors to be limited at all.

Mr. ELKINS. I want them simply to get a fair price and make a fair profit. They are entitled to this and should have it, no matter what it is. The Government can afford to be just and fair and not oppress manufacturers.

Mr. HALE. No; the Senator does not want them limited at all.

Mr. ELKINS. It is very easy to ask a question and then put an interpretation on the answer. Let me state to the Senator what I do mean and without asking him to interpret it. Here stands the Senator from Maine with the amendment.

Mr. QUAY. Will the Senator allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. QUAY. Would the Senator from West Virginia be willing to leave the fixing of the price of the armor to the discretion of the Secretary of the Navy, who has been directed to examine and report, and who made an investigation and reported upon it?

Mr. ELKINS. I do seriously think before voting we should know something more about this question; I do not believe in giving a Cabinet officer unlimited power about anything.

We often get in the Cabinet a very able business man, but sometimes we make a mistake and get one who does not know much more about business than some of us, and I am unwilling to surrender to the discretion of a Cabinet officer the throwing away or the saving of $800,000.

Mr. ALDRICH. Will the Senator allow me?

Mr. ELKINS. Certainly.

Mr. ALDRICH. Does the Senator from West Virginia seriously think we ought to delay the consideration of this bill until he makes up his mind?

Mr. ELKINS. I seriously think, and I want to emphasize it, that until we know something more definitely about what we are doing we ought to stop. That is safe.

Mr. HALE. Whom does the Senator mean by "we?"

Mr. ELKINS. The Senate of the United States, and not the Appropriations Committee.

Mr. CHANDLER. Will the Senator yield to me for a moment?

Mr. ELKINS. I want to know when these interruptions will end?

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. CHANDLER. I have not interrupted the Senator before.

Mr. ELKINS. I yield.

Mr. CHANDLER. The Senator is very amusing. I want to call his attention to three facts, and then to ask him a question.

Mr. ELKINS. It will be the first fact that has been brought out to-night.

Mr. CHANDLER. There is the report on this subject by the Secretary of the Navy; made at some length and after great care, and it is very precise and definitely stated. There is the separate report, and there is the report of the Committee on Naval Affairs on this question. Now, I ask the Senator if, until to-night when I showed them to him, he had ever seen or heard of any one of the documents before?

Mr. ELKINS. I have seen enough of them, with this kind of a conclusion, and I have to read it again before the Senators can understand it:

> That a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between $300 and $400 per ton of 2,240 pounds.

Any report that is so vague and so uncertain, and which, as I try to insist upon and to bring to the attention of Senators, makes a difference of $810,000, is not worth considering. The Senator from New Hampshire, with all his astuteness, would not go down town and buy an article and make any such bargain as he proposes to make as Senator.

Mr. CHANDLER. Let me say a word. The Senator does not wish to be unjust. He is entertaining, but he does not wish to be unjust. The Senator only read three lines of the conclusion.

Mr. ELKINS. That is all I want to read.

Mr. CHANDLER. It is all the Senator wanted to read, but here is a long page.

Mr. ELKINS. Worse than ever.

Mr. CHANDLER. The Senator should wait. Here is a long page stating the Secretary's conclusions, giving $400 as the price, and showing exactly how he arrived at it; showing the calculation of $300 a ton, and then comes this clause, which the Senator will allow me to read:

> While this question was under consideration by the committee, the Bethlehem Company and the Carnegie Company requested to be heard—

Neither company had given the committee any information whatever on the subject, nor had they given the Secretary of the Navy anything—

> and on the 3d day of February Mr. R. P. Linderman appeared for the former company and Mr. C. M. Schwab for the latter company, and for the first time since the investigation was ordered on December 31, 1895, the companies seemed willing to discuss some details concerning the actual cost of making armor, while still declining to permit an examination of their books on that point. They made criticisms of some of the details of Secretary Herbert's report, and the Secretary being present, he made reply thereto, and afterwards submitted a letter dated February 8, 1897. A report of this last hearing, including the Secretary's letter, will be found with the testimony accompanying this report.
>
> The companies are entitled—

The committee say—

> even at this late day, to receive fair consideration of any facts and arguments which they choose to submit to Congress, and the committee therefore conclude to report that a fair average price of armor will be between $300 and $400 per ton, and, without fixing the exact amount, to leave the question to be further considered by the committees and to be determined as may appear to be just when the naval appropriation bill is under discussion in the two Houses of Congress.

Following that report the Committee on Appropriations and the Committee on Naval Affairs have gone on to consider the subject. The two companies gave them no information whatever. The committees were confronted with the fact that nearly a year ago the contracts were made for the hulls of these ships, and they found it necessary to provide the armor for those ships, or else to suspend their construction, and the Committee on Appropriations have concluded, under the circumstances, to fix as a limit, beyond which the price shall not go, $400 a ton. They bring in that conclusion, subject to the approval or disapproval of the Senate and House of Representatives, and now they are subjected to the criticism of the Senator from West Virginia, who has no information whatever on the subject and never even had taken it up for consideration until after he began his speech to-night.

Mr. ELKINS. I do not know what the Senator from New Hampshire has against me or why he wishes to impugn my conduct or my motives here. What good does it avail these distinguished Senators to read what the contractors say? You would think that the Senators were in the hands of the contractors. They say the contractors will not tell us. Why should a contractor tell a Senator anything if he does not want to? It is his business; and it is the business of the Senate to find out. It is the business of the contractor to get as much money as he can for a given piece of work. What is strange to me is that the committee is all the time striking the highest price. I do not find any of you wanting $300.

Mr. CHANDLER. The Senator is getting a little wild.

Mr. ELKINS. Not at all.

Mr. CHANDLER. What does the Senator mean when he says he does not find anyone wanting $300, when he is now speaking on my motion to reduce the sum to $300?

Mr. ELKINS. I thought it was $350.

Mr. CHANDLER. It is wholly the invention of the Senator.

Mr. ELKINS. Now I understand this excitement. The Senator said it was amusing a while ago. It is not so amusing now. There is no business man in the world, there is not a man keeping a stand on Pennsylvania avenue, who would go into business this way. I can not torture language. I did not make this report, and I have not read all of it, but I have read enough of it to convince me that there is a very wide divergence of opinion as to the cost of armor plate; and the Senators may argue and debate the question as long as they wish, but they can not get away from the fact that there is a difference of $100 on every ton. Now, that is the question, and as a business man will we submit to this sort of legislation not founded on facts? No Senator on either the Naval or Appropriations Committee will say that he has an accurate knowledge as to the cost of armor plate.

I am asked would I seriously do this and seriously do that. I want to say to Senators that I would suspend work on these battle ships now and here, because there is no danger of war. The Senate is going to adjourn very soon, and the arbitration treaty is going to be considered, and the Cuban question is out of the way. Julio Sanguily is out of jail, he is pardoned, and there is no prospect of trouble in that direction. There is no use for haste. All sorts of rumors are afloat, that the plate can be made for $100 and $200 and $250, and because the contractors will not tell the Senator from New Hampshire what it is worth he says, "We will go on groping in the dark."

The Naval Committee and the Appropriations Committee are on the best terms. One represents $300; the other represents $400. How are we Senators, who have no means of getting information, to decide this question? We are to be advised by the committee, and what the contractors may say or what the contractors may do is of no avail to us. What the contractors say has nothing to do here. It is not the fault of the Senate if the Appropriations Committee has not brought its attention to what armor plate will cost, and I want to repeat with some emphasis that there is not a Senator advocating the appropriation of $2,000,000 or $3,000,000, with a Treasury bankrupt and empty, who would go out into the business world and do business upon any such basis as proposed in this bill. I want to say further that what is good as between individuals from a business standpoint is good for this Government. We should be just as careful with the Government's money as with our own, and if Senators were building ships, providing armor plate out of their means, they would find out in some way, no matter if the contractors sealed their mouths and locked them, whether they would pay for an article when they did not know what it was worth.

This is a serious question. There is no use to try to divert the attention of the Senate from the real issue, and I want simply to say to Senators that for their sakes, and for the sake of the United States Senate, we had better stop the construction of these ships.

Why make this mad haste? What for? There are some wild reports about war. We are not going to have any war. I believe in building a navy, but build it according to our means. I want it further understood that I am making no expression of opinion as to what the armor plate is worth. I can get no light from the distinguished Senator who has this measure in charge nor from the members of the Naval Committee. There is a difference of $100. The Senator from Maryland [Mr. GORMAN], I believe, wants more. I do not know. He seems to understand the question. I see him in his seat now, and I tried to ask him whether he was for $300 or $400 or $600.

Mr. HAWLEY. He reported $400.

Mr. ELKINS. Do I misrepresent the Senator when I say he is for $400.

Mr. GORMAN. No.

Mr. ELKINS. You stand for $400. You want to pay these contractors $400.

Mr. HAWLEY. Not more than $400.

Mr. ELKINS. Not more than $400. That Senator is an able Senator; he is a business man. I know too well if a man went to him and said something was worth between three and four hundred dollars he would never get $400.

Mr. STEWART. Will the Senator from West Virginia allow me?

Mr. ELKINS. Certainly.

Mr. STEWART. Does not the Senator know that it is because the contractors will not tell?

Mr. ELKINS. That is what the Senator from New Hampshire read, and he says therefore we must give $300, and this Senator says we must therefore give $400, and the Senator from Maryland says, "Amen, I will give $400," and we who have to vote must follow blindly this indefinite and vague proposition—this light that goes out in darkness and looms up again.

I want to bring some business principles to bear in this discussion. This is a proposition to take the people's money out of the Treasury of the United States. We are the trustees charged with the payment of this money, and the Senators on the Appropriations Committee are especially trustees of the Government. The great Appropriations Committee come in here and say, "Oh, we must hurry through." The Senator from Maine is impatient. When a Senator who has had two years of probation, who has been waiting and listening and hearing others talk, with no opportunity to express himself until now, speaks, he becomes impatient and does not want to hear him.

I am not here to make any war on the contractors. I do not blame or oppose them. I am not here to say whether armor plate is worth $300 or $500, and I do not find any other Senator who knows any more about it than I do—not a bit more. Therefore I think I am right in insisting, when there is so much doubt about a proposition, when there is such want of information involving a difference between the two estimates—one $300 and the other $400, amounting in the aggregate to $900,000—that work on these battle ships shall be stopped for a year. How can that prejudice the public interests? We hope with the incoming Administration to fill the Treasury with money. Then we can pay it out; but I will insist then on knowing for what we are paying it. I do not want to lay too heavy a burden on a bankrupt Treasury.

In another year perhaps the Government will have more money. We have promised to put money in the Treasury under a proper system of taxation, and let us wait until we get it. It is the people's money, taken from them by taxation. I fear sometimes that we forget where the money comes from which we are called on to appropriate. It comes from the people's hard earnings; and then a Senator, with a wave of his hand, says, "Oh, three or four hundred dollars, that is not much difference on 1 ton of steel." Three or four hundred dollars! Why, nine-tenths of the people of the United States only have an average income of $400, and live on this amount.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. ELKINS. Yes; he is not on the Appropriations Committee. I hope he will know something about the question.

Mr. BUTLER. The Senator was making such a patriotic statement that it was bound to bring a Populist to his feet, because we can approve such sentiments. I was very glad indeed to hear him say that he wants to have more money, and to express a deep regret at taxes being wrung from the people when money is scarce. I want to congratulate the Senator from West Virginia upon that position, that he is opposed to taking more taxes out of the people until the amount of money is increased.

Mr. ELKINS. No; I beg pardon. Do not put that in my mouth. I did not say more money. The Senator is as bad as the members of the Appropriations Committee. He can not get up here and state a proposition fairly. I said nothing about more money. I said more money in the Treasury.

Mr. BUTLER. You are not in favor of the people having more money?

Mr. ELKINS. There is plenty of money in this country to do its business. The gentleman must excuse me. I do not want to take up too much time of the Senate.

The PRESIDING OFFICER. The Senator from West Virginia is entitled to the floor.

Mr. BUTLER. He is not quite so good a patriot as I thought he was.

Mr. ELKINS. I know the impatience of the Senate, and I want to address myself a little further to this amendment. I do not know who is the father of it. I think the Appropriations Committee is not willing to accept its paternity, and I am told it is the amendment of the Naval Affairs Committee.

Now I wish that Senators would listen to the reading of this:

> In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed—

Four hundred dollars per ton. That is what it means.

Mr. HALE. We have not reached that amendment.

Mr. ELKINS. They have to be argued together. One depends on the other.

> In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed, he shall be, and hereby is, authorized to lease, purchase, or establish a Government armor factory of sufficient capacity to make such armor and to proceed to manufacture the armor necessary for said three battle ships.

Now, I venture to say that the parallel of that sort of legislation is not in the history of the Government. It is a direct menace to business men—"Now, if you do not do what I want you to do, then I will go into the business myself; I will establish a factory, or I will buy one of your plants out, or I will purchase buildings." I want to call the attention of Senators to what it costs—$1,500,000. I would not put that in the power of any Cabinet officer. In the first place, I want the Senate to condemn in an emphatic way this first attempt to enter upon the principle of the Government entering into private business.

> In executing this authority he shall prepare a description and plans and specifications of the land, buildings, and machinery suitable for the factory; and shall advertise for proposals to furnish such land, buildings, and machinery as a whole plant, or separately—

But it says he may lease or purchase. And he shall appoint an armor board, and so forth.

Now, Mr. President, in the first place, to take $3,000,000 out of the Treasury of the United States is a serious proposition, but not knowing what we should pay for an article is worse. But, beyond this, it is absolutely wrong to encourage, or foster, or vote for any principle that authorizes the Government to enter into private business. The Government is not ready to enter into private business. As I said, she might as well enter upon making shoes and blankets and clothing for the Army, for this is all connected with war. If I had my way, if I could persuade members of the Appropriations Committee, I would simply strike all this out and say "For the present we will suspend work upon battle ships until we know what this armor plate costs." The only excuse for the Appropriations Committee is that the armor-plate people will not tell them what it costs. Then we should wait until we know definitely what it costs and allow the contractor a fair profit, no matter if the price be three, four, or five hundred dollars per ton.

Mr. TILLMAN. Mr. President, from my brief experience in this body I sympathize very much with the feeling of helplessness and ignorance which the distinguished Senator from West Virginia [Mr. ELKINS] has confessed; and, even though I am a member of the Naval Committee and have devoted as much time as I could spare from my other duties here to the business of familiarizing myself with the subject-matter intrusted to our care, I do not feel able to give him all the light that he asks for on this question of armor. But I do feel able to give him enough light, and to give the Senate enough light, to show that there is nothing connected with the recent history of this Government—no expenditure—so reeking with fraud and so disgraceful to those who are responsible for it.

If we go back and trace the history of this armor-plate manufacture we find that during Mr. Cleveland's first term, when Secretary Whitney began what is known as the construction of the new Navy, the manufacture of armor according to the most approved methods was an unknown thing in this country, and that there was no plant capable of performing that work. The largest steel plant in the country at that time, I believe, was at Bethlehem, and Congress wisely, perhaps (I shall not pretend to say it was not wise), entered not into a contract, but it authorized the Secretary of the Navy to enter into a contract with the Bethlehem Iron Works by which they were to construct a sufficient addition to their already large steel works to make this armor. The price fixed was away up yonder, some $600 or $700. I am not familiar with the exact amount, but it was $600 or $700 per ton, and it was generally understood in the debates and in the newspapers that the enormous price was given by reason of the fact that an enormous expenditure of three, four, or five million dollars was necessary, and the Government proposed by this large price to reimburse the Bethlehem Manufacturing Company in the contract which would then be let for its outlay. The proof is overwhelming in these reports, in the testimony taken before the Naval Committee in the investigation last winter, that the plant at Bethlehem, which was constructed in addition to what they already had, has been paid for twice over by this Government absolutely, and that they have made a present of it to the Bethlehem Company.

In a year or two after the contract was entered into at Bethlehem the new Secretary of the Navy, Mr. Tracy, finding that the delivery of armor from Bethlehem did not keep pace with the needs of the Navy, or for some other reason—that was the ostensible excuse—without authority from Congress, entered into a contract of his own with the Carnegie Works at Pittsburg, by which they were to receive the same price for the armor that Bethlehem was receiving, and he thereby hoped, as he explained, to bring about competition in the price of armor, and have two plants instead of one, and thus enable the Government to obtain all the armor it might want in the construction of the new Navy at reduced prices after a while.

The construction of the new Navy has gone on. It is getting to be rather respectable. It has cost us an enormous sum. Last winter, when the Venezuela war scare was on, the proposition came from the House to increase the Navy by four battle ships. There was a struggle here to reduce it to two, but we compromised on three, as I foretold would be the case, because there are only three navy-yards in this country that can construct such ships. Each one of them got a ship, and they, in collusion, agreed as to the price they would bid on those ships, and no doubt we are to-day paying a million dollars bonus or a million and a half dollars clear profit over and above a reasonable sum for their construction.

But the question of armor to put on these ships was under investigation by the Naval Committee, and all we could do in this body as to the reduction that should be had was to put it off and forbid any contract being let out for armor plate until an investigation was had by the Secretary of the Navy. The Secretary of the Navy made that investigation. It is here. It is full and complete. The Naval Committee has had this matter under consideration during the whole year; we have paid more attention to it than any and all else before us; and notwithstanding our ignorance (and I confess we are still ignorant), we have learned enough to know that these two companies, instead of competing with each other in the manufacture of armor, are to-day in collusion and have formed a trust; that they fix the price absolutely, without any regard to justice, without any regard to the liberal manner in which the Government has treated them in the past, without any regard to the fact that the price they have received, amounting to about $15,000,000 for plates they have already manufactured, has paid them back fourfold for the expenditure they paid out, and that they have had large dividends on account of the investment besides.

Mr. Herbert comes forward and makes a report based on the best information he can obtain as to the construction and cost of armor in Europe, and then he takes up the reports of the Carnegie Company and the Bethlehem Company. He went to the auditor's office at Pittsburg to find out the profits they had returned for taxation. He analyzed every bit of the information he obtained, and here are his conclusions:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196.00
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50.00
Making	246.00
Or in round numbers	$250.00
He then adds for profit 50 per cent, or	125.00
Making	375.00
And then adds for nickel to be furnished hereafter by the contractors.	20.00
Making	395.00
Or in round numbers	400.00

And that is the way the $400 figures have been reached. We have constructed these armor factories, we have given them to these people, we are asked to give them 50 per cent profit upon the reasonable cost of the manufacture, to give $10 extra as a bonus on guesswork, and reach $400 as the basis of the Naval Committee.

I will say here that the reason why there is some ambiguity or a little latitude in the report of the committee as being somewhere between $300 and $400 was in order that the Naval Committee might come in here like a band of brethren upon a united report without any minority battle to be fought.

The Senator from New Hampshire [Mr. CHANDLER], who has been largely instrumental in getting up this investigation, whose ability nobody questions, is here asking us to go back to $300 as a fair price, and here are his conclusions as to why that is enough.

After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	$168.00
Add for reforging	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one third per cent profit	70.00
	280.00
Add for nickel	20.00
Making the price for armor	300.00

Now, Mr. President, the proposition here is to limit this price to $300 or have the Government go into the manufacture of armor on its own account rather than submit to further imposition. Those who are accustomed to hold up their hands in horror at the idea of the Government going into business, who see the specter of the subtreasury or the Government ownership of railroads in everything brought in here to take the trusts by the throat and cause them to relinquish their grasp upon the throats of the people, say, "Oh, no; we can not have the Government do anything on its own hook except to sit down here as the agent and tool of these corporations and trusts, wring from the people their hard earnings in taxes, and turn them over to these robbers." That is the business we are engaged in. That is what we are here for, and that is why all of this discussion is being raised here as to the Government not going into business and buying or erecting a plant [illegible] its own for the purpose of making armor. How else are we to [illegible] under the law which requires us not to purchase abroad one [illegible] or one scintilla of material which goes into these ships which limits us to home manufacture? How are we to break [illegible] grasp of this trust?

The theory advanced in this body as we [illegible]cussed here in regard to the monopolies in the District of Colum[illegible] in the matter of electric lighting and gas is that Congress can regulate monopolies here, hold them down and make them put their prices at whatever we please; that we can control monopolies. I say here that the evidence is overwhelming in this electric-light business and everything else, that instead of our controlling monopolies, monopolies have the Senate in their breeches pockets.

Mr. President, I grow so indignant when I trace the history of this iniquitous business that I am apt to say harsh words, but God knows I believe every utterance I have made here is true. I would hate to believe or even to insinuate that these people have their paid agents in this Chamber. I would hate to suppose or suspect——

Mr. HAWLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. HAWLEY. Does the Senator dare to say that, or even dare to insinuate it?

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. I dare say that as far as I can see and understand the situation here I can explain it upon no other ground except that there must be men here who are the agents of these trusts.

Mr. HAWLEY. I say that is a disgraceful slander, unworthy of any gentleman.

The PRESIDING OFFICER. The Senator from South Carolina will proceed.

Mr. CULLOM. And in order.

Mr. TILLMAN. I might say that none but the galled jade winces.

Mr. HAWLEY. If the Senator applies that to me, I have a very efficient answer.

The PRESIDING OFFICER. The Senator from Connecticut must address the Chair and be recognized before he can interrupt a Senator on the floor.

Mr. HAWLEY. I beg pardon of the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. HAWLEY. If the Senator addresses any language of that kind to me, I have a sufficient answer.

The PRESIDING OFFICER. The Senator must not proceed to speak until he is recognized by the Chair.

Mr. HAWLEY. I accept the rebuke.

Mr. TILLMAN. I said I would feel ashamed to even insinuate that there were men here who are so lost to their duties to the men who sent them here and to the States they represent as to be guilty of this, but I am bound to put two and two together. I am compelled, as an honest man, to speak what I believe to be true, and so help me God, unless this be true, then I can not explain it upon any other hypothesis.

Mr. President, to go on with the question as to the Government going into business, who conducts this vast and complex machine of handling the mails, a business ramifying into the remotest corners of this country, covering every State and county and hamlet, a monopoly created by the Government and made self-sustaining almost in spite of the facts brought out here and notorious to everybody that everything else has gone down in the last twenty years except the compensation of these corporations for transporting the mails? The cost of manufacturing steel rails is one-half what it was fifteen years ago, when these contracts were begun, or ten years ago. Everything now, almost, is reduced by reason of the shrinkage in the volume of money; yet the armor-plate trust, created by the money of the Government, acknowledged by the Secretary of the Navy to be a trust, is to have its hands thrust deep into the coffers of the Treasury, into the pockets of the people, and when I get up here and try to expose their iniquities and proclaim my belief that there is dishonesty in it—fraud, peculation—I am twitted. I do not want to say anything harsh. God knows I have got enough vitriol in me now, and I could let out a heap of it. I will try to go on with the question.

On what do I base these charges? Here is the conclusion of the Secretary of the Navy, as to his belief that there is a trust in the manufacture of armor, which I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

> During the debate in the Senate upon the armor question at the last session of Congress, one question discussed was whether there was an understanding or agreement among armor manufacturers throughout the world to keep up prices. This was one of the questions I inquired about upon my recent trip to England and France. If there be any such understanding it is of course impossible to prove it, unless some one of those to whom the secret has been confided should betray his trust. My impression is that there is and has been for some time at the least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression I find prevails abroad, certainly among some of the persons who have inquired into the subject.
>
> Without undertaking in any manner to justify such combinations, there are reasons that would naturally induce armor contractors to agree among themselves as to the prices to be charged to their own government, and also with armor makers abroad as to the prices at which armor is to be furnished to countries which do not manufacture it.

Mr. TILLMAN. Here we have the representative of the Government in the control of the Navy Department, the man charged last winter by this Congress with the duty of investigating this question, and who has done it fully and thoroughly, proclaiming his belief in a combination, and yet he has acted so liberally that after arriving at such a conclusion he allows them 50 per cent profit in order to make the price $400.

What other business in this country, except that of those conducted by trusts and monopolies, now earns 50 per cent, or 30 per cent, or 20 per cent, or 10 per cent? Why are these millionaires to be given 50 per cent profit after we have created the factories and presented them to them? Why, I ask, unless, as I said, it be because they have their "friends" in this Chamber?

Mr. President, if the statement were made, the proof produced that the Treasury was to be looted to the amount of two or three million dollars in a transaction, and there was no doubt about it, and men got up here and said, "We can not help it; we must let this go on; we can not have the Government go into competition in business; we have got a monopoly here, created by ourselves, two corporations in combination; they have the Government down: they have their hands in our pockets, and we can not help it," what other conclusion can be reached but that we are sharing in the booty? Let me ask why we can not help it? We can help it if Senators will rise to a sense of their duty, will consider that the country is looking at us, and we are already considered a body disgraced by reason of our lack of ability to do business according to the dictates of Wall street. We do not hurry up enough. We do not obey orders. The touch of the electric button between Wall street and the Senate has been broken somehow in the last year or two on the financial issue; and the newspapers are turned loose on us like a pack of sleuthhounds to abuse and slander and misrepresent the Senate. If the Senate does this thing in the broad light of day, in the face of the facts produced by its own committee and by our Secretary of the Navy, how can we escape the condemnation of honest men as being the paid agents of these corporations?

But there is another phase of this armor business that is even blacker than this. In 1894 a big complaint was made through the newspapers, a furore created as to frauds in armor plate. The charges were that the Carnegies were not complying with their contract even at the high price we were paying them, $650 a ton; that they were putting off on us spongy material, rotten material, untempered material, as armor plate at that price. The Naval Committee at the other end of the Capitol got a resolution through that body instructing its committee to investigate these questions. They sent for the manufacturers themselves. They did not go out in the highways and byways and look up this informer or that spy, and men who had been turned off by the company; but they sent for the superintendent and the manager of the Carnegie Works and the others connected with the manufacture of those plates and asked them questions, took their own admissions, brought in no other testimony except that which Carnegie's men themselves made; and what did they report? Here are the charges made against the company, which were admitted by the agents of the company who appeared as witnesses before the committee. I want the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. TILLMAN. Now, gentlemen, those of you who do not feel so thin-skinned, who know you are honest, who feel that you are the agents only of the people of the States which you represent, please listen.

The Secretary read as follows:

THE CHARGES AGAINST THE COMPANY.

[Congressional Record, August 23, 1894, page 8638.]

> First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular, and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.
>
> Second. False reports of the treatment of the plates were systematically made by the Government inspectors. This was in violation of paragraph 36 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 36 says:
>
> "The contractor shall state for each article in writing the exact treatment it has received."
>
> The specifications of the contract of November 20, 1890, paragraph 104, says:
>
> "A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector."
>
> Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.
>
> Fourth. Specimens taken from the plates both before and after treatment to ascertain the tensile strength of each plate were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.
>
> Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.
>
> Sixth. The testing machine was repeatedly manipulated by order of the superintendent of the armor plate mill so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement so as to increase their apparent ductility.
>
> Seventh. Various specimens selected by the Government inspectors were re-treated without their knowledge before they were submitted to test.
>
> Eighth. Plates selected by the Government inspectors for ballistic test were re-treated with the intention of improving their ballistic resistance, without the knowledge of the Government inspectors. In one case, at least, the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619 after it had been selected by the Government and while awaiting shipment to Indian Head. Upon this ballistic test a group of plates containing 348 tons, valued at about $160,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were re-treated in this manner without their knowledge. These ballistic plates represented 779 tons of armor, valued at over $410,000. The groups represented by these three plates had all been submitted for premium of $30 per ton if they passed a more severe test than required for acceptance.
>
> Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities, in some cases, diminished the resistance and value of the plate.
>
> Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.
>
> Eleventh. The Government inspector in inspecting bolts was deceived by means of false templets or gauges.

Mr. TILLMAN. Mr. President, those were the charges, and the testimony is there to show that every word of them was admitted and confessed before a committee of the House of Representatives, and that House, without a division—because even the Republicans over there dared not face their constituents for reelection and fight the investigation—passed a resolution to have certain plates taken

off the vessels of the Navy and have them put through the necessary test to show the frauds and prove them. Mr. Carnegie was fined by the Secretary of the Navy and, by some hokus-pokus, this glorious President of ours, who, God be thanked, goes out of power in two days from now, remitted that fine. The thieves were caught; they confessed that they had robbed the Government; the House of Representatives sent to you a resolution to have certain plates tested upon your new Navy to prove the frauds which had been practiced upon the Government.

That resolution came over here and went to sleep and died without action, and Mr. Carnegie sports his steam yacht and floats back to Scotland to his game preserve, and writes gold-bug literature to tell the American people how they ought to behave themselves. He can come to Congress and come to the President, and get such recognition as he has had. Why should he not sport steam yachts and live in palaces? Why not? He can conduct private business; yes; oh, yes; but we can not. We can not compete with him, because there is too much red tape here, too much eight-hour law, too much this, too much that, too much t'other created here by political influences to stop the wheels of an honest Administration and to rob the people and make millionaires at the expense of the paupers, who are growing more and more numerous every day. Then, when I get up here and bring these facts to the attention of the Senate and ask the Senators if they do not propose to convict themselves in the eyes of the people of being in collusion with these men, of being only their greedy and paid agents, a Senator gets up here with his thin skin and undertakes to twit me with being insulting and slanderous!

Why was not that resolution passed here and those plates taken off? Why? Why? Here is a list of the ships of our new Navy—our boasted new Navy, the one we love so, and that we pet so. This is only a partial list of the ships the plates on which were confessed to have been plugged up, or not tempered, or some other thing which would weaken them and make them worthless, and not according to contract.

Four on the *Monterey;* 6 on the *Monadnock;* 8 on the *New York;* 4 on the *Amphitrite;* 3 on the *Terror;* 3 on the *Oregon;* 3 on the *Olympia;* 6 on the *Indiana;* 4 on the *Massachusetts,* and so on.

You were asked to cooperate with the House and to have those plates taken off and tested before the Government paid for them, and you would not do it. Why did you not do it? [A pause.] Do not everybody answer at once [laughter], especially you people who think I am slandering the Senate. Why did you not do it?

If we get into a war with Spain or anybody else and those ships of ours go out to meet an honestly constructed vessel of equal strength, a shot from one of those vessels plunging through one of these spongy plates which have been plugged up would send our American vessel with 600 or 800 men to the bottom of the sea by the frauds perpetrated by these pets of the Senate. Then what will your responsibility be?

Now, are you ready to continue these monopolists in their grab game of looting the Treasury at will? You can only help it by authorizing the construction of a plant which will make armor for the Government in case these monopolists will not submit to a decent price. Our committee tells you that $300 will allow them 33 per cent profit, while the Secretary of the Navy, in order to reach $400, has to give them 50 per cent profit and $10 a ton bonus.

Why should you not reduce the price to $300 and say, "Now, you robber rascals, if you do not come here and take this work at a reasonable price, we will make it ourselves, even if it costs $500 or $800 a ton." We would at least have then the satisfaction that the money that is spent would go to the common laborers and mechanics, the "men in blouses," who are going into the ditch with my friend from Pennsylvania [Mr. QUAY], or, I believe, he is to go into the ditch with them. [Laughter.] Now, my friend, if you do not vote to fix the price at $300, we will know that you do not mean to go with them.

The eight-hour law and the red tape in connection with Government administration in conducting its own affairs is such that it costs the Government more. But let us distribute the benefit among the masses and not concentrate it upon these two pets, the Carnegie Company and the people at Bethlehem, who have had a rich, rich, rich reward for their "patriotism" ten years ago in going into the manufacture of armor so that Americans could have a navy constructed by Americans out of American material. You are face to face with it, gentlemen; you can not dodge it. That is the situation.

This committee comes here and says that these frauds were perpetrated, and they proved it by the admissions of Carnegie, and you did nothing about it, and would not even investigate. Carnegie was fined, but the fine was remitted. The two plants were in collusion, and the Secretary of the Navy said so before the committee, and I as an humble member of that committee directed all the inquiries I put to them to bring out the fact that they to-day are practically one corporation. They did not deny it. That is the situation. You can not help yourselves from taking whatever they offer, unless you do now allow the Government to make its own plant. I would not say buy any plant, because there are only two for sale—they are the only two in the country—and we open the doors to buy what we paid for to these people, and we were asked to give them two dollars for every one the plant cost.

They have got it; they have got the title; and now you say "We will buy it." I would rather build a new one. Any honest man who resents robbery and rascality and stealing would rather build a new one than let these thieves have their own way. I would sooner see them become useless if the Government enters into the manufacture. That is my position. I am not afraid to get up here and say what I think and what I believe when you give me facts like these to base my belief on. Nobody from Connecticut or anywhere else is going to terrorize me. I am not thin skinned. I am not afraid of being accused of stealing if I did vote for the subsidy for the Southern mail last night. You men who have been here so long, who are so friendly, so loving and kind in your consideration toward the great wealthy combinations—you are the men who have to face the alternative of voting for a decent reduction in the price of armor and giving us a way out by allowing us to construct a plant if these people will not come down to a decent rate; you have got to vote one way or the other.

You have voted for these people in the past without regard to public opinion, and I dare say you will vote that way to-night. The old guard never surrenders. But there is a young man in the Senate from West Virginia, a weakling, a suckling, like myself, who feels his inability here to get in touch with the business of the Senate, and sits here and sees things ground out; and you get up and quarrel like schoolboys or like geese over some little pitiable $10,000 or $5,000 or $3,000 proposition, and you slide through these millions like greased lightning [laughter]; you do not even discuss them; you do not even ventilate them. Here is one that the Naval Committee brings to your attention. We prove these charges; we prove not only that they are robbing the Government, but that they are practicing fraud upon the Government in the manufacture of armor, and they have not been punished for it. Will you stop it, or will you not? Will you allow the Government to go into the business of manufacturing armor if the Government must pay these people twice what the armor is worth?

I went down to Bethlehem. I followed that thing through: from the ore at the beginning to the finished plate at the end. I saw how many men were at work; I saw the machinery; I saw the entire output and how it was handled; and I do not believe it costs $200 a ton to make it. I am ready to take an oath to that, and others of the committee think so, too.

But the Naval Committee tries to be harmonious. We come here with what we think is a reasonable proposition, a liberal proposition, to give these people $300 a ton, and it is left for the Senate to decide now whether we shall reduce the price to $300 or will allow the Government a way out by giving it an opportunity to make its own armor if it can not buy it at that price.

Mr. President, I have only to say in conclusion that I would be glad if somebody would ask some question about this, for I have probably forgotten some points about it.

Mr. STEWART. I would ask the Senator the cost of the same kind of armor in other countries?

Mr. TILLMAN. We found out that all the armor manufacturers in the world are in the same combination that these two American concerns are—the Creusot people in France, the German manufacturers, and the English are all together, each robbing their own Government all in a pile. So that if you go abroad, you will only get on the other prong of the fork. You do not want to go abroad. I would rather pay the American workmen $10 a day for six hours' work, and let this money be distributed among the masses, than allow it to go into the pockets of the combination here. Let us do the Government business through Government agencies, and then these combinations against the Government will be in vain.

(To Mr. QUAY, who had risen.) Now I am ready for [illegible] Senator, who is the blouse Senator. [Laughter]. I am afraid he is not with the workingman. I know how he is going to vote.

Mr. QUAY. There is no difficulty about the way I am going to cast my vote on this question; but I merely desire to ask the Senator from South Carolina whether I understood him to say that this amendment, proposing to limit the cost to $300, comes from the Naval Committee and is offered by the authority of that committee?

Mr. TILLMAN. It comes in this way. The Senator from New Hampshire and all of the committee, except four, were in favor of fixing the limit at $300, but out of consideration for the other members of the committee, and with a desire, as we thought, to be reasonable and to get some action—mind you, we have got to run the gantlet of the House, and everybody knows how the trusts are fortified in that end of the Capitol at this time, with the gag law in full force and effect, with every man manacled and unable to obtain the eye of the Speaker or get a chance to say a word, unless he crawl around on his belly like a worm—for a free American Representative in Congress has got to crawl around like a whipped cur to obtain recognition. You can not do anything over there; and unless the Senate rises to its duty and protects the people, then the steal goes on. The majority of the committee are in favor of $300 a ton.

Mr. QUAY. But they did not direct this amendment to be offered on the floor of the Senate.

Mr. TILLMAN. We did not direct it.

Mr. QUAY. That is all I want to know.

Mr. TILLMAN. We did not direct it, because we knew that we had to pass the gantlet of the great moguls of the Appropriations Committee, and we proposed to come in here, where we would have a better chance, and ask you gentlemen to give us some consideration. Let the Naval Committee take charge of the Navy, instead of you gentlemen of the Committee on Appropriations managing it, because we do know more about it than you do, although you are all-wise and have been here long enough to have wisdom die with you whenever you go out of here. [Laughter.]

Mr. QUAY. I move to lay the amendment of the Senator from New Hampshire on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to lay upon the table the amendment of the Senator from New Hampshire reducing the price to be paid for armor from $400 to $300 per ton.

Mr. HALE. The Chair has just stated the amendment which I was about to ask should be stated.

Mr. TILLMAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], who is not in the Senate; and I therefore withhold my vote.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], whom I do not see in the Senate, and therefore I withhold my vote. If he were here, I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. WILSON (when his name was called). I announce my pair with the Senator from Florida [Mr. PASCO].

The roll call was concluded.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE], and therefore withhold my vote.

Mr. QUAY (after having voted in the affirmative). I did not observe when I voted that the Senator from Alabama [Mr. MORGAN] was out of his seat. I desire to withdraw my vote, being paired with him.

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The PRESIDING OFFICER. The Senator from North Carolina has not voted.

Mr. BLANCHARD. I am paired with that Senator, and therefore withhold my vote. If he were here, I should vote "nay."

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent, and I think he has a general pair with the Senator from Maine [Mr. HALE]. If my colleague were present, I understand he would vote "nay."

Mr. BURROWS. I have such an understanding with the Senator from Louisiana [Mr. CAFFERY] with whom I am paired that I think I am justified in voting; and I vote "nay."

Mr. BATE. I desire to state that my colleague [Mr. HARRIS] is detained from the Senate by sickness, and that he is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 12, nays 36, not voting 42; as follows:

YEAS—12.

Aldrich,	Cullom,	Hale,	Murphy,
Allison,	Gibson,	Hawley,	Squire,
Brice,	Gorman,	McMillan,	Wetmore.

NAYS—36.

Allen,	Carter,	Gray,	Platt,
Bacon,	Chandler,	Hill,	Proctor,
Baker,	Chilton,	Kenney,	Shoup,
Bate,	Clark,	Lindsay,	Smith,
Berry,	Daniel,	Lodge,	Stewart,
Brown,	Dubois,	Mills,	Teller,
Burrows,	Faulkner,	Peffer,	Thurston,
Butler,	Frye,	Perkins,	Tillman,
Cannon,	Gallinger,	Pettigrew,	White.

NOT VOTING—42.

Blackburn,	Hansbrough,	Mitchell, Wis.	Sherman,
Blanchard,	Harris,	Morgan,	Turpie,
Caffery,	Hoar,	Morrill,	Vest,
Call,	Irby,	Nelson,	Vilas,
Cameron,	Jones, Ark.	Palmer,	Voorhees,
Cockrell,	Jones, Nev.	Pasco,	Walthall,
Davis,	Kyle,	Pritchard,	Warren,
Elkins,	McBride,	Pugh,	Wilson,
Gear,	Mantle,	Quay,	Wolcott.
George,	Martin,	Roach,	
Gordon,	Mitchell, Oreg.	Sewell,	

So the motion was not agreed to.

Mr. PERKINS. Only a word in relation to this matter, in behalf of the Committee on Naval Affairs, in answer to my friend from West Virginia [Mr. ELKINS].

The Committee on Naval Affairs had this question before them for weeks. They gave it thoughtful and careful inquiry; they heard testimony of those who were engaged in manufacturing armor plate; they had before them the exhaustive, comprehensive, and accurate report of the Secretary of the Navy, a most valuable contribution of information in relation to this subject-matter, and after discussing it for days, and after patiently listening to the testimony and endeavoring to analyze it, we agreed upon an amendment, or the recommendation which my friend from West Virginia characterizes as unheard of, full of incongruities, and not at all worthy of that committee. That report was that a fair price for armor plate would be somewhere between three and four hundred dollars per ton.

I want to say to my friend from West Virginia that when he was Secretary of War, where he so faithfully discharged the duties of that high position, there were thousands of estimates made for doing work which were submitted to him and which had his approval at a high estimate, which, upon advertising for bids, was offered to be done for 20, 30, and 40 per cent less than the estimates made by the corps of Government engineers. I have in mind an instance which came under my observation during his administration, where it was estimated by the Corps of Engineers that the work would cost 15 cents a cubic yard, and later a contract was let for 8 cents a cubic yard for doing the work, and my distinguished friend approved that very proposition.

So your committee believed in making this recommendation that the matter should be left discretionary to the good judgment of the Secretary of the Navy. The amendment simply limits the maximum amount for which he may let a contract for the manufacture of armor plate, and I say to my friend that as business men, with prejudices against none, biased in favor of no one, we endeavored to give the Senate the result of our investigations, which appears in the report, and to that we brought the experience of the distinguished Senator from New Hampshire [Mr. CHANDLER], who for four years discharged so ably the duties of the high position of Secretary of the Navy, and I believe, Mr. President, that his report, combined with that of Secretary Herbert, is a most valuable contribution to the information upon this subject.

We have hardly a law upon our statute book to-day which, in a measure, is not one of compromise. One suggests one proposition and another another proposition, and so we argue and reason together, and out of it is finally crystallized a law which has for its object that which is intended by a majority of Congress. So, in that spirit, Mr. President, I want to offer an amendment, that instead of fixing the price at $300 per ton we fix the maximum limit at $350 per ton. I believe if my friend the Senator from New Hampshire will accept the amendment, it may possibly carry, and it will be a solution of this problem, so to speak.

While I admit that the price may be high, while there may be a large margin of profit, we should take into consideration the fact that the plant which is built for the manufacture of armor plate is a special plant, with a special class of machinery for this special purpose, that there is no other customer for the armor plate than the Government, and that we shall want in the next four years, say, only 9,000 tons, while the capacity of the two plants is quadruple that amount. He should take into consideration all these things in fixing the maximum limit at which we will permit the Secretary of the Navy to contract. I therefore suggest to my friend that he accept my amendment making the price $350 per ton instead of $300.

The PRESIDING OFFICER. The Chair suggests to the Senator from California that the committee amendment is one amendment, the amendment of the Senator from New Hampshire is another, and, of course, an amendment in the third degree is not in order. The amendment will be in order after the amendment of the Senator from New Hampshire is disposed of.

Mr. WHITE. Will the Chair be kind enough to state the parliamentary situation?

The PRESIDING OFFICER. The question now is on agreeing to the motion of the Senator from New Hampshire to reduce the amount from $400 to $300.

Mr. WHITE. Mr. President, I wish to make a suggestion. I

believe it to be impossible for any member of the Senate to solve the question what should be the price of armor plate. There is no expert upon this floor, and there is no one here to-night, nor has there been during the entire progress of this debate, who has been able to submit any facts or figures justifying a final determination of the subject.

There is one thing, however, which must be obvious, and that is that the Government of the United States has been paying more money than it ought to have paid for armor. We have had many statements about the condition of our Navy. We have certainly made much progress, but there is certainly great room for improvement. A year ago when we were preparing to construct torpedo boats which could successfully compete with those of foreign countries I suggested that we ought to manufacture one in the great canyon of the Colorado, because I felt that there a torpedo boat would be safe. Admiral Walker, one of our most distinguished officers, a gentleman in whom we have the greatest confidence, testified only last year before the Coast Defense Committee of the Senate that in the event of a war between this Republic and England or France or a similarly equipped power, our Navy would have no other refuge than escape upon mudbanks. Otherwise it would be captured or destroyed. That is the situation we must confront.

Here in this debate we are treated to a discussion of the value of armor plate. We are now met with a situation involving financial deficiencies. We can not meet the great armaments of Europe, and we might as well content ourselves with a solution of matters pertaining to immediate conditions rather than to expend money upon situations which are absolutely irrelevant to the matters regarding which we all consider it necessary that we should legislate.

I wish to refer Senators to Senate Document No. 152, regarding the condition of our torpedo-boat armament. I do not believe that it is necessary to spend any more time in attempting to solve matters regarding our present armament, but that it would be better to adhere to the suggestions made by the committee rather than to engage in disputations regarding subjects concerning which we have no information.

Mr. HALE. I hope we may have a vote now. The last expression of the Senate was very significant on the general subject; I do not think it worth while to antagonize that, and I hope we may have a vote either upon the $300 proposition, if that is maintained, or the $350 proposition, so that the conferees may be instructed by the Senate. It is a very late hour, and I desire very much that we shall get through with the bill to-night.

Mr. CHANDLER. It is immaterial to me whether we first vote on the larger sum, $350, or on the three-hundred-dollar proposition. If Senators prefer it, a vote can be taken upon the three-hundred-and-fifty-dollar proposition. I can not, however, but insist that $300 is an ample sum as the maximum for the price of armor. The question is a simple one after all. It grows out of the fact that there is no such thing as competition in armor either in this country or in Europe. If it were not for that fact, we should simply fix a maximum, and the proposals offered after competition in open market would settle the question what we ought to pay. But there can be no competition. The only two concerns which can compete with each other have admittedly entered into combination. Now, what shall we do? Simply fix, according to our best judgment, upon such information as we can get, a maximum sum, and if the Secretary of the Navy can not make contracts at or below that sum, then no contracts can be made.

Mr. President, with the price given to Russia by one of these companies at $240, it seems to me $300 is enough, but after all, the judgment of Senators will be influenced somewhat by the question, what is the quantity of armor that is to be contracted for?

Mr. SQUIRE. May I ask the Senator a question?

Mr. CHANDLER. Not at this moment. A year ago the House of Representatives sent a proposition for four battle ships over to us. We reduced it to three. We have authorized the hulls of the ships to be built. We delayed the contracting for the armor. The bill comes over to us from the House this year without provision for any battle ship in it, and we have, it must be admitted, no knowledge as to whether this Government will go on and build any more battle ships after these three. Therefore every Senator must decide for himself what is a fair maximum price for the armor for these three ships and vote accordingly. For my part, I adhere to the figures given in my amendment, but I am entirely willing that a vote shall be taken upon the three-hundred-and-fifty-dollar amendment, if that is desired by the Senator in charge of the bill.

Mr. HALE. Let the Senator, for the time being, withdraw his amendment for $300, and let us take a vote on the $350 proposition, which is the natural and parliamentary process—on the highest sum first.

Mr. BERRY. I hope the Senator from New Hampshire will not withdraw his amendment, and that we shall have a vote on the $300 proposition. That is the pending question, and I think we ought to have a vote on it according to the parliamentary usage.

Mr. CHANDLER. What is the parliamentary rule?

The PRESIDING OFFICER. Unless otherwise directed by the Senate, the Chair would hold upon a proposition of this character that the vote should be taken upon the lowest amount, $300.

Mr. HALE. That is the first amendment, undoubtedly.

The PRESIDING OFFICER. That is the amendment first in order, unless the Senate otherwise directs.

Mr. HALE. Undoubtedly.

Mr. FRYE. The Senator from New Hampshire can withdraw the amendment, and let the other one be voted on.

Mr. SQUIRE. I wish to direct a question to the Senator from New Hampshire, who seems to be very well informed on this subject. He has stated that a foreign government made a contract, I think I understood him to say, for $240 a ton, and I would ask the Senator if he is not advised of the fact that since the period at which the Government of Russia—if that is the one to which he refers—made the contract at $340, that Government has made a contract with the same firm at a much higher price?

Mr. CHANDLER. I will answer the question by saying yes; but that is not all of the answer. After the American manufacturers went abroad and took this contract, they forced themselves into the European combine, and with all the armor manufacturers of the world in one combine, there is no such thing as competition in armor anywhere on the face of the broad earth.

Mr. SQUIRE. Does the Senator mean to insist that the combine was effected before this subsequent contract?

Mr. CHANDLER. After it, in my belief.

Mr. HALE. After that contract?

Mr. SQUIRE. It was after the last contract was effected.

Mr. CHANDLER. I do not understand that to be true.

Mr. SQUIRE. I understand it is, and that if there is any combine it was subsequent to the contract.

Mr. CHANDLER. I am inclined to think now the Senator is right.

Mr. SQUIRE. I think I am correct. Therefore I do not think it is right for the Senate to assume that price of $240 should be the criterion.

Mr. HALE. Mr. President——

Mr. BACON. I desire to say just a word.

Mr. HALE. I wish to have a vote, but I yield to the Senator from Georgia.

Mr. BACON. I have no desire to detain the Senate, but there is one fact which I believe should be stated before the vote is taken, in order that Senators may approach the determination of the question not as a matter of guesswork, but upon a substantial basis. The question as to whether or not $300 is a proper limit, or $350 or $400, is, upon an examination of the testimony and of the reports which have been made by the Secretary of the Navy and by the Naval Affairs Committee, dependent upon what is considered to be a proper profit upon a reasonably ascertained expense. In other words, the investigations which have been made show with reasonable certainty—with as much certainty as we can ascertain it without the examination of the books—that the cost of labor and material in the construction of the armor plate is about $200 per ton.

Now, the way in which this difference as to the amount to be paid arises is that there is a difference in the minds of Senators as to how much profit should be allowed upon that. In the case of the Secretary of the Navy, he arrives at the figures in this way: Assuming $200 as the cost of labor and material, he adds $50 per ton as the cost of maintenance, and then assumes that by reason of the peculiar circumstances of the case the parties should have 50 per cent profit upon the total expenditure. In other words, we have $250, and 50 per cent added to that brings it [illegible] to nearly $400. That is the way the Secretary of the Navy [illegible]

The Senator from New Hampshire, on the contrary, says there ought not to be 50 per cent profit, and he reduces it to 33 per cent, and also by reducing the amount allowed for maintenance he brings the price down to $300. Others, by allowances between these two extremes, reach the sum of $350. So it is not a matter of ignorance on the part of the committee; it is not a matter of guesswork, as was intimated and suggested, and even charged, by the Senator from West Virginia, but it is a question of difference in different minds as to the amount of profit which should be allowed upon an expenditure about which there is no very great difference between any of the parties.

Mr. STEWART. May I ask the Senator a question right there?

Mr. BACON. Certainly.

Mr. STEWART. In regard to the maintenance, does it require $50 to maintain the plant while 1 ton of armor plate is being manufactured?

Mr. BACON. I am not now going into that question.

Mr. STEWART. Is that the estimate of the cost?

Mr. BACON. Fifty dollars is allowed for maintenance of the plant, in order to keep it in the same condition, so that by the time it has run its period of life the amount thus paid will have kept it in a condition of efficiency.

I did not rise to detain the Senate with a discussion of who is right and who is wrong, but I thought it proper that the Senate should have clearly before it this fact, that is conceded—I will not say conceded, but almost conceded—that the amount of the cost of labor and material is about $200, and the increase over and above that is the question of what profit should be allowed.

Mr. SQUIRE. Will the Senator allow me?

Mr. BACON. If the Senator from Washington will allow me to finish my statement, I will yield to a question later. Believing as I do that 50 per cent profit is too much; believing that 33 per cent is ample——

Mr. TILLMAN. Thirty-three and a third per cent is too much.

Mr. BACON. Concede it, if you believe that it is too much, but there are peculiar circumstances. Here is a plant which is valuable only for this purpose. Here is a plant which can be used for no other purpose, and which must remain partially idle if we do not give it work up to its full capacity.

Mr. TILLMAN. Will the Senator allow me?

Mr. BACON. I hope the Senator will not get me into a discussion as to whether it is right or wrong. I did not rise for that purpose.

Mr. TILLMAN. I wish to ask the Senator——

Mr. BACON. I do not want to detain the Senate by going into that question.

Mr. TILLMAN. Does the Senator refuse to yield?

Mr. BACON. Yes; because I did not rise to discuss the question. It has been sufficiently discussed.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SQUIRE. Mr. President, I wish to ask——

Mr. BACON. I decline to yield for the present.

The PRESIDING OFFICER. The Senator from Georgia declines to yield to anyone.

Mr. BACON. Yes, sir; to anyone. I simply rose for the purpose of calling one single fact to the attention of the Senate and not for the purpose of discussing the merits of the case or the details of it in any particular. This fact is well known to members of the committee.

It is well known, I have no doubt, to other Senators who have investigated it; but by reason of the remarks made by the Senator from West Virginia it might have appeared that the arrival at these various amounts was a mere matter of caprice or guesswork, and I thought it was due to the Senate and due to the Committee on Naval Affairs that there should be presented the basis upon which this conclusion and the various conclusions have been reached, in order that each Senator, when he comes to vote upon the question as to whether he will favor $300 or $350 or $400, may have an intelligent basis upon which to rest his vote.

Mr. SQUIRE. It is right on this point that I desire to get information a little more accurately, and I do not desire to detain the Senate.

As one who has been engaged for some years in practical manufacturing, it so happens that I am familiar with the fact that manufacturers are accustomed to charge up to cost a certain percentage upon the aggregate of labor and capital. If the labor and capital entering into the cost of armor plate amounts to $200 a ton, my desire is to know whether any estimate has been made for what are called the miscellaneous or running expenses, which are just as much a part of cost as any part of it. It is customary with large manufacturers to charge from 20 to 40 per cent upon the aggregate cost of labor and material for what are called running expenses. Now, if you figure it at 25 per cent upon $200 as the aggregate cost of labor and materials, it would be $50 a ton, which would be just as much a part of the cost as the labor and materials. Therefore the aggregate cost would be $250. When you come to estimate your profit, you would have to estimate it upon $250 rather than upon $200.

I wish to state, in conclusion, that I believe there is a great deal of humbug upon this red-flag business, the whole business of an outcry against manufacturers in reference to Government work. I do not believe these people are making the money that is charged home to them. I believe it is all humbug; it is nonsense, and it is simply shaking this red flag here and trying to drive people to vote in a certain way, as has been done to-night. It is not right; it is not decent; it is not proper.

I believe in giving men manufacturing for the Government just as fair a chance as any other class of men. They have gone into this business decently, honestly, and even upon importunity. Let us give them a fair chance. I have no interest in the world in this matter, but I want to see fair play. I think we should stimulate this work rather than to discourage and disparage it or make it disreputable; and you are making it disreputable by this discussion here for the purpose to-night. I am very sorry that these words were uttered here to-night from my friend the Senator from South Carolina [Mr. TILLMAN]. I think in his enthusiasm, in his desire to do what he believes to be just, he has pursued this matter too far. I think he has done injustice to the Senate and injustice to the manufacturers of this country. I believe they should have a fair price.

I do not believe in giving them an extraordinary profit or anything of the kind, but I believe it to be true that the manufacturers engaged in manufacturing war material for this country during and since the war have, as a rule, gone down into ruin. They have not profited by it permanently. I know of no concern that has been engaged in the business of manufacturing war material that has survived until to-day except the Colt Company, and that company did it out of profits made by investments in other directions.

As a rule, these companies have perished simply because of their desire to build up great plants and benefit the Government in time of great emergency. I believe that fact should be taken into consideration, and that in future operations of the Government we should endeavor to stimulate instead of to discourage the work on the part of private companies.

Mr. HALE. After the eloquent and convincing speech of the Senator from Washington, which has settled this question, let us have a vote.

Mr. TILLMAN. I will allow the Senator to have a vote in three minutes, but I wish to say another word.

Mr. HALE. I am afraid the Senator will not stick to his three minutes. I will watch him.

Mr. TILLMAN. If I do not get under somebody's skin again, I pledge you I will do it.

Mr. HALE. I think the Senator, after the vote so overwhelmingly in his favor, ought to be content to have a vote now. However, I will watch him and see that he does not go beyond three minutes.

Mr. TILLMAN. Look at the clock.

Mr. HALE. I will.

Mr. TILLMAN. Mr. President, I want to make a few points in regard to wear and tear or cost of maintenance of these plants. They are as massive structures in the way of manufacturing buildings as any I have ever seen. They are nothing but stone, brick, iron, and steel, and materials of that kind do not wear out easily. Therefore the wear and tear is more than provided for, amply, doubly provided for, in the estimate of the Senator from New Hampshire.

The next is why should we give these people 33⅓ per cent profit on a plant which the Government has paid for? We have paid every dollar and doubly paid every dollar of the cost of these manufacturing plants. None of us can make 33⅓ per cent, in our business at least. We poor devils down South are glad to get 3 or 4 or 5 per cent, and lots of us are not getting any per cent. Why do these millionaires ask and why do you desire to give them such exorbitant profits? What is the hurry here? You have two vessels under contract. You say that the Treasury is bankrupt. You know the country is bankrupt, or almost on the verge of it. You will have to increase taxation in spite of yourselves, and the next Congress is to be here in two weeks to do it. Are we going to continue the construction of ships, when, as the Senator from California has pointed out, we have not a single harbor fortified so that our ships can retire to a place of safety, and get away from England's or France's or Germany's navy? They would be at the mercy of any foreign country with which we might get into war, except it might be Spain or Italy or Turkey, or some third-rate power.

With that fact staring you in the face and no necessity for hurry, why can you not let the new Secretary of the Navy, the man who is to come in with the representative of progress and prosperity, act? Why not give him a chance and see what he can do? Why should you not let there be a contrast as between the so-called Democratic Administration and bona fide Republican Administration.

Mr. GRAY. Time!

Mr. TILLMAN. The three minutes are up. Let us give the Government a chance, too. The Senator from Washington wants us to give these poor, poverty-stricken manufacturers—Carnegie and the Bethlehem Company—a chance. Let us give the United States a chance, or rather let us give the poverty-stricken taxpayers a chance.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire, to insert three hundred in place of four hundred dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I desire to offer an amendment.

Mr. GORMAN. I understand the committee amendment on page 50 is disposed of, and not the one on page 51.

The PRESIDING OFFICER. Not the one on page 51.

Mr. HALE. The amendment on page 51 is the next amendment, and it is now in order.

The PRESIDING OFFICER. The Secretary will state the amendment on page 51.

Mr. PETTIGREW. I should like to inquire whether it was the understanding or agreement that we are to dispose of the committee amendments before any others are offered?

Mr. HALE. That was the agreement.

Mr. PETTIGREW. I want to say, in this connection, that at the proper time I shall offer an amendment to reduce the amount for armor plate from $3,210,000 to $2,407,500.

The PRESIDING OFFICER. That amendment would be in order.

Mr. PETTIGREW. I will do so, for the reason that the reduction from $400 to $300 a ton necessitates this reduction in the appropriation. The committee of the House knew just how many tons of plate it would take for these three battle ships, and they multiplied it by $400 a ton.

Mr. HALE. I think we might as well take a vote on that amendment now, because it is connected with the last amendment, and it naturally follows.

Mr. PETTIGREW. I move, therefore, that the words "three million two hundred and ten thousand dollars" be stricken out and the words "two million four hundred and seven thousand five hundred dollars" be inserted in their place.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 51, which has been read twice.

Mr. HALE. I do not think it is worth the while, so far as I am concerned, to insist upon the amendment.

Mr. GORMAN. I hope the Senator will not insist upon it.

Mr. HALE. So far as I am concerned, I am willing that it shall be withdrawn.

Mr. NELSON. No; let us have a vote upon it.

Mr. HALE. If the Senate desires to vote upon it, I can not help it.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 51, which has twice been read.

Mr. HALE. Let us have a vote. The amendment has been read.

Mr. NELSON. On that I ask for the yeas and nays.

Mr. GORMAN. Oh, no.

Mr. STEWART. Let the amendment be read.

Mr. GORMAN. It is to buy a plant.

The PRESIDING OFFICER. The amendment on page 51 has been read twice. The Chair will have it read again if the Senator insists upon it.

Mr. PALMER. Let it be read.

The PRESIDING OFFICER. The yeas and nays are called for upon agreeing to the amendment.

Mr. NELSON. Did the Chair intimate that the ayes had it?

The PRESIDING OFFICER. The Chair did not intimate anything about it.

Mr. HAWLEY and Mr. HALE. Let the vote be put viva voce again.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The ayes appear to have it.

Mr. GORMAN. I call for a division.

Mr. QUAY and Mr. HAWLEY called for the yeas and nays.

Mr. BACON. I simply desire to suggest that we can afford to let this stand. We are going to have an extra session in two weeks, and we will find out if this provision is necessary. I think with the disposition of the subject that has been made we can very well afford to rest with what has been accomplished to-night.

Mr. GORMAN. I trust that will be done, and that this provision will not be inserted.

Mr. PALMER. Let us have the yeas and nays.

Mr. LINDSAY. If we abandon this amendment, I do not think we can accomplish anything to-night.

Mr. BACON. Oh, yes.

Mr. LINDSAY. We put ourselves at the mercy of this combine by enabling them to refuse to furnish armor.

Mr. GORMAN. Suppose they do? We can wait a year.

Mr. LINDSAY. If the theory be true that there can be no competition, this is a case in which the Government ought to manufacture its own armor plate.

The PRESIDING OFFICER. The question now, unless Senators wish to debate it, is, How shall this question be decided? The question has been put. The Chair has intimated that he believes the ayes have it. If that be questioned——

Mr. GORMAN. We do question it.

The PRESIDING OFFICER. Of course Senators have a right to call for the yeas and nays. The yeas and nays have been called for.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and Mr. ALDRICH responded to his name.

Mr. BACON. It does not cut off debate because the yeas and nays have been ordered.

Mr. HAWLEY and others. The roll call has commenced.

The PRESIDING OFFICER. The Chair had already decided the question. Then the yeas and nays were called for, and the Secretary proceeded to call the roll, and called one name, and he will now proceed.

The Secretary resumed the call of the roll.

Mr. TILLMAN. I think there is confusion in the minds of Senators as to what we are voting on.

The PRESIDING OFFICER. The Chair will suggest to Senators that they look at the bill on page 51. It has been twice read. The question is on agreeing to the amendment.

Mr. TILLMAN. The amendment which provides for the purchase of an armor plant in the event that the Secretary of the Navy can not buy armor at $300 a ton?

The PRESIDING OFFICER. That is precisely it. The Secretary will proceed with the roll call.

The Secretary resumed the call of the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH] who has not voted. I therefore withhold my vote. I should vote "nay" if I had an opportunity.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WALTHALL (when his name was called). I again announce my pair with the Senator from Pennsylvania [Mr. CAMERON]. I ask that this announcement may apply to all the remaining votes taken to-night.

The roll call was concluded.

Mr. NELSON (after having voted in the affirmative). Has the Senator from Missouri [Mr. VEST] voted?

The PRESIDING OFFICER. He has not.

Mr. NELSON. Then I withdraw my vote. I am paired with him.

Mr. HALE. I hope Senators, as this is not at all a party question, will vote in order to make a quorum, unless they feel constrained by their pairs.

Mr. NELSON. Then I will let my vote stand, upon those considerations.

Mr. McMILLAN. I announce my pair with the Senator from Kentucky [Mr. BLACKBURN], and withhold my vote.

Mr. BLANCHARD. I transfer the pair that I have with the Senator from North Carolina [Mr. PRITCHARD] to my colleague, the senior Senator from Louisiana [Mr. CAFFERY], and will vote "yea."

Mr. McMILLAN. I will vote. I vote "nay."

Mr. GORDON. I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. QUAY. Following the suggestion of the Senator from Maine [Mr. HALE], I will take the responsibility of voting. I vote "nay."

Mr. PALMER. I will transfer my pair with the Senator from North Dakota [Mr. HANSBROUGH] to the Senator from Arkansas [Mr. JONES] and vote. I vote "nay."

Mr. WALTHALL. To make a quorum, I will vote. I vote "nay."

The result was announced—yeas 26, nays 30; as follows:

YEAS—26.

Allen,
Berry,
Blanchard,
Brown,
Burrows,
Butler,
Cannon,
Chandler,
Daniel,
Dubois,
Gallinger,
Gray,
Hill,
Lindsay,
Lodge,
Mills,
Nelson,
Peffer,
Perkins,
Pettigrew,
Smith,
[illegible]
Thurston,
Tillman,
Warren,
White.

NAYS—30.

Aldrich,
Allison,
Bacon,
Bate,
Brice,
Carter,
Chilton,
Cullom,
Elkins,
Faulkner,
Frye,
Gibson,
Gorman,
Hale,
Hawley,
Kenney,
McMillan,
Mitchell, Wis.
Murphy,
Palmer,
Platt,
Proctor,
Quay,
Roach,
Sewell,
Shoup,
Squire,
Teller,
Walthall,
Wetmore.

NOT VOTING—34.

Baker,
Blackburn,
Caffery,
Call,
Cameron,
Clark,
Cockrell,
Davis,
Gear,
George,
Gordon,
Hansbrough,
Harris,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kyle,
McBride,
Mantle,
Martin,
Mitchell, Oreg.
Morgan,
Morrill,
Pasco,
Pritchard,
Pugh,
Sherman,
Turpie,
Vest,
Vilas,
Voorhees,
Wilson,
Wolcott.

So the amendment was rejected.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to the committee's amendment on page 50, striking out lines 18 and 20:

> *And provided further*, That no portion of this armor shall be purchased until it has all been contracted for.

That amendment has not yet been agreed to.

Mr. HALE. Let that be agreed to now.

The PRESIDING OFFICER. It is agreed to, without objection.

Mr. GORMAN. I move to strike out the further proviso beginning in line 20, page 50, down to the end of the page. Let it be read.

The SECRETARY. It is proposed to strike out, on page 50, beginning in line 20 with the word "And," the following:

> *And provided further*, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

Mr. GORMAN. Striking out this provision leaves the law stand precisely as it has been since the beginning of the construction of the new Navy, letting contracts be made separately for armor and for vessels. It is my impression that under this provision we may nullify all the Senate has done to-night.

Mr. HALE. I hope the proviso will not be stricken out. It gives no additional discretion, but it does give the Secretary an opportunity to make a contract for the entire ship.

Mr. TILLMAN. Will the Senator allow me one minute? Will he consent to an amendment in the nature of limiting the price?

Mr. HALE. The price is already limited in what we have done before. That is not changed. There is no discretion given. But if you strike out the proviso, you forbid the Secretary to make, if he chooses, a contract with one man for the whole ship and oblige him to fight it out with the contractors for armor. That is the object of the proviso. The Naval Committee is in favor of that. It gives the opportunity to make a contract for the whole ship, and then let the contractor for the whole ship fight it out with the armor men and keep them down. The Secretary of the Navy at one time determined upon this policy. He was importuned by the armor contractors and changed his policy, and the committee has put it on, in order that, if the Secretary believes it to be right, he may make a complete contract and then let the armor men fight it out with the contractor.

Mr. TILLMAN. I have examined it and I am satisfied you are correct. It does not allow him to pay more than $300 per ton.

Mr. HALE. There is no doubt about it.

Mr. SMITH. I should like to agree with the Senator from Maine on that proposition, but on reading it I can not see any clause whereby we are prevented from paying any sum of money for armor plate.

Mr. HALE. Then the Senator may put in, if he chooses, "by the Secretary of the Navy, subject to the conditions hereinbefore prescribed." But that is not needed.

Mr. SMITH. The Senator's proposition is not possible, and he is practically annulling by it just what the Senate has already done.

Mr. HALE. Let me say to the Senator that the Senate has taken a great step in advance and the Senator has been in favor of it. If the Senator thinks and believes that this proviso ought to go out, I will make no further point. I tell him, however, that, in the end, he is fighting against his own proposition.

Mr. SMITH. I would rather have it go out.

Mr. HALE. All right.

Mr. SMITH. I agree with the Senator from West Virginia that I would rather not have any ships built than have them built under the present conditions.

The PRESIDING OFFICER. The proviso is a part of the original House bill.

Mr. ALLISON. Mr. President——

Mr. GORMAN. I move to strike it out.

Mr. HALE. Of course the Senator from Maryland has moved to strike it out. He does not want the Secretary to have any discretion to contract for the whole vessel.

Mr. GORMAN. The Senator from Maine ought not to make that statement.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. ALLISON. I merely wished to make one suggestion respecting this proviso. We have been told in the debate to-night that there are but two factories where armor can be made, and we have had a broad proposition here for the Government to build a factory of its own. If the proviso has any value, it is of value to enlarge the range of competition.

Mr. HALE. Of course it is.

Mr. ALLISON. I had supposed for one that it was a healthy proviso in the view that if there is a combination among the producers of armor in this country and in foreign countries whereby they can adjust the price, we provide here for some other people who can bid for this work.

Mr. SMITH. What I ask is why you should have other people to bid for ships. You have only the Government to bid for armor, and that is the price the armor-plate men would give the shipbuilders. You have no right to make the price less than they now give the Government. So I can not see where there is anything to be gained by the argument of the Senator from Iowa.

Mr. ALLISON. I have understood in this debate, although I have not mingled in it, as one reason why we should establish on the part of the United States a factory for the construction of armor, that the hulls and machinery of these vessels have already been contracted for, and that we must rush in pell mell here and build a new factory in order to get armor to put upon these hulls and attach to this machinery. This proviso applies only to the vessels which have been already contracted for so far as the hulls and machinery are concerned. Now, supposing it should turn out that one of the contractors for the hulls of these vessels is willing to contract for this armor, and the two monopolies that we have heard so much about here are not willing to contract, do we not then enable a third or a fourth bidder to come in and contract for this armor?

Mr. HALE. That is exactly the proposition of the amendment.

Mr. ALLISON. I submit, therefore, to the Senator from Maryland that we are putting a healthful proviso in here to enlarge the number of people who can bid.

Mr. HALE. Undoubtedly.

Mr. ALLISON. And although confessedly there is a profit of $100 or $150 a ton, we have been told here to-night that nobody will or can bid for that except those two concerns.

Mr. SMITH. I hope the Senator from Iowa will answer me this question.

Mr. ALLISON. If I can, I will.

Mr. SMITH. I ask, if there are but two armor-plate factories in this country—and that they have both entered into a combination, and that they have a monopoly nobody denies—how can you get more than two armor-plate bids if there are not more than two places in the country where that armor is made? That is what I want to know?

Mr. ALLISON. That statement has been made here, but it is just possible that somebody else may have machinery to manufacture the armor.

I will ask my friend from New Jersey what possible harm can result from this proviso, when we have limited the price to $300 a ton, which, according to some of the arguments we have listened to to-night, will give a profit upon the armor. If that be true, will not somebody have enterprise and genius enough in the course of six or eight months to attach to his present plant something which will enable him to build a portion of the armor required, and in that way we should partially get rid of the tremendous monopoly of which we have heard so much to-night.

Mr. SQUIRE. I have a suggestion to make, which I think will be acceptable.

Mr. SMITH. I supposed I had the floor, but I will yield to the Senator.

Mr. SQUIRE. I think the suggestion will be acceptable to the Senator from New Jersey as well as to the chairman of the committee. I propose to insert after the word "armor," in line 24, the words "at a rate not to exceed $300 per ton." Would not that be acceptable to the Senator from New Hampshire?

Mr. ALLISON. That would cover the whole question.

Mr. SMITH. I do not want any ambiguity whatever about this matter. I want to know that we are going to pay so much for the armor, and no more. I am not willing that the manufacturers of armor shall sell the armor to the builders of our vessels at a less price than they sell to us. It seems to me it is just frittering away our rights and doing no good, so far as our Government is concerned.

Mr. STEWART. I wish to make a remark, if the Senator will allow me.

Mr. SMITH. Certainly.

Mr. STEWART. In case it is provided that only $300 a ton shall be paid, suppose when the builders of a vessel go to the armor-plate companies and find that they have got to pay $400 a ton, their bid for the construction of the vessel would be on that basis, thus destroying the effect of the act that has been passed, because they will find out what they can get the armor plate for before they do the work, and the bids of every one of them will be upon the basis of $400 a ton. That is the way they must necessarily do. That will destroy the limitation put upon it.

Mr. SMITH. That is precisely so. That is my argument.

Mr. TILLMAN. Will my friend from New Jersey allow me to ask him, or will the chairman of the Committee on Appropriations allow me to ask him a question?

Mr. SMITH. Yes, sir.

Mr. ALLISON. I would rather the Senator would ask the question of the Senator from New Jersey, although I am perfectly willing to answer it if I can.

Mr. TILLMAN. I will ask the Senator this question: The Senate has just refused to pass the amendment suggested by the Committee on Appropriations, to allow the purchase, leasing, or building of an armor plant, and it has limited the price of armor to $300 a ton. Now, there are only two armor manufactories in the country. If you take from the Secretary of the Navy the power given in this bottom line that you are now trying to strike out, then you leave us only one way to complete those two vessels under contract, whereas, if you leave that in, the Secretary can have the influence of a private firm or person on another private firm or company to get decent treatment, instead of the Government being at the mercy of a monopoly.

Mr. HALE. That is it exactly.

Mr. TILLMAN. And give him a chance to contract with the same men who have contracted for the hulls to furnish the armor, and if these grand seigniors, who have grown so fat, will not come down in their prices somebody else can go into the business of making armor, and thereby the Government will get the advantage of competition, and we can make another fellow so fat that he will not give the Government any consideration.

Mr. ALLISON. The question the Senator from South Carolina asked me was a better statement of my argument than I could have made myself.

Mr. TILLMAN. That is a great compliment, coming from the Senator from Iowa.

Mr. SMITH. It is getting rather late to discuss this question at any length, Mr. President, but it seems to me that it is very plain that there is nothing to be gained by giving the Secretary any such authority. We have but two armor-plate factories in the country, and we are told that there is just as much competition among the shipbuilders as amongst the armor-plate manufacturers. I know nothing about that myself; but if that be true, what is to prevent them from paying $500 for every ton of armor plate and adding that to the price at which they are going to build a vessel for. It does seem to me that that is a good business proposition. To my mind, this is simply one way of undoing what we have done. You say in one place to the Secretary of the Navy, "You can not buy armor plate at more than $300 per ton," and then you say in another place that he can practically do as he pleases.

Mr. CHANDLER. The Senator would be right if, by any possibility, it could be inferred that in contracting under this last clause, the Secretary could pay more than $300 a ton; but by no possibility can that construction be given to this clause. If there is any such possibility, then the limitation ought to be added.

Mr. ALLISON. I will say "at a price not exceeding $300 per ton."

Mr. SMITH. I will accept that.

Mr. HALE. Let those words be put in after the word "armor." The language of the bill is:

> That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor.

Then insert, after the word "armor," the words "at a cost not exceeding the aforesaid $300 per ton."

Mr. HAWLEY. I want to make a suggestion there. What do we care what a shipbuilder pays for his armor, if he furnishes a ship at a certain rate? It is his private contract.

Mr. ALDRICH. The Secretary of the Navy is doing this.

Mr. SMITH. I suppose if he had to pay $700 a ton for armor it would cost the Government more to buy the ship than if the armor cost but $300 a ton. That is the way it looks to my mind.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "armor," in line 24 on page 51, it is proposed to insert, "at a cost not exceeding the aforesaid $300 per ton."

Mr. HALE. That is right.

Mr. THURSTON. I do not wish to detain the Senate, Mr. President, and I should not speak on this amendment except for the fact that I endeavored to say a word before the last vote was taken.

I wish to make the prediction now that the striking out of the amendment on page 51 has undone all the beneficial effects of the adoption of the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER]. In my judgment the striking out of the amendment on page 51 has emasculated the whole provision. It leaves the country at the mercy of the armor-plate manufacturers, and, in my judgment, with that provision stricken out, the armor-plate manufacturers of this country will refuse to contract at a rate of $300 per ton.

Mr. HALE. And all the more because it is fixed at $300.

Mr. THURSTON. And all the more because it is fixed at $300; and we shall simply be met at the next session of Congress with a report that we are unable to buy the armor for our present vessels at the rate of $300 per ton; and that will be used at the next session of Congress with all the power and force behind it, the armor-plate combination, to compel Congress to raise the price.

Mr. ALLISON. Or build a factory.

Mr. THURSTON. Or build a factory.

In my judgment, the only power in this bill to compel a contract at the price of $300 or less was the alternative provision to build a factory and make the armor ourselves if they do not come to our terms.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. GORMAN. I offer an amendment which I send to the desk, to come in after line 25, on page 6.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. On page 6, after line 25, it is proposed to insert:

> To enable the Secretary of the Navy, in his discretion, to purchase the right to manufacture and use the boat-detaching device invented by L. J. M. Boyd, of Annapolis, Md., patented under letters patent No. [illegible], of December [illegible], 1887, and to pay for the past use of said device by the Navy Department, $25,000.

Mr. SMITH. I ask whether that amendment was before the Committee on Naval Affairs and was reported favorably by that committee?

Mr. GORMAN. No; it was not.

Mr. SMITH. It seems to me rather a singular procedure that a matter of this kind should come up in Committee of the Whole without ever having been before the Committee on Naval Affairs. Is it customary that such amendments as this should come from the Appropriations Committee? I hope the amendment will be laid over, unless there is some good reason why it should be passed to-night. I am sure, as a member of the Naval Committee, that the proposition has never been before us, and it is a matter of which the members of that committee should have some knowledge.

Mr. CHANDLER. Unless the Senator from Maryland can show something to indicate that the amendment is in order, I shall make the point of order against the amendment.

Mr. GORMAN. I frankly stated that the amendment had not been before the Naval Committee, as my friend from New Jersey [Mr. SMITH], who is a member of that committee, probably knows. I offered the amendment. It is not a new matter, but it is one which four years ago was directed to be investigated by the Navy Department, and was investigated by the Department and reported upon by it. The Senator can make the point of order if he desires.

The PRESIDING OFFICER. The Chair thinks that the amendment is not in order.

Mr. NELSON. I offer an amendment to come in at the end of line 6, on page 52.

The SECRETARY. After line 6, on page 52, it is proposed to insert:

> That the President of the United States be authorized to nominate and, by and with the advice and consent of the Senate, appoint the leader of the United States Marine Band as a first lieutenant of marines not in line of promotion, with rank, pay, and emoluments of officers of that class.

Mr. NELSON. The amendment which I have offered is [illegible] Senate bill 3368. It has been favorably reported by the Committee on Naval Affairs, and is recommended by the Secretary of the Navy. I ask to have the report of the committee and the letter of the Secretary of the Navy, both of [illegible] very short, read.

Mr. HALE. I think the amendment is subject to the point of order.

Mr. NELSON. I have the floor at present. The point of order can not take me off my feet.

Mr. HALE. No, it can not.

Mr. NELSON. I ask to have the report read as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read the report as a part of the remarks of the Senator from Minnesota.

The Secretary proceeded to read the report submitted by Mr. CAMERON February 19, 1897.

Mr. HALE. I will withdraw the point of order if the Senator will withdraw the request to have the report read.

Mr. NELSON. I will withdraw the request for the reading.

Mr. BLANCHARD. I renew the point of order.

Mr. NELSON. Then I insist upon the reading of the report.

The PRESIDING OFFICER. The reading of the report will be proceeded with.

The Secretary resumed and concluded the reading of the report, as follows:

> The Committee on Naval Affairs, to whom was referred the bill (S. [illegible]) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States

Marine Band, having had the same under consideration, beg leave to make the following report:

The committee recommend the passage of the bill for the reasons set forth in the letter of the Secretary of the Navy, as follows:

"NAVY DEPARTMENT,
"*Washington, January 29, 1897.*

"SIR: The Department has carefully considered Senate bill 3368, entitled 'A bill to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band,' and respectfully returns the same with the recommendation that the rank conferred be that of second lieutenant, instead of first lieutenant. The band is a part of and attached to the Marine Corps. It is a military organization, and it is proper that its leader should not only have military authority, but also a rank that would entitle him to respect and consideration, and such pay as will be sufficient at all times to secure the services of a first-class musician and leader.

"Professor Fanciulli is such a musician. His services are very desirable, and it is feared that the Department will lose him unless this bill, or some other, increasing his compensation, be passed. The increased pay which this bill carries is desirable, but even with such increase he would not be receiving as much as he could probably command elsewhere. The rank proposed to be conferred by the bill, which in itself is small, would nevertheless add dignity to his place and tend to give him that increased control over the musicians under him which is so essential to efficiency.

"The former leader of the band, Professor Sousa, left it because he could do far better elsewhere. The Department was very fortunate in securing the services of the present incumbent of the place, but it can not always expect to be as successful as in this instance, and it is very desirable that an official who is as competent and reliable as Professor Fanciulli should be retained.

"This band, by reason of its location and the peculiar duties it is called upon to perform at the capital of the country, has become, and it is hoped will always be looked upon as par excellence, the national band. In other countries, as in Italy, Austria, and Germany, where music is most highly esteemed, the leaders of Government bands are commissioned officers, and some of these band leaders not only enjoy rank, but receive, even in those countries where wages are very much lower than here, far greater compensation than does the leader of the Marine Band.

"I desire to recommend most earnestly the enactment of this bill with the amendment suggested into a law. It carries but little money and I feel that it will tend greatly to promote the continued efficiency and excellence of this organization, to which our musical people now look with constantly increasing pride and admiration.

"I have the honor to be, very respectfully,
"H. A. HERBERT, *Secretary.*

"Hon. J. D. CAMERON,
"*Chairman Committee on Naval Affairs,*
"*United States Senate, Washington, D. C.*"

Mr. NELSON. I desire to say just a word. I will not take up the time of the Senate. I sincerely hope the Senator from Louisiana will withdraw his point of order and that we may have a vote upon the amendment. The leader of the band is an expert musician, a very skillful man. He has simply the rank of a private. This simply aims to put him in a position where he can have military control of the band and gives him a fair salary. His office is not to be in the line of promotion. He is always to be a second lieutenant. I trust the amendment will be allowed to stand in favor of good discipline and good music right here at the nation's capital.

Mr. HAWLEY. Mr. President, there is a point in favor of the amendment, and that is that the leader of the band is in command of 25 or 30 regularly enlisted men in the service. They can be made soldiers very easily at any time. They can throw away their musical instruments and fight.

Mr. NELSON. The whole band is composed of enlisted men, I might say, and as the Senator from Connecticut says, there are 25 or 30 men in the band.

Mr. SQUIRE. Is not this establishing a bad precedent?

Mr. NELSON. The amendment is not subject to the point of order. It stands in the position of an amendment recommended by a committee, the bill having been reported by the Committee on Naval Affairs and being on the Calendar and in order.

Mr. BLANCHARD. It is very clear that the amendment is subject to the point of order, and to a presiding officer with the skill of the present occupant of the chair no argument to show that is necessary.

It also sets a very bad precedent upon an appropriation bill to be creating additional offices. Hardly an appropriation bill passes Congress but that it adds a number of United States officials. It is already known throughout the country that Federal officials constitute a large army, and this way of increasing their number upon appropriation bills should not be tolerated by the Senate.

Mr. HAWLEY. I wish to make a single suggestion. It does not increase the number a single man. They are all enlisted men now.

The PRESIDING OFFICER. The Chair is very much in favor of the proposition of the Senator from Minnesota in the shape of a bill, but the amendment is not in order upon the appropriation bill.

Mr. CHANDLER. I wish to call the attention of the Senator from Maine to the provision on page 48, for torpedo boats. It seems to be contemplated that the Secretary of the Navy can get three torpedo boats for $800,000. I know the Senator has put it "not more than three torpedo boats," but it is not possible to get a torpedo boat of sufficient size and speed for one-third of $800,000, and I put that fact upon record as my opinion. I should much prefer to have the Senate put it at two rather than to get three torpedo boats in the bill with an implication that the Secretary of the Navy ought to get those three torpedo boats for $800,000. It is suggesting to the Secretary that he shall build that class of torpedo boats of which he can build three for $800,000.

Mr. HALE. Hardly. I put that in advisedly, in order to leave it to the Secretary of the Navy. If he thinks $800,000 can be better expended on two boats, he can do it. If he thinks $800,000 can be better expended on three, he can do that. I prefer to leave it to him.

Mr. CHANDLER. I ask the Senator whether the Secretary would feel at liberty to expend the $800,000 upon two torpedo boats instead of three as the language now stands?

Mr. HALE. He would. We had just such a provision last year, in which we left the limit in the appropriation and left the number to the Secretary.

Mr. SQUIRE. I suggest that it would be wise on the subject of torpedo boats to amend the amendment, and I call the attention of the Senate especially to this point, by inserting the words that at least one of the torpedo boats shall be built on the Pacific Coast.

Mr. HALE. As there may be but two torpedo boats, the committee did not think it was worth while to do that. They are small matters.

Mr. SQUIRE. They are very important matters, I beg to assure the Senator from Maine.

Mr. HALE. He can do that in his own discretion. There is not enough in it to put in that provision.

Mr. SQUIRE. It is well known that the American Navy is sadly deficient in torpedo boats. If there is one element of deficiency in our Navy as at present constituted, it is in regard to torpedo boats.

It is a fact well known to those who have studied the question at all that we are practically without torpedo boats unless some boat has been recently completed, and we have at present an arrangement for building three, I believe.

Mr. HALE. We have twenty-one or twenty-two already started.

Mr. SQUIRE. You have only three practically. I beg to suggest to the Senator that one of these should be built on the Pacific Coast.

Mr. HALE. I do not think on a small matter of this kind such a provision should be inserted. When we come to build large ships we always do that, but on these little craft it is hardly worth while to put on such a provision.

Mr. SQUIRE. The people of my State are deeply interested in the building of a torpedo boat on Puget Sound, which is nearly completed, and the constructors of that vessel have been highly commended for the efficiency of their work, so far as it has progressed. They ought to have a chance to bid.

Mr. HALE. They will have the same chance that everybody else will have. It is safe to leave that to the Secretary of the Navy.

Mr. SQUIRE. I think it ought to be recognized in the bill. Why not recognize it in the bill? We have always recognized it as to ships of war.

Mr. HALE. They are very large matters.

The PRESIDING OFFICER. Does the Senator from Washington make a motion?

Mr. SQUIRE. After the word "party," in line 21, I move to insert the words "on either the Atlantic or the Pacific Coast."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "party," in line 21, it is proposed to insert "on either the Atlantic or the Pacific Coast;" so as to read:

> And not more than two of said torpedo boats shall be built in one yard or by one contracting party on either the Atlantic or the Pacific Coast.

Mr. HALE. I move to lay the amendment on the table.

The motion was agreed to.

Mr. GIBSON. I wish to offer an amendment. On page 35, in line 14, after the word "librarian," I move to strike out "$1,400" and insert "$1,800."

This was recommended by the Board of Visitors at the last meeting, in June. This gentleman is a very competent officer. He has rendered faithful service for many years, and, in my judgment, he is entitled to the increase of salary.

Mr. HALE. The amendment proposes an increase of salary. I move to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the international monetary conference bill.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 59 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1897, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1897.

POSTMASTER.

Esther Sobye, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin, in the place of Charles M. Sobye, deceased.

MARINE-HOSPITAL SERVICE.

Asst. Surg. Charles H. Gardner, of the District of Columbia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Asst. Surg. Rupert Blue, of South Carolina, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1897.

MARSHAL.

Giles Y. Crenshaw, to be marshal of the United States for the western district of Missouri.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Maj. Isaac Arnold, jr., to be lieutenant-colonel.

Cavalry arm.

Second Lieut. James Augustine Ryan, Tenth Cavalry, to be first lieutenant.

Second Lieut. Frank Merrill Caldwell, Third Cavalry, to be first lieutenant.

First Lieut. Elon Farnsworth Willcox, Sixth Cavalry, to be captain.

Second Lieut. Milton Fennimore Davis, Fourth Cavalry, to be first lieutenant.

Infantry arm.

First Lieut. Benjamin Ward Leavell, Twenty-fourth Infantry, to be captain.

CONSULTING ENGINEER, INTERNATIONAL BOUNDARY COMMISSION.

W. W. Follett, to be consulting engineer of the United States on the International (Water) Boundary Commission.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Charles H. Gardner, of the District of Columbia, to be a passed assistant surgeon in the Marine-Hospital Service.

Asst. Surg. Rupert Blue, of South Carolina, to be a passed assistant surgeon in the Marine-Hospital Service.

POSTMASTERS.

Lillian T. Oviatt, to be postmaster at Longmont, in the county of Boulder and State of Colorado.

George F. Gardner, to be postmaster at Lake City, in the county of Hinsdale and State of Colorado.

J. O. Billings, to be postmaster at Fergus Falls, in the county of Ottertail and State of Minnesota.

Esther Sobye, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin.

Henry F. Mann, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania.

Frank O. Howard, to be postmaster at Columbus, in the county of Warren and State of Pennsylvania.

Charles H. Rolston, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois.

J. W. Maloy, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania.

T. E. Kennard, to be postmaster at Longview, in the county of Gregg and State of Texas.

J. Albert Walton, to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania.

Charles E. Steel, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania.

Hugh H. Lourey, to be postmaster at Frankfort, in the county of Marshall and State of Kansas.

Judd Hartzell, to be postmaster at Laharpe, in the county of Hancock and State of Illinois.

George Huhn, to be postmaster at Etna, in the county of Allegheny and State of Pennsylvania.

Margaret B. Doonan, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania.

Arthur F. Young, to be postmaster at Union City, in the county of Erie and State of Pennsylvania.

Edward J. Morath, to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado.

William S. Harriss, to be postmaster at Wilson, in the county of Wilson and State of North Carolina.

August Pein, to be postmaster at Eureka, in the county of McPherson and State of South Dakota.

William G. Messler, to be postmaster at Chatsworth, in the county of Livingston and State of Illinois.

Alice B. Bussey, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia.

William T. Anderson, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia.

Smith M. Dockstader, to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota.

Robert M. Porter, to be postmaster at Williamston, in the county of Ingham and State of Michigan.

David C. Hyer, to be postmaster at Susanville, in the county of Lassen and State of California.

John McCabe, to be postmaster at St. Peter, in the county of Nicollet and State of Minnesota.

John H. Kuehl, to be postmaster at Charter Oak, in the county of Crawford and State of Iowa.

Hugh M. Quinn, to be postmaster at Mapleton, in the county of Blue Earth and State of Minnesota.

Ida C. Kratochwill, to be postmaster at Boscobel, in the county of Grant and State of Wisconsin.

Ira R. Allen, to be postmaster at Fairhaven, in the county of Rutland and State of Vermont.

John H. Hanson, to be postmaster at Lake Benton, in the county of Lincoln and State of Minnesota.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 1, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read.

The SPEAKER. The Chair desires to suggest that the Clerk read a portion of the Journal as corrected.

The Clerk read as follows:

> The call of committees was proceeded with.
>
> The Speaker stated that when the Committee on Interstate and Foreign Commerce was called, Mr. PATTERSON had desired to be recognized; and directed, by the consent of the House, that this committee be again called.

The SPEAKER. It was done by consent of the House, and the Chair desires that fact to appear. Without objection, the Journal as read, with this correction, will be approved.

Mr. BRUMM. What committee was that?

The SPEAKER. The Committee on Interstate and Foreign Commerce. It was intended to be called again, but by some accident it was not.

There was no objection, and the Journal was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to amendments of the House of Representatives to the bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894;

A bill (H. R. 10290) for the relief of Joseph P. Patton;

A bill (H. R. 4310) for the relief of Mathias P[illegible];

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia;

A bill (H. R. 610) for the relief of John F. McRae;

A bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 5597) for the relief of Charles Deal; and

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1898;

A bill (H. R. 10069) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; and

A bill (H. R. 10298) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had passed the joint resolution (S. R. 209) regulating the distribution of public documents; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

ORDER OF BUSINESS.

Mr. TRACEY. Mr. Speaker, I am directed by the Committee on Accounts to present the following privileged report.

Mr. CANNON. I ask the gentleman to withhold that a moment, and let me make a motion touching a general appropriation bill.

Mr. TRACEY. I withhold it.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move to suspend the rules, and that the House disagree to the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, and ask for a conference.

The SPEAKER. The gentleman from Illinois moves to suspend the rules, to nonconcur in the Senate amendments, and ask for a committee of conference.

Mr. HOPKINS of Illinois. Mr. Speaker, for the purpose of getting an explanation, I demand a second.

Mr. CANNON. Let it be considered as ordered.

The SPEAKER. The Chair is proceeding upon the supposition that the House does not demand the reading of the amendments.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the amendments.

Mr. HOPKINS of Illinois. I do not desire to delay the bill at all, but as to whether there is to be a disagreement or not, I think the House ought to know something about the Senate amendments.

Mr. CANNON. I think my colleague had better let it go; there will be an opportunity to discuss any controverted matters on the first conference report.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] demands a second.

Mr. CANNON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.. The Clerk will read the Senate amendments.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the amendments.

Mr. HOPKINS of Illinois. Pending that request, Mr. Speaker, I would like to know from the gentleman in charge of the bill how many points of disagreement there are; and I would like to know in a general way what they are. There may be some of those amendments that we may want to agree to.

Mr. CANNON. I would state——

Mr. COX. I rise to a question of order. We can not hear what is going on.

The SPEAKER. The point of order is well taken. Gentlemen will take their seats and cease conversation.

Mr. CANNON. Mr. Speaker, I will state in reply to my colleague that there seems to be 192 Senate amendments to this appropriation bill. A number of them are formal; to some of them, in my judgment, there is no objection. There are those to which I think there is much objection. Under ordinary conditions I would, instead of making this motion, after the bill should be printed and the Senate amendments numbered, which has not yet been done, move that the House resolve itself into Committee of the Whole for the purpose of considering the Senate amendments, and give one, two, three, or four days, as the case might be, according to the pleasure of the Committee of the Whole, for the consideration of these amendments. But this is the 1st day of March. At noon on the 4th day, as the gentleman is aware, this Congress expires. There is to follow this the general deficiency bill, the naval bill, not yet acted on by the Senate, and the Post-Office bill, which has just come over. The result is that it will be impossible, if these bills are to be passed at all, to pursue the course that I have just indicated. Therefore I do not see any way to dispose of these bills except in the first instance to nonconcur in all the Senate amendments, let the bill go to conference, and when the conference committee reports, if the report does not suit the House, it can be rejected. But let me say to my friend, I think I know the Senate amendments about which there will be a contest in the House; and if I shall have any influence with the House conferees, and I believe the House conferees will substantially agree as to the proper policy, the amendments about which there would be a real contest would be reported without an agreement, so that upon that report, with all matters eliminated by the report of agreement, they would come up for the adoption of the House if it sees proper to adopt them. We can then have the printed bill, with the amendments properly numbered, and then there will be the real debate and the real consideration, and the House may disagree to or agree to them, as the case may be.

Mr. SAYERS. Will the gentleman yield to me a moment?

Mr. CANNON. With pleasure.

Mr. SAYERS. Mr. Speaker, I want to say that I heartily concur with the gentleman from Illinois [Mr. CANNON], who has charge of this bill. If the House desires to facilitate the passage of a proper sundry civil appropriation bill, and that this bill should not fail, then I believe that the motion of the gentleman from Illinois ought to prevail, and that the House ought to send this bill immediately into conference, and I sincerely trust that the House, and especially members upon this side, will sustain the motion of the gentleman from Illinois to put it into conference.

Mr. MEREDITH. We do not know what the amendments are.

Mr. SAYERS. As stated by the gentleman in charge of the bill, an opportunity will be given to vote upon all important amendments about which there can be any dispute.

Mr. PEARSON. Separately?

Mr. SAYERS. Separately; and I want to say to the gentleman from Virginia [Mr. MEREDITH] that if the House refuses to adopt the motion of the gentleman from Illinois and this bill is thrown into Committee of the Whole, the probability is that it will never reach the President.

Mr. MEREDITH. I do not desire anything of that kind, but my idea is that there are some of those amendments that the House may desire to adopt, and if this bill goes to a conference and those amendments should be knocked out, then the House, in my judgment, would not have an opportunity to vote upon them.

Mr. SAYERS. After this explanation, Mr. Speaker, the House can, of course, do as it pleases.

Mr. HOPKINS of Illinois. Mr. Speaker, in demanding a second to the motion made by my colleague [Mr. CANNON], I had no desire to delay this bill going to conference. My desire was simply to take this occasion to emphasize the bad practice that is indulged in by the Appropriations Committee in waiting until the closing hours of the session to bring in, and ask the House to dispose of, in this hurried manner, bills that carry $50,000,000. I appreciate all that my colleague has said about the importance of having this bill become a law, but here are 192 amendments, according to his statement, that have been made by the Senate, and he asks this House to disagree to all those amendments without considering one of them, or having one of them read, and without the House knowing anything about their contents or their merits. If this bill had been brought in at an earlier day in the session, and had been properly considered, many of these questions that cause so much trouble in conference could be settled in the House. Gentlemen will remember that during last session, on one of these bills, the House, after repeated conferences, was required practically to take the bill out of the hands of the House conferees and adopt the Senate amendments, one by one, in order to get the bill disposed of. Now, as I say, I do not propose to antagonize the motion made by my colleague, but I do think this is a vicious practice that has grown up here in the House.

Mr. LACEY. Is it not true that every member has had laid upon his desk this morning all of these amendments and has had full opportunity to read them and to know just what is involved in the motion of the gentleman from Illinois [Mr. CANNON]?

Mr. HOPKINS of Illinois. No, sir; there is not one of these amendments that has been laid upon the desk of any member.

Mr. LACEY. They are all in the CONGRESSIONAL RECORD, fully reported; every one of them.

Mr. HOPKINS of Illinois. Well, the gentleman knows or ought to know, for he has served here long enough to know, that members have not had an opportunity, with the other duties devolved upon them in connection with committee work, to look these amendments over. That is all I desire to say, Mr. Speaker, and I do not, as I said before, wish to antagonize the motion of my colleague that this bill be sent to a conference.

Mr. CANNON. Mr. Speaker, a word in explanation of my motion and by way of reply to my colleague [Mr. HOPKINS]. This is the short session of Congress. Members of the House understand that when these great supply bills, originating with many committees of the House, are considered at the short session, necessarily the three months' time of the session (with two weeks vacation in the three months) must have passed before all the bills

can be disposed of, and that they could not be passed at all in that time unless the various committees reporting them had the greatest familiarity with their contents and had prepared them with great care. Now, what is the fact? Two weeks ago to-day this bill passed the House and went to the Senate. It is not parliamentary for me to criticise the coordinate branch of Congress, and I would not if I could. Suffice it to say that it was almost midnight last night before this bill passed the Senate, with these 192 amendments. Now, it is for the House to choose. Measuring my words, I say that if this bill is to pass at all at this session, it must pass by the proceeding I have proposed, with, later on, the opportunity to have a contest in the House, item by item, upon important amendments, where there is a real difference between the two Houses.

Now, sir, respectfully and courteously, let me say that I do not receive in a meek and lowly spirit the reprimand and discipline that my honorable colleague [Mr. HOPKINS] seeks to give me touching former conduct of this bill, especially when he is pleased to make the statement that at the last session of Congress this bill was taken from the committee——

Mr. HOPKINS of Illinois. I did not say this bill; I said one of these appropriation bills.

Mr. CANNON. Well, this is the bill that carried the items, and the gentleman said that the House concurred in the Senate amendments over the objections of the committee. Yes, I will say to the gentleman, the House did concur in the end with many Senate amendments, the Senate insisting. The House concurred after full discussion and three or four conferences. When there was plenty of time, your conferees, being the same then as they will be on this bill, reported matters back to the House time and again, and the House performed its function touching this important matter. And I am glad of it, because it is the duty of this House, touching matters of real difference, to settle them for itself and not have them settled surreptitiously by a committee of conference. So that my friend and colleague, if he had thought of the merits surrounding that contest, would not have sought to discipline me or my committee upon that matter.

Now, if there are no further remarks to be made——

Mr. PEARSON. I wish to ask the gentleman from Illinois [Mr. CANNON] whether the Senate amendments increase the appropriations as made by the House. Is there an increase or a net reduction?

Mr. CANNON. Oh, I think there is a very considerable increase.

Mr. HOPKINS of Illinois. Mr. Speaker, my remarks were not directed personally to the gentleman in charge of this bill. Where they touched upon the manner in which these bills have been brought into the House they were directed against the committee, not against any individual members. And the criticism that I made respecting the bills of this class in the last session of the House might be very properly applied to this. There is a bill [holding up a copy of the sundry civil appropriation bill] which, when it passed the House, carried over $50,000,000. Yet it was brought in at so late a day that the gentleman in charge of the bill made an appeal to members of this House that it should be passed under a suspension of the rules, and members who were clamoring to have it considered section by section, so that they might be able to offer and discuss amendments, were deprived of that opportunity under the plea that owing to the lateness of the day when this bill was brought in, it was important, if it were to become a law, that it be passed under a suspension of the rules.

Now, I am protesting against that practice, not criticising my colleagues here. I insist that these great bills which appropriate millions of the people's money, as this bill does, should be brought in here at an hour and a day early enough to permit each individual member to express himself upon the several appropriations as they are proposed. The gentleman knows as well as I that no individual member has had any opportunity upon this bill to exercise the free rights of a member on this floor regarding any of the appropriations in the bill.

Mr. CANNON. Now, Mr. Speaker, a word in conclusion. The gentleman now shifts his attack from me personally to the committee over which I have the honor to preside.

Mr. HOPKINS of Illinois. I deny that statement. I made no personal attack. The gentleman can not put me in that position.

Mr. CANNON. Very well; then I will say no more about that. The gentleman then makes his attack upon the committee over which I have the honor to preside. In reply to that attack, I say to him, I do not accept it for my committee. That committee has been constant in work from the time this session began up to the present, touching these bills. It was impossible to prepare them at an earlier day. I will not speak of the laxity of work, if there has been laxity, elsewhere. But here is the condition: 193 amendments; three days and a few hours until the close of this Congress.

The gentleman complains that the bill was passed under a suspension of the rules. His complaint is against the House. It took two-thirds of this House to pass the bill. It takes two-thirds of this House to-day to concur in these amendments; and I am trying to address myself to the common sense and judgment of two-thirds of the members when I ask them to adopt the motion which I make to suspend the rules and send this bill to a committee of conference. The gentleman does not seem to antagonize that position; he seems to accept it in the present condition; but he comes with an "if" and a "but" and a "wherefore" and a "notwithstanding"——

Mr. HOPKINS of Illinois. I accept the situation under the emergency you present.

Mr. CANNON. Some one has said that a child can ask more questions in a minute than a sage can answer in time and eternity. [Laughter.] It is easy to criticise. My honorable colleague knows about the short session. He understands about the methods of legislation. He has been here for many, many years; and I only want to say to him, courteously and respectfully, that while his remarks and mine will both adorn the RECORD [laughter], the situation is as I have stated it, and I now ask a vote.

The SPEAKER. Is there objection to dispensing with the reading of the amendments? The Chair hears none.

The question being taken, the motion to suspend the rules, so as to nonconcur with the Senate amendments and ask for a committee of conference, was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. I move that the House nonconcur in the amendments of the Senate to House bill No. 10389, the Post-Office appropriation bill, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The Clerk will read the amendments.

Mr. LOUD. I ask unanimous consent that the reading of the amendments be dispensed with.

There was no objection.

The question being taken on the motion of Mr. LOUD that the House nonconcur in the Senate amendments and ask a conference, it was agreed to.

The SPEAKER announced the appointment of Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE as conferees on the part of the House.

PAY OF CERTAIN EMPLOYEES.

Mr. TRACEY. Mr. Speaker, I now present a report from the Committee on Accounts, which I ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives, That the session employees heretofore authorized by resolution reported by the Committee on Accounts and adopted by the House, to be paid from the contingent fund of the House, be paid for the same number of days as is authorized by the legislative appropriation bill approved May 28, 1896, for the session employees authorized by that act.

Mr. TRACEY. I ask that the report of the committee accompanying the resolution be read.

The report was read, as follows:

Your committee, to whom was referred House resolution No. 551, for the payment of such session employees of the House as have been heretofore authorized by resolutions reported by this committee and adopted by the House, as other session employees are paid, have had the same under consideration and beg leave to report: That the session employees mentioned in the resolution were employed because the public service required additional clerical and other force to that provided for in the legislative appropriation bill approved May 28, 1896. That such additional clerical employees [illegible] required to and did perform the same services as have been [illegible] the session clerks provided for in the appropriation bill as aforesaid. Your committee therefore are unable to see any reason why the session [illegible] authorized by resolution of the House and paid from the conti[illegible] fund should not be paid for the same number of days as is [illegible]e legislative appropriation bill for the session employees [illegible]fied. By reason of these facts your committee report the [illegible] favorably and recommend that it do pass.

Mr. DOCKERY. Mr. Speaker, I do not understand this to be a privileged resolution. I wish to examine it for a moment.

The SPEAKER. Does the gentleman raise the point of order that it is not a privileged report?

Mr. DOCKERY. I see that it provides for the payment out of the contingent fund. I find I was in error.

Mr. TRACEY. There is a report also, Mr. Speaker, giving the names of the employees affected by this resolution and their assignment, which I ask to have read:

The Clerk read as follows:

Employees who are employed by the session and paid from contingent fund:

Herman Schriener, assistant clerk to the Committee on Military Affairs, at $6 per day.

Joseph E. Hall, assistant clerk to the Committee on Naval Affairs, at $6 per day.

J. P. Burrows, assistant clerk to the Committee on Interstate and Foreign Commerce, at $6 per day.

W. T. Sullivan, assistant clerk to the Committee on Invalid Pensions, at $6 per day.

Bessie M. Ridenour, assistant clerk to the Committee on Invalid Pensions, at $6 per day.

John A. Miller, assistant clerk to the Committee on Claims, at $6 per day.

L. E. Bridgeman, messenger in the post-office, at $100 per month.

Joseph Hammon, laborer in post-office, at $60 per month.

Mr. TRACEY. Mr. Speaker——

Mr. COX. Before the gentleman proceeds, will he allow me to ask him a question?

Mr. TRACEY. Certainly.

Mr. COX. Are not the employees whose names are provided in this special appropriation already in the employ and pay of the Government?

Mr. TRACEY. They are.

Mr. COX. And this means additional pay over and above the salaries now given to them by the Government?

Mr. TRACEY. I will explain that to the gentleman in a moment. These eight persons whose names have been mentioned here were employed by a resolution of the House, and were employed because their services were necessary. Six of them are clerks to committees. They have been performing precisely the same services as similar session employees which are provided for in the legislative appropriation bill. In that bill it is provided that all of the session employees of the House shall receive pay for one hundred and twenty-one days. That has been the uniform custom of the House.

Now, these session employees, under a ruling of the Comptroller of the Treasury—these men employed by a resolution of the House itself—have been cut off with only eighty-nine days. Since they have been performing exactly the same services as those employees provided for in the legislative bill, the Committee on Accounts can not see any reason, and I can not see any reason, why they should not receive the same compensation. This resolution, therefore, simply provides that these eight employees—six of them committee clerks—shall receive the same pay, that is, pay for one hundred and twenty-one days, provided for the other session employees under the legislative appropriation bill. That is all this bill does.

Mr. LOUD. Why were they cut down to eighty-nine days?

Mr. TRACEY. By a ruling of the Comptroller of the Treasury.

Mr. LOUD. That is—and let us be frank about it—because they were not authorized by law; that there was no legislation for their employment.

Mr. TRACEY. That is correct.

Mr. LOUD. Now, the gentleman says they were performing this work?

Mr. TRACEY. They were.

Mr. LOUD. One of them is a clerk to the Committee on Claims, is he not?

Mr. TRACEY. I think not.

Mr. BRUMM. Yes; that is correct.

Mr. LOUD. I would like to ask the chairman of the Committee on Claims what time did that committee organize?

Mr. BRUMM. I can not answer that exactly from memory now, but I do know that he was employed there before he was formally appointed.

Mr. LOUD. I only ask that because I know that the Committee on Claims were not prepared to do business for some considerable time after this House organized.

Mr. BRUMM. Perhaps a couple of weeks.

Mr. TRACEY. With reference to the assistant clerk to the Committee on Military Affairs, I personally know about him, and he is one of the most efficient, one of the most industrious, and one of the most capable employees about the House.

Mr. GRIFFIN. Working often nights and Sundays.

Mr. TRACEY. Yes; working often nights and Sundays, and there is no reason in the world that I can see why he should not receive the same pay as a session employee, who does no more work, but who happens to be named in the legislative bill.

Mr. LOUD. With all due respect to the gentleman, I should like to say that there are very few committees in this House for which one gentleman can not perform the clerical work. I believe the Post-Office Committee has as much clerical work as the Military Committee, from my knowledge of affairs in this House.

Mr. TRACEY. We have a very large amount of work.

Mr. LOUD. Yet, let me say, the clerk of the Committee on Post-Offices and Post-Roads can perform the clerical work of that committee and of the chairman, and he is not worked to death, either. This, mind, is a proposition—and the House might just as well understand it—to give a few gentlemen pay for a period during which they perform no service for the Government. I believe they will come under the amendment to the sundry civil bill, to give a month's extra pay to employees at the end of this session.

Mr. BRUMM. Does the gentleman mean to say a month's extra pay over and above this?

Mr. LOUD. Why certainly, they having been on the roll at a certain date, they will be entitled to a month's extra pay just the same as the rest.

Mr. BRUMM. Sufficient unto the day is the evil thereof. The gentleman is anticipating.

Mr. LOUD. Oh, I am anticipating a certainty.

Mr. HULICK. The only reason, as I understand, why the gentleman [Mr. Tracey] asks for this appropriation is because other employees before this time received this additional amount. That is the only reason, is it not?

Mr. TRACEY. The only reason on earth why I ask for the passage of this resolution is because I believe in the spirit of fairness and justice.

Mr. HULICK. The question that occurs to me is that the House should consider whether this is due to these employees. Do they deserve it? It is not a question whether it was given to other employees and therefore should be given to these.

Mr. TRACEY. The House has already determined that nineteen of its session employees shall be paid for one hundred and twenty-one day's services in this session.

Mr. HULICK. But the question that presents itself is, Was that a right and proper thing to do?

Mr. TRACEY. Why, the House has determined that it is right, and that question is settled.

Mr. HULICK. But we are not determining that now. We are only determining the question as to what we shall do in the present case.

Mr. WASHINGTON. That has already been determined, and is the law.

Mr. TRACEY. The House having been right in its determination to pay the nineteen employees for one hundred and twenty-one days, it can not but be right in doing the same for these eight other session employees.

Mr. HULICK. Now, another question. Will they receive the additional extra pay for one month, if that item comes over in the appropriation bill, as has been stated by the gentleman from California [Mr. Loud]?

Mr. TRACEY. Certainly not. They get simply what this resolution provides.

Mr. LOUD. Let me say that I am anticipating a certainty, just as sure as the sun will rise to-morrow, and the gentleman well knows it.

Mr. McMILLIN. Do I understand from the gentleman from California that there is a provision which embraces these employees among those who are to receive an extra month's pay?

Mr. LOUD. Why, the gentleman, if he had read the RECORD, would find that such an amendment has been included in the sundry civil bill in the Senate, and the gentleman has had experience enough to know that the Senate never allows an appropriation bill to pass without taking care of its employees.

Mr. McMILLIN. Now, I wish to ask the gentleman in charge of the bill, is not the real purpose of the committee to give an extra month's pay to these men as is given to the others?

Mr. TRACEY. That is the purpose.

Mr. McMILLIN. Then, if the Senate amendment is adopted, and I have no doubt it will be——

Mr. LOUD. The gentleman knows it will be.

Mr. McMILLIN. As the gentleman from California says, it will be, it gives these employees two month's extra pay. It gives them this certain; and if the other is adopted, does not the gentleman think they will get another? Does not the gentleman think it would be well to hold this up to see what will be the fate of that Senate amendment?

Mr. TRACEY. Let me state, in reply to the gentleman from Tennessee, that I think the gentleman from California is mistaken in stating that there is any amendment pending in the Senate for the payment of these House session employees.

Mr. LOUD. It takes in all the employees.

Mr. TRACEY. There is no such amendment pending in the Senate.

Mr. HULICK. It has already passed.

Mr. TRACEY. These session employees were not included in the bill. The Comptroller of the Treasury does not include these employees who are employed by resolution of the House.

Mr. LOUD. Why not?

Mr. TRACEY. Because he says it does not, and he is the law.

Mr. LOUD. That amendment says every employee on the roll on the 1st of February.

Mr. TRACEY. But the Comptroller holds that that does not include employees employed under resolution of the House and has so decided, and this is introduced on that distinct understanding.

Mr. MILNES. Will the gentleman allow me to ask him a question?

Mr. TRACEY. Certainly.

Mr. MILNES. The proposition is to give these special employees an extra month's pay. Now, if this House has an extra session, or an extra session of Congress is called to meet on the 15th of this month, the House will be paying two sets of men for the same duty performed during that month.

Mr. TRACEY. I do not so understand. This is not paying these men for duty they are to perform hereafter. It is paying them in accordance with what the House determines to be right—that these session employees shall be paid an extra month for extra services that they have performed, not what they are going to do.

Mr. MILNES. They are to be paid for services that they have not performed.

Mr. McMILLIN. Will the gentleman yield to me for a moment?

Mr. TRACEY. Certainly.

Mr. McMILLIN. I have the provision before me, which has already been incorporated on the sundry civil bill. This is the provision. Gentlemen can see whether it embraces these employees or not:

> To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

That is the provision. I think the gentleman will see, as they are session employees, that they are embraced in the provision of the resolution. I submit to him whether on consideration he will not put that interpretation upon it himself?

Mr. COX. If my colleague will allow me, these special employees that you are speaking of—does any member of this House know what extra duty has been imposed upon them? They accepted the positions and were willing to perform the duty when they accepted it.

Mr. TRACEY. I desire to say, in reply to the paragraph read by the gentleman from Tennessee [Mr. McMillin], just what I have heretofore said. The disbursing clerk of the House has communicated with the Comptroller of the Treasury in regard to that very matter, and he holds that the language read by the gentleman from Tennessee and in the bill only includes the session employees provided for in the appropriation bills, and not those employed or appointed by resolution of the House.

Mr. McMILLIN. Do I understand the Comptroller has interpreted this before it became a law?

Mr. TRACEY. He interpreted that before it became a law, because of the fact that this has been the uniform practice in the past.

Mr. BRUMM. That is the interpretation of the Comptroller of the provision.

Mr. McMILLIN. This is unquestionably for employees:

> To pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, etc.

Mr. TRACEY. These are not borne on the session roll.

Mr. McMILLIN (continuing):

> Including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. TRACEY. I think the gentleman would see in a minute, if he would just reflect, that these session employees are not borne on the roll referred to there. They are paid out of the contingent fund of the House; the other session employees are paid out of an appropriation bill by an appropriation for that purpose. These men are not borne on the session rolls referred to in that law at all, and hence the Comptroller is right in holding that they do not come in under that provision. There is no question about it, and if these men are to be paid at all, it will have to be by a resolution of this kind, because those men are paid out of the contingent fund and not out of an appropriation bill.

Mr. WASHINGTON. Will the gentleman yield to me a moment?

Mr. TRACEY. Certainly.

Mr. WASHINGTON. I think that perhaps since the gentleman first made his statement the House may have lost sight of the fact that all the session employees borne upon the regular roll are by law paid at the short session for one hundred and twenty-one days; that is to say, for one month beyond the termination of the session. Now, by resolution of the House there are eight gentlemen in whom I have not the slightest interest except the desire to see justice done, who have been employed by authority of the House to do exactly the same kind of work that is done by the session employees who get paid for one hundred and twenty-one days, but, under a ruling of the Comptroller, these eight men, being appointed by resolution, can be paid for only eighty-seven days, thirty-four days less than the others, and it seems to me it is only just and fair to pay all the employees who do the same kind of work for the same number of days, and let us deal with the question of the month's extra pay by itself hereafter.

Mr. BRUMM. Especially as it is following the precedents heretofore set for years.

Mr. LACEY. Let me ask the gentleman in charge of this resolution a question. A number of these employees, the House will remember, were not employed until after the Christmas holidays. Under this resolution they will now get pay not only for the full session, but they will have one month added to their three months' pay if the resolution passes in this form. Am I right about that?

Mr. TRACEY. Certainly not; because their pay did not begin until they were employed.

Mr. LACEY. But this resolution says that they shall receive the same pay as provided in the act of 1896, and the act of 1896 gives the session employees three months' pay and one month's extra pay. In this way, by indirection, these men whom we did not put on the rolls until after the Christmas holidays will get the same pay that they would have received if they had been put on the rolls on the first day of the session, and, in addition thereto, one month's extra pay. That is the effect of the resolution in the form in which it is submitted to the House.

Mr. TRACEY. I think the gentleman is mistaken about that.

Mr. LACEY. I have just read the resolution, and I think there can be no question but that that will be the effect of it. If that is not the purpose in view, then the resolution ought to be rewritten, so that these employees should not, under any circumstances, receive more than one month's additional pay over and above what they would receive but for the passage of this resolution.

Mr. BRUMM. I think that is a fair amendment.

Mr. TRACEY. I have no objection to that amendment, because that was the intention.

Mr. HARTMAN. Mr. Speaker, I observe that this resolution does not make any provision at all for an extra month's salary for the clerks to Senators, Representatives, and Delegates. I will ask the gentleman if it does?

Mr. TRACEY. No.

Mr. HARTMAN. I want to ask the gentleman why it is that there is any discrimination made against them. Is there any class of employees of the Senate or of the House that performs any more satisfactory or efficient work than the clerks to Senators, Representatives, and Delegates? Now, I ask the gentleman if he will accept an amendment to include them? I want to ask him if, in his opinion, it would not be entirely just and equitable that such an amendment should be adopted to this resolution?

Mr. TRACEY. I could not accept that amendment.

Mr. HARTMAN. Upon what basis does the gentleman refuse to accept it?

Mr. TRACEY. Because this is an entirely different matter?

Mr. HARTMAN. Why is it different? Are not those clerks the employees of the various Senators, Members, and Delegates who constitute the House of Representatives and the Senate?

Mr. BRUMM. They are employed by the year, while these clerks are not.

Mr. HARTMAN. I understand; but I beg the gentleman's pardon, this resolution particularly says "employees borne upon the annual rolls of the House." Now, these clerks are annual employees. We are authorized to employ them annually. You provide for an extra month's compensation for every employee at both ends of the Capitol with the exception of the clerks to Members, Senators, and Delegates, and I repeat that there is no class of employees at either end who perform any more satisfactory or efficient service, and if we are going to be generous, let us be fair and just at the same time.

Mr. BRUMM. Let me suggest that the employees of the House have to stay here at least a couple of weeks to perfect their work, and they stay here at their own expense, while the individual clerks of Senators and Members go home and have practically nothing to do.

Mr. HARTMAN. My clerk does not go home.

Mr. BRUMM. Then that is because you have not your clerk living at home.

Mr. HARTMAN. No; it is because he stays here and performs his duty, as he ought to do.

Mr. BRUMM. I will go with the gentleman if he thinks it is right and the House thinks it is right to raise the salaries of those clerks if they are not high enough, but they ought [illegible] come in on this resolution.

FORFEITED OPIUM.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed with an amendment the bill (H. R. 10204) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder; also that the Senate requested a conference with the House of Representatives on said amendment, and had appointed as conferees on the part of the Senate Mr. MORRILL, Mr. WHITE, and Mr. PLATT.

Mr. DINGLEY. It is desirable that the bill just received from the Senate go into conference immediately. I ask unanimous consent that the amendment of the Senate be nonconcurred in and the request of the Senate for a conference agreed to.

The SPEAKER. If there be no objection, the bill just received from the Senate will be taken up.

There was no objection.

The SPEAKER. The amendment of the Senate will be read.

Mr. DINGLEY. I ask that the reading of the amendment be omitted. As the bill passed the House, it authorized the sale of opium when seized. The Senate has amended the bill so as to authorize the destruction of the opium. That is the only change.

The SPEAKER. The Chair has ordered the reading of the amendment for the information of the House.

The amendment was read, as follows:

In line 7 strike out all after "and," down to and including "forfeiture," in 12, and insert "shall be destroyed."

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] moves that the House nonconcur in the amendment of the Senate and agree to the request of the Senate for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. PAYNE, Mr. EVANS, and Mr. MCMILLIN as conferees on the part of the House.

PAY OF CERTAIN EMPLOYEES.

Mr. TRACEY. In response to the suggestion of the gentleman from Iowa [Mr. LACEY], I propose to amend this resolution as follows:

Strike out the words "the same number of days as is authorized by the legislative appropriation bill, approved May 28, 1896, for the session employees authorized by that act" and insert: "one month extra for extra services performed, as are other session employees provided for in the legislative appropriation bill."

Now, if there is no further discussion desired, I will ask the previous question.

Mr. HARTMAN. Before the gentleman does that, I want to offer an amendment to this resolution, adding thereto one month's extra salary to the clerks of Senators, Representatives, and Delegates.

Mr. BRUMM. I object. Let that matter be brought in as a separate resolution.

Mr. TRACEY. That proposition can come in separately.

Mr. BRUMM. Why weigh this resolution down with that question?

Mr. HARTMAN. I am in favor of this resolution; and even if my amendment be defeated, I shall vote for the resolution.

The SPEAKER. The gentleman from Missouri [Mr. TRACEY] asks for the previous question.

The previous question was ordered.

Mr. DOCKERY. I now ask that the proposition as proposed to be amended be read.

Mr. TRACEY. Let the amendment be read.

The Clerk read the amendment of Mr. TRACEY.

Mr. HARTMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARTMAN. Is the amendment which I offered pending, or was it cut off by the ordering of the previous question?

The SPEAKER. The previous question had been moved before the gentleman presented his amendment.

Mr. HARTMAN. I understood the gentleman yielded to me.

Mr. TRACEY. Not to offer an amendment.

Mr. HARTMAN. Very well.

The question being taken, the amendment of Mr. TRACEY was agreed to, and the resolution as amended was adopted; there being on a division—ayes 58, noes 39.

PRINTING REPORTS OF DIRECTOR OF THE MINT.

Mr. PERKINS. I move to suspend the rules so as to adopt the resolution embraced in the report of the Committee on Printing which I send to the desk.

The Clerk read as follows:

The Committee on Printing, having had under consideration House joint resolution No. 258, providing for the printing of additional copies of the report of the Director of the Mint for 1896, of the report of the Production of Precious Metals for 1895, and of the Coinage Laws of the United States, report the following substitute, and recommend that the same be agreed to.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 10,000 copies of the report of the Director of the Mint for 1896; 5,000 for the use of the Director of the Mint; 3,000 for the House of Representatives, and 2,000 for the Senate.

There shall also be printed and bound 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for the year 1895, for the use of the Director of the Mint.

There shall also be printed and bound 5,000 copies of the Coinage Laws of the United States; 2,000 for the Director of the Mint, 2,000 for the House of Representatives, and 1,000 for the Senate.

The Public Printer estimates the cost of the work under this resolution as follows:

Ten thousand copies of the Report of the Director of the Mint for 1896, at $8,500.

Three thousand copies of the Report of the Director of the Mint on the Production of Precious Metals for 1895, at $1,200.

Five thousand copies of Coinage Laws of the United States, at $2,000.

Mr. PERKINS. Mr. Speaker, if there be no demand for a second on the motion to suspend the rules, I call for a vote.

The question being taken, the rules were suspended, and the resolution reported by Mr. PERKINS was adopted, two-thirds voting in favor thereof.

INTERSTATE NATIONAL BANK, KANSAS CITY.

Mr. VAN HORN. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo., was read, as follows:

Be it enacted, etc., That the Interstate National Bank of Kansas City, located in Kansas City, county of Wyandotte, and State of Kansas, is hereby authorized to change its location to the city of Kansas City, county of Jackson and State of Missouri, by complying with the following provisions: Whenever the stockholders representing three-fourths of the capital stock of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate under the corporate seal of the bank expressing such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit and other business of said bank shall be carried on in the city of Kansas City, county of Jackson and State of Missouri.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or effect in any action or proceeding in law in which the said bank may be a party or interested. And when such change shall have been determined upon, as aforesaid, notice thereof, and of such change, shall be published in two newspapers of general circulation in the city of Kansas City, Kans., not less than four weeks.

SEC. 3. That all the debts, demands, liabilities, rights, privileges, and powers, of the Interstate National Bank of Kansas City, now located in Kansas City, in the county of Wyandotte and State of Kansas, shall devolve upon the Interstate National Bank of Kansas City, of the city of Kansas City, county of Jackson and State of Missouri, whenever such change of location is effected.

Mr. VAN HORN. Let the report be read.

The report (by Mr. CALDERHEAD) was read, as follows:

The Committee on Banking and Currency, to whom was referred Senate bill 3680, respectfully report the same back to the House, with the recommendation that it concur in the Senate bill.

The bank referred to is located at the Kansas City stock yards, and has a capital of $1,000,000 and a surplus of $140,000, and transacts the banking for the cattle business there.

The bank is in a building situated on the State line, one part of the building being in the State of Kansas and the other part in the State of Missouri. It is desired to move the bank from the northwest corner of the building, which is in the State of Kansas, to the southeast corner of it, which is over the line in the State of Missouri. Under the general statute a national bank may move within the State where it is located a distance of not over 30 miles, with the consent of the Comptroller, but may not move farther than that, nor from one State to another.

It is because this removal is across the State line that it requires the sanction of a special act.

The committee are of opinion that the bill protects all the legal rights and obligations of all the parties interested in it, and therefore unanimously recommend that the bill do pass.

Mr. LOUD. Which way is it proposed to move this bank—into Kansas or out of it?

Mr. VAN HORN. Out of it.

Mr. LOUD. Well, I think that is right. [Laughter.]

Mr. DOCKERY. I understand that this bill has been recommended by the Comptroller of the Currency and is satisfactory to all parties interested.

Mr. COX. Mr. Speaker, there is one point about this bill that I want to have clearly understood. The line of demarcation, it seems, runs through the House of this banking corporation; and the only object of the bill, as I understand it, is to transfer the bank from one State to another.

Mr. VAN HORN. From one room to another.

Mr. HENDERSON. In the same building.

Mr. DOCKERY. That is all right.

Mr. COX. But I want the point clearly reserved that no liability or jurisdiction shall be disturbed by the passage of the bill.

Mr. HENDERSON. That is amply provided for in the bill.

Mr. DOCKERY. It seems to be fully met in the provisions of the bill as read.

Mr. VAN HORN. And it meets the approval of the Comptroller of the Currency.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. VAN HORN, a motion to reconsider the last vote was laid on the table.

MRS. WELTHA POST LEGGETT.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILNES, Mr. DALZELL, Mr. TALBERT and others demanded the reading of the report.

The report was read at length.

Mr. BARTLETT of New York. Before consent is given, I wish to ask the gentleman in charge of the bill why is this bill taken up by a sort of undue preference out of its order and brought in for consideration at this time? I understand that it has not been considered at a Friday night session. There are unquestionably a number of pension bills so considered that should be brought before the House for its action if any are to be considered.

But, of course, Mr. Speaker, the power lies with the majority to determine the matter, although I think that gentlemen on the other side of the House ought to object to any unfair preference in the case of any pension bills. Let us consider them fairly and in due and proper order. But it lies with gentlemen on the other side to object to such preference if they think it improper.

Mr. TALBERT. I would like to ask if this is not the grant of a new pension?

Mr. BURTON of Ohio. She is not receiving any pension now, I will state to the gentleman.

Mr. TALBERT. And why has she not applied through the regular channels?

Mr. BURTON of Ohio. I will answer the gentleman by saying that in view of the very exceptional services rendered by her distinguished husband—and I think I may say without exaggeration that of the volunteer officers none except General Logan won a worthier or higher record than he—that in view of these exceptional services it seems to be only a proper mark of consideration to this widow for Congress to grant this pension directly, as it has done in many other cases.

Mr. TALBERT. But why did she not go to the Pension Bureau and get her bill through there? I suppose the object is to get $50 per month, whereas she would get but $30 from the Department under the general law. That seems to have been the uniform practice here.

Mr. BURTON of Ohio. The gentleman will observe from the reading of the report——

Mr. MILNES. Mr. Speaker, I have utterly failed to get recognition for the pension of a private soldier on this floor, a man who fought in the ranks and suffered injury there, and therefore I object.

Mr. BURTON of Ohio. I trust the gentleman will not insist upon his objection.

The SPEAKER. Objection is made.

LIFE-SAVING MEDAL TO DANIEL E. LYNN.

Mr. SNOVER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 100, granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to bestow upon Daniel E. Lynn, of the city of Port Huron, Mich., a gold life-saving medal in recognition of his heroic services in the attempt to rescue the crew of the schooner *William Shupe* on the 19th day of May, 1894.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BARTLETT of New York. I would ask for the reading of the report, reserving the right to object.

The report (by Mr. WANGER) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., respectfully report having carefully considered the measure, are of the opinion that it should pass without amendment for the reasons set forth in Senate Report No. 682.

This resolution is identical with House Resolution No. 224, heretofore favorably reported by the committee (House Report No. 2814), and we suggest that it be substituted for the same.

There being no objection, the joint resolution was considered, and ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SNOVER, a motion to reconsider the last vote was laid on the table.

THOMAS ROSBRUGH.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 459) for the relief of Thomas Rosbrugh.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to permit Thomas Rosbrugh, of St. Clair County, Mo., to enter 160 acres of public land, subject to entry under the homestead or settlement laws, not mineral, nor in the actual occupation of any settler, in lieu of the southeast quarter of section 21, in township 38, of range 27 west, in St. Clair County Mo., which land was entered by said Thomas Rosbrugh on December 21, 1869, under the homestead laws, said entry being reported to be without conflict by instruction of the Commissioner of the General Land Office of the date of January 22, 1870, the title to half of which land failed because of a prior disposition of the same, which did not then appear upon the records of the Land Office, and the entry of said Rosbrugh was canceled: *Provided, however*, That the said Thomas Rosbrugh shall not have made any other entry of land of the United States under the homestead laws: *And provided further*, That a final certificate and patent shall issue to the said Thomas Rosbrugh, or his legal heirs or representatives, upon such entry as he may make hereunder, without proof of residence or cultivation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 8443) to amend section 4878 of the Revised Statutes relating to burials in national cemeteries;

A bill (H. R. 4310) for the relief of Mathis Pedersen;

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia;

A bill (H. R. 5597) for the relief of Charles Deal;

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond;

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal;

A bill (H. R. 10290) for the relief of Joseph P. Patton;

A bill (H. R. 610) for the relief of John F. McRae;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry;

A bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company;

A bill (S. 1743) to establish an additional land office in the State of Montana; and

A bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River.

CHESTER B. SWEET.

Mr. BARHAM. I ask unanimous consent for the consideration of the bill (S. 927) for the relief of Chester B. Sweet, of California.

The bill was read.

Mr. BLUE. Mr. Speaker, let us have the report on that bill.

Mr. LIVINGSTON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

EDWARD C. SPOFFORD.

The SPEAKER laid before the House the bill (H. R. 6730) granting a pension to Edward C. Spofford, with a Senate amendment thereto.

The Senate amendment was concurred in.

ANNA G. VALK.

The SPEAKER also laid before the House the bill (H. R. 7055) increasing the pension of Anna G. Valk, with a Senate amendment thereto.

The bill and the amendment of the Senate were read.

Mr. BLUE. Mr. Speaker, what is the rank of the officer whose widow is named in this bill?

The SPEAKER. The rank is that of surgeon.

Mr. LOUD. I move that the bill be referred to the Committee on Invalid Pensions.

The motion was agreed to.

ALPHONZO O. DRAKE.

The SPEAKER also laid before the House the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, with a Senate amendment thereto.

The Senate amendment was concurred in.

Mr. TERRY. Mr. Speaker, a parliamentary inquiry. I understand that these bills have been considered in Comm[illegible] the Whole and have passed the House; that they have Senate amendments to them, and in that way become in order now.

The SPEAKER. They are House bills with Senate amendments, which are now returned to the House for its action.

LYDIA W. HOLLIDAY.

The SPEAKER laid before the House the bill (H. R. 7422) granting a pension to Lydia W. Holliday, with a Senate amendment thereto.

The bill and the Senate amendment were read.

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. LOUD. Mr. Speaker, what is the usual pension given to army nurses under the law?

Mr. CROWTHER. Twelve dollars a month.

Mr. LOUD. Then I move that the bill be referred to the Committee on Invalid Pensions.

Mr. PICKLER. Before that motion is put, I should like to ask what is the Senate amendment?

The SPEAKER. It strikes out "thirty" dollars and inserts "twenty" dollars.

Mr. PICKLER. I hope the gentleman will not move to refer the bill to the Committee on Invalid Pensions.

Mr. LOUD. I think that is the proper body to consider this matter.

Mr. PICKLER. I have no personal knowledge of this; but I understand that this woman is 93 years old, and that the case is a peculiar one. I hope the gentleman will withdraw his motion to refer to the committee, and let us vote on the motion to concur in the Senate amendment.

Mr. LOUD. I shall not withdraw the motion.

Mr. PICKLER. Then I hope it will be voted down.

The SPEAKER. The question is on referring the bill to the Committee on Invalid Pensions.

The question being taken, on a division (demanded by Mr. PICKLER) there were—ayes 32, noes 56.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER (after having counted the House). One hundred and forty-two members are present, not a quorum. Under the rules of the House the yeas and nays will be considered as ordered, and at the same time there will be a call of the House. Those present and desiring to vote will answer "yea" or "nay" when their names are called, and those desiring to be recorded as present will announce that they are present. The Clerk will call the roll.

Mr. PICKLER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. I would like to inquire what is the question before the House?

The SPEAKER. The question before the House is, Shall the bill be referred to the Committee on Invalid Pensions?

The question was taken; and there were—yeas 62, nays 191, answered "Present" 17, not voting 102; as follows:

YEAS—62.

Abbott,
Allen, Miss.
Bailey,
Bartlett, Ga.
Bartlett, N. Y.
Beach,
Bell, Colo.
Bell, Tex.
Berry,
Black,
Blue,
Bock,
Catchings,
Clardy,
Cockrell,
Connolly,
Cooper, Tex.
Crisp,
De Armond,
Ellett,
Erdman,
Hall,
Harrison,
Hendrick,
Jones,
Kleberg,
Kyle,
Latimer,
Lawson,
Lester,
Linney,
Little,
Livingston,
Loud,
Maddox,
Maguire,
McCulloch,
McDearmon,
McLaurin,
McMillin,
Meredith,
Meyer,
Money,
Moses,
Ogden,
Otey,
Robertson, La.
Sayers,
Shuford,
Skinner,
Stallings,
Stokes,
Strowd, N. C.
Talbert,
Tate,
Terry,
Tucker,
Turner, Va.
Wheeler,
Wilson, S. C.
Woodard,
Yoakum.

NAYS—191.

Acheson,
Adams,
Aldrich, T. H.
Aldrich, W. F.
Anderson,
Andrews,
Arnold, Pa.
Arnold, R. I.
Atwood,
Avery,
Babcock,
Baker, Kans.
Baker, Md.
Baker, N. H.
Barney,
Belknap,
Bennett,
Bingham,
Bishop,
Brewster,
Broderick,
Bromwell,
Brosius,
Brumm,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Clark, Iowa
Clark, Mo.
Codding,
Coffin,
Colson,
Cook, Wis.
Corliss,
Cousins,
Crowley,
Crowther,
Curtis, Iowa,
Dalzell,
De Witt,
Dockery,
Dolliver,
Doolittle,
Dovener,
Eddy,
Ellis,
Evans,
Fairchild,
Faris,
Fenton,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gibson,
Gillet, N. Y.
Goodwyn,
Graff,
Griffin,
Grosvenor,
Grout,
Hager,
Hanly,
Hardy,
Harmer,
Harris,
Hart,
Hartman,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hill,
Hitt,
Hooker,
Hopkins, Ill.
Howard,
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Huling,
Hull,
Hunter,
Hyde,
Johnson, N. Dak.
Joy,
Kerr,
Kiefer,
Kirkpatrick,
Lacey,
Layton,
Lefever,
Leighty,
Leonard,
Lewis,
Long,
Lorimer,
Low,
Mahany,
Mahon,
Marsh,
McCall, Tenn.
McCleary, Minn.
McClellan,
Meiklejohn,
Mercer,
Miller, W. Va.
Milliken,
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Murphy,
Murray,
Noonan,
Northway,
Odell,
Otjen,
Overstreet,
Parker,
Pearson,
Perkins,
Philips,
Pickler,
Pitney,
Poole,
Powers,
Prince,
Pugh,
Quigg,
Raney,
Reeves,
Reyburn,
Rinaker,
Robinson, Pa.
Royse,
Sauerhering,
Scranton,
Shafroth,
Shannon,
Sherman,
Simpkins,
Smith, Mich.
Snover,
Sorg,
Southard,
Spalding,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Sulloway,
Sulzer,
Taft,
Thorp,
Towne,
Tracey,
Treloar,
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Warner,
Watson, Ind.
Wilber,
Willis,
Wilson, N. Y.
Wilson, Ohio
Wood,
Woodman,
Woomer,
Wright.

NOT VOTING—102.

Aitken,
Aldrich, Ill.
Allen, Utah
Apsley,
Bankhead,
Barham,
Barrett,
Bartholdt,
Boatner,
Boutelle,
Bowers,
Brown,
Cannon,
Chickering,
Clarke, Ala.
Cobb,
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Cowen,
Cox,
Crump,
Culberson,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Danford,
Daniels,
Dayton,
Denny,
Dingley,
Dinsmore,
Draper,
Gardner,
Gillett, Mass.
Griswold,
Grow,
Hadley,
Hainer, Nebr.
Halterman,
Hilborn,
Hopkins, Ky.
Hurley,
Hutcheson,
Jenkins,
Johnson, Cal.
Johnson, Ind.
Kem,
Knox,
Kulp,
Leisenring,
Linton,
Loudenslager,
Martin,
McCall, Mass.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLachlan,
McRae,
Miles,
Miller, Kans.
Milnes,
Miner, N. Y.
Mozley,
Neill,
Newlands,
Owens,
Patterson,
Payne,
Pendleton,
Price,
Ray,
Richardson,
Rusk,
Russell, Conn.
Russell, Ga.
Settle,
Shaw,
Smith, Ill.
Southwick,
Sparkman,
Spencer,
Sperry,
Strait,
Strong,
Swanson,
Tawney,
Tayler,
Thomas,
Tracewell,
Turner, Ga.
Tyler,
Updegraff,
Wanger,
Washington,
Watson, Ohio
Wellington,
White,
Williams,
Wilson, Idaho.

So the motion to refer the bill to the Committee on Invalid Pensions was rejected.

Mr. BARRETT. I wish to vote.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARRETT. I desire to vote, or to be recorded as present.

The SPEAKER. The gentleman can be recorded as present.

Mr. SWANSON. I desire to vote. I was in the Hall on the second roll call.

The SPEAKER. Was the gentleman listening when his name should have been called, and failed to hear it?

Mr. SWANSON. I can not say that I was listening. I desire to be recorded as present.

The SPEAKER. The Clerk will record the gentleman as present.

Mr. McCREARY of Kentucky. I desire to be recorded as present. I voted "yea."

The SPEAKER. The gentleman withdraws his vote, and will be recorded as present.

Mr. DINSMORE. Mr. Speaker, I am informed my name was called on the second roll call. I was present, and answered "present" on the first roll call.

The SPEAKER. The gentleman will be recorded as present.

The following pairs were announced:

Until further notice:

Mr. CANNON with Mr. SAYERS.
Mr. GILLETT of Massachusetts with Mr. BOATNER.
Mr. KULP with Mr. SHAW.
Mr. McCALL of Massachusetts with Mr. SPARKMAN.
Mr. McCLURE with Mr. STRAIT.
Mr. BARRETT with Mr. CATCHINGS.

For this day:

Mr. WILLIAM A. STONE with Mr. NEILL.
Mr. DINGLEY with Mr. BANKHEAD.
Mr. BARTHOLDT with Mr. HUTCHESON.
Mr. JENKINS with Mr. MINER of New York.
Mr. WELLINGTON with Mr. CULBERSON.
Mr. WILLIAM F. ALDRICH with Mr. ALLEN of Mississippi.
Mr. WANGER with Mr. COBB.
Mr. LEISENRING with Mr. DINSMORE.
Mr. MOZLEY with Mr. OWENS.
Mr. BEACH with Mr. COWEN.
Mr. AITKEN with Mr. PENDLETON.
Mr. CRUMP with Mr. RUSK.
Mr. THOMAS with Mr. WASHINGTON.

The following-named gentlemen answered "present" when their names were called: Mr. BARRETT, Mr. COOPER of Florida, Mr. COX, Mr. CHICKERING, Mr. DALZELL, Mr. DANFORD, Mr. DINSMORE, Mr. JOHNSON of Indiana, Mr. McCALL of Massachusetts, Mr. McCREARY of Kentucky, Mr. McRAE, Mr. OWENS, Mr. PAYNE, Mr. RICHARDSON, Mr. SPARKMAN, Mr. WILLIAM A. STONE, and Mr. SWANSON.

The result of the vote was then announced as above recorded.

BRIDGE ACROSS MISSOURI RIVER AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I submit a conference report on the bill H. R. 2698, and ask for its adoption.

The SPEAKER. The gentleman presents a privileged report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River at the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, having met, after full and

free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreements of the Senate and agree to the same and the Senate agree to the same.

E. J. MURPHY,
JOSIAH PATTERSON,
Managers on the part of the House.

G. G. VEST,
S. B. ELKINS,
JOHN P. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

In explanation of this report your conferees beg to submit the following statement:

That amendment numbered 1 permits those interested in the navigation of the Mississippi River to be heard as to the location of the bridge, before the board of United States engineers provided for in the bill, which reports to the Secretary of War.

Amendment numbered 2 provides that in no case shall the bridge be located within three-fourths of a mile of any other bridge on said river.

Amendments numbered 3, 4, 5, and 6 provide that said bridge, to be constructed, shall consist of but one span, if located below the Eads Bridge.

Amendment 7 is a grammatical correction.

Amendments 8, 9, 10, and 11 strike out words in the bill from which it might be inferred that said bridge might be owned and operated by individuals.

Amendment 12 is a grammatical correction.

Amendment 13 strikes out surplus words "in either event."

Amendment 14 strikes out section 11, which gave the right of eminent domain to the corporation chartered.

Amendment 15 strikes out section 12, which authorized the corporation chartered to borrow money.

Amendments 16 and 17 simply changes numbers of the sections so as to be, as amended, in numerical order.

E. J. MURPHY,
Conferee on the part of the House.

The report of the committee of conference was agreed to.

Mr. PICKLER. Mr. Speaker, if it is in order, I now move that the House concur in the Senate amendment to the bill (H. R. 7422) granting a pension to Lydia W. Holliday.

The motion was agreed to; and the Senate amendment was concurred in.

HATTIE A. BATES.

The SPEAKER also laid before the House a bill (H. R. 4903) entitled "An act for the relief of Hattie A. Bates," with an amendment of the Senate thereto.

The Senate amendment, inserting after "Bates" the words "dependent and helpless," was read.

Mr. McMILLIN. Mr. Speaker, is that a conference report?

The SPEAKER. It is not a conference report; it is a House bill with a Senate amendment.

Mr. PICKLER. Mr. Speaker, as I understand that the Senate amendment merely inserts the words "dependent and helpless," I move that the House concur.

The motion was agreed to; and Senate amendment was concurred in.

CHARLOTTE WEIRER.

The SPEAKER also laid before the House the bill (H. R. 2689) granting a pension to Charlotte Weirer, with an amendment of the Senate thereto.

The Senate amendment was concurred in.

BRIDGE ACROSS THE ALABAMA RIVER.

The SPEAKER also laid before the House a bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River, near the city of Montgomery, Ala., approved March 1, 1893," with an amendment of the Senate thereto.

The Senate amendment was concurred in.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 26, 1897:

An act (H. R. 8250) for the relief of William Gemmill;

An act (H. R. 9494) concerning homestead lands in Florida;

An act (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war;

An act (H. R. 1984) to provide for the use and occupation of reservoir sites reserved;

An act (H. R. 1475) for the relief of Basil Moreland;

Joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries; and

Joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo.

On February 27, 1897:

An act (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;

An act (H. R. 10040) granting an increase of pension to George W. Ferree;

An act (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia;

An act (H. R. 1515) for the relief of Hugh McLaughlin; and

An act (H. R. 6099) granting a pension to Margaret Kirkpatrick.

On March 1, 1897:

An act (H. R. 9689) for the relief of Daniel E. De Clute;

An act (H. R. 3842) to increase the pension of Edward Vunk; and

An act (H. R. 5898) granting a pension to Amanda M. Way, as army nurse.

HARRIET WOODBURY.

The SPEAKER laid before the House a message from the President of the United States, which was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1299, entitled "An act to pension Harriet Woodbury, of Windsor, Vt."

The beneficiary named in this bill was the wife of Aaron G. Firman at the time of his enlistment in 1863. He died October 2, 1864, and the beneficiary, as his widow, was pensioned in 1865, from the day of her soldier husband's death.

She continued to receive the pension allowed to her as such widow until July 14, 1866, when she married Samuel H. Woodbury. She was thereupon dropped from the pension roll pursuant to law, and in 1868 the minor son of the soldier was allowed a pension of $8 a month, commencing at the date of the remarriage of his mother. This pension was increased to $10 a month in 1873, from July 25, 1866, and was continued until 1880, when the minor child reached the age of 16 years.

On July 26, 1886, twenty years after the beneficiary ceased to be the widow of the soldier Aaron G. Firman, and became the wife of the civilian Samuel H. Woodbury, he died and she became his widow.

It is now proposed by this bill to pension her again as the widow of the deceased soldier, notwithstanding her voluntary abandonment of that relation to become the wife of another, more than thirty years ago.

No feature of our pension laws is so satisfactory and just as a fair allowance to the widows of our soldiers who have died from causes attributable to their army service. When, however, such a beneficiary, by remarriage surrenders her soldier widowhood and turns away from its tender and patriotic associations to assume again the relation and allegiance of wife to another husband, when she discards the soldier's name and in every way terminates her pensionable relationship to the Government, I am unable to discover any principle which justifies her restoration to that relationship upon the death of her second husband.

No one can be insensible to the sad plight of a widow in needy condition, but our pension laws should deal with soldiers' widows. I understand that only the existence of this relationship to a deceased soldier creates, through him, the Government's duty and justifies the application of public money to the relief of such widows.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

The SPEAKER. The question is, Will the House, on reconsideration, pass this bill?

Mr. DOCKERY. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Invalid Pensions.

The motion was adopted.

WORLD'S COLUMBIAN COMMISSION.

The SPEAKER also laid before the House the following message of the President of the United States; which was read, and referred to the Committee on Appropriations:

To the Congress:

I transmit herewith the report of the Board of Lady Managers of the World's Columbian Commission.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

JOHN X. GRIFFITH.

Mr. HEPBURN. Mr. Speaker, I move to [illegible] the rules and pass——

The SPEAKER. The Chair recognizes the gentleman to ask unanimous consent.

Mr. HEPBURN. Then, Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 4550. It is a bill in the interest of an old soldier who is now entirely blind. It carries only a small pension, and I hope the House will pass it without objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of John X. Griffith, late of Company A, Seventy-seventh Illinois Infantry, now borne upon the pension rolls at $8 per month, to $50 per month, on account of almost total disability for the performance of manual labor, from loss of sight, and to issue him a certificate at that rate.

Mr. McMILLIN. Mr. Speaker, I would like to hear the report read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4550) granting an increase of pension to John X. Griffith, having considered the same, respectfully report:

This soldier served as sergeant, Company A, Seventy-seventh Illinois Volunteer Infantry, from July 21, 1862, until July 17, 1865, when honorably discharged. He was taken prisoner at Mansfield, La., April 8, 1864, and was confined at Tyler, Tex., and paroled May 27, 1865.

He applied for pension October 19, 1880, alleging disease of eyes contracted in October, 1864, while a prisoner of war; and his claim was allowed at $4 for disease of eyes, and increased to $8 from January 14, 1891.

The sight of right eye became practically lost in 1887, and both eyes have progressed toward blindness until he became practically blind, being barely able now only to distinguish light from darkness with the left eye, the right one being blind.

The Pension Bureau rejected his claim for increase on the ground that his blindness is due to cataract, and not to the chronic sore eyes contracted in service, and which has continued and grown worse ever since. He explains that he did not apply for pension earlier because he was financially in good circumstances for a long period after the war and did not need pension, but met with reverses, lost his property, and became in need.

The medical and other testimony show that the only disease of eyes this soldier ever had was that contracted as prisoner of war, as alleged, and no other cause is assigned for the cataract which caused blindness.

Your committee therefore report back the bill with the recommendation that it pass, after being amended by striking out all of the printed bill after the word "Infantry," in lines 5 and 6, and inserting in lieu thereof "and pay him a pension of $30 per month, in lieu of the pension which he now receives."

Mr. HEPBURN. Mr. Speaker, most of the facts set forth in the report I know to be correctly stated. Since the case was before the committee I have received information that this old soldier is now entirely blind. I know the statement in the report as to the cause of his long delay in asking for a pension to be true. He was until 1885 in affluent circumstances, owning one of the finest farms I ever saw.

Mr. McMILLIN. As I understand, there is no dispute about the condition of his sight. The only question is, whether the present condition of his eyes is the result of cataract or of disease contracted in the service?

Mr. HEPBURN. It is simply a question of scientific opinion on the part of some gentlemen, in opposition to the facts of the case. The man is totally blind. He has never had any other disease of the eyes than that contracted in the service, and that he has had continuously since his service.

Mr. McMILLIN. The gentleman asks that the bill pass with the amendment?

Mr. HEPBURN. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill.

The amendment as stated in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

E. C. CHIROUSE.

Mr. HYDE. I ask unanimous consent for the present consideration of the bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Let us have the report read, reserving the right to object.

The report was read.

Mr. HYDE. As the report is very brief, I will state the facts of this case: It appears that about twenty-five years ago a priest of the Catholic Church was appointed Indian agent at the Tulalip Agency, Wash.: that while he was agent he cut some timber from the Indian reservation, sold it, and with the proceeds built houses for the Indians, paying out money for material and to employ carpenters, blacksmiths, and so forth. Many years afterwards, when his accounts were examined at the office in Washington, it was ruled that the proceeds of the timber sold by him should have been turned directly into the Treasury, instead of being expended for the benefit of the Indians in the same manner in which he was expending other money of the Government which he had the right to expend in that way. The matter has run along for twenty-five years, until now suit has been brought against this man and his bondsmen. There are vouchers from this priest showing to the satisfaction of the Department how every dollar of this money was paid out. The agent himself has been dead fifteen years: many of the bondsmen have been dead for some time; some of them are living. This bill was prepared or recommended by the Department with the view of having this account settled upon principles of equity and justice. The facts of the case are largely within my personal knowledge, and I think the bill ought to be passed.

Mr. McMILLIN. What is the amount involved?

Mr. HYDE. I am not able to state—not a large sum—some twelve or fifteen hundred dollars, according to my information, besides the costs, which are to be paid. This bill is designed simply to avoid a legal difficulty. It provides for settling the matter upon equitable grounds; and no settlement will be made unless proper vouchers are shown. All the costs are to be paid. The officials of the Department desire the bill passed in order that they may do justice in the case.

Mr. McMILLIN. Has the bill been recommended by the Secretary of the Interior or by the Commissioner of Indian Affairs?

Mr. HYDE. I think not in any formal recommendation. But Senator WILSON, of our State, went to the Department and obtained information which he has furnished to me.

Mr. McMILLIN. Has the bill been reported by a committee of this House?

Mr. HYDE. It has been.

Mr. McMILLIN. The facts are so meagerly stated in the report that we are unable to learn anything about the case from that document. It strikes me—though I do not know that I shall object to the bill—that a matter of this kind ought to have been referred formally to some Department of the Government for an opinion.

Mr. HYDE. I understand that something of that kind was done in the Senate.

A very reputable citizen of Olympia, Mr. John F. Gowey, cashier of the First National Bank there, who knows all the facts of the case, talked with me about the matter this morning and mentioned the circumstances to the Speaker of the House. He corroborated all I have heard about the matter. I have no doubt that this is an equitable bill and ought to pass.

Mr. LOUD. Mr. Chairman, however much I may regret to object to the consideration of this bill, yet, in view of the limited information accompanying it, there being no recommendation from the Department and no report from the committee further than a mere recommendation that the bill pass—dislaining to give the House a particle of information on the subject—I feel constrained to object to the consideration of the bill until it comes before the House properly supported by evidence.

The SPEAKER. Objection being made, the bill is not before the House.

MRS. ELIZABETH GNASH.

Mr. CLARK of Iowa. I ask unanimous consent for the present consideration of the bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash. This lady is a war widow. The bill proposes to grant her a pension of $12 a month. It has already passed the Senate.

The bill and report were read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I understand that this bill has not been considered in the House.

Mr. CLARK of Iowa. It has been considered by the Committee on Invalid Pensions and favorably reported.

Mr. ERDMAN. It has not been considered in the House; and I object to it.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and joint resolution were taken from the Speaker's table and referred as follows:

A bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

Joint resolution (S. R. 209) regulating the distribution of public documents—to the Committee on Printing.

PROTECTION OF NATIONAL MILITARY PARKS.

Mr. HULL. Mr. Speaker, I desire to submit the conference report which I send to the desk.

The SPEAKER. The report will be read.

The report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7520), "An act to prevent trespassing upon and providing for the protection of national military parks," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree thereto with amendment as follows: In lieu of the matter stricken out insert the following:
>
> SEC. 4. That any person to whom land lying within any national parks may have been leased who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States according to the statutes or code of practice of the State in which the park may be situated.
>
> SEC. 5. This act shall apply only to the military parks of the United States.
>
> J. A. T. HULL,
> D. G. TYLER,
> *Managers on the part of the House.*
> JOS. R. HAWLEY,
> GEO. L. SHOUP,
> E. C. WALTHALL,
> *Managers on the part of the Senate.*

The statement submitted by the House conferees was read, as follows:

> The amendment of the Senate struck out all of section 4 and left the park commissioners without power to remove parties whose leases have expired or to remove parties who have sold land within parks to the Government and refuse to vacate. The amendment agreed to in conference restores section 4, modified so as to make the offense simply a trespass.
>
> Section 5 makes it clear that the act only applies to military parks.
>
> J. A. T. HULL.
> D. G. TYLER.

The SPEAKER. The question is on the adoption of the report.

Mr. COX. Mr. Speaker, it is impossible for us, in the confusion, to know what is going on.

Mr. HULL. I will state to the gentleman from Tennessee that the bill, as it passed the House, in section 4 made this refusal to vacate premises on the expiration of the lease or when demanded, after anyone had sold property in the parks to the Government, a misdemeanor which should be punished by a fine not exceeding $1,000 or by imprisonment, or both. The amendment makes it simply a trespass; and where refusal is made to vacate the premises it requires the park commissioner to go into the Federal court in the State where the park is situated and enforce the mandate of removal.

It is a very moderate measure and protects the rights of the Government. The other was considered by the Senate entirely too drastic and that it gave too great a power to the commissioners. This, therefore, is simply a modified power to enforce removal to meet that objection.

I ask the adoption of the report.

The report was considered, and agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING, DETROIT, MICH.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

> *Be it enacted, etc.*, That sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885, be, and the same are hereby, repealed; and the lands and buildings referred to in said sections are hereby retained for the use of the Government.

Mr. CORLISS. Mr. Speaker, I ask for the reading of the report, which fully explains this matter.

The report (by Mr. MERCER) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, this matter, I think, was up some time ago and an objection was made.

Mr. CORLISS. I will state to the gentleman from California that the objection was made because information had not reached some of the members of the House with reference to it. It is simply a proposition to retain the Government grounds for Government purposes and insure a saving in rents of about $6,000 per annum to the Government.

It is absolutely necessary for the accommodation of the Government departments in that great city. If it is not passed there will be an expenditure of five or six thousand dollars per annum for the rent of buildings.

This bill carries no appropriation whatever. It does not require an appropriation to occupy the building, but simply allows the retention, as the Treasury Department undoubtedly will direct, for the accommodation of the Government of a building held by the Government for nearly a hundred years.

Mr. LOUD. Who occupies the building now?

Mr. CORLISS. The Post-Office Department, but within ninety days they will go into the new building. The new building, however, is not adequate to accommodate all of the departments of the Government, and they are occupying private properties now, and unless this law is repealed, as sought by the pending bill, inasmuch as the pending law is mandatory, they must sell that ground, and in a few years we will be found asking for an appropriation to put up an additional building.

Mr. LOUD. I think the gentleman will probably be back here anyway; but I should like to ask what the Treasury Department says about this matter.

Mr. CORLISS. I have talked with the Assistant Secretary of the Treasury, and he deemed it very essential that this building be held for the benefit of the Government.

Mr. LOUD. I will ask the gentleman from Michigan [Mr. CORLISS] if that is in the report, or in such form that it can be presented to Congress?

Mr. CORLISS. It is not in the report, and the Assistant Secretary of the Treasury assured me that it was not usual for that Department to make communications to Congress on such matters.

Mr. LOUD. It is a very important matter, it seems to me, for us to legislate on, and we ought to be in possession of the proper information.

Mr. CORLISS. You are in possession of all the information that can possibly be given. Fourteen years ago it was expected that the new building, when completed, would accommodate the offices of the Government; but the city has doubled in population, the business has doubled in volume, and the Government departments in Detroit can not possibly all be located in the new building. The space will all be occupied, and this old building will simply accommodate the overflow.

Mr. HICKS. How near is the new building to completion?

Mr. CORLISS. Within ninety days.

Mr. HICKS. Then it will give the use of two buildings instead of one.

Mr. CORLISS. It will give the use of two buildings, which are both owned by the Government.

Mr. LOUD. I shall not object, Mr. Speaker, and neither do I desire specially to doubt the word of the gentleman; but I oppose this system of legislating upon the personal statement of an individual member of Congress, when it is so easy to secure, in official form, the report of the Department, if the Department think the proposed course is advisable.

Mr. CORLISS. Mr. Speaker, I will answer the gentleman by saying that this bill has the unanimous report of the Committee on Public Buildings and Grounds, after consideration of this question, and I can assure the gentleman that the Treasury Department deem this necessary. They did not deem it necessary to write a communication to the House, because the facts are apparent to anyone who will listen to the report of the committee. The report states the exact facts with reference to the matter. This is absolutely necessary for the accommodation of the Govertment departments in Detroit.

Mr. LOUD. How could the committee know this, if they did not receive the information?

Mr. CORLISS. Because I presented to the Committee on Public Buildings and Grounds a certificate, signed by the assistant supervising architect in Detroit, certifying what departments of the Government could enter the new building, and what could not. That certificate I had before the committee. It was not printed as a part of the report because the facts are fully reported. It shows that there will be a saving of at least $5,000 per annum to the Government by retaining its own property, which it has held for a hundred years.

Mr. HICKS. Was it not further stated before the Committee on Public Buildings and Grounds, by authority of the Secretary of the Treasury, that you ought to have this additional accommodation?

Mr. CORLISS. I have assured the House of that fact, just as I assured the committee of it.

Mr. MADDOX. Mr. Speaker, I object to the consideration of this bill until we get a report from the Treasury Department.

The SPEAKER. Objection is made.

CLARA A. GRAVES ET AL.

Mr. QUIGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased.

The bill was read.

Mr. LOUD. I should like to hear the report on that, Mr. Speaker.

Mr. HARRISON. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. The Clerk will call the committees.

The Clerk proceeded with the call of the committees.

The Committee on Election of President, Vice-President, and Representatives in Congress was called.

ELECTION RETURNS.

Mr. MERCER. Mr. Speaker, I am directed by the Committee on the Election of President, Vice-President, and Representatives in Congress to call up the bill (H. R. 4979) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections.

The bill was read, as follows:

> *Be it enacted, etc.*, That sections 140 and 145 be amended so as to read as follows:
>
> "SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:
>
> "*First.* They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to forward forthwith by express to the Secretary of State, at the seat of Government, who is authorized and directed to deliver the same to the President of the Senate, one of the certificates.
>
> "*Second.* Such person designated as above shall forthwith forward by the post-office, through its registry department, to the Speaker of the House of Representatives, at the seat of Government, one other of the certificates.
>
> "*Third.* Such person shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.
>
> "SEC. 145. Every person, who having been delegated pursuant to sections 140 and 141 to deliver and forward the certificates as therein provided, and having accepted such services shall refuse or neglect to perform the same, shall forfeit the sum of $1,000."
>
> SEC. 2. That sections 143 and 144 be, and the same are hereby, repealed.
>
> SEC. 3. That the cost of the transmission of said certificates as heretofore provided shall be paid, upon proper vouchers, out of the contingent fund of the House of Representatives.

Mr. MERCER. Mr. Speaker, some years ago, following the Presidential election, the electors of a certain State met at the capitol thereof and attempted to choose a messenger to bring the returns to the city of Washington. After a conflict of several hours, a conflict of words only, one of the electors betrayed a friend and failed to vote for him for messenger, because another friend told him that if he would vote for him they would divide the mileage. I thought if that was the way mileage in such cases was disposed of, it might be a good idea to remember that we are not now living in the year 1802, the time when that statute was passed, and act accordingly. We are living in the age of express companies, fast mails, and other conveniences whereby certificates can be sent to Washington, instead of being sent by personal messenger. I was told the other day that in another State in this Union the electors met at the State capitol, figured out the probable expense of the messenger, and after deducting that sum from the mileage allowance the rest of them took the balance.

I find in 1872 it cost the United States $20,000 to send the messengers to the capital of the United States. In 1876 it cost $8,857. I do not understand why it cost less in 1876 than in 1872. Perhaps that responsibility rests with the Electoral Commission. In 1880 it cost $8,713.75; in 1884, $10,346.70; in 1888, $9,211.75, and in 1892, $12,671.50. Now, Mr. Speaker, there is no reason why we should not abolish this law of 1802, and produce something more in keeping with the nineteenth century, although it is closing. We have express companies, we have fast mails; and they are just as safe and certain a method of conveyance for electoral certificates as if sent by messenger. This bill will abolish the messenger service, and save to the Government every four years a large amount of money. As it is very difficult for anybody to be recognized to pass a bill carrying an appropriation this late in the session, I thought it well to take the other tack and economize a little, hence this bill; and I trust there will be no objection to its passage.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the vote by which the bill was passed was laid on the table.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Mr. BAKER of New Hampshire (when the Committee on the Judiciary was called). I call up the bill (S. 3588) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

The bill was read, as follows:

Be it enacted, etc., That in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

The amendment recommended by the committee was read, as follows:

In line 3, after the word "cases," insert the words "hereafter arising."

Mr. BAKER of New Hampshire. Mr. Speaker, this bill is intended to give the Supreme Court of the United States exactly the same authority over the court of appeals of the District of Columbia that is now exercised in regard to the circuit courts of appeal. The Committee on the Judiciary have unanimously recommended the bill with the pending amendment. I hope it will be agreed to.

The question was taken; and the amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask that the bill S. 3588 be considered in the House as in Committee of the Whole.

The SPEAKER. The Chair can not entertain that request, as it breaks up this order of business.

Mr. HENDERSON. That is all this committee has on the House Calendar.

DETAILING AN ARMY OFFICER TO ACCEPT POSITION UNDER GOVERNMENT OF GREATER REPUBLIC OF CENTRAL AMERICA.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I call up the joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

The resolution was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to detail an officer of the United States Army, not above the rank of captain, who shall be permitted to accept from the Government of the Greater Republic of Central America the position of instructor in a military school in said Republic and the emoluments pertaining thereto.

Mr. DOCKERY. Let us have the report.

Mr. HULL. Mr. Speaker, I will say that the bill was informally considered by the Committee on Military Affairs this morning, and I was unanimously instructed to call it up with the recommendation that it pass. It came to us for consideration with a request from the Secretary of State that it be passed as an act of courtesy to the Greater Republic of Central America. That Republic pays all the expense of this officer who is detailed. It costs nothing to this Government. The Secretary of War reported that he can see no objection to its passage.

Mr. McCLELLAN. This is not the first time that has been done.

Mr. HULL. Oh, no; it has been done repeatedly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks.

DETAILING AN ARMY OFFICER TO ACCEPT POSITION UNDER GOVERNMENT OF GREATER REPUBLIC OF CENTRAL AMERICA.

Mr. BAILEY. Mr. Speaker, I desire to ask the gentleman from Iowa if, under this resolution, the officer detailed to act as an instructor in that Republic would still continue to draw his salary as an officer of the United States Army?

Mr. HULL. I am unable to say to the gentleman what the rule of the Department would be; but my impression is that he would draw his pay the same as when on leave of absence.

Mr. BAILEY. Obviously it is improper for him to be serving that Government and receiving pay for his services there and at the same time to be drawing a salary from the United States. I should think that the gentleman would be willing to provide that if he accepts the pay of one Republic that he should at least discontinue the salary of the other.

Mr. HULL. I would simply say to my friend from Texas that the Government has repeatedly detailed officers, when called upon by South American Republics, as military instructors, and in one case detailed an engineer officer to Japan as instructor there. This bill is in the usual form.

Mr. BAILEY. I have no doubt that it has been, nor have I any question about the propriety of rendering a friendly government this service, provided they are willing to pay for it, as they seem to be; but my contention is that if a man draws a salary from a government which he does serve he ought not at the same time continue to draw a salary from a government which he does not serve. I would think the gentleman would be willing to provide against this man drawing a double salary for single work.

Mr. HULL. As to what they are to pay him, I do not know. I am assured that the War Department has no objection to this. I have no objection to the gentleman submitting an amendment to the House if he desires to, but this is a Senate bill. I will say to the gentleman from Texas the War Department is not asking this. It is the State Department, urging it as an act of friendship to a friendly power. The War Department simply acquiesce and say there is no objection to it. But the Secretary of State sent a dispatch here this morning asking that this bill be passed. It is urged by the representative of the Republic asking for this officer's services.

Mr. BAILEY. Then I ask the gentleman from Iowa whether he will not support this amendment:

Provided, however, That the officer so detailed shall not draw his salary as an officer of the Army of the United States.

Mr. HULL. I will say to the gentleman from Texas that if he wants to offer that amendment, of course, it is in order, but I sincerely hope the House will vote it down.

Mr. BAILEY. I have no doubt that the House will vote it down, because the House evinces a disposition to be more than liberal with these people.

Mr. HULL. I think it is a very proper thing for us to be liberal in this case.

Mr. BAILEY. With other people's money, I think not.

Mr. HULL. No, it is our own money, the money of the people of the United States. We can easily spare an officer for this purpose, and it will be without any extra cost to us. The War Department can pursue the usual course in the matter.

Mr. BAILEY. If the gentleman's statement be correct, we ought to reduce the number of our officers; but I constantly hear that their number ought to be increased, and the Secretary of War has recommended an increase to this very Congress.

Mr. HULL. When we detail an officer of our Army to go there to be a military instructor, it certainly is a detail for an extraordinary service. Whether an officer would go there for the compensation that the Republic would be willing to pay him is a question. That, of course, would be a matter to be settled between him and the Government desiring his services. One thing, however, is very clear, that it costs this Government nothing to give a friendly recognition of this kind to a friendly government, and this bill proposes to do it in the usual form. For us to say to the Republic, "We will let you have an officer if he will surrender his position and pay under the United States Government while he is absent," would be, to my mind, not entirely courteous and certainly not gracious.

Mr. McCLELLAN. This is merely permissive, as I understand.

Mr. HULL. It is merely permissive.

Mr. McCLELLAN. If the officer can not be spared, he will not be detailed.

Mr. HULL. Certainly not.

Mr. BAILEY. Merely one word, Mr. Speaker. I do not doubt the propriety of permitting the War Department to detail an officer to become instructor in the military academy of a friendly nation. I do not doubt the propriety of that friendly nation paying for his services. The only point of difference that I have with the gentleman from Iowa is that he believes this officer ought to draw the double salary, while I think the officer ought to draw salary only from the country which he serves.

Mr. HULL. The gentleman does not represent me correctly when he speaks of a "double salary." I hope you will yield long enough for me to say that when the officer goes to another country, if he were not receiving anything more than he receives as salary at home, he would really be receiving less than his present compensation, because he would be giving up his quarters and his rations and would have nothing but his salary on leave. Now, this is an extraordinary duty, going into a strange country and a different climate, and taking the chances of the change, and to say that the Government of the Republic must bid high enough to secure first-class talent in order to secure this detail would be for this Government to extend no courtesy whatever. The Republic could go into the market and hire talent in that way without asking any favor of us, but they want the prestige of having an accomplished American officer there to give instruction in their military academy.

Mr. BAILEY. Then why not make this act entirely gracious and provide that they shall not pay him any compensation? The gentleman's argument goes contrary to his bill.

Mr. HULL. Not at all.

Mr. BAILEY. Oh, yes; the gentleman's argument is that we ought not to require this friendly Government to pay for this officer's services, and yet the bill provides that it shall pay for his services.

Mr. HULL. I think the gentleman misunderstands my argument entirely.

Mr. BAILEY. I am entirely unable to comprehend it if it does not mean just what I say.

Mr. HULL. My argument is that if we cut off the pay of this officer and make the surrender of that a condition of detailing him, it is no particular courtesy for us to tell this friendly Government that they can have him provided they will pay him; and my further argument is that it will probably be necessary for them to pay him something extra, because he would hardly consent to go there for his simple pay as a captain.

Mr. BAILEY. I was about to suggest, Mr. Speaker, that I have confidence enough in the Secretary of War to suppose that he will not detail an officer to go there unless that Government makes suitable provision for him; and to assume that that Government will make suitable provision and at the same time compel this Government to continue to give this officer the same pay that he has been drawing while in the actual service of the United States is, I submit, to provide him with a double salary. He draws one pay from the Government of the United States, which he does not serve; he draws another salary from the foreign Government, which he does serve; and I am unable to understand the English language if that does not mean that he is to receive double pay. However, I am willing to submit the question to the judgment of the House without any further contention. I offer the following amendment, upon which I should like to take the sense of this body:

Provided, That the officer so detailed shall not during the time of such detail draw any salary from the Treasury of the United States.

The question being taken on agreeing to the amendment, there were on a division (called for by Mr. BAILEY)—ayes 41, noes 83.

Mr. BAILEY. No quorum.

The SPEAKER (after counting the House). One hundred and eighty-six members are present—a quorum.

Mr. BAILEY. I call for the yeas and nays on agreeing to the amendment.

The yeas and nays were not ordered, there being—ayes 26, noes 137 (less than one-fifth voting in the affirmative).

So the amendment was rejected.

The joint resolution was then ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The Committee on Military Affairs was called.

Mr. PARKER. Mr. Speaker, I desire unanimous consent under this call for the consideration of a bill which involves no appropriation.

The SPEAKER. The Chair hopes the gentleman will not ask that at the present time, because in the opinion of the Chair it would interrupt the order of business.

EXTENSION OF MAIL SERVICE.

Mr. LOUD (when the Committee on the Post-Office and Post-Roads was called). I call up the bill (S. 1811) to extend the uses of the mail service.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable, suspend its operation altogether.

SEC. 2. That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery. Upon failure at any time for ten days to redeem said coupons in cash, the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

SEC. 3. That all cards and envelopes furnished by the United States Economic Postage Association shall conform in size to the requirements of the Post-Office Department; shall be used only for return messages; shall have printed thereon, and upon the coupon attached thereto, the address of the individual, firm, company, or corporation to whom such cards and envelopes are to be returned; and may also have printed upon the address side the penalty prescribed for any violation of this act, and upon each coupon such words as will indicate that the postage will be paid when the card or envelope is delivered to the addressee.

SEC. 4. That it shall be unlawful to mail, and postmasters and other postal officials shall refuse to send or carry in the mails, any envelopes or cards of the said association on which the name of the individual, firm, company, or corporation imprinted thereon has been erased; and any person convicted of the violation of this statute shall be fined not exceeding $100, or imprisoned not more than thirty days on failure or refusal to pay the fine.

SEC. 5. That said association shall pay postage upon each and every piece of matter passing through the mails which shall be patented or now or hereafter owned by said association or its successors.

SEC. 6. That said association shall, if required by the Postmaster-General, at all times keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of said coupons daily [illegible] weekly, or monthly.

SEC. 7. That in every case where an envelope of the said association [illegible] mailed carries more than a single rate message, the postmaster shall place upon the coupon attached to said envelope and cancel as [illegible]-due stamps as may be required by existing law, in the same [illegible] is now done with all other similar mail matter; and the said association shall redeem and pay for the stamps so added to the coupons at the same time that the coupon is redeemed and paid for.

SEC. 8. That postmasters shall cancel all coupons attached to the cards and envelopes of said association in the same manner that stamps are now canceled, and shall be entitled to the same compensation for canceling said coupons as is allowed for the cancellation or sale of stamps.

SEC. 9. That nothing shall be paid by the United States Government for or on account of any patent owned by the United States Economic Postage Association, and no claim for damages shall be made or exist against the United States for or on account of the alteration, amendment, or repeal of this act.

Mr. BINGHAM. Mr. Speaker, on the point of order made on Saturday last against the consideration of this bill in the House, that it should first be considered in Committee of the Whole, the Speaker made a ruling that according to the arguments then submitted, he concluded the bill could be considered in the House. I should like to review that point of order and to submit to the Speaker for his consideration a reference to several paragraphs in the bill.

The SPEAKER. The Chair will hear the gentleman. The Chair decided the point on Saturday last upon the matter as then presented to him.

Mr. BINGHAM. I submit to the Chair in the first place that the proposition embraced in this bill changes entirely, or very largely, the method of administering the postal service. It proposes to transfer to a corporation the printing of postal cards and stamped envelopes, with coupons attached. The Government now does this work—always has done it—under careful guards, because postal cards and stamped envelopes have been decided to be securities of the Government.

Mr. LOUD. The printing of postal cards and stamped envelopes is done under contract to-day; it is not done by the Government itself.

Mr. BINGHAM. Postal cards are prepared in the Bureau of Engraving and Printing.

Mr. LOUD. No, sir; I beg the gentleman's pardon.

Mr. BINGHAM. Oh, we have had that fight here——

Mr. LOUD. Oh, no; they are made to-day in Connecticut, and the stamped envelopes in New York.

Mr. BINGHAM. The stamped envelopes are manufactured at the Bureau of Engraving and Printing.

Mr. LOUD. The gentleman is mistaken about that; it is only the postage stamps that are made there.

Mr. BINGHAM. Very well. Then, Mr. Speaker, this company will be permitted to manufacture postal cards and stamped envelopes. They can be sold all over the country; they will be transmitted through the mails. They will be stamped at the office of departure. At the office of delivery the coupons will be detached from the postal card and the stamped envelope, and upon those coupons this association will pay to the Post-Office Department the amount which may appear to be due upon the account rendered. These stamped envelopes and postal cards will circulate through the mails of the entire country; they will be sold everywhere by the agents of this association. Every office of delivery must of necessity keep an account of these coupons, so as to determine the amount to be paid by this Economic Association. It is patent, therefore, that in the great cities there must be a large rendition of accounts in connection with the coupons to be paid for by this association.

Now, under the existing law the prepayment of postage is compulsory; it must be paid at the office of mailing. Under this bill payment is not compulsory at the office of mailing, but is compulsory at the office of delivery. Hence I say that at all the offices of delivery in the country there must be a clerical account and a rendition of these coupons in order that they may be paid by the company. Further, it is provided in this bill:

> Upon failure at any time for ten days to redeem said coupons in cash the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

There is the limitation of ten days. That has got to be rendered to the Department by every post-office in the country, in order that the Postmaster-General may be intelligently informed of the carrying out of the requirements of the act, so that he may stop the business of a corporation which is operating in defiance of the law.

Now, the committee submit in their report that the carrying out of the proposition would approximate thirty millions of additional net revenues to the Government, whereas, Mr. Speaker, the entire revenue from the first-class matter, that is, the 2-cent letter postage and 1 cent on postal cards, the sum total was but $60,000,000 last year. The committee say that this will be thirty million net revenue, while we do not get more than that net from the entire first-class service of the Government to-day.

I claim, Mr. Speaker, if you are to add thirty million of additional net revenues to the Government, arising from the service of this company—and I suspect that that figure is very much like the gentleman's figures with reference to the Loud bill, which have been quoted all over the country—I claim that you can not handle this proposition (changing the methods of the Department from what they are to-day in order to accomplish the purpose the bill seeks to accomplish) without an extraordinary increase in the clerical force in all great post-offices of the country.

I make the point of order that I have submitted.

Mr. LOUD. Mr. Speaker, the gentleman has failed, I think, to make any point that the Chair can consider for a moment. That this will entail any additional expense upon the Government is true to this extent only: As the business of the Government increases—and I would say that, as the gentleman well knows, as the ordinary business of the Post-Office Department increases—it is a cause of necessary additional expense. That is inevitable. And through and by the operation of this bill, if the business of the Department increases, of course it will increase the expenditures of the Department to a certain extent. But not by reason of the operation of this act.

I wish to say one word only, and I do not care to make any reply to the point made by the gentleman at this time. Because, Mr. Speaker, I think the gentleman himself feels that there is no point of order that can lie against the bill. But a word to the House.

This question has been before Congress for four or five years. It is a great question. It is a question worthy the consideration of this body and of its most careful deliberation. The gentleman who calls it up does so as the chairman of the committee, not desiring to hurriedly pass it through the House, but to give to this body the widest possible latitude for its consideration. I have myself given it some three or four years of study and research, but it was only during the last winter, having then time to carefully investigate it, that I satisfied my own mind that the passage of the bill would be of great benefit to the country.

The SPEAKER. The Chair thinks the gentleman is not confining himself to the point of order.

Mr. LOUD. I think that is correct and well taken, Mr. Speaker; but about as closely as the gentleman from Pennsylvania did. I was simply asking the indulgence of the House to make a statement.

The SPEAKER. The Chair does not see anything to change his ruling on the subject. It may be possible that it will increase the expenses. But that is a mere matter of speculation as to whether they will or not; and the Chair overrules the point of order.

Mr. LOUD addressed the Chair.

Mr. BINGHAM. Do I understand that a bill of this character, radically changing the entire administration of the Department, is before the House for consideration without even having the report of the committee read—a bill that has been before the House for five years?

Mr. LOUD. Mr. Speaker——

The SPEAKER. The bill is now open for consideration under the rules of the House.

Mr. BINGHAM. But does the gentleman propose to proceed without having the report read?

Mr. HENDERSON. The gentleman from California has addressed the Chair for the purpose of discussing the bill.

Mr. BINGHAM. I did not so understand.

Mr. LOUD. Mr. Speaker, I hope the House will pay attention to the measure now before us. You have pertinently, Mr. Speaker, at times suggested to the House when a matter is up for unanimous consent that each and every individual member of the House is responsible for its passage. I want every individual member of this House to carefully investigate this question, and if it appeals to his judgment it should receive his vote; and if not, he should vote against it. But I think it a question of such magnitude and such importance that every individual in the House should and must give it his most careful consideration.

This bill in its effect is liable—I say liable, although I believe it is more than probable, and I only give you the result of my best judgment—is liable to be of such benefit as to give us an increased revenue of some two or three millions of dollars a year. The gentleman from Pennsylvania [Mr. BINGHAM] made some reference to "thirty millions" a year. I did not prepare the report. It was prepared by another member of the Committee on the Post-Office and Post-Roads.

Now, to better understand the matter, I ask the House to give consideration to the reading of a portion of the report, beginning on page 2 and running down to the bottom of page 4. I ask the attention of the House to this matter, and ask the Clerk to read the portion of the report I have indicated.

The Clerk read as follows:

> The object of this proposed legislation (which requires no appropriation of Government money, immediately or prospectively, so far as said association is concerned, as your committee is assured) is to enable the association to furnish the trades people of the United States a convenient and cheap method of soliciting trade by mail, and the public a convenient and inexpensive method of placing orders. To accomplish these purposes the association asks the use of the United States mails, under such provisions as will give absolute security as to payment of postage to the Government, and under such rules and regulations as may be prescribed by the Postmaster-General.
>
> It is the intention to furnish business men with the coupon cards and envelopes of this association for trade purposes, and it is desired by the bill (H. R. 4176) to allow the postage upon all such cards and envelopes to be paid through the association at the office of delivery.
>
> It seems to your committee that the plan is very simple. We do not think its adoption would interfere with or cause any friction in the machinery of the postal service, as it is free from complicated details and cumbersome methods. It is in line of progress in postal appliances.
>
> At the office of mailing all fourth-class postmasters would include the coupons with canceled stamps, and take credit for the same.
>
> At the office of delivery the coupons are detached and the mail delivered, and an agent of the association will each day pay the postage represented by such coupons.
>
> A similar bill to the one under consideration, exclusive of the amendments herein suggested by your committee, was introduced in the Fifty-third Congress by Hon. John S. Henderson, of North Carolina, who was at that time chairman of the Committee on the Post-Office and Post-Roads, and which bill received, in the third session of that Congress, the unanimous recommendation of that committee to the House in favor of its enactment into law, but owing to the lateness of the session the bill failed of passage.
>
> The amendments herein proposed by your committee are in line with amendments suggested by Postmaster-General Wilson in a favorable report upon the bill under consideration, received from him under date of April 13, 1896, in response to a reference of the same to him under date of January 29, 1896, for an expression of his opinion thereon.
>
> Your committee is of the opinion that the legislation herein recommended is another progressive step in keeping with the recommendation of Postmaster-General Wilson in his annual report for the fiscal year ended June 30, 1896, "that authority for the use of private post cards in our mails be granted by Congress."

> Postmaster-General Wilson also, in his letter on the bill to your committee, under date of April 13, 1896, says:
>
> "The plan has the indorsement of a number of business firms and corporations on the ground that it opens better and more economical facilities for correspondence and for the placing of orders between merchants and tradesmen and their customers.
>
> "It may be concluded that the Post-Office Department should look with favor on any proposition which may accomplish these results, provided it secures undoubted protection to public revenues, holds out a substantial promise of increasing these revenues, and does not run counter to any well-recognized or inviolable principle of public policy."
>
> It is estimated that millions of dollars are invested by business men each year in postal cards and stamped envelopes, which are inclosed in letters for answers in solicitation of trade or information, and that only 10 per cent of these cards and envelopes are returned to the original senders. Thus 90 per cent of this vast sum is lost to those who utilize the mail for these purposes; nor does the Government gain by such loss, for these stamped envelopes may be redirected or exchanged at any post-office for stamps, while the addressed cards thus sent out are purchased and bronzed, and sold upon the market. This great waste to business men has been a serious discouragement, and to obviate it the system presented in this bill has been devised. If carried into practical operation, it will not only relieve this embarrassment to business, but encourage an extensive expansion of the use of the mails for the purposes indicated; and it must be evident that the business men of the country desire such legislation, because hundreds of letters from leading houses in all branches of trade in the United States have been presented to your committee, urging favorable consideration of the bill.
>
> The demand being evident for the enactment of such legislation, it only remains to determine whether said legislation shall give ample security to the Government that the postage will be paid at the office of delivery. The bill provides that the association shall give a bond of ample security for the redemption of the coupons taken from the cards and envelopes, and also shall keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of such coupons. This practically amounts to a prepayment of postage upon all mail matter furnished the public by this association, and thus no serious departure from the well-established policy of the Government in demanding compulsory prepayment of postage is inaugurated by the adoption of this system.
>
> The advantages to the Government in the increase of revenue secured by the adoption of this system seems of the greatest importance. Among the many indorsements of the association's plan is one from the business manager of the Chicago Record (printed in appendix), in which he says that journal is now sending out 500,000 letters each year with reply postal cards, and he says if this proposed system shall be legalized by the Government they will probably send out five times as many. Now, if all these were local letters, and if the accompanying table (A), compiled from the reports of the Postmaster-General, be correct, at least seven-eighths of the money paid by this journal for postage is a net profit to the Government; in other words, the net postal revenue from this source under the present system is $8,750. Provided the management of the Record actually sent out five times the amount of mail matter indicated in its letter under the proposed system, the profits would be five times as much, or $43,750, from which amount should be deducted the Government's profit of 90 per cent of the 500,000 postal cards inclosed for replies, but never returned to the Record. Not considering the cost of the cards (32.87 cents per 1,000) or the expense of handling them, the 90 per cent profit would be $4,500, which, added to the profits on the 500,000 letters now sent out ($8,750), gives under the present system a net profit of $13,250. Deduct this from the profit under the proposed plan, and a net gain in revenue of $30,500 is shown.
>
> A hundred times this result for the business men of the entire United States would give an annual increase of $3,050,000 net postal revenue, and it might not be extravagant to say that the stimulus thus given to mercantile and commercial interests throughout the whole country would approximate $30,000,000 net revenue.
>
> From this statement of the Chicago Record as to the increased mail matter which they will send out under the advantages offered by the allowance of these coupon cards or envelopes to pass through the mails under the provisions of this bill as amended, it will be seen that a new avenue for a large increased sale of postage stamps is opened up in all parts of the country in the solicitation of both local and out-of-town orders or trade by mail. In other words, in the opinion of your committee, the adoption of this new system has a twofold way of producing greatly increased revenue to the Post-Office Department which it is not to-day receiving, viz, by increased sale of stamps to the large business public and the payment to the Government by said association of the postage represented by each and every coupon passed through the mail and duly canceled as other matter passing through the mails.
>
> The revenue to the Government from the redemption of these coupons will be decidedly greater than on any other class of matter handled by the Government, inasmuch as it is all first-class matter, and the Government is saved the expense of making, printing, storing, or handling of either the envelopes or cards prior to their transmission through the mails for only reply or order purposes. Many business men who do not now use the mails for the solicitation of trade orders will, by the use of this new system, in the opinion of your committee, be thus given an incentive or stimulus, by reason of the rivalries of competition, to convenience possible patrons, customers, or consumers at the expense of the business man receiving the orders for trade or replies to inquiries which, as a rule, concern more those to whom they are made than those making them.
>
> In addition to the use to which it would be put by wholesale dealers, manufacturers, newspapers, etc., this system would be utilized by local dealers in all the free-delivery towns, as cards could be distributed to the public at a slight cost by which orders could be mailed at the nearest letter box, thus creating a great public convenience and largely increasing the Government revenues from a source entirely unapplied at the present time.
>
> Your committee fully agree with the following advanced views pertaining to postal affairs, expressed in their reports by Postmasters-General Vilas, Wanamaker, Bissell, and Wilson, all of which are in harmony with the recommendations of this report.

Mr. LOUD. Now, Mr. Speaker, just a word more, and I will submit to the House the letter from the Postmaster-General in relation to this subject.

I will state that this letter is the result of a very careful investigation and conference held between the Postmaster-General and myself last year, in which we reviewed the bill from beginning to end, and suggested such amendments as have been incorporated in it, so that now it is in no way dangerous for the Government of the United States to adopt it. We have provided that this company shall take these coupons up day by day. We have provided a minimum bond of $100,000, flexible at the will of the Postmaster-General.

This bill empowers the Postmaster-General to experiment with this in one or two cities, not exceeding two, in the United States, for the period of one year, and if anything shall appear to demonstrate that this system should not continue, that it is not in the interest of the Post-Office Department and of the Government, he has the power to stop all proceedings and the further issuance of cards by this company.

I can only say to the House that I can only give you my word on the matter, that I believe the measure to be as carefully guarded as it is possible to guard any legislation, that the Government is absolutely safe, that it is engaging in an enterprise solely in regard to first-class postal matter, on which the Government is to-day receiving most of its revenues, as the gentleman from Pennsylvania [Mr. BINGHAM] well knows. Out of a total of 412,000,000 pounds of mail matter handled by the Government, 65,000,000 pounds of first-class matter returns to the Government more than $60,000,000, out of a total revenue of about $80,000,000.

Mr. COOPER of Wisconsin. Will the gentleman explain in a few words what is meant by line 4 of section 3, where it says that the cards and envelopes of this association shall be used only for return postage?

Mr. LOUD. I will say to the gentleman that this is probably a very difficult matter to understand.

Mr. COOPER of Wisconsin. I do not understand that myself, and I can not understand the first section, either.

Mr. LOUD. I will endeavor to explain.

Mr. BLUE. Mr. Speaker, if the gentleman from California [Mr. LOUD] will permit me, I desire to call attention to page 7 of the report, which contains the forms of these cards, and they explain the matter.

Mr. LOUD. Yes; and let me say to the gentleman from Wisconsin [Mr. COOPER] that it is difficult, I admit, for the House to understand this question. I investigated it at times for three or four years before I could give it my unqualified support.

I want to say that there is very little encouragement for a member to talk on this question to perhaps ten or fifteen gentlemen who are willing to listen. If the House does not want to consider the matter, why, it should immediately vote it down; but if it wants to take this matter up for consideration, I say again it is worthy of the consideration of this House and should receive its attention. It may give us some very profitable revenue.

There is in this country a class of business called the soliciting of orders. In the cities of the country, business houses, dyeing houses, dealers in coal and wood, publishing houses, and other firms send out blank postal cards soliciting orders. To-day they must buy those postal cards and pay for them 1 cent apiece.

The proposition contained in this bill, as the gentleman from Pennsylvania [Mr. BINGHAM] will soon tell you, is a radical departure from the prepayment of postage.

This company, under a bond to the Government, are allowed to send these cards through the mails without prepayment, but taking up these coupons day by day under the requirements of this bill. Now, they go to a coal dealer or a dyeing house or a publishing house and say, "Here, we will sell you a thousand or ten thousand or fifty thousand blank cards for a certain price," whatever it may cost them to print them, and, I suppose, a reasonable profit. The individual buying those cards will not be compelled to pay postage upon the same until the cards shall have been returned to him, presumably bearing an order.

Mr. COOPER of Wisconsin. Right there I should like to ask the gentleman a question.

Mr. LOUD. Certainly.

Mr. COOPER of Wisconsin. Suppose the card is not returned bearing an order. The United States Government will then have carried this postal card free.

Mr. LOUD. Oh, if it carries it, the card will be returned to the individual. The Government can not carry it unless it is returned to him, because the card bears his address up[illegible]

Mr. RICHARDSON. I plead ignorance on this matter. I should like to have the gentleman explain it. Suppose the postal card falls into the hands of some one who puts it in his pocket.

Mr. LOUD. The Government has not carried it, nor has it lost anything, in that case.

Mr. RICHARDSON. But I understood you that the Government first carried it and delivered it.

Mr. LOUD. Oh, no. I tried to explain that.

Mr. RICHARDSON. I misunderstood you.

Mr. LOUD. This corporation deals with the individual. Up to that point the Government has nothing to do with it.

Now, let me suppose, for illustration, that you are a coal dealer. You want to send out a thousand postal cards. You have on the card a blank for orders. The card bears your address. You can send them out in such manner as you please, by messengers or otherwise, but if you send them by mail you must pay the postage to the Government. The Government is not responsible at all unless you send them through the mail; and if you do so you pay the postage. Now, you have sent out a thousand or ten thousand of these cards to supposable customers. I do not know what they are going to cost, but will suppose you pay $1.50 a thousand for them. If you were to send out postal cards under the present system, that would cost you $10.

Under this system you would pay $1.50 a thousand, if they cost that much, and you would be compelled to pay it to this company, and the company is compelled to pay to the Government, whenever the cards go into the post-office, a cent postage, and I believe any corporation or any business man could afford to pay the additional cent if he gets an order. This question has been submitted to the best business men of this country. Some of the publishing houses to-day send out as high as 50,000 postal cards at one time. It is estimated that not over 2 per cent of these are ever returned. Of course the gentleman from Pennsylvania [Mr. BINGHAM] will probably say, "Well, the Government has made a profit out of those not returned."

It is true; but where a publishing house is sending out today 50,000 postal cards a year, from the best information that can be gathered the publishing houses would send out 10,000,000 a year, and the number that would be returned through the post-office would, of course, be in just the same proportion. That is the only paying portion of the post-office business to-day. The second, third, and fourth class postal matter does not pay the Government for its transmission and handling; and we must make all the profit in the operation of the Post-Office Department out of the first-class matter. [Applause.]

Mr. HICKS. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. HICKS. Why do you pick out this corporation to give it this privilege? Why not make a general proposition?

Mr. LOUD. That is just what I expected to hear upon this floor; and it shows the extraordinary intelligence of the gentleman. [Laughter.]

Mr. HICKS. I will admit that.

Mr. LOUD. Permit me to say, first, this company has the patent upon this card, and I believe the Government can not afford to deal with Tom, Dick, and Harry, and every individual in this country. It must deal with somebody who is responsible, and the less in number that it deals with the more liable is the Government to get its just due out of the company.

Mr. HICKS. Will the gentleman kindly go a little further into detail, and tell us why this special corporation should have this privilege?

Mr. LOUD. Why, I have just said to the gentleman, because this corporation has obtained the patent. As to selecting this corporation, whatever the insinuation of the gentleman may mean, I do not know. I do not know who the incorporators are. I do not care. Why should we not take this corporation, let me ask the gentleman, as well as any other?

Mr. HICKS. Why do you specially urge this patent? I want light on the subject.

Mr. LOUD. This patent?

Mr. HICKS. Yes, sir.

Mr. LOUD. I do not think it is worth taking my time to discuss that.

Mr. HICKS. You have taken two years to find out the merits of this matter yourself, and now you want us in an hour to vote for a bill that it has taken you two years to try to complete.

Mr. LOUD. You can get all the time you want to discuss the matter.

Mr. HICKS. I am much obliged to the gentleman.

Mr. LOUD. I want the House to have all the information that it can have. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has thirty-four minutes.

Mr. MITCHELL. Does the gentleman recognize the fact that this bill, as it is drawn, practically is a ratification by the United States of the validity of the patent owned by this particular company?

Mr. LOUD. I think that the Government has already ratified the validity of the patent of this company in their issues.

Mr. MITCHELL. No; the gentleman knows that a patent is a mere right to sue, whereas this act would give the right to this particular company to use this particular method, making its cards exclusively, as I understand the bill.

Mr. LOUD. Now, let me say to the gentleman that it is going to be a serious question with some gentlemen on the floor from some portions of the United States where postal cards are manufactured to-day, whether they can support this bill because gentlemen think it will affect the manufacture of postal cards in certain sections of the country. Let me say, in anticipation of that, postal cards will be manufactured if this bill shall pass, under contract to the lowest bidder, I suppose, the same as they have been in the past; and more than that, this company can not practically and successfully manage this business and the business of manufacturing and printing postal cards.

Mr. MITCHELL. That is not the point I wish to raise. Suppose somebody else should get a system better than this and an improvement upon it. The object of the patent laws is to encourage the American inventor. I think that this bill, as I have read it very hastily, would discourage any inventor not interested in this particular company. It is as a member of the Patent Committee, and interested, therefore, in our patent laws, I believe in the interest of all concerned, that I have asked for this information.

Mr. LOUD. The gentleman is too fair a man not to comprehend, if he knows anything of this question; but of course he has not had time to give it careful consideration. Gentlemen speak of not giving it to any person except the one. If there were more than one, we could not with safety enter into a contract with every individual or firm. Probably you will hear on the floor before we get through the cry that this is giving to a corporation a special privilege.

I want to be perfectly frank with the House, and say that there is no other way in which the thing can be done. The Government must deal with one person or corporation, or else not touch the scheme at all. If the Government is going to take it up, it can not be taken up in any other manner. It is a credit business. Somebody may say, "Why can not the Government itself enter into it?" Permit me to say, Mr. Speaker, that I do not think the Government is in a position to enter into a credit business with the great mass of the American people, but it can enter into such business with a corporation which gives a bond of $100,000 as a minimum—a bond which is flexible and can be increased at the will of the Postmaster-General—such corporation being required to redeem these coupons day by day.

Mr. MITCHELL. One further question. I wish to ask the gentleman whether, in his judgment, it would be impossible to frame a general act which would give the Postmaster-General power to extend these same privileges under general provisions of law analogous to our general banking law, the object being to enable the Postmaster-General to extend the same privilege to another system if it should be devised?

Mr. LOUD. I do not know but that might be possible. This, however, is the only scheme that has ever been presented, and the device is patented, so that it is a question whether any individual could now use this scheme. I know of no other plan that has ever been presented, and therefore we must adopt this or else we can not try the system. I do not anticipate that the Patent Office would issue another patent for any device which would be an infringement on this, and I do not think there is room for making any improvement that would be patentable.

Mr. HENDERSON. Mr. Speaker, I desire to ask the gentleman from California a question or two. From some remarks that I have heard around me, the impression seems to obtain that the passage of this bill would do away to a great extent with the use of postal cards as they are used now. Is there any truth in that?

Mr. LOUD. Oh, no; it would increase their use. The postal cards as used to-day by individuals will continue to be used in the future, and it is believed that the cards contemplated in this bill will be simply an additional amount consumed through other avenues of business.

Mr. HENDERSON. Then this is to enable business houses to increase their work through the postal-card system?

Mr. LOUD. That is it.

Mr. HENDERSON. Another question. I see that this Senate bill was introduced by Senator VILAS, ex-Postmaster-General. That suggests the question, What is the attitude of the Post-Office Department toward this legislation? I would like to hear from the gentleman on that point.

Mr. LOUD. I said a few moments ago that this bill in its present form was the result of several conferences between the Postmaster-General and myself, which resulted in amendments that are incorporated in the bill, amply protecting the Government. I send to the Clerk's desk and ask to have read a copy of the letter in which the Postmaster-General expresses his views on this subject.

The letter was read, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June [illegible]

SIR: The amendments made by the Committee on the Post Office and Post-Roads to House bill 4176, Report No. 1382, entitled "A bill to extend the uses of the mail service," in accordance with the suggestions of my report on said bill, would seem to afford sufficient protection to the public revenues, especially in view of the authority given to the Postmaster-General in the first section of said bill by the proposed amendment to test, in his discretion, the practical operation of the act in such one or more cities as he may select before its extension to the entire country.

In view of these facts, I am prepared to say that the Department can make, in my opinion, a fair and safe test of the measure, which seems to be pressed by some of the business organizations of the country, and is willing to do so, and thus by actual experiment (which alone can determine the results of its operation) be able to report to Congress, after a reasonable time, upon the expediency of continuing or repealing the legislation proposed in the bill.

Very respectfully,

WM. L. WILSON, *Postmaster-General.*

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. LOUD. Now, Mr. Speaker, I will ask the gentleman from Pennsylvania if he is ready to proceed.

Mr. BINGHAM. I have a few remarks to make.

Mr. LOUD. I will reserve the balance of my time, feeling satisfied that the Chair will recognize me later.

Mr. COOPER of Wisconsin. Before the gentleman from California takes his seat, I would like to ask him one question. In the letter written by the publisher of the Chicago Record (Appendix D of the report) observe this sentence. He speaks first of the great number of postal cards that they send out in envelopes. They are obliged to pay postage on all those, of course, and a great percentage of them, he says, are not returned. Then he closes his letter with this sentence:

> It is likely that if we were obliged to pay full postage on the cards returned to us only, we would send out five times as many.

That means, does it not, that under the rule suggested, that company would send out five times as many cards as it now sends out, and that the Government would carry free of postage all of them except those that were returned?

Mr. LOUD. No; the gentleman does not seem to grasp the situation.

Mr. COOPER of Wisconsin. That is precisely what he says, is it not?

Mr. LOUD. The moment one of these cards is offered for cancellation, right at the point of mailing, there is taken from that card a coupon which the company must redeem.

Mr. COOPER of Wisconsin. That is, at the office of delivery?

Mr. LOUD. No; not at all; at the office of mailing. The Government does not carry that card until the coupon is redeemed, substantially.

Mr. COOPER of Wisconsin. Somebody here at my right suggests that I do not "get onto this steal." I have not found anybody over here who does. [Laughter.]

Mr. LOUD. The gentleman ought hardly to use that phrase.

Mr. COOPER of Wisconsin. I am merely making a literal quotation. [Laughter.]

Mr. BARNEY. What is there about this that is patentable except the sending out of cards with return coupons?

Mr. LOUD. I am not competent to answer the question whether the scheme should have been patented or not, but I understand that a patent has been granted.

Mr. BARNEY. If that is all there is of it, simply a plan of sending out postal cards with return coupons——

Mr. LOUD. It would not make any difference whether the scheme was patentable or not. Still, in order to go into this business successfully, the Government would have to enter into a contract with some individual or corporation.

Mr. BARNEY. How do these order cards get into the hands of the people that use them?

Mr. LOUD. This corporation puts them into the hands of the people who purchase them in whatever manner it sees fit.

Mr. BARNEY. They do not pass through the mails, then?

Mr. LOUD. If they do, they must pay the rate of postage which is collected on that character of mail matter. Mr. Speaker, I reserve the balance of my time.

Mr. BINGHAM. Mr. Speaker, I shall endeavor to be very brief in what I may have to say on this proposed legislation, as it seems that my proposition that a point of order should stand against this bill was not made sufficiently clear and I was overruled, although the report of the committee and the remarks of the gentleman in charge of the bill indicate that in the future there may be some additional expense to the Government. The report reads:

> The object of this proposed legislation, which requires no appropriation of Government money immediately or prospectively, so far as said association is concerned, as your committee is assured—

I will make no further statement about having been overruled on the point of order, because the committee wisely put in the qualifying words, "as your committee is assured," but fails to make the direct statement that the bill will carry no additional appropriation in the future.

I desire to be perfectly fair in this debate; for I have found during my experience in this House that the House, when fairly and truthfully informed upon any proposition, will consider it as all legislation should be considered.

There is one saving clause in the proposition now submitted by the chairman of the Committee on the Post-Office and Post-Roads in the acceptance of the Senate bill and in the nonpresentation of the House bill. The Senate bill makes this merely an experimental measure.

Mr. LOUD. The gentleman will allow me to say that the committee never would have consented to submit and advocate this bill without that very meritorious feature.

Mr. BINGHAM. I am glad that it is simply an experimental measure and can be set aside by the Postmaster-General if the experiment should not prove to be acceptable to the Department.

I have had a little experience in experimental legislation in connection with that Department. In the Fifty-first Congress I brought into this House the Post-Office appropriation bill and appropriated $10,000 for experimental free delivery in rural districts. That experimental free delivery has been going on ever since in fourth-class and other offices, and Congress has never moved to do away with the legislative restriction in regard to free delivery in towns of less population than 10,000 or at offices having less revenue than $10,000. Experimental free delivery has been going on in little sections of the country. Congress, I repeat, has never moved in the matter of free delivery for towns and cities of less than 10,000 population or at offices where the revenues are less than $10,000. Experimental free delivery is going on to-day and for the next fiscal year. The experiment now contemplated in this bill may continue for a similar number of years.

I have great respect for the gentleman in charge of this bill; but I have no confidence in the figures or estimates he submits to this House. I think there has never been a bundle of figures less able to bear examination and to sustain the conclusions submitted than those adduced in support of "the Loud bill;" and although those figures are quoted to-day in every paper of the country, they in no wise sustain the gentleman's conclusions. The report of the Postmaster-General some years ago showed that a million of dollars was the amount of the postage on this second-class questionable matter. I make the statement that there has not been any examination in the Post-Office Department which would justify the gentleman's computation of $10,000,000.

Mr. LOUD. Will the gentleman allow me——

Mr. BINGHAM. With pleasure.

Mr. LOUD. I have no objection to the gentleman going on and arguing "the Loud bill"——

Mr. BINGHAM. I am not arguing "the Loud bill." I am simply coming to the paragraph in the gentleman's report which I propose to debate.

Mr. LOUD. Let me say one word right here. I stated to the gentleman once before, and I want to emphasize it again, that I am not the author of this report, and I am willing to admit that the figures contained in it are somewhat wild. I want to say to the gentleman further that I did not give my assent to this bill until some months after this report was drawn.

Mr. BINGHAM. Then, as the gentleman from California admits that the figures in the report of the committee in connection with this bill are "somewhat wild," I should like the gentleman who reported the bill to tell the House upon what he predicates the statement that in the course of a short time the net revenues to the Government from the adoption of this system will yield $30,000,000, when the sum total for the carrying of all first-class matter for the last fiscal year—not the net revenue, but sum total—is only $60,624,462.

Upon what does the gentleman predicate the statement that the introduction of this system is going to virtually double the net revenues of the Government? The gentleman from California has explained his own position, and now it becomes the gentleman who made the report to submit to this House where and how he obtains the figures to establish this declaration made in connection with this proposed legislation. There is no statement nor authority in any report emanating from the Post-Office Department that by the legislation here proposed $30,000,000 or more of net revenue is to be derived by the Government. If that is so, if that can be clearly established, I might perhaps be willing to yield some of my objections to this bill; but until I know it, I feel that I am justified in maintaining the position I have taken.

Now, Mr. Speaker, this Government carries the mail under a constitutional obligation. It has done so from the inception of the Government. It is doing so to-day, rendering every possible facility to the people. I claim, sir, that it is better for the people to submit to some inconvenience and the loss of some slight possible improvement rather than to give up in any way a control or a relation to the carrying of the mails that in any wise takes from the Post-Office Department absolute and supreme control over all that pertains to the service.

What does this Economic Postage Stamp Association propose? In a statement that was made a little while ago the gentleman from California [Mr. LOUD] was right and I was wrong, because I [illegible] in my mind the printing of the stamps by the Government [illegible] not the postal cards or envelopes. To-day the Government by advertisement prints its postal cards. By advertisement it prints its stamped envelopes. In the Bureau of Engraving and Printing the stamps are printed.

In the debate that pertained in connection with the transfer of the printing of the stamps from the contractors to the Bureau of Printing and Engraving, it was claimed—I did not concur in the conclusion—that postage stamps were Government securities, and therefore should be protected and printed by the Government, the same as bank notes and greenbacks. This proposition is that a company called the Economic Company shall print postal cards, shall print stamped envelopes, shall sell them all over the country, and have them redeemed when the letter reaches its point of delivery.

Mr. LOUD. Oh, no; the gentleman is mistaken about that.

Mr. BINGHAM. Oh, yes; the coupon is to be redeemed when the letter reaches the point of delivery.

Mr. LOUD. The gentleman is mistaken about that.

Mr. BINGHAM. In what way?

Mr. LOUD. When the letter is mailed, the coupons are taken off in the office where the mailing is done.

Mr. BINGHAM. Well, one is the same as the other.

Mr. LOUD. No; the Government gets the coupon before the letter is carried.

Mr. BINGHAM. The coupon is detached. That office must keep its record account. All the offices in this country will be called upon to change their system of accounts, and to keep a record account with this outside company. Now, I claim you, Mr. Speaker, that that will necessitate agencies throughout this whole country. The postal cards and stamped envelopes are under the protection and supervision of Government special agents, specially detailed to carefully watch and account, and this proposition will establish outside of the postal service an independent organization for the sale of these heretofore issues of the Department.

If there is any money in this proposition, I do not know where it is; but, to my mind, in a very short time this outside company will be doing nine-tenths of the business in postal cards and stamped envelopes that is now done by the Government. I believe that the Government should keep control of that in every respect. I believe the Government should have absolute control of all these said-to-be securities. I believe every facility is given to the people to-day for the transmission of their mail matter, and this would be a departure so pronounced, a change of system so marked that I do not think it wise legislation.

In my brief remarks I have been perfectly fair, and I submit that the only redeeming feature of the proposition—although I am not enamored with the question of experimental legislation such as we have experienced during the past four or five years in rural free delivery—I say the only saving clause in the gentleman's proposition is that it may be experimental on the part of the Department; but it radically changes a system that has run from the foundation of the Government, and makes an outside corporation the printer, disburser, and seller of postal cards and stamped envelopes, a business that is now guarded by special agents in every possible way so that there can be no defalcation or wrong. I submit to this House that I think the legislation is unwise.

Mr. QUIGG. I should like to make an inquiry of the gentleman from Pennsylvania [Mr. BINGHAM] with regard to the bill. I should like to know whether it is a fair statement of the bill to say that it lets a private corporation into partnership with the Government, in a portion of the Government's monopoly of the postal service.

Mr. BINGHAM. It allows the United States Economic Postage Association to print, distribute, and sell throughout the entire country the issues of postal cards with coupons attached, and issues of stamped envelopes with coupons attached.

Now, I reserve the balance of my time.

Mr. LOUD. Mr. Speaker, how much time does the gentleman from Kansas [Mr. BLUE] desire?

Mr. BLUE. As much time as the gentleman can yield. I want five minutes, anyhow.

Mr. LOUD. I yield five minutes to the gentleman from Kansas [Mr. BLUE], and if he desires more, I will yield it to him.

Mr. BLUE. Mr. Speaker, I trust that the House, before it passes upon this measure, will give it a fair consideration. If gentlemen desire to vote intelligently upon the subject, it would be well to get the report made to the House, as well as that in the Senate, and examine the facsimile of the postal card to be used. There is nothing intricate about it whatever. Every business man throughout the United States is in the habit of sending out postal cards addressed to himself, requesting his customers to reply to him upon the postal cards. The result of that practice is that very many of these customers, instead of using the postal card in the transaction of business with the party sending it out, cross out the address and use it in their own business.

The object of this measure is to protect the business men in the use of the postal cards they send out. An examination of the report accompanying the bill will show that the postal card to be sent out by this company, which manufactures them, or the vendee of the postal card, has printed upon one end of it a coupon. It has printed also upon one side the address of the firm sending out the card. When a party uses it, putting an order upon the other side, and sending it back to the person who transmitted it, at the post-office, the coupon is detached and kept by the Post-Office Department. Before this company manufacturing them can sell these postal cards the first and second sections of this act make the requirement that the company shall file with the Post-Office Department good and sufficient bond, of not less than $100,000, to protect the Post-Office Department in the redemption of these coupons.

In addition to that there is a provision is in this bill that the Post-Office Department may first confine the use of this measure to certain cities, or a certain city in the Republic, and if the experiment is not satisfactory the Department shall not adopt it. It provides further that if any of these coupons are not redeemed within a short time, it shall be the duty of the Postmaster-General to stop the transmission of these cards and coupons through the mails. The first and second sections say:

> *Be it enacted, etc.*, That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this bill in such one or more cities as he may select before its extension to the entire country.
>
> SEC. 2. That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General may from time to time prescribe, conditioned for the redemption in cash, when presented, of each and every one of said coupons taken from cards and envelopes at the office of delivery. Upon failure at any time for ten days to redeem said coupons in cash, the Postmaster-General may, by order, in his discretion, stop the carrying of said envelopes and cards in the mails of the United States.

This measure is in the interest of the business of this nation; and the reason that business men will send out largely in excess of what they now send of postal cards is the assurance that the cards sent out will be used in sending back orders to them, instead of displacing the address and using them in the private business of the party to whom the card is addressed. The Government is amply protected in every way. There is no wrong; there is nothing underhanded about it. It is an improvement in the postal service; and so well is it guarded that if, after being tested in a city or cities, it is found not expedient, it is wholly in the hands of the Postmaster-General to discontinue the system. If any of these coupons are not redeemed, it is wholly within the power of the Postmaster-General to suspend the business. The fact that it is a corporation that publishes these postal cards, I apprehend, makes no difference.

The postal cards now in use, as I understand, are already published by a corporation or individual contract. I find that the parties who publish this card have a patent right upon it, and that to some extent it is a monopoly. But every patent is a monopoly, so long as it exists, to a certain extent. Yet this costs the Government nothing. On the other hand, the Government receives compensation for the postal cards it carries, and is not that all it now receives? The postal cards carried by the Government now yield it compensation; if not carried by it, then, as a matter of course, no compensation is received.

Mr. TRACEY. Is the gentleman able to state what additional value will be given to the patent by the passage of this bill?

Mr. BLUE. The gentleman asks me what additional value will be given to the patent by the passage of the bill. I suppose, as a matter of course, its value will consist largely in its use by the people through the mails of the Government.

The SPEAKER. The gentleman's five minutes have expired.

Mr. LOUD. I yield five minutes more to the gentleman from Kansas.

Mr. BLUE. As a matter of course, it will increase the value of this patent; but every patent in its operation is increased in value in the same way. It costs the Government nothing, and it benefits the business men of the entire Republic. Every patent which provides for the saving of labor and the cheapening of a commodity is beneficial to the patentee, but that benefit is derived from its use by the people. That is all there is of this. It becomes a benefit to the patentee through its use by the public.

Mr. HULL. Is it not true it can not be used without authority of law? It is different from other matters in that.

Mr. BLUE. And it differs, as the gentleman from Iowa has said, and differs materially in this, that it can not be used for the very purpose intended without the authority of the Government to use it. But this use is not an exclusive one. Any other corporation or person can be permitted to use the mails in the same way if the Government sees fit to allow it so to do. There is nothing in this measure to prohibit the use of similar postal cards by any other individual, provided the patent of the company is not infringed. Neither is there anything here to prevent the Government from the use of the postal card now employed.

But in conferring the authority the Government loses nothing, and the people are benefited thereby. Let us pass this bill, and let the system be tested. If it fails, it will cost nobody anything, except the patentee; and if it is a success, it will benefit the people of the Republic, while, as I have said, in neither instance is the Government injured. I trust that the House will examine this bill thoroughly, because the better gentlemen understand it the more likely they are to vote to pass it, in the interest of the public and of the postal service.

Mr. PERKINS. Can the gentleman explain how these coupons, after they have been detached, are to be returned for redemption? What guaranty is there that all of them will be returned?

Mr. BLUE. If the gentleman will read the first and second sections of the bill, he will see that the company is required to give a bond. In the next place, as I understand it, the company deposits sufficient funds with the Government to pay for the transmission of the postal card and the cancellation of the coupon.

Mr. PERKINS. That is to redeem the coupons that are returned; but at small offices throughout the country, where they may take only two or three of these coupons in a month, how are we to be assured that those coupons will be returned for the company to redeem?

Mr. BLUE. If the gentleman will look into the report, he will find that fully explained. As I understand it, these coupons are to be canceled at the time they are detached, and the money is in the hands of the Post-Office Department to pay for them the moment they are canceled, and if the money is not there there is a bond of $100,000 to guarantee it. Let me say further, in this connection, that I believe all the Postmasters-General in the last three or four Administrations have, either directly or indirectly, given their approval to this legislation. The present Postmaster-General has approved it. It is simply a measure in the interest of better and cheaper postal service for the people of the United States.

Mr. MITCHELL. I would like to ask the gentleman from Kansas when the original patents were granted.

Mr. BLUE. I am unable to answer that question. There are gentlemen on the floor perhaps who can answer it. I do not see, however, what that has to do with this measure at this time.

Mr. MITCHELL. If the gentleman can not answer that, I would like to ask him whether there has ever been any opposition to this bill by any other party claiming to have rival patents?

Mr. BLUE. I do not understand that there is any controversy at all about that. I understand that nobody has ever claimed that there was any infringement, or questioned in any way the right of this company.

Mr. BINGHAM. Does the gentleman know that?

Mr. BLUE. I do not understand that there is any such claim. I do not say absolutely that there is not, but I do say that it is not my business to prove the fact. I here urge the enactment of this law. It is the business of the opposition to maintain and show the patent of the company is in issue, and if the gentleman knows anybody who controverts the right of this company, let him say who it is and give time and place when the opposing claim has been asserted.

Mr. HULL. This matter has been before Congress for several years, I believe, and if there were any other patents in issue, would not the parties probably have made a showing here?

Mr. BLUE. The gentleman from Iowa well says that this is not a new proposition; that it has several times been before Congress, and that, if any other parties questioned the right of this company, they would probably be here to controvert it. This is a meritorious measure and ought to become a law.

[Here the hammer fell.]

Mr. BINGHAM. Mr. Speaker, there is a question of construction between the gentleman in charge of this bill and myself in reference to a statement which I made in my first remarks. I made the statement that the postal card with the coupon attached or the envelope with the coupon attached is deposited in the post-office; the coupon is detached and the account kept at the other end of the route where the postal card or the stamped envelope with the coupon is delivered. The gentleman from California stated that the detaching was done at the point of departure. I call his attention to the reading of the bill, which says that this corporation shall give a bond in the sum of $100,000—

> Or such larger sum as the Postmaster-General may, from time to time, prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery.

I claim that the postal card and envelope go through the mails and that the detaching of the coupons is done at the office of delivery. In the facsimile in the gentleman's report we find this: "Good for postage when delivered to addressee." I simply desired to set myself right on that point.

Mr. HICKS. Then, in that case, if the card was not delivered the Government would get nothing for carrying it.

Mr. LOUD. Mr. Speaker, this is the first time I have heard that point made, but if there is any doubt about that point, I suggest to the gentleman whether that provision might not be amended so as to read "at the office of mailing" instead of "at the office of delivery." Would not that make it sufficiently clear?

Mr. BINGHAM. I think it is clear now. The detaching is clearly to be at the office of delivery, not at the office of departure.

Mr. LOUD. Would not the substitution of the word "mailing" instead of the word "delivery" remedy the defect?

Mr. BINGHAM. If the gentleman desires to have the coupons detached at the mailing office, it would.

Mr. LOUD. That is the intention.

Mr. BINGHAM. How does anybody know, in that case, that it ever goes through the mails?

Mr. LOUD. It bears the stamp.

Mr. BINGHAM. But the stamp is detached.

Mr. LOUD. When it has got into the hands of the postal authorities, we assume that it is then started on the way to delivery.

Mr. BINGHAM. The gentleman can fix it either way. I do not care whether it is done at the point of delivery or at the point of departure. I simply wanted to show the foundation for the statement that I made.

Mr. LOUD. I am willing to change the bill in that respect if the gentleman desires.

Mr. BINGHAM. I have no desire to change it. I now yield five minutes to the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, permit me to ask whether I am recognized in my own right?

The SPEAKER. The gentleman is recognized for five minutes, which have been yielded to him by the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. CORLISS. The reason I ask the question is that I desire to make a motion, and I thought that if recognized in my own right I would have the right to make it. I will not consume over five or six minutes.

The SPEAKER. The Chair desires the attention of the gentleman from California [Mr. LOUD]. The gentleman from Michigan [Mr. CORLISS] desires to be recognized in his own right. Does the gentleman from California yield the floor for that purpose?

Mr. BINGHAM. If there are no gentlemen desiring to occupy any part of my time, I will yield the remainder to the gentleman from Michigan.

Mr. CORLISS. I prefer to be recognized in my own right, for the purpose of making a motion.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. CORLISS. Mr. Speaker, if I understand this measure, it grants to a corporation a special privilege that is not granted to any other citizen of the United States. It grants to a corporation owning a patented device a privilege which, by virtue of the patent, places in its hands a monopoly. No other corporation, no other individual, will have the right to exercise the privilege granted under this bill to this corporation.

Mr. HARDY. Will the gentleman allow me——

Mr. CORLISS. My time is limited.

Mr. HARDY. I merely wish to state that the Government——

Mr. CORLISS. I have not yielded. Mr. Speaker, my time is limited to what period?

The SPEAKER. The gentleman has the floor for an hour.

Mr. CORLISS. Then I can permit interruptions.

Mr. LOUD. There seems to be a misunderstanding as to the recognition of the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, I decline to yield.

Mr. LOUD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Chair does not understand the gentleman.

Mr. LOUD. There seems to be some misunderstanding on the subject of the right to the floor. I understood that I took the floor and gave way to the gentleman from Pennsylvania, who yielded to the gentleman from Michigan five minutes. Otherwise I should not have allowed myself to be taken off the floor.

The SPEAKER. The Chair called the attention of the gentleman from California to the matter, so that if there was any misunderstanding it might be rectified at the time; nothing was done, and the Chair recognized the gentleman from Michigan.

Mr. LOUD. I did not hear the Chair. It was impossible to do so on account of the noise.

The SPEAKER. The Chair called the special attention of the gentleman from California to the matter.

Mr. STEELE. The understanding was that the gentleman from Michigan was yielded five minutes in his own right so that he could offer an amendment.

The SPEAKER. The gentleman from Michigan requested to be recognized in his own time. The Chair called the attention of the gentleman from California and the House to the matter; thereupon nothing was done, and the Chair recognized the gentleman from Michigan.

Mr. STEELE. My understanding was that the gentleman from Michigan wanted to be recognized for five minutes to offer an amendment.

Mr. BINGHAM. The Chair will allow me to state that I announced distinctly that if no other gentlemen desired a portion of my time, I had no further use for it, and would yield it to the gentleman from Michigan. That gentleman declined my proposition, and asked recognition of the Chair in his own right.

Mr. CORLISS. And I obtained it.

Mr. BINGHAM. I clearly stated to the House that, so far as I was concerned, I did not wish to occupy the floor further.

The SPEAKER. The Chair endeavors to protect the rights of members.

Mr. CORLISS. I decline to yield further.

Mr. Speaker, this measure is brought in here, it seems to me, at a time when members of this House should not be asked to consider so important a matter. It is one which ought to be considered with great care. This bill grants to one corporation the credit of this Government; it authorizes that corporation to transmit through the mails at the expense of the Government letters and postal cards upon the credit of the company. The only guaranty that the Government has for reimbursement is the bond which the corporation proposes to file—a bond which, perhaps, will be filed in the city of Washington, while undertaking to guarantee the credit of this company all over the land—at every post-office in the country.

This grant is a personal privilege in the hands of a corporation. I can not believe that a member of this House at the present time will for a moment vote in favor of it. The gentleman from California [Mr. LOUD] stated here that it took two years for this corporation to convince him conscientiously of the merit of the measure and induce him to father it before this House. Now, if it took two years to convince the gentleman from California of the merit of the measure, I think this House ought to have longer than two hours to consider it. [Applause.]

The gentleman from Nebraska stated that this bill is in the interests of the business of the nation. Then, Mr. Speaker, let the nation control the operations of this system. If the measure is in the interests of the business people of the country, let the Post-Office Department control the operations of the system. The Government can control the issue of patents. Some other man may devise a method which will be better than this. Let the Government offer a reward, if it be deemed necessary, for a patent device that will surpass this one. You will obtain it within a few months.

I say that the people of the country should absolutely control the Post-Office Department. This bill is a step in the direction of placing the Post-Office Department in the hands of private corporations. The gentleman from California is to-day taking a step that he believes in—a step which would take from the hands of the people the right to control the Postal Department of our Government. He has stated to me that he believes the postal business can be handled more economically if placed in the hands of corporations. That has no doubt influenced him in supporting that proposition.

I believe, Mr. Speaker, this is the first step that has ever been attempted by this House toward taking from the hands of the people the right to control their own postal matters. We are drifting more and more into the power of corporations. We are drifting more and more under the influence of such organizations. I submit that this bill should be condemned, and I can not believe that the members of this House desire at this time, when we have measures pending that are just, when we have measures that the people desire, when we have private bills here that the gentleman from California [Mr. LOUD] is always ready to object to, to take up, at the dictation of the gentleman from California, a measure that involves an interest of every class of people in this country. I hope that the House will at once adopt the motion which I am about to make, and end this discussion for the present, until the matter can be given due consideration.

Mr. Speaker, I move that this bill lie on the table.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] moves that the bill lie on the table.

The question was taken; and on a division (demanded by Mr. CORLISS) there were—ayes 93, noes 44.

Accordingly, the motion to lay the bill on the table was agreed to.

REPORTS OF PRIZE FIGHTS.

The SPEAKER. The Clerk will call the next committee.

Mr. ALDRICH of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be allowed to call up a measure at this time.

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH] has a matter which he desires to call up, and if there be no objection, he can present it.

Mr. McMILLIN. We were unable to hear his request.

The SPEAKER. The request was that the Committee on Interstate and Foreign Commerce be allowed to call up a measure under the call. The Chair hears no objection.

The bill was read, as follows:

Be it enacted, etc., That no picture or description of any prize fight or encounter of pugilists under whatever name, or any proposal or record of betting on the same shall be transmitted in the mails of the United States or by interstate commerce, whether in a newspaper or other periodical, or telegram, or in any other form.

SEC. 2. That any person sending such matter, or knowingly receiving such matter for transmission, by mail or interstate commerce, shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment for not more than five years, at the discretion of the court, or by a fine not exceeding $1,000.

Mr. ALDRICH of Illinois. I ask the Clerk to read the report.

The report (by Mr. ALDRICH of Illinois) was read, as follows:

All the States of the Union, save one or two, forbid prize fights, which have been sent to the limbo of condemned customs with dueling, slavery, lotteries, and polygamy. This bill simply protects the more advanced States which have forbidden pugilism as brutal and brutalizing against having prize fights brought into their borders in pictures and descriptions which are only a little less harmful than the degrading sport which they describe. (This bill does not forbid a brief statement of the fight as a matter of news.)

This Congress, in its swiftest enactment, forbade prize fighting in its whole jurisdiction, and so drove a prospective prize fight announced to occur in one of the Territories into the mountains of Mexico, whose Government had also forbidden it. This bill is but a logical extension and protection of that act, and is in accord also with another act of this Congress, approved by this committee and since enacted into law, prohibiting the interstate transportation of obscene pictures; pictures of the brutality of pugilism are hardly less harmful to our youth. It is in accord, also, with the antidivorce act of Congress, which has protected the families of the whole land against the "divorce colonies" of one of the Territories. This bill calls for immediate consideration for manifest reasons. It is believed the reputable press, which describes prize fights only because of competition, will welcome this protection.

Your committee, therefore, beg leave to report the same to the House with a recommendation that it do pass.

A bill to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or its accessories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no picture or description of any prize fight, or encounter of pugilists under whatever name, or any proposal or record of betting on the same shall be transmitted in the mails of the United States or by interstate commerce, whether in a newspaper or other periodical, or telegram, or in any other form.

SEC. 2. That any person sending such matter, or knowingly receiving such matter for transmission, by mail or interstate commerce, shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment for not more than five years, at the discretion of the court, or by a fine not exceeding $1,000.

Mr. ALDRICH of Illinois. Mr. Speaker, this bill is precisely what it purports to be. If it becomes a law, it is not expected that the mill which is billed for the 17th of March in the State of Nevada will be prevented, but it is expected to stop the broadcast dissemination of matter the publication of which has already commenced, in all parts of the country, of the details of the affair.

Prize fighting has been driven out of Louisiana, Texas, Mississippi, Arkansas, and California, and several other States. By an act passed in the Fifty-third Congress prize fighting has been driven out of the Territories. Now, Mr. Speaker, the last refuge of those engaged in this unseemly business is a State the population of which is less than that of one ward alone in my district. It does seem to me that, if the demoralizing effect of these combats themselves can not be stopped, we can, at least, stop that which is even worse and more degrading and more demoralizing to the youth of this land, namely, the broadcast publication of the sickening details of these fights.

Mr. GROW. With pictures.

Mr. ALDRICH of Illinois. Therefore I think it is high time for Congress to do what it can to prevent this.

Mr. WILLIAM A. STONE. I should like to ask the gentleman what he understands to be the meaning of the words in the sixth line of the first section "by interstate commerce?"

Mr. ALDRICH of Illinois. That means the transmission of any matter connected with the combat, or referring thereto.

Mr. WILLIAM A. STONE. Do you understand that would prevent sending it by express?

Mr. ALDRICH of Illinois. I do; precisely that.

Mr. WILLIAM A. STONE. I am afraid that is not strong enough to cover it.

Mr. ALDRICH of Illinois. Well, if the gentleman can suggest a stronger amendment, I have no objection.

Mr. WILLIAM A. STONE. I am in favor of the bill, but I want to see it pass in such manner as to stop this business.

Mr. ALDRICH of Illinois. Mr. Speaker, in my time I will send to the Clerk's desk and ask to have read letters and telegrams which I have received this very day on this subject.

Mr. FOOTE. I should like to ask the gentleman a question.

Mr. ALDRICH of Illinois. Let us have these letters and telegrams read first.

The Clerk read as follows:

WORCESTER, MASS., *March 1, 1897.*

Hon. J. FRANK ALDRICH, *House of Representatives:*

The Worcester (Mass.) Congregational Ministers' Meeting, representing 40 churches and 8,000 members, heartily indorses and urges passage of bill now before the House forbidding the transmission by mail or interstate commerce of any pictures or description of any prize fights or its accessories.

J. CHAS. VILLIERS, *Secretary.*

—

ROCHESTER, N. Y., *March 1, 1897.*

Hon. J. F. ALDRICH, *M. C.:*

Presbyterian Ministers' Meeting petition for your antiprize-fight bill.

H. H. STEBBINS.

—

PHILADELPHIA, PA., *March 1, 1897.*

To FRANK ALDRICH, *M. C.:*

The Methodist Episcopal Preachers' Meeting of Philadelphia, representing over 100 churches, earnestly urges immediate passage of antiprize fight bill.

FRANCIS ASBURY GILBERT, *Secretary.*

—

PITTSBURG, PA., *March 1, 1897.*

To Hon. J. FRANK ALDRICH:

Pittsburg United Presbyterians with you in effort to quarantine prize fight in Nevada.

W. J. ROBINSON, *President Association.*

—

CHICAGO, *March 1, 1897.*

To J. FRANK ALDRICH:

Chicago Young Men's Christian Association, with 5,000 members, urges passage of bill 10369. Methodist churches of Chicago by vote of pastors also urge passage.

L. WILBUR MESSER.

DAYTON, OHIO, *March 1, 1897.*

Rev. WILBUR F. CRAFTS,
210 Delaware avenue NE., Washington, D. C.:

The Ministerial Association of Dayton, Ohio, indorses the antipugilistic bill and urges its passage.

A. V. RABER, *Secretary.*

—

CHICAGO, ILL., *March 1, 1897.*

Hon. J. ALDRICH,
United States House of Representatives, Washington, D. C.:

On behalf of 30,000 White Ribboners we entreat you to protect our boys from brutality by indorsing prize-fight bill.

KATHARINE L. STEVENSON,
Cor. Sec. National W. C. T. U.

—

RICHMOND, VA., *March 1, 1897.*

J. F. ALDRICH, *M. C.*,
House of Representatives, Washington, D. C.:

We favor the antiprize fight bill.

WM. WIRT HENRY,
For Self and Others.

—

PITTSBURG, PA., *March 1, 1897.*

Hon. J. FRANK ALDRICH,
House of Representatives:

I favor passage of your anti-prize-fight bill or something better.

J. J. PORTER.

Mr. ALDRICH of Illinois. Mr. Speaker, I will ask consent that the remainder of the communications be printed in the RECORD, saving the necessity of reading them.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the remainder of the telegrams and communications be printed in the RECORD. Is there objection?

Mr. HOWARD. I object.

Mr. MEREDITH. I object.

Mr. ALDRICH of Illinois. I ask if the gentleman withdraws his objection?

Mr. MEREDITH. I withdraw my objection.

Mr. ALDRICH of Illinois. I ask the gentleman from Alabama if he has withdrawn his objection?

The SPEAKER. One member can not withdraw another member's objection. [Laughter.]

Mr. ALDRICH of Illinois. I understood the gentleman from Alabama to object to the printing of these communications, and I also understand that he now withdraws his objection.

The SPEAKER. The gentleman from Virginia withdrew his objection.

Mr. HOWARD. I do not withdraw the objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

To the House of Representatives of the United States:

I know that I but voice the sentiments of the Baptist Young People's unions, not of the District only, but of our entire country, when I petition your body, and do hereby, for the immediate passage of the Aldrich antiprize-fight bill—a measure that affords protection to our youth against free trade in brutality.

RICHARD A. FORD,
President District Baptist Young People's Union.

Mr. ALDRICH of Illinois. I will ask the Clerk to discontinue reading, and I will yield ten minutes of my time to the gentleman from Massachusetts [Mr. MORSE].

Mr. WILLIAM A. STONE. Will the gentleman yield to me a half a minute, that I may offer an amendment?

Mr. HARDY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARDY. Is there any division of time in the debate on this bill? I am opposed to the bill.

The SPEAKER. The Chair has made no distinction thus far.

Mr. MORSE. I will only take about three minutes.

Mr. WILLIAM A. STONE. Will not the gentleman give me a minute?

Mr. MORSE. I yield for a minute for the reading of the amendment to be offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. I offer this amendment.

The Clerk read as follows:

In line 6, page 1, section 1, after the word "interstate," strike out "commerce" and insert "railway or water service or otherwise;" also in line 3, section 2, after the word "State," strike out the words "commerce" and insert the words "railways or water service or otherwise."

Mr. WILLIAM A. STONE. I think that was the intention of the bill, and it will carry out its purpose.

Mr. MORSE. I desire to occupy the attention of the House but for a few minutes. I trust the amendment offered by the gentleman from Pennsylvania will be assented to by the chairman of the committee.

Mr. ALDRICH of Illinois. I have no objection to the amendment, and will accept it.

Mr. BINGHAM. Will the gentleman allow me to make an inquiry for information?

Mr. MORSE. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. BINGHAM. Will the gentleman allow an interruption for the purpose of obtaining information?

Mr. MORSE. Certainly.

Mr. BINGHAM. Do I understand from the wording of this bill that the clause reading "whether in a newspaper or other periodical, or telegram, or in any other form" will prevent correspondence in a sealed letter giving a description of a fight or a description of anything pertaining to it?

Mr. MORSE. I hardly think it goes so far as that.

Mr. BINGHAM. What does it mean by "in any other form?"

Mr. MORSE. In any public form that will debauch the public mind.

Mr. FOOTE. It does not so state.

Mr. BINGHAM. If any information of a fight shall be transmitted in the mails of the United States, "in a newspaper or other periodical, or telegram, or in any other form," would that prevent a sealed description from being sent?

Mr. MORSE. I think it is hardly as drastic as that, Mr. Speaker. Now, I ask the attention of the House to listen to me for just a few minutes.

Mr. Speaker, I want to say that I believe in this bill. I believe it is a just and proper bill, and I hope it will pass both Houses and be signed by the President and become a law. Every State in the Union, save three, makes prize fighting a crime, and the suppression of the details and of pictures of this degrading, brutal, and disgusting business is in entire harmony with the laws of the States, with the laws of the United States, and with the sentiment of our people. The brave stand taken by Governor Culberson, of Texas, whose father, Judge CULBERSON, has been an honored member of this House for many years, won for him the praise of all the right-minded people throughout this great country.

For a year or two past two big brutes named Corbett and Fitzsimmons have been looking for a place to pound one another. Up to this time they have done most of their fighting with their mouths. One after another, where they have attempted to have a meeting, the States have taken action to prevent it. In Louisiana, in Mississippi, in Florida, in Minnesota, in Texas, in Arkansas, and New Mexico. Then it was proposed to have the fight outside the country, in Mexico. The Mexicans are not particularly pious. They do not object to a bull fight, but they drew the line on these brutes, and the Mexican Government said their country should not be disgraced by this brutal exhibition. Now, to the everlasting shame and disgrace of the State of Nevada, the legislature of that State has passed a bill, and the governor has signed it, to legalize this brutal, disgusting exhibition. My district contains 200,000 inhabitants, and has the misfortune to be represented on this floor by so humble an individual as myself, and has only a piece of a Senator at the other end of the Capitol; while the State of Nevada, with 40,000 inhabitants, has one Representative in this House and two Senators at the other end of the building.

If there was any constitutional method by which statehood could be taken away from that State, which is little less than a mining camp, I am sure a vast majority of the people of this country would favor such action, and would be glad to remand the State back to the condition of a Territory, especially since this last disgraceful, humiliating, and shameful act of the legislature of that State.

This bill, as I understand it, does not forbid a brief statement of the fight as a matter of news, but forbids the transmission through the mail, or by interstate commerce, or by telegraph, of the disgusting details, or of pictures of the brutal encounter.

Mr. FOOTE. Who is to be the judge of the brutality of the encounter? And I would like also to know just how much constitutionality there is in this bill? Why can we not go further and strike out accounts of murders and other disgusting details that we find every day in the newspapers?

Mr. MORSE. Well, I hope, when you hear the vote of the House on this question, you will see that it is with me, and that this House believes prize fighting is a brutal encounter and is a disgrace to the country, as it is. It belongs to the Dark Ages. It has no place in a Christian and civilized community such as we profess to be.

Mr. FOOTE. Does this bill prohibit the publication [illegible]nts of boxing matches?

Mr. MORSE. I think so; if they lead to the drawing of blood or anything of a brutal character. I suppose a boxing match might perhaps be of such a character as not to come within the scope of this bill.

Mr. BRUMM. How about football?

Mr. MORSE. Well, I am not a champion of football, either. I believe it is brutal. But let us go for one thing at a time, and we are dealing with prize fighting now.

Mr. Speaker, this bill, as I understand it, was only very recently reported from the Committee on Interstate and Foreign Commerce. It is the unanimous report of that committee. I never read the bill until this morning; but the telegrams and letters which have reached the gentleman in charge of the bill [Mr. ALDRICH of Illinois] from remote sections of the country, some of which have just been read from the Clerk's desk, show the widespread interest felt by the moral and religious people of this country in this bill which is now before the House. In answer to the argument that this bill establishes a censorship of the press, it is right to establish a censorship of the press in the interest of public morals. We have a censorship of the press now in regard to matters that concern the moral welfare of our people. No paper can circulate through the mails of the United States that contains any advertisement of a lottery or any drawing of a lottery. We have a censorship of the press in regard to obscene and indecent publications. No paper, magazine, or other publication containing such obscene or indecent matter is mailable. We have the same censorship of the press in regard to advertisements, medicines, or preparations of abortionists, and now it is proposed to add one more thing injurious to public morals that shall be excluded from the United States mails and from interstate commerce, i. e., pictures and disgusting details of these brutal prize fights. Would anybody think, at this stage of the game, of repealing the law excluding the other things from the mails and from interstate commerce? I venture to say that such a bill could not get 6 votes in this House.

I repeat, Mr. Speaker, that this bill is in the interest of virtue and public morals. Pass this bill and relieve these brutal exhibitions of the notoriety which they are given by the press, and the business of the prize fighter will be gone, and the country will be saved from this everlasting humiliation and disgrace. It has been well and truly said here that the large and great metropolitan papers would be glad to be relieved of publishing these disgusting details, but they are compelled to do it by the rivalry of the sensational and more unprincipled newspapers. For my part, I would be delighted if the United Press and the Associated Press were allowed to telegraph over the country at the close of the fight that these two big brutes had met each other at Carson City and had killed each other, and neither of them would be able to give any more challenges or accept any, or fight any more either with their mouths or fists. [Applause.]

Mr. Speaker, the whole business is brutal, degrading, disgusting, repugnant to the moral sense of our people, demoralizing to the young men of our country, and this bill should pass and become a law. [Applause.]

Mr. FOOTE. One more question.

Mr. ALDRICH of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I have not had time to analyze the legal effect of the provisions of this bill. A question has been put to me which is a very difficult one to answer. It is how far we can go in suppressing the right of the newspapers——

Mr. QUIGG (interposing). Mr. Speaker, I ask for order. This is a very serious proposition, and I want to understand it. I can not hear the gentleman from Ohio.

The SPEAKER. The Chair has been asking for order all day and occasionally getting it. [Laughter.] The House will please be in order. The gentleman from Ohio will proceed.

Mr. GROSVENOR. The question has been put to me, and it is the question, I suppose, that the gentleman from New York [Mr. FOOTE] was about to put to the gentleman from Massachusetts [Mr. MORSE], whether or not it is competent for Congress to prohibit the publication in the newspapers of matter which is deemed to be immoral and which promotes immorality and crime, as, for instance, the publication of accounts of murders, murder trials, and other matters that I need not more particularly specify.

Mr. FOOTE. If the gentleman will allow me, the question I wanted to put was this: Whether this proposed law would prevent a review of the fight between David and Goliath, or anything of that kind? [Laughter.]

Mr. GROSVENOR. Mr. Speaker, I refer the gentleman to the distinguished divine, Dr. Talmage, who preached upon that subject about two weeks ago. [Laughter.]

Mr. Speaker, I look with absolute detestation and horror upon this whole business of prize fighting. I have no disposition to criticise the State of Nevada, however, because if I lived in a State that had nothing else to commend it, possibly I might be in favor of importing prize fights. [Laughter.] But the public may as well understand that the necessities of good order and of decent government are involved in breaking up this business of prize fighting. This is not a novel question with me. I had the honor to aid in the prosecution of the first prize fight that was prosecuted in the State of Ohio. Our statute simply defined the crime to be "who ever engages in a prize fight." The whole question of "boxing matches" and "athletic clubs" came up in considering the various subterfuges under which prize fights were attempted to be perpetrated upon the public, and the supreme court of Ohio gave a construction to the term "prize fighting" drawn from the decisions of the English court in the case of Slavin. The result was that the young man on trial was held to be guilty of prize fighting and was sent to the penitentiary, and from that day to this we have had no more prize fights in the State of Ohio.

Now, this bill undertakes to say that the advertising of prize fights shall not be permitted through the mails or the express companies of the country. If prize fighting is a crime, as it is; if it is brutal and demoralizing, as it is, how does this differ in principle from excluding from the mails the advertisements of lotteries and other games of chance? The gentleman from New York has put the question to me whether the proposed law would exclude an account of the fight between David and Goliath. I will put a question to him in reply. Our law excludes from the mails all advertisements of lotteries or games of chance, and my question is: Would that law exclude from the mails an account of the transaction between Laban and Jacob? [Laughter.]

Mr. FOOTE. If the gentleman will allow me, I will say that I never receive any such documents as those he has referred to here.

Mr. GROSVENOR. My friend from New York is not the sort of person that we are trying to protect. He protects himself. There is a sort of atmosphere, a sort of halo around him that drives away every attack upon his virtue; but he is different in that respect from many other people. [Laughter.] I hope the bill will pass.

Mr. ALDRICH of Illinois. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, no Representative on this floor is more earnestly opposed to the crime of prize fighting than myself, and I am in hearty accord with all proper measures for the suppression of the evil. But it seems to me that this is one of the most extraordinary propositions submitted to this body during my Congressional service. This bill establishes a censorship of the press of the country, and if enacted into law the logical result will be a bureau of the Government to make the censorship effective. In such an event I do not know of any gentleman on this floor—I say it with entire and perfect respect—who is more entitled to preside over that bureau than the gentleman from Massachusetts [Mr. MORSE] who advocates this measure.

Mr. MORSE. Allow me to ask——

Mr. DOCKERY. I do not yield. Mr. Speaker, if the great daily newspapers are to be punished for reporting prize fights, then I suppose the next step in logical sequence will be to prohibit the press from publishing the details of other crimes—the details, for instance, of murders.

Mr. MORSE rose.

Mr. DOCKERY. I do not yield, because I have not time.

Mr. Speaker, I believe that every State in this Union has prohibited prize fighting except the State of Nevada, and I trust the discussion of this question will so awaken public sentiment in that little State that its legislature at an early date will forbid this hideous and thoroughly vicious sport.

Let the law prohibit prize fighting; that is the way to stop this evil—not by establishing a censorship of the press. The liberty of the press must be maintained, because it is essential to the safety of the Republic. If this bill becomes a law, some other gentleman with the peculiar views of the gentleman from Massachusetts will be advocating the control and regulation of the press in respect to other crimes that may find description in the columns of the newspapers.

I trust that this bill will be laid on the table, and if opportunity offers I shall make that motion. I can not do so now, because I speak by the courtesy of the gentleman in charge of the bill.

Mr. WILLIAM A. STONE. Does not the gentleman believe that scattering over the country the details of prize fights helps to awaken a desire in the minds of young men to distinguish themselves in that way, and therefore to a great extent corrupts public morals?

Mr. DOCKERY. Perhaps that is true; but I would go to the root of the evil by prohibiting prize fighting; and every State of the Union with the exception of Nevada has already done so.

Mr. HEPBURN. How would you do that?

Mr. DOCKERY. It has already been done, as I understand, except by the State of Nevada.

Mr. HEPBURN. How would you prevent it there?

Mr. DOCKERY. Let the telegrams and papers that have been read here in the time of the gentleman from Illinois [Mr. ALDRICH] be addressed to the enlightened conscience, the moral sentiment, the patriotism of the people of Nevada, and I have confidence that they will respond to the appeal and promptly pass an act prohibiting this brutal and cruel sport.

Mr. WILLIAM A. STONE. Does not the gentleman know that the newspapers try to get up prize fights on their own account in order to enlarge their circulation?

Mr. ALDRICH of Illinois. I yield to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I do not rise to defend prize fighting or prize fighters. I desire only to say that this is very dangerous legislation. Under this bill, as it is drawn, you can prohibit anybody from sending certain books now in the Congressional Library to anybody by mail, under a penalty of $1,000 fine and five years' imprisonment. They have in that Library the History of English Pugilists, with pictures of nearly every prize fight fought in Great Britain. You might prohibit even the sending of an illustrated copy of Virgil through the mails, for there we have a magnificent description of the prize fight between Dares and Entellus.

The States, all except one, have forbidden prize fighting. You can safely leave legislation as to the printing of cuts of such fights

in newspapers to the States where such newspapers are printed and where such legislation belongs. We already find a bill introduced into the legislature of New York to prevent the caricaturing of public men. You might just as well bring that bill up here in the House as to bring this bill in here. They are all in the same category.

I say this is dangerous legislation; it is legislation which, if indulged in at all, should be left with the States, not resorted to by Congress. You already have upon the statute book a law forbidding the sending of obscene books or papers through the mails. Do you know how that works? Men have been arrested in the city of New York and elsewhere for selling copies of Boccaccio, of the Heptameron, of Rabelais, and other standard works. You can not tell how far such legislation is going to reach, gentlemen. It seems to me it is dangerous, and I trust the bill will be tabled.

Mr. ALDRICH of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HEPBURN], chairman of the committee reporting this bill, and, owing to the lateness of the hour, at the conclusion of his remarks I shall ask for the previous question on the bill to its passage.

Mr. HEPBURN. Mr. Chairman, it is only a few years since the effort was made in this House to prevent the advertisement of lottery schemes by dissemination through the press. At that time gentlemen made precisely the same arguments against that bill that they are now making against this. They then insisted that that was a censorship of the press, and that its influence would be widespread and deleterious. Is there any gentleman now, in the light of experience, with the knowledge which we now have on this subject, who would, here in this presence, attempt a repeal of that wise legislation? We have seen that it has destroyed that most enticing mode of gambling, and that it has undoubtedly saved to thousands and tens of thousands of homes that which was necessary for their support and comfort. Gentlemen now say that this establishes a censorship of the press, and the gentleman gives an extreme illustration. I insist that that is not an illustration that ought to be considered here.

This bill will be construed by men learned in the law—by judges of the courts. They will not give the construction that the gentleman insists upon in his hypothetical case. There is no fear of anything of that kind. No court will have difficulty in determining the class of literature that is here prohibited, nor will the officers of the Postal Department have any difficulty. They have to determine now as to whether this, that, or the other enterprise has those characteristics which are prohibited by law. They have no difficulty in reaching that determination, in excluding from the mails matter which ought to be excluded, and in permitting the free and safe passage of that which under the law is prohibited. Gentlemen are unnecessarily frightened about this bill. I undertake to say that the great reputable journals of this country desire that a bill of this kind shall be passed. They do not want to burden their columns, day after day, with the accounts of these unseemly proceedings; but there are papers that will do it, and in order to meet the active competition those that otherwise would exclude reports of this sort from their columns are compelled to print them, because there is a small percentage of people, but one which is important, perhaps, in the sale of newspapers, that desire this literature. This passion is catered to by all of the papers. I believe that a large majority of them would be glad to have this legislation and be relieved from the necessities of this malodorous competition.

Mr. ALDRICH of Illinois. I move the previous question on the bill and pending amendment to its passage.

Mr. MITCHELL. I should like to ask the gentleman whether, under this bill, if one person sends to another one of our voluminous Sunday newspapers which happens to contain a description of a pugilistic encounter, the person sending the paper and the one to whom it is sent would not be liable to prosecution by the wording of this bill?

Mr. HEPBURN. I do not think any person, under those circumstances, would be liable, nor do I think the gentleman thinks so. The law is not intended for that class of persons. It is intended to prohibit the publication of this class of literature.

Mr. QUIGG. Could not a reporter who sent a telegram with reference to any sort of an encounter be made liable to five years' imprisonment?

Mr. HEPBURN. Any sort of an encounter, if it was a prize fight. He has no business to use the mails for that purpose.

Mr. QUIGG. I said a telegram.

Mr. MITCHELL. The bill goes much further than the gentleman from Iowa thinks.

The SPEAKER. The Chair understands the gentleman from Illinois [Mr. ALDRICH] to ask for the previous question.

Mr. ALDRICH of Illinois. I do.

The question being taken on ordering the previous question, the Speaker announced that the ayes seemed to have it.

Mr. QUIGG demanded a division, and then demanded the yeas and nays.

Mr. WILLIAM A. STONE. I understand the gentleman from Illinois who has charge of the bill to ask for the previous question on the bill and the pending amendment. Is that correct?

The SPEAKER. The gentleman asks for the previous question on the bill to its passage.

Mr. QUIGG. I move that the House do now adjourn.

Mr. DOCKERY. Mr. Speaker, a parliamentary inquiry. If the previous question is ordered, will it be in order, after such action, to move to lay the bill on the table?

The SPEAKER. If the House refuses the previous question, it will be in order to move to lay the bill on the table.

Mr. DOCKERY. In the event of the previous question being ordered, will it then be in order to move to lay the bill on the table?

The SPEAKER. The Chair thinks not, under the rulings.

Mr. DOCKERY. Then I hope the previous question will be voted down.

Mr. QUIGG. I move that the House adjourn.

Mr. ELLETT. I move that the House do now adjourn.

Mr. DALZELL. I hope that motion will not prevail.

Mr. DOCKERY. Pending the demand for the previous question, I move to lay the bill on the table.

The SPEAKER. The gentleman can not do that, pending the motion——

Mr. CANNON. Mr. Speaker——

Mr. CUMMINGS. A parliamentary inquiry, Mr. Speaker.

Mr. QUIGG. I withdraw the motion that the House do now adjourn.

The SPEAKER. The House is getting into confusion over a matter which is perfectly simple. The gentleman from Illinois [Mr. ALDRICH] asks for the previous question. If the House orders the previous question, then the vote must be taken on the bill to its passage. If the House refuses to order the previous question, then the motion to lay the bill on the table will be in order. If, meantime, the House adjourns, that solves the difficulty in another way.

Mr. CUMMINGS. Is the same difficulty solved with reference to a motion to recommit?

The SPEAKER. Temporarily.

Mr. QUIGG. I move that the House do now adjourn.

Mr. PAYNE. Pending that, Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow.

The SPEAKER. That is not in order pending a motion to adjourn. This is a matter which concerns the state of the public business.

Mr. GROUT. Mr. Speaker, I ask unanimous consent for the printing of the District bill, which is not quite ready to come over.

The SPEAKER. If the gentleman who made the motion to adjourn will withdraw it, the Chair will put some of these questions.

Mr. QUIGG. I withdraw the motion, Mr. Speaker.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. ELLETT. I believe I have the floor, Mr. Speaker.

Mr. DOCKERY. Mr. Speaker, I move to take a recess until to-morrow morning at 10 o'clock.

The SPEAKER. There is a motion to adjourn pending.

Mr. DALZELL. That motion has been withdrawn by the gentleman from New York [Mr. QUIGG], and I have moved that the House take a recess until 10 o'clock to-morrow morning.

Mr. BARRETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. Is a motion to take a recess until 10 o'clock to-morrow morning amendable?

The SPEAKER. It is open to amendment.

Mr. BARRETT. Then I make the point of order that pending the verification of a vote no motion can be made that is coupled with an amendment. The House has already voted upon the previous question.

Several MEMBERS. No!

The SPEAKER. The motion for the previous question is pending.

Mr. CANNON. Now, Mr. Speaker, I ask unanimous consent——

Mr. BARRETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. BARRETT. The Chair stated that the question was upon the previous question and the House voted, and the gentleman from New York rose and said that he called for the yeas and nays.

Several MEMBERS. The House did not vote.

Mr. DALZELL. I withdraw my motion that the House take a recess.

The SPEAKER. The motion of the gentleman from Pennsylvania is withdrawn, and the question now is on ordering the previous question.

Mr. CANNON. Mr. Speaker, I rise to a privileged motion.

The question was taken on ordering the previous question; and the Speaker declared that the noes seemed to have it.

Mr. ALDRICH of Illinois. I ask for a division.

The House divided; and there were—ayes 56, noes 98; so the House refused to order the previous question.

Mr. ALDRICH of Illinois. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. McMILLIN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. My parliamentary inquiry is whether the refusal of the House to sustain the demand for the previous question made by the gentleman in charge of the bill does not pass the control of the bill to the opposition?

The SPEAKER. The Chair thinks it does.

Mr. DOCKERY. I move to lay the bill on the table.

The question being taken on the motion of Mr. DOCKERY, the Speaker declared that he was in doubt.

Mr. ALDRICH of Illinois. I ask for a division.

The House divided; and there were—ayes 93, noes 55.

Mr. ALDRICH of Illinois. I demand the yeas and nays, Mr. Speaker.

The question was taken, and the yeas and nays were ordered—37 members (more than one-fifth of the last vote) voting in favor thereof.

Mr. BARTHOLDT. Mr. Speaker, I move that the House do now adjourn.

Mr. CANNON. I hope that will be voted down.

The question being taken on the motion of Mr. BARTHOLDT, the Speaker declared that the noes seemed to have it.

A division was demanded, and the House divided.

Mr. STEWART of New Jersey. Mr. Speaker, pending the announcement of the vote upon the motion to adjourn, I rise to a parliamentary inquiry. The yeas and nays are ordered. Is it in order after that is done to make a motion to adjourn?

The SPEAKER. It is in order. On this question the yeas are——

Mr. GROSVENOR. Mr. Speaker, after consulting with gentlemen on both sides of this question, I wish to make a proposition.

Mr. DOCKERY. I hope the gentleman will have that opportunity.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that the motion to lay the bill upon the table be withdrawn, and that it be referred to the standing Committee on the Judiciary.

Mr. DOCKERY. I hope that will be done.

Mr. BARRETT. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROUT and others objected.

The result of the vote on the motion to adjourn was then announced—ayes 79, noes 77.

Mr. ALDRICH of Illinois. I ask for the yeas and nays.

Mr. CANNON. Mr. Speaker, I desire unanimous consent to make a minute's statement.

The SPEAKER. If there be no objection, the gentleman from Illinois will have that permission.

There was no objection.

Mr. CANNON. I hope there will be unanimous consent to withdraw this motion to adjourn, and that I be recognized to move that we take a recess until to-morrow morning at 10 o'clock, the object being at that time to receive bills from the Senate. We will have to be up all night to-morrow night, and we had better husband our strength, and not get into a useless wrangle that will wear us out without profit. I therefore ask unanimous consent that the motion to adjourn be withdrawn, and that I may be afforded an opportunity to make a motion to take a recess, as indicated.

Mr. DOCKERY. I hope that will be done.

Mr. QUIGG. I would like to inquire whether that leaves the previous question pending to-morrow morning?

The SPEAKER. The previous question was negatived.

Mr. GROSVENOR. I hope the gentleman from Vermont will not insist upon his objection.

Mr. BARTHOLDT. I withdraw the motion to adjourn.

Mr. GROUT. I simply want a yea-and-nay vote on this question.

The SPEAKER. The yeas and nays have been ordered by the House.

Mr. GROUT. That will be in order to-morrow morning.

The SPEAKER. The motion to adjourn is, by consent of the House, withdrawn.

Mr. BAILEY. I want to make a parliamentary inquiry before that consent is given.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. If the motion is withdrawn and the gentleman from Illinois is recognized to move a recess until 10 o'clock to-morrow, we come back precisely to where we are now, with this bill still pending.

The SPEAKER. It will still be pending.

Mr. BAILEY. It seems to me we had better dispose of it. I am not making any objection; but I think we ought to dispose of the bill.

Mr. McMILLIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. Notwithstanding its pendency in its present condition, conference reports on appropriation bills would take precedence.

The SPEAKER. Conference reports would take precedence.

Mr. DOCKERY. I understood that the gentleman from Ohio asked unanimous consent that this bill be referred to the Committee on the Judiciary.

The SPEAKER. Objection was made. The gentleman from Missouri [Mr. BARTHOLDT], by consent of the House, withdraws the motion to adjourn, and the gentleman from Illinois [Mr. CANNON] moves that the House take a recess until 10 o'clock to-morrow morning.

The question was put.

The SPEAKER. Before announcing the result, the Chair will submit the following report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 9191) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 4904) for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 6730) granting a pension to Edward S. Spofford;

A bill (S. 3680) to provide for the removal of the Inter-state National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; and

A joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The motion to take a recess was then agreed to; and accordingly (at 6 o'clock and 8 minutes p. m.), the House was declared in recess until 10 o'clock to-morrow morning.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1898—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of the First Assistant Postmaster-General, showing operation of the rural free-delivery service at forty-two post-offices—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Kenosha, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Otter Tail Lake and Otter Tail River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Sheboygan, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Racine, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BAILEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 287) to amend an act entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861," approved March 2, 1891, reported the same with amendment, accompanied by a report (No. 3057); which said bill, amendment, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9962) for the erection of a public building at Carrollton, Ky., reported the same with amendment, accompanied by a report (No. 3058); which said bill, amendment, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred House bills Nos. 9471, 7863, and 5683, reported in lieu thereof a bill (H. R. 10375) to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service, accompanied by a report (No. [illegible]); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. [illegible]) to regulate interstate transportation of property owned or manufactured by unlawful combinations, reported the same with amendment, accompanied by a report (No. 3062); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. McCLELLAN, from the Committee on Invalid Pensions, to which was referred the bill (S. [illegible]) entitled "An act granting a pension to Annie Fowler," reported the same (Report No. 3063); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By **Mr. CLARK** of Missouri: A bill (H. R. 10374) to provide for the purchase of a site and the erection of a public building thereon at Kirksville, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By **Mr. MURRAY:** A bill (H. R. 10377) to provide for the purchase of a site and erection of a public building at Georgetown, in the State of South Carolina—to the Committee on Public Buildings and Grounds.

By **Mr. HARTMAN:** A resolution (House Res. No. 558) providing for an extra month's salary to clerks for Members and Delegates—to the Committee on Accounts.

By **Mr. WALKER** of Massachusetts: A resolution (House Res. No. 559) to amend the rules of the House of Representatives—to the Committee on Rules.

By **Mr. ACHESON:** A memorial of the legislature of Pennsylvania, in favor of the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. HARRIS introduced a bill (H. R. 10376) for the relief of Gideon Neff; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By **Mr. ACHESON:** Resolutions of Holbrook Lodge, No. 378, Brotherhood of Locomotive Firemen, of McKees Rocks, Pa., asking for the passage of the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill—to the Committee on Labor.

Also, resolutions of Captain Samuel Campbell Post, No. 286, Grand Army of the Republic, of Burgettstown, Pa., praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of the members of Branch No. 332, National Association of Letter Carriers, of McKeesport, Pa., for the passage of the letter carriers' salary bill—to the Committee on the Post-Office and Post-Roads.

By **Mr. AVERY:** Petition of W. M. Davenport, of Bellaire, Mich., in favor of a tariff of $2 per 1,000 on all kinds of lumber, and 15 per cent on shingles—to the Committee on Ways and Means.

By **Mr. BABCOCK:** Petition of the North Capitol and Eckington Citizens' Association, asking that the Library of Congress be opened to the public from 9 a. m. to 10 p. m.—to the Committee on the Library.

By **Mr. BERRY:** Petition of George C. Gran and others, of the State of Kentucky, favoring the enactment of the McMillan-Linton bills (S. 3589 and H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By **Mr. BROMWELL:** Sundry petitions of William C. Otto and other citizens; William Ekermeyer, J. M. Meeker, Richard Dymond, George A. Thayer, Carl A. Voss, the J. A. Fay & Egan Co. and others, the Stacey Manufacturing Company and others, Harman, Goepper & Co. and others, Stewart Shillito and others, Alex. McDonald & Co. and others, and the Bee Vehicle Company and others, all of Cincinnati, Ohio, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protest of members of the Board of Administration of Cincinnati, Ohio, against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ohio State board of health, Columbus, Ohio, for a permanent census service—to the Committee on the Judiciary.

Also, memorial of the National Association of Manufacturers, of Philadelphia, Pa., concerning tariff schedules—to the Committee on Ways and Means.

Also, resolution of the Ohio State Trades and Labor Assembly, of Cincinnati, Ohio, concerning Cuba—to the Committee on Foreign Affairs.

Also, petition of George Cutler and others, Samuel Wunder and others, and Jacob Cohn and others, citizens of Cincinnati, Ohio, urging the passage of the McMillan-Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By **Mr. BULL:** Petition of Rev. John Evans and other citizens of Westerly, R. I., favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of Thomas H. Peabody and other citizens of Westerly, R. I., asking for the suppression of the sale of intoxicating liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Rev. W. J. Smith and other citizens of Westerly, R. I., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. C. Maine, of White Rock, R. I., and others, for the passage of the Phillips bill for the appointment of an impartial, nonpartisan commission—to the Committee on Labor.

By **Mr. COOK** of Wisconsin: Petition of F. H. Sweet and 40 other citizens of Fond du Lac, Wis., favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of William N. Kranf, of Chilton, and 625 citizens of Calumet County, Wis., in support of House bill No. 8315, to regulate the manufacture, sale, importation, and exportation of adulterated beer—to the Committee on Ways and Means.

By **Mr. FARIS:** Papers to accompany House bill No. 10352, to increase the pension of Milton Kinder—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10353, to pension Francis H. Churchill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10351, to increase the pension of John W. Rollins—to the Committee on Invalid Pensions.

By **Mr. FLETCHER:** Resolutions of the New Orleans Lumber Exchange; also resolutions of the Chamber of Commerce of Louisiana, asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By **Mr. HENRY** of Indiana: Papers to accompany House bill No. 7191, for the relief of Eli Conner—to the Committee on Invalid Pensions.

By **Mr. HEPBURN:** Petitions of Arthur Griffin and 6 other citizens of Shodack Landing; C. B. Dresser and 9 others, of Adams Basin; A. C. Lee and 8 others, of Gates, and J. V. Evans and 13 others, of Chittenango, in the State of New York, in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By **Mr. HULICK:** Petition of Rev. Dr. J. G. Butler; Rev. Howard W. Ennis, of the Brotherhood of Andrew and Philip; Mr. W. H. Pennell, chairman of Christian citizens' committee of the District Endeavor Union; W. S. Dewhurst, president of the District Epworth League; Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, and Rev. L. B. Wilson, D. D., presiding elder, in behalf of two mass meetings of citizens of Washington, D. C., held February 28, 1897, for the passage of the bill to further protect the first day of the week in the District of Columbia as approved by the District Commissioners—to the Committee on the District of Columbia.

By **Mr. OTJEN:** Petition of W. G. Smith and 15 other citizens of Milwaukee, Wis., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By **Mr. RUSSELL** of Connecticut: Petition of Christian Endeavor societies of Norwich, Conn., in favor of legislation to prohibit the sale of intoxicating liquors in the Capitol building—to the Committee on Public Buildings and Grounds.

By **Mr. CHARLES W. STONE:** Petition of D. F. Davis and others; also of S. M. Simpkins and others, of Franklin; also of W. W. McClelland, of Polk, in the State of Pennsylvania, favoring the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Rutherford B. Hayes Post, No. 137, Grand Army of the Republic, of Oil City, Pa., favoring the Pickler per diem pension bill—to the Committee on Invalid Pensions.

By Mr. WILBER: Petition of J. Anthony Bassett, principal, and others of the public school of Richfield Springs, N. Y., for the passage of a bill compelling certain studies in public schools—to the Committee on Education.

Also, resolution of the Elvin D. Farner Post, No. 119, Grand Army of the Republic, of Oneonta, N. Y., urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *March 2, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

HOUSE BILLS REFERRED.

The bill (H. R. 459) for the relief of Thomas Rosbrugh was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 4550) granting an increase of pension to John X. Griffith was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 4979) to amend sections 141 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections, was read twice by its title, and referred to the Committee on Privileges and Elections.

LEGATION BUILDING AT TEHERAN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a dispatch from the United States minister at Teheran, Persia, dated January 18, 1897, concerning the purchase of an official residence at that place; which was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SEABOARD AIR LINE MAILS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 23d ultimo, a copy of the reports of the agents of the Post-Office Department in relation to the weighing the mail upon the Seaboard Air Line in 1896, and also all correspondence between the Department and the officers of that railroad company, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

REPRINT OF DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. HALE. I ask to have the District of Columbia appropriation bill printed as it passed the Senate, with the amendments of the Senate numbered, for the convenience of the conferees.

The VICE-PRESIDENT. It will be so ordered.

PERSONAL EXPLANATION—ACTION IN EXECUTIVE SESSION.

Mr. QUAY. Mr. President, I rise to a personal explanation, and in order to make it I will be compelled to ask the Senate to agree that I shall be permitted, contrary to the rule, to refer to what transpired in executive session in relation to the confirmation of certain Pennsylvania postmasters yesterday. If there are no objections, I will proceed.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. MITCHELL of Wisconsin. What is the proposition? I could not hear it.

Mr. QUAY. I ask unanimous consent of the Senate that I may be relieved from the obligation of secrecy as to matters transpiring yesterday evening in executive session in relation to the confirmation of certain Pennsylvania postmasters.

Mr. CHILTON. We can not hear on this side.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that, for the purpose of a personal explanation, he be relieved from the obligation of secrecy in regard to certain matters which occurred in executive session. Is there objection? The Chair hears none, and the Senator from Pennsylvania will proceed.

Mr. QUAY. Mr. President, I recognize the right and the power of a majority in the Senate. I recognize their right to name the postmasters in Pennsylvania and elsewhere, to have them reported from the Post-Office Committee when there is no objection affecting the character of the nominee of the President, and to have the report adopted in the Senate.

In pursuance of the policy of the majority, a large number of Pennsylvania postmasters were favorably reported to the Senate. Yesterday evening, during the executive session, they were taken up for confirmation. As to some of them there was question as to the character of the nominee, and when the suggestion was made, after the confirmation, that the rule should be suspended and the President be notified of the confirmation of the other nominees for postmasters, I asked, and the Senate unanimously agreed, that the Pennsylvania postmasters should be excepted. I think Senators present will remember that.

Now, I take up the CONGRESSIONAL RECORD this morning, and I take up the newspapers, and find that all the Pennsylvania postmasters have gone with the others, and that their confirmation has been given to the press while they are still lying here subject to reconsideration; and I have this morning, as I expected I might have from one of them—from the office at Lansford, Carbon County, Pa.—remonstrances seriously affecting the character of the nominee, and it is possible that in one or two others, notably in the case of the postmaster at Philipsburg, Center County, documents of the same kind may be received.

I do not know how to correct what has been done. I presume it has gone too far. But I desire to call the attention of the Senate to what has transpired, and to urge that something should be done to fix the responsibility somewhere, in order to prevent the recurrence of such an act.

Mr. PEFFER. I will take the liberty of suggesting to the Senator from Pennsylvania that the best way to remedy such matters is to stop altogether executive sessions with closed doors.

Mr. CHILTON subsequently said: On the matter brought up by the Senator from Pennsylvania [Mr. QUAY] this morning, I desire to occupy perhaps two minutes. I think it is due to the Secretary of the Senate and his assistants that some correction should be made of the remarks made by the Senator from Pennsylvania, which I think may put them in a false attitude. I ask permission of the Senate to make a statement. It is about an executive matter, though it is not one of great importance.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Texas will proceed.

Mr. CHILTON. My only reason for taking a special interest at this stage is that I happened to be in the chair yesterday afternoon during the time of the executive session. A great many nominations were confirmed. Among these were the nominations for postmasters in Pennsylvania. Then a request was entered that the President be notified of the confirmation of all these nominations. The Senator from Pennsylvania objected as to the Pennsylvania cases, and they were omitted from the order of notification. The records of the Senate show that fact. So there is no fault in our records.

Now, the matter of complaint is that the CONGRESSIONAL RECORD shows the confirmation in the Pennsylvania cases in connection with all the others. That is true; but the rule of the Senate, which I will read, Rule XXXVIII, section 2, says:

> The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

I am informed by Senators old in service here that the custom has been whenever a nomination is confirmed to publish the fact in the RECORD, regardless of the order in regard to notification of the President. So the confirmation in the Pennsylvania cases was published in accordance with this custom. But the notification to the President has not been given, and the records show that no consent to such notification was given. It only remains to say that the Senator from Pennsylvania has no cause of complaint against the officers of the Senate. I refer to the matter again because his remarks would seem to imply that somebody is blamable in the premises.

Mr. QUAY. I think, on examination, since my remarks this morning, that the statement of the Senator from Texas is correct. I was not aware that it is the custom of the Senate to give out for publication a list of confirmations when they have not finally passed beyond the jurisdiction of the Senate, but it seems that the custom is contrary to what I had supposed.

Mr. HOAR. It seems to me that the Senator from Texas is wrong, and that the original proposition of the Senator from Pennsylvania, as I understand it, is right.

When we make public the confirmation or rejection of a nomination——

Mr. CHILTON. We can not hear what is being said by the Senator from Massachussetts.

Mr. HOAR. We do not expect that it will be treated as the final action of the Senate until the time provided under the Senate rules for reconsideration has gone by, and therefore when the Senate orders that a certain action which is still inchoate, liable to be reconsidered, not finally acted upon, shall not even be communicated to the Executive, it supposes, of course, that it will not be communicated to the public. If another practice has crept in, it is a practice which ought instantly to be changed. I hope it will be changed by the direction of the Presiding Officer, without

any occasion to have any addition to the rule. Otherwise, of course, we shall have to change the rule.

Mr. HILL. Will the Senator from Massachusetts allow me for a moment? The difficulty with the statement of the Senator from Massachusetts is that the rule to which the Senator from Pennsylvania refers has been changed by a resolution of my own which passed the Senate about two or three years ago. I found confronting us in executive session this rule, under which, although we confirmed a nomination to-day, it could not be given out to the press or published in the RECORD until two days thereafter, and therefore we had to remain quiet during that day. Then two days afterwards it would be sent out by the Associated and the United Press that on yesterday or the day before the nomination of a man had been confirmed, when in fact it had been confirmed two days before.

Now, to avoid that I offered a resolution which passed the Senate after some little opposition, because it trenched upon the old practices of the Senate, and therefore there was naturally some opposition to it. It was passed. It is a part of our rules, and from that day to the present confirmations have been given to the public and published in the RECORD, although the President has not been notified.

Mr. HOAR. I desire to say that I am perfectly familiar with the history which the Senator from New York has recited, and with the order of the Senate, but certainly a nomination is not confirmed or rejected by the Senate until the time has gone by for reconsideration. The reconsideration is as much a part—of course it is a condition subsequent—of the action of the Senate as any other part.

Mr. CHILTON. Mr. President, my occupancy of the chair at the time of these confirmations made it proper that I should ascertain the exact facts. I have found that the clerks in this case have done just as they do in all cases—that is, as soon as a nomination is confirmed they put it in the RECORD and give it to the press. This takes place without any regard to the question of notification.

Mr. HILL. They have a right to do so. Although a motion is made to reconsider the vote by which a bill was passed, the bill has passed, and although the President has not been notified, the nomination has been confirmed. That has been going on for three straight years in the Senate under the resolution which can be produced at any time by looking up the files of executive sessions.

Mr. QUAY. My understanding, when I addressed the Chair and called the attention of the Senate to the matter this morning, was similar to that of the Senator from Massachusetts, which, if it is not the rule and practice of the Senate, I think ought to be the practice. I am satisfied from the statements made by gentlemen of large experience in the Senate that the custom is as stated by the Senator from New York, and that I was in error, and I have nothing more to say.

Mr. CHANDLER. There is no doubt about the correctness of the statement of the Senator from New York, and if the Senator from Pennsylvania had made inquiry he would have learned that, although these announcements of confirmations are in the CONGRESSIONAL RECORD, the notices have not been sent to the President. That is the whole case. The resolution of the Senator from New York was deliberately adopted. It may have been unwise to adopt it, but it was deliberately adopted, and it stands until it is reconsidered, and that reconsideration and the discussion connected with it must take place in executive session and not in open Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2696) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; and it was thereupon signed by the Vice-President.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask unanimous consent that the international monetary conference bill may be taken up and considered at 12 o'clock to-day.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at 12 o'clock the international monetary conference bill be taken up.

Mr. ALLEN. I do not know that I want to object, but I should like to ask the Senator from New Hampshire a question. Is it the bill as passed by the House that he wishes to have considered?

Mr. CHANDLER. Yes; I shall move to concur in the House amendments. I do not anticipate any objection to the amendments, but one or two Senators wish to say a few words upon the subject.

Mr. ALLEN. Has there been any suggestion that the measure as passed here——

Mr. JONES of Arkansas. Let the amendments be read that the Senator from New Hampshire wishes to have concurred in.

Mr. CHANDLER. Why will not the Senator wait and consent to the amendments being taken up for consideration at 12 o'clock. I renew the request for unanimous consent, and then the amendments can be read.

The VICE-PRESIDENT. Is there objection?

Mr. PERKINS. I ask the Senator from New Hampshire to fix the hour at 1 o'clock, as we have the fortifications appropriation bill to be considered in the meantime.

Mr. CHANDLER. I will substitute 1 o'clock, Mr. President.

The VICE-PRESIDENT. One o'clock is substituted. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of members of the Fourth session of the legislative assembly of Idaho, remonstrating against the right of Hon. Henry Heitfeld to a seat as Senator from that State for the term beginning March 4, 1897; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Presbyterian Ministers' Association of New York and vicinity, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's National Sabbath Alliance, remonstrating against the action of the United States Senate in holding a legislative session on Sunday, February 28, 1897; which was ordered to lie on the table.

Mr. CANNON. I present a petition of the National Equitable Protection Association of the United States, and of the State Grangers of Pennsylvania and Virginia, in favor of equitable protection. I do not ask that the petition be printed in the RECORD, but that it be printed as a document and referred to the Committee on Finance.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. CANNON presented a petition of sundry citizens of Utah, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. QUAY. I present a resolution of the house of representatives of Pennsylvania, which I ask to have read and lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

> IN THE HOUSE OF REPRESENTATIVES,
> *Harrisburg, February 18, 1897.*
>
> Whereas the Senate of the United States has unanimously adopted a re[illegible]lution designed to effect the release from imprisonment and insult of an A[illegible]can citizen, Mr. Sylvester S. Scovel, a representative of the press [illegible]w York City, and who is now confined in a Spanish prison: Therefore,
>
> *Be it resolved by the house of representatives of Pennsyl*[illegible] action of the Senate of the United States is hereby commen[illegible] effort should be made by the Department of State to secure the [illegible] of said Sylvester S. Scovel.
>
> A true copy from the journal of the house of representatives.
>
> JERE B. REX,
> *Chief Clerk, House of Representatives.*

Mr. QUAY. I present a memorial of the State Grange of Pennsylvania, setting forth the inequalities existing in the present tariff. I move that the memorial be printed as a document, and referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented a petition of the pastors of sundry churches in York, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that the consular service be placed under the protection of the civil-service-reform law; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Northfield, Minn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BURROWS. I present the petition of Enoch Moore and 33 other citizens of Kent County, Del., and the petition of Ezekiel Cowgill and 37 other citizens of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BURROWS presented the petitions of Roehm & Davidson, of Detroit; Perkins & Co., of Grand Rapids; Standart Bros., of Detroit; the United Steam Pump Company, of Battle Creek; the Rumsey Manufacturing Company, of Detroit; the Henderson-Ames Company, of Kalamazoo; C. D. Wideman & Co., of Detroit; Hill's Seed Store, of Detroit; Frederick Stearn & Co., of Detroit; the Clough & Warren Company, of Detroit; Charles A. Strelinger & Co., of Detroit; and the United States Heater Company, of Detroit, all in the State of Michigan, and the petition of the executive committee of the New York County Woman's Christian Temperance Union, of New York, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

Mr. TELLER presented a memorial of sundry news dealers of Denver, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a memorial of Division No. 44, Order of Railway Conductors, of Denver, Colo., remonstrating against the passage of the anti-scalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of Rev. Francis L. Hayes, of the Congregational church, of Manitou, Colo., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. BATE presented the petitions of H. L. Armstrong, cashier of the Continental National Bank of Memphis; of the Van Vleet Mansfield Drug Company, of Memphis; of C. W. Goyer & Co., of Memphis, and of the L. H. Gage Lumber Company, of Memphis, all in the State of Tennessee; of T. A. Havron, publisher of the Democrat, of Jasper, Tenn.; of T. F. & Hal Sevier, publishers of the Sentinel, of Sabinal, Tex.; of J. V. & R. S. Kirkland, of Fulton, Ky.; of G. H. Trevathan, of Paris, Tenn., and of the A. M. Stevens Lumber Company, of Dyersburg, Tenn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

Mr. GEAR. I present a memorial of the Tollerton & Stetson Company, of Sioux City, Iowa, earnestly opposing the passage of the Bailey-George bankruptcy bill, and vigorously urging the passage of the Torrey bankruptcy bill. I move that the memorial lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. VILAS presented a petition of members of the Union Church, of Berlin, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of W. D. Parker and sundry other citizens of River Falls, Wis., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petitions of A. Staley and sundry other citizens of Beaverdam; of John Rapt and 18 other citizens of La Crosse, and of H. J. Untrant and 22 other citizens of La Crosse, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of Typographical Union, No. 6, of New York, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of sundry citizens of Fort Atkinson, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Mrs. Louise Thayer Faville, superintendent of the peace and arbitration department of the Wisconsin Woman's Christian Temperance Union, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of A. Grossenbach & Co., and of the E. R. Godfrey Sons' Company, of Milwaukee, Wis., remonstrating against an increase of the duty on Mexican oranges; which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Milwaukee, Marinette, and Black Creek, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Milwaukee, Beloit, Stoughton, and Janesville, all in the State of Wisconsin, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. HANSBROUGH presented a petition of the Baptist Young People's Union, the Epworth League, and the Young People's Society of Christian Endeavor, of Wahpeton, N. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of members of the Methodist churches of Bismarck and Cando, and of members of the Baptist Church of Grafton, all in the State of North Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. CHILTON presented the petition of H. Bradford and sundry other citizens of Texas, praying for the enactment of legislation prohibiting the issuance of internal-revenue special-tax stamps to sell intoxicating liquors in territory where prohibition prevails under State local-option laws; which was referred to the Committee on Territories.

THE RAMIE INDUSTRY.

Mr. GEAR. I ask that Senate Document No. 47 and Senate Document No. 57, Fifty-fourth Congress, second session, being a statement of S. H. Slaught in behalf of an appropriation to promote the ramie industry, be reprinted, together with certain matter which I will furnish later.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

AMENDMENT OF THE POSTAL LAWS.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 additional copies of Senate Report No 1517 on the so-called Loud bill, including the minority report, Fifty-fourth Congress, second session.

COMMERCIAL RELATIONS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the "Review of the World's Commerce," etc., being part of said Commercial Relations.

ARBOR DAY.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. PROCTOR on the 27th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 12,000 additional copies of Arbor Day: Its History and Observance; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 [illegible] for the use of the Department of Agriculture.

FOREIGN RELATIONS, 1896.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by himself on the 8th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

BILL INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3734) for the relief of St. John's Catholic Church at Summersville, Nicholas County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Patents.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. CAFFERY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. MARTIN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

Mr. PLATT subsequently, from the Committee on Patents, to whom was referred the amendment submitted by Mr. HOAR this day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

A. H. HERR.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to report the amount found due A. H. Herr, March 16, 1894, by his predecessor for the rent of his property while the same was in the occupancy of the Quartermaster's Department, and to inform the Senate whether the settlement was made by the Secretary of War under the authority vested in him by section 219 of the Revised Statutes, "to fix and make" the rental to be allowed in cases where the parties had not agreed upon the compensation to be paid; also, whether the amount allowed was the same as was allowed by the officers in charge of the property, and is, in his opinion, a reasonable and just allowance.

VICTOR H. M'CORD.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and is hereby, requested to furnish for the use of the Senate copies of all papers, correspondence, diplomatic or otherwise, on file in the State Department in connection with the arrest and imprisonment at Arequipa, Peru, of Victor H. MacCord, a citizen of Linesville, Crawford County, Pa., in June, 1895, he being at the same time consular agent of the United States in Peru, if any have been received by the State Department since the adoption by the Senate of the resolution of May 20, 1896, requesting the President to continue the investigation and efforts theretofore made by the United States in the matter of the claim of Victor Hugo MacCord, a citizen of the United States, against the Government of Peru, to the end that such an adjustment of said claim might be made as might be warranted by the facts in the case and by the law applicable thereto.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the naval appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. TELLER. I move that the Senate insist upon its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

THE BUBONIC PLAGUE.

Mr. ELKINS. I ask unanimous consent to call up the joint resolution (S. R. 200) for the prevention of the introduction and spread of contagious and infectious diseases into the United States. It is a measure to prevent the approach of the bubonic plague.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution indicated? The Chair hears none, and the joint resolution will be read at length.

The Secretary read the joint resolution which had been reported from the Committee on Public Health and National Quarantine with amendments, in line 6, after the word "disease," to insert "from a foreign port or place;" in line 11, after "person," to insert "from a foreign port or place;" and in line 12, after "entry," to insert "or enter;" so as to make the joint resolution read:

Whereas in view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States: Therefore,

Resolved, etc., That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place, that incoming vessels, vehicles, or persons should be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury on recommendation of the Surgeon-General of the Marine-Hospital Service, and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

Mr. ELKINS. A similar joint resolution to the one just read has passed the House. I ask the Senate to substitute the joint resolution that passed the House for this, and that the House joint resolution be put upon its passage. It is recommended by the Secretary of the Treasury.

Mr. CHANDLER. How about the amendments?

Mr. GALLINGER. There are amendments to the pending joint resolution.

Mr. ELKINS. The House joint resolution has the amendments in it.

Mr. GALLINGER. The House joint resolution can not have the amendments in it, inasmuch as the Senate committee proposed to amend the House joint resolution.

Mr. ELKINS. It has the amendments in it. I copied one from the other.

Mr. GALLINGER. I must insist that the amendments reported by the Committee on Public Health and National Quarantine shall be incorporated in the House joint resolution unless they are already there.

Mr. ELKINS. They are there.

Mr. GALLINGER. I do not understand how that can be the case. They may have been interlined.

The VICE-PRESIDENT. The House joint resolution will be read.

The Secretary read the joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, as follows:

Whereas in view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States: Therefore,

Resolved, etc., That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons should be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

Mr. ELKINS. That is the same as the Senate joint resolution, and I ask for its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The VICE-PRESIDENT. Senate joint resolution 200 will be postponed indefinitely.

ESTABLISHMENT OF LIGHT-HOUSES, ETC.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 9703) to provide for light-houses and other aids to navigation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That light-houses and other aids to navigation be established and erected as hereinafter set forth, to wit:

Completing the removal of Cape San Blas light station, Florida, to Black Island.

Building a light keeper's dwelling at Egmont Key light station, Florida.

Reconstructing the front beacon of Apalachicola Bay range-light station, Florida.

Establishing a light station at or near St. Joseph Point, in St. J[illegible] Bay, west coast of Florida.

Establishing range lights to mark the channel over [illegible]ance to Choctawhatchee Bay.

Repairing wharf and buildings of the depot at Key West, Fla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YAZOO RIVER BRIDGE.

Mr. WALTHALL. I ask the Senate to consider at this time the bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA COURT OF APPEALS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3588) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

The amendment of the House of Representatives was, on page 1, line 3, after the word "cases," to insert "hereafter arising."

Mr. HILL. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HILL, Mr. PLATT, and Mr. CLARK were appointed.

DISTRICT BENEFICIARY ASSOCIATIONS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia.

Mr. MILLS. I desire to ask the Senator from New Hampshire if the bill has been reported by the Committee on the District of Columbia?

Mr. GALLINGER. It has been reported unanimously by the Committee on the District of Columbia, after having passed the other House.

Mr. ALDRICH. I should like to have the report read.

Mr. MILLS. It seems to me there ought to be a provision in the bill retaining the right to repeal or change this act of incorporation.

Mr. GALLINGER. I will state to the Senator that the bill is in exact conformity to the laws that have passed in ten or twelve of the States and which are now on their statute books. It simply puts these fraternal organizations under the law, but exempts them from certain of the rigid provisions relating to old-line life insurance companies.

Mr. MILLS. We have adopted something of a rule here that in the case of acts of incorporation we shall retain the right to amend, alter, or repeal.

Mr. GALLINGER. I have no objection to that provision.

Mr. MILLS. Is that in the bill?

Mr. GALLINGER. I think it is not; but I have no objection to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 4, after the word "society," to insert "order;" in line 14, after the word "under," to strike out "70 years" and insert "the age of expectancy from the time of entering;" in line 16, after the word "laws," to insert:

> Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide, or the association and members agree.

In line 29, before the word "dues," to strike out "or;" in the same line, after the word "dues," to insert "and other payments;" in the same line, after the word "members," to insert "or otherwise;" and in line 36, after the word "therein," to insert:

> *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this act.

So as to make the section read:

> That a fraternal beneficiary association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system, with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident, or old age: *Provided*, That the period in life at which payment of physical disability benefits on account of old age commences shall not be under the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency, or benefit fund in accordance with its laws. Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide, or the association and members agree. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments, dues, and other payments collected from its members or otherwise. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this act, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this act.

Mr. GALLINGER. In line 14 I desire to have the words "seventy years" remain, and the word "or" inserted afterwards; so as to read:

> Seventy years or the age of expectancy from the time of entering.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 2, line 4, after the word "State" to insert "country;" so as to read:

> SEC. 2. That all such associations coming within the description as set forth in section 1 of this act, organized under the laws of the United States relating to said District, or any State, country, province, or Territory, and now doing business in said District, may continue such business.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "State," to insert "country," and in line 7, after the word "its," to strike out "constitution and;" in line 12, after the the word "State," to insert "country;" in line 14, after the word "State," to insert "country;" in line 15, after the word "State," to insert "country;" so as to read:

> That any such association coming within the description as set forth in section 1 of this act, organized under the law of any State, country, province, or Territory, and not now doing business in said District, shall be admitted to do business within said District when it shall have filed with the assessor a duly certified copy of its charter and articles of association, and a copy of its laws, certified to by its secretary or corresponding officer, together with an appointment of the assessor of said District as the person upon whom process may be served as hereinafter provided: *Provided*, That such association shall be shown to be authorized to do business in the State, country, province, or Territory in which it is incorporated or organized, in case the laws of such State, country, province, or Territory shall provide for such authorization; and in case the laws of such State, country, province, or Territor do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 4, line 53, after the word "State," to insert "country;" so as to read:

> Twenty-second. If organized under the laws of any State, country, province, or Territory, state such fact and the date of organization, giving chapter and year, etc.

The amendment was agreed to.

The next amendment was, in section 4, to strike out the following paragraph after line 61:

> The assessor is authorized and empowered to address any additional inquiries to any such association in relation to its doings or condition, or to any other matter connected with its transactions relative to the business contemplated by this act, and such officers of such association as the assessor may require shall promptly reply in writing, under oath, to all such inquiries.

The amendment was agreed to.

The next amendment was, in section 7, line 12, after the word "said," to strike out "institution" and insert "association;" so as to read:

> Such persons shall make, sign, and acknowledge before any officer authorized to take the acknowledgment of deeds in this District, and file in the office of recorder of deeds of said District a certificate or declaration in writing, to be recorded in a book kept for that purpose and open to public inspection in which shall be stated the name or title by which said association shall be known to law, the mode and manner in which the corporate powers granted by this act are to be exercised.

The amendment was agreed to.

The next amendment was, in section 7, line 47, after the word "laws," to insert "and the provisions of this act," and in line 49, after the word "said," to strike out "society" and insert "association;" so as to read:

> And they and their successors by their corporate name shall in law be capable of creating, maintaining, and disbursing a reserve or emergency fund in accordance with its laws and the provisions of this act, and of taking, receiving, purchasing, and holding real and personal estate necessary for the purpose of said association, and may let, place out at interest, or sell and convey the same as may seem most beneficial for said association.

The amendment was agreed to.

The next amendment was, in section 9, line 2, after the word "beneficiary," to strike out "society, order, or;" in line 3, after the word "of," to strike out "any;" in line 3, after the word "such," to strike out "society, order, or;" in line 4, after the word "or," to insert "which;" in line 6, after the word "said," to strike out "society, order, or;" in line 13, after the word "present," to strike out "and voting" and insert "vote;" and in line 14, after the word "the," to strike out "officer" and insert "officers;" so as to read:

> SEC. 9. That any subordinate body of any fraternal beneficiary association incorporated under the provisions of this act, or of such association now doing business or which may hereafter be admitted to do business in this District under this act, where the laws of the governing body of said association do not prohibit the incorporation of their subordinate bodies, may become a body corporate in the manner following: At some regular meeting of such subordinate body a resolution, expressing the desire of such subordinate body to be incorporated and directing its officers to perfect such incorporation, shall be submitted to a vote of the members present, and if two-thirds of the members present vote therefor, the president and secretary of such subordinate body, or the officers holding relative offices therein, shall prepare articles of association under their hands and the seal of such subordinate body, setting forth, first, the number of members of such subordinate body then in good standing.

The amendment was agreed to.

The next amendment was, in section 9, line 30, after the word "therewith," to strike out "therein;" in line 37, after the word "respective," to strike out "society, order, or;" in line 38, after the word "such," to strike out "society, order, or;" and in line 39, after the word "is," to strike out "incorporated" and insert "known;" so as to read:

> On the execution of said articles of association, and before the filing thereof with the recorder, the secretary of such subordinate body shall annex thereto his affidavit, stating that he is a member in good standing in such subordinate body and occupies the position of secretary, or the office corresponding therewith, and that the resolution, a copy of which shall be set forth at length, was regularly passed at a regular meeting of said subordinate body and received the vote of two-thirds of the members present and voting, and that to the best of his knowledge and belief the statements made in the articles of association are true, and that such subordinate body is organized and acting under the laws of its respective association, giving the name by which such association is known.

The amendment was agreed to.

The next amendment was, in section 10, line 3, after the word "beneficiary," to insert "prior to or at the time of becoming a member of the association;" so as to read:

> SEC. 10. That no contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them.

The amendment was agreed to.

The next amendment was, in section 11, line 4, after the word "attachment," to strike out "by trustee, garnishee," and insert "garnishment;" so as to read:

> SEC. 11. That the money or other benefit, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this act shall not be liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

The amendment was agreed to.

The next amendment was, in section 12, line 3, after the word "State," to insert "country;" and in line 10, after the word "State," to insert "country;" so as to read:

> That any such association organized under the laws of said District may provide for the meetings of its legislative or governing body in any State, country, Province, or Territory wherein such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within said District; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any State, country, Province, or Territory shall be valid as if cast within said District.

The amendment was agreed to.

The next amendment was, in section 15, at the end of the section, to insert:

> To "transact business" or "doing business" under this act means the writing of applications and the soliciting of new members, so far as the penalty of the act applies thereto. It shall not be unlawful for any organization under section 1 to continue the operation of its lodges or branches except in securing new members.

So as to read:

> That any person who shall act within said District as an officer, agent, or otherwise for any association which shall have failed, neglected, or refused to comply with, or shall have violated, any of the provisions of this act, or shall have failed or neglected to procure from the assessor a proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified. To "transact business" or "doing business" under this act means the writing of applications and the soliciting of new members, so far as the penalty of the act applies thereto. It shall not be unlawful for any organization under section 1 to continue the operation of its lodges or branches except in securing new members.

The amendment was agreed to.

The next amendment was, in section 16, line 2, after the word "society," to insert "order;" in line 5, after the word "beneficiary," to strike out "societies, orders, or;" in line 11, after the word "corporation," to insert "or department or branch of the United States Government;" so as to read:

> That nothing in this act shall be construed to apply to any corporation, society, order, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and shall only apply to fraternal beneficiary associations as defined by section 1; and nothing in this act contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficiary societies, order, or association which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or Department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand, subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount $100.

The amendment was agreed to.

The next amendment was, in section 17, line 5, after the word "incorporated," to strike out "body" and insert "fraternal beneficiary association;" so as to read:

> That the provisions of this act shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated fraternal beneficiary association in the District of Columbia.

Mr. GALLINGER. I move to amend the amendment by striking out "beneficiary" and inserting "beneficial."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I have a few verbal amendments of the same character to come in. I move, in section 1, line 3, to strike out the word "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In section 4, line 12, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 56, I move to strike out the word "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In section 7, line 3, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. I also move in the same section, line 3, before the word "association," to strike out "beneficiary society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 15, I move to strike out the first word in the line, "and," and insert "or."

The amendment was agreed to.

Mr. GALLINGER. In line 19 of the same section, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In the same section, lines 23 and 24, I move to strike out "society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 27, I move to strike out the words "society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 29, I move to strike out "order, or society."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 31, I move to strike out "society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In line 32 of the same section I move to strike out "beneficiary society" and insert "beneficial association."

The amendment was agreed to.

Mr. GALLINGER. In section 8, line 2, I move to strike out "beneficiary society" and insert "beneficial association."

The amendment was agreed to.

Mr. GALLINGER. In section 9, lines 1 and 2, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In section 16, line 4, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 8, I move to strike out "order, or association" and insert "orders, or associations."

The amendment was agreed to.

Mr. MILLS. Now, I wish the Senator would put in a provision retaining the right to amend, alter, or repeal the charter by Congress.

Mr. GALLINGER. The Senator from Minnesota [Mr. DAVIS] has an amendment prepared which he will suggest.

Mr. DAVIS. At the end of the bill I move to add the following proviso:

> *Provided*, That all rights, franchises, and privileges granted by this act shall be subject to amendment or repeal by Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill regulating beneficial associations in the District of Columbia."

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. GALLINGER, and Mr. FAULKNER were appointed.

DEATH OF DR. RICARDO RUIZ.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

o the Senate:

I herewith transmit a report of the Secretary of State upon a resolution of the Senate relating to the arrest, imprisonment, and death of Dr. Ricardo Ruiz in the jail of Guanabacoa, on the Island of Cuba. Agreeing with the suggestion of the Secretary, I have not thought it compatible with the public interest that the correspondence referred to in the resolution should be communicated pending the public and exhaustive investigation about to be instituted.

Though it seems to be clear that the consul-general should have professional aid in such investigation, that matter, together with the selection of the particular persons to act with him, properly devolves upon my successor in office.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1897.

M. A. CHEEK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate of February 24, 1897, a report from the Secretary of State in relation to the claim of M. A. Cheek against the Siamese Government, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1897.

FORFEITED DOMESTIC OPIUM.

Mr. MORRILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10240) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

JUSTIN S. MORRILL,
STEPHEN M. WHITE,
O. H. PLATT,
Managers on the part of the Senate.

S. E. PAYNE,
WALTER EVANS,
BENTON McMILLIN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown.

The message also announced that the House insists upon its amendment to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution to print 10,000 copies of the Report of Hearings before the Committee on Banking and Currency, Fifty-fourth Congress; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 7820) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday; and

A joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 10,000 copies of the Report of Hearings before the Committee on Banking and Currency, Fifty-fourth Congress; 8,000 copies to be for the use of the House and 2,000 copies for the use of the Senate.

ORDER OF BUSINESS.

Mr. PERKINS. I am directed by the Committee on Appropriations to ask at this time that the Senate proceed to the consideration of the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to.

Mr. CULLOM. Will the Senator from California yield to me for a moment?

Mr. PERKINS. I will yield for a matter which will not bring up discussion.

Mr. CULLOM. I merely want to make a statement. I do not desire to interfere with the progress of the appropriation bill, but I desire to state that immediately after the appropriation bill now before the Senate is disposed of I shall move to take up House bill 1090 to amend the act to regulate commerce. I call the attention of the Senate to it, because I very much desire to have that bill taken up and considered, but I do not desire to displace any appropriation bill.

Mr. ALLEN. I hope the Senator from Illinois will not insist upon that.

Mr. CULLOM. I want to say one word, if the Senator will allow me to do so.

Mr. CHANDLER. I should like to have my amendment to the antiscalping bill read.

Mr. CULLOM. I am not asking that anything be read at this time. I simply want to say that the bill to which I refer is a very important one. I undertake to say that there is no bill before the Senate at this minute, outside of the appropriation bills, which is, in the estimation of the great body of the people, more important than the one I have indicated.

Mr. JONES of Arkansas. What bill is it?

Mr. CULLOM. The bill known as the antiscalping bill. I will designate it in that way.

Mr. ALLEN. That is altogether too important a bill to take up and consider at this Congress.

Mr. CULLOM. I think, if the Senate will allow the bill to be taken up, we can probably dispose of it inside of an hour.

Mr. FAULKNER. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. CHANDLER. There is no measure more important to the people of this country than the amendment I have offered; and I ask to have it read.

Mr. CULLOM. I have said all I desire to say, but I give notice that I will make the motion as soon as the appropriation bills are disposed of.

Mr. CHANDLER. Let my amendment be read.

Mr. FAULKNER. I object to the reading of the amendment. I call for the regular order.

The VICE-PRESIDENT. The Chair must state that the regular order is the bill taken up on motion of the Senator from California [Mr. PERKINS].

Mr. PLATT. That is the bill before the Senate?

The VICE-PRESIDENT. It is before the Senate by vote of the Senate.

Mr. PLATT. I should like to make some remarks upon it.

Mr. GEAR. I ask the Senator from Connecticut to yield to me a moment for morning business.

Mr. PLATT. I can not yield for the moment. I will presently.

Mr. President, I am just as anxious to obtain consideration for certain bills which I think are important as are other Senators who clamor for recognition and who ask the Committee on Appropriations to yield to them. I think we ought to have some understanding about this matter, either that we shall have a time fixed wherein House bills can be taken up and acted upon, or that no House bills shall be taken up and acted upon.

I do not think it is fair to engage the attention of the Senate simply because you can catch the eye of the Chair, and bring long bills here and take the time of the Senate, when other bills which are just as important get no opportunity for consideration. I am going to insist upon one of two things, that we shall either have some time set apart when we can consider the House bills which ought to be considered, or I am going to object to them all.

Mr. CULLOM. I want to make a request.

The VICE-PRESIDENT. The Chair will submit to the Senate any request the Senator from Connecticut [Mr. PLATT] will indicate. The Chair recognizes Senators in the order in which the Chair is addressed, and the Senator from Connecticut first addressed the Chair.

CONSIDERATION OF HOUSE BILLS.

Mr. PLATT. I ask unanimous consent that at 3 o'clock this afternoon we may consider House bills on the Calendar.

Mr. ALDRICH. The Senator means unobjected cases.

Mr. ALLEN. I object, Mr. President.

Mr. CULLOM. I object to that.

Mr. PLATT. I should like to have my request submitted to the Senate.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Connecticut that at 3 o'clock this afternoon the Calendar of House bills be called. Is there objection?

Mr. ALLEN. I object.

Mr. PLATT. I am requested by various Senators to say unobjected cases.

The VICE-PRESIDENT. Is there objection?

Mr. FAULKNER. I simply desire to say that I shall object to that request until after the two remaining appropriation bills have been passed. As soon as they shall have been passed—which I hope may be by 3 o'clock, if we continue with the fortifications bill now before us, and follow that with the deficiency bill—I think we shall have plenty of time to go to the Calendar of unobjected House bills. Personally, I am earnestly in favor of the request of the Senator, but I shall object to any unanimous consent being granted until the appropriation bills are put into conference.

Mr. PLATT. But, Mr. President, the Senator from New Hampshire [Mr. CHANDLER] got unanimous consent of the Senate that at 1 o'clock a bill of his might be taken up, and here comes the Senator from Illinois [Mr. CULLOM], a member of the Committee on Appropriations, and gives notice that as soon as the fortifications appropriation bill is passed he will move to take up his bill. While I am in favor of his bill and want it to pass, I do not think that consent should be given now. It is utterly indifferent to me what is done so that we all have the same privileges here with regard to House bills.

Mr. CULLOM. I want to say a word. I am perfectly willing that the unobjected cases, the bills which are not opposed, shall pass; but I am unwilling that this session shall go by without any effort, and that bills shall be permitted to fail which are much more important than the bills to which there is no objection, which are generally little bills of no particular consequence to the country one way or another.

Mr. PLATT. I have several bills here of a public character and of great public interest; I do not think there will be any objection to them; but we can not get an opportunity to have them considered.

Mr. CULLOM. I merely desire to say that while I do not intend to interfere with appropriation bills, I do intend, if I can get the floor, to move to take up the bill to which I have referred at some future time.

Mr. PLATT. That is right. I will withdraw my request, Mr. President, and submit it in this form, that as soon as the two appropriation bills still unconsidered are disposed of by the Senate, we shall set apart a time for the consideration of unobjected House bills upon the Calendar.

Mr. FAULKNER. There is no objection to that.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Connecticut that as soon as the two remaining appropriation bills have been disposed of, the unobjected cases upon the Calendar may be taken up as indicated.

Mr. FRYE. Not to interfere with conference reports.

Mr. PLATT. Of course not; they can not do so.

The VICE-PRESIDENT. Is there objection to the request?

Mr. NELSON. If the bankruptcy bill may be included in that consent for consideration, I will agree so far as I am concerned; otherwise I shall not.

The VICE-PRESIDENT. Does the Chair understand the Senator to object?

Mr. FAULKNER. I will state to the Senator that we probably can get through with the unobjected House bills in from an hour to two hours, and the adoption of that course would facilitate the taking up of the bankruptcy bill as the unfinished business.

Mr. NELSON. Very well. On that statement, I do not object.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Connecticut, and it is agreed to.

Mr. ALDRICH. There is no question, then, that the understanding applies only to unobjected House bills upon the Calendar?

The VICE-PRESIDENT. The Chair so understands.

Mr. PERKINS. I hope we shall now proceed with the consideration of the appropriation bill.

INVESTIGATION OF BOND SALES.

Mr. PEFFER. I ask that the resolution I offered Saturday morning may be laid before the Senate, that I may ask to have it adopted.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from Kansas, which will be read.

The Secretary read the resolution submitted by Mr. PEFFER February 27, 1897, as follows:

Resolved by the Senate, That the Committee on Finance be, and it is hereby, instructed to report to the Senate during the present session of Congress what action the said committee has taken in the matter of the investigation under the resolution adopted at the last session of Congress directing an investigation of bond sales by the Secretary of the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HILL. What is the resolution, Mr. President?

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution.

Mr. MORRILL. Mr. President, I regret to say that the chairman of the subcommittee on that subject, the Senator from Tennessee [Mr. HARRIS], is ill and not able to be present. Therefore, I doubt whether it will be possible for the committee to make any report at this session.

Mr. ALDRICH. Mr. President, is the resolution before the Senate by unanimous consent?

The VICE-PRESIDENT. The resolution of the Senator from Kansas comes over as part of the morning business, and was laid before the Senate.

Mr. ALDRICH. How did it happen to get here at this particular time?

The VICE-PRESIDENT. The Senator from Kansas asked that it might be laid before the Senate.

Mr. ALDRICH. It is a matter of public notoriety with which everyone is familiar as to just what the Committee on Finance has done with that resolution, which was offered originally by the Senator from Kansas. A subcommittee of the Committee on Finance was appointed, of which the Senator from Tennessee [Mr. HARRIS] was chairman. That committee investigated the subject at great length, and the testimony taken by the committee is in print. The subcommittee, however, up to this time, has not agreed upon a report, and in the absence of the Senator from Tennessee, it will probably be impossible for that subcommittee to report at this session, and I may add his absence under circumstances which I am sure every Senator regrets.

Mr. PEFFER. If the Senator from Rhode Island will pardon me a moment, the Senator from Missouri [Mr. VEST] who is now present had charge of the examination during the sessions of that subcommittee, and I think that possibly he can make a statement before the Senate which will be entirely satisfactory to me and to the country.

Mr. ALDRICH. It seems to me there is no necessity for passing any formal resolution upon the subject. The facts are very well known.

Mr. PEFFER. I do not care about a report, but I should like a statement of the facts.

Mr. BATE. I simply desire to say in connection with one thing which has been said as to the absence of my colleague [Mr. HARRIS], that he is sick and utterly unable to be here, nor do I know when he will be able to be here.

Mr. PERKINS. I hope we shall now proceed with the regular order.

Mr. VEST. Will the Senator permit me to make a brief statement in regard to this matter?

Mr. PERKINS. Certainly.

Mr. VEST. Mr. President, the Committee on Finance appointed a subcommittee consisting of five Senators, and the Senator from Tennessee [Mr. HARRIS] was chairman of that subcommittee. After having previously examined the Secretary of the Treasury and the Assistant Secretary of the Treasury in Washington, the subcommittee proceeded to New York and examined Mr. Pierpont Morgan and others in that city. That testimony has been published; it is in a public document and accessible to every Senator. The document contains a full account and report of all the proceedings.

The Committee on Finance were ordered to inquire as to the disposition of the bonds which were purchased by certain persons in the city of New York, to whom they were sold, and what profit was made. We endeavored to comply with the instructions of the Senate, and put the necessary questions to Mr. Morgan and Mr. Belmont, representing the purchasing syndicate, as to the profit they had made and the persons to whom they had sold those bonds. They declined to answer those questions, and we were unable to force an answer, the statute in regard to recalcitrant witnesses before Congressional committees applying alone to the District of Columbia, and, as we were conducting the examination in New York, there was no remedy left for us except to return and report the refusal of those witnesses to answer those questions, one of the questions being clearly legitimate and within the province of the Senate to put.

The subcommittee returned to Washington City, reported to the full committee, and the question as to what should be done in [illegible]gard to the refusal of those witnesses to answer is now pendi[illegible]. The Senator from Tennessee, the chairman of the subcomm[illegible], appointed the Senator from Connecticut [Mr. PLATT] and [illegible] members of a subcommittee to draw up a report, b[illegible]manifestly impossible to draw anything like a complet[illegible] a fair report until the matter was disposed of as to w[illegible]ther these men should be made to answer those questions or not.

The only course open to us in the event of their refusal—and they did refuse—was to pursue the same course which the committee did in regard to the sugar investigation, report a refusal to the Senate, and then make a report by the Senate to the district attorney of the District of Columbia, who is required by law to place the facts before the grand jury, and, if an indictment is then found, criminal proceedings can be had under the statute in force in this District. But as to what the Senate committee has done, a full and complete report is found in the document to which I refer.

Mr. ALLEN. I wish to ask the Senator why those witnesses were not reported to the Senate and arraigned at the bar of the Senate?

Mr. VEST. We reported to the Finance Committee and asked for the action of the majority of the full committee upon that subject.

Mr. ALLEN. There can be no question of the power of the

Senate to arraign those parties for contempt and punish them for contempt.

Mr. VEST. Well, Mr. President, that is a question about which very good lawyers differ. I myself think the Senate has that right, but very good lawyers think not, because there is a specific statute on the subject, to which I have referred, and under which the Senate has heretofore proceeded.

Mr. ALLEN. The Senate has exercised that power heretofore.

Mr. VEST. The Senate has never exercised the power since I have been here of calling witnesses before the bar of the Senate. The House of Representatives did that in the Kilbourn case, and imprisoned Kilbourn, and it cost us about $75,000 to pay for that little experiment.

Mr. ALLEN. The power of arraignment is incident to the power to investigate.

Mr. VEST. That is a question. We have a statute, and we proceeded under it in the sugar investigation—the Senator from Nebraska was a member of that committee—and when witnesses in that case refused to answer, the Senator from Delaware [Mr. GRAY] reported the facts to the Senate, and the Senate provided that the facts should be certified to the district attorney of this District. That was done; and then, under the statute, he laid this report before the grand jury, indictments were found, one of the defendants has been convicted, and the proceedings against the others are now pending.

Mr. STEWART. Did the committee take into consideration the propriety of summoning those witnesses to Washington and putting the questions here?

Mr. VEST. We did, and I advocated that course. However, I shall not state what occurred in committee.

Mr. ALDRICH. So long as the Senator from Missouri has made a partial statement of what the subcommittee stated to the full committee, I think he ought to say, in justice to the full committee, that the subcommittee stated that they were not able to agree upon any recommendation as to what course should be taken.

Mr. VEST. That is true. The subcommittee was divided in opinion. Some of us were of opinion that these witnesses should be brought to Washington City and indicted under this statute if they refused to answer. Other members of the subcommittee, possibly a majority, thought that the matter ought to be dropped.

Mr. HILL. Will the Senator allow me a moment?

Mr. VEST. Certainly.

Mr. HILL. Right in the same connection. I desire to ask whether it is true that all other questions were fully answered except those in regard to what had occurred in the disposition of the bonds?

Mr. VEST. That question was the salient point in the whole case. When we came to the question, "What profit have you made?"—I believe I put the question to Mr. Belmont and Mr. Morgan—"What profit have you made upon the sale of those bonds?" they both peremptorily declined to answer. I then put the other questions directed to be put by the Senate, "To whom did you sell those bonds?" and they replied, "We decline to answer."

Mr. HILL. The Senator from Missouri has not answered my question except inferentially.

Mr. VEST. The other questions were answered.

Mr. HILL. All the other portions of inquiries were answered?

Mr. VEST. All the other portions of the inquiry were answered, and the printed document shows the questions and the replies.

Mr. PEFFER. The Senator, I think, is mistaken as to the number of copies of this statement or partial report which have been printed. I tried to get a copy at the document room, and was informed that there were none there. I finally sent to the Committee on Finance, and was there informed that but a few copies had been printed, and those for the use of the committee.

Mr. VEST. We ordered the usual number printed, and I supposed they had been printed.

Mr. PEFFER. I ask unanimous consent that the usual number of copies of this report be printed for the use of the Senate as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. ALDRICH. There is no report; only the testimony.

Mr. PEFFER. Whatever it is.

Mr. HILL. Will the Senator from Missouri indulge me?

Mr. VEST. Certainly.

Mr. HILL. I was one of the few members of the Senate who opposed this investigation. I did not believe then that it would be productive of any beneficial or other results. I believed that it would result substantially as it has resulted, in a mere farce.

I recollect in the discussion had upon that question that I made the statement that it was not within the power of this committee to compel witnesses to disclose any private transactions in regard to the disposition of the bonds after they had purchased them from the Government. Congress had a perfect right to investigate everything concerning the bond sale, the advertisements, the negotiations; everything that led up to it; but when the bonds were sold and the sale itself had been consummated, and parties had purchased the bonds and they had become their private property, neither Congress nor a legislative committee had any power under the Constitution or laws of our country to inquire into the private affairs of a citizen.

Mr. VEST. Will my friend from New York permit me to put one question to him?

Mr. HILL. Yes.

Mr. VEST. Does he not think the Congress of the United States, or either branch of it, has the right to inquire of men who have purchased the bonds of the Government whether they have disposed of them to officials of the Government or to national banks, which are the fiduciary agencies of the Government?

Mr. HILL. If there is any charge against any official of the Government, involving a Department of the Government, that is an entirely different thing; but it was contended here—and I disputed the proposition in several hours' debate—that you could inquire into the disposition of bonds after they were sold, there being no charge against any official, because that was stricken out of the resolution itself before the debate was closed, and it was a mere fishing investigation from the beginning to the end.

Mr. President, this investigation closed about last August or September, in ample time to bring the witnesses here, in ample time to summon them to the bar of this Senate, in ample time to proceed against them in any way possible, if there had been any desire to do so.

I do not desire to cast any reflection upon the committee. The committee have accepted the trust reposed in them, and were, of course, obliged to proceed under the resolution as best they could. I simply now, not having intended to allude to it before, wish to say that I thought at the time the resolution was pending that it was too broad. I thought then the resolution was simply a waste of time; that it would be a mere farce; that nothing would be disclosed against any official of the Government, nothing would be disclosed against any of the banks of the country, and nothing would be disclosed against the men who have purchased the bonds. There was not a scintilla of evidence to invalidate the bond sale or to cast suspicion in any manner whatever upon it.

The only question now left is, Have the committee a right to ask as to the purchase of the bonds, to whom they were sold, to what banks, to what institutions, to what widows or orphans, or anybody else? That, I say, they can not do. They have no constitutional power to inquire, and I state that my belief is that the committee are pretty well satisfied that they had no such power; and this investigation talked of so loudly at the time it was ordered has resulted, as have all such investigations undertaken by Congress without authority in the past, in a mere farce.

Mr. PERKINS. I call for the regular order, Mr. President.

Mr. STEWART, Mr. PLATT, and other Senators addressed the Chair.

The VICE-PRESIDENT. Objection being interposed to further debate, the Chair, under the vote of the Senate, will lay before the Senate the regular order, which is House bill 10288.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. STEWART. I take the floor on the regular order, then, Mr. President.

Mr. PERKINS. Mr. President——

Mr. STEWART. I have the floor on the pending order.

Mr. PERKINS. I desire to move that the first formal reading of the fortifications appropriation bill be dispensed with, and that the amendments proposed by the committee be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Chair will state, in the absence of objection, that that will be taken as the order of the Senate. The Senator from Nevada [Mr. STEWART] addressed the Chair.

Mr. STEWART. Mr. President——

The VICE-PRESIDENT. The Senator is recognized.

Mr. STEWART. Sixty-two millions of bonds were sold at private sale for 4½ per cent premium at a time when there had been no like bonds ever sold for a premium of less than 1 per cent for each year they had to run. These bonds had thirty years to run. No United States 4 per cent bonds had ever before been sold for less than 1 per cent for each year that would elapse before they became due. The bond sale to which the resolution of the Senator from Kansas [Mr. PEFFER] refers was a private sale, and it has been admitted on all hands that there was a large profit in the transaction to somebody. I believe it is conceded that there was at least $10,000,000 realized. The Senate appointed a committee to investigate this transaction, which was not a private transaction, for it affected the Government of the United States and the administration of the law. That committee went to New York

and called before it Mr. Morgan and Mr. Belmont. I was present at the hearing. Those gentlemen refused peremptorily to make any disclosures which would show the profit or to whom the money was paid. Although the Senate had ordered this investigation, they refused to answer.

I simply rose to say that I regret that the Committee on Finance, when the matter was reported to that committee, did not take such action as would vindicate the authority of the Senate. I regret that they did not call those witnesses to Washington, and let them refuse to testify here, and thus give the Senate an opportunity to carry out its purpose. Of course if the Senate will allow itself to be defied in that manner, all investigations will become a farce.

I regret that such a precedent should be established in this case. It seems to me it is lowering the dignity and authority of the Senate to allow men, because they are rich and powerful, to defy the order of the Senate and refuse to testify, when we are in the habit of making other men who have not that influence submit to examination here. It is very unfortunate that we should make an exception in the case of the rich and powerful, and that it should be urged against the Senate every time an investigation is proposed. The precedent is a bad one and puts the Senate in a bad light.

I regret that the Finance Committee did not find time in the long space that has elapsed to take proper action to put the Senate in its proper position and let the Senate judge whether those men should answer or not, and let it decide deliberately. Let us maintain this power. If we do not have the power, let the Senate so decide; but to order an investigation and then allow the power of the Senate to be defied, it seems to me, is setting a bad example; it is a bad precedent, and I am sorry for it.

Mr. HOAR. I desire to say that while I do not often agree with the Senator from Nevada, I entirely concur in every word he has said.

The VICE-PRESIDENT. The bill will be read for action on the amendments of the Committee on Appropriations.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 3, after the word "money," to strike out "except that already authorized;" and in line 5, after the word "fortifications," to insert "except that already authorized;" so as to make the clause read:

> That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, except that already authorized, the Secretary of War shall report to Congress on or before December 6, 1897, the most practicable and economical plan for the care and preservation of the fortifications and their armament, said plans to be based upon the authorized strength of the artillery force of the Army.

The amendment was agreed to.

The next amendment was, on page 3, line 15, before the word "thousand," to strike out "fifty-four" and insert "forty-six;" so as to make the clause read:

> For purchase or manufacture of carriages for coast-defense guns of 8, 10, and 12 inch calibers, $146,000.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the word "dollars," to insert the following proviso:

> *Provided*, That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding 22 cents per pound.

The amendment was agreed to.

The next amendment was, on page 5, line 8, to increase the appropriation for powders and projectiles, for a reserved supply for armament of fortifications, from $169,868 to $269,868.

The amendment was agreed to.

The next amendment was, on page 6, line 2, to increase the appropriation for coast-defense guns of 8, 10, and 12 inch caliber manufactured by contract under the provisions of the fortifications acts of August 18, 1890, and February 24, 1891, from $156,184 to $500,000.

Mr. QUAY. That ought to be $600,000, as the Senator from California knows.

Mr. PERKINS. I will accept, on behalf of the committee, $600,000 instead of $500,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment, to insert "six hundred thousand dollars" in lieu of "five hundred thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 7, to insert:

> For the purchase of machine guns of approved musket caliber, of American manufacture, $20,000.

The amendment was agreed to.

The next amendment was, on page 7, line 20, to increase the appropriation for the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground, Sandy Hook, New Jersey, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, from $8,000 to $16,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. Mr. President, I desire to submit a few remarks upon this general subject.

The Congress of the United States for the last ten or twelve years has been what may be called liberal; that is to say, it has been just and enterprising in the matter of fortifications and their armament. Twenty-six million dollars have been appropriated, about $12,000,000 of which have gone to guns and gun carriages, and yet, notwithstanding that, not one single artillery soldier has been added to the Army.

We have put in one place, for example, guns and carriages costing several hundred thousand dollars. The two big 12-inch rifles are lifted by hydraulic apparatus, and there is not an artillery soldier at Sandy Hook, and not only no one to operate the guns, but there is no one to keep the rust from this costly apparatus.

We are talking a great deal about war nowadays; talking lightly, as if we could strike out at any minute. It is said, "Have we not nine or ten millions of men capable of bearing arms?" Of course we have. But suppose you march a hundred thousand of them down on the beach; of what use would they be? They could not work the guns; they would probably spoil them. Such a general levy of the militia would be what Wellington called simply meat for cannon.

We have stations all around the coast liable to be attacked. Guns are lying in some places all ready to be mounted. We have nobody to guard them—no garrison—for the artillery force is limited. There are new batteries being constructed at Portland, Me. I believe there is a company there. I believe there is one company in Portsmouth. At Grover Cliff, on the north side of Boston Harbor, work is going on, but there are no soldiers there. At the western end of Long Island Sound, in the Fort Schuyler and the region thereabout, there are five different posts with but a company each; yet there are to be great batteries there.

At Sandy Hook, now called Fort Hancock, many guns are lying there waiting to be tested. There are the two splendid 12-inch rifles of which I have spoken, already mounted, and 16 mortars, in groups of four, according to the plan, in the great mortar pit. Nobody is being taught how to use them, [illegible] nobody is there to protect them. At Finns Point and Fort D[illegible]ware—this is to provide for the defense of Philadelphia—there are [illegible] troops, I think.

At Wilmington, N. C., works are going on. The [illegible] at Sandy Hook, waiting to go down to Wilmington. At Charleston, S. C., the work of building the fortifications is going on rapidly. They are working hard. At Savannah, Ga., they are working. I believe there are some guns there, but nothing is being done with them. At Fort Clinch there is no garrison, and nothing is going on at all. In Mobile, Ala., they are working day and night. The guns are ready, but there are no soldiers to learn how to work or even guard them. At Galveston, Tex., somewhat the same condition prevails. At San Diego, Cal., work is going on. There are no guns there yet, but there will be before long.

At Lime Point, San Francisco, they are working on both sides of the Golden Gate. Guns are waiting, but there are no artillery troops at that point. There are some at Fort Alcatraz. At Puget Sound, Washington, guns are waiting to be mounted. They have three posts there, but no artillery soldiers. Wilsons Point, Admiralty Head, and Marrowstone Point are each to have two batteries.

In short, while the work of building fortifications and of building costly and splendid guns with their heavy carriages is being very handsomely provided for, the Army is unable to have men to guard or drill.

Mr. STEWART. Will the Senator allow me to ask him a question for information?

Mr. HAWLEY. Certainly.

Mr. STEWART. Our Army consists of 25,000 men?

Mr. HAWLEY. Nominally 25,000 men.

Mr. STEWART. Where are they located?

Mr. HAWLEY. I do not know that I have information. I am afraid I have mislaid, very much to my disgust, the paper which gives the station of every single artilleryman in the country. They are distributed at forts where there are guns. It is a small number comparatively. There are, perhaps, 10,000 or 12,000 infantry out of the whole number who are what may be called mobile forces. There is no use putting infantry at these places unless you convert them into artillerymen, and it is just as well to have artillerymen enlisted in the first place. In short, the General of the Army, the Chief of Ordnance, the Secretary of War, and all familiar with such matters, desire an addition to the artillery force. To work the modern high-powered gun is a trade.

Mr. STEWART. Are they not enlisting men now? Do they not enlist artillerymen?

Mr. HAWLEY. They are enlisting from time to time to fill vacancies, but are not allowed to go above the total allowed to four regiments. They actually need two additional regiments, that is, 1,610 men. I do not make any motion to increase the Army, though we have a bill here for that purpose. I have been unable to get consideration for it. We have but slowly won friendship for it.

Mr. STEWART. Why would not an amendment not increasing the Army, but allowing an increase of artillerymen, answer the purpose? Would not that do instead of enlisting infantry men?

Mr. HAWLEY. I think the infantry are needed for various posts where they are stationed. That is the judgment of the men who study these questions much more than we do in the Senate.

But I have done what I proposed to do. I have called attention to the lamentably undefended condition of our coasts in general. The big lift at Sandy Hook gives almost as much trouble and requires as much skill as is needed to run a goodly steamboat.

If the Senators desire to pursue this subject further, let them examine into it, and they will see in what an utterly lamentable condition we are under present legislation, with splendid guns and fortifications, but no skilled men to operate them, open to attack at ten or twenty places, without even a little artillery company of forty.

Mr. PERKINS. I desire to ask my friend the Senator from Connecticut if the Committee on Military Affairs have made any specific recommendation?

Mr. HAWLEY. A specific recommendation is here in the shape of a bill to authorize the enlistment of 1,610 artillerymen, forming a new artillery regiment. It has not been acted upon. I have had no opportunity or chance to get consideration for it. I have endeavored to do so, but I have made up my mind, it being so late in the session, that inasmuch as the bill would give rise to discussion, I might as well let it go over.

I make no motion, Mr. President. I only wanted to state the condition.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill may be dispensed with, and that the committee amendments may be considered and acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

Mr. QUAY. Will not the Senator from Maine yield to me to secure the passage of the bridge bill which I have been trying to get up all the morning. It will occupy but five minutes.

Mr. SQUIRE. After the deficiency bill is disposed of.

Mr. QUAY. It will create no discussion.

Mr. HALE. I understand an agreement has been made that those bills shall be taken up after the deficiency bill is concluded.

Mr. QUAY. I did not so understand.

Mr. HALE. The Senator sees the importance of getting through with the pending bill.

Mr. QUAY. I was not here when the agreement was made. Of course I withdraw the request.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 20, to increase the appropriation for contingent expenses of United States consulates for the fiscal year 1896 from $14,433.90 to $16,325.18.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

International Exhibition at Brussels: For additional amount to enable the Government to take official part in the International Exhibition to be held at Brussels, Belgium, during the year 1897, $30,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Legation to Spain: For clerk hire at legation to Spain, fiscal year 1896, $1,200.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert:

Payment to Samuel C. Reid: The Secretary of State be, and he is hereby, authorized and directed to pay over to Samuel C. Reid, his heirs, executors, administrators, and assigns the full amount of the unexpended balance ($16,194.53) yet remaining of the $70,739 appropriated by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the U. S. brig *General Armstrong*.

Mr. ALDRICH. I wish the Senator in charge of the bill would give us some explanation of this item. It seems to me to be a private claim, pure and simple, and I hardly see any excuse for its being upon this bill.

Mr. HALE. I will state to the Senate what it may as well understand now, that the committee for years has endeavored to enforce the proposition of putting no claims upon the deficiency appropriation bill. It has, after repeated contests, been defeated in that effort, and the Senate has by its decisions always declared certain claims in order and put them upon the bill. They have put upon the bill, as amendments, such items as had already passed the Senate, bills reported from the committees having jurisdiction. The committee this year has taken from the large number of bills of this kind good claims, reported duly, with exhaustive reports showing their equities and showing that the Government owes the money, and has put on this bill all those that were put on last year and rejected, and those that have passed this year after having been reported by committees; and this is one of them. It is hardly a claim in the sense of the appropriation of money, because it simply directs the Secretary of State to pay over the balance of a fund that has already been appropriated. We looked at it carefully. I have no doubt that the Secretary of State ought to have directed, under the law already passed, the payment of this money; but some technical objection was made to the effect that the vouchers were not sufficient. I think that was a wrong decision.

What I have said applies rather to certain other claims that will be reached than to the pending amendment.

Mr. GRAY. This amendment takes no money out of the Treasury?

Mr. HALE. There is no money appropriated. It is a simple direction to pay the balance. It is just as good a case against the Government. There is not any matter that has been put on by the committee that is not a good case. The committee concluded this year to adopt that method of getting rid of these matters, which if they were not put on the bill in committee would be put on it in the Senate.

Mr. BLANCHARD. I wish to ask the Senator from Maine a question. I ask him to explain how it is that the amendment directs this amount, $16,194.53, to be paid to Samuel C. Reid, his heirs, executors, administrators, and assigns, when the act of May 1, 1882, directed the money to be paid to the captain, owners, officers, and crew of the U. S. brig *General Armstrong*? Is the remainder of the money due entirely to Samuel C. Reid?

Mr. HALE. It is.

Mr. BLANCHARD. Is it true, then, that the owners, officers, and crew have received their full quota from the first appropriation?

Mr. HALE. Yes; there are no claimants against this balance. All of the rest has been paid.

Mr. ALDRICH. I assume that this money would have been paid under the original act if the beneficiary named here, or his heirs and assigns, were entitled to receive it. I assume that this is to cure some defect in the existing law, by which $16,000 is to be taken out of the Treasury.

The Senator from Maine knows as well as I do the danger of putting private claims upon this bill. The Senator says that the committee have undertaken to discriminate between claims and have put certain good claims upon the bill. It seems to me that when the Committee on Appropriations undertakes, in violation of the rules of the Senate, to discriminate as to the private claims that are pending before Congress——

Mr. HALE. Mr. President, the Senate committee has not done much discrimination. It has taken all of these items that are subject to the rule I have mentioned and has put them on. The Senate of course can knock them all off, and that will be a guidance to the committee in the future; but the committee in the course it has pursued heretofore of not putting on any has been overruled in the Senate and the Senate has put them on. They are perfectly good cases against the Government, and rather than to go over the same ground this year the committee, not discriminating, has taken up this whole collection and has put on, I think, every item that had been examined and was admissible under the rules that have been established by the Senate.

Mr. ALDRICH. Will the Senator inform the Senate what is the aggregate amount of the claims?

Mr. HALE. The amount is not very large compared with many items in the bill—between three hundred and four hundred thousand dollars.

Mr. ALDRICH. In all?

Mr. HALE. In all.

Mr. ALDRICH. I ask the Senator from Maine to allow this particular clause to go over.

Mr. HALE. I think we may as well dispose of it, because these items occur right along through the bill at different points.

Mr. ALDRICH. I ask it in order that they may be taken up at some time in the course of this discussion and treated together. I know there are people constantly applying to me who desire to have their claims put upon appropriation bills, and if this door is to be opened I desire in justice to some of my constituents to offer amendments of the same character.

Mr. HALE. The Senator will have to put his claims into the same category with those the committee has adopted.

Mr. ALDRICH. What is the category of the committee?

Mr. HALE. For instance, that the full Senate has passed a bill for the purpose.

Mr. ALDRICH. Certainly that does not make them in order.

Mr. HALE. The Senate has decided already that it does make them in order.

Mr. ALDRICH. I think not.

Mr. HALE. The committee made the point at the last session and was overruled. The Senate put on nearly a dozen on the ground that the Senate had already passed bills to pay the claims.

Mr. ALDRICH. The last clause of Rule XVI, applying to private land claims, is clear, definite, and distinct.

Mr. HALE. Undoubtedly; but the Senate has a right——

Mr. ALDRICH. And no decision of the Senate upon a single case can establish any variation of that rule.

Mr. HALE. The Senator can make his point if he chooses. I am entirely willing that he should do so, and then the Senate will settle the whole business.

Mr. ALDRICH. I should be very glad to have the matters that are alike go over, and have the question decided once for all.

Mr. HALE. There is not much point in their going over, because it is about the only controversy there is on the bill, and they are put in in different parts of the bill, as they apply to the different Departments. So you can not consider them all together. I have no objection to the Senator making his point of order.

Mr. JONES of Arkansas. I should like to ask a question of the Senator from Maine. I understand an appropriation of $77,000 was made, of which an unexpended balance of $16,000 is remaining. I understand that amount was appropriated and paid to Samuel C. Reid and his heirs, and the beneficiaries of the appropriation have been paid except $16,000, and that on account of a technicality it has not been paid; so that the effect of the amendment is simply to make operative an appropriation that has been made of this money to a man to whom it is due beyond any dispute. It seems to me if that is true the Senate will not stickle on a fine point of order about paying a matter of that sort.

Mr. ALDRICH. The statement made by the Senator from Arkansas can not be absolutely accurate, because the bill as originally passed provided for the judgment of a certain sum for the relief of the captain, owners, officers, and crew of the U. S. brig *General Armstrong*. Now, Mr. Samuel C. Reid, whom I remember very well, could not have been the captain and the owners and officers and crew of the brig *General Armstrong*.

Mr. JONES of Arkansas. He was captain.

Mr. ALDRICH. He might have been captain and owner, but certainly could not have been officers and crew, as distinguished from captain and owners.

Mr. FAULKNER. Have all the other claimants been paid?

Mr. ALDRICH. No one knows whether they have been paid or not. There is no information before the Senate. I will not make a point of order at this stage. I will investigate this case at such time as I may have at my disposal between now and the time the bill reaches the Senate, and reserve the point of order.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment is to be passed over, the Chair understands.

Mr. HALE. There are no contested items on the bill except in these matters, and I would rather have them settled as we go on. If the Senator from Rhode Island makes his point of order, I would rather have it settled now.

Mr. ALDRICH. I will not make any point of order now; I will make it when the bill is in the Senate, if I choose to make it.

Mr. HALE. All right.

Mr. HAWLEY. We have had the matter up in the Senate. We passed the bill. It was thoroughly discussed. I took pains to ask particularly whether any of the outstanding claims were still out, whether the whole had been disposed of except this balance, and I am assured that it is so. I hesitated about it, but am told it is so beyond all question. I believe the balance belongs lawfully to the existing Mr. Reid, who is pursuing this matter, and has pursued it for a great many years. Now he is within an inch of getting final justice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. ALDRICH. I have no objection to agreeing to the amendment now. If I should be inclined to make the point of order, I shall make it when the bill is in the Senate.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

Spanish and American Claims Commission: To enable the Secretary of State to distribute and pay to the claimants, respectively, the sums due them upon a balance of net increment received by the United States, amounting in all to the sum of $14,485.50, which sum remains unpaid upon said claims, as they were ascertained and allowed by the Spanish and American Claims Commission, which claims are stated and the sum of money due upon each of them is ascertained and stated in Exhibit B, accompanying the message of the President to the Senate of the United States dated February 27, 1888, and published in Senate Executive Document No. 93, Fiftieth Congress, first session, $14,485.50.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

Payment to Thomas E. Heenan: To pay Thomas E. Heenan balance of salary due him as United States consul at Odessa, Russia, for the period extending from March 21, 1882, to September 30, 1882, $308.99.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to insert:

Payment to master of Swedish bark *Adele*: For payment to the Government of Norway and Sweden, to reimburse T. Pearson, master of the Swedish bark *Adele*, costs and expenses incurred by him in proceedings connected with his imprisonment by a State court, contrary to Article XIII of the treaty of 1827 with Sweden and Norway, $295.64.

The reading of the bill was continued to line 18, on page 6.

INTERNATIONAL MONETARY CONFERENCE.

The PRESIDING OFFICER (at 1 o'clock p. m.). The Secretary will suspend. By an order of the Senate, at this hour the Senator from New Hampshire [Mr. CHANDLER] obtained unanimous consent to call up a bill, which will be stated.

The SECRETARY. A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

Mr. CHANDLER. The House amendments have been read. They are intended to carry out and facilitate the original object of the bill, and they are not objectionable to the friends of the measure. I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on concurring in the amendments made by the House of Representatives to the bill.

Mr. CHANDLER. I understand that Senators wish to speak on the pending question. They will now have an opportunity to be heard.

Mr. DUBOIS. Mr. President, I feel constrained to say a few words on this amendment and in regard to this bill, for the same reason that I have been constrained at many other times to address the Senate. My people are very much interested in the subject-matter of this bill, and while I know time is very precious, I think the Senate will bear me out in this, that during the six years which I have been here, while I have occupied your attention sometimes in long speeches, at others in short, I have scarcely ever claimed your attention except when the interests of my State and my people were at stake. When I conceived that their interests demanded an advocate, I never hesitated to appear as their spokesman here.

We are a young and a new community. Our relations with the Federal Government are hardly yet established. We have our land, our Indian, our irrigation, postal, and other matters which demand our attention, and it has been upon those questions mostly, and upon questions affecting the entire country as well as my own State, in relation to the financial issue, that I have occupied your time. Sometimes I may have appeared dogmatic, and even dictatorial, but you know that nothing actuated me except a sincere desire to do the best for a people who had honored me with a seat in this Chamber. I say now I would not proceed were it not that my people are so much interested in the subject-matter under discussion. I can say, perhaps, for the delight of some Senators, that hereafter you will not be bothered much for some years to come, at any rate, from my State on this floor.

To return to the question at hand. This whole bill seems to me to be a political proposition more than anything else. All admit that nothing can be done in relation to an international conference unless England consents to it. England demonetized silver in 1816 because at that time she was the great creditor nation of the world. She desired to make money dearer. It is a law of economy which no one disputes that supply and demand regulate the value of money as well as of everything else; and the less money there is the dearer it becomes, and in consequence the great creditor nation of England was wise when it demonetized silver. She struggled after that for years to induce the other great nations of the world to follow her example, and in 1873 she practically succeeded, because then the United States and Germany discarded silver.

Does anyone think for a moment that England will enter into an international conference which will restore silver as basic money? You know that she will not. The Republican party knew when they put that in their platform at St. Louis that England would not consent. They did not intend to restore silver when they put that declaration in their platform. I was there. I was upon the committee on resolutions. They accorded to us one representative, in the person of the distinguished Senator from Colorado [Mr. Teller], on the subcommittee. He presented, in behalf of the bimetallists of this country, one proposition after another. They were all voted down with sneers; and finally, to ease up the political situation in the Middle West, they put in the clause that the Republican party would promote an international conference. The men who put that in the platform at St. Louis knew it meant nothing. They intend to hold us to the single gold standard if they can.

I shall vote for this bill. I hope it will accomplish something. I trust that your efforts may, in spite of you, result in something. You will get the most cordial support in this Chamber at all times from the bimetallists to make any effort which you desire in behalf of silver; but we wish it distinctly understood that we have no faith in your honesty of purpose, and that you do not intend and will not accomplish anything by it. In two years from now I can recall this prophecy and you will admit that I am at this time absolutely correct.

Mr. ALLEN. Will the Senator from Idaho permit me to call his attention to an important matter in this connection?

Mr. DUBOIS. I shall be very glad to have the Senator do so.

Mr. ALLEN. It was reported in the press dispatches at the time that the financial plank of the Republican party was wired to J. Pierpont Morgan, of New York; that he was asked to state whether it met his approval or not; and it was also reported that he wired back to the convention that it did meet his approval. Does the Senator know anything about that?

Mr. DUBOIS. I know nothing about that as a matter of fact. Those were the rumors at St. Louis at the time. But I do know that the plank was satisfactory to the most ardent supporters of the gold standard; and they said then, as their leading organs say now, that it means nothing. What I desire to do is to call attention to the fact that they are playing politics in this, and nothing else.

I received a letter a day or two ago, and I think I am at liberty to read part of it, leaving out some portions which are personal to myself. It is from a gentleman who is well known to a number of Senators in this Chamber, Mr. Moreton Frewen. It is dated the 7th day of February, and in it he says:

25 Chesham Place SW., *February 7, 1897.*

My Dear Senator Dubois: In the latest paper to reach me I read with the greatest regret that you have lost your reelection to the Senate from Idaho. I feared when I left America that it would be so, but you have been making so gallant a fight that the three weeks past it had looked to us over here that this further untoward incident of the campaign of 1896 would be spared us.

As to currency affairs on this side of the sea, you will before long get a report from Wolcott, who, after seeing all our people here, left for Paris a fortnight since, and is now in Berlin, I believe. Never have I known the movement for currency reform so apparently hopeless and headless as it is in England to-day. Even Balfour, who has hitherto inspired us with hope, seems to recognise that the opposition within the cabinet and in the city is quite invincible. The prospect of international action, as far as I can see, depends entirely on whether some country can be found brave enough to put its foot down. Now that our bankers and exporters no longer fear what they did fear, a gold premium in New York, they treat the entire question with ridicule. From your side of the sea, also, the news reaches England in all the same way. I was lunching yesterday with one of the cabinet, who had just received a letter from Smalley, the correspondent in New York of the London Times. Smalley asked my host whether he had seen Wolcott, and went on to add that his so-called mission had no significance whatsoever; that the gold standard had won the fight and had come to stay. And I have no doubt whatever that Smalley looks upon Wolcott's visit as mere politics. The fact is, times here are fairly good. We have been drawing in our loans from all over the world; the banks are consequently stuffed with currency; and in the city they have had a succession of mining booms, which employ a portion of the speculative wealth of the community and earn high rates of interest, to be, for the time, some set off for the very low loan rates. The extreme lowness of prices—that is to say, the great purchasing power of the sovereign here—this and the luxury of modern London is bringing millionaires to spend their money here from all parts of the world. As matters stand, nothing but fresh convulsions on the part of our debtors will rekindle the embers of the silver question. The only prospect, a prospect no one anywhere can desire, is that further disasters on your side may carry conviction to your people. I can not believe that any tariff amendments can bring you any prosperity while you are obliged to export to Europe in competition with the exports of all those nations in Asia and South America which are bonused by a gold premium in their ports of from 100 to 250 per cent premium on gold.

* * * * * * *

Believe me, dear Senator, sincerely yours,

MORETON FREWEN.

The only way, in my judgment, to reach an international agreement is for this great nation of ours to stand out as they did in 1776 and say, "We will regulate our own affairs." Whenever we do that, then, in my judgment, the European nations will sue for an international conference. If they did not do that, it is my opinion that they would lose the trade of the world, and when you strike their pocketbook you strike their patriotism. They will not, it seems to me, under any circumstances enter into an international conference which means the restoration of silver until they are absolutely compelled to do so.

This view of the case was what induced a number of Republicans to leave their party at St. Louis, and holding to these views is what induced us to issue an address a few days ago, which I will ask the Secretary to read.

The PRESIDING OFFICER. Does the Senator desire the paper to be read in full or to be printed in the Record?

Mr. DUBOIS. I desire it to be read.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

To the Silver Republicans of the United States:

There could not be a better illustration of the great law by which in free government the rise, progress, and decline of parties are determined than that afforded by recent and present political developments in the United States. Political parties are practical instruments for executing the will of the people in respect to principles and policies of government.

They, therefore, should represent and respond to public opinion in its attitude toward the problems which the experience of the nation from time to time brings forward for solution. It is not parties that make issues, but it is issues that make parties.

APPROACHING A SETTLEMENT.

For years events have been forcing upon the country, with ever-increasing definiteness and emphasis, the necessity of reform in our monetary system as respects both the coinage of the metallic money and the regulation and control of credit currency. Under stress of experience and consequent investigation, opinions have been gradually crystallizing. In this process the line of cleavage has paid little regard to previously existing party demarcations, and to-day the most careless observer can not fail to see that the genius of the nation is approaching a settlement of this momentous controversy through the agency of political instruments now being fashioned to its hand.

In the story of these formative events the so-called Silver Republicans have taken an important part and discharged a necessary function. In doing so they have not surrendered their conviction on certain other great principles of political economy and government, but they realize that these principles are not capable of successful application under the present monetary conditions. They believe, therefore, that the adequate treatment of all other issues must await the correct decision of the dominant one thus presented. In this spirit they cooperated with the organized forces of bimetallism in the last campaign. Every consideration of patriotism and expediency seems to counsel a continuation of that policy.

REPUBLICAN HISTORY.

Silver Republicans believe themselves to be in harmony with the original spirit of the old Republican party, and they claim a property in its great names and glorious traditions, justified by the splendid services and sanctified by the sacred memories of the time when that party embodied the aspirations and spoke the purposes of the great masses of the American people. That party was born in answer to the cry for a champion of liberty. Its early words were words of comfort and assurance to the oppressed. Its great deeds, by which it will hereafter live in history, were deeds of patriotism. Its policies professed above all things to hold dear the safety and welfare of the American people as against the rest of the world.

The Silver Republicans can not forget that history. They can not to-day follow those who have usurped the dominion of that party into a shameless abandonment of American interests and the tyranny of an alien money system. They believe that the duty of the hour demands that they maintain their identity and perfect their organization.

Circumstances have sometimes in the past thrust upon the undersigned responsibilities on behalf of Silver Republicans which, in the absence of formal organization, we have felt warranted in assuming. Recently, however, we have received a vast number of anxious inquiries from various parts of the country upon the question of party policy, and requesting us to give some definite direction thereto. These communications exhibit a surprising and gratifying unanimity in sentiment and plan.

APPEAL TO SILVER REPUBLICANS.

Responding to these earnest suggestions, and at the same time expressing our own deliberate opinion, we urge upon the Silver Republicans of the United States, and upon all citizens of whatsoever previous party association, who are willing to cooperate with us in political action, until the great monetary issue is settled, and settled right, that immediate steps be taken to perfect organizations in the various States and Territories, to the end that thereafter a national convention may be held for the purpose of making an authoritative pronouncement to the country and effecting a national organization.

As soon as possible each of the States and Territories should designate a member of the provisional national committee of the Silver Republican party, which committee will have charge of the calling of the national convention and of all matters preliminary thereto. Meantime we have taken the liberty of naming Mr. Charles A. Towne, of Minnesota, as chairman of said provisional national committee, whose official address for the present will be the city of Washington, and to whom all communications should be sent. The provisional national committee is hereby called to meet in executive session at the city of Chicago, at a place to be seasonably announced by the chairman, on Tuesday, the 8th day of June, 1897.

Signed at the city of Washington this 22d day of February, 1897, the anniversary of the birth of the "first American," whose life was a sublime example of patriotism, and whose precept, placing duty to country above and beyond all party obligation, is a deathless watchword of political liberty.

H. M. TELLER. JOHN P. JONES.
FRED T. DUBOIS. CHARLES A. TOWNE.
FRANK J. CANNON. CHARLES S. HARTMAN.
R. F. PETTIGREW. JOHN F. SHAFROTH.
LEE MANTLE. C. E. ALLEN.

Mr. DUBOIS. Mr. President, the adoption of the gold standard at St. Louis, as I said, was what impelled Republicans to leave that convention, and when they left it, the Republican party of the Pacific Coast walked out with them; when they left it, there went out with them from that convention Republicans from every voting precinct in the United States, and I say to my former political friends on this side of the Chamber that they have left you for good. You may not lay the flattering unction to your soul that they will come back. There will be ten of your party to join us where one of ours goes back to you so long as you adhere to the single gold standard, and you will fool nobody by your pretended international agreements; you will fool nobody any more by your misleading planks in platforms. You may cajole and corrupt a few by offices, for business opportunities are scarce, but you will not induce many to sacrifice their principles for place.

The issue is squarely joined in this country. It is squarely joined in this Chamber. You must meet it, and meet it fairly. When I say meet it fairly, I mean that you must declare for the free coinage of silver at the ratio of 16 to 1; that you must make gold and silver equal in the eye of the law, and open the mints to both of them without discrimination.

I trust that your forthcoming tariff bill may bring prosperity to this country, but it will not, in my judgment, and it can not so long as you adhere to the single gold standard. The rates of exchange are too great against you for any protective tariff to avail, and when your tariff fails, when prosperity does not come back, then you will be brought face to face with this question, and, in my judgment, it will crush you out as a party.

As I said a day or two ago in this Chamber, and as we said to you at St. Louis, the Republican party has written its last law on the statute books of this country by its own votes. You name a President for the last time. He can peddle out the post-offices, the marshalships, etc., and reward those who betrayed their people and sometimes their principles, but your effective force and power is gone. My remarks are qualified all the time with the statement that this condition is upon you and will remain with you unless you abandon the gold standard and shake loose the trusts and moneyed powers which now control your policies.

I shall not take up any more of the time of the Senate, Mr. President, for I know how precious it is in these closing hours of the session.

Mr. CANNON. Mr. President, I ask that the Secretary may read from the desk the House amendment to section 2 of the bill now under consideration.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary. The amendment of the House of Representatives is, on page 2, line 4, of the Senate bill, to insert the following:

And he is further authorized, if in his judgment the purpose specified in the first section hereof can thus be better attained, to appoint one or more special commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purpose specified in the first section hereof. And in case of such appointment so much of the appropriation herein made as shall be necessary shall be available for the proper expenses and compensation of such commissioners or envoys.

Mr. CANNON. Mr. President, the adoption of this amendment by the Senate of the United States under the statement made by the proponents of the bill will be an official confession of the absolute failure of the mission of the junior Senator from Colorado [Mr. Wolcott] to the nations of the earth in the alleged interest of an international agreement for bimetallism. If he had accomplished the purpose which was claimed for his mission, no further expenditure of time or money by envoys extraordinary of the United States would be required.

Mr. President, it might be inferred, by one who has been suspicious of this movement from the day that it was proposed in St. Louis until now, that the junior Senator from Colorado was sent abroad not to secure favor for international agreement, but to secure opposition to it. That the mission has absolutely failed is proved by the amendment suggested by the committee of the House of Representatives, adopted by the House, and now favored by the Senator from New Hampshire [Mr. Chandler] who has charge of the measure. It was not until the absolute failure of the mission of the junior Senator from Colorado to Europe was announced in the public press of Europe and the United States that the gentlemen who advocate this method of settling a question purely American in its present aspect concluded that it was wise to spend public money to send other envoys abroad.

I say, sir, that if one had been so suspicious of the proposition from the beginning as perhaps the result may in the end justify, he would have inferred from the situation that the junior Senator from Colorado went to Europe to sound the troubled waters there, to see whether there was any danger of an international agreement on the monetary system before the United States should take any step in that direction.

I desire at this point, Mr. President, to ask permission to have the Secretary read the article which I send to the desk, from the editorial columns of the Scranton (Pa.) Republican of the date of February 24, 1897.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

WOLCOTT'S MISSION.

Senator Wolcott had no faith when he left this country that he would succeed in his mission in the interests of bimetallism and he is not going to be disappointed. No international convention will be held, and it is in nowise likely that anything practical will result from the Senator's tour, unless it be to cause the early abandonment of further thought of an international movement in behalf of silver. This is evidently the opinion of the London Pall Mall Gazette, for it closes a long article on Mr. Wolcott's mission with these words:

"Senator Wolcott came as a private advocate of a cause discredited by a majority of his fellow-countrymen. Under such circumstances to expect he would receive official support from the foreign opponents of such a cause required a degree of childlike simplicity rare anywhere and which no one would expect to find in Colorado. On his return Senator Wolcott will find that the newspapers alone will display any anxiety regarding the result of his personally conducted European tour. He has met many distinguished people in England, France, and Germany, but in not one of these countries did he find that bimetallism was considered necessary to its welfare. Though the mission was absolutely fruitless, it was quite as successful as it deserved to be."

The real cause of Senator Wolcott's failure crops out in the foregoing lines. "In not one of these countries did he find that bimetallism was considered necessary to its welfare," says the Pall Mall Gazette, and that remark explains why nothing will result from Senator Wolcott's mission. The nations of Europe do not want bimetallism and will not move to restore silver to its former position as a monetary metal, believing that, like gold, iron, and copper, it should stand on its own merits. Are they not right?

Mr. CANNON. Mr. President, nothing but the strange circumstances under which this legislation is proposed would have justified any comment upon a member of this body who is absent in a foreign country, but the insistence upon the passage of this bill, and its becoming a law during the term precedent to the inauguration of President McKinley, forces at this time, and in the absence of the junior Senator from Colorado, all such comments as either the friends or the foes of the measure will have opportunity to make.

We have a very large diplomatic appropriation bill. We send abroad the chosen figures of our national life to represent the best thought, the highest purpose, of the United States. I take it that this amendment, coming from the House of Representatives, so entirely dominated by the will of the greatest man in the party soon to come into power—that this amendment, coming from a House so entirely in accord with the declaration for the gold standard at St. Louis, is notice to the country that no man who, in his official capacity would advocate bimetallism, will ever be sent by the next President of the United States as a minister, an ambassador, or a consul to any foreign nation, and that, in order to secure a presentation of the wish of more than a majority of the people of the United States, it is necessary for Congress to appropriate $100,000 for the selection of some envoys extraordinary or special commissioners, who shall go to Europe to treat on behalf of the United States in this the greatest issue which confronts the people in practical life.

If the bill as it went from the Senate was nonsense, as many people believe, it has come back to us costly nonsense. A man to go from the United States as a special commissioner, an envoy extraordinary, to present the cause of bimetallism to the nations of Europe! The cause is discredited in the very fact. I presume we shall have men at the court of St. James, men in knee breeches before the Russian Czar, men dancing attendance upon the War Lord of Germany, who will say: "The appearance of these men who come as envoys extraordinary and special [illegible] but the outburst of that 'turbulent' people, who must have a little concession in order that they may be contented with the promises of the Administration coming into power."

I intend to vote for this amendment, as I voted for the original bill. The Senator who proposed the bill stated that it was only fair that the friends of the measure should have it exactly in the form they desired. Mr. President, they have it so; and I warn the Senators who propose to satisfy the people of the United States with these promises and with continued efforts, which mean nothing except delay, that the mass of the voters of this nation will not be satisfied if this measure shall be put into diplomacy, and if we shall have the State Department dealing with the prosperity of the people of the United States as it has dealt with the lives of our citizens in the Island of Cuba. They have sat and smiled and fished and smirked before the people of the United States while citizens have been tortured and assassinated, and it is proposed now to put into the custody of the State Department this great question, which belongs as entirely to the people of the United States as the glory of their own country, as their leadership in the liberty struggles of the world.

I know that the next Administration will have a tariff bill. That has been decided upon. It was decreed before the victory was won. The determination that a revision of the tariff must be had upon lines satisfactory to the commercial interests of this country was in itself the decision of the election; and a victory was secured by means that were delicately indicated by the distinguished Senator from New Hampshire the other day, when, in his speech, he alluded to the efficient aid which the money power of the United States had conferred upon the Republican party in the last campaign.

I do not know what other silver Republicans in this body may think concerning the prospect of tariff, but from all the conferences which I have had with those gentlemen who are distinguished within the great Republican party, to which I once gave all the effort that I was capable of offering, all the devotion which my soul could hold, and all the belief which one man can entertain toward an earthly party, I am convinced that they have counted the men in this Chamber, and that they know that from some States where no Republican victory was won in the last election will come the necessary two votes to enable them to carry a tariff bill. But that will not answer the needs of the people of this country. No amount of glory which can surround the inauguration of a President on the 4th day of this month will satisfy the demand of the people, almost an instant demand.

The backbone of the patriotism of this country, the strength of its prosperity, has been among the agriculturists and the toilers. Will putting a high tariff on manufactured goods, thus enhancing the price, relieve the agriculturist who sells his product in the markets of the world at the world's market price? The farmer's loaf has been getting less and less in size each year, because he has bought in a protected market and has sold in a free-trade market. The knives of national legislation have been cutting a slice off each end of the farmer's loaf each year, and as the people walk along Pennsylvania avenue on the 4th of this month and witness the glory of that spectacle, some of them will think that the inaugural expenditure by the Government and by the people of this great city, the capital of this mighty nation, but ill accords with the conditions among those who toil. When the people come to read the appropriations of this Congress, perhaps the greatest in the history of the country; when every man of moderate means or every man in poverty has been compelled to cut himself short of comforts and deprive those who are dependent upon him of some of those things which he would gladly give as the result of his toil, they may conclude that the country, its Legislature, and the people who inaugurate Presidents with mighty pageantry have forgotten the needs of the common mass and their circumstances.

If an international agreement can be procured, if it can win back to the people of the United States not only their old-time prosperity, but if in bringing prosperity it can give back to us the national dignity, which we are losing by chasing after the false gods of the Old World, I shall be as grateful as the most ardent advocate of this method; but I do not believe that any such result can follow. I think there will be ensuing "confusion only worse confounded." I think that the next Administration will be the same as if Grover Cleveland had been elected for a third term.

Mr. STEWART. Mr. President, I do not wish to call names or express the suspicions which I entertain of bad faith on the part of the Republican party in pretending that they are in favor of restoring silver by an international conference, or otherwise. There are exceptions, and I make the author of this bill, the Senator from New Hampshire [Mr. Chandler], one of the honorable exceptions.

But what is the situation of the Administration? When the Senator from Colorado [Mr. Wolcott] first went to Europe, the tone of the European press was kindly, at least, but events happened here which led them to ridicule his mission and say that he represented nothing and nobody, and was entitled to no consideration.

That was the language and substance of the leading journals of London a short time ago. But that language was not used until events occurred here showing the position of the Administration and it was rumored that Mr. Gage, a banker of Chicago, might be appointed Secretary of the Treasury. Following that rumor, Mr. Gage went to Canton and had an interview with the President-elect. He went home and announced his views. There was some question at first as to whether they were really his views, but it turned out that they were views which he had expressed in a deliberate address and which he indorsed.

In that address, as reported by the papers, he declared that he is in favor of retiring the greenbacks, of retiring the silver certificates, of selling the silver which the Government has in its vaults, and of having no money in this country except gold and national bank issues. That was the position which the person who is to be Secretary of the Treasury declared. It was published in Europe, and immediately upon that publication Mr. Wolcott's mission was ridiculed. That was as clear a declaration as could possibly have been made that the United States did not intend under any circumstances, or that the Administration that is to come in did not intend under any circumstances, to change the situation. By their acts you shall know them. This act of tha President-elect in selecting Mr. Gage, who is the most radical gold man on either side of the Atlantic, is proof positive of the position of the incoming Administration.

If we wanted further evidence of that, it is found in this proposition, which intrusts this matter to the Secretary of State. We all know who is to be Secretary of State. We all know his record upon this question. We know that he was the author of the bill to demonetize silver; that he has done more than any other man who ever lived to fasten the gold standard upon the world. This matter is to be intrusted to him by our Government. When this is reported to Europe, and they find that the subject has been delegated to the Secretary of State, they will be further reassured that the new Administration will do nothing; and that the New York Evening Post and other papers which declared that the provision in the platform was merely for political purposes were right, and that Mr. Smalley was right when he wrote his letter to the Cabinet minister, which is reported by Moreton Frewen, in the letter to the Senator from Idaho [Mr. Dubois], which he has just read, that there was no movement in this country among the powers that be for silver; that they have regarded the verdict of last fall as a verdict for the single gold standard, and intended to adhere to it.

I am aware that there are some Republicans who still entertain the hope that there is good faith on the part of their party in going to Europe to ask permission to exercise the functions delegated to Congress by the Constitution of the United States. I am willing that they shall try the experiment. I regret, however, that that experiment is to be tried at the expense of the honor and dignity of the United States, for there is no more humiliating position which the people of this country can assume than that of appealing to Europe for permission to pass laws regulating our domestic affairs. It is the most humiliating spectacle that has ever been presented. While it degrades our people, while it is anti-American, I am willing that it shall be done if there is still one man in the Republican party who in good faith wants it done. I want the object lesson given so that it can be understood. It has been understood by me for many years.

I have felt the contumely which has been heaped upon us every time we have supplicated for an international conference, the sneers and jokes and light expressions which have occurred; the assumption that the delegates are there and must be treated politely, must be treated as delegates from a great country; must be treated politely personally, but must be told that their mission is fruitless, that there is no idea of seriously considering it. Great Britain's delegates have done this at every conference, and have treated with contempt every proposition looking to the restoration of silver. That is the attitude of Great Britain to-day, and to go there again and present our supplications for relief is indeed humiliating to the land of Washington, Jefferson, and Jackson, and the heroes who made this a country. But if it must be done in order to satisfy the American people that they must take care of themselves or suffer, let it be done again.

The platform pledges the Republican party to this. The Senator from New Hampshire has taken that platform in earnest and has brought forward the pending bill, but the President-elect, by the selection of this Cabinet officer, has advertised to the world that the provision was put there for political purposes and nothing else. He has advertised to the world that what the New York Post says in regard to it is true; that it was for political purposes, to gain a few votes in the election. Those votes having been secured and the victory won, that is all that is required. That victory, they claim, is a victory for the single gold standard, so far as the incoming Administration is concerned, and every step has borne witness to the truth of what the New York Post and the Sound Money League of New York have constantly proclaimed.

Let us have this object lesson again. Let the country be humiliated. Let them send their monometallic commissioners, as Mr. Cleveland did in his first Administration. Let Edward Atkinson go as he went before to find out on the other side why the people of the United States have no right to manage their own domestic affairs. If Manton Marble stands for what he did a few years ago, he is a good agent. Send them. Send the editors of the New York Evening Post, pay them your money, and they will find arguments to make reports why this country is dependent upon Europe for its existence as a nation, why we have no right to legislate here, but must apply to the governments of Europe to exercise our legitimate functions under the Constitution. This spectacle, I think, will convince the American people that the provision in the platform calling for an international conference was merely to catch votes, and those whose votes were caught by this trap will be slow to be deceived again. Some new dodge must be invented. I thought this dodge, after it had been played for twenty years, was understood, but it appears not. It will serve its purpose again, and I want to say to them, "Go on with it. Let the monometallic representatives of the Cabinet send their agents abroad, let them spend your money, and let their reports come in again." You will see what those reports will be. You will see that they will carry out the verdict of the Sound Money League of New York, and not the promise of the platform.

If it had been intended to stand by Mr. Wolcott, a Secretary of the Treasury would have been appointed in harmony with his mission. If it had been intended to negotiate fairly on this great question, some other person would have been selected for the post of Secretary of State. These two selections in my mind establish the fact that the pledge in the platform was not in good faith, but for the purpose of deceiving the American people.

Mr. TELLER. Mr. President, I shall not detain the Senate with any general discussion of this question. I was compelled to be absent from the Chamber when the bill passed the Senate. Had I been present I should have expressed, perhaps at some length, my views upon the subject. I am not recorded as having voted for the bill, although I left a pair—I do not know whether or not it was announced—in favor of so doing. I should not have voted for it with any hope or expectation that any result would come from it save that of convincing the American people that

bimetallism in this country could not be secured through international agreement. At this late hour, with the appropriation bills pressing on the Senate and the anxiety of all to get through and to close up the business of the session, I shall not enter into any detailed examination of the efforts that have been made by this country to secure an international agreement.

It is enough to say that in the three very determined efforts we have made we have signally failed, and there is nothing now in the condition of the world which indicates that the time is any better for an international agreement than heretofore, if we continue to insist as we always have insisted and as we now insist, at least as the Republican party that is coming into power insists, that it shall be with the consent and approbation and assistance of Great Britain.

When the Republican party at St. Louis declared that the gold standard should be maintained until the consent of the leading commercial nations of the world was obtained to get rid of it, those who proposed it as well as those who listened to it, those who voted for it as well as those who voted against it, knew that it was beyond the bounds of reason to hope or expect that Great Britain would change her attitude on the money question which she has steadily maintained since 1816, and which to-day she is more determined to maintain than heretofore. I need not and I shall not go into a discussion of the reasons why Great Britain will not agree to an international agreement which shall restore silver to its old place, to the place it occupied before 1873 in the currency of the different countries of the world. One of the facts I will state is that Great Britain last year bought nearly $700,000,000 more of the products of the world than she sold, paying for them from her great interest accumulations and her investments in foreign lands.

Her interests are for low prices. She so declared in every monetary conference ever held where that question was presented. I know that of late we have had some apparently encouraging reports from Great Britain. I know we have been told that public sentiment is changing. It matters little what the public sentiment of Great Britain may be. It matters little what the great public of that country think. The question is, What do the powers that control it intend? And every time they have made an utterance it has been against an international agreement.

I should have voted for the bill, however, as I have voted for others, and as I have proposed myself several for conferences which we have never succeeded in securing. I should have done it because I am one of those who believe that there would be nothing derogatory to American dignity to enter into an arrangement with other countries for an international agreement concerning the money question, although I do feel that when we make the declaration to the world that we will not ourselves exercise that prerogative of sovereignty unless they agree, we do humiliate and degrade the American people. But there would be nothing derogatory to American dignity in entering into an agreement for an international conference on equal terms, saying to them we prefer to have bimetallism with your assistance than to have it alone; for we recognize the doctrine that the whole is greater than the part, and what this nation can do alone, nobody can doubt other nations can do in connection with us.

I believe an international agreement could be made that, as I said before, would not be derogatory to our standing, not a surrender of any prerogatives, not the yielding of anything we ought to reserve any more than is the making of a postal arrangement with another country. So my opposition to that phase of the Republican platform is not that I am against an international agreement, but I am opposed to it because the limitations and restrictions put upon it are of such character that no man of ordinary intelligence who has examined this question and kept pace with the condition of public opinion in the world believes it is possible to reach the limit there provided.

Mr. President, I do not like to say, and yet I think I ought to say it, that in my judgment the provision for an international agreement was put there exactly as the New York Advertiser, a Republican paper, declared recently, for the purpose of getting Western votes. When that provision appeared in the public press, the great Republican papers of this country published in the East, and even in Chicago, declared that it was a simple declaration for the gold standard; for every sensible man, they said, knew that Great Britain, the leading commercial nation of the world, would never consent to an international agreement to restore bimetallism throughout the world, and, as the Senator from Idaho said a few minutes since, that phase of the platform was as acceptable to the gold-standard people as any other. Yet it was a phase of the platform that not one of them would have agreed to if he had believed it was possible to carry it out.

In the commencement of the session I indicated a disposition to discuss the question with some others, but the business of the Senate seems to have precluded that being done in the proper manner. I shall take occasion undoubtedly in the Senate at the next session to say what I proposed to do at the present session. I do not for myself propose to let this question die. I know that this is the greatest question the American people have ever had to consider, and when on the opposite side we are told that all the wealth of the country, the great corporations, the great syndicates, and the combines are determined to commence a campaign of education, that they intend to keep up the discussion, I can reply to Senators that while we do not have the ability to carry on a campaign as they do, while we have not unlimited funds to call on and to use, we will carry on this contest, and we expect to make it a lively contest.

I should like to say just a word more with reference to an international agreement, or the possibility of an international agreement, even at the risk of extending my remarks further than I intended.

There will never be an international conference that will be a success until it originates with some nation or people who are earnestly anxious to secure results. If the United States shall call an international conference, as this provision seems to indicate, it must be preceded by diplomatic correspondence with other nations. The great trouble with the last conference which we had was that our delegates went to the conference, the United States Government having called it, without any plan. There had been some diplomatic correspondence touching the greater and enlarged use of silver, but none touching the question of agitating the public mind in this country. Until the United States Government shall enter into correspondence with other nations to establish an understanding as to what we are willing to do, and what they are willing to do, every international conference that will be called will be an absolute failure.

The Republican party is coming into power; and I mean to say nothing offensive to anybody. We know, or we think we do, who is to be Secretary of State. We know—at least we think we do—who is to be Secretary of the Treasury. The selection of these two persons indicates what the policy of the Administration must be. We all know that the Senator from Ohio [Mr. Sherman], who has given great attention to these subjects and has had large experience, does not believe in an international conference. We have no reason to suppose that the Senator from Ohio will enter into any arrangement for that purpose. We know, if we can depend upon the declarations of the supposed new Secretary of the Treasury, at least as we get them through the press, that he has no sympathy with an international agreement. If the[illegible] any reason to suppose that the President-elect has any sympa[illegible]with an international agreement, Mr. President, it must come [illegible] votes in the House and his declarations made before the cam[illegible] began, for no man can find an utterance of his after his nomination that would indicate that he is friendly to an international agreement, save and except the perfunctory admission on his part when he accepted the nomination that he would support the platform. Every statement from the cottage porch indicated that he had gone over to the gold standard in earnest and would there remain.

Mr. President, I shall vote for the pending bill, because I will vote for anything and everything that offers a reasonable hope of relief to the American people, and I shall do it without reference to who may be in power or what party may control the administration of public affairs. While I may not be disposed to act with the party upon its party lines, I shall be, I hope, patriotic enough always, whenever I see a movement or measure that is intended for the benefit of the American people, to approve of it.

We are about to inaugurate a President with the pomp and splendor of monarchy, I am told. We are told that nothing in the history of the country compares with it. There will be undoubtedly a grand and magnificent display. I do not complain of that. I think that when the Executive of seventy-odd million people is to be inducted into power and office there should be something more than the ordinary condition of public affairs. But it must be painful to those who will witness it to realize that on that day there will be more idle Americans, more Americans hunting for food and hunting for work than at any other time in the history of this Republic; that there are more men, women, and children supported by charity to-day than at any other time in the history of our country. I may say free as this country has been, and rich and great as it is, I think there is but one other country where there are as much want and distress to-day, and that is in the Asiatic region, where British domination of their finances has brought those people to dire distress. I do not hold the British Government responsible for the famine, but I hold them responsible for having destroyed the accumulations of those people for generations, to the extent, not as the Senator from New Hampshire indicated the other day, of three or four or five hundred million dollars, but almost a thousand million dollars, for that is the value they have destroyed by the decrease of the value of their property, which is simply the accumulation of silver.

At the proper time I will take occasion to discuss this question at length, but not now.

Mr. MORGAN. Mr. President, I expect that I shall stand very nearly alone in voting against this bill, and I desire now to put upon record very briefly indeed some of the reasons why I oppose it, and also to give some assurance to the gentlemen who have spoken this morning, who were recently members of the Republican party, that in their departure from that organization for the purpose of reestablishing the double standard in this country, they have and will have my firm support under all circumstances until that great event is accomplished.

I do not wish Senators to feel that they stand alone and apart from the members of the Democratic party proper, who are committed, as I understand it, in the platform of their party and in their position, as well as by the creed which they profess, to the use of gold and silver, and without discrimination against either metal, for the purpose of coinage into money.

Senators have said that they will vote for this bill in order to furnish an opportunity to its friends and to the Republican party to redeem certain pledges which they made to the people of the United States that they would exert themselves with all their power in the direction of obtaining consent of European powers to bimetallism in its present interpretation. We know that the thought of Europe on the subject of gold and silver is represented entirely in Great Britain; that there is a dominance of financial power in Great Britain which directs entirely the current of financial events throughout the entire Continent of Europe, unless perhaps Russia may be excepted. So in dealing with this subject we are dealing really with Great Britain. If Great Britain to-morrow were to restore the free coinage of silver as it existed in 1816, all of America except the party that was represented at Indianapolis would be throwing up their hats and shouting with joy for the redemption of mankind from an evil which seemed otherwise impossible to get rid of.

Now, I will suppose it cabled across the Atlantic Ocean to-day that the Parliament of Great Britain had reestablished the law as it was prior to the act of 1816. That would bring in the free and real use of gold and silver coin in that great realm, and it would also carry with it the privilege of free coinage which has existed among the British subjects from the time of Queen Anne without interruption; and the American people would be rejoiced beyond even the joy that the Republican party feel and a great many other people in the United States feel in the great event which is to take place here on the 4th day of March. There is nothing human thought can comprehend in respect to the situation of the people of the United States that would produce such profound happiness as if we could announce on the floor of the Senate that an act of Parliament had restored gold and silver to their proper uses, as they were intended to be by the Almighty, and as they were from the time of Queen Anne down to 1816.

How does it happen, Mr. President, that any nation on this earth has got that much power over the American people? How does it happen that we are looking out for a remedy, a relief and deliverance from terrible evils, of which we have now experienced the hardships for nearly thirty years, and that we would be so happy in welcoming this act on the part of Great Britain? It is because Great Britain has us in leash, because she has the power over us, and because she uses it without hesitancy and without compassion against the people of the United States and the people of all other silver-using countries in the world, but more particularly those of America.

Now, in order to achieve that deliverance which we so much desire, which would bring us such happiness, such joy, such triumphant exclamations of delight, I prefer to rely upon the wisdom, strength, power, and conscience of the American people. If it would rejoice us to have this benefit bestowed upon us through the compassion of Great Britain, how much more should it rejoice and make us proud if we felt that we could lay our hands upon it by the strength of our own right arm and our own sagacity. The commission that is proposed in this bill is intended to be sent simply to Great Britain, for, while other nations will, if there is any convention at all, probably send their delegates there, it will all be subordinate to the whole of that imperial power.

When the commission get to Great Britain, if they have been fortunate enough to obtain any concessions whatever, even the slightest, they will return here with glory written on their banners as having succeeded in begging out of that great Empire the privilege to the American people of exercising one of their sovereign functions as a republican government under the Constitution. Whether the advantages they gain in Great Britain are slight or whether they are great, whether they extend to the whole subject of the remonetization of silver and its free use equally with gold or whether it is only a partial success, they will come back with rejoicings and they will pronounce in our favor a new independence obtained by them from the thraldom under which we are now to that great power.

I do not know what the form is going to be. If the honorable Senator from Ohio [Mr. SHERMAN], who is said to be averse to the effort (I do not know whether he is averse to it), should form after all a treaty with Great Britain that both Governments should agree to the remonetization of silver at the ratio of 16 to 1, and the free coinage of silver should occur in both of the great English-speaking countries, and if he were to send that treaty into the Senate of the United States for our ratification, we would be compelled to ask ourselves a question that no man can answer with safety to this Government. What is that question? Shall we put the rights of the United States in respect of the coinage of gold and silver under the obligation of a treaty with Great Britain? Can we do it?

Mr. President, I do not wish to ever place the right of coining gold and silver according to our own wishes or purposes, or any other sovereign power of the American nation, under the guardianship or within the protection of a treaty obligation. There is a very plain reason for that. Treaties are made to bind governments together by certain penalties; that is to say, when they engage solemnly that they will do certain things, they are held bound in honor and in duty to do those things. But they are held by a still stronger tie to do them: that is to say, if either nation willfully violates the treaty, that nation is bound to answer to the other in war or in damages.

Will I ever consent to vote for the ratification of a treaty that will establish the ratio of 16 to 1, if you please, between gold and silver, and give free coinage to both metals, when, if we choose to depart from that system, or if Great Britain chooses to depart from that system, the only possible remedy that we have at all under the treaty is to go to war? I do not propose to put the sovereign rights of the United States under the control of any government in the world to such an extent or in such a method that that government will have the right to complain against us that we have violated a treaty when we depart from that rule, and the penalty of the violation is war. When we do that, we surrender our sovereign power into the hands of Great Britain by a contract that stands outside of and violates the Constitution of the United States and the whole system and sovereignty of the United States.

Therefore I could not vote for such a treaty, although it might accomplish the very purposes I desire, for I would not bind myself or my country under a treaty obligation to establish the coinage of silver and gold at a ratio of 16 to 1 and leave the coinage unlimited. No American statesman who understands the genius and theory and framework of the American Constitution can ever consent to have a financial question of this kind come within the control and grasp and reach of the treaty-making power. That is out of the question. We had just as well surrender the power to make war and declare peace into the control of Great Britain as to surrender the power to coin money and to regulate the value thereof. Now, this is all I desire to say upon that proposition.

I will suppose that the commissioners will come back with what is called an academic agreement, the recommendation of a great convention in which all the Governments of Europe and the Government of the United States have agreed that we will enact legislation in all those countries for the purpose of the coinage of silver at a ratio of 16 of silver to 1 of gold, with the free coinage of both metals. Then we shall have to enact laws to carry that into effect.

In the measure that we are passing to-day are we pledging ourselves that we will enact laws to carry that into execution according to the basis that may be agreed upon between our commissioners there and their commissioners in that convention? If we are doing that, it is very dangerous ground we are treading upon. We all know that that is not to be the effect of it, for the reason that when this agreement comes back here it must be submitted to the Congress of the United States for ratification, and we know that the next Congress after that can repeal that law without responsibility to Great Britain. But if we enter into what is called an international agreement that we will adopt legislation in Parliament and legislation in the Congress of the United States under parallel bills for the free coinage of gold and silver, and the next Congress of the United States find that that is a bad policy for this country, and they wish to depart from it, then we have created between our Government and the Government of Great Britain by this compact a relation which is violated in its essence and in its spirit by the act of Congress; and in doing that we have hampered our legislative powers to such an extent as to make the situation not only extremely disagreeable but very dangerous.

Now, it is useless for us to undertake by anticipation to realize these things through any commission that we can send there. When they come back, I care not whether they come with a treaty or whether they come with recommendations for legislation, the result is going to be precisely the same. The United States can not enter into such an engagement with them in either form without subjecting this Government to the disagreeable penalty of going to war in order to have the privilege of making our monetary system conform to that of Great Britain or any other powers in Europe.

So, Mr. President, seeing that nothing can come from this at all except a mere perfunctory effort to perform a party pledge given in a platform, I am not willing by my vote to sanction a measure

so extraordinary as this is. I am opposed to it now because I know that when the agreement comes back, if they should ever succeed in making one, I shall be compelled to oppose its ratification. Therefore I oppose it now.

Senators have predicted that the whole effort would be entirely futile, that nothing would result from it. I concur fully in the opinion. It is a mere effort to delay, and the action of the Senate to-day, that we are about to take on this bill, will be appealed to by partisans in this Chamber and in the other House of Congress, and possibly by the President of the United States, as a reason why we should not take care of our own financial system, because we have sent commissioners across the water to get the consent of other governments as to the method and means by which that care shall be taken. That is all of it. It will be made, as it has heretofore been made, a mere pretext for the delay of the consummation of that wish of the American people which to-day lies closest to the hearts of the voters of this country.

There is no mistaking the situation. The people of the United States realized this one fact, that the Almighty made these precious metals for use by man as money, and he made them for nothing else, you may say, except for decoration. They are not useful in any other sense; and people have realized that when a nation, whether it is Great Britain or the United States, undertakes to depart from that law and degrade and destroy one of these precious metals the penalties necessarily follow.

The penalties of Great Britain are twofold; first, the excessive riches of her ruling classes, and next, the excessive poverty of her subjects, not merely in that island of 35,000,000 people, but out through the whole broad reach of that great realm. To-day the people of India are suffering more from the fact that they have been impoverished for the want of means of living by the closing of the mints in that country than by any dispensation of Providence visited upon them through some other agency. These sufferings will come. The Almighty does not intend that these divine decrees shall be violated by the nations of the earth. He made these metals for use as money, and when we abolish their use, so as to give the control and dominion to one metal over the other and break down that competition which exists in their very nature, we violate that divine arrangement and that divine command. Nothing but punishment can ever fall upon a people who thus violate the laws of God and of nature. There is where it comes to.

Great Britain has done it and grown rich, but while she has grown rich in her upper and titled classes she has swept myriads of people into paupers' graves, broken up many millions of households, and has brought distress and despair to untold millions of human beings. In order to enrich her upper classes by giving predominance to gold, she visits destruction upon those who are upon the substratum—the peasantry, the producer, the toilers on land and sea. That is my conviction about it. The framers of the Constitution of the United States made a very wise, distinct, and firm provision, but if they had made no provision upon the subject, I would feel that I was raising a sacrilegious hand when I undertook to strike down one of the precious metals in order to make the other more valuable and the people who own it more powerful financially.

No man doubts that the use of gold in the world has built up enormous riches for those who are wise enough and mean enough to take advantage of humanity. No man can shut his eyes to that picture, or to the other in which humanity appears degraded, starved, diseased. When these things present themselves to us in the history that we are in contact with day by day and hour by hour, it is time for the American people to stop and consider whether they had not better conform their laws and their institutions to this divine command rather than conform them to the will of Great Britain.

I shall vote against concurring in the amendments to this bill.

Mr. MANTLE obtained the floor.

Mr. HALE. I wish to make an observation in reference to the order of business.

Mr. MANTLE. Certainly.

Mr. HALE. I am only going to make a suggestion. What I desire to say to the Senator in charge of the bill is that it was the understanding when it was agreed that it might interrupt the progress of the appropriation bill that it would take but a short time, and the Senator from New Hampshire assured us that the debate would not be lengthy. I merely wish to say that if the debate is prolonged the Senate will soon be confronted with a condition in which the appropriation bills will be in danger. I shall consider it my duty very soon to move that the Senate proceed to the consideration of appropriation bills. I make the suggestion to the Senator from New Hampshire so that he may, if possible, arrange to get a vote on the measure.

Mr. CHANDLER. Neither the Senator from Maine nor myself would want to interrupt the Senator from Montana in the remarks which he is about to make. I believe after he has spoken we shall very shortly get a vote upon concurring in the House amendments.

Mr. HALE. I hope that will be the case, and that the Senator will contrive, so far as he can, to bring it about, because very soon we must get on with the appropriation bills.

Mr. MANTLE. Mr. President, I would not detain the Senate at all, for I know the time of the Senate is precious, were it not that this question is one which seems, from the nature of the debate and those participating in it, to involve peculiarly those Republicans who felt it their duty to dissent from the national platform adopted at St. Louis last summer and also to withdraw their support from the candidate nominated upon that platform. Having been one of those, I feel that it is not out of place at this particular time for me to say a few words.

I want to say at the outset that I am heartily in favor of any and every effort to bring about an international agreement with reference to the coinage of gold and silver upon equal terms. I recognize the fact that, although many of the leading journals of the country, many of the leading Republicans of the country, and, I believe, Senators in this Chamber, affect to say that that provision was placed in the St. Louis platform without any real purpose or sincere intent of carrying it into effect, the great majority of Republicans who supported the Republican platform in the last campaign accepted the pledge to promote an international agreement honestly and sincerely, and they are anxious to see the pledge redeemed if it be possible to do it.

Mr. President, I think the responsibility is with the Republican party to bring about this result. I do not think it is within my province to lay any obstacle in its path, nor is it my intention to do so. I would much rather aid in bringing about that consummation; for while I am an ardent believer in the proposition that this Government of ours is rich enough and strong enough to adopt its own financial policy, just as it does every other policy, without asking or waiting for the advice of any other nation, yet I concede that if an international agreement can be had, that is by all odds the most desirable method of bringing it about.

Mr. President, having said this much, I feel in all honesty bound to add that I am afraid, very much afraid, that this new attempt will meet the same fate which has attended every other effort in a like direction. There is nothing, so far as I have been able to discover in the proceedings of any international conference heretofore had, that holds out the slightest encouragement for success at this time; nor has anything transpired since the holding of the last international conference which, to my mind, holds out any real hope of ultimate or near success, and I say this with great deference to the opinion of the distinguished Senator from New Hampshire, who I know differs from me in this opinion, but it seems to me that every interest of England, at least, is opposed to the proposition which we are advocating.

I say the responsibility is upon the Republican party, which is in honor bound to carry out the pledge made to the people. I have for the distinguished man who is soon to occupy the Presidential chair an unbounded admiration. I regard him as a splendid specimen of American citizenship, of American manhood, and American opportunity; and here, too, let me add that I can say the same of the distinguished gentleman who was his opponent in the late campaign. I believe each of them in his way is an honor and a credit to this country of ours. I believe that it is Mr. McKinley's intention to do all that lies in his power to bring about the consummation sought, and I feel that the effort ought to be made, even while my judgment and my conviction tell me that the effort will be futile.

I was one of those, as I have said, who [illegible] order to be consistent, to maintain my own self-respect, and to redeem the pledges which I and my party had made to the people I have the honor in part to represent, I could not remain with the party after the declaration contained in the St. Louis platform upon the question of bimetallism; and so I gave my support to the opposition candidate. I did that without any bitterness or ill will and without any unjust or unkind criticism of the party which I had left; and I may also say that there is no act of my life which caused me deeper regret or more profound sorrow than the act of separating myself from the party with which I had associated all my life, for I had never before cast anything but a Republican vote. That condition, however, was not my fault. The Republican party itself was to blame for the state of sentiment existing throughout the West, for they had led us to say to the Republicans in the West that the Republican party of the nation was the friend of silver; that it would solve the silver question; that it would do all that could be done in that direction; and we had repeatedly gone home from national Republican conventions preaching that doctrine to the people of the West, telling them that the Republican party was the friend of silver. Then we found ourselves suddenly confronted with this declaration in favor of maintaining the gold standard.

I know that there are leading Republicans of this nation who say that there is no practical difference between the declaration contained in the St. Louis platform upon the financial question and the declaration contained in the platform adopted at Minneapolis four years before, but it seems to me that it will require a great stretch of the imagination to so believe. The Minneapolis platform declared in favor of gold and silver as standard money, and when it used that word "standard" it has always seemed to me that it stated the whole case, for standard money is money that stands alone, that stands by itself, which does not have to depend upon some other form of money. There was the widest difference in those declarations; and, thus believing that the Republican party had abandoned one of its great cardinal principles of faith, I felt, in consideration of my own views, of my own earnest convictions, and in consideration of the sentiment existing among Republicans in my State, that I could no longer follow the Republican party in that declaration, in that aberration from what I considered its former belief and practice. It is needless, perhaps, for me to add that I was sustained by a large majority of the Republicans of the State of Montana in the course which I adopted.

Lately I have signed a declaration which seeks to organize the Silver Republican party of the United States. I have done that in pursuance of the same ideas and purpose, because I realize that so long as this great question divides us there is no possibility of Silver Republicans and Gold Republicans acting in unison.

Mr. President, this is not a happy condition of affairs for me to view. I sincerely hope that the Republican party may solve the financial question; that it may do justice; that it may restore to us the money of the Constitution; and if it does this, it will solve the greatest question now before the American people, and one in which is involved, as I believe, the happiness and prosperity and welfare of the great masses of our country. And if it shall do that successfully, the Silver Republicans will be the first to say "Well done," and we shall be happy to return.

It is said that a protective tariff will restore prosperity to the country. I do not think so, and yet I shall lay no obstacle in the path of a protective tariff. God knows, Mr. President, this country needs prosperity, and if a protective tariff will bring it, I say by all means let us have a protective tariff. I do not believe it will bring prosperity, because I believe industrial conditions throughout the world have reached such a stage of development that a protective tariff will no longer equalize the differences which exist, as it was wont to do in the years gone by; and so, after this protective tariff shall have been passed, I expect to see the same conditions largely prevail. Then this financial question will again confront us, and when it comes to that, as I have seen no reason so far to change my views, I shall continue in the future to act and vote upon that question as I have in the past. I can see no hope for a protective tariff to bring about the old condition of prosperity to this people. If we are to have any real, genuine, honest prosperity, it must begin with the masses of the people. All the wealth of this world comes from the earth; it comes up through the channels of labor, and any permanent prosperity which is to come to us must come through the toilers of the earth. They must be made prosperous, at least to a degree, before there can be any general and permanent prosperity for the whole people of this country.

Mr. President, I shall not take up the time of the Senate any further now, and I am sorry indeed that I felt called upon even to say this much at this stage of the parliamentary proceeding.

Mr. CHANDLER. I hope we may have a vote now, Mr. President.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to concur in the amendments of the House of Representatives to the bill now before the Senate.

The amendments were concurred in.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I now ask the Senate to proceed with the consideration of the general deficiency bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, after line 9, to insert:

Amounts due the Central Pacific Railroad Company: To pay the amounts due the Central Pacific Railroad Company as set forth in House Document No. 284 of this session, $12,233.53.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

Des Moines Navigation and Railroad Company: The Secretary of the Treasury is hereby authorized, upon return to him of Treasury warrant No. 20, issued in July, 1896, for $541.26, and made payable to the order of the Des Moines Navigation and Railroad Company, in payment of the appropriation in that amount made by the deficiency appropriation act approved June 8, 1896, "To reimburse the Des Moines Navigation and Railroad Company and others, defendants, for costs paid by them for printing in case of the United States of America, plaintiff, vs. The Des Moines Navigation and Railroad Company and others, defendants, in the United States circuit court for the northern district of Iowa, in pursuance of stipulation made between the parties and approved by the court in relation to said costs of printing," to issue his warrant to A. J. Van Duzee, clerk of the United States district court for the northern district of Iowa, in the same amount, who shall distribute and pay to the parties entitled thereto as provided by said stipulation.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

Payment of Treasury settlements: To pay the amounts found due the Sun Mutual, Commercial Mutual, Atlantic Mutual, and the assignees of the Washington Marine Insurance companies, of New York, by the proper accounting officers of the Treasury, and certified by the Secretary of the Treasury in Senate Document No. 178, Fifty-fourth Congress, first session, and reported to the Senate in Senate Document No. 51, this session, $23,661.67.

The amendment was agreed to.

The next amendment was, on page 8, after line 21, to insert:

For payment of certain Treasury settlements heretofore certified to Congress, numbered 9658 and 9666, and reported in House Executive Document No. 224, page 12, Fifty-third Congress, third session, $8,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

For payment of Treasury settlement numbered 5301, certified in Senate Executive Document No. 40, Fifty-third Congress, third session, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 6, to insert:

For payment of Treasury settlement numbered 5000, certified in Senate Executive Document No. 5, page 2, Fifty-third Congress, third session, $10,000

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

To pay the claims (Treasury settlements) certified in Senate Document No. 60, second session Fifty-fourth Congress, $23,000.33.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert:

Reimbursement of D. N. Morgan: To reimburse D. N. Morgan, Treasurer of the United States, for five sheets of silver certificates, lost in his office without negligence on his part, $200.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to insert:

Reimbursement of J. W. Adams: To reimburse J. W. Adams, superintendent of the mint at Carson, Nev., for payments made to T. R. Hofer and L. L. Elrod for services, respectively, as acting chief clerk and bookkeeper at said mint, $591.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to insert:

Reimbursement of A. P. H. Stewart and Charles A. Weed: To reimburse A. P. H. Stewart and Charles A. Weed, formerly doing business under the firm name and style of Stewart & Co., late of Mobile, Ala., for money advanced by them on behalf of the United States at said Mobile, in the year 1865, to pay freights and expenses on Government cotton, $21,541.68, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 10, after line 18, to insert:

Payment to heirs of Sterling T. Austin: To pay to Florine A. Albright and Missouri A. Pollard, heirs of Sterling T. Austin, deceased, for the proceeds of sale of 300 bales of cotton, the property of said Sterling T. Austin, seized by the civil and military authorities of the United States and received into the Treasury, as found by the Court of Claims, $59,287.

The amendment was agreed to.

Mr. VEST. I should like to ask the Senator in charge of the bill if that is one of the Bowman claims?

Mr. HALE. To which one does the Senator refer?

Mr. VEST. The clause beginning in line 19, on page 10, for payment to the heirs of Sterling T. Austin.

I want to state to the Senator that it is my purpose, as soon as we reach one of the so-called Bowman claims, to offer an amendment including the balance of those claims.

Mr. HALE. I understand that that amendment will be offered at the end of the bill, and that will be a question for the Senate to decide. The committee did not put on the bill either the so-called Bowman claims or the French spoliation claims, but put on individual claims, which had already passed the Senate and passed the committee, but did not put on the general Bowman claims.

Mr. VEST. I want to state frankly that I should prefer, as one of the friends of the Bowman claims, to offer that amendment immediately in juxtaposition to this one, which has been preferred by the committee and put in the bill.

Mr. HALE. I prefer that the Senator should wait until the amendments of the committee are acted upon. He can offer the amendment, of course, at the end of the bill or at any part of the bill.

Mr. VEST. I should like, in this connection, to ask a question of the Senator, which has given rise to some inquiry on this side of the Chamber. By turning to page 90 of the bill I find a provision:

For payment of the judgments rendered by the Court of Claims reported to Congress at its present session in House and Senate Document No. 217.

What claims are those which amount to $834,155.83?

Mr. HALE. Those are the regular judgments, the list of which is contained in the document referred to. The House puts in all the judgments that are certified up to the time when they make up the bill, and the Senate committee then calls for the subsequent judgments, and they are put into the bill, and are found, as the Senator will see if he wants to look at the items, in the document referred to, which the clerk of the committee will furnish him.

It is the same with the amendments on the next page regarding Indian depredations. The House of Representatives puts in all that are certified up to the time of their action upon the bill, and the Senate the balance. The document shows what the cases are.

Mr. VEST. What I want to know is whether they are connected with the Bowman claims?

Mr. HALE. No.

Mr. BERRY. I ask the Senator from Maine whether there are any Bowman claims in the bill?

Mr. HALE. The Bowman claims are not here. There may be individual cases where the Senate has passed a bill for a special claim, and in which case they are, under the decisions of the Senate, in order; but the usual Bowman claims reported from the House and from the committee are not in this bill.

Mr. VEST. Some of them are, because the Chouteau claim is here. That is the identical claim——

Mr. HALE. I say there are certain claims which the Senate has already passed upon individually and separately that are in the bill, but what are called the Bowman claims are not here.

Mr. VEST. What does the Senator mean by saying, "the Senate has already passed upon?"

Mr. HALE. The Choteau claim first passed the Senate as a separate bill; it was put on the appropriation bill last year, passed through the Senate, went to the House, and was struck off there.

Mr. BERRY. I ask the Senator from Maine were not the Bowman claims put on in the Senate by an amendment last year, agreed to by the House of Representatives, and then the President vetoed the bill, and when the new bill came in they were left out.

Mr. HALE. As also were the French spoliation claims.

Mr. BERRY. The Bowman claims and the spoliation claims also were left out.

Mr. HALE. That is what I said, as also the spoliation claims. The Committee on Appropriations has not now put on either the spoliation claims or the general list of Bowman claims. The Senate can put both on if it chooses, and let them go to the House.

Mr. MILLS. The Bowman claims are judgments of the Court of Claims, are they not?

Mr. VEST. Findings.

Mr. HALE. The Senator knows how they are judgments. They are judgments that are sent back for action by the committees of Congress. They are not like the judgments provision for which is found on page 90 of the bill, which are absolute and complete judgments.

Mr. VEST. The Bowman claims were put in the appropriation bill first by the Senate at the third session of the Fifty-third Congress, and at the first session of the Fifty-fourth Congress, and by overwhelming majorities they passed the Senate. The Chouteau claim is one of the Bowman claims, because the proceeds are going to one of my constituents, and I know something about that.

Mr. PLATT. The claim the Senator is talking about is evidently a Bowman claim, not a judgment.

Mr. VEST. It is a judgment.

Mr. PLATT. Not a regular judgment of the Court of Claims.

Mr. VEST. I ask the Senator from Maine to let either the list of all the Bowman claims be passed over or let them be considered together, or I will offer my amendment now.

Mr. HALE. I have no objection to the Senator offering it now.

Mr. VEST. Very good.

Mr. BURROWS. I ought to say, in answer to inquiries on this matter, that I hold in my hand the findings of the Court of Claims, or rather the action of the Court of Claims, upon the item to which the Senator from Missouri refers, from which it appears that the Court of Claims declined to take jurisdiction of the matter, upon the ground that a preliminary inquiry as to the loyalty of the party disclosed that he was not loyal.

Mr. VEST. What claim is that?

Mr. BURROWS. The claim of Sterling T. Austin, to which I understand the Senator refers. I have here the findings of the court in that case.

Mr. WARREN. The Senator will allow me to suggest that the majority of the court did not find that there was any disloyalty on the first hearing, but that the loyalty had not been fully established; and out of a claim for some $300,000 they did find for the amount shown in this amendment, it being the amount received by the Government for certain identified bales of cotton for which the money is in the Treasury.

Mr. BURROWS. The item embraced in this bill?

Mr. WARREN. The item embraced in the bill for that portion of the claim—a little less than $60,000. The case was a very peculiar one. It at first balanced very nearly on the dividing line as to the loyalty of the claimant, that his loyalty was not sufficiently established in the minds of the majority of the court at that time, but since then the loyalty has been clearly proven. The original claimant is dead, and the bill is in the interest of the heirs, always loyal, deserving citizens of the United States.

Mr. BURROWS. May I inquire of the Senator whether the claim embraced in this bill was passed upon by the court?

Mr. WARREN. Yes; the court found for the amount named, but did not pass on the loyalty, except as I just stated.

Mr. BURROWS. That was my understanding.

Mr. WARREN. That was true; and this amendment is proposed in favor of the heirs who brought proof before the committee and before the Senate as to loyalty, and a bill for the payment of the claim was considered and unanimously reported by the Committee on Claims and unanimously passed by the Senate.

Mr. BURROWS. I understand the matter has been passed over temporarily. It is in the amendment, as I understand it, to be proposed by the Senator from Missouri, embracing the findings of the Court of Claims; and if this is in the amendment, there is no use of passing upon it twice.

Mr. VEST. I now offer the amendment.

Mr. BATE. I have an amendment to offer in the name of my colleague [Mr. HARRIS], which is the same as Senate bill 2433, which was referred to the Committee on Claims. I desire to ask the Senator from Michigan [Mr. BURROWS] if it is the same bill that he has reported here? I have not seen his report.

Mr. BURROWS. I am unable to state, because I have not examined it; but I am informed by the clerk of the committee, who has compared it with the one introduced, that it is identical.

Mr. BATE. Then, if it is identical, the amendment I was about to offer on behalf of my colleague to this bill is unnecessary, for all we desire is to effect the object—that is, to get the provisions of that bill placed upon the appropriation bill. The bill I hold in my hand has a long list of what are known as Bowman claims, which have been examined and passed upon by the Court of Claims and referred to Congress for action.

Mr. VEST. They are identical.

Mr. BERRY. I would ask the Senator from Tennessee if that list of claims includes all claims which have been passed upon by the Court of Claims up to the present time, or is it simply a list that was in the bill a year ago?

Mr. BATE. I think there have been one or two added since. I think it includes all which were passed upon up to the commencement of this session.

Mr. BERRY. The bill of a year ago, I think, only included those claims which had been passed upon up to the beginning of the Fifty-fourth Congress. I think it did not include a large number which have been subsequently passed upon by the court.

Mr. BATE. I supposed the list contained all the claims passed at the last session, and upon the cursory examination I gave it, and upon conferring with the Senator from Missouri, I found but two exceptions. If the amendment of the Senator from Missouri embodies the same claims that are embodied in the bill to which I refer, I shall of course sustain the amendment, and I ask the Senator from Michigan whether two bills of the same kind were introduced?

Mr. BURROWS. I understand that the amendment proposed by the Senator from Tennessee is the same as the bill introduced by his colleague at the last session and reported upon, as the one offered by the Senator from Missouri at the present session, passed upon by the Committee on Claims, and reported back to the Senate with a favorable recommendation.

Mr. BATE. Will the Senator permit me to call his attention to the fact that this bill was introduced on the 16th of December last? It has been before the committee of which he is a member, and I suppose the committee perhaps preferred the other bill, and that may be the solution of the matter.

Mr. BURROWS. The amendment offered by the Senator from Missouri was submitted in February of the present year.

Mr. BATE. Yes, sir. If I understand the Senator, his committee have made no report upon the bill introduced by my colleague on the 16th of December last.

Mr. BURROWS. I think not.

Mr. BATE. Do I understand, then, that the comm[illegible]stituted the other bill, the one introduced by the Se[illegible] from Missouri, for the one introduced by my colleague? Was that the report?

Mr. BURROWS. I think that was the case.

Mr. VEST. The amendment I offer contains the claims that were embraced in the amendment which passed the Senate in the first session of the Fifty-fourth Congress, except two claims which have been taken out and passed in special bills by both Houses of Congress, and signed by the President since that time. Of course those two claims are out, because it is unnecessary to reenact them. This amendment embraces 225 claims of claimants in 12 States of the Union and the District of Columbia. The whole amount of these Bowman claims is $567,901.45.

We established the Court of Claims for the purpose of relieving Congress from the drudgery of examining into the details of these personal claims which are brought before us from session to session. The Court of Claims have passed upon and adjudicated them; they were honestly due, and the claimants have been seeking here from session to session for the payment of as honest a debt as ever was incurred by any Government upon the face of the earth. The committees have passed upon them; and, as I said, the Senate has adopted them twice. The only possible argument that could be found against them was that the condition of the public Treasury was such that money could not be spared at that time to pay even an honest debt.

If the argument which has been made is worth anything on this case, it was a hundred times more forcible as applied to other claims that have been put by the committee in these bills. Some of those claims are now in the bill, conspicuously the Chouteau claim. President Cleveland vetoed the bill at the last session expressly on account of the Chouteau claim, which he named in his message. Why should this discrimination be made? I stand here as the representative of the State of Missouri to state that these other claims are just and equally binding upon the Government, and the Chouteau claim has no superiority over any other in that regard. Why should we establish a tribunal and then ignore its findings? Does anybody pretend to say here that the money is not due? What excuse can we give? We are soon, it is said, to have an era of prosperity, with an overflowing Treasury, higher tariff, more money. Yet we say to these claimants, after our own tribunal, the Court of Claims, has passed upon the claims and adjudicated in their favor, "We will put you off to another season."

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. After line 2, on page 11, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, namely:

ALABAMA.

To Elizabeth E. Bibb, of Huntsville, $1,644.

To S. V. Biggers, administrator of Robert P. Biggers, deceased, late of Cherokee County, $610.

To Joseph A. Clark, of Madison County, $580.

To Henry H. Coulson, of Jackson County, $250.

To John B. Hardman, of Cherokee County, $2,229.

To Thomas J. Hargiss, of Jackson County, $1,637.

To L. D. McCallum, administrator of Stephen Hurley, deceased, late of Cherokee County, $795.

To Philip M. Jones, administrator of Philip R. Jones, deceased, late of Lee County, $1,754.

To John P. Lowallen, administrator of Madison Lowallen, late of Jackson County, $806.

To E. W. Miller, administrator of Elizabeth A. Palmer, deceased, late of Walker County, $985.

To William B. Owens, of Cherokee County, $630.

To Mary E. Saffold, of Dallas County, $2,033.

To Solon D. Moore, administrator of John C. Scroggins, deceased, late of Cherokee County, $730.

To George W. Stutts, of Lauderdale County, $690.

To Eliza H. Tenge, administratrix of Charles A. Tenge, deceased, late of Lauderdale County, $601.

To Robert E. Tweedy, of Lawrence County, $3,879.

To John W. Wesson, of Dekalb County, $641.

To Samuel M. Weaver, administrator of George W. Yuckley, deceased, late of Huntsville, $800.

ARKANSAS.

To R. B. Carl Lee, administrator of Charlotte C. Bancroft, deceased, late of Phillips County, $9,970.

To Henry T. Cate, of Washington County, $836.

To Pryor D. Chism, administrator of Robert Chism, deceased, late of Monroe County, $395.

To William R. Clark, administrator of James W. Clark, deceased, late of Benton County, $1,610.

To Peter Cook, of Lonoke County, $904.

To Alexander Davis, of Conway County, $5,605.

To W. F. Davis, administrator of George W. Davis, deceased, late of Sebastian County, $905.

To William Y. Fain, of Phillips County, $560.

To E. M. Ford, administrator de bonis non of Richard L. Ford, deceased, of Phillips County, $3,150.

To Peter L. Freezer, of Mississippi County, $125.

To Samuel Gallaher, administrator of Henry Gallaher, deceased, late of Washington County, $575.

To J. W. Fraser, administrator of William J. Hendricks, deceased, late of Monroe County, $1,612.

To Warren Holtzclaw, administrator of Elijah Holtzclaw, deceased, late of Phillips County, $890.

To James H. Humphreys, of Phillips County, $393.20.

To Mary R. Kirkpatrick, of Jefferson County, $625.

To Abijah T. Phelan, of Washington County, $235.

To Frank Rhodes, of Phillips County, $615.

To Juber Russell, of Crawford County, $465.

To L. P. Featherstone, administrator of John R. Sembler, deceased, late of St. Francis County, $865.

To A. M. Scott, administrator of Sarah Slate, of Phillips County, $910.

To James C. Tappan, administrator of Samuel J. Sutton, deceased, late of Phillips County, $2,365.

To Mary Turner, administratrix of Sterling M. Turner, deceased, late of Sebastian County, $580.

To Thomas H. Webb, of Lonoke County, $542.

To D. C. York, administrator of William York, deceased, late of Woodruff County, $798.

DISTRICT OF COLUMBIA.

To Joseph T. Jenkins, $1,517.

To James W. Sears, administrator of Rebecca Sears, deceased, $1,800.

To Louis P. Shoemaker and others, executors of Abner C. P. Shoemaker, deceased, $2,450.

To P. E. Dye and W. S. Hoge, administrators of David Shoemaker, deceased, $1,255.

To Barnett T. Swart, $3,012.

To James R. D. Morrison and others, $6,100.

To administrator de bonis non of Charles M. Roberts, deceased, the sum of $19,034.21.

GEORGIA.

To Thomas J. Anderson, administrator of David B. Anderson, deceased, late of Fulton County, $704.

To William L. Connally, of Walker County, $670.

To Myra M. Harbin, administratrix of Nathan P. Harbin, deceased, late of Whitfield County, $12,400.

To George W. Hendricks, administrator of John Weitlinger, deceased, late of Bartow County, $467.

To A. Thornburgh, administrator of John C. Lee, deceased, late of Walker County, $901.

To George Wagner, administrator of Henry Mastick, deceased, late of Savannah, $3,105.

To Richard Mayse, of Atlanta, $880.

To Charles V. Neidlinger, of Effingham County, $1,015.

To Minerva J. Nichols and others, executors of Frank D. Nichols, late of Cummings, $2,255.

To Benjamin P. Rogers, of Douglas County, $410.

To Francis Tillman, administrator of Francis Tillman, deceased, late of Chatham County, $862.

To William C. Parker, administrator of Moses Trimble, late of Campbell County, $270.

ILLINOIS.

To Daniel K. Tenney, of Cook County, $546.87.

KANSAS.

To Joseph Dunlap, of Greenwood County, $2,100.

KENTUCKY.

To Edward H. Taylor, administrator de bonis non of the estate of Lucy A. Barker, late of Louisville, $1,440.

To Martha Brashear, administratrix of Obadiah Brashear, late of Nelson County, $225.

To Margaret Carter, administratrix of Thomas Carter, deceased, late of Marion County, $1,780.

To Abijah M. Cartmell, of Nelson County, $449.

To James Devlin, of Pulaski County, $218.

To William J. Marshall and others, executors of John G. Holloway, deceased, late of Henderson County, $2,520.

To Henry E. Jenkins, of Warren County, $90.

To George Leonhart, of Campbell County, $410.

To Squire H. Bush, administrator of Edward C. Lucas, deceased, late of Hardin County, $720.

To John C. Lummis, of Kenton County, $150.

To Lemuel S. McHenry, of Daviess County, $150.

To Samuel R. Merrifield, of Nelson County, $401.

To Susan E. Miller, in her own right and as widow of and administratrix of Jacob M. Miller, deceased, late of Marion County, $900.

To Samuel D. Glasscock, administrator of William C. Moore, deceased, late of Hardin County, $530.

To Buford Mussen, of Marion County, $697.

To John G. Mussen, administrator of Susan Mussen, deceased, late of Marion County, $468.50.

To the Nazareth Benevolent Institution, of Nelson County, $319.

To Mary E. Neel, administratrix of Pearce Noland, deceased, late of Shelby County, $9,520.

To Mary Orendorff, of Breckinridge County, $250.

To Benedict Pash, of Nelson County, $150.

To Dent S. Pash, of Nelson County, $400.

To Elizabeth M. Patteson (formerly Lewis), in her own right and as administratrix de bonis non of William H. Lewis, deceased, late of Hart County, $2,825.

To Jacob H. Russell, of Lincoln County, $145.

To Mary Sisco, executrix of William Sisco, deceased, late of Nelson County, $259.16.

To George W. Smith, of Hardin County, $867.

To Thomas M. Beeler, administrator of David Standiford, deceased, late of Jefferson County, $65.

To James H. Taylor, administrator of Thomas W. Taylor, deceased, late of Nelson County, $89.

To William C. Kennedy, administrator of William Thixton, deceased, late of Jefferson County, $430.

To James W. Smith, administrator of Miles H. Thomas, deceased, late of Hardin County, $235.

To Abel A. Thompson, of Marion County, $124.

To W. C. M. Travis, of Crittenden County, $140.

To William H. Hughes, administrator of David Unsell, deceased, of Ballard County, $5,000.

To Alfred B. Vernon, of Hardin County, $82.25.

To John H. West, of Larue County, $150.

To Germania Safety Vault and Trust Company, administrator of William Wirtz, deceased, late of Jefferson County, $497.

LOUISIANA.

To James M. Dowling, administrator of Mary T. Anderson, late of St. Landry Parish, $10,610.

To Nannie A. Badley, administratrix of Henry Badley, deceased, late of Baton Rouge, $3,442.

To Lucile Tounoir, administratrix of Arnaud Decuir, deceased, late of Pointe Coupee Parish, $575.

To Alphonse Meuillon, administrator of Antoine Donato Meuillon, deceased, late of St. Landry Parish, $3,480.

To Abram A. Harvey, guardian, etc., of the children of Abram A. Harvey, deceased, of Washington Parish, $1,980.

To Benjamin R. Keaton, of Washington Parish, $730.

To Luke Madden, administrator of Patrick Madden, deceased, late of Madison Parish, $945.

To J. A. Oubre, administrator of Eugene Oubre, deceased, late of Pointe Coupee Parish, $6,683.

To John A. Porche, of Pointe Coupee Parish, $550.

To Joseph St. Amand, administrator of Alphonse St. Amand, deceased, late of Pointe Coupee Parish, $612.

To Fanny B. Randolph and Dora L. Stark, of Avoyelles Parish, $16,500.

MARYLAND.

To Franklin A. Ash, administrator of John Ash, deceased, late of Washington County, $750.

To William T. Beeler and others, administrators of David Beeler, deceased, late of Washington County, $437.

To Thomas W. Crampton, of Washington County, $1,378.

To Ezra Daub, of Washington County, $248.

To John Grice, of Washington County, $240.

To Isaac Gruber, executor of John Cowton, deceased, late of Clear Spring, Washington County, $295.

To William M. Blackford, of Washington County, $6,206.

To Benjamin Brown, of Washington County, $450.

To James H. Elgin, of Washington County, $5,978.70.

To James R. Ferrell, of Frederick County, $699.

To William P. Hickman, administrator of George W. Spates, deceased, late of Montgomery County, $2,248.

To C. M. Keedy and others, executors of John J. Keedy, late of Washington County, $462.

To Benjamin F. Middlekauff, administrator of Henry J. Lowman, deceased, late of Washington County, $350.

To Daniel N. and Levi Middlekauff, administrators of John C. Middlekauff, deceased, late of Washington County, $160.

To Andrew J. McAllister, of Washington County, $50.

To Jacob F. Miller, of Washington County, $323.

To H. H. Keedy and Charles W. Adams, administrators of John Miller, deceased, late of Washington County, $475.

To Hamilton A. Moore, of Washington County, $180.

To the administrators or legal representatives of James W. J. Moore, deceased, late of Leonardtown, $1,040.

To Henry C. Mumma and others, executors of Samuel Mumma, deceased, late of Sharpsburg, $853.

To Victor Miller, administrator of Joshua Newcomer, deceased, late of Washington County, $880.

To John L. Nicodemus, of Washington County, $130.

To John L. Nicodemus, administrator of John Nicodemus, deceased, late of Washington County, $645.

To George W. Padgett, of Frederick County, $2,280.

To Samuel D. Piper, administrator of Elias S. Grove, deceased, late of Washington County, $809.

To James Resley, of Washington County, $514.50.

To Reuben Rouzee, of Montgomery County, $1,107.

To H. B. Snively and A. G. Lovell, executors of George Snively, deceased, late of Washington County, $174.

To Eveline Fries, sole heir of John Snyder, deceased, late of Washington County, $231.

To Eli Wade, William Wade, Mary E. Wade, Susan C. Wade, Elizabeth J. Hoffman, née Wade, heirs of Henry Wade, deceased, late of Washington County, $2,902.

To Eli Wade, administrator of John A. Wade, deceased, late of Washington County, $1,755.

To William B. White, of Montgomery County, $672.50.

To Laura C. Wilson, administratrix of Richard T. Wilson, deceased, late of Montgomery County, $1,455.

To Lewis Trone, of Washington County, $555.50.

To Daniel M. Mullendore, of Washington County, $370.50.

To Reuben A. Hurley, of Montgomery County, administrator de bonis non of A. F. Hurley, deceased, late of Lyon County, Nev., $1,150.

To Thomas Hilleary, of Frederick County, $827.

To James F. Pierce, of Montgomery County, $2,506.

MASSACHUSETTS.

To Augustus P. Burditt, of Boston, $5,130.

MISSISSIPPI.

To Bettie A. Aldrich, late of Washington County, $2,605.

To John C. Bailey, of Marshall County, $1,587.

To William H. Belue, administrator of Nathan H. Belue, deceased, late of Tishomingo County, $325.

To Rebecca L. Bolling, of Warren County, $845.

To Rebecca L. Bolling, administratrix of Emily R. Martin, deceased, late of Vicksburg, $1,760.

To D. J. Foreman, administrator of Sarah Burton, deceased, late of Warren County, $571.

To Preston Chavis, deceased, late of Warren County, $830.

To Calvin Cheairs, of Benton County, $5,545.

To Evan Cook, administrator of John S. Cook, deceased, late of Hinds County, $1,780.

To R. D. Wright, administratrix of Lucy Cordell, deceased, late of Hinds County, $984.

To W. T. Ratliff, administrator of Willis Cotton, deceased, late of Hinds County, $270.

To E. E. Temple, administrator of Drury Couch, deceased, late of Lafayette County, $1,686.

To Pleasant L. Crosby, administrator of Peter Crosby, deceased, late of Warren County, $225.

To Edward V. Dickens, of Panola County, $4,280.

To W. T. Ratliff, administrator of Peter Dunbar, deceased, late of Hinds County, $320.

To James G. Ferguson, of Warren County, $15,063.

To Samuel Bagnell, administrator of Ignatius G. Flowers, deceased, late of Claiborne County, $7,935.

To A. H. Hamer, administrator of George Gorman, deceased, late of Marshall County, $3,105.

To Sarah Goschorn, of Claiborne County, $684.

To Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, $19,445.

To Aaron Langley, of Hinds County, $380.

To Mary T. Leake, of Warren County, $225.

To Virginia Lowe, of Claiborne County, $615.

To W. C. Mitchell, administrator of W. W. Mitchell, deceased, late of Tallahatchie County, $1,042.

To Catherine Murchison, of Hinds County, $1,461.

To John C. Bailey, administrator of Andrew Nichols, late of Marshall County, $1,087.

To Henry C. Nichols, of Marshall County, $980.

To James H. Owens (or Owen), of Scott County, $825.

To R. J. Harding, administrator of Nelson Potter, deceased, late of Hinds County, $877.

To M. K. Redwine, administratrix of James A. Redwine, deceased, of Lafayette County, $545.

To Aaron Royston, of Marshall County, $250.

To Alexander Seals, of Marshall County, $390.

To Patrick Sheehan, of Warren County, $976.

To Claudius L. Shipp, administrator of Felix G. Shipp, deceased, late of Lafayette County, $1,686.

To T. C. Dockrey, administrator of William Sloan, deceased, late of De Soto County, $622.

To C. S. Farrar, administrator of Gray W. Smith, deceased, late of Marshall County, $11,080.

To Mrs. J. A. Sorrell, administratix of E. F. Sorrell, deceased, late of Alcorn County, $1,443.

To Albert H. Sprich, of Amite County, $750.

To Martha J. Stewart, of Jefferson County, $2,217.

To L. M. Loewenberg, administrator of Seth R. and C. W. Strong, deceased, late of Warren County, $721.

To Emily Thrift, administratrix of S. B. Thrift, deceased, late of Warren County, $1,505.

To Martha Walker, administratrix of Sandy Walker, deceased, late of Marshall County, $350.

To Enoch P. Ward, of Marshall County, $1,673.

To Robert S. and George W. Woodbury, of Issaquena County, $2,570.

To Mattie S. Whitney, administratrix of Franklin Whitney, deceased, late of Claiborne County, $22,224.

To Allie V. Askew, administrator de bonis non of W. W. Neeley, deceased, late of Warren County, $8,540.

MISSOURI.

To E. W. Atchley, administratrix of Thomas V. Atchley, deceased, late of Laclede County, $350.

To Wiley Bailey, of Cass County, $225.

To Charles Balmer, surviving partner of Balmer & Weber, of St. Louis, $3,072.25.

To Daniel P. Belcher, of Cass County, $100.

To J. M. Bell, of Vernon County, $755.

To Charles P. Chouteau, as survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., assignees, through a court in bankruptcy proceedings, of Charles W. McCord, $174,445.75.

To George W. Claypool, administrator of Reuben Claypool, deceased, late of Greene County, $907.

To Thaddeus Collard, $150.

To Simeon Gilbreath, of Bates County, $860.

To David Graham, of Jackson County, $550.

To L. B. Hearrell, of Newton County, $744.10.

To A. L. and W. G. Keithley, of Taney County, $667.

To Mangram E. Langston, of Howell County, $280.

To John P. Legg, administrator of Arch. C. Legg, late of Henry County, $1,050.

To Pleasant Longacre, administrator of Richard Longacre, deceased, late of Cass County, $1,155.

To John T. Lynch, of Houston County, $150.

To John T. Lynch, administrator of David Lynch, deceased, late of Houston County, $175.

To James H. Moyer, of Iron County, $580.

To John L. Peters, surviving partner of John L. Peters & Co., late of St. Louis, $3,115.50.

To John Robinson, of Webster County, $176.

To Joseph L. Walls, of Pettis County, $1,272.

To George Withers, administrator of H. M. Withers, deceased, late of Cooper County, $435.

NORTH CAROLINA.

To Furneyfold Mercer, of Jones County, $747.

OHIO.

To David Hicks, of Hamilton County, $340.

PENNSYLVANIA.

To the heirs of the estate of Nicholas J. Bigley, deceased, late of Pittsburg, Sarah M. McMeal, Joseph H. Bigley, Catharine L. Grace, Mary E. Smith, George Carrol Bigley, Susannah L. McCormick, Agnes Loretta Suter, Nicholas J. Bigley, and John W. Bigley, $21,211.50.

To A. J. Schwartz, administrator of M. Schwartz, late of Adams County, $622.

TENNESSEE.

To M. A. Gober, administrator of Joseph T. Abernathy, deceased, late of Fayette County, $2,455.

To T. S. Galloway, administrator of Darling Allen, deceased, late of Fayette County, $1,880.

To Mary E. Bates, administratrix of James K. Bates, deceased, late of Shelby County, $800.

To George W. Beasley, of Fayette County, $618.

To William S. Bewley, of Hamblen County, $480.

To A. T. Bone, administrator of James T. Bone, deceased, late of Gibson County, $535.

To W. S. Beck, administrator of Joshua Beck, deceased, late of Hamilton County, $6,100.

To A. B. Cannon, administrator of Jane W. Cannon, late of Jefferson County, $150.

To Hugh Carothers, of Lawrence County, $730.

To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.

To Mary R. Rowlett, administratrix of Caleb R. Clement, [illegible] late of Gibson County, $1,192.

To P. B. Robinson, administrator of William R. [illegible], late of Madison County, $171.

To Slater and William Cowart, of Hamilton County, [illegible].

To F. L. Crafton, administrator of Paul C. Crafton, [illegible], late of Gibson County, $256.

To A. B. Crenshaw, of Gibson County, $900.

To William Crews, of Gibson County, $126.

To M. V. Dalton, administratrix of Carson R. Dalton, deceased, late of Shelby County, $620.

To John Deaton, of Chester County, $125.

To Lucy E. Dowdy, executrix of W. P. Dowdy, deceased, late of Fayette County, $1,380.

To Thomas N. Doyle, administrator of Newsom Doyle, deceased, late of Fayette County, $1,650.

To Abner East, of Shelby County, [illegible].

To Washington East, of Shelby County, $165.

To W. J. Embry, executor of John P. Brown, deceased, late of Maury County, $5,192.

To Francis M. Freeman, of Giles County, $600.

To William A. Galloway, of Shelby County, $1,000.

To George L. Gray, of Franklin County, $1,842.12.

To S. E. Green, executor of A. P. Green, deceased, late of Hamilton County, $1,041.

To Elzira Hamilton, of Claiborne County, $1,280.

To Franklin E. Hardwick, of Bradley County, $822.

To S. B. Herbert, of Lawrence County, $425.

To C. M. Hunt, administratrix of John W. Hunt, deceased, late of Hardeman County, $4,300.

To Caty Jones, administratrix of William Irwin, deceased, late of Hawkins County, $125.

To William Johnson, administrator of Thomas J. Johnson, deceased, late of Fayette County, $13,378.

To Ann Kannell, administratrix of John Kannell, deceased, late of Memphis, $811.

To Stephen Kee, of Shelby County, $30.

To R. J. Burke, guardian of minor children of Peter Kelley, deceased, late of Madison County, $416.

To B. J. Kimbrough, administrator de bonis non of James Kimbrough, deceased, late of Shelby County, $1,001.

To Fredonia Knight, administratrix of Joseph T. Knight, deceased, late of Hardeman County, $200.

To Charles F. Beezley, administrator of J. C. Lanier, deceased, of Shelby County, $3,289.

To Thomas M. Leneave, administrator of Irby T. Leneave, deceased, late of Maury County, $750.

To J. I. McCown, of Lincoln County, $450.

To R. Love, administrator of D. W. McKenzie, deceased, late of Fayette County, $1,100.

To Sarah L. McLemore, administratrix of John C. McLemore, deceased, late of Shelby County, $2,850.

To William F. Moore, of Maury County, $1,347.

To William M. Murdock, of Hamblen County, $436.

To John W. Devine, administrator of John G. Newlee, deceased, late of Claiborne County, $4,250.

To A. M. Applewhite, administrator of Andrew J. Newsom, deceased, late of Fayette County, $800.

To R. H. Ogilvie, of Maury County, $2,150.

To Joseph M. Orr, of Greene County, $255.

To Pleasant Owen, of Knox County, $311.

To John Warren, administrator of James Pankey, late of Hardeman County, $1,730.

To J. C. Jenkins, administrator of B. M. Parham, deceased, late of Hardeman County, $232.75.

To Thomas Patrick, administrator of Marion Patrick, deceased, late of Jefferson County, $150.

To Andrew R. Phillips, of Maury County, $585.

To William Pickett, administrator of Jesse Pickett, deceased, late of Sequatchie County, $4,730.

To Fayette J. Pulliam, of Fayette County, $98.

To William A. Quarles, administrator of Mary Quarles, deceased, late of Jefferson County, $240.

To James A. Richardson, administrator of Ezekiel T. Keel, deceased, late of Shelby County, $852.

To John A. Roe, of Gibson County, $2,763.

To Robert Talley, of Haywood County, $175.

To Archibald R. Thomas, of Madison County, $936.

To R. L. Thomas, administrator of B. R. Thomas, deceased, late of Shelby County, $5,876.

To Wilkin Thomas, of Shelby County, $210.

To T. D. Thurman, administrator of John G. Thurman, deceased, late of Shelby County, $585.

To Joseph Townsend, administrator of Peter Townsend, deceased, late of Tipton County, $1,045.

To E. J. Tucker, of Fayette County, $675.

To John Loague, administrator of John N. Stephens, deceased, late of Shelby County, $500.

To W. T. Smith, administrator of Willis Robinson, deceased, late of Hardeman County, $225.

To Osborn Walker, of Wayne County, $825.

To Marshall Wallace, executor of William Wallace, deceased, late of Hawkins County, $675.

To T. S. Gallway, administrator of Thomas J. Waller, deceased, late of Fayette County, $2,200.

To Mary M. White, administratrix of Owen (or Orrin) White, deceased, late of Shelby County, $457.

To John W. Alexander, administrator of James S. Williams, deceased, late of Williamson County, $1,090.

To Thomas H. Williams, administrator of Harvey Williams, deceased, late of Shelby County, $750.

To Alfred A. Young, executor of Joseph Young, deceased, late of Giles County, $375.

To Fannie Young, of Giles County, $125.

VIRGINIA.

To Loftin D. Allen, of Henrico County, $1,651.

To William H. Anderson, of Frederick County, $749.

To Sarah W. Brown, of Alleghany County, $602.

To Susan Brown, of Culpeper, $864.40.

To William Bushby, of Alexandria, $1,728.85.

To Martha S. Clark, of Amelia County, $459.

To Alexander Donnan, administrator of Thomas Farrell, deceased, late of Prince George County, $3,267.

To Elkanah Fawcett, of Winchester, $1,571.

To John E. Febrey, of Fairfax County, $2,696.

To Samuel W. George, sr., of Loudoun County, $842.

To George W. Gunnell, administrator of Elizabeth Gunnell, deceased, late of Fairfax County, $5,124.

To Jesse Owings, trustee to Ann E. Harper, of Alexandria County, $1,688.

To St. Clair D. Kirtley and Francis W. Kirtley, of Rockingham County, $866.

To Mary F. Lewis, of Clarke County, $1,012.

To John Mulholland, Peter Mulholland, and Patrick Mulholland, of Fairfax County, $630.

To Emily Taylor, executrix of William H. Taylor, deceased, late of Fairfax County, $1,935.

To James B. Russell, executor of Sampson Touchstone, deceased, late of Frederick County, $1,125.

To Rowena F. Vaughn, administratrix of Walker Vaughn, deceased, late of Culpeper County, $510.

To John Waldron, late of Greenbrier County, $6,984.20.

To V. Dallas White, administratrix of Benjamin K. White, late of Dinwiddie County, $2,238.

To William H. Woolard, of Shenandoah County, $772.

To Matthew Woodward, of Prince William County, $490.

WEST VIRGINIA.

To Moses C. Baylor, of Jefferson County, $1,144.

To Catherine Beck, administratrix of John Beck, late of Jefferson County, $995.

To H. P. Brown, administrator of William McClintic, deceased, late of Greenbrier County, $500.

To Rhoda Neal, of Greenbrier County, $345.

To John W. Ott, of Jefferson County, $708.

To Charles L. Pyles, of Kanawha County, $586.

To Joseph L. Roberts, of Jefferson County, $395.

To J. Ran Rhoderick, administrator of Benjamin Welsh, late of Jefferson County, $810.

To Henry T. Woody, of Kanawha County, $3,046.

To Samuel W. Wysong, executor of James Wysong, deceased, late of Jefferson County, $3,585.

Mr. STEWART. In regard to these claims, I wish to call the attention of the Senate to the fact that they have been referred to the Committee on Claims year after year. We have diligently examined them and reported them, and have continued to do so, and there is no doubt about the just indebtedness of the United States. If they can not be paid, I hope they will never again be referred to a committee of which I am a member. I do not want to be engaged in the idle work of examining claims and adjusting them and reporting them if Congress does not intend to pay them.

They are as honest debts as any the Government has, and it seems to me that after organizing a court and a committee, and having all the means in the power of the Senate to ascertain the justness of the claims, after they have been thoroughly examined, not only by the court but by the committee, they should not be refused consideration year after year. It seems to me this repudiation will be ascribed by the poor people who have claims against the Government to the fact that they have not the power and influence to enforce them. I think this Government, as great and strong and wealthy as it is to-day, should do by the poor as it does by the rich.

They have been kept waiting all the way from five to twenty-five years, struggling to get their rights. You will see that in a number of cases the money is to go to the administrator or legal representative. If the claims had been disposed of when they should have been, they would not be here now. They would not have accumulated. They have piled up, and now Senators say it is too much. I do not think it is dealing squarely with the creditors of the Government. I think they ought to be paid, and I hope that some disposition will be made of the claims. If they are never to be paid, let us know it and repudiate them squarely. To keep generation after generation waiting, refusing to make appropriations to pay their claims, it seems to me, is trifling with our credit and brings dishonor upon the Government. I hope we may have a vote upon the amendment, and that if these claims can not be paid now it will be understood that the Government intends to repudiate them.

Mr. BATE. Mr. President, since I was on the floor before, I have examined the two amendments of which we have been speaking. The one presented by my colleague [Mr. HARRIS] was submitted on the 16th day of December. That was before the Committee on Claims, and I find the committee offered some amendments——

Mr. ALDRICH. It is impossible to hear what the Senator from Tennessee is saying.

The VICE-PRESIDENT. The Chair desires to remind Senators that it is impossible to hear the remarks of Senators. There is constant complaint of conversation in the Chamber.

Mr. ALDRICH. What became of the amendment offered by the Senator from Missouri?

Mr. BATE. I have the floor.

The VICE-PRESIDENT. The Senator from Rhode Island addressed an inquiry to the Chair.

Mr. BATE. I did not hear it.

Mr. ALDRICH. I ask what became of the amendment offered by the Senator from Missouri?

Mr. BATE. That is pending.

The VICE-PRESIDENT. That is the pending question, upon which the Senator from Tennessee has been recognized.

Mr. BATE. I do not desire to make a speech upon it, although I might say with emphasis what has already been said by the Senator from Nevada [Mr. STEWART] in regard to the character of these claims. They are just and proper claims; they have been passed upon by the Committee on Claims and are here, and the Government owes the money. But I do not care to go into that. I only want to put my colleague and myself right. The amendment, as I have said, was introduced on the 16th of last December, and the one now offered in January following. It went before the committee. The committee acted upon it and reported it favorably, and they have made some amendments in it. Some claims are inserted and some stricken out, especially those paid since, and the committee, regarding it as best, have adopted, it seems, in lieu the amendment proposed by the Senator from Missouri [Mr. VEST], with these amendments on it, and thus it stands. I desire to say that under these circumstances I will not press the amendment which has been offered by my colleague, notwithstanding I think it entitled to precedence; but I will heartily cooperate with those who are seeking to put through the amendment offered by the Senator from Missouri. But in point of fact, my colleague, Senator HARRIS, who is at this time sick and unable to be in the Senate Chamber, introduced on the 16th of December last the bill containing the list of claims which had been passed on by the Court of Claims.

Mr. VEST. I want to state, in order to dispose of this collateral question, that I did not know the Senator from Tennessee had introduced the amendment. I introduced it at the instance of a large number of claimants in my State who were pressing me upon the subject. I should very gladly have got rid of it, as of any other business, if I could.

I propose that the clause beginning with line 23, on page 46, down to and including line 15, on page 47, referring to this Chouteau claim, be added to the amendment and be stricken out of the body of the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri to the amendment will be stated.

Mr. VEST. It is to transfer the Chouteau claim from the body of the bill to the amendment I have offered.

Mr. BURROWS. That will conform, allow me to say, to the amendment as reported by the Committee on Claims. The modification leaving out the Chouteau case is a modification made without the authorization of the committee.

Mr. VEST. That was in my original amendment, and was changed in the Appropriations Committee.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 22 of the amendment, after line 6, it is proposed to insert:

For payment to Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., the amount stated in the findings of facts by the Court of Claims on two separate occasions, to wit: First, in a proceeding under the general law (Ninth Court of Claims Reports, page 155); second, upon a reference by the Committee on War Claims of the House of Representatives (Twentieth Court of Claims Reports, page 250) in the Forty-eighth Congress, said amount being the balance due and to be in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract made by the Navy Department on behalf of the United States with Charles W. McCord on the 9th day of July, 1864, $174,445.75.

Mr. BURROWS. That conforms to the amendment as reported by the committee.

Mr. BLANCHARD. Mr. President, on the general subject of the payment of judgments awarded by the Court of Claims, I desire to submit a few observations.

The Congress of the United States by giving the Court of Claims jurisdiction of certain claims against the Government of the United States invited these claimants to enter its doors and make good their claims against the Government. A good many claimants against the Government have availed themselves of that invitation of Congress as embodied in the law and have filed their suits in the Court of Claims, and findings of the Court of Claims on the facts and on the amounts due have from time to time been handed down by that court and transmitted to Congress.

While that has been the case, and while Congress has from time to time appropriated money to pay some of these awards, it is a fact that none of the claimants whose awards have been favorably acted upon since 1890 have been paid. In the years from 1890 until now, the Court of Claims has been going on with its work of investigation of these claims and making awards in them, and yet Congress, having invited these claimants to present their claims to this judicial tribunal, has been recreant to its duty in respect to providing money to meet judgments after they have been rendered.

It is high time that the Congress of the United States should either pay these judgments or else say to the claimants that they do not intend to pay them. As it now stands, the Court of Claims is a tribunal in which these claimants are ensnared to the extent of going to the expense of employing lawyers and the payment of witness fees to make their claims against the Government, and after this tribunal, selected by the Government, shall have rendered this award in favor of the claimants, Congress withholds the money to meet the judgment. It is an outrage upon the claimants, and the time has surely come when these awards of the Court of Claims should be paid.

Mr. LINDSAY. I understand the amendment introduced by the Senator from Missouri is pending.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri is pending, to which the Senator from Missouri has offered an amendment, which is now before the Senate.

Mr. LINDSAY. I desire to offer an amendment to the amendment. I will wait until the pending amendment to the amendment is disposed of.

The VICE-PRESIDENT. The Chair will recognize the Senator when the amendment to the amendment is disposed of. The question is on agreeing to the amendment of the Senator from Missouri to the amendment.

The amendment to the amendment was agreed to.

Mr. LINDSAY. I offer an amendment to the amendment.

The SECRETARY. At the end of the amendment it is proposed to add——

Mr. HALE. Where does that come in? At the end of the amendment already adopted?

Mr. LINDSAY. Yes.

Mr. VEST. My amendment came in after line 2 on page 11.

The SECRETARY. It is proposed to add on page 12, after line 2——

Mr. HALE. Have we reached page 12 of the bill? It ought to have been offered before the amendment was agreed to.

Mr. ALDRICH. The amendment has not been adopted. It was the amendment to the amendment which was agreed to.

Mr. LINDSAY. This is an amendment to the amendment.

Mr. HALE. I thought the amendment was just adopted.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri to the amendment which he offered has been agreed to, and the Senator from Kentucky [Mr. LINDSAY] offers an amendment to the pending amendment.

Mr. HALE. Where is it to come in?

Mr. LINDSAY. After line 2, on page 12 of the amendment.

Mr. HALE. Proceed.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 2, on page 12, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Thomas W. Campbell, of Louisville, Ky., the sum of $5,142, being the amount found due him by the Court of Claims for property taken during the late war by the United States Army as reported to Congress in House Miscellaneous Document No. 25, Fifty-third Congress, second session.

The amendment to the amendment was agreed to.

Mr. CAFFERY. I offer an amendment to the amendment.

The SECRETARY. It is proposed to add to the amendment:

To pay to Edward H. Murrell, amount collected by the Treasury agents of the United States from property in New Orleans, La., belonging to him and turned into the Treasury, the sum of $1,409.34.

The amendment to the amendment was agreed to.

Mr. BURROWS. I offer an amendment to the amendment. On page 2, line 3, after the word "act," I move to strike out "namely" and insert "and all claims where the amount or amounts were found by said Court of Claims in its finding of facts in cases under the general jurisdiction of said court, namely."

The amendment to the amendment was agreed to.

Mr. ALDRICH. I should like to ask the Senator from Missouri, or some Senator who is familiar with what has been done in the last four or five minutes, what amount in the aggregate is involved in the amendment as it now stands?

Mr. VEST. I have not counted up the claims which we have just added, but the amount I read as in original amendment was $567,901.45. There has been something added—for Louisville, $5,000, in round numbers, and for Louisiana, $1,000; possibly $6,000 more.

Mr. ALDRICH. It must be evident, I think, to the Senator from Maine at this time that the proposition which I suggested this morning is now being acted upon. It is very manifest that the Senate is to put on the bill all claims which have ever been approved by the Court of Claims and all private claims that have been approved by any committee of this body or have ever passed the body; and if that is to be so, I do not know any reason why individual Senators who have claims which have never been approved by committees or perhaps have never been presented to the Senate should not take this opportunity of having the Government pay any claim which Senators think the Government is in justice bound to pay now or hereafter.

The Senator from Louisiana [Mr. BLANCHARD] says we ought to pay these claims now because they have been accumulating for the last seven years. I have an impression, which I think is shared by a great many people in this country, that the Treasury of the United States is not exactly in condition to pay the accumulated claims of two or three wars, and the accumulated claims which have been pending before the Court of Claims and before the various committees of this body for the last twenty-five years—I will not say for the last twenty-five years, because some of these claims have been pending fifty years.

Now, there can be but one result from this, it seems to me. Either the amendments will encounter fatal opposition in another body or the bill will meet the fate which a similar bill met last year, and deservedly met last year. I am not in the habit of indulging——

Mr. FAULKNER. I will ask the Senator why he thinks this bill will meet a similar fate? I am satisfied that if the authority to which he refers had any idea that these bills ought not to be paid he would have mentioned it in his message sent to us; but he carefully avoided making any comment upon this character of claims.

Mr. ALDRICH. The Senator from West Virginia is much nearer the authority to which he refers than I am, and perhaps is a better representative of that authority upon this floor; I am only speaking now of what a man occupying the position to which he refers would feel bound to do, it seems to me, in a case of this kind; that is all.

Mr. FAULKNER. Why more so now than then?

Mr. ALDRICH. I suppose he will occupy the same position he did then. I understand the Executive veto last year was based largely upon the French spoliation claims. If there is any justice or equity in any claim, it certainly pertains to the French spoliation claims. They have passed the Court of Claims and have been through all the various formalities which the claims now presented have been through. I am not in the practice of criticising the Committee on Appropriations, because I know how arduous are their duties and how earnestly they try to do what is right; and I saw with great regret this morning that that committee had undertaken to discriminate in regard to private claims which have been pending before the Senate, and I knew the Senate would put upon this bill before it passed substantially every claim which is now pending before Congress or has been pending in the last twenty-five years.

Mr. HALE. Let me call the Senator's attention to the fact that the Committee on Appropriations last year was submitted to precisely the same thing when it put no claims on.

Mr. ALDRICH. But they were put on, I will state, by a combination of interests here. They were put on by the Senate itself——

Mr. HALE. Undoubtedly.

Mr. ALDRICH. In opposition to its own rules or in spite of its own rules.

Mr. HALE. Undoubtedly a rule that the Senate committee always tried to observe of jealously excluding every claim was overruled, and claim after claim was put on—Bowman claims, spoliation claims, and other claims—much more numerous than anything that has been put on to-day or is likely to be put on to-day, I think.

Mr. ALDRICH. Is that any justification for a standing committee of this body in bringing in amendments to an appropriation bill that are clearly an evasion of or in violation of its own rules?

Mr. HALE. Yes; the Senate Committee on Appropriations made no deviation from the course that was taken in the body last year, and it did not discriminate. It did not put on either the spoliation or the Bowman claims, because they were distinctively claims by themselves, and the spoliation claims were especially the ground of the President's veto; but it put on all the claims that came under the rule the Senate adopted last year, leaving it to the Senate to strike them out if it chose, or to take the chances with the House and with the President. Now, the Senate can put on thousands and tens of thousands of claims more if it chooses, and it is likely to do so; but it does not follow that it would not have done it if nothing had been put on by the committee, because last year when nothing was put on the same result was reached. The truth is, the Senate is bound to put these claims on and the result, quite likely, will be what it was last year running the gantlet of the House and the Executive, and not one of them will pass. Senators take that chance when they put these claims on the bill.

Mr. DANIEL. Will the Senator from Maine allow me to inquire if some of the Bowman claims are not in the bill?

Mr. HALE. There are some that have been segregated, which have heretofore passed the Senate, which are distinctive and by themselves.

Mr. DANIEL. Will the Senator allow me to state that other claims have passed the Senate distinctively in the same way. These have been put on by the committee; they have been selected by the committee and taken out from that class and attached to this bill.

Mr. HALE. No; they have not.

Mr. DANIEL. On page 10 is the payment of the claim of the heirs of Sterling T. Austin.

Mr. HALE. That case has passed the Senate time and again distinctively.

Mr. DANIEL. So have these others.

Mr. HALE. No; they never were included in the list of the Bowman claims.

Mr. DANIEL. They are of the same class.

Mr. HALE. These never have been included in the Bowman claims. They were in a separate and distinctive bill.

Mr. DANIEL. They were found to be due by the Court of Claims.

Mr. HALE. If the Senate chooses to put on the Bowman claims, of course it can do it and take its chances. The Senate can make this bill, as it has heretofore, a bill of claims. The result will be, after a while the pendulum will swing back and the Senate will insist upon its rules that not one claim shall go on. But the reverse has been the case, and the Committee on Appropriations has now, for the first time, selected the claims that have already been passed by committees and put them on, and has taken the chances.

Mr. DANIEL. I beg leave to ask the Senator if this claim is not put on under the rules of the Senate?

Mr. HALE. It is the rule that the Senate fixed at the last session.

Mr. DANIEL. Is it not in the rules of the Senate that if an amendment is reported by a committee it may be offered as an amendment?

Mr. HALE. That is what the Senate has decided, that private claims may be put on this bill.

Mr. DANIEL. One, I think, is as much of a rule of the Senate as the other.

Mr. HALE. Undoubtedly. I have not made any point of order against the Bowman claims, the Senator must have noticed.

Mr. DANIEL. I was only inquiring for information from the Senator. He seemed to forget that the Senate was following its own rule.

Mr. HALE. I do not make any point of order. I do not think any of them are in order under the written rules, but the Senate has decided otherwise.

Mr. DANIEL. It seems to me they are within the rule.

Mr. HALE. That is the decision the Senate has made. I do not think under the clause at the end of Rule XVI any claim is in order, but the Senate has decided otherwise, and has decided that a bill which has passed the Senate and has been reported by a committee has already been adopted by this body in one way or the other and is in order. I made no point on the Bowman claims on that account.

Mr. ALDRICH. Mr. President, I realize that the opinion or the vote of any individual Senator is powerless in this matter. These claims and the interests they represent are so widespread, they reach into so many States and to the representatives of so many States, that my words are simply wasted. But I desire to suggest to Senators who have the responsibility of these enormous appropriations that if these claims are to be paid in spite of the established rules of the Senate, some period ought to be selected for their payment when the Treasury is in a different condition from what it is to-day, when the country is better able to pay, when the revenues are somewhere near adequate in view of these great expenditures. Wait until next year. I am in hopes we shall then have a revenue sufficient to pay any legitimate claims upon the Treasury. Postpone your zeal in behalf of your own constituents or your own friends for a while. Do not load up this bill with all the claims, as I have already stated, that have been pending before the Senate for a generation. We can not afford to do it.

Mr. HOAR. I should like to ask the Senator from Rhode Island a question before he sits down. He has been investigating this matter. Has he heard any suggestion anywhere, or will he make one himself, that these claims are not absolutely just and due from the United States?

Mr. ALDRICH. There are two questions which I am suggesting to the Senate: First, that if these claims are just, they should be paid in another way and at another time. I am not undertaking to say whether the claims are just at all. They are here in violation of the rules of the Senate. They are put upon this bill in violation of the rules of the Senate. An appropriation bill is not the proper place to legislate for claims, whether they are just or otherwise.

Mr. HOAR. What is the proper place? The Senator says these are claims a generation old. The French spoliation claims, claims as honest, righteous, and just as ever existed, claims against the Government of France which we took and used to pay off a great international obligation and saved ourselves from war, perhaps, have been pending for over ninety years. These claims, the Senator says, are a generation old; that is, they are claims that we have not paid when the Treasury was full and running over; and I should like to know whether the Senators who object to this way of paying them believe them to be honest or not?

Mr. ALDRICH. I imagine some of them are honest and some of them are very dishonest; that is, if the truth could be accurately known. If the Senator wants a categorical answer, I have no doubt some of them are honest and some of them are very improper claims.

Mr. HOAR. Will the Senator mention those he thinks are dishonest? The Court of Claims has found them to be claims of a high order, and a committee of the Senate composed of eleven able Senators, every one of them fit to be chief justice of the State where he lives, or nearly every one of them, has examined them and found them all honest. Now, will the Senator point out which of the claims which these two tribunals have approved are defective?

Mr. ALDRICH. I do not think the Senator from Massachusetts expects me to answer that question. I think the Senator must be as well aware as I am of the character of his own question.

Mr. HOAR. The reason why I do not expect my friend to answer the question is because he can not answer it without getting into a logical scrape.

Mr. ALDRICH. I do not think so at all. I have two reasons for protesting against placing all this class of claims upon this

bill. In the first place, I say it is a violation of the rules of the Senate, which were adopted deliberately, or the authority of the Senate to prevent legislation upon appropriation bills, or to pay private claims upon general appropriation bills. That has been the policy of the Senate from the commencement. If private claims are just and honest, they ought to be passed in the ordinary and usual way, as other bills are passed. The Senator from Massachusetts is now in charge in the Senate of the general bankruptcy bill, the adoption of which he believes is essential to the continued prosperity of the country. There is no more reason why that bankruptcy bill should not be put upon this general deficiency bill, as far as the rules of the Senate are concerned, than that the claims which are now presented and which the Senator is advocating should be placed upon it.

Mr. HOAR. It is true I am in charge of a general bankruptcy bill, but I never proposed to have the United States go into bankruptcy, and if I did I should hope at least she would never go into fraudulent bankruptcy. I think the repudiation of these claims is just that.

Mr. ALDRICH. There is no repudiation of claims at all involved in the course which I have suggested. It is that they shall be paid by legislation in the course which the Senate and House of Representatives have adopted to govern legislation of this kind. It is not that you shall put on by a logrolling scheme (and I do not mean to be offensive at all in that suggestion) all the claims which every Senator has ever presented to the Senate at any time and to pay them in one fell swoop from the Treasury of the United States when that Treasury is in the condition of our own to-day.

The Senator from Massachusetts, I think, has served for a long time upon the Committee on Claims, and I have no doubt that he has given a great deal of honest and conscientious work to his investigations in that direction; but the fact that the Court of Claims and the Committee on Claims have reported favorably bills to the Senate is no evidence to my mind that the Senate ought to violate its rules and pay those claims by a different method than is prescribed in those rules. If the Senator from Massachusetts is in charge of a claim here that is honest, it ought to be paid. With his zeal and intelligence and fidelity he can secure the passage of a bill here, and if the claim is of the nature he suggests it can be passed in the other House and become a law upon its merits, and not because it is placed here in an aggregation involving an expenditure of millions of dollars that he knows will secure votes enough on account of its magnitude to pass the Senate.

Mr. HOAR. Mr. President, I will state the position in which we are placed. The Senate has found by experience the contrary of what my honorable friend from Rhode Island assumes. Let a claim be as clear as daylight, unquestioned by anybody, thoroughly sifted, found just by the ordinary courts of the United States, then referred to the Court of Claims and reaffirmed as just without a division, then brought to a committee of this body and scrutinized again, then pass this body and scrutinized again, and you carry it to another place and say to the highest authority there, "All this which I have just recited is the fact about this claim, this demand," and that authority will reply, "I know it; it is absolutely just and honest, and the citizen of the United States to whom it is due is suffering and poor and in distress, but I will not let this body act on it. I will not even submit it where a two-thirds vote is required, because if I do the gate will be opened and millions and millions of unjust, extravagant, and dishonest claims will pour in." That proceeding will be supported and submitted to, and the result is that these honest claims against the Government of the United States become old and stale and a burden, and wearisome to the flesh of everybody who has legislative responsibility here. At the same time that action will be accompanied by attacks in the press and attacks in deliberative bodies upon the Senate as a body that wastes time and discusses things, and does not carry out promptly the will of the people by reason of securing here an opportunity for debate.

The Senate of the United States had the rule which has been cited, and in view of that condition of things it adopted a year ago, and I do not know but earlier, a policy which is either a repeal of that rule or a destruction of it, one or the other, and declared that these things should be so enacted here that they at least should be presented to the other body, whose concurrence in legislation is necessary. While as an original question my honorable friend from Maine [Mr. HALE] and my honorable friend from Rhode Island [Mr. ALDRICH] are right, the thing is settled by precedent and construction here the other way, and it has been, in my judgment, righteously settled.

I do not think we ought to be frightened by the suggestion that there are so many of these claims pending against the Government. Either the Senate and the House of Representatives can be trusted to deal with them honestly, if they can be explained and discussed, or if they do not deal with them honestly when they are explained and discussed the public will find them out, and sooner or later they will furnish a remedy. The way to secure honesty of legislation in any free country is freedom, and not to put the legislative body into a straight waistcoat or tie it up in a sack. I have little respect for a man who keeps his credit good at his bank, pays his business paper when it is due, and cheats his grocer or his washerwoman because they can not affect his credit. And I have as little patriotic pride in that particular in a country that prides itself on the scrupulous good faith with which it pays its bonds and cheats by these delays or evasions honest citizens whom it has plundered of the property which belonged to them under its Constitution and laws.

The Senator from Rhode Island talks about logrolling. I never heard of this amendment until I came into the Senate, long after it had been offered and when the discussion had gone on for some time. But how is it possible that these claims, every one of which in its order has passed the Court of Claims and has passed the Committee on Claims, can be liable to such a charge? It is the regular bill intended to carry out the judgments of the Court of Claims, which comes in here as carefully guarded to secure against such an evil method of legislation as it is possible for the wit of humanity to guard.

Mr. President, we enacted the Bowman Act, which was an act drawn by a very industrious and useful colleague of my own, whose legislative career was cut short too soon for the interests of the Commonwealth and of the country he so faithfully served. It was regarded as a great measure of legislation. We said: "We are going to do what few governments on earth do. We are going to let the citizen who has got a good claim against his country come into court as an equal and have his fair trial before a court of our own selection, before learned judges appointed by the President and approved by the Senate." And now when those judgments come in, where all the care and safety of a judicial inquiry exists, where the Attorney-General was present, and where the court, if it erred at all, errs by the common judgment of everybody who knows about it in an overscruple, I think we are bound to see that justice is done the people who have these just claims. If we can do it in accordance with our ordinary rule, very well; but by the rules, through the rules, or over the rules, I think this justice ought to be done to these citizens.

Mr. ALDRICH. Mr. President, I do not think that any person in the Senate or out of it can properly accuse the Senate of the United States of illiberality in their treatment of private claims or injustice in regard to private claims. We have, under the rules of the Senate, nearly 365 days in the year, when the Senate is in session for that length of time, or whatever number of days it may be in session, during which private bills and private claims may be considered by this body, and there is no restraint upon any Senator offering claims of this kind. They go to the Committee on Claims of this body, which no man has ever ventured to accuse of illiberality in their treatment of claims. They are then reported [illegible] the Senate, and each case is treated upon its [illegible] and passed upon by the Senate, or should be, with deliberation. They are then sent to the other House for its approval, and to the Executive for his approval. Those bills can be considered in order at any time and in order anywhere except upon general appropriation bills.

Mr. STEWART. Will the Senator allow me to make a suggestion to him?

Mr. ALDRICH. Certainly.

Mr. STEWART. There are many of these bills which have passed the Senate once, twice, three, four, and as many as five times. I have known of entirely unobjectionable bills passed by the Senate at each session of Congress for as many as four succeeding Congresses which did not pass the House. They would go over there and everybody there said they did not have any opportunity to have them taken up and considered. So they go and come. If you look at the history of these bills, you will find that many of them, as I have said, have passed repeatedly in every Congress, and what are we to do about it?

Mr. ALDRICH. During my sixteen years of service in the Senate I have very rarely known the Senate to refuse to pass a bill to pay any private claim which had any pretense of honesty in it.

Mr. STEWART. The Senate does not refuse to pass the bills. The refusal is in the other House.

Mr. ALDRICH. There is no doubt about that. If those claims pass the Senate and do not receive the approval of a coordinate branch of this Government, are we to say that "unless you do approve those specific bills there are to be no appropriations made to carry on the Government"?

Mr. STEWART. We do not intend that.

Mr. ALDRICH. Shall we say to the other body, "We will force you to do one of two things—either that no appropriations shall be made for this Government or else you must take them with the additions that we propose"? Are you going to say to those gentlemen that these claims, as the Senator from Massachusetts has said, whether the claims are just or unjust——

Mr. STEWART. They are just.

Mr. HOAR. If my honorable friend will allow me, I did not say that.

Mr. STEWART. I do not accuse the House of injustice, but that it does not consider such bills and has not considered them. They are not taken up, and can not be taken up.

Mr. ALDRICH. I hope the Senator from Nevada will allow me to go on with what I have to say.

Mr. STEWART. I do not say that those bills are not reported by the House committees, but that they are not considered by the House itself.

Mr. ALDRICH. Mr. President——

Mr. HOAR. If the Senator will allow me, I did not say what he has attributed to me.

Mr. ALDRICH. I do not desire to misquote the Senator from Massachusetts. The Senator from Massachusetts deliberately said that by the rules, or over the rules, these claims must be paid.

Mr. HOAR. That is a very different thing from saying what the Senator just stated, that I had said whether they were just or unjust they must be paid.

Mr. ALDRICH. Wait a moment. The Senator from Massachusetts can not undertake to say to me or anybody else that he knows whether these claims are just or unjust or proper in amount.

Mr. HOAR. Mr. President——

Mr. ALDRICH. It is not within the power of any man, however great his ability may be, to know whether such claims are just or not; and when the Senator says that those claims, by the rules, or through the rules, or over the rules, are to be put into an appropriation bill, it becomes a menace, a threat to the House of Representatives and to the President of the United States, that "if you do not sign this bill, including these claims, then the Government of the United States must stop for the want of appropriations."

Mr. HOAR. If my friend will allow me for a moment——

Mr. ALDRICH. Certainly.

Mr. HOAR. I said that these claims were ascertained to be just by the court of our own creation, by the committee of our own creation, and by the Senate; and being so ascertained, that, if I could accomplish it, they should pass by the rules, through the rules, or over the rules. That I stand by.

Mr. STEWART. Allow me——

Mr. ALDRICH. I decline to yield.

Mr. HOAR. I ask the Senator to allow me a word further. When the Senator from Rhode Island stated that I had said those claims should be put on whether they were just or unjust—not purposely, I know, but very carelessly, very recklessly, very unjustly—he made a gross perversion of my language.

Mr. ALDRICH. If I understand the position of the Senator from Massachusetts—I certainly have no desire to misrepresent him—it is this: That the Court of Claims has said that these claims were just, and the Senator from Massachusetts, or the Committee on Claims of this body, have said they were just.

Mr. HOAR. The Senator is wrong.

Mr. ALDRICH. And the Senate having said they are just, though the House of Representatives do not agree with that opinion, and the President of the United States, clothed by the Constitution with authority of approval or disapproval of those measures, should conclude that they were not just, that then, through these rules or over these rules, I will force those gentlemen to accept these claims, whatever may be their character.

Mr. HOAR. That is your logic, and not my statement at all.

Mr. ALDRICH. If that is not the logical conclusion from the Senator's statement, I do not understand the English language.

Mr. HOAR. My friend will pardon me. He understands the English language very well. He does not understand logic the least in the world. [Laughter.]

Mr. ALDRICH. I used the word "logrolling," and the Senator suggested that there is no logrolling in this scheme. I said I did not intend to use the word "logrolling" in an offensive sense. I said these claims reached out in so many directions and included so many States and so many Senators that it was impossible here to resist their adoption upon the floor of the Senate. That is what I said; and I meant no offense to any Senator by saying it. I said that this amendment and those referred to by the Senator from Missouri [Mr. VEST] are only the commencement of the amendments to be offered this afternoon and adopted by the Senate. The $600,000 involved in this amendment will grow, as the Senator from Maine knows, before this bill is passed, into so many millions, or more; and all I ask and all the suggestion I have to make is a word of protest, which I know is absolutely futile and useless, that this legislation ought not to be carried on in this way and ought not to be adopted at this time, in the present condition of the Treasury.

Mr. STEWART. I wish to call attention to the fact that the Committee on Claims never puts a claim into this bill which has been rejected by the other House. That, I believe, is a rule well understood. There are many claims in this bill which have repeatedly passed the Senate and have been repeatedly approved by the committees of the House of Representatives. After they have gone through Congress after Congress, and have not been acted upon, it is not antagonizing the other House or questioning its judgment when it is a notorious fact that that House has never had an opportunity to vote upon the bills. If they had been rejected by the House of Representatives they would not have been put into this bill.

There may be some bills which have been rejected by the other House, perhaps, but I think it is very seldom that such bills have been subsequently reported favorably by the Senate committee. But when they have been once discussed in the other House and rejected on their merits, the committee regards that as the end of the claim. But these bills have been repeatedly passed through the Senate, and the only reason assigned by anyone in the House of Representatives for their not passing there is that there is no opportunity to bring them to the attention of the House. You go to the chairman of a committee there and inquire what has become of a bill, and he will say, "Here it is; a just bill, but I can not get the eye of the Speaker; I can not get the bill up; there is so much other business pressing." It can not be done; the House can not consider it.

The fact that the House of Representatives can not consider these claims and does not consider them imposes an additional duty on the Senate to bring them to the attention of the House in some form. A single bill involving two or three hundred dollars, which has been reported upon favorably and about which there has been no doubt, does not attract attention in the House, and can not in that large assemblage, in the way it is organized. There is no disguise about the fact that they can not consider these bills in detail, and do not do it.

Mr. TURPIE. I offer an amendment to the pending amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, line 21, after the word "claims," it is proposed to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative of the estate of George McDougal, the sum appropriated in the general deficiency bill of August 4, 1886, to pay the judgment of the Court of Claims in favor of John Paul Jones, administrator, in the same manner as though said judgment had been affirmed on appeal to the Supreme Court of the United States, to wit, the sum of $81,250, but without interest or costs, which said sum shall be accepted in full for all claims for principal and interest.

Mr. HALE. Is that reported by any committee?

Mr. TURPIE. Mr. President, the validity of this claim has been reported from the Committee on Claims, in support, however, of a separate bill which was passed by the Senate six days ago. This claim passed the Senate at the last session. It has gone to the other House and has been favorably reported there, but it has not been acted upon, and will not be reached. It has passed twice through the favorable report of the Committee on Claims of the Senate after it had been adjudged in the Court of Claims. It has every possible evidence of verity. The foundation of it is for meat and flour—$80,000 worth of it—sold to the commissioners of the United States to treat with the Indians in 1850, in their country which we had taken possession of without treaty and against treaty. These supplies were furnished at that time when the Indians were almost at war against the miners of California. The claim has been ever since pending. It has not been denied; it has never been disputed; it has always been admitted.

I think it is perfectly in order to offer it, and that it is not subject to the point of order. I know that Senators have urged against a claim of this kind that it is in violation of the rule. I submit such claims are not in violation of any rule; that they are not urged against any rule. The Senate has a right to make a rule to-day in any case and by any vote, and that special rule bears the same resemblance as a special act does to a general law. It is as regular, it is as constitutional as any printed rule there is numbered among those published as such. Those laws published as such were made by the aggregation of votes; they were made, if I may use the colloquialism, by logrolling; they were made by compromise; and the Senate may to-day make a special rule in favor of this claim or in favor of any claim by special vote for its allowance.

Nor is this claim urged against the coordinate branch of the Legislature. It is not a matter outside of conference or concurrence. It has not been rejected in the House, and it is submitted in this bill as the Bowman claims are submitted to the House; just the same.

The conference committee is composed of an equal number of members of both Houses, and when it acts upon either claim both Houses act, and when they concur or nonconcur in a report the Houses must afterwards act upon the action of the committee before it.

There is no possible parliamentary objection to the consideration of this claim or any of those which are offered as amendments.

Mr. HALE. If the amendment comes under the rule the Senator declares it does, then that is the end of it. I want to say, however, to Senators that they should bear in mind that the more heavily this bill is loaded the more danger it will encounter elsewhere. I do not need to elaborate that. Every Senator knows that. I should like to have a vote on the amendment which has been presented by the Senator from Missouri, and then go on; and after this I must insist that the order be carried out, that the committee amendments, as they are reached in the reading of the bill, shall be acted upon, and when we are through with those amendments, then Senators, in their discretion and in their judgment, must consider whether it is worth while to seek to put everything onto this bill.

The rules and the policy which the Senate has adopted in the last year or two are very liberal, but they may be well found to react against the very object of those rules and prevent anything being done. So, Mr. President, I hope we may now have a vote upon the proposition of the Senator from Missouri.

Mr. BLANCHARD. I desire to offer an amendment to the amendment of the Senator from Missouri.

Mr. HALE. The Senator from Indiana [Mr. TURPIE] has an amendment pending to that amendment.

The VICE-PRESIDENT. The Chair will state that the pending question is upon the amedment submitted by the Senator from Indiana [Mr. TURPIE] to the amendment submitted by the Senator from Missouri [Mr. VEST], and the amendment of the Senator from Indiana will first be disposed of.

Mr. HALE. Let me say further, Mr. President, that I am very desirous that we should pass this bill, and if it shall be passed, as it easily can be, unless hindered by discussion, by 6 or half past 6 o'clock, then there will be no need for an evening session, because then the committees of conference can go to work. But if the bill is delayed and runs over that time, we shall have to take a recess and have a night session, and the Senators know that if that can be avoided, after those we have had, it is worth their while.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Indiana to the amendment of the Senator from Missouri. [Putting the question.] The noes seem to prevail.

Mr. VEST. I want to make a single statement to the Senator from Indiana. I want to state that I will vote for the amendment of the Senator, but I would prefer, if agreeable to him, not to put the claim provided for in his amendment on the Bowman claims. It is not one of those claims. They are sui generis, under the Bowman Act, while this claim is not. I will vote for it because it is a just claim; I have no doubt, if the Senator states so, but I do not want to endanger the Bowman claims.

Mr. TURPIE. I will submit to the Senator from Missouri, and to the Senate also, that although this is not properly a claim under the Bowman Act, as there is no question of loyalty involved in it, the original claim being that of an Indianian for supplies furnished to the Indians of California upon the order of our commissioners engaged in the acquisition peaceably of the gold mines in California. McDougal took the same place that Vigo did with George Rogers Clark in the Northwest, in furnishing commissary supplies to the Federal commission in 1850, at that time treating with the Indians of California. Although this is not properly offered as a Bowman claim, yet it was considered by the Court of Claims in the same manner as those under the Bowman Act, and received the same adjudication with reference to its correctness, its verity, its honesty, and I trust it will not be excluded from the category of cases which are now to be added to this bill.

These provisions were furnished to the Indians at the request of United States commissioners and were paid for in drafts upon the Department of the Interior, which the Department refused to pay because no appropriation had been made for that purpose. More than forty years have since elapsed. Let us make the appropriation now. The amount includes no interest; it only covers the face of the drafts.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri.

Mr. DANIEL. Was the vote taken on the amendment of the Senator from Indiana, Mr. President?

The VICE-PRESIDENT. The Chair submitted the question, and the "noes" seemed to prevail; but the Chair will again submit to the Senate the question on the adoption of the amendment proposed by the Senator from Indiana to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

Mr. BLANCHARD. I send to the desk an amendment to the amendment offered by the Senator from Missouri. I would state that the amendment which I send up is an award or finding by the Court of Claims under the Bowman Act.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 9 of the amendment, after the word "dollars," it is proposed to insert:

To Marie Eliza Payne, of Natchitoches Parish, $5,476.

Mr. VEST. Is that under the Bowman Act?

Mr. BLANCHARD. Yes, sir; it is under the Bowman Act, and has been adjudicated by the court.

The amendment to the amendment was agreed to.

Mr. HALE. Now, let us have a vote on the amendment of the Senator from Missouri.

Mr. ROACH. If the Senator will allow me, I desire to offer an amendment which I think ought to come in here.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert:

That out of any money in the Treasury of the United States not otherwise appropriated there be paid to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of $1,621.56, in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888: *Provided*, That the amount herein provided to be so paid to the heirs of said Margaret Kennedy is to be in full compensation for all claim or demand of the heirs of said Margaret Kennedy, as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy in the District of Columbia, being the farm on which Fort Sedgwick was erected.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from North Dakota.

Mr. FAULKNER. I do not think that ought to be passed.

Mr. BERRY. I hope the Senator will not object to that claim. The man has been here for twelve years that I know of.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Dakota to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is upon the amendment submitted by the Senator from Missouri as amended.

The amendment as amended was agreed to.

Mr. PUGH. Mr. President——

Mr. HALE. I must ask that the rule be enforced and the bill be read so that the committee amendments may be taken up. That course has already been agreed to. Then after that is through Senators can offer their amendments. That has always been the rule, and I must insist upon its being enforced.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 11, after line 2, to insert:

Ford's Theater disaster: To provide for the payment of employees of the Government for injuries received and for losses sustained, and for three death cases, at the Ford's Theater disaster, which occurred on the 9th day of June, 1893, $34,525, which sum shall be paid out by the Secretary of the Treasury to the persons and in the amounts as follows: Thomas D. Anderson, $250; Ethelbert Baler, $2,500; Edward C. Carroll, $300; George R. Garnett, $1,500; Thomas Morley, $2,250; Charles R. Miller, $3,000; George W. Smoot, $1,250; Smith Thompson, $2,000; Nathan F. White, $1,500; H. P. Willey, $300; James A. White, $1,000; Mrs. Georgie R. Baldwin, legatee under the last will of Davi[illegible] Henry Porter Brown, $5,000; Nina A. Kime, legatee under the will of her husband, $5,000; to the legal representative of William Schrieber, de[illegible] $5,000; Wilson H. Thompson, $1,000; Sherman Williams, $2,000; Charl[illegible] Smith, $75; Richard C. Jones, $300; for compensation to E. V. Brookshi[illegible] member of the Ford's Theater Commission for twenty-three days su[illegible] to the expiration of his term in the House of Representatives and [illegible] 11, 1896, at $10 per day, $230: *Provided*, That the provision of the [illegible] civil appropriation act approved August 18, 1894, appointing a joint [illegible] consisting of the select committee of five Senators, appoint[illegible] the President of the Senate, and five members of the [illegible] Representatives, appointed by the Speaker of the House of Re[illegible] investigate and report upon the Ford's Theater disaster, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Engraving and Printing," on page 13, line 22, to increase the appropriation for pay of assistant custodians and janitors for the fiscal year 1896 from $969.34 to $999.40.

The amendment was agreed to.

The next amendment was, on page 15, line 6, to increase the appropriation to supply deficiency in the appropriation for "suppressing counterfeiting and other crimes" from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "suppressing counterfeiting and other crimes," for the fiscal year 1895, $154.95.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

Credit in accounts of Col. C. B. Comstock and Col. George H. Mendell: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of Col. C. B. Comstock, brevet brigadier-general, United States Army, the sum of $42, standing against him on the books of the Treasury; and to allow and credit in the accounts of Col. George H. Mendell the sum of $472, standing against him on the books of the Treasury.

The amendment was agreed to.

The next amendment was, on page 19, after line 18, to insert:

Protection of salmon fisheries of Alaska: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Protection of salmon fisheries of Alaska," for the fiscal year [illegible], $44.88.

The amendment was agreed to.

The next amendment was, on page 19, after line 24, to insert:

World's Columbian Exposition: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Synopsis of Department reports, World's Columbian Exposition," $98.45.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to insert:

For payment to N. E. Dawson, for services rendered the World's Columbian Commission, $500.

The amendment was agreed to.

The next amendment was, on page 20, after line 7, to insert:

Payment to Ella M. Hendricks: To pay Ella M. Hendricks amount erroneously collected by the Government and deposited in the Treasury as rent received from E. S. Cummings, under lease by the United States of lot 21, in Wager Six-Acre Reservation, Harpers Ferry, W. Va., it since appearing that the title to said lot was not vested in the United States, but was and is the property of the aforesaid Ella M. Hendricks, $87.50.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

Settlement with James M. Willbur: The Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in, on, and around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished, by the direction of the Secretary of the Treasury and Senate committee, by the experts Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts the Secretary of the Treasury shall, within thirty days from the passage of this act, appoint three competent persons, who shall be duly sworn, to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminating tiling, frames, and supports thereof, placed by said Willbur in and around the New York City post-office and court-house building beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling, or in the quantity thereof, from that which was specified in said contract.

That the Secretary of the Treasury shall, within sixty days after the making of said report, pay to said Willbur such amount as he shall find from such report to be due to him, which sum shall be taken and received by said Willbur in full and final settlement of all and every claim against the United States on said account, and such sum as may be necessary to pay the amount so found due is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

Payment on account of wreck, revenue cutter *Gallatin*: To enable the Secretary of the Treasury to reimburse the survivors of the officers and crew of the United States revenue cutter *Gallatin*, wrecked off the coast of Massachusetts on the 6th day of January, 1892, for losses sustained by them, respectively, in the wreck of said vessel, $12,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Treasury, in determining the amount of such losses, shall in all cases require a schedule and sworn statement of loss, and that no allowance shall be made for any property except that which was useful, necessary, and proper for said officers and crew while engaged in the Government service on board such revenue cutter.

If any survivor of said wreck entitled to the benefit of this appropriation shall have died before receiving the reimbursement provided for, then such sum, when duly ascertained, shall be paid to his widow, if one survive him, and if not, then to his minor children, if any there be; and the benefit of this provision is further extended to the surviving widow or minor children of any officer or member of the crew of said revenue-cutter *Gallatin* whose life was lost at the time of such wreck, and in this case the Secretary of the Treasury may dispense with the sworn statement provided for herein.

The amendment was agreed to.

The next amendment was, on page 26, after line 20, to insert:

To pay W. L. Cook for services as clerk and custodian of records of the United States second judicial district court of the late Territory of Utah from January 6 to March 10, 1896, both days inclusive, $280.

The amendment was agreed to.

The next amendment was, on page 27, after line 15, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "International exchanges, Smithsonian Institution," for the fiscal year 1896, $179.

The amendment was agreed to.

The next amendment was, under the head of "Fish Commission," on page 27, after line 21, to insert:

For rebuilding fish-transportation cars Nos. 1 and 3, which have worn out in the service, $10,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 23, to insert:

For rebuilding steam launch in use on Potomac River in connection with shad-hatching station thereon, $2,000.

The amendment was agreed to.

The next amendment was, on page 28, line 6, to increase the appropriation for the construction of a dwelling house for the superintendent at the station of the United States Fish Commission at St. Johnsbury, Vt., from $2,500 to $4,000.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 30, after line 11, to insert:

Lighting: To pay the Washington Gas Light Company for extra lighting, being for the service of the fiscal year 1896, $3,715.07.

The amendment was agreed to.

The next amendment was, on page 35, line 3, after the word "fifty," to insert "and Senate Document No. 161;" and in line 6, after the word "deceased," to strike out "$959.75" and insert "$1,444;" so as to make the clause read:

Judgments: For the payment of judgments, including costs, against the District of Columbia, set forth on page 10, House Document No. 250 and Senate Document No. 161 of this session, except the judgment in favor of Elizabeth L. W. Bailey, administratrix of David W. Bailey, deceased, $1,444, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until date of payment.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

National Homeopathic Hospital: To pay for a fire escape erected on the hospital building in May, 1896, by the order of the Commissioners of the District of Columbia, $480.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Physicians to the poor: For amount necessary to pay the physicians to the poor in full satisfaction for all services during said period for vaccinating 11,280 persons during the smallpox epidemic, from October, 1894, to January, 1895, inclusive, $1,500; $75 to be paid to each physician.

The amendment was agreed to.

The next amendment was, on page 38, after line 16, to insert:

Relief of Andrew H. Russell and William R. Livermore: The Court of Claims is hereby authorized to take jurisdiction of a suit to be brought by Capt. Andrew H. Russell and Maj. William R. Livermore on account of the alleged infringement of their patent, No. 21823, dated August 3, 1880, for a magazine firearm, granted to said Andrew H. Russell, and to render judgment for damages incurred or compensation due for such infringement; and the court is hereby further authorized to receive and consider the testimony already taken in the suit brought in the United States circuit court for the district of Massachusetts by said parties against Col. Alfred Mordecai and dismissed for want of jurisdiction, and such new evidence as might be taken on either side.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

Payment to Edmund E. Schreiner: To pay to Edmund E. Schreiner, of Washington City, D. C., for quarters furnished Capt. Herman Schreiner, Ninth United States Cavalry, from September 1, 1872, to February 18, 1873, $312.40.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to insert:

Payment to James W. Schaumburg: To pay to the legal representatives or devisees of James W. Schaumburg, deceased, the amount found to be due him by the United States circuit court for the eastern district of Pennsylvania, which judgment was affirmed by the Supreme Court of the United States, for the pay and emoluments of said Schaumburg as a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, $11,165.31.

The amendment was agreed to.

The next amendment was, on page 39, after line 21, to insert:

Payment to William S. Grant: To pay William S. Grant, in full satisfaction of his claims against the United States arising out of his contract to supply military posts in Arizona in the years 1860 and 1861, this sum to be paid under the direction of the Secretary of War, who shall take proper releases and receipts from the said William S. Grant, $77,989.38.

The amendment was agreed to.

The next amendment was, on page 40, after line 11, to insert:

Mileage to officers: That the paragraph "For mileage to officers when authorized by law, $90,000: *Provided*, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 4 cents per mile, the distance to be computed over the shortest usually traveled routes," in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1898, is hereby amended so as to read as follows:

"For mileage to officers when traveling on duty without troops when authorized by law, $90,000: *Provided*, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 4 cents per mile, the distance to be computed over the shortest usually traveled routes, and in addition thereto he shall receive transportation in kind."

Mr. SEWELL. I desire to offer an amendment to the committee amendment which I think will be acceptable.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). That is in order under the agreement. The amendment to the amendment will be stated.

The SECRETARY. On page 41, line 2, after the word "kind," it is proposed to insert:

This rule shall also apply to the members of the Board of Managers of the National Homes for Disabled Volunteer Soldiers and their officers, traveling under orders of the Board.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, after line 15, to strike out:

That all funds and property, real or personal, except bequests or donations from individuals, now held or that may hereafter be acquired, for or on account of the National Home for Disabled Volunteer Soldiers, or any interest or business connected therewith, shall be held to be public funds and property to be used, set apart, and disposed of for and on account of the objects for which said money or property was received; and all officers responsible for such money or property shall render to the Secretary of War direct full and complete vouchers, accounts, and returns for same, to be approved by him, and under such regulations as he may prescribe: *Provided further*, That the money accounts shall be rendered monthly, and the property returns at least once in six months.

The amendment was agreed to.

The next amendment was, on page 45, under the head of "Navy Department," after line 6, to insert:

For payment in full to the Portland Company for work done and material furnished in the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress, $80,867.46.

The amendment was agreed to.

The next amendment was, on page 45, after line 14, to insert:

For payment in full to the legal representatives of John Roach, deceased, for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin*, under the advice and assistance of the naval advisory board mentioned in said act, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, $28,161.25.

The amendment was agreed to.

The next amendment was, on page 45, after line 22, to insert:

For payment in full to the Richmond Locomotive and Machine Works for damages and losses incurred in the construction of the armored battle ship *Texas*, $69,550.30.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to insert:

That the claims of the William Cramp & Sons Ship and Engine Building Company for damages and losses sustained by it by reason of the failure of the United States to promptly and properly furnish the armor and armament for the ships constructed by said company for the United States submitted to the Navy Department under the act of June 10, 1896, be, and the same are hereby, referred, as recommended by the Secretary of the Navy, to the Court of Claims for adjudication upon their merits; and if the said court shall find that the said company sustained losses and damages by reason of the delays and defaults of the United States, then it shall render judgment for such sum or sums as in the opinion of the court will fully compensate the said company therefor.

The amendment was agreed to.

The next amendment was, on page 46, after line 17, to insert:

For payment in full to the Union Iron Works of San Francisco the amount found due said company by the Department for extra work and expenses in constructing the *Monterey*, $14,742.58.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to insert:

For payment to Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., the amount stated in the findings of facts by the Court of Claims on two separate occasions, to wit: First, in a proceeding under the general law (Ninth Court of Claims Reports, page 155); second, upon a reference by the Committee on War Claims of the House of Representatives (Twentieth Court of Claims Reports, page 240) in the Forty-eighth Congress, said amount being the balance due and to be in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract made by the Navy Department, on behalf of the United States, with Charles W. McCord on the 9th day of July, 1864, $174,445.75.

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator in charge of the bill to this amendment, which has already been incorporated into an amendment adopted previously.

Mr. HALE. I will fix that before we get through with the bill.

The PRESIDING OFFICER. Shall the amendment in the bill be disagreed to?

Mr. HALE. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, after line 15, to insert:

To pay Rear Admiral C. C. Carpenter the amount withheld from him for pilotage charges while in command of the *Hartford*, by Department order of September 20, 1883, $111.60.

The next amendment was, on page 53, after line 21, to insert:

MISCELLANEOUS.

To compensate T. and A. Walsh, of New York City, for materials lost and damages sustained on account of an accident which occurred August 8, 1896, to the caisson of Dry Dock No. 2 at the navy-yard, Brooklyn, N. Y., as estimated and determined by a board of officers of the Navy directed to investigate and report thereupon, the board having found that the damages were not due to any negligence on the part of Messrs. T. and A. Walsh, $921.55.

The amendment was agreed to.

The next amendment was, on page 55, under the head of "Department of the Interior," after line 10, to insert:

Reimbursement of Jacob Kempner: To reimburse Jacob Kempner for injury done his residence by blasting done in Whittington avenue, Lake Reserve, at Hot Springs, Ark., said blasting having been done in the progress of work under the control of the superintendent of Hot Springs Reservation, $15.35.

The amendment was agreed to.

The next amendment was, on page 55, after line 16, to insert:

Payment on account of new Library building: For the payment to W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs, late doing business under the style and firm name of Stout, Hall & Bangs, and J. M. Vale, out of any money in the Treasury not otherwise appropriated, in full payment of the balance due them on a contract entered into with them by the United States of America April 21, 1888, for furnishing stone for the walls of the cellar, or subbasement, of the Library building, in the city of Washington, as found by the Secretary of the Interior in his report to Congress (House Document No. 117, first session, Fifty-fourth Congress), under the authority conferred upon him by the act of Congress approved March 2, 1895 (Twenty-eighth Statutes at Large, page 94), the sum of $31,802.52, which sum shall be paid as follows:

To William H. B. Stout and Isaac S. Bangs, or their assigns, the sum of $22,802.52.

To Cyrus J. Hall the sum of $6,000.

To J. M. Vale the sum of $3,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to insert:

Payment to W. R. Austin & Co.: For payment to W. R. Austin & Co. for materials furnished to the Interior Department for use in the Eleventh Census of the United States, the same to be in full for all said materials and all vested rights, $15,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 13, to insert:

Payment to William H. Crook: To pay William H. Crook for services as secretary to the President to sign land patents, for the fiscal years 1879, 1880, 1881, and 1882, inclusive, $4,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 19, to insert:

Engraving the illustrations necessary for the monographs and bulletins, $25,985.

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

Printing and binding the monographs and bulletins, $42,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 24, to insert:

Protecting public lands: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands, $20,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 22, to insert:

Payment to Irving W. Stanton: To pay Irving W. Stanton, of Pueblo, Colo., compensation for his services as register of the land office at Central City, Colo., from September 30, 1868, to November 14, 1868, $176.95.

The amendment was agreed to.

The next amendment was, on page 60, after line 4, to insert:

Payment to Thomas Guinean: For payment to Thomas Guinean, of Oregon, assignee of Bradley S. Hoyt, deceased, of California, amount paid the United States by said Hoyt on account of land entry at Shasta, Cal., and which entry was subsequently canceled, $100.

The amendment was agreed to.

The next amendment was, on page 60, after line 10, to insert:

Payment to Avery D. Babcock and wife: For payment to Avery D. Babcock, of Polk County, Oreg., and to Margaret I. Babcock, his wife, to be equally divided between them, in full payment of their claim against the Government of the United States for the use and occupation by the United Stat[illegible] of their donation claim No. 58, in section 8, in township 6 south, range 7 w[illegible] of the Willamette meridian, in the State of Oregon, $2,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 6, to in[illegible]:

For compensation of clerks, $7,000. The [illegible]ation for [illegible] private land claims for fiscal year ending June [illegible] [illegible] available for office work on such surveys.

The amendment was agreed to.

The next amendment was, on page 62, after line 22, to insert:

That the Secretary of the Interior be, and is hereby, directed to pay to G. H. Kitson, or his legal representatives, the sum of $1,800, due said Kitson for money advanced to the Menominee tribe of Indians, of Wisconsin, out of any money due said tribe from the United States not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert:

To pay the amounts found due by the Court of Claims, as hereinafter set forth, for supplies furnished the Indian service in 1873 and 1874, and reported to Congress by Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to wit:

To Edward N. Fish & Co., $1,800.

To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.

To Bowers & Richards, assignees of James M. Barney, $3,534.78.

To Sutro & Co., assignees of William B. Hooper & Co., $1,479.32.

The payments to the assignees in each case being at the request of the original claimants as found by the Court of Claims.

The amendment was agreed to.

The next amendment was, on page 64, under the head of "Department of Justice," in line 15, to increase the appropriation for traveling expenses, Territory of Alaska, from $250 to $282.50.

The amendment was agreed to.

The next amendment was, on page 64, line 22, to increase the appropriation for rent and incidental expenses, Territory of Alaska, from $2,600 to $2,705.

The amendment was agreed to.

The next amendment was, on page 65, after line 5, to insert:

Payment to W. A. Poucher: To pay accounts of W. A. Poucher, United States attorney for the northern district of New York, for services performed under the direction of the Attorney-General, $2,946.28.

The amendment was agreed to.

The next amendment was, on page 65, after line 10, to insert:

Payment to Hugh T. Taggart: For payment to Hugh T. Taggart, for services performed under appointment by the Department of Justice, $25,100.

The amendment was agreed to.

The next amendment was, on page 66, line 10, before the word "thousand," to strike out "twenty" and insert "fifty;" so as to make the clause read:

To enable the Attorney-General to represent and protect the interests of the United States in matters and suits affecting the Pacific railroads, and for expenses in connection therewith, to be available until expended, $50,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 6, to insert:

Payment to Winslow Warren: To pay the account of Winslow Warren, of Boston, Mass., for services rendered by him under order of the circuit court of the United States for the district of Massachusetts, $500.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 68, after line 4, to insert:

To pay three deputy clerks of the United States district courts in the Indian Territory, one at Muscogee, one at South McAlester, and one at Ardmore, at the rate of $1,200 per annum each, for services performed and to be performed, from the 31st of March, 1895, to the 30th of June, 1897, $8,100.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:

For fees of district attorney, United States courts, for the District of Columbia, $1,200.

The amendment was agreed to.

The next amendment was, on page 68, after line 19, to insert:

To amend section 96 of the Revised Statutes relating to the District of Columbia so that it will read as follows:

"He shall pay to his deputies or assistants not exceeding, in all, $10,000 per annum, also his clerk and messenger hire, not exceeding $5,000, office rent, fuel, stationery, printing, and other incidental expenses, not exceeding $1,200, out of the fees of his office: *Provided*, That no expenses other than those above specified shall be allowed."

The amendment was agreed to.

The next amendment was, on page 69, line 10, after the word "thousand," to strike out "and ninety-one dollars and eighty-eight cents" and insert "one hundred and forty-five dollars and eleven cents;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of district attorneys, United States courts," for the fiscal year 1896, $65,145.11.

The amendment was agreed to.

The next amendment was, on page 69, line 21, to increase the appropriation for the fiscal year 1896 from $9,569.45 to $20,724.10.

The amendment was agreed to.

The next amendment was, on page 70, line 2, to increase the appropriation for the fiscal year 1895 from $1,450 to $7,550.

The amendment was agreed to.

The next amendment was, on page 70, line 13, to increase the appropriation for the fiscal year 1896 from $10,901.48 to $13,514.45.

The amendment was agreed to.

The next amendment was, on page 70, line 22, to increase the appropriation for the fiscal year 1896 from $28,107.74 to $29,778.09.

The amendment was agreed to.

The next amendment was, on page 71, line 1, to increase the appropriation for the fiscal year 1895 from $1,006.94 to $1,486.07.

The amendment was agreed to.

The next amendment was, on page 71, to increase the appropriation for support of United States prisoners, including necessary clothing, medical aid, etc., for the fiscal year 1896, from $50,000 to $50,003.50.

The amendment was agreed to.

The next amendment was, on page 71, line 22, to increase the appropriation for support of United States prisoners, including necessary clothing and medical aid, etc., for the fiscal year 1895, from $10,000 to $10,689.65.

The amendment was agreed to.

The next amendment was, on page 74, under the head "Post-Office Department," in line 22, after the word "session," to strike out "$74,268.70" and insert "$77,394.17;" so as to make the clause read:

For the fiscal year 1896, to pay amounts set forth in House Document No. 250 of this session, $77,394.17.

The amendment was agreed to.

The next amendment was, on page 75, line 3, after the word "thousand," to strike out "five hundred and seventy-four dollars and forty-eight cents" and insert "six hundred and fifty-nine dollars and ninety-six cents;" so as to make the clause read:

For the fiscal year 1895, to pay amounts set forth in House Document No. 250, of this session, $2,659.96.

The amendment was agreed to.

The next amendment was, on page 76, line 1, to increase the appropriation for compensation of postmasters for the fiscal year 1896 from $568,656.23 to $569,065.37.

The amendment was agreed to.

The next amendment was, on page 76, after line 5, to insert:

Payment to estate of William Moss, deceased: To pay to the administrator of the estate of William Moss, deceased, late of Arkansas, for the benefit of the heirs at law of said deceased, for extra services in transporting the United States mails from Washington, Ark., to Clarksville, Tex., and back, three times a week from July 1, 1854, until June 30, 1858, route 7600, which services were not provided for in his contract, $14,175.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

Payment to Twyman O. Abbott: To pay to Twyman O. Abbott, of Tacoma, State of Washington, his heirs or legal representatives, in full and final settlement for damages sustained by reason of the breach of a certain contract for lease of a building and ground for post-office purposes, $10,967.75.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 76, after line 24, to insert:

For the public printing, for the public binding; and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents and all the necessary materials which may be needed in the prosecution of the work, $175,000.

The amendment was agreed to.

The next amendment was, on page 77, after line 11, to insert:

That the Public Printer be, and he is hereby, authorized and directed to pay the employees and former employees and the legal representatives of deceased former employees of the Government Printing Office such sums as may be due said employees and former employees for accrued and unpaid leaves of absence for the fiscal years 1887 to 1894, both inclusive; and the sum of $57,829.60, or so much thereof as may be necessary, is hereby appropriated for the purpose.

The amendment was agreed to.

The next amendment was, on page 78, after line 19, to insert:

SENATE.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

To make the salaries of the clerks to the Committees on Revolutionary Claims and Corporations Organized in the District of Columbia, from the 1st day of July, 1896, to 30th day of June, 1897, at the rate of $2,100 per annum each, $900.

The amendment was agreed to.

The next amendment was, on page 79, after line 3, to insert:

For telephone operator, at $720 per annum, from March 5, 1897, $231.

The amendment was agreed to.

The next amendment was, on page 79, after line 6, to insert:

For press gallery page, at $600 per annum, from March 5, 1897, $195.00.

The amendment was agreed to.

The next amendment was, on page 79, after line 9, to insert:

For page in folding room, at $600 per annum, from March 5, 1897, $195.00.

The amendment was agreed to.

The next amendment was, on page 79, after line 12, to insert:

For one assistant engineer, at $1,440 per annum, from March 5, 1897, $468.

The amendment was agreed to.

The next amendment was, on page 79, after line 16, to insert:

For one fireman, at $1,095 per annum, from March 5, 1897, $355.83.

The amendment was agreed to.

The next amendment was, on page 79, after line 20, to insert:

For two laborers, at $720 each per annum, from March 5, 1897, $468.

The amendment was agreed to.

The next amendment was, on page 79, after line 23, to insert:

To pay A. S. Worsley, for services rendered the Senate to March 4, 1897, $252.

The amendment was agreed to.

The next amendment was, on page 80, after line 2, to insert:

To pay E. J. Atherton, for services rendered the Senate to March 4, 1897, $191.67.

The amendment was agreed to.

The next amendment was, on page 80, after line 5, to insert:

To pay J. L. Bowie, for services rendered the Senate to March 4, 1897, $155.30.

The amendment was agreed to.

The next amendment was, on page 80, after line 8, to insert:

To pay W. A. Merritt, for services rendered the Senate to March 4, 1897, $151.38.

The amendment was agreed to.

The next amendment was, on page 80, after line 11, to insert:

To pay James P. Knight, for services rendered the Senate to March 4, 1897, $122.86.

The amendment was agreed to.

The next amendment was, on page 80, after line 14, to insert:

For purchase of furniture, $1,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 15, to insert:

For services in cleaning, repairing, and varnishing furniture, $500.

The amendment was agreed to.

The next amendment was, on page 80, after line 17, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, for the fiscal year 1894, $31.80.

The amendment was agreed to.

The next amendment was, on page 80, after line 24, to insert:

To reimburse the Official Reporters of the proceedings and debates of the Senate for expenses incurred from March 11, 1896, to March 4, 1897, for clerk hire and other extra clerical services, $3,840.

The amendment was agreed to.

The next amendment was, on page 81, after line 5, to insert:

To pay M. W. Blumenberg, for services to the Committee on Naval Affairs in pursuing the inquiry as to the cost and price of armor, under Senate resolutions of December 31, 1895, and February 13, 1896, $425.

The amendment was agreed to.

The next amendment was, on page 81, after line 11, to insert:

To enable the Secretary of the Senate to pay H. A. Austin, for reporting testimony taken before the Committee on Indian Affairs, under resolutions of the Senate of May 13, 1890, February 27, 1891, and March, 1896, authorizing certain investigations to be made in the Indian Territory, $191.25.

The amendment was agreed to.

The next amendment was, on page 81, after line 19, to insert:

To pay Frank P. Holmes, for extra services as conductor of Senate elevator from July 1, 1891, to January 31, 1892, $220.90.

The amendment was agreed to.

The next amendment was, on page 81, after line 23, to insert:

For payment of medical expenses of C. F. Lynch, an employee of the Senate, incurred by reason of injuries while in discharge of his duties, $290.45.

The amendment was agreed to.

The next amendment was, on page 82, after line 2, to insert:

To pay Robert Stein, for translating the work of Edward Suess on The Future of Silver, for the Finance Committee, United States Senate, Senate Miscellaneous Document No. 95, $100.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 85, line 1, after the word "Means," to strike out "ninety" and insert "one hundred and forty;" so as to make the clause read:

To pay George W. Cochran, for rent of room for use of subcommittee of Committee on Ways and Means, $140.

The amendment was agreed to.

The next amendment was, on page 85, after line 2, to insert:

To reimburse the Clerk of the House for expenses incurred and to be incurred for services of a clerk and stenographer, at the rate of $100 per month, from December 2, 1895, to June 30, 1897, $1,888.04.

The amendment was agreed to.

The next amendment was, on page 85, after line 8, to insert:

To pay John H. Barnsley the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.95.

The amendment was agreed to.

The next amendment was, on page 85, after line 14, to insert:

To pay Charles Carter and Harry Parker for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, $75 each, $150.

The amendment was agreed to.

The next amendment was, on page 85, after line 18, to insert:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.95.

The amendment was agreed to.

The next amendment was, on page 85, after line 24, to insert:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives, from January 9, 1896, to March 4, 1897, inclusive, $1,583.31.

The amendment was agreed to.

The next amendment was, on page 86, after line 4, to insert:

To pay Guy Underwood the difference between the pay of a laborer and that of a messenger in the hall library, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.

The amendment was agreed to.

The next amendment was, on page 86, after line 10, to insert:

To pay, under resolutions of the House, Isaac R. Hill, at the rate of $1,500 per annum; Thomas A. Coakley, George L. Browning, and George Jenison, at the rate of $1,200 per annum each; C. W. Coombs, at the rate of $1,800 per annum, and James F. English, at the rate of $900 per annum, from March 4 to December 1, 1897, inclusive, $5,799.50.

The amendment was agreed to.

The next amendment was, on page 86, after line 20, to insert:

To pay the following assistants in the document room, authorized and employed under resolutions of the House, namely: One at the rate of $1,600 per annum, one at the rate of $1,200 per annum, and two at the rate of $1,000 per annum each from March 4 to June 30, 1897, inclusive, $1,573.31.

The amendment was agreed to.

The next amendment was, on page 87, after line 3, to insert:

To pay Charles N. Thomas for extra services as clerk in the office of the disbursing clerk of the House of Representatives, $300.

The amendment was agreed to.

The next amendment was, on page 87, after line 6, to insert:

To pay Noah L. Hawk for extra services as acting assistant deputy sergeant-at-arms, $300.

The amendment was agreed to.

The next amendment was, on page 87, under the head of "Judgments, United States courts," in line 17, after the word "seventy-seven," to insert "and Senate Documents numbered one hundred and fifty-six and one hundred and sixty," and in line 23, after the name "Bloodgood," strike out "twenty-nine thousand and thirty-five dollars and twenty-seven cents" and insert "thirty-four thousand one hundred and eighty-seven dollars and thirty-one cents;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Documents No. 257 and 277, and Senate Documents No. 156 and 160, and which have not been appealed, except the judgments in favor of Andrew H. Gay and the Realty Company, and including $1,436.20, in full for principal of judgment in favor of Francis Bloodgood, $34,187.31, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *Provided further*, That the amount of the judgment in favor of James R. Lawrence, herein appropriated for, shall be paid to the clerk of the circuit court for the district of South Carolina, to be distributed under the decree of that court, and that such payment shall be in full satisfaction and discharge of any and all claims, either of the said James R. Lawrence or of any person claiming through or under him, arising out of the matters involved in said action.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 90, in line 10, after the word "in," to insert the word "House;" in line 11, before the word "Numbered," to strike out "Document" and insert "and Senate Document;" and in line 12, after the word "seventeen," strike out "$292,489.88" and insert "$834,155.83;" so as to make the clause read:

For payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House and Senate Document No. 217, $834,155.83: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 91, line 5, after the word "Senate," to strike out "Document No. 10" and insert "Documents Nos. 10 and 165;" and in line 8, after the word "and," to strike out "thirty-six thousand eight hundred and seventy-one" and insert "seventy-five thousand two hundred and fifty-three;" so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Documents Nos. 10 and 165, and in House Document No. 265, of this session, $175,253.60, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

The amendment was agreed to.

The next amendment was, under the [illegible] "Claims allowed by the Auditor for the Navy Department," on page 97, line 15, after the word "cents," to insert:

Provided, That no part or any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

So as to make the clause read:

For provisions, Navy, Bureau of Supplies and Accounts, $11,182.44: *Provided*, That no part or any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

The amendment was agreed to.

The next amendment was, under the head, "Claims allowed by the Auditor for the Post-Office Department," on page 103, after line 4, to insert, as a new section, the following:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1894, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 162, Fifty-fourth Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For suppressing counterfeiting and other crimes, $61.44.

For assessing and collecting internal revenue, $57.69.

For collecting the revenue from customs, $15.60.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $695.36.

For incidental expenses, Quartermaster's Department, $80.

For transportation of the Army and its supplies, $17.25.

For reimbursement to certain States and Territories (State of Nebraska), for expenses incurred in repelling invasions and suppressing Indian hostilities, $2,644.59.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $67.84.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $250.44.
For mileage, Navy, Graham decision, $2,706.32.
For pay of Marine Corps, $6,014.57.
For contingent, Marine Corps, $13.85.
For contingent, Bureau of Equipment, $20.18.
For provisions, Navy, Bureau of Supplies and Accounts, $2,837.23: *Provided*, That no part or any one of the claims to which this appropriation is applicable, shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.
For steam machinery, Bureau of Steam Engineering, $99.29.
For enlistment bounties to seamen, $300.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For expenses of inspectors, General Land Office, $20.95.
For surveying the public lands, $3,293.48.
For pay of judges, Indian courts, 3 cents.
For contingencies, Indian Department, $2.50.
For support of Pawnees: Schools, $981.49.
For support of Sioux of different tribes: Subsistence and civilization, $75.
For support of Apaches, Kiowas, Comanches, and Wichitas, $10.
For Indian school transportation, $1.29.
For incidentals in Idaho, $66.80.
For salaries, pension agents, $31.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

DEPARTMENT OF JUSTICE.

For expenses of Territorial courts in Utah, $82.75.
For pay of special assistant attorneys, United States courts, $170.
For fees of commissioners, United States courts, $1,276.60.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For mail depredations and post-office inspectors, $43.98.
For free-delivery service, 50 cents.
For star transportation, $26.78.
For special facilities, $981.43; in all, for deficiency in the postal revenues, certified claims, $1,052.69.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I have several amendments in the way of corrections to make to the bill. On page 71, line 21, I move to reconsider the vote by which the amendment of the committee increasing the sum from $10,000 to $10,689.65 was agreed to.

The motion was agreed to.

Mr. HALE. Now, in line 23, before the word "thousand," I move to strike out "ten" and insert "eleven;" so as to read.

For the fiscal year 1895, $11,000.

The amendment was agreed to.

Mr. HALE. On page 74, in line 23, after the words "one hundred and fifty," I move to insert "and Senate Document No. 159."

The amendment was agreed to.

Mr. HALE. On page 75, line 3, after the word "fifty," I move to insert "and Senate Document No. 159."

The amendment was agreed to.

Mr. HALE. On page 90, in line 11, I move to reconsider the vote by which the committee amendment striking out the word "document" was agreed to, and that the amendment be disagreed to.

The amendment was agreed to.

Mr. HALE. On page 90, in line 12, after the word "seventeen," I move to insert "and Senate Document No. 167."

The amendment was agreed to.

Mr. HALE. On page 91, in line 8, I move to reconsider the vote by which the committee amendment striking out "thirty-six thousand eight hundred and seventy-one" and inserting "seventy-five thousand two hundred and fifty-three," before the word "dollars," was agreed to, and that the Senate disagree to the amendment.

The motion was agreed to.

Mr. HALE. On page 91, beginning in line 8, after the word "session," I move to strike out the words "one hundred and thirty-six thousand eight hundred and seventy-one dollars and fifty cents" and to insert "two hundred and four thousand twenty-seven dollars and sixty-six cents."

The amendment was agreed to.

Mr. HALE. On page 70, after line 3, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 3, on page 70, it is proposed to insert:

To pay the amount found due by the accounting officers of the Treasury in favor of Edward Baxter, special assistant United States attorney for the middle district of Tennessee, on account of the appropriation for the special assistant attorneys, United States courts, for the fiscal years as follows: For the fiscal year 1896, $2,000; for the fiscal year 1895, $2,000; for the fiscal year 1894, $2,100; for the fiscal year 1893, $500.

The amendment was agreed to.

Mr. HALE. On page 35, after line 11, I move the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after line 11, it is proposed to insert:

For the opening of North Capitol street northward through the property of Annie E. Barbour and others, and to pay the owners of the land necessary to be taken for public use in the extension of said North Capitol street according to the report of the appraisers appointed by the supreme court of the District of Columbia March 14, 1894, to appraise the land necessary for the extension of said North Capitol street, as said report was confirmed by the supreme court of the District of Columbia June 22, 1894, and finally adjudged by the court of appeals of the District of Columbia March 4, 1895, so far as the same relates to the land of said Annie Barbour and others. That the following sum is hereby appropriated, out of the revenues of the District of Columbia, for the purposes following, namely: $23,678 to pay the award of said appraisers, confirmed and adjudged as aforesaid.

The amendment was agreed to.

Mr. HALE. Mr. President, that is all.

Mr. MARTIN. Mr. President——

Mr. HALE. I wish to say, however, that if we can finish the bill in the course of the next half hour, there will be no necessity for an evening session so far as the Committee on Appropriations are concerned.

Mr. MORGAN. I desire to call the attention of the Senator from Maine to what I suppose is an omission on the part of the committee.

The PRESIDING OFFICER. The Chair has recognized the Senator from Virginia [Mr. MARTIN].

Mr. HOAR. I desire to say, if the Senator will pardon me, that I hope there will be a brief executive session before the Senate adjourns.

Mr. MORGAN. Mr. President, I desire to call the attention of the Senator from Maine——

Mr. MARTIN. I offer an amendment, which has been reported favorably from the Committee on Claims.

Mr. MORGAN. Before the amendment is read, I desire to call the attention of the Senator from Maine——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN. I do not.

Mr. HALE. Let me say further, in addition to my suggestion, that the report of the conferees on the sundry civil bill will be in when this bill is finished.

Mr. MARTIN. I yield to the Senator from Alabama for the purpose of making a correction in an amendment which has been passed over.

Mr. MORGAN. I desire to call the attention of the Senator from Maine to what I suppose is an omission.

Mr. HALE. I will listen to the Senator.

Mr. MORGAN. On page 4, line 16, there should be inserted after the word "respectively" the words "their heirs or assigns," so that the money can be taken by those to whom it belongs.

Mr. HALE. Those words may be inserted.

The SECRETARY. After the word "respectively," in line 16, page 4, it is proposed to insert the words "their heirs or assigns;" so as to read:

Spanish and American Claims Commission: To enable the Secretary of State to distribute and pay to the claimants, respectively, their heirs or assigns, the sums due them upon a balance of net increment received by the United States, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Virginia will now be stated.

The SECRETARY. After line 8, on page 40, it is proposed to insert:

For the compensation and reimbursement of Richmond College, located at Richmond, Va., for the occupation of its buildings and grounds by United States troops and officers for the period of about eight months, said occupation commencing in April, 1865, and for injury to and destruction of the buildings, the apparatus, libraries, and other property of said college by said troops and officers, the sum of $25,000, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That no money be so paid except upon accounts of such occupation, injury, and destruction, and the damage caused thereby, duly verified and proven.

The amendment was agreed to.

Mr. HOAR. On page 90, after line 17, I move to amend by inserting what I send to the desk. It is in order under the rules.

The SECRETARY. After line 17, on page 90, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John C. Howe, deceased, $66,397, out of any money in the Treasury not otherwise appropriated, the same being compensation in full for the use by the United States, to wit, in [illegible] cup-anvil cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States issued to him August 16, 1864, and numbered [illegible], during the entire term of said letters patent, as appears in the findings of law and of fact made by the United States circuit court for the district of Connecticut in the case of Forehand and others *vs.* Porter, reported in volume 15 of the Federal Reporter, at page 256, and as further appears in the findings of fact made by the Court of Claims, after full testimony and full hearing in Congressional case No. 1, entitled Forehand and others *vs.* The United States, heard on reference of the matter to said Court of Claims by the Committee on Claims of the Senate under and pursuant to the act of March 3, 1883, commonly known as the Bowman Act, said findings of fact having been certified to the Committee on Claims of the Senate by said court on the 25th day of April, 1889.

Mr. HALE. From what committee does that come?

Mr. HOAR. From the Committee on Claims.

The amendment was agreed to.

Mr. GORDON. On page 86, at end of line 20, I propose to insert what I send to the desk.

The SECRETARY. On page 86, after line 20, it is proposed to insert:

Provided, That the said named parties are severally selected by the Fifty-fifth Congress to fill the several positions now severally held by them in the House of Representatives: *And provided further*, That if these said named parties are not so selected, then these several sums shall be paid to those who are selected to fill these several positions respectively.

The amendment was agreed to.

Mr. MILLS. I offer an amendment to come in after line 17, on page 5.

The SECRETARY. After line 17, on page 5, it is proposed to insert:

For editing, under the direction of the Secretary of State, with a view to future publication, all reports, papers, and documents belonging to the United States relating to the war of the Revolution, and the operation, organization, and administration of the forces therein engaged, now in the custody of the State Department, $15,000.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. GRAY. I ask unanimous consent to reconsider the vote by which the amendment offered by the Senator from North Dakota [Mr. ROACH] was adopted, in regard to the heirs of Margaret Kennedy, to the amendment of the Senator from Missouri [Mr. VEST], as I desire to offer it as a separate amendment to the bill.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent to reconsider the vote by which the amendment to the amendment was agreed to. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAY. I offer the amendment to come in on page 12, after line 14.

The amendment was read, and agreed to, as follows:

That out of any money in the Treasury of the United States not otherwise appropriated there be paid to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of $3,000, less any sum heretofore paid her in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888: *Provided*, That the amount herein provided to be so paid to the heirs of said Margaret Kennedy is to be in full compensation for all claim or demand of the heirs of said Margaret Kennedy, as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy in the District of Columbia, being the farm on which Fort Sedgwick was erected.

Mr. McMILLAN. On page 18, after line 6, I move to insert:

For rifle practice and matches for the fiscal year 1897, $500.

The amendment was agreed to.

Mr. DANIEL. From the Committee on Claims I offer the amendment which I send to the desk.

The SECRETARY. After line 2, page 11, it is proposed to insert:

To pay Briscoe B. Bouldin, deputy collector of internal revenue, the amount of expense incurred by reason of wounds inflicted while in the discharge of duty, $336.15.

Mr. DANIEL. I will state, in brief, that a bill to this end has twice passed the Senate. It was favorably reported in the House and it is recommended by the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. BATE. I offer an amendment to be inserted at the end of line 15, on page 42.

The amendment was read, and agreed to, as follows:

That in order to reimburse Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn., for the use and occupation of the building and grounds and for consumption of materials, for the injury to its buildings, apparatus, cabinets, and other property injured or destroyed by troops of the United States during the late war, the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the proper authorities of said institution, out of any money in the Treasury not otherwise appropriated, such sum, not exceeding $25,019.96, as the accounting officers of the Treasury Department, under direction of the Secretary, may find to be duly proven on account of such injury and destruction, use, occupation, and consumption of the building and grounds of said college.

Mr. HAWLEY. I invite attention to page 97. I move to strike out from line 22 down to and including line 6, on page 98. It will take quite a little time to state the case in full.

Mr. HALE. Let the amendment be read.

Mr. HAWLEY. I am working in the interest of officers' claims which have been established three times at least by the decisions of the Supreme Court of the United States.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Beginning in line 22, on page 97, it is proposed to strike out:

That hereafter the accounting officer of the Treasury shall not receive, examine, consider, or allow any claim against the United States for pay or allowances which have been or may be presented by officers or enlisted men of the Regular Army, Navy, or Marine Corps, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been or may hereafter be adopted as the basis for the allowance of such claims, which accrued more than six years prior to the institution of proceedings on which such decisions were or may be made.

The amendment was agreed to.

Mr. PUGH. Mr. President——

Mr. HALE. Has the Senator from Alabama a further amendment?

Mr. PUGH. Yes, sir. I offer an amendment to come in at the end of the amendment of the Senator from Missouri, which has been agreed to by the Senate.

Mr. HALE. Let us hear what it is.

The SECRETARY. After the Bowman claims amendment, which has been adopted, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Mobile Marine Dock Company, or to its authorized agent or attorney, out of any money in the Treasury not otherwise appropriated, $86,212.65, in full payment for the use and occupation of and damage to property taken of said company from April 16 to November 15, 1865, inclusive.

The amendment was agreed to.

Mr. STEWART. I offer an amendment to come in after line 17, on page 73.

The SECRETARY. On page 73, after line 17, it is proposed to insert:

That the proviso in the act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government, for the fiscal year ending June 30, 1897, and for other purposes which reads as follows: "That in the ninth judicial district, in addition to the term or terms held in San Francisco, a term of the circuit shall be held in each year in two other places in said district, to be designated by the judges of said court," is hereby repealed.

The amendment was agreed to.

Mr. GORMAN. I offer an amendment to come in on page 9, after line 14.

The SECRETARY. On page 9, after line 14, it is proposed to insert:

To pay Catherine Burns, of Annapolis, Md., the widow of Lewis Burns, for pay and rations as mate on the United States ship *Potomac*, from April 4, 1871, to July 9, 1873, heretofore certified to be due by the proper accounting officers of the Treasury Department, and certified to Congress by the Secretary of the Treasury as a deficiency for the fiscal year ending June 30, 1893, and for prior years, the sum of $701.25.

The amendment was agreed to.

Mr. ALLEN. I offer an amendment to be inserted after line 14, on page 12.

The amendment was read, and agreed to, as follows:

That for the purpose of encouraging the propagation of the blue and silver fox the Secretary of the Treasury be, and he is hereby, authorized to issue leases to the islands of North Semidi, South Semidi, Ukomok, Long Island, Little Koniushi, Pearl Island, Carlsons Island, Little Naked Island, and Marmot Island, in Alaska, for a period not exceeding twenty years, for the purpose of breeding and domesticating blue and silver foxes; and he may issue leases of such other islands in Alaska for this purpose as may seem, in his opinion, to be in accordance with the public interest; all such leases to be held under such regulations as he may prescribe: *Provided*, That persons actually engaged in caring for and domesticating such foxes on any of [illegible] islands shall be accorded the preference right to lease the island or occupy the same under such rules and regulations as the Secretary of the T[illegible] may prescribe, and such lessee shall have the privilege of killing the foxes and disposing of their furs, subject to [illegible] and regula[illegible].

Mr. THURSTON. I offer an amendment, to be inserted after line 8, on page 40.

The amendment was read, and agreed to, as follows:

To pay Henry T. Clarke, of Omaha, Nebr., for the value and rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Fort Crook, Nebr., and being the buildings on said land acquired by the United States by condemnation proceedings in the suit of the United States against Henry Zucher in accordance with a proposition made by Henry T. Clarke to the Secretary of War, on July 29, 1890, which said proposition was for the sale of land to the United States for a new Fort Omaha, now Fort Crook, and by which proposition all said buildings were retained by the said Henry T. Clarke, $2,911, the same to be received and accepted by said Henry T. Clarke in full for all claims against the United States for or on account of said buildings.

Mr. MANTLE. I offer an amendment, to be inserted after line 19, on page 60.

The amendment was read, as follows:

To C. J. Baronett, of Gardiner, Mont., for the bridge known as "Baronett's Bridge," over the Yellowstone River, and the approaches thereto, $5,000.

To James C. McCartney, of Gardiner, Mont., for certain buildings at or near Mammoth Hot Springs, taken and used by the United States, $3,000.

To Matthew McGuirk, of Los Angeles, Cal., for certain buildings at or near Mammoth Hot Springs, taken and used by the United States, $1,000.

The amendment was agreed to.

Mr. SMITH. On page 5, after line 17, I submit an amendment to come in after the committee amendment already adopted.

The amendment was read, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emile M. Blum, for services as commissioner-general to the International exposition at Barcelona, Spain, the sum of $5,000 and to James M. Seymour, jr., for services as assistant commissioner the sum of $2,000.

The amendment was agreed to.

Mr. HALE. I appeal to Senators to let the bill with all that has been placed upon it be put upon its passage.

Mr. WHITE. That would be unjust to those of us who have had no part in filling it up.

Mr. HALE. I certainly did not know that there was any Senator here who did not have a part in it.

Mr. TILLMAN. I have an amendment I should like to have go in the bill.

Mr. HALE. It is a matter I can not control. I hope Senators will see what the result will be, however.

Mr. QUAY. I desire, I will say to the Senator from Maine, to reduce the bill slightly instead of adding to it. I call the attention of the Senator in charge of the bill to page 64. I propose to strike out line 25, on page 64, and on page 65 to strike out lines 1, 2, 3, and 4. I am not acquainted with the facts in relation to the claim, but I am told by a gentleman that the beneficiary of the appropriation was at the time the service was rendered to the Interior Department an Indian agent and under pay from the Government. It is the item for payment to J. R. Jewell.

Mr. HALE. I have no objection to that. That will give an opportunity for us to look into it in conference.

Mr. QUAY. Yes; let it go into conference. I am not personally acquainted with the facts. It is said that the salary would be duplicated and that the service rendered was worthless.

The PRESIDING OFFICER. The paragraph moved to be stricken out will be read.

The SECRETARY. On page 64 and 65 strike out:

> Payment to J. R. Jewell: To pay J. R. Jewell, of Olean, in the State of New York, for his services, rendered for the Interior Department, in investigating and reporting upon the alleged interest of the so-called Ogden Land Company to or in the reservation lands of the Seneca Nation of Indians, in the State of New York, $500.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania, to strike out of the text of the bill what has been read.

The amendment was agreed to.

Mr. HILL. I offer an amendment on page 40 to come in after the amendment already adopted, which follows line 8.

The amendment was read as follows:

> Arming and equipping the militia: The permanent annual appropriation made by the act of April 23, 1808, designated as section 1661 of the Revised Statutes, and which was increased to $400,000 by the act of February 12, 1887, being for the procurement of ordnance stores and quartermasters' stores and camp equipage, shall also, in the discretion of the Secretary of War, be available for the procurement of other military stores, including official publications of the War Department for the use of the militia of the country.

The amendment was agreed to.

Mr. WHITE. I have two amendments to offer. I move to add to page 59, line 22, what I send to the desk. I have attracted the attention of the Senator in charge of the bill to this amendment, and I think there will be no objection to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 22, page 59, insert:

> To pay amount found to be due under contracts for the survey of public lands in the State of California prior to June 30, 1890, $34,834.23.

The amendment was agreed to.

Mr. WHITE. The next amendment I propose is to strike out. I desire to make a motion for the purpose of getting an explanation from the Senator in charge of the bill. I refer to the last seven lines on page 90, which I move to strike out, being an allowance of $1,310,427.08 to the Southern Pacific Company. I understand this is upon a judgment rendered by the Court of Claims. We all know that the indebtedness of the Central Pacific Railroad Company to the Government is a matter in process of adjustment or that must be adjusted. This, it is true, is a judgment in favor of the Southern Pacific, but I notice that in the testimony which was taken before the Fifty-third Congress the attorney of the Southern Pacific Company, Judge Payson, testified as follows:

> The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know; but I should say, practically, it does not make any difference what the contract is, because, substantially, the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another pocket of the same man's clothes.

There are judgments in favor of the Central Pacific Company which are held up in consequence of the position of matters between that corporation and the Government, and it appears to me that it may be that in the equitable adjustment of the entire subject, the same persons being interested in both corporations, and the one being merely nominally different from the other, the Government may have a valid reason for not paying the money and appropriating it for defraying the indebtedness of the Central Pacific if it be found that they are really operated as one institution and by the same individuals. Therefore it appears to me it ought to stand over and not be on this bill, and I move to strike it out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out, on page 90, lines 18 to 24, inclusive, the following words:

> To pay balance of judgment of the Court of Claims No. 16697, in favor of the Southern Pacific Company, certified to Congress in House Executive Document No. 168, Fifty-third Congress, second session, $1,310,427.08.

Mr. HALE. This is the same kind of appropriation that has been made for years and years. They are judgments rendered for this company which are not legally offsetable. I do not think it worth while to take any time of the Senate, because there is no Senator here who has not heard the matter discussed over and over again. The policy of the Senate has been fixed for these appropriations for years. I am willing to have a vote upon the question at once.

Mr. WHITE. I simply wish to say that I do not concur with the Senator that it is clear they are not offsetable, as he says. I think the circumstances are such that it may be developed the Government has a proper offset for this item. But I do not wish to detain the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

Mr. MORGAN. Mr. President, I desire to be heard upon it. I want to ask the Senator from Maine what has been the policy of the bill?

Mr. HALE. Such claims are proposed to be paid.

Mr. MORGAN. I understand from another member of the committee that this same identical claim has been before the Committee on Appropriations year after year for several years, and they have rejected it.

Mr. HALE. I think the Senate has put matter of this kind on the bill for at least a dozen years.

Mr. MORGAN. This proposition has always been rejected heretofore by the committee, I am informed.

Mr. COCKRELL. It is the same claim that the Senate has put on the deficiency bill repeatedly. The House has stubbornly and determinedly opposed it and never would permit it. Now, the House comes in and inserts it in the deficiency bill. It is believed by some, you know, that the cause was the enormous contribution to a certain fund which was used up to and prior to the day of election in November last. Whether that was true, I do not know, for I have not the secrets of it; but I am stating that that is believed by many to have been one of the inspiring causes which brought the House to make this appropriation, when it had fought it so stubbornly year after year.

Mr. HALE. I do not think the Senator should make any imputation of that kind upon another branch. I have no idea that there is anything whatever in such a rumor. The Senator knows from our experience about other matters that it happens every year in our lives that we put on items, the House stubbornly resists, and, upon reflection, the House changes its ground and puts it on a subsequent bill. This bill has several other items which the House has resisted year after year, and, doubtless becoming convinced, they put the items on the bill as they have done in this case.

Mr. COCKRELL. That is the point. What convinced them? That is the objective point. It is the charge and belief of very many good people that it was the contribution of the president of the road of a large sum of money to be used during the last campaign.

Mr. HALE. I do not suppose there is the least foundation for believing that such a charge had any influence whatever upon the House. As I have said, the House does that in other matters where there could possibly be no connection with such a charge; and I should not want to make such an insinuation against the other body as being influenced by a thing of that kind. I have no idea there is anything whatever in it; but I am entirely willing to take the vote of the Senate upon agreeing to the amendment.

Mr. MORGAN. I rose to sustain the position of the Senator from California [Mr. WHITE]. I had neither any information nor any suspicion of the political use that might be made or had been made of this item of appropriation. I am informed that for the last eight or ten years, ever since that judgment was rendered, the House has persistently refused to put it on any appropriation bill or to make any provision of law for it in the way of an appropriation. The reason of the refusal, I understand, has been the pending unsettled state of accounts between the Central Pacific Railroad and the United States. The United States have not ostensibly any interest in the Southern Pacific Railroad, but they have a very large debt against the Central Pacific Railroad. Now, it is contended, and I am sure the evidence is stated beyond the possibility of reasonable denial, that the Central Pacific Railroad and the Southern Pacific Railroad are as identical as my two hands as a part of my body.

Mr. WHITE. If the Senator will permit me, the quotation that I read and the citation I made from the remarks of the counsel of the Southern Pacific before the Congressional committee fully sustain his statement.

Mr. MORGAN. There is no doubt about it. Now, in all fairness, a matter of this kind ought to be presented here in a separate bill, so that the Senate by itself and disconnected from a general appropriation bill might consider this very vexed and very tangled question.

But this is not the only question between the Central Pacific and the United States and the Southern Pacific and the United States. The Central Pacific Railroad Company is owned in a very large part by the Southern Pacific Company, and the Southern Pacific Company is the lessee of the Central Pacific, with practically, yes absolutely, I believe, the identical board of directors.

Mr. HALE. I find it will be impossible to finish the bill this afternoon. Will it be convenient for the Senator to go on later if we take a recess from now until 8 o'clock?

Mr. MORGAN. Oh, yes.

Mr. HOAR. I wish the Senator would allow this as a more convenient time (because the people who gather here in the evening are interrupted by an executive session) to devote five minutes to the consideration of executive business before he makes a motion for a recess.

Mr. HALE. Let us try to get a unanimous-consent agreement first.

Mr. ALLISON. I desire to give notice to the Senate that I wish to present at the earliest possible moment the conference report on the sundry civil bill, and that there are many things in that bill which must go back to the House for a separate vote and discussion there, wherein we have disagreed respecting amendments that were put on in the Senate. Therefore it is important that we shall certainly be here as early as 8 o'clock, when I will ask the Senator from Maine to lay aside the pending bill until the conference report can be agreed to, in order that it may go back to the House for its consideration as early as can be done to-night. It is manifest, and must be to all, that if the appropriation bills are to pass at this session, wherein there are many differences between the two Houses, opportunity must be given in each House for more or less debate. I do not wish to interfere with the convenience of Senators in reference to a recess; the recess should be taken now, and we should reconvene here at 8 o'clock, when I hope to take up the conference report which I have in hand.

Mr. HOAR. It is desirable to have a brief executive session. If we do that this evening, there will be a very large number of citizens from all parts of the country coming here at this interesting season who will be in the galleries. Perhaps it is the only opportunity many of them ever will have to see the Houses of Congress in session, and it would be a very serious disturbance to them to hold an executive session later in the evening. They would all have to be turned out and lose their places, and so on. I therefore move that the Senate——

Mr. ALLISON. Mr. President——

Mr. ALDRICH. Let us test the sense of the Senate on the question whether we are to have an executive session or not.

Mr. ALLISON. I move that at half past 6 the Senate take a recess until 8 o'clock, to convene at that hour in open session.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. HEMENWAY, and Mr. LIVINGSTON, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were signed by the Vice-President:

A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement;

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use to the public white schools of that portion of said District formerly known as Georgetown;

A bill (H. R. 9703) to provide for light-houses and other aids to navigation;

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River, at or near the city of Greenwood, in Leflore County, in the State of Mississippi; and

A joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. FAULKNER) laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PERKINS. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PERKINS, Mr. HALE, and Mr. GORMAN were appointed.

PERRINE LAND-GRANT INVESTIGATION.

Mr. DUBOIS. I desire to submit a report from the Committee on Public Lands in regard to the issuance of patents of the Perrine land grant. The subject has attracted considerable attention. The Committee on Public Lands, in regard to the issuance of patents to the Perrine heirs, had a very full and complete investigation, examined a great many witnesses, and have come to a conclusion, with the exception of the Senator from South Dakota [Mr. PETTIGREW]. The subject has attracted a great deal of attention, and I ask that the report be printed in the RECORD, and also as a document.

Mr. PETTIGREW. I desire to say a word in regard to this report. I wish the Senator from Idaho would withdraw the report until to-morrow morning, as I desire to make a brief statement in regard to it, or I am willing to make the statement now. I desire to make it at the time when the report is submitted.

Mr. DUBOIS. I shall very gladly comply with the request of the Senator from South Dakota.

Mr. HOAR. If the Senator will withhold the report until to-morrow morning, I shall be very much obliged to him.

Mr. DUBOIS. Very well.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

DISTRICT COURT OF APPEALS.

Mr. HILL submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3588) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> Strike out, in line 3, section 1, the following: "That in all cases hereafter arising" and insert in lieu thereof the following words: "That in all criminal cases, and in such civil cases as may hereafter arise."
>
> DAVID B. HILL,
> O. H. PLATT,
> C. D. CLARK,
> *Managers on the part of the Senate.*
>
> HENRY M. BAKER,
> D. B. HENDERSON,
> J. E. WASHINGTON,
> *Managers on the part of the House.*

The report was concurred in.

MUTILATION OF UNITED STATES COIN.

Mr. DAVIS. I ask the Senate to proceed to the consideration of the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Minnesota asks unanimous consent for the present consideration of the bill indicated by him.

Mr. ALLISON. If the bill is a short one and leads to no debate, I will yield to the Senator from Minnesota; but beyond that I must ask for the consideration of the conference report on the sundry civil bill.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. STEWART. I do not like to object to the consideration of the bill, but if the proposed law is to the effect that a man is a criminal if he happens to take a coin that has been defaced or mutilated, it seems to me that that is going too far.

Mr. DAVIS. I beg leave to state to the Senator from Nevada that the bill was very carefully examined by the Senator from Colorado [Mr. TELLER] and myself. It covers only the offense of uttering, which seems to be defective in the present legislation.

Mr. STEWART. Constantly people take when in a hurry coins that have been worn and mutilated, and all that kind of thing, and they will not pass afterwards, and sometimes they pass them without thinking about it. If it only means that if they shall do it with fraudulent intent, and that point is carefully guarded, I do not object.

Mr. DAVIS. The bill expressly says that it shall be done with fraudulent intent.

Mr. STEWART. Then I have no objection.

Mr. BROWN. What is the exact change proposed in the law?

Mr. DAVIS. I will state the exact change in the proposed amendment. The statutes as they are are substantially retained, but there is a defect in the statutes in regard to the uttering of defaced or mutilated coin. The object is to cover it.

Mr. BROWN. What is the change? What is made criminal that was not before criminal?

Mr. DAVIS. The offense of uttering.

Mr. BROWN. Was it not fully defined in the statute?

Mr. DAVIS. It was not fully defined before. The Senator from Colorado and I examined the matter very carefully, and agreed that this defect should be covered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5459 of the Revised Statutes of the United States so as to read as follows:

> "SEC. 5459. Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens, or causes or procures to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aids or assists in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening the gold or silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, or has in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, shall be imprisoned not more than five years and fined not more than $2,000.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 459) for the relief of Thomas Rosbrugh, reported it without amendment.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 719) to restore a pension to Harriet M. Knowlton, with the veto message of the President, to report it with a recommendation that the bill pass, notwithstanding the President's objection thereto.

The PRESIDING OFFICER. The bill, with the accompanying message, will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6671) for the relief of Charles A. Nazro, reported it with an amendment, and submitted a report thereon.

LANDS IN FLORIDA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842.

The amendment of the House of Representatives was, after section 4, to insert:

> SEC. 5. That nothing contained in this act shall be so construed as to interfere with any valid adverse right asserted under any law of the United States to any of the lands settled upon under the armed invasion act.

Mr. CALL. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; agrees to a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON, managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10252) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 27, 44, 47, 52, 53, 54, 57, 69, 75, 76, 81, 84, 86, 87, 94, 95, 97, 154, 156, 157, 163, 175, 183, and 192.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 11, 13, 14, 15, 16, 19, 21, 22, 23, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 51, 55, 59, 60, 64, 65, 66, 67, 77, 79, 82, 83, 85, 88, 93, 142, 145, 150, 151, 152, 153, 158, 161, 164, 167, 171, 172, 173, 174, 176, 177, 178, 181, 182, 184, 185, 186, 187, 188, and 189, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Insert at the end of the matter inserted by said amendment, the following: "The present limit of cost of said building not to be exceeded;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment, insert the following: "*Provided*, The present limit of cost of said building shall not be exceeded;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"The Secretary of the Treasury is authorized to expend the $75,000, or so much thereof as may be necessary, heretofore (in 1896) appropriated for the purchase of site for a court-house and post-office at Salt Lake City."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$132,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the first sum named in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Treasury is hereby authorized to pay Dr. Leonard Stejneger the sum of $840, and to F. A. Lucas the sum of $630, for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries, out of the appropriation heretofore made for such investigation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and on page 55 of the bill, in line 24, strike out the word "five," and in lieu thereof insert the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Strike out all after the word "Interior," in line 19, down to and including line 25 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The reindeer to be transported by a vessel of the Revenue-Cutter Service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$420,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$276,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$235,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$213,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following: "For lodge and gateway, $2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$188,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: On page 110 of the bill, after the word "addresses," in line 11, insert the following: "And the compiler shall prepare a full table of contents and a complete index for such compilation;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 4, 6, 9, 10, 12, 24, 48, 49, 50, 58, 61, 62, 63, 72, 73, 74, 78, 89, 90, 91, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 146, 147, 148, 149, 168, 169, 170, 179, 180, and 190.

WM. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
JOSEPH G. CANNON,
W. A. STONE,
JOSEPH D. SAYERS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the conference report.

Mr. HILL. It is quite impossible to understand precisely what the conference report is. I simply desire to ask the Senator from Iowa whether there was any change made in the conference report in regard to the electric lighting amendments.

Mr. ALLISON. The amendments in relation to electric lighting in this District are still in disagreement. They have not been agreed to.

Mr. QUAY. I have two questions to ask the chairman of the Committee on Appropriations: First. What became, under the report of the committee of conference, of the Overfalls Shoal light vessel?

Mr. ALLISON. The House conferees receded from the disagreement.

Mr. QUAY. In what condition are the river and harbor improvements left?

Mr. ALLISON. I think, perhaps, I had better give in brief the questions about which the two committees were unable to agree.

We were unable to agree as respects the amendments relating to public buildings, except the public building at Helena, Mont., where there was an additional authority given to purchase land. The House conferees receded from their disagreement to that amendment.

They also receded from the amendment relating to the public building at Milwaukee, Wis., wherein it is proposed to make a slight change.

They agreed to the provision respecting the public building at Salt Lake, Utah, wherein it is proposed to authorize and direct the purchase of a site and the commencement of a public building. The House conferees were not willing to authorize the commencement of the building, but agreed to the remainder of the amendment, which provided that the Secretary should be authorized and directed to purchase a site.

Mr. BROWN. At what amount?

Mr. ALLISON. At the amount named, not to exceed $75,000. That is the situation as respects public buildings.

The House conferees would not agree to amendment numbered 24, appropriating $175,000 for a revenue cutter in the harbor of New York, and that is still in disagreement.

They also refused to make the changes reported by the Senate committee respecting the Omaha Exposition, and those amendments are still in disagreement.

They also refused to agree to amendment numbered 58, making a change in the collection districts in the State of Vermont.

They also refused to agree to the appropriation for the sugar bounty, being amendment numbered 61.

They also refused to agree to the amendment numbered 62, appropriating a small sum to A. T. Kimball, etc.—not a very important amendment.

They also refused to agree to the provision respecting the appropriation for the heirs of those who were killed in the explosion at the gun-cotton factory on Goat Island, in the harbor of Newport.

They also refused to agree to amendment numbered 72, restoring to the public lands the reservations recently made by the Executive order of the President.

They also refused to agree to amendments numbered 73, 74, and 78, relating to the increase of the appropriation for the Report on Mineral Resources, wherein we had changed the amount from $20,000 to $45,000, and inserted certain provisions for procuring statistics relative to the production of gold and silver.

They also refused to agree to the electric-light amendments which we had proposed in the Senate.

They also refused to agree to the appropriation to improve the roads from the Chickamauga and Chattanooga National Park to the town of Lafayette, Ga.

As respects the river and harbor amendments, we found so much difference and so much controversy respecting those amendments that all of them from amendment, I think, numbered 98 to 141, inclusive, are still in conference. They are among the amendments disagreed to.

They also refused to agree to the amendment numbered 144, appropriating $85,000 for an additional building for the Garfield Hospital.

They also refused to agree to amendment numbered 146, appropriating $150,000 for the survey by the deep-waterways commission.

They also refused to agree to the Aransas Pass appropriation.

Also to the appropriation of $50,000 for the improvement of Pearl Harbor.

Also to amendment numbered 149. They refused to agree to an appropriation for an investigation as to the proposed memorial bridge, etc., across the Potomac River.

They also refuse to agree to amendment numbered 168, appropriating $100,000 for the Soldiers' Home at Hot Springs, S. Dak.

Amendments numbered 169 and 170 are still in conference, although they are merely computations depending upon other amendments disagreed to.

They refused to agree to amendment numbered 179, being the amendment proposed by the Senator from Massachusetts [Mr. HOAR], relating to the codification of the criminal laws.

They also refused to agree to the appropriation of $150,000 for the Nicaragua Canal Commission, being amendment numbered 180.

And also to amendment numbered 190, authorizing the Joint Committee on Printing to have prepared plans, etc., for the improvement of the Government Printing Office.

All the other amendments have been agreed to in conference.

The Senate committee receded from a number of amendments which I will state in brief.

Mr. CHANDLER. Can the Senator give the numbers?

Mr. ALLISON. I can give the numbers.

The Senate conferees receded from amendment numbered 44, page 45 which relates to the purchase of the fish hatchery in California.

They also receded from a small amendment relating to the details of printing paper for internal-revenue stamps.

The Senate conferees receded from amendment numbered 57, on page 57, in relation to immigrants.

They also receded from certain amendments relating to the Geological Survey printing, etc., which are not very important.

Also the small amendment which we had inserted for the unveiling of the statue of Professor Gross.

We also receded from amendment numbered 97, on page 93, that being the clause providing for a lease of lands in the Gettysburg National Park, which was struck out by the Senate.

The Senate conferees also receded from the amendment which provided for a republication of the constitutions of the States and Territories, being amendment numbered 183.

These, I believe, are the principal amendments. There may be some small amendments where we receded, as in the case of the Soldiers' Home. There were some amendments that [illegible] the House conferees refused to agree to, which the Senate conferees receded from in order to reach an agreement on the subject. The question of stating the accounts of Soldiers' Homes is still in disagreement.

All the other amendments, I believe, at least the important Senate amendments, were agreed to by the House conferees.

I shall be glad to answer any question any Senator desires as repects any particular amendment. If no inquiry is made, I hope we shall have a vote on concurring in the report.

Mr. VILAS. I observe by the report that there is still in disagreement the amendment in relation to the deep-waterways commission. I had hoped to have found an opportunity to invite attention in some more formal way to the great improvement involved in that work for which the Committee on Appropriations added the amendment to the bill, but the progress of the session, and the pressure of business rendered it unfit that the time should be consumed. The vast importance of it to the people of the Northwest, the vast importance of it for the defense of the northern border of this country is so great that I hope the conferees on the part of the Senate will insist upon maintaining the amendment which the Senate put on.

Mr. ALLISON. I will say, as respects the amendments disagreed to, that the conferees on the part of the House insisted that there should be opportunity in the House for their consideration, and especially was that stated in regard to the deep-waterways survey, on the ground that there was no estimate for this appropriation, they making the same objection to the continuation of the Nicaragua Canal survey and also the Pearl Harbor improvement in Hawaii.

I will ask that there be inserted in the RECORD a brief statement which I have here of the disagreements, that Senators may see them in the morning and know from this statement exactly the matters that are still in conference.

The PRESIDING OFFICER. If there is no objection to the request of the Senator from Iowa, the memorandum sent to the desk will be incorporated in the RECORD. The Chair hears none, and it is so ordered.

The statement referred to is as follows:

> The committee of conference have been unable to agree upon the following amendments, namely, numbered 1, 2, 4, 6, 9, 10, and 12, relating to public buildings, as follows:
>
> Appropriating $100,000 for additional land for extension of public building at Bridgeport, Conn.;
>
> Appropriating $14,000 for completing approaches to public building at Charleston, S. C.;

Appropriating $100,000 for public building at Norfolk, Va., and extending the limit of cost of said building from $150,000 to $250,000;

Appropriating $25,000 for additional site for and $75,000 for extension of public building at Topeka, Kans.;

Appropriating $25,000 for purchase of the Corcoran Art Gallery property;

Appointing a commission to examine sites and consider prices of lots suitable for a memorial building for the National Society of the Daughters of the American Revolution; and

Appropriating $50,000 for purchase of a site for a public building at Butte, Mont.

On amendment numbered 21, appropriating $175,000 for a revenue cutter for service on the Atlantic coast.

On amendments numbered 48, 49, and 50, appropriating $75,000 additional for the Omaha Exposition.

On amendment numbered 58, creating an additional customs collection district in the State of Vermont.

On amendment numbered 61, appropriating $1,085,176.65 for the payment of sugar bounty.

On amendment numbered 62, appropriating $2,611.13 to pay A. T. Kimball for damage to his property from the break in the Pine River Reservoir, Minnesota.

On amendment numbered 63 appropriating $15,000 to the heirs of those who were killed by the explosion of the gun cotton factory on Goat Island, in the harbor of Newport, R. I.

On amendment numbered 72, restoring to the public domain lands in Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota, reserved by Executive orders and proclamations of February 22, 1897.

On amendments numbered 73, 74, and 75, increasing the appropriation for Report of Mineral Resources from $10,000 to $15,000.

On amendments numbered 89, 90, and 91, relating to the electric lights in certain parks of the city of Washington.

On amendment numbered 96, appropriating $25,000 to improve the road from the Chickamauga and Chattanooga National Park to the town of Lafayette, Ga.

On amendments numbered 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, and 141, relating to river and harbor works, by which the Senate reduced the appropriations of the House $2,450,168, and added new works amounting to $1,313,000.

On amendment numbered 144, appropriating $65,000 for an additional building for the Garfield Hospital.

On amendment numbered 146, appropriating $150,000 for the Deep Waterways Commission.

On amendment numbered 147, appropriating $5,000 for a board of engineers to ascertain the character and value of the improvements made at the Pass of Aransas, in Texas, by the Aransas Pass Harbor Company.

On amendment numbered 148, appropriating $50,000 for the improvement of Pearl Harbor, Hawaiian Islands.

On amendment numbered 149, appropriating $2,500 for a survey, designs, and estimates for a memorial bridge across the Potomac River.

On amendment numbered 168, appropriating $100,000 for a Branch Soldiers' Home at Hot Springs, S. Dak.

On amendments numbered 169 and 170, correcting a total and relating to the manner of disbursement and accounting for the National Home for Disabled Volunteer Soldiers.

On amendment numbered 179, providing for three commissioners to revise and codify the criminal laws of the United States.

On amendment numbered 180, appropriating $150,000 for the Nicaragua Canal Commission.

On amendment numbered 190, authorizing the Joint Committee on Printing to have prepared plans for additions and improvements to the Government Printing Office.

NET REDUCTIONS BY SENATE IN RIVER AND HARBOR ITEMS IN HOUSE BILL.

Reductions	$2,450,168
Increase	1,313,000
Net reductions	1,137,168

Mr. FRYE. I desire to call the Senator's attention to the fact that as to the Pearl Harbor improvement there is a very careful report prepared by Admiral Walker, which gives all the necessary information and gives an estimate of the entire cost of completing the improvement at $100,000.

Mr. ALLISON. So we stated to the conferees on the part of the House, but they insisted that it did not appear in the Book of Estimates and therefore was a matter that must lie in the judgment of the two Houses, and they did not agree to that amendment.

So as respects the waterways commission, we called their attention to the complete and elaborate report of the commission, who had already made a preliminary survey, but the same answer was given.

Mr. VILAS. But in that case the report of the commission came in Congress too late to have been put in the Book of Estimates. It did not properly go before the Secretary of the Treasury to be included in his estimates in any case.

Mr. ALLISON. That is very true.

Mr. NELSON. I desire to ask the chairman of the committee a question, if he will permit me. What was done with the amendment numbered 56, the Alaskan seal-fishery provision?

Mr. ALLISON. I will state to the Senate that we receded from that portion of the amendment numbered 56 which provides for the continuation of the scientific investigation, etc., retaining what I have no doubt will be agreeable intelligence to the Senator from Minnesota—the provision for the compensation of those faithful men who served the commission last year.

Mr. NELSON. That is agreed to?

Mr. ALLISON. That is agreed to.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments to the bill and ask for a further conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I present a conference report on the Indian appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report.

Mr. VEST. It is impossible for us to understand what the disagreements and agreements are until we hear from the chairman of the conference committee on the part of the Senate. I should like to know what the numbers given mean.

Mr. CARTER. I insist that the announcement of the numbers bears no more significance to the Senate than the reading of the report in the Greek language.

Mr. GALLINGER. They would mean more if the Senator had the last print of the Indian appropriation bill before him.

Mr. CARTER. The bill, I understand, has not been printed with the amendments numbered.

Mr. GALLINGER. It is so printed.

Mr. PETTIGREW. It is printed with the numbers, and the Senator can get a printed copy of it.

Mr. CARTER. I did not know that was the fact.

Mr. VEST. As the Senator from Montana has stated, it is simply impossible for us to understand what has been done by the conferees. I should like, in order to bring the matter to an issue, to ask the Senator from South Dakota what has been done in regard to the amendment of the Senate in reference to the Uncompahgre Reservation, and what has been done in regard to the Indian Territory?

Mr. PETTIGREW. After the reading of the report has been completed I will answer the Senator from Missouri.

Mr. VEST. It is simply nonsense to sit here and listen to the reading of the report, in which the amendments are stated simply by number.

Mr. PETTIGREW. The bill is printed with every amendment numbered.

Mr. VEST. But we have not had time to look at the printed bill.

The reading of the report was concluded. It is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10102) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 21, 28, 40, 41, 43, 70, 74, 84, 86, 97, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 10, 12, 14, 16, 17, 22, 23, 24, 25, 26, 27, 29, 32, 33, 35, 37, 38, 39, 42, 44, 45, 46, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 76, 78, 80, 82, 85, 88, 89, 98, 100, 101, 104, and 106, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert after the word "Territory," in said amendment, the following: "Or adjoining State or Territory," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$22,575;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the allottees of land within the limits of the Quapaw Agency, Indian Territory, are hereby authorized to lease their lands or any part thereof for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed. All chattel mortgages executed in the Quapaw Agency shall be recorded by the clerk of the United States court at Miami, in the Indian Territory."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"That the adult allottees of land in the Peoria and Miami Indian Reservation in the Quapaw Agency, Ind. T., who have each received allotments of 200 acres or more, may sell 100 acres thereof under such rules and regulations as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out from said amendment, after the word "sum," the words "or so much thereof" and insert in lieu thereof the words "so much;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "purposes," in line 4 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 31, and agree to the same with an amendment as follows: Strike out after the word "purchase," in line 1 of said amendment, down to and including the word "Dakota," in line 3, and insert in lieu thereof the words "of land;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For extension and completion of steam plant, $8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out, in lines 8 and 9 of said amendment, the words "for steam-heating plant, $15,000;" and strike out, in line 9, the word "eighty-six" and insert in lieu thereof the word "seventy-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "That," in line 1 of the said amendment, the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out, in line 3 of said amendment, the words "to be" and insert in lieu thereof the words "is made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For resurvey of the lands of the Chickasaw Nation, Ind. T., $141,500, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for filing in the Indian Office and one in the General Land Office, and twenty photolithographic copies of the plats shall be returned, one for filing in the Office of Indian Affairs and one in the General Land Office, which shall be certified to by the Director of the Geological Survey, and the others filed in the General Land Office, with the facsimile of the signature of the Director of the Geological Survey, and the same provision shall also extend to the plats to be filed of the surveys already made or to be made under the supervision of the Director of the Geological Survey within the Indian Territory, and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys, and in making the resurvey the former land survey is to be disregarded, the latter now being declared null and void: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through an Indian inspector with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians, and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements to be submitted to Congress for its approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: Add at the end of said amendment the following: "Except when otherwise specifically provided by law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: Insert after said amendment as a separate paragraph the following:

"The Secretary of the Interior is hereby directed to negotiate through an Indian inspector with the Indians entitled thereto for the allotment in severalty of all the lands in the Cattaraugus and Allegany Indian Reservations in the State of New York, and said inspector shall report thereon with all convenient speed to the Secretary of the Interior, who shall transmit the same to Congress for its action thereon, and no agreement made shall be binding until approved by Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: Insert after said amendment as a separate paragraph the following:

"Immediately upon the passage of this act, the Commissioner of Indian Affairs is hereby authorized and directed to cause to be examined, by an officer of his bureau thoroughly acquainted with the history of the issuance and redemption of the "scrip" hereinafter mentioned, all payments made in redemption of "Kaw or Kansas Indian scrip" issued or claimed to have been issued under the treaty of 1859, as amended in 1862, and further amended in 1864, and to report to Congress, for its consideration and action, as early as practicable, the amount of money, principal, and interest paid out of the Kansas Indian funds in the redemption of any part of said scrip, which was issued without authority of treaty or law, as decided by the Attorney-General of the United States, and report all interest paid on said scrip."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the alleged difference in area of the reservation as actually set apart to them and that provided to be set apart under the the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the difference, if any, between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and in hearing and determining the said matter the court shall take into consideration and determine whether since the date of said treaty there has been any equitable adjustment made to said Indians in whole or in part for the alleged difference in area. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown, and said action shall have precedence in said court, and when completed the court shall make a full report to Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following:

"That all children born of a marriage between a white man and an Indian woman by blood, and not by adoption, and who is recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be so construed as to debar such child of such right."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 9. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation, in Franklin County, Kans., and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of July 16, 1859, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.

"That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists; the first to include all of said bands who held title to land, either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the land so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.

"That upon the approval of said census and the report of said commissioner by the Secretary of the Interior patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.

"That where there are several heirs, and the partition of land is practicable, the partition shall be made by said commissioner, but if not practicable said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.

"That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section 12, of township 17 south, of range 18 east, in Kansas.

"That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected [illegible] the Indians in open council, who shall report the same to the Commissioner of Indian Affairs; that said commission shall place a valuation for purposes hereinafter named on all tracts of land now owned or held by inher[illegible], and make a separate report thereof.

"That upon the approval of said appraisement by the Sec[illegible] of the Interior, he shall offer said residue of lands at the proper land [illegible] in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default: *And provided*, That the same shall be sold to the highest bidder, and at a price not less than the appraised value.

"That where an allottee has died leaving no heirs, or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided herein.

"That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of 21 years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

"That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

"That for the purpose of carrying out the provisions of this section there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee, or Christian Indians, not held for them by the United States, said sum being on the 1st day of January, 1896, $42,560.36.

"That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians, per capita, the remainder of said funds, of $42,560.36, trust funds now to their credit on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of this section.

"That no proceedings shall be taken under this section until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto, expressed in open council."

And the Senate agree to the same.

On amendments numbered 9, 30, 59, 60, 61, 62, 83, 87, 88, 90, 92, 93, and 95, the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

Mr. CARTER. Mr. President, I move that the Senate disagree to the report of the committee of conference, and insist on a further conference.

Mr. QUAY. I hope the Senator from Montana will withdraw his motion for a moment.

Mr. CARTER. I should like to make a statement in support of the motion.

Mr. GALLINGER. That is debatable.

Mr. QUAY. I know, but I wish to offer an amendment.

Mr. CARTER. I understand that can not be done. If the Senator will permit me one moment, I should like to make a statement.

Mr. President, as suggested early in the reading of this report, it was extremely difficult for any Senator upon the floor of the Chamber to comprehend its significance. Many amendments were added in the committee of the Senate and adopted in the course of our deliberations in the Chamber. Many of those amendments have been stricken out and the substitutes, it appears in many cases, are much more elaborate than the portions disagreed to. The far-reaching consequences or significance of any one of these extensive amendments no one, in the limited time here allowed, can possibly predict or comprehend.

I will call the attention of the Senate to one item. During the last session of Congress, on the Indian appropriation bill, a treaty was ratified whereby the Indians of the Blackfoot Reservation, in the State of Montana, ceded about 900,000 acres of land to the United States, and in consideration for such cession the General Government is obligated to-day to pay those Indians about $1,500,000.

The purpose of this cession was to take out of the Indian country a certain valuable mineral region and to throw it open for location under the mining laws by citizens of the United States. As the bill passed the Senate before it appeared in conference, every citizen of the United States, regardless of his place of residence, was given a fair, free, and full opportunity to purchase any portion of those lands from the Government upon which he might discover valuable mineral. In conference, however, and without any opportunity to deliberate upon this floor, a proviso was inserted to the effect that any person who might, prior to the time the land was surveyed, make a location within that country, and should have such location protected. This gave to the Indian agent in charge of the country—and he remains in charge until it becomes a part of the public domain—the exclusive right to designate the persons who might explore that valuable mineral region and make locations within its limits.

I make no accusations upon this floor, but I am informed by persons whose truth and veracity I can not question that the Indian agent upon that Blackfoot Agency, in collusion with divers and sundry speculators thereabout, has issued permits to certain favored individuals, who have taken from this purchase by the Government every foot of mineral land worth occupying or developing. The proviso under which this great wrong and monopoly was consummated, or sought to be consummated, was interjected in conference without the knowledge of the Representative in the other House or either Senator from Montana upon this floor.

Mr. HAWLEY. In what State was it?

Mr. CARTER. In the State of Montana. Now, for the purpose of preventing this overreaching combination from gaining advantage, as the result of their underhanded operations, we have sought in this bill to repeal the proviso which gave the advantage in a surreptitious manner in a former bill, and the committee of conference disagrees, and says that this remedial legislation in the interest of common honor and common honesty shall be disagreed to by the American Congress.

Upon this one proposition alone, if no other element appeared in the conference report, this report should be disagreed to. The report should be analyzed; the component parts of it made plain to every Senator; the record placed upon these desks, to the end that each Senator charged with a duty here should be permitted to vote intelligently upon the subject-matter of this important piece of legislation.

Mr. STEWART. Will the Senator state to me exactly what is the point of difference?

Mr. CARTER. The point simply, I will state to the Senator from Nevada, is that an Indian reservation was to be opened under a cession from the Indians to the United States, and a proviso was inserted whereby any person who might, through the good graces of the Indian agent, be permitted to enter that land before the cession was consummated could make a mining location within its limits, and that location would be validated by the proviso.

Mr. STEWART. That was a fraud.

Mr. CARTER. It is a fraud—plain, palpable, and bold. Language need not be employed to brand it more dark and damaging than it appears upon the surface.

This report should be disagreed to, and the disagreement insisted upon until this piece of proposed legislation in favor of all the people of the country at large shall be permitted to become a part of the law of the land.

Mr. PLATT. Mr. President, it has been very difficult to understand what has been done by the conferees in this conference report. The first thing to which I wish to call the attention of the Senate is this: In the amendment numbered 14, which relates to transferring court jurisdiction over the Osage and Kansas Indian reservations from Oklahoma to the Indian Territory, it will be remembered that I suggested, when the amendment was proposed in the Senate, that the amendment altered the boundaries of the Territory of Oklahoma, and the Senator from Nebraska [Mr. ALLEN] thought not. He said that it was not intended to take the Osage Reservation out of the Territory of Oklahoma and put it into the Indian Territory, but simply to transfer the jurisdiction of the court. It was a matter which we had not heard of until it was proposed by the amendment, and it was suggested that it was not the intention to lessen the area of the Territory of Oklahoma, and that it could be fixed in conference; but now in conference it stands as it was passed in the Senate.

Mr. ALLEN. On what page was that?

Mr. PLATT. It is on page 27, amendment numbered 14.

Now, I wish to say that I think that that method of breaking up one of the Territories of this Union is entirely improper. The amendment as it stands takes 3,000 square miles from the Territory of Oklahoma and puts it in the Indian Territory. That was not the intention of the amendment. It was disowned by the Senator from Nebraska, who said that he did not desire to change the boundaries of Oklahoma, and he thought that his amendment did not; but I have examined the matter, and I find that it does. I submit that that ought not to be done under the amendment.

Mr. ALLEN. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. PLATT. Yes.

Mr. ALLEN. I have no objection whatever, so far as I am concerned, to have the words "for judicial purposes" inserted in line 21, after the word "Oklahoma." That will obviate the difficulty the Senator from Connecticut suggests.

Mr. PLATT. It would if we could amend the provision, but it being in a conference report, we can not amend it. This is only one thing I am going to speak of with reference to this conference report. If we disagree to the report, undoubtedly that matter can be fixed in conference.

The legislature of Oklahoma has unanimously passed a resolution protesting against being despoiled of its territory, and I do not think it ought to be done in this way.

I wish the Secretary would recur to amendment numbered 81 to see what has been done there, for I wish to call the attention of the Senate to this matter.

The PRESIDING OFFICER. The Secretary will read, as requested.

Mr. PLATT. Before that is done, I will read the amendment as it is in the bill.

Mr. ALLEN. On what page?

Mr. PLATT. Amendment numbered 81, on page 68. It reads:

> The Secretary of the Interior is directed to negotiate through an Indian Inspector with the Yankton tribe of Indians of South Dakota for the purchase of a parcel of land near Pipestone, Minn., on which is now located an Indian industrial school.

That is all there is of the amendment. Now, will the Secretary read how it will be according to the report of the conference committee?

The Secretary read as follows:

> Amendment No. 81: Insert after said amendment, as a separate paragraph, the following:
>
> "The Secretary of the Interior is hereby directed to negotiate through an Indian inspector with the Indians entitled thereto for the allotment in severalty of all the lands in the Cattaraugus and Allegany Indian reservations, in the State of New York; and said inspector shall report thereon with all convenient speed to the Secretary of the Interior, who shall transmit the same to Congress for its action thereon, and no agreement made shall be binding until approved by Congress."

Mr. PLATT. Mr. President——

Mr. GEAR. May I ask the Senator a question?

Mr. PLATT. Let me say this, first.

Mr. GEAR. I merely wanted to ask a question.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. PLATT. I will yield in a moment.

Either something has been inserted here which has not been before the Senate at all, or something has been inserted here which was voted down by the Senate. My recollection about it is that it was voted down by the Senate.

Mr. QUAY. I was just looking at that amendment. That amendment was offered on the floor and was voted down.

Mr. PLATT. That is my recollection, that that amendment was offered on the floor of the Senate and voted down, and now it is inserted as a continuation of a provision about negotiating with the Yankton Indians.

Now I will listen to the Senator from Iowa.

Mr. GEAR. I was merely going to suggest that the amendment as amended takes out of the State of Minnesota over 1,200 miles, and transfers it to the State of New York.

Mr. HALE. Does the Senator from Connecticut understand from his investigation of this report, which nobody knows anything about, and, it not being printed, which nobody can understand—does he mean to say that an amendment which was voted down in the Senate has been written into this bill by the conferees?

Mr. PLATT. I so understand it, either that or else it was never acted upon at all by the Senate: I do not know which.

Mr. HALE. Then, Mr. President——

Mr. PLATT. I want to call attention to one other amendment of the same character.

Mr. HALE. I shall wait for the Senator, and then I am going to move to proceed with the consideration of the deficiency appropriation bill, and let this report be printed, so that Senators can see what there is in it, and see how much the conferees have written into it that the Senate has either rejected or not considered.

Mr. PLATT. I wish the Secretary would turn to amendment numbered 91. I should like him to read that amendment as it stands in the bill as passed by the Senate, and as it is proposed to be amended by the conference committee.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Amendment numbered 91——

Mr. CULLOM. That is a committee amendment.

Mr. PLATT. That is as the bill left the Senate.

The SECRETARY. The Senate inserted, on page 72, after line 20, the following:

> For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian affairs, under authority of the Indian appropriation act approved June 10, 1896, $2,000: *Provided*, That the Secretary of the Interior may authorize said work to be performed by a clerk of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed under the appropriation heretofore made or may hereafter disburse under this appropriation for this purpose to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. PLATT. I ask the Secretary to now read the amendment as agreed to by the committee of conference.

The Secretary read as follows:

> Immediately upon the passage of this act, the Commissioner of Indian Affairs is hereby authorized and directed to cause to be examined by an officer of his Bureau, thoroughly acquainted with the history of the issuance and redemption and of the "scrip" hereinafter mentioned, all payments made in redemption of "Kaw or Kansas Indian scrip," issued or claimed to have been issued under the treaty of 1859 as amended in 1862 and further amended in 1868, and to report to Congress for its consideration and action as early as practicable the amount of money, principal and interest, paid out of the Kansas Indian funds in the redemption of any part of said scrip, which was issued without authority of treaty or law, as decided by the Attorney General of the United States, and report all interest paid on said scrip.

Mr. HALE. I should like to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Maine?

Mr. PLATT. Certainly.

Mr. HALE. The Senate has listened to the proposition originally in the bill, and it has listened to the substitute of the committee of conference.

Mr. CHANDLER. The addition.

Mr. HALE. The addition. I should like to have the Senator state if he can what possible relation there is between the one and the other.

Mr. PLATT. None at all. The amendment as it left the Senate was a questionable amendment in my mind, and it related to the preparation of a digest of the decisions of the courts and the Interior Department, etc., relating to Indian affairs. We put such a provision in last year. I think it went in in conference last year, but I am not certain about that. It was said then it would only cost $2,000, and here it comes for $2,000 more, performed, as I understand, by a clerk in the Indian Office, who is a favorite there. But I do not make any objection to that amendment.

However, when it comes back from the committee of conference it has attached to it a provision about Kaw Indian scrip which never was heard of in the Senate or in the House until it was put in the conference report.

Mr. CULLOM. Where does it come from?

Mr. HALE. Has it in any way any relation to the original proposition?

Mr. PLATT. Not the slightest.

Mr. CULLOM. Where are the Kaw Indians?

Mr. PLATT. They are in Kansas, and, if I am correctly informed, one or more of them happen to be members of the other House, which may account——

Mr. CULLOM. One or two of the Kaw Indians?

Mr. PLATT. Yes; which may account for the fact that this has crept into the conference report.

Mr. President, these are all the instances I have been able to gather during the reading of the report and in the confusion of the Chamber, but these certainly are instances in which it seems to me the committee of conference has exceeded its powers. I think the report ought to be printed and rejected.

Mr. ALDRICH. Suppose we have it rejected first.

Mr. PLATT. Or rejected first, and then printed.

Mr. HALE. The Senator can reach that by moving that the report be tabled and printed.

Mr. CULLOM. That it go over and be printed.

Mr. HAWLEY. Yes.

Mr. ALLEN. I hope the Senator will not make that motion until the Oklahoma matter can be properly explained. I do not think there will be any difficulty about that when the Senator understands it.

Mr. PLATT. I do not think the Senator intended by the amendment, when he submitted it, to change the boundaries of Oklahoma Territory.

Mr. ALLEN. Not at all.

Mr. PLATT. I did not so understand.

Mr. ALLEN. It did not detach the Osage Nation from the Territory of Oklahoma except for judicial purposes.

Mr. PLATT. That I did not object to, and do not.

Mr. JONES of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. JONES of Arkansas. I thought the Senator from Connecticut had yielded the floor.

Mr. PLATT. I will yield the floor.

Mr. JONES of Arkansas. There is another reason why I think the report should go back to the committee. The bill came from the House with a provision that changed the law as it stands now as to the rights of mixed bloods. It is clear that the law is right as it stands and ought not to be changed. The provision, as I understand it, as it was read at the desk, now proposes absolutely to reverse the law from what it is at this time.

The policy of the Government has been and the law is now that when a white man marries an Indian woman she shall be segregated from her tribe, and that she and her children shall follow the status of the white man. They are a part of the people of the United States. They have the rights of citizens of the United States, and they take no part with the tribe. This proposes exactly to reverse that provision, and to make the children of a mixed marriage of this sort become citizens of the tribe and entitled to equal rights with all the other citizens of the tribe. The policy has been to prevent that sort of thing. Assuming [illegible] superiority of the white man and the belief that when a white man marries an Indian woman he does not and ought not to lose his status as a citizen of the United States, it is provided now that his children shall take their status from him, [illegible] that his children shall not follow the status of the Indian [illegible].

This ought not to be changed. It is the law now. It is right as it is. The tendency ought to be to have the intelligent and superior people of the United States absorb these people and not to have them absorb the people of the United States. Besides it is not fair to have the children of these people, men who marry Indian women for no other purpose in the world than to get a part of the patrimony, to become interested in the tribal rights. It ought not to be encouraged. It ought, on the contrary, to be discouraged, and no white man marrying a woman in that way ought to be allowed to have any rights in the tribe. It seems to me the action of the conference committee is radically wrong in that respect, and the Senate ought to stand by its action in striking out that provision of the bill. I hope that for that reason the conference report will go back to the committee.

Mr. ALLEN. Mr. President, I wish to reply briefly to the Senator from Arkansas, and to say that I can see no distinction whatever between the child of a white man and an Indian woman and the child of an Indian man and a white woman. There may be a distinction. In either instance, however, the children are half-breeds, and the same reason that would segregate the child of a white man and an Indian woman from the tribe should segregate the child of an Indian man and a white woman from the tribe. If any of these children are to be recognized as members of the tribe, they should all be recognized. If the marriage of an Indian woman and a white man ought to be discouraged, then the marriage of an Indian man and a white woman is equally to be discouraged.

The law as it stands now is not just—that is, it is not just as respects the issue of a marriage between a white man and an Indian woman. The Senator from Arkansas seems to think that the white man marries into the Indian tribe for the purpose of obtaining a status in the tribe, and doubtless that is true in many cases; but what is the truth with respect to the white woman who marries into an Indian tribe? Does she not marry the Indian man for the purpose of obtaining a status in the tribe as an Indian, just as much as the white man does to obtain a status as an Indian?

If it is to be discouraged in one instance, it should be discouraged in the other, and there is no kind of sense or policy in permitting the issue of an Indian man and a white woman to became members of the tribe and at the same time deprive the issue, a half breed, of a white man and an Indian woman of like privileges. If the one is wrong, the other is wrong. The same reason that excludes the one excludes the other.

I do not know but that it would be good policy to say that whenever an Indian man marries out of his tribal relations he shall cease to be a member of the tribe, and to apply the same rule to an Indian woman who marries a white man. Let them be segregated from their tribe and have their station in society as citizens of the United States.

Mr. VILAS. I do not propose to discuss the pending motion; but I am a little surprised at the complaint which some Senators have been making as if in the conference report there had been a violation of the rules. If I am not vastly mistaken, nearly every Senator among those now crying out at the infraction of this sacred rule voted at the last session to despoil the Indians of the Indian Territory of some of their dearest rights, and against their most earnest protest, notwithstanding after the Senate had ruled all those amendments out upon a point of order, they were brought in out of whole cloth on the conference report.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. VILAS. I do not know what the Senator wants.

Mr. HALE. I only wish to say that so far as I am concerned, I opposed that from the very beginning; believed it to be an infraction of the rules and an outrage upon the Senate, and endeavored in every way to prevent it. I agree with the Senator that it was in the same line that seems to have been pursued in this report, of putting in new legislation in conference reports, and it is about the worst abuse that can obtain in the Senate.

Mr. VILAS. Oh, Mr. President, this is hardly a speck, this is not a mote in the eye compared to the monstrous work of the last session in violation of this rule.

Mr. HALE. I agree with the Senator from Wisconsin in that.

Mr. VILAS. Let us justify the conferees by precedents of our own creation.

Mr. HALE. But that was not a precedent that committed us who opposed it at the time. Simply because the majority did it, against the protest of some of us, does not in any way bind us to agree to this report.

Mr. VILAS. I should be very glad if the principle were established that the rules should be observed because they are rules, but when this very bill was before the Senate the rules of this body were trampled under foot as if a herd of buffalo had run over them, and amendments went upon the bill utterly regardless of the rules of the Senate. Talk about rules! We might as well recognize the fact that there is no principle and that there is no rule obligatory during the construction of a bill in this body except the will of the Senate for the time being.

I only say this in reference to what seems to be severe—and, when you look to the rule and not to the usage and precedents, justly severe—criticism, which has been indirectly rather than in direct adjectives applied to the conferees. But I call attention to the excuse they have in the action of the Senate itself. I have no desire to discuss this proposal in the least, or to interfere with the order which is sought by Senators and which I suppose is a very proper order to make, at least that we should understand thoroughly what is proposed before action is taken.

Mr. HAWLEY. Mr. President, the iniquity of breaking a rule is nothing especially criminal or disgraceful. The question is whether, in addition to breaking the rule, we have not put in that which is actually wrong. I find prevailing about the Senate a very strong sense of indignation. We were probably misled last year, especially those of us who, from our location, can not be expected to be thoroughly informed on Indian affairs, and we will be very grateful to the Senator from Wisconsin if he will tell us what was the wrongdoing if not the fraud that we were led into last year, and just what fraud to avoid this year.

Mr. CALL. Mr. President, I have been requested by some of the Seneca Indians who are here to bring to the attention of the Senate the clause in the conference report in reference to their rights, by which authority is given to sell their lands without any negotiation with the tribe or any tribal consent. Some of these Indians, who are located in the State of New York, are making very serious objections to that provision of the bill which authorizes the lease of their lands for the purpose of oil wells. I think that ought not to be done upon the pending bill, and if such a provision is desirable, it ought to be the subject of more serious consideration in some bill brought before the Senate at its next session as to which all these parties may be heard and their rights duly provided for and protected.

I was requested to bring this subject to the attention of the Senate, in order that when the disagreement shall take place, the conferees may be advised that there are serious objections and protests against this provision of the conference report.

Mr. PETTIGREW. Mr. President, in regard to the matter of which the Senator from Montana spoke, I wish to state in behalf of the committee that last year there were three treaties ratified in the bill, two of them in Montana and one in relation to the San Carlos Reservation, in Arizona. The Arizona treaty was prepared by the Department and negotiated by one of its inspectors. That contained a provision that persons who had a mining claim upon the reservation should have a preference right after it was opened to settlement to take the land.

This provision was recommended by the Department and earnestly urged. In conference members came before the committee and desired that the same provision, the same words and terms, should be applied to the reservations in Montana, representing that it accorded with justice and the protection of rights; and the committee feeling that it could safely be extended to the other reservations, made the three treaties correspond.

It appears that some complaints have arisen with regard to the reservation in Montana. An amendment was submitted and referred to the Committee on Appropriations to repeal the provisions of the treaties of last year. While I do not think, perhaps, it is proper to say, ordinarily, what the Committee on Appropriations has done, I will say in this connection that the Committee on Appropriations, after fully discussing the matter, voted unanimously not to put it into the bill. It went on the bill of the Senate. The conferees on the part of the House refused to agree to it, and the argument used was that if any rights had attached under the law of last year, there was nothing we could do to take them away. Therefore, we could accomplish nothing by insisting upon the amendment. However, so far as I am concerned, I am willing that every one of the objections to the conference report raised by Senators shall be submitted to the Senate. I should like to take the sense of the Senate upon each and every one of them, and I shall be very glad, if any one of them is not acceptable, to have the conference report rejected and again go into conference on this subject.

Now, in regard to the oil leases in New York, that is the House provision. The Senate struck it out. The House insisted upon it. Members from New York came before the committee, Judge DANIELS, for instance, who has held court in that portion of New York for years, being circuit judge. He stated that after careful and thorough investigation of the whole question he was convinced that it was in the interest of those Indians to have that lease confirmed. Therefore the Senate conferees receded.

In respect to the Osage Indians, that is a provision which was put on by the Senate. The House accepted it.

As to amendment 93, with reference to the mixed-blood Indians, it is a House provision. The Senate struck it out, the House insisted, and the conferees yielded. Upon that question I shall be very glad to take the sense of the Senate. I should be pleased if the Senate would insist that that should be stricken out of the bill and insist to the point of defeating the bill, for I believe it is wrong and unjust. Therefore, I say, instead of making one motion I should like to take the sense of the Senate upon each of these propositions.

Mr. GALLINGER. That can not be done.

Mr. PETTIGREW. It seems to me it can be done.

Mr. HALE. You can not do it on a conference report.

Mr. PETTIGREW. By unanimous consent we can take the sense of the Senate most certainly upon each proposition.

Mr. TELLER. The committee certainly has the right to take the sense of the Senate upon any proposition which we may bring forward.

Mr. ALLISON. After the report is nonconcurred in.

Mr. TELLER. After the report is nonconcurred in.

Mr. HALE. The first question is on concurring in the report.

Mr. PETTIGREW. I should be glad to take the sense of the Senate upon these questions.

Mr. CARTER. It is and has been far from my purpose to cast any possible shadow of reflection, or to convey any kind of insinuation intimating directly or remotely any purpose on the part of any Senator or Representative in any way to connive at or lend aid to the unfortunate provisions of law of which I complain. Since, as appears, an agent of the Interior Department framed a provision of law relative to ceded Indian lands in Arizona, New Mexico, or elsewhere, such provision, probably through inadvertence, was added to the acts relating to the ceded Indian lands in Montana. In assuming that anyone could make a valid mining location on an Indian reservation, such agent simply acted in ignorance of the plain spirit and letter of the general mining laws of the land. The law is that all persons upon an Indian reservation, save and except the agents and employees of the Government of the United States, and the wards of the Government for whom the reservation has been established, are trespassers in the eyes of the law, and as such, prior to the complete extinguishment of the Indian title, no right can be acquired by settlement, mining location, or otherwise.

Hence it is that a provision of the law complained of, which proposes to validate existing rights, contemplates the creation of rights where none exist. No right can be initiated by or through a wrong or a trespass. Any individual going upon an Indian reservation to explore or to occupy Indian lands without the consent of the United States is a wrongdoer, and as a wrongdoer he can not initiate a right by the proceeding.

The act of the last session proposed that all persons having mining locations upon that land at the date of the survey and segregation from the Indian reservation should be recognized as valid owners of valid mining claims. Now, what was the consequence of that? The Indian agent could permit anybody to go upon the reservation as a prospector, and in the case in Montana reputable citizens have advised me that the Indian agent had the Indian police, paid by the United States, industriously chasing people off that reservation throughout the entire autumn and summer preceding it, to the end that the few favorites in the ring might have the free and untrammeled privilege to locate every part of mining country there worth locating or staking out.

The names of the individuals are said to appear upon the location notices within the Indian reservation to-day. These gentlemen are said to have located every water right within that reservation which is worth having or that can be utilized for any useful purpose. They have located every conceivable or available town site within the limits of this land, for which the United States has paid the sum of about $1,500,000, and they propose to profit by and through this overreaching scheme in consequence of the law passed at the last session through inadvertence and mistake. What we now ask is that, before the consummation of this scheme, Congress shall step in and repeal the section under which this unconscionable advantage is sought.

No one need feel hurt or injured, no person need wince or apologize, because no one is accused. We will call it inadvertence or oversight and ask that the mistake be corrected, and upon that ground and that ground alone I ask the Senate to nonconcur in the conference report.

Mr. PEFFER. Is the motion subject to amendment?

The PRESIDING OFFICER. The motion is not subject to amendment. Its effect is either to concur or nonconcur in the report.

Mr. PEFFER. Then I will ask, instead of putting it in the form of a motion, that the conference report be printed, so that we can have it in separate form.

Mr. CHANDLER. That it be laid upon the table and printed.

Mr. PEFFER. That it be laid upon the table and printed, so that we may have it convenient to refer to in the further consideration of the report.

The PRESIDING OFFICER. Does the Senator from Kansas ask that as a substitute for the motion of the Senator from Montana?

Mr. PEFFER. I do not know that that is exactly the way to put it. I am in favor of the Senator's motion, but at the same time I should like to have the report printed.

The PRESIDING OFFICER. The amendments will all be printed in the RECORD.

Mr. PEFFER. But separately.

The PRESIDING OFFICER. They can be printed separately. Is it the purpose not to take any action on the report to-night?

Mr. PEFFER. No; I do not care about that.

The PRESIDING OFFICER. The request of the Senator from Kansas is that the report of the conferees may be printed as a document.

Mr. PEFFER. That is it.

Mr. CHANDLER. There is no reason, I will say to the Senator from Kansas, for printing the report if it is to be acted upon now. It seems to me that either there ought to be an agreement to reject the report and have a new conference, or the report ought to be laid upon the table and printed, and the deficiency bill taken up. It seems to me that is what ought to be done.

Mr. PEFFER. Whichever is the better form.

Mr. CHANDLER. For my part——

Mr. JONES of Arkansas. If the Senator will allow me, I will suggest that the purpose of all the Senators may be accomplished by agreeing to send the report back to the conference committee and to print the report at the same time as a matter of guide to the Senate to see what has been reported up to this time and the points as to which difficulty exists.

Mr. CHANDLER. If that would be satisfactory to the conference committee——

Mr. HAWLEY. Nonconcur first.

Mr. JONES of Arkansas. Nonconcur first.

Mr. CHANDLER. Nonconcur in the report and let it be printed.

Mr. PEFFER. That will be entirely satisfactory to me.

Mr. CARTER. I suggest that some progress be made at this time. I think the suggestion of the Senator from Kansas can be fairly met by disagreeing at this time, in conformity with the motion now pending, and thereupon have at least the report printed for the information of the Senate, and several matters may be agreed to in the morning, notwithstanding the agreement to-night.

Mr. TELLER. I do not know whether I can have the floor a moment or not. There seem to be two or three Senators on the floor talking at the same time. If Senators standing claim the floor, of course I will yield.

Mr. CHANDLER. I am waiting.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado. The Chair can not prohibit Senators from standing.

Mr. TELLER. I did not mean to complain that they are standing, only I did not know whether the Senators were claiming the floor. I do not desire to interfere with them if they are.

The PRESIDING OFFICER. The Senator from Colorado is entitled to the floor.

Mr. TELLER. Mr. President, I have just come into the Chamber. I heard only a portion of the complaint. I heard practically nothing except what the Senator from Montana [Mr. CARTER] stated; but I understand the complaint is that there is legislation on the bill and the conference committee have added some more to it. That is the fact. There is not any question about it. There are some things here that ought not to be in the bill. We probably added some things that ought not to be in the bill; but it ought to be borne in mind by the Senate that we are in the last hours of the session, and that there is a general desire that the bill shall pass. We ought to realize the position in which the conference committee is placed, that is, that conferees may have to make some concessions.

It can not be an offense to put legislation upon this bill. There is more legislation upon the bill than usual, but there has never been an Indian appropriation bill passed since I have been in the Senate that has not contained more or less legislation. In fact it is the only way that you can get any legislation on some questions. The best part of the legislation for the last twenty years touching the Indian question has been upon Indian appropriation bills.

The Senate the other night insisted (and I voted with them because I believed it was necessary; I believed that the good of the public service required it) that we should put on certain legislation, and I do not think it can be now complained of if there shall be a little more added in the same general direction. That is all that has been done, and that has been done to facilitate, if possible, the passage of the bill.

The Senator from Montana complains that there was some legislation put on last year. If the provision in this bill that he refers to was put in, it was put in because somebody in that section of the country demanded that it should be placed in the bill. I have no personal recollection of it, but I will venture to say that it came from some Representative of the State where this property lies. It would not have been put in without it. A similar provision has been put in a number of bills heretofore in exactly the same language, and it has been put in because every time somebody who lived in the section of the country was anxious to protect certain rights.

In regard to my own State, legislation has taken place here [illegible] will not say it was on an appropriation bill, for I think, perhaps, it was not) that preserved the first privilege of taking the land to the prospectors who had invaded an Indian reservation [illegible] the mountains and had made mining locations. That may [illegible] a very unwise provision, and certainly, if the facts exist as stated by the Senator from Montana, it was unwise in that case [illegible] least. But what was the question presented to the [illegible]? This provision has not been put on by the committee. In the first place, it is pure legislation as everybody knows. The question was whether it was vicious legislation when we came to look at it, but the Senate put it on, not by our consent and approval.

When the act of 1896 or the last act provided that these people had certain privileges, their position became one recognized by law, and the title that they had attempted to make became a vested and good title. A year afterwards, when some of these titles have changed hands, we assert that that was an error, or that there has been fraud under it, and we have no evidence in the world before us. There was not a statement made here by anybody that there had been any fraud. No suggestion of fraud was made to the Senate when it was put on, and if there had been it would not have made very much difference. The question is, Have you vested rights of property in individuals now, and can you take it away by legislation, and that, too, by legislation upon an appropriation bill? If I am correct about it, that provision is not only legislation, but vicious legislation. The Senator did not complain about the legislation last year; he complains of it now.

Mr. CARTER. I will state, if the Senator from Colorado will allow me——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. Certainly.

Mr. CARTER. Until the bill became a law, owing to the fact that the provisions were interjected in conference, I had no knowledge whatever of their existence, I desire at this point relative to the matter of vested rights to ask the Senator a question.

Mr. TELLER. Wait a minute. Does the Senator mean to say that that provision was put in in conference last year?

Mr. CARTER. I am so informed by my colleague, who is a member of the Indian Affairs Committee.

Mr. TELLER. I have no recollection of it; but I venture to say the Senator must be mistaken as to that.

Mr. CARTER. I may be mistaken.

Mr. TELLER. If put in in conference, it was put in because some Representative from that State asked to have it put in. It was to carry out a provision of a treaty that had been made. The Senators and Members from that State were anxious to have it become a law, and the Committee on Appropriations, I think, will not be arraigned for sometimes yielding to the seductive influence of Senators and Members who represent a section, and say that a provision is equitable and just, and ought to be inserted in the bill. I am sure no member of the committee has, on his own motion, made such a suggestion about this matter. The committee did not even know that there had been any invasion of that territory. I do not say the Senator did it. Perhaps no other Senator from his State did it, but it is very singular if that is not the fact.

Mr. CARTER. I have stated that I did not desire to be understood as directly or indirectly insinuating that this was anything save a mere inadvertence and oversight. The worthy chairman of the Indian Affairs Committee suggests that a like provision came from the Interior Department in conjunction with another treaty. It is quite probable, indeed, that having received such a provision from the Indian Office relative to one treaty the same provision might have been applied to lands supposed to contain mineral deposits in other sections as well.

Mr. TELLER. Before the Senator from Montana arraigns the committee about it he ought to know what the facts are. He does not know them; he admits that he does not know them. It is not a very pleasant thing for the committee to be arraigned by a Senator here for doing that which they did not do, or if they did it it was done upon his request or that of some one else of equal character. If the treaty came from the Department with a request that it should be ratified, it is very strange to me that hose who were interested in its ratification did not have enough interest in it at least to read it.

Mr. President, this bill is full of objectionable features as to legislation. You can not, I repeat, get a bill here that will do justice to the Indians and the public without putting in these provisions. There has always been with reference to the Indian appropriation bill a degree of latitude that never has been recognized in any other appropriation bill that comes before the Senate.

There is not anything, in my judgment, in this bill that is vicious; there is not anything in this bill that is not beneficial, and there is not anything improper in the bill, unless you say that the bill should contain no legislation at all. If the Committee on Appropriations are to be instructed as to that, it is well to instruct them now so that the committee may know hereafter exactly what they can put on a bill and what they can not, that they may make a distinction between those provisions which are legislation and those which are simply appropriations; and the line is so close in many cases that it is very difficult to draw it. In any appropriation that we propose to make we must have some latitude, and in many instances it is necessary to approach very closely to the line of legislation, and in many instances to go beyond it.

So far as I am concerned I have no particular interest in this question. I should like to take, if I can, the sentiment of the Senate on these different propositions. Then I am prepared, as a member of the conference committee charged with the attempt to agree with the House, to stand by whatever the Senate shall determine, without reference to what may be the result and what may become of the bill.

Mr. WILSON. Before the Senator from Colorado takes his seat, I should like to ask him a question for information only. Do I understand the Senator's statement to be that the Commissioner of Indian Affairs through the Secretary of the Interior recommended this piece of legislation, making the location of mineral entries valid where discoveries have been made prior to the opening of the reservation?

Mr. TELLER. I will say that I have no recollection about it whatever, but it was stated that the Senator who has the bill in charge, the chairman of the subcommittee, had stated that another treaty came here with such a recommendation, and therefore I inferred that it might have been the same case here.

Mr. WILSON. I will state the reason why I made the interrogatory. I had an item in the bill opening a reservation to mineral location, providing that that property, the title to which is not in the Indians at all and never has been, shall be opened to leases wherever any mineral lands are found. The Commissioner of Indian Affairs protests against the opening of that reservation to mineral location and giving all the people a chance. Since the original legislation has taken place a vast number of people have rushed across into that reservation and doubtless made mineral locations, but all that would be illegal and void unless legislation of this character is admitted hereafter.

Mr. TELLER. I will simply say that amendment numbered 90, by which the Senate struck out the provision the Senator refers to, contains some legislation, and I understand it was sent to the House from the Indian Office and put in there. On our part we put in the following:

> Amendment numbered 88: That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

That is a reservation that the Indians have no title whatever, but which the Commissioner of Indian Affairs seeks to recognize in some sense at least by providing that the leases shall be made with their approval and their consent and that they shall have the profit that will arise out of the leasing. That we thought to be objectionable in many ways, and the Senate struck it out. The committee recommended it, the Senate struck it out, and that is one of the items that has been in conference. The House conferees receded from their provision and the Senate conferees receded from the amendment opening the Colville Reservation.

Mr. CHANDLER. Mr. President, I do not rise to discuss the merits of any of the propositions in this bill. I do not know, if I could understand the report of the conference committee, whether I should be able to discuss intelligently the merits of any of the propositions in the bill. But I have a right, as a member of the Senate, to know, if I can, what the propositions are. It is not a question of legislation on an appropriation bill, or whether the Senate wisely put that legislation on or not. The question is as to what a conference committee ought to do, and how they ought to present to the Senate the result of their deliberations.

One year ago we had new provisions written into a conference report by a conference committee. We had a long discussion over their right to do that. The Senate finally affirmed the provisions of new legislation which the conference committee inserted, and hence we have set the precedent about which the Senator from Wisconsin has taunted us to-night.

That precedent having been set, here we have in amendment No. 81, which is a provision for directing the Secretary of the Interior to negotiate with the Yankton Tribe of Indians a four-line provision, an addition written in by the conference report, directing the Secretary of the Interior to negotiate with a tribe of Indians in the State of New York, no part of which provision was in the bill as it passed the House, no part of which provision was in the bill as it was amended by the Senate, as I understand it. I am told also (I do not know whether correctly or not) by the Senator from Pennsylvania [Mr. QUAY] that it is a clause which was proposed to be inserted in reference to the New York Indians which was voted down by the Senate. Now, Mr. President, has a conference committee a fair right to do that thing?

Going further, to amendment No. 91, we find a provision as the bill went from the Senate that there shall be a completion of a digest of the decisions of the Secretary of the Interior and of the courts on Indian questions. There has been added to that provision a clause providing for the auditing of certain Kaw scrip. Where was this Kaw scrip issued, and who were the Kaw Indians? What about the scrip? Was anything presented to the Senate in reference to the auditing of the Kaw scrip when this bill passed the Senate. I ask the Senator from Iowa?

Mr. ALLISON. Not to my knowledge.

Mr. CHANDLER. The Senator from Iowa says not to his knowledge. And yet there comes in a conference report, which we had been taught to believe down to the vicious precedent of last year was to be a mere adjustment of differences between the two Houses on the various subjects-matter embraced in the bill, two new and entirely distinct matters.

Mr. President, where shall we be if this precedent is allowed to stand and we are to go on in this way and be compelled to sit here when a conference report comes in the last hours of a session, when the Senate is supposed to have the utmost confidence in its conference committees—if we are to be obliged to sit here and to find out what new provisions of legislation, never heard of before, have been inserted by the conference committee in a conference report, which is supposed to be only an adjustment of differences as to subjects already contained in the bill?

There is another thing I can not understand in the report, and I shall be no better off if the report is recommitted and comes back here again in this shape. The Senate struck out a long provision beginning on page 86. Page 86 of the House bill was stricken out, and pages 87, 88, 89, and 90. Five long pages were stricken out by the Senate. As I heard the report read at the desk, when trying to follow it, the conference report, instead of saying that the Senate conferees recommend that the Senate recede from striking out those five pages and agreeing to the five pages with amendments here and there, recommends a new provision in the place of the whole five pages, which, as it was read at the desk, seems to be, as you listen to it, the same amendment at first; the first page the same, the second page the same, the third page the same, and then begin little differences here and there, a word or two left out, a word or two inserted, so that it is utterly impossible for anyone to tell what lurks in the changes that the Senate conferees have made.

I do not say that anything lurks there that ought not to be there; what is there may be very beneficial indeed; but I say the Senate is entitled to have a report made to it which if those five pages are to be adopted as the law of the land, with certain alteration in the five pages which the conference committee report, the report shall state that those five pages are to be adopted with certain amendments, and should specify those amendments, so that Senators can understand what they are. Instead of that, we have these long five pages of matter read over at the desk, and it is utterly impossible to tell wherein in their wisdom the conference committee have changed the original House provision.

The precedent set last year in the Senate has been a most injurious one. It was stated at the time that the precedent was set in order to accomplish certain very beneficial results so far as the Indians were concerned.

Mr. ALDRICH. I hope the Senator from New Hampshire does not mean to be understood that because the Senate has done a thing once which is a violation of its rules and improper that that is any precedent for some action upon the part of the Senate on a subsequent occasion.

Mr. CHANDLER. I do not think so. I did not believe that vicious precedent should ever be followed again, but I understood the Senator from Wisconsin, who seems disposed to reproach the Senate for what it did last year, to take it for granted that because of this evil precedent of last year the Senate had now broken down entirely its rule and that the present conference committee were justified in putting new legislation into this bill.

Mr. ALDRICH. I hope the Senator from New Hampshire will agree with me that this proposition, coming here as it does, should be adjudged by its merits and by the law of this body and by the parliamentary law which applies to these cases.

Mr. CHANDLER. I do.

Mr. ALDRICH. And what the Senator calls the precedent of last year has nothing whatever to do with it.

Mr. CHANDLER. I do agree with the Senator from Rhode Island, but so far as the action of last year went, the conference committee this year had that to look to as a justification for their action this year.

It will be remembered that after the action upon the Indian appropriation bill last year it became necessary whenever a conference report came in here to interrogate the chairman of the Committee on Appropriations and to secure from him an explicit statement that the conferees had not written in the bill new legislation no part of which was in the bill before. I felt then that there was trouble ahead. That trouble has now come to us, and in these amendments numbered 81 and 91 we have the result. Here is a gross violation, as it seems to me, of the rules as they stood prior to last year in amendment numbered 91, which was a provision for publishing a digest of Indian laws, and you have a provision to audit the Caw scrip connected with the Indian tribes in the State of Kansas.

Now, Mr. President, we might just as well give up here and now the attempt to pass the appropriation bills between now and Thursday noon, as to spend to-night and to-morrow and to-morrow night here in the effort to intelligently deal with these appropriation bills, unless it can be understood between the Senate and the members of the Committee on Appropriations that conference committees are to deal with differences connected with the specific subjects-matter of the bill as they go into conference, and to deal with nothing else.

Now, Mr. President, I think that this report ought to be recommitted, and a new conference ordered very soon—I apologize to the Senate for taking up so much time on this subject—or else the report ought to be laid upon the table, and the Indian appropriation bill sent over until the 15th of March, the deficiency bill taken up, and an effort made to see whether we can not at least pass all the other bills but this; and then let this bill, which I characterized as a bill of abominations when it was under consideration in the Senate before the amendments were adopted, and which I fear is a still worse bill of abominations to-day, go over until it can be examined more carefully and more leisurely at the next session of Congress.

Mr. CALL. Mr. President, I desire to say just a word or two upon the amendment numbered 99 in the conference report, by which the Senate struck out the provision that the children of a white woman and an Indian man should be deprived of their property rights. I think it ought to be known to the conferees that there is objection to it on the part of some members of the Senate. Why a white woman should be deprived of her property rights because she marries an Indian it is very difficult to conceive. Nothing but the old theory that a woman is no longer a person, that she is not recognized in the law when she becomes the wife of a man, can justify this proposition. Certainly that is not the rule.

The Indians doubtless have a right to prescribe under the law their own relations and their own property rights in respect to marriage, but to say that there is any difference between the case of a white man who marries an Indian woman or of a white woman who marries an Indian man in respect of the rights of their children, in natural justice, in any reason to be derived from the law, is impossible. It is a manifest injustice.

Why should the white woman who marries an Indian man, some of them highly respectable, some of them intelligent, living in the Indian tribe, giving an example of intelligence, of education, of industry, of probity, be deprived of her property rights, which is not done even under the common law, for there the rights of real estate of the woman are preserved to her when the marriage survives? Why in this case there should be an arbitrary law and Congress should not redress it if it legislates upon the subject at all, is a difficult question for me.

I think if there is anything done on this subject, this provision of the bill should be preserved, and the rights of the woman marrying according to her will, her discretion, or what motives influence her, are matters which should be considered carefully before a law is permitted to exist, by which the rights of the woman to her property are taken away from her.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana [Mr. CARTER].

Mr. ALDRICH. I understand the members of the conference committee desire that this item shall be taken up some time for the consideration of the Senate. That of course can only be done by disagreeing to the conference report as a whole. If that is done, it seems to me the conference report might be printed and go over until to-morrow morning, and thus, if the committee desire separate action of the Senate upon any of the items, it can be had in the parliamentary way.

Mr. PEFFER. I hope that will be done.

Mr. PLATT. The question is on concurring in the conference report.

The PRESIDING OFFICER. The question is on concurring in the conference report.

Mr. SMITH. Will the Chair please state the question?

The PRESIDING OFFICER. The motion of the Senator from Montana is that the report of the conference committee be disagreed to by the Senate, and that a further conference be asked with the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further [illegible]ference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

Mr. PLATT. I ask that the report as read to-nigh[illegible] be printed in the RECORD. I suppose, however, it will be printed in the RECORD, having been read.

The PRESIDING OFFICER. It will [illegible] in the RECORD without further order.

Mr. ALDRICH. It seems to me it would be better to print it in bill form if that can be done before to-morrow. It will be better understood that way.

The PRESIDING OFFICER. The Senator from Kansas has asked that the conference report be printed in document form.

Mr. ALDRICH. No; in bill form.

Mr. PEFFER. I think it would be better to have it in bill form.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the conference report be printed in bill form. Is there objection? The Chair hears none, and it is so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] had the floor when the recess was taken.

Mr. JONES of Arkansas. Will the Senator from Alabama yield to me to offer an amendment, which I will ask him to allow to be considered at this time? It will take only a moment, I think.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to present an amendment, to be now considered by the Senate. Is there objection? The Chair hears none.

Mr. JONES of Arkansas. On page 76, line 22, before the word "legislative," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, after line 22, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William J. Parkes and John C. Ward, assignees of A. B. & B. C. Maxwell, or their legal representatives, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,442.80, for balance due the said A. B. & B. C. Maxwell for service as mail contractors on routes Nos. 7948, 7911, 7916, and 7953, in the State of Arkansas, prior to March 31, 1861.

Mr. ALDRICH. Has that amendment been passed upon by any committee or otherwise?

Mr. JONES of Arkansas. I can not say that it has been. The records of the Post-Office Department show that there is a balance standing to the credit of these gentlemen for this service.

Mr. ALDRICH. We have not the report of any committee upon it. I suppose, however, in view of the precedents established this morning, that it is not necessary even to have that formality. I do not know that the Senate requires any such thing.

Mr. BERRY. The bill has been referred to both the House Committee and the Senate Committee on Claims. The Senator from Florida [Mr. PASCO] had it in charge. I do not think it has been reported to the Senate, but it has been reported to the House of Representatives. The Treasury books show that this money is due. The proof was taken before the House committee that it has never been paid. It stands there, an admitted claim, as shown by the books of the Treasury.

Mr. JONES of Arkansas. It stands to the credit of these gentlemen on the books of the Treasury Department now, as I understand the facts.

Mr. HALE. I do not think the Senator would offer the amendment except upon the idea that anything would go on this bill. It is clearly out of order, not having been reported by any standing committee.

Mr. JONES of Arkansas. I only wanted it to take its chances with other things on the bill.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection.

Mr. HALE. No, Mr. President; I make the point of order that no committee has reported it.

The PRESIDING OFFICER. The point is well taken, in the opinion of the Chair.

Mr. MORGAN addressed the Senate. After having spoken some time,

Mr. TELLER. Will the Senator yield to me for a moment?

Mr. MORGAN. Yes.

Mr. TELLER. I learn that the Senate ordered a conference report on the Indian appropriation bill to be printed. I desire to move to reconsider that, and to recall the report. We can not afford to send the conference report off now to be printed, if we expect to pass the bill. I ask unanimous consent that that order may be revoked.

Mr. ALLISON. The report will be printed in the RECORD.

Mr. TELLER. To be printed in the RECORD.

The PRESIDING OFFICER. It will be printed in the RECORD, of course. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the motion is reconsidered.

Mr. MORGAN resumed the floor. After having spoken some time,

Mr. HALE. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. I do.

Mr. HALE. I do not think the effect of the suggestion which was made a while ago in regard to printing the conference report on the Indian bill was understood.

The PRESIDING OFFICER. The Chair stated that the conference report would be printed in the RECORD, but under the motion to reconsider, it would not be printed in bill form.

Mr. HALE. The understanding was when the bill went from the Senate that it was to be printed, as a great part of the debate was upon the point that nobody understood what there was in the bill, and that it certainly ought to be printed.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the motion to print it in bill form should be reconsidered, as it would be impossible to send the conference report, with the accompanying papers, to the other House unless the order was revoked.

Mr. HALE. I do not think any action of that kind ought to be taken in the absence of Senators who insisted that the bill and report should be printed. I certainly think it ought to be printed.

The PRESIDING OFFICER. The Senator was present who suggested the printing of it.

Mr. JONES of Arkansas. There certainly ought not to be any revocation of the unanimous consent of the Senate given on the request of the Senator from Colorado without his being present, and he is not in the Senate. I suggest that he ought to be sent for.

Mr. HALE. The agreement of the Senate to reconsider, which was made unadvisedly, ought not to have been made in the absence of Senators who had taken charge of the debate.

The PRESIDING OFFICER. There was no unanimous consent that the report should be printed in bill form. There was a motion to that effect; which was agreed to. Then the Senator from Colorado asked unanimous consent that the motion should be reconsidered for the reasons which he gave; and the Senator who suggested the printing of the report in bill form was present at the time when the motion was made.

Mr. HALE. I do not think the Senator from Connecticut [Mr. PLATT] was here.

Mr. PEFFER. I asked to have the printing in bill form, and was present when the Senator from Colorado asked to reconsider the vote, and I did not object to that request; but it occurred to me that, while the reasons given by the Senator from Colorado are good, the difficulty can be obviated in this way: If the printers at the Government Printing Office understand the situation, they will first put up the matter as it comes from the reporters for the RECORD here, and then they can use the proof of that for preparing this matter in bill form. That will relieve the situation, I think, from embarrassment.

Mr. TELLER. I should like to say that it seems to me to be very absurd to print a report that has been rejected. That conference report will never come back to the Senate.

Mr. PEFFER. That is one reason why I am very anxious to have it preserved. I want to look at it in the future.

Mr. TELLER. I do not think we ought to jeopardize the passage of the bill by delaying the conference.

Mr. PEFFER. If the suggestion I make be accepted, that need not be done.

Mr. TELLER. It can be printed afterwards, if it is to be printed simply as a curiosity. We shall have it printed after we get through.

Mr. PEFFER. So far as I am concerned, that will answer.

Mr. HALE. How will the Senate be able to understand how such remarkable things were put into a conference report unless the report is printed?

The PRESIDING OFFICER. The Chair will suggest that the amendment will be in the RECORD to-morrow.

Mr. TELLER. If the conference reports are to be printed, all right; we will print the next report when the Senate wants it. What is the use of printing a past report? We propose to go into conference and try to change that conference report so as to agree with the sentiment of the Senate. We shall make our report, and we shall have it printed. There is no use of printing the other, so far as I can see, except to print it as a curiosity, which we can do after we get through.

Mr. PLATT. I do not think it was my suggestion that this conference report should be printed in bill form.

Mr. FRYE. It was the suggestion of the Senator from Kansas [Mr. PEFFER].

The PRESIDING OFFICER. The suggestion was made by the Senator from Kansas.

Mr. PLATT. I made inquiry whether the conference report, having been read at the desk, would not appear in the RECORD to-morrow morning, and received the assurance that it would be, and I thought that would be entirely sufficient. I did not make the motion or suggestion to print it in bill form. It will be in the RECORD to-morrow morning just as read at the desk.

Mr. HALE. Very well.

Mr. TELLER. If we can go on with this report, using the copy of the old report, we can expedite things very rapidly. If we have to act without that before us and make a new report, it will cause considerable delay.

Mr. ALLISON. I concur in the suggestion of the Senator from Colorado, who suggested a reconsideration of the order for the printing of the report, for the reason that the clerks of the committees, and especially the clerk of the Committee on Appropriations, who is now dealing with this conference report in connection with the conferees, needs the old report to go on with the conference, if anything is to be done by the conferees to-night. It is perfectly easy to take another copy of this report at a later hour, send it to the Printer, and have the report printed; but if anyone is to print it in bill form with these amendments as they would be in the bill, it would require editing in a way that would take considerable time.

Mr. PLATT. It will require two or three hours of work of the clerks of the Senate in charge of those matters in the Secretary's office when they ought to be giving attention to other matters.

Mr. ALLISON. So that it can not very well be printed in bill form, embracing the original text as it will read with the agreements of the conference inserted; but it will be a very easy thing at a later hour to print the conference report itself in the form of a document. So I think that had better be done, perhaps, and later in the evening allow it to be printed in the form of a conference report, as read at the Clerk's desk.

Mr. CHANDLER. I think that ought to be satisfactory. Certainly I have no desire to delay the conference report.

Mr. ALLISON. Certainly it was no purpose of mine to interfere with whatever was understood to be the order of the Senate, but only to save two or three hours of the work of the clerks, who are very much occupied now with these bills.

Mr. WILSON. Mr. President, I sincerely hope that the order will be modified, and that the conference committee may be able to go on, for the reason that we from the Western country are perhaps more interested in the passage of the Indian appropriation bill than any other section. It seems that every time——

The PRESIDING OFFICER. The Chair will——

Mr. WILSON. One moment, if I may be permitted, Mr. President.

Every time the Indian appropriation bill is up, it seems that it requires more discussion than nearly all the other appropriation bills combined, and makes more discussion. It is impossible to enact an Indian appropriation bill without legislation. There never has been one passed by Congress, nor there never will be one passed by Congress, that is not full of legislation. You can not avoid it; it is not possible to avoid it.

Mr. HALE. Then you ought to print the reports.

Mr. WILSON. Well, Mr. President, the Senator says we ought to print them. I have no doubt that a great many things creep into conference reports. This is not the first time that it has occurred. It perhaps illustrates what the Western people desire very much, but can not have in this Congress, and that is to distribute the appropriation bills, so that we shall get a little more legislation; but the Senator who is speaking to me from his seat is not in favor of that.

Mr. ALDRICH. I made the suggestion to have this report printed in bill form. Perhaps I ought to give my reasons for making that suggestion. I thought at that time that it was the purpose of the committee and of the Senate to go on and consider the report, item by item, to-morrow morning, and therefore it was necessary to have it printed. If the committee expect to present a new conference report to-morrow I can see that it might not be desirable or necessary to print the old one, but if they do present a new one, it is necessary to have that one printed; that is, if it is to be anything of the nature of the one already presented, if the committee expect the Senate to understand it or any part of it.

Mr. MORGAN. Mr. President, in the condition of weariness that the Senate all share in, I should not venture to address myself to the motion made by the Senator from California [Mr. WHITE] to strike out a part of this bill relating to a claim of the Southern Pacific Company, except under the requirements of a most imperious necessity, as I understand it. I happen to be a member of a select committee of the Senate to consider the Pacific railroads, and on that committee I have bestowed much attention to the condition of the Central Pacific, the Southern Pacific, and all of the other roads belonging to that great system in the West. I therefore feel impelled by convictions, as I said, which I can not escape, to resist the driving of this entering wedge into a question of great magnitude and importance which will be largely influenced or decided, perhaps, by the action of the Senate on this part of the appropriation bill.

The time is exceedingly inopportune for considering this subject. The Senate has an opportunity on the bill that was reported here from the Committee on Pacific Railroads to pass upon every question which concerns those roads, including the one which is presented in this bill. This claim is for $1,300,000, alleged to have been put in judgment before the Court of Claims some eight years ago. From the time that the judgment was rendered in the Court of Claims up to the present, no session of Congress has passed at which there was not an effort to make an appropriation of the kind that is now before the Senate on some appropriation bill. No session has passed when this claim has not been pressed in one House or in the other, and without reference to which House has acted in refusal of it, or which House has been satisfied with it, it is enough to say that on every occasion Congress has rejected this claim. That has been gone through with, as I am informed by a member of the committee, the honorable Senator from Missouri [Mr. COCKRELL] some eight or ten times; and it would seem that that ought to be sufficient to sustain the objections that are made now to the consideration of this subject on an appropriation bill.

No man can understand this question as it ought fully to be understood, and no man can, therefore, cast a clean, conscientious vote unless he can devote much time to the study of a number of papers, printed and laid before the Senate, that contain the facts that should control its decision.

Mr. WHITE. Mr. President, I ask that order may be preserved. There is a great deal of noise, especially in the galleries.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The officers of the Senate will see that order is preserved in the galleries.

Mr. MORGAN. I do not suppose, Mr. President, at this hour of the night, and with the Senate so weary as it is, that I can engage the attention of the Senate to the facts that I shall present; but I wish to inform Senators that I am going to put the facts on the record, and then I shall ask the country to confront them when they have voted this money on this bill, so that their responsibility will be known, whether they listen or whether they do not, and whether they pass the proposition or whether they pass it by.

This subject can not be considered to-night with any degree of fairness because of the want of time, because the Senate is pressed now with a great many other conflicting provisions of appropriation bills, in which every Senator has his own general as well as his personal interest, and we ought not to consider it. If this proposition had been brought here by the Committee on Appropriations of the Senate, a point of order would have arisen upon it, but inasmuch as it comes as a part of the text of the bill from the House of Representatives, no point of order lies to it, and the only way we have of reaching it is on the motion which the Senator from California has submitted, to strike it out.

Mr. WHITE. If the Senator from Alabama will permit me, I wish to ask him a question.

Mr. MORGAN. Certainly.

Mr. WHITE. Is it not a fact that this identical claim in a certain bill heretofore before both Houses of Congress was offered by the railroad company as a matter of offset in the very bill which the representatives of the corporation desired to pass?

Mr. MORGAN. Yes.

[At this point the honorable Senator yielded to Mr. TELLER.]

Mr. MORGAN. Not only has this proposition, this identical account, been presented to Congress by some of its committees as an offset against the demands of the Government of the United States against the Central Pacific Railway Company, but the attorney of Mr. Huntington, who represents everything and everybody connected with this whole business, has also admitted, according to statements contained in the RECORD and quoted in the House of Representatives on yesterday, I believe, that this was a proper offset, not in so many words, but as a necessary effect was a proper offset against the debt which the Central Pacific Railroad Company owes to the Government of the United States.

Before, however, touching upon the merits of this proposition, I wish to invite the attention of the Senate to the present situation. Senators on this floor have informed us, and I suppose we may take it as authentic information, that on the 15th day of this month we are to be convened in extra session of the full Congress, with all of the powers under the Constitution which [illegible] to-night for the enactment of laws relating to every subject which concerns the welfare of the American people, and, as suggested to me by the Senator from Kansas [Mr. PEFFER], some that do not.

I do not know why it is that there is very great urgency in the passage of this appropriation and putting it upon this bill to-night, in this last stage of an expiring session and an expiring Administration; and if we put this measure into this bill, and pass the bill and send it to the President, he is under no constitutional or moral obligation to consider it at all; and if he adheres to a very wise practice, which I understand he has adopted heretofore, he will not act upon this bill. He will say properly that he has not time to act upon it, that the Congress of the United States through some delay has not furnished him with this bill in time to enable him to give it intelligent consideration. That reason, if no other existed, ought to cause the Senate to forbear to send a measure of this kind, surrounded by a mass of facts, to the President of the United States, which we know, and which he will find out when he comes to look into this subject, it is impossible for him to fathom in the time which is given to him. He can not read the testimony of the leading witness which has been taken before the committee of the Senate, every word of which bears directly upon this subject. What witness is that? Collis P. Huntington, who knows the whole story, and out of whom it was wrung by a cross-examination, in connection with papers, which, after all, he could not deny, but it is a mixed and conflicting statement of the facts relating to this intricate and hidden transaction, which the President of the United States, if he were to devote every moment of time to it until the expiration of his commission, could not possibly understand.

I notice, Mr. President, that the railroads, following a practice which has obtained in recent years, are found crowding their measures upon the Congress of the United States just at the close of a Congress. During the last days of the last session of an expiring Congress they are always here ready to get emergent legislation in an emergent way, and to press their demands upon us for a great deal more than they are worth—I was about to say for all they are worth, but a great deal more.

I remember at the close of the last Congress we had the pooling bill up here. The lobbies of this Capitol were crowded with railroad agents, all coming from different parts of the United States—some of them very important men—pressing the consideration of that pooling bill upon us with an eagerness and determination which I have hardly ever seen equaled. Now, to-night, in these last weary hours of this session of Congress, which has been to everybody a laborious one, we find this measure, after it has been defeated nine or ten times by the Congress of the United States, brought back through the instrumentality of the vote of the House of Representatives and thrust upon us for consideration. Its boon companion, its attendant friend, is the anti-scalping bill, with which I suppose we are to be scalped here before we get through with this session of Congress. Sir, there is not a railroad agent in the United States who has any influence with anybody here who has not been writing and begging personally and telegraphing in regard to it.

[At this point the honorable Senator yielded to Mr. HALE.]

Mr. MORGAN. If the storm is over, Mr. President, I shall proceed with my remarks. A man has to sail by dead reckoning through the Senate in such a storm as this. He can not see the stars, the moon, or any other thing by which he can guide himself or guess at his course or the speed he is making. This seems to be the worst possible time for deliberation. It is in such moments that the pressure of spoliation is most urgent. In the din of this confusion the voice of reason and the plea for justice to the people are unheard.

Mr. PLATT. Mr. President, I can hear perfectly well the conversation that is going on behind me between Senators, but I can not hear the Senator from Alabama.

The PRESIDING OFFICER. Senators will please cease conversation.

Mr. MORGAN. I may as well repeat, Mr. President, that I am speaking now to the reporters and to the country: I am not speaking to this body at all, because they do not want to listen; but the facts that I put upon record here now I think will at least be read by some persons outside of these walls; and when they are read, I repeat again that Senators will feel that they are under a responsibility of which they are very little conscious, for they have not had a proper opportunity to look at this matter, and I can not at all censure any gentleman on this floor for not attempting at this late hour and under the circumstances to understand all of the facts in the history of these railroads which make up the ground of objections to this appropriation.

Mr. ALLEN. Will the Senator permit me to make a suggestion?

Mr. MORGAN. Yes.

Mr. ALLEN. I suggest in this connection a proposed amendment which may dispose of the matter, if accepted by the committee. I move to add on page 90, after line 24, what I send to the desk:

> *Provided*, That the money hereby appropriated shall be retained in the Treasury until the final adjustment of the Government lien on the Southern Pacific Railroad Company and the Central Pacific Railroad Company.

Mr. MORGAN. That is precisely the attitude that Congress has taken toward this subject for nine or ten consecutive sessions. Nobody has ever disputed these judgments. Nobody has ever questioned the fact that the Southern Pacific Company—not the Southern Pacific Railroad Company, but the Southern Pacific Company, the Kentucky company—has recovered these judgments in the Court of Claims, and the whole matter has been adjusted so far as concerns the amount due from the Government for the transportation of mails and other things. It has been actually brought to the state of a judgment, but the judgments of the Court of Claims against the Government of the United States are not final judgments. They are not collectible except through appropriation bills. Nevertheless, the very point which the Senator from Nebraska now makes and the amendment which he offers is the point which has been ruled against this railroad company in nine or ten sessions of Congress—that is to say, that this money shall remain in the Treasury until a settlement can be had between the Central Pacific Railway and the United States Government.

On this bill we have a provision of the same sort. I will read it. It is found on page 7:

> To pay the amounts due the Central Pacific Railroad Company, as set forth in House Document No. 24 of this session, $12,20.53.

Mr. WHITE. That is a Senate amendment.

Mr. MORGAN. That is a Senate amendment, as the Senator from California very properly suggests.

The report upon that from the Treasury Department, Mr. Wike, Assistant Secretary, is as follows:

> It is desirable to have these small amounts provided for in order that the accounts on the books of the Department may be closed, and as all the amounts are to be credited to the sinking fund and interest accounts of the Central Pacific Company, no money is to be expended from the Treasury therefor.

Now, in this identical bill, on report made by the Senate committee, the provision of the amendment offered by the Senator from Nebraska has found a place in this legislation, and it is exactly right. What we want to do is not to rob anyone nor to deprive any man of his just rights, but that so long as that case is pending between the Central Pacific Railroad Company and the United States, this money ought not to be drawn from the Treasury. It should either be carried into the sinking fund of the Central Pacific Railroad Company, as this smaller appropriation has been by this bill, or else the payment of it ought to be suspended according to the amendment of the Senator from Nebraska until that settlement can be made.

Is there any ground upon which we can place this? I have already adverted to the fact that there is testimony to show this. When you go into the details of the testimony, it is immense in its bulk, and it comes from examinations made by a commission of the United States Government which was appointed by the President under act of Congress of March 3, 1887, and reported December 1, 1887, since which time there has been no report from any other commission. The facts upon which I predicate the claim that this is a proper offset of a debt due to the Government from the Central Pacific Railroad Company are stated in that report.

Now, before I go any further with it, I wish to show what is the present effect of that report. The facts have not changed since the report was made. The commission consisted of three very prominent men, Mr. Littler, Mr. Anderson, and Governor Pattison, of Pennsylvania. They went out West, examined Collis P. Huntington and Leland Stanford and a large number of other witnesses upon nearly all the facts which showed the relationship between the Southern Pacific Railroad Company and the Central Pacific Railroad Company. Other facts that fully sustain their report have since been laid before Congress. They came back and made their report to Congress.

At a recent date, during the last session of Congress, Mr. Huntington came before the Senate Committee on Pacific Railroads for the purpose of promoting a bill for the settlement of all the difficulties between that company and the United States Government. He was attended by witnesses, counsel, and a large retinue of friends, I suppose you might call them, or servants—I do not know which would be the proper appellation—standing around to do his service and promote his wishes in every possible respect. He was armed cap-a-pie with a statement of the whole case as he understood it in advocacy of his measure. But he was put under oath by the committee, by order of the Senate, and examined and cross-examined as a witness, and here is his testimony reported to this body, covering a number of pages—more than 100 pages of closely printed matter. In that examination the basis of the cross-examination was the report of the Government commission, and Mr. Huntington was given every opportunity that he could possibly ask to controvert the facts stated in that report and the conclusions to which these commissioners came. The examination was intended to elicit evidence that would give to the Senate of the United States a true idea of the exact situation of this railroad company and its relations to this Government.

Now, in that testimony the report of the commission was laid before Mr. Huntington; his own deposition and that of Leland Stanford, given under that examination, were laid before him, and he had a full and fair opportunity of contradicting as much of it as he might be able to show was mistaken or erroneous; and, Mr. President, the result was that his testimony confirmed the report from end to end, except that he undertook to cast very improper suspicions and criticisms upon the commissioners themselves, one of whom, I understand, is now his fast friend. I do not know what caused the change. He got around on the other side, but he can not take the facts out of the report which he put there. Mr. Huntington could not swear them out, and there they stand. The report of the commission is now sustained by Huntington under cross-examination, and when it comes to be unfolded the conclusions they reached were absolutely just and fair, and show that this is the most stupendous fraud that was ever perpetrated upon a government in the history of mankind. Here it is perfectly plain and palpable. It is a record of shameful malversation that has no parallel.

I can not afford to-night to undertake the very severe task of going back and giving even an outline of the situation as described in Mr. Huntington's testimony sustaining the report. There are some prominent facts, however, connected with it that it is proper I should state now, for the purpose of showing—and that is all I am trying to show—that we can not to-night properly try and determine this case; that it ought to go over, and that it ought to be made the subject of a separate bill. Whenever the question of this sum of $1,300,000—a pretty large sum after all—is brought before this body, it ought to be scrutinized upon a separate bill brought in and passed here, if it does pass, which has but one purpose, and that is the determination whether the claim is a just one, or, in other words, whether the Government has a proper offset to it.

On this proposition I assume that what is now called the Southern Pacific Company is identical with the Central Pacific Company—identical in its management, in its ownership, and in all the equities that affect it, in the trusts that attach to the situation of these directors in the Central Pacific Railroad Company, and which trusts, whenever they are brought within reach of a court of equity, must be enforced in favor of the Government of the United States. It may be said—lawyers might say—that this proposition is in the nature of an equitable set-off. I do not care what you call it. It is a set-off that is supported by justice and

truth. It is a set-off which shows that the men who are claiming this money here to-night under the appropriation bill are the men who owe it to the United States.

Some intimations have been thrown out that perhaps Mr. Huntington was induced to press his demands upon Congress at this time because he had been useful to some political party. I do not make myself a party to any such accusation. I will never, while I am on the floor of the Senate, undertake to impeach any man except upon a state of facts which I believe to be honestly true and of which I have some knowledge. Therefore I cast no such imputation upon any person in connection with this transaction. But I do say, upon evidence that has been submitted under oath in the report of these commissioners, that the claim now presented against the Government of the United States has been satisfied forty times over by demands that Huntington and his associates owe to the Government of the United States as the owners of the Southern Pacific Company, who own the Southern Pacific Railway Company.

The Committee on the Pacific Railroads made a report to this body at the last session, in which they sum up the actual amount of the indebtedness, and for the sake of convenience I will refer to that report for just a moment. In Table B, on page 9 of their report, they put the estimated debt of the Central Pacific Railroad Company on January 1, 1897, to the United States at $57,681,514.29, and that debt is the basis of the bill which was reported here for the purpose of extending it through a long period of years, more than seventy years, according to my calculation.

Now, this company on the 1st day of January, 1897, owed the United States Government more than $57,000,000, presently due, according to the report of the committee made to this body, and they are claiming from this Government $1,300,000 because the judgment happened to be rendered in the name of the Southern Pacific Company, when that name merely stands in fact and in law and in morals for the Central Pacific Railroad Company. To prove that proposition with absolute thoroughness would require me to examine a very large amount of testimony and a number of facts, all of which, however, are indisputably and indubitably established in the testimony that is now within reach of the Senate upon printed documents of an official character which have been brought in here from one place and another, from a committee of this body, from the railroad commissioners who have reported here, from the reports of the railroad commissioners, and others who have incidentally furnished us with facts that bear upon this proposition.

The general and correct statement is that four men built the Central Pacific Railroad Company. They were Huntington, Stanford, Hopkins, and Crocker. In reality they were partners, although their interests were borne in the form of stock in a construction company with which they built the Central Pacific Railroad, and, after that, in other corporations created only for their convenience. That construction company, called the Contract and Finance Company, had but four stockholders. It was a California corporation, created for the purpose of building the Central Pacific Railroad. It had four stockholders, whose names I have stated. The Central Pacific Railroad Company when it was built had four stockholders, and they were the same persons. So these four stockholders, the men whose names I have called here to-night, made a contract with themselves for the building of the Central Pacific Railroad. For the purpose of getting the money to build that railroad the bonds of the United States were issued to them, as the road progressed toward completion, by sections. An exactly equivalent amount of bonds was issued and sold by them. In order to give to those bonds, which at first were second-mortgage or second-class bonds, the priority in the market and to make them worth par, to say the least of it, perhaps a premium, the Congress of the United States, at the solicitation of these four men, gave to these bonds a priority of lien, or rather, to speak a little more accurately, a priority of satisfaction, for the statute does not give a priority of lien, but a priority of satisfaction out of the proceeds of the mortgaged property whenever it may be realized in money. At all events, they have that precedence.

Then they issued $100,000,000 of the stock, voting it themselves. They took all of the stock and all of the bonds, those issued by the Government and those issued by the company, and out of that stock and those bonds they paid themselves for building the road, first making a contract with themselves and then taking the entire assets of the corporation and converting them, when they could or when they wanted to, into money, and out of that fund they built the road. In addition to that, they had a land grant of many millions of acres, which have yielded to them many millions of dollars, and they have yet on hand a large body of very fertile land in California and all along the line of their road, more particularly in California.

Here, then, is the corporation, organized by four men who owned it, called the Central Pacific Railroad Company. Here is another corporation, a construction company, called the Contract and Finance Company, organized by the same four men. They make a contract with themselves for the building of that road, and they take the assets of the corporation and they build the road. It is scarcely conceivable that there could be a more complete ownership of a piece of property than that. But they were acting under a charter of the United States Congress, and they were directors and incorporators and stockholders in this corporation to build the railroad, and in each of these characters and all of them they were trustees for the people of the United States for the faithful administration of that great public trust. They were debtors to the United States also, and were bound, as trustees, to protect that indebtedness, and to apply to its satisfaction the trust estate in their hands.

Now, the question recurs, and will always recur, as to whether they have been faithful in the execution of that trust. That is a very simple question. It does not require any very great lawyer to understand that directors and managers and owners of stock in a railroad company are responsible as trustees to whoever has the right to hold them to accountability, to all their creditors at least. They are accountable as trustees for the management and administration and application, in good faith, of all the assets that come into their hands, to the payment of the debts of the company, especially the trust liabilities. I do not think it worth while to delay the Senate of the United States in the discussion of a proposition that is mere hornbook learning, and which any student in a law office understands perfectly well. There stand those trusts, created first by the law and next by the express agreement of the company in the administration of the law—the law which pertains to and regulated and controlled this great corporation—these four men being the stockholders and directors of the company. In every character which they held and in every form of justice and obligation these four men were all the time and are now responsible as trustees.

What have they done as trustees? They have gone on and they have built or purchased other railroads, quite a number of them, as many, Mr. Huntington says in this testimony here, as forty, largely, if not exclusively, from the assets of the Central Pacific Railroad Company. They got additional charters from the State of California, and these same four men would organize from time to time a new construction company for the purpose of building these new railways. When they had got the Central Pacific Railroad built and there came to be a suspicion that the Government of the United States would be calling them to account about this business, Huntington burned the books of the first construction company. He deliberately had them burned and destroyed, so that, as he supposed, there would never be any opportunity to know what those books contained, and everything would depend upon the frailty of human memory and perhaps the greater frailty of human conscience from that on. After having cleared off the books in that way and closed the accounts by burning them up, and, as he supposed, concealing from the world all knowledge or possibi[illegible] of knowledge of these transactions, the same [illegible] men [illegible] to build or purchase these additional roads. Out of [illegible]perty or what money or what capital did they build or buy the additional roads? The evidence in this case is beyond all controversy in proof that these roads were built, nine parts out of ten, with money realized out of the Central Pacific Railroad Company.

Mr. BUTLER. Out of the construction or the operation of it?

Mr. MORGAN. The operation and construction, too; but of course there are no accounts about the construction.

Mr. BUTLER. What evidence is there that the books were burned?

Mr. MORGAN. The reports are full of it. Mr. Huntington could not deny it. I can not stop here to go through the record, but the Senator has my assurance that the record proves it beyond all controversy.

Mr. WHITE. It is admitted all round that they were destroyed by somebody.

Mr. MORGAN. Yes; and Mr. Huntington could not deny it under examination.

Mr. BUTLER. Could the responsibility for the burning of the books be traced to Mr. Huntington except indirectly?

Mr. MORGAN. It is traced, and not inferentially, and if you will take that deposition and read it you will find he could not get out of it. It was impossible. He fixed up a good many pretexts as reasons why he burned them, or had it done, but he caused them to be burned. There is no doubt about it.

Mr. CAFFERY. May I interrupt the Senator from Alabama? I have been very much interested in his statement showing how the construction company built the Central Pacific Company in the nature of a trust imposed upon them by having all these assets. If it is not too much, I ask the Senator from Alabama in this connection to trace the relation between the Southern Pacific Company and the Central Pacific Company, so as to make such a legal identity as would allow a set-off, one debt to the other.

Mr. MORGAN. That would take me a long time. I am speaking from the record here and from the facts, all of which are presented to the Senate.

Mr. CAFFERY. I will ask whether the stockholders of the Southern Pacific are the same as those of the Central Pacific?

Mr. WHITE. If the Senator from Alabama will permit me, in the extract which I read this evening from Judge Payson's statement before the House of Representatives, he concedes that they are the same; and if I may be permitted to repeat it, I ask the Senator from Alabama to read the extract, which I think he has before him, and which, I think, answers the inquiry of the Senator from Louisiana.

Mr. MORGAN. Mr. MAGUIRE says:

> Now, Mr. Chairman, Judge Payson—

We all know him—

> one of the attorneys of the Southern Pacific Company—

Not the Southern Pacific Railroad Company, but the Southern Pacific Company, which I will explain presently—

> for the collection of this very claim was called upon while he was before the Committee on Appropriations of the Fifty-third Congress to explain a confusion in the accounts between these companies, showing that they paid no attention to obligations as between themselves. His answer, from which I now read, will be found on page 112 of the report of that committee of hearings on April 10, 1894, submitted to the Fifty-third Congress. On that occasion Judge Payson—and he ought to know as much as any of us upon this question—said:
>
> "The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know; but I should say, practically, it does not make any difference what the contract is, because, substantially, the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another pocket of the same man's clothes."

I suppose that attorney knew what he was talking about. Certainly Judge Payson was never accused of having an imperfect knowledge of what he said.

Mr. WHITE. Regarding his own client.

Mr. MORGAN. Yes, sir. Before I proceed to that I wish to read from the report in answer to a question put by the Senator from North Carolina [Mr. BUTLER], as to whether or not these subsequent railroads were built out of the earnings.

I find here the statement of the dividends of the Central Pacific Railroad Company between 1874 and 1894. The gross earnings were $886,992,020, nearly a billion dollars. The operating expenses were $512,229,852; net income, $374,762,168, nearly three times enough to pay off the mortgage debt upon that railroad property to the United States and to the first-mortgage bondholders. That enormous sum was paid to the stockholders in dividends between 1874 and 1894.

In that period we do not know, from any evidence in the case, who were the stockholders. If they were other than the original four, it was because they had sold the stock and got the money for it.

Now, Mr. President, when we are talking about trusts and the duties of trustees, here was a duty that devolved upon those men to set apart that fund, but they put it in their pockets. They owed it to honesty and public duty to apply it to the payment of their debt to the Government of the United States and these mortgage bonds, which, to convenience and enrich them, we made first-mortgage bonds by statute. How can anybody who has a decent respect for justice say that these men had the right, technically or otherwise, to put this vast sum of $374,762,168 into their pockets and leave these debts go entirely unprovided for?

Mr. BUTLER. The net profit for twenty years was $374,000,000 on the Central Pacific?

Mr. MORGAN. On the Central Pacific. Those were the dividends. They were the actual dividends paid out, not to say anything of the great amount of money that had been put into betterments of this property which they owned themselves. There is no wonder that colossal fortunes were built up there. They could not help it. With the vast amount of traffic they had, the vast resources of money that they commanded, they could not help building up these enormous fortunes of which we hear so much.

When this debt began to approach maturity, Mr. Thurman and Mr. Edmunds of this body took up that subject, and in the Committee on the Judiciary perfected and reported to this body the Thurman Act, which is monumental as to their ability, skill, and integrity. When these people saw that coming, they first challenged it in the Supreme Court of the United States, and said that the Congress of the United States had no right to pass such an act, that it was an invasion of private rights—vested rights.

Then after the Supreme Court decided that the act was constitutional they commenced scheming to get their property out of the way, transferring everything that they could possibly transfer from the Central Pacific Railroad into new schemes and enterprises which they built with the money that came from the Central Pacific Railroad.

Now, Mr. President, here is a remarkable fact. That road is presented to us as being a bankrupt institution. It owes us now the amount due upon every one of these bonds. They have never paid a bond of the United States that I have heard of. The Secretary of the Treasury might have bought some bonds in with a part of the sinking fund, I do not know; but they have never paid a bond. They have never paid a first-mortgage bond. They have left the whole weight of the bonded indebtedness to rest on the Government, and we have been compelled, out of the Treasury of the United States, to pay the interest as it accrued upon these bonds until the sum of interest that we paid amounts to more than $34,000,000.

Now, while that was going on, while the Government of the United States was advancing to them under that unfortunate act of Congress the interest, and had no right, as the Supreme Court decided, to resort to this railroad company for the purpose of reimbursing the Treasury out of the assets of the company, ought we not to hold them to the duty of replacing these enormous amounts of money that they declared as dividends upon their stock and putting it into a sinking fund, or paying the bonds as they mature. Putting these dividends into the sinking fund would have been the proper way to do it. They could thus have provided for their debt to the United States, and still have grown very rich.

I desire the attention of the Senate for one moment to this fact. Notwithstanding this alleged bankruptcy, the board of directors of the Central Pacific Railroad Company, or of the Southern Pacific Company, have been declaring dividends down to this day on the stock of the Central Pacific Railroad Company. They have been paying dividends upon the stock of the British stockholders. It has not been a large dividend, but it has been large enough to keep them at rest. I have not heard that any dividends were paid upon stock held in the United States. Where is the majority of the stock held now? Fifty-one per cent of it is held in London, leaving 49 per cent in the United States. Upon that 51 per cent of stock they have been paying dividends down to the day of the last report that they have made.

Now, where did they get the money to pay those dividends? Who has paid it? I have a copy, from a paper that was sent to me, of one of the certificates issued. Issued by whom? Not issued by the Central Pacific Railroad Company, but issued by the Southern Pacific Company, the Kentucky company, which I will presently describe. I will read now a copy of that certificate:

> The Southern Pacific Company announces that after January 1 it will pay a dividend of one-half per cent on the stock of the Central Pacific Railroad Company on dividend warrant No. 31.

Here is a company organized in Kentucky paying dividends upon Central Pacific stock. How does that happen? How would it happen that the very company to which the bill refers here and to whom we are about to vote $1,300,000 is paying dividends on Central Pacific stock? Of course it is because they own the concern; that is all of it. There is evidence enough, Mr. President. That sort of evidence would hang a man if he were accused of piracy. But the Southern Pacific Company is not robbing the Central Pacific Railroad Company. It really owns that road and is performing a kind service to it by inducing the British stockholders to forbear a strict inquiry into its officers.

On a former occasion, in February, 1891, Mr. Huntington had also been before the Committee on Pacific Railroads. I will read his examination on that occasion for the purpose of giving the Senate an idea of what this Pacific Company is. Before reading that I will state what they did after they had built and bought these forty railroads. Huntington says there were forty. He gives the names of them here somewhere, but I have not laid my eyes upon it to-night. How far do those roads reach? They reach from New Orleans to Portland, in Oregon, with a number of branches running out in different directions to different valuable points, forty roads in all, different organizations. The owners of these roads concluded that they would move out of the reach of the jurisdiction of the courts where these railroads were; that they would get away from inquiring stockholders and bondholders and people, and that they would go to Kentucky and get a charter that would include all of them. They went to the State of Kentucky and got a charter for what was called the Southern Pacific Company. The word "railroad" is not mentioned in it.

The Southern Pacific Company was given the right under the Kentucky statute to build railroads anywhere except in Kentucky. When the legislature granted them the charter in Kentucky, they said, "You can not build any railroads here, but you can own all that you can buy; you can own steamship lines and all that." Thereupon they took these forty railroads which they had bought, the stock of which was owned almost exclusively by them, and they exchanged the stock in these roads at a rate that they agreed upon with the respective companies into the stock of the Pacific Company, that Kentucky company.

Now, how was the Kentucky company organized? What was its capital stock? It consisted entirely of shares of the various railroads reaching from New Orleans out to Portland, Oreg. They assembled the shares of those different railroads and put them in their treasury, or rather they put them in the hands of a trustee, and upon that basis they issued stock to the respective parties who had built the roads and owned them. They issued what

they call warrant stock, to pass by delivery from hand to hand. Who were those parties? Still the same four and their heirs and administrators. Some of them had died, and this was a convenient way of transacting their business. What kind of stock did they issue? A species of stock never known in reference to any other railroad about which I have read or heard. It was called warrant stock, as I have said, and is so arranged that there can scarcely be any responsibility on the stockholders. Under such circumstances, and in favor of such stockholders, it certainly is the duty of the Senate to withhold the payment demanded in the House bill until the accounts of the Central Pacific Railroad Company can be settled with the Government. The amendment of the Senator from Nebraska covers the point I have been trying to present in the confusion that prevails in the Senate, and in spite of so many interruptions, I hope the amendment will be adopted.

Mr. SMITH. Will the Senator from Alabama yield to me?

Mr. MORGAN. Certainly.

Mr. SMITH (at 11 o'clock and 25 minutes p. m.). Mr. President, this is very valuable information that the Senator from Alabama is giving. It seems to me there ought to be more Senators present to listen to it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Jersey having suggested the want of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Baker,
Bate,
Berry,
Blackburn,
Brown,
Butler,
Caffery,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Faulkner,
Gallinger,
Gear,
Hale,
Hawley,
Hoar,
Jones, Ark.
Kenney,
Lindsay,
McMillan
Mantle,
Morgan,
Nelson,
Peffer,
Perkins,
Platt,
Quay,
Roach,
Shoup,
Smith,
Squire,
Stewart,
Teller,
Tillman,
Vilas,
Warren,
White.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. I do.

Mr. HALE. I do not want to interrupt the Senator, but only to say a few words on the order of business.

I hope Senators will bear in mind that at 12 o'clock to-morrow morning there will only be twenty-four more hours, day and night, before the session absolutely closes. The sundry civil bill has not passed; the naval bill has not passed; the fortifications bill has not passed; the deficiency bill has not passed, and the Indian appropriation bill has not passed. I want Senators to bear in mind that it will only be by an earnest effort on the part of everybody to expedite these bills and get action on them, that we can finally pass them. When the bills fail, a great many matters upon them, of interest to the public generally, fail and nobody can tell what will be done afterwards. It opens the prospect of an indefinite length of an extra session of Congress, the prolongation of our labors here through the long seasons of the spring and summer, and all of that will be greatly disembarrassed if we pass these bills.

I can not pass them; the Senator from Iowa [Mr. ALLISON] can not pass them, nor can the Senator from Colorado [Mr. TELLER], nor can any of the Senators who are in charge of these appropriation bills. We are entirely in the hands of the Senate. But I think it is right and proper to state now just what the situation is. Pretty soon we will adjourn, for we shall find ourselves without a quorum, until 11 o'clock to-morrow morning, and then there will be only twenty-five hours before, by constitutional limitation, the session of the Senate ends, the Congress ends, and all of these things are left upon our hands.

With that statement of the case, I leave everything to the judgment and good sense of Senators.

Mr. CHANDLER. May I ask the Senator from Maine with reference to this motion to strike out made by the Senator from California, if he knows any reason, if the majority is to rule, why there should not be a vote?

Mr. HALE. On the other hand, when the matter came up the Senator from California raised the point, and I expressed myself then as willing to take the vote. If the Senate wants to strike the provision out, the country can get along without it.

Mr. WHITE. I think the Senator from Maine will agree that I did not spend any particular time in debating the matter.

Mr. HALE. No; I am not reproaching anybody. I felt the necessity of the provision, and so I could have gone on and defended it in a certain way to my satisfaction, but to me the thing significant to be gained was the vote of the Senate upon the matter. If the provision went out, that was the end of it. I say that the country can live, notwithstanding.

Mr. CHANDLER. Why can we not vote now on the motion of the Senator from California?

Mr. WHITE. I should like to say something about that, but not while three Senators occupy the floor, one of whom is not entitled to it.

Mr. CHANDLER. Is that Senator the Senator from California?

Mr. WHITE. The Senator from Maine [Mr. HALE] is entitled to the floor.

Mr. CHANDLER. Has not the Senator from New Hampshire the same right to occupy the floor as the Senator from California?

Mr. WHITE. The Senator from California does not assume to occupy the floor; he is merely standing up.

Mr. HALE. I think we may now come to some understanding by conferring in this way, and I am willing to yield to any Senator who has a suggestion to make.

Mr. ALLEN. I ask the attention of the Senator for a moment.

Mr. HALE. I yield, with pleasure.

Mr. ALLEN. I understand the amendment I proposed will be satisfactory to the Senator from Alabama and the Senator from California. It is to the effect that this money shall be kept in the Treasury until the final adjustment of the Government liens upon those roads.

Mr. HALE. That presents very clearly and distinctly the views of certain Senators, and it may be of a majority of the Senators in the body, and I am entirely willing to submit to the vote of the Senate upon it, so far as I am concerned.

Mr. ALLEN. I assume that there is no question about the justice of this claim and that the Government ought, as a matter of self-protection, to retain this money in the Treasury until the final adjustment of the controversy respecting the Government liens.

Mr. WHITE. Which may result in the liability of the Southern Pacific Railroad——

Mr. STEWART. This does not belong to the Central Pacific.

Mr. WHITE. It belongs to the same people.

Mr. STEWART. It does not.

Mr. WHITE. I have never heard before any distinction, and the recognized attorney, who appears as an attorney, has stated that they are the same people.

Mr. STEWART. It came out in the evidence that most of the Central Pacific stock was owned in Europe and the other stock by different corporations.

Mr. HALE. But the Senator does not want to debate this question, and I think we had better have a vote on it, and then vote on the other matters that may be presented, and pass them or defeat them.

Mr. STEWART. The judgment was that it was not the Central Pacific road.

Mr. HALE. We shall be helpless unless we proceed to vote. There will be no quorum here in an hour from now.

Mr. CHANDLER. If the Senator from Nevada wants a vote upon it, why should we not have a vote?

Mr. HALE. Let us have the proposition of the Senator from Nebraska stated.

The PRESIDING OFFICER. The Chair will state [illegible] he does not understand that the Senator from Nebraska [illegible] offered an amendment to this proposition.

Mr. ALLEN. Oh, yes; some time ago I offered an amendment.

Mr. STEWART. That does not change the status.

Mr. ALLEN. But the money ought not to be taken out of the Treasury until there is an adjustment of every claim.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Nebraska.

The SECRETARY. At the end of line 24, on page 90, it is proposed to insert:

> *Provided*, That the money hereby appropriated shall be retained in the Treasury until the final adjustment of the Government liens on the Southern Pacific Railroad Company and the Central Pacific Railroad Company.

Mr. HALE. Let us have a vote upon that.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nebraska. [Putting the question.] The "ayes" seem to have it.

Mr. STEWART. I call for the yeas and nays on that.

Several SENATORS. Oh, no.

Mr. JONES of Arkansas. Do not ask for the yeas and nays.

Mr. STEWART. Let the amendment be read again.

Mr. WHITE. This must have been on account of the subscription of the president of the road to the antisilver fund.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. ALLEN.

Mr. STEWART. In regard to that, let me state that it has nothing to do with the adjustment of the Southern Pacific Railroad with the Central Pacific.

Mr. WHITE. That is the whole question.

Mr. STEWART. No. Let me state the facts for a moment.

Mr. MORGAN. If there is going to be a debate about this, I claim the floor.

Mr. STEWART. No; but there has got to be a division. That amendment defeats the provision in the bill. The money is in the Treasury now.

Mr. WHITE. May I ask the Senator from Nevada if he intends to demand a division or a call of the roll to-night?

Mr. HALE. If he does, that will be the end of the bill, of course.

Mr. STEWART. Does the Senator intend that there shall be only one side established in this case?

Mr. WHITE. That is not the question. I am only asking the Senator——

Mr. STEWART. By interjecting this amendment they choked down the extension, and that can not be done.

Mr. WHITE. My friend will certainly concede that I did not choke anybody down, but in the present condition of the Senate I am only asking the Senator whether he wishes a roll call?

Mr. STEWART. I certainly do.

Mr. WHITE. Then, Mr. President, I move that the Senate do now adjourn.

Mr. HALE. Oh, no; let us have the roll call, and if Senators will vote without announcing pairs we shall have a quorum.

Mr. WHITE. I withdraw my motion.

Mr. HALE. Does the Senator think on the expression we have had on the viva voce vote that it makes any difference about explaining his views, as the Senate has indicated its wishes?

Mr. STEWART. That we have adopted it?

Mr. HALE. Undoubtedly, but I no not think it ought to be adopted.

Mr. STEWART. It can not be voted out without some debate.

Mr. ALLEN. It is not voted out at all.

Mr. HALE. The Senator can not be concerned about determining the matter when the result is already determined.

Mr. WHITE. I renew my motion. I move that the Senate do now adjourn.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. The question is on the motion of the Senator from California.

Mr. WHITE. For the present I withdraw the motion, but I desire to say to the Senator from Illinois [Mr. CULLOM] who addresses me, that I am willing to stay here any reasonable length of time, but if we are to talk about this matter for an hour or two and have a roll call, we will find ourselves without a quorum, and it is absolutely absurd to remain here. We might as well adjourn and prepare for work to-morrow.

Mr. CULLOM. Let me make one remark. The Senator from Alabama [Mr. MORGAN] has been discussing this question for some time. The Senator from Nevada [Mr. STEWART] feels that he has not had a hearing on the question. Why not give the Senator from Nevada a few minutes' time to express his views, and then have a vote?

Mr. WHITE. Will the Senator from Nevada agree to limit the debate and take the vote at any hour to-night?

Mr. HALE. The Senator will not occupy much time.

Mr. STEWART. I want twenty minutes.

Mr. HALE. That is all right.

Mr. CULLOM. I suggest that the Senator from Nevada have a few minutes in which to give his views, and then that the vote be taken, as the other side has already been heard.

Mr. STEWART. If the other side has been heard——

Mr. WHITE. I ask unanimous consent that the Senator from Nevada be allowed twenty minutes within which to address the Senate upon this topic, and that those who favor the amendment be permitted ten minutes to answer him.

Mr. STEWART. I agree to that.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that twenty minutes be allowed to the Senator from Nevada [Mr. STEWART] to present his views on the subject before the Senate, and that those in favor of the amendment have ten minutes to reply.

Mr. HALE. And then a vote.

Mr. WHITE. And then vote.

Mr. STEWART. Does that include an agreement to have a vote at that time?

Mr. WHITE. That the vote be had in thirty minutes.

The PRESIDING OFFICER. And that the vote be taken immediately thereafter. Is there objection? The Chair hears none, and the Senator from Nevada is recognized.

Mr. STEWART. In 1862 Congress passed an act providing for the construction of the Pacific railroads.

In that act it was provided that the charges for doing the business of the Government should be credited on the bonds—the whole of it. In 1864 Congress amended that act, allowing the company to receive one-half compensation. In the meantime the Kansas Pacific Railroad was constructed, a part with subsidy bonds and a part of it without, and the Denver Pacific was constructed, having no bonds. The Government withheld one-half of the compensation of the Kansas Pacific Company. The company sued for that portion of the service on the nonaided road; it went to the Supreme Court, and the Supreme Court held that the Government had no right to retain the compensation to the company for any part of the nonaided road. The Denver Pacific for a part of the line also brought suit, and the Supreme Court held that the Government must pay those that were not a part of the aided line.

In 1878 the Thurman Act was passed, which, so far as this matter is concerned, revived the act of 1862 and provided that the Government should retain the entire compensation. The Central Pacific in the meantime had constructed in California two or three hundred miles of nonaided road. They brought suit against the Government for the compensation on the nonaided road. The Supreme Court of the United States held that the act of 1878 simply revived the act of 1862, and that the company was entitled to receive full compensation upon all portions of the road that were not aided by bonds.

Then the Southern Pacific Railroad of Kentucky was formed, a corporation in Kentucky, which owned the Southern Pacific road through California, Arizona, and New Mexico. It leased the Central and some other branches. It made a contract with the Government to carry the mails. The Secretary of the Treasury contended, after the company had rendered $1,800,000 worth of service, that the Kentucky corporation had no power to contract and no right to receive compensation for the services performed. The company sued, and the Court of Claims held that the Government, having made the contract with the company and received the service, could not question its right to be incorporated and to perform its function. The Government took steps to appeal it to the Supremo Court, but finally abandoned the appeal. When the appeal was abandoned, the Government paid the Southern Pacific Railroad Company for its services and has continued to pay it. That ended the controversy.

At that time there were about $3,000,000 due. The Senate has passed at almost every session bills for the payment of those judgments. At the last session Congress paid part of it. They paid a little over fifteen hundred thousand dollars on it, which includes something more than the amount that had not gone to judgment, leaving on the eighteen hundred thousand dollar matter—I speak in round numbers—thirteen hundred thousand dollars, which is a judgment unpaid. The House had each time refused to pay and disagreed with the Senate until last year, and at the last session the House put in a partial payment. At this session of Congress they put in the balance to close up the transaction.

The Central Pacific and the Southern Pacific are distinct corporations. Mr. Huntington and two or three others own stock in common, but the great mass of the Central Pacific stock is owned abroad. I do not know where the Southern Pacific stock is owned. That came out in our investigation. They are entirely distinct corporations. The Government has not aided this road. It stands upon the plain contract. It has been regularly paid without objection since the decision of the court.

Mr. PLATT. May I ask the Senator a question?

Mr. STEWART. Certainly.

Mr. PLATT. Has the Government any lien on the Southern Pacific?

Mr. STEWART. No, sir; and the Southern Pacific does not owe it a cent.

Mr. PLATT. This amendment speaks as if it does.

Mr. STEWART. This amendment undertakes to take the property of one company and give it to another. All this talk about the Central Pacific is entirely irrelevant. It is another company, another corporation; and it has been so held by the decisions of the Supreme Court. It is entirely distinct—a nonaided road. It does not owe the Government a cent. Some of the stockholders may be the same, but most of them are different.

It was stated here that the Southern Pacific was built by the Central Pacific money. That is a mistake. There is $40,000 a mile mortgage on the Southern Pacific. It was constructed with these bonds. They bonded it to the extent of $18,000 a mile. That is what it was built with. Whatever money these men may have made matters not. The Southern Pacific road was built with bonds issued to the full amount of the construction. It is an independent, nonaided road, with which the Government contracted and refused to pay on the ground that it was not competent as a corporation to contract to carry the mails.

The court said that the Government, having received the service, had no right to raise any such question, either in law or equity; that it could not be inquired into in that collateral way. Since that was decided by the court, the Government has paid for its mail service right along. But to involve in this plain judgment, which remains here drawing interest, a question of the settlement of the Central Pacific, another corporation, not connected with this, except there may be some common stockholders (the majority are not), and take their money is wrong. This company has this bonded debt out, and if you involve them in that way you will injure their credit.

The amendment of the Senator from Nebraska is a great deal worse than the amendment proposed by the Senator from California, because it assumes what is not true, that the Southern Pacific is liable for the payment of the Central Pacific's debt, which, I say, is not true. If that be true, the Southern Pacific would also be embarrassed, and to have it go out to the stockholders and bondholders of the Southern Pacific Railroad that their property is held to pay the debts of the Central Pacific would do great injustice. I would rather it would be beaten altogether.

But it seems to me after it has been passed by the Senate on argument so often, it being a clear proposition, a clear debt, a judgment in favor of a company that has not received any Government aid, it is not right to tie it up in this way. After all that has been said, and after years of consideration, finally the House has come to this conclusion, and has twice passed the appropriation. Here it is in the act of last year:

> Payment to Southern Pacific Company: To pay the claims of the Southern Pacific Company, its branches and leased lines, certified in Senate Document No. 236, this session, $1,542,979.44.

Most of this indebtedness arose after the judgment for the $1,800,000, and while that suit was pending. The appropriation included what had not gone to judgment and a part of the judgment, leaving some $1,300,000 unpaid. This is the remainder which is in judgment, drawing interest under the law, and it has no more connection with the Southern Pacific Railroad, so far as this obligation is concerned, than an indebtedness of the Baltimore and Ohio Railroad would; and to assume that it has is unjust. It is contrary to the decisions. If I had time, I could read the decisions showing that there is no connection.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. STEWART. I do.

Mr. LINDSAY. I ask the Senator whether in the litigation in the Court of Claims the issue was raised as to whether these were substantially the same company or different corporations?

Mr. MORGAN. No.

Mr. STEWART. The question in the Supreme Court was twice raised, and it was decided that nonaided roads were not liable for the debts of the aided roads.

Mr. WHITE. I deny that any such question was ever litigated anywhere.

Mr. STEWART. It was three times raised in the Supreme Court whether the Government could retain the freight money on roads that were nonaided, and the Supreme Court decided in Kansas Pacific against the United States, in Central Pacific against the United States, and in Denver Pacific against the United States that the portion of the roads which were nonaided were not liable for the debts of the aided roads, although at the time these decisions were made the companies owning the nonaided roads also owned the aided roads. The companies were the same, but the United States Supreme Court held that the companies were not liable to render the Government service on the nonaided portion of their roads without compensation.

The statement of Mr. Payson that slipped in there amounts to nothing. It is against the entire facts and the history of it. In the Court of Claims, the Government availed itself of all the reasons it had, and the Attorney-General followed it up until the case was exhausted. Under the law as the Supreme Court had declared it, if the Central Pacific had owned all the roads the Government would have been compelled to pay for services on the nonaided roads; but the Central Pacific Company did not own the Southern Pacific Railroad Company's lines or any part thereof. The two companies were separate and distinct.

It is true that the Southern Pacific leased the Central Pacific line and the Government retains the compensation for the services rendered by the Central Pacific Company. It retains the entire compensation on the aided road, and applies it on the debt of the aided road. But this is for service on nonaided roads by an independent corporation, under an independent contract made by the Government with the Southern Pacific to carry the mails. The company performed the service and the Government raised the flimsy pretense that the corporation had not the power to make the contract and receive the money. This defense was repudiated by the court. It had no merit whatever. Why should not this judgment be paid? Why it should be tied up to pay another company's debt is more than I can comprehend.

I could go into all the details of the case of the Central Pacific, etc., but it is not in this case at all. It is simply a question whether the Government will pay its judgment. The service ought to have been paid for after it was performed. The Government raised a shallow objection and kept the road out of its pay for years and years and years. It has passed the Senate time and time again. The House rejected it on the idea that it was the Central Pacific Railroad. The name deceived it. The House is a very large body, and it has little time to consider such matters on appropriation bills. But when the question was understood the House recognized its justice and paid part of it last year and this year it proposes to pay the remainder.

Now, the Senate is called upon to reverse its action, and say, after the House has consented to it and after it has paid part of it, that it will not pay the balance of it, which has gone to judgment. It is a very plain case, and that is all I care to say about it.

Mr. WHITE. Mr. President, the rendition of a judgment upon claims of this kind is no more binding upon Congress than this. The judgment is in effect a statement from a competent tribunal that the claim is a just one. Whether there is anything else which in the opinion of Congress ought to be offset against it is quite another matter. If Congress believes that the railroad company in this case owes money, certainly the Government has a right to ask that the matter be submitted to final adjudication.

I admit that my friend from Nevada is dealing with this matter impartially. He says Judge Payson, who is a salaried attorney of the railroad company, does not know what he is talking about. My friend from Nevada is not a salaried attorney of the railroad company; he is not in the pay of the company, and he is not in its secrets, and he does not represent the company here; but Judge Payson does.

Mr. STEWART. I was on the committee and heard the testimony, and the fact came out before the committee, what I think no one will deny, that a majority of the Central Pacific stock was owned in Europe; and my friend from Alabama stated that that was one reason why he wanted to deal fairly with the company, to protect those stockholders, because most of them are foreigners.

Mr. WHITE. But Judge Payson is to-day the attorney, and surely the Senator from Nevada does not claim to occupy that rôle.

Mr. STEWART. I claim to occupy the rôle of being on the committee and having heard the testimony and knowing what it is, the incidental remark of Judge Payson does not weigh against the conceded facts in the investigation which were brought out and which we know to be true.

Mr. WHITE. The present enthusiasm of the Senator from Nevada is of course reminiscent of a former condition, which has no application to present conditions as far as he is concerned. But Judge Payson, the attorney of the company, states that the stockholders are the same. The Senator from Nevada, who now is not the attorney of the company and who now has no personal relations with the company, assumes to question the statement of a man who is duly authorized to act and who is acting for [illegible] company. I suppose that the admitted statements of the admitted attorney are of more validity than the [illegible]ments of [illegible]or from Nevada, who in days agone was on a committee and who has no intimate relations with that corporation.

Mr. President, I do not say that ultimately it may not be determined that the Government owes this money. I say it is doubtful. Mr. Payson, their attorney, says the stockholders are the same. I believe it. I know the men who dominate the one company are the same men who dominate the other, and every man familiar with the conditions surrounding both corporations knows that to be true. And I say that if, upon a legal analysis of the situation, it is discovered that after all it is a great partnership, entered into for the purpose of defrauding the Government and taking out of the hands of the Central Pacific Company assets which ought to be devoted to the satisfaction of a claim owed by that company to the Government of the United States, and if there has been a fraudulent diversion of those assets into the channel leading to the Southern Pacific coffers, equity will reach it.

I claim that to be the case. Let that question be decided by the courts, and let the Government, now admittedly without much money in its coffers, pay that money to claimants regarding whose claims there is no dispute, and leave these matters doubtful, almost sub judice, to future solutions. I am willing to rest the case, and I ask for a vote of the Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nebraska [Mr. ALLEN].

Mr. STEWART. Let us have the yeas and nays.

Mr. HALE. Does the Senator from Nevada insist upon the yeas and nays? I do not believe that there is a voting quorum present.

Mr. WHITE. The very object of the agreement was that we should not have the question taken by yeas and nays.

Mr. ALLEN. I understood the unanimous-consent agreement to be that there should be no yea-and-nay vote.

Mr. HALE. There is a quorum on a roll call, but so many Senators have the practice, which I think is a bad one, of announcing on every question that is not a party question a pair that we can not count on the presence of Senators.

Mr. ALLEN. If the Senator from Maine will permit me, I suggest that when it was agreed that twenty minutes should be allowed upon one side and twenty minutes upon the other side, it was also agreed to that there should be no yea-and-nay vote.

Mr. STEWART. Oh, no.

Mr. HALE. I do not think that was stipulated, but I hope there will be none. Let us have a viva voce vote.

Mr. WHITE. I suggest that one-fifth of the Senators present must second the demand before the yeas and nays can be ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nebraska. [Putting the question.] The ayes seem to have it.

Mr. STEWART. Then I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from Nevada demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS.]

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

The PRESIDING OFFICER (when Mr. FAULKNER'S name was called). The present occupant of the chair is paired with the junior Senator from West Virginia [Mr. ELKINS].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but to make a quorum I shall vote. I vote "nay."

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], who is not present.

Mr. STEWART. I ask unanimous consent to withdraw the call for the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. VILAS. What is the request?

The PRESIDING OFFICER. Unanimous consent is asked to withdraw the call for the yeas and nays. That, of course, would make the decision of the Chair upon the viva voce vote stand as the judgment of the Senate.

Mr. WHITE. There ought to be no objection to that, it seems to me.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BUTLER. What is the request?

The PRESIDING OFFICER. That the call for the yeas and nays be withdrawn and the decision of the Chair shall stand as the judgment of the Senate. The amendment, therefore, of the Senator of Nebraska is adopted.

Mr. HALE. Now, Mr. President, let us see if we can not finish the bill.

Mr. CLARK. I beg leave to offer an amendment. On page 82, after line 6, I move to insert:

> To pay Leslie C. Baker the difference between the salary he has been receiving and that of a messenger of the Senate from December 9, 1895, to March 4, 1897, $472.28.

The amendment was agreed to.

Mr. CLARK. On behalf of the Senator from Oregon [Mr. MCBRIDE], who is detained from the Chamber by sickness, I offer an amendment which has been submitted to the chairman of the committee. It is to come in after line 17, page 90.

The amendment was read and agreed to, as follows:

> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Campbell, of the State of Oregon, the sum of $1,165, being the amount found due by the Court of Claims for property taken by the Army during the war of the rebellion, as reported to Congress in House Miscellaneous Document No. 132 of the second session of the Fifty-third Congress.

Mr. HALE. Now, can we not have the bill reported to the Senate?

Mr. ROACH. Mr. President——

Mr. NELSON. I have an amendment to offer.

The PRESIDING OFFICER. The Senator from North Dakota has been recognized.

Mr. ROACH. I offer the following amendment, to come in on page 12, after line 14:

> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the estate of A. H. Herr, deceased, late of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $17,288.53, allowed the estate of A. H. Herr by the Secretary of War for the use of his premises, known as Herrs Island, near Harpers Ferry, by the Army, during the late war.

The amendment was agreed to.

Mr. TILLMAN. I move the adoption of the amendment which I send to the desk, to come in after line 18, page 10.

The amendment was read, as follows:

> To pay to the trustees of the Newberry College of the Evangelical Lutheran Synod of South Carolina, in Newberry, in said State, the sum of $15,000 for injuries to the buildings of said college, resulting in its destruction, and caused by the troops of the United States while in possession of it and occupying it as a barrack, after the close of the war, in 1865, in South Carolina, and said sum shall be in full payment of all claims by said college on account of the use, occupation, and loss of the buildings.

Mr. HALE. What committee does that come from, Mr. President?

Mr. TILLMAN. This bill has passed the Senate twice, and it has had a unanimous report in the House.

Mr. HALE. I simply want to know whether it is the report of a committee, or was passed at the present session of the Senate. If that is not the case, the amendment is not in order under the practice of the Senate.

Mr. TILLMAN. It passed the Senate, I think, last spring. I hope the Senator will not make the point of order against it, when so many others have got their amendments through, and take advantage of my ignorance, from the fact that I did not get a report on it. No doubt I could have got a report on it, because it has already passed through the Senate.

The PRESIDING OFFICER. It passed the Senate on January 26, 1896.

Mr. HALE. I have not let in any amendment that has not been reported by a committee.

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that the bill passed the Senate January 26, 1895.

Mr. TILLMAN. It passed the Senate in the last Congress, it has passed this body twice, and it was reported by the committee in the other House, and would have passed there but for the fact that it could not be reached.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Carolina.

The amendment was agreed to.

Mr. BAKER. I offer an amendment, to be inserted on page 76, line 22. It has been reported from the Committee on Claims not only once, but a great many times.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. On page 76, at the end of line 22, it is proposed to insert:

> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the estate of Daniel Woolson, deceased, late receiver of public moneys in the Delaware land district of Kansas, the sum of $1,162.46, for office expenses, under the seventh section of the act of August 18, 1856, reported to Congress by the Secretary of the Interior, for appropriation, in accordance with said act, and favorably reported upon by the Senate Committee on Claims by Report No. 869, on May 15, 1896, on Senate bill No. 148.
>
> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the estate of Ely Moore, deceased, late register of the land office in the Pawnee land district of Kansas, the sum of $4,115, for clerk hire and office rent, under the seventh section of the act of August 18, 1856, reported to Congress by the Secretary of the Interior, for appropriation, in accordance with said act, and favorably reported upon by the Senate Committee on Claims, by Report No. 869, on Senate bill No. 148.

The amendment was agreed to.

Mr. VILAS. I offer an amendment which is simply to correct an error made in the enrollment of a bill at the last session, which has been submitted to the Committee on Commerce, examined, and reported by the chairman of that committee.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ALDRICH. There can be no doubt but that amendment ought to be adopted. I think that will complete pretty much the sort of legislation that is to go into this bill. If there is any other kind that has not been suggested, it ought certainly to be offered to this bill.

Mr. HALE. I hope the Senator will not arrive at that conclusion until we see the character of amendments that are coming. Perhaps it may turn out that the Senator is too hasty in his conclusion.

Mr. VILAS. This amendment is entirely proper.

Mr. HALE. There is no objection to it, I suppose.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 44, after line 18, it is proposed to insert:

> To correct an error in enrolling the act of June 30, 1896, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the sum of $5,000, to be expended, under the direction of the Secretary of War, in continuing the improvement of the harbor at Green Bay, Wis.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

> That the President of the United States be authorized to nominate and, by and with the advice and consent of the Senate, appoint the leader of the United States Marine Band as a first lieutenant of marines not in line of promotion with rank, pay, and emoluments of officers of that class.

Mr. BLANCHARD. I make the point of order against that amendment.

Mr. HALE. Let us have the ruling of the Chair.

The PRESIDING OFFICER. In the opinion of the Chair, the point of order is well taken.

Mr. CHANDLER. I have an amendment which ought to go along with certain amendments in the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

> For the infliction of the injuries and the destruction of the property heretofore in this act paid for, done and achieved by the Army of the United States during the suppression of the rebellion, apology and regret are hereby duly made and expressed in behalf of the people and Government of the United States.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there be no further amendments, the bill will be reported to the Senate.

Mr. BLANCHARD. I desire to enter a motion to reconsider the vote by which an amendment on page 40 was adopted.

Mr. HALE. Do not enter the motion to reconsider, but move to reconsider, because we want to pass the bill to-night.

Mr. BLANCHARD. Very good. I make the motion to reconsider the vote by which the amendment, beginning in line 1, on page 40, and going down to line 2, on page 41, relative to the mileage of officers in the military establishment, was adopted.

Mr. HALE. I move to lay that amendment on the table.

Mr. BLANCHARD. The Senator can not take me off the floor to do that.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. BLANCHARD. I make this motion for the purpose of calling the attention of the Senate to these words at the top of page 41:

> And in addition thereto he shall receive transportation in kind.

Mr. NELSON. I make the point of order that the motion to reconsider is not debatable.

Mr. CHANDLER. Let the Chair state the motion.

The PRESIDING OFFICER. The motion is to strike out, the Chair understands.

Mr. NELSON. The Chair is mistaken; it is a motion to reconsider.

The PRESIDING OFFICER. The mover has a right to make a statement of his reasons.

Mr. BLANCHARD. Mr. President, in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1898, there was adopted this provision:

> *Provided*, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 4 cents per mile, the distance to be computed over the shortest usually traveled routes.

That was adopted a few weeks ago and became a law. In the deficiency bill now under consideration there is a proposition to change that, and change it by the addition of these words, to which I call the attention of the Senate:

> And in addition thereto he shall receive transportation in kind.

Mr. HALE. I think the Senator is right. I think those words ought to be stricken out.

Mr. BLANCHARD. Those are the words I wish to strike out. I move to strike out of the amendment those words.

The PRESIDING OFFICER. If there be no objection, the vote by which the amendment was adopted will be reconsidered. The Chair hears no objection, and it is so ordered. The question now is on the amendment of the Senator from Louisiana to the amendment of the committee, which will be stated.

The SECRETARY. On page 41, line 1, after the word "routes," it is proposed to strike out "and in addition thereto he shall receive transportation in kind."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CARTER. I offer the amendment which I send to the desk, to be inserted on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 25, on page 9, it is proposed to insert:

> *Provided*, That no deputy official or assistant or any person handling money, employed in any branch of the public service for whose default or misconduct any superior officer under bond to the United States may be answerable, shall be subject to civil-service laws, rules, or regulations, and all orders, acts, and parts of acts inconsistent with this proviso are hereby repealed and rescinded.

Mr. CHILTON. I raise the point of order on that amendment.

The PRESIDING OFFICER. The point is well taken.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 26 minutes a. m., Wednesday, March 3, 1897) the Senate adjourned until Wednesday, March 3, 1897, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1897.

APPOINTMENTS IN THE NAVY.

Paul J. Dashiell, a citizen of Maryland, to be a professor of mathematics in the Navy, to fill a vacancy existing in that grade (subject to the examinations required by law).

James Chambers Pryor, a citizen of Tennessee, to be an assistant surgeon in the Navy, from the 27th day of February, 1897, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Louis Philip Brant, adjutant First Infantry, to be captain, February 6, 1897, vice Barry, First Infantry, appointed assistant adjutant-general, who resigns his line commission.

Second Lieut. Hiram McLemore Powell, Second Infantry, to be first lieutenant, February 6, 1897, vice Noble, First Infantry, appointed adjutant.

Second Lieut. Fred Winchester Sladen, Fourteenth Infantry, to be first lieutenant, February 10, 1897, vice Davis, Fourth Infantry, appointed commissary of subsistence, who resigns his line commission.

Second Lieut. Harry Hill Bandholtz, Sixth Infantry, to be first lieutenant, February 12, 1897, vice Leavell, Twenty-fourth Infantry, promoted.

Second Lieut. Henry Thornberg Ferguson, Twenty-third Infantry, to be first lieutenant, February 15, 1897, vice Hall, Thirteenth Infantry, resigned.

Second Lieut. Henry Grant Learnard, Nineteenth Infantry, to be first lieutenant, March 1, 1897, vice Owen, Fourteenth Infantry, dismissed.

Candidate Corpl. Preston Brown, Battery A, Fifth Artillery, to be second lieutenant, March 2, 1897, vice Powell, Second Infantry, promoted.

Candidate Corpl. William D. Conrad, Troop I, Fifth Cavalry, to be second lieutenant, March 2, 1897, vice Sladen, Fourteenth Infantry, promoted.

Candidate Corpl. Louis Herman Gross, Company G, Fifth Infantry, to be second lieutenant, March 2, 1897, vice Bandholtz, Sixth Infantry, promoted.

Candidate Serg. Thomas Franklin, Company A, Eighteenth Infantry, to be second lieutenant, March 2, 1897, vice Ferguson, Twenty-third Infantry, promoted.

Candidate Corp. George H. Steel, Company D, Fifth Infantry, to be second lieutenant, March 2, 1897, vice Learnard, Nineteenth Infantry, promoted.

ASSISTANT SURGEONS IN MARINE-HOSPITAL SERVICE.

Claude H. Lavinder, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Taliaferro Clark, of the District of Columbia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Hill Hastings, of Kentucky, to be an assistant surgeon in the Marine-Hospital Service of the United States.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1897.

APPOINTMENT IN THE NAVY.

James Chambers Pryor, of Tennessee, to be an assistant surgeon.

PROMOTIONS IN THE NAVY.

Lieut. Commander Uriel Sebree to be a commander.
Lieut. Uriah R. Harris to be a lieutenant-commander.
Lieut. (Junior Grade) Augustus N. Mayer to be a lieutenant.

POSTMASTER.

Abial H. Chase, to be postmaster at Concord Junction, in the county of Middlesex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

[Continuation of legislative proceedings of March 1, 1897.]

The recess having expired, the House was called to order by the Speaker at 10 o'clock a. m., Tuesday.

PLANS AND ARRANGEMENTS FOR INAUGURAL CEREMONY.

Mr. DOCKERY. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the following resolution be referred to the Committee on Rules.

The Clerk read as follows:

Resolved, That the Committee on Rules are hereby directed to inquire, ascertain, and report by what authority of law, or otherwise, and by whose direction, and for what reason or reasons, the platform for the inauguration of the President elect is now being constructed upon the space between the central staircase and the Senate wing of the Capitol, east front, connecting alone with the entrance of the Senate wing, as an adjunct of the Senate, instead of being located in front of the central staircase, accessible equally from both House and Senate wings, as has been the unvarying practice ever since the Capitol was first constructed; and also whether the House of Representatives has any right of participation in the preparation of plans and arrangements for the inaugural ceremony.

Mr. DOCKERY. I ask that the resolution be referred to the Committee on Rules.

The SPEAKER. The gentleman asks unanimous consent that the resolution be referred to the Committee on Rules. Is there objection?

Mr. RICHARDSON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Will it be in order to offer an amendment at this time? I understand a platform is being constructed immediately in front, and I would like to know by what authority it is being constructed.

The SPEAKER. The resolution has not reached the amendment stage, as the Chair believes the gentleman from Tennessee will recognize. It has not reached the point of being referred to the committee.

Mr. RICHARDSON. I did not hear what the Chair said, as the gentleman from Missouri was speaking to me.

The SPEAKER. The gentleman asks unanimous consent that the resolution be referred to the Committee on Rules.

Mr. PAYNE. Mr. Speaker, I suppose if the gentleman had put the resolution in the hands of the Clerk, it would have gone to the Committee on Rules?

The SPEAKER. It would.

Mr. PAYNE. But there is no objection to its going to the Committee on Rules by this method?

The SPEAKER. That is for the House to say.

Mr. BARRETT. I would like to ask the gentleman why he does not put the resolution on its passage by unanimous consent?

Mr. DOCKERY. I think it is proper to have the resolution first considered by a committee.

Mr. RICHARDSON. If objection be made to the resolution, would it not go to the Committee on Rules?

The SPEAKER. It would, provided it was deposited in the proper way.

Mr. RICHARDSON. So that the resolution will reach the same destination, whether we object or not.

Mr. BARRETT. As I understand, this resolution directs the Committee on Rules to make certain inquiries——

The SPEAKER. The resolution has gone to the Committee on Rules by the consent of the House.

RECESS.

Mr. PAYNE. I move that the House take a recess until half past 10 o'clock. The gentleman from Vermont [Mr. GROUT] informs me that an appropriation bill will probably be ready at that time for consideration.

The question being taken on the motion of Mr. PAYNE, it was agreed to; and accordingly (at 10 o'clock and 5 minutes a. m.) the House took a recess until half past 10 o'clock.

The recess having expired, the House reassembled at 10 o'clock and 30 minutes a. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that House bill No. 10167, known as the District of Columbia appropriation bill, which has just been returned from the Senate with amendments, be taken up, the amendments of the Senate nonconcurred in, and a conference with the Senate asked.

Mr. HOPKINS of Illinois. Pending that request, I want some little explanation from the gentleman making the request. How does this House know that we want any conference at all on these amendments? I reserve the right to object, pending the gentleman's explanation.

Mr. GROUT. Mr. Speaker, it is not usual to pass a great appropriation bill like this without a committee of conference. I do not believe it would be possible in this case to do so. The Senate has added amendments, considerable in number and amount. I have not myself looked at the bill since it was returned, and I do not know the exact amount of the amendments, but they aggregate some $2,000,000. I have no idea that the House would concur in those amendments and pass the bill without a conference.

Mr. HOPKINS of Illinois. What are the amendments?

Mr. GROUT. Well, sir, they are on various subjects.

Mr. HOPKINS of Illinois. Well, what?

Mr. GROUT. One is, as I understand—I have not had the bill before me this morning. Will the Clerk please hand me the bill? Here on page 1, I find an amendment appropriating $6,720 for a free public library; on page 2, I find an amendment to enable the register of wills to compare, correct, and reproduce certain records, will books, etc., $2,000. Then there is a provision for the payment of judgments for lands condemned for the extension of Sixteenth street. The appropriation for that purpose is a large one.

Mr. HULICK. Is the gentleman reciting these amendments for the benefit of the gentleman from Illinois [Mr. HOPKINS] or for the information of the House?

Mr. GROUT. For the benefit of the gentleman from Illinois, evidently.

Mr. HULICK. I suggest that the gentleman might take the bill to his committee room and examine it item by item for himself.

Mr. GROUT. I will go through these amendments seriatim, if the gentleman chooses. These amendments make a total——

Mr. HOPKINS of Illinois. I want to know whether there is any serious difference between the House and the Senate. The gentleman has referred to sundry amendments. Now, those amendments may be in accordance with the wishes of a majority of this House.

Mr. PAYNE. I should like to ask the gentleman from Vermont whether these various amendments do not appear in the Senate proceedings as published in the RECORD.

Mr. GROUT. Certainly; all of them.

Mr. PAYNE. So that the gentleman from Illinois and all other members have access to the amendments in that form, without having the time of the House taken up by the reading of them in detail in the closing hours of the session.

Mr. HOPKINS of Illinois. I am not asking a detailed statement of all these amendments; but the gentleman from Vermont is asking unanimous consent, which means the consent of every member of this body, including myself. Now, I am not going to delay the action of the House or the committee of conference on this bill; but when such an extraordinary request as that is made, I should like to have it accompanied with some sort of a statement showing that the course we are asked to adopt by unanimous consent is proper.

Mr. GROUT. I do not understand that this is an extraordinary request; it is the usual request. Of course it is competent for the House to refer all these amendments to the Committee on Appropriations, have them considered there, then brought into the House, and considered in Committee of the Whole. But the gentleman must know that if this bill is to become a law there is no time for that.

The gentleman seems to be in doubt whether we would not want to agree to all these amendments. Sir, the House passed this bill without these amendments. The presumption is that the House passed the bill in the form which pleased it and as it thought the bill ought to be. These amendments have been put on by the Senate. Very likely we shall be compelled to agree to some of them; but I am sure the House will never agree to them all.

Mr. DALZELL. I should like to know how many amendments there are.

Mr. GROUT. I do not get my eye on the number.

Mr. HOPKINS of Illinois. The gentleman apparently does not know much about them.

Mr. GROUT. Mr. Speaker, the gentleman knows that I have but just got my hand on this bill, with no time to examine it. I can not, of course, tell all about these amendments at this moment, but I know enough about it to believe that the House will disagree to many, if not most, of these amendments.

Mr. DALZELL. Do the amendments reduce the amount?

Mr. GROUT. Oh, they increase the aggregate of the bill about $2,000,000, as I understand.

Mr. HOPKINS of Illinois. Mr. Speaker——

Mr. BINGHAM. Why does not the gentleman move to suspend the rules?

Mr. GROUT. I will. Mr. Speaker, I move——

Mr. HOPKINS of Illinois. I withdraw any objection to the gentleman's request.

The SPEAKER. Is there further objection?

Mr. MORSE. I wish to make a parliamentary inquiry. I desire to know, in the event of there being unanimous consent, if it will be in order to instruct the conferees?

The SPEAKER. The House has a right to make instructions, but it is unusual at the first conference.

Mr. GROUT. After the conferees come in, it is competent for the House to instruct the conferees on any subject, and it would seem that it would best expedite the passage of this bill to let it at once go to conference. It should be remembered we have only two days, and if the matter is to be delayed by further debate, I shall move to suspend the rules and nonconcur and ask for a committee of conference.

Mr. MORSE. Mr. Speaker——

Mr. PAYNE. I want to suggest to the gentleman from Massachusetts——

Mr. MORSE. The matter which I have on my mind is the appropriations added to this bill in the Senate for sectarian charities in the District of Columbia, which the House refused last year and reaffirmed this year.

Mr. PAYNE. Mr. Speaker, I supposed I had the floor.

Mr. MORSE. I think I had the floor.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] made a parliamentary inquiry.

Mr. MORSE. I am extending the inquiry now, Mr. Speaker. [Laughter.] I hope the House will indulge me. I do not desire to impede the public business; but I simply desire to say that this House has taken a very firm and decided position in regard to the appropriation of public money for sectarian charities.

Mr. STEELE. I think we ought to have the regular order, and not a speech.

The SPEAKER. The question is, Is there objection to the proposition of the gentleman from Vermont [Mr. GROUT]?

Mr. McMILLIN. Let us have the proposition stated. There was confusion, and it was impossible to hear the gentleman's proposition distinctly.

The SPEAKER. The proposition is that the House nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

Mr. MORSE. Now, Mr. Speaker, I move that the House conferees be instructed to insist on the attitude of the House in regard to appropriation of public money for these sectarian charities in the District of Columbia.

Mr. HOPKINS of Illinois. Mr. Speaker, the gentleman ought to know that by nonconcurring in the Senate amendments the House expresses its disapprobation of all these amendments, including the one that the gentleman from Massachusetts [Mr. MORSE] has in mind, and that the action of the House is really an instruction to them.

Mr. MORSE. Well, I want to emphasize that matter. I am not disposed to delay the public business, and I withdraw the motion; but I want the conferees to understand the feeling of this House in regard to this matter of continued appropriation of public money for sectarian charities in the District of Columbia.

The SPEAKER. There being no objection to the request of the gentleman from Vermont [Mr. GROUT], the House nonconcurs in the Senate amendments and asks for a committee of conference.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I ask that the naval appropriation bill may be printed with the Senate amendments.

The SPEAKER. The gentleman asks unanimous consent that the naval appropriation bill, with the Senate amendments, may be printed.

Mr. BOUTELLE. And I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

Mr. McMILLIN. Will the gentleman state——

The SPEAKER. Without objection, the Senate amendments will be printed. The next proposition submitted by the gentleman from Maine [Mr. BOUTELLE] is for unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

Mr. McMILLIN. Touching that I should like to ask the gentleman from Maine——

Mr. BOUTELLE. If the gentleman will permit me, I will give my reason for the request. As he is well aware, we are in the closing hours of the session——

Mr. HOPKINS of Illinois. They all say that. Will the gentleman come to the point?

Mr. BOUTELLE. If the gentleman from Illinois will be kind enough to restrain his youthful impetuosity for about two minutes, I will give him some information. If he will preserve that dignity which always characterizes him when he occupies the chair, he will get along very finely. I will state to the gentleman from Tennessee [Mr. McMILLIN] that the Senate at midnight last night completed twenty-eight amendments to the naval appropriation bill. There has been no opportunity, up to this moment, to carefully examine them. Undoubtedly the action of the House Committee on Naval Affairs would be to ask a formal nonconcurrence, and it seems to me that we shall accomplish the desired object very much more rapidly by nonconcurring, and allowing the conferees of both Houses to get together and eliminate whatever it may be possible to of controversy, and then come back to the House with the questions that may remain at issue.

Mr. McMILLIN. I believe that the amendments do not cover a great deal of space, so I should like to have them read. It is about the only opportunity we shall have to hear them read, if the bill goes to conference as an entirety.

The SPEAKER. The Clerk will read.

Mr. BOUTELLE. I will state to the gentleman that the amendments will not be intelligible unless accompanied by the text of the bill, because many of them simply amend by striking out so many words and in lieu thereof inserting some other words.

Mr. McMILLIN. All I wish is to get at an understanding of the material changes of the bill; and I will ask the gentleman to state what are the material changes in the bill as it passed the Senate.

Mr. BOUTELLE. The material changes are the authorization of certain vessels, some torpedo boats, and a sailing vessel for the Naval Academy, and a modification of the paragraph treating the subject of armor plate.

Mr. McMILLIN. What modification do they make in that? That is one of the subjects on which I desire to inquire.

Mr. BOUTELLE. They reduce the price for armor plate to $300, and insert a specific price per ton; whereas the House, acting upon the recommendation of the Secretary of the Navy, had computed the amount at the rate of $400 a ton, because some deemed that preferable to placing a specific price for a commodity in a law.

Mr. McMILLIN. The reason I call attention to it is that it has struck me all along that we have been paying enormously for this armor plate, and I wanted, if possible, in this bill, as two, three, or four immense ships will soon have to be plated, to get some means of cheapening the construction. I desire to call attention to that. Now, as to the torpedo boats; how many are provided for?

Mr. BOUTELLE. Three torpedo vessels.

Mr. McMILLIN. Three torpedo boats and one sailing vessel for the Naval Academy.

Mr. BOUTELLE. One sailing vessel as a practice vessel for the Naval Academy.

Mr. McMILLIN. On that subject, while I would not like to ask the gentleman to anticipate the action of his committee, nor give any expression that he would not want to in anticipation of his committee's action, does the gentleman think at this time, when sailing vessels are so little used for naval purposes, that these young men should receive their training in a sailing vessel when their practical work will be in steam vessels?

Mr. BOUTELLE. I will state to the gentleman, in reply, that this vessel has been requested by the Superintendent of the Academy for use as a training vessel for these boys. This will not take the place of training in steam vessels, as they have a gunboat already assigned for that purpose; but it is believed by the Superintendent and by many of the best officers of the Navy to be a very desirable method of preliminary training for the boys, and I share in the feeling very thoroughly myself. I will state, however, to the gentleman from Tennessee that the House committee, while at first contemplating requesting the House to authorize at this session one additional battle ship and also this small vessel, of which type two have been requested by the Superintendent, we determined finally that we would relinquish our strong desire to ask for the authorization of another battle ship, on the ground that I stated the other day, that the bill was necessarily large, and the circumstances in which we are placed were such as to seem to render it expedient to delay for one session the authorization of another large battle ship. We thought it seemed rather diminutive to come in and ask for one little craft, and we thought that we would postpone that also.

Mr. McMILLIN. Certainly; it is a modest request.

Mr. BOUTELLE. It will only cost $250,000.

Mr. McMILLIN. But I desire to call attention to the fact that we are proposing as a training ship a vessel that will never be used in any other naval battle in the world, and it does seem to me that every step taken in training a naval officer ought to be in connection with some kind of a vessel that will be used in naval warfare; and it is utterly useless to expend any money in the construction of a kind of ship that will never be seen in conflict at all. I simply want to say that as a preliminary; and I want to say in that connection that I know the Naval Committee are better posted and better prepared to deal with this question than I am; but we all have our opinion upon these things, and I desire to state mine.

Mr. BOUTELLE. I think the gentleman from Tennessee and I will coincide entirely after a little conference in regard to the matter. The construction of this vessel for this purpose is not intended as a backward step or a substitute for instruction in existing steam vessels; but it is believed by Superintendent Cooper, of the Naval Academy, and it is a view also held by some of the very foremost of the naval officers, that there is no school of preliminary training of the nerve, eye, and self-command so efficient and desirable in the early training of these boys as on board a sailing vessel, to be followed up by technical training on board of a steam vessel as their education proceeds.

Mr. CUMMINGS. If my friend will allow me, I would like to say to the gentleman from Tennessee that the Senate struck out this provision, which was put in by the House committee, giving the Secretary power to ask for a contract with the contractors who are now building the last three battle ships authorized by Congress to furnish the armor plate for those vessels; the point being this—that instead of the Government spending $1,500,000 to establish an armor plant, or putting the least onus of building an armor plant on the Government, this would be placed upon the contractors of the vessel, who might see fit to build the armor plant so as to fulfill their contracts with the Government. The Senate struck out that provision.

Mr. McMILLIN. I can see that the House provision on that subject would be, in my estimation, much better.

Mr. HOPKINS of Illinois. Mr. Speaker, there is one of these amendments upon which, if it suits the convenience of my genial friend in charge of the bill, I would like to have a separate vote of the House. That is the provision relating to armor plate. Gentlemen will remember that in previous Congresses our attention has been called to armor plate and the manner in which it has been furnished, and that the present Secretary of the Navy has given out contracts under which the Government has been compelled, as I understand, to pay at the rate of $520 per ton for the armor plate for the *Kearsarge* and the *Alabama*. Am I correct in that?

Mr. BOUTELLE. That is about the figure.

Mr. HOPKINS of Illinois. Now, Mr. Speaker, at the close of this Democratic Administration, the Secretary of the Navy recommends that in future the price be limited to $400 per ton, and, as I understand, that is the figure that was adopted by the Naval Committee of the House when the bill was presented, but the Senate, with the additional information which that intelligent and able body possesses, has reduced the figure to $300 per ton.

Mr. MEREDITH. What sort of an Administration did the gentleman speak of?

Mr. HOPKINS of Illinois. I said at the close of this Democratic Administration.

Mr. MEREDITH. We on this side are not informed that it is a Democratic Administration. [Laughter.]

Mr. HOPKINS of Illinois. Well, there are a great many things that you do not know, which yet exist. [Laughter.] The Senate has reduced this item $100 per ton, and I would like to make a motion, and I do make a motion, that the House concur in that Senate amendment. I do it for this reason, that the president of the Illinois Steel Company, one of the great iron and steel industries of this country and of the world, has given it out publicly that if that company is permitted to bid it will furnish for $240 per ton armor plate in every respect as good as that which is now being furnished the Government for $520 per ton.

Mr. MILNES. What is the financial standing of that company at this time? Is it good?

Mr. HOPKINS of Illinois. It has a capital stock of $40,000,000, and such men as Marshall Field, George M. Pullman, Mr. Rockefeller, and others of that class are the stockholders.

Mr. MILNES. Has there not been something in the daily press recently about that company being bankrupt?

Mr. HOPKINS of Illinois. Oh, no. If there has, I have not seen it, and it is not correct.

Mr. BABCOCK. That is one of the wealthiest and strongest institutions in America.

Mr. DALZELL. Does my friend from Illinois know how long it takes to build a plant to make armor plate?

Mr. HOPKINS of Illinois. Yes; I know all about it.

Mr. DALZELL. Does the gentleman know how much money it takes to build a plant to make armor plate?

Mr. HOPKINS of Illinois. Yes; I know all about that.

Mr. PITNEY. Will the gentleman yield for a question?

Mr. HOPKINS of Illinois. Oh, one at a time! I can not be interrupted every moment. The point I am making is this, that if this great steel industry of Chicago can furnish this armor plate for $240 per ton at a profit, then it would seem that the company which is furnishing armor plate now at $520 a ton can well afford to take contracts in the future for the sum specified in the Senate amendment, $300 per ton.

Now, I appeal to the members of this House, upon the showing that has been made here, that instead of nonconcurring in this Senate amendment the House ought to concur in it, and ought to say to the Navy Department and to this great Carnegie Company which has been furnishing this armor plate in the past that if they desire to continue to furnish armor plate to the Government of the United States they must furnish it at a figure that is at least reasonable.

Mr. Speaker, I am not perhaps so familiar with the facts as the learned gentleman the chairman of the Committee on Naval Affairs of the House, but I am credibly informed that this same company, which has been furnishing armor plate to the Government of the United States for the *Kearsarge* and the *Alabama* at the rate of $520 per ton, furnished the same kind of armor plate to the Russian Government for $249 per ton.

Mr. TOWNE. And delivered it.

Mr. HOPKINS of Illinois. And delivered it in that country. Why can not an American institution furnish to the Government of the United States armor plate for the great war vessels of our own Navy as cheaply as it can furnish armor plate to foreign countries? Why is it that we should be required to pay this extravagant sum under the administration of the present Secretary of the Navy for the plating of the *Kearsarge* and the *Alabama*, and yet this same company should furnish armor plate at the rate of $249 per ton to a foreign government? I now ask the chairman of the Committee on Naval Affairs if he is willing that at this stage the House shall vote to concur in the Senate amendment fixing the price of this armor plate at $300 per ton?

Mr. BOUTELLE. I want to say to the gentleman that my reason for asking a nonconcurrence is because the amendments are involved. The Senate has struck out what we concede to be important safeguards.

Mr. HOPKINS of Illinois. On this item?

Mr. BOUTELLE. On this very item for the purchase of armor plate. We had a very carefully prepared paragraph covering this subject in a way that seemed to us to be well guarded, irrespective of the question of price. The Senate modified it in various ways. They eliminated some of what we regard as important portions of the provision which the House passed; and I think we can reach a conclusion a great deal better if the House will allow us to go into conference and see if we can not agree with the Senate upon what may prove to be non-essential things, and come back here with a concrete proposition. Now, the gentleman from Illinois ought to feel a share of the gratitude of this House to me for having refrained with a great deal of effort from pouring out a stream of eloquence on the subject of this armor plate.

Mr. HOPKINS of Illinois. I do; I do. [Laughter.]

Mr. BOUTELLE. I hope the gentleman does. I am perfectly willing he should substitute some eloquence of his own——

Mr. HOPKINS of Illinois. Oh, no; I do not wish to do that.

Mr. BOUTELLE. If the gentleman will only reciprocate in the interest of the public business, I shall be grateful in return to him.

This is a complicated question; it has not been stated to the House in detail. No such partial statement as the one just made by the gentleman from Illinois, though he may have intended it to be just, is a sufficient basis on which this House can intelligently act. This is an intricate problem. This whole matter of furnishing armor plate to the Government is one which can not be disposed of in a phrase. There are numerous misleading conditions here to-day that ought to be eliminated if this question is going to be discussed. I should be glad, if time allowed, to take part in such discussion.

We hear about some great concern somewhere that is ready to do something at a certain price. There is no such proposition pending at the Navy Department; there is no such proposition pending in the House of Representatives; there is no such proposition pending before the Committee on Naval Affairs. There is not a responsible proposition, so far as I am aware, anywhere to-day to furnish this armor for these ships at any price whatever. We have bought armor in the past from the Carnegie Company, and we have bought armor from the Bethlehem Company.

Mr. DALZELL. Will not the House have an opportunity to discuss this matter fully when the conference report comes in?

Mr. BOUTELLE. I accept the gentleman's suggestion; I have tried three or four times to make that suggestion. If my friend from Illinois and my friend from Tennessee [Mr. McMILLIN] will kindly bear with me a moment, let me say, my proposition is that the House nonconcur in these amendments now, so that we may bring the matter back here later with some of the nonessential features eliminated, if possible, and then have such a discussion of this armor question as the House may deem proper.

Mr. McMILLIN. There is one difficulty which stands in the way of the gentleman's proposition, and the difficulty is twofold. In the first place, the conference report will come in as an entirety; it must take that shape; it must be accepted or rejected as a whole. In the second place, that report will come in during the last hours of the session, when there will be no opportunity to discuss deliberately any question, and when we shall be obliged to take whatever we may be able to get, whether it is exactly what we wish or not. I do not mean to insinuate that the committee will not be intelligent and painstaking in the discharge of its duty. But I do not believe—and I give my opinion now for whatever it may be worth, and gentlemen of the House will determine whether I am correct—I do not believe that when our committee shall have worked with the Senate conferees for two days in the closing hours of the session, the conference committee will come in with a proposition naming anything like $300 a ton as the rate to be paid for this armor plate. My apprehension is that if we do not accept that price now, the Senate may give us guarantees and promises as to future matters of control, but that the contract price will go upward. These are the reasons I have been hopeful that at the first opportunity we would accept a reasonable rate.

Now, I have no doubt we have had to pay heretofore—and I am not blaming any of the officers in charge of the matter—new inventions always come high; new processes so important as those involved here are of course covered by patents, and the patent necessarily makes the price high—but I do believe we have been paying enormously for our armor plate, and that if possible we ought to get a reduced price.

Mr. CUMMINGS. Mr. Speaker, I wish to say to the gentleman from Illinois [Mr. HOPKINS] that his statement that the Bethlehem Company furnished armor to the Russian Government at $249 per ton delivered at St. Petersburg is true; but it is also true that to-day that same company is furnishing to the Russian Government the same armor at $527 per ton. The latter is the price obtained under competitive bidding; the English armor-plate manufacturers bid the lowest that they thought they could afford—$540 per ton. The original contract at $249 per ton was, as the Bethlehem Company alleges, taken at a loss for the purpose of breaking into the European market.

Mr. DALZELL. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. Yes, sir.

Mr. DALZELL. Is it not a fact that the only party that offers to make armor plate, outside of those who have already made it in this country, is a party that has no armor-plate plant? Is it not a fact that to build such a plant will take three to five years and an investment of four to five million dollars? Is it not further the fact that the only proposition made by that party is conditioned upon the United States entering into the contract for twenty years to come? Are not those the facts?

Mr. CUMMINGS. I will say to my friend that I understand the Illinois company has no plant; but it is not a fact that it will take three years to complete a plant, for the Secretary of the Navy, in his report to the House, prints a proposition from a company in England to furnish an armor-plate plant in this country inside of a year and a half at a cost of $1,500,000.

Mr. DALZELL. I do not believe the English company can do it.

Mr. HOPKINS of Illinois. The suggestion of my friend does not meet the proposition. The proposition is as to whether the companies that are now furnishing this armor plate to the Government of the United States are doing it at exorbitant prices or not. I am here to maintain that the Government can get this armor plate for $240 a ton, and that if we accede to the Senate proposition for $300 per ton, instead of the House proposition of $400 per ton, still the Carnegie Company, which furnishes this armor, will make a handsome profit. I am also informed that the Secretary of the Navy admits in his report, or in communications that he has made to the Naval Committee of the House, that at the rate of $400 per ton, which he has proposed in his report, the company will make the enormous profit of 50 per cent. Think of it for a moment! One of the great Departments of the Government recommending that a private concern, in dealing with the Government of the United States, shall make a clear profit of 50 per cent upon its transactions. Six per cent is regarded as a large profit made in individual enterprises between man and man.

Mr. BINGHAM. Yes; but that is a continuing enterprise.

Mr. HOPKINS of Illinois. Why should the Government of the United States tax our people for the purpose of still further increasing the wealth of one private concern at the rate here indicated? I say the time has come for this House itself to take some action in the premises, and I trust that if I withdraw my objection to the request of the gentleman in charge of this bill he, as one of the conferees, will insist that the House accept the Senate amendment and make armor plate hereafter at $300 per ton instead of $550 per ton.

I yield five minutes to the gentleman from Iowa.

Mr. BOUTELLE. Where did the gentleman get that five minutes?

The SPEAKER. All this debate is proceeding by unanimous consent.

Mr. HOPKINS of Illinois. Now, Mr. Speaker——

Mr. BOUTELLE. I shall have to make a motion to close this matter up.

Mr. HOPKINS of Illinois. I will say to the gentleman that, with the understanding that the conferees of the House will agree to the $300 per ton for armor plate, I have no objection at all to his request. I can see the force in what he says about the language that should properly guard and protect the Government of the United States, and I know the skill and ability of the gentleman in such matters. I would not embarrass him at all, but upon the broad proposition that armor plate hereafter shall be furnished to the Government for $300 per ton, I insist that the House shall have a voice, unless the committee agree to it, without action on the part of the House.

Mr. LOW. Will the gentleman permit a question?

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. The proposition before the House is, Is there objection to the request of the gentleman from Maine [Mr. BOUTELLE] for unanimous consent?

Mr. HOPKINS of Illinois. With that understanding, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman that the House nonconcur in the Senate amendments and ask for a conference? [After a pause.] The Chair hears none.

Mr. DALZELL. I move that the House do now adjourn.

Mr. BOUTELLE. Mr. Speaker, gentlemen about me have called my attention to the fact that the gentleman from Illinois [Mr. HOPKINS], while the Speaker was engaged in putting the question, made some observation, just as he was about sitting down, that with some understanding he would do so and so——

The SPEAKER. The Chair did not understand the gentleman from Maine to assent to any understanding.

Mr. BOUTELLE. I did not, and I want it so understood.

Mr. McMILLIN. The gentleman from Illinois withdrew his objection on that understanding.

Mr. HOPKINS of Illinois. I withdrew my objection with the statement to the gentleman that I would do it on that understanding.

Mr. BINGHAM. In the hope; not the understanding.

The SPEAKER. The Chair asked unanimous consent after the gentleman had taken his seat, and no objection was made.

Mr. HOPKINS of Illinois. Would it be in order to [illegible] committee upon that amendment?

The SPEAKER. It would not be in order, now that the House has nonconcurred.

CONFEREES ON THE DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the District of Columbia appropriation bill Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

CONFEREES ON THE NAVAL APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the naval appropriation bill Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS.

Mr. DALZELL. Is not my motion in order?

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. ALDRICH of Illinois) there were—ayes 100, noes 27.

Accordingly (at 11 o'clock and 10 minutes a. m.) the House adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 2, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ROBERT M'GEE.

Mr. DOCKERY. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the following bill.

The bill was read, as follows:

A bill (S. 220) for the relief of Robert McGee.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States the sum of $10,000 in compensation for damages sustained by him by reason of having been scalped and otherwise injured by the Brule Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864; and if said Secretary, after giving a hearing or an opportunity to be heard to said Sioux Nation of Indians, shall find said claim to be equitable and just, he shall pay or cause to be paid said sum of $10,000 or such part thereof as he shall decide to be justly and equitably due to the aforesaid Robert McGee.

Mr. DOCKERY. I ask for the reading of the report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. HILL, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi;

Joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States; and

A bill (H. R. 9703) to provide for light-houses and other aids to navigation.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILL, Mr. PLATT, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of Arbor Day: Its History and Observance; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

The message also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 10,000 copies of the Report of the Director of the Mint for 1896; 5,000 for the use of the Director of the Mint, 3,000 for the House of Representatives, and 2,000 for the Senate.

There shall also be printed and bound 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals, for the year 1895, for the use of the Director of the Mint.

There shall also be printed and bound 5,000 copies of the Coinage Laws of the United States; 2,000 for the Director of the Mint, 2,000 for the House of Representatives, and 1,000 for the Senate.

Also:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolutions were taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of Arbor Day: Its History and Observance, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture—

To the Committee on Printing.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State—

To the Committee on Printing.

ROBERT M'GEE.

The SPEAKER. The Clerk will again report the bill.

The bill was again reported.

Mr. DOCKERY. I ask that the report be read, Mr. Speaker.

Mr. DINGLEY. I reserve all points of order on the bill.

The SPEAKER. The right of objection is reserved.

The report (by Mr. CURTIS of Kansas) was read, as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 229, have carefully considered the same, and report it back with the recommendation that it do pass.

The Senate report is made a part of this report.

[Senate Report No. 572, Fifty-fourth Congress, first session.]

The Committee on Indian Depredations, to whom was referred the bill (S. 229) for the relief of Robert McGee, report the same favorably to the Senate, with recommendation for its passage, and adopt as their report the statements and report made by the committee during the Fifty-second Congress.

Considering the large number of affidavits presented, there seems to be no question as to the helpless condition of the claimant, Mr. McGee, or as to the statements made that he received his injuries at the hands of roaming bands of the Sioux tribe of Indians. In the judgment of your committee the Secretary of the Interior, after hearing the arguments pro and con, can safely be trusted under the provisions of the bill to pay this man from such funds of the moneys of the Sioux Nation as may be available.

—

[Senate Report No. 1230, Fifty-second Congress, second session.]

Your committee, to whom was referred Senate bill 3582, respectfully report the same favorably with amendments.

It appears that in July, 1864, a supply train started from Fort Leavenworth, Kans., for Fort Union, N. Mex., in charge of one J. L. Riggs. When they had arrived at the Great Bend of the Arkansas River, Walnut Creek Station, Kans., the party was attacked by a band of the Brulé Sioux Indians under the leadership of the chief, Little Turtle. The massacre which followed was one of the most bloody, nearly all being killed or wounded. Of those wounded was one Robert McGee, now of Excelsior Springs, Mo., a boy, being then about 15 years of age, who was pierced by ten arrows, scalped, and tomahawked in a most brutal manner. He was taken to Fort Larned, where by the skill of physicians and careful nursing, he was partially restored to health, though suffering greatly from contusions of the skull, which have made his life a struggle against suffering to the present time.

The statements here made as to his identity and present condition are supported by the affidavits of many reliable citizens who knew him then and who know him now. Among these are Hulbert H. Clark, M. D., of Santa Cruz, Cal., attending surgeon of hospital at Fort Larned, Kans., in 1864, and who cared for Mr. McGee. He says:

"In the matter of Robert McGee, I, Hulbert H. Clark, M. D., a resident of Santa Cruz, Cal., hereby certify that while in the United States service as acting assistant surgeon, being stationed at Fort Larned, Kans., as post surgeon, did, on or about the 16th day of July, 1864, receive into the United States post hospital Robert McGee, a boy about 16 years old, who had been wounded in numerous places, including the almost complete (entire) removal of the scalp, his wounds and injuries being inflicted by the Brulé Sioux Indians led by Chief Little Turtle, in their attack upon a Government supply train, then en route westward, being on the day of the attack which, I believe, was July 14, 1864, at or near the Great Bend of the Arkansas River, from which point the wounded reached Fort Larned two days later. That said Robert McGee remained in my charge about three months, during which time he was visited by General Curtis, who instructed me to give him special care; also gave McGee an order on the quartermaster for such clothing as was necessary for his comfort.

"When he left the hospital he was very weak, and fully two-thirds of the surface of the skull was not healed, being covered by a very delicate coat of granulation and which bled upon the slightest friction; also a wound of the left elbow and in left groin were still open. How he survived is unaccountable. When he reached the hospital he was unconscious from shock, loss of blood, and want of food. It was several days before he could whisper so as to be understood. He was handled by raising him in the sheet, his many wounds—some fourteen in number—about chest, arms, and abdomen prevented us grasping in the ordinary manner. I have not seen him since he left Fort Larned.

"I made a report of all the cases that came to my charge at that time, making McGee's special because of his youth and its severity. I have no interest in any claim he may make upon any Department of the United States Government.

"H. H. CLARK, M. D.,
"*Ex-Acting Assistant Surgeon, U. S. Army.*

"Subscribed and sworn to before me this 29th day of November, 1892.

"ED. MARTIN, *Clerk,*
"By D. J. MILLER, *Deputy.*"

Other affidavits of a like character are furnished by Nathan Swan, of Kiova, Colo.; James L. Riggs and Martin Brown, of Pike County, Mo.; D. B. Gresham, of Meriden, Kans.; Miss Martha Sapp, of Wyandotte, Kans.; Jasper A. Hanna, of Brunswick, Mo., who was a private soldier at Fort Larned, and acted as nurse to Mr. McGee during his sickness; J. R. Tunks, of Caldwell, Mo., who also acted as nurse for a short period. A letter from Mr. Belt, Acting Commissioner of Indian Affairs, under date of November 7, 1892, states that, under treaties of April 8, 1868, and agreements of February 28, 1877, and March 2, 1889, the Brulé Sioux Indians, of Rosebud Agency, S. Dak., were made sharers of the beneficiary appropriations made to the Sioux Nation.

Your committee therefore recommend the passage of the bill as amended, so as to authorize the Secretary of the Interior to investigate the claim of Mr. McGee for $10,000 compensation for his injuries, and to pay the same, if just and equitable, from the interest money due the Sioux Nation.

Mr. ERDMAN. Mr. Speaker, is this a request for unanimous consent?

Mr. DOCKERY. I hope the gentleman will not object.

Mr. ERDMAN. I understand this is to punish, without trial, the Sioux of to-day for what the Sioux did thirty-five years ago.

Mr. DOCKERY. The gentleman misunderstands the bill. It refers the whole question to the Secretary of the Interior for investigation, and if he does not think anything justly due, the bill authorizes him to disallow the whole amount.

Mr. ERDMAN. The purpose is to withhold the appropriation of the Sioux at this time for what the Sioux of thirty-five years ago did. I object.

The SPEAKER. Objection is made.

Mr. DOCKERY. I hope the gentleman will withdraw the objection. It is a piteous case.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I desire to call up a privileged matter. On the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893, that has just come over from the Senate, I would like to have conferees appointed.

Mr. WALKER of Massachusetts. Mr. Speaker——

The SPEAKER. One moment. The gentleman from Iowa has the floor. This is a Senate bill with a House amendment; the Senate disagrees to the House amendment and asks for a conference.

The Clerk proceeded to read the bill.

Mr. BAILEY. It is not necessary to read the bill. The gentleman from Iowa, I understand, is going to move for a conference.

Mr. HENDERSON. That is what I want.

Mr. BAILEY. It is unnecessary to read the bill, and I ask unanimous consent to dispense with that.

Mr. HENDERSON. I ask that the House insist on its amendment.

The SPEAKER. The Clerk will read the amendment. Strictly speaking, the bill has not to be read, except for the information of the House.

The amendment of the House was read.

Mr. HENDERSON. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of the following conferees: Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the desk. It is short.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the resolution which will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 10,000 copies of the report of hearings before the Committee on Banking and Currency, Fifty-fourth Congress, 8,000 copies to be for the use of the House and 2,000 copies to be for the use of the Senate.

Mr. WALKER of Massachusetts. Mr. Speaker, let me say this contains the statement of Hon. J. H. Eckels, Comptroller of the Currency, made before the Committee on Banking and Currency in a five days' examination.

Mr. BAILEY. Then I object, if you are going to print the Comptroller's statement.

Mr. WALKER of Massachusetts. Let me say to the gentleman it contains a large amount of tables of very valuable statistics that have never been published anywhere, and the requests for these hearings we have already received are so numerous that they will exhaust the supply we have within five days.

Mr. BAILEY. We have been inflicted with what the Comptroller has had to say long enough.

Mr. WALKER of Massachusetts. I only desired to do my duty in the matter. That is my only purpose.

The SPEAKER. Objection is made.

INCOME-TAX CASE.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that I may be allowed to address the House for thirty minutes, pursuant to a promise made the other day, that I would answer the gentleman from Tennessee [Mr. MCMILLIN] in his strictures upon Justice Shiras with relation to the income-tax case.

Mr. BAILEY. I hope that request will be granted, with the understanding that we are permitted to have thirty minutes on this side, if we desire to use it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he be allowed to address the House thirty minutes in regard to the matter suggested to the House. Is there objection?

Mr. RICHARDSON. Let us understand that my colleague is to have an opportunity to reply for thirty minutes.

The SPEAKER. The Chair has no doubt——

Mr. RICHARDSON. I simply submit that request, to go with the request of the gentleman from Pennsylvania.

Mr. GROSVENOR. There will be no question about that.

Mr. DALZELL. I think that ought to be allowed, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, coupled with the request of the gentleman from Tennessee.

Mr. RICHARDSON. I understand my colleague was on the floor a few moments ago, and has gone out for a few moments, and if he can not be here I shall object unless he has an opportunity to be heard.

Mr. HENDERSON. Let him have fifteen minutes to reply, if he wants it.

Mr. RICHARDSON. I want the same length of time that the gentleman from Pennsylvania has.

Mr. HENDERSON. He has already spoken on it. Give him fifteen minutes to reply.

Mr. RICHARDSON. The gentleman from Missouri [Mr. DE ARMOND] may desire to have some time.

Mr. MEREDITH. Will my friend permit me? Is it possible that a judge of the Supreme Court of the United States should require any defense in the House of Representatives?

Mr. HENDERSON. No; but an attack made upon him may require attention, not the judge.

Mr. BAILEY. I understand that this request is entirely agreeable to the gentleman from Pennsylvania.

The SPEAKER. The Chair has put them together to the House.

Mr. BAILEY. I think there is no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DE ARMOND. Mr. Speaker, if I understand the request, it is that the gentleman from Pennsylvania be given thirty minutes, and the gentleman from Tennessee thirty minutes. It may be, Mr. Speaker, that I should desire to say a few things myself. I do not know that I shall, but I should like to have some provision made in regard to that.

The SPEAKER. There will be thirty minutes for reply.

Mr. BAILEY. That was my original suggestion.

The SPEAKER. That is what the Chair understands.

Mr. RICHARDSON. Then, in the absence of my colleague, I have no doubt he will agree to divide the time between himself and the gentleman from Missouri. That is satisfactory.

The SPEAKER. The gentleman from Pennsylvania is recognized.

INCOME-TAX CASE.

Mr. DALZELL. Mr. Speaker, on the 13th day of February, when the sundry civil appropriation bill was under consideration in the House, the gentleman from Tennessee [Mr. MCMILLIN] and some gentlemen on this side of the House fell into a discussion of the tariff question. Comparison was made between the McKinley bill, so called, and the Wilson bill, so called, and in the course of the discussion the gentleman from Tennessee made use of this language:

We—

Referring, of course, to the Democratic party—

passed a bill which would have supplied ample revenues to meet [illegible] expenditures of the Government, but unfortunately [illegible] encountered [illegible] other man, who, as supreme judge, has authority to [illegible] the law [illegible]d it turns out to be a greater power than the lawmaking power [illegible] do not propose, sir, to try to fix the responsibility of that unaccountable decision where it does not belong. I do not propose either by insinuation or innuendo to charge a whole court with that which really belongs to and is a part of the responsibility of one man. It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses, was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him.

And there was applause on the Democratic side.

Within a few minutes thereafter, the gentleman from Ohio [Mr. GROSVENOR] was addressing the House, and this took place:

Mr. MCMILLIN. Will the gentleman permit a question?
Mr. GROSVENOR. Certainly.
Mr. MCMILLIN. Was it not Shiras, and he alone, who changed his first opinion, deciding one thing one week and another another week?

On that same day, if I recollect rightly, the gentleman from Missouri [Mr. DE ARMOND] addressed the House on various subjects, and in the course of his remarks used this language:

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually and cast it as an additional burden upon poverty and toil.

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions; great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown, in a land of free people under free institutions.

On a subsequent day, the date I do not now recall, the gentleman from Tennessee [Mr. McMILLIN] again took part in a controversy on this subject. The gentleman from New York [Mr. BARTLETT] had undertaken a defense of the decision of the Supreme Court in the income-tax cases, and in reply to him the gentleman from Tennessee [Mr. McMILLIN] used this language:

> What I said of Justice Shiras was that the man who tore down the Constitution, who overruled the decisions of one hundred years, who took away from the people the right to impose upon the wealth of the country taxes to meet the expenses of the country, was named Shiras. I repeat it to-day, and I am glad if I have got through his heretofore thick skin at last. Did he not decide that the income tax was unconstitutional, and did he not have to overthrow the decisions of one hundred years to do it?

Now, Mr. Speaker, if the gentleman from Tennessee, by the use of the elegant, classic, and dignified language that he "had got through the thick skin" of this justice of the Supreme Court, meant to convey the impression that the gentleman from New York [Mr. BARTLETT] was undertaking a defense of Mr. Justice Shiras at the instance of that gentleman, he was very far mistaken. The gentleman from New York informs me that he has no acquaintance with Justice Shiras; that he never spoke to him, and was never spoken to by him. And that leads me to say, Mr. Speaker, that the duty I assume to-day I assume of my own motion, because I regard it as a duty, and not because I have been requested by Mr. Justice Shiras, either directly or indirectly, to abandon the precedent that he has established in this matter of maintaining a dignified silence in the presence of unjustifiable assaults. But that distinguished gentleman was born in the city which I have the honor to represent. Throughout all his life he has resided in the county of which that city is the chief city.

He is a member of the same bar of which I have the honor to be a member. For twenty years he and I together have practiced at that bar. During all my business life I have known him intimately, and I have known him, as has every man, woman, and child who knows him at all, as a high-minded, able, accomplished, scholarly gentleman. I know him as a fine lawyer, a man of eminently judicial temperament, and a man whose life is an answer to any insinuation of wrong from any source, high or low. Hence I have felt it to be my duty to place before the House, in answer to the assertions which have been made, not an argument, but a plain, simple statement of facts. And let me say here that I shall not indulge in either defense or justification of the decision of the Supreme Court in the income-tax cases. I shall not discuss that question, nor shall I stop to discuss the question whether or not it is proper for a member on this floor, or for any citizen, to criticise a decision of the Supreme Court of the United States. I think fair criticism of their tribunals is permissible and is a right that always has been exercised and always will be exercised by the American people. But there is a manifest difference between a logical discussion of a decision, a fair, manly, open criticism of a decision of a court, and the abuse, by the calling of hard names, of an individual member of that court.

Now, Mr. Speaker, the charge made against Mr. Justice Shiras is that in participating in the decision in the income-tax cases in the Supreme Court of the United States he changed his opinion, and that that change of opinion was decisive of the question. Well, a change of opinion involves nothing that is wrong in a judge. Courts and judges often change their opinions. The difficulty in this case seems to be that the alleged change of opinion (which did not take place) was against that entertained by the gentleman from Tennessee and the gentleman from Missouri. There was a judge who changed his opinion in this case—who decided one way one week and another way another week—and I have no doubt at all that he decided in both cases, at both times, pursuant to his honest, conscientious convictions. But he receives no censure, and deserves none, but rather commendation, because his change was from the other side to the side of the gentleman from Tennessee and the gentleman from Missouri.

Now, let me call attention to the plain facts in this case, because there is not the slightest evidence upon which to base the assertion that there was any change of opinion upon the part of Justice Shiras. The gentleman from Tennessee is not a member of the Supreme Court; the gentleman from Missouri is not a member of the Supreme Court; neither of those gentlemen is intrusted with the secrets of that court; and the allegations that they make here therefore manifestly are not made from knowledge, but from hearsay. What the hearsay was upon which these allegations are based neither of the gentlemen has vouchsafed to tell us. I apprehend that the hearsay on which they were based was the lying report of some popocratic newspaper reporter, published for the first time in a popocratic newspaper.

Now, what are the facts? And I refer to the record. The case in which this decision was made was the case of Pollock *vs.* The Farmers' Loan and Trust Company. It is reported in volumes 157 and 158 of the United States Supreme Court Reports. The questions involved were: First, whether a tax on the income of real estate was a direct tax within the meaning of the Constitution, and therefore unconstitutional, unless imposed by the rule of apportionment; second, whether a tax on the income of personal estate was a direct tax, and therefore unconstitutional, unless imposed by the same rule; third, whether the law under review by the court infringed the rule of uniformity prescribed by the Constitution; and lastly, whether the tax imposed upon State and municipal bonds was a constitutional tax—four questions, the House will observe.

The case, as all the country knows, was elaborately and exhaustively argued by the most eminent lawyers of the country—the conceded leaders of the American bar. Eight judges participated in the hearing. They were Chief Justice Fuller, Justices Field, Harlan, Gray, Brewer, Brown, Shiras, and White. In their first decision, eight judges concurred—in other words, the court was unanimous—in holding that a tax on municipal bonds was unconstitutional. Six judges held that the tax on the income of real estate provided for by the law was unconstitutional, because imposed without regard to the rule of apportionment. These six judges were Chief Justice Fuller and Justices Field, Gray, Brewer, Brown, and Shiras. The Chief Justice spoke for all of these six judges with the exception of Mr. Justice Field, who filed a concurring opinion, because he went a step further than the other six judges were willing to go. Two judges dissented—Mr. Justice Harlan and Mr. Justice White—upon the ground, first, that a court of equity had no power to restrain the United States Government in the collection of a tax; and, secondly, because they held themselves bound by the doctrine of stare decisis.

Now, the House will observe, here is the first decision by the Supreme Court in this case. It is not possible to say up to this time that anybody has changed his mind. And in this first decision the justice who is now assailed for having changed his mind constituted one of the majority—one of the six judges. I may say here in passing that even if it were true (of which there is no evidence) that at that time he had changed his mind from what on a prior occasion it had been, it would have made not the slightest difference, inasmuch as the court would then have stood five to three. Thus much, it seems to me, is plain.

By this first decision certain questions were left undecided. They were these: Whether or not the provision declared void as to the income of real estate avoided the whole act; secondly, whether the tax on the income of personal property as such was unconstitutional unless imposed by the rule of apportionment; and third, whether any part of the tax if not considered as a direct tax was invalid for want of uniformity on any of the grounds suggested.

Upon these questions the court stood, according to the Chief Justice, four to four. The Chief Justice declined in his opinion to disclose how the court divided. Mr Justice Harlan at the close of his opinion refused to say anything on that question, so that the public is utterly in the dark as to where each of these two groups of four stood, and whether on these three several questions the same four differed with the same four on each. I know of nobody, outside of the members of the Supreme Court and some of the Democratic and Populist newspapers and the gentlemen from Tennessee and from Missouri, who professes to know how the court stood at that time.

These questions being undecided rendered the administration of the law difficult. The situation threatened multiplied suits—no end of litigation. So the plaintiffs came into court and asked the court for a reargument, assigning as a reason therefor this difficulty of administration and this probability of multiplied litigation. The Attorney-General of the United States came into court and representing the United States joined in the petition for a reargument upon condition that the reargument should be a reargument of the entire case—not simply of the questions that remained undecided. The Chief Justice, in announcing the decision of the court, said that he considered the two applications—the application of the plaintiffs as modified by the application of the Attorney-General—as equivalent to a petition on both sides for a reargument; and the case, he said, was therefore opened for reargument—not merely upon the undecided questions, but upon all the questions involved in the original hearing.

The case was reargued. Much new matter was submitted on both sides of the case. I have the books here, but I do not stop to verify what any gentleman may verify for himself by looking at the record of the case. Much new matter was suggested on both sides, and the result of the second decision by the court was a reaffirmance of the first decision and a step in advance. Having originally decided that a tax on income derived from real estate was a direct tax within the rule of required apportionment, they held in the second place that a tax on the income derived from personalty was also a direct tax within the rule of required apportionment.

How did the court stand on this second decision? Those who reaffirmed the first decision of the court, and joined in the opinion submitted by the Chief Justice—those who stood by and reaffirmed the principle already laid down by the court, and who went a step further—were Mr. Chief Justice Fuller, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Shiras, all of the original six except Mr. Justice Brown.

Of the six judges that stood together as a majority of the court in the first instance five stood as a majority of the court in the second instance, and in both instances is to be found the name of the gentleman who is assailed here as having changed his mind. Two of the justices, Justice White and Justice Harlan, abode by their former decision and dissented. The third, Mr. Justice Jackson, who did not participate in the first, joined with them to make a third in their dissent, and lo and behold, one of the judges who had sat side by side with Mr. Justice Shiras as a member of the majority in the first instance, changed his mind—without doubt conscientiously, as I have already said—and went over to the other side.

So that the justices stand thus—the majority deciding in accordance with the first decision: The Chief Justice, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Shiras; dissenting, Justices White and Harlan, and joining them, Mr. Justice Jackson; joining the minority and abandoning the majority, Mr. Justice Brown.

Now, sir, upon what ground, in the face of that record—upon what ground rests the accusations which have been made here? Absolutely none. I repeat, absolutely none. Because, to sum up, the situation stands thus: By the first decision the act was declared unconstitutional by a unanimous court so far as the tax on municipal bonds was concerned, and as to what is known as income derived from real estate the act was declared unconstitutional by the court, standing six to two; and of these six justices Mr. Justice Shiras was one. Upon the petition for reargument—and the case was reargued—it was decided by a majority of five to three, and of that majority all of them belonged to the original six except Mr. Justice Brown, who changed his opinion. The Chief Justice spoke for all six in the first instance and he spoke for all five in the second instance.

Now let me recur to the observations made by the gentleman from Missouri [Mr. DE ARMOND] and see how much truth is contained in them. He says:

> Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality.

Absolutely untrue and without the slightest foundation in fact. On the contrary, instead of dividing equally, the all eight of them decided the act unconstitutional so far as it applied to a tax upon municipal bonds, and six of the eight decided the law unconstitutional so far as it applied to a tax on the income of real estate. So the gentleman is mistaken; they did not divide equally upon the question of constitutionality. The gentleman then says:

> The ninth judge was absent.

That is true, and that is about the only thing that is true in this entire paragraph.

He says:

> They who took the one side and those who took the other were well known.

Not so. The Chief Justice declined to furnish any light on the subject. There is no man here, I venture to say, who knows how those judges stood, four to four.

Then the gentleman says:

> The ninth judge joined in with the four who held the law to be constitutional, and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind, etc.

On the contrary, the ninth justice did not join in with the four. He joined in with the two, and one of the majority joined with him, so that there is no truth in this allegation.

Now, Mr. Speaker, not to detain the House longer, it seems to me that an injustice has been done that ought to be remedied. It is not alone in this House that this charge has been made. It was made on every Democratic stump throughout the last campaign. It has been made in every Democratic and Populistic newspaper throughout the length and breadth of this land; and during all that time, true to his sense of dignity and the traditions of the court, the unjustifiably assaulted party has sat in silence, trusting that the future would vindicate him. I invite my friends on the other side now to a manly retraction of the charges that they have mistakenly made. And if they do not see fit to accept my invitation, I take the liberty of warning them that a reaffirmation of these charges on their part will not be a reply satisfactory to the people of this country.

The American people love justice. They love fair play. They hold as sacred above all things else personal character and personal reputation. They will not hold to be justifiable, nor will they excuse, an assault made upon mere statement without sustaining proof. They will not accept lightly an attack upon the most august judicial tribunal in all the world, nor will they condemn without proof a member of that tribunal, who attained his place therein by merit, and of whom I can say of knowledge that he is revered by all who know him as one who has worn for more than three-score years "the white flower of a blameless life." [Prolonged applause on the Republican side.]

Mr. McMILLIN. Mr. Speaker, I do not conceive that the speech which has just been made by my distinguished friend from Pennsylvania [Mr. DALZELL] requires that I shall go into any very extensive argument on the question that is involved. There are a few plain, patent facts which all of reasoning, all of sophistry, all of eloquence can not get rid of. First, that after the first hearing of the income-tax cases pending before the Supreme Court of the United States that tribunal held it constitutional. Some part of it, they said, was not constitutional; but the law they sustained. That fact can not be denied.

The result was reached by a court—one justice being sick and absent—equally divided.

Secondly, that when the other justice had appeared and there was a full bench, and that other justice decided in favor of the constitutionality of the law, one man of the four hitherto holding it constitutional held that it was not constitutional. That fact can not be denied.

Now, who was that judge who changed? Four have written opinions showing where they stood. It is not necessary for me to utter harsh words concerning that distinguished judge. Words stronger than I could utter, words stronger than I desire to utter, were hurled into his face, as he sat on the bench, by his own colleagues, whose integrity and patriotism can not be denied. Will the House bear with me while I take some nuggets out of the very elaborate decisions of the four judges who dissented on that occasion and still held that the law was constitutional?

If we were to draw an inference fixing the responsibility on any man, from the remarks of the gentleman from Pennsylvania [Mr. DALZELL] we would infer—which is impossible, in view of his written opinion—that Mr. Justice Brown was the man who wavered in the first instance. I can not legitimately draw that conclusion. Here is what he said on the final hearing of the cause:

> My fear is that in some moment of national peril this decision will rise up to frustrate the will and paralyze the arm of Congress. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. It approaches the proportions of a national calamity.

What more could I have said concerning Justice Shiras, if he is the man, than this distinguished colleague of his said in [illegible] while he sat there, and opened not his mouth in opposition to this opinion?

Mr. DALZELL. I do not want to interrupt the gentleman if he does not want me to, but that was said no more of Mr. Justice Shiras than of the others.

Mr. McMILLIN. But the other justices gave reasons in dissenting finally for the faith that was in them.

Mr. DALZELL. What other justices? There was only one opinion filed on the part of the majority in the second decision, and that was the opinion of the Chief Justice.

Mr. McMILLIN. But the opinions of the other justices, outside of this distinguished individual, had been known on the first hearing.

Mr. DALZELL. Give us something more than your statement.

Mr. McMILLIN. If the gentleman is not satisfied with the opinion of one man, we will take four, and then I hope the gentleman will be satisfied. I have already quoted from Justice Brown.

Justice White said of the majority opinion:

> It takes invested wealth and reads it into the Constitution as a favored and protected class of property.

What greater charge could be made against a judge than that he was doing that in violation of the best interests of the community—taking invested wealth and reading it into the Constitution as a favored and protected class of property?

Mr. Justice Jackson said:

> Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress.

What could be more direct than that? But now, after all these judicial protests, complaint is made by the gentleman and his friends—first, the gentleman from New York; secondly, the gentleman from Pennsylvania because in the tribune of the people—here in this legislative Hall, a representative of the people has dared to open his mouth against the overriding of the Constitution and destroying the taxing power of Congress; against judicially destroying the capacity of the Government to reach the wealth of the country for purposes of government. If we are to be traduced for it, why not include in the traducing the justices who talked to him as he sat on the bench? But that is not all. Let us take another dissenting opinion:

> It strikes at the very foundation of national authority—

Says Justice Harlan.

Sir, no man who heard this last opinion rendered can ever forget the manner in which that distinguished jurist turned to his colleagues that he felt were doing violence to the Constitution, and uttered his words as if at them directly. Does the gentleman say that Justice Shiras did not favor the decision in the first instance?

Mr. DALZELL. He was one of the majority that rendered it.

Mr. McMILLIN. You are his mouthpiece.

Mr. DALZELL. I deny it; and I forestalled the gentleman by making a statement that he ought to accept as coming from me.

Mr. McMILLIN. Mr. Speaker, I wish to say nothing unkind of my friend from Pennsylvania [Mr. DALZELL]. This thing was brought up in my absence and I did not hear his opening remarks. I was necessarily absent by direction of the House. I had gone to the Senate to attend a conference on a bill coming from the gentleman's committee and mine. Hence I do not blame him with my failure to be present when he began. But he stands here as Justice Shiras's defender—if not as his mouthpiece, then as his defender. Will you say that he did not favor this opinion in the first instance and did not somersault in the second? [Applause on the Democratic side.]

Mr. GROSVENOR. He has said——

Mr. McMILLIN. No, sir; the gentleman will not say it; the judge himself, Judge Shiras, would not say it, and no man, in face of this extraordinary decision and this still more extraordinary somersault, will ever declare it.

Mr. DALZELL. Now, the gentleman desires to be fair.

Mr. McMILLIN. I do; and I am going to be.

Mr. DALZELL. Is there any person outside of the members of the Supreme Court who know of their own knowledge how the eight divided on the first proposition?

Mr. McMILLIN. There may not be any persons outside of the Supreme Court who of their own knowledge know how the eight divided, but there is an individual who does know how the eight divided.

Mr. DALZELL. Well, let us have him.

Mr. McMILLIN. Who knows it so well that I doubt not the truth of the fact——

Mr. DALZELL. Let us have it.

Mr. McMILLIN. I know it in such a way that I do not doubt a particle. It can not be gainsaid.

Mr. DALZELL. Name your authority.

Mr. HYDE. Everybody knows. [Cries of "Name him!" on the Republican side.]

Mr. McMILLIN. There is a gentleman who can put it at rest forever.

Mr. DALZELL. Name him.

Mr. McMILLIN. His name is Shiras, if you want him named. [Applause on the Democratic side and jeers on the Republican side.] If the gentleman reaches to the bottom of this case and gets at the real facts, I will get him to come to me candidly or to this House candidly and say whether he has not found these to be the facts. When one of the judges, who finally held the law to be constitutional, was wavering in the first decision, this distinguished Judge Shiras went to him and implored him to stand by the constitutionality of the law and argued the case with him and asked him to sustain the law; that on the second hearing Judge Shiras never gave this man nor the court to understand that he was himself being revolutionized or had been revolutionized; that the court was as much astonished as the country at his extraordinary somersault, and when he did do it he gave no evidence or reason, but quietly and without an opinion gave his voice for the overriding of the very law which he had voted to sustain a few days before.

The gentleman in all his life will never find a single fact that will contradict a single one of those statements, never. As far as I am concerned, members of this House will bear me witness that I have not indulged in the disposition to speak harshly of coordinate branches of the Government; but, Mr. Speaker, we are custodians of a sacred Constitution and glorious institutions. To us has come down the exalted privilege, in our day and generation, of holding aloft the most splendid creation of the human brain, uninspired, in the whole world—the Constitution of the United States, and whether courts or crowds or individuals attempt to tear down that sacred instrument, I for one propose to stand here, unmoved by the eloquence of the gentleman from Pennsylvania, unmoved by the—in my opinion—erroneous decision of the justice from Pennsylvania, and hold aloft the Constitution as the supreme law of the land, ever to be preserved. [Applause.]

Now, some criticism has been indulged in here because there has been comment on the Federal bench emanating from members of Congress and from the newspapers, and the gentleman from Pennsylvania [Mr. DALZELL], in his zeal, says that that criticism has emanated from "a popocratic press." Mr. Speaker, I want to have read in my time the utterances of the author of the Declaration of Independence on the question of the encroachment of the Federal judiciary. I want the House to see where the trouble was then, and that this is not a new trouble. I also beg members to bear in mind that the adoption of the eleventh amendment to the Constitution of the United States was in itself a criticism of the Supreme Court for overriding the Constitution. I will ask the Chair how much time I have occupied?

The SPEAKER. The gentleman has occupied fifteen minutes.

Mr. McMILLIN. Then I will regretfully forego having read the quotations from Thomas Jefferson that I was about to introduce in order that I may not do injustice to the gentleman from Missouri [Mr. DE ARMOND], who, also, has shared in the attack of the gentleman from Pennsylvania. Having occupied half the time allowed, I yield the remainder to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, a short time ago, in the course of a running debate which took a wide range, the gentleman from Tennessee [Mr. McMILLIN] who has just addressed the House, and, later on, I, made some remarks about the income-tax decision, and indulged in some strictures upon the course of Justice Shiras in connection with that decision. Soon it was rumored, and a little later it was announced, that at the first fitting opportunity the distinguished gentleman from Pennsylvania [Mr. DALZELL] would reply and defend Justice Shiras. The long-expected and anxiously-waited-for reply has finally come, and, with all deference to the gentleman from Pennsylvania, it does seem to me that a few more such defenses would surely leave Justice Shiras in a deplorable condition. [Laughter.]

There was criticism of the decision of the Supreme Court upon the income-tax cases; but the gentleman from Pennsylvania wisely chooses not to go into that matter, not to discuss the right or the wrong, the strength or the weakness, of that decision. There was also comment upon the fact, or the alleged fact—I think the real fact—that Justice Shiras occupied one position at the first hearing and the opposite position at the second hearing, and that his change of opinion in the interval had the momentous effect of making unconstitutional, according to the decision of the court, a law the like of which had been deemed constitutional for a hundred years of our Government.

Now, mark the marvelous features of the defense or reply of the gentleman from Pennsylvania. He does not tell us why Justice Shiras changed front. He does not even know, so he does tell us, whether Justice Shiras did change his opinion or not. The gentleman comes to this House with all his magnificent abilities, fully equipped for this defense, and yet admits that he knows nothing about the facts involved. Justice Shiras did or did not change his opinion about the income-tax law. The gentleman has known Justice Shiras intimately, so he tells us, for years and is upon the most friendly footing with him. He has contemplated this reply for some weeks, yet, by his own confession, he is unable to tell the House what the attitude of Justice Shiras was at one time and what at the other time.

Mr. Speaker, what is there of sacredness or secrecy about it? Why should the opinion of Justice Shiras the one time or the other time be hedged about so carefully that even the gentleman from Pennsylvania, to say nothing of less-favored individuals, may not know what it was or is? [Applause on the Democratic side.] Why ought there to be any secrecy about it? Why should not the gentleman, speaking here as the self-appointed champion of Justice Shiras, be able to tell us whether the Judge did or did not change his position with respect to that great, that momentous question pending in the Supreme Court? I pause for reply. Why ought he not to be able to do it? Why does he rise to talk here in the way of defense, explanation, or apology, if unable to do that? What information does he bring here?

Mr. DALZELL. The gentleman is simply playing a very common lawyer's dodge in trying to put the burden of proof on the other side when it belongs to himself.

Mr. DE ARMOND. The gentleman can not by his adroitness escape the force of what I am stating. He appointed himself, he says, without consultation with Justice Shiras or invitation from him, his defender or apologist, whichever term he chooses to employ; and he comes here now unable, as he confesses, to tell the House anything about whether Judge Shiras did or did not change his opinion; and he talks as though it were so sacred a thing that there is some virtue lying somewhere in the ignorance which he parades. [Applause on the Democratic side.]

Mr. DALZELL. I want to say to the gentleman that I treat this question here to-day precisely as Justice Shiras would treat it himself—upon the record; and the gentleman has not, nor has the gentleman from Tennessee, disclosed to this House upon what they base the statement which they make, which is contradicted by the record.

Mr. DE ARMOND. There are two records, Mr. Speaker. There

is the small, narrow record over which Justice Shiras may have control, and there is the vast, mighty record over which the people of this country have control. [Applause on the Democratic side.] If the gentleman chooses to confine himself to the narrow record of Justice Shiras in two decisions upon the most momentous question, the most far-reaching and important question that has arisen and been decided in years by the Supreme Court—if he desires to confine himself to the clam-like policy of not declaring where Justice Shiras stood or how he stood or why he stood—let him not impose upon me or upon any other Representative the like restrictions.

The gentleman says there is no authority for the assertion—the assumption, as he would call it—that Justice Shiras changed front, except communications and editorials in "popocratic" newspapers. He could at once put at rest the question, if there be any, whether Judge Shiras did or did not change front. I defy him to deny that he did. In all the months when this man's conduct has been criticised, when this decision has been condemned from ocean to ocean and from the Lakes to the Gulf, it is strange, if he has been suffering unjustly, that no one has arisen to give the facts to the people.

The gentleman assumes to have discovered by his process of reasoning where Justice Brown stood. I will not go into that. If to talk about where Justice Shiras stood and to draw inferences as to why he changed and the results deserves condemnation, what will the gentleman say of his own curious conduct here in imputing to Justice Brown vacillation of judgment at least, if nothing more, and holding him up as the one man who ought to be singled out for condemnation, if there is to be any condemnation?

The gentleman is right in saying that this question has been discussed in the newspapers and that it was talked about during the campaign by speakers opposed to the policy which has been carried out for his party in the decision now upon us as law. He is right in asserting that; and I will say to him that the decision will be talked about again. The charge will be made along the whole line. And let me warn him and warn others who propose to defend that indefensible decision that they can not hedge themselves behind imaginary walls of propriety. The people have a right to know where Justice Shiras stood. The people have a right to know why he changed his opinion, when the effect of that change of opinion was to cast the burden of heavy taxation upon poverty and privation and toil and to lift it from wealth. [Applause on the Democratic side.]

Talk about the sacredness of the decisions of the Supreme Court! What of the sancity of the decisions that had come down unimpaired until the date of that decision from the earliest days of this Republic? The question of Federal taxation, involving the principle of the income tax, first arose in 1796; at that time it came before that august tribunal, the Supreme Court of the United States. It was decided then by a unanimous bench that a tax upon vehicles was not to be regarded, under the Constitution, as a direct tax, to be laid according to population, but as an indirect tax, to be laid according to the rule of uniformity.

Madison took a contrary view at the time the discussion was up; Hamilton argued that the carriage tax was constitutional. Madison afterwards, as President, approved laws enacted enforcing the principle involved in the carriage tax. And for a hundred years, in times of peace and in times of war—for a hundred years, with all the changes and fluctuations that have taken place, with men coming and going in this great world and upon that bench—that decision, that exposition of the supreme law, the correctness of that interpretation of the Constitution, remained unquestioned until the day when five out of nine justices of the Supreme Court temporarily overthrew it. I believe I say "temporarily" advisedly, because the American people will never, never submit to that kind of constitutional law, maintained in that kind of a way. They are for regularity, for the constitutionality of the Constitution. They are for the decisions of the fathers, affirmed by the sons, and overthrown only when wealth and monopoly in this country became so great a power that the voice of constitutional law, that the glorious story of a hundred years of the life of the Republic, stood as naught in the way.

In the opinion of the court fear was expressed that taxes might be laid under the old principle, by those whose constituents would not have to pay them. Did the Chief Justice who used that expression, did the Justices who entertained or seemed to entertain that fear, realize that under present methods and by that iniquitous decision there may be such burdens cast upon the masses of the people, by the representatives of special interests and special classes, as this country has never yet known?

It was suggested, too, in one of the opinions, that of a man old in years without being venerable—for there is a difference between being old and being venerable—it was suggested that if this policy of maintaining an income tax should prevail, perhaps the time might soon arrive when the "walking delegate" would determine how much tax the thrifty people of the land should pay. That may be dignified in a Supreme Court opinion; and the gentlemen from Pennsylvania [Mr. DALZELL] is nothing if not dignified in the discussion of such opinions. There was no suggestion by this aged judge that the time might come—there was no comment on the fact that the time is here—when it is thought by some to be more advisable and more in conformity with the Constitution, as remodeled, to tax men than to tax money; just to lay burdens upon manhood, rather than upon wealth.

I have nothing to say about the walking delegate. The reference to him is a petty sneer at the laboring man. There may be delegates who walk without having bodyguards, and whose walking is not attended with the overturning of fundamental principles, the ousting of the constitutional authorities of a State of their rightful jurisdiction, or the smoothing out and passing over as a virtue of what, in common parlance, is called murder.

Mr. Speaker, this income-tax question and this decision are in politics. As the gentleman from Maine [Mr. BOUTELLE] said when the naval bill was up, the defense of Justice Shiras by the gentleman from Pennsylvania naturally would provoke a political discussion. The lines are drawn. The battle is on. We defy you to the onset. We are ready to meet you upon these lines. We are not for overturning the Constitution. We are not for disregarding the decisions of the highest court. But we are for standing by the decisions of Marshall, and Taney, and Chase, and Waite. We are for standing by the decisions of a great court in the years of its prime. We are for standing by the interpretation of the Constitution in the days of the fathers and as accepted by the sons. But we repudiate, and we will use all honorable, all constitutional, all lawful means to undo a revolutionary decision, which has reversed the judgment of a century.

We are ready to meet you upon that ground: and I say again, in that contest, in a broader and mightier forum that even the Supreme Court of the United States—in the great forum of the American people—it will not be enough to plead "We do not know," and "I have not found out" how this man or that man stood. [Laughter on the Democratic side.] "You do not know, and I do not know, and nobody knows," says the gentleman from Pennsylvania. The masses of the American people have settled to a conclusion about decision and judge which is correct. I defy the gentleman to deny its correctness. I defy him to refer to the man for whom he apologizes, or whom he defends, for the authority to deny it. [Applause on the Democratic side.]

The SPEAKER. The gentleman's time has expired.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

Mr. BAILEY. Mr. Speaker, a short time ago I objected to the printing of some matter for the Committee on Banking and Currency. Since making that objection I have investigated the hearings, and I find that, in spite of much that is irrelevant and trashy, there is much that might be valuable to the country, and I desire to withdraw the objection that I made and to let the gentleman from Massachusetts [Mr. WALKER] have his leave to print.

The SPEAKER. The Chair will again submit to the House the proposition of the gentleman from Massachusetts [Mr. WALKER], which the Clerk will read.

Mr. WALKER of Massachusetts. I renew my request, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts [Mr. WALKER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

> *Resolved by the House of Representatives (the Senate concurring),* That the Public Printer be, and he is hereby, authorized and directed to print 1[illegible] copies of the Report of Hearings before the Committee on Banking and [illegible]rency, Fifty-fourth Congress, 8,000 copies to be for the use of the House and 2,000 copies to be for the use of the Senate.

Mr. WALKER of Massachusetts. Let me say that the 2,0[illegible] copies that were printed under the law have practically [illegible] exhausted. Requests are coming to the clerk from all ov[illegible]ntry for copies, and as the plates have all been made, the cost of the printing will be comparatively small. Even the 10.000 copies will be soon exhausted if printed. These reports contain very many elaborate tables and thorough investigations of the currency question which never have been printed before.

Mr. COX. I am not going to raise an objection to the printing of these reports, but I intend to state to the House that they have never been worth a cent to that committee.

Mr. BAILEY. Well, then, you ought to object to printing them. I thought there was something of value in them.

Mr. COX. Well, probably it would be to the gentleman from Texas [Mr. BAILEY]. [Laughter.] But we have heard, everybody in that committee, all sorts of theories, all sorts of systems, and all sorts of ideas. That committee have passed this entire Congress in those hearings. I am not going to object to the printing, but when you get them printed, there is not a man in this House who will ever read them.

Mr. BAILEY. Mr. Speaker, I insist that anything that would be valuable to me could be used to great advantage by my friend from Tennessee [Mr. COX].

Mr. COX. Why, there is no doubt about that, and I yield that question, because the gentleman has the right to lead me. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. PERKINS. Mr. Speaker, this resolution came to the Committee on Printing yesterday, and upon the examination that the committee were able to give it, we decided adversely to making a favorable report upon it. As a rule, I will say that resolutions of this character——

Mr. QUIGG. Mr. Speaker, I hope the gentleman from Iowa will inform the House what it is that is proposed to be printed. I have been unable for the last fifteen minutes to gather any information as to what the pending proposition is.

Mr. PERKINS. I will say to the gentleman from New York that the resolution before the House is here at the instance of the gentleman from Massachusetts [Mr. WALKER], the chairman of the Committee on Banking and Currency, asking for the printing of 10,000 copies of the hearings during this Congress before his committee.

Mr. WALKER of Massachusetts. Let me correct the gentleman from Iowa and state that it is not at the instance of "the gentleman from Massachusetts," but by the unanimous vote of the Committee on Banking and Currency.

Mr. PERKINS. I was saying, Mr. Speaker, that as a rule I think resolutions of this character are first agreed upon in the committee from which they emanate, and by that committee are referred, through the House, to the Committee on Printing. I have not been advised and can not ascertain that the Committee on Banking and Currency, as a committee, have ever taken any action upon the resolution. Now, my understanding is that the Committee on Banking and Currency, for the most time during this Congress, has been considering, with more or less discord, a bill known as the "Walker bill." [Laughter.]

Mr. WALKER of Massachusetts. Will the gentleman allow a correction——

Mr. PERKINS (continuing). My inference is, without further investigation than I have been able to give to the matter, that these are the hearings—the record of the wranglings—of the Committee on Banking and Currency upon that particular question. It does not seem to me, and did not seem advisable to my colleagues on the committee, that it was worth while to incur the expense of printing it, for the information of the country, on this great problem of banking and currency. It did not seem advisable to the committee that it should print, at the public expense, a record of these discords; and therefore at this late time in the session, with very much pressing upon us and upon the House, while very many meritorious resolutions are sleeping now in the Committee on Printing, we determined not to occupy the time of the House nor to inflict this trouble further upon the country, and therefore decided not to report the gentleman's resolution.

Therefore, Mr. Speaker, he has brought it before the House himself. I agreed with him that I would not make personal objection. If the House thinks it is important that this record should go further to the country, why, print it.

That is all I desired to say.

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman from Iowa who has just taken his seat, while he has been somewhat ironical in his remarks, has been exceedingly unfortunate in that he has been talking about a subject of which he is evidently wholly without knowledge. I have the honor to be a member of the Committee on Banking and Currency, and have attended, I believe, nearly every hearing had by that committee during this session, and which hearings it is sought now to have published for the information of the House.

It is a surprise to me, Mr. Speaker, to be informed by the gentleman from Iowa that there is anything in the record, as made up in that committee, which shows "wrangling" or discord on the part of the committee. There were, of course, different views entertained there; there was a diversity of opinion among the members as to the proper system of banking and currency to be devised and recommended to Congress and the country to take the place of the existing system, but these were just such differences of sentiment and opinion as one would naturally expect to find among gentlemen of originality in thought and independence in action. The general course of the committee was harmonious, and I think that every gentleman—every member of the committee—was animated by a laudable desire to find out the actual defects in the existing system and devise, if possible, such remedies as would bring about a better and more satisfactory currency system than that which is now prevailing.

Mr. PERKINS. Will the gentleman allow an interruption?

Mr. JOHNSON of Indiana. Why, certainly.

Mr. PERKINS. Did the committee come to any conclusion?

Mr. JOHNSON of Indiana. The committee may not have come to any definite conclusion upon a general system of banking and currency reform, but it listened to a great many valuable suggestions, which, in the present condition of public sentiment throughout the country, I do not doubt thoughtful and reflecting men would be willing to have laid before them. It also reported two important public bills which have passed this House.

Now, Mr. Speaker, the imputation that these hearings were devoted entirely to what is known as the Walker bill, like the other statements made by my friend from Iowa, savors very largely of romance. The truth is that the Walker bill occupied as little time in hearing as any other bill before the committee. I think we had four distinct bills before the committee. In the examination of the witnesses by the committee each bill was taken up separately and subjected to an analysis. The opinion of the experts present was asked as to the merits of that particular bill.

Now, Mr. Speaker, the subject of banking and currency reform is an important one, one which will not down at the bidding of any man, even if he be the chairman of the Committee on Printing of this House. There is a widespread and rapidly increasing public interest in the subject, and we have an increasing demand for correct information upon it. It will be observed that the Comptroller of the Currency, whom I deem to be a gentleman of considerable attainment in banking and currency matters, was before this committee and was heard at length, various questions being propounded to him both by the gentlemen of the committee who agree with him and the gentlemen who disagree with him in his views. In my humble judgment the opinion of the Comptroller as given upon his examination is worth dissemination. Among many others who were heard was Captain Royall, from Richmond, Va. He took in some particulars the opposite view of the currency question from that expressed by Comptroller Eckels, and while I can not agree with him in the opinions he expressed, I nevertheless recognize the fact that it was a very intelligent expression of opinion in favor of the repeal of the 10 per cent tax on State-bank circulation and the revival of State banks of issue. Men of all grades of opinion on the subject of banking and currency were heard. They were subjected to rigid cross-examinations, and the information elicited will certainly be of benefit to the people by adding to the general fund of the public information if published.

This Congress has published too much trash, including, possibly, speeches delivered at various times by myself, to be justified at this time in refusing to the country a document so pregnant for good as the document now sought to be published. I can say that I have myself received, since the Committee on Banking and Currency has had these hearings, not less than twenty-five or thirty requests from various sections of the country, purporting to come from gentlemen of intelligence who take a deep interest in the subject, for copies of these hearings when published. I understand that the amount involved in the publication is small, and I believe now that the House, if happily it be in its serious mood, can not afford to refuse the Committee on Banking and Currency permission to publish the document.

Mr. PERKINS. Can the gentleman from Indiana inform the House as to the amount of cost or expense involved?

Mr. JOHNSON of Indiana. I do not know what the cost will be, but when information is so valuable, if the cost is not very much, I think the House will be fully justified in making the publication. Can the gentleman enlighten the House as to the cost? He is a practical printer.

Mr. PERKINS. I think I can tell very closely.

Mr. JOHNSON of Indiana. Will the gentleman be kind enough to inform the House?

Mr. PERKINS. I think the expense will be from $3,500 to $4,000.

Mr. JOHNSON of Indiana. Why, Mr. Speaker, although not a practical printer myself, it seems to me that that opinion is simply ridiculous. I mean no discourtesy to the gentleman in saying it. [Laughter.]

Mr. PERKINS. Now, Mr. Speaker, permit me to add that I have not given my personal opinion only, but I have the opinion of the Public Printer, and the figures quoted to me by him were $4,000; and the gentleman's criticism——

Mr. JOHNSON of Indiana. The gentleman said $35,000.

Mr. PERKINS. No; I said $3,500 to $4,000.

Mr. JOHNSON of Indiana. No; the gentleman said $35,000. [Cries of "No, he did not!"]

Mr. JOHNSON of Indiana. Very well.

Mr. PERKINS. The gentleman from Indiana may be a better authority on this subject than the Public Printer, but for one I prefer taking the Public Printer's judgment.

Mr. JOHNSON of Indiana. The gentleman said in his opinion it would cost $35,000. That was an inadvertence, no doubt. I am only a better judge than the Public Printer in the event that he said the cost would be $35,000.

Mr. PERKINS. No; not an inadvertence. I said $3,500. I want to ask the gentleman one other question, whether or no, in

the Committee on Banking and Currency, the resolution here presented was favorably acted upon?

Mr. JOHNSON of Indiana. Mr. Speaker, I was absent from one or two meetings, including the last one, when this matter would have been most likely to come up, so that I am not able to answer the question, but, from various things that occurred around the table during the investigation, I know it was always expected that these hearings would be published.

Mr. PERKINS. Well, I know, Mr. Speaker, that there has been considerable difference of opinion in the Committee on Banking and Currency as to the value of this investigation. I am not here to mention the names of members who have spoken to me about it, but my understanding is that the committee has never taken any action on the subject.

Mr. CUMMINGS. Mr. Speaker, did I understand the gentleman from Indiana to say that the proceedings of the Committee on Banking and Currency were entirely harmonious?

Mr. JOHNSON of Indiana. The gentleman should have understood me to say there was no more friction in the Committee on Banking and Currency than would naturally be expected among gentlemen who view the banking and currency question from independent standpoints and who are possessed of some tenacity of opinion. There has been only that kind of friction which always generates truth.

Mr. CUMMINGS. Then I would like to ask the gentleman if his colleague on the committee, the gentleman from Tennessee [Mr. COX], agrees with him in that opinion?

Mr. JOHNSON of Indiana. Mr. Speaker, I am utterly unable to answer as to the mental condition of my friend from Tennessee. [Laughter.]

Mr. BRUMM. Mr. Speaker, I wish to make a motion. It seems from what is disclosed here that the Committee on Banking and Currency have never acted on this matter, and I therefore move that it be referred to the committee so that they can give us a report upon it.

Mr. JOHNSON of Indiana. That would be an entirely useless course.

Mr. COX. Mr. Speaker, let me give you the state of facts that exists in that committee.

A MEMBER. Don't! [Laughter.]

Mr. COX. There is one bill in that committee that was presented by the chairman, the gentleman from Massachusetts, and all of the hearings that go on in the committee unless they accord with his views of the matter——

The SPEAKER. The gentleman is not permitted to state what occurred in the committee except in so far as it relates to the action taken. That having been brought in question, may, the Chair supposes, be discussed.

Mr. COX. Well, there has been no action of the committee. [Laughter.]

Mr. BRUMM. Then let us refer it to the committee for action.

Mr. COX. Now, the effort is to publish a lot of hearings with all sorts of ideas and all sorts of theories; and let me call your attention to the fact that the same thing was done in a Congress preceding this, and those hearings are all printed in book form. Now, I do not want to antagonize the chairman of the committee, but the trouble with that committee——

Mr. STEELE. Do not speak of your troubles. [Laughter.]

Mr. BARRETT. We all have them. [Laughter.]

Mr. COX. Well, I will not go into that; but I see the situation exactly.

Mr. JOHNSON of Indiana. If the gentleman sees the situation exactly, it is quite a departure from his usual mental operations. [Laughter.]

Mr. COX. If I saw the situation as you see it, I would not pursue the course you have taken. [Laughter.]

Now, Mr. Speaker, putting aside frivolity, what is going to be accomplished by publishing these hearings? What is to be gained? They are all published already. They are all in the reports of a preceding Congress. Of course you find a new man here and there; you find a State-bank man; you find a gold-bug man; you find a man in favor of amending the national banking law. We have had them all there. But why incur the expense of publishing these hearings when they are already published? Mr. Speaker, the thing I regret most about this is that you can not see the situation of things in that committee as it is. [Laughter.]

Mr. HYDE. Let me ask the gentleman if his committee has reported any bill to amend the banking and coinage laws?

Mr. COX. We have brought one bill in here by a hard rub, and——

Mr. HYDE. I ought to know, but I do not.

Mr. COX. We have brought in only two bills from that committee. One is to permit the banks to take out circulation to the par value of the bonds——

Mr. HYDE. I know of that.

Mr. COX. And the other is to allow banks to be organized on a capital stock of $25,000.

Mr. JOHNSON of Indiana. Both of which propositions were opposed by the gentleman from Tennessee.

Mr. COX. Now, that is not the truth.

Mr. JOHNSON of Indiana. Well, Mr. Speaker, I hope I shall not have to appeal to the Chair for protection. The gentleman's language is unparliamentary. [Laughter.]

Mr. COX. Oh, well, if it is I will take it back. [Laughter.]

Mr. HYDE. Have the committee reported any bill to revise the financial system of the country?

Mr. COX. No; and you will never get it out of that committee. [Laughter.]

Mr. HYDE. Why have they not reported such a bill?

Mr. COX. How can you get such a bill reported when there are not two men on the committee who will agree on any proposition? [Laughter.]

Mr. HYDE. That is what I want to find out.

Mr. JOHNSON of Indiana. If the gentleman desires a serious answer to his question, I will tell him that there are two men, and more than two men, on the committee who can agree upon a proposition.

Mr. HYDE. I do want a serious answer. I want to know how it is that, with all these hearings, you have not been able in that committee to formulate a bill to revise the financial system of the country?

Mr. JOHNSON of Indiana. Mr. Speaker, the whole investigation so far has been largely educational; but does the gentleman believe that in the present state of opinion upon the subject any bill for a general revision of the banking and currency laws would receive consideration in this House?

Mr. HYDE. I do not think that relieves the committee of their duty at all.

Mr. JOHNSON of Indiana. But the committee can not be expected to attempt that which would be unavailing.

The SPEAKER. The gentleman from Tennessee [Mr. COX] has the floor at present.

Mr. COX. I want to reply to a remark made by my friend here. That committee, as at present constituted, can never agree on any kind of a reform bill. We might just as well recognize that fact.

Mr. PERKINS. It would only be necessary to go through the hearings to ascertain that fact. [Laughter.]

Mr. HYDE. I believe, all the same, that the country would like to have these hearings.

Mr. COX. In my view, they will not be worth a cent.

Mr. WALKER of Massachusetts. Mr. Speaker, the chairman of the Committee on Printing has seen fit to criticise quite sharply the Banking and Currency Committee, and myself particularly, and to reveal to the House what he says has transpired in the committee—its action in the committee room. I want to be allowed by the House to say this, that I have occupied the time of the committee on the bill drawn by me not over two hours directly in the last two years. I want to say, furthermore, that the bill which I have drawn I drew because I felt I owed it to this House and to the country to do the best I could in the matter. Moreover, I challenge the chairman of the Committee on Printing, or any other man in this country, to find any word of mine in any letter, interview, or public speech in which I have ever said anything other than this, that I have done the best I could in the bill I have drawn. And I would never have shown any disposition to press that bill, little as I have, if any man had taken it upon himself to submit to the committee any bill which would be a solution of the financial difficulties with which the Banking and Currency Committee has been struggling. I wish to say, further, that there has been as much or more time spent by the author of every other bill in that committee—more time of the committee taken by the author of many other bills—than I have occupied upon mine.

Let me add that no committee of any legislative body [illegible] the world has ever been called upon to struggle with [illegible] intricate or serious situation, or been called upon to [illegible] problem pregnant with any more difficulties in connection with a financial situation, than this committee in this Congress and in previous Congresses has had to struggle with.

Let me say further that no committee has ever worked any harder, or been any more industrious, conscientious, individually or collectively, in studying these problems. Again, no committee charged with the solution of any problems approaching this in difficulty has ever made any more progress in the same time than this committee has made during these two years. And they have now reached a point where within a few weeks they might have presented some practical solution of the difficulty.

We have no apologies to make to the chairman of the Committee on Printing, to this House, or to the country for not bringing to pass any greater results than have been brought to pass under the difficulties disclosed to us. They have no apologies to make as to the intelligence with which in the investigation of this question they have pursued the study of these problems and difficulties.

These hearings, instead of being a repetition of the hearings of the Fifty-third Congress, as has been said, have not proceeded at all on the lines of the hearings of that Congress. The line of investigation, in many respects, has been new and original. The hearings contain such valuable matter that I am constantly being written to to furnish parts of these hearings on lines which have been developed before the country. Such applications have been made by investigators, students of political economy, college professors, financiers, farmers, and wage earners all over the country. The 2,000 copies of these hearings already printed will not last thirty days.

Now, I have simply done my duty to the House in this matter. It is utterly indifferent to me whether these hearings be published or not—absolutely indifferent to me personally or as a member of this Congress. But I have felt it my duty to try to satisfy the people who have been writing and will write the committee for these hearings. Having said and done what I have, I have nothing further to offer.

The question being taken on agreeing to the resolution, it was agreed to; there being on a division (asked for by Mr. PERKINS)—ayes 52, noes 19.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ORDER OF BUSINESS.

Mr. DALZELL. I renew the motion to take a recess until 3 o'clock.

INTERNATIONAL AMERICAN BANK.

Mr. CALDERHEAD, by unanimous consent, presented the views of a minority of the Committee on Banking and Currency on the bill (H. R. 875) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank; which were ordered to be printed, and referred to the House Calendar.

Mr. BLUE. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. DALZELL] for a recess.

BEQUEST OF PETER VON ESSEN.

Mr. RICHARDSON. I hope the call for the regular order may be withdrawn for a moment in order that I may ask unanimous consent for the consideration of a public bill.

Mr. BLUE. I withdraw the call temporarily.

Mr. RICHARDSON. I ask unanimous consent for the present consideration of the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and required to accept the bequest of $12,057.24 bequeathed by the will of the late Peter Von Essen to the late corporation of Georgetown for the use of the free white schools of said town, and which sum has been decreed to be turned over to said Commissioners, as the successors of the said corporation, by the supreme court of the District of Columbia in equity cause No. 5238; and that said Commissioners be, and they are hereby, required to distribute the said funds among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship.

Mr. RICHARDSON. I trust I may be permitted to make a brief statement. Peter Von Essen died in Georgetown in 1856, having previously made a will in which, after giving some annuities to a son and a grandson, he bequeathed the residue of his estate to Georgetown for "the free white schools of that city." The bequest was peculiar, because, as a fact, there was no such corporation, no such legal entity as the "free white schools of Georgetown." But such were the terms of the bequest. After several years of litigation in the courts in respect to this will, the money was turned over to the Commissioners of the District of Columbia. After the litigation was over and after the annuities had been paid to the son and grandson, there was left, as appears in the bill, about $12,000.

Mr. Speaker, there are no free white schools in the city of Georgetown to take this money. If the money is to be turned over to Georgetown, or the District of Columbia, it would necessarily go into the Treasury of the United States, to be paid out as all other money, and of course contrary to the express terms of the bequest. The object of the testator was to benefit certain schools which he called the free white schools of Georgetown. There was no public school law, as I understand it, at that time existing in Georgetown; and the schools were supported mainly by private contributions. This was commendable in Mr. Von Essen. But the conditions are all changed now in respect to schools in Georgetown.

In view of the fact that Congress will be compelled to take some action in reference to this matter to dispose of the money finally, I think we ought to give it to the descendants of this testator, Peter Von Essen, who I understand are very poor, rather than to apply it in a manner not contemplated by the testator. There is a petition on file with the District Committee, signed by several hundred people of Georgetown, which petition is set forth in the report, stating that they are acquainted with the descendants of Peter Von Essen, that they are very poor people and worthy, and have no other estate. And it seems to me that Congress should not hesitate for a moment to turn the fund over to the poor children or descendants of this old man rather than to put it into the Treasury to be expended in a general way for the debts and expenses of the Government. Certainly the object and intent of the testator would not be carried out by making that disposition of it. And while it may be said that it would not be carried out by giving it to his children or descendants, yet at the same time it would be fairer and more equitable and would seem to be a more just distribution of it than to apply it in the other way.

Mr. DOLLIVER. How much money is involved?

Mr. RICHARDSON. The amount is $12,057.24.

The District Committee, I will say, have considered the bill and reported it unanimously. This is a Senate bill, which was reported unanimously in the Senate and passed by that body.

Mr. BRODERICK. How would this be divided? Does the bill provide?

Mr. RICHARDSON. It provides that it shall be paid by the Commissioners of the District of Columbia to the children of Peter Von Essen share and share alike—dividing it equally between them.

Mr. CLARDY. Is it proposed to be turned over for the purpose of educating these poor children or for general purposes?

Mr. RICHARDSON. It will be turned over for general purposes.

Mr. CLARDY (continuing). Would it not be more in accordance with the will of the testator to turn it over for their education?

Mr. RICHARDSON. Well, that would hardly be practicable.

Mr. MILES. I would suggest to the gentleman that these "poor children" are at least 30 years of age by this time.

Mr. RICHARDSON. I do not know what their ages are. I spoke of them as children. I mean they are the descendants of old Peter Von Essen. One of them, I understand, is driving a street car in this city. I have no personal acquaintance with any of them.

Mr. CLARDY. Some of them must be children.

Mr. RICHARDSON. Oh, no; I presume not. They are grown. I never saw them, however, and do not speak from personal knowledge.

Mr. MILNES. As I understand it, this money is held by the District Commissioners?

Mr. RICHARDSON. Yes, sir; in some kind of trust capacity.

Mr. MILNES. And can not be disposed of without the action of Congress?

Mr. RICHARDSON. I have so attempted to state. Unless Congress takes action upon the matter, I do not see any way of disposing of it. If, however, we are to make any disposition of it, I think it should go to the children or descendants rather than into the general fund of the United States, as I have stated.

Mr. DALZELL. How did this money get into the hands of the District Commissioners?

Mr. RICHARDSON. It was turned over to them by the trustee or executor of the estate. It was paid over in what was supposed to be the execution of the will of the testator.

Mr. DALZELL. For the use of a certain charity named in the will?

Mr. RICHARDSON. Yes, sir; as I have explained.

Mr. DALZELL. And I understand that that charity does not now exist?

Mr. RICHARDSON. I understand that it does not exist, and perhaps never did exist in the manner described in the will of Von Essen.

Mr. DALZELL. I was going to ask the gentleman whether it ever did exist.

Mr. RICHARDSON. I do not think it ever did.

Mr. BRODERICK. And the will has been treated as void for uncertainty?

Mr. RICHARDSON. It was so uncertain that the Commissioners have not known what to do with the money, and they have held it in trust, as I understand it, ever since.

Mr. BRODERICK. Has it ever been in question in the courts?

Mr. RICHARDSON. Yes; there was a construction of it in some way by the District courts, and the District courts directed the payment of the money to the Commissioners.

Mr. HEPBURN. Why not introduce legislation that will enable the Commissioners to carry out the will of the testator? Why not appropriate this money to the schools of that section of the District?

Mr. RICHARDSON. Well, I will state in reply to that appropriate question that the answer to it is that we can not carry out the will of the testator, because he directed this money to be given to the free white schools of Georgetown.

Mr. HEPBURN. Well, there are schools of that charcter, are there not—free white schools—in Georgetown?

Mr. RICHARDSON. There are schools in Georgetown to which only white children are admitted.

Mr. HEPBURN. That is what I mean.

Mr. RICHARDSON. I think so.

Mr. HEPBURN. And they are public schools, and they are free to the children of the District. Why not appropriate this money as the testator desired to have it appropriated?

Mr. MILNES. The courts have decided, have they not, that there was no such corporation to turn it over to?

Mr. RICHARDSON. So I understand. And the courts have held that they could not give it to the free white schools of Georgetown, because there was no such entity to receive it; therefore it was turned over to the Commissioners.

Mr. MILES. It is perfectly plain that that will is void for uncertainty.

Mr. RICHARDSON. It looks so to me, because of the inability to carry out the will strictly.

Mr. BARHAM. Why not give it to the heirs at law?

Mr. RICHARDSON. That is what we want to do.

Mr. BARHAM. Why did not the courts give that instruction? Why did not the court instruct them to pay it out?

Mr. RICHARDSON. The court did not give any instruction, as I understand it, as to the final disposition of the money. These are the facts as the committee have them. We do not believe it would be a proper thing for Congress to attempt to assist the testator in making a will which would give the money to the free white schools of Georgetown. The schools of Georgetown are taken care of as all other schools in the District are cared for. There is no separate appropriation for the free white schools, or for the schools of Georgetown now, but they are taken care of in the District of Columbia appropriation bill as a part of the great school system of the District of Columbia. They do not need this appropriation, and if Congress is to supplement the will at all, I think it is equitable to supplement it by giving the money to the descendants of this man.

Mr. LOUD. Why can not these heirs sue and recover, if the will is void? The gentleman says the will is void.

Mr. RICHARDSON. I think there was some adjudication in the courts which prevented the Commissioners from paying the money over.

Mr. LOUD. It seems to me we are disposing of this money today without sufficient evidence, and if we do so, these heirs may sue and eventually recover. Then we shall have to reimburse.

Mr. RICHARDSON. Oh, no. The heirs join in the petition for relief under this bill. I wish to have published, as a part of my remarks, the petition in this case asking for this very legislation.

Mr. LOUD. They may be the heirs and they may not. That has not been adjudicated, has it?

Mr. RICHARDSON. There is no controversy about the heirs.

Mr. LOUD. There is no occasion for a controversy here.

Mr. RICHARDSON. Well, there never has been. Those are the facts, Mr. Speaker. I have no interest in it one way or the other, but it does occur to me that the children ought to have the money, rather than that it should go to the plethoric treasury of the District of Columbia. These people are proven to be very poor.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. RICHARDSON. I desire to have printed as a part of my remarks the report, which is the same as the report of the Senate.

The SPEAKER. Without objection, the report will be printed as part of the remarks of the gentleman from Tennessee [Mr. RICHARDSON].

There was no objection.

The report is as follows:

The Committee on the District of Columbia have considered the bill (H. R. 8098) authorizing and requiring the District Commissioners to pay the funds of the estate of Peter Von Essen, deceased, to his heirs and distributees, and report a substitute therefor which they recommend do pass.

The committee find that the bill for the relief of the persons named has been favorably reported by the Senate Committee on the District of Columbia. The object of this bill is the same as House bill 8098. The committee recommend, therefore, that the bill, as reported by the Senate Committee on the District of Columbia be reported as a substitute for House bill 8098, and that same do pass. The committee recommend that House bill 8098 lie on the table.

The facts in the case are clearly set forth in Senate Report No. 1383 of the present session, made on the bill reported as the substitute above mentioned. This report is adopted by your committee as their report, and is as follows:

"The Committee on the District of Columbia, to whom was referred the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, make a favorable report on the same as amended.

"The history of the schools in Georgetown shows that for sixty years after the settlement of that town there was no provision for public instruction of boys and girls. In June, 1811, the people of Georgetown, by private contributions, founded a school on the Lancastrian system; and from that time on these private benevolences were both recognized by the corporation and were supplemented from its treasury. The progress, however, was not rapid, and but for the help of individuals of public spirit (such as George Peabody and W. W. Corcoran) there would have been breaks in the continuity of the free schools. It was not until June 16, 1871, that the Georgetown schools were put upon a solid basis by the appointment of a board of trustees, and in 1874 they became a part of the school system of the District of Columbia.

"It was during the days of poverty and struggle on the part of the public schools of Georgetown that Peter Von Essen died, leaving some small annuities to his daughter and granddaughter and giving his fortune to the free white public schools of that town. At the time of his death he was supposed to be a wealthy man, but the amount of the bequest turned out to be less than $13,000. He had two children, a son, John Peter, jr., and a daughter, Harriet, who married Francis Essex.

"It appears that the son was dissipated and that Mr. Von Essen willed his property to his grandson, Francis Von Essen Essex, and cut his son off with an annuity. The son thereupon made way with the will and made it appear that the wife of the grandson was the guilty party. The trustees of the schools (who were the witnesses to the will) were to receive the property, which was charged with two small annuities that ceased with the death of the grandson.

"This grandson left four children, the youngest being 3 years old. They were cared for by their grandmother, then over 70 years old. The heirs brought suit, but the court held that the bequest was legal, and in 1888 the sum of $12,057.24 was paid into the United States Treasury to the credit of the District of Columbia as the successor of the city of Georgetown. The Commissioners, however, are at present without authority to use this money as provided for in the bequest, and such authority must be granted by Congress.

"Meantime the conditions have so changed that it is impossible to carry out the intentions of the testator. The schools of Georgetown (now without corporate existence) are well provided for by annual appropriation; and hence there is no need of this small bequest. On the other hand, the three living descendants of Peter Von Essen are in such circumstances that the division of the money among them would be simply an act of justice. The Government having provided to carry out the purposes for which the bequest was made, may properly provide for a distribution of the money among the heirs of the testator; and especially is this just, inasmuch as legislation is necessary in any event.

"The heirs of Peter Von Essen are: Stephen E. Essex, born June 27, 1866; Harriet C. Essex, born July 22, 1868; Francis B. Essex, born January 5, 1873. Stephen E. Essex is now employed as a teamster, as appears below:

"WASHINGTON, D. C., *January 1, 1897.*

"I hereby certify that Stephen Essex is at present employed by me as a teamster, and has been in my employ for the last six years. I pay him $7.50 per week. He is a sober, industrious, deserving man. I have known him all his life, and I believe I can safely say he has never been known to drink any intoxicating liquor. He has a wife and four small children, and he certainly tries his very best to maintain them. I know him to be the grandson of the late Peter Von Essen.

"Respectfully,
W. H. GASKINS,
"1006 Thirty-second street NW.

"Francis B. Essex is a mechanic in the employ of Messrs. Wimsatt & Uhler, builders and dealers in marine hardware, Seventh and K streets SW., as appears from the following letter:

"WASHINGTON, D. C., *January 2, 1897.*

"GENTLEMEN: The bearer of this, Frank Essex, a grandson of the late Peter Von Essen, has been in our employ for nearly seven years; is an industrious, sober, and reliable young man, a good mechanic, and we can and do cheerfully recommend him for favorable consideration by your honorable body in his application before Congress.

"Respectfully,
WIMSATT & UHLER.

"The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

"The people of Georgetown have signified their desires in the matter in the following petition:

"GEORGETOWN, D. C., *December 31, 1896.*

"The Board of Commissioners for the District of Columbia:

"DEAR SIRS: We, the undersigned residents of that part of the District of Columbia called Georgetown, do ask your honorable body to consider the equity side of the John Peter Von Essen case.

"We protest against the District of Columbia becoming the beneficiary [illegible] the residuum of the John Peter Von Essen estate, because the schools [illegible] Georgetown, as well as other parts of the District of Columbia, are amply provided for in the more than a million and a half annually appropriated [illegible] Congress (half of which comes from the General Government) while [illegible] heirs are poor and need the money.

"The $12,000 asked for in your bill now pending in Congress would be bu[illegible] drop in the big bucket of the United States Treasury, but for the hei[illegible] would be a godsend and establish them for life; moreover, we be[illegible] would be bad to establish a precedent of making the public schools ob[illegible] of charity.

"We ask your honorable body to bear in mind the changed condi[illegible]

"1. When the will was made, the schools of Georgetown were su[illegible] for the most part by private contributions; now they are generou[illegible] provided for by public appropriations.

"2. The corporation of Georgetown does not exist; [illegible] are not private; the small sum left of the large estate of thirty [illegible] ago makes it impossible to carry out the intent of the letter of the [illegible]

"3. In 1866 the son of John Peter Von Essen [illegible] dissipated and untrustworthy, while your claimants, descended throug[illegible] his daughter, are sober, honest, and hard-working poor people.

"We trust that your honorable board will see your way clear to withdraw your bill, waiving the legal points in order to decide on the side of justice and equity.

"Respectfully, yours,

"Benj. F. Harper, 3310 M street NW.; Robert Benner, 3310 M street NW.; W. H. Harrison, [illegible] Thirty-second NW.; Frank Tennyson, corner Thirty-fourth and O streets NW.; Thomas Blackman, 3326 M street NW.; John Caton, 1806 Thirty-fifth street; Curtis M. Smith, 1411 Thirty-third street; Smith Bro. & Co., 3227 Water street; Ice Mfg. Co.; J. E. Thompson, 1627 Thirty-fourth street NW.; E. T. Simpson, 3338 M street NW.; Albert Peacock, 1234 Twenty-eighth street NW.; O. T. Gladmon, 1210 Twenty-eighth street NW.; F. J. Kohler, 2805 Ohio avenue NW.; J. T. Smith, Twenty-eighth and M streets; F. J. Buckley, 2803 M street; James Hartley, Twenty-eighth and M streets; G. B. Sullivan, 2857 N street; Geo. M. D. Gory, 1216 Twenty-eighth street; F. H. Connolly, 1224 Twenty-eighth street; E. B. Walmer, [illegible] Thirtieth street; G. R. Hollingsworth, 1050 Thirtieth street; Charles Burns, 3214 P street; Michael V. Moran, [illegible] M street; Chas. W. Kirkley, 1626 Thirty-second street;

John H. Jackson, 3009 M street; T. B. Goodwin, 1239 Thirty-first street NW.; W. H. Hunter, 1228 Twenty-ninth street NW.; Chas. H. Johnson, 3045 M street; Eugene L. Morgan, 3069 M street; Lee Mockbee, 3042 P street NW.; W. S. Williams, K street, Georgetown; Maurice M. Ball, 3310 M street NW.; J. W. Coon, 1311 Thirty-second street; R. P. Shelton, 3408 O street; J. F. Gladmon, 1310 Thirty-fourth street NW.; James H. Homes, 1310 Thirty-fourth street NW., S. R. Gladmon, 1320 Thirty-fourth NW.; H. M. Glee, 1208 Thirty-third NW.; John M. White, 1415 Thirty-second street NW.; William Elliot, 3310 M street NW.; Michael Dougherty, 3328 M street NW., S. H. Gladmon, 1210 Twenty-eighth NW.; George T. Harper, 3255 K street NW.; Chas. E. Edwards, Woodley lane, D. C., J. A. McCarthy, 3235 M NW.; Robt. B. Tenney, 3108 Second street NW.; Samuel T. Howard, M street Market; Thos. J. Cross, 3220 N street, W. E. Reynolds, 3272 M NW.; I. H. Veirs, 3218 M NW.; C. E. Waters, 3340 R NW., Jno. R. Lang & Bro., 3206 M; Wm. H. Lang, 1062 Thirty-second street; Matogue Jones, 3130 M street NW.; Wm. V. Lewis, 3114 O street; Jno. T. West, 3140 M street; T. A. Newman, 3136 M street; B. Nordlinger, 3130 M street, A. Baer, 3128 M street, Geo. Freeman, 1422 Thirty-second street; M. C. Mitchell, 3100 M street NW.; J. A. Oliver, 3228 N street NW.; Levin S. Frey, 3100 P street N. W.; Edgar P. Berry, 3068 W street; Paul R. Graham, 3068 Q street; S. Thomas Brown, 2403 P street NW., Joseph F. Birch's Sons, 3034 M street NW.; H. Sommers & Son, 3048 and 3050 M street NW.; W. Nordlinger, 3100 M street NW.; W. F. Gibbons, 3135 M street NW.; R. P. Wadley, 3150 M street NW.; Mayfield & Brown, 3147 M street NW.; W. K. Grimes, 1531 Thirty-second street NW.; S. M. Saulsheimer, 3151 M street; H. P. Gettrel, 3100 P street; W. T. Weaver, 1298 Thirty-second street; Cropley & Boteler, 3213 M street; Charles B. Cropley, 3213 M street, H. G. & J. E. Wagner, 3221 M street; H. O. Wagner, 3116 Dumbarton avenue; John T. Core, jr., 3270 M street, C. G. Beckett, 3252 M street; Geo. W. Wise, 2910 M street NW.; M. F. Burrows, 3229 M NW.; W. D. Brace, 3229 M street NW.; Maurice Baer, 3157 M street NW.; G. W. Offutt, 3211 M street NW.; George Timper, 3245 M street; F. Y. Offutt, 3291 M street NW.; I. W. Ritchie, 3230 N street; J. W. Hunter, John Dugan, M. A. Dugan, 3340 N street NW.; F. Darne Bro., 3101 M street; Wm. H. Rackey, 3721 M street NW.; J. E. Dyer & Co., 3330 M street, J. J. Cook, 3256 M street NW.; H. A. Garrett, 3413 N street NW.; James O. Caton & Sons, 1050 West Market Space; Dennis T. Keady, 3316 M street NW.; Houser & Co., 3316 M street NW.; D. F. Hunnbertt, 1228 Thirty-first street NW.; Thos. J. Biggins, 3275 M street NW.; John McKenna, 1112 Thirty-fourth street, Carl Haneke, 3321 Olive avenue; D. I. Offutt, 1522 Thirty-third street; James Clarence Burch, 1511 Twenty-eighth street.

"Other correspondence is as follows:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, October 5, 1888.*

"The undersigned, Commissioners of the District of Columbia, hereby acknowledge the receipt from Charles M. Matthews, trustee appointed by the supreme court of the District of Columbia in equity cause No. 5258, equity docket 18, William King et al. *vs.* Francis N. Essex, of the sum of $12,307.24, being in full of the amount found due by a decree made in said cause on account of the legacy in favor of the free white schools of Georgetown, contained in the last will and testament of Peter Von Essen, late of the town of Georgetown, in said District, deceased, such payment being made in accordance with the terms of said decree and in discharge of said trustee of all past and future responsibility on account thereof.

"WILLIAM B. WEBB,
"SAML. E. WHEATLEY,
"CHAS. W. RAYMOND,
"*Commissioners District of Columbia.*

"OFFICE ATTORNEY OF THE DISTRICT OF COLUMBIA,
"*Washington, April 17, 1896.*

"GENTLEMEN: Agreeably to your request, I have examined House bill 868 (Fifty-fourth Congress, first session), for the relief of the heirs of Peter Von Essen, deceased, which you referred to me for examination and report.

"In 1876 William King, surviving executor of the last will and testament of Peter Von Essen, who died in Georgetown in 1846, filed a bill on the equity side of the supreme court of the District of Columbia (No. 5258) against the (then) surviving heirs and distributees for a construction of the bequests in said will for the benefit of the free white schools of Georgetown. The bill in the equity cause above referred to alleges that the heirs of Peter Von Essen were a grandson, Francis Von Essen Essex, and a son, John P. Essen, who is alleged to have died intestate and without issue.

"I have no doubt the persons named in the bill H. R. 868 are the heirs and distributees of Peter Von Essen, deceased.

"The bill 868 is herewith returned.

"Very respectfully,

S. T. THOMAS,
"*Attorney District of Columbia.*

"The COMMISSIONERS, etc."

The bill was passed.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BLUE. I renew my request for the regular order.

The SPEAKER. The gentleman from Kansas [Mr. BLUE] demands the regular order. The gentleman from Georgia [Mr. BARTLETT] has notified the Chair that he has an election case, which will be in order.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

Joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America;

Joint resolution (H. Res. No. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States;

A bill (H. R. 9703) to provide for light-houses and other aids to navigation;

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi;

A bill (S. 2886) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown; and

A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement.

CONTESTED-ELECTION CASE—WATSON AGAINST BLACK.

Mr. BARTLETT of Georgia. Mr. Speaker, by direction of Committee on Elections No. 1, I call up the contested election case of Watson against Black, and move the adoption of the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That Thomas E. Watson was not elected a member of the Fifty-fourth Congress, and is therefore not entitled to the seat therein.

Resolved, That James C. C. Black was elected a member of the Fifty-fourth Congress, and is therefore entitled to the seat therein.

Mr. BARTLETT of Georgia. Mr. Speaker, this is a unanimous report of the committee, and by direction of the committee, I call up the resolutions and ask that they be adopted.

The question was taken; and the resolutions were adopted.

On motion of Mr. BARTLETT of Georgia, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

RECESS.

Mr. ALDRICH of Illinois. Mr. Speaker, I call up the unfinished business.

Mr. DOCKERY. I move that the House take a recess until half past 3.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 72, noes 33.

So the motion was agreed to; and accordingly (at 2 o'clock and 25 minutes p. m.) the House was declared in recess until 3 o'clock and 30 minutes p. m.

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 30 minutes p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations of the District of Columbia, with amendments in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

A further message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with amendments in which the concurrence of the House was requested.

FORTIFICATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the fortification bill and ask for a conference.

Mr. HOPKINS of Illinois. Mr. Speaker, has that been considered at all?

Mr. GROUT. No, sir.

The SPEAKER. The Clerk will read the amendments.

Mr. GROUT. I will say to the gentleman that the only way, if we expect to get these several appropriation bills through in these two remaining days, is to put them into committee of conference.

Mr. HOPKINS of Illinois. That is the same old story——

Mr. GROUT (continuing). And to put them into conference at once.

Mr. HOPKINS of Illinois (continuing). Without even a variation.

The SPEAKER. The Clerk will read the amendments.

Mr. GROUT. The amendments are not very numerous, and perhaps you will want to agree to them.

The amendments of the Senate were read.

Mr. HOPKINS of Illinois. Mr. Speaker, I would like to ask the gentleman in charge of the bill what item it is that is increased to $600,000?

Mr. GROUT. I can not tell the gentleman this moment without an examination of the bill. Perhaps the Clerk can turn to that part of the bill and let us know what it is.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

For coast defense guns of 8, 10, and 12 inch caliber, manufactured by contract under the provisions of the fortification act approved August 18, 1890, and of February 24, 1891, $175,184, with the following amendment: Strike out "$175,184" and insert "$600,000."

Mr. GROUT. Now, the gentleman will see that he does not want to agree to that amendment offhand.

Mr. HOPKINS of Illinois. I do not say that I want to agree to it offhand, but I simply wanted to know something about it before the request of the gentleman should be granted.

Mr. GROUT. It is safe to nonconcur at all times when Senate amendments are presented, and to let them go to a conference. Then if the conference committee bring in an agreement to some or all of the amendments, the House having agreed to nothing, we are at liberty to disagree to the report and instruct the conferees.

Mr. HOPKINS of Illinois. Not at all. There are some times when it is a great deal better for the House to take charge of the amendments than to permit a long conference and have the House delayed in the closing hours of the session.

Mr. GROUT. We shall make every effort to make an early report.

Mr. HOPKINS of Illinois. I have no objection.

The SPEAKER. The gentleman asks unanimous consent that the House nonconcur in the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

Accordingly, the Senate amendments were nonconcurred in, and the House agreed to ask for a conference; and the Speaker appointed as the conferees Mr. GROUT, Mr. HEMENWAY, and Mr. LIVINGSTON.

PAYMENT OF CERTAIN BONDS AND STOCKS OWNED BY THE UNITED STATES.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill (H. R. 10625) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund.

Be it enacted, etc., That whenever any State is in default in the payment of principal or interest on any bonds or stocks issued or guaranteed by such State, the ownership of which is vested in the United States, the Secretary of the Treasury be, and he is hereby, authorized and directed to institute any action or proceeding which he may consider advisable against such State or its representatives to secure the payment of the principal and interest of said bonds or stocks: *Provided*, That the Secretary of the Treasury, instead of instituting actions or proceedings against any State in default, may sell said bonds or stocks with all interest due thereon at the highest price which he can obtain therefor, or he may compromise the indebtedness of any State on such bonds or stocks, such proposed sale or compromise to be first approved by the Attorney-General and the Secretary of the Interior.

Mr. WASHINGTON. Mr. Speaker, I would like to ask how this bill comes before the House?

The SPEAKER. On a motion to suspend the rules. Does the gentleman demand a second?

Mr. WASHINGTON. I demand a second.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. WASHINGTON. I shall have to object to that.

The SPEAKER. Objection is made. The gentleman from New York [Mr. SHERMAN] and the gentleman from Tennessee [Mr. WASHINGTON] will take their places as tellers.

The House divided, and tellers reported.

Mr. WASHINGTON. I withdraw the demand for a second.

The SPEAKER. The gentleman withdraws the demand for a second, but it has been ordered by the House. The Chair understands the gentleman does not desire to withdraw the claim for discussion. Perhaps the best way is to announce that the House has decided, by ayes 67, noes 34, to order a second.

Mr. McMILLIN. Mr. Speaker, Rule XXVIII, clause 2, provides that—

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

Now, a majority of the House has not yet seconded this demand.

Mr. WASHINGTON. I made the demand for a second, and after we had counted for some time, finding evidently that the other side had two to one, in order not to further obstruct business of the House, I had an understanding with the gentleman that we should have the usual debate, and on that I was willing to withdraw the demand and have the second considered as ordered.

The SPEAKER. Was it understood that there was to be a different time for debate from that which is allowed by the rule?

Mr. WASHINGTON. No; the usual debate, twenty minutes on a side.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] and the gentleman from Tennessee [Mr. WASHINGTON] will be recognized to control the time for and against.

Mr. SHERMAN. Mr. Speaker, I ask that the report upon this bill be read by the Clerk.

The report (by Mr. SHERMAN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10625) entitled "A bill to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund," report the same back to the House and recommend that it do pass.

In pursuance of a resolution of inquiry which passed the House on the 6th of June, 1896, the Secretary of the Treasury made a full report to the House on the 4th of February, 1897, which is House Document No. 263, second session, Fifty-fourth Congress, and by which it appears that there is due the United States from various States, by reason of the assumption by the United States of payment to the Indian trust funds of the amount heretofore invested in the bonds of the said several States, $2,075,466.66; that the United States has been paying to the several Indian tribes 5 per cent interest on these amounts for very many years.

The committee is informed that several of the States which have issued these bonds have heretofore compromised with other creditors and adjusted their debts, but there was no authority by which the United States could make any possible adjustment except receiving the face of the bonds and accrued interest.

The purpose of this bill is simply to authorize the Secretary of the Treasury to either collect the above amount, with the interest due thereon, or to sell the securities, or to compromise with the different States upon terms which shall be approved by the Attorney-General and Secretary of the Interior. The bill has been referred to the honorable the Secretary of the Treasury, and by him approved in the following letter:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., February 17, 1897.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing copy of a bill to authorize the Secretary of the Treasury to secure payment of certain State bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund, and requesting a report thereon.

"In reply, your attention is invited to Department letter dated February 4, 1897, reporting as to the condition of the State stocks and securities in question, in which the necessity for legislation by Congress, before the Secretary of the Treasury may be able to enforce collection or undertake a settlement thereof, is set forth.

"The proposed bill, if the same should become a law, will, it is believed, enable the Department to collect these moneys or dispose of these bonds advantageously to the Government, and I therefore urgently recommend its passage. The United States is and has for some time been advancing to the fund the interest on these bonds and stocks, and unless some active steps are taken may continue to do so indefinitely.

"Respectfully, yours,

"W. E. CURTIS, *Acting Secretary.*

"Hon. J. S. SHERMAN,
"*Chairman Committee on Indian Affairs,*
"*House of Representatives.*"

Mr. SHERMAN. Mr. Speaker, as appears by the report, the United States has from time to time invested money which it held in trust for various Indian tribes in bonds of the various States, and many of those have defaulted, and after default the United States assumed the debt, and from the time of that resumption to the present has been paying to these Indian tribes the interest thereon, so that up to the present time, besides the principal due to the United States on these bonds, it has advanced to these several Indian tribes hundreds of thousands of dollars in the way of interest. Several of the States have already, as gentlemen know, compromised with their creditors upon some basis or other but there was no provision by which the United States could compromise. It was forced to collect either the full amount of the bonds or nothing. One of the States, at least, Arkansas, has, under a law recently enacted, entered into negotiations with the United States, and the United States and the State of Arkansas have practically agreed upon terms adjusting their respective debts.

Mr. HEPBURN. Is it not true that under that [illegible] compromise, and under the arrangement that has been made, the entire indebtedness of the State of Arkansas to the Government for the original Smithsonian fund has been absorbed and wiped out; and has not that been done under just such a power of compromise and concession as the gentleman proposes in this bill?

Mr. SHERMAN. I understand, Mr. Chairman, that the proposed compromise with the State of Arkansas is for a sum very much less than the original face of the bonds. Whether it entirely wipes out the debt for the Smithsonian fund or not I do not know.

Mr. HEPBURN. I ask the gentleman if it is not true that under that compromise the United States becomes the debtor?

Mr. SHERMAN. Oh, no. Under that proposed compromise, as I understand it—and my friend from Iowa can perhaps correct me if I misstate it—the United States is to receive $160,000 in cash, and the respective claims of the State of Arkansas and of the United States (the State claiming that there is something due to it from the Government of the United States) are wiped out.

Mr. LACEY. One hundred and sixty thousand dollars in bonds, not in cash.

Mr. SHERMAN. One hundred and sixty thousand dollars in new bonds. But the compromise does not, as my friend from Iowa supposes, make the United States a debtor.

This bill authorizes the United States to bring actions against these several States upon their bonds in default, or it authorizes an official to negotiate with the several States and agree upon a settlement, which shall be effective only when approved by the heads of two Departments; or it authorizes further the sale of securities to some purchaser who may desire to take the position which the United States now has. It is a bill such as we do not often have here toward the close of a session, a bill designed to bring money into the Treasury rather than to take money out of the Treasury, and I trust that it will pass. I reserve the balance of my time.

Mr. WASHINGTON. Before the gentleman sits down, can he give the House a statement of the States concerned and the amounts claimed?

Mr. SHERMAN. Certainly. It is found upon page 5 of House Document No. 263 of the present Congress. A full statement is given in that document of the exact status of the debts and of what has been done with reference to adjusting them. The States concerned are Arkansas, Florida, Louisiana, the two Carolinas, Tennessee, and Virginia, and the total amount in default is two million and seventy-five thousand and some odd dollars. Does that answer the gentleman's question?

Mr. WASHINGTON. Yes; I wanted to get that information, as we have not before us the document to which the gentleman refers.

Mr. LACEY. I want to ask the gentleman a question. The title of this bill specifies that it relates to bonds and stocks held under an act of 1894, but the discussion has been in relation to bonds held under acts passed long before that time.

Mr. SHERMAN. Bonds and stocks held under that and prior acts.

Mr. LACEY. Well, is this title sufficiently descriptive?

Mr. SHERMAN. Perhaps not. Perhaps we should amend it.

Mr. COLSON. Does not the gentleman think that this bill should be amended so as to provide that these bonds, in case of sale, shall be sold at public sale? The bill does not so provide in terms.

Mr. SHERMAN. The bill does not so provide in terms, but it does provide for a sale under the direction of the Secretary of the Treasury.

Mr. COLSON. That is true; but, in view of the recent sales of bonds by the Government through the Secretary of the Treasury, I think this bill should be amended so as to provide for a public sale.

Mr. SHERMAN. Perhaps the gentleman is correct, although I do not think we should have any trouble along the lines of the controversy over the recent sale of bonds, as the question there was simply as to how much premium we should receive. I do not think there will be any trouble of that kind about these bonds. [Laughter.]

Mr. COLSON. Is this bill open to amendment?

Mr. SHERMAN. I suppose it is not, as I have moved to suspend the rules and pass the bill.

Mr. COLSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COLSON. Is it not permissible in any way to amend this bill?

The SPEAKER. It is not.

Mr. COLSON. Well, I think it is not wise to invest the Secretary of the Treasury with such discretionary power as this bill gives him. These bonds may be sold at private sale, as the bonds of the Government have been sold recently under the present Administration, when bonds worth 116 or 118 were sold for 104½.

Mr. JOHNSON of California. Mr. Speaker, a parliamentary inquiry. Is it admissible to offer an amendment to this bill at this time?

The SPEAKER. No amendment can be offered to the bill in its present position.

Mr. WASHINGTON. Mr. Speaker, this is a very important measure, too important, it seems to me, to be brought up at this time and put through the House under a suspension of the rules, with a chance for only twenty minutes' discussion on a side. It is impossible to arrive at anything like a comprehensive understanding of the scope of the bill with such a limited discussion. We can not tell how far it may go or to what it may lead. It may possibly involve lawsuits between the Federal Government and the various States. I think it very unwise to attempt to legislate in this manner at this late hour of the session.

It will be remembered, perhaps, by some that some ten days or two weeks ago a resolution which had passed the Senate was presented to this House for consideration, in the interests of a particular constituency by its Representatives, asking a settlement between that State and the United States Government, involving the very items mentioned in this bill now coming from the Committee on Indian Affairs. At that time we asked, however, one thing additional: That the claims which Tennessee has against the Government of the United States, and which she has maintained in such manner as she has been able to do for thirty years, might be taken into consideration as an offset against the bonds held as an Indian trust fund, and as an offset against such other claims as the Government of the United States may have against that constituency.

I do not think it is fair or just to legislate in such a manner as this, for one side only. Tennessee is not the only State involved in this question. As was stated by my friend from New York [Mr. SHERMAN], Louisiana, Arkansas, Virginia, and perhaps one or two other States are interested in this matter. Having hastily sent to the document room to procure Document No. 263, Fifty-fourth Congress, second session, I find it impossible to gather from these disjointed pages a concise statement of the amount of any of these debts. The House ought to understand this question before a bill of such importance as this is rushed through. It is true that it is not a Senate measure and there is very little chance of it passing at the other end of the Capitol before this Congress adjourns. But I think ample time ought to be given for the full consideration of the measure and an understanding of its magnitude.

In order that Representatives of other States interested in this matter may be heard, I will not consume further time, but will yield to other gentlemen. In the first place, I yield to my colleague [Mr. PATTERSON].

Mr. PATTERSON. I ask unanimous consent that this bill be amended by adding after the words in line 15 "that he may compromise the indebtedness of any State on such bonds or stocks" the words "or any claim of such State against the United States." I hope my friend from New York will make no objection to this amendment. It places the whole matter in a shape for adjustment.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] asks unanimous consent for the adoption of the amendment which the Clerk will read.

The Clerk read as follows:

After the word "stocks," in line 15, add "or any claim of such State against the United States."

The SPEAKER. Is there objection?

Mr. LACEY. I object.

Mr. WASHINGTON. I now yield four minutes to my colleague, Mr. MCMILLIN.

Mr. McMILLIN. Mr. Speaker, I believe that when the House understands the full significance of this bill, it will not consent to take it up and pass it without a recommendation of the Judiciary Committee, without being allowed the right to amend, and without even the right to debate the proposition for more than twenty minutes on each side.

Here is a proposition to authorize the institution of suits against five or six States of this Union upon important matters that we have not been able to settle for the last twenty-five years. It is proposed to rush this bill through in the short period of forty minutes. The gentleman from New York has told us that the States to be sued are Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Florida.

Why is it, if great States are to be brought before the tribunals of the country, that the opinion of the Judiciary Committee of this Congress is not invoked? Why is it that such a bill comes without the unanimous recommendation of the Committee on Indian Affairs? This bill does not represent the unanimous views of that committee; on the contrary, the committee is seriously divided upon the question. What pretexts will be brought next for suing States? What States will be hauled up next? Where is this matter to end? How do you propose to enforce the judgment? Will you sell the States?

One of the States to be sued under this bill has already secured the passage in this Congress of a proposition for an amicable settlement on terms laid down in an elaborate bill, which was fully discussed before its passage. There is another bill pending now which has time after time passed the Senate, which has more than once passed the House, which was voted on the other day under a suspension of the rules—a bill authorizing another of the States to settle by amicable adjustment the important matters involved here.

The House has never felt that it was justified in authorizing the institution of these suits; yet it is proposed now in a wholesale way to institute such suits against States of the Union. There ought to be a carefully prepared measure looking to a settlement with each State upon the facts affecting its particular case. There is no provision here for set-off in any action which may be brought. The equities involved in these controversies ought to be settled; equities which have caused Congress to refrain from action so long ought not to be disposed of in this way. No set-off is allowed by this bill. No provision is made for equitable defense by the State when suit is brought. On the contrary, when the suit is brought, the cold principles of law are to be applied where great equities exist.

Mr. Speaker, if this were a proposition to bring suits against the State of Pennsylvania or Iowa or New York, without the right to amend the bill, without the right for ample discussion or due consideration, I should stand, as I am standing now, against any such proposition. The States have rights in this regard which ought to be most sacredly and studiously cared for. If the proposition were that the least Territory of this Union should be brought to account in this way and dealt with thus harshly, I should resist it.

Every State is interested in not establishing such a precedent as that proposed to be established by this measure. Every individual member representing a State upon this floor is interested that this bad precedent shall not be established. If we are going, Mr. Speaker, to bring these suits against the States, let us have the Judiciary Committee of this House consider the matter and inform us that it is at least wise; let us have them say that it is constitutional; let us have them say that it is judicious; let us have some utterance from the chief law tribunal of the House of Representatives to justify such extraordinary action. But no; suddenly, without notice, with no opportunity to offer an amendment, no opportunity to set up the equities of the States involved, it is proposed to come here and by a wholesale proceeding bring more States before the judicial tribunal of this country than ever was brought by any single act of Congress before, in the history of the whole Government.

I protest against it, sir. I protest in the names of all the States. It is unwarranted and an unwarrantable proceeding. Such a measure ought not to be enacted by this body. My attention has just been called by my friend Mr. BARTLETT of Georgia to the fact that the eleventh amendment to the Constitution was adopted to prevent the hauling up of States at the request of individuals in similar cases.

That amendment was adopted soon after the adoption of the Constitution itself, by the very people who had adopted the Constitution, and was wise. Let us defeat this measure and refuse to take this very questionable step.

[Here the hammer fell.]

Mr. WASHINGTON. Mr. Speaker——

Mr. GIBSON. I will ask the gentleman from New York if he will allow me to read an amendment to the bill?

Mr. SHERMAN. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has nine minutes.

Mr. SHERMAN. I think I had better occupy that time or reserve it.

Mr. WASHINGTON. I hope the gentleman will occupy a portion of his time now.

Mr. SHERMAN. I would rather that the gentleman would proceed.

Mr. WASHINGTON. I yield to the gentleman from Arkansas [Mr. MCRAE], who wishes to be heard on this subject.

[Mr. McRAE addressed the House. See Appendix.]

[Mr. McCALL of Massachusetts addressed the House. See Appendix.]

Mr. WASHINGTON. I yield three minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am opposed to the passage of this bill as it is presented, but not for the reasons stated by certain gentlemen on the other side of the House. I have no objection at all to the first section of the bill, but I am opposed to investing any of the officers of the United States with power to compromise these claims of the United States, about which there is no possible controversy. There is no question but that certain States owe the United States, or the wards of the United States. The evidence of their indebtedness is beyond all controversy, just as it was in the case of the State of Arkansas. No man doubted but that the State of Arkansas had absorbed the entire fund which the charity of an Englishman gave to the people of the United States for the purpose of founding the great Smithsonian Institution. That money was put into the hands of the State of Arkansas half a century ago. For more than thirty-seven years that State has refused to pay either principal or interest. It now amounts to more than $1,500,000, not a cent of which that State will pay; but under the provisions of a statute authorizing a compromise they have been permitted to trump up claims against the United States, claims growing out of the grants of the United States, claims growing out of the beneficence of the United States.

Mr. McRAE. Mr. Speaker——

Mr. HEPBURN. These claims they have tried to expand until they would absorb the whole of this just indebtedness.

Mr. McRAE. Mr. Speaker, I hope——

Mr. HEPBURN. Now, with that example before, me I am unwilling to trust any gentleman with the arrangement of these difficulties under the comprehensive word "compromise." It means entirely too much. It gives them too much of authority to fritter away, under the pretense of settling claims of these States, these bona fide claims which the United States has against the States, about which there is no dispute, which every man knows they owe to the Government.

Mr. McRAE. I know the gentleman wants to be fair. When he says that nothing has been paid, I simply want to suggest that he overlooks the fact that all of the 5 per cent money, all of the swamp and school indemnity fund, has been sequestered and held and applied on this indebtedness, besides a large quantity of lands in place, which counterclaims were allowed and credited under the act of August 4, 1894.

Mr. HEPBURN. Oh, there are some comparatively trivial sums which the United States holds in its own hands, under the general statute, and which it has refused to pay over.

Mr. McRAE. These are not trumped-up claims, but well-recognized, equitable claims.

Mr. HEPBURN. I am entirely unwilling at this time, in this hasty way, to invest any officer of the Government with the power to compromise these claims about which there is no dispute.

Mr. WASHINGTON. I reserve the balance of my time.

Mr. SHERMAN. How much time has the gentleman remaining?

The SPEAKER. The gentleman from Tennessee has four minutes.

Mr. SHERMAN. How much time have I?

The SPEAKER. Nine minutes.

Mr. GIBSON. I wish my colleague from Tennessee [Mr. WASHINGTON] would give me time to read an amendment.

Mr. WASHINGTON. Let us hear from the gentleman from New York. I will try to yield to my colleague [Mr. GIBSON] later.

Mr. SHERMAN. Mr. Speaker, my valued friend [Mr. WASHINGTON] has found fault with the chairman of the Committee on Indian Affairs for bringing in this bill at this time. I desire to call the attention of my friend to the fact that in June last there was passed, on my motion, a resolution of inquiry directed to the Treasury Department for the information contained in this House document. No answer was sent to that inquiry, and after the House met in December I addressed a letter, and then a second and a third, and made several visits to the Treasury Department before I succeeded in obtaining the information which I desired, which reached here under date of February 4. As soon as possible thereafter the Indian Committee considered the affair and reported thereon.

This bill has been brought up here at the earliest possible moment. Certainly this House is not responsible for some little delay. We waited for nearly eight months for a report from the Treasury Department, without which we could not act. My friend from Tennessee [Mr. MCMILLIN] suggested that this bill should go to the Committee on the Judiciary. Why, Mr. Speaker, this bill was properly referred to the Committee on Indian Affairs. Under the rules of the House that committee has to consider [illegible] questions which relate to the funds of the Indians. Excepting its chairman, presumably, it has on it as good lawyers, possibly excepting the Committee on the Judiciary, as any committee of this House. Had the bill been sent to the Committee on the Judiciary, my friend from Tennessee then, I assume, would have desired that the bill be sent to the Committee on Claims [illegible] some other committee. My friend says that he would stand up here and defend the States of Iowa, New York or Pennsylvania if such a bill as this were brought in here. [illegible], Mr. Speaker, the States of Iowa, Pennsylvania, or New York will never demand a champion against defaulted claims.

Now, Mr. Speaker, I believe that my valued friend from Iowa [Mr. HEPBURN] ought to favor this bill. I believe it is wise. I believe in giving to the heads of Departments—and this provides for the concurrent action of two—authority to compromise these debts. Without that authority it may be that we may never reach a conclusion. With that authority I believe it is possible within a reasonable length of time to bring into the Treasury a considerable sum of money, and we all agree that such a case as that would not injure the already so-alleged overfilled Treasury of the United States. I reserve the remainder of my time.

Mr. MEIKLEJOHN. Will the gentleman allow me to ask him a question?

Mr. SHERMAN. I will.

Mr. MEIKLEJOHN. The gentleman from Iowa [Mr. HEPBURN] has objected to the provisions of the bill on the ground that it provides for a compromise. Does the provision of compromise provide that it shall include the equities on the part of the States as well as on the part of the General Government?

Mr. SHERMAN. It does not in terms so provide. It provides, Mr. Speaker, that they may be sued for their debts, they may be compromised, or their securities may be sold. That is what it provides in distinct terms. I reserve the remainder of my time.

Mr. WASHINGTON. Mr. Speaker, before the time is entirely exhausted I ask unanimous consent that the time for debate be extended fifteen minutes additional on each side, so that this question may be fully understood.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time for debate may be extended fifteen minutes on a side. Is there objection?

Mr. HOOKER. I object.

Mr. WASHINGTON. I will put the request in this way, that we may be allowed ten minutes on a side. This question is not understood by the House. I appeal to my good friend not to object to that. I think the chairman of the committee will join me in that request.

The SPEAKER. The gentleman asks unanimous consent that debate on this question be extended for ten minutes on a side. Is there objection? [After a pause.] The Chair hears none.

Mr. WASHINGTON. Mr. Speaker, I yield two minutes to my friend from Kentucky [Mr. COLSON].

Mr. COLSON. Mr. Speaker, among the objections which have already been stated to the pending measure, there is another which occurs to me, and it is this: The bill provides that the Secretary of the Treasury, instead of instituting actions or proceedings against any State in default, if he does not think it advisable, may proceed to sell these bonds or stocks with all the interest due thereon at the highest price which he can obtain therefor.

Now, the measure does not provide that these bonds shall be sold at public sale. It leaves it to the discretion of the Secretary of the Treasury to sell them at public sale or at private sale. This is an unwise feature of the measure. The bill should have been drafted so as to provide that the Secretary of the Treasury, in case he thought it proper to sell these evidences of indebtedness, should advertise them and sell them in the open market to the highest bidder, and not leave it possible for the Secretary of the Treasury to sell these bonds, as the present Secretary of the Treasury has sold bonds of the Government of the United States, at private sale, and in that way put an unreasonable margin of profit into the pockets of a private syndicate.

The present Administration, Mr. Speaker, has been disgraced by a proceeding which should never have been possible under the laws of the United States. A block of bonds of $62,000,000 were sold at private sale. Those bonds were worth upon the market 116 and 118, and yet they were sold in private at 104½, giving a profit of $8,000,000 upon that sale of bonds, and putting it into the coffers of a private bond syndicate. I am opposed to such a proceeding.

The SPEAKER. The time of the gentleman has expired.

Mr. WASHINGTON. I yield two minutes to the gentleman from Florida.

Mr. COOPER of Florida. Mr. Speaker, this bill affects a number of States, among others the State of Florida. I will say to the gentleman from New York that there never has been a day when the State of Florida has not been ready to pay the United States every dollar of indebtedness due it if the United States would pay us what has been favorably reported Congress after Congress by every committee of this House that has ever considered these claims, and by every Department to which the claims were referred under authority of acts of Congress; and yet every time that a report has come before this House in our favor the House has failed to act upon it.

Now, this bill undertakes to permit the Secretary of the Treasury to sell these bonds held against the several States and authorizes him to sue the several States, and yet provides for no offset, for no judgment against the United States if we prove that they are indebted to us over and above our indebtedness to them. The gentleman from Iowa says that we owe the United States undeniably some money, about the amount of the bonds. The United States owes us undeniably, outside of disputed claims, at least large claims on account of lands; and yet it is proposed to make no provision for any offset.

Mr. HULICK. May I ask the gentleman a question?

Mr. COOPER of Florida. I have but two minutes, or I would yield.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. WASHINGTON. I yield two minutes to the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, I wish to read as a part of my remarks an amendment which I hope will not be objected to by my friend from New York [Mr. SHERMAN]. It is as follows:

> Add "*Provided*, That where any of said States has a claim against the United States, the said Secretary, the Attorney-General, and the Secretary of the Interior shall have power to adjudicate such claim by way of set-off against such bonds and accrued interest thereon."

Mr. Speaker, why should the Government of the United States be allowed to collect its claims which are evidenced by bonds and the States not be allowed to bring forward their claims by way of set-off? One of the most equitable principles administered in any court is that of set-off. There is nothing more unjust from the standpoint of law and equity than to allow one man to go into court and collect his claim and to deny to the defendant the right to prove his counterclaim. That is one of the barbarisms of the old common law which has been corrected by statute in all the States of the Union so as to allow a set-off, the principle of equity being incorporated upon the principles of the common law by the operation of the statutes.

For my State of Tennessee all that we ask is that when this claim of the United States is presented against her she may have the right to present to the very same officers mentioned in this bill what she has to say in defense of herself by way of counterclaim and set-off. Why should not the Government of the United States be willing to trust its own officers, the very men that it is proposed shall compromise these claims? We are willing, Tennessee is willing, that they shall adjudicate her counterclaim. How can there be any objection to that course of procedure? We take your own officers, your own Secretary of the Treasury, your own Secretary of the Interior, and your own Attorney-General, and we are willing that they shall determine whether the State of Tennessee owes the United States or whether the United States owes the State of Tennessee.

[Here the hammer fell.]

Mr. WASHINGTON. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes left.

Mr. WASHINGTON. I would ask the gentleman in charge of this bill whether he will not use some of his remaining time now?

Mr. SHERMAN. Perhaps I do not care to use any more time. My case seems to be so strong that it does not need many advocates to espouse it on the floor.

Mr. JOHNSON of California. Mr. Speaker, I ask the gentleman from Tennessee to yield to me to offer an amendment.

Mr. WASHINGTON. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to offer an amendment. I have submitted it to the gentleman from New York [Mr. SHERMAN], and I ask unanimous consent that I may have it read and may offer it.

The SPEAKER. The gentleman from California asks unanimous consent to have read an amendment which he desires to propose. Is there objection?

There was no objection.

The amendment was read, as follows:

> Amend the bill by adding thereto the following:
> "And their action shall be approved by the President of the United States."

The SPEAKER. The gentleman asks unanimous consent that the bill be amended in this way.

Mr. SHERMAN. I have no objection to that amendment.

The SPEAKER. Is there objection to adding the amendment presented by the gentleman from California?

Mr. LACEY. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. WASHINGTON. If the gentleman from New York [Mr. SHERMAN] does not wish to consume his time, can it be taken by the opposition?

The SPEAKER. It can not.

Mr. WASHINGTON. Mr. Speaker, in this hurried debate very little can be added to what has been already said in regard to this measure, except to ask this question: Suppose this bill should become a law, and the officials here authorized to bring suits against these sovereign States of the Union and to collect the claims which it is alleged the Government of the United States holds against them should do so and should get judgments. How can these judgments be enforced? Is it proposed by this Congress to send the Army and the Navy against the sovereign States of this Union that are in default, to coerce the State legislatures into levying taxes and collecting the money and paying it into the Treasury of the United States?

That is a question that should be borne in mind in the consideration of this bill. Then, aside from that, the equities should be kept in mind. It should be remembered that we insist that the Government of the United States is indebted in various ways to each and all of these States. It is of no avail for gentlemen to rise on this floor and scoff at our claims and try to throw upon us the slur that we have repudiated our debts. I maintain, sir, that the honor of Tennessee is as good as the honor of New York, or of Pennsylvania, or of any Northern State. She discharges her legal obligations, and is proud to meet them when they are due.

It is true that Tennessee, like Northern States in the past, when she found herself with a debt that had not been contracted by her citizens, that was not a legal debt, did resist payment and did make an honorable compromise with her creditors. She does not deny that she owes the Government something, and the items of that obligation may be mentioned in the report cited by the gentleman from New York [Mr. SHERMAN], but at the same time Tennessee claims that the United States Government is justly indebted to her, and all that we ask is fair and just action by Congress, so that we may be allowed to put in as an offset to what we owe the Government of the United States that which it can be shown the Government of the United States justly owes us. If that can be done, and if this bill can be amended so as to allow us that right, in the interest of fair dealing, I shall not

object to it, but I must continue to object as long as it is proposed to use force on the one side and to deny equity on the other.

Now, Mr. Speaker, the time for debate on this side is about closed, and if the gentleman on the other side will not use up his time we shall have to submit the matter to the judgment of the House.

The question being taken on the motion of Mr. SHERMAN, to suspend the rules and pass the bill, it was determined in the negative; there being—ayes 43, noes 88; two-thirds not voting in the affirmative.

ORDER OF BUSINESS.

Mr. BLUE. I call for the regular order.

Mr. DALZELL. I move that the House take a recess until half past 7 o'clock this evening.

Mr. PERKINS. Will not the gentleman withhold that motion for a moment?

Mr. DALZELL. For what purpose?

Mr. PERKINS. I want to pass a Senate resolution.

Mr. DALZELL. Is it privileged?

Mr. PERKINS. I will move to suspend the rules and put it on its passage.

Mr. BLUE. I call for the regular order.

Mr. DALZELL. I insist on my motion.

The motion of Mr. DALZELL was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House at 7.30 o'clock p. m. (in the absence of the Speaker) was called to order by Mr. WILLIAM J. BROWNING, Chief Clerk.

Mr. WILLIAM A. STONE. I move that Mr. JOHN DALZELL, a Representative from Pennsylvania, be chosen Speaker pro tempore.

The motion was agreed to.

Mr. DALZELL, on taking the chair, was greeted with loud applause.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GILFRY, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10228) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

IMMIGRATION.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The SPEAKER pro tempore. The Chair lays before the House the message just received from the President of the United States.

The message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill numbered 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration, "by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come and join the husband or parent similarly qualified and capable."

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to arouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who with their descendants are now numbered among our best citizens.

It is said that too many immigrants settle in our cities, thus dangerously increasing their idle and vicious population. This is certainly a disadvantage. It can not be shown, however, that it affects all our cities nor that it is permanent; nor does it appear that this condition where it exists demands as its remedy the reversal of our present immigration policy.

The claim is also made that the influx of foreign laborers deprives of the opportunity to work those who are better entitled than they to the privilege of earning their livelihood by daily toil. An unfortunate condition is certainly presented when any who are willing to labor are unemployed. But so far as this condition now exists among our people, it must be conceded to be a result of phenomenal business depression and the stagnation of all enterprises in which labor is a factor. With the advent of settled and wholesome financial and economic governmental policies and consequent encouragement to the activity of capital, the misfortunes of unemployed labor should, to a great extent at least, be remedied. If it continues its natural consequences must be to check the further immigration to our cities of foreign laborers and to deplete the ranks of those already there. In the meantime those most willing and best entitled ought to be able to secure the advantages of such work as there is to do.

It is proposed by the bill under consideration to meet the alleged difficulties of the situation by establishing an educational test, by which the right of a foreigner to make his home with us shall be determined. Its general scheme is to prohibit from admission to our country all immigrants "physically capable and over 16 years of age who can not read and write the English language or some other language;" and it is provided that this test shall be applied by requiring immigrants seeking admission to read and afterwards to write not less than twenty nor more than twenty-five words of the Constitution of the United States in some language, and that any immigrant failing in this shall not be admitted, but shall be returned to the country from whence he came at the expense of the steamship or railroad company which brought him.

The best reason that could be given for this radical restriction of immigration is the necessity of protecting our population against degeneration and saving our national peace and quiet from imported turbulence and disorder.

I can not believe that we would be protected against these evils by limiting immigration to those who can read and write in any language twenty-five words of our Constitution. In my opinion it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work, than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write, but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult. Violence and disorder do not originate with illiterate laborers. They are rather the victims of the educated agitator. The ability to read and write, as required in this bill, in and of itself, affords, in my opinion, a misleading test of contented industry and supplies unsatisfactory evidence of desirable citizenship or a proper apprehension of the benefits of our institutions. If any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly, instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint can not be alleged.

The provisions intended to rid that part of the proposed legislation already referred to from obvious hardship appears to me to be indefinite and inadequate.

A parent, grandparent, wife, or minor child of a qualified immigrant, though unable to read and write, may accompany the immigrant or be sent for to join his family, provided the immigrant is capable of supporting such relative. These exceptions to the general rule of exclusion contained in the bill were made to prevent the separation of families; and yet neither brothers nor sisters are provided for. In order that relatives who are provided for may be reunited, those still in foreign lands must be sent for to join the immigrant here. What formality is necessary to constitute this prerequisite, and how are the facts of relationship and that the relative is sent for to be established? Are the illiterate relatives of immigrants who have come here under prior laws entitled to the advantage of these exceptions? A husband who can read and write and who determines to abandon his illiterate wife abroad will find here under this law an absolutely safe retreat. The illiterate relatives mentioned must not only be sent for, but such immigrant must be capable of supporting them when they arrive. This requirement proceeds upon the assumption that the foreign relatives coming here are in every case by reason of poverty liable to become a public charge unless the immigrant is capable of their support. The contrary is very often true. And yet, if unable to read and write, though quite able and willing to support themselves and their relatives here besides, they could not be admitted under the provisions of this bill if the immigrant was impoverished, though the aid of his fortunate but illiterate relative might be the me[illegible] saving him from pauperism.

The fourth section of this bill provides "that it shall be unlawful f[illegible]any male alien who has not in good faith made his declaration before th[illegible]oper court of his intention to become a citizen of the United [illegible] be employed on any public works of the United States, or to come [illegible]abitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country." The fifth section provides "that it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act."

The prohibition against the employment of aliens upon any public works of the United States is in line with other legislation of a like character. It is quite a different thing, however, to declare it a crime for an alien to come regularly and habitually into the United States for the purpose of obtaining work from private parties, if such alien returns from time to time to a foreign country, and to constitute any employment of such alien a criminal offense.

When we consider these provisions of the bill in connection with our long northern frontier and the boundaries of our States and Territories, often but an imaginary line separating them from the British Dominions, and recall the friendly intercourse between the people who are neighbors on either side, the provisions of this bill affecting them must be regarded as illiberal, narrow, and un-American.

The residents of these States and Territories have separate and especial interests which in many cases make an interchange of labor between their people and their alien neighbors most important, frequently with the advantage largely in favor of our citizens. This suggests the inexpediency of Federal interference with these conditions when not necessary to the correction of a substantial evil affecting the general welfare. Such unfriendly legislation as is proposed could hardly fail to provoke retaliatory measures to the injury of many of our citizens who now find employment on adjoining foreign soil.

The uncertainty of construction to which the language of these provisions is subject is a serious objection to a statute which describes a crime. An important element in the offense sought to be created by these sections is the coming "regularly or habitually into the United States." These words are impossible of definite and certain construction. The same may be said of the equally important words "returning from time to time to a foreign country."

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated, its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1897.*

The bill returned with the message is as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable; and a wife or minor child not so able to read and write may accompany or be sent for and come and join the husband or parent similarly qualified and capable.

SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from review, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant.

SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500, or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorders there, who have heretofore been inhabitants of that island.

SEC. 9. That this act shall take effect July 1, 1897.

Mr. BARTHOLDT. I ask unanimous consent that the consideration of this veto message be deferred until to-morrow immediately after the reading of the Journal, or as soon thereafter as it can be reached—not to interfere with conference reports.

Mr. DANFORD. I suggest that the Journal may not be read to-morrow, and some definite time should be fixed for the consideration of this subject—say 1 o'clock.

Mr. BARTHOLDT. There is no objection, I presume, to fixing 1 o'clock.

Mr. PEARSON. I object to the postponement of this question.

Mr. DANFORD. Evidently we have no quorum here to-night.

Mr. BARTHOLDT. If there is objection to the request for unanimous consent, I move, Mr. Speaker, that the consideration of this veto message be postponed until 1 o'clock to-morrow.

Mr. BAILEY. Mr. Speaker, I submit as a parliamentary inquiry whether the motion of the gentleman from Missouri [Mr. BARTHOLDT] is in order? The regular order, as we all very well understand, is the matter coming over from yesterday evening. It occurs to me that whatever may be done other than the consideration of the regular order must be done by unanimous consent. I had this in mind yesterday when I insisted that the matter then pending should be disposed of. At any time when the regular order is called, I submit we must take up the bill affecting the sending of certain matter through the mails. It seems to me that no business can be entertained except by unanimous consent otherwise than the consideration of conference reports, which are always in order.

The SPEAKER (who had resumed the chair during the reading of the veto message). It is quite true that a veto message is always a question of privilege. At the same time the House very often refers such a message to a committee. There does not appear to the Chair any reason why the House may not fix a time for the consideration of such a message.

Mr. BAILEY. That is very true in the ordinary condition of business under our rules. So, too, under our rules it is ordinarily in order at any time to move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills; but in the peculiar parliamentary status that now exists I doubt whether that motion would be in order. I make the suggestion purely as a friend of the court, and I have no interest in the matter one way or the other. I suppose we ought to keep our Journal correct, however, as to the order of the motions, and in view of that, I meant to suggest to the gentleman from North Carolina that unanimous consent was desirable.

Mr. PEARSON. I would ask the gentleman what is the objection to the consideration of this matter now? We have all made up our minds about it.

Mr. BAILEY. That is true, but we have not a full House, and it is a matter that gentlemen on both sides of the House would like to take the sense of a full House upon.

Mr. BARTHOLDT. Mr. Speaker, there is no objection on the part of a great number to considering the question now but for the fact that the House is slimly attended at this time, and I think the majority of the members would like to go on record. For that reason I made the motion to defer consideration until 1 o'clock to-morrow.

Mr. CANNON. Mr. Speaker, if I may be allowed, I think at about 8.30 o'clock, from the best information I have, the House will receive a message from the Senate with reference to its action on the conference report on the sundry civil appropriation bill. I will say that there are many items of interest touching the public buildings, rivers and harbors, forest reservations, and so on, not yet agreed to, that will require consideration of the House; and I should think it would take two or three hours to consider them. Certainly the consideration of these matters will take up some time; and if this veto message is considered now it is manifest that its consideration could not progress very far before being interrupted.

If it meets the approval of the House, I am quite ready to ask unanimous consent, or will move to take a recess until about 8.30 o'clock, the time I hope we will hear from the Senate on that bill.

Mr. PERKINS. Will the gentleman defer that request for a moment, to permit me to present a Senate concurrent resolution that ought to be acted upon?

Mr. BAILEY. I submit, Mr. Speaker, that there must be some disposition made of this veto message.

The SPEAKER. The Chair will entertain a motion to postpone the consideration of the matter until 1 o'clock to-morrow.

Mr. BARTHOLDT. That is my motion.

Mr. BLUE. Now, Mr. Speaker, I suppose the gentleman from Missouri has control of the time?

Mr. CANNON. The motion is not debatable.

The question being taken, on a division (demanded by Mr. BLUE) there were—ayes 104, noes 11.

So the consideration of the veto message was deferred until 1 o'clock to-morrow (Wednesday).

ORDER TO PRINT.

Mr. DOCKERY. Before the gentleman from Iowa proceeds, I desire to ask unanimous consent that the vetoed bill may be printed in the RECORD, in connection with the veto message of the President, for the information of members.

The SPEAKER. Without objection, that order will be made.

There was no objection.

[The bill is published in the preceding column of this page.]

REPORT ON FOREIGN RELATIONS.

Mr. PERKINS. Mr. Speaker, I now ask consent for the present consideration of the concurrent resolution I send to the desk.

The SPEAKER. The concurrent resolution will be read.

The Clerk read as follows:

Resolved, That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

The report was read, as follows:

The Committee on Printing, having had under consideration Senate concurrent resolution to print and bind 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State, having considered the same, recommend that it be agreed to.

The Public Printer estimates the cost under this resolution at $1,132.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the concurrent resolution was agreed to.

And then, on motion of Mr. CANNON (at 8 o'clock and 7 minutes p. m.) the House took a further recess until 8 o'clock and 40 minutes p. m.

The recess having expired, the House, at 8 o'clock and 40 minutes p. m., resumed its session.

Mr. DALZELL. Mr. Speaker, I do not believe that there is any business now ready for consideration, and I therefore move that the House take a further recess until a quarter past 9 o'clock.

The motion was agreed to.

Accordingly, at 8 o'clock and 41 minutes p. m. the House took a further recess until 9 o'clock and 15 minutes p. m.

The recess having expired, the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

The message also announced that the Senate had passed without amendment the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to present a conference report on the sundry civil appropriation bill. I ask unanimous consent to omit the reading of the report, and to read in place thereof the statement of the House conferees, which fully explains the action taken.

Mr. RICHARDSON. I want to ask if the statement fully explains the amendments?

Mr. CANNON. Yes; you will find that the statement is much more intelligible than the mere reading of the conference report would be.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[For the text of the conference report see Senate proceedings of to-day.]

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 192 amendments to the bill involving a net increase of $2,189,083.92.

By the action of the conferees, submitted in the accompanying conference report, 114 of the amendments are disposed of, the House agreeing to amendments involving $651,735, and the Senate receding from amendments involving $28,849.13.

The committee of conference have been unable to agree upon the following amendments, namely, numbered 1, 2, 4, 6, 9, 10, and 12, relating to public buildings, as follows:

Appropriating $100,000 for additional land for extension of public building at Bridgeport, Conn.;

Appropriating $14,000 for completing approaches to public building at Charleston, S. C.;

Appropriating $100,000 for public building at Norfolk, Va., and extending the limit of cost of said building from $150,000 to $250,000;

Appropriating $25,000 for additional site for and $75,000 for extension of public building at Topeka, Kans.;

Appropriating $325,000 for purchase of the Corcoran Art Gallery property;

Appointing a commission to examine sites and consider prices of lots suitable for a memorial building for the National Society of the Daughters of the American Revolution; and

Appropriating $50,000 for purchase of a site for a public building at Butte, Mont.

On amendment numbered 24, appropriating $175,000 for a revenue cutter, for service on the Atlantic coast.

On amendments numbered 48, 49, and 50, appropriating $75,000 additional for the Omaha Exposition.

On amendment numbered 58, creating an additional customs collection district in the State of Vermont.

On amendment numbered 61, appropriating $1,085,156.66 for the payment of sugar bounty.

On amendment numbered 62, appropriating $2,011.13 to pay A. T. Kimball for damage to his property from the break in the Pine River Reservoir, Minnesota.

On amendment numbered 63, appropriating $15,000 to the heirs of those who were killed by the explosion of the gun-cotton factory on Goat Island, in the harbor of Newport, R. I.

On amendment numbered 72, restoring to the public domain lands in Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota, reserved by Executive orders and proclamations of February 22, 1897.

On amendments numbered 73, 74, and 75, increasing the appropriation for report of mineral resources from $20,000 to $45,000.

On amendments numbered 89, 90, and 91, relating to the electric lights in certain parks of the city of Washington.

On amendment numbered 96, appropriating $36,000 to improve the road from the Chickamauga and Chattanooga National Park to the town of Lafayette, Ga.

On amendments numbered 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, relating to river and harbor works, by which the Senate reduced the appropriations of the House $2,450,168, and added new works amounting to $1,313,000.

On amendment numbered 144, appropriating $35,000 for an additional building for the Garfield Hospital.

On amendment numbered 146, appropriating $150,000 for the Deep Waterways Commission.

On amendment numbered 147, appropriating $5,000 for a board of engineers, to ascertain the character and value of the improvements made at the Pass of Aransas, in Texas, by the Aransas Pass Harbor Company.

On amendment numbered 148, appropriating $50,000 for the improvement of Pearl Harbor, Hawaiian Islands.

On amendment numbered 149, appropriating $2,500 for a survey, designs, and estimates for a memorial bridge across the Potomac River.

On amendment numbered 168, appropriating $100,000 for a branch soldiers' home at Hot Springs, S. Dak.

On amendments numbered 169 and 170, correcting a total and relating to the manner of disbursement and accounting for the National Home for Disabled Volunteer Soldiers.

On amendment numbered 179, providing for three commissioners to revise and codify the criminal laws of the United States.

On amendment numbered 189, appropriating $150,000 for the Nicaragua Canal Commission.

On amendment numbered 190, authorizing the Joint Committee on Printing to have prepared plans for additions and improvements to the Government Printing Office.

J. G. CANNON,
WM. A. STONE,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I first desire to move the adoption of the conference report.

Mr. MAGUIRE. Mr. Speaker, I should like to ask the gentleman a question.

Mr. CANNON. Certainly.

Mr. MAGUIRE. I understand that an amendment has been adopted by the Senate confirming the transfer of certain oil rights in Indian lands. Is that among the amendments agreed upon?

Mr. CANNON. I think there is no such provision upon this bill.

Mr. SAYERS. There is no such provision in this bill, I think.

Mr. MAGUIRE. Perhaps it is on another bill.

Mr. SAYERS. It is on another bill, I think.

Mr. WILLIAM A. STONE. Mr. Speaker——

Mr. CANNON. I should like to say to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that I desire to have a vote on the adoption of the conference report, and to make my motion to further insist upon the disagreement of the House, and then any motion which the gentleman from Pennsylvania desires to make will be in order.

Mr. BARTLETT of New York. I should like to ask the gentleman from Illinois [Mr. CANNON], chairman of the committee, one or two questions: Is it true that the conferees have agreed to the building of certain roads in States by the Federal Government? I refer to amendments 142 and 143.

Mr. CANNON. Please be kind enough to mention them.

Mr. BARTLETT of New York. One is the road to the national cemetery at Pensacola, Fla., and the other is the road to the national cemetery at Springfield, Mo.

Mr. CANNON. With the cession of the right of way, that is correct, sir.

Mr. BARTLETT of New York. There is [illegible] of the right of way in the first amendment.

Mr. MILLIKEN. I should like to ask the gentleman whether the conferees have agreed to the amendments in reference to public buildings, or have they disagreed to them?

Mr. CANNON. They have disagreed to them.

Mr. MILLIKEN. All of them?

Mr. CANNON. Yes; they will come up subsequently.

Mr. MILLIKEN. Including the last amendment?

Mr. CANNON. Certainly.

Mr. HARTMAN. I should like to ask the gentleman with reference to the forest-reserve amendment.

Mr. CANNON. There is no agreement on that.

Mr. HARTMAN. Would a motion be in order to recede from the disagreement on that amendment?

Mr. CANNON. Not until after we adopt the conference report; then it will be.

Mr. HARTMAN. In the absence of the gentleman from Wyoming [Mr. MONDELL], I make that inquiry.

Mr. CANNON. Now, Mr. Speaker, I ask for a vote on the conference report.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I move that the House insist upon its disagreement to the remaining Senate amendments and assent to the conference asked by the Senate.

Mr. SAYERS. Mr. Speaker, if the gentleman will allow me a moment?

Mr. CANNON. I yield for a moment for a question.

The SPEAKER. The Chair will put the question first. The gentleman from Illinois moves that the House insist upon its disagreement to the other amendments and agree to the conference asked.

Mr. SAYERS. Mr. Speaker, if the gentleman from Illinois will permit me, I will suggest that it would not be good policy to ask a single vote upon all the amendments which are not included in the conference report. I believe that the conferees of the House ought to have the judgment of the members of the House upon the several propositions involved in the Senate amendments which have not been agreed to by the conference committee. I think it will save time if the gentleman will allow these amendments to be taken up as they appear in the appropriation bill and be separately considered by the House.

Mr. CANNON. One by one.

Mr. SAYERS. We can consider some of them by classes.

Mr. CANNON. I wanted to make this general motion, and then, if gentlemen desired to move that the House recede with or without amendments to any amendment, that they would give the number of the amendment, that action could be had upon those and then that we could dispose in a motion as to the remaining amendments.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to move that the House agree to certain Senate amendments, and will send my motion to the Clerk's desk.

The SPEAKER. It is in the power of members to have separate votes.

Mr. WILLIAM A. STONE. I want to have a separate vote on these, or rather a class of amendments in the same category, and I make my motion in regard to them all.

Mr. SAYERS. Mr. Speaker, I would suggest, for the convenience of the House, that the Clerk be directed to read the amendments as they appear upon the bill, and then we can dispose of them in their regular order.

The SPEAKER. That is the gentleman's right.

Mr. CANNON. I will say to my friend it will take a long time.

Mr. SAYERS. The House will get into confusion if the amendments be not regularly considered.

Mr. EVANS. Mr. Speaker, I want a separate vote on amendment numbered 127.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has sent up certain matters on which he desires a separate vote, and the gentleman from Kentucky desires a separate vote, on what number?

Mr. EVANS. Upon amendment numbered 127.

The SPEAKER. Upon amendment numbered 127. Does any other gentleman desire a separate vote?

Mr. ROBERTSON of Louisiana. Mr. Speaker, I desire a separate vote on Senate amendment numbered 61.

Mr. POWERS. I ask for a separate vote on amendment numbered 58.

Mr. CLARKE of Alabama. I desire a separate vote on amendment numbered 138.

Mr. MERCER. I desire a separate vote on amendments numbered 48, 49, and 50.

The SPEAKER. The gentleman from Nebraska desires a separate vote on amendments numbered 48, 49, and 50.

Mr. TOWNE. Mr. Speaker, I desire a separate vote on amendment numbered 146.

Mr. CURTIS of Kansas. I ask for a separate vote on amendment numbered 6.

Mr. LACEY. I ask for a separate vote on amendment numbered 72.

Mr. FLETCHER. Mr. Speaker, I ask for a separate vote on amendment numbered 136.

Mr. PICKLER. Mr. Speaker, I desire a separate vote on amendment numbered 168.

Mr. QUIGG. Mr. Speaker, I desire a separate vote on amendment numbered 24.

Mr. HARTMAN. I desire a separate vote, Mr. Speaker, on the public building amendment in Montana, and the amendment relating to forest reservations. I will get the number of them.

The SPEAKER. The Chair did not understand the number of the amendments on which the gentleman desires to have a separate vote.

Mr. HARTMAN. On amendment numbered 12.

Mr. SOUTHARD. Mr. Speaker, I desire a separate vote on amendment numbered 112.

Mr. HILL. Mr. Speaker, I desire a separate vote on amendment numbered 1.

Mr. BULL. Mr. Speaker, I desire a separate vote on amendment numbered 63.

Mr. DOVENER. Mr. Speaker, I desire a separate vote on amendment numbered 179.

Mr. TYLER. Mr. Speaker, I desire a separate vote on Senate amendment numbered 4.

Mr. MEREDITH. Mr. Speaker, I desire a separate vote on amendment numbered 119, relating to the memorial bridge.

Mr. BURTON of Ohio. I desire a separate vote on amendment numbered 128.

Mr. CATCHINGS. Mr. Speaker, I desire a separate vote on all the river and harbor items, beginning at amendment numbered 38 and ending at amendment numbered 139.

Mr. COOPER of Texas. I desire a separate vote on amendments numbered 110 and 139.

Mr. CANNON. I desire a vote on my motion as to the amendments upon which a separate vote is not asked for.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the House insist upon the other amendments and agree to a conference.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAM A. STONE. Mr. Speaker, with reference to these items upon which various members have asked for separate votes, will there be an opportunity for gentlemen to explain the reasons why they desire such separate votes?

The SPEAKER. That will be a matter for the House to determine.

Mr. CANNON. Gentlemen will see at once that, with all these separate votes, debate must be real debate and exceedingly brief; otherwise we can not dispose of all these matters.

Mr. WILLIAM A. STONE. I ask unanimous consent that debate be limited to two minutes on each item.

Several members objected.

Mr. CANNON. I will say this, Mr. Speaker, that if the Chair will recognize me, as under the rules I apprehend I can be recognized, I shall have no objection to unanimous consent that debate be confined to——

Mr. WILLIAM A. STONE (interposing). Five minutes on each item.

Mr. CANNON. Oh, some of them are more important than others, and I believe I will ask the House to stand by me from time to time and will try to divide the time fairly among members.

The SPEAKER. The proper course of procedure would be this. The gentleman from Illinois [Mr. CANNON] being in charge of the bill, as each amendment is reached, he will be recognized, under the rule, for an hour, and he can use such portion of the time as he pleases or as the circumstances permit.

Mr. CANNON. The House sees the necessity for dispatch, and I will state to the Chair and to the House that if I am recognized I will be absolutely impartial in yielding from side to side, but will ask the House to stand by me from time to time to close debate and reach a vote as rapidly as possible.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

> That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the United States custom-house and post-office building at Bridgeport, Conn., for the use and accommodation of the Government offices, the cost of said additional land and extension or addition not to exceed $100,000.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House for a moment, I will say that there are seven public-building items that come in the form of Senate amendments upon this bill. In the main, I think that the items are meritorious. I can not tell the House anything new upon the public-building question. There is no time now for anything but real discussion and real action according to the best judgment of the House. As to a portion of these amendments (if the House is inclined to accept any portion of them) I think we ought to nonconcur. I do not believe that we ought to authorize a new building. I do not believe that we ought to extend the limit upon any building where its construction has not been commenced. As to this building at Bridgeport, I will say in general terms that I have no doubt that the appropriation is justifiable from every standpoint, so far as the Government is concerned, and I hope the House will act upon its best judgment upon this and all the other amendments without temper, because there is no time for that. In justice to the gentleman from Connecticut [Mr. HILL], I now yield to him—I hope two minutes will be sufficient.

Mr. HILL. Mr. Speaker, two minutes is a very short time in which to dispose of a one-hundred-thousand-dollar amendment, especially when the chairman of the committee admits that it is right, fair, and just. The city of Bridgeport in 1880 had 29,000 inhabitants, to-day it has over 75,000. Its custom-house receipts at that time were $4,000; to-day they are $100,000. Its post-office

receipts in 1880 were $40,000; to-day they are nearly $100,000. It is an absolute necessity for the proper performance of the public business in that place that there should be an addition put upon the building; not for ornament, not for the purpose of beautifying the city, but for the proper performance of the public business. I have papers, photographs, and scale drawings of the building, if anybody cares to look at them; but this does not seem to be a case of merit. Is it a case of justice? Here is the sundry civil bill, which I have analyzed, carrying $18,000,000 of river and harbor appropriations, with $5,000,000 for public buildings, and the State of Connecticut does not get one single penny.

Now, I submit it to your sense of justice, to your sense of fairness, that when the chairman of this committee admits that this building is a necessity, and when thirty-eight States carry away $22,000,000, much of which, I think, the gentleman would not admit to be necessary, you should at least give to a meritorious building in a State that has not a penny in this bill at least $100,000 to carry on that work.

Mr. HICKS. Was the gentleman's bill before the Committee on Public Buildings and Grounds?

Mr. HILL. The bill has passed the House Committee on Public Buildings and Grounds; it has passed the Senate Committee on Public Buildings and Grounds, and has passed the Senate Committee on Appropriations. Each of these committees admits, as the chairman here admits, that this is a meritorious and necessary measure. I submit the case on this two-minute talk to the fairness and good judgment of members of the House.

Mr. MADDOX. I ask the gentleman from Illinois what has become of the amendment on page 92, in lines 5 to 9?

Mr. CANNON. What is the number of the amendment?

Mr. MADDOX. Ninety-six.

Mr. HILL. I ask for a vote on this amendment before we take up any other.

The SPEAKER. The Chair will see that the gentleman has a vote on the question.

Mr. CANNON. I yield two minutes to the gentleman from Pennsylvania [Mr. HICKS].

Mr. HICKS. Mr. Speaker, in behalf of the Committee on Public Buildings and Grounds I desire to enter a protest against the enactment of any of these various amendments that propose to appropriate money for new public buildings. It is well known to the House that the Committee on Public Buildings and Grounds have endeavored to secure a day, in order that buildings which are needed in various parts of the country should be erected. It was my honor to be one of a committee to present to the Committee on Rules a petition signed by 308 members of this House asking that a day be given for the consideration of a part of the many meritorious measures pending on the Calendar of the House. We were denied that right by the Committee on Rules on the ground of economy. We now find that the Senate has put on this sundry civil appropriation bill public buildings amounting to almost $800,000, as follows:

Bridgeport, Conn	$100,000	Topeka, Kans	$100,000
Charleston, S. C	14,000	Worcester, Mass	3,000
Helena, Mont	20,000	Salt Lake City	75,000
Norfolk, Va	100,000	Court of Claims	325,000
Racine, Wis	9,436	Butte, Mont	50,000

The House owes it to itself and to its committee to strike out every amendment in this bill that proposes to provide a new public building in any part of the country. If the House is to stand by its committee—if it is to take care of its own rights—here is the place to do it. It is not right that we should permit the Senate to load down our appropriation bills and have them brought here and passed, the House stultifying itself and discrediting its own committee by agreeing thereto. I trust that this amendment and all others of like character in the bill may be promptly and effectually voted down.

Mr. MILLIKEN. I desire to ask the gentleman is it not true that there have been reported to this House a large number of public building bills that have quite as much, and many of them a good deal more, merit than the bills that have been put upon the sundry civil bill?

Mr. HICKS. That is very true.

Mr. MILLIKEN. Then if these amendments be passed on the sundry civil bill, a few bills which have received the support of the Senate—on what account we can not tell—will become laws, while bills of greater merit, of much more importance, for buildings where the public service much more strongly demands the erection of public buildings will be left out. I submit to the House, therefore, the justice of what my friend from Pennsylvania [Mr. HICKS], a member of the committee, has said, that if the Senate is to legislate upon the question of erecting public buildings or purchasing sites for them, and they are to be voted through on an appropriation bill, there is no use for a Committee on Public Buildings and Grounds; there is no reason for its existence, and there is only one logical thing to do—that is, to abolish it.

Mr. HICKS. Mr. Speaker, the honored chairman of the committee is precisely right. The committee has been laboring during this entire session of Congress to bring before the House bills that are equally meritorious with the amendments now in question; and this House, I take it, can not in justice to itself insult its committee by voting for these appropriations. No one regrets more than I do the failure to pass at this session of Congress many of the pending public-building bills, but this is not the way to do it, and to be consistent we must refuse to concur with these amendments suggested by the Senate. It is our right to originate this sort of legislation, and as the direct representatives of the people it is our duty to stand firmly by this right.

Mr. CANNON. Mr. Speaker, I hope the House will be careful in disposing of these items. The pending amendment is for a public building already in existence. The wants of the city concerned have quite outgrown the accommodations of the present building. The postal receipts, in view of the increased population, have amounted away up to, in round numbers, $80,000 a year.

Mr. HILL. One hundred thousand dollars.

Mr. CANNON. One hundred thousand dollars, as the gentleman informs me. Now, standing alone, independent of anything that has taken place touching the policy in regard to public buildings, this proposition has great merit. It is not a proposition to erect a new building.

I hope the House will be careful in the decision of these questions, because there are various kinds of public building amendments here—some calling for the construction of entirely new buildings which have never been authorized. Now, I want the attention of my friend from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. You shall have it.

Mr. CANNON. At the last session of Congress, on similar amendments, we had half a dozen conferences. The House "thundered in the index." Under the lead of the honorable gentleman from Maine [Mr. MILLIKEN] and myself we again and again insisted. But finally the House itself yielded. My friend, vigorous as he is, was compelled, worn out by the obstinacy of the Senate, to yield also.

Mr. PEARSON. I rise to a parliamentary inquiry. I desire to know whether the chairman of the Committee on Appropriations is to control the time both in favor of and against these amendments?

The SPEAKER. The chairman of the committee in charge of the bill necessarily controls one hour.

Mr. PEARSON. Will no one be recognized in opposition, in his own right?

The SPEAKER. Not until the gentleman from Illinois has yielded the floor.

Mr. CANNON. I will divide fairly with the gentleman. How much time have I had?

The SPEAKER. The gentleman has occupied four minutes.

Mr. HYDE. I want to ask the gentleman a question. Is it the upshot of this that the House is powerless to enact any legislation of this kind, however meritorious, and is also powerless to resist that kind of legislation when it comes from the other House? That is what I want the House to know, and want the country to know.

Mr. CANNON. Legislation is by the assent of both the Senate and the House. Now, Mr. Speaker, I believe I have used about six minutes altogether.

The SPEAKER. The gentleman has used ten minutes.

Mr. CANNON. How much has the other side used?

Several MEMBERS. There is no other side.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding and concurring in the amendment.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. HILL. I ask for a division.

The House divided; and there were—ayes 53, noes 87.

Accordingly, the House refused to recede and co[illegible] the amendment.

Mr. CANNON. I ask the Clerk to read the next one.

The Clerk read as follows:

> (4) For public building at Norfolk, Va.: For extension of limit of cost of site and building from $150,000 to $250,000, $100,000.

The SPEAKER. The question is on receding from the disagreement, and concurring in the amendment.

Mr. CANNON. I ask for a vote, Mr. Speaker.

Mr. TYLER. Will the gentleman give me two or three minutes.

Mr. CANNON. I will give the gentleman two minutes, although I call his attention to the fact that the temper of the House is to nonconcur.

Mr. TYLER. Well, I want to test the temper of the House a little further.

Mr. CANNON. I will give the gentleman two minutes.

Mr. TYLER. Mr. Speaker, I wish to call the attention of the House to the fact that this is an exceptional case; that in effect it is to complete a building already commenced. There was an appropriation made for a public building at Norfolk six years ago, on the 2d of January, 1891, of $150,000. After the purchase of the site by the Government, and after the site had been piled, it was ascertained that the sum of $50,000 had been expended, leaving less than $100,000 to complete the building under the original plans and specifications.

From the report of the Supervising Architect the conclusion was inevitable that $100,000 or less was absolutely inadequate to complete such a building as the necessities of the city and of the public service required. Therefore I presented a bill for the additional amount of $100,000. That bill was favorably passed upon by the Committee on Public Buildings and Grounds.

This amendment is in effect simply to do that which has already been done by the report of the committee, to complete a public building. We can not use the money already appropriated unless we have an additional amount that will give us such a building as the Supervising Architect and other Federal authorities say is necessary. If we use the $98,000 now in hand, which is what remains of the former appropriation, it will be utterly inadequate to the building that we desire. So, gentlemen, I say this is for the purpose of completing a building, not to commence one. We have already a site which has been piled. We have $98,000 on hand, which is inadequate to complete the building needed, and we want $100,000 more, the amount which is given in this amendment. I hope the Senate's amendment will be concurred in.

Mr. CANNON. Mr. Speaker, one word in reply only. The two most meritorious amendments in relation to public buildings, in my judgment, are the one at Bridgeport and the one at Topeka. That is all I want to say about it.

Mr. MILLIKEN. Will my friend allow me one word right there? [Cries of "Vote!" "Vote!"]

Mr. CANNON. I yield a minute to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, just one word. I desire to say that the Committee on Public Buildings and Grounds have favorably reported to this House bills for ninety public buildings, and there is not one in the entire list that ought not to pass this House if any one in this bill ought to pass. [Applause.]

The SPEAKER. The question is on receding and concurring in the Senate amendment.

The amendment was nonconcurred in.

The Clerk read the next amendment, as follows:

(6) For public building at Topeka, Kans.: To enable the Secretary of the Treasury to purchase 50 feet front of ground, or so much thereof as may be needed, adjacent to the ground now owned by the Government on which the public building at Topeka, Kans., occupied as a post-office and other Government offices, is located, not to exceed $25,000; and to enable the Secretary to enlarge the said building for the better accommodation of the post-office and other Government offices, and to supply the same with the necessary fireproof vaults, elevator, and other fixtures and appliances for the more convenient, safe, and ready dispatch of the public business, $75,000; in all, $100,000: *Provided*, That the plans, specifications, and full estimation of said building shall be previously made and approved according to law: *And provided further*, That said building, so enlarged, shall be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet on the north.

Mr. CURTIS of Kansas. I move that the House recede from its disagreement to the amendment of the Senate, and agree to the amendment, with an amendment, which I send to the desk.

The Clerk read as follows:

That the House recede and agree to amendment numbered 6, with the following amendment, to wit:

For the purchase of additional ground at Topeka, Kans.: To enable the Secretary of the Treasury to purchase, by condemnation or otherwise, 50 feet front of ground, or so much thereof as may be needed adjacent to the ground now owned by the Government on which the public building at Topeka, Kans., occupied as a post-office and other Government offices is located, not to exceed $25,000; and to enable the Secretary to change and improve the buildings on said newly-purchased grounds so as to accommodate the United States pension agency and other Government offices, and to supply the same with vaults and other fixtures and appliances for the convenient, safe, and ready dispatch of public business, $10,000.

Mr. CANNON. I yield two minutes to the gentleman from Kansas.

Mr. CURTIS of Kansas. Mr. Speaker and gentlemen of the House, you will notice in this amendment, in order to meet the objection that the Committee on Public Buildings and Grounds has to erecting any buildings, that all I ask for now is that we be allowed to buy 50 feet additional ground and that we be permitted to change the buildings on the newly purchased ground, so as to accommodate the public offices at Topeka. By this amendment an appropriation is asked for $35,000, instead of $100,000. In the city of Topeka we are paying $4,650 a year for rent and other expenses for office rooms for Government offices, and if you pass this amendment you will pay, in the rent and other expenses now paid, for the ground purchase and the changing of the building in less than eight years. That is not all. Not a department in the building has sufficient room to carry on public business. Valuable papers and furniture are kept in closets. Valuable papers are piled up to the ceiling. We need two more jury rooms when the two United States courts are in session. Every office is overcrowded, to say nothing of the $4,650 a year we pay to accommodate the offices now outside of the Government building, and that amount will be saved if you pass this amendment. I hope, as I have consented to leave out the part asking for a new building, that this House will vote for this amendment. I ask the gentleman from Illinois to yield to the gentleman from Texas, who has visited the building and knows of its condition.

Mr. CANNON. I yield a minute to the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, some eighteen months ago I chanced to visit Topeka, Kans., and while there, in company with the gentleman from Kansas who has just addressed the House, I visited this building. I went into every room, and saw that not only the rooms, but also the corridors and the gangways, were occupied, and I have no hesitancy in indorsing what the gentleman has said respecting the necessities of that building. There is no question about it. Independent of any policy which this House may have entered upon respecting the construction of public buildings, the building at Topeka is, in my opinion, entirely inadequate for the public service.

Mr. CANNON. I ask for a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 112, noes 12.

So the amendment was agreed to.

On motion of Mr. CURTIS of Kansas, a motion to reconsider the vote by which the amendment was agreed to was laid on the table.

Mr. CANNON. I make the same motion as to all of these amendments, Mr. Speaker.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

(12) To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site for a public building in the city of Butte, Mont., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $50,000. Said site shall contain at least 10,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet. The appropriation herein made shall be available during this fiscal year for the purchase of said site.

Mr. CANNON. I ask for a vote, Mr. Speaker. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on receding and concurring.

The question was taken; and the motion to recede and concur was rejected.

The SPEAKER. The House declines to concur, and nonconcurs in the Senate amendment.

Mr. CANNON. Now, Mr. Speaker, I move to reconsider the votes on each one of these motions and to lay that motion on the table.

The SPEAKER. The gentleman moves to reconsider the several votes that have not been reconsidered, and to lay that motion on the table. Without objection, the latter motion will be agreed to.

There was no objection.

Mr. HILL. Is that motion debatable?

The SPEAKER. It is not. The Clerk will report the next amendment.

The Clerk read as follows:

(24) For constructing and equipping a steam revenue cutter for service on the Atlantic coast of the United States, with headquarters at the port of New York, the sum of $175,000.

Mr. QUIGG. Mr. Speaker, if I may have permission of the gentleman from Illinois——

Mr. CANNON. I yield two minutes to the gentleman from New York, if he desires it.

Mr. QUIGG. Yes, Mr. Speaker, I think I can state the facts in the case in two minutes. The initiative of this proposition came from the Secretary of the Treasury. The facts with regard to the case are that owing to the exigencies of the Revenue-Cutter Service and the deficiencies in seagoing cutters, the only seagoing revenue cutter that was available for use at the port of New York was taken away three years ago, and since that time there has been no seagoing revenue cutter at the port of New York, and there is none in the Service with which to supply the deficiency and the necessity.

It is said by the collector of New York that the loss in revenue to the service is certainly as much as $500,000 a year by reason of the fact that we have no seagoing revenue cutter at that port. There is none, as I have already said, with which to supply the deficiency, and the Secretary of the Treasury has appealed to Congress on three different occasions and in his report to construct this vessel. The recommendation in this case has been approved by the House Committee on Interstate and Foreign Commerce, and a bill has passed the Senate. It is placed on this bill as one

of the urgent necessities of the service, and I hope that the House will concur in the amendment.

Mr. CANNON. I will yield one minute to the gentleman from New York——

Mr. BARTLETT of New York. Mr. Speaker——

Mr. CANNON. Mr. BENNETT.

Mr. BARTLETT of New York. I had supposed that as I was on the Committee I should be recognized.

Mr. CANNON. I will yield a minute to my colleague first.

Mr. BARTLETT of New York. Mr. Speaker, this amendment should be adopted by the House without regard to party for two reasons. It is necessary first, that this appropriation should be made in order to care for our revenues; in the second place, to give due protection to human life. I have received a communication from the Maritime Association of the port of New York, asking that this amendment may be adopted, and requesting me to make every effort within my power toward its adoption. But is it necessary to appeal to you, gentlemen, to give the port of New York $175,000 for a revenue cutter which is asked for by the Treasury Department, and which is demanded by our maritime interests, in this bill which carries millions of dollars for unnecessary purposes? If it be necessary, I appeal to you to give the city of New York this one appropriation.

Mr. BENNETT. Mr. Speaker, I was directed by the Interstate and Foreign Commerce Committee to report the bill spoken of by both the gentlemen from New York who have just addressed the House favoring the construction of a revenue cutter for service on the Atlantic coast with headquarters at New York. That bill was passed by the Senate and is now on the Calendar of the House. It provides for the expenditure of $250,000 for this purpose, so I should think the House might well afford to allow the appropriation of $175,000 in this bill. The revenue-cutter *Grant* was constructed for this service, but it was too good to be left there and was sent to Bering Sea to watch the sealers, and since that time the entire Atlantic coast has been left unprotected. I trust that the House will allow this appropriation to stand in the bill.

Mr. CANNON. I yield thirty seconds to the gentleman from New York, Mr. MITCHELL.

Mr. MITCHELL. I have here a letter from the Maritime Association of New York, of which I will read as much as I can in the thirty seconds allowed me.

The letter is in part as follows:

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York, February 11, 1897.

DEAR SIR: We are most anxious to secure for this port a first-class seagoing revenue cutter.

Senator HILL's bill, S. 1478, to provide for it, passed the Senate last year, and its counterpart, Representative BENNETT's bill, H. R. 3561, was favorably reported in the House, but was not reached. It was then put by the Senate into last session's sundry civil bill, but was lost in conference.

Since the *Perry* was ordered to the Pacific, we have not had at New York a cutter capable of going to sea, however great the emergency. It is much desired by the revenue-marine officials, and it is much needed to cruise for the relief of distressed vessels in the stormy season. Lives and property have been lost for want of it, and we confidently hope that it may be secured.

Very respectfully,

HENRY S. KNOWLTON,
Vice-President.

Hon. JOHN MURRAY MITCHELL, M. C.,
Washington, D. C.

I hope the Senate amendment will be concurred in.

Mr. CANNON. Mr. Speaker, I desire thirty seconds only for myself to close the debate on this item. There are 23 cruisers in the revenue service, 8 harbor boats, 4 cruisers now being built, and 2 authorized, not being built, but that can be built. Any and all of these may be ordered to the port of New York, if necessary, and 14 have been built in the last ten years. I am ready for a vote.

The question being taken on the motion to recede and concur, the Speaker declared that the noes seemed to have it.

A division was asked for.

The House divided; and there were—ayes 68, noes 88.

So the House refused to recede and concur.

The next amendment, No. 48, was read, as follows:

Including the return of said Government exhibit.

Mr. CANNON. Mr. Speaker, I suggest to the gentleman from Nebraska that we vote on Nos. 48, 49, and 50 together.

Mr. MERCER. That is what I desire. I desire to move that the House recede from its disagreement and concur in amendments Nos. 48, 49, and 50, and upon that motion I desire to be heard.

The three amendments, as incorporated in the text, read as follows:

(48) Including the return of said Government exhibit, two hundred (49) and seventy-five thousand dollars (50): *Provided*, That the cost of building or buildings for the Government exhibit shall not exceed $75,000.

Mr. MERCER. Mr. Speaker, some years ago in the lower branch of the Nebraska legislature the public buildings committee introduced a resolution providing that $500 should be appropriated to pay the expenses of that committee "to visit the penitentiary and return." One of the facetious members of the house moved to strike out the words "and return." [Laughter.] Of course that was defeated.

Now, this amendment No. 48 says, "including the return of said Government exhibit." Of course in Omaha we have a disposition to take everything which belongs to us, but we do not care to keep this exhibit any longer than it will serve the purposes of the exposition, and the Treasury Department has informed me, and the exposition managers have informed me, that $50,000, the amount originally provided, is entirely inadequate to construct the building for the Fish Commission and also to construct the administration building. I do not think the members of this House desire to see a peanut show or to see a peanut building there, and I think they are great enough and magnanimous enough to give the appropriation that is provided in these amendments, providing for the return of the Government exhibit to the city of Washington and wherever else it comes from.

Mr. Speaker, that will be an exposition of no mean proportions. It will represent the resources, the industries, and the capabilities of twenty-four States and Territories, and I desire that for once the people of the United States may look over the Alleghany Mountains and may travel there and take notice of the resources of that grand transmississippi country. We expect the East to come there with its capital and its knowledge, and we expect that after that exposition has been seen by the people of the United States those grand States and Territories beyond the Mississippi will have an opportunity to grow and prosper the same as the Eastern States have done. I trust that the members of this House, irrespective of politics, will help us on these three amendments. [Applause.]

Mr. CANNON. A word in reply, Mr. Speaker. Two hundred thousand dollars for the Government exhibit at Atlanta, including public building—it was simply magnificent.

Mr. MERCER. The Government building at Atlanta was taken from Chicago already built.

Mr. CANNON. Not at all.

Mr. MERCER. Oh, yes.

Mr. CANNON. Not at all.

Mr. MERCER. Look at the report.

Mr. CANNON. Now, that made a magnificent exhibition, and the Government has the building in stock. This House, by the persistent action of the gentleman from Nebraska [Mr. MERCER], of which I do not complain, passed an act for the Omaha Exposition, limiting the amount to $200,000. That was followed by an act appropriating $150,000 for the exposition at Nashville.

Mr. MERCER. One hundred and thirty thousand dollars for Nashville.

Mr. CANNON. One hundred and thirty thousand dollars for Nashville, the gentleman says.

I want to say that the amount already appropriated by law will make a splendid exhibit, and I do not believe that in the present condition of the Treasury, and in view of the legislation already had, we should give $75,000 additional merely because the Senate has placed this amendment upon the bill and because the ho[illegible]able Representative from Nebraska does not want to be o[illegible] by the Senate. I ask for a vote.

Mr. HEPBURN. I wish to ask the gentl[illegible] from [illegible]braska this question: How much has the State of [illegible] as a State contributed toward this exposition?

Mr. MERCER. The Nebraska legislature is acting on this proposition at the present time and has not completed its deliberations. [Laughter.]

The question being taken on the motion that the House recede from its disagreement and agree to the amendment, it was rejected; there being—ayes 49, noes 92.

The fifty-eighth amendment was read, as follows:

Sections 2525 and 2526 of the Revised Statutes are hereby amended to read as follows:

"SEC. 2525. On and after October 1, 1897, there shall be in the State of Vermont two collection districts, as follows:

"First. The district of Vermont to comprise the counties now constituting the First Congressional district of Vermont, in which district Burlington shall be the port of entry, and St. Albans, Alburg, East Alburg, Swanton, Highgate, Franklin, West Berkshire, Windmill Point, and Richford subports of entry.

"Second. The district of Memphremagog to comprise the counties now constituting the Second Congressional district of Vermont, in which district Newport shall be the port of entry, and North Troy, Derbyline, Island Pond, Canaan, and Beecher Falls subports of entry.

"SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and whose salary shall be $2,000 per annum; and in the district of Memphremagog a collector, who shall reside at Newport, and whose salary shall be $2,000 per annum: *And provided further*, That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise, without appraisement, are hereby extended to each of the several ports in the two districts provided for herein, and to the subports of St. Albans, Richford, Island Pond, and Beecher Falls."

Mr. CANNON. I believe the gentleman from Vermont [Mr. POWERS] wishes to move to concur in this amendment of the Senate. I yield the gentleman one minute.

Mr. POWERS. That will not be enough.

Mr. CANNON. Very well: two minutes.

Mr. GROUT. I should like to say a word, also.

Mr. CANNON. I hope the gentleman from Vermont will consent to discuss the matter briefly; and I do not think we shall want any time in opposition.

Mr. POWERS. Mr. Speaker, this proposition, unlike the public-building propositions which have been voted down, is one having substantial merit. The simple facts which called for this legislation are these: In 1799, before the days of railroads and steamboats, an act was passed creating the State of Vermont into one collection district. The population of the entire State at that time was less than 85,000, and very few goods requiring the payment of duties were then imported into the State. Since that time no less than six lines of railway running through the British Provinces traverse the State of Vermont, carrying goods to the Boston and Portland markets and also to the markets of the city of New York. The number of entries in the northern district of Vermont to-day is four times the number made in all the rest of New England with the exception of the ports of Boston and Charlestown; and the entries in Vermont are three-fourths as many as those in the district of Boston and Charlestown.

Now, every gentleman will understand that the work of collecting duties is greater or less in accordance with the number of importations, rather than the amount of duties paid. A small import with the payment of small duty requires the same clerical force as a large one involving a large amount. Not only that, but our State is unfortunately traversed by a line of mountains running from the north line to the south, so that the collector of the port of Burlington, which is his residence, is required, in reaching the east and northeastern parts of the State, where come in two large lines of railway, bringing imports from abroad, to travel as far as he would if he were going to the city of Boston or New York.

Now, it is proposed to divide this State into two northern districts, making the port of Burlington one, and the port of Newport, where another line of railway comes in from Canada, the other, with sundry subports in both districts. This is not an unusual proposition. The State of Maine has eleven or twelve northern districts.

A MEMBER. Thirteen.

Another MEMBER. Fourteen.

Mr. POWERS. The State of Connecticut has five.

[Here the hammer fell.]

Mr. CANNON. I am ready for a vote.

Mr. POWERS. Does the gentleman yield the case?

Mr. CANNON. I do not; but I am ready for a vote.

Mr. POWERS. Well, so am I.

The question being taken on the motion that the House recede from its disagreement and concur in the Senate amendment, it was determined in the negative, there being—ayes 51, noes 83.

Amendment numbered 61 was read, as follows:

> Bounty on sugar. For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, $1,085,146.06, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

Mr. ROBERTSON of Louisiana. I desire to make a motion.

Mr. CANNON. Does the gentleman desire to move to concur?

Mr. ROBERTSON of Louisiana. I wish to move that the House recede from its disagreement to this amendment and agree to the same.

Mr. CANNON. I yield to my colleague on the committee five minutes.

Mr. ROBERTSON of Louisiana. Mr. Speaker, this appropriation was put on this bill by the Senate in pursuance of the law enacted March 2, 1895. This is not the institution of a new bounty. It is not for the purpose of permitting anyone to receive from the Treasury any money upon sugar to be produced in the future. It is for the purpose of making up the difference between the rate fixed in the act of March 2, 1895, and the amount appropriated under that act.

By the terms of that act Congress agreed to pay to the sugar planters, whether they produced sugar from cane or from sorghum, from beets or from maple, in consideration of the fact that the bounty of 1890 had been repealed, the sum of eight-tenths of 1 cent per pound upon the crop growing that year, and which had not been gathered. The estimate of $5,000,000, which was appropriated for the purpose of paying this amount at the rate of eight-tenths of a cent per pound, was upon the growing crop. It was impossible for Congress to ascertain at that time the exact amount which it must appropriate in order to comply with the statute. The crop being larger than was estimated for, the amount appropriated in the bill was not sufficient by more than $1,000,000.

We maintain that this is existing law, and that this is merely a deficiency appropriation, to make up the amount which ought to have been appropriated in order to fulfill the provisions of the statute at eight-tenths of a cent per pound.

If I may be permitted to do so, Mr. Speaker, I will yield the remainder of my time to my colleague [Mr. BUCK].

The SPEAKER. The gentleman yields to his colleague, and the gentleman from Louisiana [Mr. BUCK] is recognized for two minutes.

Mr. BUCK. Mr. Speaker, I do not think the House is in a temper to listen to extensive argument even if time allotted permitted. There is simply a question of fact as to the condition of the existing legislation under which this appropriation is now offered. The act of 1895 did not appropriate a gratuity or a donation, but it recognized the injury which had been done by the sudden repeal of the bounty under the act of 1890. It recognized that enormous capital had been invested, and that increased preparation for the production of sugar which were made under the act of 1890, had entailed loss when the bounty was repealed.

I had not the honor to be a member of the Congress which passed this provision; but I have looked into it sufficiently to believe that when Congress, in 1895, put this legislation in the peculiar form in which it now is, it did not intend to give simply the $5,000,000, but it enacted the law, which I have not the time to read, in the form of a specific provision that a special bounty of eight-tenths of a cent per pound shall be paid to the sugar producers. The eight-tenths of a cent per pound was manifestly calculated in this way:

The House, in its sense of right and justice, took cognizance of the fact that the sugar planters had acted upon the faith of the McKinley tariff act; had invested enormously in the prospect and the hope of a large increase; had added to their machinery; had incurred pecuniary obligations; and to make up the deficiency to them of the 2 cents per pound bounty which they lost by the repeal of the act of 1890, the Wilson tariff act being expected to give them 1.2 cents per pound protection, Congress enacted the eight-tenths of a cent per pound bounty as an exact equivalent for that which had been taken away.

That is the substance of the proposition before this House, that the act of 1895 provided that a bounty of eight-tenths of 1 cent per pound shall be paid, and when the $5,000,000 were appropriated, that represented merely an estimate. There is, therefore, it seems to me, nothing for the House to do except to say whether this indebtedness, which has been created by the statute, shall be recognized and honored by Congress to-day. The amounts are recognized and fixed in the Treasury Department. Returns were furnished according to the bounty law, and persons entitled have made their proof.

[Here the hammer fell.]

Mr. CANNON. How much time has been consumed on the other side?

The SPEAKER. Six minutes.

Mr. ANDREWS. I ask for two minutes.

Mr. CANNON. I yield three minutes to the gentleman from Nebraska [Mr. MEIKLEJOHN].

Mr. MEIKLEJOHN. Mr. Speaker, I confidently believe that if gentlemen of this House understand the situation out of which this appropriation grows, there will be no question about concurring in this amendment, which is based upon law, equity, and justice.

The appropriation is not in pursuance of a new authorization, but it grows out of legislation that is already upon the statute books. That legislation was passed at the close of the last session of the Fifty-third Congress after protracted debate and careful consideration. There were two paragraphs. The first was that a bounty on all sugar produced from July 1, 1894, to August 28, 1894, testing more than 90° by the polariscope should be paid for at the rate of 2 cents per pound, and all sugar testing between 80° and 90° polariscope should be paid for at the rate of 1¾ cents per pound. Act of March 2, 1895 (28 Stat., 933), entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," provides:

> That there shall be paid by the Secretary of the Treasury to those producers and manufacturers of sugar in the United States from maple sap, beets, sorghum, or sugar cane grown or produced within the United States, who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, a bounty of 2 cents a pound on all sugars testing not less than 90° by the polariscope, and 1¾ cents a pound on all sugars testing less than 90° and not less than 80° by the polariscope, manufactured and produced by them previous to the 28th day of August, 1894, and upon which no bounty has previously been paid, and for this purpose the sum of $238,289.08 is hereby appropriated, or so much thereof as may be necessary.

Another paragraph was adopted in the same bill, which provided that all producers of sugar who made applications, filed bonds, and secured licenses during the period from the 28th of August, 1894, to the 30th day of June, 1894, should be paid a bounty at the rate of eight-tenths of a cent per pound.

The act of March 2, 1895 (28 Stat., 933), provides:

> That there shall be paid to those producers who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, by filing the notice, application for license, and bond therein required, prior to July 1, 1894, and who would have been entitled to receive a license as provided for in said act, a bounty of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States testing not less than 80 degrees by the polariscope, from beets, sorghum, or sugar cane grown or produced within the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive; and for this purpose the sum of $5,000,000, or so much thereof as may be necessary, is hereby appropriated: *Provided*, That no bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States upon which the bounty herein provided has already been paid or applied for.
>
> The bounty herein authorized to be paid shall be paid upon the presentation of such proof of manufacture and production as shall be required in each case by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and under such rules and regulations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. And for the payment of such bounty the Secretary of the Treasury is authorized to draw warrants on the Treasurer of the United States for such sums as shall be necessary, which sums shall be certified to him by the Commissioner of Internal Revenue, by whom the bounty shall be disbursed, and no bounty shall be allowed or paid to any person as aforesaid upon any quantity of sugar less than 500 pounds. * * *
>
> That any person not entitled to the bounty herein provided for who shall with intent to defraud, apply for, or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding $5,000, or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

Under this act these claims were filed with the Treasury Department. They were passed upon by the Comptroller of the Treasury. That statute contained an administrative provision. It contained a penalty for any imposition or fraud upon the Government. It was a complete and independent act. It was found that when all the claims were audited and allowed the appropriation of $5,000,000 made under this law was short by $1,085,000.

Instead of paying eight-tenths of 1 cent per pound it paid but six-tenths of 1 cent per pound.

The Supreme Court of the United States, in the sugar-bounty cases of the United States *vs.* The Realty Company and United States *vs.* Gay, sustained the law and the equity and justice of that appropriation. If you strike from this bill this appropriation of $1,085,000, which has been authorized and appropriated under the present existing law, and a continuing appropriation, then with the same reasoning and the same judgment I say you should strike from this sundry civil appropriation $15,000,000 which it carries as a continuing appropriation of the river and harbor bill of the first session of the Fifty-fourth Congress.

Mr. Speaker, I desire to have gentlemen clearly understand that this is an appropriation which has already been authorized by law, and that equity and justice demand that this House should concur in this amendment and retain this appropriation of $1,085,000 to pay the balance of these claims which have been filed, audited, and approved by the Treasury Department. I hope the House will concur in this amendment; and that when gentlemen upon this floor vote on this proposition they will take into consideration that they are voting for a continuing appropriation, the same as the $15,000,000 in this bill is a continuing appropriation for river and harbor improvements, and are not voting to authorize a new appropriation.

Mr. PEARSON. I desire to offer an amendment.

Mr. CANNON. I do not yield for the purpose of offering an amendment. I yield to the gentleman from Nebraska [Mr. ANDREWS] two minutes.

Mr. ANDREWS. Mr. Speaker, the McKinley law provided for a bounty of 2 cents per pound on domestic sugar. That law was repealed by the Wilson law in 1894. The crop of 1894 had been very largely produced while the McKinley law was still in existence. The repeal of the McKinley law by the Wilson law left the producers of domestic sugar in a position of embarrassment. It was claimed by them that they had an equitable claim against the Government for certain reimbursements under the McKinley law.

I will not stop to debate the comparative merits of the McKinley law and the Wilson law. Congress decided in 1895 that the producers of domestic sugar were equitably entitled to a rate of eight-tenths of a cent per pound upon all domestic sugar for the year 1894. A sum of $5,000,000 in the aggregate was appropriated to meet the amount due under that agreement, as that was the estimate upon the crop of 1894.

The crop of 1894 exceeded that of 1893, upon which the estimates were made. When all these claims had been audited and approved, it was found that an appropriation of $6,085,000 and a little over ought to have been made to meet the claims. Five millions were paid. A deficiency of $1,085,000 still stands upon the books of the Government in favor of those producers. The question now is this, Will we pay the existing deficiency?

The producers are credited upon the books of the Government in the sum of $6,085,000 and are debited to the payment of $5,000,000. There remains, therefore, an unpaid balance of $1,085,000 in round numbers. I hope the House will recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I yield two minutes only to the gentleman from Pennsylvania.

Mr. HICKS. Mr. Speaker, the Republican party, since the great Lincoln, has been noted for its love of justice and fairness, and its fulfillment of all promises made to the people. This has been its record since its foundation. The bounty on sugar was an enactment by the people through the representatives of the Republican party, in the great measure that did so much for our people and their prosperity.

Mr. THOMAS. Who repealed it?

Mr. HICKS. No matter who repealed it. The Republican party said to the people of this country that they would give them a bounty upon the production of sugar, and there is a part of that bounty yet unpaid, no matter if the greater portion does go to the State of Louisiana, whose Representatives voted for the repeal of that great measure, the McKinley bill, that did so much for the prosperity of this country; no matter if the members from Louisiana did vote for its repeal, we owe it to the people of Nebraska, to the people of California, and to the people of the great State of Pennsylvania, and also to Louisiana, to comply with and live up to our contract, as fully recited in that bill.

If we desire to keep our record as honorable men and as representatives of that great party of the people, the party of Lincoln, Grant, and McKinley [applause], it is our duty to pay the balance, whatever that balance may be, to the producers of sugar who were guaranteed this bounty under the provisions of the McKinley law. I appeal to my fellow Republicans to stand by and vote for this amendment and see to it that this money is paid, as we agreed and as we promised to do. I trust this amendment will prevail.

There is but a small part of this money, as has been suggested, that goes to the so-called Northern States. Let us rise above prejudice, if prejudice still exists, and prove that the great Republican party cares as much for the people of Louisiana (even though they do vote against us) as we do for the people of our own section. The great Republican party stands for prosperity for all the people, as well as justice and equal rights for all parts of our great country. [Applause.]

Let us stand by the contracts of the McKinley bill and thereby prove our love of equal justice, regardless of where and upon whom the benefits may fall.

Mr. CANNON. Mr. Speaker, how much time has the other side consumed?

The SPEAKER. Thirteen minutes.

Mr. CANNON. I hope, Mr. Speaker, that I can have order, and I ask that the gavel may fall at the end of five minutes, and then I will ask for a vote.

Mr. Speaker, under the law known as the McKinley law th[illegible] was a bounty upon sugar, which was paid from year to [illegible]. The McKinley law was repealed in August, 1894. It is true that shortly after that repeal the Senate, by an amendment [illegible] the sundry civil appropriation bill, appropria[illegible] $5,000,[illegible] pay a bounty to growers of sugar at the rate of [illegible] of a cent per pound, that is to those growers who had complied with the McKinley law by asking for a license and filing the proper bond and notice before the 1st of July, 1894. The bounty was repealed in August, 1894.

Upon a fight in the Democratic House which passed the Wilson bill—a House Democratic by almost two-thirds—that bounty of eight-tenths of a cent a pound to those growers of sugar was agreed to; the same House that had agreed to the Wilson bill assented to that appropriation of $5,000,000. I had the honor to be a member of that House. I opposed the appropriation at the time, stating that the bounty had been enacted in the McKinley law to foster and establish an industry; that that bounty had been repealed by the Wilson law; that subsequent to its repeal the eight-tenths of a cent a pound, if given at all, would be given as a gratuity. But the appropriation passed. The $5,000,000 was paid. It lacked a million dollars of paying the amount which was provided for in the sundry civil act. I thought then it was a gratuity. I think now it was a gratuity.

Mr. MEIKLEJOHN. Will the gentleman yield for a question?

Mr. CANNON. In a moment. It is as just to pay this million as it was to pay that five millions. I want to state the exact facts. But, in my judgment, from the standpoint of the best interests of the Government, from the standpoint of apt legislation to establish an industry, that object was defeated and the industry was killed by the Wilson bill, and that gratuity of eight-tenths of a cent per pound was given by a Democratic Congress. So far as I am concerned, I am ready for a vote.

Mr. MEIKLEJOHN. If the gentleman will yield now, I will ask him whether the Supreme Court in the the sugar-bounty cases held that it was a gratuity?

Mr. CANNON. The Supreme Court, in the sugar-bounty cases, passed upon what was before it. Congress having made the appropriation, the court held in substance that that was an appropriation by the legislative power within its authority, and sustained the claim, because Congress has the right to appropriate, if it wishes to, for a last year's bird's nest or a repealed sugar bounty.

Mr. MEIKLEJOHN. Did they not put it upon the ground of contract?

Mr. CANNON. Oh, no.

The question was taken on the motion to recede and concur; and the Speaker declared that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 85, noes 63.

So the motion was agreed to.

On motion of Mr. ROBERTSON of Louisiana, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEwan, its Chief Clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, had further insisted upon its amendments to the bill, asked a further conference with the House, and had appointed Mr. Pettigrew, Mr. Teller, and Mr. Cockrell as the conferees on the part of the Senate.

Mr. CANNON. I yield to the gentleman from New York [Mr. Sherman].

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House accede to the request of the Senate for a further conference on the Indian appropriation bill. They have rejected the former conference report and asked for a further conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Sherman, Mr. Curtis of Kansas, and Mr. Pendleton.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the sundry civil appropriation bill.

Mr. MADDOX. Mr. Speaker, I rise to ask unanimous consent to go back to amendment No. 96.

Mr. CANNON. I do not want to turn back now. Let us go on to the end first.

The SPEAKER. The Clerk will read the next amendment.

The amendment was read, as follows:

> (63) For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the United States torpedo station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, $15,000; of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of $5,000: Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan: *Provided*, That where the deceased left a widow and children the widow shall receive one-half and the children shall share alike.

Mr. BULL. Mr. Speaker, I move that the House recede from its disagreement to this amendment and concur.

Mr. CANNON. Does the gentleman desire any time?

Mr. BULL. Yes, sir.

Mr. CANNON. I yield the gentleman two minutes.

Mr. BULL. I want more time than that. Mr. Speaker, the substance of the amendment in the bill is recommended by the Committee on Claims of this House unanimously, and in the Senate it has been favorably recommended by the Committee on Naval Affairs. I can in a few words state what the case is, and I can best state it by reading from the report made by the Committee on Claims of the House. I read:

> The Chief of the Bureau of Ordnance, Navy Department, in his report for 1893, on page 14, says:
>
> "On July 3, 1893, the gun-cotton factory (at the naval torpedo station) was destroyed by fire, a full statement of which will be found in the report of the board appointed to investigate the subject (see appendix). Three employees, Jeremiah Harrington, first-class laborer; Frank Loughlin, second-class pipe fitter, and Michael O'Reagan, first-class laborer, lost their lives while fighting this fire, and it is earnestly requested that Congress be asked to grant assistance to their families. The employees of this station receive no extra compensation for the undoubted risk to which they are subjected. The fact that so few lives have been lost since the establishment of this station is due to the care which has been constantly exercised."
>
> On page 37 of same report the inspector of ordnance at the torpedo station says:
>
> "The destruction of the gun-cotton factory by fire, attended by loss of life, on July 3, 1893, has been made the subject of special reports to the Department and the Bureau. While the direct testimony in regard to the cause is conflicting and unsatisfactory, the opinion of the board that it was due to a spark caused by a foreign substance in the picker is concurred in by me as being the most probable.
>
> "The immediate cause of loss of life was the explosion of some 6 or 7 pounds of dry long-staple gun cotton, used for priming detonators, etc., which was loosely stowed in a powder tank, the lid of which was tightly screwed down to exclude moisture."

The special reports of the board appointed to investigate the circumstances attending the fire and explosion are attached to this report as an appendix.

To accompany the fourth indorsement, Commander George A. Converse, inspector of ordnance at the United States torpedo station, submits the following memorandum:

> 1. Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan lost their lives while endeavoring to extinguish the fire which resulted in the total destruction of the gun-cotton factory at this station July 3, 1893.
>
> 2. Loughlin and Harrington were regularly employed in the building, knew the character of its contents and the danger to which they were exposed; while O'Reagan, a most faithful employee of the station for about eleven years, as enlisted man and per diem laborer, was one of the first to respond to the fire alarm and joined the other two men.
>
> 3. Loughlin, who had been acting as foreman of the gun-cotton factory, knew that the only dangerous material in the building (about 7 pounds of long-staple gun cotton) was stowed in a powder tank, which, on the first alarm of fire, should have been thrown into the sea; and doubtless being cognizant of the fact that such disposition of that material had not been made, took the nozzle of the fire hose, and, with Harrington and O'Reagan, attempted to combat the fire in its immediate vicinity, fully aware of the dangerous nature of the undertaking. While thus engaged in the performance of what they believed to be their duty the explosion occurred, resulting in the death of the three men.
>
> 4. From my personal observation of the conduct of these men at the time of the explosion, I can state that they acted with great bravery, and sacrificed their lives in an attempt to prevent the destruction of Government property.
>
> 5. I renew my recommendation that provision should be made for the widows, children, or legal representatives of these men, believing that all civilians actually employed in the manufacture of explosives or war material in Government factories should be entitled to the same consideration as persons who are required to use such material in the naval or military service.
>
> 6. I believe that it is customary for private companies engaged in the manufacture of explosive material to insure the lives of the employees for the benefit of the surviving relatives; and it seems but just that an equal provision should be made by the Government.
>
> 7. A copy of the letter referred to by Mr. Bull is transmitted herewith, and attention is invited to the report of the Chief of the Bureau of Ordnance for the year 1893, which contains the recommendation that Congress be asked to render assistance to the families of these men
>
> GEORGE A. CONVERSE,
> *Commander, United States Navy, Inspector of Ordnance, Torpedo Station.*
>
> TORPEDO STATION,
> *Newport, R. I., February 7, 1896.*

The letter mentioned in the last paragraph of the foregoing memorandum is as follows:

> BUREAU OF ORDNANCE, NAVY DEPARTMENT,
> *Washington City, July 5, 1893.*
>
> SIR: Please convey to the families of those men who were killed at the fire at the gun-cotton factory the deep sympathy of the honorable Secretary of the Navy, and his profound sorrow at their loss.
>
> The Bureau will make every effort to secure for them some compensation for the dependent condition in which they have been placed.
>
> Respectfully,
>
> W. T. SAMPSON,
> *Chief of Bureau of Ordnance.*
>
> Commander G. A. CONVERSE, U. S. N.,
> *Inspector of Ordnance, in charge*
> *Naval Torpedo Station, Newport, R. I.*

During the reading of this report, Mr. Bull's time having expired, Mr. Cannon yielded him an additional minute.

Mr. BARTLETT of New York. When did the Committee on Claims make a favorable report in reference to this case?

Mr. BULL. At the last session of this Congress.

Mr. BARTLETT of New York. I would like to ask why other cases of equal merit have not been favorably reported by the Committee on Claims. I have had four or five bills before that committee, and I can not get any favorable report upon them. I am against any discrimination. Let us have fair play.

Mr. BRUMM. Probably the gentleman's bills were not reported favorably because he failed to bring the proper evidence before the committee.

Mr. BARTLETT of New York. No, sir; the evidence has been before the committee.

Mr. BRUMM. If you had had as strong testimony to support your claims as that presented in favor of this, they would have been favorably reported.

Mr. CANNON. In this case it is alleged that three men working for the Government lost their lives by an explosion. It is not alleged that there was any carelessness on the part of the Government officials. This amendment proposes to give $5,000 apiece to the families or legal representatives of these men. Sir, is this any higher case than one in which the loss of life has resulted from the casualties of war? And have we entered upon the policy of giving $5,000 to the widow or family of the soldier or sailor who loses his life in the war? This claim does not appear in the estimates. I have never heard of it before; the Committee on Appropriations has never heard of it. It never was considered by our committee. Whether it has merit or not, I know not, but I ask the House upon the case as it appears before us, to vote down the motion to concur.

The question being taken on the motion that the House recede

from its disagreement and concur in the amendment of the Senate, it was rejected; there being—ayes 33, noes 74.

The Clerk read amendment No. 72, as follows:

> And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota, set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States, the same as if said Executive orders and proclamations had not been made.

Mr. CANNON. I yield to the gentleman from Iowa [Mr. Lacey], who, I understand, desires to make some motion.

Mr. LACEY. I make the motion which I send in writing to the desk.

The Clerk read as follows:

> That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment and on page 52 of the bill, after line 26, insert the following:
>
> "The Secretary of the Interior may, in his discretion, use any portion of the foregoing amount in protecting and utilizing the forest reserves heretofore proclaimed by the President of the United States. And he is hereby authorized, in his discretion, to make sales of timber on any forest reservation, now or hereafter proclaimed, for mining and domestic purposes, under such regulations as he may prescribe, and to make all needful rules and regulations in furtherance of the purposes of said reserves, for the management and protection of the same. And the provisions of section 1 of the act of February 20, 1896, entitled "An act to open forest reservations in the State of Colorado for the location of mining claims," are hereby made applicable to all forest reservations set apart by proclamation of the President, except the Yellowstone Forest reserve; that all public lands withdrawn from settlement and entry for such forest reservations which, upon due examination by personal inspection on the part of a competent person or persons, appointed or detailed for that purpose by the Secretary of the Interior, shall be found to be more valuable for agricultural purposes than for forest uses, shall be duly restored to entry under the general settlement laws. The restoration to entry of such withdrawn lands shall be made only after due publication or proclamation of restoration by the President, based upon recommendation by the Secretary of the Interior. Publication in such cases shall be made for not less than sixty days in two papers published nearest the lands in question, and which are of daily issue and of general circulation in the State or Territory wherein the said lands lie: *Provided further*, That prospectors and mineral claimants shall have free access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof, and that title to mineral claims therein may be acquired in the same manner as upon other mineral lands of the United States.
>
> "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary line of such reserve, or may vacate altogether any order creating such reserve."

Mr. BARTLETT of New York. I desire to ask the gentleman from Illinois [Mr. Cannon] how much debate we are to have on this proposition?

Mr. CANNON. Quite enough to enable the House to understand it, and just as little as possible after we understand it. I yield five minutes to the gentleman from Iowa.

Mr. BARTLETT of New York. I should like to know whether we have any rights. Are we entirely under the dominance of the chairman of this committee?

A MEMBER. We are under the control of the House.

Mr. CANNON. I yield five minutes to the gentleman from Iowa.

Mr. MONDELL. I rise to move a substitute to the amendment offered by the gentleman from Iowa.

Mr. CANNON. I do not yield for that purpose.

Mr. LACEY. Mr. Speaker, I do not know that it will be possible in five minutes to explain this long amendment.

Mr. PICKLER. I ask that the gentleman from Iowa have as much time as he may desire. This is a very important amendment.

Mr. LACEY. I do not ask any further time now.

Mr. PICKLER. This is a very important question to our State; and I think the gentleman from Iowa [Mr. Lacey] chairman of the Committee on Public Lands, should have such time as he may desire.

Mr. LACEY. I have five minutes. I hope the gentleman will allow me to proceed.

Mr. Speaker, this is a very important matter, and it is brought here at a very late hour, so that it will be difficult, perhaps, to make the House understand it fully. On the 22d day of February the President of the United States, by an executive order issued in pursuance of the act of 1890, withdrew from the public domain, and set apart, thirteen additional reservations as forest reservations, amounting to over 21,000,000 acres, or a little over 35,000 square miles. This naturally and almost of necessity included some lands that ought not to have been embraced in the reservations. Instead of attempting to correct this matter by a provision under which the President might withdraw any portion of this land from the reservations, or to correct the alignments, the Senate has placed upon this sundry civil bill a provision repealing entirely the proclamation of February 22.

This proposition which I now offer includes—first, a provision authorizing the use of timber from the reservations for mining purposes, under the regulations of the Secretary of the Interior. Next, it includes a bill that has already passed this House, a bill that this body has already fully considered, and although it is somewhat long, covering perhaps a printed page of the paper which I hold in my hand, it is not new matter.

The House has considered it carefully and fully in the bill (H. R. 119), and that bill is now pending in the Senate. In order not to bring too much matter into the proposition, we have cut out of that bill the part which has been read. That is in regard to the method of withdrawing from settlement and entry such parts of the various reservations as may be better adapted for cultivation than for timber. But the pith of the whole amendment is in the last five lines, which I will again read, and I invite the attention of the gentlemen from the States where these reservations have been carved out to this provision:

> The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Mr. PICKLER. The President has had that power always.

Mr. LACEY. He has never had it.

Mr. PICKLER. He has it now.

Mr. LACEY. Not at all. The gentleman is mistaken. The act of 1890 gave him the power to create a reserve, but no power to restrict it or annul it, and there ought to be such authority vested in the President of the United States. A new President will enter upon his office the day after to-morrow, and there will be no question but what he will give a patient hearing to the gentlemen from the States in which these reservations are located. We should not destroy the reservations simply because some small portions of them, or even a considerable portion of them, have not been properly located. There is no provision of law now by which the reserves heretofore established by President Harrison can be realigned and the boundaries located, in order to leave out portions that ought not to have been included. This provision will give that authority.

In the State of California there was a town of 1,500 inhabitants included in one of the reservations by the order of President Harrison. That was a mistake. That town and the land surrounding it ought to be withdrawn from reservation, and this amendment will give full authority to make this change. This draft was submitted to the Secretary of the Interior. It was the product of a conference between him and some members of the Committee on Public Lands, and will be acceptable, I think, so far as the Administration is concerned.

Now, I think this ought to be accepted by the gentlemen from the States in which the reservations are situated. It protects them fully. It incorporates in that bill the very provision of the bill (H. R. 119) for which they voted, which they supported, and with which they were satisfied. It adds thereto a provision by which the President of the United States may withdraw from the reservations such parts as are no longer needed or such parts as have been improperly included. This forest-reservation system is a highly beneficial one, and the policy has been entered upon and continued now for a number of years, and has been working well.

It is true that in some instances it has worked hardship. These reservations have included here and there the farms of settlers and cut them off from the opportunity of schools. In cases of that kind the provision that we insert in this proposed amendment will give an opportunity, in almost every instance, to segregate that part of the reserve and to realign it in such a way as to exclude the parts where the settlements exist.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker——

Mr. BARTLETT of New York. Mr. Speaker, I ask the chairman of the committee for time.

Mr. CANNON. I will yield to the gentleman some time before I get through. I will now yield five minutes to the gentleman from Wyoming [Mr. Mondell].

Mr. MONDELL. Mr. Speaker, I wish to have an opportunity to offer an amendment, or a substitute rather for the amendment offered by the gentleman from Iowa [Mr. Lacey], but I am informed by the gentleman in charge of the bill [Mr. Cannon] that I have no right, on this floor, at this time, to offer any substitute for the amendment which has been offered by the gentleman from Iowa.

Mr. PICKLER. Claim your right, and we will try and help you get it.

Mr. MONDELL. I propose to offer, as a substitute, the motion that the House recede from its disagreement to the Senate amendment, and agree thereto.

In the latter part of the Fifty-first Congress, in the closing days of that Congress, there came over a conference report from the Senate which contained a provision that I am about to read. That was voted upon in this House without due deliberation, without any investigation of the subject, without any debate in this House or in the Senate. The provision is as follows:

> "SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public land bearing

forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

While this matter was under discussion, the gentleman from Florida [Mr. CALL] said as follows:

> Mr. CALL. Mr. President, I do not wish to interpose any objection to the conference report. I desire to say that I know nothing about its provisions, but it disposes of a vast portion of the public domain of this country, as I gather from the reading. In my judgment the question of the disposition of the public lands is one of the most important that could be presented to the consideration of this body. I believe that these lands should be reserved for homes for the people who live upon and cultivate them. And while I can not say whether the provisions of this conference report conform to the interests of the people or not, I wish to clear myself of all responsibility in this matter by saying that I shall not willingly vote or consent, if I know it, to any proposition which prevents a single acre of the public domain from being set apart and reserved for homes for the people of the United States who shall live upon and cultivate them.
>
> Mr. PLUMB. I want to say to the Senator, in response to what he has said, that no bill has passed this body or any other legislative body that more thoroughly consecrates the public domain to actual settlers and home owners than does the bill in the report just read. That is the central idea of the bill.

And still, Mr. Speaker, the setting up of these forest reservations under the provision that I have just read withdraws very great areas of land from settlement under any of the public land laws of the United States, prevents a single stick of timber being cut on any acre of it, and empowers the President of the United States, as has been held in the case in California, to prevent the grazing of cattle upon these vast reservations.

It certainly never was intended when that act was passed that these areas should be segregated without investigation and without knowledge of the people living in the vicinity of those reservations. On the 22d day of last month 21,000,000 acres of land, 32,000 square miles of the public domain of the United States, was set up as forest reservations by the President of the United States, and not a single Representative on this floor or in the other coordinate branch of Congress had the slightest intimation, until they read the morning papers the morning thereafter, that there was any intent to set up these reservations and to reserve these lands.

Now, what are these reservations? Within my State, in the Big Horn Mountains, there is one reservation of 1,129,000 acres. I have traversed that reservation from end to end, time and time again, and there is not over 100,000 acres of that land that has timber of any sort, kind, or character upon it. On every side of that great reservation are rapidly growing settlements, in the two great mountain basins. Into those valleys the hardy pioneers have gone and built their homes, and the only source from which they can obtain firewood or timber to build their houses or improve their farms is upon this reservation.

Mr. COOKE of Illinois. Have you any objection to the amendment offered by the gentleman from Iowa [Mr. LACEY]?

Mr. MONDELL. I have a very decided objection to it. They have reserved these vast areas there. They have taken the public domain. Let this question be thoroughly ventilated.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask that my time be extended.

Mr. CANNON. Mr. Speaker, I regret exceedingly that I can not yield further to the gentleman. I now yield five minutes to my colleague on the committee [Mr. BARTLETT of New York].

Mr. BARTLETT of New York. Mr. Speaker and gentlemen, I believe that all this opposition to the policy of forest reservation is inspired by the timber rings in our Western States and Territories. I am so informed by a gentlemen of the highest credibility. I believe, if this amendment be adopted and that the power be taken away from the President of the United States to make these forest reservations, that the whole sundry civil bill will be vetoed; and I for one hope that the Chief Magistrate of this nation will veto this sundry civil bill if this amendment is agreed to. What is it proposed to do? It is proposed to repeal a law which was passed on the 3d day of March, 1891, and which gives the President of the United States the power——

Mr. MONDELL. Will you yield to me for a question? The gentleman does not mean to represent——

Mr. BARTLETT of New York (continuing). To make these forest reservations of land partly covered by timber. Under that law President Harrison set apart reservations of some 18,000,000 acres; and now President Cleveland, in pursuance of the same policy, has set apart 21,000,000 acres. It is proposed that without any deliberation whatever, at the close of this session, to repeal the salutary law which was enacted six years ago. A commission under the National Academy of Science made a report to the Secretary of the Interior, and it is upon that report, made by these distinguished scientific gentlemen, that this proclamation was issued.

Mr. DOOLITTLE. Will the gentleman yield to me for a question?

Mr. BARTLETT of New York. No; I can not yield.

Now, I call attention to the fact that President Harrison set apart 18,000,000 acres in five distinct and different proclamations; and I call attention to the fact that the president of the Arizona Timber and Lumber Company, who cut some 15,000,000 to 20,000,000 feet per annum, protested against the policy that has been adopted in the Senate, and he says that no man can object to the policy of forest reservation unless he is animated by greed of pocket or is controlled by his covetousness.

So I say that we ought not to repeal this act now. Bring it up in your new Congress. I believe that the vital force against us is the force of the men who control the timber rings and the lumber rings in the various States and Territories affected. I do not care to give their names, but their names are well known, and the gentlemen who support this largely—I do not mean the gentleman from Wyoming, but the gentlemen who support this amendment—are animated by a desire to please those lumber syndicates and are not prompted by any wish to please the settlers of their States.

Mr. MONDELL. Does the gentleman mean to intimate that I am actuated in my statements here by any idea of helping any lumber syndicate?

Mr. BARTLETT of New York. I stated that I made no reflection upon the gentleman.

Mr. MONDELL. But you made the statement that those who were opposing the amendment offered here were actuated by such motives.

Mr. BARTLETT of New York. I say that in the main the opposition to this amendment arises from forces controlled by the lumber and timber rings.

Mr. DOOLITTLE. You say that because you do not know what you are talking about. [Laughter.]

Mr. BARTLETT of New York. I make no reflection on any of the distinguished gentlemen.

Mr. DOOLITTLE. Well, you evidently do not understand the premises. You do not know anything about it.

Mr. BARTLETT of New York. The House can determine whether I am intelligent or not. Now, I propose to read what Mr. Riordan, the president of the Arizona Timber and Lumber Company, says. I suppose the gentleman will admit that he is a judge. He says:

> The opposition to the policy of forest reservations can be explained only on two theories: either selfish and immediate pocket interests, which expect to profit from the unregulated use of the public domain, animates the opposition, or else ignorance as to the object and purport of the reservations.

Now, Mr. Speaker, I say that the scientific gentlemen who have made this report are not satisfied with this Senate amendment. I was informed by one of the board to-day that it was not agreeable to them.

[Here the hammer fell.]

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the gentleman be allowed five minutes more.

Mr. CANNON. Mr. Speaker, I believe I control this time. I now yield three minutes to the gentleman from South Dakota [Mr. GAMBLE].

Mr. GAMBLE. Mr. Speaker, I will detain the House but a moment. I desire first to reply to the statements just made by the gentleman from New York [Mr. BARTLETT]. They have already been fittingly characterized by the gentleman from Washington [Mr. DOOLITTLE]. The gentleman from New York does not know what he is talking about. There is no proposition in this amendment, Mr. Speaker, to repeal the act of 1891.

Mr. BARTLETT of New York. A practical repeal.

Mr. GAMBLE. No, sir; but we ask this House to vacate and set aside the proclamations that were promulgated by the Executive on the 22d of February, based on misinformation like that upon which the gentleman from New York relies. Let this be first done, and then proper legislation may be enacted to protect forest reservations and the great interests involved. There is no pretense, Mr. Speaker, that there was any definite, careful, or painstaking examination made of the different reservations proposed to be laid out by the eminent commission that made the recommendation to the Secretary of the Interior.

Mr. DOOLITTLE. They never went over the ground.

Mr. GAMBLE. They never went over the ground. They stated with reference to the reservation laid out in the Black Hills in my State that there were only thirteen claims filed in that immense area of 1,000,000 acres, while the fact is, Mr. Speaker, that there are upward of 10,000 people residents of that region. There are towns, and villages, and mining camps, and great mining industries established in that immense and wonderful region, and by this act of the Executive without one word of advice, consultation, or suggestion from any of the Representatives from the States that were interested in the region, these proclamations were promulgated. And what of definite knowledge as to the conditions there existing do we find on the part of the Secretary of the Interior in his recommendation made to the President for the creation of these reservations? He says:

> The state of Professor Gibbs's health would not permit him to accompany the commission on its tour of inspection, but the other members began their work July 2, 1896, and visited most or all of the forest reservations and other public forests of the United States.

There is no pretense, Mr. Speaker, that this commission ever visited the Black Hills, and if they had simply gone there and looked out of the car windows of the railroad that runs through this entire reservation, they would have seen these evidences of settlement; they would have seen these great investments of capital, these extensive communities, these settlers upon their farms, with their vested interests; they would have seen the great mining camps and mills, in which are invested upward of two millions and a half dollars. We insist, Mr. Speaker, that those people have a right to be heard and that these proclamations ought to be vacated, and then proper legislation may be enacted.

This wanton disregard of the rights of the people within the limits of this particular reservation will disastrously affect the mining and other industries there established and will destroy the possibility of their proper and legitimate development. Last year in the Black Hills proper the output of gold alone aggregated nearly $9,000,000. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. I ask the gentleman to allow me five minutes.

Mr. CANNON. We have a great many other amendments to dispose of.

Mr. HARTMAN. I ask it for this reason: Five million acres of land in my State have been set apart without any notice, and——

Mr. CANNON. I yield. Go on. [Laughter.]

Mr. HARTMAN. I defy the gentleman to name any timber ring that is in any way back of the effort which is being put forth by our people to prevent the settlers from being deprived of the right to take timber for their domestic uses and for the purpose of fencing their lands, and to enable miners to run their tunnels and to prop up their stopes. If the gentleman can do it, I want him to rise and say so. Mr. Speaker, I say it is not a fact. This is a matter which concerns every man who has taken his future into his own hands and gone into those States and tried to make a home for himself and his family. Take my own State. There are three reservations——

Mr. BARTLETT of New York. The gentleman appeals to me to rise——

Mr. HARTMAN. Yes, sir.

Mr. BARTLETT of New York. Does the gentleman intend to say that there is no lumber or timber rings in the West?

Mr. HARTMAN. I say that in the States referred to in this amendment, the States affected by this order, there are no timber rings concerned at all.

Mr. BARTLETT of New York. Does the gentleman mean to say there is no timber syndicate in any one of those States?

Mr. HARTMAN. I have answered your question fairly and squarely. I want to say, Mr. Speaker, that upon the successful knocking out of this proclamation depend great mining industries in the city of Butte, in the city of Anaconda—mining industries which produced 212,000,000 pounds of copper last year. On one mining property there was spent over $10,000,000 in wages. This proposition of the President proposes to make it impossible for that great enterprise to be kept up. The proclamation was issued with the same lack of knowledge on the part of the President of the United States that is now possessed by the distinguished gentleman from New York who rises here as his special defender.

Mr. Speaker, one word further, and I am through—a word with reference to the manner in which this has been done. There has been no examination made at all. The matters provided for by the Commissioner of the General Land Office—the ordinary methods of investigation were not followed, the public notices which were required to be given were none of them given—not in a single case. So that we are in this position: If this House passes the amendment proposed by the gentleman from Iowa, it affords no relief whatever.

I hope the House will vote down that amendment, and then I hope my friend from Wyoming [Mr. MONDELL] will be recognized to make a motion to recede from our disagreement and concur in the amendment of the Senate. If there is anybody here who feels at all friendly to our side of this question, I do not want a single vote to be cast in favor of the amendment of the gentleman from Iowa. I do not want to put into the hands of the Secretary of the Interior the power to go to work and repeat the farcical examination which was alleged to have been made by these alleged scientific gentlemen who never came within two or three hundred miles of some of the reservations.

They went there, put up at some of our fine hotels, took their maps and with their pencils marked out, as has been done [exhibiting a map], one-eighteenth of the entire State, without consulting a single State officer or a single Representative or Senator here in Washington. Is the House ready to indorse that? [Cries of "No!" No!"] I do not believe you will; and I thank the House for this expression of its good will.

Mr. PICKLER. I ask the gentleman from Illinois [Mr. CANNON] to give me one minute to read a telegram from some of my constituents in the Black Hills country, relating to this question.

Mr. CANNON. Well, I yield the gentleman half a minute.

Mr. PICKLER. I must say to the gentleman that the Senate took two hours to discuss this question. The telegram that I am about to read is from the representative of one of the great mining interests in the Black Hills:

> President Cleveland's executive orders issued Monday, reserving nearly a million acres of land in the Black Hills of South Dakota for a forestry reservation will ruin every industry here. Do all possible to have the order suspended. If you can not get it revoked until the people here can be heard, please send me a copy of the order describing the location of the lands reserved.

Mr. CANNON. Now, Mr. Speaker——

Mr. LOUD. I hope the gentleman will yield me five minutes. [Cries of "Vote!" "Vote!"]

Mr. CANNON. Mr. Speaker, I desire the attention of the House upon this matter, because, in my judgment, it is a vital amendment. Its adoption means the nonenactment of this sundry civil bill at this session of Congress.

A MEMBER. Well, let her go.

Mr. CANNON. The gentleman says, "Let her go."

Mr. DOOLITTLE. Such an outrage as this upon the States whose rights are involved should not be permitted by this House of Representatives.

Mr. CANNON. Mr. Speaker, I crave the judgment of the House—not its sound. What are the facts of this case? A week or two ago the President of the United States, acting in pursuance of law, issued a proclamation withdrawing 20,000,000 acres of land from the market, calling it a forest reservation. That is the condition now; there is no doubt about it.

Gentlemen from Montana and elsewhere object. Now, I am not here to find fault with their objection; I am not here to criticise it; I am not here to use hard words; but the natural way to repeal this Executive order is by legislation—not upon an appropriation bill. It could not go an appropriation bill under the rules of the House. It could not go on an appropriation bill under the rules of the Senate. Nevertheless it comes here in the shape of a Senate amendment.

What does it do? It absolutely repeals the Executive order. Grover Cleveland made the Executive order. If that Executive order is repealed, it must be done by the approval of the President of the United States. It was made two weeks ago.

Now, what does the gentleman from Iowa [Mr. LACEY] propose to do? The gentleman from Iowa proposes in lieu of the absolute repeal of this Executive order, to provide, first, that the President of the United States shall have power to repeal this Executive order, in whole or in part. The President never dies. One person is President to-day, another person perchance is President next week. Now, the amendment of the gentleman from Iowa [Mr. LACEY] if adopted, and if that was the only provision in it, renders it possible for the President of the United States to repeal this Executive order entirely, or to modify it in whole or in part.

Now, granting, for the sake of the argument, that gentlemen from the State of South Dakota and gentlemen from other States are aggrieved, are they not better off under the amendment than they are now?

Mr. LACEY. Without any law.

Mr. CANNON. Without any law. Now, this is first. What next does the gentleman from Iowa [Mr. LACEY], by his amendment, propose to do? He proposes to throw open these reservations, made by Executive order, for mineral-land entry. They are not open now. If his amendment is adopted and enacted into law, they will be open for both mineral-land entry and agricultural-land entry.

Mr. LACEY. Not for agricultural-land entry; but they can use the timber for agricultural purposes.

Mr. CANNON. I was mistaken. They will be open for mineral-land entry. What else does the amendment do? It puts it in the power of the Secretary of the Interior, aye, it makes it the duty of the Secretary of the Interior, whether this provision of this Executive order is made or not, to sell the Government timber to the miner, to the settler, and to the farmer. Am I correct about that?

Mr. LACEY. Under exactly the same terms as the House has already imposed by the bill H. R. 119.

Mr. CANNON. Precisely.

Mr. LACEY. I did not attempt to write anything new for the House, but simply copied that which the House on due deliberation, upon motion of the Committee on the Public Lands, after careful consideration, had already, as far as it was in the power of the House, enacted into law.

Mr. CANNON. Now, Mr. Speaker, that is what the amendment offered by the gentleman from Iowa [Mr. LACEY] will do. The chairman of the Committee on Public Lands [Mr. LACEY] is familiar with these questions. I was not so familiar with them. When this Senate amendment came to the House, not being familiar with it, but knowing the ability, the knowledge, the honesty, and the judgment of the chairman of the Committee on Public Lands, I at once went to him and said "I wish you would take charge of this. It is on my bill, out of order. If it remains on my bill, an absolute repeal of an Executive order that was made two weeks ago, I believe that my bill, carrying $50,000,000 for rivers and harbors, and for every branch of the public service, will be lost."

The gentleman from Iowa considered the matter. He has moved his amendment. Now the gentleman from Montana and the gentlemen from the Dakotas oppose this amendment. Does it not place them in better shape than they are in now? There is no doubt about that.

But the gentlemen from these States, without regard to the welfare of this bill, seek to fasten, out of order, this provision upon a great money bill which runs to every corner of the Republic, and in its expenditures to every ocean upon the earth, and to hold it up by the throat, and say that that Executive order, made by the President, shall be repealed with the consent of the President in less than two weeks after it has been made, or that this bill shall not be enacted into law.

The gentleman from Iowa [Mr. LACEY] has the reasonable side of this case. These gentlemen are placed in a much better position. I would go far to accommodate my friends from the West. I have every sympathy with them, and the amendment of the gentleman from Iowa [Mr. LACEY] is a vast improvement upon the present condition.

I ask the House to adopt the amendment of the gentleman from Iowa, and let us go on with the other amendments upon this bill. [Applause.]

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. LOUD. I hope I may have five minutes.

Mr. CANNON. I hope the gentleman will not ask that.

Mr. LOUD. I shall not attempt to impede the business of the House; but I believe the matter contained in this amendment is of great importance to the people of my State.

Mr. CANNON. Oh, my friend, I will say I understand I think it is the temper of the House to adopt the amendment.

Mr. LOUD. Mr. Speaker, for three days I stood in this House last Congress on a measure of this kind.

Mr. BRUMM. Regular order.

Mr. LOUD. By going slowly we will get along a good deal faster. If the gentleman says he will except the State of California, I have no objection.

Mr. LACEY. If the gentleman from California will allow me, I suggest as to this part of the bill, which authorized the sale of timber for domestic and mining uses, he desires to amend it so that they can not do that in California. I have no objection to that. The other States where they do not want to sell will have no objection to Califofnia having that exception made.

Mr. CANNON. We can fix that in conference, I will say to my friend.

Mr. LOUD. Will the gentleman agree to fix that? [Cries of "Vote!"]

Mr. CANNON. I ask, Mr. Speaker, for a vote. Gentlemen have had two minutes to our one; and we must finish this bill.

The question was taken; and the amendment of Mr. LACEY was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the amendment was agreed to was laid on the table.

The Clerk read as follows:

Amendment numbered 98:

For improving Hudson River, New York: Continuing improvement, strike out "five hundred" and insert "three hundred and seventy-five;" so as to read "$375,000."

The SPEAKER pro tempore (Mr. BENNETT). The gentleman from Illinois in charge of the bill is recognized.

Mr. HOOKER. Will the gentleman from Illinois yield to me for a moment?

Mr. CANNON. For what purpose?

Mr. HOOKER. I want to ask a question and make a suggestion about several amendments here.

Mr. CANNON. I would be glad to hear the gentleman.

Mr. HOOKER. I intended to move that the House nonconcur in all of these amendments concerning rivers and harbors.

Mr. CANNON. Notice has been given as to various ones of these amendments, that gentlemen would move to concur, or recede from the disagreement, which takes precedence over my motion in those cases where such notice was given.

Mr. HOOKER. I will suggest that amendments numbered from 98 down to 130 involve substantially the same thing.

Mr. EVANS. Except amendment 127.

Mr. WILLIAM A. STONE. I have given notice concerning——

Mr. HOOKER. My statement will not interfere with yours in the slightest. These are simply for appropriations where projects are put upon continuous contracts, and the amounts inserted in the bill in the House are reduced in the Senate for no other purpose whatever, and I ask unanimous consent that a vote may be taken on the twenty-two together. They are 98, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 113, 116, 118, 120, 123, 124, 125, 126, 129, and 130.

Mr. CANNON. I will say to my friend that many of those amendments are closed up already. And let me say to my friend, to save trouble about this matter, the horizontal cut upon the river and harbor items amounting to $2,000,000 is not of very great importance, except if the Senate amendments are concurred in that there will be a deficiency to be provided for next winter. But so far as the public service is concerned, with the power to contract, the money will be paid in the meantime.

My trouble and that of the House conferees very largely is not upon those items where the amount of the appropriation was reduced, but the principal trouble that the House conferees have is the legislation touching rivers and harbors upon this bill; in other words, the provisions which make this a river and harbor bill as well as a sundry civil bill.

Mr. HOOKER. Will the gentleman permit just a question?

Mr. CANNON. In a moment. I do not feel that we ought to do that, but we ought to submit it to the House for its consideration and action.

Mr. HOOKER. If the gentleman will permit me a question. The amendments I have suggested do not involve any legislation.

Mr. CANNON. I beg your pardon: some of them do.

Mr. WILLIAM A. STONE. They concur in some.

Mr. HOOKER. I move to nonconcur in such of the amendments as may reduce the appropriations made by the House.

Mr. CANNON. If the gentleman had been here during the whole evening, he would see at once that we would make better headway by going on as we have been.

Mr. HOOKER. I was hastening by asking a vote upon twenty-two propositions at once.

Mr. CANNON. That can not be done. Separate votes have been demanded on many of them.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read as follows:

Page 91, amendment 98:

"Strike out 'five hundred thousand' and insert 'three hundred and seventy-five thousand,' so as to read '$375,000.'"

Mr. CATCHINGS. Is not a separate vote asked?

Mr. CANNON. Vote.

Mr. CATCHINGS. I desire to state to my friend from Illinois that we can expedite the matter if the motion of the gentleman from New York is entertained. He makes the motion to nonconcur in all of these amendments where the Senate reduces the amount. You can embrace them all in one motion.

Mr. CANNON. We can do it one by one.

Mr. CATCHINGS. Very well.

Mr. CANNON. My motion is that the House insist on its disagreement.

Mr. SAYERS. The proper motion is that the House further insist upon its disagreement to the amendment of the Senate.

The SPEAKER pro tempore. The question is on the motion that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The Clerk read as follows:

For completing improvement of channel connecting the waters of the Great Lakes between Chicago, Duluth, and Buffalo, (99) including necessary observations and investigations in connection with the preservation of such channel depth, $1,000,000.

Mr. CANNON. Mr. Speaker, that amendment is not even in conference.

Mr. SAYERS. The report of the conference committee embraced that item as settled.

The Clerk read as follows:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, (100) $400,000: strike out "four" before "hundred," and insert "three:" making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read as follows:

Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement (101), $400,000.

Strike out "four," before "hundred," and insert "three," making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

Mr. CANNON. Mr. Speaker, nobody has asked for separate votes on the amendments that are now being read.

Mr. HOOKER. I asked unanimous consent a while ago to take the vote on 22 of them together.

Mr. TOWNE. Separate votes were asked for.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] made the request.

The Clerk read as follows:

Improving harbor at Savannah, Ga.: For continuing improvement (102) $400,000.

Strike out "four" and insert "three;" making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The Clerk read as follows:

Improving Cumberland Sound, Georgia and Florida: For continuing improvement (103) $400,000 (104).

Strike out "four" and insert "three," so as to make the appropriation $300,000. After "dollars" add "to be immediately available."

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Mr. CANNON. Now, Mr. Speaker, I ask unanimous consent as to amendments numbered 105, 106, 107, 108, 109, 110, 111, that the House further insist upon its disagreement with the Senate.

Mr. PEARSON. Mr. Speaker, I desire a separate vote on amendment 109, as it relates to a matter with which I have some acquaintance.

Mr. CANNON. Then I will except 109.

The Clerk read the other amendments enumerated by Mr. CANNON, as follows:

Amendment 105, reducing appropriation for harbor of Portland, Me., from $400,000 to $300,000.

Amendment 106, harbor at Rockland, Me., reducing appropriation from $400,000 to $300,000.

Amendment 107, harbor at Buffalo, N. Y., reducing appropriation from $550,000 to $112,500.

Amendment 108, harbor of refuge, Delaware Bay, reducing appropriation from $450,668 to $338,000.

Amendment 110, Sabine Pass, Texas, reducing appropriation from $400,000 to $300,000.

Amendment 111, harbor at Cleveland, Ohio, reducing appropriation from $400,000 to $300,000.

The motion of Mr. CANNON that the House further insist on its disagreement with these Senate amendments was adopted.

Amendment numbered 109 was read, as follows:

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, $400,000. Amend by striking out "four" and inserting "three," making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, what motion does the gentleman from North Carolina [Mr. PEARSON] desire to submit?

Mr. PEARSON. That we concur in the amendment.

Mr. CANNON. Does the gentleman desire to be heard?

Mr. PEARSON. I do.

Mr. CANNON. How much time does the gentleman want?

Mr. PEARSON. It will take not more than three minutes for me to say what I want to say.

Mr. CANNON. I yield the gentleman that time.

Mr. PEARSON. Mr. Speaker, when I last asked the gentleman in charge of this bill to be permitted to take the floor, it was for the purpose of moving an amendment in relation to the question of the sugar bounty, which was then before this body, to the effect "that the appropriation be made available only after the expiration of a period of thirty consecutive days during which the revenues of this Government shall be equal to its daily expenditure," and I am here to say to the distinguished chairman in charge of this bill and to the House that the reason I select this item of Winyaw is that I know the spot, I know the river, and I know that the appropriation is not needed; and I know further—but I would not like to make any personal remarks in this connection—I do know, however, that the receipts there are only $300 a year, and are you not content with $300,000?

Do you insist upon $400,000 for a place that brings in only $300 a year? Is that the economy that is to characterize this Administration, or rather this Republican House? I make this point not because the locality is South Carolina, or because it is on this river, but because of the unworthiness of the appropriation, and I believe that there are other unworthy items in the bill, particularly one on the far Northwestern coast, where $400,000 is appropriated for a harbor at a place where they will have to dig a hole in the sand and call it a harbor and pour in $400,000, a place where there is no town, no custom-house, not a dollar of revenue collected, and yet it is proposed to put in $400,000, and at a time when we have not the money.

A MEMBER. What place is that?

Mr. PEARSON. It is a place called Grays Harbor, and it is only one of thirty or forty of such items.

Mr. HOPKINS of Illinois. Well, stick to your point on this amendment.

Mr. PEARSON. I will stick to this, but I say it is only one of many unworthy items. In saying this I am inspired by no spirit of sectionalism, but simply by a knowledge of geography and a knowledge of the receipts and expenditures of this Government at this point and a desire to protect the public Treasury in its present distress.

Mr. HOPKINS of Illinois. How near do you live to the place?

Mr. PEARSON. I was born on the river that empties into this bay.

Mr. WILLIAM A. STONE. The gentleman differs entirely with the report of the Chief of Engineers.

Mr. CANNON. I yield to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. Mr. Speaker, in the absence of the gentleman from South Carolina, more immediately interested in this, I desire to say a few words in reply to the gentleman from North Carolina.

The gentleman from North Carolina does not understand the situation at all, if we are to judge by his remarks. Winyaw Bay is the outlet of all the rivers practically in the State of South Carolina. Those rivers carry a constant and valuable traffic, as is fully set forth in the reports of the Chief of Engineers and the local engineers in charge of the work there.

This improvement is a matter of so much importance that delegations have been repeatedly sent here from the State of South Carolina on this subject. It is a matter of so much moment that the legislature of South Carolina, on more than one occasion, has passed resolutions expressly insisting that Congress should deal liberally with this improvement. It is within a very few miles of Charleston. The customs receipts cut no figure in the matter at all, because practically all the business goes to Charleston and figures in the receipts of that place.

I repeat that the State of South Carolina is filled with navigable streams, every one of which to-day is being made use of for the purposes of commerce; that the aggregate commerce upon those streams is simply enormous; that they all—practically without an exception—empty into Winyaw Bay. There is not a more worthy project in this bill than the one under discussion, and the gentleman from North Carolina simply does not know what he is talking about when he undertakes to denounce this as an unworthy project.

Mr. CANNON. I ask for a vote.

The question being taken on the motion that the House recede from its disagreement and concur in the amendment of the Senate, there were—ayes 24, noes 78.

Mr. PEARSON. I make the point of no quorum. [Cries of "Oh, no!"] I have not yielded my rights. If we must squander this money, let us do it in daylight.

Mr. CANNON. Mr. Speaker, I have yielded time to my friend to discuss this question. I want to say to him that we are now within less than thirty-six hours of the expiration of this Congress. The present proposition is simply the sending of this matter to a conference. It is not a question of legislation. That was determined a year ago. I appeal to my friend not to make the point of no quorum. I want to get this bill into conference.

Mr. PEARSON. Will the gentleman allow me to make a statement?

Mr. CANNON. With pleasure.

Mr. PEARSON. I desire to say, Mr. Speaker, that at the beginning of the consideration of this bill I demanded a second on the motion which was made to suspend the rules. I had the right to control the time, and the men who stood with me had the right to be heard in opposition to the measure. That right—by [illegible] dent, I ought to say, in justice to the Speaker—was denied me. It was not his fault; it was simply a mistake of fact.

Now, I know that there are men enough on this floor to defeat these unworthy measures if we have a fair hearing. I kne[illegible] on that day; I know it this night. And I know the Treasur[illegible] not in a condition to stand the expenditure for these unworthy projects. In justice to the people whom I represent, in justice [illegible] Federal Treasury, and in accordance with the [illegible] I have taken in front of the Speaker's chair, I shall [illegible] night, if necessary, to oppose such legislation.

Mr. CANNON. Does the gentleman demand a quorum?

Mr. PEARSON. I demand a quorum.

Mr. CANNON. "Not thou, but the rule railest at me." [Laughter.]

Mr. Speaker, I ask unanimous consent to pass over this item.

Mr. RICHARDSON. There is no use in doing that.

The SPEAKER. That can not be done unless the point of no quorum is withdrawn.

Mr. PEARSON. I am not an obstinate man by nature; and I have no disposition to antagonize the gentleman from Illinois. I feel that I have not been treated as I should have been in this discussion; and I know there are men enough on this floor when we have a full House to defeat such legislation as this.

Mr. CANNON. I ask unanimous consent to pass over this item until we have finished the bill and then return to it. Will that be satisfactory to the gentlemen from North Carolina?

The SPEAKER. If the gentleman from North Carolina withdraws the point of no quorum, that can be done; otherwise it can not.

Mr. RICHARDSON. I can not see what good that will accomplish.

Mr. CANNON. If the gentleman withdraws the point of no quorum, we can then, by unanimous consent, pass over this amendment until we complete the rest of the bill, when we can return to it.

Mr. PEARSON. I decline to yield unanimous consent, so far as I am concerned.

Mr. CANNON. Very well; then let us get a quorum, Mr. Speaker.

The SPEAKER proceeded to count the House.

Mr. PEARSON (interrupting the count). Mr. Speaker, I have emphasized my opposition to this bill: I find that my opposition must be unavailing, and I withdraw the point of no quorum. I am not willing to tax the patience and the physical strength of the members now present.

The SPEAKER. The point of no quorum is withdrawn. The noes have it, and the House insists upon its disagreement. The Clerk will read the next amendment.

The Clerk read as follows:

(112) The Secretary of War is hereby directed to cause to be made a survey and estimate of cost of deepening and widening the straight channel in Maumee River and Bay, with a view to obtaining and permanently securing a channel of a uniform width of 400 feet and 20 feet deep at low water, the cost of said survey to be paid out of money already appropriated for the improvement of said channel.

Mr. SOUTHARD. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. If my friend will allow me, in order to save time, I will say that this amount is payable from the appropriation upon its face. The reason that your conferees did not agree to this was that it is legislation, and belongs on a river and harbor bill. This is the sundry civil appropriation bill, and we did not feel at liberty to recommend to the House to make it in whole or in part a river and harbor bill. Having made that statement, I know of no objection to the amendment upon its merits, and if the gentleman moves to recede, I am willing to allow the vote to be taken.

The motion of Mr. SOUTHARD to recede and concur was agreed to.

The Clerk read the next amendment, as follows:

(113) In line 20, page 96, strike out the words "five hundred" and insert the words "three hundred and seventy-five."

Mr. CANNON. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The Clerk read the next amendment, as follows:

Improving harbor at Oakland, Cal.: For continuing improvement under present limit, $50,000. And the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving harbor at Oakland, Cal., is hereby amended to read as follows:

"Improving harbor at Oakland, Cal.: Continuing improvement under existing project, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $66,000: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount hereby authorized to be expended."

Mr. WILLIAM A. STONE. I ask the gentleman to yield to me for a minute. I move that the House recede from this disagreement and concur in the Senate amendment. I simply wish a few minutes time in which to make an explanation.

Mr. CANNON. Does the gentleman want five minutes or three minutes?

Mr. WILLIAM A. STONE. Five minutes, and I will include the kindred measures.

Mr. CANNON. I yield five minutes to the gentleman.

Mr. WILLIAM A. STONE. I wish the House would give me its attention for a moment. This matter is similar to two other amendments, numbered 121 and 122. The Oakland Harbor matter, the Ohio River dams, and the Kentucky River are the three similar items.

They were all placed in the last river and harbor bill; but the Chief of Engineers, through a mistaken estimate as to the cost of these projects, did not give the Committee on Rivers and Harbors a sufficient limit of cost, and the limit fixed by the Committee on Rivers and Harbors was made too low. So, when the Secretary of War came to let the contracts, as he was authorized to do, he found that he could not let contracts for the completion of the work on these three items inside the limit.

Therefore the matter was referred to the Judge-Advocate-General, who decided that, inasmuch as the limit was not sufficient to complete the work, the Secretary of War had no business to let the contracts at all. So they were not embraced in the sundry civil bill that was passed through the House. The Senate put them on in the shape of amendments, and cured the difficulty by providing that the amount should be what would be necessary to prosecute the work.

The amendment does not raise the limit in either case, and the items are before the House simply on the Senate amendment, with the technical objection cured by the Senate amendments. I therefore hope that the House will concur in the Senate amendments, as it puts them on the same footing with all the other items in the river and harbor bill under what is known as the contract system.

Mr. HEPBURN. I should like to ask the gentleman what was the estimate for the improvement provided for the item in amendment numbered 121?

Mr. WILLIAM A. STONE. Item 121 is the four dams in the Ohio River.

Mr. HEPBURN. What was the original estimate?

Mr. WILLIAM A. STONE. The original estimate, which has not been raised at all, was a limit of $2,020,000, and that embraced four dams, Nos. 2, 3, 4, and 5. Now, the Senate has eliminated dam No. 5. They have not raised the limit at all, but they have appropriated the amount which the Secretary of War estimates is necessary.

Mr. HEPBURN. Nearly the amount for the four that was estimated for the five.

Mr. WILLIAM A. STONE. Well, that was clearly a mistake of the Secretary of War. He got his estimate too low.

Mr. HEPBURN. But that was a mistake that induced the committee of the House to consent to go into this enterprise.

Mr. WILLIAM A. STONE. What committee, the River and Harbor Committee?

Mr. HEPBURN. Yes. Well, they want to improve river Dam No. 6; Dam No. 1 has been completed long ago. This simply corrects a mistake made by the Chief of Engineers. I hope the House will concur in the Senate amendment.

Mr. CANNON. Mr. Speaker, does the gentleman from California desire a minute?

Mr. HILBORN. Mr. Speaker, the last river and harbor bill had a provision for the completion of the work on Oakland Harbor, upon a plan that was devised years ago, and which fixed the limit of cost at $666,000. After the river and harbor bill had been passed, and Congress had adjourned, a new engineer was put in charge of this work. He revised the figures of his predecessor and raised the estimate by several hundred thousand dollars. Now, a responsible contractor, one who has had vast experience in this kind of work, has offered to do this work, to complete the improvements upon the original plan, for the amount fixed in the river and harbor bill itself.

Mr. CANNON. Mr. Speaker, a word, and I am ready to vote. At Oakland, the provision in the river and harbor bill that passed a year ago was to complete the work according to the plans of the engineer and within a limit of cost of $686,000. Now it seems that to complete it according to the engineer's estimate referred to it will cost $1,062,000.

Mr. HILBORN. I said we had an offer to complete it for the original estimate.

Mr. CANNON. The Senate comes in and proposes to amend this provision of the river and harbor bill by striking out the word "complete," and putting in the word "continuing," so that by this legislation the amount of money carried by this bill can be devoted to that improvement.

Now, then, a word as to the four dams on the Ohio River. They are in the same fix exactly. By the legislation on the river and harbor bill, that work can not be done by $1,000,000, according to the plans described in the river and harbor bill.

The same is true as to the Kentucky River. It will cost a million of dollars more than the limit fixed in the river and harbor bill passed a year ago.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to ask the gentleman a question.

Mr. CANNON. In a moment. Now, by the Senate amendment as to Oakland, Cal., as to the four dams on the Ohio River, and as to the Kentucky River, they come in with legislation to expend this money in "continuing," changing the law of the river and harbor act and making a river and harbor act of this bill.

Now, when I state that, I hope that the House is in possession of the fact, and it is for the House to say whether this bill, reported by the Committee on Appropriations, is to not only be an appropriation bill in pursuance of existing law, but is also to be a river and harbor bill that legislates for the improvements of rivers and harbors. I am ready for a vote.

The SPEAKER pro tempore (Mr. PAYNE). The question is on the motion to recede and concur.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. CANNON. I will ask for a stand-up vote, and then I am done.

The SPEAKER pro tempore. The gentleman demands a division.

The House divided; and there were—ayes 70, noes 14.

So the amendment was concurred in.

Mr. WILLIAM A. STONE. I ask that the other two be considered in the same way. They are exactly the same as this.

Mr. CANNON. Read the next amendment.

The Clerk read as follows:

(115) The officer of the Coast and Geodetic Survey detailed to serve on the Board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which Board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. CANNON. Is there any motion there?

Mr. SAYERS. This amendment seems to be for the payment of an officer detailed upon a board of survey.

Mr. WILLIAM A. STONE. I move that the House concur in the Senate amendment.

The question was taken; and the Senate amendment was concurred in.

The Clerk read as follows:

Amendment No. 116: Strike out "four" and insert "three;" so as to read "$300,000."

Mr. CANNON. I ask unanimous consent that we further insist upon disagreement on this amendment and send it to conference.

The motion was agreed to.

The Clerk read as follows:

(117) That the Secretary of War be, and he is hereby, authorized and directed to expend from existing appropriation "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith" made by the "Act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of $10,000 in making a definite survey and location of said improvement from the head of Salmon Bay to termination on Smiths Cove and connect with former survey from Lake Washington to head of Salmon Bay, and in preparing a cadastral map, showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

Mr. CANNON. Does the gentleman from Mississippi think that this amendment ought to be concurred in?

Mr. CATCHINGS. No, sir; I do not. I think it ought to be nonconcurred in.

Mr. CANNON. Then I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 118:
Strike out "four" and insert "three;" so as to read "$300,000."

Mr. CANNON. I ask that the House further insist on its disagreement to this amendment.

The SPEAKER pro tempore. Without objection, it will be ordered that the House further insist upon its disagreement to this amendment.

The Clerk read as follows:

Improving the Great Kanawha River, W. Va.: Completing improvement, $275,000.

Mr. HULING. I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. The House has voted so frequently I will say nothing about it.

The amendment was concurred in.

Amendment No. 120 was read, reducing the appropriation for improving the upper Monongahela River from $400,000 to $300,000.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the House further insist on its disagreement.

The motion was agreed to.

Amendment No. 121 was read, as follows:

(121) Improving the Ohio River: For continuing construction of Dams Nos. 2, 3, and 4, between Davis Island dam and Dam No. 6, $400,000; and the provision in the river and harbor appropriation act of June 3, 1896, authorizing contracts to be made for improving Ohio River by the construction of Dams Nos. 2, 3, 4, and 5, is hereby amended to read as follows:

"*Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of the material and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,380,000, exclusive of the amount herein appropriated: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate and concur.

The motion was agreed to.

Amendment No. 122 was read as follows:

(122) Improving Kentucky River, Kentucky: For completing Locks and Dams Nos. 7 and 8, $291,000; and the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving Kentucky River, Kentucky, is hereby amended to read as follows:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement in accordance with the present project for same, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,340,000, exclusive of the amount herein and heretofore appropriated.

"*Provided*, That of the amount authorized to be expended, $83,000, or so much thereof as may be necessary, may be expended in addition to the $50,000 herein appropriated in continuing construction and completion of Lock and Dam No. 6, by contract or otherwise, and said $83,000 shall be immediately available: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

Mr. McCREARY of Kentucky. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the several votes by which these amendments were concurred in was laid on the table.

Mr. CANNON. Mr. Speaker, with reference to amendments 123, 124, 125, and 126, I ask unanimous consent that the House further insist upon its disagreement.

There was no objection, and it was so ordered.

Amendment numbered 127 was read, as follows:

Add to the item for improving falls of Ohio River, at Louisville, Ky., the following: *Provided*, That the Secretary of War may carry to completion the present project of improving the falls of the Ohio River and Indiana Chute Falls, Ohio River, by contract, as provided in the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law June 3, 1896; or the necessary materials may be purchased, and the work done otherwise than by contract, in his discretion, if more economical and advantageous to the United States.

Mr. EVANS. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment, and concur in the same.

Mr. CANNON. Mr. Speaker, the only possible objection to this provision is that it is legislation upon an appropriation bill. It does not increase the amount. The engineers want it, and say that in the condition of that work they ought to have the discretion to do at least a part of the work by days' work, because it is not practicable to do it entirely by contract. The only reason that the conferees disagreed to the amendment was that they wanted the House to assume the responsibility of putting legislation upon this bill.

Mr. BURTON of Ohio. Why is it that the limit of the total cost is not included here?

Mr. EVANS. It is limited in the river and harbor bill.

Mr. CANNON. In amendment 126 the gentleman will find that it is limited.

Mr. BURTON of Ohio. Is it contemplated, then, that this other method of doing the work shall not in any event increase the cost?

Mr. CANNON. It will not increase it.

Mr. EVANS. It will diminish it.

The motion of Mr. EVANS to recede and concur in the Senate amendment was agreed to.

On motion of Mr. EVANS, a motion to reconsider the vote by which the last motion was agreed to was laid on the table.

Amendment numbered 128 was read, as follows:

Add to the item for improving Chicago River, Illinois, the following:

"In pursuance of the provisions of 'An act making appropriations for the construction, repair, and improvement of certain public works on rivers and harbors, and for other purposes,' approved June 3, 1896: and it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River, that all of the work in t[illegible] improvement of said river which was recommended or suggested to be d[illegible] in the interest of commerce by Capt. William L. Marshall, of the Corp[illegible] Engineers of the United States Army, in his report of August 9, 1895, m[illegible] be done: *Provided*, That the total cost of such improvement or work sh[illegible] exceed the limit provided for in said act."

Mr. CANNON. Mr. Speaker, I yield five min[illegible] colleague from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment, and concur in the same. Mr. Speaker, I want to say only a few words on this subject. It is not sought by this amendment to make an appropriation.

In the last session of Congress an appropriation of $50,000 was made for the improvement of the Chicago River, and the Secretary of War was authorized to place that river under the contract system and expend up to $700,000 for necessary improvements, or improvements recommended by the engineers stationed at Chicago. By this amendment we seek only to construe the law passed at the last session, so that we may be able to go on and put our river under contract and complete the work or exhaust the $700,000 appropriated at the last session.

Mr. CANNON. Mr. Speaker, I yield a minute to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has objected seriously to certain of these amendments because they apparently indicate an effort of the Senate to introduce legislation that belongs to a river and harbor bill alone. He has objected to the sundry civil bill being transformed into a river and harbor bill. But there is another objection to the pending amendment, which the gentleman has entirely passed over. Here is another assumption. This amendment, it appears, proposes to construe a law passed heretofore, so that it is a usurpation of a function of the Supreme Court. This amendment undertakes what is the proper construction of a law passed at some previous period. I simply want to call attention to this additional objection to the amendment.

He objected to the sundry civil bill becoming a river and harbor bill. Now, there is another objection to this clause that the gentleman has entirely passed over. Here is the assumption of another function. This section proposes to construe a law—a usurpation of the function of the Supreme Court. We find here an attempt to define the proper construction of a law passed at some previous period. I simply call attention to this as another objection to this section.

Mr. CANNON. I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, this provision not only construes a law; it creates one. The river and harbor act passed June 3, 1896, was clear enough. It made provision "for improving the Chicago River, in Illinois, from its mouth to the stock yards on the South Branch and to Belmont avenue on the North Branch, as far as may be permitted by existing docks and wharves."

That provision was distinct enough—"as far as may be permitted by existing docks and wharves." It contemplated only the work of dredging. It is perfectly clear that that is what was intended to be expressed in the law. An estimate has been recently made by the local engineer at Chicago, showing that there are four items of expense to carry out the improvements contemplated in this bill—$280,000 for dredging, $100,000 for widening, $176,000 for building docks, $144,000 for right of way.

Now, the past is secure so far as this improvement is concerned. It is provided that dredging shall be done, though I think it is a mistake to provide even that in this location. Nearly every harbor on the Great Lakes is of a certain type. There is a creek or river, usually a narrow one, like the Chicago River and its branches, emptying into the lake. The Government constructs a pier from the mouth of the river out into the lake far enough to reach navigable water. But every improvement on the river or creek inside of that pier is made at the expense of the municipality or of private parties. In the city of Buffalo, in the city of Cleveland, in the city of Milwaukee, in all these great ports on the lakes, every dollar of the expense inside of the Government pier is paid by the municipality or by private parties.

Now, concede that there should be such degree of favor shown to Chicago that dredging be done inside of that pier, it is wrong to pay also for right of way and to rebuild docks that are made by deepening. The Government engineer expresses himself clearly on this subject in his last report:

> It has been customary for the United States to maintain the channel between the piers and docks of the entrance to Chicago River by dredging to such width and depth as required by vessels of the dimensions navigating Chicago River.
>
> This dredging has been restricted to that part of the channel lying seaward of the Rush Street Bridge. The city of Chicago uses this river as an outfall for its sewage, and also annually dumps large volumes of slush and street cleanings into the channel through the operations of its street-cleaning department.

There is not a man in this House more friendly to river and harbor improvements than I, but we should carefully draw a line between that which should be performed by the General Government and that which should be performed by private parties and municipalities. To illustrate: In the common council of Buffalo I am informed that a few days ago a resolution was introduced reciting the terms of this bill, and directing that an investigation should be made, with the view to secure an appropriation for improving Buffalo Creek, which is the same kind of a stream as Chicago River, but has always been improved by the city. I do not wish to see this bill pass without the House understanding the dangerous precedent which it will establish—that of doing at the expense of the Government a work which should be done by others.

More than that, the Government has no business inside of the Chicago River. It is very narrow, spanned by bridges every 300 or 400 feet, and crossed by tunnels which limit the depth. There is a city ordinance, the validity of which was tested in the Supreme Court of the United States, by which the city of Chicago closes those bridges for an hour in the morning and an hour in the evening. The Supreme Court decided that it was a matter exclusively for the city of Chicago to determine—that until the General Government interfered and took control of that river, not merely improved it, but took absolute control and directed what should be done with those bridges, the city of Chicago had the exclusive control of them. Fancy where we would be if the General Government should endeavor to buy the right of way and cut off corners and straighten the river and then build docks to be used by private parties. It is a matter of private enterprise, I submit, that the city of Chicago should take care of. [Applause.]

I am willing to concede in justice that Chicago is a great port, which has not received large appropriations from the Government; but I submit that we ought not to establish this precedent; that we ought not to extend this favor to one locality which will operate as a discrimination against other localities and as a dangerous precedent everywhere.

Mr. CANNON. I yield to my colleague [Mr. REEVES] for five minutes.

Mr. REEVES. Mr. Speaker, although my colleague on the Committee on Rivers and Harbors [Mr. BURTON of Ohio] and I have been unable to agree on this matter, I accord to him perfect fairness and honesty in what he does. At the same time I must insist that he is in error both in principle and in fact. The chief objection made by the gentleman to this proposition is that the work is to be done in the Chicago River, inside of the Government piers. He claims that because the work is thus inside of those piers it is not in the interest of the commerce of the country at large, and therefore must be in the interest of the city alone, and that the expense should be borne by it.

Mr. BURTON of Ohio. My colleague on the committee, I know, does not wish to misstate my position. I do not claim that this improvement is not in the interest of commerce, as of course it is. The only question is as to the agency which should do the work, and the parties who should pay for it.

Mr. REEVES. My friend shifts his position from what it has been heretofore on this question.

I want to make a suggestion to the House, which I ask may be heard by everyone here. There are grain elevators built on this river with a capacity of 37,000,000 bushels, every bushel of which is shipped in from the States of Illinois, Iowa, Minnesota, Nebraska, and that region of country, simply to be transferred and carried to the seaboard. I want to know if that is not the commerce of the country, rather than any local commerce or anything of a local character. That is only one item of many of a kindred kind.

The fact is, Mr. Speaker, that the whole trouble about this Chicago River lies in this: Some 12 or 15 miles from Chicago down the lake is another river called the Calumet. Some of the property owners about that stream want to drive the harbor of Chicago down there, and a constant alarm has been kept up, and all manner of agitation and rumors have been spread through the House and elsewhere against the improvement of the Chicago River, in the interest of the property owners on the Calumet River. The truth ought to be told plainly. I want to say to the House that if you drive the commerce of that great city away from the Chicago River, you will incur an expense of more than $100,000,000 to change the railroad terminals and the improvements in the interest of commerce that have been made on the Chicago River.

My friend from Ohio [Mr. BURTON] says that we are establishing a precedent. In that he is mistaken. The precedents have long since been established for the doing of work for the Government inside of the Government piers. He will find upon examination that Newtown Creek in Brooklyn is a parallel case to that of the Chicago River.

Mr. BENNETT. No, it is not.

Mr. REEVES. I beg your pardon, but it is. That is a stream on which millions of tons of commerce pass, and it is located within the city of Brooklyn. Do not let me be misunderstood, and I hope the gentleman here, who acts a little nervous about this, will not understand that I am by any means condemning the improvement of Newtown Creek, for I believe it to be a valuable and proper one. I supported it in the committee and in the House, and it is in this bill which we are now passing.

My friend will also find that Michigan City, on Lake Michigan, is a kindred improvement, exactly parallel. He will also find that between Menominee and Marinette the Menominee River is improved for a distance of 2 miles, dredging to a depth of 16 feet between these two towns, and the case is parallel to that of the improvement in the Chicago River.

The gentleman will also find, upon examination of volume 28 of the Statutes at Large, page 351, an item for the improvement of the Warrior and Tombigbee rivers.

[Here the hammer fell.]

Mr. BURTON of Ohio. I trust the time of the gentleman will either be extended, so that he may answer some questions which I wish to propound to him, or that I may have a little further time.

Mr. BENNETT. And I ask the gentleman from Ohio [Mr. BURTON] to explain the case that I talked to him about.

Mr. BURTON of Ohio. The gentleman refers to Newtown Creek. That is not in the city of Brooklyn. It is between Long Island City and Brooklyn, between two separate counties, and widely different from the case of the Chicago River. It is a stream about 1,000 or 1,200 feet wide. The river and harbor act provided for a channel not for the full width, but 125 feet in width, through the center of the stream presumably, leaving it to the abutting owners on the two sides to do all the work that is sought to be done at the expense of the Government in the case of the Chicago River. There is a very wide difference between cutting out a channel 125 feet in width in a stream 1,000 feet wide and doing what is sought to be done in this bill, which is to have the Government replace the piling at the edges.

Mr. HOPKINS of Illinois. Yes; but the gentleman concedes that the improvement proposed in this amendment is in the interest of the commerce of the country, does he not?

Mr. BURTON of Ohio. Certainly; but so is the building of an elevator by a private individual. So is the bringing of a railroad into Chicago.

Mr. HOPKINS of Illinois. That is not a parallel case.

Mr. HENDERSON. I should like to ask my friend a question. Does not the act of June 3, 1896, which is being construed here, really pass upon the main question of appropriating for work inside the Government piers?

Mr. BURTON of Ohio. It does. I think that was wrong, but I concede that what was determined upon then should be carried out.

Mr. HENDERSON. We have passed that point in legislation.

Mr. BURTON of Ohio. That point is settled, so far as the dredging is concerned, but not as far as going to the sides and replacing the piling is concerned, or buying the right of way. There are two distinct items, one of $176,000 for docks, and another for $144,000 for right of way, which, I submit, ought to be eliminated.

Mr. HENDERSON. I would like if the gentleman from Ohio will make clear to the House the effect of this interpretation of the act of June 3, 1896. What was done under this act, and what is the effect of this in relation to the act of June 3, 1896?

Mr. BURTON of Ohio. I can answer that in part by reading the official report of Major Marshall. In 1893, in making recommendations for the benefit or interest of commerce, he says:

> First. That the Chicago River from its mouth to the stock yards on the south branch and to Belmont avenue on the north branch as far as may be permitted by existing docks and wharves be dredged to admit passage by vessels drawing 16 feet of water.
>
> Second. All encroachments on the stream by docks within the original meandered lines of the streams obstructive to navigation, as it exists to-day, should be removed at the expense of the encroaching parties, and obstructive bridges be required altered or changed.

The act of 1896 only provides for dredging. This bill includes provision for purchase of right of way and for building docks.

This bill is more than an interpretation. It carefully leaves out the provision for removal by encroaching parties, and lays upon the Government the expense of doing all the work of improvement of the river, which was recommended and suggested to be done in the interest of commerce by Capt. William L. Marshall. In his recommendation he said that these encroachments ought clearly to be removed by private parties there.

Mr. COOKE of Illinois. I ask if the gentleman will allow me five minutes?

Mr. CANNON. In a moment. I yield to my colleague two minutes.

Mr. REEVES. Mr. Speaker, I only want to finish a word I was saying in respect to an inquiry, and as to the particular kind of work that may be required to make the improvements. The fact is that the river and harbor bill passed in June last quotes the language of Major Marshall, the local engineer, almost, if not entirely, verbatim. I drew it myself, and know whereof I speak.

The simple truth is that the Comptroller of the Treasury, in his efforts to interpret this statute, said that he will not audit all the bills for the work provided by the river and harbor bill until the work shall be done, and this interpretation is given to it to the end that the money appropriated a year ago may now be made available. It does not add anything additional. My friend says the Government should not be called upon to put in piles, and I agree with that, except where the Government tears them down in making the improvements. That is all that is contemplated here. We are now doing this work at various points, taking out some piles. Major Marshall recommends that they be put in again. The same kind of work is done all over the country in these river and harbor improvements.

I want to say only one word in further answer to a suggestion as to the sewage put into this river at Chicago and the character of the river. Some gentleman has said that he wants to know about the ditch. I will answer both questions at the same time. It means that the city of Chicago is expending now, and has nearly completed an improvement that has cost $30,000,000, that it is paying out of its own pockets. This is not alone for the purpose of drainage, but for the purpose of commerce in connecting the Great Lakes with the Gulf of Mexico, which every engineer says must be done.

Mr. CANNON. I yield five minutes to my colleague representing one of the Chicago districts, and then I hope for a vote.

Mr. COOKE of Illinois. I desire to say in reference to the commerce that is carried on Chicago River that this appropriation is utterly insignificant when you consider how enormous is the extent of that commerce.

Listen for a moment to the figures. The river contains 214,290 feet of dock front, or 40.6 miles. The elevators along the river have an aggregate capacity of 40,000,000 bushels. In 1895 there were shipped 82,300,000 bushels. There were shipped in addition 1,507,000 barrels of flour, and 4,063,000 packages of miscellaneous freight. There were received 2,000,000,000 feet of lumber by water, and 1,000,000,000 feet by rail. There were received 3,207,001 tons of coal.

The amount of commerce done upon the Chicago River equals that at New York. It is so great that all these other harbors sink into utter insignificance in comparison with it. Now, with reference to the point of the gentleman from Ohio, that there is no precedent for improving it, why, so long ago as in 1888 Congress appropriated $100,000 for the removal of certain obstacles that were in the Delaware River, opposite the city of Philadelphia.

Mr. BURTON of Ohio. Does not the gentleman know that that appropriation was made upon the express provision that the docks should be extended out into the river? The city of Philadelphia owned certain docks and private individuals owned others, and both were to bring them out to the line of the channel dredged by the Government.

Mr. COOKE of Illinois. I refer only to the purchase of the island in the river for the purpose of improving the commerce of Philadelphia. The gentleman will excuse me for not yielding, because he has already spoken and my time is limited. At Michigan City, I quote from the Engineer's Report:

> The harbor is the creek which winds through the town, and to which all vessels having business at this port proceed.

The Menominee River has received a large appropriation for the purpose of widening and extending the channel; and at New York the appropriation which was made for improving Spuyten Duyvil Creek across to the Harlem River required a total expenditure of $2,700,000 for widening and deepening that channel, an enormous work, which was demanded by the great commerce there carried on. That is a precedent for the appropriation for the harbor of Chicago which was contained in the river and harbor bill passed last year, and I call the attention of the House to the fact that in the provision placed upon this bill by the Senate, by way of an amendment, there is not a dollar of addition made to the appropriation contained in the river and harbor bill.

There is merely such a construction given to it as will induce the War Department to make the expenditure. The act of last spring provided that the improvement should be made "according to the recommendation of Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report made under date of August 9, 1893," and the endeavor is made by this amendment to make the appropriation read exactly as Major Marshall would himself have drawn it had he been drawing the act. Here is the language:

> And it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River, that all of the work in the improvement of said river which was recommended or suggested to be done in the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1893, may be done.

[Here the hammer fell.]

Mr. CANNON. Just a word, Mr. Speaker, and then I shall be ready for a vote. The city of Chicago is the second city in the Union, and let me add that the tonnage of Chicago River is greater than the tonnage of any port in the United States. I want to say further that the river and harbor bill of a year ago, right or wrong, authorized the improvement of this river up to the amount of $700,000, and this provision, while it is [illegible], does not increase the limit of cost, but requires that this work shall be done within the limit, instead of practically increasing the limitation as the House has done to-night in relation to Oakland, Cal., the four dams on the Ohio River, and improvement of the Kentucky River. I am ready for a vote.

The motion that the House recede from its disagreement and concur in the Senate amendment was adopted.

On motion of Mr. LORIMER, a motion to reconsider the vote by which the House concurred in the Senate amendment was laid on the table.

Amendment 129 was read, as follows:

> Illinois and Mississippi Canal: For continuing construction (129), $1,700,000.

Mr. CANNON. Mr. Speaker, I ask unanimous consent, as to amendments 129, 130, and 131, that the House further insist upon its disagreement.

Mr. CATCHINGS. Mr. Speaker, I suggest to the gentleman that amendment No. 131 should be passed over temporarily, until we reach No. 133, so that the two can be considered together.

Mr. CANNON. All right. Then my request for unanimous consent applies only to amendments 129 and 130, and as to them, I move that the House insist on its disagreement.

The motion was agreed to.

Amendment 131 was read, as follows:

In the item for continuing improvement from the mouth of the Ohio to the mouth of the Missouri River, strike out the following:

"And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 18[illegible], at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo."

Mr. CATCHINGS. Mr. Speaker, I have suggested to the gentlemen from Illinois that we consider that with amendment 133, as they both relate to the same point.

Mr. CANNON. Mr. Speaker, I want to make a proper motion, providing that the cost of this improvement on the Mississippi River shall be paid in whole or in part from the appropriation for the Lower Mississippi and the Upper Mississippi.

Mr. CATCHINGS. Mr. Speaker, I want to raise that very question, and I will move that the House recede from its disagreement and concur in Senate amendment 131, my purpose being to make a similar motion later with reference to amendment 133.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] moves that the House recede from its disagreement to the amendment of the Senate numbered 131, and concur in the same.

Mr. CATCHINGS. Then, Mr. Speaker, for convenience, I would like to discuss the same motion with reference to amendment 133 at the same time.

Mr. CANNON. How much time does the gentleman desire?

Mr. CATCHINGS. A very few minutes.

Mr. CANNON. Three or four?

Mr. CATCHINGS. I will not be very long. The gentleman can call me down when he chooses.

Mr. CANNON. I will yield the gentleman five minutes. I would not like to call him down. [Laughter.]

Mr. CATCHINGS. Mr. Speaker, the representative from the Cairo district [Mr. SMITH], accompanied by a delegation from the city of Cairo, appeared before the Committee on Appropriations and represented to them that at a point known as Beach Ridge, a few miles north of Cairo, the Mississippi River was likely to break through into the Cache River, a smaller stream which at that point runs nearly parallel with the Mississippi and empties into the Ohio at Mound City, which is seven or eight miles up the Ohio from Cairo. And they asked the Committee on Appropriations to provide that an amount not to exceed $100,000 might be used out of the appropriation provided for that section of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio for the purpose of preventing the Mississippi River from so breaking into the Cache.

The Committee on Appropriations very properly declined to take the matter into consideration until it had first been submitted to the Committee on Rivers and Harbors. Thereupon Mr. Smith, the representative to whom I have alluded, appeared with his delegation before the Committee on Rivers and Harbors, who were assembled for the special purpose of giving him a hearing. It was represented to us that if the Mississippi River should break through into the Cache, the national cemetery located at Mound City at the mouth of the Cache River, which has cost the Government something like $150,000, would be entirely destroyed; and I think that statement was absolutely true.

It was also represented to us that there was a marine hospital at the city of Cairo, constructed by the Government at a cost of something like $80,000, which would also be in imminent danger if this break should occur; and I think that is absolutely true. It was represented that this danger was imminent, and that this provision should be made for the preservation of this Government property.

We asked if this matter had been submitted to the Engineer Department. Mr. Smith stated that they had called upon the Chief of Engineers, who had telegraphed to Major Handbury, the engineer in charge of this section of the Mississippi River, who had replied that he did not think there was imminent danger of this break occurring, but would consider the matter in the orderly course of improving that section of the river. But these gentlemen were so urgent in their representations to us that, concluding this work would possibly be necessary to be done at some time, we decided to recommend to the Committee on Appropriations that this diversion be authorized. So we addressed a communication to the Committee on Appropriations to that effect.

Amendment 131 contains the provision which the Committee on Appropriations thereupon made, by which a sum not to exceed $100,000 of the appropriation for the section of the river between the mouth of the Missouri and the mouth of the Ohio was authorized to be used for that purpose. The provision in that form passed the House. It went to the Senate, where a communication was submitted from the Chief of Engineers in which the suggestion—not the request—was made that perhaps this diversion should be made from the appropriation for the lower section of the Mississippi River. Thereupon, without the request of any Senator or Representative, the Committee on Appropriations of the Senate provided in their first draft of the bill that this $100,000 should be taken from the appropriation for the lower section of the river.

In open Senate, after a full discussion, that amendment which the Senate committee proposed was stricken out. The provision carried in the bill as passed by the House was also stricken out, and an independent, specific appropriation of $100,000 was made for that purpose. I submit that the action of the Senate was proper and wise—thoroughly justified by the circumstances. The danger, if there be one at all, is purely local. It in no sense affects the navigation of that section of the Mississippi River. If the city of Cairo were absolutely destroyed, commerce would not be delayed or vexed in the least in any section of that river. But there is valuable Government property which might be destroyed.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. CATCHINGS. I ask a few more minutes.

Mr. CANNON. I yield the gentleman another minute.

Mr. CATCHINGS. I repeat, Mr. Speaker, the object of this appropriation is not to affect the commerce of the river in the least degree. It is purely local—for the purpose, in the first instance, of protecting public property, and in the second instance, preventing serious damage to the city of Cairo.

The suggestion which my friend has just made and which was made by the Appropriations Committee of the Senate, that the money for this purpose should be taken from the appropriation for the Lower Mississippi River, is entirely without warrant. This danger, if it occurs, will not occur upon that portion of the river. The appropriation has no relation, commercially or otherwise, to that section of the river. If such a diversion of the appropriation were made, it would simply disturb the division of the funds between the different sections of the river, which was amicably adjusted in the river and harbor bill and was satisfactory at the time to all persons concerned. I want to move, when we reach that point, that the House concur in the Senate amendment whereby $100,000 was specifically appropriated for that purpose.

Mr. PEARSON. Does not the Senate amendment add precisely $100,000 to the appropriation already carried by the bill?

Mr. CATCHINGS. It does.

Mr. CANNON. Mr. Speaker, I crave, for three minutes, the attention of the House.

For this river, from the Head of the Passes to Cairo, there is in this bill and the deficiency bill, under the provisions of the last river and harbor bill, over $3,000,000 available. From Cairo to Minneapolis or St. Paul, upon the same two bills, there is available about $1,000,000. Cairo, on the Mississippi, is threatened with the destruction or damage of navigation, and the adjacent country with overflow; and therefore, under the lead of the Committee on Rivers and Harbors, $100,000 was segregated from this Mississippi River appropriation to confine the river to its present banks by revetments. That provision, which will be found in this bill, on page 103, was stricken out by the Senate. Later on in the bill the Senate makes this appropriation—absolute, pure legislation. My friend the gentleman from Mississippi [Mr. CATCHINGS] says that the object of this is not to protect navigation, but to protect Cairo, the cemetery, and adjacent country.

Why, Mr. Speaker, it is in part to protect navigation, and, incidentally, to protect the adjacent country, and that is true of every dollar of these multiplied millions carried on this bill for the Lower and the Upper Mississippi.

Now, what I want to ask this committee to do is to insist on its disagreement to both these Senate amendments, and let this go back to conference, and let the Senate recede, and let this $100,000 for the improvement of the Mississippi River be segregated from one or the other of these appropriations, carried on these bills, in pursuance of the river and harbor bill.

Now, I am ready for a vote.

Mr. SMITH of Illinois. Mr. Speaker, as this matter is within my own district, I ask my colleague [Mr. CANNON] to yield to me a few minutes.

Mr. CANNON. I will yield two minutes to the gentleman.

Mr. SMITH of Illinois. Oh, I do not care for two minutes.

Mr. CANNON. Well, I yield three minutes to the gentleman.

Mr. SMITH of Illinois. I will say to my colleague——

Mr. CANNON. I will yield five minutes to the gentleman sooner than quarrel with him.

Mr. SMITH of Illinois. I would not quarrel with my colleague for anything on earth, because I know I should get the worst of it.

I want to say, Mr. Speaker and gentlemen, that I, fortunately or unfortunately, live between the Ohio and the Mississippi rivers. The Ohio is a peaceful stream, but the Mississippi is a raging one at almost all times.

Cairo is at the confluence of the Mississippi and Ohio. There is a little stream called the Cache River, running into the Ohio some 6 miles above Cairo.

A few years ago there was about 6 or 7 miles of land between the Mississippi and Cache River; but the Mississippi began cutting and cutting at a point called Beach Bridge, above Cairo, and to-day it is within 1 mile of the Cache River.

Three weeks ago, inside of twenty-four hours, 124 feet of the bank caved in, bringing it that much nearer to the Cache River. Unless this work is done and done speedily, the Cache River and the Mississippi River will be connected.

I must correct my friend from Mississippi [Mr. CATCHINGS] in one statement that he made, that this danger was not imminent. The report from the engineer was that it was not "immediately dangerous."

Mr. CATCHINGS. My friend misunderstood me. I said that that the engineer said that it was not immediate.

Mr. SMITH of Illinois. Not immediate, that is correct; but if we wait until the Mississippi shall have cut through into the Cache River, and have an "immediate" condition of affairs of that character, it will cost this Government $600,000 or $1,000,000 instead of $100,000.

Mr. SIMPKINS. Six hundred thousand dollars is a small part of the "cash river" that has flowed into the Mississippi. [Laughter.]

Mr. SMITH of Illinois. Now, I have always stood with those who favor river improvements, so far as those improvements go to the benefit of the general public. I know the facts connected with this matter, and know that this improvement is necessary and urgent.

As has been well said by my friend from Mississippi [Mr. CATCHINGS], the Government has a national cemetery there, which is represented by my State, and when the Mississippi River cuts through this one-half mile, that cemetery will be gone.

The Government not only has that, but it has a custom-house in Cairo which has cost this Government over $125,000. It has a marine hospital there which has cost the Government about the same amount.

Now, I am not particular where this money comes from. [Laughter.] I think I might as well be honest, even though I should differ from some of my colleagues. [Laughter.] I care not whether this appropriation comes from the appropriation made for the Upper Mississippi or the Lower Mississippi or as a separate appropriation.

What we want and what is demanded here is that an appropriation be made and that this work be done, and I certainly think that the good sense of this House will bear me out in my statement that this is necessary, that it ought to be done; and I trust that my colleagues living along the great Mississippi, which bears on its bosom the great bulk of the products of this country to the Gulf, will assist in the matter.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I want the House to understand that the gentleman from Ohio first moves, on amendment numbered 131, the vote being separate, that the House concur in the Senate amendment.

I hope that will be voted down, and that the House will insist upon its disagreement to the Senate amendment, so that it can go back to conference and let this matter be adjusted, my intention being, if the House does so vote, that this money shall be available from the Upper or the Lower Mississippi appropriation, or both.

Now, I am ready for a vote.

Mr. HENDERSON. Put it into the Lower Mississippi River, if you can.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendment.

Mr. BARRETT. Has the previous question been moved on this question?

The SPEAKER. The Chair will recognize the gentleman from Illinois if he desires to move the previous question.

Mr. CANNON. I hope my friend will let us dispose of this, and then he can make his request.

Mr. BARRETT. If the gentleman from Illinois does not object, I would like to make my request now.

Mr. CANNON. We can not take up matters foreign to this now. I ask for a vote.

Mr. BARRETT. If the gentleman from Illinois will accord with me in his pleasant way that my request shall receive due consideration, I shall withdraw it until the matter is disposed of.

Mr. CANNON. The gentleman shall certainly have an opportunity to make his request. That can be done after we dispose of this paragraph.

The SPEAKER. The question is upon receding and concurring.

The question was taken; and the motion to recede and concur was rejected.

Mr. CANNON. That means, Mr. Speaker, as I understand it, to further insist without further vote.

The SPEAKER. The House has been so treating it to-night, and unless objection is made, and the technical form is insisted upon, the Chair will so rule.

Mr. CANNON. Then the same rule of further insisting necessarily is applicable to No. 133.

The SPEAKER. If there be no objection, that will be considered as included in the vote. [After a pause.] The Chair hears no objection.

Mr. CANNON. Now the gentleman from Massachusetts desires to make a request.

Mr. BARRETT. Mr. Speaker, when this bill was before the House I appeared before the Committee on Appropriations and asked that the appropriation for the improvement of Boston Harbor should "be made immediately available." I find that there are two separate items in this bill on which that request has been accorded. I wish now to ask unanimous consent that on page 95, line 13, there shall be put in the words "to be immediately available;" and the reason I make that request, Mr. Speaker, is this.

Mr. CANNON. I will call my friend's attention to the fact, on looking at the bill, that the improvement of the harbor at Boston, Mass., "for continuing improvements $400,000," is not in disagreement between the House and Senate at all. There is no Senate amendment.

Mr. BARRETT. I understand, Mr. Speaker, of course, that a point of order can be made against my request.

Mr. CANNON. It is not a question of a point of order; but simply there is no Senate amendment.

Mr. BARRETT. I think I understand the situation, Mr. Speaker, but by unanimous consent it can be inserted. I ask the House to listen to me for a moment, and then I will ask for unanimous consent. The contract for Boston Harbor has been awarded, Mr. Speaker, and the boast is made that the work——

The SPEAKER. The gentleman will suspend a moment. The House will please be in order.

Mr. BARRETT. I understand, Mr. Speaker, that the point of order might be made, but trust it will not be made. There are several points of order that might be made at this time to this bill, which gentlemen present well understand without my calling attention to them. Now, I ask that for the improvement of Boston Harbor the House will put in the words "to be immediately available," for this reason. It was understood when these appropriations were made that the work should be done during the year now coming on.

The contract for Boston Harbor has been awarded under such conditions that no work can be done there during the summer now coming on. The person to whom the contract has been awarded has, I am told, made the statement that under the peculiar conditions of the award no work will be begun during the year 1897. Now, I desire that Boston Harbor shall be treated the same as other harbors in this bill. I ask unanimous consent that on page 95, line 13, the words "to be immediately available" may be inserted.

Mr. CANNON. Now, Mr. Speaker, however much I would like to oblige the gentleman, I am constrained to object, for the reason that there is no Senate amendment and that the contracts are let for the work to commence at the beginning of the next fiscal year, on the 1st of July. I want to finish the bill and shall be compelled to object, because it would be followed by requests for unanimous consent from everybody else, and the provisions of the river and harbor bill which fix the time of commencing the work under contract would be amended all along the line by unanimous consent.

Mr. BARRETT. Now, Mr. Speaker, the gentleman in charge of the bill will accord me a moment, I am sure, because I have stayed in my seat all the night, have helped to keep a quorum, and have voted with the chairman of the Committee on Appropriations. I find on the same page, in relation to Cumberland Sound, that the appropriation is made immediately available.

Mr. CANNON. But I will call my friend's attention to the fact that the House insists on its disagreement to that amendment. That has not been agreed to, and it will not be agreed to.

Mr. BARRETT. I wish to add, Mr. Speaker, that if the House shall finally insist on its amendment with regard to Cumberland Sound I will make no objection to striking out Boston, but I do insist that for a harbor so far north as Boston, where harbor improvements can not be prosecuted later than the 1st of October, the same accommodations should be given that is given much farther south, where work can be continued during the whole of the winter months. I simply ask that my amendment may be inserted with the understanding that if Cumberland Sound is finally rejected, so far as the Senate amendment is concerned, I shall make no objection to Boston being stricken out; but I must insist that our northern harbors ought to be treated with the same consideration as harbors much farther south.

Mr. CANNON. Read the next amendment.

Mr. BARRETT. Wait one moment——

Mr. ARNOLD of Pennsylvania. I object.

Mr. BARRETT. All right.

Mr. CANNON. Read the next amendment.

Amendment 132 was read, as follows:

Add to the provision for improving the Mississippi River in front of Muscatine, Iowa, the following:

"*Provided, further,* That the sum of $50,000 of said sum shall be expended for continuing the work of constructing artificial banks between the mouth of Flint River and running along the west bank of the Mississippi River to the mouth of the Iowa River."

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to that amendment. Now, let us understand about this. It segregates $50,000 from the appropriation for the Upper Mississippi River for the construction of artificial banks between the mouth of Flint River, running along the west bank of the Mississippi to the mouth of the Iowa River. I want the House to dispose of this.

Mr. SAYERS. Does the gentleman wish the House to concur in the amendment? If he does, I will make the motion.

Mr. CANNON. I do not make that motion at all. This is an entirely new matter and I do not want any perfunctory action about it. I move that the House further insist on its disagreement.

The motion was agreed to.

Amendment 134 was read, as follows:

Add to the provision of $25,000 to repair and protect the works in the neighborhood of Nebraska City, in the State of Nebraska, the words "to be immediately available."

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to that amendment.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. BARRETT. I call for a division.

The House divided; and there were—ayes 69, noes 1.

Mr. BARRETT. Mr. Speaker, is there——

Mr. WELLINGTON (interposing). Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. SAYERS. I trust the gentleman will not insist on that.

Mr. CANNON. I appeal to gentlemen to let us go on with this bill, and I especially appeal to the gentleman from Massachusetts [Mr. BARRETT], whom I call upon to testify that I have treated him with the greatest courtesy, to let us go on with the bill. The motion is to do in this case exactly what is done about Boston—that is, to insist that Congress will not make this money immediately available.

Mr. BARRETT. Mr. Speaker, I suppose the Chair recognized the fact that I rose in my place immediately on the announcement of the vote, in order to ask whether a quorum had voted on the division.

The SPEAKER. A quorum did not vote on the division.

Mr. CANNON. Does the gentleman from Massachusetts make the point of no quorum?

Mr. BARRETT. I wish to ask the gentleman in charge of this bill one question, and then, perhaps, I shall not make the point, but in the meantime I reserve it. This item says "to be immediately available." I wish to ask the gentleman if, when this matter comes into the House again——

Mr. WELLINGTON. Regular order, Mr. Speaker.

Mr. BARTHOLDT. Mr. Speaker, I rise to a point of order.

Mr. HENDERSON. Oh, let the gentleman from Massachusetts ask his question.

Mr. BARTHOLDT. No; I will not.

Mr. BARRETT. Then, Mr. Speaker, if I can not be allowed to ask a question, I raise the point of no quorum.

The SPEAKER. Does the gentleman from Massachusetts make the point of no quorum?

Mr. BARRETT. I do not wish to do that, provided I can have the privilege of asking the gentleman in charge of this bill a question.

Mr. ARNOLD of Pennsylvania. Regular order.

Mr. CANNON. I will answer the gentleman's question, if I can, if the House will allow him to ask it.

Mr. BARRETT. Of course the members of this committee understand the position that every other member of the House is placed in. Now, there are certain items on this bill——

Mr. CANNON. I shall be glad to have the question.

Mr. BARRETT. I will ask it. There are certain other items upon this bill that are made immediately available. They have all been disagreed to by the House by a vote, and I wish to ask the gentleman if, when this bill comes out of conference again, an opportunity will be given for a vote on these items as to which the appropriations are made "immediately available," so that they can be considered on their merits?

Mr. CANNON. Mr. Speaker, when this conference report comes back, if ever it does come back to the House, it will be for the House to adopt the report or to defeat it. The House can exercise that right. I could not cut it off if I would, and I would not if I could.

Mr. BARRETT. On that statement, Mr. Speaker, I shall not raise the point of no quorum.

Amendment 135 was read, as follows:

(135) The unexpended balance of the appropriation for the improvement of the Suwanee River, Florida, may, in the discretion of the Secretary of War, be expended for deepening the West Pass of the Suwanee River at its mouth.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Amendment numbered 136 was read, as follows:

(136) A sum not exceeding $15,000, or so much thereof as may be necessary, of the money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River may be used and is hereby made available for the payment of damages for lands and tenements overflowed or injured by the construction of a reservoir and dam at Gull Lake, Minnesota.

Mr. FLETCHER. I move that the House recede from its disagreement from this amendment and concur in it.

The motion of Mr. FLETCHER to recede and concur in the Senate amendment was agreed to.

Amendment numbered 137 was read, as follows:

(137) That the Secretary of War be, and he is hereby, authorized to investigate the extent of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and to perform such experimental work as he shall deem necessary to determine some suitable and feasible plan or method of checking and removing such obstacle, so far as it is a hindrance to interstate or foreign commerce, and to report the results of such investigation and experimental work; and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay the cost thereof.

Mr. CANNON. I move that the House further insist on its disagreement to this amendment.

Mr. WANGER. Will the gentleman allow me one question? Is it not a fact that the navigation of the rivers in Florida and some other States is very seriously interfered with by the growth of these aquatic plants?

Mr. CANNON. I will say in answer to the gentleman that the committee over which I have the honor to preside is an appropriations committee; that this is a matter of legislation thrust in upon this bill where, under the rules of both bodies, it has no place. I simply do not know about these aquatic plants. It will be time enough when we make a river and harbor bill, through the action of a committee well equipped to answer the gentleman's questions, to take that matter into consideration.

Mr. WANGER. I ask the gentleman to give me just a moment. I have been informed by gentlemen who are connected with the navigation interests, on the St. Johns River particularly, that these plants have been growing very rapidly, so that they interfere with the progress of the steamers. The difficulty from this source is becoming more and more serious—is assuming large proportions. I believe it is to the interest of the public and of the public Treasury that means should be devised at the earliest practicable period to find a way, if possible, to remove these obstructions.

This appropriation, as I take it, is simply for the purpose of determining upon a suitable or feasible method of removing these obstacles, or checking their growth. If by the prompt expenditure of $10,000 we can save hundreds of thousands of dollars in the future, it seems to me it would be better to do it.

Mr. CANNON. There are multiplied millions of things on earth and in the universe generally that perhaps should be done, that it might be wise for somebody to do, but about which I know nothing. [Laughter.] This is a sundry civil appropriation bill: and I hope the House will further insist on its disagreement to this amendment. If in due time, in the framing of a river and harbor bill, the accomplished gentlemen who have given technical attention to this matter think that some provision like this should be made, legislation for that purpose can then be had.

I trust we shall have a vote.

Mr. SPARKMAN. My colleague, who has this matter in hand, being unavoidably absent to-night, I want to say a word to the House before the vote is taken. I know of my own knowledge, and also from information, that the St. Johns River, in the State of Florida, is very much in need of this legislation, and that if something is not done, and done speedily, the navigation of that river will be seriously impeded.

I hope therefore that the House will not vote according to the motion made by the gentleman from Illinois [Mr. CANNON], but that it shall recede from our disagreement to the Senate amendment, and concur therein. If we wait until next December or next February, when we have the next river and harbor bill before the House, it will be too late to attend to this matter, and serious damage may, and doubtless will, be done to the navigation of that river. I ask that the House recede, and concur in the Senate amendment.

The question being taken on the motion of Mr. CANNON, it was agreed to.

Amendment numbered 138 was read, as follows:

(138) That the Secretary of War be, and he hereby is, directed to cause a survey to be made to examine into the feasibility and advisability of the improvement of the waterway beginning at a point at or near the site selected for Lock No. 13, on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream, to Bessemer, Ala.; thence up the Valley to Birmingham and beyond to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said route between Five Mile Creek and Bessemer, Ala., so as to secure a channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line, and to ascertain the cost of such improvement, and the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

Mr. CANNON. I am informed that the gentleman from Alabama [Mr. TRUMAN H. ALDRICH] desires to make a motion in reference to this amendment.

Mr. TRUMAN H. ALDRICH. Mr. Speaker, I desire to say

that this is a worthy object, and that the amendment does not add one dollar to the amount appropriated by the bill. The funds are already in hand and unexpended. Furthermore, the object is to ascertain whether the greatest coal and iron district of Alabama can use the improvements of the Warrior River, on which the Government has spent millions of dollars.

I desire to move that the House recede from its disagreement and concur in it.

Mr. CANNON. There have been several surveys ordered upon this bill. This legislation belongs on a river and harbor bill. If the River and Harbor Committee had been one-thousandth part as industrious heretofore as they have been to-night, out of order, this amendment would not have to be carried on this sundry civil bill.

Mr. CLARKE of Alabama. If my friend will give me thirty seconds, I will answer that part of his statement.

Mr. CANNON. I will yield to my friend thirty seconds.

Mr. CLARKE of Alabama. The last river and harbor bill directed that a preliminary examination of this project be made. The engineer in charge reported that no preliminary examination could be made. He said that owing to the importance of the interests involved in it, a survey was necessary, and he recommended that a survey be made, estimating the cost at $15,000. In that estimate the Chief of Engineers concurred. The provision in the bill, however, carries no appropriation whatever. It provides for defraying the expense out of the unexpended portion of a balance that belongs to the building of the locks in the Warrior River.

Mr. CANNON. Can we not have a vote?

Mr. CLARKE of Alabama. Why, yes; I think we may safely leave it to the House now for a vote.

The SPEAKER. The question is on the motion to recede from the disagreement of the House, and to concur in the Senate amendment.

The motion to recede and concur was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

(139) For the purpose of a dredge boat for use in the harbor improvement at Sabine Pass, Tex., $100,000, and for the expense of operating the same during the fiscal year ending June 30, 1898, $30,000; in all, $130,000.

Mr. CANNON. I move that the House further insist on its disagreement to that amendment.

Mr. COOPER of Texas. I want to move to recede from the disagreement and concur in the amendment.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. COOPER], to recede from the disagreement of the House and concur in the amendment of the Senate.

Mr. CANNON. Now, I will call the attention of my friend to the fact that even if his motion should be adopted the amendment is wrong. It should be for the "purchase" of a dredge boat This amendment reads "for the purpose of dredge boat."

Mr. COOPER of Texas. This is a clerical error.

Mr. CANNON. I understand this is a clerical error, but nevertheless this is a Senate amendment.

Now, one thing further. There is an appropriation of $400,000 in the river and harbor bill for Sabine Pass, and in my judgment the House should insist on its disagreement, and, if this item for a dredge boat goes into the bill for the improvement of Sabine Pass, it ought to come, like the appropriations for the Mississippi River, from the appropriation for that harbor. I trust that the House will send the item back to conference.

Mr. SAYERS. Mr. Chairman, I think there should be fair play in this House, and I believe that the House will give me fair play. I notice that the gentleman from Illinois [Mr. CANNON] seemingly opposed certain legislation upon this bill and at the same time he wanted the House to concur in the Senate amendment.

Mr. CANNON. To what amendment does my colleague refer.

Mr. SAYERS. I refer to the amendment affecting the city of Chicago. I voted for that amendment because I believed it was a proper one. But that was legislation pure and simple.

Mr. CANNON. When my friend says I "seemingly" opposed the item, my friend does not do me justice, because in matters of legislation I seemingly do nothing that I do not really mean.

Mr. SAYERS. I simply want to make a statement to this House in reference to this particular item.

Mr. CANNON. That is right.

Mr. SAYERS. Sabine Pass is represented by my colleague [Mr. COOPER of Texas], but it so happens that I have some knowledge of the circumstances with reference to this matter.

It is true, as stated by the gentleman from Illinois [Mr. CANNON] that there is an appropriation of $400,000 in this bill, or sought to be appropriated by this bill, for the purpose of continuing the work at Sabine Pass. Now, if you take the $130,000 for this dredge boat and charge it against the authorized limit of the contract, then there will be a deficiency in the sum necessary to complete the contract. It is absolutely necessary that this boat should be purchased or built, and that this dredging should be begun. Two jetties are already being built at Sabine Pass, and it is necessary to have this boat in order to facilitate the establishment of the channel, and also to direct the current in the proper course.

Mr. CANNON. Will my friend allow me?

Mr. SAYERS. Now, there are other items on this bill that ought not to be here. We have concurred in legislation amounting to millions of dollars to-night, and now the gentleman seeks to single out this particular amendment and interpose an objection, so that it shall go back into conference.

When the river and harbor bill of last session passed, it contained an amount of $1,400,000 for the work at Sabine Pass. It went to the Senate, and nearly $400,000 was eliminated from that item, so that a reduction was made to a million, instead of $1,400,000, as it passed this House. If the gentleman insists that this $130,000 shall be taken out of this appropriation of $400,000, then there will not be sufficient to complete the work. [Cries of "Vote!" "Vote!"]

Mr. CANNON. The gentlemen cry "Vote." I am ready for a vote with the statement that there is $400,000 available in this bill for the completion of the Sabine Pass. If it is the sense of the House to legislate, I can not help it. They have legislated on other items; perhaps, none so baldly as this, but I am ready for a vote.

Mr. COOPER of Texas. I move to concur in the Senate amendment, substituting the word "purchase" for the word "purpose," to correct a clerical error.

The SPEAKER. The gentleman moves to recede and concur with an amendment.

Mr. BARRETT. Mr. Speaker, is an amendment in order?

Mr. CANNON. It is in order to agree with an amendment making it "purchase" instead of "purpose."

The Clerk read as follows:

In line 9, strike out the word "purpose" and insert the word "purchase."

The SPEAKER. The question is on receding and concurring with an amendment.

The motion was agreed to.

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the amendment was concurred in with an amendment was agreed to.

The Clerk read as follows:

(146) Deep Waterways Commission: For surveys and examinations (including estimate of cost) of deep waterways and the routes thereof, between the Great Lakes and the Atlantic tide waters, as recommended by the report of the Deep Waterways Commission transmitted by the President to Congress January 18, 1897, $150,000. Such examinations and surveys shall be made by a board of three engineers, to be designated by the President, one of whom may be detailed from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and one shall be appointed from civil life.

Mr. CANNON. Mr. Speaker, what was done with 140?

The SPEAKER. That was nonconcurred in.

Mr. CANNON. All right. Go ahead.

Mr. TOWNE. Mr. Speaker, I desire to make a motion on amendment numbered 146. I requested a separate vote on it. I desire to move that the House recede from its disagreement and concur in the Senate amendment.

Mr. BENNETT. I desire to ask the gentleman has there been a route decided upon for this deep waterway?

Mr. TOWNE. This is for the purpose of deciding upon a route.

Mr. BENNETT. This is for the preliminary survey?

Mr. TOWNE. It is to make complete surveys for the purpose of obtaining data to determine where the great public work contemplated by the original resolution should finally be built.

Mr. CANNON. Mr. Speaker, the gentleman moves that the House recede and concur. Will three minutes do the gentleman?

Mr. TOWNE. That will be ample time at this hour of the morning.

Mr. CANNON. I yield the gentleman three minutes.

Mr. TOWNE. Mr. Speaker, I desire to say only a few words in support of this motion. There certainly has been in the direction of proposed improvements in interior communication no proposition in recent years so important or far-reaching as this one, which contemplates the opening of deep-water communication between the Great Lakes and the sea. It has been indorsed by all the public bodies of the large cities upon the Great Lakes, and in the vicinity of the proposed route or routes.

It has awakened the attention of publicists and the newspapers, and the preliminary report, which has been drawn by a commission composed of men of very great ability and submitted to the present session of Congress, has attracted general and deserved interest and attention. It certainly has placed prominently before the country the desirability of this great improvement, as an ultimate public work to be undertaken when we are in full possession of the necessary information, and shows it in importance to be second to none ever contemplated by this Government.

The gentleman from Illinois shrugs his shoulder as if he desired me to cease, and if so, I will, as I know how the time is flying.

Mr. CANNON. I will withdraw the "shrug" if my friend will go on.

Mr. TOWNE. If he should withdraw the "shrug" from some of his remarks, be would deprive them of much of their emphasis.

Mr. CANNON. That is very nice. I hope to get a vote. Now, then, I will yield a minute to the gentleman who wanted me to yield to his request and I made the motion deprecating yielding to him, but my friend from Minnesota, all the while dwelling in his good opinion, I fear, thinks that nothing can take place unless it has relation to him as the center.

Mr. BENNETT. I desire to ask the gentleman from Minnesota one question. You talk of the proposed line.

Mr. TOWNE. I was not aware that I had talked about any particular proposed line.

Mr. BENNETT. I understood the gentleman to say the proposed line.

Mr. TOWNE. The line or lines.

Mr. BENNETT. Is it intended to go by Lake Michigan into the Mississippi River, or by some other route that may hereafter be selected by this Commission? I will say to the gentleman from Minnesota that this is a matter in which the State of New York is deeply interested. Several propositions have been presented whereby bills have been introduced in both branches of Congress for completing a great canal from the Great Lakes to Lake Champlain, and so down the Hudson River. Is any such proposition as that contemplated in this provision?

Mr. TOWNE. Why, that is exactly the proposition, if the gentleman pleases.

Mr. BENNETT. That is all I wish to know.

Mr. TOWNE. It does not contemplate any connection with the Mississippi River at all.

Mr. LOW. Has any route been anticipated?

Mr. TOWNE. There are, I believe, three several routes under contemplation and discussion. There have been, however, only a series of preliminary examinations from existing data, without any careful surveys or study as contemplated in this particular provision. That is the purpose of this provision.

Mr. LOW. So that large lake vessels can pass to the seaboard, making practically a connected waterway between the lakes and the sea?

Mr. TOWNE. That is the object of this great project.

Mr. CANNON. I yield three minutes to the gentleman from New York [Mr. FOOTE].

Mr. FOOTE. Mr. Speaker, I sincerely hope that this motion may be concurred in. This is a matter of vital interest to the people of New York State, and not only to the people of that State, but to the people of the great Northwest. There are, as I understand it, three great routes contemplated. One, and the most feasible, is by Lake Champlain, and another is by the Erie Canal. I sincerely hope that the House will consider this subject thoughtfully and will adopt the motion to recede.

Mr. CANNON. A single word, Mr. Speaker. I hope the House will not concur. I do not antagonize this survey; I do not antagonize this deep-water project. I live in Illinois, and I know what water transportation to the seaboard is. But I think this ought to go back to conference for one reason if for no other. It contains this language:

> Such examinations and surveys shall be made by a board of three engineers, to be designated by the President, one of whom may be detailed from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and one shall be appointed from civil life.

Now, we have a whole corps of people educated at the expense of the Government for this very business, and I think that when it is agreed that the survey shall be made it should be made by the Army engineers, who are specially educated for that kind of work and are intrusted with it.

Mr. TOWNE. Will the gentleman in charge of the bill allow me just a word?

Mr. CANNON. Certainly.

Mr. TOWNE. Mr. Speaker, I will say that I am cognizant of the purpose with which this particular provision was drawn. It is perhaps known to most of the members of the House that the engineering portion of the preliminary work thus far done by the existing commission, acting in cooperation with the corresponding commission appointed by the Canadian Government, has been done by the well-known engineer, Mr. Cooley, of Chicago.

I think that perhaps it may be said that he enjoys a reputation as high as that of any other engineer in the world in that particular department, certainly as high as any in the United States. He has given to this work unsurpassed ability, long devotion, and a large amount of time, and he has received no compensation for his services. It is in the view of those interested in the great improvement here contemplated that Mr. Cooley's services shall be availed of in the further prosecution of the work. I think it was not only wise, I think it was almost indispensable for the proper continuation of this great enterprise, that the law was drawn so as to enable the Government to avail itself of the experience, the services, and the ability of this distinguished man.

Mr. CANNON. Mr. Speaker, I do not know Mr. Cooley. He may be a good man, but we have plenty of good men of our own without incurring this expense. Let us not found an industry while we are trying to get deep-water communication. I am ready for a vote.

The question being taken on the motion that the House concur, the Speaker declared that the noes seemed to have it.

Mr. TOWNE. I ask for a division.

The House divided; and there were—ayes 43, noes 13.

So the motion to recede and concur was agreed to.

On motion of Mr. FOOTE, a motion to reconsider the last vote was laid on the table.

Amendment 147 was read, as follows:

> That for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President, from the Engineer Corps of the Army; and such board shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near said Pass of Aransas.
>
> It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination, the character of the work done and the cost of same; the character and cost of any unfinished work contracted to be done by said company; the probable result upon the deepening of the channel across the bar of any work contracted for or contemplated by said company but not then finished; the value to the Government of all work done or contracted to be done by said company for the purpose of deepening said channel or removing said bar, and such other information as they may deem essential to be known to Congress in making future provision for the purchase of said works by the United States Government.
>
> Said board shall report the result of their investigation to the Secretary of War on or before the first Monday in December, 1897, and the Secretary shall immediately transmit the report to Congress; and $5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineers, the amount of such compensation for said services to be fixed by the Secretary of War.

Mr. WELLINGTON. Mr. Speaker, I move that the House recede, and concur in the Senate amendment.

Mr. CANNON. I am ready for a vote.

The question being taken on the motion of Mr. WELLINGTON, the Speaker declared that the noes seemed to have it.

Mr. WELLINGTON. Division.

The House divided: and there were—ayes 34, noes 2.

So the motion to recede and concur was agreed to.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

Amendment 149 was read, as follows:

> Memorial bridge across Potomac River: To enable the Chief of Engineers of the Army to make the necessary surveys, soundings, and borings, and for securing designs and estimates for a memorial bridge from the most convenient point of the Naval Observatory grounds, or adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, $2,500.

Mr. MEREDITH. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I hope that will not be done, Mr. Speaker.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. MEREDITH. I ask for a division.

The House divided: and there were—ayes 40, noes 29.

So the motion to recede and concur was agreed to.

On motion of Mr. MEREDITH, a motion to reconsider the last vote was laid on the table.

Amendment numbered 168 was read, as follows:

> For the erection of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which Branch Home, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers, $100,000.
>
> *Provided*, That such Branch Home shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named Home, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said Home as over other realty held by said Board until further enactment by the Congress of the United States.

Mr. PICKLER. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I yield five minutes to the gentleman from South Dakota.

Mr. PICKLER. I desire to say, Mr. Speaker, that I hope the House will concur in this Senate amendment. Preceding this amendment there is a provision for the location of a soldiers' home at Vermilion, in the county of Vermilion, State of Illinois.

The time is coming, nay, is now here, when more of these special homes must be provided for the accommodation of our soldiers, who are now growing old. I think this provision is a wise one. The provision for the home in Illinois is doubtless a good one, but I feel confident that this amendment for a soldiers' home at Hot Springs, S. Dak., is one which, above all others, should be adopted. I advocate this home, not simply because it is my State, but because, as is shown by the reports of the managers of the National Soldiers' Home, as is shown also by the request of the

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managers of several State homes, this location at Hot Springs, S. Dak., is peculiarly well suited for a national soldiers' home. The medicinal properties of those waters are well known. I incorporate in my remarks the conclusions of the Senate Committee on Military Affairs in reference to this matter, as embodied in their report:

> 1. That another Branch Home is needed in fulfillment of the intentions of the Government toward its veterans, existing Homes being crowded, while the demand for accommodations is increasing.
>
> 2. That the location of a Branch Home at Hot Springs, S. Dak., will accommodate the veterans of a region for which existing accessible Branch Homes possess inadequate facilities.
>
> 3. That the medicinal water at Hot Springs, S. Dak., is a curative agent for ailments most common among ex-soldiers, experience having demonstrated this to the satisfaction of the officials who have watched the effect in a stated number of cases there subjected to experimental treatment.

The Managers of the National Soldiers' Home recommend this proposition. It is also recommended by the assistant inspector-general, General Averell. For the cure of rheumatism and kindred maladies the waters of South Dakota hot springs are shown to be superior to any others in the country. Thirty thousand of these old soldiers have gone down to death during the last year. For the million that remain some provision of this kind should be made. Our National Homes are now crowded. This institution at Hot Springs will afford accommodations for the relief of soldiers in other places, who are now suffering from diseases for which these waters are especially applicable.

Mr. RICHARDSON. Does the gentleman claim that the climate of South Dakota is good for rheumatism?

Mr. PICKLER. Yes, sir. That is shown in the Senate report.

Mr. RICHARDSON. I never heard of that fact before.

Mr. PICKLER. Well, let some of your lame Tennesseeans come up there, and we will straighten them out in a short time.

Mr. RICHARDSON. I did not imagine that Dakota was a good place for rheumatism.

Mr. PICKLER. This is not a matter of speculation, Mr. Speaker. Here are the scientific reports about the medicinal virtues of the waters at the Hot Springs. Their curative properties were known to the Indians long before the white settlers came there. As shown in the report of the managers of the National Home, 44 per cent of those using these waters for rheumatism were cured. The place is admirably suited for a soldiers' home. An institution of this peculiar character is needed at the present time—needed for soldiers at other homes who are suffering from diseases for which these waters are especially applicable. There can be no reason, it seems to me, why this amendment should not be concurred in.

Mr. McCLELLAN. This is a proposition which was contained in a bill introduced some time ago?

Mr. PICKLER. Yes, sir.

Mr. McCLELLAN. A bill which was referred to the Committee on Military Affairs in this House, and not reported.

Mr. PICKLER. I thank the gentleman for the suggestion. A bill making provision of this kind was passed by the Senate some time ago, and was referred in this House to the Committee on Military Affairs.

Mr. McCLELLAN. And not reported.

Mr. PICKLER. A provision just previous to this in the bill is for a soldiers' home in Vermilion County, Ill. I think that institution is probably necessary. As shown by the report of the Managers of our National Home, more of these soldiers' homes should be provided. If you are ever to do anything for these old soldiers who are suffering and so rapidly dying from disease, now is the time and this the place to do it.

Mr. WILLIAM A. STONE. How far is this place from Chicago?

Mr. PICKLER. About 900 miles.

Mr. WILLIAM A. STONE. What number of these old soldiers have you in your State?

Mr. PICKLER. There are about 7,000 in South Dakota. But this institution is not intended exclusively for South Dakota.

[Here the hammer fell.]

Mr. CANNON. I now yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, I trust that this motion will not prevail. It is a very serious question with all those who have studied this matter of soldiers' homes deliberately and carefully as to whether or not there should be any more homes added to those already built. If the regulations suggested in the bill which has been formulated by the committee of investigation of the Home at Leavenworth, Kans., become a law, I have no doubt at all but what the result will be that the homes already built will be more than sufficient to meet the demands of the Government.

If $4 per month shall be accorded to each inmate for his necessities, reserving the balance of the $16 per month, which, as I understand, is the maximum allowed to the inmate of a Soldiers' Home, for the benefit of the soldier's family, and for outdoor relief, I apprehend that it will very materially curtail the number of inmates in the Homes. This is a proper provision. There is no equity, good judgment, or good sense in maintaining a man at a Soldiers' Home, giving him food, clothing, and shelter, and, at the same time, furnishing him money to buy intoxicants and to use in the abuse of himself. If these provisions that are suggested by that bill are adopted, they will save a great many thousand dollars to the Treasury of the United States.

It is a question of grave doubt in the minds of many who have carefully examined this question whether the addition of the home in Illinois was a proper measure. But that is in the center of a populous region. It is a highly favored location. If this home which is now proposed should become a part of the system of the soldiers' homes, it would be remote from the centers of population. Transportation there would be expensive, and the chances are that there never will be a large soldier population in that part of the country.

The fact that there may be some healing springs there is of little consequence. That will not be a sufficient inducement to soldiers to encourage them to come to that particular locality, considering the cold and inclement weather which prevails there during the greater portion of each year.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. BLUE. If you will be quick about it, I will, yes.

Mr. PICKLER. I want to ask the gentleman if he has read this Senate report, and if he does not know that the managers of the Soldiers' Home say unanimously that there should be another Home between the Mississippi River and the West?

Mr. BLUE. But, Mr. Speaker, the trouble about that is that the judgment of the managers of the Soldiers' Homes is not always reliable. Anyway, it is based on conditions as the Homes are now managed.

Mr. PICKLER. The trouble is it is too close to the Leavenworth Home, is it not?

Mr. BLUE. Oh, no, it would in no way interfere with that Branch Home. The opinion of the managers of the Soldiers' Homes in this particular is, I think, faulty. The difficulty about this is that members of the board are constantly asking for more; they are constantly seeking to add to the expenditures of the Government, without any reason or any just cause for it. The old comrades long for the pleasures of the society of their families and friends. They desire out-door relief. They do not covet the associations of the Soldiers' Homes.

Mr. LOW. Will the gentleman permit me to ask him a question?

Mr. BLUE. Yes.

Mr. LOW. Would you deny to an old soldier the privilege, the opportunity, and the wherewith to take a drink?

Mr. BLUE. Oh, no; not in moderation. But, Mr. Speaker, the fact about it is that many of the men who get into these homes get there by reason of their habits of intemperance..

Mr. PICKLER and other members. Oh, no.

Mr. BLUE. When they get their food and clothing and shelter, if you give them $4 a month as pin money, that, in my judgment, is sufficient for their ordinary necessities.

Mr. WILLIAM A. STONE. This drink which is spoken of is water, is it not?

Mr. BLUE. Not always, unfortunately. So, Mr. Speaker, this is a matter of sentiment. There is no good reason why these men should be given pensions to squander upon strong drink. When they are given a small amount of money, sufficient for their immediate necessities, and the balance of their pensions is preserved for their families, it will be better for them and those dependent upon them.

Mr. HOWE. May I ask the gentleman a question.

The SPEAKER. The gentleman's time has expired.

Mr. CANNON. I yield five minutes, or such time as the gentleman may desire, to the gentleman from Iowa [Mr. HENDERSON] and then I shall ask for a vote.

Mr. HENDERSON. Mr. Speaker, we have one soldiers' home already in the legislation of this Congress. A soldiers' home is not the ideal place for the old soldier. I pity the old soldiers who have to go there. For those who have to give up wife and child, and the ideal life of the family, the Soldiers' Home is good enough, but it is no place for a man to go who still has a hold on life, its activities, its duties, and its loves. I have visited the Soldiers' Homes, and have always left them with sorrow in my heart.

When this country is able to help the soldier more than we do under existing law, let it be done in such a way that he can stay with his wife and his children in the midst of the community in which he has lived. [Applause.] That is the ideal life for the defender of the Republic, and we should not send him where he must retire from the duties of life and the ardors of manhood, and sink into that condition where there are no aspirations left for the human heart, and nothing to do but to vegetate. We have enough of that. If we have money to give, let Congress give it so that it may be expended on men who can stay among their communities where they have been brought up, and where they have returned with well-won honors, to be enjoyed among their kindred. I am against this idea for establishing a home for Dakota, or for any particular State, and I am against it in the interest of my comrades.

Mr. CANNON. I yield a minute to the gentleman from South Dakota.

Mr. PICKLER. The gentleman from Iowa of course sets up an ideal condition here that we would be glad to get if possible. But we are crying out, and if this is voted down it will be voted down because it costs a little money to the Government. When it comes to building up homes and supporting them, we would like that ideal for the soldiers if we could get it.

This is not a soldiers' home, gentlemen. It is a sanitarium. It is recommended by the National Board of Managers as a place to cure soldiers sent from the other Homes, and not an ordinary soldiers' home. We are not asking that. Contrary to the assertion of the gentleman from Kansas, contrary to the gentleman from Iowa, these Soldiers' Home are now overcrowded. That is what the officers say.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I now ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from South Dakota to recede and concur.

The motion was rejected.

The Clerk read as follows:

(179) That the President, with the advice and consent of the Senate, shall appoint three commissioners whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion.

That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change.

That each of said commissioners shall receive a salary of $5,000 a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HENDERSON. I move that the House recede and agree to the amendment of the Senate. I only desire to say that in the judgment of the Committee on the Judiciary of the House, without respect to party, we feel that the conditions of the law in this respect are such that this contribution ought to be made in the interest of the people.

Mr. ELLETT. I concur in the statements made by the gentleman from Iowa.

The motion to recede and concur was agreed to.

Mr. CANNON. I believe that closes the amendments, does it not?

The SPEAKER. It does.

Mr. NEWLANDS. Mr. Speaker, I ask unanimous consent that we take up amendment numbered 9, page 8, which has been inadvertently passed over.

Mr. CANNON. That is the Corcoran Art Gallery. I do not think the House will agree to it.

Mr. NEWLANDS. I would like to be heard on it for three minutes.

Mr. CANNON. So far as I am concerned, I shall not object to that.

The SPEAKER. The gentleman from Nevada asks unanimous consent that the vote of the House be rescinded, and that a vote be taken on receding and concurring in the Senate amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I yield the gentleman three minutes.

Mr. NEWLANDS. Will the Clerk read the amendment?

The Clerk read as follows:

(9) That the sum of $325,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,731 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owners at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

Mr. NEWLANDS. Mr. Speaker and gentlemen, you all know the Corcoran Art Gallery. You know that it was an organization created by the late William Corcoran. A large fund was laid aside for this great work that in other great capitals assumes the phase of a governmental organization and enterprise. The gentlemen who are the directors of this fund found that the building was too small for them, and they have recently erected a magnificent building, costing over $700,000. They are obliged to vacate the building which they have occupied. They wish to sell it, in order to obtain a fund from the interest of which they will be enabled to support this institution. The institution in itself is in the nature of a governmental institution. It is for the promotion of art and architecture. It conducts a great work in instruction. I am told it has over 160 pupils now whom it instructs free of charge.

Now, so much for the interests of the gallery. I am assured that the Government of the United States requires a building for the Court of Claims. The Court of Claims now occupies the building occupied by the Department of Justice. I am told that the architect of the Government has declared that that building was unsafe, that it has too many occupants, that there is too great a weight imposed upon it, and the Department of Justice is desirous of getting rid of the Court of Claims in that building. The chief justice of the Court of Claims and the associate justices have united, I am informed, in a letter requesting the purchase of this building as a convenient and appropriate place for the sessions of that court.

Now, as to the value. I am told by real-estate men of character and standing in this community that they valued this property at from $500,000 down. I am also informed that the original price asked for it was $500,000, but they have come down in the price to $325,000. From my knowledge of real-estate values in this city, considering the location, that is a very reasonable price. The location is a favorable one, directly opposite the War Department, and in such a situation property constantly increases in value. In view of the necessity of the Government providing a suitable place for the Court of Claims, I think it is a reasonable price for this property, and I think the property is well adapted for the purpose.

Mr. CANNON. Now, Mr. Speaker, I will take three minutes; and then I will ask for a vote.

Mr. HENDERSON. I would like three or four minutes.

Mr. CANNON. I yield three minutes to the gentleman from Iowa.

Mr. HENDERSON. Mr. Speaker, I would not speak on this question if I did not feel it was one of very great importance. One of the greatest attractions of this nation is the Corcoran Art Gallery. It was donated by Mr. Corcoran. It has been of no expense to this Government or this city. There is no family anywhere in this country that visits Washington but one of the first pilgrimages made is to the Corcoran Art Gallery.

They have just given us a building dedicated to art. Though not equal in size to some galleries in Europe, it ranks in its perfection, in its beauty, in its adaptation to the exhibition of works of art, sculpture, and painting equal to anything in the Old World. The trustees are among the aggressive and enterprising men of the Republic. Now, the value of the old building has been referred to by my friend from Nevada. It is needed, and as time goes by we will need more and more of this land convenient to the interests of this city. Take the ground upon which the old Riggs Bank is situated. They paid $20 a foot for that ground, and thought they had a bargain.

At the same rate, consider the ground alone. As you will see from the bill, it contains in round numbers 18,000 feet, and it is worth $360,000 there, within sight of the White House and the State Department, in the most delightful part of the city. We need it for the Court of Claims. We are getting it at a bargain, and at the same time we are upholding the hands of those who are carrying out the will of the late Mr. Corcoran, who has done so much for this city and for the country.

Mr. PEARSON. Will not the proceeds of this purchase money simply go to add to the art collection?

Mr. HENDERSON. Every dollar of it will go to the benefit of the people of the United States.

Mr. CANNON. Mr. Speaker, I want a little time, and then I hope gentlemen will be disposed to vote. The first objection to this is that if the amendment is to be adopted this property ought to be paid for from the joint revenues of the District of Columbia and the Treasury of the United States, while this provides for taking it entirely from the Treasury. That is objection number one. The second objection is this. The gentleman says in one voice that this is for the Court of Claims, and in the next voice that it is a donation to the art gallery.

Mr. NEWLANDS. Not at all. I said the proceeds would be a donation to the art gallery.

Mr. CANNON. Another objection is this: We have $7,000,000 invested in the finest building in the world, right across the park here, with space, wall, floor, all ready for art, to be paid for from the Treasury. Again, one gentleman says this ground is worth $20 a foot, amounting to $360,000, and the other gentleman says it is worth $500,000. Then, the name of all that is good, why cheat this institution by buying this property for $325,000? [Laughter.]

Mr. NEWLANDS. The gentleman entirely misstates me when he says I stated that the property was worth $500,000. I said that the valuations put upon it ranged all the way from $500,000 down.

Mr. HENDERSON. And I spoke of the value of the ground alone, without reference to the building.

Mr. CANNON. Well, they are anxious to sell it, and they come to Congress and offer it by a Senate amendment, not by independent legislation, at $325,000. Now, if it is so good a thing they had better keep it and get $400,000 for it. [Laughter.]

One word further. I have nothing to say against the Corcoran Art Gallery. It is a good institution. It is a worthy organization. I do say, however, that it will cost $30,000 to convert that building, which many people allege is a mere fire trap, into quarters for the Court of Claims. I think we had better not do this. If it is

to be done at all, it ought to be done only after being reported from the proper committee, and I trust that under all the circumstances the House will vote down the motion to concur. Let us not gush about these things. Let us have a little hard-headed judgment about them.

Mr. LOW. Let me ask the gentleman whether the country at the present time can afford the expense of this luxury?

Mr. CANNON. Well, the gentleman knows that we are running emptyings in the Treasury. [Laughter.] There is about a foot and a half between Uncle Sam's breeches and his vest. [Laughter.]

Mr. MILNES. I would like to ask the gentleman in charge of this bill if he knows the value of land where the new art gallery building has been erected?

Mr. CANNON. I do not.

Mr. MILNES. I was told to-day by a real estate dealer that land could be bought in that vicinity for $2 a foot.

Mr. CANNON. I suppose that would be a good price for it.

Mr. MILNES. And that is just as good a place for a Court of Claims as the other.

Mr. CANNON. Every bit. Now, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. MAHON] for one minute, and then I shall ask for a vote.

Mr. MAHON. Mr. Speaker, to buy this building as here proposed would be a mistake. We have a magnificent square in this city—Judiciary Square—suitable for the court-houses and law buildings of the city. In the not far distant future this Government will be compelled to build a Department of Justice somewhere, and, if it is to be built at all, that is the place for it. Let us build a Department of Justice there. Let us not buy these old worn-out firetraps, but erect buildings of granite and marble like the new Library, that will stand for all time and be a credit to the Government. [Applause.]

The question being taken on the motion of Mr. NEWLANDS that the House recede and concur in the Senate amendment, it was decided in the negative.

Mr. MADDOX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDOX. I rise to ask unanimous consent to recur to amendment numbered 96, on the ninety-second page of the bill.

Mr. WILLIAM A. STONE. Before that consent is given, Mr. Speaker, I ask to have the amendment read.

Mr. MADDOX. I make this request because I was called out at the time when the amendment was reached.

Amendment 96 was read, as follows:

To enable the Secretary of War, through the Commissioners of the Chickamauga and Chattanooga National Park, to improve the Lafayette or State road in Georgia from Lee and Gordon's Mill, in that State, to the town of Lafayette, $25,000.

Mr. MADDOX. Now, Mr. Speaker, I ask unanimous consent to recur to this amendment and that the House recede from its disagreement and concur with the Senate.

Mr. CANNON. The gentleman, as I understand, desires unanimous consent to set aside what has been done, to go back to this amendment, and to move to concur.

Mr. MADDOX. Yes, sir.

Mr. CANNON. Well, I shall make no objection.

Mr. DALZELL. Mr. Speaker, have we already taken action on that amendment?

The SPEAKER. We have.

Mr. MADDOX. I was called out of the House when this bill was brought in, and did not have the chance to call for a separate vote on this proposition.

Mr. DALZELL. Well, Mr. Speaker, if we passed on this matter when we had a full attendance of members, it is unfair now to ask that the measure be reconsidered.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. MADDOX]?

Mr. DALZELL. I object.

Mr. MADDOX. I will say to the gentleman from Pennsylvania that I have been urging this matter for the last five hours.

Mr. ELLETT. I hope the gentleman from Pennsylvania will not object.

The SPEAKER. Objection is made by several gentlemen.

Mr. ELLETT. The gentleman from Pennsylvania has undertaken to state the ground of his objection, but the ground is groundless. The House has not passed upon this question; it was passed over by the House. [Cries of "Regular order!"]

Mr. CANNON. I believe, Mr. Speaker, we have now disposed of all these amendments.

The SPEAKER announced the appointment of Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS as conferees on the part of the House in the further conference on the sundry civil appropriation bill.

FRATERNAL BENEFICIAL SOCIETIES.

The SPEAKER laid before the House the amedmnents of the Senate to the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia.

The amendments were read.

Mr. RICHARDSON. These amendments are almost all of them merely formal. They have been examined by the District Committee; and we recommend that they be concurred in.

Mr. LINTON. I move concurrence in the amendments of the Senate.

The amendments were concurred in.

WITHDRAWAL OF PAPERS.

Mr. HILL, by unanimous consent, obtained leave to withdraw from the files of the Fifty-fourth Congress, without leaving copies, papers in the case of E. Warriner, no adverse report having been made.

Mr. BURTON of Missouri, by unanimous consent, obtained leave to withdraw papers filed in support of the bill (H. R. 8222) for the relief of James H. Wimpey, there having been no adverse report.

REPRINT OF BILLS.

Mr. CANNON. I ask unanimous consent for the reprinting of the sundry civil appropriation bill with the amendments.

There being no objection, it was ordered accordingly.

On motion of Mr. BREWSTER, by unanimous consent, a reprint was ordered of House report (No. 2569) of the Committee on Coinage, Weights, and Measures upon House joint resolution No. 183.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for two days, on account of sickness in his family.

To Mr. SHANNON, indefinitely, on account of sickness in his family.

To Mr. HUFF, for one day, on account of important business.

RECESS.

Mr. HENDERSON. I move that the House take a recess until 11 o'clock a. m.

Mr. CANNON. At the suggestion of the gentleman from New York [Mr. SHERMAN], I ask the gentleman to name half past 10 o'clock as the hour for reassembling.

Mr. HENDERSON. Adopting the suggestion of the chairman of the Appropriations Committee, I move that the House take a recess until half past 10 o'clock a. m.

The motion was agreed to; and accordingly (at 3 o'clock and 10 minutes a. m., Wednesday, March 3) the House took a recess until 10.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting further information in relation to the official residences of foreign diplomats—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of State, apprising the House of a letter from the minister at Teheran, Persia, concerning a building for the legation at that capital—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Florence A. Puryear, administratrix of R. R. Hightower, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and r[illegible]were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FAIRCHILD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 7707) to maintain and protect the integrity of the coins of the United States, reported the same without amendment, accompanied by a report (No. 3076); which said bill and report were referred to the House Calendar.

Mr. ATWOOD, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the resolution of the House (House Res. No. 543) to authorize the Speaker to appoint a committee to investigate South Carolina elections, reported the same, accompanied by a report (No. 3065); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10355) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, reported the same with amendment, accompanied by a report (No. 3066); which said bill and report were referred to the House Calendar.

Mr. LORIMER, from the Committee on Labor, to which was referred the bill of the House (H. R. 9490) to prevent conspiracies to blacklist, reported the same without amendment, accompanied by a report (No. 3077); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on Public Lands, to which was referred the bill of the House (H. R. 5819) entitled "An act to provide for the examination and classification of certain lands in the State of California," with amendments of the Senate thereto, reported the same, accompanied by a report (No. 3067); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 3520) entitled "An act to provide for the erection of a custom-house in the city of New York," reported the same with amendment, accompanied by a report (No. 3072); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE, from the Committee on Public Buildings and Grounds, submitted the views of the minority on the bill (H. R. 6197) to provide for the erection of a custom-house in the city of New York, which said views (Report No. 2409, part 2) were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 3640) entitled "An act granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion." (Report No. 3064.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 9381) granting an increase of pension to George W. Howard. (Report No. 3068.)

The bill (H. R. 9017) granting an increase of pension to Aurelius Roberts. (Report No. 3069.)

The bill (H. R. 9827) to increase the pension of Alexander G. Willis. (Report No. 3073.)

The bill (H. R. 6542) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr. (Report No. 3074.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 8126) to pension James M. Miller. (Report No. 3071.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. PICKLER, from the Committee on Invalid Pensions, reported adversely (Report No. 3070) the bill (H. R. 9256) to repeal an act of Congress of August 13, 1888, which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of evidence to accompany the claim of D. B. Harmon; and the same was referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows.

By Mr. STAHLE: A memorial of the legislature of the State of Pennsylvania, in favor of the passage of the bill (H. R. 1) for the classification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the National Association of Manufacturers, favoring the immediate revision of the tariff and the reestablishment of reciprocity—to the Committee on Ways and Means.

Also, resolution of the American Association of Flint and Lime Glass Manufacturers, in favor of the bill to establish the department of commerce and manufactures—to the Committee on the Judiciary.

Also, petition of Mrs. Jennie R. Best, State superintendent of department of mercy, Woman's Christian Temperance Union, of Pennsylvania, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; to protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building—to the Committee on Interstate and Foreign Commerce.

By Mr. ALDRICH of Illinois: Petition of Mrs. Margaret Dye Ellis, superintendent Woman's National Christian Temperance Union, numbering upward of 200,000 women; also petition of W. S. Dewhurst, president of the Washington District of Epworth League; also petition of W. H. Pennell, chairman of the good citizenship committee of the Christian Endeavor, numbering more than 2,000,000 members, in favor of the passage of the anti-prize-fight bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. Dr. J. G. Butler; Rev. Howard W. Ennis, of the Brotherhood of Andrew and Philip; Mr. W. H. Pennell, chairman of Christian citizens' committee of the District Endeavor Union; W. S. Dewhurst, president of the District Epworth League; Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, and Rev. L. B. Wilson, D. D., presiding elder, in behalf of two mass meetings of citizens of Washington, D. C., held February 28, 1897, for the passage of the bill to prohibit the transmission by mail or interstate commerce of any picture or description of any prize fight—to the Committee on the District of Columbia.

By Mr. BELL of Colorado: Petition of the Woman's Christian Temperance Union of Pueblo, Colo., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions adopted by the city council of Denver, Colo., favoring the passage of House bill No. 8273, to classify clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petition of the Drownville Methodist Episcopal Church, the Barrington Congregational Church, and the Young People's Society of Christian Endeavor, of Barrington, R. I., favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Drownville Methodist Episcopal Church, the Barrington Congregational Church, and the Young People's Society of Christian Endeavor of the Congregational Church of Barrington, R. I., in favor of the Gillett-Platt bill (H. R. 7441) prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Petition of Fred Hartheimer and other citizens of Louisville, Ky., in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. FLETCHER: Resolutions of the New Orleans Board of Trade, asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Resolutions adopted by various Grand Army of the Republic posts, Department of Vermont, viz. Stannard Post, of Burlington; Sedgwick Post, of Brattleboro; William H. Boynton Post, of Northfield; Henry Carpenter Post, of Waterville; U. S. Grant Post, of Randolph; J. M. Warner Post, of Morrisville; Chamberlin Post, of St. Johnsbury; Edwin Dillingham Post, of Waterbury; Ransom Post, of East Corinth; Whitney Post, of Tunbridge; Stowe Post, of North Calais; Stoughton Post, of Bellows Falls; C. C. Johnson Post of Springfield; C. B. Lawton Post, of Wilmington; J. H. Bosworth Post, of Fairhaven; Stearns Post, of West Barnet; R. S. Sherman Post, of Essex Junction, and Pixley Post, of Enosburg Falls, favoring such an amendment to section 1225, Revised Statutes of the United States, as will authorize the detail of officers and noncommissioned officers of the Regular Army as military instructors in the public schools—to the Committee on Military Affairs.

Also, petition of Rev. C. H. Smith and 21 others, favoring the passage of the McMillan bill (S. 2485) to further protect Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution adopted by the Christian Endeavorers of Washington County, Vt., favoring the passage of House bill No. 7083, to prohibit the sale of intoxicating liquor in the Capitol—to the Committee on Public Buildings and Grounds.

Also, resolution adopted by the Washington County Christian Endeavor Union of Vermont, favoring the establishment of an international arbitration commission—to the Committee on the Judiciary.

Also, resolutions adopted by the National Association of Manufacturers, requesting a speedy revision of the tariff—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of the Woman's Christian Temperance Union of the State of New York, asking for the enactment of a law that shall make the treating to intoxicating liquor in any public place or restaurant a misdemeanor—to the Committee on Alcoholic Liquor Traffic.

By Mr. HARTMAN: Petition of W. S. Collins and other citizens of the State of Montana, favoring the reduction of fees for entry of public lands—to the Committee on the Public Lands.

Also, petition of A. J. Johnston and others, of the State of Montana, favoring the passage of the Cullom and Sherman bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By, Mr. HATCH: Papers to accompany House bill No. 9516, for the relief of Eliza Miller—to the Committee on Invalid Pensions.

By Mr. KULP: Petition of Mrs. Caroline E. Little and other members of the Woman's Christian Temperance Union of Eaglesmere, Pa., for the passage of a bill relating to the share of a widow in the estate of her husband dying intestate—to the Committee on the Judiciary.

By Mr. MORSE: Petitions of the Christian Endeavor societies of the Waldo Congregational Church, the South Congregational Church, the Porter Congregational Church, and of the Wendell Avenue Chapel, all in Brockton, Mass., for the passage of House bill No. 7083, asking for the suppression of the sale of intoxicating liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. REYBURN: Petition of General G. K. Warren Post, No. 15, Grand Army of the Republic, Department of Pennsylvania, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. CHARLES W. STONE: Petition of Maurice Couchot and 42 other citizens of San Francisco, Cal., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of T. J. West and other citizens of Oil City; also petition of W. J. Chapman and others, of Franklin; also petition of F. H. Pyle and others, of Newcastle, in the State of Pennsylvania, favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *March 3, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

REPORT OF EXCISE BOARD, DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a report of the excise board of the District, for the license year ended October 31, 1896; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; recedes from its disagreement to the amendments of the Senate numbered 61, 112, 114, 115, 119, 121, 122, 127, 128, 136, 138, 146, 147, 149, and 179, and agrees to the same; recedes from its disagreement to the amendments of the Senate numbered 6, 72, and 139, and agrees to the same with amendments in which it requested the concurrence of the Senate; further disagrees to the residue of the amendments of the Senate to the said bill, and agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. MURPHY presented a memorial of sundry citizens of New York City, remonstrating against the passage of House bill No. 8014, revising and amending the statutes relating to patents; which was referred to the Committee on Patents.

He also presented a memorial of the Commercial Club of Albany, N. Y., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. THURSTON presented a petition of sundry citizens of Omaha, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. BRICE presented a petition of the Christian Endeavor Society of the Presbyterian Church, of McArthur, Ohio, and a petition of the Christian Endeavor Society of North Lawrence, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. ALLEN presented sundry petitions of citizens of Hastings, Valley, and Ames, all in the State of Nebraska, praying for the enactment of legislation protecting the producers of beet sugar; which were referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 6, of New York, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. HOAR presented a memorial of the Travelers' Protective Association of Massachusetts, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Young Men's Congregational Club of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Commercial Travelers' Club of Springfield, Mass., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. VILAS presented a petition of the legislature of Wisconsin, praying for the adoption of certain amendments to the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;" which was ordered to lie on the table.

Mr. PERKINS presented a petition of the legislative assembly of California, praying for the passage of the so-called California mineral lands bill; which was read, and ordered to lie on the table, as follows:

[Telegram.]

CAPITOL, SACRAMENTO, CAL., *March 2, 1897.*

Hon. GEORGE PERKINS,
United States Senate, Washington, D. C.:

The following joint resolution was this day adopted by the California legislative assembly:

[Joint resolution No. 30, relative to and advocating the passage of the California mineral lands bill.]

Whereas there is now pending in the Congress of the United States a California mineral lands bill:

Whereas the speedy enactment thereof is a matter of vital importance to California: Therefore,

Be it resolved, That our Senators be instructed and our Representatives in Congress be requested to use all honorable means to secure the passage of the same.

Be it further resolved, That the governor transmit a copy of this resolution by telegraph to the California delegation in Congress.

JAMES H. BUDD, *Governor.*

Mr. ALDRICH presented sundry petitions of churches in Rh[illegible] Island, praying for the enactment of legislation to prohibit [illegible]state gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of churches in Rhode Island, praying for the enactment of legislation providing for the appointment of an impartial, nonpartisan industrial commission, to prohibit the sale of intoxicating liquors in the Capitol building and grounds, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Pawtucket, R. I., praying for the enactment of legislation prohibiting the transmission of gambling matter by telegraph, as such transmission has already been forbidden by mail and express; which was referred to the Committee on Interstate Commerce.

Mr. WARREN. I present a memorial from the national convention of the representatives of commercial bodies of the United States, reviewing the insolvency laws and statistics of failures of the several States.

I move that the memorial lie on the table and that it be printed.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10804) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, reported it without amendment, and submitted a report thereon.

CONGRESSIONAL LIBRARY BUILDING.

Mr. HANSBROUGH. I present a report of the Joint Committee on the Library upon the hearings had before that committee under the authority of the concurrent resolution of the Senate of May 5, 1896, together with additional testimony and a statement of the cost of such hearings.

I move that the report and accompanying testimony be printed.

The motion was agreed to.

EMPLOYMENT OF STENOGRAPHERS OF COMMITTEES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the following resolutions, reported them severally without amendment, and each was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

Resolved, That the compensation of the stenographer employed to report the hearing by the Committee on Indian Affairs in relation to the removal of the Lower Brule Band of Sioux Indians from their homes south of White River, South Dakota, be paid out of the contingent fund of the Senate.

Resolved, That the stenographer employed to report a statement before the Committee on Naval Affairs relative to torpedo-boat destroyers be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 3735) to increase the pension of Mary F. Hopkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LINDSAY introduced a bill (S. 3736) to establish uniform laws on the subject of bankruptcies throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

REPORT ON PACIFIC COAST HARBOR.

Mr. WHITE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the report made to him by the board appointed to locate a deep-water harbor for commerce and of refuge at port Los Angeles or at San Pedro, Cal., under the provisions of the river and harbor act of June 3, 1896, together with the plans, specifications, and estimates made by said board.

ANNUAL REPORT OF THE COMMISSIONER OF PATENTS.

The **VICE-PRESIDENT** laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1896; which was referred to the Committee on Patents, and ordered to be printed.

SENATOR FROM IDAHO.

The **VICE-PRESIDENT** presented a memorial of members of the legislature of Idaho, remonstrating against Henry Heitfeld being sworn in as a Senator from that State; which was referred to the Committee on Privileges and Elections.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I submit a report of the committee of conference on the District of Columbia appropriation bill. If Senators will take up a copy of the bill with the amendments numbered, I will state what items are still in disagreement, so that they may know, without trying to follow the reading, the amendments upon which the conferees have failed to agree.

Amendment numbered 2, appropriating $6,720 for the free public library, is still in conference, the controversy between the Senate conferees and the House conferees being whether the sum shall be paid as usual, one-half by the United States, or all by the District; also the proposition on the part of the House to transfer all the books of the Departments not used in their circulating libraries and not needed for the use of the Departments to this library.

Amendment numbered 3, remitting penalties on taxes due and payable on or before July 1, 1895, is still in controversy.

Amendment numbered 6, appropriating $210,000 for payment of judgments for the land condemned for the extension of Sixteenth street, was put in the appropriation bill by the Senate last year, and again this year. It was dropped out last year because the House would not agree to it, and the House conferees object to it now. They are judgments rendered by the supreme court of the District of Columbia.

Amendment numbered 7 is an appropriation of $65,000 to pay for lands to be condemned for the extension of Rhode Island avenue.

Amendment numbered 53 strikes out the House provision giving authority for necessary extensions of electric arc lighting.

Amendment numbered 55 prohibits the laying of conduits or erection of overhead wires for electric-lighting purposes. Senators will remember that that is the amendment which came from the Committee on the District of Columbia, and was supposed to be a compromise reached by the different interests.

Mr. CULLOM. Those are amendments not agreed to by the conferees?

Mr. TELLER. They are amendments not agreed to.

Amendment numbered 58, reappropriating the unexpended balance and appropriating $266,746.38 to resume work on the Washington Aqueduct tunnel, is not in controversy concerning the amount, but on the question whether we shall undertake to complete that tunnel.

Amendments numbered 102 to 123, inclusive, striking out the general appropriation proposed by the House for charities and appropriating specifically for charitable institutions in the District of Columbia, are still in controversy.

Amendment numbered 131, repeating the provision contained in the last District of Columbia appropriation act, defining the policy of the Government with reference to appropriations for charitable institutions, properly goes with the former amendment.

If Senators desire to ascertain what the conferees have agreed to, they will find it by taking the bill and running it over as the reading of the report proceeds. The Senate put in some items for improvement of streets, and the conferees have been compelled, under the stress of haste, to drop a good many of those streets, disagreeing to some, and so report the bill without them. I ask that the report be read.

The Secretary proceeded to read the report of the committee of conference, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 5, 15, 20, 22, 23, 25, 29, 30, 31, 34, 36, 39, 40, 41, 43, 44, 45, 54, 59, 60, 61, 62, 69, 71, 77, 78, 88, 96, 99, 101, 127, 128, 129, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 18, 26, 27, 28, 32, 33, 37, 38, 46, 47, 52, 56, 57, 65, 67, 68, 70, 72, 79, 80, 81, 85, 89, 90, 92, 94, 97, 98, 125, 126, 132, 133, and 135, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,125;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,812;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,550;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,778;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,735;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For paving North Capitol street between O and Q streets, $5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

": *Provided*, That if any surplus remains of the sum hereby appropriated, the same shall be expended for regulating, grading, and paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park: *Provided however*, That the portions of Baltimore street and Twentieth street so regulated, graded, and paved are, or shall be, dedicated by the owners for conformity with the plans for highway extension."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: After the word "condemnation," in line 3 of said amendment, insert the words "to a width of 140 feet;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$104,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 28 of said amendment strike out the words "two hundred" and insert in lieu thereof the word "fifty;" and strike out all of lines 42, 43, and 44 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and at the end of line 4, page 28, of the bill insert the following:

"And the limit of cost of said Western High School building, including site, is hereby increased from $100,000 to $133,000, and a further contract for the completion of said building is hereby authorized within the said limit of $133,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$526,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Hereafter each of the members of the fire department shall be entitled to leave of absence each year, with pay, for such time, not exceeding twenty days, as the Commissioners shall determine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed, in line 5 of said amendment, insert "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "For the" and insert in lieu thereof the words "Toward the;" and in line 6 of said amendment strike out the word "twenty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 6, 7, 53, 55, 58, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 131.

HENRY M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. W. GROUT,
M. PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

Mr. McMILLAN. We can not understand anything about what the amendments are from the reading.

Mr. TELLER. I believe if members of the Senate who are desirous of knowing what we have done in conference would take the bill and run through it, they would get the information more quickly than in this way.

Mr. CULLOM. I think if the Senator would explain, as he started in to do, each item referred to, we would learn as much as we could learn by examining the printed bill, unless we took a couple of days to look at it. I think the Senator ought to explain the report.

Mr. TELLER. We can not have a new print now. If Senators will take their copies of the bill with the amendments numbered, I will state the page and line, and they can follow me as I go along.

In amendment numbered 1, page 3, line 18, we proposed to give to the deputy collector the authority to act in the absence of the collector. The House conferees objected, and the Senate conferees receded.

The next amendment, numbered 2, is for the free public library, on page 8. That is yet in controversy.

Amendment numbered 3, page 10, which is the tax question, is still in controversy.

On page 11, amendment numbered 4, to enable the register of wills to compare, correct, and reproduce certain records, or will books, and purchase of books, $2,000, the Senate conferees receded.

Mr. McMILLAN. And that is stricken out?

Mr. TELLER. That is stricken out.

Amendment numbered 5, on page 12, is a modification of the act repealing the act to amend, etc., for the settlement of outstanding claims relating to the public works. The Senate inserted the clause "unless Congress shall hereafter specifically direct payment thereof." On that amendment the Senate conferees receded.

Amendments numbered 6 and 7, for the payment of judgments for lands condemned, are still in controversy.

Amendment numbered 8, on page 13, for assessment and permit work, the Senate appropriated $175,000, the House having made the amount $125,000. The conferees have compromised on $150,000.

On page 14, amendment numbered 9 appropriated $200,000 for the work on streets and avenues. The conferees have reduced the amount to $165,000, and then the schedules following along will be reduced proportionately, and I need not read them.

The Senate conferees receded from amendment numbered 15, on page 14, for paving with asphalt East Capitol street between Eleventh and Thirteenth streets.

The House conferees receded from amendment numbered 16, for paving H street between Twenty-second and Twenty-third streets NW.

The House conferees receded from amendment numbered 17, for paving Morris street between Sixth and Seventh streets NE.

The House conferees receded from amendment numbered 18, for removing cobblestone and repairing with asphalt block D street between Sixth and Seventh streets SE.

Amendment numbered 19, for paving of North Capitol street between O and R streets, was amended by striking out "R" and inserting "Q," and reducing the amount from $9,000 to $5,000, and then the House conferees receded from the disagreement.

On amendment numbered 20, for paving the north half of B street between Ninth and Tenth streets NW., the Senate conferees receded.

On page 16, amendment numbered 21, for suburban sewers, the House had appropriated $36,000, and the Senate increased the appropriation to $100,000. The conferees have fixed the amount at $70,000.

Amendment numbered 22, on line 22: The Senate increased the Rock Creek and B street intercepting sewer appropriation from $90,000 to $130,000, and the Senate conferees receded from it.

Amendment numbered 23: The Senate raised the appropriation for the Tiber Creek and New Jersey avenue high-level intercepting sewer from $50,000 to $100,000, and the Senate conferees receded from it.

Amendment numbered 24: The Senate struck out the provision in the item for paving Connecticut avenue and Columbia road between Florida avenue and Eighteenth street extended, and the House conferees receded from the disagreement.

Amendment numbered 25: The Senate conferees receded from that amendment; the conferees added the following provision:

Provided, That if any surplus remains of the sum hereby appropriated, [illegible] same shall be expended for regulating and paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park: *Provided, however*, [illegible] the portions of Baltimore street and Twentieth street so paved [illegible] shall be, dedicated by the owners for conformity with the plans for highway extension.

That is practically what the Senate originally recommended.

On amendment numbered 26, for grading and regulating Clifton, Irving, Yale, Bismark, Harvard, Columbia, Steuben, Kenesaw, Wallach, and Thirteenth streets from Seventh to Fourteenth streets, and Roanoke and Princeton streets from Seventh to Thirteenth streets, completing improvements, the House conferees receded.

The House conferees receded from amendment numbered 27, for grading and regulating Sherman avenue.

The House conferees receded from amendment numbered 28, for grading and regulating Kenesaw avenue and Park road.

From amendment numbered 29, for paving Spruce street, the Senate conferees receded.

From amendment numbered 30, for grading and graveling Albemarle street, the Senate conferees receded.

From amendment numbered 31, for grading and graveling Twenty-second and Twenty-fourth streets, Langdon, the Senate conferees receded.

From amendment numbered 32, for grading and regulating Twelfth street extended from Florida avenue to Mount Olivet road, the House conferees receded.

From amendment numbered 33, for paving Massachusetts avenue extended from Twenty-second street to Sheridan circle, the House conferees receded.

From amendment numbered 34, for grading Pennsylvania avenue extended SE., $5,000, the Senate conferees receded.

From amendment numbered 35, page 20, for grading and regulating Emporia street, the House conferees receded with an amendment. Instead of $5,000 the conferees made the appropriation $4,000.

From amendment numbered 36, for continuing the improvement of the road extending from Broad Branch road to Chevy Chase circle, the Senate conferees receded.

From amendment numbered 37, for improving Thirty-seventh street between Back street and Tennallytown road, the House conferees receded.

From amendment numbered 38, for paving Spruce and Bohrer streets from Larch street to Florida avenue, the House conferees receded.

From amendment numbered 39, for improving and protecting Connecticut avenue extended beyond Rock Creek, $10,000, the Senate conferees receded.

From amendment numbered 40, for grading and regulating Providence, Lansing, Hartford, and Tenth streets, Brookland, $9,000, the Senate conferees receded.

From amendment numbered 41, for the purchase of land belonging to the Catholic University and lying between the west line of Eighth street east, extended, and so on, the Senate conferees receded.

From amendment numbered 42, for grading and graveling Joliet street from Connecticut avenue extended to the Zoological Park, and acquiring same by purchase or condemnation, $5,000, the House conferees receded with an amendment. The amendment is that the street shall be 130 feet wide.

From amendment numbered 43, for grading and regulating Lowell street from Seventeenth street to Klingle Ford road, the Senate conferees receded.

From amendment numbered 44, for grading and regulating Michigan avenue, the Senate conferees receded.

From amendment numbered 45, for the grading and improvement of G street from First street east to Fourth street NE., the Senate conferees receded.

From amendments numbered 46 and 47, for grading and regulating and paving Princeton street and Roanoke street from Thirteenth street to Fourteenth street, the House conferees receded.

The next amendment, numbered 48, is incidental, being a total.

From amendment numbered 49, for the straight extension of Connecticut avenue, the House conferees receded with an amendment on page 23, where there is an appropriation of $200,000, which is increased to $250,000, striking out lines 19, 20, and 21, about the bridge.

From amendment numbered 50, for sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, for which the House appropriated $130,500, the Senate increased the appropriation to $150,000, and the House conferees receded with an amendment making the appropriation $140,000.

From amendment numbered 51, for lighting, the House appropriated $135,000, the Senate increased it to $185,000, and the House conferees receded with an amendment making it $160,000.

From amendment numbered 52, for street lamps, the House conferees receded, leaving the maximum $20, as it was last year.

From amendment numbered 53, for electric arc lighting, etc., the Senate struck out the words "and for necessary extensions of such service," which is a matter still in controversy.

Amendment numbered 54, relating to the appropriation for electric arc lighting, etc., the Senate struck out "$55,000," and inserted "$10,000." The House conferees receded from the disagreement on that amendment.

Amendment numbered 55 also relates to electric arc lighting, and is still in conference.

On page 28, from amendment numbered 56, providing that the Chief of Engineers of the Army shall report to Congress at its next regular session for erecting a bridge over Rock Creek, the House conferees receded.

On amendment numbered 57, for engineering, maintenance, and general repairs of the Washington Aqueduct, the Senate increased the appropriation from $20,000 to $21,000, and the House conferees receded from that.

Amendment numbered 58, which is the Washington Aqueduct tunnel, is still in controversy.

On page 33, on amendment numbered 59, the Senate proposed an increase of salary of the janitor of the Wallach School building of $100. That was objected to, and the Senate conferees receded.

The Senate conferees receded from amendment numbered 60, which, of course, goes with the preceding item.

On page 34, amendment numbered 61, for the care of smaller buildings and rented rooms, including cooking and manual training schools, etc., the Senate increased the appropriation from $58,096 to $59,096, and the Senate conferees have receded from that.

From amendment numbered 62, for rent and care of Miner School building on Seventeenth street, $3,050, the Senate conferees receded.

Amendment numbered 63, for repairs and improvements to school buildings and grounds, on lines 19 and 20, page 34, the House appropriated $32,000 and the Senate increased the amount to $40,000. The House conferees receded with an amendment making the appropriation $35,000.

In the next amendment, numbered 64, for the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, the House appropriated $8,000, the Senate increased it to $10,000, and the House conferees receded with an amendment making it $9,000.

On page 35, from amendment numbered 65 the House conferees receded. That is a Senate amendment increasing the appropriation for contingent expenses, including furniture, books, stationery, etc., from $28,500 to $29,500.

Amendment numbered 66, relating to text-books and school supplies, the House appropriated $38,000, the Senate increased it to $42,000, and the House conferees receded with an amendment making it $40,000.

On page 35, amendment numbered 67, for purchase of water filters, $2,000, the amendment of the Senate was to make the appropriation immediately available. The House conferees receded from that.

Page 36, amendment numbered 68, for one eight-room building and site, seventh division, county, $10,000. These are school buildings. The House conferees receded.

Amendment numbered 69, for one eight-room building and site northeast, sixth division, $40,000. The Senate conferees receded.

Amendment numbered 70, for one eight-room building and site in the vicinity of North Capitol and R streets, $40,000. The House conferees receded.

Amendment numbered 71, for four-room addition to Birney School, eighth division, $8,000. The Senate conferees receded.

Amendment numbered 72, for lot adjoining Curtis School building, to be acquired by purchase or condemnation, $5,000. The House conferees receded.

Amendment numbered 73, for completing Western High School, to be immediately available, the House appropriation was $50,000. The Senate increased it to $83,000. The House conferees receded with an amendment increasing the limit of cost from $100,000 to $133,000.

On page 37, amendment numbered 74, under the head of "Metropolitan police," the House provided for 286 privates, class 1, the Senate increased the number to 318; and on the next page, amendment numbered 75, the House provided for 194 privates, class 2, and the Senate increased it to 226; and amendment numbered 76 is the total appropriation, from all three of which amendments the House receded.

Amendment numbered 77 relates to the annual leaves of absence of the Metropolitan Police. The Senate increased the time from twenty to thirty days, and in amendment numbered 78 the Senate inserted the words "at such times;" so as to read "at such times as the Commissioners shall determine." The Senate conferees receded, making it twenty days and leaving it to the Commissioners to determine whether they shall have any leave or not.

The House conferees receded from amendment numbered 79, increasing the number of foremen for the fire department from 17 to 18, and from amendment numbered 80, increasing the number of privates from 13 to 20, and from amendment numbered 82 the House conferees receded, with an amendment giving them twenty days' leave of absence a year, and struck out the words "at such times," leaving it to stand in harmony with the provision for the police.

From amendment numbered 83, for repairs to engine houses, the House conferees receded with an amendment. The House appropriated $3,000; the Senate increased it to $4,500, and the House conferees receded with an amendment fixing the amount at $3,500.

Amendment numbered 84, for repairs to apparatus and new appliances: The House appropriated $3,000, the Senate increased it to $4,500, and the House conferees receded with an amendment fixing the amount at $4,500.

Amendment numbered 85, for purchase of horses: The House appropriated $6,000, and the Senate increased it to $7,000; the House conferees receded from that.

Amendment numbered 86, for contingent expenses, horseshoeing, etc.: The House appropriated $9,000; the Senate increased it to $10,500, and the House receded with an amendment making it $9,500.

The amendment numbered 87 is a total.

From amendment numbered 88, for exchange of old-style truck for aerial turntable truck, the Senate conferees receded.

From amendment numbered 89, for house, lot, and furniture for one engine company, to be located in the section bounded by Seventh and Twelfth streets and C and F streets NW., $35,000, to be immediately available, the House conferees receded.

By amendment numbered 90, for house, lot, and furniture for one engine company, to be located in Anacostia, the Senate made the appropriation immediately available, from which the House conferees receded.

Amendment numbered 91 is the total from which the House conferees receded.

By amendment numbered 92, for general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, the Senate increased the appropriation from $11,000 to $11,500, from which the House conferees receded.

From amendment numbered 93, for extension of the fire-alarm telegraph, including new boxes, etc., the House conferees receded with an amendment cutting down the appropriation from $15,000 to $7,500.

From amendment numbered 94, under the head of "Health department," providing for two inspectors of garbage, the House conferees receded.

From amendment numbered 95, increasing the total appropriation for the health department from $30,900 to $33,300, the House conferees receded.

From amendment numbered 96, for incinerating all combustible waste collected in the District of Columbia and delivered at the furnaces, etc., the Senate conferees receded.

From amendment numbered 97, for the purchase of a site for a contagious diseases hospital, which the Senate struck out, the House conferees receded.

From amendment numbered 98, for two isolating buildings to be constructed in the discretion of the Commissioners of the District of Columbia on the grounds of two hospitals, the House conferees receded.

From amendment numbered 99, providing that the Secretary of the Interior, the Surgeon-General of the Army, and the Supervising Surgeon-General of the Marine-Hospital Service shall be constituted a commission to examine suitable sites for a contagious-diseases hospital in the District of Columbia, the Senate conferees receded.

On page 48, from amendment numbered 100, providing for a wall around the jail grounds, the House conferees receded, with an amendment decreasing the appropriation from $20,000 to $10,000, and some slight amendment in the phraseology that is immaterial.

From amendment numbered 101, for the construction of a crematorium which shall contain two alternating furnaces, the amendment presented by the Senator from New Hampshire [Mr. GALLINGER], the Senate conferees receded.

Mr. GALLINGER. The Senate conferees receded?

Mr. TELLER. The Senate conferees receded.

I called attention to the subject of charities, which are still in controversy, being amendments numbered 102 to 123.

From amendment numbered 124, for repairs and furniture, the House conferees receded, with an amendment reducing the appropriation from $5,000 to $2,000.

From amendment numbered 125, for the appointment of superintendent of hospital, the House conferees receded.

The House conferees also receded from disagreement to the provision inserted by the Senate, amendment numbered 126, providing for salary and compensation of the surgeon in chief, etc., which puts the law back as it was last year, leaving the hospital in charge, not of a superintendent, but surgeon in chief.

On amendment numbered 127, providing that any legally licensed physician may attend private patients, when they occupy pay rooms, in any of the public hospitals of the District of Columbia, the Senate conferees receded.

In amendment numbered 128, Reform School for Girls, the Senate provided for a cook at $240. The Senate conferees were compelled to recede from that amendment.

The next amendment, numbered 129, is a total.

In amendment numbered 130, for the Industrial Home School, the House appropriated $9,900; the Senate increased it to $12,000, and the House conferees receded, with an amendment making it $11,000.

Amendment numbered 131 is connected with the charities, and is still in controversy.

From amendment numbered 132, relating to the compensation of the clerk to the joint select committee concerning the charities and reformatory institutions of the District of Columbia, the House conferees receded.

From amendment numbered 133, increasing the appropriation from $3,000 to $3,600 for expenses of rifle practice and matches in the District of Columbia militia, the House conferees receded.

The Senate conferees receded from amendment numbered 134, which proposed to insert in the bill the following proviso:

> *Provided*, That so much of the money as is appropriated by this act for public works in the District of Columbia may, at the discretion of the Commissioners of said District, be made available from and after the 4th day of March, 1897.

The House conferees receded from amendment numbered 135, which strikes from the bill section 3 in the following words:

> SEC. 3. That hereafter no electric-light company doing business in the District of Columbia shall charge or collect from the United States or any other consumer of electric arc or incandescent lights or electricity for power prices exceeding 75 per cent of prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

Those are all the subjects of the conference.

Mr. GALLINGER. Before the question is taken on concurring in the report, I desire simply to emphasize an observation I made the other day concerning the burial ground at the Washington Asylum, the so-called potter's field.

I notice that the Senate conferees receded from the amendment which I had inserted in the bill providing for a crematorium. I am not going to argue the question this morning, but I wish to repeat that there is here in the District of Columbia, in the capital of this great nation, a condition of things existing such as I apprehend can not be found in any other great city perhaps in the civilized world, and some remedy ought to be provided at the earliest possible moment, so that this reproach will not be laid at our doors. I regret that the conferees on the part of the Senate surrendered the amendment, but especially so without providing at least for the purchase of additional ground for the burial of the indigent and pauper poor in the District of Columbia.

There is one other matter concerning which I simply want to make a single observation, and that is the provision I had inserted that any legally licensed physician may attend private patients when they occupy pay rooms in any of the public hospitals in the District of Columbia. I think that this must be the only city in the United States in which public hospitals exist, getting contributions from the public fund, where pay patients are refused the privilege of having their own physicians. I believe there is only one hospital in the District where that condition of things exists. The medical profession have insisted, and very properly have insisted, that these restrictions should be removed and that physicians should be allowed the same privileges here in that respect that they are allowed in the other great cities of the country.

I simply desire to say that I regret the conferees on the part of the Senate have felt constrained to surrender that amendment, because it is a very proper one and one that ought to have been kept in the bill; but I take it that the Senate conferees had to surrender something; that this is a compromise measure, and they are very earnestly desirous of reaching a conclusion and agreement. So I find no fault concerning their action, except to say that I feel sure such a provision will in the near future be incorporated in the District of Columbia appropriation bill and that this restriction, which ought not to exist, will be removed.

Mr. CALL. I should like to ask the Senator from Colorado a question. I understand that amendment numbered 7, on page 13, is still in conference. It is the provision to pay for lands to be condemned.

Mr. TELLER. That is still before the conference committee.

Mr. CALL. The Senator will allow me one other question. I understand also that the provision of the bill relating to the unpaid taxes of the District of Columbia is still in conference.

Mr. TELLER. That is still in conference. I wish to say that the committee, in surrendering some of the amendments put on in the Senate, do not pretend, of course, to express any disapproval of or any lack of merit in the amendments, or any lack of sympathy, but we were compelled to surrender some matters that we felt were very important. If the hours had been longer between the time we were sitting and the closing of the session, I doubt very much whether we would have surrendered what we did surrender. There seems to be a general feeling that we ought to get these appropriation bills through, and [illegible] committee are exceedingly anxious that there shall be no reasonable ground for anyone to be charged with neglect of duty. We remained in conference on the bill until nearly 4 o'clock this morning. I suggest that it is not worth while to read the entire report after the explanation which has been made.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

Mr. TELLER. I move that the Senate still further insist on its amendments and request a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

Mr. PLATT. I obtained yesterday unanimous consent that after the passage of the deficiency and other appropriation bills there should be some time given to the consideration of unobjected House bills on the Calendar. I wish that that order may be now enforced.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me for a moment in order to have the action of the House on the sundry civil appropriation bill laid before the Senate.

Mr. PLATT. Certainly.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, agreeing to certain amendments with amendments, receding from certain other amendments, insisting on its disagreement to the residue of the amendments, and agreeing to the further conference asked by the Senate.

Mr. ALLISON. I do not know that any further action is required. The House has agreed to our conference and has receded from certain amendments. However, having agreed to some amendments with amendments, I move that the Senate disagree to the amendments proposed by the House so that those amendments may be carried into conference as well.

Mr. HOAR. Why not ask for a further conference?

Mr. ALLISON. We have asked for a conference and the House has granted it, but to some amendments the House has made amendments, and we want those in conference. As we seem to be technical about conference reports, I move that the Senate disagree to the amendments proposed by the House to certain amendments of the Senate, and ask a conference upon those amendments as well as the amendments upon which the House insists upon its disagreement.

The motion was agreed to.

Mr. PEFFER. I wish to inquire what is the status of amendment numbered 6?

Mr. ALLISON. Amendment numbered 6 has been concurred in by the House with an amendment. Does the Senator desire to have the Senate concur in the amendment to the amendment?

Mr. PEFFER. I wanted to inquire what amendment to it the other House has proposed?

Mr. ALLISON. It is at the desk.

AMENDMENT OF NAVIGATION LAWS.

Mr. GORDON. Mr. President, I shall not occupy five minutes, but I wish to explain a very unusual paper which I am about to present.

Mr. FRYE. I wish to present a conference report.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia subsequently. The report of the committee of conference will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments as follows:

In the language proposed to be inserted by the Senate, section 2, line 2, strike out the word "nine" and insert in lieu thereof the word "eight."

Section 2, line 4, strike out the word "one" and insert in lieu thereof the word "two."

Section 2, line 6, strike out the word "superficial" and insert in lieu thereof the word "square."

Section 2, line 8, after the word "therein" insert the following:

"*Provided*, That any such seagoing sailing vessel, built or rebuilt after June 30, 1898, shall have a space of not less than 100 cubic feet and not less than 16 square feet measured on the deck or floor of that space for each seaman or apprentice lodged therein."

In line 9, after the word "drained," insert the word "heated."

Section 3, line 31, strike out the words "be then," and after the word "also" insert the word "be."

Section 4, in lieu of the language proposed by the Senate insert that proposed by the House, as follows:

"Section 12, line 1, strike out the word 'and,' and also in line 2, strike out the word 'and,' and in line 3, after the letter '(c),' insert the words 'rule 16 and rule 17,' and in line 14, after the word 'fifteen,' insert the following: 'Whenever there is a fog, or thick weather, whether by day or night, fog signals shall be used as follows.'"

Section 12, after line 22, insert the following:

"RULE 16. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

"RULE 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

"(*a*) A vessel which is running free shall keep out of the way of a vessel which is close hauled.

"(*b*) A vessel which is close hauled on the port tack shall keep out of the way of a vessel which is close hauled on the starboard tack.

"(*c*) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

"(*d*) When both vessels are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

"(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel."

Section 18. Strike out lines 12 and 13, and insert in lieu thereof the following: "Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes."

Section 20. Strike out all of the section after the word "effect" in line 1, and insert in lieu thereof the words "July 1, 1897."

And the Senate agree to the same.

WILLIAM P. FRYE,
KNUTE NELSON,
STEPHEN M. WHITE,
Managers on the part of the Senate.

SERENO E. PAYNE,
JOHN SIMPKINS,
A. S. BERRY,
Managers on the part of the House.

Mr. ALLEN. Mr. President, I should like to have the section of the report read which applies to seamen, to see whether it contains any of the flogging features that were contained in the bill some time ago.

Mr. FRYE. Let me read it to the Senator, instead of the Clerk. The existing law is this:

> SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than $1,000, or by imprisonment not more than five years, or by both.

The courts held that those words "malice, hatred, or revenge" imposed upon the beaten sailor the duty of proving not only that the beating was without justifiable cause, but that it was from malice or hatred or for the purpose of revenge. The Senate Committee on Commerce believed that to be an unjust burden on the sailor, and therefore they simply strike out of this law the words "malice, hatred, or revenge."

Mr. ALLEN. How will it read then?

Mr. FRYE. One moment, because I have been vicariously suffering for the Committee on Commerce, and a great deal of abuse has been heaped upon my unfortunate head within the last two months, the charge being made that I had restored flogging on American merchant ships. How anybody could have believed that is beyond my comprehension. The man who did must have been a fool or insane; and yet I was blackguarded in one or two great papers of the country as "that brutal Senator FRYE; that man who had restored flogging to the merchant marine." Yet everything that that "brutal man" had done has been done by the Committee on Commerce, and has been done to save the sailors of this country from being compelled, if they were beaten, to prove not only that it was without justifiable cause, but that it was from malice or hatred or revenge.

I never undertook to defend myself in the United States Senate, as I might have done, from those charges. I never did defend myself in Congress since I have been here. I regarded it as furnishing amusement to ignorance and to incapacity, and as doing me no possible harm. Now, the committee, paying the same consideration to ignorance that I did by keeping still, has in conference added to this section these words:

> But nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes.

Which those wise gentlemen never had read, which was passed in 1850, and which says, "Flogging on board of vessels of commerce is hereby prohibited." In order to relieve those wise men, we have consented that an amendment shall be added to this section that we do not intend to restore flogging in the merchant marine by repealing section 4611. I trust that that will be entirely satisfactory to any sailor, no matter how crazy he may be.

Mr. ALLEN. Mr. President, I know but little about this section, as I have only scanned it over on one or two occasions, but I do not understand the rule of law as the Senator from Maine lays it down, or says the courts have laid it down, to the effect that the burden of proof is upon the sailor to prove malice and ill will, independent of the circumstances under which the assault occurred.

Mr. FRYE. Judge Morrow laid it down very recently in California.

Mr. ALLEN. Then Judge Morrow ought to revise his knowledge of law.

Mr. FRYE. That makes no difference. We have cured that to the satisfaction of everybody.

Mr. ALLEN. Because the law is now, and always has been since we have had any criminal jurisprudence in this country or in England, that the circumstances of the assault themselves may prove malice. An unprovoked assault, an inexcusable assault, carries with it, as a necessary and natural and indubitable conclusion, unless rebutted in some form, that the assault was actuated by malice and ill will. If there is any court in this country that is so imbecile and so foolish and so ignorant of the law as to say that the sailor must prove as a distinct proposition that the assault was actuated by malice, that man ought to be retired to private life, or he ought to be hedged off by statutes which will prevent him from making such an error.

Mr. FRYE. The Senator ignores the fact that there are two words added there which do not appear in any criminal statute touching an assault of any kind. Those words are "hatred or revenge." Those are very unusual words, and they are in this statute, and we wanted to get rid of them so that the sailor should have abundant opportunity to go and prove his case.

Mr. ALLEN. I should like to know from the Senator from Maine, who is familiar with these matters, especially matters of commerce, what circumstances will justify the assault of a sailor, either on shore or on a vessel?

Mr. FRYE. Oh, Mr. President, there are any quantity of circumstances that would justify it. If a sailor with a sheath knife

came at the captain, it would be his duty to knock him down; if he was on duty at the wheel and undertook to cast away the ship, or run it on a rock, it would be the duty of the captain to deprive him of the power of doing so. There are any quantity of circumstances.

Mr. ALLEN. I understand that quite well; but I want to know if there are any circumstances, aside from the mere fact that it occurred upon a vessel which may be thrown upon the rocks, or cast aside from its course, and so forth—whether there are any circumstances on board a vessel that will justify an assault upon a sailor that would not justify an assault on land by one private citizen upon another?

Mr. FRYE. Yes, I think so; because if a gale of wind was seen approaching and the captain of the ship should order the sailors to reef sails, and they refused, when there are lives in his charge and when there is an immense amount of property endangered, I have no doubt the captain would be justified in making an assault upon a sailor who refused.

Mr. GRAY. The same as with a soldier.

Mr. FRYE. The same as with the Army or with the Navy.

Mr. ALLEN. The Senator from Delaware says just the same as upon a soldier. There would be no justification for an assault upon a soldier under those circumstances. That is altogether an assumption.

Mr. FRYE. The Senator must see very plainly that there was no intention upon the part of the Committee on Commerce to restore flogging on shipboard.

Mr. ALLEN. I can understand very well that exigencies may arise upon a vessel requiring prompt action where the sailor fails to perform his duty; but aside from those peculiar exigencies which are incident to navigation and which might result possibly in mutiny or in the destruction of the vessel or injury to it in some form, or injury to passengers, are there any circumstances that will justify an assault upon a sailor by an officer any more than an assault made upon a private citizen?

Mr. NELSON. If the Senator from Nebraska and the Senator from Maine will allow me, I will reply to the former Senator.

It is not necessary at this juncture to go into theoretical discussions as to the circumstances under which a master or an officer may strike a sailor. The question at issue is simply what are the changes made by the pending bill in the existing law; what is the difference between the House measure and the Senate measure?

Mr. ALLEN. Mr. President——

Mr. NELSON. Will the Senator from Nebraska yield to me to make a statement?

Mr. ALLEN. Not now.

Mr. NELSON. Very well. I will make it by and by.

Mr. ALLEN. I do not concede for a moment that it is a mere question between the House bill and the Senate amendment, or whichever it may be. I think it rises to a greater dignity than that. I can understand quite well that it is necessary to have discipline on board a vessel, and I concede that the authorities should be given ample power to enforce discipline, to protect the vessel, to protect freight, to protect passengers, and so forth, and should be permitted to have control over the persons of the seamen under those circumstances to a certain extent; but I can not understand why an officer or a subordinate on board of a vessel, whenever he may become incensed or angry at a sailor for some little remark he may make or something of that kind, would be justified in assaulting him with a weapon or with his fist with the same degree of brutality that he would assault an ox.

Mr. FRYE. I do not think he would be. I think he would be liable under that statute if he did.

Mr. ALLEN. Nor can I understand the kind of jurisprudence to which the Senator from Maine has referred, which casts the burden of proof upon the sailor, in a prosecution for an assault, to prove as distinct propositions, separate from the circumstances of the assault itself, actual and distinct malice, hatred, or ill will.

Mr. PLATT. Will the Senator allow me a moment?

Mr. ALLEN. Certainly.

Mr. PLATT. When the statute provides that the assault which is to be punished shall be with malice or from revenge, would not the Senator think that that cast upon the person who committed the assault the burden of proof that it was from malice or revenge?

Mr. ALLEN. I have said it cast upon the prosecution the burden of proof, but it does not cast upon the prosecution the burden of proving those things distinct from the circumstances under which the assault occurred. For instance, in the case of murder, there must be willful and deliberate malice, or malice aforethought. Suppose a man, an entire stranger to his victim, shoots down or stabs his victim to death, will not the court infer, and will they not instruct a jury to infer, or that they may infer, that under the circumstances of the assault willful and deliberate malice are to be presumed, and that it is not necessary for the prosecution to prove as a distinct proposition that there was malice aforethought independent of the circumstances under which the assault took place? I understand the distinguished jurist to whom my friend from Maine [Mr. FRYE] refers has held that these things must be proved as distinct propositions independent of the mere circumstances under which the assault occurs. If that is true, I suggest to my friend from Maine that those jurists should be hedged in by a statute which will prevent that in the future.

Mr. NELSON. Mr. President, the argument of the Senator from Nebraska [Mr. ALLEN] that the question of malice may be inferred from the act may be correct as a general proposition, but it is not true in this particular case. The existing law which is sought to be amended by this provision of the bill which the Senator from Nebraska criticises is as follows:

> SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, etc.

The courts have decided as long ago as in 2 Sumner, and decided by as eminent a jurist as Judge Story, a member of the Supreme Court, that in prosecutions under that statute two things must be established and concur in order to justify a conviction. First, it must appear as an independent proposition that the master was actuated by malice, hatred, or revenge; then, in the second place, that the assault was made without justifiable cause. What we aim to do by the proposed statute is to eliminate one of those grounds. We may not go so far as the Senator desires in this respect, but if this report be adopted and the bill shall become a law, we eliminate one of the ingredients that are necessary now in order to secure conviction in the case of the beating by a master of a sailor on shipboard, and it will no longer be necessary to prove that the beating was through malice, hatred, or revenge. That is as far as we have gone, and that is practically as far as the House bill has gone, although they use different language.

Now, let us see the two sections of the bill which amend the section of the Revised Statutes I have read. The House provision amends that section as follows:

> SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who willfully beats, etc.

In that phrase in that connection all lawyers understand that the term "willfully" does not mean merely intentional; it does not mean the reverse of accidental. If a man approach me in a threatening manner and strike me down, and I beat him, repelling force with force, and strike him down, in one sense that is intentional, in one sense that is willful, but not in the meaning of the law. It is not a willful beating, for I have a justifiable ground.

The bill as amended by the Senate, and that is incorporated in this conference report, reads as follows:

> SEC. 5347. Every master or other officer of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, without justifiable cause, beats, etc.

So, practically, as a matter of law, the two sections of the Senate and House bill are identical, and by both we have relieved that provision of the law of that bad feature which existed before, which rendered it almost impossible to secure a conviction, because the court invariably instructed the jury in all such cases that, in order to convict, they must find that the beating on the part of the master or officer was done through malice, hatred, or revenge. If this bill becomes a law, the sailors will no longer be required to prove that fact.

Mr. President, the sailors have a man here, as is proper [illegible], to represent their interests. He is not a lawyer. He made the mistake, when he noticed the Senate section, of intimating that it restored flogging in the Navy. There never was a greater mistake in the world. He charged the chairman of the Committee on Commerce with being guilty of taking a retrograde step to restore flogging. There never was a more outrageous and unjust charge in the world. The chairman of the Committee on Commerce has manifested from first to last, so far as I know—and I think I know what occurred in reference to this matter—a disposition to go as far as is just and proper to protect the sailors.

"Flogging" has a technical meaning. It does not mean striking a man. The term "flogging" was used to describe a punishment which once existed not only in our merchant marine, but also in our Navy.

Mr. ALLEN. I should like to have the Senator explain the difference between flogging and an assault.

Mr. NELSON. "Flogging" is a technical term used in the sense of punishment in our Navy as well as in our merchant marine. Flogging was administered as a punishment, just as it is in the State of Delaware for some offenses now. The law authorizing flogging was repealed in 1850 by a provision of law now incorporated in the Revised Statutes. Let me read that section:

> SEC. 4611. Flogging on board vessels of commerce is hereby abolished.

By this provision of law flogging was forbidden.

The gentleman who represents the sailors insinuated or claimed that by this amendment which we have incorporated in this bill, and by which we sought to relieve the sailor from the onus of proving that the assault was committed in malice or for revenge, we had restored flogging to the Navy or the merchant marine. There never was a more outrageous or unjust charge in the world. But in order to take away all doubt on that question, we have added a proviso to this amendment so that section as amended shall not be construed in any manner to restore flogging in the Navy.

Mr. President, I will agree with the Senator from Nebraska that perhaps we might have gone further to relieve the sailors in this case; but we have taken a great step and inaugurated a great reform to remove an evil which has existed in the law since 1835. As in all reforms, we could not accomplish everything with one leap, one jump. We thought we had better go gradually. I think at present all intelligent sailors and all well-meaning sailors are satisfied with what we have accomplished; and if this is not sufficient, by and by we can go a step further; but what we have now done ought to be ratified, because it is in the interest of the sailors and a great advantage to them.

Mr. FRYE. Now let us have a vote.

Mr. ALLEN. Mr. President——

Mr. NELSON. I shall be pleased to answer any question the Senator from Nebraska may wish to ask.

Mr. ALLEN. Just a word, for I shall not detain the Senate at this time. I do not think the Senator from Minnesota ought to be permitted to put Judge Story in a false light. Judge Story never held in 2 Sumner, or in any other case, that it was necessary to prove malice, hatred, ill will, or willfulness of conduct independent of the circumstances under which an assault occurred, and there is not a decision in all the decisions of the United States which I have had occasion to examine—I have examined some of them, not all of them—aside from the one referred to by the Senator from Maine, which ever laid down the foolish doctrine that the burden of proof was upon the prosecution to establish either malice or hatred or ill will or any circumstances aggravating an assault necessarily independent of the circumstances attending the assault itself. If nothing appeared justifying the assault, it was presumptively proved.

Mr. FRYE. I think, as the Senator modifies his statement, he is entirely correct, that the jury may find from the circumstances that there was malice.

Mr. ALLEN. Not only may find——

Mr. FRYE. But it must be found.

Mr. ALLEN. Certainly, it must be found; but the very fact that the assault was unprovoked, that the relations between the parties were the relations of strangers, or that they had previously been friends, or that nothing existed in their relations making them enemies—the very fact that the assault was made under circumstances of that kind not only authorizes the jury to infer that the assault was malicious and willful, but the court would tell the jury that they should infer from those circumstances, if the assault was consummated, that it was willful and deliberate.

Mr. FRYE. The Senator, I take it, does not object to our trying to make it a little easier for the sailor.

Mr. ALLEN. Not at all.

Mr. FRYE. Then it is important to get a vote on the report, so as to get the matter over to the House of Representatives.

Mr. ALLEN. I will retire in a moment.

Mr. FRYE. I thought the Senator was through.

Mr. GRAY. Will the Senator allow me to ask him a question?

Mr. ALLEN. Certainly.

Mr. GRAY. Suppose, under the law as it existed, as read by the Senator from Maine [Mr. FRYE], a sailor had been indicted, it would be necessary, of course, to show not only that the assault was unjustifiable under the circumstances in which they were placed as master and sailor, but also that it was actuated by malice, hatred, or revenge. Now, it is quite conceivable that an assault might be unjustifiable from the point of view of a mariner and the relations that exist between the sailor and the officer, and yet not be actuated by either hatred, malice, or revenge.

Mr. ALLEN. Mr. President, there may be such a thing as that, but if there is, I am altogether too obtuse to see it.

The Senator from Minnesota [Mr. NELSON] undertook to draw a distinction between an assault and battery and flogging. I must admit that the distinction is not comprehensible to me. Why, Mr. President, the very menace or threat of an assault, if the assailant be within striking distance and capable of executing his threat, is a simple assault itself, for which a man may be punished, and any laying of the hands upon a person in anger, however light it may be, is an assault and battery.

Now, the Senator from Minnesota undertakes to draw a distinction between this kind of an assault and battery and that kind of an assault and battery that is found in the case of an officer taking one of these unfortunate sailors off into some place and striking him with a whip or with some other weapon. There may be a distinction between these two assaults. If there is, I am incapable of seeing it. What I want to do is to protect the sailor as an American citizen on board his vessel as well as an American citizen on shore.

I can understand quite well, as the distinguished Senator from Maine says, that there are rare and exceptional circumstances under which the officer might be justified in inflicting corporal punishment, but the burden of proof should be placed upon that officer, whenever he is arraigned before a court charged with that offense, of proving the justifiable circumstances.

Mr. FRYE. I should like to have a vote now.

The VICE-PRESIDENT. The question is upon concurring in the report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. PLATT. Now I suggest that we proceed with the consideration of unobjected House bills on the Calendar under the unanimous-consent agreement.

The VICE-PRESIDENT. The first bill on the Calendar will be announced. The Chair will state, however, that the Senator from Georgia [Mr. GORDON] addressed the Chair and gave way to the Senator from Maine to present a privileged report.

Mr. PLATT. If the Senator from Georgia will wait one moment, and let us put the order in the way of execution, then he can proceed.

The VICE-PRESIDENT. The first bill on the Calendar under the unanimous-consent agreement will be announced.

RAILROADS IN THE INDIAN TERRITORY.

The bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds and to correct alignments," was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

The VICE-PRESIDENT. The bill has heretofore been read at length.

Mr. ALLEN. Let it be read again.

The bill was read.

The VICE-PRESIDENT. The amendment which has heretofore been adopted will be stated.

The SECRETARY. In line 35, after the word "alignment," an amendment was adopted to insert the following additional proviso:

And provided further, That the right to add to, alter, amend, or repeal this act is hereby expressly reserved to Congress, or to any State which may hereafter be established in the territory through which the lines of said railroad companies are constructed.

The VICE-PRESIDENT. The amendment heretofore proposed by the Senator from Arkansas [Mr. BERRY] will be stated.

The SECRETARY. In line 28, after the word "stations," it is proposed to insert:

Provided further, That any railroad company which shall avail itself of the privileges of this act shall not charge more than 3 cents per mile for carrying cash passengers through said Indian Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON'S FAREWELL ADDRESS.

Mr. GORDON. Mr. President, I think no man on the floor of the Senate taxes this body less often than myself. I do not wish to make a speech, but I do ask unanimous consent for a few moments' indulgence in order to explain a rather unusual communication which I am about to present. If this consent is granted, the Senate will discover that while the purpose which I have in view is rather sentimental and patriotic than practical for this late hour of the session, yet it is neither an idle nor improper object.

One hundred years ago, Mr. President, in Congress Hall, Philadelphia, was witnessed an inaugural ceremony which I will not say was in strange, but certainly it was in striking, contrast with the one upon which we are to look in this Capitol to-morrow.

The incidents and facts connected with that scene and some most interesting facts connected with that early period of our history have been collated and described by that accomplished gentleman and patriotic citizen Judge James H. Embry, of this city, in a communication to myself, which I ask the Senate to have printed in the RECORD.

Mr. President, it will be recalled that in Congress Hall, on the 4th of March, 1797, stood George Washington making his Farewell Address to public life and to official connection with his country. Another figure which appeared upon that scene, certainly not less picturesque and scarcely less eminent, was John Adams, who was to assume the Presidential office. It will do no harm in this period of our country's power and splendor and upon this centennial to place in the record of our proceedings some account of that remarkable scene.

It was the "farewell" of the man who was first designated by Light Horse Harry Lee, the father of Gen. Robert E. Lee, "First in war, first in peace, and first in the hearts of his countrymen;" the permanent retirement of that man of whom Mr. Jefferson said that his fame would go on increasing through the centuries until some constellation in the heavens would be called after him. The prediction of Mr. Jefferson will probably never be realized, but we will all agree, I think, as will all the liberty loving of our race, that Washington's name will not be forgotten while any of that race shall survive or republican institutions live.

The other figure to whom I allude was John Adams, who with his thundering words had done for American independence and freedom what Mr. Jefferson had done with his pen and what Washington had enforced with his guns—the man who Mr. Jefferson declared was our Colossus on the floor of Congress.

It will do no harm to revive the picture of the scene in that little hall in Philadelphia one hundred years ago, when George Washington, in his severely plain black suit, stood amidst his weeping hearers, bidding his farewell to all official connection with his country. It will do no harm to have our children recall John Adams, in his no less severely plain drab suit, as he sat with his ruffled-bound hands covering his face, wet with tears, as the father of his country was uttering those solemn, golden, and ever-memorable words.

Mr. President, begging the pardon of the Senate, realizing the fact that this is no time for speech making, I ask that this paper, which I think is worthy of preservation, be printed in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The paper is as follows:

WASHINGTON, D. C., *March 2, 1897.*

MY DEAR SIR: May I remind you that time's tireless march will bring us in a few hours to the centennial of one of the marked epochs of our national life—the retirement of the illustrious Washington from public life; the surrender by him of the great trust of the Presidential office, and the first successful experiment of free government within the Western Hemisphere. It is well to pause and contemplate the nation, then an infant, and now a giant, and in imagination to picture it a century hence, when a population of hundreds of millions between the two oceans that bathe our shores, preserving, as we all devoutly hope, the blessings and liberties we this day enjoy, shall be prepared to hand to another century our Constitution unimpaired and our Federal Union unbroken. Just a century ago, besides the original thirteen States, three stars had been added to our flag, and Vermont, Kentucky, and Tennessee had taken their places in the great assembly of American Commonwealths. Virginia had, with royal munificence, dedicated to the nation the Northwest Territory, an area larger than the British Isles, and had given the fairest portion of her domain—Kentucky—to become one of the sisterhood of States. The invitation to become a State of the Federal Union was extended to Kentucky before it was to Vermont. The sixteen States of the Federal Union just a century ago had a population not exceeding 5,000,000; now forty-five American Commonwealths contain a population of about 75,000,000.

Many questions, foreign and domestic, confronted Congress during the Administrations of Washington. With affection for his memory, with reverence for his character, and with a warm appreciation of his advice and counsel, the Senate pauses in its deliberations to hear and ponder his Farewell Address to his countrymen, and to place it anew upon its records, that millions may again read its patriotic utterances and be imbued with his spirit of intense devotion to the public weal.

As we look back at the record of our national life a century ago, we find Congress sitting in Philadelphia—a city then of less than 40,000 population. The first Congress ever assembled on the Western Hemisphere met in that city on the 5th of September, 1774, and the great Declaration was proclaimed within its limits. The British forces occupied the city from September, 1777, to June, 1778, the battle of Germantown having been fought October 4, 1777. From 1790 to 1800, the city of Philadelphia was the seat of government of the United States. It is interesting to note some of the proceedings of Congress near the close of Washington's last Administration—just a century ago. Assembling then as now on the first Monday of December, instead of sending a message, President Washington appeared on December 7, 1796, in the Chamber of the House of Representatives, where the Senate had already assembled, and addressed the two Houses. On the 10th, the Senate transmitted an address to the President in answer to his speech, and on the 16th the members of the House in a body waited upon the President at his residence, and the Speaker, on their behalf, delivered an address to the President. On February 8, 1797, the two Houses assembled in the Representatives' Chamber and counted the votes for President and Vice-President. On the 15th, John Adams, the President-elect, addressed the Senate on his retirement from the body for the remainder of the session, and on the 22d the Senate made answer to the address. On March 1st the Senate considered a bill the President had vetoed, to amend the act "to ascertain and fix the military establishment of the United States." On March 2d a bill was considered by the Senate for the relief and protection of American seamen. On Saturday, March 4th, President Washington issued a summons to the Senate to meet in their Chamber at 10 o'clock to receive any communication which the President may lay before them.

On December 14, 1796, a bill was discussed in the House to report the debates. A member inquired the cost, and thought "the expense altogether unnecessary." He said that if the debates of the House were printed, and four or five copies given to each member, they would employ all the mails of the United States. The question was debated at some length. On March 1, 1797, the questions of duties on distilled spirits and protection to American seamen were discussed in the House. On March 2d a bill making appropriations for the military establishment was discussed, and among the items agreed to was one "for the payment of the Army, $256,450." Naval appropriations were also discussed, and Mr. Smith, a member from South Carolina, proposed to add $172,000 for finishing the three frigates *United States*, *Constitution*, and *Constellation*, but Mr. Nicholas opposed the appropriation of so large a sum. On March 3d sundry bills were passed, and an evening session was held. The last hours were occupied in a debate upon a resolution expressing sympathy for the sufferings of General Lafayette in his long and rigorous imprisonment, and as to measures that should be adopted toward effecting his restoration to liberty. Mr. Livingston reminded the House that Lafayette "came here from the pompous ease of a foreign court; he voluntarily served the cause of America and bled for her;" that "besides spending a princely fortune in our cause, he asked nothing, nor would accept any compensation for his services." For want of time, no final action was taken upon the resolution, and about 11 o'clock on the evening of March 3d the House adjourned sine die.

The morning of March 4th had arrived, and Congress Hall, on Chestnut street, in which Congress held its sessions, was the spot to which all eyes were turned. Close by stood, anchored to the earth, the most sacred temple on American soil—"the Runnymede of our nation"—old Independence Hall, the refuge and the rock of the fathers of the Revolution. Before noon time the members of the Senate, conducted by the Vice-President, Thomas Jefferson, who had just taken the oath of office, and accompanied by the officers of the Federal and State governments and a vast concourse of eminent citizens, repaired to the Hall of the House of Representatives, where a large audience of ladies and gentlemen had assembled to witness the ceremonies. What an imposing assemblage of illustrious men, representatives of the States and of the people—among them James Madison, Albert Gallatin, Fisher Ames, Andrew Jackson, John Langdon, Richard Stockton, and John Laurence—gathered there in the nation's infancy to witness the retirement to private life of the most eminent citizen of the Republic, and to participate in the ceremonies of clothing with the power and authority of the Presidential office John Adams, the most distinguished citizen of the Commonwealth of Massachusetts.

Near the Speaker's chair sat Thomas Jefferson, whom Ada[illegible] called twenty years before the man with "the masterl[illegible]" In front of the Speaker's chair sat Chief Justice Ellswort[illegible] was to administer the oath, and with him th[illegible] of the Supreme Court—Cushing, Wilson, and [illegible]. [illegible] soon loud cheering was heard in the streets, and in a few moments Washington entered the Chamber, followed by Adams. The whole audience arose and greeted them with enthusiastic cheers. The historian tells us that when they were seated perfect silence reigned, and Washington arose, with the most commanding dignity and self-control, and proceeded to read in a firm, clear voice a brief valedictory. He wore a full suit of black. Mr. Adams wore a full suit of bright drab, with lash or loose cuffs to his coat, and wrist ruffles. The audience listened to Washington in breathless silence, as if they "desired to hear him breathe and catch his breath in homage of their hearts." While Washington was speaking, Adams covered his face with both hands, the sleeves of his coat being moistened with tears. Washington was composed until the close of the address, but when nervous sobs broke loose and tears covered the faces of the audience, the great man was shaken.

Look at the mighty men grouped together in that single Chamber—Washington, the foremost figure of the human race, his name as imperishable "as if it were written between Orion and the Pleiades;" Jefferson and Adams, "the pen and the tongue, the masterly author and the no less masterly advocate of the Declaration." Besides these were others standing beside them whose fame will be as enduring as our language or our liberties. What a scene for an artist, what a theme for the historian. With what joy would Chatham, who bravely defended the cause of the Colonies, have looked down upon that presence. With what majestic eloquence would Edmund Burke again have thrilled the British House of Commons, as he did twenty years before, when he reminded the ministry that the close affection which grows from kindred blood and from equal privileges and protection "are ties which, though light as air, are as strong as links of iron." A few whose names will survive while our language is spoken and our liberties are preserved were not there. Old Samuel Adams, with hands of iron and nerves of steel, the Martin Luther of the Revolution, was absent. Patrick Henry, whose voice had thrilled the Colonies with its magnetic eloquence—declared by Jefferson to be the greatest orator that ever lived, and by John Randolph to be "Shakespeare and Garrick combined"—offered by Washington the Chief Justiceship of the United States, was not there.

Thus just a century ago closed the official career of our great Washington. He had enjoyed the unbounded confidence of his countrymen. Almighty God had raised him up to lead the armies of the Revolution, and had given him wisdom and courage to meet the dangers and perils that surrounded the Colonies in their struggle for liberty. In peace he had guided the first footsteps of the young nation, and stood a faithful sentinel to guard its life against every peril. Advancing years and his earnest desire to retire to the grateful shades of his own Mount Vernon prompted him to surrender to his countrymen the great trust committed to his care; and in words of affection, of tenderness and love, of deepest solicitude for their welfare and prosperity, and for the maintenance, growth, progress, power, and supremacy of the nation, he left the true impress of his great heart and mind in his last earnest messages of advice and counsel to his countrymen.

With great respect,

JAMES H. EMBRY.

Hon. JOHN B. GORDON,
Senator from Georgia.

PERRINE LAND GRANT INVESTIGATION.

Mr. DUBOIS. I desire to present a report from the Committee on Public Lands in regard to the Perrine land grant in Florida. The committee have patiently investigated this case; in fact, they have had it under advisement in one way and another for the past two years, and during the past two weeks they have had quite a full and thorough investigation. The committee have agreed on this report unanimously with the exception of the Senator from South Dakota [Mr. PETTIGREW], and inasmuch as so much attention has been attracted to the case, I ask that the report may be printed in the RECORD, and may also be printed as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW. Mr. President——

Mr. PLATT. I call for the regular order.

Mr. PETTIGREW. I wish to address myself briefly to the report which has just been made.

I did not join in the report, but I think the facts related in the report itself justify a resolution to vacate this grant and throw these lands open to settlement.

What are the facts? In 1838 Congress granted to Mr. Perrine one township of land—about 23,000 acres—in southern Florida, for the cultivation of tropical plants. Perrine died. No effort had been made to comply with the grant. The right was then conferred upon his widow and his heirs. No effort has been made for more than forty years to comply with the conditions of the grant, and there is no evidence that previous to that time any compliance had been had. A few years ago several settlers went upon these lands and claimed them under the homestead law. Knowing that for very many years there had been no effort on the part of anyone to comply with the condition of the grant, the settlers had a right to suppose that Congress would open these lands and they would be allowed to file their homestead entries.

Last year a railroad was built into this vicinity. The company looked up the condition of this grant, sought the Perrine heirs, and made a contract with them by which the railroad company, if they could secure a patent from the Government, should have one-half of the land, less the amount it would take to satisfy the settlers. Mark you, Mr. President, these settlers were not upon the land under the conditions of the grant, but were there as homesteaders, hoping to enter the land under the homestead law.

The agents of the railroad company convinced a part of the settlers that the title of the Perrines, if they should go on at this late day and comply with the conditions of the grant, would be perfect, and they would be ousted from their holdings, and thus secured a contract by which each settler, when the Perrine title was perfected, was to receive 40 acres of land upon which were located their improvements. I say part of the settlers made this arrangement.

The railroad company employed attorneys at a town 15 miles away, who proceeded to secure other settlers to go upon this grant This was in June, 1896. They located thirty-five or forty families. They cultivated small tracts of ground. In some instances, although the grant required that there should be a settler on each section, no ground was placed under cultivation. Trees were girdled, underbrush taken out, and a few so-called tropical plants planted. One acre was the extent of the improvement upon each section, except in the case of the old settlers, who were transformed into Perrine settlers by the contract with the railroad company.

What is more, the settlers who were to engage in the actual cultivation and propagation of tropical plants made no planting until the last of October and in November, and the evidence shows that three, at least, of the settlers did not go on the land until November, and in December they made their proof. In December they submitted their proof, and the patent issued.

Mr. President, I propose to show what these settlers had to do to acquire title, if the grant had been complied with:

> That whenever any section of land in said tract shall be really occupied by a bona fide settler actually engaged in the propagation and cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

It provides that, when occupied by bona fide settlers actually engaged in the cultivation and propagation of valuable tropical plants. Have these conditions been accomplished by the planting among the timber, among a few girdled trees, of a few tropical plants in November, and making the proof in December? Is the putting of these plants in the ground in November, and then making the proof in December, a compliance? Is the putting of these plants in the ground in November, and then coming before the Land Department and swearing that they are engaged in the cultivation of tropical plants, a compliance with the grant? There is not even a semblance of compliance. The fact of the matter is that the proof shows that of these 35 or 40 settlers who were placed upon the land by the railroad company only 8 remain.

The affidavit of Sarah Roberts says:

> After the back settlers made their attempted proof for the railroad company, they left the grant with but a few exceptions.

The affidavit of John W. Roberts says:

> I know that some of them went off after they proved up. * * * I know of a few of them that are trying to sell out their claims, etc.

It appears that the railroad company found that this township of land had been granted to Perrine; that time was not the essence of the contract; that an actual and bona fide compliance before forfeiture on the part of Congress would give a title. What I complain of is that there is no compliance with the grant whatever, and that the Department could not help but know that there was no compliance with it. Is it a cultivation of tropical plants, or is it a determination as to whether they are valuable tropical plants; that they are furnished by the railroad in November, planted by the settler in small tracts in the timber, and abandoned to die and disappear, and proof is made in December, one month afterwards? It seems to me that the proof, the admitted case, is sufficient to justify a forfeiture of this grant.

Mr. HILL. I rise to a parliamentary inquiry. I desire to know what is the business before the Senate.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Senator from New York rises to a parliamentary inquiry. The Senator from Idaho [Mr. DUBOIS] having made a report from the Committee on Public Lands, the Senator from South Dakota, from the same committee, is making an oral statement upon the subject.

Mr. PLATT. I do not wish to interfere with the statement of the Senator from South Dakota, but I do think that, under the circumstances, this is not in exact accord with the unanimous consent given by the Senate for the consideration of House bills. I did not suppose it would take any time when the report was presented. I have not felt like objecting or calling for the regular order until the Senator from South Dakota had finished his speech.

The PRESIDING OFFICER. The Chair will state that the regular order is the consideration of unobjected House bills upon the Calendar. The Senator from South Dakota will proceed, by unanimous consent.

Mr. BERRY. Will the Senator permit me for a moment? I hope that when the Senator from South Dakota concludes his speech the Senator from Idaho will be given an opportunity to speak.

Mr. FRYE. Oh, no.

Mr. PLATT. No; we can not do that.

Mr. PETTIGREW. I shall conclude my statement at once.

Mr. BERRY. It is certainly unfair to let the statement of the Senator from South Dakota be made unless an opportunity is given to the Senator from Idaho to reply thereto.

Mr. HILL. If the Senator from Idaho is not permitted to reply, which seems to be the purpose, then I object to further proceeding with this matter, and ask for the regular order.

Mr. PETTIGREW. I think we can dispose of this matter very quickly. I have a written statement.

Mr. HILL. How dispose of it?

Mr. PETTIGREW. I have a written statement on this matter and I ask unanimous consent that it may be printed in the RECORD.

Mr. HILL. That is all right.

Mr. HOAR rose.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. HOAR. I do not know about that. What is the paper?

Mr. PETTIGREW. It is a statement of the facts.

The PRESIDING OFFICER. The order of the Senate is the consideration of unobjected House bills upon the Calendar.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts on the point of order.

Mr. HOAR. The question of order is that it is not what the Chair has stated, but it is the request for unanimous consent. I rose to object before the Chair announced that unanimous consent was granted. I have the highest desire to do what would be agreeable to the Senator from South Dakota, but the introduction into the Senate and the printing in the RECORD of things not said in debate is a great departure from the precedents, and it will lead to infinite mischief, and I must object. I should yield to that Senator any time of my own for any statement, but I will not consent that the statement be printed in the RECORD.

The PRESIDING OFFICER. The Chair understands the Senator from Massachusetts to object to the insertion in the RECORD of the paper presented by the Senator from South Dakota.

Mr. HOAR. I rose in time.

The PRESIDING OFFICER. The question is, Shall the request of the Senator from South Dakota be granted by unanimous consent?

Mr. HOAR. I object.

Mr. PETTIGREW. I wish to state that it is a statement of the views of the minority on this question.

Mr. HOAR. Very well. If it is to be printed as a report, I will not object.

Mr. PETTIGREW. Now, I desire to have the views of the minority read by the Secretary, and I ask unanimous consent that that may be done.

Mr. PLATT. Oh, no.

Mr. HOAR. It may be printed in the RECORD as a speech.

Mr. PETTIGREW. I do not desire to print it as a speech, but to print it in the RECORD as the views of the minority.

The PRESIDING OFFICER. Unless objection is interposed, the statement will be treated as a minority report of the committee and ordered to be printed.

Mr. PETTIGREW. In the RECORD?

The PRESIDING OFFICER. It will be ordered to be printed in the RECORD.

Mr. COCKRELL. And also as a document. Let it be printed with the other report.

Mr. BERRY. Yes; with the other report.

The PRESIDING OFFICER. Is there objection to the request that it shall also be printed in the RECORD? The Chair hears none, and it will be so ordered.

Mr. DUBOIS. That is entirely satisfactory. I do not wish to consume the time of the Senate, and I shall not. The action of the Department of the Interior in granting these patents is not and can not fairly be a subject of criticism. If blame attaches to anybody in this transaction, it is to the Congress itself for not annulling the grant long ago. The committee patiently went over this case, and there can be no just criticism whatever of the views of the majority of the committee. The views of all the members of the committee, except the Senator from South Dakota, are to be printed in the RECORD. His answer is to be printed in the RECORD, and that, I think, will be entirely satisfactory.

Mr. PETTIGREW. Then I desire to print as a part of my views a brief with regard to the law on the matter.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. BERRY. Unless the Senator makes that a part of his minority report, I shall object.

Mr. PETTIGREW. I make it a part of the minority report. Now, both reports are to be printed in the RECORD, and that is all I desire.

Mr. BERRY. Very well.

The report of the committee is as follows:

Mr. DUBOIS, from the Committee on Public Lands, submitted the following report, to accompany Senate resolution No. 302:

RESOLUTION.

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers and to administer oaths.

The Committee on Public Lands, having had under consideration the subject-matter referred to in the foregoing resolution, after full investigation of the facts as presented by the record and witnesses examined, and consideration of the law as determined by the United States Supreme Court, reports as follows:

That the patent was issued on proofs submitted to and approved by the Commissioner of the General Land Office and the Secretary of the Interior, under the acts of Congress of July 7, 1838, and February 18, 1841, which read as follows:

[Act of July 7, 1838.]

Whereas in obedience to the Treasury circular of the 6th of September, 1827 Dr. Henry Perrine, late American consul at Campeachy, has distinguished himself by his persevering exertions to introduce tropical plants into the United States; and

Whereas he has demonstrated the existence of a tropical climate in southern Florida, and has shown the consequent certainty of the immediate domestication of tropical plants in tropical Florida, and the great probability of their gradual acclimation throughout all our Southern and Southwestern States, especially of such profitable plants as propagate themselves on the poorest soils; and

Whereas if the enterprise should be successful, it will render valuable our hitherto worthless soils, by covering them with a dense population of small cultivators and family manufacturers, and will thus promote the peace, prosperity, and permanency of the Union: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a township of land is hereby granted to Dr. Henry Perrine and his associates, in the southern extremity of the peninsula of east Florida, to be located in one body of 6 miles square, upon any portion of the public lands below 26 degrees north latitude.

SEC. 2. *And be it further enacted*, That the said tract of land shall be located within two years from this date, by said Henry Perrine, and shall be surveyed under his direction, by the surveyor of Florida, provided that it shall not embrace any land having sufficient quantities of naval timber to be reserved to the United States, nor any site for maritime ports or cities.

SEC. 3. *And be it further enacted*, That whenever any section of land in said tract shall be really occupied by a bona fide settler, actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

SEC. 4. *And be it further enacted*, That every section of land in the tract aforesaid which shall not be occupied by an actual settler, positively engaged in the propagation or cultivation of useful tropical plants, within eight years from the location of said tract, or when the said adjacent territory shall be surveyed and offered for sale, shall be forfeited to the United States. (6 Stats., 302.)

[Act of February 18, 1841.]

Whereas, under the provisions of the act to which this act is a supplement, Dr. Henry Perrine made, in the manner thereby required, the location therein authorized, and, while engaged in the necessary measure to carry into effect the object contemplated by said act, was murdered by the Seminole Indians; and

Whereas Mrs. Ann F. Perrine, the widow of the said Doctor Perrine, is anxious to continue the undertaking thus commenced by her late husband, but is prevented from so doing by the continuance of the Indian war in Florida: Therefore,

Be it enacted, etc., That Mrs. Ann F. Perrine, the widow of the said Henry Perrine, and Sarah Ann Perrine, Hester M. S. Perrine, and Henry E. Perrine, his surviving children, are hereby declared to be entitled to all the rights and privileges vested in and granted to the said Dr. Henry Perrine by the act to which this is supplement, and that the time limited by said act, in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States be, and the same is hereby, extended to eight years from and after the time when the present Indian war in Florida shall cease and determine.

From the record it appears that the land selected was officially surveyed in 1847, and then designated on the public maps as "Perrine grant," and that during said year the Perrine heirs caused the settlement on the grant of thirty-six families from the Bahama Islands. These families are said to have been driven away by the Indians in 1848. Thenceforward and until a recent date, said heirs were seeking to secure a confirmation of the title by Congressional action, without having attempted any compliance with the conditions of the grant other than as indicated.

In 1873 application was made by the State of Florida to list the lands embraced within the grant to the State under the swamp-land act of [illegible] application was refused upon the ground that the lands belonged [illegible] Perrine heirs.

In 1889 application of certain parties to use the Perrine land [illegible] the propagation of valuable tropical plants was refused by the Secretary of the Interior on the ground that the Perrine heirs still [illegible] an interest in the land. Nothing further appears to have been done in the way of general settlement upon the land until 1896, although the evidence shows that some thirteen squatters have been residing upon the grant for terms varying from two to thirty years.

In December, 1895, a bill was introduced in the Senate, probably at the instance of said squatters, providing for the forfeiture of the entire grant, and in response to inquiries the Secretary of the Interior informed this committee in January, 1896, that the interest of the Perrine heirs in the grant was still recognized by the Department.

Now in regard to the issue of the patent. The record and the testimony show that in the spring of 1896 the Perrine heirs and their associates entered into written contracts with all of the squatters then upon the grant and numerous other persons who were by them induced to become settlers thereon, by the terms of which said contracts said squatters and other persons bargained and agreed to assist said heirs and their associates in complying with the conditions and requirements of said granting acts; and for their services and expenses in the premises it was agreed that each of the contracting settlers should receive portions of the grant, varying from 40 to 80 acres each.

Early in December, 1896, proofs were prepared and filed in the General Land Office, consisting of some 400 affidavits, showing compliance with the terms and conditions of the granting acts. These proofs were considered and examined for over thirty days by the Commissioner of the General Land Office and the Secretary of the Interior, and were, by each of said officers, approved as showing full and complete compliance with the law. These proofs applied to each section, showing that upon each section a settlement had been made and valuable tropical plants placed thereon, which were, at the date of the submission of the proofs, in a growing condition. It further appears from the said affidavits that about 80 settlers, including the squatters, were located upon the grant. Having reached the conclusion that the proofs showed a satisfactory compliance with the grant, said proofs not being controverted as to settlement and improvements, the Department concluded that the grantees were entitled to patent and in pursuance of such conclusion patent was issued in the regular and orderly course of business.

It does not appear from the record or from any testimony presented to the committee that there was any departure from customary procedure in the Land Office or the office of the Secretary of the Interior in connection with the filing of the proofs, the examination thereof, the issuance of the patent, or any other act or circumstance connected therewith.

The Department held, and properly so, as the committee believes, that the grant was one in presenti and that at any time before a formal declaration of forfeiture by Congress for failure to comply with the conditions subsequent, the grantees had the right to comply with the terms of the grant and to submit proof of such compliance, and that upon the filing of such proof of compliance, in good faith, with the terms and conditions of the grant and the approval thereof by the Commissioner of the General Land Office, the grantees became entitled to a patent.

From the time of the reference of the aforesaid bill to the committee much difficulty has been encountered in attempting to deal equitably and justly with the conflicting interests, because of disputed questions of fact as to the extent to which the heirs had complied with the conditions of the grant prior to the introduction of the bill. Pending the attempt by the committee to reach a just conclusion, the said Perrine heirs and their associates proceeded to and did comply, technically at least, with the terms of the grant as to each section embraced therein and furnished proof thereof as stated. In the opinion of the committee neither criticism nor blame can be properly attached to the officers of the Government in approving the proofs and issuing the patent. There does not appear either in the record or in the testimony presented to the committee any evidence of either fraud or mistake of fact or law.

During the investigation prosecuted in conformity with the resolution of the Senate, the record and the testimony have shown that the grant had been made by Congress not only in contemplation of services to be rendered, but as recognition of services theretofore rendered by Dr. Perrine in introducing and experimenting with the growth of valuable tropical plants in the United States. During his efforts to comply with the grant, as stated in the act of 1841, Dr. Perrine was killed by the Indians. Again in 1848 the efforts of his heirs to comply with the law were frustrated by the interference of the hostile Seminole Indians. Evidence of the efforts of Dr. Perrine to comply with the law remains throughout southern Florida in the wide distribution of sisal hemp, which seems to have been introduced by him on this grant, and is now growing wild in that section of the country.

All the facts being considered, the case of the heirs of Dr. Perrine, as presented to the committee by the testimony and the record, bears every evidence of merit and good faith. The laches of the heirs in complying with the conditions prescribed in the granting acts seem to have proceeded from inability so to do. The testimony discloses the fact that in 1896, stimulated no doubt by the proposed forfeiture, these heirs were driven to make what appears to be, as disclosed before the committee in the investigation, a hard bargain with the Florida and East Coast Railway Company, whereby said corporation, in consideration of furnishing the means to earn the grant, obtained from the heirs a contract for the conveyance of about 10,000 acres of the land embraced therein. The friction between the heirs and the settlers which resulted in the presentation of the resolution for the investigation of the issuance of patent originated in contention for better terms by about nine out of fifty settlers who insisted that the land agent of the railroad company who contracted with them on behalf of the Perrine heirs and said railroad company, which had become associated with them, orally agreed to have a dike and canal constructed for the improvement of the grant. Some of the settlers insisted that said dike and canal should be constructed before patent was obtained, or in lieu thereof that they should receive a greater quantity of land than called for by their written contracts.

The evidence presented does not controvert the proofs submitted to the Department upon which the patent was issued, the settlement and the improvements on all the sections being shown to be as alleged by the proofs on file in the land office.

The only additional precaution the Department could have taken in the premises would have been to send a special agent to Florida to ascertain if the facts disclosed by an examination of the land as to settlement and improvements sustained the averments in the obviously hastily prepared proofs of compliance with the terms of the grant. The funds and force were at the disposal of the Department for the purpose indicated.

The evidence presented to the committee shows that with the exception of the squatters and the families from the Bahama Islands already mentioned, settlements on the land began only last May, and no tropical plants were set out by the agents or settlers who were acting for the Perrine heirs and the railroad company until October. From the nature of the land, being without roads and much of it under water, it was apparently impossible to build substantial houses, and those erected were not substantial, some of them being only covered with paper and constructed of pine logs. The tropical plants, in most cases, cover only 1 acre, and have been set out among trees in some instances, showing that an effort had been made to comply with the letter rather than the spirit of the law. Affidavits have been filed indicating that already some of these settlers have left their new homes, if that word can be applied to the settlements, and the plants set out in October are in some instances said to be dying or dead for the want of attention. The work of settlement began in May; the tropical plants were set out in October and November; proofs were begun in December and filed with the Department, and the patent issued on the 4th of February. It is thus seen that the Perrines and their associates, the railroad company and the attorneys who worked on a commission, have obtained 2100 acres of Government land under conditions which in a year's time may materially change.

It can not be supposed that it was the intention of Congress to give away this large body of land upon pretense of complying with the conditions, and owing to the short time since the "so-called" settlements were made and the tropical plants set out, it is impossible to tell at this time whether a fraud has been perpetrated upon the Government or not. The record and proof now sustains the patent. We were assured by those who were authorized to speak that the rights of all squatters, as set forth in their contracts with the railroad company, would be protected and that deeds would be made to them. If this pledge be complied with in good faith, it will be probably to the best interest of all concerned to leave the matter as it is, as, should the grant be forfeited, it would either go to the State of Florida as swamp land or remain undeveloped, it being very evident that it would require considerable capital to open it and protect it from the overflow of the everglades. If the pledge of fair dealing with the squatters and settlers is not redeemed, further action by Congress may be in order.

The views of the minority are as follows:

The evidence shows that not until about May, 1896, over forty years after the termination of the Seminole Indian war, did the heirs or associates of Dr. Henry Perrine ever pretend to perform the conditions named in the acts of Congress of 1841.

That about said time the said Perrine heirs, being without means or facilities, associated with them the Florida East Coast Railway, by one J. E. Ingraham, land commissioner of said company, to assist the said heirs in carrying out the enterprise, agreeing with said company that upon a patent being issued to the said Perrines by the United States the interest in said land was to be divided as follows: The said Perrines to receive one-half, the said railroad company one-half, less the interest to be given to certain settlers, as hereinafter stated.

That in compliance with said agreement and about the month of June, 1896, an alleged agreement was entered into by and between the settlers and the said Ingraham on the part of the railway company, whereby in consideration of said settlers withdrawing all proceedings before the Land Department of the United States antagonistic to the claim of title of the heirs of the Perrines * * * and further to make proof as required, etc., the said company covenanted to deed to said settlers a portion of said Perrine land to the extent of 40 each, etc. The said railway company covenanting "that it will use its good offices to procure from the United States the conformation of the title to the lands known as Perrine grant and the issuance of a patent therefor."

The evidence shows that much of the land on what is termed the back sections of the Perrine grant is separated, a large portion of the year, by surface water from the shore land on Biscayne Bay, which materially depreciates the value of said back sections, but by the construction of proper dikes and canals for drainage purposes, said back sections would be worth four times as much as in the present state. That at the time said agreement was made between the said railroad company and the settlers whereby said settlers should receive 40 acres each it was represented by the railroad company and verbally promised that said company would construct the necessary canals and dikes, which would make each said 40 acres as valuable as 160 acres without the same; and it is strenuously contended by said settlers in their protests and affidavits on file that they were led into making said agreement relying upon said representations, but that said canals and dikes have never been so constructed, and the letter on file and in evidence from Mr. Ingraham discloses the intention of said company not to do so.

That in November, 1896, one E. I. Robinson, holding power of attorney from some of the objecting settlers, addressed a letter to the Interior Department, requesting to be advised of the proper form and mode of presenting protests and petitions protesting against the issuing of said patent to the Perrine heirs, whereupon he received the following letter:

"Mr. E. I. ROBINSON, *Jacksonville, Fla.*

"SIR: I am in receipt of your letter of November 16, 1896, inclosing a letter from James A. Smith, one of the settlers on the Perrine grant, and a paper which appears to be a contract or agreement between Mrs. Annie R. Woodward, one of the settlers on 40 acres of land within said grant, and the Florida East Coast Railroad Company, in which the company agrees, in consideration of settlement, improvement, and cultivation for such time as may be required by the Commissioner of the General Land Office, 'to use its good offices to secure from the United States without delay a confirmation of the title to the heirs of Henry Perrine for the land known as the Perrine grant, and to secure from said heirs a deed of conveyance to said settlers.'

"You ask to be instructed as to the form of petition or protest required to be filed in your (this) office."

"You are advised in reply that the matter of the Perrine grant is pending before Congress, and any petition with regard to the same should be made to Congress. I herewith inclose a copy of Senate bill No. 161 relative to the lands embraced in said grant introduced by Senator CALL December 3, 1895. I am unable to give you any further information on the subject.

"Very respectfully,

"E. F. BEST."

In compliance with said letter, all protests and petitions which were properly sworn to and executed were transmitted to Congress and never found their way to the Interior Department. While copies of the same were before the Department, yet it was contended by the attorney for the Perrines (see his brief) that they should not be considered, being only copies, as against the sworn proofs and affidavits on file, and as a matter of fact they were not considered.

(Mr. Lueneberger, of the Department, stating before the committee that no affidavits were on file, only copies.)

It was contended by counsel for the Perrines that at the time of the Best letter the proofs were not filed and the matter was not before the Department. (Has not this matter been before the Department for years?) In any event, whether or not the settlers were so advised by the Department with the intention of deceiving them, the facts remain that they were deceived, and their protests not considered, and we contend that if the Department had been one-half as zealous in desiring to protect the interests of the settlers as they were in "railroading" the patent through for the Perrines, that as soon as it discovered its mistake that said application for patent was pending, it would have notified said settlers of the proper place to file their petitions and protests.

The Department certainly had ample opportunity of correcting its mistake, and not doing so, it bears the earmarks of "suppressio veri."

All of the improvements up until about the middle of 1896 that were made upon the Perrine grant were made by squatters and settlers locating upon said grant, not as settlers under the Perrine grant, but by settlers who had a right to expect that said grant would be forfeited by Congress by reason of having so long remained unappropriated by the Perrine heirs, and who in that belief desired and determined to make homes for themselves with a view of perfecting their titles under the land laws of the United States.

See case of Lake Superior Ship Canal Railroad and Iron Company *vs.* Cunningham (155 U. S., 354–384), wherein it is said:

"If a party entering upon a tract, although he knew it was within the limits of an old railroad grant, did so under the honest belief and expectation that the grant is not technically extinguished by lapse of time, had remained so long unappropriated by any beneficiary that Congress would shortly resume it, and in that belief determined to make for himself a home thereon with a view of perfecting his title under the land laws of the United States, when the forfeiture should be finally decided, it must be held, we think, that he is within the term of this confirmatory act and bona fide claimant of a homestead."

That subsequent to the agreement between the Perrine heirs and the said railroad company, said company through its agent, caused settlers to be located on all unsettled sections, which so-called settlers we submit the evidence shows were not actual, bona fide settlers.

See affidavit of Sarah Roberts, which says:

"After the back settlers made their attempted proof for the railroad company, they left the grant, with but a few exceptions."

See also affidavit of John W. Roberts:

"I know that some of them went off after they proved up; but now they are coming back. I know of a few of them that are trying to sell out their claims."

Also see affidavit of James A. Smith:

"That he, with Mehring and others, have (been) inspecting these new settlers' places, and find sixteen of these back settlers have apparently deserted; and most of the houses are incomplete, and but few door shutters and but few wells, and some places they have no tools or any evidences that their owner had any further use for them. Most of their trees are dead, and what ain't are dying for want of work and care. There is no grub in their houses, and some have no cooking utensils. Some are trying to sell out their claims." * * *

Also see affidavit of E. W. Sigsbee and George H. Mehring, who swear to the same facts as are set forth in the Smith affidavit; also affidavit of John F. Roberts, who states that the new men, who made proofs on the back sections for the Perrines by girdling a few trees and building pole tents, are away, with the exception of seven or eight.

That when proof was made there were present S. H. Richmond, a specially employed agent of the company; George A. MacDonald, whose evidence discloses the fact that he was employed by the railroad company and who acted in the capacity of a professional witness to a greater number of the proofs, appearing in some cases as a disinterested witness; also Eugene F. McKinley, attorney for said company, specially delegated to superintend the making of said proofs.

Thirteen of said settlers objected to the making of said proofs for the reason that said company refused to comply with its promises to construct said canal. Nine of the thirteen, to wit, J. A. Smith, Ephriam W. Sigsbee, J. W. Roberts, J. F. Roberts, Sarah M. Roberts, George H. Mehring, Robert O. Swindel, E. L. Robinson, and Annie R. Woodward, persisted and continued to refuse to make proof, and have never done so; nevertheless said railroad companies' agent secured other persons, without said objecting settlers' knowledge or consent, to make affidavits of said objecting settlers' occupancy and improvements, as involuntary settlers under the Perrine grant, instead of settlers expecting to become homesteaders.

And said settlers were thereby involuntarily metamorphosed from "expectant homesteaders" to Perrine settlers, which act was sanctioned by the Department, as appears from the letter of the honorable Commissioner of the General Land Office during the investigation before the committee, on file with the committee, in which it is stated:

"I am in receipt of your letter of this date, asking me to furnish you to-day at the Senate a list of all persons claiming to be settlers on the Perrine grant under the Perrine heirs. Following is a list referred to, so far as I see appears on the records of this office."

Then follows a list to the honorable Commissioner's letter, in which is included the names of the above objecting settlers, who have never claimed under the Perrine heirs and who have never signed or made proof and who have strenuously objected to making said proof because the contract they entered into with the railroad company to make said proof was made under duress, coercion, and false and fraudulent representations, as are set forth in their protests, a copy of which protests was filed with the Department, but, as the records of the office show, were not considered because the same were not sworn to.

In the matter of the investigation of the United States patent issued to the heirs of Dr. Henry Perrine to certain lands in Florida, under acts of Congress of 1838 and 1841, pending before the honorable Committee on Public Lands of the United States Senate.

BRIEF IN BEHALF OF THE CONTESTING SETTLERS.

[E. V. Brookshire, counsel for contestants.]

We desire to call your attention to a number of cases arising in Oregon under the Congressional act known as the donation act, which we are convinced have a direct application to the questions of law and fact involved in the Perrine grant.

In the case of Lee *vs.* Summers (2 Oregon, 260) we find this language:

"Where Congress grants land in words of present grant, the legal title passes to the grantee." (13 Peters, 449; 6 Cranch, 128; 8 L. D., 244; 2 Wheaton, 196; 12 Peters, 511.)

The cases just cited show that the title vests immediately in the donee, not the less because the title vests in him conditionally and subject to be defeated by his failure to comply with the law, nor because the borders are yet to be determined by survey.

The right to resist a patent improperly issued, as we believe the Perrine patent to have been, rests only with the Government and those who stand in an attitude lawfully to claim under the Government.

In the Oregon case cited we find the following language:

"'This subject is reviewed by Judge Field in the case of Moore *vs.* Wilkenson (13 Cal., 478), where it is laid down that a patent can not be set aside except in favor of those whose title was at the time such as to enable them to resist any action of the Government respecting it."

Therefore, we think it clear that the settlers on the Perrine grant, being unable to resist a forfeiture of the grant by the Government, would be unable to attack the patent, which we believe to be improperly issued, consequently their rights can only be saved by the Government asserting its right in the premises because the Perrines have failed to comply with the conditions subsequent within the time prescribed in the act making the grant.

In the case of Blakesly *vs.* Caywood (4 Oregon, 279; in syllabus) we find this language:

"'The donee takes upon conditions subsequent—by operation of the donation act the donee acquires the land in fee, subject to the conditions specified in the act. They are conditions subsequent, and it is in the power of the donee to render the estate absolute by performance of the conditions."

The donation act requires that the citizens should be naturalized before they should be entitled to a patent from the Government, and the Blakesly case holds that these conditions, as well as all others, had to be strictly complied with.

Dolph *vs.* Barney (5 Oregon; 191 in syllabus):

"The donation act is a grant in præsenti of an estate in fee, subject to be defeated by noncompliance with the conditions subsequent therein expressed."

It is decided in this case that after an amendment was made to the donation act in 1854 that the husband and wife, having complied strictly with all the conditions subsequent provided in the act, possessed the power of alienation of the land before the issue of the patent, and the court, in the body of its opinion uses this language to explain what kind of title was conveyed to the grantee by the Government when he settled upon the land:

"To views made of the character of the grant as expressed in the opinion referred to we yield our full assent and hold the donation act to be a grant in præsenti of an estate in fee, subject to be defeated by noncompliance of the conditions subsequent therein expressed, upon the completion of the residence and cultivation required by the fourth section, the condition of defeasance no longer attached and the estate from a base or qualified fee became a fee simple absolute, which by relation must be held to have had its inception at the date when the donee first entered upon the land with the intention of complying with the requirements of the law."

It will be remembered that under numerous railroad grants it has been held that when the maps of different locations were filed and the Secretary of the Interior had, by Executive order, withdrawn the land from the body of the public domain, that such title as the railroad had in the advance of their performance of the conditions subsequent vested as of the date of the grant; to use the language of the court in the Dolph case, "by relation."

In the case of McKay *vs.* Freeman, 6 Oregon, 449, it was held that "where a donation claimant had complied with all the conditions of the grant so as to entitle him to a patent, and thereafter conveyed the tract, his wife not joining, and he dying before patent was issued, held that his widow was entitled to dower in the tract."

We cite the above to show that in all these cases there can be no waiver of the conditions subsequent attached to the grant.

The strict performance of the conditions subsequent attached to the grant is the consideration which passes to the Government; in other words, many of the cases use this language in substance:

"The claimant must earn the land by performing the conditions subsequent within the time prescribed in the act making the grant."

The material thing required by the Government is that all the conditions of the grant must be complied with. To illustrate, it was held in Farris *vs.* Hayes, 7 Oregon 81, "That if the husband had not complied with all the conditions of the grant by residence, cultivation, etc., before his death, his wife took no dower."

The Oregon decisions construing the donation act held that those taking under it from the beginning of their settlements took a base or qualified fee, and that when all the conditions subsequent necessary to entitle them to a patent had been fully performed, that they were possessed of a fee-simple absolute, and entitled to a patent.

However, it will be seen that the Supreme Court of the United States, construing the Oregon donation act, reached the same end as did the courts of Oregon, but construed the act differently; that is to say, in the case of Hall *vs.* Russell (11 Otto, 503), the court used this language:

"The opening words of section 4 are: "That there shall be and hereby is granted." This is appropriate language in which to express a present grant, but as was well remarked by Mr. Justice Field for the court in Missouri, Kansas and Texas Railway Company *vs.* Kansas Pacific Railway Company (97 U. S., 491, xxiv, 1095): "It is always to be borne in mind in construing a Congressional grant that the act by which it is made is a law as well as a conveyance and that such effect must be given to it as will carry out the intent of Congress. There can not be a grant unless there is a grantee, and consequently there can not be a present grant unless there is a present grantee. If, then, the law making the grant indicates a future grantee and not a present one, the grant will take effect in the future and not presently. In all the cases in which we have given these words the effect of an immediate and present transfer, it will be found that the law has designated a grantee qualified to take according to the terms of the law and actually in existence at the time. Thus in Rutherford *vs.* Greene (2 Wheat., 196), the grantee was Major-General Greene; in Lessieur *vs.* Price (12 How. 59), the State of Missouri; in U. S. *vs.* Arredondo (6 Peters, 691), Arredondo and Son; in Fremont *vs.* U. S. (17 How., 542; 58 U. S., xv. 241), Alvarado; in Schulenberg *vs.* Harriman (21 Wall. 44; 88 U. S., xxii, 551), the State of Wisconsin; in Railroad Company *vs.* U. S. (92 U. S., 733; xxiii, 634), the State of Kansas; and without particularizing further it may be said generally that in the swamp land cases and all the internal improvement grant cases, where for the most part the question has arisen of late if a grant has been held to take effect presently, the State or some corporation having all the qualifications specified in the act has been designated as grantee. In other words, when an immediate grant was intended, an immediate grantee having all the requisite qualifications, was named."

You will observe that the Supreme Court decided that the language of the Oregon donation act was such as to indicate a present grant, a grant in præsenti, but the court says further in construing a Congressional grant, that such effect must be given to the same as will carry out the intent of Congress. Therefore, the Supreme Court held that a settler under the donation act of Oregon, had to be a qualified donee, that is he had to live upon the land and comply with all the conditions subsequent provided for in the act, before he was qualified to obtain a title in fee simple and to be entitled to a patent; and in the language quoted above they stated that where the Supreme Court has held the grant to take effect presently:

"The State or some corporation having all the qualifications specified in the act has been designated as a grantee."

Further along in the opinion we find this language:

"We conclude that, under section 4, there was no grant of the land to a settler until he had qualified himself to take as a grantee by completing his four years of residence and cultivation and performed such other acts in the meantime as the statute required, in order to protect his claim and keep it alive."

In the light of the above decisions we think it is a matter of little consequence whether we say that the Perrines took a legal estate from the beginning under the grant, as was held in the Oregon cases, or whether they obtained a possessory right only; for both the Territorial courts of Oregon and the Supreme Court of the United States have uniformly held that all the conditions subsequent provided in a Congressional grant must be strictly complied with within the time designated in the act, before the donee can obtain an absolute title in fee simple, and the right to demand a patent.

To show the strictness with which conditions subsequent were enforced under the Oregon donation act, we would cite the case of Maynard *vs.* Hill (125 U. S., 190).

We understand that the Land Department justifies the issuing of the Perrine patent on the law laid down in the case of Schulenberg *vs.* Harriman (21 Wallace, 44). It was said in this case that the Congressional acts of 1856 and [illegible] passed the legal title to the lands designated therein in the State of Wisconsin in trust for the construction of the railroad mentioned; second, that the lands designated have not reverted to the United States, although the road was not constructed within the period described, no judicial proceedings or any act on the part of the Government having been taken to forfeit the grant; third, that the legal title to the lands being in the State it was the owner of the logs cut thereon, and could authorize the defendant (the State's agent) to take possession of them wherever found.

The case made by the Perrines is clearly distinguishable from the above case for the reason that the State of Wisconsin was a qualified donee. The State was not required to perform conditions subsequent in order to be intrusted with the legal title to the land.

The legal title passed to Wisconsin in trust, and therefore the State of Wisconsin had a right of action against all persons trespassing upon the land until the United States saw fit to declare the lands forfeited. Wisconsin did not have to earn the land by the performance of conditions subsequent. Wisconsin was not required, under the Congressional act, to pay for the lands. In fact, the consideration for the granted lands contemplated by Congress was the building of the railroad within the time prescribed in the act.

Another case relied upon by the Land Office to sustain the patent is Rutherford *vs.* Greene's heirs (2 Wheaton, 196). In May, 1783, before the organization of the Federal Government, North Carolina, through her legislature, granted to General Greene 25,000 acres of land, "as a mark of the high sense this State entertains of the extraordinary services of that brave and gallant officer."

This was a present grant, a grant in præsenti. General Greene had to do nothing to earn the land. No conditions subsequent were attached to the grant. He was a qualified grantee when the act passed the North Carolina legislature.

A case was decided by the Supreme Court of the United States a few days ago (February 15, 1897), which is directly in point. It is the case of the Atlantic and Pacific Railroad Company *vs.* Mingus. The United States being greatly concerned in the suit, due to the precedent to be established, Mr. Joseph H.

Call, a special United States attorney, filed a brief in behalf of the United States, in which we find the following language:

"In all the land-grant cases and other cases involving the construction of the Pacific railroad acts this court has declared again and again that effect must be given to the intent of Congress, and such construction and intent will not be defeated or changed by the happening or not happening of events not then in contemplation. (United States vs. Stanford, 161 United States, 412; Railroad vs. Forsythe, 159 United States, 46; United States vs. Southern Pacific, 146 United States, 570; United States vs. Northern Pacific, 152 United States, 284.)

"This court therefore decided in the Southern Pacific case, as a question of law, that the act of 1871 did not surrender the right of forfeiture for breach of the conditions subsequent.

"The right and power of Congress to forfeit a railroad land grant for breach of the condition in failing to construct the road declared in United States vs. Southern Pacific Company, supra, has been reaffirmed in the following later cases: United States vs. Northern Pacific, 152 United States, 284; Lake Superior Railroad vs. Cunningham, 155 United States, 354; Sioux City Railroad vs. United States, 159 United States, 349.

"It is contended by the plaintiff in error that the effect of this act of April 20, 1871, was to postpone the time within which Congress could forfeit the grant for breach of condition to the time of the foreclosure of the mortgage. * * * It was a condition of the grant that not less than 50 miles of railroad should be completed each year after the second year, and that the whole of the road should be constructed, equipped, and finished by July 4, 1878. (See section 8 of the act)."

In July, 1886, Congress declared those lands forfeited which were not earned in compliance with the terms of the grant. Mingus preempted a small tract on the forfeited portion, and the railroad in this suit was trying to take it from him on the ground that the railroad did not have to earn the land in the time prescribed in the grant: in other words, that the railroad did not have to perform the conditions subsequent within the time limited in the act.

You will observe, however, that the court decided in favor of Mingus, and again reaffirmed the doctrine that conditions subsequent attached to a land grant must be fully performed in the time prescribed in the act.

Now, under the Congressional act of July 7, 1838, to Henry Perrine, and the supplementary and amendatory act of February 16, 1841, certain conditions subsequent were imposed, and the two acts have to be construed together in pari materia. The conditions subsequent were as follows:

First. That the grantee should locate the tract within two years from the date of the grant and that the same should be properly surveyed.

Second. That the grant should not embody lands having sufficient quantity of naval timber to be reserved to the United States nor any site for maritime ports or cities.

Third. That every section of the tract shall be really occupied by a bona fide settler actually engaged in propagating or cultivating valuable tropical plants to prevent forfeiture of the same within eight years from and after the time when the present Indian war in Florida shall cease and determine.

Now, the only condition that seems certainly to have been performed was the one providing that the tract should be located within two years after the approval of the act of 1838. This condition subsequent seems to have been performed by Dr. Henry Perrine, for the supplementary act of 1841 makes mention of its performance, but under the evidence presented in this case it can not be pretended that the Perrine heirs performed the third condition subsequent within the time prescribed in the acts with reference to the propagation and cultivation of valuable tropical plants upon all the sections of said grant within eight years after the cessation of the Indian wars supposed to have been prevalent in Florida in 1841.

In fact it is safe to say that for a period of more than thirty years, perhaps forty years, the United States has had the right to declare a forfeiture of the Perrine grant. History informs us that the last of the Seminole Indians took up their abode beyond the Mississippi River prior to 1858; therefore we think it is certain that for more than thirty years the United States has had the undoubted right to declare a forfeiture of the grant. The Perrines have not performed the conditions subsequent in compliance with the terms of the grant, and they have not earned the lands in contemplation of law: the Government has not received the consideration necessary to pass the title. The consideration to go to the Government in contemplation of Congress was the performance of the conditions subsequent within eight years after the cessation of the Indian war prevailing in Florida in 1841.

It would seem clear, then, that the performance of the conditions subsequent necessary to pass the legal title and to warrant the issuing of the patent has undoubtedly failed. It will be remembered, as was said in Dolph vs. Barnard, supra, that the issuing of the patent is a ministerial act, and that the patent is merely the evidence of title.

In our judgment, the issue of the Perrine patent can only be justified upon the theory that the Land Department of our Government is empowered to waive a condition subsequent in a Congressional grant, and upon this point we will state that we do not believe that a well considered case can be found in any of the law books to justify such a contention.

Will it be contended that a government can lose any of its rights by laches? Will it be contended that the statute of limitations runs against the Government?

We assert, as a matter of law, that the United States is never barred of its right of action by a statute of limitation except where Congress has provided that the United States shall be barred, and, further, that laches can not be imputed to the United States. To sustain this proposition, we would refer you to the case of The United States vs. Thompson. (8 Otto, 486.)

It will certainly be admitted that for more than thirty years last passed the United States has had a right to declare a forfeiture of the Perrine grant. Therefore we state, as a matter of law, that, this right of forfeiture having accrued in favor of the United States, it can never be lost. It is a right that will continue in the Government of the United States indefinitely.

It is certainly not necessary for me to say in this presence that no one but the grantor can raise the question of a breach of a condition subsequent. We do not think that the Government should permit the patent in question to remain unassailed. The safety of the people lies in the strict enforcement of the law.

The decisions of our courts construing Congressional grants have uniformly been that the conditions of a grant have to be strictly complied with. We think that the patent in question could only have been issued upon the theory that the Land Department of the Government can waive a condition subsequent provided in a Congressional act, and that the Government by laches can lose the right of forfeiture which has once accrued. In short, we are satisfied that the Land Department has acted in the issue of the patent beyond the scope of its proper jurisdiction.

The settlers on the Perrine grant, whom we represent, went upon the land in question believing the same to be subject to forfeiture and believing that the United States would declare a forfeiture. Their belief, we insist, was a reasonable one, and therefore we submit that their entry and occupation was not wrongful. They have rights which the Government should protect, and they can only be protected through action on the part of the United States enforcing its rights in the premises.

For a clear definition of the rights of these settlers, we would cite the case of the Lake Superior Ship Canal, Railroad and Iron Company vs. Cunningham (155 U. S., 354).

We think that Congress would be justified and should, in fact, suggest to the judiciary the propriety of investigating in a proper equity suit all matters arising under the Perrine grant, with a view of ascertaining whether, in fact, the terms and conditions of the grant have been complied with in accordance with law; and whether or not the Land Department has exceeded its proper jurisdiction in the issuing of the patent.

Mr. DUBOIS subsequently said: I wish to request that an additional brief in the Perrine case be also printed in the RECORD as a part of the majority report.

There being no objection, the additional brief was ordered to be printed in the RECORD, as follows:

[Before the Committee on Public Lands, United States Senate. Reply brief of Perrine heirs and their associates in re the Perrine grant.]

An act to encourage the introduction and promote the cultivation of tropical plants in the United States.

Whereas in obedience to the Treasury circular of the 6th of September, 1827, Dr. Henry Perrine, late American consul at Campeachy, has distinguished himself by his persevering exertions to introduce tropical plants into the United States; and whereas he has demonstrated the existence of a tropical climate in southern Florida and has shown the consequent certainty of the immediate domestication of tropical plants in tropical Florida and the great probability of their gradual acclimation throughout all our Southern and Southwestern States, especially of such profitable plants as propagate themselves on the poorest soils; and whereas, if the enterprise should be successful, it will render valuable our hitherto worthless soils by covering them with a dense population of small cultivators and family manufacturers, and will thus promote the peace, prosperity, and permanency of the Union: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a township of land is hereby granted to Dr. Henry Perrine and his associates in the southern extremity of the peninsula of east Florida, to be located in one body of 6 miles square upon any portion of the public lands below 26° north latitude.

SEC. 2. *And be it further enacted*, That the said tract of land shall be located within two years from this date by said Henry Perrine, and shall be surveyed under his direction by the surveyor of Florida: *Provided*, That it shall not embrace any land having sufficient quantities of naval timber to be reserved to the United States nor any sites for maritime ports or cities.

SEC. 3. *And be it further enacted*, That whenever any section of land in said tract shall be really occupied by a bona fide settler actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

SEC. 4. *And be it further enacted*, That every section of land in the tract aforesaid, which shall not be occupied by an actual settler positively engaged in the propagation or cultivation of useful tropical plants within eight years from the location of said tract, or when the adjacent territory shall be surveyed and offered for sale, shall be forfeited to the United States.

Approved July 7, 1838 (5 Stat., 302).

The grant was located: Dr. Perrine erected his dwelling, and began work with all expedition; was massacred by the Indians, his house burned, effects destroyed, and his wife and children, after a most thrilling and terrible experience, barely escaped with their lives. Work was necessarily postponed.

February 18, 1841, the following act was passed (6 Stat., 819):

"An act supplementary to an act entitled 'An act to encourage the introduction and promote the cultivation of tropical plants,' approved July 7, 1838.

"Whereas under the provisions of the act to which this is a supplement, Dr. Henry Perrine made, in the manner thereby required, the location therein authorized; and while engaged in the necessary measures to carry into effect the objects contemplated by the said act was murdered by the Seminole Indians; and,

Whereas Mrs. Ann F. Perrine, the widow of the said Dr. Perrine, is anxious to continue the undertaking thus commenced by her late husband, but is prevented from so doing by the continuance of the Indian war in Florida. Therefore,

"*Be it enacted, etc.*, That Mrs. Ann F. Perrine, the widow of the said Henry Perrine, and Sarah Ann Perrine, Hester M. S. Perrine, and Henry E. Perrine, his surviving children, are hereby declared to be entitled to all the rights and privileges vested in and granted to the said Dr. Henry Perrine by the act to which this is a supplement, and that the time limited by the said act in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States be, and the same is hereby, extended to eight years from and after the time when the present Indian war in Florida shall cease and determine."

In 1847 the official survey was made. In same year said heirs brought thirty-six families from the Bahamas to the grant, but they were driven away by the Indians. Various official reports show that many tropical fruits and plants were set all over the grant.

The period limited by the act, "in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States," was "extended to eight years from and after the time when the present (then) Indian war in Florida shall cease and determine."

The said war closed in 1855.

The eight years terminated in 1863.

The country was then in the midst of the civil war. It is a matter of common knowledge, and notorious, that it was several years after the close of that civil war before it was practicable to attempt the settlement of this grant.

Then the heirs were erroneously advised that their grant had been forfeited by its terms, and they sought new legislation, which, of course, could not be had, as the acts then in the statutes were ample. The true construction and force of these acts were not known by the heirs until two years ago.

THE LAW OF THE CASE.

In the case of Schulenberg vs. Harriman (21 Wallace, 44) was involved the construction of a grant like that to the Perrine heirs.

The Supreme Court held, referring to the words in the granting act "That there be, and is hereby, granted," the lands, as follows:

"That the act of Congress of June 3, 1856, passed a present interest in the lands designated there can be no doubt. The language used imports a present grant, and admits of no other meaning;" cited prior decision of that court to same effect, and said:

"Numerous other decisions might be cited to the same purport. They establish the conclusion that, unless there are other clauses in a statute restraining the operation of words of the present grant, these must be taken in their natural sense to import an immediate transfer of title, although subsequent proceedings may be required to give precision to that title and attach it to specific tracts. No individual can call in question the validity of the proceedings by which precision is thus given to the title where the United States are satisfied with them."

That grant (June 3, 1856, 11 Stat., 20) was upon condition that if the road was not completed in ten years "no further sales should be made and the lands unsold should revert to the United States."

The court say:

"If the condition be not enforced, the power to sell continues as before the breach, limited only by the objects of the grant and the manner of sale prescribed in the act.

"And it is settled law that no one can take advantage of the nonperformance of a condition subsequent annexed to an estate in fee but the grantor or his heirs, or the successors of the grantor if the grant proceed from an artificial person; and if they do not see fit to assert their right to enforce a forfeiture on that ground, the title remains unimpaired in the grantee. The authorities on this point, with hardly an exception, are all one way from the Year-Books down. And the same doctrine obtains where the grant upon condition proceeds from the Government; no individual can assail the title it has conveyed on the ground that the grantee has failed to perform the conditions annexed," citing several authorities.

The court then said:

"In what manner the reserved right of the grantor for breach of condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement. At common law the sovereign could not make an entry in person, and, therefore, an office found was necessary to determine the estate; but, as said by this court in a late case, 'the mode of asserting or of resuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government without these preliminary proceedings.' United States vs. Repentigny (supra); Finch vs. Risely (Poph., 53). In the present case no action has been taken either by legislation or judicial proceedings to enforce a forfeiture of the estate granted by the acts of 1856 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title by location of the route of said railroad acquired precision and became attached to the adjoining alternate sections.

"The title to the land remaining in the State, the lumber cut upon the land belonged to the State."

This said case was an action brought by agent of the State to recover logs, or their value, cut upon said grant lands, and the court gave relief in the same manner as though the State had absolute title after perfect performance of the condition subsequent, to wit, a construction of the road within the term named in the grant. As a fact, however, no part of the road had been constructed, and the time within which the granting acts (1856 and 1864) prescribed that it should be completed, or the grant would be forfeited and the lands revert to the United States, had long before expired.

In Van Wyck vs. Knevals (106 U. S., 360) the same doctrine was reasserted by the court. It said:

"When the route of the road is 'definitely fixed,' no parties can subsequently acquire a preemption right to any portion of the lands covered by the grant. The right of the State and of the company is thenceforth perfect as against subsequent claimants under the United States.

* * * * * * *

"So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the remaining odd numbered sections adjoining the road completed and accepted, not reserved, is equally clear. If the whole of the proposed road has not been completed, any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings, or through the action of Congress," citing Schulenberg vs. Harriman, supra. "A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach. The holder of an invalid title does not strengthen his position by showing how badly the Government has been treated with respect to the property."

So in the Perrine grant, it was a present grant, passing title out of the United States—"is hereby granted to Dr. Henry Perrine and his associates." Eight years from location or survey was the limit given to occupy it by a settler on each section engaged in the propagation or cultivation of useful tropical plants, and in the supplementary act eight years after the close of the Indian war in Florida was the limit to the heirs.

Until a judicial decree of forfeiture, or until an act of Congress to same effect, the Perrine grant was subject to the performance of said settlement condition subsequent. No individual could gain any right to the land, as the Land Office has always warned all persons who have sought information in respect of it.

When that condition subsequent had once been performed and the proofs thereof made and declared satisfactory by the officer appointed by the statute to do this, the Perrine grant became a vested property right.

The right to a patent is equivalent to a patent issued. (Stark vs. Starrs, 6 Wallace, 402; Barney vs. Dolph, 7 Otto, 652.)

Therefore, after that Congress had no constitutional power to declare a forfeiture, nor to direct the courts to do so, because of nonperformance of the condition subsequent, for the lands had then become the property of the Perrines, and Article V of amendments to the Constitution declares that:

"No person shall be * * * deprived of * * * property without due process of law."

Hence, when the proofs of compliance with the granting act in respect of settlement of each section, and the cultivation of tropical plants, had been made and found sufficient by the Land Department, Congress was shorn of jurisdiction, and a pending bill for forfeiture was absolutely discharged and dead.

The patenting of the grant then became a mere ministerial duty, which, if refused, could have been compelled by mandamus.

I venture the assertion that there can be no lawyer in the United States Senate to-day who will question the soundness and conclusiveness of the foregoing legal propositions.

WHAT PROOFS WERE REQUIRED TO BE MADE?

Section 3 of the granting act:

"*And be it further enacted*, That whenever any section of land in said tract shall be really occupied by a bona fide settler, actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates."

That statute did not stipulate that the settler should have been there for any certain period of time, nor that the plants should have attained any certain degree of growth, nor that the intentions of the settlers as to the future should be proven.

No instructions in respect of these or any other points or matters were ever issued by the Land Department.

The statute was so express, plain, and unmistakable that construction was not required.

Yet the proofs made were by several, and not merely two witnesses; the settlers had each built his dwelling house, cleared at least an acre of timber, planted at least an acre in valuable tropical plants, several of which were never before cultivated in Florida, nor, so far as we are aware, anywhere in the United States; some of them had very large and valuable improvements, the aggregate of which is under oath estimated by several witnesses before the committee at from $30,000 to $40,000, and each settler (except those who refused to help make their proofs), swears to his good faith and his intention to continue said cultivation in the future, while the testimony before the Senate committee is that the Perrine agents would accept no one as a settler who would not settle with distinct understanding that he was so to continue the propagation or cultivation of valuable tropical plants after title was acquired as before.

It was an evidence of good faith on the part of the Perrines and their associates that they gave the settlers lands for their permanent homes on the grant, instead of making or suggesting any other arrangement.

In respect of those settlers who refused at the last to help make their proofs—thirteen out of over fifty, and we believe and are informed that all except nine subsequently withdrew from their position as protestants—the record shows the following as illustrative of the fullness and conclusiveness of the proofs as made and acted upon by the Land Department:

Ephraim W. Sigsbee refused to sign his proof until he had a bond for title.

There are eleven affidavits to his settlement and improvements, such as the statute requires.

George F. Mehring likewise refused. There are eleven affidavits in proof of his settlement and compliance with law.

James A. Smith refused, and the like facts are proven by ten affidavits.

John F. Roberts refused, and the proofs were made by ten affidavits.

John W. Roberts refused, and nine affidavits established the facts.

Sarah M. Roberts refused, and there are six affidavits to her settlement and the requisite cultivation of plants.

Mr. Sigsbee, above named, has reconsidered, however, far enough to make his selection of his 40 acres and ask the Perrines to execute the deed to his wife, as shown to the honorable committee.

THE PROTESTS OF THESE PARTIES WHO REFUSED AS AFORESAID TO SIGN THEIR PROOFS.

Those protests, in the shape of letters and copies of alleged affidavits, show various reasons assigned for said refusal. One wanted a bond for title, or 80 acres of land as a substitute consideration. Some complained that Ingraham, agent for the Perrines and associates, had orally promised to construct a canal and dikes to drain the land and shut out the inflowing water from the Everglades, and others wrote to the irrepressible Robinson that they would give him 40 acres of land each to get them claims of 160 acres. Four promises of this kind appear.

He denies that he advised those settlers or created the trouble. But it is clearly proven that there was no word of dissatisfaction before he came, when about half the proofs had been taken, and that the trouble ensued immediately after his arrival. He is recognized from the first as the representative of those recalcitrant parties; so announces himself in the correspondence following the first trouble, and has appeared before the committee, testifying under their generous permission to what he believes without knowledge, thinks without observation, and has heard from others not present, and to irrelevant matter throughout. None of all this is evidence, even were it upon material points.

Now, let us examine this revolt (the head and front of which is E. I. Robinson) in the light of the familiar law and a grain of common sense.

The agreements of all the settlers, duly signed and under seal, we have filed with the committee and opened every fact to their scrutiny. Those agreements specify the considerations and mutual promises and undertakings of each settler and of the agent of the Perrines, Ingraham, who was accepted as such agent and associate without question.

There is nothing in those written contracts, not one word, concerning bond for title, dike, or canal.

Does or can any sane man believe that dike and canal, which are referred to in Robinson's testimony as costing, according to some one's estimate, $50,000, would have been left out of every one of those contracts, and not been noticed by a single man, had they been a part of the original agreement?

But they do not go so far as to say why the alleged agreement as to dike and canal was not incorporated into the written contracts.

Mr. Richmond, the Perrine agent on the grant, testifies that Mr. Ingraham told the settlers that said improvements were intended to be made after securing title by patent. Who was correct?

First. A written contract under seal must be held to be the whole contract, and it can not be varied and changed by oral conversations.

Second. Had said promises formed a part of the consideration on which the settler acted, they would, beyond rational doubt, have been demanded to be put into the written contract.

Third. It is quite improbable that agreement to make an [illegible] which would cost perhaps $50,000 would be made to [illegible] to the land, especially when those improvements were not [illegible] to the issue of patent. Common experience proves that business men do not proceed in that manner. The claim of the other side is simply absurd.

Fourth. There is the direct testimony of Mr. Richmond, who heard what Ingraham said on the point, and is express, and in the line of reason and probabilities.

Fifth. Of the upward of 50 settlers on the grant, about 40 do not contend for bond for title; do not claim that dike or canal was promised before patent, and have fulfilled their written contracts according to their tenor and plain purpose.

Is this branch of the subject worth discussing further? No sane man of fair judgment can believe Robinson's claim. It is utterly improbable and irreconcilable with known facts and conditions.

We have as facts—

1. Written contracts under seal for settlements and cultivation, as required by the statute, and withdrawal of all opposition to patent to the Perrines.

2. A full compliance with law in respect of settlement, cultivation of plants, and permanent provisions and purposes on every section of the grant.

Mr. Robinson himself can not specify a single section on which such compliance was not made, while the facts are shown by voluminous proofs in the record.

3. The refusal at the last moment of about one-fifth of the settlers to sign their proofs; the overwhelming proof by other witnesses that compliance with law was in fact made.

4. The proofs of about four-fifths of all the settlers whose position is in direct antagonism to that of the protesting one-fifth, and in emphatic contradiction of the claim of that small fraction.

5. The proofs in the record, and also before the committee, may be summed up as follows:

Fifty settlers and upward, or about twenty more than was required by the statute.

Fifty acres cleared of timber after the method of that country.

Fifty acres more or less cultivated for garden and home uses.

Fifty acres of valuable tropical plants in cultivation.

All this at a conservative estimated value of from $30,000 to $40,000.

6. The examination of all these proofs by the Commissioner of the General Land Office, the officer appointed by the act making the grant to pass upon the proofs and to determine their sufficiency, and to issue patent, resulted in finding them a compliance with the statute, and in the issue of patent, under the direction of the Secretary of the Interior.

In that connection it is pertinent to remark that there was no other judge in the world authorized by law to pass upon the sufficiency of those proofs. He was not only authorized, but it was his imperative duty.

In the absence of fraud, the courts would take the findings of fact under these proofs by the Land Department as conclusive; for there can be no mistake in respect to what the law required, and no misconstruction of a statute so plain and unmistakable in all its provisions and in line with the repeated decisions of our highest court.

There has been no evidence of fraud, gross mistake, or misconstruction of law, and hence it is not a matter which the courts would by any possibility interfere with were the question submitted to litigation.

To bring to mind what the Supreme Court of the United States has held with regard to this matter, I subjoin excerpts from a few of its many like decisions.

In United States *vs.* Maxwell Land Grant Company, 121 U. S., 325 (syllabus):

"While courts of equity have the power to set aside, cancel, or correct patents or other evidences of title obtained from the United States by fraud or mistake, and to correct under proper circumstances such mistakes, this can only be done on specific averments of the mistake or the fraud, supported by clear and satisfactory proof.

"5. The general doctrine on this subject is that, when in a court of equity it is proposed to set aside, to annul, or correct a written instrument, for fraud or mistake in the execution of the instrument itself, the testimony on which this is done must be clear, unequivocal, and convincing, and it can not be done upon a bare preponderance of evidence which leaves the issue in doubt.

"6. Where the purpose is to annul a patent, a grant, or other formal evidence of title from the United States, the respect due to such an instrument, the presumption that all the preceding steps required by law had been observed, the importance and necessity of the stability of titles dependent on these official instruments demand that the effort to set them aside should be successful only when the allegations on which this attempt is made are clearly stated and fully proved.

"7. In this case the evidence produces no conviction in the judicial mind of the mistakes or frauds alleged in the bill, and the decree of the circuit court dismissing it is affirmed."

Same doctrine was reasserted in United States *vs.* San Jacinto Tin Company (125 U. S., 273.)

In Heath *vs.* Wallace (138 U. S., 573) the court says:

"Moreover, if the question be considered in a somewhat different light, viz, as the contemporaneous construction of a statute by those officers of the Government whose duty it is to administer it, then the case would seem to be brought within the rule announced at a very early day in this court and reiterated in a very large number of cases, that the construction given to a statute by those charged with the execution of it, is always entitled to the most respectful consideration, and ought not to be overruled without cogent reasons * * * * "It is settled by an unbroken line of decisions of this court in land jurisprudence that the decisions of that department upon matters of fact within its jurisdiction are, in the absence of fraud or imposition, conclusive and binding on the courts of the country," citing cases.

Decisions of the Land Department are conclusive in the absence of fraud or mistake. (Lee *vs.* Johnson, 116 U. S., 48.)

"Fraud is not presumed, either as a matter of law or fact, unless under circumstances not fairly susceptible of any other interpretation." (Tucker *vs.* Moreland, 10 Peters, 58.)

But it is really unnecessary to discuss this plain law, declared a thousand times, for there is no fraud charged.

And right here is the marvelous part of this whole investigation. The construction of the granting act is too clear to be questioned. We can not interpolate, and we can not take from the language of the law. The grant by its own preamble was made in part because Dr. Perrine had merited it by previous personal exertions. The Treasury had sent out a circular asking its consuls to interest themselves in the matter of tropical plants, and yet no money was furnished for the necessary expenses. Dr. Perrine gave great time and most valuable attention to it, and actually spent most of his little fortune in the enterprise. Congress sought to reward him in a measure, and also hoped for additional results, and what has now been done promises ascertainments which in the nature of the experiments must be of national value.

The grant was to Dr. Perrine and his associates, and the grant to the heirs conferred upon them the rights theretofore given to their ancestor.

There is no mistake or misconstruction of law alleged, and no one has either alleged or testified to any fraud whatever.

Mr. Robinson and others sought to have the Land Department send down a special agent to look over the grant. But their statements were none of them by original affidavit, and most of them were by letters, which bound nobody. They filed nothing in the Department, under which they could be made responsible for perjury or misrepresentation. They came as men discredited by being self-confessed violators of their solemn written contracts. While not attaching serious blame to the real settlers, because they were undoubtedly misled, yet they filed no affidavits which, if true, would show that the law had not been complied with.

The Perrine agents understood this trouble to result from Mr. Robinson, and circumstances corroborate, and he has been before this committee delivering a long tirade on matters alleged to be between Mr. Ingraham, agent, and the settlers.

Now, as between the Perrines, or their agent, Ingraham, and the settlers, neither the Land Department nor Congress is the proper tribunal to resort to. The Department never did, and probably never will, order investigations asked for by men on the grounds relied upon by Robinson et al., and presented by men whose integrity and reliability were measured by self-confessed violation of written contracts, and upon outside allegations which were practically denied by four-fifths of all the settlers on the grant.

That the statute had been complied with was evident, and the matters between Robinson et al. and the Perrine agent were for the courts, and not within the jurisdiction of either the Land Department or Congress.

Robinson's testimony is of no earthly value before Congress or the Department; yet he speaks to prejudice. He refers to Mr. Parrott, vice-president of the *Florida East Coast Railway Company*, and to what he alleges Parrott said in respect to the large promises of Mr. Ingraham. We have only to ask that the letter of Mr. Parrott to Robinson, which was put there by Robinson himself, or by some one he sent it to, be read, for Mr. Parrott distinctly says that what has been promised will be done; and he mildly suggests to Mr. Robinson that possibly it might be a good thing for him to observe his contract, for Robinson is a self-confessed violator of it.

The estimates of value of the lands on this grant made by Robinson show a desire to prejudice and an insincerity. He is a swift witness and commits himself to palpable errors in consequence. He says 1 acre on the front of the grant is worth as much as 100 acres in the back, and yet says some land in the front is worth $300 an acre and the land back $10 to $20 per acre, or 100 acres would be worth from $1,000 to $2,000. Also he admits that he knows the price of no land less than 8 to 10 miles from the front of this grant, or less than 3 miles from the rear, and it is in evidence that land there, and improved land, can be had for from about $5 to $15 per acre.

He glibly testifies to threats, and yet can not state an instance. He heard that some wife objected to her husband taking a sea trip until he made his proofs for fear he would otherwise lose his land, and that some one was told he would lose his land if proofs were not made. This is simply silly, and I name it only to show the absurdity of this attack.

He even sought to make an impression that Assistant Commissioner Best, of the General Land Office, had misled him by giving him no satisfaction, except telling him the matter was in the hands of Congress, while at the same time action was taken in the General Land Office.

An examination of the Assistant Commissioner's letter shows that it was written in 1896, when the matter was in Congress, and not before the Land Office.

He speaks of the poverty of the settlers, and of the injustice of the giving of 80 acres to each of three front settlers, and 40 acres only to those back from the front.

The said three settlers had been there many years and had large improvements, which clearly justified the arrangements made with them. The back settlers voluntarily agreed to take 40 acres, and that area, as most men know, is beyond doubt more than they can ever cultivate to the fruits and plants and vegetables which are produced there. It is testified to by Mr. Richmond, from his personal knowledge, that this arrangement for 40 acres to the back settlers was pursuant to their own demand.

But what has their poverty, or the back lands, or front lands got to do with the matter before the Senate committee?

What is before this committee, anyway?

There is no evidence or indication that either Robinson or his attorneys asked that question, or sought to direct their testimony to it.

The question is outlined by the resolution for investigation, to wit:

"*Resolved*, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers, and to administer oaths."

We have cited the law; the proofs came to the Commissioner of the General Land Office; he found them satisfactory as to a compliance with law; he was the judge appointed by Congress to reach that conclusion or any other on the proofs; when he reached it, his duty resulted to issue patent. Congress then had no jurisdiction to act; it was supposed that everybody in and out of this committee was cognizant of that law, and the patent was issued because of said proofs, said compliance with the statute, and said duty.

There is no evidence of the slightest irregularity in respect of it; as a matter of fact, there was none; the proofs underwent the most careful and thorough examination, and all questions were most carefully studied and considered for over a month after the proofs reached the Department before patent issued.

I am certain that no discourtesy was entertained toward this committee. In the opening days of the session I had entered my appearance here for the heirs in a letter, in which I advised the committee, as I recollect, that the proofs were then being taken; that if satisfactory, no forfeiture could be declared, and asking that action on Senate bill 161 be deferred, etc.

The law was so well established in like cases that no thought was entertained by anyone that discourtesy could be inferred from the Department's acting upon a matter after the jurisdiction of Congress had been ousted, and when the near termination of the Administration and of this Congress, as is always the case, made it desirable to close out cases fully considered in the former and to pass into law matters fully considered by the latter.

There is no propriety or justice in seeking to put into the courts a matter like this, when the facts are absolutely wanting which those courts have a thousand times declared were essential to such action. Peace of title is best for all communities, and where compliance with law is clear and fraud is absent there is no justification for any Congressional action which would suspend all use of property for years and put to expense and great trouble a community of persons like those interested in this case.

It should also be not forgotten that in addition to an absence of all material showing, in addition to a total want of evidence that the law has not been fully complied with, in addition to the fact that the case has been brought in aggravated form to Senators, whose anxiety and purpose are always to be sure that their duty is fully performed, and thus caused this investigation, a moment's reflection will convince anyone that the controversy related to points and matters of which neither the Land Department nor Congress had jurisdiction, and that it was palpable imposition to crowd their consideration upon either of said tribunals.

Perhaps I should say, in conclusion, that the Perrine heirs and their associates are so thoroughly convinced that the few recalcitrant settlers who made settlement and improvement, as required by their contracts, were acting under misleading advice when they assumed their present position, that they will give them, each one, his deed for the stipulated 40 acres, in precisely the same manner as though they had made no difficulty, and this was determined immediately after patent, and before any investigation was suggested or thought of.

In respect of a railroad being interested, it need not be discussed, because the heirs had a clear right to associate whom they pleased with them in the matter. As a matter of fact, however, the heirs were compelled by want of means to get help as they could; and while said company is interested in having the country settled, and has done wonderful service to said State by its immense improvements on the east coast, it is yet an open question whether the company will lose or gain by its engagements in this matter, and so far as the law and the proprieties of all legitimate investigation are concerned, it is a matter entirely unimportant. The improvements it has promised will certainly improve its own interests, and likewise benefit the actual settlers on the grant lands.

Respectfully submitted.

C. W. HOLCOMB,
Attorney for the Perrine Heirs and their Associates.

WASHINGTON, D. C., *February 25, 1897.*

Mr. PETTIGREW. I ask leave to prepare and have printed a formal minority report, more full than the one already submitted, not to be printed in the RECORD, but to be filed.

The PRESIDING OFFICER. The Senator from South Dakota asks leave to submit a minority report hereafter. The Chair hears no objection, and leave is granted.

SUBMARINE CABLE SYSTEMS IN THE UNITED STATES.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (H. R. 9149) to regulate the establishment of submarine telegraph cable lines or systems in the United States was announced as the next business in order on the Calendar.

Mr. ALLEN. Let that go over.

Mr. FRYE. I hope the Senator will not do that.

Mr. ALLEN. Let the bill go over.

WILLIAM F. SONGER.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4193) to correct the military record of William F. Songer, to report it favorably without amendment. I ask unanimous consent that the bill may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion standing against William F. Songer, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to him a certificate of honorable discharge.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842; and

A bill (H. R. 10108) regulating fraternal beneficial associations in the District of Columbia.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the action of the House of Representatives on the Indian appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, and requesting a further conference on the disagreeing votes of the two Houses.

Mr. PETTIGREW. I move that the Senate further insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10290) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 16, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 9, 13, 15, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"*Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service; and the Postmaster-General shall report to Congress at its next regular session the prices paid for such services."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said Senate amendment insert the following: "400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment and amend as follows: Strike out in line 9, page 11, of the bill the word "four" and insert in lieu thereof the word "five;" and the Senate agree to the same.

W. B. ALLISON,
R. F. PETTIGREW,
J. C. S. BLACKBURN,
Managers on the part of the Senate.

E. F. LOUD,
J. C. KYLE,
Managers on the part of the House.

Mr. PLATT. This is the final report?

Mr. ALLISON. This is the final report upon the Post-Office appropriation bill. If Senators desire any explanation, I shall be glad to give it. There is no material change in the bill as passed by the Senate except that we have receded from some legislation inserted by the House on pages 10, 11, and 12 of the bill, which adds to the convenience of the Post-Office Department in its administration. If there are any special points concerning which any Senator desires an explanation, I shall be glad to give it.

Mr. VILAS. It is the final report?

Mr. ALLISON. It is the final report.

The report was concurred in.

AMENDMENT OF THE PATENT LAWS.

Mr. PLATT. I ask for the regular order.

The bill (H. R. 3014) revising and amending the statutes relating to patents was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with amendments.

The first amendment was, in line 26, section 3, after the word "country," to strike out the following words:

This section, as hereby amended, shall not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, nor to any patent granted on such a pending application.

The amendment was agreed to.

The next amendment was in section 4, line 4, after the word "words," to strike out "six months," and by adding at the end of the paragraph the following sentence: "And upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents, upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action," and insert "one year;" in line 23, after the word "within," to strike out "six months" and insert "one year;" in line 26, after the word "within," to strike out "six months" and insert "one year;" and in line 30, after the word "unavoidable," to strike out "and upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents, upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action;" so as to make the section read:

SEC. 4. That section 4894 of the Revised Statutes be, and the same hereby is, amended by striking out the words "two years" in every place where they occur and substituting in lieu thereof the words "one year;" so that the section so amended will read as follows:

"SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable."

The amendment was agreed to.

The next amendment was, on page 9, to add a new section at the end of the bill, as follows:

SEC. 7. That this act shall take effect January 1, 1898, and sections 1, 2, 3, and 4, amending sections 4886, 4920, 4887, and 4898 of the Revised Statutes, shall not apply to any patent granted prior to said date, nor to any application filed prior to said date, nor to any patent granted on such an application.

The amendment was agreed to.

Mr. CHILTON. I should like to have a brief explanation of the bill from some one. It is a very long bill. I am not disposed to object to it, but I should like to know in brief what it is in substance.

Mr. PLATT. Will the Senator allow me to have one more amendment made? On page 4, in order to conform to the amendment on page 5, certain lines should be stricken out which are exactly similar in words. After "country," in line 12, on page 4, I move to strike out down to and including the word "application," in line 17. These words have already been taken out in another part of the bill, but were left in at that point by an oversight.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "country," in line 12, page 4, strike out all down to and including the word "application," in line 17, in the following words:

This section, as hereby amended, shall not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, nor to any patent granted for such a pending application.

The amendment was agreed to.

Mr. PLATT. This bill at the time it was first reported to the Senate excited considerable opposition, but the parties opposing it were heard, and I believe that everyone is satisfied now with the bill, with its amendments. I do not think there is objection in any part of the country or from any person. I can take up the time of the Senate with a little summary of the bill, if the Senator from Texas desires it.

Mr. CHILTON. If it will not take too long, I shall be glad to know something about what the bill is.

Mr. PLATT. The first amendment of the law adds to the conditions of obtaining a patent that the invention shall not have been published more than two years prior to its application. I think that is right. The second incorporates that as one of the defenses which may be made. The third matter is one which excited a good deal of objection. As proposed, it limited the right of a party to proceed in his application for a patent, once having been rejected, to six months. The law as it now stands is two years. The Commissioner of Patents changed the rule and made it six months. That excited the hostility of the patent attorneys. We have compromised the matter and made it one year. I think that is entirely satisfactory to everyone.

The rest of the measure relates to foreign patents. It provides that a patent obtained in a foreign country before it is obtained here shall not limit the term of the patent in this country, but gives seven months within which to make the application here after it has been made in a foreign country. Patents that run here seventeen years have been limited to two years and three years and five years and all sorts of terms by reason of the fact that they were first taken out in foreign countries where, by the operation of the laws, the term was limited.

I do not think there is anything in the bill but what is right.

Mr. BACON. I ask that there may be an amendment added to the bill in the nature of a new section, to come in at the end, to be numbered accordingly.

Mr. PLATT. It had better be put before section 7.

Mr. BACON. All right.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert as a new section before section 7:

That in case where the head of any Department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent, it shall be the duty of such head of Department to be represented before the Commissioner in order to prevent the improper issue of a patent.

Mr. PLATT. I have no objection to the amendment.

Mr. BACON. I desire simply to state that it is in accordance with the recommendation of the Committee on Naval Affairs.

Mr. PLATT. Let it be agreed to.

The amendment was agreed to.

Mr. CHILTON. After the statement of the Senator from Connecticut, I have no disposition to obstruct the passage of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I call up the conference report on the Indian appropriation bill.

The PRESIDING OFFICER. The conference report on the Indian appropriation bill will be read.

Mr. PETTIGREW. The report was read yesterday and is found in the RECORD, except such changes as have been made by the conferees since the report was rejected.

Mr. CULLOM. I hope the Senator will explain the items that have now been agreed to, and state whether there are any left that have not been agreed upon.

Mr. PETTIGREW. It seems to me that it is not necessary to read the whole report, and I will state the items that have not been agreed to.

In the first place, on amendment numbered 9, payment of Creek Indians, we were unable to reach an agreement.

We were also unable to reach an agreement upon amendment numbered 30, which relates to contract schools.

The conferees also failed to agree upon amendments numbered 59, 60, 61, and 62, which relate to the Five Civilized Tribes.

Also amendment 83, relating to the Uncompahgre Indian Reservation; also amendment 87, relative to the reimbursement for Indian school in Nevada; also amendments 88 and 90, in relation to the Colville Indian Reservation; also amendments 92 and 93, in relation to the claims of attorneys upon the fund of the Old Settler Cherokees; also amendment 95, in relation to the Sisseton and Wahpeton Indians; also amendment 99, in relation to mixed-blood Indians; also amendment 103, which repeals certain provisions in the act of last year in relation to two reservations in the State of Montana.

This conference report differs from the one which was submitted to the Senate last night and rejected by the Senate, in that we have stricken from the report the provision for negotiating with the Seneca Indians in New York, and the provision in regard to the Kaw scrip, which was objected to by the Senate as being purely legislation; and the Senate has receded from its amendment with regard to the Osage Indians.

The Senate amendment placed the country occupied by the Osage Indians in the Indian Territory. The House refused to agree to that, and rejected it upon a vote, and therefore we now recede from that amendment. I think in every other respect the report is the same as that submitted yesterday.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

Mr. ALLEN. I should like to call the attention of the Senator in charge of the bill to the necessity of organizing the Osage Nation for judicial purposes and requiring that there may be a court held at Pawhuska, the capital of that nation.

I should like to ask the Senator if it is not within the province of the conference committee to so modify the amendment which I submitted as to authorize and direct the holding of one or more terms of court at Pawhuska during the year?

Mr. PETTIGREW. I admit the necessity of something being done in relation to the courts in that country, but the House of Representatives refused to agree to the Senate amendment, and refused to agree to it even modified as the Senator suggests.

Mr. ALLEN. Mr. President, I will not detain the Senate at this late hour further than to make a brief statement showing the necessity for organizing this territory for judicial purposes.

The Osage Nation embraces a great many thousand acres of land. It is in the northeastern corner of what is now known as Oklahoma. It is bounded on the west and separated from Oklahoma Territory proper by the Arkansas River, which is only bridged at one or two points, and which is very difficult to ford. There is not a judge, a justice of the peace, or a court commissioner in the Osage Nation. The nearest point at which the people of that Territory can reach a court of record is at Perry, in Oklahoma, some 60 miles southwest of the extreme southern boundary of the Osage Nation, making it 125 or 130 miles from the northeast portion of the Osage Nation, which is very heavily settled along the border.

Mr. President, west of the Arkansas River the justices of the peace send their process clear across this Territory suing Indians, entering judgments against them, and issuing executions; and the Indian's property, his houses, his fences, everything of that kind is put up at sale, and sold at ruinously low figures, and there is no restraint whatever.

Mr. PLATT. Will the Senator allow me?

Mr. ALLEN. I will.

Mr. PLATT. The Senator speaks very positively as to the practice of suing Indians in the Oklahoma courts, but it seems to me that there must be some mistake about that; that the Senator must be misinformed. Those Indians are not citizens, as I understand, and so they can not be sued. I can not suppose that an Oklahoma justice of the peace would allow a suit against an Indian in his court. I can not understand it; I think there must be some mistake about it, and that the persons sued were not Indians.

Mr. ALLEN. The Senator says they can not do it; but it is a good deal like the man who said, "They can not put me in jail," when he was in jail. These Indians are sued. The justices of the peace along the border of the Osage Nation and west of the Arkansas River are in the constant habit of issuing process, bringing the Indians into court, trying small causes against them, issuing executions, sending their constables over the Osage Nation to levy upon their property; and I will say, for the benefit of the distinguished Senator from Connecticut, that the courts of record of that Territory have upheld the jurisdiction of the justices of the peace over the Indian Territory, and have upheld the exercise of jurisdiction over the persons of Indians, and enforced those judgments. Now, what is to be done under these circumstances?

Mr. PLATT. I have no objection to the transfer of that business to the Indian Territory, as I said last night.

Mr. ALLEN. I suggest to the Senator having this bill in charge that that country should be detached for judicial purposes and placed in the northern district of the Indian Territory, so that something may be done in the way of giving the Osage Nation a judiciary of its own, requiring, for instance, the district judge closest to or adjoining this Territory to hold one or more terms of court at Pawhusky, the capital, and exclude the jurisdiction of justices of the peace in Oklahoma Territory as respects its exercise over the citizens or property of the Osage Nation. I can say to the Senator from Connecticut that there is a well-authenticated case——

Mr. PLATT. I have not the slightest objection to the suggestion of the Senator, and if it could be reached in conference I should be very glad to have it done.

Mr. ALLEN. There is a well-authenticated case which cost an Indian over $1,200. A justice of the peace in Oklahoma Territory rendered a judgment against that Indian, a constable went upon the Osage Nation and levied upon the house—it was a little bit singular to levy upon real estate or portions of real estate on the execution of a justice of the peace—put up the property, and sold it, I think, for something like $80, and sold some 10 or 12 miles of barbed-wire fence for something like twenty-two or twenty-three dollars, and then the property was taken from the territory and over to Oklahoma and sold.

Those abuses ought to be stopped. If, in the judgment of Congress, those Indians should be left without any remedy whatever before the courts; if they are to be raided by a class of lawless justices of the peace west of the Arkansas River, and are to be upheld by the judiciary of record in that Territory, I do not know that it is any particular individual concern of mine; but in view of the fact that the Indians are wards of the nation, that they are pillaged on every conceivable occasion, that they are robbed and despoiled of their rights and of their territory, it stands this great Government in hand to protect them from this kind of predatory work, both in their property and in their persons.

I hope that the conference report will be rejected on that proposition.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 20, 21, 28, 40, 41, 43, 70, 74, 84, 96, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 10, 12, 16, 17, 22, 23, 24, 25, 26, 27, 29, 32, 33, 36, 37, 38, 39, 42, 44, 45, 46, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 76, 78, 80, 81, 82, 85, 86, 89, 91, 98, 100, 101, 104, and 105, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert after the word "Territory," in said amendment, the following: "Or adjoining State or Territory;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$22,418.25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the allottees of land within the limits of the Quapaw Agency, Indian Territory, are hereby authorized to lease their lands or any part thereof for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"That the adult allottees of land in the Peoria and Miami Indian Reservation in the Quapaw Agency, Ind T., who have each received allotments of 200 acres or more, may sell 100 acres thereof under such rules and regulations as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out from said amendment, after the word "sum," the words "or so much thereof" and insert in lieu thereof the words "so much;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "purposes," in line 4 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out after the word "purchase," in line 1 of said amendment, down to and including the word "Dakota," in line 3, and insert in lieu thereof the words "of land;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For extension and completion of steam plant, $6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out, in lines 8 and 9 of said amendment, the words "for steam-heating plant, $15,000;" and strike out, in line 9, the word "eighty-six" and insert in lieu thereof the word "seventy-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "That," in line 1 of the said amendment, the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out, in line 3 of said amendment, the words "to be" and insert in lieu thereof the words "is made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For resurvey of the lands of the Chickasaw Nation, Ind. T., $141,500, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for filing in the Indian Office and one in the General Land Office, and twenty photolithographic copies of the plats shall be returned, one for filing in the Office of Indian Affairs and one in the General Land Office, which shall be certified to by the Director of the Geological Survey, and the others filed in the General Land Office, with the facsimile of the signature of the Director of the Geological Survey, and the same provision shall also extend to the plats to be filed of the surveys already made or to be made under the supervision of the Director of the Geological Survey within the Indian Territory, and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys, and in making the resurvey the former land survey is to be disregarded, the latter now being declared null and void: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public land surveys."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through an Indian inspector with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians; and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements to be submitted to Congress for its approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Except when otherwise specifically provided by law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the claim of the Fond du Lac Band of Chippewa Indians of Lake Superior for compensation arising from the alleged difference in area of the reservation as actually set apart to them and that provided to be set apart under the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the state of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the difference, if any, between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, the said action to be brought by the said Fond du Lac Band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and in hearing and determining the said matter the court shall take into consideration and determine whether since the date of said treaty there has been any equitable adjustment made to said Indians in whole or in part for the alleged difference in area. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court, and when completed the court shall make a full report to Congress.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 9. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation, in Franklin County, Kans., and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of

July 16, 1859, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.

"That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists: the first to include all of said bands who hold title to land, either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the land so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.

"That upon the approval of said census and the report of said commissioner by the Secretary of the Interior patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.

"That where there are several heirs, and the partition of land is practicable, the partition shall be made by said commissioner, but if not practicable, said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.

"That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section 12, of township 17 south, of range 18 east, in Kansas.

"That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected by the Indians in open council, who shall report the same to the Commissioner of Indian Affairs, that said commission shall place a valuation for purposes hereinafter named on all tracts of land now owned or held by inheritance, and make a separate report thereof.

"That upon the approval of said appraisement by the Secretary of the Interior, he shall offer said residue of lands at the proper land office in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default: *And provided*, That the same shall be sold to the highest bidder, and at a price not less than the appraised value.

"That where an allottee has died leaving no heirs, or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided herein.

"That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of 21 years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

"That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

"That for the purpose of carrying out the provisions of this section there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee, or Christian Indians, not held for them by the United States, said sum being on the 1st day of January, 1896, $12,503.36.

"That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee, or Christian Indians, per capita, the remainder of said funds, of $12,503.36, trust funds now to their credit on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of this section.

"That no proceedings shall be taken under this section until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto, expressed in open council."

And the Senate agree to the same.

On amendments numbered 9, 30, 59, 60, 61, 62, 83, 87, 88, 90, 92, 93, 95, 99, and 100, the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

Mr. PETTIGREW. I move that the Senate further insist on its amendments disagreed to by the House of Representatives and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

SALE OF LIQUORS IN CAPITOL BUILDING.

The bill (H. R. 7081) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, was announced as next in order.

Mr. FAULKNER. I object to that bill.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VEST. Mr. President, I am informed that while I was absent from the Senate, unfortunately, a few minutes ago there was a report made from the Joint Committee on the Library. What Senator made that report?

The PRESIDING OFFICER. The Senator from North Dakota [Mr. HANSBROUGH] made the report, which was ordered to be printed.

Mr. VEST. I should like to ask that Senator if there is anything in that report in regard to the subject of who were the architects of the Library building? However, I see the Senator is not present.

I want to make this statement, Mr. President, and I will state why I make it. The Senator from Indiana [Mr. VOORHEES], as we all know, has been for years the prime mover in building a new Library. His term of service expires to-day, and I want to make this statement while he is a member of the Senate, in order that he may affirm or deny my statement. I think he will affirm it with very great pleasure.

I was very much surprised a few days ago to see in the report of a public lecture delivered by Col. or Maj. Bernard Green, whom we have made superintendent of the new Library, the statement that that edifice was not built upon the plans and specifications furnished by Smithmeyer & Pelz, the architects selected for that purpose and who have received pay from the Government of the United States for that duty. Upon a silver plate in the Library building to-day is an inscription furnished by General Casey, now dead, and who was for a number of years superintendent of the Library building, stating that the architects were Smithmeyer, Pelz, and Casey, the son of General Casey, a young man who was employed as assistant in the Library building in 1892. General Casey wrote that inscription himself, and so informed me. He testified before the Joint Library Committee that the plans and specifications of this Library building were made by Smithmeyer & Pelz. In the lecture to which I refer, Major or Colonel Green states that the building was not constructed upon those plans; that the outlines were furnished by Smithmeyer & Pelz, but that he, Major or Colonel Green, and General Casey, in 1888, remodeled or reformed those plans and specifications, and that the real plans were those which they then made.

This is an astounding statement, Mr. President, and, in my judgment, does the grossest injustice to Smithmeyer & Pelz. In his testimony before the Joint Library Committee, Colonel or Major Green said that, while Smithmeyer & Pelz had been employed originally, it was found necessary to abandon in the main their plans and specifications in 1888, when the new plans and specifications were furnished by himself and General Casey. How it is possible that General Casey could have made that plate, placed that inscription upon it, and put it up in this Library building, conveying to the public the information that Smithmeyer & Pelz and his son were the architects, when he knew, according to Major or Colonel Green, that in 1888 those plans and specifications of Smithmeyer & Pelz had been abandoned, is beyond my understanding; and, as the Senator from West Virginia [Mr. FAULKNER] suggests to me, at that time Major or Colonel Green was the superintendent of the building.

Mr. President, if his statement be true that these plans and specifications of Smithmeyer & Pelz were abandoned in 1888, and new plans and specifications made by himself and General Casey adopted, how is it possible that General Casey, the father of this young architect, could himself have put that plate in that building, when his son was even not employed as assistant architect or engineer until 1892?

This building is a dream of beauty. There is nothing in Europe equal to it. Even the magnificent cathedral at Cologne does not approximate in architectural perfection this magnificent building that we have erected here for our posterity; and it is a serious matter to take the credit of designing that structure from Smithmeyer & Pelz, who for thirteen years were engaged upon this work, who went all over Europe and inspected every public building before they furnished these plans and specifications; who had twelve plans and one hundred specifications made out and put in the possession of the architect of the Library building, and I understand now they can not be found. There were the plans and specifications of forty-one competitors before the Library Commission, and after mature investigation the commission deliberately selected those of Smithmeyer & Pelz, and I do not propose as a Senator to allow that statement of Colonel or Major Green to go unchallenged. It is the grossest injustice to these citizens of the United States, who have been paid by Congress for this work, who have carried their professional skill to the highest degree in making the plans and specifications for this building; and I embrace this, my last opportunity before the Senator from Indiana leaves the Senate, to make this statement, in order that he may either affirm it or give us the real facts.

Mr. CALL. Mr. President, I wish to say a single word in reference to the observations of the Senator from Missouri.

The PRESIDING OFFICER. This debate is proceeding by unanimous consent.

Mr. CALL. Only a single word.

Mr. President, I know Mr. Green, the superintendent of that building, very well. I knew General Casey; and while I do not undertake to measure the degree of reputation and applause which should come to these different architects for the part they have performed, it is certainly true that every detail of the construction of that building has been under the immediate observation and direction of General Casey and of Mr. Green. It is certainly true that there is no man of more eminent fitness and skill and knowledge in architecture than Mr. Green. I have no doubt that he has not intended in anything he may have said to disparage in the slightest degree the part that any other architect had in the origination of the designs for this building.

Mr. VEST. May I ask the Senator a question?

Mr. CALL. Certainly.

Mr. VEST. Do I understand the Senator to state that Major or Colonel Green is an architect?

Mr. CALL. I do.

Mr. VEST. He is an engineer only, and so was General Casey.

Mr. CALL. He is not only an engineer officer, but he is a most accomplished architect.

Mr. VEST. General Casey, testifying before the Joint Committee on the Library, in reply to a question of the Senator from Iowa [Mr. ALLISON], when asked if he was an architect—and I quote his exact language—said: "I am no more an architect than you are."

Mr. CALL. It is certainly true that every detail of that building has been under the immediate direction and observation of General Casey, be he architect or engineer, and that Mr. Green has been the principal factor and agent in its performance, and if that building is a dream of beauty, if it is the most beautiful building in the world, it is due in the larger part to Mr. Green.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was announced as next in order.

Mr. HILL. That bill will lead to some debate.

Mr. GALLINGER. Do I understand the Senator from New York to object to the bill?

Mr. HILL. Several Senators have spoken to me, and said they desired to discuss it.

Mr. GALLINGER. I am very sorry. It should have been passed.

The PRESIDING OFFICER. The bill being objected to, it will be passed over.

ST. LOUIS RIVER BRIDGE.

The bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1884, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," was announced as next in order.

Mr. VILAS. That bill can not be disposed of at this session.

The PRESIDING OFFICER. Does the Senator object to the present consideration of the bill?

Mr. VILAS. Yes, sir; the Senator from Minnesota [Mr. NELSON], the Senator from Pennsylvania [Mr. QUAY], and I have agreed that this subject shall not be disposed of at this session.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

OLEOMARGARINE AND OTHER IMITATION DAIRY PRODUCTS.

The bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported was announced as next in order.

Mr. CHILTON. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill being objected to, it will be passed over.

RIGHT OF WAY THROUGH PUBLIC LANDS.

The bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tram roads, canals, and reservoirs, and for other purposes, was announced as next in order.

Mr. ALLEN. I do not think that that bill has been referred to any committee.

The PRESIDING OFFICER. The Chair will state to the Senator that this bill came from the House of Representatives, and was put on the Calendar in place of a Senate bill which had been reported from the Committee on Public Lands.

Mr. ALLEN. I am willing that the bill shall be read through, but I reserve the right to object to it.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary read the bill.

Mr. ALDRICH. That bill has not been considered by any committee, Mr. President.

The PRESIDING OFFICER. The Chair has stated that it is a House bill substituted for a bill reported from the Senate Committee on Public Lands.

Mr. ALLEN. It ought to go to the Senate committee anyway, notwithstanding the fact that it is a substitute.

The PRESIDING OFFICER. Does the Senator object to the present consideration of the bill?

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection being made, the bill goes over.

GOVERNMENT USE OF PATENTED DEVICES.

A bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent, was announced as next in order.

Mr. HAWLEY. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill, being objected to, goes over.

REMOVAL OF STREET RAILWAY ABANDONED TRACKS.

The bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, was considered as in Committee of the Whole.

Mr. ALLEN. That is rather a remarkable bill. I should like to ask the chairman of the Committee on the District of Columbia if it is proposed to forfeit the easement of the railroad companies for a failure to operate the railroad for three months?

Mr. McMILLAN. There are a great many tracks in the city which are not used by any company.

Mr. ALLEN. I suggest to the Senator from Michigan that this bill does not forfeit their right of easement; that, according to the terms of the bill, there is no reason why they may not go back at any other time and lay down their tracks if they desire to do so.

Then I want to call the attention of the Senator from Michigan to another very significant part of this bill, and that is the portion which punishes the president of the railroad company by fining him $10 for every day he fails to have the tracks removed. Suppose the board of directors of that company refuse to permit him to have the tracks removed, suppose he uses every reasonable effort a human being can to secure their removal, and can not do so, is he still to be fined according to this bill for failing to remove the tracks?

It occurs to me that this bill ought to go back to a committee and ought to be placed in the hands of somebody to be redrafted.

Mr. McMILLAN. This seems to be a very simple bill. It is recommended by the Commissioners as one which it is quite proper to pass. There are a number of street railway tracks that are not in use at all, and this simply compels the company to take up their tracks and put the streets in good condition. If they do not do it, the president of the company is to be fined.

Mr. ALLEN. The Senator from Michigan——

Mr. McMILLAN. I do not care to press the bill if there is to be discussion.

Mr. ALLEN. The Senator from Michigan must not understand that I am opposing the bill particularly. I agree with him that abandoned tracks should be removed within a reasonable time. But if they are removed, the removal ought to be under such circumstances as would not permit the company to come back and relay the tracks, and the penalty should not be inflicted upon the president of the company unless he has it in his power to remove the tracks.

I move to strike out that portion of the bill which inflicts a penalty upon the president for a failure to remove the tracks.

Mr. McMILLAN. Does the Senator simply desire to strike out that part in relation to the president being fined?

Mr. ALLEN. Yes, sir; I do not want to see the president fined unless he is guilty of something wrong.

Mr. McMILLAN. I have no objection to that.

Mr. GALLINGER. Does not the Senator from Nebraska think there ought to be a fine imposed upon the corporation?

Mr. ALLEN. That would be all right.

Mr. GALLINGER. It seems to me there ought to be in the bill a penalty in some form or other.

The PRESIDING OFFICER. The amendment suggested by the Senator from Nebraska will be stated.

The SECRETARY. After the word "the," in line 10, it is proposed to strike out "president of;" so as to read:

> The said company shall be deemed guilty of a misdemeanor.

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. ALLEN. I should like to have the first part of the bill read again.

The Secretary read as follows:

> That whenever the track or tracks or any part thereof of any street railway company in the District of Columbia shall not have been used for railway purposes for a period of three months the Commissioners of said District may thereupon notify such company to remove said unused tracks and to place the street in good condition.

Mr. ALLEN. I move to add "and the company's easement over the street shall terminate."

Mr. McMILLAN. I have no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "condition," in line 8, it is proposed to insert:

> And the company's easement over the street shall terminate.

The amendment was agreed to.

Mr. ALLEN. I suggest another amendment. Where the word "three" occurs, speaking of three months, I suggest that it be stricken out and the word "six" inserted.

The SECRETARY. In line 5, it is proposed to strike out "three" and insert "six;" so as to read "six months."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McMILLAN. I move that the Senate insist upon its amendments and request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. PROCTOR and Mr. WETMORE were appointed.

Mr. GORMAN subsequently said: The bill (H. R. 10121) to compel the street railway companies of the District of Columbia to remove abandoned tracks, and for other purposes, passed the Senate. I enter a motion to reconsider the vote by which the bill was passed. I wish to enter it for a moment, so that I may look at the bill while it is pending.

The PRESIDING OFFICER. The motion of the Senator from Maryland to reconsider will be entered.

ADULTERATION OF FOODS AND DRUGS IN THE DISTRICT.

The bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia was announced as the next business in order on the Calendar.

Mr. HILL. Let the bill be read. I have sent for a copy of it. I have no objection that I know of, but I want to know what it is.

The Secretary proceeded to read the bill.

Mr. SEWELL. This appears to be a very important bill, and if it is subject to objection, I object to it.

The PRESIDING OFFICER. The bill, being objected to, will go over without prejudice.

SALE OF POISONS IN THE DISTRICT.

The bill (H. R. 10038) to regulate the sale of poisons in the District was announced as the next business in order on the Calendar.

Mr. CANNON. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection being interposed, the bill will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS managers at the conference on the part of the House.

CANALS AND RESERVOIRS ON PUBLIC LANDS.

Mr. PERKINS. While temporarily absent from the Chamber the bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tram roads, canals, and reservoirs, and for other purposes, was objected to by the Senator from Nebraska [Mr. ALLEN]. I think, under a misapprehension. Therefore, if there is no objection to the bill I should like to have it considered at this time.

Mr. ALLEN. I withdraw any objection I had to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. GEAR. I object to the further consideration of the bill.

Mr. PERKINS. I think the Senator is laboring under a misapprehension.

Mr. GEAR. I think not.

Mr. PERKINS. It simply changes the existing law, which allows water to be taken from public lands for irrigation and mining and reservoir purposes, by adding to it "for domestic purposes." It has been approved by the Secretary of the Interior, reported favorably, and I think my friend is certainly laboring under a misapprehension.

Mr. GEAR. I withdraw my objection.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

CONTAGIOUS DISEASES IN THE DISTRICT.

The bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment of the committee was, in section 1, line 5, after the word "plague," to insert "and," and in line 6, after the word "glanders," to strike out "diphtheria and scarlet fever;" so as to read:

> That for the purposes of this act the term "contagious disease" shall be held to mean Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, and glanders, or any of these diseases by whatsoever name it may be designated.

Mr. HAWLEY. Why is diphtheria stricken out?

Mr. GALLINGER. I will say that these two diseases, diphtheria and scarlet fever, are provided for in another act; they are taken care of.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 1, at the top of page 2, to strike out the words in parenthesis "in the case of diphtheria, including the symptoms of membranous croup;" so as to read:

> The presence of the ordinary clinical symptoms of any contagious disease shall be prima facie evidence that such case is or was such a disease.

The amendment was agreed to.

The next amendment was, in section 5, line 26, before the word "glanders," to insert "and;" and in the same line, after the word "days," to strike out "diphtheria, ten days; and scarlet fever, fourteen days;" so as to read:

> Said placards or warning signs shall be displayed as aforesaid until such premises and the contents thereof are disinfected to the satisfaction of said health officer, as certified by him, and for such time thereafter as may be necessary to demonstrate the freedom of occupants of said premises from contagious disease, namely, in the case of cholera and yellow fever, five days; typhus fever, twenty-one days; smallpox, sixteen days; the plague, fourteen days, and glanders, twenty-one days.

The amendment was agreed to.

The next amendment was, in section 8, line 21, before the word "or," to strike out "fermaldehyde" and insert "formaldehyde;" so as to read:

> Or (b) exposed to the vapor of formaldehyde or other germicidal agent for such time and in such strength as may be specified by said health officer.

The amendment was agreed to.

The next amendment was, in section 13, line 4, after the word "transit," to strike out:

> No body of a person who has died of diphtheria or scarlet fever shall be carried into or out of said District unless said body be (a) wrapped in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution, as provided in section 8, and (b) incased in a coffin or casket lined with zinc, tin, copper, or lead so as to be air-tight, or in an hermetically sealed metal casket, and (c) all inclosed in a strong, tight, wooden box.

So as to make the section read:

> SEC. 13. That no body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox, including varioloid, the plague, leprosy, or glanders, shall be carried into or out of the District of Columbia except in transit: *Provided*, That this section shall not apply to the transportation of bodies in hearses or undertakers' wagons for burial in adjoining States.

The amendment was agreed to.

The next amendment was, in section 21, line 14, after the word "the," to strike out "neighborhood" and insert "vicinity;" so as to read:

> Said health officer may cause such persons in the vicinity to be removed as are in danger of contracting the disease.

The amendment was agreed to.

The next amendment was, in section 22, line 3, after the word "with," to insert "any;" in the same line, after the word "contagious," to strike out "diseases" and insert "disease aforesaid, or any other disease ordinarily recognized as contagious;" in line 14, after the word "with," to strike out "a" and insert "any;" in line 15, after the word "disease," to insert "mentioned in section 1 of this act;" in line 16, after the word "persons," to strike out "so;" and in the same line, after the word "infected," to insert "with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious;" so as to make the section read:

> SEC. 22. That in every hospital and dispensary in said District there shall be provided and maintained a suitable room or rooms for the isolation of persons infected with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious; such persons shall, immediately upon the discovery of the nature of their sickness, be separated from the other persons and other patients at such dispensary or hospital. It shall be the duty of the physician or physicians, of the officers, managers, and of everyone in charge of a hospital or dispensary, and of everyone who has any duty or office in respect to patients in course of treatment, or persons who apply for treatment or care at a dispensary or hospital, to see that a report is immediately made to said health officer of every person so applying, infected with any contagious disease mentioned in section 1 of this act, who comes to their knowledge, and that such person or persons infected with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious, are properly isolated and kept separated from other persons and other patients.

The amendment was agreed to.

The next amendment was, in section 25, line 3, after the word "with," to strike out:

> Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), glanders, the plague, or leprosy, and whenever diphtheria or scarlet fever exists in said District in epidemic form.

And insert "any contagious disease;" so as to read:

> That the Commissioners of said District be, and they are hereby, authorized and empowered, whenever said District is, in their judgment, threatened or afflicted with any contagious disease, to cause house-to house inspections to be made, etc.

The amendment was agreed to.

The next amendment was, in section 31, line 6, after the word "aforesaid," to insert "or any other disease ordinarily recognized as contagious;" so as to make the section read:

> SEC. 31. That any person arrested in the District of Columbia for alleged violation of law, whose detention in a police station, workhouse, or jail would, in the opinion of the health officer of said District, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, or any other disease ordinarily recognized as contagious, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court.

The amendment was agreed to.

The next amendment was, in section 32, line 2, after the word "repealed," to strike out:

> And any appropriation or balance thereof available at the time of the passage of this act, for the enforcement of the provision of "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, is hereby made available for the enforcement of the provisions of this act so far as they relate to scarlet fever and diphtheria

So as to make the section read:

> SEC. 32. That all laws and parts of laws inconsistent with the foregoing be and the same are hereby, repealed.

The amendment was agreed to.

Mr. HAWLEY. I desire to inquire of the Senator from New Hampshire, our only medical officer, who is familiar with this question, whether any progress has been made toward establishing a hospital for contagious diseases?

Mr. GALLINGER. I will say, in reply to that question, that in the District of Columbia appropriation bill for the present year—and I understand the conferees on the part of the House have agreed to it—we have made provision for two isolated buildings in connection with two of the established hospitals, and have appropriated $30,000 for that purpose. I think that will answer the requirements of the District of Columbia for some time to come.

Mr. HAWLEY. One of the existing hospitals has consented to set aside a ward for contagious diseases?

Mr. GALLINGER. And there will be no trouble in getting the consent of another hospital.

Mr. HAWLEY. I must have imperfectly heard that part of the bill read. I thought I heard that it was provided that no person afflicted with one of these contagious diseases should be carried through the streets or anywhere.

Mr. GALLINGER. Oh, no; only it shall be under restrictions provided by the health officers. There is nothing of that kind in the bill.

Mr. HAWLEY. I am very glad, indeed, to know that such a hospital is to be provided. Its absence so far has been a species of barbarity.

The bill was reported to the Senate as amended, and the amendments were concurred it.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate insist upon its amendments and request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BACON, and Mr. PROCTOR were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives upon the deficiency appropriation bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and accede to the request for a further conference made by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

CEMETERIES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 6, line 27, after the word "burial," to insert "disinterment or disposal;" so as to read:

> It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before 6 o'clock p. m. of the Saturday following the day of burial, disinterment, or disposal.

The amendment was agreed to.

The next amendment was, in section 7, line 8, after the word "bodies," to strike out "of persons who have not" and insert "aforesaid, except such as have;" and in line 11, after the word "District," to insert "or carried through the same in transit;" so as to read:

> *Provided*, That bodies or parts of dead bodies aforesaid, except such as have died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever, may be brought into said District, or carried through the same in transit, upon a permit of the proper municipal, county, or State authorities of the place at which such person died

The amendment was agreed to.

The next amendment was, in section 8, line 16, after the word "person," to strike out "exhibit to the public" and insert "publicly exhibit;" so as to read:

> Nor shall any person publicly exhibit in said District, for pay or otherwise, any dead body of any human being, or any part of such body, without a permit from the health officer of said District so to do.

The amendment was agreed to.

The next amendment was, in section 9, line 8, after the word "Washington," to insert "in the District of Columbia;" so as to make the proviso read:

> *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington, in the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 11, line 2, after the word "opened," to insert "except for the purpose of disinterment;" so as to read:

> That no grave in said District shall be reopened, except for the purpose of disinterment, within ten years after the burial of a person above 12 years of age, or within eight years after the burial of a child under 12 years of age.

The amendment was agreed to.

Mr. GALLINGER. I have an amendment to offer. In section 1, line 8, before the word "cemetery," where it occurs the first time, I move to insert the word "new;" so as to read "lay out any new cemetery," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized [illegible] appoint the conferees on the part of the Senate; and Mr. G[illegible]LINGER, Mr. FAULKNER, and Mr. McMILLAN were appointed.

ADMINISTRATOR OF GEORGE M'ALPIN, DECEASED.

The bill (H. R. 1353) for the relief of the administr[illegible] of George McAlpin, deceased, was considered as in Commit[illegible] of the Whole.

The preamble recites that George McAlpin was th[illegible]er of the Eleventh Regiment Pennsylvania Cavalry [illegible] years 1862, 1863, 1864, and 1865, and was during tho[illegible] required by the United States, at the United States custom-house at Baltimore, Md., to pay 3 per cent on the value of all of the supplies shipped to him within the lines of the Army; and he was thus unlawfully and unjustly required to pay to the United States $6,906.18, being 3 per cent on $230,205.29, to the United States, as appears by the books of the custom-house at Baltimore, Md.

The bill proposes to pay to the administrator of George McAlpin, deceased, $2,250.18.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WASHINGTON NATIONAL PARK.

The bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park, was considered as in Committee of the Whole.

Mr. VEST. From what committee did the bill come?

The PRESIDING OFFICER. The Committee on Forest Reservations and the Protection of Game.

Mr. VEST. I do not care to object to the bill, but there are provisions in it that I do not think ought to be there. If we are to have another national park, we ought not to have any railroads in it. That is in a timber country, and if the railroads are permitted to run through it they will have forest fires that will destroy thousands of acres of valuable timber. I have fought here for nearly twenty years against the putting of railroads into the Yellowstone National Park. All sorts of schemes have been offered here to run railroads in to make money out of that park. Here is another national park to be established, and the bill provides expressly for tramways and railways. If you are going to have a park and preserve the natural scenery, you do not want a railroad in it.

Mr. ALLEN. If the Senator will permit me, I will state that the bill segregates a part of the park for this purpose and not for park purposes.

Mr. VEST. It is all called a park, if I heard the bill correctly.

Mr. ALLEN. I know.

Mr. VEST. It is to be a national park under the control of the Secretary of the Interior, as is the Yellowstone National Park.

Mr. ALLEN. But, if the Senator will permit me, it takes off a part of the land which is now in the park for this purpose.

Mr. VEST. Why do you provide for a railroad to go into it if you want a park?

Mr. ALLEN. Why not?

Mr. VEST. Because it will simply start forest fires. It is unavoidable in that part of the country, where they have drought for months in the year, and where the undergrowth and the grass being inflammable, a spark will start an immense fire.

Mr. HOAR. Dead leaves.

Mr. VEST. Dead leaves and no moisture. To have a railroad running through there would be a source of incalculable damage.

Mr. STEWART. I think I shall have to object to the bill.

Mr. VEST. I will not object. I do not care about stopping the passage of the bill.

Mr. WILSON. It is possibly so late that the bill will not receive the signature of the President. Possibly, if the Senator had examined it more carefully and investigated the danger of sparks igniting the timber and as to the great drought that he supposes exists in western Washington, he would have been quite satisfied with the measure. He would find that the largest annual rainfall is in Puget Sound—108 inches.

Mr. VEST. I know; but that is nowhere near this park.

Mr. WILSON. Certainly. It is only a dozen miles to the reserve where Mount Ranier stands. To make the reserve, it is laid off square, and through the portion that is not desirable it is proposed to give an opportunity to go up Paradise Valley by rail. It is now impossible to reach it except through the valley, and if anybody wants to go there on a train, he ought to have an opportunity to do so.

Mr. VEST. As a matter of course, I do not want to stop any citizen of Washington or of any other State from reaching heaven if he can get there through Paradise Valley.

Mr. WILSON. I hope the bill will be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE COPYRIGHT LAW.

The bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, was announced as the next House bill in order on the Calendar.

Mr. PLATT. I desire to make a short statement with regard to that bill, in order that any objection or proposed objection may be removed in advance. I presume almost every Senator has received a telegram from some newspaper in the United States asking him to object to the passage of this bill. Those telegrams have been sent under an entire misapprehension. They have referred to Senate bill 3631, which has not been reported by the Committee on Patents. This bill does not in any way affect newspapers, and the telegrams which have been received here have been sent under a mistake which is now understood, so that there is no objection to the passage of the bill anywhere, I believe.

Mr. MILLS. Let the bill be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Patents with amendments, in line 14 of section 1, after the word "lithograph," to insert "or other article," and at the end of the section to insert the following proviso:

> *Provided*, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof.

So as to make the bill read:

> *Be it enacted, etc.*, That section 4963 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:
>
> "SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph or other article bearing such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of $100, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation: *Provided*, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof."
>
> SEC. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are hereby, repealed.

The amendments were agreed to.

Mr. BUTLER. The bill seems to be entirely fair upon its face. I do not know anything about it. I received a telegram this morning about it.

Mr. PLATT. Will the Senator from North Carolina allow me? I presume almost every Senator has received telegrams from newspapers in the country. They were sent under a misapprehension that it was Senate bill 3631 which had been reported, which does apply to and may affect newspapers. It was a misapprehension. The House bill does not affect newspapers at all.

Mr. SEWELL. Will the Senator from Connecticut explain the provisions of the bill?

Mr. PLATT. There is a law now, section 4963, against putting upon an article for which a copyright has not been obtained a copyright notice. The bill extends that section and provides that if there is a false notice of copyright issued, if a notice of copyright is put on an article which has not been copyrighted, and any person shall knowingly sell it, he shall be liable to the penalty; and the importation of articles which bear a false notice of copyright purporting that they had been copyrighted in the United States has been prohibited. There has been a large business of that kind done. This proviso is that the proposed act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage of the act.

Mr. BUTLER. Have we no law now preventing the putting on of a notice of copyright when no copyright has been issued?

Mr. PLATT. We have, but we have no law against the selling of such articles knowingly.

Mr. BUTLER. This applies to those who sell them as well as to those who import them?

Mr. PLATT. It applies to importers. There is no objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. QUAY subsequently said: I wish to enter a motion to reconsider the vote by which the Senate passed the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, to which I intended to object, but which I failed to object to because I was at the time engaged in a committee of conference.

The PRESIDING OFFICER. The motion to reconsider will be entered.

TRANSCRIPTS OF DISTRICT HEALTH RECORDS.

The bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 1, line 5, after the word "taxes," to insert "and by him to be deposited in the United States Treasury to the credit of the District of Columbia;" so as to make the section read:

> That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to collect a fee of 50 cents, to be paid to the collector of taxes, and by him to be deposited in the United States Treasury to the credit of the District of Columbia, for each transcript from the records of births, deaths, and marriages in the health department of said district: *Provided*, That no one transcript shall be made so as to apply to more than one birth, death, or marriage: *And provided further*, That no fee shall be charged for transcripts furnished the various departments of the United States Government for official purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF THE POSTAL LAWS.

The bill (H. R. 4566) to amend the postal laws relating to second-class mail matter was announced as next in order.

Mr. ALLEN. Let that go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill goes over.

FUNDING OF TERRITORIAL INDEBTEDNESS.

The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States was announced as next in order.

Mr. BUTLER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM LOCK AND JAMES H. TINSLEY.

The bill (H. R. 2815) for the relief of William Lock and James H. Tinsley was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was, in line 12, after the words "payment of," to strike out "the costs of the suit expended in the obtension of said judgment" and insert "$1,102.20, the amount of actual loss sustained by the Government on account of the failure of said contract;" and in line 16, before the words "as aforesaid," to strike out "the costs" and insert "amount;" so as to read:

> That the Auditor of the Treasury for the Post Office Department be, and he is hereby, authorized and directed to settle and adjust the judgment of the United States obtained March 4, 1896, in the United States district court at Louisville, Ky., against William Lock and James H. Tinsley, for $1,288.40, as the sureties of Glass & Gevelin, failing mail contractors on mail route No. 12121, upon the payment of $1,102.20, the amount of actual loss sustained by the Government on account of the failure of said contract; and upon payment of amount as aforesaid they, the said Lock and Tinsley, shall be forever released and discharged from the payment of said judgment.

The next amendment was to add to the bill the following:

> And all pay that may have been heretofore withheld from J. H. Tinsley, of Barbourville, Ky., by the United States, on account of services rendered by him as United States commissioner, to be applied by the United States in payment of said judgment, in excess of the actual loss sustained by the Government, the same excess being $256.66, is hereby released and directed to be paid to said Tinsley upon payment of amount of actual loss to the Government, as aforesaid.

The amendment was agreed to.

Mr. ALDRICH. I should be glad to have some explanation of this bill.

Mr. BUTLER. This is a House bill which proposes to relieve two mail contractors in Kentucky. They bid $135 on a contract when they meant to bid $1,350. This was occasioned by a clerical error. They were forced to fail to carry out the contract. The Government sued on the bond and collected from them. One of the Representatives of Kentucky passed a bill through the House to refund to them the amount. The bill came to the Senate and was referred to the Committee on Post-Offices and Post-Roads. The committee communicated with the Post-Office Department, and that Department sent a letter to the committee which I have in my desk, stating that the loss to the Government was not as much as they had collected from them. The contract was again let, and the loss to the Government was about $1,100. Then the committee recommended an amendment to the bill to simply charge them with the difference between what was collected out of their bond and what the Government actually lost. It is simply a matter of equity.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

The bill (H. R. 9701) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in line 13, after the word "point," to strike out "on a line across the Columbia boulevard, thence on private property;" in line 14, after the word "point," to strike out "in" and insert "on the west line of;" and at the end of line 19 to insert the following proviso:

> *Provided*, That no fares shall be charged or collected within the District of Columbia: *And provided further*, That unless the extension herein provided for shall be completed within six months from the date of the approval of this act, then this act shall be null and void.

So as to make the bill read:

> *Be it enacted, etc.*, That the Washington and Glen Echo Railroad Company, a corporation organized under the laws of the State of Maryland and operating a street railway in said State, the eastern terminus being at or near the northern boundary of the District of Columbia in Chevy Chase, be, and said corporation is hereby, authorized and empowered to obtain a right of way and construct its road and lay double tracks thereon into the District of Columbia a distance of 600 feet, and no farther, from the point in the boundary line of the District where said railway extended crosses the boundary line of the District and from said point to a point on the west line of Connecticut avenue extended, on a route to be approved by the Commissioners of the District of Columbia, said corporation to have full power and authority to operate cars upon said road for the purpose of its traffic; said corporation to use electric motive power in propelling its cars: *Provided*, That no fares shall be charged or collected within the District of Columbia: *And provided further*, That unless the extension herein provided for shall be completed within six months from the date of the approval of this act, then this act shall be null and void.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INFRINGEMENT OF LETTERS PATENT.

The bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent was considered as in Committee of the Whole.

Mr. ALLEN. I think that bill needs some explanation.

Mr. PLATT. Mr. President, corporations in these days that are using patented inventions go into various States and obtain charters or acts of incorporation and then do business in other States. Now, to sue for an infringement of patent it is necessary that suit be brought in the State where the act of incorporation is obtained. In some of the States there is no provision for service upon anyone, and the corporations thus have an opportunity to infringe upon patents and almost escape any responsibility for it by reason of the difficulty of finding them in order to sue them, for it is very inconvenient to travel across the continent to sue them when they are infringing in a business established near the plaintiff or the owner of a patent.

All there is about this bill is that it authorizes suit to be brought against an infringer in the place where the business is carried on and service to be made upon an agent in the case of a corporation. The bill was introduced in the House of Representatives by Mr. LACEY, and was fully considered there. I think it is right, and that there is no objection to it.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present the conference report on the naval appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. [illegible]) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment numbered 13.
>
> That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 14, and agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$150,000;" and the Senate agree to the same.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$216,765;" and the Senate agree to the same.
>
> On amendments of the Senate numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 the committee of conference has been unable to agree.
>
> EUGENE HALE,
> M. S. QUAY,
> A. P. GORMAN,
> *Managers on the part of the Senate.*
>
> C. A. BOUTELLE,
> JOHN W. ROBINSON,
> AMOS J. CUMMINGS,
> *Managers on the part of the House.*

Mr. HAWLEY. I shall be glad if the Senator in charge of the bill will very briefly state the important matters from which the Senate has receded.

Mr. HALE. Mr. President, upon all of the general items in the naval appropriation bill where the Senate made amendments there has been an agreement, the House of Representatives in nearly every case yielding to the amendments passed by the Senate. Upon the controverted matters in the bill in relation to the increase of the Navy, the provision for the tor[illegible] and the provision regarding the price of armor, the conference was unable to come to an accord, and the committee has reported a disagreement upon all of those items—the new boats, the amount to be paid for armor, and the limitation which the Senate fixed at $300 per ton.

There is nothing that the Senate can do, of course, because its conferees have insisted upon the view that was established by this body on a yea-and-nay vote, until the whole question can be presented to the House of Representatives. That body has not yet had an opportunity to pass upon the Senate amendments, and the report of the conferees gives to the House of Representatives the opportunity of voting upon the amendments passed by the Senate, the chiefly significant one, of course, being that fixing the price of armor at $300 per ton. So, if this report is adopted by the Senate, all the rights of the Senate are maintained and the bill goes to the other House for the action of that body upon the Senate amendments. That, of course, is all that could be done in this report.

Mr. CHANDLER. Mr. President, I regret that the House of Representatives was not willing to accept the price fixed by the Senate of $300 a ton for armor. I confess that I have been negligent in my duty in not ascertaining more facts about the offer of the Illinois Steel Company—I desire the attention of the Senator from Maine.

Mr. HALE. I was listening to the Senator, but was called off by a suggestion by the Senator from Ohio [Mr. SHERMAN]. I am now, as I always have done for about three-quarters of my life, giving my undivided attention to the Senator from New Hampshire.

Mr. CHANDLER. It requires the Senator's undivided attention to understand what I say, no doubt.

I said I had not been able to ascertain the full facts about the proposed offer of the Illinois Steel Company. I believe there was a bill introduced into the other House to make armor for, I think, $250 per ton; and I want to ask the Senator from Maine whether that bill or any facts in relation to the offer of the Illinois Steel Company were before the committee of conference?

Mr. HALE. The proposition or suggestion made by the Chicago company was not in any formal way before the conference, but it was considered and referred to, and was the one thing that was at the bottom of the attitude of the Senate conferees, and that was to insist, at any rate for the present, upon the proposition established by the vote of the Senate of $300 per ton. In considering that and in considering whether it is practicable to get this work done for $300 per ton—of which I personally have some doubt—the attitude of the Chicago company is a fair subject to be considered.

Mr. CHANDLER. Mr. President, I want to tell the Senator that I have learned an additional fact. I made inquiry yesterday of one of the representatives of the Illinois Steel Company (and one of the contractors for one of the three battle ships was present) as to the time within which it would be necessary for the builders of the ships to have the first armor plate, and the builder replied, "At the end of about eight months," and Mr. Gates thought that none of the armor would be required within that time.

Mr. HALE. Eight months from now?

Mr. CHANDLER. Eight months from the present time. I have been led to believe that a new armor plant could be established within eight months; that a hydraulic press and the machinery could be either made in this country or obtained from abroad at least within nine months. So, with a very slight delay in the time for furnishing the armor, I am inclined to think there might be competition for it outside of the combined Bethlehem and Carnegie companies.

Mr. HALE. Does the Senator think it would be practicable for a new plant to be created and set to work that would begin turning out armor within something like eight months?

Mr. CHANDLER. I think so; but I am rather inclined to state, although I do not know personally about the subject, that the completion of the hulls could be delayed without much expense to the Government, without much cost for six months longer; and if the contracts with the builders of the three battle ships could be extended without injury for six months, I have no doubt that the Illinois Steel Company could find a plant and machinery, and begin to manufacture the armor in season for the ships.

Mr. HALE. Of course the introduction of the Illinois Company is a new thing before the public, and I should be very glad if somebody who knows about this company would give to the Senate some information about the extent of its business and whether it is so established that it would be able to carry out any proposition that it might make to the Government.

Mr. CULLOM. Mr. President, I do not feel myself well enough informed to state to the Senate and the Senator the full extent of the business operations of that great establishment; but I do know enough to say, in relation to it, that it is one of the largest and most thoroughly equipped establishments in the country of its kind and probably as well supported financially as any other. While at first, when this subject was talked about in connection with the Illinois Steel Company, or, as it is called, the Consolidated Steel and Iron Company, I did not know that there was any serious proposition or suggestion made by that company in reference to the manufacture of armor plate. Since that, however, I have conversed with the president of the company, who is in this city to-day, and who is a thorough business man, and who represents that great establishment. He informs me that he feels sure that armor plate can be made for the price fixed by the Senate in this bill; and I have become quite interested in the subject, because if we can make armor plate at $300 a ton, and save $100 a ton by the operation, I think it would certainly be a wise thing to do, even if it were necessary to extend the time a little within which these ships should be completed. I think it would be a wise thing to do in case the amount of money could be saved to the Government which is indicated by the difference in price.

Mr. STEWART. I should like to inquire what is the proposition of the Steel Company of Chicago?

Mr. CULLOM. There is no formal proposition, I understand, made to anybody.

Mr. STEWART. What is the suggestion, then?

Mr. CULLOM. The suggestion has been made to me by the president of the company that armor plate can be manufactured for $300 per ton. I understand that the Senator from New Hampshire [Mr. CHANDLER] has talked with the president of the company on the question of time, and he thinks he could be ready to make such armor within the period of eight months.

Mr. STEWART. If we could do it within a year, it would be a great thing.

Mr. CULLOM. Yes; if we could do it within a year, it would be doing a great thing for the country.

I only desired to make this statement, because I think there is enough in it to seriously consider whether we ought not to adopt whatever policy is necessary to save the amount of money which it is claimed can be saved.

Mr. STEWART. I suggest to the chairman of the committee that the provision might be left out entirely, as there will be over eight months intervening before we are required to make an appropriation or to make an arrangement.

Mr. CHANDLER. It will take at least nine months to establish a new plant.

Mr. STEWART. I know; but if you try to make this arrangement with the Chicago company, and they should refuse, it can be remedied very soon in the extra session.

Mr. QUAY. I merely desire to ask the Senator from Illinois whether the Illinois Steel Company has ever manufactured any armor plate or has ever been engaged in the process of its manufacture?

Mr. CULLOM. I do not think that company have been manufacturing armor plate, but they have the very best men in the country already engaged for the manufacture, in case they get an opportunity of going into it.

Mr. QUAY. Then it is very remarkable that they do not proceed to make a bid or some sort of proposition if they have already engaged the very best men in the country to proceed with the work. I do not understand that, and it occurs to me that what I intimated the other night was the truth, that the rumors of some great demand on the part of the Illinois Steel Company to enter into the manufacture of armor resulted from the dissolution of the steel-rail pool, and is merely a device of my friend the president of that company, for whom I have the highest esteem, to annoy the manufacturers of armor plate.

Mr. CULLOM. Whatever may have prompted the gentlemen who represent the Consolidated Steel and Iron Company of Chicago to make suggestions about this matter, I do not know, but if there has been a dissolution of pools which has resulted in cheaper steel, that is a pretty good thing so far as it has gone.

Mr. QUAY. The pool merely existed as to steel rails, and not as to anything else.

Mr. CULLOM. I understand what the pool was. Probably the representative of the Chicago Steel and Iron Company, referred to, who is here in the city, has had his attention called to this subject within the last week or two, and has been engaged in looking up the best men who are to be found in the United States for the manufacture of armor plate in case he went into this enterprise.

Mr. QUAY. I understand, and I think the Senator from Illinois does, that the officer of the company referred to has been engaged in looking up men for another purpose.

Mr. HAWLEY. Mr. President, I shall be curious to see presented in writing, and with a due offer of security, the proposition for the guaranty of a contract that a plant can be put up and armor turned out within nine months at $250 a ton. I venture to say that no proposition of that kind, or anything in any respect resembling it, has ever been made by any arms-making or any armor-making firm in the world.

I have absolute, entire, and complete incredulity; and if I were a betting man, I would bet any odds and challenge those men to present a contract under which they would or could perform this promise.

I never heard of a plant being produced in less than about two years, and it is usually three or four years. I suppose these Illinois gentlemen are men of great ability and excellent character, and since Chicago so distinguished herself——

Mr. HALE. She produced a Presidential candidate.

Mr. HAWLEY. She produced a Presidential candidate, as the Senator says, but since she performed such magnificent work in connection with the exhibition, I am disposed to have great faith in her, but not to the extent of believing that she will beat three to one all workers in iron in the universe.

Mr. CHANDLER. I shall not undertake to fathom the disbelief of the Senator from Connecticut on anything. I have no doubt that it is unlimited in this direction. The facts of this case are very simple. The Senator from Connecticut is not posted, and he is wrong.

It is true that it took the Bethlehem Company some time to prepare. It took much less time for the Carnegie Company to prepare; and I have been credibly informed that a press can be obtained from Europe, and the machinery for shaping armor, within nine months from the time the order is given.

The Secretary of the Navy reports that that press and the machinery will cost between five hundred and seven hundred thousand dollars, and the land and the buildings and the completion of the plant perhaps $700,000 more, making between $1,400,000 and $1,500,000 for the establishment of the plant.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Delaware?

Mr. CHANDLER. Certainly.

Mr. GRAY. I wish to ask the Senator from New Hampshire whether there is not now a prohibition, by a law on the statute books of the United States, which will prevent our importing or buying abroad anything connected with the making of armor?

Mr. CHANDLER. If we should establish a Government armor plant——

Mr. GRAY. I ask whether there is now such a prohibition?

Mr. CHANDLER. If we were to establish a Government armor plant to-day, I think there is no reason why we could not import machinery from abroad for Government use without paying duty.

Mr. GRAY. I ask the Senator again, if he will indulge me, whether there is not a provision which prevents the United States from buying steel armor abroad in any amount for any purpose?

Mr. CHANDLER. Certainly.

Mr. ALDRICH. It is not a general provision.

Mr. CHANDLER. There is a provision that all the ships shall be of domestic material, as the Senator knows very well.

Mr. ALDRICH. Specific acts have contained that prohibition, but there has never been a general law passed.

Mr. HALE. Yes; a general law.

Mr. ALDRICH. I think not.

Mr. GRAY. I have been informed that there is a general law which prohibits the purchase of steel armor abroad.

Mr. HALE. Undoubtedly.

Mr. GRAY. That would have to be repealed.

Mr. ALDRICH. There is certainly no such prohibition on private parties.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. CHANDLER. Certainly.

Mr. ALDRICH. There certainly can be no prohibition against private parties importing machinery and paying the duty for the purpose of erecting steel plants of any kind.

Mr. GRAY. The duty amounts to a prohibition in that regard.

Mr. ALDRICH. Oh, no.

Mr. GRAY. I should like to ask the Senator from New Hampshire whether, in his opinion, in conducting our side of the bargain in this matter—and there are difficulties in the Senate of the United States or in the Congress of the United States in conducting the Government's side of the bargain with the contractor's on the other—it would not be important to repeal all such prohibitions now, so that whether or not this world-wide combination which has been alluded to exists now, the Secretary would be able to take advantage, at any time in the future, of any break in that combination, and thus control somewhat in our favor the market here?

Mr. CHANDLER. The time in this country and in Europe when there will be competition in armor is a long way off. It is about as far off as the time when the Senator's free-trade notions will be realized.

Mr. GRAY. I do not think this has anything to do with free trade or protection. I am merely asking for information. I am somewhat in favor——

Mr. CHANDLER. I thought that was the Senator's point.

Mr. GRAY. I am somewhat in line with the Senator's proposition.

Mr. CHANDLER. Excuse me.

Mr. GRAY. And so far as it has been accomplished I sympathize with it; but if we are to delay the building of these ships until we can make a bargain with the armor makers of the United States, had we not better throw down the barrier that now exists by law which prevents our dealing with foreign armor-plate makers?

Mr. ALDRICH. Will the Senator from New Hampshire allow me for a moment?

Mr. CHANDLER. That is a fair inquiry, and I desire to answer it, and then I will yield to the Senator from Rhode Island. It is a fair inquiry, and it might be advisable, if the Bethlehem Company and the Carnegie Company will not lower their rates, to go abroad and buy the armor. But the same combination exists over there, and we have the report of Secretary Herbert, the quotation from which was made by the Senator from South Carolina night before last, in which he says that there is strong reason to believe that foreign armor manufacturers and American armor manufacturers are in one combination.

What we want to do now, I will say to the Senator, is to get the armor for these three ships, the hulls of which are already contracted for, and the question of breaking up the combination or getting free trade is, as I respectfully repeat, a long way off.

Mr. GRAY. I am not talking about getting free trade or any principle of economics that applies to that great principle which has been before the American people so long, but I am speaking now of dealing on the part of the Government with this condition of things which is so disadvantageous to the United States and whether it would not be prudent and wise in conducting the bargain on our side to throw down this barrier, and if we have to wait some time, present that temptation to European armor makers to break the combination.

Mr. CHANDLER. What good would it do? Does the Senator think merely allowing this amount of armor to be imported free of duty would break the combination?

Mr. GRAY. I think it would. I do not think a world-wide combination can be maintained, if there is such a one now.

Mr. CHANDLER. I do not think we ought to wait. I think we ought to do as the Committee on Naval Affairs recommends, either get this armor for $300 a ton or establish a plant to do it. There is no great harm in buying a $500,000 hydraulic press abroad, whether we pay duty or whether we do not pay duty. If we pay duty on it, the money goes into the Treasury; if we do not pay duty, it does not go out of the appropriation.

Now, I want to go on with my argument, unless the Senator from Rhode Island desires to ask a question.

Mr. ALDRICH. I wish to make a statement about the point raised by the Senator from Delaware. If I am not misinformed, and I think I am not, the main parts of the machinery in the plants of both the Bethlehem Company and the Carnegie Company were imported from abroad. There certainly is no prohibition in our law against the importation of machinery of any kind for any purpose, and I have yet to believe, notwithstanding the assertion of the Senator from Maine, that we have a law upon our statute books that prevents the United States from importing armor plate or the machinery for making armor plate. It is a very singular condition of affairs if we have any such prohibition on our own action.

Mr. TILLMAN. Mr. President——

Mr. CHANDLER. I think the Senator from Rhode Island is correct. I yield to the Senator from South Carolina.

Mr. TILLMAN. It seems to me the solution of this question is very easy and simple, and but for the fact that some of the Republicans who voted the other night to reduce the price of armor to $300 a ton turned around and voted against the establishment of a Government plant in the event that we do not get the armor at that price, the matter would not now be before the Senate except to have the report concurred in. If the Senate will reconsider its action voting down the amendment of the committee which authorized the establishment of an armor plant by the Government itself in the event that we do not buy the armor at $300 a ton, we will have no more trouble about the matter, and then we can move without having regard to the question of importing armor plate or machinery, or establishing armor factories, or of the proposition of the Illinois Steel Company, or of giving any guaranties or anything else.

We are in no great hurry in this matter. These three battle ships which are to be constructed or are now under construction are not so necessary to the welfare of this country that we need to be in double-quick time here to give these monopolies a high price. Let us be reasonable, and at the same time let us take care of the interests of the country and the taxpayers, and let us establish a plant in the event that these people will not come to reasonable terms, as the committee and the Secretary of the Navy have declared what are reasonable terms.

Mr. STEWART obtained the floor.

Mr. HALE. Will the Senator from Nevada allow me to [illegible] a word?

Mr. STEWART. Certainly.

Mr. HALE. All of this discussion is interesting, [illegible] does not bear upon the question before the Senate, which is simply the adoption of the report. That does not take into account or present the question of an armor plant. That has already been settled.

Mr. TILLMAN. Will the Senator allow me for a moment, that I may get some information?

Mr. HALE. Certainly.

Mr. TILLMAN. Is it now in order to reconsider the vote by which the Senate the other night refused to authorize the establishment of a plant?

Mr. HALE. No; it is not, because it has gone beyond that stage. The whole matter is up on the conference report, and the conference report——

Mr. TILLMAN. Could the committee, following the example of some others, agree in conference on a provision to establish a plant and bring such a provision back?

Mr. HALE. Undoubtedly it could not.

Mr. TILLMAN. It could not?

Mr. HALE. Undoubtedly it could not.

Mr. TILLMAN. How can we get at the question of establishing a plant?

Mr. HALE. The Senate got at it the other night and voted down the proposition.

Mr. TILLMAN. I have seen the Senate turn around the next morning in its cooler moments and undo some foolish things done the night before.

Mr. HALE. It can do what the Senator suggests when the matter is properly before the body, but the armor-plant proposition is not before Congress. It is neither in the House nor in the Senate provision. It was voted out in the Senate, and it was not originally in the House provision. Therefore the conference has nothing to do with it. All that the conferees have to deal with is the proposition for $300 per ton, and they insisted that the vote of the Senate was an instruction to the conferees.

Mr. TILLMAN. One more question.

Mr. HALE. Although every member of the committee voted against the decision of the Senate, the conferees consider themselves bound by the action of the Senate. The whole thing is presented in this report, and I do not think the Senator will advance the matter by introducing extraneous matter now which is not before us.

Mr. TILLMAN. I desire to facilitate and expedite the passage of the bill, but I desire also to see that these people do not get any more than $300 a ton for the armor.

Mr. HALE. The proposition that goes to the House is for $300.

Mr. TILLMAN. And the House refuses to agree?

Mr. HALE. The House has not yet had a chance to refuse. What I am asking is that the report shall be adopted, so that it will go to the House. The longer we delay——

Mr. TILLMAN. In other words, the question of the price of armor will be left open, and we will discuss it after we adopt the report and you come back and make your report?

Mr. HALE. Precisely.

Mr. TILLMAN. Then I will have nothing more to say now. I move that the report be adopted.

Mr. HALE. I supposed the Senator would do that when he understood it. That is all there is to do now—to adopt the report.

Mr. HAWLEY. I want to contribute to the stock of information on hand. I have been informed two or three times that the bid of the Chicago company, if made at all, would be upon the condition that they should make all the armor for the United States for twenty years; perhaps more. That would be a great advantage, of course. They ought to have a long contract. If they do all these things at this price, I should be perfectly willing to let them have a ten years' clear swing. People can not keep these things on their shelves and deliver at five minutes' notice.

Mr. CHANDLER. In answer to that I will state that, as I understand the facts, the Illinois Steel Company procured a bill to be introduced in the other House authorizing a contract for large quantities of armor at $260 a ton. That had no reference to these three ships.

Since that time, learning of these three ships, they have made inquiry as to whether there will be time enough for them to establish a plant and furnish the armor for these three particular ships, and they have notified the Secretary of the Navy that they stand ready, if there is time enough, which is a fact to be ascertained, to bid for the armor for these three ships.

Mr. GORMAN. In reply to the Senator from New Hampshire, I wish to state that under the law as it stands now, no matter what Congress may fix as the limit, whether $300 or $350 or $400 a ton, the Secretary of the Navy will ask for bids to furnish the armor, and he will designate the time within which it is to be delivered. So, no matter what Congress may do as to the amount, it is perfectly open to that company or any other company to bid to furnish armor if it is in condition to do it. There is no prohibition.

Mr. TILLMAN. The time would be an essential element for the reason——

Mr. GORMAN. That is absolutely in the discretion of the Secretary of the Navy. The pending bill does not deal with the question of time, let me inform the Senator from South Carolina. The Secretary of the Navy in this case, if he performs his whole duty, would give sufficient time, unless the public service would be sacrificed——

Mr. TILLMAN. Has the Secretary of the Navy authority, without Congressional action, to change the contracts already existing as to the time within which those ships are to be built and completed?

Mr. GORMAN. A year ago I stood here for four hours and tried to induce the Senate not to authorize the contracts for the ships until the price for the armor should be determined. Congress thought otherwise, and gave the Secretary of the Navy discretion, and, I think, very unwisely, to enter into a contract for the construction of the hulls of the vessels when he was prohibited from making any contract whatever for armor.

Now, the result will be that the ships will remain on the ways for a year or two years, at his discretion; but it is entirely in his discretion. He can give sufficient time to enable the Chicago concern, if it is ready to do it, to put up its plant; and that is not involved in the pending bill in any shape or manner.

Mr. CHANDLER. May I ask the Senator a question? Suppose the Secretary of the Navy has agreed to begin to furnish the armor for the hulls of those ships nine months from now?

Mr. GORMAN. That is not the fact.

Mr. TILLMAN. Mr. President——

Mr. GORMAN. Permit me to answer the Senator from New Hampshire. In the bill which passed here one year ago, when the House sent a proposition for four battle ships and those of us on the committee tried to reduce it to two, and finally a compromise was made for three ships, no provision whatever was made for armor. On the contrary, Congress said the Secretary should not make a contract for armor until the price was determined by his report and the action of Congress at this session.

Now, in the contract for the construction of the hulls, as I understand it, and I think I have read the contract, no agreement whatever was made with the shipbuilders as to the time in which the armor should be furnished. So it is open to the Department.

Mr. TILLMAN. I wish to ask the Senator a question. I have seen various bills and propositions before this body looking to the payment of large sums of money to these contractors because of damages occasioned by delays caused by the Government, so they charge. I wish to know if we are to get into another box like that and have a large damage fund to make good to the contractors because of not having furnished the armor in time?

Mr. GORMAN. I have no doubt that will occur. That is what I tried to impress upon the Senate.

Mr. TILLMAN. Oh, that goes back to last spring, when we were all drunk with politics. We are coming down to a question of business now.

Mr. GORMAN. We were not all drunk with politics; at least I deny that I was. I dealt with that question in the face of a Presidential election precisely as I deal with it now. I dealt with it precisely under Mr. Cleveland's Administration as I did under General Harrison's Administration, applying, so far as I could, business principles to it, and for twelve years we have had no politics in the discussion of matters pertaining to the Navy. We have never, from the day Mr. Cleveland was inaugurated in March, 1885, until within the last six months, had any political discussions in regard to the Navy. It was one of the subjects that was raised entirely out of politics, and we have given great discretion——

Mr. TILLMAN. Will the Senator allow me to suggest that the exigencies of the situation required that these three large shipbuilding establishments should be kept at work, that thereby they might be induced, all of them being Republicans, I believe, to contribute handsomely to the campaign fund?

Mr. GORMAN. I did not think——

Mr. TILLMAN. I am only shooting in the air. I have no facts. It is mere guesswork, you know, as to what is practical and what has been done.

Mr. GORMAN. I only know that I stood here and fought all day Sunday and Sunday night until 12 o'clock to prevent more than one ship being built.

Mr. TILLMAN. I fought what little I could, and I had my say about it.

Mr. GORMAN. But the division in the body was not on the aisle that divides the Chamber. Our friends on this side of the Chamber, I am sorry to say, or a majority of them, agreed with the other side that in the interest of the Government we had better build three of these great vessels. I regret that action. That has gone, but we are dealing with what the result is.

Now, the Senator asks me a question, if damage cases will come up here. I have no doubt they will, and that is what I had in mind and stated at the time. In the construction of vessels under earlier contracts, it was required that the armor should be delivered at a certain and fixed time, and the failure to deliver it enabled the ship builders to bring in here bills for damages occasioned by the delay. I have no doubt that will occur in this case, although as I understand the contract—I have not read it for six or eight months—the Secretary of the Navy provided so far as he could against such claims being made for the three ships on the ways by not specifying any time within which the armor should be delivered. But after a time, as the Senator and I both know, these bills of damages will come in. I have no doubt of it—none whatever. That is all past. We can not control it except as to the amount to be appropriated hereafter. We will deal with that question when it comes.

But I desire the Senate and the country distinctly to understand that at no time within the past four years were the Illinois Steel

Company prohibited from bidding for armor. My belief is that they were in a combine all over the world, and while the Illinois concern and the balance of them who are now talking about bidding for it were not manufacturing iron fitted for the naval vessels, the same scale of prices ran all the way through. Happily, I think we are reaching the time in the case of the combination of the steel manufacturers, when that seed which is placed in every combine and will grow and destroy it has developed in this case, because it has all been overdone, the prices are open, and in the war which they are making among themselves the public will have the benefit of it temporarily, but not to the extent to which it has gone now.

I do not propose by any vote of mine to exclude these gentlemen. On the contrary, I welcome them into the fold as competitors with these two great concerns which have been manufacturing the armor for the Government. I should like to see them do it. Two of them at least have control of all that great deposit of ore in the Northwest which has amazed the world and which has enabled them to manufacture steel cheaper probably than it is being manufactured anywhere else in the world. They have the coal deposits, and I am glad to see that the combination has been broken up and that there is to be competition among them.

Now, all that I have contended for in this bill is that the Government shall keep its hands free from the manufacture of armor. I disagree with the distinguished Senator from South Carolina and the members of the committee that it is wise for the Government to enter upon the manufacture of steel.

Mr. HALE. That is not presented by this report.

Mr. GORMAN. I understand that. I do not propose, however, to be interrupted in that way by the Senator from Maine. It has been referred to in the Senate, as the Senator knows perfectly well. I do not desire to consume the time of the Senate unnecessarily, but it has been brought up here.

Mr. HALE. My intimation was not to cut off the Senator. I know he would agree with me that the conference report does not present that subject-matter at all.

Mr. GORMAN. No; I understand that. It has been disposed of by the Senate. But it has been brought into the discussion, and it makes its impression upon the country, because it is presented as a line of action which would enable the Government to protect itself.

The armor to be ordered in this case and the armor that will be ordered probably in the next five years, if it were undertaken by spending a million and a half dollars for a Government plant, would cost the Government $1,200 a ton instead of $400 a ton, and if you continued the manufacture of it, it would be precisely as every other manufacturing establishment which the Government has. It would cost 100 per cent more than you could buy the article for from these people. No Government on earth, none of the great powers, where they have the ability to manage such work better than we have because of the different system, by boards and not by appropriations by Congress, has ever undertaken it, for the reason that no Government can do it.

I trust that the report will be adopted, and, as the Senator from Maine has said, the conferees on the part of the Senate regard the vote of the Senate as to the price to be paid as their instruction. We have to deal with another branch which fixed the price at $400 in effect by fixing the amount for the whole gross amount of armor to be ordered by the bill on that basis, and with them we have to deal. But the conferees understand the vote of the Senate, and they will stand by that vote and properly represent this body and let the House of Representatives determine the question as to what they will do.

Mr. STEWART. I wish to remark in a few words that it is evident that the Senate will stand by the position it has taken, $300 a ton, and I was about to suggest, although it may not be entirely pertinent to the case now, that I believe if the Secretary of the Navy were authorized to make a contract for five or ten years with any party who would furnish good armor according to specifications at $240 a ton we would get it at that price in the future. I believe that would be better than to establish Government works. If we could determine what we are willing to pay for a period of ten years, say, and make a contract of that kind (it probably could not be done in time to apply to these ships) to apply to future ships, I believe we would save a vast amount of money, more than we would by undertaking to build works by the Government, and more than we would by letting it run on and be at the mercy of this world-wide combination. If this breaks up, others will be formed. I have no doubt that an economical contract can be made to get the armor at a reasonable price if you will make a contract for a term of years, so as to give them an opportunity to get a reasonable profit on the construction of their works.

Mr. TILLMAN. Mr. President, I merely desire to call the attention of the Senator from Maryland to the fact that the Government at this time is building its own cannon. We have created a plant to make artillery to arm these very battle ships, and to arm the forts which are erected, and harbor defenses, and all that sort of thing. I deny the proposition that the Government can not conduct a business just as economically as private parties do, if you will keep politics out of it. You can not do it, in one sense of the word, because there is a disposition to have red-tape here by the roll. You will not let the Navy Department go forward, like business men, and do this, that, and the other for the benefit of the Navy, without having restriction upon top of restriction, which prohibits them from economizing. You interfere with the hours of labor, you interfere in every possible way, so as to give private manufacturers the advantage.

Mr. GORMAN. Will the Senator allow me? He is a member of the Naval Affairs Committee. We have a Government factory for the Navy at Washington to finish and assemble these guns after the tubes have been formed. So we have one for the Army at Watervliet. Then in addition to that we provided that certain of the battle ships should be built in the navy-yard to compete with private parties.

There has been no interference, so far as I know, but the broadest liberality has prevailed in the management of these concerns; and yet it is a matter of demonstration that the ships that were built in the Navy cost twice as much as those built by private contractors where the hours of labor are precisely the same, for the law provides that eight hours shall apply to workmen in the Government yards and to all Government contractors.

It is a matter of broader business than that. The shipbuilders who contracted with the Government not only have the Government work to do, but they have the work to do for private enterprises. They keep their establishments going. They have their skilled men brought there and they keep them. It is not possible for the Government to do that, because the work of the Government would not last long enough to keep skilled men in its employment all the time.

Mr. TILLMAN. Have we not got navy-yards all up and down the coast, equipped at a cost of millions and millions of dollars, and the machinery lying there rusting and mechanics employed there? Instead of giving them employment in Government works at the reasonable price which other parties pay, for political reasons you increase the pay, you reduce the hours of labor, and tie them up with restrictions as to roll calls and in every imaginable way by which time is lost; and they, of course, have their purpose in giving work to private contract.

Mr. HALE. Will the Senator let me ask him a question? The Senate has taken its ground at $300 as a limit. The report embodies that. If Senators believe that that is a good limitation and that it ought to be fixed, the sooner we get this report to the House of Representatives the better.

Mr. TILLMAN. My dear sir, if the Senator had not brought up the question of the Government building its own plant, which I had introduced, and went on to argue about it, I would not have presumed to have delayed the Senate by saying a word; but I did not care to have the impression go out that I was not desirous and willing to defend the proposition that, if you keep the rottenness of politics out of it, the Government can conduct business just as cheaply as anybody else.

Mr. HALE. Undoubtedly that is the view the Senator has. That is not involved in the report made here.

Mr. TILLMAN. I give way, and I hope the report will be adopted immediately.

Mr. HALE. Anyone who is in favor of this reduction ought to see that the sooner we get the report to the House, so that the House may act upon it, the better.

Mr. TILLMAN. It is of course the better if the bill is to be passed at this session. I feel that we should at some appropriate time discuss this matter in the interest of economy, and for the reason that we shall have an extra session, I believe, in ten days or so there is no need of the whip and spur to get this through.

Mr. HALE. But there would be no limitation whatever, and the whole thing would be left open, as it is now, which the Senator does not desire, if this bill did not pass.

Mr. SMITH. Mr. President, it is not my intention to take up any of the time of the Senate in discussing this question. I voted for the limitation of $300 a ton. I also at the last session introduced a bill limiting the amount of money to be paid for armor plate and providing for the erection of an armor-plate factory. I did so after careful consideration and after giving the matter a very large share of my time during the last session of Congress.

I seldom disagree with the honorable Senator from Maryland [Mr. GORMAN] on questions of this character, but I must say that it does not make any difference to my mind what the Senate passes or what instructions we may give to the Senators composing the committee in regard to our wishes or views on the price we want to pay for armor plate; my judgment is simply, as we are well aware of the fact, that the combination of armor-plate manufacturers which exists in this country and extends to Europe is so strong that it makes little difference what we may do here or instruct our committee to do; it will not compel the manufacturers to accede to our wishes.

We have evidence now that the Illinois Steel Company are willing to erect an armor-plate factory in conjunction with their steel works. This has only been brought about by a temporary break-up of the great steel trust of this country, which has reduced the price of steel rails from $22 a ton to about $14 a ton. Every business man knows that this result will only be temporary, and that the trust will be again reorganized on a stronger basis, and with that will come stronger ties in the armor trust that now exists.

It has been stated and proven that the Government has paid the money for the armor-plate works now controlled by those known as the armor trust—we paying the money, they owning the works. The question is simply this: If we can afford to buy and pay for plants for private corporations to the extent of six or eight millions of dollars, what reason can be given that we should not expend one and a half million dollars to own our own, when we know and have evidence satisfactory to any business man that armor plate does not cost to exceed $200 a ton, and that we are confronted with this trust, no matter what amount is put in the bill.

In my judgment, the result of all this will be that when you come to ask these gentlemen to accept either $300 or $400 a ton they will notify the Secretary of the Navy that their price is $600 a ton, about what we are now paying them, and that if we want the armor plate they are ready to supply it at that figure. And when the Secretary of the Navy comes forward at a future session of Congress, as he no doubt will, and presents that statement of facts to this body and tells us that the hulls of the ships are completed and ready for the armor and the time of the contract has expired, and the Naval Committee or some of its members, no doubt, will tell us how great the expense to the Government will be in case the contract is not awarded, we will be called on then and no doubt will vote to pay these men whatever price they ask.

I say, with all due respect to my honored friend the Senator from Maryland, that I believe if the Senate honestly intends or expects to procure armor for the Government at a fair price, there is but one business way of securing it, and that is by authorizing the Secretary of the Navy to purchase or erect an armor plant. Without that, to my mind, all the labor that has been expended on this matter will be fruitless, and when we vote not to spend this money for the erection of an armor-plate factory, we shall practically indirectly vote to say to these men, "You can charge us whatever you please; you can continue your trust, and while we should like to have you supply armor for less money, we have no desire to interfere with what your business judgment may be."

Mr. President, after the Government has spent millions of dollars, giving it away practically, as a subsidy, with an understanding that fair prices should be maintained, after we have paid for these plants, I see no other course open to us but to erect our own plant. It matters little whether we insist upon $300 a ton or whether we embody any amount to go to the House. Practical results in this whole question can only be reached by the expenditure of a million and a half dollars, and by the Government owning its own armor-plate works, which, in my judgment, it should do.

Mr. SEWELL. Mr. President, I had the honor to be a member of the original commission in relation to guns and armor, and to have visited England—at my own expense, I may say—visiting Woolwich, Chatham, and Shoeburyness, and to have participated in the report made by that commission on the subject. Therefore I have taken an interest in it from that time to this. We visited every portion of the United States where there was any plant that was capable of the construction of armor or guns. The honorable Senator from Connecticut [Mr. HAWLEY], the chairman of the committee, made the report which was the origin of the basis for all future operations in relation to guns and armor. The price established under the contracts with the Secretary of the Navy, under the acts which were passed by Congress, ran up to a very high figure by reason of the establishment of plants costing from $3,000,000 to $5,000,000, which were experimental to a great extent, as the owners of the plants could not foresee how long the necessities of the Government would continue in relation to the supply of armor.

The recent developments in connection with steel companies, the reduction of steel rails from $28 a ton to $21 a ton, one-third or over, has established in my mind as a business man, as one accustomed to go into calculations of this kind, that the price of armor in all probability ought to be reduced in the same proportion. At the same time the demand for armor is not like that for steel rails. The only customer is the Government. The Congress of the United States may to-day give an order for 3,000 tons which may cease in three years, and the plant, which cost from $3,000,000 to $5,000,000 to put in operation, may be left entirely idle. So the proportion of profit to be allowed to the manufacturers of armor in the United States reasonably, from a business standpoint, ought to be more than that derived from the manufacture of steel rails, which are in demand every year and at all times by all the great corporations which have been furnishing so many miles of railroad to the United States.

I was in favor of limiting the price to $400 a ton on the general business principle that the cost of the production of steel in every shape has been reduced to an equivalent of that amount. I am not in favor of the rate of $300 a ton. I think we may make that mistake by reason of the offers that I have heard of as governing the minds of Senators. Still the offer has never been presented to my mind in a clear, outspoken way. I ask the Senator from Illinois if there is a proposition from the Illinois Steel Company to furnish the armor at a less price to-day? What is the proposition of the Illinois Steel Company?

Mr. CULLOM. I do not know of any specific proposition having been made in writing. There has been a bill introduced in the other branch of Congress proposing to make armor plate, on certain conditions, for $260 a ton.

Mr. SEWELL. What are the conditions?

Mr. CULLOM. That we should make a contract for a term of twenty years. I am not insisting upon any particular course of action by this body; but I think there has been enough said by the president of the Illinois Steel and Iron Company in the direction of making armor plate for $300 a ton to put upon the Senate the duty of looking into the matter more carefully and taking such steps as would enable the Government to get the benefit of such a proposition, if it is made in all seriousness.

Mr. SEWELL. I agree fully with the conclusions of the Senator from Illinois. The Illinois Steel Company is a great corporation, managed by a live American.

Mr. CULLOM. Yes; that is right.

Mr. SEWELL. He is a man who has got vim in him and capital back of him. If Mr. Gates would come here and propose to furnish armor for $240 a ton, I am for him or any other man who has a responsibility that will hold it up; but I am not for him with the idea of a contract for twenty years. We all know that there is nothing in that.

Mr. President, I am against the idea of the Congress of the United States endeavoring to take advantage of our own great industrial establishments. There was a time a few years ago when we had to send a committee to all these people and beg them to establish a plant. Congress would not take the risk to have the Government go into the manufacture of it. These great and enlightened merchants of this country invested their capital in it, and they invested it to a very much greater extent than they would do to-day. I am against any idea of the Congress of the United States endeavoring to ruin commercial establishments. Make your advertisements, get your armor at the cheapest price possible, but do not accompany it with a threat that unless you can get it you will establish your own plant.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts and joint resolution:

An act (S. 1743) to establish an additional land office in the State of Montana;

An act (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the land contained in the same to entry;

An act (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company;

An act (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.;

An act (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River;

An act (S. 3725) to prevent the importation of impure and unwholesome tea; and

The joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The message also announced that the President of the United States had on this day approved and signed the following bills and joint resolutions:

An act (S. 153) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian Government;

An act (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

An act (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress, approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company;

An act (S. 3307) declaring the Potomac Flats a public park under the name of the Potomac Park;

An act (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government;

An act (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain;

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France; and

A joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

BILL BECOME A LAW.

The message further announced that the bill (S. 2037) to provide times and places for holding terms of the United States courts in Utah having been presented to the President on the 18th day of February, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

INFRINGEMENT OF LETTERS PATENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent.

Mr. PLATT. The bill has been read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT WATER-MAIN TAXES.

The PRESIDING OFFICER. The next House bill on the Calendar will be reported.

The bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 1, line 25, after the word "lot," to strike out "of" and insert "or."

The amendment was agreed to.

Mr. ALDRICH. I should like to have a little explanation as to how the bill changes existing law.

Mr. PROCTOR. I do not know that I can in a moment fully explain that. I will state that it is an exact copy of a bill which passed both branches last May, with the exception of slight changes of phraseology in section 2, to avoid the danger of litigation owing to misconstruction. The bill passed both bodies and was sent to the President, and then the Commissioners recommended these slight verbal changes and the Senate passed a joint resolution changing section 2 in those particulars, but the House deeming the bill, and very properly, I think, the wiser form, did not adopt that joint resolution, but sent us this bill. Both bodies have therefore acted on the measure precisely as it is here, but in different forms. This brings their action together on a bill, instead of one acting on the joint resolution and the other on the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCISCO PERNA.

The PRESIDING OFFICER. The consideration of House bills on the Calendar will be resumed.

The bill (H. R. 10178) for the relief of Francisco Perna was considered as in Committee of the Whole. It provides that all the real estate lying in the District of Columbia heretofore purchased by and conveyed to Francisco Perna, of Montgomery County, in the State of Maryland, prior to the passage of this act be relieved and exempted from the operation of an act to restrict the ownership of real estate in the Territories to American citizenship, approved March 3, 1887, and remits all forfeitures incurred by force of that act in respect of such real estate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The PRESIDING OFFICER. This bill has been heretofore read as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEX TO GOVERNMENT PUBLICATIONS.

The joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893 was considered as in Committee of the Whole.

Mr. STEWART. I move to amend the joint resolution, in line 10, by striking out "1893" and inserting "1897." I should like to have that index brought up nearer to date. It is a very valuable work.

Mr. CHANDLER. I call the attention of the Senator from Nevada to the fact that this is a House joint resolution, and any amendment of it may cause its defeat.

Mr. STEWART. If an amendment would delay it, I will withdraw the amendment.

Mr. NELSON. I wish to call the attention of the Senator from Nevada to the fact that since 1893 the index has been prepared by the Government. This is to close the gap between the report prepared down to 1881 by the late Maj. Ben; Perley Poore and the Government index beginning in 1893.

The PRESIDING OFFICER. The amendment is withdrawn.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALES IN SUBSISTENCE DEPARTMENT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, which had been reported from the Committee on Military Affairs with an amendment, in line 11, after the words "Secretary of War," to insert "and such sales paid for within the calendar month in which made shall be regarded as cash sales;" so as to make the bill read:

> *Be it enacted, etc.*, That sections 1299 and 1300 of the Revised Statutes of the United States be, and the same are hereby, repealed, and that section 1144 of those statutes be, and the same is hereby, amended so as to read as follows:
>
> "SEC. 1144. The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men, at cost prices for cash, such articles as may from time to time be designated by the Secretary of War and such sales paid for within the calendar month in which made shall be regarded as cash sales: *Provided*, That sales of such stores on credit shall be made only to officers and enlisted men who have not been regularly paid, or who are in the field where it is impracticable to procure funds, and to recruits during their first month of enlistment, the amounts due therefor to be charged on the pay accounts of officers and on the muster and pay rolls of enlisted men next after the date of purchase and deducted from the payments made upon such pay accounts or muster and pay rolls by the pay department."

Mr. HAWLEY. I suggest a mere verbal amendment. In line 12, after the word "which," I move to insert the words "they were;" so as to read:

> And such sales paid for within the calendar month in which they were made shall be regarded, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I thought of moving for a conference wi[illegible] the House of Representatives on the bill and amendment, [illegible] perhaps that may not be necessary. I think the House will [illegible] concur in the amendment, as it is so obviously right.

CORYDON WINKLER.

The bill (H. R. 2974) to correct the milit[illegible] Corydon Winkler, late private Eighth Company, First [illegible]alion, First Ohio Sharpshooters, was considered as in Committee of the Whole. It directs the Secretary of War to remove from the rolls and records in the office of the War Department the charge of desertion now standing on the rolls and records against Corydon Winkler, late a private of the Eighth Company, First Battalion, Ohio Sharpshooters, and issue to him an honorable discharge, to date the 1st of May, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Under the order of the Senate, I take it that unobjected pension bills will be included.

The PRESIDING OFFICER. There is one other House bill yet remaining on the Calendar, which has not been disposed of.

Mr. GALLINGER. I am aware of that, but before that bill is acted upon I want to have an understanding. As I say, I take it that under the order of the Senate, unobjected bills on the pension Calendar, which are five in number, will be considered as included.

The PRESIDING OFFICER. The Chair so understands the order of the Senate. The pension bills are as much a part of the Calendar as any other portion of the Calendar.

Mr. GALLINGER. Certainly.

THOMAS ROSBRUGH.

The bill (H. R. 459) for the relief of Thomas Rosbrugh was considered as in Committee of the Whole. It requires the Commissioner of the General Land Office to permit Thomas Rosbrugh, of St. Clair County, Mo., to enter 160 acres of public land, subject to entry under the homestead or settlement laws, not mineral, nor in the actual occupation of any settler, in lieu of the southeast quarter of section 21, in township 38, of range 27 west, in St. Clair County, Mo., which land was entered by said Thomas Rosbrugh on December 21, 1869, under the homestead laws, the entry being reported to be without conflict by instruction of the Commissioner of the General Land Office of the date of January 22, 1870, the title to half of which land failed because of a prior disposition, which did not then appear upon the records of the Land Office, and the entry of said Rosbrugh was canceled; provided that he shall not have made any other entry of land of the United States under the homestead laws, and that a final certificate and patent shall issue to him or his legal heirs or representatives, upon such entry as he may make hereunder, without proof of residence or cultivation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT MORGAN MILITARY RESERVATION.

Mr. HAWLEY. Mr. President, there is one more House bill which I wish considered, but, having been reported to-day, it is not on the printed Calendar. It is within the rule agreed upon.

The PRESIDING OFFICER. The Chair understands the Senator to say the bill was reported to-day.

Mr. HAWLEY. Yes.

The PRESIDING OFFICER. Then it would require unanimous consent to act upon it. Is there objection? The Chair hears none.

Mr. ALLEN. What is the request, Mr. President?

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Connecticut will be read.

The SECRETARY. A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. ALLISON. I ask unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock. Is there objection? The Chair hears none, and such is the order of the Senate.

GREAT NORTHERN RAILWAY COMPANY.

Mr. PETTIGREW. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, to report it with an amendment in the nature of a substitute. I ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from South Dakota reports from the Committee on Indian Affairs a substitute for a pending Senate bill, and asks unanimous consent that it may be considered at this time.

Mr. ALDRICH. Let it be read for information.

Mr. HOAR. I suggest that the substitute alone be read.

Mr. ALDRICH. It will be difficult to understand the nature of the bill unless both the bill and the substitute be read. The bill being a House bill, we can not tell very well what it means unless both bills be read. I ask that the House bill be read first, and then the Senate substitute, so that we may know about what the action of the committee is.

Mr. CULLOM. It seems to me that is unnecessary. We are not going to act upon the original House bill; we are going to act upon the bill as reported by the committee, if we pass either.

The PRESIDING OFFICER. The proposition of the Senator from South Dakota is to substitute the House bill for the Senate bill.

Mr. PETTIGREW. I report a substitute for the bill as passed by the House.

Mr. ALLEN. We ought to have the House bill read, so that we may know what it is, and what is to be substituted for it.

The PRESIDING OFFICER. Does the Senator demand the reading of the House bill?

Mr. ALDRICH. Is there any difficulty about reading the House bill?

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that the clerks have not the House bill at the desk. The matter had better be passed over until the House bill is brought.

Mr. HOAR. I merely want to suggest to my honorable friend from Rhode Island that his objections are very much like the rain, which falls upon the just and the unjust alike.

Mr. ALDRICH. I do not know to which class the Senator from Massachusetts belongs. [Laughter.]

Mr. PETTIGREW. I wish to state for the information of the Senate that this bill was reported as a substitute from the committee because the House bill did not conform to the rule the committee has laid down with regard to these right-of-way bills in the Indian Territory. The changes were so great that the committee decided to report a full substitute. It seems to me that it is unnecessary to read anything but the substitute.

Mr. CULLOM. What is the rule to which the Senator refers?

Mr. PETTIGREW. The rule relative to guarding the rights of the Indians, and so forth. We must have these bills conform to the rule. The House bill does not conform to that form, and so we have reported a substitute for it. It seems to me the Senator from Rhode Island ought not to desire the House bill to be read.

The PRESIDING OFFICER. Does the gentleman from Nebraska insist upon the reading of the House bill?

Mr. ALLEN. Yes, sir.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

The PRESIDING OFFICER. The Senator from South Dakota asks that the substitute reported from the committee may be considered instead of the original bill. Is there objection?

Mr. ALDRICH. Let the substitute be read for information.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Galveston and Great Northern Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company along the south line of the county of Harper, State of Kansas, and running thence in a south and southeasterly direction, over the most practicable route, through the Indian Territory and the Territory of Oklahoma, to a point at or near Denison, State of Texas, thence to the city of Galveston, said State, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way 100 feet in width through the said Territories for the said Galveston and Great Northern Railway Company, the same to be 50 feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land 100 feet in width, with a length of 2,000 feet, for stations at such points as the said railway company may deem to their interest to erect, with the right to use such additional grounds, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the roadbed and track, not exceeding 50 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians, or individual Indians, from which the same shall have been taken.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants, according to the laws, usages, and custom of any of the Indian tribes or nations through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the principal chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a judge or clerk of a United States court or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court for the central district of the Indian Territory upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member after due notice. The chairman of such board shall appoint the time and place for all hearings, provided the hearings shall be within the county where the property is situated, for which compensation is being assessed for the taking thereof or damages thereto, and at a place as convenient as may be for said occupant, unless the said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of $4 per day for each day he is engaged in assessing compensation, with mileage of 5 cents per mile for each mile necessarily traveled in the discharge of their duties. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses by the laws of the Territory or nation to which they belong. Costs, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right, within sixty days after the filing of the award, as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the central district of the Indian Territory, sitting at the place nearest and most convenient to the land and property which is sought to be condemned, and said court shall then proceed for determining the damage done to the property, in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force, or hereafter enacted for the government of said court, and the measure of damages in condemning property authorized by this act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Territories in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company, and if the judgment of the court shall be for the same as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

SEC. 5. That said railway company is authorized, and hereby given the right, to connect or cross with its tracks the tracks and railroad of any other company or person owning or operating a railway in the said Territories. In case of failure to make amicable settlement with any such corporation or person for such crossing, such compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

SEC. 6. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 7. That said railway company shall pay to the Secretary of the Interior for the benefit of the particular nation or tribes through whose lands said line may be located the sum of $50, in addition to the compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territories, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as hereinafter set forth, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations or tribes under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation shall be in lieu of the compensation that said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territories are owned and occupied by the Indians, to the Secretary of the Interior the sum of $15 per annum for each mile of railway it shall construct in the said nation. The money paid to the Secretary of the Interior under the provisions of this act shall be disbursed by him in accordance with the laws and treaties now in force with said nations or tribes: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nations or tribes; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 8. That said company shall cause maps showing the route of its located lines through said Territories to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before the construction of any such section shall be begun.

SEC. 9. That the officers, servants, and employees of said company necessary to the construction and management of said railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 10. That said railway company shall build at least 75 miles of its railway in said Nation within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all roads and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

SEC. 11. That the said Galveston and Great Northern Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Nation or tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company, conveying any portion of its railroad, telegraph, and telephone lines, with its franchises, that may be constructed in said Territories shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 14. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

Mr. CHANDLER. The Senator from South Dakota will kindly explain the difference between these two propositions, and state whether they are substantially the same or essentially different.

Mr. PETTIGREW. I am always pleased to furnish information to the Senator from New Hampshire, and he very often needs it.

The measure is a simple right-of-way bill through the Indian Territory. The provisions of the bill as it came from the House, in the case of damage or injury to the improvements of Indians or others, placed the jurisdiction in the courts of Kansas, for instance. The Senate substitute places the jurisdiction over matters of condemnation and right of way in the courts of the Indian Territory. I think that is the main proposition. That necessitated so many changes that the committee concluded to report a substitute.

Mr. PLATT. The Committee on Indian Affairs in dealing with these bills for rights of way through the Indian Territory and the Territory of Oklahoma have adopted a form for the bills, and they try to make them all conform to the provisions as adopted by the committee and by the Senate. The pending bill as it came from the other House differed therefrom in some respects, and the committee thought it ought to be so changed that it would agree with the form of bills which heretofore have been recommended by the Committee on Indian Affairs.

Mr. CHANDLER. There was a controversy at one time in reference to the location of stations in the Indian Territory, and I should like to ask the Senator within what distance there may be stations upon the proposed line of road. What are the provisions of the bill in that respect?

Mr. PETTIGREW. It grants an additional width of 100 feet right of way wherever a station is located, and it leaves it to the road to determine that question.

Mr. CHANDLER. Is there any provision in the bill that there shall be a station every so many miles?

Mr. PETTIGREW. I think not.

Mr. CHANDLER. Ought there not to be?

Mr. PETTIGREW. I think not.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. [illegible] BROWNING, its Chief Clerk, announced that the Preside[illegible] of the United States having returned to the Hou[illegible] of Rep[illegible]tatives, in which it originated, the bill (H. R. 7[illegible]) [illegible] "An act to amend the immigration laws of the United States," with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; further insists upon its disagreement to certain amendments of the Senate upon which the committee were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; further insists upon its disagreement to certain amendments of the Senate upon which the committee were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON, managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia; and

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills: and they were thereupon signed by the Vice-President:

A bill (H. R. 4193) to correct the military record of William F. Souger; and

A bill (H. R. 9607) to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows.

That the Senate recede from its amendments numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, and 8; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Strike out in line 4 of said amendment the word "twenty-two" and insert in lieu thereof the word "twenty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

GEO. C. PERKINS,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
WILLIAM W. GROUT,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was concurred in.

MARY FORWARD.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (H. R. 4930) granting a pension to Mary Forward was announced as the next business in order on the Calendar and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Mary Forward, formerly the widow of Charles Branch, late of Company C, Third Michigan Cavalry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH M. SPYKER.

The bill (H. R. 6634) granting a pension to Sarah M. Spyker was considered as in Committee of the Whole. It proposes to pension, at $8 per month, Sarah M. Spyker, widow of L. P. Spyker, ensign, Capt. W. A. Goodwin's company of Alabama Volunteers, Indian war, 1836.

Mr. ALLEN. Let the report in this case be read.

The report submitted by Mr. GALLINGER February 26, 1897, was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6634) granting a pension to Sarah M. Spyker, have examined the same, and report:

The report of the Committee on Pensions of the House of Representatives heretofore appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 6634) entitled "A bill granting a pension to Sarah M. Spyker," beg leave to submit the following report, and recommend that said bill do pass with an amendment.

The claimant is the widow of Leonidas P. Spyker, who served as an ensign in Capt. W. A. Goodwin's company of Alabama Volunteers, Creek Indian war of 1836.

The records of the Second Auditor's Office, Treasury Department, show that the soldier enlisted May 11, 1836, and was discharged June 7, 1836. Nothing was allowed in fixing the period of service for time spent in going to the place of rendezvous and from place of discharge to his home, and on the record as thus reported, showing a service two days short of the time required by the Indian war act of July 27, 1892, to give title to a pension, the widow's claim was rejected by the Pension Bureau.

Mrs. Spyker is 80 years old, and the testimony on file fully establishes her relationship to the soldier, his death, and all other facts necessary to the establishment of her legal widowhood.

There are several precedents for the allowance of pensions in these old Indian war cases where the record of service shows but a very few days short of the time required to give title under the general laws, and your committee believe that this case is in the line of precedents.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED RESTRICTION OF IMMIGRATION.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 3, 1897.*

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 7864) to amend the immigration laws of the United States, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. ALLEN. I should like to hear the message of the President of the United States read.

The PRESIDING OFFICER. The Chair will state that the message will have to be read at length, unless unanimous consent is given to dispense with the reading.

Mr. CHANDLER. I think when the veto message is read there should be a quorum present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Brown,
Butler,
Caffery,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Davis,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gear,
Gibson,
Gordon,
Hale,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lindsay,
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Mills,
Morgan,
Murphy,
Nelson,
Palmer,
Peffer,
Perkins,
Platt,
Pugh,
Quay,
Roach,
Sewell,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Turpie,
Vest,
Vilas,
Walthall,
Wetmore.

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum of the Senate is present. The Secretary will read the message from the President of the United States.

The Secretary read the message of the President of the United States.

[See House proceedings.]

Mr. LODGE. I ask that the bill and message be referred to the Committee on Immigration, which is the usual course, and be printed.

The PRESIDING OFFICER. If there be no objection, such will be the order. The bill and message will be printed and referred to the Committee on Immigration.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on the Construction of the Nicaragua Canal, and ordered to be printed.

To the Senate:

I transmit herewith, in reply to the resolution of the Senate of January 23, 1897, a report from the Secretary of State, accompanied by copies of the correspondence therein requested, relating to the Nicaraguan Canal or the Maritime Canal Company of Nicaragua, since 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 3, 1897.

ORDER OF BUSINESS.

Mr. CHANDLER. Mr. President, I rise to a privileged motion. There have been presented to the Senate the credentials of Mr. Heitfeld, elected a Senator from the State of Idaho, and they were put on the files of the Senate or laid on the table. I move that the credentials be referred, as has been the case with certain memorials that have come in here, to the Committee on Privileges and Elections.

Mr. STEWART. I object.

Mr. CHANDLER. I make the motion, Mr. President.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Chair would hold that until the execution of the unanimous-consent agreement of the Senate, no motion can intervene of that character.

Mr. CHANDLER. I understood that the unanimous-consent agreement reserved all privileged questions.

The PRESIDING OFFICER. The Chair does not think that a motion to refer is a privileged question.

Mr. CHANDLER. Will the Chair kindly have read the agreement that was entered into?

Mr. ALLEN. What is before the Senate now?

The PRESIDING OFFICER. The Senator from New Hampshire has made a motion to refer the credentials of the Senator-elect from Idaho to the Committee on Privileges and Elections.

Mr. ALLEN. That is a violation of the unanimous-consent order.

The PRESIDING OFFICER. The Chair is just having the unanimous agreement read, so that the Senate can see.

PROPOSED EXTENSION OF RECESS.

Mr. ALLISON. Before that proceeds, I desire to state to the Senate that the business of the Appropriations Committee will justify an extension of the recess until 9 o'clock, if that is the pleasure of the Senate.

Mr. ALDRICH. To 9 instead of 8.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unanimous-consent agreement to take a recess from 6 to 8 o'clock be changed so as to have the recess taken from 6 until 9. Is there objection?

Mr. HOAR. I think it is very serious, indeed, under any circumstances, to set the precedent of revoking a unanimous-consent agreement by other unanimous-consent agreements. But the same thing can be accomplished by the Senator stating that the business of his committee will not be ready to proceed before 9 o'clock. Undoubtedly there will be a quorum here to-night.

Mr. ALDRICH. We can agree to take a recess from 8 to 9.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. CULLOM. I do not know what the request is.

Mr. HOAR. I ask the Senator to make a slight modification of his request, which is that it be now ordered that we take a recess from 8 to 9.

Mr. ALLEN. From 6 to 9?

Mr. ALLISON. I give notice that I shall at 8 o'clock ask to have the recess further extended.

Mr. CULLOM. I desire to make an inquiry. I understand that on the motion of the Senator from Iowa we agreed to take a recess at 6 o'clock until 8 o'clock this evening. Now, what is the proposition of the Senator from Iowa?

Mr. ALLISON. To extend it to 9.

Mr. HOAR. And then take a further recess from 8 to 9.

Mr. CULLOM. I have been anxious to call up what is known as the antiscalping bill for the consideration of the Senate, and I have been waiting until the Calendar of unobjected cases should have been disposed of and the conference reports as they came in. We have about come to that time, as I understand it.

I should like very much to call up that bill in good faith for consideration, and if it turns out that the Senate is unwilling to consider it, I want the Senate to say so. I do not care to be bandying words about it; I do not care to be sitting here always with no prospect of getting a consideration of the bill. But it is a bill that, in my judgment, ought to be passed, and it is a bill that is called for by thousands and hundreds of thousands of people, and whether right or wrong is for the Senate to determine. If the Senate thinks the bill ought not to pass, and will say so, I shall be content; but I should be very glad indeed to get an expression from the Senate on the question whether it is willing to consider the bill at this session of Congress. If it is not, let it say so. I think the bill is entitled to that much consideration at the hands of the Senate of the United States.

The bill has been before the Senate for some time; it passed the House of Representatives by a very large majority, and it seems to me that it ought to be considered by the Senate before we adjourn. Bills are taken up by the hundred and passed that are not, in my judgment, of one-tenth part the importance to the people of the United States that this bill is. I do not care to argue the question, and I have not the right to do so, perhaps, on this motion, but I want to know whether there is to be an opportunity to consider the bill before we adjourn to-morrow. I have been waiting here for the time to come when the unobjected bills should be disposed of, determining that when that time came, and it would be in order, I should move to take up this bill.

I should prefer that there should not be a recess from 6 until 9 o'clock; but, of course, I am willing that the recess from 6 to 8 shall stand, because that is the order of the Senate, and such a recess is necessary, to give Senators an opportunity to rest and get something to eat; but I want to make the motion, if I am not at liberty to do so before 6 o'clock—if conference reports do not come in the way—to take up the bill known as the anti-scalping bill, which is House bill No. 10090.

The PRESIDING OFFICER. The Chair will submit the modified request of the Senator from Iowa, which is that when the Senate meet at 8 o'clock, it then take a recess until 9 o'clock. Is there objection?

Mr. CULLOM. I hope that we shall not do that, but that we shall come back at 8 o'clock and proceed to business.

The PRESIDING OFFICER. The Senator from Illinois objects.

Mr. CHANDLER. With reference to the remarks of the Senator from Illinois in relation to what is known as the anti-scalping bill, which he says he has been waiting here to move to take up, I will say that he has not only waited here to take up the bill, but he has kept a dozen of us here also waiting for him to take it up, in order that we may move amendments thereto and fully discuss the bill. What my action would be upon that bill, upon the question of its final passage, I am not prepared to say, but, as the bill stands, it is a bill that certainly requires discussion, and Senators who are here in this Chamber will be very careful how they make it a penitentiary offense for a man to sell a part of a railroad ticket which he has bought and paid for with his own money and which he has not used.

Mr. President, it may be that it will appear after discussion on that bill that there are public reasons why it should pass, but certainly I know it can not pass until there has been full discussion of it. Moreover, it can not pass, in my judgment, without full amendments. There have been bills pending for two or three years in the Senate and House of Representatives proposing to make changes in the interstate-commerce act. The interstate-commerce act is full of defects—not defects as I understand them to have existed when the law was passed, but full of defects which have been discovered by the judges of the courts in one place and another over the United States—and attempts have been made to remedy those defects covering points wherein the law has been impaired by judicial decisions.

Those bills have been pending for two or three years. They are pending before the Committee on Interstate Commerce, of which the Senator from Illinois is the able and honored chairman; they are pending in the House of Representatives. They do not get consideration in the committee; they do not get reported to the Senate; they do not get consideration in the Senate, and the friends of those amendments, or the Senators who wish to strengthen the hands of the Interstate Commerce Commission quite as much as they wish to make it a crime for a man to sell a railroad ticket that is his and that he has come by honestly, will insist upon having the amendments which embody those changes and improvements in the interstate commerce law discussed by the Senate, and will insist upon having those amendments proposed to the anti-scalping bill.

The Senator from Illinois knows very well that there is not a ghost of a chance at this late hour to obtain a fair consideration of that bill. With the amendment that I intend to propose to the bill, and which, if adopted, I think, as it contains so much good in it, would make me willing to vote for the Senator's bill; but it would take half an hour to read the amendment I have here, and a great many hours for its discussion, unless the Senator from Illinois will say that he is entirely prepared to accept it.

If he will say that he will accept that amendment, and the Senate is willing to accept it, I am willing to have the amendment voted on the bill, and the bill passed with the amendment within half an hour. But the Senator knows very well that this [illegible], standing by itself, making it a crime for a man to sell a railroad ticket he owns, can not go through this body, with no remedy whatever proposed by the committee or submitted to Congress for the defects which have been discovered from time to [illegible] in the last half dozen years in the interstate-commerce law, not one of which we have been able to have remedied by the legislation of Congress.

Mr. ALLEN. I suggest to the Senator, in that connection, that he have his amendment read now.

Mr. CHANDLER. I tried to get it read the other day, but some Senator objected. I will ask unanimous consent that the bill be now read.

Mr. CULLOM. There is no bill before the Senate now.

Mr. CHANDLER. Then, what has the Senator been speaking about?

Mr. CULLOM. I was talking about the recess. When I make a motion to take up the bill, the Senator can offer his amendment for consideration.

Mr. CHANDLER. The Senator was speaking of a recess——

Mr. HOAR. I object to debate.

Mr. CULLOM. I am inclined to think that the Senator's bill would not be discussed very long before Senators would find that it was a bill utterly unworthy of being passed by this body.

Mr. CHANDLER. Nearly everything in this bill the Senator from Illinois has approved, and he has committed himself to its provisions. He has been trying for years to get through this bill, but the railroads would not allow him to get them through.

Mr. ALDRICH. What has become of the motion made by the Senator from New Hampshire?

Mr. CHANDLER. I do not think I can be taken off the floor in this way. It is the custom of this body for a Senator to get up without any question being pending and to talk just as long as he pleases; and this afternoon the Senator from Missouri [Mr. VEST] got on the floor and talked about the question of who was the architect of the new Congressional Library, and described the building with great power, vividness, beauty, and eloquence, as he does everything that he depicts in language, and he eulogized the architect when there was not any question whatever before the Senate.

Mr. VEST. I beg the Senator's pardon. There was a report from the Committee on the Library before the Senate.

Mr. CHANDLER. The report of the committee had been disposed of half an hour before.

Mr. VEST. But I was out of the Chamber at the time it was made, and came in and said that I was absent when the report of the committee was made, and asked to be heard.

Mr. CHANDLER. But there was nothing then before the Senate.

Mr. VEST. I hope the Senator will deliver his lecture to somebody else.

Mr. CHANDLER. I was praising the Senator.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. CHANDLER. I have the floor.

Mr. HOAR. Is it in order for two Senators to address the Senate at the same time when there is no question pending? [Laughter.]

The PRESIDING OFFICER. The Chair is perfectly satisfied that the point of order is well taken.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. I would rather the Senator from South Carolina would allow me to go on. If I can not speak, as did the Senator from Missouri, with nothing before the Senate, I want to speak to the same question the Senator from Illinois spoke to, if the Chair will kindly state what that was. [Laughter.]

Mr. TILLMAN. The Senator from New Hampshire knows that no one in this body loves to hear him more than I do, but I want to give the Senate some business to do. I have been waiting here anxiously for three weeks to get an important matter before the Senate, but have given way to the appropriation bills.

Mr. CHANDLER. The trouble is that since the Senator has come in here with us he has become too amiable. [Laughter.]

Mr. TILLMAN. I have never before been charged with such a thing. I suppose that my association with my gentle friend has improved my manners. [Laughter.]

Mr. CHANDLER. The Senator has sheathed his sword and his other weapons of offense, and has become so gentle that he gets no chance for his bills. [Laughter.]

I think I have a right to move to refer the credentials of the Senator from Idaho to the Committee on Privileges and Elections, and I make that motion.

Mr. GRAY. I should like to ask the Senator from New Hampshire what effect that will have upon the Senator-elect from Idaho being sworn in on to-morrow when other new Senators are sworn in?

Mr. CHANDLER. I do not know what other Senators may have to say on that subject. I have not read the memorial that was presented a day or two ago nor the telegraphic memorial that came in to-day; but, so far as I am concerned, I have no intention of objecting to the swearing in of the Senator from Idaho to-morrow.

Mr. GRAY. But if his credentials are referred to the Committee on Privileges and Elections they will not be here in order to justify the Presiding Officer in swearing him in.

Mr. CHANDLER. I think the Senator is wrong about that. The credentials have been received by the Senate; they have been read, and I suppose they are in the record, and now they go with these memorials to the Committee on Privileges and Elections.

Mr. GRAY. But if the credentials go out of the possession of the Senate into the possession of one of its committees, it seems to me that when this gentleman presents himself to be sworn in, if any question should be made by a Senator or by the Presiding Officer, there would be no warrant for the proceedings. I think that would be a bad precedent. There is a prima facie case, a regular certificate from the governor, and the credentials are in proper form.

Mr. ALDRICH. We have made that precedent.

Mr. GRAY. We have not made that precedent yet.

Mr. CHANDLER. Will the Senator be kind enough to tell me why the credentials of a Senator are presented before he is sworn in?

Mr. GRAY. In order that there may be warrant for swearing him in.

Mr. CHANDLER. Very good. Then, when the credentials are presented and read and in the record they are in the power of the Senate.

Mr. GRAY. They are ordered to be filed.

Mr. CHANDLER. They are evidence of the Senator's right to be sworn in upon his prima facie case, whether in the hands of a committee or not.

Mr. GRAY. But if they are taken off the files of the Senate and referred to a committee, they are not in a situation to serve as a warrant, it seems to me.

Mr. ALDRICH. In the Delaware case, only a few days ago, the credentials were in the hands of the committee when the Senator's colleague was sworn in.

Mr. GRAY. Oh, no; they were never in the hands of the committee. I want to say to the Senator from Rhode Island that he is mistaken about that.

Mr. ALDRICH. I think I am not.

Mr. GRAY. Those credentials were never in the hands of the committee.

Mr. DANIEL. How could we say that the credentials were in proper form for a Senator to be sworn in unless they were here?

Mr. GRAY. That is true; we could not see them.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. I do.

Mr. HILL. There is no question, as I understand it, about the regularity of the credentials of the Senator from Idaho. There is plenty of time for the consideration of that matter, and they can be referred to-morrow or they can be referred the next day. There is no question about that.

I rise to the point of order that we are now executing a unanimous-consent agreement of the Senate, which was that pension bills on the Calendar should be disposed of, and until that order is executed I raise the point of order that no motion to refer anybody's credentials is admissible.

Mr. STEWART. I wish to suggest another point—that this Senate has no jurisdiction over whom shall be members of the incoming Senate.

The PRESIDING OFFICER. The Chair will state, in reference to the point of order raised by the Senator from New York [Mr. HILL], that the Chair has not sought to enforce unanimous-consent agreements entered into by members of the Senate. That is a matter that is left to the honor of Senators.

The Chair will decide, on the point of order made by the Senator from Nevada [Mr. STEWART], that it has been decided, as the Chair understands, by the Senate that the credentials must be referred to the Congress to which the Senator is elected.

Mr. STEWART. That is the point of order I raised, that this Senate has nothing to do as to who shall be a member of the next Senate.

Mr. HOAR. Does the Chair hold that when the Senate has made an order of business, either by unanimous consent or by vote and it is lawfully made, that the Chair can not enforce that order? We have established a special order for this day in regard to taking up pension cases, just as we say by general order that during the routine business of the morning hour certain motions shall be in order. The Chair enforces that, and this certainly has equal rights with that. It is not on a question of unanimous consent as to debate or anything of that kind.

The PRESIDING OFFICER. The Chair will state to the Senator that the point suggested by him is a matter of rule, and the Chair has a right to enforce the rules. The former Senator from Kansas, Mr. Ingalls, who was President pro tempore of the Senate when the present occupant of the chair came to this body, so ruled, and it has been the universal ruling of the Chair that the Chair can not enforce a unanimous-consent agreement, but that it must rest with the honor of Senators themselves.

Mr. HOAR. Does not the Chair propose to enforce the unanimous-consent agreement about taking a recess at 6 o'clock until 8, if a Senator objects?

Mr. CULLOM. That was an order.

Mr. HOAR. So is this an order.

The PRESIDING OFFICER. The Chair will state that unless overruled by a majority of the Senate——

Mr. HILL. I decline to concur in the view expressed by the Senator from New Hampshire. The unanimous-consent agreement can be enforced and must be enforced.

The credentials have been presented. The presentation of credentials is a matter of privilege. They have been presented and placed on file. That ends it. No motion can be made in regard to those credentials except at the time when such a motion can be made. We are now out of that order of business, and a motion can not be made now, although I do insist that the point of order is well taken, and in executing the order under a unanimous-consent agreement no Senator can rise and object. But the credentials——

Mr. CHANDLER. Will the Senator allow me to say a word?

Mr. HILL. Certainly.

Mr. CHANDLER. I think the Senator is right, unless privileged questions were reserved, and I asked the Chair some fifteen minutes ago to be kind enough to have the consent order under which we are acting read.

Mr. HILL. It is always held that the presentation of credentials is privileged, but a Senator can not rise at any other time when the matter has not been brought before the Senate and make some motion in regard to a man's credentials.

Mr. CHANDLER. I should like to argue——

Mr. STEWART. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will suspend. The Senator from Nevada rises to a point of order.

Mr. STEWART. The point of order is that it is not in order to refer the credentials of a Senator-elect who will not become a Senator until after the 4th of March. We have a rule that they may be filed with the clerks, so that they can be identified and considered when the time for consideration comes.

Mr. CHANDLER. Let us hear that rule read.

Mr. STEWART. We have a custom to that effect. They are filed.

Mr. MILLS. Will my friend, the Senator from Nevada, permit me to help him out?

Mr. STEWART. Certainly.

Mr. MILLS. The credentials accredit this Senator to the Fifty-fifth Congress. This is the Fifty-fourth Congress. We have no jurisdiction over the matter. The Constitution makes each House the judge of the elections, returns, and qualifications of its members. We have nothing on the face of the earth to do with it.

Mr. CHANDLER. I should like to have an opportunity to demonstrate the error of the statement of the Senator.

The PRESIDING OFFICER. The Chair ruled upon the point of order fifteen minutes ago.

Mr. CHANDLER. On which point of order?

The PRESIDING OFFICER. The one made by the Senator from Nevada.

Mr. HILL. The Senate has agreed to take a recess at 6 o'clock. Will one objection, without a motion, prevent that being done? Think of the absurdity of that, with all due respect to the Chair. I insist upon my point of order. I appeal to the Senator from New Hampshire; I appeal in behalf of these few pension bills which we ought to dispose of—it is now or never with them—and I know when I make an appeal to the Senator from New Hampshire on the question of pensions he will yield.

Mr. CHANDLER. In affection for and not in fear of the Senator from New York, I will do so.

The PRESIDING OFFICER. The regular order will be proceeded with.

RACHEL PATTON—VETO MESSAGE.

The bill (H. R. 1185) granting a pension to Rachel Patton was considered as in Committee of the Whole. It proposes to pension, at $20 per month, Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

Mr. ALDRICH. Let the report in this case be read.

The PRESIDING OFFICER. The Chair will state that the bill now before the Senate was vetoed by the President of the United States.

Mr. GALLINGER. That is correct.

The PRESIDING OFFICER. It was passed over the veto in the House of Representatives and sent to this body for its action. If there is no objection, the Chair will have the three vetoed pension bills passed over, and will have the next two pension bills laid before the Senate.

Mr. CULLOM. I think we can vote upon the pending bill without taking much time.

Mr. GALLINGER. I trust action will be taken upon this bill.

Mr. CULLOM. It is a worthy case.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

Mr. ALDRICH. Before the question is voted upon, I suggest that the report ought to be read. I have already made that suggestion two or three times.

Mr. CULLOM. The veto message should be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. PALMER on the 1st instant as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1185) granting a pension to Rachel Patton, with a report thereon, together with the veto message of the President of the United States, returning without his approval the said bill, having carefully and fully considered the same, respectfully adopt the report of the Committee on Invalid Pensions of the House of Representatives, and earnestly recommend the passage of the bill, the objections of the President to the contrary notwithstanding.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the foregoing bill, have carefully considered the same and report:

The facts are substantially set forth in the message. Rachel Patton was the wife of the soldier during the period of his service. He was a captain in the Seventy-ninth Regiment of Illinois Volunteers. He was killed in battle. His record was honorable. His widow, the proposed beneficiary in this bill, was pensioned at $20 per month until her remarriage in 1870. Her second husband basely deserted her, refusing to provide for her support. A court of equity severed the bonds of matrimony that bound her to this worthless person and at the same time restored to her the honored name of her dead husband. She is now his widow. Her age is 63 years, her health poor, and she is unable to labor. The little income she has is insufficient for her support.

Whether she should now be restored to the pension roll is simply a matter of policy—a question to be decided by the law-making power of the Government in whose service her husband lost his life.

The committee, or at least the writer of this report, do not regard private acts of a similar kind as evidences of the policy of the nation. The fact that the Executive has heretofore approved, or has allowed to become laws without his approval, bills of a like character does not necessarily, in the judgment of the committee, establish any precedent for this case. The only result of enumerating such instances would be to show former inconsistent action by the President with his present position. By so doing the House could get no light to aid it in the discharge of present duty.

One private act is neither in law nor reason a precedent or a justification for another. Much less should private laws be regarded as indicating a policy in legislation. The policy of the Government should be sought in its public laws, not in its private enactments.

The committee have therefore made some examination of the public statutes of the United States to ascertain whether there has been any general legislation that justifies the passage of this bill.

By the act of July 4, 1836, approved by President Andrew Jackson, five years' half pay was granted to the widows of certain soldiers who died during their service or since from wounds received during such service. By the third section of the act certain pensions were granted to the widows of Revolutionary soldiers whose marriage to them took place before the last period of their service. The pension provided by this section, while not continuing longer than during widowhood, recognized a class of widows as entitled to especial recognition in the matter of pensions—those whose marriage to soldiers "took place before the last period of service."

On the last day of his term of office, March 3, 1837, President Jackson gave his approval to another act, which declared that no widow should be deprived of the benefits of the act of July 4, 1836, by reason of her having married since the death of her husband. The only limitation made was that she should be a widow at the time of the passage of the act.

These general laws are precedents in the true sense of the word. They are "authoritative examples." They declared a policy. It was to the effect that the widow who was the soldier's wife during his service should be especially recognized, and also that she might still be upon the pension roll notwithstanding her subsequent marriage.

Other acts might be cited, notably that approved by President John Tyler, August 23, 1842, which provided that the marriage of a widow after her husband's death should not be a bar to her claim under the act of July 7, 1838.

By the joint resolution of July 1, 1848, approved by President Polk, in the case of soldiers of the Revolution "any widow or woman who may have been the widow of such soldier" was placed upon the pension roll "upon proof by her that she was married to said soldier and that she is a widow."

The committee therefore feel justified in saying that it is not against either precedent or policy to restore to the roll a woman who was the wife of a gallant soldier during his service, and who is now a widow, notwithstanding she may have married since the soldier's death.

The time for the exercise of this policy, either in any individual case or in any class of cases, is properly in the will and discretion of the Congress.

In the present case there is the record of the gallant and meritorious service of the soldier, John Patton, his death on the field of battle, and the age, feebleness, and need of his widow.

By her remarriage there was saved to the United States $4,800. A court of conscience has given her back her former name. The committee believe the Government ought to be as generous as a court of chancery has been just to the widow of so gallant an officer. There is no suggestion by the President that the act is unconstitutional. In view of the passage of so many similar acts in the past, it can not be said to be hasty or inconsiderate legislation. It is neither opposed to precedent nor to the policy of the Government.

The people, through their chosen representatives, have seen fit to grant this pension, and the committee recommend that this manifest will of the people be made effective by passing this bill over the objections of the President.

Mr. CHANDLER. I ask to have the veto message of the President read.

Mr. CULLOM. Let the roll be called before 6 o'clock.

Mr. GALLINGER. I trust the Senator from New Hampshire will not insist upon that. It was read once. Let us vote.

Mr. STEWART. Yes; let us vote.

Mr. ALDRICH. I think we ought to vote with the objections of the President fresh in our minds. It seems to me it is not fair treatment of the Executive.

The PRESIDING OFFICER. The Senator has a right to call for the reading of the message.

Mr. ALDRICH. Let it be read.

Mr. GALLINGER. I will say that the Senator from Illinois [Mr. PALMER] reported the bill, and I notice that he did not incorporate the veto message in his report. In the case of two similar bills which I reported, I think it will be found that I did incorporate the veto messages in my reports. I presume it will take a little time to get the message.

But I will say that the President of the United States has vetoed this bill, as he vetoed three or four others in the present Congress. They were remarriage cases. I will state that the Committee on Pensions does not hold exactly the same views that the President does on this question. For instance, in the Forty-ninth, Fiftieth, and Fifty-third Congresses we passed fourteen of these bills, and the President signed thirteen. We have held in committee that when the widow had been the wife of a soldier during his army service and had remarried and the Government had been saved the pension for a number of years, as in this case to the amount of $4,800, if the wife became old and indigent and unable to work and appealed to Congress for relief, we would restore her to the pension rolls. The husband in this case was killed on the battlefield.

It is not a new thing. This policy commenced way back in the early history of the Government, in the days of Daniel Webster, and we have had a few instances of pensions of this class from time to time. I believe myself it is a just bill, and I think we ought to act upon it.

Mr. ALLEN. Does not the chairman of the committee think that the President, who was represented in such a distinguished and gallant manner by a proxy in the late war, ought to have some deference paid to his opinions on military matters in the Senate of the United States?

Mr. GALLINGER. I will say, in answer to the Senator from Nebraska, that so far as I am concerned, while serving as chairman of the Committee on Pensions, I have never made unkind reference or criticism of the President of the United States. He had the right to veto this bill. He has the right, I take it, to veto any bill that does not meet with his approval. I differ with him, and heretofore Congress has differed with him, but I think we ought not to criticise the President because of the exercise of his constitutional right in this case.

I have heretofore said that in my judgment these pension vetoes are frivolous and inconsequential. I will repeat those words today; but it is the President's constitutional right to do it, and I should be the last man in the Congress of the United States to criticise him unkindly or harshly because of the exercise of his constitutional right.

Mr. ALLEN. But, if the Senator will permit me, it is the constitutional right of a Senator to criticise the President of the United States or any other man——

Mr. GALLINGER. Oh, undoubtedly.

Mr. ALLEN. And it is not only his constitutional right to do it, but it is his duty to do so as a public officer whenever he believes the utterances of the President of the United States conflict in the slightest degree with the true interests of legislation and the true interests of individuals. I can not forget the fact that Grover Cleveland on one or more occasions has referred in his veto messages of pension bills to the soldiers, and especially the private soldiers of the late war, as coffee-coolers, and in a way that no man having a clear conception of his duty would do.

The honorable chairman of the Committee on Pensions is going too far when he expects the soldiers of the late war, upon either side of the great controversy, to submit to insolence and impudence and unkind treatment, notwithstanding it comes from the Chief Executive of this nation.

Mr. GALLINGER. If the Senator will permit me, he will remember that during Mr. Cleveland's first term this matter was fought over, and it was fought before the people of the United States. Mr. Cleveland was severely criticised because of these very utterances, and I think I joined with other members of the Republican party in making severe animadversions upon him for that course. But I would a good deal rather pass this bill, if we can get the requisite number of votes, and give this poor old woman a pension than to discuss the action of the President. Let us have a vote.

Mr. CULLOM. I hope the Senator from Nebraska will allow a vote to be taken.

Mr. STEWART. Vote!

Mr. CHANDLER. I would not make an objection on the mere form of requiring the President's veto message to be read, but it does not seem to me to be a mere question of form. The Constitution says:

> If he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

The Constitution evidently contemplates that the objections of the President, which are to be entered at large upon the Journal of the House in which the bill originates, shall also be entered at large upon the Journal of the other House, which in this case is the Senate. It is not a mere form. Rather, if it is a matter of form, it is a matter of very important form, that we should not pass the bill over the veto of the President without the veto message being present at the time the act of passing the bill over the veto is performed.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Chair will state that the constitutional provision has been complied with. The veto message is at the desk ready to be read.

Mr. BACON. I wish to ask the junior Senator from New Hampshire whether this is a case where a woman, after her remarriage, became a widow. There is one such case, I understand. Or is it the other case, where she became divorced? Which is it?

Mr. GALLINGER. In this case the soldier was killed on the battlefield, and this woman became his widow, and after a time she married and obtained a divorce because of ill treatment.

Mr. BACON. The Senator will recognize the fact that there are two cases, one case where the woman's second husband died and this case where she was divorced.

Mr. GALLINGER. Without any fault of her own.

Mr. BACON. I did not know which it was.

The PRESIDING OFFICER. The message of the President will be read.

Mr. CHANDLER. I withdraw my call for the message to be read.

Mr. CULLOM. Let the message be printed in the RECORD, and call the roll.

Mr. BATE. Let us hear it, Mr. President.

The PRESIDING OFFICER. The message will be read.

The Secretary read as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1185, entitled "An act granting a pension to Rachel Patton."

John H. Patton, the husband of the beneficiary, was a captain in an Illinois regiment, and was killed in action June 25, 1863.

In December, 1863, the beneficiary was pensioned as his widow at the rate of $30 a month.

She received the pension for thirteen years and until 1876, when she married one William G. Culbertson. Thereupon, because of such marriage, her name was dropped from the pension roll pursuant to law. In 1889, thirteen years after her remarriage and the termination of her pension, she procured a decree of divorce against her second husband on the ground of desertion.

She has a small income, but it does not appear that alimony was allowed her in the divorce proceedings.

It is proposed by this bill to pension her at the same rate which was allowed her while she remained the widow of the deceased soldier.

It can not be denied that the remarriage of this beneficiary terminated her pensionable relation to the Government as completely as if it never existed. The statute which so provides simply declares what is approved by a fair and sensible consideration of pension principles. As a legal proposition the pensionable status of a soldier's widow, lost by her remarriage, can not be recovered by the dissolution of the second marriage. Waiving, however, the application of strictly legal principles to the subject, there does not appear to be any sentiment which should restore to the pension roll, as the widow of a deceased soldier, a divorced wife who has relinquished the title of soldier's widow to again become a wife, and who, to secure the expected advantages and comforts of a second marriage, has been quite willing to forego the provision which was made for her by the Government solely on the ground of her soldier widowhood.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 21, 1896.*

Mr. MILLS. It is now nearly 6 o'clock, and as by unanimous consent we agreed to take a recess at 6 o'clock until 9, I suggest that we vote on the bill when we reassemble at 9.

Mr. CULLOM. The Senator means at 8 o'clock instead of 9.

Mr. MILLS. No, sir.

Mr. STEWART. I suggest that we can take the vote now.

Mr. CULLOM. The order was to take a recess until 8 o'clock.

Mr. MILLS. I understood that it was afterwards changed to 9.

Mr. CULLOM. It was not.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STEWART. I ask unanimous consent that the recess be extended five minutes, and that we take the vote before the recess.

Mr. CULLOM. That is right.

Mr. MILLS. It can not be done in that time.

Mr. STEWART. Then I ask that the time be extended ten minutes.

Mr. MILLS. I object.

Mr. HILL. I desire to ask the Senator from New Hampshire whether it has been contemplated to pass any general law upon this subject?

Mr. GALLINGER. I will say in reply to the Senator that that has been discussed more or less by the committee. As the Senator will notice by the report, it seems that on two occasions (I do not know when they were repealed) general laws have been passed upon this subject, or covering cases somewhat similar; but it was away back somewhere in the early history of the Government. The Committee on Pensions has given this matter some attention, and they have it in contemplation to determine either upon the passage of a general law, or else to determine not to consider any of these cases at all in the next Congress.

Mr. HILL. The general rule, of course, is that if a widow remarries, no matter whom, she may marry a pauper——

Mr. GALLINGER. That is correct.

Mr. HILL. She may marry a man who can not support her; she may have to work out, yet the rule is arbitrary that she loses her pension——

Mr. GALLINGER. The law operates of course.

Mr. HILL. Because the law operates; and of course we have to pass special laws to evade or to change that provision.

Mr. GALLINGER. Except in these individual pension cases.

Mr. HILL. Except that there is now presented a new class of cases where the husband dies or the widow is divorced, and then comes a mass of these new special cases. In my judgment, one difficulty about the administration of the pension laws by Congress is the multiplicity of special legislation.

The PRESIDING OFFICER (at 6 o'clock p. m.). The hour of 6 o'clock having arrived, under the order of the Senate a recess will be taken until 8 o'clock.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

RACHEL PATTON.

Mr. PLATT. Mr. President——

The VICE-PRESIDENT. The Chair will state the pending question. The question is, Shall the bill (H. R. 1185) granting a pension to Rachel Patton pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. PLATT. We ought to have a quorum if we are going to pass this bill, or any bill. I suggest that there is no quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll.

After some delay,

Mr. ALLEN. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. PLATT. What is the motion?

The VICE-PRESIDENT. The motion is that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. QUAY. We shall have a quorum in a few minutes. The Senator from Iowa [Mr. ALLISON], just before the Senate took a recess, indicated that at 8 o'clock he would ask for a recess until 9 o'clock. At 9 a quorum will be here.

Mr. BATE. I think Senators left the Chamber with that idea, and they are absent for that reason. They will be here directly.

Mr. ALLEN. I knew that the Senator from Illinois [Mr. CULLOM] desired to proceed with a bill, and I supposed we could get a full Senate to proceed.

After some further delay, the following Senators had answered to their names:

Allen,
Allison,
Baker,
Bate,
Berry,
Blanchard,
Brown,
Call,
Cameron,
Cannon,
Carter,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Gallinger,
Gorman,
Hawley,
Hill,
Jones, Ark.
Kyle,
Lindsay,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt
Pugh,
Quay,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Tillman,
Vest,
Walthall,
White.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The Senate was dividing upon the question, Shall the pending bill pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

Mr. CALL. What is the bill?

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 1185) granting a pension to Rachel Patton.

Mr. CULLOM. I desire to say that my colleague [Mr. PALMER] reported that bill from the Committee on Pensions and recommended its passage, notwithstanding the veto. If there is any doubt about the bill passing, I should like to have my colleague here when the question is submitted.

Mr. STEWART. There is no question about it.

Mr. CULLOM. It is a bill in which I take a good deal of interest myself, and I hope the Senate will vote to pass the bill, notwithstanding the veto.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. PEFFER (when Mr. GEAR'S name was called). I am requested by the Senator from Iowa [Mr. GEAR] to announce that he is paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE]. I will transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from Idaho [Mr. DUBOIS]. He not being present, I decline to vote.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I announce my pair with the Senator from Florida [Mr. PASCO].

The roll call was concluded.

Mr. McBRIDE. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. TILLMAN (after having voted in the affirmative). Has the Senator from Nebraska [Mr. THURSTON] voted?

The VICE-PRESIDENT. He has not voted.

Mr. TILLMAN. As I am paired with that Senator, I withdraw my vote.

Mr. CULLOM. I can state that the Senator from Nebraska would vote in favor of this bill, if present, and if the Senator feels like voting that way, I should be glad if he would do so to make a quorum.

Mr. BLANCHARD. I understand that a quorum has not voted. I am paired with the Senator from North Carolina [Mr. PRITCHARD], but I transfer that pair to my colleague [Mr. CAFFERY], and vote "nay."

Mr. PUGH. I have a general pair with the Senator from Massachusetts [Mr. HOAR]. I reserved, however, the privilege of voting to make a quorum, and, as I understand that there is no quorum present, I will vote. I vote "yea."

Mr. VILAS. I have a general pair with the Senator from Oregon [Mr. MITCHELL] and his colleague [Mr. McBRIDE] has a pair with the Senator from Mississippi [Mr. GEORGE]. We have arranged to transfer those pairs so that we can both vote, and the Senator from Oregon [Mr. MITCHELL] stands paired with the Senator from Mississippi [Mr. GEORGE]. I vote "nay."

Mr. McBRIDE. I vote "yea."

Mr. WILSON. I have a general pair with the Senator from Florida [Mr. PASCO], but I take the liberty, upon advice, of voting. I vote "yea."

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is not able to be here on account of sickness. He is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 37, nays 10; as follows:

YEAS—37.

Allen,
Baker,
Butler,
Call,
Cannon,
Carter,
Chandler,
Clark,
Cullom,
Faulkner,
Gallinger,
Gorman,
Hansbrough,
Hawley,
Jones, Ark.
Kyle,
McBride,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Quay,
Roach,
Sewell,
Sherman,
Shoup,
Stewart,
White,
Wilson.

NAYS—10.

Bate,
Berry,
Blanchard,
Chilton,
Gibson,
Gray,
Hill,
Lindsay,
Vest,
Vilas.

NOT VOTING—42.

Aldrich,
Allison,
Bacon,
Blackburn,
Brice,
Brown,
Burrows,
Caffery,
Cameron,
Cockrell,
Daniel,
Davis,
Dubois,
Elkins,
Frye,
Gear,
George,
Gordon,
Hale,
Harris,
Hoar,
Irby,
Jones, Nev.
Kenney,
Lodge,
McMillan,
Mitchell, Oreg.
Morrill,
Murphy,
Pasco,
Pritchard,
Proctor,
Smith,
Squire,
Teller,
Thurston,
Tillman,
Turpie,
Voorhees,
Walthall,
Warren,
Wetmore,
Wolcott.

So the bill was passed, two-thirds of the Senators present having voted in the affirmative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals; further insists upon its amendment to the bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased;

A bill (H. R. 2815) for the relief of William Lock and James H. Tinsley;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 3014) revising and amending the statutes relating to patents;

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park;

A bill (H. R. 4930) granting a pension to Mary Forward;

A bill (H. R. 6634) granting a pension to Sarah M. Spyker;

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of certain transcripts from the records of the health department;

A bill (H. R. 10178) for the relief of Francisco Perna;

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for infringement of patents;

A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder;

A bill (H. R. 10301) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant a right of way through the military reservation at Fort Morgan to the Birmingham, Mobile, and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 10367) to revive and reenact a law authorizing the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River; and

A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. Hoar and Mr. Walthall members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the United States Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

VISITORS TO NAVAL ACADEMY.

The VICE-PRESIDENT appointed Mr. Lindsay and Mr. Carter members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the United States Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

CREDENTIALS.

Mr. ALLEN presented the credentials of James H. Kyle, chosen by the legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PETITIONS.

Mr. LODGE presented the petition of Charles Steere, of Boston, Mass., and of Fred. W. Rawskolb, of Medford, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of 52 citizens of South Braintree, Mass., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit the interstate transportation of matter by an agency; which was ordered to lie on the table.

Mr. CALL. I present the petition of Mr. James Seldon Cowdon, of Vienna, Va., praying for the printing of papers contained therein relating to aerial navigation. The papers are brief, and there must be no reason why the request should not be granted. I ask that they be printed as a miscellaneous document.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

WRITS OF CERTIORARI TO DISTRICT COURT OF APPEALS.

Mr. CANNON. I move that the Senate proceed to the consideration of executive business.

Mr. HILL. Will the Senator withdraw that motion for a moment in order that a bill which has just been received from the House of Representatives may be laid before the Senate?

The VICE-PRESIDENT. Does the Senator from Utah yield for that purpose?

Mr. CANNON. I do.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference and further insisting upon its amendments to the bill (S. 3538), to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HILL. I move that the Senate insist on its disagreement to the amendments of the House of Representatives and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. Hill, Mr. Platt, and Mr. Clark were appointed.

Mr. CANNON. At the request of several Senators, I ask leave to withdraw the motion for an executive session at the present time, but give notice that I shall renew it at the first opportunity at a later hour in the evening.

TICKET BROKERAGE.

Mr. CULLOM. I gave notice during an earlier hour of the day that at the first opportunity I would call up House bill 10090, known as the antiscalping bill, or rather the bill to regulate commerce, and ask for its consideration.

I desire to state, however, that after having a consultation with members of the Committee on Interstate Commerce and after discovering that it would probably be impossible to pass the bill to-night, as there are quite a number of Senators who desire to discuss it, the committee has determined that it would be unwise and that we should not undertake to do so. Members of the Senate have been kept here day after day and night after night, and it is perfectly obvious that we would be kept here all night upon this question if the bill were taken up. I am unwilling myself, in view of the apparent certainty that we can not pass the bill at the present session, to insist upon its present consideration.

I do this very reluctantly. I have believed very earnestly that the bill ought to pass. It is not a bill of great length, its provisions are simple, and it has seemed to me all the time that the Senate ought to pass it, it having been passed in the other House by a very considerable majority. But I am told by a number of Senators that it can not pass without very considerable discussion, which would result in its failure for the present session. I yield to this situation a little more willingly than I would otherwise in view of the fact that in all probability a called session of Congress will be held in a few weeks, when we shall have time to consider bills of this nature and perfect them so that every Senator may feel satisfied at least that he has had a fair opportunity to give expression to his views.

I give notice that I will not call up the bill for consideration to-night.

Mr. WHITE. Mr. President, I note with great satisfaction the remarks of the Senator from Illinois. I have heard that after the expiration of the next legislative day no matters of general legislation would be permitted to be considered elsewhere. I regard the statement of the Senator from Illinois as a refutation of that proposition, and I know that no ukase issued from any other tribunal will interfere with the consideration of general legislation after the induction into office of the agent of prosperity.

Mr. CHANDLER. Mr. President, I think I ought to say that the members of the Committee on Interstate Commerce who are now present in the Chamber—and I think a majority of the committee are present—are of the opinion that the bill can not be disposed of at the present session. Among the number are Senators who are in favor of the bill as well as Senators who are against the bill. The bill itself as it has come from the House of Representatives would need alteration. Amendments would be proposed to the text of the bill as it has come from the House; discussion would ensue upon those amendments, and even if no additions to the bill were to be made, it would, in my judgment, be impossible to pass it, judging from the knowledge I have as to the intention of Senators now upon the floor to speak upon the bill.

In addition, I repeat what I said before the recess was taken, that it would be impossible, in my judgment, either now or at any other time, to pass this bill, which the railroads very much desire and which they believe will be very helpful to them, without having affixed to it the amendment I hold in my hand, which makes some twenty or more important and desirable alterations in the interstate-commerce law—amendments which the railroads do not desire, but which ought to be passed in the interest of the people for the purpose of strengthening the Commission and enabling it to perform the duties imposed upon it by the act of Congress.

I am quite sure that at this time the bill can not pass. I venture the prediction that at no time will it pass until a bill is prepared that travels over the whole ground of the interstate-commerce act and furnishes the improvements to that statute which for several years have been under discussion in Congress, but no one of which has been enacted into a law.

Mr. President, I am very glad that the Senator from Illinois has consented to be advised by a majority of his committee, by all the members of the committee who are upon the floor, that it is not expedient at this stage in the session to press the passage of the bill.

WILLIAM H. HUGO.

Mr. PALMER. I think this will be the last request I shall make of the Senate before I retire from office. I ask that the bill (S. 588) for the relief of William H. Hugo be taken up by unanimous consent and disposed of. I hope it will be passed.

Mr. GALLINGER. I wish to be very courteous to the Senator from Illinois, but in his absence two hours ago I took charge of a vetoed pension bill that he reported, and the next bill in the regular order is a vetoed pension bill in which I am very much interested, the beneficiary living in my own State. I think we ought to execute the order of the Senate, which embraces only a few more bills. Then I shall be glad to yield.

The PRESIDING OFFICER (Mr. Bacon in the chair). The Senator from New Hampshire objects.

Mr. QUAY. Before we proceed we ought to make certain a quorum is present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Brown,
Butler,
Chandler,
Chilton,
Clark,
Cullom,
Daniel,
Dubois,
Faulkner,
Gallinger,
Gibson,
Gorman,
Gray,
Hansbrough,
Hill,
Hoar,
Jones, Ark.
Kyle,
Lindsay,
McBride,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Pugh,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Tillman,
Vest,
Vilas,
Walthall,
Warren,
White,
Wilson.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present.

Mr. GALLINGER. The Senator from Illinois made a request for unanimous consent for the consideration of a bill, which will take but a moment. I interposed an objection, with a view to carrying out the regular order. I withdraw the objection, in order that the Senator's bill may be taken up, with the understanding that after that we shall proceed with the regular order.

Mr. PALMER. I ask the Senate to consider the bill (H. R. 588) for the relief of William H. Hugo. I have taken great pains to investigate it, and I assure the Senate it ought to pass.

Mr. FAULKNER. I do not like to object to any request of the Senator from Illinois, but we are still operating under the unanimous-consent agreement.

Mr. HAWLEY. I hope it may be waived for this one bill.

Mr. PALMER. I ask that the bill may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to suspend the laws regulating appointments in the Army for the purposes of this bill, and authorizes the President to appoint William H. Hugo a first lieutenant of cavalry in the Army, and thereupon to place him on the retired list of the Army.

Mr. QUAY. I think before proceeding to vote on a bill of such importance, we ought to be absolutely certain that there is a quorum present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Butler,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cullom,
Daniel,
Dubois,
Faulkner,
Gallinger,
Gibson,
Gorman,
Hansbrough,
Hawley,
Hill,
Hoar,
Jones, Ark.
Kyle,
Lindsay,
McBride,
Mantle,
Martin,
Mills,
Mitchell, Wis.
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Roach,
Sewell,
Sherman,
Shoup,
Smith,
Stewart,
Tillman,
Vest,
Vilas,
Walthall,
Warren,
White,
Wilson.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

WILLIAM H. HUGO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1602) for the relief of William H. Hugo.

The PRESIDING OFFICER (Mr. Bacon in the chair). The bill is in the Senate as in Committee of the Whole. If there be no amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. QUAY. Before the final vote is taken upon the bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

Mr. WILSON. A parliamentary inquiry. Is it possible in the midst of a question being put to raise the question of the absence of a quorum, the presence of a quorum having just been announced?

The PRESIDING OFFICER. The Chair will state that a question was not being put.

Mr. WILSON. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from Washington.

Mr. WILSON. The presence of a quorum had just been announced; not two seconds had intervened.

Mr. QUAY. Other business had been transacted.

Mr. HILL. What was the other business?

Mr. WILSON. What was the further business?

Mr. QUAY. A half dozen questions were put.

Mr. WILSON. I have no recollection of a half dozen questions.

Mr. QUAY. I refer to the Presiding Officer.

Mr. WILSON. I raise the question that we had just had a call of the Senate; the presence of a quorum had just been announced; the Chair had just announced it; not two seconds had intervened, and the question was being put on the passage of the bill. I raise the point of order whether the Senator has a right to raise the question of no quorum until the transaction of some other business.

The PRESIDING OFFICER. The Chair requests the Senator from Washington to state his request concisely, so that the Chair may rule upon it if necessary. Does the Senator make the point that a question was then being put?

Mr. WILSON. Yes, sir; I make that point of order.

The PRESIDING OFFICER. The Chair will state that a question was not being put. The Chair was stating the condition of the bill. The Chair stated that the bill was in Committee of the Whole, and stated that the committee had made no amendment. The bill had then been reported to the Senate, but the Chair had not propounded any question to the Senate. If that is the point of order simply, that a question was then being put, the Chair will be constrained to overrule it.

Mr. PEFFER. I understand the point of order is that no business had intervened, and that therefore another call was not in order.

Mr. QUAY. The Chair is perfectly aware that a number of perfunctory motions and questions had been put to the Senate after the previous call of the roll.

The PRESIDING OFFICER. The Chair will state to the Senate that the title of the bill had been reported to the Senate by the Secretary, which was intervening business. In addition to that, the Chair will state that according to the rule no intervening business is required; that the rule is that at any time a Senator may raise the question, and it must be immediately determined.

Mr. HILL. There can not be two calls in succession. With all due deference to the Chair, must not the rule have an intelligent and reasonable construction? There must be some business which is business.

The PRESIDING OFFICER. The Chair ruled there has been intervening business.

Mr. HILL. By the announcement of it?

The PRESIDING OFFICER. By the bill being reported by the Secretary to the Senate.

Mr. GORMAN. Call the roll.

The PRESIDING OFFICER. And a message was also received from the other House. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Berry,
Butler,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Cockrell,
Daniel,
Dubois,
Faulkner,
Gallinger,
Gibson,
Gorman,
Hansbrough,
Hawley,
Hill,
Hoar,
Jones, Ark.
Lindsay,
McBride,
Mantle,
Martin,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Roach,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Tillman,
Vest,
Vilas,
Walthall,
Warren,
Wilson.

The PRESIDING OFFICER. Upon the call of the roll 48 Senators have answered to their names, and a quorum is present.

The Chair wishes to state, as this question may recur, that the ruling of the Chair in this instance was put distinctly upon the fact that the bill had been reported from the Committee of the Whole to the Senate, which was a fact of making progress, and therefore was intervening business. While the rule itself does not say so, the Chair is inclined to the opinion that the suggestion made by several Senators upon the floor that there must be some intervening business is correct. But in this instance there had been intervening business.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE D. MOWATT—VETO MESSAGE.

Mr. GALLINGER. I ask for the regular order.

The Senate proceeded to reconsider the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, which had been returned by the President to the House in which it originated with his objections to the same.

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Allison,
Bacon,
Baker,
Bate,
Berry,
Blanchard,
Brown,
Butler,
Call,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Dubois,
Faulkner,
Gallinger,
Gibson,
Hansbrough,
Hill,
Hoar,
Jones, Ark.
Kyle,
Lindsay,
McBride,
Mantle,
Martin,
Mitchell, of Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Roach,
Sherman,
Shoup,
Smith,
Stewart,
Teller,
Thurston,
Vest,
Vilas,
Walthall,
Warren,
White,
Wilson.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present.

Mr. QUAY. What is the status of the bill before the Senate?

The PRESIDING OFFICER. The Chair was about to state that the bill is before the Senate, vetoed by the President of the United States. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding. The Secretary will call the roll.

Mr. WHITE. What is the bill before the Senate?

The PRESIDING OFFICER. The title of the bill will be read.

The SECRETARY. A bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. McBRIDE. I have a general pair with the Senator from Mississippi [Mr. GEORGE], but I will vote to make a quorum. I will vote "yea."

The result was announced—yeas 39, nays 7; as follows:

YEAS—39.

Allen,
Allison,
Butler,
Call,
Cannon,
Carter,
Chandler,
Clark,
Cullom,
Dubois,
Faulkner,
Gallinger,
Gorman,
Hansbrough,
Hoar,
Jones, Ark.
Kyle,
McBride,
Mantle,
Martin,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Quay,
Roach,
Sherman,
Shoup,
Stewart,
Teller,
Thurston,
Tillman,
Warren,
White.

NAYS—7.

Bacon,
Bate,
Berry,
Gray,
Hill,
Lindsay,
Vest.

NOT VOTING—44.

Aldrich,
Baker,
Blackburn,
Blanchard,
Brice,
Brown,
Burrows,
Caffery,
Cameron,
Chilton,
Cockrell,
Daniel,
Davis,
Elkins,
Frye,
Gear,
George,
Gibson,
Gordon,
Hale,
Harris,
Hawley,
Irby,
Jones, Nev.
Kenney,
Lodge,
McMillan,
Mills,
Mitchell, Oreg.
Morrill,
Murphy,
Pasco,
Pritchard,
Proctor,
Sewell,
Smith,
Squire,
Turpie,
Vilas,
Voorhees,
Walthall,
Wetmore,
Wilson,
Wolcott.

The PRESIDING OFFICER. More than two-thirds having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

Mr. SHOUP. Mr. President——

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. HOAR. My question of order is that the suggestion of the want of a quorum is out of order; that the matter of the intervention of business has nothing to do with it. In the case of the repeated motions to adjourn, the Senate having done something, they are motions for the Senate to do something, to wit, to adjourn, and the previous motion to adjourn may have been voted down for the very purpose of doing the thing which has intervened, and then they may be ready. But it never was intended that it should be put into the power of one man to prevent 89 men from doing business.

The intervention of business, therefore, has nothing to do with it. The proper and reasonable application of the rule of the Senate is that if the Chair, on inspection, sees that since the presence of a quorum has been ascertained in the way provided by the rules there has been no substantial change in the condition and composition of the Senate, and that the quorum which was ascertained continues here, he is bound to refuse to entertain the suggestion and allow the 89 men to go on with their business.

Mr. HILL. Mr. President, without discussing the general question, it is sufficient now that no business has intervened since the announcement showed a quorum when the Senator from Pennsylvania made his point. I insist upon it that the Senator can make no point of the want of a quorum. The Senator from Idaho [Mr. SHOUP] is entitled to be recognized, having addressed the Chair to make a motion.

Mr. QUAY. Those who were present in the Senate pending the discussion of the bill for the repeal of the silver clause of the Sherman Act will remember that a majority of the Senate were held up by the Senator from Idaho [Mr. DUBOIS] and the entire minority, and the precedent was adopted and sustained that anyone, at any time after intervening business, could suggest the absence of a quorum. I ask the Senator from Colorado [Mr. TELLER] if that is not true?

Mr. HILL. I rise to a point of order, which I will state. The Chair announced the vote. That vote showed the presence of a quorum. No business has intervened. We need not go further and raise a point upon an imaginary case. The Senator from Idaho [Mr. SHOUP] rose and asked to be recognized by the Chair.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that two points of order can not be pending at once unless the second point of order is addressed to something contained in the first. The Senator from Massachusetts has suggested an independent substantive point of order. The point of order suggested by the Senator from New York is an independent point on a different principle.

Mr. HILL. No. The question I raise is that the Senator from Pennsylvania can not raise the question of a quorum when the roll call had immediately before disclosed the presence of a quorum. That is the point I should like to have decided, and if it is decided in my favor the Senator who addressed the Chair is entitled to be recognized. Is not that right?

The PRESIDING OFFICER. The Chair feels constrained to rule that the point submitted by the Senator from Massachusetts has to be disposed of unless the Senator from Massachusetts waives it.

Mr. HILL. It is the same point of order, except the Senator from Massachusetts went further; that is all. Having the two points both involving the same question, the Senator from Massachusetts went further.

Mr. VEST. I should like to hear the rule read. I ask for the reading of the rule.

The PRESIDING OFFICER. The Senator from Missouri asks for the reading of the rule. The Secretary will read the rule.

Mr. QUAY. I desire to say that while to the public at large, to the people of the United States, it may seem that I am wantonly obstructing business, Senators on this floor know that I am doing it in the interest of millions of Pennsylvania capital and the wages of thousands of Pennsylvania workingmen.

Mr. HILL. Pennsylvania capital can not override the plain rules of the Senate or the country.

Mr. HOAR. I say again that in my judgment the question of the intervention of business is not a decisive test. It is the question whether the Chair sees that the composition of the Senate as made up, as ascertained by the roll call, remains substantially unchanged and a quorum continues. The other rule is to put 89 men, representing this whole country, in the power of one.

Mr. QUAY. The Senator from Massachusetts knows that when he and I were striving to sustain the credit of the Government pending the controversy over the repeal of the purchasing clause

of the Sherman act the rule was interpreted as it is being interpreted by the Chair to-night.

Mr. HOAR. I never heard it interpreted in that way.

Mr. QUAY. My recollection is that the Senator from Idaho [Mr. DUBOIS] time and again suggested the absence of a quorum, and we were compelled to sit here and to take vote after vote. We were held, I think, one month in that controversy by those obstructive tactics.

Mr. HOAR. I never considered what was done at that time parliamentary or proper on the subject of the points raised or thought of.

Mr. HILL. Mr. President, is this ancient history in order?

Mr. DUBOIS. Inasmuch as the Senator from Pennsylvania has alluded to me, I would say that during that debate on the repeal of the Sherman Act I never called for a quorum once when there was a quorum of the Senate in their seats. The Senator from Pennsylvania complained about that, and he stands here now and says he wants to protect some capital in Pennsylvania. They did not care much then when they struck down all of that Western country. But even through that fierce fight, which was a fight for the people of this country and not for a few capitalists in Pennsylvania, men who have millions and whom you are trying to give more millions to unjustly—even through that fierce fight I never asked for a quorum in the Chamber when there was a majority of the Senate in their seats; and no advocate of silver on this floor and none of those who were opposing the repeal of the Sherman Act asked for a quorum when there was a quorum present.

Mr. QUAY. My recollection is——

Mr. HILL. Can we not have the decision of the Chair on the point of order?

Mr. QUAY. I may be mistaken and the Senator from Idaho may be correct, but my recollection is that time and again, I can not say the Senator from Idaho personally suggested the absence of a quorum, but those who were subordinate to him and were acting in concert with him when there was a quorum present, and at times when there was not a quorum present the Senator from Idaho sat in his seat and refused to vote, and efforts were made to force him to vote without success, because the Senator from Idaho stood bravely up and refused to vote, and the Senate had no recourse.

Mr. SEWELL. I do not know anything about the controversy then existing, but I want to know about the rules of the Senate. I ask for the reading of Rule V in relation to the matter, and I ask for a decision of the Chair.

The PRESIDING OFFICER. The Secretary will read the rule indicated.

The Secretary read as follows:

RULE V.

QUORUM—ABSENT SENATORS MAY BE SENT FOR.

1. No Senator shall absent himself from the service of the Senate without leave.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HILL. Mr. President, that rule expressly says that a question of a quorum can not be raised if the roll call has just disclosed the presence of a quorum, and that is the only question that is now pending. If that is so, then the Senator from Pennsylvania could not raise the question and the Senator from Idaho was entitled to be recognized by the Chair.

Mr. SEWELL. In answer to the Senator from New York, the rule very explicitly shows that his point can not be maintained. Here it is in plain English:

> 2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result.

Mr. HILL. The calling of the roll, no matter whether it is upon a regular roll call, upon the passage of a measure, or whether it is upon a direct suggestion of the want of a quorum, is a roll call, and that has just taken place. That is the fact which determines the presence of a quorum. Otherwise when it is called a suggestion can be made that there is no quorum, and you can keep right on forever. It can not be done, Mr. President, under these rules. Bad as these rules are, they will not permit such a farce as that. I submit the question that when the roll call discloses the presence of a quorum then the Senator who has addressed the Chair is entitled to proceed. That is the question I want decided by the Chair.

Mr. SEWELL. The rules of the Senate may be wrong——

The PRESIDING OFFICER. The Senator from New Jersey will suspend a moment. The Chair will state that two points of order have been made. Only one can be entertained at a time. The point of order before the Senate (after which the point of order made by the Senator from New York will be entertained) is the point of order made by the Senator from Massachusetts. It is that the Chair should by inspection ascertain whether there is a quorum present, and if he finds such to be the case that he shall rule the call out of order.

Mr. HILL. That is an abstract question.

The PRESIDING OFFICER. The Chair is ready to hear any debate on that question. If there is none, the Chair is ready to rule upon it.

Mr. SEWELL. The rule does not give the Chair that right. The rule is absolute.

Mr. HILL. Mr. President, we have enough difficulties here without imagining them. I am one of those willing to go to the extent of holding that the Chair can even under these rules substantially count a quorum; but it is not necessary to go so far until we reach that point. That question does not arise. You are not called upon to decide the question whether at any time the Chair can discover that immediately after the roll call there had been any change, as the Senator from Massachusetts says. You are not called upon to decide that question; it is an abstract question which may arise hereafter.

The question that was presented here was simply to test the accuracy of the last roll call. The last roll call disclosed the presence of a quorum, and a Senator can not immediately arise and say, "I suggest the want of a quorum." That is the practical question and the only one now before the Senate to decide. The other is an abstract question which has not yet arisen, but which may arise before this evening's performance is over.

Mr. LINDSAY. Mr. President, I suggest to the Senator from New York a very important fact, that may settle this question of order, and that is the information that the other House has receded from its disagreements all along the line so far as the naval bill is concerned.

Mr. HILL. That is not a parliamentary question; that is a motive for the proceeding.

Mr. LINDSAY. It lacks now only the signatures of the presiding officers of the two Houses and of the President of the United States to make it a law.

The PRESIDING OFFICER. The Chair is constrained to rule that when a Senator presents a point of order the Chair can not refuse to rule upon it on the ground that it is an abstract question. If a Senator presents a point of order, it is within the province of the Chair to rule upon it; but the Chair can not rule upon more than one point at a time. After having ruled upon one question, if the other still survives, the Chair will decide it. The Chair will then rule on the point of order submitted by the Senator from New York.

Mr. HOAR. The point of order is that the suggestion is out of order. I stated one reason for the point and the Senator from New York stated another—two reasons in favor of the same point. My proposition was that, after having done this, the provision of the rule has been exhausted, and if the Chair sees, upon an inspection, that the composition of the Senate remains unchanged, it can not be successively put every two minutes; otherwise, if I should be held to be wrong, it is very evident, it seems to me, that the rule would require the Chair to put it again and again, without any intervening business whatever.

The PRESIDING OFFICER. The point of order made by the Senator from Massachusetts is that, after there has been a roll call, in case there has been no intervening business and there is another suggestion of the absence of a quorum, the Chair should rule that point out of order if, upon a personal inspection of the Senate, he should determine that there had been no substantial change in the number present. The Chair knows no way in which such an inspection could be made, except by counting; and the Chair does not know of any rule in the Senate which [illegible] or authorizes the Presiding Officer to count a quorum; so the present occupant of the chair is now ready to pass upon the question submitted by the Senator from New York.

Mr. HILL. My point is, that the presence of a quorum was determined by the last roll call, and that a Senator can not immediately thereafter suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator mean to embrace the feature that no business has intervened?

Mr. HILL. Yes; that no business has intervened.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HILL. The Senator from Idaho can now make his motion.

Mr. GALLINGER. Regular order, Mr. President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, had receded from its disagreement to the amendments of the Senate numbered 30 and 103 to the said bill and agreed to the same.

The message further announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and agreed to the same.

WRITS OF CERTIORARI TO DISTRICT COURT OF APPEALS.

Mr. HILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3530) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, the conferees having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with an amendment as follows: Strike out in lines 3, 4, and 5 the words "That in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final" and insert in lieu thereof the words "That in any case heretofore made final in the court of appeals of the District of Columbia."

DAVID B. HILL,
O. H. PLATT,
CLARENCE D. CLARK,
Managers on the part of the Senate.
HENRY M. BAKER,
D. B. HENDERSON,
Managers on the part of the House.

Mr. HOAR. I should like, for information, to have the bill read as it will read when the conference report is adopted.

Mr. HILL. This is the reading of the bill:

That in any case heretofore made final in the court of appeals of the District of Columbia it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HOAR. I could not hear the Senator very well. I should be glad to have the bill read at the desk.

Mr. PLATT. Let the bill be read as it will read if the conference report is concurred in.

The Secretary read as follows:

Be it enacted, etc., That in any case heretofore made final in the court of appeals of the District of Columbia it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HOAR. What does the Senator understand to be the meaning of the phrase "in any case heretofore made final." Does it mean a case is finally decided?

Mr. HILL. That is substantially the language of the act of 1891.

Mr. HOAR. Does the Senator mean where the decision of the court is final?

Mr. HILL. Yes, sir; that is it.

Mr. HOAR. That seems to be rather an extraordinary phrase, if I comprehend it.

Mr. PLATT. It follows the law.

Mr. HOAR. Will the Senator read the law, which he has before him, perhaps?

Mr. HILL. It reads as follows:

And excepting also that in any such case as is hereinbefore made final in the circuit court of appeals it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HOAR. The act of what year is that?

Mr. HILL. The act of 1891.

Mr. PLATT. The circuit court of appeals.

Mr. HOAR. That is the exception, and it follows the same language in this act. Perhaps I may be permitted to say that that was a statute in which, by some extraordinary omission, there were several very inexact, unlawyer-like phrases adopted. The matter was left by accident to two quite eminent lawyers, each of whom, I think, trusted the other, and each of whom thinks the other is to blame. But, as that phrase is in the statute, I agree to the propriety of the Senator from New York having followed the phraseology, and I make no further objection. But of course the Senator would agree with me that if we were drawing an original bill we should not speak of a case being made final, but of a decision being final.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 61, 87, 90, 92, and 95; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the words "three hundred" and insert in lieu thereof the words "three hundred and thirty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Insert after the word "that" in line 7 of said amendment the words, "on and after January 1, 1898," and strike out in line 9 the word "hereafter" and insert in lieu thereof the word "thereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That on and after January 1, 1898, all acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes passed shall be certified immediately upon their passage to the President of the United States and shall not take effect if disapproved by him, or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment or any acts or resolutions or ordinances in relation to negotiations with commissioners heretofore appointed to treat with said tribes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"That the mineral lands of the Uncompahgre Indian Reservation, in the State of Utah, are hereby declared open to public entry, under the mineral-land laws of the United States, and no one person shall be allowed to make more than four claims on lands containing gilsonite, and on and after January 1, 1898, all of said reservation unallotted to the Indians shall be open to public entry under the land laws of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserve for payment of legal services rendered and expenses incurred under contracts entered into by the Old Settlers or Western Cherokee Indians, through their authorized commissioners, in the prosecution of their claim appropriated for by act of Congress approved August 23, 1894 (28 Statutes at Large, page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

"To William S. Peabody, $10,000.

"To Charles A. Webb, administrator of the estate of C. M. McLoud, $2,500.

"To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $2,500.

"To Theodore H. N. McPherson, $2,500.

"To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $2,000.

"To John A. Sibbald, $1,000.

"To Samuel W. Peel, $2,500.

"To Reese H. Voorhees and John Paul Jones, $3,500.

"To David A. McKnight, $2,000.

"To C. M. Carter, $167.50.

"To Belva A. Lockwood, $500.

"To J. L. Baugh, $2,500.

"To Stephen W. Parker, $2,500.

"To Joel M. Bryan, $5,215.06.

"And the remainder of said sum of money, after paying the foregoing specific sums, shall be paid to the Old Settlers or Western Cherokee Indians on their requisition or requisitions made therefor by the national treasurer of the Cherokee Nation or by such other person or persons as said Old Settlers or Western Cherokees may in special council appoint for that purpose: *Provided*, That the Secretary of the Interior shall take a receipt from the person so appointed to receive said money from the said Old Settler or Cherokee Indians; and every person receiving the sums of money herein specified shall receipt in full for all claims upon the aforesaid fund, and such payment shall extinguish every right and claim of any kind of any one of said parties to any part of said funds of $78,765.13."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out by said amendment insert the following:

"That all children born of a marriage between a white man and an Indian woman by blood and not by adoption, and who is at this time recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be construed as to debar such child of such rights."

And the Senate agree to the same.

On the amendments of the Senate numbered 30 and 103, the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. QUAY. This is an important report, and it seems to me proper that a full Senate should act upon it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Brown,
Butler,
Call,
Cannon,
Carter,
Clark,
Cullom,
Dubois,
Elkins,
Faulkner,
Frye,
Gallinger,
Gordon,
Hale,
Hansbrough,
Hawley,
Hill,
Hoar,
Jones, Ark.
Jones, Nev.
Kyle,
Lodge,
McMillan,
Mantle,
Martin,
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Pugh,
Roach,
Shoup,
Smith,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Vest,
Walthall,
Warren,
Wetmore,
Wilson.

The PRESIDING OFFICER. Upon the call of the roll 53 Senators have answered to their names. A quorum is present. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. WILSON subsequently said: I had hoped to say a single word, and rose to address the Chair before the conference report on the Indian appropriation bill had been adopted, not by way of any criticism upon the conferees for the rejection of amendment numbered 90, and also of amendment numbered 88, but to call attention to the fact that when the appropriation bill came over here from the other House it contained an amendment authorizing the leasing of certain lands in the Colville Reservation for mineral location. It was thought advisable upon the part of the Senate to strike out what the House had placed in the bill, and to insert an amendment opening the south half of the Colville Indian Reservation to mineral location without the operation of leases.

The Commissioner of Indian Affairs, without request, saw proper to send to the committee a letter protesting against opening the Indian reservation to mineral location other than by lease. In his letter to the committee he says he wishes to keep the boundaries of the Indian reservation intact, and yet he is in favor of leasing the mineral property. How a prospector could lease mineral property without first having gone upon the land and prospected, no one has been able to tell. It would be absolutely impossible, and it is an absurdity upon its face. Doubtless the honorable Commissioner of Indian Affairs expected them to look over into the promised land with a telescope and locate the mineral lands. It is an utter absurdity. The amendment to strike out, which was adopted by the Senate, was proper, and the amendment that was adopted was proper. How are we to develop this Western country? What has this Western country produced? These mineral lands.

Mr. President, when we look into it, when we stop to examine it, we find that the mineral lands of the West have furnished nearly all of the circulating medium of this country. Here is a vast mineral belt upon which now no one is permitted to go except the Indian agent, and yet the Commissioner of Indian Affairs comes here and says that we must lease this mineral property before we open it, and that we must go to the tribe of Indians who are upon that reservation and get their consent. They do not own the property. They never did own the property. The statutes of the United States have expressly declared that they have no ownership in the land. Section 5 of an act to be found on page 54 of the statutes of the Fifty-second Congress, first session, especially provided:

That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of said Colville Reservation.

Why should they be permitted, then, to lease these lands, as recommended by the honorable Commissioner of Indian Affairs? It is an utter absurdity. The land should have been thrown open to all the people, giving them an opportunity to enter upon the reservation and develop the mineral lands, if any can be found there.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I submit the final report on the District of Columbia appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10167) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 53, 55, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 131, and agree to the same.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
WILLIAM GROUT,
MAHLON PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army;

A bill (H. R. 9090) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; and

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States relating to copyrights.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. SHOUP. I ask unanimous consent for the present consideration of House bill 9188. To that bill there has been an amendment presented as a substitute by the Senator from Pennsylvania [Mr. QUAY]. I ask that the substitute be laid before the Senate for present consideration.

The PRESIDING OFFICER (Mr. BACON in the chair). The title of the bill will be read for information.

Mr. HAWLEY. I reserve the point of order.

The SECRETARY. A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The PRESIDING OFFICER. The amendment proposed to be substituted by the Senator from Pennsylvania will now be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That a commission is hereby created to be called the "Industrial Commission," to be composed as follows: Five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker, and nine other persons, who shall fairly represent the different industries and employments, to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That the commission shall give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or subcommissions of its own members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks, stenographer, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated: however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 4. That it may report from time to time to the Congress of the U[illegible] States, and shall at the conclusion of its labors submit a final report.

SEC. 5. That the term of the commission shall be two years. The [illegible] of each member of this commission appointed by the President shall [illegible] per annum and actual traveling expenses.

SEC. 6. That any vacancies occurring in the comm[illegible] by [illegible] of death, disability, or from any other cause shall be [illegible]ment of the President of the United States.

SEC. 7. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the consideration of the bill which has been read.

Mr. HAWLEY. Does the Senator submit a motion, or is it a request to take up the bill by unanimous consent?

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of the bill.

Mr. QUAY. The amendment to the bill is one introduced by me. I understood the Senator from Idaho to move to proceed to the consideration of the bill.

Several SENATORS. Oh, no.

Mr. QUAY. Then I hope the Senator will make that motion.

Mr. SHOUP. Inasmuch as there is an objection, I move to take up the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho.

Mr. HILL. I will ask the Senator from Pennsylvania if this will interfere at all with the capitalists of Pennsylvania?

Mr. GALLINGER. The motion is not debatable.

Mr. SHOUP. There are ten million toiling men and women interested in this measure.

The PRESIDING OFFICER. Debate is not in order.

Mr. SHOUP. I beg pardon.

Mr. HAWLEY. I call for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to take up the bill. [Putting the question.] The ayes appear to have it.

Mr. CHILTON. I ask for the yeas and nays on the motion to take the bill up.

Mr. HAWLEY. I called for the yeas and nays loud enough to be heard, I thought.

The PRESIDING OFFICER. The Chair begs pardon of the Senator; he did not hear him.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a pair with the Senator from North Carolina [Mr. PRITCHARD], which I transfer to my colleague [Mr. CAFFERY], and I vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I again announce my pair with the Senator from Florida [Mr. PASCO], and therefore withhold my vote.

The roll call was concluded.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote, if present, and therefore I withhold my vote.

The result was announced—yeas 44, nays 6; as follows:

YEAS—44.

Aldrich,
Allen,
Bacon,
Baker,
Butler,
Cannon,
Carter,
Chandler,
Clark,
Cullom,
Dubois,
Faulkner,
Gibson,
Gray,
Hansbrough,
Hill,
Hoar,
Jones, Ark.
Jones, Nev.
Kyle,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Mitchell, Wis.
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Pugh,
Quay,
Sherman,
Shoup,
Smith,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Warren,
White.

NAYS—6.

Bate,
Blanchard,
Chilton,
Hawley,
Platt,
Vest.

NOT VOTING—40.

Allison,
Berry,
Blackburn,
Brice,
Brown,
Burrows,
Caffery,
Call,
Cameron,
Cockrell,
Daniel,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
George,
Gordon,
Gorman,
Hale,
Harris,
Irby,
Kenney,
Lodge,
Mills,
Mitchell, Oreg.
Morrill,
Murphy,
Pasco,
Pritchard,
Proctor,
Roach,
Sewell,
Turpie,
Vilas,
Voorhees,
Walthall,
Wetmore,
Wilson,
Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, which has been read.

The amendment was agreed to.

Mr. HAWLEY. Mr. President, I am one of those opposed to this bill in its present form, but, as it has been taken up, it might as well be discussed at this time and in this way as at any other time and in any other way. But I should be glad, before the discussion proceeds, to have some of the Senators who are warmly interested in this measure show us the merits and the necessities of it. As Blackstone says of a new statute, "Let us know the present law, the mischief thereof, and the remedy."

The PRESIDING OFFICER (Mr. BACON in the chair). The bill is still in Committee of the Whole, and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. HAWLEY. Mr. President, I desire to justify myself in the vote I shall cast. If this were a proposition to appoint nine men from private life, representing a variety of trades so far as possible, and if the representation were to be taken from all kinds of labor unions and all kinds of discontent or dissatisfaction, I would not say one word in opposition to it, for there might be some advantages from testimony collected by able men, eminent among the classes of which I speak. My objection is chiefly to the mingling of the two, for it is also proposed here to have ten members of Congress selected by the presiding officers of the two Houses as part of the commission.

We have now, if I recollect aright the number of electoral votes, 447 members of the two Houses, duly elected under the Constitution and the statutes by the best devices known to civilization, the best devices known to statesmen and students of law and liberty for obtaining a fair representation of the opinions and desires of the people of the United States. The country is divided into Congressional districts containing a little over 173,000 people each, divided, so far as may be, when legislatures are just about it, into comparatively symmetrical districts. It is supposed, barring shoestring districts, as a Senator near me suggests, that the people in those several districts know what they want. To say that they do not know what they want is to reflect upon their intelligence, their judgment, and their patriotism.

What they want, sir, is well represented by the great variety of sentiment and opinion which prevails in these two bodies—Populists, silver Republicans, regular Republicans or gold Republicans, silver Democrats, gold Democrats—on the whole fairly representing the discordant desires of the people.

Mr. SQUIRE. I think the Senator omitted to mention the silver Republicans.

Mr. HAWLEY. I mentioned them.

I say the Senators and Representatives already elected and sworn in are the fairest possible for a jury or a bench—I do not care which—that could be imagined. I do not now say who is right and who is wrong, but they represent the nation. It is the best we can do; it is the culmination of the efforts of centuries to attain free government. When we get together, we do not, of course, assume that "we know it all;" we do not assume that we are all-wise, or that we are perfect in any respect, but we do fairly represent the people taken as a whole.

I remember that when John Morrissey, the pugilist, was elected to the House of Representatives from a district of New York City it was freely said by some that he was the best man in the district, the fairest representative that could be selected. He would not lie and he was not afraid, and those are two great virtues. In addition to that, he stood by his friends and he knew what his district wanted. He was their champion in Congress as well as in the fistic arena.

We represent the people. We know more about them, at any rate, than any random collection or organization of men that gets together and attempts to have practically another member of Congress, in fact nine or ten more members of Congress. We are supposed, as a rule, to have given a good deal of reading and a good deal of thought to all political questions. We are chosen by this elaborate system; we are sworn to a diligent and honest performance of our duties, and whatsoever the grumblers, educated and uneducated, of the army of labor or the cultured left wing of Altgeld's army may say, we are, on the whole, a representative body and know something about what our constituents desire.

Now, if you chose to make a commission of nine or ten or twelve men, chosen from the variety of interests and opinions which would be required to make a fair selection to represent all these classes of men—the Altgeld men, the Socialists, the Nihilists, and all the others—and put them in a commission and let them have an investigation, collect their evidence, and present their general judgment, I should like that; it would be instructive; but I protest in a reasonable way—I am not fanatical about it—against the combination proposed by the pending bill. I know, I think, what sort of men you will get for these nine commissioners, to some extent. I do not think you will get as good a lot under this bill as you would if you authorized the President to make the selection.

Mr. HOAR. How much time would ten members of Congress have to give to this duty?

Mr. HAWLEY. The honored Senator from Massachusetts at my right [Mr. HOAR] asks how much time the ten Congressmen would have to spare for this investigation. Would they be able to discharge fairly the duties of the position? We have had commissions which have been of great service.

Mr. SHOUP. I want to say to the Senator in that connection——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. HAWLEY. Yes, for a question.

Mr. SHOUP. Nine of these men are to be appointed by the President of the United States and confirmed by the Senate?

Mr. HAWLEY. Yes.

Mr. SHOUP. And all of this commission——

Mr. HAWLEY. I must resume the floor. I can not yield for interesting conversation.

We have had commissions which have been of great service not only to ourselves in the transaction of current business, but also of general and permanent service to all economists and students of political affairs. I take for an illustrious example the subcommittee of the Committee on Finance, that branch or section from the Finance Committee which went to work to ascertain the prices of material, the figures relating to labor, and all that, and which compiled in a nonpartisan way those very admirable volumes, consisting of the evidence of experts and the conclusions derived from their own study, and made a report which was accepted on both sides of this Chamber during the hottest discussion of the tariff and of financial questions, the currency, as a standard work.

That is the kind of commission I should like to see organized upon this question, and not a sort of harum-scarum affair, each subdivision to take up for itself this remarkable range of subjects, "questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects." That is about all there is of the material interests of the country—agriculture, manufacturing, and business; and it is proposed that this commission shall cover this whole ground and make any suggestions they please.

I say the old way is the better way; a commission composed of members of Congress, and then a distinct commission of persons taken from private life, made up with whatever motives you please, according to the best judgment of the President.

Mr. SHOUP. I know the Senator from Connecticut would not knowingly misrepresent the manner in which this commission is to be appointed.

Mr. HAWLEY. Please do not waste time on that. I know that it is to be composed of five men to be appointed by the Senate, five by the House of Representatives, and nine by the President.

Mr. SHOUP. That is correct. I desire to say, Mr. President, that the political parties to which the Senator has alluded are represented in both branches of Congress; but there are ten or twelve million people in the United States who are without representation on the committees which frame or recommend legislation. Those are the laboring people of the country, and they ask for recognition. This bill was introduced in their behalf and went to the Committee on Education and Labor, by which it was referred to the distinguished Senator from California [Mr. PERKINS] as a subcommittee, who gave it a great deal of study and thought, and submitted a report upon it, which has been laid before the Senate. Later on a substitute which met with his concurrence was presented. The Senator from California, having had this bill under consideration, is better qualified and better fitted to explain it to the satisfaction of all Senators here than I think anyone else can do, and I therefore yield the balance of my time to the Senator from California.

Mr. PERKINS. Mr. President, I shall not weary the Senate by a long speech. The committee have had this measure under consideration for several months. They considered it in its various phases. It passed the House of Representatives almost unanimously. When it reached the Senate, there was some opposition developed against the bill, and finally this compromise substantially was submitted to the Senate for its consideration.

It is no experiment. In 1885 our Government established a national bureau of labor statistics, and almost ever since that time there has been at the head of that organization a gentleman who has made a great reputation for himself as a gatherer of statistical matter for the information of Congress—Carroll D. Wright, of Massachusetts. That is a fund of information of which this commission will have the benefit, and out of it they may formulate some bill which perhaps will allay the feeling that has existed and does exist between capital and labor.

Other countries have realized the importance of this question. Great Britain has a bureau of labor statistics. Germany, France, and Belgium have such commissions. Those commissions consist of from ten and fifteen to as high as thirty-two members. They gather together the information and present it to their legislative bodies, and out of it there is formulated a law or laws which are intended for the benefit of the people. In the United States alone thirty-two States have established labor bureaus, annually gathering information, and this commission will have the benefit of their work.

No possible harm can come from the enactment of the bill and much good may result. Labor is the source of all wealth. If the laboring people of this country are not prosperous, of our other people no one can be prosperous. One-half of this country can not be unhappy and the other half happy and prosperous. We are so closely allied to each other that the prosperity and the happiness of one depend in a great measure upon the community, upon his neighbor, upon those with whom he daily associates. The expense of the bill is reduced to a minimum. Fifty thousand dollars per annum for two years is the maximum amount that can be expended.

Mr. President, only a few months ago we appropriated $50,000 to pay a commission to locate a harbor of refuge on the Pacific coast where we might expend $3,000,000, and yet our Government board of engineers had reported again and again to the Senate, but the Senate was not satisfied, and they created the commission.

We are daily receiving petitions and memorials from our constituents from Maine to Texas, from the Pacific States to the Atlantic States, asking us to consider this and that proposition, requesting us as their representatives to espouse their cause and to formulate into law that for which they have petitioned. More than fifty labor organizations in this country have petitioned us to enact this bill into law, and, as I understand, it has been so amended that all of the objectionable features have been eliminated. It is to cost not to exceed $50,000 a year. If it cost ten times that amount, it would be money wisely and judiciously expended. If it could be the means of preventing one strike, one conflict between labor and capital, it would be worth ten times, aye, a hundredfold, more than the amount named in the bill.

Mr. President, the great strike which commenced in July, 1894, it is estimated, cost this country $100,000,000, to say nothing of the lives lost, of the heartaches, of the bad feeling that existed, and which was brought about as the result of that conflict.

It seems to me the part of wise statesmanship to reconcile and harmonize when there is a conflict between any of the interests of this great country. Our interests are common, and we as representatives of the people should heed their petitions and memorials. The cautious mariner does not wait until the storm has burst with full force upon his bark before he commences to take in sail; he prepares for the coming storm.

I think that much of this complaint is imaginary; that there are many good people, thoughtful people, who believe that the laws are made in the interests of great corporations and trusts, and that the poorer people do not have the same opportunity with the rich. Many think that the poor are getting poorer and the rich richer. I do not share in that belief. I think much of it is imaginary, for every avenue to wealth and every avenue to fame and honor is open to the humblest boy and child in this land. But it is our duty to consider these questions, to consider them thoughtfully and considerately. Carroll D. Wright has recommended this measure. He has devoted a quarter of a century of his life to gathering statistics, to investigating labor organizations, the agricultural, manufacturing, and commercial interests of our country. We have all that information before us that this commission may take, and out of which they may formulate a law that may bring peace and prosperity to the people who are now complaining. There are many questions that are so closely allied to this that you can not separate one from the other. The question of arbitration, of conciliation, of profit sharing, the apprentice law, the unemployed labor of our country, the competition with Japanese and the servile labor of India, the low prices paid by other countries for labor, paid in silver, the immigration question—all these questions are to be considered by this commission.

Mr. PUGH. Mr. President, will the Senator from California permit me to interrupt him?

Mr. PERKINS. Certainly.

Mr. PUGH. Did not the Labor Committee, of which the Senator is a member, report the House bill without amendment, and when he made an effort for the consideration of that House bill, did not the opposition he spoke of develop itself, which induced the committee to frame and offer the substitute which is now before the Senate?

Mr. PERKINS. I so understand it, Mr. President.

Mr. PUGH. Is it not the surest way to secure the creati[illegible] a commission for the objects stated by the Senator to [illegible] the House bill without amendment, and if the Senate adopts the substitute that has been offered by the committee, does not that insure the defeat of any legislation at the pre[illegible]

Mr. PERKINS. I am in full accord with the expression of my friend from Alabama, but the friends of this bill were so anxious that it should be crystallized into a law at the present session that they have accepted the suggestions which have been presented by the opponents of the bill and so have offered the substitute. The committee did not do this; it was offered by the Senator from Pennsylvania [Mr. QUAY], and has been accepted by the friends of the bill. I do not believe that even if it were to adopt the substitute the bill will be defeated, for the House of Representatives, composed of 356 members, have come fresh from the people. They are in touch with the people.

Mr. HOAR. May I ask my honorable friend a question?

Mr. PERKINS. Certainly.

Mr. HOAR. Does the Senator think that any member of the House of Representatives coming fresh from the people of California is nearer than he is to the people? Are the members of that body any more in touch with their people than he is with the people of his State?

Mr. PERKINS. I would be untrue to myself if I did not say that I am in touch and in deep sympathy with the "plain people," as Mr. Lincoln called them; but it is a fact that many people think that this body is not a body as closely in touch with the people as the other body, whose members are elected directly at the ballot box by the people whom they represent in the House of Representatives.

Mr. HOAR. I desire to know whether my friend, then, is not in favor of the election of Senators by a direct vote of the people?

Mr. PERKINS. I believe that a Senator should be elected by the people direct. I believe the nearer the representatives of the people get to their constituents, the more they understand their wants and are in sympathy with them, the better the results that will come to our country. We can not have in all of our States such distinguished Senators as my friend from Massachusetts, or I might not be a convert to that faith; but it is a fact that from many of the States some of us have come here who never would have been here if the people had voted for us directly. [Laughter.]

Mr. HOAR. I rose to ask my honorable friend whether he meant to concede that he was not as much in touch with the people of his State as if he had come expressly from them, as any Representative from that State would come. My distinguished friend has certainly had as good an opportunity, in the course of his very remarkable, useful, and honored life, as any human being to understand what the people are who get their living by honest work. He has had the indorsement of the direct vote of his people for the greatest office that they can give, and he could have it again if he would be a candidate.

I do not agree myself that I am not in touch with the people of my State, that I do not come straight from them every time I come here, and I do not agree that the race of Yankee yeomanry from which I have descended has not the popular instinct and impulse as much as anybody. I do not think that my honorable friend means to concede to the men who are attacking this body that we do not represent the people as much as any body can. You will find, if you look at the history of the legislation of this country, that five important, useful measures for the benefit of the people originated here where you will find that one originated in the other branch.

Mr. PERKINS. Mr. President, I thank my honored friend for the compliment. His life is a part of the history of this country. No words from me could do sufficient honor and justice to what he has done, and on some occasion I should like, if I were capable, to pay the just tribute which he merits, to his worth, his statesmanship, his patriotism. But I want to pass this bill to-night. The people in the House of Representatives have almost unanimously voted for it. Now, let us imitate their example, and show the people that we are in touch and sympathy with them, and if no good comes of it, we will have done a righteous act.

Mr. SQUIRE. Mr. President, I merely wish to add a few words to what my friend the honorable Senator from California [Mr. PERKINS] has said. I do not desire to detain the Senate by any lengthy speech. I do not propose to occupy the floor for any considerable lenght of time.

I think it is necessary for the Senate of the United States, by its action here and now, to indicate its sympathy with the purposes of the amendment. I am very glad that the amendment originated with the honorable Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. If the Senator from Washington will allow me to interrupt him, I beg to say that the amendment did not originate with the Senator from Pennsylvania and does not express his best thought or judgment. It was handed to the Senator from Pennsylvania as the result of some sort of an agreement between the labor people, and, although I do not approve of the amendment, at their suggestion I submitted it to the Senate and had it read for information. If the friends of labor in the Senate wish to advance the interests of labor, they will vote down the amendment and vote up the original bill.

Mr. SQUIRE. The Senator from Pennsylvania, I understand, is, in all sincerity, in favor of the amendment proposed by him?

Mr. QUAY. The Senator from Washington is entirely mistaken. I am not in favor of the amendment.

Mr. SQUIRE. But the amendment was proposed by the honorable Senator himself.

Mr. QUAY. No.

Mr. SQUIRE. Then I do not understand the position of the Senator from Pennsylvania, if he introduced an amendment of which he is not in favor. I supposed the Senator from Pennsylvania had introduced the amendment in good faith.

Mr. QUAY. If the Senator from Washington will listen to me, he will understand the situation. I have stated that I introduced the amendment by request; that I did nothing with it except to send it to the desk to have it read for the information of Senators. I do not favor the amendment, but I favored the original bill.

Mr. SQUIRE. I regard the amendment of the Senator from Pennsylvania as a simplification of the question and not as a complication of it. That is the way I have been taught.

Mr. PERKINS. If the Senator from Washington will permit me, I am authorized to say that the labor organizations, representing more than a million of the people of this country, are willing to accept of this amendment as a substitute, and if we will pass it now it will go to the House of Representatives, and they will concur in it; and if it does not become a law it is not the fault of Congress. Now, if we just adopt the amendment, we are all right.

Mr. SQUIRE. I do not propose, as I said in the beginning, to indulge in any extensive discussion of this question, but I feel it to be a very important one for us at this juncture. It is true, emphatically true, that the great labor interests of this country desire recognition, desire investigation, and desire results from investigation. No man who is familiar with affairs in business or has any kind of contact with the public pulse can fail to realize that there is something radically wrong to-day in all that relates to the labor question in this country. It is true there is agitation, there is unrest, and there is constant appeal to us as individual Senators and as individual Represenatives in the other House of Congress.

Mr. GALLINGER. Why not let us pass the bill, then?

Mr. SQUIRE. I will be through in a moment. I have not occupied very much time. I have listened to the Senator from New Hampshire often.

Mr. CHANDLER. If the Senator from Washington will allow me, I do not think a measure of this kind should pass until it is fully discussed, and I hope he will take all the time he wants. There is plenty of time.

Mr. SQUIRE. I thank the honorable Senator from New Hampshire. I have not given to this question any more study than he has. Probably I have not given to it any more study than many Senators upon the floor. What we need is action. What we need to do is to show to the people of the United States that we are in earnest, and that we are considering the broad questions relating to the labor interests of the country.

I did not propose to let this subject pass over in silence. I am ready to give my vote. I do not know how the Senate is going to vote. How can I tell until the votes are recorded? Senators come to me and say, "Yes, we are going to have it;" but I want the members of the Senate to understand that all the great labor interests of the country are looking to us in this particular instance as they have not done in any bill that has come before us in the past ten days or the past thirty days, and that it is needful that we should be careful and considerate in our action.

I believe it to be desirable that the Congress of the United States should recognize the great labor interests, and I do not know of any better way. I might have been willing to take the House bill, but if the substitute is simpler, if it is better, let us take it. We are not quibbling about this question. What we want is a recognition of the labor interests.

There is no use of ignoring this question. We ought to have a unanimous vote of the United States Senate in favor of this measure. There is no use of ignoring the fact that the labor interests of this country are dissatisfied with present conditions, which, unless remedied, may produce very important results to this Republic. I regard this measure as one fraught with immense consequences. Let us do what we can in our day and in our time for the betterment of the condition of the industrial classes.

I second all that the honorable Senator from California has said, but on the part of the people of the State of Washington, whom I have the honor in part to represent, I want to say that I am in favor, and earnestly in favor, of the adoption of this measure.

Mr. NELSON. I should like to ask the Senator a question.

Mr. SQUIRE. Very well.

Mr. NELSON. Is there any reason why we can not have an immediate vote on this bill?

Mr. SQUIRE. Not anything that I know of.

Mr. NELSON. All right, then, let us vote.

Mr. SQUIRE. If there is any other question that anyone wishes to ask, I shall be glad to answer it. If not, I shall take my seat.

Mr. HOAR. Mr. President, I suppose the present question before the Senate of the United States is as to the proper form of this legislation. For one, I am heartily in favor of the purpose of this bill. I had the honor, when I was a member of the other House, to be the author of the first bill for a labor commission ever proposed in this country, and of carrying it through that body. It failed in the Senate, but it was afterwards renewed, and finally ripened into the present Labor Commission, which has given satisfaction to everybody. I think it would be quite well—and I should defer to the wish which has been alluded to here of the representatives of the organizations of laboring men—that the work of this Commission should be extended as is proposed in this bill; but I do not think it is a mark of respect to those gentlemen; I do not think it is right, when we consider that we are the servants of the American people, to give our assent to crude, hasty measures of legislation, which are to be to the men who are seeking to promote them like apples of Sodom, fair to the eye, but to the taste nothing but dust and ashes.

Here is a proposition to investigate within two years' time all the great subjects which affect the happiness of the workingmen of our country, who are in substance and effect the country itself—immigration, labor, agriculture, manufacturing, business, including, of course, commerce and transportation, including the great internal commerce of this country, greater than that of all the

countries in Europe put together, growing with a magnitude and a value and a rapidity which throws into the shade the dreams of even the Arabian fables, and you undertake to make a commission which, it is clearly demonstrable, can not do the work. Here are to be five members of the Senate and five members of the House of Representatives, two bodies which are to meet in special session within fifteen days, to be kept here in special session until nearly or quite midsummer, to return to their homes to give an account of their stewardship to their constituents in the State elections, to come back here again on the first Monday in December, and to stay here until midsummer next year, and you fasten upon that commission a majority of men who can not do the duties without violating their own sworn official oaths, and you say you will do it in the interests of labor, when every man on this floor, if you ask him whether he thinks that is a good thing to do, will tell you in private that he does not.

Mr. PEFFER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. HOAR. Certainly.

Mr. PEFFER. I wish to ask the Senator whether it is not a fact that there are more than five members of this body, to say nothing about the members of the other branch, who are absent all the time?

Mr. HOAR. Then you are going to put on that commission—and that makes it worse—and you propose to answer this grave objection by putting on it the idle and lazy drones of these two bodies.

Mr. PEFFER. That was not the point, Mr. President.

Mr. HOAR. That is the result of the proposition.

Mr. PEFFER. What I wish to suggest to the Senator is that, as a practical question, we always have from five to ten members of this body somewhere, not on duty.

Mr. HOAR. You can not have on the commission the great Senators, those who give their attention to these subjects, for their time is too valuable, according to the gentleman who made the proposition. The men who are absent from their duty, who are not on the Finance Committee, who are not on the Appropriations Committee, who are not on the Commerce Committee, who are not on the Interstate Commerce Committee, are to be sifted out for this duty. Mr. President, I shall vote for this bill if you strike that out, and let these labor gentlemen have their commission, let them select and present to the President of the United States nine or ten of the foremost citizens of the country whom they think fit for that purpose from among the representatives of their own organizations.

I am not a young leader in this matter; I have voted for every measure in the interest of the laboring man which has been up in either House of Congress now for nearly thirty years. I have a trunk full—I do not say so with any boastful spirit, but I say it to show my sincerity in this matter—I have a trunk full of the resolutions of labor organizations, of labor conventions all over the country, thanking me for getting up that original plan of a labor commission, thanking me for my votes for the eight-hour system, and for the other great measures which have been here in their interest; and I am not afraid to state what I think is best for them; I am not afraid that I shall not have their own sober judgment, and I say that it is not respectful or decent to them that we should ask them to make up a majority of this commission of men who have got to be engaged in other duties for the time when this work is to be done, which would take every moment of their time and all of their strength, or else to palm off on them the drones and lazy men in both Houses of Congress, who will make this a mere matter of junketing or traveling about the country enjoying themselves.

Mr. President, we had another proposition almost like this in regard to another subject, to put into a statute a provision for appointing a committee made up partly of persons outside of and partly of members of Congress, and it was ruled out within three days on a point of order, and Senators from all over the Chamber came to me and said they were glad that I had made the point of order, and that it was clearly right.

Now, what is this proposition? Are these men to be public officers? You can not by an act of Congress make public officers unless they are officers of the body itself under the Constitution. Each House of Congress may appoint its own officers. These are not officers. If they are, they are not constitutionally appointed. They are committees of this House and the other, and nothing else, and if they are committees of this House and the other, and nothing else, you can not create them by statute without changing the rules; you can not appoint them in this way without changing the rules.

Mr. ALDRICH. What rule?

Mr. HOAR. The rule which provides the method of appointing committees of the Senate and what the committees shall be.

Mr. President, I do not treat this thing as a farce, to be passed through as a sop to Cerberus, and to have every Senator who votes for it chuckle and laugh in his sleeve, as some Senators do, and say they passed it simply to please the labor men. I want to serve the labor men if I can and not to please them. I admit the existence of that magnificent discontent, characteristic of the great race of this people, characteristic of the great race from which we spring, which makes men discontented with their own condition and makes them try to better it. The discontent of labor will not hurt us if we try to answer its just and reasonable demands. That discontent which makes every American look away from the space where he stands, which, to borrow the eloquent phrase of the Senator from Kansas who was once here, makes him hungry for the horizon, which sends him to the Arctic and Antarctic sea in search of his prey, which has filled up our Western lands, and which makes the man wherever he is not contented that his children shall not be better off than he is, that his old age shall not be better than his youth, is the sublimest, the noblest, the most useful, the most patriotic instinct of the human heart, and I thank God that it is pervading the bosoms of the American people at this hour as never before. It is the parent of all virtue. It is the source of all glory. It is the creator of all wealth. I take hold of the hands of the great laboring organizations of America, and am glad to yield to their demands that they shall have these great questions investigated and probed to the bottom; but I stand here as their friend and defender when I say that it is not a demand to be met with half insult and half sneer.

I put this point in all seriousness. Answer it if you can. Is it decent to give them a commission of which ten men out of nineteen either can not do their duties at all, or who, if they undertake to do their duties at all, must be the ten laziest, idlest, most unnecessary men in either House of Congress?

I move to amend the substitute by striking out the words "five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker;" to strike out the word "other," between the words "nine" and "persons," and to insert before the word "nine" the word "of" instead of "and." If that amendment shall be adopted, I will vote for the bill.

Mr. HAWLEY. I should like to hear the substitute read as it will read if amended.

Mr. HOAR. I wish to say that the Senator from Pennsylvania himself, a gentleman of whom I wish to speak with all respect now and always, said when he introduced the amendment that he did not introduce it as liking it, but only that the gentleman who drew it might have it brought before the Senate in some way for its information, and that he thought the whole amendment had better be stricken out.

Mr. QUAY. I sent the amendment to the desk simply to be read for the information of the Senate.

Mr. HAWLEY. I should like to have the amendment to the amendment stated.

Mr. HOAR. If the amendment is not moved, then my motion is not in order. If it is, I want to make a commission of nine of the strongest and best men in this country, and say to the workingmen, "We will give you a commission which shall be as good and as entitled to respect as the Supreme Court of the United States itself, if you can get it."

Mr. SHOUP. Does the Senator make the motion to strike out?

Mr. HOAR. I do make the motion to strike out that much of the bill.

Mr. SQUIRE. Allow me to say a word. It is not important, as I take it, as to the technical language, or as to the number or the particular element that shall constitute the number of the commission proposed. The great question is, Shall there [illegible] commission?

Mr. STEWART. I rise to a parliamentary inquiry before the debate goes any further. I should like to inquire of the Chair if the substitute has been offered and is pending, or whether we are acting on the original bill?

Mr. SQUIRE. I understand the amendment has been offered.

The PRESIDING OFFICER. The substitute has been adopted, as the Chair understands, as in Committee of the Whole.

Mr. SQUIRE. I understand this question is before the Senate and that debate is in order. All that has been said has been in order upon the amendment proposed by the Senator from Pennsylvania. Am I correct?

The PRESIDING OFFICER. The Chair again announces that the substitute was adopted as in Committee of the Whole.

Mr. CHILTON. I think the Chair must be mistaken about that.

Mr. THURSTON. The motion was put and carried.

Mr. CHANDLER. I ask that the amendment of the Senator from Massachusetts may be stated.

Mr. STEWART. Would a motion to reconsider the vote by which the substitute was adopted be in order? I am opposed to the substitute and I am in favor of the original bill.

Mr. SQUIRE. I believe I was recognized by the Chair and am entitled to the floor.

Mr. STEWART. The Senator from Washington has the floor.

Mr. CHANDLER. The Senator from Washington ought to let the motion be stated. We ought to know on what he is talking.

The PRESIDING OFFICER. The present occupant of the chair is advised that the substitute was adopted.

Mr. GRAY. That is right.

Mr. SQUIRE. The honorable Senator from Massachusetts proposed an amendment to the amendment. I ask for the reading of the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

Mr. QUAY. I desire to suggest that there is not a quorum present.

Mr. CHANDLER. Mr. President——

Mr. SQUIRE. Mr. President, the important question is, Shall there be a commission?

Mr. QUAY. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Bacon,
Bate,
Berry,
Blanchard,
Brice,
Brown,
Butler,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Elkins,
Frye,
Gallinger,
Gibson,
Gray,
Hawley,
Hill,
Hoar,
Jones, Ark.
Jones, Nev.
Lindsay,
Lodge,
McBride,
McMillan,
Mantle,
Martin,
Morgan,
Nelson,
Palmer,
Peffer,
Perkins,
Pettigrew,
Platt,
Shoup,
Squire,
Stewart,
Teller,
Thurston.
Tillman,
Vilas,
Walthall,
Warren,
Wetmore,
White,
Wilson.

The PRESIDING OFFICER. Fifty-three Senators have responded to their names. A quorum is present.

Mr. SQUIRE. It is necessary to understand the parliamentary situation. The amendment proposed by the Senator from Pennsylvania has been adopted. The Senator from Massachusetts proposes an amendment. That amendment is in effect to strike out the provisions that the commission shall consist jointly of Senators, Representatives, and those appointed by the President, and leaves a commission to be appointed to consist of nine, the members of which are not to be taken from either House of Congress. That is all there is of it.

Mr. HOAR. That is all there is of it.

Mr. SQUIRE. The Senator from Massachusetts affirms that I am correct in my statement. That leaves the question before the Senate simply, Shall we have a commission?

The PRESIDING OFFICER. The Chair will state, in response to the inquiry of the Senator from Washington, that the parliamentary situation is that the substitute was adopted as in Committee of the Whole, and the substitute being an entire substitute for the bill, it is not now open to amendment as in Committee of the Whole.

Mr. HOAR. It will be open to amendment in the Senate.

The PRESIDING OFFICER. It will be open to amendment in the Senate, of course. The bill is still in Committee of the Whole.

Mr. HOAR. What became of the motion of the Senator from Nevada to reconsider?

Mr. STEWART. I was not allowed to make the motion. I could not get the floor.

Mr. FRYE. I do not see why he could not get the floor. Four or five Senators took the floor away from the Senator from Washington.

Mr. STEWART. I tried to get the floor, but failed to be recognized.

Mr. CHANDLER. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Washington.

Mr. SQUIRE. I had not yielded the floor. The question mainly is, Shall we have a commission or not? All members of the Senate will understand that. There may be technical points raised, but the great question is, Shall this great interest of labor be recognized? Shall there be a commission? Are we disposed to fritter away our opportunities here, and because one member of the Senate wants this and another wants that, shall we have nothing? The House have indicated by their vote a disposition to respond to the demand of labor. It is well recognized that this is one of the greatest questions that can employ the attention of either branch of Congress. We have the question fairly presented to us. Shall we as Senators shrink from it? Shall we dodge this question? Shall we undertake to escape by some subterfuge, by some technicality, from our plain duty in the premises? Are we representing the people? Is it true, as the Senator from Massachusetts has asserted, that we are in touch with the people of the United States? Is it true that we are disposed to respond to the demands of this great and important element—American labor? If it is true, we ought to find a way very easily to settle these minor questions of parliamentary practice. We ought to find a way to get at the kernel of the nut.

It seems to me we have had enough discussion of this question. I believe the members of the Senate of the United States are disposed to treat fairly the question of American labor. I do not believe we are disposed to bandy words about and play with this subject. The honorable Senator from Pennsylvania submitted this amendment. Does he mean it, or does he not mean it? If he does not, then some other Senator must stand ready to offer such an amendment. The honorable Senator from Massachusetts comes forward with his great experience, his learning, his high intelligence, his great patriotism, and he says that he stands ready to respond to the call of American labor. But he says he has technical objections to the amendment. He does not agree that it is wise to have the members of the Senate and the members of the House of Representatives as a part of this commission. Therefore he proposes to strike out the provision which relates to the number of the commission, and instead of having 19 members, 5 from the Senate, 5 from the House, and 9 citizens of the United States outside of the two Houses, he proposes to have it consist of 9, simply leaving out the 10 members of Congress proposed in the amendment of the Senator from Pennsylvania.

If there is anything in this movement, if there is anything of earnest in our hearts, let us get at it. There is no use dodging this question. Do we mean really to recognize the interests that are presented here by petitions to the extent, I am told, of 50,000 signatures? If we do, let us indicate our intention. It is not a question as to whether a portion of the commission shall consist of members of the House of Representatives and members of the Senate of the United States. The main question is, Shall we have any commission, and shall it be a competent one?

I take it for granted from statements made upon the floor of the Senate that Senators represent in good faith the interests of the American people and the great interests of American labor, and that we do want to deal with this question. We know very well that the members of the various committees of the Senate and House of Representatives engaged in their proper duties have sufficient to employ them during the sessions of the Congress. We know perfectly well that if the matter is left entirely to existing committees of Congress this question will not be adequately dealt with. We understand that perfectly well, do we not, I ask the Senator from Massachusetts? The Senator from Massachusetts responds that he does. It is evidently true that we do need a commission. The ablest and wisest and most patriotic hearts and souls in the Senate agree that we need a commission. We need a competent one, and we do not need to quibble as to the constitution of its personnel. But do not let us lose sight of the main question. The main question is, Do we intend to have such a commission, or are we willing to be diverted from it?

I know very well that Senators here have shot in the locker. I know very well that my friend the honorable Senator from Rhode Island [Mr. ALDRICH] intends to rise here and oppose this proposition. I know very well that others have concealed weapons to bring forth on this question. But I say to the Senator from Rhode Island before I take my seat that if this great Senate of the United States shall fail now and here to recognize the great interests of American labor on this question, they will fail of their duty and they will stand impaled upon the pickets of patriotism that are on the outworks of the great fortifications that represent the interest of the American people. We can not endure suspense longer. We must have action, and we must have intelligent action. The days of Patrick Henry were no more important than the days under which we are meeting to-day. The American people require at the hands of the American Congress a proper solution of the great problem of labor as applicable to our present conditions.

Mr. PALMER. Mr. President——

Mr. QUAY. If the Senator from Illinois will pardon me for one moment. I rise to a question of explanation.

Mr. PALMER. I beg pardon of the Senator from Pennsylvania. I have the floor, and I do not think I can be taken off of it by a call of the Senate. I am ready to submit that question to the Chair—whether having the floor I can be taken off for a call of the Senate?

The PRESIDING OFFICER. It is the opinion of the Chair that such a proceeding can not regularly obtain.

Mr. PALMER. I am very anxious that a commission shall be appointed substantially as proposed by the Senator.

The PRESIDING OFFICER. Senators and persons entitled to the floor will cease audible conversation.

Mr. PALMER. I have spoken in the sound of brass bands, and all that, and I have no particular concern about talk in the Senate.

The PRESIDING OFFICER. The Senator will please suspend. Senators and persons entitled to the privileges of the floor will please suspend conversation and resume their seats.

Mr. QUAY. I do not think the Senator from Illinois heard my request; I did not hear his statement. What I asked when the

Senator from Illinois took the floor was that I might rise to a personal explanation.

Mr. PALMER. I do not yield for that.

Mr. QUAY. All right.

Mr. PALMER. No; the Senator from Pennsylvania can make his personal explanation after I get through.

Mr. President, I am exceedingly anxious that a commission shall be appointed, but not exactly as proposed by the amendment of the Senator from Pennsylvania. I favor the appointment by the President of the United States of a commission of nine persons who shall consider the various questions proposed in the second section of the amendment:

> That it shall be the duty of this commission to investigate questions pertaining to immigration.

I am solicitous to know whether an intelligent commission appointed by the President of the United States, the new President, will require of immigrants a literary qualification, requiring them to read and write the English language or some other language. I am exceedingly anxious to learn from the report of such a commission whether they believe that a protective tariff is essential to the protection of American labor, or whether a tariff which will protect American labor is, under the circumstances, possible.

I repeat, the second section of the bill provides that it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business. I desire to know whether a commission of intelligent men, after investigation, will report to the Congress of the United States that they believe any system of duties imposed upon imports will afford anything like protection to American labor, or whether the promise of our friends on the right, that by some system of tariff duties they will be able to secure to American labor American prices, will be fulfilled. I am anxious to learn on that point. In my judgment it is not possible. In my judgment a tariff for protection to the extent that protection was given twenty or thirty years ago is now an absolute impossibility.

I am anxious that nine intelligent men shall inquire whether protection is needed for the Pennsylvania iron interests and steel interests that are now able to sell their products abroad, in Canada and in Great Britain; whether the Pennsylvania doctrine of protection to American industry is now practicable or can be employed as the means of giving wages to American labor. I am anxious, too, to know whether agriculture will be benefited by an increased duty upon wool and a corresponding increase upon the manufactures of woolens. I am anxious to know, by the report of an intelligent, enlightened commission, whether under the new dispensation we are now approaching a tariff of duties upon the wool produced in the West, where sheep cost nothing, where wool is substantially the simple cost of the requirements of the shepherd, and a corresponding tariff on woolen productions is to the advantage of labor. I am anxious to know, after the deliberations of such a commission, whether, in their judgment, it is advisable and wise to adopt the free coinage of silver on the ratio of 16 to 1; whether that will promote the interests of the American people and of agriculture and labor. I am anxious to know whether the business of the country will be improved either by a tariff or by the free coinage of silver on the ratio of 16 to 1. Indeed, such men as would be selected would not be likely to agree that it was wise to consult European nations as to whether we should adopt the free coinage of silver or adopt some method by which we could obtain an international coin.

So, Mr. President, I am exceedingly anxious that this commission, consisting of nine persons, shall be appointed, and that that commission shall deliberately consider all questions submitted to them, and I trust that some parliamentary method may be found by which nine persons, who shall fairly represent the different industries and employments, to be appointed by the President by and with the advice and consent of the Senate, shall be appointed, and that that commission shall investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and report to Congress and to suggest such legislation as they may deem best upon all those subjects.

Surely, no commission can be charged with a more important duty. If that commission should undertake to dispose of the questions that pertain to immigration, they will be called upon to and will investigate intelligently questions pertaining to immigration. They will report to this body, and will collect facts, as I suppose, which will illustrate the infinite folly, the childishness, and the injustice of that measure, which has met the condemnation of the President of the United States upon principles so broad and well settled, so much in harmony with justice and right, that the Senator, the author of the measure, or who is responsible for the measure, sought to commit it to the Committee on Immigration rather than meet a vote of this body.

I repeat that they will inquire whether labor would be benefited by what we term, ludicrously enough, protection. I trust that they will inquire whether labor would be benefited by the unlimited coinage of silver at the ratio of 16 to 1. I trust they will inquire whether it is necessary that the American people shall adopt the coinage of Japan or Mexico or China; whether that is best for the labor interests of the country; and I trust, in their general consideration of business, they will determine that the only safety for American business is a rigid and firm adherence to the existing standard of values, and that free trade, subject to the mere duties which are essential for the necessities of the Government, is the policy of the United States.

Mr. THURSTON. Mr. President, we are in the last hours of an expiring Congress. We have voted to take up this bill and consider it. We ought to be prepared to consider it in view of the fact that but a few short hours remain in which it can become a law. I believe it is time to quit horseplay on this bill; and if we propose to create a commission, let us create it. The labor and industrial interests of this country for months have been asking and beseeching us to give them a commission, a commission only with power to secure information and lay the result of that information before the Congress of the United States. There is no harm in such a commission; there can be no harm in the collection of such information; and why is it that these representatives of the great labor forces of the country are played with by the Congress of the United States day by day, month by month, given fair promises to their faces, and every time that their measure comes up they are met, not by direct and fair opposition, but by parliamentary procedure designed to defeat the end by means of delay?

Mr. President, it has never been my habit to tell the people of the country how I felt about labor or to parade any friendship that I might or might not have for the representatives of labor. I prefer to act rather than to speak; to vote rather than to delay.

There is an amendment here which provides for a simple commission, with no power except to secure evidence and lay the result before the Congress of the United States. I understand that the most respectable representatives of all the great labor organizations in this country are here to-day, ready to accept that as a satisfactory measure for the present time. We can pass that measure to-night if we wish to do it. We can defeat it; any Senator can defeat it if he desires to do so; but if we are to pass it, it must pass at once. The bill, if amended as proposed by the Senator from Massachusetts, will leave a simple commission of nine men to be selected by the President and confirmed by the Senate. It is a wise method of selection. I agree with the Senator from Massachusetts that it is not wise to create a mixed commission, half fish and half fowl, if I may apply that term to the several branches of the Congress of the United States. If we have a commission, it should be a commission pure and simple, composed of a membership which is outside of Congress and not connected with it.

Nine members is a fair number. The President of the United States can be safely trusted to assign them correctly among the different industrial and labor interests of the United States.

Now, there is the situation. If we are the friends of the organized labor of the United States, let us pass this bill now and send it to the House of Representatives, where it can be concurred in and become a law by 12 o'clock to-morrow. I do not desire to speak further. I wish to attest my belief on this subject by my vote. I hope to have a chance to give this small measure of right and justice to the organized-labor demands of the United States. [Applause in the galleries.]

Mr. PLATT. Mr. President, the words spoken by the Senator from Nebraska when he took his seat explain this bill. He appeals to the Senate to "accede to the demands of the organized labor element of the country." That is what the bill under consideration means. It is a demand from a certain class of our citizens that we shall adopt certain legislation for the purpose of securing from Congress certain other legislation which they desire.

Now, suppose it was a "demand" of the railroad interests of the United States; suppose that the presidents of the great railroads came here and demanded of us a commission to investigate the railroad situation in the United States, and to report its conclusions to Congress and its recommendations as to what kind of legislation we should adopt relating to the railroads of the United States.

Mr. PEFFER. Does the Senator think we could get such a commission if it were asked for in that way?

Mr. PLATT. That is the way this commission is asked for.

Suppose it was a "demand" from what is called the gold-standard interests of the United States that there should be a commission appointed in the interests of the money power of the United States to investigate and collect facts, to have hearings and make a report advising Congress what legislation it should pass for the benefit of the money interest and the money power of the United States. Suppose it were a "demand" from the manufacturers of the United States, who are interested, it is supposed, in the passage of a tariff bill; that they came here and presented the demands of organized manufacturing interests that we should pass a bill creating a commission to inquire into and determine what legislation we should pass in their interest.

Mr. President, what I have said is but preliminary to a few observations as to what I think of commissions. Certainly we ought not to accede to the "demands" of any class of our people in this respect. I believe that Congress ought to legislate, and that Congress has both the power and ability to legislate, on all subjects which require legislation. I do not believe in commissions created outside of Congress for the purpose of telling Congress what it shall do. If that shall be done, then the "demand"—that is the word—which requires this commission demands the legislation with tenfold clamor and with tenfold power.

I understand that by the Constitution of the United States we have a Congress composed of two branches, the Senate and the House, and I understand the Constitution commits the subject of legislation to that Congress. I know that in these days there has cropped out, as it seems to me, a desire to minimize the other two independent branches of Government and concentrate power in Congress, to minimize the executive and the judicial branches, and to magnify the power of Congress; and it seems that this sentiment, this disposition and tendency, is running side by side with a desire that Congress shall farm out its legislation into the hands of the classes which demand legislation for their particular benefit.

Mr. President, so long as the commission proposed was one in which the majority was to remain in Congress I thought it was not an entire abdication of our duty and our power, but I never have known any good to come from a commission appointed by Congress from outside of itself. I do not know that I need to enlarge at this time these views of mine, but I think we may well assume that we have the power and the capacity and are charged with a duty to enact needful legislation. The committees of Congress are ample; its committees are as able to deal with questions of legislation that affect the welfare of the country as any number of men unfamiliar with legislation who may be appointed from outside of Congress. If experience counts for anything, if long consideration of subjects counts for anything, the committees of Congress are better able to deal with these questions than are persons who are selected having had no experience in reference to them.

I would not vote for any commission upon any subject which was clothed with any power except that of investigation, and of reporting facts as the result of that investigation, and when it comes to that the committees of Congress can obtain those facts and report them to the Congress just as well and better than outside commissions. I would not favor a tariff commission or any other commission which was to report to Congress a formulated bill which Congress was expected to pass. It is abdicating our power; it is avoiding our duty, and all because there is a demand by organized labor or other organizations in this country that legislation shall be passed for their benefit.

Some one may as well speak out plainly and tell the truth. These outside commissions are contrary to the genius of our Constitution, contrary to our system of Government. They were not intended when the Constitution was formed. They have never wrought any good, and they never will. I think perhaps I am as true a friend of what may be called the interests of labor in this country as those who are loud in their advocacy of this bill. But no class of our fellow-citizens should come with a demand that legislation such as it desires shall be enacted. It makes no difference whether it is from the labor interest of the United States or the money power of the United States, whether it is from the agricultural interests of the country or the manufacturing interests of the country, whether it is from the moral interests of the country or the banking interests of the country, no class of citizens has a right to come boldly saying that they "demand" certain legislation of the Congress of the United States.

If any class of our citizens do come organized to make demands on our Congress, it is the duty of Congress to turn a deaf ear to such demands. The interests of labor, the interests of agriculture, the interests of manufacturing, the interests of currency, the interests of property, require alike the impartial, the patriotic, and the honest attention of Congress. We may well take pattern of the divine law. No word of the divine canon was promulgated for any class of the people of this world or any individuals in this world. Human laws should be like the divine laws. They should apply to all. They should be for the interest and benefit of all. They should be equal and not enacted deliberately, openly, avowedly, in the interest of any class of our fellow-citizens.

I am entirely opposed to these outside commissions, and so when the bill was presented here it seemed to me, as I undertook to say when the bill was about to come up one day, the most remarkable bill in its details and its purposes that has ever been presented to the Congress of the United States. Its details, I think, can not be defended, and its purposes, as I understand them, that an organized body of people in the country come here demanding that this bill shall be passed, can not be defended either.

Mr. President, legislation has been running into strange grooves of late. Every interest in the United States almost is organized for the purpose of promoting or preventing legislation. In these days there is not much of bribery or corruption in the National Legislature. I thank Heaven that the National Congress is comparatively free from any suspicion of corrupt means being used to favor legislation. But the great danger to our legislation, the great danger to the character of our legislation, is that Senators and Members of the House are influenced by the demand of these organizations. The Government clerks are organized to demand legislation of Congress. There are many organizations of them, and that demand we are made to feel. We get it in the resolutions which are passed in their bodies. It comes to us not with a request to consider matters, but with a kind of stand-and-deliver authority. The Senator or the Member of the House of Representatives who will not listen to it and act upon it understands that it means that he is to be opposed at the polls.

I merely speak of this as an illustration. But all over this country every possible interest has become organized. Quick communication by mail and telegraph makes it possible to organize the whole of any particular interest throughout the entire country. Then resolutions are passed, and those resolutions are sent to us, not as requests, not as petitions to Congress, but with the tacit threat behind them that if legislation is not passed for the benefit of such organizations we shall suffer at the polls.

I venture to say that there is not a Senator sitting in his seat to-night who has not been plied with telegrams, either from the railroad companies and their agents to favor what is called the anti-scalping bill, or from the organizations that are opposed to it to defeat it. They do not come requesting our attention to the bill, asking us to consider it, but they come in this way: "Do all you can" either "to urge the passage" or "to defeat the passage of the antiscalping bill."

Mr. President, it is quite time that we called a halt in this sort of legislation. It is quite time that Congress should assert itself and have the courage, the manly courage, notwithstanding what organizations may desire, notwithstanding what particular classes of people may desire, each member for himself to decide what is best for the whole people, all the people. My word for it, Mr. President, when each Senator and each member of the House acts, as he knows he ought to act, upon that principle, and we pass laws for the benefit of all the people and not for the benefit of any particular class of people, all the different classes of this country will find their interests better subserved than they can be in any other way.

Mr. CULLOM. Mr. President, I am for this bill. I believe it is a good measure to pass; I am not for it simply because, as the Senator from Connecticut [Mr. Platt] says, it is the result of the demand of organized labor; but I am for it because I believe that it may result in great good to the people of the United States.

I observe that the bill provides that this commission, consisting of five members of the House, five members of the Senate, and nine others, who shall fairly represent the industries and employments, to be appointed by and with the advice and consent of the Senate, shall do so and so. Whoever may be the parties who are demanding the passage of this bill, if there are any such, when you come to look at the purposes of the bill, it would seem that they are worthy of consideration.

I rose more especially, however, to say that I am not in accord with the honorable Senator from Connecticut on the proposition he reasserts often, that such commissions are of no use to the country. I believe that they are of use to the country. I believe that one of the best things we can do when we come to the business of preparing a tariff bill, which we shall urge in the course of a few weeks, will be, when we get through with the consideration of that bill, to attach to it a provision for a permanent commission on the tariff, whose duty it shall be to consider all the time whatever there may be to consider in the direction of changes of any tariff law that may be passed hereafter. I desire the attention of the Senator from Connecticut.

Mr. PLATT. You have it.

Mr. CULLOM. I say I believe the time will have come, when we take up tariff legislation again, that we should provide by some means or other for a tariff commission, who shall report to Congress year by year such amendments as they may deem best after investigation, so that the time may pass by when, upon one party coming into power and another going out, there shall be radical changes in tariff legislation for raising revenue and giving protection to American industry and American labor.

Mr. GRAY. Will the Senator from Illinois allow me to interrupt him?

Mr. CULLOM. Certainly.

Mr. GRAY. Does the Senator propose to tie the hands of Congress, so that they would abdicate their functions in legislating?

Mr. CULLOM. Not at all.

Mr. GRAY. Why should not one Congress undo what they think was wrong in the action of a preceding Congress?

Mr. CULLOM. Of course Congress has the power to do that. There is no reason why it should not do it, of course, if the tariff legislation, in the judgment of one Congress, is wrong that was passed by a previous Congress. But it seems to me the Senator from Delaware will agree with me in my proposition. Take the

present condition, if you please. A new Administration is coming in. A new tariff law is likely to be passed. I think the country would benefit by the adoption of such a scheme when Congress passes the next tariff bill. If it is to be done very soon, Congress should provide for a commission whose duty it shall be to give their exclusive attention to the examination of the question as to whether the proper duty is laid upon this item, and that, and the other, and report to the succeeding Congress upon the items, suggesting whether there should be any little changes or great ones made by the succeeding Congress.

Mr. GRAY. May I ask my friend a question there?

Mr. CULLOM. Certainly.

Mr. GRAY. Is the Senator in favor of having such a commission appointed before the new Congress passes a tariff bill or afterwards?

Mr. CULLOM. I should prefer to have one in existence now, so that it could submit a report at the called session of Congress.

Mr. GRAY. Would the honorable Senator prefer that we should defer all tariff legislation in the next Congress until that commission reported?

Mr. CULLOM. I would not.

Mr. GRAY. Why not?

Mr. CULLOM. Because I think the defects of the existing tariff law are so patent to everyone that they demand immediate attention in order to raise a sufficient amount of revenue and give reasonable protection to American labor and American industry. But when that law is passed, in my judgment, there ought to be a tariff commission at work from that day on until the next session of Congress.

Mr. HOAR. Does not that always apply to the idea of a commission appointed by a President who is a great protectionist?

Mr. CULLOM. No, sir; not necessarily. I want a commission of statisticians, men of business, men who are familiar with the subject, not to pass the law for Congress, but to report the exact facts to Congress, so that Congress shall have the information before it and can act upon little amendments to the tariff law instead of sweeping a tariff law away and bringing in a new bill entirely different and in the opposite direction from the one in force at the time.

Mr. ALLEN. Does the Senator infer that in consequence of the conspicuous success of the Civil Service Commission and the Interstate Commerce Commission, therefore a tariff commission would be a success?

Mr. CULLOM. So far as the Civil Service Commission is concerned, I do not know whether there is much success attached to it or not. There has been more success attached to the work of the Interstate Commerce Commission. But I do not want to go into a discussion of interstate commerce now, after the Senator was so anxious to have the anti-scalping bill laid aside, so that we could not discuss it to-night.

Mr. ALLEN. In what respect has it been a success?

Mr. CULLOM. I say I am not going to take up that subject, but I am amazed almost that we have been able to go forward in the development of our industries in view of the fact that we are shuttlecocking first to one extreme and then to the other upon the tariff question. What I want is a reasonable tariff law that will give sufficient revenue to the country and upon such lines as will give reasonable protection to American industry and American labor, and then keep it there, as I believe the country is prepared to keep it there, when we can get it in that shape, without reference to what party comes into power. But in order to do it, we want a capable commission that will report to us at every session of Congress the exact facts in reference to the protection that is given every article of industry or commerce where such articles come from foreign countries in competition with American labor and American industry.

Mr. SQUIRE. I desire to ask the honorable Senator from Illinois whether, in his judgment, it would not be wise in the consideration of the question of commissions to apply them to the study of great questions of economics, and to have not only the tariff question, but the money question considered by a nonpartisan commission, so that not only the question of revenue to be raised for the support of the Government, but all questions relating to the currency of the country, should be considered by a competent commission and reported upon for the advice of Congress, not necessarily for its control, so as to take this question as far as possible out of the arena of active politics, so as to make these questions those of the real interests of the commercial people and all of the people of this country, without regard to the battledore and shuttlecock style we have been indulging in.

Mr. CULLOM. I am not going to say anything more to-night than to refer to the importance of a tariff commission. As to the financial question, that is another subject entirely.

I believe that this commission will be an important commission, and will do an important work in the interests of the peace and harmony and wealth of the people of the United States, and I hope, as expressed by the Senator from Nebraska [Mr. Thurston], that we shall get a vote upon this bill.

Mr. HAWLEY. Mr. President, I wish to occupy but a short time in making a preliminary observation or two concerning this idea of subletting legislation. When I was first up I said enough about the machinery by which our forefathers and the people before them, studying free government, devised to get at this very thing—the will of the people.

It has been suggested that we should not only create a tariff commission and keep it in operation all the while, but that we should have commissions of various kinds engaged in the consideration of various subjects of legislation. Mr. President, this is practically abolishing Congress. We can not delegate the trust that we hold from the people. Lawyers will tell you that——

Mr. CULLOM. I hope the Senator does not understand me as wanting to delegate the authority to pass laws to an outside commission. I only desire to have them to inquire into and report facts to the Congress of the United States.

Mr. HAWLEY. But the important part of the business of legislation is getting a knowledge of the facts to build a law upon.

Mr. CULLOM. But we have not been able to get the facts.

Mr. HAWLEY. But your statute is to be found in your collection of facts, when you have them; then practically you have your law. You find out what is demanded by the circumstances of the case.

It is a very great mistake to let people assume, without correcting them, that we are entirely unfit or so far unfit for the proper performance of our duties that it is better to create a commission to do our thinking for us, and that we should accept the results of their labors.

I dislike another expression I have heard, of getting in touch with things—getting in touch with labor. Who is not in touch with labor?

We are in touch with labor in our houses every day, according to the number of employees we have. We are in touch with labor when we take a cab or a street car; in touch with labor when we talk with laborers in the street. I am in touch with labor when I go to my home, and among the first men I seek there are the mechanics of my town. I am in touch with labor there. I am disgusted when I hear persons talking as if we knew nothing about the people—"the people!" It is a species of demagogism and flattery that is directly seen through, to be sure, by the great mass of the American laboring people themselves.

Who will tell me anything about what labor is? Who can instruct me on that subject? My earliest recollections of boyhood are of living in a log house in the pine woods, and going to a log schoolhouse. I worked upon a farm, and I worked hard. At 18 I was the janitor of a church for a time, and when I went to college I taught my landlady's daughters in the afternoons for two hours to pay my board bills, and in another place the good woman allowed me to saw, split, and carry wood to pay for my board. And when I came out of college I was in debt, but I paid it all off in four years, I am happy to say. I was clerk in a store for a while. I taught school three winters. I turned my hand to any and every thing to earn an honest livelihood, for there was nobody poorer in that neighborhood than we were. I was a barefooted boy, living in the piney woods, and I know the whole gamut of labor. I lived among people who labored. Does anyone tell me that I am not "in touch with labor?"

In these things there is nothing to boast of, nothing to be ashamed of. It is an old story, well known to multitudes of Americans.

Labor is the business of the great majority of the people of the country, and the laborers are the large majority. They can do what they please. They have sent us here when they could have defeated us and sent others if they pleased. They hold the ballot—

A weapon that comes down as still
As snowflakes fall upon the sod;
But executes a freeman's will,
As lightning does the will of God.

And yet it is said they are not represented. Why, sir, nothing in the world that is just is unrepresented. It may not have a distinct agent appointed and commissioned, but it is represented in the thoughts of all generous people, represented in the burning words of the eloquent orator, represented in sermons and poems, represented everywhere. There was only one class in this country who were in a sense unrepresented, but it is a mistake to think they were entirely so. Then there was labor without a voice; it could not read; it could not print; it had no legal relation between husband and wife, nor between parent and child. That was labor unrepresented, was it? No; for there were thousands of people who for a hundred or two hundred years, doubting the wisdom of that system, printed papers and made speeches, uttered prayers, and systematically year after year formed societies and hired orators to discuss that great wrong, growing stronger and stronger, and finally creating a powerful sentiment, which with many became a profound religious conviction, in behalf of that unrepresented labor. By and by, in God's good time, that system, which seemed to have been bound down with bands of steel on foundations of granite, went skyward in a great explosion of fire and blood. The "nigger" was "represented," sir, for a century before he became free.

I say nothing just can be unrepresented in this world, and I say that every man who is a statesman, every man who is a student, should take note of everything that is said, no matter how foolish it may appear, if it seems to come from honest conviction, and inquire why did that man say so and so, what makes him feel so? He will inquire as to the nihilist, whether there is anything in his situation which is unusual which has bred that sort of feeling; he will study the secret springs of action that move the anarchist and the extreme socialist and whoever makes an outcry against alleged wrong.

We are all inevitably and unavoidably connected with labor. I always wish to hear what the laboring people say; I always read the resolutions and addresses adopted by their conventions, even those which may be thought to be the most wild and visionary, for I know that, in a certain sense, it is the fanatics who make the world go—the people who are in dead earnest, who are supposed to be foolishly earnest, if you choose, about a cause. So it was said of the abolitionists. Brickbats were thrown at my father because he mildly lectured against slavery.

I have always been an honest and sincere friend of sincere labor. But legislators can not deceive the straightforward common sense of the "plain people" by manufactured expressions of sympathy and feeding them with a spoon in matter of politics.

Mr. CHANDLER. I rise not to make an argument on behalf of the pending bill, for what is wanted just now is not arguments for it, but votes for it. This bill passed the House of Representatives June 1, 1896. It was a long, elaborate bill, and it met with a great deal of opposition. There have been conferences about it all this winter, and the persons who have taken an interest in it have come to the conclusion that is embodied in the amendment proposed by the Senator from Pennsylvania [Mr. QUAY]. Within a short time there will be conference reports coming in here, which will take up the time of the Senate, and the persons expecting this bill will be disappointed. I appeal, therefore, in connection with the Senator from Nebraska [Mr. THURSTON], for a vote, that we may at least give to these people this humble, modest provision for which they ask.

At first, Mr. President, I thought the provision for the ten Congressmen ought to be stricken out, and that the commission ought to consist only of nine other persons; but upon reflection, as all the persons who desire this legislation, who have a right to ask for it, who have asked for it, and who have united in favor of it, and inasmuch as it is reduced in its expenditures, reduced in its machinery, and is a very humble request, not a demand, as the Senator from Connecticut [Mr. HAWLEY] has said, but a very humble request from the people, who think that this commission might do something toward solving the great questions which are pressing down upon the country, I hope, Mr. President, that Senators will refrain from speaking on the subject, and give us a vote. There are Senators enough here on the floor and in the cloakrooms to pass the bill, even if there shall be a call for the yeas and nays. But if you spend much more time in debating it, and Senators ventilate their views on all sorts of subjects under heaven, including tariff commission and the whole subject of the tariff, we shall not get a vote on it, and we shall be justly subjected, as some Senator has said, to the imputation that we have been playing with the people who want this bill.

There is no such thing, Mr. President, as stopping debate in this Senate; I know that very well, but I do hope that the Senators who really are for the bill will sit still and let the Senators who are against it, if there are any, talk against it, and then let us vote upon it.

Mr. GRAY obtained the floor.

Mr. HAWLEY. I beg pardon. I had forgotten one or two things I had intended to say.

Mr. GRAY. I yield to the Senator.

Mr. HAWLEY. There are to be on this proposed commission ten Congressmen with nine outsiders, with a distinct and evident purpose that the Congressmen shall control the commission. I venture to prophesy that that commission will never make a report that will be satisfactory to anybody, and all the fault will be laid upon us, for it will be said, "There were ten Congressmen against nine of us." So before the Senator from Massachusetts [Mr. HOAR] had risen, by a curious coincidence, I had marked out upon the bill precisely the amendment that he is about to move to it when the bill gets into the Senate, a proposition to create a commission to be composed of nine citizens taken from private life. If you are going to have a labor commission, why not do as you did with the tariff commission—select a body of men not in Congress, composed of the brainiest men of these labor organizations, and we shall then learn something from it? We may not be obliged to accept all they say, but we shall learn much; and we shall listen to it with a great deal of respect, for some of these men are very shrewd thinkers. Even among the nihilists and anarchists you easily find intellectual and thoughtful men.

Mr. GRAY. Mr. President, notwithstanding the monition of the Senator from New Hampshire [Mr. CHANDLER], after having said all he wished to say upon the bill, that no one else had better say anything at all about it, I venture to submit a word or two.

I am opposed to putting this Government in commission. I do not believe that that is in consonance with the genius of our institutions and with the Constitution of the United States in any phase in which we may consider it.

I do not believe, sir, that the great political questions which agitate the people of this country can ever be taken away from them and turned over to a commission of men selected by the President, by Congress, or in any other way, however able or great or scientific or learned such a commission may be. This country did not grow up in that way. This country is governed by public opinion, which sifts itself down through the agitation that the people make until we arrive at a rational and sensible result. We can not get rid of the great question of taxation by putting it into commission. We can not get rid of the great debate as to whether it is right or wrong that a few should be armed with the taxing power of this Government, that would enable them to take from the fruits of labor any portion of its reward which it had earned and put it into the pockets of those who had not earned it. That is a question which will not down, nor will any one of the other great questions that agitate the surface of politics in this country down at the bidding of a commission. We can not get rid of these things. Free government rests on agitation. We will agitate and agitate these great questions until they are settled rightly. The tariff, the currency, individual freedom, and all that belongs to a free man and a free government must be tossed about on the yeasty waves of popular debate and be agitated and agitated, as I said, until a true and honest result is arrived at. Agitation is the life of a free government. If you want the calm of despotism, you must leave the shores of this Republic and seek another clime.

No, sir; I am not in favor of getting this Government into commission yet. I do not believe that we should abdicate the functions with which we have been clothed. I do not believe we should abdicate our judgment or seek advice from the dry nurses whom we create under the name of commission. If we are to benefit the labor of this country—and when I say that and use that phrase, I mean if we are to benefit the country, for the labor of the country is the country—then we must, if we are to make an investigation to inform ourselves as to any proposition that is before us in the nature of legislation, make a specific inquiry in the domain of our legislative powers, and not make this futile endeavor to cover the whole domain of human interests as this amendment does. Listen, sir, to what is to be committed to this commission:

> It shall be the duty of this commission to investigate questions pertaining to immigration, to labor—

Which includes almost every interest that concerns this Republic—

> to agriculture, to manufacturing, and to business.

There you have taken in the great circle of human activity, the larger part of which, under our scheme of government, is within the legislative control of the States, and you have left out the only two subjects that are legitimately and properly within the domain of Congressional legislation—the tariff and the currency. You have excluded the very matters about which we have a right to legislate, and you will have told this commission, if you enact the bill into a law, to investigate every other subject under heaven except those that come within the purview of our constitutional legislative power.

If this is to be a mere tub to the whale, a mere sop to Cerberus, I am against it. I believe the labor of this country, so called, which is the country, rests upon a manly, self-reliant intelligence, upon a brave manhood that can be treated as if it were brave and intelligent, and does not need to be drynursed and coddled and befooled by projects such as are often attempted here in the name of labor.

Mr. ALLEN. Protect it?

Mr. GRAY. Yes, protect it; protect the country, protect yourself and your neighbors, and you protect labor. Protect the great interests of this country, but do not try to separate something called labor out of the body of the county, out of the body of the States, out of the body of this great Republic, and set it up or put it down, whichever you please, as if it were a thing apart and not the very life and essence and substance, the flesh, the blood, the bone. Why should we not come here as the representatives of the people, of the labor of the country, of the wealth-producing labor of the country, and legislate in their interest, without treating them as if they were some great, cruel, blood-stained heathen deity that had to be appeased by oblations and by nonsense that is talked in the name of labor? I want to treat it and treat all interests in this country in man fashion, and to treat it as if it deserved respect, as it does, and because I respect it I do not want any such language as this to be thrown to it, and to tell it that that is something we are doing for it when we know we are doing nothing for it.

Let us investigate a specific proposition, if you please. Let us investigate something that is within our legislative power; but what is the use of asking a commission to roam over this country and investigate every question that pertains to immigration, to labor, to agriculture—as if agriculture and labor were not the same—to manufacturing, and to business? Mr. President, these phrases are unmeaning, whether they were intended to be so or not I do not know, and, sir, it is trifling with these great interests, it is trifling with the country, it is trifling with its intelligence, to talk about investigating in this wide domain that covers all human activity and the whole circle of human interests, and ask the commission to advise Congress in what direction they should legislate.

Mr. ALLEN. I ask the Senator from Delaware if he will be kind enough to point out any act of Congress in the last third of a century that was designed to protect the man who works with his hand, the common laborer, as distinguished from other classes of people?

Mr. GRAY. The Senator from Nebraska asks me whether I can point out an act of Congress within the last thirty years——

Mr. ALLEN. Within the last third of a century.

Mr. GRAY. Within the last third of a century—that has been enacted for the benefit of common labor as a distinct class. I think that was it. My reply to the honorable Senator from Nebraska would be that every act of Congress—and I do not propose to defend all the acts of Congress by any means—that was conceived in a patriotic intention to advance the general welfare of this country, to redound to its glory and its honor, that increased the protection of individual liberty and placed barriers between those who would prey upon their neighbors and their victims, or which tended to do so, every law that was enacted to ameliorate human conditions and did so, was for the benefit of labor, because it was for the benefit of labor, and labor is the country and the country is labor in that sense, and if it were not then we would be in sad case indeed. The honorable Senator from Nebraska says for the benefit of the common laborer as a distinct class. If I have one aspiration of my heart that I believe to be patriotic, one that I cherish, it is that there shall be no classes in this country.

Mr. ALLEN. I agree with the Senator in that respect.

Mr. GRAY. That there shall be neither in our legislation nor in our common walk and conversation any serious allusion that would suggest the idea that there are classes in this country. There are none in that sense. Let us unite here, if you please, to remove from our statute book every law, if any such there be, that tends to promote the existence of classes in this country: and I will stand with the Senator from Nebraska in every effort of that kind, and I trust he will stand with me, and I believe he will. Let us remove from our statute book every vestige of law, if vestige there be, that tends to breed these distinctions, that creates or promotes this injustice between classes of men or between man and man. I will be by his side. I will follow where he dare lead and I will lead where he dare follow in an effort of that kind; and it is because that is my aspiration, it is because I do cherish the fond hope that I may be able in what remains to me of my term of public service to do something to that end, that I am here today and shall remain with some small contentment and with some degree of comfort.

Mr. President, it seems to me that the very generality and vagueness of the language used in the sixth section of the bill which by substitution is now before the Senate ought to condemn it. The Congress of the United States has legislative powers that have been delegated to it by the Constitution, and it has none other. Of course, the Senator from Nebraska agrees with me in that. The great domain of human interest that concerns the relations of man to his neighbor, the domestic relations, the laws of property and all that concern most intimately the happiness and well-being of mankind remain as the great reserved powers of the several States. And yet this commission that is to be instituted covers the whole of that great domain and leaves out of sight, as I have said a while ago, the only two important specific questions with which Congress is exclusively charged by the Constitution of the United States, to wit, the tariff and the currency.

If there were a commission to consider the whole question of the currency, while I would not hope for any beneficial results from it, and while it comes within the reason of my opposition to all commissions, yet there would be a tangible result to be reached. And so about the tariff. That is within the exclusive domain of Congress, and though I would be opposed, as I said, to a commission, and believe that it would come within the objections I have already made to commissions, there would be a definite and tangible result.

Mr. ALLEN. The commission is to be only advisory, I understand.

Mr. GRAY. Of course it is only advisory. I do not suppose the drafters of this amendment were ever so fond and foolish as to suppose that they could delegate legislative power to them, in a measure delegate their judgment. They will have the advice of a commission of men who presumably are no better able to form an opinion and have no better facilities for forming an opinion than the delegates of the people of the United States assembled here in the two Halls of Congress.

When a specific measure comes up to which the Congress of the United States has a legitimate relation for the benefit of the condition of the people of this country, if it can be helped by legislation, I am for it, and will labor for it, and in my humble way I will contribute to the success of that measure. But, Mr. President, I can not refrain from pointing out the illusory character of this whole proposition, that whether it is so intended it does not and can not hold out any rational hope anywhere to the persons who have asked, if so be they have asked, for legislation of this character.

Mr. STEWART. Mr. President, when this proposition was first submitted to me it did not strike me favorably. I was fearful that the commission would be ineffective, and I thought Congress ought to deal with this matter. But on reflection I came to the conclusion that Congress had not been entirely successful in maintaining the prosperity of the country. When that was suggested to me also by men who importuned me to advocate the bill, I told them that I would like to know of some way of producing prosperity: that I never had found, in all my reading, prosperity without money: that if all people had money they would be able to get along pretty well, but there was not money enough evidently to go around, and they could not all have some; that if there was any way of working out prosperity without money I should like to have them invent some plan. Congress having been entirely unsuccessful in its efforts to make the people comfortable, I felt as if I were willing that the laboring men or anybody else should try their hand and see, and if they could make a suggestion that would have any influence in bringing about good times I would let them make it.

I felt something like Mr. Lincoln did after he and Mr. Stanton had managed the war here for several years. They brought General Grant to Washington to take charge of the Army of the Potomac. He went to the Secretary of War, had some conversation with him, and proposed to take all the troops away and make a campaign against Lee's army. Stanton objected. He said Washington would be captured, and he was very much excited. Finally General Grant suggested to him that they had better go and see Mr. Lincoln about it and learn what he had to say, as they could not agree. So they went over to the White House and laid the case before Mr. Lincoln. Mr. Lincoln thought about it a moment, when he turned to the Secretary of War and said, "Mr. Stanton, you and I have been managing this matter about Washington for a long time. I know we have not satisfied the country that we were doing everything that ought to be done. And do you think we have satisfied ourselves?" Then Mr. Lincoln said, "I do not feel satisfied with the way we have been doing things, and I propose to let Mr. Grant have the Army and do as he pleases with it; and if Washington is taken we will take the consequences." Inasmuch as Congress has been trying to do something in this direction for a good many years and has not made any progress, I thought perhaps we might let the laboring men take hold of it and see if they could do anything with the question.

Mr. SMITH. Will the Senator from Nevada permit me to interrupt him?

Mr. STEWART. Certainly.

Mr. SMITH. I should like to ask the Senator from Nevada whether in his judgment, if we had the free and unlimited coinage of silver at 16 to 1, it would be necessary to have any commission of this kind appointed?

Mr. STEWART. I think we could get along something better if we had more money. I think as long as the volume of money is shrinking the people will be miserable. That is my idea.

Mr. GRAY. Commission or no commission?

Mr. STEWART. Commission or no commission. But these men think they can invent a plan to accomplish something that never has been accomplished under the sun; that they can fill a man's pocket without having any money in it. If they can make any suggestions of that kind, let them make them, and we will listen to them. I have no hope of producing prosperity while the money of the civilized world is confined to the commodity gold and a few men have that commodity. As long as they have that commodity cornered, I do not believe anything will produce prosperity. It is true my friend from New Hampshire [Mr. CHANDLER] thinks it might be possible to apply to those who have it coined and get them to divide with us in some way. We can not do it in this country, but it is thought if we go to Europe we might get them to give up the advantages they possess in having the money of the world cornered. I do not believe that they will break the corner of money. I think if it is broken at all, it will have to be done by the people of the United States. I believe it has got to be done in accordance with the Constitution of the United States. I do not believe that we will ever have our own Government until we exercise those functions. As long as we fly to Europe for legislation, I do not believe that they will legislate for us; I think they will legislate for themselves. We used to do it ourselves: but somehow we are now told that we are helpless and can not legislate for ourselves; that we must apply to Europe; and we pass a bill to go to Europe. After the manner they used to do in old colonial times, we send to the mother country for relief. The evils we endure are intolerable.

That is the wisdom of Congress. I appeal from that wisdom to the wisdom of the laboring men. It may be that they can do something. I am willing to appeal to anybody. I would rather appeal to the laboring men of this country than to the crowned heads of Europe for relief. They have not got the gold of the world cornered. They have no interest in making money scarce. On the contrary, millions of them are out of employment. Prices are growing lower and lower. I have a list in my pocket of the national banks that have failed since October last. It is a formidable list, made out by the Comptroller of the Currency, and it shows that things are shrinking up here. See the list. [Exhibiting.]

Mr. SMITH. Is the sum total stated?

Mr. STEWART. No, it is just a list.

Mr. ALLEN. Will my honorable friend permit me to suggest that to-morrow the "advance agent of prosperity" will be here to take charge of the Government, and probably there will be a change for the better without any more money?

Mr. STEWART. It was said in the campaign that prosperity was on its way and that it would be here on the 3d of November, but it did not get here.

Mr. GALLINGER. No one said that.

Mr. STEWART. Oh, yes; it was said everywhere that just as soon as it was assured that Mr. McKinley would be elected, confidence, which would bring prosperity, would come at once. The manufacturers throughout the country posted notices in their shops that if Bryan was elected business would close down, but if McKinley was elected the shops would be opened and the mills would be opened, and all would have employment. We were promised prosperity on the very day McKinley should be elected. We waited. We were all looking out for it, watching for its coming. But it has deceived us. It has gone back. Perhaps it is going back to get a new start. You know sometimes a thing gets a momentum by drawing back, and when it comes it is going to come with redoubled force. But it is certainly receding. Perhaps it is acting on this principle, backing up so as to get a good start to run and jump. That is the way the promised prosperity is operating now. It is said that it is coming; and after the election they fixed on the inauguration as the period. It may be that they will now fix on some other date. Any date will do, if only it comes at all. We do not want it to keep out of sight permanently.

But it is a mockery to talk about prosperity coming with a shrinking volume of money. There is not an instance recorded in history where there was prosperity unless there was an increasing volume of money to correspond with population and business. It has not occurred once in all the history of this world, and I defy any man to find an instance. Perhaps by this commission we can find it. I am willing to try the commission; I am willing to try anything that anyone wants to try. I was even willing to try the experiment of my friend from New Hampshire. I had a good deal less confidence in that scheme than I have in the proposed commission. Still I said, "Go on and try it," and I voted for it. This is certainly a case where we are applying to our own people for advice and information. It is not humiliating at all. But when we go across the water and ask the aristocrats of Europe to have mercy on us, it is a different kind of a prayer from what this country has been accustomed to. We had quit that kind of a prayer more than one hundred years ago, and we did not commence to bow the knee to Europe until within the last fifteen or twenty years. Now our people go to Europe and spend a hundred million a year to enjoy the smiles of aristocracy, to be presented at courts, to learn the beauties of monarchies and to learn to despise the rabble. We heard this in the campaign. Every man who was of the people was called an anarchist. The discussion of economic questions was called anarchy. The great mass of the American people were called anarchists.

It has become very popular to say that all we want is a stronger government.

Why do you want a stronger government? To keep the rabble in order? They learn that vocabulary on the other side of the Atlantic. That is monarchic. Do you not suppose that the sneers at the masses of the people, and the calling of them anarchists, and the demand for more power to put them down and keep them in order, originated in Europe? There was where the inspiration was received, by travel in Europe; it came from Europe; it is the language of aristocracy; it is the language of monarchy. The leading papers in the campaign breathed the same spirit and used the same phrases that are used in monarchical countries.

People were called anarchists for what? For peaceably discussing political questions. We hear the governor of Illinois, Mr. Altgeld, alluded to now as an anarchist, alluded to in that way by men who, if they had his capacity, his patriotism, his earnestness and zeal for the cause of humanity, would be elevated away above any place they can occupy by being temporarily in high office. I, amongst others, from what I saw in the papers, was prejudiced against him before I knew him, but when I saw him and heard him talk and read his speeches, I came to a very different conclusion. He and all the balance of those men are called anarchists. I speak of him because he is most frequently alluded to. Everybody who discusses political questions in antagonism to European ideas, in antagonism to aristocracy in this country, is called an anarchist. I do not believe that we shall receive any harm from allowing these laboring men to have a commission to collect information.

Mr. BUTLER. Will the Senator from Nevada pardon me a moment?

Mr. STEWART. Certainly.

Mr. BUTLER. I wish to take issue with the Senator from Nevada on this question of anarchy. I am opposed to anarchy, and that is one of my reasons for not being pleased at the new Secretary of the Treasury who is to be proposed to us. As I understand it, he is the man who deluded and led off Mr. Altgeld; he is the man who is suspected of having advised Mr. Altgeld to take the fatal step, and he was made the scapegoat—of pardoning the anarchists. I understand that this man, who is a business man, a man standing high among the respectable people of Chicago, advised Governor Altgeld—this honest, simple-minded governor—that he ought to pardon those anarchists, and the governor had no more sense than to follow his advice. Is that correct?

Mr. STEWART. I do not know about that.

Mr. BUTLER. I understand that is so; and if that is so, and we are about to have an anarchist here for Secretary of the Treasury, it is a matter which ought to be investigated.

Mr. STEWART. I do not know anything about that. I do not know what advice he gave to the governor of Illinois; but I know that the newspapers have represented that he undoubtedly really and honestly thinks—and I shall not question his honesty of purpose—that the greenbacks ought to be retired, that the Treasury notes ought to be retired, that the silver certificates ought to be retired, that the silver in the Treasury ought to be sold, and that the Government ought to get down to the real gold basis, with the exception of such money as the national banks might issue. If he really believes that, I do not think he can be called an anarchist in the acceptation of the term as it was used in the last election, because he must believe in very sound money, so sound that nobody in this country will be able to get any of it. The gold being pooled on the other side of the Atlantic, if he accomplishes his purpose, he will make money so sound that nobody will get it. He will accomplish one purpose. The people of the United States will be in poverty, and there will be no chance of extravagance. Perhaps his idea is to introduce economy. I have thought that our President was trying to reform the world in that way, by teaching them economy, by taking all their money from them, throwing them out of employment, and making them starve. Perhaps that is what he has been trying to do in order to guard against extravagance on their part and prevent them from indulging in luxuries.

Mr. THURSTON. Will the Senator permit me?

Mr. STEWART. Wait till I get through this sentence.

It is said by some, however, that he does not practice what he preaches, but lives better than he advises others to live. That may not be so, but I have heard it.

Mr. HILL. I want to make a suggestion.

Mr. STEWART. Just one word.

Mr. HILL. I am friendly to the bill and the Senator from Nevada is friendly to the bill.

Mr. STEWART. I am friendly to the bill.

Mr. HILL. If we are going to adjourn at 12 o'clock to-day, and if it is important that this bill should pass, it is important that something should be done, and done promptly. I ask whether we can not come to a vote now? We can pass the bill if its friends will give us an opportunity.

Mr. STEWART. I have sat here for several hours, and I found the friends of the bill talking a little too much, and so I thought it would not do any harm to make a few suggestions.

Mr. HILL. And very excellent suggestions.

Mr. STEWART. I was not saying anything against the Senator from New York, because he recognizes what is right.

I know it is difficult to practice exactly what we preach, and I find that one of the difficulties of the gold men is that, while they preach economy to others, they do not themselves appear to be suffering very much from the want of the necessaries of life. They say, "All we want is economy; we must bring wages down; we must get down to bed rock; we want more economy in public expenditures; it will not do for the masses of the people to be extravagant; and if they do not have any money, they will not spend any money; they will not go to conventions and be making trouble." Is there any danger of the common people having Bradley-Martin balls? They will be prevented from committing the sin of extravagance.

Mr. HILL. Economy of time is what we want now.

Mr. STEWART. That is true, but I do not occupy much time, and I think I might offer a few reflections, and I hope they are agreeable to my friend from New York.

Mr. HILL. Particularly so.

Mr. STEWART. I hope I am not annoying him, because I have not included him in the characters I have been describing, and I hope he does not take any of my remarks as personal. I am simply referring to the class such as those who live on Fifth avenue and those who do business in Wall street. They are the fellows who tell us that we should be economical, that we should not spend too much money, that what ought to be done is to lower wages, and they do not believe the common people have any right to advise us.

We are told that if this commission is formed it will be composed of anarchists. Of course the ordinary American citizens, according to these people, are all anarchists. If so, I am willing to let the anarchists have their way a little while. I do not know but that I am classed with them, and may have a fellow-feeling for them. I rather think I am classed with them, because I am not one of the other class, and I must be classed somewhere.

I hope, Mr. President, that this bill will pass and that we shall see what the laboring people can do. They certainly can not make matters any worse than they are and have been, and I am willing they shall try it.

Mr. Thurston and Mr. Chilton addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. Thurston] is recognized.

Mr. THURSTON. Mr. President, I would gladly yield the right of further discussion if a vote could be taken upon this bill.

Mr. CHILTON. I think it can be taken. I for one have no disposition to delay the action of the Senate.

The PRESIDING OFFICER. Does the Senator form Nebraska yield to the Senator from Texas?

Mr. THURSTON. I will only yield, if by unanimous consent, a vote can be taken. Otherwise, I feel in duty bound to make a few remarks.

Mr. HILL. We have got to vote, I suggest to the Senator, in order to pass this bill, and if its friends will keep quiet we can come to a vote, and vote the other side down. A Senator who is now an opponent of the bill wants to perfect it somewhat. Why not permit that to be done? And then I think we shall be able to get a vote on the bill, and that is what the laboring men want. They do not want talk; they want this bill. Time is precious to-night.

Mr. THURSTON. I will yield informally to the Senator from Texas if he desires to make a motion.

Mr. CHILTON. Mr. President, I wish to state for one that I have every sympathy with the objects named in this bill, but I believe those who expect beneficial results from the project will be disappointed. Nevertheless, it is the evident sense of the majority of the Senate that the experiment shall be tried.

I have drafted an amendment, which I have submitted to the Senator in charge of the bill. It meets his approbation. It should come in at the end of line 18, section 4. The language of the section as it stands is:

> Sec. 4. That it may report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report.

I propose to add this proviso:

> *Provided*, That said final report shall be made within two years from the date of the appointment of said commission.

The Senator from California accepts that amendment. This is all I have to say.

Mr. HILL. That amendment can be offered after the bill is reported to the Senate.

Mr. CHILTON. Very well. I have no objection to withholding the amendment until that time.

Mr. THURSTON. I ask unanimous consent that we now proceed without further debate to vote upon the amendments and then upon the bill, and if we can have that unanimous consent, I do not desire to discuss the matter further. ["Vote!" "Vote!"]

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Senate now proceed to vote. Is there objection?

Mr. BROWN. Mr. President, I dislike to take up the time of the Senate at this hour, but——

Mr. THURSTON. I have asked unanimous consent for a vote, and I think I have the floor. I simply ask if we can have unanimous consent for a vote; if not, I will address the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. BROWN. I do not know why we should all be cut off fmro debate because the Senator wants a vote.

Mr. CHANDLER. We are not complaining of the Senator. We only want to find out whether there is objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska that the Senate now proceed to a vote? The Chair hears none.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHILTON. I now offer the amendment which I suggested, to come in after the word "report," in line 18 of section 4.

The Secretary. At the end of line 18, on page 2 of the amendment, it is proposed to insert:

> *Provided*, That said final report shall be made within two years from the date of the appointment of said commission.

Mr. HILL. Accept that.

Mr. ALDRICH. It is accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 2663) to amend the laws relating to navigation; and

A bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

CONTINUATION OF COMMITTEES.

Mr. CANNON. I move that the Senate proceed to the consideration of executive business. However, I will withdraw the motion temporarily.

Mr. ALLISON. I offer a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

> *Resolved*, That the standing and select committees of the Senate as now constituted be, and they are hereby, continued until the first Monday of December, 1897, or until their successors are elected.

Mr. DUBOIS. I object to the present consideration of the resolution.

Mr. BROWN. I suggest the absence of a quorum.

Mr. SHOUP. Will the Senator yield to me to make a report?

Mr. BROWN. No, sir; I will not yield.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Berry,
Blackburn,
Brice,
Brown,
Butler,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Frye,
Gallinger,
Gibson,
Gordon,
Gray,
Hawley,
Hill,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Nelson,
Peffer,
Perkins,
Platt,
Roach,
Sewell,
Shoup,
Smith,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Wetmore,
White.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. ALLISON. At the suggestion of the Senators about me, I modify the resolution, or offer a new resolution, which I ask to have considered at this time.

The resolution was read, and agreed to, as follows:

> *Resolved*, That the standing and select committees of the Senate as now constituted be, and they are hereby, continued until their successors are elected.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED EXECUTIVE SESSION.

Mr. CANNON. I renew the motion that the Senate proceed to the consideration of executive business.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this subject I am paired with the Senator from Tennessee [Mr. Bate].

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. Gorman].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. Mills].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. Gear].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. Vest].

The roll call was concluded.

Mr. CALL (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. Proctor], and will therefore withdraw my vote.

Mr. CULLOM (to Mr. CALL). Vote anyhow.

Mr. CALL. I will allow my vote to stand.

Mr. ALDRICH. I ask that the result may be announced.

Mr. HOAR. Let us wait until we get a quorum.

Mr. ALDRICH. I prefer that it should be announced.

Mr. HOAR. I prefer that it should not be.

Mr. ALDRICH. It is the duty of the Presiding Officer to announce the result.

Mr. GALLINGER. I think it is his duty.

Mr. HOAR. I think the Presiding Officer has the right to a reasonable time.

Mr. FAULKNER. The names have not been recapitulated.

Mr. GORDON. I suggest to the Senator from Minnesota [Mr. NELSON], in order to make a quorum, that we let our pairs stand paired, and he and I can vote.

Mr. NELSON. I prefer to let it stand as it is.

Mr. WHITE. I suppose the statement of the Senator from Minnesota that he does not wish to vote demonstrates his absence.

Mr. GORDON. In order to make a quorum, I will vote. I vote "yea."

The result was announced—yeas 33, nays 12; as follows.

YEAS—33.

Allen,
Allison,
Bacon,
Berry,
Blackburn,
Brice,
Butler,
Call,
Cannon.
Carter,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Gibson,
Gordon,
Gray,
Hill,
Lindsay,
Mantle,
Martin,
Peffer,
Pettigrew,
Quay,
Roach,
Smith,
Stewart,
Teller,
Tillman,
White.

NAYS—12.

Aldrich,
Chandler,
Hawley,
Hoar,
McMillan,
Perkins,
Platt,
Sewell,
Shoup,
Squire,
Thurston,
Wetmore.

NOT VOTING—45.

Baker,
Bate,
Blanchard,
Brown,
Burrows,
Caffery,
Cameron,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
George,
Gorman,
Hale,
Hansbrough,
Harris,
Irby,
Jones, Ark.
Jones, Nev.
Kenney,
Kyle,
Lodge,
McBride,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Pritchard,
Proctor,
Pugh,
Sherman,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Warren,
Wilson,
Wolcott.

The PRESIDING OFFICER. A quorum of the Senate not having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen.
Allison,
Berry,
Brice,
Brown,
Butler,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Frye,
Gallinger,
Gibson,
Gordon,
Gray,
Hawley,
Hill,
Hoar,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Nelson,
Peffer,
Perkins,
Pettigrew,
Platt,
Quay,
Roach,
Sewell,
Smith,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Wetmore,
White.

The PRESIDING OFFICER. Forty-six Senators having responded to their names, a quorum is present. The Secretary will call the roll on agreeing to the motion of the Senator from Utah [Mr. CANNON] that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I have a general pair with the Senator from Tennessee [Mr. BATE].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS].

Mr. GORDON (when his name was called). In order to make a quorum, I will vote. I vote "yea."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll call was concluded.

Mr. BACON. I am paired with the junior Senator from Rhode Island [Mr. WETMORE], but in order to make a quorum I will vote. I vote "yea."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR], but in order to make a quorum I will vote. I vote "yea."

The result was announced—yeas 30, nays 5; as follows:

YEAS—30.

Allen,
Bacon,
Berry,
Brice,
Butler,
Call,
Cannon,
Carter,
Chilton,
Clark,
Cockrell,
Daniel,
Dubois,
Faulkner,
Gibson,
Gordon,
Gray,
Hill,
Lindsay,
Mantle,
Martin,
Peffer,
Pettigrew,
Roach,
Smith,
Squire,
Stewart,
Teller,
Tillman,
White.

NAYS—5.

Allison,
Chandler,
Hawley,
Hoar,
Sewell.

NOT VOTING—55.

Aldrich,
Baker,
Bate,
Blackburn,
Blanchard,
Brown,
Burrows,
Caffery,
Cameron,
Cullom,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
George,
Gorman,
Hale,
Hansbrough,
Harris,
Irby,
Jones of Ark.
Jones of Nev.
Kenney,
Kyle,
Lodge,
McBride,
McMillan,
Mills,
Mitchell of Oreg.
Mitchell of Wis.
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Perkins,
Platt,
Pritchard,
Proctor,
Pugh,
Quay,
Sherman,
Shoup,
Thurston,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Warren,
Wetmore,
Wilson,
Wolcott.

The PRESIDING OFFICER. A quorum not having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Berry,
Brice,
Brown,
Butler,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Frye,
Gallinger,
Gordon,
Gray,
Hawley,
Hill,
Lindsay,
McBride,
McMillan,
Mantle,
Martin,
Nelson,
Peffer,
Perkins,
Pettigrew,
Quay,
Roach,
Sewell,
Shoup,
Smith,
Squire,
Stewart,
Teller,
Thurston,
Tillman,
Wetmore,
White.

The PRESIDING OFFICER. Forty-six Senators have responded to their names. A quorum is present.

Mr. SHOUP. Is there anything before the Senate, Mr. President?

The PRESIDING OFFICER. The pending motion is that of the Senator from Utah [Mr. CANNON], that the Senate proceed to the consideration of executive business.

Mr. SHOUP. I wish to present some morning business.

Mr. CANNON. I do not yield for any other business, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Tennessee [Mr. BATE].

Mr. GALLINGER (when his name was called). I again announce my pair with the Senator from Texas [Mr. MILLS].

Mr. SEWELL (when his name was called). I announce my pair with the Senator from Wisconsin [Mr. MITCHELL].

The roll call was concluded.

Mr. BACON. I am paired with the junior Senator from Rhode Island [Mr. WETMORE], but he is in the building, and in order to make a quorum I will vote. I vote "yea."

The result was announced—yeas 29, nays 4; as follows:

YEAS—29.

Allen,
Bacon,
Berry,
Brice,
Butler,
Cannon,
Chilton,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Gibson,
Gordon,
Gray,
Hill,
Lindsay,
Mantle,
Martin,
Peffer,
Pettigrew,
Quay,
Roach,
Smith,
Squire,
Stewart,
Teller,
Tillman,
White.

NAYS—4.

Allison,
Chandler,
Hawley,
Shoup.

NOT VOTING—57.

Aldrich,
Baker,
Bate,
Blackburn,
Blanchard,
Brown,
Burrows,
Caffery,
Call,
Cameron,
Carter,
Clark,
Davis,
Elkins,
Frye,
Gallinger,
Gear,
George,
Gorman,
Hale,
Hansbrough,
Harris,
Hoar,
Irby,
Jones, Ark.
Jones, Nev.
Kenney,
Kyle,
Lodge,
McBride,
McMillan,
Mills,
Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Murphy,
Nelson,
Palmer,
Pasco,
Perkins,
Platt,
Pritchard,
Proctor,
Pugh,
Sewell,
Sherman,
Thurston,
Turpie,
Vest,
Vilas,
Voorhees,
Walthall,
Warren,
Wetmore,
Wilson,
Wolcott.

The PRESIDING OFFICER. A quorum of the Senate not having voted, the Secretary will call the roll.

The Secretary called the roll.

After some delay.

Mr. ALDRICH. What is the business before the Senate? The usual process is to send for absentees. I should like to have the result of the call announced.

The Secretary having called the roll, the following Senators answered to their names:

Aldrich,
Allen,
Allison,
Bacon,
Berry,
Brice,
Call,
Cannon,
Carter,
Chandler,
Chilton,
Clark,
Cockrell,
Cullom,
Daniel,
Dubois,
Faulkner,
Frye,
Gallinger,
Gibson,
Gordon,
Gray,
Hawley,
Hill,
Lindsay,
McMillan,
Mantle,
Martin,
Peffer,
Perkins,
Pettigrew,
Platt,
Roach,
Sewell,
Shoup,
Smith,
Squire,
Stewart,
Teller,
Tillman,
Wetmore,
White.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. The Secretary will call the roll.

Mr. CANNON. Did the Chair announce the result of the call of the Senate?

The PRESIDING OFFICER. The Chair announced that the roll call did not disclose a quorum.

Mr. CANNON. I ask that the Secretary call the roll of absentees.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. BROWN responded to his name.

At 2 o'clock and 57 minutes a. m., Mr. NELSON, Mr. PROCTOR, and Mr. MCBRIDE entered the Chamber and responded to their names.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Utah [Mr. CANNON] to yield to me that I may present a conference report.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. CANNON. I very cheerfully yield. I have no desire to obstruct the conduct of the public business here, and I shall answer to my name when the roll is called and vote on every question which may be presented until the business of the Senate is finished.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 49, 50, 62, 63, 73, 74, 104, 117, 134, 140, 144, 148, and 168.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 24, 48, 58, 89, 91, 99, 131, 132, 133, 135, 141, 180, and 190, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 6; and agree to the same.

That the Senate recede from its disgreement to the amendment of the House to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following:

"The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$489,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "nor to prevent the United States Electric Lighting Company from extending conduits into Columbia Heights, Washington Heights, and Mount Pleasant within the fire limits, as specifically provided in the act of June 11, 1896, making appropriations for the expenses of the government of the District of Columbia: and the existing overhead wires of the Potomac Electric Power Company west of Rock Creek and outside the fire limits are hereby authorized to be maintained for a period of one year from the passage of this act and no longer;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$18,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$437,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$481,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$301,334;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$437,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$875,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "purpose" and insert in lieu thereof the word "purchase;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,503,646;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "All supplies for the National Home for Disabled Volunteer Soldiers shall be purchased, shipped, and distributed as may be directed by the Board of Managers;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Se[illegible]
J. G. CANNON,
WM. A. STONE,
JOS[illegible]ERS,
Managers [illegible] House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. QUAY. I should be glad if the distinguished chairman of the Committee on Appropriations would explain seriatim these items. I should be glad to vote intelligently upon them, and, in order to vote intelligently, I should like to know what has been done by the committee of conference. It may or may not be that I may desire to address the Senate at some length upon the bill.

Mr. ALLISON. As this is the final report on this bill, I will explain as briefly as I can, because time is important, the conclusion of the conferees.

Amendments numbered 1, 2, 4, 6, 9, 10, and 12 all relate to public buildings—the public buildings at Bridgeport, Conn., Charleston, S. C., Norfolk, Va., and so forth.

Mr. PETTIGREW. Are those new buildings?

Mr. ALLISON. None of them. They were agreed to by the House conferees. The Senate recedes from its disagreement to the House amendment for a public building at Topeka, Kans. The report strikes out the appropriation for the purchase of the Corcoran Art Gallery building, and also the appropriation for a public building at Butte, Mont. It strikes out the provision proposed by the Senate appointing a committee to examine sites, etc., for the memorial building of the National Society of the Daughters of the Revolution. As to amendment numbered 24, for a revenue cutter on the Atlantic Coast, the House recedes from its disagreement.

The Senate recedes from its amendments relating to the Omaha Exposition. The House agrees to the provision relating to the collection district in Vermont. Amendments 62 and 63 strike out the appropriations proposed by the Senate for two private claims, or what are in the nature of claims. Amendment numbered 72 inserts the latter clause of the provision proposed by the House relating to the forest reservations, which has been read at the Clerk's desk. The Senate recedes from the appropriation relating to the gold and silver inquiry, the amendment of the Senate relating to mineral resources. Amendments numbered 89, 90, and 91 were disposed of by including in this bill the provisions agreed to in the bill appropriating money for the District of Columbia relating to electric lighting.

Mr. HILL. Just the same; in full and in the same language?

Mr. ALLISON. In full and in the same language.

On the amendments of the Senate relating to rivers and harbors there was a compromise by reducing the House appropriations 12½ per cent instead of 25 per cent, as proposed by the Senate, upon certain river and harbor improvements.

In respect to amendment 141, the committee strikes out the appropriation for Garfield Hospital; as to amendment 148, it strikes out the appropriation proposed by the Senate for Pearl Harbor; as to amendment numbered 168, it strikes out the appropriation of $100,000 for a soldiers' home in South Dakota.

Amendment numbered 180, appropriating $150,000 for the Nicaragua Canal survey, is retained, and on amendment numbered 190 we retain the provisions proposed by the Senate concerning the joint committee on printing.

Mr. QUAY. Did I understand the Senator to say the appropriation for Pearl Harbor, in the Sandwich Islands, is stricken out?

Mr. ALLISON. It is.

Mr. GALLINGER. The Nicaragua Canal survey provision remains in the bill?

Mr. ALLISON. Yes, sir.

Mr. WHITE. I understand the Nicaragua Canal amendment is retained?

Mr. ALLISON. Yes, sir; it is retained.

Mr. BERRY. The Senator spoke about the river and harbor items. Will he tell the Senate what disposition was made of the proposition for the improvement above Cairo, which was amended by the Senate?

Mr. GALLINGER. The Senate amendment respecting the Cache River is retained in the bill.

Mr. SQUIRE. Will the chairman please repeat his statement in regard to the Nicaragua Canal?

Mr. ALLISON. The proposition for the Nicaragua Canal survey is retained. I think I have named all the material amendments to the bill.

The **PRESIDING OFFICER.** The question is on concurring in the report of the committee of conference.

COST AND PRICE OF ARMOR.

Mr. QUAY. Mr. President, early in the evening I intended, on the presentation of the conference report on the naval appropriation bill, to address the Senate at some length, but proceedings, if not extraordinary, at least unexpected, on the part of a coordinate branch of this Government, the name of which, under our rules, is too sacred, like that of Osiris in old Herodotus, to be mentioned in this profane assembly, have placed the object I intended to effect by mentioning my sentiments and views to the Senate entirely beyond my control. I think that what has transpired here—and I speak seriously—is calculated to create a great misapprehension in this country of the absolute truth of existing conditions in regard to our Navy and the armor-plate contracts.

I had intended to read to the Senate to-night, had it been possible to accomplish anything by so doing, the report of the Secretary of the Navy to the two Houses of Congress under the resolution of the last session of the present Congress; second, the letter of the Secretary of the Navy, forwarding a supplementary report in the matter of the cost and price of armor, transmitting certain letters to the Senate, dated January 25, 1897, which are somewhat important; and third, the report of the Committee on Naval Affairs on the price of armor for vessels of the Navy, and the testimony attached. The hour is very late, and the effect of adopting that method of placing this information before the people of the United States in the RECORD can be reached by printing it all in the RECORD without reading. If it is the wish of the Senate that I shall not proceed to read it, and if the Senate will agree that it shall go into the RECORD without being read——

Mr. CULLOM. Would it not be better to print it all as a document?

Mr. QUAY. No; let it go into the RECORD.

The **PRESIDING OFFICER** (Mr. CARTER in the chair). The Senator from Pennsylvania asks unanimous consent that the matter designated by him be printed in the RECORD. Is there objection?

Mr. CHANDLER. I object.

Mr. QUAY. Then I will proceed to read the documents. First——

Mr. MANTLE. I should like to ask the Senator from Pennsylvania to yield to me for a moment, while I make a few remarks. I want to help take up time, and it will probably save the Senator from Pennsylvania some effort. Besides, my remarks will be directly in point to something that is transpiring.

Mr. HOAR. I desire to make a parliamentary inquiry. Is it not in order to move that the Senator from Pennsylvania have leave to print the document he speaks of in the RECORD?

Mr. STEWART and others. Undoubtedly.

Mr. HOAR. I make that motion.

Mr. QUAY. I will say to the Senator from Massachusetts, whose good opinion I respect, that my desire is that these facts shall go before the people of the country. They will see it in the RECORD, as the Senator knows, and they will not see it in the shape of a document.

Mr. HOAR. I ask that the question be put on my motion.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. DANIEL. May I make an inquiry? Would the document be printed in the RECORD to-morrow?

Mr. HOAR. In a day or two.

Mr. QUAY. The RECORD containing it would be published in a few days, and every recipient of the RECORD would receive this information.

The **PRESIDING OFFICER.** The question is on the motion of the Senator from Massachusetts that the Senator from Pennsylvania be permitted to have printed the document indicated as a supplement to the RECORD.

Mr. SQUIRE. I think the Senator from Pennsylvania ought to present these matters to the Senate. They are of great importance, and should be condensed into a statement of results reached.

The **PRESIDING OFFICER.** The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

The matter referred to is as follows:

54th CONGRESS, 2d Session.	HOUSE OF REPRESENTATIVES	DOCUMENT No. 151.

COST AND PRICE OF ARMOR.

REPORT OF THE SECRETARY OF THE NAVY TO THE TWO HOUSES OF CONGRESS ON THE ACTUAL COST OF ARMOR PLATE AND THE PRICE FOR THE SAME WHICH SHOULD BE EQUITABLY PAID AS DIRECTED BY THE ACT OF JUNE 10, 1896, MAKING APPROPRIATIONS FOR THE NAVAL SERVICE.

COST OF ARMOR PLATE.—LETTER FROM THE SECRETARY OF THE NAVY, COMPLYING WITH THE PROVISION OF THE NAVAL APPROPRIATION BILL APPROVED JUNE 10, 1896, REGARDING THE COST AND PRICES OF ARMOR PLATE.

JANUARY 5, 1897.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, D. C., December 31, 1896.

SIR: In the act making appropriations for the naval service for the year ending June 30, 1897, approved June 10, 1896, it was enacted that—

> *And provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897, and no contract for armor plate for the vessels authorized by this act shall be made till after such report is made to Congress for its action.

In compliance with this provision of the act I have the honor to transmit herewith my report.

Very respectfully,
H. A. HERBERT.
Secretary of the Navy.

Hon. THOMAS B. REED,
Speaker of the House of Representatives.

COST AND PRICE OF ARMOR.

The Senate and House of Representatives in Congress assembled:

The act making appropriations for the naval service for the fiscal year ending June 30, 1897, approved June 10, 1896, provided:

> That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897, and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action.

This provision of law was construed as imposing a duty which was to be performed by me individually. I, however, associated with myself as advisers Capt. W. T. Sampson, Chief of the Bureau of Ordnance, and Chief Constructor Philip Hichborn, Chief of the Bureau of Construction and Repair, who have throughout this investigation rendered me much useful assistance.

The law vests in me no power to administer oaths or to summon before me witnesses.

The following sources of information appeared open:

1. The contractors for armor. They, of course, could, if so disposed, give full and accurate information as to the cost of their plants and of the manufacture of armor.

2. The naval officers who had been stationed at the works of the armor manufacturers as inspectors. These officers did not have access to the books of the contractors, and could not be expected to give very accurate information as to the cost of plant, but they had opportunities to know about the cost of material, and the character and amount of labor employed, and they had been, such of them as were on duty at the works when the Senate committee began its investigations into the price of armor last winter, especially charged by the Department with the duty of observing and ascertaining, as far as practicable, the prices of labor, cost of material, etc. They had collected much valuable information on all these points. Indeed, they were familiar with the processes of manufacture in every stage, and there were, it is believed, no secrets connected with the manufacture of armor with which they were not acquainted.

3. The prices of armor abroad, though already known in great part, could be more thoroughly inquired into and compared with the prices being paid by the Government.

4. The cost of erecting the armor plants, which was a material portion of the inquiry, could not be ascertained with absolute accuracy without an inspection of the books of the contractors. If they should fail to furnish the proper information, an inquiry into the price at which similar plants could at present be erected would throw light upon the subject. This inquiry into the present cost of erecting armor plants seemed to be all the more material because the Committee on Naval Affairs of the United States Senate, when it began the investigation which resulted in the enactment of the law calling for this report, had before it the proposition that the Government itself should erect a plant for the purpose of manufacturing its own armor.

5. Search could be instituted for any reports made to State authorities by the two contracting companies under the laws of their State.

All these sources of information have been applied to, and the inquiries which were set on foot immediately after the enactment of the law have been prosecuted diligently.

Immediately after the passage of the law, letters were written to Lieut. Commander W. S. Cowles, naval attaché to the United States embassy at London, and Lieut. Commander R. P. Rodgers, naval attaché to the United States embassy at Paris, instructing them to secure further and additional information as to the prices paid for armor to European manufacturers, and as to the cost of establishing armor plants like those of the two American companies, and with the view of aiding in these inquiries, and also of ascertaining, if possible, whether it was true, as had been charged in the Senate debate last spring, that there was an agreement or understanding existing between the manufacturers of armor in this country and in Europe, the purpose of which was to keep up the prices of armor, I made a personal visit during the past summer to France and England. Armor plants and machine shops were visited, and inquiries were set on foot while I was there, which resulted in the obtaining of two estimates of the cost of establishing armor plants, one of which was made in England and the other in France, which are hereto attached, marked Exhibits No. 1 and No. 2, respectively.

At the outset of this investigation, and in order to enable me to more readily understand the testimony which it would be necessary to take in this matter, I visited the Carnegie armor plant in July, 1896. The officials of the company courteously showed me over the works and explained the methods of manufacturing. I had some years before visited the Bethlehem works. One who witnesses the methods employed in the manufacture of armor at these plants is much impressed with the fact that relatively very little manual labor is required in the processes adopted. Very few employees are needed to put in motion the immense machines which handle the material and do the work. From this it follows that by far the most important single feature in this investigation is the cost of this machinery.

On the 13th day of June, 1896, the following letter was written to the president of the Bethlehem Company and also one of like tenor to the Carnegie Company:

NAVY DEPARTMENT, *Washington, June 15, 1896.*

SIR: In the act making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, approved June 10, 1896, it is provided "that the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action."

In discharging the duty thus imposed upon me by Congress I shall be glad to have such assistance as you may be able to render me. If it be convenient for you to attend at this time, I will be pleased to have you come to my office in the Navy Department on Saturday, the 20th instant, with such of the officers and employees of your company as may be able to aid you in this matter, and prepared to furnish me with such facts and figures relating to the subject-matter of the inquiry to be pursued as will tend to aid me in arriving at a conclusion which shall be just and fair to the company you represent and to the Government.

In conclusion permit me to express the hope that I shall have your hearty cooperation in the discharge of the delicate duties imposed upon me by this act of Congress.

I have written to Mr. Leishman, of the Carnegie Company, a letter similar to this, requesting his appearance on Wednesday, the 17th instant.

Very respectfully,
(Signed) H. A. HERBERT.
Secretary.

ROBERT P. LINDERMAN,
President Bethlehem Iron Company, South Bethlehem, Pa.

The Carnegie Company replied entirely by correspondence. Mr. Linderman, president of the Bethlehem Company, eventually came to the Department for a conference, all of which was taken down stenographically and is also appended as Exhibit No. 3. The result in both cases was a failure at that time to get any of the information desired, both companies contending that the Government had no right to inquire into their private concerns, or to ask them to exhibit to the public the secrets of their business, which they maintained were their own.

In my opinion, this position of the contractors was not well taken. I stated to Mr. Linderman that the Government had bound itself not to go abroad for armor; that this meant that it was to buy from the two American companies which make it; that the Government, therefore, as one party to these contracts, had a right to know whether the prices charged by the other party were reasonable, etc.

In reply to a question, I said to him that while the information upon which conclusions might be reached could not be withheld from Congress, that any manufacturing secrets that might be disclosed would not be revealed. In point of fact, however, it is not believed that there are any secrets connected with the manufacture of armor, as such, that are not now known to the Department through its ordnance officers, and it is to be especially noted that secrets, if any there are appertaining to the business of manufacturing either steel or armor, would not be apparent upon the books of account, and it was these to which access was desirable to enable me to reach correct conclusions.

Finding that no information was likely to be furnished by the contractors, I called before me Lieutenants Rohrer, Niles, and Ackerman, who had all been at the works of the Bethlehem Company as inspectors, and orally instructed them to make me a written report, giving their estimates separately or together as they might conclude, of the cost of manufacturing armor; and they made two reports. The first report is hereto attached, marked Exhibit No. 4. The second is not attached, because it was an attempt to state an account with the Bethlehem Company, and was not used by me for the reason that in my opinion it was not based upon proper methods, and also because the figures subsequently obtained at Harrisburg rendered such an account unnecessary. This statement is, however, on hand, if desired.

Lieutenant-Commander Rodgers, who had been an inspector at the Bethlehem Iron Works from March 1, 1895, to December 23, 1896, was also called upon to make separately his estimate of the cost of manufacturing armor, and his report is hereto appended, marked Exhibit No. 5.

Ensign McVay, at present stationed at the Carnegie works, was also instructed to observe, inquire, and report his estimate as to the cost of manufacturing armor at the works of that company, which is hereto appended, marked Exhibit No. 6.

It should be observed that the Bethlehem Company was the first to contract with the Government for armor. This company made a contract with the United States Government for a quantity of armor and gun steel on the 1st day of June, 1887, and with its plants erected under these contracts it has manufactured armor for this Government and for Russia, and gun steel for the United States Navy and the United States Army. The Carnegie Company erected its plant under a contract made with Secretary Tracy on the 20th day of November, 1890, and with this plant it has made armor for this Government and some also for the Russian Government. The Bethlehem Company, being the first to establish an armor plant in this country, naturally made some costly experiments, and its plant was therefore more expensive than that of the Carnegie Company. Leaving out of consideration the cost of plant, it is believed that the cost of manufacturing armor at the two establishments is about the same, minus a small difference in favor of the Carnegie Company, noted in some reports, resulting from cheaper coal.

RULES IN ACCORDANCE WITH WHICH CONCLUSIONS HAVE BEEN REACHED

In considering this matter, I have been guided by the following considerations:

1. A Government contractor should be liberally treated. He does not stand on an equal footing with the other party. To illustrate: Contracts for such material as armor always contain provisions authorizing the Government to modify its specifications, and in such cases to appoint a board of its own officers to decide questions of increase or decrease of cost. Government inspection is usually much more rigid than is required in ordinary commercial transactions. Such considerations as these, no doubt, often

deter those who are already doing a profitable business from taking Government contracts. The Government, therefore, as an inducement, should pay liberal prices, so as to entitle itself to the best services.

2. If contractors who have invested large amounts of money on the faith of Government contracts shall be unfairly treated and ruined by the exercise of the sovereign power of the Government, the natural result will be that only the hope of the most extravagant profits will tempt manufacturers to make Government contracts. On the other hand, liberal treatment of contractors by the Government, coupled with a prompt payment for work, ought always to enable it to procure the best articles at fair prices.

3. The two armor contractors, the Bethlehem Iron Company and the Carnegie Steel Company, Limited, each invested a large amount of money in the plant necessary to manufacture armor. Only governments require armor plates, and there was at the date when these two companies undertook to erect their plants but little prospect that either of them would ever make armor for foreign governments. It is also to be remembered that they both entered upon the business at the request of the Navy Department. Neither of them had any expectation that its first contract would insure full payment for its plant. They both, therefore, when embarking upon this manufacture, encountered the risk of a failure of the Government to authorize and build other armored vessels. If the Congress had failed, after the making of the original contracts with these parties, to authorize other armored vessels, the loss to each of these contractors would probably have been considerable. It was natural, therefore, that profits under the first contracts should be large. The risk involved was an element to be taken into consideration in fixing prices.

4. On the other hand, when these transactions are looked at from the present standpoint, it appears that not only have the original contracts made by both these companies been practically completed and the moneys paid thereon, but that each of them has been given other armor, the manufacture of which will fairly occupy it until June 1, 1897, although they are allowed by their contracts until January 1, 1898. There is, therefore, from the present standpoint, no uncertainty whatever about the volume of the Government business these two companies will have had from the dates when they began up to January 1, 1898.

In examining from the present standpoint the mutual relations between the Government and these contractors, as they are now and as they will be at the time of the fulfillment of existing contracts, there is no element whatever of uncertainty to be taken into consideration. If it shall appear that the profits already received or hereafter to be received from past and existing contracts, considered together, are or will be sufficient to pay these companies a fair percentage upon their investments and to pay for their plants in whole or in part, then the fact that the plants have been or will have been so paid for, either in whole or in part, must be taken into consideration in fixing the rates that should be allowed for armor in future contracts.

It may be that the conclusion attained from a full consideration of past and present relations between these parties and the Government is to be that future prices for armor should be much lower than those now being received, yet it will not at all follow from this that prices have, up to this moment, been higher than they should have been. When a manufacturer is about to enter upon a contract with the Government to erect a special plant for the manufacture of an article needed only by the Government, and for which no other government would probably become a customer, the amount of the demand for the article being uncertain and contingent upon the action of Congress, it can not be held unreasonable that he should expect his profits to pay him within a reasonably short period of time for a plant which would be useless in case the Government's demand upon it should cease. When, however, the time comes that the investment by such contractor in a special plant has been paid for by profits, either in whole or in large part, the time has arrived for a readjustment of prices. Thereafter rates are to be computed upon a totally different basis, and when the contract relations between him and the Government are being reviewed for the purpose of reaching a basis for future prices, a contractor can not complain if the very large profits he bargained for when the future of his venture was uncertain are not allowed him in such calculation. Such present review of past transactions can furnish no reason for taking away profits already realized, but it may very properly be looked at when determining the rate of profit in future contracts. To put it in another form, a contractor might very well refuse to embark upon an enterprise the future of which was clouded with many doubts, even upon a fair prospect of say 25 or 30 per cent profit, and yet be entirely satisfied with a profit of say 10 per cent when the future had resolved itself into the past, and uncertainty had become certainty. Confining myself therefore to past and existing contracts about which there can be no doubt, I have concluded that if the Bethlehem and Carnegie companies, up to January 1, 1898, a period at which the armor for the *Kearsarge* and *Kentucky* will all certainly have been finished, are allowed a profit of say 10 per cent upon the investments they have made for armor plants, the residue of the profits received by them severally from the manufacture of armor, due allowance being made for wear and tear, repairs, taxes, insurance, etc., ought to be applied to the amortization of their investments.

I have also concluded that in ascertaining whether the armor plant of a contractor has, after allowing him reasonable profits, been paid for, it is not unjust to consider all the profits he has derived from the use of such plant, whatever be the sources from which such profits have come. To illustrate: The Bethlehem Company contracted with the Secretary of the Navy in 1887 to furnish both armor and gun steel. The two contracts formed parts of one transaction. The company erected a gun plant and an armor plant. The two plants were contiguous, though this does not seem to be material. What did at first appear to me to be a matter of some doubt was whether in the summing up of profits derived from these plants to be set off, after allowing fair dividends on investment, against the cost of the armor plant, the profits on gun steel furnished to the United States Army, and on armor manufactured for the Russian Government could be taken into consideration in ascertaining the extent to which the company had been paid for its armor plant. I have decided this question in the affirmative.

The Government, in contracting with a manufacturer for an article he is putting on the market, and which requires no special plant, is, no more than a private individual, under obligation to see that the manufacturer makes any particular profit or that he is enabled by his contract with it to pay for any portion of his plant. Both parties in such a transaction take the ordinary chances of profit or loss. Exactly the reverse is true where the Government asks that a special plant for its own special purposes be erected. Here the Government ought, in all its contracts, up to the point at which the manufacturer shall have recouped his original investment, to take into consideration the expenses incurred, prudently and in good faith, by the contractor in preparing himself thus to serve it. But in case the contractor uses his plant to manufacture for others, his venture becomes pro tanto a commercial enterprise and is to that extent divested of its character as a governmental agency. It would, therefore, seem clear that if by means of such commercial contracts, together with Government contracts already enjoyed, such a plant has been paid for, there can no longer be any obligation resting on the Government to do what has already been accomplished. In other words, it is only when the Government is sole paymaster that it can be looked to for full payment.

I have, accordingly, in the estimates hereafter submitted as to the Bethlehem plant, reckoned on the profits made by that company on gun steel for the Navy and Army and on armor for the Russian Government, and the supposed profits of the Carnegie Company from a contract it made with Russia have also been charged to that company.

It has been heretofore stated that all efforts made in June last to obtain information from the companies were fruitless. They each then replied that their directors were (some of them) absent, and that no definite replies could be expected until these directors should return from their summer outings, and they were in turn both notified that the investigation would proceed without them.

On the 25th of November, 1896, the Bethlehem Company addressed me the following letter:

THE BETHLEHEM IRON CO., ROBT. P. LINDERMAN, PRES.,
South Bethlehem, Pa., November 25, 1896.

SIR: Referring to your letter addressed to this company under date of June 18, 1896, and to the writer's interview with you on the 25th of that month, we write to say that, after a very serious consideration of the subject, we feel reluctantly obliged to decline to give, in such detail as you request, the cost to us of manufacturing armor plate, since to do this would necessarily involve the disclosure to our competitors of business secrets which we have obtained by long and expensive experience and which belong to us alone and which might be used to our disadvantage. So far as we know, it is without precedent for a manufacturer to be asked to divulge the cost of his product, and we can not see that we should be asked to do so in this case.

We desire, however, to assist you as far as we consistently can in the investigation imposed upon you by the act of Congress referred to by you in your letter, and we therefore respectfully offer the following suggestions:

Last March, during the course of the investigation by the Committee on Naval Affairs of the United States Senate in relation to the prices paid for armor for vessels of the Navy, Commander Horace Elmer, in charge of steel inspection at the Carnegie Steel Works, and Lieut. Commander John A. Rodgers, in charge of steel inspection at these works, both stated that in their judgment the cost of the material and labor involved in the manufacture of a ton of armor amounted to $250. This estimate does not, we presume, include the very difficult and costly shapes we are sometimes required to make.

Taking this figure, however, as a basis, but without in any way indorsing or assenting to the same, there must be added thereto, among other items of cost not taken into consideration by them:

INTEREST ON INVESTMENT—MAINTENANCE AND DEPRECIATION OF PLANT—WORKING CAPITAL.

Interest on investment.—Our plant for the manufacture of armor has cost us not less than $4,000,000, not including interest on outlays during construction, land, railroad connections, etc., and counting at bare cash cost, without any manufacturing profit, the large part made by ourselves. Assuming that, by reason of comparatively recent improvements and extensions, our investment has only been that large for the past two and a half years, and for the two and a half years previous was but $3,000,000, the interest during these five years would amount to $1,050,000. During this period we made 13,411 tons of armor, including that made for the Russian Government, which would make the interest charge per ton $78.29.

Maintenance and depreciation of plant.—Ten per cent per annum is certainly a low charge to cover these two items. Ten per cent on $3,000,000 for two and a half years and on $4,000,000 for two and a half years amounts to $1,750,000, or, on 13,411 tons, to $132.72 per ton.

Working capital.—It is extremely difficult to say exactly what is the amount of working capital locked up in this branch of our business, as it varies with the condition of the work, the orders on hand, and on a number of other factors unnecessary to enumerate, but it is safe to say that during the past five years it has not averaged less than $1,500,000, the annual interest on which would amount to $90,000, or $33.56 per ton.

To recapitulate:	Per ton.
To the estimated cost of labor and material as made by your agents..	$250.00
Must be added:	
Interest on cost of plant	78.29
Maintenance and depreciation	132.72
Working capital	33.56
Total	494.56

There are other costs and expenses, such as loss on rejected plates, cost of experiments, administration expenses, etc., but the above is sufficient, we believe, to convince you that the prices now being paid by the Government are not excessive.

When, at the instance of the United States Government, we undertook this difficult and vexatious business, it was obvious that this could not be prudently done for the order which the Government then desired to place, but we were given to expect such further orders as the Government might have to give. The obstacles and delays that always beset the pioneer had, however, been overcome when the Government gave a private contract on the same terms as ours to a rival concern, which, guided by our sacrifices, was spared the outlay of more than a million dollars. And now, though there is little prospect of continuous work for these two establishments, if even for one, the Government is urged to set up another to be operated by itself.

Under these circumstances, we now confirm the informal suggestions made to yourself and to others, and state that we desire to withdraw from this troublesome business by selling to the Government, below cost, our entire armor-plate plant, which we believe to be the best in the world.

Respectfully,

THE BETHLEHEM IRON COMPANY,
ROBT. P. LINDERMAN, *President.*

The Honorable SECRETARY OF THE NAVY,
Washington, D. C.

It will be seen from this letter that Mr. Linderman does not commit himself to anything except, perhaps, to the methods of calculation which he suggests. He, however, consents that if his methods are adopted the plant of the Bethlehem Company may be estimated at $4,000,000, $3,000,000 of which are to bear interest for five years and $1,000,000 for two and a half years. He also calls attention to the fact that two naval officers during the investigation of the Committee on Naval Affairs of the Senate had testified that in their judgment the costs of material and labor in a ton of armor amounted to $250. Upon this basis he suggests the following method of calculation:

1. He claims 6 per cent interest upon the amount of his investment. Now, a manufacturer can not claim interest on his capital as distinct from profits. The net income derived from shares in such an enterprise, however large or small it may be, is profit and not interest. If Mr. Linderman means to say that in any estimate to be made the net profits allowed should be at least 6 per cent on the capital invested, this may be readily admitted. In the calculations hereafter to be made a larger per cent than this will be allowed as a rate of dividend before applying the residue of profits to the extinction of the capital invested in plant.

2. Mr. Linderman asks 10 per cent per annum for maintenance and depreciation of plant. It will be noted that the Carnegie Company, in its statement soon to follow, claims 5 per cent for "maintenance of plant," where the Bethlehem claims 10. There is no distinction to be made between the companies in this regard. Their plants are similar and are doing similar work. The difference in their estimates can only be accounted for by considering that the rule, often invoked, that 10 per cent must be allowed to a manufacturer for maintenance of plant, which includes taxes and insurance, is not of universal application. The Bethlehem Company invokes this rule, but the Carnegie Company asks only 5 per cent. As to the Bethlehem Company, it has not, on account of certain returns hereinafter set forth, been necessary to apply this rule at all. As to the Carnegie Company, I have made two calculations, in one using 10 per cent, in the other 5, the figure suggested by the company itself. There is little danger that this company has been unjust to itself. It is obvious that charges for maintenance must, under different circumstances, vary widely. A new and well-constructed plant will require not half so much for repairs, and may not subject the owners to one-third as much loss from stoppages as one that is old or badly constructed. So a plant composed in large part of delicate machinery, like those engaged in weaving fine fabrics, ought to cost more for repairs than a plant like those in question, which consists almost entirely of large and heavy pieces, like cranes, etc., which, if originally strong and heavy enough, would last indefinitely, if the smaller parts, like rollers, be from time to time replaced.

I have before me what are believed to be all the taxes paid by these companies, and they are so insignificant that they will be considered as included in either estimate of percentage for maintenance.

It is to be observed that Mr. Linderman claims maintenance on the cost of plant. This, of course, can not be allowed. So applied, Mr. Linderman's rule and his rate would give the Bethlehem $100,000 more every year than would be allowed at the same rate to the Carnegie Company for keeping a similar plant in order, as the plant of the former company, it is claimed, no doubt correctly, cost $1,000,000 more than that of the latter. The reason on which the rule is founded could lead to no such conclusion. Under such a construction the charge for maintaining a plant would vary according to the value of the land upon which it was located, according to the good or bad bargain made in buying it, or other adventitious circumstances.

The reason of the rule is apparent from its terms, viz, an allowance for maintaining a plant, not for maintaining or keeping up the cost of a plant. The percentage allowed is therefore to be applied only to the present value of a plant, and in arriving at this value the price of land, etc., which do not need to be renewed, is not estimated. This is the rule hereinafter applied.

Having determined upon allowing a percentage for maintenance, instead of apportioning it to each ton of armor, as insisted upon by Mr. Linderman in the calculations hereinafter made, a company will be credited with it during the whole period to be covered by the estimate, and this certainly can not be objected to.

3. Mr. Linderman insists that the working capital necessary is $1,500,000, the annual interest on which would amount to $90,000.

It is difficult to say what working capital is necessary to a manufacturer. Much depends upon the nature of the business done, whether returns are frequent or at long intervals, whether the products are for sale in the general market or manufactured to order. It would seem that $1,500,000 would be totally unnecessary in this instance. Every group of armor consists of three or four hundred tons and is promptly paid for when delivered and tested. When 3,000 tons of armor per annum are manufactured, payments, after they begin, accrue almost monthly. When 2,000 tons are manufactured, payments accrue at least once in two months. Ten per cent, it is true, of the money due under each contract is reserved by the Government until its complete fulfillment, but the profits on every ton of armor are great, and they afford much ready money with which to pay for labor and material, and all this must be taken into consideration in determining upon the amount to be allowed. As to future contracts, including the *Kearsarge* and *Kentucky*, progress payments will be made, rendering necessary still less working capital than now. The Carnegie Company, which claims that calculations should be made very much as is contended for by Mr. Linderman, only insists upon $1,000,000 of working capital. It may be that when a contract is entered upon, as some months must elapse before the first deliveries, $1,000,000 may be employed for a time as working capital, but certainly no such sum can be needed throughout any considerable period in such a business as manufacturing for a customer who pays promptly at short intervals, and when in every payment there is a very large profit. It is believed that $750,000 as working capital will be a liberal allowance.

About the time of the receipt of the above letter from the Bethlehem Company the following communication came from the Carnegie Company:

THE CARNEGIE STEEL COMPANY, LIMITED.

We regret to be compelled to decline any request you make, but believe that upon due reflection you will see that it is impossible for us to open the details of our private business to the eyes of our competitors and to the world.

The cost of making armor is not to be found in the details at the shops, upon which your officers have estimated. Permit us to show you three, among the many, elements of cost which they did not take into account:

First. The capital we have invested in our armor plant is, as stated by [illegible] Mr. Carnegie in his evidence before the Senate Naval Committee, fully [illegible]000. We charged to this account in our books only $2,500,000, the amount [illegible] out; but we ourselves contributed fully $500,000. No charge was made [illegible] ground, railway connections, etc. The water supply is taken from our [illegible] works; so also are the electric light and power currents; no charge was made for the proportion of these plants necessary for the armor-plate plant. We charged nothing for superintendence, nor for interest during construction. All of these are legitimate charges and bring the total cost up to something over $3,000,000.

We began making armor plate in October, 1891, and have made to August 1, 1896, 11,039 tons of armor. The interest upon our investment, $180,000 per year, in five years amounts to $900,000, or $81.53 per ton of armor.

Second. The estimate made by your officers took no account of maintenance of plant. This can not be estimated at less than 5 per cent per annum, which makes $150,000 per year, or for five years, [illegible], amounting to $67.94 per ton of armor.

Third. The armor plant is practically useless except for the making of armor; therefore, when the Navy is finished, say ten years hence, we have to face a probable loss of the cost of the plant, [illegible]000,000. Even if the salvage amounts to $500,000, we have a loss of $2,500,000, equaling in fifteen years $166,666 per annum, or $75.49 per ton of armor.

This will make items of cost which were not taken into account in the estimate of your officers, as follows:

Interest on plant, per ton of armor	$81.53
Maintenance of plant, per ton of armor	67.94
Loss by abandonment of plant when Navy shall have been completed, per ton of armor	75.49
Total	224.96

To the above should be added the cost of working capital, which varies greatly, as works may be run fully, partially, or not at all, but estimated at $1,000,000 average, the cost is, say, [illegible] per ton.

It is because of these and other facts that we do not hesitate to say that the manufacture of armor is not, and can not be made, a permanently satisfactory investment of capital, even at the prices charged per ton.

We did not seek the Government orders for armor; the Government sought

> us, and after declining, when invited, we finally agreed, reluctantly, to undertake the task, simply because the Government could not get armor for the ships which were upon the stocks waiting for it.
>
> If the Government now desires to undertake the manufacture of armor for itself, we shall only be too happy to sell our plant to it at cost. It is in splendid order, and we refer you to your experts as to whether it is not far more efficient now than when new, as we have continually made improvements upon it.
>
> The plant can remain where it is, and we will undertake to furnish the steel in the ingot at a price to be fixed by three arbitrators; or we will remove the plant and erect it at any point designated by the Government; also erect the additional plant for the making of the steel. We will superintend all this and start the works, and continue to operate them until they produce armor successfully; and for all this we will only ask the Government to pay the actual cost.
>
> We undertake also to teach the Government officials how to make such armor as we are now supplying you, which, as you know, holds the world's record.
>
> Having gone into this business primarily to help the Government when it could not obtain armor, we submit to you and to Congress that we have some claim upon the Government to take our plant at cost, and we hope this proposition will meet with favor.
>
> We make about 15,000 tons of finished steel per month, and the two or three hundred tons of armor we make per month demand greater attention and give more trouble than all the 15,000 tons. We shall be delighted if the Government will let us out of the armor business. We can use the capital in several lines of our business to better advantage.

It will be seen that the claim of this company is that its investment in plant should be taken at $3,000,000. It insists also on interest on its investment at the rate of 6 per cent for the full time of five years. Like the Bethlehem, this company would add to the price of armor paid for in the last part of the period interest that accrued on capital, a part of which was already extinguished, to increase its price. While demanding for itself all this interest, the Government is allowed no interest on its payments. To adopt such a rule as this would be to say that although it might appear that when one-half of these five years had elapsed the capital originally invested had been 30, 40, or 50 per cent of it repaid by profits received over and above fair dividends, yet we must go on counting interest on the whole amount, no matter how much of it had been paid back.

The company does, however, admit the possibility of some "salvage" by its third proposition, "That the armor plant is practically useless except for the making of armor. Therefore, when the Navy is finished, say ten years hence, we have to face a probable loss of the cost of the plant, $3,000,000. Even if the salvage amounts to $500,000, we have a loss of $2,500,000, equaling in fifteen years $166,666 per annum, or $75.49 per ton of armor."

It seems to be very plain that no assistance in arriving at a correct conclusion in the premises can be derived from either of these letters, unless it shall be concluded that the cost of the plant is in the one case $4,000,000 and in the other $3,000,000, as insisted upon.

The amounts of these investments, as has heretofore been stated, is most material, and I have diligently sought to secure evidence that would enable me to estimate them correctly. In discussing the weight to be given to the statements made by the companies, consideration is to be given to the following facts:

1. These companies are testifying in their own interests.
2. They are in possession of evidence which would, if produced, satisfy Congress of the correctness of their statements. They have been requested to produce this evidence, and they refuse to do it. The general ground upon which these companies refuse to show their books, or to explain otherwise the costs to them of the manufacture of armor, is that this would be to expose their business secrets to their competitors. It would appear that they might give evidence as to the value of their plants without exposing their business methods. Certainly the prices of such portions of these plants as were purchased might be proven by vouchers, and details of the items constituting the remainder might be set forth so as to enable Congress to see what had been included, and to form for itself some opinion. It is not easy to see how this would be giving away business secrets. Nevertheless, all important as is the question of the cost of these plants, we have on that subject only a bare statement by each of these companies, neither of them going into any particulars or giving any such explanations as are usually required in courts and before committees when facts are to be established.

These statements, while both of them mentioning items which are not included in the sums mentioned, do not either of them specify what items are comprised in the cost of their plants. Both of these plants are connected with steel mills, and the armor and steel plants are necessarily to some extent interdependent. If the figures in the books of these companies, when making up amounts chargeable to armor plant, proceed upon bases as incorrect as the methods suggested in each of these letters for calculating the cost of armor, and this would seem to be a reasonable presumption, then the statements as to the cost of the plants are to be taken with many grains of allowance.

It is also to be noted that if the plants of these two companies cost $3,000,000 and $4,000,000 each, proof of these figures in such manner as to satisfy Congress and the public would have a wholesome effect upon business competitors in deterring them from entering into competition in the manufacture of armor.

Examining the estimates of the cost of plants made by the Government inspectors, we find that Ensign McVay, in his prepared statement of the cost of the plant at the Carnegie works, estimated it all together at $3,000,000, the same figure given by the company. In the company's statement it said that the $2,500,000 shown by the books does not include ground, railway connection, water plant, or electric light and power currents; that these are taken from the other works, and that, together with the interest during the construction of the plant, they will amount to something over $500,000. Mr. McVay only reached $3,000,000 by including these items:

Power house at	$75,000
Pumping station, etc., at	75,000
Electric plant at	75,000
Land at	550,000
Stock on hand at	300,000
Total	1,075,000

Deducting this from $3,000,000, leaves $1,925,000 for the items which are estimated by the company at $2,500,000. The stock on hand, $300,000, is clearly improperly included by Mr. McVay in plant. His testimony, therefore, does not sustain the company. It is to be considered, however, that naval officers have really very little knowledge as to the cost of plant. They must, in all their estimates, be governed largely by such data as they are able to collect from observation and hearsay. As to the amount of labor employed and of fuel and material used in the manufacture of armor, they have observed closely, and as the market rates for these are accessible, they may be expected to estimate them with reasonable accuracy. There is, however, no general market in this country for the structures constituting an armor plant. The inspectors must necessarily, in order to form any opinion whatever of the value of these, be guided largely by such hearsay information as they can obtain, and this must, of course, come primarily in large part from the interested persons with whom these officers are brought in contact around the works.

Coming now to the estimate for the armor plant of the Bethlehem Company, the Rohrer Board estimates this plant altogether at $1,881,000, or $881,000 more than the $4,000,000 upon the basis of which the company indicates its willingness to have estimates made, provided calculations proceed upon methods suggested by it, which methods have been shown to be grossly erroneous. There is no doubt but that the Bethlehem Company's plant did cost very much more than the plant of the Carnegie Company. At Bethlehem a hammer was constructed at large cost, which rumor has placed at amounts varying from $400,000 to $700,000. The use of this hammer was subsequently abandoned, because the press which was erected did better and cheaper work. Other experiments were made which were futile and costly. It is believed that it would not be unjust to allow in these estimates $1,000,000 more for the plant at Bethlehem than for that at Carnegie's, but here, as everywhere throughout these investigations, we are met with the difficulty of arriving at any correct conclusions in the absence of the positive, direct, detailed evidence which could be furnished by the companies themselves, but which they refuse to give, preferring, as they do, to leave the Department and Congress to speculate on the subject in so far as it may not choose to be guided by the very general statements which have been made in these letters.

Even these letters were not written until after I had returned from Europe, where by my visit I procured, as stated, two estimates of the cost of armor plants. One of them was made in England by a company which is prepared to furnish the plant, and it is attached hereto, marked Exhibit No. 1. This estimate by a manufacturer of experience and reputation puts as a sufficient sum for machinery £113,400, but it having been referred to the Chief of the Bureau of Ordnance to be completed by adding estimates for duties, buildings, installation, etc., he has added these and other costly items which he deems necessary to make it equal the American plants. As thus completed, it amounts to $1,590,000. This is the estimate for putting up complete a plant equal to that of the Carnegie Company, said to have cost $3,000,000. Prices are, however, lower now than in 1887, when the Bethlehem Company began its plant, or even than in 1890, when the Carnegie Company undertook the manufacture of armor.

Exhibit No. 2 is a preliminary estimate for an armor plant at Guérigny, in France. This estimate was made by the French Government for the purpose of ascertaining what it would cost to put up an armor plant at that point in connection with the Government works already there, and which are now equipped for the manufacture of chains, cables, steel protective deck-plates, etc. No steel, however, is made there. The Government at present buys this material.

A reference to the explanation by Lieutenant-Commander Rodgers, attached to that exhibit, shows what Mr. Rodgers, after an examination of the present works at Guérigny, supposes the estimate of the French Government to include. It includes, it is supposed, installing the machinery and the erection of additional

buildings so far as needed. This estimate, made by the Government of France for the erection in connection with its plant now making protective decks and equipment supplies, is $700,000, all told.

At present the duty on machinery of this class is 35 per cent. It is much to be regretted that the details of this estimate are not given, but it is to be remembered that this $700,000 is an official estimate for the Government, and the Government is presumed to have had in view an efficient armor plant. If we allow for duties, which would be collected only on the machinery included in this estimate, and then for higher-priced labor in building houses and installing plant, this could not be more than double this estimate, making it $1,400,000.

The English estimate, we have seen, as amended by Captain Sampson, amounts to $1,590,000, which would pay duties and freight and erect here a plant equal to those in question. Doubling the estimate of the French Government, we have $1,400,000 for a similar plant, houses, machinery, and all. The average of the two estimates is $1,500,000. Adding another million for fall in price since they were erected would allow $2,500,000 for the Carnegie plant, and still another million would give $3,500,000 for the Bethlehem plant. I shall not, however, insist upon these figures in the calculations to be submitted, but will present tables in which the basis shall be the cost of the plants as given in the letters of the two companies, as, after all, I prefer to rely on these figures. I do not mean even to cast a doubt upon them. I take it that they came from the books of the companies. I have submitted and commented on proofs as to the cost of erecting a plant, as showing that one could now be erected for about $1,500,000, and these figures will serve as a guide for Congress in deciding whether to erect a plant, and also as a basis in calculating on future contracts.

If a correct conclusion as to cost of plant, which is far the most difficult problem in this investigation, has been reached, we may advance with more confidence to a consideration of other factors in attaining results.

PRICES OF ARMOR ABROAD.

Appended hereto is a diagram of prices, marked Exhibit No. 7, which may be relied upon as showing accurately the prices of armor in the United States, England, France, Germany, and Austria, for armor manufactured at home, and also the prices at which the United States, English, German, and French manufacturers have furnished armor for foreign governments. These prices have ranged from $249 to $650 per ton, the cheapest first-class armor in the list having been furnished to the Russian Government by the Bethlehem Company, and the highest in price, excepting some made in Italy, the armor furnished by the Bethlehem and Carnegie companies to the United States under their contracts of 1887, 1890, and 1893. The contracts made by these companies in 1896 were for about $500 per ton, on an average. Italian prices average nearly $600. Austrian armor was not first class.

It must be understood that armor plates differ in prices. Difficult shapes cost more, simple shapes less. The figures used throughout this report refer to average prices.

During the debate in the Senate upon the armor question at the last session of Congress, one question discussed was whether there was an understanding or agreement among armor manufacturers throughout the world to keep up prices. This was one of the questions I inquired about upon my recent trip to England and France. If there be any such understanding it is of course impossible to prove it, unless some one of those to whom the secret has been confided should betray his trust. My impression is that there is and has been for some time at least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression I find prevails abroad, certainly among some of the persons who have inquired into the subject.

Without undertaking in any manner to justify such combinations, there are reasons that would naturally induce armor contractors to agree among themselves as to the prices to be charged to their own government, and also with armor makers abroad as to the prices at which armor is to be furnished to countries which do not manufacture it.

The manufacture of armor is a special business, dependent upon many uncertainties. The necessary plant is very expensive. Armor is the product in large part of machinery, and labor and materials are but small items when compared with the original cost of plant and the expense of maintaining it. A manufacturer in possession of a plant which has been paid for by profits can produce armor at rates that would be ruinous to a company in the outset of its operations. A large margin of profit is necessary also to meet the conditions arising out of the uncertainty of orders, the maintenance of a plant when not in operation, and the keeping together of the necessary operatives while awaiting orders. Sharp competition for custom would be apt to cause manufacturers to lose sight of these conditions, and financial disaster would inevitably result from failure to keep them in mind. These natural promptings to such a combination are mentioned only as persuasive to show, when taken in connection with what follows, that a world-wide combination or understanding does exist.

An inspection of the prices paid, as shown by the diagram before referred to, will indicate what is not denied, that the Carnegie and Bethlehem companies agreed with each other as to prices. They have divided the contracts of this Government between themselves, each bidding lower than the other for one-half of the armor required at any time by the Government.

In France the Schneider Company, at Creusot, seemed to have had the field largely to itself, and furnished most of the armor to that Government from 1885 till about 1888, when the Chatillon Company began operations. Afterwards the St. Chamond and Marrel Company came in, and still later the St. Étienne. These companies when they began to share in the contracts for armor for the French Government, all charged about the same prices, these prices gradually rising, until 1891, when changes were made in the requirements. In 1892 the United States had adopted the Harvey process of face hardening. France adopted this process in 1893, and we then find that in 1894 all the French companies had raised their prices from about $370 to about $470 per ton. Afterwards, in 1896, all these French companies were found charging their Government about $535 per ton.

In 1895 Russia was in the market for harveyed nickel armor. The Bethlehem and Carnegie companies, in the United States, were then both well established, and neither had sufficient orders from this Government to employ its plant continuously. There was sharp competition for the order from Russia, and the Bethlehem Company secured the contract for manufacturing armor for one ship at the very low price of $249 per ton, this armor to be both nickeled and harveyed and to be delivered in Russia, the company agreeing at the same time to manufacture the armor for two other ships, if required, at the same price. The Russian Government afterwards did require armor for the other two ships, and taken altogether the armor for the three amounted to about 1,400 tons.

The French Government had, in the meantime, in 1894, and prior to these Bethlehem contracts with Russia, been paying to its companies about $560 per ton for harveyed nickel armor. Early in 1895 the Bethlehem Company secured another contract from the Russian Government, this time at the price of about $520 a ton, and almost contemporaneously the Carnegie Company made a contract with the Russian Government to supply armor at practically the same price as the Bethlehem Company.

Here, then, we have the pregnant facts that the two companies in the United States have had a perfect understanding with each other as to what they should charge their own Government; that the five companies in France seem to have had a like understanding with each other as to what they should charge their Government; that the price of armor in France rose gradually from 1891 to 1894, as improvements were adopted, to about the same price as that which was charged by the Bethlehem and Carnegie companies to Russia in 1895, after the former company had forced its way into the European market. I am informed upon authority which I believe to be good, that about, or perhaps before the time of the last contract of the Bethlehem Company with Russia, there was a meeting in Paris of the representatives of the principal, if not all, of the armor manufacturers of Europe and America.

The diagram shows also that, in 1896, Krupp manufactured for Russia some armor for about the same price as that charged to Russia by the Carnegie and Bethlehem companies. Dillinger, in 1896, also manufactured armor for Russia at prices about $30 per ton more than had been charged to the same Government by Krupp and by the Bethlehem and Carnegie companies. I have been unable to procure the prices at which the English manufacturers furnished armor for other governments. The price, however, at which the Cammel or John Brown Company and Vickers manufactured harveyed steel armor for their Government was about $330 per ton. None of this was nickeled and some of it was not harveyed. It will also be observed that the different companies habitually charged a little more to their own than to other governments. Vickers's armor furnished to the English Government was harveyed but not nickeled.

These facts seem to lead to the conclusion that there is at least a friendly understanding or agreement among the principal armor manufacturers of the world that prices shall be maintained at or about a certain level.

The prices at which the Bethlehem and Carnegie companies are now furnishing armor to this Government are $59 less than those paid under the contract of February, 1893. When about letting out the contracts for the *Kearsarge* and *Kentucky*, I insisted upon lower prices, and after considerable negotiation, these two companies were induced to reduce their prices to that extent, and as the price of nickel had fallen in the meantime about $10 per ton, the rates now being paid for the armor of the *Kearsarge* and *Kentucky* are some $70 lower than were previously paid.

In June, 1896, a board of officers, consisting of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman was assembled, with instructions to make a careful estimate of the actual cost in labor and material for the manufacture of armor now being provided for our battle ships. The board submitted a report on July 3, 1896.

Lieutenant Rohrer had been inspector at the works of the Bethlehem Iron Company for the period of three years from August 1, 1892, to March 26, 1895. Lieutenant Niles had also been inspector of ordnance at these works from October 18, 1888, to August 31, 1892. The latter was with the Bethlehem Iron Company as Government inspector from the inception of the manufacture of armor plate, and was consequently familiar with the installation of the plant used in the manufacture of this armor, and with all the experiments, failures, etc., which the company encountered in establishing this plant. The connection of Lieutenant Rohrer with this company followed in point of time that of Lieutenant Niles, so that their combined experiences covered the whole period from October 18, 1888, to March 26, 1895, the date of Lieutenant-Commander Rodgers's appointment as inspector of ordnance at these works. Lieutenant Ackerman had been connected with the manufacture and use of steel in its various forms, principally castings and forgings, at different times, for six years prior to his appointment upon this board. Mr. Ackerman had also spent several months at both the Bethlehem and Carnegie works, and was familiar with the methods employed at both establishments and with the differences in their methods of work.

These gentlemen having thus familiarized themselves with all the processes employed, and being entirely disinterested, the results of their deliberations may be considered as representing with much accuracy the cost of manufacturing armor such as is now used on our battle ships. Besides the knowledge thus derived from their experience, these officers had at their disposal the market prices of all materials which go toward the composition of this armor. They were furnished, in addition, through the inspectors of ordnance, and from the records they had made while at these two establishments, with the quantity of material used and the labor required in each of the operations involved in the manufacture of armor. In making their estimate, they began with the cost of the several ingredients charged into the furnace for casting the ingot preparatory to the forging process. Each item of loss resulting in the casting of the ingot was carefully considered and accounted for. Each item of expense due to mixing, melting, pouring, etc., was considered as constituting a part of the operation and of the cost of casting the ingot. The cost of making the molds, handling the ingot, stripping it, and the material required for preparing it for forging, together with the coal, etc., required in all subsequent heatings and treatment; the cost of power each time the ingot or armor plate was moved, etc., formed a part of the cost of the finished plate. In like manner every other item of cost, including administration, was calculated and added. The result of these calculations was that the cost of the labor and material in a ton of single forged harveyed nickel steel—the Government supplying the nickel—was $167.30.

All the armor used in our battle ships up to the present time, is of single forged harveyed nickel steel, except a portion of the *Iowa's* armor, which is double forged. In addition to the items of labor and material, it was found that a considerable allowance must be made for the loss to the manufacturers in material which was rejected for defects occurring at different stages of the process. These losses were at times very large, larger of course before the methods of manufacture were thoroughly established, and it is therefore thought just to add 10 per cent to the cost of labor and material to cover these losses. The addition of this 10 per cent increased the estimate for labor and material in a ton $184. According to the estimates of Lieutenant-Commander Rodgers, based upon observation in the manufacture of reforged armor, reforging results in an increased cost to the manufacturer of $11.27 per ton, which makes the cost of reforged armor (labor and material) $196.45 per ton.

When the Senate Committee on Naval Affairs, in 1896, commenced the investigation regarding prices of armor, the inspectors at the works of the Bethlehem Iron Company and of the Carnegie Steel Company were instructed to investigate and follow carefully each process in its manufacture, the time required and its cost, the kind, quantity, and cost of different materials used, in order that they might be prepared with an estimate of the total cost of its production. The estimate thus made by Lieutenant Commander Rodgers now and then the inspector at Bethlehem, though formed independently, and with slight variations in the methods followed, was for single forged harveyed nickel steel armor, $178.59; with the 10 per cent added for losses due to rejection, $196.45; for double forged nickel steel harveyed armor, including the 10 per cent, $208.85.

The estimate made by the inspector of ordnance at the Carnegie Steel Company, Ensign C. B. McVay, who has been inspector of ordnance at these works during the past year, also based upon careful observation over the whole of this period, and upon methods similar to those followed by the Board, though varying in details, is for single-forged, harveyed nickel-steel armor, $161.54; or, adding 10 per cent for the loss due to rejections, $177.69; or, for reforged armor, with the 10 per cent added, $190.09. The Department is inclined to give the greater weight to the estimated cost formed by the Board, and it is believed to be just to both the manufacturers and to the Government to take average of the estimates to be $185.38 for single-forged and $197.78 for reforged armor.

Considering that the three estimates vary so little, and that they were made independently, the results must be quite near the actual cost. It should be noted in this connection that the first estimate submitted by Ensign McVay for reforged armor, in August, 1896, was, deducting the value of nickel, which is furnished by the Government, $177.50; adding 10 per cent for the loss due to rejections, $195.28, which makes his estimate very nearly the same as the two made by Lieutenant-Commander Rodgers and by the Board. Mr. McVay, after following for some months past the production of the reforged armor for the battle ships *Kearsarge* and *Kentucky*, has modified his estimate as above indicated, the difference in his two estimates being no doubt partly due to the increased skill of operatives and to improved processes. As, however, these deductions resulted from accurate knowledge of particular processes followed carefully throughout, we must also conclude that Mr. McVay's former statement was very liberal to the contractors.

The items constituting the heads under which the calculations of the Rohrer Board were made are summarized as follows:

Materials in ingot	$60.13
Materials consumed in manufacture	56.75
Labor	13.50
Keeping plant ready for use	9.80
Shop expenses	2.38
Office expenses and contingencies	3.34
Administration, superintendence, and engineering	21.40
Total	167.30

The methods pursued by the inspectors of ordnance followed, in the main, lines similar to those pursued by the Board, as in Exhibit No. 4, though differing occasionally in details of computation. For the purpose of comparison, the report of the Board was modified to show also the cost of reforged armor. The report of Lieutenant-Commander Rodgers was revised so as to include the item of cost of labor and material in maintaining the plant ready for use. The cost of nickel, which is supplied by the Government, was deducted from his given value of the charge. The report of Mr. McVay was changed so as to include the items: Cost of labor and material in maintaining plant ready for use, office expenses and contingencies, and shop expenses. It is noted that the report of Mr. McVay credits a cost of $15 per ton to the armor maker for the value of nickel scrap included in the charge, but the cost of forging is correspondingly low; that is to say, the cost of cutting up the scrap, which gives it its real value, is not included.

One of the inspectors estimates the losses from spoiled plates, rejections, etc., at 15 per cent, one at 10 per cent, while the Board, composed of three, puts it at 6 per cent, though this latter does not include the cost of experiment, which, however, is estimated to be less than 1 per cent. If the average of the five calculations be taken, this percentage would be 9½, but I have allowed 10 per cent for losses.

Upon my return from Europe, in October, I sent an officer to Harrisburg, Pa., in search of information, and he procured copies of the returns which had been made under an act passed by the legislature of Pennsylvania in 1889, by the Carnegie and Bethlehem companies. This act requires annual statements of the capital invested, dividends made, gross and net profits, and accumulations of surplus. The returns made by the Carnegie Company were so incomplete as to be of very little value. Those made by the Bethlehem Company are more definite. As procured from the auditor-general they contain the returns from this company of capital authorized, capital paid in, and dividends for each year from 1889 to November 1, 1895, inclusive. The returns, however, give gross receipts and net receipts only for the years 1893, 1894, and 1895, including the surplus for the fiscal year ending November 1, 1895. This information, supplemented as it was by that which the Department had at hand, constituting the amounts paid for armor during the several years, was important, and I felt that as these returns were not made with a view of being used in an investigation of this character, justice to the company required that it should be notified of the fact that I was considering them, which would suggest the propriety of making any explanations it might deem advisable. (See Exhibit No. 11.) In response to a reply I wired as follows:

DECEMBER 10, 1896.

Answering yours of yesterday, returns give you net earnings and gross earnings for the years 1893, 1894, and 1895, and surplus at end of fiscal year 1895. Would like similar returns for fiscal year ending in 1896, and also surplus at beginning of year 1889, and gross and net earnings for years 1889, 1890, 1891, and 1892.

Two days afterwards a reply was received, giving the information requested. Thereupon I wrote the following letter:

NAVY DEPARTMENT, *Washington, December 12, 1896.*

SIR: I am very glad to receive your letter of yesterday containing returns asked for, the gross earnings, net earnings, and surplus of your company at the ends of the fiscal years 1889, 1890, 1891, 1892, and 1896, severally. This information will very much aid me in the conclusions I must reach in the endeavor to arrive at the profits of your company from armor. I would like, however, especially to have also a statement as to what the surplus at the ends of the several years from 1889 to 1896 consisted of. This information would greatly aid me in arriving at correct results. If you can furnish it, you will put me under additional obligations. I ought, however, to state further what I have so often stated to your company in different forms, and what I hope you are convinced of, that my earnest desire in this matter is to do absolute justice to your company, as well as to the Carnegie Company, and, therefore, any additional information that you could furnish me, other than that herein indicated, to enable me to reach a correct conclusion would be very welcome, and if I can have assurances that you will furnish other information, I will gladly delay my report for a few days to enable you to send it.

It might not be amiss for me to say further that I recognize the fact, made clear from my investigations, that the armor plant of the Bethlehem Company cost more than that of the Carnegie Company. You began first, and you made some costly experiments, especially that with the hammer. The Carnegie Company had the advantage of your experience and avoided the mistakes which you had naturally committed. The Government ought not, in its legislation, to determine upon any prices that would do an injustice to you. The fact ought to be fully recognized that both the Bethlehem and Carnegie companies took up this business of manufacturing armor at the instance of the Government. Both companies are, therefore, entitled to fair remuneration, and no prices ought to be determined upon which would do injustice to either. I have only referred to this latter matter for the purpose of furnishing you a further indication, if any were needed, of the manner in which I am conducting this investigation, and of my wish to be just and fair both to the Government and contractors, in the conclusions at which I shall arrive in the report to be submitted by me.

If you are still of opinion, after considering this matter, that you ought not to go any further in the direction of furnishing specific information that would enable me to separate the profits made from armor from the profits resulting otherwise, I nevertheless hope that you will see proper to give me at once the statement showing what the surplus consisted of at the ends of the several years.

Very respectfully,

(Signed) H. A. HERBERT.

ROB'T H. SAYRE, Esq.,
Vice-Pres. Bethlehem Iron Co., South Bethlehem, Pa.

An answer to that letter was received, as follows:

THE BETHLEHEM IRON COMPANY,
ROB'T H. SAYRE, VICE-PRES. AND GEN. MANAGER,
South Bethlehem, Pa., December 16, 1896.

DEAR SIR: Your favor of the 13th instant is at hand. President Linderman's absence in New York this week up to date, and my absence in Philadelphia on Monday and Tuesday, will account for delay in reply to your letter.

In reply to your inquiry, "as to what the surplus at the ends of the several years from 1889 to 1896 consisted of," I can only say, in the absence of the president, in a general way—the surplus in each of these years consisted of cash, securities, stock on hand, raw material, work in hand and finished, work not accepted or delivered, plant and machinery, etc.—in other words, the surplus is the excess of assets over liabilities, and of course embraces all branches of our business.

We fully appreciate your "earnest desire to do absolute justice to our company in this matter," and have to thank you for the many evidences we have had of this, but you must pardon the natural and proper objections we have, from a manufacturer's standpoint, of giving to the public the details of our business.

Yours, respectfully,

ROBERT H. SAYRE,
Vice-President and General Manager.

HON. H. A. HERBERT, *Secretary of the Navy, Washington, D. C.*

This letter, it will be perceived, gives no definite information. One especial purpose of my inquiry was to ascertain the component elements of the surplus as it appears in the returns from year to year.

When the table which follows is looked at, it will be seen that it would be instructive to know exactly what is meant by the large surplus, which was constantly increasing from year to year; but the company not only fails to give any definite statement as to this, but it also declines my request for "additional information" about the returns "to enable me to reach a correct conclusion."

The table is made up of the returns from 1889 to 1895, as gotten from the auditor-general, to which are added such returns from the company as came in response to my telegram on December 10, recited in my letter of December 12, and then adding the information as to the years 1885, 1886, 1887, and 1888, gathered from the Red Book of Pennsylvania, and payments for armor and gun steel, as taken from the books of the Navy and War Departments.

Here is the table thus made up, the basic figure being the company's, and careful attention is invited to it:

Synopsis of reports of the Bethlehem Iron Company to the auditor-general of Pennsylvania, from 1889 to 1896, inclusive, supplemented by statements in letter from the company to the Department, under date of December, 1896, and with payments made to the company by the Government, as shown by Department records.

	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.
Authorized capital stock	$3,000,000.00	$3,000,000.00	$5,000,000.00	$5,000,000.00	$5,000,000.00	$10,000,000.00	$10,000,000.00		
Authorized number of shares	60,000	60,000	100,000	100,000	100,000	200,000	200,000		
Number of shares issued	a52,284	56,901	80,000	80,000	80,000	100,000	100,000		
Par value of share	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00		
Amount paid in per share	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00		
Amount capital paid in	b$2,613,200.00	$2,845,050.00	$4,000,000.00	$4,000,000.00	$4,000,000.00	$5,000,000.00	$5,000,000.00		
Amount on which dividends declared	(c)	$2,729,125.00	$3,988,075.00	$4,000,000.00	$4,000,000.00	$5,000,000.00	$5,000,000.00	d $5,000,000.00	
Percentage of dividends	8	9	10	10	Cash, 10 Stock, 25	12	12		
Amount of dividends	$182,606.00	$240,780.50	$398,807.50	$400,000.00	g $400,000.00 h $1,000,000.00	$600,000.00	$600,000.00	$600,000.00	
Gross earnings	$4,173,137.42	$6,334,743.85	$5,623,233.98	$6,731,288.83	$5,476,338.81	$5,350,751.30	$5,358,016.97	$5,886,232.87	
Net earnings	$9,990.69	$490,846.93	$657,402.86	$787,187.11	$1,293,729.89	$1,561,402.42	$1,109,276.53	$859,711.52	
Surplus, or profit and loss account	e$1,976,614.66 f$1,856,660.02	$2,077,839.43	$2,420,675.33	$2,927,862.44	$3,821,592.33	$3,882,994.75	$4,392,271.28	$4,651,982.80	

PAYMENTS BY THE GOVERNMENT TO THE BETHLEHEM IRON COMPANY.

	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.
Armor			$42,795.68	$322,334.33	$1,963,545.36	$1,610,996.53	$1,334,247.82	$1,089,884.76	[illegible],800,000.00
Gun steel:									
Navy	$51,456.13	$179,690.95	602,817.06	597,187.38	588,699.51	511,893.03	130,079.30	244,927.[illegible]	i500,000.00
Army		53,967.88	287,095.13	415,734.56	930,422.54	699,589.78	544,308.[illegible]	96,[illegible]	i1,000,000.00
Total	51,456.13	233,658.83	932,707.87	1,335,256.27	3,482,667.41	2,822,479.34	2,008,[illegible]	1,[illegible],885.17	i3,300,000.00

a Prior to April, 1889, 40,000.
b Prior to April, 1889, $2,000,000.
c April, 1889, $2,000,000; November, 1889, $2,565,150; average, $2,282,575.
d Letter.
e Beginning.
f Ending.
g Cash.
h Stock.
i Estimated.

GRAND TOTALS.

Armor		$8,163,804.48
Gun steel:		
Navy	$3,406,751.31	
Army	4,027,190.86	7,433,942.17
Total		15,597,746.65

These figures show that especially during the period from 1890 to 1896, inclusive, the company was doing an extraordinarily prosperous business. It seems also to have done a fairly prosperous business in 1885, 1886, 1887, and 1888. During two of these years it declared 12 per cent dividends and during the other two 10 per cent. Its capital was then $2,000,000, engaged in the manufacture of steel rails and steel in other forms.

After it undertook Government business and began to receive returns from its armor and gun plants it made no separate returns of the profits derived from its work done for the Government and for the public, but by deducting receipts for Government work from total gross receipts in each year we find what was the volume of the company's commercial business.

A careful inspection of the figures, however, shows that whenever the Government business was largest the net earnings were greatest, notwithstanding the fact of a decrease during those years in the total volume of business. The year 1893 seems to have been an exception to this rule. This is probably to be accounted for by the fact that it was during that year that the company paid for the last important improvements in its plant, which is taken to have been done out of its earnings before the net amount was declared. The table shows many other indications that the net earnings were the sums left after deducting from the gross earnings whatever was paid toward plant, e. g., in 1889, when much of the plant was erected, the net earnings were less than $10,000; gross earnings over $600,000. However that may be, these returns, taken all together, clearly indicate that all the plant has been paid for, whatever it may have cost, as I shall endeavor to demonstrate. Still there remain no means apparent on the face of these returns for determining how much of the net earnings came from Government business.

I have supposed that the proper method of arriving at the profit of this company from its Government contracts would be to make a very liberal estimate on the possible earnings of its commercial plant and deduct this from the aggregate net earnings of the entire business. It will certainly be liberal to consider that its commercial plant has paid during the years from 1889 to 1896, inclusive, a dividend of 10 per cent, about what it was paying before. Its average during the four previous years was 11 per cent, but those years were far more prosperous than has been the period elapsing since that time.

An inspection of the Red Book of Pennsylvania shows that during the period from 1885 to 1888, inclusive, many companies were declaring dividends regularly which have since failed for years to declare any whatever, and that none of the principal companies engaged in business like that of the Bethlehem Company have averaged as large dividends since 1889 as they did from 1885 to 1889.

Below is an abstract showing the dividends made by different steel companies in the State of Pennsylvania, where these two armor plants are both located, from the years 1885 to 1894, inclusive. These are only the largest and, presumably, most prosperous companies; and they are selected because they have been doing work similar to that in which the Carnegie Company is now engaged and in which the Bethlehem Company was exclusively engaged up to the time it made its contract with the Government for armor and gun steel in 1887.

The dividends of the Bethlehem Company after 1889 are omitted from this abstract. They were declared on all business—we are seeking to separate Government from commercial business—and the figures are given to show what others were earnings on commercial manufactures.

Statement of dividends paid by iron and steel companies doing business in Pennsylvania with a capital of $500,000 or over, as given in the Red Book of Pennsylvania Securities for 1894-95.

Name of company.	Dividends.									
	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Bethlehem Iron Company	10	12	12	10	*a* 8					
Cambria Iron Company		15	12	10	10	10	10	10	8	
Pennsylvania Steel Company	*b* 4 *c* 3	*b* 4 *c* 8	*b* 4 *c* 2	*b* 7 *c* 5	*b* 6 *c* 6	*b* 9 *c* 8	*b* 6 *c* 6	*b* 6 *c* 6		
Wm. Wharton, jr., & Co.						6	7½	6	7	
Catasauqua Manufacturing Company	4	4	6	3	3	7	3	3		
Lukens Iron and Steel Company	6	6	6	6	6	6	6	6	6	6
North Branch Steel Company	(*d*)	(*d*)	(*d*)	(*d*)	(*d*)	(*d*)	(*d*)	(*d*)	(*d*)	(*d*)

a The November dividend of this year being 4 per cent in cash, with option to take stock at $80 per share.

b Cash.

c Stock.

d Earnings from 6 per cent to 8 per cent made annually and carried to surplus.

From this abstract it appears that the Bethlehem Company, in 1885, 1886, 1887, and 1888, made four annual dividends, two of which were at 10 per cent and two at 12 per cent. The most prosperous company not having Government work is the Cambria Steel Company. This company declared larger dividends than did the Bethlehem Company up to 1888, when the latter had undertaken Government work. No other company appears to have been as prosperous or to have declared as large dividends since 1889 as the Cambria Company. The Cambria Company, from 1889 forward, did not average 10 per cent per annum. It is therefore fair to presume that if the Bethlehem Company had continued to do only a commercial business, it would not have made more than 10 per cent from 1889 down to the present time. To allow it, during this period of widespread depression, 10 per cent on its commercial business is to treat it liberally.

The testimony of Lieutenant Niles, hereto attached and marked Exhibit No. 8, shows that during a considerable portion of the period for which it is proposed to allow the 10 per cent on its commercial business this company's rail mills were idle.

In the calculations following this the company is considered as having made a profit of 10 per cent on all its commercial business since it undertook Government work. It will be noted that I base no estimates on the large dividends declared not only on the $4,000,000 paid for stock, but on the $1,000,000 dividend stock or on the constantly increasing annual surplus. This can not be done for want of knowledge as to meaning of surplus. The reasoning is based entirely on net receipts.

The synopsis of the Bethlehem Company's reports shows that its paid-up capital at the time it undertook this Government work in 1887 was $2,000,000; that this capital was gradually increased, new stock being issued in 1889, 1890, and 1891, amounting altogether to $2,000,000. In one of these years it appears that an option was given to stockholders to receive their dividends in money, or in lieu thereof stock at the value of $80 per share. It is presumed that some stockholders were willing to take and did take stock for their dividends, but even though this may have been done, in the calculations hereinafter made the stockholders are credited with having paid cash in full at par for all the $2,000,000 of stock.

Now, if the net profits as shown by this synopsis are sufficient, first, to pay back to the stockholders in full the money paid for this $2,000,000 of new stock; second, to pay interest at 10 per cent on this new stock up to the time it was repaid; third, to pay the Bethlehem Company 10 per cent per annum on its original $2,000,000 of stock, which represented its commercial plant, and, fourth, to pay all the indebtedness of the company and leave its surplus unimpaired, then it follows that the profits made upon armor and gun steel by this company have paid for all the new plant and have refunded all the money invested in the business of making armor and gun steel, having first paid fair profits thereon up to the time of refunding such moneys to the investors. The only possible answer to this is that the plant, other than that erected to manufacture armor and gun steel, has really made more than 10 per cent per annum, and this is not conceivable, considering, first, the general depression during this period, and, second, that it is known that a portion of the company's commercial plant has been much of the time idle. The calculations set forth in the following table show that the net profits accomplish these results, besides paying the bonded debt, amounting to $1,351,000, first shown on the company's report for 1895, and that after all this there is a balance of profit of $672,728.95 to be distributed among the stockholders.

At the same time the surplus, which January 1, 1889, before the receipts from Government business began to come in in any quantity, was $1,970,614.66, has increased to $4,651,982.80. This surplus was presumed to be made up of cash in hand, notes, bills receivable, and stock on hand, manufactured and unmanufactured; but fearing that this assumption might be unjust to the company, although it is a presumption that arises from the face of the accounts, I wrote the letter hereinbefore set forth to the company on the 12th day of December. It will be seen that in the reply, dated December 16, it is admitted that this surplus is made up in part of such items as have been supposed, but it is also stated that it in part consists of plant.

There is also an item of $880,000 floating debt in the report of 1885, but of this no estimate is made. It is the usual outstanding debt, amply taken care of by a surplus, also not taken into account, of more than five times its volume.

If the account is made up with the company according to its own statements from November 1, 1889, up to November 1, 1896, it will be as follows:

Profit and loss account, based on reports to auditor-general of the State of Pennsylvania.

Net earnings, 1889 to 1896, inclusive		$6,769,553.95
DEDUCTIONS.		
Interest on original capital stock of $2,000,000 for 8 years at 10 per cent per annum	$1,600,000.00	
Repayment capital added in 1889	613,200.00	
Interest on same at 10 per cent for 7 years	429,240.00	
Repayment capital added in 1890	231,850.00	
Interest on same at 10 per cent for 6 years	139,110.00	
Repayment capital added in 1891	1,154,950.00	
Interest on same at 10 per cent for 5 years	577,475.00	
Repayment bonds shown on report for 1895	1,351,000.00	
		6,096,825.00
Balance of profit, 1889 to 1896, inclusive		672,728.95

This allows dividends annually on $2,000,000 at the rate of 10 per cent for eight years: it repays the $2,000,000 paid in, with 10 per cent from the dates when the capital was subscribed; it pays the bonds shown on the report for 1895 and leaves a profit from 1889 to 1896, inclusive, of $672,728.95 to put to the credit of the gun and armor plants, in addition to the 10 per cent already allowed on new stock.

The Bethlehem Company is now engaged in executing a contract for one-half of the armor intended for the *Kearsarge* and *Kentucky*. This contract requires it to complete this armor before the 1st of January, 1898. The prices for this armor having been agreed upon, the profit can be estimated. Then, supposing that the company will continue to make up to the end of the year 1897 10 per cent upon its original $2,000,000 of capital, the account will stand as follows:

Profit and loss account.

Net earnings, 1889 to 1898 (1897 estimated)		$7,619,553.95
Deductions.		
Interest on original stock of $2,000,000 for 9 years at 10 per cent per annum	$1,800,000.00	
New stock issued 1889	613,200.00	
Interest on same, at 10 per cent, 8 years	490,560.00	
New stock issued 1890	231,850.00	
Interest on same, 10 per cent, 7 years	162,295.00	
New stock issued 1891	1,154,950.00	
Interest on same, at 10 per cent, 6 years	692,970.00	
Proceeds bonds shown on report for 1895	1,351,000.00	
		6,496,825.00
Balance of profit for period		1,122,728.95

It will be observed that in the above estimates the figures furnished by the company itself have saved me the necessity of estimating either the cost of plant or the cost of labor and material in a ton of armor. It will also be noticed that these estimates include all the work done by this company, whether with its commercial or industrial plant, whether armor or gun steel for the Navy or gun steel for the Army, and all other material manufactured with its special plant.

In order to ascertain exactly the profits made by the operation of the company's armor plant and gun plant, I have constructed the following table, still upon the supposition that 10 per cent per annum upon the original stock of $2,000,000 has been first deducted from the net earnings for the period in question:

Year ending December 31—	Net earnings, less 10 per cent on $2,000,000.	Stock issued, assumed to be at beginning of year.	22 per cent dividend on outstanding stock from issue.	Surplus to reduce stock.	Outstanding stock.	Accumulated surplus to pay bonds.
1889	−$130,003	$613,200			$613,200	
1890	+ 230,847				845,050	
	+ 100,844					
1891	457,403	1,154,950			2,000,000	
1892	587,187		$1,030,738	$114,696	1,885,304	
1893	1,093,730		414,876	678,854	1,206,450	
1894	1,361,402		265,419	1,095,983	110,467	
1895	909,277		24,299	110,467		$774,511
1896	659,711					659,711
Total	5,169,554		1,735,332	2,000,000		1,434,222

The above shows that the Bethlehem Company, after paying 22 per cent on all money put into new plant from date of issue of stock and till its cancellation, can repay its stockholders in full and accumulate a surplus of $1,434,222, sufficient to more than pay off its bonded debt of $1,351,000.

These two calculations both show net results. Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, whatever may have been the interest on working capital, all those and other charges were paid from the gross earnings of the company; only net earnings have been considered, and the results show that the company's investments in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

If in any respect I have been misled by these figures, the error into which I may have fallen could have been prevented by the Bethlehem Company. It was informed that I was considering them, and when asked for certain additional figures it furnished them, but in response to my invitation to make further explanations it declined. It preferred to stand upon the inferences naturally to be drawn from these figures rather than to make further disclosures.

It is confidently believed, however, that there is no error whatever in the conclusions reached. It should be noted further that in attaining the conclusions in first table on page 83 no account was taken of the profits which will accrue on the Government contracts the Bethlehem Company has for armor and gun steel for the Army and Navy for ensuing years. These amount to over $3,000,000, on which profits will be very large.

Turning now to the Carnegie Company, it has been necessary in this case, in the absence of such returns as we have from the Bethlehem, to resort to the best evidence attainable for the purpose of showing—

(1) The value of its plant.

(2) The price of the labor and material entering into a ton of armor.

(3) The amount that should be allowed the company for maintenance and the amount of the plant upon which maintenance should be allowed.

Having determined these items, calculations have been made by using figures from the Department's books, and thus constructing tables hereafter set forth.

As to the cost of the plant, I have taken, in the table most relied on, the figures given by the company itself, to wit, $3,000,000, although the testimony hereinbefore commented upon is very persuasive to show that this is a large estimate.

The figures given by the company itself will be allowed for maintenance. I have not, however, allowed this 5 per cent upon the whole cost of the plant, but only on $2,000,000, for reasons hereinbefore set forth, viz, that the land and much other of the plant requires no appreciable charge for maintenance, and that maintenance can not properly be allowed upon what may have been paid for the plant, but that it can only properly be estimated upon the value of the plant; and I have given figures which seem to me conclusive to show that a plant like that of the Carnegie Company can be erected for about $500,000 less than the $2,000,000 allowed as to past transactions. It is estimated in the table below that the cost of labor and material in a ton of nickel-steel armor is $162.80; in a ton of Harvey nickel steel $185.38, and in a ton of double-forged nickel steel $197.78.

These figures having been arrived at, the question which next presented itself, and which was considered with great care, was as to the proper manner of stating an account. After much consideration I finally decided that it was proper to credit the company with the cost of its plant and keep no interest account whatever, either with the Government or with the company. A manufacturing company needs no interest account, if it has sufficient working capital and is doing a special business, such as the furnishing of armor under contract to a customer who pays promptly upon delivery; and I allow a working capital of $750,000.

An inspection of the table made out below will be persuasive to show that this sum, if allowed during a period of years, is ample. Money came in regularly in large amounts and always bringing large profits. The supposition has been made that the company has this working capital on hand at the beginning of the period, and it is allowed 5 per cent per annum for the use of it as a fixed charge, the principal remaining on hand at the end of the period. The table gives the number of tons of armor delivered during each period of six months and the price paid therefor. It is supposed that when payments are made to the company during these several periods, the money is deposited in its safe until a dividend is declared. Up to the moment when these dividends are declared, of course this cash is always available as working capital.

After declaring a given dividend at the end of each period of six months, the remaining net profits on hand are supposed to be paid to the stockholders, thus extinguishing their capital. Whenever profits over and above the assumed fair dividend are paid to the stockholders, the capital stock is pro tanto extinguished, and dividends for the ensuing six months are declared upon the reduced amount of capital, again at the same assumed rate, the surplus profits again going to reduce capital stock, and so the capital continues to be reduced at the end of each period of six months whenever there is a surplus of profit on hand for that purpose. The profits are arrived at by deducting from the amount received from the Government the amount of labor and material and 10 per cent for losses and the fixed charges of 5 per cent for maintenance and 5 per cent on $750,000 working capital.

The period covered by the estimates runs from January 1, 1892, when the Carnegie Company had begun to deliver armor, to June 30, 1897, when it will have completed its contract for one-half the armor for the *Kearsarge* and *Kentucky*.

The table is based on a valuation of the plant of the Carnegie Company at $3,000,000, and 5 per cent allowed on their entire amount for maintenance, etc., as claimed by the company in its letter to the Department. Interest at 5 per cent is also allowed on $750,000 working capital. Price of armor the same as in table that follows it.

Dividends of 10 per cent (5 per cent semiannually) are allowed on outstanding capital, and the entire cost of plant, $3,000,000, is practically extinguished by remaining surplus upon the completion of existing contracts.

Period ending—	Tonnage delivered.	Cost, including 10 per cent for rejections.	Fixed charges: 5 per cent, $3,000,000; 5 per cent, $750,000.	Total cost, including fixed charges.	Payments to the company by the Government.	Net profits, difference between payments and total cost.	Dividends, 10 per cent on outstanding capital.	Net surplus applied to reducing capital.	Outstanding capital (plant).
June 30, 1892	586	$95,392	$93,750	$189,142	$160,356	....	....	....	$3,000,000
December 31, 1892	329	53,511	93,750	147,261	160,384	....	....	....	3,000,000
June 30, 1893	1,195	198,012	93,750	291,762	650,111	$342,686	....	....	3,000,000
December 31, 1893	1,869	346,337	93,750	440,087	929,508	489,421	$600,000	$232,107	2,767,893
June 30, 1894	1,003	185,837	93,750	279,587	709,667	430,080	138,395	291,685	2,476,208
December 31, 1894	1,478	272,921	93,750	366,671	925,486	558,815	123,810	435,005	2,041,203
June 30, 1895	1,367	253,277	93,750	347,027	784,430	437,403	102,060	335,343	1,705,860
December 31, 1895	792	156,567	93,750	250,317	510,785	260,468	85,293	175,175	1,530,685
June 30, 1896	829	163,830	93,750	257,580	544,918	[a]587,338	76,534	510,804	1,019,881
December 31, 1896	1,153	227,919	93,750	321,669	601,721	280,052	50,994	229,058	790,823
June 30, 1897	2,054	406,480	93,750	500,230	1,248,607	748,377	39,541	708,836	81,987
Total	12,650	2,360,083	1,031,250	3,391,333	7,225,973	4,134,640	1,216,627	2,918,013	....

[a] Includes $300,000 profit on contract with the Russian Government for 1,000 tons armor at $529 per ton, the cost of which is assumed as $221 per ton, labor and material, less nickel, $197.78 (179.80 + 10 per cent for rejections, etc.), the same as for this Government, leaving a balance of $23.22 to cover cost of nickel, freight, insurance, etc., to Russia. Nothing is allowed on this contract for maintenance, interest on working capital, etc., as the whole amount of "fixed charges" is included in the cost of armor produced for the United States during the same period.

It will be seen here that but $81,000 capital remains after paying maintenance upon and extinguishing $500,000 more than the company says its books show the plant cost. The addition for land, etc., is practically wiped out.

Assume cost of plant as $2,500,000 and working capital as $750,000. Assume cost of armor per ton (labor and material) as $148 for 1,950 tons nickel steel; $168.53 for 5,872 tons harveyized steel; $179.80 for 4,828 tons reforged steel (these prices being the average of the estimates submitted), adding 10 per cent for losses by rejections, etc. Assume $2,000,000 as the value of perishable plant and allow 10 per cent thereon for depreciation, or maintenance, insurance, taxes, etc., and 5 per cent interest on working capital as annual fixed charges. Then allow 10½ per cent dividends (5¼ per cent semiannually) on outstanding capital (plant), applying the surplus of net earnings, after deducting dividends for each period of six months, to the extinguishment of cost of plant.

The following table shows the result:

Period ending—	Tonnage delivered.	Cost, including 10 per cent for rejections.	Fixed charges, 10 per cent, $2,000,000; 5 per cent, $750,000.	Total cost, including fixed charges.	Payments to the company by the Government.	Net profits, difference between payments and total cost.	Dividends, 10 per cent on outstanding capital.	Net surplus applied to reducing capital.	Capital outstanding (plant).
June 30, 1892	586	$95,392	$118,750	$214,142	$160,356	....	....	....	$2,500,000
December 31, 1892	329	53,511	118,750	172,261	160,384	....	....	....	2,500,000
June 30, 1893	1,195	198,012	118,750	316,762	650,111	$267,686	....	....	2,500,000
December 31, 1893	1,869	346,337	118,750	465,087	929,508	464,421	$525,000	$207,107	2,292,893
June 30, 1894	1,003	185,837	118,750	304,587	709,667	405,080	120,377	284,703	2,008,190
December 31, 1894	1,478	272,921	118,750	391,671	925,486	533,815	105,430	430,385	1,577,805
June 30, 1895	1,367	253,277	118,750	372,027	784,430	412,403	82,835	329,568	1,248,237
December 31, 1895	792	156,567	118,750	275,317	510,785	235,468	65,532	169,936	1,078,300
June 30, 1896	829	163,830	118,750	282,580	544,918	262,338	56,611	205,727	872,573
December 31, 1896	1,153	227,919	118,750	346,669	601,721	255,052	45,810	209,242	663,330
June 30, 1897	2,054	406,480	118,750	525,230	1,248,607	723,377	34,825	688,552	[a]25,220
Total	12,650	2,360,083	1,306,250	3,666,333	7,225,973	3,559,640	1,036,420	2,525,220	....

[a] Surplus.

If the value of perishable plant be assumed as $1,500,000, thus reducing the fixed charges to $93,750 semiannually and correspondingly increasing the net profits by $25,000 for each six-month period, then the dividend can be increased to 13½ per cent (6¾ per cent semiannually) and still extinguish capital with remaining surplus upon the completion of contracts.

If the fixed charges be made 5 per cent instead of 10 per cent on a two-million-dollar plant, dividends can be increased to 15 per cent and extinguish capital besides.

Comparing now the results arrived at in the cases of the two companies, reached, as they have been, by entirely different methods, a strong presumption arises in favor of the accuracy and justness of the figures determined upon as the cost of manufacturing armor. In the case of the Carnegie Company, there were no figures showing either net proceeds or gross earnings. Recourse must necessarily have been had to estimated costs of manufacture. These estimates show that this company's business done entirely by its armor plant has netted to it 10 per cent profit after the amortization of its plant.

The Bethlehem Company's letter claimed plant at $4,000,000, excluding land, railroad connections, interest during construction, etc. For these another $500,000 could as well be added, as in the somewhat similar case of the Carnegie Company. Then, adding another $500,000 for gun plant, and we should have Bethlehem, $5,000,000; Carnegie, $3,000,000. Up to November, 1896, the Bethlehem Company received of Government money $12,297,000. Up to the end of the Carnegie Company's account it will have received $7,225,000. The Bethlehem's own figures show (Table 1) that up to November, 1896, its profits paid for its plant in full, much of it being built on the place, paid 10 per cent on its cash investment, and left a surplus of $672,000. The figures based on officers' estimates of cost show that the Carnegie investment was returned with 10 per cent and no surplus. All things considered, these results strikingly corroborate each other.

Further confirmation of the accuracy of the methods adopted in this investigation is derived from a consideration of the reasonableness of the results attained. The companies, when they began their ventures, counted the costs and took the chances. There was ground for doubts about appropriations—the demand for armor plate might cease at any session of Congress, and they could only have been justified by naming figures for manufacturing that would reimburse them in a short period of time provided legislation were favorable. The Congress has made reasonable appropriations, a reasonable time has elapsed, both companies are found by this report to have received back their investments—that is to say, the Bethlehem Company got it back with 10 per cent and a surplus November 1, 1896, and the Carnegie Company will be practically reimbursed its capital with 10 per cent by the 30th of June next.

EQUITABLE PRICE FOR ARMOR.

The statute under which this report is being made requires me to report not only what is the actual cost of manufacturing armor, but also what sum ought equitably be paid for armor to these two companies. This question is quite as difficult as any other involved in this inquiry. Many things are to be taken into consideration. The Government of the United States, having created these plants, ought to perpetuate them. If we are to continue building a navy, we must have armor plants. It is not good policy to buy our armor abroad. No single feature connected with the upbuilding of a new navy is more gratifying than the fact that we have domesticated in our own country all the industries necessary to make us, in matters pertaining to the public defense, completely independent of the world.

This is not in any manner the question of free trade or protection. Every great country in the world, whether it is on a free-trade or a protective basis, takes care that it shall be able to manufacture all the arms and munitions of war necessary for its protection against a public enemy. You must, therefore, pay for armor in the future a price sufficiently liberal to justify these contractors, or others, in keeping plants in order and ready at all

times to manufacture armor if occasion should require. The present size and extent of our Navy is not so efficient a factor in keeping the public peace and in creating respect for our country abroad as is our capacity rapidly to increase that Navy to any required extent.

What, then, will be a price sufficient to justify manufacturers in maintaining armor plants? These two contractors, we have seen, have already been repaid the cost of their plants, together with fair profits thereon. The Government, therefore, is under no obligation to pay them any more upon the cost of their original investment, but it should pay them enough to induce them willingly to maintain these plants, and in fixing upon such a price it must consider the cost of maintaining these plants, the probabilities of their getting work from the Government in the future, the difficulties to be encountered in retaining a force of laborers during intervals between contracts, and the absolute loss resulting from having to keep a plant in order when there is no work for it.

Under all these circumstances, it can not be said that such a percentage of profits upon armor contracts as would be readily agreed to if it were certain that orders for work would follow regularly for a number of years would be satisfactory to such contractors. There are now three ships under contract for which armor is to be supplied. These ships will require about 8,400 tons of armor. This, divided between the two contractors, would give to each 4,200 tons. The manufacture of this armor may be begun on the 1st of July next, the time at which these companies will complete their present contracts, and each of the companies can complete and deliver 4,200 tons by the 1st of August, 1898.

FINAL COST.

It has been determined that the cost of the labor and material in a ton of double-forged, nickel-steel, harveyed armor, including allowances for losses in manufacture, is $197.78. This comprises every element of cost in its manufacture save and except only the maintenance of plant. If 10 per cent be allowed for maintenance, the value of the plant must be determined upon. And here again arises the difference between the cost of a plant and its value. When we consider the question of repaying investors, we must count the price the plant cost; but whether paid for or not, a plant must be kept in repair, maintained, and the charge for maintenance is a percentage on its value, not on its cost. It will be remembered that in the table relating to the Carnegie Company only 5 per cent was allowed for maintenance. This was because the statement of the company only claimed 5 per cent, and it certainly did not so far cost more than that to maintain the plant or more would have been claimed. It is more than probable that 5 per cent is sufficient for an armor plant through any long period. But to err, if at all, on the side of the contractors, I allow in this calculation 10 per cent for maintenance.

The present value of an armor plant like those of the two companies referred to—the price at which such a plant could be erected—is, according to the figures heretofore attained, $1,500,000; the allowance for maintenance, at 10 per cent, $150,000 per annum while the plant is in operation. If we suppose that 2,500 tons of armor are manufactured per annum, this will give an average per ton of $60, which, being added to the cost of labor and material, will make, in round numbers, $256. If 3,000 tons per annum are manufactured, the price of each ton would be ascertained by adding $50 to the $198, or $248, so that we may take $250, in round numbers, as the cost of a ton of armor when the companies have fair orders for work.

Now, if we compare this price with the price at which the Bethlehem Company furnished armor to the Russian Government, we have in our estimate reached almost the exact figure of this Bethlehem bid, which was $249. This company is said to have stated that it made this low bid to get into the European market with American armor; that it knew it would suffer a loss. The armor was to be delivered in Russia, and transportation and insurance could not have been less than $4 per ton. The nickel furnished by the company in this case cost $20 per ton. Deducting this $24 from $249 leaves $225. If the cost to the company of a ton of armor, including the price of keeping its plant in repair, was $250 per ton, it thus suffered a loss on its contract of $25 per ton, which, multiplied by 1,400 tons, makes a total loss of $35,000.

It is conceivable that the company might have been willing to make armor at such a rate as this, especially as it must at any rate have kept its plant in repair, and considering also how very desirable it was that it should retain its employees. If $250 per ton was the full cost of manufacture, including maintenance, the company could truthfully say it was making the armor at less than cost, although there were good financial reasons why it should do so. It will be observed that these figures come from entirely different sources. On the one hand we have a bid, the actual price at which 1,400 tons of armor were manufactured; on the other hand we have figures entirely independent, none of which were made with any expectation of this coincidence. The amount of armor in the last contract made by this company with Russia, for which it received $520.70 per ton, was only 1,187 tons. It was not certain that the company when it made its first contract would ever get another contract as large as this.

The whole transaction certainly shows that the profits this company expected to realize in the European market, into which it was thus forcing its way, must have been large. If there was no loss in the first contract at $249, then there was an immense profit in its next contract at $520.70. If there was a loss on each of 1,400 tons, it could not have been very great or the company could not have expected to recoup except by a reasonable rate of profits on large contracts, which it could have little reason to expect in Europe, or by making large profits on the small contracts which only it could reasonably expect to secure.

It is essential, as has already been stated, that these or other armor plants be kept in operation, or at least be maintained in readiness for Government work, and such prices must be paid as will satisfy contractors that they will be remunerated for maintaining plants. It is of course uncertain how many battle ships the Government is to authorize. The Navy Department has recommended three during the present session, but it is not yet known whether this recommendation will be followed, and no business man would be justified in assuming that any given number of ships would be authorized in a given time. Both the Carnegie and Bethlehem companies erected plants which certainly cost millions of dollars, but this was done upon the faith of immediate contracts guaranteeing them very large profits.

If, now, Congress shall decide, as this report will recommend, that no such profits upon cost of labor and material as have heretofore been earned are to be allowed in the future, it is not probable that other business corporations will venture upon the establishment of plants, although it is shown by the evidence set forth in this report that plants can now be erected for very much less than was paid for those of the Carnegie and Bethlehem companies.

Should the present armor contractors refuse to make contracts at the figure that may be decided upon by Congress, it is not probable that others would undertake the work. For this reason, and because it is not believed to be desirable that the Government itself should manufacture armor, very liberal profits should be offered to the present contractors to induce them to continue their plants in operation.

It therefore seems to me that under all the circumstances, considering the uncertainty of future contracts and in view of the fact that these contractors have heretofore established plants on the faith of orders they were to receive thereafter from the Government, it would not be inequitable to allow them 50 per cent upon the future cost of manufacturing armor. Fifty per cent added to $250 would be $375, but it is to be remembered that the Government has heretofore furnished the nickel and that the it[illegible] of $197.78 for labor and material does not cover the cost of [illegible] nickel.

It was quite proper that the Gover[illegible] the [illegible] this enterprise should have furnished the nickel. [illegible] had up to that time never been used in the manufacture of armor. As there was for it no such extensive market as has since been created, the price had not then been standardized. The nickel in the first armor cost $29 per ton. The price has fallen to $20 per ton. Inspectors now fully understand the nature and quality of this material, and there is no reason why contractors should not furnish it as they do the steel, manganese, etc.

It is therefore suggested that in future contracts manufacturers shall be required to furnish their own nickel. Adding $20 for this item to $375, we have $395 per ton, and allowing something for keeping nickel on hand, we have in round numbers $400 per ton. This seems to me a fair and equitable price to pay for the armor for the *Wisconsin*, *Alabama*, and *Illinois*.

This appears to be a very large margin of profit—50 per cent upon the cost of manufacture—but it is to be considered that although these contractors have heretofore been paid their investments and fair profits thereon, yet that such profits are not by any means extravagant, and are not greater than manufacturers often realize on commercial work where no great risk of orders is taken when the enterprises are entered upon. Although, in my opinion, it is entirely fair, when looking back at the transactions between the Government and these companies, to consider the moneys invested and moneys realized as accomplished facts, and to argue therefore that the risks which once existed are no longer to be taken into consideration, yet it is also a fact that these companies did take great risks in good faith, and the Government ought therefore to be willing with its eyes open to allow them liberal profits in the future. It must also be remembered that we require and receive armor equal to the best made elsewhere, and that we often raise our requirements, always demanding that we shall have the best armor that can be made. This requires many experiments that are costly.

Finally, Congress should bear in mind that it has never before, at least in so important a matter, undertaken to fix a price for manufacturers. It is only by pursuing in such case a liberal course that we can expect contractors in the future to take great risks when entering into business relations with the Government. We must not permit them to have any reasonable ground to fear that if they embark upon enterprises for the Government it will afterwards use its power to deprive them at all points and at every stage of their relations with it of all and every chance to make any very considerable profits.

In fixing upon this price I have, at the bidding of Congress, performed a most delicate duty and given my opinion. Congress may determine upon different figures, but I beg to urge that in deciding this question it will not fail to take in view all the considerations favoring a liberal treatment of these contractors.

The Government is now paying for reforged nickel Harvey armor $563 per ton, with the nickel, which is furnished by the Government, added, $583. At the prices herein suggested $500,000 would be saved in the armor of each battle ship, or $1,500,000 on the three battle ships under contract.

It must also be remembered that this price, if Congress shall decide upon it, will be much less than is now being paid by any other Government.

This report proceeds upon the idea that the investigations which have been made show that the prices now being paid for armor, both here and abroad, are greater than should be demanded in the future. I am fully aware of the magnitude of this question. The conclusions at which I have arrived may naturally be expected to have effect upon great interests abroad as well as at home. If Congress shall decide to adopt the recommendations in this report and refuse to pay more than $400 per ton for first-class armor hereafter, it may be reasonably expected that all the power and acumen that can be brought to bear by interested parties will be exerted to show that this report is in error and to expose any inaccuracies it may contain.

Impressed by these considerations, as well as by the primary purpose of doing justice to the two companies whose affairs it has become my duty to investigate, I have proceeded throughout this whole matter with extraordinary care, and have availed myself of every possible source of information, sparing neither labor nor pains. Nevertheless, I can not hope to have avoided error in every particular.

It is possible that those who have had experience in the manufacture of armor, and who are thoroughly acquainted with all its processes and with the cost of every item of material and labor, may be able to point out errors in some particular, but I have great confidence in the accuracy of the general results attained, and fully believe that if any errors have been committed in the conclusions herewith submitted, they have been as a whole in favor of rather than against the contractors. If errors have been committed, they are such as could and would have been avoided if the companies whose affairs have been under inquiry had seen proper to afford the means of information.

There is a method by which the general results attained herein can be shown to be erroneous, if they be so, and that is by an exhibition of the books of these companies to the committees of Congress. It has been my most earnest wish not to do any injury to the contractors, and if wrong is done them by the recommendations of this report, no one will rejoice more than I if they shall be able to expose and correct it.

If the contractors shall accept the conclusions at which Congress may arrive, after this investigation, the results, it is hoped, will eventually prove of value both to them and the Government. Congress will be more willing in future to authorize new armored vessels when it becomes thoroughly understood that heretofore the prices of armor were not unreasonably high because plants were not paid for, and that contractors' investments having now been paid for, prices will be much smaller, while profits will still be liberal. It is nevertheless possible that the contractors will refuse to accept contracts at the prices herein recommended. If Congress shall determine that these prices, or any other, are fair and equitable, and shall decide not to pay any more, it should determine upon the course it will pursue in case the contractors refuse to accept its conclusions. At present the law provides that the Secretary of the Navy shall let out all contracts for armor and gun steel to the lowest bidder, after advertisement, and there is no power in the Department to procure armor elsewhere than from American manufacturers. Unless, then, this law be changed, the Secretary could not obtain armor for the battle ships already under contract if the contractors should refuse to bid within the limit Congress might fix.

I therefore recommend that if Congress shall determine by law upon any limit of price to be paid, it shall also authorize the Department to erect or buy an armor plant, and a gun plant, and, if need be, to lease such plant or plants until it can construct its own. At the last session of Congress I gave, in response to an inquiry from the Committee on Naval Affairs of the United States Senate, the opinion that the Government ought to buy its armor rather than manufacture it. The reasons set forth in that communication are still believed to be sound, and yet it is possible for the Government to manufacture its own armor, and it would be better to do so than to pay a price which would seem to Congress and the public to be extravagant. We now assemble our great guns at the Washington Navy-Yard, and we do it successfully.

If the Secretary of the Navy should be given full power not only to erect or buy and to operate an armor plant, but also full power to contract for armor and gun steel as might seem to him to be for the interest of the Government, the situation would be better for the Government and for the contractors as well. Should contractors see that the Government is willing at all times to pay fair profits for these great necessities for self-defense, they may also come to feel when they see that the Secretary has full power in the premises that so long as they do efficient and faithful work, at reasonable rates, they will have Government patronage, and if the affairs of the Navy and of the War Department were thus conducted, upon a basis and at prices thoroughly understood by the public and the Government, relations could be established and maintained between the Government and those who would serve it in this respect which would be mutually advantageous.

I have the honor to be, very respectfully,

H. A. HERBERT,
Secretary of the Navy.

EXHIBIT No. 1.

ENGLISH ESTIMATE OF COST OF ERECTION OF ARMOR PLANT.

OUTLINE ESTIMATE OF PLANT OF MACHINERY TO PRODUCE THE HEAVIEST STEEL ARMOR PLATES.

[Prepared for Lieut. Commander W. S. Cowles, U. S. N., naval attaché, United States embassy in London.]

FORGING DEPARTMENT.

One hydraulic armor-plate forging press, to exert a pressure of 10,000 tons, of very latest design, with horizontal side cylinders for forging the edges of armor plates; together with engines and pumps for working the same, and complete in every respect.

One 5,000-ton hydraulic press, specially arranged for the bending and setting of armor plates, to be worked by the same pumps as the forging press is worked by.

One hydraulic crane, for traveling over the above two presses, capable of lifting 100 tons, with engines for driving the same	£75,000

NOTE.—This item does not include steam boilers, nor buildings, nor girders for travelling crane; these items should be included in building estimate.

STEEL-CASTING DEPARTMENT, AND FURNACES FOR REHEATING INGOTS FOR FORGING PRESS AND FOR HARVEYIZING PLATES.

For the production of heavy ingots for armor-plate manufacture an outlay of from £40,000 to £50,000 would be required for the construction of Siemens melting furnaces, 120-ton travelling crane and engine, ingot mold boxes, ladles for steel, etc., and furnaces for harveyizing plates.

We should supply the crane and engine and all the drawings and particulars to enable the above to be constructed in the United States for the sum of	6,500

Two or four reheating furnaces worked by gas for the forging press would cost about £1,250 per furnace.

MACHINE TOOLS FOR FINISHING ARMOR PLATES.

Four cross-planing machines for cutting up plates, with two sets of tool boxes arranged to cut in both directions, the cross slide mounted on trunnions, so as to cut plates, when desired, at an angle.

Cutting traverse of tools, 15 feet; price each £1,200	4,800
1 radial planing machine, to cut off and plane the ends of plates to a radius, for turrets, etc	2,100
1 planing machine to plane 20 feet long by 14 feet 6 inches wide by 8 feet high	3,000
1 planing machine to plane 18 by 10 feet 6 inches by 5 feet high	1,850
1 double planing machine to cut in both directions 10 by 10 by 5 feet	2,800
1 planing machine to plane 18 by 10 by 5 feet high	3,500
1 planing machine to plane in both directions to plane 30 by 10 by 5 feet high. This machine is also fitted with an extra cross slide for cross planing	4,200
1 20-inch stroke slotting machine	1,250
1 20-inch double-headed slotting machine	2,250
1 double angular radial drilling machine	1,000
2 large (single) angular radial drilling machines, with 5-inch spindle and arranged for tapping as well as drilling, price each £1,000	2,000
1 universal slotting machine for cutting out embrasures in bent or curved plates	3,500
Total	113,400

The whole of these tools are of the most recent design and of the most powerful construction, and are such as have been recently supplied to Messrs. Cammell & Co., of Sheffield; Messrs. Carnegie, of Pittsburg, U. S. A., and the Imperial Russian Government.

The prices quoted are for net cash, delivered f. o. b. Liverpool.

Terms of payment, one-third of the amount of order upon signing contract, the remaining two-thirds against bill of lading.

It would take from twelve to eighteen months to execute the order.

NAVY DEPARTMENT, BUREAU OF ORDNANCE,
Washington, D. C., December 16, 1896.

The following is memorandum of items of cost not contained in the estimates herewith for equipping an armor plant, including buildings, additional machines, minor furnishings, etc.; also a summary compiled on the basis of the estimate attached, showing the estimated cost of establishing an armor plant in the United States, exclusive of the cost of land, completely equipped, with a capacity of about 4,000 tons per annum:

Open-hearth building, including girders for crane, railroad tracks, and all constructive work	$25,000
Machine-shop building, including concrete foundation, girders and tracks for cranes, shafting, and all constructive work	150,000
Two cranes (50-ton)	40,000
Two shop engines	3,000
Five bolt machines	3,500
Two rotary saws	$12,000
Small tools and incidentals	5,000
Harvey building, including girders for crane and all constructive work	25,000
One crane (60-ton)	20,000
Tempering apparatus (water and oil), including oil tank, two heating furnaces with gas producers, etc	35,000
One crane (60-ton)	20,000
Forge building, including foundations, girders, and track for cranes, etc., and all constructive work	50,000
One press engine, with pumps, etc	30,000
One crane (75-ton)	25,000
Power house, boilers, piping, etc	75,000
Rolling stock, tracks, etc., including one locomotive, three small engines, cars, trucks, etc	30,000
Carpenter shop and tools	5,000
Office and laboratories	10,000
Testing machine	2,000
Drafting room, incidentals	10,000
Total	575,500

SUMMARY.

Estimated cost of material for armor plant, delivered f. o. b., Liverpool	$551,124
Add 40 per cent for insurance, freight, duty, and installation of machines	220,450
Total	771,574
For installation of melting furnaces, gas producers, Harvey furnaces, ingot molds, ladles for steel, etc	243,000
Total	1,014,574
Additional estimate for buildings, tempering plant, power house, laboratories	575,500
Total estimated cost of establishing an armor plant in the United States, exclusive of cost of land	1,590,074

EXHIBIT No. 2.

FRENCH ESTIMATE OF COST OF ERECTION OF ARMOR PLANT.

Refering to the inquiry concerning the cost of an increase of plant sufficient to enable the French naval iron works at Guérigny to manufacture thick armor plates of steel and capable of fulfilling present trial conditions, I am informed that it is estimated that an outlay of about 3,500,000 francs would be required for this purpose.

This lump sum does not, unfortunately, indicate the details upon which the estimate is based, and will be of little service to the Secretary of the Navy for the purpose for which he desires the figures.

In order to form a partial idea of the increase of plant necessary, I visited Guérigny on the 20th instant and examined the existing plant.

I forward as a separate memorandum a summary of the plant existing and available for the production of armor.

At present the shops are equipped for manufacturing soft-steel armor plates up to 100 mm (4 inches) thickness, but not including the production of the steel itself, which is purchased in the form of ingots from private steel works.

Until recently Guérigny manufactured iron deck-armor plates for a number of war vessels, and within the last year it has manufactured a lot of steel (extra-doux) deck plates for the *Gaulois*.

Guérigny is essentially an iron works. Excellent iron is here produced for chains, anchor gear, and the numerous iron fittings which are supplied to vessels of war, but no steel is produced in the works.

For this reason, then, the estimate for establishing an armor plant at Guérigny must include:

The building of the necessary furnaces, gas producers, cranes, etc., and accessories constituting a steel plant; a set of heavy rolls or a forging press for forging plates; a press for shaping plates; additional machine tools necessary for machining heavy plates, and, if harveying is to be included, the necessary furnaces and water-tempering apparatus must be added.

I do not think that this estimate has as yet taken any definite shape, although if Parliament would warrant the expenditure for the plant, the navy would be pleased to make the experiment, in order to control, in a measure, the prices demanded by the French armor manufacturers, whose interests are believed by the navy to be pooled (although not so acknowledged) to the extent of maintaining high prices.

I am informed officially that each time that deck-armor plates have made at Guérigny there has been a saving, approximately, of 1,000 francs ($193) in round numbers per ton, the quality of the material being equal.

This statement is substantiated, and with emphasis, by other information as follows:

The cost of steel ingots (from which the sinking head of 30 per cent of the ingots as melted and run has been cut) as purchased by Guérigny for manufacture into deck-armor plates (up to 70 mm. thick) for the *Gaulois* was 225 francs ($43.40) per 1,000 kilogs or French ton. The finished plates are reckoned to have cost from 800 to 900 francs ($154 to $173) per ton; and in this estimate all factory expenses, such as salaries of officers, clerks, share of hospital funds, material consumed, labor, etc., are included, but no amortization of the cost of the plant is included.

It will be found in my No. 182, page 43, "Prices paid by French navy for armor," that I reported the cost of similar deck-armor plates furnished by Chatillon-Commentry to have been 2,550 francs ($492), so that the saving of the Guérigny manufacture in this case appears to be at least 1,000 francs ($193) per ton.

This case must be exceptional, however.

The current contract price for such deck plates is about 1,800 francs per ton (not more). So that the saving in the Guérigny manufacture is about 900 to 1,000 francs per ton.

This statement of comparative costs may be of considerable interest to the Secretary, as it appears to bear upon the general question relating to the amount of profit over and above cost price as charged by contractors.

The deck plates are regarded as easy work, although metal used has been regarded as remarkably efficient; but the large profits in these deck plates seem unreasonable. The manufacturer evidently calculates that such profits may be seriously reduced by the manufacture of other more difficult plates.

The deck plates produced at Guérigny for the *Gaulois* are about 7 to 8 m. long by 1.60 m. wide by 70 mm. thick. The material is designated acier extra doux.

The test pieces 100 mm. long and 30.8 mm. in diameter give a tensile strength (R) from 30 to 35 kilogs. per square millimeter; with an elongation (A) from [illegible] to 31 per cent. Their sectional area is reduced to a diameter of 6 mm. in breaking.

The excellent quality of this metal (acier extra doux) has been the subject of frequent reports on my part; and I have formed the opinion that the French have always given more attention to the characteristics of plates for deck armor than any other navy.

The plates are tested ballistically under conditions before reported. Photographs of trial plates also have been previously forwarded.

November 24, 1896.

EXHIBIT No. 3.

STENOGRAPHIC REPORT OF INTERVIEW BETWEEN THE SECRETARY OF THE NAVY AND REPRESENTATIVES OF THE BETHLEHEM COMPANY.

NAVY DEPARTMENT, *Washington, Thursday, June 25, 1896.*

The investigation of the cost of producing armor plate, in accordance with the provision in the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1897, approved June 10, 1896, began at 11.30 a. m., before the Secretary of the Navy.

Present: Secretary Herbert; Joseph K. McCammon, counsel for the Bethlehem Iron Company; Robert P. Linderman, president Bethlehem Iron Company; the Judge-Advocate-General of the Navy, Capt. S. C. Lemly; and Capt. W. T. Sampson, Chief of the Bureau of Ordnance.

The Judge-Advocate-General read aloud the provisions in the law referred to, authorizing and directing the investigation by the Secretary of the Navy of the cost of producing armor plate, as follows:

"*And provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action."

Captain LEMLY. That is under the act making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, approved June 10, 1896.

Secretary HERBERT. The purpose of my asking you to come here, gentlemen, was to see to what extent and in what way you could help me in this matter.

Mr. LINDERMAN. My object in coming was to help you as far as possible, and to find out from you what information and what line of information you would like us to furnish you with.

Secretary HERBERT. As you see, the act provides that I am to find out the actual cost of the manufacture of armor, and as you know more about this matter, probably, than anyone else, I have asked you to appear here and give such facts in connection with the matter as you can.

Mr. LINDERMAN. How far do you think we can properly be asked to go in that matter?

Secretary HERBERT. It is for you to say how far you are willing to go. If you could give me the figures showing the actual cost of material, what the cost of labor is, what time it takes to make these armor plates, and all facts and figures connected with its manufacture, that would be giving me the facts which I wish to get at to make this report.

Mr. LINDERMAN. Those facts would involve, I presume, Mr. Secretary, the cost of plant?

Secretary HERBERT. The cost of plant, wear and tear, the interest on money invested, and so on.

Mr. LINDERMAN. Administration and expense would be included.

Secretary HERBERT. Administration and expense and everything tending to show what the actual cost of the armor is.

Mr. LINDERMAN. I do not believe anybody connected with our company could say what the actual cost of armor is. I have never been able to find out what it is, because it varies greatly with every order we make. It is a very complicated matter, so complicated that it is almost impossible to lay down any hard-and-fast rules as to cost. Armor plate goes through a great many different processes and it is very much delayed sometimes, and the question of loss comes in. In the case of the *Iowa* we lost the ballistic plate and a portion of another plate.

Secretary HERBERT. I would suggest that you take a period, say twelve months, from the 1st of January, 1895, to the 31st of December, 1895, and show what armor was turned out during that time, what was manufactured, what labor was required, how much was paid for the labor, what was necessarily expended upon that plant to keep it in order, what losses you sustained in the way of spoiled plates, what losses in the way of rejections, and everything that occurred during those twelve months in connection with the manufacture of armor plate involving expense, adding, of course, the cost of your plant. In a calculation of that kind you would necessarily include [illegible] lost days—that is, all that could be properly charged up to labor—during that period. In such a calculation you would take into consideration every circumstance and every fact that would bear on the matter in hand. Now, I am fully aware, Mr. Linderman, of the difficulties that necessarily surround an inquiry of this kind, and I am prepared to consider and make a liberal estimate for everything that can properly and [illegible] charged up to this account. This duty has been put upon me without my seeking it. The question was before the Senate committee and the matter took this turn, and almost before I knew it—certainly without my seeking it—this duty was put upon me. I see the difficulties that surround me, and I am aware of the difficulties that beset you in any effort to afford me information. I am perfectly willing and anxious to take these difficulties into consideration. I do not have any doubt that Congress would be willing to deal liberally with you in this matter.

Mr. LINDERMAN. We want to help you out in this very delicate duty as far as we can; but, on the other hand, you can see how unwilling—probably not unwilling, but disinclined—we would be to give away our manufacturing secrets, not only as to the cost of armor plate but other details of manufacture; naturally we are disinclined to open up to the world what our costs are. We do not want the Carnegie people or other competitors to know about such matters. We do not know what it costs them. We do know, however, that our labor and material cost us about the same, and the entire cost is probably about the same. Now, it may be that we can find some middle ground without saying absolutely that it costs us so much for labor and so much for material. I think we may be able to find a middle ground on which we can agree that will give you the basis you want.

Secretary HERBERT. We will aid you to do that so far as we can. I am anxious that you should go as far as you think you can go in justice to yourself in giving me this information, and I feel that it would be better for you, as well as better for the Government, for you to go as far as you may be able to do in giving me this information.

Captain SAMPSON. Don't you think it would be perfectly proper to consider all this as confidential, and simply report to Congress the result of your conclusions after hearing in confidence statements as to the cost of the armor? This investigation would be strictly confidential and the report would not be published, but simply your opinion or conclusion given to Congress, and with the figures given to them, but with the understanding that it is in confidence and that the figures are not to be published.

Mr. MCCAMMON. It says to report the result.

Captain SAMPSON. Yes; of course the result that Congress expects is not simply a statement on the part of the Secretary of the Navy that he considers a certain sum of money to be the proper price for armor, but they will want to know why he thinks so; they will want a statement to be submitted in such detail as will satisfy them that he has gone thoroughly into the subject and knows what he is speaking about. But at the same time it is not necessary that that information in detail should be published.

Secretary HERBERT. On that point let me say this: In so far as your manufacturing secrets are concerned, I suppose that the Department has most of them now. It has gotten them from the Government inspectors at your works. Certainly the Department has no desire to disclose your manufacturing secrets, or any of them, to Congress or to anybody else, and I could promise and will promise that so far as they are concerned I will not disclose to anybody what those manufacturing secrets are which you may see proper to divulge to me.

Captain SAMPSON. I do not see that it is necessary to go very much into that.

Secretary HERBERT. I do not see that it is really necessary to go into those things at all.

Mr. LINDERMAN. No; I do not mean the technical secrets at all. I mean the secrets of cost. In all manufacturing businesses one very large element of success or failure is in the matter of labor. The man who can handle his labor best is bound to be most successful. Now, you can find out, of course, what we pay for various materials we use in our various mixtures. You know the cost of nickel, for instance, as well as we do. You know the cost of coal; and I suppose your inspectors have a general idea of how much coal, and so on, is used there; but there is a great deal more in it than that.

Secretary HERBERT. Yes; I understand. Now, I want to say that I could not put myself in the position of refusing to give Congress, if insisted upon, any of the facts upon which I had arrived at the conclusion reached. I can only promise this: If you should reveal to me any manufacturing secrets, which you might desire to be kept as such, I should advise with the Naval Committees of the two Houses as to whether the testimony relating to them might not be withheld from publication; but as to such secrets, I do not see why you should reveal them even here. Indeed, the Department has already, I suppose, most of these secrets. As to the facts and figures that go to show expenditures, I think I ought to submit to Congress anything you give me that shall be considered in arriving at a conclusion. Congress will want to decide for itself as to whether the testimony that was before me justified my finding.

Mr. LINDERMAN. Mr. Secretary, would not one very good way of getting at the equitable price be to ascertain what foreign governments are paying?

Secretary HERBERT. Yes; that is a part of the inquiry I shall make.

Mr. LINDERMAN. It occurred to me that that would be a fair basis on which to base an estimate, and then gather other facts.

Captain SAMPSON. Can you furnish us such information, Mr. Linderman?

Mr. LINDERMAN. Well, I don't know that I could. I don't know whether these facts would be accessible under foreign governments in the way they are accessible so far as our Government is concerned. Do you know, Captain Sampson?

Captain SAMPSON. I don't know.

Mr. LINDERMAN. I do hear occasionally, but I do not know whether the information is reliable or not.

Captain SAMPSON. You knew about the Russian Government, as you have a contract with it? As you probably know, when we give out a contract, each bidder knows the amount bid by the others?

Mr. LINDERMAN. I do know the amount the Krupp people got.

Secretary HERBERT. Did you know all the bids?

Mr. LINDERMAN. The figures of Krupp's bid, the successful bidder, £107, we got.

Secretary HERBERT. I would like you to furnish me all the information you have on this point and direct me to additional sources of information. I will follow up any line of inquiry you may suggest, and it is my purpose to make independent inquiry and ascertain for myself as far as possible the prices that are paid abroad.

Mr. LINDERMAN. I would not think it would be very difficult to obtain the information desired along that line.

Secretary HERBERT. Then I would like you also to give me information as to the differences, as far as you may be able to do it, between the requirements made by foreign governments and the requirements by this Department. I understood you to say some time ago that the requirements here were stricter and more costly to comply with than the requirements of the Russian Government, and, as you have been bidding in the European market, I have no doubt you will be able to give me information, and I suppose you can furnish me the requirements themselves.

Mr. LINDERMAN. I can do that so far as the Russian Government is concerned. I do not think we know about the others, unless Mr. Meigs picked up the information when he was over there.

Secretary HERBERT (addressing Captain Sampson). You have that information, I suppose?

Captain SAMPSON. Yes. As the Secretary is aware, a shipbuilder abroad has to come up to different requirements in his work; for instance, to put in bolt holes, which in this country the armor-plate maker has to do.

Mr. LINDERMAN. We will be glad to do what we can to aid you in the matter.

Secretary HERBERT. I would like to be able to make a report upon this subject to Congress that would set this subject at rest

Mr. LINDERMAN. We are as much interested in it as you are and equally anxious to settle the question.

Secretary HERBERT. It would be to the interest of the Government and to your interest. I think you know from your dealings with me that I have been disposed to deal fairly with you in every question that has come up. I recognize the fact that when a company undertakes to make armor for the Government and build an extensive plant costing millions of dollars, it necessarily incurs a risk in the very venture itself, which risk ought to be taken into consideration when arriving at what the actual cost of the armor is or what price should be paid for it.

Mr. MCCAMMON. And the small demand for the product, and the fact that in this country only the Government can be looked to to purchase armor plate, and the uncertainty that is necessarily involved in a venture of that kind. No man knows the appropriations that are going to be made by Congress for new ships, and nobody can tell absolutely whether the requirements for armor are not going to be changed from time to time. All these facts must be taken into consideration.

Mr. LINDERMAN. We have to provide special machinery to meet certain specifications, and after the machinery is put in and we have used it in making a little armor there may be changes in the armor required and this machinery is then worthless.

Secretary HERBERT. As I understand it, some of the most costly parts of your plant that you provided in good faith have become useless. I understand you are not using your hammer now?

Mr. LINDERMAN. No; we have not used it for a good while.

Secretary HERBERT. And that cost a good deal?

Mr. LINDERMAN. Yes, sir. We were practically forced by the Government to put up that hammer.

Secretary HERBERT. All those things ought to be taken into consideration, and without any doubt Congress is perfectly willing to consider them.

Mr. LINDERMAN. Of course it is a question in my mind how far I have a right to give away information which belongs to our stockholders, how far an executive officer of the company has a right to divulge the business affairs of his company.

Secretary HERBERT. I should think it would be an easy matter for you to decide upon that after consultation with your directors, you and your directors representing your stockholders in the matter. Every corporation must necessarily be represented and managed by those whom they have chosen and in whom they have to put confidence, and this question, so far as that is concerned, does not differ from other questions that come up for your decision and action.

Mr. LINDERMAN. Oh, no; when I speak of the interests of the stockholders, of course the directors have to settle that themselves.

Secretary HERBERT. Yes; and I think you might be able to decide in a short time questions of that kind. Congress has given me until the 1st day of January to make my report, and I take it that they supposed this investigation would be pursued at considerable length, and wanted to allow plenty of time for it. I wish to commence right away, do the work as expeditiously as possible, and be ready with the report before Congress assembles. Therefore let us go ahead with this question as promptly as we can. If you will help me in the matter, it is not going to take a great while.

Mr. LINDERMAN. Not ordinarily, but at this time of the year it is very difficult to get the directors of a company together. It is hard at this season to accomplish anything outside of the ordinary routine.

Secretary HERBERT. I suppose you can get a quorum together at any time?

Mr. LINDERMAN. Two of the directors of our company have gone to Europe.

Secretary HERBERT. How many directors have you?

Mr. LINDERMAN. Seven.

Secretary HERBERT. Four directors, then, constitute a quorum?

Mr. LINDERMAN. Yes, sir. Two of them are in Europe; one is on the St. Lawrence, and another one at Newport. Still, that will not prevent us from working up the facts in the case.

Secretary HERBERT. I think I ought to commence this inquiry now and pursue it as rapidly as possible, and I would like to start off right. Full information from you might suggest to me, possibly, that I needed very little more. Some of your statements I might accept without further question, others I might wish further light on. It would very much lighten my labors and tend to a correct conclusion if I could have the information from you very early, as sort of a guide as to what I should do thereafter. I do not want to go wrong, and think the information you might give would guide me to a large extent.

Mr. LINDERMAN. There won't be any unnecessary delay on our part. We will give this matter thorough consideration. I came down to-day more to find out just what was wanted and what line of information you desired to pursue than anything else; and we want to meet your wishes as far as we can.

Secretary HERBERT. I shall be very glad if you will.

Mr. LINDERMAN. Certain matters of detail I do not think we ought to be asked to go into, and if we can give you a general idea of what you want to get at, based on data that would satisfy you as to the correctness of the general idea, I think that would probably be all you could ask for.

Secretary HERBERT. Of course, I could best tell that after I see what you have to submit. I could then tell whether it was satisfactory, whether the facts and figures given me would answer my purpose, or whether there is further information that you ought to furnish.

Mr. MCCAMMON. Of course, we all recognize the impossibility of reaching a conclusion as to actual cost based upon the product for any one particular time under any one particular contract. It has been shown in testimony before the committee of the Senate, if I recollect correctly, that the present output of the Bethlehem Company of armor plate averaged about 1,200 tons a year. I do not know whether that extends for six years or only three years. The actual capacity of the works would be 3,000 tons a year, and we must take into consideration the loss of the difference between what should be the output considering the capital invested and what actually is the output, occasioned by the Navy not needing any more. I do not mean to say that is a new question, because the Secretary has practically covered that, but I am only illustrating what seems to have been in Mr. Linderman's mind in connection with the company furnishing to the Department an estimate of the cost, under different conditions of output. That a ton of armor would cost more where the output was 1,000 tons a year than it would if the output was 3,000 tons, is obvious to everybody.

But I would like to call attention to the language of the proviso: "The Secretary is hereby directed to examine into the actual cost of armor plate." I do not wish to be capricious or narrow in the construction I place upon it, but I take it that this has not the same meaning that a provision "to ascertain the actual cost of armor plate" would have. He is told to examine into the actual cost; to do the best he can; Congress recognizing, doubtless, that the Secretary would not have the right to demand from the contractors the actual cost to them, and, after all, it does not necessarily follow that the Secretary not only is not confined in his inquiries to what it costs the present contractors of the Government, but is broad enough to cover the investigation throughout the world if you have time and if you have means of ascertaining. Then it goes on to say, "and the price for the same which should be equitably paid." When it comes to that, that is something that is largely speculative. I apprehend that he will find more difficulty in reaching a conclusion as to that, not real difficulty, but difficulty in satisfying all the people who want to know what that price should be. It has been developed that some people think that the profit should be about $10 a ton; others are willing to concede a much larger profit a ton. But of course the Secretary's deductions on that point will be after he has found all attainable information in detail. But it does not necessarily follow that Congress intended that the Secretary should do any more than make an effort to find approximately, examine into, the actual cost—that is, to come as near to it as he can to the actual cost.

Secretary HERBERT. Of course, I understand, as you do, that I am to make an inquiry, that I am to pursue such lines of inquiry as are open to me, preferably, always, those which promise the best results; and the rule of law, with which we are all familiar, is especially applicable here, that I must get the best evidence that is attainable, and that ought to come from people who know most about it; and that in default of that, then I am to get the next best evidence. And I am to find out by inquiry elsewhere as to the price of labor and price of materials and all information that would bear upon it, coming from whatever quarter it may. Of course I expect to extend my investigation to the prices of armor abroad and get all the evidence on that question I can, not only from you, but from any other source possible.

Mr. LINDERMAN. I think really that has the most bearing on the equitable price to pay.

Secretary HERBERT. I suggested to you a moment ago what I thought might be a proper method to pursue in this case—that you might take the

year 1896. I think it would be very much better to take a period like that than it would be to follow up any one armor plate.

Mr. LINDERMAN. To follow up any one armor plate would be of no value at all.

Secretary HERBERT. You could not well do that, but you could find out as to the conditions of the plates you had on hand at the beginning of the year, as well as the amount and the stock on hand at the end of the year undelivered, and how much you delivered during that year. And then you would have to take into consideration that the year 1896 was the year in which you furnished most armor. You were delivering then more rapidly than you had been prior to that time, and you had been three, four, or five years in getting ready to deliver that amount. All those previous years had to be taken into consideration, the money expended, and the losses incurred during that time. In fact, there is no circumstance whatever that may have any bearing upon it at all that I ought not to consider in a broad and liberal spirit toward you, and at the same time with justice to the Government. I don't think we are going to have any difficulty about it. I hope we won't. I should like very much to see this question settled on such a basis as would remove it entirely from discussion hereafter and leave the question of ships hereafter to be decided on its merits, not influenced in any manner by side issues like this as to whether or not the armor makers are getting too much for their armor.

Mr. MCCAMMON. Of course, Mr. Secretary, we understand perfectly your position in this matter. It has been very clear from the beginning of the controversy that you had no desire, that it was furthest from your wish, to pry into the business secrets of this company or any other contractor for the Government, and it must be recognized by everybody that there is a great principle involved in this question. The principle is, whether the Government, the might and power of the Government, can be invoked to ascertain what it costs an individual or a corporation to make anything that it proposes to sell to the United States. I am not mentioning this for the purpose of creating any feeling about it, but you must understand that it is in the highest degree inquisitorial and against the genius of our institutions—if I am not stating it in too flowery a way—to demand such information from private companies or individuals.

Speaking of the right and power to demand this information, it is not signified by legislation that the Government has the right to make these inquiries—that is, the right to demand answers to these inquiries. Congress has simply imposed upon you, Mr. Secretary, the duty to examine into the question, and if you can not reach any satisfactory results from your inquiries, then, of course, you will have to report to that effect. But however this company may want to answer your questions, not only because of your personal position in the matter (it wants to help you personally), but also it recognizes that whereas the Government has not any right to make these inquiries, at the same time it may be better that it should not stand absolutely on its rights. It all comes back to the point, Where is this going to stop, and where, hereafter, are we going to make money out of this enterprise? If the inquiry stopped right there, "How much does it actually cost?" there would not be so much harm done; but then it is possible for the Congress of the United States to determine for the Bethlehem Company what profit per ton it is entitled to.

Now, I can not imagine that any set of men want to engage in a business if it is possible for an outsider, even the Congress of the United States, to determine what its profit shall be. The question of the actual cost is immaterial, I say; but we have seen that it is possible for men who represent the people of the country, in all honesty, to say that the profit shall be this or that price a ton. Now, what would be an equitable compensation could be definitely ascertained without getting at the actual cost. I think that would be practicable, and an easy question to solve. There would be factors that could be ascertained—the market price of armor throughout the world—and if there is any such thing as a kindred article the price of that could be ascertained. I do not suppose that there is any article that is kindred to armor plate. Gun forging has no special relation to it, has it, Captain?

Captain SAMPSON. Yes; it is more closely related than almost anything else. Gun forging and shafting forging are more closely related than perhaps any other industry. They require much the same sort of tools to work with.

Mr. MCCAMMON. Congress directs that "an equitable compensation" shall be ascertained. Those are the words. The market price determines what an equitable compensation or price is so far as any other commodity is concerned. Say the Navy Department orders 100 tons of butter or flour. They would receive those articles and pay approximately what butter and flour commanded in the market, and there is no reason in the world why the same principle should not be applied to armor plate. What is a fair price? It is the price that is paid for armor elsewhere. London determines the price of a great many commodities. I do not know that I can name any of them just at this time. I think probably coffee is one such article; that its price is determined by the London market. Do you know, Captain Lemly?

Captain LEMLY. I think so. Liverpool, I think, determines the price of cotton.

Mr. MCCAMMON. Yes, and London determines the price of silver. When the United States Treasury wanted to buy silver some years ago, as I remember (they were buying it under the Sherman Act), the Government would cable to London to ascertain the price of silver every time it was ready to make a purchase. The Government would cable to London either the day or the day before they made the purchase. Is that correct, Mr. Secretary?

Secretary HERBERT. Yes.

Mr. MCCAMMON. In this way the Government ascertained what the proper price for silver should be. There is a market price for armor. Now, that has been met by the statement that there was actually, or there might be, a trust—a corner, as it were—on armor. Well, if there is such, it might be very difficult, I confess, for the Secretary to find out. At the same time he is directed to make this investigation, and I presume that with the use of sufficient money, if he has it, and the services of trained men he might ascertain very definitely whether the price now paid for armor throughout the world was a fair one—whether it was free from combination. And therefore even if you, Mr. Secretary, can not reach a definite conclusion from any statement that this company may make, what is the actual cost of armor, it is pretty certain that you will be able to report the result of your investigation so far as the equitable price is concerned.

Mr. LINDERMAN. I do not suppose that Congress would expect us to manufacture armor for this Government for $350 a ton if we could get orders from other governments at $500 or $550 a ton. Of course we would put our product where we can get the best price for it.

Secretary HERBERT. Of course, it is expected you would. Now, Judge, I do not concur with you in some of your statements. For instance, you say that the actual cost of armor is not material. You made that statement upon the idea that this governmental inquiry may not properly be directed in that line. It seems to me that you do not take into consideration this fact, that the relations between these armor makers and the Government are not exactly like the relations between the Government and the makers of articles the price of which is determined in the open markets of the world. In the first place, the Government here has, by its own law, confined itself to this market, and it provides that all the armor that goes upon its ships shall be manufactured in America.

That means, at present at least, that all that armor is to be bought from two manufacturers; and, on the other hand, these armor makers, both of them, began this work and prepared their plants with the understanding, at least, in the first place, that they were to look to this Government for work. Therefore, while there is not a partnership exactly between the Government and these two armor-making establishments in this venture, the relations that they bear to each other are peculiar, and therefore Congress has the right, I think, to have some idea of what the actual cost of making the armor is. If Congress is willing, as it undoubtedly is, to pay a fair price, and if it confines itself to our makers, American armor makers, then it seems to me it has a right to know something about what the actual cost is, and not to leave it to them to say, without giving any information at all, that "we propose to charge just so and so." I think it is legitimate for Congress to know something about the cost in order to arrive at a conclusion as to what an equitable price is. I think it is something that armor makers ought to be willing to give information about. I do not think this is an unreasonable expectation or request.

Mr. LINDERMAN. To ask the actual cost?

Secretary HERBERT. To inquire about the actual cost and, after finding out what the actual cost is, to find out what an equitable price is. Of course, Congress has not given me the powers of a court—to make that inquisitorial search that a court could make—or the power to bring witnesses and examine them under process of law, but it has proceeded in this case, I think, upon the idea that this power was invested in a Secretary and that the Secretary was disposed to exercise that power fairly and justly, and that the armor makers would meet it in the same spirit and that they would satisfy Congress that the prices paid were not unfair. If they should do this, then there would be no difficulty.

Mr. MCCAMMON. Yes, sir; I agree with that perfectly, but where we don't agree is on the question with regard to the investigation as to the actual cost of manufacturing the armor. Your remarks with regard to a fair price are such as I would have made. There should not be any great mystery with regard to what is a fair price. You have data already. Congressional inquiry has furnished you with data and you have data of your own, I take it for granted, that gives you to-day an idea of whether you are paying a fair or an unfair price for armor. Now, the very moment that there is any effort on the part of manufacturers to insist upon an unfair price, then the manufacturers have no right to expect any mercy upon the part of Congress, because Congress can claim that an advantage has been taken of the people of the country by charging an excessive sum per ton for armor.

If reliance was to be had only upon your well-known character for justness and fair dealing, there would doubtless be no hesitation to give to you all the data that they can collect—not expecting that they can collect all, but all they can collect—to show the actual cost, and in consultation with you we would reach a conclusion as to what the profit should be; but, Mr. Secretary, there can be no possible guarantee in the world that if the company voluntarily stepped forward and told you what the actual or approximate cost was that Congress would not in the future arbitrarily fix what profit should be allowed, notwithstanding any recommendation that you might make. Now, in these remarks I certainly do not wish, on the part of the company, to make any reflections on Congress. My remarks are addressed to what has already been said and action that has already been proposed to be taken by Congress.

Secretary HERBERT. I do not understand that you have done it at all.

Mr. MCCAMMON. All right; I would not wish to be misunderstood. But the fact that Congress has the power, not that it would do this, but that it has the power—not you, sir, not the Secretary, or any of your predecessors—but that Congress, a body representing everybody, has the power, and acts as it sees fit, is the difficulty, in my view. It might be overgenerous, it might be niggardly in the compensation—the profit—allowed, the profit it was willing to concede to the contractors. In other words, there would be no possible reliance upon the fairness of the price that Congress would fix hereafter for the contractors to enjoy, although there might be no intentional unfairness. And when that price is once fixed by legislation, it will be, I believe, as immovable as the laws of the Medes and Persians. If wages and the cost of material go up, still you could not increase the price allowed. If new methods and new machinery had to be adopted, it would still be impossible to change the price. It would be like a collar around the neck of any corporation that goes into a scheme by which Congress can hereafter fix their profit. That is the danger. I may be exaggerating it, but I only make these remarks to show what might be possible, and what is naturally in my mind, and probably in the minds of others, in reference to this matter. I might say [illegible] Mr. Linderman, of course, is not responsible for what I have said, nor is any member of the company. I only had a few minutes' conversation [illegible] Linderman before coming in here, and what I have said I have said [illegible] as representing my own views. As I have stated, it strikes me there [illegible] danger in doing anything that will give away any secret that is known [illegible] the company that involves the question of actual cost.

Secretary HERBERT. Judge, I do not think [illegible] manifested, or is going to be manifested, any disposition on the [illegible]ress, as a body, to do anything at all that is unjust to the armor makers, or to act unjustly toward anybody that is engaged with the building up of the new Navy. I think the sentiment of the country now is very much in favor of an increase in the Navy, and that Congress represents and shares that sentiment. On considering this question broadly, Congress will always, I think, recognize the importance of having here plants that can manufacture armor, and plants that can manufacture guns, and plants that can manufacture ships, so as to make us entirely independent of the outside world in all these things, and that in order to have these plants they must deal in a spirit of justice and even liberality with these people, and that they must take into consideration every fact and every circumstance that would enter into the determination of what a fair price for their product would be. I do not think there is any danger in it at all.

Congress is not going to act arbitrarily with these armor makers and do them injustice if it shall see on their part a disposition to be open and fair about this and give aid in this inquiry which Congress desires to be made. If these men will do that, I am perfectly certain that Congress will do what is right and just by them. I know I shall recommend it, and I believe without any recommendation at all from the Secretary of the Navy that the Congress of the United States will always act justly with them. They have gotten the idea that there is a trust abroad, as you say. They may have that idea—that there is a combination among the different armor makers of the world and that the prices are unfair, but they want to know whether that is so or not. Congress will be much more disposed to act arbitrarily and take radical steps if they find that these armor makers who occupy this peculiar position toward the Government that I have spoken of, and who alone have the right to furnish armor for the ships of the United States Navy, are disposed to be secretive and disposed not to give any information and not aid this investigation. If the latter is their attitude, then you may expect arbitrary action on the part of Congress that would probably hurt these manufacturers and do no good to the Government.

Mr. MCCAMMON. Mr. Secretary, my remarks were based not upon the belief that Congress was likely to do anything unfair and unjust to these people, but there is an indication in the wording of that proviso that Congress is asking for certain information the like of which I have never known them to ask. It asks for the actual cost. In view of the range of the investigation, it would seem to mean but one thing—that it wanted to know the exact cost, and that it would then proceed to fix the profit that it (Congress) thought fit and proper and fair for the contractors to receive. It was upon that theory that I made my statement a few moments ago.

Secretary Herbert. I understand, of course, you have to take into consideration the peculiar relations, as I have said before, that exist between these armor makers and the Government, and then here is the act itself, which speaks for itself, and you see what they desire to know. I think there will be no trouble about the matter, judging from the spirit in which you and Mr. Linderman have met me here this morning. You will be able to aid me very much in this inquiry, and I hope to be able to make a satisfactory report—one that will satisfy Congress and settle this question. This is a very important matter, and I am therefore having our conversation taken down by a stenographer, and it will be written out and you will have a chance to look over what has been said and make such changes as you see proper in what you have to say.

Mr. McCammon. For my part, Mr. Secretary, I will say that I came here not expecting to say anything.

Secretary Herbert. Mr. Linderman, when may I expect some statement on this question?

Mr. Linderman. That is pretty hard to answer offhand. I would like to give the matter a little thought and consideration. You made the suggestion that we try to ascertain the cost of armor—the average cost—during the year 1895. I could not tell you to-day how long it would take to make calculations that would enable me to give you that information. I would have no idea to-day how long it would take to go into that question.

Mr. McCammon. Also to include in that answer the very valuable suggestions you made, Mr. Secretary, as to what would properly be included in cost. Some of those are entirely new ideas to me.

Secretary Herbert. I speak of the year 1895. That was simply a suggestion on the spur of the moment—that you take the year 1895 as a basis for your inquiry. Of course you can take that year, or any other time that may suggest itself to you as making a fair estimate. I would like the statement as much in detail as possible, so as to be able to say to Congress, "I have come to this conclusion." If you estimate the interest that ought to be taken account of as so much, spent for material so much, loss of plates of the *Iowa*, for instance, so much, so many tons, and other plates so many tons, expenses of transportation so much; give it in such detail as will enable me to form an estimate as to what I am passing upon. The more in detail you can give me the information the better I will be able to come to a conclusion that will satisfy myself. I think we understand each other thoroughly. And now, if you will give me this information as soon as you can, I shall be obliged.

Mr. Linderman. I will take the matter up as soon as I possibly can and without any unnecessary delay, I assure you; but, as Judge McCammon says, the question is a very important one, and I do not believe you will find many more people to do Government work if we are going to be called upon to give our costs to the world.

Secretary Herbert. This inquiry is not going to be such that it will result in the end in deterring people from undertaking Government work. I think Congress will have that in view when it considers this matter. I know I shall, in reaching my conclusions in the matter.

Mr. Linderman. I will take this question up at once, Mr. Secretary.

The inquiry then (at 12.30 p. m.) adjourned, to meet at such time as the Secretary of the Navy might hereafter indicate.

EXHIBIT No. 4.

REPORT OF THE ROHRER BOARD.

Navy Department, *Washington, D. C., July 3, 1896.*

Sir: In accordance with your oral instructions, and in answer to your questions, we have the honor to present the accompanying statement.

Very respectfully,

KARL ROHRER,
Lieutenant, United States Navy.
KOSSUTH NILES,
Lieutenant, United States Navy.
A. A. ACKERMAN,
Lieutenant, United States Navy.

The Secretary of the Navy.

Note A.

As a preliminary to the following analysis of the cost of armor, it is but just and proper to state that it has been impossible to form, in many instances, more than an approximation of the actual cost of the items, as their components are so numerous, varied, and connected with other operations and changes as to be indistinguishable. In many other cases the recollection of seemingly trivial occurrences several years back has been the only information obtainable. It is believed, however, that the estimates are fully as large as they should be, except perhaps as regards the cost of the plant.

COST OF PLANT.

Only a vague estimate can be formed of the amount of capital which has been invested by the contractors in armor plants. It is certainly much more than would be necessary to establish an equally efficient plant at the present time, since it would be possible in certain clearly apparent instances to profit by their costly experience. So far as the investment of money has been made in good faith, following the best known practice at the time, that investment is regarded as an addition to the cost of plant, although subsequent developments and experience may have indicated that equally good results might now be obtained with a less expenditure.

The sums appropriated for the establishment of the Washington Naval Gun Factory amounted to $1,987,000. This total does not include the cost of land, as that was already owned by the Government. Neither does it include all the cost of buildings, since, with certain exceptions, old buildings were utilized. The buildings in an armor plant are more extensive and necessarily better made, so as to resist shock.

A number of the smaller tools in the Naval Gun Factory, however, were already owned by the Government, and others have no corresponding types in an armor plant, such as the great number of small lathes, milling machines, shapers, etc. An estimate of $250,000 is most liberal. This would leave the cost of the special gun plant as $1,737,000.

The special tools used in the manufacture of guns are, however, much more costly than those required for machining armor, but, as their number is much smaller, it is estimated that their cost will equal the cost of all the special machines, with cranes and auxiliaries, which are in use at the armor works.

The cost of armor plant is thus found to be as follows:

Machines of every description, and their cranes, including foundations	$1,737,000
Forging press, cranes, and furnaces	500,000
Bending press, cranes, and furnaces	200,000
Open-hearth department, casting pit, cranes, flasks, etc	256,000
Land, buildings, and stock	844,000
Total	3,537,000

Components of the cost of 3,000 tons of armor.

Plant	$3,537,000.00
A. Materials in ingot, $30.13 per ton of plate	90,390.00
B. Materials consumed in manufacture, $56.75 per ton of plate	170,250.00
C. Labor, $43.50 per ton of plate	130,500.00
D. Keeping plant ready for use, $9.80 per ton of plate	29,400.00
E. Shop expenses, $2.38 per ton of plate	7,140.00
F. Office expenses and contingencies, $3.34 per ton of plate	10,020.00
G. Experimental work, $1.67 per ton of plate	5,010.00
H. Administration, superintendence, and engineering, $21.40 per ton of plate	64,200.00
I. Add 6 per cent of working capital ($519,360) as charge to cover losses, etc	31,161.60
K. Add annual dividend on capital stock ($4,087,521.60), 6 per cent	245,251.30
L. Add taxes, insurance, interest, etc., 10 per cent of cost of plant	353,700.00
M. Annual sinking fund charge to cover depreciation in value of plant, owing to completion of battle ships required	133,211.00
Total cost of 3,000 tons of armor	1,270,233.90
Total cost of 1 ton of armor	423.41
Value of working capital plus losses	550,521.00

COST OF MATERIALS IN INGOT.

The make-up of the charges have varied considerably from time to time. At first a great amount of nickel scrap was accumulated; later, in working that off, the amount of the charges formed by this scrap became very high, amounting in many instances to over 70 per cent. After the not distant consumption of this accumulated scrap, however, it will be impossible to use in the charges any more than is being at the time cut from the ingots, less the amount of waste in pit scrap, scale, etc. It is assumed that the typical ingot at that time will contain no more than 40 per cent nickel scrap.

The charge for a 20-ton plate would weigh in the vicinity of 125,000 pounds, and is assumed to be made up as follows:

Nickel scrap, 40 per cent	50,000 pounds, at one-half cent	$250.00
Pig iron, muck bar, wash metal, in varying proportions, 50 per cent = 27.232 tons, or	61,000 pounds, at $20 a ton	544.00
Nickel oxide	550 pounds supplied by Government	
Ferromanganese	2,280 pounds, at $49 a ton	49.88
Iron ore	300 pounds, at $22.40 a ton (?)	3.00
Coke	1,420 pounds, at $2.60 a ton	1.65
Limestone	9,500 pounds, at $1 a ton	4.06
	125,050 pounds	852.59
Pit scrap and loss, 8 per cent	10,000	
Ingot	115,050	
Scale, etc., 10 per cent	11,500	
Slab	103,550	
Plate, 43.7 per cent	44,800	
Nickel scrap	58,750	
Loss in remelting, cutting	8,750	
Nickel scrap returned	50,000 pounds, at one-half cent	250.00
Cost of materials in 20-ton plate, at $30.13 a ton		602.59

As to the composition of the above charge, access has been had to the melting records of the companies, and the prices have been drawn from current market reports. The prices assigned to the nickel scrap in the charge is that agreed upon between the Navy Department and the contractors.

MATERIAL.

Synopsis of charges.

Materials.	Per ton of plate.
Mold, casting, etc	$2.00 (A)
Ingot	30.13
Forging and casting scrap	7.76 (B^{1})
Fuel at open-hearth furnaces	2.17 (B^{2})
Fuel, heating ingot for forging	4.67
Power for forging press	5.00 (B^{3})
Miscellaneous supplies	.50
Power for machining (turret plate $5, port plate, 32 cents extra)	5.32 (B^{4})
Power for bending press	1.31
Fuel, heating plate for bending	1.78 (B^{5})
Fuel, carbon, bricks, sand, etc., for carbonizing	20.65 (B^{6})
Annealing, coal and wood (including cranes, 20 cents)	.80 (B^{8})
Tempering, fuel, ice, salt, water, oil and miscellaneous supplies	1.90 (B^{7})
Transportation (total, $5 for each operation, 20-ton plate, of which labor equals $1.50 and coal, etc., $1.17 per ton)	1.17 (B^{9})
Setting up and erecting miscellaneous supplies equals 50 cents, crane, 25 cents	.75 (B^{10})
Prints, templets, etc., $1 (one-half labor)	.50 (B^{11})
Blocking, paint, etc., shipping	.10 (B^{12})
Scaling, drilling for tests and analyses	.35 (B^{13})
	86.88
Add cost for maintaining plant in state of preparation for work, 10 per cent of cost of power, etc., other than wear and tear (10 per cent of $86.86—$30.13 [cost of ingot])	5.66 (B^{14})
Add for small tools, stationery, oil, waste, and miscellaneous stores (5 per cent of labor)	2.28 (B^{15})
Total for material	94.94

B^{1}.

Nickel scrap first constitutes a great unwieldy mass of metal. This is either heated and cut up in large pieces which are charged through the roof of a special open hearth furnace, melted down, and cast into suitable charging ingots, or it is heated, forged down, and cut up into pieces small enough to be charged through the doors of the regular casting furnaces. In either case this expense is very large and accounts for the small value assigned to nickle scrap as an ingredient of the charges. It is estimated that the cost of reducing this scrap to a chargeable shape by the two methods is about equal, and is fully 75 per cent as great as the cost of forging an equal weight of plate. The forging of the plate requires greater exactness, but the labor and power required to cut up scrap, involving the shifting and adjustment of the cutting knives and the handling of many fragments, is greater. The cost of forging per ton is found to be $17.20, 75 per cent of which is $12.90. The amount of scrap obtained from a 20-ton plate ingot is 58,750 pounds, or 26.2 tons. Hence 26.2 × $12.90 = $337.98 per 20-ton plate, or $16.90 per ton. Sixty per cent of this should be charged to labor, or $9.14, leaving $7.76 for stores, coal, knives, etc., per ton. (See Note A.)

B^{2}.

With regard to the fuel at open-hearth furnaces, Mr. Carroll D. Wright, in his report of the cost of production of iron and steel in the United States (vide Iron Age, Volume XLVIII, pages 870, 871), states that the total cost of converting pig iron and scrap and ferro manganese into steel ingots by the Bessemer process is $3.361 per ton, of which the labor is $2.601, leaving $0.761 for fuel and supplies. It is an open question as to whether steel can be produced more economically by the Bessemer process than by the open hearth. But all of the Bessemer charge except a very small per cent goes into the finished product, while in armor open-hearth work a 57-ton charge is required to produce a 20-ton plate. Hence, if it requires exactly as much heat to accomplish the reduction of 1 ton of charge in each case, and this is certainly an underestimate for the open hearth, we should take the cost of fuel per ton of open-hearth charge as fifty-seven-twentieths of that for a Bessemer charge, and the estimate becomes $\frac{57}{20}$ × $0.761 = $2.17 per ton. (See Note A.)

B^{3}.

From observation at the works, it appears that to bring to a heat the ingot of a 27-ton plate requires 48 hours in a furnace, consuming 18 tons of coal, at $4 per ton; total, $72.

To bring to heats for subsequent forgings (36 hours), 13.5 tons, at $4 per ton, $54.

Coal for engine to run press and cranes, one-half of the power furnished by the boilers using 90 tons per diem, or 45 tons for two shifts, at $3 per ton, $135.

Miscellaneous supplies for forging department (10 per cent of cost of power), $13.50, consisting of oil, waste, salt, hose, shields, gloves, etc., the total amounting to $274.50 for 27 tons, or $10.17 per ton, of which $4.67 is for heating ingot to forge, $5 for power for press and cranes, and 50 cents for miscellaneous supplies. (See Note A.)

B^{4}.

From observation at works, the cost of the power, coal, etc., and supplies for machining a 27-ton plate is as follows:

8 days under saw, at $5 a day, cutting off the sides and ends of plate	$40.00
6 days on planer, at $5 a day, planing sides	30.00
6 days on planer, at $5 a day, planing ends	30.00
3 days on drill press, at $2 a day, drilling bolt holes	6.00
Finish planing after harveying and tempering (uncertain, but assumed on an average as about 5 days, at $5)	25.00
Total	131.00

Making the cost per ton of plate $4.85. As, however, this does not take into account the more difficult shapes and plates containing port holes, scuppers, etc., an allowance of 47 cents per ton is added, making the total cost, under materials for machining, $5.32. (See Note A.)

B^{5}.

From observations at the works on a 27-ton plate, the following expenses under the head of materials are incurred for bending:

Coal for power for bending press and its cranes, 12 tons, at $3 per ton	$36.00
Or $1.33 per ton.	
Coal for obtaining two heats in the furnaces, 12 tons, at $4 per ton	$48.00
Or $1.78 per ton.	

B^{6}.

From observations at the works, the following information has been obtained concerning the cost, under materials, due to the Harvey process:

The sp. gr. of charcoal is from 0.132 to 0.1626, in lump, 0.382. The largest is taken on account of the weightier bone charcoal in the mixture. The surface of a 20-ton plate 11 inches thick would be about 110 square feet. The bed of charcoal is closely 6 inches deep; there is therefore 55 cubic feet of charcoal. About one-third is consumed and lost in dust, mixture with sand, etc., with every heat, or 17⅓ cubic feet. The weight of a cubic foot = 62.5 by 0.1626 = 10.1625 pounds, hence 101.625 by 17⅓ = 176.15 pounds.

To make full allowance for all possible losses, the loss is taken as 1 ton, at $30	$30.00
2 tons of special sand, tiles, bricks, etc	20.00
Coal for heating furnace, 110 tons, at $3.30	363.00
Amounting in all to	413.00

B^{7}.

Or $20.65 per ton. (See Note A.)

From observation at the works, the following estimate of the cost under materials for tempering a 27-ton plate is obtained:

Coal for heating plate, 6 tons, at $4	$24.00
Ice for tank, 1 ton	5.00
Salt, 2 bags, at 75 cents	1.50
Water for hardening, 1½ hours' use of pumps	16.50
Oil in tempering	5.00
Total	52.00

Or $1.90 per ton.

B^{8}.

From observation, the cost under materials for annealing a 27-ton plate, including the power for handling the crane, is as follows:

Coal for annealing, 4 tons, at $4	$16.00
Crane, at 20 cents per ton	5.40
Total	21.40

Or 80 cents per ton.

B^{9}.

From observation at the works, it is estimated that the cost under materials for transportation of a 27-ton plate (at $5 for each operation) is—

To forging furnace from casting pit	$5.00
From forging furnace to machine shop	5.00
From machine shop to Harvey furnace	5.00
From Harvey furnace to machine shop	5.00
From machine shop to bending press	5.00
From bending press to machine shop	5.00
From machine shop to tempering plant	5.00
From tempering plant to machine shop	5.00
From machine shop to scales and loading on cars	5.00
Total	45.00

Of this cost, 70 per cent is due to power, or $1.17 per ton. (See Note A.)

B^{10}.

A plate must be handled by cranes, for the purpose of laying off in the machine shops, three times in the course of manufacture—after forging, harveying, and tempering. It must also be set up in the finished structure for final fitting and inspection. For this work it is necessary to supply miscellaneous stores, such as wedges, special templates, chalk, waste, oil, lines, metal pencils, surface gauges, levels, etc., which, with the coal expended for crane power, it is estimated will amount to 75 cents per ton. (See Note A.)

B^{11}.

For the use of the various forging, machine, and erecting departments a large number of drawings and templates adapted to the different stages and operations of the work are required. These are, of course, primarily derived from the drawings furnished by the Government. It is estimated that this cost, so far as material is concerned, amounts to 50 cents per ton. (See Note A.)

B^{12}.

From observation it is estimated that the cost of blocking, white lead, tallow, and pine plugs for bolt holes amounts to 10 cents per ton.

B^{13}.

From observation the cost of material, in power, etc., for scaling, drilling test bars, and chemical analyses is assumed as follows:

Drilling 6 test bars, 1½ days, at $1	$1.50
Drilling 8 carbon analyses, 2 days, at $1	2.00
Power for scaling chisels, 3 times, 2 days each, 6 days, at $1	6.00
Total	9.50

Or per ton, 35 cents. (See Note A.)

B^{14}.

The number and size of the open-hearth furnaces required to turn out ingots of more than double the weight of the finished plates, as well as the great power and capacity of the presses equal to the task of forging these ingots, together with the fact that the operations of casting and forging occupy but a small portion of the time required to manufacture armor, render it impossible to work all departments continuously in unison. To increase the capacity of machine shop and treating departments until they were capable of disposing of the rough armor as fast as it could be cast and forged would multiply the output, but it would also require an immense sum to be invested in new machinery, and until the demand for an increased output is much greater and more sustained, such an increase of plant would not be wise.

In the meantime, however, casting, forging, and treating departments are all at times waiting on each other. Any one of them must, however, be prepared to work at short notice, and this state of preparation is necessarily more expensive to maintain than the care and preservation usually allotted other parts of the establishment which are temporarily in disuse. There thus arises a charge which varies from day to day, without ever entirely disappearing. Its estimation can only be approximated by assuming that the forging plant during all the time it is not in operation and the casting [illegible] during most of this time are maintained in a state of preparation by [illegible] expenditure of a certain percentage of the money required to actually [illegible]ate those departments. It is estimated that a charge fully equal to 10 [illegible] cent of labor and material, not including material in ingot, is thus [illegible], or 10 per cent of $86.86 − $30.13 = $5.66. (See Note A.)

B^{15}.

There are shop charges under the head of material due to the [illegible] cutting tools, lubricating of machinery, miscellaneous stores, shop [illegible], soda, soap, stationery, calipers, scribers, and special fittings for w[illegible]ot included in the original designs of the machines. These [illegible] amount to 5 per cent of the cost of labor, or $2.28 per ton. [illegible]

C.

LABOR.

Synopsis of charges.

"Local handling" of materials	$3.01	(C^{1})
Melting, forging, and cutting up scrap	9.14	(C^{2})
Manufacture and setting up mold, transportation to pit, runways and grates, repairs to ladle and furnaces, operation of cranes, charges and blast engines, charging, tapping, pouring, and attendance at furnaces	4.28	(C^{3})
Forging	7.08	(C^{4})
Bending	1.46	(C^{5})
Machining, operating cranes, handling, chipping, tapping bolt holes, marking, etc	6.91	(C^{6})
Increased estimate of above, special shaped	.84	(C^{6})
Tempering	.62	(C^{7})
Harveying	5.12	(C^{8})
Transportation	.50	(C^{9})
Annealing, attendance, etc	.25	(C^{10})
Testing, scaling, and analysis	.75	(C^{11})
Prints, templates, etc	.50	(C^{12})
Laying off work, three times at least	1.00	(C^{13})
Setting up for inspection	.18	(C^{14})
Fitting bolts to plates	.10	(C^{15})
Total for labor	41.43	
Add for cost of maintaining plant in state of preparation for work, 10 per cent for cost of labor	4.15	
Labor	45.58	
Add for foremen, draftsmen, timekeepers, messengers, 5 per cent of labor	2.28	
Total for labor	47.86	

C¹.

The market price of materials as well as that of the nickel scrap manufactured in the works does not include the cost of "local handling." This comprises unloading from cars, distribution to stores and piling, sorting, weighing out charge, collection, mixing, breaking up, grinding, and return of remnants to store. It is assumed that this work under the head of "local handling" costs fully 10 per cent of the market price of the materials concerned—that is, 10 per cent of $602.58 = $60.26 per 20-ton plate, or $3.01 per ton of plate. This item should be charged to labor. (See Note A.)

C².

Melting, forging, and cutting up scrap, 60 per cent of the cost of this work, as described in Note B¹, is assigned to labor—that is, $9.14 per ton of finished plate. (See Note A.)

From observation at the works the following is learned:

C³.

Making mold, 5 men, 5 days = 250 hours, at 15 cents	$37.50
Material	12.00
Heating, drying, handling, setting up mounts:	
2 days in drying furnace (2 tons of coal per day, at $3 per ton)	12.00
Setting up and finishing, 2 men, 2 days = 40 hours, at 20 cents	8.00
Use of crane in setting up 5 sections, 2½ hours, at $3	7.50
Transportation to pit	5.00
Drying mold after setting up, 1 man, 1 day, at 11.5 cents per hour	1.15
Wood or gas	1.50
Gate composed of bauxite, plumbago, etc., material	5.00
Labor, 1½ days, 1 man, at 20 cents	3.00
Repairs to ladle (dried with mold), drying, manufacture of stopper, etc.	5.00
Cost or charging:	
Heat of 125,000 pounds, 4 men and superintendent	5.00
Attendance of heater, at 25 cents, 12 hours	3.00
Attendance of heater at end of heat, 2 hours, at $5 per day	1.00
Various tests during course of heat	2.50
Stripping mold, 1 day, 3 men, at 15 cents per hour	4.50
Crane lift mold	3.00
Lift and transport ingot	5.50
Cleaning up pit, 2 men, at $1.15, 1 day	2.30
Additional cost of producing heavy ingots	126.45

Or, for a 20-ton plate, $6.33 per ton, or $4.33 per ton for labor and $2 per ton for material.

C⁴.

From observation at the works the following labor charges are incurred in forging a 27-ton plate:

At gas producers, 1.5 men, 7 days, of 12 hours = 10.65 men; at heating furnaces, 2 men, 7 days, of 12 hours = 14 men; or $1.50 per diem for 24.5 men	$36.75
20 men at press and cranes, 2 shifts of 12 hours, at $2.50 per diem	100.00
12 men at boilers, 2 shifts, 12 hours each = 24 men, at $1.50	36.00
2 men at engine, 2 shifts, 12 hours each = 4 men, at $2.50	10.00
Additional for special shapes	7.06
Total	189.81

Or $7.03 per ton. (See Note A.)

C⁵.

From observation at the works, the labor charges for bending a 27-ton plate are as follows:

6 men at boilers for 12 hours, at $1.50	$9.00
2 men at furnaces, 2 shifts of 12 hours each, at $1.50	6.00
10 men at press and cranes for 12 hours each, at $2.50	25.00
Total	40.00

Or $1.48 per ton of plate.

C⁶.

From observation at the works, the cost for labor engaged in machining, operating cranes, handling, shipping, drilling and tapping bolt holes, marking, etc., is as follows:

Labor at saw, cutting off sides and ends of forging, 8 days, 2 shifts, at $1.50 per diem of 12 hours	$24.00
Labor at planer, planing sides, 6 days, 2 men, at $1.50	18.00
Labor at planer, planing ends, 6 days, 2 men, at $1.50 per diem	18.00
Finish planing after harveyizing and tempering, uncertain, but assumed as at least 5 days, 2 men, at $1.50, on each occasion	30.00
Fitting, chipping edges, etc., time uncertain, but taken at 6 days, 2 men, 12 hours, at $1.50	18.00
Drilling bolt holes, 2 men, 24 holes in all; 8 3.2-inch holes per diem of 2 shifts, at $1.50 per diem	18.00
Tapping bolt holes, 1 hole, 1½ hours, 36 hours altogether, 8 men, at 12½ cents per hour	36.00
Chipping bevels, rabbets, etc., 1 man, 2 days, 24 hours each, $1.50	6.00
Crane operators, uncertain pro rata share for 42 days in shop, 1 man, at $2.50, 2 shifts a day, $210, say 21 plates being worked	10.00
Shifting gang to assist placing plates on machine, assist cranes, assist men engaged in laying off, pro rata charge, 1 man at $2, helper at $1.15 each = for 42 days, $362, one-half time on plates, $181, or per plate	8.60
Total	186.60

Or $6.91 per ton.

Add 84 cents for increased expense of machining port plates, sponsons, etc., total equaling $7.75 per ton. It will be noted that wear and tear on machines, etc., is not included in above. (See Note A.)

C⁷.

From observation at the works, the cost of labor for tempering is as follows:

Preparing heating furnace, 2 men, at $1.15	$2.30
2 men for 12 hours, 2 shifts, at $1.50, at furnace	6.00
Men at pumps	.60
Man at plate	1.15
Crane, 1 man, at $2.50 per diem, one-half day	1.25
Labor packing tank with ice and salt, rigging apparatus, etc., 1 man, at $2; 3, at $1.15	5.45
Total	16.65

Or per ton of plate, 62 cents.

C⁸.

From observation at the works, the cost of labor in harveying a 27-ton plate is:

2 men for 12 hours, 2 shifts, at $1.50 per diem, 20 days, tending furnaces	$120.00
Stripping, 2 men, at $1.15, one day	2.30
Screen sand, clean tiles, 4 men, 1 day, at $1.15	4.60
Bagging carbon, 2 men, 1 day, at $1.15	2.30
Repairing, 2 bricklayers, at $2.50; 2 helpers, at $1.15, one-half day	3.65
Place sand, make bed, carry in carbon, place pipes, brick up, etc., 5 men, at $1.15, 1 day	5.75
Total	138.60

Or $5.13 per ton.

C⁹.

From observation at the works, it is estimated that in the nine main operations of transportation of ingot, forging, and plate in various stages of manufacture from one building to another (see B⁴) the cost for labor is on each occasion at least $1.50; total, $13.50, or 50 cents per ton of plate. (See Note A.)

C¹⁰.

From observation at the works, the cost of labor in annealing plates is as follows:

2 men, 2 shifts, at $1.50	$6.00
Crane	.75
Total	6.75

Or 25 cents per ton of plate.

C¹¹.

From observation at the works, the cost of labor in testing, sealing, analyses, etc., is as follows:

Sealing 3 times, 2 days each, 6 days, at $1.50	$9.00
Drilling 6 test specimens, 1½ days, 1 man, at $1.50 and 1 at $1.15	3.98
Drilling 3 carbon analyses, 1 man at $1.50 and 1 at $1.15, 2 days	7.30
Labor at testing machine, one-eighth day, at $1.50	.37
Total	20.65
Per ton of plate	.76

(See Note A.)

C¹².

From observation at the works, it is estimated that the labor expended on special prints, sketches, molds, and templates required in the various stages of manufacture amounts to 50 cents per ton. (See Note A.)

C¹³.

From observation at the works, it is estimated that the cost in labor in laying off, marking, laying off bolt holes, and getting ready for machining, fitting, rectifying, etc., after the various operations of forging, rough machining, carburizing, second machining, tempering, final machining, and erection, will amount to four days' work of 1 man, at $3.

1 man, at $2.50	$22.00
Operating crane, help in blocking up, etc	3.50
Total	25.50
Or per ton	1.00

(See Note A.)

C¹⁴.

From observation, the cost of labor in setting up finished structures for inspection is as follows:

Two $3 men, two $1.15 men, 2 days	$16.60
Crane operator, 5 hours, to set up a turret or section of side armor, one-half day, at $1.50 per diem	.75
Total	17.35
For structure from 5 to 6 plates	17.35
Or per [illegible]-ton plate	3.50
Or per ton of plate	.13

(See Note A.)

C¹⁵.

From observation at the works, the cost of labor in fitting 24 bolts to 1 plate is as follows: Two men, two-thirds of a day, one at $2.50 and the other at $1.50, $2.666, or 10 cents per ton of plate. (See Note A.)

The sums paid for information and advice in establishing plant are indeterminable.

Nothing is allowed for royalties for reforging.

The royalty for the processes of introducing nickel, if any is allowed, is indeterminable.

F¹.

It is assumed that the office expenses, contingencies, stationery, secretaries, postage, telegrams, fuel, light, furniture, traveling expenses, and miscellaneous supplies amount to 2½ per cent of the cost of labor and material combined, or $1.34. (See Note A.)

In explanation of this item attention is called to the closeness of inspection and the care with which the various processes must be followed and recorded. The question as to the acceptability of a plate may be raised a number of times at various stages in its manufacture instead of only once, as occurs under foreign contracts or commercial material. This involves a vast amount of correspondence and clerical work.

G¹.

It is assumed that the cost of experimental and original work done by the contractors in filling a contract is at least 1¼ per cent of the combined labor and material on that contract, or $1.67. (See Note A.)

This item is due to the fact that certain novelties in shapes, dimensions, and other requirements of the plates are introduced in every contract.

H¹.

It is assumed that the salaries paid the various officials of the company, under the headings of administration, engineering, and superintendence, are

as follows, and estimating the output as 3,000 tons per year, the charge per ton is $21.40:

Administration.		Engineering.		Superintendence.	
Vice-president	$10,000	Chemist (one-half)	$2,000	Forge superintendent	$3,000
Purchasing agent (one-half)	1,000	Superintendent (one-half)	8,000	Assistant	1,200
Clerks, stock keeper, typewriters, 20 (one-half on Government, 900)	9,000	Ordnance engineer	5,000	Second assistant	1,800
Managing director (one-half)	6,000	Clerk	1,800	Superintendent of treatment	8,000
President (one-half)	4,000	Metallurgist	1,850	Assistant superintendent of treatment	1,000
Superintendent of transportation	1,000		13,650	Second assistant superintendent of treatment	1,200
Assistant, transportation	500			Machine shop	1,000
	31,500			Second machine shop	1,200
	13,650			Melting department	3,000
	18,900			Assistant	2,500
	64,050				18,900

$64,050 ÷ 3,000 = $21.40.

In those cases where an official's duties also involve commercial matters only a proportionate charge is made. (See Note A.)

It will be noted that the importance and novelty of the various operations of armor manufacture are such as require a far more expensive superintending and engineering establishment than in the case of a purely commercial manufactory.

J¹.

The armor manufacturer is peculiarly liable to losses which can not be foreseen and guarded against, even though the most skilled labor and superintendence is employed. These losses are in each instance large, as the weight of each plate forms a very appreciable part of the entire weight in the contract. Frequently these plates do not show their defects until the last stages of the manufacture are reached, and fully 10 per cent of the cost to the manufacturer has been expended upon them. For example, in one instance early in the manufacture of armor in this country an entire group, comprising 150 tons, that of the *Monterey's* barbettes, proved defective on final test and was rejected. Later the same firm lost in four plates, viz, one *Indiana's* side, 35 tons; one *Massachusetts'* side, 35 tons; one *Iowa's* 12-inch turret, 35 tons; one *Oregon's* 13-inch turret, 25 tons: a total of finished armor of 130 tons, or 1.3 per cent of the total armor at that time contracted for by this firm. (See Note A.)

J².

This, however, does not include the numerous failures which have occurred at various stages in the manufacture; for example, losses in pouring, defects discovered in ingot in forging, defects discovered in slab in machining, defects manifested or produced in carburizing and tempering. It has, for example, been necessary to pass a number of the *Massachusetts'* side and *Oregon's* turret plates a second time through the carburizing process, while retempering is frequent. The losses arising in this manner have been considerable. As it is impossible, however, to form an exact estimate, it is deemed a fair assumption to place it at 6 per cent of the cost of the finished plate. This amounts to $31,161.60 per 3,000 tons of output, or $10.38 per ton of plate.

K¹.

With regard to the business profit, it is believed, judging from the periodical statements of corporations engaged in the manufacture of commercial products, that a semiannual dividend of 3 per cent is not excessive.

It is therefore regarded that an annual profit amounting to 6 per cent of the capital stock should be allowed to the stockholders. This amounts to $245,251.30, or $81.75 per ton of plate.

L¹.

It is said to be customary in manufacturing concerns to charge as an expense 10 per cent of the cost of plant and working capital to cover taxes, insurance, repair to buildings, wear and tear of plant, and interest on the money invested in plant. This amounts to $353,700, or $117.90 per ton of plate.

M¹.

It will be remarked that the assumption is made in this estimate that 6,000 tons of armor will be purchased annually by the Government from the two firms. The Government is not committed to any such arrangement, and the uncertainty of its action constitutes a serious menace to the security of the money invested in armor plants. Should the works be closed for one year, the fixed charges for insurance, taxes, maintenance, repair, interest, and a mere care-taking administration would consume the profits of two working years. Should less than 3,000 tons be demanded for any year from either firm, the profit would be diminished far more than proportionately to the lesser tonnage of output, on account of the preponderance of fixed charges independent of the output. In fact, the most striking feature of the problem is the immense cost of the machinery and the comparatively small number of men required to work it. There is a great disproportion between the amount of capital invested in the plant and that required for the payment of labor. This is entirely due to the fact that the pieces of armor, even in a large contract, are few in number, owing to their great individual weight; there is, moreover, hardly anything of importance in their manufacture which it is possible to do by hand. Everything is done by machinery of the heaviest and most costly description.

M².

Considering the question of a continued demand for armor, opinions vary as to the number of battle ships necessary. A larger number than 20 has, however, never been suggested. If, then, it be assumed that the two armor-making firms will be given contracts for the armor of that number of vessels in such quantities and at such times as will enable them to work continuously, turning out 3,000 tons per annum, until those 20 ships are completed, it must be admitted that a most favorable view of their prospects is taken. Of the 20 ships, the armor for 6 has already been either delivered or contracted for. There then remain 14 battle ships to be provided for at 2,800 tons per ship, a total of 39,200 tons, or 19,600 tons for each plant.

The armor makers are fully capable of supplying all of this armor that will be required in six and one-half years. We know that great losses and expensive mistakes, due to errors in management and lack of skill and proper appliances for work, must be charged against the comparatively high price paid for armor in the past. Nevertheless, it is assumed that there should be, over and above a fair profit on the money invested, a sum which could be regarded as a sinking-fund charge per ton of output for the purpose of reimbursing the owners for the cost of the special plant, which can not be used for making commercial steel and which would lose its value as an investment on the completion of the last armor contract.

M³.

The armor per battle ship having been taken as 2,800 tons and the annual output as 3,000 tons, it is assumed, for the purpose of arriving at a per annum sinking-fund charge, that all the armor of the 20 ships will be delivered by the makers at the uniform rate of 3,000 tons per year in 9.13 years. This is not the case. The armor has been delivered in the past far less rapidly, so they have received a less sum of money per annum. Thus it appears necessary, by compounding, to have accumulated from the annual charge a sinking fund of $1,560,000 at the end of 9.13 years.

M⁴.

The sinking fund should closely approximate the value of the special plant 6.5 years after the completion of the six battle ships referred to. Should the armor makers fail to obtain contracts for a single year, however, the interest on the money invested and the fixed charges on this special plant would make a serious raid on the sinking fund, so that the conditions thereafter would be different, calling for a higher price for armor than if the output had been continuous. The special plant to be represented by this sinking fund, and which can not be utilized in manufacturing commercial steel, is exclusive of buildings, land, and stock, and is made up as follows:

Forging press, engines, furnaces, and double cranes	$600,000
Bending press, engines, furnaces, and cranes	200,000
Building containing the two presses, the foundations, etc	100,000
Harvey plant, carburizing and tempering furnaces, tempering apparatus, oil tank, and cranes	200,000
Building containing Harvey plant	60,000
Casting pit, its cranes, and the two 60-ton machine-shop cranes	250,000
Fifteen heavy armor machines, saws, planes, etc	150,000
Total	1,560,000

Or $133,211 per annum, or $44.40 per ton of plate.

It is agreed that upon completion of the armor contracts this special plant will still have a speculative value, in that if there should be war or preparations for war at any time thereafter, additional contracts for armor may be given, and that, having established themselves, the armor makers can compete in foreign countries for contracts. On the other hand, this plant will have been actively employed on the heaviest and roughest kind of work for a number of years. Its principal parts, therefore, will surely have suffered a deterioration such as has not been contemplated and could not be remedied by the moderate annual charges for wear and tear. This plant also already shows indications of being less economical of operation than would be the case in a new plant constructed with our present knowledge. At the future time considered, this feature will be more marked. It is believed in consequence that this plant will then undoubtedly have a value, but the cost of operating it will be relatively greater and impediments and breakdowns may be expected, so that the charges for wear and tear and use of machinery, in making up the cost of armor, would then be increased. On the other hand, this plant, so far as it is not entirely replaced by a fresh outlay of capital, should no longer have any value as an investment, and the Government in making new contracts should profit by the removal from the cost of manufacture of the items "Sinking fund" and "Interest on special plant." This diminution in cost would be about $70 per ton.

With regard to the cost of fuel employed in the manufacture of armor: A purer and more expensive quality of coal is required in the production of steel by the acid process at Bethlehem than at Homestead, where the basic process is used. There are also considerable differences in the freight and other charges arising from location, ownership or control of mines, etc. The prices taken are those believed to be paid by the Bethlehem Iron Company. We have been informed, however, that coal at the Homestead Steel Works costs but $1 a ton, and the following estimate is based upon that cost:

Operation.	Cost of coal per ton of plate or operation.		
	Bethlehem.	Carnegie.	Difference.
Harveying	$18.15	[illegible]	$12.65
Forging	9.67	[illegible]	6.84
Machining	[illegible]	1.77	8.54
Bending	[illegible]	.90	2.22
Tempering	[illegible]	.23	.66
Annealing	.59	.15	.44
Transportation	1.17	.39	.78
Handling in shops	.75	.25	.50
Total			27.[illegible]
Add 10 per cent for cost of maintaining plant in readiness for work			2.76
Total			30.[illegible]
Add 6 per cent to cover losses			1.83
Total			32.21
Add 6 per cent of capital invested for dividends			1.93
Total			34.14

EXHIBIT No. 5.

REPORT OF LIEUTENANT-COMMANDER RODGERS, INSPECTOR OF ORDNANCE AT BETHLEHEM IRON WORKS.

Determination of the cost of manufacture of armor.

ADMINISTRATION, INCLUDING SUPERINTENDENCE, OFFICE EXPENSES, ANALYSES, DRAFTING ROOM, AND TESTING.

President	$15,000
Vice-president	6,000
Second vice-president	10,000
Secretary	3,000
Treasurer	3,000
Purchasing agent	3,000
18 clerks	[illegible]
Total	[illegible]
One-fourth to armor	[illegible]

MILL OFFICE.

General superintendent, assistant superintendent, 4 heads of departments, and about 10 clerks	$35,000.00
Drafting room, 12 men	9,600.00
Testing room, 2 assistants, 1 mechanic	2,000.00
Chemical laboratory, 1 chief and 4 assistants, 20 helpers	14,500.00
Total	61,100.00
One-fourth to armor	15,275.00

TEMPERING DEPARTMENT.

Superintendent and two clerks	4,200.00
One-half to armor	2,100.00
Assistant to superintendent	1,500.00
	3,600.00

HAMMER DEPARTMENT.

Superintendent and assistant	4,500.00
3 clerks	1,500.00
Total, all to armor	6,000.00

OPEN-HEARTH DEPARTMENT.

Superintendent and assistant	5,500.00
3 clerks	1,500.00
Total	7,000.00
One half to armor	3,500.00

OFFICE SUPPLIES (INCLUDING CHEMICALS).

For all	3,000.00
One fourth to armor	750.00

MISCELLANEOUS.

Telephone	1,080.00
One-fourth to armor	270.00
Travel, all to armor	5,000.00
Telegraphing, long-distance telephone, postage, credited to armor	200.00
Total, miscellaneous	5,470.00

SUMMARY OF ADMINISTRATION.

Head office	12,475.00
Mill office	15,275.00
Tempering department	3,600.00
Hammer department	6,000.00
Open-hearth department	3,500.00
Office supplies	750.00
Miscellaneous	5,470.00
Total cost of administration for 3,000 tons	47,070.00
Cost per ton	15.69

OPEN-HEARTH DEPARTMENT—COST OF CHARGE.

Material.	Weight.		Cost.
	Pounds.		
Wash metal	47,993	$26 per ton	$557.06
Nickel scrap*	70,172	¾ cent per pound	526.29
Nickel oxide (76 per cent)	2,131	28 cents per pound (pure nickel).	453.48
Spiegel (10 per cent)	1,253	$33.50 per ton	18.74
Ferro manganese (80 per cent)	1,629	$49 per ton	35.63
SiMn	1,128	$49 per ton	24.68
Ore	1,001	$5 per ton	2.20
	125,307		1,618.08
Weight of ingot (52.1 tons)	116,700		
Weight of charge (55.94 tons)	125,307		
Weight of plate (18.234 tons)	40,845		
Total discard and loss	84,462		
Allowing 10 per cent loss in furnace, at forge and machine shop.	11,670		
	72,792		
Value of scrap, at ¾ cent per pound			545.94
True cost of charge			1,072.14
Cost of charge per ton of ingot			20.58
Cost of charge per ton of plate			58.80

*The cost of cutting up the scrap is given the head of "Forging." Discard obtained from average of plates.

OPEN-HEARTH DEPARTMENT.

Fuel (cost of fuel used in melting charge, running single turn):	
Weight of fuel used, 50 per cent of weight of charge melted.	
Weight of charge, (125,307 pounds) ....tons	55.940
Weight of ingot (116,700 pounds) ....do	52.100
Weight of plate (40,845 pounds) ....do	18.234
Price of coal per ton	$3.25
Cost of fuel (one-half of 55.94 × $3.25)	$90.90
Cost per ton of plate	$4.98
Steam for running cranes given under head of "Motive power."	
Labor (for preparing furnaces, preparing charge, charging furnaces, melting and pouring charge):	
One head melter, at $5 per day, two shifts, one-half to armor	$5.00
Four melters, at $12 per day, two shifts, all to armor	24.00
Four pitmen, at $6 per day, two shifts, all to armor	18.00
Two ladle men, at $4 per day, two shifts, all to armor	8.00

Labor (for preparing furnaces, preparing charge, charging furnaces, melting and pouring charge)—Continued.	
Four crane men, at $6 per day, two shifts, all to armor	$12.00
Seven helpers, for getting up charge, etc	10.50
Twelve men at producers, at $18, two-thirds to armor, two shifts	24.00
Six coal passers for producers, at $9, two shifts, two-thirds to armor	12.00
One heater, two shifts, all to armor	4.00
One train man, two shifts, at $1.25	2.50
One head ladle man, at $3, one half to armor, two shifts	3.00
One weigher, at $3, all to armor	3.00
Cost of labor for melting for plate of 18.234 tons	126.00
Cost of labor per ton of plate	6.91

Preparing molds:	
One foreman, at $3, three shifts	9.00
Seven molders, at $14, three shifts	42.00
Two men, placing and bolting flask, one shift	4.00
Cost of labor for preparing molds	55.00
Material	15.00
Total cost of preparing molds for 18.234 tons plate	70.00
Cost per ton of plate	3.84
Repairing furnaces, bricks, nozzle troughs, relining and drying ladles, making flasks, stripping and getting out of pit and chipping ingot:	
From observation the cost per ton of ingot is	2.00
Therefore the cost per ton of plate is	5.71

Transportation, including transportation of ingot and plate to and from various places of manufacture, moving stock, coal, ashes, etc. (3 engines and 15 men during the day, 1 engine and 5 men at night):	
Coal used, 2 tons per engine, 8 tons, at $3.50 per ton	28.00
Four engineers, at $2.50 per day	10.00
Sixteen brakemen and trackmen, at $1.50 per day	24.00
Incidentals, 15 per cent of labor	5.10
Total	67.10
Manufacturing 10 tons per day, per ton	6.71

FORGING, REFORGING, AND CUTTING UP SCRAP.

Fuel for heating 12 producers, each estimated to use 3 tons of coal per day, at $3.25 per ton (12 × 3 × $3.25) equals		117.00
Labor:		
Foreman	$4.00	
Assistant foreman	3.00	
Press gang, sixteen, at $2.50	40.00	
Three heaters, at $2.50, 2 shifts	15.00	
Three helpers, at $1.20, $3.60, 2 shifts	7.20	
One engineer	4.00	
Two oilers	3.50	
One helper	1.00	
Two watchmen	3.00	
Nine men at producers, $13.50, 2 shifts	27.00	
One man in charge	2.00	
Four coal passers	5.00	
		114.70
		231.70
Add 15 per cent of labor for Sunday labor, tools, templets, carbon, sand, bricks, oil, waste, and incidentals		17.20
		248.90

In 29 working days of 10.5 hours 388 tons of plate were forged and scrap cut up; and it is estimated from observation of two plates that the same amount could be reforged and cut up in 67 hours; or that 11 tons of plate could be forged, reforged, and scrap cut up in one day. $248.90 ÷ 11 = $22.63 per ton for forging, reforging, and cutting up scrap.

POWER.

Fifteen firemen, at $1.75, $26.25, 2 shifts	$52.50
Two water tenders, at $2, $4, 2 shifts	8.00
Five coal passers, at $1.25, $6.25, 2 shifts	12.50
	73.00
Add 10 per cent for tools, incidentals, and Sunday labor	7.30
	80.30

FUEL.

From observation, it is estimated that the expenditure of coal for the battery of boilers supplying steam to the armor plant amounts to 90 tons per day. It is further estimated that one-third of the steam from this battery is used for other purposes than the manufacture of armor, leaving 60 tons to be charged to armor: 60 tons, at $2	120.00
	200.30

Part of the steam being used for the presses producing 11 tons of armor per day, and part for other shops producing only 10 tons; 10½ is taken as the average for power, which gives $200.30 ÷ 10.5 = $19.08 per ton for power.

TEMPERING.

Coal for heating furnace, 6 tons, at $3.25		$19.50
Wood for heating furnace		5.00
Ice for tanks, 1 ton		5.00
Salt, 2 bags		1.50
Oil in tempering		5.00
Total, material		36.00
Repairing heating furnace	$2.00	
Two heaters, at $3, 2 shifts	6.00	
Men at pumps	.50	
Men at plate	1.50	
Taking plate from oil and washing	1.00	
		11.00
10 per cent of labor for incidentals		1.10
Cost of tempering 20-ton plate		48.10
Cost per ton		2.42

CARBONIZING.

A furnace charge for carbonizing consists either of one large or two small plates, and the average weight of charge is estimated to be 30 tons, and the cost as follows:

Sand, 2 tons, and placing	$20.00
Carbon, 1 ton	30.00
Repairing furnace	20.00
Coal,* 122 tons, at $3.25 per ton	396.50
Wood	2.00
Labor, 2 heaters, 2 shifts, $6, 22 days	132.00
Labor, 1 coal passer, 2 shifts, $2.50, 22 days	55.00
Labor for cranes and other general work, including foreman, $1 per day, 30 days	30.00
Sealing, 3 men, $1.50, 4 shifts, $18, 3 times	54.00
5 per cent of labor for shop expenses	13.55
Cost of carbonizing 30 tons	753.05
Cost per ton	25.10

MACHINING PREVIOUS TO HARVEYIZING. (SINGLE FORGED PLATE.)

Planer, 1 machinist, and 1 helper, 216 hours, at 32 cents per hour	$69.12
Allowing 6 cents per hour for shop expenses	12.96
Cost for 40 tons	82.08
Cost per ton	2.05

MACHINING OF IOWA'S FIRST TURRET.

[Labor: Pay for machinist, 21 cents per hour; for helper, 11 cents per hour.]

Machine.	Men.	Hours on machine.	Cost of labor.
Planer	1 machinist 1 helper	451½	$144.48
Saw	1 machinist 1 helper	130	41.60
Shaper	1 machinist 1 helper	24	7.68
Laying off	1 machinist 1 helper	5	1.60
Total (labor)		610½	195.36
Allowing 6 cents per hour for shop expenses, including use of crane, oil, waste, etc			36.63
Total cost of machining, exclusive of bolt holes			231.99

Bolt holes.

From observation, 7 men working three days, 2 shifts, should be able to complete the 32 bolt holes required. Seven men paid 11 cents per hour for seventy-two hours	$54.44
Allowing 6 cents per hour shop expenses	4.32
Total cost of bolt holes	58.76
Total cost of machining, including bolt holes, 40-ton plate	290.75
Cost per ton of machining plain plates	7.27

Machining (additional for port plates).

Machine.	Men.	Hours on machine.	Cost of labor.
Drill press	1 machinist 1 helper	1,008	$322.56
Allowing 6 cents per hour for shop expenses.			60.48
Chipping face	4 machinists	144	120.96
Allowing 6 cents per hour for shop expenses.			8.64
Drift chip and grind ports	3 machinists	720	453.60
Allowing 6 cents per hour for shop expenses.			43.20
Total additional for port plate of 40.0625 tons.			1,009.44
Additional per ton			25.19

NOTE.—The *Iowa's* turret consists of 1 port plate, weighing 40.0625 tons, and 4 other plates weighing 156 tons, making a total of 196.0625 tons.

Cost of machining 196.0625 tons of plate, at $7.27 per ton	$1,425.37
Additional cost for port plate	1,009.44
Total cost of machining turret (exclusive of top)	2,434.81
Cost of machining, per ton (exclusive of tops and hoods)	12.42
Cost of machining, per ton, previous to harveyizing	2.05
Total cost, per ton, of machining	14.47

Machining top of Iowa's turret, including fitting sight hoods and butt straps.

[Pay of machinists, 21 cents per hour; helpers, 11 cents per hour. Allowing 6 cents per hour for 2 men for shop expenses.]

Work.	Men.	Hours.	Cost per hour.	Cost.
Fitting templates and timbering up	5 skilled men 4 helpers	10½	$1.79	$18.80
Laying off	5 machinists 5 helpers	10½	1.90	19.95
Portable drills	3 machinists	437	.72	314.64
Drill press	2 machinists 2 helpers	214	.76	162.64
Work on blocking	1 skilled man 1 helper	10½	.38	3.99
Chipping	4 machinists	390	.96	374.40
Fitting plates	2 machinists 2 helpers	24	.76	18.24
Tapping holes	2 machinists 2 helpers	58½	.76	44.46
Planers	2 machinists 2 helpers	184	.76	139.84
Fitting holes for sight hoods	1 machinist	96	.24	23.04
Setting up	2 machinists	2	.48	.96
Fitting hoods	2 machinists	129½	.48	62.16
Total cost for machining 21.7375 tons.				1,183.12
Cost per ton				54.43

Machining two sight hoods, including tools.

Tools.	Men.	Hours.	Cost.
Turning, boring, and fitting	1 machinist, at 21 cents; 1 helper, at 11 cents; shop expenses, 6 cents; total, 38 cents per hour.	300	$114.00
Drilling	Same, at 38	412	156.56
Chipping, fitting, and inspection	2 machinists, at 21 cents; shop expenses, at 6 cents; total, 48.	220.5	105.84
Machining 4.52 tons (estimated weight).			376.40
Cost per ton			83.27
(Estimated weight of auxiliary sight hood, 1.65 tons.) Cost of machining auxiliary sight hood, at $83.27 per ton.			137.40
Cost of machining two main sight hoods.			376.40
Additional for welding, testing, fitting, and tapping sight-hood rings.			50.00
Total cost of machining 6.17 tons.			563.80
Cost per ton			91.38

Summary of Iowa's turret.

Cost of machining 196.0625 tons, at $14.47	$2,836.74
Cost of machining 21.7375 tons, at $54.43	1,183.12
Cost of machining 6.17 tons, at $91.38	563.80
Total 223.97 tons	4,583.66
Cost per ton	20.47

Machining of reforged plate of 6.6 tons.

Work.	Men.	Hours.	Cost.
Planing	1 machinist 1 helper	[illegible]	$80.00
Sawing	1 machinist 1 helper	[illegible]	83.20
Sealing	3 helpers	48	15.84
Measuring up	2 machinists	2	.84
Drill press	1 machinist 1 helper	5	1.60
Planing	1 machinist 1 helper	192	61.44
		757	242.92
Allowing 6 cents per hour for shop expenses			45.42
Total cost of machining 6.6 tons			288.34
Cost per ton			43.69

MACHINING.

Cost of machining turret top, per ton	$54.43
Cost of machining sighting hoods	91.38
Cost of machining single forged side plate of turret, including port plate	14.47
Cost of machining reforged triangular athwartship plate	43.69

It is estimated that the reforging of this plate doubled the cost of machining, but it is expected that the extra cost may, with experience, be reduced one-half.

We have, therefore, cost of machining	$14.47
Single-forged plate, 50 per cent additional	7.24
Cost of machining reforged turret plate	21.71

Which cost is taken as the average cost of machining face-hardened reforged armor plate.

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* *Coal used in carbonizing 3 plates—official record.*

Indiana turret, 5670 Bl, weight	65,154 pounds = 120.02 tons
Massachusetts side armor, 5824 Bl, weight	75,500 pounds = 132.00 tons
Massachusetts side armor, 5671 Bl, weight	75,500 pounds = 140.32 tons
	216,154 pounds = 392.34 tons
Coal per ton of armor	4.064 tons
Coal for 30 tons	121.92 tons

BENDING, ANNEALING, AND STRAIGHTENING.

[Six tons of coal, at $3.25 per ton, used per furnace, 2 furnaces used; 10 men at press, 1 shift, at $2.50 per day; 1 foreman, $3; 2 heaters, at $2.50, 2 shifts.]

Coal used, 12 tons, at $3.25 per ton	$39.00
10 men at press and pumps, at $2.50 per day	25.00
1 foreman	3.00
2 heaters, 2 shifts, at $2.50	10.00
Cost for 10 tons (limit per day)	77.00
15 per cent of labor for tools, oil, waste, bricks, sand, carbon, and incidentals	5.70
Total	82.70
Cost per ton	8.27

FITTING PLATE, SETTING UP, AND FINAL INSPECTION.

[Four machinists and 4 helpers (2 shifts), for 9 days, allowing $1.50 per hour for wages and shop expenses.]

4 machinists and 4 helpers, at $1.50 per hour, 216 hours	$324.00

COST OF SETTING UP IOWA'S TURRET OF 224 TONS.

Cost per ton	$1.44

FINAL SCALING, DISMOUNTING AFTER INSPECTION.

Shipping, marking, stamping, painting, preparing cars for shipping—	
For a 20-ton plate	$20.00
Per ton	1.00

TESTING.

Drilling out test specimens, included in machining.

Labor of making tests, chemical and physical, included in mill office, under administration. Cost of chemicals included under office supplies.

Supplying blue prints, sketches, drawings, etc., keeping records, making reports of progress, included under mill office and office supplies.

YARDMEN.

It is estimated that about 15 men and 1 foreman are engaged as watchmen and in handling stock and ashes and caring for inspectors' offices that should be charged to armor.

1 foreman, at $3 per day	$3.00
15 laborers, at $1.50	22.50
Cost for 10 tons	25.50
Cost per ton	2.55

ELECTRIC LIGHTING.

1 machinist	per hour	$0.21
1 helper	do	.11
Oil, waste, etc	do	.06
Cost	do	.38
Cost per day		9.12
Carbons		1.00
Total per day		10.12
One-half to armor		5.06
At 10 tons per day gives, per ton		.51

SUMMARY.

Administration	$15.69
Charge	58.80
Fuel in open-hearth department	4.98
Labor in open-hearth department	6.51
Preparing molds	3.84
Repairing furnace, drying ladles, chipping ingot, etc	5.71
Transportation	6.71
Forging and reforging	22.63
Power	10.08
Tempering	2.41
Carbonizing	25.10
Bending, annealing, and straightening	8.27
Fitting and inspection	1.44
Final scaling and dismounting	1.00
Yard men	2.55
Electric lighting	.51
Cost, exclusive of machining, of 1 ton of reforged harveyized armor	185.23
Machining reforged armor	21.71
Cost of manufacture of 1 ton reforged armor	206.94
Allowing 10 per cent for rejections in course of manufacture, experiments, etc	20.69
Final cost of manufacture of reforged armor	227.63

Plant running 3,000 tons per year.

Under the head of forging, reforging, and cutting up scrap it was found that 388 tons were forged and scrap cut up in twenty-nine days, or 13.38 tons per day, at a cost of $248.90 per day, giving as cost of single forging and cutting up scrap $18.60 per ton, $4.03 less than reforging.

Cost of manufacture, exclusive of machining, of reforged armor	$185.23
Less	4.03
Cost of single-forged plate	181.20
Cost of machining, per ton, *Iowa* turret, exclusive of top and sight hoods	14.47
Cost of manufacture of 1 ton of single-forged harveyized armor	195.67
Allowing 10 per cent for rejections during process of manufacture, experiments, etc	19.57
Final cost of manufacture of 1 ton single-forged armor, plant running 3,000 tons per year	215.24
Cost of manufacture, reforged armor, output of 3,000 tons per year	206.94
Allowing 15 per cent for rebuilding fires, care of idle plant, hold men when unemployed, etc	31.04
Cost per ton of manufacture	237.98
Allowing 10 per cent for rejections, experiments, etc	23.80
Cost of manufacture of reforged armor when plant is running at 2,000 tons per year	261.78
Cost of manufacture, per ton, of single-forged armor, assuming output of 3,000 tons per year	$195.67
Allowing 15 per cent as before	29.35
Cost to manufacture	225.02
Allowing 10 per cent for rejections, experiments, etc	22.50
Cost of single-forged armor when plant is running at 2,000 tons per year	247.52

EXHIBIT No. 6.

REPORT OF ENSION C. B. M'VAY, INSPECTOR OF ORDNANCE AT THE CARNEGIE STEEL WORKS.

A.

OFFICE OF INSPECTOR OF ORDNANCE,
Homestead Steel Works, Munhall, Pa., August 4, 1896.

SIR: 1. In obedience to instructions, I have the honor of submitting the following estimate on the price of armor. In making this estimate, I have depended upon the prices given me by Pittsburg men in the steel business, and stock quotations.

2. The value given the plant is my estimate, and I do not think it to be unjust to the company.

3. Where possible, I have calculated the cost for a charge of about 125,000 pounds, the finished plate to weigh 15 tons. Where the individual steps were not distinguishable, I have taken the yearly output (average delivery from July 23, 1893, to March 8, 1896, 2,766 tons per year).

4. In calculating the cost of forging and similar processes, I have taken the yearly expenses into consideration. As the men are not employed throughout the year, this error will be in the company's favor.

Very respectfully,

CHAS. B. McVAY,
Ensign, United States Navy, Ordnance Inspector.

CHIEF OF BUREAU OF ORDNANCE,
Navy Department, Washington, D. C.

B.

1. Value of charge per ton	$69.86	
2. Preparing charge	.43	
3. Melting charge	4.62	
4. Preparing ladles, etc	6.20	
5. Forging, reforging, bending	19.00	
6. Carburizing	33.70	
7. Water tempering	2.20	
8. Chipping and scaling	2.10	
9. Power	10.34	
10. Machining	37.65	
11. Salaries	13.31	
Testing (chemical, physical)	5.00	
Total	204.41	$204.41
Allowance for carburizing	76.53	
Cost per ton	127.88	
Rejection, 10 per cent	12.79	20.44
Total	140.67	224.85
Deterioration of plant, 10 per cent	108.46	108.46
Dividend, 6 per cent on $3,000,000	65.08	65.08
Value per ton	314.21	398.39

Where there is no allowance for carburizing, the value per ton is that given in second column.

Prices of material, market value at Pittsburg.

Pig iron, per ton	$12.50
Metallic nickel, per pound	.34
Ferro-manganese, per ton	48.50
Silico spiegel, per ton:	
10 per cent	32.00
12 per cent	35.00
15 per cent	38.00
Natural gas in large quantities, per 1,000 cubic feet	.10
Iron ore, per ton	3.50
Slack coal, per ton	1.00
Coke, per ton	2.50
Limestone, per ton	1.15
Calcium, per ton	3.00
Nickel scrap (calculated as having nickel of the value of $15 per ton, and $15 per ton for cutting up)	30.00
Harvey mixture, per ton, assumed	30.00

1.

Value constituents of an average charge of about 125,000 pounds.

	Pounds.	Tons.	Price per ton.	Total cost.
Pig iron	46,000	20.535	$12.50	$256.69
Nickel scrap	74,000	33.035	30.00	991.05
Nickel oxide	1,240	.554	560.00	310.24
Ferro-manganese	1,950	.870	49.00	42.63
Manganese ore	300	.134	3.50	.47
Total	123,490	55.128		1,601.08
Coke	270	1.20	2.50	.30
Limestone	9,000	4.013	1.15	4.61
Total	132,760	59.261		1,605.99

PRODUCT.

36.3 tons of nickel scrap, at $15	$544.50
1.7 tons pit scrap, at $8	13.60
Total	558.10
15 tons value	1,047.89
Value per ton	69.86

2.

Preparing charge.

8 laborers 1 hour, at 14.3 cents	$1.14
1 weigher 1 hour, at 20 cents	.20
1 charger, at 8.62 cents (55 tons)	4.74
1 crane man, handling scrap, 1 hour	.33
Total	6.41
Cost per ton	.43

3.

Cost of melting charge.

Gas burned per hour, 20,000 cubic feet, at 10 cents per 1,000 cubic feet, for each furnace, 9 hours to melt charge, two furnaces		$36.00
Foreman melter, $150 per month and commissions, amounting to $25; looks after 6 furnaces		1.00
1 first helper, per 100 tons	$12.93	
1 second helper, per 100 tons	10.93	
1 bosspitman, per 100 tons	12.93	
1 ladleman, per 100 tons	12.93	
1 pitman, per 100 tons	8.62	
Total (55¼ tons)	58.36	32.24
Total		69.24
Cost per ton		4.62

4.

Preparing and repairing ladles and preparing molds.

[After 13 or 14 charges (once a week), 2 masons, at $3.50 per day; 1 helper, at $1.32, 3 hours. (Two ladles.)]

2 masons, at $3.50 per day	$7.00	
1 helper, at $1.32	1.32	
Total	8.32	
	2	
	16.64	
8 hours, 3 days	4.99	
Material	5.00	
	10.00	
20 per cent use		$2.00
Preparing ladle		1.00
12 men, 2 days, preparing mold:		
10 molders, at $2.50 per day	25.00	
2 helpers, at $1.32 per day	2.64	
Total per day	27.64	
Two days		55.28
Material		20.00
Setting up, 5 men, 1 crane, 2 hours		5.00
Stripping, 2 men 1 day with crane		5.00
Transfers		5.00
Total		93.28
Cost per ton		6.20

5.

Forging—Ingot heating for forging, reforging, and shearing.

	Hours.	
Forging	60	
Reforging	20	
Shearing	10	
Bending	10	
Total	100	
6,000 cubic feet gas per hour, at 10 cents per 1,000 cubic feet ... per ton		$4
Men employed, average per year:		
2 foremen, at $125 per month	$3,000	
1 foreman large press, at $150	1,800	
2 press drivers, at $70	1,680	
2 foremen of gang, at $66	1,584	
16 helpers, at $60	11,520	
1 engineer of large press, at $100	1,200	
7 heaters, at $110	9,240	
4 cranemen, at $56	2,688	
1 millwright, at $63	756	
2 foremen small press, at $75	1,800	
8 helpers, at $50	4,800	
2 engineers, at $66	1,584	
Total	41,652	

Average output per year 2,766 tons.

Cost per ton	15
Total	19

6.

Carburization.

Average time in furnace, 630 hours, 6,000 cubic feet per hour, at 10 cents per 1,000			$378.00
1 ton carbon			30.00
5 masons, at 35 cents; two helpers, at 13.3 cents:			
Building up ... hours	8		
Closing furnace ... do	4		
Filling gap ... do	1		
Total ... do	13		26.20
4 men preparing bed, 5 hours, at 16.5 cents			3.30
Total			437.50
Cost per ton			29.16
4 heaters, at $110 per month		$5,280	
12 men in shifting gang, at $45		6,480	
1 foreman		900	
Yearly wages		12,660	
Cost per ton			4.54
Total			33.70

7.

Water tempering.

2 bags of salt	$5.00
1 ton of ice	10.00
Water	10.00
Incidentals	5.00
Gas, 5 hours, at 60 cents	3.00
Total	33.00
Cost per ton	2.20

No allowance for handling plate. Regular men, as allowed for in reforging, etc., perform this work.

8.

Chipping and scaling ingot.

Chipping ingot, 4 men, 2 days, at $1.43	$11.44
Scaling for carburization, 4 men, 1 day, at $1.43	5.72
Scaling for reforging, 4 men, 2 days, at $1.43	11.44
Scaling for shipping, 2 men, 1 day, at $1.43	2.86
Total	31.46
Cost per ton	2.10

9.

Power.

30 tons coal per day, at $1	$30.00
12 firemen, at $2.50	30.00
12 coal heavers, at $1.50	18.00
2 water tenders, at $1.70	3.40
Water	10.00
Total	91.40
Cost per ton	10.34

10.

Machining.

Results given below are judged from conversation regarding the cost of machining and the highest estimate taken.

	Per ton.
Oregon side armor (32¼), $855	$26.50
Iowa barbette (30), $319 to $750	25.00
Iowa casemate (6¼), $446 to $600	92.30
Oregon barbette (42½), $462 to $860	20.03
Olympia turret (22½), $409 to $550	24.44
Total	188.27
Average	37.65

11.

Allowance for carburization.

		Cents.
Plates up to 5 inches in thickness	per pound	4½
Plates up to 8 inches in thickness	do	3¼
Plates above 8 inches in thickness	do	2½
Average allowance		3 5/12
Average per ton		$76.53

This to be deducted from the price of armor under contracts previous to June 1, 1896.

12.

Salaries and office expenses not included heretofore.

Assistant to president (assumed)	$6,000.00
Superintendent	2,500.00
Clerk for assistant to president	1,[illegible]
Stenographer, same	[illegible]
Bookkeeper, same	1,[illegible]00
Stenographer for superintendent	1,[illegible] 00
3 messengers, at $20 per month	[illegible]
4 draftsmen, at $100, $75, $75, $70	3,[illegible]
1 foreman of shop	1,[illegible] 00
2 assistant foremen, at $125 per month	3,[illegible] 00
2 draftsmen helpers, at $50 per month	1,[illegible] 00
1 clerk for press shop	[illegible] 00
1 shipping clerk	[illegible].00
Washington agent (not sure)	[illegible],000.00
President, purchasing agent, treasurer (proportionate part of salaries)	6,000.00
Stationery	600.00
Total	36,830.00
Per ton (2,766 per year output)	13.31

13.

Value of plant.

1 Harvey building	$40,000	2 grinders	$2,000
7 Harvey furnaces	70,000	4 bolt machines	10,000
1 heating furnace	5,000	1 engine and accessories	50,000
1 water-tempering outfit	15,000	1 small planer	1,000
1 oil tank, oil, pipes	15,000	1 tool room, 7 tools	20,000
1 press shop building	100,000	1 carpenter shop	4,000
9 heating furnaces	45,000	1 drill	2,000
1 small press and engine	100,000	2 small engines	4,000
1 large press and engine	600,000	3 open-hearth furnaces	105,000
1 machine-shop building	150,000	1 transfer car	10,000
1 milling machine	5,000	6 cranes, tracks	240,000
1 turret machine	25,000	1 electric charger, track	30,000
1 drilling machine	3,000	2 small engines	6,000
2 saws	15,000	1 shifting engine	10,000
2 small planers	10,000	1 power house, etc	75,000
1 milling machine	2,000	1 pumping station, etc	75,000
4 planers	100,000	1 electric plant	75,000
2 drilling machines	50,000	1 office and laboratory	2,000
1 drilling machine	10,000	Land	[illegible]
1 scales, car, track	1,000	Stock on hand	[illegible]
2 drills	4,000		
4 cutting-off machines	120,000	Estimated value of plant	2,970,000
2 drilling machines	10,000		

Amendments to Ensign McVay's report of August 4, 1896, with corrections of items.

[Corrections marked *.]

1. Value charge	*$48.45
2. Preparing charge	.43
3. Melting charge	4.62
4. Preparing ladles, molds, etc	6.20
5. Forging, reforging, bending	*18.57
6. Carburizing	*21.80
7. Tempering	*3.90
8. Chipping, scaling	2.10
9. Power	10.34
10. Machining	*20.57
11. Salaries	13.31
12. Testing, transfers	5.00
	157.29
Rejection and accidents, 10 per cent	15.73
Deterioration, sinking fund, 10 per cent, 3,000 tons per year	100.00
Dividend on $3,000,000, at 6 per cent, 3,000 tons per year	60.00
	333.02

CORRECTION TO 1—VALUE CHARGE.

In preparing charges for group 1 material was used as follows:

	Tons.	Price.	Value.
Pig iron	585.3	$12.50	$7,316.25
Nickel scrap	782.2	15.00	11,733.00
Silico spiegel	5.4	38.00	205.20
Ferro-manganese	15.0	48.50	727.50
Iron ore	11.0	3.50	38.50
Coke	20.8	2.50	52.00
Limestone	70.1	1.15	80.62
Nickel	25.1	....	....
	1,514.9	....	20,153.07
Product:			
Pit scrap	28.9	13.60	387.60
Loss	63.4		
Plates	416.0		
Total	508.3		
Charged	1,514.9		
Nickel scrap	1,006.6		
Value 416 tons plate	....	....	20,153.07
Per ton	....	....	48.45

Company claims scrap costs as much as it is worth to cut it up, and this is allowed.

CORRECTION TO 5—FORGING, REFORGING, BENDING.

Total number of hours group 1 was heated for forging and reforging, 1,923, at 60 cents	$1,153.80
Per ton	2.77
Wages	15.00
	17.77
Bending, 549 hours, at 60 cents ($329.40 per ton)	.80
Total	18.57

CORRECTION TO 6—CARBURIZING.

Total number of hours group 1, heating for carburizing, 10,662 hours, at 60 cents	$6,397.20
Per ton	15.38
Wages	4.22
Carbon	2.20
Repairing furnaces	2.00
Total	23.80

CORRECTION TO 7—TEMPERING.

Total number of hours group 1 heated for tempering, 399 hours, at 60 cents	$239.40
Per ton	.58
Salt	.70
Ice	1.00
Water	1.00
Incidentals	.62
	3.90

CORRECTION TO 10—MACHINING.

Total number of hours group 1 on machines.

No. 1 planer, 768, at 47.25 cents	$362.88
No. 2 planer, 836, at 45.08 cents	376.62
No. 3 planer, 1091, at 45.08 cents	491.50
No. 4 planer, 731, at 47.15 cents	345.40
No. 7 planer, 509, at 47.25 cents	240.50
No. 5 cut-off, 1474, at 54.05 cents	664.04
No. 6 cut-off, 1773, at 55.05 cents	796.74
No. 4 drill press, 904, at 42.8 cents	386.91
No. 5 drill press, 1681, at 42.8 cents	719.47
Rotary saw, [illegible], at 55.05 cents	418.51
No. 1 grinder, 446, at 55.05 cents	245.97
No. 2 grinder, 453, at 55.05 cents	$904.08
Turret machine, 89, at 47.25 cents	42.05
Test cutters, 576, at 24 cents	138.24
No. 1 drill press, 159, at 18 cents	28.62
416 tons	5,423.53
Extras for doors, etc., 8 tons	389.44
424 tons	5,812.97
Per ton	13.71
Harder plates double this	27.42
	41.13
Average	20.57

OFFICE OF INSPECTOR OF ORDNANCE,
HOMESTEAD STEEL WORKS,
Munhall, Pa., August 6, 1896.

SIR: I have the honor of submitting, in addition to the report on the cost of manufacture of armor, the following estimate on the reasonable price to pay for armor under future contracts. In my opinion, the price per ton should be $298.08.

This estimate is made from my own calculations, and I may find reasons for changing it after consultation with other inspectors and further investigation.

Very respectfully,
CHAS. B. McVAY, JR.,
Ensign, United States Navy, Ordnance Inspector.

CHIEF OF BUREAU OF ORDNANCE,
Navy Department, Washington, D. C.

From July 23, 1893, to the present time the Carnegie Company have delivered 7,260 tons of armor. There are still undelivered 41 tons, a total of 7,301 tons.

Omitting the profits made previous to July 23, 1893, and assuming the profit on oil-tempered and annealed plates to be the same as that on harveyed armor, and taking the value of the plant to be $3,000,000, we have the following calculations:

Profit from manufacture of 7,301 tons armor, at $260.79 per ton ($575—$314.21), which could go to pay for the plant, and is exclusive of allowance for dividends and deterioration	$1,904,027.79
Value of plant July 23, 1893	3,000,000.00
Present value of plant	1,095,972.21
Taking this new value of the plant, and proceeding on the same lines, we have the cost of armor per ton, harveyed	224.85
Deterioration of plant, 10 per cent (new value)	36.45
Dividend, 6 per cent on $3,000,000	59.86
Value per ton	321.16
Taking into consideration the present contract (June 1, 1896), the company will receive for the manufacture of 3,007 tons of armor	1,660,518.20
Cost of manufacture, at $321.16 per ton	965,728.12
Profit for sinking fund	694,790.08
Value of plant June 1, 1896	1,095,972.21
Value of plant on completion of present contract	401,182.13
Therefore, for further contracts—	
Cost of armor, harveyed, per ton	224.85
Deterioration of plant, 10 per cent (supposing 3,000 tons per year ordered)	13.37
Dividend, 6 per cent on $3,000,000	59.86
Value of armor for future contracts	298.08

EXHIBIT NO. 7.

The accompanying chart shows graphically the variations in prices from almost the inception of modern armor making, beginning with the compound armor furnished by Cammel for the turrets of the *Miantonomoh*.

It will be noted that the cost of armor supplied to foreign governments is in practically all cases less than that charged to the home Government. Comparison as to the relation between actual cost and profit of manufacture in different countries can be made only in a general way, many elements, such as the quality of the armor, difference in methods of manufacture, capacity of the plant, cost of labor and material, etc., being indeterminable.

With the development of harveyized or face-hardened armor, when the manufacture of such armor first became general there was a wide difference in prices. It is known that after the first Bethlehem contract with the Russian Government there was a meeting in Paris of representatives of nearly all, if not all, the armor makers of the world. Whether any definite arrangement was made as to the price to be paid for armor in the future is not known. It would seem, however, that some general arrangement was reached fixing the minmum price of nickel-steel face-hardened armor of superior quality at not less than about $520 per ton.

EXHIBIT NO. 8.

WASHINGTON, D. C., *December 4, 1896.*

SIR: In response to your oral questions, I have the honor to submit the following statement:

On my assuming the duties of inspector at the Bethlehem Iron Works in October, 1888, the establishment of the plant for the manufacture of gun forgings and armor under the contract with the Department of June, 1887, was in its earliest stages. One 12-ton open-hearth furnace was ready and a 25-ton furnace was nearly ready. One hydraulic forging press (23-inch cylinder) was ready, with its heating furnaces and cranes. Work was in progress on other and larger furnaces to be used for armor ingots, but was carried forward slowly, and the heavy hammer was not commenced.

Of the gun forging plant the most backward feature was the oil-tempering building and equipment, and the manufacture of ingots for gun forgings was not commenced until January, 1889.

In the meantime, however, the furnace and presses were employed in the manufacture of shafting for different naval ships under course of construction, the first made being that for the *Philadelphia*. This feature developed rapidly and was a source of considerable revenue at a time when the unfinished condition of the plant brought no returns for gun forgings and armor, especially armor. A weekly report of the progress of the work toward the establishment of the plant was sent to the Bureau of Ordnance.

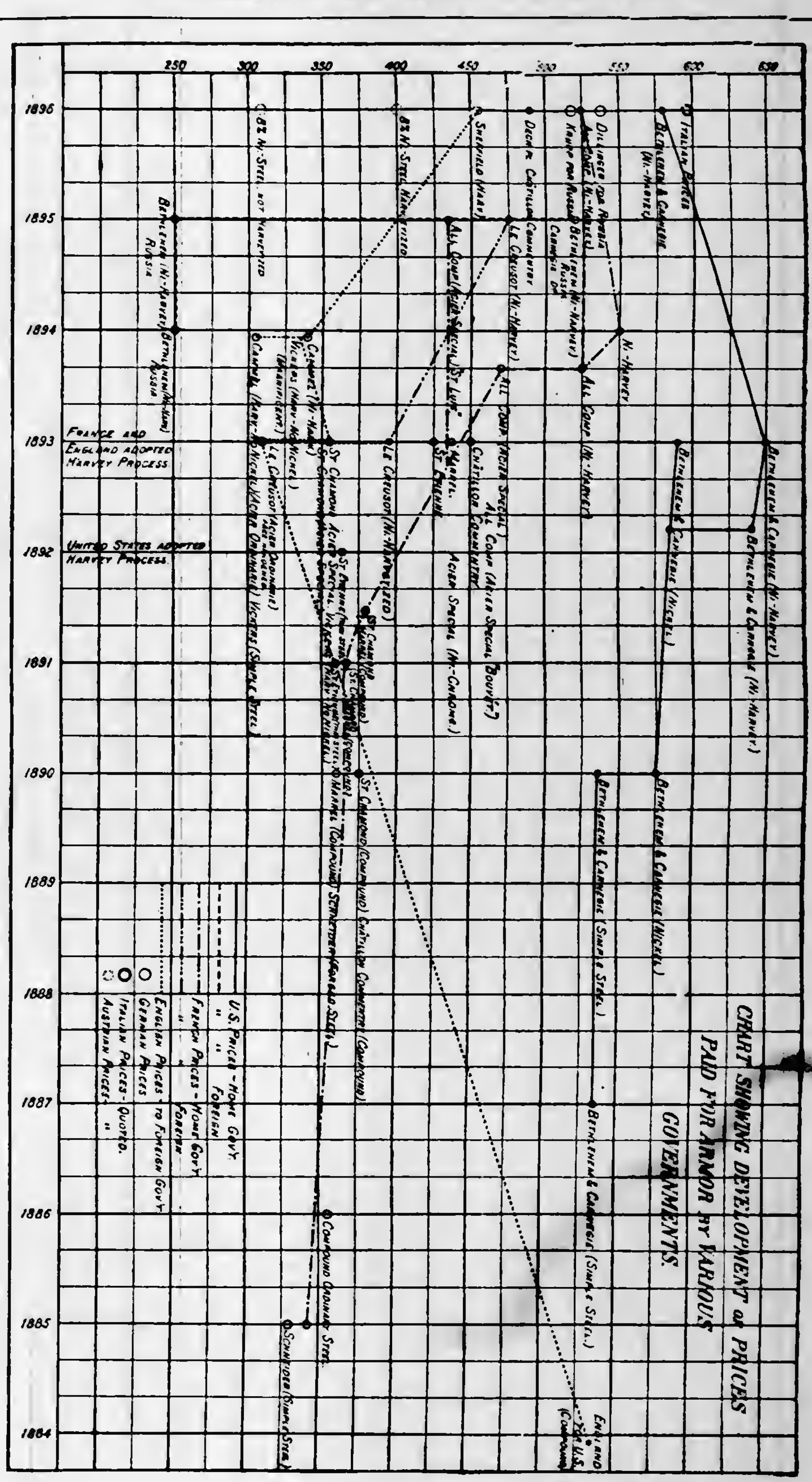

CHART SHOWING DEVELOPMENT OF PRICES PAID FOR ARMOR BY VARIOUS GOVERNMENTS.

In the years 1889, 1890, 1891, and 1892 the revenue from shafting for the different naval vessels was about as follows:

Name of ship.	Weight.	Approximate price.
Philadelphia	144,529	$40,468.12
Newark	104,453	29,246.84
Monterey	62,325	17,451.00
San Francisco	113,472	31,772.11
New York	212,487	59,496.36
Concord	45,146	12,640.88
Bennington	45,427	12,719.56
Maine	88,169	24,687.32
Raleigh	a87,050.50	26,998.44
Cincinnati	a87,050.50	26,998.45
Columbia	251,466	73,770.48
Oregon	127,000	35,560.00
Indiana	b126,970	35,551.60
Minneapolis	270,180	75,650.40
Massachusetts	128,751	36,050.28
Katahdin	51,519	14,425.32
Olympia	159,392	44,629.76
Marblehead	51,172	14,328.16
Total	2,168,577	612,445.13

a The contract price for the finished shafting for the *Raleigh* and *Cincinnati* was 31 cents per pound. The prices of the shafting ordered by the ship contractors have been calculated on a basis of 28 cents per pound.

b The weight of the *Oregon's* shafting is taken as approximately that of the *Indiana* and *Massachusetts*.

In addition to the foregoing, a number of large forgings were made for the Calumet and Hecla Company for heavy pumps.

Shortly after the manufacture of shafting and gun forgings had been well established, there developed a considerable market for open-hearth billets, which gradually assumed such proportions that the 12-ton furnace was largely used for commercial product.

In the Bessemer department the manufacture of rails was not continuous, as the low price of rails did not warrant it, but there was a steady product in Bessemer billets, and this department of the works was almost in constant operation.

During 1889 the product of gun forgings under contracts for both the Navy and War Departments and shafting for new naval ships was well established and returns were steady. The capital stock of the company was increased considerably. The earnings of the company were largely used in increasing the plant. The gradual expansion was carried on by the company, and comparatively a small proportion of the cost was incurred outside.

Respectfully,

K. NILES, *Lieutenant, U. S. N.*

The SECRETARY OF THE NAVY.

EXHIBIT No. 9.

THE CARNEGIE STEEL COMPANY, LIMITED,
Pittsburg, Pa., June 23, 1896.

DEAR SIR: I make it my first duty upon my return to work to answer your letter of the 13th instant.

The duty imposed upon you by the resolution of Congress is indeed not only a delicate one, as you characterize it, but one of extraordinary difficulty, because after all our experience in the fabrication of armor, giving to the business the best intelligence we can command, we are still unable to compute its cost to us; and when we consider the enormous cost of plant, the limited production, the frequent modifications of machinery, processes, and requirements, the uncertainty of continuous business, and the certainty of interest and depreciation, whether the plant is in operation or idle, we are at a loss to find that basis for figuring costs that obtain in ordinary manufacturing.

Furthermore, in respect to so unusual a matter as this request to open the records of a private business, I could not, consistently with my understanding of the limitations upon my powers, comply without the express authority of my associates. The absence of several of these in Europe will necessarily delay a full meeting for several months. As Congress has wisely given you until January to report, I hope the delay will be no inconvenience to you.

In the meanwhile, I am more than anxious that you visit our plant for the purpose of forming your own independent judgment upon the question. It will be our pleasure to assist you in any way that will not commit us to an express or implied acquiescence in the conclusions you may reach.

Yours, very respectfully,

JNO. G. A. LEISHMAN, *President.*

Hon. H. A. HERBERT,
Secretary of Navy, Washington, D. C.

EXHIBIT No. 10.

The subjoined table furnishes the comparison between the prices paid by the Governments of England, France, and the United States for gun forgings. The prices paid in each country are compared with forgings of about the same size furnished to the other Governments. In England the forgings are furnished to the Government rough bored and turned, and without any treatment. After the forgings are received they are oil tempered and annealed. To determine the quality of the material in the forgings it has been customary to take a specimen from the forging, oil temper and anneal it, and then subject it to test, and it is assumed that the qualities shown by this specimen, separately oil tempered and annealed, fairly represents the constitution of the forging from which it was taken.

The fact that the English manufacturer is not required to treat the material which he furnishes to the Government greatly lessens the cost of manufacture; first, because the oil-tempering and annealing plants are not required to be furnished by the manufacturer; second, because the process of oil tempering and annealing has frequently to be repeated many times before the desired characteristics are obtained in the forging; third, because the manufacturer in furnishing the forgings is not required to turn or bore them so near finished dimensions as is required in this country, and much less near the finished dimensions than is required in France.

In both France and the United States the manufacturer is required to rough turn and bore the forging very close to finished dimensions, so that the quantity of metal paid for in a given forging is less in both France and the United States than in England. In France and the United States the manufacturer is required to oil temper and anneal the forgings, which must show the physical characteristics required in the specifications. All tests, as well as all treatment, are made at the expense of the manufacturer, while in England these expenses are borne entirely by the Government.

Comparative cost, per ton, gun forgings.

	English.	French.	American.
12-inch:			
A tube	$343.68	$772.80 to $960.96	$533.13
Inner tube	398.10		533.13
B tube	339.76		533.13
Jacket	309.71		533.13
C hoop	301.00		533.13
6-inch R. F.:			
A tube	216.60	$703.36 to $808.64	582.40
B tube	283.88		582.40
Do.	295.21		582.40
Jacket	251.53		582.40
B hoop	291.90		582.40
12-pounder R. F. (12 cwt.):			
A tube	264.92	....	....
Jacket	275.76	....	....
B tube	284.17	....	....
C hoop	556.00	....	....
12-pounder (6 cwt.):			
A tube	336.88	....	716.80
Jacket	306.81	....	....

EXHIBIT No. 11.

NAVY DEPARTMENT, *Washington, December 7, 1896.*

SIR: In the matter of the price of armor, I am considering among other things the returns made by your company to the auditor-general of Pennsylvania for the years 1889 to 1896, inclusive. Inasmuch as I have before me this evidence from your books, it has occurred to me that, although you have heretofore declined to produce evidence, you might desire now to offer other testimony from the same or other sources. If you wish to do so, I shall be glad to have it at once. I propose to complete this investigation during the present week and to make my report to Congress during the early part of next week.

Very respectfully,

H. A. HERBERT, *Secretary.*

ROBERT P. LINDERMAN, Esq.,
President Bethlehem Iron Company, South Bethlehem, Pa.

54TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT 151, Part 2.

COST AND PRICE OF ARMOR.

LETTER FROM THE SECRETARY OF THE NAVY, FORWARDING A SUPPLEMENTARY REPORT IN THE MATTER OF COST AND PRICE OF ARMOR AND TRANSMITTING THEREWITH CERTAIN LETTERS.

JANUARY 25, 1897.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, January 23, 1897.

To the Senate and House of Representatives of the United States in Congress assembled:

I respectfully forward this as a supplementary report in the matter of the cost and price of armor, calling especial attention to the letters marked A and B, and the report of Prof. Philip R. Alger and Mr. A. S. Dunham, marked C.

It will be seen that Mr. Leishman, president of the Carnegie Steel Company, Limited, wrote, taking exception to certain comments made by me in said report upon the cost and price of armor upon the statements of that company as to the cost of its plant, and requested that I would send an officer to examine the company's books, in so far as they related to the cost of the plant. I replied to these comments, as the correspondence shows, and accepting the invitation extended by the company, sent Prof. P. R. Alger, U. S. N., and Mr. A. S. Dunham, an expert accountant, to Pittsburg to examine the books of the company. The results of such examination are embodied in their report, marked C.

It will be seen that these two gentlemen, who are competent and trustworthy, find from an inspection of the books of the Carnegie Steel Company, Limited, that the amount of the investment of that company in plant is over $3,000,000, the amount given by the company and commented upon in my report. The result of this investigation is gratifying, in that it sustains the conclusions at which I arrived in the report, namely, that the estimate made therein should proceed upon the theory that the cost of the plant of the Carnegie Company, Limited, was $3,000,000, as stated by the company.

It will be observed that the proffer of the Carnegie Company to exhibit its books was limited to the question of the cost of the plant.

I have the honor to be, very respectfully,

H. A. HERBERT, *Secretary.*

THE CARNEGIE STEEL COMPANY, LIMITED,
Pittsburg, Pa., January 16, 1897.

MY DEAR SIR: In the reading of your report to our board this morning, we were greatly surprised at the following on page 16:

> It seems to be very plain that no assistance in arriving at a correct conclusion in the premises can be derived from either of these letters, unless it shall be concluded that the cost of the plant is in the one case $4,000,000 and in the other $3,000,000, as insisted upon.
>
> The amounts of these investments, as has heretofore been stated, is most material, and I have diligently sought to secure evidence that would enable me to estimate them correctly. In discussing the weight to be given to the statements made by the companies, consideration is to be given to the following facts:
>
> 1. These companies are testifying in their own interests.
> 2. They are in possession of evidence which would, if produced, satisfy Congress of the correctness of their statements. They have been requested to produce this evidence, and they refuse to do it.
>
> The general ground upon which these companies refuse to show their books, or to explain otherwise the costs to them of the manufacture of armor, is that this would be to expose their business secrets to their competitors. It would appear that they might give evidence as to the value of their plants without exposing their business methods. Certainly the prices of such portions of these plants as were purchased might be proven by vouchers and details of the items constituting the remainder might be set forth, so as to enable Congress to see what had been included and to form for itself some opinion. It is not easy to see how this would be giving away business secrets. Nevertheless, all important as is the question of the cost of these plants, we have on that subject only a bare statement by each of these companies, neither of them going into any particulars or giving any such explanations as are usually required in courts and before committees when facts are to be established.
>
> These statements, while both of them mentioning items which are not included in the sums mentioned, do not either of them specify what items are comprised in the cost of their plants. Both of these plants are connected with steel mills and the armor and steel plants are necessarily to some extent interdependent. If the figures in the books of these companies, when making up amounts chargeable to armor plant, proceed upon bases as incorrect as the methods suggested in each of these letters for calculating the cost of armor, and this would seem to be a reasonable presumption, then the statements as to the cost of these plants are to be taken with many grains of allowance.
>
> It is also to be noted that if the plants of these two companies cost $3,000,000 and $4,000,000 each, proof of these figures in such manner as to satisfy Congress and the public would have a wholesome effect upon business competitors in deterring them from entering into competition in the manufacture of armor.

We confess that it did not occur to us that any statement of facts presented by us would not pass undoubted. We hasten to inform you that we shall be only too glad to expose our books to any agent of the Department you may please to send, or to furnish vouchers for payments made, and, in short, give you everything connected with the cost of the plant, which we have stated to be fully $3,000,000.

We never understood that details of this were desired. We assumed, of course, that our statements would be satisfactory; but since these have been viewed with suspicion, and your report as to the cost of armor, chiefly based on the cost of the plant, we have now to demand at your hands a prompt investigation of our books, so far as these relate to the cost of the plant.

We ask the favor at your hands of an immediate reply. Naturally we can not rest for a day under the implication you seem to make, that we have not told the truth.

You will add to the favor if you will kindly telegraph us tomorrow morning, acknowledging the receipt of this letter.

Always, sir, your obedient servants,

THE CARNEGIE STEEL COMPANY, LIMITED,
JOHN G. A. LEISHMAN, *President.*

Hon. H. A. HERBERT,
Secretary of the Navy, Washington, D. C.

NAVY DEPARTMENT,
Washington, D. C., January 18, 1897.

SIR: I am in receipt this morning of yours of the 16th instant, in which you express great surprise at a portion of my report on the cost and price of armor, which you quote from pages 16 and 17. You seem to have misinterpreted the purport of the language cited. So far as you quote, the report was simply such a comment upon your statement as it is usual for a lawyer or a judge to make who is analyzing and discussing the weight of evidence.

As I understand it, a Government official, charged by law with the duty of investigating questions which involve millions of dollars, is not properly chargeable with want of courtesy because he fails to take a bare statement by a company whose affairs are under investigation as absolutely correct when such statement is not only unaccompanied by vouchers but is absolutely wanting in all such details as would enable the investigating official to decide for himself upon its correctness. In the comments objected to by you I say:

> These statements, while both of them mention items which are not included in the sums mentioned, do not either of them specify what items are comprised in the cost of their plants.

If I had taken such a statement as being absolutely correct, without even pointing out the fact to Congress that details had not been given and without calling attention to other evidence in my possession on the same point, Congress would undoubtedly have considered that my investigation as to that point was exceedingly perfunctory. My comments were, I insist, just such as would have been made by any court in the land discussing the evidence of yourself or any other credible and reputable witness, and they were legitimate, even if I had stopped with what you quote, but I did not. On page 19 I said:

> I shall not, however, insist upon these figures in the calculations to be submitted, but will present tables in which the basis shall be the *cost of the plants as given in the letters of the two companies, as, after all, I prefer to rely on these figures.* I do not mean even to cast a doubt upon them. I take it that they came from the books of the companies. I have submitted and commented on proofs as to the cost of erecting a plant, as showing that one could now be erected for about $1,500,000, and these figures will serve as a guide for Congress in deciding whether to erect a plant, and also as a basis in calculating on future contracts.

The words above underscored were printed in italics in the report.

Again, on page 35, I say, speaking of your company:

> As to the cost of the plant, I have taken, in the table most relied on, the figures given by the company itself—to wit, $3,000,000—although the testimony hereinbefore commented upon is very persuasive to show that this is a large estimate.

Then, in the table "most relied on," on page 36, the calculation is made upon the plant estimated at $3,000,000, the figures given by you. I can not understand how you could ask more, nor can I see how I could be expected to discard entirely estimates I had procured, or how I could have said less about them or have treated them otherwise than as I did. I assuredly did not mean to be unfair or discourteous.

I shall accept your invitation and send an officer and an accountant to examine your books and vouchers, as requested. Congress will undoubtedly be glad, as I shall be, to have the items in detail which make up the sum total of the amount you expended for plant; and if, when these figures come in, it shall appear that all the items which in your opinion go to make up the round sum of $3,000,000 are also in the opinion of Congress properly to be included in the estimate, the result will be to fully vindicate you in making and me in relying upon your statement.

I shall have a naval officer to report to you for the purposes indicated on Wednesday morning next at your office in Pittsburg, say, at 10 o'clock.

Very respectfully,

H. A. HERBERT, *Secretary.*

JOHN G. A. LEISHMAN, Esq.,
President Carnegie Steel Company, Limited, Pittsburg, Pa.

WASHINGTON, D. C., *January 22, 1897.*

DEAR SIR: In compliance with your instructions of the 19th instant, we immediately proceeded to Pittsburg, Pa., and at 10 o'clock a. m. of Wednesday, the 20th instant, met the [illegible] the Carnegie Steel Company, Limited, at his office. At his suggestion we first visited the armor-plate works at Homestead, Pa., then returned to the office at Pittsburg and proceeded to make an examination of their account representing the cost of the armor plant.

We first examined into the manner of keeping their accounts, which we found to be very simple and easy to understand.

All expenditures, both for labor and material, are kept upon a large book of record, which shows each voucher, labor distribution, and storehouse report, the total of each entry, and the various accounts charged.

The record of all labor is kept by the timekeepers at the various works; from these records the distribution is made showing the various accounts upon which the labor was performed; these distribution sheets are then forwarded to the general office and entered upon the record referred to.

All material purchased for general use is charged to a storehouse account, and from the storehouse records of material used are made the charges to the various accounts of such material as may be taken from stock; these are compiled and returned monthly to the general office and entered upon the record referred to.

All material purchased for a specific purpose is charged upon the record referred to direct from the pay voucher. This record is balanced each month and the footings drawn off upon a balance sheet. From these balance sheets we compiled the figures as shown in Exhibit A, filed herewith and made a part of this report. We tested all the footings of charge to armor-plant cost upon these records and balance sheets and found them to be correct and as stated. From this record book we selected all vouchers of large amount and aggregating $1,861,865, or more than one-half the total amount charged to cost of armor plant. These vouchers we examined and found correct and proper charges against cost of armor plant.

Our conclusions are that the amount stated upon their books, $2,576,019.77, as being the cost of their armor plant, is correct and proper.

We also file herewith as a part of this report Exhibit B, which is a statement made by them of items aggregating $800,000 that they contributed to the plant and for which no charge has been made in their account of cost of the plant, all of which in our judgment are items of expense that would be necessarily incurred in the construction of such a plant. The cost of land named in this statement we think is a fair figure, taking into consideration the cost of the entire tract purchased and the portion of same that is occupied by the plant.

Their method of dealing with the cost of armor plant has evidently been, and in fact was so stated by them, to charge nothing to its cost except such as was to be, or could only be, used for that purpose alone. The land and all but the latter two items in Exhibit B can, even in the event of abandonment of the armor plant, be utilized in other ways to a certain extent; therefore no direct charge was made to that plant.

The item of superintendence was drawn from their regular staff; therefore there was no direct expense to them on this account. Interest, they state, is never considered by them in the cost of erecting their plants or extensions thereof. Nevertheless, to any one contracting to erect such a plant all of these items would be a direct expense, and would therefore constitute a part of the cost.

We would therefore estimate as the cost of the Carnegie plant, if located and built under other conditions than those surrounding the plant built by them:

Cost, as per Exhibit A	$2,576,019.77
Extras, as per Exhibit B	800,000.00
Total cost	3,376,000.00

In conclusion, we wish to say that every facility was afforded us for a full, free examination of this account.

Respectfully submitted.

PHILIP R. ALGER.
A. S. DUNHAM.

Hon. H. A. HERBERT,
Secretary of the Navy, Washington, D. C.

EXHIBIT A.

Statement of amount expended in construction of armor-plate department at Homestead Steel Works, as shown by books of the Carnegie Steel Company, Limited.

Reconstruction 32-inch armor mill		$78,414.33
Machine shop:		
Buildings and foundations	$153,337.46	
Machinery foundations	29,776.08	
Engines and boilers	46,171.40	
Hydraulic machinery	1,122.90	
Cranes	28,135.25	
Planers, slotters, and presses	349,919.10	
Tools	49,842.96	
Tracks	6,511.05	
Shafting, hangers, etc	10,184.30	
Sewer connections	614.37	
Total		676,614.94
Press shop:		
Buildings and foundations	211,111.51	
Machinery foundations	26,334.78	
Engines and boilers	87,610.16	
Hydraulic machinery	87,414.43	
Cranes	92,040.77	
Forging presses	570,869.77	
Tools	48,396.74	
Tracks	11,737.59	
Heating furnaces	207,514.67	
Sewer connections	6,452.52	
Tempering tank	23,882.10	
Gas-house connections	5,412.61	
Locomotives	4,707.65	
Total		1,357,294.27
Tempering, annealing, and harveyizing shop:		
Buildings and foundations	58,673.63	
Hydraulic machinery	9,840.68	
Cranes	25,141.94	
Furnaces	132,138.65	
Oil tanks	11,851.44	
Tools	2,974.70	
Tracks	2,744.19	
Sewer connections	1,060.30	
Gas house connections	6,868.45	
Locomotives	1.37	
Engines and boilers	7,556.41	
Total		259,743.25
Total armor-plate department		2,372,066.79
Foundry:		
Buildings and foundations	21,444.66	
Cranes	9,768.90	
Drying ovens	3,356.07	
Tools	411.36	
Total		34,982.99
Armor bolt and nut shop		6,341.19
Open-hearth furnaces, plant No. 2:		
Changes to cast and handle large armor ingots, including large casting pit—		
Grading and filling	779.24	
Buildings and foundations	55,867.69	
Tools	603.03	
Tracks	1,653.59	
Casting pits	31,536.84	
Electric traveling cranes	54,268.99	
Ladle cars	5,956.55	
Electric mains and feeders	567.55	
Total		153,253.48
Water line from reservoir to armor-plate department		9,375.32
Grand total		2,576,019.77

SUMMARY.

Armor-plate department	$2,372,066.79
Armor-plate foundry	34,982.99
Armor bolt and nut shop	6,341.19
Open-hearth furnaces, plant No. 2, casting pits	153,253.48
Water line from reservoir to armor-plate department	9,375.32
Total	2,576,019.77

Summary showing years in which money was expended account armor-plate department, as exhibited in detail in attached statements.

Armor-plate department:		
Expended during—		
1890	$30,181.84	
1891	755,908.43	
1892	189,971.51	
1893	979,377.93	
1894	417,506.06	
Total		$2,372,066.79
Foundry: Expended during 1893		34,982.99
Open-hearth furnaces, plant No. 2, casting pits:		
Expended during—		
1893	74,924.62	
1894	78,328.86	
Total		153,253.48
Armor bolt and nut shop: Expended during 1892		6,341.19
Water line from reservoir to armor-plate department: Expended during 1892		9,375.32
Grand total		2,576,019.77

EXHIBIT B.

Contributed; not charged as part of cost of armor-plate department. (Estimated.)

30 acres of land, at $8,000	$240,000.00
General tracks, engines, and cars	15,000.00
Electric light and power plant	50,000.00
Hydraulic and sewer system	25,000.00
Melting furnace for sinking heads	25,000.00
4 furnaces, excluding buildings, etc	210,000.00
Complement of flasks	35,000.00
Superintendence, engineering, drafting, etc., 5 per cent	125,000.00
Interest on investment while building, say six months' average	75,000.00
Total	800,000.00

54TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1453.

PRICES OF ARMOR FOR VESSELS OF THE NAVY.

FEBRUARY 11, 1897.—Ordered to be printed.

Mr. CHANDLER, from the Committee on Naval Affairs, submitted the following report.

The inquiry made by the Committee on Naval Affairs was ordered by a resolution agreed to December 31, 1895, as follows:

> *Resolved*, That the Committee on Naval Affairs be directed to inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also, whether any prices paid have been increased on account of patent processes used for the introduction of nickel, or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers of the Government were interested therein, or at the time when any contracts were made were, or have since been, interested in the patents or employed by the owners thereof, and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy.

The committee also had before them the bill (S. 1700) to provide for the erection of an armor-plate factory in the city of Washington, D. C., introduced on the 22d day of January, 1896, by Senator SMITH, of New Jersey.

The committee first met January 8, 1896, and decided to transmit a copy of the resolution of the Senate, with a memorandum making suggestions and putting specific questions, to the Secretary of the Navy. On January 18 the committee began the investigation by receiving a statement made in person by the Secretary of the Navy, Hon. Hilary A. Herbert.

Hon. Benjamin F. Tracy, the former Secretary of the Navy, having addressed a letter to the chairman of the committee, dated January 18, requesting that he be allowed to appear, he was heard on the 8th day of February, 1896. Testimony was taken from various sources and hearings were accorded to representatives of the Bethlehem Iron Company and of the Carnegie Steel Company on the following days: February 29, March 14, March 21, and April 7, 1896. Owing to the rapid progress of Congress in dispatching its business, it was found impossible to conclude the inquiry and make a written report prior to the close of the session, on the 11th of June, 1896. The testimony which had been taken was, however, printed, down to and including the last day of the hearing, April 7, 1896.

The only formal conclusion reached by the committee prior to the debate upon the annual naval appropriation bill for the year

ending June 30, 1897, was to propose for adoption upon that bill the following amendment:

> *And provided further*, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.—*Congressional Record*, April 27, 1896, page 4463.

After debate, the amendment was amended and agreed to, as follows:

> *And provided further*, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.

The amendment to the amendment was made on Senator GORMAN'S motion, and the whole was agreed to April 28, 1896 (CONGRESSIONAL RECORD, page 4511); it was then agreed to by the House and became a law.

During the discussion on the same appropriation bill in the Senate, the committee further decided to recommend an amendment concerning the prices of armor for the new battle ships authorized by that bill. The amendment was offered by Senator BACON, and agreed to, as follows:

> *And provided further*, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress.—*Record*, May 2, 1896, page 4731.

The House of Representatives nonconcurred in the amendment, and three conferences were had between the two Houses. The third committee of conference agreed upon and recommended an amendment increasing the limit of price from $350 to $425 per ton, and adding at the end of the clause as adopted by the Senate the following provision:

> That if the Secretary of the Navy in any case shall decide to make a contract for the completed ship, including armor, and the lowest bid shall exceed a fair estimated price, allowing for the finished armor said average of $425 per ton, he shall accept none of the bids, but shall report the same to Congress on the first day of its next session: *And provided further*, That the Secretary of the Navy shall examine into the actual cost of armor plate and the price for the same that should equitably be paid to contractors therefor, and shall report the result of his investigation to Congress not later than January 1, 1897.—*Record*, page 6186, June 6, 1896.

After lengthy debate in the Senate the report of the committee of conference was nonconcurred in, and a further conference requested (page 6195). The fourth conference committee agreed upon and reported an amendment striking out the whole amendment put upon the bill by the Senate in the first instance, and inserting what follows:

> *And provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897, and no contract for armor plate for the vessels authorized by this act shall be made till after such report is made to Congress for its action.—*Record*, page 6325, June 9, 1896.

The report was concurred in by both Houses, and the last provision as it reads above became a part of the law of June 10, 1896, applicable to the three new battle ships authorized by that act.

During the recess of Congress several members of the committee conferred with the Secretary of the Navy while he was engaged in his effort to determine what is a fair price for armor, under the clause directing him to do so contained in the naval appropriation act.

The Secretary proceeded with diligence, in this country and during a trip abroad, to obtain the information and make the calculations necessary to enable him to form a deliberate opinion, and on the 5th day of January, 1897, made a report to Congress embodying his conclusions. (House Document No. 151, Fifty-fourth Congress, second session; part 2, same document, January 25, 1897.)

A synopsis of this report of the Secretary will be found later in this report, under the head, "What is a fair price for armor?"

EMPLOYMENT OF NAVAL OFFICERS BY GOVERNMENT CONTRACTORS.

The inquiry whether officers of the Government were interested in patent processes used in connection with armor for vessels of the Navy "or employed by the owners thereof" led at once to the discovery that it was the custom of the Navy Department to allow not only officers on the retired list but also officers on the active list on leave of absence to enter into any private employment which they might anywhere obtain; and moreover, to permit them to enter into the employment of contractors doing various kinds of business with the United States. The outcome of the inquiry on this point was the recommendation by the committee, and the adoption by Congress in the naval appropriation act of June 10, 1896, of the clause hereinbefore recited, prohibiting any officer of the Navy from entering into the employment of any person or company furnishing naval supplies or war material to the Government. Secretary Herbert (pages 42 and 43) and ex-Secretary Tracy (page 167) testify that the practice existed.

The committee had no hesitancy in reaching the conclusion that the above custom was a bad one and should be discontinued under all ordinary conditions; and especially that the employment of naval officers by contractors having large dealings with the Government should be peremptorily prohibited by law. The discussion in the Senate on April 27 and 28, 1896 (pages 4463 to 4474 and pages 4502 to 4511), indicates clearly the objections to the practice.

No man can well serve two masters, and if contractors having large dealings with a Department of the Government can take into their employment, with no limit as to compensation, officials of that Department, and through them can learn the secrets and the purposes of the Department, and, moreover, insidiously influence its action, great injury may result to the public service. The fundamental principle upon which all legitimate business is transacted—that each side shall be represented solely by persons wholly devoted to its own interests—is viciously violated by a custom which allows one side to take into its pecuniary employment a representative of the other side.

An effort was made in the debate to draw a distinction between officers on the active list and officers on the retired list. The committee deny that any well-founded distinction exists which ought to influence the decision of the question. Retired officers of the Navy remain officers to all intents and purposes with an important exception. Section 1462 of the Revised Statutes provides that "no officer on the retired list of the Navy shall be employed on active duty except in time of war."

But notwithstanding this statute exempts retired officers from all obligation to render any service for the liberal retired pay which they receive for life, amounting usually to three-fourths of their active-duty pay, yet they remain a part of the Navy of the United States, available in any emergency of war. They are entitled to wear their uniforms on public occasions and are allowed free access to every bureau of the Navy Department, on the theory that they are still ready to serve the interests of the Government by fidelity, sound advice, and an earnest spirit of devotion to public duty. It is quite enough to allow such officers to enter into ordinary private employment for compensation. To permit them to takes sides against the Government and to enter into the employ of contractors having dealings with the Government reaching to millions of dollars will certainly, if the custom continues, become most pernicious and injurious to the public interests. Proclaim that such officers may be so employed by repealing the clause which has now become a law, and a bold and wealthy contractor, willing to spend enough money to take into his employ a sufficient number of naval officers on the active and retired list, would be able thoroughly to weaken the Department in its dealings with such contractor and to [illegible] Government at [illegible] in making bargains, which would be [illegible] into with the representatives of one side alone [illegible] all the negotiations.

It must be borne in mind that there is a large number of naval officers retired at a comparatively early age.

In another part of this report, concerning the connection of naval officers with patent processes used by the Government, the evils of such a mixing of functions as takes place when a naval officer enters into the employment of private companies doing business with the Navy Department becomes obvious. Undoubtedly in some cases officers have been rushed upon the retired list in order that they might take private employment. A striking case of this character has come to the attention of the committee.

On July 31, 1889, a naval officer certified that to the best of his knowledge and belief he was physically qualified to perform all his duties at sea in the grade of commander, and was free from all bodily ailments except a small inguinal hernia, which had not interfered with the performance of duty. On the same day the board of medical examiners certified that the officer was physically qualified to perform all his duties at sea, and recommended him for promotion; and he was so promoted to the grade of commander from March 31, 1889, and commissioned on August 6, 1889. On November 20, 1895, while he was naval attaché at the United States legation in Japan, he was examined by a board, which found him suffering from inguinal hernia and chronic intestinal catarrh of long standing, aggravated by more recent service; and on December 23, 1895, he was placed on the retired list, and immediately in Japan entered into the service of the Carnegie Steel Company on a salary of $6,000 per year. To this officer, however, the clause in the law of June 10, 1896, will apply, and the armor contractors will soon lose his valuable services unless he surrenders his position as a retired naval officer and becomes a civilian.

NAVAL OFFICERS INTERESTED IN PATENTS USED BY THE GOVERNMENT.

Nearly as objectionable as the practice of allowing naval officers to enter into the employment of contractors with the Navy Department is the custom of permitting such officers to become interested in patent processes used by the Government. There are undoubtedly arguments on both sides of this question. In favor of the officers it may be said that if they bring great inventive talent to the public service and succeed in making important discoveries beneficial to the Government, they ought to receive some recompense in addition to their ordinary pay, especially as by their inventions they may save the Government from the necessity of paying royalties to private parties for similar inventions. On the other hand, nothing is clearer than that not only as to naval officers entering private employment, but as to officers engaged in making inventions and taking out patents therefor, there is great danger of injury to the Government growing out of the tendency on the part of naval officers to reach out for the extra remuneration which comes to them in addition to their salaries, and arising from their desire to get rich by these means.

Not all the officers of the Navy can be allowed these opportunities for private employment and for making inventions while receiving the pay of the Government. How is the exercise of the privilege to be impartially regulated? Some officers would live all their lives rendering faithful service for their salaried compensation merely, while others would acquire fortunes from private employers and from inventions discovered and patented by them while drawing salaries from the Government. The extra stimulus of prize money from captures in war is allowed naval officers, but this is to induce bravery and enterprise in battle. No equivalent benefit is derived from allowing these opportunities of building up fortunes to naval officers in time of peace.

This subject is discussed by the naval Judge-Advocate-General in his report to the Secretary for the year 1895 (pages 16 and 17) and in his report for 1896 (pages 11 and 12); also by Secretary Herbert in his annual report of December, 1895 (pages 48 and 49). See the testimony accompanying this report (pages 48 and 49) and the rules of the British Government inclosed in a letter to the committee from Secretary Herbert, dated November 7, 1896, in which letter the Secretary recites his opinion that the right of naval officers to take out patents should be regulated and controlled by law. The conclusion reached by the committee is embodied in a proposition for the enactment of a law, a draft of which will be found on the closing page of this report.

The evil consequences likely to result from allowing naval officers to be interested in patents, or to be employed by the owners thereof, are well illustrated by the facts which appeared to the committee concerning Commander William M. Folger, late Chief of the Bureau of Ordnance, Navy Department, and his connection with what is known as the Harvey process for face hardening armor for naval vessels, and the various patents issued therefor.

THE HARVEY PATENT PROCESS AND COMMANDER FOLGER'S CONNECTION THEREWITH.

This officer entered the Navy September 20, 1861, thirty-five years ago. He has many times been in private employment. Beginning in 1874, he was employed by the Gatling Gun Company as their European agent for two years on a salary. He was employed by the Simonds Rolling Machine Company, of Fitchburg, Mass., in 1886, for about six months in London, his expenses being paid and an interest in the business being given to him in the shape of stock in the company and a percentage on the amounts received from the sales of the patents to an English company. The stock has been profitable, having paid regular dividends. He also became, in 1893, mechanical adviser, on a salary, for the American Projectile Company, of Lynn, Mass.

The original patent of Hayward A. Harvey, of June 10, 1888, in pursuance of an application of December 8, 1886, was for hardening steel by highly heating it in finely powdered charcoal for a considerable period of time, thereby imparting to steels of low grades the characteristic qualities of refined crucible steel, "whereby such steels are made capable of taking any prescribed temper and are adapted to be manufactured into machinists' tools, axes, knives, fine cutlery, or cutting or abrading instruments of any kind."

Efforts were made to sell steel thus treated to the Navy Department, and about $300 worth was so sold while Commander Folger was inspector of ordnance at the Washington Navy-Yard. The latter suggested to Mr. Harvey that his method of hardening steel might be applied to armor. (See testimony, page 355.) Mr. Harvey made a small plate 3 feet square and 4 inches in thickness, and treated it at Newark, N. J. He submitted it to Commander Folger, who became Chief of the Bureau of Ordnance in February, 1890. The latter ordered from the Creusot works in France a plate 6 feet by 8 feet by 10½ inches, and constructed at the Washington Navy-Yard a furnace for supercarburizing the plate, which was done under the direction of Mr. Harvey.

On April 1, 1891, Harvey applied for a patent for this process, and his claim was disallowed on several references, made in accordance with the law and practice of the Patent Office, and finally rejected by the primary examiner, Mr. Eugene A. Byrnes. The second rejection was made on June 11, 1891. On June 20, 1891, Secretary Tracy, on the recommendation of Commander Folger, requested the Commissioner of Patents to expedite the consideration of the case, and on June 22 the examiner again rejected the application on the following ground:

> It is held that there is no invention in adding to the carburizing process disclosed by Harvey and MacDonald the well-known step of hardening by chilling, employed by Sperry and Howell (page 209).

But on July 14, 1891, two examiners in chief, Messrs. R. L. B. Clarke and S. W. Stocking, on appeal from the primary examiner, allowed the patent, which was issued September 29, 1891. On May 30, 1893, Mr. Harvey was allowed a further patent for an improvement in compositions for supercarburizing steel during the subjection of the same to high temperatures, by mixing finely powdered wood charcoal with animal charcoal.

On March 21, 1892, Secretary Tracy made a contract with the Harvey Steel Company, which had acquired Mr. Harvey's patents, for treating by the Harvey process armor plate for use in the construction of certain ships. The Harvey Company were to be paid nine-tenths of 1 cent per pound of the finished plate as royalty. This contract was negotiated by Commander Folger as Chief of the Bureau of Ordnance and adopted on his recommendation. Later, contracts were made by Secretary Tracy with the Bethlehem Iron Company and the Carnegie Steel Company for applying the Harvey process to armor plates, at a cost on an average of about $50 per ton.

On March 12, 1893, Secretary Herbert made an additional contract with the Harvey Steel Company for a further use of the Harvey process, by which the earlier contract was annulled, and it was agreed that the Harvey Company should be paid $96,056.46 as royalty on armor plates used up to July 19, 1892, and a royalty of half a cent per pound upon any additional plates which might be used.

Before this contract was formally executed by Secretary Herbert Commander Folger had resigned as Chief of the Bureau of Ordnance and had become an employee of the Harvey Steel Company. He left the Department in January, 1893. He had previously had conference with Mr. Harvey in reference to going into his employment, but had declined to take such employment until shortly before he left the Department, January 1, 1893. He then went abroad, partly, as he said, on account of his health, which had become impaired, and acted as engineer of the Harvey Steel Company only until June, 1893, receiving therefor salary at the rate of $5,000 per year and $20,000 of stock in the Harvey Steel Company. The stock paid 20 per cent dividends from the receipts from the United States, and since then has paid two annual dividends of 5 per cent each, making 30 per cent in three years, and the stock is shown to be worth par.

Commander Folger stated to the committee that he resigned from the Department on account of ill health, and ex-Secretary Tracy stated to the committee that he believed Commander Folger's health was impaired, that he suffered from "insomnia and nervousness," and that he gave him leave of absence, knowing that he was about to enter the employ of the Harvey Company.

How thoroughly the Harvey process is fastened upon the business of making armor for the Government is shown by the letter of Secretary Herbert to the committee, dated February 29, 1896 (page 193 of the testimony), where he specifies the patent processes required by the Department to be applied to armor for the Navy. One of the three processes is the Harvey process, described as follows:

> The specifications require that the armor to be contracted for shall be face-hardened by a process called the Harvey process, which is patented. If this patent is good, the Department is pledged to pay a royalty of one-half cent per pound for all armor manufactured. The validity of the patent is now in question, and will probably soon be decided by the courts. If the patent is sustained, the Department will continue to pay the royalty; otherwise no further royalties will be paid.

Ex-Secretary Tracy has been employed by the Harvey Company to defend the patent for the process. The patents are now owned by the European syndicate formed by the various manufacturers of armor, who thus absorb to their own profit the royalties which foreign governments as well as our own are compelled to pay for the use of that process.

Attention is called to the fact appearing in the testimony (pages 88 to 121) that Mr. James R. Davies brought suit against the Harvey Company to recover for his services in securing the adoption of the Harvey process by the Navy Department. The case was tried by a jury in Brooklyn, N. Y., and ex-Secretary Tracy and Commander Folger testified that Mr. Davies had, to their knowledge, exercised no influence; yet the jury on November 13, 1895, found a verdict for Mr. Davies for $9,630, being 10 per cent upon the sum of $96,000, assumed to have been before that time paid by the Department to the Harvey Company for the use of the process, and upon the $300 worth of tool steel which had been sold to Commander Folger before he suggested to Mr. Harvey the application of his tool-steel process to naval armor; and this verdict has been paid by the Harvey Company.

COMMANDER FOLGER'S ACTION IN THE SEABURY-DASHIELL CONTROVERSY.

In striking contrast to the foregoing action of Commander Folger in suggesting to a private citizen, Mr. Harvey, the obtaining of a patent for the use of which the Government would be compelled to pay a large sum of money, is his action as stated in his testimony in the suit of Seabury *vs.* Dashiell, where, after Lieutenant Seabury had submitted to him a breech-closing mechanism, he promoted the invention of a similar device by Lieutenant Dashiell, for which the latter received a patent and is now paid $125 royalty on each gun on which it is used (page 413).

Commander Folger, as to the policy of encouraging the taking out of patents by naval officers, testified as follows:

> I have done that in one or two cases. There was the instance of Mr. Fletcher, when the Government saved, I believe, a half million dollars in the cost of the mounts used for rapid-fire guns. Mr. Maxim claimed to have a patent that covered everything which we had developed, and I had fortunately taken advantage of that clause in the Patent Office regulations which permits an officer to take out a patent free of expense. I had Mr. Fletcher's device protected, and when Mr. Maxim came to Washington and almost persuaded Secretary Tracy that he was entitled to remuneration, I was enabled to present Mr. Fletcher's patent and modify Secretary Tracy's impression as to the claim of other inventors. (Page 358.)

When testifying in the Seabury-Dashiell lawsuit, Commander Folger stated what he had done in the following language:

> Mr. Maxim, a great inventor, came to me and stated that we were using an invention of his, and he would make us pay $500 apiece for every one of them we used. I was quite convinced that he was wrong. I had suggested to one of my assistants, previous to this statement of Mr. Maxim's, that he take out a patent to protect the United States. This is a case where the patentee gives the United States the use of his device. By a curious set of circumstances, Mr. Maxim arrived at the Department and made claim on the Secretary of the Navy that we were using his device, and I was enabled, by the arrival that morning from the Patent Office of a notice to Mr. Fletcher, to meet his statement to the Secretary of the Navy and to present the paper, which cleared the atmosphere entirely. Mr. Maxim was knocked out of court, and never made any claim whatever after that time. We were making and have made hundreds of the Fletcher mechanisms precisely in the same way. (Page 359.)

Commander Folger also said:

> I tell you frankly, and it is only human, that I look upon the production of that officer with more sympathetic consideration than I do upon the production of an outsider and free lance, who comes in for the pelf alone, for mere money-making business, without having given any previous service, remembering all the time that the interests of the Government are guarded by the adoption of the better device. (Page 360.)

How Commander Folger, entertaining the foregoing views, which led him to "knock out" the projects of "Mr. Maxim, a great inventor," and the device of Lieutenant Seabury, could at the same time suggest and promote the patents of Mr. Harvey, "an outsider and free lance who comes in for the pelf alone, for mere money-making business," it is difficult to understand.

OTHER PATENT PROCESSES USED IN THE MANUFACTURE OF ARMOR.

The history of the Harvey patent above given leads to the consideration of the other patents which constitute a burden upon the business of making armor. The letter of the Navy Department to the committee, dated February 29, 1896 (on page 193 of the testimony), names three patents: First, the Harvey patent, already considered; second, the Corey patent; and third, the nickel-steel alloy patents. The statement of the letter as to the Corey process is as follows:

> The specifications also require that the armor shall be reforged or double forged, which is a process patented by Mr. Corey, of the Carnegie Steel Company. No royalty is to be charged the Department for the use of this process by either armor company.

THE COREY PATENT FOR THE REFORGING PROCESS.

The Corey patent is one granted June 25, 1895. The application was filed only twenty days previous, namely, on June 5, 1895, and was allowed the next day, June 6. It was issued to William Ellis Corey, assignor to the Carnegie Steel Company, Mr. Corey being an employee of that company. The patent was described to the committee by Mr. Charles C. Stauffer, examiner in the Patent Office (on page 219), as one for carburizing the face of metal previously treated for armor, where the body of the plate has been injured by the process of supercarburizing the face. The new process is that of reheating and subjecting the plate to extreme and forcible compression.

Then came questions and answers as follows:

> Senator CHANDLER. You may state now when the application was filed on which the patent was granted.
>
> Mr. STAUFFER. The application was filed June 5, 1895.
>
> Senator CHANDLER. State whether there had been any previous application by Mr. Corey.
>
> Mr. STAUFFER. None that I am aware of, and such are generally accessible to the public (page 220).
>
> * * * * * * *
>
> Senator CHANDLER. State now all the prior inventions or patents or claims for patents with which the application of Corey was compared. Were there any interferences of any sort?
>
> Mr. STAUFFER. There were no interferences and there was no appeal. I can not give the other inventions with which it was compared.
>
> Senator CHANDLER. You have no document here showing the other inventions?
>
> Mr. STAUFFER. That can be obtained from the files, but I have not a complete copy of the files.
>
> Senator CHANDLER. The record which you have hitherto examined does not show with what other inventions or claims for inventions it was compared?
>
> Mr. STAUFFER. No, sir.
>
> Senator CHANDLER. How can that be obtained?
>
> Mr. STAUFFER. It can be obtained merely by a request for it or by a request upon the Commissioner for a complete copy of the files.
>
> Senator CHANDLER. Then I will request you to furnish, with the permission of the Commissioner, a statement of all the patents, all the inventions, or all the claims for inventions with which the process disclosed in the application of W. E. Corey was compared. Let it be a concise historical statement.
>
> Mr. STAUFFER. Do you simply wish the references themselves, or do you want the data?
>
> Senator CHANDLER. I merely desire, in the first instance, a list of the claims or the supposed inventions with which, in the process of granting this patent, the Corey invention, or his supposed invention, was compared, so far as that can be ascertained.
>
> Mr. STAUFFER. Very well. It can be ascertained, of course.
>
> The statement referred to is as follows: United States, No. 89878, May 11, 1869, McDonald; United States, No. 442065, December 2, 1890, Low; United States, No. 518908, April 24, 1894, Ackerman; British, No. 3084, December 1, 1885, Dods; British, No. 3822, October 16, 1877, Browne. (Page 228.)

These statements of Mr. Stauffer seemed to the committee very strange, in view of the fact that by information already before them it appeared that as early as March 14, 1895, the Secretary of the Interior had been requested by Secretary Herbert to expedite the application of W. E. Corey for a patent on a method of manufacture of carbonized steel. The conviction that there was some mistake gaining ground in the minds of the committee, a letter, dated October 5, 1896, was written to the Commissioner of Patents, Hon. John S. Seymour, and a reply received from him, dated October 10, 1896, from which the following facts appeared:

On May 4, 1891, William H. Jaques applied for a patent on a process described as follows:

> The process described consists in first working a steel ingot to approximately the form desired by means of rolling, hammering, or, preferably, by heavy hydraulic pressure, then supercarburizing it, and thereafter, either with or without intermediate tempering, subjecting it to a second working at a temperature varying from 1,500° to 1,625° F. by either rolling, hammering, or hydraulic pressure, in order to bring it to its finished form and proportions, and to toughen it, after which the final step of tempering is carried out.

On March 6, 1895, William E. Corey made an application (No. 540755) for a patent on a process thus described:

> A steel ingot is rolled or forged to the desired shape, and supercarburized on one or more surfaces, as required; the article is then allowed to cool slowly in the supercarburizing furnace to a temperature of about 1,600° F. and not exceeding 2,000°, or it may be allowed to cool slowly to 100° F., to allow of tests being made as to degree of carburization, and then reheated to 1,600°. In either case the article, as an armor plate, is then subjected to great compression by means of a hydraulic press, which reduces the thickness, sometimes from 17 to 14 inches, without greatly increasing the length or breadth. The plate or other article is then annealed in the usual manner, machined to size, allowing for contraction in subsequent tempering, then tempered as usual, and ground or machined to size.

This application was abandoned April 11, 1895, in favor of [illegible] second application of Corey.

This second application, dated April 11, [illegible] described [illegible] uct and process comprised in the previous invention, but on May 17, 1895, was abandoned in favor of two succeeding applications of Corey.

His application No. 549696, dated May 17, 1895, described the invention claimed, as follows:

> For an article of manufacture, made by the process described in application No. 540755, and comprising an armor plate of steel, having an extremely hard surface, more highly carburized than the interior of the plate, the face and body being in a highly compressed and compact state, and considerably denser than similar plates which have been shaped or worked at the usual forging temperature.

His application No. 549697, dated May 17, 1895, was for the process described in No. 540755.

On May 22, 1895, there was a declaration of interference with the invention of William H. Jaques of May 4, 1891, above described. This interference, on motion of Corey, was dissolved June 6, 1895.

On the same day Corey abandoned his two applications of May 17, 1895, and filed a new one, No. 551704, describing the process and product as follows (page 220):

> My invention lies in a new method of treating steel plates, which consists broadly in heating the plate, while one of its surfaces is in contact with a carbonaceous material, to such a temperature that the surface portion becomes supercarbonized, while the body of the plate is converted into a coarse crystalline and more brittle condition, and then subjecting the plate to an extreme compression while at a temperature below 2,000° F., and without producing more than a slight elongation, this compression being substantially uniform throughout the area of the plate.
>
> It also consists in the product of said method.

No references were cited; the patent was allowed the next day, June 6, 1895; and on June 11, 1895, the Jaques application was rejected "on the ground that the claim as amended presented matter involving a departure from the original invention;" and there was no subsequent application by Mr. Jaques.

A very cursory reading of Mr. Corey's description in 1895 of the invention he claimed as his, and a comparison of it with Mr.

Jaques's description in 1891 of his invention will lead to a satisfactory answer to the question whether Mr. Corey's patent is valid. Mr. Jaques, in 1891 says: (1) Forge a steel ingot, preferably by hydraulic pressure, (2) supercarburize it, (3) subject it to a second working in a temperature from 1,200° to 1,832° F., and (4) give the final tempering. Mr. Corey in 1895 says: (1) A steel ingot is forged, (2) supercarburized, (3) cooled to a temperature between 1,600° and 2,000° F. and subjected to great compression by means of a hydraulic press, and (4) tempered as usual.

THE CREUSOT NICKEL-STEEL ALLOY PATENTS.

The third patent process, the use of which is required in manufacturing armor for the Navy Department, is mentioned in the Department's letter of February 29, 1896, as follows:

> The specifications require the use of nickel steel in the manufacture of the armor. The contract will require the manufacturer to furnish nickel-steel armor, and he will have to pay any royalties if the patent is a valid one.
>
> The Bethlehem Iron Company has obtained the right to manufacture nickel steel from the Creusot Company, who claim a patent upon the process. The Carnegie Steel Company is now contesting the validity of the patent in the courts.
>
> The patents referred to are: Decrementally hardened armor plate, No. 460262, dated September 29, 1891; steel armor plate and process of making same, No. 541594, dated June 25, 1895; process of manufacturing the alloys of steel and nickel, No. 415655, dated November 19, 1889. (Page 193.)

The committee has investigated the history of these Creusot nickel-steel patent processes. The use of nickel in making armor for the purpose of giving special hardness to the plates appears to have been first practically tested by Messrs. Henri Schneider & Co., of Creusot, France. Before Secretary Whitney made his contract with the Bethlehem Company for the manufacture of armor, dated June 1, 1887, at his suggestion that it would be advisable to secure by friendly arrangement and purchase the right to use European processes, the Bethlehem Company made a contract with Schneider & Co. for the use of all their inventions applicable to armor, including not only their existing processes, but any which might thereafter be invented. The Bethlehem Company agreed to pay Schneider & Co. a large portion of their profits in making armor, which gave to Schneider & Co. about $500,000.

In the Whitney contract, therefore, there was no exception made to the provision contained in the seventh paragraph, which required the Bethlehem Company to indemnify the United States "on account of the use of any patented invention, article, or appliance which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances or any part thereof under this contract" (page 13).

When, however, Secretary Tracy made his contract of November 20, 1890, with the Carnegie Company for 6,000 tons of armor, which contract provided for the use of nickel in the armor plate, the clause making the contractors indemnify the United States against demands on account of patented inventions contained an exception of patents for using nickel steel in armor plates, and the nickel-steel patents are specially provided for in the fourth clause of the contract, as follows: Secretary Tracy declines to recognize the claims of the patentees of the nickel-steel processes, or to pay the royalty demanded by them of 2 cents a pound upon finished armor plates. He therefore, for the protection of the Carnegie Company, agreed to pay the sum of 2 cents per pound, to be deposited, to await the result of litigation concerning the validity of the patents. In case the patents are invalid, the amount returns to the Government, less counsel fees and expenses. In case of amicable settlement, the remainder, after paying expenses, returns to the Government. In case of a final judgment in favor of the patentees, the fund is to be used to pay the judgment, costs, and expenses; and in case it is all required to pay the judgment, then the United States is to pay the expenses of the Carnegie Company, including reasonable attorney fees in the defense of the suits.

The effect of the difference between the Whitney contract and the Tracy contract is that the prices for armor paid by the United States to the Bethlehem Company covered all their payments to Schneider & Co. for their right to use the nickel-steel-alloy patents, while, in addition to the same prices paid to the Carnegie Company, the United States agreed to pay, if needed, a sum equal to 2 cents per pound with which to contest the validity of those patents or to pay the royalties for their use if they were sustained, and therefore the Carnegie contract was to this extent better for them than the contract with the Bethlehem Company.

It seems that Secretary Tracy had doubts of the novelty of the Schneider inventions, and a conviction that the royalty of 2 cents a pound was excessive. He therefore determined to test the patents by litigation, and since he left the Navy Department has acted as counsel for the Carnegie Company to defeat the patents in the litigation which is going on between them and Schneider & Co. in our courts. Messrs. Schneider & Co. earnestly complain, not merely because the Navy Department does not pay them a royalty on their patents, but because it virtually makes the Government a party to a suit to destroy their patents for all purposes whatsoever. Their views on this point are stated in a letter annexed to this report, signed by their counsel, Messrs. Pollok and Mauro, dated December 5, 1896.

SUMMARY AS TO PATENTS USED IN MAKING ARMOR.

A partial summary of the facts above recited as to the patent processes used in making armor shows a condition of affairs which must be considered exceedingly disadvantageous to the Government.

The Bethlehem Iron Company's armor plant was called into existence, and a contract for making the first armor was, after advertisement and competition, awarded to that company by Secretary Whitney. At his suggestion an amicable arrangement was made by the contractors with Schneider & Co., of Creusot, France, for the use of all their inventions, present and future.

At a later period, for one presumable purpose of having competition with the Bethlehem Company, Secretary Tracy made a contract, without advertisement or competition, with Messrs. Carnegie, Phipps & Co. for an equal amount of armor at the same prices as those of the Bethlehem Company, but with a provision that at the Government's expense the validity of the patents on the Schneider processes should be disputed.

At the end of several years' transactions under the Whitney and Tracy contracts, when Secretary Herbert was compelled to make additional armor contracts, he found the Bethlehem Iron Company and the Carnegie Company not in competition, but in combination with each other, and was obliged to pay such prices for armor as the combination chose to impose. He also found the process of armor making hampered by the necessity, which he recognized in his specifications, of using three patented inventions:

First. The Harvey process for face-hardening steel by using a hot blast driven through charcoal, the patent on which, as applied to armor, was suggested to Mr. Harvey by Commander Folger, of the Navy, the issue of which patent was expedited at the request of Secretary Tracy, and the ownership of which patent has passed into the hands of the combined armor makers of Europe by their acquisition of four-fifths of the stock in the Harvey Company, whose service Commander Folger entered when he resigned from his Bureau in the Navy Department.

Second. The Corey patent process for reheating and reforging armor plates which have once been treated, but in which there may be defects. Corey is an employee of the Carnegie Company, who first applied for the patent on March 6, 1895, and a request for its expedition was made on March 14, 1895, by Secretary Herbert. An application for a patent substantially describing the same invention had been made by William H. Jaques almost four years before, on May 4, 1891, but on June 5, 1895, the day before the patent to Corey was issued, Mr. Jaques's application was rejected. Secretary Herbert, in his letter of February 29, 1896, says: "The specifications also require that the armor shall be reforged or double forged, which is a process patented by Mr. Corey, of the Carnegie Steel Company."

Third. The above-named Schneider patent processes for compounding nickel steel. These were deemed indispensable by Secretary Tracy, and continue to be so considered by Secretary Herbert, but the plan adopted by Secretary Whitney of paying for their use was abandoned. A fund of $270,000 was provided by order of Secretary Tracy for contesting the validity of the patents, and the litigation is still pending.

The committee believe that Government officials ought not to promote a monopoly of the business of making armor through patents issued to the use of the combined manufacturers while using the power of the Government to destroy patents held by foreigners.

WHAT IS A FAIR PRICE FOR ARMOR?—QUANTITY LIKELY TO BE REQUIRED.

Coming now to the principal question raised by the resolution, Whether the prices of armor for vessels of the Navy have been fair and reasonable, and whether any legislation is necessary further to promote the manufacture and cheapen the price, it is to be remarked that it is one of great financial importance. Under the armor contracts the quantity of armor and amounts paid therefor in all are as follows:

Carnegie Steel Company	tons..	8,865.95
Bethlehem Iron Company	do...	10,086.37
		18,952.32

Cost to the Government:	
Payments to the Carnegie Company	$5,072,424.04
	281,080.25
Payments to the Bethlehem Company	5,857,105.55
	566,060.72
	11,776,670.56

Under contracts made by Secretary Herbert for the armor for the *Kearsarge* and the *Kentucky*, the Bethlehem Company is to supply 2,653 tons at a gross cost of $1,462,191.80, the prices varying from $515.40 up to $628.40 a ton, the average being about $551.15.

Carnegie & Co. are to furnish 3,007 tons at a total cost of $1,660,518.20, the prices varying from $515.40 to $575.80 a ton, the average being about $552.22.

Stated in tabular form, the quantity of armor furnished or under contract to be supplied, and the total cost, are as follows:

	Tons.	Cost.
Carnegie Steel Company	11,872.95	$7,014,032.49
Bethlehem Iron Company	12,739.37	7,885,348.07
Total	24,612.32	14,899,380.56

[NOTE.—The Bethlehem Company's bid for the *Kearsarge* was $1,573,390; for the *Kentucky*, $1,589,075. The Carnegie bid for the *Kearsarge* was $1,568,162.50; for the *Kentucky*, $1,572,477.50. The bids had been carefully arranged by the two companies in combination, so that if the Secretary awarded all the armor for each ship to one contractor, the Bethlehem Company would be entitled as the lowest bidder to the *Kentucky's* armor and the Carnegie Company would be entitled as the lowest bidder to the *Kearsarge's* armor; or, if the Secretary made the awards to the lowest bidders on each subdivision of the armor for each ship, each company would obtain a contract for about half the armor. Secretary Herbert adopted the latter course.]

If we estimate the price of the armor for the three new battle ships authorized by the act of June 10, 1896, at $1,500,000 each, the total will be $4,500,000. If we assume that two battle ships a year may be built for the next ten years, the cost for armor on each being about $1,500,000, the total expenditures at the end of the ten-year period will have amounted to $49,399,380.56, and each company, if the business is equally divided, will have received $24,699,690.28.

Reduced to tabular form, the above statement is as follows:

Amount paid for armor to date	$11,776,670.56
Cost of armor for *Kentucky* and *Kearsarge*	3,122,710.00
Cost of armor for the three battle ships authorized by act of June 10, 1896 (estimated)	4,500,000.00
Cost of armor for two battle ships a year for next ten years, at $1,500,000 each (estimated)	30,000,000.00
Total	49,399,380.56
If the business is equally divided, each company will have received	24,699,690.28

With these facts and probabilities in view, it is an imperative public duty imposed upon the Executive and Congress to pay no more than a fair profit upon armor furnished by private parties to the Government.

PRICES FOR ARMOR PAID BY SECRETARIES WHITNEY AND TRACY.

The first contract made by Secretary Whitney was awarded after receiving on March 22, 1887, the following bids, upon which the contract of June 1, 1887, was made with the Bethlehem Iron Company:

	Total for armor.
Bethlehem Iron Company, South Bethlehem, Pa	$3,610,707.50
Cleveland Rolling Mill Company, Cleveland, Ohio	4,021,560.00

Deliveries to commence October 1, 1889, and the rate of delivery to be 300 tons per month.

Through what investigations the bidders estimated the prices which they named is not known, but it is undoubtedly true that all the bidders expected to receive a profit sufficient to go a great way toward reimbursing them for the cost of their plant. Very little could have been known by the officers in the Navy Department concerning the cost of producing armor, and Secretary Whitney did not undertake to make, nor was it expected that he would make, a close bargain. On the contrary, it was expected that he would make a liberal contract which would result in the establishment, without fail, of a suitable armor plant within the United States. His contract with the Bethlehem Company was dated June 1, 1887. Secretary Tracy made his contract of November 20, 1890, with the Carnegie Steel Company for the same prices per ton which Secretary Whitney had agreed to pay the Bethlehem Company. The prices paid per ton for armor under these two contracts varied from $500 a ton for the lowest up to $600 a ton for the highest.

PRICES FOR ARMOR PAID BY SECRETARY HERBERT.

Before Secretary Herbert made his recent contracts, dated June 1, 1896, with the Bethlehem Iron Company and the Carnegie Steel Company for the armor for the *Kentucky* and *Kearsarge*, he negotiated with the representatives of those two companies with a view to securing a reduction in price. It had been one purpose of Secretary Tracy, in establishing a new armor plant through his contract with the Carnegie Steel Company, to secure, if possible, competition with the Bethlehem Company in the manufacture of armor. Secretary Herbert, however, was compelled to realize that there was no prospect of competition, because the two companies had come to an understanding that they would not compete with each other. He at last succeeded, nevertheless, in inducing them to agree to "come down from the basis of $520 a ton to $450 a ton" (page 25), not including the Harvey process (page 27), costing about $50 per ton; and Secretary Herbert made the above-mentioned contracts for the *Kentucky* and *Kearsarge* accordingly.

BETHLEHEM COMPANY'S PRICES TO FOREIGN GOVERNMENTS.

It appeared to the committee that the Bethlehem Company, seeking to sell armor abroad, took a contract for a foreign government at about $250 per ton (page 29). This transaction was explained, however, by the statement that the Bethlehem Company had been anxious to introduce American armor in competition with armor made abroad, and had taken the contract in question, amounting to only $600,000 in all, at less than cost. The only real evidence before the committee prior to June 10, 1896, as to the cost of armor abroad came from the following table, furnished the Senate on the 5th of February, 1895, in a statement (Fifty-third Congress, third session, Senate Executive Document No. 56) by the Chief of the Bureau of Ordnance, in relation to prices paid abroad for armor (page 83):

The following table of prices of armor is submitted with full reservation as to the accuracy of those asked by foreign makers:

Grade.	England.			France.		
	Plain.	Nickel.	Harveyised.	Plain.	Nickel.	Harveyised.
Lower limit	[1] $413				[2] $449.00	[2] $521.00
Upper limit	[1] 438				[3] 463.00	[3] 540.00
Special			(4)			
Foreign trade	[5] 312	[6] $358	[7] $302-$341	[8] $312	[9] 311.46	[illegible]

[1] Vickers, makers for H. M. S. *Centurion*.
[2] Acier special for the *Bouvet*.
[3] For the *Charlemagne* and *St. Louis*.
[4] Said to be $88 more than for plain steel: hence $501 to $526.
[5] Vickers bid.
[6] Cammell's bid for armor of Russian *Three Saints*.
[7] Cammell's bid.
[8] Le Creusot bid.
[9] Le Creusot bid for Russian *Three Saints*.

It was claimed by the manufacturers that the contract of the Bethlehem Company for $250 was entirely exceptional, and they asserted that the present price of armor in Europe, as shown by recent contracts, is about $500 per ton. On the other hand, a suggestion was made that this latter price continued to prevail only on account of a combination of foreign armor manufacturers, which has been joined by the Bethlehem and Carnegie companies. But on this point the committee had obtained no definite information prior to the recent investigations of Secretary Herbert.

The Bethlehem Company and the Carnegie Company did not submit to the committee any evidence as to the cost for labor and material of making the armor. The testimony before the committee, given by the principal naval officers representing the Government at the works, was as follows:

COMMANDER HORACE ELMER.

Senator SMITH. I ask you to state the cost approximately.

Mr. ELMER. I can not see how that armor can cost the Carnegie Steel Company more than $250 a ton anyway—that is, leaving out all interest in the plant, or how much the plant cost, or how much there is of wear and tear. I merely take the basis of the metal to begin with, and go through the whole process to the end.

Senator SMITH. Outside of the question of capital invested and the wear and tear of machinery?

Mr. ELMER. Outside the question of wear and tear.

Senator TILLMAN. To make that fuller, let me ask you, in the event [illegible] Government establishing its own plant where there was another [illegible] equally as well equipped in existence, do you think that the Government itself or the proprietors of the other plant could make for $250 a ton [illegible] for which we are now paying $500 a ton?

Mr. ELMER. Do you mean to exclude the idea of the cost of [illegible] plant?

Senator TILLMAN. I am speaking about a plant duplica[illegible] one which now exists at Carnegie's works. Would the [illegible] labor and the material and the supervision entail a cost in pro[illegible]mor of more than $250 a ton?

Mr. ELMER. I do not think so.

Senator SMITH. Now let me ask you one question and I am through.

Mr. ELMER. May I modify that statement thus far? In order to make armor at such a rate it would be necessary to work continuously. You could not do it by working eight hours a day. You would have to work night and day.

Senator TILLMAN. It would be necessary to have relays of hands—shifts?

Mr. ELMER. Yes, sir.

Senator TILLMAN. Working how long?

Mr. ELMER. Twelve hours on and twelve hours off.

Senator SMITH. Is there any other statement which you wish to make in this connection?

Mr. ELMER. No, sir. (Page 309.)

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Senator CHANDLER. Can you tell me what is the commercial value of the large ingot which is taken to make the armor plate?

Mr. ELMER. I can tell you what simple steel is worth. Nickel steel is not on the market.

Senator CHANDLER. I understand.

Mr. ELMER. The nickel alloy contains 3¼ per cent of nickel. That alloy has no value commercially; that is, it is not marketable except for armor. Simple steel is worth about $17 a ton.

Senator CHANDLER. So, if we establish a Government armor factory conveniently to steel works, we could get simple steel for about $17 a ton?

Mr. ELMER. Yes, sir. (Page 314.)

LIEUT. COMMANDER JOHN A. RODGERS.

I am of the opinion that the average cost of labor and material will not be more than $250 per ton of armor. (Page 325.)

Assuming that the cost of labor and material in making a ton of armor would not exceed $250 (which sum it now appears was excessive), the remaining point was what would be a fair allowance to cover use of the plant, interest on the investment, risk, and a fair profit. In the absence of definite information, feeling compelled to act, the committee reached the conclusion that until further inquiry should be made, $350 per ton ought to be the limit above which prices for armor purchased by the United States ought not to be allowed to go; and this opinion found embodiment in the amendment proposed in behalf of the committee to the naval appropriation bill of May 2, 1896.

CONCLUSIONS OF SECRETARY HERBERT.

The conclusions subsequently reached by Secretary Herbert are contained in his report of January 5, 1897, heretofore alluded to.

A synopsis of the report is as follows:

The Secretary sets forth at great length the methods and results of his investigation, which was conducted by himself personally with Capt. W. T. Sampson, Chief of the Bureau of Ordnance, and Chief Constructor Philip Hichborn, Chief of the Bureau of Construction and Repair, as advisers. Immediately after the passage of the act the Secretary called on the two contracting companies, the Bethlehem Iron Company, of South Bethlehem, Pa., and the Carnegie Steel Company, Limited, of Pittsburg, Pa., requesting them to aid him with the necessary information to enable him to perform the duties imposed upon him by the Congress. The two companies declined to give information, upon the ground that it was very unusual for Congress to inquire into the business of private corporations. They, however, in October, made statements as to the cost of their plants and furnished suggestions to the Secretary as to the methods which should be adopted by him in estimating the cost of armor and of their investments in the armor plants.

The Secretary called together a board, composed of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Company's iron works. The other, Lieutenant Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years and had been on duty in the Bureau of Ordnance, during which time he had spent several months at both the Bethlehem and Carnegie works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged into the furnace for casting the ingot preparatory to the forging process, and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged harveyed nickel-steel armor, the Government supplying the nickel, was $167.30.

Lieutenant-Commander Rodgers, who had been an inspector at the Bethlehem Iron Works, was also called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged harveyed nickel-steel armor $174.59.

The inspector of ordnance at the Carnegie Steel Company, Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged harvey nickel-steel armor is $161.54.

Adding 10 per cent to each of these estimates for loss due to rejections, makes the estimate of the board $184, the estimate of Lieutenant-Commander Rodgers $192.05, and of Ensign McVay $177.69. For reforged nickel-steel harveyed armor the estimate of Lieutenant-Commander Rodgers is $208.85, and of Ensign McVay $190.00.

The Secretary, in making his calculations, says, in order "to be just to both the manufacturers and the Government," he took an average of the estimates, which is $185.33 for single-forged and $197.78 for reforged armor, in making the calculations contained in the report.

Shortly after the passage of the act letters were written to the naval attaché at London and the naval attaché at Paris, instructing them to secure additional information as to the prices paid for armor to European manufacturers, and as to the cost of establishing armor plants like those possessed by the two American companies.

The question of the cost of establishing an armor plant being a material one, the Secretary personally visited Europe during the past summer for the purpose of prosecuting inquiries in this direction, and also to make further inquiries as to the prices of armor. While abroad he visited a number of armor plants and machine shops and secured two estimates—one made in France and the other in England—of the cost of erecting armor plants. The French estimate was for the erection of an armor plant at Guérigny, and was made by the French Government for the purpose of ascertaining the cost to erect an armor plant in connection with the works of the Government already at that place. This estimate, made by the Government of France for the erection in connection with its plant now making protective decks and equipment supplies, is $750,000, all told. The Secretary estimates that, allowing for duties and for higher-priced labor in building houses and in installing plant, an efficient armor plant based on the French figures could be erected in this country for $1,400,000.

The English estimate, made by a company of experience and reputation, and which is prepared to furnish the plant, puts the cost at £118,400. This estimate was referred to the Chief of the Bureau of Ordnance to be completed by adding the estimated cost of duties, buildings, installation, etc., and other items deemed necessary to make it equal the American plants. As thus completed, the estimate for putting up a plant equal to that of the Carnegie Company, said to have cost $3,000,000, is $1,500,000.

The Secretary sets forth at some length the fact that the Bethlehem Company, being the first to erect an armor plant in this country, necessarily made a number of costly experiments, chief among which was the erection of a hammer, said to have cost between $400,000 and $700,000. He therefore has allowed the Bethlehem Company in his calculations $1,000,000 more as the cost of their plant than is allowed the Carnegie Company. He estimates on the basis of the English plant, with additions by Captain Sampson, $1,580,600, and, allowing for the difference in prices between the present time and 1890, when the Carnegie Company's plant was erected, his estimate would show that the Carnegie Company should be allowed $2,500,000 for their plant. As the plant of the Bethlehem Company, owing to their costly experiments, cost considerably more, he makes an additional allowance to them of $1,000,000, and his estimate would be that their plant cost $3,500,000. But he takes the statements of the companies as showing what the plants cost.

The Secretary, upon his return from Europe, sent an officer to Harrisburg, Pa., where search was instituted for returns made by the two contracting companies to the auditor-general of the State under an act of the Pennsylvania legislature of 1889. He succeeded in securing copies of the returns from the Bethlehem Company, showing their capital authorized, capital paid in, and dividends from 1889 to November 1, 1896, inclusive. This information was supplemented, after request by the Secretary, by the Bethlehem Iron Company and by additional information secured from the Red Book of Pennsylvania, so that the Secretary had at hand the statements of the Bethlehem Company as to their gross receipts, net receipts, dividends paid, and surplus from 1889 to 1896, inclusive.

This information was all from the company itself, and therefore most important, and from it the Secretary prepared a statement showing that whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, or whatever may have been interest on working capital, all those and other charges have been paid from the gross earnings of the company, and the results show the company's investments in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

The Secretary states in another form the account of the Bethlehem Company with the Government as a profit-and-loss account based on the reports to the auditor-general of Pennsylvania, which are from the company's statements from November 1, 1889, to November 1, 1896, in the following manner:

Net earnings, 1889 to 1896, inclusive		$6,769,553.95
DEDUCTIONS.		
Interest on original capital stock of $2,000,000 for 8 years at 10 per cent per annum	$1,600,000.00	
Repayment capital added in 1889	613,200.00	
Interest on same at 10 per cent for 7 years	429,240.00	
Repayment capital added in 1890	231,850.00	
Interest on same at 10 per cent for 6 years	139,110.00	
Repayment capital added in 1891	1,154,950.00	
Interest on same at 10 per cent for 5 years	577,475.00	
Repayment bonds shown on report for 1896	1,351,000.00	
		6,096,825.00
Balance of profit, 1889 to 1896, inclusive		672,728.95

This allows dividends annually on $2,000,000 at the rate of 10 per cent for eight years; it repays the $2,000,000 paid in, with 10 per cent from the dates when the capital was subscribed; it pays the bonds shown on the report for 1896 and leaves a profit from 1889 to 1896, inclusive, of $672,728.95 to put to the credit of the gun and armor plants, in addition to the 10 per cent already allowed on new stock.

The returns made by the Carnegie Company, however, were so indefinite as to be practically of no value, and it was necessary for the Secretary to resort to the best evidence obtainable for the purpose of showing: (1) The value of its plant; (2) the price of labor and material entering into a ton of armor; (3) the amount that should be allowed the company for maintenance, and the amount of the plant upon which maintenance should be allowed. The account of the Carnegie Company with the Government is stated in several ways—in one table allowing a valuation of $3,000,000 for the plant, another at $2,500,000, and a third at $2,000,000. On a $3,000,000 valuation of the plant, allowing 5 per cent for maintenance, the rate claimed by the company, and 5 per cent on a working capital of $750,000, and allowing a dividend to the company of 10 per cent per annum on outstanding capital, the Secretary shows that the entire cost of the plant is practically extinguished upon the completion of existing contracts.

Assuming the cost of plant at $2,000,000 and allowing 10 per cent thereon for maintenance, insurance, etc., and 5 per cent interest on working capital, and allowing 10 per cent dividend on outstanding capital invested in plant, and applying the surplus of net earnings after deducting dividends for each period of six months to the extinguishment of cost of plant, the Secretary shows that the Carnegie Company will have been on the 1st day of July, 1897, repaid every dollar it claims to have expended on its plant, and after the allowances noted above will have made a profit on its investment up to the time when that investment was extinguished by the repayment of the money of 15 per cent.

The statute under which the report of the Secretary is made requires a report not only as to what is the actual cost of manufacturing armor, but also what sum ought equitably to be paid for armor hereafter. In dealing with this question the Secretary sets forth fully the great risk involved by these companies when their plants were erected of having work for only a short time, and that for many reasons their profits were necessarily expected to be large. He also shows that the Government having really created these plants ought to perpetuate them, as such industries are necessary in order to enable this country to be independent in the important matter of public defense. He is of opinion that the Government should pay for armor in the future a price sufficiently liberal to justify the contractors in keeping their plants in order and ready at all times to manufacture armor when occasion requires.

No ordinary profit, considering the great expense of maintaining the plants and the uncertainty of future orders, will be sufficient, but the Secretary shows that these companies have been reimbursed for their original investment and allowed handsome profits besides. The original cost of armor plants is not to be allowed for in the future, and maintenance is to be allowed, not on the basis of their original investment, but on the values of the plants, and these plants could now be erected, as has been heretofore shown, for $1,500,000.

Assuming, therefore, the present value of the plants to be $1,500,000, and allowing 10 per cent, or $150,000, per annum for maintenance, the Secretary makes the calculation on the basis of 2,500 tons of armor being manufactured per annum, which adds $60 per ton to the price of labor and material, making in round numbers $256. If 3,000 tons are manufactured, the price of each ton would be ascertained by adding $50 for maintenance to the $196, cost of labor and material, making in round numbers $250 as the cost of a ton of armor.

The Secretary concludes that, in view of all the circumstances regarding the uncertainty of future contracts, it would not be inequitable to allow the contractors 50 per cent profit upon the cost of manufacturing armor for the three ships now under contract. Adding 50 per cent to $250 gives $375, but the Secretary recommends that as the nickel is now furnished by the Government, which makes an addition of $20 per ton in the price of armor, it would be better in the future to have the contractors furnish this material, which would bring the price up to $395 per ton; and, allowing something for keeping nickel on hand, he suggests that $400 per ton would be a fair and equitable price to pay for the armor for the *Wisconsin*, *Alabama*, and *Illinois*.

The Secretary ends his report by a recommendation that Congress give the Secretary of the Navy power to erect or buy an armor and gun plant should the contractors not be willing to accept the price for armor which the Congress in its discretion may enact shall be paid in the future.

While the committee can not too highly commend the pains taken by Secretary Herbert, in his report above summarized, to reach a correct and just conclusion, yet the committee is not prepared to accept his opinion that $400 per ton would be a fair and equitable price to pay for the armor for the three coming battle ships, which he appears to have decided to name the *Wisconsin*, the *Alabama*, and the *Illinois*.

In examining the details of the report of the Secretary, it is noticeable that in his efforts to be fair and just he resolves all

doubts in favor of the companies and gives to them liberal allowances where the facts are uncertain. His price of $400 is reached as follows:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196.00
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50.00
Making	246.00
Or in round numbers	250.00
He then adds for profit 50 per cent, or	125.00
Making	375.00
And then adds for nickel to be furnished hereafter by the contractors	20.00
Making	395.00
Or in round numbers	400.00

Certainly an allowance of $150,000 per year for maintaining an armor-making plant seems excessive; and in addition to the total cost of manufacture, which includes the materials in the ingot, the materials consumed in manufacture, the labor, the keeping of the plant ready for use, the shop expenses, the office expenses and contingencies, and the expenses of administration, superintendence, and engineering (see Secretary Herbert's report, page 25), to give an allowance of 50 per cent profit is too liberal.

After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	$168.00
Add for reforging	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one-third per cent profit	70.00
	280.00
Add for nickel	20.00
Making the price for armor	300.00

While this question was under consideration by the committee, the Bethlehem Company and the Carnegie Company requested to be heard; and on the 2d day of February Mr. R. P. Linderman appeared for the former company and Mr. C. M. Schwab for the latter company, and for the first time since the investigation was ordered on December 31, 1895, the companies seemed willing to discuss some details concerning the actual cost of making armor, while still declining to permit an examination of their books on that point. They made criticisms of some of the details of Secretary Herbert's report, and the Secretary being present, he made reply thereto, and afterwards submitted a letter dated February 3, 1897. A report of this last hearing, including the Secretary's letter, will be found with the testimony accompanying this report.

The companies are entitled, even at this late day, to receive fair consideration of any facts and arguments which they choose to submit to Congress, and the committee therefore conclude to report that a fair average price of armor will be between $300 and $400 per ton, and, without fixing the exact amount, to leave the question to be further considered by the committees and to be determined as may appear to be just when the naval appropriation bill is under discussion in the two Houses of Congress.

LEGALITY OF MAKING CONTRACTS FOR ARMOR WITHOUT ADVERTISMENT AND COMPETITION.

In the course of the inquiry made by the committee the question was raised whether the contract with the Carnegie Company, entered into by Secretary Tracy without advertisement or competition, was lawfully made. The first contract for armor—that with the Bethlehem Company—was made after advertisement for proposals, dated June 1, 1887, and, as elsewhere appears in this report, there was actual competition, the bid of the Bethlehem Iron Company being $3,610,707.50 and that of the Cleveland (Ohio) Rolling Mill Company being $4,021,560. At that time the laws governing the procuring of naval supplies were embodied in sections 3709 and 3718 of the Revised Statutes. Section 3709 requires that "all purchases and contracts for supplies or services, in any one of the Departments of the Government except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service." Section 3718 enacts that "all provisions, clothing, hemp, and other materials of every name and nature for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract by the lowest bidder," etc.

The first contract with the Carnegie Company for armor was made by Secretary Tracy without advertisement, under date of November 20, 1890, while the above sections of the statute were in force.

It appears, however, that an exception existed to the rule requiring purchases from the lowest bidder after advertisement, to be found in a provision of the Revised Statutes. Section 3721 enacts that "the provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder after advertisement shall not apply to ordnance, gunpowder," etc.

In view of the foregoing statutory provisions, it seems clear that there existed in the statutes a requirement of competition in making purchases of armor for the Navy. Secretary Whitney so understood the law and conformed thereto, and he did not conceive that the exception in favor of ordnance in section 3721 could by any possibility apply to armor.

What reason, if any, Secretary Tracy has ever undertaken to give for making his contract with Carnegie & Co. without competition did not appear to the committee. Congress, however, took notice of his omission to comply with the law, and in the naval appropriation act of March 2, 1891, under the heading "Construction and steam machinery," provided "that no contract for the purchase of gun steel or armor for the Navy shall hereafter be made until the subject-matter of the same shall have been submitted to public competition by the Department by advertisement." This provision is still in force, as are also similar provisions to govern the construction of naval vessels contained in "An act to increase the naval establishment," approved August 3, 1886, and in each subsequent act authorizing an increase of the Navy.

EXPEDIENCY OF ESTABLISHING A GOVERNMENT ARMOR-PLATE FACTORY.

In connection with the bill for the establishment of a Government armor-plate factory introduced by Senator SMITH, and also in connection with the general inquiry as to the cost of producing armor, the committee endeavored to ascertain the cost of a plant sufficient for the manufacture of armor plate, but at first succeeded in obtaining no precise information. The statements made by the Bethlehem Company and Carnegie & Co. were general—by the Bethlehem Company that they had expended about $4,000,000; by Carnegie & Co. that they had expended about $2,500,000. The diminished expenditures of the latter grew out of the benefit derived by them from the previous experience of the Bethlehem Company, notably by Carnegie & Co.'s omission to provide a large hammer as well as a hydraulic press. The Bethlehem Company imported both a press and a hammer, the latter costing nearly $500,000 and not being really needed.

It seems to be conceded that a Government armor-plate factory, if established, must be located in close proximity to some steel works wherefrom the nickel-steel ingots can be easily procured. Assuming this course to be pursued, the committee believe that a suitable factory could be established, with buildings, furnaces, hydraulic press, and machinery for shaping and finishing the armor at a cost of not exceeding $1,500,000, which sum will be ample, as shown by the report of Secretary Herbert.

The Secretary of the Navy, in concluding his before-mentioned report (House Document No. 151, Fifty-fourth Congress, second session), recommends that if Congress shall by law determine upon any limit of price to be paid for armor "it shall also authorize the Department to erect or buy an armor plant and a gun plant, and if need be to lease such plant or plants until it can construct its own." The alternative authority in the Navy Department to establish an armor plant of its own in case the armor manufacturers [illegible] decline to accept such prices as may be fixed by law the committee believe should be granted by Congress under suitable limitations, conditions, and restrictions.

RECOMMENDATIONS OF THE [illegible]

The practical conclusions of the committee in brief are as follows:

I.

That the exclusion of naval officers from employment by contractors having large dealings with the Navy Department, which is now enforced by the clause in the law of June 10, 1896, should be kept upon the statute book.

II.

That the Government should have the right to use all patents for discoveries made by its naval officers while engaged in its service, upon paying therefor a reasonable compensation, to be determined in a manner provided by law, substantially as follows:

That whenever in the judgment of the Secretary of the Navy the public interests require the use in the naval service of any invention or discovery covered by letters patent hereafter issued to any officer of the Navy, whether retained in his ownership or assigned to others, said Secretary shall proceed to use said invention or discovery in the manner and to the extent required by such naval service; and such royalties and compensation as may be equitably due such officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by said officer in the Court of Claims. Said court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice in courts of equity, and all cases shall be determined within one year from the filing of the petition therein, unless in the discretion of the court, upon sufficient cause shown, the time is extended.

The Secretary of the Navy is hereby prohibited from making any contract or payment for the use of any patent hereafter taken out by any naval officer; and hereafter no patent shall be issued to any naval officer without the written approval of the Secretary of the Navy.

III.

That no further armor contracts should be made requiring the use of patented inventions until the inventors, upon fair and just terms, convey to the United States the right to use such inventions under such contracts and all future contracts.

IV.

That it should be provided by law where the head of a Department requests the Commissioner of Patents to expedite the consideration of an application for a patent, "that in every such case it shall be the duty of such head of a Department to be represented before the Commissioner of Patents in order to prevent the improper issue of a patent."

V.

That a Government armor factory could be erected for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law.

VI.

That a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between $300 and $400 per ton of 2,240 pounds.

APPENDIX.

I.

Letter from Senator CHANDLER to Senator CAMERON, chairman, dated July 13, 1896, as to the course of the inquiry.

II.

Letter of Secretary Herbert and British Admiralty rules, relative to patents on inventions made by naval officers.

III.

The Corey patent for reforging armor. Letter of Commissioner of Patents.

IV.

The Schneider & Co. patents for making nickel-steel alloys. Letter of Messrs. Pollok & Mauro. Letter of Comptroller of the Treasury.

I.

Letter from Senator Chandler to Senator Cameron, chairman.

WASHINGTON, D. C., *July 13, 1896.*

DEAR SIR: After the recent naval appropriation bill had passed, in conversations with Senators BACON and SMITH, it was said by them to me that certain suggestions ought to be made in our behalf to Secretary Herbert in connection with the investigation into the prices of armor for battle ships, which investigation he was directed by the appropriation act to make according to the terms of the compromise clause adopted by the committee of conference of the two Houses. The views we entertained were not known to be those of the whole committee, and there was not time to have a meeting of the committee; but it was thought proper that these views should be presented to the Secretary in behalf of the two Senators named and myself, and I undertook to present them seasonably either by letter or orally.

Learning that Secretary Herbert was proceeding rapidly with the inquiry which he was directed to make by the appropriation act, I came to Washington, and on Friday last had an interview with him. The points which I had been requested to make were these:

I. That he ought not to feel at all embarrassed in reaching a conclusion that a fair price for armor would be lower than the prices hitherto paid, by reason of the fact that he had so recently made contracts for the armor for the *Kentucky* and *Kearsarge* at a reduction of only $50 a ton from the first prices paid the Bethlehem Company. These contracts were made, so to speak, in invitum, after he had made contracts for the hulls of the ships, and when he knew that there was to be no competition between the Bethlehem Company and the Carnegie firm, but that the two firms had united in arbitrarily deciding that they would not reduce the price of armor more than $50 per ton. Under these circumstances the Secretary felt obliged to make the contract with them, and the committee had said to him that they had no desire by their investigation to prevent him from making the contract; but, on the contrary, believed that under the circumstances he ought to make it as the best bargain he could get in the present condition of affairs, which, however, would not prevent any later decision by him that the true price of armor should be much lower than the price under this contract from being entirely consistent with his past action.

II. It was thought desirable by Senators BACON and SMITH and by me that Secretary Herbert's inquiry should not be brief or perfunctory, furnishing to Congress merely his conclusion as to the fair price for armor, but that he should go fully into details, preserve the evidence upon which he might act, and be in a condition to submit the evidence to Congress and to the Naval Committee for use by the latter when it should resume its own inquiry in pursuance of the resolution of the Senate, which still remains in force. It was felt by us that if Congress and its committees were to be made responsible for contracts for armor for the three new ships already authorized, and perhaps for others to be authorized next winter, we ought to be furnished with all accessible data with which to justify our conclusions.

My interview with Secretary Herbert has been very satisfactory. He has called to his assistance the two chiefs of the Bureaus of Construction and Ordnance, and also several naval officers familiar with the subject and possessing suitable capacity for the inquiry. He is entering into details as far as possible, and is preserving in writing a record of the various steps of his work. He has also, as I understood him, given the manufacturers an opportunity to submit to him such evidence as they choose to lay before him, with their views on the whole subject, and he says that he shall use no data which will not be at the service of Congress. He also explicitly stated to me that he did not regard the fact that he had made the *Kentucky* and *Kearsarge* contracts at the price named in those contracts as likely to embarrass him in the least if he should be able to find that the true price of armor for future contracts should be less than the prices so named.

This is concisely a statement of what I have done. It occurs to me to further say that it seems to me at this time that it will be comparatively easy to ascertain the cost of labor and material entering into the production of any given quantity of armor; possibly, also, to ascertain the cost of an armor-producing plant. The great difficulty is in determining what profit should be allowed upon any specific armor contracts. That question depends necessarily upon the amount of armor to be manufactured, whether the plant is to be continuously employed for a series of years, or whether the work is to be only occasional. If there is to be no more than the contract for the armor for the three new battle ships, a high price would be justifiable. If it is certain that there are to be additional contracts, a lower price can justly be insisted upon. As to the quantity of future work, the committee will be as good a judge as the Secretary, and neither can probably venture upon any positive prediction. So far as figures are being made in the Secretary's inquiry bearing upon the question of price, he is, I understand, beginning with the first contract with the Bethlehem Company and ending with the *Kearsarge* and *Kentucky* contracts, assuming their full completion according to their terms.

It remains for me to say that I was very much gratified to notice the zeal and good judgment displayed by the Secretary in his efforts to reach a just conclusion in conformity with the instructions of Congress. Whether or not the committee shall agree with him as to the price to be paid for armor for the three ships lately authorized, we shall certainly be able to accord to him high credit for his industry and just intentions in connection with the subject.

I shall be glad to take any other action in this connection which you or any member of the committee may consider desirable.

Very respectfully,

WM. E. CHANDLER.

Hon. J. D. CAMERON,
Chairman Committee on Naval Affairs,
United States Senate, Washington, D. C.

II.

Letter of Secretary Herbert and British Admiralty rules relative to patents on inventions made by naval officers.

NAVY DEPARTMENT, *Washington, November 7, 1896.*

SIR: Referring to your letter of the 2d instant, in which you ask to be furnished with a full copy of an order of the British Government prescribing "the terms under which its navy shall acquire the use of inventions patented by persons in its naval service," I have the honor to inclose herewith a memorandum prepared in the Office of Naval Intelligence, in which is embodied the full text of the Queen's regulations on the subject, made in pursuance of section 27 of the "patents, designs, and trade-marks act, 1883."

With respect to the further request contained in your letter, to be advised of the exact terms of the law recommended by the Department, I inclose herewith a copy of a letter addressed to the chairman of the Committee on Naval Affairs, United States Senate, February 1, 1896, and a copy of a draft, therewith transmitted, of a bill to provide for the use by the United States of inventions covered by letters patent.

This draft embodies substantially my views in the matter. At the time it was drawn I did not have before me the full text of the British regulations, which, as you will observe, go further than the bill proposed by this Department, particularly in the requirement that patents may not be taken out by "officers or subordinates holding staff appointments" "without first obtaining the approval of the admiralty," and in the further requirement contained in the last paragraph of the Queen's regulations respecting inventions and improvements which may be suggested by officers conjointly with persons outside of the service.

For your further information, I also inclose a copy of the bill (H. R. 4148) introduced in the House of Representatives by Mr. HILBORN, and amended by the Committee on Patents, and a copy of the report of that committee on the bill (House Report No. 561, Fifty-fourth Congress, first session).

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. WILLIAM E. CHANDLER.

[Inclosed was the favorable report of Representative FAIRCHILD, from the Committee on Patents, of February 28, 1896, Fifty-fourth Congress, first session, House of Representatives, No. 561, and a copy of House bill of the same session, No. 4178.]

NAVY DEPARTMENT,
Washington, D. C., February 1, 1896.

SIR: In compliance with the request of the Naval Committee during my recent appearance before it, I have the honor to transmit herewith draft of a bill to provide for the use by the United States of inventions covered by letters patent.

For the reasons which prompted me to suggest the propriety of such legislation, I beg to refer to my annual report, submitted on the 27th of November, 1895, pages 48, 49, and 55. It will be seen by inspecting the bill that it is broader than the bill suggested in said report, inasmuch as it covers not only letters patent hereafter to be issued to officers of the Navy, but also letters patent to be issued to any other employees of the Government under such circumstances as would seem to justify its application.

I do not think I could, without undue elaboration, add anything to the reasons for such legislation submitted in the report above referred to.

I have the honor to be, very respectfully,

H. A. HERBERT, *Secretary.*

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

A bill to provide for the use by Executive Departments of the Government of inventions covered by letters patent issued to officers or employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in the judgment of the head of any Department of the Government the public interest will be promoted by the use in any branch of the service, civil or military, of any invention or discovery covered by letters patent which may hereafter be issued to any person who, at the time such invention or discovery was made, was employed by the United States upon work requiring him to perform duties as a consequence of which such invention or discovery was made, or who may be presumed to have made such discovery or invention by reason of knowledge acquired by him in the service of the Government, the head of any Department in which such invention or discovery is to be used may acquire the right to use such invention or discovery in connection with any work, duty, or public business carried on by such Department, upon such terms or at such price or rate of compensation as may, by the head of the Department under whose direction the patentee was employed, be deemed just and equitable.

OFFICE OF NAVAL INTELLIGENCE, *November 4, 1896.*

Memorandum of information for judge-advocate-general—Queen's regulations.

397. By section 27 of the "patents, designs, and trade-marks act, 1883," it is enacted as follows:

"1. A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject.

"2. But the officers or authorities administering any department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown, on terms to be before or after the use thereof agreed on, with the approval of the treasury, between those officers or authorities and the patentee, or, in default of such agreement on such terms as may be settled by the treasury, after hearing all parties interested."

2. All officers or subordinates holding staff appointments, or who may be now or hereafter employed in any administrative, instructional, manufacturing, or experimental department under the Admiralty, or appointed to any of Her Majesty's ships for service, either in such department or in any steam reserve, are to understand that one of the conditions subject to which they hold such appointment or employment is that they shall not take out a patent, nor seek for provisional protection for an invention, without first obtaining the approval of the Admiralty by application through their respective commanding officers or heads of their departments.

Each application must contain a general description of the invention for which protection is desired.

3. Permission to patent will not be granted as a matter of course, but each application will be dealt with according to the circumstances of the case. Should permission be granted, it will be subject to the following conditions, from which there shall be no appeal by the patentee, either to the treasury under the above-quoted section of the patents act, 1883, or otherwise:

(*a*) That if it be at any time desired by the Admiralty, the patent shall be absolutely assigned to the secretary of state for war, on such terms as the Admiralty may decide upon, after full consideration of all circumstances of the case.

(*b*) That the invention may be used by or for Her Majesty's service, and that the terms of payment, if any, for such use shall be decided by the Admiralty.

(*c*) In settling terms either for assignment or use, regard will be had by the Admiralty to any facilities in originating, working out, and perfecting the invention which the inventor may have enjoyed by reason of his official position; and all payments will be subject to the approval of the treasury.

398. Whenever it happens in the course of a trial of the invention of any person outside of the service, or during discussion between officers and inventors, that improvements are suggested by officers conjointly, a careful record should be kept of the trial and of the suggestions made, which should at once be reported to the Admiralty, so that in case of an outside patent and a dispute as to price, the treasury may have before it all the circumstances, supposing appeal be made to it under the twenty-seventh section of the act of 1883. If it be discovered by any means that there is any intention on the part of inventors to apply for a patent for an invention to which officers have contributed, the Admiralty should at once be informed.

RICHARD WAINWRIGHT,
Chief Intelligence Officer.

III.

The Corey patent for reforging armor—Letter of Commissioner of Patents.

CONCORD, N. H., *October 5, 1896.*

SIR: By direction of the Senate Committee on Naval Affairs, I am gathering additional information under the resolution of the Senate of December 31, 1895.

By referring to page 220 of the printed testimony you will notice that while the patent granted to William E. Corey on his application of June 5, 1895, was being inquired into, the question was asked, "Whether there had been any previous application by Mr. Corey," to which Mr. Stauffer replied: "None that I am aware of, and such are generally accessible to the public."

You will further notice that Mr. Corey's patent was granted on June 25, 1895. This rapid work leads to the continued belief that the subject had been under consideration in the Patent Office before June 5.

Will you kindly reexamine the subject and inform me whether Mr. Stauffer's answer was correct? If it was not, will you furnish to me for the committee the same information about any prior applications that is given about that of June 5?

The committee wishes to know all about any patents granted and any applications denied covering the reforging of armor plates.

Very respectfully,

WM. E. CHANDLER.

The COMMISSIONER OF PATENTS.

The reply of the Commissioner is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., October 10, 1896.

DEAR SIR: Replying to your letter of October 5, 1896, requesting additional information under the resolution of the Senate of the United States of December 31, 1895, respecting the applications for patents filed by William E. Corey, I beg to inclose to you a copy of a digest furnished me this day by Examiner Byrnes, of this office, of the various applications received in this office for supercarbonizing and reforging armor plates, which embraces one application filed by William H. Jaques and five applications filed by William E. Corey, the last one of this number having matured into a patent on June 25, 1895. The digest prepared by Mr. Byrnes contains a list of the references cited in each case.

All the foregoing applications, except that in the patent, have become abandoned, and certified copies will be furnished to you if requested.

Respectfully, yours,

JOHN S. SEYMOUR, *Commissioner.*

Hon. W. E. CHANDLER, U. S. S.,
Concord, N. H.

UNITED STATES PATENT OFFICE, DIVISION 3,
October 10, 1896.

SIR: The following is a statement of the various applications for supercarburizing and reforging armor plates which have been filed in this division:

No. 391554, William H. Jaques, May 4, 1891.—The process described consists in first working a steel ingot to approximately the form desired by means of rolling, hammering, or preferably by heavy hydraulic pressure, then supercarburizing it, and thereafter either with or without intermediate tempering, subjecting it to a second working at a temperature varying from 1,300° to 1,832° F., by either rolling, hammering, or hydraulic pressure, in order to bring it to its finished form and proportions, and to toughen it, after which the final step of tempering is carried out.

References cited:

- United States, 89676, May 11, 1869, McDonald (C. & C. H.);
- United States, 442065, December 2, 1890, Low (Hard. Proc.);
- United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
- British, 3084, December 1, 1865, Dodds (C. & C. H.), page 4, lines 5-19;
- British, 3346, November 30, 1871, Lake (C. & C. H.), page 4, lines 16-[illegible];
- British, 2935, February 25, 1887, Dickson (C. & C. H.), page 5, line 21;
- British, 12272, September 10, 1887, Siddell (C. & C. H., Gas);
- British, 1710, April 11, 1882, Ricci (C. & C. H., Gas);
- German, 2185, December 7, 1877, Compagnie Anonyme des Forges (C. & C. H.);
- German, 23942, February 18, 1883, Glaser (C. & C. H.);
- French, 147010, January 23, 1882, Clemandot, III Ser., vol. 42, 8, c. 2, page 2.

Declaration of interference with William E. Corey, May 22, 1895, application No. 549697.

Interference dissolved on motion of Corey, June 6, 1895, on ground that Jaques, the senior party, had no right to draw any interfering claim within the scope of the issue, under rule 122. The case was rejected on June 11, 1895, on the ground that the claim as amended presented matter involving a departure from the original invention. There has been no subsequent action by applicant.

No. 540755, William E. Corey, filed March 6, 1895.—A steel ingot is rolled or forged to the desired shape, and supercarburized on one or more surfaces, as required. The article is then allowed to cool slowly in the supercarburizing furnace to a temperature of about 1,600° F., and not exceeding 2,000°, or it may be allowed to cool slowly to 100° F. to allow of tests being made as to degree of carburization, and then reheated to 1,600°. In either case the article, as an armor plate, is then subjected to great compression by means of a hydraulic press, which reduces the thickness, sometimes from 17 to 14 inches, without greatly increasing the length or breadth. The plate or other article is then annealed in the usual manner, machined to size, allowing for contraction in subsequent tempering, then tempered as usual, and ground or machined to size.

References cited:

- United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
- United States, 32546, June 11, 1861, Weston (A. & T., C. & C. H., Compounds);
- United States, 86467, February 2, 1869, Sperry (A. & T., C. & C. H., Compounds);
- United States, 148849, March 24, 1874, Robinson (A. & T., C. & C. H., Compounds);
- British, 3084, December 1, 1865, Dodds (A. & T., C. & C. H., Compounds).

Application abandoned April 11, 1895, in favor of No. 545375.

No. 545375, William E. Corey, filed April 11, 1895.—This application describes and claims the process and product comprised in application No. 540755.

Allowed April 17, 1895, by acting examiner.

Withdrawn with issue April 25, 1895, and the following references cited:

- United States, 89676, May 11, 1869, McDonald (A. & T., C. & C. H.);
- United States, 442065, December 2, 1890, Low (Hard. Proc.);
- United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
- British, 3084, December 1, 1865, Dodds (C. & C. H.);
- British, 3346, November 30, 1871, Lake (C. & C. H.);
- French, 147010, January 23, 1882, Clemandot, III Ser., vol. 42, 8 c. 2, p. 2.

Abandoned May 17, 1895, in favor of applications Nos. 549696 and 549697, filed May 17, 1895.

No. 549696, William E. Corey, filed May 17, 1895.—This application is for an article of manufacture made by the process described in application No. 540755, and comprising an armor plate of steel, having an extremely hard surface, more highly carburized than the interior of the plate, the face and body being in a highly compressed and compact state, and considerably denser than similar plates which have been shaped or worked at the usual forging temperature.

References cited:

- United States, 89676, May 11, 1869, McDonald (C. & C. H.);
- United States, 442065, December 2, 1890, Low (A. & T., Hard. Proc.);
- United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
- British, 3084, December 1, 1865, Dodds (C. & C. H.);
- British, 3632, October 16, 1877, Browne (C. & C. H.).

Application abandoned June 5, 1895, in favor of application No. 551704.

No. 549697, William E. Corey, filed May 17, 1895.—This application is for the process described in application No. 540755.

No references cited.

Declaration of interference with application No. 391554, of William H. Jaques, May 22, 1895.

Interference dissolved on motion of Corey June 6, 1895, on the ground that no interference in fact existed.

Abandoned June 5 1895, in favor of appli[illegible]

No. 551704, William E. Corey, filed June 5, 1895.—This application comprises the matter contained in applications No. 540755 and No. 549696, of William E. Corey, having claims for both the process and product described therein.

No references cited.

Allowed June 6, 1895.

Patented June 25, 1895, patent No. 541594.

Respectfully submitted.

EUGENE BYRNES, *Examiner.*

The COMMISSIONER OF PATENTS.

IV.

The Schneider & Co. patents for making nickel-steel alloys—Letter of Messrs. Pollok & Mauro—Letter of Comptroller of Treasury.

UNITED STATES SENATE, *Washington, D. C., December 1, 1896.*

GENTLEMEN: There is herewith transmitted to you a printed copy of the testimony taken by the Senate Committee on Naval Affairs concerning the prices of armor for naval vessels, in which are various references to the patents for making nickel-steel alloys issued to Mr. Henri Schneider, of Creusot, France, and to the controversy relative thereto, which has arisen by reason of the provisions of the contract made by Secretary Tracy with Messrs. Carnegie, Phipps & Co., for contesting the validity of these patents. If you desire to be heard as counsel for Mr. Schneider, or to submit any communication on the subject, please so inform me.

Very respectfully, yours,

WM. E. CHANDLER.

Messrs. POLLOK & MAURO,
Counselors at Law, 620 F Street NW., Washington, D. C.

WASHINGTON, D. C., *December 6, 1896.*

DEAR SIR: We have the honor to acknowledge receipt of your communication of the 1st instant, with printed copy of the testimony taken by the Senate Committee on Naval Affairs, in which are various references to the patents owned by our clients, Messrs. Schneider & Co., of Creusot, France, relating to nickel-steel alloys, and also references to a controversy in which those patents are involved, growing out of a contract between the Navy

Department and Messrs. Carnegie, Phipps & Co. In your communication you ask if we wish to be heard as counsel for Mr. Schneider, or to submit any communication on the subject.

Not deeming that the rights or interests of Messrs. Schneider & Co. are in any way involved in the pending investigation, or likely to be adversely affected by the result thereof, we will not avail ourselves of the opportunity which you have been good enough to offer us, of appearing as counsel before the committee. Believing, however, that the information may be useful to your committee in reaching just conclusions in the matter they are investigating, we herewith submit a brief statement showing the relations of our clients to the Government in the matter of nickel-steel armor.

It already sufficiently appears from the testimony that Messrs. Schneider & Co., having developed at their works the process of making nickel-steel armor, which has been used upon all the armored vessels of the United States Navy, communicated the same to the Secretary of the Navy, Mr. Tracy, in advance of any public disclosure thereof, and that our Government thus became possessed of the earliest information regarding this important invention. It is also known to your committee that a test plate of this new construction was furnished to this Government and tested at Annapolis in comparison with the all-steel and compound plates, the result of that test being the adoption of the nickel-steel plate for the United States Navy.

The effort and policy of Messrs. Schneider & Co. have been to make suitable business arrangements with the manufacturers in this country who might have occasion to employ their invention, and up to this time they have not asked any compensation from the Government for the enormous benefits conferred upon it. They believed that the manufacturers, particularly those favored by the Government with armor contracts, and who have derived large profits from the use of this invention, upon which the execution of their contracts absolutely depended, would readily agree to pay such reasonable royalty therefor as would compensate the patentees; or that, in the event of the unauthorized use of their invention, they could readily recover damages against the infringers.

Our clients are extremely desirous of maintaining friendly and cordial relations with this Government, and of avoiding any controversy or contention with any Department thereof. They were therefore unprepared for the antagonism of the Navy Department, resulting from the provisions of the contract with Messrs. Carnegie, Phipps & Co., dated November 20, 1890, and referred to in your communication to us. The position of our clients with respect to the incongruous alliance of the Government with an infringing contractor is stated in our communication to the Secretary of the Navy dated May 12, 1896. This is the first communication made by or on behalf of our clients to the Navy Department with reference to the use of their invention. It is as follows:

WASHINGTON, D. C., *May 12, 1896.*

SIR: We have the honor to address you on the subject of the claim of our clients, Messrs. Schneider & Co., for the use of their inventions relating to the fabrication of nickel-steel armor for the Government of the United States; and our object in addressing you is to secure such action by your Department as will lead to a just investigation and disposition of the claim of these patentees.

The only matter in question between Messrs. Schneider & Co. on the one hand, and the manufacturers of armor on the other, in which the Government of the United States is in any manner concerned, arises out of the first contract, dated November 20, 1890, between the Secretary of the Navy and Messrs. Carnegie, Phipps & Co.

For all the armor manufactured or hereafter to be manufactured by the Bethlehem Iron Company an arrangement has been made between that company and Messrs. Schneider & Co.; and in respect of armor made by the Carnegie Steel Company, except the 6,000 tons under the first contract aforesaid, we believe a settlement of royalties could readily be had, either by adjustment or through the courts, but for the situation brought about by the contract, and which virtually creates an alliance between the Government and a manufacturer charged with infringement of a patent.

The said contract of November 20, 1890, provides that to the price therein agreed to be paid for armor 2 cents per pound shall be added, the same to be paid into a Government depository to indemnify the manufacturers for any royalties they might be required to pay on account of the use of the patented invention.

The question of settlement of royalties due Messrs. Schneider & Co. by the Carnegie Steel Company has been a matter of protracted negotiation between the two concerns, but no definite results having been reached, a suit was begun on the 21st day of May, 1895, against the Carnegie Steel Company, which suit is now pending and undecided.

After instituting this suit it has come to our knowledge that, although not a party thereto and not by law liable to suit for infringement of patents, the Government of the United States has undertaken the defense, employing counsel and providing, or being responsible for, the expenses of the action.

It is against this situation that we now enter our protest and ask to be relieved. Our clients have taken no proceedings against this Government and do not wish to assume an attitude of hostility toward it, believing that for any demand or claim they may have directly against the Government they may rely upon its justice and fairness; or, if such claim can not be settled by negotiation between the parties concerned, it should be referred for settlement to the proper tribunal, and the only one having jurisdiction, to wit, the Court of Claims.

Furthermore, we protest against the use of a fund, set aside for the purpose of compensating our clients for the services they have rendered the Government, in the payment of counsel fees and in aiding a manufacturer in a dispute in which the Government has, and can have, no legitimate interest; and we protest none the less earnestly against the manifest injustice (and we may say illegality) of such proceeding because the prominent counsel now profitably engaged in resisting, at the expense of the Government, the demand of Messrs. Schneider & Co. is your predecessor in office, who, on behalf of the Government, made the contract above referred to.

Although by the aforesaid contract the Government agreed to become responsible for legal expenses in the case of a suit, this agreement was made only in respect of the armor covered by that contract. The pending suit is not for royalties on that armor, but for all armor and nickel steel generally made by Messrs. Carnegie & Co. The Government can not, by any interpretation of the contract, be held liable to bear the expense of this suit, and, as we will hereafter show, rather than be put in the position of attacking the Government in an infringement suit, we would eliminate therefrom the particular armor made under the contract of November 20, 1890, the Government not having made this indemnity agreement in any other of its armor contracts.

We assume that you are already fully informed of the facts touching the great benefit conferred upon the Government by Messrs. Schneider & Co., in inventing the nickel-steel armor, and in bringing the same to the knowledge of the Government at the time when the armor question was the subject of most anxious consideration. That the power of the new Navy is largely due to that circumstance is a matter of history, and was fully explained by ex-Secretary Tracy in his testimony, recently given before the investigating committee of the United States Senate. We do not here enter into this branch of the subject, it not being any part of our present object to demand remuneration from the Government, but simply to remove an obstacle which should not be permitted to stand in the way of a settlement of pending questions between Messrs. Schneider & Co. and one of the Government's contractors.

In view of the premises, we have the honor to ask your careful and favorable consideration of the following propositions:

(1) The contract of November 20, 1890, provides that an amicable settlement of the question of payment of royalties may be effected between the Secretary of the Navy, Messrs. Carnegie, Phipps & Co., and the patentees. We submit that this is the only way in which the terms of that contract can be carried out in a manner compatible with the dignity of the Government and the rights of parties who have rendered an important public service. On behalf of the patentees we hereby express their willingness to participate in an effort to effect such amicable settlement, in the belief that the result will be just to them and satisfactory to the Government, in that it will finally dispose of the question to which the Government by said contract has made itself a party, without the undesirable incidents and expense which a litigation of this nature would involve. All questions arising out of this contract would thus be speedily brought to an end, and the remaining questions left where they properly belong—between Messrs. Schneider & Co. and the Carnegie Steel Company. Under this head our request is that you take such action as will bring about a meeting of the parties concerned and exercise your good offices to settle the questions between them, so far as the Government is concerned therein, without litigation.

(2) In case you consider the Government liable to the extent of 2 cents per pound for the 6,000 tons of armor made under the aforesaid contract, or for any amount of royalty the patentees may recover by judgment upon said armor, and are unwilling to accept the suggestion of an amicable settlement and compromise in respect of said liability, we ask that the question thus found to exist between the Government and Messrs. Schneider & Co. be separated from the controversy between the latter and the Carnegie Steel Company; that these separate questions may be settled separately and each in its appropriate place. To that end we are willing and hereby propose to confine our demand against the Carnegie Company to the armor made under the second and subsequent contracts, and to deal directly with the Government in respect of its liability upon the first contract.

The object of this proposition is that the Government should withdraw entirely from the Carnegie suit, and refer to the Court of Claims the question between Schneider and the Government, in case the parties are unable to settle it themselves. We would ask you in this connection to consider in whose interest is this intervention of the Government in the Carnegie suit taken. Not in its own interest, for these are questions strictly between private concerns. Why should the Government, with its Treasury and its resources, intervene for one party and against another who is not hostile to this Government and has done nothing but confer a benefit upon it?

We address you in the sincere belief that these suggestions will meet with your approval, and, indeed, conceive that it could not be otherwise, since it can hardly be supposed that you would prefer to involve the Government in an infringement suit, not brought against it, and for which there is no sanction of law.

We have herein stated our views in a general way only, so as to learn your disposition in regard to them. In case in their general spirit they receive your approbation, we will address you more specifically touching the manner in which they may be carried into effect.

Requesting the honor and favor of an early reply, we are,

With great respect, your obedient servants,

POLLOK & MAURO.

The SECRETARY OF THE TREASURY.

The reply of the Secretary of the Navy, under date of June 15, 1896, is as follows:

NAVY DEPARTMENT, *Washington, June 15, 1896.*

GENTLEMEN: Referring to your letter of the 12th ultimo relating to the suit of your clients, Messrs. Schneider & Co., against the Carnegie Steel Company for the recovery of damages for use of the Schneider patents in the manufacture of nickel steel under all the latter mentioned company's contracts for armor for naval vessels, in which you suggest that an amicable settlement may be made between the patentees and the Government so far as its interests in the matter are concerned, I have to inform you that the Department will give due consideration to any definite proposition you may make with a view to effecting a compromise upon this question. It would appear that the interests of the Government may be best subserved by defense against the suit of your clients and settlement of same in the courts, but if it shall be made clear that it is advantageous to the Government to make a compromise, it is probable that such compromise could be effected.

It is requested that you will give this matter your attention at as early a date as may be practicable.

Very respectfully,

H. A. HERBERT, *Secretary.*

Messrs. POLLOK & MAURO,
Counselors at Law, 629 F street NW., Washington, D. C.

On receipt of this communication our Mr. Mauro called at the Department and had an interview with Secretary Herbert, on June 17, for the purpose of discussing terms of settlement. In the course of that interview the Secretary informed Mr. Mauro that he had decided, after careful consideration, to settle by compromise the obligation of the Government incurred under the contract referred to, if satisfactory terms could be made, and that it was a mere question of price. Mr. Mauro stated to the Secretary that, in order to avoid even an appearance of antagonism toward the Government and to terminate speedily a situation that was extremely distasteful to our clients, they were prepared to make substantial concessions, and offered to accept 70 per cent of the royalty set aside under the contract. The Secretary replied that this concession would not suffice, and after some further discussion stated that a proposition from Messrs. Schneider & Co. to accept 50 per cent of the royalty claimed would be seriously and carefully considered.

Mr. Mauro informed the Secretary that he had gone to the limits of his authority in the offer made, and would have to refer to the principals for instructions. The interview closed with the suggestion of the Secretary that it would be advisable to obtain a cable authority to submit a better proposition, the impression conveyed being that an offer to accept one-half the claim would be immediately accepted. The result of this interview was, the same day, communicated by cable to the senior of our firm, Mr. Pollok, who was then in Paris. He immediately conferred with Messrs. Schneider & Co., and on the next day, June 18, sent by cable the following reply:

"In deference to Secretary, and to stop costly litigation, Schneider authorizes you to accept 1 cent pound."

On the same day (June 18) the following letter was addressed by us to the Secretary of the Navy:

WASHINGTON, D. C., *June 18, 1896.*

SIR: We have the honor to acknowledge receipt of your communication of the 15th instant (No. 2506-96) relating to the pending litigation between our clients, Messrs. Schneider & Co., and the Carnegie Steel Company, involving the use of the patented inventions of the former in the manufacture of nickel-steel armor for the Government of the United States, in which communication you say that due consideration will be given to any definite proposition we may make with a view to effecting a compromise upon this question so far as the Government's interests are concerned in it.

In response to this communication, we stated to you yesterday that in order to avoid seeming antagonism with the Government and to reach prompt settlement we would take the responsibility of settling the claim of Messrs. Schneider & Co. upon the first Carnegie contract (of November 20, 1890) at a reduction of $75,000 (seventy-five thousand dollars) from the amount for which the Government became liable under that contract.

Upon your oral intimation that such proposition would not be favorably considered, and being without authority to make a larger concession, we cabled to Messrs. Schneider & Co. for instructions, advising them of your views so far as communicated to us.

We are now in receipt of this reply, in which they say that, in deference to the Secretary of the Navy, and to stop costly litigation, they authorize us to accept 1 cent per pound.

We believe that, in avoiding the usual methods of negotiation where money payments are involved, and stating at once the full extent of the concession our clients are prepared to make in their desire to meet your views, we will expedite progress; and we trust that this course, and the propositions hereby submitted, will meet your approval.

With great respect, your obedient servants,

POLLOK & MAURO.

The SECRETARY OF THE NAVY.

The matter remained under advisement until July 30. Under that date the Secretary replied as follows:

NAVY DEPARTMENT, *Washington, July 30, 1896.*

SIRS: Referring to the question of making a compromise of the suit of Messrs. Schneider & Co. against the Carnegie Steel Company for infringement of patents in the manufacture of nickel-steel armor, I have to inform you that, after carefully considering the matter, and after consultation with the attorney representing the Government in the case, the Department has concluded not to accept the proposition made in your letter of the 18th of June last, as attorneys for Messrs. Schneider & Co., that the Government pay your clients 1 cent a pound on all the nickel-steel armor plates manufactured by the Carnegie Steel Company under its contract of November 20, 1890.

Very respectfully,

H. A. HERBERT, *Secretary.*

Messrs. POLLOK & MAURO,
No. 629 F street NW., Washington, D. C.

On October 8, 1896, on the return of the Secretary from his trip abroad, we addressed to him the following letter:

WASHINGTON, D. C., *October 8, 1896.*

SIR: We have the honor to acknowledge receipt of your communication, No. 2506-96, under date of July 30, 1896, in reply to our letter of June 18, in which communication you reject a proposition for compromise of the pending controversy under the patents of Messrs. Schneider & Co., which we had submitted, evidently under a misapprehension regarding your views, and which would not have been made but for our belief that it would have been accepted, and the advantage of an immediate settlement secured.

We are now instructed by our clients to withdraw the proposition, and we beg you to consider the subject as if such proposition had never been made.

We are obliged, however, respectfully to direct your attention to the tenor of our letter of May 12 last, which resulted in the suggestion conveyed by your letter of June 15, that we should submit a "definite proposition," "with a view to effecting a compromise upon this question." In our said letter of May 12, 1896, the amicable settlement of the obligations which the Government had assumed under the Carnegie contract of November 20, 1890, was only incidentally suggested and advocated, our belief being that it was the most advantageous and honorable course for the Government to pursue, though well aware there might be reasons of expediency for not adopting that course, of which you, as the responsible head of the Department, are the best and only judge. We desire to emphasize the statement that the suggestion of compromise was made in the interests of the Government (not considering those of counsel) and we have used all our influence with our clients to obtain from them concessions which, we understood and believed, would make the settlement of the question acceptable to the Government.

The main object of our letter of May 12 was to show that, in the suit brought against the Carnegie Steel Company, the Government had but a small interest, and in defending it assumed much more than its share in the expense and responsibility for the defense, thus gratuitously attacking our clients in their vested rights, and lending its power and resources to aid a private corporation against persons to whom the Government is under obligations.

Therefore it was asked, as a matter of simple right and justice, that, should the Government persist in opposing the patents (a course somewhat inconsistent with that pursued in the case of other patentees and of less meritorious inventions) it would consent to transfer the trial of the controversy to the Court of Claims.

We believed, and still believe, that the identification of the Government of the United States in this litigation with the defendant contractors, who have committed themselves to the complainants in many ways, as set forth in the bill of complaint, is incompatible with both its dignity and its interests, besides being manifestly unfair to our clients. We therefore confidently believed that our request would be promptly granted.

To this prominent and important part of our letter we have received no reply, your consideration apparently having been given only to the suggestion of an amicable settlement. We now beg most respectfully and earnestly to urge this matter upon your attention.

In the light of the above explanation, you may, and doubtless will, wish to examine and consider the entire subject presented in our letter of May 12. We need not assure you that we have done and are desirous of doing everything—consistent with the duty we owe our clients—to aid the Government in reaching a safe and honorable solution of the questions growing out of the contract referred to. Since the specific proposition which we made, under a mistaken impression, did not meet your approval, we will not now submit another; but we shall be ready to act upon any suggestion you may see fit to make, or to submit the whole matter to arbitration.

With great respect, your obedient servants,

POLLOK & MAURO.

The SECRETARY OF THE NAVY.

To this letter no reply has been received up to the present time.

We have thus laid before you the entire correspondence between the representatives of Messrs. Schneider & Co. and the Government of the United States on the subject of their nickel-steel patents, and have stated the substance of the only interview had with the Secretary of the Navy on this subject.

If this correspondence suggests any specific questions which your committee would like to ask of us, we shall be happy to respond with such information as we are able to furnish.

Very respectfully,

POLLOK & MAURO.

Hon. WM. E. CHANDLER.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., January 11, 1897.

MY DEAR SENATOR: In reference to the amount claimed by Carnegie, Phipps & Co. for stipulated allowance as indemnity against alleged claims under patents for the manufacture of nickel-steel armor plates, as provided in section 4 of the contract with the Government of November 20, 1890, I find that the only record we have is contained in the bill presented for 871,[illegible] pounds of nickel-steel armor plate, covering claims to include bill No. 40, approved March 17, 1893, which at 2 cents per pound amounted to $17,[illegible]. Payment of this bill was suspended by decision of Second Comptroller Mansur, of September 13, 1894, copy of which has been furnished you.

Since the suspension of this bill, no further claims under said section of the contract have been presented to the accounting officers. The contract, however, provides for the manufacture of 6,000 tons of armor plate and appurtenances, all or a part of which may be of the character for which the United States might become liable to pay the 2 cents per pound therein specified. Assuming that the tons referred to are long tons of 2,240 pounds, the liability, were the entire amount to be delivered by the contract to be of nickel steel, would be $268,800, or at the rate of $44.80 per ton. The Secretary of the Navy is by the contract vested with considerable discretion in the matter of substituting nickel-steel armor plate for ordinary steel, and I would suggest that you obtain a copy of the contract from the Navy Department.

Respectfully, yours,

EDW. A. BOWERS,
Assistant Comptroller.

Hon. WM. E. CHANDLER,
United States Senate.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., September 13, 1894.

Memorandum. Claim of Carnegie, Phipps & Co. for allowance as indemnity against claims under patents alleged by the owners thereof to cover the manufacture of nickel-steel armor plate, as provided by the fourth section of the contract of November 20, 1890.

"Whereas certain patentees claim by reason of their inventions to control the right to armor plates containing nickel; and

"Whereas the party of the second part declines to recognize the claims of said patentees, and to pay the royalty demanded by them, said royalty being two (2) cents per pound upon the finished armor plates and appurtenances:

"Therefore, for the protection of the party of the first part, there shall be added to the cost of the said nickel-steel armor plates and appurtenances, when computed aforesaid, the sum of two (2) cents per pound to cover said claims, which sum the party of the second part agrees to pay from time to time, as the payments for said nickel-steel armor plates and appurtenances are made according to this contract. Said sums as paid are to be deposited by the party of the first part in such depositories of the United States as the Secretary of the Navy may designate.

"Should it be finally decided by the courts of competent jurisdiction that the said patents are invalid, or that there is no valid claim against either of the parties hereto, their agents or employees, said fund shall be promptly paid over by the party of the first part to the Secretary of the Treasury, after deducting therefrom such reasonable counsel fees and expenses, if any, as may be approved by the Secretary of the Navy, incurred by the party of the first part in defense of such litigation; or in case of amicable settlement between the parties hereto and said patentees, the balance remaining after such settlement and payment of expenses as aforesaid which may have been necessarily incurred by the party of the [illegible] shall be paid over to said Secretary of the Treasury.

"In case of a final judgment in favor of said patentees, the [illegible] be used, so far as necessary, for the payment of said [illegible] expenses approved as aforesaid, including reasonable [illegible] fees, but in case all of said fund shall be required for the payment of said judgment, then the party of the second part shall pay such expenses as shall have been properly incurred by the party of the first part, after approval as aforesaid, including reasonable attorney's fees in the defense of any such suits."

It is evident that this clause cited from the contract was intended to protect the contractors from loss in the manufacture of armor plate containing nickel. There is no evidence before me, nor has it been alleged, that any claim has been made against the company upon the ground that they are infringing upon the rights of any patentee in the manufacture of armor plates containing nickel, much less that any action has been brought or is even contemplated by any patentee for infringement of his process. The payment of this claim under the contract is suspended, as I am unable to see any reason why the money should be drawn from the United States Treasury, the first and greatest of all our depositories, and placed in some named depository by the Secretary of the Navy, but to be under the control of the company, thereby practically depriving the United States of any beneficial use of the money for the time being. If at any time claims shall be made and suit commenced against the company, then the question can again be brought to the consideration of the accounting officers, when the money, pursuant to said contract, can be placed in some designated depository of the Government to their credit.

C. H. MANSUR, *Comptroller.*

PRICES OF ARMOR FOR NAVAL VESSELS.

INVESTIGATION BY THE COMMITTEE ON NAVAL AFFAIRS OF THE UNITED STATES SENATE IN RELATION TO THE PRICES PAID FOR ARMOR FOR VESSELS OF THE NAVY.

WASHINGTON, D. C., *January 8, 1896.*

The committee met at 11 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, MCMILLAN, CHANDLER, BACON, and TILLMAN.

The CHAIRMAN. The committee is about to enter upon the inquiry which the Senate directed should be made by a resolution agreed to December 31, 1895. The resolution reads as follows:

Resolved, That the Committee on Naval Affairs be directed to inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also whether any prices paid have been increased on account of patent processes used for the introduction of nickel or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers of the Government were interested therein, or at the time when any contracts were made were, or have since been, interested in the patents or employed by the owners thereof, and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy.

It was ordered that the chairman transmit to the Secretary of the Navy the resolution of the Senate and the following memorandum, with the request to examine them and inform the committee whether it would be his pleasure to appear before the committee at some convenient time and give the information desired.

The memorandum transmitted in pursuance of the above order is as follows:

MEMORANDUM FOR SENATOR CAMERON, CHAIRMAN OF THE SENATE NAVAL COMMITTEE.

The following suggestions are made in reference to the investigation to be conducted by the committee under the resolution of the Senate adopted December 31, 1895:

1. That the inclosed memorandum be submitted to the Secretary of the Navy with the request that he will, if disposed to appear before the committee, prepare himself to give all available information within the Department or within his knowledge concerning the four points of the memorandum. The following particulars are suggested in connection with or addition to the points of the memorandum as to which it will be desirable to interrogate him when he comes before the committee.

2. What reason, if any, can be discovered why Secretary Tracy provided the fund of 2 cents per pound of armor made under the contract of the Carnegie Steel Company in addition to the prices paid for the armor, when the Bethlehem Iron Company paid the royalties out of the prices received by them for armor?

3. How many requests have been made by the Navy Department since March 4, 1881, for the expediting of patent cases in the Patent Office, and in what cases and with what result?

4. How many contracts have been made by the Navy Department for the use of the Harvey patents? (Copies of all these should be produced.)

5. Does it appear that the Department, having requested that the Harvey patent case be made special, took any steps to ascertain whether or not the invention was novel, and to oppose its issue in case it could be proved to be nonpatentable?

6. When did the Department first have knowledge that Commander Folger was to be employed or had been employed by the Harvey Company or was to have an interest in the company? What contracts had been made for the Harvey process before Commander Folger ceased to be chief of the Bureau? What contracts were in process of arrangement while he was chief of the Bureau, and how soon after he left the Bureau were additional contracts made with the Harvey Company?

7. What has been the rule, if any, or the practice of the Navy Department with reference to patents in which officers of the Navy have been interested?

8. To what extent and in what cases have officers of the Navy been interested in patents which have been pressed upon or of which use has been made by the Department? (A particular list of all such cases should be furnished.)

9. What gross amounts have been paid by the Navy Department for armor for vessels of the Navy to the Bethlehem Iron Company and to the Carnegie Steel Company?

10. What are the additional amounts likely to be paid out to fulfill existing contracts, and to what amount is the Department now authorized to make further contracts for armor?

The Secretary should also be requested to furnish to the committee any facts within his knowledge, or of which he has heard in any way, which may tend to throw light upon the subject of the investigation, whether specifically asked about those facts or not, and he should also be requested to make any suggestions and to express any opinions which he may think wise.

WM. E. CHANDLER.

JANUARY 4, 1896.

STATEMENTS REQUIRING INVESTIGATION IN CONNECTION WITH THE ARMOR CONTRACTS OF THE NAVY DEPARTMENT.

I.

That the prices to be paid for armor under Secretary Whitney's contract with the Bethlehem Iron Company of June 1, 1887, were from $500 to $650 per ton; and the prices to be paid under Secretary Tracy's contract with the Carnegie Steel Company of November 20, 1890, were the same; and like prices were to be paid for armor under subsequent contracts made by Secretary Tracy with the Carnegie Steel Company on February 28, 1893, and with the Bethlehem Iron Company on March 1, 1893, and that these prices are too high, as proved by the fact that the Bethlehem Iron Company has recently made contracts with the Russian Government to furnish similar armor at a price understood to be about $300 a ton.

II.

That the contract of Secretary Whitney required the Bethlehem Iron Company to pay all royalties to patentees of processes necessary to be used in making the armor, and that the company did so pay large sums of money to patentees of the nickel-steel process, while in the contract of Secretary Tracy with the Carnegie Steel Company of November 20, 1890, it is provided that there shall be a fund amounting to the sum of 2 cents per pound of armor made with which to contest the legality of the nickel-steel patents or to pay any amount which the patentees may recover, but that Secretary Tracy agreed that the Government should pay this sum of 2 cents per pound in addition to the prices paid for the armor, although the Bethlehem Iron Company pay the royalties out of the prices received by them for the armor.

III.

That one Hayward A. Harvey had a patent issued on January 10, 1888, for hardening armor plate, and that on April 1, 1891, he filed an application for a patent on a modification of the process, which, on June 11, 1891, was rejected because prior patents covered "the well-known step of hardening by chilling." On June 17, 1891, the application of April 1 was canceled and a new one filed. On June 20 Secretary Tracy wrote the Secretary of the Interior requesting that the application be made special in the Patent Office. The new patent was issued September 29, 1891. In the summer of 1892 a contract was made by the Navy Department with Harvey for the use of his patent, and an additional contract was made with him in the spring of 1893, by which he was to be paid $11.50 per ton on armor treated by the process; and in the contracts of the Navy Department with the Bethlehem Iron Company of March 1, 1893, and the Carnegie Steel Company of February 28, 1893, the Government required the use of the Harvey process, agreed to pay the contractors $100, $78, and $50 per ton, according to the thickness of the armor, as an extra compensation for treating the armor by the process, and assumed all the expense for the royalties to be paid to the Harvey Company on the patents; the expediting of the issue of the Harvey patent, and the adoption of the process, having been, it is suggested, brought about by improper influences.

Specifically, it is stated that Commander William M. Folger, chief of the Ordnance Bureau in the Navy Department, induced the expediting of the Harvey patent and the adoption of the process in the manufacture of armor, by reason of an understanding that he should be employed by the company organized by Mr. Harvey and have an interest therein; that in January, 1893, after the first contract had been made with the company and after the second contract had been arranged, but before it had been actually executed, he resigned as chief of the Bureau, and while continuing to be a commander in the Navy he accepted employment from the Harvey Company for a salary of $5,000 per year and a bonus of 200 shares of stock in the company, and went abroad to negotiate contracts with foreign governments for the use of the Harvey process.

At 12 o'clock m. the committee adjourned.

COMMITTEE ON NAVAL AFFAIRS,
UNITED STATES SENATE,
Saturday, January 18, 1896.

The committee met at 11 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, McMILLAN, CHANDLER, GIBSON, SMITH, BACON, and TILLMAN.

Hon. H. A. Herbert, Secretary of the Navy, appeared.

The CHAIRMAN. Mr. Secretary, we have sent you a memorandum of questions. If you desire to make a statement, we would be glad to hear you.

Secretary HERBERT. Shall I proceed to answer the questions furnished, or do the members of the committee prefer to ask questions?

The CHAIRMAN. It would be better to take up the questions in the order that they appear in the memorandum, and after a question has been answered any further questions can be asked that any member of the committee may desire.

STATEMENT OF HON. H. A. HERBERT, SECRETARY OF THE NAVY.

Secretary HERBERT. The memorandum sent to me proceeds as follows:

"The following suggestions are made in reference to the investigation to be conducted by the committee under the resolution of the Senate adopted December 31, 1895:

"(1) That the inclosed memorandum be submitted to the Secretary of the Navy, with the request that he will, if disposed to appear before the committee, prepare himself to give all available information within the Department or within his knowledge concerning the four points of the memorandum. The following particulars are suggested in connection with or addition to the points of the memorandum as to which it will be desirable to interrogate him when he comes before the committee.

"(2) What reason, if any, can be discovered why Secretary Tracy provided the fund of 2 cents per pound of armor made under the contract of the Carnegie Steel Company in addition to the prices paid for the armor, when the Bethlehem Iron Company paid the royalties out of the prices received by them for armor?"

The records of the Department do not disclose any reason for the difference inquired about here. I find on investigation that the contract which was made by Secretary Whitney in 1887 with the Bethlehem Company for the manufacture of armor provided that the armor should be manufactured on what I may call, for the sake of convenience, the basis of $500 a ton. There were differences in the price of the armor according as it was more or less difficult to manufacture. Small and thin pieces like gun sponsons were allowed a higher price. Thick, heavy armor was at the rate of $500 a ton.

Senator HALE. Have you brought a copy of the contracts?

Secretary HERBERT. I have the contracts here. The first contract was made by Secretary Whitney. Afterwards, in 1890, Secretary Tracy made a contract with the Carnegie Company by which he agreed to pay to that company the same prices that were paid to the Bethlehem Company, with the exception of this point of 2 cents per pound additional inquired about. The Bethlehem Company is understood to have had some contract originally with the Schneider Company, at Creusot, France, for the right to use the processes that were used by that French company, and this patent is now claimed by that company, I think. The patent, however, was taken out, as I understand it, after 1887. When Secretary Tracy made the contract with the Carnegie Company, he agreed to indemnify it against damages that might be recovered from them for the use of this patent. He seems to have thought the patent invalid.

The CHAIRMAN. The French patent?

Secretary HERBERT. The French patent.

Senator SMITH. That was in addition to the amount paid to the Bethlehem Company?

Secretary HERBERT. Yes; the amount they were claiming was about 2 cents per pound, which would be some $48.80 a ton—a long ton. Long tons are always used in these contracts.

Senator BACON. You mean the amount the French company were claiming?

Secretary HERBERT. The amount the French people were claiming for the use of the patent right which they claimed, and which Secretary Tracy seems to have thought they did not have a right to. At any rate, whatever he thought about it, he agreed in this contract with the Carnegie Company to set aside 2 cents per pound as a fund to be drawn upon to indemnify them in case of any suit coming against them for this patent. His reasons do not appear in the record.

Senator SMITH. Was that 2 cents a pound taken off the price which was agreed upon under the contract?

Secretary HERBERT. No, sir.

Senator SMITH. That was additional?

Secretary HERBERT. It was additional.

Senator HALE. It was to indemnify them.

Secretary HERBERT. It was to indemnify them against a claim of that kind, which he asserted they had no right to, and he agreed to indemnify the Carnegie Company against any suit for infringement.

The fund, however, never was set aside. I think before I came into the office it was decided, in the preceding February, by the Treasury Department, that there was no power in the Secretary of the Navy to order that fund set aside. But the Government was nevertheless responsible under the contract. Secretary Tracy's idea of course was to get an additional plant for the manufacture of armor.

Senator CHANDLER. The amount claimed on the 2 cents per pound is about $300,000 for work done up to this time? The fund which the Comptroller declines to allow to be set aside and paid over is about $300,000, is it not?

Secretary HERBERT. I think so. The Comptroller has simply refused to allow it to be set aside. As to whether it is to be paid depends upon the result of the suit now pending.

Senator HALE. Has any order ever issued from the Department, or has any decision been made by any Secretary directing that sum to be paid?

Secretary HERBERT. No, sir.

Senator HALE. Of course it never has been paid?

Secretary HERBERT. Mr. Tracy refused to pay it, and I have refused to pay it. Suit has been finally brought against the Carnegie Company by the Schneider Company, and I have, through the Attorney-General, employed Mr. Wetmore, an attorney of New York, one of the first patent lawyers in the country, to aid the attorneys of the Carnegie Company in defending the suit.

Senator SMITH. Who are the attorneys of the Carnegie Company?

Secretary HERBERT. Their standing attorneys? I do not now remember their names. I have met them, but do not remember the names just now. But Mr. Wetmore is defending the Government in that suit.

Senator CHANDLER. Has the Government any other counsel employed?

Secretary HERBERT. None except Mr. Wetmore.

Senator CHANDLER. Is not ex-Secretary Tracy's firm employed?

Secretary HERBERT. Yes; by the Carnegie Company.

Senator CHANDLER. You have also employed Mr. Wetmore?

Secretary HERBERT. Yes, sir.

Senator HALE. To resist the suit?

Secretary HERBERT. To resist the suit. I did not know that ex-Secretary Tracy's firm had been employed by the Carnegie Company until recently. Before this investigation came up I wrote to ex-Secretary Tracy to ascertain from him the grounds upon which he had refused to admit the validity of the French patent, and then I learned that his firm was engaged by the Carnegie Company to defend this suit. The regular attorneys of the Carnegie Company—I do not now remember their names—are defending the suit, and Mr. Tracy's firm is also in the defense. Mr. Wetmore is the only counsel employed by the Government.

Senator HALE. What is there in the records of the Departments on which, if the suit is decided against the Carnegies, the foreign company can maintain and collect this royalty from them? What is there that would lead any Secretary or any Administration now to recognize the obligation to make this good?

Secretary HERBERT. The contract between the Carnegie Company and Mr. Tracy, the Secretary of the Navy.

Senator HALE. The contract recognizes that obligation?

Secretary HERBERT. It recognizes that obligation in these terms in the contract of November 20, 1890:

> Whereas certain patentees claim by reason of their inventions to control the right to make armor plate containing nickel; and
>
> Whereas the party of the second part (the Navy Department) declines to recognize the claims of said patentees, and to pay the royalty demanded by them, said royalty being 2 cents per pound upon finished armored plates and appurtenances:
>
> Therefore, for the protection of the party of the first part (the Carnegie Steel Company), there shall be added to the cost of the said nickel-steel armor plates and appurtenances, when computed as aforesaid, the sum of 2 cents per pound to cover said claims, which sum the party of the second part (the Navy Department) agrees to pay from time to time, as the payments for said nickel-steel armor plates and appurtenances are made according to this contract. Said sums as paid are to be deposited by the party of the first part in such depositories of the United States as the Secretary of the Navy may designate.
>
> Should it finally be decided by the courts of competent jurisdiction that the said patents are invalid, or that there is no valid claim against either of the parties hereto, their agents or employees, said fund shall be promptly paid over by the party of the first part to the Secretary of the Treasury, after deducting therefrom such reasonable counsel fees and expenses, if any, as may be approved by the Secretary of the Navy, incurred by the party of the first part in defense of such litigation; or in case of amicable settlement between the parties hereto and said patentees, the balance remaining after such settlement, and payment of expenses as aforesaid, which may have been necessarily incurred by the party of the first part, shall be paid over to said Secretary of the Treasury.
>
> In case of a final judgment in favor of said patentees, the said fund shall be used, so far as necessary, for the payment of said judgment, and costs and expenses approved as aforesaid, including reasonable attorneys' fees, but in case all of said fund shall be required for the payment of said judgment, then the party of the second part shall pay such expenses as shall have been properly incurred by the party of the first part, after approval as aforesaid, including reasonable attorneys' fees, in the defense of any such suits.

Then there are other provisions on the same subject, but [illegible] I have read sufficiently show, I suppose, the liability of [illegible] Government.

Senator CHANDLER. Then if 2 cents is not enough [illegible] the expenses and royalties the Govern[illegible] the [illegible]

Secretary HERBERT. Yes.

Senator HALE. It makes them good?

Secretary HERBERT. The Government is the guarantor in that case.

Senator HALE. That shows the Secretary contemplated litigation, and he provided, I understand, for the segregating of this fund, which has never been paid over by anybody, nor any portion of it, but is now locked up by the Comptroller, and the suit is now pending. That is the real situation, is it not?

Secretary HERBERT. The Comptroller refuses to set it aside, I understand. It has never been set aside and this contract simply stands.

Senator CHANDLER. Did the formal requisition for the payment of the 2 cents per pound go from the Navy Department to the Comptroller to pay the sum?

Secretary HERBERT. I think it did. I understand he refused to set it aside.

Senator CHANDLER. He could not make the refusal until the motion to pay had originated in the Navy Department?

Secretary HERBERT. I am not sure about what action was taken by the Department.

Senator CHANDLER. Therefore the Secretary of the Navy, for the time being, must have undertaken to pay 2 cents a pound?

Secretary HERBERT. Before saying that the formal requisition was made I would prefer to consult the records and see whether that was done; but my understanding is that either upon a formal requisition or upon an informal letter, which we sometimes send over from the Department to the Treasury to know whether a thing will be allowed or not, the Treasury Department refused, and therefore the fund has never been set aside.

Senator CHANDLER. I understand that to be the case. No money is appropriated for naval services and none can be paid out except under the direction of the Secretary of the Navy?

Secretary Herbert. No, sir.

Senator Chandler. Therefore, if the Comptroller stopped a requisition for this payment he must have stopped the request of the Secretary of the Navy that it should be paid?

Secretary Herbert. Not necessarily. There might have been a letter written and sent over to know whether he could do it.

Senator Hale. A letter of inquiry?

Secretary Herbert. A letter of inquiry.

Senator Chandler. You do not know how that was?

Secretary Herbert. I do not know how that was.

Senator Hale. You will furnish that record?

Secretary Herbert. I will furnish it.

Let me say here that a proposition to compromise this suit was made to me some time ago through Mr. Leishman, the manager of the Carnegie Company. He said a proposition had been made to the Carnegie Company to compromise, and wanted to know if I would accept it. The proposition was not very definite, but Mr. Leishman thought it could be accepted with advantage. I wrote to Mr. Wetmore and told him that I would make no compromise at all except upon his advice. The substance of my letter was the expression of a wish that he should examine the case very carefully before making any recommendation; that I was indisposed to make any compromise, but would hear from him on the subject. He has never advised any compromise, and the suit is pending.

Senator Bacon. I wish to ask the Secretary if the two contracts, the one with the Carnegie Company and the one with the Bethlehem Company, were the same, except as to the 2 cents a pound provision?

Secretary Herbert. I understand they were the same.

Senator Bacon. They contemplated the same kind of armor and at the same prices?

Secretary Herbert. Yes, sir.

Senator Bacon. And the only difference was that in the case of the Carnegie Company there was a provision made to guarantee against loss by reason of this French claim, and in the case of the Bethlehem Company there was no such provision? In all other respects as to prices, materials, and everything else the contracts were the same?

Secretary Herbert. Yes, sir; that is my understanding.

Senator McMillan. How did the Bethlehem Company settle with the French people for this patent?

Secretary Herbert. That is not known. They made some contract, which they have not made known to the Department, originally with the Schneider Company in France for the use of their processes. That contract must have had in it some prospective clause that looked to the use of any future invention that the Creusot Company might adopt; at least, I suppose so. There has never been any claim on the part of the Bethlehem Company, at least, against the Government for any indemnity of that kind. This incorporating of nickel with armor was adopted after the contract of 1887 and after the Schneider Company had made their contract with the Bethlehem Company.

Senator Bacon. What was the difference in time, if any, in the making of those two contracts?

Secretary Herbert. One was made in June, 1887, and the other in 1890. I have copies here that give the exact date.

Senator Bacon. With whom was the first contract made?

Secretary Herbert. With the Bethlehem Company, in 1887, and that was made by Secretary Whitney.

Senator Bacon. The Bethlehem Company contract, in which this provision is not contained, was the first one made?

Secretary Herbert. Yes, sir.

Senator Hale. Let copies of those contracts be inserted at this point.

The contracts referred to are as follows:

CONTRACT FOR STEEL ARMOR PLATES.

This contract, of two parts, made and concluded this 1st day of June, A. D. 1887, by and between The Bethlehem Iron Company, a corporation created under the laws of the State of Pennsylvania, and doing business at South Bethlehem, in said State, represented by Alfred Hunt, president of said company, parties of the first part, and The United States, represented by William C. Whitney, Secretary of the Navy, party of the second part, witnesseth, That, for and in consideration of the payments hereinafter specified, the parties of the first part, for themselves and their successors, heirs and assigns, and their and each of their personal and legal representatives, do hereby jointly and severally covenant and agree to and with the United States as follows, that is to say:

First. That, within two and a half years from and after the date of this contract, the parties of the first part will, at their own risk and expense, provide and establish, at South Bethlehem, in the county of Northampton and State of Pennsylvania, a suitable "plant," with all necessary appliances and appurtenances, in all respects complete and adequate to the production of the steel armor plates and appurtenances required under this contract, and to deliveries thereof within the periods hereinafter prescribed; it being understood that the United States shall not, by reason of this contract or anything herein contained, acquire or possess any ownership or proprietary interest whatever of, in, or to such "plant," appliances, and appurtenances, or any part thereof; it being further expressly understood and agreed, by and between the parties to this contract, that the Secretary of the Navy may appoint suitable inspectors, who shall, at all times during the preparation of such "plant," be furnished by the contractors with full information respecting the character and progress of the work in the preparation of said "plant," and such access to the premises as shall enable the Department, from time to time, upon special order of the Chief of the Bureau of Ordnance, to verify the correctness of such information.

Second. The parties of the first part will, at their own risk and expense, manufacture and deliver to the Navy Department, in the manner and within the periods prescribed, and according to the conditions stated in the advertisement of the Secretary of the Navy, dated August 21, 1886, inviting proposals for steel armor plates; the proposal of the parties of the first part under said advertisement; the printed circular (including the drawings appended to and forming part thereof), approved by the Secretary of the Navy February 12, 1887; the addenda thereto, approved by the Secretary of the Navy March 11, 1887, and the notice by the Secretary of the Navy, dated March 16, 1887; which advertisement, proposal, circular, addenda, and notice, hereto annexed, shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein; the steel armor plates and appurtenances therein described or referred to, and at the prices per ton for the different exhibits, and for the total price, as follows:

Exhibit.	Kind of material.	Estimated number of tons in each exhibit.	Price per ton for each exhibit.	Price for each exhibit.
Column 1.	Column 2.	Column 3.	Column 4.	Col. 5 = col. 3 × 4.
K.	Side armor for Puritan.	734.7	$510.00	$374,697.00
L.	Side armor for Amphitrite and class	1,066.8	510.00	544,068.00
M.	Turrets and pilot houses for 4 monitors	835.8	575.00	480,585.00
N.	Smoke pipes and ventilators for 4 monitors	266.3	575.00	153,122.50
O.	Armor for breastworks for 2 armored vessels	680.0	575.00	391,000.00
P.	Armor for turrets, conning towers, and ammunition tubes for 2 armored vessels	485.0	575.00	278,875.00
Q.	Part of side armor for 2 armored vessels	364.0	500.00	182,000.00
R.	do	468.0	525.00	245,700.00
S.	Part of side armor for 2 armored vessels	272.0	600.00	163,200.00
T.	Part of side armor for 2 armored vessels	196.0	600.00	117,600.00
U.	Rolled plates, protective deck armor, and gun shields	1135.0	490.00	556,150.00
V.	Turret and side armor bolts and steel accessories	181.0	650.00	117,650.00
W.	Small armor bolts, steel.	6.0	650.00	3,900.00
X.	Tubing and washers, wrought iron	12.0	180.00	2,160.00
	Total price			3,610,707.50

The quantities and weights named in column 3 constitute the estimated weights which will be required by the party of the second part under this contract.

Subject, however, to such variations in said total price, and in the weights, and in the aggregate weight of said armor plates and appurtenances as may result from changes which may be made under provisions in the aforesaid circular, addenda, and notice, relating to changes, or from the operation of other conditions therein contained which may affect the total price or weights or aggregate weight aforesaid: *Provided, however*, That the aggregate weight of the armor plates and appurtenances to be delivered under this contract shall be finally determined in accordance with the several provisions and conditions relating thereto contained in the aforesaid circular, addenda, and notice; such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular, the addenda thereto, and notice; it being expressly understood, covenanted, and agreed, by and between the parties to this contract, that deliveries thereunder shall be commenced by the delivery of not less than (300) three hundred tons within two months from and after the expiration of the contract time for the completion of an adequate "plant," and shall be continued thereafter at the rate of not less than (300) three hundred tons per month, and shall be fully completed within two years from the date of such first delivery.

Third. It is mutually understood, covenanted, and agreed, by and between the parties to this contract, that changes in the conditions or requirements of the circular, addenda, and notice hereinbefore referred to, and which form part of this contract, may be made by and with the mutual consent of the parties hereto; and if changes are thus made, the actual cost thereof and the damage, if any, caused thereby, and the amount of the increased or diminished compensation which the contractors shall be entitled to receive, if any, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy, and the determination of such board, or of a majority thereof, shall be binding upon the parties of the first part, who hereby expressly covenant and agree to accept and abide by such determination.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that every reasonable consideration shall be extended to the contractors in case of unavoidable delay in the preparation of the "plant" or in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that they have assumed the obligations of this contract in good faith and that they are prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for the preparation of the "plant" or for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract, or any part thereof, or in case any question shall arise under the provisions hereof concerning premiums, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon all the parties to this contract.

Fifth. It is further mutually understood, covenanted, and agreed that if, at any stage of the work prior to final completion, the Secretary of the Navy shall find that the contractors are unable to go forward with the work necessary to provide and establish a "plant" as aforesaid, and to make satisfactory progress toward the completion of the same within the period prescribed as aforesaid, including such extension or extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the contractors.

Sixth. It is further mutually understood, covenanted, and agreed that if, after the completion of the "plant" aforesaid, and at any stage of the work prior to the final completion of said armor plates and appurtenances, the Secretary of the Navy shall find that the contractors are unable to proceed with, and make satisfactory progress in, the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed, as aforesaid, including such extension or extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the contractors; and in case the Secretary of the Navy shall, under the provisions of this or of the next preceding clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover, for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Seventh. The parties of the first part, in consideration of the premises, hereby covenant and agree to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances, or any part thereof, under this contract, by the parties of the first part, and to protect and discharge the Government from all liability on account thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, before final payment under this contract shall be made.

Eighth. It is mutually understood, covenanted, and agreed by and between the respective parties that this contract shall not, nor shall any interest therein, be transferred by the parties of the first part to any other person or persons, and that any such transfer shall cause the annulment of this contract so far as the United States are concerned; and that all rights of action to recover for any breach of this contract by the parties of the first part are reserved to the United States.

Ninth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, is not to be construed to extend to this contract, it being made with an incorporated company.

Tenth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the parties of the first part as follows:

1. The contract price to be paid by the United States to the said parties of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the price per ton for each exhibit as stated in the second clause of this contract.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract, and in the circular, addenda, and notice aforesaid.

3. There shall be a reservation of 10 per cent on each payment made under this contract until the aggregate of such reservations shall reach the sum of $100,000, when such reservations, so far as subsequent payments are concerned, shall cease, and the sum last mentioned shall be held as a special reserve under the conditions hereinafter stated.

4. No payment shall be made except upon bills, in triplicate, certified by the inspectors in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the contractors or their order.

6. The special reserve aforesaid shall be retained until all the armor plates and appurtenances furnished under this contract shall have successfully met the requirements of paragraph 155 of the circular aforesaid; but for the purpose of such responsibility the party of the second part agrees that after eighteen months from the delivery of any plate, if notification of failure of such plate as referred to in said paragraph shall not have been served on the contractor, the responsibility of the contractor for defects shall cease as to such delivery, and no portion of said reserve shall thereafter be held for such delivery.

7. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the contractors, they shall be entitled, within ten days after the filing and acceptance of their claim, to receive the said special reserve or so much thereof as they may be entitled to, on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Eleventh. If any doubts or disputes arise as to the meaning of anything in the circular, addenda, or notice aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination, and the parties of the first part hereby bind themselves and their successors, heirs, and assigns, and their and each of their personal and legal representatives, to abide by his decision in the premises. If, however, the parties of the first part shall feel aggrieved at any decision of the Secretary of the Navy, they shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

——— ——— [L. S.]
——— ——— [L. S.]
——— ——— [L. S.]
——— ——— [L. S.]
——— ——— [L. S.]
——— ——— [L. S.]

CONTRACT FOR STEEL ARMOR PLATES AND APPURTENANCES.

This contract, of two parts, made and concluded this 20th day of November, A. D. 1890, by and between Carnegie, Phipps & Co., Limited, a limited partnership association, organized under the laws of the State of Pennsylvania, and doing business in the county of Allegheny, in said State, represented by William L. Abbott, chairman, and Henry M. Curry, a manager, and John G. A. Leishman, a manager, of said association, party of the first part, and the United States, represented by the Secretary of the Navy, party of the second part, Witnesseth, That for, and in consideration of, the payments hereinafter specified, the party of the first part, for itself, and its successors heirs, and assigns, and its legal representatives, does hereby covenant and agree to and with the United States, as follows, that is to say:

First. The party of the first part will, at its own risk and expense, manufacture and deliver to the Navy Department, in the manner, within the periods prescribed, and according to the conditions stated herein and in the printed circular (including the drawings appended to and forming part thereof) approved by the Secretary of the Navy February 12, 1887, and the addenda thereto, approved by the Secretary of the Navy March 11, 1887, and November 20, 1890—which circular and addenda, hereto annexed, shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein, except as hereinafter provided—six thousand (6,000) tons of steel armor plates and appurtenances, the armor plates to be of thicknesses from 4 to 20 inches, both inclusive, at the prices per ton for the different exhibits as stated in the second clause of this contract, free on board cars at the works of the party of the first part.

Such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular and addenda thereto, except as hereinafter provided, it being expressly understood, covenanted, and agreed by and between the parties to this contract that deliveries thereunder shall be commenced by the delivery of not less than three hundred (300) tons on or before July 1, 1891, and shall be continued thereafter at the rate of not less than five hundred (500) tons per month until the delivery of the six thousand (6,000) tons aforementioned is completed, which shall be within eleven months and fifteen days from the date last above mentioned.

Second. It is further mutually understood, covenanted, and agreed that the party of the second part shall, from time to time, order from the party of the first part, and furnish such description and drawings thereof as may be necessary, such quantities of armor plates and appurtenances as shall be required, so that the aggregate of such orders shall equal the amount of armor plates and appurtenances herein contracted for, to wit, six thousand (6,000) tons, and such orders shall be given from time to time, but for each of such orders given after June 1, 1891, the party of the first part will be allowed ninety (90) days from the date of said order in which to commence deliveries thereunder.

The prices per ton to be paid to the party of the first part for the armor plates and appurtenances above mentioned shall be the different prices per ton that would be paid therefor under the provisions of a certain contract for armor plates and appurtenances made and concluded the 1st day of June, A. D. 1887, by and between the Bethlehem Iron Company, of South Bethlehem, Pa., and the Secretary of the Navy; and the prices per ton above mentioned, which shall be paid for the armor plates and appurtenances ordered under this contract, shall be determined as follows:

When an order is given to the party of the first part for armor plates or appurtenances, the Secretary of the Navy will cause a board of naval officers, appointed by the Secretary of the Navy, to determine under which exhibit or exhibits of the said contract with the Bethlehem Iron Company the articles thus ordered should be classed, and the said board shall assign the articles thus ordered to "Exhibits" in such a way that the prices per ton to be paid to the party of the first part by reason of such assignment shall be the prices per ton that would be paid therefor under the said contract with the Bethlehem Iron Company for the articles ordered as aforesaid. If any articles are ordered which, in the opinion of the board, can not be assigned as aforesaid, it will so state.

The prices per ton, determined as above mentioned, will be stated by the Department at the time of giving said orders to the party of the first part. If the party of the first part considers that the armor plates and appurtenances thus ordered have been incorrectly assigned to the different exhibits, and that consequently the prices as stated by the Department are incorrect, it will so inform the Department in writing, within ten days of the date of receipt of said order, and before the manufacture of the articles in question begins. In this case the matter will be promptly referred by the Secretary of the Navy to the board which made the assignment thus objected to by the party of the first part, or to another board, similarly constituted, which board will finally determine under which exhibit or exhibits the said armor [illegible] and appurtenances shall be classed.

Third. It is further mutually understood, covenanted, and [illegible] the ballistic test for acceptance under this con[illegible] armor [illegible] six (6) inches in thickness, and for those over [illegible] thickness, shall be fixed and determined by a board of naval o[illegible] appointed by the Secretary of the Navy, in such a manner that the [illegible] test thus determined shall be, as far as practicable, of the same relative severity for the plates of the thicknesses above mentioned as is required in the aforesaid contract with the Bethlehem Iron Company for plates of thicknesses between six (6) and thirteen (13) inches, both inclusive.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that the Secretary of the Navy may require all or part of the armor plates and appurtenances herein contracted for to be made of ordinary steel or of nickel steel. If nickel-steel armor plates or appurtenances are thus furnished, the prices per ton that shall be paid therefor shall be the prices per ton before mentioned for similar articles of ordinary steel, made in accordance with the requirements of the circular and addenda thereto, which form part of this contract, said prices being increased or diminished by the greater or less cost of labor and materials only to the party of the first part in the production of the nickel-steel armor plates and appurtenances ordered, as compared with the cost of labor and materials only to the party of the first part in the production of similar articles made of ordinary steel, as above mentioned, the intention being that while the party of the second part shall have the fullest power to vary the requirements of this contract from ordinary steel armor plates and appurtenances, such as are herein specified, to nickel-steel armor plates and appurtenances, either in whole or in part, this contract shall, nevertheless, continue to exist on the basis of ordinary steel armor plates and appurtenances as aforementioned, modified only in this respect, viz, that additional cost and expense, as aforesaid, occasioned to the party of the first part by such modification, shall be paid to the party of the first part, and that any saving, as aforesaid, thereby occasioned, shall be deducted from the contract price, so that in the end the party of the first part shall be neither advantaged nor disadvantaged as aforesaid under this contract by the ordering of said nickel-steel armor plates or appurtenances, instead of said ordinary steel armor plates or appurtenances; but the cost above mentioned shall not be construed to include the cost of such armor plates and appurtenances as fail to pass the ballistic and other tests and inspections under the rules that may be established by the boards herein provided for, or that may not be presented for such tests and inspections.

The amount of increased or diminished compensation, as aforesaid, if any, that the party of the first part shall be entitled to receive for furnishing nickel-steel armor plates and appurtenances, as compared with that which would be paid for similar articles made of ordinary steel under the provisions of this contract, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy. Every facility will be given by the party of the first part to the aforesaid board, or to other persons appointed by the Secretary of the Navy for the purpose, in obtaining

ing all necessary information as to the comparative cost only above mentioned. All information thus obtained will be considered strictly confidential.

In case any charges on account of royalties, guaranties, etc., are included in the cost of manufacture of the nickel-steel armor plates and appurtenances aforementioned, the agreements of the party of the first part, in consequence of which the said charges are made, must be first approved by the Secretary of the Navy.

Whereas certain patentees claim by reason of their inventions to control the right to make armor plate containing nickel; and

Whereas the party of the second part declines to recognize the claims of said patentees, and to pay the royalty demanded by them, said royalty being 2 cents per pound upon finished armor plates and appurtenances:

Therefore, for the protection of the party of the first part, there shall be added to the cost of the said nickel-steel armor plates and appurtenances, when computed as aforesaid, the sum of 2 cents per pound to cover said claims, which sum the party of the second part agrees to pay from time to time, as the payments for said nickel-steel armor plates and appurtenances are made, according to this contract. Said sums as paid are to be deposited by the party of the first part in such depositories of the United States as the Secretary of the Navy may designate.

Should it finally be decided by the courts of competent jurisdiction that the said patents are invalid, or that there is no valid claim against either of the parties hereto, their agents, or employees, said fund shall be promptly paid over by the party of the first part to the Secretary of the Treasury, after deducting therefrom such reasonable counsel fees and expenses, if any, as may be approved by the Secretary of the Navy, incurred by the party of the first part in defense of such litigation; or in case of amicable settlement between the parties hereto and said patentees, the balance remaining after such settlement and payment of expenses as aforesaid which may have been necessarily incurred by the party of the first part shall be paid over to said Secretary of the Treasury.

In case of a final judgment in favor of said patentees, the said fund shall be used, so far as necessary, for the payment of said judgment, and costs and expenses approved as aforesaid, including reasonable attorneys' fees, but in case all of said fund shall be required for the payment of said judgment, then the party of the second part shall pay such expenses as shall have been properly incurred by the party of the first part, after approval as aforesaid, including reasonable attorneys' fees in the defense of any such suits.

It shall be the further duty of said board, or of a board similarly constituted, to determine and fix the physical, chemical, and other tests and requirements for said nickel-steel armor plates and appurtenances, and the preliminary and final ballistic tests for acceptance therefor, and also the rights to earn premiums for ballistic resistance in excess of that required by said ballistic tests for acceptance.

The party of the first part shall have the right to appeal from the finding of the said board with reference to the tests for acceptance of nickel-steel armor plates and appurtenances, and also with reference to the said premiums, to another board composed of three persons, and constituted as follows, viz: One member to be nominated by each of the parties to this contract, and the third member to be chosen by the two first mentioned.

The finding of the board last mentioned, or a majority thereof, shall govern, subject to appeal, as hereinafter provided.

Fifth. It is further mutually understood, covenanted, and agreed by and between the parties to this contract, that in case the United States incurs expenses in the purchase, from the party of the first part, of plates and bolts, or either, for experimental purposes in connection with the development of said nickel-steel armor plates or appurtenances, that the cost of said plates and bolts shall be deducted from any premiums that the party of the first part may earn on nickel-steel armor plates, as stated in the preceding clause, for ballistic resistance.

Sixth. It is further mutually understood, covenanted, and agreed by and between the parties to this contract, that changes in the conditions or requirements of the circular and addenda hereinbefore referred to, and which form a part of this contract, may be made by and with the mutual consent of the parties hereto, and that if changes are thus made, the actual cost thereof and the damage, if any, caused thereby, and the amount of the increased or diminished compensation which the party of the first part shall be entitled to receive, if any, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy.

Seventh. Both the parties to this contract shall have the right to appear before the board or boards herein provided for, either in person or by representatives, and to make such statements, written or oral, as they may see fit concerning the matters with which said board or boards may be charged; and said board or boards will duly consider such statements. In each case a decision of a majority of the board shall govern, and both parties to this contract hereby expressly covenant and agree to abide by said decision, subject, however, to appeal to the President of the United States, and his decision shall control.

Eighth. It is further mutually understood, covenanted, and agreed by and between the parties to this contract, that every reasonable consideration shall be extended to the party of the first part, in case of unavoidable delay in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that said party has assumed the obligations of this contract in good faith, and that it is prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract or any part thereof, or in case any question shall arise under the provisions hereof concerning premiums, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon the parties to this contract.

Ninth. It is further mutually understood, covenanted, and agreed that if at any stage of the work prior to the final completion of said armor plates and appurtenances the Secretary of the Navy shall find that the party of the first part is unable to proceed with and make satisfactory progress in the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed as aforesaid, including such extension or extensions thereof, if any, as may have been granted under the eighth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the party of the first part: and in case the Secretary of the Navy shall, under the provisions of this clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Tenth. The party of the first part, in consideration of the premises, hereby covenants and agrees to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance which has been or may be adopted or used in or about the manufacture or production of said armor plates or appurtenances, or any part thereof, under this contract, by the party of the first part, and to protect and discharge the United States from all liability on account thereof, or on account of the use thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, before final payment under this contract shall be made, except patents as to nickel-steel armor plates and appurtenances, which are specially provided for in the fourth clause of this contract.

Eleventh. It is further mutually understood, covenanted, and agreed, by and between the respective parties hereto, that this contract shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons, and that any such transfer shall cause the annulment of this contract so far as the United States are concerned: and that all rights of action to recover for any breach of this contract by the party of the first part are reserved to the United States.

Twelfth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

Thirteenth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the party of the first part as follows:

1. The contract prices to be paid by the United States to the said party of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the prices per ton determined as provided for in the second or in the fourth clause of this contract.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract and in the circular and addenda aforesaid.

3. There shall be a reservation of 10 per cent on each payment made under this contract, until the aggregate of such reservations shall reach the sum of $100,000, when such reservations, so far as subsequent payments are concerned, shall cease, and the sum last mentioned shall be held as a special reserve under the conditions hereinafter stated.

4. No payment shall be made except upon bills, in triplicate, certified by the inspector, in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the party of the first part or its order.

6. The special reserve aforesaid shall be retained until all the armor plates and appurtenances furnished under this contract shall have successfully met the requirements of paragraph 15 of the circular and addenda aforesaid and subsequent modifications thereof, if any; but for the purpose of such responsibility the party of the second part agrees that after eighteen months from the delivery of any plate, if notification of failure of such plate as referred to in said paragraph shall not have been served on the party of the first part, the responsibility of the party of the first part for defects shall cease as to such delivery, and no portion of said reserve shall thereafter be held for such delivery.

7. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the party of the first part, said party shall be entitled, within ten days after the filing and acceptance of its claim, to receive the said special reserve, or so much thereof as it may be entitled to, on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Fourteenth. If any doubts or disputes arise as to the meaning of anything in the circular and addenda aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination; and the party of the first part hereby binds itself, and its successors, heirs, and assigns, and its legal representatives, to abide by his decision in the premises. If, however, the party of the first part shall feel aggrieved at any decision of the Secretary of the Navy, it shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

CARNEGIE, PHIPPS & CO., LIMITED,
By WM. L. ABBOTT, *Chairman.*
H. M. CURRY, *Manager.*
JOHN G. A. LEISHMAN, *Manager.*

OTIS H. CHILDS,
Secretary.

{ SEAL OF CARNEGIE, PHIPPS & CO., LIMITED. }

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

WM. B. REMEY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{ SEAL OF NAVY DEPARTMENT. }

Senator PERKINS. Did I not understand you to say that the rate upon light armor was less than 2 cents a pound?

Secretary HERBERT. No.

Senator PERKINS. It is the same, regardless of weight of armor?

Secretary HERBERT. The price of armor is greater for small plates and plates that are more difficult to manufacture. There are certain plates the shapes of which it is very difficult to attain.

Senator PERKINS. The royalty was the same, in any event?

Secretary HERBERT. It was not the royalty. I was speaking about the price of armor in these original contracts, which are contracts for the manufacture of the armor. We have not come to the question of royalties yet, except that I have been speaking of the claim of 2 cents per pound royalty on the incorporation of nickel, in so far as it entered into the increased price of armor in the contract of 1890. The two contracts of 1887 and 1890 were contracts for the manufacture of armor, and the 2 cents a pound related to the royalty that is claimed by the Creusot Company for the use of a patent that it claimed for incorporating nickel with steel.

Senator CHANDLER. Let me see if I understand the case. The first contract in 1887 with the Bethlehem Company was to furnish a large quantity of armor at about $500 a ton?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. The Bethlehem Company agreed to indemnify the United States against all patent processes whatever?

Secretary HERBERT. That is right.

Senator CHANDLER. That included the Schneider patent for making nickel steel?

Secretary HERBERT. Yes. The Schneider process for the incorporation of nickel with steel had not been discovered, but still the provision of the contract seems to have been broad enough to cover it without further expense to the Government.

Senator CHANDLER. And when the nickel steel was introduced the Bethlehem Company were bound to compensate Schneider & Co. for the use of their patent? Do you not understand that the amount paid or to be paid by the Bethlehem Company was from $600,000 to $1,000,000 for the use of these patents?

Secretary HERBERT. I do not know how much they paid. There is nothing on record to show.

Senator CHANDLER. Have you any reason to doubt that there was a very large sum of money paid?

Secretary HERBERT. It was a large sum, I suppose. I do not know what the amount was.

Senator CHANDLER. They adopted it?

Secretary HERBERT. They adopted it and used it like the Carnegie Company.

Senator HALE. They are incorporating nickel?

Secretary HERBERT. They are incorporating nickel.

Senator CHANDLER. When Secretary Tracy, in 1890, made a contract with the Carnegie Company, instead of making the Carnegie Company agree to indemnity against all patent processes, he made an exception in the case of nickel and steel patents, and provided a fund of 2 cents a pound with which to litigate or to pay, as you have already stated?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Now, instead of deducting 2 cents a pound from the price of the armor, he provided the 2 cents a pound in addition?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Those are the facts, as you understand them?

Secretary HERBERT. Those are the facts, as I understand them.

Senator CHANDLER. Which would make the Carnegie Company, if the amount of royalty had to be paid, 2 cents a pound better off on all the armor than the Bethlehem Company?

Secretary HERBERT. Yes, sir; if the Bethlehem Company paid that much.

Senator PERKINS. That is, $44.80 a ton more.

Senator CHANDLER. If the 2 cents a pound had to be paid?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Do you understand that that was a provision insisted upon by the Department or by the Carnegie Company?

Secretary HERBERT. I do not know whether it was insisted upon by the Carnegie Company or not. I have understood in a general way that Secretary Tracy found it difficult to make the contract with the Carnegie Company; that they were indisposed to do it. But there is nothing on record to indicate that fact.

Senator CHANDLER. Do you understand that the contract made by the Carnegie Company to transfer to them the making of a large quantity of armor, previously contracted for by the Bethlehem Company, originated with the Carnegie Company or with the Department?

Secretary HERBERT. I do not know with whom it originated.

Senator CHANDLER. Do you see any reason on the face of the subject why the 2 cents a pound should have been provided by the Department instead of being furnished by the Carnegie Company?

Secretary HERBERT. I could see no reason, unless the Carnegie Company insisted on it and refused to make the contract in any other way. That is a mere supposition.

The CHAIRMAN. At the time the contract was made, was it not desirable to have some competitor in the making of armor plate? There was but one establishment, the Bethlehem Company, making armor plate. The Navy Department naturally desires competitors. The supposition to my mind is that they had to hold forth an inducement to any other corporation or any other individuals to enter into the business of making armor plate, so that they would do it. Is not that true?

Secretary HERBERT. I should say it was very desirable to have another company.

The CHAIRMAN. To have two companies instead of one?

Secretary HERBERT. A company that might compete with the Bethlehem Company, and to have two sources of armor supply.

Senator CHANDLER. Was that sufficiently desirable to lead Secretary Tracy to pay 2 cents a pound more for armor if the royalties had to be paid on the patents?

Secretary HERBERT. If it could not be done in any other way, I should say so.

Senator HALE. So I fancy that as the importance of this subject increased, and it was seen that we were to need large quantities of armor, the Navy Department was practically in the hands of the Bethlehem Company as to future contracts unless there was a competitor. Was not that the fact?

Secretary HERBERT. Yes.

Senator HALE. And that is what leads you to say it was very desirable that a competitor should be created?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Therefore it was wise to make the Bethlehem Company pay 2 cents a pound, and to have the Government pay it in the case of the Carnegie Company?

Secretary HERBERT. I do not like to speak about things of that kind, but if it could be done in no other way, and the Department could not get the contract made without an indemnity of that kind, I should say that in order to have two companies competing with each other, or to have two sources of armor supply, it was necessary.

The CHAIRMAN. Two companies equally responsible?

Senator SMITH. But as I understand it, you do not know that the Carnegie Company would have made a contract if such a provision had not been embodied in it?

Secretary HERBERT. I do not know. As I have stated, there is nothing on record to show. Hypothetical questions are put to me that ex-Secretary Tracy could better answer.

Senator PERKINS. But there is nothing in the contract to prevent the two companies from pooling issues. Therefore to have a competitor, if they agreed to pool issues, would not have availed very much?

Senator TILLMAN. What guaranty have we that they have not both formed a trust, and that they are both in collusion now against the Government?

Senator BACON. Is there anything in the records to show whether the contract given to the Carnegie Company was ever offered to the Bethlehem Company, or whether there was an opportunity given for any other company to compete?

Senator CHANDLER. I will state to the Senator from Georgia that it was a part of the Bethlehem contract. Secretary Whitney acted by the authority of the Government to get armor and made a contract with the Bethlehem Company. The Bethlehem Company were under no penalties about armor. They went on to furnish gun metal very rapidly, but the production of armor dragged, and therefore Secretary Tracy deemed it expedient to make a contract with the Carnegies, transferring a large portion of the Bethlehem contract to them at the same prices, but he made the Bethlehem Company guarantee against all patents, while he furnished to the Carnegie Company a fund of 2 cents a pound to protect both parties against this patent. Now, I should like to ask the Secretary a question in this connection.

The CHAIRMAN. Going further back, when the Secretary of the Navy made the contract with the Bethlehem Company for this very large amount, did he not give them extraordinary prices for the purpose of inducing them, in the first place, to engage in the manufacture of armor?

Senator CHANDLER. Yes; and he gave the same price to the Carnegie Company to secure a competitor.

Secretary HERBERT. I ought to state in this connection what has been suggested to me by what Senator CHANDLER said a moment since, that in the original contract with the Bethlehem Company there were no time penalties, and the manufacture did drag along very slowly for a great while.

Senator HALE. They were a great way behind?

Secretary HERBERT. They were a great [illegible] behind.

Senator HALE. That was an additional [illegible], I suppose, why a competitor was desirable?

Senator CHANDLER. It can not be said to be a competitor. It was another establishment. There had been no competition and was not likely to be. I should like to ask the Secretary whether the sum of 2 cents a pound on the armor already furnished by the Carnegie Company does not amount to about $300,000?

Secretary HERBERT. I have not footed it up. It amounted to a sum below that, I think.

Senator CHANDLER. Will you ascertain the exact amount that has been held up by the Comptroller?

Secretary HERBERT. Yes; I will give the amount that the 2 cents a pound would come to.

Senator CHANDLER. In this connection, I will ask you to give the quantities that are asked for, if you have them.

Secretary HERBERT. The gross amounts which have been paid by the Navy Department for armor for vessels of the Navy are, to the Bethlehem Company, $5,522,264.04, and to the Carnegie Steel Company, $4,657,331.53; aggregating $10,179,595.57. The amount still to be paid out to fulfill existing contracts is about $800,000.

Senator CHANDLER. To each?

Secretary HERBERT. No, sir; to fulfill the two contracts.

Senator TILLMAN. That means that after the $800,000 has been paid we are at liberty to make new contracts and start anew?

Secretary HERBERT. Yes; new contracts.

The CHAIRMAN. To what amount is the Department now farther authorized to make contracts for armor?

Secretary Herbert. The Department is authorized by existing law to make further contracts for armor the quantity of which is estimated at 5,650 tons, which would cost something like $3,100,000.

Senator Chandler. Have you made those latter contracts? What is the condition in regard to them?

Secretary Herbert. I have not made those contracts—that is, for the last battle ships—but have had negotiations with these two companies and a good deal of conversation with them. They finally agreed to come down from the basis of $500 a ton to $450 a ton, and they have agreed in letters to me that their bids should not be above that sum. I refused to pay the same amount that was paid before. I think it was too much.

Senator Chandler. Will that be nickel steel?

Secretary Herbert. Nickel steel.

Senator Chandler. Will the Harvey process be used?

Secretary Herbert. Yes, sir; and the Harvey process is in addition to the $450, and it is in addition to the $500 a ton. That answers the other question.

Senator Chandler. It is in addition to the $800,000?

Secretary Herbert. No, the $500 a ton.

Senator Chandler. If you have the Harvey process?

Secretary Herbert. If we have the Harvey process. This $500 a ton does not include that.

Senator Chandler. There is no possibility of competition in making this $3,000,000 of contracts for about 5,000 tons except between these two companies?

Secretary Herbert. That is all.

Senator Chandler. And there is not likely to be competition between them?

Secretary Herbert. I think not.

Senator Chandler. So the Government is to be protected by your judgment and discretion in making the contract?

Secretary Herbert. By what I can do. I have succeeded in bringing them down about 10 per cent.

Senator Hale. You do not discover any indication of their bidding against each other?

Secretary Herbert. None.

Senator Hale. In the conferences which you speak of, where you have got an agreement that they will not bid for over $450 a ton——

Secretary Herbert. That they will make that the basis on condition that the tests are not more severe than heretofore prescribed.

Senator Hale. In those conferences did these companies join with you or act separately?

Secretary Herbert. The representatives of both were present, and when I insisted that I ought not to be asked to pay and told them I should absolutely refuse to pay the old prices, and that they must come down to a lower basis, they insisted that the armor was worth what they had been getting. They had come in together and were together in my office when I had this conference with them.

Senator Hale. Have you made any effort with the representatives of either of these companies, separately, to induce them to make bids on their own account and as against the other company?

Secretary Herbert. Yes, sir. About eighteen months ago, when I was investigating the question of the armor frauds committed at the works of the Carnegie Company, I was for a time in some doubt as to what course to pursue. I thought it might be better to abrogate the Carnegie contract entirely if I could get the Bethlehem Company to take the contract at a lower price. So, without letting the Bethlehem Company know that there was any investigation going on (in fact, the public did not know of it, for the investigation was carried on secretly, and I was especially anxious that the Bethlehem Company should not know it), I wrote a letter to the Bethlehem Company in which I stated that I was very anxious to get some more battle ships, and wanted to be able to state to Congress that I could make contracts for armor at lower prices than it had been furnished heretofore. Then I asked them the question broadly, whether, if I should give them a contract for more armor, they would be willing to take a less price than they were getting at that time. My purpose was to reduce the price of armor, if possible, and, secondly, to get information that would enable me to decide whether to annul the contract with the Carnegie Company. I intended, if I could, to make something by this investigation for the Government in the way of bringing down the price of armor. At least I was contemplating that. But Mr. Linderman replied that he could not make armor at any lower rates.

Senator Hale. He was the representative of the Bethlehem Company?

Secretary Herbert. He was the president of the Bethlehem Company. He went on to say that the expenses were very great; that they had not yet paid for their plant, and that it was impossible to make the armor at a less price.

Senator Hale. So your effort to induce the Bethlehem Company to bid for itself as against the other company and furnish armor at lower prices was a failure?

Secretary Herbert. Yes; it was a failure.

Senator McMillan. Have you any idea what this armor may be bought for on the other side, say, in France?

Secretary Herbert. I have some information which I would prefer not to give the source of, because the Department is making efforts in every direction, as it did when Secretary Chandler was there, to get information. I am told by the Carnegie Company that the last contract they made abroad was for £108 per ton.

Senator Chandler. The Bethlehem Company?

Secretary Herbert. No; I think that is the Carnegie Company. That includes, as I understand, the armor plate harveyized and everything else. That would be about $535 a ton. I also understand from an outside source that the last contract made by the Bethlehem Company abroad was also for something over $500 a ton, and this that company also asserts. The other sources of my information I am inclined to credit, though I am saying that I discredit the statements made by the companies themselves on this point. But that is to be placed along by the side of the other fact that the first contract that was made by the Bethlehem Company abroad was at less than $300 a ton—a good deal less.

Senator Chandler. That contract in gross was about $600,000 worth of armor at less than $300 a ton?

Secretary Herbert. Yes; I so understand.

Senator Chandler. Was that harveyized?

Secretary Herbert. I think it was.

Senator Chandler. And the price included the harveyizing?

Secretary Herbert. I think it did.

Senator Chandler. You spoke of this contract at $450 a ton. You said it did not include the Harvey process.

Secretary Herbert. That is not included.

Senator Chandler. If you add $50, $75, or $100 a ton for harveyizing, that would be carried up as high as the existing rates?

Secretary Herbert. It would not add that much.

Senator Chandler. Those are the rates given in the existing contracts for harveyizing plates.

Secretary Herbert. Let me give you a statement about that, Senator. You see some of it is 4 and 4¼ cents a pound.

Senator Chandler (exhibiting). Here are the prices for harveyizing.

Secretary Herbert (examining). These are the prices for harveyizing: 4¼ cents per pound on all plates under 5 inches in thickness; 3¼ cents a pound on all plates the thickness of 5 inches and more up to and not including 8 inches; and 2¼ cents per pound for all plates of the thickness of 8 inches and more. This armor for which 4¼ cents a pound is paid is under 5 inches in thickness. There is very little of that class. Most of the armor comes under the 2¼ cents a pound. The average of all of it is about 2.38 cents per pound.

Senator Chandler. Fifty dollars a ton?

Secretary Herbert. You can call it $50 a ton—it would be about that.

Senator Chandler. That is in addition to any royalty?

Secretary Herbert. Yes. I am going to give you the whole figures, as I understand them. About $50 a ton is to be added, taking the average for harveyizing, and half a cent a pound for the royalty.

Senator Chandler. That would be $11.80?

Secretary Herbert. Eleven dollars and eighty cents, which would make $61.80. If you add $61.80, which I believe is all the cost, it would make, at $450 a ton, $511.80, about the price or a little less than the price that is being paid by a foreign government to one of these firms and about the same price that is being paid to the other firm.

Senator Chandler. But will not that be nearly the price that will be paid on the last contracts?

Secretary Herbert. No; on the last contracts $50 for harveyizing and this royalty to the Harvey Company of $11.80 for the privilege of using the process have also been paid.

Senator Chandler. Making the average how much?

Secretary Herbert. Making the basis $561.80. The average is a little over that. Those are the prices for the heavy armor.

Senator Chandler. Then your only expectation so far is that you can get a reduction of about $50 a ton?

Secretary Herbert. About $50 a ton, and that will bring this armor down to the prices that I am informed they are now receiving from abroad.

Senator Chandler. Is that information in writing anywhere? Is it authentic?

Secretary Herbert. Yes; I have it in writing. It does not come from the foreign government, but I have it. I also have it from these companies.

Senator Chandler. Have you record knowledge or authentic evidence as to the prices at which the Carnegie Company and the Bethlehem Company have agreed to make armor for foreign governments?

Secretary Herbert. That is what I am telling you about. I have that information.

Senator Chandler. Is it in writing?

Secretary Herbert. It is in writing. This is what I stated I did not care to give the sources of my information upon. I will say that it comes also from the Carnegie Company and the Bethlehem Company, and then I have the information outside of that.

Senator Chandler. I am not asking for the prices. You can state what the prices are more definitely than you have done. But I ask whether you have authentic information as to the prices agreed to be paid by any foreign government to the Carnegie Company and the Bethlehem Company for armor?

Secretary Herbert. Yes; I have that information. As I said, I have it from them and then I have it from outside sources.

Senator Hale. Do you doubt that the contract made abroad, for the price of about $100 a ton, the first contract which they made, was largely a losing contract?

Secretary Herbert. I have heard that it was. I have heard that the contract was made to get a foothold abroad.

Senator Hale. Have you any doubt that it was a losing contract?

Secretary Herbert. It is a very difficult matter for me to say how much the plant cost. I wish to say that the claims of these companies are that they spent very large sums. Two or three million dollars, perhaps, the Bethlehem Company claims it spent in getting its plant ready. The Carnegie Company commenced after the Bethlehem Company and they have somewhat the same plant. I think the probabilities are that their plant is not quite so expensive and did not cost them so much. The Bethlehem Company, after getting the information from the Creusot Company, made their own hammer and their own machinery. They do not use the hammer process now, but the hydraulic process. They have that process and so has the Carnegie Company. That costs a great deal of money. I have not much means of judging as to how much the plant really did cost.

Senator Hale. That you take into account in estimating what they can do the work for.

Secretary Herbert. Of course; that has to be taken into account. If I knew what the plant cost each of the companies, then I could form an estimate as to what the manufacture of the armor is really worth.

Senator Chandler. Have you any knowledge that the Bethlehem Company have so far made a profit on their contracts which has paid for their whole plant?

Secretary Herbert. I do not know whether or not they have. It depends upon how much the plant cost. If I knew how much their plant cost, I could answer the question. They claim that it cost a great deal of money.

Senator Chandler. Senator Hale asked you whether you have any doubt that the company lost money on their first contract abroad.

Secretary Herbert. I said in reply that I could not answer definitely, because I do not know what their plant cost them.

The Chairman. We shall have to get that information from some other source than the Secretary of the Navy.

Senator Hale. I doubt whether the companies could tell.

Secretary Herbert. I suppose the companies could tell to a dollar.

Senator Tillman. I wish to know if there are not sources of information accessible to you by which you can ascertain the cost of armor of the same character to the British Government, the French Government, the German Government, and to other nations which make ironclads.

Secretary Herbert. I have done everything I could to find out about it. The contracts recently made were obtained, I understand, in competition with foreign armor makers.

Senator McMillan. The price paid is about the same that we are paying now.

Secretary Herbert. Yes, sir.

Senator McMillan. The contract made abroad some time ago was an exceptional contract.

Senator Tillman. It is the only one of the kind. There seems to be a contradiction here between the claim that the prices charged now are fair and the explanation of the chairman and of some other gentlemen of the committee the other day that we paid enormous prices at the start because it was a tentative business, and the men who entered upon it had to go to great expense to prepare their machinery and plant for doing the work. But are we expected now to pay the same price that we paid originally? It seems to me there ought to be a reduction somewhere, or else the Government will have paid for the construction of the works and then go on and pay the same price afterwards.

The Chairman. The Secretary says there has been a reduction.

Senator Tillman. A reduction of $50 a ton does not amount to anything, comparatively speaking.

Secretary Herbert. I wish to say in response to Senator Tillman that I do not mean to be understood as saying that I know that the last contracts were let out to the lowest bidder. I do not know it. I know that the other armor makers, Armstrong & Co., the Englishmen, the French people, and probably the Germans, competed for the manufacture of the armor. The first contract which was made was given to the lowest bidder, and since that time it is said something over $500 a ton has been paid. Whether that contract was given to the lowest bidder after advertisement I do not know.

I think I can give the committee more information about the prices paid abroad. I have a general understanding that it is about the same price, but I can give you more accurate information as to what prices are paid abroad. It is not a question inquired into in the memorandum sent me, but I will furnish the committee, if it desires, with such information as I can get from the records of the Department with respect to the prices paid abroad.

Senator Smith. You say you are informed, Mr. Secretary, that the bid of the Bethlehem Iron Company made abroad was $300 a ton?

Secretary Herbert. It is a good deal less than that; something like $250 a ton.

Senator Smith. The contract was awarded to them as the lowest bidders?

Secretary Herbert. Yes, sir.

Senator Smith. But you do not know that that was the case with the contract at $500 per ton?

Secretary Herbert. No, sir; I do not know whether or not that contract was let out to the lowest bidder. I know that other people competed for the foreign contract.

The Chairman. I believe the law compels you to buy American-manufactured armor?

Secretary Herbert. Yes, sir; it does.

Senator Tillman. We can change the law if we find that the American manufacturers are gouging the Government and stealing indirectly. I believe in having our naval ships made in America, out of American material, and by American workmen, but I want to have the Government pay an honest price for them, or the new Navy will cost us about twice as much as it ought to cost.

Senator McMillan. Was this a large or small quantity of armor?

Secretary Herbert. A small quantity.

Senator Hale. About $600,000 worth?

Secretary Herbert. I do not remember the exact figures.

Senator Bacon. Is there anything in the records to show that the transfer of a portion of the contract from the Bethlehem Company to the Carnegie Company was consented to by the Bethlehem Company?

Secretary Herbert. There is nothing.

Senator Bacon. I have not had time to examine the contract with any degree of care, but I notice that one section of it provides that in case the work shall lag unreasonably, etc., the Secretary of the Navy is authorized to declare the contract forfeited. Is there anything in the records to show that there was any declaration of a partial forfeiture?

Secretary Herbert. No, sir.

Senator Bacon. Is there anything in the records to show that the Bethlehem Company was communicated with in any way relative to the proposed transfer of the contract?

Secretary Herbert. I know of nothing. If they were communicated with, I am sure the Bethlehem Company did not agree to it. I understood that they did not think it ought to be done.

Senator Chandler. Were they not themselves conscious of the fact that they were so far behind with the work that they were in no condition to resist the judgment of Secretary Tracy when another firm wanted to undertake to do a part of the work?

Secretary Herbert. They did not make any active opposition that I know of, probably because they were fully three years behind with their contract.

Senator Bacon. I merely wish to get on record facts which possibly are well understood. You say there is nothing in the records to show that the Bethlehem Company was ever communicated with and informed of the fact that the Government proposed to transfer a portion of the contract?

Secretary Herbert. I ought not to answer the question without a little more thought. I do not know of anything. I have never examined to see whether or not there is, but it is my understanding that there is nothing. As I say, however, I have not examined to see.

Senator Bacon. If upon investigation you should find that there is any communication of that kind, will you inform the committee of the fact?

Secretary Herbert. Yes, sir.

Senator Bacon. Was not the fact of the transfer of a portion of the contract to the Carnegie Company a matter of notoriety?

Secretary Herbert. Oh, yes.

Senator Bacon. The Bethlehem Company doubtless knew all about it?

Secretary Herbert. Of course.

Senator **BACON**. Is there any communication at all from the Bethlehem Company to the Department on the subject, either agreeing to the transfer or objecting to it or making any protest against it?

Secretary **HERBERT**. I will look and see, and inform the committee.

Senator **BACON**. You do not know?

Secretary **HERBERT**. No, sir.

Senator **BACON**. In response to a question either by Senator **CHANDLER** or Senator **HALE**, I have forgotten which one asked the question, or probably in response to several questions from different Senators, you said, in effect, that you thought the payment of 2 cents a pound in addition to the regular price was a proper thing to do, provided competition could not be secured in any other way, even if it amounted to between $300,000 and $400,000. I understand that to be your statement.

Secretary **HERBERT**. I said that if we could not get an additional plant in any other way I thought it was a good thing to do; that we ought not to rely entirely on one plant.

Senator **BACON**. Your idea is not that it was for the purpose of procuring competition?

Secretary **HERBERT**. I suppose it was to get competition.

The **CHAIRMAN**. Partly, and partly to get the facilities.

Secretary **HERBERT**. Partly to get another plant, but I would say that we did not get much competition.

Senator **BACON**. Then to the extent of the failure to secure competition the additional payment was unavailing?

Secretary **HERBERT**. This is all hypothetical. I suppose that is the view Secretary Tracy took of it. He knows more about it than I do, and I think the committee ought to ask him.

The **CHAIRMAN**. Do you not think it desirable that there should be several plants in this country, so that in case of war, when we could not get armor abroad, we should be able to secure a supply here?

Secretary **HERBERT**. I do.

Senator **SMITH**. I wish to ask a question, and not being a lawyer I ask it merely for general information. Under the contract and under the law in pursuance of which the contract was originally made with the Bethlehem people, by what authority did Secretary Tracy have any right to make a contract with the Carnegie people?

Secretary **HERBERT**. At that time there was a general authority in the Secretary of the Navy to contract for ordnance and ordnance materials, which was supposed to include armor. He made the contract under that authority, I suppose.

Since that time Congress, probably with reference to this contract, although I do not know that that is the case, has passed a law providing that such contracts shall be made with the lowest bidder. This contract was made without any advertisement.

Senator **SMITH**. I mean, at the time when the contract was made with the Bethlehem people, by what authority of law had Mr. Tracy the right to make a contract with the Carnegie people?

Secretary **HERBERT**. He did so under the law I speak of, which gave authority to purchase ordnance, and I think it was construed to cover armor.

Senator **SMITH**. But practically it does not do it in law.

Secretary **HERBERT**. I have not examined it particularly.

Senator **SMITH**. I should like to ask some of the lawyers on the committee to inquire into this question.

Secretary **HERBERT**. I have not examined it particularly, because the contract was made before I came into office, and a law has since been passed which guides me.

Senator **SMITH**. A law has since been passed?

Secretary **HERBERT**. A law which has since been passed, by which I am bound to let out such contracts after advertisement. I want to say to Senator **TILLMAN**, because he spoke about the probability that Congress might take this matter into consideration, that that was one of the grounds upon which I put my demand, that these people should come down lower in their prices. I threatened to lay the matter before Congress.

Senator **TILLMAN**. You are now required to advertise for bids for armor plate?

Secretary **HERBERT**. I am required to advertise, but I made this negotiation beforehand. These people were not competing with each other.

Senator **TILLMAN**. You have not yet made any contracts?

Secretary **HERBERT**. No, sir.

Senator **TILLMAN**. And you have not yet advertised?

Secretary **HERBERT**. I have not, but am about to do it. I wish to state that before Congress met, and before I put out any advertisement, I wanted to know whether we were to get the armor any cheaper than before, and therefore asked these people if they would not reduce their prices. We had a good deal of controversy on the subject, I insisting that they should bid lower and that they should assure me beforehand that they would. They finally consented to a reduction of about 10 per cent in the price.

Senator **CHANDLER**. Is there any doubt that when Mr. Whitney made the original contract with the Bethlehem Company Congress had by law excepted contracts of that sort from the requirement that there should be competition, so that he had authority to make a private contract?

Secretary **HERBERT**. I think he had that power.

Senator **CHANDLER**. Did not that power remain when Secretary Tracy transferred a portion of the contract to the Carnegie Company?

Secretary **HERBERT**. It has been my understanding that Secretary Tracy had the power to make the contract as he did; but, as I said, I have not examined the matter particularly, because it is not a live question now.

Senator **HALE**. There is no doubt about it.

Senator **CHANDLER**. There is a new law now?

Secretary **HERBERT**. Yes, sir.

Senator **TILLMAN**. How many tons of armor do you propose to contract for?

Secretary **HERBERT**. Enough for the two battle ships which have been authorized. It will be about 5,650 tons.

Senator **TILLMAN**. It takes about 2,800 tons to a vessel?

Secretary **HERBERT**. Yes.

Senator **PERKINS**. At a cost of about $1,100,000.

Secretary **HERBERT**. Three million one hundred thousand dollars, estimated at the reduced price, for two vessels, making $1,550,000 each.

Senator **CHANDLER**. Have you any documents which you would like to put into the record explaining any points of the inquiry so far as it has gone?

Secretary **HERBERT**. Nothing except the contracts.

Senator **CHANDLER**. Mr. Chairman, shall I now ask the Secretary about another subject?

The **CHAIRMAN**. If you are through with this branch of the inquiry.

Senator **CHANDLER**. I will ask the Secretary to look at page 5 of our record.

Senator **GIBSON**. Why not follow the line which the resolution itself prescribes, rather than pursue what it strikes me is a desultory course of inquiry of the Secretary? The information which is desired under the resolution, as the resolution itself expresses it, is—

"To inquire whether the prices paid, or agreed to be paid, for armor for vessels of the Navy have been fair and reasonable."

Let the Secretary answer that question, amplifying it as he pleases, and involved in the amplification of his answer all he desires to say, and then let us proceed with the other line indicated in the resolution itself.

Senator **CHANDLER**. What change would the Senator from Maryland suggest?

Senator **GIBSON**. I would ask the Secretary primarily, just as the resolution requires—

"Whether the prices paid, or agreed to be paid, for armor for vessels of the Navy have been fair and reasonable?"

Let him answer that question.

Senator **CHANDLER**. I suggest that the Senator from Maryland ask the Secretary that question now.

Senator **TILLMAN**. I should think the inquiry would be whether the prices are fair and reasonable with respect to the future. The past does not concern us. They were contracts made under exceptional conditions, and they have to be carried out. The question is whether it is fair and reasonable for the Government to enter into contracts for armor on the terms which are offered, if the Senator from Maryland will accept the modification.

Senator **GIBSON**. The other inquiry will present just the features suggested by the Senator from South Carolina.

Senator **TILLMAN**. You are talking about past occasions, and we are dealing with future occasions, unless we are going to undertake to investigate alleged frauds in the contracts, which are not charged.

The **CHAIRMAN**. The question which Senator Gibson asks is part of the resolution.

Senator **TILLMAN**. I have no objection to the Secretary's answering the question as to the past, but I want to ask him with respect to the future.

Senator **CHANDLER**. Practically the Secretary has said that, under all the circumstances, the prices are fair and reasonable; but I think the suggestion of the Senator from Maryland is a very proper one—to ask the Secretary to state whether, in his judgment, the prices paid in the past have, under the circumstances, been fair and reasonable.

Secretary **HERBERT**. I have said that I have no means of knowing what the cost of the plant was in either case, and my means of judging is by the price which has been paid abroad, or what I understand has been paid abroad. I have told the committee I would send it such information as I have. But I would state that, if the information I have is correct, as I believe it to be, compared with prices that are being paid abroad, $450 a ton would be about a reasonable price.

Senator **CHANDLER**. For past contracts?

Secretary **HERBERT**. No; for future contracts.

Senator **CHANDLER**. But the question of the Senator from Maryland relates to past contracts.

Secretary **HERBERT**. I would state that the past contracts were not unreasonable.

Senator **GIBSON**. That is the scope of the inquiry.

Secretary **HERBERT**. Until I learned more about what was being paid abroad, my impression was that those prices were very extravagant. I will state, however, that the reduction the two companies have promised to make is not so great as that in other contracts recently made by the Navy Department, where there was fair competition.

Senator **TILLMAN**. It seems to me, then, that you would hesitate to make that statement.

Secretary **HERBERT**. I simply desire to give you all the sources of information I have. The reduction in the price of the battle ships themselves has been about 28 or 30 per cent, the reduction in the price of gunboats has been about 26 per cent, and this reduction would be about 10 per cent. If it were not for what I understand has been paid abroad, I should say that $450 is too much. But if the prices paid abroad amount to over $500, as they seem to—the information that comes to me convinces me of it—as compared with them, $450 would not be an unreasonable price, because it would be about the same that the foreign governments are paying, although I can furnish the committee with more definite information.

Senator **TILLMAN**. I should prefer to get the figures of the British Government.

Secretary **HERBERT**. My information is not so definite about the British Government as the others, but I will give you such information as I have.

Senator **PERKINS**. I think the information which you have given us in relation to the cost of the plates here, and that which you propose to give us, answer pretty fully that question. If we want any further information, of course it can be obtained later.

I look upon questions 6, 7, and 8, on page 4, as more serious than anything else connected with this inquiry. I refer to charges there implied that officers of the Government who have been educated by the Government and placed in positions of trust, have been unfaithful to their duty. Those questions imply that at least, and I have a deeper feeling upon those three questions than I have upon anything else connected with the matter.

Senator **CHANDLER**. I have been anxious for ten minutes to go on with that branch of the inquiry.

Senator **BACON**. I want to ask one question in order to get it on the record. Mr. Secretary, I understand it to be a fact that after the making of the contract with the Carnegie Company, a portion of the contract previously made with the Bethlehem Company was proceeded with by the Bethlehem Company under that contract, so that at the same time the Government was having the same class of work done by the Bethlehem Company at 2 cents less per pound than by the Carnegie Company.

Secretary **HERBERT**. At 2 cents per pound less, if the suit by the patentees succeeds.

Senator **BACON**. There is an obligation in a certain contingency to pay 2 cents more?

Secretary **HERBERT**. The Government is obligated contingently to pay 2 cents more per pound.

Senator **MCMILLAN**. I understand from the Secretary that it was impossible to get the armor from the Bethlehem Company, and that the Department had to make a contract with the Carnegie Company.

Senator **BACON**. At the time when the Carnegie Company was making the armor plate, with the obligation on the part of the Government to pay 2 cents more per pound in a certain contingency, the Bethlehem Company was making the same armor plate at the same price without that additional obligation.

Senator **CHANDLER**. And paying the patentees their royalty?

Senator **BACON**. Yes. That is the fact, is it not, Mr. Secretary?

Secretary **HERBERT**. Yes, sir.

The **CHAIRMAN**. Before this branch of the subject is dismissed I should like to ask the Secretary whether the demand for armor plate by all the nations now is not so great as to occupy all the time of all the armor-plate manufacturers in the world, even should we not contract with our own people? Would they not find work outside from other nations, independent of us?

Secretary **HERBERT**. I should suppose not. These two companies are able to manufacture armor plate very much more rapidly than we need it.

The **CHAIRMAN**. That is the reason why they are taking additional contracts from abroad?

Secretary **HERBERT**. Yes. If a dozen battle ships were authorized, I suppose those two companies could furnish the armor plate for them within three years, or even less time.

The **CHAIRMAN**. Do you know anything about contracts made by manufacturers abroad, as to whether they are filled up with contracts or whether their works are idle?

Secretary **HERBERT**. I do not, except that they bid for these contracts and were in competition for them. I suppose from that that they would be able to manufacture the armor.

Senator **CHANDLER**. Will you look at page 5 of the record, wherein is embodied a memorandum about Mr. Harvey's patent, a copy of which has been furnished you, and make such statement as you are prepared to make on the subject of the third paragraph?

Secretary **HERBERT**. The Harvey process is for face-hardening armor. It consists of impregnating the face to be hardened with carbon made from wood charcoal, bone charcoal, and common coal. Harvey, who claims to be the inventor of the process, was in conference with Commander Folger, who was then chief of the Bureau. He was asking about its uses in the Navy, and it was suggested, possibly by Folger, that it be applied to the manufacture of armor. Commander Folger suggested that the process already invented by Mr. Harvey be applied to the manufacture of armor; and it was so applied. The Government made a contract for the application of the process to the face-hardening of armor, and it was under the direction of Folger. The first contract that was made with Harvey was at the rate of a half cent a pound for the armor for certain ships mentioned.

I have a copy of the contract, and will insert it in the record.

The contract referred to is as follows:

Memorandum of an agreement of two parts, made and entered into this 21st day of March, A. D. 1892, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey and doing business in said State, represented by the president of said corporation, of the one part (hereinafter called the party of the first part), and the United States, represented by the Secretary of the Navy, of the other part (hereinafter called the party of the second part).

Whereas the party of the first part is the owner of all and singular the patented rights in and to a certain process, known as the "Harvey process," for the treatment of armor plate for use in the construction of vessels; and

Whereas the parties have agreed and do hereby agree that, upon the terms hereinafter stated, armor plate manufactured or treated under the said "Harvey process" shall, so far as possible, be supplied to such of the following-described naval vessels as the Department may from time to time designate, to wit:

Cruiser No. 6,	Gunboat No. 5,	Maine,
Cruiser No. 7,	Gunboat No. 6,	Monterey,
Cruiser No. 8,	Puritan,	New York,
Cruiser No. 9,	Amphitrite,	Indiana,
Cruiser No. 10,	Monadnock,	Massachusetts,
Cruiser No. 11,	Terror,	Oregon,
Cruiser No. 12,	Texas,	Ram.
Cruiser No. 13,		

Whereas the said Harvey Steel Company, under date of March 3, 1891, in a communication signed by R. G. Clarke, president; H. A. Harvey, general manager, and Theo. Sturges, treasurer, agree to give the Navy Department the option of purchasing the right to use and employ the Harvey process for treating armor plates, as follows:

"We hereby agree to give to the Naval Department an option for the purchase of the application of the Harvey process for treating armor plates which was tested at the Naval Ordnance Proving Ground, Annapolis, Md., February 14, 1891, on the following terms, viz:

"In the event of the process proving of value after further tests, and [illegible] the demand by the Navy Department for its application to armor [illegible], the sum of $75,000 is to be paid by the latter to the Harvey Steel Company as royalty therefor, and as utilized, at the rate of one-half of 1 cent per pound of the weight of the finished plate. This royalty of one-half of 1 cent per pound is to cease when the said sum of $75,000 has been paid.

"The Navy Department is to have the right to use the process, should it so desire, without further compensation, upon all armor plating which is to be applied to vessels the construction of which is authorized by Congress at this date. In the event of the authorization by Congress of the construction of other vessels of war than those above mentioned, a new contract for the further application of the Harvey process of treating armor plates is to be made between the Naval Department and the latter, should the Department so desire.

"It is understood that the Naval Department will undertake to bear all the expense of the experimental development of the process as applied to armor plates, our Mr. Harvey to furnish, in consultation with the Bureau of Ordnance, all details at present in his possession in regard to the process or which he may personally develop, in the perfection of his methods of treatment as applied to armor plating."

Whereas the Navy Department, under date of March 3, 1891, in a communication signed by Wm. M. Folger, Chief of the Bureau of Ordnance, accepted the terms of the offer of the Harvey Steel Company, as stated in the communication above mentioned, and by this agreement does accept the option offered by the party of the first part in the first paragraph of said communication; and

Whereas the party of the second part has agreed and does hereby agree to also pay, as hereinafter set forth, the expense of applying said process in the manufacture or treatment of said armor plate:

Now, therefore, it is mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part, upon the terms herein stated, may use and employ in the treatment of armor plate manufactured or to be manufactured for naval vessels, as hereinbefore stated, the hereinbefore-mentioned process known as the "Harvey process."

The party of the first part, in consideration of the premises and provided the said process of treating said armor plate shall be conducted at the Bethlehem Iron Works, at South Bethlehem, Pa., or elsewhere, under the direction of the party of the first part, hereby guarantees that, in addition to the hereinbefore mentioned royalty of one-half of 1 cent per pound, to be paid by the party of the second part to the party of the first part, upon armor, for vessels which have been authorized by Congress up to March 3, 1891, the additional cost to the party of the second part applying the Harvey process, hereinbefore referred to, to the armor plate as aforesaid, shall, during the period of one year from the date hereof, be nine-tenths of 1 cent ($0.009) per pound of the finished plate, and that after the expiration of the period of one year from the date hereof, the said additional cost to the party of the second part shall not exceed nine-tenths of 1 cent per pound of the finished plate, and in case it shall be found that the actual cost of the application of the said process to the armor plate shall have been diminished during one year from the date hereof, then the said additional cost to the party of the second part shall thereafter be equal to the said actual cost of the application of such treatment to the armor plate plus one-half (½) the difference between said actual cost of application and the sum of nine-tenths of 1 cent ($0.009) per pound of the finished plate.

The party of the first part hereby further covenants and agrees that it will hold and save harmless, and, at its own expense, defend the United States from and against all and every demand or demands for or on account of the use and employment of the "Harvey process" above mentioned in the manufacture or treatment of armor, and from all and every demand or demands which shall hereafter be made for the payment of any sum or sums of money in excess of the aforesaid cost for royalty and treatment of armor under said process to be paid as hereinbefore specified and provided for in this contract.

Finally, it is hereby mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part shall render to the party of the first part quarterly reports of all armor plate manufactured or treated under the said Harvey process which the party of the second part shall have received during the three months next preceding the dates of such reports, respectively, and within a period of thirty days after the rendition of each of said quarterly reports the party of the second part shall pay to the party of the first part such sums of money as may be required to cover the said royalty of one-half of 1 cent per pound, and also the cost of treatment by the said Harvey process of the armor plate which shall have been received by the party of the second part during the three months next preceding the commencement of said period of thirty days, it being hereby understood and agreed that the first of the said quarterly reports shall be rendered on or before the 1st day May, 1892, and shall be thereafter rendered every three months until all the armor treated for vessels authorized by Congress to March 3, 1891, shall have been received by the party of the second part.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

{SEAL OF THE COMPANY.}

THE HARVEY STEEL COMPANY,
By B. G. CLARKE, *Pres.*

Attest:
L. L. STURGES,
Sec'y pro tem.

THE UNITED STATES,
By B. F. TRACY,
Secretary of the Navy.

WM. B. REMEY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{SEAL OF NAVY DEPARTMENT.}

Memorandum for the honorable the Secretary of the Navy of armor now under contract which may be harveyized.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, February 8, 1893.

UNDER CONTRACT WITH THE BETHLEHEM IRON COMPANY.

Vessel.	Nature of work.	Tons.
Maine	Side armor	492.22
	Turrets	135.26
	Conning tower	15.71
Texas	Side armor	281.45
Amphitrite	Barbettes	148.81
	Turrets	110.76
	Conning tower	17.66
Terror	All too far advanced	
Puritan	Conning tower	21.00
	Turrets	162.00
Monadnock	Turrets	91.13
	Conning tower	21.68
Indiana	Side armor	613.56
	Barbette (1 heavy)	378.40
	Conning tower	55.15
Massachusetts	Conning tower	55.15
Total with Bethlehem Iron Co		2,659.46

UNDER CONTRACT WITH THE CARNEGIE STEEL COMPANY.

Vessel.	Nature of work.	Tons.
Harbor-defense ram	Side and deck armor	708.71
	Conning tower	45.20
Amphitrite	Side armor	355.65
Puritan	do	114.90
Monadnock	do	342.15
	Barbettes	147.00
Oregon	Side armor	613.56
	Barbette (heavy)	774.80
	Barbette (light)	169.20
	Conning tower	52.00
Olympia	Con. tower and barbette	102.00
Total with Carnegie Steel Co		3,425.86
Total with Bethlehem Iron Co		2,659.46
Total with contractors		6,085.32

OF ARMOR UNDER NEW CONTRACT.

Vessel.	Nature of work.	Tons.
Indiana	Turret plates, 13-inch	287.86
	Sight hoods	6.25
	Turret plates, 8-inch	97.00
	Sight hoods	10.00
Massachusetts	Turret plates, 13-inch	287.66
	Sight hoods	6.25
	Turret plates, 8-inch	97.00
	Sight hoods	10.00
	Barbette plates, 13-inch	774.80
	Barbette plates, 8-inch	153.60
	Side armor	613.56
Oregon	Turret plates, 13-inch	287.86
	Sight hoods	6.25
	Turret plates, 8-inch	97.00
	Sight hoods	10.00

Memorandum for the honorable the Secretary of the Navy, etc.—Continued.

OF ARMOR UNDER NEW CONTRACT—continued.

Vessel.	Nature of work.	Tons.
Olympia	Turret plates, 8-inch	28.24
	Sight hoods	4.00
Total of that now under advertisement.		2,778.11
Total with Bethlehem Iron Co		2,659.46
Total with Carnegie Steel Co		3,425.86
Total of all armor that may be harveyized on ships, contracts for which were let prior to that for cruiser No. 13.		8,861.43

OF ARMOR WHICH MAY BE HARVEYIZED ON SHIPS FOR WHICH CONTRACTS HAVE BEEN LET SINCE THAT FOR CRUISER NO. 13.

Vessel.	Nature of work.	Tons.
Iowa	Turret plates, 12-inch	490.00
	Sight hoods	9.00
	Turret plates, 8-inch	96.00
	Sight hoods	10.60
	Barbette plates, 12-inch	521.00
	Barbette plates, 8-inch	148.40
	Side armor	630.60
	Diagonal armor plates	234.70
	Casemate armor plates	208.40
	Conning tower	27.80
	Conning-tower shield	9.50
	Conning-tower shield hood	1.60
Brooklyn	Turret plates, 8-inch	92.00
	Sight hoods	10.00
	Barbette plates, 8-inch	145.00
	Side armor	155.00
	Conning tower	20.00
	Conning tower shield	5.00
	Conning tower shield hood	1.00
Total		2,812.40 8,861.43
Total amount of armor which may be harveyized.		11,673.83

Very respectfully,

W. T. SAMPSON, *Chief of Bureau.*

Secretary HERBERT. There is a guaranty in the contract that the Government should not have to pay more than nine-tenths of 1 cent a pound, which would be about $21 or $22 a ton, for the application of this process, provided Harvey was allowed to superintend it at the works of the armor makers. Application was made to the Bethlehem Company to allow Harvey to superintend it, and the company refused to grant it. They insisted that after being acquainted with the process they should apply it in their own way.

They refused to allow Harvey to have anything to do with it, and demanded for applying it a very much larger sum than nine-tenths of a cent per pound. In the opinion of the officers of the Department at that time it would cost a good deal more than nine-tenths of a cent a pound. So Mr. Tracy made a contract with the Bethlehem Company to harveyize certain of the armor they were then making at the rates just indicated in the contract, which, on an average, amounted to about 2.88 cents per pound.

The contract with Harvey was considered as abrogated because it could not be carried out. It mentioned a half cent a pound as the price. Mr. Tracy then made another contract with the Carnegie Company for harveyizing armor at the same price he had given the Bethlehem Company for applying the process, in which the contract with Harvey was not considered, because I suppose Mr. Tracy thought they would no more consent than the Bethlehem Company had consented to have Harvey superintend the process, and because they probably contended that they could no-do it for anything like that sum. They at first asked about 5 cents a pound for applying the process. This sum was for the applicat tion of the process, you understand.

When I came into office I found that negotiations had been pending between the Department and the Harvey Company for the use of this process—the royalty. Folger came to me. He had been the former chief of the Bureau.

Senator HALE. He was at that time chief of the Bureau?

Secretary HERBERT. No, he was not. He had resigned as chief of the Bureau in December, and he had already obtained leave to go abroad for two years. He came as the agent of that company, stating that since leaving the Bureau he had been employed by the company to negotiate with the Department for a fair price for the use of the Harvey process; and he claimed a good deal more than half a cent a pound.

Senator BACON. You say "that company." You have mentioned several companies, and in order to have the record correct will you not state to which company you refer?

The CHAIRMAN. The Harvey Company.

Secretary HERBERT. I refer to the Harvey Company. Folger came as the agent of the Harvey Company. As agent of that company he had been negotiating with Secretary Tracy about the matter, I understood.

Senator TILLMAN. An officer of the Navy negotiating, as the agent of a private corporation, with the head of the Navy?

Secretary HERBERT. Yes, sir. He was not then connected with the Bureau. He had ceased his connection.

Senator TILLMAN. He had resigned from the Bureau?

Secretary HERBERT. Yes, sir.

Senator TILLMAN. Had he resigned from the Navy?

Secretary HERBERT. No, sir.

Senator TILLMAN. Is he in the Navy now?

Secretary HERBERT. Yes, sir; he is.

Senator CHANDLER. The first contract with the Harvey Steel Company was made March 21, 1892, before Commander Folger resigned as chief of the Bureau, and the second contract was made April 12, 1893, after he had ceased to be chief of the Bureau?

Secretary HERBERT. Yes, sir; after he ceased to be chief. The first contract with the Harvey Company was made while he was chief of the Bureau.

Senator HALE. All the contracts are to be put in the record.

Secretary HERBERT. Yes, sir; I have copies of them to put in the record.

I understood at that time that Secretary Tracy had offered $120,000 for the harveyizing of the armor for the ships that were then authorized, and Folger insisted that I should pay at least $150,000; that if I put it in a lump sum I could get the right for $150,000. I looked into the price, and said, "No; I shall not pay it; I will pay the same rate that has been paid heretofore, a half cent a pound, on condition that the Government is allowed in the future to use the process at a half cent a pound provided it wants to use it on all armor hereafter manufactured."

The statement was made to me then that the price paid abroad for the Harvey process—the patent has been recorded abroad—is 2 cents a pound. It is, I understand, $40 a ton.

Senator CHANDLER. Who made that statement to you?

Secretary HERBERT. I have understood it from the Chief of the Bureau of Ordnance; Folger stated it to me; the present chief of the Bureau stated it to me, and I think it is a fact that $40 a ton is being paid abroad for the use of this process; possibly, however, the prices paid abroad may vary.

The amount that had been paid under the first contract was a half cent a pound, and it was stated in the contract that the company allowed the Government to use the process for half a cent a pound in consideration of the fact that it had been developed somewhat under the superintendency of the Bureau of Ordnance. I refused to pay more than a half cent a pound, and told him that I would use the process without paying anything; that I knew what it was; I could use it, anyway; and I would use it and let the company sue the Government before I would agree to more than half a cent a pound. Finally the company consented to take the price I offered.

I have here a letter from Mr. Frank Thomson, who is president of that company, which was written some time before that, from which it appears that the price that Secretary Tracy had offered at the time there referred to was not $120,000, but seems to have been $100,000. Here is a copy of the letter written by Mr. Frank Thomson, president of the Harvey Company, to Mr. Tracy, then head of the Navy Department:

PHILADELPHIA, *March 1, 1893.*

MY DEAR SIR: Referring to our conversation which took place on the car en route from Jersey City to Philadelphia, Wednesday, February 22, I understood you to say that you would be willing to allow the Harvey Company $60,000 on the old contract and 2 cents per pound on the new contract, amounting to 2,700 tons, at $40 per ton, or $108,000, making in all $168,000, and I suggested that Commodore Folger should negotiate with you on that basis.

That is, $168,000 for those ships.

I have always felt that the Harvey Company should receive 5 cents, but in consideration of the services of the Government in the development of the system, I was willing to agree to 3 cents; but after various consultations and your presentation of the case, I acceded to 2 cents, and am still of that mind.

That would be $40 a ton.

I am now informed by Commodore Folger that your last proposition to me as a total payment does not amount to more than $100,000, and in all candor I must say that we can not accept the proposition under any circumstances.

I regret extremely that you have not been able to see your way clear to deal more liberally with the owners of a patent which would bring such great results to the United States Government.

Very truly, yours,

FRANK THOMSON.

Hon. B. F. TRACY,
Secretary of Navy, Washington.

One hundred and sixty-eight thousand dollars is the price Mr. Thomson demanded there, and he also demanded 2 cents a pound as royalty for armor for ships to be thereafter authorized. I contracted on the basis of a half cent a pound, $96,000, and the Government was also to have the right to use the process in the future at a half cent a pound. In the contract I made with the company there was a provision that if at any time the courts should decide the patent to be invalid, the Government should pay nothing therefor.

Senator CHANDLER. Do you refer to the contract of April 12, 1893?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Made within six weeks after you went into the Department?

Secretary HERBERT. Yes, sir; it seems to have been pending beforehand, as appears from the proposition of Mr. Thomson just read to you.

Senator CHANDLER. Based upon the data you have given?

Secretary HERBERT. Yes, sir. The Harvey Company was then asking $168,000 for that for which I paid $96,000. The contract was made on the basis of a half a cent a pound—about $11 a ton—instead of $40, which Mr. Thomson claimed. I made that contract by simply stating that I would not pay any more; that I would manufacture the armor, and the owners of the plant could bring suit for indemnity.

Commodore Folger had a two-year leave of absence to go abroad. I think it was understood that he intended to act as the agent of the Harvey Company abroad. Under the leave which he had he went abroad shortly after that. Not long after I came into office, however, I began to consider the question of leaves of absence and the practice of allowing officers of the Navy to take outside contracts in matters relating to the Navy, and I rescinded all the orders for long leaves and brought home every man who was doing business on his own account with any of the contractors for the Government, and indeed everybody else with the exception of Lieutenant Peary, who at that time was in the Arctic Ocean.

Senator SMITH. Were many officers on leave under such circumstances?

Secretary HERBERT. I suppose there were eight or ten. Among others was Professor Newcomb, who was going over to Baltimore two days out of a week to lecture at Johns Hopkins.

Senator CHANDLER. He was lecturing on astronomy?

Secretary HERBERT. Yes, sir; there was one officer at the works of the Carnegie Company, and there were others at other places and in other kinds of business, such as reducing nickel. That order included Commander Folger.

The CHAIRMAN. Was there anyone at the Bethlehem Works?

Secretary HERBERT. I am not sure whether there was or not?

Senator CHANDLER. Lieutenant Meigs, who is with the Bethlehem Company, has resigned from the Navy?

Secretary HERBERT. Yes, sir; he resigned and is out of the Navy, and the Bethlehem Company have a right to employ him. Lieutenant Stone was at the Carnegie Company's works, and after leaving there he for a while had a desk in the office of the Bureau of Ordnance, acting as the agent of the Carnegie Company after he had been retired from the Navy. I forbade that, too. I called these people home, and among others Commander Folger.

Senator HALE. When you say "called them home," you mean that you revoked their leaves of absence?

Secretary HERBERT. Yes, sir.

Senator HALE. They were not all abroad?

Secretary HERBERT. No, sir; Folger's resignation as Chi[illegible] of the Bureau of Ordnance took effect January 2, 1893.

Senator CHANDLER. When was it tendered?

Secretary HERBERT. In December, [illegible] was granted two years' leave of absence to go abroad. On [illegible] June, 1893, he informed the Department that his address was care of United States dispatch agent at London. His leave was revoked November 1, 1893, by letter dated October 4, 1893.

Senator TILLMAN. What was the salary received by Commander Folger while on leave of absence?

Secretary HERBERT. Waiting-orders pay. It is the lowest salary we pay. I can tell by looking at the Register.

Senator HALE. He received waiting-orders pay.

Senator CHANDLER. It is two-thirds of full pay?

Secretary HERBERT. Yes; but I do not remember what full pay is. I shall have it looked up. Then Folger was ordered abroad to take command of a ship.

I find by the Register here that his pay was $2,300 while on leave. His sea pay would be $3,500, shore pay $3,000, waiting-orders pay $2,300.

Senator TILLMAN. While he was doing nothing?

Senator PERKINS. Except to work for a private company.

Senator TILLMAN. I mean for the Government. He was working for a private concern. None of those leaves are now in existence. You have discontinued the system?

Secretary HERBERT. Yes, sir. There is one man detailed under a special law of Congress as instructor in a college, but I have discontinued the system and do not allow an officer to go into business with any contractor.

Senator TILLMAN. You have discontinued all personal interest on the part of an officer in any business in which he is engaged?

Secretary HERBERT. I have not undertaken to order that officers shall have no private interests in business outside.

Senator TILLMAN. But you do not allow them to devote their time, for which the Government pays, to the furtherance of their private business. Of course they have a right to invest their money in property anywhere they please, and to give it such attention as they can without neglecting their official work.

Secretary HERBERT. That is my position, Senator. You are right. Further than that, there comes the question of patents by officers.

Senator CHANDLER. Before you come to the question of patents issued to officers, I wish you would state to the committee when you first had knowledge, as asked on page 4, sixth item, that Commander Folger was to be employed or had been employed by the Harvey Company and was to have an interest in the company. Tell us what you know on that subject.

Secretary HERBERT. The first knowledge I had of his taking any interest in the company was when he came to me to make this negotiation with the Government.

Senator CHANDLER. Between the 4th of March, 1893, and April 12, 1893?

Secretary HERBERT. Yes, sir. He came to me and said that since he had got out of the Bureau of Ordnance he had been employed by the Harvey Company, and that he represented them to the extent of making that contract, and I did not know how much further. That was as far as I knew about it, and that was the first I knew of it. Commander Folger is here in the city and subject to the orders of the committee.

Senator CHANDLER. When did you learn what the contract made by the Harvey Company with him was?

Senator HALE. What Commander Folger's interest was?

Secretary HERBERT. I do not yet know definitely about it.

Senator CHANDLER. Do you know whether he was in negotiation to be employed by the company while he was chief of the Bureau?

Secretary HERBERT. No, sir; I do not.

Senator TILLMAN. It seems to me that that follows of itself; that it is self-evident.

Senator CHANDLER. Did you make any investigation as to whether the patent ought to have been granted to Harvey; whether it was a valid or a void patent?

Secretary HERBERT. No, sir; I did not.

Senator CHANDLER. You assumed that what your predecessor had done determined that question?

Secretary HERBERT. I assumed that he knew what he was doing and that he had concluded that the patent was a valid patent. I have some information here upon that question.

Senator CHANDLER. Is this [handing Secretary Herbert a letter] a copy of the letter of Secretary Tracy asking to have the patent expedited?

Secretary HERBERT (after examining copy of letter). He sent a letter, and I suppose this is a copy of it. He asked to have the patent expedited.

Senator CHANDLER. I will put the letter in the record. It is of date June 20, 1891.

The letter referred to is as follows:

NAVY DEPARTMENT, *June 20, 1891.*

SIR: Referring to Mr. H. A. Harvey's application, No. 387209, for patent for improvement in decrementally hardened plates and method of manufacturing the same, filed April 1, 1891:

It appears from the report of the Chief of Bureau of Ordnance that the invention referred to is of sufficient importance to the naval service to warrant early action, and I have to request that, in accordance with rule 62 of the Rules of Practice of the Patent Office, the application for letters patent upon said invention be made special in that office.

Very respectfully.

B. F. TRACY,
Secretary of the Navy.

The honorable the SECRETARY OF THE INTERIOR.

The letter is indorsed on the back as follows:

Under date of June 27, 1891, Com. C. E. Mitchell directed:
"The examiner is directed to make the application herein special."

Secretary HERBERT. There is a practice which has prevailed for a long time, dating back from your administration of the Navy Department, Senator CHANDLER, to ask for the expediting of patents which are presumed to be valuable to the Navy. You ask in your memorandum sent me for an abstract of letters from the Navy Department to the Secretary of the Interior, requesting special action on applications for patents from March 4, 1881, to January 15, 1896. There were none made in 1881, 1882, or 1883. In 1884 there were five requests made.

Senator CHANDLER. You have in your hand a list of such requests?

Secretary HERBERT. Yes, sir. I will read some of the names of the inventors and the articles on which patents were asked. In 1884 there were 5. They were N. S. White, electric lamps; William F. Gardner, time system; Powlet Electric Company, automatic-steering apparatus and gear; J. A. Powlet, machine gun carriage; Rex disinfecting process; J. A. Howell, automatic broadside torpedo.

In 1885 there were 4; in 1886, 4; in 1887, 7; 1888, 4; in 1889, 4; in 1890, 6; in 1891, 7; in 1892, 10; in 1893, 10; in 1894, 1; in 1895, 5.

Senator CHANDLER. Have you a table giving the details of these requests?

Secretary HERBERT. It does not give the details, but it contains a list of the requests.

Senator CHANDLER. It mentions the subject-matter?

Secretary HERBERT. Yes, sir; it mentions the subject-matter, showing what each patent was for.

The list referred to is as follows:

Abstract of letters from the Navy Department to the Secretary of the Interior requesting special action on applications for patents from March 4, 1881, to January 15, 1896.

Date of letter.	Name of inventor.	Article on which patent was asked.	Bureau (if any) recommending special action.
1884.			
May 5	N. S White	Electric lamps	
May 8	William F. Gardner	Time system	Navigation.
July 30	Powlett Electric Co	Automatic steering apparatus and gear	
July 31	J. A. Powlett	Machine gun carriage	
Aug. 12		Rex disinfectant process	
Oct. 7	J. A. Howell	Automatic broadside torpedo.	
1885.			
Mar. 21	C. W. F. Simonds	Method of rolling articles of metal, and articles made by such method.	Ordnance.
May 20	William F. Gardner	Time-ball system	
Oct. 27	Alex. Vogelgesang	Screw propeller	
Oct. 30	do	do	Steam Engineering.
1886.			
June 4	A. C. Dunn	Steering apparatus	
Aug. 24	P. A. Engr. Tobin	Improvement in cast steel compound armor.	
Sept. 27	G. M. Hathaway	Submarine boat	
Nov. 19	Robert M. Fryer	Armored vessel	Construction and Repair.
1887.			
Jan. 18	J. G. Hendrickson	Process of coating metal surfaces with lead.	Steam Engineering.
1892.			
Feb. 11	C. DeB. Shepard	Invention connected with submarine vessel	
Feb. 26	W. H. Driggs	Improvement in breech-loading rapid firing cannon.	
July 6	Daniel Wilde	Mechanical movement to take the place of belts.	Ordnance.
Aug. 31	A. C. Dunn	Pneumatic steering gear	
Nov. 14	William A. Baldwin	Process of combining aluminum with other metals.	Do.
Nov. 23	George W. Gesner	Process of treating metals so as to render them noncorrodible.	Steam Engineering.
1888.			
Jan. 6	W. H. Driggs and Seaton Schroeder.	Improvement in breech-loading ordnance.	
Apr. 7	E. R. Gill	Electric combination lock, self-adjusting relay, automatic switch signal controlling apparatus, and a secret and novel telephone call system.	Ordnance.
Aug. 4	Tilford & Redeman	Improvement in manufacture of steel.	
Dec. 22	Bradley A. Fiske and Ivan Rapieff.	Range-finding instruments.	
1889.			
Mar. 2	W. F. M. McCarty	Improved process of manufacturing steel.	Do.
May 3	Dana Dudley, and Hotchkiss Ordnance Company.	Torpedoes and launching apparatus.	Do.
Sept. 27	Hotchkiss Ordnance Company.	Elwell's pneumatic launching gear.	Do.
Nov. 16	W. H. Driggs	Percussion fuse for projectiles.	Do.
1890.			
Jan. 7	William M. Wood	Projectiles	Do.
Mar. 13	Bradley A. Fiske	Method of range finding	Do.
Mar. 15	Ivan Rapieff	Range finder	Do.
May 28	S. W. B. Diehl and John Gibson.	Improved ship's compensating binnacle.	Equipment and recruiting.
Sept. 24	J. H. Brown	Improvement in manufacture of guns.	Ordnance.
Dec. 19	Julius Leede	Process of making fuel gas.	
1891.			
Jan. 16	Moses F. Walker	Dynamite shells	Do.
May 12	Ernest Huber and Fredk. J. Kneuper.	Nautical signals or sea telephones.	Equipment.
June 20	H. A. Harvey	Hardened plates	Ordnance.
Aug. 24	Charles E. Munroe	Explosive powder and gun cotton.	Do.
Sept. 2	George H. Gray	Process of manufacturing aluminum.	Steel Inspection Board and Construction and Repair.
Nov. 7	F. K. Irving	Storage-battery systems	Equipment.
Nov. 17	Wm. M. Wood	Improved projectile	Ordnance.
1892.			
Mar. 11	James McWade	Improvement in propellers.	Steam Engineering.
June 9	E. T. Thomas	Electrodeposition of copper.	

Abstract of letters from the Navy Department to the Secretary of the Interior requesting special action on applications for patents, etc.—Continued.

Date of letter.	Name of inventor.	Article on which patent was asked.	Bureau (if any) recommending special action.
1892.			
July 7	L. M. Closs	Improvements in dynamo, lamps, etc.	
July 15	W. B. Keep	Pennington air ship	(Ordnance recommended adversely.)
Sept. 30	W. W. Griscom and R. McA. Lloyd.	Secondary batteries	
Oct. 4	John Milton	Smoke-consuming device.	Steam Engineering.
Oct. 31	Izak Samuels	Secondary electric battery.	
Dec. 3	F. F. Fletcher	Gun mountings	Ordnance.
Dec. 10	S. O. Brosius	Cylinders of marine and other engines.	
Dec. 30	L. S. Van Duzer	Electrical steering apparatus.	Construction and Repair.
1893.			
Jan. 7	John Milton	Smoke-consuming device.	Steam Engineering.
Feb. 6	L. Paget	Pyroxylin compounds.	
Feb. 6	Joseph A. Eno	Improvements in steam boilers and in marine boilers.	
Feb. 24	H. L. Howe	Improvements in air valves.	
Mar. 3	L. Paget	Pyroxylin solvents	
Apr. 1	J. F. Drake	Torpedo-launching apparatus.	Ordnance.
Apr. 15	A. F. Kingsley	Improvements in smoke consumers.	Steam Engineering.
Aug. 5	J. G. McRoberts	Improvement in steel founding.	
Sept. 21	Mason E. Leonard	Gunpowder	Ordnance.
Dec. 27	John Milton	Smoke-consuming device.	Steam Engineering.
1894.			
Aug. 8	Herman Lemp	Method of producing locally annealed harveyized steel plates.	Ordnance.
1895.			
Mar. 14	W. E. Corey	Manufacture of carbonized steel.	Do.
July 19	James P. Lee	Improvements in firearms.	Do.
Oct. 5	G. A. Converse and J. B. Bernadou.	Manufacture of nitrocellulose, etc.	Do.
Oct. 14	C. Y. Wheeler and F. L. Slocum.	Manufacture of steel containing chromium.	Do.
Nov. 12	G. W. Littlehales	Border-shading machine	Navigation.

There is nothing on file in this office to show the action taken by the Patent Office in these cases.

SAM. C. LEMLY,
Judge-Advocate-General.

NAVY DEPARTMENT,
OFFICE OF JUDGE-ADVOCATE-GENERAL, *January 15, 1896.*

Secretary HERBERT. Before making a request of the Interior Department to expedite a patent, it has been the custom generally, but not always, to refer the matter to some expert in the Navy Department, in order to ascertain whether the invention is particularly valuable to the Navy. That has not always been done. In 1885, for instance, it does not seem to have been done, but if you look at the face of the inventions you will see that they are all articles which the Navy wants, and in which it would naturally be interested. But that course has been more generally pursued since that time. In every case where I have made such a request, with one exception, the records show that in the first place the matter was referred to the proper bureau to ascertain whether the Navy Department was interested in the article.

Senator PERKINS. That practice also obtains in the other Departments of the Government. I have been so apprised.

Secretary HERBERT. It does, I believe. I should like to make a statement somewhat connectedly about the patents. I made about the same number of requests that other Secretaries have made, and I referred every case to an expert in the proper bureau to know whether the Navy was especially interested in the article, except in one instance. I found out that in 1895 in some way or another I had made a request and did not have in writing any recommendation from a bureau. I must have had it orally. At any rate, I have made one request without having referred the matter to the proper bureau. But the rule has been as I have stated it, and it is a very proper rule, and it has usually been followed.

One of the questions I am asked in the statement sent to the Department is about the Harvey process, in which it is said that Commander Folger is interested. That brings up the question of the interest of officers in patents. I have a list here of the officers to whom patents have been granted and shop licenses under patents given to the Department as far as they were known. I have had two or three controversies with naval officers about what amount ought to be paid them, or as to whether anything ought to be paid them at all for devices. The opinion of the Attorney-General, rendered a good long while ago, was that where a patent had been taken out by an officer for something invented by him while he was in the line of duty and pertaining to that line of duty, he was not entitled to any pay from the Government for its use, but that in other cases he was entitled to the same pay as other people; that although it might be something naval, and something that was suggested to him as a naval officer, still if he was not in that particular line of duty he was entitled to pay for it.

The question was brought before me in the case of Lieutenant Dashiell, a very bright and efficient officer. He invented a method of improving the controlling valves on the turning engines of the turret of the *New York*, an improvement that was really of great value and by the use of which the turrets worked very smoothly. He asked for an allowance for it. I refused to give it to him. Then there was another—the case of Fletcher. I had quite a controversy with him about the use of his patent for breech mechanism for ordnance, and finally made a contract with him for a somewhat less price than he asked, about $10 less. I thought that the Government ought to have the right in that case to fix the compensation.

It was very important to have that breech mechanism, and it seemed to be better than any other. So I made the contract. But that case suggested that we ought to have a change of the law, and I desire to call the attention of the committee especially to this point. In my last annual report, on pages 48 and 49, the question is discussed at some length, and Congress is asked to pass a law giving the right to the Secretary of the Navy in such cases, as under present rulings an officer is allowed compensation, to pay a fair price and only such fair price as the head of the Department may think he ought to allow. Perhaps I had better read that part of my report. It is not very long.

> Inventions useful to the naval service are frequently patented by officers of the Navy. Officers have peculiar opportunities in the line of their duty for discovering the defects of naval appliances and devising remedies for the same. When they have been especially assigned to the duty of making experiments for the purpose of suggesting improvements in some particular direction, if the facilities for conducting the experiments have been furnished by the Department, and the expenses, including the procuring of patents, have been borne by the Department, the improvements or devices are the property of the United States.
>
> When, however, an officer is not acting under authority of the Department, and the invention does not concern a matter the officer was especially assigned the duty of investigating, and when the expenses of making experiments and procuring the letters patent are borne by the officer, it has been held that the patent is the property of the officer and is valid as against the Government itself. In order to use these devices the United States must obtain the consent of the patentee and pay him such price for the use of the same as he may demand, and it has frequently been found difficult to adjust the rights of officers as against the Government in these cases.
>
> The inventive genius of officers should not be suppressed, nor should they be unjustly deprived of the fruits of their labor, but, on the other hand, there ought to be no extraordinary pecuniary stimulus to turn to their own advantage knowledge acquired at the expense of the Government and tending to promote the interests of the service in which they are employed. Such a stimulus exists where the Government must do without improvements essential to its naval power or pay to persons whom it has educated and furnished the opportunities for developing such improvements such prices as they may insist upon for the same.
>
> The British Government has recently found it expedient to prescribe the terms under which its navy shall acquire the use of inventions patented by persons in its naval service, and the following provisions appear to me to be particularly equitable and just: "The invention may be used by or for Her Majesty's service, and that the terms of payment, if any, shall be decided by the Admiralty," and "in settling terms, either for assignment or use, regard will be had by the Admiralty to any facilities in originating, working out, and perfecting the invention which the inventor may have enjoyed b[illegible] of his official position."
>
> As naval officers receive their education at the expense of the Government, and their opportunities to make improvements in naval appliances result largely from such education and the facilities afforded [illegible] by the duties they perform under the Government, I hav[illegible] recommend that Congress be asked to enact legislation prov[illegible] United States may at any time acquire the right to use devices covered by letters patent issued to officers of the Navy, whether retained in their ownership or assigned to others, upon such terms and at such rate of compensation as may, by the Secretary of the Navy, be deemed just and equitable.

I recommend the passage of some law like that. In the first place, if you deny to naval officers entirely the benefit of their inventions, the temptation would be very great to hand over an invention to some outsider and have him patent it. Even where an officer was disposed to be honest and not do that, it would perhaps repress his inventive genius to deny him any compensation whatever. Taking it altogether, it has seemed to me that a law about like what the British Admiralty has passed, giving to officers the right to a patent where the patent was not invented while they were particularly concerned in or employed in that line, would be very well; but at the same time, in cases of that kind, inasmuch as we educate our officers and give them at least all the education upon which they proceed, the Government ought to have the right to fix the royalty.

Senator PERKINS. In this connection I wish to state that Professor Monroe, now connected with the chair of chemistry in Columbia College, when in the Naval Academy filling the chair of chemistry there, discovered smokeless powder, and he felt that the invention belonged to the Government, and it was placed by him at the disposal of the Government.

Secretary HERBERT. I have a list here of nine or ten patents that have been taken out by officers of the Government. Here is the case of Lieutenant Driggs, for breech-loading ordnance; Lieutenant Dashiell, for breech mechanism; Lieutenant Dashiell again, for breech mechanism for ordnance; Professor Monroe, for smokeless powder: Lieutenant Fletcher, a license granted under a patent for gun mounts.

Senator HALE. You will put that list in your statement?

Secretary HERBERT. I will insert it.

The list referred to is as follows:

Officers to whom patents have been granted and shop licenses under said patents given to the Department.

No.	Name of officer.	Article patented.
1	Lieut. W. H. Driggs, U. S. N.	Breech-loading ordnance; license granted May 28, 1890, under patents No. 300796 and No. 378828.
2	Lieut. R. B. Dashiell, U. S. N.	Breech mechanism for ordnance; license granted Sept. 15, 1890, for four (4) guns, under patent No. 438433.
3	Lieut. R. B. Dashiell, U. S. N.	Breech mechanism for ordnance; license granted Jan. 22, 1892, under patent No. 371619.
4	Chas. E. Monroe, chemist, torpedo station.	Smokeless powder; applications for patents Nos. 402645 and 402646. Right to manufacture under these patents granted Aug. 14, 1891.
5	Lieut. F. F. Fletcher, U. S. N.	Gun mounts; license granted Aug. 18, 1891, under patent No. 457641, for two mounts.
6	Lieut. F. F. Fletcher, U. S. N.	License granted Jan. 28, 1893; application for patent No. 452271, improvement in gun mounts; application for patent No. 452272, breech mechanism for ordnance; application for patent No. 452273, improvements in system of sighting guns.
7	Lieut. A. A. Ackerman, U. S. N.	Improvements in manufacture of hard-face armor; license granted Jan. 29, 1895; application for patent No. 530240.
8	Ensign Jos. Strauss, U. S. N.	Gun mounting; license granted Aug. 24, 1895; application for patent No. 533930.
9	Commander G. A. Converse, U. S. N.; Lieut. J. B. Bernadou, U. S. N.	Cellulose powder; license granted Nov. 29, 1895; patent No. 550472.
10	Commander G. A. Converse, U. S. N.; Lieut. J. B. Bernadou, U. S. N.	Apparatus for separating plastic powders; license granted Nov. 29, 1895; patent No. 561308.

With the exception of cases No. 1, No. 5, and No. 3, all of the devices were designed by the officer in line of duty, and, beyond the mere expense of taking out patents, do not cost the Government anything.

Secretary HERBERT. In all these cases, except those of Lieutenant Fletcher and Lieutenant Driggs, these officers discovered these things while they were in the line of their duty, and they had these patents taken out in their names, giving the Government the right to use them without royalty. The patents show on their face that they are in the interest of the Government in every case except one, and in that case the transfer was afterwards made in writing to the Government. They take out these patents for the purpose primarily of preventing anybody else from patenting them and demanding royalties of the Government.

Senator CHANDLER. The list which you have put in shows that it is a list of patents where license has been granted to the Department to use the patent?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. You have not a list of all patents issued to officers of the Navy Department?

Secretary HERBERT. No; I have not.

Senator CHANDLER. Who is your present Chief of the Bureau of Ordnance?

Secretary HERBERT. Commander Sampson.

Senator CHANDLER. What connection has Lieutenant Ackerman had with the Bureau?

Secretary HERBERT. He has been in the Bureau as an assistant; that is, he is an officer in the Bureau. He was not technically the assistant, but he has been there until recently. He has gone out and is now an inspector of the *Oregon* at San Francisco.

Senator CHANDLER. I will say that I had a telegram from him stating that he wished this investigation to go on. Now, I want to ask about Prof. Philip R. Alger. Is he in the Ordnance Bureau?

Secretary HERBERT. Yes, sir, he has been there for some time.

Senator CHANDLER. Is there a question pending in the Department, with reference to the rapid-fire guns, as to whether the Gatling gun or the Maxim gun is the best gun to be used?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. [Exhibiting.] I wish you to look at these three patents, which are not down upon your list, and see whether this one, "Letters Patent No. 539010, dated May 7, 1895, application filed November 28, 1894, serial No. 580240 (no specimens)," is a patent issued to Capt. William T. Sampson and Lieutenant Ackerman for certain new and useful improvements in the manufacture of hard-faced armor. Is that upon your list?

Secretary HERBERT. It is.

Senator CHANDLER. Is Commander Sampson's name down against it?

Secretary HERBERT. No, sir.

Senator CHANDLER. Only Ackerman?

Secretary HERBERT. Only Ackerman; but that is one transferred to the Government and on record.

Senator CHANDLER. On the list the Bureau furnished you to bring here Sampson's name is omitted?

Secretary HERBERT. It is not there.

Senator CHANDLER. Is it on the specification of the patent granted which is before you?

Secretary HERBERT. It is.

Senator CHANDLER. Has Hiram Maxim, the inventor of the Maxim gun, a brother, Hudson Maxim?

Secretary HERBERT. I do not know, sir. I do not know Hudson Maxim.

Senator CHANDLER. I will say that he has. I have here a patent, "Specification of patent No. 549088, dated October 29, 1895, application filed April 13, 1895, serial No. 545610," a patent to Philip R. Alger, United States Navy, and Hudson Maxim, of New York, for certain new and useful improvements in detonating fuses. Look at that and see whether it is on your list.

Secretary HERBERT (examining). It is not. I wish to make a statement about that.

Senator CHANDLER. Let me first give you the third. "Patent No. 549072, dated October 29, 1895, application filed May 27, 1895, serial No. 550866," is a patent to Hudson Maxim and Philip R. Alger, again for certain new and useful improvements in detonating fuses. State whether that is on your list.

Secretary HERBERT (examining.) It is not.

Senator CHANDLER. Was that list furnished you from the Ordnance Bureau?

Secretary HERBERT. Yes. I was about to state, when you interrupted me, that I was told this list does not include everything that is shown in the Department, and Captain Sampson told me he thought his name was on the Ackerman patent. That is one of those patents that has been turned over to the Government, and it was turned over to the Government by an assignment on the face of it, so I am informed.

Senator CHANDLER. For some reason Commander Sampson kept his own name off the list in furnishing it?

Secretary HERBERT. But he referred to it in conversation with me.

I wish to state that since this investigation has started I have come to the conclusion that the Navy Department ought to issue, and I believe I will issue, an order providing that every officer who has a patent, or is interested in a patent, or is interested in any business that concerns the navy ordnance or machinery, or the construction of vessels, or anything of that kind, shall record it in the Department in the proper office where such details are kept, so as to enable the Secretary to know the status of officers. It may be that a contest might be referred to an officer who was interested in a patent, and of course that ought not to be the case. There has never been any such regulation, but this investigation suggests to me the necessity of making a regulation of that kind.

Senator CHANDLER. Do you not think it would be a good idea, before you make any contracts for armor, to reorganize the Ordnance Bureau and leave out of its management any naval officer who holds patents on armor?

Secretary HERBERT. I do not think there is anybody in it who has patents on armor. If there is, I do not know it. The patent you referred to is not on armor, is it?

Senator CHANDLER. One of them is.

Secretary HERBERT. It is for detonating fuses.

Senator TILLMAN. I understand that Sampson and Ackerman have a patent on hardening armor, but they have given all their right and title to the Government to use it. Therefore there could be no collusion in that case.

Secretary HERBERT. The patent was really taken out for the benefit of the Government.

Senator PERKINS. I was about to state that any interest Captain Sampson or Lieutenant Ackerman have in the patent for hardening armor plate, whether vested rights by invention or otherwise, they have waived their right in favor of the Government without any royalty.

Secretary HERBERT. Yes; that is the case.

Senator PERKINS. And I so understood the Secretary to state.

Secretary HERBERT. Practically that amounts to taking out a patent for the benefit of the Government.

Senator PERKINS. They have no interest whatever in it, at least so far as the Government is concerned.

Senator CHANDLER. Do you know whether foreign patents have been taken out?

Secretary HERBERT. I asked the chief of the Bureau whether anybody had taken out foreign patents. He said he thought Ackerman had taken out patents abroad on this invention of his, but he did not know of anybody else who had done so.

Senator PERKINS. The Secretary has said, and there is no question about it, that whatever discovery has been made by Captain

Sampson by reason of his connection with the Government he has given the Government the benefit of. Is not that the case, Mr. Secretary?

Secretary HERBERT. Yes, sir.

Senator HALE. During your administration have you discovered any attempt on the part of any officer in the Ordnance Bureau or any associate of his to force any invention upon the Government?

Secretary HERBERT. No, sir.

Senator HALE. Or any claim made for it?

Secretary HERBERT. No; I have not.

Senator HALE. Not in any case whatever?

Secretary HERBERT. The inventions of officers that I have passed on directly were the case of Fletcher and the case of Dashiell. Dashiell I denied entirely, because I did not think he had any right to compensation; Fletcher had a patent that apparently he had a right to control. I negotiated with him and gave him a less price than he claimed he ought to have. In addition to that, Fletcher had taken out other patents for the benefit of the Government, and he has one on mounts for which license was granted August 18, 1891. The Government is using those mounts, I understand. When negotiating for compensation for his breech mechanism, he insisted the Department should take into consideration the fact that the Government was using some inventions which he had not patented, and perhaps others he had patented and turned over to the Government. That was in his favor, and it was the consideration of the questions thus brought up that suggested the recommendation in my last annual report that the Government ought to have control over such matters. It occurs to me (if I may make a suggestion that is a little outside of the line of the Department with which I am immediately concerned) that it would be a very good thing to apply such a rule to all the Departments of the Government. There may be inventions in the Army as well, and in the revenue service, and the Geological Survey, etc.

The CHAIRMAN. You would recommend a general law?

Secretary HERBERT. I would suggest that Congress enact a general law on the subject.

Senator BACON. What were the particular facts which induced you to come to the conclusion that Fletcher was entitled to compensation in that particular case? You may have stated them, but it escaped me.

Secretary HERBERT. The invention was made while he was not in the Ordnance Bureau. He had gotten a patent for it and had also gotten a patent for other things which he had allowed the Government to use. The benefits received by the Government from inventions for which he had never secured or asked any pay he mentioned by way of inducement to me to give him the prices he insisted on for his breech mechanism. In this case he had power to say that the Government should not have it without paying. In cases like this it occurs to me the head of a Department ought to have the power to say, "You are an officer of the Government; you are entitled to only so much."

Senator CHANDLER. Then if an officer of the Government took out foreign patents he would be entitled to anything he made out of those?

Secretary HERBERT. To anything he made out of them.

Senator HALE. There is no objection to that, is there?

Secretary HERBERT. I do not see any.

Senator CHANDLER. I think if an officer of the Government can make an invention and secure its adoption by his own Government, giving the Government the use of it, and then on the strength of its adoption by our Government get it patented abroad, he has a very manifest advantage by getting it introduced and making money out of it.

Secretary HERBERT. There is another statement that I desire to make, and I think it is something the committee ought to know about. It is in connection with Captain Sampson. Captain Sampson recommended me in writing about two months ago to disregard the Harvey process and say that in future contracts the Department would not be governed by it, giving the opinion himself that Senator CHANDLER has given, that the Harvey patent was invalid and would be so decided.

Senator CHANDLER. If you know, will you state who is counsel for Harvey to defend the validity of that patent? Is it ex-Secretary Tracy's firm?

Secretary HERBERT. I am inclined to think his firm is.

Senator CHANDLER. His firm is counsel to defend the Harvey patent. It is counsel to defeat the nickel Carnegie patent?

Secretary HERBERT. Will you let me complete my statement, so as to make it connectedly? Captain Sampson made the recommendation to me in writing, and it was at some length, giving the reasons why he thought that patent ought to be disregarded. He wanted to continue to use the process, but thought the patent ought to be disregarded. I am about to make a contract for the manufacture of armor for the two battle ships just laid out. The advertisements are being prepared and they are ready to be put out. In those advertisements Sampson recommended to me to entirely disregard that patent, because in his opinion the patent was not a valid one.

Senator HALE. And you could use the process without paying anything?

Secretary HERBERT. Without paying anything. I considered that matter pretty carefully. Looking at the contract again which I had made in 1893 with those people I find that the provision is very broad, that if any court whatever decides the patent invalid the Government is to pay nothing at all. So I concluded not to expressly state that I would disregard it, but to let the contract stand and not to pay any money. If in the suit between the Bethlehem Company and the Harvey Company the patent is decided to be valid, then the Department has a contract by which it can use the process for half a cent a pound and pay no more, whereas they claim 2 cents a pound, or $40 a ton, and claim that that is what is paid abroad. So I go on without openly disregarding the contract, but giving an order in the Department that not a cent is ever to be paid until that question is decided.

Senator CHANDLER. You are on perfectly safe grounds as far as the right is concerned?

Secretary HERBERT. I am on safe grounds, because if the Bethlehem Company should be defeated and the patent be sustained then the Government will have the right to use the patent for half a cent a pound.

Senator HALE. You have a good contract, then?

Secretary HERBERT. I think so, and do not wish to abrogate it now. But, on the other hand, if the Bethlehem Company wins that suit and the patent is decided to be invalid, the Government will not have to pay a cent.

The CHAIRMAN. You are all right in either case?

Secretary HERBERT. That was my view of it.

Senator CHANDLER. There is one other subject. Is there any question pending whether there shall be used in making armor in the future a process of reforging the face of the armor after it is put through the Harvey process? Is there patented a process of that kind, and is the question pending whether that shall be adopted?

Secretary HERBERT. That is not pending just now. The patent of Sampson and Ackerman which has been granted by the Government is not a patent for harveying, but is an additional process to be used. As I understand the purpose of the harveying process, it is to impregnate the face of the steel with as much carbon as possible. In order to increase the surface of the plate to be hardened this patent proposes that it shall be corrugated-undulated. This gives an additional surface, you see, and on all that surface this composition is put; then when the plate is rolled down——

Senator HALE. Jammed together.

Secretary HERBERT. There is [illegible] carbon there, [illegible] has taken effect in the plate. That is the [illegible] and Sampson, the patent they took out, and [illegible] the Government.

Senator CHANDLER. Is it to be in the next armor?

Secretary HERBERT. I think it will; it ought to be.

Senator CHANDLER. When one of the Bethlehem plates was used there was a slight crack developed on the face of it, and there is a plan devised for preventing cracks on the face of a plate after it has been harveyized by reforging the plates, and patents have been issued for that process. The one I call to your attention is the Corey patent, for which, March 14, 1895, a letter was written by the Department asking it to be expedited—W. B. Corey's patent for carbonized steel. Is there a question pending in the Department whether that process of reforging shall be used in future contracts for armor?

Secretary HERBERT. That question has not been brought to my notice. If it is pending there, it has not come before me.

Senator CHANDLER. I call it to your attention, and express my belief that the patent is invalid.

Secretary HERBERT. I will look into the matter. If it is pending in the Ordnance Bureau, it has not yet reached me.

The CHAIRMAN. Is there anything further you wish to say?

Secretary HERBERT. I do not think of anything else, Mr. Chairman.

Senator TILLMAN. I should like to call the Secretary's attention to the last paragraph of question 10, on page 4. I will read it:

> The Secretary should also be requested to furnish to the committee any facts within his knowledge, or of which he has heard in any way, which may tend to throw light upon the subject of the investigation, whether specifically asked about those facts or not, and he should also be requested to make any suggestions and to express any opinions which he may think wise.

You have given us one suggestion in regard to an act relating to inventions by officers.

Secretary HERBERT. And another statement I made a moment ago was about the recommendation that had been made to me by Captain Sampson. There seemed to be running in these papers somewhere an intimation that perhaps he was improperly concerned in the Harvey process. This recommendation by him that the Harvey process should be disregarded would seem to me to rebut any presumption that he has any interest in it.

Senator TILLMAN. I do not think anything has been brought out here that would implicate Commander Sampson in anything that is at all out of the line of duty and propriety.

Secretary HERBERT. I do not think there is, so far as I know. I do not remember anything else, only I wish to say in addition that Mr. Ackerman wrote me a letter from San Francisco, when he saw this matter in the newspapers, asking that it be investigated, and I replied that I would lay his letter before the committee which was investigating that matter. I will leave that letter here among the papers. I have stated what I know about Ackerman's patent.

Hereto appended are copies of agreement:

First, of date March 21, 1892, the first agreement with the Harvey Company, for the payment of royalties, marked Exhibit A.

Second, of date February 28, 1893, with the Carnegie Company, for armor plates and for harveyizing the same, marked Exhibit B.

Third, of date March 1, 1893, with the Bethlehem Company, for armor plate and for use thereon of the Harvey process, marked Exhibit C.

Fourth, of date March 2, 1893, with the Bethlehem Company, for the treatment of armor plates according to the Harvey process, marked Exhibit D.

Fifth, of date April 8, 1893, with the Carnegie Company, for the treatment of armor plates according to the Harvey process, marked Exhibit E.

Sixth, of date April 12, 1893, with the Harvey Company, for the payment of royalties on additional armor, etc., marked Exhibit F.

EXHIBIT A.

Memorandum of an agreement of two parts, made and entered into this 21st day of March, A. D. 1892, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey, and doing business in said State, represented by the president of said corporation, of the one part (hereinafter called the party of the first part), and the United States, represented by the Secretary of the Navy, of the other part (hereinafter called the party of the second part).

Whereas the party of the first part is the owner of all and singular the patented rights in and to a certain process known as the "Harvey process," for the treatment of armor plate for use in the construction of vessels; and

Whereas the parties have agreed, and do hereby agree, that upon the terms hereinafter stated, armor plate manufactured or treated under the said "Harvey process" shall, so far as possible, be supplied to such of the following-described naval vessels as the Department may from time to time designate, to wit:

Cruiser No. 6.
Cruiser No. 7.
Cruiser No. 8.
Cruiser No. 9.
Cruiser No 10.
Cruiser No. 11.
Cruiser No. 12.
Cruiser No. 13.
Gunboat No. 5.
Gunboat No. 6.
Puritan.
Amphitrite.
Monadnock.
Terror.
Texas.
Maine.
Monterey.
New York.
Indiana.
Massachusetts.
Oregon.
Ram.

Whereas the said Harvey Steel Company, under date of March 3, 1891, in a communication signed by B. G. Clark, president; H. A. Harvey, general manager, and Theodore Sturges, treasurer, agreed to give the Navy Department the option of purchasing the right to use and employ the "Harvey process" for treating armor plates, as follows:

"We hereby agree to give to the Naval Department an option for the purchase of the application of the Harvey process for treating armor plates, which was tested at the Naval Ordnance Proving Ground, Annapolis, Md., February 14, 1891, on the following terms, viz:

"In the event of the process proving of value, after further tests, and upon the demand by the Naval Department for its application to armor plating, the sum of $75,000 is to be paid by the latter to the Harvey Steel Company as royalty therefor, and as utilized, at the rate of one-half (½) of one (1) cent per pound of the weight of the finished plate. This royalty of one-half (½) of one (1) cent per pound is to cease when the said sum of $75,000 has been paid.

"The Navy Department is to have the right to use the process, should it so desire, without further compensation, upon all armor plating which is to be applied to vessels the construction of which is authorized by Congress at this date. In the event of the authorization by Congress of the construction of other vessels of war than those above mentioned, a new contract for the further application of the Harvey process of treating armor plates is to be made between the Naval Department and the latter, should the Department so desire.

"It is understood that the Naval Department will undertake to bear all the expense of the experimental development of the process as applied to armor plates, our Mr. Harvey to furnish, in consultation with the Bureau of Ordnance, all details at present in his possession in regard to the process, or which he may personally develop, in the perfection of his methods of treatment as applied to armor-plating."

Whereas the Navy Department, under date of March 3, 1891, in a communication signed by William M. Folger, Chief of the Bureau of Ordnance, accepted the terms of the offer of the Harvey Steel Company, as stated in the communication above mentioned; and by this agreement does accept the option offered by the party of the first part in the first paragraph of said communication: and

Whereas the party of the second part has agreed, and does hereby agree, to also pay, as hereinafter set forth, the expense of applying said process in the manufacture or treatment of said armor plate;

Now, therefore, it is mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part, upon the terms herein stated, may use and employ in the treatment of armor plate manufactured or to be manufactured for naval vessels, as hereinbefore stated, the hereinbefore-mentioned process known as the "Harvey process."

The party of the first part, in consideration of the premises, and provided the said process of treating said armor plate shall be conducted at the Bethlehem Iron Works, at South Bethlehem, Pa., or elsewhere, under the direction of the party of the first part, hereby guarantees that, in addition to the hereinbefore-mentioned royalty of one-half of 1 cent per pound, to be paid by the party of the second part to the party of the first part, upon armor for vessels which have been authorized by Congress up to March 3, 1891, the additional cost to the party of the second part of applying the Harvey process, hereinbefore referred to, to the armor plate, as aforesaid, shall, during the period of one year from the date hereof, be nine-tenths of 1 cent ($0.009) per pound of the finished plate, and that, after the expiration of the period of one year from the date hereof, the said additional cost to the party of the second part shall not exceed nine-tenths of 1 cent per pound of the finished plate, and in case it shall be found that the actual cost of the application of the said process to the armor plate shall have been diminished during one year from the date hereof, then the said additional cost to the party of the second part shall thereafter be equal to the said actual cost of the application of such treatment to the armor plate plus one-half (½) the difference between said actual cost of application and the sum of nine-tenths of 1 cent ($0.009) per pound of the finished plate.

The party of the first part hereby further covenants and agrees that it will hold and save harmless, and at its own expense defend the United States from and against all and every demand or demands for or on account of the use and employment of the "Harvey process" above mentioned in the manufacture or treatment of armor, and from all and every demand or demands which shall hereafter be made for the payment of any sum or sums of money in excess of the aforesaid cost for royalty and treatment of armor under said process, to be paid as hereinbefore specified and provided for in this contract.

Finally, it is hereby mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part shall render to the party of the first part quarterly reports of all armor plate manufactured or treated under the said Harvey process, which the party of the second part shall have received during the three months next preceding the dates of such reports, respectively, and within a period of thirty days after the rendition of each of said quarterly reports the party of the second part shall pay to the party of the first part such sum of money as may be required to cover the said royalty of one-half of 1 cent per pound, and also the cost of treatment by the said Harvey process of the armor plate which shall have been received by the party of the second part during the three months next preceding the commencement of said period of thirty days; it being hereby understood and agreed that the first of the said quarterly reports shall be rendered on or before the 1st day of May, 1892, and shall be thereafter rendered every three months until all the armor treated for vessels authorized by Congress to March 3, 1891, shall have been received by the party of the second part.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in presence of—

SEAL OF HARVEY
STEEL COMPANY.

THE HARVEY STEEL COMPANY,
By B. G. CLARK, *Pres.*

Attest:
L. L. STURGES,
Secretary pro tem.

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

WM. B. REMEY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

SEAL OF NAVY
DEPARTMENT.

EXHIBIT B.

CONTRACT FOR NICKEL-STEEL ARMOR PLATES AND APPURTENANCES, AND FOR HARVEYIZING.

This contract, of two parts, made and concluded this 28th day of February, A. D. 1893, by and between the Carnegie Steel Company, Limited, a limited partnership association organized under the laws of the State of Pennsylvania, and doing business in the county of Allegheny, in said State, represented by two members of the board of managers of said company, party of the first part, and the United States, represented by the Secretary of the Navy, party of the second part, witnesseth, that, for and in consideration of the payments hereinafter specified, the party of the first part, for itself and its successors and assigns, and its legal representatives, does hereby covenant and agree to and with the United States as follows, that is to say:

First. The party of the first part will, at its own risk and expense, manufacture and deliver to the Navy Department, in the manner and within the periods prescribed, and according to the conditions stated in the advertisement of the Secretary of the Navy, dated January 16, 1893, inviting proposals for nickel-steel armor plates, the proposal of the party of the first part under said advertisement, and the printed circular (including the drawings mentioned and described therein), approved by the Secretary of the Navy January 24, 1893, which advertisement, proposal, and circular hereto annexed shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein—the nickel-steel armor plates and appurtenances therein described or referred to, and at the prices per ton for the different exhibits, and for the total price, as follows:

Class and exhibit.	Description.	Estimated number of tons.	Price per ton of each exhibit.	Total price for each exhibit, including appurtenances.
Class A, Exhibit 2	8-inch B. L. R. turrets for Indiana.	141.56	$575.00	$82,157.50
	Appurtenances	1.17	650.00	
Class A, Exhibit 4	8-inch B. L. R. turrets for Massachusetts.	141.56	575.00	82,157.50
	Appurtenances	1.17	650.00	
Class A, Exhibit 6	8-inch B. L. R. turrets for Oregon.	141.56	575.00	82,157.50
	Appurtenances	1.17	650.00	
Class A, Exhibit 6	8-inch B. L. R. turrets for Iowa.	135.50	575.00	78,706.50
	Appurtenances	1.22	650.00	
Class A, Exhibit 9	8-inch B. L. R. turrets for Brooklyn.	138.00	575.00	80,143.00
	Appurtenances	1.22	650.00	
Class A, Exhibit 10	8-inch B. L. R. turrets for Olympia.	42.64	575.00	24,934.00
	Appurtenances	.64	650.00	
Class B, Exhibit 2	8-inch B. L. R. barbettes for Massachusetts.	153.68	575.00	90,017.00
	Appurtenances	2.54	650.00	
Class B, Exhibit 3	12-inch B. L. R. barbettes for Iowa.	521.00	575.00	311,145.00
	Appurtenances	13.72	650.00	
	Appurtenances	8.16	325.00	
Class B, Exhibit 4	8-inch B. L. R. barbettes for Iowa.	148.40	575.00	86,864.00
	Appurtenances	2.36	650.00	

Class and exhibit.	Description.	Estimated number of tons.	Price per ton of each exhibit.	Total price for each exhibit, including appurtenances.
Class B, Exhibit 5	8-inch B. L. R. barbettes for Brooklyn.	145.00	$575.00	$84,909.00
	Appurtenances	2.36	650.00	
Class C, Exhibit 2	Side armor for Iowa	630.60	515.00	335,724.50
	Appurtenances	14.37	650.00	
	do	6.00	325.00	
Class C, Exhibit 4	Side armor for Brooklyn	155.00	515.00	81,151.00
	Appurtenances	2.04	650.00	
Class D, Exhibit 1	Sponson armor	101.50	725.00	73,587.50
Class E, Exhibit 1	Casemate armor for Iowa	203.40	525.00	107,792.50
	Appurtenances	1.55	650.00	
Class E, Exhibit 2	Splinter bulkheads	69.50	500.00	34,750.00
				1,636,195.50

It being understood that the prices for the articles classed as appurtenances in the foregoing table shall be as follows:

Name.	Price per ton.
Bolts	$650.00
Tap bolts for top plating	650.00
Cups	650.00
Nuts	650.00
Washers	650.00
Wrought-iron tubes, split	650.00
Wrought-iron tubes	325.00
Cast-steel sleeves	325.00

Subject, however, to such variations in said total price, and in the weights, and in the aggregate weight of said armor plates and appurtenances as may result from changes which may be made under provisions in the aforesaid circular relating to changes, or from the operation of other conditions therein contained which may affect the total price or weights or aggregate weight aforesaid: *Provided, however*, That the aggregate weight of the armor plates and appurtenances to be delivered under this contract shall be finally determined in accordance with the several conditions and provisions relating thereto contained in the aforesaid circular; such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular.

Second. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that the party of the second part shall place with the party of the first part orders for the treatment according to a process of super-carbonization known as the Harvey process, as provided for in the circular annexed to this contract, of twenty-four hundred and sixty-six and thirty-two hundredths (2,466.32) tons, approximately, of armor plates of the thicknesses and of the approximate weights as follows, viz: three hundred and eighty-six and sixty-four hundredths (386.64) tons of plates under 5 inches in thickness; five hundred and fifty-five and fifty-two hundredths (555.52) tons of plates of the thickness of 5 inches or more, up to but not including 8 inches, and fifteen hundred and twenty-four and sixteen hundredths (1,524.16) tons of plates of the thickness of 8 inches or more, and that the party of the second part may, if it so desire, require the party of the first part to treat according to said Harvey process, as aforesaid, any additional quantity of the plates to be manufactured under this contract, excepting appurtenances.

The price to be paid to the party of the first part for treating according to the Harvey process, as stipulated above, plates required under this contract shall be at the following rates, in addition to the prices for the plates as stated in the first clause hereof, viz: 4½ cents per pound of all plates under 5 inches in thickness; 3½ cents per pound of all plates of the thickness of 5 inches and more up to but not including 8 inches, and 2½ cents per pound of all plates of the thickness of 8 inches and more; the weights of the plates upon which the prices herein named are to be computed to be the weight of each plate as accepted in accordance with the provisions of this contract.

Third. It is mutually understood, covenanted, and agreed, by and between the parties to this contract, that changes in the conditions or requirements of the circular hereinbefore referred to, and which forms part of this contract, may be made by and with the mutual consent of the parties hereto; and if changes are thus made, the actual cost thereof and the damage, if any, caused thereby, and the amount of the increased or diminished compensation, if any, which the party of the first part shall be entitled to receive, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy, and the determination of such board, or a majority thereof, shall be binding upon the party of the first part, and said party of the first part hereby expressly covenants and agrees to accept and abide by such determination.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that every reasonable consideration shall be extended to the party of the first part in case of unavoidable delay in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that the party of the first part has assumed the obligations of this contract in good faith, and is prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract, or in case any question shall arise under the provisions hereof concerning premiums or deductions, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon the parties to this contract, except as provided for in the tenth clause hereof.

Fifth. It is further mutually understood, covenanted, and agreed, that if at any stage of the work prior to the final completion of said armor plates and appurtenances the Secretary of the Navy shall find that the party of the first part is unable to proceed with, and make satisfactory progress in, the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed, as aforesaid, including such extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the party of the first part, and in case the Secretary of the Navy shall, under the provisions of this clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Sixth. The party of the first part, in consideration of the premises, hereby covenants and agrees to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance, excepting the use and employment of the said Harvey process, which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances, or any part thereof, under this contract, and to protect and discharge the Government from all liability on account thereof, or on account of the use thereof, by proper release from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, it being expressly understood and agreed that the party of the second part shall hold and save the party of the first part harmless from and against all and every demand or demands on account of infringement of patented rights in using and employing said Harvey process in the treatment of armor plates under this contract.

Seventh. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that this contract shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons.

Eighth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

Ninth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the party of the first part as follows:

1. The contract price to be paid by the United States to the said party of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the price per ton for each exhibit as stated in the first clause of this contract, increased by the prices, as stipulated in the second clause hereof, for the treatment of armor plates according to the Harvey process.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract, and in the circular aforesaid.

3. There shall be a reservation of 10 per cent from the payment for each article delivered under this contract to be retained until the exhibit to which such article belongs shall have been completed.

4. No payment shall be made except upon bills in quadruplicate, certified by the inspectors in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the party of the first part or its order.

6. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the party of the first part it shall be entitled, within ten days after the filing and acceptance of its claim, subject to the provisions of paragraph 76 of the circular hereinbefore mentioned relating to the replacing of rejected plates, to receive final payment under this contract on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Tenth. If any doubts or disputes arise as to the meaning of anything in the circular aforesaid, or if any discrepancy appear between the same and [illegible] contract, the matter shall be at once referred [illegible] Secretary of the Navy for determination, and the party of the first [illegible]by binds [illegible] successors and assigns, and its legal representatives [illegible] abide [illegible] in the premises. If, however, the party of the first [illegible] aggrieved at any decision of the Secretary of the Navy, it shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

SEAL OF CARNEGIE
STEEL CO., LIMITED.

THE CARNEGIE STEEL CO., LIMITED,
By GEO. LAUDER, *Manager*,
And by F. T. F. LOVEJOY, *Manager*.

Attest:
F. T. F. LOVEJOY,
Secretary.

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

SEAL OF NAVY
DEPARTMENT.

The words "it being understood that the delay in making final payments shall not exceed the period of six months after completion of deliveries under this contract" were added to the 6th paragraph of the ninth clause of this contract before execution.

F. T. F. L. G. L. B. F. T.

EXHIBIT C.

CONTRACT FOR NICKEL-STEEL ARMOR PLATES AND APPURTENANCES AND FOR HARVEYING.

This contract, of two parts, made and concluded this first day of March, A. D. 1893, by and between the Bethlehem Iron Company, a corporation created under the laws of the State of Pennsylvania, and doing business at South Bethlehem, in said State, represented by the president of said company, party of the first part, and the United States, represented by the Secretary of the Navy, party of the second part, witnesseth, that, for and in consideration of the payments hereinafter specified, the party of the first part, for itself and its successors and assigns and its legal representatives, does hereby covenant and agree to and with the United States as follows, that is to say:

First. The party of the first part will, at its own risk and expense, manufacture and deliver to the Navy Department, in the manner and within the periods prescribed, and according to the conditions stated in the advertisement of the Secretary of the Navy, dated January 16, 1893, inviting proposals for nickel-steel armor plates, the proposal of the party of the first part under said advertisement, and the printed circular (including the drawings mentioned and described therein), approved by the Secretary of the Navy January 24, 1893, which advertisement, proposal, and circular, hereto annexed, shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein, the nickel-steel armor plates and appurtenances therein described or referred to, and at the prices per ton for the different exhibits, and for the total price, as follows:

Class and exhibit.	Description.	Estimated number of tons.	Price per ton of each exhibit.	Total price for each exhibit, including appurtenances.
Class A, Exhibit 1..	13-inch B. L. R. turrets for Indiana.	358.21	$575.00	$212,048.25
	Appurtenances	9.35	650.00	
Class A, Exhibit 3..	13-inch B. L. R. turrets for Massachusetts.	358.21	575.00	212,048.25
	Appurtenances	9.35	650.00	
Class A, Exhibit 5..	13-inch B. L. R. turrets for Oregon.	358.21	575.00	212,048.25
	Appurtenances	9.35	650.00	
Class A, Exhibit 7..	12-inch B. L. R. turrets for Iowa.	545.50	575.00	321,976.00
	Appurtenances	12.79	650.00	
Class B, Exhibit 1..	13-inch B. L. R. barbettes for Massachusetts.	774.80	575.00	457,892.50
	Appurtenances	19.05	650.00	
Class C, Exhibit 1...	Side armor for Massachusetts.	613.56	520.00	337,351.95
	Appurtenances	24.21	650.00	
	do	7.89	325.00	
Class C, Exhibit 3...	Diagonal armor for Iowa.	234.70	525.00	127,761.00
	Appurtenances	5.94	650.00	
	do	2.10	325.00	
Class F, Exhibit 1...	Conning tower for Iowa...	54.80	575.00	31,744.00
	Appurtenances	.36	650.00	
Class F, Exhibit 2...	Conning tower for Brooklyn.	41.00	575.00	23,809.00
	Appurtenances	.36	650.00	
Class F, Exhibit 3...	Ammunition tubes	122.50	600.00	73,500.00
				2,010,179.20

It being understood that the prices for the articles classed as appurtenances in the foregoing table shall be as follows:

Name.	Price per ton.
Bolts	$650.00
Tap bolts for top plating	650.00
Cups	650.00
Nuts	650.00
Washers	650.00
Wrought-iron tubes, split	650.00
Wrought-iron tubes	325.00
Cast-steel sleeves	325.00

Subject, however, to such variations in said total price, and in the weights, and in the aggregate weight of said armor plates and appurtenances as may result from changes which may be made under provisions in the aforesaid circular relating to changes, or from the operation of other conditions therein contained which may affect the total price or weights or aggregate weight aforesaid: *Provided, however*, That the aggregate weight of the armor plates and appurtenances to be delivered under this contract shall be finally determined in accordance with the several conditions and provisions relating thereto contained in the aforesaid circular: such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular.

Second. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that the party of the second part shall place with the party of the first part orders for the treatment according to a process of super-carbonization known as the Harvey process, as provided for in the circular annexed to this contract, of twenty-nine hundred and seventy-five and fourteen-hundredths (2,975.14) tons, approximately, of armor plates of the thickness of eight inches or more, and that the party of the second part may, if it so desire, require the party of the first part to treat according to said Harvey process, as aforesaid, any additional quantity of the plates to be manufactured under this contract, except appurtenances and those plates included in Class F, Exhibits Nos. 1, 2, and 3, of the first clause of this contract.

The price to be paid to the party of the first part for treating according to the Harvey process, as stipulated above, plates required under this contract shall be at the following rates, in addition to the prices for plates as stated in the first clause hereof, viz, four and a half cents ($0.04½) per pound of all plates under five inches in thickness; three and a half cents ($0.03½) per pound of all plates of the thickness of five inches and more up to but not including eight inches, and two and a quarter cents ($0.02¼) per pound of all plates of the thickness of eight inches and more; the weights of the plates upon which the prices herein named are to be computed to be the weight of each plate as accepted in accordance with the provisions of this contract.

Third. It is mutually understood, covenanted, and agreed, by and between the parties to this contract, that changes in the conditions or requirements of the circular hereinbefore referred to, and which forms part of this contract, may be made by and with the mutual consent of the parties hereto; and, if changes are thus made, the actual cost thereof and damage, if any, caused thereby, and the amount of the increased or diminished compensation, if any, which the party of the first part shall be entitled to receive, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy, and the determination of such board, or a majority thereof, shall be binding upon the party of the first part, and said party of the first part hereby expressly covenants and agrees to accept and abide by such determination.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that every reasonable consideration shall be extended to the party of the first part in case of unavoidable delay in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that the party of the first part has assumed the obligations of this contract in good faith and is prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract, or in case any question shall arise under the provisions hereof concerning premiums or deductions, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon the parties to this contract, except as provided for in the tenth clause hereof.

Fifth. It is further mutually understood, covenanted, and agreed, that if, at any stage of the work prior to the final completion of said armor plates and appurtenances, the Secretary of the Navy shall find that the party of the first part is unable to proceed with and make satisfactory progress in the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed, as aforesaid, including such extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the party of the first part, and in case the Secretary of the Navy shall, under the provisions of this clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Sixth. The party of the first part, in consideration of the premises, hereby covenants and agrees to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance, excepting the use and employment of the said Harvey process, which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances, or any part thereof, under this contract, and to protect and discharge the Government from all liability on account thereof, or on account of the use thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, it being expressly understood and agreed that the party of the second part shall hold and save the party of the first part harmless from and against all and every demand or demands on account of infringement of patented rights in using and employing said Harvey process in the treatment of armor plates under this contract.

Seventh. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that this contract shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons.

Eighth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Members of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract, or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, is not to be construed to extend to this contract, it being made with an incorporated company.

Ninth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the party of the first part as follows:

1. The contract price to be paid by the United States to the said party of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the price per ton for each exhibit as stated in the first clause of this contract, increased by the prices, as stipulated in the second clause hereof, for the treatment of armor plates according to the Harvey process.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract and in the circular aforesaid.

3. There shall be a reservation of 10 per cent from the payment for each article delivered under this contract, to be retained until the exhibit to which such article belongs shall have been completed.

4. No payment shall be made except upon bills in quadruplicate, certified by the inspectors in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the party of the first part or its order.

6. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the party of the first part, it shall be entitled, within ten days after the filing and acceptance of its claim, subject to the provisions of paragraph 76 of the circular hereinbefore mentioned, relating to the replacing of rejected plates, to receive final payment under this contract on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Tenth. If any doubts or disputes arise as to the meaning of anything in the circular aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination, and the party of the first part hereby binds itself and its successors and assigns, and its legal representatives, to abide by his decision in the premises. If, however, the party of the first part shall feel aggrieved at any decision of the Secretary of the Navy, it shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

{ SEAL OF BETHLEHEM IRON CO. }

THE BETHLEHEM IRON CO.,
By ROBT. P. LINDERMAN,
President.

Attest:
ABRAHAM S. SCHROPP, *Secretary.*

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{ SEAL OF NAVY DEPARTMENT. }

The words "it being understood that the delay in making final payment shall not exceed the period of six months after completion of deliveries under this contract" were added to the sixth paragraph of the ninth clause of this contract before execution.

B. F. T. ROBT. P. L.

EXHIBIT D.

Memorandum of an agreement for the treatment according to the Harvey process of armor plates to be manufactured and delivered under the contract with the Bethlehem Iron Company, dated June 1, 1887.

Whereas under date of June 1, 1887, a contract was entered into by and between the Bethlehem Iron Company, a corporation created under the laws of the State of Pennsylvania, and doing business at South Bethlehem, in said

State, represented by the president of said company, as party of the first part, and the United States, represented by the Secretary of the Navy, as party of the second part, for the manufacture and delivery of steel armor plates and appurtenances: and

Whereas the party of the second part to said contract desires that certain of the armor plates to be manufactured and delivered under said contract, as aforesaid, shall be treated during their manufacture according to a certain process known as the Harvey process; and

Whereas by a contract entered into under date of March 21, 1892, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey, and doing business in said State, represented by the president of said corporation, party of the first part, and the United States, represented by the Secretary of the Navy, as party of the second part, the party of the second part to said contract acquired the right to use and employ, in the treatment of armor plates for certain vessels, the process known as the Harvey process hereinbefore mentioned.

Now, therefore, this agreement witnesseth that, in consideration of the premises, and for and in consideration of the payments hereinafter specified, the said Bethlehem Iron Company, hereinafter called the party of the first part, does hereby, for itself and its successors and assigns and its legal representatives, covenant and agree to and with the United States, hereinafter called the party of the second part, as follows, that is to say:

The party of the first part will, at its own risk and expense, use and employ the aforesaid Harvey process in the treatment of such armor plates to be manufactured and delivered in accordance with the terms, conditions, and requirements of its contract aforesaid, as the party of the second part may designate from time to time, it being expressly understood and agreed that armor plates to be treated according to the Harvey process as hereinbefore provided for shall be subject to the requirements and conditions regarding manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance and for premiums for increased ballistic resistance prescribed in the circular concerning armor plates and appurtenances required under the advertisement of the Secretary of the Navy dated January 16, 1893, approved January 24, 1893, for armor plates to be treated according to the Harvey process, which circular, in so far as its provisions relate to the manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance and for premiums for increased ballistic resistance of armor plates to be treated according to the Harvey process, shall be deemed and taken as forming part of this agreement in like manner as if the same were incorporated herein, provided that no plates for which ingots are already cast at the time of the execution of this agreement, and which are to be treated according to the Harvey process, as herein provided for, shall be subject to the physical tests specified in paragraph 25 of the above-named circular for plates to be treated by the Harvey process, but such plates shall be subject to the physical tests required under the aforesaid contract of June 1, 1887.

It is hereby further mutually understood and agreed by and between the respective parties hereto that this agreement shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons, and that no Member or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, shall not be construed to extend to this agreement, it being made with an incorporated company.

The party of the second part, in consideration of the premises, does hereby promise and agree to and with the party of the first part as follows:

The price to be paid by the party of the second part to the party of the first part for treating armor plates according to the Harvey process, as hereinbefore provided for, shall be at the following rates, viz:

4½ cents per pound of all plates under five inches in thickness.

3½ cents per pound of all plates of the thickness of five inches and more, up to, but not including, eight inches, and

2¼ cents per pound of all plates of the thickness of eight inches and upward—

it being understood that the weights of the plates upon which the prices herein named are to be computed shall be the weight of each plate as accepted in accordance with the provisions of the aforesaid contract of June 1, 1887.

The party of the second part will hold and save the party of the first part harmless from and against all and every demand or demands of any nature or kind, for or on account of infringement of patented rights in using and employing the aforesaid Harvey process in the treatment of armor plates in accordance with the terms of this agreement.

It is further understood and agreed that the plates designated to be treated by the Harvey process as aforesaid by the party of the second part shall only include any or all of the following plates, viz, those of the side armor for the "Puritan," the side armor for the "Maine," the turret plates for the "Maine," the side armor for the "Texas," the turret plates for the "Puritan," the turret plates for the "Monadnock," and the side armor for the "Indiana."

This agreement is made subject to all the covenants, conditions, and provisions of the aforesaid contract of June 1, 1887, so far as not repugnant thereto, and shall be deemed and taken as forming a part of said contract, with the like operation and effect as if incorporated therein.

In witness whereof, the respective parties hereto have hereunto set their hands and seals this second day of March, A. D. 1893.

Signed and sealed in presence of—

{ SEAL OF CORPORATION. }

THE BETHLEHEM IRON CO.,
By ROBT. P. LINDERMAN, *President.*

Attest:
ABRAHAM S. SCHROPP, *Secretary.*

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{ SEAL OF NAVY DEPARTMENT. }

The words "at its own risk and expense," in lines 17 and 18, on page 2, were stricken out before execution.

ROBT. P. L. B. F. T.

EXHIBIT E.

Memorandum of an agreement for the treatment, according to the Harvey process, of armor plates to be manufactured and delivered under the contract with Carnegie, Phipps & Co., Limited, dated November 20, 1890.

Whereas under date of November 20, 1890, a contract was entered into by and between Carnegie, Phipps & Co., Limited, a limited partnership association organized under the laws of the State of Pennsylvania and doing business in the county of Allegheny, in said State, represented by the chairman and two of the managers of said association, as party of the first part, and the United States, represented by the Secretary of the Navy, as party of the second part, for the manufacture and delivery of steel armor plates and appurtenances; and

Whereas all the obligations of Carnegie, Phipps & Co., Limited, under the contract aforesaid, and all the rights and interests of said company thereunder, have been assumed and acquired by the Carnegie Steel Company, Limited, a limited partnership association organized under the laws of the State of Pennsylvania and doing business in the county of Allegheny, in said State; and

Whereas the party of the second part to said contract desires that certain of the armor plates to be manufactured thereunder, as aforesaid, shall be treated during their manufacture according to a certain process known as the Harvey process; and

Whereas by an agreement between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey and doing business in said State, and the United States, the United States has acquired the right to use and employ, in the treatment of armor plates for certain vessels for the Navy, the process known as the Harvey process, hereinbefore mentioned.

Now, therefore, this agreement witnesseth that, in consideration of the premises, and for and in consideration of the payments to be made as hereinafter specified, the said Carnegie Steel Company, Limited, hereinafter called the party of the first part, does hereby, for itself and its successors, heirs, and assigns, and its legal representatives, covenant and agree to and with the United States, hereinafter called the party of the second part, as follows, that is to say:

The party of the first part will use and employ the aforesaid Harvey process in the treatment of such armor plates to be manufactured and delivered in accordance with the terms, conditions, and requirements of its contract aforesaid as the party of the second part may designate from time to time of the weight of about fourteen hundred tons, which shall include the side armor and the 17-inch B. L. R. barbette armor for the "Oregon," it being expressly understood and agreed that armor plates to be treated according to the Harvey process as hereinbefore provided for shall be subject to the requirements and conditions regarding manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance, and for premiums for increased ballistic resistance prescribed in the circular concerning armor plates and appurtenances required under the advertisement of the Secretary of the Navy, dated January 16, 1893, approved January 24, 1893, for armor plates to be treated according to the Harvey process, which circular, in so far as its provisions relate to the manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance, and for premiums for increased ballistic resistance of armor plates to be treated according to the Harvey process, shall be deemed and taken as forming a part of this agreement in like manner as if the same were incorporated herein; provided, that no plates for which ingots are already cast at the time of the execution of this agreement, and which are to be treated according to the Harvey process, as herein provided for, shall be subject to the physical tests specified in paragraph 25 of the above-named circular for plates to be treated by the Harvey process, but such plates shall be subject to the physical tests required under the aforesaid contract of November 20, 1890.

It is hereby further mutually understood and agreed by and between the respective parties hereto that this agreement shall not nor shall any interest herein be transferred by the party of the first part to any other person or persons, and that no Member of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom.

The party of the second part, in consideration of the premises, does hereby promise and agree to and with the party of the first part as follows:

The price to be paid by the party of the second part to the party of the first part for treating armor plates according to the Harvey process, as hereinbefore provided for, shall be at the following rates, viz:

Four and one-half cents per pound of all plates under five inches in thickness;

Three and one-half cents per pound of all plates of the thickness of five inches and more, up to, but not including, eight inches; and

2¼ cents per pound of all plates of the thickness of eight inches and upwards; it being understood that the weights of the plates upon which the prices herein named are to be computed shall be the weight of each plate as accepted in accordance with the provisions of the aforesaid contract of November [illegible] 1890.

The party of the second part will hold and save the party of the first [illegible] harmless from and against all and every demand or demands, of any [illegible] or kind, for or on account of infringement of patented rights in usi[illegible] employing the aforesaid Harvey process in the treatment of armor [illegible] in accordance with the terms of this agreement.

This agreement is made subject to all the covenants, conditi[illegible] and provisions of the aforesaid contract of Novemb[illegible] 1890, so far [illegible] repugnant thereto, and shall be deemed and taken as [illegible] said contract with the like operation and effect as if incorporat[illegible].

In witness whereof the respective parties hereto have hereunto set their hands and seals this eighth day of April, A. D. 1893.

Signed, sealed, and delivered in the presence of—

{ SEAL OF THE CARNEGIE STEEL CO., LIMITED. }

THE CARNEGIE STEEL CO., LIMITED,
By JOHN G. A. LEISHMAN, *Vice-Chairman,*
By H. N. CURRY, *Manager,*
And by F. T. F. LOVEJOY, *Manager.*

Attest:
F. T. LOVEJOY, *Secretary.*

THE UNITED STATES,
By HILARY A. HERBERT,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate General,
As to HILARY A. HERBERT,
Secretary of the Navy.

{ SEAL OF NAVY DEPARTMENT. }

EXHIBIT F.

Memorandum of an agreement of two parts made and entered into this 12th day of April, A. D. 1893, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey and doing business in said State, represented by the president of said corporation, of the one part (hereinafter called the party of the first part), and the United States, represented by the Secretary of the Navy, of the other part (hereinafter called the party of the second part).

Whereas the party of the first part is the owner of all and singular the patented rights in and to a certain process, known as the Harvey process, for the treatment of armor plates for use in the construction of vessels, and of the exclusive right to the use and employment of armor plates manufactured according to said process, as particularly set forth in letters patent of the United States, No. 460262, issued September 29, 1891, to Hayward A. Harvey, of Orange, N. J., for certain improvements in decrementally hardened armor plates and in the art of manufacturing the same; and

Whereas an agreement was made and entered into, under date of March 21, 1892, by and between the aforesaid parties hereto, whereby the party of the first part granted to the party of the second part the right to use and employ the Harvey process aforesaid in the manufacture of armor plates for certain vessels of the Navy therein named, for the sum of [illegible], to be paid by the party of the second part to the party of the first part as royalty therefor, and as utilized, at the rate of one-half of 1 cent per pound of the finished plate, the party of the first part guaranteeing that the cost to the party of the second part of the application of said process to armor plates should not exceed nine-tenths of 1 cent per pound of the finished plate, provided the application of such process should be made under the direction of the party of the first part; and

Whereas the party of the second part has entered into an agreement with the Bethlehem Iron Company, of South Bethlehem, Pa., for the treatment, according to said Harvey process, of armor plates for certain of the vessels mentioned in the aforesaid agreement, at a price in excess of the limit guaranteed by the party of the first part hereto, as aforesaid, the application of such process not to be made under the direction of said party of the first part:

Now, therefore, the aforesaid agreement of March 21, 1892, is hereby cancelled and anulled, and it is hereby mutually understood, covenanted, and agreed by and between the parties hereto that for and in consideration of the premises, and in consideration of the sum of ninety-six thousand and fifty-six dollars and forty-six cents ($96,056.46), to be paid by the party of the second part to the party of the first part as royalty, the party of the second part may, upon the terms hereinafter stated, use and employ, in the treatment of armor plates manufactured or to be manufactured for all naval vessels the construction of which was authorized by Congress up to and including July 19, 1892, the aforesaid Harvey process, and may use and employ the armor plates for said vessels manufactured according to said process, it being understood, however, that ten per cent of said sum shall be withheld by the party of the second part until, upon the receipt of the formulæ for the compounds used and employed in the application of the Harvey process, said process shall have been tried and found to be efficient and, in the judgment of the Secretary of the Navy, of satisfactory value.

The party of the first part hereby further covenants and agrees that it will hold and save harmless, and at its own risk and expense defend, the United States from and against all and every demand or demands for the payment of any sum or sums of money in excess of the aforesaid sum of $96,056.46 as royalty for or on account of the use and employment of said process in the treatment of armor plates under this agreement, or of the armor plates manufactured in accordance therewith, and from and against all and every demand or demands for or on account of any infringement or alleged infringement of patented rights appertaining to said process or plates.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part shall have the right to use and employ the aforesaid Harvey process in the treatment of armor plates for vessels which have been since July 19, 1892, or which may hereafter be, authorized by Congress, and to use and employ armor plates for such vessels manufactured according to said process, paying therefor to the party of the first part a royalty of one-half of one cent per pound of the finished plate.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that the party of the first part shall furnish full and complete information regarding the composition of the compounds employed in the Harvey process, and the application of the same, and shall impart to the party of the second part all information concerning any and all improvements which said party of the first part may, at any time in the future, make in or upon said process as covered by the aforesaid letters patent, and that the party of the second part shall have the right to adopt and use and employ any or all of such improvements in said process, and to use the armor plates manufactured in accordance therewith under the terms of this agreement, without the payment of any compensation or royalty therefor to the party of the first part, in addition to that to be paid as hereinbefore stipulated.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that this agreement shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons, and that no Member of or Delegate to Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this agreement or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, shall not be considered to extend to this agreement, it being made with an incorporated company.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that if, at any time, the party of the first part shall fail to comply with and fulfill the terms, conditions, and requirements of this agreement on its part, the party of the second part may demand and recover from the party of the first part, on account of such failure, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying this agreement; and that in case it should at any time be judicially decided that the party of the first part is not legally entitled, under the letters patent aforesaid, to own and control the exclusive right to the use and employment of said process and the decrementally hardened armor plates produced thereunder, as set forth in the letters patent aforesaid, then the payment of royalty under the terms of this agreement shall cease, and all sums of money due the party of the first part from the party of the second part, as royalty for the use and employment of said process, and armor plates, as aforesaid, shall become the property of the party of the second part.

The party of the second part, in consideration of the premises, hereby covenants and agrees that all warrants for payments to be made in accordance with the terms of this agreement shall be made payable to the party of the first part or its order.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of—

{ SEAL OF HARVEY STEEL CO. }

HARVEY STEEL COMPANY,
By H. A. HARVEY, *President.*
GEORGE P. KINGSLEY.

Attest:
WM. ALLEN SMITH, *Secretary.*

{ SEAL OF NAVY DEPARTMENT. }

THE UNITED STATES,
By HILARY A. HERBERT,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to HILARY A. HERBERT,
Secretary of the Navy.

LIEUT. A. A. ACKERMAN.

Secretary Herbert having placed in the hands of the committee the following letter, it was ordered to be printed, with the telegrams given below:

[Telegram.]

[The Western Union Telegraph Company—Received at Corcoran Bldg., SE. cor. 15th and F sts., Washington, D. C., December 31, 1895.]

(Dated) SAN FRANCISCO, CAL., 31.

To Senator W. E. CHANDLER,
Washington, D. C.:

Earnestly request you to press armor inquiry.

A. A. ACKERMAN.

[Telegram.]

(Dated) SAN FRANCISCO, CAL., *December 31, 1895.*

BUREAU OF NAVIGATION,
Navy Department, Washington, D. C.:

Press reports to-day from East state I have used my position to profit from armor contracts; also that I am interested in patent affecting ordnance stores, material, and armor plates selected at increased prices. Urgently request immediate and complete inquiry.

A. A. ACKERMAN, *Ordnance.*

ORDNANCE OFFICE, UNION IRON WORKS,
San Francisco, Cal., January 2, 1896.

SIR: 1. Confirming the telegram addressed by me to the Bureau of Navigation on the 31st ultimo, relating to certain charges against me which have appeared in a San Francisco paper, I inclose herewith a statement which appeared in the Examiner of December 31.

2. This article has undoubtedly been inspired by some malevolently inclined person who is fully aware of all the facts of the case, with the deliberate intention of injuring as much as possible the reputations of the officers named. It would be impossible for an innocent correspondent to so add to, suppress, and tincture the facts; that could only have been done by one acquainted fully with the details and operations of the Navy Department in the premises.

3. It is a fact that I have taken out armor patents. This is made the structure upon which a tissue of falsehood, distortion, and innuendo is hung. To dignify the whole malicious statement and give it an air of sincerity, it is stated that "Secretary Herbert is greatly exercised over the allegations made regarding his conduct of the Bureau of Ordnance while Folger was its chief."

4. I applied for a patent on an improved and cheaper method of manufacturing face-hardened armor in 1893. This is not a secret, as the article in the Examiner intimates. The process was fully described in the United States Naval Institute nearly a year ago, and has been commented upon by scientific journals both in this country and abroad.

This patent has never been offered by me to the Government, and has never to my knowledge been employed in the manufacture of armor paid for by this Government.

5. About one year ago it was found that an engineer in the employ of an English firm of armor makers had patented, both abroad and in this country, certain inventions necessary to the application of the Harvey process. These inventions had been developed by our armor makers at the suggestion and with the advice of the Bureau of Ordnance; by their aid the manufacture of face-hardened armor had been made a practical success. The Bureau of Ordnance had not patented them, however, and now found itself, in consequence, subject to a demand for royalties from foreign patentees.

6. It was therefore deemed necessary to protect the Government, and American armor makers as well, by patenting in the Government's interest certain other improvements then in use which had been suggested by Commodore Sampson and myself. These patents were obtained by the authority of the Secretary of the Navy, full right to use them being given to the Department, which paid the actual cost of procuring the patents.

7. The charges in the press can easily be proven baseless, and perhaps but few people would give them any consideration; they are wicked, however, and the person or persons who instigated them would evidently have no compunction in asserting that I shunned investigation. On the other hand, they would perhaps be satisfied if they impressed a few morbid minds with the idea that there was something that merited investigation

8. Feeling that it is impossible to foresee in what form or at what critical time in my career these charges may be revived, I respectfully but urgently request that the Department will investigate this matter in such a manner as to place on record all the facts relating thereto.

9. I am now, after mature consideration, in doubt as to whether the circumstances are such as, under the Navy regulations, would justify my having telegraphed to the Bureau requesting an inquiry at the time it seemed most important and necessary. If my action was not warranted in the opinion of the Bureau, I hold myself responsible for the charges of transmitting the telegram.

Very respectfully,

A. A. ACKERMAN,
Lieutenant, United States Navy.

The CHIEF OF THE BUREAU OF NAVIGATION,
Navy Department, Washington, D. C.

COMMITTEE ON NAVAL AFFAIRS,
UNITED STATES SENATE,
Saturday, January 25, 1896.

The committee met at 11 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, CHANDLER, SMITH, BACON, and TILLMAN.

LETTER FROM EX-SECRETARY TRACY.

The chairman laid before the committee the following letter from Hon. B. F. Tracy, which was ordered to be printed in the record:

NEW YORK, *January 18, 1896.*

DEAR SIR: My attention has just been called to an article which appeared in the New York Press of yesterday, a copy of which I inclose herewith. From this it appears that Secretary Herbert is to be invited to testify to-day before your committee upon the points indicated in the article, which include the following:

"First. What reason, if any, can be discovered why Secretary Tracy provided a fund of 2 cents a pound for armor made under the contract of the Carnegie Steel Company in addition to the price paid for the armor, when the Bethlehem Iron Company paid the royalties out of the prices received by them for armor?

"Second. How many requests have been made by the Navy Department since March 4, 1881, for the expediting of patent cases in the Patent Office, and in what cases, and with what results?"

If the committee desire to be informed of the reasons which influenced the Department in any action taken by it during my administration, it would give me great pleasure to appear before the committee for that purpose, and I trust that it will give me an opportunity to do so.

In view of my numerous and pressing engagements in court I would ask that the committee give me as long a notice as possible of the date upon which it may desire my attendance, in order that I may make the necessary arrangements here.

As it will doubtless be necessary to refer to the official documents in reference to the matters of record in the Department, I would suggest that, in order to save time and facilitate the inquiry, the particular subject upon which the committee desires information may be indicated to me.

As I have seen no official copy of the resolution adopted by the Senate, will you kindly forward me a copy?

Sincerely, yours,

B. F. TRACY.

Hon. J. D. CAMERON,
Chairman of the Committee on Naval Affairs,
United States Senate, Washington, D. C.

COMMUNICATION FROM SECRETARY HERBERT.

The CHAIRMAN. I have received a communication from the Secretary of the Navy, which I lay before the committee, to be annexed as a part of his testimony.

The communication from the Secretary of the Navy is as follows:

NAVY DEPARTMENT, *Washington, January 25, 1896.*

SIR: Complying with the requests of your committee to furnish by letter certain information, in addition to the statements made by me when I had the honor to appear before you on Saturday, the 18th instant, I have to state:

First. It appears by reference to the records of this Department that on October 2, 1893, a letter was transmitted from the Navy Department to the Fourth Auditor of the Treasury, inclosing a voucher in favor of the Carnegie Steel Company for the sum of $17,424.64, and asking that in accordance with the same 2 cents a pound on certain nickel plates should be set aside in compliance with the provisions of the contract of November 20, 1890.

I had forgotten, during the examination on Saturday, that this letter had been transmitted since I came into office. A recurrence to the records, and conversation with the officials concerned, refreshed my memory, and I now find that the Second Comptroller, on September 15, 1894, suspended the claim for the reasons set forth in a memorandum made at the time.

Second. The amount of armor included in the Carnegie contract of 1890 was 6,000 tons. Two cents per pound on this armor would amount to $268,800.

Third. No portions of the armor contracted for by the Bethlehem Company was ever given to the Carnegie Company, except some small lots which, for the sake of convenience, were transferred from one company to the other by mutual consent after the contract of 1890 had been made with the Carnegie Company. But the armor included in the contract of 1890 with the Carnegie Company had never been legally obligated to the Bethlehem Company. The contract of June 1, 1887, with the Bethlehem Iron Company was for armor for six vessels only, viz, the *Maine* and *Texas*, and the four monitors, *Amphitrite*, *Terror*, *Monadnock*, and *Puritan*, amounting in all to about 6,700 tons of armor. The contract of November 20, 1890, with the Carnegie Steel Company was for an additional supply of 6,000 tons of armor for vessels whose construction had been authorized subsequent to the making of the Bethlehem contract.

It does not appear that the Bethlehem Company made any protest which is now of record against this Carnegie contract. The discontent of this company, of which I spoke on Saturday last and which was also assumed in the questions of certain members of your committee, arose doubtless from the fact that they supposed there was an implied obligation on the part of the Navy Department, arising out of the contract of 1887 with Secretary Whitney, to give to the Bethlehem Company contracts for all the armor thereafter to be manufactured, in consideration of the very heavy expense to which they claimed they had been put in creating the plant for armor manufacture. Such discontent did exist, as I personally know, and its expression, more or less public, doubtless gave rise to the impression which seems to exist in the minds of some of the members of the committee—that the contract with the Carnegie Company was for the manufacture of armor which had been previously obligated to the Bethlehem Company.

With regard to the contract of November 20, 1890, with the Carnegie Steel Company, I have thought proper to copy certain extracts from the reports of Hon. B. F. Tracy, as Secretary of the Navy, for the years 1890, 1891, and 1892, in which he speaks on this subject fully, and gives the reasons which prompted him to make that contract:

EXTRACT FROM THE REPORT OF THE SECRETARY OF THE NAVY FOR THE YEAR 1890.

"The Department during the past year has experienced great disappointment in reference to the armor contract of the Bethlehem Iron Company. This contract, which was justly considered the crowning triumph of my predecessor, was signed on June 1, 1887, and called for the completion of a plant for the manufacture of armor two and one-half years from the date of contract—that is, on December 1, 1890. It further provided for the delivery of 300 tons within two months from and after the expiration of the contract time for the completion of an adequate plant, delivery to be continued thereafter at the rate of 300 tons per month, and to be fully completed within two years from the date of such first delivery. On the date fixed by the contract the work of constructing the plant was far from completion.

"The Department has endeavored during the past year, by every means at its command, including remonstrance, solicitation, and urgent request, to hasten the performance of the work. Repeated assurances have been given by the company, fixing various prospective dates, only to be followed by new disappointments. When it is considered that this contract includes the side and turret armor for all the monitors and for the *Maine* and *Texas*, the serious consequences of the delay are manifest.

"In January, 1890, the company stated that they would be ready to begin manufacture within six months, and would be able to deliver from 1,500 to 2,000 tons this year; but this prospect ended like previous ones, in disappointment. In July the company said:

"'While the estimate, as stated in our letter of January 25, 1890, as to the time of beginning manufacture was at fault, we are still expecting to commence within the next two months the manufacture of certain armor, for which we have received drawings, and which we understand is now urgently needed, namely, the bulkhead plates of the *Maine*, the conning tower of the *Terror*, and the conning tower communication of the *Texas*. As to the amount of plates that we hoped to deliver at the time of your interview * * * we expected to be able to produce a considerable amount of thick plates with our present appliances, and added to this, if the protective deck plating covered by Exhibit U of our specifications were now needed by the Department, we could arrange to have a considerable portion of it rolled elsewhere and brought to our works for shaping, tempering, and fitting, and thus also in good part fulfill our statement as to the amount we could deliver during the present year.

"'We are fully aware, however, that the deliveries above referred to are of the nature of temporary expedients, and that the end so earnestly desired by all parties concerned, and of paramount importance, viz, the completion of our hammer plant and the regular deliveries of the hammered and tempered plates for side armor, has been and will be delayed beyond our expectations.

"'As is always the case in undertakings of such magnitude, the causes of delay have been numerous, and while no "unforeseen contingencies" have arisen of such a pronounced nature as to lead us at the time to formally draw the attention of the Department thereto, there have been several causes of serious delay which were beyond our control.'

"The date now fixed for the entire completion of the plant is July-September, 1891, nearly two years after the contract time.

"At the present time it seems probable that deliveries may be made for acceptance test as early as August, 1891, but under favorable circumstances the completed armor could hardly be ready before October 1, if then. This date may therefore be fixed as the earliest at which deliveries are likely to begin, and the completion of the *Maine*, the *Texas*, and the monitors is likely to be delayed accordingly. In the case of the *Maine* a slight change has already been necessary in the design to permit the work to go on notwithstanding the nondelivery of the armor.

"As early as July last it became evident that the first 300 tons of armor required by the Bethlehem contract would not be delivered prior to October 1, 1891, and that even after that date deliveries would be so slow as to postpone for many years the completion of the ships then authorized, if Bethlehem remained the sole reliance. To complete deliveries under the original contract at the prescribed rate requires two years; and though it is hoped that the company may be able to exceed this rate when fairly started, yet the fact is noted by the Department that 300 tons a month is the output of the largest manufactories of armor in England. At this rate the armor for ships now under construction, but not covered by the Bethlehem contract, amounting to about 14,000 tons, could not be fully delivered by this firm alone in less than six years from the present time, and the completion of ships would be delayed accordingly. It therefore became imperative for the Government to obtain the cooperation of another manufacturer and secure, as in the case of the gun forgings, the creation of a second plant for the manufacture of armor in the United States.

"Accordingly, negotiations were opened with Messrs. Carnegie, Phipps & Co., the largest steel manufacturers in the United States, if not in the world, with a view to the establishment of another plant; and an agreement has been concluded with this firm for the manufacture of 6,000 tons of armor, at the same price as in the contract of 1887 with Bethlehem, to be of all steel or nickel steel, at the option of the Department. The contract binds the firm to begin delivery of armor in June next, and to deliver 500 tons per month thereafter.

"*If* both companies deliver at the maximum rate called for by the contracts, it will require over two years from July, 1891, to complete the manufacture of the armor required for the ships now authorized, and some of them will be ready for it in advance of the time."

REPORT FOR THE YEAR 1891.

"By far the most momentous question which the Department has had to consider in connection with the construction of the new Navy is that of armor: First, to secure a supply of American manufacture; and secondly, to determine what kind of armor should be adopted, having reference both to its composition and mode of treatment.

"The more this subject is studied, the more remarkable appears the foresight and judgment with which the first contract of 1887 was effected, and the creation assured of the unequaled plant now in the last stages of completion at South Bethlehem. That difficulties and delays should attend a work of such magnitude is unavoidable, and the establishment of armor manufacture in the United States has been no exception to the rule.

"The report of last year described the unsatisfactory condition at that time of the work under the Bethlehem contract and the efforts that had been made by the Department to hasten it. The contract with the Bethlehem Iron Company was executed June 1, 1887, and called for the completion of the plant for the manufacture of armor by December 1, 1890. It included the armor for the *Puritan*, *Terror*, *Amphitrite*, *Monadnock*, *Maine*, and *Texas*. Three hundred tons were to be delivered by February 1, 1890, and delivery was to continue thereafter at the rate of 300 tons per month.

"In July, 1890, the company stated:

"'We are still expecting to commence within the next two months the manufacture of certain armor for which we have received drawings, and which we understand is now urgently needed, namely, the bulkhead plates of the *Maine*, the conning tower of the *Terror*, and the conning tower communications of the *Texas*.'

"As stated in the report of December, 1890, this promise, up to that time, showed no signs of fulfillment, and it was thought probable that deliveries of completed armor would hardly be ready before October 1 of the present year. The prediction proved to be correct, and the only deliveries that have thus far been made are the bulkhead plates of the *Maine*, mentioned in the letter above quoted, and other small lots, amounting altogether to about [illegible] tons. These were received a few weeks ago—nearly two years after [illegible]lated time and four and a half after the execution of the contract.

"It is understood that the heavy armor of the [illegible] Terror [illegible] course of manufacture, and the Department has now every [illegible] that substantial deliveries will shortly begin. The Bethlehem p[illegible] brought to a high state of efficiency, and the company are making still greater improvements.

"In views of the delays incident to the work under the Bethlehem contract, the Department, in the summer of 1890, endeavored to secure a second source of supply, and on November 20 of that year entered into a contract with Messrs. Carnegie, Phipps & Co. for 5,900 tons of armor plates at the same price as that stipulated in the Bethlehem contract. The time fixed for the deliveries to begin—July 1, 1891, seven months from the date of the contract—was too short to enable the company to complete the necessary extension of its plant. The work has, however, been vigorously pushed, and 150 tons of nickel-steel armor for the *Monterey* have been turned out and are now only awaiting the required ballistic tests prior to acceptance. If this contract had not been made, it is safe to say that the completion of many of the armored ships now under construction would have been postponed for an indefinite period.

"The balance of the armor not included in either contract, estimated at between 4,000 or 5,000 tons, will be opened to competition.

"The contract with Messrs. Carnegie, Phipps & Co. provided for utilizing nickel in connection with steel in the manufacture of armor. Negotiations have also been entered into with a view of substituting nickel steel in place of all-steel armor for the vessels included in the Bethlehem contract. Under the appropriation made last year the Department has purchased 4,[illegible] tons of nickel matte, containing about 900 tons of nickel, for this purpose.

REPORT FOR THE YEAR 1892.

"The contract for armor made by my predecessor June 1, 1887, with the Bethlehem Iron Company provided for the manufacture of about 6,700 tons of material; the plant for the manufacture to be completed two and a half years from the date of the contract, that is to say, December 1, 1889, and a delivery of 300 tons to be made within two months, or by February 1, 1890. Deliveries were to continue from that date at the rate of 300 tons per month, and the whole amount mentioned in the contract was to be delivered by February 1, 1892.

"The delays incident to the completion of the Bethlehem plant have been fully referred to in each of the annual reports of the Department. In January, 1890, the company stated that they would be ready to begin manufacturing within six months, and would be able to deliver from 1,500 to 2,000 tons in that year. The end of the year passed, however, without any deliveries under the contract. During the year 1891 some slight progress was made, and in the annual report of that year the Department was able to record the delivery of certain small lots of armor, amounting to about [illegible] tons. At the present time, December, 1892, ten months after the time for final delivery, and five years and six months after the signing of the contract, the total amount received from the Bethlehem Iron Company on its contract for 6,700 tons is 955.75 tons.

"Although the Department was disposed to make all possible allowance for the difficulties of beginning the manufacture of armor, in the hope that the Bethlehem Company might be able to make an approximation to the fulfillment of its contract, it nevertheless foresaw during the course of the year 1890 that unless some step was taken to provide an additional supply the completion of all the armored ships then under construction would be delayed for an indefinite time. To prevent this a contract was made November 20 of that year with Carnegie, Phipps & Co. to make and deliver about 6,000 tons of armor at the price named in the Bethlehem contract. The time allowed for deliveries to begin, July 1, 1891, was too short to enable the company to complete the necessary extension of its plant. Up to the present date, however, it has delivered under its contract 783.98 tons of armor, or nearly the amount supplied by the Bethlehem Company under its contract of 1887.

"Neither company is at present making such progress in the work as the Department could desire, but both are increasing their output from month to month, and the Department is now preparing to advertise for proposals for the remainder of the armor required to complete the vessels now authorized.

"The condition of the armor contracts was referred to by the House Committee on Naval Affairs in the able report of Mr. Herbert, of Alabama, on March 10, 1892, in the following terms:

"'The difficulties to be surmounted by this company (Bethlehem) seem to have been much greater than were expected. They have only just now fairly begun the delivery of armor plates, and are not yet able to furnish the required amount monthly. But the plant they have established is said to be unequaled in the world, and we may confidently expect better results in the near future. The present Secretary of the Navy, Mr. Tracy, in his last report, says:

"'The more this subject is studied the more remarkable appears the foresight and judgment with which the first contract of 1887 was effected.'

"Your committee are gratified to be able to state that the present Secretary of the Navy, Mr. Tracy, 'in view of the delays incident to the work under the Bethlehem contract, * * * in the summer of 1890 endeavored to secure a second source of supply, and on November 20 of that year entered into a contract with Messrs. Carnegie, Phipps & Co. for 5,900 tons of armor plates at the same price as that stipulated in the Bethlehem contract.'"

The following statement as to the deliveries of the armor contracted for originally by the Bethlehem Iron Company sheds light upon the statements in Secretary Tracy's report:

Delivery of armor.

[Contract, June 1, 1887, Bethlehem Iron Company.]

Ship.	First delivery.	Last delivery.
Maine	August 28, 1891	January 10, 1896.
Texas	November 9, 1891	May 18, 1896.
Amphitrite	February 4, 1892	November 22, 1894.
Terror	August 12, 1892	October 11, 1894.
Puritan	October 1, 1892	January 9, 1896.
Monadnock	do	April 17, 1896.

In my answers before the committee I omitted to speak of the nickel furnished by the Government to be incorporated into the armor, an item which increases the cost of the armor now under contract by about $31 per ton. Under existing contracts, and by reason of the decreased price of nickel, there will be added to the cost of armor to be hereafter contracted for about $19.60 per ton.

I should also have stated that in my opinion the prices charged for applying the Harvey process, to wit, an average of $0.0236 per pound, is not excessive, the basis of this opinion being the fact that after the Bethlehem Company had been using this process for some time its president endeavored to persuade the Department to cease using the process on the ground that in his opinion the highly tempered and annealed nickel-steel armor was sufficiently impenetrable. The hardening of the armor by the Harvey process frequently warps it out of shape, and always renders it more difficult to machine.

Fourth. Responding to the request to give more definite information as to prices paid abroad for armor, I have to state that on the 5th of February, 1896, the Department furnished to the Senate, in compliance with a resolution, a statement by the Chief of the Bureau of Ordnance, in relation to prices paid abroad for armor, a portion of which is here quoted:

"The prices paid abroad for armor can not be positively stated. The information which the Department possesses comes from a variety of sources, newspaper clippings, conversations, and confidential statements. All of these lack the official confirmation only conveyed in a properly executed contract, such as that to which the Department was a party in the purchase of compound armor for the *Miantonomoh*. The average cost of that armor was $525 a ton, and was purchased from Sheffield, England.

"It must be further remembered that foreign armor contractors furnish various grades of armor at different prices. In France, for example, under recent contracts, three different prices are paid for the same exhibit of armor, according to its quality. In the United States the contracts stipulate that the manufacturer shall make the most resisting and enduring armor that he can; he must furnish and maintain the most improved modern plant; finally, the requirements for acceptance are now in many respects far more severe than those abroad.

"The nickel-steel armor made in this country contains 3.25 per cent nickel; that made abroad contains from 2 to 2.5 per cent. It follows that not only is the actual cost of the nickel 40 per cent less, but the manufacture is less expensive, so far as the greater ease of machining is concerned. In England very little nickel-steel armor is made.

"The following table of prices of armor is submitted with full reservation as to the accuracy of those asked by foreign makers:

Grade.	England.			France.		
	Plain.	Nickel.	Harveyized.	Plain.	Nickel.	Harveyized.
Lower limit	[1] $612.00				[3] $449.00	[3] $521.00
Upper limit	[1] 638.00				[3] 463.00	[3] 540.00
Special			(4)			
Foreign trade	[5] $512.00	[6] $566.00	[7] $602–641.00	[8] $512.00	[9] 511.46	569.92

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[1] Vickers, makers for H. M. S. *Centurion*.

[2] Acier special for the *Bouvet*.

[3] For the *Charlemagne* and *St. Louis*.

[4] Said to be $35 more than for plain steel; hence $601 to $636.

[5] Vickers's bid.

[6] Cammell's bid for armor of Russian *Three Saints*.

[7] Cammell's bid.

[8] Le Creusot bid.

[9] Le Creusot bid for Russian *Three Saints*.

From the above table, as furnished by the Chief of the Bureau of Ordnance, I have omitted the prices paid for armor in the United States, for the reason that I am now able to give you the actual average cost of all the armor for the *Indiana*, one of the new battle ships, and the estimated average cost of the armor for the *Kearsarge*, in the following table:

Cost of Indiana's armor.

HULL PROTECTION.

	Tons.	Cost per ton.	Total cost.
Diagonal, 14-inch	245.46	$575.00	$141,146.99
Belt, 18-inch	409.68	500.00	204,840.65
Belt, 18-inch	130.08	525.00	68,299.38
Belt, 18-inch	96.83	700.00	67,783.78
Conning tower, 10-inch	42.14	575.00	24,708.27
Conning-tower tube, 7-inch	11.80	575.00	6,785.52
Casemate, 4-inch	117.52	500.00	58,815.85
Diagonal casemate, 4-inch	60.09	500.00	30,085.94
Ammunition tube, 3-inch	56.21	600.00	33,722.16
Auxiliary hood	2.49	575.00	1,430.80
Total	1,171.79		627,604.37
Introduction of nickel in 113.09 tons			12,465.28
Harveyizing 18-inch belt armor, 638.00 tons			32,057.55
Royalties for use of Harvey process			7,157.81
Cost of nickel oxide in 1,171.79 tons			36,325.49
			715,611.04

GUN PROTECTION.

	Tons.	Cost per ton.	Total cost.
Barbettes, 17-inch	777.80	$575.00	$447,242.25
Barbettes, 6-inch	41.68	575.00	23,963.13
Barbettes, 8-inch	111.96	575.00	64,378.43
Sponsons, 4-inch	38.57	600.00	23,144.20
Turrets, 6-inch	141.86	575.00	81,295.70
Turrets, 15-inch	393.49	575.00	226,276.13
Sponsons, 2-inch	2.75	725.00	1,996.99
Total	1,507.59		868,296.80
Introduction of nickel in 969.99 tons			10,863.88
Harveyizing turrets, 6-inch, 98.06 tons			7,531.80
Harveyizing turrets, 15-inch, 321.28 tons			16,189.74
Royalties for use of Harvey process			4,673.65
Cost of nickel oxide in 1,507.59 tons			46,735.29
			954,290.75

SUMMARY.

	Tons.	Cost.
Hull protection	1,171.79	$715,611.04
Gun protection	1,507.59	954,290.75
Total	2,679.38	1,669,901.79

Average cost per ton, $623.

Estimated cost of armor for Kearsarge.

HULL PROTECTION.

	Tons.	Cost per ton.	Total cost.
Side, 4 to 16.5 inch	831	$470.00	$390,570.00
Armor bulkheads, 10 to 12 inch	30	525.00	15,750.00
Casemate, 5-inch	308	450.00	138,600.00
Conning tower, 10-inch	59	525.00	30,975.00
Conning-tower tubes, 7-inch	16	525.00	8,400.00
Total	1,244		584,295.00
Cost of nickel oxide			24,382.40
Harveyizing			67,178.00
Royalties for use of Harvey process (if paid)			13,928.80
			689,782.20

GUN PROTECTION.

	Tons.	Cost per ton.	Total cost.
Turrets, 9 to 17 inch	671	$525.00	$352,275.00
Barbettes, 12.5 to 15 inch	568	525.00	298,200.00
5-inch gun protection, 6 inches thick	214	450.00	96,300.00
Splinter bulkheads, 2-inch	81	450.00	36,450.00
	1,534		783,225.00
Cost of nickel oxide			30,066.40
Harveyizing			78,462.00
Royalties for use of Harvey process (if paid)			16,273.60
			908,027.00

SUMMARY.

	Tons.	Cost.
Hull protection	1,244	$689,782.20
Gun protection	1,534	908,027.00
	2,778	1,597,809.20

Average cost per ton, $575.

NOTE.—Of the 2,679.38 tons of armor for the *Indiana*, only 1,053.38 tons were harveyized, whereas with the *Kearsarge's* armor it is proposed to harveyize all but 81 tons; and yet the cost of the armor for this ship will be $48 per ton less than that for the *Indiana*.

From the foregoing table it will be seen that the actual average cost per ton of the armor for the *Indiana*, one of the new battle ships, is $623; and that the estimated average cost per ton of the armor for the *Kearsarge*, one of the new battle ships now under contract (and the other will be just the same), is $575. The latter estimate is based upon the bids which, as I explained to the committee, the two armor firms have heretofore indicated they would put in for the armor for these ships.

Additional information received since the report in compliance with the Senate resolution above quoted from is to the effect that one of the English armor-manufacturing firms delivered during 1894 6,000 tons of armor at about $560 per ton.

Later and additional information in regard to French contracts for latest battle-ship armor is that, although the contract price is not yet definitely settled, it will be from $540.40 to $550.05 per ton, the contracts to go to four different French firms.

The price paid by France to the owners of the Harvey patent, as published, was $28.90 per metric tonne ($29.36 per United States ton) for plates over 6.3 inches in thickness, and $14.50 per metric tonne ($14.73 per United States ton) for plates of, and less than, 6.3 inches (16 centimeters).

The French firm at Creusot received the contract for the armor of the Swedish coast defense vessel *Odin*. The appropriation was so low that first-class surface-hardened steel could not be secured, hence the contract was made for a lower quality equivalent in resistance to good ordinary Le Creusot steel. Price, $312 to $316 per ton.

Prices paid by a foreign government to—

Bethlehem Iron Company.—1894–95. One thousand seven hundred tons Harvey nickel steel for one ship and untreated nickel steel for another, at a cost of $549 for the former; the second, about 2 per cent less per ton.

December, 1895. Contract for about 1,200 to 1,500 tons Harvey armor for a new battle ship at $525.58 per ton.

Carnegie Company.—October, 1895. Contract for 1,000 to 1,300 tons Harvey armor at a cost of $535.32 per ton.

The officers of the Carnegie Company state that they received £105 11s. per ton for this armor, being manufactured for a foreign Government, and the officers of the Bethlehem Company state that they received £107 for the armor they are manufacturing for foreign governments.

From the above calculations, made very carefully by the Bureau of Ordnance, and averaging the prices of the armor for the *Kearsarge* and *Kentucky* at $575 per ton, it would appear that these firms are asking of the United States Government some $40 per ton more than they ask of a foreign Government for similar work. It is suggested, however, that an accurate conclusion as to whether the prices to be charged the United States Government are too high can not be arrived at without taking into consideration the nature of the tests to which the armor is to be subjected and the requirements of the several Governments. The officials of the Carnegie and Bethlehem companies might be called upon to state the nature of the requirements in the two cases. The effort of this Department has been from the beginning to secure the very best possible armor. Its requirements have therefore always been very rigid, the rules requiring in all cases certain discards, etc. The Department is not able to state what were the requirements under contracts made by these firms with foreign governments.

Fifth. As to the Corey patent, I was asked whether there was pending in the Bureau of Ordnance a question of the use of this patent for reforging armor. The statement was made by Senator CHANDLER that such a question was now pending in the Bureau of Ordnance, and attention was called to the fact that in his opinion this patent was void. I find, upon inquiry, that the proposition to use the process embraced in this patent is before the Bureau of Ordnance, and, further, that the matter of having the armor hereafter to be manufactured made according to this process has been heretofore brought to my attention by the Bureau of Ordnance, but in the conferences between the Chief of that Bureau and myself nothing was said about the process being covered by a patent in favor of Mr. Corey or of anyone else. I find that Captain Sampson did not mention the fact that this process was covered by a patent, because, first, in his opinion, the process is not really patentable, having been used before, and, second, no claim has ever been made for any royalty to be paid by the Government for the use of such process. The process claimed to be covered by the Corey patent is that alluded to during my answers to the committee on Saturday last, viz, the reheating and rerolling down to thinner shapes of armor already harveyed. Whatever rights Mr. Corey may hereafter claim in foreign countries by reason of his patent on this process is not a matter of importance to the United States Government, inasmuch as he has freely given to the Carnegie Company and also to the Bethlehem Company the right to use it in the manufacture of armor for this Government, and the armor is now and will hereafter be manufactured by these firms without royalty, provided the Government shall have this armor manufactured in future according to that method, as it now expects to do.

Sixth. Although not requested to do so, I have thought it proper to add a statement as to the reason why, in the memorandum furnished me from the Bureau of Ordnance and left with the committee containing a list of officers owning patents, etc., the name of Captain Sampson was not mentioned as a joint owner with Lieutenant Ackerman of certain improvements in the manufacture of face-hardening armor. Captain Sampson states that this memorandum was made out by his chief clerk for the purpose of giving the names of the owners of these patents. It appears that the patent was granted on the 28th of January, 1895, nearly a year since, and that on the next day, the 29th of January, Lieutenant Ackerman, to whom Captain Sampson had transferred all his interest, gave a license to the Government, upon paying $100, the cost of the patent, including attorneys' fees, to use the process without royalty, and this license was recorded on March 19, 1895, with the Commissioner of Patents. The license and the certificate of record, from which it will appear that Captain Sampson has not now, and did not have at the time the memorandum alluded to was made out, any interest whatever in this process, either at home or abroad, are as follows:

LICENSE.

Whereas William T. Sampson, captain, United States Navy, and Albert A. Ackerman, lieutenant, United States Navy, have jointly invented certain improvements in the manufacture of hard-faced armor, for which they have filed an application for letters patent of the United States, serially numbered 530240, filed November 28, 1894, which application was allowed January 28, 1895; and whereas the said Sampson has transferred all his right, title, and interest in and to the said invention, and in and to the letters patent to be obtained therefor to the said Ackerman; and whereas the Bureau of Ordnance of the Navy Department is or may be desirous of manufacturing armor plate in accordance with the said invention;

Now, therefore, to all whom it may concern be it known that for and in consideration of one hundred dollars ($100), the same being the actual cost of patenting the said invention, I, the said Albert A. Ackerman, do hereby grant to the Bureau of Ordnance of the Navy Department, and all the officers and employees connected therewith, the right to manufacture, sell, and use armor plates constructed in accordance with the said invention, as described in the specification forming part of the aforesaid application for letters patent.

Signed at Washington, D. C., this 29th day of January, 1895.

A. A. ACKERMAN.

In presence of—
PHILIP R. ALGER,
C. S. SPERRY,
Witnesses.

Received for record March 19, 1895, and recorded in Liber F 51, page 204, of transfers of patents.

In testimony whereof I have caused the seal of the Patent Office to be hereunto affixed.

JOHN S. SEYMOUR,
Commissioner of Patents.

(Exd. M. G. S.)

I have the honor to be, very respectfully,

H. A. HERBERT, *Secretary.*

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate, Washington, D. C.

NEW YORK SUPREME COURT EVIDENCE.

Senator CHANDLER. Mr. Chairman, I have procured a copy of the record in the case of James R. Davies *vs.* The Harvey Steel Company, tried in the New York supreme court for Kings County before Hon. William J. Gaynor and a jury November 12 and 13, 1895. I offer it in evidence as showing, first, Commander Folger's connection with the enlargement of the Harvey patent so as to include the hardening of armor plate, and also as showing his employment after he left the Bureau of Ordnance in January, 1893, by the Harvey Company, on a salary of $5,000 a year and $30,000 of stock, which the secretary of the company swears he considers worth par.

Senator HALE. You do not put in the papers from the Patent Office?

Senator CHANDLER. I have been unable to send for various records of the Patent Office and to ask that one of the examiners might come here, for the reason that I have not had access to the exhibits to Secretary Herbert's testimony so as to prepare a call for the evidence that would be pertinent.

Senator HALE. Secretary Herbert's testimony having just come in.

Senator CHANDLER. It having been returned this morning to the committee.

The record submitted by Senator CHANDLER is as follows:

New York supreme court, Kings County.

James R. Davies *vs.* The Harvey Steel Company, [illegible] Hon. William J. Gaynor and a jury.

BROOKLYN, N. Y., *November 12 and 13,* [illegible]

Appearances: Messrs. Hess, Townsend & McClelland, for [illegible] Wilson & Wallis, for defendant.

Plaintiff offers in evidence a certificate of incorporation of the defendant, dated November, 1886.

(Marked Exhibit 1.)

It is admitted that in the year 1890 Hayward A. Harvey was the president of the defendant.

HERVEY C. CALKIN, being called as a witness on behalf of the plaintiff and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. Where do you reside?
A. New York City.
Q. What is your business?
A. Steam fitting, plumbing, etc.; connected with that business.
Q. You were at one time a member of the United States Congress?
A. Some years ago; yes, sir.
Q. During what years?
A. I was elected in 1868 and served one term in the Congress.
Q. Do you know the plaintiff in this action, Mr. James R. Davies?
A. I do.
Q. How long have you known him?
A. Thirty years.
Recess.
After recess.

Same witness:

Q. Did you know Mr. Hayward A. Harvey in his lifetime?
A. I did.
Q. How long had you known him?
A. Well, about twenty years; I suppose about twenty-six years ago since I knew him first.
Q. At one time did you have a conversation with him in regard to the Harvey process of hardening steel?
A. I did.
Q. And bringing that process to the attention of the Navy Department?
(Objected to as not binding upon the defendant, as incompetent and immaterial. Objection overruled. Exception. Not answered.)
Q. State when that conversation was.
A. In the early part of the year 1890.
Q. And where was it?
A. It was at the Astor House, in New York City.
Q. State what that conversation was.
(Same objection. Objection overruled. Exception.)
A. Mr. Harvey asked me if I would take hold of the matter for him and bring it before the Navy Department at Washington; that matter was his process of harveyized steel for plates and other uses; for hardening iron; and after quite a conversation with him I told him it would be impossible for me to do it. He said to me: "Mr. Calkin, I will compensate you liberally; I would like very much for you to take hold of the matter." I stated to him that I could not do so; that my business was such that I could not leave it; that the course of my own business was such that I could not afford to leave it to look after his matter, even if the compensation be very liberal. And then I said to him: "You know our friend Davies. He is acquainted in Washington, possibly as well as I am with the Department, and I think that he would attend to that matter for you probably as well as myself." "Well," he says

to me. "I had not thought of him before, because I had you in my mind, and I would like very much to have you do it." I declined taking any part in the matter, and from that we made an appointment. I made an appointment with him to meet him at Mr. Davies's office.

Mr. WALLIS. I move to strike out this testimony as incompetent against this defendant.

(Motion denied. Exception.)

Q. When was that appointment made for?

A. Either for the next day or the day after; within a day or two.

Q. Where was Mr. Davies's office at that time?

A. On Park Row, right opposite the Astor House.

Q. Did you see Mr. Harvey at Mr. Davies's office in pursuance of that appointment?

A. I did.

Q. Who were present at that time?

A. Mr. Harvey, Mr. Davies, and myself.

Q. State what was said between you and Mr. Harvey and Mr. Davies at that time.

(Objected to as immaterial and incompetent on the same ground. Objection overruled. Exception.)

A. I had previously told Mr. Davies that I had spoken to Mr. Harvey about the matter before meeting him there, and told him of the appointment.

(Objected to.)

Q. You met him there?

A. When we met we talked about the process, and about its great advantages, and if successful the great value it would be to his corporation, and also to the country; and he said that he was willing to pay liberally to anyone who would secure the introduction of it, or the trial of it before the Navy Department.

Q. Did he explain at that time the nature of the process?

A. Yes, sir.

Q. Did he have samples of the steel?

A. He had samples of the steel—small samples of it—at that time.

Q. They were exhibited and examined?

A. Yes, sir.

Q. Go on.

A. And then the compensation was talked about, and he said, as I stated, that it was to be a great advantage to his concern, and worth a great deal of money to have the Government adopt it, and he was willing to pay liberally; and we talked about the compensation, and I said that "I would not take hold of it for less than 10 per cent of the amount you receive from the Government and my expenses paid," and I said "Mr. Davies ought to receive the same amount." And he said in my presence that if Mr. Davies secured his introduction to the Navy Department he would compensate him at that rate.

Mr. WALLIS. I move to strike out this testimony as not in any way binding upon the company.

(Motion denied. Exception.)

Q. Was anything said in this conversation in reference to there being a corporation organized under this process?

(Objected to as leading. Objection overruled. Exception.)

(Not answered.)

Q. Go on and state if anything further was said in that conversation.

(Not answered.)

The COURT. Was not this corporation in existence at this time?

Q. Was anything further said in that conversation in regard to this process?

A. He stated to me emphatically that that corporation was formed, and that he was the president of it, and that they expected to make a great success of the harveyized steel. I do not remember any other conversation.

(Motion to strike out as incompetent and immaterial denied. Exception.)

Q. Did you subsequently see Mr. Harvey and have conversation with him in regard to the same matter?

A. I saw him afterwards in Mr. Davies's office.

Q. Can you state the time?

A. I can not. It was probably a month after that, or six weeks; I can not state the time.

Q. What then occurred?

A. He seemed satisfied.

(Stricken out by consent.)

Q. What was said?

(Objected to as incompetent and immaterial. Objection overruled. Exception.)

A. He said that he was satisfied with what Mr. Davies was doing. Of course I felt interested in the matter, and talked it over with him. He felt satisfied, and making good progress.

(Last part of answer stricken out by order of the court. Plaintiff excepts.)

Cross-examination by Mr. WALLIS:

Q. Mr. Calkin, you say that in this first conversation Mr. Harvey described this process. What process did he describe?

A. The process of hardening steel with a process of his own for making that steel impregnable.

Q. Tell us what he said on that subject.

A. I could not explain it to you; that is some years ago. I did not charge my mind with it; I did not see his patents and claims, and could not explain it.

Q. Did not it strike you as a process of considerable importance?

A. It did, decidedly.

Q. And still you have no recollection of anything said in relation to the process?

A. I could not explain to you at this moment anything about it, because I did not charge my mind with it.

Q. Have you any interest with Mr. Davies in this matter?

A. None whatever.

Q. Did it strike you that the Department to Mr. Davies was a more important matter than the development of this process that you have spoken of?

A. I had nothing to do with it; it was not my business, and I had enough of my own matters to charge my mind with without charging it with that.

Q. (Repeated.)

A. No, sir; it did not strike me.

HAYWARD A. HARVEY, being called as a witness on behalf of the plaintiff and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. What is your business?

A. I am connected with the Harvey Steel Company at present as general sales agent of the company.

Q. How long have you been connected with it?

A. Since 1891.

Q. You are a son of Hayward A. Harvey, to whom reference has been made, who was president of the company at one time, are you not?

A. I am.

Q. Were you connected with the company at the same time your father was?

A. I was.

Q. In what capacity in 1891?

A. I had charge of the experimental work of the company at that time.

Q. In what capacity were you connected with the company in 1890?

A. I was at home from college at that time, simply in the works learning the business of the company. My connection with the company is a practical one.

Q. Were you accustomed to write letters for your father in the year 1890 at his dictation?

A. At times; yes.

Q. I show you a letter dated July 4, 1890, and ask you if that is in the handwriting of your father, Hayward A. Harvey?

A. That is his writing.

(Marked Exhibit 1 for identification.)

Q. I show you a letter under date of August 6, 1890, and ask you if you know whose handwriting that letter is?

A. That letter is in the handwriting of Mr. Henry A. Bruge.

Q. What connection, if any, did he have with the Harvey Steel Company?

A. A salesman of the company.

Q. Do you know where he is now?

A. He is connected with D. J. Gautier, at No. 124 John street.

Q. Was he accustomed to write letters at the dictation of your father?

A. At times.

Q. How is that letter signed, will you state?

A. "Yours, truly, H. A. Harvey, H."

Q. That "H"——

A. Stands for Henry.

(Marked Exhibit 2 for identification.)

Q. I hand you the letter under date of August 28, 1890, and ask you in whose handwriting that letter is?

A. This letter is interlined; Capt. Charles Halsey.

Q. Who was he, and what was his connection with the company?

A. He is connected with the company, and looks after the books of the company.

Q. Is he at present connected with the company?

A. He is at present connected with the company.

Q. And was he in the year 1890 connected with the company at the date of that?

A. To the best of my knowledge.

Q. In what capacity?

A. Having charge of the books.

Q. By whom is the letter signed?

A. Joseph H. Dickinson, manager.

Q. Was he at that time manager of the company?

A. He was.

Q. Is he still connected with the company?

A. He is.

(Marked Exhibit 3 for identification.)

Q. I show you a letter under date of September 30, 1890, and ask you in whose handwriting that letter is?

A. That letter is in the handwriting of Mr. Bruge.

Q. And how is it signed?

A. "H. A. Harvey, dictated."

Q. Any initial?

A. No initial, but "dictated."

(Marked Exhibit 4 for identification.)

Q. That is the same man who signed one of the firm letters, is it not?

A. Yes, sir.

Q. I show you a letter under date of January 5, 1891, and ask you in whose handwriting that is, and how it is signed?

A. That is in Mr. Bruge's writing, signed "H. A. Harvey, H." meaning Henry.

(Marked Exhibit 5 for identification.)

Q. I also show you a letter under date of January 7, 1891.

A. That is the writing of the same gentleman and signed "H. A. Harvey, H."

(Marked Exhibit 6 for identification.)

Q. Also letter of January 31, 1891.

A. That is in the writing of Captain Halsey, and is signed "H. A. Harvey, per J. H. D." (Joseph H. Dickinson).

Q. Mr. Dickinson was the manager?

A. Yes, sir.

(Marked Exhibit 7 for identification.)

Q. Also the letter under date of March 19, 1891.

A. That is in the writing of Mr. Bruge, signed "H. A. Harvey, H."

(Marked Exhibit 8 for identification.)

Q. Also letter of April 19, 1891.

A. The writing of the same person, signed with the same initial.

(Marked Exhibit 9 for identification.)

Q. Also the letter of August 19, 1891.

A. That was written by Captain Halsey, signed "H. A. Harvey, per C. H." (Charles Hawley).

(Marked Exhibit 10 for identification.)

Q. A letter under date of December 28, 1891.

A. Signed "H. A. Harvey;" signed by himself.

(Marked Exhibit 11 for identification.)

Q. Was that letter dictated to you by your father?

A. Presumably it was.

Q. And signed by his instructions?

A. Signed by his instructions, on March 7, 1892. Probably dictated to Mr. Bruge, and signed "H."

Q. The second was in typewriting, was it not?

A. It was; nevertheless, Mr. Bruge was accustomed to sign that way.

(Marked Exhibit 12 for identification.)

Q. March 16, 1893.

A. I was instructed to write this letter and signed it myself. Father was ill at the time.

(Marked Exhibit 13 for identification.)

Q. And the letter of April 12, 1893.

A. I was instructed to write this letter, and signed it.

Q. You signed it yourself?

A. Yes, sir.

(Marked Exhibit 13 for identification.)

Q. All these letters which are shown to you are upon the letter heads of the Harvey Steel Company, are they not?

A. They are.

Q. They are written and signed by gentlemen who at that time were connected with the company either in its administrative capacity or as clerks?

A. They were.

Q. When did your father die?

A. August 28, 1893.

Q. Do you know a man by the name of Theodore Sturges?

A. I do.

Q. Do you know what his business was in 1890?

A. He was the secretary and treasurer of the Harvey Steel Company I know; also connected with several other corporations.

No cross-examination.

JAMES R. DAVIES, plaintiff, being called as a witness on his own behalf and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. You are the plaintiff in this action?

A. I am, sir.

Q. Did you know Mr. Hayward A. Harvey in his lifetime?

A. I did, sir.

Q. How long had you known him?

A. Between forty-five and fifty years.

Q. Had you been up to and prior to 1890, and including the year 1890, on intimate terms with him?

A. Almost like a brother.

Q. In the year 1890 did you have a conversation with him in regard to harveyized steel, and the introduction of that in the Navy Department?

A. I did.

Q. When?

A. I think it was the first week in January, 1890.

Q. Where?

A. The first interview I had with him was in Wall street, nearly opposite No. 152 Wall street. He met me in the street and asked where he could find Mr. Hervey C. Calkin. I told him No. 177 Christopher street, or, if he desired it, I would have him come down to my office, No. 13 Park Row.

Q. Did you have any conversation with him at that time in regard to this steel?

A. No.

Q. When did you have such a conversation with him?

A. In my office, after he had had an interview with Mr. Calkin.

Q. Who were present at that time?

A. Mr. Harvey, Mr. Calkin, and myself.

Q. State to the jury what was said at that time.

(Objected to on the same ground, as immaterial, irrelevant, and that Mr. Harvey had no authority to bind the company by any arrangement he might make with this witness. (Objection overruled. Exception.)

A. Mr. Calkin had an interview with Mr. Hayward A. Harvey in my office in my presence, and the statements of Mr. Calkin I heard. Mr. Harvey then said to me, "James, will you go to Washington and represent our company? I am the president of a small company and I am anxious to have it presented to the Navy Department to have a trial of it; Mr. Calkin can not go." I told him that I would, and would do the best I could. He had then samples of the steel; he explained the process to me. I told him that I was not a mechanic and did not want to know anything about it, because I could not explain it when I got to Washington, or to people. He said that the company would pay me well for it; he talked about getting me 10 per cent. I said, "Hayward, I shall leave it to you; if I succeed, I have no doubt but that you will take care of my interest." I took samples of the steel and went to Washington the next day and called upon the Secretary——

Q. One moment; have you now stated all that you can remember in regard to that conversation?

A. So far as I recollect.

Mr. WALLIS. I move to strike out the evidence, as not binding on the defendant.

(Motion denied. Exception.)

Q. You say that Mr. Harvey brought there samples of the steel?

A. He did, sir.

Q. Were they left with you?

A. I took them to Washington with me.

Q. The next day you went to Washington, you said?

A. I think I went to Washington the next day, or within a day or two; I think the next day.

Q. State what you did in Washington in regard to bringing this steel and the process to the attention of the Navy Department.

(Objected to as immaterial. Objection overruled. Exception.)

A. I called upon Mr. Tracy, who was then Secretary of the Navy, and stated that I represented a new process for hardening steel.

(Objected to on the ground that the witness is not shown to have been employed by the defendant company, and that any conversation between General Tracy and the witness is not binding upon the defendant. Objection overruled. Exception.)

Mr. Tracey told me he had nothing to do with it; that I would have to go to the Chief of the Ordnance Bureau, and bring the matter before him. He asked me, "Are you acquainted with Commodore Folger?" I told him that I was not, but that I would get some of the heads of bureaus whom I did know to introduce me to Commodore Folger. I then called on Commodore Theodore Wilson, Chief of the Construction Bureau, an old friend of mine, who took me and introduced me to Commodore Folger and left me with him. I had a considerable conversation with Commodore Folger on the subject of it, and left him. I called upon him several times again—two, or three, or four, or five, I don't know how many—and asked him how he was getting along with it; and in the meantime he had connected with Mr. Harvey and talked with Mr. Harvey himself.

(Last part of answer objected to and stricken out by consent.)

Q. Whom last did you see, if anyone, in connection with the Navy Department?

A. In regard to the steel?

Q. In regard to the steel, yes?

A. Mr. Wilson, the naval constructor.

Q. Who was he?

A. Theodore Wilson, Commodore Wilson, the Chief of the Construction Bureau at that time.

Q. You had been acquainted with him for how long?

A. About thirty years; I knew him when he was an apprentice boy in the Brooklyn Navy-Yard.

Q. Whom last did you see?

A. Mr. Melville, Chief of the Bureau of Engineering.

Q. Had you known him prior to that time?

A. I had, but only a few years.

(Motion to strike out, as not included in the bill of particulars. Objection overruled. Exception.)

Q. Did you have a conversation with Commodore Wilson in regard to this steel and its adoption by the Navy Department?

A. I most assuredly did.

Q. What was that conversation?

(Same objection, ruling, and exception.)

A. General conversation; that if Mr. Harvey could get a trial by the Navy Department, and that steel would do what he said it would, that it would be of great benefit to the Navy, and I wanted his influence and wanted his help as chief constructor of the Navy.

Q. His help for what purpose, to accomplish what?

A. For plating a vessel, the armor of vessels, and as he was a member of the board of five, I think it is now five, where all new inventions are sent for their approval or disapproval.

Q. You called on Mr. Melville; what office did he hold?

A. Chief Engineer, Chief of the Bureau of Construction, engineering.

Q. What conversation did you have with him?

A. General conversation in regard to the usefulness of the steel.

(Same objection, ruling, and exception.)

Q. What officers connected with the Navy Department did you see?

A. I went to the navy-yard and saw Captain O'Neil afterwards, once or twice.

(Objected to as improper, immaterial, and not within the case. Objection overruled. Exception.)

Q. What conversation did you have with Mr. O'Neil?

A. He saw the Chief of the Ordnance Department, I think.

(Same objection, ruling, and exception.)

The COURT. Did this result in the Navy Department accepting this steel?

Mr. TOWNSEND. Yes, sir.

Mr. WALLIS. That is one of the points in the case.

Mr. TOWNSEND. We shall show that.

The COURT. I want to know what counsel claims?

Mr. TOWNSEND. Yes, sir; we do claim that.

Q. Go on and state the conversation with Captain O'Neil.

A. The object of my visit to him was——

(Objected to.)

Q. Don't state your object; state the conversation.

A. I wanted to use his influence to have the steel adopted for the manufacture of tools.

Q. Was anything said about a test being made of the steel?

A. With any of the officers?

Q. Yes.

A. Most assuredly.

Q. With whom?

A. With Commodore Folger in the first place.

Q. With whom else?

A. Nobody else; him alone; it was his province.

Q. With what other persons did you have conversation with regard to having a test made of the steel?

A. I don't remember now any particular one.

Q. Did you see anyone else in this matter connected with the Navy Department?

A. Besides the Secretary, Commodore Folger.

Q. I want all you saw.

A. Commodore Wilson, Commodore Melville, Captain O'Neil, and the Secretary; I don't know—I can not recall anybody else. They were the most important ones.

Q. Do you know whether a test was made of this steel?

A. Not from my own personal seeing. I know that there was a test there.

(Motion to strike out made and granted.)

Q. Do you know whether a furnace was built at the navy-yard for the purpose?

A. I do, for I saw it building, and was there while it was being built.

Q. What was that furnace for?

A. To test a plate that the Department bought in England and brought here to test.

Q. To test this process?

A. To test this process; yes, sir.

Q. And this process, known as the Harvey process, was applied to this plate?

A. It was, in the Washington Navy-Yard.

Q. In this furnace which was constructed for that purpose?

A. That is so, sir.

Q. Where was the factory or furnace of the company?

A. In Newark.

Q. Newark, N. J.?

A. Yes, sir.

Q. Did you at any time visit that factory?

A. I did.

Q. With whom?

A. I went over with and met Mr. Hayward A. Harvey.

Q. At the factory?

A. Yes, sir.

Q. When was that?

A. In January or February; I can not tell the day.

Q. What year was it?

A. 1890.

Q. State what took place there, and what was said by Mr. Harvey, if anything.

A. Mr. Harvey took me through the works——

(Objected to as incompetent, that no admission of an officer of the company after the fact is binding upon the company, and as after the alleged contract.)

Q. Did you at any time see Mr. Harvey in the city of Washington?

A. I did.

Q. Can you state on what occasion?

A. He came to see me there three or four times.

Q. Between what dates?

A. Between the 1st of January, 1890, and September 20.

Q. In regard to this——

(Objected to.)

The COURT. Is it the fact in this case that this corporation owned this patent?

Mr. TOWNSEND. Yes, sir.

Mr. WALLIS. Not at this time.

The COURT. It is not proved yet.

By the COURT:

Q. This conversation was where—in the navy-yard at Washington?

A. At the Arlington Hotel in Washington.

Q. I understood you it was at the furnace.

A. I was not at the furnace with Mr. Harvey.

(Objection overruled.)

Q. You went to the factory at Newark, N. J., with Mr. Harvey?

A. I did not go with him there; I met him there.

Q. State what occurred at the factory in regard to this matter with Mr. Harvey.

(Same objection. Objection overruled. Exception.)

A. He showed me through the factory, introduced me to his son, whom I had never seen before; introduced me to Mr. Halsey, whom I had known many years ago, and introduced me to Mr. Dickinson, who was then the manager; showed me the making of the rods of steel.

Q. Did you also have interviews with Mr. Harvey in regard to this matter in the city of Washington?

A. I did, sir.

Q. Between what dates?

A. During the year 1890; I can not tell the dates.

Q. About how many?

A. I should think three or four times with Mr. Harvey.

Q. Did you meet him there by appointment?

A. He generally wrote me that he was coming over, and I would meet him at the hotel in the evening on the arrival of the train.

Q. At these interviews with Mr. Harvey in the city of Washington did he state to you that he had had interviews with any of the officers of the Navy Department?

(Objected to as leading. Objection overruled. Exception.)

A. I think he did; I think he told me that he had met and was talking with Commodore Folger.

Q. You say that you knew Mr. Sturges, who was then the secretary and treasurer of the defendant?

A. I did know him; yes, sir.

Q. How long had you known him?

A. Well, when I was introduced to him, invited to the office by Mr. Harvey by letter, asking me to come down and be introduced to Mr. Clark or his people, as he states in the letter——

Q. Where did you see Mr. Sturges first?

A. At No. 52 Wall street, on the invitation of Mr. Harvey.

Q. Did you subsequently see him in the city of Washington?

A. I did, sir.

Q. In regard to the introduction of this steel?

A. I did, sir.

Q. How many times?

A. Twice with Mr. Harvey, I think, and once he was there with his daughters on a visit.

Q. What conversation did you have with Mr. Sturges?

(Objected to.)

Q. Can you tell when this meeting with Mr. Sturges in Washington was?

A. I can not.

Q. About what time?

A. During this summer, when he came over with Mr. Harvey. He came to see how we were getting along. It was general conversation.

Q. Can you state the conversation?

A. No; I can not state the conversation.

Q. I show you Exhibit 1 for identification, and ask you if you received that letter?

A. I received that letter on the morning of July 5; that is a letter written by Mr. Harvey himself.

(Offered in evidence. Objected to as only a personal letter six months after this alleged contract, as incompetent, immaterial, and not binding on this defendant. Objection overruled. Marked Exhibit 1.)

Q. I show you Exhibit 2 for identification, and ask you if you received that letter?

A. I received that, sir, at the Riggs House.

Q. When?

A. The next morning after it was mailed.

Q. What is the date of it?

A. August 6.

Q. 1890?

A. Yes, sir.

(Offered in evidence. Objected to on the same ground, and as irrelevant. Objection overruled. Marked Exhibit 2.)

Q. I show you Exhibit 3 for identification, and ask you if you received that letter?

The COURT. Put them all in.

A. I received these letters.

Q. Did you receive all the rest of the letters that have been marked for identification at or about the time they bear date?

A. I don't think there are any defective ones here; I received these letters, sir.

(Offered in evidence. Objected to on the same ground as before, and upon the additional ground that it does not refer to this subject-matter at all, and not involved in this suit.)

The COURT. Connect it in some way.

Q. Look at that letter No. 3 for identification, and state to what it refers.

A. This refers to steel for the purpose of making tools. Mr. Dickinson sent me this, gentlemen, to find out what they bid at the last opening of bids for steel in the Navy Department for the making of tools. As I had the samples there before the Department, he wanted to know what their process was, so as to arrange the process when he put in a bid, when I sent on the blanks.

By the COURT:

Q. Bid for what?

A. Bids for steel for use in the Navy Department throughout the country for making tools.

By Mr. TOWNSEND:

Q. This is the same steel?

A. Yes, sir; only made in rods for making cold chisels, etc.

(Objection. Overruled. Exception. Marked Exhibit No. 3. Exhibit No. 4 for identification offered in evidence. Same objection, ruling, and exception. Marked Exhibit No. 4, now Exhibit No. 6, for identification, offered in evidence. Same objection, and further, that the representation referred to in the last letter, Exhibit No. 4, had ceased.)

The COURT. I don't see that that has any relation to this case; it does not explain anything.

(Plaintiff excepts. Exhibit No. 7, for identification, offered in evidence, dated January 31, 1891. Same objection as before, that it is a personal letter of Mr. Harvey and written months after the termination of the relation, according to the witness's own testimony.)

Mr. TOWNSEND. I will not press that letter just at present.

Q. Did you ever make a request or demand for payment for your services?

A. I did.

Q. To whom?

A. Mr. Hayward A. Harvey.

Q. I show you Exhibit No. 11, for identification, and ask you if that has reference to a request made by you for payment?

(Objected to on the ground that the letter speaks for itself and should not be characterized by the witness; also as incompetent and immaterial. Objection overruled. Exception. Marked Exhibit No. 5.)

Q. Is this letter, Exhibit No. 12 for identification, in answer to a letter written by you?

A. It is, sir.

(Offered in evidence. Objected to as immaterial, incompetent, and written after the contract was made and after the alleged employment had ceased. Objection sustained.)

Q. Upon what matter did you write to Mr. Harvey in your letter of March 4, to which this letter refers?

By the COURT:

Q. By whom is the letter written?

A. By myself, sir.

Q. To whom?

A. To Hayward A. Harvey.

(Objection overruled. Notice to produce also offered in evidence. Marked Exhibits 6 and 7. Plaintiff now calls for the letter from the plaintiff to Hayward A. Harvey of March 4, 1892.)

Mr. WALLIS. It is not in our possession or under our control.

Q. Did you on March 4, 1892, write a letter to Hayward A. Harvey in reference to the matter in this suit?

(Objected to as calling for the contents of a written document.)

A. This is an answer to it.

Q. Will you state what were the contents of that letter?

(Objected to as incompetent and immaterial, as a personal letter to Mr. Harvey individually, and inadmissible.)

The COURT. These letters are all to Mr. Harvey individually. I think I will take it and see what the letter says.

(Defendant excepts.)

A. The letter to which it is an answer was asking to have our matter settled up and our account settled.

By Mr. TOWNSEND:

Q. Your claim for services?

A. That is right; that is it exactly.

By the COURT:

Q. To whom was your letter addressed?

A. All my business was with Mr. Hayward A. Harvey, addressed to him personally.

Mr. WALLIS. I move to exclude the letter on the ground that any statement of the witness is incompetent as against this defendant.

The COURT. I will allow it.

(Defendant excepts.)

By Mr. TOWNSEND:

Q. Have you ever received anything for your services in this matter?

A. Not a farthing.

Q. Did you incur expense in this matter?

A. I should say I did.

Q. In what way, for what purpose?

A. Traveling expenses, expenses incurred there in entertaining even Mr. Harvey and Mr. Sturges when they came to see me.

Q. In 1890 about how many times did you visit the city of Washington on this business?

A. About twenty, as near as I can recollect.

Q. And paid your own expenses every time?

A. I did; every cent.

Q. How much did that amount to?

A. $1,500, $1,600, or $1,700.

Q. State some amount which is within the amount expended by you, which you know was expended by you, whether $10, or $1,000, or $2,000; some amount.

A. $1,700, then.

By the COURT:

Q. Did that letter which you mentioned ask for an adjustment of your account?

A. Yes, sir.

Q. With whom?

A. With the company; he represented the company.

(Objected to.)

The COURT. Strike that out. You had better say what that letter contained as near as you can.

Q. State the contents of the letter as near as you can.

A. It was asking to have our accounts adjusted.

By Mr. TOWNSEND:

Q. State the language of it as near as you can.

A. That is an impossibility. The tenor of it is asking him to have our accounts settled.

Q. What account did you refer to?

(Objected to. Objection sustained.)

Q. At that time did you have any other business with Mr. Harvey than this business connected with the Harvey Steel Company?

A. Except the steel business?

Q. Yes.

A. No other business whatever.

Cross-examination by Mr. WALLIS:

Q. Now, Mr. Davies, you say that Mr. Harvey explained to you the process of manufacturing this steel?

A. He did.

Q. And that you went with him to the factory in Newark?

A. I did.

Q. Was this steel being made there at the time?

A. It was.

Q. Did you see it being made there?

A. I did.

Q. How did he explain the process of manufacturing of this steel?

A. He showed me when they took these bars the process of rolling them down, the different sizes.

Q. Was that all there was to it; that was all the process he showed you?

A. That was all I saw.

Q. That was all you saw?

A. That is all.

Q. That was the steel which you took samples of to Washington?

A. I presume so.

Q. Don't you know?

A. I don't know whether that was the steel I saw rolled through those rollers; he told me it was.

Q. Steel made in that way?

A. Yes.

Q. Describe the samples you took to Washington.

A. Three or 4 inches long.

Q. Bars?

A. Bars; yes, sir.

Q. To make tools with—these were the bars of steel that you showed to Captain O'Neil?

A. At the navy-yard?

Q. Yes.

A. I did, sir.

Q. And those were the bars of steel that you spoke to Commodore Folger about?

A. No, sir; it was a different matter I spoke to him about.

Q. You have made no distinction between them?

A. I have not been asked that—yes, sir.

Q. Did you understand from Mr. Harvey that this steel you have referred to was secured by a patent?

A. Most assuredly I did, sir.

Q. Do you know what patent it was?

A. I do not now recollect it.

Q. At this time in the early part of 1890, when this matter was discussed, this steel that you were interested in with Mr. Harvey was secured by a patent of the United States?

A. Yes, sir; I have his word for it.

Q. You say you had samples of the steel at the Navy Department?

A. Yes, sir.

Q. What were those?

A. The samples I referred to a few moments ago.

Q. The same samples?

A. Yes, sir.

Q. You spoke of having some process applied to some steel in the Washington Navy-Yard in the furnace. Did you see that?

A. I did not.

Mr. WALLIS. I move to strike out the witness's testimony in respect to that.

(Motion denied. Defendant excepts.)

Q. You say that you were acquainted with Commodore Folger?

A. I was when Commodore Wilson introduced me to him.

Q. When was that?

A. I think in January.

Q. Of what year?

A. 1890. I knew him by sight, but had no personal acquaintance with him.

Q. And you say you had no conversation with Commodore Folger in relation to the steel till the United States Government afterwards made a contract with this defendant?

A. I most assuredly did.

Q. Is that also true with reference to the Secretary of the Navy?

A. Yes, sir.

Q. Did you also have similar conversation with the Secretary of the Navy?

A. Using the same phraseology as with Commodore Folger?

Q. Yes.

A. I don't think I did.

Q. Did you have conversation with the Secretary of the Navy upon the same subject?

A. That is it; I did.

Q. And who was the Secretary of the Navy?

A. General Tracy.

Q. Benjamin F. Tracy?

A. That is his name.

Q. Did you have any conversation on the same subject with Commodore Wilson, do you say?

A. I did.

Q. All these conversations were on the same subject—the same steel?

A. Yes, sir.

Q. The steel that you had seen made in Newark?

A. No; I don't say that; don't put words in my mouth.

Q. The steel that you had samples of?

A. I don't say that.

Q. Is it true that the conversations which you say you had with Secretary Tracy, with Commodore Folger, and with Commodore Wilson—did these conversations refer to the steel of which you say you took samples to Washington?

A. Most assuredly, yes; but it was in different shapes; one is plate and the other is bar.

Redirect examination by Mr. TOWNSEND:

Q. Mr. Davies, were these conversations with these officers to which you have referred in reference to harveyized steel?

A. Yes, sir.

By the COURT:

Q. You say the latter was in the plate form?

A. The conversation I had with Commodore Folger and Secretary Tracy was in reference to plates to put on armored vessels.

By Mr. WALLIS:

Q. Two kinds you speak of now that you did not speak of in your direct examination; were they made under the same process?

A. I presume so; Mr. Harvey told me so.

Q. Do you know?

A. I don't know anything about it, for I did not see it.

WILLIAM ALLEN SMITH, being called as a witness on behalf of the plaintiff and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. What is your business?

A. I am the secretary and treasurer of the Harvey Steel Company.

Q. And have been for how long a time?

A. Since early in 1893.

Q. You have charge of the finances of that company, have you?

A. I have.

Q. As treasurer?

A. Yes, sir.

Q. You know of a contract made between the company and the United States Government?

A. I do.

Q. Do you know how much money has been received by the Harvey Steel Company under that contract?

A. I do.

Q. How much?

(Objected to as incompetent, immaterial, and that no foundation has been laid for the question.)

By the COURT:

Q. When was the contract made?

A. April 12, 1893.

Q. Was that the first one?

A. No; there was a preceding one, which was abrogated by this one of April 12, 1893.

Q. When was the preceding one made?

A. I think in March, 1892. I don't remember the exact date; not quite a year before, if I remember rightly; it was about March, 1892.

Q. Were these contracts you have mentioned for steel?

A. No; they were not for steel.

Q. Was this money received as consideration for the use by the Government of the patents governing the harveyized steel?

(Objected to, and contracts called for.)

The COURT. Have you the contracts?

Mr. TOWNSEND. I have.

The COURT. Put them in.

Mr. TOWNSEND. I offer in evidence a certified copy of the contract between the United States Government and the Harvey Steel Company; also, a memorandum of the agreement between the Harvey Steel Company, represented by the president of said corporation, on the one part, and the United States Government, represented by the Secretary of the Navy on the other part, under date of April 12, 1893.

(Objected to as not referring at all on the face of it to anything to which this witness has testified, the contracts showing that it refers to an entirely different thing.)

By the COURT:

Q. Do these patents cover harveyized steel?

A. There are several patents, your honor; there are several processes. During the time when Mr. Davies had anything to do with this armor, plate matter was not under consideration; it was entirely subsequent to it, and our contract with the Government had nothing to do whatever with the steel which Mr. Davies says he introduced.

Mr. TOWNSEND. I move to strike out what the witness has just stated.

Q. Were there patents at that time?

A. Yes; what we call the low steel patent of January 10, 1888, a process for treating low steel.

Q. Where are these successive patents?

A. We have what we call this low steel patent, dated January 10, 1888, Mr. Harvey's first patent, and he pursued his investigations for his patent for rail for railroads, a patent for a carburizing mixture, and then the armor plate.

Q. What is the difference in making the steel for armor plates and this tool steel?

A. There is a marked difference; I don't understand that I am to give expert testimony, but there is a marked difference.

Q. What is it?

A. In the sequence of the processes, in the way the steel is treated, and the handling of large masses involves necessarily very different treatment from the handling of small masses.

Q. Is that all?

A. There are other differences which I am not competent to testify to. As I said a moment ago, I am not competent to give expert testimony on this.

Mr. TOWNSEND. Assuming that we have shown an agreement for compensation for services in regard to the introduction of this steel, I can not see how it makes any possible difference whether, after the making of this agreement for these services, it made any difference whether there was any improvement in it or not.

By the COURT:

Q. For the manufacture of what kind of steel were covered by this contract?

A. Which contract.

Q. The contract of 1893 and the one it superseded?

A. The patent of September 29, 1891, the Harvey armor-plate patent.

Q. What kind of steel is used in that; has it a name?

A. Harveyized steel, certainly; distinctly harveyized steel—that is, the distinction known as harveyized steel. Of course any steel made under the Harvey process is called harveyized.

By Mr. TOWNSEND:

Q. You said that the patents referred to in this contract under date of April 12, 1893, were for the manufacturing of armor plate?

A. Yes, sir, right; it was the process and patents in the manufacture of armor plate.

Q. And the process referred to covered the manufacture of armor plate?

A. Yes.

Q. Known as harveyized steel?

A. Yes, sir.

Q. The patent that was in existence in [illegible] also for [illegible] process of manufacturing armor plate, was it not?

A. We call that the low-steel patent—Mr. Harvey's original idea.

Q. Did not it cover the process of making armor plate?

A. I am not aware that a pound of armor plate was made under it.

Q. (Repeated.)

A. The word armor plate does not occur in the patent.

Q. Was it for the process of manufacturing armor plate?

A. No.

Q. Was it for the process of manufacturing what was then known as harveyized steel?

A. I don't know whether it was known as harveyized steel; it may have been so called at intervals.

Q. Was it known as harveyized steel at that time?

A. I don't know; I was not connected with the company at that time.

By the COURT:

Q. What is the patent, the process?

A. In this original patent?

Q. Yes.

A. It is a process of producing steel; we call it the low-steel process; I am not a technical expert. There is a great difference between——

Q. Is it an improvement—a development—of the original?

A. It covers a great deal more ground than the original patent could possibly have done.

Q. It might be an entirely distinct thing and cover more ground, but is it an improvement—a development—of the original process?

A. It certainly grew out of the original process. May I explain in two words? You could not take the original patent and make armor plate out of it, the original patent.

Mr. TOWNSEND. I introduce this patent in evidence.

(Objected to as immaterial and incompetent. Objection overruled. Exception. Marked Exhibit 7.)

By Mr. TOWNSEND:

Q. How much has been received by the defendant under this contract?

(Objected to as immaterial and incompetent.)

Q. Under this contract or its predecessor?

(Objection renewed and overruled.)

A. Ninety-six thousand and fifty-six dollars and forty-six cents, if I remember rightly.

Q. That was paid in one lump sum?

A. No, sir; it was not paid in one lump sum.

Q. Is that all the money that has been received by the defendant for harveyized steel, or for the use of the process of manufacturing harveyized steel?

A. Under that contract of April 12, 1893, it is all.

Q. And under any other arrangement or contract?

A. No; it is not all the money we have ever received from the Navy Department. We have sold them small lots of steel, or treated for the Navy Department certain articles of steel, for which we have charged them a price; but these other transactions will amount only to a few hundred dollars.

Q. And these few hundred dollars for the small lots of steel you have so sold or treated for the Navy Department and this $[illegible].46 is all the money that has been received by the company from the United States Government?

A. With the exception of about $[illegible], which the United States Government paid us for work done at the Bethlehem Iron Company's works.

Cross-examination by Mr. WALLIS:

Q. Mr. Smith, did the Harvey Steel Company ever enter into a contract with the United States Government or the Navy Department thereof for supplying it with tool steel?

(Objected to as incompetent. Objection overruled.)

A. Not to my knowledge.

Q. Did it at any time enter into any contract with the Government of the United States or its Navy Department for supplying any steel manufactured at Newark, N. J.?

A. I understand that before my connection with the company some steel was sold to the Navy Department, but I know of no contract relating to such steel.

Q. To what extent were such steels made?

A. A matter of a few hundred dollars.

Q. Those that you have already spoken of?

A. Yes, sir.

Q. These small articles that you say were supplied to the Navy Department, or treated by the defendant for the Navy Department, were they treated under the low steel patent?

A. They were.

Q. And not under the armor-plate patent?

A. Not under the armor-plate patent.

Q. And that is all you know of?

A. Yes, sir.

Q. And that was the patent taken out in 1888?

A. Yes.

Q. Has that patent ever been used in the manufacture of armor?

A. Never to my knowledge.

Q. And the armor is manufactured, as I understand you, under the patent of 1891?

A. September, 1891, is the armor-plate patent.

Q. Exclusively?

A. September, 1891, is the armor-plate patent exclusively.

Mr. TOWNSEND. I will read from the deposition of witnesses in Washington taken under a commission issued by this court October 2, 1894.

(Deposition of Col. Charles Hayward read to the jury by Mr. Townsend. Mr. Wallis objects to the question as to witness's knowledge concerning who first drew the attention of the officers of the Navy Department to the matter, as incompetent, immaterial, and calling for the conclusion of the witness. Objection overruled. Exception. Motion to strike out the answer to the first interrogatory as irresponsive and immaterial made and denied. Exception. The admission of the answer as to the negotiations with Captain O'Neil at the Ordnance Department objected to. Objection overruled. Exception. Defendant objects to the answer to the last interrogatory. Objection overruled. Exception. Mr. Wallis reads the cross-interrogatories. Mr. Townsend reads the deposition of Theodore G. Wilson, naval constructor. Fifth interrogatory objected to as calling for a conclusion of the witness. Objection overruled. Exception. Motion to strike out the answer made and denied. Exception. Mr. Wallis reads the cross-interrogatories. Mr. Townsend reads the deposition of Lieut. Samuel O. Lemly. Cross-interrogatories read by Mr. Wallis. Mr. Townsend reads the deposition of Phillip Hichborne, naval constructor; also the deposition of Thomas A. Coakley. The question "Do you know who first called the attention of the Naval Department to the harveyized steel" objected to as incompetent. Objection overruled. Exception. Answer to interrogatory relative to its introduction in the Navy Department objected to, and motion to strike out made and denied. Exception. Motion to strike out the answer to the last interrogatory as hearsay, not responsive, and incompetent made and granted. Plaintiff excepts. Plaintiff offers in evidence the further agreement. Objected to on the ground that it comes under an entirely different patent. Objection overruled. Exception. Marked Exhibit 8. Deposition just read offered in evidence and marked Exhibit 9.)

Plaintiff rests.

Mr. WALLIS. I move for a nonsuit. Whatever the arrangement was, it was absolutely terminated by the same person who commenced it in the following September, 1890. There was no contract shown to have been made of any kind with the Navy Department of the United States for this armor plate, which is the basis of this action, in the year 1892, and as a matter of fact the patents which are now shown to be the patent under which the armor plate is manufactured were not in existence at the time these negotiations were said to have taken place between Mr. Harvey and Mr. Davies; that the only possible connection that Mr. Davies is shown to have had with the getting of these contracts with the Navy Department, which were entered into under the second patent, not under the first, is that the contracts with the Navy Department were made about two years after this arrangement that is said to have been made between Mr. Harvey and Mr. Davies; that it is not shown that Mr. Davies had anything to do with any of the negotiations of the Navy Department; and, further, that it is not shown that Mr. Davies was the agent of the defendant; that it is not shown that anything ever came to the knowledge of the defendant that the directors ever authorized or knew of such a contract.

The COURT. What do you understand the contract between Mr. Davies and Mr. Harvey was?

Mr. WALLIS. The contract, as Mr. Davies states it, is that Mr. Davies undertook to go to Washington and to influence the Navy Department, if possible, to enter into contract relations with the defendant for the harveyized steel; that, of course, was the steel then manufactured as he states, which was under a patent then existing. He had samples of it which he took down to Washington.

The COURT. Did his compensation depend upon his success?

Mr. WALLIS. Certainly; there is no claim that he was entitled to compensation if he did not succeed.

(Motion denied. Exception.)

Mr. Wallis opens the case to the jury for the defendant.

Hon. BENJAMIN F. TRACY, being called as a witness on behalf of the defendant and duly sworn, testified as follows:

Direct examination by Mr. WALLIS:

Q. General Tracy, in 1890 did you have any connection with the Government of the United States?

A. I did.

Q. What was that?

A. Secretary of the Navy.

Q. And were you such Secretary during the whole of that year?

A. Yes.

Q. Do you know the plaintiff in this action, Mr. James R. Davies?

A. I do.

Q. Did he ever, at any time, have any interview with you in relation to the Harvey process, so called?

A. Well, I could not say that he did not, because Mr. Davies was at the Department from time to time. I remember seeing him at the Department. He may have possibly mentioned the subject to me at some time, but I do not recollect it, and I have no recollection of any such interview. I know that he was not the first person who called my attention to the Harvey steel.

Q. Who first called your attention to the Harvey steel?

A. Mr. Folger, who was then acting as inspector of ordnance at the Washington Navy-Yard, in charge of the tool shop and heavy guns.

Q. When did he cease to be inspector of ordnance?

A. I can not fix the date. I observed while sitting here that Commodore Wilson testified that he introduced Mr. Davies to Commodore Folger when he was Chief of the Bureau of Ordnance. The Harvey steel was known to the Department, and purchased by the Department, and used by the Department at least, I should say, a year before Mr. Folger became chief of the Bureau; while he was inspector of ordnance at the Washington Navy-Yard.

Q. Did Mr. Davies ever speak to you about Mr. Harvey?

A. I have no recollection of his so speaking to me, and I did not know that he knew Mr. Harvey. I have no recollection of knowing that he knew Mr. Harvey.

Q. Have you any recollection of Mr. Davies at any time appearing before you as Secretary of the Navy in relation to this Harvey process?

A. I have not.

Q. What is your best recollection on the subject?

A. Well, so many men appeared and casually talked that I can not say that Mr. Davies never mentioned the subject to me at any time during the time I was Secretary of the Navy. I am very sure that he never had anything that could be called a negotiation with me on the subject, or any talk that made any impression on my mind.

Q. And you say that the first person who called your attention officially to this process was Commodore Folger?

A. Commodore Folger himself.

Q. Or Inspector Folger at that time?

A. He was then Inspector Folger.

Q. When was that, do you remember?

A. I can not fix the dates; I could not fix the date when I appointed him chief of the Bureau; he was inspector of ordnance under Mr. Whitney when I came into office. Captain Siccard was chief of the Bureau and remained such, I should say, well on toward 1891, but I am not certain about that. I can not fix the date, and then Mr. Folger succeeded him. I know that the Department bought the Harvey steel and used it in the navy-yard as tool steel under Mr. Folger as inspector of ordnance, and I know that the suggestion of whether that process could be applied to armor had been made while he was Chief of Ordnance, and I am very confident that the Government had built a furnace in the navy-yard while he was Chief of Ordnance for the purpose of trying that experiment.

Q. What connection, so far as you know, did Mr. Davies have with the building of that furnace?

A. None.

Q. So far as you know, what connection had Mr. Davies with the introduction of this armor into the Navy Department?

A. None, so far as I know or ever heard till this litigation.

No cross-examination.

Mr. WALLIS. Now, I will read the deposition of William M. Folger.

(Original offered in evidence and marked Exhibit A.)

Also the decision of the supreme court of the State of New Jersey fixing the law of that State in regard to the power of the president of a corporation.

(Objected to on the ground that the contract, being in the State of New York, is controlled by the laws of the State of New York.)

The COURT. I will take the decision, subject to the motion to strike it out.

Mr. WALLIS. It is reported in the 8th of Roome, page 98; I read from page 102. [Reading the decision.]

(Counsel for plaintiff moves to strike out for the reasons stated, and that the law of the State is the law of this case.)

Adjourned to Wednesday, November 13, 1895.

BROOKLYN, N. Y., *November 13, 1895.*

Hearing resumed. Same appearances.

WILLIAM ALLEN SMITH, recalled on behalf of defendant, testified further, as follows:

By Mr. WALLIS:

Q. Mr. Smith, I believe you stated that you were the secretary of the Harvey Steel Company?

A. I am.

Q. And as such have the custody of its books?

A. I have.

Q. What is this book?

A. The minute book of the Harvey Steel Company.

Q. It contains what?

A. It contains the minutes of the meetings of the board of directors and stockholders, kept from its inception to the present time.

Q. Have you examined that book carefully?

A. I have.

Q. From the beginning of the company to date?

A. I have.

Q. Is there any resolution contained in that book authorizing Mr. Hayward A. Harvey, president of that company, to employ agents to exploit the business of that company in Washington or elsewhere?

(Objected to as incompetent and irrelevant. Objection overruled. Exception.)

A. There is no such resolution.

Q. Is there any resolution contained in that book authorizing the employment of Mr. James R. Davies as an agent of that company?

(Objected to as incompetent, immaterial, and irrelevant. Objection overruled. Exception.)

A. There is no such resolution.

Q. Does the name of James R. Davies anywhere appear in that book?

(Same objection, ruling, and exception.)

A. The name of James R. Davies does not appear in this book.

Q. How long have you been the secretary of that company?

A. Since March, 1893.

Q. And I believe it is in evidence that Mr. Theodore Sturges was the secretary before you were?

A. Mr. L. L. Sturges was the secretary before myself.

Q. For how long?

A. For certainly six or seven months, and before that he was the acting secretary.

Q. During the time you were the secretary of this company did you ever hear of Mr. James R. Davies as representing this company anywhere?

A. Not in any way.

Q. When did the company first learn of any claim against it by Mr. James R. Davies?

(Objected to as incompetent and irrelevant. Objection sustained. Exception.)

Q. Who received the correspondence of the company during your incumbency of the secretaryship?

A. My impression is that I received all the correspondence from Mr. Davies.

Q. The correspondence of the company generally, to whom did it come?

A. It came partly to me and partly to the office in Newark.

Q. Who was in charge of the office in Newark?

A. I am in charge of both offices.

Q. Then it all reached you eventually?

A. It all reached me eventually.

Q. When did any claim first reach you as secretary of the company on behalf of Mr. Davies against the defendant here?

(Objected to as immaterial, irrelevant, and incompetent. Objection overruled. Exception.)

A. I can not give the precise date; it was about a month after Mr. Hayward A. Harvey died. Mr. Harvey died on the 28th of August, 1893, and it was about a month after that—possibly only three weeks after that—when Mr. Davies called to see me and informed me that he had a claim against the Harvey Steel Company for services rendered in Washington. This was the first I had ever heard of any such claim.

Cross-examination by Mr. TOWNSEND:

Q. Mr. Smith, did you ever receive any letters from Mr. Davies?

A. I received one or two letters from Mr. Davies. With the exception—do you mean since I was secretary?

Q. Since you were secretary of the company?

A. One or two letters.

Q. You opened and read them?

A. Yes.

Q. Have you read those letters here?

A. They are here.

Q. Were they in relation to the matter of this suit?

A. There is one letter in relation to this suit.

Q. When was that received?

A. The original letter is here; it was shortly after Mr. Davies called upon me, possibly two weeks after.

Q. Then it was after the death of Mr. Harvey?

A. After the death of Mr. Harvey.

Q. Were you connected with the company in any way during the year 1890?

A. I was not.

Q. You, as secretary and treasurer of the company, have the custody of its books and papers?

A. I have.

Q. There were a quantity of letters produced here yesterday from Mr. Davies; did you bring those?

A. You do not mean those you presented yourself?

Q. No.

A. Those I had in my hands I brought.

Q. How many did you bring?

A. I do not know the precise number; possibly twelve or fifteen letters.

Q. You examined them, did you?

A. Yes.

Q. Running over what dates were those letters?

A. My impression is that the first of those letters was dated somewhere in 1891.

Q. And running from that time down through till shortly before this suit was commenced?

A. Yes.

Q. You brought those letters from the office of the defendant company?

A. I did.

Q. And found them among the papers of the company?

A. Some came from the papers of the company, others came from Mr. Harvey's house in Orange.

Q. Look at this letter under date of August 21, 1893, and state if that is one of the letters you produced.

A. That is one of the letters that I had with me yesterday.

Q. And you brought it from the office of the company?

A. I brought it from the office of the company.

Q. That is dated August 21?

A. August 21, 1893.

Q. Mr. Harvey you say died on August 20?

A. August 28.

(Offered in evidence; objected to as immaterial, having no possible bearing on this case.)

Q. I show you a letter addressed to Mr. William Allen Smith, dated September 18, 1893, and ask you if you received that letter?

A. Yes, sir; I received that letter.

Q. And inclosed in it was this bill under the same date?

A. This bill was inclosed with the letter.

(Bill and letter offered in evidence, and marked Exhibits 10 and 11, without objection.)

Q. You say that you have before you the book of the minutes of the directors?

A. I have.

Q. Can you refer to it and tell how many meetings of the directors were held in the year 1890 prior to September 30?

A. I can in a very few minutes' time.

Q. Please do so.

A. There was a meeting on February 1, February 3, March 25; that is three; April 8 is four. That is all. The next meeting was February 20, 1891. There were four meetings held in the year 1890; the last one was April 8.

Q. Have you read the minutes of those meetings?

A. I have.

Q. And do any of them have reference—is there in those minutes any reference to armor plate or the process of harveyizing steel?

A. I think not; I do not recall any such.

Q. Do I understand you that the name of Dr. Davies does not appear anywhere in that book?

A. Nowhere in that book; possibly it may occur in the minutes of the meetings after he brought suit, but I think not; certainly not before that.

Q. Prior to the death of Mr. Harvey had you heard the name of Mr. Davies mentioned in connection with the company?

A. No.

Q. Not at all?

A. Not at all.

Q. And you came in the company, you say, in 1893?

A. In 1893.

Q. What time in 1893?

A. I think it was March 20.

Q. Had the company letter books in which were kept copies of the letters written in the year 1890?

A. Yes, sir.

Q. Have you examined the letter books for that year, 1890?

A. I have; I can not say that I have read every letter written by the company in the year 1890, but I have made a general examination of the letter books.

Q. Have you made an examination of the letter book kept at the factory at Newark, N. J.?

A. I have with reference to this particular matter.

Q. Do you find in that letter book copies of any letter addressed to James R. Davies?

A. I do.

Q. During what years?

A. I think they began in 1890.

Q. And those are letters signed by Mr. Harvey in his personal name?

A. Chiefly, yes.

By the COURT:

Q. Is that in the company's letter book?

A. In the company's letter book.

By Mr. TOWNSEND:

Q. Have you the book here?

A. I have.

By the COURT:

Q. Do they embrace the letters which have been read here?

A. Some of them.

By Mr. TOWNSEND:

Q. Will you turn to one of those letters during the year 1890?

A. Here is a letter dated September 30, 1890.

Q. Will you read it, sir?

A. "James R. Davies, esq., Washington, D. C. My Dear Sir: Your favor of Sept. 27th is received. From some information I have received, which I am under obligations not to reveal, nor can I explain at present to you, I am under the necessity to ask you to withdraw for the time being from representing us before the Government. I hope you will not receive this as a personal matter from me, but as emanating from our company, as a matter of policy. I hope to be able after a short time to explain to you, and if matters are satisfactory at Washington we will again renew our joint efforts. Believe me, as ever, your friend, H. A. Harvey."

Q. That is a copy of this letter of September 30, marked Exhibit 4, is it not, read in evidence yesterday?

A. I heard a similar letter read yesterday.

Q. Are there any letters to Mr. Davies in that letter book prior to September 30?

A. Not in this letter book.

Q. Are there any subsequent to September 30?

A. There seems to be three here. Here is a letter of July 5, 1891.

Q. Please read it.

A. "James R. Davies, esq., Washington, D. C. Dear Sir: Your letters and telegrams received and contents noted. I am glad that you are meeting with such favor with the War Department. We have now gone as far as we can till we can see where we can have the plate made. They are too large for any furnace we have here. We are obliged to wait till we get through with the plate at the navy-yard before we do anything more, as Mr. Dickinson and I will be busy until after that plate is finished; so remain quiet till that is out of the way. I am afraid you were a little premature in inviting these officials till after we have had the test of the plate, when I intend to dine them. I will probably not be down till next week, and then only f[illegible] day or two," etc. Ending with "in the [illegible] I will see you in New York. Yours, truly, H. A. Harvey. H."

Q. What other letter do you find in 1890?

A. "Jan. 7th, 1891. James R. Davies, esq., Wash[illegible], D. C. Dear Sir: Yours of the 4th inst. to hand. The requisition from Captain O'Neil will not go through the Department which came directly to us, as already understood, and will be for a small quantity of our new steel adamantine. Yours, truly, H. A. Harvey. H."

Q. What steel does that "adamantine" refer to?

A. I suppose it was the steel the company was making at that time; I was not connected with the company and can not give an exact answer to that.

Q. Do you know of any steel of that name?

A. I do not.

Q. Have you any other letters during 1891 to James R. Davies; January 31?

A. "Jan. 31st, 1891. James R. Davies, esq., Washington, D. C. Dear Sir: Yours of the 29th at hand. I have not been in Washington since we took the plate out of the furnace. Our tests that we can make are very satisfactory. We are now waiting till the firing takes place, when I will call on you, if you are in Washington at the time. Yours, truly, H. A. Harvey, per J. H. D."

Q. Look under date of March 19.

A. There is no such letter in this book.

Q. In the year 1891?

A. There is no such letter in this book; this reaches to March 16, 1891.

Q. Have you subsequent letter books?

A. I have.

Q. "3. 19, '91." I will not take time to read the letter. Look under the date of April 19, 1891; see if you find a letter there.

A. "3. 19, '91. James R. Davies, esq., New York City. Dear Sir: Your letter came to hand while I was away, so I did not get it till it was too late to see you. Yours, truly, H. A. Harvey. H."

Q. April 13, 1891?

A. "April 13th, 1891, James R. Davies, esq., New York. Dear Sir: I have been unable to see you or answer your letters, as I have been sick in bed. The reason we did not bid on the last proposal was that most of the steel we could not manufacture. This also will prevent us bidding on the gun forgings, as we are not fitted up to do that kind of work. Yours, truly, H. A. Harvey. H."

Q. Who was the president of the company at that time?

A. I am unable to say whether Mr. Harvey was or Mr. B. G. Clark.

Q. Look at the letter and see if Mr. H. A. Clark's name is not erased and a name substituted as president?

A. I see that there is; yes.

Q. Who was president at that time as shown by the letter head?

(Letter objected to. Motion to strike out, it now appearing that Mr. Harvey was not then president of the company.)

The COURT. I will allow it to remain.

(Exception.)

Q. Was E. C. Clark president at that time, April 13, 1891?

A. I judge that he was from that letter head, but if I could consult the minute book a moment I could inform you.

Q. Look under date of August 19, 1891.

A. "Aug. 19th, 1891, James R. Davies, esq., No. 18 Park Row, New York."

(Objected to as simply a letter of Mr. Harvey, who it now appears was not at that time an officer of the company. Objection overruled. Exception.)

A. (Continued.) "James R. Davies, esq., No. 13 Park Row, New York: Dear Sir: Your favor is received. There is nothing you have done, but the difficulty is with me. I have been knocked out for repairs, and had to drop work, or I would soon have been beyond repairing, so I kept away from all work. I am now on the up grade. There is nothing to do with the Government till after the big test, which will come off about the 1st of October. We are treating large plates at Pittsburg and Bethlehem. It has taken a long time to build these large furnaces and appliances. Yours truly, H. A. Harvey, per C. H."

Q. Now, under date of December 28, 1891?

A. That is all that I have in this book.

Q. Turn, now, to the index of the book and see how many letters during the time of the use of that letter book appear upon that, addressed to Mr. James R. Davies.

A. Three.

Q. Only three?

A. Yes, sir.

Q. You have read more than that from it?

A. Only three letters in this book.

Q. Look at the book for December, 1891; look at the index, please, and then look at the last.

A. No. 6 letter book is the one following that I have just read from.

Q. All these letters that you have read are upon the letter book of the defendant company?

A. They are copied in that book.

Q. Do you bring that from the office of the company?

A. From the office of the company.

Q. Were you the secretary and treasurer of the company at the time referred to by Mr. Folger in his deposition, when he says that he was employed by the company?

A. What is the date of the deposition?

Q. Do you know of Commodore Folger being employed by the company?

A. I do.

Q. Was that during the time you were secretary and treasurer of the company?

A. His employment was during part of that time.

Q. Do you know when he was first employed?

A. It was early in 1893. I can not give the precise date.

Q. How long did he remain in the employ of the company?

A. It was about—I think he remained in the employment of the company till the fall of 1893. I can not give the precise date.

Q. During that time he went in behalf of the company to England and to Europe?

A. He went to England and to Europe, and was charged with a message on behalf of the company while on his visit to Europe.

Q. And was under pay from the company at that time?

A. Under the pay of the company.

Q. Look at the book of minutes and see if you can tell where the resolution employing him can be found.

A. I have found the resolution.

Q. Read it.

A. Under what date?

Q. January 19, 1893; minutes of the meeting of the board of directors; read it.

A. "The president reported that he had arranged with Commodore William M. Folger to be retained by this company as consulting engineer on a salary of $5,000 per annum from January 1, 1893, and on motion of Mr. Hine it was resolved that the action of the president in relation thereto be, and the same is hereby, approved and confirmed."

Q. Was that salary paid to him in money?

A. Paid to him in money.

Q. Have you the stock book of the company here?

A. I have not.

Q. Do you know when Commodore Folger became a stockholder of the company?

A. I can not give the precise date, but it was some time after I became secretary of the company.

Q. About when was that, then?

A. I became secretary, I think, March 29, 1893, and this may have been a month afterwards.

Q. He was not in the employ of the company at that time?

A. He was in the employ of the company at that time.

Q. Is he still in the employ of the company?

A. He is not.

Q. How long did that employment continue?

A. Till, I think, somewhere into the fall of 1893. I can not give the precise date.

Q. Now, a whole year then?

A. It was not quite a year.

Q. He is still a stockholder, is he?

A. He is.

Q. How much stock does he hold?

A. Two hundred shares.

Q. What is the par value of the stock?

A. One hundred dollars.

By Mr. WALLIS:

Q. Mr. Smith, will you look at the book I hand you, minutes of April 8, 1890? That is a minute of what?

A. A board of directors' meeting held April 8, 1890, read and approved.

Q. What is the date of that?

A. February 20, 1891.

Q. Does it appear by these minutes that an election of officers was held at that time?

A. It appears that Mr. Harvey resigned as president of the company February 20, 1891, and that Mr. B. G. Clark was elected president.

Q. How long did Mr. Clark continue to be president?

A. He was elected president again February 20, 1892, and retained the office of president till his death, which occurred——

Q. August 12, 1892, was it not?

A. Some time in August, 1892.

Q. And during that time Mr. Clark was president of that company?

A. During that time Mr. Clark was the president of the company.

Mr. WALLIS. I move to strike from the record all the personal letters of H. A. Harvey which have been put in between February 20, 1891, and August, 1892, because it now appears that at that time he was not the president of the company, and therefore his personal letters have no bearing upon this case, and can not bind the company.

Q. During this time was Mr. Harvey a director of the company?

A. He was.

Q. Was he intimately connected with the business of the company during this time?

A. Well, I was not secretary and treasurer at that time.

Q. Do you know?

A. I suppose that he was.

(Motion renewed.)

The COURT. What letters are they?

Q. Was he reelected president again?

A. In the later years, yes.

Q. What time was he reelected president of the company?

A. October 31, 1892.

By Mr. WALLIS:

Q. And continued president till when?

A. Till the time of his death.

Mr. WALLIS. August, 1893.

(Motion renewed.)

The COURT. I think I will allow them to stand.

(Exception.)

By Mr. TOWNSEND:

Q. Do you know what the relation of Mr. Harvey to the company was during the time when he was the president?

A. He may have been called general manager. He was at all events closely connected with the company.

Q. Did he attend to the correspondence for the company?

A. I judge that he did, to some extent.

Q. You have spoken of some stock issued to Commodore Folger; how was that stock paid for?

A. I don't know.

Q. If it had been paid for in cash, in money, you would have known it, would you not?

A. That stock was transferred by Mr. Harvey to Mr. Folger.

Q. Not directly from the company?

A. Not from the company.

Q. So that that stock was before its transfer the private stock of Mr. Harvey, you think?

A. Exactly.

Q. Then it was not given to him in consideration of his services to the company?

A. I don't know about that.

Q. What was the value of that stock at the time of its transfer to Mr. Folger?

A. I can not give that, sir.

Q. What is its present value?

A. It is very difficult to say.

Q. Worth par, is it not?

A. I should say about par, but it is a very difficult thing to tell that; there have been very few transfers of the stock.

EDWIN W. HINE, being called as a witness on behalf of the defendant and duly sworn, testified as follows:

Direct examination by Mr. WALLIS:

Q. Where do you reside?

A. Orange, N. J.

Q. Are you a director of the defendant, the Harvey Steel Company?

A. Yes, sir.

Q. How long have you been such?

A. Since its early history; I think about 1890; the records will show. Perhaps Mr. Smith can revive my memory; five or six years or more.

Q. You have attended the meetings of the board during that time?

A. I think the records will show that I have attended all of them.

Q. You have attended all the meetings of the board?

A. I think so.

Q. Was the question of the employment of Mr. Davies as an agent of the defendant ever brought before the board of directors while you were a member?

(Objected to as incompetent, immaterial, irrelevant, and not the best evidence. Objection overruled. Exception.)

A. Never.

Q. Did you, while you were a member of that board, ever hear of Mr. Davies in connection with the company at all?

(Same objection, ruling, and exception.)

A. Never in connection with the meetings of the board of directors of the company.

Q. Did you ever hear of him in any other way as an agent representing the company?

A. Never as representing the company; no, sir.

Q. Who were your associates on the board of directors in 1890, do you remember?

A. Mr. Clark and Mr. Sturges.

Q. Mr. Harvey?

A. Mr. Pine, Mr. Harvey, and myself; five of us.

Q. Where is Mr. Clark?

A. Dead.

Q. Where is Mr. Pine?

A. Dead.

Q. Where is Mr. Harvey?

A. Dead.

Q. And Mr. Sturges?

A. Dead.

Q. You are the only survivor of the board of 1890?

A. Yes, sir.

Cross-examination by Mr. TOWNSEND:

Q. Mr. Hine, do you know Mr. Davies personally?

A. No, sir; I can not say that I do; I recognize him here; I met him in Washington, at the Arlington Hotel, in the year 1890, I think, and was introduced to him by Mr. Harvey.

Q. You were down there at that time with business connected with the company?

A. Yes, sir; Mr. Harvey and I were down at the navy-yard at the time the plate was being treated there.

Q. Mr. Harvey was there on the same business?

A. Yes, sir.

Q. You then met Mr. Davies and had conference with him?

A. Mr. Harvey had a consultation with him; I did not join in the conversation at all.

Q. But you did see him in consultation with Mr. Harvey?

A. Well, hypothetically, yes; I was not in the conversation at all; I saw Mr. Harvey and Mr. Davies in conversation.

Q. Did you go to the navy-yard with Mr. Harvey?

A. Yes, sir.

Q. Did Mr. Davies go with you?

A. No, sir.

Q. Had you ever heard of Mr. Davies before that time?

A. No.

Q. Never heard his name mentioned?

A. No, sir.

Q. What time in 1890 was that?

A. My memory does not serve me in the matter, but it was the time the first plate was treated at the navy-yard and taken out of the furnace; in the spring of 1890, I think.

Q. Did you see Mr. Davies in Washington after that?

A. No, sir.

Q. Did you hear his name mentioned after that in connection with the business of the company?

A. The day Mr. Harvey presented me——

Q. After that?

A. Not after that day; no.

Q. Did Mr. Harvey then say to you at that interview at Washington that Mr. Davies was trying to advance the interests of the company in the Navy Department?

A. He said he wanted to, but that he did not want his services; he did not require him.

Q. He said he would not do it?

A. Mr. Harvey said then that all Mr. Davies could do for him had already been done, and he did not require his services.

Q. I show you the letter, Exhibit 4, under date of September 30, 1890; did you ever see that letter or a copy of it before?

A. No, sir.

Q. Do you know anything about the circumstances under which that letter was written?

A. No, sir.

Q. Do you know who instigated the writing of it?

A. I do not.

Q. You have attended, you say, all the meetings of the company?

A. I think the records will show that I have attended all the meetings of the company; yes.

Q. Have you been connected with the business in any other way than simply attending the meetings of the directors?

A. That is all.

Q. Where?

A. In America, at our works at Newark; at the Bethlehem Iron Company, Pennsylvania; at the Homestead Works of Mr. Carnegie, the steel works at Homestead. In England, at the works of Messrs. Beardmore & Co., Glasgow, and in consultation at the works of John Brown & Co., Limited, Sheffield. In France, at the works of Chattilon and Commentry, at Montlecon; at the works of St. Chamond, St. Chamond; at the works of Marril Frères, at Rive-de Gier. In Germany, I have been in consultation at the Dullengen Works, at Dullengen, and there met the engineers from Krupp. In Austria, I have done consultation work at the Witkowitz, at Witkowitz.

Q. You are thoroughly familiar with this process?

A. I feel that I am.

Q. The low-steel process, was that the first patent that was in operation?

A. The low-steel process, patent No. 376194, was patented in 1888 or 1889; I believe 1888.

(Paper shown witness.)

Q. What is that the patent of?

(Objected to as immaterial, incompetent, and irrelevant. Objection overruled. Exception.)

A. I recognize that as a certified copy of the low steel patent.

(Offered in evidence and marked Exhibit B.)

Q. Under this patent what kinds of steels are manufactured?

A. Under this patent, largely tool steel and file steel.

Q. Did you manufacture under that patent any armor steel?

A. Never.

Q. Have you ever examined any of the books of the company?

A. Oh, yes.

Q. Have you ever examined their letter books?

A. No; I think not. I don't think my business ever occasioned my looking at the letter books.

Q. Did you know before to-day of the writing of these letters which have been read in evidence and are found on the letter books of the company?

A. I think that after the suit was commenced Mr. Smith told me there was such a letter in existence; either I have heard it read before or saw it; I think Mr. Smith gave me the contents of it.

Q. You were a large stockholder in the company?

A. I can not consider myself a large stockholder in the company.

Q. Are you a relative of Mr. Harvey?

A. No, sir.

HAYWARD A. HARVEY, being recalled for defendant, testified further as follows:

By Mr. WALLIS:

Q. You have already been examined. How long have you been connected with the defendant, the Harvey Steel Company?

A. Permanently since 1891, but during the summer of 1889 and 1890 I was in their works, learning the business, gaining practical knowledge.

Q. Have you informed yourself as to the nature of these patented processes?

A. I have carefully read the patents, and think I am thoroughly informed on them.

Q. You have practically applied the patents?

A. I have.

Q. Frequently?

A. Frequently.

Q. Did you under that patent manufacture any steel for the United States Navy?

A. Tool steel.

Q. To the extent of $200 or $300, as already testified?

A. Exactly so.

Q. Could armor have been manufactured under that patent?

A. Not at all, sir.

Q. Was the invention secured by that patent, the one referred to in the contract with the United States Government which has been put in evidence?

A. In no sense at all, sir.

Q. When did your father first take out the patent on the armor?

A. That is patent No. 460262, bearing date 1891.

(Paper shown witness.)

Q. Is this that patent or a certified copy of it?

A. I recognize this as a certified copy of that patent.

(Offered in evidence and marked Exhibit C.)

Q. This is, I understand, the patent under which the contract was made with the Government of the United States?

A. It was, sir.

Q. Do you manufacture tool steel under that patent?

A. We could not.

Q. Or file steel?

A. We could not, sir.

Q. The patents, then, are of two radically different kinds?

A. Yes, sir.

Q. The only thing in common is that they both have reference to a——

A. In carburizing; that is all.

Q. From 1890 down, what was your official position in that company?

A. I first had charge of the experimental work, then acting superintendent, superintendent, and sales agent of the company.

Q. Were you intimate with the business affairs of the company?

A. As superintendent of the company I had charge of the correspondence relating to the works.

Q. Did you have anything to do with these negotiations in Washington?

A. No, sir.

Q. Did you ever, during your connection with the company, hear of Mr. Davies, the plaintiff, or his being in the employ of the company in any way?

A. No, sir.

Cross-examination by Mr. TOWNSEND:

Q. Mr. Harvey, you were connected with the company in 1890?

A. During the summer of 1890.

Q. In July, 1890?

A. Yes, sir.

Q. In the use of what you speak of as tool steel, or file steel, was there any process of firing necessary—experimental firing—in Washington?

A. Define your word, please.

By the COURT:

Q. They built a furnace there to test?

A. What?

Q. Could it have been used for this tool iron, file iron?

A. The furnace could have been for the purpose.

By Mr. TOWNSEND:

Q. Where?

A. Washington.

Q. I read you a sentence from Exhibit 1, a letter under date of July 4, 1890, which was signed by your father personally: "The firing was most satisfactory; no penetration or cracks; crushing projectiles all to atoms." Does that sentence refer to tool steel or file steel?

A. It does not; it refers to the ballistic test, one armor plate.

Q. Does that refer to the steel used for armor plate?

A. Yes.

By Mr. WALLIS:

Q. What do you say it refers to?

A. The ballistic test on armor plate at Annapolis.

By Mr. TOWNSEND:

Q. Do you know that in the year 1890 a furnace was erected in the navy-yard for the purpose of testing some steel?

A. A furnace was erected there for treating some steel.

Q. Treating steel for what purpose?

A. Some projectiles were treated in the furnace, and subsequently I believe the plate was treated in it—was harveyized in it, I should say.

Q. That was in the year 1890?

A. Late in 1890 and early in 1891.

Q. Before the issuing of this last patent which has been put in evidence?

A. A few months, probably.

Q. Then you were experimenting, or the company was experimenting, in making armor plate under the first patent which is put in evidence during the year 1890?

A. No, sir; never, sir.

Q. Never tried to make armor plate under that patent?

A. That would be absolutely impossible.

Q. Was the attempt ever made?

A. No, sir.

Q. How do you know it would be impossible, then?

A. As a practical man.

Q. Then, what was the purpose of the building of this furnace at the navy-yard in Washington?

A. To treat an armor plate in.

Q. Under the harveyized process?

A. As shown in patent No. 460262.

Q. You have said it was before the issuing of that patent.

The COURT. We all understand that. The idea existed before the patent.

By Mr. WALLIS:

Q. The trial at Annapolis was in anticipation of this last patent?

A. Yes, sir.

Q. And had nothing to do with the old low-steel patent?

A. Nothing at all.

Defendant rests.

JAMES R. DAVIES, plaintiff, recalled on his own behalf in rebuttal, testified further, as follows:

By Mr. TOWNSEND:

Q. I read to you the answer of Commodore Folger to the second cross-interrogatory: "I have no recollection about having any conversation, at any time, with Mr. Davies in regard to the Harvey process. The only conversation I had with Mr. Davies that I remember distinctly, and only its nature makes it distinct, was when he said that he knew Secretary Tracy very intimately, and if ever I wanted anything accomplished he could assist me with the Secretary." Did you make that statement to Commodore Folger?

A. Part of it; part of it is not true.

Q. What part was true?

A. That I knew Secretary Tracy.

Q. That is true?

A. That is true.

Q. You did know him at that time?

A. Certainly I did.

Q. Is it true that you stated to Commodore Folger that if ever he wanted anything accomplished, you could assist him with the Secretary?

A. I did.

Q. Did you have any other business with the Navy Department during the year 1890 than this connected with the Harvey Steel Company?

(Objected to as incompetent. Objection overruled. Exception.)

A. I did not.

Testimony closed.

Mr. WALLIS. I move, now, for the direction of a verdict for the defendant, on the ground that it appears now affirmatively upon the whole case that there was no employment of Mr. Davies by the defendant; that there was no authority in Mr. Harvey, the president, to make such employment, and upon the further ground that it appears affirmatively in the case that Mr. Davies had nothing whatever to do with patenting this contract with the United States Government, which is the subject of this action.

(Motion denied. Exception.)

Mr. Wallis sums up for the defendant.

Mr. Townsend sums up for the plaintiff.

JUDGE'S CHARGE.

Gaynor, J.

Gentlemen of the Jury: The plaintiff claims that he was employed by the Harvey Steel Company to call the attention of the United States Government to their process of making steel, and he sues for services which he claims to have rendered under that contract.

In order that the plaintiff may recover, gentlemen, you must find upon the evidence that he was employed by the company. It is not enough that he was employed by Mr. Harvey, who happened at the time to be the president of the company; but that he may recover against the company you must find that the employment was by the company itself, and that the services were rendered for the company itself. Now, to ascertain what the fact is in that respect—whether he was employed by the company or not—you must resort to the acts proved here and to the correspondence. I charge you that it was not necessary that there should be a resolution of the board of directors of this company in order that the plaintiff might be legally employed by the company. A corporation has to act through agents.

The agents created by law for all purposes, I may say, are the directors of the company. They have power to do all that pertains to the company. But there are many things done by corporations not done by resolution of the company, but that nevertheless are in law done by and for the company, and for which the company is responsible. The president of the company, the general manager of the company, the officers of the company, by what they do from day to day, by what they are recognized by the company as doing and having authority to do, may have authority from the company for that purpose, or it may be by subsequent ratification by the company. It might be that the duties of the president and the power of the president and the power of the general manager were never defined by resolution of the board of directors, and yet, being the president, being the general manager, and doing the business of the company, and being recognized by the board of directors, and therefore by the company for that purpose, what such an officer does within the powers thus conferred upon him, by recognition or by practice, or by the course of business, what he does within those limits for the company are the acts of the company and bind the company. So you are to take all these things introduced here, the letters which have been read from the letter book of the company, and all the correspondence, coupled with the acts of all the parties concerned, and say whether this was an employment, if there was one, by Mr. Harvey individually, or whether he was doing this thing for the company, and whether he had the power to do it for the company.

You have had the letter book of the company produced, in which certain letters are found written by Mr. Harvey to the plaintiff. Now, I charge you that it was not necessary that he should have signed at the foot of the letter as president; it was not necessary that he should have referred to his official capacity; that if he was acting for the company, and acting within his powers for the company he would bind it. It also appears before you, or at all events there is some evidence before you, that Mr. Harvey himself was at Washington exploiting these processes, or this process, whichever it is, and calling the attention of the Government to it, or at all events dealing with the Government in some way in relation to this matter. Was he representing the company? Was it within his province to represent the company in that matter, and, if so, from the correspondence and from all the facts before you, was he competent to call in somebody to aid him at Washington, lawyer or layman? And if he so called in and employed this plaintiff on behalf of the company, from all the acts and from these transactions from beginning to end, you are to say whether he acted for the company and within his power. If you pass that point and find that the plaintiff was employed by the company, your next question is, Did he render any service for the company? If he did, what was it and what was the value of it?

There is a claim put forth by the defense which you must consider, and consider carefully whether the employment of the plaintiff, if there was an employment of the plaintiff by the company, extended beyond the process referred to or contained in the letters patent granted in 1888, or did his employment starting with that, and with the tool steel, also by the course of business and by natural development as they went on, embrace also the additional process or additions made to the original process, whichever it was, for the making of these armor plates out of steel, and did he serve the company in that respect? Was he employed to serve it? If confined to the tool steel, his compensation might amount to very little—would amount to very little, comparatively. If you find that it extended also to armor plate and find compensation for that, it would be more. But I leave that entirely to you upon the facts, to say whether it covered only the original process of tool steel and file steel, or whether it covered also the process for making armor plates.

The time of the patent for armor plate has been put in. It seems to have been taken out after the letter terminating the employment of the plaintiff was written. But still the question remains whether the process was being exploited at the time; whether they were calling the attention of the Government to it, and whether it was being exploited and used, or at least whether they were trying to utilize or exploit it before the letters patent were actually signed in the Patent Office. That would not make any material difference, if you so find that fact to be. That would bring you to the question, if you pass these points, of what the plaintiff is entitled to recover. Upon that I can only say that he would be entitled to recover what you find from the evidence his services were justly and conservatively worth to the company.

Counsel for defendant requests the court to charge the jury as follows:

1. The president of defendant had no power, simply by virtue of his office, to appoint the plaintiff its agent to introduce the Harvey steel to the Navy Department. Unless the jury find from the evidence that he was authorized to do so by the defendant's directors, or that they afterwards ratified the arrangement said to have been made between Mr. Harvey and the plaintiff, their verdict must be for the defendant.

(Charged.)

2. There being no evidence that the defendant's directors had any knowledge of the alleged arrangements between Harvey and Davies, the acceptance by defendant of the contract with the United States, even if such contract was the result of the plaintiff's efforts, would not give the plaintiff a right of action against the defendant, and the plaintiff can not, therefore, recover in this action.

(Refused other than as charged.)

3. It appearing that the contract with the Navy Department was made more than eighteen months after the plaintiff's alleged employment by Harvey had terminated, his recovery must be confined, if he is entitled to recovery at all, to 10 per cent on the $200 or $300 worth of tool or file steel sold to the Navy.

The Court. Yes; if his employment did not embrace the other, that is so. (Exception.)

4. That there is no evidence that the plaintiff was instrumental in bringing about the contract with the Navy Department, and he can not recover any compensation from the defendant measured by the amount paid on that contract.

(Refused. Exception.)

5. There being no evidence in the case of any employment of the plaintiff by the defendant, the plaintiff can not recover.

(Refused. Exception.)

6. That the plaintiff's employment, whatever it was, was confined to the period between January, 1890, and October 1, 1890, in exploiting the patents then existing in the Departments of the United States, or some of them. That he can not recover a commission for or upon moneys paid by the United States under the contract with the United States made in 1893, which was based entirely upon a patent not in existence in the year 1890.

(Refused. Exception.)

7. That the question of the plaintiff's employment is to be decided by the laws of New Jersey, where the defendant was incorporated, and under which laws its president, as such, has no power to employ agents to represent the corporation.

(Charged.)

Mr. Wallis. I except to so much of the court's charge as charges in effect that it was not necessary that there should be a resolution of the board of directors of the defendant to prove the plaintiff's employment by the company.

Also to so much of the charge as charges in effect that the general manager or president of the defendant may have obtained by a course of business authority to employ the plaintiff, or by a subsequent ratification, upon the ground that no such authority or ratification has been shown.

Also to so much of the charge as charges in effect that what an officer of the corporation does by recognition or practice may bind the company, as there is no evidence in this case of any such recognition of the plaintiff's alleged employment or of any practice of the company in relation thereto.

Also to so much of the charge as charges in effect that if Harvey, in his alleged employment of the plaintiff, was acting within his powers it was the act of the company, upon the ground that it has no applicability in this case, there being no evidence as to what the powers of the president were.

Also to so much of the charge as leaves it to the jury to consider whether or no the employment extended beyond the time of September 30, 1890, upon the ground that by the pleadings in the case the plaintiff's alleged employment is confined to that date.

Also to so much of the charge as leaves it to the jury to determine whether the plaintiff was employed by the company in relation to armor plate, upon the ground that the pleadings of the plaintiff show to the contrary, and that under the pleadings the plaintiff's alleged employment was confined to the exploiting of patents in existence prior to September 30, 1890.

Also to so much of the charge as leaves it to the jury to determine whether the plaintiff's alleged employment included only tool and file steel, or whether it covered armor plate, upon the ground that the pleadings are to the contrary, and that under the pleadings and the facts as proven the employment of the plaintiff could not have applied to armor plate.

The Court. I used the word "ratification" in my charge by way of illustration; not to charge that there is any evidence here by which any subsequent ratification can be found. I think there is none, and charge you that there is none. If there was any employment you must find it in the contract itself and not by any subsequent ratification by the company.

Jury retire.

Verdict for plaintiff for $9,630.

Counsel for plaintiff moves for an extra allowance.

The Court. Two hundred and fifty dollars.

Counsel for defendant moves to set aside the verdict as excessive, as contrary to law, and on all the grounds mentioned in section 999 of the Code of Civil Procedure, and for a new trial.

(Motion denied. Exception.)

Thirty days' stay after the service of notice of entry of judgment.

Washington, D. C., *February 8, 1896.*

The committee met at 10.30 o'clock a. m.

Present: Senators Cameron (chairman), Hale, Perkins, Chandler, Dubois, Smith, Bacon, and Tillman.

Hon. B. F. Tracy, ex-Secretary of the Navy, accompanied by Lieut. B. H. Buckingham, United States Navy, appeared before the committee.

The Chairman. Gentlemen, we have, as it were, two subjects before us to-day. One is the resolution of Mr. Chandler, and Mr. Tracy is here on that branch in response to a request. We will consider that matter first. Then afterwards we will take up the bill introduced by Mr. Smith to provide for the erection of an armor-plate factory.

Senator Hale. In regard to the cost of the plants?

The Chairman. Yes. Mr. Tracy is here, and I suppose he is ready to answer any questions or to make any statement that may be desired of him. I, myself, have no questions to ask. Is there any other gentleman who wishes to interrogate Mr. Tracy?

Ex-Secretary Tracy. I have read the resolution under which you are acting, and I see that you are charged with the duty of ascertaining the reasons I had or which influenced me in certain action I took while Secretary of the Navy in the development of armor. It will give me great pleasure to make a statement to the committee.

Senator Hale. When you saw a notice of the resolution in the papers, General Tracy, you at once wrote to the committee, did you not, stating that you desired to be heard?

Ex-Secretary Tracy. I did.

The Chairman. I received your letter, and it has been presented to the committee.

Senator Hale. It was presented to the committee.

Ex-Secretary Tracy. And published in your proceedings.

Senator Hale. You have in your mind some form or method of statement that you propose to make, covering the subject?

Ex-Secretary Tracy. Yes, sir.

Senator Hale. I suggest, then, that General Tracy, having had

a copy of the resolution that started the investigation, and having expressed a desire to appear before the committee, shall go on and make his statement in such form as he chooses. Then the committee afterwards may examine or question him as they may deem advisable. Will that be satisfactory to you, Mr. Chandler, who are the author of the resolution?

Senator Chandler. Perfectly.

STATEMENT OF HON. B. F. TRACY, EX-SECRETARY OF THE NAVY.

Ex-Secretary Tracy. Mr. Chairman and gentlemen of the committee, during the years 1890 to 1893 there was developed by the Navy Department of the United States an armor which is now known as the nickel-steel harveyed armor. Within a year after its final adoption here it superseded all other armor in the world. No naval power now uses any other armor than that which was developed by the Department during the years I have stated, except in England, where they use the Harvey process without the nickel. Other nations, as I am informed, adhere to the American formula of nickel-steel harveyed.

I will state briefly the history of that development; I think I may call it a discovery. Very early in my administration—I think as early as May, 1889—my attention was called to the subject of armor, a matter of which I then knew nothing. But I think as early as May, 1889, Mr. Bispham, of William H. Wallace & Co., of New York, said he wanted to have a conversation with me on the subject of armor. He thought Mr. Whitney had made a mistake in selecting all-steel armor instead of what is known as the English compound armor. He was the agent of the English compound armor men in this country, and he wanted to have a rehearing on this subject.

The subject was very new to me, and I listened with interest. I told Mr. Bispham I would give him a day for a hearing in the Department, and that I would have the naval experts, under whose advice I assumed Mr. Whitney had acted in adopting all-steel armor, present to hear what he had to say. He came, and they were present. He discussed the subject fully, and he left with me a large book published by the English armor manufacturers, giving reports of a great variety of competitive tests between different manufactures of compound armor, but mainly of tests between all-steel armor and compound armor.

Senator Hale. What is compound armor?

Ex-Secretary Tracy. It is an armor manufactured in England, and it was then well-nigh in universal use. My memory may not be accurate, but I think 95 per cent of all the armor on the men-of-war of all the different nations of the world was compound armor, which I will explain in a moment. France was manufacturing all-steel armor, and it also had establishments which were manufacturing the English compound armor. But the preference of France seemed to be strongly in favor of the steel armor. Outside of France little or none of it was used. On studying carefully the reports of the tests that he brought to me, I was myself inclined to the opinion that the compound armor had the best of the tests.

Senator Tillman. Will you please state what is the difference between steel armor and compound armor?

Ex-Secretary Tracy. The difference between compound armor and steel armor is this: The all-steel plate is a homogeneous steel plate; the English compound armor is a steel hard-surface plate welded upon a softer back, the object being to present a hard surface, with the idea of breaking the projectile at the instant of contact, before it enters the plate at all. That was the merit claimed for the compound plate over the all-steel plate.

Senator Tillman. Would not the soft back, too, have a tendency to keep the plate from cracking or from being so brittle?

Ex-Secretary Tracy. It was supposed so. That was the merit claimed for it. I was strongly inclined to the opinion that Mr. Whitney had made a mistake, on my view of those competitive tests.

I remember to have spoken to Mr. Folger on the subject of armor soon after the hearing in the Navy Department. He was then inspector of ordnance in the Washington yard. He told me that the compound armor was better in this respect, that it had a harder surface, and was better calculated to break up the projectile at the point of impact; but he said it also had a very great weakness, and that was at the point of welding; that the steel was likely to break and to cleave off at that point and expose the soft back. He said to me then that the ideal plate would be a homogeneous substance with a hard surface without the line of welding, if that could be avoided, but he suggested no way as to how such a plate could be produced.

Studying the competitive tests, I discovered, or at least I thought I discovered, that the tests were very ingeniously planned to give the plate the victory over the gun; that no matter whether it was a steel plate or a compound plate, neither of them was destroyed; the plates were damaged, leaving each party to claim that his, on the whole, was the least damaged. If the compound plate was more fractured, it was still claimed that, having the harder surface, it would shut out more projectiles than the steel plate; and that is the great object of armor plate, to exclude the projectiles. But I thought that those tests did not determine the ultimate capacity of the plates, and I made up my mind very early that we would have a competitive test in this country. Indeed, at this hearing, Mr. Bispham offered on behalf of the compound-armor men to furnish a plate free, if the all-steel men would do the same, for a competitive test in this country.

Some time after that I saw Commander Barber, who represented in this country the Schneiders, whose armor works are at Creusot, in France. He was then a naval officer, and had long been on leave, representing the Schneiders, and in their employ. I saw him, and we had a conversation on the subject. I told him what the compound-armor men had suggested, and asked him to communicate with his people in France.

Soon after this and as early as July of that year there came into the Department a man who was an entire stranger to me. He said he had called to see me on business; that he was the largest owner, and I think he said president, of the largest nickel mine in the world. I think he said that it was larger than any of the mines in New Caledonia. His mine was in Canada. He wanted to talk with me about nickel in connection with ordnance. He told me that he knew that an alloy of nickel and steel made a much stronger metal than simple steel. He told me further that there was a call for his nickel matte in Europe which he did not exactly understand, and that he was going over to find out what use they were making of nickel in Europe. He lived in Akron, Ohio, and his name is Ritchie.

He said he was going to Europe very soon. He went home, and within a very few days he sent me a copy of an address that Professor Riley had delivered in Scotland in May, 1889.

The address was delivered, I think, in May, 1889, and Mr. Ritchie had received it and forwarded it to me in Washington. I read it. It was a discussion of experiments that he had made in the alloy of nickel and steel made in a very small way, but giving remarkable results of greatly increased tensile strength. I was very much interested in it and very much struck by it, because it occurred to me that that was exactly what we needed, a tough plate, one that would not crack and would not break.

I either wrote to Mr. Ritchie or telegraphed him, I do not know which, to come by the way of Washington on his way to Europe, as I wanted to see him. He came, calling at the Department.

He renewed his statement that he was going to Europe to find out what use was being made of nickel there. He did not know, but he suspected that it was being used for naval purposes. I said to him, "Would you not like some assistance in your investigation?" I said, "I think I have the means of aiding you very much in making your investigations." He said, "How?" I said, "I have a naval attaché, Lieutenant Buckingham, in London, who can have the entrée everywhere, and who has been there a long time and is well acquainted. I think he can be of assistance to you in ascertaining what you want to know."

Mr. Ritchie assented to the suggestion at once and was very glad to have this aid. On the 5th of August I issued [illegible] to Lieutenant Buckingham to accompany Mr. Ritchie through Europe in his investigation to ascer[illegible] were being made of nickel. He did so, and made two re[illegible], which are now on file in the Navy Department.

In the meantime I had continued my conversation with Commander Barber, and I told him I wanted a competitive test; that I had been studying the reports of the competitive tests which had been published and that I was in doubt about it. I wanted one here, where we could see and know exactly which was the better plate. I wanted him to get his people at Creusot, France, to meet the compound-armor men and furnish a plate for the competitive test. He wrote to them, and they declined. They said their plate had been tested sufficiently and they did not care to go into any more competitive tests.

After long urging and many interviews, I finally said to Commander Barber: "Commander, you undoubtedly understand that I know the relations that exist between Creusot and Bethlehem. I know that your people are interested in the Bethlehem contract for armor. Now, I want to say to you, and I want you to say to your people, that there never will be a contract for a ton of armor let by me until I have had a competitive test. They can cooperate voluntarily with it or not. I should like to have them do so if they will, but the test will be made, and they may as well understand it."

He sent that statement to the Schneiders, and he finally came back to me and said, "My people inform me that they have been experimenting with nickel with very favorable results." I asked him to what extent they had experimented with nickel. It was a great surprise to me to find that they had done so. He said they had made a 6-inch plate, I think it was; either a 4 or 6 inch plate, but I think a 6-inch plate. He said that they had tested it and were very favorably impressed with it, and that if they were going to furnish a plate to compete with compound armor they would prefer to furnish a nickel plate rather than an all-steel plate, but that they would not furnish it free of cost.

Senator **TILLMAN**. Were the people you speak of the Schneiders?

Ex-Secretary **TRACY**. The Schneiders. When I say Creusot or Schneider, I mean the same firm. The Schneiders are at Creusot, France; their establishment is located there.

Senator **CHANDLER**. Creusot is the place.

Ex-Secretary **TRACY**. After reflection and consideration, I determined to order a nickel-steel plate of the Schneiders, and I did so. I think I gave the order in November, 1889. They accepted the order, and after waiting a long time I was informed that they had spoiled the first plate and had to make a second one.

Time ran on until spring and summer, but finally the plate was furnished. The compound armor men, finding that Creusot would not furnish their plate free, refused to furnish a compound plate free. So the result was that the Department bought the compound plate and the nickel-steel plate. We were going to have the test between the two plates—the nickel-steel and the compound—but it turned out that the Department had an all-steel plate which had been procured from the Schneiders for another purpose. So, on consultation with Commodore Folger, we agreed to put all three in the test, to test the three plates. That test was had on the 18th and 22d of September; 1890.

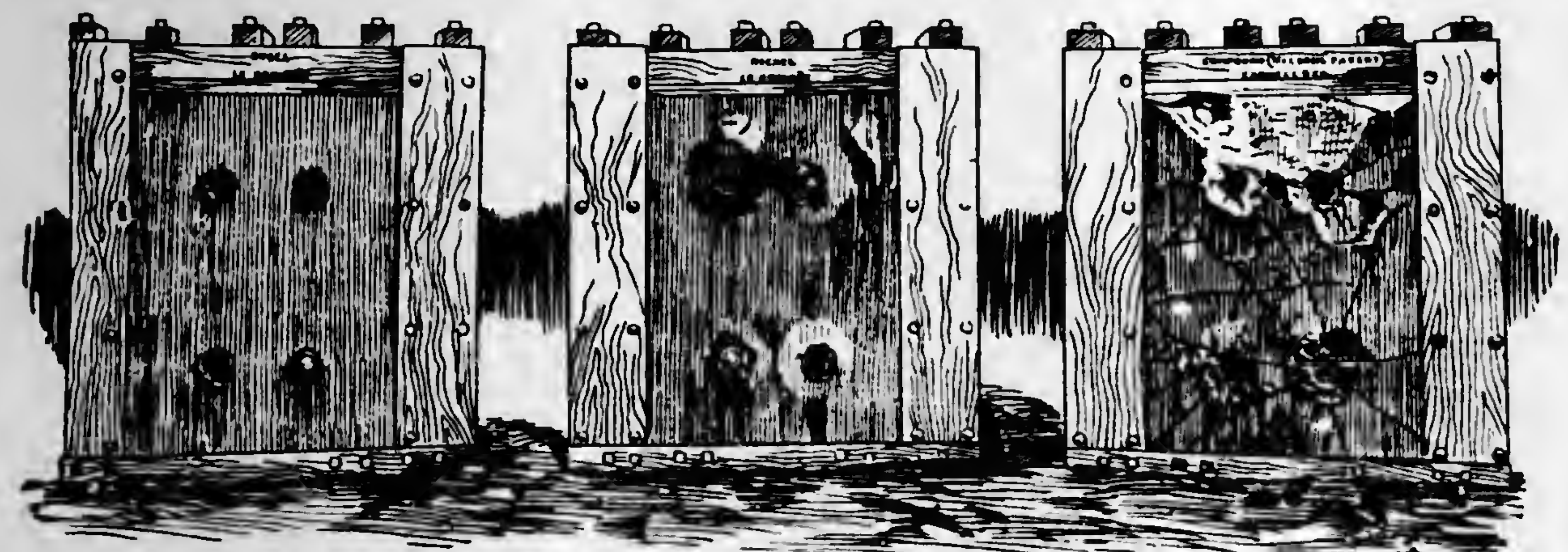

Schneider et Cie. Schneider et Cie. Cammell & Co.

No. 18.—VIEW OF PLATES AFTER 4 SHOTS EACH.

Senator **HALE**. Where was it had?

Ex-Secretary **TRACY**. At Annapolis. Fourshots were fired from a 6-inch gun, in the first instance, with the result that the compound plate of England was badly shattered.

Senator **TILLMAN**. At what distance?

Ex-Secretary **TRACY**. Thirty feet, I think, from the muzzle of the gun; a very short distance, anyway. I may not be accurate as to the precise distance.

The **CHAIRMAN**. At pretty close quarters?

Ex-Secretary **TRACY**. It was very close quarters.

Senator **HALE**. It was meant to be a destructive test?

Ex-Secretary **TRACY**. It was so intended. Here [exhibiting] is a photograph showing the effect of the first four shots. The plate that is badly shattered is the compound armor plate, the middle one is the nickel-steel plate, and the other one is the all-steel plate. The compound-armor men had taken great pains in sending over their plate. They not only sent their plate and had Mr. Bispham, their agent in this country, present, but they sent a special agent from England to superintend the trial.

Senator **HALE**. An expert?

Ex-Secretary **TRACY**. An expert. At the close of the four shots by the 6-inch gun the compound armor plate was badly shattered, while the all-steel and nickel-steel plates seemed to be about on an equality. There was no perceptible difference between them.

It was determined to try an 8-inch gun on the plates. Commander Barber urged very strongly that that should not be done. He said that neither of those plates could stand the 8-inch gun; that it would simply destroy both plates, and would only serve to convince the people that armor plate was not a protection; that guns could beat any armor plate. He therefore urged me not to do it.

I told him that they had compelled the Department to pay for those three plates, and that the object of the test was to ascertain which was the best plate.

Senator **BACON**. This [indicating on photograph] is the opposite side from that from which the shot was fired?

Ex-Secretary **TRACY**. No; that is the front of the plate.

Senator **TILLMAN**. The Schneider plate shows that the ball did not penetrate; it broke off.

Ex-Secretary **TRACY**. It broke off.

Senator **TILLMAN**. The plate shattered the ball instead of the ball penetrating or perforating the plate.

Ex-Secretary **TRACY**. It was insisted that the 8-inch gun should be tried. The 8-inch gun was fired at the center of each of those plates. I expected to have photographs of the plates, but the Department does not seem to have a photograph of the last shot here.

Senator **TILLMAN**. I am entirely ignorant on this matter, because I have not read anything on the subject. What is the difference between the initial velocity and the velocity of a ball and the penetration, say, at a mile off? I do not mean exactly, but is it greater or less?

Ex-Secretary **TRACY**. The velocity is less a mile away; but I do not know exactly.

Senator **TILLMAN**. I am merely trying to find out for my own information.

Ex-Secretary **TRACY**. The detail of the test gives the initial velocity. I think it was 1,900-odd feet to the second.

Senator **HALE**. I think that is about it.

Ex-Secretary **TRACY**. All the experimental tests vary from 1,400 feet to 2,100 and odd feet. I think those tests were about 1,900 feet to the second.

When we brought up the 8-inch gun and fired it, it broke the compound armor plate all to pieces; it absolutely destroyed it. It cracked the all-steel plate into four pieces, a wide crack going right down from corner to corner. The nickel-steel plate for all purposes of a plate on a ship was just as good after the 8-inch gun had been fired as it was before any gun had been fired at it at all. The projectile either had not perforated the plate and had been thrown out, or it had stuck tight to the plate, plugging the hole.

Senator **HALE**. Do you remember the thickness of the plate?

Ex-Secretary **TRACY**. Ten and a half inches. There was no crack in the nickel-steel plate in any way. It was absolutely as perfect for all practical purposes of an armor plate after the five shots had been fired into it as it was before. That experiment created a great sensation everywhere in the naval world.

Congress, seven days after that test, appropriated $1,000,000 for the purpose of purchasing nickel, to be expended in the discretion of the Secretary of the Navy.

Senator **HALE**. Congress passed the appropriation unanimously, did it not?

Ex-Secretary **TRACY**. Yes; a vote of confidence of which I was very proud.

A contract for a small quantity of nickel was made at first, the intention being not to rest on a single experiment, but to test it thoroughly. While this was going on, some time in 1890, the date of which I can not fix, although I can fix it as saying it was before a certain date, Folger, then inspector of ordnance, in charge of the navy-yard, came to me one day and said, "I am buying tool steel of a man who has a method of hardening the surface of the steel so that it will hold an edge most remarkably. I have been studying and thinking and looking into it, and I have asked him if he thinks he can apply the process to a larger mass of steel, and he says he could. I asked him if he would, and he said he would, and he is about to do it." Afterwards that was done.

Senator **CHANDLER**. Where was it done, Mr. Tracy?

Ex-Secretary **TRACY**. It was done in Newark. At least it was so reported to me. I have no personal knowledge of any of these matters.

Senator **SMITH**. Their plant is located at Newark.

Ex-Secretary **TRACY**. Their plant is located at Newark, and I suppose it was done at Newark. It was a thick square block, and the report to me was that the surface was so hard that no drill could penetrate it. The question came up of trying the experiment on plates, and we agreed that it was wise to undertake it, to follow the experiment in a small way, and to see what the effect would be on plates. Accordingly, there was ordered from the Linden Steel Company a 6-inch plate, and it was sent to Newark to be harveyized. One half of it was to be harveyized, and the other half was to be left untouched.

Senator **HALE**. This is the first time you have used the description or the name "harveyized." This is the process that has been referred to?

Ex-Secretary **TRACY**. That is the process I refer to. I thank you for the explanation.

Senator **CHANDLER**. Explain who the company was of whom you bought the plate.

Ex-Secretary **TRACY**. It was known as the Linden Steel Company. I do not know who are the members of the firm. I will state that I have seen their names recited in the contract with the Navy Department.

Senator **CHANDLER**. Located where?

Ex-Secretary **TRACY**. Located in Pittsburg, I think. I remember asking Mr. Folger, also, at one of the early interviews on this subject, whether the process was covered by a patent. He said it was; that the patentee was a Mr. Harvey, and that the man with whom he was dealing was Mr. Harvey.

This plate was taken to Newark and harveyized there and then brought over here for some treatment, I have forgotten what. They were afterwards tried at Annapolis.

Senator **HALE**. The two plates?

Ex-Secretary **TRACY**. The two plates; both of them, the one that was harveyized and the other that was not.

Senator **HALE**. Were they both nickelized plates?

Ex-Secretary **TRACY**. No; all steel.

Senator **HALE**. All steel?

Ex-Secretary **TRACY**. All steel. This was going on before we got very far in the nickel experiments. It was early in 1890.

The plates were tested at Annapolis, and the plate that was harveyized showed remarkable qualities of resistance. The plate was ordered from the Linden Company in the autumn of 1889, delivered in February, 1890, and tested at Annapolis June 27, 1890. It was so successful that the question arose at once as to further experimenting.

Senator **BACON**. Have you stated the size of those two plates?

Ex-Secretary **TRACY**. No; I have not stated the size of them. They were small 6-inch plates, each 24 by 30 inches. It was a long piece originally, a long slab, and it was cut in two, and one half of it harveyized and the other was not. They were tested to ascertain the additional resistance given by subjecting the plates to the Harvey process.

Senator **BACON**. Tested by gunshots?

Ex-Secretary **TRACY**. By shot. Six-pounders were fired against them.

Senator **HALE**. Six-pounders or 6-inch guns?

Ex-Secretary **TRACY**. Six-pounders against the thin plates. It was the first test of the harveyized plate that was ever made. The question then came up about further experiments, and about building a furnace at the yard to harveyize a large plate. After discussion it was deemed proper and wise to insist upon the right of the Government to use this process in case it proved successful. We insisted upon that as a preliminary, and we made a contract to that effect in 1891, which is recited in full in the Harvey contract of 1892. You will observe, in reading, that the first contract was made in 1891, not 1892, by which the Government secured the right to use the process, if it proved successful, for a half cent a pound, not to amount to more than $75,000, however. When the royalty amounted to $75,000 the half cent a pound was to cease.

That was for all the ships that were authorized at that time upon which we chose to use it. They agreed in case further ships were authorized to make a further contract, and they agreed not only to give us the benefit of the patent process they then had, but of any improvement that might be discovered in applying the process to the armor.

A furnace was built here in Washington, and a 10½-inch plate was harveyized with excellent success, so far as resisting power was concerned, but it warped in chilling. This plate was tested in February, 1891, and all the projectiles were broken up. It demonstrated the power of resistance given by the Harvey process. The first contract was made in March following—March 3, 1891.

Before this time the trial of the three plates at Annapolis had taken place, and when we discovered the toughness of the nickel plate, that you could not crack it, we said: "Now, if the Harvey process can be applied to nickel steel, we have the ideal armor."

Senator **HALE**. You would have them both?

Ex-Secretary **TRACY**. We would have them both. We had got the hard-surfaced plate upon a homogeneous mass of steel, and the problem from thenceforward was to unite those two processes and combine them in a single plate.

That went on from 1890 to 1891, step by step, until it was finally consummated, and after the experiments had ceased and we had demonstrated the invulnerability, or the comparative invulnerability, of that plate, we decided to adopt it in the Department, and to have all the armor made of nickel steel, harveyized.

The **CHAIRMAN**. This was was all prior to the appropriation by Congress for the purchase of nickel?

Ex-Secretary **TRACY**. Oh, no.

Senator **CHANDLER**. It was afterwards?

The **CHAIRMAN**. Afterwards?

Ex-Secretary **TRACY**. This was after the appropriation had been made.

The **CHAIRMAN**. You had taken care to get the nickel before making the tests?

Ex-Secretary **TRACY**. Yes.

Senator **HALE**. You had secured the nickel?

The **CHAIRMAN**. You had secured the nickel?

Ex-Secretary **TRACY**. I had secured the nickel.

Senator **HALE**. Under the appropriation?

Ex-Secretary **TRACY**. Under the appropriation. After several tests, the crowning test, which demonstrated absolutely and beyond all question the superiority of this armor over any other that had ever before been devised, was made at Bethlehem July 30, 1892, on a plate manufactured by the Bethlehem Company.

When I took office in 1889 the only provision for the manufacture of armor was that made by my predecessor with the Bethlehem Company, in which the Bethlehem people had undertaken to found a plant and to manufacture 6,700 tons of armor for the United States at the price agreed upon. They were to complete the plant in two years and a half from the date of the contract, which was in June, 1887, and within two months after the completion of the plant they were to deliver 300 tons of armor, and thereafter 300 tons per month until the whole 6,700 tons were completed.

Senator **HALE**. That was under the contract which was made by your predecessor?

Ex-Secretary **TRACY**. Under the contract made by my predecessor. Their first delivery——

Senator **TILLMAN**. How long was that before you came into office, General?

Ex-Secretary **TRACY**. I came into office in March, 1889, and the contract with Mr. Whitney was made in June, 1887.

Senator **TILLMAN**. So it was shortly after your induction into office that the deliveries were to begin?

Ex-Secretary **TRACY**. Their first delivery should have commenced on the 1st of February, 1890. Before I had been a year in office, in December, 1889, at the time when their plant should have been completed, I of course was aware that it was not completed. I had visited Bethlehem in the fall of 1889, and I knew their plant was not completed.

Senator **CHANDLER**. Wait a moment, Mr. Tracy. I sho[illegible] to have a fact appear at this time, in justice to the Bethle[illegible] Company, which I notice does not appear anywhere in Sec[illegible]ry Herbert's statement. That is, that there [illegible]poraneous contract made by Mr. Whitney for the [illegible] gun metal; and the deliveries of gun metal were made, were they not, Mr. Tracy, strictly in accordance with the contract?

Ex-Secretary **TRACY**. Yes; substantially.

Senator **CHANDLER**. Substantially.

Ex-Secretary **TRACY**. They were made substantially in accordance with the contract.

Senator **CHANDLER**. All this time the Bethlehem Company had been making metal for guns and delivering it?

Ex-Secretary **TRACY**. Yes.

Senator **HALE**. Aside from the armor plates?

Senator **CHANDLER**. It was an entirely separate contract. It did not appear the other day that the Bethlehem Company had this contract.

Ex-Secretary **TRACY**. There was such a separate contract, and they fulfilled it. But in respect to the armor contract, they did not comply with the contract as to the time for the completion of the plant. Now, in December, 1889, I wrote or telegraphed to the Bethlehem Company to state to me the time when they would be able to begin the delivery of armor, and the quantity of armor they could deliver in 1890 and in 1891.

I think it was in response to that telegram or letter that Mr. Wharton and Mr. Jacques came to the Department, and I questioned them as to when they could begin the delivery of armor; how much they could deliver in the year 1890, and what quantity they could deliver in 1891. They told me that they would begin the delivery of armor within six months from that time.

The CHAIRMAN. In June, 1890?

Ex-Secretary TRACY. That would be in June or July, 1890; that they would deliver from 1,500 to 2,000 tons a year, and they would complete their contract in the year 1891. They said they would deliver from 8,000 to 10,000 tons, if necessary, in the year 1891.

Senator HALE. Their contract called for the commencement of the delivery on what day?

Ex-Secretary TRACY. On the 1st of February, 1890.

Senator HALE. And so much per month thereafter?

Ex-Secretary TRACY. Three hundred tons per month from that on.

Senator HALE. They had found that they could not, in the condition of the plant, begin delivering armor in February, but believed they could do so in June?

Ex-Secretary TRACY. Yes.

The CHAIRMAN. Or July.

Senator HALE. Or July?

Ex-Secretary TRACY. Yes. I said to those gentlemen: "I should like to have you go home and put your statement in writing."

Senator TILLMAN. Was there any forfeiture in the contract made by Secretary Whitney for failure to comply with it?

Ex-Secretary TRACY. No; there was no forfeiture. Those gentlemen went home, and they did put their oral statements to me in writing, repeating what they had stated orally at the Department.

Senator TILLMAN. General, will you give any information of which you were possessed or which you obtained when you came into the office as to whether the original contract contemplated giving a much higher price for armor by reason of the unusual and extraordinary expense these people would have to incur to get the necessary appliances and the plant?

Ex-Secretary TRACY. I always assumed that to be true.

Senator TILLMAN. Is there nothing existing in the archives of the Navy Department which would show that?

Ex-Secretary TRACY. Not that I am aware of; but I always had assumed that when the United States asked a firm to found a plant, without any guaranty of a specific amount of business to justify it, they would have to pay necessarily a larger price for that quantity than they would have to pay if they were giving a guaranty of continuous business from that time on.

Senator TILLMAN. Is there nothing in existence going to show what was claimed to be the necessary extraordinary expenditures to enable the manufacturers to make the armor?

Ex-Secretary TRACY. I do not think there is anything on file in that respect. I have an idea as to what the Bethlehem Company claim they expended.

Senator TILLMAN. Will you please state what it is?

Ex-Secretary TRACY. In founding the plant, from $3,000,000 to $5,000,000.

Senator CHANDLER. Were not there some previous reports to the Department as to the probable expense of a factory for armor plate?

Ex-Secretary TRACY. There may have been. Do you mean for the Government to build such a factory?

Senator CHANDLER. Yes.

Ex-Secretary TRACY. There may have been. If there is such a report on file in the Department, I did not know it.

Senator HALE. If there was such a report, it was before your day?

Ex-Secretary TRACY. Yes, sir; it was before my day. There was no such thing in my time.

I waited until May, 1890, when, finding that no armor had been delivered, and getting no prospect of any delivery, I ordered Commodore Sicard to proceed to Bethlehem and to inspect the works there and make a report as to when, in his judgment, the plant would be completed and they would be ready to begin to furnish armor.

Senator CHANDLER. Have you previously inserted your reply to their letter?

Ex-Secretary TRACY. No; their letter of assurance I do not think I replied to. My reply that I referred to comes in later.

Senator HALE. What about their letter of assurance which they submitted to you after they had the oral interview?

Ex-Secretary TRACY. They repeated in writing that they would deliver from 1,500 to 2,000 tons of armor in 1890, and a quantity of armor in 1891, which would more than complete their contract.

(See extract in letter of Secretary Tracy to the Bethlehem Iron Company of July 15, 1890, page 132.)

Senator HALE. That is the letter of the Bethlehem Company submitted to the Secretary of the Navy after the oral interview in December, 1889, stating the time at which they then believed they could deliver the armor?

Ex-Secretary TRACY. At which they would deliver it. It was in positive terms.

Senator BACON. And which was in itself an extension of time?

The CHAIRMAN. Yes.

Senator HALE. Commodore Sicard visited Bethlehem?

Ex-Secretary TRACY. He visited the place and made a thorough inspection and examination, and his report was to the effect that in his judgment they would not be able to deliver the armor yet for eighteen months from 1890; and he gives in great detail the reasons why. On the receipt of that report——

Senator HALE. When?

Ex-Secretary TRACY. In May, 1890; the last of May.

Senator BACON. About a month before the time they said they would begin?

Ex-Secretary TRACY. A little over a month. I have the date here. January 25, 1890, is the date of the Bethlehem Company's letter stating that they would begin the manufacture of armor in six months and manufacture from 1,500 to 2,000 tons that year. This is all set out in my report of 1890 fully and in great detail.

Senator HALE. In your report as Secretary of the Navy?

Ex-Secretary TRACY. As Secretary of the Navy, pages 17 and 18.

Senator CHANDLER. Which Mr. Secretary Herbert has put in?

Ex-Secretary TRACY. I think Mr. Herbert put in that extract.

Senator CHANDLER. It is in the record now.

Senator HALE. That was Commander Sicard's report, then, in May?

Ex-Secretary TRACY. Yes. May 14, 1890, Sicard reported upon his first visit to Bethlehem. I waited; nothing came. Then I wrote them the following letter:

JULY 15, 1890.

THE BETHLEHEM IRON COMPANY,
South Bethlehem, Pa.

GENTLEMEN: On the 16th of December last I telegraphed you making inquiry as to when you would be able to commence the delivery of thick armor plates under your contract with the Government of July, 1887, and what quantity of armor you could deliver to the Government during the year 1891. Replying to this telegram under date of December 23, 1889, you say: "We beg to inform you that we expect to be able to deliver from 8,000 to 10,000 tons of armor during the year 1891."

On the 22d of January, 1890, I had an interview with your Mr. Wharton and Mr. Jacques at the Navy Department on the same subject, and requested them to put the assurances of your company to deliver the armor in writing. On January 25 I received the following letter from your company, dated January 25, 1890:

"SIR: In accordance with your request, we have the pleasure to confirm the oral statement made to you at the Navy Department on the 22d instant by our Mr. Wharton and Mr. Jacques that within six months we shall commence the manufacture of the thick armor plates under our contract of June 1, 1887; that we will be able to deliver from 1,500 to 2,000 tons this year, from 8,000 to 10,000 tons in 1891, and that our annual capacity thereafter will be not less than 10,000 tons."

Receiving on the 1st of May last information which led me to doubt whether your company would be able to comply with the assurances contained in your telegram and letter as above quoted, on the 2d of that month I directed Captain Sicard to visit your works for the purpose of ascertaining, by personal inspection and interview with your manager, the degree of progress which you had made toward the completion of your plant for producing thick armor, and to ascertain as near as practicable the time when you would be able to commence the deliveries of such armor to the Government. In his report, under date of May 14, 1890, Captain Sicard says:

* * * "This examination leads to the conclusion that the plant for the manufacture of thick armor is about one-half completed, and that, if the company conducts its work in the same general manner as heretofore, the plant will be ready to produce thick armor in about fifteen months from the present time."

He adds, however, that he is of opinion that if the work is pressed with vigor and the different branches are carried on simultaneously the plant might be completed in about one year, that is, by the 1st of May, 1891. He admits, however, that your general manager, Fritz, claimed that he would be ready to commence the manufacture of armor about October 1, 1890.

In June last I saw and had a long interview with your Mr. Jacques, and called his attention to the contents of Captain Sicard's report. He repeated the assurances given by Mr. Wharton and himself in the Department in January last, and insisted that Captain Sicard was entirely mistaken in his estimate of time as to when you would be ready to commence the delivery of armor.

The *Maine* will be launched at New York in September, and her thick side armor will be needed immediately thereafter. Any considerable postponement of the deliveries of armor after October 1 will seriously delay the completion of this ship. We shall need armor also by that time for the *Terror* and the *Puritan*.

On the 25th of this month the time will have expired when Mr. Jacques and Mr. Wharton assured me at the Department that your company would be ready to commence the delivery of armor plates. The lapse of time has clearly demonstrated the inaccuracy of the estimate of time by your Mr. Wharton and Mr. Jacques, and I greatly fear that it has also demonstrated the inaccuracy of the prediction made by your Mr. Fritz in his interview with Captain Sicard in May last.

The demands of the Department for thick armor are so pressing that it is necessary to know definitely whether you will be able to deliver any of such armor to the Government this year; and if so, in what quantities and at what times.

By the terms of your contract with the Government you were to commence the delivery of thick armor plates in February, 1890, and you were to deliver each month thereafter not less than 300 tons per month. There is now due to the Government upon your contract 1,800 tons of thick armor. The deliveries of this armor can not be delayed after the 1st of October without seriously embarrassing the operations of the Government. The Department fully realizes the magnitude of the work which your company undertook in the founding of this plant, and is willing to grant every reasonable consideration arising from unforeseen contingencies, but no such contingency has as yet arisen; at least, the attention of the Department has not been called to any such contingency by your company. The report of Captain Sicard leads me to infer that, in his opinion, the work has not been prosecuted on your part with that vigilance which the importance of the undertaking required.

The hammer necessary for the manufacture of this armor, which was well under way when I visited your place in the fall of 1889, is not yet completed, and recent information leads me to believe that it will not be completed for six months. It is difficult to exaggerate the gravity of the situation under which the Government will be placed if there is to be any further delay after October 1 in the delivery of thick armor. I have, therefore, to request that you will in reply to this state definitely the time when such delivery will begin.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Under the date of July 24, 1890, they replied as follows:

THE BETHLEHEM IRON COMPANY,
South Bethlehem, Pa., July 24, 1890.

SIR: Replying to your communication of the 15th instant, relating to the delivery of armor plate under our contract with the Government of June 1, 1887—

While the estimate as stated in our letter of January 25, 1890, as to the time of beginning manufacture, was at fault, we are still expecting to commence within the next two months the manufacture of certain armor for which we have received drawings and which we understand is now urgently needed, namely: The bulkhead plates of the *Maine*, the conning tower of the *Terror*, and the conning tower communications of the *Texas*. As to the amount of plates that we hoped to deliver:

At the time of your interview with our Messrs. Wharton and Jacques we expected to be able to produce a considerable amount of thick plates with our present appliances, and added to this, if the protective deck plating covered by Exhibit U of our specifications were now needed by the Department, we could arrange to have a considerable portion of it rolled elsewhere and brought to our works for shaping, tempering, and fitting, and thus also in good part fulfill our statement as to the amount we could deliver during the present year.

We are fully aware, however, that the deliveries above referred to are of the nature of temporary expedients, and that the end so earnestly desired by all parties concerned, and of paramount importance, viz, the completion of our hammer plant and the regular deliveries of the hammered and tempered plates for side armor, has been and will be delayed beyond our expectations.

As is always the case in undertakings of such magnitude, the causes of delay have been numerous, and while no "unforeseen contingencies" have arisen of such a pronounced nature as to lead us at the time to formally draw the attention of the Department thereto, there have been several causes of serious delay which were beyond our control.

The establishment of our general forging plant, together with its accompanying machine shop and heavy tools, was of course of first importance; not only did the Department desire that the delivery of heavy gun forgings should begin at as early a date as possible (to say nothing of the shafting required by the larger cruisers then in the course of construction, and which could not be produced elsewhere in this country), but the tools and appliances forming part of this plant were necessary for the construction of a hammer, composed, as it would be, of parts of exceptional dimensions and weight, and some of these tools and appliances could only be made at our shops.

It is proper to state that before any contract was entered into with the Department this company had the buildings for the gun-forging plant well under way, and contracts made for tools and machinery for the same, aggregating in value about $600,000.

From that it appears that they had made their contract for gun forgings some time before they made that for armor plates and had expended $600,000 already before the making of the armor-plate contract with the Department.

The Department is aware that the forging presses and some of the large tools comprised in this plant were ordered from Sir Joseph Whitworth & Co., in England, to whom we had gone, at very large expense, in order to obtain what we believed, and what were generally admitted to be, the best appliances in existence for making heavy steel forgings, and of whose large experience we were thus able to avail ourselves.

The final delivery of these machines was delayed some eighteen months beyond the date agreed upon, and thus held back the completion of that portion of our work. This delay had a marked effect in postponing the beginning of the construction of the hammer. The opinion was then rapidly gaining ground that the hydraulic press was superior to the hammer as a forging machine, and we had hoped to obtain our largest press in time to make experiments with a view of ascertaining whether a press of sufficient power could be, with advantage, substituted for a hammer for the manufacture of armor plates.

The long delay in receiving the forging press from the English makers not only prevented such experiments being made in time, but postponed the taking of active steps in the construction of the hammer.

The construction of our fluid compression plant, a most important introduction into this country, and as essential to the best work and wants of the Government as any part of our plant, proved, from the difficulties that were met in putting in the foundations, a much more serious undertaking than was anticipated, and required, during a long period, almost the undivided attention of our engineering force.

As originally planned, the hammer was to be placed near the fluid-compression pit, but the excavations for the latter showed that the underlying rock strata was entirely unfit to support the foundation of a great hammer, and pits had to be sunk at points more or less removed to obtain information upon this all important point. In these excavations large amounts of water were encountered, which proved beyond our power to control. A complete change in our plans as to the location of the hammer was therefore necessary, and it was only after the examination of three different sites, requiring tedious prospecting and the outlay of much labor and money, that suitable ground was found. Since that time the actual work of construction has certainly been pushed with unremitting energy and vigilance, and, although we have been much delayed in the outdoor work, and especially in putting in the foundations, by an unusual amount of rain and consequent high water in the river, the work has undoubtedly made rapid progress.

Besides the very extensive work accomplished in the construction of foundations and buildings, including excavations, pile driving, the putting in of large masses of masonry, and the erection of a building of exceptional height and strength, we have made within the last fifteen months some 25 or 30 castings, weighing from 70 to 110 tons each, most of which were of such dimension as to require for their machining those exceptionally large tools which, in order to expedite the work, we ourselves constructed, and which exceed in capacity any existing in the world.

We have also made a large number of forgings for use in the construction of the plant, and tools therefor, and our books show that the weight of these forgings had been, up to June 1 of this year, equal to 25 per cent of the total product of our forge.

In consideration of the foregoing, we do not think that the inference of the Department from information it has received, that "the work has not been prosecuted on our part with the vigilance that the importance of the work required" is a just one.

There was a misunderstanding, we think, on the part of Captain Sicard as to the time fixed by our Mr. Fritz of commencing the manufacture of armor. Mr. Fritz stated that he expected to have the hammer erected, though not complete, by October 1 of this year, and fully expected to have it running by January 1, 1891, and he sees no reason to change his views at this time. The accessories to the hammer, including preparations for casting ingots, the construction of a 6,000-ton bending press and of the tempering plant, together with their necessary furnaces, cranes, etc., represent an amount of work totally unappreciated by any but those engaged upon it. This is now all well in hand, and will make rapid progress.

Two representatives of the company have recently spent several weeks at the works of the Creusot Company in France, studying the practical details of the manufacture of armor plates, so that we are well informed in this regard, and ready to begin the manufacture with considerable certainty of success. Indeed, no effort is being spared by this company, either in unremitting work day and night or the expenditure of money, to push to completion what it has undertaken, and although deliveries will be delayed far beyond the time contemplated in the contract, it should be considered that a plant is being established comprising more powerful appliances than any now in existence, which, when completed, will insure to the Government a supply of material of equal quality and magnitude to any that can be produced in the world.

It may be said further, with entire frankness, that we have been much mortified at the error in estimates of time, and the unavoidable delays that have occurred in the armor-plate branch of our contract, but both branches of the work have been and are inseparably connected, and no better argument can be adduced of the earnest and energetic manner in which the whole has been pressed than that we have been in advance of the contract time for the delivery of gun forgings, and that we have expended on the plant for Government work, in buildings, machinery, and tools and appliances, between $2,500,000 and $3,000,000, and, it might be added, it will require at least another million to complete the work.

In conclusion, we may say, after a careful consideration of the condition of the work as it now stands, that we think that Captain Sicard's estimate of fifteen months from May, 1890, as the time at which the actual manufacture of hammered plates will begin, is more than ample, and that we have strong hopes of anticipating this date with actual deliveries, and when this manufacture is once begun we will have no difficulty in exceeding the rate of deliveries as fixed by our contract.

The writer will endeavor to see you at an early day in relation to this matter, and would ask you to appoint a place and time to suit your convenience.

Very respectfully,

THE BETHLEHEM IRON COMPANY,
ROBT. H. SAYRE, *General Manager.*

HON. BENJAMIN F. TRACY,
Secretary of the Navy,
Navy Department, Washington, D. C.

Senator CHANDLER. There is no objection to Mr. Tracy putting into the record anything he likes, so far as I am concerned. I have not challenged the wisdom of making the second contract. The only point that I have raised was the reason why the 2 cents a pound was provided as a nickel-steel fund. However, I am conscious that the question of the wisdom of the whole contract has been raised, and I do not want to put any limit upon Mr. Tracy in the way of putting in anything he thinks will throw light upon the subject.

Senator HALE. I think we all understand that in tracing as briefly as you can this history of the carrying out of your policy, any letters or reports, or anything that you wish to put in to make the connection and demonstration, you can put in afterwards and not read now.

Ex-Secretary TRACY. All right.

Senator CHANDLER. Secretary Herbert has already put in extracts from Mr. Tracy's report.

Senator SMITH. The only question that came up on that subject was as to the authority of the Secretary to divide the contract, whether it only gave authority to make the contract with the Bethlehem Company.

Senator CHANDLER. Mr. Whitney's original authority Senator SMITH has asked about once or twice—the original legal authority of Mr. Whitney to make a private contract, which, continuing, gave you authority to make a second contract with the Carnegie Company.

Ex-Secretary TRACY. I see that some Senators fell into a misapprehension in supposing that I had taken from the armor that was contracted to Bethlehem and given it to Carnegie. That is a very great mistake; it is a misapprehension entirely.

Senator BACON. There was a question or two asked about that, but the answer to the replies fully showed that there was nothing of that kind.

Senator CHANDLER. That was done, as a matter of fact, was it not?

Ex-Secretary TRACY. No.

Senator PERKINS. The ex-Secretary denies it?

Ex-Secretary TRACY. It was not done, as a matter of fact.

Senator CHANDLER. You say that none of the armor that was included in the Bethlehem contract——

Ex-Secretary TRACY. Was given to Carnegie by contract?

Senator CHANDLER. Yes, sir.

Ex-Secretary TRACY. None.

Senator CHANDLER. Do you say that none of the drawings and specifications for making the armor for particular ships that had been furnished the Bethlehem Company were afterwards furnished to the Carnegie Company, and that they produced the armor?

Ex-Secretary TRACY. Only by mutual consent of the two companies and for the purpose of facilitating the delivery of the armor. I will come to that in a moment. The only armor that

I ever took from Bethlehem was from 800 to 1,000 tons of deck plating that was in their contract in Schedule U, for which the Department had agreed to pay $490 a ton. They were not able to deliver that in time, and I knew it was a most excessive price for it, not that I criticised Mr. Whitney for making it, for I do not; it was all a lump sum. It was given to them to induce them to found this plant. But knowing that we were to have further armor made, it occurred to me that the Government could save the excessive price that was to be paid for the deck armor, and as they were not in a condition to furnish it, I suggested to them that I should be permitted to supply that elsewhere and make up the quantity to them in heavier armor later on.

Senator HALE. Afterwards?

Ex-Secretary TRACY. Afterwards. They assented to that. That was done, and that contract was let to the Linden Steel Company at a saving of nearly $400,000 to the Government in that one transaction.

Senator HALE. Do you remember, instead of the $490 a ton for that deck armor, what the contract with the Linden Company was per ton?

Ex-Secretary TRACY. It is per pound: 6.9, 3, 3½, and 4 cents per pound.

Senator HALE. The contract with the Bethlehem Company had been at what per pound?

Ex-Secretary TRACY. Four hundred and ninety dollars per ton; and the contract was let to the Linden Company at from $75 to $80 and $140 a short ton.

Senator SMITH. Do I understand that the Linden Company's bid covered the same different grades of armor as the bid of the Bethlehem people?

Ex-Secretary TRACY. I will explain that to you. Yes; in a sense it did, and in a sense it did not. The contract of the Bethlehem Company required the deck plating to be 3 inches thick. The experts in the Navy said for deck plating three thicknesses of 1-inch plate were substantially as good as a plate 3 inches in thickness. So, acting upon their advice, I made the substitution. I substituted three thicknesses of 1-inch plating, as I understand it and remember it, for a single plate 3 inches thick.

The CHAIRMAN. Was not the 1-inch plating of three thicknesses more expensive than the 3-inch plating?

Ex-Secretary TRACY. No; the three thicknesses would be less expensive per ton.

Senator HALE. That is, it would cost less to furnish three 1-inch plates?

Ex-Secretary TRACY. I think so, beyond question.

The CHAIRMAN. No; I think not.

Ex-Secretary TRACY. I want it distinctly understood that I am making no reflection at all upon that previous contract. I should undoubtedly have made it myself under the circumstances. But finding that item in the contract where I thought a saving could be made to the Government, I negotiated with Bethlehem to have this deck plating made elsewhere.

Senator HALE. Can you not give us something of the difference between these two contracts per ton?

Ex-Secretary TRACY. Yes; I have it right here.

Senator HALE. State how much the difference was per ton, and then we will ask you how much difference was made by taking the three 1-inch plates.

The CHAIRMAN. We can get at those figures hereafter just as well.

Senator HALE. But if General Tracy has it before him——

Ex-Secretary TRACY. I can give you the aggregate difference. Those plates were let to the Linden Company at from $73 per ton, the lowest price, to $147 per ton, the highest price, and the aggregate as figured and given me by the Department was that under the first contract the cost of that lot of plate would have been $534,145. The actual cost of it was $137,224, making, as you will see, a saving of $397,000 to the Government. Subsequently I did give to Bethlehem a corresponding amount of thicker armor at the contract price of that thicker armor.

Senator BACON. Are we to understand that that is the difference between the cost of the single 3-inch plates and the three 1-inch plates?

Ex-Secretary TRACY. I do not know the actual cost. That is what it would have cost the Government.

Senator BACON. That is what I am speaking of.

Ex-Secretary TRACY. Yes.

Senator BACON. The only difference between the two is that in one case there are three 1-inch plates and in the other case there is a solid 3-inch plate, and there was a difference in cost of over $300,000.

Ex-Secretary TRACY. Of $397,000.

Senator PERKINS. How much a ton?

Ex-Secretary TRACY. One was $490 a ton, and the other was a price varying from $73 to $147 a ton.

Senator SMITH. How many different thicknesses of plate were included in the contract made by your predecessor with the Bethlehem people?

Ex-Secretary TRACY. All the way from 3-inch plate, and some even less than that, to 16 or 18 inches. Can you state, Lieutenant Buckingham?

Lieutenant BUCKINGHAM. I think it was 18 inches, the heaviest size.

Senator HALE. Deck plating is entirely distinct from side armor?

Ex-Secretary TRACY. It is entirely distinct. Do not make any confusion about that.

Senator SMITH. Was the price agreed upon by your predecessor based on a general average of all the different sizes of plate?

Ex-Secretary TRACY. No. There were different schedules made and different thicknesses. Different kinds of armor were scheduled under letter A, letter B, letter C, and letter D.

Senator SMITH. And each at different prices?

Ex-Secretary TRACY. Each at different prices. There was other armor also scheduled in Schedule U, and the whole of this schedule was $490 a ton. It may be and probably was true that the other armor scheduled was much more expensive than deck plate, and possibly much more expensive than $490 a ton.

Senator SMITH. That is the point I was trying to get at.

Ex-Secretary TRACY. That may be true. As I said before, I am making no criticism at all on that contract.

Senator SMITH. I understand.

Senator HALE. You have said that quite likely you would have made the same contract yourself?

Ex-Secretary TRACY. Yes; but what I say is that, finding this quantity of deck plating in the contract at that enormous price, I thought that if I could exchange high-priced armor with them and get it out and have it made cheaper I could make a large saving to the Government, which I did.

Senator CHANDLER. However, you agreed to make it up to them, but not in that kind of armor?

Ex-Secretary TRACY. Not in that kind of armor.

Senator HALE. You were in such a position then, the appropriations had been so started and the policy so fixed, that you knew you could count upon the future for other armor and a future supply?

Ex-Secretary TRACY. Yes; I assumed I could, and that turned out to be the case. But I did it to what I supposed was their satisfaction.

Senator BACON. If I understand you correctly, your point is that by getting a certain part of what was included in the former contract made at a cheaper rate you were enabled to put that difference upon a similar armor; that is, armor like that in the first contract, of the higher class, at a higher rate, so that the average would be about the same?

Ex-Secretary TRACY. No.

Senator BACON. Is that correct?

Ex-Secretary TRACY. No. Here was a special thing——

Senator BACON. You paid an increased price for the armor plate—2 cents a pound. Do I understand you to mean that that was compensated for by the decreased price on the deck plate?

Ex-Secretary TRACY. I mean to say, if I can make myself understood, that finding in one of the schedules of the Bethlehem contract nearly a thousand tons of plating for which the Government was to pay $490 a ton, and for which, on the advice of the experts of the Department, I could get what was equivalent to it and just as good for the Government for from $73 to $147 a ton, I got the permission of Bethlehem to take that out of their schedule and give it to another company, by which I made a saving to the Government of a trifle less than $100,000. Afterwards I gave the Bethlehem Company an equal quantity of armor at the schedule price of $525 a ton, I think; but that was a thick armor, and that was the price we paid for all such armor.

The CHAIRMAN. You would have had to pay that price anyway?

Ex-Secretary TRACY. We would have had to pay that price anyway, no matter who made it, whether Bethlehem made it or Carnegie made it. That kind of armor which they took in place of these plates was armor that the Government by all of its contracts had to pay $525 a ton for.

Senator HALE. But when you took away certain work from them you were able to give them the same amount of work in the other kind of armor?

Ex-Secretary TRACY. In the other kind of armor.

The CHAIRMAN. More expensive armor?

Ex-Secretary TRACY. More expensive armor.

Senator BACON. I understand, then, this reduced price on deck plate had nothing whatever to do with giving 2 cents a pound extra on the other armor?

Ex-Secretary TRACY. Oh, not on the other armor. I will come to that in a moment. The 2 cents a pound was a transaction with Carnegie.

Now, I was speaking of this correspondence. I will resume my narration of the story. Finding in the fall of 1890 that no armor was being delivered, I again sent Commodore Sicard to Bethlehem. His report is as follows:

NAVY DEPARTMENT, STEEL INSPECTION BOARD,
Washington, November 28, 1890.

SIR: Agreeably to the Department's order of the 20th instant, I have visited the works of the Bethlehem Iron Company, at South Bethlehem, Pa., and, having observed the progress made in the construction of the company's plant for the manufacture of thick armor, I beg leave to report as follows:

My last report upon the progress made in the construction of the armor plant above mentioned was dated May 1, 1890, and since that time good progress has been made in the work, the hammer and its appendages being much advanced, and a large part of the smaller work pushed toward completion.

On the occasion of this last visit, for the purpose of estimating the progress made, I pursued the same course of observation and inquiry mentioned on pages 1, 2, and 3 of my report of May 1 last, as that plan seemed practical and simple. The information I have obtained leads me to the conclusion that the plant for the manufacture of thick armor is about three-quarters completed, and that it will be in working order about June 1, 1891.

On my arrival at Bethlehem I saw Mr. John Fritz, one of the directors of the company, and general superintendent of the works. He was stated to be the only member of the company present, and after stating to him the object of my visit, I asked his opinion on several points which will be hereinafter referred to.

Mr. Fritz expressed the opinion that the plant would be ready to produce thick armor about April 1, 1891, the date being governed by his estimate of the time of completion of the great hammer and its appendages. I think his date rather early, and prefer two months later, as before stated. Our estimates, however, agree much better than on the occasion of my former visit, when we differed seven months; my estimated time being the largest, as in this case.

After due reflection, I think that we should allow about four months after the completion of the plant for the delivery of the first 300 tons of thick armor under the contract. The difficulties surrounding the commencement of production are very great, and many failures will probably occur in striking the proper methods of treatment necessary for insuring the proper qualities in the plates; therefore, I fix upon October 1, 1891, as the probable date of the delivery of the first 300 tons of thick armor.

After the first delivery, I estimate that deliveries will continue during the remaining three months of the year at the rate of 300 tons per month, making the total estimated amount delivered in 1891 to be 1,200 tons.

I consider that in 1892 about 500 tons per month could be delivered, amounting during the year to 6,000 tons. At this rate, however, and not allowing for any delays or rejections, the pending contract with the Bethlehem Iron Company would be filled about July 31, 1892.

I understand from Mr. Fritz that when Mr. Bowvard (of Creusot) visited the Bethlehem works he stated that the works at Creusot turn out about 4,500 tons of armor per year when working at the usual rate of speed, but that when working at full capacity about 5,000 tons could be produced. Mr. Fritz further stated that Mr. Bowvard was of opinion that the Bethlehem works would be able to produce with considerably greater facility than Creusot, on account of the greater convenience of the arrangement of the plant and its greater capacity, and on account of the facility with which the work of the hammer could be disposed of. Therefore, 6,000 tons for 1892 does not seem to be an unreasonable estimate. Indeed, Mr. Fritz stated that if the firm had six months' notice of the requirements of the Department for a large amount of armor, by erecting "preheating" furnaces for the assistance of the regular heating furnaces (at the hammer), and by increasing the facilities of the plant by a few easily practicable extensions or additions, the annual output could, in his opinion, be increased to as high a figure as 10,000 tons per year.

If the plant was suddenly pressed to its greatest capacity, the point at which the "choke" would take place would probably be at the heating furnaces for the hammer, and to a less degree in the trimming and finishing shop—that is, the hammer could work faster than its appendages. Increasing the plate-heating capacity, preferably by erecting "preheating" furnaces, would enable the hammer to perform more work. The trimming shop could readily be made to dispose of all the work by increasing the number of machine tools there, a matter readily accomplished.

The oil-treatment plant at Bethlehem provides for artificial cooling of the oil after use and its return to the tempering tank speedily and regularly. I believe that the tank at Creusot is not so well arranged in this respect, and thus the Bethlehem works have a certain advantage in this respect. Still, as Creusot seems to consider its own output to be about 4,500 or 5,000 tons per year, I am of opinion that 6,000 tons per year is all that it would be safe to reckon upon from Bethlehem when in good running order; but on this point I can not, of course, speak positively at present.

Besides the hammer and its appendages, the Bethlehem Iron Works is building a heavy rolling mill, or "plate mill," as they call it, for the purpose of making thick armor by rolling. This mill is not in a very formal state, and as it is not necessary to the manufacture of armor, it is not allowed to interfere in any way with the work upon the rest of the plant. If, however, at any time the Department should wish the company to supply rolled armor, the "plate mill" can be hastened, and in that case Mr. Fritz estimates that it could be finished in about eight months, if pushed forward at the same time as the hammer; but if not hurried until after the hammer is completed, it could be finished in about six months from that time.

To sum up, I estimate as follows:

The plant in running order, June 1, 1891; first 300 tons delivered, October 1, 1891; total deliveries in 1891, 1,200 tons; total deliveries in 1892, 6,000 tons. Pending contract with the company could probably be filled by August 1, 1892.

I am, very respectfully, your obedient servant,

MONTGOMERY SICARD,
Captain, United States Navy.

Hon. B. F. TRACY,
Secretary of the Navy.

Senator BACON. Will you pardon one question before you pass from the point we have been discussing?

Ex-Secretary TRACY. Certainly.

Senator BACON. Was the rate at which that 3-inch plate was put in the original contract made by Secretary Whitney a correct rate at that time?

Ex-Secretary TRACY. I do not know anything about that.

Senator BACON. I am speaking of the 3-inch plate for which you substituted the 1-inch plate of three thicknesses.

Ex-Secretary TRACY. I do not know anything on that point. I saw I could save the Government that much by substituting a different kind of plate.

Senator BACON. You are not prepared to state whether the price fixed in the original contract was the correct price for 3-inch plate or not?

Ex-Secretary TRACY. No; I am not prepared to say.

Senator SMITH. General Tracy only states in a general way that he would have made the same contract at that time.

Senator CHANDLER. As a whole.

Senator HALE (to ex-Secretary Tracy). The conditions were entirely different when you came in?

Ex-Secretary TRACY. Oh, yes; they were founding this plant; and I want to say here to this committee that in my judgment (and it is a judgment I expressed in my report and repeat here) the existence of these two plants in this country for the manufacture of armor is worth more to the country than all the armor the United States has paid for up to this time. Without them we could have done nothing.

The CHAIRMAN. If they had never received a ton?

Ex-Secretary TRACY. Yes; if they had never received a ton. Without them this country could do nothing, absolutely. We would have been as helpless in time of war as China, and we would have been very much in her position. Without the armor-plate establishments, and without the armor-piercing projectile establishments, and without the modern brown powder for heavy guns, a hundred ships would have done us no good; if we had had the most modern ships in the world, we would have been absolutely helpless.

Senator HALE. Do you not suppose that it was that large consideration which entered into or governed the mind of Secretary Whitney in making the original contracts?

Ex-Secretary TRACY. I have no doubt of it. Of course it entered into the mind of Congress, too.

Senator CHANDLER. If anybody else had said all this in the presence of yourself and Mr. Whitney, you would both have immediately admitted the truth of it, would you not?

Ex-Secretary TRACY. I have no doubt of it. I think every man who properly realizes the importance that these establishments have been to the country, and the capacity that it gives our Government to build its own ships of the highest class, absolutely independent of other nations, can not fail to appreciate it.

Senator CHANDLER. You do not make these remarks, however, by way of justifying the payment of more for anything than it was necessary to pay for it?

Ex-Secretary TRACY. Not at all.

The CHAIRMAN. That is another matter. That will come later on.

Senator HALE. What did you do next?

Ex-Secretary TRACY. After this report of Sicard's, in May, showing that they could not begin to deliver armor for eighteen months, and finding from examination in England that the largest armor establishments there did not turn out more than 300 tons a month, having the authorization to build three battle ships and three large cruisers which would require about 1[illegible] tons of additional armor, as estimated, I felt it necessary to found, if possible, a second armor plant, because at 300 tons a month for each establishment, both furnishing, they could only furnish armor enough to build about two battle ships a year. The *Indiana* has on it about 3,060 tons of armor. At that rate two establishments would furnish only a little more than enough to build two battle ships.

Senator HALE. About 7,000 tons a year?

Ex-Secretary TRACY. Yes; I had an interview with Mr. Abbott, of Carnegie, Phipps & Co., on the subject of their undertaking the manufacture of armor. We entered upon a negotiation for that purpose, and that negotiation ran along through the summer and into the fall of 1890. The contract with Carnegie is in November, 1890. We began in the summer of 1890 to negotiate with Carnegie.

Senator HALE. You did not begin to negotiate with Carnegie until after you had demonstrated these delays?

Ex-Secretary TRACY. No; I offered, in the first place, to give them a contract for 6,000 tons of armor, substantially what Mr. Whitney had given Bethlehem, if they would found a similar plant, but I wanted them to manufacure it at a less price. To my mind, of course, the price paid to Bethlehem seemed to be an excessive price, and I tried to make a better bargain. But Mr. Carnegie was positive and absolute that he would not make a different contract from that made with Bethlehem. He would not take it at one cent less price, and I found that I had to abandon it or make the same contract with him that Mr. Whitney had made with Bethlehem. I yielded that.

I finally consented that the prices and terms of the contract made with Carnegie should be the same as those made with Bethlehem, with one exception. I reserved the right to order the manufacture of nickel steel instead of all steel, if the Department should so elect, for by this time the development of nickel steel had progressed to such a point that it was exceedingly probable the Department would want to adopt nickel steel instead of all steel. I reserved the right to change to nickel steel, agreeing that in case the Department did change to nickel steel the difference in cost of manufacturing nickel steel instead of all steel, whether it should be more or less, should be ascertained, adjusted, and determined. The contract was made on the basis that it was a contract for all-steel armor. If nickel steel was to be manufactured, then the difference in cost was to be ascertained and allowed.

Senator HALE. Which did you consider would be the most expensive?

Ex-Secretary TRACY. I supposed that nickel steel would be more expensive than all steel, because there would be substantially the addition of nickel, the cost of nickel, and something in the manipulation of it. How much we did not know; no one knew at that time; but that was to be ascertained, and it was provided for by the contract. That difference was to be ascertained and determined by a board of naval officers.

In the meantime, and before this contract was concluded, the trial at Annapolis had taken place, which had demonstrated the superiority of nickel steel; the appropriation of $1,000,000 to purchase nickel steel had been made, and I had made a contract for the purchase of a small quantity of nickel. I had also entered into negotiations with a Mr. Thomson, of the Orford Copper Company, for reducing nickel matte to an oxide of nickel for use. Mr. Carnegie said, "What about this patent for making nickel steel? They demand a royalty of 2 cents a pound, and if you are determined to make nickel steel, you must pay that royalty as a part of the increased cost of the manufacture." I said, "Mr. Carnegie, I can not pay a royalty of 2 cents a pound for nickel steel. It is absurd; I will not pay it." "Well," he says, "I can not undertake the contract unless you do."

There was a hitch in the negotiation, and finally it was agreed that the Department should indemnify Mr. Carnegie against the claim of the nickel patent. The arrangement specified in the contract was resorted to for the purpose of securing that indemnity, and you will see by it that the Government does not pay Mr. Carnegie anything unless he is sued and the patent is maintained and a recovery is had against him. Then he is to be indemnified to the extent of that recovery and the necessary cost of defense—nothing beyond that. If they sued him and recovered 1 cent a pound, the Government would have to pay that 1 cent a pound and the necessary cost of defense.

Senator PERKINS. But in the contract with the Bethlehem Company had they not agreed to protect the Government against this patent?

Ex-Secretary TRACY. I will come to that in a moment. That contract with Carnegie is simply a contract of indemnity; nothing more, nothing less. Information that I had received led me first to doubt the validity, the novelty, of that Schneider patent. In the second place, I was very sure that we were not to infringe it, because our process was something entirely different from the process pointed out in that patent. In the third place, I did not believe the royalty was worth anything like 2 cents a pound, and I would not submit to such an extortion; I would not allow a patentee to hold up the processes of the Government, situated as we were, to demand what I deemed to be an excessive royalty. Hence I made the contract.

I see it suggested that the Government made different terms with Carnegie from what they made with Bethlehem. Bethlehem's contract with my predecessor was to manufacture all-steel plates. They never had agreed to manufacture nickel-steel plates.

Senator HALE. Nickel was not among the possibilities then?

Ex-Secretary TRACY. Nickel was unknown for such purposes at that time. I could not compel them to manufacture nickel-steel plate if they refused to do it.

Senator BACON. You are speaking of Bethlehem now?

Ex-Secretary TRACY. Of Bethlehem. But I said to them, "If you will do it, I will do with you just as I do with Mr. Carnegie; I will pay you whatever additional expense you are subjected to in consequence of manufacturing nickel instead of all steel;" and that was arranged and determined by a board of naval officers for both of them.

Now, Bethlehem never suggested to me, and I never heard of the suggestion until I read it in the resolution in this connection, that they had to pay anything to Schneider for royalty for the use of nickel; and I should like to ask, if Senator CHANDLER will permit, upon what authority it is now assumed that Bethlehem ever paid a cent to Schneider as royalty under the nickel patent.

Senator CHANDLER. Do you want to interrogate me?

Ex-Secretary TRACY. Not unless you desire to give me an answer.

Senator CHANDLER. I am ready to be interrogated if you wish it.

Ex-Secretary TRACY. I say I should like to know upon what authority that is stated, because I never heard of such a thing until I read it in the resolution authorizing this investigation.

Senator CHANDLER. I have few secrets. Lieutenant Meigs told me they had paid a large sum, between $600,000 and $1,000,000, for the use of the same patents, which in the Carnegie contract you provided this fund of 2 cents a pound to indemnify them against.

Ex-Secretary TRACY. I will venture to say that that is entirely a misapprehension. Schneider was interested in the original contract with Bethlehem.

Senator HALE. For all steel?

Ex-Secretary TRACY. The contract for all-steel armor made in 1887 by Mr. Whitney. Schneider was the original manufacturer of all-steel armor at his plant in France. It was common knowledge in the Department, and I have never heard it disputed, and I have had it from Bethlehem itself, that before making this contract with Secretary Whitney they made an arrangement with the Schneiders by which the Schneiders were to contribute all their information, all their appliances, all their methods, to Bethlehem, to be used by it in performing this contract for the manufacture of armor.

The CHAIRMAN. Have you any knowledge as to whether Mr. Whitney, prior to making this contract with the Bethlehem Company, insisted that they should make an arrangement with Schneider?

Ex-Secretary TRACY. I do not know about that.

The CHAIRMAN. Did you ever hear that?

Ex-Secretary TRACY. No; I do not think I ever did, but that they did make that arrangement was common knowledge everywhere. As I say, it was that knowledge which led me to insist, with Commander Barber, that the Schneiders should furnish an all-steel plate for the competitive test. I said to him, "I know perfectly well that the Schneiders are interested in this contract, and doubtless they expect to be interested in other contracts that Bethlehem may make. I do not know the extent of their interest, whether it is limited to this particular contract or whether it applies to all contracts. That I do not know, but they are interested in this contract, and I say that no armor will be let until after there has been a competitive trial."

Senator HALE. Was it your understanding that the interest of the Schneiders in the contract was in the building of a plant, or in what way was it your understanding that the Schneiders had the interest you speak of in the Bethlehem plant?

Ex-Secretary TRACY. I never saw the contract, and I have no knowledge beyond the fact that it was always said and always understood that they were interested in the proceeds of that contract. I never supposed that they were the joint owners of the plant, but I assumed, without knowing it, that Bethlehem was to build the plant and they were to furnish Bethlehem with all their knowledge, experience, methods, appliances, etc., and in consideration of that Bethlehem was to pay them so much money.

Now, I want to repeat that when I was negotiating with Bethlehem for the making of nickel-steel armor no suggestion was ever made to me that they would be liable to the Schneiders for a royalty for their patent. I never heard of such a thing, and I always assumed that it was not so because of the obligation that the Schneiders were under in the original arrangement made in 1887, by which they were to furnish Bethlehem with everything they had. I am very sure that I have been told by the Bethlehem Company that the Schneiders were bound to furnish them everything that they had or knew on the subject of the manufacture of armor.

Senator CHANDLER. For nothing?

Ex-Secretary TRACY. No; but for what Bethleham had originally agreed to pay them as the consideration of the agreement of 1887. That was a part of their original agreement.

Senator CHANDLER. The details of that you know nothing about?

Ex-Secretary TRACY. I know nothing about the details.

Senator HALE. Do you not consider it likely that the large amount Lieutenant Meigs refers to, instead of being for royalty for the Schneider patent, was for information and valuable assistance derived from the Schneider Company?

Ex-Secretary TRACY. I have no doubt that is what he refers to, and I will venture to say——

Senator TILLMAN. Where is Lieutenant Meigs?

Ex-Secretary TRACY. Bethlehem will know the terms of the agreement. Fritz is here, and will know all about it. A more honest man does not live. You may take with absolute certainty anything he says about it.

The CHAIRMAN. That is true of John Fritz.

Ex-Secretary TRACY. But the suggestion that Bethlehem ever paid anything, or that anything was ever demanded of Bethlehem as a royalty for this patent, I never heard of until I heard it here.

Senator CHANDLER. Let me ask you a question, if you are willing to be interrogated on this point.

Ex-Secretary TRACY. Certainly.

Senator CHANDLER. They made a demand for royalty on Carnegie, Phipps & Co.?

Ex-Secretary TRACY. Oh, yes.

Senator CHANDLER. And have not made a demand upon the Bethlehem Company, as far as you know?

Ex-Secretary TRACY. Not as far as I know.

Senator CHANDLER. Can you tell the reason why they made no demand upon one company and did make a demand upon the other?

Ex-Secretary TRACY. Because Bethlehem claimed the right to manufacture under that patent, under and in pursuance of its original arrangement of 1887 with the Schneiders. I know nothing about it, but that has always been my assumption.

Senator CHANDLER. Then was not this the state of the case when you made a contract with Carnegie, Phipps & Co., that you paid them the same prices that were paid to the Bethlehem Company?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. And in addition provided this fund of 2 cents a pound?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. Assuming that the Bethlehem Company had already obtained the right to use this patent process from the Schneiders and had paid them for it?

Ex-Secretary TRACY. No.

Senator CHANDLER. Why not?

Ex-Secretary TRACY. Assuming that they already had the right to call upon Schneider not only for all he knew at the time of making the agreement of 1887, but for all of the improvements that he made from time to time in the manufacture of armor; and I assumed that they were to be put to no expense because of that royalty of the patent, for if they had they would have claimed it of me. If Bethlehem had said to me, as Mr. Carnegie did, "Here is this patent; we can not manufacture under that patent and subject ourselves to a royalty," and had said, "We will not manufacture nickel steel for you unless you will indemnify us against that patent," I should have been compelled to throw up the whole thing or do with them as I did with Carnegie, namely, agree to indemnify them. But no such claim was made by Bethlehem.

Senator HALE. You supposed that the larger arrangement they had made with the Schneiders, covering the interest of the Schneiders in the profit and in the contract, covered patents and everything else?

Ex-Secretary TRACY. Yes; everything that they had.

Senator HALE. And royalties?

Ex-Secretary TRACY. Yes; and I have not a particle of doubt about it to-day. I should be compelled to confess myself more mistaken than I have ever been if that is not the fact.

Senator TILLMAN. I was absent for a few minutes, having been called out of the room unavoidably, and you may have touched upon the point; but let me ask on what, in making your contracts with the Carnegies, you based your action as to price?

Ex-Secretary TRACY. You were out, Senator. I said when I came to negotiate with Mr. Carnegie the negotiation began with Mr. Abbott, the manager of their works; and when Mr. Carnegie came into it later I started by insisting that they should reduce the price that was paid to Bethlehem. I thought that was an excessive price, and I wanted them to reduce that price.

Senator TILLMAN. Did they mention as a reason why they could not reduce the price that they would be at a great expense?

Ex-Secretary TRACY. Of course.

Senator TILLMAN. Which would have to be considered in undertaking the contract?

Ex-Secretary TRACY. Yes.

Senator TILLMAN. Did they give you any estimates?

Ex-Secretary TRACY. Oh, yes; verbally. No estimates in detail.

Senator TILLMAN. Can you recall the amount roughly, generally?

Ex-Secretary TRACY. I think it was more than $2,000,000 that they would have to expend.

Senator TILLMAN. That they would have to expend over and above their existing outlay?

Ex-Secretary TRACY. Yes.

Senator TILLMAN. Before they could make the armor?

Ex-Secretary TRACY. Yes. I will not be positive about the precise figure. However, it was a very large sum.

Senator HALE. They had a large plant for other purposes?

Ex-Secretary TRACY. They had a large plant.

Senator TILLMAN. I knew they had a large plant. I am trying to get at what ought to be the present price of armor after the Government has practically paid for these plants in the original contracts. That is the point I want to strike.

Ex-Secretary TRACY. As I stated, Mr. Carnegie said flatly, "I will make no contract unless I can have the same terms that are accorded to Bethlehem, at the same prices and substantially the same quantity of armor. If you will give me that, I will found the plant; if you do not, I will not."

Senator TILLMAN. Did your experts, those who reported to you in regard to the delay in furnishing the armor and complying with the original contract of the Bethlehem Company, ever lead you to suppose that there was any intentional procrastination?

Ex-Secretary TRACY. No; not willful.

Senator TILLMAN. Was it necessary?

Ex-Secretary TRACY. Necessary in one sense. In the founding of that plant Bethlehem sought very largely to make its own tools instead of purchasing them. Then they had made great mistakes with their hammer. No; I am not willing to charge Bethlehem at all with any willful delay. The delay was very great; but I think the Senator was out when I stated that one of the controlling factors which led me to think it desirable to found a second plant was because the experience of the English armor makers is that in their largest establishments they turn out only about 300 tons a month each, and at 300 tons a month two establishments could manufacture armor for only about two battle ships a year the size of the *Indiana*.

Senator TILLMAN. This is merely a question as to your opinion; but let me ask you whether from your intimate knowledge of the matter you have any reason to believe that those two companies are in collusion or that they at that time had an understanding with each other?

Ex-Secretary TRACY. No; not at the time of making the contract, of course. I do not want to pass upon that question. I have no evidence sufficient to justify me in saying that they were in collusion. We were required to advertise for the materials.

Senator TILLMAN. Did any other steel makers make any propositions or come to you?

Ex-Secretary TRACY. There is no one else in the country who has a plant, and so others could not compete.

Senator TILLMAN. None except Carnegie and the Bethlehem Company.

Ex-Secretary TRACY. They are the only two plants in the country that can compete.

Senator TILLMAN. Are we then to-day practically forced to buy from those two or none?

Ex-Secretary TRACY. We are.

Senator HALE. Unless we build a plant of our own?

Senator TILLMAN. Or unless there are others who would go to the expense those firms have gone to?

Ex-Secretary TRACY. Yes, sir; that is it, unless you found another plant.

Senator TILLMAN. I just want to get the idea of a monopoly or of a combine between those companies brought out prominently in the investigation.

Senator CHANDLER. Without reference to a combine, it is admitted that those two companies are the only ones now that can compete?

Senator TILLMAN. I am not speaking of the present time.

Ex-Secretary TRACY. You do not understand me as saying that there is any combine?

Senator TILLMAN. I am trying to bring out the facts that will prove that, however.

Senator HALE. At the time when, under the circumstances you have stated, you made the arrangement which resulted in the establishment of the second plant, was there anything that indicated any collusion or sympathy or correspondence between the Carnegies and the Bethlehem Company, or do you believe now that there was anything of the kind?

Ex-Secretary TRACY. No; there was nothing at the time.

Senator HALE. On the other hand, was it not considered by [illegible] that you could create an additional and rival establishment to [illegible] Bethlehem Company?

Ex-Secretary TRACY. Yes, sir. I have assumed that if [illegible] Government had followed the practice of England and appropriated $100,000,000, or even $75,000,000, to a building scheme, [illegible] be expended so much per year during a series of years, the [illegible] of our ships in every respect could have been greatly reduced, because more people would have gone into [illegible] of furnishing the frames of ships, the plates of ships, the decking; more men would have gone into the projectile business; more armor men would have gone into the armor business. We could really have got up an active competition under a guaranty of constant and continuous employment for a series of years. But where you ask a man to found an expensive plant, costing millions of dollars, on a very small contract, with nothing more than a mere probability that something may afterwards follow, of course he is likely to exact a much higher price for that one contract.

Senator HALE. That is true.

Ex-Secretary TRACY. I assume now that if the present Congress should authorize the building of four more battle ships in addition to the two being built, the present Secretary of the Navy could negotiate a contract for armor at considerably less than the present prices.

But I started, allow me to say to Senator PERKINS, with the same impression he has. I knew what ordinary steel cost, and I could not reconcile my judgment to the fact that the armor was costing this amount of money. Of course, I recognized the cost of plant, interest, and depreciation of plant; but there is this fact which I learned very soon after, that a great deal of the cost of the armor plate is in the machining of it. The plates are exceedingly hard; it consumes a great deal of time, and the cost of machining, especially of the nickel-steel harveyized armor, is very great. All armor is expensive in that direction. One of the big items is the machining, and it makes it impossible to turn out any large quantity of armor——

The CHAIRMAN. By "machining," you mean the shaping and fitting together of the plates?

Ex-Secretary TRACY. Yes, sir. You can forge any amount of armor you choose. You can forge it like you can forge anything else, but you can only put so many machines on a piece at a time.

Senator CHANDLER. Because there are hardly more than two pieces of the same kind and shape; one on one side of the ship and one on the other side.

Ex-Secretary TRACY. They have to shape them in all sorts of shapes.

Senator CHANDLER. Does the contract provide for shaping?

Ex-Secretary TRACY. Yes, sir; for shaping, bending, and twisting. One of the most expensive armors we have is what to the lay mind would seem to be the cheapest, and that is the gun shields, the bending and fitting of the thin, hard armor. It is much more expensive per ton than thick armor.

Senator HALE. So the prices of ordinary steel furnished for commercial purposes bear no relation to armor?

Ex-Secretary TRACY. Not at all. Yet, of course, I can not help but believe that if the armor makers could have constant and continuous employment for their plants and employ their men for any considerable length of time, they could afford, and the present Secretary would compel them, to reduce the cost of armor. But if it is only spasmodic, here and there, a battle ship now and a battle ship then, with their force scattered and having to be gathered together when a job comes, of course we must always expect to pay a much larger price, and our ships will cost much more than they would if what I deem would be an intelligent policy were adopted. If you declare your scheme in advance, say, "We will expend such a sum of money on building ships, not more than $10,000,000, $15,000,000, or $20,000,000 to be expended a year," it would be a building programme, and everybody would work to that programme, and everything would be greatly cheapened.

I never doubted that during my time I could have reduced the cost of the ordinary steel that goes into a ship 25 per cent if I could have given any assurance of permanent and extensive employment to people who would consent to go into the business.

Senator HALE. That would involve permanent and large appropriations.

Ex-Secretary TRACY. Yes.

There is another thing which you must bear in mind in connection with our Navy. The standard of steel that we use in the construction of ships is much higher than even England uses. It is far in advance of the mercantile steel. When some tugboats were ordered, I undertook to build them with the Navy inspection of steel; and I could not build them at all. Nobody would bid on them, and I was compelled to come down to the commercial standard of steel before I could get any bidders.

Senator HALE. It does very well for that kind of a vessel?

Ex-Secretary TRACY. It does very well; well enough. But I undertook to build them on the Navy standard. I could not get any competition; I could not get a bid, practically. Nobody would bid.

Senator HALE. You have gone on now and have talked about nickel steel. You have not touched upon the other subject yet.

Ex-Secretary TRACY. Let me complete my statement as to this matter, and then I will go to the other subject in a moment.

When this question was mooted to Mr. Carnegie, he refused to make the contract unless I would make this indemnity. I made it. I had a doubt as to the validity of the patent, and a moral certainty that we were not infringing and were not going to infringe the patent; and I knew that a royalty of 2 cents a pound was excessive anyway, and they could not recover 2 cents a pound even as the result of litigation.

I supposed the litigation would be instituted at once, but from the time I made the contract I never heard of a suggestion of litigation until about the time I was going out of office. I supposed they had abandoned it and had become perfectly satisfied that we were not infringing, for when I came to make the second contract with the Bethlehem Company and with Carnegie, in 1893, neither of them suggested any indemnity for the nickel patent. The second contract with Carnegie does not embrace the indemnity at all, nor does the contract with the Bethlehem Company.

Senator CHANDLER. The contract with the Bethlehem Company is dated March 1, 1893, and that with the Carnegie Company is dated February 28, 1893?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. There the usual indemnity clause is to be found, except as to the Harvey process?

Ex-Secretary TRACY. There Carnegie agreed to indemnify the Government against all patent processes except the Harvey process, which we had a right to use for a definite period.

Senator HALE. So that question had disappeared?

Ex-Secretary TRACY. It had disappeared and gone out of everybody's mind.

Senator CHANDLER. In the meantime the two-hundred-and-sixty-thousand-dollar fund under the first contract had accumulated?

Ex-Secretary TRACY. No. When I went out of office he had not delivered any great amount of armor.

Senator CHANDLER. It was provided for?

Ex-Secretary TRACY. Of course. But the fact that Mr. Carnegie made no mention of it in connection with the second contract led me to suppose that it was understood that no litigation was to be commenced at all under the contract, and none was commenced until last summer.

When I was in Europe last summer, I received word from my firm that suit had been brought against Carnegie; that Carnegie had brought the papers to our office to defend, and that the Government had employed a patent lawyer also to defend the suit.

Senator HALE. Who brought the suit—the Schneiders?

Ex-Secretary TRACY. Schneider brings the suit.

Senator HALE. Where did he bring it?

Ex-Secretary TRACY. In the circuit court of Pennsylvania, I assume. Yes; at Pittsburg.

Senator CHANDLER. Under American patents for these processes?

Ex-Secretary TRACY. Under American patents for these processes.

Senator CHANDLER. When were the patents taken out?

Ex-Secretary TRACY. They were taken out some time in 1890, I think; 1889 or 1890; 1889, is it not?

Senator CHANDLER. I do not know.

Ex-Secretary TRACY. I am not sure. Now let us go back to Harvey.

Senator HALE. You have made a most interesting statement in regard to all the transactions covering the introduction of nickel into armor. Now, will you give us an account, as briefly as you can as a lawyer, of the harveyizing process; how it came to the attention of the Department; the reasons that led to its adoption, and the importance and value of the process, in your judgment, which led you to do whatever was done in the way of adopting it and paying for it?

Senator CHANDLER. Mr. Tracy has already done that, Senator HALE, as to the Harvey process.

Ex-Secretary TRACY. I did that at the beginning of my statement. I alluded to Mr. Folger's calling my attention to it, and I have gone on to the time when we demonstrated its complete success at the last trial at Bethlehem.

Senator CHANDLER. Now, from that point go on.

Senator HALE. You have not stated of what importance you deemed that process to be, small or great; the novelty of it, so far as you are concerned, but not as a matter of patent, and the general reasons that led you to its adoption.

Ex-Secretary TRACY. The general reason that led to the adoption of it was that in the judgment of Mr. Folger and myself it was making the ideal armor plate, a hardened surface upon a homogeneous mass of steel, and the value of the patent was beyond computation, almost.

I hold in my hand now an address delivered by C. E. Ellis, associated with John Brown & Co., Limited, of London, and one of the large firms of compound-armor manufacturers in that country, delivered in 1894 before the institute, I think, in which——

Senator CHANDLER. Give the title page, the date, and everything.

Ex-Secretary TRACY. It was delivered before the Institution of Naval Architects. In the address, after discussing all sorts of armor and the improvements that had been made in it, coming down to the Harvey armor, he discusses that, and there is no more skilled person in the world on armor than Mr. Ellis. He estimates the superiority of the harveyed armor over the best armor in use previous to its adoption as 50 per cent.

> With the above facts before us—
>
> He says—
>
> we are enabled to form some idea of the improvements that have recently been effected in armor-plate manufacture, and of the relative value of the various kinds of armor. Without disregarding the excellent qualities of the steel and nickel plates which I have alluded to earlier in this paper, I think I have shown that harveyed armor would be a more efficient defense to the vital parts of any ship of war, whether battle ship or cruiser, than any other type of plate. Opinions may differ as to the percentage of superiority it possesses, but I do not think I am overestimating its value when I place its resisting power at 50 per cent above the steel and compound plates of 1888, which I have chosen as a basis of comparison.
>
> This advantage can be used by the naval architect in one of two ways; he can either clothe with armor a greater part of his ship, or he can obtain greater resistance, keeping the same thickness of armor. The new development is, therefore, of the greatest importance, and it will be a matter of satisfaction to this Institution that the British Admiralty have been the first naval authority in Europe to realize the value of this new form of armor and to apply it to their most recent designs.

I think that is a fair estimate of the superiority of the Harvey armor over the best compound armor of England.

Senator PERKINS. Fifty per cent?

Ex-Secretary TRACY. Fifty per cent.

Speaking of armor, as illustrated in our own case, I may say that the thickness of the plates to be put upon the *Indiana* was determined before we had fully tested the harveyed armor, and it was fixed at 18 inches in thickness. We put it on that way. But after fully testing the harveyized armor, when we came to build the

Iowa we reduced the thickness of the armor, as we thought we safely might, to 14 inches.

Senator HALE. Fourteen inches instead of 18 inches?

Ex-Secretary TRACY. Fourteen inches instead of 18 inches. Mr. Herbert, I understand, has done the same thing as to the ships that are now authorized, and all Europe is doing the same thing, and even more than that.

Now, take 14 against 18, that is about 22¼ per cent of saving in weight——

Senator PERKINS. There is a saving in weight to that extent?

Ex-Secretary TRACY. Yes. There are 3,060 tons of armor on the *Indiana*.

It would be difficult to compare the *Iowa* and the *Indiana*, owing to the fact that the former vessel is of about 1,000 tons greater displacement than the latter, and has a greater protected area.

A true comparison, however, may be obtained in the following manner:

The ballistic resistance of a harveyed armor plate is at least as great as that of a nickel-steel plate of 20 per cent greater thickness, and we know by actual tests that for any given protection we can save at least 20 per cent of armor weight by the use of the Harvey process.

The *Indiana* class having been designed to carry 2,679 tons of nickel-steel armor, the introduction of the Harvey process would have allowed giving them at least equal protection on a weight of 2,143 tons. The cost of the 2,679 tons of nickel-steel armor would have been $1,578,962, while the cost of 2,143 tons of harveyized armor, including royalty and every other expense, would have been $1,395,093, and the resulting saving would have been $183,869 on the armor alone.

But in reducing armor weights by 536 tons we can also reduce hull weights, still retaining all the offensive and defensive qualities, speed, coal endurance, etc., unchanged. This saving of hull weights would be at least 300 tons, costing about $140,000.

Consequently the introduction of the Harvey process enables us to save $323,869 on a single ship of the *Indiana* class.

We have reduced the weight of the armor on the *Iowa* to twenty-three hundred and some odd tons. We have saved six hundred and odd tons of armor on those two ships.

Senator HALE. You save the price of that much armor per ton simply on weight?

Ex-Secretary TRACY. On weight.

Senator PERKINS. On the reduction in weight?

Ex-Secretary TRACY. On the reduction in weight.

Senator PERKINS. And you have the same resisting power?

Ex-Secretary TRACY. We have the same resisting power.

Senator HALE. According to Mr. Ellis, you have a great deal more resisting power.

Ex-Secretary TRACY. Yes, sir. According to Mr. Ellis, we would still have 25 per cent greater resisting power than in 18 inches of ordinary armor. Now, if you will call the six hundred and odd tons of armor saved worth even $400 a ton, we have made a direct and actual saving of $260,000. But that is not all the saving. The six hundred and odd tons saved give so much additional weight to be used in the ships. If you do not use it otherwise, you can add 600 tons to the coal capacity of the ship. Your ship will then carry 600 tons more of coal. If you will estimate what the cost of adding 600 tons to the hull of a ship would be, you will see that you have another great saving, for by no possibility could you call this less than $250 a ton. Thus you have 250 times 600. The actual saving by the Harvey process in the production of such a ship is not less in value than $400,000.

Senator HALE. For each ship?

Ex-Secretary TRACY. For each ship.

Senator PERKINS. With about the same tonnage?

Ex-Secretary TRACY. Involving the same tonnage—taking a ship of the same tonnage, of the *Indiana's* class——

Senator PERKINS. And you have the same resisting power in armor plate 14 inches in thickness that you would have with armor plate 18 inches thick?

Ex-Secretary TRACY. Yes, sir. The 14-inch armor, harveyized, is equal to 18 inches of the compound plate.

Senator PERKINS. Yes; and according to Mr. Ellis it is even very much greater; it is 25 per cent more.

Ex-Secretary TRACY. Is even much greater, as you say.

Senator BACON. It would not be 25 per cent; it would not be that much.

Ex-Secretary TRACY. The great value of this armor can not be doubted, when within a year after its perfection here it was adopted everywhere, by every naval power in the world. No other sort of armor is used or is thought of being used to-day than the harveyized armor.

Senator HALE. Had it ever been thought of before?

Ex-Secretary TRACY. It was never heard of before.

Senator HALE. So it was an absolute novelty.

Senator TILLMAN. I wish to ask you a question which is not pertinent to the inquiry, but I ask you for my own information. On any of the old vessels in the British navy or in any other navy, that of France or Germany, for instance, which were constructed before the discovery of the value of nickel steel, has the inferior armor been replaced by nickel armor?

Ex-Secretary TRACY. Not to my knowledge. Both England and France, and I think you may say it is true of other naval powers, have been building ships with the new armor and have been using the utmost capacity of their establishments since it came into use.

Senator TILLMAN. I will state the object of the question: With the old armor, which is necessarily inferior, it naturally follows that those vessels are not the equal of the vessels built now——

Ex-Secretary TRACY. They are not, by any manner of means.

Senator TILLMAN. In power of resistance?

Ex-Secretary TRACY. Nothing like it.

Senator TILLMAN. Or ability to cope with vessels armored with nickel steel?

Ex-Secretary TRACY. Nothing like it.

In this desultory talk I have brought my remarks up to the point where the armor was adopted, and I have spoken of its value. I have never doubted its value. It was recognized the world over as an absolute novelty in armor.

Senator HALE. You are now referring to the harveyized process?

Ex-Secretary TRACY. Yes; the harveyized armor. It is so accepted. I regard and have always regarded the development of that armor as marking a new epoch in the history of naval development in this country.

Senator PERKINS. It was impressed upon us at the first meeting, when Secretary Herbert was present, that exorbitant prices had been paid to Carnegie and to the Bethlehem Company (at the rate of $500 per ton), for the reason, if no other, which was developed, that those companies had made a contract with a foreign government to furnish the same armor at less than $300 a ton.

Ex-Secretary TRACY. I have heard of that. I know nothing about it.

Senator PERKINS. It is hard for me to reconcile that fact with the statement that the firms have not formed a combination whereby they have taken advantage of the necessities of our Government.

The CHAIRMAN. That is another subject, and we may come to it later on.

Ex-Secretary TRACY. I shall be glad to answer any questions which members of the committee may desire to ask.

Senator HALE. When did Commodore Folger become Chief of the Bureau of Ordnance, having before that been in charge of inspection at the Washington Navy-Yard?

Ex-Secretary TRACY. In 1890.

Senator HALE. Was he in office when you left the Department?

Ex-Secretary TRACY. No; he resigned from the Bureau about the middle of December and asked a leave of absence for two years. He was absent on that leave of absence when I left the Department.

The CHAIRMAN. Do you mean December, 1893?

Ex-Secretary TRACY. December, 1892. He left the Bureau on the 1st of January, 1893.

Senator CHANDLER. That is right.

Ex-Secretary TRACY. December, 1892, is the date of his resignation, and he left on the 1st of January, 1893, I think.

Senator PERKINS. While on leave of absence he drew two-thirds pay?

Ex-Secretary TRACY. He drew leave-of-absence pay.

Senator CHANDLER. Mr. Tracy, you are now in private life?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. Engaged in the practice of law in New York City?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. State the name of your firm.

Ex-Secretary TRACY. It is Tracy, Boardman & Platt.

Senator CHANDLER. Is James R. Soley connected with your firm in any way?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. You accepted this employment from Carnegie, Phipps & Co. to oppose the validity of the Schneider patent?

Ex-Secretary TRACY. Not only to oppose its validity, Senator, but also to deny the fact that we had infringed their patent, and then to contest the value of the royalty if they were entitled to any.

Senator CHANDLER. You are counsel now in the whole question covered by the contract?

Ex-Secretary TRACY. Yes, sir; for Carnegie.

Senator CHANDLER. Are you also counsel for the Harvey Steel Company?

Ex-Secretary TRACY. Yes.

Senator Chandler. What is your function in that case?

Ex-Secretary Tracy. The function of a lawyer, I suppose; to win my case if I can.

Senator Chandler. I mean, what is the point of litigation, and what side are you on?

Ex-Secretary Tracy. I understand it is litigation brought by the Harvey Steel Company to restrain the infringement of its patent by the Bethlehem Company.

Senator Chandler. Now, if you will be kind enough to state which side of that litigation you are on I shall be obliged to you.

Ex-Secretary Tracy. I am for the Harvey Company.

Senator Chandler. The address of Mr. Ellis, I see, is an exhibit in the case in the "United States circuit court, eastern district of Pennsylvania, Harvey Steel Company *vs.* The Bethlehem Iron Company. In equity No. 10; April session, 1895."

Ex-Secretary Tracy. Yes.

Senator Chandler. How long is it since you were employed as counsel for the Harvey Steel Company?

Ex-Secretary Tracy. I received my retainer in February a year ago, I should say. I was taken sick right after receiving it, and the last work I did before leaving for Europe in the March following, March of last year, was to sign the complaint. Then I had nothing to do with the matter until I returned this fall.

Senator Chandler. What did you sign?

Ex-Secretary Tracy. The bill for an injunction.

Senator Chandler. In the Harvey case?

Ex-Secretary Tracy. In the Harvey case, to enjoin the Bethlehem Company from infringing their patent.

Senator Chandler. Now, will you please go back to the Carnegie contract? With whom did the idea or the project of making the contract with Carnegie, Phipps & Co. for the establishment of an additional plant for the manufacture of armor originate, with the Department or with Carnegie, Phipps & Co.?

Ex-Secretary Tracy. I have myself been trying to recall that. I have not had access to the Department or to its documents, and I can not recall whether I wrote to the Carnegie Company or whether they called on me. The first thing that I remember distinctly about it is that Mr. Abbott, of their concern, was in the Department. There may be something in the Department which will show how that is, but I have not been to the Department since I left it, and it is a matter that I can not recall.

They may have known of the delays and have understood the situation and have voluntarily come to suggest the making of a contract, or I may have sent for them; I can not tell which.

Senator Chandler. Can you remember this? Is it in your mind whether they were pressing to have the contract made or you were following them to make the contract which you thought ought to be made?

Ex-Secretary Tracy. I think Mr. Abbott, who first negotiated with me, was quite disposed to make the contract, but when Mr. Carnegie, the head of the firm, came to be consulted, he was not disposed to make it at all. He fixed the terms, and beyond them he would not go. He controlled the negotiation from the time he came into it.

I wish to say at this point that I did not know anybody connected with that firm. I never had seen Mr. Carnegie until I saw him in the Department. It was the first time I saw him in my life. I knew nobody else in that firm. Therefore I think Mr. Abbott came to me voluntarily and suggested whether or not we would attempt to found another plant. But I will not say certainly about it, for my memory is at fault there.

Senator Chandler. As to Mr. Carnegie, do you desire to convey the impression that he was rather averse to making the contract after you had urged him to do so, or that you and he were each equally desirous of bringing it about?

Ex-Secretary Tracy. I did not urge him to make the contract. The terms that I was negotiating with Mr. Abbott, and which I hoped to secure, were vetoed by Mr. Carnegie. That related to the price. He would not consider at all the question of taking a contract upon any other terms than those of the Bethlehem Company.

Senator Chandler. That was his ultimatum from the start—as good a contract as the Bethlehem contract, with respect to price?

Ex-Secretary Tracy. That was the ultimatum when the negotiation passed into his hands.

Senator Chandler. Yes; I understand. Now, if you recollect, please state when the first conversation or negotiation in reference to indemnity against the nickel-steel patent first arose, and with whom.

Ex-Secretary Tracy. It arose, I should say, about the time the contract was concluded. It was about the last hitch, I remember, in the contract.

Senator Chandler. How did it come about, if you remember—did he come to you or did you mention it to him?

Ex-Secretary Tracy. He mentioned it to me. You remember that his contract is on the basis that it is a contract for all steel, with the right on the part of the Department, if it desired, to direct the manufacture of nickel steel. It was on the question of the option of the Government to exercise that right that he said, "But if you exercise that right, here is the nickel patent, and the patentee is demanding 2 cents a pound royalty. Now, if I am to pay the royalty I shall have to ask an increased price. If you will indemnify me against the royalty it is all right, or if you will pay the royalty it is all right."

Senator Chandler. You then consented, at his request, to insert this provision in the contract?

Ex-Secretary Tracy. I said to him, "I will not consent to pay you the 2 cents a pound royalty for the armor. I shall not consent that anybody shall pay a royalty of 2 cents a pound to that company. It is not worth it; it is too much." And after negotiation as to how it could be done I undertook to make the indemnity.

Senator Chandler. In this form?

Ex-Secretary Tracy. In this form.

Senator Chandler. Then you originated the idea of contesting the patent?

Ex-Secretary Tracy. Yes; I think so: that is, I originated the idea of refusing to pay 2 cents a pound royalty.

Senator Chandler. For the patent?

Ex-Secretary Tracy. For his patent.

Senator Chandler. And of providing this fund for the purpose of litigation?

Ex-Secretary Tracy. Yes, sir.

Senator Chandler. Will you state again, if you please, what knowledge you have as to the amount of the fund which this agreement provides for?

Ex-Secretary Tracy. My impression is that the value at 2 cents a pound would amount to about $240,000.

Senator Chandler. I am informed that it is about $260,000. Now, at that time, you knew, or supposed, that the Bethlehem Company had obtained the right to use those processes by their contract with the Schneiders?

Ex-Secretary Tracy. Yes; I did.

Senator Chandler. You supposed they had paid for it?

Ex-Secretary Tracy. No; I did not know that they had paid any specific sum for the right, because the patent was not in existence when they made their contract. I supposed, without knowing anything about the particulars of the contract, that the right to use the patent came from a general provision in the contract between Schneider and the Bethlehem Company, by which they were entitled to all the processes of the Schneiders and to any improvement and inventions that the latter might make from time to time.

Senator Chandler. Did you understand that the Schneiders were partners in the contract with the Government?

Ex-Secretary Tracy. I did not inquire, and I did not know whether the relation of partners existed between them. I do not know the details.

Senator Chandler. I am not asking you what the facts are, but I am asking you what your condition of mind was when you made the contract for the fund for litigation.

Ex-Secretary Tracy. The word "partnership" does not represent the relation that I supposed existed.

Senator Chandler. Did you have it distinctly in your mind that for a money consideration the Bethlehem Company had acquired from the Creusot people the right to everything that could aid them in this enterprise?

Ex-Secretary Tracy. Yes, sir.

Senator Chandler. Including the patent processes?

Ex-Secretary Tracy. Including, as I supposed, all patent processes.

Senator Chandler. Knowing that fact, did you, in making the arrangement with Mr. Carnegie, make any inquiry of the Bethlehem Company as to the amount that those rights had cost them?

Ex-Secretary Tracy. No; I was very sure that if it was not true they would make inquiry of me, and I was not seeking to indemnity people who were not asking it.

Senator Chandler. Exactly. The net result of it was, however, that you knew at the time that whatever the Bethlehem Company had paid for the right to use those processes, it would make the Carnegie contract, if you guaranteed against any such payment under his contract, a better contract to him to that extent?

Ex-Secretary Tracy. Not at all. I assumed, on the contrary, that if the Bethlehem Company were entitled under their contract with the Schneiders to have the benefit of all the processes and inventions, my indemnity of Carnegie would place him exactly on a par with the Bethlehem Company.

Senator Chandler. Without his paying anything?

Ex-Secretary Tracy. They did pay for it——

Senator Chandler. You assumed that they paid something for those processes?

Ex-Secretary Tracy. I repeat, Senator, that I did not assume that they had paid anything for the nickel patent——

Senator Chandler. Did you assume——

Ex-Secretary Tracy. For the nickel patent was not in existence until more than two years after the contract with the Bethlehem Company was made. It was unknown at that time. But I did assume that by virtue of general words in the contract the Bethlehem Company were entitled to all the processes and improvements and inventions which might thereafter be made by Schneider, and that they were entitled to use them without compensation.

Senator Chandler. Then whether or not the right to use this process had cost the Bethlehem Company anything, leaving that in a state of uncertainty, you thought it expedient to indemnify Carnegie against it?

Ex-Secretary Tracy. I did not think that what the Bethlehem Company had paid or had not paid had anything at all to do with my contract with Carnegie.

Senator Chandler. You intended to make a similar contract?

Ex-Secretary Tracy. If the Bethlehem Company had paid anything, and claimed that amount as an extra cost for manufacturing the nickel plate, they would have said so to me, and the fact that they did not say so to me was conclusive evidence to my mind that they had not paid anything and did not pretend that they had paid for it.

Senator Chandler. Why should they so say to you? They had——

Ex-Secretary Tracy. Excuse me.

Senator Chandler. Let me put the whole question. They had already guaranteed you against all patent processes necessary to the manufacture of the armor?

Ex-Secretary Tracy. Yes, sir.

Senator Chandler. And you had the right, under your contract, to require armor of a certain kind. Why, then, did you assume that if they had paid anything for this process they would have mentioned it to you?

Ex-Secretary Tracy. For this reason: Their contract was for all-steel armor. I could not compel the Bethlehem Company to make nickel armor unless they consented to it. I agreed as a condition of their making nickel armor to pay for everything that it cost them beyond the making of steel armor.

Senator Chandler. In what contract?

Ex-Secretary Tracy. In the arrangement that was made by which nickel steel was substituted for——

Senator Chandler. At a later or earlier date than the Carnegie contract?

Ex-Secretary Tracy. Long after that.

Senator Chandler. I am speaking of the time when you made this contract.

Ex-Secretary Tracy. I know; but that was always understood. At the time of making the contract I talked with the Bethlehem people about the contingency of requiring nickel steel of them, and whether they would do it.

Senator Chandler. You knew they were paying large sums to Schneider for something?

Ex-Secretary Tracy. I supposed they were paying a sum. I do not use the word "large."

Senator Chandler. But you assumed that they were not paying anything for this process because they never said anything to you about it?

Ex-Secretary Tracy. No——

Senator Chandler. I am asking you to develop the reason why they——

Ex-Secretary Tracy. I stated to you, and I will repeat it, that I supposed they were not paying anything for the nickel process as such, because I supposed that in their contract made two years previous to that the Schneiders had by general words and language agreed to give to the Bethlehem Company the benefit not only of all their present processes, but of everything that they should have. I do not think that I am mistaken in having been so informed by Bethlehem.

I supposed that, therefore, the Bethlehem Company had a right to call upon the Schneiders to allow them to manufacture nickel-steel without charge. When I exercised the option provided in the Carnegie contract and called upon the contractor to deliver nickel-steel in place of all-steel armor, I at the same time made a similar agreement with Bethlehem by which that company was to deliver nickel-steel instead of all-steel armor, and to receive therefor the same additional compensation allowed in the Carnegie contract, namely, the actual difference in cost in the manufacture of the two kinds of armor. This was to be ascertained and determined in the same way in the case of both companies; that is, by a board of naval officers—and the sum so ascertained was to be paid.

Now, I assumed, and I had a right to assume, that if they were subjected to any extra expense in the manufacture of the nickel steel because of the patent, they would have presented that fact and claimed the amount as a part of the extra cost.

Senator Hale. Not to interrupt you, was not this the situation—if Senator Chandler will allow me?

Senator Chandler. I want a little chance myself, but I certainly will allow you to proceed.

Senator Hale. It happens to be appropriate at this point.

Senator Chandler. I desire that you shall ask the question. It will take me more time to get Mr. Tracy back to the line on which I was interrogating him, that is all.

Senator Hale. Is not this the fact: You supposed that under the general contract between the Bethlehem Company and the Schneiders before the nickel patent was known they had a right to use any subsequent inventions and improvements?

Ex-Secretary Tracy. That is what I have said.

Senator Hale. And that therefore the Schneiders could not compel them to pay anything for using this process?

Ex-Secretary Tracy. Certainly.

Senator Hale. But with anybody else outside, the Schneiders had a right to make them pay. Is not that it?

Ex-Secretary Tracy. That is the distinction which I supposed existed between the Bethlehem Company and the Carnegie Company.

Senator Hale. I ask Senator Chandler's pardon for the interruption.

Senator Chandler. I have no objection to being interrupted, but if the inquiry is to proceed on the line of debate we had better take the floor and go on with it as we do in the Senate. I desire to get some facts to reproduce the situation through ex-Secretary Tracy as well as I can. You did know, Mr. Tracy, that the Bethlehem Company had contracts with the Schneiders under which sums of money were to be paid to the Schneiders for all these things which you have described?

Ex-Secretary Tracy. It would not be technically correct to say that I knew it, because I had never seen the contract. It was common knowledge in the Department that a contractual relation existed between the Schneiders and the Bethlehem Company touching the Bethlehem contract, and that the former had an interest in it.

Senator Chandler. And that the Bethlehem Company had acquired practically the use of all the processes of the Schneiders, including patent rights, and had paid something therefor?

Ex-Secretary Tracy. I assumed so.

Senator Chandler. When you made the contract with Mr. Carnegie, you assumed that he was not to pay the Schneiders any money for anything, did you not; that he was to go on and make the armor under the contract with you regardless of the Schneiders in every particular?

Ex-Secretary Tracy. Yes. So long as they demanded 2 cents a pound royalty——

Senator Chandler. It included everything?

Ex-Secretary Tracy. I was about to say that so long as they demanded 2 cents a pound royalty I would not treat with them.

Senator Chandler. What knowledge had you that [illegible] except from Carnegie?

Ex-Secretary Tracy. I think I had it from Commander Barber.

Senator Chandler. Who was their agent?

Ex-Secretary Tracy. Yes, sir; I think so.

Senator Chandler. Commander Barber was then the agent of the Schneiders?

Ex-Secretary Tracy. I am not sure but that some other agent visited the Department. I had what I assumed was knowledge of the fact——

Senator Chandler. You heard it?

Ex-Secretary Tracy. That their royalty was 2 cents a pound.

Senator Chandler. By the way, do you know where Commander Barber is now?

Ex-Secretary Tracy. Is he not in Japan?

Senator Chandler. Do you know he has been placed on the retired list and is now the agent of Carnegie, Phipps & Co. in Japan?

Ex-Secretary Tracy. No; I do not. I never heard of it before.

Senator Chandler. I am so informed. You had heard in the way you have stated that the Schneiders claim was 2 cents a pound royalty on this process. You knew as a fact that the Bethlehem Company had contracts with the Schneider people. You contemplated that in going on with the new contract which you and Mr. Carnegie were negotiating together. Mr. Carnegie would ignore all the Creusot patents and processes, and have no contract with them? Was that a part of your understanding with him?

Ex-Secretary Tracy. No, sir; allow me to state that before the contract was concluded with Mr. Carnegie I had, through Mr. Thomson, of the Orford Copper Company, reached a conclusion as to how the nickel matte was to be reduced and used in the form of a nickel oxide, which satisfied me that no matter whether Mr. Schneider's patent was valid or invalid, we were not going to infringe it; and I am now satisfied of the fact that we did not.

Senator Chandler. Then why do you not say you did contemplate that Mr. Carnegie would ignore the Schneiders?

Ex-Secretary Tracy. I thought you asked as to the validity of this patent.

Senator Chandler. No; I asked as to ignoring all contracts with the Schneiders. Was it not distinctly understood between you and Mr. Carnegie that he was to go on and execute this contract without the necessity of any arrangement with the Schneiders?

Ex-Secretary Tracy. He was to go on and execute the contract, and I was to indemnify him, or the Department was, against any royalties that might be recovered against him up to 2 cents a pound, not beyond it. But in doing that, I repeat, I had doubts of the novelty of the Schneider invention. I had a very firm conviction that we were not going to infringe the patent at all, and that, therefore, they would have no claim. I had further a very firm conviction that the royalty of 2 cents a pound was most excessive and absurd, and that I would not pay it anyhow.

Senator Chandler. And you communicated these views to Mr. Carnegie?

Ex-Secretary Tracy. I did.

Senator Chandler. And thereupon agreed to indemnify him to the extent of 2 cents a pound?

Ex-Secretary Tracy. That was the best we could do with him.

Senator Chandler. Then was it your understanding with him that he need not make any arrangement with the Schneiders of any kind?

Ex-Secretary Tracy. Of course it was my understanding that he need not make any arrangement with Schneider.

Senator Chandler. Then, if he did not make any arrangement, it would not cost him anything?

Ex-Secretary Tracy. It would not cost him anything, for if he was sued, and unfortunately beaten in the litigation, the Government had agreed to indemnify him to the extent of 2 cents a pound and the necessary costs.

Senator Chandler. Assuming that the 2 cents a pound was enough, then the Schneiders would cost him nothing under your contract?

Ex-Secretary Tracy. Yes.

Senator Chandler. If the Bethlehem Company had paid any sum, large or small, to enable them to execute their contract, then Mr. Carnegie was so much better off under your contract with him than the Bethlehem Company, was he not?

Ex-Secretary Tracy. Yes; if Bethlehem had paid anything for the nickel patent.

Senator Chandler. Why did you not say so in the beginning?

Ex-Secretary Tracy. This is the first time you asked as to that point.

Senator Chandler. That is the first question I asked.

Ex-Secretary Tracy. No; it is not.

Senator Chandler. I asked you whether, if Mr. Carnegie did not have to pay anything and the Bethlehem Company did, this contract would not be a contract so much the better for him than the contract with the Bethlehem Company.

Ex-Secretary Tracy. Yes; if they had to pay. But I never assumed that they had to pay, and I do not believe they did have to pay. If they had had to pay, they would have asked me to indemnify them.

Senator Chandler. I will now come to the Harvey process. I will read two or three sentences from the article by Mr. Ellison, "Recent experiments in armor," in addition to what Mr. Tracy has read. I read on page 7:

> Of the value of the invention as a step in the development of armor there can be no doubt, but experience soon proved that its efficacy would be more strongly demonstrated by applying it to homogeneous steel plates, highly carburized on the face, armor which has now generally become known as harveyed armor.
>
> The late Mr. Harvey unfortunately died just at the time when the results of his plate had become known and acknowledged in Europe. Having successfully applied to smaller articles the system of cementation or conversion, followed by chilling, he directed his attention to the effect of similar treatment in the case of homogeneous steel armor plates. A series of experiments was made under the auspices of the United States Government, and the results were from the first of a very encouraging description.

You have alluded to these experiments. Did you first know of the Harvey process from conversation with Commander Folger?

Ex-Secretary Tracy. I did.

Senator Chandler. Were you informed at that time that the Harvey patent only extended to making tool steel?

Ex-Secretary Tracy. I was not. I asked him if the process was covered by a patent, and he told me that it was.

Senator Chandler. After a time you wrote the letter that is in the record requesting the expediting of the then pending application of Mr. Harvey?

Ex-Secretary Tracy. I assume that I did because it is there, but I have no recollection of it.

Senator Chandler. Now, did you know at that time that just before you wrote this letter Mr. Harvey's application for an improvement on his process of hardening tool steel by carbonization had been rejected at the Patent Office?

Ex-Secretary Tracy. No.

Senator Chandler. You did not know that?

Ex-Secretary Tracy. No.

Senator Chandler. Did you know that his patent as it existed, which he was endeavoring to utilize by selling steel to the Navy Department, had resulted in the purchase of only about $300 worth of tool steel by the Department?

Ex-Secretary Tracy. I supposed it was a small quantity, of course. I did not know the amount; I did not inquire as to the amount.

Senator Chandler. You had the impression that some steel treated by this process had been sold to the Department at that time?

Ex-Secretary Tracy. I assumed so.

Senator Chandler. You may state, if you please (because I criticise, and am disposed to criticise with some severity, the action of Commander Folger in connection with this patent in the beginning, when followed by his subsequent employment by the company), what you do recollect about the expediting of that patent and the adoption of that process.

Ex-Secretary Tracy. I do not recollect anything about it, as a matter of recollection. Seeing my letter there, I assume that it went through the Department as a matter of routine, like all other such applications. When that subject first came up, and I was first applied to, I asked what was the practice of the Department about forwarding a letter asking that a patent be hastened, and I was told.

I conformed my action, as I supposed, to the precedents of the Department. My general recollection is, without having any specific knowledge as to any one of those cases which went through my Department, that the matter was in charge of the judge-advocate of the Department and was presented to me in the routine of the Department and acted upon by me.

Senator Chandler. Do you understand that these suggestions about expediting patents on technical matters usually came from the chiefs of bureaus?

Ex-Secretary Tracy. Yes; I assume so.

Senator Chandler. And you have no recollection whatever of this particular case?

Ex-Secretary Tracy. No; I do not recollect it. Of course, I know I did it, for I have read that list. I do not think I recall one in the list. Let me go over that list again. [Examining.] I assumed always from the time my attention was first called to it that the policy of the Department was that, if there was any claim of a patent on file that was likely to interfere with the Government's business, the sooner the Department knew of it the better; and after the first consideration of the subject I do not know that I ever gave any attention to any special, particular case. I do not recollect any.

Senator Chandler. Take page 46 of the record. "Abstract of letters from the Navy Department to the Secretary of the Interior requesting special action on applications for patents," etc. Those for 1889 begin at the middle of that page.

Ex-Secretary Tracy. "March 2, 1889. McCarty. Improved process of manufacturing steel." I do not recollect it. "May 3, Dana Dudley, and Hotchkiss Ordnance Company. Torpedoes and launching apparatus." I think I do remember that. I remember the subject; and I think I remember, too, the subject of Elwell's pneumatic launching gear. I remember that such a subject was before us, and we talked about it. "November 16. Driggs." I remember he had patents. I do not remember distinctly the fact that I asked that any of his patents should be expedited.

Senator Chandler. You need not go over the whole list, unless you desire. You remember "Charles E. Munroe, explosive powder and gun cotton," do you not?

Ex-Secretary Tracy. No; I had forgotten that I expedited it. I knew he had a patent.

Senator Chandler. Very soon after the patent was granted—that is, the next spring—a contract was made for the use of the Harvey process with the Harvey Steel Company to pay them half a cent a pound?

Ex-Secretary Tracy. When was that patent granted?

Senator Chandler. Look on page 5 of the record in this case, under "III." There is the statement that Harvey's first patent for hardening armor plate was issued January 10, 1888. "April 1, 1891, he filed an application for a patent, on a modification of the process, which on June 11, 1891, was rejected because prior patents covered 'the well-known step of hardening by chilling.' On June 17, 1891, the application of April 1 was canceled and a new one filed. On June 20 Secretary Tracy wrote the Secretary of the Interior requesting that the application be made special in the Patent Office. The new patent was issued September 29, 1891."

Ex-Secretary Tracy. Yes.

Senator Chandler. Those figures are correct. In the summer of 1892 the first contract was made by Harvey for the use of that patent. Do you remember?

Ex-Secretary Tracy. That is incorrect. The first contract was made with Harvey in 1891, before the last patent was issued.

Senator Chandler. Not the first written contract?

Ex-Secretary Tracy. Yes, the first written contract. It is recited in the contract of 1892, with a whereas. If you turn to it in the record, you will see.

Senator Hale. Was not the Government to furnish a plant or something in that first contract?

Ex-Secretary Tracy. Certainly; that was agreed to.

The Chairman. You did that, did you not?

Ex-Secretary Tracy. We did. We agreed to defray some of the expenses of developing the patent in consideration of the Government having the right to use it for a certain sum of money.

Senator Chandler. Now, if you can turn to any earlier contract than that I should be glad to have you do so.

Ex-Secretary Tracy. Here in the record, at page 35, is the memorandum of an agreement made by and between the Harvey Steel Company, etc. It commences with a whereas, and the third whereas is as follows:

> Whereas the said Harvey Steel Company, under date of March 3, 1891, in a communication signed by B. O. Clarke, president; H. A. Harvey, general manager, and Theo. Sturges, treasurer, agree to give the Navy Department the option of purchasing the right to use and employ the Harvey process for treating armor plates, as follows:
>
> We hereby agree to give to the Naval Department an option for the purchase of the application of the Harvey process for treating armor plates, which was tested at the Naval Ordnance Proving Ground, Annapolis, Md., February 14, 1891—

You see this followed it in March—

on the following terms—

Senator Hale. There is no necessity for reading that.

Senator Chandler. It shows that there was this earlier contract.

Senator Hale. That was brought out in the other matter.

Ex-Secretary Tracy. But it seems to have escaped the attention of everybody.

Senator Hale. The original contract of 1891 did not escape my attention.

Ex-Secretary Tracy. Before incurring any considerable expense toward this Harvey business, I insisted upon the right to the process, and I would have it before I would do anything. That was secured in 1891.

Senator Hale. And that memorandum, which is a part of the record, shows just what the contract was?

Ex-Secretary Tracy. Yes.

Senator Chandler. Then, it now appears that this Harvey patent, which was originally on tool steel, came to be extended to the hardening of armor plate?

Ex-Secretary Tracy. Yes.

Senator Chandler. And that you made this preliminary contract, then the contract of 1892, and subsequently in April, 1893, just after you had gone out, Secretary Herbert made the second contract?

Ex-Secretary Tracy. I have heard so.

Senator Chandler. I want to ask you what your recollection is, the whole of it as far as you have it, about the contracts which were made in the name of the Department for the use of the process.

Ex-Secretary Tracy. As I said, right after that experiment in February, 1891, at Annapolis, where the plates had, as we thought, demonstrated great capacity of resistance, it was considered wise to go on and pursue the development of that process. I was told that it was a patent process and that Mr. Harvey had a patent for it, and therefore I wanted to know whether if we expended money on it we would have the right to use it.

Senator Chandler. Who told you that?

Ex-Secretary Tracy. That it was a patent process?

Senator Chandler. Yes.

Ex-Secretary Tracy. Mr. Folger.

Senator Chandler. Your conferences were almost entirely with him?

Ex-Secretary Tracy. Well, in the beginning. But I made this contract with Harvey himself. He, with three men, came to the Department and I had an interview with them—the three officers who signed this second contract. No; that was afterwards. I think up to the time of this preliminary contract I may or may not have seen Harvey. I do not remember whether I had seen Harvey before the preliminary contract of 1891.

Senator Chandler. Did you have any other adviser? I am not now speaking about the adoption of the process as a useful process for armor because of the hardness it produced. I am dealing with the contract as to royalty. Did you have any other adviser on the subject than Commander Folger?

Ex-Secretary Tracy. No; I can not say that I had any other adviser.

Senator Chandler. Did he ever tell you that it was he who first suggested to Harvey the extension of the process from hardening tool steel to hardening armor?

Ex-Secretary Tracy. No; it was not exactly in that shape, as I remember it. I think he told me in the first interview I had with him on the subject that he had asked Harvey if it could be extended to armor, and Harvey told him yes. Then he asked him if he would apply it to a larger piece of metal, and Harvey said he would. Then we were awaiting that extension.

Senator Chandler. That was after the first experiment at Annapolis?

Ex-Secretary Tracy. The conversations took place before any experiments.

Senator Chandler. Then you went on with these experiments after you made this preliminary agreement?

Ex-Secretary Tracy. No; we went on with one experiment before we made the preliminary agreement. The trial at Annapolis was in February, 1891, and the preliminary agreement was made in March following.

Senator Chandler. As long as Commander Folger continued in the Department he had charge of all this business and you relied upon his judgment largely, did you not, both as to the novelty of the invention and the value of the patent?

Ex-Secretary Tracy. The question of the novelty of the patent was never suggested and never raised by anybody. I was told that it was covered by a patent process.

Senator Chandler. It did not occur to you?

Ex-Secretary Tracy. The thing was so novel to me that I never asked any question about it.

Senator Chandler. That is, the hardening of steel by burning charcoal was novel to you?

Ex-Secretary Tracy. It was.

Senator Chandler. Did you not know of that when you were a boy?

Ex-Secretary Tracy. No; I did not know that you could harden steel by burning charcoal.

Senator Chandler. You knew that you could make steel by hardening the iron by chilling it?

Ex-Secretary Tracy. I had possibly heard of it, but I am not a metallurgist. That has never been any part of my business, and I did not know about it.

Senator Chandler. I call your attention to the process. You now know what the process is?

Ex-Secretary Tracy. I know generally what it is.

Senator Chandler. Generally, what is it? The hardening of the face of armor by charcoal?

Ex-Secretary Tracy. Yes; and by subsequent treatment.

Senator Chandler. After you had gone on with this business in certain ways, and had gotten this contract, on June 11, 1891, the patent was rejected?

Ex-Secretary Tracy. I do not know.

Senator Chandler. It was rejected as covering "the well-known step of hardening by chilling." You did not know that fact?

Ex-Secretary Tracy. I did not. The first patent and the only patent I ever knew of up to the time of this application which I facilitated was the patent granted in 1888, which was in existence at the time, and to which Folger referred when I asked him if it was covered by a patent. He said yes.

Senator Chandler. You do not know whether the getting out of that patent was suggested by Commander Folger to Harvey or not?

Ex-Secretary Tracy. The 1888 patent?

Senator Chandler. Yes.

Ex-Secretary Tracy. I know nothing about it.

Senator Chandler. You do not know whether Folger suggested that or not?

Ex-Secretary Tracy. I had never heard of it.

Senator Chandler. Now, coming down to this preliminary arrangement that you made in March, 1891, it appears after you had made that preliminary arrangement and Harvey's modification of a patent was applied for, it was rejected "because prior patents covered the well-known step of hardening by chilling;" and nevertheless an amendment was then made again by Harvey of his application, you requested that it should be expedited, and then the patent was granted. The fact that the modification of his patent had been rejected on account of the well-known prior process of hardening by chilling you did not know anything about at the time, as far as you now remember?

Ex-Secretary Tracy. As far as I now remember, I never heard of it.

Senator Chandler. Did you know during all the year 1892 of any conferences between Commander Folger and the Harvey Steel Company in reference to his becoming employed by them?

Ex-Secretary Tracy. Never.

Senator Chandler. He did not tell you that there had been conferences with him on that subject?

Ex-Secretary Tracy. I never heard of his being employed by the steel company until after he had been granted his leave of absence.

Senator Chandler. How soon after that did you know it?

Ex-Secretary Tracy. I can not say, except I assume that it was before he went into their employment. He came to me and asked me if there could be any objection in my mind to his going into the employ of the Harvey Steel Company during his leave of absence; and as I supposed that all the naval officers did that, and it was no part of the business of the Department to inquire what he did, I said I did not see any objection to it.

Senator Chandler. Now, I want you to fix the time of that conversation, if you can.

Ex-Secretary Tracy. I can not.

Senator CHANDLER. As well as you can.

Ex-Secretary TRACY. When did he go into the employ of the company?

Senator CHANDLER. I want your memory as to about the time it was.

Ex-Secretary TRACY. I can not remember it. He went out of the Department the 1st of January.

Senator CHANDLER. In 1893?

Ex-Secretary TRACY. In 1893.

Senator CHANDLER. The two prior contracts had been made, and in April, 1893, Secretary Herbert concluded the last one. With reference to his going out of the Department January 1, 1893, do you remember when he consulted you as to whether it would be proper for him to take that step?

Ex-Secretary TRACY. It was after that some time; but I can not tell you, because I kept no track of the date.

Senator CHANDLER. In justice to him, may you not be mistaken; might it not have been prior to January 1?

Ex-Secretary TRACY. No, sir.

Senator CHANDLER. When he came to you and said, "Will it be proper for me, when I go out of the Department, to take this employment?"

Ex-Secretary TRACY. I am very sure that he never made any such suggestion to me, and I never had any information that he intended to do it until after he had tendered his resignation. He tendered his resignation about the middle of December, to take effect the 1st of January.

Senator CHANDLER. When did you say that you first knew he had any idea of going out of the Department?

Ex-Secretary TRACY. About that time was the first I had definite information of it.

Senator CHANDLER. We will take the 1st day of December. During the previous summer and fall had he ever intimated to you that he intended to go out of the Department?

Ex-Secretary TRACY. For six months or a year, I do not know how long, Commodore Folger was constantly complaining to me of ill health and insomnia and difficulties that beset him, and was saying that he wished he was rid of them, and he wished he was out of the Department. We had friction sometimes, and I have heard him make such a declaration at those times. But he never announced his intention to retire until about the time he tendered his resignation. That is the first that I ever had any definite knowledge that he intended to retire.

The CHAIRMAN. From your intercourse with him, did you consider him an ill man during that period previous to his retirement?

Ex-Secretary TRACY. I did.

Senator CHANDLER. What was the matter with him?

Ex-Secretary TRACY. Insomnia and nervousness.

Senator CHANDLER. Do you know his condition now?

Ex-Secretary TRACY. I do not know. I have seen him but twice since the spring of 1893.

Senator CHANDLER. You define his trouble as insomnia and nervousness?

Ex-Secretary TRACY. I take his word for it and his experience and action.

Senator CHANDLER. Do you call that a disease?

Ex-Secretary TRACY. I do. I know he used to come into the Department frequently and say, "I did not sleep two hours last night;" that he had been worrying about something on his mind that was annoying him.

Senator CHANDLER. You do not think that during all that period when he laid awake nights he had any understanding with the Harvey Steel Company to go into their employment when he went out of the Department?

Ex-Secretary TRACY. I do not believe he had. I do not believe for a moment that he had.

Senator CHANDLER. Having gone over this point in this way again, please state what your present recollection is as to when you first had knowledge that he meditated going into the employment of the Harvey Steel Company?

Ex-Secretary TRACY. My general recollection is that it was after he retired. If I was told positively that it was after he tendered his resignation and before the 1st of January, I could not positively, of my own recollection, deny it. I know it was after he tendered his resignation. My best recollection is that it was after the 1st of January and after he was out of the Department, and that I had never heard of it up to that time.

Senator CHANDLER. And as far as you could do so orally, you assented to the propriety of it?

Ex-Secretary TRACY. I said I knew no objection to his going into the employment of the Harvey Company if he chose to do it.

Senator CHANDLER. Do you know anything about the contracts made by the Harvey Company for the use of their processes abroad?

Ex-Secretary TRACY. Nothing except what I have heard.

Senator CHANDLER. You have heard that they have contracts with foreign governments?

Ex-Secretary TRACY. They have very extensive ones, very large ones, and very profitable ones.

Senator CHANDLER. Mr. Chairman, I have no further questions to ask Mr. TRACY.

Senator HALE. Let me ask generally, facing these conditions as you have and these contracts that were made, do you see anything now that leads you to say that if you were going over this road again you would not take the same course?

Ex-Secretary TRACY. I say no, most emphatically; but I should be only too happy to take a similar course in another direction that would confer equal benefit upon the Government.

Senator CHANDLER (to Senator HALE). How broad do you make that question?

Senator HALE. As to the contracts that were made and the course that General Tracy pursued, as he has outlined it to us.

Senator PERKINS. While Secretary of the Navy?

Senator HALE. While Secretary of the Navy.

Senator CHANDLER. Do you mean to include his opinion as to the propriety of Commander Folger taking employment with the Harvey Steel Company?

Senator PERKINS (to ex-Secretary Tracy). You refer only to your own action, I understand?

Ex-Secretary TRACY. The question called for my action.

PROPOSED ARMOR-PLATE FACTORY.

Joseph Wharton, R. W. Davenport, John Fritz, and George H. Myers, representatives of the Bethlehem Iron Company, and Andrew Carnegie, Millard Hunsicker, and Lieut. C. A. Stone, United States Navy, retired, representatives of the Carnegie Steel Company, appeared.

The CHAIRMAN. Gentlemen, you are aware that some time since a bill (S. 1700) to provide for the erection of an armor-plate factory in the city of Washington, D. C., was introduced in the Senate by Mr. SMITH of New Jersey. As you are practical men, engaged in this business, the committee desire to get your views as to the cost of the erection of such an armor-plate factory. Mr. Wharton will be kind enough to make a statement to the committee as to the cost of the plant at Bethlehem, stating in addition to its original cost the cost for the purpose of manufacturing armor plate.

Senator SMITH. And the quantity of armor plate it will produce.

The CHAIRMAN. Yes; and the capacity of the plant.

STATEMENT OF JOSEPH WHARTON.

Mr. WHARTON. In our establishment at Bethlehem we have one account for all that part of the work which is devoted to the Government service. It does not include any part at all of the original plant, but only the part devoted particularly and exclusively to the Government service. The cost comes to almost exactly $6,000,000. That includes something else besides the armor plate, because we make gun forgings and finished guns. I do not suppose that you care for the details, and I do not know that we ought to tell the details, because something like trade secrets is involved in this question.

The CHAIRMAN. No; I do not think we ought to ask you as to the details.

Mr. WHARTON. I do not think that you need more than a general statement.

The CHAIRMAN. Do I understand you to say that you could establish a plant capable of doing the work which you are now doing for the Government for the sum of $6,000,000, or is it in addition to your original plant that the $6,000,000 was expended?

Mr. WHARTON. It is in addition to our original plant.

The CHAIRMAN. Was the original plant in any way essential to this work?

Mr. WHARTON. Only in this way: By having the original plant there we were able to do a great deal of construction work much cheaper than any other person could get it done for. We have no manufacturing profit to pay on the construction of a great deal of our apparatus and our buildings.

The CHAIRMAN. And it is charged up in your account simply at the actual cost?

Mr. WHARTON. Simply at actual cost.

The CHAIRMAN. You did not give your establishment any credit of profit in that respect?

Mr. WHARTON. Not at all. It could not be repeated, therefore, by any other party that did not have the same facilities at the sum which it cost us. I do not know what that manufacturing profit would be; we never made an estimate; but it would be a very handsome sum. Neither do we reckon any interest, but simply the absolute cash paid out.

The CHAIRMAN. Do you think it would cost the Government to-day that amount of money to build a plant here equal in capacity to yours?

Mr. WHARTON. It would cost the Government more than that.

The CHAIRMAN. Why?

Mr. WHARTON. Because the Government would have to pay somebody a manufacturing profit for things which we put in without any profit. Then there is no transportation charge. We made the things right on the spot and did not have any freight to pay.

The CHAIRMAN. But are not all prices much less now than they were then?

Mr. WHARTON. No; we did not go into the period of high prices. Starting with pig iron, for instance, we made the pig iron and from it made our own muck bars and from that the needful structural forms.

The CHAIRMAN. What did your pig iron cost you at the time you built your establishment?

Mr. WHARTON. I do not remember, and can not tell accurately.

The CHAIRMAN. You can tell about the cost?

Mr. WHARTON. I suppose approximately $15 a ton.

The CHAIRMAN. What is the cost to-day?

Mr. WHARTON. That depends on the quality of it. I suppose the same iron would be a dollar or two cheaper. Mr. Carnegie can answer that question better than I can.

Mr. CARNEGIE. I think you are just about right, but as to the amount of pig iron that enters into the construction of an armor plant, I do not think there are 2,000 tons.

Mr. WHARTON. It is not very great, but there is much work put upon it afterwards. We were able to make these things from the pig iron up; but the cost of pig iron, as Mr. Carnegie said, is not the controlling item. The labor and the collateral expenses of all sorts are, I think, just the same now as they were then.

Senator PERKINS. What is the capacity a month of your plant?

Mr. WHARTON. I suppose we could make about 400, 500, or possibly 600 tons a month.

Senator HALE. Have you ever done that?

Mr. WHARTON. I would rather ask Mr. Davenport as to what the capacity is.

Senator HALE. Before you come to that, let me ask if you have ever turned out, of Government armor plate, under contract from the Government, 500 tons a month?

Mr. WHARTON. Mr. Davenport is vice-president of the Bethlehem Iron Company and has charge of this branch, and therefore is better able than I to answer technical questions of this sort.

Mr. DAVENPORT. We have shipped a great deal more than that, but the manufacture spreads over such a great length of time that it is hard to state when it was commenced and when completed.

Senator HALE. Do you think you have ever turned out in your establishment more than 300 tons in any one month?

Mr. WHARTON. Do you mean manufactured from the beginning?

Senator HALE. Manufactured armor plate for the Government in one month. I do not ask what you have shipped. You may have shipped it all in one month, but I ask as to your actual product of finished armor plate for the Government?

Mr. WHARTON. We have forged a great deal more than that.

Senator HALE. I do not mean that; but turned out completed?

Mr. WHARTON. We have gone through one operation——

Senator HALE. I mean turned out completed in any one month. Have you turned out completed more than 300 tons in one month?

Mr. DAVENPORT. That is an extremely difficult question to answer directly in that way, because the manufacture spreads over such a length of time.

Senator BACON. Let me ask a question, if you will pardon me. Take as long a term as six months. Have you ever made an average of the amount turned out in that time?

Mr. CARNEGIE. That is it. Take a year. About 3,000 tons.

Mr. DAVENPORT. As it stands now it would be from 3,000 to 3,600 tons a year. That is hard-finished armor. But, of course, in certain operations they furnish more than that quantity.

Senator PERKINS. Working continuously during the year you have turned out only from 2,500 to 3,000 tons?

Senator HALE. Your capacity is about from 3,000 to 3,500 tons a year?

Mr. DAVENPORT. Yes; of hard-faced armor.

Mr. WHARTON. We have had some discussion lately in the board as to what could be done in taking contracts, and we have surely had a higher estimate than that of what we could do. I think on our estimate we could make 5,000 tons a year; 500 tons, possibly, a month. Am I mistaken in that?

Mr. DAVENPORT. We are not prepared to do that now with hard-faced armor, but the plant could be brought up to that.

Mr. WHARTON. There are so many processes in this thing, from one end to the other. It is not like putting a piece of wire in a pin machine and having it turned out a finished pin in a second, but there is one process following another. It is an old saying that a chain is no stronger than the weakest link, so that the quantity of armor plate now turned out is limited by the capacity of the weakest part of the plant. But when we were lately looking into the question as to what we could do, we took up the question as to what we could do if this weakest part were strengthened so as to bring the capacity of the whole plant up to the full capacity of its ablest parts. My recollection of that is, and I now ask Mr. Davenport's confirmation or correction, that we thought we could go to 500 tons a month with those improvements on what I have called the weak parts. The harveying, as it is called, or the casehardening of armor is a very tedious business, and we have never been called upon to do more than a certain quantity of it. We have to begin with a choice of the iron, for it is a very critical matter to have exactly the right kind of iron. We make that iron to a great extent ourselves. Then follow the melting of the iron or of the mixture of irons, the conversion into steel, the casting of the ingot, the forging of the ingot, the rough shaping it under the hammer, the machining it, cutting it to exactly the right shape, and finally the tempering and the casehardening. You will see that a weak place limits the whole thing, and you will understand how by strengthening those weak places we can bring the works to their full capacity.

Senator HALE. As iron is constantly in demand, and these are not expensive, but general additions, why have you not already put your plant in a condition where you could turn out more than 3,000 ton in a year?

Mr. WHARTON. There has been no greater demand. Since the fashion of casehardening the armor has begun we have been able to do what we were required to do.

Senator HALE. You are not required now to furnish anything but that kind of armor?

Mr. WHARTON. I presume all the armor hereafter will be casehardened.

Senator HALE. What is called harveyizing?

Mr. WHARTON. Yes; harveyizing, which is an unsuitable term for casehardening, has long been applied to many objects, and casehardening of armor was first done by our company, the Bethlehem Iron Company.

Senator HALE. You state that about $6,000,000 was the cost of the addition to your plant for Government work?

Mr. WHARTON. Yes.

Senator HALE. How much of that was made necessary, not by your gun plant, your ordnance contracts, which we are not dealing with, but by the armor plate?

Mr. WHARTON. For the armor plate, about two-thirds of the whole.

Senator HALE. About $4,000,000?

Mr. WHARTON. About $4,000,000.

Senator HALE. You are entirely confident that in addition to all that you added for any work you have put $4,000,000 into the increase of plant to produce this armor plate?

Mr. WHARTON. Yes.

Senator HALE. How much of that could be properly charged to experiments and processes that you have attempted in the way of hammers which you have found to be useless and which, if you were to do it now, you would not repeat?

Mr. WHARTON. The hammer is the only thing of that nature, and we are not sure that that is useless. We have found, for instance, that to make a plate partly under the hammer and partly under the press is a very effective way of making a first-rate [illegible]. It is a double process.

Senator HALE. If you were now, in the light of your experience, to begin again, would you spend the same amount of money upon the hammer that you did?

Mr. WHARTON. I doubt whether we should. I doubt whether we should put up a hammer at all.

Senator HALE. What was the cost of the hammer?

Mr. WHARTON. Something over $400,000. Let me say at this point—there is a good deal said about reforging nowadays—the reforging we can do with very good effect by one forging under the hammer and one under the press; thus in case of a large demand we would use both the hammer and the forging press.

Senator HALE. Is the reforging the Corey patent?

Mr. CARNEGIE. It is our own patent.

The CHAIRMAN. There was no other establishment of the kind in the country when you made your first contract with the Government?

Mr. WHARTON. There was not. The Government was in urgent need of such an establishment, and we were appealed to to undertake it. At that time there was no method of making these plates except under the hammer. There was no other process of making such plates anywhere.

The CHAIRMAN. Did the proposition come from the Government or from your company to enter into this business?

Mr. WHARTON. It came from the Government.

Senator HALE. Are you in a condition, or have you been for the last two or three years, of active and earnest and bona fide competition with the Carnegie Company?

Mr. WHARTON. Well, we are in such competition with them that every time there is an invitation for bids—well, I do not want to say anything that would hurt my friend Carnegie's feelings. However, there is about as much jealousy between the two companies, I think, as is wholesome.

Senator HALE. Do you have the benefit of any processes or inventions that come from the Carnegie establishment or any person connected with them?

Mr. WHARTON. No; we do not.

Senator CHANDLER. What was said about the Corey patent, which was referred to as I came into the room?

Senator HALE. Mr. Wharton was speaking of reforging, and I asked him if it was done under the Corey patent.

Mr. WHARTON. We do our reforging not under any Corey patent or anybody else's patent; when needful we do it ourselves in our own way.

Senator HALE. Has any interference been attempted with you by the owners of the Corey patent in the nature of complaint for infringement?

Mr. WHARTON. Not that I have heard of. How is that, Mr. Davenport?

Mr. DAVENPORT. None.

Mr. WHARTON. I have never heard of any.

Senator HALE. Mr. Wharton has just stated, when I asked if his company had any rights granted from Carnegie, that there were none. You have no arrangement of that kind, I understand.

Mr. WHARTON. We have no arrangement, and I never heard of any attempt to prevent us from using a patent of theirs. Mr. Davenport, to whom I refer for confirmation, also has not heard of any.

Senator HALE. You are not permitted by any contract or agreement or understanding with the Carnegie Works to have the benefit of any of their processes or their inventions whatever?

Mr. WHARTON. Not that I know of.

Senator HALE. If such is the fact, it is unknown to you?

Mr. WHARTON. Yes. At the same time I will say that if Carnegie had anything that we did not have we would try to get up to him.

Senator HALE. Have there been any bids put in by either concern in the last three years upon which contracts have been awarded in which the bids of the other company were larger?

Mr. WHARTON. I do not think I catch your meaning, sir.

Senator HALE. Has there been any case of competition where either concern has secured a contract because it bid lower than the other?

Mr. WHARTON. I suppose that has been the case every time?

Senator SMITH. To bid on armor plate, of course, Mr. HALE is referring?

Mr. WHARTON. On armor plate. As to that also I refer to Mr. Davenport. It is in his line more than in mine. I am simply a stockholder and director in the company, and I do not take an active part in the daily conduct of the business.

Senator HALE. What are you receiving now in that company per ton for armor plate furnished the Government?

Mr. WHARTON. On that point, again, I would rather you would ask Mr. Davenport. I do not keep those figures in mind.

Senator HALE. You understand that it is the same the Carnegie Company are receiving for theirs?

Mr. WHARTON. That, again, I do not know; but Mr. Davenport, I think, does. I know that the prices can not have been very widely different at any time between us and Carnegies. There is a kind of general price for these things all over the world, and we know in a general way what all our competitors in this and other countries are doing. The market price, you may call it, of armor plate is something like the market price of wheat. It is the market price here and the market price there, and it is known to people who are in that business, and they make their prices accordingly.

Senator HALE. Not having knowledge of the details, you have a pretty good knowledge, I take it, of the financial condition of the Bethlehem establishment, have you not?

Mr. WHARTON. Yes; I hope so.

Senator HALE. You know whether it is making money or losing money, from time to time?

Mr. WHARTON. Yes.

Senator HALE. You speak of these contracts as being naturally about alike because there is a fixed rate?

Mr. WHARTON. No; I do not say a fixed rate. That conveys another idea.

Senator HALE. I do not mean a fixed rate, but a general rate.

Mr. WHARTON. There is a general rate, what may be called the market price, for such things as armor plate.

Senator HALE. Do you know, representing the financial management of this concern, the profit upon each ton of armor plate that is furnished to the Government?

Mr. WHARTON. No, I do not know. If I did, I do not think I would tell you. I think that is something you have no right to expect me to tell.

Senator CHANDLER. You were not asked how much is the profit.

Senator HALE. I did not ask how much, but I asked if you know.

Mr. WHARTON. I know approximately, but I do not know accurately. I know, for instance, that we make certain dividends. A part of my business as one of the directors at the sittings of the board is to settle upon the dividends.

Senator HALE. The dividends are public. It is well known what your dividends are?

Mr. WHARTON. Of course the dividends are well known to the stockholders, but not known to the public generally. However, there is no particular objection that I am aware of to having the dividends known.

The CHAIRMAN. How do the prices of armor plate in this country compare with the prices in England and Germany?

Mr. WHARTON. They are almost exactly the same.

Senator HALE. Made by private establishments?

Mr. WHARTON. Yes. I will not say they are exactly the same, for they are not, but they are approximately the same. In entering into this business we had to meet what was the uniformly established price abroad. That price was well known to the Government and to ourselves, and if we could go into the business on about those terms the Government would like very well to have us go in.

The CHAIRMAN. You are speaking of the original contracts?

Mr. WHARTON. Of the original contracts, which I think are not yet entirely fulfilled.

The CHAIRMAN. The original contracts that were made between the Government and Bethlehem were based on the prices then existing abroad?

Mr. WHARTON. Yes, sir; they were.

The CHAIRMAN. And no additional price?

Mr. WHARTON. I think the price was about as much more than the foreign price as the freight would amount to.

The CHAIRMAN. Is that all?

Mr. WHARTON. Again I would ask Mr. Davenport's view on that point.

Senator HALE. Did you not understand when these first contracts were made that they were made very liberal because you had to run the risk of creating a plant, and run the risk of not getting continuous work, owing to the failure of appropriations? Did you not understand that by reason of that you, rather naturally, got an exceedingly good contract?

Mr. WHARTON. The contract was not exceedingly good. It was a contract that nobody else in America would take. There was no other establishment in America that would venture to do the thing which we did.

As I said awhile ago, we did that, not because we wished to do it, but because the Government besought us to do it. We planted our money there. We did not in the beginning get any profit at all, and the company was reduced to considerable embarrassment, and if it had not been for strong backers it would have broken down. But it had strong backers and did not break down. It was carried through and has paid dividends, I think, for the last three years; and if you care to know, I will tell you what those dividends are.

The CHAIRMAN. I do not think that is necessary.

Mr. WHARTON. It is not necessary, and it is not strictly in the line of the investigation, but I have no disposition to conceal that from you.

Senator SMITH. I do not think we want that.

The CHAIRMAN. What we want, and all we want to ascertain, is the probable cost of erecting a plant here.

Mr. WHARTON. It will cost the Government more than it cost us. You could not expect to get a plant put up without having to pay the contractors' profits, and the manufacturers' profits, and dear knows what. Government work always costs more than private work.

Senator HALE. If this part of it cost you $4,000,000, what would you say would be the cost in this case, taking into consideration the fact that the Government must build under the eight-hour system, which you have not in your establishment?

Mr. WHARTON. No; we have not.

Senator HALE. The Government has. Taking all things into consideration, if it cost you $4,000,000 what do you think it would cost the Government to put up a plant that would furnish 300 tons a month, and, by small additions, 500 tons a month?

Mr. WHARTON. The Government would have to expend considerably more than we did. I think it is germane to the subject to say here that we have a remarkably good class of labor around us at Bethlehem. We have what are usually called the Pennsylvania Dutch—sturdy, patient, toiling men, trained to work in iron, and both diligent and faithful. The Government could not expect, and it would be quite impossible, in my judgment, for the Government to get, as much work in the same number of hours, independent of the difference between ten hours a day and eight hours a day, out of any people whom it would employ as we get out of the people we employ. That is an element of additional cost to the Government.

Senator HALE. You do not think that the Government would get in eight hours as much work as you would get in eight hours?

Mr. WHARTON. I feel sure it would not.

Senator CHANDLER. That is, in the running department?

Mr. WHARTON. No; in the construction and also in the running.

Senator SMITH. Is most of your work done by day work or by piece work?

Mr. WHARTON. The most of it by day work.

Senator HALE. How many men have you in your employ now?

Mr. WHARTON. I will ask Mr. Davenport to state the number.

Mr. DAVENPORT. Considerably more than 4,000 in the whole plant.

Senator HALE. What do you think is generally the proportion of your work going on now, of ironwork and other work?

Mr. WHARTON. Do you mean in money or in pounds?

Senator HALE. The general product; the value of the product?

Mr. WHARTON. That is constantly varying. Sometimes we are doing Government work and sometimes not. Sometimes we have good railroad orders for rails and sometimes not. I suppose, taking the years through——

Senator HALE. Taking it year by year?

Mr. WHARTON. If that is an important question, I would rather answer it after getting the statistics. I am afraid that I could not do much better than make a reasonably good guess at that.

Senator HALE. It only goes to show the extent of the general business there, and bears somewhat upon the cost.

Mr. WHARTON. As I said, I can get that with some accuracy if you think it is desirable.

Senator HALE. No; I do not think it is important.

Mr. WHARTON. I am a little afraid to make an estimate.

Senator HALE. Do you think you are doing as much work outside as you are doing for the Government?

Mr. WHARTON. In the normal condition of things I suppose our output of tonnage would be ten times as much, or it may be twenty times as much, for private parties as for the Government.

Senator HALE. But in valuation?

Mr. WHARTON. Again I come to a point where really I do not like to make a crude guess. It would be a discredit to me if I came far wrong in a business I ought to know about, and a guess would not do you any good.

Senator HALE. The armor is a thin product; it does not take up as much bulk and weight as a good deal of other work.

Senator PERKINS. I should like to ask a hypothetical question which suggests itself to me as a principal question for this committee to consider. Of course you are not obliged to answer it unless you feel at liberty to do so. If the Government should deem it expedient to erect a plant costing, as you have stated, not less than $4,000,000, that is capable of turning out 4,000 tons of armor plate per annum, do you believe that private corporations like your own would compete with the Government for the construction of armor plate? Would they take it for 25 per cent less than the Government is now paying?

Mr. WHARTON. No; I think not. I think the Government is the best competitor we could possibly have. We could beat the Government more easily than we could beat any private competitor.

Senator HALE. In other words, the Government could not furnish it as cheaply as you could, you think?

Senator PERKINS. That is not the idea.

Mr. WHARTON. I get your idea, I think. It is whether we could reduce our profit enough to furnish our plates 25 per cent cheaper.

Senator PERKINS. It has worked that way, you know, upon the building of the battle ships. I am from the Pacific Coast, and familiar with the work you are doing for our concern there. You are familiar, of course, with the fact that we have given the contract for building the last two battle ships at fully 20 per cent less than the Government paid for the work two years ago. Owing to the fact that private competitors were competing for the construction of these ships, the Government had the advantage of it by the last bid from the Newport News Company.

Senator HALE. It brought the price down?

Senator PERKINS. It brought the price down.

Mr. WHARTON. If I may be allowed to throw a little side light on that transaction, I can do so. I happen to know, because I had a conversation with Mr. Huntington, that the Newport News people were quite determined to get this business. I had occasion to offer to the Newport News establishment the building of a ship that was wanted in a foreign country. One of our agents in that part of the world had an opportunity given to him to take the contract if he would take it at a certain price, the price, I believe, at which they could get the ship for in England. I had occasion to speak to the Newport News people about that, and it was obvious that they were hungry for work, and were determined to get into that kind of work, that is, the building of steel steamships. I believe that the contract which Mr. Huntington has taken is going to be a pretty difficult one to fill.

Senator PERKINS. That is interesting to the Naval Committee, because we are considering the question in connection with matters before the committee; but the point I wish to bring out is this: If the Government had this plant, and never used it, would it be a good investment for the Government by stimulating competition among your own good company, Mr. Carnegie's, and perhaps others who might undertake the making of armor plate?

Mr. WHARTON. I may say in the first place that the other parties of whom you speak will never go into the business. There is not business enough at present or apparent to justify the existence of even two plants. No private competitor will rise, therefore. If the Government should compete by setting up a plant, I think human nature is such that the establishments now existing would try to see that they were not going to be injured by the construction of the Government plant.

I think that Mr. Carnegie and somebody up at Bethlehem might begin to compare notes and see how to prevent what I might almost call plunder. We have put a vast amount of money into this business to do Government work. If the Government deliberately should turn around and deprive us of the work after we have spent our money and our time, or should attempt to do so, it would then be in order, in my judgment, to see how we could get even with the Government. I do not think it would work to the Government's advantage in that respect.

Senator PERKINS. That is a question which we, as your representatives, are going to consider at this time.

It has been stated that there must be a very handsome margin of profit in the manufacture of armor plate from the fact that you first demanded almost enough, so it has been charged, for the construction of your plant to leave your first contract with the Government a profit. That, of course, in a measure is corroborated if the reports are true that you have taken contracts from foreign governments to manufacture the same armor plate for less than $300 a ton that our Government has been paying you $500 a ton for.

Mr. WHARTON. On that point I will say that seeking for a contract in Russia was largely my individual act. Our company had an agent in Europe, and I recommended to our people that he should be sent to Russia to see what business was in existence or in prospect there. He went there. He is Lieutenant Meigs, formerly of the Navy. He found that there was nothing then wanted by the Russian Government. But he showed such sufficient evidence of our capacity to make armor plates here that he received from the Russian Government the assurance that when they next needed armor plates the Bethlehem Company should be invited to bid for those armor plates.

The time came within a year when they did want some armor plates. We were invited to bid, and we sent Meigs there to investigate and to represent us. We told him to take the work. It was not a question whether we were going to make money [illegible] money; we were to get the work. All Europe was [illegible] competing against us.

The impression had spread through Europe, carefully inculcated by the European armor-plate makers, that nobody knew how to make armor plate except the few over there; that America was not of any account in trying to make armor plate; that it did not know how. We simply were determined to break up that prejudice and that notion. We took that order without any regard to its cost. We no doubt will lose money by it, but we do not care if we do. We were determined to do it.

Now, what is the effect of that action? Before that was done I do not think that there was anybody in the marine department of any of the European governments who had much respect for American armor plate or American ships armored with American armor plate. They poohpoohed the whole thing. It was an untried thing; an unknown quantity. But after we had made those plates, and after they had undergone the very rigid inspection and trial of a ballistic test, to which the Russian Government subjected those plates, it was then perfectly apparent that our plates were quite as good as, and I feel certain they were better than, any made in Europe.

That fact being established, led to the Government of Russia giving to American establishments, both to ourselves and to Carnegie, other contracts for making armor plate for Russian ships. The net result of the whole business is that while we at Bethlehem lose a little money the American Navy has now the prestige of having armor plate that is absolutely good. The moral advantage gained by the American Navy through that little exploit of ours is something that you can hardly calculate.

The CHAIRMAN. Do I understand you to say that since the original contract with the Russian Government at the low price additional contracts have been awarded to our manufacturers?

Mr. WHARTON. Yes.

Senator CHANDLER. At the same rate or at a higher rate?

Mr. WHARTON. It is about double. They have made the new contract at just about what I called awhile ago the market price.

Senator HALE. About the same prices that you get here?

Mr. WHARTON. Just about the same prices that our Government is paying. I can not tell within a dollar or so a ton.

The CHAIRMAN. That is immaterial, but it is about the same?

Mr. WHARTON. The price is just about the same that our

Government is paying. The Russian Government did not hesitate to pay what I again call the market price for American armor so soon as it was convinced that the American armor was as good as any it could get anywhere else.

The CHAIRMAN. Until the Russian Government were convinced of that fact you had to take the contract at a lower price?

Mr. WHARTON. Yes, sir. We were determined to break in.

Senator HALE. Do you remember whether you were bid down to that very low price or whether you were way below other bidders?

Mr. WHARTON. We were the lowest bidders, but the other manufacturers, the European manufacturers, were as determined to keep us out as we were determined to get in, and there was a remarkably lively time there for some weeks.

Senator HALE. The foreigners chased you on the bids as long as they could?

Mr. WHARTON. They did.

Senator PERKINS. Do the Governments of England and France manufacture their own armor plates?

Mr. WHARTON. They do.

Mr. CARNEGIE. Oh, no; not at all. The countries do.

Mr. WHARTON. I misunderstood the Senator. The Governments do not. I took the word "Government" in the sense of country.

Senator PERKINS. I mean the Governments of those countries?

Mr. WHARTON. None of the Governments do any such thing.

Senator PERKINS. Does Germany manufacture her own armor plate? There is the Krupp Company in that country.

Mr. WHARTON. No; there is no government armor-plate establishment in the world.

Senator PERKINS. There is not?

Mr. WHARTON. No.

Senator PERKINS. Neither England nor any other government has a governmental armor-plate establishment?

Mr. WHARTON. No. Is not that so, Mr. Davenport?

Mr. DAVENPORT. The only possible exception is Italy, where the Government for a time aided with capital an armor-plate establishment.

The CHAIRMAN. If we attempted it, it would be an experiment?

Mr. WHARTON. Yes; an experiment which has been condemned by every other country.

I wish to say one thing more. You have asked me about the cost of the plant. You have not asked me about another additional item which is just as necessary as the ground, or the hammer, or the press, or the furnace, or anything else. That is the working capital. If you build an establishment: spending four or five or six million dollars, whatever it may be, you then will have to invest, I should say, from $2,000,000 to $3,000,000 in working capital.

The process is very tedious. You have to have the choicest material in the beginning. It has to be worked with extreme care, without haste. At all stages you have to have a great quantity of stuff in process. Compared with your final output, if you are going to make 3,000 tons a year, you will have to have nearly so much stuff probably in the works at different stages. At one time I think we have had as much as two millions and a half, at least, of stuff in process.

The CHAIRMAN. Material on hand?

Mr. WHARTON. Working capital, in other words.

Senator HALE. And that is not reckoned in the $4,000,000?

Mr. WHARTON. No.

The CHAIRMAN. That is in addition.

Mr. CARNEGIE. You have not spoken of the half million dollars paid to Creusot.

Mr. WHARTON. Mr. Carnegie reminds me that we paid a half million dollars to Creusot. It was almost made a condition by Secretary Whitney. The whole business was such a formidable task that nobody in this country was ready to believe it could be accomplished. I went myself to France in 1885, with the knowledge and approbation of the Navy Department, to endeavor to make an arrangement by which we at Bethlehem would come into possession of all the information and experience that Creusot had acquired, the Creusot establishment being the leading one in the world and making far better armor than anybody else. That resulted in our being obliged to make a deal with them, which cost us, I think it was, exactly a half million dollars.

The CHAIRMAN. To what company was that paid?

Mr. WHARTON. A company called Le Creusot (Schneider & Co.), at Creusot.

Senator CHANDLER. The firm we have been talking about?

Mr. WHARTON. I think Mr. CHANDLER was aware of that at the time.

Senator CHANDLER. I thought I was, but Mr. Tracy convinced me that I did not know anything about it.

Ex-Secretary TRACY. Oh, no. I said you were under contract with them. The question arose between Senator CHANDLER and myself whether the price was at all increased by the use of the nickel process that was invented in 1889, two years after the contract was made.

Mr. WHARTON. No, sir: it was not.

Ex-Secretary TRACY. That is what I supposed.

Mr. WHARTON. I am glad you mentioned the nickel patent, because when I was in France, at the time I speak of, I was invited, as an expert in—nickel (and here I must mention the fact, because all the gentlemen may not know it, that I am the original nickel maker of America, and have been in the business for many years)—by the great French company called Le Nickel, to investigate some inventions which had been made by a man named Henry Marbean, who was one of Le Nickel Company—Harry Marbean, as they called him there.

He had been investigating as to the properties which would be acquired by iron and steel if alloyed with nickel. Le Nickel Company were not inclined to believe that there was anything in it; but one of them asked me if I would not spend an hour with Marbeau and look into the matter, which I did. Marbeau in a very emphatic French way explained these things to me with some vehemence and gesture, calling me occasionally "mon maitre"—calling me his master, as knowing more about nickel, he thought, than he did.

The whole thing was put before me in that way, and I soon after mentioned to Schneider & Co. that there was a thing which they could not afford to be debarred from. I believed from what I saw then that nickel was going to come into use as an element of armor plate, and I thought that they, as the principal armor makers of the world, making the best armor plate, could not afford to be debarred by a patent from the use of nickel for armor plate. My impression is that up to that time Schneider & Co. had not thought of making nickel-steel armor plates. Afterwards the same concern undertook to take out a patent for themselves, as if they had invented it.

Senator SMITH. Who took out the patent? You say "they" took it out.

Mr. WHARTON. I think one of the Schneiders took out the patent.

Senator CHANDLER. After your conversation with him?

Mr. WHARTON. Certainly. People do not always remember, perhaps, where they get a hint from. I do not claim anything from it.

Senator CHANDLER. Do you think you communicated a patentable invention to him in the conversation you speak of?

Mr. WHARTON. No: I doubt whether the whole idea of alloying nickel with steel was patentable. It had been done and tried by several people. I afterwards had occasion to investigate the matter, and I was surprised at the number of people who had done it.

Senator CHANDLER. What did you pay the half million dollars for?

Mr. WHARTON. For their alleged superiority in the way of making armor plates. It was not supposed that we would succeed in this formidable task unless we started on the foundation of all the best knowledge that the world up to that time possessed; and that knowledge was concentrated, it was supposed, in the hands of the Creusot Company.

Senator CHANDLER. How did Carnegie & Co. get it?

Mr. WHARTON. The thing was comparatively open. We had been at it for some years, and there was no patent about it at all. I do not think that what we got from Creusot was necessary to us.

Senator CHANDLER. Did Mr. Carnegie, when he was starting his plant, have access to your plant for the purpose of seeing how the armor was made?

Mr. WHARTON. He might have come to it if he wished to, but in point of fact he did not. The Government inspectors were thoroughly acquainted with everything we did, and those inspectors were able to carry information to any extent they liked.

I do not know whether it would be interesting to you, but I am disposed to say one more thing in regard to armor plate to show you our improvements. When we started in this business there was a question as to whether solid armor of homogeneous steel, or compound armor, namely, a soft iron backing with a steel facing, was the better. That question was an open one. Nobody was able to give an authoritative opinion upon it. I looked into it. When I was in England asking opinions, among other persons I asked of Sir Thomas Brassey, since Lord Brassey, but he did not know or would not tell. What this country did—and it is worth while for you to consider this—was to settle that question. I think you [to ex-Secretary Tracy] had some experiments made at Indian Head.

Ex-Secretary TRACY. I beg pardon; I did not hear the statement.

Mr. WHARTON. Did you not have some experiments made at Indian Head with compound armor, nickel-steel armor, and plain steel armor?

Ex-Secretary TRACY. The experiments were at Annapolis.

Mr. WHARTON. Up to that moment the battle had not been fought out, and it was an open question which was the better style of armor. There was nobody in Europe who could give an

authoritative opinion. The Creusot people said theirs was the best. It was the best, but before demonstration their opinion had to be taken as possibly an interested opinion, because they were the only makers of that kind of armor plate at that time. The English would not tell if they knew, because their ships were armored to a great extent with compound armor. If compound armor was a humbug, and would not stand the impact of shot, then a great portion of their fleet was useless against modern guns. So they would not tell, or they could not.

But when our own Government made those experiments, then there was an absolute fact, and it turned out that we had taken the proper course. We had not meddled with compound armor from the beginning, but we had taken what was apparently the best course, namely, to go to headquarters, to the people who made the best armor, and get from them everything they knew.

All those things the Government would not have to do over again, because the art is now established in this country; but the Government could not escape paying the full value of an armor-plate plant; they could not build that armor-plate plant so cheaply as we could or did; they could not escape having the working capital to run the business; they could not, after they had got the plant, make plates as good as ours, and that, I say (and I think perhaps you will bear me out in the statement), is almost the inevitable consequence of the Government trying to do things without the kind of sharp scrutiny which private persons have to submit to. We have inspectors in our place, and any kind of a blemish is detected; but if you had a Government establishment I do not think you would get the same kind of sharp inspection. I think plates would pass through a Government establishment that would not pass through the Bethlehem Company's or Carnegie's.

Senator SMITH. Were you familiar with or were you connected directly with the making of the contract with the Bethlehem Company for furnishing armor plate at the time it was made?

Mr. WHARTON. For the United States Government?

Senator SMITH. Yes, sir; made with Mr. Whitney.

Mr. WHARTON. I was not, because I told Mr. Whitney that when it got to that point "my function is done; I am going to retire. I will not come down to attend the opening of bids. I will not take any more part; you will not see me any more. The matter is in the hands of the Bethlehem Company."

Senator SMITH. Up to that point you were in communication with Mr. Whitney and talked with him on the subject?

Mr. WHARTON. I was in communication with him on several occasions; not exactly frequently, but on several occasions, and with a good deal of closeness.

Senator SMITH. Was there ever any question, or did you have any understanding, either implied or expressed, that after the contract which you were then taking was completed the price to the Government for its armor plate could be or would be less?

Mr. WHARTON. No: there never was such an understanding. On the contrary, not exactly in controversion of that theory, but it leads the other way, Mr. Whitney stated to me that he was perfectly aware that the contract which he then had to give out was not a sufficient inducement for the erection of such works as this country needed. He had been able to get appropriations, I think, for something over $4,000,000, or about $4,000,000, I do not remember the figures exactly. That included armor plates and gun forgings. He said, "So much I can give over to an establishment that can do the work."

When the time came, there was another bidder. We were not the only bidders, but the other establishment had not gone to the practical point. It would have been experimental with them. However, they did bid. But Secretary Whitney was perfectly aware that the contract he had to offer was not a sufficient inducement, and he said so to me in a very emphatic manner. "But," he said, "you will get other work." There was no implication that it would be at lower prices, but, on the contrary, the implication was that we would get other work at the same price. There was no obligation; it was an implication, not an understanding.

Senator SMITH. Before we go any further with Mr. Wharton, I owe it to the gentlemen present to explain why this bill was introduced. I did so, first, because the impression I received as a member of the Naval Affairs Committee was to the effect that in the price given to you and Mr. Carnegie for the armor which you have furnished the Government up to this time there was practically a subsidy to an extent that almost paid for the erection of your plants.

The Government having done that, and you gentlemen still owning the plants, we felt that the time had now come when, if you could afford to give other governments a better figure on the armor plate furnished to them than you gave to this Government, which had practically furnished the money for the erection of the plants, and did not own them, our Government was entitled, at least, to as good consideration at your hands as foreign governments. If we were not going to receive that consideration, as we believed we were not (and that was assured us by Secretary Herbert, who said that he had asked for some bids from both of you gentlemen, and the price had been reduced only about $50 a ton), I think the committee felt pretty generally, as I did myself, that we owed it to the people to erect armor-plate works of our own, so that at least we would get a portion of the armor plate at a fair cost to our Government, and would have some basis to go on as to what would be fair and right to pay. That is what brought about the introduction of the bill.

In connection with it, most of us, I think, from the fact that there were only two concerns in this country manufacturing armor plate and that the bids of both were the same, naturally came to the conclusion that there was an understanding between the two companies as to what prices they would bid for this Government's work. On that theory and on that basis, believing it was not for the best interest of the Government to have its armor plate furnished under such conditions, I introduced the bill. We can not expect business men to give us their secrets. That, of course, is something we all know too well would be unfair; but at the same time we would like to know, if we can, whether there was not some indirect understanding when these contracts were made that there would be a reduction in price thereafter; and secondly, whether we are not entitled to some consideration because of the fact, if it be a fact, that we helped by an indirect subsidy toward paying for the erection of the plants.

Mr. WHARTON. All that line of thought is a very natural one. I do not wonder that you took it up. I do not wonder that you feel that the country ought to have some light upon this subject, and I think it is in the way of getting it at this moment.

The contracts that we took from the Government amounted, approximately, to the amount of money we have spent; that is, we get about $4,000,000 and we spent $4,000,000 in the plant. How can anybody draw from the situation the conclusion that the Government paid for the plant when it paid merely the market price for the products of the plant, and when the total gross amount which the Government paid is no more than the works cost? I think it would require some ingenuity to show where the subsidy comes in.

Then, as to reduction in price, the Government does virtually get a reduction in price of a most important nature; that is to say, it gets a much higher quality of armor than it did at the beginning. We in this country have advanced the art. We have led all other countries in the world in the manufacture of armor plates, and we are now at the head. We did that. The Government did not do that. But we are giving the Government the advantage and benefit of all the progr[illegible] has been made.

We are getting now (I speak again wi[illegible] some di[illegible]cause I do not carry the figures in my mind) [illegible] price for an article which is so much better that we can hardly express it in percentages.

The actual cost of adding nickel, the actual cost of casehardening, is somewhere between 15 and 20 per cent of the original cost per ton of our armor plate. Now, if we give to the Government these plates, that cost 15 or 20 per cent more, at somewhere near the same price that it paid for the plain steel uncasehardened armor, the Government is getting that advantage; it is getting that diminution in price.

Senator BACON. In the original contract which you made with the Government there was an item for 3-inch deck plate at $490 a ton. Do you recollect that item?

Mr. WHARTON. Yes.

Senator BACON. Was that a correct price?

Mr. WHARTON. I do not remember the price. We will assume it was right.

Senator BACON. I ask you whether that item was at a price which was proper and the market price at the time for plates of that kind?

Mr. WHARTON. I presume it was. I do not remember the price, and I can not answer your question, therefore, with the sharpness it deserves.

Senator BACON. You may say approximately. It has been developed that in place of the 3-inch plate there were substituted three thicknesses of inch plate, at a saving of over $390 per ton. How do you account for the difference between the price of $490 a ton for the 3-inch plates and the price of the three thicknesses of inch plate?

Mr. WHARTON. The Bethlehem Company did not make those plates. We were not fitted up for making those plates, and therefore by an understanding with the Department those thin plates were transferred.

Senator BACON. I am not asking as to the cause of the change.

Mr. WHARTON. I am pointing out to you, however, that the Bethlehem Company did not make the plates, and therefore we are not the proper persons to ask.

Senator BACON. Still, you are in the business, and would at least know the approximate cost of plates of that kind. It has been developed here that those plates were substituted for the 3-inch plates, which were originally designed, and that they cost from forty-odd dollars per ton up to $140 per ton, according to shape and bending, etc.

Senator SMITH. At a saving of $400,000.

Senator BACON. At a saving of about $400,000 on that item.

Mr. WHARTON. I am not the proper person to ask about that matter, because I was not a party to it.

Senator BACON. You know the market value of such material?

Mr. WHARTON. I do not think it is my place or that it would be becoming in me to say anything about it.

Senator BACON. If I were asking you to tell me whether or not the inch plate had been sold to the Government at an excessive price, you might feel some delicacy in replying. But I ask you as an expert to explain to the committee the difference between the cost of the inch plates and the 3-inch plates, where the difference was so great that in the substitution of one for the other about $300 per ton was saved.

Mr. WHARTON. We did not save anything in that way. I repeat that it would not be becoming in me to speak on that subject.

Senator BACON. I am not asking you for the purpose of trying to show that the charge was too great. I am merely asking the question for the purpose of getting an explanation.

Mr. WHARTON. We did not supply those plates. I do not know what they cost. We never made plates of that kind. We were not in a position at Bethlehem to do so.

Senator BACON. I believe the cost of plates is determined by the bending, etc.?

Mr. WHARTON. It is not so much the bending. The bending is insignificant. It is the shaping.

Senator BACON. Then the bending and shaping. Is that operation more expensive in a thick plate than in a thin plate?

Mr. WHARTON. Yes, sir. The shaping of the thick plate is done by machine work; that is, the superfluous material is cut off by machines built especially for that purpose.

Senator BACON. You can not state whether the difference between the cost of manipulating in that way a thin plate and the cost of so manipulating a thick plate would be sufficient to account for that great difference in price?

Mr. WHARTON. You may have noticed on one or two occasions that I dislike to make estimates or guesses in the absence of proper information. I am not informed on that subject, because we never made those plates; but there is no doubt that they could be produced at a lower price than thick plates, which have a great deal of machine work upon them. But when you come to a large job like this, you take the fat and the lean together. In a large contract, comprising several sorts of work, you take the whole thing together at a certain range of prices, so much for this and so much for that, composing a satisfactory and reasonable price for the whole. That is the way in which contracts are made.

Senator BACON. In other words, the high price of one article is offset against the low price of another?

Mr. WHARTON. We try to make the contract so that the prices will average right.

Ex-Secretary TRACY. If the Senator will permit me, you remember I stated that in this same schedule there was some other armor, the price of which I did not know and could not tell, but that the average price of the whole schedule was $490 per ton.

STATEMENT OF MR. ANDREW CARNEGIE.

The CHAIRMAN. Mr. Carnegie, we desire generally the same information from you as to your works that Mr. Wharton has given us in respect to Bethlehem.

Mr. CARNEGIE. Mr. Chairman and gentlemen, then I can only corroborate what Mr. Wharton has said. Our own experience in the manufacture of armor corresponds exactly with his. We were nearer toward making armor than the Bethlehem Iron Company, having very powerful machinery for our own business, but we declined to go into its manufacture when invited by Secretary Whitney. We declined to Secretary Tracy, his successor. My judgment never was in favor of going into the armor business. I knew it could never be a safe, permanent, and profitable business. It has not been as profitable as several departments of our own business, even in proportion to capital invested, and it requires infinite care, skill, and constant attention. That gentleman [pointing to Mr. Tracy] and the President of the United States are responsible for forcing us into the making of armor. If it had not been for a telegram received when I was abroad, stating that Secretary Tracy had requested us to do so, as our duty, to help the United States Government out of its difficulty when its ships were standing in the stocks and it could not get armor, you would never have found the Carnegie Steel Company engaged in the manufacture of armor.

The CHAIRMAN. You did so because of the failure of the Bethlehem Company to fulfill their contract?

Mr. CARNEGIE. It was only a delay, not a failure.

The CHAIRMAN. It was an inability.

Mr. CARNEGIE. No; the Bethlehem Company were too sanguine. They did not know so much about armor making as I think I did. I had often visited the European works, and nothing could have induced me to go into the manufacture of armor plate as a money-making business. If we had put the money we have in the armor plant to-day and the time and skill into our own regular business, we could have made much more money than we have made, and we would have had no trouble.

We sometimes make 150,000 tons of steel per month, and the petty 300 tons of armor that we make give us more trouble than all the 150,000 tons. It takes the best brains and the unremitting attention of the staff away from our business, and I have never ceased to regret the day that we were called upon to undertake the task.

Senator HALE. Why did you go into it?

Mr. CARNEGIE. Because the President of the United States and the Secretary of the Navy had told us that the United States Government was in a difficulty, and if the President of the United States were to ask me to-day to double our armor plant I would do it. If he were to ask me to go to Kamchatka for the United States, I would do it. I never went into this business for money. I knew better.

Senator HALE. It was because of your patriotism?

Mr. CARNEGIE. Yes, sir; just, Mr. Senator, as you would obey the wish of the Commander-in-Chief of the United States, the President, if he told you that you were the only person that could serve your country. Mr. Tracy can tell you how often we declined. Secretary Whitney can tell you also. But when we did go into it I personally took up the matter with our partner, Mr. Lauder. We visited the tool makers of Europe, contracted for tools nearly completed, paying a bonus to those entitled to get them. Three sets of men began work at our works, eight hours each, never stopping even Sundays or Sunday nights. We rushed everything, and in twelve months—November to November—after the contract was signed we delivered the armor. Had we done what we did for any European Government, a peerage or the Legion of Honor would have been offered to us.

Ex-Secretary TRACY. I have said, Mr. Carnegie, that I did not recall how the first interview between Mr. Abbott and myself came about. Have you any information on the subject? If you have, I wish you would give it to the committee. You know what occurred at the Department.

Senator HALE. What brought you to Washington?

Ex-Secretary TRACY. Do you recollect?

Mr. CARNEGIE. I remember the first time Mr. Secretary Tracy spoke to me in Washington about the matter. You said, "How is it, Carnegie, that we can not get steel that will stand our specifications except from you?" I said, "Mr. Secretary, because nobody in the world has machinery powerful enough to make it except ourselves. We have the most powerful mill in the world."

Ex-Secretary TRACY. I remember that statement.

Mr. CARNEGIE. You then said to me, "We are getting into a hole about armor. I can not get it. If we can not get it, you will have to do the best you can to get the Government of the United States out of trouble." Did you not, Mr. Tracy? I left you, and when I was abroad I got a telegram from Mr. Abbott advising me that you had sent for him—he was then our chairman—and wanted us to help the Government out of its trouble and go into the manufacture of armor. Mr. Blaine also spoke to me about it, and said it was feared there would not be a ship finished during the Administration of President Harrison. I believe the Cabinet congratulated Secretary Tracy upon the bargain that he had made which brought us into the armor business.

Mr. Chairman, one reason why armor making is not profitable is that we get only about 3,000 tons a year. We have $3,000,000 invested in the plant. We have to stop that plant every now and then for five or six months, but interest and maintenance run on, and some of our best men we must keep. Our men have just been scattered for six months now. We took a contract from the Russian Government for 1,000 tons of armor, and that has kept them running a few months, but in three weeks from now part of them will be out of work, and all of them will be idle again three months, for it will be three months before we get a chance to make armor plate for any of the new battle ships, and no concern—Senator SMITH, you are a manufacturer, and know that this is true—can be successful or make money under such circumstances.

When Secretary Tracy asked us to go into the making of armor, and we had reluctantly consented, it was a question of price, and we said that we could take no advantage of the Government's necessities. Whatever was the price paid the Bethlehem Company, which was the lowest bidder in competition, there being three parties in all, was our price. It was exactly the English price, as near as I could figure it.

I was amazed that the Bethlehem Iron Company bid at such a price, for armor making is largely a question of labor, and we ought to have 30 per cent more for armor in this country than they get in England, as skilled labor costs so much more. I think if the Government of the United States gets its armor at the same price as England pays, it is to be congratulated. Our armor is superior to any. However, we went on. Requirement after requirement was made by the Government of the United States. The armor we are making at present costs us $105 a ton more than the armor we contracted for; not that the Government does not pay the extra cost, for it does pay it, but it costs us that much more. This causes the cost per ton to seem high, but the armor now furnished is really cheaper than the first, as its resistance is so much greater. I will just give you the items.

We contracted with Secretary Tracy to make common steel, such as Great Britain and France and Germany were getting made. It was afterwards changed to nickel. Nickel is harder. I once heard that the President said Mr. Tracy could make good bargains. He did make a good bargain with us. He allowed us only $10 a ton more to make nickel steel.

Then we go on to the Harvey process. The Secretary of the Navy wanted harveyized armor. He required us to build the furnaces for Harvey armor, which are good for nothing else in the world. We spent over $200,000 on them. Anybody else would have spent $300,000, because we had the ground, the connections, the heat, and the water, and we had our staff. We have harveyized only about 4,000 tons of armor, and if the Government adopts some other process to-morrow, the Harvey furnaces are a complete loss to us; they are specially constructed for this process and are good for nothing else. The Secretary allows us $50.80 a ton for that, while the British Government allows $100 a ton for the same.

The CHAIRMAN. Just double.

Mr. CARNEGIE. Yes. They allow it in this manner: The manufacturer divides it. He says, "There is $60 a ton for the armor," for which we get $50.80. Then he charges 2 cents a pound royalty for the Harvey process: that is $40. Secretary Tracy bought the right to use the Harvey process for $100,000, and of course it does not cost the Government the royalty. But in England the manufacturers own five-sixths of the Harvey patent, and, therefore, by my figuring, they get $93 net for harveyizing and we get $60. The other $7 goes to the American shareholders in Harvey patents. The British Government pays, as I have said, $100 per ton. They do not harveyize thin plates. They have not been able to do it. We are compelled to do it, and it is very difficult and costly.

Senator HALE. Deck plates, etc.?

Mr. CARNEGIE. Turret plates. It is very hard to do. Now, under the Harvey process, it takes a month to harveyize every plate.

Senator HALE. Thirty days?

Mr. CARNEGIE. Yes, sir; it takes a week to heat it in a great furnace up to the necessary temperature. It takes two weeks to harden it. It takes a week for it to cool. All our operations are delayed one month for every plate we harveyize. We are not paid fairly for this work. Thus nickel costs $10 to work over plain steel; there is $45 per ton patent royalty: total $55. Harvey costs $50; that is $105. Then we are now required to reforge armor under our own patent. I have just received the London Engineer, which gives its annual review of naval affairs. This is the highest authority. I will not read it all, but I quote its concluding words: "Double forging has come in the United States, and the recent 'record breakers,' as they call them, have chiefly been double-forged plates of Carnegie." That is our record.

Senator HALE. You have a patent upon that process?

Mr. CARNEGIE. Yes, sir.

Senator HALE. The Corey patent?

Mr. CARNEGIE. Yes, sir; but we do not charge the Government any royalty for it. If the Government of the United States would give us what the British Government gives its armor-making plants, steady work, we should be all right. For instance, to-day you see in the papers that it has ordered five more battle ships. The British armor-plate establishments have never been out of work for I do not know how many years: I should say ten. They work night and day. One of them made 6,000 tons last year. What do we get? Scarcely anything this year.

If the Government would keep us in work, 6,000 tons a year, it would be a highly profitable business; but as it is now, gentlemen, I assure you that many departments of our work are making more money and have made more money on the capital. Note Mr. Wharton's figures: Six millions invested means annual interest $360,000. Upon 3,600 tons of armor this means $100 per ton interest cost. Assume that the Government orders armor for ten years and then its Navy is finished; this means that $400,000 per year depreciation upon plant has to be charged—more than a second hundred dollars per ton. Because some uninformed people only see the high price per ton, and do not calculate properly, they think armor plants are extremely profitable. They are not so. Take the $3,000,000 which we are just now spending for blast furnaces. I know that investment will make more profit than the armor-plate plant, and it costs about the same. It will involve no special care, have few if any stoppages, and be in use as long as we can look ahead. It is a far more desirable investment of capital.

Senator SMITH. What is the capacity of your armor-plate establishment?

Mr. CARNEGIE. It is about the same as that of Bethlehem. The present Secretary of the Navy recently asked me how much we could do. I replied, "It is a question of money." If the Government of the United States give us 20,000 tons of armor to make, we can double the plant and furnish it before they are ready for the plate. Some one has asked to-day, I think it was Senator HALE, why we did not increase the capacity of our plants to fill the Government wants. I will take a contract to deliver all the armor that the Government wants—Bethlehem could close, or Bethlehem could continue and we shut up—and make all the armor. Neither establishment can be kept more than half employed at the present rate. Another gentleman asked about the Government erecting an armor plant. Gentlemen, you can not make armor without making steel, can you?

Senator SMITH. Not very well.

Mr. CARNEGIE. I wish the committee would come with me and visit the armor plant and let us show you what we have. In order to make armor plate we sometimes have an ingot weighing 150 tons; that is for the big plates we have to make. We cut off one-third from the top and one-third from the bottom of this ingot. We are not required by the contract to do it; one-third is what we are required to cut off by the contract, but we find we can not make armor plate that will break records without throwing away one-third at bottom and top. The pure, solid steel is in the center of the ingot.

We get five or six of our steel-melting furnaces running into a great pit until 150 tons are there. By an electric crane we lift 150 tons right up. That is all the Government business for two days that the plant will have to do, as a rule. If it is a 40-ton plate, we would not cast another until the third day. If you have other work for the heating furnaces, where you are making steel, it would be all right. As it is with us, we keep the furnaces and the forces busy upon general work and only cast an ingot for armor once in two or three days. That is one reason why no Government has attempted to make armor. It would have to go into the steel business. Armor making is an adjunct to a great steel-making concern. The tonnage for armor is so small, 3,000 tons in a whole year, when we make sometimes in one month 150,000 tons of steel.

The CHAIRMAN. What amount have you estimated that you have spent for this purpose to compare with Bethlehem?

Mr. CARNEGIE. About $3,000,000 for such additions as were necessary to our preexisting steel-making plant; we had nothing to spend for making the steel for armor. Our books show $2,5[illegible] and something over, I think, but we charged nothing [illegible] land, nothing for the connections; we charged nothing for water, for light, or for superintendence, or for anything like that, because we had all those things. Half a million would not cover what we supplied beyond the $2,500,000.

The CHAIRMAN. The actual cost was about $2,500,000?

Mr. CARNEGIE. The actual cash expenditure, and what we ourselves contributed, as just explained, making three millions. Mr. Wharton's figures, in my opinion, are right. The Government would spend about $5,000,000 certainly to make a steel-making plant and an armor-plate plant for the Government. We should have to do so if we had to start de novo and were not in the steel-making business.

Senator PERKINS. It would require another million for stock.

Mr. CARNEGIE. You can not do it for $1,000,000. We have to-day in one group nearly half a million of dollars' worth of finished armor waiting test and acceptance by the Government. It takes much more capital now since everything takes one month longer for the Harvey process.

The CHAIRMAN. In your judgment, then, to start an establishment for this purpose equal to yours—I do not mean the entire establishment, but simply the armor-plate plant—it would require about $10,000,000 of capital?

Mr. CARNEGIE. Five million dollars.

The CHAIRMAN. For capital and all?

Mr. CARNEGIE. Five million plant and two million capital, as Mr. Wharton says—$7,000,000.

Senator CHANDLER. What did you say about the foreign armor makers having an interest in the Harvey patent?

Mr. CARNEGIE. The continental manufacturers purchased the Harvey patent. They purchased it for $100,000 cash for Great Britain, and a sixth of the stock. Therefore the British manufacturers have five-sixths of that stock. One hundred thousand dollars for Great Britain in proportion to the armor it makes would be equal to about $15,000 for the patent right for the United States.

Senator CHANDLER. That is the way they disposed of the Harvey patent?

Mr. CARNEGIE. Yes, sir. It is a profit to the manufacturers. They charge the British Government $40 per ton royalty and $60 as cost of the process.

Senator CHANDLER. That is about 2 cents a pound?

Mr. CARNEGIE. Yes, sir.

Senator CHANDLER. The United States, having made a contract at a half a cent a pound, may be said to have bought out the patent right?

Mr. CARNEGIE. Yes, sir; the foreign manufacturers bought the patent and the United States Government bought the patent. The United States Government, I think, paid $5, or something, per ton.

Ex-Secretary TRACY. A half cent a pound.

Mr. CARNEGIE. Very well. The British Government pays 2 cents a pound to the manufacturers. We have not anything.

Senator CHANDLER. And they own five-sixths of the stock.

Mr. CARNEGIE. Yes, sir. They pay themselves back. We have no patent for which we charge the Government. We are not interested in the nickel process, or in any other patent other than our own Corey patent, which was invented in our own works.

Senator CHANDLER. How many patents have you?

Mr. CARNEGIE. Only our own patent—the Corey—as far as armor is concerned, and one for nickel.

Senator CHANDLER. How many patents are there, your own and other people's patents, on the armor that you are going to bid for, or have already bid for, to the Secretary of the Navy?

Mr. CARNEGIE. There would be the nickel patent and the Harvey patent.

Senator CHANDLER. What do you mean by nickel reforging?

Mr. CARNEGIE. No; the introduction of nickel into steel.

Senator CHANDLER. What are those patents?

Mr. CARNEGIE. The Schneider patents.

Senator CHANDLER. Then there is the Harvey process, the nickel, and the process of reforging?

Mr. CARNEGIE. Yes, sir.

Senator CHANDLER. What else is patentable, or what other patent do you use or will you use to carry out the new contract with Secretary Herbert, if one is made?

Mr. CARNEGIE. I can not recall any other important patents.

Senator CHANDLER. Those are all the patents that now occur to you?

Mr. CARNEGIE. Yes, sir.

At 3 o'clock and 50 minutes p. m. the committee adjourned.

PRICES OF ARMOR FOR NAVAL VESSELS.

WASHINGTON, D. C., *February 22, 1896.*

The committee met at 12 o'clock.

Present, Senators HALE, CHANDLER, PERKINS, and SMITH.

Mr. Charles C. Stauffer appeared before the committee.

Senator CHANDLER submitted correspondence to be placed in the record, as follows:

UNITED STATES SENATE, *Washington, D. C., February 3, 1896.*

SIR: It seems to me that it will be wise in any future contracts for armor to require, as to all patents used in its manufacture, that the Government shall be given the right to use these patents and any improvements thereon in any additional manufacturing of armor, whether directly by the Government itself or by any contracting manufacturers whatever.

This requirement will obviate, to some extent, the argument that the Government is building up two armor factories which do not compete but combine with each other, and which, by multiplying patents upon the modes of manufacturing armor, are accumulating restrictions upon the processes used so as to make it difficult, if not impossible, for the Government either to establish its own factory or to encourage the opening of a third factory, if future events should make it for the public interest to pursue this course.

Very respectfully,

WM. E. CHANDLER.

Hon. H. A. HERBERT,
Secretary of the Navy.

NAVY DEPARTMENT, *Washington, February 19, 1896.*

MY DEAR SENATOR: Answering yours of February 3, in which you suggest that in future contracts for armor it would be wise to require, as to all patents used in its manufacture, that the Government shall be given the right to use these patents and any improvements thereon in any additional manufacturing of armor, whether directly by the Government itself or by any contracting manufacturers whatever, I agree with you that it would be well to put in such provision if the armor manufacturers would consent, but, in my opinion, they would not. They would, of course, see the purpose of such a provision and would refuse to consent to it. What then would be the condition of the Government? I could simply refuse to make a contract, and they would hardly believe that I would take this step.

I told you about the warm controversy I had with these people and the threat I made to induce them to make a reduction of $50 per ton. The threat was that I would appeal to Congress.

If Congress, considering this matter now, does nothing, but leaves the Department where it has been, then you will observe that the Department will be left in the hands of these people. If I am to have any power in the premises to dictate terms, Congress must give it to me now. This can be done in two ways: One is to authorize the Department to establish works of its own, and I do not think this is practicable. When we take into consideration the cost of the plant and the cost of operating and keeping it in condition, it does not seem to me that the experiment would pay. However, if Congress authorizes the conditional establishment of such a plant, I will use the power for all it is worth. The other method would be to authorize the Government, in case of a combination against it by its own manufacturers, to contract for armor abroad. I am not in favor of getting our armor from abroad and I do not think the country is, and if I had the power to resort to foreign contractors I should only do it in case I was furnished with the plainest evidence, not only of combination, but extortion. A law which would give this power to the Department would be, if wisely administered, an efficient check upon extortion, but it is not my opinion that Congress would pass it. Such a law would be the simplest remedy.

Very respectfully, yours, H. A. HERBERT, *Secretary.*

Hon. W. E. CHANDLER,
United States Senate, Washington, D. C.

UNITED STATES SENATE, *Washington, D. C., February 21, 1896.*

SIR: Will you kindly give me a memorandum specifying all the patents or patent processes which will be used either by requirement of the Department through the specifications which it prescribes, or by the contractors of their own motion, in manufacturing the 5,650 tons of armor plate for which the Department is now authorized to make contracts, the information asked for to be laid before the committee in the course of its pending inquiry?

Very respectfully,

W. E. CHANDLER.

Hon. H. A. HERBERT,
Secretary of the Navy.

NAVY DEPARTMENT, *Washington, February 25, 1896.*

SIR: The Department has the honor to acknowledge the receipt of your communication of the 21st instant, in which you request a memorandum specifying all the patents or patent processes which will be used either by the requirements of the specifications which it prescribes or by the contractors of their own motion in manufacturing the 5,650 tons of armor plate for which the Department is about to make contract, and to state that such communication has been referred to the Bureau of Ordnance for the information requested, and that as soon as it has been received the same will be furnished you.

Very respectfully, H. A. HERBERT, *Secretary.*

Hon. WILLIAM E. CHANDLER,
United States Senate.

NAVY DEPARTMENT, *Washington, February 29, 1896.*

SIR: Referring to your communication of the 21st instant, relative to processes to be used in manufacturing the 5,650 tons of armor plate for which the Department is now authorized to make contracts, I have the honor to state that the Bureau of Ordnance, which has immediate cognizance of the matter of armor for naval vessels, and to which said letter was referred, has reported thereon as follows:

The specifications require that the armor to be contracted for shall be face hardened by a process called the Harvey process, which is patented. If this patent is good, the Department is pledged to pay a royalty of one-half cent per pound for all armor manufactured. The validity of the patent is now in question, and will probably soon be decided by the courts. If the patent is sustained, the Department will continue to pay the royalty; otherwise no further royalties will be paid.

The specifications also require that the armor shall be reforged or double forged, which is a process patented by Mr. Corey, of the Carnegie Steel Company. No royalty is to be charged the Department for the use of this process by either armor company.

The specifications require the use of nickel steel in the manufacture of the armor.

The contract will require the manufacturer to furnish nickel-steel armor, and he will have to pay any royalties if the patent is a valid one.

The Bethlehem Iron Company has obtained the right to manufacture nickel steel from the Creusot Company, who claim a patent upon the process. The Carnegie Steel Company is now contesting the validity of the patents in the courts.

The patents referred to are: Decrementally hardened armor plate, No. 460262, dated September 29, 1891; steel armor plate and process of making same, No. 541591, dated June 25, 1895; process of manufacturing the alloys of steel and nickel, No. 415655, dated November 19, 1889. No other patents are involved.

I have the honor to be, very respectfully,

W. McADOO, *Acting Secretary.*

Hon. WILLIAM E. CHANDLER,
United States Senate.

STATEMENT OF CHARLES C. STAUFFER.

Senator CHANDLER. What is your official connection with the Interior Department?

Mr. STAUFFER. I am at present first assistant examiner in the division of metallurgy in the Patent Office.

Senator CHANDLER. Who is the principal examiner of that division?

Mr. STAUFFER. Eugene A. Byrnes.

Senator CHANDLER. Have you been shown the letter from me to the Commissioner of Patents, dated February 21, asking for information in reference to certain patents?

Mr. STAUFFER. I have.

THE HARVEY PATENTS.

Senator CHANDLER. Will you please take up first the Harvey patents, giving the information desired in reference to those patents?

Mr. STAUFFER. The patents in question are three in number.

Senator CHANDLER. Will you describe each one?

Mr. STAUFFER. The first one is a patent, No. 376194, dated January 10, 1888, and is for the process of treating low steel.

Senator CHANDLER. To whom was it issued?

Mr. STAUFFER. To Hayward A. Harvey, of Orange, N. J., assignor to the Harvey Steel Company of New Jersey.

Senator CHANDLER. State now, if you please, in reference to that patent—which you say is the first one to Harvey—what is patented?

Mr. STAUFFER. I will read certain paragraphs:

> This invention relates to a method of treatment by which the characteristic qualities of refined crucible steel are imparted to steels of low grades—such as Bessemer steel, basic steel, etc.—whereby such steels are made capable of taking any prescribed temper, and are adapted to be manufactured into machinists' tools, axes, knives, fine cutlery, or cutting or abrading instruments of any kind, and by which such low steels are given increased tensile strength and are rendered weldable, so that they can be piled and reworked without difficulty.

Then he goes on to say:

> The essential conditions of the method of treatment to which the ingot or other body of steel is subjected are the presence of carbon, the absence of oxygen, and high temperature—i. e., a temperature above 1,500° F.—the degree of temperature being varied according to the degree of hardness which the product is required to be capable of taking in the subsequent process of tempering.

The absence of oxygen is effected by keeping the steel while subjected to this high temperature in contact with carbon. The carbon acts as a seal to exclude oxygen from the metal. The carbon which he uses is preferably wood charcoal granulated or powdered.

Senator CHANDLER. Is that a substantial statement of what was patented to Mr. Harvey in that patent?

Mr. STAUFFER. I think so.

Senator CHANDLER. What do you regard as the novelty which was there patented?

Mr. STAUFFER. The novel feature was the exclusion of the air in combination with a high temperature, a temperature above 1,500° F., or, as defined in the claim, a temperature above that at which cast steel will melt, which would be from 500° to 600° higher than 1,500°. The fifteen hundredth degree is the lowest limit, beneath which it would not be practicable to go. The working limit is considerably higher.

Senator CHANDLER. What does the patent state to be the effect upon the steel; merely that of making it harder for the purpose of tool steel?

Mr. STAUFFER. Yes; that is, the immediate effect of it is to render it capable of being hardened, rather than directly hardening it. It supplies to the surface of the iron or steel an increased quantity of carbon, and the effect of that carbon, when the plate is afterwards tempered, is to make it harder. The presence of a considerable quantity of carbon in steel has that effect. If a smaller quantity of carbon is present, as in Bessemer steel, the steel is not capable of becoming quite so hard.

Senator CHANDLER. Then, strictly speaking, the patent process resulted in carbonizing steel, and not in hardening it as a part of the same process.

Mr. STAUFFER. That is correct.

Senator CHANDLER. Does the patent cover any method of afterwards hardening the carbonized steel?

Mr. STAUFFER. I do not think this one does.

The patent referred to is as follows:

[United States Patent Office. Hayward A. Harvey, of Orange, N. J., assignor to the Harvey Steel Company, of New Jersey. Process of treating low steel. Specification forming part of Letters Patent No. 376194, dated January 10, 1888. Application filed December 8, 1886. Serial No. 221023. Specimens.]

To all whom it may concern:

Be it known that I, Hayward A. Harvey, of Orange, N. J., have invented a certain improvement in the treatment of low steel, of which the following is a specification:

"This invention relates to a method of treatment by which the characteristic qualities of refined crucible steel are imparted to steels of low grades—such as Bessemer steel, basic steel, etc.—whereby such steels are made capable of taking any prescribed temper, and are adapted to be manufactured into machinists' tools, axes, knives, fine cutlery, or cutting or abrading instruments of any kind, and by which such low steels are given increased tensile strength and are rendered weldable, so that they can be piled and reworked without difficulty."

"The essential conditions of the method of treatment to which the ingot or other body of steel is subjected are the presence of carbon, the absence of oxygen, and high temperature—i. e., a temperature above 1,500° F.—the degree of temperature being varied according to the degree of hardness which the product is required to be capable of taking in the subsequent process of tempering." The higher the temperature is the higher is the temper which the product is rendered capable of taking.

In carrying out the treatment the ingots or other bodies of steel which are to be treated are embedded in a finely powered carbonaceous material, preferably hard-wood charcoal, contained in crucibles, boxes, or receptacles made of plumbago or some other refractory material, and provided with covers to prevent the charcoal from being consumed.

No special kind of furnace is required; but in practice a furnace of the regenerative type may be preferred, both for the sake of economy in fuel and because of the rapidity with which the heating operation can be performed.

The shape and dimensions of the furnace chamber will of course be governed by the shapes and sizes of the ingots or other bodies of steel which are to be treated. For example, ingots, say, 2 inches by 3 and 18 inches long may be treated in receptacles 9 inches by 10 inside, and, say, 24 inches long. Such a receptacle will serve to contain six ingots separated from each other and from the walls of the receptacle by thicknesses of 1 inch of powdered charcoal, and separated from the bottom of the receptacle by a layer of 1 inch of powdered charcoal, and from the cover by a layer of, say, 3 inches or more of powdered charcoal.

The fire-chamber or heating chamber may be proportioned with reference to containing any desired number of boxes or other receptacles for the charcoal. The boxes or other receptacles for the charcoal may be heated by direct contact with a body of incandescent fuel, in which they are embedded; or they may be deposited in a heating chamber and be heated by contact with or radiation from the flames conducted through such heating chamber. The time required for the heating operation will depend, of course, upon the dimensions of the body or bodies of steel under treatment, and also upon the efficiency of the furnace employed. The object to be accomplished is the uniform heating throughout of the body of material under treatment, which, for present convenience, may be called "raw steel."

If the raw steel is in a large mass or masses, the heating operation will have to be conducted more slowly in order that the interior of the mass of raw steel may be raised to the required temperature without melting the crucible or box in which the raw steel is packed. When the raw steel is embedded in powdered charcoal contained in a covered crucible, it may be raised above its ordinary melting point without being melted, and certain excellent results are produced by raising the raw steel to upward of 3,000° F. When the desired temperature has been reached and the heating operation has been so conducted or prolonged as to have insured the uniform heating through of the material under treatment, the receptacle containing such material is at once allowed to cool off, and, if desired, may be removed from the furnace to hasten its cooling. By this treatment raw steel, which previously could not be welded or tempered, becomes weldable and undergoes a transformation by which its tensile strength is increased, and by which it acquires the characteristics of refined crucible steel, or so-called "tool steel" of the higher grades.

There are a great variety of existing furnaces in which the process can be conducted. Such furnaces of course vary in their efficiency; but a few trials by an operator skilled in the management of any particular form of furnace will suffice to determine the time required for conducting the process in such furnace, and also for varying the process with reference to the qualities which it is desired the product shall possess. Thus, for example, if a product capable of taking a temper of a very high degree of hardness be required, the material under treatment will be raised to a temperature, say, of about 3,000° F. The product, which has been raised to about this temperature and allowed to cool off to a temperature of, say, 200° or 300° F. before being removed from the powdered charcoal in which it has been embedded, will on removal be found very soft, will exhibit a clean surface of a dull gray or zinc color, and will be capable of taking a temper so high that tools made from it and hardened will cut chilled iron, and may be successfully used for turning chilled-iron rolls.

By so varying the process as to lower the extreme limit of temperature to which the material under treatment is raised, the product when cooled off will exhibit a clean surface of a slightly golden tint, and will be capable of taking a temper nearly as high as that which the gray-colored product is capable of taking. By further lowering the limit of temperature to which the material under treatment is raised, the product when cooled will exhibit a surface of a pale-blue tint, and will be capable of taking a temper somewhat lower than that which the golden-tinted product is capable of taking. By still further lowering the limit of temperature to which the material under treatment is raised—say, for example, to a temperature of about 1,500° F.—the product when cooled will exhibit a surface of dark purple color, but will be capable of taking a low temper.

The tints referred to are similar to those which are exhibited upon the surface of a piece of ordinary tool steel after it has been heated and while its temper is being drawn. In the case of such a tool the color which it finally exhibits after the tempering operation has been completed indicates the degree of hardness which it then possesses, different colors indicating different degrees of hardness. If the tool is very hard, its surface may have a gray color; if it is slightly less hard, its surface may have a straw color or golden tint, and if still less hard its surface exhibits a blue tint, and if it possesses only a moderate degree of hardness its surface may have a dark-purple tint. In the case of such tool steel these colors are respectively the invariable accompaniments of various degrees of hardness. On the contrary, in the present process the several colors exhibited, respectively, by a number of objects which have been heated to different degrees of temperature and allowed to cool before being removed from their charcoal beds do not indicate like differences in hardness then possessed by those objects, the fact being that they are all of them comparatively soft. What their colors do indicate is the extreme limit of hardness to which they can be respectively brought in the operation of tempering them subsequently. Thus a product of pale-blue tint can in the process of tempering be brought to the condition of hardness which is ordinarily accompanied by the appearance of the blue tint upon the surface, but can not be made any harder. Its temper, however, can be drawn down so that it will be that indicated by a dark-purple tint upon the surface. Similarly, a product of the present process exhibiting a golden tint, or straw color, can in tempering be hardened to straw color, but no higher, and its temper can be drawn down to a pale blue or to a dark purple. The same principle holds good as to the product having the gray tint, which, in tempering, may be given the extreme hardne[illegible]d by the gray tint, and may have its temper drawn so that [illegible] in succession all the ordinary variations in color down to the [illegible] purple tint. It will therefore be perceived that in practicing the process herein described the color exhibited by the product upon its being removed from the charcoal, after having been allowed to cool off therein, affords a reliable indication of the character of the product as to its capacity for tempering, so that it will not be necessary to actually test the product before hardening it to find what its qualities are.

In practice it will not be necessary that the products which have been treated shall remain in the charcoal bed until perfectly cool. They may be removed as soon as they are cool enough to be handled.

If removed while hot, their surfaces will of course be more or less oxidized by exposure to the air, and they will be slightly harder. Such oxidation will to some extent obscure their colors, but will do no material harm. The principal useful effects produced result from the high temperature to which the objects under treatment are subjected, and do not depend upon the method of cooling. As the products of the treatment exhibit different colors according to the temperature employed, so different parts of the same ingot or bar may be made to exhibit different colors by subjecting such parts to different temperatures. For example, the ingots or bars under treatment may, if desired, be subjected to intense heat at one end and to a lower heat at the other end, so that they will exhibit when removed from the charcoal a gray color at the ends which have been most intensely heated and a blue or purple color at the other ends, and the regular series of intermediate colors between their gray and purple portions. All parts of them, however, will be found to have acquired the property of weldability, so that they can be readily piled and reworked. After a furnace has been tested by trial and the colors exhibited by the products under different conditions of treatment have been observed, the character of the results which will be produced by a prescribed duration of treatment in that furnace will be known; hence all that is required is to carefully reproduce in repetitions of the treatment the conditions as to heat and duration which have previously been noted as those which result in the yield of products having the required color—that is, products having the capacity to take in tempering the degree of hardness desired.

It is difficult, and in the case of ordinary furnaces impossible, to accurately measure such high temperatures, and in view of this fact, and also in consideration of the varying efficiency of different furnaces and of different fuels, the more practical method of conducting the process will be by regulating the duration of the heating operation, after having first ascertained by trial what length of time is taken in the particular furnace and with the particular fuel employed, whether solid or gaseous, to heat the material under treatment to such a temperature as will produce a product of the desired color.

The temperatures herein mentioned are to be regarded simply as approximations to the actual temperatures employed in practice. It is not necessary that these temperatures, which can not easily be measured, shall be herein accurately prescribed, because the observation of the periods of time occupied in the particular furnace and the observation of the colors which the treated ingots respectively exhibit, with the particular fuel which may be employed, affords all the information required for the subsequent successful production of ingots having like colors by the use of similar fuel in the same furnace.

A single ingot, say, 2 by 3 inches and 18 inches long, deposited in powdered charcoal in a crucible, say, 5 inches in diameter and 24 inches long, can be successfully treated by keeping such crucible embedded in a free-burning coke fire for a period of from four to six hours. A larger ingot or a number of ingots contained in a larger crucible may require a longer time—as, say, fifteen or twenty hours—to insure uniform heating throughout to the required temperature.

The product produced by this mode of treatment will be found to be free from scale and without blisters upon its surface. As there is no oxidation upon its surface, finished articles—such as knives, cutlery, files, and other cutting or abrading instruments made of low steel—may be subjected to the treatment without injury, and the material of which they are composed be thereby transformed into steel of fine quality.

It is to be remembered that the smaller the area in cross section of the articles under treatment the less will be the time required for their treatment under the high temperature herein prescribed, and the duration of the treatment will therefore be varied as found to be necessary in view of the sizes of the articles to be treated, as well as in view of the efficiency of the furnace and of the fuel which may be employed.

It has long been known that iron could be transformed into steel by depositing it in a bed of carbonaceous material and subjecting it to a high temperature for several days. The bars of steel so produced have their surfaces covered with blisters, and the product is hence known as "blister steel." It is also well known that such steel is not adapted for making tools for working wood or metal.

A costly product, known as "Mushet steel," has also been made by fusing malleable iron with carbonaceous matters in crucibles. The Mushet steel is of extraordinary hardness, and has hence been employed for turning chilled-iron rolls and other analogous purposes.

It will be found not only that tools made from the gray-colored product produced by the process herein described will do perfectly well all the kinds of work which tools made from Mushet steel are capable of doing, but that they are superior to tools made from any other steel whatever for certain purposes—such, for example, as boring deep holes in chilled iron or steel or turning or planing the surfaces of thin shelled chilled iron or steel castings, which, by reason of their shape, can not be supported directly opposite the tool, and are hence liable to spring when the point of the tool is pressed hard against them.

What is claimed as the invention is—

1. The herein-described process of treating ingots or other objects composed of low steel—such as Bessemer steel—for the purpose of imparting to the metal of which such objects are composed the qualities of refined crucible steel, which consists, essentially, in embedding the object or objects to be treated in a body of granulated or powdered carbonaceous substance, such as wood charcoal, deposited in a crucible or receptacle made of plumbago or any other suitable refractory material and provided with a cover to prevent the combustion of the charcoal, and in heating such receptacle and its contents in a furnace or heating chamber the temperature of which is above the melting point of cast iron for such length of time that the objects treated when removed from the charcoal will exhibit clean unblistered surfaces of a prescribed color or colors, as herein set forth, and will possess the capacity of taking in tempering the degree or degrees of hardness ordinarily indicated by such color or colors.

2. The herein-described process for treating ingots or other objects composed of low steel—such as Bessemer steel—for the purpose of increasing the tensile strength of the metal of which such objects are composed and giving it the quality of weldability, so that it can be piled and reworked in the ordinary manner, which consists, essentially, in embedding the object or objects to be treated in a body of granulated or powdered carbonaceous substance, such as wood charcoal, deposited in a crucible or receptacle made of plumbago or other suitable refractory material and provided with a cover to prevent the combustion of the charcoal, and in then heating such receptacle and its contents in a furnace or heating chamber the temperature of which is above the melting point of cast iron for such length of time that the objects treated will on removal from the charcoal exhibit clean unblistered surfaces of a prescribed color or colors, as herein set forth.

H. A. HARVEY.

Witnesses:
R. C. HOWES,
M. L. ADAMS.

Senator CHANDLER. Now, in reference to this patent, state, if you please, historically, the course of proceeding—whether there was a contest over it: whether there were what are called interferences, and whether other inventions, prior inventions, were examined in that connection. However, before you do that, state, if you please, who was the examiner who made the decision that the invention was patentable and that the patent should issue.

Mr. STAUFFER. This patent was not in interference and was not appealed. The claims in this patent are two in number, and are very limited. The examiner who signed the file is F. P. MacLean.

Senator CHANDLER. There is nothing of record, then, to show that any prior or conflicting inventions were examined by Mr. MacLean at the time he recommended the issuance of this patent?

Mr. STAUFFER. There is no record of any such conflicting applications.

Senator CHANDLER. Is it or is it not to be presumed, however, that Mr. MacLean examined to see whether there were any?

Mr. STAUFFER. It was his duty to do it, and the presumption is that he did.

Senator CHANDLER. So the issue of this patent, the records showing no conflict or interference with other inventions, accord-
none which conflicted?
ing to the custom and practice of the office, presumes an examination as to prior inventions and the ascertainment that there were

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. But what, if any, inventions there were which it was supposed might conflict the record does not show.

Mr. STAUFFER. The record does not show any.

Senator CHANDLER. Have you stated, then, the complete record history of that patent up to this time?

Mr. STAUFFER. I believe so. I have here an abstract of the assignment. The date of the assignment was June 17, 1887, recorded in the Patent Office July 2, 1887.

Senator CHANDLER. Please hand the copy of the abstract of title to the foregoing patent to the reporter, and it will be inserted in the record.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 28, 1896, under or relating to letters patents granted to Hayward A. Harvey, Orange, N. J., assignor to the Harvey Steel Company of New Jersey, January 10, 1888, No. 376194, "process of treating low steel."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 28th day of February, A. D. 1896, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignor.	Assignee.	Date of assignment.	Date of record.
H. A. Harvey	Harvey Steel Co., a corporation under the laws of New Jersey.	June 17, 1887	July 2, 1887

Invention.	Territory assigned.	Liber.	Page.
Treatment of low steel. Appln filed Dec. 8, '86. Ser. No. 220,69. Jan. 10, '88. 376194.	Exclusive right to said invention. Patent issued to said assignee. $1 and other considerations.	G 36	394

Senator CHANDLER. Does your statement now made, with the two papers submitted, constitute the full history of the 1888 Harvey patent, so far as you know?

Mr. STAUFFER. It does; and up until the 28th of February, 1896, to which date the records were examined for the Senate committee.

Senator CHANDLER. Now, please go on with the history of the other Harvey patents.

Mr. STAUFFER. The next is patent No. 460262, granted to Hayward A. Harvey, of Orange, N. J., dated September 29, 1891. It is a patent for decrementally hardened armor plate, by which is meant armor plate whose hardness varies from the surface to the interior, the hardest part or portion being at the surface.

I should say that the title is somewhat misleading, because one of the claims is for the method of producing such a plate and the other is for the plate as produced, so that the full title should be "method of."

Senator CHANDLER. Method of what?

Mr. STAUFFER. "Method of producing decrementally hardened armor plate and decrementally hardened armor plate."

Senator CHANDLER. The patent is intended to cover both the process and the product?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. And that is allowable in one patent?

Mr. STAUFFER. Yes, sir; it is allowable, but the title fails to state it. This specification says:

> This invention embraces a method of facilitating the transformation of homogeneous low steel armor plates into plates which present upon the side intended to receive the impact of projectiles a stratum of tenacious steel of heterogeneous crystalline structure highly and uniformly carburized and excessively hard upon its exposed surface and less and less carburized and gradually diminishing in hardness as the depth from said surface increases.

This gives a brief account of what the invention is:

> The required transformation is effected by inclosing the low steel plate between a mass of noncarbonaceous granular material on one side and a mass of granular carbonaceous material packed firmly against the other side in a compartment erected within the heating chamber of a suitable furnace and in then raising the heat of said heating chamber and maintaining it at a temperature above the melting point of cast iron for a period of time sufficient to effect the desired increase in the tenacity of the steel and the supercarburization to the desired extent and depth of the side of the plate against which the granular carbonaceous material is being constantly pressed. The plate is subsequently removed from the furnace and chilled.

The patent gives the detail of the apparatus for carrying out this process, which I can explain in detail if you wish me to do so.

Senator CHANDLER. We can get that from the specification.

The patent referred to is as follows:

[United States Patent Office. Hayward A. Harvey, of Orange, N. J. Decrementally hardened armor plate. Specification forming part of Letters Patent No. 460,262, dated September 29, 1891. Application filed April 1, 1891. Serial No. 387,240. No model.]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, Hayward A. Harvey, of Orange, N. J., have invented certain improvements in decrementally hardened armor plates, and in the art of manufacturing the same, of which the following is a specification.

This invention embraces a method of facilitating the transformation of homogeneous low steel armor plates into plates which present, upon the side intended to receive the impact of projectiles, a stratum of tenacious steel of heterogeneous crystalline structure highly and uniformly carburized and excessively hard upon its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases. The required transformation is effected by inclosing the low steel plate between a mass of noncarbonaceous granular material on one side and a mass of granular carbonaceous material packed firmly against the other side in a compartment erected within the heating chamber of a suitable furnace, and in then raising the heat of said heating chamber and maintaining it at a temperature above the melting point of cast iron for a period of time sufficient to effect the desired increase in the tenacity of the steel and the supercarburization to the desired extent and depth of the side of the plate against which the granular carbonaceous material is being constantly pressed. The plate is subsequently removed from the furnace and chilled by immersion in a cold bath or otherwise, as hereinafter set forth, whereby its supercarburized side is hardened. The heat to which the plate is subjected during the described treatment is so intense that the plate would be melted but for the granular materials surrounding it, by which all parts of it are protected from the air. The continuous firm compression of the carbonaceous material against the plate during the entire treatment secures the perfect contact of the carbonaceous material with all portions of the adjacent side of the plate and promotes the rapid and uniform supercarburization thereof.

The product of the described treatment, except in respect of its crystalline structure, is a homogeneous armor plate of highly tenacious steel, which upon the side intended to receive the impact of projectiles presents a stratum of prescribed thickness which is decrementally carburized, and consequently has an ununiform crystalline structure, and is excessively hard at its exposed surface, and gradually diminishes in hardness as the distance inward from its exposed surface increases. The differences in granulation or crystalline structure are those which are respectively incident to the different percentages of carbon present at different depths beneath the surface. The said product is herein designated as a "decrementally hardened armor plate," because the hardening process is the final step in its production, and because decremental hardening is dependent upon previous decremental carburization, and involves the presence in the finished product of a heterogeneous crystalline structure, which increases its resistance to cleavage.

The treatment is analagous to that described in letters patent of the United States No. 376194, issued to H. A. Harvey January 10, 1888.

As modified for the present purpose, the process is conducted as follows: The armor plate having been formed of the desired size and shape from a comparatively low steel, such as Bessemer steel or open-hearth steel, containing, say, 0.10 to 0.35 per cent of carbon, is laid, preferably, flatwise upon a bed of finely powdered dry clay or sand deposited upon the bottom of a fire-brick cell or compartment erected within the heating chamber of a suitable furnace. The plate may be so embedded that its upper surface is in the same plane with the upper surface of those portions of the bed of clay or sand which adjoin the sides and ends of the plate, or the plate may, if desired, be allowed to project to a greater or less distance above the surface of the clay or sand. In either case the treating compartment is then partially filled up with granular carbonaceous material, which, having been rammed down upon the plate, is covered with a stratum of sand, upon which there is laid a covering of heavy fire bricks. The furnace is then raised to an intense heat, which is kept up for such period of time as may be required for the absorption by the metal adjoining the upper surface of the plate of, say, an additional 1 per cent (more or less) of carbon, or, in other words, the quantity of carbon, in addition to that originally present, which may be necessary to enable the said metal to acquire the capacity of hardening to the desired degree. The temperature of the heating chamber outside of the treating compartment is brought up to a height equal to or above that required to melt cast iron, and is kept up for a greater or less length of time, according to the depth of the stratum of steel which it is intended to charge with an excess of carbon. This period, however, will of course vary according to the efficiency of the furnace.

The degrees of efficiency possessed by different furnaces can only be satisfactorily ascertained by actual trial. When ascertained, the reproduction of given results merely requires the reestablishment of the conditions as to time and temperature under which said results have been previously observed to be obtained. This involves merely the maintenance of the furnace at a heat sufficient to melt cast iron for the period which by previous observation has been ascertained to be the period required for adding to the tenacity of the steel and for the supercarburization of the plate to the prescribed extent and depth. For example, a plate, say, 10½ inches in thickness, composed of a comparatively low steel containing, say, thirty-five hundredths of 1 per cent of carbon, may be charged with additional quantities of carbon, gradually varying in amount from, say, one-tenth of 1 per cent at a depth of 3 inches beneath the surface of the exposed side of the plate to 1 per cent at the surface thereof by a continuance of the treatment for a period of, say, one hundred and twenty hours after the furnace has been raised to the required temperature.

The statement that the heat at which the furnace is maintained is sufficient to melt cast iron is to be regarded as approximate merely. The more intense the heat the better, and while it will of course be understood that the longer the treatment is continued the greater will be the depth to which the carbon penetrates beneath the surface against which the carbonaceous material is packed, it is also to be remarked that the penetration of the carbon is greatly facilitated by the continuous firm compression of the carbonaceous material against the plate. As a general rule the thicker the armor plate the greater will be the permissible depth of supercarburization. A 10½-inch plate and a depth of supercarburization of 3 inches are herein referred to merely for the purpose of illustration. After the conclusion of the carburizing treatment the plate is taken out of the furnace, and without removal of the carbonaceous material from its surface is allowed to cool down to the proper temperature for chilling. During the cooling operation the carbonaceous material protects the hot supercarburized surface from the air, and thus prevents the formation of scale, which, if present, would interfere with the subsequent hardening of the metal beneath it. The carbonaceous material, however, may without injurious consequences be temporarily removed from and quickly replaced upon small portions of the supercarburized surface for the purpose of exposing them for observation. When it is seen that the supercarburized surface is so far cooled down as to have a dull cherry-red color, the carbonaceous material is quickly removed, and the plate is then chilled by being sprayed with torrents of cold fluid or by being submerged and kept in motion until cold in a large body of cooling fluid—as, for example, a more or less rapidly running stream or river of fresh water or a tidal current of salt water. The exercise of this precaution insures the subsequent uniform hardening of the supercarburized surface of the plate.

The accompanying drawings, symbolically illustrating a furnace suitable for the described treatment and mechanical appliances for handling the plate and for facilitating the chilling operation, are as follows:

Figure 1 is a top view of a furnace provided with a removable cover, erected upon the bank of a river or other body of water in suitable proximity to a crane and to a car-track extending down the bank along the bottom of the stream or body of water, showing a car upon which the treated plate is deposited by means of the crane, a windlass-chain connected with the car, and an engine for operating the windlass, and thereby controlling the movements of the car up and down the inclined track. Fig. 2 is a side elevation, partly in section, of the plant represented in Fig. 1. Fig. 3 is a transverse vertical section of the furnace, showing the armor-plate and the cell or compartment containing the bodies of material in which the armor-plate is inclosed. Fig. 4 is a transverse section of a portion of an armor-plate shaded to symbolically represent variable degrees of supercarburization at different depths beneath the surface upon the side intended for exposure to the impact of projectiles. Fig. 5 is an elevation of a treating-furnace illustrating a mode of arranging the track so that the armor-plate can be taken out of one end of the furnace directly onto the car upon which it is supported during the chilling operation. Fig. 6 illustrates a provision for chilling the plate by spraying it with torrents of cooling fluid, and shows a stationary platform extending from one end of the furnace to a position beneath the spraying-tank.

The drawings represent a furnace A, which may be provided with a movable cover A', as symbolically represented in Figs. 1, 2, and 3, or which may be constructed with reference to having one or both of its end walls removed to facilitate the removal of the plate in a horizontal direction, as illustrated in Fig. 6. Within the heating-chamber A² of the furnace is the treating cell or compartment B, which is preferably provided at the bottom with a series b of parallel rails, which are embedded in a stratum of sand C of the same height as the rails, and are intended for the support of the armor-plate D. The space around the ends and sides of the armor-plate is also filled with sand C' nearly or quite to the top of the plate. A stratum of granular carbonaceous material E, rising to a height of, say, eight inches above the upper surface of the plate D, is tightly rammed down onto the top of the plate and is surmounted by a stratum of, say, two inches of sand F, covered by a layer G of heavy fire-brick. The stratum of sand F and the layer of fire-brick G not only protect the carbonaceous material from the fire, but serve to weight the carbonaceous material down upon the plate.

The treating-compartment B is heated by the flames and hot products of combustion from the fire-chamber H, which are led upward through the flues H' and directed inward over the tops of the treating-compartment and finally discharged into the chimney or smoke-stack H².

In Fig. 1 the furnace is represented as erected upon the sloping bank I of a river or body of water J in suitable proximity to a crane K and a car track L, extending down the bank and along the bottom of the body of water J. When the carburizing treatment is completed, if the furnace shown in Fig. 1 is employed, the cover A' is removed, the fire is drawn, and the furnace allowed to cool off preparatory to the removal of the superincumbent materials from the plate D and the lifting of the plate D by means of the crane out of the treating compartment and its deposit upon the car M. The track L is so inclined that the car when freed to the influence of gravity will run down into the water and a greater or less distance along the submerged portion L' of the track. The car is hauled up the inclined portion L² of the track by means of a windlass chain N, fastened to the shore end of the car M and wound around the drum of the windlass O, which is operated by the engine O'. The chilling of the plate is effected by alternately hauling the car up the inclined portion L² of the track and allowing it to run backward by its own gravity.

In dealing with a heavy plate it will usually be found more convenient to construct the furnace with reference to the removal of one or both of its end walls to facilitate the removal of the plate from the treating furnace by sliding it in a horizontal path onto a car, as indicated in Fig. 5, or onto a platform P, which is on a level with the top of the rails b at the bottom of the treating compartment, as indicated in Fig. 6. The plate having been thus deposited upon the car, the latter can be run down into the water, as already described, or can be run under a spraying tank Q, or the platform P may be prolonged sufficiently to reach from the end of the furnace to a position beneath the spraying tank, as illustrated in Fig. 6. The spraying tank has a perforated bottom q, which is elevated, say, 10 feet above the platform on which the plate is supported. The tank is supplied with water or [illegible] service pipe or pipes Q' of sufficient capacity to supply a quantity greater than the quantity discharged by the apertures in bottom q thereof. After the carbonaceous material has been removed from the top of the plate and when the plate, having been placed beneath the spraying tank, has so far cooled down as to have a dull-red color, the tank is supplied with the cooling fluid, which is discharged therefrom in jets from the perforated bottom directly upon the plate.

With a furnace of the character shown in the drawings, a period of about forty-eight hours will be required to bring up the heat to the required point, and such heat will be required to be kept up about one hundred and twenty hours. A further period of four or five hours will ordinarily be required after the fire has been drawn to remove the plate from the furnace and have it cool down to the desired dull-red color. The spraying operation will be required to be continuously kept up for a period of about four hours, in order to effect and preserve the chilling of the supercarburized surface until the remainder of the plate has become completely cool. A plate of 10½ inches in thickness thus treated will be found to be excessively hardened upon its supercarburized surface and at the same time to be remarkably tenacious, so that a hardened projectile of, say, 6 inches diameter, weighing 100 pounds, fired at it with a striking velocity of 2,000 feet per second will be shivered to fragments without deeply penetrating the plate. The extreme point of the projectile, which may slightly penetrate the plate, will be found to be welded thereto by the great heat resulting from the sudden stoppage of the projectile in its flight.

Owing to the great tenacity and the heterogeneous crystalline structure of the supercarburized and hardened stratum, its tough backing, and the entire homogeneity of the plate from one surface to the other, except as to its crystalline structure, there will be no cracking off of the hardened exterior stratum and no complete piercing of the plate by the projectile. In these particulars the plate will be found to differ in a marked degree from all armor plates heretofore known.

What is claimed as the invention is—

1. The herein-described method of producing a decrementally hardened tenacious armor plate, which consists in inclosing a low steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side contained in a compartment formed within the heating chamber of a suitable furnace and in maintaining the said heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogeneous crystalline structure and a condition of excessive hardness upon its exposed surface and a condition of gradually diminishing hardness as the depth from said surface increases.

2. As a product of the herein-described process, the decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum of prescribed thickness of ununiform crystalline structure uniformly and highly supercarburized and excessively hard at its exposed surface and less and less carburized and gradually diminishing in hardness as the depth from said surface increases.

HAYWARD A. HARVEY.

Witnesses:
A. M. JONES,
J. E. BURNS.

Senator CHANDLER. Have you an abstract of title to this patent?

Mr. STAUFFER. I have.

Senator CHANDLER. What does the abstract show as to the ownership of the patent?

Mr. STAUFFER. It shows that the patent was assigned October 7, 1891, and recorded October 9, 1891. It was assigned to the Harvey Steel Company, of Newark, N. J., by Hayward A. Harvey, the inventor.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 26, 1896, under or relating to letters patent granted to Hayward A. Harvey, Orange, N. J., September 29, 1891, No 460262, "decrementally hardened armor plate."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 28th day of February, A. D. 1896, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignor.	Assignee.	Date of assignment.	Date of record.
Hayward A. Harvey	Harvey Steel Co., Newark, N. J.	Oct. 7, 1891	Oct. 9, 1891

Invention.	Territory assigned.	Liber.	Page.
Decrementally hardened armor plate, Sept. 29, 1891, 460262.	The whole right, title, and interest in said improvement and letters patent to the end of the term for which they are or may be granted, $1 and other considerations.	C 45 ..	291

Senator CHANDLER. Now, state the history of that patent, beginning with the date of application, and all the material facts that appear.

Mr. STAUFFER. The application was filed April 1, 1891, serial No. 387209.

The claims of this application were rejected upon several references, and in accordance with the law and the practice of the office that rejection was repeated. The said claims were then what is called "finally" rejected.

The claims were appealed by the applicant to the board of examiners in chief in the manner prescribed by law, and were allowed on such appeal by the board.

I have a copy of the examiner's statement and of the decision of the board of examiners in chief on appeal.

Senator CHANDLER. What were the various stages of that proceeding and what was the final result?

Mr. STAUFFER. There was only one stage as to the appeal itself. The case was simply appealed to the board of examiners in chief, and the claims were allowed by them on appeal. The application was then passed to issue by the examiner in charge.

Senator CHANDLER. State what was appealed from.

Mr. STAUFFER. The final rejection of the claims by the primary examiner.

Senator CHANDLER. State historically what those rejections were.

Mr. STAUFFER. The rejections historically in order would be, first, a rejection——

Senator CHANDLER. I should like to know who made the rejection.

Mr. STAUFFER. The rejection was made by the primary examiner.

Senator CHANDLER. Is his name given in the copy of the papers which you have?

Mr. STAUFFER. It is not. But the examiner at that time was Mr. Eugene Byrnes.

Senator CHANDLER. The claims were rejected by Mr. Byrnes and they were appealed to what board?

Mr. STAUFFER. The application was first rejected by Mr. Byrnes, then it was reconsidered on request by the applicant and again rejected, the second rejection being what is technically termed in the office a final rejection. Then an appeal was taken to the board of examiners in chief.

Senator CHANDLER. State who they were.

Mr. STAUFFER. The board of examiners in chief at that time consisted of three members, Mr. R. L. B. Clarke, Mr. S. W. Stocking, and Mr. H. H. Bates. However, but two members of the board were present at the hearing, Messrs. Clarke and Stocking.

Senator CHANDLER. Have you a paper prepared which shows the details of those proceedings?

Mr. STAUFFER. I have a paper here which shows the brief of the applicant on appeal, the examiner's statement of his reasons for rejection, and the decision of the board on the claims.

Senator CHANDLER. Which resulted in the issue of the patent by the Commissioner?

Mr. STAUFFER. Yes, sir; which resulted in the issuance of the patent by the Commissioner.

The paper referred to is as follows:

No. 11624. UNITED STATES PATENT OFFICE, *July 14, 1891.*

Before the examiners in chief, on appeal.

Application of Hayward A. Harvey for a patent for an improvement in decrementally hardened armor plates and method of manufacturing the same, filed April 1, 1891. Serial No. 387209.

Mr. E. E. Quimby for appellant.

The claims appealed are:

"1. The herein-described method of producing a decrementally hardened tenacious armor plate, which consists in inclosing a low steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side, contained in a compartment formed within the heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of a prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogeneous crystalline structure, and a condition of excessive hardness upon its exposed surface, and a condition of gradually diminishing hardness as the depth from said surface increases.

"2. The decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum of prescribed thickness of uniform crystalline structure uniformly and highly supercarburized and excessively hard at its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases."

The references are patents to Sperry, February 2, 1869, No. 86467; MacDonald, May 11, 1869, No. 89876; Harvey, January 10, 1888, No. 376194; British patents, Nos. 1026, of 1877; 14473, of 1889.

The process is not anticipated.

"Applicant's own patent is for a process of treating ingots, etc., of low steel for the purpose of rendering the steel suitable for tempering for tools and cutlery, etc. He has now been experimenting on steel armor plates, and sets forth that though his mode of treatment is analogous, yet he has varied it by adding the features of noncarbonaceous material on one side of the plate and packing the granular carbonaceous material on the other, etc., and other steps set forth and peculiarly adapted to the material to be operated upon and produced.

By following out this clearly defined process set forth in his first claim he sets forth in this specification that he secures the product covered by the second claim, and that—

"A plate of 10½ inches in thickness thus treated will be found to be excessively hardened upon its supercarburized surface, and at the same time to be remarkably tenacious, so that a hardened projectile of, say, 6 inches diameter, weighing 100 pounds, fired at it with a striking velocity of 2,000 feet per second will be shivered to fragments without deeply penetrating the plate.

"The extreme point of the projectile, which may slightly penetrate the plate, will be found to be welded thereto by the great heat resulting from the sudden stoppage of the projectile in its flight.

"Owing to the great tenacity and the heterogeneous crystalline structure of the supercarburized and hardened stratum, its tough backing, and the entire homogeneity of the plate from one surface to the other, except as to its crystalline structure, there will be no cracking off of the hardened exterior stratum, and no complete piercing of the plate by the projectile. In these particulars the plate will be found to differ in a marked degree from all armor plates heretofore known."

This is not questioned, and, indeed, the fact that applicant has accomplished this very desirable result by and through this process is satisfactorily established by other proofs submitted outside this record.

We can not say that an equally good result could be secured by deviating from the steps and proceedings set forth in the first claim, either in changing temperature or omitting the noncarbonaceous material on one side of the plate, or the packing of the carbon on the other, or changing the method in any other particular.

If it can, it is open to the public, and this claim, if patented, would be no embarrassment in the art.

As to the second claim, the words "as a product of above process" should be inserted as a commencement.

We observe that a clerical error appears in the fourth line of this claim, as stated by the examiner: the word "uniform" should be "ununiform."

With above suggestions as to the second claim, the decision is reversed.

R. L. B. CLARKE,
S. W. STOCKING,
Examiners in Chief.

(Third member absent.)

(Indorsed:) No. 11624. Serial No. 387209. Paper No. 4. Decision filed July 14, 1891. H. A. Harvey. Examiners-in-chief, July 14, 1891. U. S. Patent Office. Recorded vol. 41, p. 483.

UNITED STATES PATENT OFFICE.

In re application serial No. 387209. Hayward A. Harvey, decrementally hardened armor plates and method of manufacturing the same. Filed April 1, 1891. Before the examiners in chief by appeal.

EXAMINER'S STATEMENT.

DIVISION 3, *June 22, 1891.*

The claims a second time rejected are:

"1. The herein-described method of producing a decrementally hardened, tenacious armor plate, which consists in inclosing a low-steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side, contained in a compartment formed within the heating chamber of a suitable furnace and in maintaining the said heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogenous crystalline structure, and a condition of excessive hardness upon its exposed surface, and a condition of gradually diminishing hardness as the depth from said surface increases.

"2. The decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum of prescribed thickness, of uniform crystalline structure, uniformly and highly super-carburized and excessively hard at its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases."

The references cited are: United States patents, 86467, February 2, 1869, Sperry (C. & C. H. compounds); 89876, May 11, 1869, MacDonald (C. & C. H. compounds); 376194, January 10, Harvey (C. & C. H. compounds). British patents: Howell, 14473 of 1889 (C. & C. H., Has); Wilson, 1026 of 1877 (A. & T., decarbonizing).

It is held that there is no invention in adding to the carburizing process disclosed by Harvey and MacDonald the well-known step of hardening by chilling, employed by Sperry and Howell.

As to the limitation of claim 1, that the temperature shall be maintained at a temperature above the melting point of cast iron, it is held that the use of the proper temperature to effect the desired depth of carburization is merely the exercise of the expected skill of the metal worker. It is well known that an increased temperature causes carbon to penetrate to a greater depth, and a greater percentage thereof to be taken up by the iron. Furthermore, this applicant, in patent No. 376194, referred to in this application, describes and claims a process in which a temperature above that of molten cast iron is employed.

EUGENE BYRNES,
Examiner, Division 3.

(Indorsed:) No. 11624. Serial No. 387209. Paper No. 2. Examiner's statement filed June 24, 1891. H. A. Harvey. Examiners in chief, June 24, 1891, United States Patent Office.

HON. C. E. MITCHELL,
Commissioner of Patents.

DEAR SIR: I hereby appeal to the examiners in chief from the decision of the principal examiner in the matter of H. A. Harvey's application for letters patent for certain improvements in decrementally hardened armor plate and in the art of manufacturing the same, serially numbered 387209, filed April 1, 1891, and formally rejected a second time on June 11, 1891.

In his final letter the primary examiner suggested a slight formal amendment of the first claim, which suggestion is not adopted, because there does not seem to be any necessity for it.

I file herewith, for the convenience of the board, an amendment in the form of a substitute specification, which is simply a copy of the specification as it stands after the proper insertions of the amendments heretofore made.

Upon this appeal I desire to be heard in person, and at as early a date as circumstances may render possible.

The claims are as follows:

1. The herein-described method of producing a decrementally hardened tenacious armor plate, which consists in inclosing a low-steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side, contained in a compartment formed within the heating chamber of a suitable furnace, and in maintaining the said heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogeneous crystalline structure, and a condition of excessive hardness upon its exposed surface, and a condition of gradually diminishing hardness as the depth from said surface increases.

2. The decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum or prescribed thickness, of ununiform crystalline structure uniformly and highly supercarburized and excessively hard at its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases.

This appeal is based upon the ground that upon the record as it stands applicant is entitled to have the above set forth claims allowed. The facts in support of this contention are as follows:

In his letter of May 14, 1891, the primary examiner first criticised a novel form of expression employed in the specification and suggested the substitution of some other expression therefor, which suggestion was subsequently replied to on behalf of applicant; secondly, the examiner required an amendment of the first claim, which amendment was subsequently made; thirdly, he rejected the claims on "each of" five prior patents, relating respectively to different subjects.

And after reciting those patents the examiner then concluded his letter with the following sentence:

"There is no invention in adding to the carburizing process disclosed by Harvey and McDonald the well-known step of hardening by chilling employed by Sperry and Howell."

On May 21, 1891, some amendments, including that required by the office, were duly filed, and accompanying these amendments there was filed the argument of May 21, 1891.

In the said argument the examiner's criticism of the expression "decrementally hardened armor plate" was discussed, and the reasons for the use of that expression fully explained.

The examiner's letter was analyzed, some inconsistencies in it were pointed out, and the conclusion was drawn that the examiner's position was not that applicant's invention is anticipated by each of the recited prior patents, but that the prior patents taken together disclose all that applicant's specification discloses.

Practically, the examiner was challenged to point out, if he could, any one prior patent in which the invention is fully disclosed. In the said argument every one of the prior patents cited was discussed in detail, and it was pointed out that the total information contained in the patents cited is not sufficient to enable the public to practice applicant's invention.

It was pointed out that judicial notice may be taken of the fact that for many years all the principal civilized nations of the world, with the aid of practically unlimited means and under the spur of intense rivalry, have been engaged in the endeavor to produce impierceable armor plate, and that such plates never were produced until applicant's invention was put into practice.

The argument also embraced the offer of proof of the assertions made in it.

The examiner's only reply to the argument of May 21, 1891, is contained in the following sentence of his letter of June 11, 1891, which is as follows, to wit:

"The claims are a second time rejected on the references of record."

That is to say, the examiner does not take up the challenge which was given him in the argument of May 21, to cite any one prior patent disclosing applicant's invention; he makes no reply to the discussion in detail of the prior patents by which it is shown that, taken all together, they do not disclose applicant's invention; he takes no notice of the salient fact that applicant's invention has effected a startling revolution in the art which has attracted the interest of the civilized world, and he has no reply to make to the comment that he has "viewed the prior patents in the light afforded by the present application," and that, in the absence of that light, the total information contained in them did not, as a matter of fact, lead to the production by the public of applicant's decrementally hardened and consequently impierceable armor plate, notwithstanding the eager efforts of rival nations and governments to accomplish the result which applicant has now accomplished.

Upon this state of facts, uncontroverted by the examiner, I contend that the application should be allowed.

EDW. E. QUIMBY, *Attorney.*

NEW YORK, *June 16, 1891.*

(Indorsed:) No. 11624, serial No. 387209, paper No. 1. Reasons of appeal filed June 17, 1891. H. A. Harvey. United States Patent Office, June 17, 1891, chief clerk. Examiners in chief, June 24, 1891, United States Patent Office.

Senator CHANDLER. Summarize briefly the reasons which were given for the rejection and those which were given for finally allowing the patent.

Mr. STAUFFER. Those reasons are more a matter of opinion than of fact. The circumstances to be considered in each case were the same. The references upon which the primary examiner rejected the claims of the application and the references in view of which the board allowed the claims are the same. It is merely a difference of opinion, the board holding them allowable and the primary examiner holding that they were not allowable.

Senator CHANDLER. State succinctly what the controversy was; as to whether it was a novel invention, whether prior inventions were considered, and, if so, what inventions. And give us, as well as you can in a few words, a statement of the differences which, however, finally resulted in the issue of the patent.

Mr. STAUFFER. I can hardly do that in a very few words without reading the paper.

Senator CHANDLER. Read as much as it is necessary to give your own view. First state, if you please, whether other specific patented inventions were examined and are treated of in the discussion.

Mr. STAUFFER. That is the fact.

Senator CHANDLER. State whose patents they were.

Mr. STAUFFER. The references are patents as follows: Sperry, February 2, 1869; MacDonald, May 11, 1869, and Harvey, January 10, 1888, the Harvey patent being the one we have just considered, and certain British patents—one to Howell and one to Wilson. The British references are, in brief, as follows:

[British, 14473. September 13, 1889. Howell, jr., "Improvements in and apparatus for the manufacture of soft-back steel."]

Howell takes plates or flat bars of low carbon or soft steel in pairs of equal size and places them back to back, with a film of clay or other refractory material interlaid between them. He clamps the two plates or bars together and places them, surrounded on all sides by granulated charcoal, in an air-tight receptacle within the muffle of a furnace. The receptacle is provided with an inlet and outlet connection, to allow the full circulation of the hydrocarbon gases, which are caused to circulate through the receptacle. The heat is then kept up to a cherry red until the metal has taken up sufficient carbon, when the receptacle is allowed to cool down. When cooled, the plates are taken out and forged, hardened, and tempered in the usual known way.

[British, 1026. March 14, 1877. Wilson, "Armour plates."]

Wilson takes an armor plate either cast or wrought, and containing any desired proportion of carbon, and decarbonizes one face of a plate, say 20 inches thick, to a depth of 8 inches, leaving the remaining 12 inches unchanged.

He takes a cast-iron box and covers the [illegible] charcoal and on this places the steel plate which has been previously coated with black lead on its underside and up its edges to a height of 12 inches, or the depth he desires to keep the plate unchanged.

On the top of the plate and around its edges to a depth of 8 inches he applies oxide of iron or other decarbonizing agent. A cover is then put on the box and the whole run into a furnace and kept at the desired temperature for the required length of time to decarbonize the upper face to the required 8 inches.

He then allows the oven to cool down gradually and then removes the armor plate.

Senator CHANDLER. How many patents, other than the Harvey patent, were considered?

Mr. STAUFFER. Four patents besides the one to Harvey himself were considered.

It is held that there is no invention in adding to the carburizing process disclosed by Harvey and MacDonald the well-known step of hardening by chilling employed by Sperry and Howell.

As to the limitation of claim 1, that the temperature shall be maintained at a temperature above the melting point of cast iron, it is held that the use of the proper temperature to effect the desired depth of carburization is merely the exercise of the expected skill of the metal worker. It is well known that an increased temperature causes carbon to penetrate to a greater depth, and a greater percentage thereof to be taken up by the iron. Furthermore, this applicant, in patent No. 376194——

Being the patent of which we have been speaking—

referred to in this application, describes and claims a process in which a temperature above that of molten cast iron is employed.

Senator CHANDLER. From what have you been reading?

Mr. STAUFFER. From Mr. Byrnes.

Senator CHANDLER. The primary examiner who disallowed the claims?

Mr. STAUFFER. The primary examiner who rejected the claims. Then follows a brief of the argument of the attorney in the case, Mr. E. E. Quimby.

Senator CHANDLER. Now give, if you can, the point of the decision overruling Mr. Byrne's rejection and recommending the issuance of the patent.

Mr. STAUFFER. The board in overruling the action of the examiner said:

Applicant's own patent is for a process of treating ingots, etc., of low steel for the purpose of rendering the steel suitable for tempering for tools and cutlery, etc. He has now been experimenting on steel armor plates, and sets

> forth that though his mode of treatment is analogous, yet he has varied it by adding the features of noncarbonaceous material on one side of the plate and packing the granular carbonaceous material on the other, etc., and other steps set forth and peculiarly adapted to the material to be operated upon and produced.
>
> By following out this clearly defined process set forth in his first claim, he sets forth in this specification that he secures the product covered by the second claim.

And that materially improved results follow as to the depth of penetration of the carbon and as to the completeness of the hardening itself.

> We can not say that an equally good result could be secured by deviating from the steps and proceedings set forth in the first claim, either in changing temperature or omitting the noncarbonaceous material on one side of the plate, or the packing of the carbon on the other, or changing the method in any other particular.
>
> If it can—

That is, if this series of steps can be changed—

> it is open to the public, and this claim, if patented, would be no embarrassment in the art.

That is the consideration of the first claim, and the second claim goes with the first.

Senator CHANDLER. State in a word, if you can, for what novelty or new process the patent was finally granted. Was it for the particular method of hardening described, a particular metallurgical process adopted in hardening steel?

Mr. STAUFFER. A particular set of steps; a particular succession of steps would be a better way to term it. Those steps themselves were known before, but the board allowed the patent on the ground that that particular sequence or succession had not been known before, and apparently resulted in an improved product.

Senator CHANDLER. A useful invention?

Mr. STAUFFER. A useful invention.

Senator CHANDLER. And that, you think, is as briefly as can be stated the reason why the patent was granted?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. What evidence was on file in the Patent Office at that time, or is now there, upon which those various arguments were made?

Mr. STAUFFER. The appeal file in the case.

Senator CHANDLER. There was the original application.

Mr. STAUFFER. There was the original application, but what I last read is taken from the appeal file.

Senator CHANDLER. What does the appeal file contain in the way of evidence?

Mr. STAUFFER. It contains the reasons for the appeal, the examiner's statement of his grounds for rejection, the attorney's brief on appeal, and the decision of the board of examiners in chief.

Senator CHANDLER. What was the evidence before the examiner as to what had been invented?

Mr. STAUFFER. The evidence is found——

Senator CHANDLER. Was it in machines or was everything on paper?

Mr. STAUFFER. Everything was on paper. The patents I have referred to constitute the only evidence.

Senator CHANDLER. Descriptions of processes in connection with prior patents?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. What evidence was there that Harvey had made the invention?

Mr. STAUFFER. None.

Senator CHANDLER. None except his own statement?

Mr. STAUFFER. None save his own statement.

Senator CHANDLER. Taking in connection other patents with which his application was compared?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. Did it appear, so far as the record shows, that any experiments had been made by Harvey at that time?

Mr. STAUFFER. There is nothing in the record to show that.

Senator CHANDLER. Do you find in the record evidence that while the appeal was pending or before——

Mr. STAUFFER. I beg pardon, Senator. It was a mistake on my part to say that there is nothing in the record to show that experiments had been made. There were filed during the appeal certain statements of which I have a brief here. Shall I read it?

Senator CHANDLER. If you have a short statement.

Mr. STAUFFER. The statement is as follows:

> A plate of 10¼ inches in thickness thus treated will be found to be excessively hardened upon its supercarburized surface and at the same time to be remarkably tenacious, so that a hardened projectile of, say, 6 inches diameter, weighing 100 pounds, fired at it with a striking velocity of 2,000 feet per second, will be shivered to fragments without deeply penetrating the plate.

And in another paragraph it is said:

> The extreme point of the projectile, which may slightly penetrate the plate, will be found to be welded thereto by the great heat resulting from the sudden stoppage of the projectile in its flight.
>
> Owing to the great tenacity and the heterogeneous crystalline structure of the supercarburized and hardened stratum, its tough backing, and the entire homogeneity of the plate from one surface to the other, except as to its crystalline structure, there will be no cracking off of the hardened exterior stratum, and no complete piercing of the plate by the projectile.

Senator CHANDLER. Did it appear that those experiments had actually been made?

Mr. STAUFFER. I can not say positively as to that point. I can merely infer from that statement.

Senator CHANDLER. Would you infer from that statement, as to what would be the result under certain conditions, that the experiment had been actually made; that it was a fact and not a theory?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. At what stage in the proceedings which you have been narrating was a letter received from the Secretary of the Navy requesting that the patent be expedited under the rule?

Mr. STAUFFER. That I can not say. I am instructed by the Commissioner of Patents to say that these are not complete records of the files, but that if the committee wish complete records they can be furnished, although there is a mass of papers which probably would not be at all useful, and the Commissioner thought it better simply to send what I have brought with me.

Senator CHANDLER. The course which the Commissioner has pursued is preferable, because we can ask for anything additional if we want it.

Mr. STAUFFER. The question with regard to the Secretary of the Navy would, of course, be evident from an inspection of the files.

Senator CHANDLER. Now, please proceed with the history of the Harvey patents.

Mr. STAUFFER. The next is a patent granted by the United States to Hayward A. Harvey, of Orange, N. J., assignor to the Harvey Steel Company, of New York City and Newark, N. J., for a composition for supercarburizing steel, etc., being patent No. 498890, dated May 30, 1893, granted upon application filed January 28, 1893, serial No. 460155. This patent was granted for the use of the particular composition in treating steel during the process of carburizing, the particular composition being wood charcoal and animal charcoal finely ground and mixed.

Senator CHANDLER. Have you a copy of the patent?

Mr. STAUFFER. I have an official copy of the patent, but I am instructed to say that arrangements have been made to send a copy. When I left this morning I was not able to procure any but the official copy, and the Commissioner desires to have it returned.

Senator CHANDLER. Then you will furnish a copy?

Mr. STAUFFER. Yes, sir.

The patent referred to is as follows:

> Hayward A. Harvey, assor to the Harvey Steel Company, of New York, N. Y., and of Newark, N. J. Improvement in composition for supercarburizing steel, &c. Specification forming part of Letters Patent No. 498890. Dated May 30th, 1893.
>
> SPECIFICATION.
>
> *To all whom it may concern:*
>
> Be it known that Hayward A. Harvey, of Orange, New Jersey, has invented a certain improvement in compositions for supercarburizing steel during the subjection of the same to high temperatures, of which the following is a specification:
>
> This improvement relates to the composition of the body of carbonaceous material employed for supercarburizing steel in the process of treating low steel, described in United States Letters Patent No. 376194, issued to Hayward A. Harvey January 10, 1888, and also during the process of manufacturing decrementally hardened armor plate, described in United States Letters Patent No. 460262, issued to Hayward A. Harvey September 29, 1891. In said processes, in which the steel under treatment is subjected to intense heat, it is essential to completely exclude oxygen from the heated metal, and charcoal in the form of fine powder is the best material for the carbonaceous body.
>
> Several objections have heretofore been experienced in such use of finely powdered charcoal. It has been found necessary to deeply embed in the powdered charcoal the metal to be treated because of the tendency of masses of powdered charcoal to subsidence when heated. This has involved the employment of treating chambers of undesirably large vertical dimensions and a corresponding increase in the height of the furnace chambers. Another difficulty has arisen from the tendency of the finely powdered charcoal to fly off in dust when stirred or moved from place to place, as it has to be when loading and unloading the treating chamber.
>
> It is also the fact that for some reason, the nature of which is not fully understood, when fine wood charcoal alone is used and is subjected to high heat, explosions occasionally occur. These explosions are forcible enough to blow off the cover of a closed receptacle, or, if the receptacle containing the fine charcoal is not closed and the charcoal is covered with a layer of sand and a superposed layer of fire brick, as described in letters patent of the United States No. 460262, a species of ebullition is observed to take place in the granular mass by which the mass is loosened so as to diminish the firmness of its compression against the steel which is to be supercarburized.
>
> These difficulties are practically overcome by the present invention, which consists in forming the carbonaceous body, which for present convenience may be called the treating bed, partly of finely powdered wood charcoal and partly of animal charcoal, preferably the so-called "spent char" from sugar refineries. The specific gravity of animal charcoal is nearly four times that of wood charcoal, and it is found that the presence of the animal charcoal lessens the extent of subsidence of the compressed mass of carbonaceous material when heated, diminishes the tendency of the finely powdered wood charcoal to fly off in dust when the mixture is handled, either in the act of filling the chamber in which the heating operation is carried on, or in the act of emptying the said chamber preparatory to, or in connection with, the removal of the metal from the treating bed, and prevents the occurrence of the explosions referred to, by which the mass of treating material is mechanically disturbed.
>
> The proportion of animal charcoal employed is not absolute. Ten or 15 per cent causes an observable diminution in the quantity of dust arising under the circumstances referred to, and 40 to 50 per cent almost entirely prevents the escape of dust.

> The finely powdered wood charcoal occupies the interstices between the particles of animal charcoal. During the handling of the mixture the animal charcoal acts as a carrier for the finely powdered wood charcoal, and also acts as a shield, which to a greater or less extent prevents the finely powdered wood charcoal or charcoal dust from escaping into the atmosphere.
>
> Owing to the inclusion in it of animal charcoal, the material of the treating bed is valuable for manufacture into fertilizers, for which purpose it can be readily sold after repeated use has caused it to part with its carbon to such an extent as to impair its effectiveness for the purposes herein mentioned.
>
> What is claimed as the invention is—
>
> The herein-described treating bed for effecting the supercarburization of steel during the subjection of the same to high temperature, the same consisting of a mixture of finely powdered wood charcoal with animal charcoal, as and for the purposes set forth.
>
> HAYWARD A. HARVEY.
>
> Witnesses:
> E. GATTERER.
> A. M. JONES.

Senator CHANDLER. Have you a copy of the abstract of title to that patent, showing the transfer?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. What does it show?

Mr. STAUFFER. The application upon which the patent was granted was assigned, before the patent was granted, to the Harvey Steel Company, a corporation of Newark, N. J., and New York City, N. Y., April 6, 1893, recorded April 11, 1893, for the exclusive right to said invention, to issue to said assignee, the consideration being $1 and other considerations.

Senator CHANDLER. And the present title appears to be in the Harvey Steel Company?

Mr. STAUFFER. Yes, sir.

The abstract of title referred to is as follows:

> UNITED STATES PATENT OFFICE.
>
> *To all persons to whom these presents shall come, greeting:*
>
> This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing, found of record up to and including February 26, 1896, under or relating to letters patent granted to Hayward A. Harvey, Orange, N. J., assignor to the Harvey Steel Company, New York, N. Y., and Newark, N. J., May 30, 1893. No. 498890. "Composition for supercarburizing steel," etc.
>
> In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 28th day of February, in the year of our Lord 1896, and of the independence of the United States of America the one hundred and twentieth.
>
> [SEAL.] JOHN S. SEYMOUR, *Commissioner.*
>
> [United States Patent Office. Copy made February 28, 1896.]

Assignors.	Assignees.	Date of assignment.	Date of record.
Hayward A. Harvey.	Harvey Steel Company, corporation of New Jersey, Newark, N. J., and New York, N. Y.	Apr. 6, 1893	Apr. 11, 1893

Assignors.	Invention.	Territory assigned.	Liber.	Page.
Hayward A. Harvey.	Compositions for supercarburizing steel during the subjection of the same to high temperatures; filed Jan. 28, '93. S. No. 460155. May 30, '93, 498890.	Exclusive right to said invention. Patent to issue to said assignee. $1 and other considerations.	C 47...	464

Senator CHANDLER. Were there any interferences in the case of this patent, or any comparison of the invention with other prior inventions?

Mr. STAUFFER. No, sir; it does not so appear.

Senator CHANDLER. Have you any further patents to Harvey?

Mr. STAUFFER. No, sir.

Senator CHANDLER. This completes, then, as far as you are prepared to reply, the history of the patents for the Harvey processes?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. I understand from you that there are a mass of papers connected with the case?

Mr. STAUFFER. There are quite a number.

Senator CHANDLER. They are on the files of the Patent Office?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. Have you any knowledge, from the records of the Department, I mean, of any litigation in connection with these patents?

Mr. STAUFFER. No, sir.

Senator CHANDLER. Is there anything in the records of the Patent Office, to your knowledge, placed there since the patents were granted, to impeach their validity?

Mr. STAUFFER. Nothing that I know of.

Senator CHANDLER. If there are proceedings in court they do not naturally come upon the records of the Patent Office in any form?

Mr. STAUFFER. No, sir; only to the extent of sometimes requiring a transcript of the record in a particular case, and that would not be known to the examiners.

Senator CHANDLER. So far as you know, you have given everything material to be known in this connection?

Mr. STAUFFER. So far as I know.

Senator CHANDLER. Relating to the history of the Harvey patents?

Mr. STAUFFER. Yes, sir.

THE COREY PATENTS.

Senator CHANDLER. Next you may take up the patents for reforging armor plate after it has been harveyized.

Mr. STAUFFER. I have no such patents. I have some other patents here which relate to the alloys of steel and nickel, but I have not any patents for reforging.

Senator CHANDLER. The patent to which I refer especially was issued to W. E. Corey for the manufacture of carbonized steel.

Mr. STAUFFER. I have that patent.

This is a patent granted to William Ellis Corey, of Munhall, Pa., assignor to the Carnegie Steel Company, Limited, of Allegheny County, Pa. The patent is for steel armor plate and process of making same, being Letters Patent No. 541594, dated June 25, 1895, upon application filed June 5, 1895, the serial number being 551704.

Senator CHANDLER. Describe the process briefly and give the assignments of the patent, if any have been made beside the one you have named.

Mr. STAUFFER. The invention consists in carburizing the face of the plate at such a temperature that the surface of the plate becomes supercarburized, while the body of the plate is converted into a coarse crystalline and somewhat brittle condition. The temperature referred to is at first about 1,950° F. This is gradually raised during a period of ten days to about 2,175° F. The temperature is then gradually lowered to about 1,600° F., when the plate is subjected to extreme and forcible compression, thereby compacting the metal without substantially elongating or spreading it. The plate is afterwards annealed and shaped.

Senator CHANDLER. State, if you can, please, the novelty that was patented.

Mr. STAUFFER. The novelty consists in carburizing the face of the plate, during which operation the body of the plate becomes coarsely crystallized, and then, at a temperature not high enough to permit elongation of the plate, compressing it.

Senator CHANDLER. Is it, then, a patent for compressing, [illegible] hydraulic pressure, a plate at a particular degree of [illegible]—is that the novelty?

Mr. STAUFFER. Yes, sir; a plate between certain particular degrees of temperature.

Senator CHANDLER. Do you regard as the novelty for which the patent is granted the maintenance of that temperature between those two limits?

Mr. STAUFFER. I regard it as a patent for the treatment of a plate which, during carburizing, has been made to certain crystalline characteristics, which consists in compacting or compressing such plate at or between certain temperatures.

Senator CHANDLER. But compressing soft steel is not a novelty?

Mr. STAUFFER. No, sir.

Senator CHANDLER. Then, was this patent merely granted for the novelty of compressing the metal when it is of a heat between these two degrees of temperature?

Mr. STAUFFER. Yes, sir; when the body of the plate has been injured by the process of supercarburizing the face.

Senator CHANDLER. Is that patentable?

Mr. STAUFFER. We regarded it as patentable.

Senator CHANDLER. Will you state what was the useful purpose, the utility to be accomplished, according to the patent?

Mr. STAUFFER. I can do that best by reading from the patent.

> By the use of my invention I produce steel having an unusual degree of toughness and strength, combined with extreme hardness, which is specially adapted to the manufacture of armor plates for vessels, and to other purposes for which the characteristics of great toughness and strength with extreme hardness are desired.

Senator CHANDLER. Is there any reference in the patent to armor especially?

Mr. STAUFFER. It says, "which is specially adapted to the manufacture of armor plates for vessels."

Senator CHANDLER. Is there any reference to the prior treatment of such armor before being subjected to the new process? Is the patent process applicable to all metals, or only to metals previously treated for armor?

Mr. STAUFFER. I think it applies only to metals previously treated for armor. I arrive at that opinion from this paragraph:

> Armor plates are usually of an average size of 16 feet in length, 8 feet in width, and from 14 to 18 inches in thickness, and supercarbonized or hardened on one side or surface only; the hardening effect in such case gradually decreasing from the supercarbonized surface toward the other side, as the necessary result of applying the carbon to one side only. My invention, however, applies to plates, slabs, or ingots of steel hardened on both or all sides. I have stated the dimensions for the reason that, in describing the process so

as to be intelligible to others skilled in the art, it is desirable to indicate the size of the articles to the treatment of which the temperatures and length of time used in the several steps are applicable.

Senator CHANDLER. Is the patent confined to a process to be applied to armor already hardened? Is it in any way limited to such previously hardened armor?

Mr. STAUFFER. No, sir; the claims are not limited in that way. They are limited to the treatment of steel plates, but not necessarily previously hardened steel plates.

Senator CHANDLER. So you understand the full substance of the patent to be the application of hydraulic pressure to armor plates at a temperature between the two limits specified?

Mr. STAUFFER. Yes, sir; the face of plate having been previously supercarbonized?

Senator CHANDLER. Do you think that is the full scope of the patent?

Mr. STAUFFER. I think it is, as I recollect it. I was familiar with the patent at the time it was pending. That is all there is in it.

Senator CHANDLER. You may state now when the application was filed on which the patent was granted.

Mr. STAUFFER. The application was filed June 5, 1895.

Senator CHANDLER. State whether there had been any previous application by Mr. Corey.

Mr. STAUFFER. None that I am aware of, and such are generally accessible to the public.

Senator CHANDLER. Have you a copy of Mr. Corey's patent of which we have been speaking?

Mr. STAUFFER. I have.

The patent referred to is as follows:

[United States Patent Office. William Ellis Corey, of Munhall, assignor to the Carnegie Steel Company, Limited, of Allegheny County, Pa. Steel armor plate and process of making same. Specification forming part of Letters Patent No. 541591, dated June 25, 1895. Application filed June 5, 1895. Serial No. 551708. (No model.)]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, William Ellis Corey, of Munhall, in the county of Allegheny and State of Pennsylvania, have invented a new and useful improvement in steel armor plates and processes of making the same, of which the following is a full, clear, and exact description:

The accompanying drawing shows in side elevation, partly in longitudinal section, a furnace suitable for effecting the supercarbonization of the steel plates.

By use of my invention I produce steel having an unusual degree of toughness and strength, combined with extreme hardness, which is specially adapted to the manufacture of armor plates for vessels, and to other purposes for which the characteristics of great toughness and strength with extreme hardness are desired.

My invention lies in a new method of treating steel plates, which consists broadly in heating the plate, while one of its surfaces is in contact with a carbonaceous material, to such a temperature that the surface portion becomes supercarbonized, while the body of the plate is converted into a coarse crystalline and more brittle condition, and then subjecting the plate to an extreme compression while at a temperature below 2,000° F., and without producing more than a slight elongation, this compression being substantially uniform throughout the area of the plate.

It also consists in the product of said method.

In order to enable those skilled in the art to practice my invention, I will now describe my method as applied to the manufacture of armor plate, and similar large and thick bodies of steel.

Armor plates are usually of an average size of 16 feet in length, 8 feet in width, and from 14 to 18 inches in thickness, and supercarbonized or hardened on one side or surface only; the hardening effect in such case gradually decreasing from the supercarbonized surface toward the other side, as the necessary result of applying the carbon to one side only. My invention, however, applies to plates, slabs, or ingots of steel hardened on both or all sides. I have stated the dimensions for the reason that in describing the process, so as to be intelligible to others skilled in the art, it is desirable to indicate the size of the articles to the treatment of which the temperatures and length of time used in the several steps are applicable; these features of my process being necessarily subject to modification, as the larger the size of the piece of steel under treatment the greater will be the heat, and to some extent the time of exposure thereto, which will produce the best results.

By the term "steel plate," as used in this specification, I mean plates made by any process of conversion of iron into steel, and whether the steel be or be not alloyed or mixed with nickel, aluminum, or other metal or alloy.

The plate, having been made of steel of the desired quality, cast into ingots and forged or rolled to the desired thickness and surface shape, is placed in the supercarbonizing furnace, in a receptacle or hearth of refractory material which may be removable to and from the furnace. The bottom of this receptacle is covered with a layer of comminuted carbonaceous material, being of uniform thickness, preferably laid upon a layer of sand, and so placed as to be in close contact with the surface of the steel plate to be treated, which may be of plane, or curved, or irregular shape. The carbonaceous material used for this purpose may be such as animal or vegetable charcoal or coke, or a mixture of any or all of these.

The advantage of placing the steel plate on top of the carbon is that the plate and carbon are thus brought into close surface contact, and when two or more plates are to be treated, they should be placed one above the other with the steel surfaces to be supercarbonized turned toward, and in contact with, the carbon, thus having one layer of carbon between two plates. If, as is usual in armor plates, they are to be supercarbonized on one side only, the surface not requiring treatment is covered with some refractory material; or the access of the external air is otherwise excluded, so as to prevent the oxidation of the carbonaceous matter and of the steel.

The furnace containing the steel plates in the receptacle, as above stated, and used for heating the plates, may be a regenerative gas furnace, or one otherwise suitable. The furnace is heated to a comparatively low heat, say about 1950° Fahrenheit and the temperature is gradually raised, during a period of about ten days, until the steel is heated up to about 2175° Fahrenheit. The gas is then shut off and the furnace is banked for about a week's time, during which a gradual cooling takes place, until the plates are reduced in temperature to about 1600° Fahrenheit.

A furnace of suitable form for effecting the supercarbonizing of the steel plate is shown in the drawing, in which 2 is the heating chamber, and 3 a movable hearth or receptacle carried by a truck mounted upon wheels 4, and adapted to be moved into and from the furnace by a motor cylinder 5.

6 is the layer of carbon beneath the armor plate 7.

8 is the sand layer under the carbon, and 9 is a protecting covering of sand.

The result of subjecting the plate to the above treatment is to change the semifibrous character of the body of the plate produced by the previous working and convert it into a coarse crystalline condition, thus impairing the main mass while hardening its surface. This weakened condition of the plate, which has heretofore been inherent in supercarbonized steel plates, is entirely removed by the next step of my process, which consists in compressing and compacting the plate at a low heat. The compressing operation not only restores to the metal its forged character, but also adds increased strength, density, and toughness by reason of the low heat employed therein. As, however, it is important to ascertain the condition of the steel plates as to the degree of carbonization and the depth to which it has extended, it is preferable to postpone the compression of the plates until they have been tested. In this case they are allowed to remain in the furnace until reduced in temperature to about 1600° Fahrenheit, so as to avoid air hardening, which might occur at a higher temperature, and also to aid in annealing. When thus reduced to temperature, the plates are removed from the furnace and receptacle in which they were heated and are allowed to cool gradually in the air to a suitable heat, say 100° Fahrenheit, when the faces which have been covered with refractory material are cleaned off with brushes or otherwise, and a few holes are drilled in each plate from the supercarbonized surface, and samples of the drilling at different depths are taken and analyzed to ascertain the depth and degree of carbonization. These plates, if they have been cooled for the purpose of testing, have to be reheated sufficiently for compression, up to about 1,900° Fahrenheit, which reheating is, of course, not necessary when the plates are removed from the furnace at that temperature. Before replacing the plates in the furnace to reheat them sufficiently for compression, I cover the carbonized surface or surfaces with a coating of about three inches of pulverized carbonaceous matter, which may be protected in some suitable manner to guard against oxidation of the carbon or of the surface of the steel.

I have stated the degree of heat at which the plates are to be removed from the furnace for compression, or to which they are to be reheated for that purpose, to be about 1,900° Fahrenheit, the purpose being to have the plates at as low a heat as will enable them to be compressed as hereinafter described, but the heat should not exceed 2,000° Fahrenheit, the temperature required being a heat sufficiently high to permit the metal to be compressed, but below that proper for ordinary elongation and reduction of the metal in rolling. This reheating should be done slowly, so as to secure an even heat throughout the plate, and should take from ten to twenty hours, according to the size of the plate. The plate is then taken to the compressing machine—a hydraulic press or a hammer adapted to impart a strong compression to the metal and to compact it throughout. I have found that the use of rolls is not desirable, as the metal will elongate and its body will not become compressed and condensed as when the press is employed. It is much preferable to use a hydraulic press, and I make the dies of the press (upper and lower) as long as the plate of steel is wide, and with comparatively narrow faces, say from ten to twelve inches. If the faces of the dies are too wide, the plate will have to be at a higher temperature, in order to secure the desired degree of compression; and a temperature as low as is compatible with that result is desired, as already stated, in order to prevent decarbonization of the plate, and also to secure the condensing and compacting effect of the pressure applied, instead of a spreading or elongating of the steel, which would be the consequence if the metal was too hot.

When a hydraulic press is used which is capable of exerting a pressure of about ten and a half tons to the square inch of surface, an armor plate of the dimensions before stated may be readily reduced an inch in thickness by each first stroke of the upper compressing die. The plate is moved forward between the dies after each stroke until the entire surface has been acted on. This operation is repeated, moving the plate back and forth, until sufficient compression is secured. By this means I have succeeded in reducing a plate of seventeen inches thick to a thickness of fourteen inches, with the effect of giving greatly increased toughness and strength to the steel. As the object is not to roll out the plate, and thus increase its length or width, but to effect an actual compression of the metal (although some increase in those dimensions will occur, as the plate need not be confined in any way), it is obviously desirable to subject the metal to great pressure at as low a temperature as is compatible with the actual compression of the plate. In practice I find that when I thus compress a nickel-steel armor plate sixteen feet long, eight feet wide, and seventeen inches thick, with a hydraulic press capable of exerting a compression of about ten tons per square inch, so as to reduce the plate to a thickness of fourteen inches, the plate elongates only about thirty inches more or less, and does not perceptibly expand laterally. After the plate has thus been toughened and compacted by pressure, it is annealed. For this purpose, it is reheated in the furnace during a period of about twelve hours, up to about 1,350° Fahrenheit. The heat is then withdrawn, the plate remaining in the furnace for about forty-eight hours while slowly cooling.

During the reheating for annealing the supercarbonized portion of the plate is protected from oxidation by a light covering of carbonaceous matter, which may be protected by some suitable refractory substance, as before described.

When sufficiently cool, after annealing and before tempering, the plate may, if desired, be again tested to ascertain whether it is sufficiently carbonized, and it is straightened by a forging press, or otherwise, and is machined to the required dimensions, the necessary allowance being made for contraction during the subsequent tempering, which is the last step of the process. In order to do this, the plate is again slowly heated in the furnace to about 1,350° Fahrenheit, the precautions before employed to prevent oxidation of the surface being repeated, and any scale or other matter adhering to the carbonized surface of the plate is carefully removed, before and after reheating, by wire brooms, or if necessary by hand hammering. The reheated plate is hardened by means of cold water which may be conveniently applied to the plate in a horizontal position on an open framework, between a series of nozzles above and below the plate, which spray copious jets of cold water on the plate. This is continued until the plate is sufficiently cold, say at a temperature of 100° Fahrenheit. This completes the operation, excepting that if the plate has become misshapen by the water cooling it is reheated to a low temperature, say 200° Fahrenheit, sufficient to permit of its being rectified in shape by the hydraulic press or otherwise, and that it has to be machined or ground by an emery wheel to the exact size required.

In describing my operation I have thought it necessary to state the degrees of temperatures which I have found it advisable to use in the various steps of my process; but I do not desire to confine myself to the exact temperatures described. I deem it important, however, to conduct the various steps of my process in which heat is applied at as low a degree of heat as is consistent with successful operation, and especially is this the case when the steel is being compressed, as the object is to produce homogeneous compression or compression throughout the entire mass, and to as great a degree as possible, so that the heat should be as low as will permit of the actual compression and compacting of the steel. I also desire to have it understood

that it may not be necessary in all cases to observe the exact order of operation, or to perform all the steps desired, as, for example, it is not necessary to allow the steel plates to cool and then to reheat them before subjecting them to compression, although, as before stated, it is desirable previously to test the carbonization of the plates, for which purpose they should be cold enough to handle, and would then require reheating.

In this specification I have referred to the protecting of the plates, while being reheated, with a coating of carbonaceous matter, and a superimposed layer of finely comminuted refractory substance. This is specially important where nickel steel (by which I mean steel to which nickel in any proportion has been added) is being treated for carbonization, or in any case where nickel steel requires to be subjected to heat owing to the excessive scaling or surface oxidation to which nickel steel is subject. In order to obviate this, I carefully remove any scabs or loose scale from the nickel steel before reheating it, and cover its carbonized surface with a layer of from 2 to 4 inches in thickness of dry carbonaceous matter of any description, such, for example, as coke dust or charcoal, and protect this carbonaceous matter from oxidation in any suitable manner.

In reciting in my claims the first or supercarbonizing step of my process, I wish to be understood as covering not only the specific step recited above in my specification, but also any step of supercarbonizing wherein the metal is heated and exposed to carbon in any form, such as the well-known method by the use of gas, which is passed over the heated plate.

The advantages of my invention are apparent, since the metal which has been impaired by the supercarbonizing step is not only restored to its former texture, but is condensed and its strength materially increased, thus combining the advantages of a plate having a carbonized face with those of a noncarbonized but forged plate having the stronger character peculiar to forged metal.

The characteristics of the steel plates treated as described above, which constitute an improved article of manufacture, and by which they may be distinguished from plates treated by heretofore known processes, are an extremely hard face of condensed steel, with a higher degree of carbonization at the surface than in the interior, showing on fracture a texture approaching the fibrous as distinguished from crystalline; the grain of the metal being fine as distinguished from the coarse grain appearance of cast steel, yielding a much higher ballistic test, say from 12 to 14 per cent higher, of a tensile strength of about 12 per cent greater, an elongation of about 15 per cent greater, and a much greater resistance than plates made by processes known and used prior to my invention.

I claim—

1. The herein-described method of treating a steel plate containing carbon, consisting in heating the plate, while one of its surfaces is in contact with a carbonaceous material, to such a temperature that the surface portion becomes supercarbonized while the body of the plate is converted into a coarse crystalline and more brittle condition, and then subjecting the plate to extreme compression while at a temperature sufficient for compression, but below that proper for the ordinary elongation and reduction of such steel by rolling, producing by such compression a compacting of the plate without more than a slight elongation, said compression being substantially uniform throughout the area of the plate, whereby the thickness of the supercarbonized surface portion as well as of the body of the plate is materially decreased and the structure of the steel is brought throughout into a fine-grained, tough, dense condition.

2. The method of treating a steel plate consisting in supercarbonizing the surface portion of the plate and then subjecting it to a succession of step-by-step compressions, each operating over a small portion only of the surface while at a temperature below 2,000° F. until the desired degree of reduction is attained, substantially as described.

3. The method hereinbefore described of producing compressed carbonized steel, consisting of carbonizing the plate, slab, or other article of steel, by applying to the side or sides, surface or surfaces to be carbonized, comminuted carbonaceous matter, protected from oxidation by suitable covering; exposing the same to the heat of a furnace, and therein heating the same to effect carbonization, and afterwards, when the plate is at a temperature sufficient for compression, but below that proper for the ordinary elongation and reduction of such steel by rolling, subjecting the plate, at the low heat indicated, to sufficient pressure to effect the compression of the metal without producing more than a slight elongation, and subsequently annealing and hardening the same substantially in the manner and for the purpose described.

4. The process hereinbefore described of preparing hardened steel plates for armor plate, consisting of the following steps: Carbonizing the plate previously formed to substantially the required shape, by covering the same, or the surface to be hardened, with comminuted carbonaceous matter placed in close surface contact with the plate, protecting from the access of air the carbonaceous matter as well as the portions of the plate not requiring carbonization, with refractory material, or in other suitable manner; placing the same in a suitable furnace, heated to about 1950° Fahrenheit, gradually raising the heat during a period of about ten days, until the steel is heated to about 2175° Fahrenheit, then gradually cooling down until the steel is reduced to about 1600° Fahrenheit, subjecting the plate, at that heat or thereabouts, to forcible compression, thereby compacting the metal; then annealing the plate by reheating it (the carbonized surface being protected from oxidation) and slow cooling; and, after straightening, testing, and machining the plate to the exact shape required, hardening the plate by slowly reheating in a furnace to about 1350° Fahrenheit and then cooling by the application of cold, substantially as and for the purpose described.

5. As a new article of manufacture, an armor plate composed throughout of steel, having an extremely hard face more highly carbonized than the interior of the plate, said face and body being in a highly compressed and compact condition and considerably denser than similar plates which have been shaped or reworked at the usual forging temperature, and the body being composed of noncrystalline steel of a forged or semifibrous nature, showing in fracture throughout its mass a fine-grained, dense condition in contradistinction to the coarse, crystalline appearance of cast steel, and giving a much higher ballistic test than ordinary noncompressed supercarbonized or surface-hardened steel of the same dimensions, substantially as described.

In testimony whereof I have hereunto set my hand June 4, 1895.

WILLIAM ELLIS COREY.

Witnesses:
H. M. CORWIN.
C. BYRNES.

Senator CHANDLER. State now all the prior inventions or patents or claims for patents with which the application of Corey was compared. Were there any interferences of any sort?

Mr. STAUFFER. There were no interferences and there was no appeal. I can not give the other inventions with which it was compared.

Senator CHANDLER. You have no document here showing the other inventions?

Mr. STAUFFER. That can be obtained from the files, but I have not a complete copy of the files.

Senator CHANDLER. The record which you have hitherto examined does not show with what other inventions or claims for inventions it was compared?

Mr. STAUFFER. No, sir.

Senator CHANDLER. How can that be obtained?

Mr. STAUFFER. It can be obtained merely by a request for it or by a request upon the Commissioner for a complete copy of the files.

Senator CHANDLER. Then I will request you to furnish, with the permission of the Commissioner, a statement of all the patents, all the inventions, or all the claims for inventions with which the process disclosed in the application of W. E. Corey was compared. Let it be a concise historical statement.

Mr. STAUFFER. Do you simply wish the references themselves, or do you want the data?

Senator CHANDLER. I merely desire, in the first instance, a list of the claims or the supposed inventions with which, in the process of granting this patent, the Corey invention, or his supposed invention, was compared, so far as that can be ascertained.

Mr. STAUFFER. Very well. It can be ascertained, of course.

The statement referred to is as follows: United States, No. 89876, May 11, 1869, McDonald; United States, No. 442065, December 2, 1890, Low; United States, No. 518903, April 24, 1894, Ackerman; British, No. 3084, December 1, 1865, Dods; British, No. 3832, October 16, 1877, Browne.

Copies of these references are hereunto annexed.

[United States Patent Office. Hugh McDonald, of Pittsburg, Pa. Letters Patent No. 89876, dated May 11, 1869. Improvement in the manufacture of steel-faced iron plates. The schedule referred to in these letters patent and making part of the same.]

To all whom it may concern:

Be it known that I, Hugh McDonald, of the city of Pittsburg, in the county of Allegheny and State of Pennsylvania, have invented a new and useful improvement in manufacture of steel-faced iron plates; and I do hereby declare the following to be a full, clear, and exact description thereof.

For many purposes, in the arts, metallic plates are required which shall possess great strength, toughness, and tenacity of fiber, and at the same time have a hard, smooth face, and capable of receiving a high finish.

Such a combination of qualities is especially desirable in plow plates.

To secure such a combination, plates have been made with an iron center and steel face on one or both sides, by welding iron and steel plates together, also by casting a steel face on a previously heated iron slab, in a suitably constructed mold, and also by subjecting one or both faces of a homogeneous iron slab or ingot to the process of cementation, thereby converting such face or faces into steel.

My invention relates to the production of such plates, but of a greatly improved quality, and differs, in the mode of accomplishing the object, from all those above referred to; and

The nature of it consists in the manufacture of such plates by combining the processes of welding and cementation, so as to secure a center or back, as the case may be, of tough fibrous iron, and a face or faces of a high quality of steel, each layer of iron or steel being almost [illegible] its character, but all securely united together into a [illegible] plate.

My invention is applicable to the production of plates [illegible] number of layers of iron or steel, but I propose to apply it chiefly in making plates of two or three layers, one or both faces being of steel, and the back or center being of iron; and to enable others skilled in the art to make and use my invention, I will proceed to describe the same, first, as applied in making plates with steel faces and iron center.

For the iron center, I take a plate, bar, slab, or ingot of wrought iron, which has but little affinity for carbon, or which possesses but a small amount of carbon, since I find that the less carbon a wrought-iron plate contains, the more slowly will it be converted into steel by cementation.

For the outside surfaces, I take plates, bars, slabs, or ingots of wrought iron, or a low quality of steel, such as possess a larger proportion of carbon, or have a greater affinity therefor, so that when subjected to the process of cementation they will be readily and rapidly converted into steel of a high quality.

These plates, of any desirable size or thickness, I bring to a welding heat, and weld together, either under the hammer or by passing them through between rolls, using, if necessary, any of the ordinary fluxes to facilitate the welding. After they are thus welded, they may be drawn out between rolls in the usual way, either before or after cementation, or partly before and partly after.

In order to secure a steel surface of a high quality in such compound plates, I subject them to the process of cementation in any suitably constructed furnace, covering with clay or otherwise protecting, if necessary, the parts of the plate not to be converted.

The iron or low quality of steel, which forms the outer layers as described, is of such quality as is readily and rapidly converted into steel, while the center, being of a quality of iron that has but little affinity for carbon, will be affected but little, or not at all, by the converting of the outer layers. Hence, the surfaces of the compound plate may be converted as perfectly as may be desired into the steel of the hardest quality, and capable of receiving a high polish, while the center is almost wholly, if not entirely, unaffected by the cementing process, and retains all its qualities of toughness, strength, and flexibility.

The same process may be applied to making plates having a steel face and iron back, the steel face only being converted.

Two or more layers of iron, or of iron and steel, may be used for the center or back, provided the layer or layers of iron next the face plate or plates be of a quality not so readily converted into steel as the face plates themselves are.

When the plates are finished by cementation and rolling, they are ready for market, or to be cut up into plow plates or other useful articles.

What I claim as my invention, and desire to secure by letters patent, is—

The hereinbefore-described mode of making compound metallic plates, by welding together two or more plates, slabs, bars, or ingots of iron of different relative capacities for taking carbon, or of iron and a low quality of steel, and then subjecting the face or faces of such compound plates to the process of cementation, substantially as described.

In testimony whereof, I, the said Hugh McDonald, have hereunto set my hand.

HUGH McDONALD.

Witnesses:
G. H. CHRISTY,
JOHN GLENN.

[United States Patent Office. Robert Low, of Woolwich, England. Process of hardening or tempering steel projectiles. Specification forming part of Letters Patent No. 442965, dated December 2, 1890. Application filed November 16, 1888. Serial No. 291080. (No model.) Patented in England April 23, 1887, No. 5964; in Belgium February 29, 1888, No. 80724, and in France April 25, 1888, No. 188799.]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, Robert Low, engineer, a subject of the Queen of Great Britain, and a resident of Woolwich, England, have invented a new and useful improved process of hardening or tempering steel projectiles (for which I have obtained patents in the following countries: In Great Britain, No. 5964, dated April 23, 1887; in France, No. 188799, dated April 25, 1888, and in Belgium, No. 80724, dated February 29, 1888), of which the following is a specification, reference being had to the accompanying drawings.

My invention relates to steel projectiles, and comprises an improved process or method of hardening or tempering the same, so that their strength and penetrativeness are greatly increased as compared with those hardened or tempered by the methods hitherto adopted.

The hardening or tempering of armor-piercing projectiles has heretofore been usually affected by heating them to the required temperature, and then wholly or partially immersing them in oil or other liquid. It has been found, however, that this method of hardening or tempering such articles as projectiles, though efficient in respect of imparting the required hardness to the steel at or near the surface of the projectile, is attended with the serious disadvantage of liability to splitting or cracking of the metal and consequent destruction of the projectile after the entire cost of its manufacture has been incurred.

My invention affords the means for effectually hardening or tempering the projectiles without the use of water or other liquid, and, moreover, it obviates the risk of injuring or destroying the projectiles in the manner above described.

In hardening or tempering a projectile according to my said invention, I proceed as follows, that is to say: I heat the said projectile to the required temperature and place the same (preferably in a vertical position, with its conical, conoidal, or ogival end downward) in a supporting die or mold of cast-iron, or other suitable material, the cavity in which is of the same or approximately the same dimensions and shape or configuration as the projectile or portion thereof. When commencing operations, the mold is preferably heated (say to a temperature of from 200° to 300° Fahrenheit) before a projectile is inserted, in order to avoid chilling of the surface of the said projectile. In continuing the operations sufficient heat is imparted to the mold by each projectile to prevent chilling of the next projectile inserted. While the projectile is in this mold I subject it to pressure by means of hydraulic or other power for the purpose of keeping the surface of the projectile in intimate contact with the interior of the mold, and thus insuring the conduction of the heat away from the projectile through the metal of the mold. This pressure is maintained until the projectile is sufficiently cooled and hardened, and the projectile is then removed from the mold. If the projectile to be tempered by the above-described process is made from steel rich in carbon and containing about four per cent of chromium, I find that very good results are obtained by heating the said projectile before placing it in the die or mold to a temperature of from 1,400° to 1,600° Fahrenheit, according to its size, and then allowing the said projectile to cool down to a temperature of about 200° Fahrenheit before removing it from the mold. The temperatures to which the projectiles are heated and allowed to cool will, however, necessarily vary with different compositions of steel, and, as in tempering by the well-known methods with water or oil, the operator must to a great extent be guided by his experience of the steel with which he is dealing. I find it advantageous to use a mold having a central hole or recess into which the point of the projectile will enter. I thus avoid liability to excessive hardening of the point of the projectile and injury of the point in the operation of placing the projectile in the mold. Moreover, the said hole permits the escape of any scale, dust, or the like which may be introduced into the mold with the projectile or otherwise. The mold must be of greater or less depth, according to the length of the portion of the projectile which it is desired to harden or temper. If the entire surface of the projectile is to be hardened, the cavity in the mold should be of the same, or nearly the same, depth or length as the projectile.

In the accompanying drawings, fig. 1 is a vertical central section of apparatus for holding a projectile while subjected to pressure and at the same time cooling it, a part of the hydraulic ram for applying the pressure being shown in elevation. Fig. 2 is a similar view showing a modified form of the said apparatus.

The remaining figures are hereinafter referred to.

a is the mold; *b*, the projectile; *c*, the hydraulic ram. The mold *a* is made with a central hole *a'* for the purpose above specified, and its cavity is of such dimensions and shape or configuration that the conical or conoidal end of the projectile will fit accurately therein. A ring or annular piece *d* is placed upon the mold *a* and has fitted therein paper segments *e*, so formed that they will fit accurately within the said ring or annular piece and closely around the cylindrical portion of the projectile. These segments can be readily withdrawn from the ring or annular piece *d* to facilitate the removal of the projectile from the mold *a*.

A plug, mandrel, or core piece *f* is inserted in the chamber or cavity of the projectile to prevent upsetting of its walls or deformation of the said chamber or cavity. This mandrel receives pressure from the ram and transmits it to the interior of the shell.

The apparatus shown in fig. 1 is designed for use when the entire mass of the projectile is to be condensed and hardened.

If the conical, conoidal, or ogival end only of the projectile is to be condensed and hardened, I dispense with the said ring or annular piece and segments and also with the said core piece, and, as shown in fig. 2, simply place a ring *g*, of metal or other suitable material, upon the mold *a* to conduct away some of the heat from the projectile, and thus insure a gradual diminution of the hardness of the metal of the projectile at the top of the mold *a*. I prefer, moreover, to place a disk or pad *h*, of asbestus or other suitable nonconductor or slow conductor of heat, between the base of the projectile and the ram *c* to prevent cooling of the said base by the ram.

By applying the pressure in the manner illustrated in Figs. 1 and 2 the particles or molecules are compelled to assume under the contraction due to the cooling such a condition or arrangement that they will offer the greatest resistance to endwise compression, and this result is effected without inducing the state of tension which would be induced by cooling in liquids. Consequently the stress to which the projectile is subjected in the act of penetration is a repetition of that to which it has already been subjected when in the mold. In some instances I employ a mold in which the projectile lies horizontally. This mold is made in two parts or halves, in one of which the projectile is to be laid and the other of which is to be placed over the said projectile, and I apply pressure either continuously or intermittently to the projectile while in the said mold in a direction at right angles to its axis; or I may form the mold of three, four, or more segments provided with means for adjusting them, so as to apply the pressure equally all round the projectile.

Figs. 3 and 4 are sectional elevations showing different forms of apparatus in which the projectile is to be placed horizontally. This apparatus comprises lower and upper dies or molds *a* a^2. The lower die or mold *a* is supported upon a base plate *j*, formed with lugs or bearing pieces *j'*. The upper die or mold a^2 may be firmly attached to the ram *c*. The base plate *j* is provided with a standard *k*, through which is passed a screw *l*. In some instances a mandrel or plug *f* is inserted in the cavity of the projectile or shell, as in Fig. 3. In some instances the screw *l* is provided with a plug *l'*, as in Fig. 4, which fits into the cavity of the projectile or shell. This screw prevents the displacement of the projectile from the mold when subjected to the pressure of the ram. If the pressure is to be applied intermittently, the said screw may be slackened from time to time and the projectile partially rotated. Whatever may be the construction of the mold it should be made to conform to or fit the exterior of the projectile or a portion thereof, and the projectile while in the mold should be kept under pressure, so that there may be close contact between all parts of the surface to be hardened and the mold, and the heat of the red-hot mass of metal may be conducted freely away through the body of the said mold.

Having now fully described and ascertained the nature of my said invention and the manner in which it is to be performed, I wish it understood that I do not claim generally or irrespectively of my improvements herein set forth the treatment of steel by heating the same and subjecting it to pressure in a mold, as I am aware that such treatment of steel has been described in the specification of the British patent No. 3982, of 1874, granted to Sir Joseph Whitworth, and also in the specification of the French patent No. 147010, granted to M. Clemandot; nor do I claim the methods of treatment described in the specifications of the United States patents Nos. 178011 and 407536.

What I claim is—

1. The method of hardening or tempering a projectile or shell, consisting in heating the said projectile, placing it in a metal mold the internal shape of which exactly corresponds to the external shape of the projectile or of the part thereof to be hardened, and which has been previously warmed to prevent chilling of the surface of the projectile, and then subjecting the projectile to pressure in the mold to insure intimate contact of the surface of the projectile with that of the mold until the said projectile is cooled sufficiently to impart to it the desired degree of hardness, substantially as and for the purposes set forth.

2. The method of hardening or tempering a projectile or shell, consisting in heating the said projectile, placing it in a metal mold the internal shape of which exactly corresponds to the external shape of the projectile or of the part thereof to be hardened, and which has been previously warmed to prevent chilling of the surface of the projectile, and then subjecting the projectile to pressure in the mold to keep its surface in intimate contact with the interior of the mold until the said projectile is cooled sufficiently to impart to it the desired degree of hardness, such pressure being caused to act from the base toward the point of the projectile, substantially as and for the purposes set forth.

3. The method of hardening or tempering a projectile or shell, consisting in heating the said projectile, placing it in a metal mold the internal shape of which exactly corresponds to the external shape of the projectile or of the part thereof to be hardened, and which has been previously warmed to prevent chilling of the surface of the projectile, and then subjecting the projectile to pressure in the mold to keep its surface in intimate contact with the interior of the mold until the said projectile is cooled sufficiently to impart to it the desired degree of hardness, the said mold having a cavity or opening through which the extreme point of the shell will project and through which the gases and scoriæ may escape, substantially as and for the purposes set forth.

In testimony whereof I have hereunto signed my name in the presence of two subscribing witnesses.

ROBERT LOW.

Witnesses:
WM. ROBT. LAKE.
DAVID YOUNG.

[United States Patent Office. Albert A. Ackerman, of the United States Navy, assignor of one-half to Thomas T. Crittenden, of Washington, District of Columbia. Manufacture of armor plate. Specification forming part of Letters Patent No. 518998, dated April 21, 1894. Application filed October 26, 1893. Serial No. 489195. (No model.)]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, Albert A. Ackerman, a lieutenant in the United States Navy, attached to the Bureau of Ordnance, Navy Department, Washington, in the District of Columbia, have invented certain new and useful improvements in the manufacture of armor plates; and I do hereby declare the following to be a full, clear, and exact description of the invention, such as will enable others skilled in the art to which it appertains to make and use the same.

My invention relates to improvements in the manufacture of armor plates or other like castings or forgings, and is especially adapted for use in hardening and toughening the surface of such plates.

It is well known that, other things being equal, the loss of heat of a solid body through radiation, varies with the area of the radiating surface; and also that the increase of heat through absorption varies with the area of the surface exposed to the heat rays; from this it follows that where two sides or faces of a plate are of unequal surface, then the side having the greater surface is capable of being more rapidly heated or cooled than the opposite side; thus where one side of a plate is corrugated and the other side smooth, or comparatively smooth, the corrugated side will absorb and radiate heat more rapidly than the smooth side and hence a desired temperature may be reached on that side, and in these corrugations and enlargements earlier and with less expense for fuel and labor than when, as is the case on the smooth side, the receiving surface is smaller, and the section through which heat flows away into the body of the plate is greater.

Again, where heated plates having parallel smooth faces are cooled, in hardening or toughening the outer edges and corners of the plate cool more rapidly than the central portion, producing an initial "set" of the outer portions and causing the central portion as it cools to assume a stress due to its contraction within the fixed bounds of the outer and colder portions. This produces inequalities in structural strength in the plate and weakness in places. This may be avoided by so increasing the area of radiating surface near the center of the plate that the loss of heat may be approximately uniform all over the area of the surface of the plate.

Again, it has been found, where armor plates have been heated to a high temperature and then gradually cooled, the one face being cooled more rapidly than the other, that the face cooling faster first assumes a "set" to which the entire mass of material adapts itself; and that when the slower cooling portion becomes rigid, the plate is "buckled" toward the side last cooling. This may be avoided by constructing the plate with radiating surfaces so arranged that, although the media into which the radiation takes place may differ, the amount of heat radiated from each side of the plate may be practically the same; and thus there may be no tendency of the plate to "buckle." Or this tendency to "buckle" may be regulated by varying the surfaces of the two sides of the plate. Since the effect of these variations in the surface giving out or absorbing heat will depend upon so many things in or around the furnace, it will be impossible, at present, to lay down any fixed rule, but the variations will probably have to be determined by experiment in each particular furnace.

Again, in the Harvey and kindred processes, where elements or compounds are caused by means of heat to impregnate the surface of armor plates, the penetration of these foreign substances extends only to a limited distance from the surface, and varies to a certain extent inversely as the depth therefrom. Now, if by dents or corrugations or pockets the area of the surface is increased, then the amount of material affected by these hardening and toughening agents is increased; and if these projections or corrugations be rolled or pressed down afterward to form a smooth surface, then the depth of harveyized material under that surface will be increased approximately in proportion to the comparative areas of the surfaces before and after rolling. Moreover, where a given thickness of impregnated material is desired, the time necessary for carrying out the process will be shortened in proportion to the increased area of exposed surface. This is very important, as the time required for treating an armor plate under the Harvey process is ordinarily from ten days to three weeks, entailing great expense in maintaining the amount of heat required.

My process also diminishes the serious scaling in such processes of cementation or conversion both by decreasing the time and by permitting the same effects to be obtained at a lower temperature, thus, in the latter case, extending the life of the furnace. Since the higher percentage of graphitic carbon renders that part of the plate softer at the same high temperature, these carburized corrugations or projections are readily rolled or pressed down into a smooth surface without danger of overheating the plate. In addition, work done on the plate will be concentrated on this corrugated surface due to its greater softness, thus improving that surface which is exposed to greatest strains and which in the unworked surfaces of other processes is known to be lowered in quality and toughness by the heterogeneous mixture of graphitic carbon. Moreover, by this means, the percentage and extent of carburization may be controlled by the shape and dimensions of ridges or corrugations: that is, when these ridges are made narrow and deep, the percentage of carbon will be high, while the depth of its penetration will be comparatively slight. By introducing other shapes, the gradation of carbon from the carburized to the uncarburized portion of the plate may be made more or less abrupt, superficial, or deep, and in this way a high carbonizing and hence great hardening effect may be extended deeply into the plate, without permitting the loss of toughness to lower the quality of a large depth of plate. This applies particularly to the case where carburizing is applied directly to the ingot on which these ridges are provided, the metal in this case being subjected to an annealing process, as it were, while the carburizing is being carried on. The ingot will not only be benefited by the annealing process, but, the specific gravity of the metal being less than in the forged metal, the process will be more rapid. And by means of the enlargements of surface as herein described, the carburizing in any form may be carried to any desired depth without rendering the back of the plate brittle or too high in carbon.

Figures 1 and 2 represent cross sections of plates having one side or face smooth and the other face corrugated or dentated as at *a*. Fig. 3 represents a cross section of an armor plate that has its front face indented with compound corrugations as at *a*. The shaded portion *b* of the said plate indicates the depth to which the carburizing of said plate would extend. Fig. 3^a represents a cross section of the same plate shown in Fig. 3 after the corrugations are rolled down, the carburized portion *b* of the plate being represented by shaded lines. Fig. 4 represents a cross section of a carburized indented plate, the carburization being shown in shaded lines as at *b*. When rolled out flat this plate would resemble that shown in Fig. 3^a. Fig. 5 represents a front view of a plate having its radiating or absorbing surface increased by a plurality of hatchings *a* crossing each other in the face of the plate. Fig. 6 represents a front view of a plate provided with a number of elliptical grooves *a* in the face thereof, the said grooves being spaced farther apart toward the outer edges of the plate, whereby the radiating surface of the center of the plate may be increased and the plate may be caused to cool more uniformly. Fig. 7 is similar in every respect to Fig. 6, except that the elliptical grooves are replaced by coarse indentations or chiselings *a*, which are deeper and more frequent near the center of the plate than toward the edges thereof, whereby greater uniformity in the cooling of the plate is obtained. Figs. 8 and 9 represent cross sections of hollow cylindrical bodies having their radiating interior surfaces largely increased by indentations such as are shown at *a*. The tendency of hollow cylinders constructed in these shapes would be to facilitate the transmission of heat from without and to retard the transmission of heat from within. This construction would rather be of advantage for water tubes for boilers than for armor, however. It will be evident that forgings or castings of this shape might be carburized from both sides and thus completely through. Fig. 10 represents a cross section of a stellated body indented as at *a* and inclosing a cylindrical chamber. Armor for conning towers, smoke stacks, and the like might be readily carburized while in this shape and then forged down to a cylindrical exterior, thus giving greater depth to the carburized surface than where cylindrical bodies are so treated. Fig. 11 illustrates a combination of the types shown in Figs. 9 and 10 and represents a steel casting or forging readily adapted for carburizing from both sides or all the way through. Fig. 12 represents a cross section of a steel plate corrugated as at *a* on both sides, and adapted to be carburized on either or both sides, and to radiate heat as readily from one side as from the other; and Figs. 13 and 14 represent cross sections of plates unevenly indented as at *a* upon opposite sides and adapted to radiate heat faster from one side than from the other. These various figures represent types of either castings or forgings on which these increased surfaces have been provided in any convenient way. These castings or forgings are treated by any of the herein described processes, and may be then either left with the ridges intact or may be forged an approximately smooth surface.

The depth of the indentations *a* may not be nearly so deep, relatively, as is shown in the drawings, but the larger the increase of surface the more pronounced will be the effect.

It will be evident, while I have particularly described the advantages of my invention with regard to the carburization, that it is equally applicable to those processes wherein chromium, nickel, nitrogen, and other elements or compounds are introduced into the metal and it is also applicable to all processes of cementation, conversion, casehardening, tempering, and annealing.

From the foregoing it will be seen that my invention consists in so varying the area of surface on one or both sides of the plate or mass of material to be subjected to heat or chemical treatment that the mass may be more readily affected by thermal or chemical agents.

Having thus described my invention, what I claim, and desire to secure by letters patent of the United States, is—

In the manufacture of armor plates, the method of treating the plate or ingot which consists in providing on one of the faces thereof a plurality of grooves or corrugations, in heating the surface so increased in contact with a carburizing agent, in removing the unabsorbed portion of the carburizing agent from the plate, and in forging the projections down to an approximately smooth surface, substantially as and for the purposes described.

In testimony whereof I affix my signature in presence of two witnesses.

ALBERT A. ACKERMAN.

Witnesses:
JOHN C. WILSON.
PERCY C. BOWEN.

[No. 3246 of 1871. Nov. 30. English patent to William Robert Lake, for improvements in the cementation or conversion into steel of wrought iron or articles first made thereof.]

Now, know ye that I, the said William Robert Lake, do hereby declare the nature of the said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

This invention relates to the manufacture of axes, chisels, hammers, saws, augers, and other tools and instruments which are usually made of steel or of malleable iron, or partly of both by welding, and also to the manufacture of rails, axles, and parts of machinery where steel may be substituted for malleable iron, or be usefully combined with malleable iron by welding.

The articles to be treated are made of and with wrought iron first, without, however, finishing them completely, and then converted wholly or partially into steel by immersing them in a bath of molten cast iron free from sulphur or phosphorus and carburized to its utmost capacity. The best cast iron for this purpose is spiegeleisen, but in default thereof such cast iron may be made by melting good malleable iron or blister steel in a cupola furnace with the purest fuel available, that is, as free from sulphur as possible.

The articles are left in this bath a space of time which must vary with the degree of hardness desired to be imparted to the metal and with the size of the articles, and also according to the intention of converting the whole mass into steel or of converting simply the surface so as to retain a core of malleable iron.

Crucibles may be used for treating small objects, but for larger articles, or when large quantities are to be converted, the ordinary reverberatory, furnaces may be used, the bottom of which I build with silicious sand.

After a number of operations with the same bath the cast iron would not be rich enough in carbon, and consequently the heat required to maintain it in a molten condition would be too high, which circumstance might cause the fusion of the parts sufficiently carburized before the underlying layers had attained the proper degree of conversion. To obviate this difficulty, I line the crucibles and the bottom of the furnaces with a brasque of charcoal powder or of plumbago, with which I may incorporate nitrogenous matters, such as cyanides, or animal matters, as leather or horn pulverized, and also black oxide of manganese. This brasque is intended to restore to the bath of cast iron the carbon which may be abstracted from [illegible] the metal during cementation, and to supply the manganese and nitrogen, which may be useful to the steel, but it is not indispensable to the process.

The bath of cast iron may be renewed after each operation by [illegible] cast iron or by remelting and recarburizing the same in a cupola furnace in contact with fuel as pure as possible and running it directly from the cupola into the converting furnace over the objects to be cemented. The converting bath may also be covered during the operation with a glass or slag covering to prevent the loss of carbon by contact with the gas of the furnace.

After remaining in the converting bath the time required for the degree of conversion sought for, the converted articles are taken out—or better still, the cast iron is tapped and run off—and the heat in the furnace increased to free the objects from any portion of cast iron which might adhere to them, when it will be found that they are, according as the operation has been conducted, partly or totally converted into steel, the quality of which will depend upon that of the iron used. The articles are then finished by rolling or hammering.

Having thus fully described the said invention as communicated to me by my foreign correspondent, I wish it understood that I do not claim the principle of cementing malleable iron by immersion in molten cast iron, as this was to a certain extent practiced anciently upon lumps of wrought iron; but I claim—

First. The cementation or conversion into steel of articles made of wrought iron by immersing them in a bath of molten cast iron after they have been totally or partially worked into their respective shapes, whereby the heaviest part of the work or the whole of it is accomplished upon wrought iron and not upon steel, and the operation of welding steel upon iron is dispensed with.

Second. The cementation or conversion into steel of articles made of wrought iron by immersing them in a bath of cast iron in fusion in such a way as to convert only the surface of such articles to the required depth, leaving the interior in its original state of malleable iron, thereby producing articles externally as hard as those made of pure steel, with the toughness dependent upon that part of their substance retaining the nature of malleable iron, and free from the inconvenience of imperfect welding.

Third. The use of furnaces to effect such conversion on a large scale.

Fourth. Lining crucibles or furnaces with a brasque of pure carbonaceous matter and nitrogenous substance and oxide of manganese to keep the bath of cast iron to its normal degree of carburization and to supply nitrogen and manganese to the steel.

Fifth. Composing the bath of pure cast iron necessary for such conversion by melting wrought iron or blister steel in a cupola furnace with pure fuel and recarburizing the bath by returning the cast iron to the said cupola furnace whenever required, the whole as above described and for the purposes set forth.

[No. 3384 of 1865. Dec. 1. English patent to Thomas Weatherburn Dodds. Improvements in the manufacture and treatment of railway bars, tyres, and axles, also in the construction of furnaces, machinery, and apparatus connected therewith.]

[Diagrams referred to are omitted.]

Now, know ye, that I, the said Thomas Weatherburn Dodds, do hereby declare the nature of my said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement, reference being had to the drawings hereunto annexed, and to the letters and figures marked thereon (that is to say):

My invention of "Improvements in the manufacture and treatment of railway bars, tyres, and axles, also in the construction of furnaces, machinery, and apparatus connected therewith," consists in the construction of the cementing or converting furnaces used in steeling the wearing surfaces of railway bars or other material to be operated upon in such a manner that uniformity of heat will be obtained, or the heat can be increased or diminished at any required portion of the furnaces, as may be found desirable, and the railway bars or other material operated upon may be withdrawn when the required depth of steeling has been obtained.

For the purpose of obtaining uniformity of heat in the cementing chambers, chimneys and dampers are applied to each side of the furnace in connection with the side flues, the communication with which chimneys may be separately opened or closed as required, thereby giving facilities for the regulation of the heat not obtained by the use of a single chimney, as usual. Also for the purpose of increasing or diminishing the heat at any required portion of the furnace a series of adjustable flue valves or regulators are applied to openings leading into the side flues.

By another arrangement the cementing furnaces are heated by the waste heat from coke ovens, or the gases generated therein, or from the waste heat of other furnaces, to which coke ovens or furnaces the cementing furnaces are connected by means of communicating flues.

For the cementation of endless tyres the cementing chambers are circular and constructed so that the upper portion or dome thereof can be removed or lifted off its seat and the tyres taken out without letting out the furnace fires or cutting off the connection with the source from which they are heated. The railway bars (or metal in other forms) after undergoing the process of cementation are to be drawn from the cementing furnaces in a heated state, and are then to be passed at once, without reheating, through rolls or under hammers for the purpose of condensing or closing the fibres or crystals of the said bars or other material. The rolls are specially arranged to condense those portions of the railway bars, tyres, or axles where the process of cementation has been applied. For this purpose two, three, or more rolls are or may be employed, and they are arranged as required to suit the form of the railway bar or other article to be operated upon, some of the rolls being adapted for holding the said bar or other article and the other roll or rolls being adapted to condense the cemented surface or surfaces thereof.

Having thus stated the nature of the said invention, I will proceed to describe more particularly in what manner the same is to be performed by reference to the accompanying drawings, in which are represented cementing furnaces and condensing rolls of the construction and arrangement referred to.

DESCRIPTION OF DRAWINGS.

Figures 1 to 8 represent a cementing furnace for railway bars and axles. Fig. 1 is a vertical section taken through the centre of the furnace in the line C D of fig. 3, shewing one end of the furnace; fig. 2 is a similar section taken in the line A B, of the same figure, shewing the other end of the furnace; fig. 3 is a transverse section on an irregular line; fig. 4 is a horizontal section taken on the line L M; figs. 5 and 6 are similar sections taken, respectively, on the lines F G and H I of fig. 3, and fig. 7 is an end view of the furnace. In these several figures the same letters of reference indicate corresponding parts.

a a are the walls and main brickwork of the furnace; *b* is the fireplace; *c c* are the cementing chambers, which extend from end to end of the furnace, and are closed only by doors at each end, being otherwise open to admit of the railway bars or other articles being withdrawn after the process of cementation has been completed; *d d* are flues, which it will be seen, on reference to fig. 3, surround the cementing chambers and communicate with slide flues *e e* leading to the chimneys *f f*. These chimneys *f f* are arranged on each side of the furnace, as shown in the horizontal sections, figs. 4, 5, and 6, and they are provided with dampers *g g* as shown in fig. 7, for the purpose of regulating the draft and the heat in different parts of the furnace as required. By this means uniformity of heat in the cementing chambers may be obtained. *h h* are adjustable flue valves, which are applied to the openings leading into the slide flues. One of these valves is shown detached in fig. 8, and is represented as capable of the required adjustment by means of a curved rack; *k k* are iron binders, by which the brickwork *a a* is bound together in order to resist expansion. In other respects besides those above referred to the construction of these cementing furnaces is well known, and needs no further description, except to state that in some cases the furnaces may be heated by the waste heat of coke ovens, or the gases generated therein, or by the waste heat of other furnaces. In such cases the heat may be conveyed from the coke ovens or other furnaces by means of flues passing into the fireplace or chamber underneath the flues of the cementing furnace.

Figures 9 to 14 represent a cementing furnace for the cementation of endless tyers. Fig. 9 is a longitudinal section of the furnace showing a series of cementing chambers *c c* with a number of endless tyers and cementing material contained in one of them; fig. 10 is a horizontal section on the line A B of fig. 9; fig. 11 is a similar section on the line C D, and fig. 12 is a similar section on the line E F, on the same figure; fig. 13 is a plan view showing the top of one of the cementing chambers; and fig. 14 is a transverse section of the furnace on the line G H of fig. 9. The mode of inserting the tyers in the cementing chambers *c c* will be seen on reference to figures 9 and 12, and also the arrangements of the flues. *d d* are flues surrounding the cementing chambers, which flues receive the heat from the horizontal flues *e e*, leading from the fireplaces, and both the flues *d d* and *e e* lead into a circular flue e^1 (see fig. 12), and thence into the general flue e^2, leading to the chimney *f*. The cementing chambers *c c* in these furnaces are circular, and are fitted with movable tops *l l*, as shown. These tops may be lifted off their seats, when required, by means of a crane or hoist by inserting a hook in the ring *m*. The working and heating of these furnaces are similar to those previously described.

I will now proceed to describe the arrangements of rolls for condensing and hardening the wearing surfaces of railway bars or other articles after they have been withdrawn from the cementing surfaces.

Figures 15 to 17 represent an arrangement of rolls for condensing and hardening the wearing surfaces of railway bars. Fig. 15 is an end elevation, fig. 16 is a plan view, and fig. 17 a side elevation of a suitable frame in which are mounted a pair of vertical rolls, A A, and a pair of horizontal rolls, B B. The upper vertical roll and the two horizontal rolls are adjustable by means of screws, as shewn. In the arrangement shewn the two horizontal rolls and the bottom vertical roll are caused to act as holding and supporting rolls, and the vertical roll alone is adapted for condensing the upper wearing surface of the railway bar C, which is represented as being passed through the rolls after having been drawn from the cementing furnace. It will be seen, on reference to fig. 15, that the upper roll A is capable of being adjusted by means of the screws D D, so as to regulate the degree of pressure to be applied to the surface of the bar C, in order to condense the cemented portion of the bar and produce the required density of the same.

The object of this arrangement of rolls is not to give the required sectional form to the railway bars which are passed through them, but only to condense and harden the cemented or steeled surfaces of such bars by the action of the upper vertical roll A, the arrangement of the remaining rolls being adapted for holding and supporting the bar under operation in such a manner as to secure the bar against alteration in its sectional form by the condensing action of the upper roll.

From the foregoing description of my invention it will be readily understood that the operation of steeling and hardening the wearing surfaces of railway bars, tyres, and axles consists in first placing these articles in the cementing chambers of the furnaces containing a mixture of any carbonaceous matter, as charcoal, by preference, potash, or other alkaline matter, and carbonate or bicarbonate of lime, or matter containing lime. The proportions in which I prefer to use these ingredients are ninety-six parts of charcoal, one part and a half of alkaline matter, and two parts and a half of lime by admeasurement, but I do not confine myself to these exact proportions. Then, after the railway bars or other articles have been treated so as to receive the required depth of steel on their surface, they are withdrawn without letting down the heat to any great degree, while the operation of charging and discharging the furnaces is going on, and are introduced without reheating between the sets of rolls A and B, by the action of which rolls the wearing surfaces become condensed and hardened as required.

Instead of using rolls as described, the said wearing surfaces may, if preferred, be condensed by hammering with any convenient arrangement of hammers. Also in some cases it may be necessary to have recourse to reheating the railway bars or other articles after they are withdrawn from the cementing furnaces. I mention this in order to show that while the said furnaces, according to my invention, are constructed so as to admit of the railway bars or other articles being withdrawn and condensed without reheating, these articles may, when necessary, be reheated.

Having thus described the nature of the said invention, and in what manner the same is to be performed, I hereby declare that what I claim as of my invention is—

First. The manufacture and treatment of railway bars, tyres, and axles so as to produce the steeling and hardening of the wearing surfaces by the combined use of the cementing process and the condensing rolls or hammering, as hereinbefore described.

Secondly. The use of cementing surfaces for railway bars and axles, with an arrangement of chimneys, dampers, and adjustable flue valves as hereinbefore described.

Thirdly. The use of cementing furnaces for tyres constructed as hereinbefore described.

Fourthly. The use of cementing furnaces as described, whether heated by their own fireplaces or by the waste of coke ovens or of other furnaces.

And, lastly, the arrangement of rolls for condensing the railway bars or other material without reheating, after having been previously treated in the cementing furnaces, as hereinbefore described.

Senator CHANDLER. Have you now given us all the information you are able to give as to the Corey patent?

Mr. STAUFFER. The Corey application was assigned to the Carnegie Steel Company, Limited, of Allegheny County, Pa., June 4, 1895, and recorded June 5, 1895.

Senator CHANDLER. You will insert a copy of the abstract of title.

Mr. STAUFFER. Yes, sir.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 28, 1896, under or relating to letters patent granted to William E. Corey, Munhall, Pa., assignor to the Carnegie Steel Company, Limited, June 25, 1895, No. 541594, "Steel armor plate and process of making same."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-six, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignor.	Assignee.	Date of assignment	Date of record.
William E. Corey.	The Carnegie Steel Company, Limited, Allegheny Co., Pa.	June 4, 1895	June 5, 1895

Invention.	Territory assigned.	Liber.	Page.
Steel armor plates and process of making the same. Application executed June 4, '95. June 25, '95, 541594.	Exclusive right, title, and interest in said invention. Patent to issue to said assignee. Agrees to execute reissue papers. $1 and other considerations.	Y 51..	219

THE SCHNEIDER PATENTS.

Senator CHANDLER. Are you able to give us any information as to the patents of Henri Schneider?

Mr. STAUFFER. I have copies of two patents to Henri Schneider, of Creusot, France, the first one, No. 415655, dated November 19, 1895, being a process for manufacturing the alloys of steel and nickel.

This invention relates to the manufacture on the hearth or bed of a furnace, as hereinafter described, of steel alloyed with nickel, whereby a product is obtained which is employed in the construction of ordnance, armor plates, gun barrels, projectiles, and other articles for military or other like purposes—commercial sheets or bars, for example. In order to manufacture this combination or alloy of steel and nickel upon a bed or hearth in such a manner as to obtain a homogeneous steel free from flaws or hollows, it is necessary, on the one hand, to avoid oxidizing the nickel before it forms the alloy with the iron, and, on the other hand, it is necessary to cause the incorporation to take place at as early a stage as possible in the operation, or immediately on the commencement of the fusion or liquefaction.

Then he goes on to state—

This alloy may be used in the production of an alloy of steel and nickel either while yet in the molten condition or after cooling and hardening. The alloy of cast iron and nickel, instead of being formed separately, may be formed in the furnace before proceeding with the subsequent operations, though it is preferred to form it separately. In case it is formed in the furnace itself a bed of anthracite is first prepared in the furnace, and the nickel is placed thereon with the requisite proportion of iron or steel. The whole is then covered with anthracite in order to protect the metal from contact with the air during the fusion. When the charge is melted, the excess of anthracite is removed and charges of iron or scrap are added in succession.

Senator CHANDLER. Please insert a copy of the patent.

The patent referred to is as follows:

[United States Patent Office. Henri Schneider, of Le Creuzot, France. Process of manufacturing the alloys of steel and nickel. Specification forming part of Letters Patent No. 415655, dated November 19, 1889. Application filed December 3, 1888. Serial No. 292518. (No specimens.)]

To all whom it may concern:

Be it known that I, Henri Schneider, manager of the firm Schneider & Cie., of Le Creuzot (Saône-et-Loire), in the Republic of France, manufacturers, have invented improvements in the process of manufacturing the alloys of steel and nickel, of which the following is a specification.

This invention relates to the manufacture on the hearth or bed of a furnace, as hereinafter described, of steel alloyed with nickel, whereby a product is obtained which is employed in the construction of ordnance, armor-plates, gun-barrels, projectiles, and other articles for military or other like purposes—commercial sheets or bars, for example. In order to manufacture this combination or alloy of steel and nickel upon a bed or hearth in such a manner as to obtain a homogeneous steel free from flaws or hollows, it is necessary, on the one hand, to avoid oxidizing the nickel before it forms the alloy with the iron, and, on the other hand, it is necessary to cause the incorporation to take place at as early a stage as possible in the operation, or immediately on the commencement of the fusion or liquefaction. This result is attained, according to this invention, by introducing the nickel by the aid of a preliminary melt or mixture in fusion, containing, say, for example, about thirty per cent of nickel, sixty-three per cent of iron, three per cent of carbon, and two of manganese and silicon, this melt being placed on the hearth or bed of the furnace together with a suitable proportion of iron or scrap-steel.

In my concurrent application of even date, serial No. 292520, I have described the production of an alloy of cast-iron and nickel. "This alloy may be used in the production of an alloy of steel and nickel, either while yet in the molten condition or after cooling and hardening. The alloy of cast iron and nickel, instead of being formed separately, may be formed in the furnace before proceeding with the subsequent operations, though it is preferred to form it separately. In case it is formed in the furnace itself a bed of anthracite is first prepared in the furnace and the nickel is placed thereon with the requisite proportion of iron or steel. The whole is then covered with anthracite in order to protect the metal from contact with the air during the fusion. When the charge is melted, the excess of anthracite is removed and charges of iron or scrap are added in succession." Waste or scrap steel alloyed with nickel obtained by preceding operations is to be employed in these charges, preferably in the first. From this time the operation is conducted on the hearth or open furnace in the same way as in making ordinary steel, care being at the same time taken to continually protect the bath from oxidation by means of a layer of slag or cinder, which is renewed as required, and also to take precautions to prevent redshortness in the metal before the final introduction of the recarbonizing and manganiferous silicospiegel iron or ferromanganese.

The steel manufactured according to this invention usually contains about 5 per cent of nickel—a quantity sufficient to impart a remarkable degree of strength to the product; but the invention is not limited to this proportion. Steel alloyed with nickel according to this invention is especially adapted or suitable for use in the construction of ordnance, armor-plates, gun-barrels, projectiles, and other articles employed for military or other like purposes, or the manufacture of commercial sheets, bars, and the like. The percentages of carbon, silicon, and manganese can be regulated according to the degree of hardness required, but in all cases, in order to obtain the best result possible, the product must invariably be tempered in an oil or other bath."

I claim as my invention—

The herein-described process of manufacturing a homogeneous alloy of steel and nickel by first forming an alloy of cast iron and nickel rich in the latter metal, as specified, and charging such alloy into a furnace of the character indicated, with the usual ingredients for the production of steel, and continuing the operation in the ordinary way, as set forth.

In testimony whereof I have signed my name to this specification in the presence of two subscribing witnesses.

HENRI SCHNEIDER.

Witnesses:
CHARLES BRÉNOT,
LEON FRANCKEN.

Mr. STAUFFER. The abstract of title is also submitted.

The abstract of title is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 28, 1896, under or relating to letters patent granted to Henri Schneider, Le Creuzot, France, November 19, 1889, No. 415655, "Process of manufacturing the alloys of steel and nickel."

In testimony whereof, I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-six, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

Assignors.	Assignees.	Date of assignment.	Date of record.
Henri Schneider..	Nickel Steel Syndicate, Limited, London, England.	Mar. 26, 1891	Apr. 13, 1891
The Nickel Steel Syndicate, Limited.	Schneider et Cie., "Société en commandite, sous la dite raison sociale," of Le Creuzot (Saône-et-Loire), France.	Aug. 18, 1892	Dec. 27, 1892

Invention.	Territory assigned.	Liber.	Page.
Process of manufacturing the alloys of steel and nickel. Nov. 19, 1889, 415655.	All the right, title, and interest in said letters patent. Consideration, $5.	T44	[illegible]
Process of manufacturing alloys of steel and nickel, Nov. 19, 1889, 415655, and other patents.	Entire right, title, and interest in said inventions and letters patent, with all of said assignor's claims for royalties, profits, or damages from past use or infringement, $5 and other considerations.	F47	[illegible]

Mr. STAUFFER. The second Schneider patent, No. 415657, is for a process of manufacturing the alloys of cast iron and nickel.

The patent referred to is as follows:

[United States Patent Office. Henri Schneider, of Le Creuzot, France. Process of manufacturing the alloys of cast iron and nickel. Specification forming part of Letters Patent No. 415657, dated November 19, 1889. Application filed December 3, 1888. Serial No. 292520. (Specimens.)]

To all whom it may concern:

Be it known that I, Henri Schneider, manager of the firm Schneider & Cie., of Le Creuzot (Saône-et-Loire), in the Republic of France, manufacturers, having invented improvements in manufacturing the alloys of cast iron and nickel, of which the following is a specification:

This invention has reference to the manufacture on a commercial scale of cast or pig iron alloyed with nickel.

Many experiments have heretofore been made with alloys of iron or steel and nickel, and it is known that the addition of a small proportion of the latter metal to the former imparts thereto properties very valuable for certain uses. It is, however, extremely difficult to incorporate nickel with iron and steel, particularly when it is attempted to produce these alloys on a commercial scale. I have discovered that such alloys can be produced by making, as a preliminary product, an alloy or compound of cast-iron and nickel in a crucible, cupola, or open-hearth furnace. This product or alloy, while specially useful for the manufacture of iron and nickel and steel and nickel alloys, may be used for castings for a variety of purposes, and the present application is confined to the production of the cast-iron alloy.

The manufacture of alloys of nickel and steel forms the subject-matter of another application filed December 3, 1888, Serial No. 292518.

In carrying out my invention I charge a suitable furnace with nickel filings or scrap or waste nickel and ordinary cast or pig iron with carbonaceous matter; or the nickel may be in the form of nickelized compounds or coke. The operation may advantageously be carried on in a reverberatory furnace under a layer of anthracite to avoid oxidation. The alloy, which issues as a direct product of the furnace, contains from five to thirty per cent of nickel, (though the invention is not limited to these proportions,) and is remarkable for its great elasticity and strength, and also for a true tenacity and malleability—properties which may be still further developed by chilling or tempering in well-known ways. The alloys are consequently suitable for use in the manufacture of castings of all descriptions, and to the production of armor plates, projectiles, and the like.

I claim as my invention—

1. The herein-described process of manufacturing alloys of [illegible] nickel by charging a suitable furnace with cast or pig iron, [illegible] composition containing nickel, and melting together, as set forth.
2. The herein described process of manufacturing alloys of cast-iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a nickel compound, and carbonaceous matter, with a superposed layer of anthracite, and melting together, as set forth.
3. The herein-described alloy of cast-iron and nickel rich in the latter metal, said alloy being distinguished by homogeneity, tenacity, capacity for tempering, and by the other characteristics set forth.

In testimony whereof I have signed my name to this specification in the presence of two subscribing witnesses.

HENRI SCHNEIDER.

Witnesses:
CHARLES BRÉNOT,
LEON FRANCKEN.

Mr. STAUFFER. The abstract of title of the second Schneider patent is also submitted.

The abstract of title is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 28, 1896, under or relating to letters patent granted to Henri Schneider, Le Creuzot, France, November 19, 1889, No. 415657, "process of manufacturing the alloys of cast iron and nickel."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-six, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignors.	Assignees.	Date of assignment.	Date of record.
Henri Schneider..	Nickel Steel Syndicate, Limited, London, England.	Mar. 26, 1891	Apr. 13, 1891
The Nickel Steel Syndicate, Limited.	Schneider et Cie "Société en commandite, sous la dite raison sociale," of Creuzot (Saône-et-Loire), France.	Aug. 18, 1892	Dec. 27, 1892

Invention.	Territory assigned.	Liber.	Page.
Process of manufacturing the alloys of cast iron and nickel. Nov. 19, 1889. 415657.	All the right, title, and interest in said letters patent. Consideration, $5.	T 44...	84
Process of manufacturing alloys of cast iron and nickel. Nov 19, 1889. 415657 and other patents.	Entire right, title, and interest in said inventions and letters patent, with all of said assignor's claims for royalties, profits, or damages from past use or infringement; $5 and other considerations.	F 47...	338

Senator CHANDLER. Wherein does the second Schneider patent differ from the first one?

Mr. STAUFFER. The second patent, as I have said, is also for a process of manufacturing the alloys of cast iron and nickel. The difference, as I see it, is that in the second one the iron and steel are charged into the furnace with carbonaceous material. In the first patent that is omitted.

Senator CHANDLER. And the different process was deemed the proper subject of a new patent?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. There is only one point in reference to these processes about which I wish to be informed. Does the nickel which enters into the armor plate, when these processes are used for making armor, go through the whole plate, or is it merely introduced into the surface of the plate? Is there a homogeneous mass of nickel and steel, or is there a heavy steel armor plate into the surface of which for some depth nickel is introduced so as to harden the surface?

Mr. STAUFFER. This alloy would be a uniform product—that is, the nickel and steel would be uniformly distributed, or it should be if the alloy is complete.

Senator CHANDLER. Throughout the whole mass of armor plate?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. Do you understand that to be the fact from an examination of the patents?

Mr. STAUFFER. These patents are not so much for the production of armor plates as for the alloy that may be used therein.

Senator CHANDLER. Is there any description of the use of these processes as applicable to armor?

Mr. STAUFFER. Not particularly.

Senator CHANDLER. So you do not discover from the patents whether or not, if the alloys were to be used in making armor, the whole plate would be made of alloy or only the surface of it?

Mr. STAUFFER. I believe there is nothing to show as to that point.

Senator CHANDLER. You may state whether there was any contest over the issue of the Schneider patents.

Mr. STAUFFER. There was over the first one. I have here copies of the examiner's statement of his ground of rejection, the attorney's brief on appeal, and the decision of the examiners in chief.

Senator CHANDLER. Please annex those to your statement.

The papers referred to are as follows:

No. 12815.] UNITED STATES PATENT OFFICE, *October 26, 1889.*

Before the examiners in chief, on appeal.

Application of Henri Schneider for a patent for an improvement in the manufacture of alloys of steel and nickel, filed December 3, 1888. Serial No. 292518.

Mr. A. Pollok for appellant.

The claim appealed is:

"The herein described process of manufacturing an homogeneous alloy of steel and nickel, by first forming an alloy of cast iron and nickel, rich in the latter metal, as specified, and charging such alloy into a furnace of the character indicated, with the usual ingredients for the production of steel, continuing the operation in the ordinary way, as set forth."

The references are British patents Nos. 1863, 1861; 3268, 1873; 1194, 1876.

This application is based upon application serial No. 292520, filed concurrently therewith, also on appeal, for a process of manufacturing a homogeneous, tenacious, and temperable alloy of cast iron with a considerable proportion of nickel by charging a suitable furnace with pig iron, nickel, or a nickel compound, and carbonaceous matter, and melting together. This alloy is an ingredient in the present compound, and its formation constitutes the first step of the present process. Having obtained this basis, the next step is to place the alloy upon the hearth or bed of an open-hearth furnace, together with a suitable proportion of iron or scrap steel; or, in case the alloy is formed in the furnace itself, a bed of anthracite is first prepared in the furnace and the nickel is placed thereon with the requisite proportion of iron or steel, when the whole is covered with anthracite to protect the metal from oxidation during the fusion. When the charge is melted, the excess of anthracite is removed and charges of scrap iron or scrap steel are added in succession, preferably nickeliferous scrap steel derived from previous operations. Thenceforward the procedure is the same as ordinarily pursued in making steel by the open-hearth process, care being taken to prevent oxidation by the usual means. The product has been found to possess remarkable and novel fitness for military and naval purposes by reason of its unusual strength, toughness, and durability.

We do not find this process fully set out in either of the references relied on. In the British patent of 1861 the patentee aims only to produce a refined or puddled iron with an infinitesimal proportion of nickel. The metals which he introduces he says "are applied when the iron is in a state of fusion when refining or puddling iron." The provisional specification of 1873 proposes to add about 1 per cent of nickel to iron when in a state of fusion, and he says this cast iron can be afterwards converted into wrought iron and steel by any of the known processes. We do not find in this such a complete and full disclosure of appellant's process, either as a patent or a printed publication, as can defeat an application for patent for a completely disclosed invention fully reduced to practice.

The British patent of 1876 (Garnier's process), page 11, line 20, is referred to. The patentee says:

"To obtain these alloys of iron and nickel it is sufficient to combine the cast nickel and iron in suitable proportions in the various operations of transformation of the cast iron and wrought iron, cast malleable iron and steel."

He mentions the utility of such alloys for military purposes, but he does not disclose a clear and practical formula of procedure for their manufacture, much less appellant's specific process herein claimed.

We think appellant can take a valid patent in view of either of these citations. The invention is a very valuable one, not patented, known, or used in this country, and its great utility, of which there is ample evidence, forms a very strong presumption of novelty in appellant's favor. The examiner's decision is reversed.

H. H. BATES.
R. L. B. CLARKE.
Examiners in Chief.

(Third member absent.)

[United States Patent Office. In re application Serial No. 292518. Henri Schneider, "manufacturer of alloys of steel and nickel." Filed December 3, 1888. Before the board of examiners in chief on appeal.]

EXAMINER'S STATEMENT.

OCTOBER 11, 1889.

The claim is:

"The herein-described process of manufacturing an homogeneous alloy of steel and nickel, by first forming an alloy of cast iron and nickel, rich in the latter metal, as specified, and charging such alloy into a furnace of the character indicated, with the usual ingredients for the production of steel, continuing the operation in the ordinary way, as set forth."

The references are: British patents No. 1863, July 24, 1861, Longmaid (treating molten iron, alloys), page 4, lines 23 to 30; No. 3268, October 9, 1873, Delatot (alloys), page 2, lines 4 to 10; No. 1194, March 20, 1876, Lake (reducing and separating, nickel), page 11, line 20.

All these references describe forming alloys of cast iron and nickel, which alloys are subsequently used instead of ordinary cast iron in the manufacture of wrought iron and steel in the usual manner.

Respectfully submitted.

F. P. MACLEAN,
Examiner, Division III.

[Amount received, $10, chief clerk. Henri Schneider, alloys of steel and nickel, filed December 3, 1888. No. 292518.]

WASHINGTON, *October 3, 1889.*

SIR: Appeal is hereby taken to the board of examiners in chief from the decision of the primary examiner rejecting the above entitled application.

The ground of the appeal is that the references cited by the examiner are insufficient in law to constitute an anticipation of applicant's process.

Respectfully submitted,

A. POLLOK, *Attorney.*

HON. COMMISSIONER OF PATENTS.

(Indorsed:) No. 12815. Serial No 292518. Paper No. 1. Reasons of appeal. Filed October 3, 1889, Henri Schneider. Examiners in chief, October 12, 1889. U. S Patent Office.

Senator CHANDLER. State for our immediate information with what inventions, whether American or foreign, the Schneider processes were compared.

Mr. STAUFFER. With several British patents numbered, respectively, 1863 of the year 1861, 3268 of the year 1873, and 1194 of the year 1876.

Senator CHANDLER. Who was the examiner who passed upon the applications?

Mr. STAUFFER. F. P. MacLean. I here file briefs of these British patents.

[British. No. 1863, July 24, 1861. Longmaid, "Manufacture of iron."]

This invention has for its object improvements in the manufacture of iron and is peculiarly applicable when refining or puddling iron.

The invention consists in adding either silver, aluminium, copper, tin, nickel, or magnesium, or compounds of these metals, in very small quantities to iron when it is in a state of fusion while being refined or puddled. If silver or tin or nickel be used, then it is first made into an alloy by melting it with iron or with copper, and the proper proportion of such alloy is introduced into the melted iron when being refined or puddled, or otherwise. When copper is used it is first melted with iron, and the proportion of the alloy is introduced into the iron when it is in a state of fusion. I have found that when an exceedingly small quantity of silver or copper or tin or nickel is introduced into iron when it is in a state of fusion a very marked improvement in the wrought iron thus manufactured is produced, and the quantity of silver should not exceed 10 ounces to the ton of iron, the quantity of copper should not exceed 20 pounds to the ton of iron, the quantity of tin should not exceed 4 pounds to the ton of iron, and the quantity of nickel should not exceed 4 ounces to the ton of iron; and I have reason to believe from the experiments I have made that in all cases the most beneficial results are to be obtained by using these metals in much less quantities than what are above given.

I am also aware that nickel has been used to alloy iron for special purposes, but in very much larger proportions than I have found useful when alloying iron with nickel for general purposes.

When I employ nickel in alloying iron, I in no case exceed four ounces of this metal to one ton of iron, and I mix oxide of nickel with a few pounds of iron, in a divided or granular condition (or oxide of iron may be used), with carbon, and fuse the mixture in a crucible, and pour it into an ingot mould; the result will be an alloy of nickel and iron. The ingot thus produced, containing a quantity of nickel sufficient for a charge in the furnace, is introduced into the furnace in contact with the iron when in a state of incipient fusion; the manufacture then proceeds in the ordinary manner of refining or puddling iron. The alloyed iron thus produced will be greatly improved in quality.

[British, No. 3268, October 9, 1873. Delalot, "Manufacture of iron and steel."]

The object and intention of this invention is to render iron and steel proof against rust when exposed to the action of the atmosphere, water, or other natural oxidizing agent.

The means by which I propose to accomplish the above object are as follows: I take iron or steel, and having placed it in a suitable vessel or cupola,

proceed to melt it to a liquid or semifluid state by subjecting it to that point of fusion commonly practiced for casting into moulds or ingots. I then add thereto nickel in the following proportions of the nickel to the iron or steel: To every 220 pounds 8 ounces of iron or steel I add 2 pounds 3 ounces and 3 drachms of nickel, or as near as may be 1 part, by weight, of nickel to every 100 parts, by weight, of iron or steel. After these two metals have been in contact for ten or fifteen minutes they will have become thoroughly mixed and incorporated, when the molten mass can then be run into moulds or ingots.

Cast iron treated in the above manner can afterwards be converted into wrought iron and steel by any of the known processes, and will be found equal in quality to iron and steel as heretofore manufactured by the most approved processes, and will only differ therefrom by having acquired the novel and peculiar property of being perfectly inoxydizable or not capable of being injuriously affected by the action of the atmosphere, water, or other of the common oxydizing agents or influences which now oxydize iron and steel as heretofore manufactured.

I would here observe that instead of employing nickel only, the nickel may be mixed with cobalt in about equal proportions by weight of each of these ingredients, or cobalt only may be employed instead of the aforesaid mixture of nickel and cobalt, in which latter case I use the cobalt in the same proportion to the iron or steel as when using nickel or nickel mixed with cobalt, namely, about 1 part of cobalt to every 100 parts of iron or steel.

[British, 1194, March 20, 1876. Lake, "Manufacture of nickel from its oxides, etc."]

The first part of the specification relates to obtaining pure nickel.

The nickel ore is sorted, washed, ground fine, mixed with a flux, such as calcium carbonate, fluorspar, borax, white glass, etc., and with coal dust, lampblack, or other reducing substance. The mixture is then agglomerated with some binding material, as tar, resin, oil, etc., reduced in crucibles, blast furnace, muffle furnace, or reverberatory furnace, and then cast into ingots.

The manufacture of ferro-nickel or the introduction of nickel in the condition of an alloy of iron in the metallurgy of iron is as follows: There have been several reasons up to the present time against employing alloys of iron and nickel, the principal one being that nickel was too rare and too costly to enter into commercial metallurgy of iron; moreover, the nickel of commerce being always mixed with copper, sulphur, arsenic, and like matters, which, it is well known, when in the presence of iron, render the latter brittle, and the alloy also, of which it forms a part. This difficulty explains the divergence of opinions held and the rare attempts which have been made to alloy nickel with iron for manufacturing purposes. But with "garnierite" these inconveniences no longer exist; the abundance of the ore and its purity certainly remove the obstacles which I have pointed out as regards the production of alloys of iron and nickel. Moreover, instead of trying to remove the iron from the nickel ores as heretofore, I allow it to remain in these ores, and I add some as above described, but only in cases where I have not to produce an alloy containing metals which mix badly with iron, such as copper.

The employment of cast iron, melted iron, and steel alloyed to a proportion of nickel variable according to circumstances forms an important feature of this invention. The nickel which I add improves the qualities of the iron, whether with regard to resistance, malleability, or inoxidability. To obtain these alloys of iron and nickel it is sufficient to combine the cast nickel and iron in suitable proportions in the various operations of transformation of the cast iron and wrought iron, cast malleable iron, and steel. I employ this cast iron and nickel for art castings. The wrought iron, malleable cast iron, and steel with nickel, which I call ferro-nickel, serve advantageously for the manufacture of barrels of firearms, ordnance, knife blades, swords, and the like, chain cables, cables but slightly subject to oxidation for coal mines, nails for ships, and like purposes, it being understood that in these various cases the yield in nickel of the ferro-nickel will vary according to the desirability of more or less high degree of tenacity, malleability, and inoxidability.

With regard to plates for boilers I would remark that the plates which are now used of cast iron or steel, and even those of puddled iron, deteriorate rapidly; inside of the boiler they become oxidized under the influence of the pressure of heat and of contact with water, especially when they contain manganese. With the ferro-nickels these deteriorations will be much less rapid.

Castings with a base of nickel and iron will also be necessary for my various alloys, with a base principally of nickel and iron, and the said invention comprises the manufacture of this casting or melting by a simple addition, either in blocks or otherwise, of New Caledonian nickel ore in the fusion bed of blast furnaces such as now used. Through these blast furnaces, also, the scoria and dross may be passed.

Mr. STAUFFER. I also furnish a similar statement as to the second case. It was appealed, and I have a copy of the examiners' statement, the attorney's brief on appeal, and the examiners' ground of decision.

Senator CHANDLER. That is exactly what we want.

Mr. STAUFFER. I will hand the papers to the reporter. Some of the references are the same in each case.

The papers referred to are as follows:

No. 12817.] UNITED STATES PATENT OFFICE, *October 26, 1889.*

Before the examiners in chief, on appeal.

Application of Henri Schneider for a patent for an improvement in the manufacture of alloys, etc., filed December 3, 1888. Serial No. 292520.

Mr. A. Pollok for appellant.

The claims appealed are:

"1. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a composition containing nickel, and melting together, as set forth.

"2. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a nickel compound, and carbonaceous matter, with a superposed layer of anthracite, and melting together, as set forth.

"3. The herein-described alloy of cast iron and nickel, rich in the latter metal, said alloy being distinguished by homogeneity, tenacity, capacity for tempering, and by the other characteristics set forth."

The references are: British patents Nos. 2236 of 1799; 10071 of 1845; 1863, 1861; 3268, 1873; 1194, 1876; German patent No. 28924 of 1884.

The applicant sets out with the admission that many experiments have heretofore been made with alloys of iron and steel with nickel, which have been so far successful as to indicate the high value which such alloys would have for many purposes in the arts. He denies, however, that such experiments have ever been carried forward to completeness in practical form so as to afford to the public either a useful commercial product or the information requisite to put such a product on the market. He claims to have for the first time reduced such invention to practical form, and those who have seen the product and its tests at the Creusot works in *France*, among whom is the officer of the United States Navy through whom the Government derived its information, bear witness to its extreme value and practical novelty. Appellant having thus fully reduced his invention to practice, would occupy the same position, as prior inventor in the patentable sense, against mere former scientific theories or laboratory experiments, as though he were contestant in an interference proceeding to determine priority of invention under the same state of facts.

The present application for making a homogeneous temperable alloy of iron rich in nickel is subsidiary to the final process for making a steel and nickel alloy suitable for armor plates of vessels, but none the less important on that account. The success of appellant's results on the large scale pursued by him are no doubt attributable to the peculiarity of his mode of procedure, in which lies the main patentable feature. He specifies that he charges into a suitable furnace, cupola, open-hearth, crucible, scrap or waste nickel or nickeliferous compounds with pig iron and carbonaceous matter. The metals are fused together in the presence of the carbonaceous matter, and flow as a direct product of the furnace in the form of a homogeneous alloy while melted. The most important use so far discovered of this product is as an element in the formation of nickeliferous steel, analogous to the use of spiegeleisen, for the production of armor plates for vessels of very high resistant quality.

A number of references are cited against both the process and the product. The first is the British patent No. 2236, 1799. This patent proposes to fuse together cast iron and nickel in certain varying proportions to cast culinary vessels from. No process except this hint of fusion is disclosed, and it is denied that the resulting mixture would be an alloy.

The British patent No. 10071, 1845, proposes to add copper, tin, nickel, or antimony to cast iron "while fluxing," to hinder its oxidation and render it less brittle. No other process is described.

The British patent No. 1863, 1861, proposes to add various metals in homeopathic quantities to iron, among which nickel is mentioned. The nickel is to be introduced into the iron when it is in a state of fusion (different process), and the amount is specified not to exceed 4 ounces to the ton of iron—an inappreciable quantity as an alloying substance.

The British patent No. 3268, 1873, received provisional protection only, and proposed to reduce the tendency of iron to rust by introducing into it, when in a state of fusion, about 1 per cent of nickel. The process is not appellant's process, and the product is not "rich in nickel," nor distinguished by the properties claimed for appellant's alloy.

The British patent, No. 1194, 1876, relates to the manufacture of nickel and its alloys from its oxides, or silicates, or other salts (Garnier's process). When the alloy of iron with nickel is the subject of treatment, he fuses together the oxides of the said metals, or he adds to a bath of metallic nickel on a hearth solid ingots of iron, either cold or heated, or iron in a melted condition, in ladles. These alloys, called ferro-nickel, are undoubtedly rich in nickel, and they are described as being valuable for many useful purposes, but it is not clear that they possess all the distinctive properties of appellant's product, and, being derived by a different process, the benefit of the doubt as to identity of product should be given to appellant.

The German patent, No. 28924, 1884, relates to a mixture of iron or steel and nickel, said to be adapted as an anode for the electroplating of metals, but it is not necessarily an alloy.

The most pertinent reference is undoubtedly the Garnier patent of 1876, which deals primarily with ores of nickel very rich in the metal, and contains many suggestions regarding the preparation of its alloys, but these alloys do not appear to have ever become practically known and used on a scale at all commensurate with their vast utility, had they ever been actually produced. In view of the great practical results already achieved by appellant, and their importance in national defense, now for the first time disclosed, we think that the benefit of every doubt should be given him in respect to the [illegible] of letters patent "ut res magis valeat quam [illegible]." We therefore rev[illegible] the examiner's decision.

[illegible]
[illegible] CLARKE,
Examiners in Chief.

Third member absent.

(Indorsed:) No. 12817. Serial No. 292520. Paper No. 4. Decision filed October 26, 1889. Henri Schneider. Examiners in chief, October 26, 1889, U. S. Patent Office. Recorded, vol. 36, p. 391.

[United States Patent Office. In re application, serial No. 292520, Henri Schneider. "Manufacture of alloys of iron and nickel." Filed December 3, 1888. Before the board of examiners in chief on appeal.]

EXAMINER'S STATEMENT.

The claims rejected are:

"1. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a composition containing nickel, and melting together, as set forth.

"2. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a nickel compound and carbonaceous matter, with a superposed layer of anthracite, and melting together, as set forth.

"The herein-described alloy of cast iron and nickel, rich in the latter metal, said alloy being distinguished by homogeneity, tenacity, capacity for tempering, and by the other characteristics set forth."

The references upon which the rejection is based are, against claims 1 and 2: British patents No. 2236, February 28, 1799, Hickling (treating molten iron, alloys); No. 1194, March 20, Lake, 1876 (reducing and separating nickel); No. 1863, July 24, 1861, Longmaid (treating molten iron, alloys), and No. 3268, October 9, 1873, Delatot (alloys).

Against claim 3: German patent No. 28924, September 18, 1884, Fleitmann (reducing and separating), and British patent No. 10071, November 27, 1845, Poole (cementation and casehardening).

The patent to Hickling describes fusing cast iron and nickel together (page 3, lines 30 to 35). Longmaid's patent describes forming an alloy of cast iron and nickel, which is subsequently used in the manufacture of wrought iron (see page 4, lines 23 to 31).

The patent 1194 of 1876 also describes such alloys (see page 11, lines 1 to 34), as do 10071 of 1845 (page 2, lines 10 to 14, lines 27 to 32), and 3268 of 1873.

The German patent 28924 describes an alloy of iron or steel and nickel, which it expressly states is perfectly adapted for plating metal.

In view of these references, there seems to be no patentability in either the process or the product.

Respectfully submitted.

F. P. MACLEAN,
Examiner, Division III.

(Indorsed:) Serial No. 292520. Paper No. 2. Examiner's statement filed Oct. 12, 1889. No. 12817, Henri Schneider. Examiners in chief, Oct. 12, 1889, U. S. Patent Office.

[Amount received, $10. Chief clerk. Henry Schneider, alloys of cast iron and nickel, filed December 3, 1889. No. 292520.]

WASHINGTON, *October 5, 1889.*

Hon. COMMISSIONER OF PATENTS.

SIR: Appeal is hereby taken to the board of examiners in chief from the decision of the primary examiner finally rejecting the above application.

The ground of appeal is that the references cited by the examiner are insufficient in law to constitute an anticipation of applicant's invention, and that applicant's process and the alloy resulting therefrom are novel and patentable.

Respectfully submitted.

A. POLLOK, *Attorney.*

(Indorsed:) No. 12817. Serial No. 292520. Paper No. 1. Reasons of appeal filed October 3, 1889. Henry Schneider. United States Patent Office, October 8, 1889, chief clerk. Examiners in chief, October 12, 1889, United States Patent Office.

[British No. 163, Jan. 21, 1861. "Manufacture of cast steel." Mushet.]

"My present invention consists in improving cast steel by adding to the said cast steel in the melting pot or crucible granulated pig iron, cast iron, or refined iron, mixed with pulverized titanium ore, or titanic acid, or oxide of titanium, and melting the said cast steel and the said mixture of pulverized titanium ore or titanic acid, or oxide of titanium and granulated pig iron, cast iron, or refined iron together in a melting pot or crucible, or adding the said mixture of pulverized titanium ore or titanic acid, or oxide of titanium and granulated pig iron, cast iron, or refined iron together in a melting pot or crucible, or adding the said mixture of granulated pig iron, or refined iron and pulverized titanium ore or titanic acid or oxide of titanium to and melting it with any mixture of materials which when melted produces cast steel. Instead of using titanium in an oxidized state, the said titanium may be employed in a reduced or metallic state, as hereinafter more fully explained.

"The ores of titanium I prefer to employ for my process are iserine and ilmenite, and which are also termed titaniferous iron ores, as these ores are found in great abundance, can be cheaply procured, and afford excellent results; but other ores of titanium and titanic acid or oxide of titanium may nevertheless be used for my process. Iserine contains from eight to twelve per centum of titanic acid, the residue being chiefly oxide of iron. Ilmenite contains from twenty to fifty per centum of titanic acid, the residue being principally oxide of iron.

"I prepare the ores of titanium for my process by pulverizing them so as to pass through a sieve of from 1,600 to 4,900 meshes per square inch, observing that the finer the said ores are pulverized the better are they adapted for my purpose, but I do not confine myself to any specific degree of pulverization of the said ores.

"I prepare the pig iron or refined iron for my process by granulating the said iron in any convenient manner.

"To one pound of pulverized ilmenite or iserine I add from five to fifteen pounds of the granulated pig iron or cast iron, or from ten to twenty-five pounds of the granulated refined iron, and I mix the pulverized titanium ore and the granulated ore thoroughly. I do not, however, confine myself to the relative proportions of pulverized ore of titanium to granulated pig, cast, or refined iron herein set down, for these may be varied without departing from the nature of my invention, but I have found in practice that these proportions afford excellent results.

"When pig iron or cast iron granulated is mixed with pulverized ilmenite or iserine, as herein described, I call the mixture No. 1; and when granulated refined iron is mixed with pulverized ilmenite or iserine in the manner I have herein described, I call the mixture No. 2; and these mixtures, namely, No. 1 and No. 2 are ready for use in my process.

"When in carrying my invention into effect I operate upon steel or upon any mixtures of steel of various descriptions, I take the said steel or mixtures of various steels when they are about to undergo the process of melting into cast steel and I treat them in the following manner: When blister steel, bar steel, scrap steel, puddled steel, or cast steel of any description cut or broken up for the purpose of remelting, or any mixtures of the said varieties of steel with each other, or with malleable iron, or with carbonaceous matter, or with both malleable iron and carbonaceous matter in such proportions as to produce, when melted, cast steel, are intended to be melted in a melting pot or crucible placed in a suitable melting furnace and heated therein, in each case I introduce into the melting pot or crucible a quantity of mixture No. 1 or of mixture No. 2 along with the steel, or mixtures of steel with each other, or with malleable iron, or with carbonaceous matter, or with both malleable iron and carbonaceous matter, and I heat the said substances in the melting pot placed in a suitable melting furnace until the mixture No. 1 or No. 2, as the case may be, and the steel in the melting pot are melted and combined. I then withdraw the melting pot from the furnace and pour the steel into an ingot mould or other suitable mould.

"The quantity of the mixture No. 1, or of the mixture No. 2, which I add to 40 pounds of steel, or of any such mixture of materials as when melted produces cast steel, may be varied; but in practice I have found that from 5 pounds to 15 pounds of No. 1 mixture and from 10 pounds to 25 pounds of No. 2 mixture when added to 40 pounds of steel, or of any such mixture of materials as when melted produce cast steel, afford very excellent results; but I do not limit myself to these proportions, which may be varied without departing from the nature of my invention. Reduced or deoxidized titanium ores or compounds containing titanium in a metallic or partially metallic state may be used for the titanium ores.

"Having thus described the nature of my invention and the manner in which I prefer to carry my said invention into effect, I declare that my invention consists, firstly, in adding in the melting pot or crucible, to steel or to any mixture of materials which when melted produce cast steel, a mixture of granulated pig iron, cast iron, or refined iron and pulverized titanium ore, titaniferous iron ore, titanic acid, or oxide of titanium, and melting the said cast steel or steel-producing materials and the said mixture of granulated pig, cast, or refined iron and pulverized titanium ore, acid, or oxide together in the said melting pot or crucible, in order to alloy the titanium or a portion of the titanium contained in the said titanium ore, acid, or oxide with the cast steel melted from the steel or mixtures of steel-producing materials operated upon, so as to produce thereby an improved quality or qualities of cast steel.

"My invention consists, secondly, in adding to steel or any mixture of materials which when melted produce cast steel, a mixture of granular pig, cast, or refined iron, and metallized deoxidized ilmenite, or compound ore of titanium and iron, and melting the said steel or the said steel-producing materials and the said mixture of metallized deoxidized ilmenite, or compound ore of titanium and iron and granular pig, cast, or refined iron together in a melting pot or crucible, in order to improve the quality of the cast steel obtained."

[British, No. 10971, November 27, 1845, Poole, "Combining iron with other metals, to prevent oxydation and rendering malleable iron more hard and durable."]

The processes described are as follows:

"First, the mixture of copper, tin, nickel, or antimony may be added in any form or manner to cast metal whilst fluxing, so as to get it mixed evenly through the molten mass, and the proportion of two to ten per cent of the said metal or metals may be varied to suit the various purposes for which the said cast metal may be applied; the more of these metals, up to ten per cent, that is added, the less oxidizable and less brittle the compound will be.

"My second improvement consists in the coating of malleable or wrought iron with steel, or with the above-named mixture of metals, which will be found particularly useful for axles of wheels or other forms of iron subject in their use to great friction. A furnace may be employed of any form capable of melting cast metal; but if the fire plays over the surface of the metal, a flux composed of lime, alumina, sand, or any other substance generally used for such purposes, is to be used with the metal, to prevent the action of the fire on the metal; but a more convenient mode (where the form of the piece of iron to be coated will allow it) to be employed is to melt the metal in a crucible placed in a furnace with coke, the same as is used by the makers of cast steel and by brass founders; and for an axle or any other form of iron requiring a particular form or thickness of the harder metal to be cast upon it, a crucible may be used of the particular form and size so required, and made so as only to allow the particular thickness of metal required to be cast round it, and which, when properly melted and finished as hereinafter to be described, it may be left to cool without removing the crucible, which when cool may be broken off, leaving the iron with its covering of the form and thickness of coating required. The furnace and vessel to contain the molten metal being prepared, a description of steel is to be made in the following manner:

"Common pig metal or any form of carburetted iron is put in and melted, a portion from time to time of malleable or scrap iron is added, until, by dipping (into the molten mass) a rod of malleable iron no action or corrosive effect on the rod is observed; a little oxide of manganese may be added with the scrap iron, as it is known to have a good effect in making common steel. With some sorts of cast metal this corrosive effect is so great as even to dissolve quickly (to a fine point) the rod of iron introduced. Or the said molten metal may be formed of common blister steel and pig metal; the proportion of one-half to double the quantity of cast steel to that of pig metal may be used, according to the hardness of the steel coating required; or indeed any composition of steel now known may be used, the invention consisting in these instances not of the mixture of metal forming the steel, but to the application of it in covering malleable or wrought iron, and to the manner of doing it. Any addition of tin, copper, nickel, or antimony, varying from two to ten per cent, may be used with the above, and in most cases two per cent is sufficient. It is indeed impossible to advise or describe one best mixture of the coating metal, because it depends upon the use the coating is to be applied to. Thus, for axles of railway carriages subject to violent concussions, a mixture of tin or copper, &c., with the steel will be found highly useful; but where the effect of friction alone is to be prevented, as in a stationary engine, the hardest steel will be best in all these mixtures. However, the molten mass must be tried by an iron rod to see if any corrosion of the rod takes place (which will almost always be found to be the case with common cast metal); otherwise the coating will never adhere as one mass with the coated metal; and in case corrosion is observed pieces of scrap iron must be added as before named.

"The molten mass being thus prepared, the piece of iron to be coated must be dipped into the mass and left to remain until it becomes of the same high heat as the molten metal, or it may be heated previous to dipping it in, but in case a crucible is used only containing a small quantity of the coating metal, the piece of wrought iron, when introduced cold will harden and cool the mass, but the heat must be continued until the metal again becomes fluid, by which means the two metals will unite as in one mass, and which, if well done, can not be detached when cold, although the piece of iron be hammered nearly flat.

"After the steel coating is cast on over the iron it may be gradually cooled, turned, and polished, and again hardened up by heating and rapidly cooling the same, as in the working steel, with this precaution, that if the coating is thick, from the steel and iron having different degrees of dilation in cooling, if plunged at once red hot into cold water, it is apt to crack; it must be more gradually cooled. In the case of an iron axle, only coated at the end, the iron may be plunged hot into water up to where the coating commences, leaving it out of the water, the conducting power of the iron will cool the coated part sufficiently rapid to give the necessary hardness."

The remainder of the patent relates to the ordinary method of casehardening iron.

[Translation, German patent. E. Sz. 2, 28, '96. Published September 13, 1884.]

Imperial Patent Office. Specification No. 28924. Class 40, metallurgy. Dr. Th. Fleitmann in Iserlohn. Improvement in the process patented under numbers 7569, 13394, and 14172 for welding iron, steel, copper, and the alloys of the latter with nickel, cobalt, and their alloys. Fourth addition to patent No. 7569, of December 15th, 1878. Patented in the German Empire January 6th, 1884. Longest duration, December 14th, 1893.

The inventor has observed that pure nickel, as well as the alloys of the same with copper, cobalt, and iron, that form the subject of his patents Nos. 7569, 13394, and 14172, may receive the most varied additions of other metals without thereby losing its capacity for welding, on which his process of plating rests. He has discovered, namely, that zinc, tin, lead, cadmium, iron, and manganese up to 10 per cent and over, and silver in any proportion, can be added to the alloys of copper and nickel without the applicability to the process of plating being entirely lost. Similarly he has found that pure nickel can stand those additions, with the exception of the very volatile cadmium, up to the above proportions, without losing its capacity for welding. The alloys of nickel and cobalt with iron and also steel can even be made in any proportion without losing their capacity for being plated on iron and steel.

All the above-mentioned additions are, as I know, of no practical value and even decrease the welding capacity of the plating metals; that is, render more difficult the process of plating with the exception of the addition of silver to the nickel copper alloy and of iron to pure nickel, which latter metal, having by nature great welding capacity, in no wise diminishes the welding capacity of nickel and possesses the great advantage of making the plating metal considerably cheaper. Even the alloy of 25 per cent nickel and 75 per cent iron shows a white color very different from the iron and offers much greater resistance to atmospheric influences than pure iron.

CLAIMS.

1. The addition of tin, lead, cadmium, iron, and manganese up to 10 per cent and silver in any proportion to plating metals hitherto used, as designated in patents Nos. 7569, 13394, and 14172.

2. The use of alloys of nickel and cobalt with iron and steel in all proportions down to 5 per cent of nickel and cobalt for plating by the welding process.

At 1.30 o'clock p. m. the committee adjourned.

SATURDAY, *March 14, 1896.*

The committee met at 10.30 a. m., with Senator HALE as acting chairman.

Commodore Philip Hichborn, Chief of Bureau of Construction and Repair, Navy Department; J. F. Meigs, lieutenant, United States Navy, retired, and C. A. Stone, lieutenant, United States Navy, retired, appeared.

STATEMENT OF PHILIP HICHBORN, CHIEF CONSTRUCTOR, UNITED STATES NAVY.

Senator CHANDLER. Mr. Hichborn, what is your rank and position in the Navy and in the Navy Department?

Mr. HICHBORN. Chief constructor, with the rank of commodore.

Senator CHANDLER. The chief constructor is at the head of what bureau of the Department?

Mr. HICHBORN. Chief of the Bureau of Construction and Repair.

Senator CHANDLER. How long have you held that office?

Mr. HICHBORN. It will be three years next July.

Senator CHANDLER. What was your connection with the Bureau before you became the chief?

Mr. HICHBORN. I was assistant to the chief constructor.

Senator CHANDLER. And had been for how long a period?

Mr. HICHBORN. For about ten years previous to being appointed chief constructor.

Senator CHANDLER. How long have you been in the naval service?

Mr. HICHBORN. Since I first entered as an apprentice boy, forty-one years ago.

Senator CHANDLER. What have been your successive promotions since that time?

Mr. HICHBORN. I passed through the grades of apprentice boy——

Senator CHANDLER. In the construction department?

Mr. HICHBORN. In the construction department entirely. I passed from the grade of apprentice boy to a draftsman; from draftsman to master shipwright; from master shipwright to assistant naval constructor; from assistant naval constructor to naval constructor; from naval constructor to chief constructor.

Senator HALE. Chief of the Bureau?

Mr. HICHBORN. Chief of the Bureau of Construction and Repair.

Senator CHANDLER. And ceasing to be chief of the Bureau, you would continue to hold your rank as naval constructor?

Mr. HICHBORN. As naval constructor. I have about five years more before reaching the age limit of 62.

Senator CHANDLER. State, with reference to the battle ships of the Navy which have been built under contract, in how many cases has the contractor furnished the armor, and in what cases has the Department furnished the armor to the contractor to be placed upon the ship.

Mr. HICHBORN. I do not know of any exception. The Government has always supplied the armor for the new ships.

Senator CHANDLER. The contracts, then, for the battle ships have been, first, a contract with the builder for the hull of the ship, without the armor?

Mr. HICHBORN. Independent of the armor.

Senator CHANDLER. Then the Government has made a contract for the armor?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. And has caused that armor to be delivered to the contractor, to be put in position on the hull of the ship? Is that the way?

Mr. HICHBORN. It is the contractor's duty to furnish the plans and templates to the armor men. Then, after the armor is delivered, he has to fit it and place it and secure it in position. The Government has to deliver it at such place in the shipyard as the shipbuilder may designate. That is about the way the contract reads. A copy of the contract for the *Kentucky* is submitted, in which I have marked for quotation the following:

> Third. The party of the first part will, as rapidly as possible, furnish all working drawings and templates necessary to show the dimensions and shape of each and every armor plate required for use in the construction of the vessel, including those to be used in the construction of the side and diagonal belts, turrets, barbettes, casemates, conning towers, ammunition tubes, and protection for the guns and loading positions, and the position and sizes of the bolt holes therein, the spacing and dimensions of said bolt holes to be in accordance with the specifications and subject to the approval of the Secretary of the Navy; it being expressly understood and agreed that the party of the first part shall furnish all the armor, armor bolts, and their accessories required in the construction of the protective deck; that the party of the second part shall furnish all other armor, armor bolts, and their accessories to be used in the construction of the vessel, including such as may be required in the construction of the side and diagonal belts, turrets, barbettes, casemates, conning towers, ammunition tubes, and protection for the guns and loading positions, trim such armor plates to the drawing or template sizes and shapes, within reasonable manufacturing limits, as set forth in the specifications, and drill and tap all armor bolt holes therein, as shown by said approved drawings and templates, and deliver said armor, armor bolts, and their accessories at the shipyard of the party of the first part, and within the times and in the order required to carry on the work properly; and that the party of the first part shall, at its own risk and expense, furnish all rivets and other fastenings, and drill, tap, and fit all holes for rivets and other fastening used to connect any part of the hull framing to the armor for constructive purposes, except as hereinbefore mentioned, and properly fit, fix, place, and secure to the vessel all the armor, including the side and diagonal belts, turrets, barbettes, casemates, conning towers, ammunition tubes, and protection for the guns and loading positions, as required by the aforesaid drawings, plans, and specifications; and it is expressly understood, covenanted, and agreed that if, upon the completion of the vessel, except the fitting, fixing, placing, and securing of the armor for her side and diagonal belts, turrets, barbettes, casemates, and conning towers, the party of the second part shall not have commenced the delivery of such armor to the party of the first part, then and in such case the vessel shall be subjected to the trial provided for in the tenth clause of this contract, and if, at and upon such trial, all the conditions and requirements relating thereto, except as to the fitting, fixing, placing, and securing of the armor for the side and diagonal belts, turrets, barbettes, casemates, and conning towers, shall be fulfilled, the vessel shall be accepted as provided for in the eleventh clause of this contract; and if the party of the second part shall not have commenced the delivery of the armor for the side and diagonal belts, turrets, barbettes, casemates, or conning towers when the vessel is ready for her final trial, or within five months after either a preliminary or a conditional acceptance of the vessel, said vessel shall be finally accepted, subject to the conditions and requirements of this contract, and the cost of fitting, fixing, placing, and securing the armor for the side and diagonal belts, turrets, barbettes, casemates, and conning towers shall be ascertained, estimated, and determined by a board of naval officers appointed by the Secretary of the Navy; the party of the first part shall be bound by the determination of said board, and such cost shall be deducted from the price of the vessel in the final settlement under this contract; but if the party of the second part shall commence and continue with reasonable diligence the delivery of the armor for the side or diagonal belts, turrets, barbettes, casemates, or conning towers of the vessel prior to her final trial, or within five months after either a preliminary or a conditional acceptance of the vessel, the party of the first part shall fit, fix, place, and secure all the armor to the vessel in accordance with the requirements of this contract and the drawings, plans, and specifications hereto annexed.

Senator CHANDLER. Has the question recently arisen at the Department whether this method is better than to have the contractor with the Government build the ship and furnish the ship fully armored, he making his purchases of armor from the armor manufacturers? Has that question arisen and been discussed at the Department?

Mr. HICHBORN. Yes, sir; it came up on the last two ships, the *Kearsarge* and the *Kentucky*. The Bureau raised that question.

Senator CHANDLER. State what Bureau.

Mr. HICHBORN. The Bureau of Construction. I am speaking of that Bureau. The Bureau of Construction raised that question.

Senator CHANDLER. In what way was it raised?

Mr. HICHBORN. By a letter to the Secretary of the Navy, a copy of which I have with me.

Senator CHANDLER. You may state, in the first place, by way of narration, what has taken place, and after that you may hand the reporter any copies you have from the records showing the transactions.

Mr. HICHBORN. The idea of the Bureau in suggesting that the contractor be called upon to supply the armor with the ship originated from the belief that a ship could be built more quickly [illegible] the contractor had the entire control of the armor or [illegible]lying of the armor the same as he supplies the rest of the vessel. The armor is a part of the ship, and we had in view the fact that if private builders were going to build ships for foreign countries, they would have to make some arrangement by which they could supply the armor for those ships. I gave the question the first thought when it came up for building ships for China, Japan, or any other nation. It would save time, because the shipbuilder would deal directly with the armor maker instead of having the matter travel all around through two or three different bureaus, as it does at the present time.

Now, I will give you an illustration of how we have to deal with the armor question. The contract is made for the ship and the machinery, the contract requiring that the plans for the armor shall be supplied to the armor maker by the ship contractor. The Government enters into the contract with the armor maker for the armor, and then awards or orders that the Bureau of Ordnance, a bureau entirely different from the shipbuilding department, shall have control of the inspection and reception of the armor.

The notice that I received from the committee said something in regard to an armor plant. Had I known the questions were going to be so general, I would have become a little more familiar with these points, but at the same time I will try and make myself understood.

Senator CHANDLER. Go on, if you desire to elaborate your argument in favor of having the contractor for the ship furnish the armor.

Mr. HICHBORN. We will say that the contracts are all made for the ships and for their armor, and we start out to supply both the ship and the armor. In the first place, the shipbuilder must supply the drawings for the armor. After he prepares his drawings he sends them to the superintending constructor, who is under the Bureau of Construction and Repair. The superintending constructor sends those plans to the Bureau of Construction and Repair. The Bureau of Construction and Repair goes over them, examines them carefully, and sees if there is any discrepancy in the measurements, and then makes four blue prints of those tracings. After doing that, we send them to the Bureau of Ordnance. The Bureau of Ordnance sends them to the armor contractor. All at once it is discovered that there is some little irregularity in the drawing, or something that needs changing, and they travel all the way back again from the armor maker to the Chief of Ordnance, from the Chief or Ordnance to the chief constructor, from the chief constructor to the superintending constructor, and from the superintending constructor to the shipbuilder.

Senator **HALE**. The contractor?

Mr. **HICHBORN**. Yes; the contractor. Sometimes it is only a few figures that have to be changed, or something that, if the shipbuilders were right on the ground, they could fix themselves. I have known, in the case of the *Oregon*, months to be occupied in correspondence on a small matter.

Senator **CHANDLER**. This was one of your objections? Do you wish to state the others, or do they appear from the correspondence?

Mr. **HICHBORN**. My letter to the Secretary of the Navy will explain it, I think, a little better.

Senator **CHANDLER**. Before putting in your letter, state historically what has happened in the Department, how the question has been raised, by whom it has been discussed, and how it was settled.

Mr. **HICHBORN**. After the letter was sent to the Secretary, as I understand the case, the Department started to get out proposals in two ways, one to have the Government furnish the armor, and the other to have the contractor furnish the armor and complete the ship with the armor all in place.

Senator **CHANDLER**. As you had recommended?

Mr. **HICHBORN**. As I had recommended. That went on for a time, probably for a month or so. I understood there was a conference between the armor makers and the Secretary of the Navy in regard to the question, and I afterwards learned from the printed proposals that they reverted to the old method.

Senator **CHANDLER**. Were the proposals printed in both ways, or in only one way?

Mr. **HICHBORN**. It was proposed to have them both ways, so that the shipbuilder could bid under either the old method or the new.

Senator **HALE**. You use the word "shipbuilder" for contractor?

Mr. **HICHBORN**. Yes, sir.

Senator **CHANDLER**. So that the contractor could bid for the whole ship, or the ship without the armor?

Mr. **HICHBORN**. For the whole ship, or the ship without the armor.

Senator **CHANDLER**. And the proposals were drawn up in that way?

Mr. **HICHBORN**. They were prepared in that way, but they were never issued.

Senator **CHANDLER**. They were put in order at the Navy Department in that way?

Mr. **HICHBORN**. Yes, sir.

Senator **CHANDLER**. While this question was pending?

Mr. **HICHBORN**. Yes, sir.

Senator **CHANDLER**. Had a decision been made by the Secretary to have them drawn up in that way or were they only drawn up tentatively?

Mr. **HICHBORN**. They were drawn up by his direction.

Senator **CHANDLER**. And decision?

Mr. **HICHBORN**. Yes, sir.

Senator **CHANDLER**. Then you understand the decision was made to advertise that way, and it was reversed afterwards?

Mr. **HICHBORN**. Yes, sir; it was reversed afterwards.

Senator **CHANDLER**. And the advertisements were sent out requiring the contractor to bid for the ship without the armor, and it authorized armor manufacturers to bid for the armor? Those were the advertisements upon which proposals have been made and are now pending in the Department?

Mr. **HICHBORN**. Yes, sir; they are now pending.

Senator **HALE**. So that no contractor was ever called upon to bid for the entire ship with the armor? It never went so far as that?

Mr. **HICHBORN**. No, sir.

Senator **HALE**. That was stopped?

Mr. **HICHBORN**. Yes, sir.

Senator **CHANDLER**. The suggestions that were made by the Bureau of Construction for a new method of building did not prevail, and the old method prevailed?

Mr. **HICHBORN**. No, sir; the new method did not prevail.

Senator **CHANDLER**. And you understand that if the Secretary now awards a contract on existing proposals he will award a contract for the ships and for the armor separately?

Mr. **HICHBORN**. I take it he will.

Senator **CHANDLER**. How long have these proposals been before the Department? When did the time expire for making them? I refer to the proposals for the two ships, the *Kearsarge* and the *Kentucky*.

Mr. **HICHBORN**. The contracts are awarded for both of the ships, but no contract has been made yet for the armor.

Senator **CHANDLER**. The contracts for the two ships have been awarded?

Mr. **HICHBORN**. Oh, yes.

Senator **CHANDLER**. To whom?

Mr. **HICHBORN**. To the Newport News Company.

Senator **CHANDLER**. Both of them?

Mr. **HICHBORN**. Yes, sir.

Senator **CHANDLER**. The armor contracts have not been awarded?

Mr. **HICHBORN**. No, sir; they have not been put out yet.

Senator **CHANDLER**. The advertisements have been put out?

Mr. **HICHBORN**. No, sir.

Senator **CHANDLER**. I understood the Secretary to state that he had put them out.

Mr. **STONE**. No, sir; they have never been issued.

Senator **CHANDLER**. You say that the Secretary of the Navy has not yet advertised for proposals for armor for the *Kearsarge* and the *Kentucky*?

Mr. **HICHBORN**. Yes, sir; that is what I say.

Senator **CHANDLER**. Then I was mistaken. I understood that after certain conferences with the representatives of Carnegie, Phipps & Co. and the Bethlehem Company he had issued the proposals.

Mr. **HICHBORN**. Those were proposals for building the ships. He had to make a decision in that case in order to give the contractor full information as to how he was to bid. He had to make that decision ahead.

Senator **CHANDLER**. I understand that, but I also understood that he called for proposals for armor.

Mr. **HICHBORN**. He is at work at that now.

Senator **HALE**. Let me see if I understand the fact in reference to the building of these two ships. All the progress that has been made is that the proposals have been issued, the bids have been made for the building of the ships by the contractors, the contract awarded, after it was decided by the Department that the contracts should be separate, that the contractor should furnish the ship and the Government the armor, and up to the present time there have been no proposals issued with reference to the furnishing of the armor on the ships?

Mr. **HICHBORN**. You are correct, sir.

Senator **HALE**. When was the contract made for the building of the hulls of the ships with the Newport News Company?

Mr. **HICHBORN**. In January last, I think. If you are particular about the date, I guess I can tell you very quickly. [Examining memorandum.] It was January 2, 1896.

Senator **HALE**. What was the date of your letter to the Department suggesting the making of one contract for the entire ship, including the armor.

Mr. **HICHBORN**. September 6, 1895.

Senator **CHANDLER**. You will furnish a copy of that letter to the reporter.

Mr. **HICHBORN**. I think it would interest the committee if the letter was read.

Senator **CHANDLER**. I will have it read after we get all the documents in.

Mr. **HICHBORN**. Perhaps it might save some questions—that is all.

Senator **CHANDLER**. Very well; then I will not put the rest of the questions until we get the rest of the documents. Have you a copy of any written argument on the subject, either by the Bureau of Ordnance or the armor manufacturers, or of any decision by the Secretary?

Mr. **HICHBORN**. I have no knowledge as to what anyone else said, but only as to what I said myself.

Senator **CHANDLER**. Did the Chief of the Bureau of Ordnance, Commodore Sampson, argue the question in his report in favor of having the contracts separately?

Mr. **HICHBORN**. Oh, yes; quite extensively.

Senator **CHANDLER**. Will you refer to the report where Commodore Sampson made what may be considered an argument against your views as expressed in your letter of September 6, 1895?

Mr. **HICHBORN**. It commences on page 12 of the report of the Chief of the Bureau of Ordnance.

Senator **CHANDLER**. Will you point out to the reporter all the extracts from that report which bear upon this question?

Mr. **HICHBORN**. Pages 12, 13, 14, 15, 16, and 17:

ARMOR CONTRACTS.

Since the date of the last report 5,171.89 tons of armor have been delivered, of which 4,861.73 tons were harveyized. The harveyized armor includes the remainder of the 18-inch side armor of the *Indiana*; all that of the *Oregon* and *Massachusetts* except the shutter plates of the latter vessel; the 14-inch side armor, except shutter plates, and 12-inch diagonal armor of the *Iowa*; the 12 inch side of the *Texas*; the 13-inch B. L. R. turrets of the *Indiana*; the 12-inch B. L. R. turrets of the *Puritan*; the 10-inch B. L. R. turrets of the *Monadnock* and *Maine*; two of the 8-inch B. L. R. turrets of the *Indiana*, and all of those of the *Massachusetts*, *Oregon*, and *Brooklyn*; the 13-inch B. L. R. barbettes of the *Oregon*; the 8-inch B. L. R. barbettes of the *Brooklyn* and *Iowa*. The unharveyized armor includes the conning towers and tubes of the *Katahdin*, *Texas*, *Massachusetts*, and *Indiana*, and a part of the *Puritan's* side armor.

The contracts of June 1, 1887, with the Bethlehem Iron Company, and of November 20, 1890, with the Carnegie Steel Company, have been completed, while the armor which remains to be delivered on the contracts of February 28, 1893, and March 1, 1893, consisting as it does of the classes most difficult and tedious to manufacture, will assuredly be delivered in the case of the Carnegie contract before February 1, 1896, and in the case of the Bethlehem contract early the following July. This delivery is dependent, however, in certain cases upon the promptness with which the necessary detail plans of this armor are supplied by the constructors of the hull of the *Iowa*.

The past year's output of armor by no means represents the capacity of the plants, for important departments in both establishments have been practically shut down for considerable periods while awaiting the plans. In addition, the Bethlehem Iron Company has an armor-rolling mill nearing completion which will greatly increase the forging capacity of that establishment. As it has been decided to reduce somewhat the thickness of the heaviest armor carried by the new battle ships, while experience has indicated how its manufacture may be simplified, it is believed that the entire amount required for battle ships 5 and 6, estimated at 7,800 tons, can easily be supplied in less than one year after the receipt of the plans. Doubtless economy in manufacture will require a somewhat longer time, unless armor orders are received in sufficient amount to keep the shops working full. In fact, at the present time, in spite of delays in the receipt of the armor plans, all of the structural armor for the *Iowa* will be delivered months before that vessel is launched.

While, however, the number and capacity of the works capable of building the hulls and engines of vessels of war in this country is now quite large, and can be rapidly extended to meet increased demands, this is not the case with regard to the armor plants. Skilled labor of the character employed by the latter is limited to that actually engaged on Government contracts, which is not the case with regard to the building of hulls and engines. Once the armor maker's labor is scattered, new men must be trained at great expense and delay. It is apparent, therefore, that while in case of a sudden and large increase in the demand for war ships the hull and engine builders would be able to respond, the simultaneous demands for armor of the same character and position on the ships as the building of the hulls progressed would assuredly cause great delays. It is therefore regarded as most important, so long as the programme for the increase of the Navy remains uncompleted, that the authorization of additional armored ships be regular and continuous, and in this respect it is believed that the extensive armor experimentation carried on in this country has clearly indicated the direction in which development and improvement in resistance is to be expected, so that nothing in this respect will be gained by delaying the authorization of additional ships, especially as it will require nearly a year to formulate and place new armor contracts.

The proposition to contract with the shipbuilder for the armor as well as for hull and machinery of ships does not meet with the Bureau's approval. While not intending to advocate anything that savors of paternalism, the Bureau feels that the Government has an interest in the two armor plants. In the report of the Secretary of the Navy for 1887 the statement is made that "the contracts for armor and gun steel are made at prices within 25 per cent of the European price for the similar article, not greater than the difference in labor between the two countries, notwithstanding the heavy outlay for plant (estimated at $2,500,000) necessary to be made to undertake the contract."

It is evident, therefore, that for the purpose of establishing these great industries and widening the field in this country for skilled labor, more money has been paid for the armor of our battle ships than would have been necessary had the alternative of securing it abroad been considered. The view that should be taken is still wider than here represented, quoting again from the report of the Secretary of the Navy for 1887: "My attention was early called to the fact that our shipbuilders were shut out from building for any foreign government by reason of the fact that neither armor nor gun steel nor secondary batteries could be supplied in this country." The maintenance of the armor plants is therefore a necessary condition of the employment of American labor and material on contracts for foreign men-of-war.

While not desiring to insinuate that the shipbuilders would fail to hold the interests both of labor and material which have been gathered around the great armor plants as kindly as the Government, the Bureau is impressed with the idea that the transfer of over $3,500,000 of Government money, with all the power it conveys over these institutions, to the hands of a private corporation can not but be regarded with alarm.

It is moreover believed that the Department will have no difficulty in forcing the price of armor down to a point allowing no more than a reasonable profit to the maker without jeopardizing the maintenance of both establishments.

The following table summarizes the present condition of the contracts for the armor of the different ships at Bethlehem and Carnegie:

Armor still to be delivered October, 1, 1895.

Vessel.	Description.	Amount to be delivered.				Remarks.
		Carnegie.		Bethlehem.		
		Number of plates.	Weight.	Number of plates.	Weight.	
			Tons.		*Tons.*	
Puritan	Conning tower			1	22.72	Ready Dec. 1, 1895.
Iowa	8 inch turrets	12	154.13			Plans received July 16, 1895.
	8 inch turret tops		10.50			Awaiting final plans: preliminary plans received July 16, 1895.
	12 inch barbettes	14	430.55			Awaiting final plans. Preliminary plans: Forward barbette received July 5, 1895; after barbette Aug. 13, 1895.
	12-inch turrets			10	448.51	Awaiting final plans; preliminary forging plans received July 26, 1895.
	Ammunition tubes			4	50	Ready Nov. 1, 1895.
	Conning tower			1	28.70	Do.
	4-inch casemate	4	16			Plans received Aug. 12, 1895.
	Side armor	2	54			Shutter plates awaiting final dimensions.
Oregon	13-inch turrets			12	287.36	6 ready October, 1895; 6 ready December, 1895.
Massachusetts	do			12	287.36	6 ready Jan. 1, 1896; 6 ready March, 1896.
	Side armor			2	72	Shutter plates awaiting final dimensions.
Brooklyn	Conning tower			1	20	Ready Nov. 1, 1895.
	Ammunition tubes			4	50	Ready Dec. 31, 1895.
Total			665.18		1,286.65	

Summary of armor deliveries to October 1, 1895.

	Carnegie Steel Company.	Bethlehem Iron Company.	Total.
	Tons.	*Tons.*	*Tons.*
Armor delivered to Oct. 1, 1894	5,315.32	6,533.28	11,848.60
Armor delivered since Oct. 1, 1894	2,885.45	2,286.44	5,171.89
Armor still to be delivered	665.18	1,266.65	1,931.83
Total	8,865.95	10,086.37	18,952.32

ARMOR DELAYS.

Serious delays in the completion of the ships have been ascribed to the slow delivery of armor in the past. When it is understood that the effort has been made to satisfy the almost simultaneous demands for the armor of fifteen ships whose authorization by Congress covered a period of ten years, and that this has been practically accomplished in a little over four years, even while the plants were being erected and labor trained, the enterprise and vigor of the manufacturers is worthy of praise rather than censure.

Their difficulties have been exceptional. The material employed is one with which no previous experience had been elsewhere obtained; and despite the fact that the dimensions and weight of the heaviest plates exceed considerably those manufactured for any other navy in the world, a process surrounded by difficulties pronounced insurmountable by many of the most prominent engineers in this and other countries has been successfully developed and applied. It may now be stated with conviction that the time of the delivery of the armor for any probable number of ships authorized at one time in the future will rest in the hands of the contractors for the hull and be dependent solely upon the promptness with which they supply the necessary details for the fit and securing of the individual plates. Even now the armor makers, with reason, complain of losses they have suffered through enforced idleness while awaiting the detailed drawings of about 1,350 tons of armor for the *Iowa* and *Brooklyn*. These drawings were issued in 1893 and 1894, but owing to a contemplated change in the design of the turrets and barbettes were withdrawn and the work stopped for over one year. Nevertheless, all the armor of the *Iowa* has been delivered with the exception of that thus delayed and about 45 tons of the diagonal armor finished some months ago but awaiting the correction of errors in the original plans.

It is but fair to state that although the altered designs refer[illegible] call for plates of greater dimensions and difficulty of manufacture [illegible] those described in the original contract, while the [illegible] weig[illegible] corresponding compensation is less, the manufacturers have [illegible] the modifications without demur other than that the size and weight of individual plates should not exceed the capabilities of their plants.

The manufacture of modern armor is necessarily a slow process, and if the Government is to have its interests safeguarded, the detail plans should be furnished in time to permit its careful manufacture, thorough inspection, and replacement if rejected, without delaying the construction of the ship itself. For this reason changes in design affecting the armor are to be deprecated, and their necessity should be plainly apparent before the proposition is allowed serious consideration. The allowance of sufficient time for the manufacture is one of the most essential conditions toward insuring that the Government will get just as good armor as it pays for: otherwise pressure will inevitably be brought to bear upon the Department by the shipbuilders, who will complain of enforced delays and the resulting penalties through delay in supplying armor.

On the other hand, the Government has immediate need of the ships. The tendency would therefore be, when pressed for time, to allow the incorporation of armor which, however conscientiously made, could not be proved to be fully up to the required standard without exhaustive tests and carefully considered experimentation. In such cases the duty of this Bureau has required great firmness and the exercise of most careful judgment in order to avoid working hardship both upon the manufacturers, by rejecting suitable material for purely technical reasons, and upon shipbuilders, by causing them delay through holding back armor of doubtful quality. It is therefore recommended that in future contracts for the hull the shipbuilders be required to supply final detail plans of the armor in sufficient quantity and time to permit its proper and economical manufacture before being required on the ship.

The high temperature required in the application of the Harvey process has in itself caused considerable loss to all of the manufacturers as well as most vexatious delays in delivery of armor. Portions of the 13-inch B. L. R. turret plates for the *Oregon* and *Massachusetts* and several side-armor plates for the latter ship were oxidized over considerable areas through the admission of air while in the Harvey furnace, this defect not being discovered until the plates were practically completed and the attempt made to harden them. This has been the cause of several months' delay. Certain plates for one turret have had the defects removed, the plates being shortened and the length thus lost being made up by adding an extra plate to the turret. This proceeding, although reducing the inertia with which individual plates resisted impact, was unanimously approved of by the board of construction as in the Government's interests, through avoiding the great delay which would have resulted from the manufacture of new plates. In the case of two other large plates, the defects were such as necessitated their rejection.

FITTING FRAMES TO ARMOR.

The irregular distortion of face-hardened armor can not invariably be foreseen and provided against. However, by increased care and skill in manufacture it has been brought to a minimum; in fact, the builders of the *Oregon* have expressed gratification at the neatness of fit and ease with which the side armor of that ship was fitted into place, while that of the *Indiana* now presents as good a surface as oil-tempered armor.

It is in the interest of the contractors for the hulls to insist that the armor should conform in shape to a certain limited tolerance in order to permit the various structures and frames to be constructed before the armor is made.

The armor most difficult to shape, since the curvature is large and in the latest designs variable, is that for the turrets, the structures of which are built apart from the ship and need in no wise affect its completion. The Bureau has represented to the Department the impossibility of fixing a narrow tolerance for the shape of such armor, since a good plate but slightly exceeding such a tolerance might have its resistance impaired by softening or straining it in the attempt at rectification. It has been deemed advisable, therefore, to consider each individual plate on its own deviations and requirements, firmly believing that in the interests of expedition and improved resistance all turret structures should be built to conform to the shape of the completed armor, the butts of the latter being of course faced and well fitted. This may be claimed to inflict hardship upon the contractors for the hull, since the turret structures might otherwise be completed in their yards and partial payments made upon them long before the ship is sufficiently advanced to receive them.

The building of these structures, however, is not at the time necessary to advance the work on the ship, and in fact the ship is completed no earlier in consequence, for when the structure is not made to conform to the shape of the armor the irregularities in the latter necessitate a similar variation in the length of the bolts which secure it, a special bolt being necessary for each location. The lengths of these bolts can not be determined before the armor is fitted into its position on the ship, and there then ensues a vexatious delay of some weeks, during which time special drawings and schedules are prepared from which the required bolts can be made. This is all the more annoying as it occurs at the time when the ship is practically completed and affords the shipbuilder an opportunity to account for delays by the nonreceipt of armor bolts. As the experimental 13-inch B. L. R. turret structure of the *Massachusetts* was contracted to be completed in one month, at a time when it was difficult to place small orders for the necessary material, and as the fit and shape of the armor affects only a portion of the turret structure, it is believed that just as much time is lost in obtaining the special bolts required as is gained by the completion of the turret structure before the arrival of the armor. The great advantage of having all armor bolts in the turret of a uniform type and dimension and delivered with the armor is obvious. The ease and rapidity with which bolts damaged in action could then be replaced is also a very important reason.

As the armor plate, however, costs the Government many times as much as the structure to which it is secured, and the resistance of this most important of all protection depends upon the soundness of the individual plates and the solidarity of the armor butts rather than the relatively flimsy frames to which it is secured, it is strongly recommended that in future contracts it be expressly stipulated that the frames of turrets and barbettes be constructed to fit the armor after it shall have been received.

In the case of side and diagonal armor, where the resistance of the entire structure of frames, beams, and protective deck supports the flat plate rather than its abutment upon the adjacent plates, as in circular structures, a considerable variation in shape from that required may be taken up by fitting the wooden backing to conform to the plates. It has been proposed, much on the same plan, to fit a very thin wooden backing to all turrets in order to permit a bearing to be easily obtained over the entire inner surface of the armor plates.

This wood of itself has no measurable resistance, while its weight, as well as that due to the increased circumference of enveloping armor, is wholly objectionable, and can be avoided by making the frames fit the armor, thus reducing the cost, weight, and size of these most expensive structures. For example, by increasing the diameter of the original design of the *Iowa's* 12-inch B. L. R. turrets 5 inches in this manner, the actual weight of armor added would be about 3 tons, without counting the additional row of armor bolts and numerous rivets thus made necessary. The weight of the teak backing itself, without counting the backing bolts, would be 3.5 tons, so that, including the increased size of frames, the actual weight thus added to the structure would be about 7 tons, and the cost to the Government of the additional armor and bolts required fully $5,000. The actual cost of the frames fitted to the armor in the most aggravated cases of distortion should not greatly exceed this.

Senator **CHANDLER**. Can you give us any other record evidence on the question?

Mr. **HICHBORN**. No, sir; that is all I know. Any other discussion went on without my knowledge.

Senator **CHANDLER**. Is there any written decision of the Secretary on the subject?

Mr. **HICHBORN**. No, sir; not to my knowledge.

Senator **CHANDLER**. All the decision, then, was in regard to the change that took place in the proposals?

Mr. **HICHBORN**. That is all.

Senator **CHANDLER**. Have you any copies of the proposals as they were first drawn and as they were finally issued?

Mr. **HICHBORN**. No, sir; I have them only as they were finally issued. I knew of the first from a conversation with the judge-advocate who got up the proposal.

Senator **CHANDLER**. Have you copies of the proposals that were finally issued?

Mr. **HICHBORN**. No, sir; but I can furnish them to you if you wish.

Senator **CHANDLER**. Please insert them in the record.

The proposals referred to are as follows:

PROPOSALS FOR THE CONSTRUCTION OF TWO BATTLE SHIPS FOR THE UNITED STATES NAVY.

NAVY DEPARTMENT, *Washington, D. C., September 14, 1895.*

Under authority conferred by the act of Congress making appropriations for the naval service approved March 2, 1895, sealed proposals are hereby invited and will be received at this Department until 12 o'clock noon on Saturday, the 30th day of November, 1895, at which time and place they will be opened in the presence of attending bidders, for the construction, by contract, for the United States Navy, of two vessels, exclusive of armament, which vessels are, for the purposes of this advertisement, designated as—

BATTLE SHIPS NOS. 5 AND 6.

Two seagoing coast-line battle ships of about 10,000 tons displacement each.

As required by the aforesaid act of March 2, 1895, in the construction of said vessels, "All of the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of any proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture."

All armor, armor bolts, and their accessories, required for use in the construction of said vessels, excepting such as may be required for the protective decks, are to be furnished by the Government, but the contractor is to furnish all rivets and other fastenings, and drill, tap, and fit all holes for rivets and other fastenings used to connect any part of the hull framing to the armor for constructive purposes, and fit, fix, place, and secure to the vessels, in accordance with the plans and specifications, all of the armor, including that used in the construction of the turrets, barbettes, conning towers, and ammunition tubes, and protection for the guns and loading positions.

The contracts for the construction of said battle ships will contain provisions to the effect that the contractor guarantees that when completed and tested for speed in the open sea, under conditions to be prescribed by the Navy Department, the speed developed by the vessel upon such trial shall be not less than an average of 16 knots an hour, maintained successfully for four consecutive hours, during which period the air pressure in the fire room shall not exceed an average of 1 inch of water. If on trial the vessels develop and maintain, as aforesaid, an average speed of 16 knots an hour or more, they will be accepted, so far as speed is concerned. If the vessels fail to develop and maintain as aforesaid said guaranteed speed (16 knots), but exhibit an average speed of not less than 15 knots an hour, they will be accepted, so far as speed is concerned, at a reduced price, the reduction being at the rate of $100,000 a knot. If the speed falls below an average of 15 knots an hour, it shall be optional with the Secretary of the Navy to reject the vessels or to accept them at a reduced price, to be agreed upon between the Secretary and the contractors. The contracts will provide that all the expenses of all trials prior to preliminary or conditional acceptance shall be borne by the contractor.

Said vessels are to be constructed in accordance with plans and specifications provided or adopted by the Secretary of the Navy. A circular defining the chief characteristics of said vessels and their machinery, and enumerating the requirements with which the plans and specifications therefor provided by bidders should comply has been prepared, and copies of the same may be obtained upon application to the Bureaus of Construction and Repair and Steam Engineering. Plans and specifications for the construction of said vessels may be seen and examined at the Department on and after October 31, 1895, and forms of proposals embracing a general statement of provisions to be included in the contract for each vessel will be prepared, and may be obtained at any time after said date on application to the Department, where all information essential to bidders can also be obtained.

Said vessels must be completed within three years from the dates of the respective contracts, and payments on each vessel will be made in thirty equal installments as the work progresses, upon bills duly certified, from which 10 per cent will be reserved to be paid on the full and final completion of the respective contracts.

The aforesaid act of March 2, 1895, further provides that one of said vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith, and that if it shall appear to the satisfaction of the President of the United States, from the biddings for the contract, that said vessel can not be constructed at a fair cost on or near the coast of the Pacific Ocean, he may authorize the construction of said vessel elsewhere in the United States. It is therefore required that each bidder shall state explicitly in his proposal the place where the vessel upon which he bids is to be constructed. In view of the fact that the Department may find it necessary to award the contracts for both vessels to one builder, it is desired that each bidder will state the price for which he will undertake to build both.

Proposals for the construction of said vessels will be received "from every American shipbuilder and other person who shall show, to the satisfaction of the Secretary of the Navy, that within three months from the date of the contract he will be possessed of the necessary plant for the performance of the work in the United States which he shall offer to undertake." The evidence thus required must accompany the proposals or be submitted to the Department in advance.

Each proposal must include the construction of both the vessel and her machinery, complete in all respects, as required by the plans and specifications, and contract will be made separately for each vessel, including hull and machinery.

Proposals are divided in two classes, as follows:

PROPOSALS FOR HULL AND MACHINERY—CLASS 1.

For the construction of hull and machinery, including engines, boilers, and appurtenances, equipment (except anchors and chains), and the installation of ordnance and ordnance outfit, complete in all respects, in accordance with plans and specifications provided by the Secretary of the Navy.

PROPOSALS FOR HULL AND MACHINERY—CLASS 2.

For the construction of hull and machinery, including engines, boilers, and appurtenances, equipment, except anchors and chains, and the installation of ordnance and ordnance outfit, complete in all respects, in accordance with plans and specifications provided by the bidder. But no such proposal will be considered unless accompanied by full and complete specifications of the hull and machinery, by such plans as may be necessary for a thorough interpretation of the design thereof, and by a satisfactory guaranty of the results of the same if adopted.

Bidders may, if they so desire, adopt the plans and specifications of the Department for the hull or machinery, or any part thereof, and embody them in their plans and specifications to be submitted with their proposals.

Bidders who may desire to offer to construct both of said vessels may embrace both in one proposal, the price of each being given separately, and may propose separately for one or both under one or both of the two classes of proposals as above specified.

Each proposal must be accompanied by a satisfactory certified check, payable to the order of the Secretary of the Navy, and the check of each successful bidder shall become the property of the United States in case he shall fail to enter into the requisite contract and to furnish the requisite security on the acceptance of his proposal. The amount of such check must be at least $50,000 with a proposal for one vessel, or $100,000 with a proposal for both vessels. All checks of bidders whose proposals shall not be accepted will, on the award of the contracts, be returned to them; the check of each successful bidder will be returned to him when his contract has been duly entered into and the requisite security furnished. Every successful bidder will be required, within twenty days after the acceptance of his proposal, to enter into a formal contract for the faithful performance of the work and to give a satisfactory bond for such performance in a penal sum equal to 15 per cent of the amount of his bid.

Proposals must be made, in duplicate, in accordance with forms which will be furnished on application to the Department, inclosed in sealed envelopes addressed to the Secretary of the Navy, Navy Department, Washington, D. C., and marked "Proposals for the construction of battle ships." The Secretary of the Navy reserves the right to reject any or all bids, as, in his judgment, the interests of the Government may require.

H. A. HERBERT,
Secretary of the Navy.

Senator **CHANDLER**. Will you now read your letter of September 6, 1895?

Mr. **HICHBORN**. It is as follows:

WASHINGTON, D. C., *September 6, 1895.*

SIR: 1. In all armored ships heretofore constructed under contract the Government has furnished all armor, armor bolts, and accessories. The reasons which existed for this course at the beginning have now ceased to exist, and it carries with it so many disadvantages that the Bureau is of the opinion that the practice should be discontinued, and that all armor, armor bolts, and accessories should hereafter be furnished by the contractors for the vessel.

2. The specifications relative to armor in case of battle ships Nos. 1, 2, and 3 read as follows:

"Except the protective deck, the Government shall furnish all other armor, armor bolts, and their accessories to be used in the construction of the vessel, including such as may be required in the construction of the armor belt, casemate, turrets, barbettes, gun shields, ammunition tubes, and in the protection for the guns and loading positions; to trim such armor plates to the drawings or template sizes and shapes within reasonable manufacturing limits, as set forth in the specifications that may be approved for them, and drill and tap all necessary holes therein, as shown by said approved drawings and templates, and to deliver said armor, armor bolts, and their accessories at such reasonable place or places in the contractors' shipyard as may be designated by the contractors, and within the time and in the order required to carry on the work properly."

3. Under this specification the armor, with its bolts and accessories, has been manufactured by certain armor contractors under contract with the Navy Department and under the immediate inspection of the Bureau of Ordnance. That Bureau has stationed inspectors at the works of the armor contractors, whose duty it has been to see that the manufacture of the armor was conducted properly and that the quality of the completed material complied in all respects with the specifications, as well as that its shape and dimensions were correct according to the approved plans and schedules. After the completion of each group of armor the Ordnance Bureau subjected a representative portion of the same to certain ballistic tests before final acceptance. The method just outlined of insuring the faithful performance of their contract by the armor contractors is a good one, and this Bureau has no desire to suggest a change therein, but considers that the same method of inspection by the Bureau of Ordnance should be followed out in future ships.

4. The difficulties that have been encountered with the ship contractors relative to armor are entirely independent of the above system of inspection, and are due wholly to the method of contracting for the armor. Instead of the armor being included in the general contract for the ship, whereby the Department could hold the ship contractors directly responsible for all delay, as well as for any increased expense of fitting due to errors in plans or in manufactured armor, the Department is under contract to furnish the armor to the ship contractor, properly fitted, drilled, and tapped, and to carry out this agreement the Department makes a separate contract with the armor contractors for the armor.

5. The practical result has been that the Department has acted as a buffer between the ship contractors and the armor contractors. Much annoyance has been caused and considerable extra expense incurred by delay in furnishing armor. Not only has it been necessary to allow the ship contractors long extensions of time, but they have actually been paid for taking care of vessels during such time. Endless correspondence has been caused, the ship contractors on the one hand continually writing for armor, and urging that it be delivered more promptly, and the Department on the other hand endeavoring to comply with their not unwarranted demands. While much of the difficulty due to this source would probably be avoided in future ships, owing to the more rapid delivery of armor which may reasonably be expected hereafter, yet there are many other reasons which make the change above suggested desirable.

6. Even supposing that there is absolutely no delay in the manufacture and delivery of armor, there are many other sources of complex correspondence and of increased expense. Under the present system the plans and schedules for each plate are prepared by the ship contractors, and are by them submitted to the superintending naval constructor. After careful examination the latter forwards the plans to this Bureau, when they are again examined. This Bureau then forwards the plans, etc., to the Bureau of Ordnance. After approval by the Bureau of Ordnance, that Bureau sends the plans to the armor contractors and notifies this Bureau of its action. This Bureau then similarly informs the superintending naval constructor, and he in turn informs the ship contractors. This is all on the assumption that the plans are found to be correct and acceptable to the armor contractors. With the slightest discrepancy in any of the figures, or any difference of opinion relative to any point, an enormous mass of correspondence at once ensues, as every letter and plan must make the lengthy circuit above outlined. With a place as far distant as San Francisco, it has been no unusual thing to have months elapse between the preparation of a plan and its final acceptance. And what is the cause of all this complicated correspondence? Simply the fact that the Government is responsible for the shape and dimensions of all armor, and that any final discrepancy (which with harveyed armor it is almost impossible to wholly avoid) at once brings from the ship contractors demands for extra compensation for correcting such discrepancy. What has been said above relative to armor is even more true of the armor bolts and accessories, whose minutiæ lead to an amount of correspondence and delay that would seem incredible were it not so real. In addition to all the above, there are unceasing demands from the armor contractors for plans and schedules, all of which are made on the Department, the latter having the thankless task of hurrying up the delinquent ship contractors, while under the new system proposed all such friction would be confined between the armor contractors and ship contractors, where it properly belongs.

7. All this would be obviated by making the furnishings of all armor a part of the contract for the vessel. Instead of the ship contractors holding the Department responsible for prompt delivery as well as for correct shape and dimensions, the respective positions of the parties would be reversed. Nine-tenths of the correspondence would cease; the ship contractor would deal direct with the armor contractor, holding him directly responsible for accurate work, and being himself directly responsible to the latter for early and correct plans. The Department would be saved much annoyance and expense, and could hold the ship contractor to a prompt fulfillment of his contract without being continually met by counterclaims relative to delay in furnishing armor.

8. For the above reasons, the Bureau recommends that all armor, armor bolts, and accessories be hereafter included in contracts for naval vessels, but that the present method of inspection and acceptance by the Bureau of Ordnance be continued. That Bureau would thus occupy the same position relative to armor as the steel inspection board does to other ship material. For the latter, the ship contractors make their own contracts with the steel manufacturers, but all material must be inspected and accepted by the steel inspection board. This arrangement has worked well in practice, and the time has now come when, in the opinion of this Bureau, a similar method should be applied to armor.

It is believed that an immediate result of the method recommended would be a material reduction for the future in the price of armor, resulting in a saving in total cost of our ships.

9. The Bureau of Ordnance has been furnished with a copy of this communication.

Very respectfully, PHILIP HICHBORN,
Chief Constructor, U. S. N., Chief of Bureau.

The SECRETARY OF THE NAVY.

Senator **CHANDLER**. Referring to your letter of September 6, 1895, and also to the $80,000 now claimed by the Richmond Locomotive Works, which built the machinery of the *Texas*, did the question of armor have anything to do with that delay?

Mr. **HICHBORN**. Yes, sir; I think it did.

Senator **CHANDLER**. Was not the contract of the Richmond Locomotive Works only for machinery?

Mr. **HICHBORN**. It was only for machinery, but they could not have a trial of their machinery until the ship was completed.

Senator **CHANDLER**. Did the delay in furnishing armor have anything to do with the amount of $80,000 that we are called upon to pay?

Mr. **HICHBORN**. The records of the Department will, I think, show that in full.

Senator **CHANDLER**. That the delay in furnishing the armor had something to do with it?

Mr. **HICHBORN**. Yes, sir.

Senator **HALE**. The delay in furnishing armor under the armor contracts troubled the Department greatly for years and led to delays in the general construction and finishing of the ships. Has that feature comparatively disappeared lately? Has it been within the last two years as bad as it was before? How is that?

Mr. **HICHBORN**. The delivery of armor has been made more rapidly, but we have no illustration of delay in delivery having disappeared. We have the case of the *Massachusetts* and the *Oregon* on our hands to-day.

Senator **HALE**. And they are delayed?

Mr. **HICHBORN**. Well, all the armor has been delivered for those two ships now, but it has kept them back up to the present time. It is only within a short time that the full amount has been delivered.

Senator **HALE**. Has that cause delayed the completion of the ships beyond what would have been the time of finishing them if the armor plate had not been delayed. In other words, could the Department have finished the ships and gotten them ready sooner if the armor on those two ships had been furnished?

Mr. **HICHBORN**. There is no question but that they would have been finished if only we could have gotten the armor, but the armor has not been altogether the cause of delay. It has been the armament equally with the armor.

Senator **HALE**. Both?

Mr. **HICHBORN**. Yes, sir; both have caused delay. The *Massachusetts* has not got all her guns; she has all her armor. Of course the contractor can not finish his ship until he can get the guns in place. For instance, the heavy 13-inch gun is not in the turret. When he gets the gun, which he has not gotten yet, he will put it in the turret, and after he puts it in the turret and gets things all right he tries the turret and sees that everything works satisfactorily, and then he puts on the top of the turret. After the delivery of the gun there is considerable work, for three weeks is required for the contractor to close up.

Senator **CHANDLER**. Many of these delays and troubles would occur under the new system?

Mr. **HICHBORN**. Yes, sir; some of them would.

Senator **CHANDLER**. All the difficulties in adjusting the armor to the ship and putting it on her are not caused by having two contracts?

Mr. **HICHBORN**. No, sir; difficulties of mechanical construction are bound to occur under any system.

Senator **HALE**. Do you think that the contractor would be able to drive up the armor-plate manufacturers to more speedy work in delivery than the Government?

Mr. **HICHBORN**. Yes, sir. He could make a contract with the armor people in which there would be heavy penalties by which he would protect himself.

Senator **HALE**. You think the result would be that the contractor would exercise more power and influence in expediting the work of the armor manufacturers than the Government can now exercise?

Mr. HICHBORN. I think so, because there would be only two people to deal with the subject; they could come right together; when there is any little adjustment to be made they would fix it right up between themselves. All the Government wants is results. The Government does not care so much about the small details, as to which no one takes the responsibility.

Senator TILLMAN. You mentioned a moment ago something about a steel inspection board. What is that board?

Mr. HICHBORN. It is a board of officers appointed by the Navy Department who inspect all the material that enters into the construction of a ship, and pass upon its qualifications—the steel material, the beams, angles, plating, rivets, castings, and such like.

Senator TILLMAN. Is that under your control?

Mr. HICHBORN. No, sir; it is under the Secretary of the Navy.

Senator TILLMAN. It is an independent branch of the Department?

Mr. HICHBORN. It is an independent branch entirely, under the orders of the Secretary of the Navy.

Senator TILLMAN. Then you have the Ordnance Board, whose duties are confined to the construction and inspection of arms, I understand. Will you state what are their duties?

Mr. HICHBORN. The Ordnance Bureau is engaged in the manufacture of guns and mounts. The duty of testing armor and the reception of armor also comes under that Bureau.

Senator TILLMAN. It has nothing to do with the construction of vessels except in that particular?

Mr. HICHBORN. Nothing excepting the guns, mounts, and armor.

Senator TILLMAN. Your Bureau furnishes the plans for the vessels?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. Do you have anything else to do with them?

Mr. HICHBORN. We have the superintendence of the building of the ship and the charge of the ship as a whole when she is finished.

Senator TILLMAN. Is this steel inspection board part of the machinery through which you work?

Mr. HICHBORN. It is a part of the machinery through which we work.

Senator TILLMAN. You have to depend on it, however, and yet it is not responsible to you?

Mr. HICHBORN. Oh, no, sir; it is not responsible to me.

Senator TILLMAN. This system appears somewhat roundabout, according to your own judgment, from the letter which you have just read. It is a kind of circumlocution, a scheme how not to do it. Who is responsible for that? Is it the Secretary of the Navy or Congress? Is it according to law or according to regulation?

Mr. HICHBORN. According to regulation.

Senator TILLMAN. It is, then, left with the Secretary of the Navy to change the system if he sees proper?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. Do I understand you to say that the different bureaus are not matters of law, but of regulation?

Mr. HICHBORN. The bureaus are matters of law; but I was speaking of the inspection board, which was all very well when it first started.

Senator TILLMAN. You said a while ago, I believe, that you have been connected with the Bureau of Construction, I mean at the top of it, about thirteen years; that you were assistant constructor for ten years, and that you have been chief constructor for three years?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. So you have been perfectly familiar with and in some measure responsible during that length of time for all the plans and the general construction of vessels?

Mr. HICHBORN. All except the *Texas*. I want that exception made.

Senator TILLMAN. In what way or why was that vessel put in somebody else's charge rather than yours?

Mr. HICHBORN. The Department advertised for plans in Europe for the building of an armored cruiser and battle ship, and those plans were prepared by an English firm and sent here to the Navy Department. The Navy Department appointed a board of officers and civilians, a mixed board, I think as many as nine people. One of the members of the board was Mr. Burgess, a celebrated yacht builder, who died some years ago. I do not suppose he ever had anything to do with a man-of-war in his life. They passed on the *Texas* plans and pronounced them all right, and recommended to Secretary Whitney that the plans be purchased. The Government purchased them and ordered the ship to be built according to the plans and specifications.

Senator CHANDLER. At what price were the plans purchased?

Mr. HICHBORN. I think it cost the Government about $20,000 for the plans.

Senator HALE. And ordered the ship built not by contract but in the navy-yard at Norfolk?

Mr. HICHBORN. Yes; at the Norfolk Navy-Yard.

Senator BACON. What is the explanation of the fact that the plans were asked for in Europe instead of here?

Mr. HICHBORN. The Secretary was no doubt told by many people that the American constructors had had only a little experience in the building of these new ironclads, and if they got plans from Europe they would probably get the advantage of foreign skill as well as American skill, and that it would be a sort of object lesson to the constructors of the American Navy.

Senator BACON. Prior to that time had there not been plans received by the Department from American designers?

Mr. HICHBORN. Oh, yes.

Senator BACON. Which had proved satisfactory?

Mr. HICHBORN. Yes, sir.

Senator BACON. Was there any such practical defect in those which had been previously constructed as would suggest the propriety of looking elsewhere for plans?

Mr. HICHBORN. To my mind none whatever. Of course it was a very touchy point with an American constructor to have anyone go abroad and gather plans to build American ships; although the *Texas* is not the only case. We had the *Baltimore* and the *Charleston* built from English plans purchased by the Government.

Senator BACON. Which of the armored ships had been previously built or in process of construction under American designs prior to that time?

Mr. HICHBORN. No armored ships. The *Maine* and the *Texas* were the first to start. The *Maine* was built at New York, and the *Texas* at Norfolk. After that followed the battle ships.

Senator BACON. Was the *Maine* by American design?

Mr. HICHBORN. Yes; it was designed by the Bureau of Construction.

Senator BACON. In the Department here?

Mr. HICHBORN. Yes, sir.

Senator HALE. You made all the designs for the *Maine* in the Department?

Mr. HICHBORN. Yes, sir; in the Department.

Senator CHANDLER. How much is she like the *Texas*?

Mr. HICHBORN. She is not like her in any particular.

Senator CHANDLER. Is she not of about the same size and the same general character of battle ship?

Mr. HICHBORN. Her battery is different, and she is different in many ways. About the only similarity she has is in the arrangement of her turrets. The turrets of the *Maine* are arranged in echelon form, one on each side, and the *Texas's* turrets are arranged in that way, which is an obsolete method at the present time, because they are now arranged on the center line.

Senator CHANDLER. So that although the *Maine* and the *Texas* were authorized at the same time and are sometimes spoken of as sister ships, there are more points in which they do not resemble than in which they do resemble each other?

Mr. HICHBORN. The one I have described is the only point in which they do resemble each other. The *Texas* has only one gun in her turret, while the *Maine* has two guns in her turret.

Senator TILLMAN. How is the armor or the steel contracted for by the Government paid for and delivered? Who watches?

Mr. HICHBORN. The armor is contracted for by the Government, and then it furnishes officers to inspect it.

Senator TILLMAN. You just stated that the steel board is supposed to watch it. Who pays for it, and who is responsible in case the Government is swindled or cheated?

Mr. HICHBORN. The Bureau of Ordnance.

Senator TILLMAN. Not the steel inspection board?

Mr. HICHBORN. The steel inspection board has nothing to do with the armor. There are two distinct methods of inspection—two different boards.

Senator TILLMAN. That is what I have been trying to get at. It is just beginning to dawn upon me that the board of ordnance has the control of the protection of the vessel, or its iron-cladding, so to speak.

Mr. HICHBORN. The armor.

Senator TILLMAN. Whereas the steel inspection board has control of the material for construction of the hull and the skeleton. Is that the case?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. Then the steel inspection board is not responsible in any degree for any defects in the outside plating and the protective part of the vessel?

Mr. HICHBORN. The steel inspection board is responsible for the quality of any material that enters into the construction of the hull.

Senator TILLMAN. Of the inside of the vessel?

Mr. HICHBORN. The inside and the outside.

Senator TILLMAN. The framework?

Mr. HICHBORN. Yes; the hull of the vessel, the structure.

Senator TILLMAN. And that only?

Mr. HICHBORN. Yes, sir; and that only.

Senator TILLMAN. I am just trying to get around to the practical working of the system.

Mr. HICHBORN. You are all right. I will try to make it as plain as I can to you.

Senator TILLMAN. You said a moment ago, as I understood you, that your Bureau has control of the entire structure. That is, you have general supervision not only of the hull, but of the completed vessel?

Mr. HICHBORN. Yes; I stated that. For instance, if, after the ship is completed, there is anything wrong in regard to the ship, if she is one-sided, or if she is weak in her structure, if she is improperly constructed in any way or form, if there are any complaints about the vessel, that subject is referred to me for explanation. In other words, the Secretary places under me the design, the stability, and the structural strength of the vessel.

Senator TILLMAN. What about any defects in armor?

Mr. HICHBORN. I would not hold myself responsible for that at all. The question of armor is entirely outside of the Bureau of Construction.

Senator TILLMAN. Have all the vessels which we have, of what we call the modern Navy, been built by contract, or have some of them been built in Government navy-yards?

Mr. HICHBORN. Four vessels altogether of the new Navy have been built in the navy-yards.

Senator TILLMAN. By the Government artisans?

Mr. HICHBORN. By the Government artisans. The *Maine* and the *Cincinnati* were built at the New York Navy-Yard; the *Texas* and the *Raleigh* were built at the Norfolk Navy-Yard.

Senator TILLMAN. In the protecting of the Government by the inspection of the armor for all four of those vessels, was it to the same degree inspected by the ordnance board as in the case of the vessels contracted for?

Mr. HICHBORN. By the same people.

Senator TILLMAN. Under the same system?

Mr. HICHBORN. Under the same system.

Senator TILLMAN. The same system of supervision and inspection obtained in regard to all of them?

Mr. HICHBORN. Yes, sir; the same system, but very often there has been a change of officers. They were not the same people doing the duty. The officers who do this duty are seagoing officers.

Senator TILLMAN. Would it ever come to your knowledge that this system of inspection has been defective in any particular? Have you any facts or do you know of anything in regard to the structure and the armor plating of these vessels which would indicate that there has been neglect on the part of some officers or a cheating of the Government by the contractors?

Mr. HICHBORN. No, sir; nothing of that kind would come to me.

Senator TILLMAN. Who would it come to?

Mr. HICHBORN. Occasionally complaints would come from the constructors that the armor did not follow the shape correctly.

Senator TILLMAN. If such a thing would happen, who would know?

Mr. HICHBORN. The Chief of Ordnance would know that, because he is entirely in charge of the work of supplying the armor.

Senator TILLMAN. You would not know it?

Mr. HICHBORN. No, sir; I would not know it.

Senator TILLMAN. Is there nothing which would make it come to you in some way or be known to you that such things had happened?

Mr. HICHBORN. No, sir; I do not know of any way. I might read in the papers of some complaint made, but I would have nothing officially coming before me.

Senator CHANDLER. You knew of the investigation as to the Carnegie plates?

Mr. HICHBORN. I knew it the same as every citizen knows, and it interests me, of course.

Senator CHANDLER. None of the facts transpired in or through your Bureau?

Mr. HICHBORN. No, sir; and no question was asked me in regard to it, as far as that is concerned. Nothing of an official character of that kind as to the quality of armor ever comes before me.

Senator TILLMAN. Now, I am going to ask you a right frank, square question, and, of course, I judge by your character and general appearance that you will give me a frank answer. Has the Government ever been cheated by imperfect steel that was not harveyized being put on just simple, common steel put on sponsons or protective deck plates in any of these vessels?

Mr. HICHBORN. Not to my knowledge.

Senator TILLMAN. Have you ever inspected them?

Mr. HICHBORN. No, sir.

Senator TILLMAN. Would you know if you were to inspect them?

Mr. HICHBORN. I do not think I could tell after they were worked in place. From general observation I do not think a man could tell.

Senator TILLMAN. How would it be discovered?

Mr. HICHBORN. It would be discovered in the ballistic test that takes place at Indian Head.

Senator TILLMAN. You could not tell it otherwise?

Mr. HICHBORN. I do not think one could.

Senator TILLMAN. In other words, there is nothing in the way of drilling which would show whether the process of hardening and, therefore, the protective qualities of the armor were up to the standard in any other way than by simply putting a plate up and shooting at it?

Mr. HICHBORN. That would be the only way. That would test the quality of it. You might see a slight crack, or there might be some slight imperfection that the eye would discover, but that might not indicate that the armor was defective. I do not know anything about the defects of armor, except what I read in the papers as to complaints.

Senator TILLMAN. Have you read anything in the papers along that line other than what you have just mentioned in regard to Carnegie?

Mr. HICHBORN. At the time the investigation was going on by the House Naval Committee there was a great deal published, and a pamphlet was published that gave the result of their deliberations, in which they complained of defective armor being put on some of the vessels.

Senator TILLMAN. That would emphasize the necessity, it appears to me, of having men of the strictest integrity as well as of the greatest industry as inspectors at the armor manufactories, would it not?

Mr. HICHBORN. It would require that they should also have a necessary mechanical skill.

Senator TILLMAN. Do you believe that the line officers, or those who are supposed to be taught the duty of a naval officer to command a vessel, but not to build one, are the proper men to have charge of this important and, I might say, vital department?

Mr. HICHBORN. They are not the people whom I should pick out for that duty if I had the selection.

Senator TILLMAN. For instance, if we get into a war, and find when our vessels which have cost us so much get in battle that their armor which ought to protect them against ordnance of certain size will not do so, and that it has been shoddy, so to speak, it will be too late to then remedy the defect, and the Government will have paid an enormous sum for vessels supposedly first class, according to present naval architecture and construction, but the material, the vital part of the matter, is defective.

Mr. HICHBORN. That would be a very vital thing to happen; but I do not think there is danger of any such occurrence as that.

Senator CHANDLER. You stated, in answer to Senator TILLMAN, that you did not know yourself of any defective armor outside of the investigations that have been made and that have been published. Have you heard of any defective armor, or armor not sufficiently hardened, so that you could suggest to the committee where it could learn any additional facts on the subject?

Mr. HICHBORN. No, sir.

Senator CHANDLER. You have no knowledge, even by [illegible]

Mr. HICHBORN. No, sir.

Senator CHANDLER. As to defective armor having been used?

Mr. HICHBORN. No, sir.

Senator HALE. Have you any doubt, from your general knowledge and interest in the Department and your observation, that the armor upon these ships is remarkably good armor?

Mr. HICHBORN. None whatever; I believe it is remarkably good armor.

Senator HALE. Remarkably good?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. You may state, if you please, what you once stated to me about the extreme hardness of the harveyized plates and the difficulty of attaching them by rivets and bolts to the hull of the ship.

Mr. HICHBORN. When the question of using harveyed armor first came up, it was a subject that naturally interested the Bureau of Construction, as it had to place the armor in position. The armor in many places has to have holes drilled in it—the harveyed armor, for instance. One of the first intimations we had that the harveyed armor was being introduced was a notice from the Bureau of Ordnance that under no circumstances was the Bureau of Construction to drill a hole in the armor. The question naturally arose with the chief constructor and all the members of the Bureau, how in the world are we going to build a ship and carry around all this armor and not drill a hole into it—that is, into the outside surface?

After a correspondence extending over a period of about a year, as that was put upon me as the chief constructor when I first entered upon my duties, I did not feel as though I was competent entirely to settle the question how to carry around turrets that weighed 500 and 600 tons without being allowed to attach the deck of the ship to them in any way at all. So I put that responsibility on each one of the shipbuilders, Mr. Cramp and the Union Iron Works, and I notified them in a diplomatic way that under no circumstances were they to drill any holes in this armor, because I had been so notified by the Bureau of Ordnance. They had a contract to do certain things with their ships, and this was all brand new to them. Consequently, they came back to the Navy Department in the most vigorous kind of a way, and after spending a period of about a year in trying all kinds of methods, drills of every character—a diamond drill would not touch it—the Department found in the General Electric Light Company a skillful man who devised a means by which they could get up a machine and by the application of electricity on the outside of the armor, where he wanted to put a hole in it, they could so soften the spot without interfering with the rest that we were able to drill a hole in it.

Senator CHANDLER. Softened by electric current?

Mr. HICHBORN. Softened by electric current.

Senator HALE. And that is the way you fasten the plates?

Mr. HICHBORN. That is the way we get along first-rate now; but we had this matter under consideration for about a year before reaching a solution.

Senator CHANDLER. Is there no way you can fasten the armor to the side of a ship without boring holes on the outside?

Mr. HICHBORN. We do not under any circumstances secure side armor from the outside. We go inside and come out to it.

Senator CHANDLER. If the plate is only harveyized on the outside, you have no difficulty in boring in the inside?

Mr. HICHBORN. We have not.

Senator CHANDLER. What would be the objection to boring in the hardened harveyized surface on the outside?

Mr. HICHBORN. The heavy barbettes that hold the heavy guns are arranged on the deck of the ship resting on one deck and extending up through one or more, and we have to fasten the deck plating and big beams and everything that would hold the structure as the ship rolls. We have to fasten everything of that kind to that barbette, and that is why we have to make holes in the outside.

Senator CHANDLER. And you found it impossible to bore these holes until the electric current was applied?

Mr. HICHBORN. Until this device was gotten out.

Senator CHANDLER. To soften the plate where you wanted to bore?

Mr. HICHBORN. Yes.

Senator CHANDLER. Does not this prove the extreme hardness of the harveyized surface?

Mr. HICHBORN. Oh, yes; it demonstrates that fully.

Senator CHANDLER. In fact, then, the process was so successful that it made the plates apparently too hard to be properly worked to put them into the ship in some cases until this method of softening was invented?

Mr. HICHBORN. It left the problem open as to how we were going to complete the ship until they devised this machine.

Senator CHANDLER. This trouble that you found only made the ship, when constructed, much more impervious to projectiles, did it not?

Mr. HICHBORN. The ship is that much better for it.

Senator HALE. It showed that it was exceedingly good armor?

Mr. HICHBORN. Oh, yes; there is no question about that.

Senator CHANDLER. I did not mean to interrupt you, Senator TILLMAN, but I thought I would bring out that fact. You are entitled to ask Mr. Hichborn not only what he may know, but whether he has heard anything so that he can put us on the track of it.

Senator TILLMAN. I had heard that such things had happened and I wanted to know whether there was any foundation for it.

Senator CHANDLER. Senator TILLMAN heard that you had some knowledge, either from your own observation or from hearsay, to the effect that improperly constructed armor plate had been furnished the Government other than that already investigated.

Mr. HICHBORN. That information could never have come from any remark that I made. I am a pretty busy man in my own duties.

Senator TILLMAN. It is not worth while to go back to the source of my information, but I have simply heard that ordinary steel, worth 3 or 4 cents a pound or 2 cents a pound, had been used on the sponsons and on the protective deck plates on some of our vessels, and that this matter had come to your knowledge.

Mr. HICHBORN. I have a subject of that kind referred to me by the Secretary of the Navy at the present time.

Senator TILLMAN. You mean that you have a matter of that kind under investigation now, to test and find out?

Mr. HICHBORN. Yes, sir; to find out.

Senator TILLMAN. Possibly that is just where the whole thing came from. Of course, being charged with the duty of discovering whether the Government has been cheated, we know very well if you find it has been cheated you will make the fact known.

Mr. HICHBORN. That is a matter that I will now take up. It is under consideration.

Senator HALE. That is not as to armor plate? That comes through the Bureau of Ordnance.

Senator TILLMAN. It is armor for sponsons.

Mr. HICHBORN. The question before the Bureau to-day is a letter from the Secretary of the Navy referred to it that has been answered by the Bureau of Ordnance to a certain extent. The statement is made that plates of steel, some of them 1 inch thick, some of them as thick as 2½ inches, I think—I did not read it very carefully—have been supplied at the rate of 30 cents a pound, and the Department calls for a report from the Bureau of Construction as to where these plates are located and their use, and as to the opinion of the Bureau as to what would be a proper price at which to supply those plates.

Senator TILLMAN. If such a thing has happened, an ordinary steel drill would very soon tell you; whereas, if it is not true, you would have to have an electrical contrivance in order to penetrate it?

Mr. HICHBORN. It is nothing that requires any electrical arrangement. It is just a plain nickel-steel plate.

Senator HALE. These are the light plates, not the harveyized plates?

Mr. HICHBORN. I make the distinction, 1 inch and 2 inches thick, while the armor, as we talk about it, is, we will say, 15 inches thick.

Senator CHANDLER. Does the case you are now investigating grow out of a request from this committee?

Mr. HICHBORN. I think it does. There is a paper attached to it, I think.

Senator CHANDLER. Sent from this committee?

Mr. HICHBORN. I think, perhaps, your name is attached to it.

Senator CHANDLER. That is the case.

Senator HALE. That came up in the committee. It does not apply to heavy harveyized plating outside, but applies to the light plating which is used on decks and sponsons.

Senator BACON. In the testimony which we have previously taken here, from different witnesses, the fact was developed, as I recollect, that under a contract made by Secretary Whitney there was an item for deck plates 3 inches thick, and that before the contract was performed Secretary Tracy came into office and made another contract, by which, in place of the 3-inch deck plating, there was substituted inch plates.

Senator SMITH. Three 1-inch plates.

Senator BACON. Three in number, but each an inch thick, of the same material, and equally as effective for the purpose designed; and it was stated, if I recollect aright, that there was a saving of something over $300 per ton in the difference between those materials. Am I correct in my recollection?

Senator CHANDLER. Substantially.

Senator SMITH. I think the saving was $40,000 on the contract. The Linden people furnished it.

Senator BACON. I have forgotten the names of the parties; I simply recollect the fact that the original contract was under Secretary Whitney, for 3-inch plates.

Mr. HICHBORN. Do you recollect what shape it was?

Senator CHANDLER. It is in Secretary Whitney's original armor contract with the Bethlehem Company. It did not specify the shape.

Senator BACON. And before the contract was completed Secretary Tracy made a modification of it.

Mr. HICHBORN. The shape is always designated in the contract.

Senator CHANDLER. I do not remember as to the shape, but the deck plating that had been put in at armor prices was afterwards withdrawn.

Senator BACON. That is the point. It was a part of the contract in which there was an undertaking to supply not simply deck plate, but the side armor, at the rate of $500 a ton, I believe, and this was put in as a part of the general contract and at the same price. Subsequently thereto Secretary Tracy made a contract by which the 3-inch plates were done away with, and in their place three plates of 1 inch thickness were substituted, and in place of $500 per ton, if that was the price of the 3-inch plates, the 1-inch plates were procured at certainly less than $100 a ton, I think somewhere about $40 or $50 a ton. We would like to know, if possible, even if you have no particular knowledge of those facts, what explanation can be given of that difference in prices. If the original price, $500 per ton, for 3-inch plates was a correct price, how could the inch plates of the same material be furnished at a very much reduced rate, at $40, $50, or $60 per ton? I do not recollect exactly the figure. The record in this investigation will show.

Mr. HICHBORN. I do not carry in my mind any such thing as that ever happening. The records of the Department would show.

Senator BACON. Ex-Secretary Tracy himself testified about it here.

Mr. HICHBORN. That he substituted inch plates in place of 3-inch plates?

Senator BACON. Yes, sir. That was stated by ex-Secretary Tracy in his testimony, was it not, Senator CHANDLER?

Senator CHANDLER. Yes; but this is the fact, that included in the large armor contract of Mr. Whitney's, amounting to something over $4,000,000, made in order to induce the Bethlehem Company to establish their plant, there was a lot of thin steel plate at armor-plate prices, perhaps heedlessly, thoughtlessly. As a matter of fact, it never was furnished at those prices, because it being discovered that it was a very high price for thin plate the specifications never were furnished to the Bethlehem Company. They were withdrawn, and Secretary Tracy made a contract somewhere else. I understand that the Bethlehem Company never have furnished any plates less than 8 inches thick.

Senator BACON. I understand that this deck plating was not at all of the same material as armor plating.

Senator CHANDLER. If Senator BACON will allow me to explain, the point that anything was wrong or any fraud intended is worthy of inquiry. In my belief it was not, and any inclusion of this kind of plate in that contract was accidental. At any rate, it never was carried out. Secretary Tracy stated that he very promptly withdrew that portion of the contract.

Senator BACON. I will state my reason for making the inquiry. As the record now stands, it looks very bad. I do not believe that there was anything wrong in it. I asked the representative of the Bethlehem Company, when he was before the committee, to explain it, and ~~he~~ declined to do so.

Senator CHANDLER. Captain Meigs, who is now here, will be able to explain it, I have no doubt.

Senator BACON. I wanted it explained for the purpose of clearing the matter up.

Senator CHANDLER. Mr. Hichborn, I suppose you know nothing about it?

Mr. HICHBORN. I have only a faint knowledge of it. It occurred about ten years ago.

Senator BACON. Pardon me a moment; I want to complete my statement. I do not wish it to appear that I am asking these questions for the purpose of convicting anybody of impropriety. My purpose is that the record, if it can be made to show that there has been no impropriety, shall so show. As it now stands, without an explanation, it would appear to be otherwise.

Senator CHANDLER. I think "impropriety" is the proper word to be applied to the transaction. I do not want to prevent Senator BACON from getting from Mr. Hichborn anything that his memory may enable him to state about it. Therefore I should like him to state what recollection he has on the subject.

Mr. HICHBORN. I have only the slightest recollection of it. I know there was some modification of the contract. The question, I think, that came up was as to the high price they were to pay for this very thin material that could be supplied by the ordinary steel maker; that they were paying the same price for these thin plates that they were paying for thick material.

Senator CHANDLER. Can you throw any light upon the question why that happened to be included in the contract by Mr. Whitney?

Mr. HICHBORN. No, sir; not from memory. I could probably do so by searching the records and seeing the correspondence there was on it. I think there was some little correspondence with the Bureau in regard to it, although I am not quite certain about that. That could be brought out by a letter to the Navy Department.[1]

Senator BACON. You spoke just now of the ballistic test. I suppose you mean by that the test of firing a ball against the plate?

Mr. HICHBORN. Yes, sir.

Senator BACON. You spoke, in answer to a question by Senator TILLMAN, of that as the only test that could be made as to the perfection of a plate, or as to its quality. Am I correct?

Mr. HICHBORN. There would be other tests.

Senator BACON. But that is the controlling test?

Mr. HICHBORN. That is what is controlling, sir.

Senator BACON. Of course, every plate is not so tested?

Mr. HICHBORN. No, sir?

Senator TILLMAN. There is one in a thousand tested——

Senator BACON. Wait a moment, please. There is simply one plate selected as an average specimen plate?

Mr. HICHBORN. Selected from a group.

Senator BACON. Selected from a group, at hazard?

Mr. HICHBORN. Yes, sir.

Senator BACON. They do not permit them to prepare a special plate for a test?

Mr. HICHBORN. No, sir.

Senator BACON. The idea is that all of them being made under the same process, one of them, selected at hazard, would be a pretty fair average specimen of the others, and what that would endure the others may be depended upon to endure?

Mr. HICHBORN. You understand that there are other tests being made of the quality of the material before its manufacture. The ingot is tested as to its quality before it is manufactured into the plate itself, and every precaution is taken to insure success.

Senator BACON. Is that ingot manufactured under the inspection of a Government officer?

Mr. HICHBORN. Oh, yes; there are officers at the mill all the time, and they make reports to the Department.

Senator CHANDLER. Are not the cuttings of the plates also tested?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. And that is done as to all the plates?

Mr. HICHBORN. Yes, sir.

Senator HALE. There is a very careful inspection all through, is there not?

Mr. HICHBORN. There is a very careful inspection as to that, more so than ever, I guess, nowadays.

Senator BACON. The inspection, I understand, is very careful, and all practical experience so far has demonstrated that those tests have been efficiently made?

Mr. HICHBORN. Yes, sir.

Senator BACON. And there is no reason to suppose that they have not been thorough?

Mr. HICHBORN. I do not think there is any doubt about the tests being properly made and about the armor being good and perfect at the present time.

Senator SMITH. Since you have held your present position you have drawn the plans for the construction of some of our armored vessels in the navy-yard both at New York and at Norfolk?

Mr. HICHBORN. Yes, sir.

Senator SMITH. They have been constructed by the Government?

Mr. HICHBORN. Yes, sir.

Senator SMITH. You have also had something to do with drawing the plans for similar vessels that were constructed under the contract system?

Mr. HICHBORN. Yes, sir.

Senator SMITH. Will you please state your opinion and judgment as to what is for the best interests of the Governm[illegible] the question of building their own ships or having [illegible] contract?

Mr. HICHBORN. That question is one that often comes up. In my opinion it would be for the interest of the Government to build some vessels in the navy-yards and some vessels by contract. I make that statement very full in my report, if you will care to read it at any time. I go into the details of that, as to why it is for the interest of the Government to keep skilled men and a reliable plant, so that in case of an emergency the Government could also build ships as well as have an efficient force for repairing vessels. I believe that is the custom adopted almost universally by other Governments; at least it was so when I visited the European dockyards. I was sent abroad by Secretary Chandler, and I made that study and submitted the results of my observation in a report, which was printed. I found that although the English, French, Germans, and Russians built some vessels by contract, they always had a certain number building in each of their large yards. I think the principle is a good one. I will submit an extract from the report, pages 27 and 28:

EFFICIENCY OF NAVY-YARD PLANTS.

In previous reports the Bureau has called attention to the difficulties which would arise from the completion of certain vessels which had been in course of construction for some years past at the three principal navy-yards. This difficulty now confronts the Department, since the completion of the vessels building at the New York and Norfolk navy-yards has necessitated the discharge of a large proportion of the skilled force hitherto employed at these stations, and it will be exceedingly difficult to maintain the efficiency of the construction and repair plants at those yards unless early measures are taken to give regular employment to a small force of skilled mechanics in each of the principal branches of that department in the above-mentioned yards.

The most economical and efficient way of maintaining at a navy-yard a force competent to make all the necessary repairs and alterations on ships fitting out is to have some vessel building at such yards, so that when there are no vessels under repair the permanent force can be employed on the new constructions.

The machinery plants at New York and Norfolk have been installed at great labor and expense, and the present and prospective diminution in the force of mechanics must necessarily result in the partial deterioration of those plants. Other things being equal, the greater the amount of work which is being done at a yard the cheaper the rate of production, since there are certain large fixed charges for maintenance and supervision, these charges continuing quite regardless of the amount of work. The foreman and certain leading men must always be retained, even if there is no work going on, in order that the nucleus of the organization may be maintained. But even under these conditions it is difficult to organize an efficient force of mechanics at short notice, since the best men, when discharged by the Government, will assuredly seek positions elsewhere, and if possible will make arrangements for work where there is some chance of permanency.

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[1] NOTE.—Mr. Hichborn subsequently furnished the following explanation: There appears to be some misunderstanding on this subject, so I will give a brief statement of the facts.

The proposal for armor issued by Secretary Whitney February 12, 1887, called for 1,071 tons of protective deck "armor," it apparently being considered at that time that such material could best be made in connection with the armor proper. The contract for this material was awarded to the Bethlehem Iron Company at $490 per ton. These proposals covered the protective decks for the *Maine* and *Texas*, which were the only ships included under the proposal requiring protective deck plating. The designs of the *Maine* and *Texas* required 1,851 tons of protective deck plating, 65 (estimated) tons only of which was 3 inches thick, the remainder being made up entirely of 2 and 1 inch plating.

It became evident as the work progressed that it was an inadvertence to include this material as armor, since it was not worth anything like $490 per ton, and it is understood that Secretary Tracy made arrangements with the Bethlehem Iron Company by which they delivered instead of it a certain quantity of thick armor proper for other ships at the same price per ton. New advertisements were issued for the thin plating, and the contract was awarded to the Linden Steel Company at an average price for the two ships of 5.616 cents per pound, or $125.68 per ton.

The 3-inch plating, amounting to about 50 tons, was, however, supplied by Bethlehem under the original contract, and is now on the *Maine*.

There was no change in the designed thickness of plating on any of the ships. The only change was the change by which the Bethlehem Company agreed to substitute thick armor for the thin protective deck plates originally contracted for and withdrawn.

It is thus readily seen that the excessive diminution of the present well-trained forces at the Norfolk and New York navy-yards would result in direct injury to the Government, depriving it eventually of some of its best mechanics, while sensibly increasing the cost of repair work.

For the above reasons, and in order that the plants at our principal naval stations may always be kept in a high state of efficiency for the performance of the general work of repairing and fitting out, it is earnestly recommended that in future appropriations provision be made for having at least one vessel in course of construction at each of the three principal navy-yards.

Senator SMITH. What important part of the vessel constructed by the Government, outside of the armor plate, is not constructed by them?

Mr. HICHBORN. Almost all of the large castings we have to get from private concerns, and the shaftings, and such things as that. We have not the facilities for forging shaftings or making large castings, but that is only a very small portion of the material required.

Senator SMITH. Nor is it an important portion, in a sense?

Mr. HICHBORN. Ninety-five per cent of the vessel, leaving out the armor and the guns, we could build in one of our navy-yards like Norfolk or New York.

Senator SMITH. We do now construct some of our guns, do we not?

Mr. HICHBORN. Nearly all of the guns for the Navy are made at the Washington Navy-Yard.

Senator SMITH. That is what I supposed. I understood you to except the guns and the armor plate.

Mr. HICHBORN. I should not have done that. I had in view a shipbuilding yard rather than anything else, and at the instant I lost sight of that point.

Senator TILLMAN. Do you believe it practicable or desirable for the Government to undertake the manufacture of its own armor?

Mr. HICHBORN. No, sir; I do not.

Senator TILLMAN. Do you know what the Governments of France, Russia, Germany, and England are now paying for armor, or have you any reports coming from them indicating what it costs those Governments to get their armor?

Mr. HICHBORN. I have no information about it except what is given by the Chief of Ordnance in his reports from year to year. This he occasionally mentions; and he made a separate report to the House Naval Committee as to the prices paid abroad for armor. I prepared a short statement on the armor-plant question, which I shall leave with the committee. I understood that was the question on which I was to come before the committee, so I took the liberty to prepare the following:

NOTES ON AN ARMOR PLANT TO BE ESTABLISHED IN WASHINGTON CITY.

The proper location for such a plant would naturally be on water communication, as well as accessible from railroads, since most of the supplies of coal, ore, etc., needed would have to come by rail, while the water frontage and facilities would be necessary to allow of ready shipment to the proving ground.

There is no such suitable locality in this city, as all the water frontage is on alluvial or quicksand soil, which would make it impossible to install some of the machinery without great expense. It is possible, however, that a site might be found on higher ground and away from the water, so that the railroad joining the plant with the water would be short, and the higher ground would make it possible to install all the machinery.

The exact cost of an installation would depend largely upon the location selected, but as a rough estimate I should say that $2,000,000 would probably cover the cost of an armor plant upon a good site, having a maximum capacity of some 350 tons per month. The cost would depend a good deal, too, upon the knowledge and ability of the people in charge of the work.

There is no question that great difficulty would be found in obtaining skilled men to handle such a plant, because they would not feel sure of continued or permanent employment in a factory where there would be periods of great activity, followed by periods of idleness, dependent on appropriations for ships, etc.

A Government armor plant would also not have the financial responsibilities, so to speak, that a private plant has for the delivery of good plates, since armor made by the Government would be tested and passed upon by the Government, and this does not tend to produce good results.

So far from believing a Government armor plant necessary or desirable, I am of the opinion that the present direct relations between the Department and private armor plants are undesirable, and that equally good armor at much cheaper rates would be obtained if the shipbuilder purchased his armor from the manufacturer under Government tests and supervision as he now purchases his structural steel.

STATEMENT OF LIEUT. J. F. MEIGS (RETIRED).

Senator SMITH. Where are you now located?

Mr. MEIGS. I am located at Bethlehem.

Senator SMITH. What are your duties?

Mr. MEIGS. I am the ordnance engineer of the Bethlehem Iron Company, and have been for the past two or three years. I have been at Bethlehem now for about five years.

Senator HALE. Are you in the Navy?

Mr. MEIGS. I was retired from the Navy for color blindness when I came up for promotion to the grade of lieutenant-commander in 1891.

Senator HALE. You are on the retired list?

Mr. MEIGS. I am, sir.

Senator SMITH. The Government has been contemplating the establishment of an armor-plate works. If it should conclude to do so, have you any objection to giving your opinion and judgment as to where the best place would be to locate it, and what would be the probable cost of constructing a plant that would manufacture, say, about the quantity that is manufactured now at the Bethlehem works?

Mr. MEIGS. I have none, sir. But as regards the locality, I have never given the matter any thought, and I fear that my opinion would not be worth very much. As regards the cost, I can only speak from knowledge obtained from the officers of the Bethlehem Iron Company, and I submit that that matter has been better presented to you already by Mr. Wharton than I can present it, and my knowledge must come from the same sources as his was derived from.

Senator SMITH. How many tons do they put in their furnaces at a time now when constructing armor plates, and what do they manufacture their armor plates from?

Mr. MEIGS. Our largest furnace has a capacity of 50 tons, but we have to use a number of them, as the ingots at times weigh as much as 150 tons, or close to that figure. I beg your pardon, I do not think I have fully answered your question.

Senator SMITH. I want to know what you use in making the steel for the armor.

Mr. MEIGS. As regards the stock?

Senator SMITH. Yes.

Mr. MEIGS. I can not speak fully on that matter. It varies a good deal from time to time.

Senator SMITH. I did not mean the quantity, but just the material.

Mr. MEIGS. I understand you. It varies a good deal from time to time.

Senator SMITH. I may ask you at this point why does it or why should it vary?

Mr. MEIGS. It has varied, for example, from the fact that in the case of a Russian contract which we had to execute, and which I have in my mind more than anything else, the limits of the composition were not the same as the United States Government had required. We were obliged to change the mixture, and we got into a good deal of trouble about it.

Senator SMITH. In regard to the Russian mixture?

Mr. MEIGS. I do not know that I ought to say we got into trouble. We came into it, sir, in the way that the phosphorus limit was very low, and we were obliged to use for that reason a great deal of muck bar, which, as you know, is an expensive product; and it changed the ballistic resistance of the plate, in my judgment, and the plate did not do quite as well as we hoped it would do, though it passed without difficulty the test required of it in Russia.

Senator SMITH. The muck bar is very expensive, is it not?

Mr. MEIGS. Yes, sir.

Senator SMITH. You had to use more of it in that contract than you use when you supply our Government?

Mr. MEIGS. Yes, sir; but we did not make as good a plate.

Senator SMITH. What is muck bar?

Mr. MEIGS. It is puddled bar. I say we did not make as good a plate, because I have full knowledge in that respect. I drew the ballistic tests that we were required to meet in Russia, and I drew them, of course, from our knowledge of what we had done in the case of the tests of the United States plates. Yet, as I have said, for the reason that the phosphorus limit was low we were obliged to change the mixture, and though our plate was made more expensive, it did not do as well as the United States plate. That was the principal cause of the change of mixture.

Senator SMITH. In your judgment, what constitutes the best mixture for manufacturing armor?

Mr. MEIGS. I could not say, sir; it is a matter so very difficult.

Senator SMITH. Let me ask another question. Can you not take your pig iron, for instance, and scrap iron with it, and manufacture an armor plate cheaper by that process than by using the two irons?

Mr. MEIGS. I do not think that it is well to try to cheapen those things. It is a very difficult thing to determine in advance. The losses entailed would be very great, and I do not think the promise of success is sufficient to warrant the risk.

Senator SMITH. Have you any objection to stating what is used in the manufacture?

Mr. MEIGS. I do not know, Senator.

Senator SMITH. You do not know?

Mr. MEIGS. Not in a way that would be of any use to you.

Senator SMITH. Now, I should like to ask one other question, and then I will be through. Have you had enough practical knowledge and experience to give the committee an opinion as to whether it is possible or practicable, or is it so considered by experts in the manufacture, that 50 tons of steel in armor plate in one furnace can be manufactured of as good a quality as 10 or 15 or 20 tons?

Mr. MEIGS. Do you mean whether a large furnace or a small furnace is better?

Senator SMITH. Yes, sir. What is the general opinion among experts in manufacturing as to whether a 50-ton furnace can produce as good steel as a 10 or 15 ton furnace?

Mr. MEIGS. The general judgment would be that in a large ingot large furnaces and a small number of them would do better than a very large number of smaller furnaces. That would be the judgment, sir.

Senator SMITH. Then your judgment would be that a 50-ton ingot could be turned out and produced equally as good as a 10-ton ingot?

Mr. MEIGS. Oh, yes. I understood you to say that in making these very large ingots the question which was in your mind was whether it was best to make them in small furnaces.

Senator SMITH. My information from the steel men whom I have consulted in regard to the question is that it is generally acknowledged by all experts that the smaller quantity will produce a much better steel than the larger quantity, and I wanted to get your judgment on that question.

Mr. MEIGS. All the tendency is now to make the furnaces larger.

Senator SMITH. That is, to cheapen the cost of production, of course. I am talking now about the question of quality, not the question of price.

Mr. MEIGS. I should think it would be very dangerous. To begin at the 10-ton furnaces, you would have to have fifteen of them, and if anything goes wrong in any of them, if anything goes to pieces, there would be infinite difficulty in such cases. Then there is always trouble about tapping the furnaces and running the metal up to a point to pour it in the mold, and if the furnaces do not succeed each other in proper order, and one gets a little low or has a point of weakness, the defect in the ingot might not be developed, perhaps, until after it took its shape. I think the judgment is all in favor of large furnaces. But, on the other hand, Krupp makes his guns weighing 50 tons and upward with 100-pound crucibles and his armor plates in big open-hearth furnaces.

Senator SMITH. But not so large as ours?

Mr. MEIGS. Yes, sir; quite as large. My impression is that the furnaces are quite as large as any we have. That is my impression from just seeing them as I passed by.

Senator CHANDLER. On the subject of the delivery of steel ingots of sufficient size to make armor plates and a site for a Government armor factory, will you state what would be necessary for the plant for such a factory upon the site to take steel ingots of sufficient size and make armor of them? What would the plant consist of?

Mr. MEIGS. The plant would consist, probably, of a large forging press, with the necessary appurtenances, and cranes, and gas producers, engines and boiler houses, and a machine shop suitably erected, together with the apparatus necessary for bending the the plates, which would include a hydraulic press of large capacity, together with its cranes, heating furnaces, and other accessories. It would also include, as armor is now made, an extensive plant for harveyizing armor, and cementing.

Senator CHANDLER. Differentiate the plant for the armor process from the ordinary plant which you have described.

Mr. MEIGS. Yes, sir; I will leave that out.

Senator CHANDLER. What do you require for harveyizing in addition to the other plant?

Mr. MEIGS. You require the furnaces.

Senator BACON. Different from the other furnaces?

Mr. MEIGS. Entirely different.

Senator CHANDLER. And what else?

Mr. MEIGS. The furnaces and the accessories of the building in which they stand, which amount includes expensive cranes and other appliances necessary for moving the heavy weights, and the apparatus for tempering the plates, and other minor accessories.

Senator CHANDLER. You have described very rapidly——

Mr. MEIGS. Of course, in addition to that, you would require a machine shop.

Senator CHANDLER. I want you to describe everything you can think of.

Mr. MEIGS. You would require a machine shop for finishing the plates, an extensive smith shop for making the armor bolts, all the tools necessary for doing that, and for tempering them.

Senator CHANDLER. Is there anything else that you think of?

Mr. MEIGS. I am only mentioning, of course, the principal things. There would have to be a large building, including considerable floor space, in which to erect the armor-plate structure, and this, of course, must be commanded by a crane. I think those are pretty much all the principal points.

Senator CHANDLER. How about a testing apparatus, a building for chemical tests? Are chemical tests not required?

Mr. MEIGS? An enormous number of them.

Senator CHANDLER. Describe the extent to which it would be necessary to have apparatus for chemical tests.

Mr. MEIGS. I could not say anything very definite about that, but as a matter of estimation I should say that the number of chemical tests involved in making a single armor plate are about thirty.

Senator CHANDLER. Chemical tests outside of mechanical tests?

Mr. MEIGS. Yes, sir; some of them are what the chemists call, I believe, complete tests, and others are tests more or less partial for certain elements only. I did not mention the physical laboratory. Of course the Government has one or two machines for testing steels physically. They are, however, inferior to the machines now ordinarily in use—at least I believe they are—unless they have bought some recently.

Senator CHANDLER. Your testimony will be furnished you for revision, and I request you, having taking a bird's-eye view of an armor-plate factory, to add anything that would be needed to make a complete armor-plate factory.

Mr. MEIGS. Yes, sir; I will do so.

Senator CHANDLER. Now, I will ask you to what extent at Bethlehem the armor-plate factory and its various appurtenances are also used for other purposes; for instance, the handling of gun metal, the treating of gun metal, and the making of guns?

Mr. MEIGS. It is used practically for no other purpose.

Senator CHANDLER. The armor-plate plant, then, and all the paraphernalia belonging to it is alone, by itself?

Mr. MEIGS. Purely; it is made special.

Senator BACON. Could it be used for the purposes indicated by Senator CHANDLER?

Mr. MEIGS. No, sir. We would be very glad to use it, sir. We have the big hammer at Bethlehem, and the big press, both of which are extremely powerful forging tools. The hammer has been standing about six years and the press three or four years. During all that time under those two machines we have made two big rings for the Cataract Construction Company, and that is absolutely all.

Senator CHANDLER. All of the work outside of the armor plate?

Mr. MEIGS. All of the work outside of the armor plate.

Senator CHANDLER. And you have made no use of the [illegible]or handling gun metal?

Mr. MEIGS. None except in the melting department.

Senator CHANDLER. I include the melting.

Senator BACON. I simply wish to know whether or not the failure to utilize this plant for the purpose indicated by Senator CHANDLER has been due to the fact that you have been otherwise occupied, or whether it is not adapted to the purpose.

Mr. MEIGS. Oh, no; we could make at Bethlehem, as far as forging capacity goes, five times the tonnage of armor plate that we now turn out.

Senator BACON. I understand, then, that this plant is not adapted to the purpose.

Mr. MEIGS. There is no demand for the class of material which it can make. If you have a small forging to make, you make it under a small hammer and a small tool. This press is so large that it will tear a small piece of metal all to pieces, and you can not forge it right. According to the size of the material you have to make, you make your forging machinery.

Senator BACON. It would not be adapted to larger sized guns?

Mr. MEIGS. We have other presses that we make the guns under.

Senator CHANDLER. You have made no practical use of the armor plant for any other purpose?

Mr. MEIGS. We have been unable to make any other practical use of it.

Senator CHANDLER. You spoke of melting pots, but I assumed that you had the steel ingot from a steel-producing plant?

Mr. MEIGS. Yes, sir.

Senator CHANDLER. You do not put the steel ingot into a melting pot for any purpose in making armor?

Mr. MEIGS. We put it into the furnaces for heating for forging.

Senator CHANDLER. You take the cold ingot and you heat it to forge the armor plate either by the hammer or the press?

Mr. MEIGS. Yes.

Senator CHANDLER. But you do not put it into the melting pot?

Mr. MEIGS. Oh, no.

Senator CHANDLER. When you said that the melting pot would be used, it was a mistake?

Mr. MEIGS. I mean its use outside of that purpose.

Senator Chandler. There is no melting pot used?

Mr. Meigs. Oh, no, sir; not with the ingot after the ingot is made.

Senator Chandler. My question was wholly upon the hypothesis that you took the steel ingot from the steel cuttings.

Mr. Meigs. Yes, sir.

Senator Chandler. Is there any difficulty in a competent constructing engineer looking at your plant, just as it stands there by itself, for the purpose of making armor and estimating what it would cost for the Government to reproduce that plant?

Mr. Meigs. I suppose an estimate could be formed by a person who is acquainted with such matters.

Senator Chandler. I mean a skilled constructing engineer, or an engineer used to making machinery. You could yourself look at it and make an estimate of its cost, could you not?

Mr. Meigs. I do not think my estimate would be worth much, Senator, made in that kind of a way.

Senator Chandler. It is all visible?

Mr. Meigs. Yes, sir.

Senator Chandler. The manufacture is purely physical? There is no spiritual work that goes into it except the brains of the manager?

Mr. Meigs. That is all, sir.

Senator Chandler. Now, a sufficiently skillful engineer can look at that and see what it is and estimate its cost?

Mr. Meigs. Yes, sir. There is a good deal of skill required in running such a plant after it is built, and there is a good deal of technical special knowledge, too.

Senator Chandler. I am not dealing with that point; I am dealing with the cost of the plant, assuming that it could be used.

Mr. Meigs. Yes, sir.

Senator Chandler. You prefer not to make any statement about the cost of the Bethlehem plant?

Mr. Meigs. I shall be very glad to repeat what I know from the same sources that Mr. Wharton got his facts from, but mine would come from the same source.

Senator Chandler. The cost is all upon their books and it is for them to furnish it, if it is to be furnished?

Mr. Meigs. Yes, sir. I could furnish it from the same sources as Mr. Wharton.

Senator Chandler. You have in a general way described, or will do so, of what the plant consists?

Mr. Meigs. Yes, sir.

Senator Hale. You do not represent the Government there?

Mr. Meigs. No, sir.

Senator Hale. Not at all?

Mr. Meigs. No, sir.

Senator Hale. But you work there in the employment of the Bethlehem Company?

Mr. Meigs. I am in the employment of the Bethlehem Company.

Senator Hale. Who has the Government there on the duty of inspecting and examining from time to time the work upon the armor plate done by the company?

Mr. Meigs. Lieutenant-Commander Rodgers.

Senator Hale. Where is he?

Mr. Meigs. He is at Bethlehem.

Senator Hale. Who else besides Lieutenant-Commander Rodgers?

Mr. Meigs. Until within a few days Ensign Faust has been there, but he has just left.

Senator Hale. Where is he?

Mr. Meigs. I do not know, sir. He was ordered to California. I fancy he is on his way by this time.

Senator Hale. How long has Lieutenant-Commander Rodgers been there?

Mr. Meigs. Lieutenant-Commander Rodgers has been there about a year.

Senator Hale. What is his full name?

Mr. Meigs. Lieut. Commander John A. Rodgers.

Senator Hale. He is there now?

Mr. Meigs. He is there now.

Senator Hale. Representing the Government?

Mr. Meigs. Yes, sir.

Senator Tillman. Is he the only Government officer there?

Mr. Meigs. No, sir; there are two officers of the Army there as well.

Senator Tillman. I mean of the Navy. We are not dealing with the Army.

Mr. Meigs. I have just stated that Mr. Faust, who has been there also, has just gone away.

Senator Hale. The Navy Department usually has two officers there?

Mr. Meigs. It always has had two officers there until in the last few days.

Senator Chandler. Have they no assistants—no inspectors?

Mr. Meigs. Yes, sir.

Senator Chandler. Senator Hale speaks of only two officers, but they have the assistants necessary to make tests?

Mr. Meigs. Yes, sir.

Senator Chandler. Do they employ a Government force, or do they utilize your force?

Mr. Meigs. The companies by contract are obliged to give the inspectors all the assistance they call for, and such assistance is always given. Mr. Rodgers has one clerk.

Senator Chandler. Suppose one of these officers sees some steel cuttings from one of the armor plates and says, "I want those cuttings as they have been shaved off there in this machine taken to the laboratory and chemically analyzed;" you furnish the force to do it?

Mr. Meigs. Yes, sir.

Senator Chandler. And suppose he wants a physical test applied by a hammer or by a pressure machine; you are bound by contract to make all the tests which may be required by Government inspectors, are you not?

Mr. Meigs. Yes, sir.

Senator Tillman. Do you mean that the chemical tests are made by their employees?

Mr. Meigs. Or they would be made here. They have been sent here occasionally. We have rather a complicated system in that respect. I may mention it; I can describe it in a few words. The Government guaranty in that case is the fact that it sends physical bars, as they are called, bars that can be pulled from time to time to the Watertown Arsenal, near Boston.

Senator Chandler. Where there is an Emery machine?

Mr. Meigs. Yes, sir. We have an Emery machine at Bethlehem.

Senator Chandler. Your own or the Government's?

Mr. Meigs. Our own. It is as good as the one at Watertown, but not so large. Its story is checked from time to time by the machine at Watertown. It has also been the custom of the Government occasionally to make chemical tests, but the ordinary run of chemical tests and physical tests are made by employees of the contractors in the presence of Government officers.

Senator Chandler. The Government officer looks on and sees the tests applied?

Mr. Meigs. He sees whatever he chooses to look at.

Senator Chandler. There can be no possibility of deceiving him while those tests are going on?

Mr. Meigs. No; none.

Senator Hale. The officers attend constantly to the duty of inspection?

Mr. Meigs. Yes, sir. I think their custom is always to be in the room when the bars are broken.

Senator Hale. And they report from time to time to the Department?

Mr. Meigs. Yes, sir.

Senator Bacon. Are the Army officers engaged on the same thing?

Mr. Meigs. In making guns. The Bethlehem Company is making 100 finished guns for the Government.

Senator Bacon. They are in a separate department?

Mr. Meigs. They are in quite a separate department; they have nothing to do with the armor plate.

Senator Hale. The Army has officers there as well as the Navy?

Mr. Meigs. Yes, sir.

Senator Hale. On this work of inspection?

Mr. Meigs. Yes, sir; the Army has two officers there, and those officers have a couple of clerks.

STATEMENT OF LIEUT. C. A. STONE (RETIRED).

Senator Hale. What is your relation to the Carnegie works?

Mr. Stone. I am in the employment of the Carnegie Steel Company; I am their ordnance officer.

Senator Hale. Are you in the Navy?

Mr. Stone. I am a retired lieutenant in the Navy.

Senator Hale. When were you retired?

Mr. Stone. I was retired in 1893 for physical disability when I was about to come up for promotion to lieutenant-commander.

Senator Hale. When did you begin work in the employment of the Carnegie Company?

Mr. Stone. I was sent there by Secretary Tracy in 1891.

Senator Hale. That was before your retirement?

Mr. Stone. Yes, sir.

Senator Hale. What were you sent there for?

Mr. Stone. The Secretary wished me to go there to assist them in the manufacture of armor; to establish it.

Senator Hale. On inspection duty?

Mr. Stone. No, sir; but I had been on ordnance duty when I was sent there. Of course, I was not sent there officially, but he told me he wished me to go.

Senator Hale. That was while you were on the active list?

Mr. Stone. Yes, sir.

Senator Hale. And they were developing this work?

Mr. Stone. Yes, sir; they had just made their contract with the Government, and the Secretary thought it would be to the interest of the Government, as he told me, if they should have an ordnance officer there.

Senator Hale. How long did you continue to represent the Government? You reported from time to time to the Secretary?

Mr. Stone. I was on leave of absence then, and did not represent the Government any more than I do now.

Senator Hale. I understood you to say that you went there at the request of the Secretary?

Mr. Stone. I did; but I did not represent the Government as an inspector, or anything of that sort. I went at the request of the Secretary to go into their employment, to aid them. He considered that it would be to the interest of the Government that they should be aided.

Senator Hale. Then you went into the employment of the Carnegie Company for some time while you were on leave?

Mr. Stone. Yes, sir; the Secretary gave me a leave of absence.

Senator Smith. How long a leave of absence did you have?

Mr. Stone. He gave me two years. This was afterwards extended for another year, but I was retired before the expiration of this extension.

Senator Smith. During that time you were employed by them?

Mr. Stone. I was employed by them.

Senator Hale. Then, when were you retired?

Mr. Stone. I was retired in 1893.

Senator Hale. On what account?

Mr. Stone. On account of physical disability—hernia.

Senator Hale. Were you able to continue your work there during the years before your retirement?

Mr. Stone. Yes, sir.

Senator Hale. Were you in such condition that you could continue in the employment of the company in active duty, and at the same time request and procure retirement?

Mr. Stone. I did not procure it. The doctors found me physically disqualified for promotion, and retired me.

Senator Chandler. The examination was not made until the time came for your promotion?

Mr. Stone. No; not until my promotion was nearly due. I had no suspicion of any disability when I went there, and no intention or idea of going on the retired list. That came up afterwards.

Senator Hale. You did not make application for retirement?

Mr. Stone. No, sir; not at all.

Senator Hale. It was the result of a physical examination to which you were obliged to submit when your time for promotion came?

Mr. Stone. Yes, sir; I asked to be physically examined probably a month or so before I would have been examined anyway.

Senator Hale. Expecting to be promoted?

Mr. Stone. Hoping to be promoted, but I hardly expected it at that time.

Senator Hale. Then when you were transferred to the retired list you continued in the employment of the company?

Mr. Stone. I continued in the employment of the company.

Senator Hale. So that you did not in any way represent the Government?

Mr. Stone. No, sir.

Senator Hale. You represented entirely the Carnegie works, and you were paid by them?

Mr. Stone. Yes, sir.

Senator Hale. You have continued in that employment ever since?

Mr. Stone. Yes, sir.

Senator Hale. I merely wished to bring out the relation of the witness to the Government and the company.

Mr. Stone. Of course, if I had been promoted I should have left the employment of the company and gone to sea.

Senator Chandler. Have you seen the armor-making plant of the Bethlehem Company?

Mr. Stone. No, sir; not for many years.

Senator Chandler. You heard Lieutenant Meigs state that they have a large hammer, and also a hydraulic press?

Mr. Stone. Yes, sir.

Senator Chandler. What have you at the works of Carnegie, Phipps & Co.?

Mr. Stone. We have a large press of about the same size and capacity as the one at Bethlehem. We have no hammer.

Senator Chandler. Are you expecting to have a hammer?

Mr. Stone. No, sir; we would not consider it necessary to build one.

Senator Chandler. The hydraulic press is sufficient?

Mr. Stone. Yes, sir; we think it is a better forging appliance than a hammer.

Senator Hale. Whom has the Government there at the works now?

Mr. Stone. They have a number of officers. The chief ordnance inspector is Commander Horace Elmer.

Senator Hale. Inspector of ordnance?

Mr. Stone. Yes, sir; he is the chief ordnance inspector, and has to do with the armor, and so on.

Senator Hale. Who else?

Mr. Stone. He has an assistant, who has gone there lately, named, I think, McVay, but I am not certain. I can verify that by the time my statement is furnished to me.

Senator Hale. What other officers are there?

Mr. Stone. Besides that, officers under the steel inspection board, the chief of which is Lieutenant-Commander Forse, and a number of others—I do not know who they are.

Senator Hale. A number of other officers?

Mr. Stone. Yes, sir.

Senator Hale. Then the Navy Department has several officers there?

Mr. Stone. It has several officers there.

Senator Hale. Constantly on inspection duty?

Mr. Stone. Yes, sir. The steel inspection board, as you know, have to do with what we call ship material, that is, plates, angles, and so on, for the hull of the ship. The ordnance inspectors have to do with the armor. They are separate.

Senator Hale. Has the ordnance inspector, in dealing with this matter of plate, any other officers there except the first one you mentioned?

Mr. Stone. Yes, sir; he has an assistant, Ensign McVay.

Senator Hale. He is an officer?

Mr. Stone. Yes, sir; an ensign. There is a commander and an ensign. We have had as many as three or four at times, but we are nearly out of the armor work now, and consequently there is no necessity for so many.

Senator Bacon. Is there any one of the officers there on duty whose physical disabilities would make him incompetent to discharge the duty?

Mr. Stone. I do not know that I could answer that. I do not think that I would be as efficient an inspector as if I did not have the physical disability. That is, I am not as active and as able to be about on my feet as much as if I did not have the physical disability.

Senator Bacon. Do you not have to look after the interests of the Carnegie Company with as much physical activity as they have to look after the interests of the Government?

Mr. Stone. I suppose the doctors in retiring me——

Senator Bacon. The doctors in retiring you had reference to your ability to serve as an officer on board ship?

Mr. Stone. Yes, sir; as I was going to say.

Senator Bacon. Of course, it is no reflection upon you, but simply a reflection upon the policy of the Government in retiring officers physically able to discharge certain duties to which other officers are assigned.

Mr. Stone. I must say, and I think I can say without vanity, that the Government could find work for me to do if it wanted to do so.

Senator Bacon. You have not reached the age when you would be retired on that account?

Mr. Stone. Not at all. I am only 48 years old, and I would not be retired until 62. But the Government must and does go by system in regard to such matters.

Senator Bacon. You mean it is the present system that it retires an officer by reason of his inability to discharge duties on board ship, when, in fact, there are other duties to which it does assign officers which he would be entirely competent to perform?

Mr. Stone. Certainly, quite well; and even with a little tolerance with reference to his duties on board ship he might very well be employed there too. Lieutenant Meigs was retired for color blindness. He went through all the grades where this was most important, but when he came up for executive officer or for commander he was retired.

Senator Bacon. Of course the retirement was entirely proper under the present law. The question is whether the law is right.

Mr. Stone. Certainly; I understand.

Senator Smith. What is your opinion or knowledge as to the question of your company being able to produce, or anybody else being able to produce, as good a quality of armor plate in a 50-ton furnace as in a 10 or 20 ton furnace?

Mr. Stone. I listened to what Lieutenant Meigs said about that, and I agree with him. I am not a steel expert, and I only know about the practice with reference to armor. On the one hand, there is a very great disadvantage in having so many furnace charges in one ingot. You have to arrange so as to pour them continuously, and the more furnaces you have to arrange for of course the greater the difficulty. I think, in that way, the difficulty due to having a number of furnace charges would far outweigh any slight possible advantage in the quality of the steel in the smaller furnaces. For that reason the tendency is to make the furnaces larger, so that you can cast a 50-ton ingot from one furnace. If you have a 100-ton ingot, or anything between 50 and 100 tons, you must have two furnaces, but you want as few furnaces as possible. I think the consideration in regard to that is weightier than any quality of the steel due to the size of the furnace.

I should like to say one word which came into my mind when Lieutenant Meigs was being examined in reference to establishing an armor plant and making armor from ingots furnished from elsewhere. We are strongly of the opinion that an ingot should never get cold; that it should never be allowed to get cold until the plate is forged. The only time, and even that we cut as short as possible, is after the cementation process and before the tempering, when they have to take specimens from the face for the carbon analysis; but, with that exception (and we would not have that exception if we could help it), the ingot is never cold from the time it is cast until the plate is finished. How much there may be in that I do not know, but it would be a matter to consider in case you got ingots from elsewhere, when of course you would get them cold.

Senator SMITH. What, in your judgment, makes the best mixture for armor plate?

Mr. STONE. This hardly comes under the head of mixture, but we have tried basic open-hearth steel and acid open-hearth steel, and we consider that we have gotten much the better results from the basic. It is a mere question of the character of the lining of the open-hearth furnace. It must be open-hearth steel by the requirements of the contract, but it may be either basic or acid. We prefer the basic. We have tried both, and we have gotten better results from it. All armor is nickel steel, and you must consider that. To make the nickel steel in the open-hearth furnace we use a certain amount of nickel-steel scrap, as it is called; that is, the cut-off parts, the discard, and so on, from other ingots, from plates made before.

Senator SMITH. Known as scrap steel?

Mr. STONE. Yes, sir; but these are very large pieces, some of them as long as from here to that window [indicating a space of 12 or 15 feet] and this wide [indicating 4 or 5 feet]. We have a large furnace in which those are melted up. The nickel-scrap steel has only a percentage of nickel of about 3½ per cent. So you must introduce more nickel oxide. That has been done in different ways, generally by melting up the nickel scrap with additional oxide, so as to make it richer in nickel. Then it is charged in the open-hearth furnace with pig iron and manganese and other lesser ingredients, and lime, to make the necessary charge.

Senator SMITH. Does not the use of scrap iron instead of using the pig iron and manganese cheapen the cost of the manufacture?

Mr. STONE. No; the nickel scrap is worth as much. I will state the reason why it must be used. The ingot that you cast weighs more than twice the weight of the finished plate. That is required to be so. If you furnished new material every time, you would have to furnish double the amount and more of oxide necessary to alloy that new material, and you would be continually accumulating your nickel scrap, which would weigh more than your finished plates. I do not think there is any reason to suppose that nickel steel made entirely from oxide and pig iron, and so on, is any better than that made with a proper amount of scrap. But you can not go too high with the scrap. You can use only a certain percentage of it. That we have tried to use as much as we could, while on the other hand making the best plates possible. We dare not slack up any upon the quality because of the ballistic test and other requirements, yet we try to use as much scrap as possible.

Senator SMITH. Why do you use as much scrap as possible?

Mr. STONE. To begin with, the Government supplies us with the oxide. It would not supply us the oxide to waste, and it would consider making new material all the time a perfectly unwarranted waste of oxide.

Senator SMITH. And it would cost more?

Mr. STONE. It would cost more. The Government furnishes us the oxide necessary. We are obligated for an accounting for it and for a careful use of it. The tendency always is to make us use more scrap.

Senator SMITH. The tendency of the Government is to have you use more scrap?

Mr. STONE. Yes, on the one hand, while on the other they hold the requirements over us which we must meet. We can not use all scrap or else the armor would fail. We can not use less scrap than we ought, otherwise we waste the oxide. So between the two forces we are held to a certain course which has been developed in the matter.

The committee, after spending some time in secret session, adjourned.

SATURDAY, *March 21, 1896.*

The committee met at 10.30 a. m., with Senator PERKINS as acting chairman.

Horace Elmer, commander, United States Navy, and John A. Rodgers, lieutenant-commander, United States Navy, appeared.

STATEMENT OF COMMANDER HORACE ELMER.

Senator CHANDLER. State your rank in the Navy, your residence, and present duty.

Mr. ELMER. I am commander in charge of steel inspection at the Carnegie Steel Works, Munhall, Pa.

Senator CHANDLER. State, if you please, all your functions at the Carnegie Works.

Mr. ELMER. I have charge simply of the inspection of the armor plate which is being made under the contract of February, 1893. I believe that is the date of the contract; anyway it is just about finished now.

Senator CHANDLER. Is that all the work for the Government which the Carnegie people are doing?

Mr. ELMER. No, sir: but I have nothing to do with the structural steel. That is under the steel board. The work I have charge of is Bureau of Ordnance inspection work.

Senator CHANDLER. State, if you please, what the other work is which is being done for the Government, and who has charge of inspecting that work for the Government at Munhall.

Mr. ELMER. Lieutenant-Commander Forse and his assistants. He has two or three assistants, and they have charge of the inspection of the structural steel being made by the Carnegie Company, which is under the control of the steel board—boiler plate, outside plate, bottom plate, and various kinds of structural work.

Senator CHANDLER. The steel which they furnish which goes into the hulls of Government ships?

Mr. ELMER. That is under Forse and his assistants. It is under the steel board, and he is their representative.

Senator CHANDLER. Is there any gun metal included in that contract?

Mr. ELMER. No, sir.

Senator CHANDLER. The Carnegie works are not furnishing any gun metal?

Mr. ELMER. They have been figuring on it, but they are not furnishing any. I have charge of all the ordnance work.

Senator CHANDLER. State, if you please, how much armor you have inspected and whether the present contract work is done or about done.

Mr. ELMER. The present contract is nearly done. I have been on duty there just six months. The present contract was made in February, 1893. So it is only the last end of it that I have had charge of.

Senator TILLMAN. Who was your predecessor?

Mr. ELMER. My immediate predecessor was Lieutenant Wilner, and before him, Commander Courtis.

Senator TILLMAN. How long did those two stay, respectively?

Mr. ELMER. I do not remember exactly, but I think Commander Courtis was there over a year and Wilner was there as an assistant and afterwards in charge temporarily for perhaps two years. The armor plant delivered in the last month, February, more than 650 tons, which was the largest delivery, I think, that they have ever made there of armor manufactured.

Senator CHANDLER. And, in round numbers, you have inspected how many tons?

Mr. ELMER. Not more than a thousand, I think. Still, I have not looked at that carefully.

Senator CHANDLER. A thousand, more or less?

Mr. ELMER. A thousand, more or less.

Senator CHANDLER. State, if you please, what assistance you have in the inspection. What constitutes your inspection force?

Mr. ELMER. I have one ensign as an assistant.

Senator CHANDLER. What is his name?

Mr. ELMER. Ensign McVay—C. B. McVay, and one writer.

Senator CHANDLER. Is the writer paid by the United States?

Mr. ELMER. Paid by the day by the United States.

Senator CHANDLER. Is that all the force you have that is paid by the United States?

Mr. ELMER. Yes, sir.

Senator CHANDLER. What force, if any, is furnished you by the Carnegie Company?

Mr. ELMER. A young woman typewriter, who copies the letters. The mail goes through me, and she copies the communications on both sides for their files and mine.

Senator CHANDLER. That is your whole force?

Mr. ELMER. That is all, sir.

Senator CHANDLER. If any chemical or mechanical tests are applied, the necessary additional assistance for those tests is furnished by the Carnegie Company, is it not?

Mr. ELMER. All chemical tests in our inspection in ordnance are made by the Carnegie Company. The physical tests we make ourselves; that is, my assistant pulls the test himself.

Senator CHANDLER. What inspection do you give of the chemical tests? How much do you see of those tests except the reported result?

Mr. ELMER. Nothing of any practical importance. We take their results.

Senator CHANDLER. You take the paper report?

Mr. ELMER. We take the paper report.

Senator CHANDLER. You have access to the laboratory?

Mr. ELMER. Certainly; and I go in and look at it occasionally.

Senator CHANDLER. You could see it from beginning to end, if you chose?

Mr. ELMER. I could, but really you have to do it yourself to make it of any value.

Senator TILLMAN. You consider the chemical test, then, as worthless?

Mr. ELMER. No, sir.

Senator TILLMAN. It is worthless so far as you are concerned?

Mr. ELMER. It is instructive. It is for information.

Senator TILLMAN. But so far as affording you the means of judging of the value of the product, so as to catch people on the contract, it is worthless to you?

Mr. ELMER. It is worthless as far as judging whether they are deceiving us or not. As far as telling the condition of the metal, of course it is——

Senator TILLMAN. It is for their own use and benefit. In knowing what is the condition of the iron, and what are the ingredients, and all that kind of thing, of course I can see that it is valuable to them, and if they are trying to act honestly it is all very well; but unless there is some check, some safeguard, by which you can decide in behalf of the Government whether the steel is in compliance with the contract and meets the requirement, of course the test is a mere humbug.

Mr. ELMER. Yes, sir; as far as any such purpose as that is concerned. Of course we have other ways of seeing whether they make us good steel or not. The final one is the ballistic test, which, of course, is the important one. But the chemical test is instructive to them, and also to me. The moment that an ingot is cast and they take the analysis they furnish me with a copy of it.

Senator PERKINS. Do you take a sample of each ingot and try its tensile strength?

Mr. ELMER. Oh, yes; each plate three or four times during the process of manufacture; because there are apt to be alterations.

Senator CHANDLER. As a matter of fact, you know there is a chemical laboratory there?

Mr. ELMER. Yes, sir.

Senator CHANDLER. And you have no reason to doubt that the chemical tests are made as stated?

Mr. ELMER. No, sir. I go in there and see them made at times.

Senator CHANDLER. But you rely entirely for the accuracy of those tests upon the officials of the Carnegie Company?

Mr. ELMER. Yes, sir.

Senator CHANDLER. It is suggested by Senator PERKINS that you shall be asked to describe what chemical tests are made.

Mr. ELMER. They are made in accordance with specifications that the Department has required. After the ingot is cast——

Senator CHANDLER. State the weight of the ingot.

Mr. ELMER. That would depend on the final weight. The ingots they cast run as high as 200,000 pounds, but that would be for one of the large barbette plates that would weigh probably 40 tons when finished. They make the ingots according to the weight of the plates.

Senator CHANDLER. Assume that a great steel ingot from which a large plate is to be made is ready to be converted into an armor plate, when do you begin to apply mechanical tests to it and when do those tests end?

Mr. ELMER. We begin the moment that we are notified it is going to be cast. Then we go and look at the casting, etc., and watch its process. Then as the ingot is cooled, if a small one, it will go to the roller merely, but being a large one it will go to the press shop to be forged down into what they call a slab, approximating a plate, but not of the exact dimensions. After that has been forged down under the press to that condition we take what is called the first grading test. We bore in at the place prescribed by the Bureau of Ordnance both at the bottom and the top of the plate, because a great deal of the top of the plate has to be discarded anyway. About 60 per cent on an average is discarded from every ingot. We take the physical specimens from the bottom and top according to what is prescribed in the specifications, and they are tested for their tensile strength and their elongation. That is done in this case by my assistant, Mr. McVay. He always pulls those tests himself, or if he is not there I do it. The specifications prescribe limits below which the tensile strength can not go and below which the elongation can not go. We get that, and that is the first, the grading test.

Senator CHANDLER. State the machine by which that is done.

Mr. ELMER. I do not think I can give you the name of it.

Senator CHANDLER. It is a particular machine?

Mr. ELMER. Oh, yes, sir; it is a machine of a perfectly good and established character.

Senator CHANDLER. Belonging to the company?

Mr. ELMER. Belonging to the Carnegie Company. They are required to provide that by the contract.

Senator CHANDLER. That is a complete and satisfactory machine?

Mr. ELMER. Entirely so.

Senator CHANDLER. And it gives you with mathematical accuracy the tensile strength?

Mr. ELMER. Yes, sir. I really think there is much in having one person make all these tests, because there is a little personal equation about all of it.

Senator CHANDLER. You pull it until it gives way; and what else? Do you bend it until it gives way?

Mr. ELMER. No; we pull it simply, and that gives us the tensile strength, and, besides, it also gives us the elongation. The elongation is quite as important as the tensile strength.

Senator CHANDLER. That is for the shaftings. The number of inches to which it stretches before it gives way?

Mr. ELMER. The percentage of the entire length which it stretches. For instance, in armor we will not accept anything less than 12 per cent elongation. It must stretch 12 per cent of a given length.

Senator TILLMAN. You mean that it must stretch before breaking?

Mr. ELMER. Before breaking.

Senator CHANDLER. Have you described the whole of the first test?

Mr. ELMER. That is the first, what is called the grading test. That tells us the quality of the steel. Before that we have had the physical analysis which they have made from the ladle; the hot steel is taken out as it is poured into the flask to make the ingot. They take out a ladleful and make what they call a ladle analysis to tell whether they have enough carbon, manganese, or the different ingredients of steel. So we know, so far as their chemical analysis will tell us, something of the character of the steel. Then comes the physical test, which we make ourselves, and then, after the grading test, the plate is sent into the machine shop and cut down to the approximate measure.

Senator CHANDLER. Describe how the ingot is cut down.

Mr. ELMER. It has been first elongated under the press and it has been made into a slab.

Senator CHANDLER. How is it cut down to the approximate size of the plate?

Mr. ELMER. You take this great press, with a knife edge, and shear it right through the steel. You cut it up, and then take it over to the machine shop.

Senator CHANDLER. Is that done cold?

Mr. ELMER. It has to be done hot. Then it is taken over to the machine shop and put on a machine by which it is cut down to an approximate size—not exactly the size; the exact size is final work, but the approximate size—before it is carbonized. Then comes the carbonization.

Senator CHANDLER. Take each step, but not at great length. It is first approximately cut down, and then how is it handled?

Mr. ELMER. It is then taken to be carbonized for the Harvey process.

Senator CHANDLER. At that stage?

Mr. ELMER. It is approximately of the size, approximately of the thickness, and it is afterwards forged down.

Senator CHANDLER. The harveyizing is done before the plate is exactly cut to shape?

Mr. ELMER. Yes, sir.

Senator PERKINS. Did you state that about 60 per cent of the ingot is available for the purposes for which it is intended?

Mr. ELMER. Sixty per cent is discarded and only about 40 per cent is available.

Senator PERKINS. From what part of the ingot do you take the 40 per cent?

Mr. ELMER. We take it from the bottom. The top is where the poorest steel always is, and the fact is it is the great trouble to get them to cut off enough. The bottom is always better.

Senator PERKINS. Do you cut off the ends of the ingot?

Mr. ELMER. Always a little off of the bottom end and the larger part off the top end. The top end is always the poorest steel.

Senator CHANDLER. As the ingot comes out of the furnace, is it longer vertically than it is horizontally?

Mr. ELMER. They make the flask, of course, as they please, but it is according to the weight of the ingot which is made.

Senator TILLMAN. It is something like a barrel?

Mr. ELMER. Except that it is not round. It is generally square or rectangular.

Senator CHANDLER. Twice as long as thick?

Mr. ELMER. As a rule.

Senator CHANDLER. I made this inquiry because you spoke of the top.

Senator PERKINS. The top is the poorest.

Senator CHANDLER. As it is in the furnace?

Mr. ELMER. No, sir; that is after it goes into the flask. It cools off in the flask. The steel is poured out of the furnace into great ladles, and the ladles are poured into the flask.

Senator CHANDLER. And the poorest is the top of the flask?

Mr. ELMER. The top of the flask.

Senator CHANDLER. The top of the molding?

Mr. ELMER. Yes, sir; the impurities of the metal gather in the top.

Senator CHANDLER. And the bottom is the best?

Mr. ELMER. The bottom is the best.

Senator PERKINS. It is the 40 per cent taken from the lower end that you utilize?

Mr. ELMER. Forty per cent of the lower part of the ingot.

Senator TILLMAN. Less than the lower half?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Have you described all the tests that are applied to the armor?

Mr. ELMER. No, sir; only the first.

Senator CHANDLER. So I understood. Now go on. You have described it to the point where it is ready to have the Harvey process.

Mr. ELMER. And you do not care to have that process described. The plate is sent to be forged, so that it is all brought down to its measurement and thickness. After that the second physical test is taken. It is cut off then nearly to the measurement, leaving only a strip around the edge in excess of the final dimensions. The determining test of its physical characteristics is then taken; that is, we take the determining test as to tensile strength and elongation. There is a third test taken finally, after all the work is done, called the uniformity test, but that is only for the purpose of information, the hardening and tempering coming before that.

Senator PERKINS. You have no voice in the first ingredients of the steel?

Mr. ELMER. Not at all.

Senator PERKINS. All you ask for is results?

Mr. ELMER. All that we ask for is results, and they must make the steel to give those results.

Senator CHANDLER. Have you described all the tests applied by the Government at present?

Mr. ELMER. Yes, sir: all the physical tests. Then we have the measurements. Of course every plate is exactly according to the length, breadth, and thickness required; and then, finally, we have the ballistic test.

Senator CHANDLER. So far as the strength of the armor is concerned, you have described everything that takes place at the works?

Mr. ELMER. Everything at the works.

Senator CHANDLER. There is nothing left by way of test of the armor before it is delivered by the contractor except the ballistic tests?

Mr. ELMER. No, sir.

Senator CHANDLER. Now state what plates are selected and how they are selected for ballistic tests.

Mr. ELMER. The inspector keeps a record of the plate from the beginning when it is cast until the end. He has a sheet in which he puts down the chemical character and the physical tests of the plate and everything about its history and its carbonization, and all that sort of thing. It is an absolute history of it. As the time approaches for the ballistic test the inspector looks through this carefully and selects out a plate which he thinks to be the poorest and sends that on for the ballistic test.

Senator CHANDLER. What is the proportion of plates selected for tests? What is the rule?

Mr. ELMER. One out of every lot, and the lot generally is from 200 to 300 tons.

Senator TILLMAN. How many tons are there in a plate.

Mr. ELMER. In the larger plates about 40 tons; in the smaller plates about 10 or 15 tons.

Senator TILLMAN. What are their dimensions?

Mr. ELMER. The plate of 40 tons would be a barbette plate for one of the battle ships, about 15 or 17 inches thick.

Senator TILLMAN. And it would be of what length and width?

Mr. ELMER. It would be 8 feet or 8½ feet wide, perhaps. I do not remember the dimensions. Of course, I have not all the figures, but I should say 18 feet long and 8½ feet wide; but we never give those dimensions in speaking of them; we would speak of it as a plate 17 inches thick. The plates such as I have recently sent out for the barbette of the *Iowa* would weigh about 40 tons. Seven-inch turret plates would weigh perhaps 10 to 12 tons. So the plates are of varying thickness and varying width, and they are grouped together by order of the Bureau, so many hundred tons of a similar character.

Senator TILLMAN. When you take a large plate like that to test it for the ballistic test it costs $20,000. Who loses it?

Mr. ELMER. If the plate passes and is accepted, the Government pays for it. If it fails, the contractor loses.

Senator TILLMAN. If the Government chooses to ruin a plate by boring a hole through it with cannon, if it was good, it is then of no further service?

Mr. ELMER. That is the only way in which you can find out whether it is really good.

Senator BACON. What is done with the plates that are ruined after the test?

Mr. ELMER. There are two things we do with those plates. First, that plate makes us sure of all others of a similar character. Then again we use that plate for testing shells. You have got to test the shells, and when a man makes an armor-piercing shell, you want to know whether the shell will go through the armor. Therefore the plate is useful for such purposes and it is useful for other purposes.

Senator BACON. After you have practically destroyed the plate, is not the material valuable? Can it be recast?

Mr. ELMER. Yes; it can be used as nickel scrap.

Senator BACON. Whose property is that? What becomes of it? If the Government pays for the plates, it is the Government's property. What does it do with it?

Mr. ELMER. It will probably sell it back to Carnegie. However, I do not know that that has been done.

Senator BACON. I am not asking for probabilities; I am asking you if you know.

Mr. ELMER. It has not been done, because the Carnegie Company has more nickel scrap than it knows what to do with. It is all around the place. So I do not know that anybody is buying it, but they can buy it. That would be the only possible disposition that could be made of it.

Senator BACON. This, I understand, is nickel steel?

Mr. ELMER. Yes, sir.

Senator BACON. After it has had the nickel combination, it is still available to be put in the furnace and remelted and recast?

Mr. ELMER. Yes, sir.

Senator BACON. Is not the expensive process in combining the nickel with it and the harveyizing it that which constitutes a very large part of this expense?

Mr. ELMER. The Harvey feature does not affect its value as scrap; that is, you can draw the temper from it.

Senator BACON. You do not comprehend my question. We have paid $500 a ton for the material for these plates. A part of that cost, of course, is in forging; but what I want to know is if it is not true that a material part of that cost has been incurred in making the nickel combination and in harveyizing it?

Mr. ELMER. Yes, sir.

Senator BACON. What cost would you say is embraced in those two processes?

Mr. ELMER. I am afraid that would be very difficult for me to answer.

Senator BACON. Approximately. You can tell whether it would be one-fourth, one-third, or three-fifths. Of course I do not ask you to state it accurately, because I suppose you have never figured it out, but you must have some idea on the subject. Here is steel worth probably $40 a ton, which, by virtue of these various processes, has been converted into a material worth $500 a ton. The question I ask is, What approximate proportion to the entire cost is represented by the two processes of the nickel combination and the harveyizing?

Mr. ELMER. That is due to the alloy of nickel and the harveyizing?

Senator BACON. Yes, sir.

Mr. ELMER. For instance, for harveyizing we have been paying an average of 3 cents per pound.

Senator TILLMAN. That is $60 a ton.

Mr. ELMER. Sixty dollars a ton.

Senator BACON. I want to know if you can give me the approximate cost, or near the approximate proportion of cost, represented by these two processes. I want to find out, if I can, the value of this material after it has been ruined as a plate when it is still available for other uses.

Mr. ELMER. That I can tell you. It is not of any value except to melt up again.

Senator BACON. I can understand that.

Mr. ELMER. In regard to the other point, I am quite sure that they cover fully a third.

Senator BACON. The two together?

Mr. ELMER. The nickel and the harveyizing. They do not cover a half, but I should think that they cover possibly a third of the expense of making the plate. For the harveyizing process we have been paying $60 a ton. The nickel oxide is worth 40 cents a pound. You can make the calculation. I have not done it. In my business in inspecting there I have had no particular reasons to know about the value of the ingredients, except such as I have informed myself upon, but the nickel alloy that we use is 3½ per cent.

Senator BACON. I understand you to estimate the proportion of the entire cost of these two processes to be about one-third?

Mr. ELMER. Yes, sir; I think about a third.

Senator BACON. And after it has been ruined as a plate by the

ballistic test, that metal, then, is still worth between $100 and $200 per ton?

Mr. ELMER. No, sir.

Senator BACON. It is still available to be remelted, is it not?

Mr. ELMER. Yes, sir.

Senator BACON. And it has already gone through these expensive processes, which will not have to be repeated if it is again converted into plate?

Mr. ELMER. The Harvey process has to be entirely repeated.

Senator BACON. Because that is a surface process.

Mr. ELMER. In every cast that is made there is a certain proportion of nickel scrap. If you like, I can point out just the proportion of nickel scrap.

Senator BACON. No; that is a detail which it is not necessary to give. I want to get at something specific and definite that can be put into a much smaller compass. The process of combining the nickel with the steel does not have to be repeated if the scrap steel is again melted?

Mr. ELMER. No; that furnishes a portion of the nickel.

Senator BACON. What I want to know is the value of that ingot of steel with the combination of nickel. I do not know by what name you call it. Is it the nickelizing process?

Mr. ELMER. It is nickel alloy.

Senator BACON. What is the value as crude material of that combination of steel and nickel?

Mr. ELMER. I am unable to give it to you from memory. I have the data somewhere, as I stated, and I have been looking for it, but I do not find it here.

Senator BACON. But the fact exists that as a material it is just as good as if it had never been used. The only part of the process which has cost money which is no longer of value is the harveyizing process. That being a surface process, of course it would have to be gone over again. Is that correct?

Mr. ELMER. That is, of course, entirely useless, and so, of course, as to all the machining and all those other features.

Senator BACON. But I am speaking of it as material.

Mr. ELMER. The material can be used as a portion of the heat in making another cast.

Senator BACON. So far as you know, no disposition in the way of sale is made of the large amount of material which is destroyed in the ballistic tests?

Mr. ELMER. Oh, I think there is, sir; but that I do not know.

Senator BACON. Is there any representative of the Government there besides yourself?

Mr. ELMER. I have not anything to do with that. That is done at Indian Head, and it never comes back to Carnegie.

Senator BACON. You have made no ballistic tests at Carnegie's?

Mr. ELMER. The ballistic tests are made at Indian Head; none are made at Carnegie's.

Senator BACON. Do you select the plate that goes to Indian Head?

Mr. ELMER. Yes, sir.

Senator BACON. The only plate that goes there which is used for that purpose?

Mr. ELMER. Yes, sir

Senator BACON. You were describing the processes, and I supposed you were describing the processes which were under your immediate supervision.

Mr. ELMER. It is all under my supervision up to the time the ballistic plate goes to Indian Head.

Senator BACON. I understand that the chemical test is not under your supervision?

Mr. ELMER. No; they make it and report to me. The result is sent to me; but it is not under my supervision in that sense.

Senator BACON. It is not under your supervision?

Mr. ELMER. No, sir; it is not.

Senator BACON. And the tensile test is made by your assistant?

Mr. ELMER. Yes, sir; or by me, as the case may be.

Senator BACON. What is the part of the inspection of this material which is under your personal supervision?

Mr. ELMER. We watch the plate from its casting until the time it leaves the works, through all its processes.

Senator BACON. That is what you give personal attention to?

Mr. ELMER. Yes, sir; what is called the physical test is the test which gives the tensile strength and the elongation, and that is done by my assistant.

Senator BACON. In your department?

Mr. ELMER. Yes, sir.

Senator BACON. That is the only direct test which you make yourself?

Mr. ELMER. Yes, sir: it is the only test of the metal. The chemical test is made by the company, and the ballistic test is made by the Government at Indian Head.

Senator CHANDLER. You have stated that of the steel ingot that comes out of the flask probably 60 per cent is rejected from the plate.

Mr. ELMER. Yes, sir.

Senator CHANDLER. Will you state what knowledge you have, if you have any, as to the disposition that is made of the 60 per cent that is cut off from the ingot? Is that cut up and put into the melting furnace again?

Mr. ELMER. Yes, sir; a portion of it, as I said. There is still a lot of it on hand there. The question is now in adjudication between the Bureau of Ordnance and the Carnegie Company as to its disposition.

Senator CHANDLER. That being near the steel works, the only reason why it can not be used profitably is the expense of cutting it to pieces?

Mr. ELMER. It is used. It is cut up. I have the exact figures here showing that in a cast of 100,000 pounds there would be perhaps 60,000 pounds of scrap.

Senator CHANDLER. And that comes from cutting up the large pieces?

Mr. ELMER. Yes, sir; cutting up the scrap.

Senator CHANDLER. I understand that you not only superintend the work on the ingot after it is taken in hand by the armor-plate makers, but from the platform of the furnace you observe the making up of the charge into which are put the ores of such kind, and the iron of such kind, and so much scrap steel, and so much nickel, making the charge. You observe that?

Mr. ELMER. We follow, as far as possible, all the processes, but we have no control whatever over that portion.

Senator CHANDLER. It is not a part of your duty, under your instructions, to do that?

Mr. ELMER. No, sir.

Senator CHANDLER. But, as a matter of fact, you do follow the processes?

Mr. ELMER. As a matter of fact, we try to follow all the processes.

Senator CHANDLER. The steel works being at the armor-plate works, you notice the way the furnaces are charged?

Mr. ELMER. Not so much the way they are charged as the way they are drawn. We try to be there to see them draw the steel when the ingots are cast.

Senator CHANDLER. When they pour it into the flask, you observe it?

Mr. ELMER. Yes, sir. The charging part we do not often see. It is not, in fact, under our control.

Senator SMITH. What would it cost the Government to establish a complete plant adjoining the Cambria Works?

Mr. ELMER. I have never been to Cambria, and do not know the locality, if there is anything depending on that.

Senator SMITH. If you wanted to erect an establishment for the harveyizing process, taking the ingot from the steel works such as at Cambria, who, I understand, are now in a position to make light armor, from your experience can you give some idea as to what it would cost to add to that establishment, in order to make the harveyizing process complete, or what it would cost to put up a plant for harveyizing if the steel were ready to be harveyized?

Mr. ELMER. I am afraid there is nothing at all in my experience that would warrant me in more than guessing. I have nothing to do with the cost of the works.

Senator SMITH. You do not know what the furnaces would be apt to cost?

Mr. ELMER. No; I do not know what the probable cost would be.

Senator SMITH. You then have practically no knowledge of the cost of the machinery necessary to make an armor plate?

Mr. ELMER. No, sir.

Senator SMITH. You have no general idea as to what the cost is to the Carnegie people for the armor plate furnished the Government?

Mr. ELMER. Yes, sir; I have some idea.

Senator SMITH. Will you state what it is?

Mr. ELMER. I should like to say that my duties there have nothing to do with the charge and the cost of the works. I can give merely my approximate judgment.

Senator SMITH. I ask you to state the cost approximately.

Mr. ELMER. I can not see how that armor can cost the Carnegie Steel Company more than $250 a ton anyway—that is, leaving out all interest on the plant, or how much the plant cost, or how much there is of wear and tear. I merely take the basis of the metal to begin with, and go through the whole process to the end.

Senator SMITH. Outside of the question of capital invested and the wear and tear of machinery?

Mr. ELMER. Outside the question of wear and tear.

Senator TILLMAN. To make that fuller, let me ask you, in the event of the Government establishing its own plant where there was another plant equally as well equipped in existence, do you think that the Government itself or the proprietors of the other plant could make for $250 a ton the armor for which we are now paying $500 a ton?

Mr. ELMER. Do you mean to exclude the idea of the cost of the plant?

Senator TILLMAN. I am speaking about a plant duplicating the one which now exists at Carnegie's works. Would the necessary skilled labor and the material and the supervision entail a cost in producing armor of more than $250 a ton?

Mr. ELMER. I do not think so.

Senator SMITH. Now, let me ask you one question and I am through.

Mr. ELMER. May I modify that statement thus far? In order to make armor at such a rate it would be necessary to work continuously. You could not do it by working eight hours a day. You would have to work night and day.

Senator TILLMAN. It would be necessary to have relays of hands—shifts?

Mr. ELMER. Yes, sir.

Senator TILLMAN. Working how long?

Mr. ELMER. Twelve hours on and twelve hours off.

Senator SMITH. Is there any other statement which you wish to make in this connection?

Mr. ELMER. No, sir.

Senator SMITH. Have you ever heard it suggested, or have you ever heard from any reliable source, that the manufacture of armor plate is a monopoly which extends not only to this country, but includes all of Europe?

Mr. ELMER. No; I never heard that stated. In fact, I do not think I ever heard the matter discussed.

Senator SMITH. You never heard it discussed?

Mr. ELMER. No, sir.

Senator SMITH. You never heard that in Europe the armor-plate manufacturers have a combination, or, in other words, that they have an association of any kind or character whereby uniformity of prices is maintained?

Mr. ELMER. No; as I say, I have never heard that discussed.

Senator SMITH. You never heard the question discussed as to why on the second contract with the Russian Government our people got such a large advance in the price over the price of the original contract that they took?

Mr. ELMER. I do not know anything about that matter. I have never said a word to Carnegie officials about the Russian prices. I do not know a thing about it. I have carefully avoided any talk with the Carnegie people about prices.

Senator SMITH. You have not even heard anything of that kind intimated?

Mr. ELMER. I have not.

Senator CHANDLER. When Lieutenant Meigs was here last Saturday, at the request of the committee he described the plant of an armor-plate factory—the furnaces, the cranes, the hammer, the press, the harveyizing furnaces, and everything he could think of as constituting a plant which would be necessary to deal with a steel ingot taken from the steel works in order to make it into armor plate. Is there any difficulty, in your judgment, in looking at such a plant, taking measurements of it, and making an estimate as to what it would cost to reproduce it for the Government if the Government desired such a plant?

Mr. ELMER. I do not see why there should be any difficulty.

Senator CHANDLER. Could competent persons make such an estimate?

Mr. ELMER. You have the estimate of the Bureau of Ordnance, you know, Senator.

Senator TILLMAN. On that special line?

Mr. ELMER. Yes, sir.

Senator CHANDLER. As to the cost of the plant?

Mr. ELMER. Yes, sir.

Senator CHANDLER. I am not familiar with that.

Mr. ELMER. Captain Sampson made such an estimate.

Senator CHANDLER. In what detail is it?

Senator SMITH. We have it before the committee.

Senator CHANDLER. It is an estimate giving the gross amount.

Mr. ELMER. It gives a portion for press, a portion for the machine shop, a portion for the harveyizing furnaces, a portion for open-hearth furnaces.

Senator CHANDLER. There would be no difficulty in making such an estimate?

Mr. ELMER. No, sir.

Senator CHANDLER. Could you either alone or with other naval officers make a reasonably reliable estimate of what it would cost to put up an armor plant for the United States?

Mr. ELMER. I think it could be done. The great difficulty would be that those who know best are the ones who have put up the plants, and they might not choose to give the information. I think we could come close to it.

Senator CHANDLER. Can not you tell by looking? You can go into a machine shop, and, looking at a large lathe, from what you know of machinery as a line officer in the Navy, could you not make an estimate of what it would cost to reproduce that lathe?

Mr. ELMER. I could make an approximate estimate.

Senator CHANDLER. Could you not look at the steam press and the steam hammer and see what their physical parts are, and then make an estimate of what it would cost to reproduce them?

Mr. ELMER. The press was made by Whitworth in England. I do not think any of them have been made in this country. (To Mr. Rodgers:) I do not know whether your press was made in this country.

Mr. RODGERS. The big one was.

Senator TILLMAN. You can get the price of the hammer by writing to the factory?

Mr. ELMER. Yes, sir.

Mr. RODGERS. The big press was made at the works. They bought two from Whitworth.

Senator CHANDLER. You can look at the large castings and estimate what those cost, and you can look at the smaller parts of the machines and estimate what they would cost, and then you can make an estimate of what it would cost to put them up. Is not all that feasible?

Mr. ELMER. The estimate would be approximate. We could not make anything like an accurate estimate.

Senator CHANDLER. I understand that. Assume that Congress desired to provide for a Government plant: would there be any serious difficulty in having a board of naval officers make an investigation and submit a reasonably safe and judicious estimate of what the plant would cost the Government?

Mr. ELMER. I think none whatever.

Senator CHANDLER. Is there anything now secret or mysterious about the plant, so that the estimate could not be made?

Mr. ELMER. No, sir.

Senator CHANDLER. Have you ever participated in making an estimate of that kind?

Mr. ELMER. No, sir; nothing beyond the merest guessing.

Senator CHANDLER. You know of no estimate except that which was made by Commodore Sampson, Chief of the Bureau?

Mr. ELMER. No, sir.

Senator CHANDLER. You had nothing to do with making that estimate?

Mr. ELMER. No, sir; I had nothing to do with making it.

Senator CHANDLER. Do you know whether he made his estimate as the result of an inspection either of the Bethlehem plant or of the Carnegie plant?

Mr. ELMER. He is quite well acquainted with both.

Senator CHANDLER. Do you know whether he had any drawings or descriptions of the different parts of those plants in making the estimates?

Mr. ELMER. I do not.

Senator BACON. From the fact that you ship the specimen plate for the ballistic test, I will ask you whether you have any information as to the cost of transportation between the works and Indian Head?

Mr. ELMER. I can not give you the rate now, but the bills all pass through my hands and are certified to by me. I have all of that information, of course, at my office.

Senator BACON. You have no recollection, even approximately, of what the cost is?

Mr. ELMER. I do not remember.

Senator TILLMAN. I should like to ask you whether, in getting up an estimate, provided you were placed on a board of that kind, detailed for that duty, you would naturally desire to have the assistance, either voluntarily or at Government expense, of some large iron or steel manufacturer whose familiarity with all the details and technique and experience also in the expense of cupolas and furnaces and cranes and all that sort of thing would come in to supplement your guessing? Would not that be a necessary and valuable adjunct?

Mr. ELMER. It would be very valuable.

Senator TILLMAN. I suppose there are other steel plants in the country approximately as large as Carnegie's and that at Bethlehem.

Mr. ELMER. There are no armor-plate manufactories except at those places.

Senator TILLMAN. Those are the only two plants that have been especially equipped for this class of work?

Mr. ELMER. Yes, sir.

Senator TILLMAN. The question I am about to ask involves a pure guess, and you need not answer it if you do not want to. Have you any data, or could you give an idea or an estimate as to the additional expense—over and above what they were required to have in order to perform the work which they used to engage in before they made the Government contract—these people incurred in providing the extra large plant to handle the manufacture of armor?

Mr. ELMER. I do not know, sir.

Senator TILLMAN. You do not know; but can you not even give a guess? You guessed a little while ago that $250 a ton would be the ultimate cost of armor plate over and above the plant; and you felt safe in making that estimate, of course, or you would not have offered it. Now, can you give an estimate, in which you would feel safe, as to the extra cost to those people for what I have mentioned?

Mr. ELMER. I have heard it said that it cost them $4,000,000. I can not exactly see how, but then——

Senator TILLMAN. Do you believe it?

Mr. ELMER. No; I really do not; but then I do not know enough about it to express an opinion beyond what is the purest guess.

Senator TILLMAN. Not being engaged in that line of work and being there merely as an inspector, you may feel a delicacy in making such an estimate.

Mr. ELMER. I do not feel that such an estimate would be valuable.

Senator TILLMAN. You might miss it so far that those who are practically familiar with the expenses of such articles would feel some little disrespect for your judgment?

Mr. ELMER. Yes, sir.

Senator TILLMAN. Therefore I will not press the question at all.

Senator PERKINS. I understand the object of the committee in inquiring into this matter is to ascertain the practicability and the expediency of the Government erecting works for the manufacture of its own armor plate. It has suggested itself to me in this way. You state that armor can be manufactured for $250 per ton, in your opinion?

Mr. ELMER. That is the approximate cost.

Senator PERKINS. Yes. Is not that estimate based upon the fact that the Bethlehem works and the Carnegie works treat iron ore, make their own pig iron, make their own steel, and that the 60 per cent waste of the steel ingots can be used for rails and for fifty other purposes in the line of business in which they are engaged?

Mr. ELMER. They do not use the discard from the armor for steel rails.

Senator TILLMAN. They can not use nickel steel for steel rails.

Mr. ELMER. They only use it in melting up for armor plates.

Senator PERKINS. It is waste?

Mr. ELMER. No, sir; they keep on using it in making armor.

Senator PERKINS. The thought has suggested itself to me that your estimate, that we can make armor for $250 a ton, must be based upon the theory that the conditions will exist which apply as to those companies. Do you believe that if a plant belonging to the Government were established in Philadelphia, Baltimore, or Washington we could engage in this particular line alone and make armor plate for $250 a ton?

Senator CHANDLER. I suggest, Senator PERKINS, that you modify the question, so as to ask whether it could be done alongside of steel works.

Senator PERKINS. I will modify my question to that extent.

Mr. ELMER. The question which I answered was how much I thought it cost the Carnegies to make armor. For the Government to make it as cheaply as the Carnegies can make it would require the Government to work in the same way, to pay the same prices for labor, to work continuously, without extra price for overhours. With all those things included, I think the Government could make it for the same price.

Senator PERKINS. Did your estimate allow for any interest on the plant?

Mr. ELMER. None whatever. My idea was simply the cost of material and labor.

Senator TILLMAN. Have you any idea of the proportionate cost of labor and material? For instance, if a ton of armor plate costs $250, how much of it is labor?

Mr. ELMER. I could not divide it without very considerable work and calculation.

Senator TILLMAN. Could you, by observation specifically in that direction when you return, by keeping a little memorandum, analyze the cost? Could you give us an estimate?

Mr. ELMER. I might make an approximate estimate in that way of the comparative cost of labor and materials. Of course I do not know exactly what the Carnegie people pay for their labor.

Senator TILLMAN. It would not be just to you to undertake to bind you down to any specific or exact estimate, but exercising your best judgment and the knowledge you have obtained by your residence there and observation, could you not particularize as to the cost? For instance, you can begin on a Monday morning, or some day when they start, and take an account of the coal and the materials as they go along, what the materials are worth when the work starts, the amount of labor applied until the plate is completed, the residue or surplus or waste, and all that, and then give us an estimate of it, which would be a much more correct idea than you have now yourself, even.

Mr. ELMER. I think I could make an approximate estimate.

Senator TILLMAN. That is what I am speaking of.

Mr. ELMER. I think I could give the approximate percentage. It would not be practicable for me, with my facilities for obtaining knowledge, to get anything like an accurate estimate.

Senator CHANDLER. About how large, ordinarily, is the test plate that you send to Indian Head?

Mr. ELMER. It depends upon the character of the group. For instance, if it is a group of the battle-ship barbettes, the plate perhaps would be a 40-ton plate. If it is an 8-inch turret group, it would be one of those which would weigh perhaps 10 to 15 tons.

Senator CHANDLER. That represents about the average—from 15 to 40 tons?

Mr. ELMER. It is a representative plate of the group of armor.

Senator CHANDLER. A test plate is not supposed to go into a ship; it is not likely to go into a ship?

Mr. ELMER. No, sir; it can not go into a ship.

Senator CHANDLER. Is the expense of the test plate charged to the contractor or to the Government?

Mr. ELMER. If the plate passes successfully the Government pays for it, and if it fails the contractor loses it.

Senator TILLMAN. Does he lose the whole group?

Mr. ELMER. He has a second chance.

Senator CHANDLER. There is a question of a second chance, a retest. Can you tell me what is the commercial value of the large ingot which is taken to make the armor plate?

Mr. ELMER. I can tell you what simple steel is worth. Nickel steel is not on the market.

Senator CHANDLER. I understand.

Mr. ELMER. The nickel alloy contains 3¼ per cent of nickel. That alloy has no value commercially; that is, it is not marketable except for armor. Simple steel is worth about $17 a ton.

Senator CHANDLER. So, if we establish a Government armor factory convenient to steel works, we could get simple steel for about $17 a ton?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Can you give the committee an idea of what, under the same conditions, would be the cost of nickel-steel ingots, without regard to paying royalties on patents or anything of that kind? How much per ton, in your judgment, would be added to the cost of the ingot?

Mr. ELMER. The absolutely correct information can be got from the Bureau of Ordnance, Senator. I should have to guess. It is about $60 a ton additional. Perhaps Mr. Rodgers can correct me.

Senator CHANDLER. If Mr. Rodgers can give the information, he may do so hereafter. Would you risk an opinion?

Mr. ELMER. No, sir: I would rather not, because the accurate information can be obtained. I can get it from my own office.

Senator CHANDLER. It would be the additional cost of the nickel which goes in, and that is all?

Mr. ELMER. That is all.

Senator CHANDLER. How much nickel goes in per ton?

Mr. ELMER. I can give you the record I have in my pocket of some of the casts for armor plate.

Senator CHANDLER. Can you tell me how much pure nickel goes into a ton of armor plate?

Mr. ELMER. I think about 106 pounds of nickel oxide goes into a ton of armor plate. I think that is it.

Senator CHANDLER. That is 5 per cent?

Mr. ELMER. About 3¼ per cent nickel.

Senator CHANDLER. Three and one-quarter per cent?

Mr. ELMER. Yes, sir; that is what we require in the finished plate.

Senator CHANDLER. And the nickel goes into the whole mass of the ingot?

Mr. ELMER. Yes, sir; it is melted in the heat?

Senator CHANDLER. The nickel goes into the whole mass, while the harveyizing is of the surface?

Mr. ELMER. It is a process like machining.

Senator CHANDLER. In order to utilize a plate which has been rejected at Indian Head it would be necessary to send it back to the works?

Mr. ELMER. Yes, sir.

Senator CHANDLER. And cut it up?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Is it an expensive process to plane or cut up a rejected plate in order to make scrap steel of it?

Mr. ELMER. No, sir.

Senator CHANDLER. It can not be done at Indian Head?

Mr. ELMER. No, sir; it has to be done by their big press.

Senator CHANDLER. Disregarding the question of freight and the question of the cost of cutting up the plate, the nickel in a rejected plate is worth just as much as the nickel which originally went into the plate?

Mr. ELMER. It is worth as much as that amount of nickel originally. If you want to look at one of these charges, so as to see the character of the materials which go in, I will give it to you.

Senator CHANDLER. It would be well for you to give one of the charges.

Mr. ELMER. I have here a cast.

Senator PERKINS. It will be valuable information.

Mr. ELMER. It merely shows the elements that go into the heat.

Senator CHANDLER. Here is a big platform near the furnace, and around at different places are the various ingredients that make up the charge. Can you give one of those charges?

Mr. ELMER. This is the amount of material that went into the heat for one of the plates of the *Iowa's* barbette, and it will give you the proportion which they use. There were 85,000 pounds of pig iron: 176,500 pounds of nickel scrap (you see that is where the nickel scrap comes in, the discard); nickel oxide, 828 pounds—that is to make up for the deficiency in nickel which is not quite supplied by the nickel scrap: ferro-manganese, 2,935 pounds; ferro-silicon, 1,075 pounds; manganese ore, 3,855 pounds; coke, 450 pounds; limestone, 18,500 pounds. Those are the materials which went into the heat to make a plate which finally, in the end, weighed about 40 tons.

Senator TILLMAN. They go in first to make an ingot?

Mr. ELMER. Yes, sir; into the furnace.

Senator TILLMAN. And after the ingot comes out you shave off 60 per cent and take the residue, and that makes the 40-ton plate?

Mr. ELMER. Yes, sir.

Senator CHANDLER. The 176,500 pounds of nickel scrap is supposed to have in it 3¼ per cent of pure nickel.

Mr. ELMER. Yes, sir.

Senator CHANDLER. Where did the 176,500 pounds come from? Had it been melted previously?

Mr. ELMER. It was discarded from other ingots.

Senator CHANDLER. A portion of the 60 per cent that is cut off?

Mr. ELMER. Yes, sir.

Senator CHANDLER. So that the process is carried on by melting over and over again the rejected pieces?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Suppose that a Government armor-plate plant was located at any distance from steel works, would it be necessary to carry the nickel scrap back to the furnace in every case?

Mr. ELMER. Yes, sir.

Senator CHANDLER. So it would be very unprofitable for the Government to have armor-plate works except in close proximity to steel works?

Mr. ELMER. They should be in immediate proximity, for economy.

Senator CHANDLER. In order that this process of remelting can go on?

Mr. ELMER. Yes, sir. Your ingot should come directly to you from the flask.

Senator CHANDLER. Under heat?

Mr. ELMER. It can be heated afterwards. You have your heating furnace—annealing furnaces.

Senator TILLMAN. They take a hot ingot and proceed to manufacture the armor? They do not let it cool?

Mr. ELMER. They do not press it at the heat at which it comes, of course; it solidifies; but they take it under the press at a given temperature of several hundred degrees.

Senator TILLMAN. That is what I mean. Of course that process of working steel while it is still warm saves the expense of reheating. If the Government, for instance, were to take the shaved ingot after you have cut off the dross at the top, or that which is not of sufficient purity to be satisfactory, and it was cold, then the Government would have to warm the ingot in order to go to work to make the armor plate, and that would add to the cost?

Mr. ELMER. That is very commonly done. They put the ingot into what they call an annealing furnace, right by the press, and get it at the temperature they desire. Otherwise it would be difficult to get just the temperature that is wanted for shearing or pressing.

Senator TILLMAN. It is not essential that the ingot should be taken when it is hot? Frequently at Carnegie's they take an ingot when it is cold and then rewarm it.

Mr. ELMER. Yes, sir; it is not essential.

Senator TILLMAN. I would suggest that the committee ask you when you return, as throwing light on our work hereafter, to prepare and submit in writing an estimate such as I suggested a moment ago as to the proportionate cost of the labor, materials, etc., which would enter into the construction of such a plant.

Senator CHANDLER. I suggest that we defer doing that, and if we decide to ask for particular information of that sort we can communicate with Mr. Elmer hereafter. We can easily do that.

Senator TILLMAN. All right. I wanted to have Mr. Elmer make a statement about it.

Senator PERKINS. We will formulate it in a written communication, if we desire it.

STATEMENT OF LIEUT. COMMANDER JOHN A. RODGERS.

Senator CHANDLER. State your rank and present duty.

Mr. RODGERS. I am a lieutenant-commander, United States Navy, and am inspector of ordnance and steel at the Bethlehem Iron Works, South Bethlehem, Pa.

Senator CHANDLER. State, if you please, what Government work is now being done at South Bethlehem and the Government inspection force which is there employed

Mr. RODGERS. The force consists of myself and a writer at present.

Senator CHANDLER. Is there no other naval officer?

Mr. RODGERS. Not at present. There was one, but he has been detached.

Senator CHANDLER. What Government work is there done?

Mr. RODGERS. The Government work is the armor inspection and various items of gun work.

Senator CHANDLER. Generally, what work are the Bethlehem people doing for the Government outside of the manufacture of armor plates?

Mr. RODGERS. They are making small-arm gun barrels.

Senator CHANDLER. For the Army and Navy?

Mr. RODGERS. For the Navy. They are making the forgings only.

Senator CHANDLER. The forgings for small guns?

Mr. RODGERS. For ten thousand new guns, caliber .236. They are making forgings for 3-inch, 4-inch, 5-inch, and 13-inch guns and castings for gun carriages.

Senator CHANDLER. Under contract with the Navy Department?

Mr. RODGERS. Yes, sir; except the small-arm gun barrels.

Senator CHANDLER. Are they doing any work for the Army?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Of what general character?

Mr. RODGERS. They are making 100 guns, of various calibers, I understand, for the Army, from 8 to 12 inch—8, 10, and 12 inch. I have also the inspection under the steel board.

Senator CHANDLER. You do the inspecting in both of those branches?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Are they making any structural steel for naval vessels?

Mr. RODGERS. They are making engine forgings.

Senator CHANDLER. For what vessels?

Mr. RODGERS. They are making them for three gunboats and three torpedo boats.

Senator CHANDLER. For what contractors?

Mr. RODGERS. For the Herreshoffs, for Moran, for Nixon, and also for the Union Iron Works at San Francisco.

Senator CHANDLER. You inspect all that work for the Government?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Before it is furnished to the contractor?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. You have heard the statement of Commander Elmer as to the methods employed for inspecting armor plate at the Carnegie works?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Are the same methods substantially pursued at Bethlehem?

Mr. RODGERS. Pretty much. We have no rolling mill there for rolling light armor plates. They make all their armor under a press now.

Senator CHANDLER. They have at Bethlehem a large hammer and a hydraulic press?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. While at the Carnegie works they have only the press?

Mr. RODGERS. They roll some of their armor, I understand.

Senator CHANDLER. And they have a hydraulic press?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. To what extent in the making of the armor which the Bethlehem Company have furnished the United States has the hammer been used, and to what extent has the press been used?

Mr. RODGERS. I have never seen the hammer move since I have been there.

Senator CHANDLER. It was used only in the early part of the work?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. They do it all by hydraulic press?

Mr. RODGERS. Yes, sir. The hydraulic press is considerably beyond the capacity of the other part of the work, the carbonizing and machining.

Senator CHANDLER. There is no occasion to use the hammer?

Mr. RODGERS. There is no occasion, unless they mean to get out a larger amount of forgings than their tools will machine.

Senator CHANDLER. If you were to superintend in the erection of armor-plate works for the Government, should you want anything more than a press? Should you wish a hammer?

Mr. RODGERS. No, sir.

Senator CHANDLER. So that you consider works as complete which are supplied with a suitable hydraulic press?

Mr. RODGERS. I think it would probably be necessary to have a rolling mill for the lighter armor.

Senator CHANDLER. Would a hammer take the place of a rolling mill?

Mr. RODGERS. Oh, no, sir.

Senator CHANDLER. Do I understand that you would reject a hammer in either instance as needless?

Mr. RODGERS. Yes, sir. If there was any advantage in using the hammer, it has been lost since they have carbonized the plates.

Senator CHANDLER. Since they carbonize plates by the Harvey process, there is no need of the hammer?

Mr. RODGERS. No, sir. If there was any advantage in using a hammer, it has been taken away by the harveyizing process; that is, any advantage in the grain of the steel. There is some question about it.

Senator CHANDLER. And the proper method now, you think, is, after the harveyizing, to reforge under a hydraulic press?

Mr. RODGERS. You misunderstand me, Senator, I think. They do not reforge at Bethlehem.

Senator CHANDLER. Do they not reforge the armor plate?

Mr. RODGERS. They do not have what is called the double forging.

Senator CHANDLER. Is not reforging done under the Corey patents at the Bethlehem works?

Mr. RODGERS. No, sir.

Senator CHANDLER. The armor that is now being made at the Carnegie works is reforged under the Corey patent, is it not?

Mr. RODGERS. I have so understood.

Mr. ELMER. Yes, sir; it is.

Senator CHANDLER. That is not done at Bethlehem?

Mr. RODGERS. No, sir.

Senator CHANDLER. How near to completion is the present Bethlehem contract?

Mr. RODGERS. The contract for armor is practically complete, with the exception of the *Iowa's* turrets. They will be done probably in September.

Senator CHANDLER. How many tons remain to be completed?

Mr. RODGERS. I should say, roughly, 600 tons.

Senator CHANDLER. Are you aware of the fact that the specifications issued by the Department for armor plate for the two new ships, the *Kearsarge* and the *Kentucky*, require reforging after the harveyizing process?

Mr. RODGERS. No, sir: I am not aware of it.

Senator CHANDLER. You are not informed as to that matter?

Mr. RODGERS. No, sir.

Senator CHANDLER. If that were to be done, could it be done any better by a hammer than by a press, or by a press any better than by a hammer, the plate being reheated and again subjected to pressure?

Mr. RODGERS. I do not think there would be any advantage in doing it with a hammer.

Senator CHANDLER. Will you state whether or not the process of manufacture is, comparatively speaking, perfect now, so far as defects in the armor are concerned, as compared with the earlier work?

Mr. RODGERS. Yes, sir; it is.

Senator CHANDLER. Are there many spoiled plates?

Mr. RODGERS. Not if the plates are limited in size; but the tendency has been to increase the size of the plates, and therefore it keeps the art more in an experimental stage.

Senator CHANDLER. Can you give us any information about spoiled plates since you have been at Bethlehem? I refer to plates spoiled before they were delivered to the Government, so that they were not turned over to the Government.

Mr. RODGERS. When I went to Bethlehem there were a number of plates that were partially injured in the carbonizing furnace. They had to remachine them, and lost a good deal of time.

Senator CHANDLER. At what time did you go to Bethlehem?

Mr. RODGERS. I went there in March, a year ago.

Senator CHANDLER. How has it been since you have been there; have they lost any plates?

Mr. RODGERS. They have apparently overcome that defect in the Harvey process, but we have had another plate which was found to contain cavities. It was a very large plate for the *Iowa's* turrets.

Senator CHANDLER. Was it discarded?

Mr. RODGERS. It has not yet been discarded.

Senator CHANDLER. What is the expectation about it?

Mr. RODGERS. I do not know, sir.

Senator CHANDLER. What is the status of the plate so far as you are concerned?

Mr. RODGERS. It is rejected.

Senator CHANDLER. By you?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Has an appeal been made to the Department to accept it?

Mr. RODGERS. They wish to use it as a ballistic plate.

Senator CHANDLER. For test? How many tons does it weigh?

Mr. RODGERS. Roughly, 40 tons.

Senator CHANDLER. Believing it to be just as strong as if it did not have those defects, they propose it as a test for a certain lot of armor?

Mr. RODGERS. Yes, sir. They claim that it is a good plate ballistically; that this is an apparent defect.

Senator CHANDLER. Describe the apparent defect.

Mr. RODGERS. When the metal shrinks, it leaves a hole or pipe in the center. By putting a large head on the ingot this is carried up to the top. Commander Elmer told you that there was a large surplus of metal at the top. In this case the pipe seemed to drop down lower than usual and left a hole that I could run a wire into about 5¼ inches.

Senator CHANDLER. At the top of the flask?

Mr. ELMER. No, sir; on the top end of the plate.

Senator CHANDLER. After the plate was made?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. That arose from the fact that this portion of the plate had been at the top of the furnace during the heating?

Mr. RODGERS. No, sir.

Senator CHANDLER. How did it arise?

Mr. RODGERS. It came in the wrong place, unexpectedly. They were very much surprised to find it there.

Senator CHANDLER. Was there only one of those holes in the whole plate?

Mr. RODGERS. Originally, I suppose it was only one hole, but it had flattened out into a series of holes which, my recollection is, were about a foot long.

Senator CHANDLER. Take this as the plate [exhibiting]. Was there only one of those defects on the face of the plate?

Mr. RODGERS. It was not on the face of the plate. It was on the end of the plate after it was sawed off—a cross section.

Senator CHANDLER. Suppose this table to be the plate. You mean that it was in the end here [indicating]?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. And not on the face of the plate at all?

Mr. RODGERS. No, sir.

Senator CHANDLER. Was there only one place where you found defects?

Mr. RODGERS. There was a series of small holes.

Senator CHANDLER. But in the same general locality?

Mr. RODGERS. It evidently had come from one big defect, but the plate, being spread out, elongated the defect.

Senator CHANDLER. We understand that. Nowhere else around the plate was there any defect?

Mr. RODGERS. No, sir.

Senator CHANDLER. You do not regard that as a serious defect in the plate?

Mr. RODGERS. No, sir.

Senator CHANDLER. For purposes of usefulness?

Mr. RODGERS. I do not believe it hurts it much.

Senator CHANDLER. Does it affect the surface of the plate at all, apparently?

Mr. RODGERS. It does not affect the surface.

Senator CHANDLER. It is not visible on the plate?

Mr. RODGERS. The same plate was somewhat injured in carbonizing.

Senator CHANDLER. On the face?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Describe that defect.

Mr. RODGERS. There was a series of small pits where the metal in melting had run away from the face of the plate.

Senator CHANDLER. What portion of the plate was affected in that way; what percentage of the surface?

Mr. RODGERS. I suppose half of the plate was sort of smallpoxed.

Senator CHANDLER. And that, the Bethlehem people contend, indicates no weakness in the plate?

Mr. RODGERS. Yes, sir; I think it amounts to very little.

Senator CHANDLER. This plate, at a cost of $500 a ton—a 40-ton plate, was it?

Mr. RODGERS. Yes, sir.

Senator PERKINS. That would be $20,000?

Mr. RODGERS. It is at the rate of $575 a ton, being a turret plate, to which should be added the cost of the Harvey process. The rule is to select the worst plate of the group.

Senator CHANDLER. For a test?

Mr. ELMER. Yes, sir; for a test. This being an imperfect plate, I believe the Department had authority to reduce the price of it.

Senator CHANDLER. In round numbers, the value of that plate is about $25,000?

Mr. RODGERS. I should put it in that neighborhood.

Senator CHANDLER. And the Bethlehem Company are so confident of its strength that they propose it for a test plate?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Knowing that the test is to determine whether that group of plates is to be selected?

Mr. RODGERS. Yes, sir.

Senator **CHANDLER**. What is the size of the surface of that plate; how long and how wide do you think it is?

Mr. **RODGERS**. I think that plate is about 17½ feet long.

Senator **CHANDLER**. And about what is its width?

Mr. **RODGERS**. I have forgotten the width, but I think it is something like 9 feet.

Senator **CHANDLER**. In the vicinity of 9 by 17, and worth $25,000?

Mr. **RODGERS**. Yes, sir.

Senator **SMITH**. How long have you been at the Bethlehem Iron Works?

Mr. **RODGERS**. I went there last March. I have been there about a year.

Senator **SMITH**. Have you ever made an approximate estimate of what armor plate can be produced for?

Mr. **RODGERS**. I never made what you would call an estimate. I have made an attempt at it, but nothing in which I have felt any confidence.

Senator **SMITH**. What, in your opinion, from the facts you have gathered, does it cost the Bethlehem people to manufacture armor plates?

Mr. **RODGERS**. I never arrived at any sufficiently satisfactory conclusion in my own mind to make a statement about it.

Senator **SMITH**. Have you not some opinion as to the probable cost?

Mr. **RODGERS**. My opinion is not sufficiently well established in my own mind to fix the cost at any figure.

Senator **SMITH**. Not even to approximate it?

Mr. **RODGERS**. No, sir; there are so many things which enter into the consideration that there is nothing I would be willing to stand by in making a statement to that effect.

Senator **SMITH**. Give us the benefit of your judgment and your best opinion now as to what the cost is.

Mr. **RODGERS**. I could not set a figure that would be of any value. I do not think it would be of any value.

Senator **SMITH**. You have given it some consideration?

Mr. **RODGERS**. Yes, sir; some consideration. But in making such a statement I would have to have some value attached to it in my own mind before making an estimate.

Senator **TILLMAN**. You would not be willing to give a maximum estimate; in other words, giving yourself a large margin of safety?

Mr. **RODGERS**. I could give a maximum estimate, but it would be so large that I do not think it would be of any value. There is a very great difference in the cost of each article. There is a difference in the contract price, and there is a difference in the cost.

Senator **SMITH**. What do you mean by that statement? Explain just what you mean.

Mr. **RODGERS**. I mean as to each variety. For instance, making what they call a hollow armor forging—a conning tower, which is all one piece—is very different from making an armor plate. Then, again, the difference in size makes a very great difference in the cost. I should assume that where they were not making many plates of the same size it would make a difference.

Senator **TILLMAN**. Would a 40-ton plate cost more than a 15-ton plate relatively, per ton?

Mr. **RODGERS**. I think it would. I think they would rather make about 20-ton plates, probably.

Senator **SMITH**. You are not prepared, then, to give any approximate idea or opinion as to the cost of armor plates?

Mr. **RODGERS**. No, sir; I do not think I could. I could not give an estimate that would be of any value.

Senator **SMITH**. Can you now furnish the committee with any figures which would give an approximate estimate of the cost of the erection of a plant for the manufacture of armor plate?

Mr. **RODGERS**. No, sir; I can not, except what I have heard of the cost of the plant, which is merely hearsay.

Senator **SMITH**. What did you hear about it?

Mr. **RODGERS**. I have heard it stated at $3,500,000, and then again at nearly $4,000,000. That is including the plant and including what it cost them to get information. I understand from general talk that they paid a great deal to Creusot and Whitworth. That would have to come out of the estimate of nearly $4,000,000.

Senator **SMITH**. You neither know the approximate cost of producing armor plate, nor do you know the cost of armor-plate works such as they have now?

Mr. **RODGERS**. No, sir; I do not know the cost of the works.

Senator **BACON**. You were speaking of your inability to make an estimate as to the cost of armor plate. You know the cost (approximately speaking always, of course) of the steel before it is combined with the nickel?

Mr. **RODGERS**. I do not.

Senator **BACON**. You do not?

Mr. **RODGERS**. No, sir; because I am not in that. That is not a manufacturing center at all. I do not see any of it.

Senator **BACON**. Could you tell, approximately, whether the steel would cost $17 a ton, or whether it would cost $50 a ton?

Mr. **RODGERS**. Yes.

Senator **BACON**. Very well. I want to see if I can not assist you in coming to some reasonable approximation of the cost of armor. What do you say, approximately, is the commercial value of the steel which is used?

Mr. **RODGERS**. Do you mean the charge of the furnace?

Senator **BACON**. The steel that Commander Elmer testifies is worth $17 a ton. Is his estimate correct?

Mr. **ELMER**. That is plain steel.

Senator **BACON**. Plain steel.

Mr. **RODGERS**. I understood that that was commercial steel.

Senator **BACON**. Yes, sir; that is what I am talking about; the same steel he testifies as being worth $17 a ton—the plain steel. Is that about a correct estimate?

Mr. **RODGERS**. I expect it is, because he——

Senator **BACON**. Very well. Now, I am asking you to state approximately, not accurately, what does it cost approximately per ton to combine with that the 3¼ per cent of nickel?

Mr. **RODGERS**. Do I understand you to mean to make another ingot?

Senator **BACON**. I understand that these various materials are taken and combined. You make the nickel alloy, do you not, by combining the nickel and steel?

Mr. **RODGERS**. The way they do there is the same as Commander Elmer stated. There is so much scrap and so much of what they call wash metal that goes into the charge. The scrap they have from the——

Senator **BACON**. Now, Lieutenant-Commander, will you kindly answer the question I asked without going in another direction? Take it as an original process where there is no scrap.

Mr. **RODGERS**. Still, I do not understand the question, sir.

Senator **BACON**. Well.

Mr. **RODGERS**. As I understand it, the ordinary open-hearth steel costs $17 a ton; that is after it is melted.

Senator **BACON**. Very well, sir.

Mr. **RODGERS**. The ingot steel——

Senator **BACON**. Then what is next put into it?

Mr. **RODGERS**. There is not anything put into that.

Senator **BACON**. What I want to know is this: The material out of which the armor plate is finally fashioned is made up of certain ingredients?

Mr. **RODGERS**. Yes, sir.

Senator **BACON**. You know what each one of those ingredients is, do you not?

Mr. **RODGERS**. Well, yes, sir; in a general way.

Senator **BACON**. The basis of them all is the plain steel. Then, take the next ingredient; select it at your pleasure; what is it?

Mr. **RODGERS**. I suppose you mean nickel, then, from what you say.

Senator **BACON**. You know the various ingredients. I am merely asking you to take up each one of the ingredients and state what it costs. I am trying to see if I can not assist you in forming an approximate idea of the cost of one of the plates. If you know the ingredients, you can select them in the order you prefer in telling the committee as to each one. Plain steel is the first. Now, select the next one at pleasure.

Mr. **RODGERS**. The scrap is the first that goes into the open hearth.

Senator **BACON**. I do not want any scrap in this at all. I want it just as the original process stands, because the scrap has other ingredients in it.

Mr. **RODGERS**. I do not understand you, sir.

Senator **BACON**. Very well; I will not press it.

Senator **SMITH**. The steel costs $17 a ton, approximately. What does it cost to nickel that steel?

Mr. **RODGERS**. It does not cost the company anything, as I understand it. The nickel is supplied by the Government to the works, and is put in by the company, and it does not cost them anything. Practically they just throw it in the furnace.

Senator **SMITH**. Will you tell us, then, approximately? The cost is $250 a ton to manufacture it. What makes up the difference between $17 a ton and $250 a ton?

Mr. **RODGERS**. In making the armor?

Senator **SMITH**. Yes, sir.

Mr. **RODGERS**. Well, in making the ingot for the armor it is entirely different from the commercial way of making a small ingot. How much more it costs to make that ingot I do not know; but it costs something more, I presume. Then the armor has to go to the forge. It is forged. It will take two days to forge a good-sized plate, perhaps three days, varying a good deal in the way the plate works; but, generally speaking, a large plate will take two days. The plate is then annealed. It is then partially machined, carbonized, bent, finished, machined, water hardened, rectified, bolt holes made, fitted, and set up, so that by the time the ingot is manufactured there is a very considerable expense.

Senator **SMITH**. What would you think that expense would be?

Mr. **RODGERS**. The expense of which process, sir?

Senator **SMITH**. After the ingot is made up to the time it is ready to be harveyized.

Mr. **RODGERS**. I understand you to mean until ready to be shipped.

Senator **SMITH**. Yes, sir; of all characters.

Mr. **RODGERS**. It would vary from $100 to $200 a ton, I should think.

Senator **SMITH**. Would $150 a ton be about an average?

Mr. **RODGERS**. It might be, but I could not say definitely, because, as I said, it will vary. I can give you an instance, if you would like to hear it. I have seen very few of these plates manufactured from the commencement to the end. In the case of the *Puritan's* conning tower, however, they sent it to the forging shop June 6 and they cold-chipped it to July 24. Then they commenced to heat it.

Senator **PERKINS**. They put it in the annealing furnace?

Mr. **RODGERS**. Yes, sir; the heating furnace. They hot chipped it for 35 heats and forged for 6 heats. They ended the forging August 17. They commenced July 24 and finished August 17. If it had been a small ingot or under favorable circumstances, they might have done the whole thing in a week.

Senator **SMITH**. That is a very exceptional case, is it not?

Mr. **RODGERS**. Very, sir. Besides that, when I went there in March, there was an ingot in the lathe being bored, and it was rejected. Then they cast this other ingot and got it ready to send to the forge June 6. They were in a great hurry for it and they got it off, I think, early in January. Yes, sir; that is exceptional, and that is the reason why I think it is very difficult, unless you have books, to make a clear statement.

Senator **SMITH**. Of course exceptional things happen in every manufacturing business. At the same time the manufacturer must be able to get a general average as to the cost of any article that he produces.

Mr. **RODGERS**. Of course they must have the books?

Senator **SMITH**. Of course. I supposed that you, being there on the ground and looking at the different processes, could form some idea of the probable cost of manufacture, and come perhaps within 10 per cent of the cost.

Mr. **RODGERS**. I could not come anywhere near 10 per cent of it.

Senator **SMITH**. Could you come within 20 per cent?

Mr. **RODGERS**. I am very uncertain about that, because I have no guide to go by at all. I do not know the cost of the coal, and there are no other people around there to ask about it.

Senator **PERKINS**. I understand that Lieutenant-Commander Rodgers has stated that it is his specific duty to ascertain the physical and chemical properties of the plates and that is all that he knows and does for the Government. Is not that the case? As to the cost of manufacture you know nothing except by hearsay?

Mr. **RODGERS**. I have no knowledge about the cost of manufacture of the armor, hearsay or otherwise, except from estimates I have made of the cost of labor and material. These estimates were made from a slight amount of information received from sources outside of the Bethlehem Iron Company's works, from the records of my office, from personal observation, and guesswork. The estimates probably lack accuracy in nearly every essential feature, and I am unable to make up my mind as to the probable error; but assuming that my estimates are correct, I am of the opinion that the average cost of labor and material will not be more than $250 per ton of armor.

My duty is to see that the material is made according to contract and specifications. The obligation is upon the company to satisfy the inspector of the correctness of everything, and its accordance with the terms of the contract; but this does not include the question of cost.

Senator **PERKINS**. All you need to know is the condition and the results?

Mr. **RODGERS**. Yes, sir; at the same time I did endeavor to ascertain the price.

Senator **PERKINS**. But you look upon it as your specific line of duty to have the plates come up to the standard fixed by the Government?

Mr. **RODGERS**. Yes, sir.

Senator **SMITH**. I appreciate all of that, and I also appreciate the fact that we sometimes have very inquiring minds.

Senator **PERKINS**. If the lieutenant-commander has ascertained it, he does not want to tell us. That is very evident.

Senator **SMITH**. The lieutenant-commander has been there only a short time; they are large works, and it takes some time to familiarize one's self with them.

Mr. **RODGERS**. If I knew, of course I would tell you; but I would not like to make a specific statement, because, as I said, I did make an attempt, and tried it in different ways, and the figures came out differently.

Senator **PERKINS**. You did not state the weight of the *Puritan* conning tower.

Mr. **RODGERS**. Thirty-six and eight-tenths tons.

Senator **PERKINS**. One-third the circumference of the tower, the plate reaching one-third around?

Mr. **RODGERS**. The forging is what is called hollow-armored forging. There is no butt in it. It is just made from an ingot that is bored out and then enlarged on a mandrel.

Senator **BACON**. I wish to ask one question, to see if I understand you correctly. The Government, you say, furnishes the nickel?

Mr. **RODGERS**. Yes, sir; the Government furnishes the nickel.

Senator **BACON**. And no credit is made on the $500 per ton for the cost of the nickel? I will ask the question in another way, if you do not understand it. The Government has been paying $500 a ton for armor plate?

Mr. **RODGERS**. It pays more than that.

Senator **BACON**. It did pay $500 per ton, say. That is not credited with the cost of the nickel that enters into it and which was paid for by the Government?

Mr. **RODGERS**. I think not, sir.

Senator **BACON**. In other words, the cost of the nickel is additional?

Mr. **RODGERS**. I do not know; that does not come under my supervision, but I understand that Congress appropriated a certain sum, I think $2,000,000, for nickel.

Senator **SMITH**. For the purchase of nickel?

Mr. **RODGERS**. For the purchase of nickel; and that is not quite all used up yet.

Senator **PERKINS**. I will ask Commander Elmer if he does not understand that that is charged to the contractors?

Mr. **ELMER**. No, sir; it is supplied.

Mr. **RODGERS**. It is supplied to the works, and they put it in.

Senator **PERKINS**. It is an additional cost, then, to the contract price?

Mr. **RODGERS**. It makes an addition to the cost. I understand that the average cost is about $617 a ton.

Senator **BACON**. Where did you get the idea that it cost $617 a ton?

Mr. **RODGERS**. I got it from the Bureau. I did not make it up myself.

Senator **BACON**. Do you mean that you got it as definite information or just as an understanding on your part?

Mr. **RODGERS**. I understood that they had figured it up.

Senator **BACON**. And that was the cost, including the cost of the nickel?

Mr. **RODGERS**. That was what they considered to be the cost, including the cost of the nickel. That is the way I understood it. Harveyizing is a separate item, too.

Senator **BACON**. I understood that the harveyizing process was performed by the Carnegie works and the Bethlehem works, and that the cost of that process was included in the $500 a ton paid to them. Do you mean to say that the Government pays extra for that?

Mr. **ELMER**. The Government pays from 2¼ cents to 4¼ cents a pound for all plates harveyized.

Senator **BACON**. In addition to the $500 per ton?

Mr. **ELMER**. It is not $500. It is not a fixed sum. It varies according to the thickness of the plate. It pays in addition to the contract price 2¼ cents for anything thicker than 8 inches and 4¼ cents for less than 8 inches. That is specified in the contract. If you have a copy of the contract, it will show.

The committee, after spending some time in secret session, adjourned.

AMOUNTS PAID FOR ARMOR.

The following letter from the Secretary of the Navy was made a part of the record:

NAVY DEPARTMENT, *Washington, March 23, 1896.*

SIR: In reply to your letter of the 16th instant, requesting to be furnished with a statement of the amounts thus far paid to the Carnegie Steel Company and to the Bethlehem Iron Company for armor, with estimates of the balance which may have to be paid to fulfill existing contracts, I have the honor to report that the following are the amounts that have been paid the companies named during the period covered by your inquiry, viz:

Date.	Bethlehem Iron Company.	Carnegie Steel Company.	Date.	Bethlehem Iron Company.	Carnegie Steel Company.
1895.			1895		
June 30	$4,734,390.24	$4,144,475.03	Aug. 6	$12,401.15	
July 8	35,916.64		Aug. 6	1,094.88	
July 11		17,047.61	Aug. 16		$17,553.74
July 11		1,680.75	Aug. 16		1,671.75
July 13	6,395.21		Aug 16		18,324.55
July 13	52,716.29		Aug. 16		1,671.75
July 13	5,090.70		Aug. 16		84,986.85
July 13	17,104.73		Aug. 16		3,410.82
July 15		10,868.29	Aug. 19		5,152.39
July 26	71,862.25		Sept. 3	42,827.85	
July 26	6,192.21		Sept. 3	4,151.01	
July 30		2,757.48	Sept. 9	15,736.50	3,437.60
July 30		35,106.46	Sept. 9	1,525.23	450.76
July 30		3,430.03	Sept. 9	17,152.43	9,071.20
Aug. 6	10,901.07		Sept. 9	1,184.62	9,052.[illegible]

Date.	Bethlehem Iron Company.	Carnegie Steel Company.
1895.		
Sept. 10		$5,690.32
Sept. 10		851.34
Sept. 19		282,406.14
Sept. 18		9,541.08
Sept. 24	$15,751.05	
Sept. 21	1,528.93	
Sept. 23		16,115.96
Oct. 4		12,214.79
Oct. 4		1,180.57
Oct. 5	72,019.35	
Oct. 5	6,088.54	
Oct. 5	1,123.53	
Oct. 8	32,669.91	
Oct. 8	3,123.53	
Oct. 17	3,370.05	
Oct. 18	321.02	
Oct. 18	31.41	
Oct. 31	3,408.46	
Nov. 16	2,079.67	
Nov. 21	22,715.33	
Nov. 6	21,382.82	
Nov. 6	2,341.71	
Nov. 19	1,287.73	
Nov. 21	11,628.90	
Nov. 19	85,081.61	
Nov. 19	7,220.32	
Nov. 27	9,019.46	
Dec. 3	11,752.90	
Dec. 3		182.70
Dec. 3		8,128.15
Dec. 11	72,795.12	
Dec. 13	6,246.95	
Dec. 18	10,205.78	
Dec. 31	1,748.74	
1896.		
Jan. 4	21,764.45	
Jan. 4	12,781.19	
Jan. 4	1,065.21	
Jan. 4	7,250.97	
Jan. 11	19,435.14	
Jan. 11	1,981.84	
Jan. 11	7,328.07	
Jan. 11	2,424.89	
1896.		
Jan. 15	$25,087.20	
Jan. 18	53,710.03	
Jan. 18	4,707.80	
Jan. 18	7,293.97	
Jan. 18	13,914.28	
Jan. 18	1,219.62	
Jan. 20	1,483.68	
Jan. 20	15,324.47	
Jan. 20	1,343.22	
Jan. 20	22,407.22	
Jan. 28	15,855.95	
Jan. 28	1,531.87	
Feb. 6	7,315.54	
Feb. 11	1,097.93	
Feb. 11	19,445.95	
Feb. 11	17,105.40	
Feb. 11	1,657.91	
Feb. 15	21,867.29	$9,904.90
Feb. 17		1,891.76
Feb. 28	719.98	
Feb. 28	71,284.47	
Feb. 28	6,161.02	
Mar. 2	588.10	
Mar. 2	81.22	
Mar. 2	12,290.62	
Mar. 2	1,077.30	
Mar. 3		667.53
Mar. 3		331.42
Mar. 3		5,831.32
Mar. 3		880.55
Mar. 4		64,027.19
Mar. 4		5,914.60
Mar. 9	2,344.29	
Mar. 9	3,383.56	
Mar. 13		13,423.40
Mar. 13		1,141.70
Mar. 13		189,928.68
Mar. 13		16,648.54
Mar. 13		114,184.10
Mar. 13		10,108.56
Mar. 17		328.28
Total	5,857,165.55	5,072,424.04

The following amounts are still to be paid, viz:

For—	Bethlehem Iron Company.	Carnegie Steel Company.
12-inch turrets, Iowa	$308,505.58	
8-inch turrets, Iowa		$26,989.40
Side plates, Iowa		30,181.60
Casemate plates, Iowa		12,616.00
Ammunition tube, Brooklyn	11,400.00	
Amounts still to be paid on account of reservations under the several contracts	246,145.14	210,553.25
Total	566,050.72	281,090.25

The differences between the statement herein made of the amounts still to be paid to fulfill existing contracts and the statement previously furnished and quoted in your letter (after making allowances for payments made during the period between the dates of the two statements) is due to a necessary revision of the weights of armor embraced in the schedule printed on page 14 of the Report of the Bureau of Ordnance for the year 1895, and to the omission in the first instance of the reservations which had accumulated under the contracts of 1893 with these two companies.

Neither the statement of the amounts thus far paid nor the statement of the amounts still to be paid includes anything on account of the fund of 2 cents per pound, provided for in the fourth clause of the contract of November 20, 1890, with the Carnegie Steel Company for contesting the so-called nickel steel patents. The Department explained the status of this matter in its communication of January 23, 1896, addressed to the chairman of the Committee on Naval Affairs of the Senate. No payments have been made, nor does the Department at present anticipate making any under the provisions of the fourth clause of the contract in question. One voucher covering a portion of the amount involved was submitted to the accounting officers of the Treasury Department for settlement and was disallowed by the Comptroller.

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. W. E. CHANDLER,
United States Senate, Washington, D. C.

TUESDAY, *April 7, 1896.*

The committee met at 11 a. m., with Senator HALE as acting chairman.

William M. Folger, commander, United States Navy, appeared.

Senator HALE (acting chairman). Last Saturday was set as the day when Commander Folger should be heard, who desires to give his testimony on the subject of the resolution under which the investigation is proceeding, and we were going on with the hearing when I received a dispatch from Mr. CHANDLER stating that he could not be here on Saturday, and he wished to be present, of course, at the hearing, upon which the chairman made an arrangement that Commander Folger should come here to-day, and we would give the day to him. You are ready, Commander, to go on with your testimony?

STATEMENT OF COMMANDER WILLIAM M. FOLGER.

Mr. FOLGER. I saw the chairman, Senator CAMERON, the other day and asked permission to read, in the first place, a statement which contains in a form as condensed as I could put it the narrative of my connection with the harveyed plate development. If you please, I should like to read that statement. It is not very long.

Senator HALE. Very well. Does that paper state your present relation to the Department?

Mr. FOLGER. My present relation?

Senator HALE. You are at present on waiting orders?

Mr. FOLGER. I am on "waiting orders."

Senator HALE. At what time were you Chief of the Bureau of Ordnance?

Mr. FOLGER. From February, 1890, until January 1, 1893.

Senator HALE. Under Secretary Tracy?

Mr. FOLGER. Under Secretary Tracy the whole time.

Senator HALE. With this preliminary, you can go on and read your statement, and the examination will be taken up by members of the committee afterwards.

Mr. FOLGER. I beg to submit the following statement in regard to my connection with the development of the "Harvey armor plate:"

Ex-Secretary Tracy will tell you, if he is asked the question, that I described to him as a possibility and as an ideal armor—if it could be produced, although I did not know then how to do it—what is now known as the "harveyized plate." This was some time—perhaps a year—before the appearance of Mr. Harvey in Washington with his process.

Thus when, in the early part of 1889, Mr. Harvey presented himself to me at the Washington Navy-Yard with some specimens of tool steel, in which, as shown in a new fracture, carbon had apparently penetrated to a greater depth than is usual in the cementation process, I was interested at once, and asked, "Can you, in this manner, drive carbon into a larger mass of steel?" He replied he could do so, and I asked him to bring me a 3-inch cube of steel that had been treated by his process. He brought me a larger mass—perhaps a fragment 4 inches thick—and I then obtained from the Bureau of Ordnance (Captain Sicard was then Chief of Bureau) permission to have a small plate made some 3 feet square and 4 inches in thickness, which was sent to Mr. Harvey's establishment in Newark, N. J., and treated.

This small plate was tested ballistically by firing a 6-pounder projectile against it with sufficient force to nearly perforate a similar plate of steel which had not been treated. The projectile broke up on the face of the plate, making scarcely any penetration—perhaps one-eighth of an inch—leaving the plate quite unharmed. I felt that a new feature in armor had been reached, and reported the facts to the Bureau of Ordnance. It was quite close to the end of the tour of duty of the then incumbent in the Bureau of Ordnance, and the matter was allowed to drop until I became Chief of the Bureau in February, 1890, when I immediately took steps to thoroughly test the process. As there were no means of obtaining a plate of sufficient size in the United States at this time, an order was given to the agent of the Creusot works in France for a target plate 6 feet by 8 feet by 10½ inches, which in due time (several months were required) arrived in this country. In the meantime a small furnace for treating—supercarbonizing—this plate was erected in the Washington Navy-Yard. This furnace was erected under the supervision of Mr. Harvey, and the Creusot plate was supercarburized on one face under the direction of Mr. Harvey and subsequently chilled under his direction, and these operations resulted in the production of a plate of very remarkable properties, as fully appears in the official reports of the time.

It is probable at this time also—for I do not recollect the date, and it may have been after the plate was tested—that I recommended to Secretary Tracy that the Department request the Department of the Interior to give precedence to the consideration by the examiners of the Harvey patent upon a supercarbonized face-hardened armor plate. Since, in case the claim of invulnerability in the plate became justified by proper ballistic tests, the Government would probably make some arrangement with the inventor, I based my recommendation to the Secretary upon the expediency of having the soundness of the patent decided as soon as practicable. I will call the attention of the committee to the fact in the history of the plate patent that it was not allowed at first, and was sent up on appeal to a superior board of examiners. This is noted as evidence that the request by the Department that the patent be "expedited" was at least not effective in securing its issue. I am informed since my recent return from sea, by Mr. E. E. Quimby, the patent agent of the Harvey Steel Company, in New York, that the issue was in fact not expedited. He at first said that no request for giving precedence had been made, but upon inquiry in Washington he learned that Mr. Harvey had obtained and utilized such a request from the Navy Department

without his (Quimby's) knowledge. I do not think that the request from the head of a Department that the consideration of a patent claim be given precedence entails in the slightest degree the idea that the official making the request desires a favorable consideration. Such an idea never occurred to Secretary Tracy or myself in the case of the Harvey plate patent. (It will be understood, of course, that the process was already patented before Mr. Harvey came to me at the Washington Navy-Yard.)

If the subject of the expediting of the patent is not entirely clear to the committee, I request that Mr. E. E. Quimby, No. 59 Liberty street, New York, may be called as a witness.

After the successful test of the Schneider (Creusot) plate, the first contract was made with the Harvey Steel Company, by which the Government agreed to bear the expense of the experimental development of the plate, the company accepting as royalty the sum of one-half of 1 cent per pound of the finished plate until the sum of $75,000 was reached, specifying the armor of vessels then authorized by Congress; after which, for the armor of later vessels, a new contract was to be made. The Harvey Company undoubtedly hoped at this time—a fact which I recollect with great distinctness—that they would receive a larger price per pound in the second contract for later vessels, as the Government would then have completed the experimental development of the plate, and thus be at no such expense. No such promise was, however, made to the company.

It is to be noted here that, barring the cost of the experimental plates and recollecting that similar experimental plates would have had to be tested by firing against them had we taken any any other system or method of armor manufacture than that of the harveyed plate, the cost to the Government of developing the plate did not exceed $10,000 over and above what would have been the cost to the Government of experimenting with other plates. I speak from memory only, and the figures may be less than that amount, but not greater. I refer to the development, the building of a furnace, and special experimentation at the Washington yard.

The first contract was the only one with the Harvey Company with which I had to do as Chief of the naval Bureau of Ordnance.

THE SECOND CONTRACT.

The second contract is dated March, 1893, about three months after I left the Department and while I was on leave of absence. I had nothing to do with its inception or preparation beyond a limited discussion with the officials of the Navy Department while acting as a representative of the Harvey Steel Company. (The idea of abrogating the old contract and making a new one was, I think, suggested by the law officers of the Navy Department.)

In spite of the expectation of the Harvey Steel Company that a larger price would be paid by the second contract, the same figures were inserted—one-half of 1 cent per pound.

The contract was completed in Secretary Herbert's time, as the committee is doubtless aware.

EMPLOYMENT BY THE HARVEY STEEL COMPANY.

The Harvey Steel Company, as such, made but one offer to me to leave the Department and enter their employ as a technical expert. This was under the following circumstances:

On an occasion of my being in New York—as nearly as I can remember, some eighteen months before I left the Department—I was asked to meet the board of directors at their office. I went down town and the then president of the company, a Mr. Benjamin Clarke, asked me if I would consider a proposition to leave the Department and enter their employ.

I replied that I could not do such a thing at that time, as I had a great mass of unfinished work on hand, and that I could not even discuss the matter with them. If for any reason I left the Department (and I was several times near resigning my position, the task given me of building up all our manufacturing resources for naval war material being a very difficult one), I would then consider such a proposition from them. There was no mention of terms or of services rendered or to be rendered. The board thanked me for coming to see them, and I left the office, the interview having lasted perhaps fifteen minutes. (Mr. S. S. Palmer, at present president of the Harvey Steel Company, whom I have requested may be called as a witness, will corroborate this statement.) I saw Mr. Harvey frequently in Washington, as was to be expected, since measures to be taken in the experimental development of the plate were agreed upon after discussion with him. No person outside the Department, and the officials of the Bethlehem Iron Company in the later stages, ever assisted or was present during these discussions.

Mr. Harvey never made me any proposition or offer of any description of shares or other remuneration in contemplation of my joining them prior to my leaving the Department on January 1, 1893, nor did any other person in or out of the Harvey Steel Company ever make me any offer of terms of any description or amount, either shares or money, before the date of my leaving the Department. Mr. Harvey was not in a position, financially, to make such an offer, being entirely dependent upon the wealthier members of his company, resident in New York, in all company matters. He might have offered me some of his shares, it is true, but he did not do so, and no question or discussion of what remuneration I should receive in the event of my leaving the Department ever arose between us, or between myself and any other member of the Harvey Steel Company.

I make this explicit statement, as in an interview with a member of the committee prior to the introduction of the Senate resolution calling for this investigation the member referred to said I might be accused of having made such prior arrangement. Such accusations have likewise been intimated in the press and in the Davies trial.

The next proposition which I received from the Harvey Steel Company is contained in the letter from Mr. Harvey, now deceased, as follows (the original letter is at the service of the committee), dated, it will be observed, some weeks after I had resigned my position as chief of Bureau and after acceptance of my resignation had been published in perhaps half the newspapers in the country:

HARVEY STEEL COMPANY,
No. 52 Wall street, New York, December 28, 1892.

MY DEAR SIR: I am instructed by the board of directors of this company to invite you to accept the office of consulting engineer to our company on ordnance and armor plate, and such other matters as may come under our patents, whenever you are at liberty to so act.

We shall be happy to meet you then and arrange the terms with you.

Yours, very truly,

H. A. HARVEY,
President of the Harvey Steel Company.

Commander WM. M. FOLGER.

Senator HALE. Was that letter written in 1892?

Mr. FOLGER. December 28, 1892.

Senator CHANDLER. Three days before he left the Department.

Mr. FOLGER. This was after my resignation had been published far and wide and accepted, and I had received a letter from President Harrison in regard to my leaving. About the 8th of January, 1893, three members of the Harvey Steel Company and myself met in the Arlington Hotel, in Washington—I then being on leave of absence—and the formal offer was made to me to enter the employ of the Harvey Company as consulting engineer. Mr. S. S. Palmer will testify as to this. Later, I think in March, I was made general manager, and assumed executive charge of all the technical affairs of the company. The remuneration offered me was a salary of $5,000 per annum and 200 shares of stock. I received the shares in the following June. The shares were offered me as coming from the company, and were not given me by Mr. Harvey, as stated by Mr. Allen Smith in his testimony in the [illegible]. Until seeing this testimony I did not know, and do not know now, that these shares may have been contributed to the company by Mr. Harvey.

At the time they were offered me and at the time I left the employ of the company in June (not November) they had no selling value. They could not have brought any price at auction. Mr. Smith, who says in the Davies case their value was par, did not enter the employ of the company until some two months after my own entry, and he did not know their value. I refer to Mr. Smith's testimony in the Davies case. These shares did not really attain any selling value until after the Harvey plate was generally adopted in Europe, or perhaps two years subsequent to the date of my receiving them. At the time I entered the employ of this corporation it was $100,000 in debt, and immediately afterwards some of its moneyed men had to furnish funds to pay my salary and continue operations. I was fully aware of this fact at the time. In April, at my instance, all work in the shop in Newark was suspended to avoid expense until the result of the European tests and business operations would warrant a further outlay.

On June 1 money was scarce and I informed the company I intended to resign as consulting engineer and go to Europe, in order to consult a physician at Gastein, in Austria, a specialist for diseases consequent upon overwork. At this date the company was in a controversy with its European agent, and after a full discussion of the subject I was empowered to settle the matter with the European agent, and sailed, being paid my last month's salary in June (not November, as stated by Mr. Smith in his testimony in the Davies case).

I did not go to Europe to arrange contracts with foreign governments, as stated in the Senate resolution. I had absolutely nothing to do but to arrange the matter in controversy referred to. I did not see any foreign parties or persons or others besides the agent mentioned while in Europe, and I remained with him but ten days in London, two days in Paris, and then went to Austria. I sent one cable message to the company from London, arranging the subject in controversy, and this I supplemented by the usual written report. No Harvey business whatever was transacted by me in Paris. I will state that my suggestions from London as to a settlement with the European agent are considered to have been of great value to the company and to have smoothed the way to the subsequent successful conclusion which has been reached. (The whole of this will be substantiated by Mr. S. S. Palmer, whom I have requested may be called as a witness.)

In October of 1893—the same year—I returned from Europe and applied to the Navy Department for service at sea, which in January, 1894, was approved in my orders to the Bering Sea fleet.

Upon my return in December last I was met by the news of the publication in a New York paper of the attack upon my reputation as a development of the Davies case. I came to Washington and personally asked the Secretary of the Navy for an investigation of the matter. He informed me that such action was not called for, and intimated that in his opinion the newspaper attack was unworthy of notice. I then considered it proper in me to call upon a member of the House of Representatives and one of the Senate, to inform them that I had done all I could at this time to rehabilitate my character. I purposely selected gentlemen who had been friendly to me in the past and whom I felt would be interested in my affairs. The member of the House expressed a cordial sympathy. The member of the Senate informed me that he intended to introduce the resolution under which this investigation is being made. To this I replied that I believed the armor-contracts feature would develop nothing but credit for Secretary Tracy's administration, and as for myself I was quite prepared to be questioned.

THE DAVIES CASE.

Soon after my return from Europe, in October, 1893, while in Boston, I received the following letter from the Harvey Steel Company:

> THE HARVEY STEEL COMPANY, *New York, October 6, 1893.*
>
> MY DEAR SIR: Mr. James R. Davies has put in a claim against this company for services in securing the adoption of the Harvey process by the United States Navy Department. He stated to me in conversation that he first introduced Mr. Harvey to you when you were Chief of the Bureau of Ordnance. Will you kindly write me in full your recollection of these matters, and what services, if any, Mr. Davies rendered which would entitle him to remuneration from this company in the above-named connection?
>
> Very truly, yours,
>
> WM. ALLEN SMITH, *Secretary.*
>
> Commander WM. M. FOLGER,
> *Algonquin Club, Boston.*

To which I replied:

> BOSTON, *October 7, 1893.*
>
> DEAR SIR: I received your favor of October 6, informing me that Mr. J. R. Davies has made claim against the Harvey Steel Company, since the death of Mr. H. A. Harvey, for $10,000, for alleged services to Mr. H. A. Harvey in promoting at the United States Navy Department the adoption of the Harvey process as applied to armor plating for ships of war. You further state that Mr. Davies informed you in conversation that he first introduced Mr. Harvey to me as Chief of the Bureau Naval Ordnance.
>
> In reply to the above, I beg to state that I first knew Mr. H. A. Harvey, the inventor of the "Harvey process," while on duty as inspector of ordnance at the navy-yard, Washington, D. C., more than one year before I was appointed Chief of the Bureau of Ordnance; that Mr. Harvey presented himself, as I recollect, quite unaccompanied by any person whatsoever; that he offered for sale to the Government, or its representative in charge of the machine shops, some samples of tool steel treated by his then new process; that in conversation on this subject and method of treating steel I asked him if it (the process) could be applied with success to large masses, etc., having reference to armor plates. From this conversation alone, and without any person's influence or promotion, grew the application of the Harvey process to armor plating.
>
> I did not make Mr. Davies's acquaintance until after I became Chief of Ordnance, and then in no manner connected with the Harvey process. I only recollect Mr. Davies in connection with an extraordinary remark he once made to me as to his intimacy with Gen. B. F. Tracy, then Secretary of the Navy. I do not think I saw Mr. Davies three times during the development of the Harvey plate, a period extending over four years. I never had any conversation with him in regard to Harvey armor, and I alone was charged with this development.
>
> Mr. Harvey once asked me if it would facilitate matters if he had an agent in Washington to urge the sale of tool steel, and mentioned Mr. Davies's name. I replied—and your letter recalls this circumstance, which I had forgotten—that such an agent would be a disadvantage to him, as I preferred to talk with the principals on technical matters.
>
> In conclusion, therefore, I beg to assure you that Mr. J. B. Davies rendered Mr. Harvey no assistance in Washington in any matter where the Bureau of Ordnance of the Navy Department was concerned.

I request the committee to consider my letter to the Harvey Steel Company, in regard to its indicating a total ignorance on my part of any relation or connection between Messrs. Harvey and Davies, and that this ignorance is evidence that Mr. Harvey and myself were not on particularly intimate terms. This statement is made as a correspondence between Harvey and Davies, and was developed in the Davies trial, of which everybody in the Harvey Steel Company apparently was in profound ignorance.

THE MEASURES TAKEN TO ASCERTAIN WHETHER THE PROPOSED ARMOR-PLATE PATENT WAS VALID.

Secretary Tracy and myself had much discussion on this subject before he consented to apply for precedence in examination by the Interior Department. It will be remembered as very important to me that the process patent, in regard to which I understand reference is principally made by the committee in its resolution, was granted in January, 1888, more than a year before Mr. Harvey presented himself to me at the Washington Navy-Yard. We thus did not have this feature to contend with specifically. The armor-plate patent is quite another matter. This, I admit, is not the place to present an argument on the validity of the instrument, particularly as the matter is now before the courts. I may, however, remark, very briefly, what principally influenced Secretary Tracy and myself in the matter of the request to expedite.

The armor-plate claims go far beyond the simple process feature of the patent of January, 1888. A new object is produced, in the manufacture of which there are a number of operations in novel combination. There is the carburizing feature under conditions not before utilized, producing an effect in depth of penetration of the carbon not before attained. A special furnace is demanded for this treatment under specifically described conditions of temperature not previously employed—the plate is chilled by cooling fluid in a manner and with apparatus specially described and enumerated. The result is an object not previously known or heard of, except as an ideal to be hoped for.

The plate differs principally from all of those which preceded it in a particular which I believe has not been observed thus far, but which had great weight with Secretary Tracy and myself. Heretofore all metal armor, in cooling after forging, acquired a uniform molecular crystalline structure which facilitates fracture—cracking—as the result of the impact of a projectile. Thus ice which is clear and transparent has a uniform crystalline molecular structure; a slight blow with a pointed instrument will develop the favoring lines of cleavage. But let clear ice be snowed upon and then the snow be melted, and then the whole subsequently frozen, and you have an ununiform crystalline structure and the blows of a sledge hammer will not induce fracture.

Now, this is the case with the Harvey plate and with no other armor plate. The vibratory shock at impact, which induces fracture, is interrupted at each infinitesimally thin plane parallel to the surface of the plate. Its energy is absorbed in heat, which is even visible in the great flash of white light when the plate is struck; the projectile, abruptly arrested in its course, crushes its own point and goes into minute fragments, thus annihilating its own energy and leaving the plate intact.

No other armor plate presents such effects at impact.

We thus felt that the Department was in possession of as much knowledge as the Patent Office examiners regarding the history of armor. We believed the plate to be novel, and we therefore asked that the patent be given precedence that a legal contract with the owners might be consummated.

The saving to the United States through the adoption of the Harvey process is worthy the interest of the committee. The thickness of the armor has been universally reduced in all ships.

The saving in weight of armor through the changes thus rendered practicable in, for example, the designs of the battle ship *Iowa*, a larger ship than the *Indiana*, and carrying with this the protection of nearly 400 square feet more area, is about 650 tons. At $550 a ton, the average price paid, there is a saving of $350,000, a greater sum than will ever be paid to the Harvey Steel Company by the United States Government. I do not need to enumerate the consequent advantages in coal endurance, engine power, and a hundred other features.

There is another statement in regard to this saving prepared by Professor Alger, of the Bureau of Ordnance. It was prepared for Secretary Tracy. I do not know whether he used it or not. I will ask permission to read it. I asked him to make a comparison of the *Iowa* and *Indiana*. The *Iowa* was the first ship to which we applied the Harvey process, the first in which we noted the marked saving to the Government due to the Harvey process.

> It would be difficult to compare the *Iowa* and the *Indiana* on the basis suggested, owing to the fact that the former vessel is about 1,000 tons greater displacement than the latter and has a greater protected area.
>
> A true comparison, however, may be obtained in the following manner:
>
> The ballistic resistance of a harveyed armor plate is at least as great as that of a nickel-steel plate of 20 per cent greater thickness, and we know by actual tests that for any given protection we can save at least 20 per cent of armor weight by the use of the Harvey process.

I should like to say here that this 20 per cent estimate that Mr. Alger has made is the allowance which the Bureau of Ordnance makes in order to augment the severity of the ballistic tests. The contractors would not admit any greater estimate than that to be made. In their interest they felt that they should not do so; but a celebrated English expert has stated recently that the increase of invulnerability, or the increase of resistance due to surface hardening, is greater than 20 per cent, and has reached 50 per cent. Thus, this is a very small estimate, in my opinion and in the opinion of the present Chief of the Bureau of Ordnance. Now I will proceed with Professor Alger's statement.

> The *Indiana* class having been designed to carry 2,679 tons of nickel-steel armor, the introduction of the Harvey process would have allowed giving them at least equal protection on a weight of 2,143 tons. The cost of the 2,679 tons of nickel-steel armor would have been $1,578,922, while the cost of 2,143 tons of harveyed armor, including royalty and every other expense, would have been $1,395,053, and the resulting saving would have been $183,869 on the armor alone.
>
> But in reducing armor weights by 536 tons we can also reduce hull weights, still retaining all the offensive and defensive qualities, speed, coal endurance, etc., unchanged. This saving of hull weights would be at least 300 tons, costing about $140,000.
>
> Consequently the introduction of the Harvey process enables us to save $323,869 on a single ship of the *Indiana* class.

That is Mr. Alger's comparison. I have only one more paragraph of my own statement to read.

It is not for me to more than refer to the magnitude of the task of creating a revolution in the method and principle of the manufacture of armor plate against the united technical arguments and unlimited capital of the steel and armor firms of the world. No one believed there was anything in Mr. Harvey's process. No person at Carnegie's or at Bethlehem would listen to it. It was opposed from the start. It has been fought by every armor firm in Europe, and the merit of the invention was decided on technical grounds and settled by the gun alone. I could bring you many witnesses who would tell you that I have done this thing, carrying this struggling inventor along with me and guarding the interests of the United States at the same time, as the terms of the contracts must convince you. I feel that at least I have not earned the censure of the United States.

That ends my statement, in so far as it was prepared by me before coming here.

Senator HALE. I did not get the dates exactly as you went along. You left the Department in January, 1893?

Mr. FOLGER. January 1, 1893.

Senator HALE. The letter from Mr. Harvey was written a few days before, in December?

Mr. FOLGER. Yes, sir; it was written three days before, in December.

Senator HALE. You left on leave?

Mr. FOLGER. I was granted two years' leave of absence. I remained on leave of absence something like eight months, and then gave up my leave of absence and applied to go to sea. [Exhibiting.] Here is the original letter of Mr. Harvey.

Senator HALE. When did you, then, enter into the employment of the Harvey Steel Company?

Mr. FOLGER. January 1. It dated back, although I did not make the arrangement until some ten days after I left.

Senator HALE. Was it a year from the following June that your service in this company expired?

Mr. FOLGER. The following June only.

Senator HALE. How long, then, were you in this employment?

Mr. FOLGER. Five months.

Senator HALE. How long did you receive a salary?

Mr. FOLGER. Five months.

Senator HALE. Where were you engaged then?

Mr. FOLGER. I was engaged entirely in the United States.

Senator HALE. That was before you went abroad?

Mr. FOLGER. Yes, sir.

Senator HALE. Some allusion has been made to the fact that before you technically left the Department you had determined to leave it, and that that was known. Will you not bring out what the facts were in relation to that point more fully than you have done?

Mr. FOLGER. As a matter of fact, it was generally believed that I left on account of the financial benefits from the Harvey Company. That is not true. I left and joined myself with the Harvey Company because I was certain that this plate would become a great feature in armor. I wished to remain connected with it. I knew that my professional reputation would gain and increase through any connection I might have with harveyed armor plate.

As a matter of fact, however, there were two motives for my leaving the Department. In the first place, I was completely run down. I had a great deal of work to do, as you may perhaps remember; perhaps more than you know about. I do not like to speak of my services, but I believe it is generally admitted that I am somewhat prominently connected with the development of the ordnance-producing resources in the United States. In 1892 I was quite run down with overwork.

Then, again, you may recollect that in the summer of 1892 a New York paper began an attack upon me in regard to my having insisted on having the turrets of our battle ships upright instead of inclined. I was criticised by this New York paper in such a manner as made me determined to leave the Department. I received the news of this criticism in Montreal when on leave of absence in the summer of 1892, and I determined to then quit ordnance duty if the Department did not defend me against such attacks. The Department did not pay any attention to the matter, and I resigned my appointment as Chief of Ordnance.

That consideration, the desire to connect myself with this invention for the sake of my reputation (for at that time the Harvey Company had no money, and its stock was not worth anything), and the condition of my health induced me to leave the Bureau of Ordnance.

Senator HALE. Had you determined to resign your position as Chief of the Bureau of Ordnance at any time before you did so resign; and if so, about what time, and was it known and discussed in the Department?

Mr. FOLGER. Oh, yes; it was known that I intended to resign. I told Secretary Tracy that I intended to resign fully a month before. I myself intended to resign about the first of the year, and three months before the end of the year I had that intention, but it was not generally known.

Senator HALE. Under your conditions would you have resigned, looking back now in your mind, if there had been nothing whatever to do with the Harvey patents—if that consideration had not existed?

Mr. FOLGER. I was so worn out that I would have been obliged to resign, or I should have been seriously ill. I could not have gone on with such a volume of work, Harvey plate or not.

Senator HALE. So you do not think now, looking back, that that was what controlled you?

Mr. FOLGER. I do not think so. I will recall to you that I quit the Harvey Company after five months, having a leave of absence of two years.

Senator HALE. You have been in the employment of the company since?

Mr. FOLGER. No, sir.

Senator HALE. You have received your regular salary since the five months?

Mr. FOLGER. I have received no salary from the Harvey Steel Company since I resigned in June, 1893.

Senator HALE. Except compensation for the work which you effected in England in reconciling matters with the agent.

Mr. FOLGER. No; nothing but the salary the last month. The salary was paid for June, and I received nothing after that. At that time I quit definitely.

Senator HALE. You paid your own bills abroad?

Mr. FOLGER. I paid my own bills abroad. They paid my expenses to go over there. After that I paid my own bills.

Senator HALE. They paid nothing more?

Mr. FOLGER. Nothing more.

Senator HALE. You have received nothing since?

Mr. FOLGER. I have received nothing since.

Senator HALE. Looking back over this record, Commander Folger, do you now see and recognize any mistake that you made, or do you think that in your present light you should have taken any other course?

Mr. FOLGER. With my present light and the notoriety of the thing, I believe I should not have gone into the Harvey matter. I do not, however, consider I did any wrong.

Senator BACON. I did not hear the Commander's response to the first part of the question.

Senator HALE. He said beyond the notoriety——

Mr. FOLGER. And newspaper comment, etc., I should not do it again with my present light. At the same time, I do not think I have done anything wrong, as I made no arrangement and received no remuneration prior to leaving duty.

Senator HALE. Was any act of yours in this connection while in the Department in any way controlled or influenced by any consideration in relation to the Harvey patent and any possible connection which you might have with it?

Mr. FOLGER. I think not, the terms that were made for the Harvey plate being about one-fourth what any other country pays for it. The fact that I had perhaps more to do with arranging those terms than anyone else, except the Secretary of the Navy, bears out my statement. The company itself thought it was very badly treated.

Senator HALE. Were you influenced in any official act which you did by any consideration that you might enter the employment of the company?

Mr. FOLGER. On the contrary, I think I was rather more severe, if anything, as to the terms.

Senator HALE. You think from the fact that it had been mentioned to you and you had rejected the offer you were more severe in your terms?

Mr. FOLGER. I think that I guarded my reputation in the terms, and that if anything I was more severe with them.

Senator HALE. I do not know that I have any further questions to ask Commander Folger.

Senator MCMILLAN. Was it not and is it not customary in the Navy for officers to obtain leave of absence and to take employment from companies outside?

Mr. FOLGER. Very generally so.

Senator MCMILLAN. And so it is in the Army.

Mr. FOLGER. So it has been in the Army.

Senator MCMILLAN. I have known several cases of that kind.

Mr. FOLGER. They are so employed very often.

Senator MCMILLAN. So there could be no impropriety on your part in making the arrangement after you had obtained your leave of absence?

Mr. FOLGER. I did not dream at the time of any impropriety. It used to be encouraged rather than otherwise.

Senator MCMILLAN. After the five months you left of your own accord?

Mr. FOLGER. I left of my own accord. I surprised the company by leaving them, I may say.

Senator MCMILLAN. What was your reason for leaving them?

Mr. FOLGER. Principally because they were not in a satisfactory financial condition.

Senator MCMILLAN. And you were poor?

Mr. FOLGER. I do not understand. I was tired out, and I went immediately to Gastein, in Austria, and remained under the care of a physician until I returned home. I had believed that leaving the Department and taking up a single subject, I could remain active. It had been the multiplicity of affairs in the Navy Department which had broken me down. I had suffered from insomnia in 1886, and I was therefore susceptible to it.

Senator CHANDLER. What have been the dividends on Harvey Company stock?

Mr. FOLGER. In this country they have paid three dividends, one of which, of 20 per cent, was paid immediately after the United States payment. There have been paid since then two annual dividends of 5 per cent each.

Senator CHANDLER. Making 30 per cent in all?

Mr. FOLGER. Thirty per cent in three years.

Senator CHANDLER. Have any dividends been paid from the receipts abroad?

Mr. FOLGER. The last two have been entirely paid from that source.

Senator CHANDLER. The two 5 per cent dividends?

Mr. FOLGER. Yes.

Senator CHANDLER. That is all the money you have received except the six months' salary and the 200 shares of stock?

Mr. FOLGER. Five months' salary.

Senator CHANDLER. Five months' salary and 30 per cent dividends on stock.

Mr. FOLGER. That is all.

Senator CHANDLER. What is the market value of the stock now?

Mr. FOLGER. It is not quoted on the market. It has not been offered for sale. I have heard of a few shares being transferred in New York at par.

Senator CHANDLER. You continue to hold your shares?

Mr. FOLGER. I do.

Senator CHANDLER. Do you hold any more?

Mr. FOLGER. No, sir.

Senator HALE. Are they hundred-dollar shares?

Mr. FOLGER. Yes, sir; hundred-dollar shares.

Senator CHANDLER. Has four-fifths of the stock of the company been purchased by foreign armor manufacturers?

Mr. FOLGER. Of the American company?

Senator CHANDLER. Yes.

Mr. FOLGER. No, sir.

Senator CHANDLER. Who holds the stock of the American company?

Mr. FOLGER. So far as I know, with the exception of a very small amount, it is owned by the same people or their heirs who owned it when I joined the company in 1893.

Senator CHANDLER. You spoke of the foreign company; is there a separate foreign company abroad?

Mr. FOLGER. There is an English Harvey Company and there is a Harvey Company on the Continent.

Senator CHANDLER. Do you own any stock in either of those companies?

Mr. FOLGER. No, sir.

Senator CHANDLER. Who organized those companies and who owns the stock therein?

Mr. FOLGER. The work was done entirely by the agent of whom I have spoken, a Mr. Fox.

Senator CHANDLER. Who owns and controls the stock in those two foreign companies?

Mr. FOLGER. It is controlled entirely, so far as concerns the English company, I believe, by the armor manufacturers in England. There is a certain amount of stock owned by the American company.

Senator CHANDLER. So that the American company by its contract with the English company receives a certain portion of the profits made abroad?

Mr. FOLGER. Yes, sir.

Senator HALE. I suppose this is what is called the parent company?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. I suppose so. Is there also a continental company?

Mr. FOLGER. Yes, sir; also organized by this agent, and the principal owners of it apparently are the armor manufacturers on the Continent.

Senator CHANDLER. So you do know that the foreign companies which are receiving the royalty for the Harvey patent abroad are controlled by the armor manufacturers abroad?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And the Harvey Company here receives a certain portion of their profits?

Mr. FOLGER. Owning a certain amount of stock in each of them.

Senator CHANDLER. Being the dividends on the stock which the parent company, to use Senator HALE'S expression, own in the foreign companies?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. From what sources are the receipts of the foreign companies derived: purely from royalties?

Mr. FOLGER. Purely from royalties, I believe.

Senator CHANDLER. You say you helped to arrange the prices that should be paid by foreign governments to the foreign companies for the use of this patent?

Mr. FOLGER. Mr. Harvey and I had a conversation when I entered the Harvey Company, in which I remarked, "I will enter your concern if foreign governments are charged more for their armor than is the United States." Beyond that I did not influence the price except in general consultation in New York after I entered the employ of the company.

Senator CHANDLER. You insisted, in fact, that the foreign price for the royalty should be larger than the home price?

Mr. FOLGER. I did.

Senator CHANDLER. And the royalty was arranged at how much a pound?

Mr. FOLGER. £8, I think it is, abroad.

Senator CHANDLER. £8 a ton?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. About 2 cents a pound?

Mr. FOLGER. About 2 cents a pound?

Senator CHANDLER. About four times what is paid here?

Mr. FOLGER. About four times what the royalty is in the United States.

Senator HALE. Has the Harvey process been generally adopted?

Mr. FOLGER. It has been adopted everywhere.

Senator CHANDLER. When did you know of the letter of December 28, 1892, asking you to become——

Mr. FOLGER. It is dated December 28, and I received it within the time it takes the mail to bring a letter here, the 29th of December, perhaps.

Senator HALE. Is this the original letter?

Mr. FOLGER. Yes, sir; it is the original letter from Mr. Harvey.

Senator CHANDLER. Was that letter written in pursuance of a previous understanding with you that you should be employed?

Mr. FOLGER. It was probably written after Mr. Harvey had said something to me with regard to my leaving. I said, "Then you can write me a letter making a proposition to me."

Senator CHANDLER. How long before December 28, 1892, did you have this conversation with him?

Mr. FOLGER. I do not know positively that I had such a conversation. From there being such a letter, I should say it was probably written after there was such a conversation.

Senator CHANDLER. You have stated the first talk which they had with you about employing you, which suggestion you rejected, as being about eighteen months prior to the 1st day of January, 1893, when you actually left the Department.

Mr. FOLGER. I should so imagine, because all the then heads of the concern, Mr. Percy Pyne, Mr. Clark, Mr. Sturges, and Mr. Harvey, who are now dead, were living. I remember I had such a meeting. I do not remember when it was. I stated it at about eighteen months prior.

Senator CHANDLER. From that time down to the 28th day of December, 1892, state all that took place between you and any representative of the company in reference to your employment after you should leave the Bureau.

Mr. FOLGER. There was probably a frequent request by Mr. Harvey for me to leave, but there was no talk on my part or promise on my part to enter their employ; and apart from my disinclination to discuss the subject, I knew that Mr. Harvey was not in a position to make any arrangement.

Senator CHANDLER. Was he continually talking to you about it?

Mr. FOLGER. Yes; I think it is probable that he asked me to leave many times.

Senator CHANDLER. And although he was in no condition to make any contract with you, the letter which he finally sent you on the 28th of December was signed by him?

Mr. FOLGER. Yes; as president of the company. He was president of the company.

Senator CHANDLER. The arrangement you made was for $5,000 a year salary and $20,000 of stock?

Mr. FOLGER. Yes, sir; and no other terms were ever mentioned before I left the Department.

Senator CHANDLER. You have spoken about the controversy that the newspapers made with you in the summer of 1892?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. There were attacks in the New York Herald?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. The attacks were made on account of some recommendations of yours about the turrets?

Mr. FOLGER. It was in regard to the turrets. Not having room properly to maneuver the guns, and foreseeing trouble ahead with

increased velocities, and the Bureau of Construction not permitting me at that time to make the barbette diameter any larger, I insisted on the turrets being upright instead of inclined. Had I yielded to the recommendation of the Bureau of Construction, we could not now safely fire our guns.

Senator CHANDLER. That controversy arose in the newspapers how early?

Mr. FOLGER. The first article that I recollect seeing was in August or September, 1892.

Senator CHANDLER. You say you had made up your mind that on account of the bitter attacks which were made upon you in that connection you would leave the Department?

Mr. FOLGER. If the Department did not defend me against such attacks.

Senator CHANDLER. You say they did not defend you. Do you mean in decision or in omission?

Mr. FOLGER. In omission. I considered that one who had worked as hard as I had should receive some protection at the hands of the Department when vilified by the press. The Department did not see fit to do so, and I——

Senator CHANDLER. Were not those attacks made upon you before the Department had adopted your plans of vertical turrets?

Mr. FOLGER. They were made before and afterwards.

Senator CHANDLER. Were not those attacks made while certain plans of yours were under consideration?

Mr. FOLGER. Yes.

Senator CHANDLER. Your plans were adopted by the Department?

Mr. FOLGER. Eventually.

Senator CHANDLER. They were all approved by the Department?

Mr. FOLGER. Yes, sir; eventually.

Senator CHANDLER. Then there was no occasion for you to feel hurt and to resign on account of that controversy if the newspapers had attacked you, as they always do——

Mr. FOLGER. I was new to it——

Senator CHANDLER. And the Department had sustained you. Then you had no reason to resign on that account.

Mr. FOLGER. I thought the Department, having approved my course, should have said so.

Senator CHANDLER. The New York Herald of December 12, 1892, in a communication from Washington, December 11, 1892, says that you have "finally succeeded in inducing Secretary Tracy to approve plans for vertical instead of conical-shaped turrets for the two new vessels authorized by the last Congress. This he considers a vindication of his course." I will leave out some of the adjectives here. Did you get the approval of the Secretary therein referred to about that time, December 11?

Mr. FOLGER. With regard to those turrets?

Senator CHANDLER. Yes.

Mr. FOLGER. There was one board meeting after another. There would be a board meeting upon each ship, the constructors having opposed each case very strongly. The inclined turret was a suggestion of Mr. Hichborn.

Senator CHANDLER. I wish you would answer my question. [To the reporter.] Read the question.

The reporter read the question.

Mr. FOLGER. Of the upright turret?

Senator CHANDLER. Yes.

Mr. FOLGER. There were several decisions with regard to upright turrets, all of which were approved by the Secretary of the Navy.

Senator CHANDLER. Were they made before or about December 11?

Mr. FOLGER. That I do not remember.

Senator CHANDLER. Had all of the issue between vertical and conical turrets, which had caused you to think of leaving the Department, or which was one reason for leaving the Department, been disposed of before you left?

Mr. FOLGER. Yes, sir; I believe for all cases then under consideration.

Senator CHANDLER. And to your vindication?

Mr. FOLGER. To my vindication. But the matter came up again soon after I left.

Senator CHANDLER. What was the result of the final decision?

Mr. FOLGER. The turrets have still remained cylindrical.

Senator CHANDLER. With vertical sides?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. How long before December 28 was it publicly known that you were going out of the Department on the 1st day of January?

Mr. FOLGER. I think it was known in the early days of December.

Senator CHANDLER. How soon was it known and generally believed that you were going into the employment of the Harvey Company?

Mr. FOLGER. Oh, that was never positively known even by myself until after the 1st of January.

Senator CHANDLER. I understand that, but I wish to know how soon it was generally believed, a matter of public belief, in connection with the controversy about the turrets, that you would leave on the 1st of January and would go into the employ of the Harvey Company?

Mr. FOLGER. I do not know, sir. I do not know that it was believed at all before the 1st of January.

Senator CHANDLER. You would not infer that it was so believed because the newspapers so stated?

Mr. FOLGER. No. There were many surmises. They said I was going into all sorts of employment.

Senator CHANDLER. I will read from the New York Herald of November 16, 1892—Washington correspondence of November 15, 1892:

> Commander W. M. Folger, Chief of the Navy Bureau of Ordnance, intends to resign. January 1 is the date fixed for the resignation to go into effect.

Mr. FOLGER. What is the date of that article?

Senator CHANDLER. November 15, 1892. It proceeds:

> This information Commander Folger has conveyed to some of his intimate friends, and it would appear that he has also notified the Secretary of the Navy. * * * The resignation, however, has not been formally tendered, according to a statement made by Commander Folger to a brother officer to-day, but he would neither deny nor confirm the report that he intended to leave on January 1.

As a matter of fact, now, was that statement correct?

Mr. FOLGER. Since it is published there, it possibly or probably was correct. I really do not remember, however. I did not fix any dates in my mind. I do not know how long it was before I left that it became notorious.

Senator CHANDLER. You would not undertake to say that this is incorrect?

Mr. FOLGER. Oh, no; I would not undertake to say that at all.

Senator CHANDLER. I continue to read:

> Rumor has it that he will obtain a year's leave, during which he will act as an agent for the harveyized armor plate, and if successful, at the expiration of his leave he will resign his commission as a commander in the Navy. It is reported that the Harvey people have offered him a salary of $12,000 a year, and that he has the opportunity of adding considerable to this sum by acting also as the agent for the Carpenter Projectile Company.

Do you remember seeing that statement?

Mr. FOLGER. I probably saw it at the time. I do not remember it now.

Senator CHANDLER. What do you say as to whether or not the Harvey Company offer had been made to you as early as November 15, 1892?

Mr. FOLGER. That is untrue.

Senator CHANDLER. That was not true?

Mr. FOLGER. No, sir.

Senator CHANDLER. The Chicago Evening Post of November 26, 1892, under date line "Washington, November 26," says:

> It is understood to be definitely settled that Capt. W. T. Sampson will be appointed Chief of the Bureau of Ordnance, to succeed Commande[illegible] M. Folger, who is going abroad early in the coming year in the inter[illegible] of the Harvey plate and other ordnance matters.

Is that a statement of fact or a mere surmise?

Mr. FOLGER. It is a mere surmise. The newspaper reporters, you know, make up that sort of thing.

Senator CHANDLER. The New York Herald of November 17, 1892, in a telegram from Washington dated November 16, 1892, says:

> Commander Folger's contemplated resignation, exclusively announced in this morning's Herald, was a very interesting bit of news to the naval colony in this city.

Mr. FOLGER. That is in New York?

Senator CHANDLER. No, Washington.

> Commander Folger tells some of those who have asked him about the report that he has no intention of "resigning from the Navy." He probably means to hold on to his commission as a commander in the Navy. It was the resignation of his position as Chief of the Bureau of Ordnance that the Herald referred to. His intimate friends say there is no doubt of this. The only doubt they have is as to what he will do after he resigns and gets his year's leave of absence on January 1. So many big salaries have been offered him by various firms that they are not sure which one he will accept.

Now, does this article indicate that substantially what took place January 1 was known publicly November 16, 1892?

Mr. FOLGER. It indicates that it was talked about.

Senator CHANDLER. It does not indicate that it was known?

Mr. FOLGER. It was not known.

Senator CHANDLER. And as a matter of fact you continue to insist that you did not have any understanding——

Mr. FOLGER. I did not.

Senator CHANDLER. That you did not have any understanding with the Harvey people until after the 1st of January?

Mr. FOLGER. I did not, notwithstanding the fact that you find it so stated in the newspapers.

Senator CHANDLER. So that was all surmise?

Mr. FOLGER. Yes, sir; it was all surmise.

Senator CHANDLER. The New York Times of November 17, 1892, has a communication dated Washington, November 16, from which I read this extract:

> There is some talk to-day of Sampson becoming the Chief of the Bureau of Ordnance, should Commodore Folger resign from the chiefship and go on

> leave. Folger denies that he intends to leave the service, but his friends in and out of the Department are authority for the statement that he has formed an alliance with domestic projectile manufacturers and will act as their agent in Europe.

Did you deny at that time that you intended to leave the Bureau?

Mr. FOLGER. Did I deny what?

Senator CHANDLER. Did you deny, November 16, that you were going to leave the Bureau?

Mr. FOLGER. No; probably not. I did not probably deny it. I very rarely spoke to newspaper men. You perceive they say Commander Folger's friends say so and so.

Senator CHANDLER. Did you have any negotiations at that time with any parties other than the Harvey Steel Company for employment during your year's leave of absence?

Mr. FOLGER. I declined to have any negotiations with any persons.

Senator CHANDLER. Were you receiving the large offers which the newspapers suggest?

Mr. FOLGER. I did not receive any offers from anybody. No terms were mentioned to me.

Senator CHANDLER. Was anybody negotiating with you for your services after you should leave the Department?

Mr. FOLGER. A number of persons asked me to go with them after I left, but I declined to discuss the subject until after I had left.

Senator CHANDLER. Who were asking you to serve them?

Mr. FOLGER. The Bethlehem Iron Company and the Carnegies were two, especially.

Senator CHANDLER. Any projectile companies?

Mr. FOLGER. Both the Carpenter Projectile Company and the Sterling Projectile Company.

Senator CHANDLER. The Herald of December 24, 1892, in a communication from Washington, December 22, 1892, gives the letter, or what purports to be the terms of President Harrison's letter to you. As it is complimentary to you, I will read it.

> President Harrison, in accepting his resignation, to take effect January 2 next, says: "It is due to you that I should say further that your achievements in the Washington gun shop and as Chief of the Bureau of Ordnance in the Navy Department have been most notable and creditable. You have done a very great work for the Navy, and I beg to express the hope that with restored health you may yet further contribute to the renown of a distinguished profession."

When did you first know of that letter?

Senator HALE. Who is that letter by?

Senator CHANDLER. It is President Harrison's letter accepting the resignation.

Mr. FOLGER. What is the date of it?

Senator CHANDLER. It is quoted in the Herald of December 24, 1892. It does not give the date of President Harrison's letter, but it says that President Harrison, in accepting your resignation to take effect January 2 next, says so and so. When did you first know of that letter?

Mr. FOLGER. Secretary Tracy told me that the President had written me a letter, and I received it next day, but as to the date——

Senator CHANDLER. Was it some time in December?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. What was the date of your resignation?

Mr. FOLGER. January 1 was the date of my resignation.

Senator CHANDLER. What was the date of the tender of your resignation?

Mr. FOLGER. December; between the 1st and the middle of December some time; I do not remember exactly.

Senator HALE. To take effect January 1?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. You knew nothing of this letter until Secretary Tracy told you?

Mr. FOLGER. No. The Secretary was to write me a letter; he offered to write me a letter, and then he learned of what the President intended to do. The President not only did that, but he sent for me and told me——

Senator CHANDLER. That he regretted to have you leave?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. That was a mark of distinction. Did you ever know any other of your officers to be so treated?

Mr. FOLGER. I do not know of any such case.

Senator CHANDLER. To come to a different subject, how long have you been a Navy officer?

Mr. FOLGER. Since the 20th of September, 1861.

Senator CHANDLER. Thirty-five years. During that period by how many different companies or associations have you been employed who were doing business in any way with the Government?

Mr. FOLGER. Previous to the occasion as to which you are investigating I was employed by the Gatling Gun Company and the Simonds Rolling Machine Company, of Fitchburg, Mass.; by the Gatling Gun Company in 1874, and by the Simonds Rolling Machine Company in 1886.

Senator CHANDLER. How long were you employed by the Gatling Company, and what were then your existing orders from the Navy Department?

Mr. FOLGER. I was employed by the Gatling Company two years.

Senator CHANDLER. On leave of absence for that purpose?

Mr. FOLGER. Yes, sir. I was their European agent for two years.

Senator CHANDLER. Were you paid a salary or a share of the profits?

Mr. FOLGER. I was paid a salary.

Senator CHANDLER. And not by any share in the profits?

Mr. FOLGER. I had no shares in the company.

Senator CHANDLER. How long was your connection with the Simonds Company? It is the Simonds Rolling Machine Company?

Mr. FOLGER. Yes, sir; of Fitchburg, Mass.

Senator CHANDLER. How long were you connected with them?

Mr. FOLGER. I was connected with them about five months.

Senator CHANDLER. How long?

Mr. FOLGER. About five or six months, as I recollect; five months.

Senator CHANDLER. You were on leave of absence for that purpose?

Mr. FOLGER. I was on leave of absence at the time.

Senator CHANDLER. And that employment, as well as the employment with the Gatling Gun Company, was with the knowledge of the Navy Department?

Mr. FOLGER. Yes, sir. They knew when I had gone, they knew when I came back, and they knew what I was doing while I was away, and it was with their approval.

Senator HALE. Let me ask you whether your employment by the different companies in work of that character was not in the line of your professional duty, tending all the time to enlarge your knowledge of ordnance?

Mr. FOLGER. Yes, sir; especially with the Gatling Company. It was of great advantage to me. It gave me two years' experience with ordnance stations in Europe, and when I came back to my duty in the Ordnance Department I was better equipped as to foreign developments than perhaps many others. As to the other employment, although it did not develop in this country to ordnance matters, it did somewhat in England. The Simonds plan did not develop into making many projectiles. They have now degenerated into making bicycle balls.

Senator HALE. What?

Mr. FOLGER. Bearing balls for bicycles.

Senator CHANDLER. You rendered no service to the Gatling Company in this country?

Mr. FOLGER. No, sir.

Senator CHANDLER. And you had nothing to do with any sales of Gatling guns in the United States?

Mr. FOLGER. Never since my employment by them.

Senator CHANDLER. Has the Navy Department ever purchased Gatling guns?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. What number?

Mr. FOLGER. I do not know. It never purchased any in my time.

Senator CHANDLER. When you were chief of the Bureau it never purchased any?

Mr. FOLGER. It did not.

Senator CHANDLER. You had nothing to do officially with promoting Gatling guns in this country?

Mr. FOLGER. No, sir.

Senator CHANDLER. Now, about the Simonds Rolling Machine Company; what was the nature of your employment with them?

Mr. FOLGER. I found Mr. Simonds in London ill and unable to attend to his affairs, and he turned over to me the development of the company in London.

Senator CHANDLER. What was the name of the company?

Mr. FOLGER. The Simonds Round Forging Company, I think. Have you it there?

Senator CHANDLER. I do not think I have the name; I have only the name of the Fitchburg company—the home company.

Mr. FOLGER. I think the company in London was called the Simonds Round Forging Company; but I really do not remember.

Senator CHANDLER. There was organized in London a company in addition to the home company in Fitchburg?

Mr. FOLGER. It was before the Fitchburg company. The London company was organized first.

Senator CHANDLER. I have here the Simonds patents—two in 1885 and one in 1886.

Mr. FOLGER. It was in 1886 that I went abroad.

Senator CHANDLER. State here what your financial arrangement with the Simonds Company was; whether it was for a salary or an interest in the business?

Mr. FOLGER. In London my expenses were paid and I was given an interest in the business.

Senator CHANDLER. In the shape of stock in the company?

Mr. FOLGER. In the shape of stock and a cash consideration on the terms of the sales.

Senator CHANDLER. That is the arrangement which was made there?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. For a specific sum?

Mr. FOLGER. I think it was for a percentage.

Senator CHANDLER. On the sales?

Mr. FOLGER. Yes.

Senator CHANDLER. On the sales of what?

Mr. FOLGER. On the sales of the patents to an English company.

Senator CHANDLER. The patent was for making what?

Mr. FOLGER. The patent at that time was for making all sorts of elongated objects that could be rolled out between two dies.

Senator CHANDLER. Was that covered by those patents?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Did this arrangement cease after five months?

Mr. FOLGER. My connection with the company ceased, with the exception of the stock, which I still own.

Senator CHANDLER. What did you do then?

Mr. FOLGER. I came home and went to sea.

Senator CHANDLER. How long did you remain at sea?

Mr. FOLGER. I stayed in the Department a few months, I think, and then I went out in command of the *Quinnebaug.* That was another occasion of my giving up part of my leave.

Senator CHANDLER. You came back and went into the Department?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Where were you in the Department after giving up the contract with the Simonds people?

Mr. FOLGER. In the Bureau of Ordnance.

Senator CHANDLER. Did the Bureau of Ordnance have occasion to use any of the Simonds patents?

Mr. FOLGER. No, sir.

Senator CHANDLER. While you were there?

Mr. FOLGER. No, sir.

Senator CHANDLER. At the end of how many months did you say you went to sea?

Mr. FOLGER. I was detached after three or four months, or four or five months.

Senator CHANDLER. What became of your stock in the Simonds Company; do you still hold it?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Has the company been merged into any other company?

Mr. FOLGER. Do you mean the English stock? I sold my English stock in London. I did not own any after I left, but the greater part of the stock in the American company I still own.

Senator CHANDLER. You have it now?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Is that company in existence now? Do you hold the same stock, or has it been merged into some other company?

Mr. FOLGER. It is still in existence.

Senator CHANDLER. Is it a live company, doing business?

Mr. FOLGER. Yes, sir; they made 39,000,000 bicycle balls last year.

Senator CHANDLER. That stock you say you still hold?

Mr. FOLGER. Yes, sir; I hold it.

Senator CHANDLER. You hold it, and it has been profitable?

Mr. FOLGER. It has been profitable. They have paid a dividend every year except two since I have owned the stock.

Senator CHANDLER. Were any of the Simonds patents transferred to any other company?

Mr. FOLGER. Not that I remember at present.

Senator CHANDLER. How about the Cayley and Courtman patent?

Mr. FOLGER. That is another patent which has been transferred to the E. W. Bliss Company, of Brooklyn. Simonds has not anything to do with that.

Senator CHANDLER. Certain original Simonds patents I find were made the basis of the Cayley and Courtman English patent. You are aware of that fact, are you not?

Mr. FOLGER. No. I knew that Cayley had business arrangements with Mr. Simonds. I happen to know historically that Cayley transferred some patents to E. W. Bliss, of Brooklyn. Beyond that there is no Simonds connection.

Senator CHANDLER. Those are patents for hollow projectiles and shells, and for apparatus used in their manufacture.

Mr. FOLGER. That is true. The right to the Simonds devices in England was transferred to what was called the Projectile Company, which owns the Cayley and Courtman devices in London. That is true.

Senator CHANDLER. Did they acquire the Simonds patent?

Mr. FOLGER. Yes; in Europe.

Senator CHANDLER. Did you have anything to do with that business?

Mr. FOLGER. I had nothing whatever to do with that transaction. It was long after I left it.

Senator CHANDLER. You have knowledge of the fact that the Cayley-Courtman people obtained the patents in this country for hollow projectiles and shells forged from a solid piece of iron, based upon the Simonds process?

Mr. FOLGER. The Cayley and Courtman patents were not based on the Simonds process. The Simonds process was a method which rolled an object between dies like that [exhibiting], and in the Cayley-Courtman method they took a block of metal and punched it out endwise.

Senator CHANDLER. Did Cayley and Courtman acquire Simonds's patent for the manufacture of hollow projectiles?

Mr. FOLGER. In England, yes; but the Cayley-Courtman method of making projectiles, which is quite separate from the Simonds device, was a patent acquired, I think, before Simonds went to Europe, and has since been transferred to the Brooklyn concern, the United States Projectile Company.

Senator CHANDLER. To the Bliss Company. Then you undertake to say, or your impression is, that the English patent for the manufacture of hollow projectiles and shells, and improved apparatus to be used in such manufacture, which includes the three Simonds patents, is not for the invention which was patented in this country February 24, 1891, and which reads, "Hollow projectiles and shells for ordnance forged from a solid piece of iron or steel in contradistinction to being hollowed out by means of boring tools." You say those were separate things?

Mr. FOLGER (examining patents). This is the Cayley-Courtman patent, and Simonds had nothing to do with it.

Senator CHANDLER. The patent expressly recites that the process used is the Simonds process. There is the recital; look at it.

Mr. FOLGER. I do not see the point.

Senator CHANDLER. The point I wished to get at is that Cayley-Courtman acquired in England certain Simonds patents for making hollow projectiles, and that they afterwards patented the same thing in the United States.

Mr. FOLGER. It is possible that that occurred. We may confuse terms. The Simonds process, properly so known, could not be applied to the Cayley-Courtman principle. Mr. Simonds, however, as I recollect, took out a number of patents by which he expected to affect the shape of hollow projectiles that had been previously rendered hollow from a block on the Cayley-Courtman process. It is possible that this patent refers to that. Nothing ever came of it. The world has never made any [illegible] in that way. It was tried, and it could not be done.

Senator CHANDLER. Did all of the processes which you see described here go into the hands of the Bliss Company?

Mr. FOLGER. I do not know whether the Simonds connection went into the Bliss Company. The Cayley-Courtman matter did. I never heard about the other. I am quite certain that Bliss never used any of Simonds's ideas.

Senator CHANDLER. Did you have anything to do with the Simonds patents and the Cayley-Courtman matter that were transferred to Bliss & Co.?

Mr. FOLGER. No; not in the slightest degree.

Senator CHANDLER. Did you ever have any stock in the Cayley-Courtman Company?

Mr. FOLGER. Never.

Senator CHANDLER. Or in the Bliss Company?

Mr. FOLGER. Never; nor in the Bliss Company.

Senator CHANDLER. You never have been pecuniarily connected in any way with the work of the Bliss Company?

Mr. FOLGER. Not in the most remote degree.

Senator CHANDLER. Do you know who the stockholders are in that company?

Mr. FOLGER. I do not know one of them.

Senator CHANDLER. As a matter of fact, the Bliss Company was organized, the company which is called the——

Mr. FOLGER. The United States Projectile Company.

Senator CHANDLER. The United States Projectile Company, and which was called the E. W. Bliss Manufacturing Company——

Mr. FOLGER. I think that last-named company still exists.

Senator CHANDLER. The E. W. Bliss Company was a later company which acquired the Cayley-Courtman patents, did it not?

Mr. FOLGER. I think it way the Bliss Company which acquired these patents.

Senator CHANDLER. You had no financial connection with it at all?

Mr. FOLGER. Absolutely no connection whatever.

Senator CHANDLER. Was the United States Projectile Company one of the Bliss organizations?

Mr. FOLGER. It is, I believe, the organization made on the Cayley-Courtman process and patents.

Senator CHANDLER. Let us be accurate about it if we can. Was there the E. W. Bliss Manufacturing Company and also the United States Projectile Company, two companies?

Mr. FOLGER. I believe the first is his older and general manufacturing company. He makes dies and taps and all sorts of commercial articles.

Senator CHANDLER. While the Projectile Company was organized principally with reference to this Government work?

Mr. FOLGER. Yes.

Senator CHANDLER. You had no interest directly or indirectly in either of them?

Mr. FOLGER. No; I had no interest whatever in either of them.

Senator CHANDLER. You may state, if you have knowledge, what kind of contracts and what amount of contracts the Navy Department has placed with the E. W. Bliss Company?

Mr. FOLGER. I could not tell you, Mr. CHANDLER.

Senator CHANDLER. Were orders—I do not speak——

Mr. FOLGER. Orders were given during the whole of my time.

Senator CHANDLER. Were orders given them during your time in the Bureau?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Were large orders given to the Bliss Company?

Mr. FOLGER. Orders were given to the Projectile Company. I do not remember the size.

Senator CHANDLER. I speak not now of the Whitehead torpedo, but orders were given them?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. For what?

Mr. FOLGER. For projectiles.

Senator CHANDLER. You say that none of those projectiles was made, according to your belief, under the Cayley-Courtman or Simonds patents?

Mr. FOLGER. They were made under the Cayley-Courtman patents, but not under the Simonds patents.

Senator CHANDLER. You do not consider that the Cayley-Courtman patents were a development of the Simonds process?

Mr. FOLGER. The Cayley-Courtman patents were not at all a result of what is called the Simonds process. The Cayley-Courtman process was the evolution of a shell by a straight ramming in one direction of a plunger. The Simonds process is the rolling out between two dies.

Senator CHANDLER. With a mandrel inside?

Mr. FOLGER. There is no mandrel inside.

Senator CHANDLER. Not in the Simonds process?

Mr. FOLGER. I believe an attempt was made to put a mandrel inside the shell in the rolling process, but the idea was not a success.

Senator CHANDLER. Were orders given to the United States Projectile Company or the E. W. Bliss Company for Whitehead torpedoes while you were in the Department?

Mr. FOLGER. Yes, sir; to the Bliss Company. That was developed in my time.

Senator CHANDLER. What was the arrangement made by the Navy Department with the English owners of the Whitehead torpedo patent?

Mr. FOLGER. The Austrian owners?

Senator CHANDLER. I will say the foreign owners.

Mr. FOLGER. We sent an officer, Lieutenant McLean, and an expert, a mechanical engineer from Bliss, over to Fiume, in Austria, to learn the method of manufacture. Bliss offered to the Secretary of the Navy to take up the manufacture of the Whitehead torpedo in this country.

Mr. CHANDLER. And we acquired the right to manufacture?

Mr. FOLGER. The Bliss Company bought the right and paid the royalty.

Senator CHANDLER. Did the Bliss Company purchase any torpedoes abroad?

Mr. FOLGER. I think they purchased two as models.

Senator CHANDLER. Only two? Has the United States ever bought any service Whitehead torpedoes abroad?

Mr. FOLGER. No, sir.

Senator CHANDLER. All our Whitehead torpedoes have been made by the Bliss Company after they made the purchase of the right to manufacture the Whitehead torpedo in this country?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Those orders were given while you were Chief of the Bureau of Ordnance?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. You had no pecuniary interest whatever in any of those contracts?

Mr. FOLGER. No, sir.

Senator CHANDLER. Now, I will ask you about the Carpenter Steel Company, of Reading. Have you ever had any interest in that company?

Mr. FOLGER. Never.

Senator CHANDLER. Have you stated all the companies or associations that have had dealings with the Government with which you have been connected pecuniarily?

Mr. FOLGER. After I left I was connected for five months with the American Projectile Company, which is in Lynn, Mass.

Senator CHANDLER. State the history of that company, what it was formed to do, and what it has done.

Mr. FOLGER. The company made what is called the electric welded shell. They would weld a point of steel——

Senator CHANDLER. On the end of the projectile?

Mr. FOLGER. Yes, sir. I was their mechanical adviser during five months, and I hoped to connect them with the Harvey process. I endeavored to have their shells treated superficially by the Harvey process, and believed they would become better by reason thereof. They were the competitors and rivals of the Bliss Company, of which you have been speaking. I was their mechanical adviser and engineer during the time after I left the Department until I went to Europe.

Senator CHANDLER. In 1893?

Mr. FOLGER. Yes, sir; 1893. I endeavored to prevail upon the Harvey agent to take up the sale of the American Projectile Company's wares. He tried to do so, but failed. He had firing tests after I left him and went to Austria. I simply turned the business over to him. I did not desire, in the then state of my health, to have anything to do with it personally.

Senator CHANDLER. Was that the last you had to do with the matter?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. What sort of pecuniary arrangement did you make? I do not mean as to the amount, but whether you were employed on a salary or were to receive an interest in the concern.

Mr. FOLGER. On a salary and some shares. The agent having failed in Europe, I returned the shares, and do not possess them at present.

Senator CHANDLER. You never really accepted them?

Mr. FOLGER. Or, rather, I returned them.

Senator CHANDLER. Were you paid for your services?

Mr. FOLGER. I was paid a salary for my services while acting as their engineer.

Senator CHANDLER. So now, the salary having ended and the shares having been returned, you have no connection with the company?

Mr. FOLGER. Absolutely no connection.

Senator CHANDLER. That is the American Projectile Company, of Lynn, Mass.

Mr. FOLGER. Yes.

Senator CHANDLER. Were you familiar with the Ritchie processes for treating nickel?

Mr. FOLGER. Yes; and I had something to do with the nickel contract. I think that and the Harvey contracts are among the best bargains the Navy has ever made.

Senator CHANDLER. The purchase of nickel was made under a special appropriation. Of whom was it purchased?

Mr. FOLGER. It was purchased from the Canadian Copper Company.

Senator CHANDLER. What was the total amount of the purchase from that company, or what has been the amount up to this time?

Mr. FOLGER. I think about $100,000 of the million dollars was not expended for nickel. Year after year we would ask to have a hundred thousand dollars of the nickel million to be given to us for experimental purposes. The first purchase amounted to—you probably have it there more definitely than I can remember.

Senator CHANDLER. There is some information here, but I wish your memory in a general way as to how much of the million dollars has been expended.

Mr. FOLGER. I think six hundred and some odd thousand dollars. I do not remember, Mr. CHANDLER. I only know——

Senator CHANDLER. The Government furnishes the nickel in all its armor contracts?

Mr. FOLGER. Yes, sir; the Government believed that if it allowed the companies to buy the nickel it would be at a disadvantage pecuniarily, and for that reason it made its own bargains for nickel and for the Harvey process. The Government was charged $1 a pound by the only other available source of nickel at the time we made the contract. We, however, purchased nickel for something like twenty-odd cents.

Senator CHANDLER. Now, I wish, leaving these subjects, to ask you about the armor contract made with the Carnegie Company. Did you have anything to do with it?

Mr. FOLGER. I did not have much to do with it. It was arranged by the Secretary of the Navy, and as I recollect it, he gave them the same terms that the Bethlehem Company had received. I played a very small part in that transaction.

Senator CHANDLER. Will you state whether you did or did not assist Secretary Tracy in his negotiations with the Carnegie Company?

Mr. FOLGER. I practically had nothing to do with it.

Senator CHANDLER. Were you consulted as to the legality of making a private contract for $5,000,000 worth of armor?

Mr. FOLGER. No; he would not consult me——

Senator CHANDLER. On a legal question?

Mr. FOLGER. No.

Senator CHANDLER. You knew, as a matter of fact, that the Bethlehem contract had been made after advertisement and competition?

Mr. FOLGER. Oh, yes, sir; I knew that.

Senator CHANDLER. You knew that Secretary Tracy was making this contract with the Carnegie Company without any advertisement?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And you did not call his attention to that fact?

Mr. FOLGER. He was quite aware of it.

Senator CHANDLER. Do you know, as a matter of fact, of any legal authority to make a contract of that kind without advertising and competition?

Mr. FOLGER. I did not know of any authority which prevented it.

Senator CHANDLER. At any rate, you knew that the Secretary took the responsibility of it. Did you have any knowledge that it was intended to keep those negotiations secret from the Bethlehem Company until they were made?

Mr. FOLGER. I do not remember that that was the case.

Senator CHANDLER. Can you give any opinion one way or the other as to whether they were kept from them?

Mr. FOLGER. I think they knew all about it.

Senator CHANDLER. How soon? You think they knew all about the negotiations?

Mr. FOLGER. Yes, sir; I think so.

Senator CHANDLER. From the time the Secretary commenced them with Mr. Carnegie?

Mr. FOLGER. I think they knew all about it. They were very much cut up about it.

Senator CHANDLER. Were they cut up about it while the negotiations were going on, or after they found out about it?

Mr. FOLGER. They were cut up after the negotiation was going on.

Senator CHANDLER. How do you know that fact?

Mr. FOLGER. I seem to recollect that such impression was made upon me.

Senator SMITH. What were the reasons given at the time for taking away the contract with the Bethlehem Company and giving it to the Carnegie people?

Mr. FOLGER. At one time it was found that the Carnegie people could not make the heavy armor, and I think they exchanged for light armor. After the contracts were given out it was found that the heavy plates could not be produced by Carnegie by his then plant. At any rate they made a transfer from one firm to the other, giving the heavy armor to Bethlehem, as I recollect.

Senator SMITH. I understand the Bethlehem Company originally had the whole of the contract for armor.

Mr. FOLGER. Yes.

Senator SMITH. Did you ever hear that any part of the contract, or half of it, was taken from the Bethlehem people and given to the Carnegie people?

Mr. FOLGER. I do not think any armor was given under the contract without an exchange of other plates. I do not think there ever was anything taken away from one and given to another without an exchange of an equal amount. The original Bethlehem contract was made, and then other ships were authorized by Congress, and a contract was made with the Carnegie people for armor for these later vessels.

Senator SMITH. Are you aware of the fact that Secretary Tracy took from the Bethlehem people the furnishing of 3-inch plates and substituted therefor three 1-inch plates, and had the Linden Steel Works furnish them?

Mr. FOLGER. I remember there was a transaction of that description, where for armor, for plates for which the price of armor was paid (a higher price), cheaper plates, called construction plates, were substituted and the contract was given to one of the manufacturing firms which could make such plates. I recollect that there was a sum of money saved by the transaction. I do not remember the details of it. Those are all on record, and Mr. CHANDLER probably has them all there in his file.

Senator CHANDLER. No; I have not the memorandum about that matter. I have a memorandum to ask you about the substitution by Secretary Tracy of three separate plates of 1 inch each for 3-inch armor.

Mr. FOLGER. It was the other way.

Senator SMITH. That is the point I was asking about.

Mr. FOLGER. Was it not the substitution of 1-inch plates for 3-inch plates?

Senator CHANDLER. It was the substitution of three 1-inch plates for solid 3-inch plates. Was your professional opinion asked about that matter?

Mr. FOLGER. I do not remember about that case.

Senator CHANDLER. As a matter of opinion, would three 1-inch plates put over each other have the strength of one solid 3-inch plate?

Mr. FOLGER. No, sir; not by perhaps 25 per cent.

Senator CHANDLER. You do not remember advising Secretary Tracy on any point of that sort?

Mr. FOLGER. I do not remember the details of it.

Senator CHANDLER. Now, I am going to ask you about the Harvey patents. Harvey had been pressing the Department to buy tool steel made by his process?

Mr. FOLGER. Harvey came to me originally, as I recollect now, with some tool steel, in which I saw that the carbon had penetrated to a greater depth than I had ever before been aware of. It was something in which for ten or fifteen years I had been deeply interested, having myself tried to produce such an armor plate. I was immediately struck with the depth of carburization, and asked him if he could obtain this result with a larger mass.

Senator CHANDLER. He thought he could?

Mr. FOLGER. He thought he could.

Senator CHANDLER. And the testimony somewhere, either before this committee directly or in the testimony taken in the Davies suit, shows that you suggested the extension of the Harvey process from tools to armor plate?

Mr. FOLGER. I do not claim to have invented the Harvey process.

Senator CHANDLER. How much short of it are you when you found that Harvey, by carbonizing steel and chilling it, had made an exceedingly hard surface on tool steel (a few hundred dollars' worth of material so treated he was trying to sell to the Government), and you suggested to him to apply the process to armor plate, and proceeded to arrange with him to experiment with it and to take out a patent for it? If there was any novelty in transferring the process from tool steel to armor plate, how much short are you of being the inventor thereof?

Mr. FOLGER. I venture to observe that Harvey presented a novel feature in the depth obtained by a patented process. I did not know at the time anything about the method by which it had been accomplished. I had endeavored a number of times to get carbon to the depth that Mr. Harvey presented to me and had failed. His process was to me at that time entirely an unknown method. I considered it to be one of the most important developments that had been made in the arts—this changing the character of iron by a novel method in the application of carbon, judging by the results. It did not occur to me at all that I was inventing anything in the way of a plate, because this man offered to me the process, for which he had already a patent, by which he was enabled to supercarbonize iron or steel.

Senator CHANDLER. You bought of him for the Government $300 worth of tool steel, as the record shows.

Mr. FOLGER. I do not know what the amount was.

Senator CHANDLER. Assume that it was about $300 worth. You made this suggestion to him. He readily acceded to it, and thereupon the various steps that appear in the record were taken. First, a small experiment was made by him at Newark on armor plate?

Mr. FOLGER. Yes.

Senator CHANDLER. Then a larger experiment was made by you at the navy-yard. Then the contract was made, and pending those proceedings his application for an extension of the patent to armor plate was rejected by the Patent Office?

Mr. FOLGER. I did not know about that. You have developed that fact.

Senator CHANDLER. You say you did not know that?

Mr. FOLGER. Yes; I did not know it.

Senator CHANDLER. You did not ascertain that the application was rejected at the Patent Office as being the well-known process of hardening by chilling. You did not know that fact?

Mr. FOLGER. It was not a patent for hardening by chilling.

Senator CHANDLER. I speak of the ground of rejection.

Mr. FOLGER. Oh, I beg your pardon.

Senator CHANDLER. I speak of the ground of rejection, whether erroneous or not. The process having previously been applied only to tool steel, and you having suggested its application to armor plate, his application for a patent on its application to armor plate was rejected; and you say you did not know that fact?

Mr. FOLGER. I did not know it at the time. I know it only since you have developed it in this investigation.

Senator CHANDLER. You did not know that fact. Your negotiations with him went on and the Secretary wrote a letter on your recommendation asking that a new application which he had made be expedited?

Mr. FOLGER. I do not think our letter or the Secretary's letter said anything about a new application, but the request was that the application for the patent should be expedited.

Senator CHANDLER. As a matter of fact, it was, as the records show, a new application, made after this rejection of which I am speaking?

Mr. FOLGER. But I have not the faintest recollection of anything of the sort.

Senator CHANDLER. Assume that to be the fact. Then you were asking the Secretary to procure the expedition of a new application of Harvey for his process in connection with armor plate, following a rejection of an application of that kind, if the facts as I state them are correct.

Mr. FOLGER. Yes; but I did not know it.

Senator CHANDLER. Then the process went on, as appears in the record, and you did arrange the experiments that were made, and agreed that the Government should pay the expense of the experiments, and you arranged the price that should be paid.

Mr. FOLGER. Yes; largely.

Senator CHANDLER. Under the first contract?

Mr. FOLGER. Largely. Secretary Tracy and I arranged it together.

Senator CHANDLER. Did not the first contract provide that the application of the Harvey process to plates should be supervised by the inventor himself at the Bethlehem works?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Did the Bethlehem Company refuse to allow him so to supervise?

Mr. FOLGER. They would not allow him or his agents to be present during the treatment of contract plates. They would allow him to visit the works, but they would not allow him to keep his men there.

Senator CHANDLER. They absolutely refused to allow the process to be applied under his direction?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. That made a new contract necessary?

Mr. FOLGER. That made a new contract necessary.

Senator CHANDLER. Did you not arrange the details of the new contract?

Mr. FOLGER. The new contract was the abrogation of the old one, which took place after I left the Department.

Senator CHANDLER. Did you not have anything to do with the terms of the contract that was executed by Secretary Herbert in April, shortly after he came into the Department?

Mr. FOLGER. I had absolutely nothing to do with it.

Senator CHANDLER. You had nothing to do with arranging that contract?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Did you not explain the terms to Mr. Secretary Tracy and Secretary Herbert?

Mr. FOLGER. I probably talked to them about it, and they said what they would do, but I had nothing to do with arranging the terms or making out the scheme of procedure.

Senator CHANDLER. Who explained to Secretary Herbert the second contract?

Mr. FOLGER. I think more than likely Captain Sampson did. He was then Chief of Ordnance.

Senator CHANDLER. You were then in the employ of the company?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. When did you go abroad?

Mr. FOLGER. On the 3d of June.

Senator CHANDLER. During the period when the second contract was being arranged and executed by Secretary Herbert, one of the first things he did after he went into office, you were in this country and employed by the Harvey Steel Company, but you had nothing to do with explaining the contract to the Secretary of the Navy; did you confer with Commander Sampson about it?

Mr. FOLGER. Yes, sir; at least I probably did; but the Department had determined already what terms it would make.

Senator CHANDLER. Have you any doubt that on the 1st day of January, 1893, or shortly thereafter, you went into conference with Commander Sampson and Secretary Tracy in reference to the new Harvey contract?

Mr. FOLGER. No; there is not much doubt about it—within ten days after the 1st. We had more or less talk about it, but Secretary Tracy had made up his mind at that time as to what he proposed to do.

Senator CHANDLER. As to the nature of the contract he would make?

Mr. FOLGER. As to the terms he proposed to allow them.

Senator CHANDLER. I wish to ask you to state—for it is material to this inquiry—what your general policy has been in reference to patents upon processes which would be useful to the Government.

Mr. FOLGER. Where it is likely that the Government may make a contract with the owner of the patent, I have always considered (although I do not remember requesting the expedition of any but this one patent; I may have asked for others, although I do not remember it; you may have a record of some others whose expedition I asked for, but I do not remember any others just at this moment) that it was wise for the Government to clear up any doubt as to the validity of a patent as early as possible, as the fact of validity influences the character of the terms which the Government will make with the inventor.

Senator CHANDLER. I can understand that part of your policy, but now as to the policy of encouraging the taking out of patents by Government officers.

Mr. FOLGER. I have done that in one or two cases. There was the instance of Mr. Fletcher, when the Government saved, I believe, a half million dollars in the cost of the mounts used for rapid-fire guns. Mr. Maxim claimed to have a patent that covered everything which we had developed, and I had fortunately taken advantage of that clause in the Patent Office regulations which permits an officer to take out a patent free of expense. I had Mr. Fletcher's device protected, and when Mr. Maxim came to Washington and almost persuaded Secretary Tracy that he was entitled to remuneration, I was enabled to present Mr. Fletcher's patent, and modify Secretary Tracy's impression as to the claim of other inventors.

Senator CHANDLER. You had encouraged Mr. Fletcher, who was then a naval officer connected with the Ordnance Bureau, to take out a patent in advance of Maxim?

Mr. FOLGER. Yes; in advance, however, of any knowledge of Mr. Maxim's patent, for the purpose of protecting the Government. Mr. Fletcher received no royalty for that.

Senator HALE. The design or invention or thought was really Fletcher's?

Mr. FOLGER. It was entirely Fletcher's.

Senator CHANDLER. What was the interest of other inventors if it was Fletcher's?

Mr. FOLGER. You know inventors differ as to whether each other's ideas are novel. The Government has been unfortunate in more cases than one of this kind. Men go down to the Washington Navy-Yard, notice a little device which we have used there for years, and return and take a patent out and present a claim, and secure the services of influential friends to advocate it.

Senator CHANDLER. Your policy was to have some Government officer take out the patent and give a license to the Government?

Mr. FOLGER. Yes.

Senator CHANDLER. Was that the case with Fletcher's patent?

Mr. FOLGER. That was the case with Fletcher's patent?

Senator CHANDLER. Give Fletcher's full name and state what his invention was.

Mr. FOLGER. F. F. Fletcher; improved mount for rapid-fire guns. I think that is the only patent he took out.

Senator CHANDLER. Did you make an arrangement with him that the Government should pay him something?

Mr. FOLGER. No, sir.

Senator CHANDLER. Has Secretary Herbert agreed to pay Fletcher anything for any patent?

Mr. FOLGER. No, sir.

Senator CHANDLER. Nothing whatever?

Mr. FOLGER. Nothing whatever. You may refer to the Dashiell patent.

Senator CHANDLER. No; I refer to the Fletcher patent.

Mr. FOLGER. Where the officers who made discoveries and inventions that were useful to the Government were employed in the Bureau, I did not consider that they were entitled to any remuneration.

Senator HALE. You caused patents to be taken out for their inventions?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. I have here, and intend to put into the record hereafter, the testimony of Mr. Samuel Seabury and of yourself in the suit of Seabury et al. *vs.* Dashiell. On page 88 of the record of that case on appeal I read from your testimony a statement like that which you have already made here:

> Mr. Maxim, a great inventor, came to me and stated that we were using an invention of his, and he would make us pay $500 apiece for every one of them we used. I was quite convinced that he was wrong. I had suggested to one of my assistants, previous to this statement of Mr. Maxim's, that he take out a patent to protect the United States. This is a case where the patentee gives the United States the use of his device. By a curious set of circumstances, Mr. Maxim arrived at the Department and made claim on the Secretary of the Navy that we were using his device, and I was enabled, by the arrival that morning from the Patent Office of a notice to Mr. Fletcher, to meet his statement to the Secretary of the Navy and to present the paper, which cleared the atmosphere entirely. Mr. Maxim was knocked out of court, and never made any claim whatever after that time. We were making and have made hundreds of the Fletcher mechanisms precisely in the same way.

That statement you then made expresses your policy in the Department?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Was that the policy that you carried out in this case in inducing Dashiell to procure a patent that should, to use your own expression, knock out the Seabury patent?

Mr. FOLGER. The cases were different. Mr. Dashiell at that time was not in the Ordnance Bureau, but was stationed at the proving ground at Annapolis. He had not received from me any instructions to get up a breech mechanism. I was at a loss at that time to secure an efficient breech mechanism for rapid-fire guns.

I did not know at that time that he was working upon such a device at the proving ground, but it seems that he had had made a small model of a breech mechanism for a rapid-fire gun, and he brought it to me at the Department. He had done this without having been instructed to do so by me, and he was not employed at that time under instructions by the Department for the development of machinery for ordnance. So he was in a different position from Mr. Fletcher, who has constantly given directions and engaged in discussions concerning and employed in such work. I was so much pleased, however, with his (Dashiell's) mechanism, and with the fact that we would attain what we wanted for half the sum mentioned in the original Seabury negotiations, that I was willing that he should take out a patent in his own name, he paying the expenses therefor himself.

Senator CHANDLER. Did you ever suggest to Dashiell to go in and endeavor to anticipate the Seabury device?

Mr. FOLGER. Not at all. I never saw the Seabury device or drawing but during an interview of perhaps a half hour. When Dashiell came to me and presented his mechanism some time later I could not have described the Seabury mechanism; I had forgotten it entirely. I did not dream that it was any infringement. The idea I had was that it was very much more simple, and apparently very much more effective, than the invention produced by Seabury some months previous. I did not imagine that the two were in conflict, and I did not urge him to take out a patent for any such reason.

Senator CHANDLER. You continue the statement that you made in the lawsuit referred to, that you did not encourage Dashiell to make his invention of a breech mechanism in order to anticipate Seabury?

Mr. FOLGER. Yes.

Senator CHANDLER. I now read from page 71 of this same record.

> Q. If you had already seen the Dashiell device, you did not mention that fact to Seabury?
>
> A. I would not have been apt to mention it. I will tell you one thing which may be of interest to you. Mr. Seabury has taken out a great many patents and has been several times offered duty in the Bureau of Ordnance. He has always declined it. If some other device had come before me as chief of bureau, my sympathetic consideration would be with the other, naturally, if the merits of the other device at all made such a decision justifiable, on account of Mr. Seabury never having been willing to work in the Bureau of Ordnance.

You made that statement?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. That represents your policy?

Mr. FOLGER. Yes.

Senator CHANDLER. On pages 72 and 73 I read a few questions and answers:

> Q. You recommended him to do it?
>
> A. I told him I hoped he would take out a patent.
>
> Q. You think he was wise and right in taking such a course?
>
> A. Yes, sir; I say that certain officers have served the Government of the United States to such an extent that the Government should pay them in one way or another. Their pay is not sufficient, and they can not make any money in the service. When this officer, without order or instruction from me as to the evolution and development of a device, produces a thing which the Patent Office states is original in idea, and which is, in my opinion, different from and better than anything that has been presented to me, I say to that officer, "Take out a patent, because your services have been so good that you should receive some remuneration for them." That is the case here, and that is why this officer had my sympathetic consideration all through; but he has had only that, however.
>
> Q. On principle, you are ordinarily prejudiced against an officer who takes out a patent for his invention?
>
> A. On general principle, in the case of an officer who has not given services to the United States, I am opposed to their taking out a patent. I myself have never taken out a patent of any description, and I have probably been connected with the Ordnance Department more intimately than any other person in the Navy at the present time, not excluding my predecessor. When an officer is not on duty it is quite another matter. When an officer is on duty, I deprecate his taking out a patent; but there are certain cases where an officer's services have been of such a nature that the Government can not reward him. When his services have been very great and of a meritorious character, then I want to see him receive some remuneration, on general principles of equity. I tell you frankly, and it is only human, that I look upon the production of that officer with more sympathetic consideration than I do upon the production of an outsider and free lance, who comes in for the pelf alone, for mere money-making business, without having given any previous service, remembering all the time that the interests of the Government are guarded by the adoption of the better device. I am thoroughly convinced Dashiell's is a better device.

Does that represent your views?

Mr. FOLGER. That represents my views at the present time.

Senator CHANDLER. In this case Dashiell went on and got his patent?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And Seabury brought suit against him for infringement. It was decided by a single judge, Judge Morris, in Maryland, that Dashiell's device was a mere variation from Seabury's device, and he issued an injunction. On appeal to the circuit court of appeals that decision was reversed on two grounds, first, that the Government ought not to be enjoined when engaged in making war material on account of any patent whatever, whether valid or not; and secondly, on the ground that the original bill had charged fraud, and no fraud had been proved. Is that the case as you understand it?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And the case is appealed to the Supreme Court of the United States?

Mr. FOLGER. Yes, sir. I believe the decision has not been handed down by the Supreme Court.

Senator CHANDLER. Has the case been argued and submitted?

Mr. FOLGER. It has been argued and submitted.

Senator CHANDLER. Following out this policy, what was the result of Mr. Dashiell's invention, so far as the Navy Department was concerned? Did he give the device to the Navy Department?

Mr. FOLGER. No; he contracted with the Navy Department to receive $100 per mechanism.

Senator CHANDLER. It was $125.

Mr. FOLGER. Then it was one-half of $250, as provided in the case of Seabury?

Senator CHANDLER. It was $125 per mount. Who made that contract with Dashiell?

Mr. FOLGER. I believe the Bureau of Ordnance made it, with the approval of the Secretary of the Navy.

Senator CHANDLER. When you were there?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. So that this invention by Dashiell, which had been based on Seabury's, if it was anything like that, resulted in a contract with Dashiell for $125 a mount?

Mr. FOLGER. Yes; but it was not based upon Seabury's.

Senator CHANDLER. I want to contrast your action in this case, where you desired to protect the Government, and yet where Dashiell got a contract for $125 a mount, with your action in the Harvey case, where you encouraged Harvey, who was an outsider, to go on and apply his process, and aided him in getting a patent, and helped him to make a contract with the United States for compensation for the use of that patent. Was your action consistent in the two cases?

Mr. FOLGER. I think it was entirely so.

Senator CHANDLER. Explain.

Mr. FOLGER. There are good inventors and bad inventors. When I took up the Harvey-plate matter, I did not know the process by which he attained what was to me a new and entirely surprising result. It was a bona fide case of American invention. We are generally accused of not permitting inventors to have any consideration by the Department. The old complaint has no doubt been frequently brought to your ears that no one can secure the adoption of a device by any of the Government Departments unless the inventor be an officer of the Army or Navy; that the devices of military officers receive more consideration than those of others. There are, however, exceptions to this rule. Mr. Harvey seemed to me to have a bona fide meritorious invention.

Senator CHANDLER. Do you not not think it would have been more consistent with your line of action in the Seabury-Dashiell case, if you thought the Harvey hardening process could be applied to armor plate, to suggest to him that you did not want to take out a patent than to suggest to some naval officer [illegible] make an investigation and take out this patent for the protection of the Government, as you claim was your motive [illegible] Seabury-Dashiell case?

Mr. FOLGER. I want to recall to you that I make a distinction. Harvey already had a patent on a process for carburization which was to me new and surprising, and I, not knowing the terms of his armor-plate patent or the method of his process, believed that this was a meritorious novelty discovered by an outsider.

Senator HALE. Was it not an absolutely new invention, one of such novelty and vast importance that nobody in the Department had experimented with anything of the kind?

Mr. FOLGER. I took the thing to Commodore Sicard, who——

Senator HALE. Was it not so new that the officials of the Department would have refused to have anything to do with it?

Mr. FOLGER. As a matter of fact, I think nobody would have touched it in the manner you imply.

Senator HALE. I do not understand you to say that when a new invention was presented to you, you went out and hunted up naval officers to procure a patent upon it?

Mr. FOLGER. Oh, no.

Senator HALE. I do not understand you to say that?

Mr. FOLGER. I do not wish to be quoted as saying that when people brought in inventions we sought to have naval officers take out patents upon them.

Senator HALE. I should think that would be undue interference.

Mr. FOLGER. It would be.

Senator HALE. That would not be treating an inventor right.

Mr. FOLGER. It certainly would not. This Harvey matter, to my mind, was a revolution in armor.

Senator HALE. And a revelation, too?

Mr. FOLGER. And a revelation. It was something entirely different and new. It realized in a manner which had not been fully attained an ideal that I had dreamed of for ten or fifteen years.

Senator CHANDLER. You say he brought you hardened steel. In your first conferences with him did he describe his process or inform you what his patent was?

Mr. FOLGER. No.

Senator CHANDLER. Did you not know that the hardening was secured by carbonizing, by burning charcoal of bone against the surface?

Mr. FOLGER. No; I did not know how it was done, except in a very general way.

Senator CHANDLER. Did you not look at the patent in order to ascertain?

Mr. FOLGER. I never saw the patent.

Senator CHANDLER. You did not go to the Patent Office and look it up?

Mr. FOLGER. No.

Senator CHANDLER. At the time you made the arrangement with him to expedite his patent, you did not know that his original application had been rejected by the Patent Office?

Mr. FOLGER. I did not even know the terms of his second patent. I knew he had a patent, and I let it go at that.

Senator CHANDLER. You encouraged him to make an application, and procured the Secretary of the Navy to request an expedition of the issuance of that patent, without any knowledge on your part that a few weeks before the Patent Office had rejected the whole thing?

Mr. FOLGER. I did not know that at all.

Senator CHANDLER. What do you now understand the Harvey process to be?

Mr. FOLGER. I understand it to be the inclosing of a plate protected on one side with some inert matter like sand to prevent carburization, while on the other side it is packed in bone dust, powdered charcoal, and perhaps other substances—I do not know what—making a mixture which, when inclosed and kept from the heating flame of the furnace surrounding it, turns this carbonized mixture into gaseous carbon—carbonic oxide and carbonic acid. The outside of the furnace surrounding it is heated to a very high temperature, greater, it is claimed, than the melting point of cast iron. It is kept in this state for number of days in the case of a large mass, as an armor plate, and the gaseous carbon permeates the nonprotected side of the plate to a varying depth, dependent upon the time of exposure and the temperature as well as upon the quality of the carbonaceous mixture surrounding it. It is not a fixed science by any means. We had many failures at first, where the carbonaceous material was not thoroughly impregnated and thoroughly uniform. At Bethlehem and at the Carnegie Works they are now getting that down to such a point that they can nearly depend upon attaining a uniform result. While I was connected with the Harvey Company, there was suggested the use of an incorporating mill for mixing this carbonaceous material, and the later results showed an improvement.

Senator CHANDLER. Briefly, it is the burning of carbon against the surface of the plate to be hardened, is it not?

Mr. FOLGER. It is the result of heating highly charged carbonaceous gas under a certain amount of pressure (oxygen and other elements of the air being excluded from contact with the plate, as their presence produces a disadvantageous blistering effect) in contact with low steel.

Senator CHANDLER. When the plate is put into the Harvey furnace, below it a large quantity of charcoal of bone is placed, is it not?

Mr. FOLGER. Yes.

Senator CHANDLER. The gas is blown through that, and the heat kept up affects the surface of the plate?

Mr. FOLGER. The heat is kept up, turning the carbonaceous material into gas. The weight of the plate also assists in the impregnation.

Senator CHANDLER. And after being heated to the maximum and after handling, the surface is found to be chilled?

Mr. FOLGER. The addition of carbon renders it possible to harden it by chilling. Before that it would not harden, not having a sufficient quantity of carbon.

Senator CHANDLER. And the chilling is done later?

Mr. FOLGER. It was intended at first to do this with the carbonizing heat, but they later found it more expedient to place it in the chilling apparatus after heating it a second time.

Senator CHANDLER. To what extent does the harveyizing process extend into the plate?

Mr. FOLGER. We have chemically analyzed both sides of a plate, and on the harveyized surface we have found new carbon to a depth of an inch and a half, in a gradually decreasing amount.

Senator CHANDLER. When the plate is worked up to be put on a ship, this lower stratum has to be specially handled because it is so hard?

Mr. FOLGER. In order to produce holes for use in riveting on the structural parts of the ship it is necessary to apply a blowpipe or an electric light.

Senator CHANDLER. To soften or melt it?

Mr. FOLGER. An incandescent light to soften it. Holes can then be bored in it.

Senator CHANDLER. I give another illustration: Where a plate has been made by ordinary tools until it gets down to the edge, then the edge has to be ground off by the emery wheel.

Mr. FOLGER. If the plate has been tempered, it has to be ground off.

Senator CHANDLER. I will ask you whether it is a necessary part of the Harvey process to put charcoal under the plate through which the gas is blown?

Mr. FOLGER. Yes; but the furnace was at first so constructed that the plate was bedded in sand, and the carbon was applied to the upper side. Then Mr. Harvey suggested that the weight of the plate would produce an additional pressure and perhaps assist to convey the carbon to a greater depth, which is the object sought. I do not know personally, because I have not been for so long engaged upon it, whether they do not now in England, and perhaps in some cases in this country, apply the carbon upon the upper side. It depends upon how the furnace is constructed.

Senator CHANDLER. Can you say that at the Carnegie works they do not simply heat the lower surface by carbonized gas, without putting any bone charcoal under the plate?

Mr. FOLGER. Oh, no; I know they do that.

Senator CHANDLER. Are you sure they put charcoal under the plate?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Are you or are you not aware that it is claimed that this carbonizing process can be applied through gas alone, without any charcoal?

Mr. FOLGER. Yes, sir. Mr. Harvey used to discuss that method, and at one time was thinking of making that sort of an application. Krupp, I am told, has applied gas in plate manufacture. I do not know of my own knowledge whether Carnegie applied that feature or not, but I think not.

Senator CHANDLER. Is it not true, as a matter of fact, that in Europe, and also at the Carnegie works in this country, they do not carbonize the face of the plate the same way that it has been done at Bethlehem under the Harvey process?

Mr. FOLGER. You have thrown doubt upon it, but up to this time I have believed that the Carnegie works used the carbonaceous material in the same manner as at Bethlehem.

Senator CHANDLER. I do throw a doubt upon it as to whether the manufacturers in England or in this country harden their plates to-day by any use of the Harvey process, notwithstanding they have purchased the patent. I have reason to think they do not.

Senator SMITH. Are you familiar with the manufacture of armor plate?

Mr. FOLGER. In a general way. I have been connected with the development of armor plate in this country, but not with the manufacturing and producing details. I have been working in the interest of the Government as an official.

Senator SMITH. You know the present prices paid per ton by the Government for armor plate?

Mr. FOLGER. I know the average price; that is about $550 per ton.

Senator SMITH. Have you any opinion or knowledge that would be of any benefit to this committee to give them an idea of what the probable cost is of manufacturing armor plate?

Mr. FOLGER. I think the cost of production of armor plate is much less than the Government has been charged for it. I think, however, that the cost should not be taken alone as a measure of the price that we should pay. Although we have never thrown back upon their hands a lot of armor plate, yet there is a certain risk involved all the time that they may have armor plate thrown back upon their hands, through failure to pass contract tests, and no doubt that feature enters into the calculations and enhances the price somewhat. I must say, though, that the price is still large.

Senator SMITH. What, in your opinion, is the cost of manufacturing armor plate?

Mr. FOLGER. It is very difficult to state this, because the contracts for material are so large and there are so many elements entering into the question; but I should say that from $250 to $300 a ton would represent the cost.

Senator SMITH. Would it be practicable, and if so, what, in your judgment, would it cost the Government to erect a plant alongside the Cambria works and in connection with those works for the manufacture of armor plate?

Mr. FOLGER. It would be perfectly practicable. The question is, Could the Government employ its plant at times when there would be no demand for armor plates; and would there not be a deterioration, speaking economically, in allowing the plant to remain idle? There is no doubt in my mind that if the Government chose to go into the manufacture of steel of all varieties, other parties furnishing the raw material, it could be done.

Senator SMITH. Would it not be practicable for the Government to purchase its steel from the Cambria people ready to be treated for armor-plate work?

Mr. FOLGER. In ingots, you mean?

Senator SMITH. In ingots.

Mr. FOLGER. I see no manufacturing difficulty in the way.

Senator SMITH. Have you made any figures as to what the probable cost would be for putting in the additional necessary machinery for such work?

Mr. FOLGER. No. I have never made any such calculation; I have watched the discussions in Congress with a great deal of interest, but I think the outlay would be larger than the original statement of $2,000,000. I think that you would have to employ steadily high-class talent, and such talent as would be necessary could command higher salaries than are paid in the Navy. I think the success of such a venture would be problematical for that reason.

Senator SMITH. Have you heard it intimated, or do you know, that there is a combination, or agreement, or understanding among the manufacturers of armor plate on the other side of the water?

Mr. FOLGER. I have heard it intimated that they have on the other side endeavored to combine so as to control prices, and to allow only a certain amount of output from each one.

Senator SMITH. It is generally understood, is it not, that they have combined or agreed upon prices?

Mr. FOLGER. I think it is. I do not know that my information is authentic, but that has been talked up among armor-plate people.

Senator SMITH. Do you know that there is any understanding between the Carnegie people and the Bethlehem people as to the price?

Mr. FOLGER. I think, without knowing, that there has been an understanding in the bids that have been made.

Senator SMITH. Believing as you do, and as some of us do, that there is a combination of armor-plate manufacturers on the Continent, that there is a combination in this country, and that we are paying very high prices—at least a hundred per cent profit to these people—what, in your judgment, would be the best way for the Government to get its armor plate at a reasonably fair cost? If this matter were referred to you, what would you suggest as the best thing for the Government to do?

Mr. FOLGER. I would suggest developing other sources of production. I would endeavor to have contracts made stipulating that no combinations should be lawful. I do not know whether that is possible.

Senator SMITH. You would suggest the enactment of a law making combinations unlawful?

Mr. FOLGER. I do not know whether you can do that, but at any rate I would suggest the development of other sources of production.

Senator HALE. Are there other plants in the country that could be brought to a condition where they could make these plates?

Mr. FOLGER. I understand that the Carbon Iron Company of Pittsburg can manufacture plates up to 8 inches in thickness. I think the Government will have bids from that company the next time. The Cambria people would quickly become producers of at least a portion of this plate. The suggestion was made a while ago in regard to the production of ingots which might be applied to the manufacture of plates, and contracts might be offered to the Midvale and other works that could undertake such work.

Senator CHANDLER. I will now put into the record, in the order named, the following documents:

English patent No. 278 of 1888, to Claud Thornton Cayley and Reuben Samuel Courtman, for improvements relating to the manufacture of projectiles or shells and to apparatus therefor.

United States patent No. 447229, dated February 24, 1891, to Claud Thornton Cayley and Reuben Samuel Courtman, of London, England, for shells.

Part of record in the case of James B. M. Grosvenor, Lavinia Wilson, Edward H. Litchfield, and Samuel Seabury, appellees, *vs.* Robert B. Dashiell, appellant, in equity, on appeal from the circuit court of the United States for the district of Maryland to the United States circuit court of appeals for the fourth circuit.

NO. 278. SPECIFICATION OF CLAUD THORNTON CAYLEY AND REUBEN SAMUEL COURTMAN.

Improvements relating to the manufacture of projectiles or shells and to apparatus therefor.

[Date of application, January 6, 1888. Complete left, May 18, 1888. Complete accepted, June 29, 1888.]

PROVISIONAL SPECIFICATION.

IMPROVEMENTS RELATING TO THE MANUFACTURE OF PROJECTILES OR SHELLS AND TO APPARATUS THEREFOR.

[Diagrams omitted.]

We, Claud Thornton Cayley, engineer, and Reuben Samuel Courtman, engineer, both of Acre street, New Road, Wandsworth Road, in the county of Surrey, do hereby declare the nature of this invention to be as follows:

Our invention relates to the manufacture of hollow projectiles or shells and to improved apparatus to be used in such manufacture.

In the specification of letters patent granted to us and dated December 24, A. D. [illegible], No. 16943, we have described a method of manufacturing a hollow projectile from a solid projectile or from a solid block or piece of metal of the same or approximately the same diameter and shape or configuration as the finished projectile. This method comprises the formation of the central chamber or cavity by driving punches or mandrels into the said block or piece while confined in a die or mold fitting around the same so that the metal displaced from the center by the said punches is compelled to flow or expand endwise.

In making a hollow projectile or shell according to one part of our present invention, we take a solid block or piece of steel or iron of slightly greater weight than that which it is desired the projectile should have when finished, and of the shape or configuration hereinafter described, that is to say, the main portion of the said block or piece is slightly conical or taper, and is considerably larger in diameter than the finished projectile or shell; the smaller end of the said block or piece is tapered to the same or approximately the same diameter as the base of the finished projectile. We heat this block or piece and place it in a supporting die or mold, and we form a cavity in the said block or piece by driving one or more punches or mandrels into the larger end thereof and thereby causing the metal to flow or expand endwise around the mandrel. This part of the process, however, is not intended to cause endwise flow of the metal to such an extent as to make the walls of the projectile or shell of approximately the required length, thickness, and diameter, the cavity formed being simply designed to afford an entrance for a supporting mandrel hereinafter mentioned, the required thickness of metal being left at the lower end of the block or piece for the base of the projectile.

The walls of the hollow block thus formed are much shorter and thicker than those of the finished projectile.

To elongate the said walls and reduce their diameter and thickness, we place the said block upon a mandrel and force or draw it, by means of a hydraulic press or otherwise, through a ring or die, or successively through two or more rings or dies of different internal diameter, the said block being reheated as often as may be required.

We then close the open end of the partially made shell, leaving an aperture at the apex for introducing the bursting charge and the fuse.

According to a modification of our present invention we proceed as follows, that is to say: We first take a solid cylindrical block of metal of the required dimensions and place the said block in a die or mold which will prevent lateral expansion of the said block or enlargement of its diameter; we then form in the said block, by means of punches or mandrels, a chamber or cavity of the required size and shape or configuration; and we then impart the desired external form or configuration to the said block by rolling it in the manner described in the specification of letters patent granted to G. F. Simonds and dated December 12, A. D. 1885, No. 15299, by means of dies such as those described in the specifications of letters patent granted to said G. F. Simonds and dated June 9, A. D. 1885, No. 7028, and January 9, A. D. 1886, No. 386. We prefer to place the said block upon a mandrel before subjecting it to the rolling operation, to prevent deformation of the chamber or cavity within it.

In our said former specification we have described a method of drawing hollow projectiles or shells to reduce the thickness of their walls or to make them parallel or cylindrical. For this purpose, as stated in our said former specification, we sometimes force the base only of the projectile or shell through a die by means of a mandrel and then draw or force the said projectile or shell by other means completely through the die while the mandrel is held stationary therein, so that the walls of the projectile or shell are drawn between the said mandrel and the die.

Our present invention comprises improved apparatus whereby we are enabled very advantageously to draw projectiles or shells in this manner.

In our improved apparatus we employ a tubular mandrel and a ram or piston fitted to slide longitudinally therein. The partially made hollow projectile or shell is placed upon the said mandrel and ram, which are then moved by hydraulic or other power until the base of the said projectile or shell has passed through the die and an enlargement at or near the extremity of the mandrel arrives opposite or within the part of the die of smallest diameter; the mandrel is then held stationary, while the movement of the ram or piston is continued, so that the said ram forces the projectile or shell completely through the die. By these means we provide for stripping the projectile or shell off the mandrel while making the walls of the projectile or shell [illegible] parallel or cylindrical, and, at the same time, insuring uniformity in the thickness of the said walls. We thus obviate the disadvantages arising from the use of a taper mandrel, as in some of the methods heretofore [illegible], which necessitates the formation of a taper chamber or cavity within the projectile or shell. These means are, moreover, app[illegible] for [illegible] partially made projectiles or shells for the purpose of reducing the thickness of their walls, whether the said projectiles or shells, previous to such reduction, are of conical or cylindrical form.

Dated this 6th day of January, 1888.

HASELTINE, LAKE & CO.,
45 Southampton Buildings, London, Agents for the Applicants.

COMPLETE SPECIFICATION.

IMPROVEMENTS RELATING TO THE MANUFACTURE OF PROJECTILES OR SHELLS AND TO APPARATUS THEREFOR.

We, Claud Thorton Cayley, engineer, and Reuben Samuel Courtman, engineer, both of Acre street, New Road, Wandsworth Road, in the County of Surrey, do hereby declare the nature of this invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

Our invention relates to the manufacture of hollow projectiles or shells, and to apparatus for use in such manufacture.

In the specification of former letters patent granted to us and dated 24th December, A. D. 1886, No. 16943, we have described the manufacture of hollow projectiles or shells by driving punches or mandrels into a solid block or piece of metal while it is confined in a die or mould which prevents enlargement of its diameter and compels the metal displaced from the centre by the punches to flow or expand endwise.

Our present invention comprises various improvements which are based upon the invention described in our said former specification.

According to one method of manufacture described in our said former specification, we take a block or piece of metal of approximately the form of a truncated cone, and we drive punches or mandrels into the said block or piece while it is held in a supporting die or mould, thereby displacing the metal from the centre of the said block and compelling it to flow endwise in the space around the punch or mandrel until the wall of the hollow block—that is to say, the metal around the cavity thus formed in the block—is of approximately the required length and thickness. We thus produce a hollow conical or cup-shaped body which we force or draw through a die or dies to make it parallel or cylindrical.

In making a hollow projectile or shell according to one part of our present invention, we commence operations as above described—that is to say, we take a solid block or piece of metal of slightly greater weight than that which it is desired the projectile should have when finished, and of the shape or configuration hereinafter described, and we heat this block or piece and place it in a supporting die or mould and form a cavity in the said block or piece by driving punches or mandrels into the larger end thereof, and thus causing the metal to flow or expand endwise in the space around the mandrel. In this manner we provide an entrance for a supporting mandrel, as and for the purpose hereinafter specified, and we reduce the metal at the end of the cavity to the thickness required for the base of the projectile or shell. This part of our improved method or process, however, is not intended to cause endwise flow of the metal to such an extent as to make the wall of the projectile or shell of the required length and thickness as described in our said former specification.

The wall of the hollow block as formed by this part of our process is much shorter and thicker than in the finished projectile.

To elongate the said wall and reduce its diameter and thickness, we place the said block upon a mandrel and draw it, by means of a hydraulic press or otherwise, through an annular die or ring, or successively through two or more of such dies or rings of different internal diameter, the said block being reheated as often as may be required.

We then close the open end of the partially made shell, leaving an aperture at the apex for the introduction of the bursting charge and the fuse.

In the accompanying drawings—

Figures 1, 2, and 3 are sectional elevations illustrating different steps or stages in the manufacture of a hollow projectile or shell according to this part of our invention.

Figure 5 is a longitudinal central section illustrating improved apparatus for drawing the hollow blocks as hereinafter described, the ram hereinafter referred to being shown in side elevation.

Figure 5 is a longitudinal central section of a projectile or shell manufactured as hereinafter described.

Like letters indicate corresponding parts throughout the drawings.

A is a block or piece of metal which is to be converted into a hollow projectile or shell. The lower part of this block is taper or conical, the diameter of its lower end being the same as or slightly greater than that of the base of the projectile or shell when finished. The upper or main portion of the said block is of considerably larger diameter than the base of the projectile or shell when finished; it may be cylindrical if desired; we prefer, however, to make it slightly conical, its diameter being larger at its upper than at its lower end.

The supporting die or mould *a* consists of a solid piece of metal in which is bored a hole or cavity of the requisite size and shape or configuration to receive and support the block A, and a cylindrical hole is bored through the bottom of the die or mould, into which is accurately fitted a solid metal cylinder *b*. The said die or mould and the cylinder *b* are supported upon a bed or anvil *c*.

d is the punch or mandrel which is to be driven into the block A, by hammering or otherwise, to form the recess or cavity therein, and which is formed with a shoulder d^* for the purpose hereinafter explained.

The block A, when placed in the die or mould, rests upon the metal piece *b* as shown in Figures 1 and 2, its lower taper end fitting in a taper portion of the hole or cavity in the said die or mould, and its upper or main portion, which is, as above stated, preferably slightly conical, fitting in a correspondingly shaped portion of the said hole or cavity. The punch or mandrel *d* is made with a cylindrical portion which fits into the upper cylindrical portion of the hole or cavity in the die or mould, so that the said punch or mandrel will be guided in its downward movement when driven into the block A.

The block A and punch or mandrel *d* having been placed in the die or mould as shown in Figure 1, the said punch or mandrel is driven into the said block, the metal of which is thus displaced from the centre and caused to flow endwise into the annular space around the punch or mandrel until the shoulder d^* of the said punch or mandrel comes in contact with the upper surface of the said block, as shown in Figure 2. The punch or mandrel *d* is then withdrawn from the block A and from the die or mould.

The hollow body produced as above described is removed from the die or mould and is reheated and drawn to elongate its wall and reduce the thickness and diameter thereof. This operation is effected by forcing the said hollow body by means of a punch d^1 through an annular die or ring such as that shown at *e* in Figure 3, or successively through two or more of such dies or rings by means of punches, the annular space between each ring and punch being less in each successive operation, the internal diameter of the die or ring through which the partially made projectile or shell is to be finally forced or drawn being equal, or nearly equal, to the external diameter of the finished projectile or shell.

The open end of the partially made projectile or shell is then closed, or partially closed, as described in our said former specification, or in any other convenient manner.

A projectile or shell having the shape or configuration shown in Figure 5 is thus produced.

It is obvious that the supporting die or mould may, if desired, be made in two pieces, or otherwise suitably constructed. Also that one or any other suitable number of punches or mandrels may be used in the formation of the cavity in the metal block, as above described.

In drawing the hollow body produced by means of the punches or mandrels as above described through the annular dies or rings, we prefer that, as soon as the base of the projectile has entered or passed a short distance through a die or ring, the mandrel should be held stationary, whilst the said hollow body is drawn, by other suitable means, completely through the said die or ring, so that the wall of the said hollow body will be drawn through the annular space between the said mandrel and the die, substantially as described in our said former specification.

Our present invention comprises improved apparatus whereby we are enabled to accomplish this result in a very advantageous manner. For this purpose we employ a tubular mandrel and a ram fitted to slide longitudinally therein. The said ram is preferably made with an enlargement or head of approximately the same diameter as the mandrel; we prefer, moreover, to make the said mandrel with an enlargement at or near its extremity and to form the die with a contracted part as hereinafter described. The hollow body is placed upon the said mandrel and ram, which are then moved by hydraulic or other power until the base of the said hollow body has passed through the contracted part of the die and the enlargement of the mandrel has arrived opposite or within the said contracted part of the die. The mandrel is then held stationary while the movement of the ram is continued, so that the said ram forces the hollow body completely through the die. By these means we provide for stripping the partially made projectile or shell off the mandrel whilst reducing its diameter and thinning and elongating its wall and making it truly parallel or cylindrical, and at the same time ensuring uniformity in the thickness of the said wall. We thus obviate the disadvantages arising from the use of a taper mandrel, as in some of the methods heretofore practised—that is to say, we avoid the formation of a taper chamber or cavity within the projectile or shell. This apparatus is, moreover, applicable for drawing partially made projectiles or shells for the purpose of making the walls thereof parallel or cylindrical as described in our said former specification.

In figure 4 we have shown one form of our said apparatus; *f* is the ram, which is formed with a head f^1, and which is fitted to slide in a hollow mandrel *g* having an enlargement g^1. The said ram and mandrel are to be so connected with a hydraulic or other press that they may be moved simultaneously through a short distance and the movement of the mandrel may then be arrested while the ram continues to move. The die *e* is made with a contracted part e^1. In using this apparatus the hollow body is placed upon the mandrel *g* with its end or base against the enlarged end or head f^1 of the ram *f*, and is forced into the die or ring *e* by the simultaneous movement of the said ram and mandrel until the parts occupy the position shown; the movement of the mandrel is then arrested whilst the ram *f* continues to move, and thus draws the hollow body through the annular space between the enlargement g^1 of the mandrel *g* and the contracted part e^1 of the die *e*.

We sometimes prefer to subject the hollow body to one or more drawing operations while hot, and then to one or more drawing operations when cold—that is to say, we draw the said hollow body successively through several annular dies or rings, reheating it before the first, and, in some instances, before one or more succeeding drawing operations, the subsequent drawing operation or operations being effected while the metal is cold. The metal is thus more effectually compressed or condensed than when reheated before all the successive drawing operations to which it is subjected.

We have shown a solid block A of the form which we prefer to employ in the manufacture of projectiles or shells according to our present invention. It is obvious, however, that blocks of somewhat different shape or configuration may be converted into hollow projectiles or shells by our improved method or process.

According to another modification of our invention we proceed as follows—that is to say: We take a solid cylinder of metal of the required dimensions and place the said cylinder in a die or mould which will prevent lateral expansion of the same or enlargement of its diameter; we then form in the said cylinder, by means of punches or mandrels in the manner above described, a chamber or cavity of the required size and shape or configuration; and we then roll the hollow cylinder thus produced in the manner described in the specification of letters patent granted to G. F. Simonds and dated December 12, A. D. 1885, No. 15290, by means of dies such as those described in the specifications of other letters patent granted to the said G. F. Simonds, viz: No. 7028, dated June 9, A. D. 1885, and No. 338, dated January 9, A. D. 1886; we thus produce a hollow projectile or shell having any desired external shape or configuration. We prefer to place the hollow cylinder upon a mandrel before subjecting it to the rolling operation, to prevent deformation of the chamber or cavity within it.

It is obvious that we can adapt our invention to the manufacture of armour-piercing projectiles or shells in which the aperture for the fuse is at the base instead of at the apex.

Having now particularly described and ascertained the nature of our said invention and in what manner the same is to be performed, we wish it understood that we do not claim broadly or irrespectively of our improvements as herein set forth the manufacture of a hollow projectile or shell by driving punches or mandrels into a solid block, drawing the hollow body thus produced through one or more annular dies or rings, and then closing or partially closing the open end thereof, as we have in our said former specification, No. 16941, already described and claimed such method of manufacture. But in the method described in our said former specification the hollow body formed by means of the punches or mandrels has its wall of the required thickness and length, and it is drawn through a die or dies merely for the purpose of making it parallel or cylindrical, and not, as in our present invention, for the purpose of elongating, reducing the diameter of, and thinning its wall. Moreover, we are aware that in the specification of letters patent granted to J. Baldie and dated March 5, A. D. 1885, No. 2962, a method of manufacturing hollow projectiles or shells is described which consists in casting a hollow body the wall whereof is of much greater thickness than is required in the finished shell, then inserting a mandrel in the said hollow body and reducing the thickness of its wall and increasing its length by forging it between swages and drawing it through an annular die or ring; we therefore make no claim to such method of manufacture; our present invention, however, differs from that of Baldie inasmuch as the solid block or piece is by our method of manufacture converted into a hollow projectile or shell entirely by forging, and the metal is therefore compressed and condensed so that the projectile or shell has greater strength than when made by drawing a hollow casting as described in Baldie's specification: and we claim:

First. The above-described method of forging a hollow projectile or shell—that is to say, by first driving punches or mandrels successively into a solid block or piece while it is confined in a die or mould as described in our said former specification and for the purpose hereinabove specified, then lengthening, reducing the diameter of, and thinning the wall of the hollow body thus produced by drawing it through one or more annual dies or rings substantially as hereinbefore described, leaving the end of the said hollow body open or closing or partially closing the open end thereof, as may be required.

Second. The modification of our method of manufacture, wherein we subject the hollow body to the action of the annular dies or rings whilst hot and also when cold, substantially as and for the purpose above specified.

Third. The employment, in combination with an annular die, of a tubular mandrel having a ram fitted to slide longitudinally therein and suitable means for moving the said ram and mandrel simultaneously through a short distance and for then holding the mandrel stationary while the movement of the ram is continued, substantially as and for the purpose set forth.

Fourth. The manufacture, substantially as set forth, of a hollow projectile or shell by driving punches or mandrels into one end of a solid metal cylinder to form therein a central chamber or cavity and then rolling the said cylinder between suitable dies, as and for the purpose specified.

Fifth. A projectile or shell manufactured substantially as heretofore described.

Dated this 16th day of April, 1888.

HASELTINE, LAKE & CO.,
45 Southampton Buildings, London, Agents for the Applicants.

UNITED STATES PATENT OFFICE.

Claud Thornton Cayley and Reuben Samuel Courtman, of London, England, assignors, by direct and mesne assignments, to the E. W. Bliss Company, Limited, of Brooklyn, N. Y.

SHELL.

SPECIFICATION FORMING PART OF LETTERS PATENT NO. 447229, DATED FEBRUARY 24, 1891.

Application filed November 10, 1887. Serial No. 254805. (No model.)

[Diagrams omitted.]

To all whom it may concern:

Be it known that we, Claud Thornton Cayley and Reuben Samuel Courtman, subjects of the Queen of Great Britain, residing at London, England, have invented new and useful improvements in projectiles and shells, of which the following is a specification.

The present invention relates to hollow projectiles and shells for ordnance which are forged from a solid piece of iron or steel in contradistinction to being hollowed out by means of boring tools.

The object of this invention is to provide a peculiar projectile or shell with

no joint or seam and possessing walls of substantially uniform thickness of great tenacity and strength; and to such ends the invention consists in a punch-forged hollow projectile or shell made of a single block of metal having a conoidal point and a longitudinally drawn and punched-out cylindrical portion formed with a lustrous external surface having parallel thread-like marks or lines extending longitudinally thereupon, whereby the article is distinguished from its kind now in the market.

We have in an application for patent filed February 12, 1887, serial No. 227419, fully described the process of manufacturing shells and projectiles from solid blocks of metal, and have also included or shown in said application the special forms of projectiles and shells claimed in the present application, which as articles of manufacture or products are not claimed therein.

In the accompanying drawings fig. 1 is a face view, partly in section, of a hollow armor-piercing projectile having a dense head. Fig. 2 is a longitudinal sectional view of a hollow shell having a fuse opening at the point and provided with a solid or closed base. Fig. 3 is a longitudinal sectional view showing a shrapnel shell charged with shot.

Referring to fig. 1, the reference numeral 1 designates the body portion of a projectile having a solid conoidal or conical point 2, which is made very dense or hard, so as to facilitate or insure the penetration of the projectile into solid armor plates. The base 3 of the projectile is shaped so as to leave a small central opening 4, that is closed by a screw plug or by any other suitable means. A chamber or cavity 4^a is formed within the body of the projectile for the purpose of throwing the center of gravity nearer the forward end than it would be if the projectile were solid.

The entire projectile defined by the foregoing description is made of a solid piece of steel or iron, and has no seams or joints whatever.

The process of manufacture is fully set forth in the application filed February 12, 1887, and, briefly stated, it may be said to consist in subjecting a solid block of metal to the action of punches, mandrels, and dies, so as to cause the metal to flow endwise and form a chamber or cavity of any desired size or configuration. The open base of the projectile is then, by other dies, turned down so as to close it, with the exception of the small central opening 4. It should be observed that by the process of manufacture set forth we can manufacture very large and heavy shells or projectiles of one piece of steel or iron without the necessity of using boring tools. Furthermore, the successive action of punches and dies will improve the quality of the metal, produce walls of uniform thickness and great tenacity, and give great strength to the projectile, whether made with an open or closed bore. When the point or head is solid and closed, the metal will be very dense and hard, for the object already stated.

In fig. 2 we have shown a common shell which has a closed base 5, a body with parallel walls of uniform thickness, and a point formed by forcing the metal of said walls inward, so as to produce a conical or tapering head or apex, which has a central opening 8 for the reception of a closing plug. The shell shown in fig. 2 is made in the same manner as the armor-piercing projectile, only in this instance there is a fuse opening in the point. The shrapnel shell shown in fig. 3 is also forged from a single piece of steel, and before the open end or apex of the shell is closed we insert the diaphragm 10, which covers the chamber of the bursting charge. The aperture at the apex of the shell is made large enough to permit the introduction of the bullets or shot into the said shell after its end has been closed by the action of the dies, with the exception of said aperture. We prefer to fill the conical or conoidal part as well as the cylindrical part of the chamber or cavity in the shell. We then introduce the bursting charge and insert the fuse. In this manner we produce a forged shrapnel shell containing a larger number of bullets than a forged shrapnel shell of the same dimensions as heretofore manufactured, and we are enabled, if desired, to use steel instead of lead bullets, the larger number employed making up for the difference in the weight of the two metals. Moreover, we can by our improved method manufacture shrapnel shells more cheaply than is practicable by the well-known method of making them in two parts and uniting the said parts by riveting, screwing, or otherwise.

In addition to the projectile or shell having the characteristics of walls of substantially uniform thickness and great density, tenacity, and strength, our improved punch-forge projectile or shell possesses other characteristics by which it is distinguishable as an article of manufacture from prior projectiles or shells of its kind in that it possesses the characteristic features of a longitudinally drawn and punched out cylindrical portion formed with a lustrous external surface, having parallel thread-like marks or lines extending longitudinally thereupon, which are produced during the process of punching by the action of the die or mold and punches or mandrels and the lengthwise flowing of the metal.

We disclaim a hollow projectile rolled into shape with the metal condensed and hardened at one operation, as such is not our invention, and is disclosed by letters patent No. 348788 to G. F. Simonds, dated September 7, 1886.

What we claim as our invention is—

As a new article of manufacture, a punch-forged hollow projectile or shell having a conoidal point and a longitudinally drawn and punched-out cylindrical portion formed with a lustrous external surface having parallel thread-like marks or lines extending longitudinally thereupon, substantially as herein set forth.

In testimony whereof we affix our signatures in presence of two witnesses.

CLAUD THORNTON CAYLEY.
REUBEN SAMUEL COURTMAN.

Witnesses:
GEO. J. B. FRANKLIN,
WALTER J. SKERTEN,
Both of 17 Gracechurch Street, London, E. C.

In the United States circuit court of appeals for the fourth district.

JAMES B. M. GROSVENOR, LAVINIA WILSON, Edward H. Litchfield, and Samuel Seabury, appellees, *vs.* ROBERT B. DASHIELL, APPELLANT.	In equity.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MARYLAND.

16 EXCHANGE PLACE,
New York City, October 18, 1892—11 a. m.

Present, Samuel A. Blatchford, esq., the commissioner; also Mr. William G. Wilson, of counsel for complainants, and Mr. S. F. Phillips, of counsel for the defendant.

Counsel for complainants produces and files with the commissioner and offers in evidence notice of taking testimony on behalf of the complainants, with proof of due service thereof, on the solicitor for the defendant.

Said notice and proof of service annexed are marked "Complainants' Exhibit, Notice of taking testimony. S. A. B., commissioner."

It is hereby consented that the testimony in the above case, under the notice given by the solicitors for the complainants for the taking of testimony in New York before Samuel A. Blatchford, may be taken down in the presence of said Samuel A. Blatchford by a stenographer and afterwards typewritten and subscribed by the witness.

SAMUEL SEABURY, called on behalf of the complainants, and being duly sworn, testifies as follows:

Direct examination by Mr. WILSON:

1. Q. You are one of the complainants in this cause, I believe?

A. I am.

2. Q. What is your age?

A. Forty-two.

3. Q. What is your residence?

A. Bayonne, N. J.

4. Q. Your occupation is what?

A. Lieutenant, United States naval officer; at present on furlough.

5. Q. How long have you been an officer of the Navy?

A. I graduated at the United States Naval Academy in 1871.

6. Q. You have been continuously in service?

A. Ever since until the middle of April last, when I was granted a furlough.

7. Q. Have you given any special attention to ordnance matters in the course of your experience?

A. Yes; ordnance has always been an interesting study to me, and in an unofficial way—a disconnected way—I have followed it for many years. I first attacked the breech-loading mechanism for guns about 1876.

8. Q. Since that time have you given thought and study to the subject?

A. Yes; very much, disconnectedly.

9. Q. During considerable of that time you were engaged in duties at sea?

A. At sea and on shore both, dividing the duties between sea and shore.

10. Q. Did you finally devise a breech-loading mechanism yourself and apply for a patent thereon?

A. Yes; I devised a breech-loading mechanism involving an interrupted screw block.

11. Q. And for that invention did you apply to the United States Patent Office for a patent?

A. I applied for a patent about July, 1889; as I recollect, it was the 19th it was filed.

12. Q. Was a patent subsequently granted on that application?

A. A patent was allowed upon this application in October, 1889. It was allowed in October, 1889, and allowed to run its six months before issue, which occurred on the 15th of April, 1890.

13. Q. Is this the patent you refer to?

A. Yes; No. 425584.

(Counsel for complainants offers a certified copy of the patent in evidence. It is marked Complainants' Exhibit, Letters Patent No. 425584.)

14. Q. Did you subsequently assign any interest in this patent to another person?

A. I did.

15. Q. To whom?

A. I assigned one-half interest to Lavinia Wilson, of New York City.

16. Q. Did she assign any part of that?

A. She assigned, as I understood, one-half of her interest to Mr. J. B. M. Grosvenor. I also assigned one-sixth of my remaining interest, or one-twelfth of the whole, to Mr. Edward H. Litchfield, of Brooklyn.

17. Q. After obtaining this patent what steps, if any, did you take with the view to the working of the patent in this country?

A. After the patent was allowed a working model was constructed—a model made one-half scale of the Navy 4-inch gun—and with this model I went to Washington in the early part of May, 1890, after the issue of the patent, accompanied by Capt. J. Wall Wilson, of New York, and together we visited the Bureau of Ordnance of the Navy and placed the model, together with a set of the then unfinished drawings of a modification of the mechanism, before Commodore Folger, Chief of the Bureau of Ordnance.

18. Q. You have those drawings now with you?

A. I have; yes.

19. Q. Please state what conversation occurred between you and Commodore Folger on that occasion.

A. Commodore Folger expressed himself as much interested in the model, seated himself at a table before it, opened and closed it a great [illegible] and said, as if speaking to himself: "Yes; this is a very good thing—in many respects superior to anything we have," and then, after still further examination, he arose abruptly from his chair and said, "Well, what will you charge us for this?" Captain Wilson asked him if he meant a lump sum. He replied, "No; the Government does not do business that way; I mean a royalty." We explained to him that his question was rather sudden—that we were not prepared to answer it. Whereupon, he told us to talk it over together and let him know what we would agree to take. Captain Wilson and I concluded that——

20. Q. State what you said.

A. We agreed to take the amount the Department had agreed to pay the Driggs-Schroeder Company for the use of their block or their system. Commodore Folger thought that this sum was about $250 per gun, and verified his belief by the books of the Bureau, which were brought by Ensign Alger, now professor.

21. Q. Did the $250 apply to all sizes or to one particular size?

A. No; we intended it to apply to the 4-inch gun, which was the understanding we had with him.

22. Q. Do you mean a larger sum for a larger size?

A. That was our understanding.

23. Q. Was that talked of?

A. We mentioned pro rata for larger guns, but nothing definite.

24. Q. But $250 for the 4-inch was understood as the basis?

A. That was our understanding.

24. Q. What further took place?

A. Commodore Folger then said in his own words, "Our fences are all up and in good condition; we have a good mechanism now—the Driggs-Schroeder, which will be tried shortly. I will hold this mechanism as an alternate for trial in case of the failure of the Driggs-Schroeder."

25. Q. Did that refer to any particular size of the Driggs-Schroeder—was it mentioned in the conversation?

A. It referred to the 4-inch Driggs-Schroeder which was then being prepared at the Washington yard for trial.

26. Q. Was there further conversation?

A. Yes; the conversation afterwards turned upon a new gas check which I wished to submit, and in which Commodore Folger seemed to take a good deal of interest, saying that, in a measure, he considered himself the inventor of this check. Before we left the office we made another effort toward getting the mechanism for the 4-inch gun tried without waiting for the Driggs-Schroeder, and finally Commodore Folger said to us, "Well, I will tell you what I will do; I will try this mechanism, anyway," pointing to the drawing of the 4-inch gun. These are the very tracings that were unfinished at that time.

27. Q. These are the very tracings?

A. Yes; unfinished at the time. "Complete these drawings and send me blue prints of them," and then he turned to the drawing of the gas check saying, "There is no reason why we should not try this at once; make me drawings embodying the 6-inch gun with your mechanism, etc., and send them on."

28. Q. Which of these are the drawings, or are they all the drawings which you presented to Commodore Folger at the time mentioned [showing the witness some papers]?

A. These sheets were unfinished, marked 1 and 2.

29. Q. To what extent were these sheets 1 and 2 then finished?

A. Their outlines were finished, but there was no shading and some of the minor points of firing gear and trigger were not located—this pawl was afterwards placed in.

30. Q. Were the essential features of the mechanism as you understood them clearly shown by the drawing?

A. The essential features were fully set forth in the drawing.

31. Q. That is, the method for rotating the screw block, the method of withdrawing the block from the breech into the tray, and the method for swinging the block so withdrawn on the tray out of the way of the breech of the gun?

A. That is correct.

(Counsel for complainants offers these drawings in evidence. They are marked Complainants' Exhibits Drawings 1 and 2, respectively.)

32. Q. After the interview which you have narrated, did you return to New York?

A. I did, at once.

33. Q. Were you then stationed at New York?

A. I was attached to the United States Naval Board of Inspection of Merchant Vessels, room 37, post-office, New York.

34. Q. After you returned to New York, did you take any steps in the direction suggested by your conversation with Commodore Folger?

A. Yes; at as early date as practicable I finished the drawing of the 4-inch gun.

35. Q. This drawing here?

A. Yes.

36. Q. The two marked in evidence and the third sheet, which is marked 3?

A. The same. And these drawings, or blue prints of these drawings, I submitted to Commodore Folger about June 3, 1890, and received his acknowledgment.

37. Q. A blue print is practically a full sized photograph, is it not?

A. It is a production of about the same size; it shrinks somewhat—that is the only difference; it is printed from the drawing by the action of the sun on sensitive paper.

(Counsel for complainants offers sheet 3 also in evidence. It is marked Complainants' Exhibit Drawing, Sheet 3.)

38. Q. Did you, after that, make further drawings?

A. After submitting the 4-inch drawing, I immediately took up the design for the 6-inch gun, which included a gas check, and which drawing had been requested by Commodore Folger.

39. Q. Such drawings as were indicated by him in that conversation?

A. Yes.

40. Q. When did you complete these?

A. Those drawings were completed on the 3d of July, 1890.

41. Q. Did you finish those also?

A. Yes; and they were mailed to the Bureau on the 5th.

42. Q. Addressed to Commodore Folger?

A. Addressed to Commodore Folger. I received no acknowledgment of these drawings, and after ten days, about, I wrote to the chief clerk of the Bureau of Ordnance and asked him if the drawings had been received, as I was anxious about them. He replied that they had been received and were under consideration. I heard nothing further in regard to them, so on about September 28, 1890, I wrote to Commodore Folger concerning these drawings and received a reply——

43. Q. Is that the reply which you received [showing a letter to witness]?

A. That is it.

(Counsel for complainants offers the letter in evidence. It is marked Complainants' Letter No. 1.)

44. Q. This letter contains the expression, "The Bureau has other designs developed by its assistants, which it considers superior in some respects;" that is, superior to yours. Was there anything in your conversation with Commodore Folger which enabled you to understand what design that referred to?

A. Nothing. The only mechanism which he referred to was the Driggs-Schroeder.

45. Q. Then in that conversation he had mentioned no designs of the Bureau itself or designs developed by assistants of the Bureau?

A. Nothing at all.

46. Q. Were those blue prints of the 4-inch and 6-inch which you sent to Commodore Folger ever returned to you?

A. They were not. To the best of my knowledge they are on file at the Bureau of Ordnance.

47. Q. When first did you hear of any mechanism called by the name of the defendant, Dashiell?

A. I first heard the name in connection with the gun mechanism on reading Commodore Folger's Report of the Bureau of Ordnance for 1890—I think that is the date—for the current year, the year that had passed.

48. Q. When did you first see any of the defendant Dashiell's mechanism?

A. I first saw it—actually, or drawing?

49. Q. The mechanism itself.

A. The mechanism itself, in the early part of February, 1892.

50. Q. Where did you see it?

A. At the ordnance shops at the Washington Navy-Yard.

51. Q. Were you alone or accompanied by some one?

A. Accompanied by Captain Wilson, before referred to, of New York.

52. Q. Did you inquire for the Dashiell mechanism at that place?

A. Yes.

53. Q. Of whom?

A. Officers of the yard who were accompanying us about the shops.

54. Q. Having official connection with the yard?

A. Yes; having official connection with the yard.

55. Q. What did you see there—did you see the finished gun?

A. A number of guns of various stages of completion and mechanisms, the parts of which were stored in a room; these mechanisms were intended, apparently, for 4-inch and 5-inch guns. I afterwards, on the same day, saw the mechanism attached to the 6-inch gun; it was the mechanism; that is, the major part of it, as it had the De Bange check. The minor parts, such as the firing pin, trigger, etc., were omitted. I worked this mechanism several times, opening and closing.

56. Q. Did you examine it sufficiently to recognize it again?

A. I did.

57. Q. And was Captain Wilson present with you at that time?

A. He was.

58. Q. I show you four drawings, and ask you whether the Dashiell mechanism, which you saw on the occasion you last mentioned, was or was not substantially like that which these drawings portray?

A. Substantially like that? It was.

(Counsel for complainants asks to have these marked for identification. They are marked Drawings A, B, C, and D, for identification.)

59. Q. At the time you saw this Dashiell mechanism at the Washington Navy-Yard had you ever been able to procure drawings of the finished mechanism?

A. I had not been able to procure them.

60. Q. Had you made efforts to do so?

A. I had.

61. Q. Had you applied to Commodore Folger?

A. I applied to Commodore Folger in November, 1891.

(Counsel for the complainants offers a letter in evidence. It is marked Complainants' Exhibit, Letter 2.)

62. Q. This letter, which has now been marked Complainants' Exhibit, Letter 2, was in response to a request from you for blue prints of Dashiell's 4-inch mechanism, was it?

A. It was.

63. Q. Did you apply to Ensign Dashiell for a drawing or a description of his mechanism?

A. As I recollect it, I asked for a description or some idea of it; I could not ask for drawings.

64. Q. That was in December?

A. December, 1890.

65. Q. That was by letter?

A. By letter.

66. Q. You received a reply?

A. The reply was, it could not—the drawing could not—be given, because the patent had not been secured.

67. Q. And also that he had orders against letting others see the plans?

A. Yes.

68. Q. Is this the letter?

A. Yes.

(Counsel for complainants offers the letter in evidence. It is marked Complainants' Exhibit, Letter 3. Counsel for complainants offers in evidence a copy of the Scientific American, published in New York, bearing date of May 24, 1890—simply that part of it which contains a description entitled, "Seabury breech mechanism for rapid firing and other guns." It is marked Complainants' Exhibit, Scientific American.

No cross-examination.

SAMUEL SEABURY.

Subscribed and sworn to before me this 28th day of October, 1892.

SAM'L A. BLATCHFORD,
A Commissioner of the Circuit Court of the United States for the Southern District of New York, in the Second Circuit.

* * * * * * *

In the circuit court of the United States for the District of Maryland.

JAMES B. M. GROSVENOR AND OTHERS, COMPLAINANTS,
against
ROBERT B. DASHIELL, DEFENDANT.

Testimony taken on behalf of the complainants before John H. Kitchen, one of the standing examiners of the United States circuit court for the southern district of New York, in accordance with the sixty-seventh rule in equity, as amended; testimony taken before said examiner by consent of the parties.

NEW YORK, *May 12, 1893*—10 o'clock a. m.

Parties met, pursuant to notice, at the office of the solicitor for the complainants, No. 48 Wall street, New York City.

Present, William G. Wilson, esq., solicitor for complainants; Samuel F. Phillips, esq., solicitor for defendant.

SAMUEL SEABURY, recalled on behalf of complainants, being duly sworn, testifies as follows:

Direct examination by Mr. WILSON:

Q. You have already been examined in this cause, Mr. Seabury, and are one of the complainants?

A. Yes.

Q. And in your former examination you stated that you graduated at the United States Naval Academy in 1871. That was the fact?

A. That is correct.

Q. How early in your naval career did you begin, or turn your attention to, inventions?

A. It has always been more or less of a hobby of mine—invention.

Q. I refer more particularly to those things that were especially connected with your profession as a naval officer?

A. I commenced as early as when I was a midshipman, in 1867.

Q. Was that your first essay in invention?

A. That is about the first I recollect.

Q. What was the character, in a general way, of the invention?

A. It was a midshipman's idea of a gun carriage, in which the gun was to furnish its means of returning to battery by the action of gravity.

Q. Did you work it out in the form of a drawing?

A. As well as I could then; yes.

Q. And show it to anyone?

A. I remember showing it to a classmate of mine, to whom I was quixotic enough to offer a half share for the use of his drawing instruments.

Q. Did you show it to anyone else?

A. I showed it to Lieutenant-Commander Luce—now rear-admiral—Commandant Luce.

Q. Was he commandant?

A. Not Superintendent of the Academy, but commandant of cadets. That was in the early days of my history.

Q. Was anything done with it?

A. No; it never came to anything. The present admiral expressed an appreciation of the effort, and didn't know "what I should do when I became rear-admiral," as he said.

Q. What year was that?

A. 1867.

Q. That was your first year at the Academy?

A. First year at the Academy. I went there from the training ship.

Q. After you graduated did you undertake anything further in the way of invention?

A. Yes; several things. That is, in the ordnance line, you mean?

Q. Yes.

A. The first one afterwards that I ever drew out was a gun carriage, a breech mechanism on the side-pull plan—like the Krupp; it was not the Krupp mechanism, but it was something on the same general plan.

Q. A square slot with a wedge block?

A. Yes; a wedge block. In those days the opinion was divided as to the value of slot mechanism and the slotted screw. A good many of the older officers were still in favor of the wedge.

Q. Did you work that out?

A. I worked that out. A model was made of it afterwards by Admiral Simpson's orders at the New York yard, where he was then captain of the yard.

Q. When did you complete that?

A. I completed drawings of that in 1876, and t[illegible]odel was made in 1878.

Q. Was that your own invention?

A. That was my own invention; yes. Admiral Simpson seemed at that time to rather favor the side system—expressed some favorable opinions of some conversions of guns—of old smoothbore guns which I had made.

Q. What did you do in the way of designing or inventing? I mean in this general direction—matters connected with your profession?

A. That was when I was at sea in 1880 and 1881—1879, 1880, and 1881—on the *Wachusett*, on the Pacific coast.

Q. What was it you did?

A. Then I worked out the designs of a vessel and her battery, including carriages and the application of this mechanism that I spoke of.

Q. To the guns for the battery?

A. To the guns for the battery.

Q. What was that; a complete plan?

A. I so considered.

Q. Of a full ship?

A. Of a full ship.

Q. Armored and——

A. Armored and all.

Q. Where did you prepare those plans?

A. They were prepared on board ship, in the after room—in the wardroom.

Q. What was your position on that ship?

A. Junior watch officer.

Q. With what rank?

A. Rank of master.

Q. What did you do with that design?

A. That design, after I had finished it, I sent to my old commander, Commodore Simpson he was then, and commander of League Island, and requested him to overhaul it and send it to the Navy Department, which he did.

Q. And, so far as you know, it is on file among the archives of the Navy Department?

A. It is on file still; yes.

Q. Did you receive any acknowledgment of that?

A. I received an acknowledgment from Admiral Simpson. I say "admiral" all the time because that was his last rank. He was Commodore Simpson at that time. But the Navy Department apparently paid no attention to it for about four months, and they finally acknowledged receipt, and said it had been submitted for criticism to various bureaus.

Q. You need not give the contents. You finally did receive acknowledgment?

A. Yes; acknowledgment.

Q. And notice from the Secretary of the Navy——

A. That it had been received.

Q. And you also received a letter in reference to it from the then Secretary of the Navy, did you not?

A. Secretary Hunt; yes.

Q. That letter you have?

A. I have, I believe.

(Complainants' counsel offers said letter of Secretary Hunt in evidence, and it is marked Complainants' Exhibit A^1.)

Q. What next did you do in the way of designing?

A. You want me to mention what I did about that work, or anything about that?

Q. No; not at present.

A. The next effort I made on guns was a design of a gun—a breech mechanism on the slotted screw plan.

Q. Prior to that did you make designs for a flagship?

A. Yes. I thought you meant ordnance particularly. That was a design for a flagship which I did under the orders of the Navy Department for Commodore Temple. They were not special orders from the Department; I was simply ordered to report for duty, and given that duty verbally.

Q. Did you work that out?

A. I worked that out and submitted it. I think it was submitted to the first advisory board—I am quite sure it was. Admiral Temple; he was then commodore.

Q. You know that is on file?

A. That is on file, as far as I know.

Q. Did you submit anything to the Getty Board in 1881?

A. I submitted the designs I had gotten up on the cruise before; one of them the breech mechanism I spoke of. That was a board convened in New York to examine guns and mechanism. It was called "The board of heavy ordnance and projectiles." That convened in July, 1881.

Q. What was the general character of the designs you submitted to them?

A. They were what I sent to Admiral Simpson before—to the Navy Department. That was a 9-inch rifle, and the breech mechanism of which I spoke—side-acting mechanism—and a gun carriage, and a projectile having a special system of centering lands, and a fuse.

Q. Were these designs referred to in the report of the Board—official report?

A. They were referred to in the report of the Board and its action upon them.

Q. That report was published?

A. Published; and a copy was furnished me by the War Department, by request. [Book shown witness.] It is referred to on page 51 and at other places of the official report printed in the Government Printing Office in 1882.

Q. Were there any other matters that you worked at before you took up the mechanism of the slotted screw?

A. You mean in regard to ordnance?

Q. Yes.

A. No. After that the report of the Getty Board rather settled my ideas in regard to side mechanism, and I dropped it and did as many an officer did, turned to the screw block, as he should have done long before.

Q. That is in the direct line of breech mechanism?

A. In the direct line of breech mechanism.

Q. But were there not other matters in ordnance that you devised before you got to that point?

A. No; I think they came afterwards. No, let me see; they were about the same time of the other matters—gun carriage and design of a gun.

Q. What time was that, what year?

A. It was in 1883, as near as I can fix it; it was about the summer of 1883, I should say.

Q. That is directly in the line of a mechanism for handling the screw block you are speaking now.

A. For opening and closing?

Q. Yes.

A. Yes.

Q. Had you previously worked at any features of the screw block?

A. Yes. That was included under the same head. I had some peculiar ideas about the screw threads which I wanted to put in; and from that—from that same block, about that time—I got the idea of wishing to simplify the mechanism, the motions.

Q. Was rapid fire known at that time as anything in use for large guns?

A. No. I was about to say this was not in the direction of rapid-fire guns, because they had not come into use for heavy calibers; but simply an idea of mine to simplify the movements for an ordinary breech-loading gun.

Q. Up to that time how were the screw blocks handled in opening and shutting the breech?

A. By the three motions. Generally by a lever to turn the block, then to pull out, and then to swing.

Q. At that time was there any device known which accomplished those motions by one movement?

A. Not to my knowledge.

Q. Either of a lever or of a crank?

A. Not to my knowledge.

Q. When did you first get the idea of a device which would accomplish this purpose?

A. As near as I can recollect, it was about that year—1883. I could not give any time, any special time, in the year.

Q. But do you remember as a fact that it was in that year?

A. I should say so.

Q. I mean when did some solution of the problem first present itself to your mind in the form of a device, however crude?

A. As I say, to the best of my recollection, I carry it back to that year, that I had the idea—an idea which haunted me afterwards a great deal—about being able to open that block by the action of a cam. That was the way in which I put it.

Q. What was that idea? Describe the device as it then presented itself to your mind.

A. Well, naturally, it was not very complete, or I should have worked it out afterwards. The idea was to carry the pin from the block, and by means of a cam on a lever, that is, a cam slot; for instance, when you open that lever to move the block over and then to pull out. But the getting the block out and the subsequent movements were at the time very indefinite to me.

Q. Did you make sketches at that time?

A. Yes; I made sketches then and afterwards; but I have none, to my recollection.

Q. What kind of sketches were they?

A. Just little pencil sketches on the edge of newspapers or anything else—something I never carried out to the extent of making a complete drawing of, because I never got the idea developed enough.

Q. You mean at that time?

A. At that time.

Q. Can you make a rough sketch now which will illustrate the idea that you did sketch out at that time?

A. (Witness makes a sketch and hands same to counsel.) About the action of the lever, of course, I have got to be indefinite, but the idea in my mind was the action of the cam in withdrawing—a sort of general scheme, general idea. I had to put the pivot off here somewhere [indicating]. "Somewhere" was an indefinite quantity, but, by turning that lever, the action of the slot on that pin was to turn the block first and then withdraw it. As I say, that was as far as I got in it for some time.

Q. In this rough sketch which you have made please add a little lettering, and then give a more full description of the idea.

A. I should call A the block, B the breech of the gun, C the lever, and D a pin extending from the block. Of course, I have not made that sketch to perform any work; I merely want to show what the idea was that I had by the opening of it.

Q. Where was the hinge?

A. It would be presumed to be here where that X is, to one side; and, as I recollect, my first idea was to have it over the top of the gun, and I presume this would be X down here [indicating]; still, that I wouldn't say. The general idea was to have the lever pivoted somewhere where the action of a cam could be made to work that pin.

Q. Describe a little more fully how this design was expected to work, in your idea.

A. In my idea—in mine, in mine only, and on the very rough sketches I ever had of it—by the first pull of the lever it was to act to rotate the block to unlock. As will be seen by this sketch, the rotation would have been [illegible] the right; but that was a mere——

Q. Incident?

A. Incident of the sketch.

Q. And having rotated, how was the action to be kept up?

A. The block was to be pulled out of the gun by the continued pull of the lever; but there came my trouble afterwards. I could get the block half way, and there I would stick; and there is where it hung fire for some time.

(Said sketch drawn by the witness is marked Complainant's Exhibit A^2.)

Q. Did you vary that idea by putting the pin in other directions?

A. I tried to work that as long as I could, until finally it developed afterwards into something else—not at that time—and that idea would go and come to me, but I never could get it out of my mind.

Q. What difficulty did you find with it?

A. The difficulties at that time of working the block after rotating it and getting it out. I had not put the tray on, because the tray was, of course, part of the gun, as I considered it. You have got to have something on the gun after you——

Q. The swinging tray?

A. The swinging tray. So I had not got as far as that to make a drawing of it.

Q. What were the difficulties that you encountered in working that idea out? I mean those difficulties which arose from the idea, or were connected with the idea, as distinct from the other difficulties you might have had in finding it?

A. At that time they seemed insurmountable to me at times, and then I would take it up again and work; but I could get the block out partially; sometimes, as I say, it would stick. If you ask me now why I didn't go ahead and perfect it, as I have afterwards, I answer simply I can not tell; but it was perfected afterwards.

Q. You finally reached a time when you could get the block out, did you?

A. Yes.

Q. But at that time were you enough of a mechanic to work the thing out in practical form?

A. Well, I think there are various opinions about my mechanical ability. I have a very modest one myself; some others think I am pretty well up in it, and then again that I am wanting in ordnance knowledge, or have been said to be so.

Q. Did you, at the time when this idea was possessing you more or less, have facilities for making models and experimenting with the contrivances?

A. No; I did not. In fact, I never had a model made except that breech mechanism which was made in the New York Navy-Yard; I never had a model made in my life until 1887.

Q. Where were you in the years 1885, 1886, and 1887?

A. I was then attached to the flagship of the North Atlantic Squadron.

Q. What was the ship?

A. First the *Tennessee*, afterwards the *Richmond*. The *Tennessee* went out of commission.

Q. At what time?

A. I think we were transferred in January, 1887, from her to the *Richmond*; I think that was the month.

Q. What position did you have on that ship?

A. Watch officer—watch and division officer.

Q. What rank?

A. Lieutenant.

Q. How engrossing were your official duties at that time?

A. They were the duties of a watch and division officer aboard any large ship, and, besides, the quality of the vessel is a flagship, and, also, besides the properties of the commander of the ship, the admiral, on different occasions, would keep us "whooped up," as the sailors say—very often a drill ashore and a drill aboard. The North Atlantic Squadron was not a pleasant seat at that time.

Q. What effect did that have upon your time?

A. Naturally rather diverting to any man's effort to work.

Q. In point of fact, did you have much opportunity during that cruise to work on this idea?

A. No; I had not. I had less than I ever had on board a ship before. The flagship is quite different from another vessel of the squadron.

Q. When did that cruise begin and end?

A. My cruise began in November, 1885; I was detached on the 1st of October, 1888.

Q. During that time did you work at all at this idea?

A. Oh, yes; at various times. I wouldn't swear whether it was the 1st or 2d, but it was the first part of October.

Q. Did you make any progress in developing the idea?

A. Not very great; no, for a long time; in fact, scarcely any, except that the idea would go and come to me; I worked at it.

Q. After that cruise ended, how was it then?

A. After that cruise ended and while I was on shore duty in New York, the way to work that principle came to me very easily by somewhat of a change of the cam, as is shown in that gun; the same general principle without—a reversing action, as it were; instead of having the pin on the block, to put the cam on the gun instead of on the lever.

Q. As shown by this model?

A. As shown by this model.

Q. After you completed that cruise, you had shore duty, had you?

A. I had shore duty in New York.

Q. Where were you stationed?

A. Stationed at the board of inspection of merchant vessels, with an office at the post-office.

Q. New York City?

A. New York City.

Q. And then you took residence——

A. At Bayonne, N. J. My family had been at Bergen Point all the time; I joined my family.

Q. Did you then devote more time to studying this problem?

A. Yes. I had more time off duty. At first I never had any time in the office there to do anything.

Q. What was the first result of that in the shape of a matured design?

A. This particular one, you mean?

Q. Of your study in that direction.

A. Oh, that I went into before I left the flagship *Richmond*. I got on another track before I left the *Richmond*.

Q. What was that other track?

A. The other track was the opening breech mechanism of a gun in one motion, which I did in another method—another way. I never wanted to use the stepped block of Armstrong, but I did make the mechanism on the Armstrong gun work in one motion; that was at first. That I did in the summer of 1888.

Q. From that did you go on to the cylindrical block?

A. From that I tried the cylindrical block, and succeeded in working that in the manner represented. Do you want me to refer to the model?

Q. Yes.

A. In a manner represented by this model [witness referring to a model present].

(Said model is marked Complainants' Exhibit L.)

Q. When did you get this design worked out completely?

A. That one was worked out completely in July, 1889. You mean that exact one?

Q. No; I mean that idea.

A. No; it was worked out before that. It was worked out in—the idea was worked out by May, 1889.

Q. And was that followed by your application for a patent?

A. That was followed by the application for a patent.

Q. The patent mentioned in the bill of complaint?

A. In the bill of complaint.

Q. Having worked out this idea, which is represented by Exhibit L, did you stop there, or what did you do in the direction of the same general subject?

A. No. I carried it further; and then, wishing to get rid of different parts, I devised this scheme for doing away with the rack, so as to leave the breech face clear, so that there should be no mechanism in the breech face, except a catch which I used then, and the trigger.

Q. This is represented by this exhibit? [Exhibit shown witness.]

A. Yes.

(Said model is marked Complainants' Exhibit M.)

(Witness continuing:) This was to do away with the rack, to get the rotary movement, and leaving nothing on the breech face when it was open [witness referring to Exhibit M].

Q. Go on and give the history of your progress on this general subject.

A. Afterwards I took up this [witness indicating]. They are so close together that I could not—I should say that this model [witness referring to the one to be marked Exhibit O] was fully designed before this one—Exhibit M—of which only working drawings for a model were made at first.

(Said model just referred to by the witness is marked Complainants' Exhibit O.)

Q. You mean that the working drawings of Exhibit M were made for a model, in your last answer, do you?

A. Yes; of Exhibit M.

Q. You say M and O came so near together in point of time——

A. In point of time that I confused them for a moment.

Q. That it is difficult to say precisely the order?

A. I know that O was designed before M.

Q. What date do you give O?

A. For O I should give the commencement of October, 1891.

Q. There is here another model, which we will mark Exhibit N. When did you complete this device?

A. N was the outcome of M, and was designed to still further reduce the complication of pieces in February, 1892, M being designed during the winter of 1891-'92; I could not specify the month, probably January.

(Said model marked Complainant's Exhibit N.)

Q. Have you stated fully the history of your efforts now from the time when the first idea took place in 1883 down to the present time?

A. Well, to the present I have carried it still further; I have put the mechanism attached to the model O; I have put it on a 5-inch gun recently, in a slightly different form, using a carrier ring with a tray to the rear; that is, the tray is made from what are now the guides for the lever on the carrier ring in model O, being placed at the bottom, so that the block must rest on the tray, and the lever standing vertically from the hinge here at the center of the carrier ring, vertically, and the hinge being on the side.

Q. That, then, is not one continuous movement of the lever?

A. The one I refer to is for a small space, and not necessarily one continuous movement; it is a straight pull for the unlocking, withdrawing, and a swing for the throwing aside of the block; it is not a continuous straight movement.

Q. Have you given the history of your efforts at solving the first problem which presented itself of opening the slotted screw cylindrical block with the continuous movement of a single lever?

A. I should say that covered the history.

Q. From 1883 down to the present time?

A. Down to the present time. I could state what work I was engaged upon which interrupted a great deal of that time, if you wish.

Q. Did you follow the thing up as diligently as your official duties permitted you to do?

A. I should say I did.

Q. And the first outcome was the mechanism shown by Exhibit L?

A. There the first one movement was the Armstrong—the double-slotted block, which, as I said, I didn't care for.

Q. That was the stepped block?

A. That was the stepped block, but not cylindrical block. The first one of the cylindrical block was shown in Exhibit L.

Q. The Armstrong conical?

A. It is conical and double stepped, too. There are two series.

Q. That conical form of block eliminated one of the three motions?

A. One of the three motions; left but two.

Q. But for the mechanism which should accomplish the three motions with the same continuous movement of the single lever, the first that you worked out into a practical form was L?

A. Was L.

Q. Having turned from the original idea to this?

A. To what seemed to me a more easily arrived-at result, although certainly much more complicated.

Q. And that was followed next by O?

A. By O, which was the outcome of my original thought.

Q. And then followed M?

A. M.

Q. And then N?

A. And then N.

Q. And all these models have been made from your own designs?

A. From my own designs and under my own superintendence.

Q. Now, at the time of your application for a patent upon the mechanism which L represents, did you have knowledge that there was any other device that had ever been made or patented for accomplishing these three motions with a continuous movement of a single lever on a cylindrical slotted block?

A. I did not.

Q. Did you at that time know of the invention of Canet in that direction?

A. I did not.

Q. Or of Nordenfelt's?

A. I did not.

Q. When did you first learn anything about Canet?

A. I first heard of Canet's invention when it appeared in a paper which I occasionally saw at that time, the London Engineering. I won't be positive whether it was Engineering or Engineer.

Q. I think it is Engineering.

A. I saw it in both papers, but at different times; but the first paper, I think, was the Engineer.

Q. When was that?

A. That was the summer of 1889.

Q. Was that before or after your patent was applied for?

A. The summer of 1889, did I say? No; it was a year later—the summer of 1890.

Q. It was after your first patent was issued?

A. It was after the first patent was issued; yes.

Q. That is, after the issue of the patent in suit?

A. Yes.

Q. And when did you first acquire knowledge of the existence of Nordenfelt's English patent 7195?

A. I first saw that patent, or first heard of it, in fact, when it was shown me by yourself in this office.

Q. During the pendency of this suit?

A. During the pendency of this suit.

Q. Were you ever offered a position in the Bureau of Ordnance of the Navy?

A. Never.

Q. Either directly or indirectly?

A. Either directly or indirectly. I have heard it said that I ought to be there; but that is all that I have ever heard in relation to it.

Q. Did Commodore Folger ever request you to unite yourself with that Bureau?

A. Never.

Q. What did he say to you on the subject?

A. When I showed him the model L, he remarked: "Seabury, you ought to have been in this Bureau." That is the only conversation I ever had with him in regard to it.

Q. Did Commodore Sicard ever request you to unite yourself with the Bureau?

A. Never.

Q. And you never had any orders to that effect?

A. Never had any orders to that effect.

Q. Is Exhibit L the model which you referred to in your former testimony as the model you showed Commodore Folger in Washington at the time you had the conversation with him?

A. It is.

Q. In regard to giving the mechanism a test?

A. It is.

Q. The identical model?

A. That model was shown at that time, but the drawings for the mechanism I suggested were somewhat modified from that—I wish to say that—simpler.

Q. Reference has been made in some of the proofs to a 5-inch gun which had mechanism of the general character shown by the Model L, and was in the hands of the Army officers at Sandy Hook. You were familiar with that gun, were you?

A. I was.

Q. Did you make the drawings?

A. I made the drawings for the mechanism.

Q. For the mechanism?

A. For the mechanism.

Q. State whether or not there was any difficulty in the working of the breech mechanism in that gun.

A. No difficulty whatever, with the exception of the extractor, and a fault which I myself saw—the great swing of the lever. That would not constitute a difficulty in the working; it was merely a difficulty in the handling.

Q. What made the difficulty with the extractor?

A. The extractor was placed in too small a space—the extractor, or the lever which threw out—the main extractor in the gun—and my first design for the trip hook, which was caught by the tray in opening, was too light, and broke in extracting the empty case.

Q. What was the extractor intended to remove in that particular gun?

A. It was intended to remove a short metallic case or gas check, like a vessel ammunition case, except shorter, with which I had endeavored to show the principles of a rapid-fire gun on a gun which it was impossible to convert to that idea.

Q. What was the structure of this cartridge base?

A. The cartridge base was of drawn brass, and on its base was a steel cup carrying the flange by which the empty case was to be withdrawn from the gun by the extractor. This steel base was riveted to the brass cup. Unfortunately, in manufacture, the proper quality of steel was not used; it had no temper; and under every shock of discharge, every expansive action, the cases would be set out more and more into the bore of the gun until they stuck so that no extractor under a rammer from the muzzle would get them out.

Q. In other words, the effect of the discharge was to hammer them and spread——

A. Hammer them and spread them; and they never returned to anything like their original position.

Q. And they wedged?

A. And they subsequently wedged in entering the case after another cartridge. They were not intended to enter separately at first; the cartridge back was supposed to screw to the wood disk, and this was held within the brass cup, thereby making one cartridge of it with its own gas check.

Q. Have you read the testimony of the defendant in regard to the action of the gun as he saw it at Sandy Hook?

A. I have.

Q. What have you to say as to the gun ever acting in that way in your experience?

A. I have never seen the action which the defendant speaks of—the connecting pin here between the retractor and the lever pivot and crank—I have never seen that disconnected in forcing cartridges into place. I have been surprised myself because I expected to see it go. I have seen it working hard, but I have never seen it disconnected. That was the trouble that was witnessed at Sandy Hook. These cases wouldn't be shoved into place except by a hard ram.

Q. Then you attribute that difficulty, as far as it occurred, to the expansion of these cases and the consequent difficulty of ramming them into the gun?

A. Of ramming them into the gun, I should call it.

Q. How many times did you handle that mechanism on the 5-inch gun?

A. I couldn't say; a great many times, naturally, being the inventor.

Q. A dozen or a hundred?

A. A hundred times, at least, is a very safe estimate.

Q. When did the idea of taking out a patent on any of your inventions first occur to you?

A. I never took out a patent—I don't say that the idea never occurred to me—but I never took out a patent until 1887, on a device for handling ammunition.

Q. Did anyone suggest to you to do that?

A. Yes; it was suggested to me by one person—I remember very distinctly—Commodore Folger.

Q. What did he say?

A. I was at the Bureau of Ordnance inspecting the shell lift with Commodore Sicard, who was then chief of Bureau, and Commodore Folger was then inspector of ordnance, and he was in the office at the same time; and after Commodore Sicard had expressed his opinion of it, which, as I recollect, was favorable, Commodore Folger followed me into the next office, and he said, "Seabury, that is a very good thing. Patent it all over." Or he may have said, "Patent it everywhere." I wouldn't say which.

Q. Had you patented any of the numerous previous devices which you have spoken of in your testimony?

A. I had not.

Q. What has become of the sketches and drawings, such as you made in the progress of your working at this original idea of breech mechanism?

A. I never made anything more than the small hand sketches on my lap, when I was taking a quiet smoke, sometimes on board ship; I mean I never went to the extent of a drawing other than those small sketches. But I presume they were destroyed, as you would take a piece of paper and when you would get disgusted with the idea for a moment, would drop it, and would take it up again, or would lose the paper, and never keep any memorandum of it.

Q. Have you looked among your papers to see if you have any of those left?

A. Very thoroughly. I can not find them. Anything in the way of finished drawings I have generally managed to keep, notwithstanding my movements. It is not an easy matter to keep your papers, moving around.

Q. I suppose at the time that you made these drawings you had no anticipation there would ever be such a question as is here presented?

A. Never the slightest.

Q. Of what State are you a native?

A. New York. Long Island, if you call Long Island part of New York State.

Q. (Certain blue-print drawings shown witness.) When was it that you got up the designs which you have spoken of for a flagship?

A. That was in 1881.

Q. Did you also get up designs for a gunboat?

A. I subsequently designed a gunboat for Admiral Porter, commencing in the early part of 1884 or the latter part of 1883, and being occupied upon it very continuously until the summer of 1885. That was by order, the Department ordering me to Admiral Porter's staff, and being under the Admiral's directions to do this work.

Q. It was official duty, then?

A. It was official duty.

Q. Did you complete the designs?

A. I completed the designs twice; the first time on one scale, and then enlarging them to another scale. This represents the second scale [witness indicating said blue prints].

Q. This drawing?

A. That is, this set of drawings; not this one.

Q. What labor did that involve; of what character?

A. It involved the laying down of the ship, the general planning of all her scantling, of all her arrangements—of the battery, of the decks, of quarters, of storerooms, magazines, shell rooms; everything, in fact, in relation to a ship; the calculation of the weights and the center of gravity in detail, of the hull, the equipment, and all the fittings of a ship; her lines (that came first, however), her displacement, her metacentric position, all her curves of buoyancy, etc.; the power of her engines necessary for a certain speed; about everything under the head of shipbuilding.

Q. Her armament?

A. Her armament. Of course I used the existing guns at that time (service guns); put them on the ship.

Q. Place for battery?

A. Certainly; everything in relation to a man-of-war.

Q. What was the idea of the boat?

A. She was built to carry out the Admiral's idea or design—to be built to carry out the Admiral's idea of an improved *Alarm*, that being his pet torpedo vessel. He wished to adhere to a good many points that I can not say that I, as a younger man, thought much of; but still I carried out the designs to the best of my ability, as I was on duty for his work and not mine.

Q. And that pretty continuously engrossed your time?

A. That was very continuously, night and day.

Q. Involved a great deal of computation?

A. A great deal of computation and a great deal of labor, as a glance at some of the plans, some of the general results, I think, will show.

Q. Have you the drawings here?

A. Those are the blue prints of some of the plans of the ship [witness indicating said blue prints]; but the calculations are not here, unfortunately.

(Said blue prints are marked Complainants' Exhibits B^1, B^2, B^3, B^4, B^5, B^6, B^7, B^8, and B^9, for identification.)

Q. To recur for a moment to the original idea of which you have made a rough sketch in Exhibit A^2, were there any other forms or particulars of that that you recall during your early study of the matter? And if so, please show them by a similar sketch.

A. It was very similar. I carried the pin below the gun. [Witness makes a sketch.] That was merely a variation in the idea—having the pin extend below the gun, to get more of a sweep; but it was discarded as being too weak mechanically.

Q. On account of the length of the pin?

A. Yes.

Q. And weight of the block?

A. And weight of the block; and as I considered at the time, and also in connection with anything that had to support the block when it was out, I didn't at the time see the way to support it.

Q. Now, while working at this idea on shipboard, you of course had nothing to work with but pencil and paper?

A. That is all. I had, of course——

Q. Or drawing tools?

A. I had drawing tools when I wanted them.

Q. You had no mechanical contrivances for experimenting with the different forms of the structure or shapes of parts?

A. No; not at all.

Q. Or lines of cams. It was purely a mental exercise, was it?

A. In fact, it wouldn't have done for me, if I had desired to keep it for myself, to get anybody else to do it aboard ship. Getting one of the men to do it would make it public property right off.

Q. How old were you when you went into the Navy?

A. I entered the training ship *Sabine* when I was 15 years and 10 months old.

Q. And your whole life has been spent in the Navy?

A. All except the years previous to that.

Q. And all the designing that you have done in the various directions mentioned has been, with the exception of the designs of the flagship and gunboat, voluntary work on your part, in addition to all your official duties?

A. Oh, yes; it was, all of it.

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In the circuit court of the United States for the district of Maryland.

JAMES B. M. GROSVENOR AND OTHERS, complainants,
against
ROBERT B. DASHIELL, DEFENDANT.
} Before John H. Kitchen, esq., examiner.

NEW YORK, *June 10, 1893*.

Present, counsel as before.

SAMUEL SEABURY recalled as a witness on behalf of complainants.

Direct examination by Mr. JENNER:

Q. Lieutenant, I want to ask you a few questions with respect to your early ideas about breech-loading guns. What led you to the making of the invention which is described in your patent here in suit?

A. The idea was to simplify the movements necessary to open the breech.

Q. When did that idea occur to you?

A. I had first that idea prior to the cruise of 1885. As I stated before, the very first idea, as I recollect, was about 1883.

Q. What was your object in wanting to simplify the mechanism for opening the breech?

A. To gain time.

Q. To gain time in what?

A. In loading the gun, and charging also.

Q. Did you have any idea of how you wanted to simplify that movement?

A. Yes; the ideas were quite clear.

Q. What was the idea?

A. The construction of the gun made it so. In order to fire the gun it must be locked, and in the screw mechanism the block is in the gun and screwed up. This block and the gun have slots which allow the block to be withdrawn after a partial revolution. My idea was at first to rotate the block to the necessary amount, then to withdraw it from the gun upon the tray, which was an old idea already in use, and afterwards to swing the whole mechanism from the breech of the gun.

Q. Your mechanism, which you contemplated improving, did that have a breechblock which was rotatable in the breech on a screw?

A. Yes, sir; I have just described that.

Q. Did that have a tray on it from which the block was withdrawn?

A. Yes, sir; all guns have either a tray or a carrier ring.

Q. Then you contemplated using in these improvements of yours two elements of the old gun?

A. They were necessary parts in the mechanism in a gun of that kind.

Q. What were the first ideas that occurred to you of the means of doing this?

A. The very first idea I had, as I recollect it, for rotating the block was the natural means of a rack.

Q. By "rack" you mean the rack and pinion?

A. By a rack tangential to the surface of the block to work the thing over.

Q. Did you have any idea of the means of working the rack, and if so, what was the idea?

A. The means that I had, or thought of at first, were to turn that rack, to move it by some connection with a shaft which, when worked by a lever or handle, would slide the rack from side to side and so work the block.

Q. What means occurred to you of withdrawing the block from the breech?

A. I had a general idea of withdrawing the block by an arm onto the tray.

Q. How did you contemplate working that arm?

A. The idea was to move it in connection with the other parts of the mechanism—to take one movement after the other.

Q. The only parts of the mechanism that thus far you have mentioned, or mentioned before, is the arm which was to withdraw the breechblock. Is that the part which was to operate the rack?

A. Yes.

Q. You intended, then, to have the arm for withdrawing the breech operate after the mechanism which operated the rack?

A. It had its natural sequence, and that same idea I carried out in the form of a lever and an open-arm block which I have already described.

Q. Did you contemplate attaching the arm for withdrawing the breechblock to anything?

A. To the breech or the gun, as it seemed to me the most natural place to put it.

Q. To the breech of the gun directly?

A. What do you mean—through a bearing? There must be a bearing, of course.

Q. What did you contemplate using as the bearing?

A. I don't understand exactly your question. Of course there must be a shaft to work the mechanism.

Q. That is what I was endeavoring to get at.

A. There must be a shaft or pivot.

Q. Do you have in mind now that in your explanation of this matter a shaft and a pivot is the same thing in this connection?

A. Yes, sir; I have referred to it in my other work as the same thing.

Q. Now, what was the next thing in bringing about this simplicity that you contemplated doing?

A. How far did you get, to the withdrawing of the block?

Q. To the withdrawing of the block.

A. After the block was on the tray, to swing it to one side.

Q. What means did you contemplate of doing that?

A. The general idea that I had was that the movement would be followed up. The movement of the lever which did all these things would have to carry the tray in connection with the block to one side.

Q. By what means did you contemplate carrying the tray away with the block on it?

A. By a lever by the shaft.

Q. Did you contemplate attaching the lever to anything besides the tray?

A. The lever would have to be attached through various movements to everything. Its motion would have to be taken up one after another.

Q. What do you mean by "taken up one after another"?

A. The different movements; it would have to rotate, withdraw, and carry to one side—the lever must do all that.

Q. Did you mean that one lever would do the whole, or different levers do different parts?

A. If I had the idea of an arm to pull the block out, I would have to operate that arm by the lever at the same time and same way with the tray.

Q. Did you expect that the lever which should carry the tray away would be connected so as to get your continuous movement that you have told about?

A. To the shaft or above.

Q. Where did you expect to fulcrum your shaft?

A. On the breech of the gun.

Q. Then, as I understand it, your object was to simplify the operation of loading, and to do that you intended to rotate the breechblock, withdraw it, and carry it away by a consecutive movement of a lever?

A. That was my idea from the first.

Q. And the various arms which should govern the rack for rotating the breechblock, for withdrawing it, and for carrying it away were to be attached to a shaft, should be fulcrumed upon the breech of the gun, and should be operated by one lever?

A. That is the idea.

Q. Now, when did you have that conception of the means of accomplishing what you wanted to do?

A. Prior to the cruise that I went on from 1885 to 1888.

Q. Prior to that cruise?

A. Yes, sir.

Q. Now, when did you work on the details of those means in proportioning one part to the other?

A. Whenever I got an opportunity.

Q. During what period?

A. Probably from the period of my conception I was working at various times on it. The time was very irregular; I had a great many things to do.

Q. Did you work on it while you were on the cruise?

A. Yes, sir.

Q. But in the rough way that you have already mentioned?

A. But in the rough way that I have already mentioned in my former testimony.

Q. Did you have any facilities while you were on shipboard for making any working model?

A. No, sir.

Q. As a mechanic, do you think it was impossible, or with your knowledge of mechanics and the practical application of mechanical forces, do you think it would be possible or practicable to correctly proportion those various parts without either carefully drawing or the making of a model?

A. No, sir; I do not.

Q. I understand you to say there was no opportunity for either while you were on board?

A. There was hardly any opportunity for anything on board of ship.

Q. Did you work out the mechanical details of your arrangement of levers, which you had before thought of, and the proportion of one part to another, at the first opportunity that you had?

A. Yes, sir.

Q. When did that first opportunity occur?

A. The first real opportunity that I had for work was after that cruise expired—the latter part of it—when we were laid up.

Q. Were you not on shore from the 1885 to 1888 cruise?

A. In the latter part of the cruise, in 1888, I had some opportunity which I improved.

Q. Where were you then?

A. At the navy-yard, the last three months, and had more opportunity.

Q. What did you do then?

A. Then we tied up alongside the dock and the ship was preparing for a foreign cruise, and I expected to leave her, which I did shortly afterwards.

Q. What did you do there toward working out your idea?

A. Then I undertook to work it right down to form, to get a breech mechanism that would work. Then I got out two or three ideas after that, which resulted in this one thing.

Q. I would like you to give a clearer idea of your duties on shipboard for the purpose of showing to the court just how your time was occupied in the daily routine of the ship's work.

A. Well, some ships vary from others, but the flagship work—this was on a flagship—is always more than other work. The flagship that I was on was blessed on two occasions with admirals with very great exercising propensities, who kept us on the move quite continually.

Q. Well, is one day a specimen of the rest on shipboard?

A. Not altogether. In the first place, I was a watch officer. I was an intelligence officer. I had to write up intelligence of the various things, that is, fortifications and things of that kind.

Q. Were you an active officer?

A. Yes, sir; standing watch in my turn, night and day.

Q. We civilians don't understand precisely what that means. Won't you give us an idea of the daily routine of your work on shipboard while you were watch officer?

A. Taking my own case, for instance, there was a greater part of the time we were in what is called four watches; in other words, four officers to do the ship's work, taking charge of the deck. Taking charge of the deck involves temporary command of the ship, taking practical command of the ship, especially during night watches, as the watch officer is the representative of the captain. In men-of-war, especially in the ship that I was on, the duty was kept up by the regular watch officers as strictly in port as at sea.

Q. I want to know what you did: how your twenty-four hours were spent?

A. Well, for instance, a man would have at sea the middle watch, 12 to 4 a. m. Of course, he had to get his sleep after.

Q. You would sleep from 4 o'clock to when?

A. From 4 o'clock to 8.30, say; that is, for that man. Then at 9.30 there would be quarters for inspection.

Q. What do you mean by that?

A. An assembly for inspection, the same as on shore—quarters for inspection or assembly for inspection on shore.

Q. Explain what you mean?

A. The gathering of the crew at certain places at the guns for inspection.

Q. What did you do as watch officer—what did you have to do with that?

A. I was about to say at these functions the watch officers were the men most in demand, as they were in immediate charge of divisions of men corresponding to companies of men in land forces.

Q. In other words, the crew is divided into divisions, and a certain division is put under charge of each one of the watch officers?

A. Yes, sir.

Q. How long did that inspection take?

A. That inspection and the following exercises would take something over an hour.

Q. That would be supervised by you as watch officer when it was your watch?

A. This comes outside of the watch.

Q. At the end of the hour what did you do?

A. At the end of the hour—there were various duties—at the end of the hour I might have been on a summary court-martial. The court must meet. That court might be in session for two or three days, even, occupying the time when your are off duty, or you might get your rest. These are the things which are irregular. I might be on a board of survey to survey the ship's stores. I might be on a board to examine some particular part of the ship's equipment which was faulty, or such things as that the watch officer is called to do; his time is not his own.

Q. He was busy about something?

A. Busy about something all the time.

Q. That would bring you up to when?

A. To noon.

Q. What took place then?

A. Then came the midday meals.

Q. How much time for that?

A. An hour.

Q. Then, at the end of the midday meal?

A. At the end of the midday meal afternoon exercises.

Q. What were those?

A. Ship's routine, exercises of different kinds, drills.

Q. How long did that take?

A. Generally an hour.

Q. Well, then what?

A. Then it is quite possible the court sat again in the afternoon, if it was sitting in the forenoon, or the board. I don't say that is daily; there is always a possibility of it.

Q. That would bring you up to what hour?

A. To say about 4 o'clock.

Q. What would occur then?

A. On watch again.

Q. How long on watch?

A. At sea the watch would be short; that would be only two and a half hours to carry you over to the dinner relief.

Q. Then what?

A. Then came your evening quarters again; no exercises then.

Q. No drill then?

A. No.

Q. What did take place?

A. Sundown and dark.

Q. Were you busy?

A. After that, no.

Q. During what time were you not busy?

A. Well, the dinner hour would take you up to about 7 o'clock, and then after that we would be off, unless you went on watch again.

Q. How long would you be off?

A. Then you would go on next morning at 4 again—4 to half past 8.

Q. When did you go to bed?

A. If a man wanted to get any sleep he went to bed about half past 8. The routine is regular, but the things you have to do are very irregular.

Q. As you have described the day, is that a fair specimen of the daily routine of an officer of your rank on board of a man-of-war when the admiral is there?

A. Yes, sir; except there is more of it sometimes.

Q. There is not less?

A. There is not less. I don't mean that those courts and boards would meet every day; that is a possible thing, but you always have to stand the chances of that.

Q. Practically, when you are not eating and sleeping——

A. You are liable to be called upon to do something.

Q. There is some official duty to be performed connected with your officer's work?

A. Nearly always, or you can stand in momentary expectation of having it. It is a case of constant stand-by on board ship. You don't know what you are going to do next.

Q. When you receive orders to do something, you have got to do it right away?

A. Yes, sir; besides the ship work, we have several land parties, where we have ten days and camp out and become soldiers—a camp regularly established; a camp for instruction. There, of course, anything like work is out of the question.

Q. These hours which you have given, you have stated about the amount of time that is taken, but the portion of the day when your watches would come would vary?

A. Yes, sir; they are changed by what they call the dog watches. The four-hour watch is divided in two-hour watches, which alternates the watch of each man every day.

Q. You spoke of having a division under your charge?

A. Yes, sir.

Q. What were your duties in respect to that division independently of watches?

A. Entirely in charge of the division; and, where it was a gun division, you had charge of the guns, to see they were always properly in order—properly equipped. My division, for instance, consisted of four 9-inch guns at that time, and all the clothing and what are called small stores for the men of the division are required for regularly on requisitions which the officer of the division has to take charge of and generally has to make out. I always did, because I seldom had a sub in my division.

Q. Then, how about instruction?

A. Then instruction; there is also instruction of apprentices. There was on that ship a board appointed to examine apprentices. That, of course, was quarterly, which you always had to take your turn at.

Q. As to drill, did you have to instruct your division in drill?

A. Yes, sir.

Q. In what line of exercise did you have to drill them?

A. In great guns or ordnance, in infantry and artillery and sword practice, pistol drills, torpedo exercises and boat drill, and many things which were covered by oral instructions, without reference to any particular branch or arm, you might say.

Q. And for the purpose of giving that instruction did you have to keep yourself well posted all the while?

A. Naturally, because many questions would be asked which would be very unpleasant for an officer to be unable to answer.

Q. That involved study?

A. Yes, sir.

Q. Did you have duties to do in the way of writing at sea, writing up reports of watches, or any such duty?

A. You mean the log?

Q. Yes.

A. That is so small a time there is no need to count that. I would not like to be put down as referring to that as a piece of work.

Q. When you acted as intelligence officer, what is that?

A. That is an office which now on board ship is given to one of the watch officers as a rule, and he is supposed to make himself thoroughly acquainted with all the improvements that he meets abroad either in foreign ships or armaments, forts, or anything that is of interest to the Navy Department.

Q. Did you act as intelligence officer?

A. At a part of the time I was intelligence officer for over a year.

Q. On the admiral's ship is there also more or less time taken up by formal [illegible]?

A. Yes, sir; and social functions; there is a great deal of social work going on which an officer has to take his share of.

Q. It is a duty, more or less?

A. It is more or less of his duty.

Q. Is it necessary to your departmental standing on a ship to go in the company of the officers?

A. Yes, sir; he has to take his share of such things as that.

Q. When did you work on the plans and drawings of this gunboat; what amount of your time daily was consumed in that?

A. Practically all my time except what I required for natural necessaries of life.

Q. Eating and sleeping?

A. Yes, sir. That was a work which required a great deal of constant labor, and labor in thought as well as labor manually.

Q. And often when not actually engaged with your pencil in your hand——

A. I was studying up some improvement.

Q. That absorbed your mind?

A. That was constantly; I can say all my time was taken up with that work while I was working.

Q. How many hours would it be in the twenty-four?

A. I know many days I have been on my feet over ten hours.

Q. Drawing?

A. Yes, sir.

Q. That was official duty?

A. Yes, sir; because I was attached to Admiral Porter's staff to work that gunboat up.

Q. After you landed from your cruise, when did you begin to make actual working drawings for your invention; either before or after you landed?

A. I began before I landed; I began to work them up.

Q. How long before you landed—I am referring now to the working drawings?

A. I made a general plan before that; I didn't make any working drawings.

Q. You didn't make any working drawings before you landed?

A. I made drawings which led up to the minor details to get it down to actual working.

Q. That you made during the time the ship was in cruise?

A. The very last months of the cruise—after I went ashore.

Q. When did you begin to make working drawings?

A. I didn't do this until 1889.

Q. Do you remember the part of the year?

A. The early part of the year—the spring.

Q. When did you begin to make drawings, with reference to a patent—to get a patent?

A. I used these drawings for the patent; I used working drawings. When I say working drawings I don't mean shop drawings, but drawings which would allow the machinery to be constructed so it would work.

Q. Those drawings which you began before you landed from the cruise were utilized in making the Patent Office drawings?

A. They were utilized—the continuation of them; I went from one thing to another; I was working on the same idea, but they evolved from the one idea to the other until I got to the Patent Office drawing.

Q. When did you have the Patent Office drawing begun?

A. I began this about May, 1889, I think.

Q. When was the patent applied for?

A. Applied for, I think, in June or July.

Q. Were these drawings that were filed with the application for a patent made from a model?

A. No, sir; I didn't have a model.

Q. From what were they made—your own drawing?

A. Yes, sir.

Q. Made by you?

A. Yes, sir.

Q. Some of which were made before you landed from your cruise?

A. I don't mean to say they were actually made.

Q. I mean the drawings from which these Patent Office drawings were made were begun before you landed from your cruise?

A. Yes, sir.

Q. That arduous labor on the gunboat lasted how long?

A. About eighteen months.

Q. It began when?

A. It began in—I think it was—the early part of 1884.

Q. And terminated when?

A. In the summer of 1885; just before I went on that cruise.

Q. What was the interval between finishing that work and going on the cruise?

A. I think about three or four months.

Q. What were you doing during that time?

A. Taking a little rest.

Q. Were you used up?

A. Pretty nearly used up.

Q. The drawings which you began while you were on shipboard, that you worked on while the ship was here over at the navy-yard—on what scale were they?

A. I don't recollect.

Q. Do you know where they are now?

A. I do not.

Q. Where were they when you last saw them?

A. The last time I saw them I sent them to the lithographer; I have lost track of them.

Q. When was that?

A. In 1888—the first ones.

Cross-examination by Mr. PHILLIPS:

Q. I produce a letter purporting to be written by the witness, Seabury, and verified by the witness, addressed to Messrs. Wilson & Wallis, dated March 9, 1892, and filed by your counsel with the Secretary of the Navy at that time, and ask you if you wrote that letter?

A. Yes; I have no doubt but what I wrote the letter. I am assured that it is an accurate copy.

(Counsel for the defendant introduces in evidence two letters, one from Wilson & Wallis to the Secretary of the Navy, dated March 10, 1892, marked Defendant's Exhibit No. 1, of this date.

Also a letter of Lieut. Samuel Seabury to Wilson & Wallis, dated March 9, 1892, and inclosed in the letter of Wilson & Wallis addressed to the Secretary of the Navy, marked Defendant's Exhibit No. 2, of this date.)

Q. I understand that you have no drawings at all to indicate the progress of your devices?

A. No, sir; they have been lost through my various movements. I have moved my house——

Q. Have you inquired for them?

A. Yes, sir. I know that a number of rough sketches I have thrown away.

Q. You say you left some with the lithographer?

A. I mean the 1888 drawing I spoke of. That was a drawing for an automatic operation of a breech mechanism. It was in the same line as this was—followed it right up; not the actual thing.

Q. I understand you to say that the idea of unlocking, rotating, and withdrawing the block occurred to you first——

A. Prior to the cruise of 1885 to 1888.

Q. Did you make any drawings that conveyed that idea?

A. How do you mean conveyed?

Q. That conveyed it to anybody that saw it?

A. No drawing; such drawing as I spoke of and illustrated the other day; little sketches. I never got to the point of making a drawing which would show it clearly.

Q. You have no drawing at all?

A. No, sir.

Q. Did you ever reveal the idea to anybody?

A. No, sir; I did not do it for this reason; that it was a thing that I wanted to do, but I had not got it far enough along to show anyone until later, when I got it up in some sort of shape; I did not do that until later.

Q. When was that later?

A. Well, I can't say that I exhibited it to anybody until I got it so it would work.

Q. That was——

A. In the early part of 1889.

Q. The first time that you exhibited anything that would show the idea, I mean to say this very idea, to a third person was in May, 1889?

A. About that time; when I got it so that it actually worked.

Q. I believe you said in your last examination that was May, 1889?

A. I forget whether I did or not; I think that was about the time.

Q. The idea was worked out in May, 1889, is what you have said here in the testimony?

A. Worked out finally.

Q. You had no drawing of it before that?

A. No, sir; I mean to say that all I had before that was my own idea to get it to work, but not reduced to a drawing, not reduced to a practical drawing. I had little sketches and things of that kind that I kept to myself—many a thing I have done that way.

Q. Did you have a drawing of your own that exhibited the whole idea?

A. Not prior to that; no, sir.

Q. Not prior to May, 1889?

A. No, sir. Those little sketches which I showed you in the other evidence were such as I had.

Q. The idea of having a lever formed by means of cams, several changes of motion, is not a new one, is it?

A. You mean new in regard to guns?

Q. New in general, in mechanics. I am not talking about guns. That a lever by means of cams should make changes of motion is not new in mechanics?

A. I should say not.

Q. How old is it?

A. I would not dare say.

Q. Older than your school days?

A. I believe it must be older than I am.

Q. Your view was to apply that old principle to a gun?

A. Yes, sir; to bring the action of a lever, to make the lever do all the work, the three motions.

Q. An old idea of lever working, making several motions, changing its motions in several different directions by means of a cam, was an old principle in mechanics, an old idea, was it?

A. The adaptation of the old plan to a new thing.

Q. Adapted to that?
A. Yes, sir; adapted to that.
Q. That you worked out in the course of these years you speak of?
A. Yes, sir.
Q. And your first drawing of your idea was in May, 1889?
A. Yes, sir: that was the first drawing which shows the actual workings of the machine. Prior to that I had it in small sketches.

Redirect by Mr. JENNER:

Q. This letter of March 9, 1892, purporting to be addressed to you by Messrs. Wilson & Wallis, and which was forwarded to the Secretary of the Navy, was that letter your own composition?
A. Yes, sir; I recollect it was. I know that I submitted some such letter as that.
Q. Did you compose it or draft it?
A. Yes, sir.
Q. Did you compose it or somebody else for you?
A. No; I compose my own letters as a rule.
Q. At that time—at the time of composing this letter—did you know what the legal construction of the term invention was or in what the inventive act consisted?
A. No, sir; not as I have had it explained to me since. I imagined at that time that it must be a completed invention.
Q. That the invention was not made until it was completed?
A. That it was a completed thing; that it could not be a mere idea of principles or grouping of principles; it must be a complete thing.
Q. A practical working thing?
A. Yes, sir.
Q. A reduction to practice of the idea?
A. Yes, sir.
Q. And that the invention was not made until that was done?
A. That was the idea I had.

By Mr. PHILLIPS:

Q. Mrs. Lavinia Wilson is the wife of the complainant Capt. J. W. Wilson, who testified on a former hearing in this case?
A. Yes.

By Mr. JENNER:

Q. Where were you when you drafted this letter of March 9, 1892?
A. I wrote one letter at home; I don't know whether that is the one or not.
Q. Look that letter over and see if that is the one that you wrote at home.
A. Yes; I wrote that letter at home.

SAMUEL SEABURY.

After signing and swearing to his testimony, the witness desired to make the statement that he did not wish to be understood, in answer to the last question on page 27 of his deposition, that he had never taken out a patent. He meant to be understood as saying that he never took out a patent for ordnance. He had previously taken out one patent for a car ventilator, about 1877 or 1878. This statement is put upon the record by the examiner in the absence of counsel, at the request of the witness.

JUNE 15, 1893.

JOHN H. KITCHEN, *Examiner.*

* * * * * * *

WASHINGTON, D. C., *December 22, 1893*—10 o'clock a. m.

Met pursuant to adjournment, at the office of Phillips & McKenney, Sun Building, Washington, D. C.

Present on behalf of the complainants, Mr. Wilson; present on behalf of the defendant, Mr. Phillips.

Whereupon William Mayhew Folger (commodore, United States Navy), a witness of lawful age, called by and on behalf of the complainants, having been first duly sworn, is examined.

By Mr. WILSON:

Q. You are the Chief of the Bureau of Ordnance of the Navy Department?
A. Yes, sir.
Q. And have been stationed in this city how long?
A. This last time since October, 1888.
Q. Have you occupied that position since that time?
A. No; I have occupied that position since February, 1890. Previous to that I was inspector of ordnance at the navy-yard at Washington.
Q. When were you first informed that Ensign Dashiell had designed a breech mechanism for a slotted screw block, with the intention of giving more rapid fire to cannon?
A. I first directed his attention to our not having anything of the kind suitable for use while I was inspector of ordnance in the Washington yard in the latter part of 1888 or early in 1889. It was, at any rate, in the winter time.
Q. What was his position at that time?
A. He was stationed at the proving ground at Annapolis.
Q. When did you first learn that he had accomplished anything in that direction?
A. I heard from him perhaps from time to time. I recollect certainly of one occasion, while I was still at the yard, when I had a conversation with him as to the progress he was making in the subject, urging him to push along; but the first definite evidence I had that a conclusion might be reached was, I think, in the year 1890, after I came to the Bureau of Ordnance, late in the spring or early in the summer. He then brought me a model, composed of metal and wood, which I took to the Secretary of the Navy.
Q. Can you fix the date any more closely than that?
A. No, I can not; but it was in the spring, as I recollect it. It was a month or two or three months after I came into the Bureau.
Q. How large was that model?
A. Four or 5 inches in exterior dimensions.
Q. How large a bore did it show?
A. As I recollect, it was an inch and a half.
Q. Had you seen that model before it was finished?
A. No, sir; it was a completed thing when I took it up to the Secretary on that day.
Q. Do you know where it was made?
A. I imagine it was made at Annapolis, as he was stationed there. He told me at the time that he made the most of it himself.
Q. Did he at the same time have drawings of the device?
A. No; he only presented the model.
Q. Was that before or after you first saw the Seabury model?
A. I do not know, to tell the truth. I think it was considerably before; but I am uncertain about that, because the Seabury matter did not occur to me as a very serious transaction at the time, and I did not fix it in my mind. I remember the Seabury matter distinctly, when he and his friend came there on one occasion, certainly; but I am uncertain now as to just when that was. I have had so much else to do that I do not pay much attention to details in these matters.
Q. Are you able to say whether the Seabury model or the Dashiell model was the first that you saw?
A. The Seabury matter came to me long after I first heard of the Dashiell matter, because the Seabury matter came to me when I was at the Bureau.
Q. I am speaking now only of the model.
A. As to that, my impression is that the model came to me before, although I am really very doubtful about it.

By Mr. PHILLIPS:

Q. What model?
A. The Dashiell model.

By Mr. WILSON:

Q. Had you previously to seeing either of these seen any model of a mechanism which unlocked, withdrew, and threw open the screw block by handling a single lever?
A. I have seen the Canet device, which does all of those things, and I have seen many drawings of the Canet device. I had heard a number of years before of the Vavasour device, of a conical breech plug.
Q. You mean that which is made by the Armstrong Company?
A. Yes; that is made by the Armstrong Company. There have been a number of devices of that kind, I think, prior to either of these, because it was by no means a new thought to me, to open it by one movement; but I wanted to do that with an American invention.
Q. I suppose a great many had been striving after the same end?
A. Yes.
Q. The art had reached that stage when the same idea would naturally occur to a great many? I do not mean the same mode of accomplishing it would occur to them, but the same purpose to be accomplished.
A. The desire to do it was universal all over the world. A great many people were trying to do that.
Q. Before the time when you saw either the Seabury or the Dashiell model, had you seen the model of the Canet device?
A. Not his model.
Q. Had you seen it in a gun?
A. I had seen both the Canet and Vavasour in Europe. I have seen a Canet gun in Canet's office in Paris. I was stationed abroad in 1887 and 1888, and I saw that gun in his own office in Paris.
Q. Which Canet device was that?
A. It was one which opened with one movement.
Q. Was it one that opened with a lever or one that opened with a gearing?
A. It was one that opened with a lever.
Q. You are quite sure of that?
A. Yes, sir.
Q. Was it patented as early as that?
A. I think so. At least I saw a Canet device in his office in Paris that opened with one movement. You see, these things happened a good time ago, and I do not pretend to recollect exactly about them.
Q. You are familiar with the two Canet devices?
A. I know that he has two; yes.
Q. They are quite different in their construction, are they not?
A. Yes. It is necessary that they should be, as one is intended for a very heavy weight and the other for a light weight.
Q. The one for heavy guns withdraws the breechblock by teeth interlocking with the threads of the interrupted screw, does it not?
A. Yes; I believe so.
Q. And the other one withdraws it by a pin at the rear of the center of the breechblock?
A. I would not attempt to describe it.
Q. Which of these devices do you think it is that is similar to the Seabury and Dashiell devices?
A. I should think it was the lever device that was more similar than the other.
Q. That was the later one of the two?
A. That was possibly the later, but the relative dates of the two devices I do not remember.
Q. Is it not probable that the one you saw in Paris was the earlier one—for heavy guns—first introduced?
A. No; I think not. Canet knew that I was very much interested in all of these things, and he wanted to get them adopted in America. He showed me all that he had. I saw a device there which opened with one movement; it was for a small gun, and naturally would be operated by a lever, and not by a gearing, as would be the case were it a heavy block.
Q. Did he not show you the heavy block mechanism?
A. Possibly; but I remember the other, however.
Q. Was not this heavy block mechanism made with a small gun, in order to show it with the effect of a model?
A. No; we would quickly know whether it was intended for a large gun or a small one, whether the model was large or small.
Q. Then, you think he showed you his small gun lever device, and did not show you his heavy gun and prior device?
A. I think that he showed me the lever device that combined these features of opening in one movement. As to whether he showed me two devices at that time, I do not know. I could not state positively about that.
Q. You can not recall now the precise mode in which it worked?
A. No; I can not. The subject of opening a breechblock with one movement was an old story to me, and I had heard of it in very many different directions before I supposed Seabury or Dashiell were going to do anything of the kind, so that I would not fix in my mind an occurrence of that sort. I may have heard of it fifty times in fifty different directions, as it was a thing I was after myself for—own service.
Q. I would rather you would state how many times you did see it than how many times you might have seen or heard of it.
A. I would be delighted to do it, but I am afraid I would not be able to fix it exactly.
Q. At the time you saw the Seabury model, it did not occur to you that you had already seen Dashiell's model for accomplishing the same thing?
A. It might have occurred to me.
Q. You can not recollect now whether it did or not?
A. I can not recollect whether it did or not. It seems to me, though, that I ought to have recollected it. Perhaps you can tell me the date that he brought the model there.
Q. The time of which I speak was some time in the month of May, 1890, as I am informed.
A. Mr. Dashiell's testimony will probably fix the date more definitely than mine.
Q. I am only asking for your recollection.
A. I did not bother myself much with the details. I work on a general principle, and some one else works out the questions of details. At that time I was very busy, and I do not think I fixed in my mind the date. I should like to know at the present moment, for my own edification, whether Dashiell or Seabury came first with his model, but I really do not know.
Q. You do recollect the fact, however, that you saw both models?
A. Yes; I saw Dashiell's model. I had forgotten about Seabury's model. I have not tried to refresh my mind on this matter, except this morning, when I read over a description of the sequence of events. I had forgotten, until you spoke of it a moment ago, that Seabury did bring a model. I assure you I have not seen either Seabury's drawings or his model, although the drawings were filed—as I understand and know—in the Bureau of Ordnance, I have not looked at either of them since the time of his coming there. I have not seen them, and have not asked for them.
Q. Do you remember the fact that when Mr. Seabury presented the model for your notice he had with him also original drawings showing the same device for a 4-inch gun?
A. Yes; he had drawings with him, and I think very likely it was for a 4-inch gun.
Q. You did look at them at the time?
A. I looked at everything he had.
Q. Sufficient to observe the character and mode of operation of the mechanism?
A. In a general, cursory way.
Q. Do you know the fact that, subsequently, drawings were received by your Bureau from Seabury? When I say drawings, I should say blue prints from original drawings, showing a 4-inch gun.
A. Yes. I will not state as to the caliber; but I think I remember that there were other drawings received.
Q. I show you these drawings, and ask you if they came from the files of your office in the Bureau of Ordnance [handing witness the drawings].
A. Yes; these are our drawings. This is our method of stamping them. The date is June 4, 1890.
Q. That is, they were received and placed on file in your office on the 4th of June, 1890?
A. Yes, sir.
Q. These are the original receipt marks on the back of the drawings?
A. Yes.

(Counsel thereupon exhibits to the witness three sheets of blue-print drawings, entitled Four-inch B. L. Rifled Seabury Breech Mechanism, sheets Nos. 1, 2, and 3.)

Q. When did you first see these after their receipt in your office?
A. They are usually brought to me. The mail is laid on my desk, and I look at everything. I suppose I saw them that day, when they were received.
Q. Did you give any instructions in regard to them?
A. To be filed, that was all.
Q. Have you since that time given any directions in regard to them?
A. I have never thought of them from that day to the time the racket began about them.
Q. Do you know what use, if any, has been made of them from that time?
A. They can not be taken from the file without my permission. That is the order.
Q. They can be taken within the limits of the Bureau without your order?
A. Yes; by any of the assistants of the Bureau.
Q. I ask you, from the appearance of them, whether you would say they had been handled since they were received?
A. I don't know about that. Their condition might have arisen from the condition they were in before they were received. As to whether they have been handled since they were printed, I say yes.
Q. They have been handled a good deal, have they not?
A. Yes; but as to when they were handled, as to time and place, I should be very doubtful.
Q. In fact, they show signs of wear, do they not?
A. Yes; but they may have been worn before they were sent to us.
Q. If they were entirely fresh when they came to you, it would indicate that they had been used a good deal in your office?
A. They would indicate that they had been used, if they were fresh when they came to me, unless means were taken to crumple them up.
Q. They have remained since then in the files of your office?
A. No; you have just received them this morning.
Q. They were just handed to me by Mr. Stayton, accompanying Mr. Dashiell, who, I believe, brought them from the Bureau of Ordnance.
A. Yes; I think that is very likely true.
Q. I understood you to say that they had not been permitted to go out of the possession of your Bureau?
A. I have given no permission for them to go out, and I do not imagine that they have been taken out.
Q. Did you not say they could not go out without your permission?
A. They can not go out properly without my permission.
Q. Can you give any explanation of the pin holes that appear on sheet No. 1?
A. I can not. I have had nothing to do with them.
Q. You see such pin holes there?
A. I see there are holes there. There are more or less pin holes in all of the sheets.
Q. How are those ordinarily made in such drawings?
A. Pin holes are not supposed to be made in the drawings. If you are going to trace a drawing, it would not be done by means of making pin holes in them like children do in school. They put pin holes in the corners, and lay the tracing paper over it.
Q. How did the pin holes happen to be in these drawings?
A. They occur in taking dimensions, etc.
Q. That is, by the points of the dividers?
A. By the points of the dividers.
Q. When did you first see any drawings of the Dashiell device for handling the screw block?
A. I think in a drawing for the Secretary's report, in the fall of 1890. It is very likely that I saw and approved detailed drawings between the summer of 1890 and the fall of 1890. I must have done so, because they can not manufacture a mechanism at the Washington yard unless I have my signature on it. I recollect that there was a picture of the device put in the Secretary's report of 1890, or, at any rate, it was the intention to put it there. If it is not there, there was a change in the intention. I must have seen the drawings of the Dashiell mechanism during that summer, and approved of them, for their manufacture; but I do not remember specifically the date at which I had these drawings brought to me.
Q. Were those drawings entirely similar to the mechanism shown by the model you had already seen?
A. They were, in principle, undoubtedly.
Q. Were they in detail, or were the details modified?
A. I think that always grows——
Q. I am asking you about this particular one?
A. I do not know about that. I fancy they were changed.
Q. Were those drawings made in your Bureau?
A. The detail drawings are usually made at the yard. The general drawings are made at the Bureau.
Q. And by Bureau draftsmen at both places?
A. Yes, sir.
Q. The drawings of which you speak, then, were made by some of these draftsmen from original sketches furnished by Dashiell?
A. Yes; they are usually made from original sketches of the designer.
Q. Your report for the year 1890 speaks of the invention of Dashiell, does it not?
A. It probably does.
Q. And refers to the delineation of it, which will be figured in the appendix. Is not that the fact?
A. Possibly it is. I have not read it since 1890.
Q. Was it figured in the appendix?
A. If I said so I trust it was, because that was the intention.
Q. If it was not, what was the reason?
A. Probably because the Secretary would not approve of making any drawings, or something of that sort.
Q. If that is not the case, then, what would be the explanation?
A. I do not know whether there could be any explanation of it. It would not amount to anything deep or mysterious.
Q. How many times were Dashiell's drawings changed before that type was generally adopted which took form in the first breech mechanism actually applied to guns by your Bureau?
A. I have no idea. I did not pay any attention to these details.
Q. Did you not have something to say about it?
A. I authorized all changes; but as I have about 5,000 drawings going all the time, I can not follow them all. If I had known there was to be a controversy, probably it would have fixed it in my mind.
Q. Then no changes were made without your authority?
A. No changes are ever made without my authority.
Q. Were changes made upon your suggestion?
A. They may be made upon my suggestion. They frequently are.
Q. I am asking about this particular case.
A. I do not remember whether I made any changes or not. I may and may not have done so.
Q. Did you not, in point of fact, suggest various changes?
A. No; not in the Dashiell mechanism. That is a thing that I had confidence he would work out to my satisfaction better himself than he would by any advice from me.
Q. Was he an assistant in your Bureau?
A. No; he was stationed at the proving ground at Annapolis.
Q. Was he an assistant in your Bureau any part of the time while you were chief of Bureau?
A. No; never since I have been chief of Bureau.
Q. When was the application first made for the Dashiell patent?
A. I have no definite idea.
Q. Did you know anything about it at the time?
A. I advised him to take out a patent.
Q. When did you do that?
A. In 1890 I counseled him to take out a patent. I thought it was a good thing for him to do, and it was, in my opinion, an original departure.
Q. A departure from what?
A. An original idea, we will say.
Q. What did you regard as the feature of originality in it?
A. It was different from anything I had seen before, in general.
Q. Different from the Canet?
A. It was prompter in its action than the Canet. It was somewhat more powerful than the Canet, and its extraction was, as I thought, better than the Canet.
Q. You considered it to be considerably different from the Canet?
A. I considered it substantially an original idea, and I thought it would be advantageous to us to have an American idea.
Q. If you considered it an original idea, you considered it substantially different from the Canet. Is not that the fact?
A. Yes; if the Patent Office should decide that it was sufficiently original to award a patent on it, I would be satisfied to go on with it.
Q. You were aware at that time that Seabury's invention had already been patented?
A. I was aware that there was a similarity between them, but I did not know any more about the Seabury patent than about the other.
Q. You knew the Seabury invention had been patented at the time you first saw the model of the Seabury invention?
A. I suppose I knew it.
Q. Do you not make it your business, as Chief of the Bureau of Ordnance, to keep yourself informed as to the issuance of patents in the matter of guns?
A. We receive notice of patents, and of all patents that are filed in the American office. That is to say, there are instructions at the Patent Office to furnish us with them in a general way, and specifically with regard to certain things, and they keep us pretty well posted as to what is being done. I probably knew at the time Seabury presented his model that he had a patent.
Q. Then, if his patent had been issued some time prior to that, you must have known it in the course of business?
A. That is probably true; yes, sir.
Q. Did it strike you that the Dashiell design was original, in that it was substantially different from the Seabury design?
A. I did not bother much about the two. As I told you a moment ago, I never looked at the Seabury drawings or model after Mr. Seabury presented himself there. I made no study of them whatever. I went largely on this principle, that if the Patent Office, which was paid for making validity searches and things of that sort, had satisfied itself of the originality of the idea, I had nothing further to do with it, and did not care.
Q. You said a few moments ago that it was your desire to have an American device that would perform this function of rapidly opening the breech?
A. Yes; in the best manner possible.
Q. And was it not present to your mind that the Seabury device, already patented, accomplished that, and was an American device?
A. Yes; but not so well. The impression in my mind at the time was that it did not accomplish it so well. I remember of this expression being used at the Bureau at the time with reference to Seabury's device. The term applied to a complicated mechanism is a "clock;" and I remember somebody said at the time of the presentation of the Seabury device that it was a sort of clock; in other words, that it was somewhat complicated. I remember that the impression produced upon me by the Dashiell device was that it was less complicated. That, together with the issuance of the Dashiell patent, or the prospective issuance of it, was probably the cause of any action in taking it.
Q. You did consider the question, to some extent, as to whether the Dashiell device was an infringement on the Seabury device?
A. It possibly may have occurred to me.
Q. Did it not occur to you?
A. I think it is very possible it did.
Q. Is it not more than possible? Is it not your present recollection that you did think of it?
A. Not as a definite and specific fact. The decision of the Patent Office, I thought, rather cleared the atmosphere, so far as I was concerned.
Q. What was there in the atmosphere to clear up?
A. There was the Canet device, and all that had been done before, and the desire that the Bureau should not have a fight on its hands.
Q. Did you request any opinion or decision from any of the Patent Office officials upon that point?
A. Not at that time. I never did on Dashiell's matter. I did on another matter, however.

Q. Did you see Dashiell's drawings and application as presented for a patent?

A. No; I did not see it at all. In fact, in order to preserve to himself the right to receive a royalty from the United States, if it was decided to give him a royalty, he showed me nothing about his patent claims or his patent drawings prior to his application for a patent. He very wisely did that without consultation with me in regard to it, and I was subsequently very glad that he had done it. He took what measures he could leading to the issuance of the patent without consultation with me and without advice from me as to modifications or details, and secured his own patent in his own way, in order that his claim for a royalty subsequently might be perfectly clear, because the rule, as I understand it, as decided by the Attorney-General and by the Supreme Court, is that if he receives assistance or pay, or the Government develops his idea for him prior to the main principle being established, he can not receive a royalty. He did not do anything that would invalidate his possible subsequent claim for a royalty.

Q. That is, he did not in your judgment?

A. So far as I am able to judge.

Q. Were any obstacles developed in the way of his obtaining a patent as originally applied for?

A. I have no knowledge of any of the proceedings in the Patent Office.

Q. There was no conference with you at any time between the application for a patent and the issuance of it?

A. None whatever, as I recollect.

Q. And in the meanwhile your Bureau proceeded to manufacture this device?

A. That is just what we did, because we were in a great hurry.

Q. How many of these devices have been completed or are in process of construction in your department?

A. I do not know that. We can find out if it is necessary.

Q. As many as fifty?

A. Yes.

Q. As many as a hundred?

A. I do not know whether we have gotten up to a hundred or not. My annual report states it, but I do not know now.

Q. You would say somewhere between fifty and a hundred?

A. Possibly more and possibly less.

Q. Was there a time when work was suspended at the navy yard shop?

A. No, sir; not that I know of. I do not recollect that we ever held it up. Do you mean on account of this interference?

Q. I ask simply whether there was a time when work was stopped for a while?

A. I think not.

Q. Is it not a fact that for several weeks, and even months, that work was suspended?

A. On the Dashiell block?

Q. Yes.

A. I think not. I do not remember at this moment.

Q. You would not be positive that it was not?

A. I am rather positive that it was not. I have never cared enough about this thing as to have taken so serious an interest in it as to recollect all the details. I was away for a month during the summer, but I think I would have known it if it had been stopped. That would indicate that we were rattled, and we were not at all.

Q. This is your letter, I suppose [handing witness a letter]?

A. That is my signature and my letter.

Mr. WILSON. I offer this letter in evidence.

(The above-mentioned letter is here offered in evidence on behalf of the complainant, and the same is filed herewith and marked Exhibit W. M. F., No. 1.)

Q. Is this also your letter? I show you a paper already marked Complainant's Exhibit, Letter No. 1, S. A. B., commissioner.

A. Yes; and that is my signature.

Q. At the time the Seabury model was shown to you first, did your Bureau have any rapid-fire device before it for consideration?

A. The Driggs and Hotchkiss device was adopted in Europe, and we did not know but what we might have to take that. I did not want a block that moved up and down, if I could help it, and I was looking for something else. Sicard had rather believed that the Driggs block might be applied to a 4-inch gun.

Q. Sicard was your predecessor as chief of Bureau?

A. Yes, sir.

Q. At that time the question of adopting the Driggs device was more or less undecided?

A. Entirely undecided; it was never decided to adopt it, and it has not yet been adopted.

Q. And with the exception of that there was no device that was actually under formal consideration, was there?

A. Admitting that I had not seen the Dashiell block, which I am not quite certain about, there was none other.

Q. Then if you had not already seen the Dashiell model there was nothing before your Bureau except the Driggs-Schroeder device?

A. Nothing except the Canet, the Hotchkiss, and the Driggs-Schroeder. I had only been in the Bureau a little while, and was, of course, looking around very interestedly and seriously as to where I was going to settle. It was a matter involving a good deal of money, and I was taking up for consideration anything that came along in that line, and to that extent I did take up the Seabury, but never with a view to committing myself to any extent.

Q. If you had already seen the Dashiell device, you did not mention that fact to Seabury?

A. I would not have been apt to mention it. I will tell you one thing which may be of interest to you. Mr. Seabury has taken out a great many patents, and has been several times offered duty in the Bureau of Ordnance. He has always declined it. If some other device had come before me as Chief of Bureau my sympathetic consideration would be with the other naturally, if the merits of the other device at all made such a decision justifiable, on account of Mr. Seabury never having been willing to work in the Bureau of Ordnance.

Q. When was he ever offered an assignment to that Bureau?

A. He was offered it in Sicard's time, and he was offered it in my time. It seems to me that I offered him a position before I became Chief of Bureau. I think I suggested his going into the Ordnance Bureau. I remember suggesting a great many times, when he was aid to Admiral Porter here, that he should do so, but he never did. He is always inventing, and is a man of a good many ideas.

Q. Do you mean to say that you ever actually offered Lieutenant Seabury a position in your Bureau?

A. I suggested it.

Q. Did you ever offer it?

A. No; I made no particular offer, but I suggested to him it was a great pity he was not in the Bureau of Ordnance, because he could make his talents of greater value.

Q. Is that the suggestion you refer to?

A. That is, possibly, the suggestion I referred to.

Q. With that exception, did you ever offer or suggest to him that he should be detailed to your department?

A. Several times when I was on duty in the Ordnance Department I can remember of speaking to him, and I can remember of having heard that Captain Sicard had offered him duty there.

Q. Do you know of your own knowledge of Captain Sicard's having made such an offer?

A. No; except that the matter was Bureau talk.

Q. I am asking you for your personal knowledge. Bureau talk is not evidence.

A. I am giving you, however, my general impressions of this young man.

Q. I will limit you for a moment to your own knowledge. You have no personal knowledge of Captain Sicard's ever having offered Seabury duty in the Ordnance Bureau?

A. Not beyond hearsay; no.

Q. You do not consider that personal knowledge, do you?

A. No.

Q. Limiting you in the same way to your personal knowledge, did you ever offer Lieutenant Seabury duty there, or suggest to him that he should be attached to your Bureau, with the exception of the suggestion you made when he showed you his model of the breech mechanism?

A. No; probably not.

Q. And on that occasion did you not simply say, "You ought to have been attached to this Bureau?"

A. Possibly. The suggestion was that it was a pity he was not on duty in the Bureau.

Q. And for the reason that he was not, you would receive the device of anyone else with more favor than his?

A. For the reason that, to my own knowledge, he has had a long history of making inventions of war materials away from the Bureau of Ordnance, and in the matter of patents, which we deprecate as a rule.

Q. You did not deprecate it in Dashiell's case?

A. No, sir; because the services of Mr. Dashiell should be paid for.

Q. You advised it in Mr. Dashiell's case?

A. No; I gave no advice whatever.

Q. You recommended him to do it?

A. I told him I hoped he would take out a patent.

Q. You think he was wise and right in taking such a course?

A. Yes, sir; I say that certain officers have served the Government of the United States to such an extent that the Government should pay them in one way or another. Their pay is not sufficient, and they can not make any money in the service. When this officer, without order or instruction from me as to the evolution and development of a device, produces a thing which the Patent Office states is original in idea, and which is, in my opinion, different from and better than anything that has been presented to me, I say to that officer, "Take out a patent, because your services have been so good that you should receive some remuneration for them." That is the case here, and that is why this officer had my sympathetic consideration all through; but he has had only that, however.

Q. On principle, you are ordinarily prejudiced against an officer who takes out a patent for his invention?

A. On general principle, in the case of an officer who has not given services to the United States, I am opposed to their taking out a patent. I myself have never taken out a patent of any description, and I have probably been connected with the Ordnance Department more intimately than any other person in the Navy at the present time, not excluding my predecessor. When an officer is not on duty, it is quite another matter. When an officer is on duty, I deprecate his taking out a patent; but there are certain cases where an officer's services have been of such a nature that the Government can not reward him. When his services have been very great and of a meritorious character, then I want to see him receive some remuneration, on general principles of equity. I tell you frankly, and it is only human, that I look upon the production of that officer with more sympathetic consideration than I do upon the production of an outsider and free lance, who comes in for the pelf alone, for mere money-making business, without having given any previous service, remembering all the time that the interests of the Government are guarded by the adoption of the better device. I am thoroughly convinced Dashiell's is a better device. The Patent Office tells me it is an original one——

Q. In what way do they tell you that?

A. They grant him a patent on the mechanism.

Q. That is your construction of the patent?

A. That is my construction of the patent.

Q. This letter of yours, under date of September 29, 1890, which was shown you a few moments ago (marked Complainant's Exhibit Letter No. 1, S. A. B.) and addressed to Lieutenant Seabury, contains this language: "While recognizing the merits of your design, the Bureau has other designs developed by its assistants which it considers superior in some respects." What other designs did you refer to in that expression?

A. To Mr. Dashiell's.

Q. To how many designs of Dashiell's did you refer?

A. That is merely a form of expression.

Q. Although you used the plural, you meant it in the singular?

A. I may have done so.

Q. What is the fact?

A. I do not know. People write letters for all sorts of purposes. I may have had knowledge of other designs than Dashiell's. I do not know whether I did or not, but I probably had Dashiell's design in my mind at the time.

Q. You did not design to convey an erroneous impression?

A. I did not design to convey an erroneous impression.

Q. You used this expression in regard to the Seabury device "your design," and in regard to the Dashiell device you used the words "other designs." Why did you use the singular in one place and the plural in the other?

A. I do not remember.

Q. Can you give any explanation of it now?

A. No. I may have had something else in my mind besides the Dashiell device; but I particularly, however, referred to Dashiell.

Q. Were there any other designs under consideration which you considered superior to Seabury's except Dashiell's?

A. I do not remember now whether there were or not.

Q. Did you have any other device before you for handling a slotted screw with rapid-fire mechanism?

A. Canet's was before us in a general way, and I believe there is one design in the Army that opens with one movement, which had been gotten out at that time.

Q. Whose invention is that?

A. I do not know whose it is.

Q. I am speaking now as to the date of September 29, 1890.

A. I will tell you now specifically that I may have had in my mind the intention of producing on that young man's mind the idea that I had more than one string to my bow. You understand that in writing letters as people write letters it is very probable that I may have used the plural designedly at that time, but I specifically had in my mind the Dashiell mechanism.

Q. You thought you might produce that impression upon Seabury's mind—that you had two strings to your bow when you only had one?

A. Possibly.

Q. Let me call your attention to this letter. The words are "other designs" developed by its assistants. Does that refer to Dashiell?

A. Specifically, as I recollect now, it meant Mr. Dashiell more than any other. I may have directed, and possibly I had at that time directed, Mr. Fletcher to look up the subject of rapid-fire mechanism.

Q. Would the word "developed" apply to such a case as that?

A. Yes; perfectly so.

Q. Do you not understand the word "developed" to be in the past tense?

A. If you will give me the sense in which it is used there, I will tell you.

Q. I ask you if the word "developed" is not a word in the past tense?

A. I believe it is.

Q. Where it stands alone?

A. Yes.

Q. Then, when it stands alone, it speaks of something which has already been done, does it not?

A. I suppose so.

Q. Were there any other designs than Dashiell's that had at that time been developed by the assistants of your Bureau?

A. It is possible that I might have had my assistants working at that time on some other design besides Dashiell's. The difficulty, however, as I remarked before, is that I meant Mr. Dashiell's design more than any other.

Q. You have no present recollection of the fact that there was any other design intended to be referred to in that except the Dashiell design?

A. No; probably not.

Q. In what way was the Dashiell design developed by the assistants of your Bureau on September 29, 1890?

A. He is an assistant in the Bureau, in that he is under the control of the Bureau, although not actually detailed for duty in the Bureau.

Q. Who is?

A. Dashiell.

Q. How many people do you count Dashiell?

A. He is but one.

Q. What do you mean by the word "assistants" in the plural?

A. That is used in the same way. I will repeat to you a remark I made to you a moment ago. Desiring to produce the impression on this young man that I possibly might have more strings to my bow, and in order to close off the communication with him more definitely than I would by simply stating it in the singular, I may have worded my letter in that way. As to my actual intention at that time, five years ago, I am not now quite certain.

Q. By "this young man" in the last answer, you mean Lieutenant Seabury?

A. Yes, sir.

Q. Do you know his age?

A. No; but he is pretty nearly as old as I am, I fancy. He is young in the sense of the naval expression.

Q. Did any of the assistants in your Bureau have anything to do with developing Dashiell's device?

A. None of my assistants specifically stationed in the Bureau or elsewhere had anything to do with the development of Dashiell's device. But I consider that my assistants in Hartford, and my assistants in Wilmington, Del., and my assistants in fifty other places are all, for general purposes, and for labor of a general character, assistants of the Bureau.

Q. Did they have anything to do with the developments of Dashiell's device?

A. I do not know of anybody but Dashiell working on it at all.

Q. At the time of this letter, September 29, 1890, had you decided to adopt the Dashiell device?

A. I had decided to adopt it for trial, probably, at that time. It was sufficiently advantageous for me to adopt it for trial; but such a thing as that is rarely adopted until after it has had a year of test.

Q. At the date of this letter had the Dashiell device been completely matured and developed?

A. Nothing is completely matured and developed of that description. It will probably go on improving for three years from the time of its original inception.

Q. Was it so far matured and developed as to leave it in a condition for you to begin the work of constructing such a breechblock and applying it to one of the guns?

A. Yes.

Q. Had it reached that stage of development?

A. It must have reached that stage when I wrote that letter, or I should not have written it.

Q. There is always a possibility of improvement in any device as to the practical working of it?

A. Yes; there is rarely one that does not continue to improve.

Q. Between the time of this letter, September 29, 1890, and the present time, there have been further developments in the Dashiell device?

A. Yes; in minor improvements. The principle is the same, but minor improvements are constantly going on.

Q. I show you a copy of the Dashiell patent, with the drawings attached, and ask if you can point out any difference between those drawings and the structure of the Dashiell model as you first saw it?

A. No; I could not do so, to save my life.

Q. Can you say whether there is a difference or not?

A. I can not, because I do not remember. I do not pay much attention to details.

Q. How do you ascertain the merits of such things without paying attention to details?

A. I look into the general principle, and I know enough about mechanism to decide promptly, on a cursory glance, as to the general principles, and as to whether there is promise in the device or not. As to studying out the intricacies of every mechanism that comes to me, I would have to have a great many more hours in the day than there are to do it.

Q. In other words, your mind is so trained on that subject that you can take in the principles and salient features in a very short time, can you not?

A. I think I can say, without vanity, that I can decide quickly, having seen a great many mechanisms before. If there is any novel, advantageous, or meritorious feature about a mechanism, I can decide quickly with reference to it; but as to my going into exactly the details as to every screw, or nut, or worm gear, or something of that kind, and working it out as the man who makes it would, I do not do that. I could not tell now by looking at the present Dashiell device what improvements have been made over the original, because I do not care for those things. I have too much to do.

Q. Without going into details, I ask you if the original model was substantially in the same form shown by figures 1 and 2 upon this copy of the Dashiell patent No. 408331?

A. Substantially, in principle. I should say that it was.

Q. Did it have the handle and lever marked 15 and 14 in the same position, or substantially the same position, as applied to the gun?

A. Yes; I fancy it did, so far as I recollect. I have not looked at the drawings for a long time. It was substantially in the same position.

Q. I am not asking as to the correspondence between the patent and the guns that it was applied to, but the correspondence between the patent drawings and his model which you saw?

A. I do not remember about that with any certainty.

Q. Is that model in existence?

A. I do not know that. I have not seen it for years.

Q. Did you handle the model?

A. Yes; I took it up and showed it to the Secretary the first time I ever saw it.

Q. You opened it, closed it, and saw how it worked?

A. Yes; and the Secretary opened it and closed it.

Q. You saw how it worked?

A. Yes, sir.

Q. That was Secretary Tracy?

A. Secretary Tracy. We were both very much pleased and delighted with the simplicity of it. The simplicity and novelty of the device was as marked at that time over the Seabury mechanism as anything in the world. I do not remember any of the details about the Seabury mechanism; but there was a general impression given of complication, number of parts, and clockiness about it.

Q. At the time you wrote this letter of September 29, 1890, you had seen the Dashiell model?

A. Yes; at that time I had seen it. I think that letter indicates it.

Q. And I presume you have seen the Dashiell drawing and designs?

A. Yes.

Q. With the view to the application of the mechanism to an actual gun?

A. With a view to the manufacture of the actual mechanism at the yard.

Q. What reason did you have for not stating that the Dashiell device was the one you referred to?

A. Because it was not material. I want to tell you another reason which affected me at that time. There was a general talk about price with Mr. Seabury. His price was $250 for each mechanism. Mr. Dashiell's royalty, if one could be allowed, was to be $125 each, just one-half of that amount. That was another reason, probably, that made me act in this way.

Q. How did Dashiell's price come to be fixed at that sum?

A. I suppose he heard the other price and said that he would do it for half the money.

Q. How did he hear of the other?

A. There is a contract on file, probably at the Interior Department, with the Driggs folks for $250 each, made by Captain Sicard, and Mr. Dashiell had probably found out what that was. It was in the line of that amount that Mr. Seabury proposed $250 each. He probably learned of it in the same way. He may have learned of it from me.

Q. Is it not a fact that he did learn of it from you?

A. Very possibly.

Q. Did you not send out and get the contract while Seabury was at your office to see whether that was the sum?

A. Very possibly. I do not remember about that.

Q. At that time you did not make any objection to the figure in your talk with Seabury?

A. Our talk was of a general character.

Q. Did you make any objection to that figure as being unreasonable?

A. I may have and I may not have made any objection. I do not remember.

Q. You do not remember that you did?

A. No.

Q. When was the contract made between your Bureau or the Navy Department and Dashiell for a royalty to him?

A. That was probably made in the latter part of the year 1890. I do not remember the date.

Q. Was it brought about through your interposition?

A. Yes.

Q. Did you propose it to the Secretary?

A. Yes; I have to propose these things before they can be approved.

Q. Did you propose it to Dashiell?

A. I think probably he proposed that price to me.

Q. Did you not propose the matter of a contract to him?

A. He has to have a contract, or he never could get any royalty.

Q. In fact, did you not propose it to him?

A. Possibly I did. I suppose so.

Q. You suppose he did?

A. I think it is likely.

Q. When was that?

A. It may have been 1890, before we actually began the mechanism. It would probably have been at that time. You must recollect that you are talking about something the details of which are all present to your mind, and you are recalling something to me which did not produce any serious impression on my mind, because I did not expect any row in regard to the matter. It was in the natural and ordinary course of business that we did these things. We are doing them all the time. Our memory is somewhat defective, because we have so many of these things to do. I have no doubt a great many people could bring me up and say: Did you not do so and so, and I would be unable to tell exactly about it. I have to depend on our correspondence and files to tell, so far as may be, exactly what occurred. This is but one thing in five hundred that I am doing in the way of appropriating mechanisms in various directions.

Q. What do you mean by the word "appropriate?"

A. Acquiring for the benefit of the United States as far as possible.

Q. And with as little pay as possible?

A. Just as little pay as possible every time.

Q. And you say this is one of five hundred such cases?

A. It is probably one of five hundred such cases in which I have had to consider the drawings, but I have not taken that many of them perhaps since I have been chief of the Bureau. I should say, however, that I have considered at least five hundred.

Q. If you have the disadvantage of having a great many transactions in your mind you certainly have the advantage of having been a party to them and thereby having an opportunity of acquiring personal knowledge of them, have you not?

A. Yes; but they come and go so rapidly that it is a very difficult matter to recall the details, dates, and features of each year's afterwards. I can not keep the details in my mind. I could not describe the Seabury mechanism if you asked me, to save my life. I never looked at it after these visits to me.

Q. Do you mean that your recollection is poor in regard to this transaction generally?

A. No; not as to this transaction. It is poor in regard to all transactions of that nature.

Q. How is it in regard to this particular transaction? If you recollect this clearly, it is entirely immaterial whether you recollect the other matters or not. Do you recollect this transaction clearly?

A. You must have observed that my recollection is quite cloudy about dates.

Q. You wish to be so understood now?

A. Perfectly so.

Q. Can you or can you not state whether it was in 1890 that the contract was made with Dashiell?

A. No; I can not state. I do not know that it was not 1891 before we made the contract.

Q. Was it made as early as 1891?

A. I had asked the Attorney-General whether I could give him a royalty.

Q. Was it as early as 1891?

A. I could not say.

Q. Did you apply first to the Judge-Advocate-General for an opinion?

A. I think the sequence of the events was to ask the Secretary of the Navy to have the Judge-Advocate-General ask the Attorney-General.

Q. Had the Judge-Advocate-General previously rendered an opinion?

A. I do not remember. I am not certain whether he did or not. I do not think he did, because he did not know anything about these things. We did not have much confidence in his opinion, and I probably asked to have the Attorney-General decide as to whether we could pay a royalty under the circumstances.

Q. Did you never make distinct inquiry of anyone as to whether the Dashiell device could be regarded as an infringement on the Seabury patent?

A. No; I do not remember of ever asking anyone for such an opinion.

Q. Did you not ask the question on one occasion in the room adjoining the room of the chief clerk of your Bureau when Lieutenant Fletcher was present?

A. I may or I may not. You know we talked casually about these things.

Q. Did you not then raise the question whether the Dashiell mechanism could be made safely without infringing the Seabury patent?

A. It is possible I thought of that a great many times.

Q. Did you not ask that question?

A. I do not know whether I did or not.

Q. In the presence of Lieutenant Fletcher and others?

A. I do not know whether I did or not. It is very possible that I did. It was naturally the subject of conversation.

Q. Were you not told, in response, that it would be such an infringement in the opinion of that particular person, whoever he was?

A. No; I do not remember of ever having heard that. I am perfectly ready to state that neither Mr. Fletcher nor anyone else has ever expressed a definite, positive opinion that the Dashiell mechanism was an infringement. I have never had such an opinion except from Mr. Seabury. I have never had a distinct, positive opinion that the Seabury mechanism was an infringement of the Dashiell, or vice versa.

Q. You mean you have never had that opinion expressed to you by anybody?

A. Yes.

Q. You are absolutely positive about that?

A. Yes; I am absolutely positive about that.

Q. Are you equally positive that you never said you would use the Dashiell, whether it was an infringement or not?

A. I am absolutely certain that I never have said any such thing.

Q. If I understand you aright, you took no advice as to whether the making of the Dashiell mechanism would be an infringement of the Seabury patent any further than as you have yourself interpreted the patent issued to Dashiell?

A. No; I never took any advice on that subject. I went right ahead and made it. If there is an infringement, there is a recourse to the Court of Claims to settle it.

Q. Then you did not trouble yourself particularly about questions of infringement?

A. I do not, as a matter of fact. I advised Dashiell, and advised the Secretary of the Navy, in our conversation, to let it go before the courts to be settled; that I did not care anything about it, and was not going to look into it myself; that I would rather have it go before the courts than not. I remember of Dashiell saying to me that he preferred that this thing should go to the courts and be settled in that way.

Q. What time are you now speaking of?

A. I am talking about the time that Seabury first made his objection to Dashiell getting the royalty. Dashiell has never received a penny of royalty on his invention yet, the Secretary having stopped it pending this case. That was when the Seabury people first began to write letters to the Secretary of the Navy.

Q. Then it is your policy to make whatever you please in your Department and leave anyone whose patent may be infringed to resort to the Court of Claims?

A. No; you are inventing a course of conduct which we do not pursue.

Q. That is the course you pursued in this case?

A. No; let me state it as I want to state it. My plan in this case was to urge the Secretary of the Navy to let us go on and make the mechanism, and let the law courts decide the question of infringement; that they would have recourse for their rights, if they had any, in the Court of Claims. That is a very fine thing for you to suggest to me to say, but that is not my principle.

Q. I understood you to say that you did not concern yourself about questions of infringement?

A. In this particular case I did not take time to look into it, because I was perfectly convinced that there was no infringement, so far as my own somewhat uninformed judgment was concerned.

Q. When were the first drawings made of the Dashiell mechanism in your Bureau?

A. They were probably made somewhere near the date of that letter. The general drawings would be made in the Bureau, and then they are sent to the yard for detailed drawings of the parts. They were probably made in the fall of 1890, although I do not remember anything very definitely about them. The letter fixes it somewhat in my mind, because after I came to a decision I wrote that letter. The decision was arrived at after a consideration of the drawings or of the designs.

Q. Do you remember the fact that the Dashiell patent was not issued until February, 1892?

A. I had no knowledge of the details as to what occurred with regard to the issuance of the Dashiell patent or anything that occurred during his efforts to obtain a patent. He confided nothing whatever to me on the subject. I counseled him nothing in regard to it, and knew nothing whatever about it, and cared less.

Q. When did you examine Dashiell's patent for the purpose of forming your judgment as to how far that protected his manufactured device?

A. I did not examine it particularly. I was delighted with the model. I saw that it had less parts; that it was more powerful and did the work better than anything that had been hitherto brought to my notice. His patent was probably put in the file on my desk, as sometimes there are a dozen of them laid there, but I, perhaps, did not read a line of it. The fact of his getting a patent was sufficient to clear the atmosphere for me and permit me to go ahead. The United States Patent Office stated that there was an original idea there, and I went ahead on that.

Q. You went ahead on that?

A. I went ahead largely on that fact.

Q. Relying on that?

A. I probably had gone ahead before, but I felt confirmed in the justice of my course by the arrival of the patent. Probably I had been going ahead for months before that, and no doubt I had, because I supposed that Dashiell held his patent back on account of foreign patents or something of that sort.

Q. That period is only for six months?

A. You mean as to holding back?

Q. Had you gone ahead prior to that six months?

A. I suppose so; I did not pay any attention to these dates.

Q. Then, in what you did before you were informed that a patent had been allowed you did not, of course, rely on the patent at all as protecting anybody against a claim of infringement?

A. No; I did not have time to wait. We are too hard pressed to get mechanism.

Q. Up to the allowance of the Dashiell patent you had no assurance whatever that the Dashiell mechanism might not be an infringment of Seabury's?

A. As to the question of infringment, it did not occur to me at all. It never came near me as a serious question.

Q. You have no recollection by which you can fix the date when you first knew of the allowance of the Dashiell patent?

A. No; I did not pay any attention to it and did not care anything about it.

Q. I think you said a few moments ago that you did not read a line of the Dashiell patent?

A. I probably did not. I may have, but I do not recollect whether I read it or not.

Q. You relied on the fact that there was a patent?

A. Yes; that confirmed me in the justice of whatever course I may have taken up to that time, and I felt that we were out of the woods so far as there was any trouble on that subject, if I thought of it at all. That cleared up the atmosphere.

Q. What was it that up to that time had clouded the atmosphere and made you feel that you were in the woods?

A. There were a lot of people working on the general subject of mechanism of the general type of the Dashiell.

Q. Who else besides Dashiell?

A. I mean Dashiell and Seabury.

Cross-examination by Mr. PHILLIPS:

Q. Since you have been Chief of Ordnance an unusual call has been made upon you to supply the service with rapid-fire guns of the breech-loading pattern?

A. There has been more than that. There has been a necessity that the batteries of these new vessels should be tested and that a sufficient number should be manufactured to arm the ships as fast as they were completed. There was no time for delay. Decisions had to be made with the greatest rapidity, and we frequently ran some risks as to the ultimate outcome as regards the efficiency of the design.

Q. Since you have been Chief of Ordnance an unusual call has been made upon you to supply the service with rapid-fire breech-loading guns?

A. Yes; on account of the construction of a great many new naval vessels.

Q. As between the Seabury and Dashiell improvements, you regarded the latter as superior in regard to strength, simplicity, and ease of operation?

A. That was my opinion at the time I decided to take the Dashiell mechanism instead of the Seabury.

Q. These qualities of strength, simplicity, and ease of operation are first-rate qualities under the circumstances?

A. They are first-rate qualities for such a device.

Q. Any question of law as to the respective mechanisms you left to the decision of the Patent Office?

A. I left that to the decision of the law officers of the Patent Office.

Q. The element of preference for the invention of an officer who was an assistant to your office and one who was not, was limited to cases where two inventions were otherwise of equal merit, and would not have influenced you to prefer an inferior mechanism?

A. No; the public service is guarded, and these mechanisms are adopted as the result of the action of a board of officers, and not by the fiat of the Chief of Bureau. They are invariably adopted as the result of a report of the board.

Q. Such preference by you would be limited to a case in which the interests of the public were not concerned in any decision that you might make thereupon?

A. I would be guided by the public interest more than by anything else.

Q. You said in your examination in chief that, because Seabury had occupied certain relations to the office, you preferred, as between him and somebody else, the other person?

A. Yes; if the mechanisms were equal I should prefer somebody else, and if the other were superior I certainly should prefer that.

Q. You would not exercise that preference in a case where the interests of the public were concerned?

A. No, sir; the interest of the public is the first thing we have to guard, because we are checked by public opinion and by the subsequent performance of the mechanisms. If it is a good thing, it will work its way to the front in spite of decisions by the Bureau.

Q. You regard the superiority of the Dashiell device over the Seabury clock, for the purposes of the service, as clearly appearing on the face of the drawings?

A. At the time of my decision I certainly so regarded it. I do not know how the Seabury device may look at this time.

Q. As between the two patents you regarded the Ordnance Bureau as entitled ordinarily to decide freely, without being liable to any charge of neglect of duty, and that the parties concerned have recourse to the law courts in order to establish their claims, if there be any?

A. As between two patents I consider that the Bureau of Ordnance has a perfect right to choose to suit itself. Of course, every man has recourse to the courts.

Q. You had some assurance, at the time you commenced the manufacture of the Dashiell gun, that the patent was to be issued?

A. I do not remember that I had any assurance of it. I supposed that it was a new thing, and that he would secure a patent upon it. I had no assurance that it was to be issued from any source whatever. I had paid very little attention to that. I wanted him to have a clear field, so that he could state that he had no assistance from the Bureau in any manner in the development of the device.

Q. Were any Dashiell guns completed before his patent was issued?

A. I really do not know, but possibly there were.

Q. Had any been used?

A. No; not in service. There have been none used yet in the Navy.

Q. Had any been proved?

A. They may have been fired down at the Proving Grounds.

Q. Before the patent was issued?

A. Before the issue of the patent. But I do not remember as to the relative dates at all.

Q. In regard to the letter in which you used the plural word "assistants," do you recollect that Lieutenant Fletcher and Mr. Alger, both draftsmen attached to your office, were, at the time of the date of that letter, developing breech-block mechanisms of this character.

A. It is very possible that they were. I used the word in the plural there, as I told you, to refer to the work being done in the Bureau.

Q. You do not recollect of Mr. Alger working on that?

A. He has always had a great deal of work to do on breech mechanisms. He may have been working on it at that time and he may not.

Q. You do not recollect about that?

A. No.

Q. The word "assistants" is used in regard to your office in two senses, one general and the other specific?

A. Yes.

Q. In the former sense Dashiell was an assistant and in the latter he was not?

A. He was not employed in the Bureau; but they are all my assistants. I give them work to do and they assist me in carrying out my work, whether they are in the Bureau itself or stationed all over the country.

Q. Do you recollect saying anything on your examination in chief that as between the Seabury patent and the Dashiell mechanism you regarded yourself at ease in your selection because the Patent Office had passed upon the law?

A. I regarded that as prima facie evidence that it was a novel idea.

Q. As a matter of fact, you had made use of the Dashiell mechanism before it was patented?

A. Before the patent was issued. I took the chances on that. I could not wait to see whether he got a patent or not. We do not do business in that way. I trusted that he would get a patent, and I felt, of course, that the way was cleared up after he had the patent. A precisely similar case occurred recently, if you will allow me to state it.

Mr. WILSON. I object to the witness stating anything about a similar case.

The WITNESS. This is a very pertinent case. Mr. Maxim, a great inventor, came to me and stated that we were using an invention of his, and he would make us pay $500 apiece for every one of them we used. I was quite convinced that he was wrong. I had suggested to one of my assistants, previous to this statement of Mr. Maxim's, that he take out a patent to protect the United States. This is a case where the patentee gives the United States the use of his device. By a curious set of circumstances Mr. Maxim arrived at the Department and made claim on the Secretary of the Navy that we were using his device; and I was enabled, by the arrival that morning from the Patent Office of a notice to Mr. Fletcher, to meet his statement to the Secretary of the Navy, and to present the paper, which cleared the atmosphere entirely. Mr. Maxim was knocked out of court, and never made any claim whatever after that time. We are making, and have made, hundreds of the Fletcher mechanisms precisely in the same way.

Q. I understand you to say that all the time Mr. Seabury's blue prints were in your office you never gave permission to anybody to take them out of the office?

A. I never dreamed of their being out of the office until I saw in the newspapers that we had furnished this information. It had never been presented to my mind that such a thing was possible.

Q. Did you ever give anyone leave to use them in the office?

A. I do not need to give my own assistants leave to use them. They can go to the Bureau file and take anything out they want. I gave nobody permission to take them, and, in fact, I do not recollect of ever having given any permission about them.

Q. According to your present recollection you have given no person permission to use them?

A. None whatever.

Q. You had me furnished with a wooden model of the Seabury device?

A. Yes; I ordered one made, but I never saw it.

Q. Do you know how that was constructed, and whether it was constructed from blue prints or otherwise?

A. I do not know anything about it. I ordered the thing made, and this is the first time that I have ever seen it.

Q. You do not know anything about the construction of it?

A. No; I got a request from you and gave the order to make it.

Redirect examination by Mr. WILSON:

Q. Did any board of the Navy Department pass upon the Dashiell device before it was applied to guns?

A. No.

Q. Had any board ever passed upon it?

A. Yes; since then.

Q. At what time?

A. I think two or three times, if I recollect right, they passed upon it—certainly in the 6-inch size.

Q. Can you tell me about when the first board approved it?

A. If I recollect aright, it was about eighteen months ago. I do not remember the date exactly.

Q. Who was on the board?

A. Captain Howell was the president of the board and Commander J. E. Newell and Ensign Edward Simpson were members of it.

Q. What was the first work done by your Bureau in the direction of constructing the breech mechanism of Dashiell?

A. Probably the first work done was the general drawings at the Bureau of Ordnance, which are the drawings made before the detail drawings are made at the yard. After the detail drawings are made at the yard there are certain patterns to be made. That is the sequence of events.

Q. After the patterns are made, then, the work upon the actual mechanism is begun in the shops?

A. Yes, sir; from the detail drawings.

Q. When was that work first begun?

A. I do not know. I suppose it was probably begun just before I came to the conclusion stated in the letter. It was in the latter part of September, 1890.

Q. You mean that the actual work in the metal and in the shop of getting out the first mechanism was in the fall of 1890?

A. Yes; I think so.

Q. Were alterations found necessary in that work as it progressed, or did it work exactly according to the drawings, without change?

A. I never knew drawings to be exactly accurate in my mechanism. There are always alterations. That is the universal experience.

Q. And such alterations as there were in this case were made in the shop at the navy-yard?

A. They were made in the shop at the navy-yard, if there were any minor alterations. There were no alterations involving the principle that were referred to me, that I recollect of now.

Q. When was that first mechanism completed?

A. I have not the slightest idea. I suppose it was early in 1891.

Q. Was it put upon a gun that was already otherwise finished?

A. Sometimes we put these things into a cast-iron model and work it back and forth. It may have been done in that way at first.

Q. I mean after it was found to work satisfactorily?

A. It would be put on a 4-inch gun and sent down to be fired.

Q. Upon a 4-inch gun that was already otherwise completed?

A. Yes, sir.

Q. And only waited for the breech mechanism to complete the gun?

A. Yes, sir.

Q. And as soon as it was finished, therefore, it was sent to Indian Head for trial?

A. Yes. We had to wait a long time in order to get a case. We had nothing to test it with; no brass cases.

Q. You mean cartridge cases?

A. I mean cartridge cases. I think there was a long delay before we were able to do any work.

Q. This mechanism, then, was designed to be employed with metallic cartridge cases, or cartridge base?

A. Yes; a metallic cartridge case.

Q. As soon as that was obtained the gun was fired at Annapolis?

A. The gun was fired at Annapolis.

Q. Was that some time during the year 1891?

A. I imagine it was; yes, sir.

Q. You would fix it as some time in the spring of 1891, at Annapolis, Md.?

A. Yes.

Q. By whom was it proved?

A. By Lieutenant-Commander Dayton, the officer in charge of the proving ground at Annapolis at that time. Dashiell had already gone to Indian Head, a new station.

Q. And after proving the gun did you proceed to manufacture other similar breech mechanisms for additional guns?

A. There were long delays and long trials for that one gun. At that time we anticipated the rivalry of the Driggs mechanism, and that rivalry yet exists. There were questions, I recollect now, of preference between the Driggs and the Dashiell mechanism. Seabury was not in it at all. We never thought of him at that time. We thought he was out of the race. I remember that both these mechanisms were tried by Mr. Dayton. Mr. Dashiell knew nothing about it, being stationed at the other proving ground. That was probably in the spring of 1891.

Q. Did you ever report to Lieutenant Seabury that his device was objected to because you regarded it as too complicated?

A. Not except in the terms of that letter.

Q. You advised him nothing beyond what is contained in the letter of September 29, 1890?

A. Nothing that I remember of now.

Q. And never, otherwise than by that letter, did you point out to him any objections that you saw in his mechanism?

A. I do not remember anything of the kind.

WM. M. FOLGER.

At 2 o'clock p. m. the committee adjourned.

COST AND PRICE OF ARMOR.

TUESDAY, *February 2, 1897.*

The committee met at 10 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, MCMILLAN, CHANDLER, BLACKBURN, GIBSON, SMITH, BACON, and TILLMAN.

Hon. Hilary A. Herbert, Secretary of the Navy; Capt. W. T. Sampson, Chief of the Bureau of Ordnance, Navy Department; Robert P. Linderman, president of the Bethlehem Iron Company; C. A. Stone, a representative of the Bethlehem Iron Company; and C. M. Schwab, vice-president and general manager of the Carnegie Steel Company, appeared.

STATEMENT OF C. M. SCHWAB.

Mr. SCHWAB. Mr. Chairman and gentlemen, I am sorry the president of our company, Mr. Leischman, was so ill to-day as to be unable to attend this meeting, as he fully intended to be present. He asked me to appear and make a statement.

I will first submit to the committee a letter that has been written by the chairman of the board of managers of our company to the chairman of the Committee on Naval Affairs. I will read the letter. It is as follows:

THE CARNEGIE STEEL COMPANY, LIMITED,
New York, February 1, 1897.

MR. CHAIRMAN: The Secretary of the Navy has reported to you upon the cost of armor. He gives you the report of the board of officers of the United States Navy which he appointed to investigate the subject.

We desire to say that as far as we know it would be difficult to find three officers as capable as those selected for the purpose, because they have had more experience than any other in regard to the manufacture of armor.

We find that they estimate the total cost of 1 ton of armor at $423.41. We should be willing to accept their report, except their shop cost is proved to be too low by omission of certain parts of processes noted by Mr. Schwab, and which he will explain when he appears for us before you. Lieutenant Rodgers's report we should accept upon this point.

Two items we ask to be left to arbitration, the Government appointing one arbitrator, we another, these two a third, a decision of the majority to be final. All these men, of course, to be impartial, and acquainted with steel manufacture.

The items we think unfair to us and ask to be arbitrated are, first, annual dividend on the capital stock at 6 per cent. The average manufacturer pays 6 per cent for capital that he borrows; when commissions and balances expected to remain on deposit are included, 6 per cent is a low average cost.

It is an axiom that if capital in business can not make 6 per cent interest, and in addition thereto 6 per cent profits, no man is justified in incurring the risks of business; but we do not think that even this would be a fair allowance in the manufacture of armor. We make, say, 1,500,000 tons of steel per annum; the 2,500 tons of armor we make requires at least as much attention, demands as great a proportion of the time of our most valuable men, and gives more trouble and anxiety than all the 1,500,000 tons of steel made for the general market.

We are confident arbitrators would decide that we are entitled to a very different return than the board suggests.

Second. The sinking fund provided to cover depreciation is only about 4 per cent of the cost of the plant. This would mean that we should calculate upon twenty-five years' work building the Navy. We have ourselves estimated the period as ten years, allowing two battle ships per year. We believe that Senator CHANDLER, who began the building of the Navy, has stated that 20 battle ships would probably be the number required; that Secretary Tracy held the same view. Secretary Herbert, if we remember, put the number somewhat higher. We believe that arbitrators would allow us much more than the board has for this item.

Lieutenant McVay estimates the cost of plant at $3,000,000, and he also allows only 6 per cent dividend on this. He does not include working capital, however, nor allow anything upon it; neither does he allow for cost of reforging. Nevertheless, he makes the cost of single-forged armor $398.39, including the two items named. His cost would substantially agree with that of the board.

We beg to call your attention to the remarkable fact that this board estimated the cost of an armor plant at $3,537,000. This estimate has since been confirmed by the details of cost which we have given; but these did not include $650,000, cost of rolling mill required to make light armor and protective deck plates, which we did not charge to armor department, because the mill is also used for other purposes. This makes our total cost over $4,000,000. It is not claimed that we made any grave mistakes, but perhaps such mistakes as are usually made in the building of a great new plant. On the other hand, our advantages over the Government in building a plant are obvious: we had our staff ready, and able and experienced men in construction, machinery, and in steel making. Adding stock on hand ($750,000), as stated by the Secretary, and necessary expenses for starting a new plant, over $5,000,000 will be required before armor is successfully made.

These reports referred to are the only reports made to the Secretary by his officers which aim to give the cost of armor. We accept them both, in the main, and only ask that we have the two points named decided by impartial arbitration.

Very respectfully.

THE CARNEGIE STEEL COMPANY, LIMITED,
By H. C. FRICK,
Chairman Board of Managers.

Hon. J. D. CAMERON,
Chairman Senate Naval Committee, Washington, D. C.

I should like to make a few remarks with reference to our armor-making industry. About 1890 we were approached by the Secretary of the Navy and requested to go into armor manufacture. The matter was placed before our people. We considered it very carefully from every point of view, the great risks incurred and the liability of having no work for long periods, and we decided against it. We were approached again and again. We were notified that it was our duty to help the Government in this matter, whose ships were waiting on the stocks for their armor. Mr. Carnegie and our associates finally consented to go into armor making. As soon as we had so decided, we had our engineers, our draftsmen, and our experts put to work without delay. Our agents were sent to all parts of Europe. We collected all the information we could, and we started to build a plant.

Our first estimate on the cost of this plant, and the amount of money which our board appropriated for the plant, was $1,000,000. We likewise estimated low when we started, as subsequent events have shown, for when the plant was completed its cost was about $3,500,000—$3,700,000, I think, was about the amount shown as taken from our books by the Secretary's commission. So the estimates with reference to the construction of the plant, of which so little was known, were indeed very delusive. And there is not now an armor plant to be found quite as efficient as ours, I think, in every respect, and a similar one could not be built for anything less than that amount. So many unexpected expenses are incurred when actual constructive operations are started that are never thought of when estimate is made. I cite this to show that while the Secretary's experts may estimate $500,000 as the cost of a plant, the final cost would be much in excess of this amount.

When we started armor making we made a contract with the Navy Department. Certain qualities were specified, but it was also specified that we should do the best we could. Quality was the very first consideration that we had in view in armor making. Strange, but true, two or three months after we started the manufacture of armor we were able to turn out a plate quite equal in quality to anything that had ever been made in any part of the world, and in a very short time we took the lead in this matter.

Our plates were far superior to anything that had ever been fired at, to anything that had been tested, and the records will so show. The result of this has been that every month we have increased our quality; we have gone on adding new processes, devising new mixtures, improving our methods of casting, our methods of forging, and our methods of tempering, until to-day we are supplying the Government with an armor plate of exactly one-half, or approximately one-half, the thickness and the weight of eight or ten years ago, with the same resisting qualities. In other words, a plate that we would have given, 10 inches thick, and weighing 20 tons, to cover a certain position on a ship ten years ago is now half that thickness and half that weight. One of the reasons why we were able to make this high quality of armor was because of the invention of reforging. Now, for all these things we have not charged the Government one penny. So much confidence has the Department in the quality of our armor that the last lot was accepted by them without any test. The Russian Government did likewise.

It has been charged that we have not reduced our price of armor. Could there be a greater possible reduction than that it has enabled the Government to build ships with one-half the weight had they been so inclined? And it was more than that. It enabled them to use that extra weight for other purposes on the ship, a greater burden, greater coal supplies, and a greater space for machinery, and gave all those advantages.

Senator HALE. Right there let me ask you what is the fact connected with the improvement which you speak of as to the thickness that the Government requires in the plates. Do they reduce the thickness and thereby you furnish better armor and less of it, or do they keep up the thickness and thereby you furnish more armor; which is it?

Mr. SCHWAB. They have done both, as I understand it. They have reduced the thickness for the same resistance and spread the armor over a greater portion of the ship, affording greater protection to the ship. Am I not right, Captain?

Captain SAMPSON. Yes.

Senator HALE. Is the general armoring of the great ships to-day less thick than it was five years ago?

Mr. SCHWAB. Yes, sir; not only less thick, but covering a very much greater space on the sides of a ship. So this vast increase of the quality has been one of the greatest reductions in price that any firm could make. We have given them all these things. Every contract that we have ever made with the Government has been made with the full knowledge of the Secretary and his consent as to the price. The only time we have been asked to reduce our price, after a good deal of argument and talk to the Secretary (Secretary Herbert), who insisted that he ought to have a reduction of $50 a ton, we agreed to it.

In addition to that, we have furnished, as I say, armor of such excellent quality as puts our Navy far ahead of anything in the world. To show you the appreciation our armor has in foreign countries, I might state that but a very short time ago we were in business negotiation with a foreign firm who asked us to install a plant in a foreign country, and on the plans we have at Homestead, and guarantee that we would produce in that plant armor equal to that which we are producing at our Homestead plant, and for this they agreed to pay us the sum of $1,000,000, and pay for the whole plant besides. I only quote that as an illustration of how highly the Homestead product in armor has been regarded. We are placed first by the Russian Government in their orders, and I think there are gentlemen here who will fully confirm all I have said.

Now, I come to the Secretary's report, on which I should like to say a few words. I wish to say that the officers of the Rohrer board, whom he appointed to make that report, are able—all of them. I know that they are most competent people—perhaps the most competent that could possibly have been selected—and I have no hesitancy in congratulating the Secretary on the selection. In the very first part of their report they say:

> As a preliminary to the following analysis of the cost of armor, it is but just and proper to state that it has been impossible to form, in many instances, more than an approximation of the actual cost of the items, as their components are so numerous, varied, and connected with other operations and changes as to be indistinguishable.

The surprise to me is that these officers were able to get as close to the cost of armor as they did. We have refused, as you are well aware, to open our books to show the cost of armor for many and good reasons, which were given the Secretary and others. There are innumerable reasons why we should refuse. There are secrets and processes and methods, all of which we would have to disclose if we opened our books to the inspection of anybody, and we can not afford to do that after the years of experimenting we have done in armor-plate making.

I shall not attempt to criticise this report from any facts that I might draw from our books. The only criticisms that I will make are those of omission on the part of the people who made the report, I mean those things which they have overlooked, as it were, exhibiting those which they have not, and showing you that with those omissions added we would be perfectly satisfied with their report on armor. I will just point to some of the largest omissions as briefly as possible.

First we will take the material in the ingots. If they will examine their own records they give a certain weight for a certain plate and calculate that the weight of material to be changed from that is $30 per ton. If they had taken their own records in the Navy Department as showing the total weight of ingots made for the total contract furnished, they would have found that we have used 22½ per cent more material than they have charged up for material in ingots. They do not need to refer to our own books for that; they can get that from their own reports. So every item that comes under the head of material in ingots is 22½ per cent on the average short of the total material furnished in the contract. Do I make myself clear on that point?

Senator BACON. You mean material other than steel?

Mr. SCHWAB. I speak of the material that goes to make the steel, the pig iron, the scrap, and all that sort of thing.

Senator HALE. The original material?

Mr. SCHWAB. The original material undeveloped.

Senator BACON. You are not referring to nickel?

Mr. SCHWAB. No, sir; the Government supplies that. It has been shown in all our contracts that we have made three and five one-hundredths times the weight of the ingot for the weight of the plate. That can be quite easily confirmed, and you will find that the estimate does not take such a high standard of losses.

I come next to the basis of fuel. In the manufacture of armor fuel is really one of the most important things and one of our most expensive things. They estimate, for example, that it will take a plate in the furnace eighty-four hours for bending and for forging; it ought to be there twenty-four hours for the subsequent forging, and there is a total of about one hundred and eight hours. They estimate our output at 3,000 tons. Take a 27-ton plate, and nine plates a month would be our average output. Nine plates manufactured at one hundred and eight hours in the furnace, on which the cost of fuel is based, would be equivalent to nine hundred and seventy-two hours heating per month. Now, we actually have a furnace capacity of five thousand and forty heating hours per month.

If their estimate of fuel and the time of heating, which concerns fuel, is correct, then we have six times as many furnaces as we need. If they are correct, we would only need two heating furnaces. That is a matter that they can easily confirm themselves. I do not refer to our books as to the question of cost. Let them look at the works. They have based their estimate on plates weighing 27 tons. The actual facts in the case are that of all the armor we have ever made and delivered to this Government, the whole 12,000 tons, the average weight of the plates manufactured is less than one-third of 27 tons. Take their own books for it, and you will find the average weight of plate we furnish the Government is only 8½ tons, and yet they based their calculation on fuel, forging, and bending, and work on a plate over three times that heavy. Now, that is unfair.

Then I might state that in their charge of material for ingots there are a great many items which they did not include. There is the dolomite and sand, the silica speigel, the recarbonizing; and there is the electric power for handling the ladles, the hydraulic crane, and all that must be required in the open hearth that has been entirely overlooked.

Now, I will come to the question of labor, and then I will leave the criticism of the report as far as shop practice is concerned. It seems to me it would have been an exceedingly easy matter for this board to have gone right into our shops and counted the number of men employed there when we were running the shops.

Senator CHANDLER. It would have been an easy matter to have done that?

Mr. SCHWAB. Yes, sir; a very easy matter.

Senator CHANDLER. You took the attitude that you would not show them anything?

Mr. SCHWAB. I beg pardon. That is a different thing. We would not show them our books.

Senator CHANDLER. When you say it would have been an easy matter for them to have done so, it would have been an easy matter for you to have corrected them?

Mr. SCHWAB. It was just as easy for them to count the men at work as to count the number of hours they worked. They could have counted the men in the shops, and at what wages per day, and by dividing it by the tonnage of armor they would have the labor cost without our showing them anything. Yet they have not done that. If they had done it they would have found that the labor would have been about three times as much as they have given it.

Senator HALE. How do you think they got at the amount of labor?

Mr. SCHWAB. They made an estimate of the number of hours it required a man working on any plate of a given size and divided that by the tonnage on each individual plate. But they forgot to note the fact that men are not like a lot of chessmen that you can put two hours at this and an hour at that and send them home, but you must keep men steadily employed. Now, the rates of wages per day, as named in that report, are such as we have never paid. The poorest pensioner in our shop, who sweeps up the floor and is not able to do any work, receives 20 per cent more wages than the lowest wages named in that report.

Senator CHANDLER. That is from your books?

Mr. SCHWAB. No, sir; you will find that we have no hesitancy in giving our rates of wages to the board. Besides, they have asked the men what wages they were paid.

Senator HALE. How much below do you think they have that estimate?

Mr. SCHWAB. The total?

Senator HALE. What percentage?

Mr. SCHWAB. I think it is two and a half times too low.

Senator CHANDLER. You take the figure and increase it two and a half times?

Mr. SCHWAB. I take it and multiply it by two and a half.

Senator HALE. Then they have given only about 40 per cent?

Mr. SCHWAB. Yes, sir; I will tell you what I am willing to do; I am willing that the foreman of our shops shall to-day make a list of the men employed and the rates and you can send it to the officers and let them check it. We do not ask you to take our word for it.

Senator HALE. Of the men employed in this work?

Mr. SCHWAB. Yes, sir.

Senator HALE. Exclusively in this work?

Mr. SCHWAB. Exclusively in this work. There is the list, there is the wages per day, and you can send up there and your officers can go over it and check them up; and if they do that and divide by their basis you would find that what I say is correct.

Now, there is one question more. The whole fabric on which they have made this cost has been based on an output of 3,000 tons per year. We have run our shop for six years and we have not averaged over 2,000 tons per year—just about 2,000 tons per year. They themselves said in their report on page 71—I happen to remember the page, because I expected to refer to it—that—

> Should less than 3,000 tons be demanded for any year from either firm the profit would be diminished far more than proportionately to the lesser tonnage of output, on account of the preponderance of fixed charges independent of the output.

Let us understand that. All of these general charges go on just the same. If we make 1 ton a month, or 100 tons a month, or 500 tons a month, the general charges are the same.

Senator HALE. The nearer you come to the ultimate capacity the more profitable it is for you?

Mr. SCHWAB. Yes, sir; and I am prepared to-day, gentlemen, to say to you, if you will give us a contract for armor in proportion to the output of which we are capable—I am willing to state for our firm that we will give you a rebate on every ton over the average figured upon in that report.

Senator BACON. You speak of the general average for six years. What has been the average for the last three years?

Mr. SCHWAB. I can not tell you. I have not figured it.

Senator BACON. It has not been much larger than the first?

Mr. SCHWAB. No, sir; I think not. I will ask Mr. Stone if he can state.

Mr. STONE. I can not say, exactly. I think it can all be figured.

Mr. SCHWAB. It seems to me a very difficult thing to fix the price of any article in which quantity and quality do not enter. Quantity and quality are the two essential things in fixing the price of any article. Quantity is, as I have pointed out to you, especially important. We have only made 2,000 tons per year, at the bare cost on 50 per cent higher tonnage. I am prepared to say that if you will give us 3,000 tons of armor per year, as estimated, we will give you a rebate of $50 per ton upon every ton over that quantity. If you will give us 3,500 tons of armor per year, we will give you a rebate of $100 per ton for every ton over that quantity.

Senator BACON. Over that quantity?

Mr. SCHWAB. For all over that.

Senator BACON. Why?

Mr. SCHWAB. Because, as stated before, with this increased quantity we could manufacture cheaper. Quantity is most important.

Senator HALE. For 3,000 tons a year you would take $50 a ton off of the 3,000?

Mr. SCHWAB. No, sir; off of the excess over 3,000, because 3,000 is what we can produce at the given price which you have figured on.

Senator MCMILLAN. It would not, of course, cost you near as much over that?

Mr. SCHWAB. No, sir; it would not.

With reference to the Secretary's method of charging off profits as against our capital stock, I do not think I need say much. I do not think any man engaged in business would think of charging off his profits by dividends against his capital stock. I have never before heard of such a business proposition. Let me illustrate. If you built houses for rent and you received 8 or 10 per cent on them, would you, in the course of five years, or ten, or twenty years, if the rent remained the same in that district or vicinity, reduce the rent per month because you had made a part of that money and credited it to the cost of your houses? I think not. Would you, in any manufacturing enterprise, charge up your dividends or take from your capital stock the dividends which you had declared, made by your profits on the whole capital invested? It is a new thing to me. It is something strange for a business man to do. Dividends should be large in such a precarious and troublesome business as armor making. It is not ordinary manufacture nor ordinary risk. If, as the Secretary intimates, we should be satisfied to get our money only, why did we go into this business or run such a risk? Surely this is worth something out of the ordinary. When one sees a quarter million dollars' worth of plate being accepted or rejected by one shot at a specimen plate, he is sure to feel the risk is not ordinary, but extraordinary.

Senator BACON. I do not understand that to be the Secretary's idea. That was suggested in response to the contention made by the armor manufacturers that they invested this very large amount of money at the instance of the Government. If it can be shown that, over and above a legitimate profit, you have made such a profit as will really replace your capital, that is a legitimate reply to the contention.

Senator McMillan. Is it true that the profits paid by the Government have practically paid for all of this plant?

Mr. Schwab. No, sir; it is not true, because the profits have been calculated on a false basis.

Senator McMillan. That statement has been made a number of times.

Mr. Schwab. It is positively not true. We can not show you that without showing you our books. We have refused to show them, for a good many reasons. We can not show them to anybody, but it is absolutely not true. In no branch of our business do we consider our money as poorly invested as in armor. There is no branch of the business that has given us so much trouble, so much worry, and in which we think we have such a poor outlook as we have in armor. So strongly do we feel on this point that there is nothing which would please us better, and we are thoroughly in earnest when we say that we would like for the Government to take our plant. We have undoubtedly the best plant in the world.

Senator Smith. At what cost, do you suppose?

Mr. Schwab. We will fix the value by arbitration—the value of the plant, and the processes, and everything. They are all subjects of arbitration and valuation.

Senator Smith. Let me ask whether your plant is so separated from your other works that it could be sold to the Government?

Mr. Schwab. It could be. It is divided; it is so situated. We have, perhaps, the best situation in the United States for armor making. We are in the natural-gas district where we have natural gas for fuel. We have $3,000,000 invested in natural gas, and we would supply you with gas at fixed prices to be determined by arbitration.

Senator Smith. The reason why I ask this is because, in case the Government should determine to purchase a plant, I desired to know for general information whether that plant could be sold and not be any part of the rest of your business.

Mr. Schwab. Our steel-making plant is not separated from the other, but you could erect a steel-making plant there, or we are willing to sell you the steel to make your ingots and charge you a price to be fixed upon by fair arbitration. Pittsburg is in a district where the best men in the world are obtained, and, as above stated, where natural gas, the purest of all fuels for metallurgical operations, abounds.

Senator Hale. Let me ask you to summarize a little. Taking your division of all that makes up the product, I understand you to say that on the original material the estimate is about 22½ per cent too low?

Mr. Schwab. Yes, sir; too low.

Senator Hale. That is the first. Now, next, upon fuel. About how much too low do you think that is?

Mr. Schwab. I could only give you my estimate. I can not confirm it by any figures nor ask the officers to confirm it in figures: therefore I did not give it; but my own estimate shows that the cost of fuel in heating, forging, bending, and harveyizing is three and a half times too low.

Senator Hale. That, then, is only about 30 per cent?

Mr. Schwab. Thirty per cent of what it ought to be. I will say 30 per cent of what it ought to be.

Senator Hale. And when you come to the labor, that is only 40 per cent?

Mr. Schwab. Yes, sir. There are a great many facts to which I did not call attention, such as experimental work. They have allowed us $5,000 a year for experimental work. The last experiment we made at Indian Head cost $18,000, and it was a failure. That was just within the last few months. But I did not call attention to any of these smaller items at all—just to the larger items.

I should like to impress further upon the committee our real and earnest desire, if you are dissatisfied with our prices and our material and think we ought to do the work at such figure as we feel we can not do it at, that you take our plant off of our hands. We have invested this money in good faith. It is good money and we need it, and the business is a troublesome one. We make, as we have stated in our letter, 1,500,000 tons of steel a year. We make 2,000 tons of armor a year, a mere trifle compared with what we do in other lines, and yet this armor has been a more troublesome thing to us than all the other business put together.

Senator Chandler. Let me ask you a question there. You have spoken of the improved quality of the armor, the improved strength compared with the weight. Tell us something about the difficulties that have been met with in making armor that would meet the requirements of the specifications.

Mr. Schwab. Difficulties in what direction?

Senator Chandler. There have been criticisms, and there have been investigations. I have not shared the condemnation that has been visited upon some of the plates, because I know the difficulty in making perfect plate armor, but there was a long House investigation recently, and I see from the newspapers the Secretary has had to investigate complaints about defects in plates. Now, what have they done in a general way? What is the trouble? What is the difficulty you have met with that has caused this, when, as you say, you have made constant improvement in the plates?

Mr. Schwab. That is very true. I will state those things. The difficulties we have met have not been difficulties in which the resistance qualities of the plates was ever questioned, but they were charges against us for mechanical defects in the plates, such as blowholes, seams, and things of that description. The charge was best met at the time by our broad statement that we were perfectly willing to risk our reputation as a firm on any plate we had made, and we begged of the Secretary of the Navy and Captain Sampson to take them off the ships and fire at them.

Senator Chandler. I understand you, then, on that point, that as to almost any one of the plates of which there has been complaint you would have been willing to have submitted it to the test of firing projectiles at it?

Mr. Schwab. Yes, sir; decidedly yes. That was our statement at that time. I think Captain Sampson can confirm that. Is that not right, Captain?

Captain Sampson. That is right. We had good reason for declining to accept such a proposition.

Mr. Schwab. With reference to the recent inquiry in regard to the hull plates, the board the Secretary has appointed has completely exonerated us, and stated that we have furnished steel quite within the specifications. We could have no better proof of the quality of our material.

Senator Hale. Mr. Secretary, do you want to ask any questions?

Secretary Herbert. No, sir.

Mr. Schwab. I would be very glad to answer any question.

Senator Bacon. I should like to ask one question. I understood you to specify certain omissions on the part of these officers?

Mr. Schwab. Yes, sir.

Senator Bacon. Of course, you obtained that information from your books?

Mr. Schwab. I cited no omissions that could not have been obtained without our books.

Senator Bacon. I want to know how you are prepared to state, as to all of their estimates, whether they erred on the other side as to any of them, and to specify each one of them with some particularity.

Mr. Schwab. I could not do so, except in a general way and without giving you my reasons, and I could not give you my books. Nor did I criticise any but the principal items of cost. The three items criticised, namely, materials, labor, and fuel, constitute the principal items of cost.

Senator Bacon. In other words, then, your statements as to the accuracy of their estimates are partial and not complete?

Mr. Schwab. They are accurate on the chief items. The other items I refer to without going into matters of minor importance. I would be very glad to answer any one point.

Senator Hale. These three items are the chief?

Mr. Schwab. They are the chief items, although the question of interest on the plant and depreciation of the plant we have asked to leave to any fair arbitration. When I stated they were the chief items, it was with reference to shop cost.

Senator Bacon. You were speaking about inaccuracies in the estimate of what was necessary in the composition of the steel. What is your estimate of the cost of a steel ingot, complete, per ton?

Mr. Schwab. It depends entirely on the ingot. You mean for armor?

Senator Bacon. Yes, sir.

Mr. Schwab. I have not that figured out. I could not tell you. They do not figure it in that way, Senator.

Senator Bacon. We have had testimony on that subject by other officers of your company or of other companies to the effect that it was $17 a ton.

Mr. Schwab. You will find that the charges that go to make up the ingot are more than that.

Senator Hale. You think that the cost of $17 a ton is very much below?

Mr. Schwab. You will find the board gives the material in the ingots as $30.

The Chairman. If no one else desires to ask Mr. Schwab any further questions, we will hear Mr. Linderman.

Mr. Schwab. I thank you, Mr. Chairman and gentlemen.

STATEMENT OF R. P. LINDERMAN.

Mr. Linderman. Mr. Chairman and gentlemen of the committee, it seems almost unnecessary for me to add anything to what has been just said; but in regard to the charge that the profits from Government work are more than was paid for the plant, I think I can answer that in a very few words.

In the report of the Secretary of the Navy, on page 33, he submits a statement which he claims shows that the profits of the Bethlehem Company for the eight years from 1889 to 1896, inclusive, allows dividends annually on $2,000,000 of stock at the rate of 10 per cent per annum for eight years, repays the new capital paid in during that period, with 10 per cent from the dates when the capital was subscribed, pays off the $1,351,000 of bonds issued during the construction of the foregoing plant, and leaves a profit from 1889 to 1896, inclusive, of $672,728.95 to put to the credit of the gun and armor plants.

He then goes on to state that the Bethlehem Company is now engaged in executing a contract for one-half of the armor intended for the *Kearsarge* and *Kentucky*, all of which is to be delivered before the 1st of January, 1898, and concludes that "after paying 22 per cent on all new money put into new plant from date of issue of stock and till its cancellation (we) can repay (our) its stockholders in full and accumulate a surplus of $1,434,222, sufficient to more than pay off its bonded debt of $1,351,000."

He adds: "Only net earnings have been considered, and the results show that the company's investments in plants to make armor and gun steel for the Government have been returned with 22 per cent thereon."

In order to show how erroneous and misleading the Secretary's statements and conclusions are, we beg to submit the following:

In 1887, when we undertook the erection of a plant for Government work, our capital stock was $2,000,000, on which we were paying cash dividends at the rate of 12 per cent per annum. We had no floating indebtedness, a bonded indebtedness of only $149,000, and we had a surplus of about $2,000,000.

Since that year (1887), in order to provide the means with which to build this new plant, we have issued $3,000,000 new stock, for $2,000,000 of which the stockholders paid $2,819,700 in cash, the $819,700 premium so paid by them and $180,300 partial interest thereon being afterwards represented by a stock dividend of the other $1,000,000; $1,351,000 of bonds, and about $2,200,000 of bills payable. So that our investment on account of new plant, instead of being $3,351,000 ($2,000,000 stocks, $1,351,000 bonds), the basis on which the Secretary's statements appear to have been prepared, was $6,551,000 ($3,000,000 stocks, $1,351,000 bonds, and $2,200,000 bills payable). That premium was $819,000, and the stockholders paid that premium and a portion of the interest on the premium until the new stock was issued, it being repaid to them in the shape of a stock dividend of $1,000,000; but they paid in actual cash $2,819,000, and received no interest on the $819,000 premium until the new stock was issued, nearly three years afterwards.

Secretary Herbert. Do you mean to include in that the $1,000,000 of new stock that was added to make the $5,000,000 in 1889, or along there?

Mr. Linderman. I include that $1,000,000 of dividend stock.

Secretary Herbert. Do you mean to say that the stockholders paid for that?

Mr. Linderman. No, sir; they paid for that in premiums on earlier issues of stock. They paid for the first $2,000,000 issued $2,819,000.

Secretary Herbert. I gave you credit for having paid one million and eight hundred and odd thousand dollars, and then the $1,000,000 that your returns showed would have been stock dividends I counted as not having been paid for by the stockholders with money out of their pockets. Was it so paid or not?

Mr. Linderman. It was so paid.

Secretary Herbert. You paid it in money?

Mr. Linderman. In money, to every one.

Secretary Herbert. Why did you report it as stock dividends?

Mr. Linderman. It was the only way we could get to it. They had only paid for it in premiums on prior issues. They give the stock at par when they pay out new stock.

Secretary Herbert. Do you mean to say that the stock dividend of $1,000,000 was paid for by subscribers?

Mr. Linderman. Yes, sir.

Secretary Herbert. And not paid for at all out of the profits of the company?

Mr. Linderman. It was paid for by the premiums that had theretofore been paid on that stock.

Senator Chandler. Do you mean that when prior issues of stock had been made, instead of paying $100 a share the stockholder actually paid in cash more than $100?

Mr. Linderman. Yes, sir.

Senator Chandler. Can you give the figures?

Mr. Linderman. Eight hundred and nineteen thousand dollars.

Senator Hale. On an issue of $2,000,000?

Mr. Linderman. Yes, sir; a premium of $819,000.

Senator Chandler. Actually paid?

Mr. Linderman. Actually paid.

Senator Chandler. That stock actually cost the stockholders in money paid in $2,819,000?

Mr. Linderman. Yes, sir.

Senator Chandler. But when you made your stock dividend of $1,000,000 you undertook to offset that?

Mr. Linderman. Yes, sir; but that did not repay them for the interest.

Senator Chandler. Did you know that, Mr. Secretary, at the time you made your report?

Secretary Herbert. I took that as having been paid as a dividend. The statement that they make in their returns to the auditor-general of Pennsylvania is that that was a stock dividend.

Senator Chandler. But you assumed that they had only paid in the $2,000,000 of stock?

Secretary Herbert. Yes; and only now do I understand the transaction to have been otherwise.

Senator Hale. You assumed that stock to be par?

Secretary Herbert. I assumed it to be par.

Senator Hale. Mr. Linderman, have you ever made to the Secretary before this communication touching that issue of stock showing the premium that was actually paid to the stockholders?

Mr. Linderman. No, sir.

Senator Hale. Why did you not give him this information before he made up his report?

Mr. Linderman. We were not asked for it.

Secretary Herbert. Mr. Linderman, you are mistaken.

Senator Chandler (to Secretary Herbert). Read the letter.

Secretary Herbert. After you had responded to my telegram by giving me the returns for two years, which had been omitted at Harrisburg, I then wrote you a letter and asked you to explain the surplus and to give me any other and further information from your books that would enable me to do justice to you. That letter is here in the report. You said you would not give me any further information.

Mr. Linderman. We gave you our net profits, our gross profits, and our surplus for each of the years.

Senator Hale. Did you make the statement which you are now making here in any way to the Secretary when he sought information from you?

Mr. Linderman. No, sir.

Senator Chandler. But you consider the stock for which the $1,000,000 of stock which was issued as dividend stock as an offset to the premiums that had previously been paid on the $2,000,000 of stock?

Mr. Linderman. Yes, sir.

Senator Chandler. You state that now for the first time?

Mr. Linderman. Yes, sir.

Secretary Herbert. In one of the returns that you made to Bethlehem, and which I got from the Red Book of Pennsylvania, there was a statement that the dividend for that year was to be paid in money on any stock at $80 per share. How much of those dividends were paid in money and how much in stock at $80 per share?

Mr. Linderman. I could not state exactly, not having the figures here; but I should say that at least one-half of it was paid in stock.

Secretary Herbert. Was any portion of this additional $1,000,000 of stock paid in that way, that the parties instead of taking 12 per cent dividend in money would take it in stock at $80 per share?

Mr. Linderman. On the last million?

Secretary Herbert. Yes; any part of it?

Mr. Linderman. That was all taken in stock, each stockholder one share for every four shares that he then held.

Secretary Herbert. And by the stockholder paying in money for that at the rate of $80 per share?

Mr. Linderman. Not the last million; that was a stock dividend.

Secretary Herbert. What did they pay? They paid nothing for that?

Mr. Linderman. No, sir.

Secretary Herbert. Then I was right if they paid nothing for that?

Mr. Linderman. At that time they had paid for it by premiums. They had paid on the other $2,000,000. They had paid $2,819,000 for the representative value of $2,000,000.

Senator Hale. For every $100 of stock they paid $145?

Mr. Linderman. Yes, sir.

Senator Hale. And paid it in money?

Mr. Linderman. Yes, sir.

Senator Hale. Then in making up your accounts you offset that premium, which amounted in round numbers to eight hundred and odd thousand dollars, by stock dividends?

Mr. Linderman. Yes, sir.

Senator Bacon. I heard you state something about an original $2,000,000 of surplus.

Mr. Linderman. That went into the whole construction of the plant. I will come to that later, Senator.

As I stated, our investment on account of new plant, instead of being $3,351,000, as stated by the Secretary ($2,000,000 of stocks and $1,351,000 of bonds), was $6,551,000; that is, $3,000,000 of stocks, $1,351,000 of bonds, and $2,200,000 of bills payable. During the construction of the new plant no income therefrom was received, while interest upon——

Secretary Herbert. Let me call your attention to the fact that in the calculation I made about your company and what its profits have been I made no estimate at all of what your plant was. I especially stated in the report that the figures furnished by your reports, which I got from the auditor-general, saved me the necessity of making any calculation at all as to what your plant was. It was in a preliminary part of the report where I spoke of your plant as having been estimated at $4,800,000 by this board, and made another estimate myself, and stated that you had estimated it at $4,000,000. But the calculation that was made showing that you had been paid 22 per cent did not take into consideration any plant at all, nor the value of the plant, because I stated that that plant had evidently been paid for, whatever the cost was, whether it was $6,000,000, $5,000,000, $4,000,000, or $3,000,000.

Mr. LINDERMAN. That is what I am trying to show is not the case; that the plant has not been paid for.

Secretary HERBERT. You have just stated that the plant really cost very much more than I estimated it. I am calling your attention to the fact that in my estimate of your profits I said that your books showed—the transcript from them that I got from the auditor-general showed—that this plant had been paid for, whatever it cost, be it much or little. So that calculation is not based at all upon any estimate whatever of the value of your plant.

Mr. LINDERMAN. This money all went into the plant.

Secretary HERBERT. It all went into the plant, but the calculation was based on the idea that your indebtedness was all paid, your profits had been declared, and so much money had been made; and when the account was made out and stated it showed that there was money enough there to pay your indebtedness, and, including the plant, to pay you 22 per cent upon your capital stock.

Mr. LINDERMAN. That is exactly what I am trying to show.

Secretary HERBERT. But you are basing your argument upon the assumption that I stated that the plant cost a certain amount and that that entered into my calculation, whereas it did not at all.

Mr. LINDERMAN. There was the cost of the plant. I stated here that our investment on account of the new plant instead of being $3,351,000, as stated by the Secretary——

Secretary HERBERT. You are basing your argument upon the assumption that when I state that it was not a question at all in the case, because your plant had been paid for according to your own figures, be it much or little, and it did not matter what the estimate was of its cost.

Senator HALE. In other words, Mr. Linderman's statement of what you have stated was not your statement?

Secretary HERBERT. No, sir; that is to say, it had nothing to do with the calculation I had made.

Senator HALE. It was all an assumption on your part, dependent on those figures?

Secretary HERBERT. It was not an assumption that entered into my estimate of the profits at all.

Senator CHANDLER. Your assumption was that the cost of the plant was paid for from either stock or bonds, and when you found the stock and bonds wiped out by the profits it did not make any difference what the value of the plant was?

Secretary HERBERT. In other words, I took what they had in the beginning. I took the capital stock. Then I added to that the additions of stock. Then I showed that the profits had eliminated all the debt, whatever it was, including the plant, and it left so much to divide among the stockholders, making such a per cent.

Senator McMILLAN. Mr. Linderman, I take it, is trying to show that that is not the case, that the profits did not pay for the capital stock.

Mr. LINDERMAN. Yes, sir.

Senator HALE. That the figures are very much larger.

Senator McMILLAN. That the figures are very much larger than the Secretary gives.

The CHAIRMAN. I suggest that Mr. Linderman be allowed to proceed.

Secretary HERBERT. I will not interrupt you further, Mr. Linderman.

Mr. LINDERMAN. As I was proceeding to say, during the construction of the new plant no income therefrom was received, while interest upon obligations given therefor was met out of profits from the existing commercial business, making necessary reductions in the dividends paid our stockholders from 12 to 10, 9, and 8 per cent during the years of 1888, 1889, 1890, 1891, 1892, and 1893.

To refute the statement of the Secretary of the Navy, "that there is no error whatever in the conclusions reached: that the Bethlehem Company, after paying 22 per cent on all money put into new plant from date of issue of stock and till its cancellation, can repay its stockholders in full and accumulate a surplus of $1,434,222, sufficient to more than pay off its bonded debt of $1,351,000," it is sufficient to state that in addition to the $2,000,000 original stock, the $3,000,000 of new stock, $5,000,000 in all, together with the $1,351,000 of bonds is still outstanding, and during the whole period under consideration (the eight years from 1889 to 1896) the average dividends paid to our stockholders were less than they were during the years immediately preceding. All the increase of surplus stated by the Secretary in the tables, on page 29 of his report, has also gone into the plant, material, and necessary working capital.

During the eight years from 1889 to 1896, both inclusive, the gross receipts of the Bethlehem Iron Company amounted to over $46,000,000, while during the same period the receipts from armor amounted to only $6,780,000, or about 14.7 per cent of the total.

The CHAIRMAN. That includes all your business?

Mr. LINDERMAN. Yes, sir.

Senator HALE. For those years?

Mr. LINDERMAN. For those years.

Senator HALE. You do not bring it down to the present time?

Mr. LINDERMAN. Yes, sir; I bring it down to 1896.

The CHAIRMAN. What proportion of your business receipts do you receive from armor?

Mr. LINDERMAN. In those eight years there were but $6,000,000 out of $46,000,000.

Senator BLACKBURN. Fourteen and seven-tenths per cent for those eight years?

Mr. LINDERMAN. Yes, sir.

The CHAIRMAN. What were your dividends?

Mr. LINDERMAN. They never exceeded 12 per cent; and during the period of construction they were 10, 8, and 9 per cent.

The CHAIRMAN. That includes the whole business?

Mr. LINDERMAN. Yes, sir.

Senator CHANDLER. How much for the gun steel? The Secretary takes in all the Government work.

Mr. LINDERMAN. He gives them separately there. It is very easy to figure it up. I did not figure it up.

Senator CHANDLER. When you speak of armor alone and the proportion of that to the gross business, you bear in mind, of course, that the Secretary takes all Government work, which includes gun steel. I do not know how many millions were paid for gun steel.

Senator McMILLAN. Including gun steel and armor?

Mr. LINDERMAN. Yes, sir; and the regular business in rails and pig iron.

Senator CHANDLER. The sum is $15,000,000 in all for Government work.

Secretary HERBERT. I have the figures. I think Mr. Linderman must misunderstand, or I do, one or the other, because h's statements are not borne out by these figures, which I got from the company or from Harrisburg. For 1896 the gross earnings were $5,000,000, and that I take to represent the volume of business—all the business. Including what is called the extra plant—an armor and gun-steel plant—the gross earnings were $5,826,000. The amount received from the Government was $1,430,000. For the year before the gross earnings were $5,358,000. The amount received from the Government was $2,008,000, pretty nearly half. This year before the gross earnings, representing the volume of business, were $5,359,000. The amount received from the Government was $2,822,000, making over half.

The CHAIRMAN. That includes armor?

Secretary HERBERT. It includes armor and gun steel. For 1893 the amount received from the gross earnings was $6,476,000, and the amount received from the Government was $3,482,000—over half. Then, again, in 1892 the gross volume of business, representing all the plants, was $6,731,000, and the amount received from the Government was $1,335,000, making about 25 per cent that year. In previous years there was not so large a proportion of it—that is, in 1889, 1890, and 1891.

The CHAIRMAN. Can you give us separately that which they received from armor plate alone, leaving out the gun steel?

Secretary HERBERT. Yes, sir; that is here.

The CHAIRMAN. Be kind enough to read that, too.

Secretary HERBERT. The amount received by them from the Government for armor in 1896 was $1,089,000.

The CHAIRMAN. What proportion was that of their gross receipts?

Secretary HERBERT. That was about one-fifth. The amount received by them for armor the year before was $1,334,000. That is a little over one-fifth of $5,358,000. The amount received the year before for armor was $1,610,000, the gross receipts being $5,359,000, and that being about 25 per cent. The year before that the amount for armor was $1,963,000, which was pretty nearly a third of the $6,476,000 of gross earnings.

Senator TILLMAN. Do I understand, Mr. Secretary, that you got those figures at Harrisburg?

Secretary HERBERT. Yes, sir; all except those for 1889 and 1890.

Senator TILLMAN. You got them from the comptroller-general, or the taxing department?

The CHAIRMAN. From the auditor-general.

Secretary HERBERT. I sent to Harrisburg to find what information I could get there, and I got from these returns which had been made the gross earnings and net earnings. But there were three years—1889, 1890, and 1891—for which the returns did not appear

giving the gross earnings and net earnings. I wrote to the company, and they furnished me those gross earnings and net earnings. So all of these figures, so far as they represent the gross earnings and net earnings of that company, come from the company itself.

Mr. LINDERMAN. I can only repeat that our gross earnings for those eight years were $46,000,000, and our armor receipts were $6,700,000.

Secretary HERBERT. You have taken in the years at first——

Mr. LINDERMAN. I took the years you considered in stating your account.

Senator HALE. Your figures must amount to rather more than what you have given there for the six years.

The CHAIRMAN. He has the armor and the gun steel mixed.

Senator HALE. I mean for armor alone.

The CHAIRMAN. I think not.

Senator HALE. You think, then, upon the whole, that your earnings were $45,000,000 in eight years, and that about 15 per cent was Government work, including armor and gun steel?

Mr. LINDERMAN. Yes, sir; I should think so.

Senator HALE. How much of this has been foreign work?

Mr. LINDERMAN. I included the foreign work. It was not very much. I have forgotten the exact figures; three or four hundred thousand dollars.

Secretary HERBERT. You made 1,400 tons of armor for Russia under the first contract, and then 1,000 tons under the second, making 2,400 tons in all.

Mr. LINDERMAN. But there are no receipts from the second contract up to the period we are considering.

Secretary HERBERT. Within the period here there were receipts.

Senator GIBSON. I should like to make an inquiry. I understand that your business during the eight years from 1889 to 1896 amounted to some fifty-odd million dollars.

Mr. LINDERMAN. Forty-six million dollars.

Senator GIBSON. Forty-six million dollars. The contracts with the Government for armor plate amounted to $6,000,000.

Mr. LINDERMAN. Six million seven hundred thousand dollars.

Senator GIBSON. And the $6,700,000 of the $46,000,000 amounted to 14.7 of your entire business?

Mr. LINDERMAN. About that.

Senator GIBSON. I wish to inquire whether, if it were not for the large contracts which you had outside of the Government contracts for armor plate, you would have been able to manufacture armor plate at the price you charged the Government?

Mr. LINDERMAN. I do not think I fully comprehend the question.

Senator GIBSON. In other words, could you have manufactured armor plate for the Government as cheaply as you did if your business outside of Government contracts had not been so large as it was?

Mr. LINDERMAN. No, sir; I do not think we could.

The CHAIRMAN. As cheaply?

Mr. LINDERMAN. No, sir.

Senator HALE. You could not have run the Government part of your establishment so cheaply?

Mr. LINDERMAN. No, sir.

Senator SMITH. You would not have made as much profit?

Mr. LINDERMAN. No, sir.

Senator SMITH. You do not mean to say that you could not have made a profit at the price at which you sold the armor to the Government?

Mr. LINDERMAN. No, sir; I did not say that. But it was cheaper to do it in connection with our other work.

Senator GIBSON. That is what I wished to inquire about.

STATEMENT OF HON. HILARY A. HERBERT.

The CHAIRMAN. Secretary Herbert, do you wish to say anything?

Secretary HERBERT. I desire to say a few words.

Mr. Chairman and gentlemen, I have no interest whatever in sustaining this report unless the conclusions which have been reached are just. There has been but one statement made that has at all affected my opinions as to the justice of the conclusions which I attained after a very careful and laborious investigation of the whole matter, and that is the statement of Mr. Linderman, in the latter part of his remarks, that the $1,000,000, which on the face of the returns is declared to have been a stock dividend in 1889, really was not what it purports to be. It purports on the face of the returns to have been a stock dividend, but it is said that it has been paid for, in part at least—I do not understand him to say that it has paid for it in full—by the premiums which were paid for the additional stock subscribed for by the stockholders.

If that statement of Mr. Linderman be correct, and I have no reason to doubt it, then it would render necessary the recasting of these calculations. Such a recalculation, however, in my opinion would still show this is a mere guess, and of course it may be wrong that the stockholders have been repaid their investments in full with at least 10 per cent instead of 22 per cent dividends up to the time of the repayment. But I will have that calculation made and we will see how it results.

As to the contention which Mr. Linderman and Mr. Schwab both urge here that the method of making the account is incorrect, I think very little need be said. Mr. Schwab contends, and Mr. Linderman sustains him, that a manufacturing company must be allowed, first, 6 per cent interest upon its capital, and secondly, that dividends are to be calculated after that; and if it does not make 6 per cent dividends in addition to 6 per cent interest on its capital, the company is not doing well. Whatever returns from his investment in such a company a stockholder gets are dividends. The company that in these days declares 6 per cent dividends is doing well; if it declares and pays 10 per cent it is highly prosperous.

I thought a great deal on this question and consulted quite a number of people as to the proper method of making out the account, and finally I hit upon this method myself. The Rohrer board, to which the question was first submitted, a board of three officers who are all justly praised by Mr. Schwab as being able, conscientious, industrious men, undertook to make out a full account between the company and the Government in order to arrive at the cost of armor. They proceeded upon these hypotheses, first, that a certain number of tons were made each year; second, that the plant cost so much; third, that a sinking fund was set aside upon which interest was paid; and upon these hypotheses the cost of armor, after allowing for the extinguishment of the plant in a given time, would be some $433, which Mr. Schwab quotes with semi-indorsement.

Reflection convinced me that it would not do to make the calculation upon any such basis. So I proceeded upon what I conceived to be the common-sense plan of first supposing that people who invest in an armor plant or in any other manufacturing enterprise have the money upon which to operate; ascertaining, secondly, the price paid for their plant, and, thirdly, the cost of manufacturing each ton of armor. When that cost of manufacturing a ton of armor is reached, then the Government books furnish the information as to how many tons of armor have been made, and how much money had been paid each year.

The CHAIRMAN. In your calculation did you put down any percentage for deterioration in the plant?

Secretary HERBERT. Yes, sir. I will come to that point in a moment; I will explain it. I took their own figures just exactly in each case on that point.

Now, I have said the plant is so much; I took the Carnegie Company's plant at exactly the figures they gave. Then, I said, the cost of manufacturing a ton of armor is so much, and I [illegible] that from the calculations of these officers, who not only had been there, but who, after the investigation of this question was begun by this committee last winter, were instructed to observe and follow plates through from the beginning to the end of their construction, and to report how much material, how much labor, how much fuel entered into a plate, and in that way, calculating also the weight of the plate, I got the cost.

Then the company was entitled to a working capital. Seven hundred and fifty thousand dollars a year was allowed as working capital—the interest on that sum each year. Then 5 per cent of its cost was allowed for the deterioration of the plant, the precise amount claimed in the letter to me from the Carnegie Company. Three million dollars for their plant, the amount they claimed; 5 per cent for deterioration and keeping in repair, the amount the company claimed; $750,000 for working capital was not so much as was contended for, but was, I think, more than ample for the reasons elaborated in the report.

Then when the receipts for any year were more than enough to pay 10 per cent of dividend I applied the surplus profits over and above 10 per cent dividend allowed to the extinction of the capital invested. I assumed that 10 per cent would be a fair dividend, looking at the question from this standpoint, looking back to see whether the plant had been paid for. The conclusion that 10 per cent was a fair profit was reached by taking not the average, but the very highest percentage of earnings by similar industries in Pennsylvania during the period in question. When higher than 10 per cent dividends were being earned by some companies—from 1885 to 1890—business was very much more prosperous than it is now. From 1890 up to the present time the country has not been prosperous. Iron and steel industries have not been prosperous. No Pennsylvania company of any importance, outside of these two which have been doing Government business, has, according to the Pennsylvania Red Book, been averaging in the steel business as much as 10 per cent from 1890 to the present, and yet I allowed both these companies 10 per cent dividends. When at the end of a period of six months there were profits more than enough to pay the 10 per cent dividends, which it had been decided to allow them, the overplus of profits was credited to the extinction of plant.

Senator BACON. Ten per cent each year?

Secretary HERBERT. Yes; 10 per cent on the full amount. First I gave the Carnegie Company 10 per cent upon $3,000,000, the capital it claimed, and when profits were more than enough to pay that 10 per cent, the balance, say it was $500,000, went to the extinction of capital, it appearing that the stockholders were then repaid, or that they might have been repaid had they chosen to so apply the moneys standing to their credit in that amount. The next year I gave the company 10 per cent on, say, two millions and a half; and if there was another half million—stating it in round figures for easy reference—over and above the 10 per cent dividends, I applied that again to the extinction of the capital, bringing the capital down to $2,000,000. They got this money. It was paid to the company, and stood to the credit of the stockholders.

Senator HALE. Each year you reduced the amount by what they had received?

Secretary HERBERT. Each year the amount was reduced upon which the 10 per cent dividends were allowed—that is, provided the profits were more than sufficient to pay the regular 10 per cent dividend.

Senator TILLMAN. In other words, you did not allow them dividends and interest on capital which had already been extinguished?

Secretary HERBERT. I did not.

Senator TILLMAN. You did not compound dividends, so to speak?

Secretary HERBERT. I did not. When the money had been paid to them which extinguished a part of their capital, I counted that capital as pro tanto extinguished. It was so obvious to me that when it occurred to me finally, after having thought it over, it seemed like a revelation that I had not thought of it before.

Senator CHANDLER. When you speak of capital, you mean that part of the capital invested in this plant?

Secretary HERBERT. Yes, sir. All the time I was allowing them the interest every year on $750,000 of working capital.

The CHAIRMAN. How did you get at the actual profits on the armor plate?

Secretary HERBERT. Please indulge me a moment. In order to find out whether my method of making the calculation was correct, I employed the most expert bookkeeper whom I could find, Mr. Dunham, who is a professional expert, now engaged in auditing the affairs of the Baltimore and Ohio Railroad Company incident to its rehabilitation. He said the method was exactly right. I submitted it to nobody who said it was not exactly the proper method.

The only point about which there can be any doubt is as to the 10 per cent, whether it is fair to allow them only 10 per cent upon their capital. I arrived at that, as I tell you, by comparison; the figures are set forth here fully in my report, and 10 per cent is very liberal. It is much above the amount earned by any similar company from 1889 to 1896. No company like this in Pennsylvania, of all I found who made returns, except one, has been making as much as 10 per cent, and that was the Cambria Iron Company, and my recollection is that the Cambria fell below 10 per cent part of the time.

Take the Bethlehem Company itself. Its returns from 1885 to 1889, when it began the manufacture of armor—it made the contract in 1887, but it did not begin the manufacture until 1889—its returns for the four years previous to 1889 averaged 11 per cent, for two years 12 per cent, for two years 10, making 11 per cent for the four prosperous years of its business before it had begun to do Government work. Then I allowed it during the unprosperous period 10 per cent.

Senator GIBSON. Did you allow for the deterioration of the plant?

Senator BLACKBURN. He allowed 5 per cent.

Secretary HERBERT. I allowed the amount of 5 per cent for deterioration of plant.

Senator HALE. Which you received from the company?

Secretary HERBERT. Which was the rate claimed in the letter received from the company.

Senator GIBSON. Did you take into consideration in that statement the life of the plant?

Secretary HERBERT. Yes; it took into consideration the life of the plant. That is what maintenance is intended to be—an allowance for the life of the plant.

Senator TILLMAN. That is, the life of the plant itself?

Secretary HERBERT. That is intended to represent it.

The CHAIRMAN. I think myself that is a little low.

Secretary HERBERT. Those are their own figures.

The CHAIRMAN. I think it is a little low.

Mr. LINDERMAN. Those are not our figures. We said 10 per cent for depreciation——

Secretary HERBERT. You said 10 per cent, and I gave you 10 per cent.

Mr. SCHWAB. The Secretary is wrong. We allowed 5 per cent for deterioration, and then allowed for a life of plant of only 10 per cent. He is getting the two items mixed.

Secretary HERBERT. You did not.

Mr. SCHWAB. We will refer to the letter.

Secretary HERBERT. Where is the letter?

Senator BLACKBURN. What do you mean by 5 per cent for deterioration, and then 10 per cent for life of plant? It is doubling up for the same thing.

Senator TILLMAN. It is double credit.

Mr. SCHWAB. I should like to explain that, if I am not out of order. In the first place, no manufacturing plant with which I have ever been connected (and I built all the Carnegie works; I built this armor plant and operated it) has not been changed completely over in less than ten years. Now, I will cite an instance in our commercial mill. Our converting mill at Braddock in twenty years has been built four times over.

The CHAIRMAN. Renewed absolutely?

Mr. SCHWAB. Renewed absolutely; torn out to the foundations.

Senator SMITH. For what reason?

Mr. SCHWAB. New methods and new business and new machinery.

Senator BACON. Not wear and tear?

Mr. SCHWAB. No, sir; that is maintenance of plant.

Senator HALE. The plant has been improved each time?

Mr. SCHWAB. It is a different plant.

Senator HALE. You had a better plant the second time than the first, and a better plant the third time than the second?

Mr. SCHWAB. We had to wipe out that capital altogether.

The CHAIRMAN. You could not compete with your first plant?

Mr. SCHWAB. No, sir.

Senator HALE. That is not exactly depreciation; it is substitution.

Mr. SCHWAB. I will refer to our letter. We requested "interest on plant."

Secretary HERBERT. Of course you did.

Mr. SCHWAB. "Maintenance of plant, per ton of armor."

Secretary HERBERT. What did you quote it at?

Mr. SCHWAB. Five per cent.

Secretary HERBERT. That is what I gave you.

Mr. SCHWAB. "Loss by abandonment of plant when Navy shall have been completed." When we started to take these contracts, it was the understanding that there were going to be twenty battle ships. If you will stop and think a moment, even the most sanguine, in fact Secretary Herbert himself, does not put it higher than that. If the highest estimates were realized, we should finish the Government work in less than six years. If that is true, you can not allow twenty years for depreciation of the value of the plant.

Secretary HERBERT. Is that all you allude to—the abandonment of the plant?

Mr. SCHWAB. No. We ask 10 per cent for the abandonment of the plant in addition to 5 per cent for maintenance of plant. That is what I want to make clear.

Secretary HERBERT. The letter did speak of the abandonment of the plant upon the hypothesis, in a paragraph which I recollect very well because it was very striking, that within the ten years during which we would probably continue the construction of a navy possibly, the letter said, some $500,000 would be saved out of it, and that then there would be left $2,500,000 of the cost of the plant to be reckoned for. But there was no statement from any source that maintenance was anything more than the maintenance they claimed—5 per cent—and I gave 5 per cent, which, in cases of this kind, is sufficient, it seems to me. I should judge that the company would certainly claim for maintenance what is sufficient. This plant has not been replaced by any new plant.

Mr. SCHWAB. I beg your pardon, Mr. Secretary, and if you will permit me, Mr. Chairman——

The CHAIRMAN. You may proceed, with the Secretary's permission.

Secretary HERBERT. Certainly. If it has been replaced, I should like to know it.

Mr. SCHWAB. I can point you to no end of machinery in our present plant that is now obsolete and of no use, by reason of the very things the Secretary has spoken of. Let me point out some of them.

When we first started to make the circular turrets, we spent $50,000 for one single-boring mill. The design on your new ships is elliptical, and that machine is of no use.

When we first started the manufacture of soft-faced armor—homogeneous armor—we purchased saws for sawing it. Now we make hard-faced armor, and those saws are not used.

Secretary HERBERT. How much did they cost?

Mr. SCHWAB. On a guess, I should say $25,000 apiece.

Secretary HERBERT. How much would that be?

Mr. SCHWAB. I know of one that we bought from Krupp which cost $66,000.

Secretary HERBERT. How much would that be in all?

Mr. SCHWAB. That is $66,000, and twice $25,000.

The CHAIRMAN. It is $116,000.

Mr. SCHWAB. So with our appliances for tempering armor. Then we tempered with oil. We had tremendous tanks for fish oil, appliances, etc. Since harveyizing has come in, we temper with water. All that is absolute. I am only citing these things as I remember them. If I were to take time and go over the whole plant, I could tell you very many more. It is the infallible rule in manufacturing, especially in armor, where changes are so frequent, that the machinery becomes obsolete very quickly, as new methods come in vogue.

Senator TILLMAN. You make the Government pay for the changes?

Mr. SCHWAB. I do not think so.

Senator BACON. The present cost of tempering is less than it was, if, as you say, you now temper with water, whereas then you tempered with oil?

Mr. SCHWAB. It makes no difference. We did not waste the oil in the operation.

Secretary HERBERT. The statement of Mr. Schwab as to what has been renewed there within six years amounts to $116,000, as counted by the chairman; perhaps it is $150,000.

Mr. SCHWAB. That is simply from memory.

Secretary HERBERT. From memory. That is a statement of the renewals in the plant during the last six years, and this calculation allows him $150,000 every year for that purpose, making $900,000, whereas he has given us a list which amounts to only $116,000.

Senator BACON. Is that in addition to the 5 per cent?

Secretary HERBERT. That is the 5 per cent itself. It amounts to $150,000 a year. That was intended to cover these things, and altogether it amounts to $900,000, whereas Mr. Schwab has named machinery in value less than $150,000.

Mr. SCHWAB. Mr. Chairman——

The CHAIRMAN. Wait a moment. I hope the Secretary will be allowed to go on and conclude his statement.

Mr. SCHWAB. I wish to make a single statement, and then I will not interrupt the Secretary further.

The CHAIRMAN. I prefer that the Secretary should make his statement, and then you may proceed.

Mr. SCHWAB. Very well.

Secretary HERBERT. It is just things of that kind happening to plants that allowances for maintenance are intended to cover. I know that manufacturers very generally claim 10 per cent, the amount claimed by Mr. Linderman, and when I saw that this letter from the Carnegie Company claimed only 5 per cent, I came to the conclusion in the first place that the company had not done itself any injustice, and that the reason why 5 per cent was sufficient there was because of the character of the machinery. If you will look at it you will notice that the machinery with which armor is manufactured is large and ponderous, and there are very few portions of it which will wear out; a little here and there where there is friction, the pulleys, etc. I would not undertake to mention the parts. The machinery is of such a class that unless it goes into disuse because superseded by something better it will last almost indefinitely. I therefore had no doubt but that the company had done justice to itself, and therefore used its own figures.

I come now to the general question. Mr. Schwab criticises this report, as has been noticed by Senator BACON in his question, only in part, and he reiterates here the objections which have been made all the time to an exhibition of the books. I stated in the conclusion of the report, and I state again, that my anxiety has been not only to do justice to these parties, but to be liberal with them. I have never seen anything at all in the objection they make to exhibiting their books. The only point they make is that it would expose the secrets of their manufacture. Now, I ask Mr. Schwab if he puts down on the books the secrets of the manufacture, the processes? The books show the accounts; they show the expenditures and the receipts, and that is all they show. And if this report is wrong, if the conclusions reached are erroneous, an exhibition of those books would show just exactly what the facts are, and that is what I have been trying to ascertain.

It is an easy matter to attack certain parts of the report, and say that in this respect or in that respect the estimate is an underestimate, but there is nowhere here in this attack on certain portions of the report any effort to show where its estimates are overestimates. If we had the books, they would show precisely what is the cost of manufacturing a ton of armor. I estimated that cost according to the reports made by officers who were specially charged with observing, so that they might accurately report the price of labor, the price of materials, the amount of materials, and all that.

Senator GIBSON. Did you require the companies to do that in the contracts which you made with them?

Secretary HERBERT. Require what?

Senator GIBSON. Did you, in the contracts with the Carnegie Company and the contracts with the Bethlehem Company, require that they should itemize everything in their contracts?

Secretary HERBERT. No, sir; I did not. Questions of this kind had not then arisen. But naval officers were charged to observe those things, and they did talk with the laborers, and they did get the wages, as they say and believe, very accurately. At any rate, I took what appeared to be the average of the report of those officers; first, the Rohrer board, composed of three men; second, of Mr. Rodgers, who was afterwards and is up to the present time at the Bethlehem Company; and third, of Mr. McVay, at the Carnegie works.

All those officers got information, and it was known by the company that they were searching for it. It was certainly surmised. They got the best information they could, and they made their reports. Having the figures furnished by them and averaging the conclusions at which they arrived, counting the Rohrer board as 3, Rodgers as 1, and McVay as 1, I reached the conclusion set forth here, that a ton of armor would cost a little less than $200. The precise figures I can not remember. Then I added to that 50 per cent profit. Fifty per cent profit is very liberal. The reasons for adding such a liberal profit were these: I wished to be careful not to do any injustice to the manufacturers. I desired, in the second place, that they should continue to manufacture armor. Last year, at the request of this committee, I sent a report to it, in which I opposed, for reasons which then seemed and now seem good, the construction of a plant by the Government to manufacture its own armor, and rather than that the Government should engage in this business I think it would be better to pay the manufacturers a very liberal price. So, after having estimated that their plant was fully paid for, I gave 50 per cent upon the estimated cost of a ton of armor for profit.

Senator TILLMAN. Pardon me. Do you think the Government could not make its own armor on that basis and save money?

Secretary HERBERT. I doubt whether it would save much money, because you will remember that we have an eight-hour law. The manufacturers can work ten hours.

Senator TILLMAN. That is only 20 per cent difference.

Secretary HERBERT. That is 20 per cent, but the experience of this and all other governments shows that government work is more expensive than when it is let out privately.

Senator TILLMAN. You would get rid of any danger of spongy armor being put off on the Government, as was proved before the House committee year before last was done, if the Navy Department had charge of it.

Secretary HERBERT. I do not think we could have our system of espionage—inspection—any more thorough than it is now; and whenever in any respect I have found that it was deficient I have always attempted to improve the system. Recently [illegible] added inspectors.

Senator HALE. We can not build a ship in a Government yard so cheaply as outside?

Secretary HERBERT. We can not build a ship in a Government yard so cheaply as it can be built outside. I thought, in order to induce them to continue the manufacture of armor, we ought to give them 50 per cent on the estimated cost. There are also other reasons which are fully set forth in the report.

I also ask Congress, in order that it might hold this matter in its own hands, to give to the incoming Secretary of the Navy the power to buy or lease a plant or to erect its own plant, to manufacture its gun steel. I believed that that was necessary; that there would always come up questions as between the contractors and the Government, and the Secretary ought to have full power to compel obedience to whatever Congress may decide in the premises.

Senator TILLMAN. You were speaking a moment ago about the reluctance of the Carnegies to allow their books to be seen, and arguing against the justice of their claim that it would exhibit the secrets of their business. Do you not imagine that the reason why they are unwilling to let us see their books is because they are unwilling to let us see at what enormous profit they are making the armor?

Secretary HERBERT. I think so myself.

Senator TILLMAN. Is not that a natural deduction or corollary to the situation?

Secretary HERBERT. I think that if they did exhibit their books it would show that they are making at least the profit I have indicated here. That has been my impression all along.

Now, I desire to say one or two words in relation to the account with the Bethlehem Company. In that case Mr. Linderman was speaking of my estimate of the plant. It was not necessary at all that the cost of the plant should be taken into consideration in this table if these figures are correct, and they are admitted by him in his statement here this morning to be correct, except in one particular; that is to say, he does not attack them in any other respect, but he does say that something like $800,000 more ought to be credited to the amount they have invested than I have credited here. I do not remember all his statement, but will examine it when printed. I can explain how, if an error has been made, I fell into it.

The company itself reported to the auditor-general of Pennsylvania that in 1889 it paid a cash dividend of 10 per cent and a stock dividend of 25 per cent. This table shows that dividends were paid during 1889, 1890, and up to 1896, of 8, 9, 10, 10, 10, 12, and 12 per cent—dividends upon the additional capital that was put in, and upon what I thought and what they returned as a stock dividend.

Then, the manner in which I made up this table was to take, in the first place, the figures that showed how much their original plant was. That was $2,000,000. Then, the figures showed that they have sold $2,000,000 more of stock. That made $4,000,000. I did not allow them anything more than an investment of $4,000,000, because it appeared from their returns that the other million was a stock dividend.

Now, Mr. Linderman says that a portion of that million ought to have been taken into consideration.

Mr. LINDERMAN. The whole of it.

The CHAIRMAN. $819,000?

Mr. LINDERMAN. Whatever the balance is up to one million, to pay interest to stockholders for advance payments.

Secretary HERBERT. You are taking interest on advance payments in addition to dividends. Does interest enter into this amount of which you are speaking?

Mr. LINDERMAN. The $819,000?

Secretary HERBERT. Yes.

Mr. LINDERMAN. No, sir; but what I claim is that they should be allowed current interest on the advance payments.

Senator HALE. That one million was intended to cover $819,000 and interest?

Mr. LINDERMAN. Yes, sir; up to the time the stock was issued.

Secretary HERBERT. The method by which I arrived at this result was as follows: This table shows the gross earnings and the net earnings. I got from the Navy and War Departments what the Government paid the company for gun steel and for armor. Those amounts showed, when compared with the amount of gross receipts, which represented the volume of all their business from all their plants, the relative sums that were paid by the Government and received from their commercial plant.

I allowed the stockholders, in the first place, 10 per cent on their original investment of $2,000,000, and 10 per cent on their new stock from the dates when investments were severally made, not taking into account the other million, which appeared as a stock dividend, and then took the balance of net receipts, and these eliminated all the new stock. It paid them 10 per cent upon the original stock of the company as it was before it had Government work, eliminated their new stock after having paid till its extinguishment 22 per cent upon it, and then the remainder was more than enough to pay their indebtedness.

Senator TILLMAN. Enough for the Government to pay for the plant and give it to them?

Secretary HERBERT. The Government has, according to my estimates, paid for the plant, and they have the plant now, if these calculations are correct, and there is a large balance over.

Senator SMITH. Excuse me for interrupting you right there. Practically was it not generally understood when the contracts were originally given that the Government, in the price that it paid for the armor, would pay for the plant?

Secretary HERBERT. I further state that I do not think the amounts which have been paid heretofore have been unreasonable. I think the companies ought to be paid for the plant which each of them erected at the instance of the Government.

Senator TILLMAN. The only question we are discussing is how to get them to give us armor at a reduced price.

Secretary HERBERT. Yes.

Senator TILLMAN. They demand that we shall pay for the plants again, although we have paid for them once.

Secretary HERBERT. The first question is, Am I right in the supposition——

Senator TILLMAN. It is not a question of discussing the past, but what we shall do now to get armor at a reasonable price.

Secretary HERBERT. That is precisely why I set out, in the first place, to ascertain whether, from the prices which have been previously paid, profits enough have accrued to pay them a reasonable interest on their investment and to pay them for the investment. Then, if there have, and if the investments have been paid for and a reasonable percentage upon the investment has been paid to them at the same time, they are in the position of people whose plant has been paid for.

There was a sort of special obligation on the part of the Government that the contracts should pay for the plants in the end. I think they have paid for them. I do not think we have paid too much heretofore, but we have now come to a point when, if the plant is paid for, there ought to be a readjustment of prices. Then, in readjusting the prices, I think the company ought to be allowed for maintenance 10 per cent per annum of what it would cost now on a liberal estimate to put up a plant. They are not entitled to 10 per cent for maintenance upon what the plant cost them. They are entitled for maintenance to 10 per cent upon the value of the plant.

The CHAIRMAN. What it would cost now?

Secretary HERBERT. What it would cost now. I estimated, from information which I have obtained in Europe and elsewhere, that either one of those plants could now be reproduced for about $1,500,000. but in order to be on the safe side I have allowed them maintenance upon $2,000,000 ($500,000 margin), and 10 per cent instead of 5 per cent. Then, allowing them maintenance at that rate, I have allowed them also a profit of 50 per cent, and for that sum it does seem to me they ought to be able to manufacture the armor the Government needs.

Senator BACON. Fifty per cent on the cost of labor and material?

Secretary HERBERT. Fifty per cent on the cost of labor and material.

Senator GIBSON. Let me ask you a question at this point. Is there any guaranty from the Government of the United States to the manufacturers of armor that the manufacture shall continue for one year, or three years, or five years.

Secretary HERBERT. No, sir; there is not.

Senator GIBSON. Ought not that fact to be considered in the estimate?

Secretary HERBERT. If the plant has been paid for, it does not become so material. It is not so material as if the plant had not been paid for. If it had not been paid for, we ought to pay them large profits, so as to be sure that they are paid for the plant.

Senator PERKINS. We have read, Mr. Secretary, your very elaborate and interesting report, which reflects great credit upon yourself, and is a monument to the care and labor you have bestowed upon the subject, giving estimates of the cost of armor in England, France, and other countries, and your own figures as given here. Have these gentlemen (of course, this is one company so far as the Government is concerned) indicated any disposition to accede to the prices at which you estimate they can manufacture the armor at a profit, to wit, $400 a ton?

Secretary HERBERT. No, sir.

Senator PERKINS. If they do not, we, of course, can not compel them to do so. It is a question, then, it seems to me, Mr. Chairman, for the committee to determine, if these gentlemen will not indicate their willingness to do that, whether we shall give to the Secretary the authority he asks to build a plant, and shall appropriate the sum of $3,000,000 for a plant and the stock necessary to be kept on hand, if it would cost that sum. Do you not estimate that sum for a Government plant?

Secretary HERBERT. I think that would be a very liberal estimate.

Senator PERKINS. That is simply a question for us to determine. These gentlemen should be asked to indicate, if they feel at liberty to do so, whether they are disposed to meet the views of the Secretary of the Navy upon this estimate, and if so, let them furnish the armor. If not, then the question I have stated is for us to determine.

Senator HALE. Before the Secretary sits down I wish to ask a question. Aside from adapting your figures to the $1,000,000 of stock which you counted as dividend stock which appears to have been paid stock, do you now, from what has been said and advanced to-day, think you ought to recast your figures or change them?

Secretary HERBERT. I do not see anything in what has been said by either of these gentlemen which indicates that there should be any recasting of the figures, except as to the $1,000,000. I think we must accept Mr. Linderman's statement that that is a fact.

The CHAIRMAN. Very positive statements were made both by Mr. Schwab and Mr. Linderman that your cost of labor was only about 40 per cent of the actual cost.

Senator BLACKBURN. Before you undertake to answer that question——

The CHAIRMAN. Do you not think that is too wide a difference to exist actually? Do you think you could have been so widely mistaken?

Secretary HERBERT. I do not think so.

Senator BLACKBURN. Let me supplement the chairman's question. Is it true or not that in making the estimate as to the cost of labor your officers, including the members of your board, took into account the fact that those men were employed a part of the time at work other than the manufacture of armor?

Secretary HERBERT. Yes, sir; I think they have undertaken to account for all that.

I wish to say a word on this question. It is a very important matter.

The CHAIRMAN. Of course it is.

Secretary HERBERT. And perhaps the committee ought to give more time than they have been able to give to it this morning.

As to that particular portion of the report which relates especially to the cost, as estimated by these officers, I have relied very largely upon Captain Sampson, whose study of that special part

of the matter has been more thorough than mine. That is technical. For all the remainder of the report, the manner of making estimates, and all that sort of thing, I have relied upon myself. I should like to have Captain Sampson make a statement on that question, if you have time now, and if not, at some other time.

The CHAIRMAN. It is nearly 12 o'clock. This is very interesting and very important, and I think we ought to have another meeting.

Senator CHANDLER. If the hearing is concluded, there may be a meeting of the committee to consider the subject, and I shall have something to say. We are under obligations to make a report to the Senate at this session.

Senator BLACKBURN. Why can we not go on right now?

Senator CHANDLER. If the matter goes over again, we shall not make any report to the Senate at the present session.

Secretary HERBERT. If you gentlemen can spare twenty or thirty minutes, Captain Sampson can make a statement as to the methods of inspection and the manner in which the estimates of the cost of labor and material were reached that will throw more light upon the subject than anything I can say.

Senator HALE. Let Captain Sampson make his statement now.

Senator BLACKBURN. Mr. Secretary, is it your opinion that the committee should recommend the passage of a bill appropriating a sum of money, say, $2,000,000 or $2,500,000, to be used by the Government in the establishment of a plant for the manufacture of armor unless contracts at the figures you indicate in your report can be made with these gentlemen; or is it your judgment that in order to protect itself and for its own best interests, the Government should have this amount of money appropriated and set aside to be used in the event of any failure in the future to get contracts at these rates?

Secretary HERBERT. I have thought over that matter a great deal. After elaborating this report and coming to the conclusion that I had about reached the truth, I then asked myself, How is the Government to enforce this price or any other it may decide upon? There was but one answer, and that was that the Government should have within its own hands the power to compel compliance with whatever seemed to the Secretary of the Navy and the Congress to be just. Of course, the great power that I ask for will not come to me; it will come to my successor. But I think the Secretary of the Navy ought at all events to have the power to build, buy, or lease a plant—a gun plant and an armor plant—for the reason that although these gentlemen may agree to this rate as it is, you will remember that a contract for armor contains a great many details. It is full of perplexing details, and the figures that are recommended to you now are simply the average basis. Some of the armor would be higher and some lower. Improvements may be made, and the Secretary of the Navy, representing the Government, ought to have it in his power at all times to say, "Well, if in this new exigency"——

The CHAIRMAN. Just as we have our navy-yards?

Secretary HERBERT. Yes. He should have it in his power to say: "If in this new exigency you will not do what I think is proper, I have the power—Congress has armed me with it—to build or to buy a plant;" and he may either buy the plant from one of these gentlemen—the Carnegie plant or the Bethlehem plant—or buy some other plant. But at all events the Government ought to have the power to protect itself in any circumstances that may arise. We are at present in this position: We have three ships building; they will need their armor, and need it soon; some of it ought to be furnished during the present year.

Senator TILLMAN. Did you not find when you came to contract for the armor for the two ships, aside from the three ordered last year, that you were at the mercy of these companies, and had to give them whatever they demanded?

Secretary HERBERT. I might as well state here, in the presence of these gentlemen, what did happen.

I was contemplating a new method of advertising—advertising for the contractors to furnish the armor and the hull and everything else—to build the ships complete. These gentlemen objected. In the first place, the Chief of the Bureau of Ordnance objected, and asked me if I would be willing to hear from these gentlemen. I consented, and they made many objections. I answered them. We had a long controversy on the subject. Finally they asked me why it was that I wanted to adopt that plan. "To tell you the truth," I said, "I want to get you gentlemen to compete with each other, and you must bid lower." One of them, who is not here now, said that his company would not bid under certain circumstances. I said, "I do not care whether or not you bid; the other company can manufacture all this armor; but unless you come down on this article I tell you I will not make any contract with you. I will simply refuse to make any contract with you, and will report the matter to Congress, and ask it for a remedy."

Then they asked me how much reduction I would require. I said, "As much as you can afford." They then agreed to submit a proposition. After a few days, probably a week, they did make a proposition which was substantially the same from both of them, that they would lower rates at least $50 a ton. It ought to be said to their credit that when the bids were made they did come down $59 a ton, so that the contracts for the present ships are at a rate that much lower than previous contracts.

Senator PERKINS. It is now $550?

Secretary HERBERT. It is now about $580, including nickel. For the new ships it is $59 off the old prices.

Senator BLACKBURN. What sum of money, in your judgment, would it be necessary to put at the disposal of the Government for the buying or the building of a plant?

Senator HALE. For the first year?

Senator BLACKBURN. Yes.

Secretary HERBERT. For the first year, the Secretary might wish to buy—he might be able to buy the plant entire——

Senator BLACKBURN. In answering that question——

Secretary HERBERT. If these gentlemen should refuse to make the armor——

Senator TILLMAN. They ought to give us the plant, as we gave it to them.

Secretary HERBERT. They would probably sell it at a good deal less than cost, because they would have no use for it. We might be able to get a plant from one of these companies.

Senator BLACKBURN. What is the whole amount, in your judgment?

Secretary HERBERT. I think a plant of that kind can be erected for about $1,500,000, but if the Government undertook to do it, it would probably be——

The CHAIRMAN. $2,000,000.

Secretary HERBERT. $2,000,000.

Senator GIBSON. Will you not finish your statement? You said that, to the credit of these gentlemen, they came down $59 a ton. Will you resume from that point and conclude what you were going to say?

Secretary HERBERT. I was about to state in addition—I have already stated it—that I think the prices which have been paid heretofore, when we come to consider the amount of the investment, have not been exorbitant. We have paid them, I think, for their plants, and paid them fair dividends; but we were bound to do it. When we made contracts with them, I think the Government was bound to pay them large prices, so that they could within a reasonable time recoup the moneys they had invested.

The CHAIRMAN. That was practically the understanding.

Secretary HERBERT. I think that was really the understanding.

Senator HALE. Does not your whole statement depend upon the proposition that, having paid large sums properly and [illegible] under the understanding, and the plant having been [illegible], [illegible] time has come for recasting the prices on an entirely new basis?

The CHAIRMAN. That is what the Secretary says.

Senator HALE. And that upon that basis you now do not consider what the plant cost, because that has been wiped out, but what a new plant would cost?

Secretary HERBERT. Yes, sir. I should like very much to have an opportunity to make a calculation upon the basis of Mr. Linderman's figures.

The CHAIRMAN. Mr. Secretary, if you are through we will hear Captain Sampson.

STATEMENT OF CAPT. WILLIAM T. SAMPSON.

Captain SAMPSON. I do not think there is much to add. As to the cost of labor, the gentlemen who made the estimate did it in the most careful manner possible. They revised it many times. They knew exactly the prices paid for labor in every department, both at Carnegie's and at Bethlehem. The different method which they pursued from that suggested by Mr. Schwab might have led to a different result, but not materially. If the men in the shop had been counted and their total wages charged to cost of manufacture, but a single charge could have been made, whereas the total labor is distributed to each item of manufacture. These gentlemen in making their estimate of the time required and the number of men were cautioned, and I am sure they followed that caution, and were inclined to do it of their own will, to be on the safe side, because we all realized——

The CHAIRMAN. You mean by that, to be liberal?

Captain SAMPSON. To be liberal. We all realized that even with a liberal estimate in every direction the cost of armor would be considerably below what we have been paying heretofore.

As to the cost of the material which enters into the open-hearth furnace to make the ingot, they had the prices quoted in the market. They had the advice and opinion of outside experts, and I think in that way the estimate is most reliable.

One point made by Mr. Schwab, which should receive attention, is that, comparing the total amount of armor delivered with the total amount cast, the result will show that they have actually cast or made an amount of armor 22 per cent greater than would follow from the estimates made by these officers. That difference, which is otherwise accounted for, is not due to an error in the computation made by those gentlemen, but it is due to the fact that the Carnegie Company have at various times been unfortunate in making their armor, in that they have lost many valuable pieces, and the board added 10 per cent to the total quantity of armor delivered to cover those losses.

Senator TILLMAN. What authority did they have for that? Was there any authority at all for doing that?

The CHAIRMAN. This was in their estimates.

Senator BLACKBURN. It was when they were making their calculation.

Senator HALE. The contractors were not paid for it.

Senator TILLMAN. I understood the Captain to say they were paid for that.

The CHAIRMAN. No.

Secretary HERBERT. The losses were estimated at 10 per cent.

Senator TILLMAN. I understand it now.

The CHAIRMAN. They added that much to the cost.

Captain SAMPSON. The loss of a single plate is a very material matter to one of these companies. It may vary in value from fifteen to twenty-odd thousand dollars, and of course an estimate, to be properly made, must not be based upon a single case, or two or three isolated cases, but their whole output must enter into consideration.

Senator HALE. They call it 10 per cent?

Captain SAMPSON. They call it 10 per cent.

Now, that may not be liberal for the Carnegie Company, and it may be quite liberal for the Bethlehem Company. But these things seem to run in streaks. They are unforeseen. It is impossible to say when one of these accidents will occur. They are not so likely to occur in the future as in the past.

The CHAIRMAN. Because of better skill?

Captain SAMPSON. Experience has enabled them to avoid sources of difficulty. I think that is all I have to say.

ADDITIONAL STATEMENT OF C. M. SCHWAB.

Senator HALE. I wish to ask Mr. Schwab one question. Do you consider the process of manufacturing these plates, interesting as it is, a very intricate and expensive process?

Mr. SCHWAB. Indeed, sir, I must say it is the most intricate of all metallurgical processes, and I am pretty familiar with all.

Senator CHANDLER. How as compared with modern cannon?

Mr. SCHWAB. The Senator referred to armor.

Senator HALE. I referred to armor.

Mr. SCHWAB. I should say it is quite as intricate as gun forging and infinitely more intricate than any other metallurgical process.

Senator CHANDLER. Is it as delicate a matter to make these armor plates as it is to make a modern finished gun?

Mr. SCHWAB. I consider it more so.

The CHAIRMAN. Mr. CHANDLER, do you refer to the material?

Senator CHANDLER. I mean the process.

Mr. SCHWAB. Taking into consideration the tempering and forging, I consider it more so.

Senator BACON. We have a record made of previous examinations, and an answer you made this morning may seem to conflict with it. I am satisfied you misunderstood me as to the cost of steel. We have here the testimony of both Commander Elmer and Commander Rodgers, and I think we have the statements of some of the officers of the Carnegie or the Bethlehem Company that plain steel is worth $17 a ton. Is that correct?

Mr. SCHWAB. Plain, ordinary steel——

Senator BACON. That is what I referred to.

Mr. SCHWAB. In a commercial sense, is worth about $17 a ton. That is, roughly speaking.

Senator BACON. Of course.

Mr. SCHWAB. You will remember that it takes 3 tons of steel to make 1 ton of plate.

Senator BACON. I understand that. I want the original basis. In referring to the Rohrer board, Captain Sampson says 10 per cent was allowed for losses. They say:

> Add 6 per cent of working capital—

That is only $500,000—

> as a charge to cover losses, etc.

I can not understand very well how that applies as 10 per cent.

Captain SAMPSON. I do not remember that item especially, from which Mr. Schwab quotes, as the allowances made by different officers were in different forms and differently divided—some allowing a smaller allowance for losses and a larger one for insurance, etc.; but the total allowances embody 10 per cent for losses or its equivalent.

Mr. SCHWAB. I have only one word more to say, in closing, and that is in reference to the Secretary's estimate for renewals. We have under way one single cylinder for our forging press costing $70,000. That is one little item. In his remarks he took the few items I happen to mention as his basis. That is unfair. This seventy-thousand-dollar cylinder has only occurred to me since he addressed you.

I am very familiar with the works abroad. When I say that, I mean Vickers, Krupps, Cammell, and all of them. I personally know them all very well. I have been there several times. I know none of them have works anything like the works at Bethlehem or Homestead, and I know that the Vickers works turn out between five and six thousand tons of armor per year, and they are and have been turning it out, and that the English works have 30,000 tons ahead of them. In other words, the Government works them to the full capacity, and yet they are paying practically the same price for armor that we are getting to-day.

The CHAIRMAN. What do you mean by "practically"?

Mr. SCHWAB. I can not say exactly $540, but within a few dollars.

The CHAIRMAN. Within $20?

Mr. SCHWAB. Yes, sir.

Senator HALE. Approximately?

Mr. SCHWAB. Approximately, and the approximate price paid us to-day by our Government is about the same that is paid in all parts of Europe by their Governments.

Senator CHANDLER. Is there a combination of armor manufacturers of Europe the same as there is in this country?

Mr. SCHWAB. I do not know anything about it.

Senator CHANDLER. What is your belief?

Mr. SCHWAB. I don't think it likely.

Senator CHANDLER. You say you do not think there is?

Mr. SCHWAB. No, sir; I do not know there is.

Senator CHANDLER. Are you not aware that there is no competition there in the price of armor?

Mr. SCHWAB. I am not aware of that.

Senator CHANDLER. Do not all the manufacturers get about the same price?

Mr. SCHWAB. The price varies somewhat. Look at the Secretary's statement and you will find the price varies considerably.

Senator BLACKBURN. Is there any competition in the price of armor in this country as between yourselves and the Bethlehem Company?

Mr. SCHWAB. No, sir; assuredly not. We have always had an understanding in that matter. We never take a contract that we do not consult with Bethlehem about it.

Senator BLACKBURN. I asked if there is competition.

Mr. SCHWAB. No, sir; there is no competition. I want to be quite fair on that point.

Senator BLACKBURN. I wanted to know if there is competition.

Senator TILLMAN. In other words, you are a trust.

Mr. SCHWAB. I should not call it a trust. It was clearly understood between the Government, ourselves, and the Bethlehem Company that we were to work together and divide the orders.

Senator BLACKBURN. I should like to have the question answered without interruption from others.

The CHAIRMAN. The committee will come to order.

Senator BLACKBURN. Please answer one more question. There is no competition between the only plants in this country—your own and that at Bethlehem?

Mr. SCHWAB. No, sir; it is always understood that any order for armor is divided between us.

Senator BLACKBURN. That is it. How long has that understanding existed between the two companies?

Mr. SCHWAB. I think since the second contract. The first contract was made with the Bethlehem Company independently of us, I think. We had no plant at that time.

The CHAIRMAN. Your company, I understand, was induced or asked by the then Secretary of the Navy to put up a plant so that he might have a competitor as against Bethlehem?

Senator HALE. Secretary Tracy asked you?

Mr. SCHWAB. No, sir; it was because the Bethlehem Company could not furnish sufficient armor at that time.

Senator TILLMAN. The Secretary said so.

Mr. SCHWAB. At any rate, that was the basis upon which we put up the plant.

The CHAIRMAN. Let me ask you another question. You spoke about the price of armor plate in Europe.

Mr. SCHWAB. Yes, sir.

The CHAIRMAN. Can you not manufacture armor plate considerably cheaper in this country than they can in Europe?

Mr. SCHWAB. Why should we?

The CHAIRMAN. Not on the question of labor, of course. But can you not manufacture it cheaper in this country than in Europe?

Mr. SCHWAB. No, sir.

Senator HALE. At Pittsburg or Homestead?

Mr. SCHWAB. No, sir.

Senator HALE. Can you not manufacture cheaper at Homestead than they can in a European plant?

Mr. SCHWAB. No, sir; I do not think so. First we buy our machinery from England. They have the same machines there.

The CHAIRMAN. I do not refer to the cost of the plant.

Mr. SCHWAB. I am speaking of that to show that our methods, so far as the costs of manufacture are concerned, are very similar.

That is the reason why I referred to the machinery. Secondly, they have very much cheaper labor than we have.

The CHAIRMAN. You have cheaper fuel and very much cheaper steel?

Mr. SCHWAB. It is a great mistake to suppose that we have cheaper fuel because we have natural gas.

The CHAIRMAN. It costs you a great deal?

Mr. SCHWAB. We have $3,000,000 invested in natural gas wells and lines to supply our works. It does very excellent work.

Senator HALE. You referred to your works as the best in the world? Do you mean in magnitude?

Mr. SCHWAB. Yes, sir; and character of production.

Senator HALE. How about capacity?

Mr. SCHWAB. I think we would have the greatest capacity of any plant in the world.

Senator HALE. The greatest capacity of any one plant in the world?

Senator CHANDLER. Do you mean the two works in this country?

Mr. SCHWAB. I mean each.

Mr. LINDERMAN. We have double the capacity of any other one plant.

Senator HALE. Together?

Mr. LINDERMAN. Together.

Mr. SCHWAB. Together. The materials that enter into armor are cheaper in Europe than here. I made a comparison of the wages paid in Belgium and the wages paid in our plant, by mutual arrangement with the managers. I found we were paying two and one-quarter times as much per man as they are paying.

Senator SMITH. Your men are doing much more work?

Mr. SCHWAB. They are working the same number of hours.

Senator BLACKBURN. They are doing more work in the product of labor. Does it not appear that each man produces twice as much as the Belgian laborer?

Mr. SCHWAB. I have not the data to give you that information.

Senator HALE. It is a good deal more?

Mr. SCHWAB. I do not know; I do not think so. If it is, it is because of increased investments in machinery.

Senator CHANDLER. I move that the hearing be closed.

The motion was agreed to; and (at 12 o'clock and 20 minutes p. m.) the committee went into executive session.

Secretary Herbert subsequently submitted the following letter:

NAVY DEPARTMENT, *Washington, February 3, 1897.*

SIR: When I appeared before you on yesterday, after listening to the statement made by Mr. Linderman, president of the Bethlehem Iron Company, I said that his statement would require a recasting of the account in the report on armor and the cost thereof, which I had the honor heretofore to submit to Congress in obedience to law.

In the statements relating to the affairs of the Bethlehem Company, as they appeared upon the books of the auditor-general of the State of Pennsylvania for the year 1888, the company had declared at the end of that year a cash dividend of 10 per cent upon $4,000,000 of capital, and at the same time a stock dividend of 25 per cent upon the same amount, thereby adding $1,000,000 to its capital. I had no reason at the time to doubt that this dividend was what it purported to be—a stock dividend, pure and simple—but it appeared from Mr. Linderman's statement on yesterday that it represented $819,700 premium paid by the stockholders for their additional $2,000,000 stock and $180,300 partial interest thereon, making altogether $1,000,000 in cash. I have therefore recast the table which appears on page 84 of the aforesaid report, and allowing the company to have issued $3,000,000 instead of $2,000,000 of new stock, all represented by money, the result is as follows:

The table is constructed upon the basis of allowing the Bethlehem Iron Company 10 per cent annual interest on its original capital stock of $2,000,000, and applying the remainder of its net earings (taken from its reports to the auditor-general of Pennsylvania) to paying 10 per cent on all additional outstanding stock from date of its issue until its retirement, using the surplus earnings remaining after the above interest payments for retiring stock in excess of the original capital of $2,000,000. The table differs from that given on page 34 of the Report on Cost of Armor, in allowing an additional $1,000,000 of stock issued at the end of the year 1893, it having been stated by Mr. Linderman, at his appearance before the Senate Naval Committee on February 2, 1897, that said stock was paid for by the stockholders, whereas in the former table the said stock was assumed to have been a bonus to the stockholders.

Year ending December 31—	Net earnings less 10 per cent on $2,000,000.	Stock issued (assumed to be at beginning of year).	10 per cent dividend on outstanding stock from issue.	Surplus to reduce stock.	Outstanding stock in addition to original $2,000,000.	Accumulated surplus.
1889	−$190,003	$813,200	....	....	$845,050	....
1890	+290,847	231,850	....	....	2,000,000	....
	+100,844					
1891	457,403	1,154,950	$345,825	$212,422	1,787,578	....
1892	567,187	....	178,758	408,429	1,379,149	....
1893	1,093,730	....	137,915	955,815	1,423,334	....
1894	1,361,402	1,000,000	142,333	1,219,069	204,265	....
1895	909,277	....	20,427	204,265	....	$684,585
1896	659,711	....	....	....	....	659,711
Total	5,169,544	3,000,000	825,258	3,000,000	....	1,344,296

The foregoing table shows that the Bethlehem Iron Company has been able to pay 10 per cent on all money put into new plant from the date of issue of the corresponding stock until its cancellation; to repay the holders of said stock in full; and to accumulate a surplus sufficient to pay off its bonded debt.

Moreover, even at the reduced prices now being paid for armor and gun steel, it is estimated that a further net profit of $1,200,000 will be made on outstanding Government contracts to be completed by the end of 1897.

It thus appears that by the end of 1897 the company will have, allowing it to have made during its present fiscal year $1,200,000, a surplus of $2,544,[illegible], after having paid 10 per cent upon its original stock of $2,000,000 and eliminating its new stock ($3,000,000), besides paying 10 per cent interest on its new stock up to the time of its cancellation, which is calculated to have occurred from time to time as there was surplus to apply to it.

This calculation allows for 10 per cent also upon the original $2,000,000 of stock during the present year, and the surplus then, after paying the $1,851,000 bonded indebtedness, will be ——. This accounts for an investment in plant, if the bonded debt and the amount paid for new stock was all applied to the new plant (armor and gun steel), of $4,851,000. Inviting attention to the figures given in the report as to the cost of erecting such a plant, and the reasoning thereon, this allowance for plant seems to be ample. Even if the hammer erected at great cost by the Bethlehem Company and subsequently thrown aside as useless be counted as having cost $1,000,000, it would certainly seem that a plant which the proof shows could now be erected for $1,500,000 could not have cost, exclusive of the hammer, at the time when the Bethlehem Company erected its plant, more than $2,500,000. I do not mean to cast any doubt, however, upon the figures as to new stock—that is to say, I am quite convinced that this plant may have cost altogether the sum of $4,851,000, and it is also possible that it may have cost more than that sum, the excess of cost being represented by earnings paid out toward the erection of the plant prior to the deduction of net earnings from gross, as the comparison of the returns furnished by the company seem to indicate something of this character, especially in the year [illegible]. However, having made the calculation herewith submitted, I have since referred to the written memorandum introduced on yesterday by Mr. Linderman and read as a part of his remarks before the committee, and I have that now before me. In it he states that—

"In 1887, when we undertook the erection of a plant for Government work, our capital stock was $2,000,000, on which we were paying cash dividends at the rate of 12 per cent per annum. We had no floating indebtedness, a bonded indebtedness of only $149,000, and we had a surplus of about $2,000,000.

"Since that year (1887), in order to provide the means with which to build this new plant, we have issued $3,000,000 new stock, for $2,000,000 of which the stockholders paid $2,819,700 in cash, the $819,700 premium so paid by them and $180,300 partial interest thereon being afterwards represented by a stock dividend of the other $1,000,000; $1,851,000 of bonds, and about $2,200,000 of bills payable. So that our investment on account of new plant, instead of being $3,851,000 ($2,000,000 stocks and $1,851,000 bonds), was $6,551,000 ($3,000,000 stocks, $1,851,000 bonds, and $2,250,000 bills payable)."

I am quite unable to understand how the armor and gun plant of the Bethlehem Company could have cost $6,551,000. In answer to an inquiry made, there has never been a rumor heard in this Department that any person connected with the Bethlehem Company claimed that the plant had cost any such sum. Two officers connected with the Bureau of Ordnance, and familiar with armor manufacturing are present as I dictate this, and neither of them has ever heard of any statement fixing the cost of this plant beyond $5,000,000. In the letter on page 11 of report, Mr. Linderman himself says: "Our plant for the manufacture of armor has cost us not less than $4,000,000," etc. It would be absurd that that gun plant cost $2,500,000. No one has estimated it higher than $600,000. It is possible that President Linderman may be adding in all the charges that are shown by the company's books to have been made against the plant for repairs and maintenance as part of the cost of the plant, and his statement may possibly be reconciled by supposing that he thinks this is fairly chargeable as cost of plant—that is, the plant may have cost this much in the aggregate in the way of repairs and maintenance since its establishment.

This would tally to some extent with his claim that the cost of maintenance for his plant is 10 per cent. Ten per cent per annum on $4,851,000 for five years, which is about the length of time during which this plant has been running, would amount to about this sum of $2,[illegible]00,000; and if the $2,200,000 which he claims in this statement to have expended on account of this plant be really charges shown on the books of the company for maintenance, then it has nothing whatever to do with the account as made out in the report which I have had the honor to submit heretofore, or with the table herein above submitted, for the reason that all such charges as maintenance are [illegible] paid year by year out of the gross earnings, before the balance [illegible] resulting in the net earnings. It will be observed that both in [illegible] and the table herewith submitted the figures given are the figures of the company itself, and they show for the several [illegible] the gross earnings and the net earnings.

If this be not the true solution of these figures, I beg to suggest that the Bethlehem Company be requested by the committee to exhibit its books to show the cost of its plant, as did the Carnegie Company. In my opinion, as stated in the original report on this question, and as reiterated yesterday, there can be no good reason why, if these companies desire to aid your committee in arriving at the true cost of their plants and of the manufacture of armor, they should not exhibit their books. They are neither of them believed to have any manufacturing secrets that are not already known to the officers of the Navy Department; but if such secrets they have, it is very unreasonable to suppose that they are spread upon their books and open to the inspection of every bookkeeper. Such secrets, in the opinion of the Carnegie Company, did not apply to the cost of their plant. That company exhibited its books and showed to the satisfaction of the Department that its plant cost rather more than its estimate given in to the Department. I suggest that the Bethlehem Company be requested in like manner to exhibit its books, if it means to contend that its plant cost $6,551,000. In case this is not done, it seems to me that the $2,200,000 of "bills payable" referred to must be taken as expenditures for the maintenance of plant, or at least counted as other expenditures which are paid for out of gross earnings before arriving at the net earnings, which alone have been used as the basis of calculations submitted to Congress.

If the $2,200,000 had not been paid, it would have appeared on the statements made by the company to the auditor-general under the law of Pennsylvania, which required a full statement of the affairs of each manufacturing company, including its bonded and other indebtedness. The last figures obtained by me from the auditor-general were the returns of 1895, in which the bonded indebtedness appeared as above given, and the "bills payable" represented a sum of a little over $800,000. In that return there was no account of "bills receivable," which are usually, in the books of a prosperous company, equal to the "bills payable."

Mr. Linderman states that the company in 1887 had a surplus of about $2,000,000. By reference to the table on page [illegible] of my report it will appear that the company also had this surplus at the beginning of 1888, to wit, $1,976,614.66, or about $2,000,000. Mr. Linderman speaks of this surplus then on hand, but he fails to allude to the fact that it has never been less, and has now grown to $4,651,962.80 on hand in the year 1896. See the table on page [illegible], no figures of which Mr. Linderman has disputed.

The attention of the committee is especially called to this table, and it is asked to consider first the gradual, and I may say rapid, increase, not in the percentage of dividends, but in the actual amounts paid out in cash to the stockholders. Beginning with $182,000 in 1889, these amounts run up to $240,000 in 1890—fractions are omitted—$398,000 in 1891, $400,000 in the years 1892 and 1893, and $600,000 in each of the years 1894, 1895, and 1896.

A comparison of this table, on page 29, with the table I have made out and submit herewith shows that the Bethlehem Company has not kept its books according to the account as it is herein stated. The account I submit to-day, and that submitted on page 34 of the report, are both based upon the idea of extinguishing the stock which represented the investment in armor and gun plant.

As the stock is gradually extinguished by the repayment of money to stockholders, dividends, of course, dwindle until in the year 1896 there is no new-plant stock to which to apply the earnings, whereas the company, on its books, has preferred to keep the stock outstanding and pay these large dividends upon it as well as also to greatly increase their surplus, that running up from $2,000,000 in 1889 to $4,651,000 in 1896. The plan upon which I have made these calculations is certainly fair to the company, and it shows that it has been already repaid money enough to extinguish, if it had been so applied, its $3,000,000 new stock, together with 10 per cent upon it until extinguished, and that it would have on hand, if, according to this plan, it had used its receipts to extinguish investments, now $1,344,000, to which must be added $1,500,000 estimated profit upon their Government contracts for the present year. The estimate of these profits, it will be seen, is made upon the basis of allowing the company 10 per cent per annum upon the $2,000,000 of original stock in the Bethlehem Company and the same rate of dividends upon new stock.

The concluding statement of President Linderman is that during the eight years from 1889 to 1896, inclusive, the gross receipts of the Bethlehem Company amounted to over $46,000,000, while for the same period the receipts for armor amounted to $6,750,000, or about 14 per cent of the total. The purpose of this statement is to create the impression that a much larger proportion of the net earnings than I have estimated should be credited to what I have called in the report "the commercial plant" of the company—that is, this original plant—represented by the original $2,000,000.

Mr. Linderman's statement should be corrected by calling attention to the fact that the amount his company will have received for armor from 1889 to 1897, inclusive, will be $8,163,894.48, and with gun steel added thereto, $15,597,746.65, as appears by the grand totals on page 29; so that allowing for the year 1897 the gross receipts to be $6,000,000, a little more than for 1896 according to the figures as stated on page 29, the amount received by his company from the Government will have been about 30 per cent of its total receipts. This percentage, however, gives no accurate idea of the percentage of profit derived from Government and other work.

Inspecting the table on page 29, it appears that in 1890, when there was but little Government work, the gross earnings were $6,334,000, and the net earnings were $490,000. In 1892, when the amount of Government work was about one-fourth of the total, the net receipts ran up to $787,000. In 1893, when the Government work was a little more than half, the net profits ran up to $1,290,000. In 1894, when the gross earnings were $5,359,000 and the Government work $2,822,000, the net earnings were $1,561,000.

An inspection of the table and comparison of these figures all along from the beginning to the end of the report, shows an extraordinary increase of net earnings whenever there was an increase of Government work; and referring again to the reasoning in the report and the figures therein cited, on page 31, it will clearly appear that the allowance of 10 per cent per annum as dividends to the Bethlehem Company during the unprosperous period from 1889 to 1896, inclusive, is most liberal. It is far more than any other company, except one, in the State of Pennsylvania made during that period. The Cambria Company, which made a larger dividend in 1886 than the Bethlehem Company, and as large dividends in 1887 and 1888 as the Bethlehem Company, only made 10 per cent during the years 1889, 1890, 1891, and 1892, and then began to fall off. No other company made 10 per cent during any of those years, and yet I have allowed the Bethlehem Company 10 per cent during all that period on the full amount of its stock, when the testimony cited by me in the report shows that during much of the time a part of its commercial plant was idle.

As to the statement of Mr. Schwab about the cost of labor, I beg leave to refer the committee to the statement by Captain Sampson. Mr. Schwab's remarkable statement that all the men who were engaged in the different parts of the works ought to be counted in estimating the cost of the manufacture of a plate of armor would, in the first place, include the cost of all the hands engaged in maintaining and keeping the plant in repair, for which in the account, as stated by the company, an allowance of $150,000 has been made, and it would lose sight of the fact that the officers who were stationed at the works did take account of all the hands who were in any manner engaged in the manufacture of armor as they appeared in each of the particular processes. Aggregating all these processes, these officers accounted, or certainly attempted to account, for all the hands engaged in the manufacture of armor, and I am satisfied that they knew, from inquiries made on the spot, the prices that were being paid for the labor of these hands, and that they conscientiously included them all.

In conclusion, I respectfully call attention again to the fact that neither the Bethlehem Company nor the Carnegie Company have produced their books; that they have made statements that contained only a part of the facts, and that even these facts as stated are unexplained by any statement of the items composing them. It is for the committee to say how much such evidence as this would be worth in a court of justice and how much its value is before a committee of Congress seeking to arrive at the truth and desiring to know the whole truth.

Very respectfully,

H. A. HERBERT,
Secretary of the Navy.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the conference report on the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

Mr. MANTLE. Mr. President, I wish to say a few words in relation to the amendment offered by the Senator from Wyoming [Mr. CLARK] to the sundry civil appropriation bill which proposed to revoke the late Executive order setting aside certain timber reservations in several of the Rocky Mountain States. That amendment was put on by the Senate and has been left out by the conference committee and a substitute inserted which in effect authorizes the President of the United States, in his discretion, to revoke any such order or to vacate any portion of the same.

The objections to the Executive order in question have been so forcibly presented here that I shall not attempt now to go over the ground again. I wish to say that it has been with a good deal of reluctance that I have brought myself to the point of declining to exert every possible effort permissible under the rules of this body to prevent even the passage, if it were necessary, of the sundry civil appropriation bill rather than to yield this point, because I know full well the great loss, annoyance, and hardship, the gross injustice, which will be done to the people of the States in which these timber reservations are located if this order is permitted to remain long in effect and force. But in common with other Senators from the States in question, I have received assurances from sources so high and of such influence that I believe those assurances will in a very short time be crystallized into action revoking the order under the authority embraced in the amendment now substituted by the conference committee, and I have concluded, because of the character of this bill, because of the other great interests involved, to withdraw any further objection. I sincerely hope the assurances of which I have spoken will result in a very speedy revocation of the unjust and obnoxious order.

But, Mr. President, I want to say here and now that if these assurances should fail of realization, if the people of those States should be subjected to the loss and the hardship and the privation which must necessarily follow the continuation of that order, whenever Congress meets in extra session, so far as I am personally concerned, so far as under the rules, the very liberal rules of this body, I am able to prevent it, I shall do my utmost to prevent any important legislation from being crystallized into law until this gross injustice to the people of these States has been remedied and righted.

Mr. CLARK. Mr. President, I desire, more especially before the final vote is taken upon this report, to make known, if I can, the exact position of this matter of forest reserves, and to remove, if possible, from the minds of those who have not heard the discussion in the Senate, all doubts as to the motive of the original amendment as offered and passed by the Senate.

It has been charged in the public print and in the Halls of Congress that the object of the amendment was to steal the timber upon the public lands, and that the amendment was aimed at the policy of forest protection. Nothing was farther from the mover of the amendment than that thought. No people in all this land are so much concerned in the preservation of the Western forests, both for timber and water, as the people of the States represented by the supporters of the amendment. We have protested by this amendment against a most grievous wrong that I am convinced was perpetrated in ignorance and since that time has been continued by obstinacy, because, the facts and circumstances being once known as to these reservations, nothing but pure obstinacy would persist in a course that threatens so much disaster to a large portion of this Republic.

It is with the deepest humiliation that, as a member of the Senate of the United States, I see the will of this body as expressed by its vote, and, as I believe, the will of the other body, overridden by that power or by the threat of that power which, for the last four years, has failed to protect anything American and has never failed to cater to anything foreign. I can not now recall one instance in the last four years where an American citizen at home or abroad has received consideration at the hands of the present Executive; and it is not strange that this amendment, which seeks to preserve the rights of settlers upon the public domain, which seeks to preserve the rights of the American citizens in the great West in all their hardships, should be throttled, should be strangled, should be killed in the face of the knowledge of its righteousness, by the implied threat, at least, that its adoption by the Congress of the United States meant the failure of the great sundry civil appropriation bill.

Mr. President, the advocates of the original amendment as to the forest reserves have no desire to impede the progress of this bill. We believe, as has been stated by the Senator from Montana [Mr. MANTLE], that a different time is soon to dawn for American interests. I believe that when the clock shall round the hour of 12 to-morrow we shall have an American Administration in this country that will protect American interests abroad and at home, and by that Administration power will be wisely and honestly exercised under the amendment proposed by the committee; and, with that belief, we submit to the report of the conference committee.

The PRESIDING OFFICER. The question is on concurring in the conference report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. ALDRICH (at 3 o'clock and 25 minutes a. m., Thursday, March 4). It seems to me the convenience of Senators would be subserved if we took a recess from now until 8 o'clock, or some hour near that time, when the other bill—I think there is but one appropriation bill left—can be taken up and considered. I hope the Senator from Iowa will, if possible, suggest such a recess.

Mr. ALLISON. I will say to the Senator that the only appropriation bill remaining now is the deficiency bill, which is in conference. In a few moments I think we can inform the Senate whether or not we can take a recess now or whether it would be wiser to remain in session for a half hour longer.

Mr. FRYE. What is the Senate waiting for?

Mr. ALLISON. We are waiting for the deficiency appropriation bill. It would not, I think, be wise to take a recess at all, but rather to have an understanding that no business shall be done except the business of signing enrolled bills, and continue in session for two or three hours at least for that purpose, and that purpose alone.

Mr. ALDRICH. I hope the Senator from Iowa will make that request.

Mr. ALLISON. I make that request. It will not be possible for any other or further business to be considered at the present session except that relating to the appropriation bills, and conference reports upon those and other bills. I ask unanimous consent that that be agreed to.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that an agreement be made that during the remainder of the session no business shall be transacted prior to a recess save and except the regular appropriation bills.

Mr. CANNON. Is my motion for an executive session still pending?

The PRESIDING OFFICER. The request of the Senator from Iowa has not yet been disposed of.

Mr. CANNON. It is quite apparent that a longer insistence upon my motion for an executive session would result in an annoyance to the chairman of the Appropriations Committee, who already has his hands full of work, and it might retard the proper conduct of the business of the Senate. Therefore, having put the matter to a fair test and demonstrated that there is a quorum present, but that a vote can not be had of an entire quorum, I withdraw the motion.

CLOSING OF DOORS.

Mr. QUAY. It seems to me that the object of the Senator from Iowa may be accomplished by a motion to go into secret legislative session, and unless the Senator from Iowa objects, I will make that motion.

Mr. FAULKNER. There is no objection to that motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of legislative business in secret session.

Mr. QUAY. I suppose the Senator from Iowa does not object?

Mr. TELLER. I second the motion of the Senator from Pennsylvania.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors of the Senate were closed for two hours and ten minutes, during which time, on motion of Mr. ALDRICH, it was

Ordered, That the Senate take a recess from 6 o'clock a. m. to 8 o'clock a. m.

The doors were reopened at 5 o'clock and 45 minutes a. m.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 9571) authorizing the Galveston and Northern Railway Company to construct and operate a railway through the Indian Territory;

A bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes;

A bill (H. R. 10167) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10331) to authorize reassessment of water-main taxes in the District of Columbia.

RECESS.

The PRESIDING OFFICER (Mr. CARTER in the chair, at 6 o'clock a. m.). Under the order heretofore made, the Senate will now take a recess until 8 o'clock a. m.

The Senate reassembled at 8 o'clock a. m., Thursday, March 4, when, on motion of Mr. COCKRELL, the recess was continued until half past 8 o'clock a. m.

At the expiration of the recess (at 8 o'clock and 30 minutes a. m.) the Senate reassembled, when, on motion of Mr. STEWART, the recess was extended until 9 o'clock a. m., at which hour the Senate reassembled.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in same cases and manner that it may do in respect of the circuit court of appeals; and

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 24, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 10, 11, 18, 26, 30, 32, 33, 34, 35, 36, 40, 41, 42, 43, 46, 47, 51, 62, 84, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 161, 162, 163, 165, 166, 167, 168, 169, 170, and 171, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

The committee of conference has been unable to agree upon amendments numbered 2, 4, 5, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25, 27, 28, 29, 37, 38, 39, 45, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 90, 91, 93, 106, 112, 113, 114, 158, 159, 160, and 164.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
S. A. NORTHWAY,
J. D. SAYERS,
Managers on the part of the House.

Mr. HALE. I ask for the adoption of the report.

The report was concurred in.

Mr. HALE. I move that the Senate insist upon its amendments still in disagreement.

The motion was agreed to.

SENATOR FROM IDAHO.

Mr. SHOUP presented a memorial of sundry members of the legislature of Idaho, remonstrating against certain alleged charges of bribery in the election of Henry Heitfeld to a seat in the United States Senate; which was referred to the Committee on Privileges and Elections.

THANKS TO THE VICE-PRESIDENT.

Mr. MORRILL. Mr. President, I submit a resolution for which I ask present consideration.

The PRESIDING OFFICER (Mr. HOAR in the chair). The resolution will be read.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. ADLAI E. STEVENSON, Vice-President, for the dignified, impartial, and courteous manner with which he has presided over its deliberations during the present session.

The resolution was considered by unanimous consent, and unanimously agreed to.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. FAULKNER. I offer a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. WILLIAM P. FRYE, President pro tempore of the Senate, for the courteous, dignified, and able manner with which he has presided over its deliberations during the present session.

The resolution was considered by unanimous consent, and unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR. I offer a resolution for which I ask immediate consideration.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That a committee of two Senators be appointed, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless he may have some further communication to make.

The resolution was considered by unanimous consent, and agreed to.

The VICE-PRESIDENT appointed Mr. HOAR and Mr. BRICE as the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a resolution appointing three members on the part of the House to join such committee as may be appointed by the Senate to wait on the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn sine die, unless he may have some further communication to make to them.

The message also announced that the Speaker of the House had appointed Mr. DALZELL, Mr. GROSVENOR, and Mr. SAYERS members of the committee on the part of the House to wait upon the President.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9183) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; and it was thereupon signed by the Vice-President.

CLOSE OF THE SESSION.

Mr. HOAR. Mr. President, the committee of the two Houses appointed to wait upon the President and inform him that the Senate and the House of Representatives have transacted all the business before them and are ready to adjourn unless he has some further communication to make have performed that duty. They were requested by the President to extend his congratulations to the two Houses of Congress and to state that he has no further communication to make.

SWEARING IN OF VICE-PRESIDENT.

The Vice-President-elect (Hon. GARRET A. HOBART, of New Jersey) entered the Chamber, accompanied by Mr. ELKINS, a member of the committee of arrangements for the inauguration, and was conducted to a seat at the right of the retiring Vice-President, Hon. ADLAI E. STEVENSON.

Vice-President STEVENSON administered the oath of office to Mr. HOBART.

FAREWELL ADDRESS OF VICE-PRESIDENT STEVENSON.

Thereupon Vice-President STEVENSON said:

SENATORS: The hour has arrived which marks the close of the Fifty-fourth Congress and terminates my official relation to this body.

Before laying down the gavel for the last time, I may be pardoned for detaining you for a moment in the attempt to give expression to my gratitude for the uniform courtesy extended me, for the many kindnesses shown me, during the time it has been my good fortune to preside over your deliberations. My appreciation of the resolution of the Senate personal to myself can find no adequate expression in words. Intentionally I have at no time given offense, and I carry from this presence no shadow of feeling of unkindness toward any Senator, no memory of a grievance.

Chief among the favors political fortune has bestowed upon me, I count that of having been the associate—and of having known something of the friendship—of the men with whom I have so long held official relation in this Chamber. To have been the presiding officer of this august body is an honor of which even the most illustrious citizen might be proud. I am persuaded that no occupant of this chair, during the one hundred and eight years of our constitutional history, ever entered upon the discharge of the duties pertaining to this office more deeply impressed with a sense of the responsibilities imposed or with a higher appreciation of the character and dignity of the great Legislative Assembly.

During the term just closing, questions of deep import to political parties and to the country have here found earnest and at times passionate discussion. This Chamber has indeed been the arena of great debate. The record of four years of parliamentary struggles, of masterful debates, of important legislation, is closed, and passes now to the domain of history.

I think I can truly say, in the words of a distinguished predecessor: "In the discharge of my official duties, I have known no cause, no party, no friend." It has been my earnest endeavor justly to interpret and faithfully to execute the rules of the Senate. At times the temptation may be strong to compass partisan ends by a disregard or a perversion of the rules. Yet I think it safe to say the result, however salutary, will be dearly purchased by a departure from the methods prescribed by the Senate for its own guidance. A single instance, as indicated, might prove the forerunner of untold evils—

> 'Twill be recorded for a precedent,
> And many an error, by the same example,
> Will rush into the state.

It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative hall, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which can not be measured by words.

The Senate is a perpetual body. In the terse words of an eminent Senator now present: "The men who framed the Constitution had studied thoroughly all former attempts at republican government. History was strewn with the wrecks of unsuccessful democracies. Sometimes the usurpation of the executive power, sometimes the fickleness and unbridled license of the people, had brought popular governments to destruction. To guard against these dangers, they placed their chief hope in the Senate. * * * The Senate which was organized in 1789, at the inauguration of the Government, abides and will continue to abide, one and the same body, until the Republic itself shall be overthrown, or time shall be no more."

Twenty-four Senators who have occupied seats in this Chamber during my term of office are no longer members of this body. Five of that number—Stanford, Colquitt, Vance, Stockbridge, and Wilson—"shattered with the contentions of the Great Hall," full of years and of honors, have passed from earthly scenes. The fall of the gavel will conclude the long and honorable terms of service of other Senators, who will be borne in kind remembrance by their associates who remain.

I would do violence to my feelings if I failed to express my thanks to the officers of this body for the fidelity with which they have discharged their important duties, and for the timely assistance and unfailing courtesy of which I have been the recipient.

For the able and distinguished gentleman who succeeds me as your presiding officer I earnestly invoke the same cooperation and courtesy you have so generously accorded me.

Senators, my parting words have been spoken, and I now discharge my last official duty, that of declaring the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

[*Continuation of the proceedings of the legislative day of Tuesday, March 2, 1897.*]

The recess having expired, the House (at 10.30 a. m., Wednesday, March 3) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, with amendments in which the concurrence of the House was requested.

LIEUT. ROBERT PLATT, UNITED STATES NAVY.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read.

Mr. BLUE. Reserving the right to object, I should like to hear the report or some explanation of the bill.

Mr. FISCHER. I send to the Clerk's desk a copy of the House report, which is very similar to the Senate report.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE. I object.

Mr. FISCHER. Mr. Speaker, may I ask for a suspension of the rules to pass this bill?

The SPEAKER. The Chair thinks it would be impossible at this time to have a suspension of the rules on matters of this kind.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I desire to present the report of the committee of conference on the Indian appropriation bill.

The Clerk proceeded to read the conference report as already published in the Senate proceedings, page 2630 of the RECORD.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON (before the reading of the conference report was concluded). Mr. Speaker, I desire to correct an error in regard to the sundry civil bill. Upon the ninety-ninth amendment of the Senate, the Journal does not show that the House further insisted on its disagreement. That is one of the river and harbor items. I ask unanimous consent that the order may be entered that the House further insist on its disagreement to Senate amendment 99.

There being no objection, it was ordered accordingly.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Before the reading of the conference report is resumed, I should like, by unanimous consent or otherwise, to dispose of the Senate amendments to the deficiency bill, so as to get them into conference. The time now remaining for the final disposition of this bill is exceedingly short, and if I may be permitted, I will move to suspend the rules, so as to nonconcur in the Senate amendments to the deficiency bill and ask a conference with the Senate.

Mr. RICHARDSON. I think the gentleman will save time if he will not take that course, for he will have to have a quorum to pass that motion.

Mr. CANNON. Well, we will get it.

Mr. RICHARDSON. I think we can agree, if the gentleman will give us a vote on one amendment.

Mr. SHERMAN. There is a conference report pending. Let us go on with that.

Mr. CANNON. I withdraw my motion for the present.

INDIAN APPROPRIATION BILL.

The Clerk resumed and completed the reading of the conference report on the Indian appropriation bill.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report, and on that I ask the previous question.

Mr. DOCKERY. The statement has not been read yet.

Mr. SHERMAN. Then I will ask the Clerk to read the statement.

The statement of the House conferees was read, as follows:

This report does not cover amendments numbered 9, 30, 59, 60, 61, 62, 83, 87, 88, 90, 92, 93, and 95, which are:

No. 9, which provides for the payment of the Creek Nation from their trust funds.

No. 30, relating to school, which is a general provision covering the question of the so-called sectarian schools.

Nos. 59, 60, 61, and 62, which cover all the provisions relating to the Indian Territory.

No. 83, relating to the Umcompahgre Reservation in Utah.

No. 87, proposing to reimburse Ormsbee County, Nev., for certain expenses.

Nos. 88 and 90, relating to the Colville Reservation in Washington.

Nos. 92 and 93, which cover the matter of the so-called "Old Settlers" or Western Cherokee Indians attorneys' claims.

No. 95, relating to the Sisseton and Wahpeton Indians.

The Senate recedes from the following amendments, leaving the bill in that respect as it left the House:

Amendments 20, 21, 28, 40, 41, 43, 70, 74, 84, 96, and 97.

The House recedes from amendments numbered 1, 2, and 3.

No. 3 provides for a new agency, to be called "The Fort Apache Agency," Ariz., and No. 1 makes an appropriation of $1,500 for the salary of the agent, which is provided for, and No. 2 is a formal amendment, amending the total sum appropriated for the agency.

This proposition divides the present San Carlos Reservation and is made necessary by reason of the fact that Fort Apache is now a subagency, distant 80 miles over the mountains from the main agency and with the shortest mail route between the two places 300 miles. The erection of a new agency is considered essential and is strongly recommended by the Interior Department.

The House recedes from amendment numbered 4, with an amendment. This provides no appropriation, but it does provide that the farmers and stockmen to be employed shall be chosen within the State or Territory where the agency is located. This provision was carried in former bills, but was stricken out in the present bill, and to the Senate amendment the House agreed, with an amendment which provides that these appointments should be made from the State or Territories or the adjacent State or Territory where the agency is located.

Nos. 5, 6, and 7 do not change the amount appropriated or the object of the provision, but simply change the phraseology, stating more distinctly the object desired.

No. 8 does not make an appropriation, but it does make the provision which is contained in H. R. 10248 heretofore favorably reported by the House Committee on Indian Affairs.

The House recedes from amendment numbered 10, which provided that merchants, having dealt with the Indians, might go upon reservations to collect their debts.

The House accepted Senate amendment numbered 11, with an amendment. This provided for the payment to the Pawnee Indians out of their trust funds $50,000; the amendment changes this sum to $22,418.25, so that the amount remaining in the Treasury belonging to this tribe of Indians would be an even $400,000.

The House accepted Senate amendment numbered 12, the same being a phraseological amendment in accordance with the terms of the treaty.

To Senate amendment numbered 13 the House receded, with an amendment making the same read as follows:

"That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed."

The House accepted Senate amendment numbered 14, which took from the Territory of Oklahoma the Osage Reservation and placed it within the Indian Territory.

The House accepted Senate amendment numbered 15, with an amendment the effect of which is to permit the Peoria and Miami Indians at the Quapaw Agency to sell a portion of their lands, it being apparent that these Indians had more land than they could properly cultivate, such sales to be regulated by the Secretary of the Interior.

The House accepted Senate amendment numbered 16, which permits the Secretary of the Treasury to pay in money, rather than kind, under certain provisions of the treaty, and compels him to deliver blankets and clothing, under the terms of the treaty, prior to the 1st day in November of each year.

The House accepted Senate amendment numbered 17, which does not increase the appropriation, but which gives the Secretary certain directions in the matter of the expenditure thereof.

The House accepts Senate amendment numbered 18, which does not increase the appropriation, but provides that a portion thereof shall be expended for the construction of day schools on the Lower Brule Reservation.

The House accepted Senate amendment numbered 19, which does not make an appropriation, but permits the Wahpetons to lease farming lands.

The House accepts Senate amendment numbered 22, which is simply clerical.

The House accepts Senate amendments numbered 23, 24, 25, 26, 27, 28, 29, 32, 33, 36, 37, 38, 39, 42, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 76, 78, 80, 81, 82, 85, 86, 89, 91, 98, 100, 101, 104, and 105. Those numbered 23, 27, 32, 33, 39, 42, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 66, 67, 68, 69, 71, 72, 85, 86, 98, 101, and 104 do not increase appropriations, and some of them are merely corrections of clerical errors or changes of phraseology.

The following amendments are accepted, amended in the manner they appear in the report accompanying this statement: Numbered 31, 34, 35, 52, 55, 75, 77 79, 94, 99, and 102.

Mr. SHERMAN. Now, Mr. Speaker, I move the previous question.

Mr. MORSE. I should like to ask the gentleman from New York a question, for the information of the House.

Mr. SHERMAN. What is the question?

The SPEAKER. The Chair will suggest that if debate is participated in before the previous question is ordered, there can be no further debate after it is ordered.

Mr. SHERMAN. I will answer the gentleman after we have voted on the previous question.

The previous question was ordered.

Mr. SHERMAN. I now yield to my friend from Massachusetts [Mr. MORSE].

Mr. MORSE. The question which I desire to ask for the information of the House is this: What is the present status of the conference with reference to the disagreeing votes of the two Houses in relation to the contract or sectarian Indian schools?

Mr. SHERMAN. The report which the Clerk has just read, Mr. Speaker, states explicitly that the so-called sectarian school item is not covered by this conference report, but will come in at a later time.

Mr. MORSE. I hope the backbone of our [illegible] on that subject.

Mr. SHERMAN. Well, that is the kind of conferees you have, I will say to the gentleman.

Mr. BAILEY. I desire to know what disposition the conference committee have made of the Senate proposition to create additional judges in the Indian Territory?

Mr. SHERMAN. That is not covered by this report, and still remains in conference.

Mr. FLYNN. I should like to have an understanding with the chairman of the Committee on Indian Affairs with reference to time. As I understand, we are entitled to twenty minutes in opposition to the report.

Mr. SHERMAN. I understand, Mr. Speaker, that the gentleman from Oklahoma [Mr. FLYNN] desires to oppose certain provisions of the report, and as nobody else seems to desire to oppose it, I suppose he will be recognized in his own right in the time granted to the opponents of the proposition.

The SPEAKER. The gentleman will be recognized.

Mr. FLYNN. Mr. Speaker, the House in this conference report is confronted for the first time in the history of the Government with an amendment dismembering a political subdivision of the United States, which amendment has never been considered, never even read in this House until now, and yet it is submitted in the conference report. The amendment which I allude to is Senate amendment numbered 14, which the House conferees have agreed to. Mind what I say; for the first time in the history of the Government an amendment is agreed to dismembering one of the political subdivisions of the United States.

The amendment provides that the territory comprising the Osage and Kansas Indian Reservation be, and it is hereby, detached from the Territory of Oklahoma and attached to the Indian Territory. I hold here in my hand, Mr. Speaker, a map of the Territory of Oklahoma. This amendment undertakes to take this part in yellow, bounded by the Arkansas River, out of a duly organized and existing Territory, where a government is in existence, and to attach it to a Territory in name, but which is without any organization or jurisdiction whatever, as far as executive offices are concerned.

When this amendment was discussed last night in the other branch, and I now refer to the RECORD, the Senator from Connecticut [Mr. PLATT], in discussing it, used language to which I desire to call the careful attention of the House, which proves that the Senate itself had no desire to dismember the Territory of Oklahoma, but that the House conferees agreed to an amendment, added at midnight in the Senate, despoiling my district of between 3,000 and 4,000 square miles of territory. I say the Senate itself did not even mean to do that, though the House conferees have agreed to the proposition. This was one of the objections to agreeing to the conference report, and it was once rejected in the Senate, but now it is brought back here with the identical amendment still in the report. Senator PLATT, last night, in discussing this bill, on page 2792 of the RECORD, used the following language:

> Mr. PLATT. Mr. President, it has been very difficult to understand what has been done by the conferees in this conference report. The first thing to which I wish to call the attention of the Senate is this: In the amendment numbered 14, which relates to transferring court jurisdiction over the Osage and Kansas Indian reservations from Oklahoma to the Indian Territory, it will be remembered that I suggested, when the amendment was proposed in the Senate, that the amendment altered the boundaries of the Territory of Oklahoma, and the Senator from Nebraska [Mr. ALLEN] thought not. He said that it was not intended to take the Osage Reservation out of the Territory of Oklahoma and put it into the Indian Territory, but simply to transfer the jurisdiction of the court. It was a matter which we had not heard of until it was proposed by the amendment, and it was suggested that it was not the intention to lessen the area of the Territory of Oklahoma, and that it could be fixed in conference; but now in conference it stands as it was passed in the Senate.

The original intention when it was offered there was not to take it out of Oklahoma. There is an acknowledgment on the part of the Senate of that fact; but we have this conference report brought in, agreed to by the House conferees, doing something I say the like of which was never heard of before in the history of this Government.

Mr. CANNON. Let me ask the gentleman a question. Does this conference report take 4,000 square miles from the Territory of Oklahoma and transfer it elsewhere?

Mr. FLYNN. Yes, sir, about that, into the Indian Territory.

Mr. CANNON. Into the Indian Territory?

Mr. FLYNN. Yes; they take all that land.

Mr. CANNON. It seems to me that is an unheard-of proposition.

Mr. FLYNN. I agree with the gentleman, and that is what I want the attention of the House for. The people in Oklahoma, I want to say, Mr. Speaker, feel that they are being outraged by this measure. This Congress has been kind to me, and this is probably the last time I will have occasion to address this House. You have all been my friends. I have spent four years in this House endeavoring to enact into law one bill that was of more vital importance to my people than any other on earth—that is the "free-home bill." You gentlemen know how earnest I have been in that matter, and yet it is charged out there that I do not want it to pass; and because my people saw fit to return somebody else at the recent election, it is also charged that I have no particular interest in the Territory I represent, and that this amendment is one that I want to see passed in order to punish the people of Oklahoma. If this House ever felt as if it desired to be kind and fair in my parting hours to-day, I ask you, in the name of fairness, to vote down this amendment. After you have redeemed a million acres of land from the blanket Indians and opened it to homes, do not turn around and dismember that Territory and add it to the Indian Territory, a country that you are appropriating for annually, appropriating for in this bill, in the sum of $50,000, in order to dismember it and to change the existing conditions.

Mr. SHERMAN. Will the gentleman permit me to ask him a question?

Mr. FLYNN. Certainly.

Mr. SHERMAN. Does any of this land pay tax in Oklahoma?

Mr. FLYNN. Yes, sir; it pays a Territorial tax.

Mr. CURTIS of Kansas. Not on the land.

Mr. SHERMAN. That is what I asked—if the land was taxed.

Mr. FLYNN. You can not tax Indian lands in any of the States or Territories. In this connection, I want to say now that a great deal of complaint has been made about the injustice of the courts in Oklahoma, in robbing the people who live there.

Mr. ROBINSON of Pennsylvania. What reason is given for this?

Mr. FLYNN. I am going to give the other side an opportunity to explain the alleged reason. There is no court that has jurisdiction over this piece of territory except the United States courts. Now it is intended by this amendment to take this territory from the jurisdiction of one United States judge, who is able and honest, and put it in the territory of the United States judge in the Indian Territory.

Mr. Speaker, I want to have read the following telegram, which I have received, showing the sense and feeling of the Oklahoma legislature on this.

The Clerk read as follows:

GUTHRIE, OKLA., *March 1, 1897.*

DENNIS T. FLYNN, *M. C., Washington, D. C.:*

Both houses of legislature this afternoon passed the following resolution introduced by Rose: "*Resolved by the house of representatives of Oklahoma Territory (the council concurring)*, That we urgently protest against the cutting off of any part of this Territory for attachment to the Indian Territory, as outlined in the Senate amendment to the Indian appropriation bill. Such detachment would deplete the population and taxable wealth of this Territory and leave it in a weakened and permanently crippled condition."

F. H. GREER.

Mr. FLYNN. I desire to reserve the balance of my time.

Mr. HULICK. About what is the population of this Territory?

Mr. FLYNN. I would like the other side to give their arguments.

Mr. SHERMAN. I would like to ask, Mr. Speaker, what time the gentleman has consumed.

The SPEAKER. The gentleman has consumed eight minutes.

Mr. SHERMAN. And I have the full twenty minutes?

The SPEAKER. The gentleman has twenty minutes.

Mr. SHERMAN. I yield to the gentleman from Kansas [Mr. CURTIS] such time as he desires.

Mr. CURTIS of Kansas. Mr. Speaker, I want to say very briefly to this House and the Delegate from Oklahoma that the House conferees have always been ready and willing to assist him in securing legislation for Oklahoma Territory. But, gentlemen of the House, there was such a showing presented to us as to the treatment of the Osage Indians by the citizens of Oklahoma that we felt justified in concurring in the Senate amendment. I ask the attention of the House to the following appeal, signed by all of the principal chiefs and delegates in the Osage Indian tribe, in which they set out in part how they have been treated by the citizens of Oklahoma.

AN APPEAL OF THE OSAGE NATION.

To the Senate of the United States:

We, the undersigned, principal chief, councilmen, and delegates of the Osage Nation of Indians, authorized by the national council, would respectfully represent that, without our knowledge or consent, the Osage Reservation was attached to the Territory of Oklahoma, and in consequence thereof the Osage people are at the mercy of the courts and officials therein. Almost daily some of our people are sued on pretended claims or debt, which they do not owe, and summoned to appear before the courts of Oklahoma, many miles from the Osage Reservation, where they have no chance whatever of securing a fair and impartial trial. Justice, in such cases, is ignored and judgment rendered for the plaintiff, while the unlettered Indian sits helpless, or is absent, without the slightest conception of what is going on. When judgment is thus obtained the property of the Indian is seized and sold for what it will bring, often for less than a tenth of its real value. For instance, under the decisions of the said courts, the dwelling houses and other improvements on an Indian reservation are personal property, and one of our people, Heh Seah Moie, an honest, industrious Osage Indian farmer, had constructed on his farm two good, comfortable houses, one for himself that cost $1,200, and one for his tenant that cost $700. This Indian was sued on an unjust claim for $500 in one of the counties of Oklahoma bordering on the Osage Reservation. Judgment was taken in his absence for the full amount, $500 and costs, notwithstanding that the Indian had paid $250, for which he was not given credit prior to the bringing of the suit, and was willing to pay the balance. In due time the two houses mentioned were levied upon and sold. The one which cost $1,200 sold for $80, and the other, which cost $700, sold for $20. His corn in the crib, the wire on about 4 miles of fence, and two horses were also sold under said execution.

In another case an Indian (Tse muh heh) contracted with a white man for a well to be driven 60 feet or to water. It was drilled 20 feet, then on 4 feet in dry rock. The man poured a barrel or two of water in the hole. When the Indian, who was absent when this was done, returned, he soon exhausted the water and refused to pay the bill. Judgment was obtained by default, and the Indian's horses and wagon sold to satisfy the claim.

These are but a few of many similar outrages which have been and are now being perpetrated on the Osage people under the pretended forms of law and justice as administered by the Oklahoma courts. Such proceedings are outrageous, and ought not to be possible under a civilized government.

In addition to these high-handed outrages, the legislature of Oklahoma has attempted to attach the Osage Reservation to organized counties for judicial purposes, and in consequence thereof taxes in the Osage Nation are levied to the point of confiscation, with no resulting benefit whatever to the Osage people.

We would therefore most earnestly ask and beg your honorable body and Congress to detach the Osage Reservation from the Territory of Oklahoma and attach it to the Indian Territory, where the laws and courts are shaped and established for the protection of the rights of the Indian the same as for other people.

As already stated, the Osage Indians and other citizens of the Osage Nation have no protection whatever under the laws or before the courts of Oklahoma, and we appeal to you for relief.

Grant us this simple request and our people will ever be grateful.

Respectfully submitted.

In the first place, you should remember this fact—that Oklahoma, instead of running to the Arkansas River and thence south and making a square corner, runs off to the east into what used to be the Cherokee country, taking in the Osage country, making a corner of land that is not taxed, a territory in which there are no voters; yet the people of Oklahoma have passed laws, and by those laws have declared that the houses built upon the Indian land are personal property. They take advantage of that fact, and come over into the Osage country along the border and trade with the Indians, enter into contracts with them, or contract with them when off their reservation, and then bring suits in some justice court along the border. This takes the Indians off their reservation for trial. They are taken miles from their agency, have no

interpreter, and more, they are forced to cross the Arkansas River, over which there are no bridges along the west line of this reservation.

Mr. FLYNN. Will the gentleman permit a question?

Mr. CURTIS of Kansas. Yes; with pleasure.

Mr. FLYNN. Is it not a fact that no Indian in the Osage Nation, whether having a house or anything else, can be taxed?

Mr. CURTIS of Kansas. I say they are not taxed on their real estate; but your laws declare their houses to be "personal property," and the citizens of Oklahoma get these Indians away from their reservation, make fictitious contracts with them, sue them in the justices' courts, serve papers on them which drag them many miles from their agency to points where they must go to have interpreters to tell them what they are sued for, and by the time an Indian has been informed of the nature of the suit against him, judgment has been rendered by default. In the appeal read you have the record of a case where one Indian was sued on an account before a justice's court and judgment was rendered. They went over and levied on his house, which cost $1,200, and sold it for $80; they levied on another house which cost him $700 and sold it for $20, and they levied on 4 miles of barb-wire fence and sold that.

Mr. FLYNN. I do not wish to interrupt the gentleman, but I would like to ask him if those Indians have not an agent in charge of them?

Mr. CURTIS of Kansas. They have an agent in charge of them, but the agent can not interfere with suits that are brought in the courts of Oklahoma; and under the laws of Oklahoma he is powerless to defend the Indians or to recover their property. Mr. Speaker, the citizens of Oklahoma say they want this reservation. If they do, they should treat the Indians fairly and honestly, instead of wronging them, as they have done upon every occasion. Let me add, Mr. Speaker, that the Osage and the Kansas Indians were attached to Oklahoma without their consent, and if we now attach them to the Indian Territory, where they belong, and give them a court, as the Senate amendment does, at their capital, their rights can be protected. More than that, the Arkansas River will be the boundary for the east side of Oklahoma, along the Osage and Kansas reservations; and by looking at the map you can see that it is the natural boundary. That would take from Oklahoma the untaxable property east of the Arkansas River, a tract of country where the people can not vote. More that that, Mr. Speaker, in the act of 1890 Congress reserved the right to change this boundary at any time. I want to call attention to that act.

The SPEAKER. The House will be in order.

Mr. MORSE. Mr. Speaker, I desire to make a suggestion with reference to order in the Hall. I think that most of the disturbance comes from conversation among the 1,500 people in the galleries.

Several MEMBERS. Oh, no.

A MEMBER. They are very still in the galleries.

The SPEAKER. The Chair thinks that the House itself is not entirely blameless in the matter of disorder, but he desires to instruct the doorkeepers to see that order is preserved in the galleries. If order is not preserved there, the galleries will be closed. The gentleman from Kansas will proceed.

Mr. CURTIS of Kansas. I was saying, Mr. Speaker, that in the act of 1890 Congress reserved this right. I read from the act:

> Congress may at any time change the boundaries of said Territory, or attach any portion of said Territory to any other State or Territory of the United States, without the consent of the inhabitants of the Territory hereby created.

I wish now to call attention to another case of outrage, the case of an Indian who contracted with a white man for a well to be driven "60 feet, or to water." The well was drilled 20 feet, and then 4 feet into dry rock, and the man then poured a barrel or two of water into it. The Indian was absent when this was done, and after he returned he soon exhausted the water in the well. When he discovered the fraud that had been perpetrated upon him, he refused to pay the bill. The man sued, and judgment was taken by default, and the Indian's horses and wagon were sold to satisfy the claim. The gentleman [Mr. FLYNN] can not deny and will not deny that the Osage Indians are being wronged by citizens of Oklahoma along that border.

Mr. FLYNN. Let me ask the gentleman if he has read the report made by Senator ALLEN, in which he states that the licensed traders are the people who rob them, and not the citizens of Oklahoma?

Mr. CURTIS of Kansas. The licensed traders are not bringing suits in the courts of Oklahoma against these Indians.

Mr. FLYNN. I do not want to be discourteous to my friend, for he has always been my friend; but does he not know, as an absolute matter of fact, that no justice of the peace on earth has any jurisdiction over these Indians?

Mr. CURTIS of Kansas. No; in the first place, jurisdiction was given to the district courts of Oklahoma. Then the legislature of the Territory conferred jurisdiction on the justices' courts. This act, as I am informed, was, very unwisely, approved by Congress, and this is what is causing the trouble.

Mr. FLYNN. Then what is the good of an agent to take care of the Indians?

Mr. CURTIS of Kansas. The justice acts under authority and the agent can not interfere in these matters. But you know that if these justices of the peace have no authority their acts are void, as has been suggested by gentlemen sitting near me, and that steps should be taken to set aside the judgment. But that no such steps have been taken is conclusive evidence that the justice courts have the jurisdiction.

Now, the agent has no money to employ attorneys to defend the Indians. Under all the circumstances, the House conferees believe that these reservations should be taken from Oklahoma and attached to the Indian Territory. This would put the various Indian tribes of that section, who have not taken their allotments, whose lands are not takable, whose members do not vote together in the Indian Territory, where they belong, and when Congress reorganizes the Indian Territory, proper provision can be made for all of the tribes.

Mr. FLYNN. I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, if there is any place on this continent where there is "organized hell," it is in the so-called "Five Civilized Tribes" territory. [Laughter and applause.] Here is a provision in a conference report on the Indian appropriation bill which proposes, on twenty minutes of debate, after performing a sort of Cæsarean operation on the Territory of Oklahoma, to give this "unnatural born" to the Indian Territory, 4,000 square miles. For what? Because it is alleged that the laws are not in force there, when there is an agent of the United States to protect these Indians.

Why, to me this is the most preposterous proposition upon the Indian appropriation bill I have ever known—a surprise; for under the rules of the House and the Senate no such legislative provision can get on without violating the rules of both bodies. And for one, in the presence of such a provision, I feel it to be a duty of the House to reject the report as an entirety and send the whole matter back to the conference, and thereby let the House conferees insist that this extraordinary Cæsarean operation upon Oklahoma, if performed at all, shall not be, by legislative enactment, a success. [Applause.]

Mr. FLYNN. I now yield five minutes to the gentleman from Kansas.

Mr. BRODERICK. Mr. Speaker, knowing nothing of the particular instances of hardships which have been referred to by my colleague [Mr. CURTIS] as having occurred upon the Osage Indian Reservation, I shall not undertake to answer them. But it seems to me that if these cases have occurred and abuses have grown up under the present system, it should be remedied by providing a place of holding court on the reservation, and giving the United States courts jurisdiction over the entire subject. If these wrongs can not be righted in this way, it seems to me that they can not be remedied or cured by transferring them to the Indian Territory, where it is claimed that the Indian courts are more corrupt and inefficient than anywhere else in this country.

Mr. CURTIS of Kansas. If my colleague will pardon me, we are proposing to create a court at Pawhuska.

Mr. BRODERICK. Where is that?

Mr. CURTIS of Kansas. In the middle of the Osage Reservation.

Mr. BRODERICK. This can be accomplished without detaching the territory from Oklahoma. But however that may be, Mr. Speaker, it is somewhat difficult to understand the motive underlying the Senate proposition. The Senate says in this paragraph that it is deemed best to detach this reservation from Oklahoma and attach it to the Indian Territory. The reason given for this on the floor of the Senate is that the courts in Oklahoma have protected the property of these Indians. But it says in another proposition, not yet reached in the conference report, that because of the inefficiency and corruption of the Indian courts the treaties between the Indians and the Government which allow the Indians to maintain their courts should be overthrown without the consent of the Indians and their courts abolished, and that two extra judges for the Indian Territory should be appointed, so as to place the Indians absolutely under the jurisdiction of the United States courts.

Now, these provisions are absolutely inconsistent. They say that the Oklahoma courts are not satisfactory or safe, and will not protect the Osage Indians. They say again, in this other provision, that the Indian courts are inefficient and they will abolish them and provide for the appointment of two other judges, so that all of the differences and controversies between men in the Indian Territory, without reference to race or color, may be determined in the Federal courts.

Mr. CURTIS of Kansas. If my colleague will permit me, we propose to provide that the United States courts shall have jurisdiction only.

Mr. BRODERICK. I am speaking now of the courts referred to in the Senate proposition.

Mr. CURTIS of Kansas. That is in the Osage country.

Mr. BRODERICK. That can be done without this transfer of this country to the Indian Territory.

Mr. FLYNN. They are the only courts that have jurisdiction.

Mr. BRODERICK. These courts in the Indian Territory have precisely the same jurisdiction over controversies arising between white people there as the courts in Oklahoma. The only difference is that in the Indian Territory controversies between Indians are adjusted and settled in the Indian courts—courts which have all along been recognized by the Government. If this country is now to be transferred to the Indian Territory, it will not better the condition of the Indians in any sense. They will still be within reach of the aggressions of the white settlers.

True, as the gentleman says, it will be provided that the United States court shall have jurisdiction; but this provision can and will be made if we establish a court in this territory which they seek to detach from Oklahoma, giving the United States jurisdiction and control over the inferior courts of that district, so that these inferior courts will be kept within their jurisdiction.

These two propositions (if gentlemen will look at them) can not be reconciled. The proposition to detach this territory is wrong; the other proposition, to abrogate the treaty between the United States and the Five Civilized Tribes, without their consent, is also wrong. It is more—it is revolutionary. Each of these provisions is wrong, and I trust the conference report will not be agreed to.

Mr. SHERMAN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eleven minutes.

Mr. SHERMAN. I yield five minutes to the gentleman from Texas [Mr. PENDLETON].

Mr. PENDLETON. Mr. Speaker, the gentleman from Illinois has said that if the reports be true, there is "organized hell" in the Indian Territory. I think the reports are largely true; but if the reports that come to this committee are true, there is a hotter hell in the Osage Nation, produced by the operation of the laws of Oklahoma. The people of Oklahoma are themselves to blame for the desire of these Indians to be detached from Oklahoma and returned to the Indian Territory, where they formerly belonged. If we are correctly informed, they have not found in their connection with Oklahoma kind parents or indulgent masters; they have simply experienced a repetition of the story of Pharaoh and the Israelites.

The north line of Oklahoma and the north line of the Five Tribes is the same. Under the treaty of 1835 it was provided that these Five Tribes should never be placed in any State or Territory without their consent. They sold this portion of their land now belonging to Oklahoma. In the meantime, by treaty with the Cherokees, the Osages were placed in a corner of the Cherokee Nation, on the east side of the Arkansas River. The Territory of Oklahoma was formed by the organic act of 1891. If the east line of Oklahoma between Oklahoma and the Indian Nation had been prolonged, it would have put nearly all the Osage Nation into the Indian Territory. But, on the contrary, instead of following that line, they turned east about 50 miles, taking in the entire Osage Nation and attaching it by an elbow to Oklahoma. The Osages, whether right or wrong, have always believed that they inherited and were subrogated to the rights of the Cherokees when it was agreed that they should not be placed in a State or Territory without their consent.

Now, there is a natural boundary between Oklahoma and the Osage country; that is the Arkansas River on the south and west. Every acre of the Osage country is on the east of that line. It is a natural boundary. The Osages have not had their allotment. No white man is on that territory by right. They have no session of the United States court or of the Oklahoma district court, and no justices of the peace. The justices of the peace of the Territory of Oklahoma on the west side of the Arkansas River attempt to enforce jurisdiction in that court. Under the organic law creating the Territory of Oklahoma it was provided, as I understand, that the cases of the Indians should be tried in the district court of Oklahoma. But the Oklahoma legislature passed an act extending the jurisdiction of the justices of the peace over this country; and by some means, without investigation, and I think through inadvertence, Congress ratified that proposition, thereby giving these justices of the peace jurisdiction. They exercise their power oppressively.

Mr. LINNEY. Is there not a right of appeal from these justices' courts?

Mr. PENDLETON. I presume there is. I do not know that there is.

It is asked, Why does not the Indian agent protect the Indians? The agent has no money to expend in vindicating the rights of the Indians. The Indians are ignorant. They do not know how to assert their rights. As has been stated by my friend from Kansas, dwelling houses, barbed-wire fences, cribs with corn in them, and various things of that sort are regarded there as personal property. The people get the Indians in debt to them, and then they sell them out under the judgment of a justice of the peace, taking the Indian's home from under him and turning him with his wife and children out upon the prairies. That is a condition to which we are opposed. Now, when the time arrives——

[Here the hammer fell.]

Mr. SHERMAN. I yield the gentleman two minutes more.

Mr. PENDLETON. The boundary line of a Territory is not sacred. It is not like the boundary of a State. When we propose to convert Oklahoma and the Indian Territory into States, we can draw these lines wherever may seem best for the people of the respective Territories. Congress is not concluded in this matter. The question is, What is just to the Indians; what is best for their interests; and what is just to the people of Oklahoma? Justice to the Indians demands that they should be removed; and it is not injustice to the people of Oklahoma. These Indians unanimously desire to be removed, because they have been wronged.

Mr. FLYNN. Mr. Speaker, as the House has heard a great deal about these poor Indians who have no money, let me make this statement, which will not be denied: The Osage tribe of Indians is the wealthiest nation of people on God's footstool. They have to their credit in the Treasury of the United States over $8,000 to every man, woman, and child in the tribe. You are told that they do not know how to conduct their affairs. Let me quote from Senator ALLEN, the author of this amendment, language used by him in a report to the Senate upon an investigation had in January last. I read from Senate Report No. 1336:

> The Osage full-blooded Indians are as a rule improvident. They have no adequate conception of value. They of the mixed blood are civilized and educated, having adopted civilized habits, and they can not be distinguished in appearance from the white man.

That is a sample of this Indian that you are talking about. But they say that people in my Territory rob them. Let us see what Senator ALLEN said when he was on the ground, in making this report to the Senate:

> The acting agent of the Osage Indians is Lieut. Col. H. B. Freeman, a regular army officer of over thirty years' continuous service. The agency is located at Pawhuska, the capital of the Osage Nation, and Colonel Freeman has been the acting agent since January 1, 1891. Much friction has grown up and exists between him and certain border traders in Kansas and Oklahoma Territory, principally through restrictions placed on the latter which operate against them and in the interest of the licensed traders.

Let me say to you, Mr. Speaker, and members of this House, that that is the milk in this cocoanut—the licensed trader. What did Senator ALLEN say about the licensed trader when he presented this report after the investigation which he made?

> The Indians are fleeced by the licensed traders; the charges for articles sold them are exorbitant in the extreme. An Indian once getting in debt to a licensed trader is never able to pay his indebtedness. An examination of the evidence will show that the Indians are at the mercy of the licensed traders and that no steps are, or have been, taken to protect their interests.
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> The agent seems to think that it is his duty to protect the licensed traders from competition with border traders, and encourage the Indians to trade with the former rather than where they can obtain the best bargains. It is apparent that the Indians can usually buy of the border traders the same goods fully one-half less than they can of the licensed traders; but the former have been restrained from coming on the reservation to collect their debts, and this has had a natural tendency to drive the Indians to the licensed traders.

You see the report says that it is apparent that the Indians can easily buy of the border traders—that is, the Oklahoma traders—the same goods 50 per cent cheaper than they can buy of the licensed traders; but the former have been restrained from going on the reservations to collect their debts. What is all this talk about dragging them across the country before a justice of the peace? Here is the report of a Senator of the United States on the situation there.

Mr. BRODERICK. I will ask the gentleman if the Indian agents do not generally deem it their special duty to protect the licensed trader?

Mr. FLYNN. I have just been reading an explanation of that from this report.

Then this report goes on further and says:

> This restriction should be removed, and I know of no better way of doing so than by opening the entire Osage Nation to competitive trade, permitting all persons who are law-abiding and who will comply with the requirements of the just regulations of the Interior Department to trade with the Indians or settlers. An excessive license should not be charged for the privilege, and in any event traders who sell to the Indians at reasonable prices on the borders should have equal access to the reservation in the collection of their debts at all times as the licensed traders possess.

Then he goes on further and says that, once an Osage Indian is in debt to the trader, he is always in debt to the trader. But you are told now that the people of Oklahoma are the ones who are trying to rob him, when Senator ALLEN in his report says they can buy their goods from the Oklahoma trader 50 per cent less than they can buy them of the licensed trader.

This agent appeared here before the committee. He may have been invited or may not have been. I do not know; but if the state of facts alleged here exists, the best place for that agent is there, protecting the Indians, instead of coming here to Congress to lobby and dismember my Territory. What did Senator ALLEN think of this agent when he made this report? He says:

> There is no doubt of much bitter feeling existing between many of the Indians and the agent and the border settlers and the agent, and I am not prepared to say that it would be unwise for this agent to be removed to another field of operations.

Now, Mr. Speaker, I have said about all that I can. You know the situation, and I ask you, in fairness to me, if for no other reason, as I am about to step down and out, not to dismember the Territory of Oklahoma. If it is a question of judicial construction or judicial consideration, then the Committee on the Judiciary is the committee that ought to settle that. What difference would there be in the treatment of the Indians if you added them to the Indian Territory? The judge in Oklahoma and the judge in the Indian Territory both have United States jurisdiction and are both appointed by the same President.

I move that the conference report be disagreed to, and that the conferees be instructed with reference to this matter.

Mr. SHERMAN. Mr. Speaker, my valued friend from Oklahoma [Mr. FLYNN] in his opening remarks called attention to the fact that the Senate of the United States, in adopting this amendment, did what they did not intend to do. The amendment was offered, as I understand my friend, by the Senator from Nebraska [Mr. ALLEN]; and yet my friend, having made the allegation here that a Senator of the United States offered and carried through the Senate an amendment which does what he did not think it did, did not mean to have it do, closes his eloquent appeal to this House by referring to a former report made by the same Senator. Does it not occur to my friend from Oklahoma [Mr. FLYNN] that a Senator who does not know what an amendment means, and forces it through the Senate when it does just what he did not want it to do, may possibly be mistaken in some other report that he has made?

Mr. Speaker, this is not a personal matter. My friend from Oklahoma [Mr. FLYNN] has appealed to the House, because this is the last opportunity that he will have to appeal to the House, and he says that the people out in Oklahoma believe that he has not been diligent in asserting their rights here. Why, Mr. Speaker, that very assertion, it seems to me, is a plea of guilty on the part of the people of Oklahoma to the charge of being non compos mentis, because if any man, in season and out of season, has been ardently defending the rights, and sometimes the wrongs, of his people, it is my valued friend from Oklahoma [Mr. FLYNN], who never knows when he is defeated, so far as his people are concerned.

This is not a personal question, Mr. Speaker. It is a matter of doing what it seems best to us to do in this instance. This particular section of country never should have been included in Oklahoma. Geographically it is detached from it. It should have remained in the Indian Territory, and this amendment simply puts it where it ought to have been in the first place. It puts matters in such shape that the Indians can not be further wronged by claimants, whether their claims be just or otherwise. It does not make any difference whether these people have $8,000 apiece or $8,000,000 apiece, or nothing apiece. It is an absurdity, and everybody knows it, when any court will permit its officers to come in and levy on a house as personal property and move it off from the ground. We are taking them to where we believe they can receive justice; where the law will be properly administered as far as they are concerned.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. SHERMAN. Certainly.

Mr. TAWNEY. Is there any other reason than the alleged abuse of the courts for the detachment of this 4,000 square miles from Oklahoma Territory?

Mr. SHERMAN. That is one reason. Another is——

Mr. TAWNEY. That is the only one I have heard alleged yet.

Mr. SHERMAN. Another reason is that it is geographically detached; that it really does not belong to that Territory.

Mr. TAWNEY. But as a matter of fact it does.

Mr. CURTIS of Kansas. Another thing. The people in that Territory were attached to Oklahoma without their knowledge or consent.

Mr. FLYNN. Is it not a fact that in all the States and Territories Indians have been attached without their knowledge or consent?

Mr. TAWNEY. In every instance.

Mr. SHERMAN. No; the gentleman is mistaken; it has been done; but that it has been done in every instance is altogether too broad a statement, and my friend from Minnesota must know that. There are other reasons—that they are constantly being unjustly treated; and further than that, because of the present inexpediency. It is now within twenty-four hours of the close of this Congress, and if we do not agree to these conference reports and hurry ahead with the business of this House and expedite it with all possible speed, Mr. Speaker, it will be impossible to present this and other appropriation bills to the President in time for him to act thereon. I trust the report of the conferees will be sustained.

The SPEAKER. The question is on agreeing to the adoption of the conference report.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. FLYNN. Division!

The House divided; and there were—ayes 67, noes 75.

Mr. SHERMAN. I demand tellers.

Tellers were ordered.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] and the gentleman from Oklahoma [Mr. FLYNN] will take their places as tellers.

The House again divided; and the tellers reported—ayes 57, noes 100.

So the conference report was rejected.

Mr. FLYNN. Mr. Speaker, I now move for another conference, and to instruct the conferees on the part of the House to insist on striking out amendment numbered 14 of the Senate.

Mr. SHERMAN. I think we will take that vote as an instruction without a special instruction of that kind.

Mr. CANNON. That is the strongest kind of an instruction.

Mr. FLYNN. I withdraw that motion.

Mr. SHERMAN. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments and ask for a further conference.

The motion was agreed to.

The SPEAKER announced as conferees Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; had further insisted upon its amendments numbered 2, 3, 6, 7, 53, 55, 58, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 128, and 131; had asked a further conference with the House, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I move that the House suspend the rules and nonconcur in the Senate amendments to the bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior [illegible], and for other purposes.

Mr. MAHON. A parliamentary inquiry.

The SPEAKER. The Chair will [illegible] the question. The gentleman from Illinois moves that the rules [illegible] and that the House nonconcur in the Senate amendments to the general deficiency bill. The gentleman will state his parliamentary inquiry.

Mr. MAHON. I want to make a parliamentary inquiry. Will this cut off a motion to concur in any of the amendments?

The SPEAKER. Of course it does.

Mr. CANNON. At this stage it will. A motion to concur can come on the conference report.

Mr. MAHON. I know that is provided; but I will ask for a second.

Mr. RICHARDSON. If the gentleman will agree——

The SPEAKER. The gentleman from Pennsylvania demands a second.

Mr. CANNON. I ask unanimous consent that a second be considered as ordered.

Mr. MAHON. I object, unless the gentleman lets me have a moment.

Mr. CANNON. My friend will have twenty minutes.

The SPEAKER. Is there objection to a second being considered as ordered?

Mr. RICHARDSON. I object, unless the gentleman will agree that the House may vote, after we get into conference, on the Bowman Act claims, simply and alone. Will he agree to that and let the House express its views, and then, if they do not want to pass them, they can vote them down?

Mr. CANNON. Not to be taken as debate, Mr. Speaker, the conference committee, if appointed, is the mere agent of the House. The House is entirely competent to deal with conference reports and with Senate amendments from time to time. The House has just rejected a conference report, and it has always the privilege.

Mr. RICHARDSON. But we have to vote it down as a whole or to vote it up as a whole.

The SPEAKER. A second is demanded, and the gentleman from Illinois [Mr. CANNON] and the gentleman from Pennsylvania [Mr. MAHON] will take their places as tellers.

The House divided; and the tellers reported—ayes 89, noes 41.

So a second was ordered.

The SPEAKER recognized Mr. CANNON to control the time in favor of the motion and Mr. MAHON to control the time in opposition.

Mr. CANNON. Mr. Speaker, if the gentleman desires debate, I hope he will occupy some of his time now.

Mr. MAHON. Mr. Speaker, I hope this House will not suspend the rules and send this bill back to conference with a nonconcurrence in all the Senate amendments, and, to be frank with the gentleman from Illinois in charge of the bill and with the House, I will state my reasons. If this motion prevails, no motion to concur in any Senate amendment can be made in this House. The bill goes back to conference, and if the Senate agree to recede from any one of their amendments, that subject will have passed away altogether from the power of the House. Yesterday in the Senate, on motion of Senator VEST, an amendment was put upon the provision in the deficiency bill for what are known as the Bowman Act cases, in which amendment are two items, amounting to more than $255,000, that are not in the Bowman Act cases. I intend to oppose those items upon the floor of this House, and I believe I can satisfy the House that they should not be passed, and if they are rejected the amount in the Bowman Act appropriation will be reduced over $255,000.

Mr. BRUMM. Will the gentleman be kind enough to name those cases?

Mr. MAHON. I will later. If those items are stricken out, Mr. Speaker, this House will then be brought face to face with the one separate, solitary question of concurring in the Senate amendment appropriating money to pay findings of the Court of Claims for stores and supplies, and for nothing else. Now, members of this House who are in favor of paying the findings of that court and who represent constituencies that are interested in that Bowman Act amendment should remember that the chances are nine out of ten that a vote in favor of the motion of the gentleman in charge of this bill to suspend the rules and nonconcur in the Senate amendments will take away from them during the remainder of this session of Congress any opportunity to secure payment of any of those claims.

I need not repeat the old story that has been told here so often of the justice of these claims. I desire, however, in my argument in opposition to the motion of the gentleman from Illinois, to read a brief extract from the speech made in the Senate yesterday by Senator HOAR, which puts the whole case in a nutshell much better than I could. I read from page 2617 of the RECORD:

> Mr. President, we enacted the Bowman Act, which was an act drawn by a very industrious and useful colleague of my own, whose legislative career was cut short too soon for the interests of the Commonwealth and of the country he so faithfully served. It was regarded as a great measure of legislation. We said: "We are going to do what few governments on earth do. We are going to let the citizen who has got a good claim against his country come into court as an equal and have his fair trial before a court of our own selection, before learned judges appointed by the President and approved by the Senate." And now, when those judgments come in, where all the care and safety of a judicial inquiry exists, where the Attorney-General was present, and where the court, if it erred at all, errs by the common judgment of everybody who knows about it in an overscruple, I think we are bound to see that justice is done the people who have these just claims. If we can do it in accordance with our ordinary rule, very well; but by the rules, through the rules, or over the rules, I think this justice ought to be done to these citizens.

Now, Mr. Speaker, I know that the point will be raised here that this is new legislation and that it changes existing law. I controvert that statement. This amendment changes no law upon the statute books of this nation. This amendment enacts no new legislation. It is simply and purely a provision to pay the findings of a court of this Government. In this very same bill we find reported by the Committee on Appropriations an appropriation to pay for Indian depredations, for property taken by the Indians in their raids upon settlers on the frontiers. The only distinction that will be drawn is that one is a judgment and the other a finding of fact. Pray will any gentleman of this House tell me what is the judgment found in any court? The judge from the bench gives the law to the jury and the jury find the facts. These cases were tried by a court that was created without a jury. We empowered that court not only to find the law, but also to find the facts, and when they have recorded their finding of law and their finding of fact in these cases, the finding of law is that this Government is legally bound, under the laws, the customs, the usages of civilized countries, to indemnify these citizens, and the finding of fact is that the claim in each of these cases in which judgment is rendered is well founded, that the property was furnished, that the price is a proper one, and that the amount due is as stated. That is the nature of a finding of this court. It may be said that a judgment may always be executed by legal process, by writ, or otherwise. That is true, Mr. Speaker, in your State courts in the case of a citizen against a citizen, but no judgment that ever was found against this Government has been collected or ever will be collected by that process or by any process of that kind. Every finding of a court against this Government, whether it is a judgment entered formally or a finding entered in another form, depends for payment upon an appeal being made to Congress for an appropriation to pay that finding.

Now, Mr. Speaker, I know that there is no necessity for this amendment going to a conference committee. The only reason the gentleman at the head of the Committee on Appropriations will urge in favor of that course is based on expediency, the question whether the Treasury is in a proper condition to pay these judgments. I know the burdens the gentleman has had placed upon him, I know his fairness and his consideration and courtesy to members of this House, but up to the Fifty-second Congress the payment of these claims was never questioned. The gentleman from Indiana, Mr. Holman, and the gentleman from Illinois himself [Mr. CANNON] made speeches in favor of paying them. We stopped paying them in the Fifty-second and Fifty-third Congresses, and now I ask this Congress to come up and pay these people what this Government justly owes them. Why should we turn this burden over to the incoming Administration? These claims will be paid in the future just as certainly as the sun rises in the east and sets in the west, if we have an intelligent and honest people behind us. There is no reason why they should not be paid. The Senate have put this item into the appropriation bill, as they had a right to do, and I ask the House now to vote down the motion to suspend the rules and let us have a vote on this one item, and then, as to the balance of the amendments, if the gentleman desires it and the House sees fit, they can go to a conference. I reserve the balance of my time.

Mr. BRUMM. Will the gentleman state which of these claims he is opposed to?

Mr. MAHON. I shall move, if I have opportunity, to strike out the Chouteau claim, amounting to $174,445.75.

Mr. CROWTHER. That has been paid.

Mr. MAHON. Yes; I understand it has been paid; and it is not a proper case to be brought in upon this bill. If I have the opportunity, I shall, as I have said, move to strike it out. Another claim to which I object is the McDougall case, the amount of which is $81,250. That is not a Bowman Act case.

Mr. BRUMM. In what does it differ from the Bowman Act cases? It was passed upon by the court in just the same way as the Bowman Act cases were; and the judgment is just as much binding as the judgment in any of the claims which the gentleman is urging.

Mr. MAHON. I have not time to discuss that question.

Mr. BRUMM. Is not that a fact?

Mr. MAHON. I should be glad to give my reasons why the House should not pay that claim, but I have not the time now.

Mr. BRUMM. I am willing that the case should stand on its merits upon fair discussion; and, as the gentleman attacks that claim, I hope I may have an opportunity to reply.

Mr. MAHON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. MAHON. Does the gentleman from Tennessee [Mr. RICHARDSON] desire to go on now?

Mr. RICHARDSON. Yes, sir; I will take the floor now, with the gentleman's consent.

Mr. MAHON. I yield to the gentleman five minutes.

Mr. RICHARDSON. Mr. Speaker, I know it is a rather ungracious thing to oppose the request of the Appropriations Committee at this late stage of the session; and I should not do so in this case except for the fact that unless we insist upon and secure now our right in this matter, the chances are, as stated by the gentleman from Pennsylvania, nine out of ten that we shall not get it at all; and I will state why.

I will not charge any unfairness on the part of the gentleman from Illinois [Mr. CANNON]; but I do say that this conference report on this bill can be held back until to-morrow morning at 3, 4, 5, or 6 o'clock; and then the gentleman can come in here and say, "You must take this report as we offer it—as a whole—or you lose the deficiency bill." We shall then be put to the disadvantage of asking for a separate vote upon this proposition at that late hour of the session. Mr. Speaker, that has been done in former Congresses; it will be done in this case—mark my words. Unless we get a separate vote upon this proposition now, we shall not get it during this Congress. We are entitled to it.

The Fifty-first Congress voted unanimously to pay these claims. They are claims for supplies and stores furnished by the loyal men of the South to the Union Army during the war. As I have just said, the Fifty-first Congress voted unanimously to pay these claims; the Fifty-second Congress paid only a few. I urged that Congress, as I did the Fifty-first, and as I have urged the present Congress, to pay these claims. So, too, in the Fifty-third Congress. But numbers of these claims remain unpaid. At the first session of this Congress the Senate put these claims upon the deficiency bill and the House passed them upon a vote here. We have indorsed and approved the sums that are provided for in this deficiency bill. We have—this Congress has—indorsed them. The

Senate and the House both passed them in June last. Mr. Cleveland, President of the United States, vetoed that bill, not, however, because these claims were in it, but because of two other claims, which are not included in the motion of the gentleman from Pennsylvania.

It seems to me, Mr. Speaker, that with this experience and in view of the fact that this Congress has indorsed these claims, the gentleman from Illinois ought not to refuse us a separate vote upon these claims to-day. The House ought to be allowed to exercise its right to say whether it will pay these claims now or not. If we permit this motion now to pass—if the amendment covering these claims be nonconcurred in and sent to conference—we shall not have the opportunity for a separate vote upon them unless the gentleman is exceedingly fair to us. I do not believe he wants to have these claims paid at this session; and if he does not, he can prevent us from getting a separate vote on them. All that we need to do—those of us who favor the payment of these claims—is to stand by the motion of the gentleman from Pennsylvania. Let us vote down this proposition to suspend the rules, and in five minutes the House can dispose of this question, and there will be no further opposition so far as I am concerned to the deficiency bill. But I do insist, Mr. Speaker, that this is the only way in which those of us who favor the payment of these just claims can enforce our rights. The only course for those of us who favor this proposition is to vote down the motion to suspend the rules. The result will be that we shall get a separate vote on the proposition which we believe to be so highly meritorious.

In conclusion, let me say I regret to be obliged to make this speech so often. I regret to be compelled to urge this appeal so frequently. But it seems to me that this class of claims is not treated fairly by the Appropriations Committee. I have no complaint to make so far as I am personally concerned. But here is a class of claims in which the Court of Claims of the United States has found every essential fact that is required by the act of Congress to be found—first, that the claimants are loyal; second, that they furnished these supplies for the use of the Army during the war. Now, why should we not pay these claims? We have resolved heretofore to pay them. I hope, Mr. Speaker, we shall vote down this motion.

[Here the hammer fell.]

Mr. MAHON. I yield five minutes to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, I hope the House will be kind enough to listen for one moment to an appeal in favor of a debt due by the Government of the United States—a debt which is as just as any which the Government was ever asked to pay. I appeal for the payment of war claims that have been passed by the Court of Claims, and which should now go into an appropriation bill by the action of this Congress. It has been said on the floor of Congress that the people of the South, and the Southern Republicans, want to be "coddled." I want to say to this House, Mr. Speaker, that neither the people of the South nor the Republicans of the South ask to be coddled, either by this Congress or the country. [Applause.] All we demand is fair play and simple justice. I am a Southern Republican. I come from the State of Maryland. I ask no favors of Congress or the Republican party. I am entitled, however, to justice, and that is all that I claim. I belong to the victorious and triumphant Republicanism of my State. [Applause.] But before and beyond that, I belong to the people of the South; and I say that the Union men in the South have as much right to be paid for what they contributed to that great war struggle that saved the nation as the Union men of the North. [Applause.]

How did the people of Massachusetts fare when they furnished provisions, blankets, and clothing and whatever was necessary to carry on the war? Were they not paid? Does anyone dispute that they were not paid? Did not the Northern contractor who furnished army supplies see that he was paid, and paid in good, honest money? Then, if that be true, Mr. Speaker, should not our people who contributed also when the armies of the country—one day the blue and one day the gray—were amongst them; and when the blue came they greeted them with open arms and furnished them of their own subsistence all they had—should not they be paid? The people of the South during that war gave all they could in aid of the Union cause; and now, when, after a period of thirty years, they come and ask compensation, when a tribunal created by the Government has passed upon the justice of their claims and ascertained their loyalty, you tell us that the request that justice and equity shall be rendered to them is an unjust demand, and should not be considered by the Government. You say that we are "asking favors," that we want to be "coddled," when we only ask to be placed upon the same footing as the Union men of the North. We come to you and ask not to be coddled; but we appeal to your sense of justice as Americans whether we are not entitled, after all of these years, to payment. [Applause.]

Mr. Speaker, I desire to say that each and every one of these claims has been proven to the entire satisfaction of the Court of Claims. Every man who presented a claim was required to make out a good case before the court would render a finding. Each case has been passed upon by the court; and all that Congress has to do now is to declare whether or not it is willing that the nation should pay these people, after waiting over a generation for their pay, the just and honest and equitable claims that they have established before your own tribunal.

I submit it to the House. I submit it upon this evidence, and I say to you that if you refuse this request to our people you will be doing us an injustice and an injury, and you will be doing that which after a while will recoil upon you. [Applause.]

Mr. CANNON. I now yield five minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, at this late hour in the session, with several important appropriation bills, which are absolutely necessary to support the Government, still pending between the two Houses, we are asked by the gentleman from Tennessee [Mr. RICHARDSON], the gentleman from Pennsylvania [Mr. MAHON], and the gentleman from Maryland [Mr. WELLINGTON] to depart from the usual course of procedure in such matters, a course which has been pursued not only during the present but in previous sessions of Congress, by one vote to throw the bill into a committee of conference of the two Houses for the adjustment of the differences.

Now, I want to say to the members present that there are 171 amendments put on this bill by the Senate; and if the request of the gentleman from Pennsylvania and the gentleman from Tennessee be acceded to, then every gentleman who may be interested in these other amendments has a perfect right and it is his duty to make the same request.

What is the character of these claims? Again and again has the House, not only in the present, but in the past, refused to give to them the dignity of a final judgment against the Government. Under the rules of the House, the Committee on Appropriations of the House, and the House itself, are not permitted to put the same on the general appropriation bill. But the Senate, operating under different rules, have placed the amendment on the bill, and now the gentleman asks us to pause in our deliberations at this late hour in the session and give him a chance to discuss them on the floor.

I regret very much that the gentleman from Maryland [Mr. WELLINGTON] has thought fit to speak of the locality of these claims. It is no sectional question, nor is it a political question. Neither will the House, Mr. Speaker, deal with it as a political or a sectional question. But the House will deal with it according to the merits of the amendment, and with respect to the condition of the House with reference to its business. Speaking for myself, and only for myself, I have no hesitancy in saying that this House will be exceedingly unwise to permit the motion of the gentleman from Pennsylvania to prevail.

But, I repeat, what is the character of these claims? Can any man in this House say that he has examined the claims one by one, amounting in their sum total to several hundred thousand dollars?

Mr. WELLINGTON. Will the gentleman permit a question?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. Did not the Court of Claims specially find and pass upon the claims after an examination of them one by one, just as we would pass upon a claim presented in any other suit pending before the court?

Mr. SAYERS. I will answer the gentleman by a question to him: Does the gentleman contend that these claims are judgments which may be permitted under the rules of the House and can be put on a general appropriation bill?

Mr. WELLINGTON. I do contend, if the gentleman will permit me, that each one of the claims has been before the Court of Claims just like any other claim pending before any other court; and in each case the court has found it to be a just and good claim against the Government. Is that not true?

Mr. MEREDITH. And the loyalty of the claimant is necessarily determined as a jurisdictional fact.

Mr. SAYERS. Now, I myself have no confidence in these claims; none whatever.

Mr. WELLINGTON. Why not abolish the court, then?

Mr. SAYERS. Not at all.

Mr. WHEELER. Has the gentleman no confidence in the courts of his country?

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman from Texas [Mr. SAYERS] one minute more.

Mr. SAYERS. Now, I want to say to the gentleman that if this general deficiency bill should fail, the Committee on Appropriations must not be blamed for the failure. If the time of this House is to be taken up in going into Committee of the Whole, and in the discussion of all these items put on this bill by the Senate, then, in my judgment, there is no possibility whatever of the passage of this bill at this session.

Mr. RICHARDSON. Could not the Committee on Appropriations have reported this bill just a little bit earlier?

Mr. SAYERS. Not at all. If the gentleman had ever served upon the Committee on Appropriations, remembering the fact that this is a short session of Congress, he would know that this deficiency bill has been reported as early at the present session as at any other short session in previous Congresses.

Mr. RICHARDSON. I think that is so, but it is always reported very late.

The SPEAKER. The time of the gentleman has expired.

Mr. WELLINGTON. Will the gentleman permit one more question?

Mr. CANNON. I yield one minute more to the gentleman from Texas.

Mr. WELLINGTON. I know the gentleman wants to be fair in reference to these claims.

Mr. SAYERS. Certainly.

Mr. WELLINGTON. Does the gentleman think that the Court of Claims would adjudicate any one of these claims unless it was a proper claim? Does the gentleman wish to impugn the Court of Claims or any of these cases?

Mr. SAYERS. We are not called to pass upon the personnel of that court. I do not know any of these gentlemen. But I say this, taking the French spoliation claims and these claims one by one and considering them——

Mr. WELLINGTON. But we are merely talking about war claims now.

Mr. SAYERS. Considering these claims, which I refer to one by one, it demonstrates the necessity of going very slowly, if we want to do justice by the Government.

Mr. WELLINGTON. We are not considering the French spoliation claims.

Mr. MILLIKEN. The French spoliation claims are good claims.

Mr. WELLINGTON. That may be; but I say the war claims are good claims. They have been passed upon by a good court, and it is the duty of Congress to pay them.

Mr. CANNON. Mr. Speaker, I crave the attention of the House for a very few minutes. In less than twenty-four hours this Congress will expire. The Indian appropriation bill, the District of Columbia appropriation bill, the naval appropriation bill, the Post-Office appropriation bill, the fortifications appropriation bill, the sundry civil appropriation bill, and the deficiency appropriation bill are yet to be enacted. We must sit every moment of time, in conference and in the House, with every member of the House expediting this business, if these bills are to be enacted into law. So much for that.

Mr. MEREDITH. We have heard of the thief of time; but we do not want the shortness of the time to make the Government a thief in this case.

Mr. CANNON. I do not yield just now. If the motion to suspend the rules which I have made is agreed to, all these hundred pages of Senate amendments, nearly all of them claims, will go to the committee of conference for consideration, and a report can later come into the House. Now, suppose that is not done, what happens next? A point of order made by any one man in the House sends these Senate amendments to the Committee of the Whole House, and you can not dispose of them, to save your lives, in the next twenty-four hours. So much for that.

Now, one further matter. I do not want to discuss the merits of these claims, but just let me call your attention to one fact. Take this bill and turn to page 12 and you will see that Senate amendment numbered 23 provides—

> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, and of claims where the amount or amounts were found by said Court of Claims in its finding of facts in cases under the general jurisdiction of said court, namely.

Then follow 38 pages of these claims. The gentleman from Pennsylvania [Mr. MAHON] confesses that in what purport to be claims under the Bowman Act there are $255,000 of claims that are not Bowman-Act claims.

Mr. RICHARDSON. Oh, no; the gentleman never confessed that.

Mr. MAHON. I know you do not want to misrepresent me. I want to correct that statement. I say there are two claims which are not for forage supplies.

Mr. CANNON. Well, I say there are nearly $270,000 of these claims which the Senate designate as Bowman-Act claims which are not Bowman-Act claims at all, and amongst them is the Chouteau claim, put in the middle of this amendment.

Mr. RICHARDSON. That amendment we propose to strike out.

Mr. CANNON. I do not yield. Now, then, Mr. Speaker, it is not parliamentary for me to arraign the Senate before the bar of this House; but I do say that in the Senate amendment, in black and white, purporting to set out this claim, we have an amendment that fraudulently, with the intent to deceive, in these dying hours of the session, purports to be something, to the extent of almost $300,000, that it is not. Now, then, let me go back to first principles. Under the rules of the House and Senate these claims do not belong to this bill. That is not all. There is $800,000 of these. There is $650,000 more of claims dating back, some of them before the war. Old soldiers, that have lived through two generations! Men have been born, have lived, have come into this House, have died, and these claims, turned down by the Supreme Court, spring eternal, like hope; and by the action of the Senate, against the rules of the Senate and the rules of the House, come here in the dying hours of the session to steal their way through this House. Now, then, let me say, from every standpoint, these claims and these amendments should go to a committee of conference. That committee of conference should consider, agree, if possible, and report to the House, and then the House can adopt the report or turn it down. I need two-thirds of the House to pursue that course.

Mr. RICHARDSON. Will you give us a right to vote upon it?

Mr. CANNON. But, Mr. Speaker, if the House does not pursue that course, then one point of order will send this bill to the Committee of the Whole, and it is lost more certainly than the vilest sinner on earth will be lost on the judgment day.

Mr. WELLINGTON. I am sure the gentleman wants to be fair.

Mr. CANNON. I yield three minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. WELLINGTON. I understand the gentleman will not yield to a question?

The SPEAKER. The gentleman declines to yield.

Mr. DINGLEY. Mr. Speaker, I desire to say that in order to secure the passage of this appropriation bill, as well as of each remaining appropriation bill, it is absolutely essential that the course should be taken by the House which has been indicated by the motion of the chairman of the committee [Mr. CANNON] and approved by the gentleman from Texas [Mr. SAYERS]. Gentlemen who have had experience in the closing hours of a short session must certainly know that this bill can not pass in any other way.

Then a single word in addition, though not necessarily involved in this motion, as to the particular amendment—the payment of a large number of claims—which it is endeavored to foist upon this bill by the action of the Senate. They are claims under the Bowman Act, we have been told. But they are findings of facts, not judgments, of the court. If they had been judgments of the court, where the court had adjudicated those matters, they would have gone into the bill in the House, as a matter of course. They are not judgments; they are as yet simply claims, and under the Bowman Act, so far as inserting them in this bill, can not rise higher than other claims. Under the Bowman Act no suit can be brought by any individual. Simply the House, the Senate, or any committee of the House or Senate, may refer any claim to the Court of Claims simply to investigate the facts, to be submitted to the House and Senate, and then the claim to be determined by Congress itself. This is an attempt to set aside the rules of the House, and to set aside, in fact, the rules of the Senate, and to give one particular class of claims a preference, an advantage that no other claim has under the rules of the House.

It must be remembered, too, that precisely this attempt was made at the first session of this Congress, and this House, on a yea-and-nay vote, practically determined that these claims should not then be put into the general deficiency bill.

Mr. RICHARDSON. I beg the gentleman's pardon.

Mr. DINGLEY. I decline to yield, but will correct my statement in that particular. But it must be remembered that this bill was vetoed by the President on account of claims inserted by the Senate, and the House sustained the veto.

Mr. RICHARDSON. Not on this ground.

Mr. DINGLEY. So far as my vote went to sustain the veto, it was on this ground.

Furthermore, I have to say I think it is not appropriate that claims under the Bowman Act, which have been referred to the Court of Claims simply for a finding of fact that will enable Congress to better determine their merit, should, on a report of such facts by the court, be treated as judgments and inserted in a general appropriation bill in violation of the rules of the House. Each case in which the facts have been reported by the court ought to come up and be decided upon its merits, and not be inserted in an appropriation bill in this way.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman from Pennsylvania. How much time have I remaining?

The SPEAKER. The gentleman has two minutes left.

Mr. CANNON. I yield them to the gentleman from Pennsylvania.

Mr. WILLIAM A. STONE. Mr. Speaker, the State of Illinois, the State of Ohio, the State of Pennsylvania, the State of Kansas, and other States, as well as those States represented by gentlemen upon the other side of the Chamber, have claims in this bill put on by the Senate. Those gentlemen will vote to suspend the rules and nonconcur in the Senate amendments for this reason; unless we do that, this bill can not become a law.

Mr. MAHON. Will the gentleman yield for a question?

Mr. WILLIAM A. STONE. I can not yield now. The gentleman from Pennsylvania, representing the great committee which he does, has discharged his full duty in opposing this motion, but it ought to stop there. The business of the House and the business of the country demands that this bill be passed, and the Appropriations Committee will be held responsible if it is not passed. Gentlemen representing these claims brought them forward when this bill was in the House and the question was fully discussed, and the House voted down an amendment to put them upon the bill. We have already considered that question, we have already passed upon it, and this House has gone far in its courtesy to the gentlemen urging these claims, in listening attentively to the able arguments which they have offered; but now, gentlemen, you ought to vote to suspend the rules and nonconcur in the Senate amendments, because if you do not, you will get no deficiency bill at this session of Congress.

Mr. WELLINGTON. We can do without one, then.

Mr. WILLIAM A. STONE. You can, but the country can not.

Mr. WELLINGTON. The country can not afford to be dishonest in these matters.

Mr. WILLIAM A. STONE. The country and the House can afford to be just.

Mr. WELLINGTON. The House can afford to be honest, too.

Mr. WILLIAM A. STONE. It is not a question of honesty.

Mr. WELLINGTON. Yes, it is a question of honesty. I repeat, it is a question of honesty.

The question was taken on the motion of Mr. CANNON to suspend the rules, nonconcur in the Senate amendments, and ask for a conference; and the Speaker declared that the ayes seemed to have it.

Mr. MAHON. I ask for a division.

The House divided; and there were—ayes 148, noes 46.

Mr. WELLINGTON. I call for the yeas and nays.

Mr. CANNON. I hope the gentleman will not insist on taking up the time of the House in that way.

The SPEAKER. The gentleman from Maryland asks for the yeas and nays.

The question being taken on ordering the yeas and nays, 39 gentlemen voted in the affirmative.

Mr. WILLIAM A. STONE. The other side, Mr. Speaker.

The other side was counted, and 154 members voted in the negative.

Mr. STEELE. Mr. Speaker, I was counted in the negative, although I had already voted in the affirmative.

Mr. RICHARDSON. Well, we would like to know about that. How does the gentleman know that fact?

The count having been completed, the Speaker declared that a sufficient number had voted in the affirmative, and the yeas and nays were ordered.

The question was taken on the motion of Mr. CANNON, to suspend the rules, nonconcur in the Senate amendments, and ask for a conference; and there were—yeas 184, nays 75, not voting 96; as follows:

YEAS—184.

Acheson,
Adams,
Aitken,
Aldrich, Ill.
Andrews,
Arnold, Pa.
Arnold, R. I.
Bailey,
Barham,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black,
Blue,
Brewster,
Broderick,
Bromwell,
Brosius,
Brumm,
Bull,
Burrell,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon,
Chickering,
Clark, Iowa
Cockrell,
Codding,
Cooke, Ill.
Corliss,
Cousins,
Crowther,
Crump,
Curtis, Iowa
Dalzell,
Danford,
De Witt,
Dingley,
Dockery,
Dolliver,
Draper,
Eddy,
Ellis,
Erdman,
Fairchild,
Faris,
Fenton,
Fischer,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gardner,
Gillet, N. Y.
Griffin,
Griswold,
Grosvenor,
Grout,
Grow,
Hager,
Hall,
Halterman,
Harris,
Harrison,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hicks,
Hill,
Hitt,
Hooker,
Hopkins, Ill.
Howe,
Hubbard,
Hulick,
Hull,
Hurley,
Jenkins,
Johnson, Ind.
Johnson, N. Dak.
Kleberg,
Knox,
Lacey,
Leighty,
Leisenring,
Linton,
Long,
Lorimer,
Loud,
Loudenslager,
Low,
Maddox,
Mahany,
Marsh,
Martin,
McCleary, Minn.
McClellan,
McClure,
McCreary, Ky.
McEwan,
McLachlan,
McLaurin,
McRae,
Meiklejohn,
Mercer,
Miller, Kans.
Miller, W. Va.
Milliken,
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Murphy,
Northway,
Overstreet,
Parker,
Payne,
Pearson,
Perkins,
Pitney,
Poole,
Raney,
Reeves,
Reyburn,
Rinaker,
Royse,
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shannon,
Simpkins,
Smith, Ill.
Snover,
Sorg,
Southard,
Spalding,
Sperry,
Stallings,
Steele,
Stephenson,
Stewart, N. J.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strong,
Taft,
Tawney,
Terry,
Thomas,
Towne,
Tracewell,
Turner, Ga.
Updegraff,
Van Voorhis,
Wadsworth,
Wanger,
Watson, Ind.
White,
Williams,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Wood,
Woodard,
Woomer,
Wright,
Yoakum.

NAYS—75.

Abbott,
Aldrich, T. H.
Aldrich, W. F.
Allen, Miss.
Anderson,
Baker, Kans.
Baker, Md.
Baker, N. H.
Bartholdt,
Bell, Colo.
Buck,
Catchings,
Clardy,
Clark, Mo.
Coffin,
Colson,
Cooper, Tex.
Cox,
De Armond,
Dinsmore,
Doolittle,
Ellett,
Evans,
Fitzgerald,
Gibson,
Harmer,
Hartman,
Hendrick,
Hermann,
Hilborn,
Howard,
Hunter,
Johnson, Cal.
Jones,
Latimer,
Leonard,
Lewis,
Linney,
Little,
Livingston,
Mahon,
McCall, Tenn.
McCulloch,
McDearmon,
McMillin,
Meredith,
Meyer,
Milnes,
Money,
Noonan,
Ogden,
Owens,
Powers,
Pugh,
Richardson,
Shaw,
Shuford,
Skinner,
Spencer,
Stahle,
Stokes,
Sulloway,
Sulzer,
Swanson,
Thorp,
Treloar,
Tucker,
Turner, Va.
Tyler,
Walker, Mass.
Walker, Va.
Washington,
Wellington,
Wheeler,
Willis.

NOT VOTING—96.

Allen, Utah
Apsley,
Atwood,
Avery,
Babcock,
Bankhead,
Bartlett, Ga.
Belknap,
Bishop,
Boatner,
Boutelle,
Bowers,
Brown,
Clarke, Ala.
Cobb,
Connolly,
Cook, Wis.
Cooper, Fla.
Cooper, Wis.
Cowen,
Crisp,
Crowley,
Culberson,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Daniels,
Dayton,
Denny,
Dovener,
Gillett, Mass.
Goodwyn,
Graff,
Hadley,
Hainer, Nebr.
Hanly,
Hardy,
Hopkins, Ky.
Howell,
Huff,
Huling,
Hutcheson,
Hyde,
Joy,
Kem,
Kerr,
Kiefer,
Kirkpatrick,
Kulp,
Kyle,
Lawson,
Layton,
Lefever,
Lester,
Maguire,
McCall, Mass.
McCormick,
Miles,
Miner, N. Y.
Moses,
Mozley,
Murray,
Neill,
Newlands,
Odell,
Otey,
Otjen,
Patterson,
Pendleton,
Phillips,
Pickler,
Price,
Prince,
Quigg,
Ray,
Robertson, La.
Robinson, Pa.
Rusk,
Russell, Conn.
Russell, Ga.
Sherman,
Smith, Mich.
Southwick,
Sparkman,
Stewart, Wis.
Strait,
Strowd, N. C.
Talbert,
Tate,
Tayler,
Tracey,
Van Horn,
Warner,
Watson, Ohio
Wilber,
Woodman.

So (two-thirds voting in favor thereof) the motion to suspend the rules and nonconcur in the amendments of the Senate was agreed to.

The following pairs were announced:

For this day:

Mr. PICKLER with Mr. PRICE.
Mr. BABCOCK with Mr. STRAIT.
Mr. BOWERS with Mr. ROBERTSON of Louisiana.
Mr. MOZLEY with Mr. MAGUIRE.
Mr. RUSSELL of Connecticut with Mr. MOSES.
Mr. SMITH of Michigan with Mr. HUTCHESON.
Mr. BELKNAP with Mr. CRISP.
Mr. SOUTHWICK with Mr. BANKHEAD.
Mr. HAINER of Nebraska with Mr. COWEN.
Mr. McCORMICK with Mr. NEILL.
Mr. COOK of Wisconsin with Mr. MINER of New York.
Mr. JOY with Mr. BOATNER.
Mr. KULP with Mr. CULBERSON.
Mr. GILLETT of Massachusetts with Mr. MILES.
Mr. DOVENER with Mr. CLARKE of Alabama.
Mr. OTJEN with Mr. COBB.
Mr. WILBER with Mr. CROWLEY.

On this vote:

Mr. BARTLETT of Georgia with Mr. McCALL of Massachusetts.

The result of the vote was announced as above stated.

The SPEAKER announced the appointment of Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS as conferees on the part of the House at the further conference with the Senate on the deficiency appropriation bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. I send to the desk a conference report.

The report of the committee of conference on the District of Columbia appropriation bill (already published in the Senate proceedings) was, in part, read.

Mr. GROUT. I ask that the further reading of the report be dispensed with, and that the statement of the House conferees be read.

Mr. RICHARDSON. I will agree to that if the statement covers all the amendments, so that we can understand the matter thoroughly.

Mr. GROUT. I think it does, and will be entirely satisfactory.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10267) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report, namely:

The Senate made 135 amendments to the bill, of which number 105 have been disposed of by the conference committee, leaving 30 undisposed of, upon which there is disagreement.

The Senate added $1,658,916.38 to the House bill, of which sum, by the conference agreement, the Senate recedes from $726,670 and the House agrees to $379,780, leaving $552,466.38 involved in the amendments upon which the conference committee have been unable to agree.

The following are the amendments upon which the conference committee have failed to agree, namely:

On amendment numbered 2, appropriating $6,720 for the free public library;

On amendment numbered 3, remitting penalties on taxes due and payable on or before July 1, 1896;

On amendment numbered 6, appropriating $210,000 for payment of judgments for land condemned for the extension of Sixteenth street;

On amendment numbered 7, appropriating $85,000 to pay for lands condemned for the extension of Rhode Island avenue;

On amendment numbered 53, striking out authority for necessary extensions of electric arc lighting;

On amendment numbered 55, prohibiting the laying of conduits or erection of overhead wires for electric-lighting purposes;

On amendment numbered 58, reappropriating unexpended balance and appropriating $256,746.38 to resume work on the Washington Aqueduct Tunnel;

On amendments numbered 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, and 123, striking out the general appropriation proposed by the House for charities, and appropriating specifically for charitable institutions in the District of Columbia; and

On amendment numbered 131, repeating the provision contained in the last District of Columbia appropriation act defining the policy of the Government with reference to appropriations for charitable institutions.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 4193) to correct the military record of William F. Songer.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The message also announced that the Senate had passed with amendments the bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds and correct alignments;" in which the concurrence of the House was requested.

A further message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

A further message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had disagreed to the amendments of the House to the amendments of the Senate numbered 6, 72, and 139 to the bill (H. R. 10293) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation.

Mr. GROUT. I move the adoption of the conference report.

Mr. MORSE. I should like to know what is the attitude of this conference report touching appropriations for sectarian charities in the District.

Mr. GROUT. No agreement has been reached by the conferees.

Mr. MORSE. Then that matter still hangs fire. I hope the House conferees will have a good, stiff backbone on that.

Mr. RICHARDSON. What do the conferees report in regard to the amendment pending between the two Houses with regard to a free library in this District?

Mr. GROUT. There has been no agreement on that amendment.

Mr. PITNEY. I propose, when the conference report has been acted on, to make a motion in regard to that amendment.

Mr. RICHARDSON. One other question: What does the report recommend in regard to the electric-light question?

Mr. GROUT. That is one of the things on which we report a disagreement. Mr. Speaker, I now ask for a vote on the adoption of the report.

The question being taken, the report was agreed to.

Mr. BARTHOLDT. Mr. Speaker, I rise to a point of order. Last night the veto message of the President upon the immigration bill was made a special order for to-day at 1 o'clock. That time having now arrived, I submit that nothing is in order but the consideration of that veto message.

The SPEAKER pro tempore (Mr. PAYNE in the chair). The Chair will state to the gentleman from Missouri [Mr. BARTHOLDT] that conference reports take precedence of the order to which the gentleman refers. The Chair will further state that it is his intention as soon as this report is disposed of (unless some other conference report should be pressed) to recognize the gentleman from Ohio [Mr. DANFORD] to call up the bill vetoed by the President.

Mr. GROUT. Mr. Speaker, I now move that the House insist on its amendments (recited seriatim in the statement just read), on which the conferees have not agreed; and that the House ask a further conference with the Senate on those amendments. Pending that motion, I yield to the gentleman from New Jersey [Mr. PITNEY] to make a motion with reference to the first amendment, on which we have been unable to agree, appropriating $6,720 for a free public library.

Mr. PITNEY. I should like to be recognized in my own right for the purpose of making that motion. There may be some little discussion, and I should like to control my own time.

Mr. GROUT. I think there will be no trouble about that. I prefer to hold the floor. I think we shall manage to give the gentleman from New Jersey all the time he wants.

The SPEAKER pro tempore. The Clerk will read the motion of the gentleman from New Jersey [Mr. PITNEY].

The Clerk read as follows:

Mr. PITNEY moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and agree thereto with an amendment as follows, namely:

Strike out the whole of the paragraph included in said amendment numbered 2, and insert in lieu thereof the following:

"Free public library: For librarian, $2,000; first assistant librarian, $900; second assistant librarian, $720; and for rent, fuel, light, fitting up rooms, and other contingent expenses, $3,100; in all, $6,720.

"*Provided*, That whenever said library shall be opened for public use such books, periodicals, and papers in the existing libraries of the several Executive Departments and offices of the Government in the city of Washington as in the judgment of the head of the Department, bureau, or office affected are not required for the special official use of said Department, bureau, or office shall be transferred as a loan to the free public library and reading room for its use, and it is hereby made the duty of the head of each Department, bureau, or office in which a circulating library is maintained for the use of employees of the Government to deliver all such books, periodicals, and papers, without delay, as a loan to the free public library and reading room, and thereafter no general circulating library, but only such library as is required for its special official use, shall be established or maintained by any Department, bureau, or office of the Government in the District of Columbia; but the books, periodicals, and papers so loaned shall be and remain the property of the United States and shall be labeled in such manner as to show such ownership."

Mr. GROUT. Mr. Speaker, I have concluded to allow the gentleman from New Jersey to be recognized in his own right if he desires it.

The SPEAKER pro tempore. The gentleman from New Jersey.

Mr. PITNEY. Mr. Speaker——

Mr. HOPKINS of Illinois. Mr. Speaker, I want to reserve the point of order, if it will lie against the proposition, until I hear what it is.

Mr. PITNEY. Mr. Speaker, the amendment I have offered is a substitute for a Senate amendment to the bill, and because it will constitute, if adopted, a departure, to some extent, from the action of the House on a yea-and-nay vote a year ago, on the passage of the free-library bill, I want it to be fully and fairly understood. The Senate amendment makes an appropriation of $6,720 in the aggregate for the support of the free public library in the District of Columbia. My amendment first makes a trifling change in the distribution of the funds, there being no objection to that. It increases the salary of the librarian $400, and diminishes the contingent expenses $400, in accordance with the wishes of the friends of the library.

The principal purpose of the amendment is to provide that the books in the several Department libraries of the Government, which are now kept as circulating libraries for the Government employees—for instance, in the Interior Department, the Treasury Department, the War Department, and in fact all of the Departments—shall be placed in this new library as a loan from the National Government to the trustees of the library; that they shall be labeled as loaned books, remaining the property of the United States, but to be used in the circulating library.

The object is this: There were two objections raised a year ago in the House on the passage of the proposed free-library bill. Nobody, I think, objected to the passage of a bill of that character, but the objection was to dividing the expense of the maintenance of the library half and half, between the District revenues and the National Treasury. One ground of objection was that the National Government was already maintaining a number of small libraries here, as well as a great Congressional Library, and it was considered by the House that we ought not to contribute, therefore, to the maintenance of an additional library.

Now, in the hearings before the subcommittee on Appropriations, in making up the District appropriation bill, it appeared that all the new library could reasonably expect this year in the way of voluntary contributions was about 7,000 volumes of books, about two to five thousand dollars of money, of which the interest is to be devoted to the purchase of periodicals, and three or four thousand dollars of money in addition, of which the principal is to be devoted to the purchase of books. They hope to begin the library with from twelve to twenty-five thousand volumes. I am free to say that we think these hopes are a little too sanguine and that they will not be fulfilled.

But in the Department libraries to which I have referred there are some twenty to thirty thousand volumes of books for popular reading, now maintained at a considerable annual expense to the Government, each library solely for the use of the employees of the Department in which the library is located. We thought it practicable to bring all of these libraries into "hotchpotch," to lend them to the new library and make it one worth maintaining, and thus save expense, as it would undoubtedly do; and it would be no hardship to the clerks of the Departments, for they would have access to the new library, and indeed might have the privilege of employing a messenger to go from the Department to the library for the purpose of getting out books.

Mr. DINGLEY. This is to be a free library?

Mr. PITNEY. Yes; a free library.

Now, Mr. Speaker, I do not want to spend any time upon this matter; and I do not wish to yield the floor at present, or the control of the time. But the gentleman from Vermont [Mr. POWERS], who antagonized the "half and half" proposition a year ago—and to be candid I will state that I did the same at that time—wishes to move an amendment, and I am willing to have it moved now, and let him have any reasonable time to make a statement with reference to it.

Mr. GROUT. One moment before the proposition is taken up or submitted to the House. I wish to say to the House that the Senate conferees would accept the provision which the gentleman from New Jersey [Mr. PITNEY] has presented in his substitute. But whether they will be content with that of my colleague, the gentleman from Vermont, I will not undertake to say. Of course I do not wish to cut the gentleman off from offering an amendment. He could do it, however, in another form, by offering it in the shape of an instruction to the conferees.

Mr. POWERS. Mr. Speaker, I offer the amendment I send to the desk as an addition to the amendment of the gentleman from New Jersey.

The Clerk read as follows:

Add to the amendment proposed by Mr. PITNEY:

"*Provided, further*, That the sum herein appropriated for the free public library shall be paid wholly from the revenues of the District of Columbia."

Mr. PITNEY. I will yield to the gentleman from Vermont ten minutes in which to explain the amendment.

Mr. POWERS. Mr. Speaker, it is a well-known fact to every member of the House that the act of union, so called, passed in 1878, for the joint government of the District of Columbia, provided that each party should pay one-half of certain expenses incident to the administration of affairs within the District. The theory upon which that act was passed was that the Government, being the owner of a very large amount of property in the District, rightfully and properly should share in the public expenses necessary to conducting the affairs of the District—those necessary expenses such as the maintenance of streets, the maintenance of light, the police department, the fire department, and so on.

If any member of the House would take the pains to examine the provisions in question, and the debate that took place on the floor when the act was passed, he will observe this single fact: It was contended, in the most vigorous manner, by the friends of the proposition for the union, that nothing except those necessary expenses with which the Government had an equal and joint interest in the District would be chargeable upon the National Treasury.

But, as in all such matters, as time went on, the disposition was displayed to load onto the Government everything else, until now, Mr. Speaker, an old debt of $20,000,000, that was the debt of the District of Columbia long before this union, has been landed, one-half of it, upon the people of the United States. And many other things have gradually crept in, until the Government to-day is paying one-half of almost every expense that is incurred here in the District of Columbia. This is contrary to the original act. It is contrary to right that your constituents and my constituents should be taxed to support the institutions in this District that they never expected to be taxed for, and that the friends of this union could never have intended they should be taxed for.

Now, Mr. Speaker, the people of the United States are paying one-half of all the police expenses in the city of Washington. Your constituents and mine are being taxed for that purpose. And what has the Government got to do with the matter? Why, the Government owns a large amount of property. It is entitled to the protection of the law. It was urged that it would have that protection, but the fact is that the Government pays for its own protection. The police who take care of this Capitol building, who take care of all the public buildings in the District, are paid out of the United States Treasury, and the people of the District do not contribute a cent to that expense; while, on the other hand, the United States Treasury is chargeable with one-half of the expense of all this police duty in respect to municipal matters and municipal buildings in this District. The whole purpose and theory of the law has been changed by the constant encroachment that has been made on the Federal Treasury.

Now, it may be said that this is a small matter; that it is unwise to save at the spigot when there is a big leak at the bung; but the point of the amendment is to prevent a big leak at the bung. If you save this expense, the people of this District will understand that they must maintain this public library, and if you do not do it, then a gradual encroachment will be made, until by and by an appropriation of a million dollars will be called for to erect some magnificent library building in this city. Why, sir, we have, as is stated by the gentleman from New Jersey [Mr. PITNEY], a great many Department libraries in this District that are maintained by the Government. He proposes to turn them into this new library that is to be created. Nobody can object to that. That is all well enough. That supplies just so much toward the purchase of books that will soon be called for, if this scheme is successful.

But, Mr. Speaker, we have this large Congressional Library, containing eight or nine hundred thousand volumes. We have erected the building at an expense of $6,000,000 to house these books and to accommodate the people that have occasion to use them. What on earth is that good for if it is not to accommodate the people of the United States whose money has built it? And the people of the District of Columbia will have the right to share in the use of that library.

Now, is there any call upon us, managing the affairs of the country at large, to go to any greater expense in the way of a public library for the people of this city? Do [illegible] constituents at home desire us to expend their money in this manner? I think not. It seems to me that it is no more than right, if the people [illegible] District are not content with the library facilities which they now have, that they should, out of their own pockets, provide any extra accommodations that they think they may need.

But, sir, the people of this city have been petitioning Congress to open the doors of the Congressional Library, and no doubt some resolution will be passed providing that that shall be done. But be that as it may, it is evident that it is in our power to supply to these people the grandest library facilities that are to be found anywhere in the known world.

There are more books per capita in this city to-day than in any other city on the face of the earth. They are locked up in this building. Members of Congress can not use them to any great extent. What are the books to be kept for, if not for the people of the United States, including the people of this District. It seems to me, Mr. Speaker, that there are no grounds whatever that will justify us in making an appropriation of money for the purposes of this library if we turn over to them, as proposed by the gentleman from New Jersey, 20,000 or 25,000 volumes for their use.

Mr. GROW. I should like two or three minutes.

Mr. PITNEY. I yield three minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, this is the legislative body of the District of Columbia. It has been the settled policy for some years to divide the expense of the government of the District between the people of the United States and the people of the District, but every time we have an appropriation for the District of Columbia somebody brings in an amendment to put the expense of something on the people of the District, and so we are bothered with amendments of this sort.

The Congressional Library is not established for the people of the District of Columbia. Citizens of the United States from all parts of the country are gathered in this city. Why should we not let the appropriation for this circulating library take the same course as any other appropriation if it is useful to the people of the District? If it is not, we ought not to vote anything; but if it is, when we are acting as the legislative body for this city, why should we not vote for what we think is useful and right without the constant attempt to take some little thing out of the operation of the general rule which is well established for the expenses of the District? [Applause.]

Mr. SHAFROTH. I should like five minutes.

Mr. PITNEY. I yield the gentleman five minutes.

Mr. SHAFROTH. Mr. Speaker, I am opposed to the amendment which has been offered by the gentleman from New Jersey [Mr. PITNEY]. The reason I am opposed to it is because it is the foundation for another library building, and another library in this District within a stone's throw of the Library of Congress, the most magnificent on this continent. The gentleman may say that it is not proper to open that Library to the public; but we find upon examination that it is a complete library of duplicates, and under regulations that could be prescribed there could be no danger of the loss of valuable books therefrom. I have found upon examination that as to many popular books there are as many as twenty to thirty sets of the same. Take the popular works that are read, and we find that the numbers that are given to that Library by reason of the provisions of law authorizing the copyrighting of each edition and requiring the filing of two copies of each edition are enormous, and that now there are in some instances twenty or thirty sets of the same works in that Library. Now, what hardship——

Mr. QUIGG. Those cases are very exceptional; are they not?

Mr. SHAFROTH. No, sir.

Mr. QUIGG. Oh, yes.

Mr. SHAFROTH. Not as to the popular works. Take the works of Dickens, Scott, Hawthorne, or any popular works, and you will find that there are twenty or thirty copies of the same.

Now, what are the objections to letting the people go in and take these books and read them? I do not see why we should pile up a lot of books here for no one to read. If you ascertain the number of books read by the members of Congress and the Senate, you will find that each does not read more than one a year on an average. Are we going to lock all of these books up in the four walls of the Library and let no one get at them?

Mr. Speaker, I submit that it is not fair to the people of the District of Columbia, it is not fair to the people of the United States, that the books of the Library should be excluded from use, and I can see no danger from allowing the Library to be used. Why, Mr. Speaker, there are times when Congress adjourns for nine months. There you have a large force in that Library ready to attend to all the duties there, and yet Congress is not in session for a period of nine months. This bill proposes to create three or four offices and provide rooms for a new library, and after awhile you will find an appropriation will come in for the erection of an elegant building, and then you will have two library buildings within the limits of this city.

Mr. PITNEY. If the gentleman will allow me, the fact is that my amendment, while it will create officers of the free public library, will do away with the employment of a considerable number of clerks and the room and space for each one of these libraries now in the several departments necessary for the care of those libraries.

Mr. SHAFROTH. I am willing to admit that the amendment of the gentleman is a better amendment than that which was placed upon this bill by the Senate; but I submit we have no necessity for another library in the District of Columbia.

Mr. NORTHWAY. The gentleman knows it has already been established by law.

Mr. SHAFROTH. Yes; but there was no appropriation made for it.

Mr. NORTHWAY. If the city pays for the expense of the library, can they not have this library?

Mr. SHAFROTH. I am perfectly willing that they should do that. If that is required, they will never do it.

Mr. NORTHWAY. But that will answer the objection to that library here and the employees will not be employed.

Mr. SHAFROTH. If the District wants to maintain a dozen libraries, I have no objection to it; but that is not what they are asking. They want the United States to pay half of the expense; and I submit we ought not to run two different libraries in the District of Columbia.

Mr. QUIGG. Is not only the large Library being used, but the library in almost every one of these Departments?

Mr. PITNEY. My amendment will consolidate them.

Mr. QUIGG. They are open to the public.

Mr. SHAFROTH. Mr. Speaker, when we take into consideration the fact that we have a Library here with 740,000 volumes, in a building with enormous library space, and that in all the works of a popular character we have numbers of sets of the same, I submit that the amendment ought not to pass.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITNEY. I yield such time to the gentleman from Missouri as he desires.

Mr. DOCKERY. Mr. Speaker, this bill, so far as agreed upon, involves a larger liability than it should for the support of the government of the District of Columbia, but the House conferees have made the best settlement of the items in controversy that was possible to be made; and I congratulate them on having been able to secure from the Senate the large number of concessions that are shown by this conference report.

Mr. Speaker, at the risk of imperiling my already widespread popularity (?) in this District——

Mr. RICHARDSON. What kind was that?

Mr. DOCKERY. Widespread. I say, at the risk of jeopardizing my growing popularity (?), I desire to indorse the amendment offered by the gentleman from Vermont. I know that I incur some risk in so doing, but still——

Mr. RICHARDSON. No personal risk.

Mr. DOCKERY. Oh, no; only as to popularity. But still I am willing to take it.

Mr. Speaker, the expected has come to pass. I anticipated last session, when the gentleman from Vermont [Mr. POWERS], in the affluence of his generosity, yielded to the Senate and consented to the passage of the Library bill, omitting any reference to the manner in which it should be maintained, that this estimate would follow. I thought then, as I know now, that the bill was but the entering wedge for propositions soon to follow, first for a limited clerical force, accompanied with a provision for renting a building, to be followed later on by a great pressure for the erection of a magnificent library building in this District which, with its appointments, furniture, and fixtures, would probably cost the Government a million dollars or more. These demands will follow, of course, in logical sequence.

Mr. Speaker, if the people of the District, notwithstanding that under the shadow of the Dome of this Capitol there are thousands of laboring men without employment, despite the fact that almost within the sound of my voice there are merchants and business men who are and have been for months doing an unsatisfactory and unremunerative business because of the prevailing depression—if, I say, the people of this District, notwithstanding the gravity of this situation, desire to tax themselves for a free library, I am content. I will yield my opposition provided it is paid for solely out of the revenues of the District of Columbia. I say this, Mr. Speaker, being fully advised as to the provisions of the organic act of 1878. I do not at this time seek to change the compact made then between the Government and the people of the District of Columbia, but, in my view, the establishment and maintenance of a free public library is not that character of government function which in equity would entail one-half of its cost and maintenance upon the people whom I have the honor to represent and the people whom other gentlemen here have the honor to represent—in other words, upon the people of the United States who are not residents of the District of Columbia.

But, Mr. Speaker, let me suggest another view of this question: Even though every Representative on this floor conceded the propriety of providing for a free library as a proper and legitimate function of government—I say, even though every gentleman here favored the measure, this is not an opportune moment to press the question upon the attention of Congress. For about a century this city has existed without the library which is now proposed, yet I know of no more intelligent citizens in the Union than those who live in Washington. The taxpayers and residents here already have advantages in this respect which my people do not enjoy and the constituents of the gentleman from New Jersey [Mr. PITNEY] have not. The United States has just completed the most gorgeous Library building in the world, to which more than 700,000 books will soon be transferred.

That Library should be open to the people of the District of Columbia under proper regulations, and I had hoped that this proposition would not be pressed until the Library was organized in its new quarters. When that is done, I shall favor the opening of the Library to the people of this District under suitable limitations.

But this is not all, Mr. Speaker. There are libraries in several of the great Departments here, as stated by the gentleman from New York [Mr. QUIGG], that are now open to the public, or, if not in every instance open to the general public, they are open to the employees of the Government——

Mr. QUIGG. Open to the public.

Mr. DOCKERY. I think that statement is accurate, and certainly they are open to the employees of the Government, who constitute a large part of the population of this city.

Mr. Speaker, with the untoward business conditions prevailing, I submit to the candid judgment of the House whether the present is an opportune time to inaugurate this enterprise. Let us pause, gentlemen, until, in the language of that distinguished citizen of Ohio who is to be inaugurated President of the United States to-morrow, the "mills of the United States are open." They have not yet been opened; indeed, many of them are now closed, or, if not closed, are running on half time. Manufactures are not prosperous; agriculture is absolutely helpless; the army of the unemployed is growing day by day. I do not propose now to inquire as to the causes of these grave conditions, or to enter in any way upon political debate; but until they have been dissipated by the return of prosperity, I urge this House, with its 180

majority opposed to me politically, to stay its hand and not invade the Treasury to begin an enterprise which contemplates an expenditure of at least a million dollars. [Loud applause.]

Mr. NORTHWAY. Are we to understand that the gentleman from Missouri proposes to follow the lead of the distinguished gentleman from Ohio, to whom he has referred, upon business and fiscal matters, as he does in this matter?

Mr. DOCKERY. Oh, no; I made no statement of that kind. During the last campaign it was suggested by that eminent citizen of Ohio that the mills should be "opened;" and my suggestion was that we should wait until the mills are fully "opened" before we undertake to open this library. [Applause.]

Mr. Speaker, I have a theory, an old-fashioned Democratic theory, that the way to open and keep open the mills is to give them profitable employment, so that what they manufacture can be sold to the consumers of this and other countries at a reasonable profit, and that such conditions should obtain as will enable consumers to accumulate a satisfactory surplus with which to purchase the output of the mills. In other words, my idea is that if you wish to start the mills we must begin at the base of our industrial fabric; money must find its way into the pockets of the people who consume; and then when the individual consumer has a surplus he will be better able——

Mr. PITNEY. I hope my friend will confine himself to the question of a library.

Mr. GROUT. The gentleman from Missouri is talking politics.

Mr. BRUMM. He is making a protection speech.

Mr. PITNEY. Yes; a very good protection speech; but really we must get on with this bill.

Mr. JOHNSON of Indiana. The gentleman from Missouri must retain himfelf.

Mr. DOCKERY. I regret that my friends on the other side are so sensitive on the question of "opening the mills." I will close my remarks with a single observation.

Mr. JOHNSON of Indiana. I hope the gentleman will not inflict a political discussion on us.

Mr. DOCKERY. Oh, no; I will not do that.

Mr. JOHNSON of Indiana. But the gentleman is getting there unconsciously.

Mr. DOCKERY. If so, then I withdraw anything that touches upon the domain of politics, because I desire the amendment offered by the gentleman from Vermont to prevail.

Mr. PITNEY. The gentleman will remember that I have only an hour.

Mr. DOCKERY. I am a member of the conference committee, and I think entitled to occupy some little time on this bill.

Mr. JOHNSON of Indiana. The gentleman is instructive on every subject except politics.

Mr. DOCKERY. I do not know whether I am instructive on that subject or not, but I have been trying to instruct the gentleman from Indiana and enlighten my friend from New Jersey as to the way in which our mills should be opened. I insist that prosperity must begin with the consumer. The man who consumes the products of the mills must be prosperous, else the mill owner can not permanently prosper. I want to add but a single word. I desire simply to put this query to the House: Even though members earnestly favor a free library, is it not wise to postpone the inauguration of the enterprise until prosperity returns to our people? I hope the House will do this; but if it is insisted that the library be inaugurated now, I trust the amendment of the gentleman from Vermont [Mr. POWERS] will prevail.

Mr. PITNEY. I yield three minutes to the gentleman from New York [Mr. QUIGG], and after that I shall have to bring this debate to a close.

Mr. QUIGG. Mr. Speaker, I regret that the gentleman from Missouri [Mr. DOCKERY] has drifted into political observations with regard to this paragraph, for I am afraid that thereby some of the force of what he has said in regard to these libraries has been lost. If I can have for two or three minutes the attention of the House, I should like to tell what the Government has done and is doing with regard to libraries for the use of the people of the District of Columbia.

We maintain not only the Congressional Library, to which the people resort for the purpose of reading in the library, but there are maintained no fewer than seven departmental libraries, all of which I believe, and three of which I know, are circulating libraries. The Bureau of Education has a library of more than 200,000 volumes. Only about one-fourth of those volumes have any relation whatever to the business of that Bureau. The rest of them are story books, histories, travels, poetry, biography, all sorts of works for general circulation; and they are taken out of the library by the people of this District to their homes, to be read and returned.

The State Department contains a similar library. I say it is entirely against public policy for the Government to spend one dollar for the maintenance of another circulating library. The thing that the Government ought to do is to admit the public of the District of Columbia to the use (in the fullest sense of the term) of the books that are now in the Congressional Library. The Government ought to cut off the support that it now gives to the libraries of these various bureaus and Departments; it should cut off the appropriations by which those libraries are now enabled to purchase story books and histories, books of travel, biography, etc. The libraries of the Departments and bureaus ought to be confined entirely to those works that are needed for consultation by officers of those Departments and bureaus in the line of their business. The books for circulation among the people ought to be the books contained in the Congressional Library. But so long as we do maintain these bureau libraries and build them up, spending thousands of dollars a year for that purpose—very nearly $60,000, I believe, is the sum—although we give only $12,000 a year to the Congressional Library——

The SPEAKER. The time of the gentleman from New York [Mr. QUIGG] has expired.

Mr. QUIGG. Just one minute more. And of the present $12,000 appropriated annually for purchase of books, etc., for the Congressional Library, a considerable portion is spent for law books, periodicals, newspapers, etc., so that practically the Congressional Library has not one dollar, and has not had in thirty years, with which to replenish its supply of books. It obtains its increase almost entirely from the operations of the copyright law. Although that is the case with the Congressional Library, we spend annually $60,000 to build up the bureau libraries and supply them with works to circulate among the people of the District of Columbia. In view of that fact, Mr. Speaker, it must be obvious to the House that the amendment of the gentleman from Vermont [Mr. POWERS] ought to carry; and having carried that, we ought to disagree entirely, and send the item back to conference and have it stricken out.

Mr. PITNEY. Mr. Speaker, it is not very often that the gentleman from New York [Mr. QUIGG] who has just taken his seat hurts the cause he advocates by any remarks he may make in such advocacy. In this case, however, it seems that he has succeeded in doing so. He says that the Government ought not to be put to the expense of $60,000 a year for the maintenance of circulating libraries in the District of Columbia. I agree with him most heartily, and my amendment provides for the cutting off of just that expense. He says the Department libraries ought to be confined to the technical books necessary for the official business of the Departments. I agree with him; and my amendment provides that hereafter there will be no general circulating libraries kept in the Departments, but only such libraries as are requir[illegible] official use of the Department.

Mr. QUIGG. That is good as far as it goes.

Mr. PITNEY. Now, Mr. Speaker, I do not want to debate this matter further, and, in fact, the condition of my voice will not permit me to do so. The first question will be, of course, on the amendment of the gentleman from Vermont [Mr. POWERS] to relieve the Government of one-half of the expense. I say to the House: Do not vote for the amendment unless you mean in that manner to dispose of this question finally upon this appropriation bill. The amendment of the gentleman from Vermont is to place the whole cost of this circulating library on the local taxation of the District. Let us have a fair understanding and let the action of the House be deliberately taken, and be such as it intends to adhere to. For I want the House to understand that it is not likely we shall have another conference report upon this bill submitted here until the final report is submitted. We can not be sending the bill back and forth between the two Houses at this late hour in the session; and if the House desires a public library for the use of the people of the District, let them support the proposition which I have submitted, which saves expense in the Departments and puts one-half of the expense of maintaining the new library upon the District. It is a saving in many ways. It will save the expense of clerk hire in the various departmental libraries, and will save the further duplication of books and also the room space now occupied by the libraries in the Department buildings.

Mr. PICKLER. Before the gentleman proceeds, I would like to ask a question, as I am trying to arrive at a conclusion with regard to my vote on this matter. I would like to hear either from the gentleman from New Jersey [Mr. PITNEY] or the gentleman from New York [Mr. QUIGG] upon what terms the general public will be admitted to the books of the Library, when they get into the new Library building?

Mr. QUIGG. Nobody knows anything of that yet.

Mr. PITNEY. Does the gentleman from South Dakota [Mr. PICKLER] mean the new Congressional Library building, or the new public circulating library, which is proposed to be established?

Mr. PICKLER. Well, either or both. I am trying to get at the facilities that would be offered to the public. I suppose that there will be some new regulations with reference to the methods of obtaining books from the Library.

Mr. PITNEY. Very well. I do not understand that the general collection of books in the Congressional Library is to be permitted to be taken out for the use of the public. It is not to be used, in other words, as a circulating library.

Mr. QUIGG. That is a matter of legislation.

Mr. PITNEY. Undoubtedly: a matter of legislation. I understand, however, that there are a number of duplicate books in the Congressional Library which may be put into the circulating library; but I presume they will not attempt to use them in the new Congressional Library building for purposes of circulation. If the duplicates are loaned to this new circulating library, they can be maintained cheaper there than in the present building, and they will be available then to the public.

Mr. DOCKERY. If the gentleman will permit me a moment.

Mr. PITNEY. Certainly.

Mr. DOCKERY. The legislative, executive, and judicial appropriation bill, which has just become a law, specifically gives power to the Librarian to make regulations for the conduct and control of the Library.

Mr. PITNEY. The provisions of my amendment, if adopted, would turn in the various popular books from the Department libraries to the free library, and that provision is taken from a bill introduced in the Fifty-third Congress and favorably reported by the Committee on the District of Columbia. That bill contains a further section providing that the duplicates, so far as they could be spared, from the Library of Congress should be turned in likewise. I did not insert that in my amendment now, for the reason that the Library of Congress is "moving house," and I thought it better not to interfere with it, at least at present, in that regard. If hereafter these books can be spared, it can be arranged at some subsequent time.

Mr. HENDERSON. Does the amendment of the gentleman from Vermont [Mr. POWERS] provide that this expense shall be paid half and half?

Mr. PITNEY. No; it provides that the people of the District shall bear the whole expense.

Mr. HENDERSON. And your amendment provides that it shall be divided half and half?

Mr. PITNEY. It does.

Mr. HENDERSON. Then the amendment of the gentleman from Vermont ought to be beaten.

Mr. BRUMM. The whole thing ought to be beaten at present, and acted upon separately at some future time.

Mr. PITNEY. My amendment provides that this expense shall be divided equally; but it will be remembered that there will be a great saving of expense to the Government in doing away with these various libraries in the Departments.

Now, Mr. Speaker——

Mr. POWERS. The gentleman, I think, misapprehends the purpose of my amendment. It goes with his. Both go together. There is no inconsistency between them.

Mr. PITNEY. I understand that; but the gentleman proposes that the books shall be turned in from the Departments to the circulating library, and the cost of subsequent maintenance be borne wholly by the revenues of the District of Columbia.

Mr. HENDERSON. That is the proposition exactly.

Mr. PITNEY. I should like to move the previous question.

Mr. GROUT. I propose to take charge of this matter myself, and get a vote if I can.

Mr. PITNEY. I move the previous question. That will bring a vote.

The SPEAKER pro tempore (Mr. PAYNE). The Chair will recognize the gentleman from Vermont [Mr. GROUT] in charge of the bill.

Mr. GROUT. Mr. Speaker, I believe there has been enough said with reference to this library question, and I do not propose to detain the House more than a moment. It was supposed that if these departmental libraries were taken from the Departments, and the Government relieved of that expense, that there was every reason then why the Government should be willing to bear one-half of the expense of this circulating library. We supposed that that would be an ample equivalent in the judgment of all; but still there seems to be opposition, and there is a motion to place the expense, notwithstanding that, wholly on the District. This has been fully discussed by me heretofore on two different occasions, and I am not going to detain the House on the matter now. Let us have a vote.

The SPEAKER pro tempore. The motion is on agreeing to the amendment offered by the gentleman from Vermont [Mr. POWERS].

The question being taken, on a division (demanded by Mr. POWERS) there were—ayes 44, noes 53.

Mr. POWERS. I call for tellers.

Tellers were refused, not a sufficient number rising in support of the demand.

Accordingly, the amendment of Mr. POWERS was disagreed to.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from New Jersey [Mr. PITNEY], that the House recede from its disagreement and concur in the amendment of the Senate with an amendment which the Clerk will report.

The Clerk read the motion of Mr. PITNEY as above quoted.

The question being taken, on a division (demanded by Mr. PITNEY) there were—ayes 36, noes 57.

Mr. PITNEY. Tellers.

Tellers were refused.

Accordingly, the motion of Mr. PITNEY was rejected.

Mr. GROUT. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments and agree to the further conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. GROUT, Mr. PITNEY and Mr. DOCKERY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 3014) revising and amending the statutes relating to patents in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tram roads, canals, and reservoirs, and for other purposes.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

IMMIGRATION.

Mr. DANFORD. Mr. Speaker, I desire to call up the special order, which is the message of the President returning the bill (H. R. 7864) for the restriction of immigration without his approval. I move that the bill do pass, the objections of the President to the contrary notwithstanding; and upon that I ask the previous question.

Mr. MAHANY. I call for the reading of the veto message.

The SPEAKER. The veto message has been read. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding. Under the Constitution this vote must be by yeas and nays.

Mr. KIEFER. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KIEFER. Would it be in order to move to postpone the consideration of this bill until Friday next, after the reading of the Journal? [Laughter.]

The SPEAKER. It would not. The Clerk will call the roll. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 195, nays 37, not voting 123; as follows:

YEAS—195.

Abbott,
Acheson,
Adams,
Allen, Miss.
Anderson,
Andrews,
Arnold, Pa.
Arnold, R. I.
Avery,
Babcock,
Bailey,
Baker, Kans.
Baker, Md.
Baker, N. H.
Barham,
Bell, Colo.
Bennett,
Blue,
Bowers,
Brewster,
Broderick,
Brosius,
Brumm,
Bull,
Burton, Mo.
Burton, Ohio
Chickering,
Clardy,
Clark, Mo.
Codding,
Coffin,
Cooke, Ill.
Corliss,
Cousins,
Crisp,
Crowther,
Curtis, Iowa
Curtis, Kans.
Dalzell,
Danford,
Dayton,
De Armond,
De Witt,
Dingley,
Dinsmore,
Dolliver,
Doolittle,
Dovener,
Draper,
Eddy,
Ellis,
Evans,
Fairchild,
Faris,
Fenton,
Fischer,
Fletcher,
Foote,
Foss,
Fowler,
Gamble,
Gardner,
Gibson,
Gillet, N. Y.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grow,
Hager,
Hanly,
Hardy,
Harris,
Hatch,
Heatwole,
Heiner, Pa.
Henderson,
Henry, Conn.
Henry, Ind.
Hepburn,
Hermann,
Hicks,
Hilborn,
Hill,
Hooker,
Hopkins, Ill.
Hopkins, Ky.
Howard,
Howe,
Howell,
Hubbard,
Huff,
Hulick,
Hull,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Kerr,
Kirkpatrick,
Knox,
Lacey,
Latimer,
Lefever,
Leisenring,
Leonard,
Lewis,
Little,
Londenslager,
Low,
McCall, Mass.
McCall, Tenn.
McClure,
McCulloch,
McEwan,
McLaurin,
McRae,
Meiklejohn,
Miller, W. Va.
Milliken,
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Mozley,
Northway,
Otjen,
Overstreet,
Payne,
Pearson,
Perkins,
Pickler,
Pitney,
Poole,
Powers,
Prince,
Pach,
Quigg,
Raney,
Reeves,
Reyburn,
Robinson, Pa.
Royse,
Russell, Conn.
Scranton,
Shafroth,
Shannon,
Sherman,
Shuford,
Simpkins,
Skinner,
Smith, Ill.
Smith, Mich.

Snover,
Sorg,
Southard,
Southwick,
Sperry,
Stahle,
Steele,
Stephenson,
Stewart, N. J.
Stewart, Wis.
Stokes,
Stone, W. A.
Strowd, N. C.
Sulloway,
Taft,
Tate,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tracey,
Updegraff,
Van Voorhis,
Wadsworth,
Walker, Va.
Wanger,
Warner,
Washington,
Watson, Ind.
Watson, Ohio
Wilson, Ohio.
Wilson, S. C.
Wood,
Woodman,
Woomer,
Wright,
Yoakum.

NAYS—37.

Bankhead,
Bartholdt,
Bartlett, Ga.
Bell, Tex.
Buck,
Catchings,
Cockrell,
Cummings,
Erdman,
Fitzgerald,
Hall,
Harrison,
Hart,
Hurley,
Kiefer,
Kleberg,
Kyle,
Livingston,
Loud,
Mahany,
McClellan,
McMillin,
Meredith,
Meyer,
Owens,
Parker,
Patterson,
Price,
Richardson,
Robertson, La.
Sauerhering,
Sparkman,
Spencer,
Stallings,
Turner, Ga.
Walker, Mass.
Woodard.

NOT VOTING—123.

Aitken,
Aldrich, Ill.
Aldrich, T. H.
Aldrich, W. F.
Allen, Utah
Apsley,
Atwood,
Barney,
Barrett,
Bartlett, N. Y.
Beach,
Belknap,
Berry,
Bingham,
Bishop,
Black,
Boatner,
Boutelle,
Bromwell,
Brown,
Burrell,
Calderhead,
Cannon,
Clark, Iowa
Clarke, Ala.
Cobb,
Colson,
Connolly,
Cook, Wis.
Cooper, Fla.
Cooper, Tex.
Cooper, Wis.
Cowen,
Cox,
Crowley,
Crump,
Culberson,
Curtis, N. Y.
Daniels,
Denny,
Dockery,
Ellett,
Gillett, Mass.
Grout,
Hadley,
Hainer, Nebr.
Halterman,
Harmer,
Hartman,
Hemenway,
Hendrick,
Hitt,
Huling,
Hunter,
Hutcheson,
Jenkins,
Joy,
Kem,
Kulp,
Lawson,
Layton,
Leighty,
Lester,
Linney,
Linton,
Long,
Lorimer,
Maddox,
Maguire,
Mahon,
Marsh,
Martin,
McCleary, Minn.
McCormick,
McCreary, Ky.
McDearmon,
McLachlan,
Mercer,
Miles,
Miller, Kans.
Milnes,
Miner, N. Y.
Money,
Moses,
Murphy,
Murray,
Neill,
Newlands,
Noonan,
Odell,
Ogden,
Otey,
Pendleton,
Phillips,
Ray,
Rinaker,
Rusk,
Russell, Ga.
Sayers,
Settle,
Shaw,
Spalding,
Stone, C. W.
Strait,
Strode, Nebr.
Strong,
Sulzer,
Swanson,
Talbert,
Thomas,
Treloar,
Tucker,
Turner, Va.
Tyler,
Van Horn,
Wellington,
Wheeler,
White,
Wilber,
Williams,
Willis,
Wilson, Idaho
Wilson, N. Y.

The following pairs were announced:

Until further notice:

Mr. HARMER with Mr. HUTCHESON.

Mr. MAHON with Mr. OTEY.

Mr. BINGHAM with Mr. DOCKERY.

For this day:

Mr. BARNEY with Mr. HENDRICK.

Mr. PITNEY with Mr. PENDLETON.

Mr. MERCER with Mr. MONEY.

Mr. HULING with Mr. LESTER.

Mr. BROMWELL with Mr. TALBERT.

On this vote:

Mr. TRUMAN H. ALDRICH with Mr. SULZER.

Mr. JENKINS with Mr. TUCKER.

Mr. AITKEN with Mr. SWANSON (on this bill).

Mr. BISHOP. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. BENNETT). Was the gentleman in the Hall and failed to hear his name when called?

Mr. BISHOP. I was not. Had I been present, I would have voted "yea."

Mr. McRAE. Mr. Speaker, I ask that the gentleman from Texas [Mr. SAYERS] be excused. He is engaged in a conference committee.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. McCREARY of Kentucky. I desire to vote "nay," if it is permissible.

The SPEAKER pro tempore. Was the gentleman from Kentucky in the Hall and failed to hear his name when called?

Mr. McCREARY of Kentucky. No, sir; I was not in the Hall. I came in too late to vote; but I desire to state that I would have voted "nay" if present.

The SPEAKER pro tempore. The Chair can not entertain the request of the gentleman.

Mr. HARRISON. I ask for a verification of the vote.

Mr. COLSON. Mr. Speaker, I desire to be recorded.

The SPEAKER pro tempore. Was the gentleman in the Hall and listening to the roll when his name should have been called?

Mr. COLSON. I was not.

The SPEAKER pro tempore. The Chair can not entertain the request of the gentleman.

Mr. COLSON. I did not happen to be in the Hall, but I desire to say that if I had been present, I would have voted "nay."

Mr. MONEY. Mr. Speaker, I want to say that I was not in the Hall, but if present, I should have voted "nay."

The SPEAKER pro tempore. On this question the yeas are 193, the noes are 37. So the House, upon reconsideration, two-thirds having voted in the affirmative, decides to pass the bill, the objections of the President to the contrary notwithstanding. [Applause.]

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to call up the conference report on the Indian appropriation bill. I desire in that connection to ask unanimous consent to dispense with the reading of the report, because it is the identical report that was read at an earlier hour to-day, except the provision relating to the Oklahoma land, and that the Senate has receded from.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to dispense with the reading of the conference report. Is there objection?

Mr. RICHARDSON. I want to ask the gentleman if there is any statement accompanying this report?

Mr. SHERMAN. There was a full statement read at the time the other conference report was submitted, and there is another statement presented now.

Mr. RICHARDSON. That is what I asked the gentleman. That covers the point of my inquiry.

Mr. MOODY. Pending the statement of the question, I would like to ask the gentleman form New York as to what disposition was made of the appropriation for the Indian schools.

Mr. SHERMAN. That is not in this conference report, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The Clerk will read the statement.

The statement was read, as follows:

Statement to accompany conference report No. 2 on Indian appropriation bill.

This report is identical with report No. 1, except that the Senate recedes from the disagreement to amendment numbered 14, whereas in the report No. 1 the House receded.

This is the amendment relating to the Osage lands, and by this report said lands remain in Oklahoma.

Mr. SHERMAN. Mr. Speaker, I ask for a vote.

Mr. BAILEY. I desire to inquire of the gentleman from New York what became of the judiciary amendment, as it relates to this conference report.

Mr. SHERMAN. It is not in this conference report. That is still in conference.

The question was taken; and the conference report was agreed to.

Mr. SHERMAN. Mr. Speaker, I move now that the House further insist upon its disagreement to the amendments of the Senate, and ask for a further conference.

The motion was agreed to.

Mr. SHERMAN. Mr. Speaker, I neglected to move to reconsider the former vote, and I now make the motion to reconsider the vote by which the conference report was agreed to, and to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER pro tempore announced the appointment of the following conferees: Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I desire to present a conference report on the Post-Office appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10290) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 16, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 9, 13, 15, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recedes from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"*Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service; and the Postmaster-General shall report to Congress at its next regular session the prices paid for such service."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said Senate amendment insert the following: "Four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 17, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment, amended as follows: Strike out in line 9, page 11, of the bill the word "four" and insert in lieu thereof the word "five;" and the Senate agree to the same.

E. F. LOUD,
J. C. KYLE,
Managers on the part of the House.
W. B. ALLISON,
R. F. PETTIGREW,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made twenty amendments to the bill, involving a net increase of $250,000.

By the action of the conferees submitted in the accompanying conference report, the Senate recedes from amendments involving $162,000.

The Senate also receded upon one amendment involving increase of $42,000.

The effect of the action of the committee on amendments 1, 2, and 3 is to restore the words "at Detroit," and reducing the amount of the appropriation from $90,000 to $80,000.

No. 4 increases the appropriation for stationery and incidental expenses for money-order service $5,000, as per subsequent estimate of the Post-Office Department.

Amendments Nos. 6, 7, and 8: The House agreed to increase the appropriation for pneumatic tube or other similar device service from $50,000 to $150,000, as per revised estimate of the Post-Office Department, and strikes out so much of Senate amendment as makes said amount immediately available; also provides for purchase if thought advisable by the Department. This increase does not, however, increase the amount appropriated in the bill as passed the House, only increasing the amount for this special service out of mail-messenger service fund.

Amendment No. 9 increases the amount now paid to St. Louis Bridge Company from $25,000 to $50,000 per annum. No. 10 reduces the amount as carried in Senate amendment for pay of railway post-office clerks from $8,182,000 to $8,100,000.

Amendment No. 11: The Senate recedes from its amendment providing $300,000 for transportation of mail by electric and cable cars, and agrees to an amount of $250,000, the House acceding to an increase of $25,000, the Senate acceding $50,000.

Amendment No. 12 requires the Postmaster-General to report to Congress at its next session prices paid for street-car service. Senate recedes from its amendment requiring the Postmaster-General to pay to said companies such amounts as were agreed upon by committee appointed to investigate the subject, and allows the bill to stand as it passed the House, requiring said companies to perform the service for the same amount as is now received by them.

Amendment No. 13 is to allow the Postmaster-General, in his discretion, to apply any unexpended balance of amount appropriated for necessary and special facilities on trunk lines to be used for other fast-mail service.

Amendment No. 14: The House receded upon the provision reducing the per diem of post-office inspectors from four to three dollars per day, and the Senate receded from its reduction of total amount of $42,000 and agreed to the amount of $90,000.

On amendment No. 15 the House receded, which provided for the regulation of salaries of post-office inspectors, namely, at $1,200 first year, $1,400 second year, and $1,600 for third year's service.

Amendment No. 16: The Senate receded. This provides that hereafter the Postmaster-General shall not be required to make reports to Congress relating to certain mail contracts, etc.

Amendment No. 17: The Senate recedes. The provision permits the Department to pay post-office inspectors out of the amount provided in this bill instead of requiring him to pay it out of the money-order fund. The House agrees to that portion fixing the per diem of assistant superintendents, etc., at $5 per day.

Amendment No. 18: The Senate recedes. The provision allows the Department to pay for blank books, incidentals, etc., out of the amount appropriated by this bill instead of out of money-order funds, as heretofore required.

Amendments Nos. 19 and 20: The House agrees to amendment of Senate, which changes the words relating to requirement of segregation of items of the free-delivery service from "as provided in this act" to "as far as practicable."

The bill as it passed the House carried $95,535,338.75.

The bill as it passed the Senate carried $96,785,338.75.

The bill as agreed to by the conferees carries $95,623,338.75.

E. F. LOUD,
J. C. KYLE,
Conferees on the part of the House.

Mr. LOUD. Mr. Speaker, I ask for the adoption of the report.

The conference report was adopted.

On motion of Mr. LOUD, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

FORFEITED DOMESTIC OPIUM.

Mr. PAYNE. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10036) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

S. E. PAYNE,
WALTER EVANS,
BENTON McMILLIN,
Managers on the part of the House.
JUSTIN S. MORRILL,
STEPHEN M. WHITE,
O. H. PLATT,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The conferees on the part of the House present the following statement, to accompany their report on the amendment of the Senate to the bill H. R. 10036:

The House bill authorizes the Secretary of the Treasury to sell forfeited domestic smoking opium to the highest bidder. The Senate amendment struck out the provision for a sale of such opium and substituted a provision for its destruction. The Senate conferees recede from the amendment, which leaves the House bill as it originally passed the House, to which the House conferees agree.

March 2, 1897.

S. E. PAYNE,
WALTER EVANS,
BENTON McMILLIN,
Conferees on the part of the House.

Mr. PAYNE. Mr. Speaker, I ask for a vote on the adoption of the report.

The conference report was adopted.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

NAVIGATION LAWS.

Mr. PAYNE. Mr. Speaker, I desire to present another conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same, with amendments as follows:

In the language proposed to be inserted by the Senate, section 2, line 2, strike out the word "nine" and insert in lieu thereof the word "eight."

Section 2, line 4: Strike out the word "one" and insert in lieu thereof the word "two."

Section 2, line 6: Strike out the word "superficial" and insert in lieu thereof the word "square."

Section 2, line 8, after the word "therein," insert the following: "*Provided*, That any such seagoing sailing vessel built or rebuilt after June 30, 1898, shall have a space of not less than 100 cubic feet and not less than 16 square feet measured on the deck or floor of that space for each seaman or apprentice lodged therein."

In line 9, after the word "drained," insert the word "heated."

Section 3, line 31: Strike out the words "be then," and after the word "also" insert the word "be."

Section 4: In lieu of the language proposed by the Senate insert that proposed by the House as follows:

"SEC. 4. That section 4541 of the Revised Statutes be, and is hereby, amended by striking out the words 'district judge for the district,' in the seventh line of said section, and substituting in place thereof the words 'circuit court of the circuit;' and that said section be, and is hereby, further amended by striking out the words 'district judge,' where they occur in the eleventh and twelfth lines of said section, and substituting in place thereof the words 'circuit court.'"

Section 8, line 6, strike out the word "twelfth" and insert in lieu thereof the word "eighteenth," and in line 7 strike out the word "twenty-eighth" and insert in lieu thereof the word "thirty-fourth."

Section 12, line 1, strike out the word "and;" also in line 2, strike out the word "and," and in line 3, after the letter "(C)," insert the words "rule 16 and rule 17;" and in line 14, after the word "fifteen," insert the following: "Whenever there is a fog or thick weather, whether by day or night, fog signals shall be used as follows:"

Section 12, after line 22, insert the following:

"RULE 16. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

"RULE 17. When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

"(*a*) A vessel which is running free shall keep out of the way of a vessel which is closehauled.

"(*b*) A vessel which is closehauled on the port tack shall keep out of the way of a vessel which is closehauled on the starboard tack.

"(*c*) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

"(*d*) When both vessels are running free with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

"(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel."

Section 18: Strike out lines 12 and 13 and insert in lieu thereof the following: "Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes."

Section 20: Strike out all of the section after the word "effect," in line 1, and insert in lieu thereof the words "July 1, 1897."

And the Senate agree to the same.

SERENO E. PAYNE,
JOHN SIMPKINS,
A. S. BERRY,
Managers on the part of the House.
WILLIAM P. FRYE,
KNUTE NELSON,
STEPHEN M. WHITE,
Managers on the part of the Senate.

The statement on the part of the House conferees was read, as follows:

The conferees on the part of the House present the following statement to accompany the conference report on H. R. 2663:

The Senate presented a single amendment, striking out all after the enacting clause, and substituting new sections in lieu thereof, which presented very few material amendments to the House bill.

The House bill provided in section 2 that on all vessels constructed after 1898 there should be allotted to each member of the crew not less than 108 cubic feet of space in the forecastle. The Senate amendment struck off this provision, leaving the present law, which requires only 72 cubic feet. The report of the conferees restores the House provisions as to sailing vessels of over 200 tons burden, requiring a minimum of 100 cubic feet of space and not less than 16 square feet on the deck to each person of the crew and extended as far as applicable the requirements of this section to Mississippi steamboats. The report of the conferees restores section 4 as originally passed by the House, the amendment of the Senate being verbal only.

Section 12 of the House bill amends rule 14 of the "Rules of the road." The Senate, in addition, recommended as an addition to rule 15, rules 16 and 17 as recommended by the American representatives of the International Marine Conference. To this amendment the House conferees recommend that the House recede from its disagreements.

Section 18 of the House bill amends section 5347 of the Revised Statutes. The object of this amendment is to authorize the punishment of any master who willfully beats or wounds any of his crew, without obliging the sailor to prove malice, hatred, or revenge, as is at present required by law by said section. The Senate amendment strikes out the word "willfully" and authorizes the punishment of any master who beats or wounds any of his crew without justifiable cause.

The House conferees agree with the Senate amendments adding the following words: "Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes." Section 4611 was enacted in 1850 and abolished flogging in the American merchant marine.

Section 20 is amended by providing that the act shall take effect on the 1st day of July, 1897.

The other amendments are simply verbal, and do not affect the original intention of the House bill.

S. E. PAYNE,
JOHN SIMPKINS,
Conferees on the part of the House.

The conference report was adopted.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

WRITS OF CERTIORARI.

Mr. BAKER of New Hampshire. I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the House amendment, and agree to the same amended as follows:

Strike out, in line 3, section 1, the following: "That in all cases hereafter arising," and insert in lieu thereof the following words: "That in all criminal cases, and in such civil cases as may hereafter arise."

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.
DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on Senate bill No. 3538, to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, report that the Senate has receded from its disagreement to the House amendment and agree to the same with an amendment providing that the writ of certiorari may issue in all criminal cases and in civil cases arising after the passage of this act. They agreed that the personal rights of the citizen on trial in the District of Columbia ought to be preserved and sustained the same as in the several circuits of the United States, and to that end should be subject to review by the Supreme Court, whenever in its opinion the public interests or individual rights so require. Not to interfere in any determined property rights, the act applies in civil matters in cases arising hereafter only.

HENRY M. BAKER.
D. B. HENDERSON.

Mr. BAKER of New Hampshire. I move the adoption of this report.

Mr. BAILEY. Before that motion is submitted——

The SPEAKER. Does the gentleman from New Hampshire yield to the gentleman from Texas?

Mr. BAKER of New Hampshire. I do.

Mr. BAILEY. I understand that the conferees have agreed upon one rule as to civil cases and another rule as to criminal cases. I understand that, according to the bill as now agreed upon, the privilege of this writ applies in civil cases only to those hereafter arising; but as to criminal cases it applies to all cases, including those which have heretofore been adjudged. I ask the gentleman from New Hampshire whether my understanding on that point is correct?

Mr. BAKER of New Hampshire. It is true that the managers, in the bill reported by them, have made the distinction which the gentleman states, and it has been done for this reason: In their opinion a man's personal right to his freedom is of higher moment than his property rights.

Mr. BAILEY. That would be a very sufficient answer if the man had not already had ample protection for his personal rights. He has had his trial; he has had his appeal, the same as citizens of the State are now permitted to have. His case has been heard, first, in the trial court, and then in the court of appeals. I am not of the opinion that any man in the District of Columbia is entitled to any further or higher right than a citizen of New Hampshire. Yet the purpose of this bill as now reported is to give a citizen of the District of Columbia a double appeal as against the single appeal existing in behalf of a citizen of New Hampshire.

Mr. BAKER of New Hampshire. This does not grant an appeal to any individual whatever.

Mr. BAILEY. Of course the bill, strictly and technically speaking, grants nobody an appeal; but the citizen of New Hampshire can only go from the nisi prius court to the appellate court, while in this bill you permit the citizen of the District of Columbia to go from the nisi prius court to the appellate court of the District, and then go still further—into the Supreme Court of the United States. The original bill, or the bill as amended by the Judiciary Committee, was of doubtful propriety. The Committee on the Judiciary, however, out of abundant regard for the rights of the citizen, did finally consent to report the bill favorably with an amendment. I desire to say to the House in all candor that I am of the opinion there is some particular case to be affected by this measure. If not—if there is no existing judgment of a court to be disturbed—then a simple insertion of the word "hereafter" will relieve the measure of any such suspicion. But I am absolutely certain that there is some particular sentence which it is sought to suspend by the passage of this bill; and for that reason I shall vote against the adoption of this conference report.

Mr. BAKER of New Hampshire. Mr. Speaker, the contention of the gentleman from Texas [Mr. BAILEY] would be correct if the courts in the District of Columbia were on a par with the State courts. But such is not the case. This bill, if passed as reported by the managers on the part of the Senate and the House, will give to the Supreme Court of the United States exactly the same right and authority that it now exercises over the nine circuit courts of appeals of the United States—no more and no less. The bill grants no appeal whatever. It simply permits the Supreme Court of the United States, when in its judgment it is necessary to preserve the rights of the Government, or upon any question involving the constitutionality of a law or any question in relation to the Constitution, to order by this writ the record in the court below to be brought before it for its revision. That is all there is in the bill. I now call the previous question.

Mr. BAILEY. Will the gentleman allow me a question?

Mr. BAKER of New Hampshire. Certainly.

Mr. BAILEY. I am sure the gentleman will be entirely frank with the House. I understand that there is one Chapman, who has been sentenced to imprisonment under the law for conduct in connection with the investigation of speculations in sugar stock during the last session of Congress; and I understand the purpose of this bill in applying the word "hereafter" only to civil cases is to permit him to take his case by writ of certiorari to the Supreme Court of the United States. Will the gentleman say whether that is so or not—whether he knows anything as to the truth of that matter?

Mr. BAKER of New Hampshire. In reply to [illegible] inquiry, I will say that the only information I have on that topic I have derived from the gentleman from Texas himself. I know nothing more about it. But whatever the condition of the matter may be, I am willing to leave to the discretion of the Supreme Court of the United States the advisability of retrying any cause which is within its jurisdiction.

Mr. BAILEY. Mr. Speaker, if the gentleman from New Hampshire will indulge me a moment, simply to remind him, when he says that the District of Columbia courts can not be assimilated to the State courts, because as he says under the law they have the right of appeal, that is to say in the States they have a right to appeal to the circuit court of appeals, but he must know that that is only in the Federal jurisdiction. With reference to almost every State in the Union any person accused of crime has a right, after trial and conviction in a nisi prius court, to a single appeal to the appellate tribunal of the State. And I again submit to the gentleman that this bill is surrounding the citizens of this District with an additional appeal, which does not exist and has not existed in any State of the Union.

Mr. ARNOLD of Pennsylvania. Does the gentleman mean to say that a defendant in a criminal case has no right to appeal from the highest State court to the Supreme Court of the United States where a constitutional question is involved?

Mr. TERRY. I would like to ask the gentleman from New Hampshire a question. Does the gentleman mean to say that this bill would have been reported in the first place by the Judiciary Committee of the House unless that word "hereafter" that the Senate has stricken out had been retained?

Mr. BAKER of New Hampshire. I believe it would.

I call for the previous question.

Mr. TERRY. The gentleman, I think, knows that the House Judiciary Committee would not have recommended that bill otherwise.

The SPEAKER. The gentleman asks the previous question.

The previous question was ordered, under the operation of which the question was taken; and on a division (demanded by Mr. BAKER of New Hampshire) there were—ayes 43, noes 57.

So the House refused to adopt the conference report.

Mr. BAKER of New Hampshire. I demand tellers.

Tellers were refused.

Mr. BAKER of New Hampshire. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate, and that a further conference be asked for.

The motion was agreed to.

PATENTS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 3014) revising and amending the statutes relating to patents.

The Senate amendments were read at length.

Mr. DRAPER. Mr. Speaker, I am authorized by the House Committee on Patents to move that the House concur in the Senate amendments.

Mr. HEPBURN. I would like to ask the gentleman from Massachusetts a question. Is it not possible, under the amendments just read, that a person not the inventor of some foreign discovery might patent it here, provided that it had not been patented abroad or had not been in public use for two years?

Mr. DRAPER. It is not.

The question being taken on the motion of Mr. DRAPER, to concur in the Senate amendment, the motion was agreed to.

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks in the District of Columbia 600 feet.

The amendments of the Senate were read at length.

Mr. RICHARDSON. Mr. Speaker, this is a House bill with Senate amendments, and the amendments are only two in number, one providing that no fare shall be charged inside of the District of Columbia, and the other that the road within the District shall be completed inside of six months. It runs only 600 feet in the District. By direction of the Committee on the District, I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. GALLINGER, Mr. FAULKNER, and Mr. McMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department;

A bill (H. R. 2815) for the relief of William Lock and James H. Tinsley; and

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased; and

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

CONTAGIOUS DISEASES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The Senate amendments were read at length.

Mr. CURTIS of Iowa. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

WILLIAM LOCK AND JAMES H. TINSLEY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2815) for the relief of William Lock and James H. Tinsley.

The Senate amendments were read at length.

Mr. COLSON. I ask that the House concur——

Mr. MILNES. I would like some explanation of this bill, Mr. Speaker.

Mr. COLSON. That is a bill that passed the House several months ago without objection; it passed by unanimous consent——

Mr. MILNES. That may have been; but it involves the expenditure of considerable money, and we ought to know something about it.

Mr. COLSON. I will say to the gentleman that the amendments of the Senate reduce the amount of money that is taken from the Treasury by reason of the bill.

Mr. MILNES. Why should the bill pass at all?

Mr. COLSON. Simply because the Government has the money of this individual, and we want a settlement between the Government and the individual.

Mr. MILNES. Did not the Government get a judgment in court against this party?

Mr. COLSON. There was a judgment in court against one of the sureties on a mail contract. The fees of that surety, who was a United States commissioner, were withheld to settle this judgment. The contract entered into by the mail contractor was at $135 a year, when it was intended to be $1,350. There was a clerical error.

Mr. MILNES. I will ask the gentleman if this bill does not reverse the judgment of a court?

Mr. COLSON. It does not. It is simply to correct a clerical error.

Mr. MILNES. Then I do not understand the bill.

Mr. COLSON. That mail route had never been let for less than $1,300; but owing to a clerical error it was let at $135, when it was intended to be $1,350. This corrects that mistake. The Government loses nothing.

Mr. HUNTER. What is the amount involved?

Mr. COLSON. I suppose $200.

Mr. McCREARY of Kentucky. It is impossible for me to hear the explanation of my colleague. I ask for order.

The SPEAKER. The House will please be in order.

Mr. COLSON. Mr. Speaker, I must confess in all sincerity that I am surprised that there should be any opposition or question raised concerning this bill. I am sure that if the gentleman who raises the question understood the bill he would not object.

Mr. MILNES. What I want to get is an understanding of it.

Mr. COLSON. This bill passed the House several months ago, I believe, at the last session of this Congress. The facts were stated to the House when the bill was passed. Certain individuals entered into a contract with the Government to carry the mail over a certain star route. Sureties were required upon the bond for the faithful performance of the contract. The mail had never been carried over this route for less, I believe, than $1,300, but in putting in the bid, owing to a clerical error, it was put in at $135 instead of $1,350. One of the sureties on the bond happened to be a United States commissioner. Suit was brought, and judgment secured against the surety and the contractor, and the fees of this surety, who was a United States commissioner, were withheld to settle the judgment. This bill provides for a settlement on the basis of allowing the Government what it lost by reletting the contract.

Mr. HULICK. What was the cause of action upon which that judgment was rendered?

Mr. COLSON. Why, the contractor would not carry the mail for $135. It had never been carried for less than $1,300.

Mr. HULICK. What was the amount of the bond? Was it double the sum of $135, or double the sum of $1,350?

Mr. COLSON. The contract was afterwards re-let.

Mr. HULICK. For how much?

Mr. COLSON. About $1,300 or $1,400. What the Government lost by re-letting the contract is credited to the Government in this settlement.

Mr. PAYNE. In the suit which was brought upon the bond, did the defendant set up this mistake?

Mr. COLSON. I think not.

Mr. PAYNE. What other defense could there have been than the fact that it was a mistake?

Mr. COLSON. None.

Mr. PAYNE. Then, if there was any trial and any defense, the mistake must have been set up.

Mr. COLSON. No; it was not set up, I am quite sure.

Mr. PAYNE. There must have been some defense, if there was a trial.

Mr. COLSON. These parties lived in the country, and I do not suppose they made much of a defense.

Mr. PAYNE. I suppose they have United States courts in the country.

Mr. COLSON. These people lived over 200 miles from the place where the court was held. I will say to the gentleman that the Government is protected and its interests are cared for in every

way by this bill. This amendment was drafted by Senator BUTLER, and gentlemen know very well that he looked after the interests of the Government.

Mr. PAYNE. Of course I do not comment on any Senator, one way or the other.

Mr. COLSON. I will say to the gentleman from New York [Mr. PAYNE] in all candor that the Government does not lose a cent in the settlement provided by this bill and the amendment.

Mr. PAYNE. I understand the contractor agreed to carry this mail for $135.

Mr. COLSON. By a mistake. It was intended to be $1,350.

Mr. PAYNE. That was on a written contract submitted with the bid.

Mr. COLSON. Oh, yes.

Mr. PAYNE. After the bid had been made, the contract was made for compensation at $135. It must have been.

Mr. COLSON. The bid was put in, and the bond must accompany the bid.

Mr. PAYNE. Was the same mistake made in the bond as in the bid?

Mr. COLSON. The bonds were general. I presume the same mistake was made in the bond.

Mr. PAYNE. While the bond was general, the contract was there, and that stated the amount of the contract.

Mr. COLSON. I presume that is true.

Mr. PAYNE. The Government, of course, accepted the bid and required these people to fulfill their contract.

Mr. COLSON. They did not fulfill the contract.

Mr. PAYNE. No; it seems they did not.

Mr. COLSON. The contract was re-let.

Mr. PAYNE. And the Government obtained judgment upon the bond. Now, how long ago was that?

Mr. COLSON. The report will show.

Mr. LOUD. About ten years ago.

Mr. PAYNE. About how many years ago?

Mr. LOUD. It was in 1886, I think.

Mr. PAYNE. When did these fees accrue to the credit of the bondsman which the Government seeks to offset?

Mr. COLSON. The surety was a commissioner, and he held office about the same time.

Mr. PAYNE. Now, the whole matter has lain about ten years?

Mr. COLSON. It is hardly that long.

Mr. PAYNE. Mr. Speaker, I think this matter ought to go to a committee.

Mr. COLSON. Mr. Speaker, I have already made a motion to concur.

Mr. PAYNE. That motion does not conflict with mine.

The SPEAKER. The Chair will state to the gentleman from Kentucky that a motion to refer has precedence over a motion to concur; for this reason, that a vote on a motion to concur, if decided in the negative, would also be nonconcurrence, and a vote referring to a committee must be taken first, in order that that vote should be possible.

Mr. COLSON. A motion to refer is not debatable, is it?

Mr. PAYNE. If the gentleman wishes to debate further, I will withdraw the motion to refer for the present.

The SPEAKER. A motion to refer would be debatable.

Mr. PAYNE. Then I will leave that motion pending.

Mr. COLSON. Mr. Speaker, I regret very much to have to consume even five minutes' time of this House in explaining a measure of this kind.

Mr. STEELE. I would like to interrogate the gentleman. I am told that this involves an expense to the Government of about $150.

Mr. COLSON. Possibly that much.

Mr. STEELE. And we ought to be very careful about it.

Mr. LOUD. Two hundred and thirty-six dollars.

Mr. COLSON. I do not know how much, but a very small amount.

Mr. PAYNE. The gentleman does not mean to say that to the House.

Mr. COLSON. The amount was possibly $200 or $260.

Mr. PAYNE. How much was the judgment for?

Mr. COLSON. Oh, the judgment against the surety was for possibly——

Mr. MILNES. About $1,600.

Mr. COLSON. I think not that much. But you understand the judgment has been settled. This settlement provided by the Senate amendment takes care of the judgment. It does not refund the amount collected on the judgment at all, but it makes an equitable settlement, based upon a credit to the Government of what it lost by reason of the re-letting of the contract. It credits the Government with the difference between what it was let at subsequently and what it had been let at, or was intended to be let at, under the contract that was entered into with this unfortunate gentleman, the mail contractor.

Mr. LOUD. Will the gentleman submit to an interruption?

Mr. COLSON. Certainly.

Mr. LOUD. I would like to suggest to the gentleman that perhaps he has not scrutinized the Senate amendment closely. The Senate amendment proposes to reimburse this gentleman a stipulated amount of money, which shall be refunded to him.

Mr. COLSON. What is the amount?

Mr. LOUD. Two hundred and thirty-six dollars.

Mr. COLSON. Well, the judgment against the surety was $1,200 or $1,300.

Mr. LOUD. I just wanted to correct the gentleman's statement as to what was involved.

Mr. COLSON. Mr. Speaker, I have seen bills passed here carrying millions and millions of dollars when there was not as much anxiety manifested by certain gentlemen on this floor as to the care for the Treasury of the United States as is exhibited by some gentlemen when it is proposed to reimburse some citizen of the Republic for some money unjustly taken from him; and if the members of this House who constitute themselves the watchdogs of the Treasury would be conscientious at all times, the annual expenses of the Government of the United States would not be as great in amount as they are. [Applause.]

Mr. Speaker, if an humble individual is not entitled to his rights, who is? I stand here to say that the rights of one man in this country, I care not where he may reside or what may be his position, are equal to the rights of any other man in this Republic, I care not how high or how exalted his position may be.

Mr. LOUD. We agree upon that.

Mr. COLSON. And, Mr. Speaker, I think the settlement provided by the Senate committee was an equitable settlement. Under that settlement, if this bill should become a law, not one-fourth the amount of money would be taken out of the Treasury that would be taken out if the bill had passed the Senate in the form in which it passed the House, and yet these gentlemen let it pass the House by unanimous consent.

Mr. PAYNE. If the gentleman will yield me a few minutes——

Mr. COLSON. I decline. The gentleman from New York [Mr. PAYNE] did not object to this measure at that time, nor would he object to it now if he understood it.

Mr. PAYNE. I do understand it, and I wanted to withdraw my objection.

Mr. COLSON. I yield the gentleman two minutes for that purpose. [Laughter.]

Mr. STEELE. You ought to apologize to him. [Laughter.]

Mr. COLSON. I do.

Mr. PAYNE. Mr. Speaker, this bill [illegible]ended by the Senate reads as follows:

> *Be it enacted, etc.*, That the Auditor of the Treasury for [illegible] Department be, and he is hereby, authorized and directed [illegible] the judgment of the United States obtained March 4, 1886, in the United States district court at Louisville, Ky., against William Lock and James H. Tinsley, for $1,268.40, as the sureties of Glass & Gevelin, failing mail contractors on mail route No. 12121, upon the payment of $1,102.20, the amount of actual loss sustained by the Government on account of the failure of said contract; and upon payment of amount as aforesaid, they, the said Lock and Tinsley, shall be forever released and discharged from the payment of said judgment: and all pay that may have been heretofore withheld from J. H. Tinsley, of Barboursville, Ky., by the United States on account of services rendered by him as United States commissioner, to be applied by the United States in payment of said judgment, in excess of the actual loss sustained by the Government, the said excess being $236.68, is hereby released and directed to be paid to said Tinsley upon payment of amount of actual loss to the Government as aforesaid.

If the gentleman had read the bill, or had had it read to the House I should not have made any objection, and I now withdraw the motion to refer.

The amendments of the Senate were concurred in.

On motion of Mr. COLSON, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

HEALTH RECORDS OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for issuing transcripts of the records of the health department, with amendments of the Senate thereto.

The Senate amendments were read.

Mr. CURTIS of Iowa. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

REGULATION OF CEMETERIES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, with amendments of the Senate thereto.

The amendments were read.

Mr. MILNES. Mr Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to, and the amendments were concurred in.

COMMODORE LOUIS C. SARTORI.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, reserving the right to object, I will ask for the reading of the report in this case.

Mr. BINGHAM. I can submit the whole case in a very few words.

Mr. BARTLETT of New York. Why should we make an exception of this officer? Why should we make him a rear-admiral?

Mr. BINGHAM. I will give the gentleman, in three minutes, a statement of the facts which I am sure will satisfy him. Mr. Speaker, Commodore Sartori is to-day either the third or the fourth oldest officer in the United States Navy. He is upward of 86 years of age. He is now a resident of my district, and at the present time is seriously ill. Commodore Sartori was retired——

Mr. BAILEY. I rise to a parliamentary inquiry. I should like to know how this matter comes before the House?

The SPEAKER. It is a request for unanimous consent.

Mr. BAILEY. Very well, I will save time by objecting.

Mr. BINGHAM. Will not the gentleman permit a statement?

Mr. BAILEY. I understand it is a bill to retire an officer, and I object.

RECESS.

Mr. PAYNE. I move that the House take a recess until 5 o'clock.

The motion was agreed to.

The recess having expired, the House reassembled at 5 o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

Joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893;

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 10178) for the relief of Francisco Perna;

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent;

A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; and

A bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights;

A bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes; and

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

A further message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10228) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4930) granting a pension to Mary Forward; and

A bill (H. R. 6634) granting a pension to Sarah M. Spyker.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON as conferees on the part of the House upon the Senate bill No. 3538.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE presented a conference report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$216,785;" and the Senate agree to the same.

On the amendments of the Senate numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, the committee of conference has been unable to agree.

C. A. BOUTELLE.
J. B. ROBINSON.
AMOS J. CUMMINGS.
Managers on the part of the House.

EUGENE HALE.
M. S. QUAY.
A. P. GORMAN.
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

By the action of the conferees submitted in the accompanying conference report, fourteen of the amendments have been disposed of, the House agreeing to amendments numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 14, the Senate receding from its amendment numbered 13.

The House recedes from its disagreement to Senate amendment numbered 7, and agrees to the same with an amendment reducing the amount appropriated for dredging the channel in Mare Island Navy-Yard from $250,000 to $150,000. The House recedes from its disagreement to the amendment numbered 8, and agrees to the same with an amendment correcting the figures of the total amount in the paragraph to conform to the amendment.

On the amendments of the Senate numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, which embrace all the provisions of the bill under the heading of "Increase of the Navy," which include the Senate's proposed authorization of three torpedo boats, to cost not exceeding $500,000; a corresponding increase of the appropriation under the head of "Construction and machinery" of $500,000; the House provision modifying the test for steel used in construction of naval vessels, and the entire provision for the armor and armament of vessels heretofore authorized, including the three battle ships authorized at the last session of Congress; the appropriation for equipment of new vessels, and the Senate provision for one composite vessel propelled by steam and sail for the use of the Naval Academy.

The amendments of the Senate agreed to by the House carry an increased appropriation over the House bill of $3,000 for the Bureau of Equipment; $50,000 for machinery for the machine shop at the naval station at Port Royal; $150,000 for dredging at Mare Island Navy-Yard; $6,000 for repairs at the United States Naval Hospital at Chelsea, Mass., and $4,000 for hospital at naval station at Port Royal, making a total increase of $213,000.

The amendments disagreed to embrace proposed appropriation of $500,000 toward the construction of torpedo boats, and $250,000 for composite vessel for the Naval Academy, making $750,000 decrease from the bill as passed by the Senate.

The changes in regard to armor plate, as proposed in the Senate amendments, decrease the total amount authorized for the entire armor for the three battle ships authorized by the act of June 10, 1896, from $3,210,000 to $2,407,500 and provide that no contract shall be made for armor plate at an average rate to exceed $300 per ton of 2,240 pounds.

The bill as originally passed by the House carried $32,165,234.19; as passed by the Senate, $33,228,234.29—an increase of $1,063,000. From this the conference has taken $100,000 from the Mare Island appropriation, leaving the Senate bill, if its amendments in regard to vessels and armor were adopted, carrying $33,128,234. If the Senate amendments under the head of "Increase of the Navy," embracing $500,000 toward torpedo boats and $250,000 for composite vessel, are stricken out, the bill will carry a total of $32,377,875.

C. A. BOUTELLE.
JNO. B. ROBINSON.
AMOS J. CUMMINGS.

Mr. BOUTELLE. I move the adoption of the conference report.

Mr. HOPKINS of Illinois. Pending that, I move the following instructions to the conferees——

Mr. BOUTELLE. I think that is hardly in order at this time.

Mr. HOPKINS of Illinois. I think it is, pending the consideration of the report.

The SPEAKER. The gentleman proposes to instruct the conferees on what, on the subject of the conference?

Mr. HOPKINS of Illinois. On the subject of the conference.

The SPEAKER. On something that they have not agreed upon?

Mr. HOPKINS of Illinois. Something that they have not agreed upon.

Mr. BOUTELLE. We had better first dispose of the questions on which we have agreed.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] is correct. The first thing in order is to act on the points upon which the conferees report an agreement.

Mr. BOUTELLE. I supposed that was the object usually of a conference.

Mr. HOPKINS of Illinois. It is: but at the same time is it not proper for me at this stage to offer instructions as to one of the amendments upon which there is a disagreement, as shown by the report.

The SPEAKER. It would not be proper to move instructions upon a matter on which the House is to decide.

Mr. HOPKINS of Illinois. Well, I will ask a parliamentary question: When will be the proper time to offer instructions?

The SPEAKER. When the matter to which the instructions relate is up for the decision of the House. The usual course, when there is a partial agreement, is that the conferees report what has been agreed upon, and that the remainder is still in a state of disagreement; and when the points agreed upon are disposed of by the House, then the other matter comes up for consideration.

Mr. HOPKINS of Illinois. At this stage would it be in order to move to recede from the disagreement of the House to Senate amendment numbered 22?

The SPEAKER. That is one of the amendments not agreed upon between the House and the Senate?

Mr. HOPKINS of Illinois. Yes, sir.

The SPEAKER. That would not be in order now. The first question is on agreeing to the conference report embracing those points which the conferees have agreed upon.

The question being taken, the report of the committee of conference was agreed to.

Mr. BOUTELLE. I move that the House further insist upon its disagreement on the remaining amendments and ask a further conference with the Senate thereon.

Mr. HOPKINS of Illinois. Is it in order now to move that the House recede from its disagreement to Senate amendment numbered 22, and concur in that amendment?

The SPEAKER. The gentleman demands a separate vote upon that?

Mr. HOPKINS of Illinois. Yes, sir.

The SPEAKER. That will be in order, but the Chair will first put the question whether a separate vote is demanded on any other amendment.

Mr. BOUTELLE. I do not wish to lose the floor. I have a motion pending.

Mr. HOPKINS of Illinois. So as not to interfere with the gentleman in charge of the bill, I will simply ask for a separate vote on the amendment.

The SPEAKER. What is the number?

Mr. HOPKINS of Illinois. Amendment numbered 22, relating to armor plate.

The SPEAKER. Is a separate vote asked upon any of the other amendments?

Mr. HOPKINS of Illinois. One moment. The gentleman in charge of this bill says there are several amendments relating to armor plate. What I have in mind is the one fixing the rate of compensation for the construction of armor plate at $300 per ton as against $400, the amount originally reported by the House committee. That is the amendment on which I desire a separate vote.

The SPEAKER. Then, if there be no other separate vote demanded, the question will be on the motion of the gentleman from Maine as to the other amendments.

The question was taken; and the motion of Mr. BOUTELLE that the House insist upon its disagreement, and ask a further conference, was agreed to.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is asked.

Mr. ADAMS. Do I understand this is by unanimous consent?

The SPEAKER. It is not.

The Clerk will read the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 48, line 1, after the word "tests," insert:

"That no contracts for armor plate shall be made at an average rate to exceed $300 per ton of 2,240 pounds."

The SPEAKER. The gentleman from Maine having charge of the bill is recognized.

Mr. HOPKINS of Illinois. One moment, Mr. Speaker; I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS of Illinois. I think my motion gives me the title to the floor. Is that not correct?

The SPEAKER. The gentleman is not correct.

Mr. BOUTELLE. Now, Mr. Speaker——

Mr. HOPKINS of Illinois. Mr. Speaker, but my motion has preference——

The SPEAKER. The gentleman will see on reflection that the business of the House could not be transacted in any other way than by giving the gentleman in charge of the measure control of the floor. While the motion of the gentleman from Illinois takes precedence for the moment, still the gentleman from Maine is in charge of the bill.

Mr. BOUTELLE. Now, if the gentleman from Illinois can be persuaded to let me proceed in an orderly manner, he will oblige me very much, and I have a suspicion that he will oblige others as well. [Laughter.]

Mr. HOPKINS of Illinois. I do not want the gentleman to proceed in any other way, Mr. Speaker.

Mr. BOUTELLE. I was about to state, Mr. Speaker, that in order to have a clear understanding of the proposed amendment there are one, two, or three other amendments changing the phraseology of the House bill in regard to the matter of armor that go together. There is an amendment, for instance, which changes the total amount authorized for the purchase of armor. As I was stating a moment ago, the Senate strikes out the figures in the House provision for the total cost of the armor for the three battle ships authorized last year, which was computed on a basis of $400 per ton, as recommended by the Secretary of the Navy in a report made to Congress, under the authority of Congress, for the cost and actual price for the armor, and the Senate inserts a similar sum, based upon a computation of an average price not to exceed $300 per ton—the sum inserted now as an amendment by the Senate.

In another portion of the provision the Senate has also inserted a proviso that no armor shall be purchased at a price to exceed an average of $300 per ton. But the whole subject-matter goes together, and for the purpose of the consideration of the House it is best to state that the question is as to whether the provision made by the House for the purchase of this armor for the three ships shall be not to exceed the lump sum, computed on the basis of the Secretary's report, at $400 per ton, but not specifying $400 per ton, as the House committee thought it inexpedient for Congress to put a price per yard or ton or bushel on a commodity to be purchased, or that the Senate provision shall be adopted, which provides for the purchase of the armor at an average price of $300 per ton, and also inserts a special proviso that none shall be purchased at less than $300 per ton.

Mr. HARRISON. Do I understand the gentleman to say that the amendment prohibits the purchase of any armor at less than $300 per ton?

Mr. BOUTELLE. It does.

Mr. HARRISON. Is it not true that part of the armor costs very much more than some other?

Mr. BOUTELLE. That is correct; but the amendment specifies an average cost.

Now, to facilitate the business of the House and to develop what my friend from Illinois has on his mind, I will yield him five minutes to explain.

Mr. HOPKINS of Illinois. Oh, that will not do. Give me fifteen minutes.

Mr. BOUTELLE. Well, try with five minutes first.

Mr. HOPKINS of Illinois. Let me have ten minutes, and if I do not use it I will return the time.

Mr. BOUTELLE. If the gentleman will agree to sit down at the end of ten minutes, I will yield him that time. [Laughter.]

Mr. HOPKINS of Illinois. I will try to state to the House my views of the matter, and do not think I shall occupy that number of minutes.

I am not making the motion, Mr. Speaker, simply for the purpose of making a speech, but because I think the interest of the Government will be subserved by the adoption of the Senate amendment. Now, in order that there may be no misunderstanding, I desire to read to the House the amendment proposed by the Senate, which is covered by my motion. Amendment numbered 22 reads as follows:

No contract for armor plate shall be made at an average rate to exceed $300 per ton (2,240 pounds).

Members of the House will see from the reading of this amendment that it does not interfere with the subject-matter treated of by the gentleman from Maine [Mr. BOUTELLE] in his opening remarks. It simply relates to the question whether the average rate shall be $400 per ton, as originally proposed by the House committee, or $300 per ton, as proposed by the Senate.

Another thing. This does not limit every ton of armor plate to $300. It leaves a discretion to the Secretary of the Navy in making contracts with these armor-plate manufacturers, so that if the armor in some portions of the ship is worth more than $300 per ton, the Secretary has the right to make a contract of that kind; but the evidence, as I will show later, proves that much of this armor plate can be produced for less than $200 per ton. So the amendment fixes it so that the armor plate that shall be used in the construction and equipment of one of these vessels shall not cost to exceed an average of $300 per ton.

If I have made myself clear on that proposition, I desire to state to the members of the House some of the reasons why I make this motion.

I find that on June 10, 1896, a resolution was adopted by Congress directing the Secretary of the Navy to make inquiry into the cost of armor plate used by the Government in these great war vessels, and to make a report to Congress of the cost of this armor plate. In pursuance of that direction passed by this legislative body, the present Secretary of the Navy directed a letter to the two great manufacturing concerns in America engaged in the manufacture of armor plate, namely, the Bethlehem Manufacturing Company and the Carnegie Company, calling their attention to this resolution and asking the privilege of learning from their books the cost per ton. Both these concerns refused to permit the Secretary, under this direction of Congress, to inspect their books, and they refused also to give any accurate information to the Secretary of what it did cost either of them to manufacture a ton of this armor plate.

The gentleman who is at the head of this great Department of the Government, in order to carry out the instructions which were given to him, made a trip to Europe, and in France, England, and other countries inquired into this matter. He also had the Government inspectors at Bethlehem and at the Carnegie Works make the best reports they could as to the cost of armor plate per ton. Their report to the Secretary shows that it costs about $190, taking it on an average, to manufacture a ton of armor plate. These companies made their reports, not based upon the actual figures in their possession, but based upon the capitalization of their stock, which is three or four times what is required to establish a plant for the manufacture of this armor plate, and then fixing their figures to show that it costs much more than that; but they absolutely refused to give the accurate information asked for by Congress.

The Secretary of the Navy also stated that in his investigation he had found that in all the bids that have been made for armor plate by these institutions there has been a combination existing between them, and that when there was a contract for armor plate for the *Kearsarge*, for example, one company would bid a little under the other by agreement, so that that company got the contract. When a contract was up for the *Kentucky*, the other company would bid a little under, so as to get that contract. I may not be accurate as to the two vessels, but the report of the Secretary is that for all of the work of this character that has been furnished to the Government of the United States the contracts have been about equally divided between these two companies, and he finds, on inspection of the reports, that one is always just a little under the other, so as to equally divide the work, and thus keep up the price at the enormous figure that I mentioned to the House the other day.

Mr. CUMMINGS. If the gentleman will allow me, the companies acknowledge that there is an understanding.

Mr. HOPKINS of Illinois. Very well, then, that eliminates that question, and it is admitted that there is a combination between the two great concerns that furnish these armor plates in America.

Now, I want to go a step further. The Secretary of the Navy says that when he went to Europe he found that the armor-plate manufacturers there had formed a combination, as a combination exists on this side of the water between these two in America. In order to get a foothold in Europe, the American companies, when they were charging over $500 per ton to the American Government, took a contract to furnish this armor plate, identical in all particulars in quality with that furnished to the American Government, for a little over $240 per ton.

Mr. CUMMINGS. Will the gentleman allow me again?

Mr. HOPKINS of Illinois. Yes.

Mr. CUMMINGS. This contract with the foreign government was taken when they had no work to do for this Government.

Mr. HOPKINS of Illinois. Very well.

Mr. MILNES. That does not lessen the force of the fact at all.

Mr. HOPKINS of Illinois. They took this contract at $249 per ton and delivered this armor plate to the Russian Government at the figures here stated and paid the cost of transportation, the insurance, and all the incidental expenses which occur in transporting the armor plate from this country to Europe. Well, now, when the question came up of an additional contract with the Russian Government the American manufacturers charged the same price that was charged by the Europeans, and the Secretary of the Navy, in a report that he has made to Congress, says that before the second contract was taken by the American manufacturers, that representatives from these manufactories in Europe met representatives from the two manufacturing establishments in America in Paris and practically agreed upon the price that they would charge foreign countries, and they have practically agreed upon the price they would charge to the American Government also.

Now, Mr. Speaker, under existing conditions our hands are tied. If we desire any armor plate for any new war vessel that is to be constructed, we are compelled to take the price that is offered by these manufacturers, unless Congress steps in and determines the maximum figure that shall be offered. The Senate of the United States, composed of men who have investigated this subject, have deliberately said in their amendment to this bill that they believe $300 per ton as an average rate is sufficient.

The SPEAKER pro tempore (Mr. HOOKER in the chair). The time of the gentleman has expired.

Mr. HOPKINS of Illinois. I ask for five minutes more.

The SPEAKER pro tempore. The gentleman asks for five minutes' further time. Is there objection? [After a pause.] The Chair hears none.

Mr. HOPKINS of Illinois. Mr. Speaker——

Mr. BOUTELLE. As the gentleman has not been able to say very much, I think he ought to have five minutes.

Mr. HOPKINS of Illinois. We have but one Daniel Webster, and that is the chairman of the Committee on Naval Affairs.

Mr. Speaker, what I am endeavoring to elucidate on this point is that under existing conditions there is a trust that exists in America and in Europe by which the value of this product is controlled—that there is no competition whatever.

Mr. LIVINGSTON. Will the gentleman allow me just one question?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. LIVINGSTON. If the manufacturers at home and abroad have combined and fixed the price, and if this bill fixes it below that price, have you any assurance that the Government will be able to get the armor plate?

Mr. HOPKINS of Illinois. That is what I am going to direct my remarks to.

Mr. DALZELL. That is the main point.

Mr. HOPKINS of Illinois. Mr. Speaker, there are two remedies under these existing conditions. I stated upon the floor of the House yesterday that the Illinois Steel Company to-day has in its employ the leading men who manufactured plate for the Carnegie Company, and had offered to make a contract to furnish the armor plate at $240 a ton. From information I have from experts upon this subject, at $240 per ton it leaves a net profit of $75 per ton to the manufacturer. But it is not necessary that we accept the proposition of the Illinois Steel Company. The Secretary of the Navy has said that a plant can be established by the Government in the United States for $1,500,000.

Mr. BOUTELLE. Does the gentleman believe that?

Mr. HOPKINS of Illinois. Well, if you will give me more time, I will submit to interruptions.

Mr. BOUTELLE. I certainly will. Does the gentleman believe that?

Mr. HOPKINS of Illinois. I believe it.

Mr. BOUTELLE. Does the Illinois Steel Company believe it?

Mr. HOPKINS of Illinois. I am not talking for the Illinois Steel Company.

Mr. BOUTELLE. Oh, I thought you were.

Mr. HOPKINS of Illinois. That shows you are mistaken.

Mr. BOUTELLE. I desire to inform the gentleman that I have seen a written statement of an officer of the Illinois Steel Company, within the past three days, in which he states it would cost $3,500,000 to put down a plant that would perform this benevolence for the Government.

Mr. HOPKINS of Illinois. Mr. Speaker, this should not be taken out of my five minutes.

My answer to that is that a plant costing $3,500,000 is one of those enormous plants that would exceed in size and proportion and equipment anything in America or in Europe; one of those great industries that would monopolize the world. The Secretary of the Navy, the man who has made this investigation, in a report that I hold in my hand, says that a plant of this kind can be constructed by the Government of the United States for $1,500,000; and the figures upon which he predicates that statement are given in this report.

Now, I undertake to say, Mr. Speaker, that, with this report coming to us from the Secretary of the Navy, the Senate amendment should be adopted. Any man who will read that report will come to the conclusion that at $300 per ton a larger profit is given to these American industries than any industries engaged in any other steel or textile industry in America. The Secretary of the Navy, at the same time he said that $400 per ton would be a fair allowance, stated in his report that that would give 50 per cent profit after allowing for all incidental losses.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Speaker, I yield the gentleman three or four minutes more on account of my interruptions.

Mr. HOPKINS of Illinois. Mr. Speaker, I do not desire to take up the time of this House. I am not speaking for the Illinois Steel Company. I simply used the name of that company as an illustration to show that the Government of the United States has paid much more for its armor plate in the past than it ought to have paid or than it ought to pay hereafter. I have shown from the investigations made that this armor plate can be produced for one-half what is contended for, and I am here to say, further, that if the Carnegie Company and the Bethlehem Company were not making enormous profits on these Government contracts they would have thrown open their books to the Secretary, and would have shown him that the profits they have made in the past were only reasonable profits on the amount of money they had invested in their industries. But they stand before the Government saying that they refuse to disclose how much it costs to manufacture a ton of this armor plate, and yet that the Government shall look only to them for its supply of armor plate.

Now, I say that if we adopt the Senate amendment and limit

the amount to be paid to them to an average of $300 per ton, the Government in the future will get as good armor plate as it has got in the past, and millions of dollars will be saved to the Treasury if we are to go on to construct a navy, as I trust we shall do under the leadership of my able friend the gentleman from Maine. [Applause.]

Mr. BOUTELLE. Mr. Speaker, it may as well be stated that so far as the two Naval Committees of Congress are concerned, the interests of the Carnegie Company, the interests of the Bethlehem Company, or the interests of the Illinois Steel Company have not been under consideration. I am not attorney for either of them——

Mr. HOPKINS of Illinois. Nor am I.

Mr. BOUTELLE. I do not represent either of them. I am occupying a responsible position in the House of Representatives of the United States, and am anxious, as far as in my power lies, to promote what seems to me to be the public interest of the United States. I do not believe that the public interests are to be subserved by undertaking to deal in sensational debate or by attempting to becloud public questions. I do not believe the public interests are to be advanced by appealing to the prejudice against capital or to the prejudice against wealth or to the prejudice against corporations. The plain, practical question before the Congress to-day, for the solution of which a part of the responsibility rests upon me, is how we can best proceed to finish the three great ships that we have begun as a part of the provision for our national defense, and it is no reasonable discussion of that or any other question for people to get up here and say that some commodity has cost so much per ton and that that is an enormous price, and to ring the changes upon it, without offering any argument.

Five hundred dollars a ton for steel or for iron or for any other commodity is a large price. The question is whether it is too large a price, and that is the whole question. And, in determining whether it is too large a price or not, it is absolutely unnecessary, it is absolutely undesirable, it is absolutely mischievous, to undertake to becloud the calm consideration of the question by indulging in assaults upon people who have had to do with this business in the past.

Mr. Speaker, I have had something to do with naval affairs during the whole evolution of our new Navy, yet I have never for a moment had any suspicion, I have no suspicion to-day, that any one of the great Secretaries of the Navy who have had to do with this business has sacrificed the interests of the United States to any cormorant corporation, or has endeavored to fill the pockets of wealthy manufacturers with ill-gotten gains at the expense of the United States. Whether the Government has paid more or less than it ought to have paid for some of these materials, I am one of the few men so ignorant that I do not pretend to know, and yet if I were talking to some of my colleagues in the privacy of my committee room, I should hint to them that I probably know as much about it as the average man. [Laughter.]

Mr. Speaker, this is a technical question. It is not the mere question of going out into the market and buying so many tons of this or that material. At the time this proposition first came before Congress it assumed enormous interest and importance to the people of this country, and for ten years now I have not failed, when I have been on the stump, to express my gratification at the establishment of our ability to produce the great forgings that are necessary for our war vessels upon our own soil, and by the well-paid labor of American workmen.

I made the first motion that was ever made in Congress to emancipate ourselves from dependence upon foreign countries for these great war materials. I remember it well. We had a provision in the appropriation act of 1886 that, before purchasing any iron for the double-turreted gunboats and some other vessels, the Department should inquire whether it could be procured from domestic manufacturers and that it should be bought from them if it could be obtained at a reasonable price and within a reasonable time. I took the position then—and no act of my public life has given me more gratification—that the question of price was not one of prime importance when the question of our independence of foreign factories and foreign forges for a prime article of national defense was at issue. The result of that agitation or debate in 1885 and 1886 was the establishment of these great armor plants in this country.

I remember well the skepticism which was manifested and expressed on this floor as to our ability to domesticate here these gigantic plants that could weld these great masses of steel required for the gun forgings for our ships. I said then, in 1886, that I would be willing we should wait twenty years if necessary without a single war ship afloat, in order that at the end of that time we should have on our own soil, under our own control, the ability to produce everything that entered into the construction of a ship of war.

Now, there is no conspiracy about this business. The whole history of the establishment of these armor plants is an open book. The result of the debate we had in Congress, which demonstrated the absurdity of a great nation like ours going on and building up a great navy to be composed largely of armored ships, with the recognition all the time that Great Britain was our naval rival and prospective naval foe, and at the same time remaining in dependence upon the forges of Great Britain for the armor that was to protect our own ships, impressed itself not only upon Congress, but upon the American people. What a delightful diplomatic attitude we would have been in, with some grave dispute pending with Great Britain, if we had been obliged to cable to our minister at St. James to ask the British Government if they would not kindly consent to permit us to come over there and contract for a few thousand tons of armor in order to fix our ships up for the war we intended to declare upon them!

Enough about that. The situation was absurd. Mr. Whitney, under the spur and impulse of what had taken place in this House and the action of the steel board of the two branches of Congress that had been discussing this question and looking into the possibilities of the future—Mr. Whitney, with a rare prevision for which I gave him credit at the time and for which I render him my meed of approbation now, massed together the authorizations that were made by Congress for armor for the ironclads and for the new ships of war and for steel forgings for the manufacture of our guns, and finding that he had a large aggregate which, as he believed, would offer a fair basis for American capital to embark upon this great enterprise, he conferred—with whom? Why, with the great steel-producing plants already existing in the country.

The result was that the Bethlehem Iron Works of Pennsylvania, one of the great steel plants of the country, undertook what was then a gigantic experiment, in which they had no competition that I ever heard of from the Illinois Steel Company. They were required to go abroad and purchase the most ponderous machinery and tools known to the mechanical world. As a simple illustration of the magnitude of the enterprise, let me say that one of the great tools which they were required to furnish was a steel hammer exceeding by enormous proportions the largest hammer in use upon European soil—a great trip-hammer carrying a blow of 125 tons—a hammer that became obsolete and useless years ago, notwithstanding it cost from half a million to $650,000.

That company took that contract with Mr. Whitney. The contract was based upon—what? It was based upon European experience. We had no precedents in this country; we had no competition in this country. What did they have to go upon? Secretary Chandler, in 1884, had made a contract with Brown & Campbell, great contractors for English armor, in Sheffield, England, for 600 tons of armor. What do you suppose he paid for that armor in Great Britain with its cheap labor? What [illegible] suppose Secretary Chandler contracted for at that time side by side with the prices paid in England? He contracted for some of the turret armor for the *Miantonomoh*. And mind you, this was not nickel armor; this was not harveyized armor; it was not reforged armor. It lacked the elements of cost which have enormously increased since we improved the quality of our armor plate so as to have an article superior to that of any other nation of the world. Secretary Chandler contracted for that armor in England in 1884 for $525 per ton.

Mr. HOPKINS of Illinois. The Secretary Chandler to whom the gentleman refers is now a Senator of the United States from the State of New Hampshire?

Mr. BOUTELLE. That is the identical gentleman, if I may be permitted to refer to a Senator of the United States. I have referred to him as Secretary of the Navy, not as Senator.

Mr. HOPKINS of Illinois. Does not Mr. CHANDLER to-day insist that $300 per ton on an average is all that ought to be allowed for this armor plate—that that ought to be the maximum figure?

Mr. BOUTELLE. If the gentleman desires to state that for Senator CHANDLER, he may do so. I would not feel authorized to do so.

Mr. HOPKINS of Illinois. I will state that on this question Senator CHANDLER believes as I believe; his position on this subject is identical with mine.

Mr. BOUTELLE. Mr. Speaker, I am simply trying to inform this House of some of the basic facts in this matter. I do not know that $525 was not an exorbitant price. I did not inquire at the time. I did not regard it as part of my business to inquire. After we had debated the proposition in this House about buying armor in this country if we could get it within a reasonable time and at a reasonable price, it never occurred to me to criticise the purchase of armor made in Europe, at European prices.

When Secretary Whitney grappled the problem, after the precedent of Secretary Chandler, and with the prices prevailing in the European markets at that time, there was only one course then for him to pursue. Would any gentleman have thought at that time that the Secretary of the Navy would have been subjected to severe animadversion for undertaking to make a contract with the people of the United States, to create a domestic plant here—a great armor plant—to furnish the material at prices not exceeding, and probably less, than those prevailing in Great Britain and France?

Mr. FOOTE. Will the gentleman state what is the relative price of steele now, as compared to 1884?

Mr. BOUTELLE. The price is enormously less. But the question of the relative price of steel is an insignificant question in the manufacture of armor. That, I will state, is a minor question. It is a mere question of the gross material that enters into the armor. But I am not arguing that the price is too small; I am simply stating the facts as they appear of record. I wish to relieve the minds of any gentleman present, if any of them have an idea that there has been "sculduggery" in the Navy Department or elsewhere, with reference to this armor-plate question.

Mr. FOWLER. Will the gentleman allow me a question for information?

Mr. BOUTELLE. Certainly.

Mr. FOWLER. The gentleman has stated that the Bethlehem Company purchased a very expensive plant of machinery, and amongst the rest a large drop hammer costing some $500,000 and over?

Mr. BOUTELLE. That is correct.

Mr. FOWLER. Has that been successful in cheapening the price of the product?

Mr. BOUTELLE. I can not say as to that, but it has greatly improved the product.

Mr. FOWLER. But has it cheapened it also? Is that the reason that it has gone out of use?

Mr. BOUTELLE. Not at all——

Mr. FOWLER (continuing). And not because of the effect on the product?

Mr. BOUTELLE. Secretary Whitney in 1887, and from thence forward to 1890, made contracts with the Bethlehem Company for the armor plate, the first being based on the prevailing European prices, and the conditions surrounding the transaction were $528.70 for simple steel; $549.90 for nickel steel when it was introduced, and when it became Harveyized, $600.30 per ton. The Government furnished the nickel, costing $29.68 per ton; and paid the Harvey royalty, amounting to $11.20 per ton, making a total cost, under the contract, running from 1887 to 1890, of $641.10 per ton.

In 1893 he made an additional contract: and why? Because the Bethlehem Company, after sending men abroad to procure the patents and purchase expensive tools to perfect the plant, found it took a very much longer time than they expected to get ready for work. They were delayed for years in getting to work, and of course they lost the use of the machinery for years at a time—which Secretary Herbert has taken into consideration—and the armor deliveries became very far in arrears. Then Secretary Tracey called in the great Carnegie Company and asked them to take up a part of the business of the Bethlehem Company not executed and carry it on; and he made a contract with them identical with that made with the Bethlehem Company. After they had gotten to work the two concerns went on working together in harmony, and the Carnegie Company took a part of the matter.

Now, I have been told that Mr. Carnegie was induced to go into this business and was informed in European countries that a great plant could be inaugurated to meet the requirements of the Government for an expenditure not exceeding $1,000,000; and that while the Bethlehem Company had made a larger expenditure for their plant, he could do it for less. But it did not come within the limits of their expectations. I underatand that the plant cost him some $3,000,000; that is his own statement. But he went on and manufactured the armor.

Now, the contract was made in 1893 at the rate of, for steel armor, $560.32, for nickel steel, $610.72, and for the harveyized steel, $652.14. Secretary Herbert, in dealing with the matter, secured a reduction of about $59 per ton, bringing it down for steel to $501.32, and for harveyized steel, $551.72, $19.20 being the price of the nickel, that having been reduced in the meantime, and $11.20 the royalty on the harveyized plate, making the total price $582.12 per ton.

Now, in regard to an average price, Mr. Speaker, it will be understood—and I have all the contracts that have been here made—the House will observe the manner in which they were made. They were made upon the specific features of the armor required, indicating the size, shape, and weight: and the price per ton varies, naturally and necessarily, with the shape, size, and weight of the armor required.

Mr. HOPKINS of Illinois. Will the gentleman allow me, right there?

Mr. BOUTELLE. Yes.

Mr. HOPKINS of Illinois. If we adopt the Senate amendment, the same variation can be had, can it not? A contract may be made for one piece of armor for $500 per ton, can it not?

Mr. BOUTELLE. Yes, provided the average does not exceed $300 per ton.

Mr. DALZELL. I should like to ask the gentleman a question for information. Wholly irrespective of what Congress may say as to the amount to be paid for armor plate, will it not be competent for anybody to make an offer to the Secretary of the Navy to make armor plate at a given price?

Mr. BOUTELLE. Why, Mr. Speaker, of course. The Illinois Steel Company, or any other corporation that can offer a guaranty, can make a contract for this armor for $240 per ton, as soon as the Secretary of the Navy may be installed in his office, without any trouble; and I will give any guaranty that I am able to give that they can have the contract, if they will agree to meet the specifications, at $240 per ton; but I do not believe they want it.

Mr. HOPKINS of Illinois. The object of my limiting this to $300 per ton is to provide against the Illinois Steel Company entering into a combination with these other companies and keeping the price up to four or five hundred dollars.

Mr. BOUTELLE. I can not yield.

Mr. HOPKINS of Illinois. Just one moment. I do not claim that the Illinois Steel Company is any better than any other company; and if we keep the price up to $400 per ton, and that company builds a plant, the chances are that it might enter into a combination with those plants which already exist; but if we limit it to $300, then we have got them where they are compelled to furnish the armor plate at our price.

Mr. BOUTELLE. I must resume the floor.

Mr. MITCHELL. I want to ask the gentleman a question.

Mr. BOUTELLE. I must complete the statement of these facts. I know the House is getting impatient.

I have given you the inception of these armor contracts. There is not a man on this floor who will dream of arising in his place and suggesting that either Secretary Chandler, or Secretary Whitney, or Secretary Tracy, or Secretary Herbert made a contract knowingly, or concerning which they had reasonable suspicion, that they were paying exhorbitant prices to cormorant contractors.

The fact is that the prices range along, very closely approximating to those paid on the other side of the water, and to-day we have reached the gratifying position where we are not only able to produce our own armor, but the American Congress, instead of putting in a provision in an appropriation bill, as it did in 1886, that we could make the armor of American manufacture if we could get it at a reasonable price, is now demanding that our manufacturers, who are paying the liberal wages that prevail in this country—and nowhere more liberal I believe than in Pennsylvania—shall furnish us armor, not only as cheaply as it can be built abroad, but my friend from Illinois [Mr. Hopkins] would have us produce these great forgings in our American plants at $240 a ton, when $500 to $600 per ton is the prevailing price in England and other parts of Europe to-day.

Now, that is a gratifying condition if we can bring it about. If we can do it and pay American workingmen the wages they ought to receive, if we can do it and give such a guaranty of fair profit to the manufacturer as will carry out in this country the policy of Great Britain to-day, of fostering and keeping up the great private establishments on which their naval force absolutely depends for supplies, I want to do it. I want to get this armor plate as cheaply as I can. The gentleman can not outbid me for cheap armor. I want the cheapest that can be got reasonably. Now, where am I to go to find it? I admit my responsibility. I recognize that this House has intrusted me with some care in regard to this question, and I have never discharged a duty imposed on me in my life with a more conscientious desire to reach a right conclusion than I have in this case.

Now, I should like to know where I am to go? Am I to go for information as to what we shall appropriate to armor three great battle ships now waiting for the plate—am I to go to a great steel concern, somewhere in the country, that has just dropped out of a bursted steel trust, and may be suspected naturally of having some desire for vengeance upon somebody with whom it has hitherto been associated? Am I to go to a corporation that has had the amplest opportunity all these years, and has absolutely the opportunity to-day, to bid for all the armor that is likely to be required, but which has never suggested the idea of desiring to enter into this competition till now, just when we have this question before Congress?

Mr. Speaker, I do not so conceive my duty.

Mr. HOPKINS of Illinois. Does the——

Mr. BOUTELLE. I can not yield just now. You will break the continuity of my argument.

Mr. HOPKINS of Illinois. I do not want to do that.

Mr. BOUTELLE. I have been perfectly fair with the gentleman, and I do not think he ought to do that.

Mr. HOPKINS of Illinois. Well, I will not, then; I will not disturb you.

Mr. BOUTELLE. Mr. Speaker, the Committee on Naval Affairs of this House have sat in our rooms day after day and week after week seeking information. It ought to be unnecessary for me to say that I have no prejudice against this company. I have no prejudice against the locality where it is situated. I have no partiality for either of the other companies. I care nothing for them save as they are great American interests and build up the general prosperity of the country.

I want to say that no suggestion of any kind has come to my committee or, so far as I have been able to learn, has reached the Navy Department of a desire on the part of any responsible company in the United States to furnish armor at $240 or $300 a ton; and if any gentleman on this floor, and there is a representative gathering here, knows of any corporation in the United States that has proposed anywhere to anybody, in a responsible manner, to furnish armor to the United States at $300 or $240 a ton, I pause for him to announce the name of the company. Now, we can not do business in that way.

Mr. HOPKINS of Illinois. One moment. I have said on this floor that the president of the Illinois Steel Company has said to me individually, what is understood as common property, that that company will furnish it at $240 per ton.

Mr. BOUTELLE. For what?

Mr. HOPKINS of Illinois. And that there was a clear profit of $75 per ton at that.

Mr. BOUTELLE. That is not a proper thing for you to put in here. I decline to yield any further.

Mr. HOPKINS of Illinois. You challenged me.

Mr. BOUTELLE. I made no such challenge to the gentleman.

Mr. HOPKINS of Illinois. I understood that you did.

Mr. BOUTELLE. I said in any business way. It is not a business proposition for a great steel company to come to the gentleman from the Aurora district of Illinois and make a contract.

Mr. HOPKINS of Illinois. Will you allow me?

Mr. BOUTELLE. No; I can not allow you.

Mr. HOPKINS of Illinois. All right.

Mr. BOUTELLE. Now, Mr. Speaker, we sought information where we thought it was natural for us to go; and I can not conceive any more natural or any more proper place for us to seek information than from the Secretary of the Navy, upon whom at the very last session of Congress we had placed the duty and responsibility of investigating this whole subject, with the benefit of all the technical skill that he has at his command in the Department and the ability to visit Europe, as he did, and go to the bottom of this subject, and give us the best thought and the final conclusion of that Department of the Government which is charged with the full oversight of all this business. Mr. Herbert made his report in December. It is an elaborate report. It bears evidence that he took great pains with it. I do not say that his conclusions are right. I do not know. Judgment has to be used, discretion has to be exercised; but he did report to Congress, as the result of an elaborate and careful investigation, his conclusion, after taking every fact that should be weighed into consideration, that $400 a ton, on the average, was a fair and legitimate price—just to the Government and equitable to the contractor. The Committee on Naval Affairs of the House regarded that in the nature of an estimate from the Department, just as we do any other things, and we based our report upon it.

Now, the Senate of the United States has seen fit to strike out that provision, and provided that the armor shall be purchased for $300 a ton. I do not know but that the Senate is right. I am not prepared to prove that they are not right; but I have not seen any man with whom I am familiar who is engaged in the development of our naval forces, or who is connected with the construction of these great masses of metal, who has said to me that he believes $300 a ton would induce investments of this kind. And, to repeat what I said some little time ago, I say that the Secretary was careful. He estimated that if there was care in regard to the outlay that we could put a plant here for $1,500,000. I saw a letter only a few days ago from somebody who purports to represent the Illinois Steel Company, in which they argued that a plant to carry on this work would cost $3,500,000.

Mr. HOPKINS of Illinois. The Secretary says $1,500,000.

Mr. BOUTELLE. I understand that in England he got information which led him to believe that he could build it for $1,500,000, and on that as a basis of the cost of the plant he reports to Congress that $400 a ton is a good and equitable price.

Mr. HOPKINS of Illinois. Oh, no.

Mr. BOUTELLE. Certainly he does.

Mr. HOPKINS of Illinois. He says in this estimate it costs at the extreme $190 per ton for the material and the labor.

Mr. BOUTELLE. Mr. Speaker, the gentleman must not contradict me when I am stating a fact about which I am thoroughly advised.

Mr. HOPKINS of Illinois. Let me state another proposition.

Mr. BOUTELLE. I can not allow you to state any other proposition.

The SPEAKER. The gentleman declines to be interrupted.

Mr. BOUTELLE. Now, Mr. Speaker, if gentlemen are going to dispute so well-known a fact as that the Secretary of the Navy recommended $400 as the basis, why argument ceases. I have already consumed more time than I desired. I have consumed more time than I intended. I have endeavored and my committee have endeavored in the most careful and painstaking manner to consider this subject and to so deal with it as best to subserve the public interests. None of the inflammatory debate in another branch of Congress which I have heard or read has deflected my mind one iota. I believe that we should not be swayed or governed by trashy harangues devoted to prejudice against certain institutions of the country because they are of great magnitude, or because people of great wealth may be connected with them.

My friend from Illinois [Mr. Hopkins] himself stated as one of the recommendations of this Illinois Steel Company that it was even more colossal in its command of capital than either the Carnegie Company or the Bethlehem Company. There is no dispute between those companies. There is nothing in the bill as it passed the House that puts a feather or a straw in the way of any corporation in any State in the Union competing freely for the furnishing of this material. I believe that the proposition of the House is nearer to a businesslike proposition than that of the Senate, and I believe that there are a good many gentlemen in the Senate who have the same idea.

Now, Mr. Speaker, if no one on the other side desires to take the floor, I will yield ten minutes to my colleague on the committee, the gentleman from New York [Mr. Cummings.]

The SPEAKER. The gentleman has but three minutes remaining.

Mr. BOUTELLE. Well, I will ask the House to allow my colleague ten minutes, as he is an expert in this matter, having visited the Carnegie works and examined into them. I ask the House to hear my colleague, the gentleman from New York, for ten minutes.

Mr. OGDEN. Mr. Speaker, before the gentleman from Maine yields the floor, I would like to ask him a question. At what time were these estimates made by the Secretary of the Navy and by the Committee on Naval Affairs? Was it before or since the fall in the price of steel rails? I understand that recently the Carnegie Company has reduced the price of steel rails from $29 a ton to $17 a ton.

Mr. BOUTELLE. Yes; we have heard intimations of that kind in connection with legislation, and outside.

Mr. OGDEN. Well, when were the estimates made—before or since that fall?

Mr. BOUTELLE. What is the fall?

Mr. OGDEN. I understand the fall is from $28 or $29 a ton to $17 a ton.

Mr. DALZELL. No; from about $22 a ton to $17. They can not make them at $17 a ton. They are selling them now at a loss.

Mr. BOUTELLE. The Secretary's estimate was made in December, and ours was made a few weeks ago.

Several Members. Vote! Vote!

Mr. Cummings rose.

The SPEAKER. The gentleman from Maine, who has yielded to the gentleman from New York, has but three minutes left.

Mr. BOUTELLE. Mr. Speaker, I yield to my colleague in his own right.

[Cries of "Vote!" "Vote!"]

Mr. CUMMINGS. Mr. Speaker, gentlemen may cry "Vote!" "Vote!" but they ought to understand the question before they vote, and then they will be more apt to vote right. [Laughter.] Mr. Speaker, I have worked faithfully in the Committee on Naval Affairs in an effort to get at the facts in relation to the cost of manufacturing armor plate. I have done so because I believe in the American Navy, and because I know that the vitality of the American Navy is temporarily at stake to-day with the fate of this appropriation bill.

You authorized last year the building of three battle ships. Your conferees at the last session joined issue with the conferees of the Senate on four ships. The number was reduced to three, with this proposition added: "We have held an investigation here by a Senate committee. We are not satisfied with the price the Government is paying for armor; we want to know more about it; we have had the Carnegie and the Bethlehem people before us, but we can not get the light that we want; we understand that the Secretary of the Navy has had before him people representing these two companies; that they have agreed to lower the price of armor $58 per ton, and that the contracts for the *Kearsarge* and the *Kentucky* are made upon that basis. Still we do not believe that that is reduction enough, and we will agree to authorize three new battle ships with a proviso that the Secretary of the Navy shall examine carefully into the question of the prices of armor plate and report to Congress on the subject before he enters into any contract for the armor for these three new ships."

The Secretary of the Navy sent for the manufacturers of armor plate. They came before him. He asked them to give him access to their books, so that he could ascertain what it cost to make a ton of this armor. They refused to do so, upon the ground that it would disclose important secrets in the manufacture of armor plate, and that he had no right to inquire into those secrets, or to publish them to the world.

Mr. HOPKINS of Illinois. Did not the Secretary tell them that the examination of the books would disclose no secrets whatever, but would simply show the cost of making this armor plate?

Mr. CUMMINGS. I can not see how the Secretary could know whether an examination of the books would disclose secrets or not.

Mr. HOPKINS of Illinois. Oh, anybody would know that.

Mr. CUMMINGS. The Secretary then went to work to ascertain for himself. All this armor has been made under the inspection of naval officers. There was an officer named Rohrer, who had been four years watching the manufacture of armor at Homestead and at Bethlehem.

He was placed at the head of the board. He made an investigation of the cost of this armor, furnished with all the information that his experience could give him. He estimated that the cost of the armor, allowing a reasonable interest, 6 per cent on the cost of the plant and the working capital, insurance, etc., was $420 a ton. This was the estimate of the Rohrer board.

Mr. HOPKINS of Illinois. Will the gentleman allow me to read from the report of the Secretary of the Navy?

> The estimate thus made by Lieutenant-Commander Rodgers, now and then the inspector at Bethlehem, though formed independently and with slight variations in the methods followed, was for single-forged harveyized nickel-steel armor, $178.50; with 10 per cent added for losses due to reductions, $196.43; for double-forged nickel-steel harveyized armor, including the 10 per cent, $216.85.

Mr. CUMMINGS. That was not the estimate of the Rohrer board. It was $420, as I have stated. It was the Secretary's own board; and to reduce the price to $400 a ton he had to repudiate the figures of his own board. There is no doubt about that whatever.

Now, I do not know what it costs to manufacture a ton of armor; I have been laboring industriously to ascertain for the last five months.

Mr. HOPKINS of Illinois. And those companies refuse to give you information, do they not?

Mr. CUMMINGS. The president of the Carnegie Company said that they offered the figures to the Secretary of the Navy with the proviso that they should not be made public, and he refused to accept them.

Mr. HOPKINS of Illinois. He states in his report——

Mr. CUMMINGS. That is what Mr. Schwab, of the Carnegie Company, said before the committee. It appears on record.

Mr. HOPKINS of Illinois rose.

Mr. CUMMINGS. I hope the gentleman will not interrupt me, because I want to get through. I want the House to vote understandingly on this matter.

When the Secretary went to Europe, he visited five armor-plate establishments in France and three in England. He endeavored to ascertain all he could about the manufacture of armor plate. On coming back, he took the reports of these different boards of officers and compared them. He went into the auditor's office of the State of Pennsylvania, where, under the laws of the State, the business of the Bethlehem Company was laid bare. He gleaned all the information possible there, and after all this investigation came to the conclusion that the cost of this armor plate was $400 per ton, allowing, as he says, 50 per cent profit, which he thought reasonable. Whether it is or not, I will not undertake to decide. But here is the action of a man whom you have selected to ascertain the facts. He reports $400 per ton as a fair price.

Something has been said with regard to the Bethlehem Company in making armor plate for Russia at $249 per ton when it was costing this Government $570 per ton. That statement is not strictly correct. There was little work at the time in the Bethlehem establishment. Its Government contracts were completed. They sought a foreign market. They went to Russia and asked permission to bid for armor plate. While the Bethlehem Company and the Carnegie Company made no bones in regard to an understanding so far as the furnishing of armor for this Government was concerned, they say they did not have an understanding with foreign companies. When the Bethlehem Company put in its bid in Russia, the Carnegie Company wanted to be allowed to also bid for this armor.

The Russian system is simply bidding by auction. The contract is never settled until men refuse to bid at all. So the Carnegie people and the Bethlehem people went into this auction business, and the Bethlehem people finally secured the contract at $249 per ton, the armor to be delivered in Russia. Now, there is no doubt in the world that the Bethlehem Company lost money on this transaction. Their representative said to us that they would have taken the contract for nothing rather than not to have had it, for they wanted to introduce their armor into Russia. If satisfactory, it would give them a new market.

Mr. Speaker, not long afterwards the Bethlehem Company made a bid for the same kind of armor they had been furnishing. The contract was awarded to them by the Russian Government at $527 per ton. At that same time they were making armor for American ships at less than $527 per ton. So if the case works one way against the Government, it must work the other way in its favor. The English company who bid on that contract would not go below $540 per ton. In the former contract they had gone down to $500 per ton. I suppose that is one reason why the Secretary of the Navy expresses the opinion that there is an understanding between the manufacturers of armor plate in this country and those in Europe. But, at the same time, while these two companies acknowledge an understanding here in this country, they both absolutely deny that they have any understanding whatever with the European manufacturers.

Now, Mr. Speaker, I have no further interest in this matter except this——

Mr. PAYNE. Will not the gentleman yield for a motion to take a recess?

Mr. BOUTELLE. I think we had better have the previous question and dispose of this matter at once.

Mr. CUMMINGS. I think I am making a clear statement as to this matter, but if the House is impatient I will yield. These three battle ships will not be built, in my opinion, if the price of armor is fixed at $300 per ton. I think that if that price be fixed, they will lie upon the stocks and rot for two years to come.

[Here the hammer fell.]

Mr. BOUTELLE. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House recede from its disagreement to amendment numbered 22 and concur in the same.

The question being taken, there were—ayes 66, noes 42.

Mr. ROBINSON of Pennsylvania. I make the point of no quorum.

The SPEAKER. There is evidently no quorum present, and under the rules a call of the House is ordered, and at the same time the yeas and nays will be taken.

Mr. HOPKINS of Illinois. I hope the gentleman from Pennsylvania will withdraw the point of no quorum.

Mr. STEELE. I ask unanimous consent that the House take a recess until 8 o'clock and 30 minutes.

Mr. McMILLIN. Mr. Speaker——

The SPEAKER. The Chair will state to the House that the gentleman from Indiana [Mr. HEMENWAY] has a conference report on the fortifications bill which can not be acted upon in the absence of a quorum.

Mr. DOCKERY. It can be, if the gentleman withdraws the point of no quorum, I suppose.

The SPEAKER. If it is withdrawn, then the motion to concur in the Senate amendment is carried.

Mr. PAYNE. I ask the gentleman from Illinois to withdraw the point of no quorum, and let the House rescind the vote just taken, leaving the question open, and then take a recess until half past 8 o'clock.

Mr. HOPKINS of Illinois. Mr. Speaker, I shall object to rescinding the vote——

Mr. STEELE. It is evident that we will not do any business for the next hour or two, and I ask unanimous consent that we take a recess until half past 8.

The SPEAKER. The Chair desires to suggest to the House that there is rather a long session in front of us, and it is quite desirable that the House should not be exhausted before we get to the heavy part of it. The Chair hopes that some arrangement may be made in reference to this matter.

Mr. McMILLIN. Mr. Speaker, I addressed the Chair with a view to expressing what the Chair has expressed so very much better than I could, for the purpose of asking the gentleman who makes the point not to insist on it now, for the reason that we have a vast amount of important work before us and nothing can be accomplished now or within the next hour if he sees fit to insist upon the point. If he does not insist, he will stand in the same situation, and get a final vote on the proposition just as he would if we should remain here now and insist upon securing the presence of a quorum.

Mr. BOUTELLE. How would he do that?

Mr. DOCKERY. By unanimous consent.

Mr. BOUTELLE. Oh, by unanimous consent!

I desire to state, Mr. Speaker, in behalf of my colleague from Pennsylvania [Mr. ROBINSON] who makes the point of no quorum, that I think he has strong justification, under the circumstances, in declining to permit a question of such vast magnitude to be determined by such a slim vote as that just taken. If the gentleman from Illinois can afford to jeopardize the passage of this bill by insisting upon his motion, then I think that the gentleman from Pennsylvania may feel justified in preventing the consideration and adoption of such an important measure by such a scanty vote as that just taken.

Mr. SHAFROTH. But if the recess is taken, then we will have a full House and it can be acted upon.

Mr. HOPKINS of Illinois. Mr. Speaker, I will make a suggestion that may remove the difficulty.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I believe I have the floor, and I have not yielded it.

Mr. PAYNE. I hope the gentleman will allow the gentleman from Illinois to make a suggestion. Let us hear what it is.

Mr. ROBINSON of Pennsylvania. I will yield for that purpose.

Mr. HOPKINS of Illinois. I ask unanimous consent that the vote just taken be rescinded, that the point of order of no quorum be withdrawn, and that we take a recess until half past 8 o'clock, and that after reassembling there be fifteen minutes on a side allowed for the discussion of the question, and then take a vote.

Several MEMBERS. All right.

Mr. PAYNE. Let us agree to that.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I yielded to the gentleman to make a statement. I will not withdraw the point of order unless with the understanding, I say now to the gentleman from New York who makes the motion, that I shall insist upon the point after the debate of fifteen minutes.

Mr. PAYNE. But the proposition of the gentleman from Illinois is to rescind the vote and take another vote after the recess.

Mr. ROBINSON of Pennsylvania. Then I am willing to withdraw the point of order and let a recess be taken now, but I will make the point as soon as we come together, if this vote is announced.

The SPEAKER. But the proposition of the gentleman from Illinois preserves all the rights of the gentleman from Pennsylvania. Is there objection to the proposition?

There was no objection.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to submit a conference report on the fortifications appropriation bill before the recess is taken.

The SPEAKER. If there be no objection, the gentleman will present the conference report.

There was no objection.

The conference report on the bill (H. R. 10288) making appropriations for fortifications and other works of defense was submitted.

Mr. HEMENWAY. I ask unanimous consent that the reading of the conference report be dispensed with, and that the statement of the House managers be read instead.

There was no objection.

[The conference report is printed in the Senate proceedings of this day.]

The statement of the House conferees was read, as follows:

> The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill H. R. 10288, making appropriations for fortifications and other works of defense, submit the following written statement in explanation as the effect of the action agreed upon by the conference committee on the amendments of the Senate, namely:
>
> On amendments numbered 1 and 2: Makes a verbal correction in the text of the bill, as proposed by the Senate.
>
> On amendment numbered 3: Appropriates $146,000, as proposed by the Senate, instead of $475,000, as proposed by the House, for purchase or manufacture of carriages for coast-defense guns.
>
> On amendment numbered 4: Limits the price for steel forgings to 23 cents per pound, instead of 22 cents per pound, as proposed by the Senate.
>
> On amendment numbered 5: Appropriates $169,868, as proposed by the House, instead of $269,868, as proposed by the Senate, for powders and projectiles for reserve supply.
>
> On amendment numbered 6: Appropriates $400,000, instead of $600,000, as proposed by the Senate, and $156,184, as proposed by the House, for manufacture of coast-defense guns by contract.
>
> On amendment numbered 7: Appropriates $20,000, as proposed by the Senate, for purchase of machine guns; and
>
> On amendment numbered 15: Appropriates $16,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for necessary expenses of officers and compensation of draftsmen in the Army Ordnance Bureau.
>
> The bill as finally agreed upon appropriates $9,517,141, being $90,000 less than as it passed the Senate, $253,816 more than as it passed the House, and $2,129,253 more than the last fortification appropriation act.
>
> J. A. HEMENWAY,
> L. F. LIVINGSTON,
> *Managers on the part of the House.*

Mr. HEMENWAY. Mr. Speaker, I move that the report of the conference committee be agreed to.

The conference report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. I move that the House take a recess until 8.30 o'clock.

Mr. HOPKINS of Illinois. Was my proposition agreed to?

The SPEAKER. The gentleman's proposition was agreed to. The gentleman from Iowa [Mr. HENDERSON] moves that the House take a recess until 8.30 o'clock.

The motion was agreed to.

Accordingly (at 6 o'clock and 35 minutes p. m.), the House took a recess until 8 o'clock and 80 minutes p. m.

EVENING SESSION.

The recess having expired, the House resumed its session.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is upon receding and concurring in the amendment to the naval appropriation bill which has been reported to the House.

Mr. BOUTELLE. Mr. Speaker, I think it would be well to have the amendment reported.

The SPEAKER. If there be no objection, the amendment will be again reported.

The amendment was again read, as follows:

> On page 50, in line 17, insert the following:
> "And no contract for armor plate shall be made at an average rate to exceed $300 per ton of 2,240 pounds."

Mr. HOPKINS of Illinois. Mr. Speaker, under the arrangement there was to be fifteen minutes' debate on a side.

The SPEAKER. The Chair so remembers. Does the gentleman from Pennsylvania [Mr. ROBINSON] desire to be recognized?

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I understand that the arrangement was that we were to have fifteen minutes on a side. Now, I do not think we are any nearer to a settlement of the proposition than we were when we took the recess, because evidently there is no quorum present here, and I intend to raise the point of no quorum upon this.

After the very dispassionate and able statement made by the chairman of the committee [Mr. BOUTELLE], I was somewhat astonished to see the proposition voted upon as it was: but evidently there was a very small proportion of the membership of the House present. As was stated by our chairman, this matter was considered in the full Committee on Naval Affairs, and very carefully traversed by every member of it. There was considerable opposition and contention over this armor-plate matter.

As stated by the gentleman from Illinois [Mr. HOPKINS], there is no member here who represents anything more than the desire to state the exact truth and the facts regarding this subject. We do not want it surrounded with any demagogy, nor do we want it asserted on the one hand that these armor-plate manufacturers are making enormous profits, when the Secretary of the Navy, after his examination, which was an exhaustive one, reports that $400 a ton seems to him to be a fair price.

It is said by the gentleman from Illinois [Mr. HOPKINS], who seems to be the sponsor of some company here, that a proposition to furnish the Government with this armor at $240 a ton is feasible. The proposition as made by the committee, and as submitted to the House and carried to the Senate, does not prevent any reliable company in the United Stat[illegible] Illinois Steel Company or any other company which chooses, at an expense [illegible] lions of dollars, to erect an armor-plate plant, [illegible] a fair proposition to the Secretary.

Mr. CUMMINGS. If the gentleman will allow me, right there he misstates the proposition.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. ROBINSON] yield?

Mr. CUMMINGS. Just one minute.

Mr. ROBINSON of Pennsylvania. I think I will state what the gentleman alludes to, further on.

Mr. CUMMINGS. It is upon the proviso that they get a twenty-year contract.

Mr. ROBINSON of Pennsylvania. Yes; there is no authentic proposition to-day. It is simply declamation by the gentleman from Illinois [Mr. HOPKINS], that this company will furnish armor at this price; but, as I understand the assertion as it appears in fugitive newspapers, it is that this company will furnish armor at the price of $240 per ton provided they get a twenty-year contract. There is not one of these companies, nor is there any company—and the two companies which have been referred to, which are now in existence, are the only ones in this country—there is no company but what, if they were guaranteed a twenty-year contract, carrying with it 2,000 or more tons a year, could reduce the price of armor. The difficulty lies in the unreliable character of these contracts. When the first contract was given by Mr. Secretary Whitney to the Bethlehem Company——

Mr. PAYNE. I should like to ask the gentleman a question. Suppose the House should accept this amendment of the Senate. Is there anything in the bill which will authorize the Secretary of the Navy to contract for twenty years? Is there anything else in the bill which would authorize him to submit a proposition for a twenty-year contract?

Mr. BOUTELLE. No.

Mr. ROBINSON of Pennsylvania. No; there is not, or in the proposition in the bill that the committee has sent to this House; and I am sure the good judgment of the House will sustain the three months' consideration of this subject by the committee. Any company can go before the Secretary and make a reliable bid, and in the manner in which we have put the subject into the bill, fixing the sum of $3,100,000, all the armor may be contracted for, that amount being based upon $400 a ton without specifying the price. As high, possibly, as $500 may be paid for some armor, and other armor may be purchased at the price of $250 or $300 a ton. Gentlemen who understand this question well know that there is armor that can not possibly be made by any mill in the United States of America to-day or by any mill in the world—armor designed which will go into the new battle ships under the new designs that can not possibly be made by any mill whatever in America or in the world at the price of $300 per ton.

Mr. LOW. Do I understand this $300 per ton carries with it a twenty years' contract?

Mr. HOPKINS of Illinois. Oh, no.

Mr. ROBINSON of Pennsylvania. No; the proposition of the Senate amendment is this: It is proposed that they shall get $300 a ton and no more for this amount specified in the amendment of the Senate.

Mr. BOUTELLE. For these three ships?

Mr. ROBINSON of Pennsylvania. For these three ships. In the form and manner in which the House bill was reported to the House the committee considered this subject, but did not fix any price for the armor. Some armor may be priced under that bill at $400 or $450 a ton or higher, and some lesser, according as the designs of these battle ships may allow.

As I was stating a few minutes ago, there are certain designs, spherical in construction, and not solid plates, in the turrets, that every single one of them is a unit, you may say, different in shape, and requiring the finest character of forging, and the most skillful and highest scientific knowledge on that subject in the world in fashioning and forming these plates; and, consequently, they require a much higher price. Is it fair, I submit, to those manufacturing establishments, when the gentleman threw out the suggestion that Pennsylvanians were quick to rush to the defense of these two estalishments. We would rush to the defense of an establishment in Illinois quite as fiercely and strenuously as to the defense of an establishment in Pennsylvania which was furnishing armor for the Government. It is not many years ago, as our able chairman said, that we had to go abroad and purchase of alien corporations and outside of the United States every piece of armor that was put upon our battle ships. At the suggestion and on the advice of a guaranteed contract carrying 8,000 tons of armor these Bethlehem people entered into the erection of a great mill costing millions of dollars to construct armor, American armor, for American battle ships.

Having a guarantee of this number of tons to make for us there; they did set up their mill and made a fair profit on the money invested. They did not go into this voluntarily, but at the suggestion of the officers of the Government of the United States. So did the Carnegie Company go into this business at the suggestion of a Republican Secretary of the Navy, as the Bethlehem Company did at the suggestion of a Democratic Secretary. The Navy of the United States, the new Navy, belongs to no party. It belongs to the United States of America, and we glory in it to-day [loud applause]; and we glory in the fact that American mills, with the capital of American industry, and the wage earners and the breadwinners behind them, can construct the armor plate to protect these vessels against 97 per cent of all the missiles that can be hurled against them by all the navies of the world. [Renewed applause.]

I say it is unfair to this committee, that has labored days and nights in the study of this question. After contention and adverse judgment in the committee upon this thing, we finally brought in a bill agreed to unanimously upon this question, and agreed that we would not go to such an extreme as to specify a certain amount or a fixed price for armor, as many of the committee were opposed to fixing a specific price for any material. Coal has been purchased, and without coal you can not carry out battle ships and navigate them any more than you can fight them without armor. Coal has been purchased, often at an exorbitant sum; but is that any reason why you should go down to a coal yard and specify that coal should be purchased from nobody except at a price of $4 or $5 a ton?

Fix it as we did in the committee after a dispassionate review of the whole subject. Fix it at a lump sum, and say to the Secretary of the Navy he can contract; he can accept contracts of the Illinois Steel Company if properly put before him; he can accept contracts of any company in the United States making a domestic material and that can make this armor for these battle ships, paying for a part of it, for a superior material $400 or $500 a ton, and for the lesser quality $250, or even as low as $300, a ton, although I believe from my examination of the subject, and I think the committee will bear me out in this, that upon a basis of $300 a ton there is no armor plate to be had of such quality as to pass the tests of the United States officers and be pronounced fit to go upon our battle ships to properly protect them. The gentleman alluded to the $249-a-ton contract with Russia.

Mr. Speaker, that was a mere episode in the commercial career of that company. They were doing no business; they were anxious to get their product into the foreign market, and, above all, they were anxious to keep their mills going. It is said that many of the men who were employed in fashioning those armor plates are now employed by the Illinois Steel Company, and that fact goes to show how important it is for these great manufacturers to retain their skilled workmen. Therefore, in order to keep their mills going, to enable them to pay wages to their wage earners and keep them in their employ, they took that Russian contract at a loss. But there is another point. The inspecting officer or any officer of the Navy Department will tell you that the Russian inspection for battle-ship armor was much less exacting than ours, and that that armor could not have run the gauntlet of the inspection of our officers. No battle plates are put upon any armored vessel upon any fighting platform in the world that has to pass so severe, so critical, so exact, an examination as that to which are subjected the plates that are tested at Indian Head to be put upon our war vessels.

Mr. HULICK. While the gentleman is speaking of that Russian $249-a-ton contract, I will ask him if it is not true that after that the Russian Government gave contracts to these same two companies, the Carnegie Company and the Bethlehem Company, at $520 a ton, and that those companies furnished the armor at that price?

Mr. ROBINSON of Pennsylvania. The gentleman from Ohio states the matter fairly and truthfully. The Russians afterwards paid a higher price for armor to these very same people from whom they had previously purchased it at $249 a ton, showing that they had faith in the armor that was made in the mills of Pennsylvania, just as we would have faith in the armor made in the mills of Illinois or of any other State in this country. We have no grudge against the State of the gentleman from Illinois [Mr. HOPKINS], although he seems to think there is something abnormal in the fact that two great companies like the Bethlehem Company and the Carnegie Steel Company have been able to grow up in this country through the fostering care of the Government and the encouragement of two Secretaries of the Navy.

[Here the hammer fell.]

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 3014) revising and amending the laws relating to patents;

A bill (H. R. 10367) to renew and reenact a law authorizing the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River;

A bill (H. R. 6631) granting a pension to Sarah M. Spyker;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 10178) for the relief of Francisco Perna;

A bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for infringement of patents; and

A joint resolution (H. Res. 211), providing for a comprehensive index to Government publications from 1881 to 1893.

Mr. HOPKINS of Illinois. Mr. Speaker——

The SPEAKER. The gentleman from Illinois is recognized for fifteen minutes.

Mr. HOPKINS of Illinois. I yield two minutes to my colleague, Mr. LORIMER.

Mr. LORIMER. Mr. Speaker, the chairman of the Committee on Naval Affairs, replying to the argument of my colleague this afternoon as to why the Senate amendment providing that $300 a ton should be the price for this armor plate should remain in this bill, made no argument at all against the proposition, but simply recited to the House a history of the organization of armor-making plants in this country. I think every member of this House will agree with the chairman of the Naval Committee that the Secretary of the Navy was right when he said that he would encourage the Bethlehem and the Carnegie companies to organize armor plants.

I believe that we all agree that he was right when he said that the Government would pay as much to them as it was paying for armor plate made in foreign countries. I believe we all agree that he was right in encouraging and establishing in this country an American industry. It was providing for manufacturing here at home the armor plate for our war vessels, and I believe we all agree that that ought to be done. Therefore there is no controversy on that proposition.

But, Mr. Speaker, on the 15th day of last month I introduced into this House a bill which if enacted into law will authorize the Secretary of the Navy to let a contract for twenty years to any American company to supply armor plate at $240 per ton or less, the maximum, however, not to exceed $240 per ton. We have paid, up to date, four or five hundred dollars a ton for every ton of armor plate that has been made for this Government. The chairman of the Naval Committee established in my mind the fact that the armor-plate manufacturers of this country had not only made a good profit——

[Here the hammer fell.]

Mr. HOPKINS of Illinois. I yield my colleague two minutes more.

Mr. LORIMER. The chairman of the committee, I say, not only established the fact in my mind that the manufacturers of this country had made a good profit, but that, over and above a good profit, they had made money enough to pay for the plants that they had established. Now, if the Government has already paid for the plants which these manufacturers are using to make their armor plate, then surely they can come down in price to the point at which any other corporation in this country offers to make armor plate, and the Illinois Steel Company will take a contract for twenty years to make armor plate at $240 per ton.

Mr. HULICK. If that company should get a contract, when would they begin their work?

Mr. LORIMER. Within twelve months from the time you give them the contract they will begin work, and that will be plenty soon enough to furnish this armor.

Mr. HULICK. The evidence before the committee shows that no company could organize and prepare for this work within that time.

Mr. LORIMER. I do not yield further to the gentleman. I want simply to make this point: If the Illinois Steel Company is prepared to make a contract to furnish armor plate for $240 per ton; this company that has its plant already built ought to be able to furnish this armor plate for $300 per ton. I say that this amendment ought to remain in the bill, and if this company refuses to accept $300 per ton, let us pass the bill for $240 a ton at the next session of Congress.

Mr. HOPKINS of Illinois. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, of course there are questions connected with this subject upon which no opinion of mine would have any value in comparison with that of the gentleman from Pennsylvania [Mr. ROBINSON] or the gentleman from Maine [Mr. BOUTELLE]. They both are, or have been, naval officers, and in some degree at least have experience upon matters of this sort.

But there are some other matters bearing on this question upon which perhaps my opinion would be of equal value with theirs. I remember being at Indian Head during the last summer; and what I saw there may perhaps be pertinent because of a statement made by the gentleman from Pennsylvania, that the armor which is now being manufactured in this country would resist 97 per cent of the shots that would be fired against our vessels. I saw there three shots fired at a facsimile of the turret of the battle ship *Massachusetts*. As I understood, that part of the turret exposed to these shots was precisely the duplicate of the turret of the *Massachusetts*.

One of those shots, fired from a 10-inch gun, with an initial velocity of 1,600 feet to the second, imbedded itself in the turret and moved the turret an inch and a half. The second, fired from a 12-inch gun, with an initial velocity of 1,600 feet, also imbedded itself and was fused in the armor plate; but it moved that turret, with its immense weight, 7 inches. The third shot, fired from the same gun with an initial velocity of 2,000 feet, and fired at an angle of 22 degrees from normal, went through that harveyized plate as though it had been paper; and not only that, it so shattered the interior and all the supports of the turret that it was the opinion of every gentleman who saw it that no human being could have lived in that compartment of the turret.

Now, when it is known that we have 15-inch guns from which a shot can be fired with an initial velocity of twenty-three or twenty-four hundred feet to the second, giving the shot a momentum nearly double or quite double that of the shot the effect of which I witnessed, I doubt whether this harveyized armor or any other kind of armor is of value.

But, Mr. Speaker, there is another matter that, perhaps, I can speak upon as well as these other gentlemen. When these contracts were first made, the extraordinary price (perhaps not too much at that time) of five hundred and odd dollars was paid for a ton of this armor. The reason urged at that time, the justification of the Secretary who made the contract, was that it was but right that we should speedily reimburse the gentlemen who undertook these contracts for the amount of money they must necessarily put in their extraordinary plant.

The Secretary says now that we have already done that; that they have been fully paid for their plant. There is no one here who is authorized to deny that fact, for the reason that those persons who know—the Carnegies and the Bethlehem Company, who have the proof—have refused to allow access to their books. They refuse to allow the Secretary——

[Here the hammer fell.]

Mr. HOPKINS of Illinois. Mr. Speaker, in the few minutes which I have to address the House, I desire to challenge the attention of members to the fact that my motion does not contemplate a contest between the Illinois Steel Company and the Carnegie and Bethlehem companies. This is not a contest between those companies; it is a question whether the Representatives of the American people will take advantage of the information that has been furnished to them by the Illinois Company which shows that this armor plate can be manufactured at a profit for $240 per ton, and whether the Bethlehem Company and the Carnegie Company shall be compelled in the future to make contracts with the Government of the United States at figures which will be reasonable.

This is not a new question. For ten years the attention of the people of the United States has been attracted to the construction of armor plate. And for a number of years intelligent, well-informed men have believed that the Government of the United States was paying twice as much per ton for armor plate as it was worth. One year ago the Senate of the United States, through the Naval Committee of that body started an investigation to find out how much it cost to manufacture a ton of armor plate. The Carnegie Company and the Bethlehem Company refused to give the Secretary of the Navy this information. He made investigations through Government employees who reported to him that armor plate of one character could be produced at an average of $185 per ton and of another character at $197.78 per ton. That is the cost of the production of armor plate of the kind and character these two companies are furnishing to the Government.

The amendment which I offer simply limits the average rate to $300 per ton. I recognize the fact that some kinds of armor plate cost more than others, but under the amendment I am proposing that the House shall accept, which fixes a limit on the price of this plate, the Government can pay for the higher priced at the rate of $500 per ton, and for the rest the lower rate, say $100 or $200 or $300 a ton, as the case may be, the amendment being to the effect that the price of the armor plate that is to be placed on the war [illegible] shall not exceed an average of $300 a ton.

I wish to know under these facts, when it is [illegible] the House by a great company like the Illinois Steel Company that the plates can be produced at a profit for $240 per ton, how any member on this floor can justify his vote against the proposition I make that the House concur in an amendment limiting the price to $300 a ton?

The gentleman from Ohio [Mr. HULICK] says that awhile ago the Carnegie Company furnished the Russian Government with armor plate at the rate of $249 per ton, and that the next order they received was at $520 per ton. I explained that to the members of the House this afternoon. This company made the proposition to furnish the plate for that price, it is true; but the moment it got that contract the manufacturing companies of Europe, that up to that time had controlled the price of armor plate, and the entire business of its manufacture in Europe, entered into an arrangement with the American industry, and formed, in substance, a trust, so that any government which had occasion to purchase armor plate from any establishment engaged in this industry, either in Europe or America, must pay the trust price.

Now we have it in our power, by adopting the Senate amendment, to fix the price and say to these companies that they must furnish the armor plate at an average rate of not exceeding $300 per ton, and if they refuse, then the Government can establish its own plant at an expenditure of about $1,500,000. As my colleague [Mr. LORIMER] said, the Bethlehem Company has made profit enough up to this time to pay for its entire plant out of contracts made with the Government of the United States. And the same is equally true of the Carnegie Company.

Mr. ROBINSON of Pennsylvania. I deny that.

Mr. HOPKINS of Illinois. Well, you may deny it, but the records will prove it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE. Mr. Speaker, as debate upon this question has degenerated into an assault on the capacity and utility of our Navy itself——

Mr. HOPKINS of Illinois. One moment, Mr. Speaker. I believe the debate on this subject is closed?

The SPEAKER. The debate is closed, under the agreement.

Mr. BOUTELLE. Mr. Speaker, I presume I can have the privilege of rising to present a parliamentary inquiry to the Chair? [Laughter.]

The SPEAKER. The gentleman has the right, and his rights will be preserved in that regard.

Mr. BOUTELLE. If it is possible for the Chair to protect so simple a right for a member, I would like the privilege for a moment of addressing the Chair for that purpose. I am addressing myself to the courtesy of the House——

Mr. HOPKINS of Illinois. I insist, Mr. Speaker, that the rules of the House be observed.

Mr. BOUTELLE. I desire to ask unanimous consent of the House, as chairman of the Committee on Naval Affairs, to state here in a very few moments, at the conclusion of this Congress, some facts that ought to be in the minds of American legislators in regard to this great branch of our service, concerning which the statements of the gentleman may have produced doubt.

Mr. HOPKINS of Illinois. Let us have the regular order.

The SPEAKER. How much time does the gentleman from Maine ask?

Mr. BOUTELLE. I am not so desirous, Mr. Speaker, of it as to press myself upon this body. I want it as a courtesy on the part of the House.

Mr. ROBINSON of Pennsylvania. I move that the gentleman have time.

Mr. BOUTELLE. No; do not make a motion. I ask unanimous consent, and if anybody in the House desires that I shall not be accorded the courtesy, I shall submit with good grace. I ask permission to address the House. After fourteen years of service in this body, having devoted myself during that time to assisting in building up the American Navy, I ask now for just five minutes' time to address the House.

The SPEAKER. The gentleman asks unanimous consent that he may be permitted to address the House for five minutes. Is there objection?

Mr. MADDOX. I object.

Mr. ROBINSON of Pennsylvania. I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON of Pennsylvania. As I understand the parliamentary status, when we took a recess to-day it was understood that there should be fifteen minutes on a side for discussion on this question, after which a vote was to be taken.

The SPEAKER. That is correct. The vote will now be taken on the motion of the gentleman from Illinois to recede from the disagreement to the Senate amendment, which has been stated, and concur in the same.

The question was taken; and on a division there were—ayes 131, noes 52.

So the motion was agreed to.

On motion of Mr. HOPKINS of Illinois, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had further insisted upon its disagreement to the amendment of the House of Representatives to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILL, Mr. PLATT, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had reconsidered, in pursuance of the Constitution, the bill (H. R. 1185) granting a pension to Rachel Patton, returned to the House of Representatives by the President of the United States with his objection, and sent by the House of Representatives to the Senate; and that two-thirds voting in favor thereof, the Senate had decided to pass the bill, the objection of the President notwithstanding.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1897:

An act (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

An act (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

An act (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

An act (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church;

An act (H. R. 610) for the relief of John F. McRae;

An act (H. R. 3623) to amend section 4 of an act entitled an act to define the jurisdiction of the police court of the District of Columbia;

An act (H. R. 8942) granting a pension to Ann Maria Meinhofer;

An act (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal;

An act (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

An act (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia; and

An act (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

The following bill was presented to the President on the 18th day of February, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, it has become a law without his approval:

An act (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon.

The President, on March 3, 1897, approved the following bills:

An act (H. R. 7820) to prevent trespassing upon and providing for the protection of national military parks;

An act (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River, near the city of Montgomery, Ala.," approved March 1, 1886;

An act (H. R. 8582) to allow the bottling of distilled spirits in bond;

An act (H. R. 5597) for the relief of Charles Deal;

An act (H. R. 8443) to amend section 4878 of the Revised Statutes relating to burials in national cemeteries;

An act (H. R. 9703) to provide for light-houses and other aids to navigation;

An act (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi; and

An act (H. R. 5732) to amend section 5459 of the Revised Statutes prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins.

Mr. BOUTELLE. Mr. Speaker, what is the parliamentary situation of the other amendments?

The SPEAKER. The House further insisted on its disagreement to the other amendments, and asked for a further conference.

Mr. BOUTELLE. By what method can the House be brought to a motion to concur in the other amendments?

The SPEAKER. A motion to reconsider was not entered, and the gentleman can move to reconsider the vote by which the House insisted on its disagreement.

Mr. BOUTELLE. Mr. Speaker, in view of the lateness of the hour, and in view of the fact that I am advised that four or five of the other great appropriation bills are yet to run the gantlet which the naval appropriation bill has partially run, and as the amendments that have been disagreed to are simply to provide for three torpedo boats and a small practice vessel at Annapolis, I do not feel justified, so far as I am concerned, as chairman of the committee, in delaying the House any further by insisting on a conference on these amendments, and I will move that the House reconsider the motion by which it disagreed and insisted.

The SPEAKER. The gentleman from Maine moves that the House reconsider the vote whereby it insisted on its disagreement to the remaining Senate amendments and asked for a conference.

The motion was agreed to.

Mr. BOUTELLE. Mr. Speaker, I now move that the House concur in the remaining Senate amendments.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry. I desire to ask the gentleman from Maine——

The SPEAKER. The Chair will first state the question. The gentleman from Maine [Mr. BOUTELLE] withdraws the motion that the House further insist, and substitutes therefor a motion that the House recede and concur in the remaining amendments of the Senate.

Mr. BAILEY. I desire to ask if that would remove all matters of difference on this bill?

Mr. BOUTELLE. I make the motion with that understanding. I am advised that it will remove all the matters of disagreement between the two branches on this bill.

Mr. McMILLIN. Mr. Speaker, this bill has taken so sudden a turn, and we are called upon to vote upon so many and so important amendments, that I ask that the amendments which now remain to be acted upon by the House be read.

The SPEAKER. The Chair thinks that should be so, and without objection, the amendments to which the motion of the gentleman from Maine is applicable will be read to the House.

The Clerk read as follows:

Page 48, line 14, amendment numbered 15, insert the following:

INCREASE OF THE NAVY.

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract not more than three torpedo boats, to have a speed of not less than 30 knots, to cost in all not exceeding $800,000. And not more than two of said torpedo boats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest best responsible bidder. And in the construction of said torpedo boats all the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture."

Mr. McMILLIN. Mr. Speaker, I do not desire to make any suggestions to the gentleman from Maine [Mr. BOUTELLE] who is in charge of the bill, but it strikes me that, as there are numerous amendments, it would be well to vote on them separately.

Mr. BOUTELLE. I hope they will be voted on in any way that anybody wants to vote on them, if any gentleman will only make the motion.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] has a right to ask for a separate vote if he desires.

Mr. McMILLIN. I make that request. When any amendment is reached which is merely formal, I shall not ask for a separate vote on that. I am willing to take any number of votes, so that there may be separate consideration of amendments which involve important and possibly contradictory matters. I ask for a separate vote on this.

The SPEAKER. The gentleman asks for a separate vote on the amendment which has been reported. The question is on receding and concurring.

Mr. SWANSON. I should like to ask the gentleman from Maine [Mr. BOUTELLE] how much all these amendments aggregate? What is the aggregate increase carried by the Senate amendments?

Mr. BOUTELLE. My understanding is that the only difference now between the two Houses arises from the construction of three torpedo boats, which are not to exceed $800,000 in cost, and for which the sum of $500,000 is appropriated in this bill, and a practice vessel for the Naval Academy at Annapolis, to cost $250,000. That is my recollection of the amendments that now remain.

Mr. SWANSON. That makes a difference of a million dollars in the appropriation.

Mr. BOUTELLE. My recollection is that it amounts to $750,000, so far as this bill is concerned. I presume the Clerk has a record of the remaining amendments.

Mr. CUMMINGS. But I want to say to my friend from Virginia [Mr. SWANSON] that the Senate amendment in relation to armor plate, which the House has concurred in, reduces the bill by the difference between $400 a ton and $300 a ton; so it is a stand off.

Mr. BOUTELLE. I will state to the gentleman that these were two amendments of the Senate to this bill.

Mr. SWANSON. Did the Department or the Secretary of the Navy ask for this increase in the appropriation?

Mr. CUMMINGS. Yes.

Mr. BOUTELLE. The Secretary of the Navy has recommended them, and more.

Mr. CUMMINGS. And three battle ships, too.

The SPEAKER. The question is on the motion of the gentleman from Maine.

The question was taken; and the House receded from its disagreement and concurred in the Senate amendment.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Amendment numbered 16: Insert the words "and authorized under this act;" so as to read: "On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized and authorized under this act."

Mr. McMILLIN. No separate vote is demanded on that, Mr. Speaker.

So the House receded from its disagreement and concurred in the Senate amendment.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 17: Strike out "five million nine" and insert "six million four;" so as to read "$6,425,351."

Mr. McMILLIN. That is only changing the amount, as the gentleman in charge of the bill has suggested. It changes the aggregate on account of the increase in the provisions for the torpedo boats and training ship.

Mr. BOUTELLE. On account of the three torpedo boats, not exceeding $800,000, and a practice ship for the Naval Academy, $250,000. I will state to the gentleman that the House, as he will remember, recommended no construction. The Senate, and in view of the very strong support which the House has given to the Senate on the other amendment, the Naval Committee, did not think it worth while to enter into a futile contest over the authorization of these vessels.

Mr. McMILLIN. I do not desire a separate vote.

So the House receded from its disagreement and concurred in the Senate amendment.

The SPEAKER. The question will be taken on the other amendments.

The question was taken, and the House receded from it disagreement and concurred in the other amendments of the Senate.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill.

The SPEAKER. Does the gentleman desire the conference report read, or the statement?

Mr. SHERMAN. I ask unanimous consent that the statement may be read, and that the conference report may not be read.

The SPEAKER. The gentleman asks unanimous consent that the House may dispense with the reading of the conference report and that the statement of the House managers may be read instead. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The Senate recedes from amendment 88 and the House from amendment 90, both of these amendments relating to the Colville Reservation in Washington: 90 was inserted by the House, 88 by the Senate. Both being receded from, there is no legislation in reference to that reservation.

The House recedes from amendment 87. This amendment provided for reimbursing the county of Ormsbee, Nev., $6,375 for money expended in improving the site of an Indian school. This county donated the ground for the erection of this school to the United States, but it afterwards being ascertained that water was not present in sufficient quantities, the county expended considerably above, as is alleged, this amount to provide the same, and this amendment is to reimburse them for that expenditure.

Amendment 59 the House recedes from with an amendment. This amendment provides for the jurisdiction of the United States court in the Indian Territory, and the amendment to the amendment is a provision that it becomes operative on the 1st of January, 1898, instead of upon the passage of the act.

To amendment numbered 60, which provided for two additional judges in Indian Territory, the Senate receded.

To amendment numbered 61, which provided that the so-called Dawes Commission should continue to negotiate with the Five Civilized Tribes, the House receded.

To amendment numbered 62, which provides that the acts of the councils of the several Five Civilized Tribes shall be submitted to the President of the United States for his approval, the House receded from its disagreement with an amendment, which is fully stated in the report accompanying this statement.

The House receded from amendment 95, which carries no appropriation, but which does provide that there be furnished by the Secretary of the Interior a full statement in reference to the treaty obligations between the United States and the Sisseton and Wahpeton [illegible]ians, and also to make a like report in reference to the Medawakton and W[illegible]koota Indians.

The House recedes from amendment 92 and the Senate from [illegible] 93, the two recessions being within an amendment which [illegible] that one-half of the sum remaining, to wit, $7,876.15, be apportioned among the various claimants, as they are set forth in the report, and the other half paid to the Indians. This is the much mooted, so-called "Old Settler, Western Cherokee claims" matter. The Senate last year, by an amendment, proposed to pay out this entire sum to the various claimants. The House resisted this proposition, and the conclusion then reached was an amendment which provided that the funds should remain in the hands of the Secretary until some subsequent legislation. No. 92, the House proposition, provided for the payment of the entire sum to the Indians. No. 93, which was the Senate amendment, provided for the submission of the entire matter to the Court of Claims, subject to certain provisions and limitations therein stated. It was believed by the House conferees that the agreement reached, as above referred to, was really for the best interest of the Indians. It would end all further litigation and contention in reference to this matter, and if the whole subject went into the Court of Claims no one could tell when it would be finally adjudicated and how much thereof the Indians would eventually receive.

To amendment numbered 83 the House recedes with an amendment, making the section read:

"That the mineral lands of the Uncompahgre Indian Reservation in the State of Utah are hereby declared open to public entry under the mineral-land laws of the United States, and no one person shall be allowed to make more than five claims on lands containing gilsonite; and on and after January 1, 1898, all of said reservation unallotted to Indians shall be open to public entry under the land laws of the United States."

To No. 9 the House recedes with an amendment making the amount $333,000, instead of $310,000.

This is not an appropriation, but a payment out of Indian funds.

The House conferees resisted this amendment during each conference to the present time, and, when finally accepting the same, did so with an amendment providing the fund withdrawn be sufficient to pay all the debts of the of the tribe. Upon amendment 30 (schools) and 103 the conferees have been unable to agree.

Mr. SHERMAN. Mr. Speaker, this report covers every proposition in the bill except the so-called sectarian school proposition and a single proposition which proposes to repeal certain provisions in last year's appropriation bill with reference to certain mineral lands. Unless some gentleman desires information specifically on some certain amendment, I will move the adoption of the report.

Mr. LACEY. I desire to hear an explanation from the chairman of the committee in regard to the gilsonite mineral lands on the Uncompahgre Reservation. As I understand from the report, it is agreed that these lands shall be open under the mineral laws. Is that under the placer law or under the other mineral laws?

Mr. SHERMAN. Under all the existing mineral laws of the United States.

Mr. LACEY. Which particular method will be adopted, the placer law or the ordinary law as applicable to gold and silver mines?

Mr. SHERMAN. All the laws of the United States which apply to such subjects will be applicable here. That is all I can say.

Mr. LACEY. There are two methods by which this can be done.

Mr. SHERMAN. It is simply a method of administration, and the Department will use such method as it sees fit.

Mr. LACEY. It is provided each man may take five claims.

Mr. SHERMAN. Four claims.

Mr. LACEY. Is that four claims of 20 acres each?

Mr. SHERMAN. Four claims of 5 acres; that is the understanding.

Mr. LACEY. I would like to ask the chairman of the committee if this matter was carefully investigated and the various mineral laws examined with reference to this gilsonite, so as to see that you do not go to work in a way that will result in great litigation and trouble?

Mr. SHERMAN. I will say to the gentleman from Iowa that the matter has been contested very seriously in the conference committee, the House conferees strenuously opposing the adoption of any provision of this kind, the Senate being equally insistent upon the provision as they had originally inserted it in the bill. We asked the Commissioner of Indian Affairs to come before us this morning, and thereafter I had a conversation over the telephone with the Secretary of the Interior, and my understanding from both of them was that if the House conferees could not do any better, it would be well to accept this proposition.

Mr. LACEY. Then, as I understand it, the House conferees were contending for the arrangement proposed by the President.

Mr. SHERMAN. The House conferees were attempting to strike out everything with reference to this matter, but in that they could not succeed.

Mr. HERMANN. Can the gentleman recall whether an item which was put on by the Senate in regard to the Indian training school at Salem, Oreg., is retained in the bill?

Mr. SHERMAN. Yes; we accepted the Senate proposition to increase the number of students to 300 in the Indian school at Salem, Oreg.

Mr. HERMANN. So that there is no further difference with regard to that?

Mr. SHERMAN. There is no further difference with regard to that.

The conference report was adopted.

Mr. SHERMAN. Now, Mr. Speaker, I ask attention to amendment numbered 30, known as the sectarian school amendment. The first paragraph of that amendment relates only to applying $5,000 of the fund for the support of Indian schools for education in Alaska. It has been customary to authorize such use of a portion of the fund, and by some inadvertence the provision has crept into this paragraph. Beyond that this amendment numbered 30 contains a provision that 40 per cent of the appropriation for the year 1895 may be used, if the Department deems it necessary, for the education of Indians in contract schools, the money to be apportioned as evenly as practicable among the schools of the various denominations.

In order that the conferees may understand just what is the sentiment of the House in regard to this question—and I think every gentleman understands the proposition, so that it needs no argument, and I shall make none—in order that the conferees may understand the sentiment of the House in regard to the provision in the bill, I simply move that the House recede from its disagreement and concur in the Senate amendment. Gentlemen who desire to recede from the disagreement and to agree that 40 per cent of the appropriation for 1895 may be expended for the education of Indian children in contract schools will vote "aye," and gentlemen who desire to retain simply and absolutely the provision of last year's bill will vote "no." I should like to get the sentiment of the House on that motion, and I ask for the previous question.

Mr. MORSE. I would like to make an inquiry of the gentleman.

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. I do not. I ask for the previous question.

The SPEAKER. The gentleman from New York moves that the House recede and concur with the Senate on amendment numbered 30.

The Clerk will read the amendment.

The Clerk read as follows:

> In the paragraph providing for the support of Indian schools, insert the following after the word "dollars:" "Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska. And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for."

The previous question was ordered.

The SPEAKER. The question is upon the motion that the House recede and concur.

The question being taken, the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 87, noes 60.

Mr. LINTON. I demand tellers, Mr. Speaker.

Mr. COOPER of Wisconsin. Let us have the yeas and nays.

The question was taken on ordering the yeas and nays, and 33 members voted in favor thereof.

Mr. SHERMAN. Count the other side.

The other side was counted, and 143 members voted in the negative.

The SPEAKER. On this question the ayes are 33 and the noes are 143, not a sufficient number, and the yeas and nays are refused.

Mr. LINTON. I demand tellers.

The question was taken on ordering tellers, and 22 members voted in favor thereof.

The SPEAKER. Upon this question 22 members have voted in the affirmative—not a sufficient number. Tellers are refused, the yeas and nays are refused; the ayes have it, and the motion to concur is agreed to.

Mr. SHERMAN. Now, Mr. Speaker, I move that the House concur in Senate amendment numbered 103, and that will end the bill.

The SPEAKER. The Clerk will report the amendment.

Amendment 103 was read, as follows:

> SEC. 9. That section 8 of an act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, be amended by striking out from the last paragraph of said section the following proviso, to wit: "*Provided, however*, That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."
>
> That section 9 of said act be amended by striking out from the last paragraph therefrom the following proviso, to wit:
>
> "*Provided, however*, That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

The SPEAKER. The gentleman from New York [Mr. SHERMAN] moves that the House recede from its disagreement to this amendment and concur in it.

Mr. LACEY. I should like to have some explanation of this item from the chairman of the committee [Mr. SHERMAN].

Mr. SHERMAN. This provision was inserted in last year's bill. It gave to certain parties who had certain so-called claims a privilege which the Senate in its wisdom has seen fit this year to cut off. I doubt whether it was wise to put the provision in the bill in the first place; perhaps it is not the wisest thing in the world to strike it out now. But if anybody has a vested right, this action of ours certainly can not interfere with it. I can not see that the amendment will injure anybody.

Mr. LACEY. What class of minerals does the provision cover?

Mr. SHERMAN. Coal, and minerals of like character—not gold or silver, or anything of that kind, as I understand.

The question being taken on the motion of Mr. SHERMAN, that the House recede from its disagreement and concur in the amendment, it was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the votes on the several amendments of the Senate was laid on the table.

SALES IN THE SUBSISTENCE DEPARTMENT.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men.

The amendments were read.

Mr. GRIFFIN. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

On motion of Mr. GRIFFIN, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. I present a conference report on the District of Columbia appropriation bill. I ask unanimous consent that the reading of the report be omitted and that the accompanying statement be read instead.

There was no objection.

The following statement of the House conferees was read:

> The managers on the part of the House report as follows:
>
> The Senate recedes from amendment numbered 2, relating to the Public Library.

> Amendments numbered 6 and 7, relating to condemnation under the highway extension act.
>
> Amendment numbered 58, relating to the Washington Aqueduct tunnel.
>
> The House recedes from amendment numbered 3, relating to payment of back taxes.
>
> Amendments numbered 53 and 55, relating to electric lights.
>
> Amendments numbered 102 to 123, inclusive, and amendment numbered 131, relating to charities.
>
> WILLIAM W. GROUT,
> MAHLON PITNEY,
> ALEX. M. DOCKERY,
> *Managers on the part of the House.*

Mr. GROUT. I move that the report of the committee of conference be adopted. The House will notice from the statement that upon the proposition for the establishment of a free library the Senate conferees receded. They receded, [illegible] on the proposition relative to the Washington Aqueduct tunnel, known as the Lydecker tunnel; also on the fifth and sixth amendments relating to the appropriation for the payment of judgments that have arisen out of the highway extension act, amounting to one or two hundred thousand dollars, more or less, the exact amount I do not recall. The House conferees, in order to reach an agreement, have receded from an amendment relative to the collection of taxes, which we only disagreed to in the former conference for the purpose of learning something more about it. We are now satisfied that it is all right.

We have reluctantly receded from our disagreement upon the Senate amendments with reference to charities, which placed them, as the House will recall, upon the precise basis upon which they were placed by the Senate amendment of one year ago.

Mr. NORTHWAY. That permits the Commissioners of the District to make contracts, does it not?

Mr. GROUT. No; that was the way the House sent the bill to the Senate. The Senate has restored these different charities, appropriating for them seriatim, as heretofore. They reenact the law of last year in such a form that after the 1st of January, 1898, no more sectarian appropriations shall be made; whereas in the last bill this provision was limited to the 1st day of July, 1897. In other words, they have put off for one year the time when the provision shall take effect.

Individually, I consented to this with great reluctance. But it was perfectly apparent that at this late stage of the session we must, in order to reach an agreement upon the bill, concede that proposition; also, another amendment which I forgot to name, that with reference to the electric lighting, which I will ask my colleague on the conference committee, the gentleman from New Jersey [Mr. PITNEY], to explain.

Mr. NORTHWAY. I presume that next year we shall be called upon by the Senate to postpone the operation of this provision for another year.

Mr. GROUT. I will say to the House that if I am on the conference committee again, I shall never agree to another postponement; the House can do so if it wishes. I felt this time like bringing the question before the House. But the session is so far spent and Senators are engaged upon two or three conferences, so that it became apparent to your conferees that they must agree to this amendment for the time being or the bill would be very likely to fail. The conferees on the part of the Senate profess to think that the bill may fail in the Senate because we insisted that these large money payments should go out—some five or six hundred thousand dollars for the Washington Aqueduct tunnel, two or three hundred thousand dollars for the claims on account of the highway extension. But that is a matter for the Senate.

Mr. RICHARDSON. Will the gentleman now please make a statement which will give the House a proper understanding of the status in which the condemnation matter is left by this report?

Mr. GROUT. Mr. Speaker, there are certain judgments rendered, from some of which appeals have been taken; but the whole matter is in abeyance, because a question concerning the constitutionality of the highway act is now pending in the Supreme Court of the United States, and a decision was looked for on Monday last, but it was not handed down. The House conferees felt that until that question was settled they were justified in refusing to go forward in the payment of the claims.

Mr. LACEY. I would like to ask the gentleman what status this leaves the Lydecker tunnel in?

Mr. GROUT. Nothing is undertaken as to that work. The Lydecker tunnel, concerning which the gentleman inquires, I will say is left out by the conference report. Nothing is to be undertaken for the present year as to this work. The House will remember that an amendment was put on in the last bill by the Senate and rejected by the House—or rather was taken off by the conference committee—on the ground that the subject had not been submitted to the House committee, no estimate having been presented for that work. I stated then on the floor of the House, in explanation of the delay, that we wanted to examine the engineer officers who claimed that it was a feasible undertaking.

You will remember that some $2,000,000 have been expended already on the work. It extends from the Washington Aqueduct to the Howard University Aqueduct, near the Soldiers' Home, something like a mile and a half or two miles, and some portions of it are 170 feet under ground. It was given up years ago after an expenditure of $2,000,000 and upward, some contending that it was an impracticable scheme; but fraud was discovered in the work, and that was probably the principal reason for the suspension of the work.

It was stated on the floor of the House a year ago when this matter was under consideration that when this question was submitted to the House Committee on Appropriations, and they had an opportunity to investigate, they would go into it carefully and would furnish the House with their opinion as to the feasibility of the work, and would then determine whether it was proper to recommend the expenditure of the additional million of dollars required to complete it. But in the absence of the opportunity to make this investigation, we do not see that we are in a position to advise the House. The matter has not been submitted to the Committee on Appropriations, no estimate has been sent in. After it came up incidentally before the committee, and the Commissioners learned that we were unwilling to consider it because there was no estimate, an estimate was then sent to Congress, on which the Senate acted, but this was after the bill passed the House.

For one I want to ask the board who recommends the resumption of the work, and who say it is practicable and that we may safely expend a million of dollars and be reasonably certain of a supply of water—I say I want to ask certain questions of that board, to settle in my own mind whether the scheme is altogether practicable. So we stood out against this amendment; but when this matter is submitted to the Committee on Appropriations through the regular channels we will give it consideration and come to some definite conclusion upon it. I for one do not feel as if I knew enough about the matter to consent to any further considerable expenditure upon it, certainly not the expenditure of a million of dollars; and so, as I have said, we stood out against it, and the Senate finally receded.

I now yield to my colleague on the committee [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I only desire to detain the House for a very few moments with a word of explanation in addition to that of the gentleman from Vermont in charge of the bill. The Senate added about $1,700,000 to the bill after it left the House. We are able to report, upon this final agreement, that the House has only conceded of that amount to the Senate, in round numbers, about $359,000. It seems, therefore, Mr. Speaker, that we have effected a very fair settlement for the House.

Now, a word as to some of the legislative [illegible] in the controversy. The conference report does not reflect my views on all of the questions considered, but it is the very best compromise we could secure.

I may say, in this connection, that the Senate conferees have expressed some fear that the Senate would disagree to this report, because the House conferees have insisted that they do not desire to undertake the great work of completing the Lydecker tunnel, involving, perhaps, the expenditure of $1,000,000, without having the opportunity to examine the question more fully. The District bill, as I remember, passed the House on the 8th day of February last. The estimates for the Lydecker tunnel were sent to Congress on the 11th day of February, three days after the bill passed the House; so that the House Committee on Appropriations had no opportunity whatever to investigate the proposition.

The House conferees therefore insisted that they could not agree to this amendment until an opportunity was afforded for investigation. I desire, in conclusion, to say to the House that we have secured the very best result possible in respect to the controverted points, and I appeal to the House to stand by the conferees. The only fear that I have, I may say, is that the Senate will not agree to the report, for the reason that the Lydecker tunnel was not recognized.

Mr. BARRETT. I desire to ask the gentleman a question, if I may be allowed to do so. Will the gentleman allow a question?

Mr. DOCKERY. Certainly.

Mr. BARRETT. Mr. Speaker, a year ago this House expressed its opinion, by a very emphatic vote, on these sectarian appropriations. The chairman of this committee [Mr. GROUT], in making this report, states that while he is willing to give way this year, he promises the House that next year, if he is on the conference committee, he does not propose to give way at all. Now, I should like to ask the gentleman from Missouri [Mr. DOCKERY] whether or not the statement made by the gentleman from Vermont [Mr. GROUT], that in another year he thinks the views of the House may have some standing, possibly, is based upon any facts, or simply upon his desire to postpone this matter for a twelvemonth?

Mr. DOCKERY. I think I can explain that matter to the satisfaction of my friend from Massachusetts [Mr. BARRETT]. The gentleman from Vermont [Mr. GROUT] in charge of the bill has made his own statement.

Mr. GROUT. I will say something more, however.

Mr. DOCKERY. One reason why the conferees consented to accept the Senate proposition was this: The gentleman from Massachusetts [Mr. BARRETT] will remember that at the last session a joint commission was appointed to investigate the question of charities, and instructed to report to Congress; but for reasons relating to the body at the other end of the Capitol, the joint committee was unable to organize until a very late hour of this session. That commission is continued in this bill.

The gentleman from Vermont [Mr. GROUT] can speak for himself; and I suppose that when he made his statement in reference to charities he only assumed to speak for himself. I assume that statement was made because the joint commission is required by the provision continuing it to make a report at the next session of Congress. I suppose, therefore, the gentleman in charge of the bill declared his position in view of that fact. I yield back the time to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, I made the statement in answer to a question. I should not have volunteered the statement, as the remark of the gentleman from Massachusetts [Mr. BARRETT] would seem to imply. The gentleman from Missouri [Mr. DOCKERY] has given somewhat fully an additional reason why I agreed to do it. I want to say further that I agreed to do it on a sort of compulsion. The gentleman knows and the House knows how I have stood on this question, but when the gentleman has been on a conference committee on an appropriation bill, with 135 amendments in dispute, he will learn that he can not have everything his own way about them all——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. GROUT. Certainly.

Mr. COOPER of Wisconsin. What great harm would be done if this appropriation should not be made at all at this session?

Mr. GROUT. Oh, I do not think it would kill anyone. I do not think the wheels of government would stop, because we are to have an extra session. But no principle is surrendered by the agreement. Had there been a principle surrendered, I will say to the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Massachusetts [Mr. BARRETT] that I should not have agreed to it. It is simply a postponement of the date, a reenactment of the law, with a new limitation as to time. That is all.

Now, I want to say to gentlemen that I do not blame them for expressing disappointment at the result. I could not myself help the feeling that the proposition made to extend the time was suggestive of suspicion that it was not made in good faith, and I said to the honorable Senators, "Gentlemen, it will be an unpleasant task for me to go before the House and explain my position as consenting to this arrangement. I feel like going before the House and saying that they had a right to expect you would keep your word of a year ago. This was your proposition, and why not stand by it now?"

Mr. Speaker, we did the best we could to have the provisions of the bill as it passed the House restored, but we could not accomplish that, and in order not to have a disagreement, in order to save coming back and presenting the matter in piecemeal to the House, we reluctantly agreed to the report. In fact, we could have agreed to nothing if the whole had not been included; as I say, I agreed on compulsion.

Mr. MOODY. Will the gentleman permit a single question?

Mr. GROUT. Certainly.

Mr. MOODY. I should like to ask the gentleman, who is experienced in these matters, how long this kind of compulsion is going on, by which the House is compelled to appropriate money against its deliberately declared will?

Mr. GROUT. Oh, well, the gentleman's question, with his right arm extended high in the air, seems to appeal to the morality of the upper air so theatrically that I will let the upper air answer it. [Laughter.]

Mr. WHEELER. I wish to ask the gentleman one question.

Mr. MOODY. Let me say that if the upper air does not answer any better than the gentleman does I shall not get any answer. [Renewed laughter.]

Mr. WHEELER. I would ask the gentleman if it would not make a great deal of suffering in this District should it not obtain this appropriation?

Mr. GROUT. I do not think it would. I think, since the gentleman has referred to it, that the Commissioners can contract for the care of every infant, and every child who is now enjoying the charity of this District in families either within the city or the adjoining country, so that no suffering would take place. No, I will not admit the gentleman's proposition. I think all could have been well cared for by the Commissioners of the District without longer employing these sectarian institutions.

Mr. WALKER of Massachusetts. Nobody seems to be right. What is the gentleman trying to do with his bill—to beat it? [Laughter.]

Mr. GROUT. Well, I have wasted some time in answering the silly questions that are being asked. [Laughter.] Now I move the previous question.

Mr. BARRETT. Will the gentleman permit me a question?

Mr. PITNEY. Regular order.

Mr. BARRETT. I wish to ask the gentleman a question.

The SPEAKER. The gentleman from Vermont has demanded the previous question.

Mr. GROUT. I will yield to the gentleman for a question.

Mr. BARRETT. Now, I wish to ask the gentleman a question. The gentleman has stated that these questions are "silly." The question asked by my colleague [Mr. MOODY] and the question asked by my friend——

Mr. GROUT. I ought to have said "airy" questions. [Cries of "Regular order!"] I take it back and call them "airy" questions.

The SPEAKER. The gentleman from Massachusetts is recognized, for how long?

Mr. GROUT. I yielded for a question.

Mr. BARRETT. Will you allow me a moment?

Mr. GROUT. Unless the gentleman proceeds to ask his question, I shall move the previous question.

Mr. BARRETT. I wish to ask the gentleman a question. I wish to have a moment to discuss this question. May I ask the gentleman to yield for a moment?

Mr. GROUT. I do not want to seem to be ungracious. I have yielded for a question, and have waited for the question. I shall ask the previous question if the gentleman does not want to ask it. There was time for debate, and if the gentleman had put a request for time I should gladly have given an opportunity for debate, and if I thought the gentleman really wanted to debate this subject I would yield him time now. But as it is, I call for the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. BARRETT. Division!

The House divided; and there were—ayes 111, noes 9.

Mr. BARRETT. I raise the point of order that no quorum voted. [Cries of "Oh!"]

The SPEAKER. The Chair overrules that point of order.

Mr. BARRETT. One moment. Does the Chair hold that a quorum voted?

The SPEAKER. The Chair did not say that a quorum had voted, but overrules it as a point of order. It is the presence of a quorum on which the point of order can be made. [Laughter.]

So the previous question was ordered.

The question was taken on agreeing to the conference report; and the report of the committee of conference was agreed to.

On motion of Mr. GROUT, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

JERUSHA STURGIS.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE and others. I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HENDERSON. I would like to say to the House that we have now disposed of all the appropriation bills except the sundry civil and the general deficiency bill. The conferees will probably finish their work on the sundry civil bill by 11 o'clock; but as most of the conferees on that subcommittee are also on the general deficiency bill, the latter can not be taken up until the conference is completed in respect to the sundry civil. I therefore move, Mr. Speaker, that we take a recess until 11 o'clock.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins;

A bill (H. R. 10108) regulating fraternal beneficial associations in the District of Columbia;

A bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842;

A bill (H. R. 1353) for the relief of the administrator of George McAlpin;

A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of certain transcripts from the records of the health department;

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park;

A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder;

A bill (H. R. 4930) granting a pension to Mary Forward;

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; and

A bill (H. R. 2815) for the relief of William Lock and James H. Tinsley.

LEAVE TO PRINT.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask leave to print in the RECORD some remarks on rules of the House that I have offered to the House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print some remarks upon rules which the gentleman has introduced.

Mr. RICHARDSON. It has been impossible for us to hear the request of the gentleman. I could not hear the statement of the Chair.

Mr. WALKER of Massachusetts. My request is for leave to print in the RECORD some remarks on rules.

The SPEAKER. The Chair will state the request of the gentleman from Massachusetts. He desires to print some remarks upon rules which he has submitted to the House.

Mr. HARDY. I understand that the gentleman has withdrawn the objection to the consideration of the bill for the pension of the widow of General Sturgis.

The SPEAKER. There were several objections.

Is there objection to the request of the gentleman from Massachusetts?

Mr. COX. I object.

Mr. BAILEY. I want to know to what committee these rules have been referred?

Mr. WALKER of Massachusetts. To the Committee on Rules.

Mr. BAILEY. I would like to know when they were introduced?

Mr. WALKER of Massachusetts. They have been regularly introduced, but have not yet been printed, and will not be for two days, because the Printing Office is so full of work

Mr. RICHARDSON. I understand they are to be printed as a document, and the gentleman desires to submit remarks upon those rules?

Mr. WALKER of Massachusetts. That is all.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. DOCKERY. Mr. Speaker, I desire consent to extend my remarks in the RECORD. I intended to make that request when I had the floor.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. McCLEARY of Minnesota. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCLEARY of Minnesota. Would it be in order to move to suspend the rules and pass the bill for which I have just asked consideration?

The SPEAKER. The Chair thinks not.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. A bill to pension Anna G. Valk was passed by the House for a certain amount, went to the Senate, where it was amended, was returned to the House and referred to the Committee on Invalid Pensions, and that committee has reported the bill back to the House—is that a privileged report?

The SPEAKER. The Chair does not think it is.

The motion of Mr. HENDERSON was then agreed to; and the House accordingly (at 23 minutes past 10 o'clock), took a recess until 11 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House, at 11 o'clock p. m., was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (S. 588) for the relief of William H. Hugo; in which the concurrence of the House was requested.

The message also announced that the Senate had reconsidered, in pursuance of the Constitution, the bill entitled "An act granting a pension to Caroline D. Mowatt," returned to the House by the President with his objection and sent by the House of Representatives to the Senate; and that two-thirds voting in favor thereof, the Senate had decided to pass the bill, the objection of the President notwithstanding.

The message also announced that the Senate had passed with amendments the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

A further message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

TITLE LX, CHAPTER 3, REVISED STATUTES.

The SPEAKER laid before the House a bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyright, with amendments of the Senate thereto.

The Senate amendments were read.

Mr. FAIRCHILD. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. PAYNE. Mr. Speaker, I hope the gentleman will explain the amendments.

Mr. FAIRCHILD. The only amendment of any moment is the last one, which reads:

> *Provided*, That this act shall not apply to any importation or sale of such goods or articles brought into the United States prior to the passage hereof.

That amendment simply provides that operation of the bill shall not be in any way retroactive.

The amendments of the Senate were concurred in.

On motion of Mr. FAIRCHILD, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

REASSESSMENT OF WATER-MAIN TAXES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, with amendments of the Senate thereto.

The amendments were read.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the amendments of the Senate. They [illegible] merely formal, correcting some slight errors that occurred in printing the bill.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted as follows:

To Mr. LEIGHTY, to withdraw all papers connected with H. R. 8095 to pension Mary M. Cartwright, no adverse report having been made thereon.

To Mr. BLUE, to withdraw papers in the case of Howard M. Parker, Fifty-fourth Congress, no adverse report having been made thereon.

To Mr. BLUE, to withdraw papers in the case of Hiram Hopson, Fifty-fourth Congress, no adverse report having been made thereon.

To Mr. CONNOLLY, to withdraw papers accompanying the following bills, no adverse report having been made against any of them, viz: H. R. 9175, 8867, 8422, 8036, 7626, 6515, 6516, 6497, 5931, 5746, 4561, 4184, 4183, 3756, 3225, 2275, 2216, 1274, and 422.

GALVESTON AND NORTHERN RAILWAY.

The SPEAKER also laid before the House a bill (S. 9571) authorizing the Galveston and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, with an amendment of the Senate thereto.

The amendment (in the nature of a substitute) was read at length.

Mr. SHERMAN. I move that the House concur in the Senate amendment.

Mr. BLUE. I wish to ask the chairman of the Committee on Indian Affairs [Mr. SHERMAN] whether this bill is in the ordinary form of the charters that have been granted for roads crossing Oklahoma and the Indian Territory?

Mr. SHERMAN. Precisely the same form. This amendment of the Senate, as I understand, simply changes the jurisdiction of certain courts from Kansas to the Indian Territory, as a matter of convenience. Otherwise the bill is in the ordinary form of bills of like character heretofore passed.

Mr. BLUE. I notice there are some amendments in regard to the width of the right of way.

Mr. SHERMAN. If so, I think the gentleman will find that they are restrictions. Recently we have been in the habit of making rights of way more restricted than heretofore.

Mr. BLUE. The gentleman and his committee have examined this measure?

Mr. SHERMAN. Yes, sir.

Mr. BLUE. And it has received the approval of his committee?

Mr. SHERMAN. Yes, sir.

Mr. SULZER. What is the object of this transfer of the jurisdiction of the courts?

Mr. SHERMAN. It is a matter of convenience merely.

The question being taken on the motion of Mr. SHERMAN to concur in the amendment of the Senate, it was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

WRITS OF CERTIORARI, ETC.

Mr. BAKER of New Hampshire. I submit a conference report.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 358) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with an amendment as follows: Strike out, in lines 3, 4, and 5, the words "that in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final," and insert in lieu thereof the words "that in any case heretofore made final in the court of appeals of the District of Columbia."

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.

DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on Senate bill No. 358, to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, report that the amendment reported to the House and agreed to by the Senate applies, so far as the same is applicable, the exact language of the act establishing circuit courts of appeals which now regulates the power of the Supreme Court to issue writs of certiorari to the courts of appeals in the nine circuits of the United States to the court of appeals in the District of Columbia.

They believe that the same enactment should apply to every part of the country, and that the power vested in the Supreme Court by the said bill is proper and necessary to secure uniformity of decision throughout the whole country.

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.

Mr. BAKER of New Hampshire. I move the adoption of the conference report.

Mr. BAILEY. I make a point of order upon this report. It seems to me that the conferees have agreed upon a matter that has not been in dispute between the two Houses. They have adopted neither the House amendment nor the Senate amendment; they have gone outside of both. I submit that it is not competent for them to do so.

Mr. BAKER of New Hampshire. In reply to the gentleman from Texas, I will say that the conferees have not gone outside the purpose of the act in any respect whatever. They have carried out the intent of the Senate bill by providing that the same law shall apply to this case as applies to the several circuit courts of the United States.

Mr. BAILEY. I have no doubt in the world that the report as finally agreed to does deal in effect with what was in dispute between the two Houses; but the point of order I make is that the conferees have not reported that either the House or the Senate should recede; they have introduced an entirely new proposition in words, however similar it may be in effect.

Now, if the conferees would come to either House and ask that the House or the Senate on its part should agree to the amendment with an amendment, it would be competent to attain the result in that way. But it is not competent for the conferees on the part of the two Houses to go beyond the matters in dispute between them and to submit a new proposition. I submit, therefore, that the report is not in order.

Mr. HENDERSON. The conferees have done in this case exactly what is done in a majority of cases where differences arise between the two Houses. We have, as the gentleman says, substantially treated this subject. Sometimes an agreement is reached by amending an amendment—as, for instance, by reducing an amount of money where the sum to be appropriated is in controversy. Frequently, however, and the gentleman from Texas must have had experience in conference committees to verify what I say, the committee substitutes entirely new words for the matter in controversy.

Now, what is the real matter in controversy between the two Houses upon this bill? Under the act of March 3, 1891, establishing certain courts of appeals, power is given to the Supreme Court of the United States, in the exercise of its discretion, to issue its writ of certiorari and bring before it certain cases when it thinks it ought to be done. When this matter was before the Committee on Judiciary, members thought it might be well to frame the bill in such a way that it would apply only to cases in futuro—not to any case that might be already in existence. That, therefore, is the question at issue between the two Houses. We have tried different phraseology to bring the two Houses together; and have finally adopted in conference the amendment which is now before the House. It proposes in substance to make applicable in this case the same law which now applies to the several courts of appeal throughout the United States.

The technical point raised by my friend from Texas is in effect that a conference committee can not adopt a substitute. That is what the point amounts to. But, sir, the largest latitude is given under the rules to committees of conference. That latitude has been exercised again and again and the action confirmed by the House. Sometimes the words originally contained in an amendment are dropped entirely and new words substituted.

It will be seen that the effect of this amendment is—and I want the House to understand it—to apply absolutely to cases in existence, those which may be commenced or pending, just the same provisions, so far as applicable, as apply to cases which may be instituted to-morrow.

Mr. TURNER of Georgia. The gentleman from Iowa has about explained what I wished to know with reference to this matter, but I would thank him to state exactly what the proposition is that the conferees now report to the House.

The SPEAKER. The Chair would like to ask the gentleman from Iowa where the lines are that are amended? Are they lines in the House amendment or in the bill as it comes from the Senate?

Mr. HENDERSON. The House amendment consists of two words only, added in line 3, after the word "cases," being the words "hereafter arising." That was the only amendment made by the House. The effect of the amendment was of course to make the bill apply only to cases that might be instituted after the passage of the act. I think my friend from Texas [Mr. BAILEY] will sustain me in the construction of the contention that existed between them. The effect of it, I repeat, is practically a yielding on the part of the House.

Mr. MILES. Is it not an entire yielding on the part of the House?

Mr. HENDERSON. Well, I say it is a practical yielding on the part of the House. The House recedes from the amendment; and it will apply to all cases. It provides now according to the proposed amendment that it will affect all cases, those that are pending and those that may be hereafter instituted. I want every member, of course, to understand exactly what this question is.

The SPEAKER. The Chair does not see that the conference committee have transcended their powers in the amendment, and will therefore have to overrule the point of order.

Mr. BAILEY. I have no desire, Mr. Speaker, to say more than that, according to the admission of the conferees themselves, they have submitted exactly the same proposition that we voted down this afternoon. But I am ready to take a vote upon it.

Mr. BURTON of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURTON of Missouri. I rise for the purpose of opposing this conference report.

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HENDERSON. I will in a few moments, Mr. Speaker, if my friend will allow me a minute, so that the House may fairly understand this proposition.

The feeling that some of us on the Judiciary Committee had (and I suggested the amendment to the committee) was that possibly we should not frame it so as to apply to cases that might be pending. But we have conferred with the Senate conferees on the subject, and, as well suggested while it was under consideration, why should it not apply to anyone entitled to its benefits where the Supreme Court, in the exercise of its discretion, thought it ought to be done? That is the whole question in a nutshell. If to-morrow a suit is commenced that the Supreme Court thinks ought to be reviewed and issues a writ of certiorari for that purpose involving a constitutional question, there is no reason why it should not be done. It is done in all the courts of appeals. The writ issues to all of them, and why should it not apply to a case now pending? Is there any good reason why it should not? That is the real issue.

Mr. RAY. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. Certainly.

Mr. RAY. As this conference report is now agreed to by the conferees, would it not permit the Supreme Court of the United States to bring up for review, on certiorari, any decision in any case that has been made by the court of appeals of the District of Columbia?

Mr. HENDERSON. I do not know anything of what cases are pending, but I will say to my colleague that it will grant that same privilege to the final court of the District of Columbia as it will to the courts of appeals in the nine circuits of the United States to any cases that were pending when the bill became a law on the 3d day of March, 1891. No reservations were made under the act. Any suits then pending came within the folds of the garment of that act; and so under this bill any suits now pending will come within its provisions, and I do not want any juggling or misunderstanding upon the subject. I bring no bill before the House as a conferee, or as chairman of my committee, that I do not thoroughly believe in, and am satisfied to have fully explained to the House.

Mr. MILES. Let me ask the gentleman if this would not affect a case where a judgment is already rendered, and where the time has not run out within which certiorari may be taken out?

Mr. HENDERSON. I suppose, of course, it would give the right of review. If it will in your circuit, no doubt it will also in mine. It is uniform in its operation. There is no distinction or discrimination. But, of course, it is in the exercise of the sound discretion of the highest court of the country.

Now I yield the time back to the gentleman from New Hampshire [Mr. BAKER], who yielded to me.

Mr. BURTON of Missouri. Mr. Speaker, under the law there are certain judgments and decrees that have been or may be rendered by the court of appeals of the District of Columbia which are final.

This bill as it was originally introduced, and, in fact, as it passed the Senate, gave to the Supreme Court of the United States the right to issue a writ of certiorari, upon which the judgment and decree rendered in a cause in which there could be no appeal should be certified to the Supreme Court for review. The Judiciary Committee of the House were of the opinion that we ought not to apply it to any case wherein a judgment had already been rendered, upon the theory that a party who had gone into a court, either in a civil cause or at the foot of an indictment in a criminal prosecution, knew at the time what the law was, what his rights of appeal were, and what courts he might call upon to review the judgment or decree rendered in his particular case.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. LURTON of Missouri. Not now, but in a moment. The committee on the part of the House were of the opinion that judgments heretofore rendered ought not to be disturbed, but that as to any causes which might arise in the future it would be meet and proper that the Supreme Court, in its discretion, might cause a writ of certiorari to issue. Our committee were substantially unanimous on that proposition. I believe there was but one member who voted in the negative, and that was my friend the gentleman from New Hampshire [Mr. BAKER].

Mr. RAY. Oh, no. My colleague will remember that I offered an amendment, and tried to get it through the committee, which permitted the bringing up by certiorari of the proceedings in all cases now commenced, whether determined or not.

Mr. BURTON of Missouri. Yes; I concede that.

Mr. RAY. Every litigation now pending.

Mr. BURTON of Missouri. Yes; instead of the word "arising," your amendment was "decided." Now, the committee reported that amendment to this House and it was adopted. It went over to the Senate, and in conference it came halfway. It was willing that our amendment should apply to civil cases, but not to criminal cases, for the reason given by the gentleman from New Hampshire [Mr. BAKER], that the rights of life or liberty were paramount to the right of property; but after the discussion this afternoon we voted it down, which was tantamount to instructing our conferees to insist on the amendment of the House. Now, the conferees come back here and not only do not stand upon our instructions, but they even give the other half away, and say that not only in criminal cases, but in civil cases——

Mr. MILES. In all cases?

Mr. BURTON of Missouri. In all kinds of cases, civil or criminal. We say, Mr. Speaker, as to the future, well and good, but as to any case which has been heard and determined, wherein a judgment or decree has been rendered, that it ought not to be disturbed, for reasons which must be apparent to every lawyer on the floor of this House, if he will but reflect for a moment.

Now, I repeat that the managers on the part of the House have given away what we demanded and conceded what the Senate first insisted upon.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BURTON of Missouri. Now, I will yield to my friend from New Hampshire [Mr. BAKER].

Mr. BAKER of New Hampshire. Will you please inform us if there is any reason why the same law should not apply to the courts of the District of Columbia that applies to every other court in the United States?

Mr. BURTON of Missouri. Yes.

Mr. BAKER of New Hampshire. I should like to know why?

Mr. UPDEGRAFF. The courts of the District of Columbia have a general jurisdiction.

Mr. BURTON of Missouri. The courts of the District have a general jurisdiction. The United States courts in the various States have a limited jurisdiction, which only applies to a certain class of cases; but in this District there is a general jurisdiction. A citizen residing in the State of Missouri or in the State of Massachusetts, or any one of the other Commonwealths of this country, can not go into the Supreme Court of the United States. He must rest his case when he gets into the supreme court of his State, but under this proposition you would give to every man in the District of Columbia against whom a judgment has been rendered, either in a criminal or a civil proceeding, the right to have that case reviewed by the Supreme Court of the United States.

Mr. MILES. Although his case may have been tried and judgment rendered.

Mr. BURTON of Missouri. Although his case may have been tried and judgment rendered before the enactment of this law, I say that a citizen of the District of Columbia ought not to have any higher rights than a citizen of any one of the forty-five States of the Union.

Mr. BAKER of New Hampshire. The gentleman from Missouri entirely misapprehends the scope of this bill and this conference report. It is not in any sense a bill to give to anybody the right of appeal. It is simply to give the right, in those cases involving constitutional questions, those questions which the Supreme Court itself shall regard as proper for it to review, the issuing of a writ of certiorari. No member of this House can for one moment believe that the Supreme Court of the United States is ever going to busy itself in bringing up, by writ or certiorari, the petty cases referred to by the gentleman from Missouri [Mr. BURTON].

Mr. BURTON of Missouri. I will ask my friend——

Mr. BAKER of New Hampshire. One moment. One would suppose from the gentleman's argument that the Supreme Court of the United States was as anxious to find business as a country justice of the peace. The purpose of this bill is to make uniformity of law throughout the whole United States, and if the gentleman is at all familiar with the jurisdiction of the courts of the District of Columbia, he knows that by statute they are assimilated to the circuit courts of the United States. And consequently being practically a circuit court of the United States, they should be under the same jurisdiction and the same provisions.

Mr. DOOLITTLE. And the same remedy should be applied.

Mr. BAKER of New Hampshire. And the same remedy should be applied.

Mr. TERRY. I desire to ask you this question: Is not the main purpose and object of this bill to affect a case that has already been tried?

Mr. BAKER of New Hampshire. Not that I am aware of.

Mr. TERRY. If not, why, by circumlocution, come back to this House and make it apply in the interest of a case already tried?

Mr. BAKER of New Hampshire. There is no circumlocution in this whole matter. It is a square statement, and does not cover anything.

Mr. TERRY. I undertake to say that the honorable chairman of this committee has truthfully told this House that it will apply to a case in which a judgment has already been rendered; and that being true, and this House this afternoon having refused to consent to a purpose of that kind, why have you come back by indirection and renewed the same purpose?

Mr. HENDERSON. I want to say to my colleague from Arkansas, I said that in any case where an appeal or a writ of certiorari would issue in any of the nine circuits, it would in the District of Columbia. That far and no further. This report which we bring in makes this law absolutely the same as the law applied to your circuit court of appeals and to mine and to the rest of the nine in the Union. No greater advantage and no less.

Mr. TERRY. That is right.

Mr. HENDERSON. Here in this circuit court, with these great concentrated interests, political interests, those of vast importance—should they not have the same right as your citizen and mine when the Supreme Court is asked to review by writ of certiorari if, in its opinion, it ought to be done? Supposing that matters affecting treaties between governments, involving constitutional questions in our country, are presented, and the Supreme Court thinks that a writ should issue to bring before that tribunal some case you would not have the right to have them issue a writ to the final court here, while in your circuit and mine, where less important questions arise, you would have it. I want fair play between my countrymen, and this absolutely gives only that and nothing more. [Loud applause.]

Mr. BURTON of Missouri. I will ask the chairman if, when the statute creating the courts of appeal was enacted, it did not give to everyone this right of writ of certiorari in cases thereafter to originate?

Mr. HENDERSON. No, sir; it is not in the law, and I will give it to you to find it.

Mr. BURTON of Missouri. I will ask you if, under this amendment, you can not go into court and disturb a judgment that was rendered long before this amendment was offered?

Mr. HENDERSON. Not if the right of review has expired under the law, according to the circuit court of appeals.

Mr. BURTON of Missouri. Did it ever exist in the District of Columbia?

Mr. HENDERSON. I do not know how that may be. I do not pretend to say. But I do say that there is no enlargement of the powers and the rights of the citizens of the District of Columbia that is not enjoyed by your citizens and mine.

Mr. UPDEGRAFF. Will my colleague allow me to ask him a question?

Mr. HENDERSON. With great pleasure.

Mr. UPDEGRAFF. Does not this legislation affect the rights of parties in existing cases, pending cases?

Mr. HENDERSON. I will answer my good colleague from Iowa by stating when the act of March 3, 1891, was made law, if that law then enacted affected rights pending, this does. Does anyone take exception to that law? Have you introduced a bill to repeal it? Certainly not.

Mr. UPDEGRAFF. I fail to get an answer.

Mr. HENDERSON. I have answered you.

Mr. UPDEGRAFF. I fail to get an answer to that question; now, let me ask another?

Mr. HENDERSON. I say it treats them exactly as the general law treats them.

Mr. UPDEGRAFF. Will not this act, if it becomes a law, permit a rehearing in the Chapman case, or rather permit a revision of the action of the supreme court of the District of Columbia in the Chapman sugar-trust case?

A MEMBER. What if it does?

Mr. HENDERSON (to Mr. UPDEGRAFF). Wait a moment now; do not get on your coos and run, my boy. [Laughter.]

Mr. UPDEGRAFF. Oh, not at all.

Mr. HENDERSON. If you know Chapman, you know more than I do.

Mr. UPDEGRAFF. I do not.

Mr. HENDERSON. And if you know what his litigation is, you know more than I do. But whether it be Chapman or UPDEGRAFF, Tom, Dick, or Harry, a citizen of this District is entitled to the same right of review that DAVE HENDERSON or TOM UPDEGRAFF is entitled to in his district. [Applause.]

Mr. UPDEGRAFF. This bill enlarges the rights of Chapman for the benefit of the sugar trust.

Mr. HENDERSON. No, sir; it is not for any such purpose.

Mr. MAGUIRE. If there is no right of appeal or certiorari now——

Mr. BAKER of New Hampshire. Mr. Speaker, I call for the previous question on the adoption of the conference report.

Several MEMBERS. No, no.

The previous question was ordered.

The question being taken on the adoption of the conference report, the Speaker declared that the ayes seemed to have it.

Mr. BURTON of Missouri. I ask for a division.

The House divided; and there were—ayes 95, noes 46.

Mr. MILES. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Maryland makes the point that there is no quorum present. [After a count.] There are 183 members present—a quorum.

Mr. BURTON of Missouri. Mr. Speaker, I demand the yeas and nays on the adoption of the conference report.

The yeas and nays were refused, only 23 members voting in favor thereof; and the conference report was adopted.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

WITHDRAWAL OF PAPERS.

Mr. WANGER, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies the papers in the case of Samuel T. Morris (H. R. 7037), first session, Fifty-fourth Congress, no adverse report having been made thereon.

Mr. FENTON, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of Theodore W. Tallmadge, Fifty-fourth Congress, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army; and

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The House then, on motion of Mr. PAYNE, took a recess until 12.30 a. m.

The recess having expired, the House reassembled at 12.30 a. m. (Thursday, March 4).

Mr. HENDERSON. Mr. Speaker, it will probably be thirty minutes before the conference report on the sundry civil bill is ready. I move, therefore, that the House take a recess until 1 o'clock.

The motion was agreed to.

The recess having expired, the House, on motion of Mr. HOPKINS of Illinois, took a further recess until 1 o'clock and 15 minutes a. m.

The recess having expired, the House resumed its session.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 2663) to amend the laws relating to navigation.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I think it will be thirty minutes before we shall be able to report the sundry civil bill. The report is now being written up. I move that the House take a recess until quarter before 2 o'clock.

The motion was agreed to.

The recess having expired, the House resumed its session.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I present the report of the committee of conference on the disagreeing votes of the two Houses on the sundry civil appropriation bill. I ask consent that the reading of the report be dispensed with and that the statement of the House conferees be read.

There was no objection.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the sundry civil bill submit the following written statement in explanation of the accompanying conference report:

On amendments numbered 1, 2, 4, 6, 9, 10, and 12, relating to public buildings: Appropriates, as proposed by the Senate, for the public buildings at Bridgeport, Conn., Charleston, S. C., and Norfolk, Va., appropriates for the public building at Topeka, Kans., as proposed in the amendment adopted by the House; strikes out the appropriation proposed by the Senate for the purchase of the Corcoran Art Gallery property and the appropriation for a public building at Butte, Mont., and strikes out the provision proposed by the Senate, appointing a committee to examine sites on lots for a memorial building for the National Society of the Daughters of the Revolution.

On amendment numbered 26, appropriates $175,000, as proposed by the Senate, for a revenue cutter on the Atlantic coast.

On amendments numbered 48, 49, and 50, provides for the return of the Government exhibit from the Omaha Exposition, and strikes out the increase proposed by the Senate of $75,000 in the appropriation for said exposition.

On amendment numbered 58: Provides for an additional collection district in Vermont, as proposed by the Senate.

On amendments numbered 62 and 63: Strikes out the appropriation proposed by the Senate for payment to A. T. Kimball and to the heirs of certain persons who were killed by the explosion of the gun-cotton factory near Newport, R. I.

On amendment numbered 72: Inserts in lieu of the provision proposed by the House for the Senate amendment, the following:

"The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary line of such reserve, or may vacate altogether any order creating such reserve."

On amendments numbered 73, 74, and 78: Appropriates $31,000, as proposed by the House, instead of $45,000, as proposed by the Senate, for the report on mineral resources.

On amendments numbered 89, 90, and 91: Inserts the provisions proposed by the Senate with reference to electric lighting in parks.

On amendment numbered 98: Appropriates $18,000 for a road to the Chickamauga National Park.

On the amendments of the Senate relating to rivers and harbors, reducing the appropriations proposed by the House 25 per cent, the reduction is made 12½ per cent in lieu.

On amendment numbered 144: Strikes out the appropriation proposed by the Senate for a building for the Garfield Hospital.

On amendment numbered 148: Strikes out the appropriation proposed by the Senate for the improvement of Pearl Harbor.

On amendment numbered 168: Strikes out the appropriation of $100,000 for a branch soldiers' home in South Dakota.

On amendment numbered 180: Appropriates $150,000, as proposed by the Senate, for the Nicaragua Canal survey; and

On amendment numbered 190: Inserts the provision proposed by the Senate authorizing the Joint Committee on Printing to have prepared plans for additions to the Government Printing Office.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I desire to yield, as I agreed to do, five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I hesitate at this late hour in the session, when several appropriation bills are to be disposed of, about taking up the time of the House. The subject, however, to which I wish briefly to call the attention of the members of the House is one of such importance to Western interests that a sense of my duty to the people of that region compels me to make a brief statement of my position, and in doing so I think I shall voice the sentiments of most of the people of the great Northwest. I have reference, Mr. Speaker, to the provisions in this bill relative to forest reservations. The probability that this subject will be discussed both here and elsewhere at an early date warrants me in making a statement of my position in regard to the recent action of the President relative to forest reservations and the provisions relating thereto in this bill. The sundry civil bill as it came from the Senate contained the following provision:

> And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States the same as if said Executive orders and proclamations had not been made.

This amendment after discussion in the Senate was unanimously adopted by that body. The reasons for the adoption of the amendment were clearly stated by various members of the Senate from the region affected when the amendment was under discussion in that body, and I will not trespass on the time of the House at this late hour to any considerable length with a general discussion of the action which called forth the amendment referred to. Suffice it to say that in the closing hours of the Fifty-first Congress a bill which, when it went into conference between the House and Senate, simply provided for the repeal of the timber-culture laws, when it came out of conference contained among other legislation the following provision:

> That the President of the United States may, from time to time, set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

This provision, giving the President great powers, was adopted without discussion in either House, except that in the Senate Senator CALL, of Florida, stated that there were a number of provisions in the bill which seemed to have to do with the disposition of the public domain, and that while he did not feel justified in antagonizing the measure he wished to have it understood that he was not in favor of any measure that would have a tendency to withhold large bodies of land from settlement. The Senator from Kansas, Mr. Plumb, assured him that no provision in the bill would have this effect. Thus it will be seen from this discussion that it was not intended by the provision I have referred to that sweeping proclamations should be made withdrawing vast bodies of land from the public domain suddenly and without notice. Soon after the passage of the law the Commissioner of the General Land Office issued a circular of instructions as to the manner of examination of the lands which it was proposed to recommend to the President for segregation from the public domain as forest reservations, a copy of which I wish to have inserted in the RECORD:

[Circular of instructions relating to timber reservations.]

P.] DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 15, 1891.

TO SPECIAL AGENTS OF THE GENERAL LAND OFFICE:

GENTLEMEN: Your attention is hereby called to section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," which reads as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public lands bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

To carry into effect said provisions, it becomes important to reserve all public lands bearing forests or covered with timber or undergrowth on which the timber is not absolutely required for the legitimate use and necessities of the residents of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in the immediate vicinity of the particular lands in question.

In so doing it is of first importance to reserve all public lands in mountainous and other regions which are covered with timber or undergrowth at the head waters of rivers and along the banks of streams, creeks, and ravines, where such timber or undergrowth is the means provided by nature to absorb and check the mountain torrents and to prevent the sudden and rapid melting of the winter's snows and the resultant inundation of the valleys below, which destroy the agricultural and pasturage interests of communities and settlements in the low portions of the country.

For the purpose of securing the necessary data upon which to base recommendations for such forest reservations the following instructions are issued:

Special agents, upon being detailed to secure the data in question, will proceed, without undue delay, to make in the districts assigned to them a thorough and careful personal examination of the public lands bearing forests or covered with timber or undergrowth, and ascertain by personal observation and by interviews with Government and State officials in the vicinity of such lands, and with citizens who have an interest in the public welfare, all facts pertaining to the value of said forests or timber lands for all uses, purposes, and requirements. The result of such investigations should be duly made the subject of report to this office.

In submitting such reports a recommendation should be made in each case as to whether the lands described should be set apart as a public reservation, setting forth in full the reasons for arriving at the conclusions stated. The agent should also in every instance, so far as practicable, procure and submit with his report the expression of opinion in writing of the officials and citizens interviewed by him relative to the special value of each tract or area of land reported upon.

In recommending reservations of timber lands, special agents should describe such lands by natural drainage basins; and whenever it is in the interests of the industries carried on in the district to except any lands within said basins from reservation by permitting the timber to be cut to meet the wants of the people, such excepted tracts should be described in Land Office terms, as sections, townships, ranges, etc.; but when surveys have not been extended over the lands thus excepted, the lands should be described by natural boundaries in such a manner that they may be readily distinguished from other lands, and that proper provision for their survey by Land Office methods may be made.

After making an examination of the timber lands of any drainage basin and having decided to recommend the same for reservation under the provisions of this circular, before submitting report in the matter a notice should be prepared by the agent stating that such recommendation will be made to the General Land Office, and setting forth a description of the basin, together with a description of any public lands embraced therein which it may be proposed to have excepted therefrom. It should also be stated therein that the object of such publication is to give timely notice of the proposed reservation in order that all parties interested, who either favor or oppose its establishment, may be afforded due opportunity to submit their views to this office, by petition or otherwise, for the purpose of having the same considered prior to the final establishment of such reservation.

This notice should be posted in the land office or offices of the district wherein such lands are situated, and a copy of the same should be published at least once a week for three successive weeks in some newspaper published in the county, or each of the other counties, wherein such lands are situated, and also in at least one other newspaper of general circulation in the State or Territory. If no newspaper be published in the county or counties in which the lands are situated, then the publication should be made in a newspaper published in the county nearest to such lands.

A printed copy of the notice of publication should be submitted with the agent's report, together with the affidavit of the publisher or foreman of each newspaper attached thereto, showing that the same was successively inserted the requisite number of times, and the dates thereof.

Should knowledge be acquired by the agent that any particular tract or tracts of public timber land are being, or are likely at an early date to be, despoiled of the timber which should be preserved for climatic, economic, or other public reasons, and that the early reservation thereof is necessary, the agent should report the matter at once to this office, describing in [illegible] the location of said lands, and stating reasons for believing that [illegible] exists for early action. Should the services of a surveyor be required to locate and define by proper exterior bounds and lines any tract or tracts therein which should be excepted from reservation, he should submit an estimate as to the total cost of such survey and the time required to complete same. Upon receipt of such report proper measures will be promptly taken by this office in the premises.

Very respectfully,
T. H. CARTER,
Commissioner.

Approved.

GEO. CHANDLER,
Acting Secretary.

It will be noted that the Land Office Department appreciated the importance of careful selections under the law and provided that before any recommendations were made by the Land Department that the region proposed to be set up as a forest reserve should be carefully explored, and that the people in the vicinity and the officers of the State in which the lands were located should be notified and given an opportunity to be heard for or against the setting up of the reservation.

There is no question but what the setting aside of tracts of land in the arid region containing forests near the head waters of streams would be beneficial in tending to conserve the water supply by retaining the winter snows and preventing the early parching of the ground by the summer suns. But the power vested in the President to set up such reservations must be carefully and intelligently exercised, or great injury is done and the growth and development of vast communities prevented or retarded. Unfortunately, there is no legislation at this time in regard to forest reservations other than the provision quoted above, empowering the President to establish them. The result of this is that the setting up of the forest reserve does not to any considerable extent prevent the destruction of the forests by fires and it absolutely prevents the use of the timber, thus causing much loss to the settlers in their vicinity and retarding development. In the Rocky Mountain region, including the Dakotas, most of the forests are evergreen, and where such forests are cut trees of the same variety succeed them. Thus the cutting and removing of large trees of pine and spruce results in the springing up and rapid growth of young trees of the same kind. These trees in a few years shade the ground quite as much as the older ones, and, in fact, in a period of ten years the young growth produced in this way reaches a height from 8 to 10 feet, and in most instances standing very thickly, shade the ground much more effectively than the larger trees do, thereby protecting the winter snows from melting, and retaining the moisture in the ground even to a greater extent than does the larger growth. The cutting of timber in this region is, therefore, not an injury. No doubt in a few localities in the extreme Northwest, and certainly in some on the Pacific Coast, it is good policy to preserve the large trees for future use, and where there is a sufficient amount of lumber supply outside of the reservation established for the development of the region, such a policy is to be commended. Ordinarily, however, forest reservations should be set up not for the purpose of preserving the forest from use, but to provide for their legitimate use as needed.

As I stated before, at the present time there is no law under which any of the forests in a forest reservation can be utilized. A settler can not cut a stick of firewood, a house log, or a fence post without being a trespasser. Further, a considerable portion of the lands in the West contains minerals, and it is certainly not wise to close up any portion of our country against the efforts of the prospector to develop its mineral resources.

Now, as to the forest reservations set aside by the President in his proclamation of February 22, 1897, it is a fact that no careful examination was made of them by anyone, and they were set aside seemingly with an utter disregard of the wishes of the people most interested. It is true that a forestry commission, appointed by the American Academy of Sciences, claimed to have made an examination of these reservations, but Prof. Wolcott Gibbs, who made the report to the Secretary of the Interior, did not accompany the commission at all, and therefore had no knowledge whatever of the regions set aside except such as he may have gained in the past, and as he did not visit any of the reservations proposed to be set up with the commission, I presume it is quite likely that he never has visited any of them.

A member of the commission informed me as to the Big Horn Reservation that no member of the commission was nearer it than the city of Sheridan, 25 miles east of its eastern boundary. As to the Teton Reservation, no member of the commission was nearer it than 100 miles, except one, and he informed me that he had not been in favor of setting up that reservation. It will be thus seen that the only member of the commission who had any means of knowing anything about this particular reservation was opposed to its establishment, and the other members, who knew absolutely nothing about it, declared that it should be set up. Of course these learned and highly cultured gentlemen thought it should be done because they knew nothing about it, and lo, it was done. It is a fact, which was admitted by one of the commission, that except in instances where railroads crossed the proposed reservation no member of the commission visited such reservation. When they did cross them on the railroads, they evidently took great pains not to investigate the conditions surrounding them. For instance, the country in the Black Hills Reservation is composed of a rolling region of small open parks, separated by sharp dikes and mineral-bearing ridges, the parks being grassed and the ridges timbered. Only in one part of the region composing the reservation does it develop into anything like a range, and that is in the vicinity of Harney Peak. A great many of these parks, and, in fact, a very considerable portion of them, have been farmed for a number of years, and many comfortable farmhouses are scattered all over the region. The ridges are generally wooded and contain mineral, and much mineral development has taken place in the region for years past, and it is now producing a considerable amount of the precious metals. Several towns of from 500 to 1,000 people are located within the boundaries of the reservation, and I am credibly informed that there are no less than 8,000 or 10,000 people within the boundaries of this reservation. The Secretary of the Interior states in regard to this reservation that there are only fifteen filings of record in the local land offices. While this is undoubtedly true, it is also true that a great portion of the land is not surveyed, and, being in a mineral country, if it were surveyed, the ordinary agricultural filings could not be made. It is a fact that many thousands of acres are being farmed and have been farmed for many years, being held under the mineral laws, and tens of thousands of acres are being held and developed for mining purposes all over the reservation. These entries are entirely legitimate, but are never of record in the land office until the locator takes steps to make final proof on the claims.

Within the Big Horn Reservation in Wyoming, containing, as it does, 1,198,080 acres, are many thousands of acres of mineral and grazing lands. In fact, it would be an exceedingly liberal estimate to place the amount of land within this reservation bearing forests of any kind or description at 200,000 acres.

There has been something said in this Chamber, Mr. Speaker, about lumber syndicates and about the unlawful and unwarranted destruction of the forests on the public domain by people interested in large mining and lumber operations. In this connection let me call the attention of the House to the report of Professor Gibbs, president of the National Academy of Sciences, to the Secretary of the Interior in regard to one of these reservations which he never saw:

> The forests which cover the Big Horn Mountains are composed of pines and spruces of small size. They contain sufficient material, nevertheless, to supply the demands of local agricultural settlers and of possible mining operations, but are not commercially valuable.

This is a true statement. The gentleman must have met some one who had traversed the Big Horn Mountains. The remainder of the report in regard to that region is not so trustworthy. The gentleman refers to the Big Horn Mountains as "a high, isolated, and exceedingly broken range." It is true that they are high and isolated, but it is not true that they are "exceedingly broken." In fact, it is a comparatively unbroken range of mountains, consisting of a vast rolling grass plateau thrown high above the surrounding region, partly broken only at the rib or backbone of the range near its western edge. Again, quoting from the report of Professor Gibbs, he says in regard to the Teton Forest Reservation:

> They are capable of supplying all the local demands that will probably ever be made on them, but have little commercial value.

According to the report on which these reservations were established, it appears there are no forests commercially valuable, and to my certain knowledge no part of the forests within these two reserves have ever been used except to furnish material for the improvement of the settlements adjacent thereto, which must depend on these forests for the means to develop the agricultural resources of the region.

One member of the commission visited the Teton Reserve region years ago, but, as he informed me, he was not in favor of this region being set up as a forest reservation because he "did not appreciate the necessity for it." But, as some people always presume to know the most about those things of which they know the least, the other gentlemen of the party favored the setting up of this reservation. When it is taken into consideration that these gentlemen probably traveled over the Northern Pacific Railroad, and quite likely went into the national park north of the proposed reservation, and made the acquaintance, no doubt, of the gentlemen who are connected with transportation in the park and on the aforesaid railroad, it was not necessary for them to have any personal knowledge, because these gentlemen probably volunteered to give all the information necessary in regard to the proposed reservation. Now, if the gentlemen will take the trouble to glance at the maps of Wyoming and Montana they will discover that the only railroad reaching the national park is a branch of the Northern Pacific, and it will certainly occur to them that any barrier placed about the national park which would retard the construction of railroads to the southern and eastern boundaries of the park would not be disadvantageous to the Northern Pacific and its auxiliaries. It is possible it may occur to them that there may have been arguments used with the commissioners in regard to the Teton Reservation that were not altogether disinterested. While, no doubt, the learned gentlemen of the National Academy of Sciences were guided by the highest motives, they had no means of ascertaining, that I am aware of, that those they met on their travels and to whom they saw fit to divulge the secret of their mission were guided by the same lofty, pure, and disinterested sentiments that they were.

While it is true that the setting up of forest reservations about the National Park does not absolutely prevent railroad construction, it is also true that as a general thing railroads do not construct lines through countries that can never be settled and developed. Further, it is my opinion, firmly established by experience and a knowledge of the workings of some railroads, that the setting up of forest reservations around the park has been entirely in the interest of the Northern Pacific Railroad and for the purpose of placing a buffer around the national pleasure grounds which shall prevent, as far as possible, the entry to the park from any direction except by the Northern Pacific; and in pursuance of this policy the same influences will be found in the near future advocating in Congress the extension of the park itself to lines coincident to those of the forest reserves about it, thereby forevermore making it impossible for any other railroad to get near enough to the park to compete for park travel with said Northern Pacific Railway. I have no hesitancy in saying that it is my opinion that all the reservations about the National Park have been set up through influences having this object in view; and I wish to make the statement that the people of Wyoming will not submit without a desperate struggle to the addition to the National Park of a single mile, especially to the south; and I wish to call upon the friends of the park everywhere to aid in preventing the final consummation of any scheme of park enlargment, as a menace to the rights and interests of all the American people, for the reason that it would forevermore make the park an adjunct of one line of railway.

We have heard something said about the lumber interests being interested in having these reservations restored to the public domain. I am inclined to think that there are lumber companies interested in this matter, but they are interested on the other side. They are very much interested in having the lumber of the Western States tied up in reservations and withheld from use, for if all the Western forests which are of any commercial value are withheld from use, Eastern and Southern lumber becomes more valuable and in greater demand. We all understand this, and we all understand the gentleman from Flagstaff, Ariz., who recently wrote a letter on this subject, and who says he must be disinterested, because, forsooth, he is a lumberman, and he cuts from fifteen to twenty million feet of lumber a year. Did it ever occur to anyone who read the gentleman's circular that it makes a good deal of difference whose ox is gored, and that this is a case in which the gentleman's bovine is in no danger? The idea of a man who cuts from fifteen to twenty million feet of lumber a year arguing against the depletion of the Western forests. Why that is more than all the lumber that is cut by all the people combined in several of the Western States. I am satisfied that in my State the combined lumber output is not 5,000,000 feet a year, and here is a man who cuts fifteen to twenty million feet of lumber from Western forests annually who is afraid we will rob the West of its timber. I presume that the gentleman has bought some forest land, and he wishes to have the rest of the forests in the West reserved from use so that he may raise the price of lumber and rob the poor settlers who locate in the region in which he dwells.

I have endeavored to discover, but without success, why the commissioners who recommended these reservations did not let some one in the States most interested know that this action was to be taken. The circular of the General Land Office, which I have referred to, provides that the people interested shall be notified; still there was not a single member of Congress in either House, or, as far as I know, not a single citizen of any of the States in which the reservations were located, who was informed as to the proposed reservations. The amendment made in the sundry civil bill last year was not made with the expectation that forest reserves should be set up without the knowledge of the people most vitally interested. The gentlemen of the forestry commission have laid themselves open to the severest censure by fair-minded men everywhere in that they conducted by a sneaking still-hunt a so-called investigation of the regions they proposed to have set up as forest reservations. There is no hypothesis upon which they can explain their conduct except that they were endeavoring to exploit a theory and were afraid that the men who had practical knowledge would not take the same view as they did of the matter. So we of the West are to suffer as we have suffered before from the actions of men who sit in their studies and formulate pretty theories based on the action of European nations in densely populated regions.

These reservations were established evidently without any investigation of the mineral character of the regions, although such reservation prevents entry under the public-land laws and utterly paralyzes mineral development by preventing prospecting and locating of mineral claims. Even the ranchman may be prevented from grazing his herds and flocks on the hundreds of thousands of acres of grazing lands embraced within the boundaries of the reserves.

The report of Professor Gibbs itself admits that there was no adequate legislation relative to forest reservations, and he states as follows:

> The commission is now engaged in perfecting a scheme of forest management which it believes will make the administration of the reserves possible and which in due time will be submitted to you. It believes that the solution of this difficult problem will, however, be made easier if the reserved areas are now increased, as the greater the number of people interested in drawing supplies from the reserved territory or in mining in them, the greater will be the pressure on Congress to enact laws permitting their proper administration.

The gentleman admits that it is not altogether the proper thing to segregate these great areas at this time, but says that he thinks the only way to get proper legislation is to so involve great numbers of people under surroundings of such an oppressive character that they will be willing and anxious to accept any sort of conditions in order to secure an adequate forest supply and to continue, even under unsatisfactory conditions, agricultural and mineral development. What a shameful admission this is!—an admission that the commission has far exceeded all reasonable action, and that it was done in order to force the Western people to accept their theories of forestry under pain of being excluded from the use of vast tracts of mineral and grazing land.

Mr. Speaker, when the Senate amendment opening these reservations to settlement came to the House, we attempted to get a little time to discuss the question, but we were able to secure but a few moments. Without full discussion and under a threat that if we adopted the Senate amendment the bill would not become a law, the House adopted an amendment as follows:

> The Secretary of the Interior may, in his discretion, use any portion of the foregoing amount in protecting and utilizing the forest reserves heretofore proclaimed by the President of the United States. And he is hereby authorized, in his discretion, to make sales of timber on any forest reservation, now or hereafter proclaimed, for mining and domestic purposes, under such regulations as he may prescribe, and to make all needful rules and regulations in furtherance of the purposes of said reserves, for the management and protection of the same. And the provisions of section 1 of the act of February 20, 1896, entitled "An act to open forest reservations in the State of Colorado for the location of mining claims," are hereby made applicable to all forest reservations set apart by proclamation of the President, except the Yellowstone Forest Reserve; that all public lands withdrawn from settlement and entry for such forest reservations which, upon due examination by personal inspection on the part of a competent person or persons, appointed or detailed for that purpose by the Secretary of the Interior, shall be found to be more valuable for agricultural purposes than for forest uses shall be duly restored to entry under the general settlement laws. The restoration to entry of such withdrawn lands shall be made only after due publication or proclamation of restoration by the President, based upon recommendation of the Secretary of the Interior. Publication in such cases shall be made for not less than sixty days in two papers published nearest the lands in question, and which are of daily issue and of general circulation in the State or Territory wherein the said lands lie: *Provided further*, That prospectors and mineral claimants shall have free access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof, and that title to mineral claims therein may be acquired in the same manner as upon other mineral lands of the United States.
>
> The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change to boundary line of such reserve, or may vacate altogether any order creating such reserve.

All of the members from the States in which these recently established reservations are located protested against this amendment, at least all of it but the last clause, and we protested against it for many reasons. We felt that the action of the President in setting aside these reservations was so outrageous and its disastrous effects so far-reaching that to attempt to remedy the conditions by the provisions of this amendment was really to leave us, perhaps, in worse condition than we now are, for so iniquitous and contrary to good public policy were the late proclamations we felt that an investigation would result in opening most of these reservations and restoring them to the public domain. After we had been cruelly assaulted and deeply wounded with a poisoned thrust the House suggested the pouring of a little oil on our wounds. We wanted the wounds cauterized. We have no desire to accept any action which would transfer the wounds into running sores.

If these reservations are again opened, the citizens of the Western States will be pleased to cooperate with the National Government in the selection of forest reserves in proper locations and of the proper size after Congress shall have enacted suitable laws for their control. Then will be time enough to enlarge the forest reserve acreage.

The Senate in conference have now compromised by accepting only the last clause of the House amendment, as follows:

> The President is hereby authorized at any time to modify any Executive order that has been made or may hereafter be made establishing [illegible] reserve, and by such modification may reduce the area or [illegible]ndary line of such reserve, or may vacate altogether any order creating such reserve.

It seems to be an open question whether the President has the power after he has once established one of these reservations to restore it to the public domain or change its boundaries. Under the provisions of this amendment the President is clearly given that power.

Mr. Speaker, the order of the President of February 22, withdrawing from entry and including as forest reserves over 21,000,000 acres of land, without proper investigation or knowledge of those vitally interested, was in line with the contemptuous disregard of the interests of the people and the wishes of their Representatives which has been so characteristic of the present Administration, which, in the providence of God and the act of an intelligent electorate, in a little more than twelve hours shall pass beyond the power to harass and annoy the American people, and another day will usher in another Administration, which the people fondly believe will take no action without carefully considering the interests of all of our citizens. In the hands of the incoming Administration, with the assurance of the justness of our contentions, with a thorough knowledge and understanding of the wanton disregard of our interests evidenced by the late Executive, we leave our case, confident that the arbitrary, iniquitous proclamations of February 22, 1897, will be defeated of their purpose by early Executive action opening these reservations.

Mr. CANNON. Mr. Speaker, I yield ten minutes to the gentleman from South Dakota [Mr. GAMBLE].

Mr. GAMBLE. Mr. Speaker, not to detain the House at this time, I will ask leave, with the courtesy of the House, to extend my remarks.

The SPEAKER. The gentleman from South Dakota [Mr. GAMBLE] asks leave to extend his remarks.

Mr. BARTLETT of New York. Mr. Speaker, what remarks are to be extended?

The SPEAKER. The gentleman asks leave to extend his remarks in the RECORD.

Mr. BARTLETT of New York. Some remarks which he intended to make?

[Mr. GAMBLE addressed the House. See Appendix.]

Mr. BARTLETT of New York. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. CANNON] yield?

Mr. CANNON. My friend is responsible for the extension of the remarks of the gentleman from South Dakota.

Mr. BARTLETT of New York. I want to say one word.

Mr. CANNON. I yield to the gentleman for one word.

Mr. BARTLETT of New York. Mr. Speaker, I made the inquiry for the reason that I apprehend the gentleman, if he extended his remarks, would make some attack upon me. I desire to say that I repeat and reiterate every statement that I made yesterday upon this question.

Mr. GAMBLE. No; I wished to state the position of my constituents in regard to that proclamation, that particularly affected our people, with no intention of further alluding to the statements made by the gentleman from New York, because I believed that they were such rank, misguided statements that they are not worthy of reply.

Mr. BARTLETT of New York. I object to any extension.

The SPEAKER. Objection is made. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. GAMBLE. I will ask the right to revise.

Mr. BARTLETT of New York. You can have that, sir.

Mr. CANNON. Now, Mr. Speaker, this report, if adopted, must go to the Senate; and it is not, in my opinion, safe for the House to take a recess until daylight, until the Senate disposes of the report. The debate on this report will take us just so much longer to get the bill to the Senate. The gentleman from Pennsylvania [Mr. HICKS] asks for two minutes, and I yield it to him.

Mr. HICKS. Mr. Speaker, I believe I have a right to ask for a separate vote on these public-building items, have I not?

Several MEMBERS. Oh, no.

Mr. HICKS. If I have not got that right, I deem it but fair to the House, and on behalf of the Committee on Public Buildings and Grounds, to say that we desire to enter our protest here against the weakness exhibited by the conferees on the part of the House. Let us look this business squarely in the face.

Mr. CANNON. I yielded two minutes to the gentleman, and I hope he will have it without interruption.

The SPEAKER. The gentleman from Pennsylvania is recognized for two minutes.

Mr. HICKS. Mr. Speaker, we have in the conference report, as I stated last night in my remarks, appropriations as follows: $100,000 for Bridgeport, Conn.; $14,000 for Charleston, S. C.; $20,000 for Helena, Mont.; $100,000 for Norfolk, Va.; $9,486 for Racine, Wis.; $3,000 for Worcester, Mass.; $75,000 for Salt Lake City; $325,000 for the Court of Claims, and $50,000 for Butte, Mont.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. HICKS. Certainly.

Mr. LOUDENSLAGER. I would like to ask the gentleman from Pennsylvania if he did not oppose appropriations in the last sundry civil bill in regard to public buildings?

Mr. HICKS. I certainly did; because I presented a petition to the Committee on Rules, asking for the consideration of public-building bills in this House, and we were denied that privilege by the Committee on Rules.

Now, you are undertaking to let the Senate authorize the erection of public buildings by inserting provisions on an appropriation bill. If you want to be true to yourselves and stand by your committee and stand by yourselves, you want to vote down this conference report and insist upon a further conference on these items authorizing public buildings. If you want to show the white feather in the last hours of this Congress and run, as you nearly always do, vote for the conference report.

Mr. RICHARDSON. I desire to ask the gentleman from Illinois a question for information. What became of amendment 190?

That the Joint Committee on Printing shall cause to be prepared requisite plans for the necessary additions and improvements to the Government Printing Office, which shall be fully adequate to meet all the present and future requirements of the Government?

Mr. CANNON. The House receded.

Mr. RICHARDSON. That goes out, as I understand?

Mr. CANNON. No; it goes in.

Mr. RICHARDSON. I want to hear what the gentleman said.

Mr. CANNON. The House recede.

Mr. RICHARDSON. I thought you said "refused."

Mr. CANNON. The gentleman from Iowa [Mr. LACEY] desires to ask leave to print.

Mr. LACEY. Mr. Speaker, I want a minute to call attention to a document that I want to have leave to print in the RECORD. Under the existing law the mining companies can take timber off mineral lands without leave of any kind. On other lands, nonmineral, it requires a permit. I want to print in connection with my remarks a sample copy of one of the permits, showing the amount of timber taken under that permit by the Anaconda Mining Company, on a single permit, simply as an illustration of the necessity for these forest reservations.

Mr. CANNON. Now I yield to my colleague on the committee [Mr. SAYERS].

The SPEAKER. Without objection, the gentleman from Iowa will have leave to print. The Chair hears no objection.

The statement and permit are as follows:

Under this permit the Anaconda Mining Company, of Hamilton, Mont., was permitted to cut, free of charge, 14,250,000 feet of timber from nonmineral public lands named therein.

The statements of the company to the Commissioner of the General Land Office show that they cut 15,245,000 feet.

[April 3, 1895. To R. & R., Missoula, Mont., to deliver permit.]

PERMIT TO CUT PUBLIC TIMBER.

UNITED STATES OF AMERICA,

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE.

Whereas in conformity with the provisions of an act of Congress, approved March 3, 1891, entitled "An act to amend section 8 of an act approved March 3, 1891, entitled 'An act to repeal timber-culture laws, and for other purposes,'" and rules and regulations promulgated by the Secretary of the Interior for the execution of said act, the Anaconda Mining Company of Hamilton, Ravalli County, Mont., has made application to cut and remove timber from a portion of the public lands, fully and specifically in said application described, for necessary agricultural and mining purposes and for manufacturing lumber for domestic uses:

And whereas it is deemed necessary for the public interest that permission be granted unto the said Anaconda Mining Company to cut timber on the lands hereinafter described:

Therefore, under and by virtue of the authority vested by law in the Secretary of the Interior, and subject to all the conditions, restrictions, obligations, and limitations herein contained, permission is hereby granted unto the said Anaconda Mining Company to cut timber on the public lands for immediate use in the State of Montana, which said timber may be cut on public lands in the county of Ravalli, in said State of Montana, within limits particularly described as follows, to wit: Certain tracts of unsurveyed land which, when surveyed, will be sections 28, 29, and 33, in township 1, north of range 22 west, and section 17, in township 1 south, of range 22 west, principal meridian.

By authority of the Secretary of the Interior of January 3, 1896, the rights and privileges granted herein to the Anaconda Mining Company were, on January 10, 1896, continued in the Anaconda Copper Mining Company, subject, however, to the same conditions, restrictions, and limitations.

J. S. P.

Provided, however, It is expressly stipulated and agreed that the permit hereby granted shall be, and the same is hereby, made subject to the following conditions, restrictions, and limitations, to wit:

1. That this permit and all rights and privileges hereunder shall expire on the 31st of March, 1896.

2. That no trees shall be cut or removed that are less than 12 inches in diameter, except such as may be absolutely necessary for making needed roadways through the timber.

3. That in the cutting of timber in the manner and for the purpose set out in the application of said Anaconda Mining Company there may be cut only 14,250,000 feet, and not to exceed 50 per cent of the timber of each class now growing thereon, and taken as nearly as may be from each acre of the tracts above described, shall be taken from the lands embraced in this permit.

4. That the said Anaconda Mining Company shall submit monthly, through the register and receiver at Missoula, Mont., a statement under oath, showing the amount of each kind or kinds of timber cut or removed during each month, giving a description of the particular tract or tracts from which such timber was cut, and stating how such timber was disposed of and to whom.

5. That no timber cut or removed under this permit shall be so cut or removed for transportation out of the State of Montana.

6. That in acting under this permit, no timber is to be cut or removed from any tract or tracts covered by the settlement or occupation of any bona fide settler, intending to perfect title to such tract or tracts under any of the laws of the United States, nor from any tract or tracts embraced in any reservation of whatsoever kind, created by operation of law or proclamation of the President.

7. That all of each tree cut that can be profitably utilized shall be used, and that the said Anaconda Mining Company shall cut, remove, burn, or otherwise safely dispose of the tops and brush of trees, and the tails, slabs, sawdust, and other refuse from their sawmills, with a view to preventing the same remaining food for flames, and that the said Anaconda Mining Company stand liable in damages for the starting or the spread of any fires attributable to their neglect or that of their employees in any manner to comply strictly with this provision.

8. That during the continuance of this permit the said Anaconda Mining Company agree not to purchase timber cut on public land of the United States of any person or persons not having a permit from this Department to cut timber from said public lands, except as provided in section 4 of the circular of May 5, 1891, and they further agree to ascertain affirmatively that persons offering timber for sale have the necessary permit to cut the same if taken from the public lands.

9. That nothing in this permit shall be construed to give to the said Anaconda Mining Company the exclusive right to cut or remove timber from the lands described herein, nor shall the granting of this permit in any way be held to withdraw the lands embraced therein from settlement or occupation and entry by any qualified bona fide claimant.

10. That the right is hereby reserved to modify or revoke at any time the permission hereby granted.

11. That the said Anaconda Mining Company shall be subject to all the rules and regulations under the said act of March 3, 1891, as well as the conditions, restrictions, and limitations herein set forth and such additional rules and regulations as may hereafter be promulgated.

12. In consideration of the granting of this permit, it is expressly stipulated and agreed that the said Anaconda Mining Company will use all available means to prevent forest fires, and, should such fires be started, to endeavor to extinguish the same within the limits herein described.

13. That this permit is not transferable, and any attempt to transfer the same will render it void.

(Witness) S. W. LAMOREUX,
Commissioner of the General Land Office.

HOKE SMITH,
Secretary of the Interior.
Approved March 27, 1895.

Mr. SAYERS. Mr. Speaker, the appropriations made at this session and sent to the President for his approval, including $9,488,365.82 as the sum total of the general deficiency bill so far as it has been agreed upon by the two Houses, amount to $527,591,823.96, being an increase of $11,746,629.39 over the aggregate of appropriations made at the last session of Congress.

The following comparative statement exhibits in detail the increase or reduction of appropriations made at this session in comparison with the appropriations made during the first session of the Congress:

Comparative statement.

Title of bill.	Increase over first session.	Reduction under first session.
Agriculture		$72,630.00
Army		149,058.43
Diplomatic and consular	$62,550.00	
District of Columbia	287,271.58	
Fortifications	2,130,233.00	
Indian	279,724.10	
Legislative, executive, and judicial	171,412.19	

Comparative statement—Continued.

Title of bill.	Increase over first session.	Reduction under first session.
Military Academy	$90,047.22	
Navy	2,565,573.34	
Pension		$54,700.00
Post-Office	3,003,774.53	
River and harbor		12,659,550.00
Sundry civil	19,933,341.30	
Deficiencies		4,978,659.47
Miscellaneous	83,969.94	
Permanent appropriations	1,024,000.00	
Total	29,661,227.29	17,914,597.90

Net increase, $11,746,629.39.

I submit the following statement showing, by respective titles of bills, the appropriations made by the Fifty-first to the Fifty-fourth Congresses, inclusive, with the amounts granted by each Congress consolidated.

Comparative statement of appropriations, Fifty-first to Fifty-fourth Congress, inclusive.

Title.	Fifty-first Congress.	Fifty-second Congress.	Fifty-third Congress.	Fifty-fourth Congress.
Agricultural	$4,827,253.50	$6,556,495.50	$6,527,873.08	$6,438,434.00
Army	48,820,010.38	48,534,139.60	46,845,492.77	46,407,747.08
Diplomatic and consular	3,367,740.00	3,161,490.00	6,138,377.52	3,337,867.58
District of Columbia	11,366,622.32	10,731,197.18	11,291,121.82	12,087,910.54
Fortification	8,067,738.00	4,944,331.00	4,331,561.50	16,895,129.00
Indian	23,648,300.88	15,518,298.22	19,422,316.40	15,080,717.68
Legislative, etc	44,068,427.50	43,765,985.78	43,197,301.37	43,210,091.61
Military Academy	837,390.75	861,473.45	870,796.74	929,018.44
Navy	55,677,020.31	45,647,446.38	54,743,872.08	63,090,895.24
Pensions, including deficiencies *a*	288,329,751.69	335,092,758.85	292,963,140.00	282,592,460.00
Post-Office	150,133,021.60	164,335,500.95	176,782,597.41	188,246,912.97
River and harbor	25,136,295.00	21,154,218.00	11,643,180.00	*c* 12,659,550.00
Sundry civil	*b* 69,488,894.11	69,381,888.08	80,821,935.95	85,126,761.77
Deficiencies (except pensions)	22,659,020.23	18,858,221.01	21,836,878.88	*d* 25,715,162.07
Totals	756,359,733.87	786,042,972.00	774,214,945.45	808,888,828.47
Miscellaneous	*e* 25,509,436.37	3,729,422.00	875,623.92	916,010.06
Totals, regular appropriations by Congress	781,869,170.24	789,772,394.00	775,090,569.37	809,804,838.53
Permanent appropriations	*f* 253,810,939.70	*f* 237,332,153.92	*f* 214,148,636.32	*f* 239,132,380.00
Grand totals, appropriations	1,035,680,109.94	1,027,104,547.92	989,239,205.69	1,043,437,018.53

a Deficiencies included as follows: 1891, on account of 1890, $25,321,907.25; 1892, on account of 1891, $29,335,596.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85.

b This amount includes $2,310,215.00 actual expenditures under indefinite appropriations for pay and bounty claims.

c This amount does not include $3,000,000 estimated to be required under indefinite appropriation to purchase Monongahela Improvement Com[illegible] property.

d This amount includes $9,488,365.82, the sum total of the items agreed upon by the two Houses in the general deficiency bill which [illegible] enactment at the second session of the Fifty-fourth Congress.

e This amount includes $15,227,000 for refund of direct taxes in addition to the specific sum of $500,000 appropriated for that purpose.

f This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations, except that to the amount thus submitted for 1891, $101,628,453, there are added expenditures under permanent appropriations made by the Fifty-first Congress subsequent to said estimate, as follows: Salaries diplomatic and consular service, $27,756.79; redemption national-bank notes, $23,553,256.50; expenses of Treasury notes, $215,382.10; coinage of silver bullion, $210,333.14; rebate tobacco tax, $770,062.30, and repayments to importers and for debentures and drawbacks, customs service, $4,915,236.28; in all, $29,695,678.70.

From this statement it will be observed that the present Congress, organized in both branches by the Republicans, has made, or sent to the President for approval, including the general deficiency bill as agreed upon, appropriations in excess of those made by the Fifty-third Congress, which was controlled by the Democrats, to the extent of $54,197,812.84. The principal elements of this increase, it will be seen, are on account of fortifications, river and harbor works, the postal service, and the naval establishment.

In addition to this enormous increase in direct appropriations, this Congress at its first session authorized contract liabilities for river and harbor works, fortifications, increase of the Navy, and other public works amounting to $75,816,480.91. At least two-thirds or one-half of this large sum remains to be provided for by future appropriations, and to that extent constitutes a fixed charge against the revenues of the country, which, by reason of extravagant appropriations, now fall short $5,000,000 a month of meeting the expenditures of the Government.

I believe in the continuing-contract system as applied to river and harbor improvements and other necessary public works, but not to the extent to which it has been entered upon by this Congress. In the river and harbor act passed at the last session under a suspension of the rules, without the opportunity of discussion or amendment, thirty-seven works were authorized to be placed under contracts, involving a total expenditure of $59,616,404.91. After critical examination of these contract authorizations by the Committee on Appropriations at this session it was developed that one of these works authorized to be prosecuted under contract for $1,000,000 was so absolutely destitute of merit that the War Department had refused to take any steps whatever looking toward the prosecution of the work.

In another case authority was given to enter into contract for an important work on the Atlantic coast to the extent of more than $4,500,000, for whose prosecution a proposal has been made and accepted involving less than one-half that sum. As to three other important works, the estimated cost on which authority to enter into contracts for their completion was based proved to be erroneous and insufficient by about 33 per cent in each case. These illustrations prove that the practice of authorizing contracts for public works should not only be carefully considered in the light of the condition of the Treasury, but also only after the fullest investigation as to the real merits of and necessities for the improvements contemplated, and on the most carefully prepared and absolutely accurate estimates of probable cost.

One of the causes for the enormous growth in appropriations of late years has been the increase of our Navy. Since that work was inaugurated in 1883, seventy-seven ships of all classes have been constructed, or authorized to be constructed, at a cost of more than $130,000,000. Already the number of ships authorized would require, it is said, twice the present number of authorized officers and men in the Navy to keep them all in commission. The cost of their daily maintenance alone is a severe draft upon our diminishing revenues. Some of the most expensive of these great ships are already classed by naval experts as obsolete. It would have been wiser if we had heeded the advice urged by many in the beginning of the construction of our new Navy—to confine appropriations within lines simply sufficient to keep pace with the progress of modern naval architecture.

The appropriations made for the support of the Federal Government have grown to such startling proportions within the last dozen years as to render it well-nigh impossible to devise means of raising revenue wherewith to meet the expenditures. If the new Administration just about to cross the threshold of power carries out its pledges by giving to the country a protective tariff, it will utterly fail to produce the means of meeting expenditures, if they are to be maintained on the existing high plane, unless, peradventure, the protective-tariff measure should be supplemented with a tax on coffee and tea and perhaps other taxes of an equally onerous nature.

The extravagance of our appropriations is well illustrated by the present administration of the Agricultural Department in turning back $2,066,000 of its appropriations during the past four years, or more than 18 per cent of the whole. The Secretary of Agriculture states in his last annual report that this reduction of expenditures under appropriations has been effected without marring in any way the efficiency of the Department work or unduly limiting its scope. With similar cooperation from the heads of the other Executive Departments, and a thorough overhauling of all the general appropriation bills in a systematic and businesslike manner, the appropriations for the support of the Government can be, and undoubtedly should be, reduced so as to bring them within the revenues. The divided responsibility incident to many committees having charge of the preparation of appropriation bills has, I believe, much to do with the abnormal growth of the Federal appropriations during the past few years.

The following shows the excess of appropriations made by the present or Fifty-fourth Congress over prior Congresses, to and including the Fifty-first Congress, namely:

Excess over Fifty-third Congress	$54,197,812.84
Excess over Fifty-second Congress	16,332,470.61
Excess over Fifty-first Congress	7,756,908.59

By charging the appropriations made by the Fifty-fourth Congress, with $3,000,000 estimated to be necessary under the indefinite appropriation in the last river and harbor appropriation act to purchase the Monongahela Improvement Company's property, the excess of appropriations by this Congress over the Fifty-third Congress is $57,197,812.84.

Mr. PAYNE. I hope that permission will be granted, Mr. Speaker. That is a safe place to put it. [Laughter.]

The SPEAKER. Without objection, the permission will be granted. [A pause.] The Chair hears none. The question is on agreeing to the conference report.

Mr. CANNON. Just half a minute, Mr. Speaker. I have sat quietly here time and again and listened to gentlemen who in their discretion and wisdom have seen proper to criticise this thing and that thing and the other thing that is recommended by the Committee on Appropriations. The gentleman from Pennsylvania [Mr. HICKS] criticises us because he says we have agreed to two public buildings——

Mr. HICKS. You admit that you yielded to the Senate despite the instructions of the House.

Mr. CANNON. Yes, we did; and when the gentleman comes, at the closing hours of a session, to settle differences between the House and the Senate on a bill carrying over fifty millions of dollars, he will find that if he is as fortunate as the Committee on Appropriations has been in keeping down the bill and keeping out improper items he will be entitled to congratulate himself. [Applause.] I move the adoption of the conference report.

Mr. DE ARMOND. Mr. Speaker——

Mr. CANNON. I hope my friend will let the report be adopted.

Mr. DE ARMOND. I desire to ask the gentleman from Illinois a question before the vote is taken. Will he yield?

Mr. CANNON. Certainly.

Mr. DE ARMOND. What has become of the amendment numbered 167?

Mr. CANNON. I do not know. What is it about?

Mr. DE ARMOND. It is about a branch Soldiers' Home at Danville, Ill. [Laughter.]

Mr. CANNON. I will say to my friend that there is no disagreement upon that item in this conference report.

A MEMBER. Nor in the other, either.

Mr. DE ARMOND. Then that is fixed, is it?

Mr. CANNON. Yes, sir.

Mr. SAYERS. By a vote of both Houses.

Mr. CANNON. I will say to my friend from Missouri, Mr. Speaker, that if this bill passes there will be a branch soldiers' home in the town of Danville, in the State of Illinois, and an appropriation of $150,000 therefor.

Mr. DE ARMOND. In the county of Vermilion?

Mr. CANNON. In the county of Vermilion—that is correct.

Mr. DE ARMOND. And an appropriation of $150,000?

Mr. CANNON. Yes, sir.

Mr. PEARSON. Let me ask the gentleman from Illinois a question.

Mr. CANNON. I am yielding now to the gentleman from Missouri.

Mr. DE ARMOND. Mr. Speaker, there are not very many of us here just now, and I think the gentleman will not want to force a vote until there can be a word or two said upon that item. I hope not.

Mr. CANNON. I will yield to the gentleman if he wants to criticise that provision in the bill.

Mr. DE ARMOND. Oh, just a little time. I do not want to criticise it particularly.

Mr. CANNON. I will say to the gentleman, however, as I have said to others who have pressed me for time, and whom I promised time, that the longer we delay the adoption of this report the longer it will take to get it to the Senate, and the longer we shall have to ask members to stay here. But, as the gentleman desires to speak on this item, and as this branch home, should this bill become a law, is to be erected in my own county, if he desires to talk I will yield to him—how much time?

Mr. DE ARMOND. Not very much.

Mr. PAYNE (to Mr. CANNON). Is that item involved in this report?

Mr. CANNON. No, sir.

Mr. PAYNE. Then why spend time upon it now?

Mr. CANNON. Oh, I am willing to yield to the gentleman.

Mr. DE ARMOND. Mr. Speaker, I only want to submit an observation or two about this matter.

Mr. CANNON. About how much time does the gentleman wish to occupy?

Mr. DE ARMOND. Say ten minutes. Probably, however, I may occupy considerably less.

Mr. CANNON. I prefer not to yield ten minutes.

Mr. DE ARMOND. I am satisfied of that.

Mr. CANNON. Well, I will yield ten minutes to the gentleman; and then, if that is not enough, if he will confine himself to a criticism of this item, I will yield him more.

Mr. DE ARMOND. That is very generous, and is thoroughly satisfactory.

Mr. Speaker, we have been frequently reminded that the session is drawing to a close. It is nearer to a close now than at any time when these warnings were sounded in our ears. This bill, we have all reason to believe, from the various assurances given us, is one of the most excellent bills ever presented to this House; and it has now reached that stage of perfection which leaves nothing to be desired. It is true, it seems, that it carries a larger amount of money than any other appropriation bill that ever passed through Congress; but if you exclude a lot of the very largest items in it, it will be reduced considerably. [Laughter.]

It is true that it embraces a large number of items which no gentleman assumes to defend. It is true that it embraces a large number of items upon which this House has never had an opportunity to pass judgment. It is true that the bill came into the House late in the session, under the pretext, often repeated and never based upon good foundation, that these appropriation bills can not be prepared early, but must come in straggling, late—toward the close of the session. So that we have repeated warnings and calls—warnings that the session is near its close, and calls for prompt action. And now at the close of the session, with hundreds of bills upon the Calendar, we are appealed to again to pass blindly this and similar bills through the House.

Now, why ought not these bills to be presented promptly? There is no reason why they ought not to be. There is no reason why they are not, except that by presenting them late there may be passed through in the bills things which could not get through if they were presented in time to be considered.

Now, here is this little item providing for a soldiers' home at Danville, Ill. Fifty thousand dollars are already lost to the good people of Danville—$50,000 already lost to that interesting village which is the home of the chairman of this committee. By a Senate amendment already concurred in an appropriation of $200,000 for this purpose has been cut down to $150,000.

Mr. Speaker, in the dark hours of the civil war, when dangers pressed upon all sides, and when relief was only to be found in looking into the future and endeavoring there to gather rays of light and hope which were wanting in the then present, how many knew, how many ever realized, that what stimulated the soldier, what nerved him to action, what enabled him to endure privations and overcome great difficulties, was the hope, dimly outlined at that time, but yet the hope that in the future there would be provided for him a substantial abiding place in the town of Danville. [Laughter.]

The recommendation of the Managers of the National Soldiers' Home was, I believe, that there ought to be an enlargement of the Home already established in Indiana, or another home established somewhere in the Mississippi Valley. Somewhere! That is very indefinite—somewhere in that mighty territory, in that great seat of empire known as the Mississippi Valley However, legislative genius, long devoted to the consideration of this interesting problem, finally determined the locus, finally found where this soldiers' home should be, in order to be in the Mississippi Valley and at the proper spot in the Mississippi Valley.

So, lo and behold, Danville was selected. [Laughter.] And by

a strange coincidence, Danville turns out to be the home of the chairman of the Committee on Appropriations. Strangely, too, it turns out that after these arduous labors upon this bill—after the midnight oil had been consumed until midnight oil was scarce—the bill came in; and the exigencies were so great, the pressure for time and other things was so immense, that the bill had to be rushed through without a reading in the ordinary and regular way, of this interesting item, among other things, for this Soldiers' Home at the town of Danville.

Why, it gives a new meaning to a great many things which we did not previously understand. It casts a new light upon many things which long have been obscured to some extent in temporary and partial darkness. We understand a good deal better now, Mr. Speaker, what was meant in that beautiful poem, from which, if permitted, I will quote a stanza right now:

> The shades of night were falling fast,
> As through an obscure village passed
> A youth, who bore, 'mid snow and ice,
> A banner with the strange device,
> Danville!

[Laughter.]

Mr. DALZELL. That is not a bit funny.

Mr. DE ARMOND. No; of course that is not funny. I am very much obliged to the gentleman. I really was not aware that he knew what is funny and what is not. [Laughter.] I did not suppose it to be funny.

Mr. Speaker, this process is hardly funny. It is hardly funny, when the whole Mississippi Valley is designated, for the chairman of the Committee on Appropriations, by virtue of his great power, by delaying this bill in an unseemly way, to locate that institution in his own town. Do you suppose if this House had had a chance at the matter, if the many magnificent points in that most magnificent Mississippi Valley had received fair consideration in this House, do you suppose that if the gentleman, by virtue of his position at the head of this committee, had not placed and kept this appropriation in the bill, as it is, that the new Soldier's Home would be confined and circumscribed within the limits, more or less extensive, of Danville?

Now, this is merely a sample. I do not care about commenting on this on account of any great importance of it in itself and of itself. This is only a sample. How many things are here which are interesting to gentlemen on this same committee? How many things are here vastly interesting to people on the Committee on Rivers and Harbors? How many members here have vainly endeavored to get an opportunity to have considered—not merely to put into a bill, not to have passed, without the judgment of the House, but to have the opportunity of submitting to the judgment of the House—the question whether other localities, other projects, other things were worthy of consideration, and worthy of appropriation?

They would have had the opportunity if this bill had come in in a timely way. The gentleman from North Carolina asks whether this process is going to be criticised. He asks the gentleman from Texas to give some sort of a pledge, or to make some sort of a statement, as to whether the party to which the gentleman from Texas belongs will criticise this performance. Now, I do not propose to speak for the Democratic party. I am not authorized to do it; but I venture the prediction that there will be a good deal of criticism, and I have not a particle of doubt but that abundant ground may be found for that criticism.

Now, I am not going to detain the House long upon this question at this late hour. I presume the House would have been very glad if I had not addressed you at all upon this occasion. The fact is, I will venture the further remark, that it has grown to be a general practice, a general course of proceeding, to delay appropriation bills, upon the mysterious theory that there has to be a large amount of investigation, a large amount of study, and a large amount of hearing and consideration of things, until so late in the session that the Appropriations Committee virtually have the House by the throat, and then the threat is made, "Why, you must pass these bills quickly or they will fail to go through."

Now, how idle that threat is at this time! How idle it is. There is every reason to suppose, and I think no man here doubts, that within ten or eleven days after the close of this session of Congress a new Congress will be convened in extraordinary session. This bill provides for expenditures to occur after the 1st day of next July. If this bill passed——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman desire further time?

Mr. DE ARMOND. Why, yes; this cut-off seems to be in the middle of a sentence. I should like just a little bit more time.

Mr. CANNON. How much time would the gentleman like?

Mr. DE ARMOND. I think two minutes will do. I do not want to trespass at all. I am very much obliged to the gentleman for his kindness. I desired to say when my first installment of time expired that there could not be a very great injury done to the public service if some of these bills were to fail.

Now, I suppose that when Congress is convened in extraordinary session, the tariff bill will be passed promptly through this House. Would it not be handy to have some of these bills to operate upon then? Would it not be interesting to go through them, line by line and letter by letter? Would it not be a convenient thing now, for instance, to give people generally the opportunity to determine where this soldiers' home should be located? You know the old lines, to the effect that—

> Satan finds some mischief still
> For idle hands to do.

There will be a lot of "idle hands" around here after the tariff bill is passed. Why could they not be operating upon one of these appropriation bills?

However, Mr. Speaker, I do not know but there would be an element of cruelty, though the act might be commended upon some other grounds, if the location of this soldiers' home should be changed from Danville. What is a man at the head of the Committee on Appropriations for, if it is not to get something in this line? How could those old soldiers be so happy, so contented anywhere else, as in that village of Danville, with its blessed associations, and with our distinguished friend from Illinois careering gallantly around the confines of that soldiers' home on his two-wheeled horse? What could be more inspiring?

> Cannon to the right of them,
> Cannon to the left of them,
> Cannon in front of them.

[Laughter.]

All that I suggest about it is that if, through some mysterious dispensation of Providence not controlled exclusively by the Committee on Appropriations, this bill were to fail, and some of these other bills were to fail, in about ten or eleven days the whole subject could be taken up again, and all the reasons for the location of this soldiers' home at Danville might be given. [Applause on the Democratic side.]

Mr. STEELE. Let us have a vote.

Mr. CANNON. Mr. Speaker, the gentleman from Indiana desires to vote. He will get an opportunity in a moment. I have yielded to the gentleman from Missouri. He says it is funny. I suppose it is. So far as he grew serious, as he did grow serious, and say that this bill or that any appropriation bill had ever been purposely retained by the Committee on Appropriations for one moment after it could be reported, after it was prepared, with due diligence in its preparation, I would say to the gentleman that he speaks in ignorance or speaks that which is not true.

Mr. DE ARMOND. Now, Mr. Speaker, will the gentleman allow me one question?

Mr. CANNON. With pleasure.

Mr. DE ARMOND. Now, in order that we may determine whether it is ignorance or lack of truth, I ask the gentleman from Illinois to explain why an appropriation bill at the short session can be reported in February, while the same kind of an appropriation bill at a long session is not reported until May or June. Why this appropriation bill was reported in February and the appropriation bill last session was not reported until May.

Mr. CANNON. The gentleman understands the difference between the short and long sessions?

Mr. DE ARMOND. Yes; I do.

Mr. CANNON. I did not yield except for a question, and I will answer the question first. The gentleman understands the difference between a short and a long session?

Mr. DE ARMOND. Yes.

Mr. CANNON (continuing). Between a House that is new and one that has had experience. I would rather have the testimony of a man who is careful of his words, a man of character and reputation and knowledge of this House and of the country, like the gentleman from Texas [Mr. SAYERS], or the gentleman's colleague from Missouri [Mr. DOCKERY], and many others that I might mention, than to have the testimony of the gentleman. I do not deprecate his attack.

Mr. DE ARMOND. Mr. Speaker——

Mr. CANNON. I did not rise to answer his attack, except to say again that it was conceived in malice or in ignorance.

Mr. DE ARMOND. Mr. Speaker, I would like——

The SPEAKER. Does the gentleman yield?

Mr. CANNON. For what purpose?

Mr. DE ARMOND. I ask the gentleman to yield for the same question which I put to him before and which he has not answered. I will repeat the question if he has forgotten it.

Mr. CANNON. Very well.

Mr. DE ARMOND. If he has not forgotten it, I will not take time to repeat it.

Mr. CANNON. What is the question?

Mr. DE ARMOND. The question is, Why the same kind of an appropriation bill can be reported in February during the short session and is delayed until May in the long session?

Mr. CANNON. Oh, every man in the House understands the reason why.

Mr. DE ARMOND. Give it; state it, then.

Mr. CANNON. Every man understands the reason why. In every long session Congress is new. Gentlemen are engaged in more matters of legislation in the long session than in the short session: and if the gentleman does not understand, after his considerable service in the House, I can not make him understand it, nor can anybody, nor will I further try.

Mr. DE ARMOND. I desire to ask the gentleman a further question.

Mr. CANNON. I will be entirely courteous with the gentleman. What is the question?

Mr. DE ARMOND. The question is the same one. Now, Mr. Speaker——

Mr. CANNON. Oh, Mr. Speaker, I have treated the gentleman, I think both sides of the House will see, with great courtesy.

Mr. DE ARMOND. Mr. Speaker——

Mr. CANNON. His remarks, in my judgment, do not need reply. After my service in this House, if I have not made a reputation as a truthful and honorable man, no statement of mine will give me that reputation; and if I have it, no malice of the gentleman can take it from me. [Applause on the Republican side.]

Mr. DE ARMOND. The gentleman has no right, Mr. Speaker——

Mr. CANNON. Now, Mr. Speaker, I want to get this vote.

Mr. DE ARMOND. You will not get it without a quorum until I answer that kind of an ungentlemanly fling, my friend. [Applause on the Democratic side.] I just mention that to you for your information right now. I say you will not get that vote without a quorum until I have an opportunity to answer.

Mr. CANNON. I do not want to do that.

Several MEMBERS. We will get a quorum.

Mr. CANNON. I do not want to drag my fellow-members from their beds for the purpose of getting a quorum.

Mr. DE ARMOND. I do not, either.

Mr. CANNON. And now, not on account of the threat the gentleman makes, but perhaps in fairness, if he thinks he is aggrieved, I ought to——

Mr. DE ARMOND. He is not aggrieved.

Mr. CANNON. If in fairness he feels he ought to answer, how much time does the gentleman want?

Mr. DE ARMOND. Just as much time as he may think necessary to repel the very ungentlemanly and gratuitous insinuation that what he said was said in malice. [Applause on the Democratic side.] [Cries of "Vote!" "Vote!"]

The SPEAKER. The House will be in order.

Mr. CANNON. I trust that the House will be in order, Mr. Speaker. I yield to the gentleman from Missouri.

Mr. DE ARMOND. Since the gentleman from Illinois proposes to wind up upon the theory that I have been speaking in malice, I would rather that he would make at this time all the insinuations he has in mind, and then I will reply.

Mr. CANNON. I yield to the gentleman if he desires time. If not, I will ask for a vote.

Mr. DE ARMOND. If there are any more insinuations of that kind to come from the gentleman, I would rather have them in a bunch.

Mr. CANNON. I will yield to the gentleman now if he desires time.

Mr. DE ARMOND. Perhaps it will answer the purpose if the gentleman will yield for a question. We shall see. What does the gentleman mean when he says that my remarks were conceived in malice?

Mr. CANNON. I said that your remarks, it seemed to me, were conceived either in malice or in ignorance.

Mr. DE ARMOND. I put a question to you and you do not answer it. Will you answer it or not? Then we will see whether it is a case of ignorance.

Mr. CANNON. Oh, Mr. Speaker, I do not think the gentleman is going to take much of credit, and I do not know that I shall take much of credit, by prolonging this controversy. I trust the gentleman will proceed now, if he desires any time.

Mr. DE ARMOND. I will risk myself on that.

Mr. CANNON. Mr. Speaker, I hope we can now have a vote upon this report.

Mr. DE ARMOND. Mr. Speaker, I would like to say a word on the question of malice.

Mr. CANNON. I yield the gentleman a minute.

Mr. DE ARMOND. A minute would hardly be enough.

Mr. CANNON. I yield the gentleman two minutes.

Mr. DE ARMOND. I do not want to prolong this business at all, but—— [Cries of "Vote!" "Vote!" on the Republican side.]

Mr. CANNON. No, no. If gentlemen will let the gentleman from Missouri and myself deal with this matter, I think we can soon reach a vote.

Mr. LACEY. He is through, only he does not know it.

Mr. CANNON. I will yield the gentleman from Missouri three minutes, if he desires.

Mr. DE ARMOND. I do not wish to consume time, Mr. Speaker, but merely to reply——

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. CANNON. I yield the gentleman three minutes, and I shall be glad to have a vote at the end of that time.

Mr. DE ARMOND. Mr. Speaker, it will be observed by those who are at all observant that I asked the gentleman from Illinois, the chairman of the Committee on Appropriations, why it is that the same kind of an appropriation bill in one session of Congress can be reported in February and in another not until May. The answer the gentleman makes imputes ignorance or malice. I have nothing to say about that at present. The answer that he makes, as far as he makes any answer—and he hardly ever makes an answer to any question, but evades it—is that we are "new."

How new is the Appropriations Committee? We are delayed, it seems, on account of the newness of the Appropriations Committee! Does the gentleman gain three months of time by seasoning the members of that committee? Another thing is the fact. These bills are made, so far as there is any making of them, by the expert employees who serve the Appropriations Committee and humbly and unostentatiously do the work for which these gentlemen take the credit.

Mr. CANNON. If the gentleman will allow me, I wish he would get an expert. [Laughter.]

Mr. DE ARMOND. Well, Mr. Speaker, I hate to refuse a request for employment, but if I desired to get an expert, I should have to decline to accept the gentleman's services. [Laughter.] The gentleman suggests that there may be something of malice in this business. Of course, that is simply a matter of opinion. I might, if I chose, say a good many things about him.

I could say that there is something of cunning and furtiveness, something of underhandedness, something of unfairness to his colleagues when a man takes advantage of being at the head of a great committee to locate a public institution in his own town and to deny to his fellow-associates here, members of his own party and others, an opportunity to say what they think about it or to say that they think some other place ought to have it. I might suggest all that, but I do not care to do so. The gentleman's suggestion of malice on my part is simply a cover.

The gentleman knows there is no malice about it. The gentleman knows very well that the course pursued with reference to this bill deserves criticism and condemnation. The gentleman knows that there was no excuse for "railroading" this bill through the House. He knows that it would not have been done but for the fact that if the bill had been subjected to the ordinary processes in this House a good many pet schemes of pet members would have failed of passage. If he does not know that, why did he not do the contrary? Why did he not take the other course? [Cries of "Vote!" "Vote!" on the Republican side.]

There is somebody over there who has more lungs than manners, but he is not disturbing me as much as he probably thinks he is. [Laughter and applause on the Democratic side.]

The SPEAKER. The three minutes have expired.

Mr. DE ARMOND. Well, Mr. Speaker, I presume the gentleman is impatient and wants to get on with his bill, and I am through, unless he has some further insinuations.

Mr. CANNON. Mr. Speaker, let us have a vote.

Mr. PICKLER. Mr. Speaker——

Mr. CANNON. I ask for a vote.

Mr. PICKLER. I want to ask the gentleman a question.

Mr. CANNON. I hope the gentleman will allow us to get a vote.

Mr. PICKLER. I wish to ask the gentleman in regard to the final disposition of an item in which my State is immensely interested. Will the gentleman state what was the conclusion finally reached in regard to the forestry reservation?

Mr. CANNON. The latter clause of the amendment prepared by the gentleman from Iowa is in the bill.

Mr. PICKLER. What is that?

Mr. CANNON. It is a provision giving the President the right to vacate the reservation at any time or modify his order respecting it. I ask for a vote.

The question being taken, the report of the committee of conference was agreed to, there being on a division (called for by Mr. HICKS)—ayes 102; noes 2.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I now move a recess for one hour.

COMMITTEE APPOINTMENTS, ETC.

Pending the motion for a recess,

The SPEAKER announced the following appointments:

Committee on Accounts.—Messrs. ODELL, BULL, and BARTLETT of Georgia.

Visitors to Military Academy.—Messrs. MILLIKEN, BELKNAP, and WASHINGTON.

Visitors to the Naval Academy.—Messrs. WILSON of New York, FOSS, and HART.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion for a recess.

Mr. RICHARDSON. I should like to ask the chairman of the Committee on Appropriations [Mr. CANNON] at what time he thinks we can have the deficiency bill reported?

Mr. CANNON. I am going into conference in a few minutes with the gentleman from Texas [Mr. SAYERS] and the gentleman from Ohio [Mr. NORTHWAY]. In the meantime, however, it will take a few minutes for the report on the sundry civil bill to be sent to the Senate. It seems to me the House ought to be in session until the Senate disposes of this report.

Mr. RICHARDSON. The gentleman does not make any reply as to the time when he thinks he can report the deficiency bill.

Mr. CANNON. I do not know. It has been impossible for us to get into conference.

Mr. McMILLIN. I am informed by the gentleman from Kentucky that the Senate is now in executive session.

Mr. CANNON. Well, it will only be for a short time.

Mr. RICHARDSON. The object of my inquiry is that members may get time for a little rest. We have sat here now for two nights. If we can have a rest now for two hours, we shall be ready to stay here till 12 o'clock to-morrow.

Mr. CANNON. I have just moved a recess for one hour.

Mr. RICHARDSON. Yes; but we have to be back here so soon.

Mr. CANNON. I am very sorry; but the gentleman knows what the condition of business necessarily is on the night before the expiration of Congress.

Mr. RICHARDSON. I know that; and I do not want to interpose any objection. I only hoped that the gentleman might be able to fix an hour when we can consider the deficiency bill.

Mr. WILLIAM A. STONE. I do not see how that can be done.

The SPEAKER. The gentleman from Illinois moves that the House take a recess for one hour.

The motion was agreed to; and accordingly (at 2 o'clock and 25 minutes a. m.) the House took a recess until 3 o'clock and 25 minutes a. m.

The recess having expired, the House (at 3 o'clock and 25 minutes a. m.), on motion of Mr. DALZELL, took a further recess until 4 o'clock a. m.

The House reassembled at 4 o'clock a. m., and was called to order by Mr. PAYNE as Speaker pro tempore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had passed the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, with amendments in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10331) to authorize reassessment of water-main taxes in the District of Columbia;

A bill (H. R. 9571) authorizing the Galveston and Northern Railway Company to construct and operate a railway through the Indian Territory; and

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia, etc.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, it seems to be, under existing conditions, necessary that the House should not take any prolonged recess. I move, therefore, that the House take a recess until half past 4 o'clock.

Mr. McMILLIN. I will ask the gentleman from Pennsylvania what exigency there is that keeps us here, whether we can not go away in recess and take up business in the morning?

Mr. DALZELL. It seems to be necessary that bills now in the hands of the engrossing clerks should be signed by the Speaker.

A MEMBER. What bills?

Mr. DALZELL. The sundry civil bill, for instance, and the Indian bill. The deficiency bill can not get here till morning: but there are other bills that ought to be signed, in justice to the President and the Senate. We ought not to take any prolonged recess until we have disposed of those bills.

Mr. McMILLIN. I have no desire to obstruct business; on the contrary, I wish very much to facilitate it. But it strikes me we would not be able to accomplish, at this hour, any results that anybody would cooperate in.

The SPEAKER pro tempore. The Chair will say, for the information of the gentleman from Tennessee, that we shall probably know soon at what time the deficiency bill will be reported.

Mr. DALZELL. Mr. Speaker, I wish to inquire whether it would be in order to ask unanimous consent that the House continue in session until 6 o'clock simply for the purpose of signing bills, and that at 6 o'clock the House be considered as in recess until 8 o'clock. If it is in order, I will ask unanimous consent that that be done.

Mr. BARTLETT of Georgia. Let us understand what is to be done.

The SPEAKER pro tempore (Mr. PAYNE). The Chair would suggest to the gentleman from Pennsylvania [Mr. DALZELL] that perhaps it would be better to take a recess for half an hour. We may get into some parliamentary tangle if we do anything else.

Mr. DALZELL. Very well: I renew my motion. At that time we can determine what is best to be done.

Mr. GIBSON. Why not take up this labor-commission bill?

The SPEAKER pro tempore. The gentleman moves that the House take a recess for half an hour.

The motion was agreed to.

Accordingly (at 4 o'clock and 5 minutes a. m.), the House took a recess until 4 o'clock and 35 minutes a. m.

The recess having expired, the House (at 4 o'clock and 35 minutes a. m.) resumed its session, with Mr. PAYNE in the chair as Speaker pro tempore.

Mr. DALZELL. Mr. Speaker, I understand that the Indian appropriation bill is likely to come in within a few minutes, and I suggest, therefore, that the House wait until we see whether it arrives or not.

Mr. McMILLIN. I think that will be entirely satisfactory to everyone here.

ENROLLED BILL SIGNED.

The SPEAKER pro tempore (at 4 o'clock and 40 minutes a. m.). The Chair lays before the House a report from the Committee on Enrolled Bills.

Mr. HAGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1898, and for other purposes; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I understand that there is a possibility of the sundry civil bill coming to the House some time before 6 o'clock, and that the Senate has agreed to take a recess from 6 o'clock until 8. It is desirable, of course, that the sundry civil bill be signed before the Senate takes that recess, if possible, and in view of that fact, I move that the House take a recess until a quarter before 6 o'clock.

Mr. McMILLIN. Mr. Speaker, will the gentleman [illegible] those present agree that, on the assembling of the House at a quarter to 6, there shall be no business transacted except matters in connection with the bill the gentleman has mentioned?

Mr. DALZELL. Certainly.

Mr. McMILLIN. With that understanding, other gentlemen could go away.

Mr. DALZELL. And then the House could take a recess.

Mr. McMILLIN. Until when?

Mr. DALZELL. Until such hour as other business could be presented. I should hope for three hours, but possibly not more than two hours.

Mr. PEARSON. Until 8 or 9 o'clock.

Mr. McMILLIN. But whatever the time of the recess, that nothing shall be done except in connection with the bill that the gentleman has mentioned. I make that suggestion.

Mr. STEELE. Except in connection with bills that have passed both Houses.

Mr. McMILLIN. The sundry civil bill is the only one which has reached the stage where it can be enrolled.

Mr. PHILLIPS. I will say that there is another bill which has passed the Senate——

The SPEAKER pro tempore. The gentleman does not desire to make that limitation on the rest of to-day's session?

Mr. DALZELL. Not on the rest of the session.

Mr. McMILLIN. Not at all; only on the two or three hours that will intervene between 6 o'clock and the time when the House shall reassemble after the recess. I only suggest that, in order that those gentlemen who have been here now, until nearly 5 o'clock, can have an opportunity for a little rest.

The SPEAKER pro tempore. Perhaps it will cover the purpose of the gentleman from Tennessee [Mr. McMILLIN] to say that nothing else be done before 8 o'clock, except in connection with appropriation bills.

Mr. DALZELL. That is right.

Mr. DOCKERY. The question is this: I desire to understand whether it is contemplated to consider the conference report on the deficiency bill prior to 8 o'clock.

Mr. RICHARDSON. Let us agree not to do that.

Mr. DOCKERY. If not, it seems to me that by unanimous consent we can agree to the other proposition.

The SPEAKER pro tempore. The Chair is informed that there is a possibility of the conference report on the deficiency bill being here by a quarter before 6.

Mr. BLUE. Well; but, Mr. Speaker, can we not consent that that shall not be considered before 8 o'clock?

The SPEAKER pro tempore. The gentleman will allow the Chair to suggest that if a partial agreement should be reached, it would be necessary to get the bill into conference again.

Mr. DALZELL. As I understand, all that the gentleman wants to accomplish is an agreement that no business shall be done except in connection with appropriation bills.

Mr. DOCKERY. The point is this: There will be no trouble in making any sort of an arrangement that does not involve the consideration of the report on the deficiency bill before 8 o'clock; but some gentlemen here desire to have an understanding with regard to that bill. Of course the enrollment of the other appropriation bills will proceed by consent. But there are gentlemen here who want to know whether or not the deficiency bill is to be considered prior to 8 o'clock.

Mr. HOWE. It seems to me an hour would be a very short time to consider that very important bill, and if it is to be considered only from 8 to 9 o'clock, the time is hardly sufficient to give that great bill the consideration which it should have.

Mr. DALZELL. Mr. Speaker, I am going to modify my motion, so as to move to take a recess until twenty minutes to 6 o'clock. I think we had better leave what shall be done thereafter to be disposed of at that time.

Mr. McMILLIN. I only made my suggestion because it is evident that in any controverted matter here there could be no quorum for the next three hours. It is five minutes to 5 o'clock now, and I do not think anything can be done.

The SPEAKER pro tempore. If the matter is left entirely open and free for the House to act, with representatives of each side here, if there is anything to be done that can not be done by unanimous consent, the point of no quorum can be raised and the situation will easily take care of itself.

Mr. DALZELL. I was going to make that suggestion. There is no possibility of anything being done unless by unanimous consent, because it is perfectly apparent there will be no quorum here at that time.

Mr. McMILLIN. My only reason for making the suggestion was that there are not thirty members here, and I thought that, for the benefit of those who had been faithful, there might be some arrangement made so that they could get an hour or two of sleep. I shall stay, if necessary, and I will not press my suggestion.

Mr. BLUE. It is apparent now, Mr. Speaker, that there are some gentlemen here who do not wish this deficiency bill disposed of without their presence, even if it might be done by unanimous consent. I apprehend, from what I have heard here, there are at least one or two gentlemen who would not be willing to leave here if that bill is liable to be brought in before 6 o'clock. That being the case, I think that the suggestion of the gentleman from Pennsylvania to take a recess until twenty minutes to 6 had better be pursued.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to take a recess until 40 minutes past 5 o'clock.

The question was taken, and the motion was agreed to; and, accordingly (at 4 o'clock and 47 minutes a. m.), the House was declared in recess until 5.40 a. m.

The recess having expired, the House was called to order by Mr. PAYNE as Speaker pro tempore at 5 o'clock and 40 minutes a. m.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess until 8.30 o'clock.

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes a. m.) the House was declared in recess until 8.30 a. m.

The recess having expired, the House was called to order at 8.30 a. m. by Mr. PAYNE as Speaker pro tempore.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reporter that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals; and

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate further insists upon its amendments to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, disagreed to by the House of Representatives.

LABOR COMMISSION.

Mr. PHILLIPS. Mr. Speaker, I move that the House concur in the Senate amendment to the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The SPEAKER. The bill will be read.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. I would ask what is the status of the bill?

The SPEAKER. The Chair invites the attention of the House to the matter. It is a House bill with a Senate amendment. Whether it is subject to the point of order or not the Chair does not know, as he is not familiar with it, and must leave that matter to the House; and the bill will be read, at any rate.

The bill was read.

The amendment of the Senate was read.

Mr. PHILLIPS. Mr. Speaker, I now move that the House concur in the Senate amendment to the bill just read.

The SPEAKER. The gentleman from Pennsylvania moves that the House concur in the Senate amendment.

Mr. DINGLEY. I desire to ask the gentleman from Pennsylvania if there is any substantial change in the bill as passed by the Senate from what it was when passed by the House except simply a substitution of five Senators and five Members of the House for a part of the members of the commission, and that all the details are substantially the same?

Mr. DALZELL. And there is a large reduction in the cost.

Mr. PHILLIPS. There is a large reduction of expense in the amended form of the bill. This substitute, or amended bill, was, very carefully examined by Senators and by representatives of labor, and it seemed to be satisfactory, and it passed the Senate practically unanimously last night.

Mr. WILLIAM A. STONE. Is it not true that nearly all the laboring men of the country want this bill passed?

Mr. PHILLIPS. This request has been made by practically all the labor organizations of the United States. There is not a dissenting voice known to me among the industrial classes.

Mr. DOCKERY. Do I understand that the nonpartisan features of the commission are retained?

Mr. PHILLIPS. It is a nonpartisan commission.

Mr. HENDERSON. Time is precious. Let us have a vote.

The amendment of the Senate was concurred in.

On motion of Mr. PHILLIPS, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I present the conference report on the general deficiency bill. I ask unanimous consent to dispense with the reading of the report, and to have read the report of the House conferees.

The SPEAKER. If there be no objection, the reading of the conference report will be omitted, and the Clerk will read the statement of the managers on the part of the House.

Mr. RICHARDSON. Do I understand from the chairman of the committee that the statement covers all the differences?

Mr. CANNON. More clearly than the report.

Mr. SAYERS. I suggest that the report be read.

The SPEAKER. The Clerk will read the conference report.

[For conference report see Senate proceedings.]

The conferees on the part of the House submitted the following statement:

> The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year 1897, and for prior years, submit the following written statement in explanation of the accompanying conference report, namely:
>
> The Senate made 171 amendments and added $2,951,912.30 to the bill as it was passed by the House.
>
> Of the whole number of amendments the committee of conference have been able to reach an agreement on 102, providing for deficiencies in the appropriations for ordinary expenses of the Government for the fiscal year 1897 and prior years, to pay judgments of the courts, and to pay audited accounts certified by the accounting officers of the Treasury.
>
> The 69 amendments of the Senate upon which the committee of conference were unable to agree made appropriations in the main for the payment of claims against the Government, many of which are now pending on the claims calendars of one or both Houses.
>
> J. G. CANNON,
> S. A. NORTHWAY,
> JOSEPH D. SAYERS,
> *Managers on the part of the House.*

Mr. CANNON. Mr. Speaker, I desire to speak very briefly of this conference report. The urgent deficiency bill was the last bill from the committee over which I have the honor to preside to pass the House. It passed some time ago and went to the Senate. It came back from that body with between eighty and ninety pages of amendments. Most of those amendments were for what are

known as claims, pure and simple. We were not able to secure a conference with the Senate conferees until after 3 o'clock to-day. The House conferees met the Senate conferees, and they remained in session considering the differences between the House and the Senate until 6 o'clock this morning, or later. An agreement was reached about an hour and a half ago, and the report was first presented in the Senate and is now here for the consideration of the House.

As the bill passed the House it was a deficiency bill to care for the service of the current fiscal year. It included also what are known as audited accounts, legal demands against the Government that had passed the auditing officers of the Treasury. It included also provisions for the House and the Senate and judgments of the United States courts such as usually and properly, under the law and under the rules, go upon a deficiency bill. When it came back from the Senate, so far as I recollect there were but few amendments to the House provisions, but the Senate amendments, in the form of additions, covered, as I said a moment ago, almost ninety pages, and carried in round numbers, say $3,000,000, the great bulk of which was not for the service of the current fiscal year, and was not made up of legally audited claims that had passed the Treasury. In the main they consisted of eighty or ninety pages of items known as claims, a part of them under the Bowman Act; a part of the claims that had been rejected by the Treasury Department, that had been turned down time and time again in the courts of the United States, commencing with the Court of Claims and ending with the Supreme Court; some of them, after enjoying this experience, passing both Houses of Congress as private bills and meeting with repeated vetoes at the hands of more than one Executive.

Some of these amendments were reported by the Senate Committee on Appropriations. A large number of them were placed on the bill, on motion, in the Senate. When your conferees met the Senate conferees; we found that we could not get an agreement to report a deficiency bill—a bill to care for the current service of this year, to pay judgments of the courts, to pay audited claims. While we endeavored as best we could to agree upon such a bill, we were unable to get an agreement out of the Senate that would divest this bill of the eighty or ninety pages of claims of which I have spoken. It is proper for me to state that we entered upon the consideration of these hundreds of items of claims pure and simple, giving them the best consideration that we hurriedly could, and we found that in one amendment, covering forty pages of what purported to be claims under the Bowman Act, there were claims amounting to $250,000 that were not claims under the Bowman Act, although they purported so to be. How many more of the Senate amendments were in like condition your conferees could not tell, because there was no time to make the proper investigation.

NOTIFICATION TO THE PRESIDENT.

Mr. DINGLEY. Mr. Speaker, I will ask the gentleman to suspend for a moment in order that I may offer a resolution which ought to be adopted at this time.

Mr. CANNON. Certainly.

Mr. DINGLEY. Mr. Speaker, I ask for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

> *Resolved*, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn sine die unless he may have some further communication to make to them.

The resolution was adopted; and the Speaker pro tempore stated that the committee would be appointed later.

Some time subsequently,

The SPEAKER pro tempore said: The Chair will announce the committee to wait upon the President. The gentleman from Maine [Mr. DINGLEY] having asked to be excused from service on the committee, the Chair will appoint Mr. DALZELL, Mr. GROSVENOR, and Mr. SAYERS.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON (resuming). We tried to save the deficiency bill by arriving at an agreement which would eliminate the $2,000,000 of private claims, some good, but most of them bad. We sought in vain to get a complete agreement. We found that if we were to get the money, by way of deficiency, to carry on the Government for the balance of this fiscal year, we must concede in the conference report, as the price therefor, these eighty or ninety pages of claims put on by the Senate, and, in the main, not proper, not well founded.

Your committee could not intelligently go to the bottom of all these claims. I am not now speaking of claims under the Bowman Act; I am speaking of claims not under the Bowman Act. Your committee, I say, could not go to the bottom of them. It would not be in the power of human industry or human skill to make a thorough investigation of those claims in two weeks' time, let alone in three or four hours, by conferees who had necessarily been engaged daily in the business of the House, with night sessions, and were weary and worn. We did the next best thing. We agreed in this conference report upon a deficiency bill, and we disagreed upon the items of claims that I have been describing. [Applause.]

Let me say that these items of claims are on here in defiance of the rules of both House and Senate; and we felt that the time had come when it was the duty of your conferees, acting for the House, to make the issue and refuse to agree to these matters that we could not properly consider, many of which we knew to be without justice, and some of which we believed to be without justice; and we determined that, if need be, pursuing this course and understanding the situation, we would submit the matter to the House, and ask the House, so far as it has power to do so in the closing hours of this session, to adopt the conference report and proceed with the best intelligence that it can, item by item and amendment by amendment, to agree or disagree upon the matters which are thus thrust in against all rules of good legislation; and if, perchance, in the next hour and a half, that can not be done and a proper result reached, to take the consequences [applause], and—speaking respectfully—let the coordinate branch of Congress understand that in the preparation of these great supply bills they shall be kept as supply bills for the current service of the Goverrment and the payment of legal claims, and that, when we come to other matters of legislation, they shall stand upon their own merit, and if having merit, be enacted, and if without merit, fail, and shall not buy their way through by fastening themselves upon the skirts of provisions for the ordinary conduct of the Government.

Mr. LACEY. The gentleman will allow me to ask whether it is not true that a portion of these claims put upon this bill are claims which were debated in the House and defeated after full and thorough discussion before the House?

Mr. CANNON. Oh, yes. Now, Mr. Speaker, I have, as briefly as I could, tried, confining myself within parliamentary usages and rules, to give you the situation touching this bill.

Does the gentleman from Texas [Mr. SAYERS] desire any time?

Mr. SAYERS. I do not wish to say anything this morning. I am quite tired, and I think the gentleman from Illinois has fully stated all the circumstances and conditions connected with the conference. I am quite sure it would have been impossible for any conferees to reach an agreement upon the bill.

Mr. RICHARDSON. I should like to occupy two or three minutes.

Mr. CANNON. I will yield the gentleman five minutes—more, if he desires it.

Mr. RICHARDSON. I think I can say what I wish to say in five minutes.

Mr. CANNON. If the gentleman will excuse me, before I yield to him I wish to yield to my colleague on the conference committee, the gentleman from Ohio [Mr. NORTHWAY], such time as he may desire, and then I will yield.

Mr. RICHARDSON. That is satisfactory.

Mr. NORTHWAY. Mr. Speaker, the House, from what has been said by the gentleman from Illinois [Mr. CANNON] and the gentleman from Texas [Mr. SAYERS], will understand that the conferees are a unit in presenting this matter to the House, and there would be little use in sending the three conferees back with the expectation that they might surrender what they regard as the rights of the House.

We have reached this point under our rules: We can not attach any of these claims to an appropriation bill because they will go out upon a point of order; but they can be attached in the Senate. The question, not as a subject for bitterness, not as a matter of unkind remark, presents itself in this way: Shall one branch of this legislative body be permitted to put on such claims as it pleases and force us to accept them, when we can get on none of the claims from our body? It simply presents itself in that form. Your conferees thought that they ought not to submit to that. We said so plainly; and we say so to the House. We simply report a disagreement. This House can, if it pleases, concur in the Senate amendments, and say, so far as this House is concerned, that the bill shall pass.

Mr. McCREARY of Kentucky. Will the gentleman state, for the benefit of the large number of members who have recently come in, the points that can not be agreed upon?

Mr. NORTHWAY. The points are these: Many amendments which have been tacked on in the Senate are in the form of claims. They have been introduced into both bodies. They have not been considered here, but have been referred to the Committees on Claims, while in the Senate they have been acted upon and passed. Those are attached as amendments to the appropriation bill. They come here in such a way that the House can not discuss the propriety of them in Committee of the Whole or legislate upon them. We must accept them or defeat the bill. We have taken the alternative of defeating the bill, if the House backs us up in our position, rather than submit to that style of legislation.

Mr. McCREARY of Kentucky. Are those principally what you call war claims?

Mr. NORTHWAY. They are claims of various classes; some under the Bowman Act—all sorts of claims. I can not enumerate them here, nor had we time to investigate them.

Mr. McCREARY of Kentucky. What is the whole amount of such claims?

Mr. NORTHWAY. They amount, probably, to more than $2,000,000. The whole amount that the Senate put on was over three millions; and we are called upon in this way, upon an appropriation bill, to accept those claims or defeat the bill. Your conferees come back to the House and say, "We will not ask you to legislate in that way. The matter is in your hands: we are united on the matter and submit it to the House for its consideration and action."

Mr. HULICK. If my colleague will allow me an interruption, is it not a fact that many, if not most, of these claims have already been presented under like circumstances and been rejected?

Mr. NORTHWAY. I will say to my colleague that very likely some of these claims now attached to the appropriation bill by the Senate, if brought up as independent measures, might be voted for; but we feel that this is not the proper way to procure their consideration. It is not the right way to bring them before the House. In our judgment and under our rules they are matters to be legislated upon where they can be considered in the House or in the Committee of the Whole, where every member can be heard upon them who desires to be heard.

Now, some of these claims would possibly go through the courts; but the committee could not, within a week, if they had that time, investigate and report upon them in detail, as to whether they ought to be or ought not to be adopted, and therefore we had no alternative except either to impose upon the House and recommend their adoption as a whole, or to report as we do report, that it is utterly impossible for the House Committee to give that examination to which they were entitled, and that would authorize us to report favorably upon them and recommend their adoption. We did not believe it was proper that the House should go blindly upon the question.

Mr. HULICK. If my colleague will permit me further, was not the same condition presented by the House conferees to the Senate, that if the Senate insisted upon these amendments the House could not possibly agree to them, and the bill would fail on that account?

Mr. NORTHWAY. Of course the conferees on the part of the House did what was in their power to bring about an agreement in reference to the matter, but you will understand that we were obliged to report the disagreement because we could not consent to the enactment of this character of legislation, and the easiest thing to do, and the only thing to do, was to report the disagreement. There was no use in talking of anything else. We could not ask them to strike them off, for if we could have secured their omission from the bill we would certainly have done so. But the question was presented simply either to accept the bill as it came from the Senate, or to defeat it; and in my opinion the conferees adopted the only course that was open to them.

Mr. CANNON. I now yield five minutes to the gentleman from Tennessee [Mr. Richardson].

Mr. RICHARDSON. Mr. Speaker, I do not take the floor now at this late hour—a little over sixty minutes of the final adjournment—for the purpose of undertaking to make any appeal to the House to consider the claims upon this deficiency bill. I have given my opinion of them heretofore. It would be useless to do so again. I do not take the floor either to scold or complain of the treatment the claims have received. On yesterday morning, when this bill was put in conference, I submitted some remarks on it to the House. I regretted, as I then stated, to take the radical course which I felt I ought to take in regard to it, and which the friends of these claims felt we ought to pursue in order to secure some consideration of the claims embraced in it at the hands of the House. I stated that the only reason I ventured then to oppose the motion to suspend the rules submitted by the gentleman from Illinois, and to nonconcur in the Senate amendments, was because it was the only way that this House and the friends of these claims could get for them consideration by the House.

Gentlemen will bear me out in the statement I made. What is shown, Mr. Speaker, by the result? The House did suspend the rules and put the bill in conference. And now, while I ventured then to say that it would be 4 or 5 or 6 o'clock this morning before the bill would come back for consideration, we find that it comes back at 10 o'clock, instead of 6, within possibly less than sixty minutes of the time the Chief Executive will leave the White House to attend to his duties here to-day. It is wholly, as we all know, unreasonable to expect the bill, even if it passes now, to receive any consideration at his hands.

Now, I say that the Bowman Act claims have not been fairly treated by the Committee on Appropriations. The gentleman from Illinois, the chairman of the committee, says it is unreasonable to ask that they be considered at this late day. He says we have not time to consider any of them. The language of the gentleman from Illinois was, a few moments ago, that we did not have time "to consider these claims." Now, sir, whose fault is it that the Committee on Appropriations does not have time to consider such matters?

Mr. CANNON. Will the gentleman allow me?

Mr. RICHARDSON. Certainly.

Mr. CANNON. Under the rules of the House, the Committee on Appropriations can not deal with claims. It does not consider them, and was only compelled to perform this duty, that is unnatural to it, under the rules of the House, by reason of the amendments placed upon the general appropriation bill by the Senate; and this, too, with a bill reported to the House but yesterday.

Mr. RICHARDSON. The gentleman has made great opposition here to the action of the Senate in putting the claims on this bill in the Senate. If I am not mistaken, the gentleman transgressed the rules of parliamentary law yesterday and denounced the manner in which the claims were put on in the Senate. He reflected upon members of the Senate who had been instrumental in putting the claims on, as he said, by a fraudulent amendment with intent to deceive, as in violation of the rules of the Senate, as well as the rules of the two Houses.

Mr. CANNON. If my friend will allow me, I think I know the rules in the matter.

Mr. RICHARDSON. And you said that they were put on in violation of the rules.

Mr. CANNON. If my friend will look at what I said—I have not seen it since I said it—I took care to make my denunciation upon the amendment itself, which, professing one thing while being in large part another, came with a falsehood upon its face. I did not denounce the Senate.

Mr. RICHARDSON. The gentleman denounced the amendment as a fraud, etc. He denounced the manner in which it had been put on this bill, and why? Because he said the amendment had been put on in violation of the rules. The gentleman from Illinois [Mr. Cannon] talks as if it were unheard of for the Committee on Appropriations in either body or for either body to put an amendment on an appropriation bill contrary to the rules of the House or Senate. Now, I say, Mr. Speaker, that it is within the experience of this body that the gentleman himself has loaded up the appropriation bills of his own committee with measures which were put on in violation of the rules of the House. Does the gentleman deny it?

Mr. CANNON. Does the gentleman plead in set-off?

Mr. RICHARDSON. No; but I say you have no right to condemn the Senate and condemn us for doing that which you yourself have deliberately done in this House. [Applause.]

Mr. CANNON. The gentleman is as good a parliamentarian, I think, as there is in the House; and the gentleman knows, if he will be candid, as I know he will, that the appropriation bills, as they have been presented to the House, have been substantially clean appropriation bills, and more so in this Congress perhaps than in any other.

If my friend will allow me (and I will yield him time to answer), I will say that he is the compiler of one of the most valuable public documents that has been prepared for many years—I mean the Messages of the Presidents—and perhaps the most flagrant breach of the rules that the Committee on Appropriations committed was in placing a provision for an extra edition of that book upon an appropriation bill, with the gentleman's consent, and I think I might go further and say by the gentleman's suggestion.

Mr. RICHARDSON. Well, the latter part of the statement is not true. It was done, but not at my suggestion.

Mr. CANNON. How did it get on the bill?

Mr. RICHARDSON. The gentleman from Texas [Mr. Sayers] is a manly man——

Mr. CANNON. Yes.

Mr. RICHARDSON. And the gentleman from Texas will bear me out in the statement that he asked me to prepare the amendment to print the extra copies of that compilation, which I thank the gentleman from Illinois for saying is a valuable one.

Several Members. We all wanted it.

Mr. RICHARDSON. That is all right. I did not suggest that that amendment be put on that bill. But, Mr. Speaker, if I had, it would not affect the issue here. I have not complained because there has been some transgression of the rules of the House; and therefore if I had made the suggestion myself to put something on these bills that was not done in a parliamentary way, I should not be open to the criticism which the gentleman is liable to when he comes and complains because somebody else has done that which he has flagrantly done in this House. That is the difference between us.

I ask him if his committee has not loaded the appropriation bill with matters that were not parliamentary, that under the rules could not be put upon these appropriation bills? Why, Mr. Speaker, the gentleman stood here when this very bill was under consideration, and when amendment after amendment was read, he called the attention of gentlemen on the floor to the fact that here were propositions that could not go on the bill under the rules; and yet the gentleman had reported the bill with these matters attached. Now, I am not complaining——

Mr. CANNON. Did the gentleman exercise his right to make the point of order?

Mr. RICHARDSON. Oh, I am not complaining of the gentleman for it, but I complain of him for complaining of others for doing that which he himself has done. That is all. [Applause.]

I am not going to refer to another matter which was put on the appropriation bill, possibly in violation of the rules. I am not going to refer to a matter which might be personal, and possibly objectionable, to my friend from Illinois. I have said enough for us to know what it is. I am not going to mention it.

Mr. CANNON. I say to my friend do not suppress anything; and let me say that, as the public-building rules are construed, the amendment to which I apprehend the gentleman refers was not in violation of the rules of this House.

Mr. RICHARDSON. The gentleman has paid me the compliment to say that I know something of the rules. Now, I think that in that sort of a debate the gentleman would lose ground if he should undertake to say that the amendment referred to could be put on here under the rules. If I am not mistaken, there was a soldier's home provided for by the Senate in one of the Dakotas, and I believe that has been stricken from the bill. But I do not want to make any issue with the gentleman, and I am not going to do it. I only want to say that those who live in "glass houses ought not to throw stones."

Mr. CANNON. I am yielding to my friend liberally in time. I will say to him that my action as a Representative in this House is at all times subject to proper criticism. I resent the insinuation, which is like unto the gentleman's method of attack——

Mr. RICHARDSON. Oh!

Mr. CANNON. When the gentleman speaks of glass houses, if he has anything to say against me in my representative capacity, let him say it like a man—yea, yea, and nay, nay. [Applause.]

Mr. RICHARDSON. Well, I have this to say——

The SPEAKER pro tempore. The gentleman will suspend. The Chair lays before the House the following report of the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEwan, its Chief Clerk, announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless he may have some further communication to make.

The message further announced that in pursuance of the foregoing resolution, the Presiding Officer had appointed Mr. Hoar and Mr. Brice as said committee.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. Pruden, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On March 3, 1897:

An act (H. R. 9319) granting a pension to Malachi Salters;

An act (H. R. 6730) granting a pension to Edward C. Spofford;

An act (H. R. 4903) for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

An act (H. R. 2689) granting a pension to Charlotte Weiser;

An act (H. R. 7422) granting a pension to Lydia W. Holliday;

An act (H. R. 6757) granting a pension to Andrew J. Molder;

An act (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

An act (H. R. 4076) for the relief of Abner Abercrombie;

An act (H. R. 3785) granting a pension to Rebecca A. Kirkpatrick;

An act (H. R. 6038) to increase the pension of Joseph M. Donohue;

An act (H. R. 10108) regulating fraternal beneficial associations in the District of Columbia;

An act (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

An act (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringment of letters patent;

An act (H. R. 10301) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

An act (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes;

An act (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898;

An act (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898;

An act (H. R. 2663) to amend the laws relating to navigation;

An act (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights;

An act (H. R. 3014) revising and amending the statutes relating to patents;

Joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893;

An act (H. R. 2688) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county;

An act (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River;

An act (H. R. 10204) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder;

An act (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department; and

An act (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The following bills were presented to the President on the 19th day of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, they have become laws without his approval:

An act (H. R. 1474) granting a pension to John J. Co[illegible];

An act (H. R. 4519) granting a pension to John [illegible]rs;

An act (H. R. 5986) granting pension to Francis M. Ross;

An act (H. R. 1104) granting an increase of pension to Isaac N. Williams;

An act (H. R. 1311) granting an increase of pension to Charles W. Sentman;

An act (H. R. 3108) granting an increase of pension to Jesse Durnell;

An act (H. R. 5880) granting an increase of pension to Greenville Puckett;

An act (H. R. 5981) granting an increase of pension to Elihu Jones;

An act (H. R. 2317) to increase the pension of Levi T. E. Johnson;

An act (H. R. 5852) to increase the pension of Josiah P. Bradbury;

An act (H. R. 6789) for the relief of Harrison Wagner;

An act (H. R. 8388) for the relief of William G. Buck; and

An act (H. R. 3715) for the relief of Capt. W. J. Kountz.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. Foss to withdraw the files in H. R. 3000, no adverse report having been made thereon.

By unanimous consent, leave was granted to Mr. Griswold to withdraw from the files of the House, without leaving copies, the papers in the case of Ida Wiederhold, applicant for pension, no adverse report having been made thereon.

CHARITIES OF THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore. The Chair desires to announce the following appointment, which the Clerk will read.

The Clerk read as follows:

Joint Committee to Investigate the Charities of the District of Columbia, under the District of Columbia appropriation act, Mr. Northway, of Ohio, vice Mr. Blue, of Kansas, resigned.

GENERAL DEFICIENCY BILL.

Mr. CANNON. I will say to the gentleman that I do not desire to abridge his time, but there are one or two others I have promised an opportunity for debate.

Mr. RICHARDSON. Mr. Speaker, I want to say that the gentleman wholly misconceives my idea and purpose if he thinks I meant to reflect on him in any indirect way. I said that gentlemen who live in glass houses ought not to throw stones. I repeat it, not in an offensive way, unless it be offensive for me to tell him that he ought not to condemn us or other gentlemen if in our zeal we put measures on an appropriation bill in violation of the rules of the House, when he himself has done the same thing, when he stood up here, in the presence of 150 or 200 members, in this House and invited points of order against propositions which he himself had put upon this appropriation bill. That is what I said. I should not have referred to the other personal matter if the gentleman had not arraigned me personally about a matter with which he said I was connected. But I did it, Mr. Speaker, without the slightest feeling in the matter.

I now want to say a word upon the merits of the question. The gentleman has condemned claims in a general way put upon this deficiency bill by the Senate. I join with him in condemnation of many of those claims. Mr. Speaker, the true course would be to give us a little more time for the consideration of these general appropriation bills; to go into the Committee of the Whole, as the rules of this House provide you shall do when you consider appropriation bills; eliminate from the bills improper items and permit those that are proper and right to remain upon the appropriation bill. It is a scuffle and a scramble with us to get just measures put upon these appropriation bills, and the gentleman from Illinois knows it.

He complained a few days ago, when we were discussing these Bowman claims, because he said we were attempting, in violation of the rules, to thrust upon an appropriation bill such claims. He says, "Why, you have every Friday to consider these claims." I thought the gentleman ought not to have made that charge against us, because it was on a Friday that this very deficiency bill was being considered, the very day, under the rules, dedicated and set apart for the consideration of private claims; and yet, because this deficiency bill was a bill of high privilege in the House, he came in on that Friday, displaced our Private Calendar, and refused us the right to have an hour for the consideration of bills, such as the Bowman Act cases, and then rebuked us, after having taken the day from us with this appropriation bill of high privilege, and denied us the poor privilege of attaching to it these just and meritorious claims.

Now, I do not think that the gentleman ought to have reflected upon us. I do not think it was good taste to insist that we ought not to have asked and endeavored as best we could to put these just and meritorious claims upon his deficiency appropriation bill on that Friday. The gentleman makes a distinction—and I will close in a minute—between these Bowman Act claims and other judgments of the Court of Claims, which, he says, legitimately find a place upon the deficiency bill.

Mr. Speaker, there may be, and there is, a technical difference in the judgments in the Court of Claims in these cases. Those in the Bowman Act cases and these other cases that he admits to the deficiency bill are exactly alike. They are tried in the same way; they are tried in the same forum, tried by the same five judges of the Court of Claims, and a judgment solemnly rendered in each case. In one case, the case where he admits them to the deficiency bill, it is a judgment for money; in the other case under the Bowman Act, which he says can not find a place upon the deficiency bill, is a judgment upon the facts which the court is asked to render a judgment upon. Now, they come in one class of cases and say they are proper; they come with the other class of cases and say that they are not proper to be put upon the deficiency bill.

The ground of complaint, Mr. Speaker, that I make is that these appropriation bills are held back until the last days of the session, and then, in the closing hours, we are told, "Unless you take these bills as we reported them, you bring about by their failure the necessity for an extra session." Now, I think, Mr. Speaker, we ought to enforce the old rule that this House had requiring these bills to be reported within a given time after Congress assembled, in order that they might meet with fair and proper debate and amendment in the Committee of the Whole House on the state of the Union. I hope in the next Congress, if the gentleman has the honor to be chairman of the Committee on Appropriations, he will give us those bills at such time and under such circumstances that they may meet with full and fair debate in Committee of the Whole.

Mr. Speaker, that is all I desire to say.

Mr. CANNON. I yield five minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, this is but the culmination of a long series of errors. The two Houses of Congress can render no service to the country that exceeds in importance the jealous guarding of their own rights and privileges and a strict insistence that their rules, respectively, shall be observed, and I think we are doing well if we let an appropriation bill fail because of a violation by each House of the rules which each has adopted for its guidance. It is our duty to stand on the rules of each House and of the joint rules of both Houses in order that legislation may go on safely and in an orderly manner, and that we may have careful and just legislation. This is necessary in order that jobs shall not get into the appropriation bills, and that the money taken from the people by taxation shall not be squandered.

But, Mr. Speaker, it is well for us to ask how these bad practices have grown up. I submit, Mr. Speaker, that the difficulty has been that each House has, in moments of annoyance at the failure of the other, gone beyond its own rules and entered upon a violation of the rules of the other branch of Congress, the result being that each House has not acted honorably and honestly and properly under its own rules in discharging the duty which it assumes and which the Constitution places upon it, and in this matter the House is the chief offender. The only solution of this difficulty is to give full and fair consideration in both Houses to the private claims and to all claims of our own citizens. For my part, I am not only willing to see the pending bill defeated, but I am willing that every bill shall be defeated in this House, so that session after session must be called, until we can have the decency and the honor and the integrity to treat the private citizens of this country with the same fairness and justice that we accord to the citizens of other countries. [Applause.]

When this country will call upon its Army and its Navy to go to the ends of the earth to protect the persons and the property of its private citizens, it ill becomes it to deny to our own citizens their rights in this House of Representatives and in the Senate; and while under the circumstances I stand by the committee in defeating this bill, I want to say to the House that we ourselves are verily guilty and most guilty in this matter, because we have not adjusted these claims, not even considered them, and sent them over to the Senate in a proper way, as our rules prescribe we should do, and as our obligations to our constituents under our oath of office require us to do.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

The conference report was adopted.

Mr. CANNON. I move that the House further insist upon its disagreement to the Senate amendments.

Mr. BINGHAM. I demand a separate vote on the several amendments, Mr. Speaker.

The SPEAKER pro tempore. A separate vote is demanded. The Clerk will report the first amendment.

The Clerk read as follows:

> International Exhibition at Brussels: For additional amount to enable the Government to take official part in the International Exhibition to be held at Brussels, Belgium, during the year 1897, $90,000.

Mr. CANNON. Mr. Speaker, with this great mass of amendments, upon each of which a separate vote is asked (and which might fitly be considered in that way), it is perfectly evident that in the remaining fifty minutes of this Congress we can not adequately consider even one-fiftieth part of these amendments, and could not do so even if there was no prospect of any yea-and-nay votes being called for. Therefore I will not further insist upon the consideration of the bill or the conference report. [A pause.] On second thought, however, I will ask consent that we pass over this paragraph for the present, to return to it later, and that the next amendment be now read.

There was no objection.

The next amendment was read, as follows:

> Payment to Samuel C. Reid: The Secretary of State be, and he is hereby, authorized and directed to pay over to Samuel C. Reid, his heirs, executors, administrators, and assigns, the full amount of the unexpended balance ($16,191.53) yet remaining of the $70,739 appropriated by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the U. S. brig *General Armstrong*.

Mr. RAY. Mr. Speaker, I rise to oppose the adoption of this amendment proposed by the Senate. A bill providing for an appropriation of some $16,000, to be paid to Samuel C. Reid on account of a supposed claim that he had against this Government, was referred to the Judiciary Committee, and after due examination and consideration, that committee, of which I am a member, made an adverse report. That committee carefully examined the claim. Its members or some of them went to the Departments of this Government and looked up thoroughly the history of the case and the documentary evidence relating to it, and the committee with substantial unanimity reported adversely to the claim. On examination of the records we find that our adverse report is sustained by six several adverse reports or opinions coming from four different Attorneys-General of the United States.

Six several times the alleged equity of Mr. Reid has been denied by the Law Department of the Government. (See Ops. B. H. Brewster, Atty. Gen., July 7, 1883, and July 31, 1883, vol. 17, pp. 590, 600, 626, Op. of Atty. Gen.; Op. A. H. Garland, Atty. Gen., January 9, 1887, vol. 19, p. 32, Op. of Atty. Gen.; Op. C. H. Aldrich, Sol. Gen., vol. 20, Op. Atty. Gen., p. 372; and Op. Holmes Conrad, Sol. Gen., April 9, 1895, vol. 21 (part 1), p. 155, Op. Atty. Gen.)

We reported that the claim was unfounded, without equity. In order that this House, which has never considered the matter at all, may have some idea of what the Senate asks us to do, I propose to call attention very briefly to the facts in the case.

In 1882 the Congress of the United States voted that the Secretary of State should inquire into the merits of this claim, and Congress passed a bill which authorized the Secretary of State to examine as to the losses suffered by the owners, the captain, and the crew of the U. S. brig *General Armstrong*, which was destroyed in the neutral port of Fayal in the year 1814, just at the close of the war of 1812. That act of Congress made it lawful for the Secretary of the Treasury, on adjudication of the Secretary of State, to pay to the claimants entitled, if he found there were any, sums aggregating $70,739—not to exceed that sum; and authorized the Secretary of State to apportion that sum, adjust the claims, and pay them on principles of equity and justice—in other words, to do what was just and equitable in view of all the circumstances of the case.

The Court of Claims had examined into the matter, and reported that there were certain sums of money justly due to the captain of that brig, certain sums justly due to the crew, certain sums justly due to the officers, and certain sums to the owners. The Secretary of State, under the authority conferred upon him by that act of 1882, proceeded to perform his duty; and upon the evidence produced before the Court of Claims and such additional evidence as was presented to him, he adjusted the rights and the equities of the parties. That claim had been brought again and again to this House. It had been presented again and again to the various Departments of the Government. Years had been spent in the prosecution of the claim. At times it had slept and seemed to be abandoned, but was from time to time renewed.

Mr. Speaker, the captain of that brig, destroyed, as I have stated, in the neutral port of Fayal, was Samuel C. Reid, sr., now dead. He left a son, Samuel C. Reid, to whom this amendment proposes to pay the sum of $16,000 from the Treasury of the United States. The son, after the death of the father, prosecuted this claim, and of course incurred expense in so doing. He spent a great deal of time necessarily in the prosecution of the claim, which amounted to $70,739. The bill authorized the payment of this claim and the apportionment of this money upon principles of equity and justice, as the rights of all parties might appear. Under the evidence adduced before the Court of Claims and before the State Department it was found that Samuel C. Reid, the captain of that vessel and the father of the present claimant, was entitled to the sum of $1,037; and that is the only interest the father of the present claimant ever had in that $70,739—all that he ever pretended to have, except by way of assignment.

The present claimant was one of the six heirs of S. C. Reid, sr., and was entitled to one-sixth of $1,037 (that is all) as an original claimant. However, when he commenced the prosecution of this claim against the Government, he took from the owners of the vessel an assignment of their claims, which contained an express provision that he would prosecute this claim to a final determination, and that he would receive and accept in full payment for all services and all expenditures in the prosecution of the claim 50 per cent of the amount that might be found due to the owners of the vessel.

Remember that the owners had an interest, the captain and crew had an interest; and this man entered into a written contract and agreement to prosecute the claim for 50 per cent of the amount which might be found due to the owners alone. Still, in prosecuting the claim in behalf of the owners of the vessel, without any power of attorney from the officers or crew of the vessel, without representing them at all, he, of course, incidentally and necessarily prosecuted it in their behalf, as well as in behalf of the owners, from whom he had an assignment and a power of attorney. Therefore, when the Secretary of State came to adjust this case under the evidence, he took into consideration the equities in the case. He recognized that assignment and that contract, by which S. C. Reid, the present claimant, had agreed to receive 50 per cent of the interest of the owners in full payment for his services and expenditures; and the Secretary of State took into consideration the further fact that Mr. Reid had incidentally represented the crew and the officers of the vessel.

When he made the allowance to the present claimant, Samuel C. Reid, for compensation for services and disbursements in prosecuting the claim, the Secretary of State did not confine himself at all to the contract which Mr. Reid had made as to his compensation out of the interest of the owners of the vessel, but gave him not only 50 per cent of that interest, but 40 per cent of the interest of the captain and the crew of the vessel. I will give you the figures. Here was $70,739 appropriated; and the Secretary of State adjudged upon principles of equity that Samuel C. Reid, as attorney for the claimants under the circumstances I have mentioned, should have, on principles of equity and justice, the following sums. So he awarded (and in the report of the Committee on the Judiciary we have quoted at length his decision) to this claimant, Samuel C. Reid, as attorney for the claimant owners, $21,500, and as representing the officers and crew $11,095.60, 40 per cent of their interest, making a total of $32,595 given to the attorney for prosecuting a claim of $70,739—almost one-half.

Mr. MEREDITH. The gentleman, I believe, will be a member of the next House?

Mr. RAY. Yes, sir.

Mr. MEREDITH. Does not the gentleman think, then, that in fairness he ought to give those members who are going out an opportunity, in the dying hours of this Fifty-fourth Congress, to deliver their funeral orations? [Laughter.]

Mr. RAY. Mr. Speaker, if I could be assured that gentlemen on the other side of this Chamber would occupy the time from now until 12 o'clock in pronouncing their funeral orations and the funeral oration of the Democratic party (which would be a very appropriate proceeding), I would readily give way. As my friend from Virginia is going out, and as I think a great deal of him, he may, in the form of a question, proceed now, if he so desires, to pronounce his own funeral oration. [Laughter.]

Mr. MEREDITH. The gentleman——

Mr. RAY. I do not yield the floor.

Mr. MEREDITH. "The gentleman from Virginia" would prefer to come back two years from now and pronounce the funeral oration of the Republican party, when this House will be Democratic. [Laughter.]

Mr. RAY. That day, Mr. Speaker, will never come. [Applause on the Republican side.] Four years ago you gentlemen on the other side came into power in this House; you made a great display; you blew your trumpets, and you proclaimed that that was the funeral of the Republican party. You had not been in power six months before your star began to wane, and in two years we had a Republican House by an overwhelming majority. Two years further on, which is to-day, you find yourselves going out of power and the Republican party coming into full control of every department of this great Government, with a Republican Senate, a Republican House, and, thank God, what is better than all, a Republican Executive. [Applause.] We have come to stay and you have gone, or are about to go, never to return.

Now, in order to clearly understand what the Senate is at, I will proceed to enlighten you upon the subject now under consideration. This is a business proposition, not a political question:

Mr. LACEY. Did the owners get anything out of this?

Mr. RAY. Some of them. I will come to that later on.

Now, remember the present claimant has already received almost one-half of the $70,000. He has already received $12,000 in excess of what he agreed, in writing, to accept in full of all demands. The State Department, remember, adjudicated the matter on principles of equity and justice. Samuel C. Reid, the present claimant, accepted the adjudication and the payments made under it, and gave his receipt for $32,595.60 in full of all claims in, against, and to that fund, and these vouchers are on file with the Secretary of State and in the Department of Justice to-[illegible]

Mr. Speaker, most of the owners of this vessel—[illegible] had an interest in it, or the heirs of those [illegible] were [illegible] in it—appeared and made their claim and got their [illegible] of what they were entitled to receive. Samuel C. Reid, the present claimant, in addition to the sum that he had received and receipted for in full as compensation, applied for a share as one of the heirs of his father, and that was paid and receipted for by him in full. The other heirs of Samuel C. Reid, sr., applied for their share, and they received it, and were paid in full. Some of the seamen and some of the officers presented their claims, and they received what was left for them—what Samuel C. Reid, the attorney, had not taken—they received that.

Now, then, there is left of this $70,739, after paying the attorney in full, after having his receipts on file for all claims in full, $16,000, about. Some of the officers and crew have not yet received their money, but several of them have filed their claims—or the heirs of some of them—in the office of the Secretary of State, and these claims are still on file with the evidence sustaining them to a certain extent. But the Secretary of State found the evidence insufficient to establish the heirship, and for that reason many of them have not yet been recognized.

Now, after Samuel C. Reid had received about one-half of the fund and expended it, it seems that his necessities became so great that he thought it would be a good thing for him to go in and take the remaining 60 per cent of the fund which has not been paid to the officers and crew. So he appears with various forms of claims, and at different times, knocking at the doors of the office of the Secretary of State and asking for this balance. But the Secretary of State said, "You have received your pay for your services; you have had your disbursements returned to you; you have accepted them under the decree of the State Department, and you have given your receipt in full."

Mr. Speaker, this matter was then referred to the Attorney-General of the United States. Mr. Brewster at that time was the Attorney-General, who reported against the case. He said that

Samuel C. Reid had received all he was entitled to. He said that, knowing the decision of the Secretary of State, which amounted to a judgment under the act of Congress, he had accepted the amount awarded to him, and he said it had become res adjudicata, and the action had was binding and conclusive upon him, and he said that the rest of this money belonged to the officers and crew of this vessel; it had been so adjudicated, and that Mr. Reid could not deny it. No lawyer, no just-minded man here, will presume to deny that question or that proposition. But Mr. Reid was not satisfied, and when Mr. A. H. Garland became the Attorney-General of the United States, he again, under the Administration of Mr. Cleveland when he was first President, applied at the office of the Secretary of State for a readjustment and a readjudication of the matter, and the then Secretary of State denied his right, denied the justice of the claim, and denied the pretended equity he then set up.

The matter was referred to Mr. Garland, and he gave an opinion sustaining the Secretary of State. Then it ran along until the next Administration, and Mr. C. H. Aldrich, the Solicitor-General, wrote an opinion denying the justice and alleged equity of the alleged claim of Samuel C. Reid. Again it came up under the present Administration, when Mr. Holmes Conrad had become the Solicitor-General of the United States. He denied the claim.

These opinions in all these instances say that the balance of this money belongs to the officers and crew, or to the heirs of the officers and crew, of this vessel. They say that Mr. Reid has already had 40 per cent of it, has accepted it, received it, receipted for it in full of all claims, and we know of no rule of law that will give to the attorney who has receipted in full for services and disbursements the money that belongs to the client, simply because that client is dead, and the heirs have not yet appeared to claim the money due them. So all of these reports say. I ask this House to sustain the opinions of the law officers of the Government, which have been unanimous under all Administrations, and to vote down this amendment.

The act of 1882 was as follows:

> That the Secretary of State be, and he is hereby, authorized and directed to examine and adjust the claims of the captain, owners, officers, and crew of the late private armed brig *General Armstrong*, growing out of the destruction of said brig by a British force in the neutral port of Fayal, in September, 1814, upon the evidence established before the Court of Claims, and to settle the same on principles of justice and equity; and that he be, and is hereby, further authorized and directed to draw his requisition in favor of said claimants, their heirs, executors, administrators, agents, or assigns, for the amount which may be by him found due to said claimants, on the Secretary of the Treasury, not exceeding $70,739, the amount proved before the Court of Claims, who is authorized to pay the same out of any money in the Treasury not otherwise appropriated.

The order of the Secretary of State was as follows:

> Upon these facts I decide that Samuel C. Reid, jr., under the assignments named and in virtue of his services, is entitled to one-half the amount awarded to owners, viz, $21,500; to 40 per cent of award to officers and crew as compensation for services, $11,095.60, making a total of $32,595.60, to be paid to said Samuel C. Reid, jr. The amount of the assignments already made by the said Samuel C. Reid, and which are on file in the Department and have been recognized by him, will be paid to the several assignees directly.
>
> The share of each owner, dividing $43,000 into fifteen shares, is $2,866.66, one-half to be paid to each, respectively, as the claims are proved; that is, each $1,433.33.
>
> Sixty per cent, or three-fifths, of the sum awarded to officers and crew, viz, $27,739, will be distributed among claimants of that character as classified by the evidence before the Court of Claims. No assignments made by persons in the character of owners, or representatives of owners, will be recognized by the Department in the distribution. Owing to the lapse of time, the death of most of the original parties to the transaction, and the unavoidable loss and destruction of private papers of these parties, the Department has found it very difficult to obtain evidence in regard to the several points involved in this distribution. In making the foregoing decision I have consequently been guided by the discretion given to the Secretary of State to make the distribution on principles of justice and equity, and by a consideration of the efficient services rendered for so many years by Samuel C. Reid, jr.
>
> This decision will be carried out under the direction of the First Assistant Secretary.
>
> FREDK. T. FRELINGHUYSEN,
> *Secretary.*

June 9, 1886, Mr. Bayard, then Secretary of State, sent a communication to the President on this subject, in which he says:

> Several claims have been made against this balance. * * * An allowance was made to Mr. Reid as attorney of 50 per cent of that part of the fund which was shown, etc., to belong to the owners of the vessel, and of 40 per cent of that part which was shown to belong to the officers and crew. The remaining percentages of the claims adjusted were held to belong to the claimants.

In 1892 this matter came before the Department of Justice, and Charles H. Aldrich, then Solicitor-General, wrote an opinion addressed to the Secretary of State (volume 20, page 376, Opinions of Attorney-General), in which he says:

> Again the facts show that Mr. Reid has been fully paid. * * * He is also, in my opinion, precluded from recovery, irrespective of the former reason suggested, by reason of the decisions of your Department. * * * The Government has such an interest in the fund as to entitle it to be heard in its disposition. As a trustee holding the fund for the true owner, it is its duty to defend and protect the trust estate.

This was approved by the Hon. W. H. H. Miller, Attorney-General of the United States.

In his opinion of April 9, 1895 (volume 21, page 158, Opinions of Attorney-General), the Hon. Holmes Conrad, Solicitor-General, says:

> It appears, however, that Samuel C. Reid, jr., now insists that the unexpended balance shall be applied to reimbursing him the amounts which have been paid to his assignees, on the ground that such amounts were so expended by him in the expenses necessarily incurred in securing the appropriation. But the objection to this is obvious and twofold.
>
> First. The assignment of 12th of September, 1835, from the owners of the vessel to Capt. Samuel C. Reid is subject to the express condition that he shall "bear all the expenses and charges and perform all necessary services for the collection of the demands hereafter mentioned."
>
> Second. That the act of Congress approved March 2, 1895, under which alone the Secretary of State has authority to disburse the unexpended balance, expressly provides that it "shall be applied for the liquidation and settlement of the claims of Samuel C. Reid, according to the vouchers now on file in said Department."
>
> And, further, the claims of all the officers and crew of the brig, as well as those of the owners, have been recognized by the Court of Claims and by Congress. And should the Secretary of State now, without further authority than that conferred upon him by the act of March 2, 1895, apply any part of this unexpended balance to the payment of the "expenses and charges" incurred in the recovery of the amount appropriated, the Government would still remain liable to the officers and crew and the owners of the brig, whose recognized claims have not yet been paid out of the amount appropriated.
>
> I am therefore of opinion that you have not the authority to apply any part of the unexpended balance to the payment of such "expenses and charges," or to the reimbursement of Mr. Samuel C. Reid, jr., or anyone else who may have paid them, but that the account should be stated as above indicated, and any balance left remaining should be reserved for the yet unascertained claimants or for future disposition by Congress.

This was approved by Richard Olney, now Secretary of State, then Attorney-General of the United States.

Mr. BINGHAM. I desire to withdraw my demand for a separate vote.

Mr. CANNON. Then I ask for a vote on my motion.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House insist on its disagreement to the amendments of the Senate.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now I move that we assent to the request for a conference.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Cannon] moves that the House assent to the request for a further conference.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. Cannon, Mr. Northway, and Mr. Sayers.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. RICHARDSON. I ask unanimous consent of the House to make a statement which I think is of public interest.

Quite a number of gentlemen who are not reelected to the next House have asked me in regard to the distribution of a compilation known as Messages and Papers of the Presidents. I have told all of them who applied to me that the sundry civil bill gave them till next December to withdraw their quotas from the office of the Superintendent of Documents. We have all been informed by that officer that unless the retiring members, and, indeed, members who are reelected, take their quotas from his office they will forfeit them. In order to prevent the forfeiture there has been inserted in the sundry civil bill a provision allowing outgoing members until next December to withdraw their quotas, and allowing to members who are reelected the entire term of the Fifty-fifth Congress in which to withdraw them.

Now, inasmuch as there is a suspicion that the sundry civil bill will not become a law, I want to correct the impression which gentlemen may have that they will have until December to withdraw their quotas, and to say to them that it would be better for them to see Mr. Crandall at once, and secure their quotas of that compilation.

Mr. PERKINS. I simply want to add, Mr. Speaker, to what the gentleman from Tennessee [Mr. Richardson] has said, that some days ago I consulted the Superintendent of Documents on this matter, and he informed me that if members would file with him a request to have their quotas retained, he would do so.

Mr. WHEELER. In what time?

Mr. PERKINS. Well, the time was the 4th of March; but in this situation there is no doubt that the request will be complied with.

REPORT OF THE COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. DALZELL (from the committee appointed to wait upon the President). Mr. Speaker, your committee appointed to join a like committee of the Senate to advise the President of the United States that Congress had completed its business, and to ask if he had any further communication to make, beg leave to report that they were unable to fulfill their mission, for the reason that the President had left the White House for the Capitol before the arrival of the committee.

THANKS TO THE SPEAKER.

The SPEAKER pro tempore (Mr. Payne). Will the gentleman from Missouri [Mr. Dockery] please take the chair?

Mr. Dockery took the chair as Speaker pro tempore.

Mr. McMILLIN. Mr. Speaker, with the close of this hour the Fifty-fourth Congress will have passed into history. We have now been together through two entire sessions, attempting to serve as best we could the interests of our people. Political feeling has often run high and party spirit has often asserted itself.

In this country, where we fortunately have no rulers born to us, the American people select the men who, in the various offices recognized by our Constitution and laws, are to have custody of their important affairs. The necessary result of this is not only a government by the people, but a government by parties. As the sentiments of the American people change, one party and then another, takes control of this Government. For one, I like the citizen who is intelligent enough to form opinions and then manly enough and bold enough to avow them. Fortunately for the American people, while there is much partisanship in all our people, there is more patriotism in all our people. [Loud applause.]

Fortunately for the American people and our free institutions, and the prospect of their perpetuity, political antagonisms do not result in this country, as they do in many others, in social ostracism and personal antagonism. Each party and each individual, striving to serve his country best, lauds at the close all efforts of all parties and of all individuals who have sought to accomplish the same end.

If, Mr. Speaker, we were at the close of this session, as we did at its beginning, proposing to Congress a code of rules for its government, there would not, I am sure, be that unanimity in our action that I feel equally sure will characterize us in a matter, now that we come to deal with the manner in which a distinguished public servant has discharged the duties of the position committed to his keeping. The parties in this House differ materially as to the rules that are best for its government. We differed widely in the beginning of this session; so widely that the minority party presented the old code of rules as adopted by them in the last Congress for the government of the House. But the majority in the beginning of the Congress, I believe from the first day, adopted its code of rules. It elected its presiding officer to preside over the deliberations of this body. I for one believe that, whilst the distinguished presiding officer has had that strong personal feeling of anxiety concerning his party and its success that characterizes me and every other member concerning the party to which he belongs, it can be truly said that the Hon. Thomas B. Reed has tried to discharge his duty with courtesy, fidelity, and impartiality toward all parties and all members. [Loud cheers.] I therefore with pleasure send up to the desk the following resolution, and ask unanimous consent for its present consideration.

The SPEAKER pro tempore. The Clerk will report the resolution offered by the gentleman from Tennessee.

The Clerk read as follows:

> *Resolved*, That the thanks of this House are presented to the Hon. Thomas B Reed, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair during the present term of Congress.

[Loud applause.]

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. LIVINGSTON. I ask for a rising vote.

The SPEAKER pro tempore. The question is on agreeing to the resolution. As many as are in favor of the resolution will rise. [After a pause.] The ayes have it; the House of Representatives by unanimous vote agrees to the resolution. [Loud applause.]

The SPEAKER resumed the chair amid loud cheers.

The SPEAKER pro tempore (Mr. Dockery). Mr. Speaker, the House of Representatives unanimously tenders to you its sincere thanks for the able, impartial, and dignified manner in which you have presided over its deliberations. [Loud applause.]

The SPEAKER. Gentlemen of the House of Representatives: Two years ago you were summoned to your share of a legislative work which could not be otherwise than disagreeable, disappointing, and unsatisfactory, for it involved a dismal struggle to adapt a narrowing income to the growing wants of a great nation growing to be still greater. You were most of you untried in your new vocation. How others have performed their share of the task, it is not for us to say. But it is proper for me to say that your share of the divided duty has been performed with so much readiness and good sense that even among the asperities of a heated campaign there was no room for any attack upon the House of Representatives. [Loud applause.]

I am sincerely grateful for the kind expression of your confidence and esteem, but I am still more grateful for the daily kindness and good will on the part of every member on both sides of the House. [Loud applause.]

To all of you, then, gentlemen of all parties, I offer the sincere expression of the highest personal regard. [Loud applause.]

I now declare this House adjourned without day.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department from January 1 to December 31, 1896—to the Committee on Printing.

A letter from the Secretary of War, transmitting the report of the officer in charge of the War Department library, of Government publications printed for or received by the Department—to the Committee on Printing.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report in relation to the survey of the channel between the Battery and Governors Island, New York Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the excise board of the District for the year ending October 31, 1896—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of a preliminary examination of the upper Illinois River and lower Des Plaines River, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1896—to the Committee on Patents, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. McCLEARY of Minnesota, from the Committee on Labor, to which was referred the bill of the House (H. R. 7939) to amend an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," reported the same without amendment, accompanied by a report (No. 3078); which said bill and report were referred to the House Calendar.

Mr. ALLEN of Mississippi, from the Committee [illegible]ian Affairs, to which was referred the bill of the House (H. R. 10372) providing for the enrollment of the Mississippi Choctaws, and for other purposes, reported the same without amendment, accompanied by a report (No. 3080); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. PICKLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7055) entitled "An act increasing the pension of Anna G. Valk," with Senate amendments thereto, reported the same; and said bill and report (No. 3079) were referred to the Committee of the Whole.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII Mr. ADAMS presented a memorial of the legislature of the State of Pennsylvania, in favor of the bill (H. R. 1) to reclassify and prescribe the salaries of the railway postal clerks; which was referred to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: A memorial of the legislature of Pennsylvania, in favor of the bill (H. R. 1) to reclassify railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: A memorial of the legislature of Illinois, urging the passage of the Southwick bill, providing for the proper identification of prison-made goods, etc.—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. ANDREWS introduced a bill (H. R. 10378) to correct the military record of James H. Foland; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON of Ohio: Petition of William H. Guy, of Cleveland, Ohio, indorsing House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Adelaine Kirwan Miller, of New York City, praying that the war claim of A. C. Kirwan, deceased, be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. EVANS: Petition of the common council of Louisville, Ky., asking the United States to intercede for the release of Sylvester Scovel—to the Committee on Foreign Affairs.

By Mr. FAIRCHILD: Resolutions adopted at a mass meeting of citizens of Mount Vernon, N. Y., held in the First Presbyterian Church, favoring the passage of the McMillan bill (S. 2485) to further protect Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of William Smith, of Trenton, N. J., for relief on account of a patent claim—to the Committee on Claims.

By Mr. HURLEY: Petition of Frederick Richartz and other citizens of Brooklyn, N. Y., favoring the enactment of the McMillan-Linton bills (S. 3589 and H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. LAYTON: Petition of Henry Holterman, of Wapakoneta, Ohio, praying for the passage of House bill (H. R. 4566) to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fidelity Lodge No. 185 of the Brotherhood of Locomotive Firemen, of Delphos, Ohio, for the passage of the Phillips bill for the appointment of an impartial nonpartisan commission—to the Committee on Labor.

Also, petition of A. M. Richardson and 28 other citizens of Sumner, Mo., praying for the passage of House bill No. 6851, to donate certain funds in the United States Treasury to Wilberforce University for the education of colored youth—to the Committee on Education.

By Mr. PICKLER: Sundry petitions and resolutions of Grand Army of the Republic posts and others urging the passage of House bill No. 9209, for a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: Petition of Fabian Rechtiene and 18 other citizens of Ashland, Wis., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Charles G. Bacon Post, No. 48, Grand Army of the Republic, of Neillsville, Wis., relative to the desecration of the American flag—to the Committee on Military Affairs.

By Mr. CHARLES W. STONE: Petition of citizens of Franklin, Pa., against the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. F. Wentworth Post, No. 327, Grand Army of the Republic, of Garland, Pa., in favor of the Pickler pension bill—to the Committee on Invalid Pensions.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Civil Service Commission.

REMARKS

OF

HON. JOHN P. TRACEY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 22, 1896,

On the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. TRACEY said:

Mr. SPEAKER: The gentleman from Tennessee [Mr. RICHARDSON] manifested a degree of cleverness in his reply to the gentleman from Pennsylvania [Mr. BROSIUS] which may have won him some additional laurels as a debater, but they were short lived, and won at the expense of his reputation for fairness. He carried the appearance of great earnestness when he said:

> I am not mistaken when I say that the gentleman from Pennsylvania, who assumes to be very familiar with all of the facts in connection with this matter, asserted with marked vehemence that these changes in the Service had made the Service decidedly more efficient. He said it became inefficient under the first Administration of President Cleveland and in a chaotic condition, and to improve its condition, to remedy that inefficiency, it had become necessary that the changes should be made, and he said that the records would sustain him in that charge.
>
> Now, unfortunately for the truth of history—

Why?—

> and unfortunately for the arguments of the gentleman from Pennsylvania, I have at hand the record of the errors which occurred in the Railway Mail Service for the years immediately preceding the advent of Mr. Harrison into office, and the errors which occurred in the years following his advent into office, and this record does not sustain him.

Having the record, why did not the gentleman present it to the House? Why did he give the errors committed by years, and the removals and appointments in the service for a period of six weeks in each year only? The gentleman ought to be aware that a system of comparison so lopsided as that is unsafe and almost sure to lead to wrong conclusions. The gentleman's argument militates very seriously against the reputation for fairness which he enjoys, and ought to have been seriously considered before it was offered to the House. I fear this was not done; in fact, all its outward marks indicate undue haste in the preparation.

It may or may not be a part of the unwritten history of the extension of the classified service to include the employees in the Railway Mail Service that the order making the extension was printed by mistake to read March 15, 1889, instead of February 15. It is possible, of course, that a mistake of that sort was made, and if it is not improper to measure the disposition of the President toward the civil service in the closing weeks of his first Administration by the recent manifestations of his disposition in that direction, we might conclude that it was made. But whether intentional or not, Mr. Harrison came into office with the Executive order of his predecessor extending the classified service to include the Railway Mail Service made to take effect and become operative on the 15th day of March, eleven days after his inauguration.

It was a matter of common notoriety during the latter part of Mr. Cleveland's first Administration that the Railway Mail Service was in a condition of unprecedented inefficiency. It may not have been entirely chaotic, but it had certainly reached the border line, and complaints were practically universal and came from members of all political parties. The language of the Postmaster-General, in his report for the fiscal year ending June 30, 1889, was fully warranted by the facts. He says:

> It is proper to say that no other branch of the service had so many complaints against it as the Railway Mail Service, and it was deemed best to remove immediately and rapidly inexperienced men of recent appointment, and others whose records seemed to have fallen, and replace them with as many of the old clerks as could be found, who had had long training in the Service. This was an instance when the places sought the men, and not the men the offices. The years of actual service within the railway-postal cars seemed the best proof of fitness for appointment.

The latter part of the paragraph is quoted because it illustrates in the strongest manner the spirit that governed the Administration of Mr. Harrison touching this important branch of the service.

Prior to March 4, 1889, the Railway Mail Service had from its beginning been under the continuous control of the Republican party and had reached a high degree of efficiency. This is not difficult to account for, because it is manifestly due to the absence of political changes in the Administration and the absence, therefore, of numerous and frequent changes in the personnel of the Service. Prior to March 4, 1885, removals, except for inefficiency, were extremely rare. The force consisted on that date of 4,356 men, all of whom had entered the Service under a system of examinations and probations established in 1877 by Postmaster-General Key, or the somewhat similar system as to examinations which had prevailed for a number of years previously. The tenure of office was not affected by the changes of Admini[illegible] which had taken place prior to March 4, 1885. Removals were only made for dishonesty or inefficiency, and hence there was on that date as well trained and efficient a corps of employees in the Railway Mail Service as there is now or has been at any time.

The change of Administration which occurred on the 4th of March, 1885, carried along with it a change of politics. It will not be disputed, whatever may be the opinion now entertained, that Mr. Cleveland's first Administration showed a decided fondness for Democratic traditions, especially that particular tradition, the paternity of which is usually ascribed to Andrew Jackson, "To the victors belong the spoils." This fondness may not have been demonstrated in all the Departments of the Government service, but it assuredly was in the Railway Mail Service, where more changes were made during the four years following March 4, 1885, than there were employees on the roll at that date.

When the facts shown in the records are all presented and considered along with the fragmentary facts given to the House by the gentleman from Tennessee, the unfairness of his statement becomes so apparent that the gentleman must himself see it. I can only account for the singular statement of the gentleman who is almost always fair and candid, on the ground that he was himself misled. In giving the number of removals, resignations, etc., in the Service each year, from 1885 to 1896, both inclusive, the gentleman from Tennessee confines himself to the first six weeks following March 15. This is manifestly done for two purposes. First, to create the impression that there were fewer removals during Mr. Cleveland's first Administration than is popularly believed, and, second, to contrast the exceptionally large number of removals during that period of the first year of Mr. Harrison's Administration with the same period in each year of the Administration of his predecessor, and in that way create an impression favorable to Mr. Cleveland.

I feel sure that Mr. Cleveland has no desire that the facts connected with his Administration shall either be juggled with or suppressed. When he came into office, he found the Railway Mail Service, so far as it had been organized, giving well-nigh universal satisfaction, and of his own volition he might have been satisfied to let it alone. But he was pressed on all sides by an army of men whose hunger was only equaled, if at all, by the young man of antiquity who was compelled for some days to live on a diet of husks. There was no reason growing out of the character of the service which called for immediate wholesale removals and hence, during the period referred to, there were, as stated by the gentleman from Tennessee, but 51 removals. It is true that during that particular period of the four years 1885, 1886, 1887, and 1888 the total number of removals was but 235, and that during the same period of the four following years, 1889, 1890, 1891, and 1892, the number of removals was 1,504. But during the four years of Mr. Cleveland's first Administration, for no other apparent reason than to feed the hungry, the number of removals, resignations, and probationers dropped reached the grand total of 4,672—316 more than were on the rolls March 4, 1885.

It was this wholesale removal of experienced and trained men, for political reasons, and supplying their places with new men without experience, selected largely without any special regard to their fitness, that produced the chaotic condition of the Service so widely complained of in 1887 and 1888, and to which the Postmaster-General called attention in his report for the year ending June 30, 1889.

When Mr. Harrison came into office on the 4th of March, 1889, the whole number of employees in the Railway Mail Service was 5,334, an increase of nearly 1,000 during the preceding four years, and they were nearly all new men. Mr. Harrison did not manifest a disposition to postpone to a later date than the date fixed in the order, March 15, the operation of the order placing the employees of the railway post-office in the classified service. He changed the date because the Civil Service Commission had found it impossible to make proper examinations and prepare lists of eligibles by the date fixed. The extension of the time to May 1 was made upon the request of the Civil Service Commission. When that date arrived, there yet remained fifteen States and Territories in which no examinations had taken place, but the President declined to extend the time further.

The total number of changes made in the Railway Mail Service from March 4 to April 29, 1889, was 1,982, but of these 494 appointments were made to fill vacancies, and 887 removals of new and inefficient men were made to give place to an equal number of old clerks whose records had proven their fitness for the Service. The new appointments were but 551, and 3,402, or nearly two-thirds of the whole number, were left undisturbed.

That these changes were absolutely essential to good service is shown by the records. The percentage of errors was largest in the third year of Mr. Cleveland's first Administration, because the Service then felt the effects of the largest number of new men. There was a slight improvement in 1888, and a still further improvement in the fiscal year ending June 30, 1889, owing, in part at least, to the weeding out of inefficient men and filling their places with men who had been tried. The large increase of errors in the following year is due to the fact that circulars of instruction were issued to the clerks to mark errors more closely than had been done, and does not, as the gentleman from Tennessee assumes, indicate a decrease in the efficiency of the Service. Had the gentleman gone a little further and noted the decrease in the number of errors in the year ending June 30, 1891, of 763,272, in spite of the increase of the number of pieces handled of 698,646,490, he would at once have detected the sandy character of the foundation upon which he stood. Had he made an examination of the records for the years 1892 and 1893, three months of the latter being a part of the present Administration, he could not have asked for additional testimony of the truth of the statements made by the gentleman from Pennsylvania that the changes made in the Railway Mail Service by Mr. Harrison in the beginning of his term were made solely for the good of the Service, and that its efficiency had thereby been largely enhanced. While but 2,834 pieces of mail to one error were handled in 1890, for the reason stated, in 1891, 4,261 pieces were handled to each error committed; in 1892, 5,564; in 1893, three-fourths of the year belonging to Harrison's Administration, 7,144, and in 1894, 7,831 pieces were handled to each error committed. There has been a constant increase of efficiency since, due without doubt to the good beginning made by Mr. Harrison and to the stability of tenure in the Service, so that for the year ending June 30, 1896, the number of pieces handled to each error committed was 9,843. This record is in marked contrast to the record made during Mr. Cleveland's first term, when there was a constant decrease of efficiency and a corresponding increase of errors. In view of these facts the gentleman from Tennessee ought to revise his opinions.

He overlooks the considerable decrease in the percentage of errors for the year 1889 as compared with 1888, and seizes with great avidity upon the record for 1890, because it is the only year of the four referred to which on the face of the record could be made to serve the gentleman's purpose. The effort to make the impression that the Railway Mail Service was as efficient during President Cleveland's first term as under the Administration of his successor may be commendable, but the facts can not be marshaled to support it.

It is fortunate for the truth of history, and very unfortunate for the argument of the gentleman from Tennessee, that the records do not sustain his conclusions, though drawn with so much skill as momentarily to almost unhorse the gentleman from Pennsylvania. From 1885 to 1888 there is almost a regular decrease of the number of pieces of mail handled to each error committed, from 5,575 in 1885 to 3,694 in 1888. There was a decrease in the number of errors in 1885 of 279,519, which it is not unfair to say is due to the fact, as shown by the gentleman from Tennessee, that but a small number of removals were made by President Cleveland during the first three months of the term. In the following year, when the Service began to feel seriously the effects of the ax, the errors increased 173,739, and in 1887 the increase of errors reached the very large total of 474,174. During the last year of that Administration there was an increase of errors to the number of 31,204, while in the first year of Mr. Harrison's Administration the increase of errors had fallen to 11,474.

In the following year, 1890, owing to the instructions to the clerks to which I have called attention, the increase of errors was very large, amounting to 991,950. But in the very next year, demonstrating beyond the possibility of doubt the wisdom of President Harrison's action, there was an almost equal decrease in the number of errors, the decrease amounting to 763,272, while the number of pieces of mail handled had increased 698,617,490. This proves that Mr. Harrison's appointees, being experienced clerks, rapidly accustomed themselves to the new requirements relative to the marking of errors, and made a record for themselves and for the Service unprecedented, and which the clerks whose places they supplied would have found wholly impossible. In the next year the decrease of errors was 347,376, and in 1893, 290,577. These are the truths of history, without color or varnish.

The Late Representative Charles F. Crisp.

SPEECH

OF

HON. WARREN B. HOOKER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. HOOKER said:

Mr. SPEAKER: It was my pride and good fortune to enjoy the friendship of CHARLES FREDERICK CRISP, and I feel a better man for having been allowed that inestimable privilege.

The more than ordinary solemnity of this sad occasion deeply impresses me, and I am fully cognizant of my utter incompetency to add anything to the remarks that have already been so feelingly, justly, and appropriately made, yet I am unwilling to let this opportunity pass without paying my heartfelt tribute to him whose memory we honor to-day.

My acquaintance with him began at the beginning of the Fifty-second Congress, when he had just been honored by his party as its candidate for the Speakership, and I look back upon my short political career and my heart teems with gratitude to our lamented friend for the many words of counsel and encouragement which his hospitable and generous nature prompted him to bestow upon those who sought his aid and advice.

Among the prominent characteristics of this leader among men I would call attention to one that particularly stands forth when observing his eminent career, and that is the universal and kindly consideration which he extended to the younger and less experienced members of this body.

However burdened with the cares of a busy public life, he was always ready to listen to the appeals of his younger colleagues and give them the assistance of his masterly mind, so rich in experience, so trained in the affairs of legislation.

Time alone will disclose the true wisdom of his course, and though he has departed, his memory will be treasured in the hearts of all who have been associated with this noble character.

He was a careful and conscientious legislator, yet so strong in

his convictions, when once formed, that he followed the lines of duty as he saw with untiring zeal and energy.

His pluck and perseverance soon gained for him distinction, and the party whose principles he espoused quickly recognized him as a leader, and he was ever afterwards a prominent figure in its affairs.

Strong partisan that he was, he never forgot the rights of others. Honored as he was by the unbounded confidence of his fellowmen, he never denied to others the consideration due them.

Though many of us differed with him on the leading political issues of the day, yet we admired this progressive, resolute, national figure, who played so important a part in many of the leading events of recent years.

Simple, courteous in manner, forcible in expression, fearless in conflict, the virtues and qualities of this distinguished servant, faithful, upright, honorable, raised him to the pinnacle of high esteem in the minds and hearts of his fellow countrymen.

His private and public career furnish a most noble example to the American youth endeavoring to attain laudable ambition, and to those of the older generation who may be discouraged and disheartened an inspiration to an awakened and renewed activity.

Immigration Bill.

REMARKS

OF

HON. JOHN F. LACEY,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. LACEY said:

Mr. SPEAKER: The discussion of the conference report has taken a range entirely outside of the real issue before the House. The House passed a bill to adopt an educational test in admitting immigrants, to which the Senate has made an exception in favor of illiterate Cubans. The Senate has enlarged the scope of the House bill in the manner of executing the purposes of the bill. The educational test by the Senate amendments is directed to the reading and writing of the Constitution of the United States.

The House bill treats the immigrating family as a unit, and directs the examination to the head of the family. If the head of the family is eligible, the family may pass. The Senate amendments and the conference report treat the members of the family over 16 years of age as individuals, requiring them to separately pass the necessary examination.

In case of the failure of the husband or wife to successfully read and write the proposed example from the Federal Constitution, the individual who fails is to be returned to his or her home at the expense of the steamship company, but the individual member of the family who passes the examination is permitted to remain, or if he or she desires to return must do so at his or her own expense. In view of the fact that in a majority of the cases the immigrant would be unable to pay the return charges, this requirement of the conference report would result in the division of the immigrating families. It is not necessary that this House in its anxiety for restrictive legislation should at the first opportunity and without further conference accept this crude feature proposed by the conference committee. There is abundance of time for the conferees to consider and amend the measure so as to avoid such evident hardships as these. Or, suppose a daughter aged 17 years should fail to pass the required test? The father with a large family must be able to pay the return fare of the remainder of the family or have the daughter separated from her parents and returned at the expense of the steamship company. Surely this House should not be compelled to accept such a requirement as this. There is certainly sufficient ability in the conference committee to so modify their proposed amendment as to avoid so barbarous a result as this.

Let the bill go back to the conference committee. Under the rules of both Houses a conference report is a matter of the highest privilege, and may be called up and disposed of at any time, so that there is no danger of the failure of legislation.

This House is not confronted with any such alternative as that it must accept a defective bill or none. The discussion of the general necessity of legislation of this character at this time is wholly out of place. Upon this question there seems to be but little difference of opinion. All these matters were discussed when the House passed the original bill.

The actual question which we ought now to consider is whether the details of the bill as now enlarged and changed by the conference committee should be adopted, or whether they should be further considered and amended. The fact that the friends of the conference report refuse to discuss its details, and insist upon talking of the general subject of immigration alone, shows that they do not feel safe in defending the details of the plan proposed by the conference committee. The fact that legislation is needed does not justify us in blindly accepting unwise amendments.

The bill ought to go back again to conference, and the amendments so modified that in admitting immigrants the family should be regarded as a unit.

But even if we should adopt the general plan of the conferees, still the bill should be so amended that the members of the family who pass the test may have the option to be returned, along with the rejected members, at the expense of the steamship lines. Without some such amendment scenes of great misery will be enacted under the sanction of law.

Pacific Railroad Bill.

SPEECH

OF

HON. SAMUEL G. HILBORN,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. HILBORN said:

Mr. CHAIRMAN: This debate has now progressed for two days, and opponents of the bill have filled all the time allotted to the opposition without assistance from the members from California. We of the Pacific States congratulate ourselves that the people of the East at last realize the unworthy character of this proposed legislation. In this fact we find a hope that the hour of our deliverance is at hand. But I would be remiss in my duty as a Californian if I refrained entirely from speaking upon this bill.

There are certain local matters with which we are familiar which are unknown to you, and upon which I think you ought to be informed. I think you ought to know that in this bill the Central Pacific Railway Company does not offer or promise to give the Government a mortgage upon the real overland railroad in California, over which they have for years transacted their overland business exclusively beyond Sacramento, the capital of our State. I believe that even some members of the Committee on Pacific Railroads in this House, who reported this bill [illegible] this moment think that this bill would give us security upon the best road these people have, the one they now use for their overland traffic. Some of this committee have been in California recently, and remember the magnificent railroad over which they traveled from Sacramento to Oakland. They remember the monstrous steam ferryboat *Salono*, which took the whole train across the Straits of Carquines. Perhaps they think this is the railroad property the Central Pacific Company offers them. If so, I must undeceive you. They do not propose to give you this short, well-ballasted road, with miles of double track. The property they propose to mortgage to you is the old Western Railroad from Sacramento to Niles, and a local road from there to Oakland. It was the first road they built and operated in that part of California, and if you visited San Francisco by rail twenty-five years ago, you traveled over this road.

But it was too expensive to run. The route was circuitous, and through the Contra Costa hills the grades were too heavy and the curves were too short. So about sixteen years ago they built the short and direct line which I have described and have been using it exclusively ever since for the overland traffic. The old road was then abandoned for the overland traffic, and has since been operated as a local road.

Mr. DOCKERY. I understand the gentleman to say that that direct line was built by the earnings of the Central Pacific.

Mr. HILBORN. Yes, sir. It is owned by the same men, but it is not called the Central Pacific. They give it another name. I think they call the road they built from Oakland to Suisun the Northern Railway. But it is owned and run by the same people who own and run the Central and South Pacific. Charles F. Crocker is president; Lathrop, a brother-in-law of Leland Stanford, is the vice-president, and Klink, the confidential secretary of so many of their companies, is secretary of this company. There is another matter to which I desire to call the attention of the committee.

The plausible report of the Committee on the Pacific Railroads tells us of the complete railroad we are to get, extending from the Missouri River to the waters of the Pacific, but also the terminals and ferryboats, giving us a continuous railroad to San Francisco. These terminals and ferries are immensely valuable, and have an earning capacity which is enormous.

I had some suspicions that there was a doubt about the ownership of the Oakland Mole and the ferryboats, so I telegraphed to the assessor of Alameda County, asking him who owned the Oakland Mole and the ferryboats, and to whom they were assessed.

This is his answer:

OAKLAND, CAL., *January 4, 1897.*

Hon. S. G. HILBORN, *Washington, D. C.:*

Mole assessed Central Pacific. Ferryboats in ninety-five, Central Pacific. Ninety-six, Southern Pacific.

HENRY P. DALTON, *Assessor.*

So it appears that this magnificent ferry system, which is a necessary connection of this railroad—for you can not get into San Francisco over this road without it—belonged to the Central Pacific Company when the representatives of that company were before the committee which framed this bill, but since that time a change in the ownership has taken place. If you pass this bill, they will say that they are unable to mortgage these boats because they belong to the Southern Pacific Company.

For ways that are dark and tricks that are vain, this railroad is peculiar.

The bill under consideration is not the first one presented to the House for the settlement of the debts of the Pacific railroads, but it enjoys the unique distinction of being the worst of its kind. It deals more generously with the railroads and more harshly with the Government than any of its predecessors. It is vastly more unfavorable to the Government than the Reilly bill, which was so ignominiously defeated in this House in the Fifty-third Congress. After that rebuff it might be expected that the advocates of funding would moderate their demands rather than enlarge them.

Under the scheme proposed in the Reilly bill the railroads were to pay off the so-called first-mortgage bonds and give the Government a first lien upon the roads. Under this bill no provision is made for the payment of the first-mortgage bonds, but, on the other hand, the first lien is nearly doubled, and the Government has the second lien to the end of the transaction. Under the scheme proposed in the Reilly bill the debt due to the Government was to bear interest at the rate of 3 per cent per annum, and the entire amount of the debt was to be paid in fifty years. Under this bill more than eighty years will elapse before the entire debt is paid, and the rate of interest provided is only 2 per cent per annum. This bill would not have received the approval of the committee which brought in the Reilly bill, for in their report they place the seal of condemnation upon one principal feature of this bill when they say:

> The annual interest on these first-mortgage bonds has been a heavy drain upon the earnings of these companies; and if said first mortgage is to be continued with priority of lien, it seems to your committee that it would be futile to attempt any adjustment of the Government's indebtedness on that basis.

It appears also from the report presented by Mr. HUBBARD of the minority of the present committee that the railroads themselves have offered better terms of settlement than those contained in this bill. We learn from that report that the Union Pacific proposed to give the Government $35,000,000 first-mortgage 4 per cent bonds out of an authorized issue of $100,000,000, limited to an actual issue of $87,000,000. This would give the Government thirty-five eighty-sevenths of the first lien on the main line of the Union and Kansas Pacific, including terminals, bridges, Denver extension, and Cheyenne Division. Also $20,000,000 preferred stock out of a total authorized issue of $75,000,000, limited in actual issue at the time to $68,000,000, without a second mortgage, making the preferred stock equivalent to a second mortgage. This is certainly preferable to the present bill.

General Hubbard, in behalf of the Central Pacific, held out that his company would, with the aid of the sinking fund, pay the principal of the subsidy bonds as they should mature, and give a 2 per cent income bond for the unreimbursed interest, to be secured by a retention of so much of the Government compensation annually earned by the roads as shall be necessary to pay the interest. This proposition is preferable to the plan proposed in this bill.

We have great respect for the gentlemen composing the Committee on Pacific Railroads, and we can not but think that if this bill were recommitted to them they could frame one which would be more favorable to the Government, and which would be accepted by the railroads.

I admit that no bill to refund the debts of these railroads would meet with my approval which would continue the present control of the roads. The people of California are opposed to any measure that will perpetuate this monopoly.

It has stood in the way of their prosperity in the past, and they are appalled at the prospect of having its power made perpetual. They want a competing line of railroad, which this bill denies them.

I appreciate, however, that many members of the House will look upon this question without sentiment and as a cold business proposition.

It is proposed in this bill that each of these roads—the Union and the Central—shall pay into the Treasury of the United States, in satisfaction of the principal of their debts, the sum of $365,000 per annum for the period of ten years.

For the period of ten years following they each pay annually $550,000, and from that time onward they are each to pay annually $750,000 until the principal of their respective debts to the Government is extinguished. The companies are also to pay interest on the unpaid portion of their debt at the rate of 2 per cent per annum. Now, let us see whether this is an advantageous arrangement for the Government from a financial standpoint.

I have had some calculations made which show how the Government would suffer by such a settlement. The calculations have been made only as to the Central Pacific, but they illustrate how indefensible the scheme is as a business proposition.

It is proposed to loan this vast amount of money to the railroad for nearly a hundred years at 2 per cent per annum interest. This Government is a large borrower of money, for which it pays interest at the rate of 3½ per cent per annum. Whether it borrows the identical money loaned to the railroad is immaterial. The railroad failed to pay its just debts, and the failure made a void in the Treasury of the United States which is filled by borrowing. The subsidy bonds of the United States issued for the benefit of these roads must be paid at maturity, and if the money is not in the Treasury it must be obtained by the sale of bonds bearing interest at the rate of 3½ per cent.

The difference, therefore, between 3½ per cent, the rate the Government is paying, and the rate of interest received from the railroads will be the measure of the Government's loss in interest. The debt of the Central Pacific Railroad, including the Western, on the 1st day of January, 1897, according to the majority report of Mr. POWERS, is $57,681,514.29. Let us see how the contracting parties will stand at the end of the transaction. Under this bill the Central Pacific would, in eighty-five years, pay—

The principal	$57,681,514.29
In interest	53,410,074.00
Total payments by railroad	111,091,588.29
Interest paid by United States in eighty-five years	171,602,505.00
Principal unpaid	57,681,514.29
	229,284,019.29
	111,091,588.29
Loss of United States	118,192,431.00

1. Under this bill the Central Pacific Company would pay $1,153,630.28 interest and $365,000 principal the first year, or $1,518,630.28 in all, equivalent to a total payment of 2.64 per cent on the entire debt, and $600,222.72 less than the Government would be paying in interest alone.

2. These payments would then gradually diminish, until in the tenth year the corporation would pay $1,087,930.29 interest and $365,000 principal—equivalent to a total payment of $1,452,930.29, or 2.52 per cent on the original debt, and $565,923 less than the Government's annual interest outlay. By that time $3,650,000 of the debt would have been "extinguished."

3. The next year the installments on the principal would be increased to $550,000. The company would then be paying $1,080,630.28 interest and $550,000 principal—$1,630,630.28 in all, or 2.83 per cent on the original debt, and $388,223 less than the Government would be paying for interest.

4. There would be a steady diminution for ten years more, at the end of which time the Central Pacific would be paying the Government $981,630.28 interest and $550,000 principal, making a total of $1,531,630.28, or 2.66 per cent on the original debt, and $487,223 less than the Government would be paying in the same year in interest on the money it had lent the railroad.

5. This brings us down to the year 1918. By this time the Central Pacific is supposed to have extinguished $5,500,000 more of its debt, which now stands at $48,531,514.29.

6. We now enter upon the final period of sixty-five years, during which the debt is to be reduced at the rate of $750,000 a year.

In 1918 the company is to pay $970,630.29 for interest and $750,000 on the principal, or $1,720,630.29 in all—equivalent to 2.98 per cent on the original debt. This is the largest payment the company ever makes.

7. Finally, in 1982, the account is to close. The last payment from the Central Pacific is to be $10,630.29 interest and $531,514 principal, in all, $542,144.58, equivalent to 0.92 per cent on the original debt, and $1,478,709 less than the Government's interest payments to its own creditors for the same year on the same account.

8. In the whole eighty-six years during which the Central Pacific would be "extinguishing" its debt it would fall short $60,689,917 of meeting the Government's interest payments at 3½ per cent. The Government would lose the entire principal of the debt in addition, making its total loss from the Central Pacific $118,192,431, or more than twice as much as the entire present amount of the debt, principal and interest.

Statement of the practical operation of the Powers funding bill as applied to the Central Pacific Railroad Company alone.

The amount due the United States (1898)		$57,681,514.29
Interest paid by the United States (eighty-five years)		171,602,505.00
		229,284,019.29
Principal paid by railroad (first ten years)	$3,650,000.00	
Interest paid by railroad (first ten years)	11,207,803.00	
Principal paid by railroad (second ten years)	5,500,000.00	
Interest paid by railroad (second ten years)	10,311,302.00	
Principal paid by railroad (sixty-five years)	48,531,514.29	
Interest paid by railroad (sixty-five years)	31,890,969.00	
		111,091,588.29
Loss to the United States		118,192,431.00
Interest paid by the United States (eighty-five years)	$171,602,505.00	
Interest paid by railroad	53,410,074.00	
		$118,192,431.00
Average annual payment of principal by railroad		678,606.05
Average annual payment of interest by railroad		631,547.22

January 1—	Amount due the United States.	Amount received by the United States.		Per cent paid by railroad.	Loss to the United States for interest.
		Of principal.	For interest.		
1898	$57,681,514.29	$365,000.00	$1,153,630.28	2.64	$600,222.72
1907	54,396,514.29	365,000.00	1,087,930.29	2.52	565,923.00
1908	54,031,514.29	550,000.00	1,080,630.28	2.83	388,223.00
1917	49,081,514.29	550,000.00	981,630.29	2.66	487,223.00
1918	48,531,514.29	750,000.00	970,630.29	2.98	298,223.00
1982	531,514.29	531,514.29	10,630.29	.92	1,478,707.00

January 1—	Amount of principal on which interest is payable.	Amount of principal to be paid yearly.	Amount of interest payable yearly.
1898	$57,681,514.29	$365,000.00	$1,153,630.28
1899	57,316,514.29	365,000.00	1,146,330.29
1900	56,951,514.29	365,000.00	1,139,030.28
1901	56,586,514.29	365,000.00	1,131,730.29
1902	56,221,514.29	365,000.00	1,124,430.28
1903	55,856,514.29	365,000.00	1,117,130.29
1904	55,491,514.29	365,000.00	1,109,830.28
1905	55,126,514.29	365,000.00	1,102,530.29
1906	54,761,514.29	365,000.00	1,095,230.28
1907	54,396,514.29	365,000.00	1,087,930.29
		3,650,000.00	11,207,802.85
1908	54,031,514.29	550,000.00	1,080,630.28
1909	53,481,514.29	550,000.00	1,069,630.29
1910	52,931,514.29	550,000.00	1,058,630.28
1911	52,381,514.29	550,000.00	1,047,630.29
1912	51,831,514.29	550,000.00	1,036,630.28
1913	51,281,514.29	550,000.00	1,025,630.29
1914	50,731,514.29	550,000.00	1,014,630.28
1915	50,181,514.29	550,000.00	1,003,630.29
1916	49,631,514.29	550,000.00	992,630.28
1917	49,081,514.29	550,000.00	981,630.29
		5,500,000.00	10,311,302.85
1918	$48,531,514.29	$750,000.00	$970,630.29
1919	47,781,514.29	750,000.00	955,630.28
1920	47,031,514.29	750,000.00	940,630.29
1921	46,281,514.29	750,000.00	925,630.28
1922	45,531,514.29	750,000.00	910,630.29
1923	44,781,514.29	750,000.00	895,630.28
1924	44,031,514.29	750,000.00	880,630.29
1925	43,281,514.29	750,000.00	865,630.28
1926	42,531,514.29	750,000.00	850,630.29
1927	41,781,514.29	750,000.00	835,630.28
1928	41,031,514.29	750,000.00	820,630.29
1929	40,281,514.29	750,000.00	805,630.28
1930	39,531,514.29	750,000.00	790,630.29
1931	38,781,514.29	750,000.00	775,630.28
1932	38,031,514.29	750,000.00	760,630.29
1933	37,281,514.29	750,000.00	745,630.28
1934	36,531,514.29	750,000.00	730,630.29
1935	35,781,514.29	750,000.00	715,630.28
1936	35,031,514.29	750,000.00	700,630.29
1937	34,281,514.29	750,000.00	685,630.28
1938	33,531,514.29	750,000.00	670,630.29
1939	32,781,514.29	750,000.00	655,630.28
1940	32,031,514.29	750,000.00	640,630.29
1941	31,281,514.29	750,000.00	625,630.28
1942	30,531,514.29	750,000.00	610,630.29
1943	29,781,514.29	750,000.00	595,630.28
1944	29,031,514.29	750,000.00	580,630.29
1945	28,281,514.29	750,000.00	565,630.28
1946	27,531,514.29	750,000.00	550,630.29
1947	26,781,514.29	750,000.00	535,630.28
1948	26,031,514.29	750,000.00	520,630.29
1949	25,281,514.29	750,000.00	505,630.28
1950	24,531,514.29	750,000.00	490,630.29
1951	23,781,514.29	750,000.00	475,630.28
1952	23,031,514.29	750,000.00	460,630.29
1953	22,281,514.29	750,000.00	445,630.28
1954	21,531,514.29	750,000.00	430,630.29
1955	20,781,514.29	750,000.00	415,630.28
1956	20,031,514.29	750,000.00	400,630.29
1957	19,281,514.29	750,000.00	385,630.28
1958	18,531,514.29	750,000.00	370,630.29
1959	17,781,514.29	750,000.00	355,630.28
1960	17,031,514.29	750,000.00	340,630.29
1961	16,281,514.29	750,000.00	325,630.28
1962	15,531,514.29	750,000.00	310,630.29
1963	14,781,514.29	750,000.00	295,630.28
1964	14,031,514.29	750,000.00	280,630.29
1965	13,281,514.29	750,000.00	265,630.28
1966	12,531,514.29	750,000.00	250,630.29
1967	11,781,514.29	750,000.00	235,630.28
1968	11,031,514.29	750,000.00	220,630.29
1969	10,281,514.29	750,000.00	205,630.28
1970	9,531,514.29	750,000.00	190,630.29
1971	8,781,514.29	750,000.00	175,630.28
1972	8,031,514.29	750,000.00	160,630.29
1973	7,281,514.29	750,000.00	145,630.28
1974	6,531,514.29	750,000.00	130,630.29
1975	5,781,514.29	750,000.00	115,630.28
1976	5,031,514.29	750,000.00	100,630.29
1977	4,281,514.29	750,000.00	85,630.28
1978	3,531,514.29	750,000.00	70,630.29
1979	2,781,514.29	750,000.00	55,630.28
1980	2,031,514.29	750,000.00	40,630.29
1981	1,281,514.29	750,000.00	25,630.28
1982	531,514.29	531,514.29	10,630.29
Total		57,681,514.29	53,410,074.24

There is one feature of this bill to which I desire to call especial attention. The roads are to pay interest at 2 per cent and each year make a small payment upon the principal; but there is no year during the eighty-five years of the refunding period when the sum paid for interest and principal together will amount to 3 per cent of the amount of the original debt. Not one year when their cash payment will amount to decent interest on their debt. Not one year in which the Government will not be a loser by the transaction.

The railroad companies will have extinguished their debts to the Government by an annual payment of a percentage less than the current interest, while the Government at the end of the funding period will owe the full amount it has borrowed to lend to the corporations. On its face, this is a bill to enable the railroad companies to pay their debts. At first glance the proposition that the companies shall pay 2 per cent interest for eighty-five years and clear off the principal by annual installments, beginning with $365,000 a year and increasing to $750,000 per year, has rather an honest look. But suppose we put the proposition in another way. Suppose we say that the railroad companies shall pay no part of the principal of the debt they owe to the Government, but if they will pay interest upon these debts at rates ranging from less than 1 per cent to 2.98 per cent per annum for eighty-five years, the debts are to be considered wiped out, and the roads are to be donated to them free from incumbrance, while the Government would still owe the principal of its debt contracted eighty-six years before, and upon which it had paid in interest more money than it had ever received. Yet that is the identical scheme contained in this bill.

The men who have wantonly and wickedly wrecked the ship now impudently importune the owners to employ them as salvers, and after the ship is saved and salvage paid they will own the ship.

The Congress of 1864 has been censured for legislation which proved to be more generous to the railroads than was necessary. That Congress loaned these roads about $61,000,000 and permitted the roads to place another mortgage of like amount ahead of our lien. The Congress of 1897 proposes to loan these roads $111,000,000, with a prior lien of $107,000,000 ahead of the Government lien. In 1864 the generosity of Congress was stimulated by a strong desire to secure the construction of a railroad across the continent, which would be of incalculable advantage to the Government. Now we have several transcontinental railroads and no such inducement exists. In 1864 the character of the corporations with which we were dealing was unknown. Our experience with them since is briefly summarized in two extracts from reports to Congress.

> Nearly every obligation which these corporations assumed under the laws of the United States or as common carriers has been violated. Their management has been a national disgrace.—*Pattison.*
>
> Every precaution that Congress had taken for the proper management of these great properties had failed of its purpose.—*Wilson Committee.*

1864.	Subsidy bonds, Union Pacific and Kansas Pacific	$33,539,512.00
	Subsidy bonds, Central Pacific	27,855,680.00
	Total	61,395,192.00
	First mortgage, Union Pacific and Kansas Pacific	33,539,512.00
	First mortgage, Central Pacific	27,855,680.00
	Total	61,395,192.00
1896.	Bonds to United States, Union Pacific and Kansas Pacific	53,715,408.78
	Bonds to United States, Central Pacific	57,681,514.29
	Total	111,396,923.07
	First mortgage, Union Pacific and Kansas Pacific	54,731,000.00
	First mortgage, Central Pacific	52,801,000.00
	Total	107,532,000.00

No officer of the United States whose duty it is to advise Congress in relation to these railroads now advises this legislation. The opinions of the President are expressed in the scathing words of the message to Congress transmitting the reports of the United States Pacific Railroad Commission. We can safely leave the settlement of this matter in his hands without further legislation, with a certainty that the interests of the Government will not suffer. A majority of the members of that Commission are now opposed to funding the debt. Mr. Anderson, who in 1887 signed the majority report, has since changed his mind. The present Government directors of the Union Pacific Railway Company unanimously recommend foreclosure and sale. The Commissioner of Railroads has ceased to recommend a funding bill. The Secretary of the Interior is opposed to this bill. Mr. Smith, the late Secretary of the Interior, appeared before the committee and in emphatic terms protested against this kind of legislation. He showed that these roads were still valuable properties: that the average annual net earnings of the Union Pacific and Central Pacific during the past ten years have been $8,534,000: that the average annual net profits for the main lines during the past ten years would have paid 3 per cent on a bond issue equal in amount to the sum of the first-mortgage bonds, the Government bonds, and the interest due on the Government bonds, and still have left a net profit annually of $3,089,000.

Mr. Coombs, one of the United States directors of the Union Pacific, stated to the committee that capitalists stood ready to pay $120,000,000 or more for these roads if given an opportunity to bid; that the Government could realize $60,000,000 or $65,000,000 upon its debt by a sale in the open markets.

The following article, clipped from the Washington Post of December 12, 1896, discloses the plan of the Union Pacific people:

UNION PACIFIC REORGANIZATION—THE COMMITTEE PREPARING TO BID IN THE ROAD IN THE EVENT OF FORECLOSURE.

NEW YORK, *December 11, 1896.*

The reorganization committee of the Union Pacific Railway Company to-day addressed a circular to the holders of securities of the company's main-lines, inclusive of the Kansas Pacific, explaining the decision to extend to June 30, 1897, the time during which the plan and agreement may be declared operative. The committee recites the frequent efforts to secure an adjustment of the indebtedness of the company and of the Central Pacific Railroad to the United States during the session of Congress which began in December, 1895, and lasted until June, 1896. The circular says that the bill agreed upon by the Committee on Pacific Railroads of both Houses shortly before adjournment of the last session of Congress is in its main features satisfactory to the committee. It is hoped that action by Congress at the present session will be favorable, in which event the committee will promptly proceed with the reorganization upon the lines of the proposed funding bill.

Should, however, this expectation not be realized, there is a probability that the Government will proceed on existing authorization with the foreclosure of its liens. In such event the committee intends to prepare for the purchase of the property on such foreclosure, and thereupon reorganize the property. In the existing situation the committee has deemed it prudent to postpone action in declaring the plan operative until the attitude of Congress and the Executive becomes more clearly defined.

No officer of the Government advises the funding of this debt. No popular sentiment calls for this legislation, but immense petitions have been presented here against a similar bill. No State legislatures have memorialized us to pass this bill, while the legislature of my own State has sent here a strong protest against it. No political party in any State in the Union has declared in favor of a funding measure, while all of the political parties of California in convention have condemned this bill.

One of the great political parties incorporated in its national platform a declaration against this measure.

The owners of the roads alone, the men who have ruined the roads in the past, are here advocating this bill.

We hear much about the innocent stockholders of these roads, and this bill is carefully prepared to protect them and provide dividends for their stock. The great bulk of the stock of the Central Pacific is held by people who fear to avow their ownership lest they be held responsible for its debts. It is said that the managers of this company keep control of the organization by the use of proxies taken years ago from those in whose names the shares then stood. The stockholders of these corporations purchased with full knowledge of the facts. They deliberately purchased the legacy of a gigantic fraud. Shall we protect the speculator who has purchased this stock, tainted from its issue with fraud, or the farmers and producers of the West, who pay the tolls to support these roads? Their lot is already hard enough, without adding to their burdens.

The Central Pacific Railroad, one of the parties to the proposed contract, owns a road which the United States Pacific Railway Commissioners inform us actually cost $40,000,000. We ascertain from Poor's Manual that on December 31, 1895, the liabilities of that company were $203,543,645.79. This company has ceased to operate its own road, which is leased to the Southern Pacific for about ninety years. The Southern Pacific Company, which guarantees the payment of the obligation of the Central Pacific Company to the Government, is a Kentucky corporation with a stockholders' liability limited to $1,000,000. The business of this corporation is to lease railroad properties and run them rather than build and own roads. These are the companies to whom the United States must look for the payment of the debt due from the Central Pacific Railroad Company.

The plain remedy for the recovery of the money due the United States from these companies, and the remedy any business man would adopt under like circumstances, is foreclosure of the mortgages and a sale of the property, and if any deficiency arises an action against the guilty directors so far as they survive, and against their representatives so far as they have left assets, for the restoration of the funds misappropriated by them. The questions involved in any settlement between the Government and the railroads are judicial questions, and should be settled by the courts, and not by Congress. The courts ought to adjudicate the question as to whether the so-called first-mortgage bonds, amounting now to over $61,000,000 ($61,385,000), constitute a first lien upon the properties. The law of 1864 authorized the companies to issue bonds "to an amount not exceeding the amount of the bonds of the United States, and of even tenure and date," which would be a prior lien to the lien of the United States. It is alleged that the law was not complied with in issuing these bonds, and that they are not, in fact, a first lien upon the roads. The Thurman Act distinctly challenges the priority of these so-called first-mortgage bonds in its recital that "they are, if lawfully issued and disposed of, a prior lien." But if they are not lawfully issued and disposed of, they are subordinate to the lien of the Government. The report of the Pacific Railroad Commissioners of 1887 shows that they were not disposed of at all, but were paid to themselves under the thin disguise of a construction company of which they were the sole stockholders. This question, involving more than $60,000,000, is certainly worthy of consideration by a court. The Union Pacific has terminals in Omaha, Kansas City, and Ogden, the value of which is estimated, in the report of the Pacific Railroad Commissioners, at $15,300,000. The company claims that these terminals are not subject to the Government lien.

The same claim is made with respect to the Omaha bridge: a contrary opinion is held by others.

Thirty acres of land in the heart of San Francisco was donated to the Western (now the Central) Pacific, expressly for terminal purposes. If there is foreclosure, the court would undoubtedly decree that this land, worth over $12,000,000, was appurtenant to the railroad and covered by the lien of the Government. This bill permits it to escape.

These are all questions for the courts to determine, and are not within the proper scope of Congressional action.

Millions are involved, and yet we propose to decide these matters offhand and without investigation, and decide them all against the Government and in favor of the corporations.

There is another question of great importance and requiring more careful consideration than we can give it.

The Central Pacific Railroad is a State corporation, created by the State of California and existing under its laws. In that State the life of a corporation is limited to fifty years and can not be extended. Indeed, the constitution of the State says, "The legislature shall not extend any franchise or charter nor remit the forfeiture of and franchise of any corporation which is now existing or which shall hereafter exist under the laws of this State."

The date of the incorporation of this company was June 27, 1861. In 1911 the corporation will be dead—very dead. It will be buried, and no power can resurrect it.

It will be the duty of the attorney-general of California, under the laws of that State, to institute legal proceedings for the winding up of its affairs. This bill contemplates that the Central Pacific Railroad will continue its corporate existence for eighty-six years at least, with its corporate powers unimpaired; that during that period it shall perform its duties as a common carrier, maintain and run a railroad, and every year pay interest and an installment of its debt to the Government until it is fully paid.

These transactions between the Government and these corporations have been going on for thirty years without a settlement. A vast amount of money is involved, and there should be a careful accounting. Let us know what property is subject to our lien, and what is not. Let the order and priority of the liens be ascertained. Then let the property be sold together as one line, so that there shall be one ownership and one management of the road from the Missouri River to the Pacific Ocean. Then the plan of the projectors of the scheme for a continuous highway across the continent will be realized.

Conditions should be imposed upon the purchasers that no officer or member of the purchasing company should be an officer or be interested in any competing road.

The people of the West, and especially of California, have a special objection to this bill. These roads are capitalized for more than $170,000,000 above their actual cost, and vastly more than their present value. We object to being taxed for the next eighty years to pay interest upon this fictitious and fraudulent capitalization. These corporations have become indebted to the Government in a large amount. The scheme in this bill is to permit them to pay their debt by levying excessive tolls upon their patrons, and their patrons are the people of the States through which the roads run. If this debt is paid, it will be paid primarily by the stockholders, but ultimately by us. An assessment district will be established comprising the country tributary to these roads, and the managers of the roads will be authorized by this bill to collect from us the money to pay the debt they owe to the whole United States. It will in effect be a mortgage upon the products and enterprise of that Western country. The Central Pacific and the Southern Pacific railroads are under the same management, so that there is no competition, and California is absolutely at the mercy of a monopoly. The same management also controls the line of steamers from New York to San Francisco, so that competition by water is denied us.

We are opposed to this bill because it fastens upon us indefinitely these conditions, which make progress impossible.

Governments must necessarily be hard creditors and unrelenting collectors. To swerve from such a policy would open the doors to a destructive favoritism. Our Government is no exception. The records of our Federal courts abound in cases maintained against delinquent debtors to the end of their lives and against the representatives of their estates long after their death. The cost often exceeds the amount recovered, but the cost is not considered in view of the higher object to be attained of proclaiming and establishing that honesty will be exacted of those who deal with this Government.

The rule prevailing in the Departments of our Government is that the Government must have its own; that neither lapse of time nor the insignificance of the debt shall exempt the delinquent.

A recent case which has come to my notice illustrates the accustomed vigilance of the Federal officers in the collection of Government moneys. In one of the counties of my district is a belt of land of inferior quality lying along the foothills. Years ago this region of country was settled upon by an industrious and frugal class of people, who paid the Government for the land and there established their homes. Their lot has been a hard one, for the sterile soil has not yielded generously, and the railroad company (which is here to-day asking our bounty) has charged them "all the traffic would bear" to transport their surplus farm products to the market.

They bought from the proprietor of a small sawmill in the neighborhood the lumber for the erection of their buildings. It was discovered years afterwards by the vigilant officers of the Government that the trees from which the lumber was made grew on Government land, and a demand was made upon these farmers for repayment. These settlers were innocent purchasers, but they had not paid the right man. I have here a letter received by one of these unfortunate people from a special agent of the Interior Department, which I will read. It is but justice to the Commissioner of the General Land Office to state that when his attention was called to the case he ordered proceedings suspended.

[Special service. Division P.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Eureka, Cal., November 21, 1896.

SIR: I am in possession of testimony showing that you purchased from Hiram B. Green, of your neighborhood, 2,000 shakes, amounting in value, at the customary price in Newville, to $18. Said shakes were unlawfully cut and removed from Government lands, and are the property of the United States. You are therefore liable to the United States for the value at the time of purchase for said shakes.

I am authorized by the honorable Commissioner of the General Land Office to call upon you for the settlement of your liability incurred as such purchaser, and to inform you that you will be allowed to adjust the same without litigation by submitting to me at Eureka, Humboldt County, Cal., within fifteen days from the receipt of this notice, on the accompanying form, to be forwarded by me to the honorable Commissioner at Washington, D. C., a proposition to pay the United States, through the receiver of public moneys at the United States land office in San Francisco, Cal., within thirty days from the receipt of the notice of acceptance, the value in money of said shakes at the time of purchase.

Your attention is called to rule 3 of the circular printed on the accompanying form, relating to the measure of damages.

Very respectfully,
W. F. LANDERS,
Special Agent of the General Land Office.

Mr. MARK BAILEY, *Newville, Cal.*

Look on this picture, then on that!

The poor farmer, who, without fault, has become technically indebted to the United States for $18, must respond within fifteen days or be mulcted in damages, and must pay the debt within thirty days after notice.

The railroad magnates, controlling untold millions, have the time extended for eighty-six years, within which they may pay or not, as they please. What a contrast!

If these corporations had been treated like ordinary debtors of the United States, there would now be no necessity for a funding bill. How refreshing it would be to find somewhere a letter from a Government officer to these railroad people, breathing the same sturdy determination to enforce the law which this letter discloses!

The plain, common people of the country can not understand why these people should not be compelled to pay their debts as ordinary citizens are compelled to pay theirs.

They see the law relentlessly enforced all around them against the unfortunate poor. If the poor man fails to pay the mortgage on his house, the sheriff turns him out, and the Government will not stretch out its strong arm to shield him.

Why should the great power of the Government stay the enforcement of the law as to these debtors?

There is no disguising the fact—there is abroad in this country a growing feeling that there is one law for the rich and another for the poor; that some of the departments of this Government are more vigilant in protecting and guarding the interests and supposed rights of corporations and combinations representing aggregate wealth than they are in caring for the welfare of the individual citizen.

If this bill passes, it will serve to encourage this thought among the people. In fact, it would be the most conspicuous [illegible] of class legislation that has ever appeared upon our statute books.

The friends of this bill claim that it will be a [illegible]; that it will terminate the relations of the Government [illegible] the railroads, and get the Government out of the railroad business. I believe that it would have just the opposite and contrary effect. It would get us more deeply into the railroad business. We have now an interest, a second mortgage, on the main lines of the two roads. Pass this bill and the Government will have an interest, a second mortgage, on a lot of branch lines and feeders. Some of these lines have never paid expenses, and all are now mortgaged for their full value. It is proposed to include these mortgages on the unsubsidized roads in the blanket mortgage which the companies are to make covering all their roads, subsidized and unsubsidized alike, which will be prior to the Government mortgage. This will increase the lien having priority to the lien of the Government by $46,154,320. Under this bill the interest on the first mortgage on the Central would be limited to 5 per cent, and on the Union to 4 per cent. The security for these bonds would be the full value of the properties, and also the fact that the United States, having a second mortgage, would be obliged to pay the debt in order to secure itself.

In passing this bill we increase the complications of the situation by adding the unsubsidized roads and short-line feeders to our railroad holdings, which are already too great, and we also add $46,154,320 to the debt, which is prior to the lien of the Government, increasing that prior lien to over $107,000,000.

The dealings of these companies with the Government form a page in the history of our country so shameful that every American blushes at its mention. The scandals in Congress and out of

Congress, growing out of the corrupt management of these properties, form a dark picture of our political history, and the American people wish that it could be forever turned to the wall.

But they tell us that the history of these railroad frauds is ancient history. No longer ago than 1886 three of the directors contracted with themselves to build an extension of the California and Oregon division of the Central Pacific from Delta to the boundary line of Oregon, a distance of 103 miles. In payment they issued stock to the amount of $8,000,000 and bonds to the amount of $4,500,000, the market value of the stocks and bonds at that time being $8,340,000. The actual cost of construction was $3,505,609, so they personally profited by their own votes by that single transaction to the extent of $4,834,391.

It is true they are no longer sapping the resources of the Central Pacific through such agencies as the Contract and Finance Company, Western Development Company, or the Pacific Improvement Company. Those early methods were clumsy, and have been improved upon.

But even now they are crippling the Central Pacific road just as effectually as ever by means of a rival road which they own, and to which they divert the traffic so far as they can control it.

But even if the history is old, it is so hideous that it is still fresh in the minds of the people. The fair names of too many distinguished men have been tarnished, the reputation of the American people for honesty has suffered too much, to permit the unworthy acts of these men to be so soon forgotten and condoned.

I do not believe that the members of this House will be unmindful of the shame and mortification which such legislation as this bill proposes would bring on our country and perhaps on the Congress that enacts it.

What are the admitted facts as they will go down in history?

The United States advanced for the construction of these roads, in principal and interest which it has paid or will pay up to maturity, $178,884,249, and donated over 26,000,000 acres of land worth $65,073,836; in all, $243,935,595.

These advances of money were not donations to the companies, or to the individuals controlling them, in consideration of the construction of the roads. On the other hand, the terms of the act require them to repay the Government every dollar of principal and interest.

The difficulties were not so great as were anticipated, and the sum advanced by the Government was greatly in excess of the necessities for construction. These men could have dealt honestly with the Government and still have become millionaires; but they chose the opposite course. Nearly half of the great sum placed in their hands by a confiding Government for the performance of a trust was misappropriated and diverted to their own use by the parties charged with the trust, who are now fabulously rich, while the companies in whose names they acted are left at last stripped of all means to pay, while the individual directors are millionaires.

In other words, the directors have the money and the companies owe the debts.

Congress ought not to condone such monstrous frauds, such misuse of public funds. To do so, especially after publishing to the world the particulars and proofs, as we have done, will be to say to all the world that the American Congress considers these transactions quite up to the American standard of morality in dealing with public trusts.

Immigration.

REMARKS

OF

HON. JOHN P. TRACEY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897.

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. TRACEY said:

Mr. SPEAKER: The debate appears to have drifted away from the proposition before the House, which is not whether we will enact legislation restrictive of immigration, but whether the character of the restrictions, as embraced in the conference report, ought to be enacted. Instead of considering that proposition, a vigorous and determined effort has been made to divert the attention of the House to a question not now involved—that of practically excluding all foreigners from immigrating to the United States, upon the plea that we already have more people than can be provided with employment, or successfully used in the march of our civilization, or successfully imbued with the spirit of patriotism and assimilated with the millions born beneath the flag.

The real question is one of tremendous importance, and deserves consideration upon its merits. It is embraced in two propositions. First, the manner of excluding illiterates, and second, the effect of such exclusion upon families.

In order that these propositions may appear clearly, divested of unnecessary verbiage, I will call attention to the language of the bill which passed the House, the bill which passed the Senate, and the bill presented by the conference committee, and which has the unusual distinction of not having had a prior passage through either House.

The House bill excludes "all male persons between 16 and 60 years of age who can not read and write the English language or some other language."

The Senate bill excludes "all persons over 16 years of age who can not read and write the language of their native country or some other language."

The conference report excludes "all persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country."

It is apparent at a glance that the provision of the Senate bill is broader and more liberal than the bill which passed the House. The House bill excludes all male persons over 60 years of age, without regard to their ability to read and write, while the Senate bill admits all persons over 16 years of age, without regard to age, who are able to read and write. Upon this branch of the question, therefore, the difference between the two Houses relates to persons over 60 years of age. By what method of reasoning the provision reported by the conference committee can be regarded as an amendment of the House bill rather than the Senate bill it is impossible to discover. The statement of the committee to that effect is purely arbitrary. It retains the Senate provision as to age, while it does not contain a single condition of that section of the House bill. For any practical purpose it is not an amendment of either, but is the substitution of a new and original proposition. It adds a class not embraced in either the House bill or the Senate bill—the physically incapable—to which there is no objection per se, and then makes an entirely new condition to govern the educational test.

Instead of requiring on the part of the immigrant ability to read and write the English language or some other language, as was required by both the House bill and the Senate bill, it requires that he shall be able to read and write the "English language or the language of his native or resident country." Why the change? The test sought after is an educational test. Is a Frenchman living in Alsace-Lorraine, which is a part of the German Empire and which is both his native and his resident country, either more or less intelligent, more or less worthy of citizenship in this country, because he is only able to read and write the French language? Is a German resident of the Baltic provinces of Russia, where he and his ancestors have lived for centuries, more or less intelligent because he can not read and write the Russian language, schooled as he is in the language of the Fatherland?

The Mennonites of the United States, whether native born or naturalized, have established the highest character for thrift, energy, honesty, economy, and patriotism. They are devoted friends of education and are possessed of the virtues in a very high degree which make good citizens, and upon which the Republic must lean for support in every crisis through which it is called upon to pass. It is doubtful if they ever sent an immigrant to this country who could not read and write, but many have come who were unable to read and write the language of the country of which they were native and resident. Are they more or less intelligent, or more or less worthy of the citizenship conferred upon them, by reason of the fact? The Hebrews of the United States are intelligent, industrious, and thrifty as a class, and they love the institutions of the Republic. Are they any the less worthy of citizenship under the flag because many of them have come who were educated in but one language, and that not the language of the country of which they were native or resident?

These are practical illustrations, and are offered for the single purpose of showing that the proposition of the conference committee can not be regarded as having for its object an improvement of the educational test as embodied in the House bill or the Senate bill. It can not be soberly contended that a man is better equipped for the duties of citizenship in this country merely because he can read and write the French language instead of the German, or because he can read and write the German language instead of the Russian. The purpose of the committee had other inspiration than that. What can it be other than to secure by indirection what the House has refused when appealed to openly and frankly? The provision is cunningly worded and well calculated to deceive. But it seems to me that whoever submits it to a careful analysis must reach the conclusion that it is leveled against a class of people, or against classes of people, without regard to their educational requirements, as the basis of their admission to the rights of citizenship. Leaving out of consideration the peculiar manner in which this legislation has come before the House, I

submit that if there are such classes of people in Europe, it would be more manly, and would therefore appeal with much greater force to the true American spirit, to name them, that all may understand who and what they are and be prepared to determine the question upon its own merits rather than upon those of a proposition not at all involved.

It seems to be a rule of action with many of us, when we start in a given direction, to pursue that direction to the farthest extreme, and that, too, in spite of the fact that the experience of mankind shows that extremes in whatever concerns the welfare of a people are nearly, if not quite, always dangerous. When once started, we refuse to exercise discretion, refuse to take counsel of prudence, and rush headlong to the end, bidding the consequences to look out for themselves. It is not the first time this has happened in the Republic, and it may not be the last.

With reference to the second proposition of the committee, the effect of the exclusion upon families, the House bill contains the following:

> But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

The Senate bill reads as follows:

> But an admissible immigrant over such age of 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

The conference report has the following:

> But a person not so able to read and write who is over 50 years of age, and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent, may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable.

The House bill admitted the parents of the qualified immigrant now here or hereafter to be admitted, but made no provision for the admission of the wife. The Senate bill provided for the admission of the wife or parent or grandparent or minor child or grandchild, while the conference report provides for the admission of the parents or grandparents, and with the House bill leaves out the wife and the minor children and grandchildren. Here, again, while the Senate recedes in form the House recedes in substance. The House bill provided for the admission of one class of relatives, the Senate bill for five classes, or the entire family, and the conference report for two.

In my opinion the Senate bill is a better measure and more in accord with the spirit of our institutions than the bill which passed the House in the particulars I am attempting to discuss. The family is the unit upon which society is founded and maintained. The integrity of its being ought to be stimulated and encouraged to the uttermost. Without the preservation of the family, social order would be impossible. Without the maintenance of social order the State must inevitably perish. The social and political unit therefore should be safeguarded at every point. In a free country, where the welfare of all depends upon the action of the majority, the family circle ought to be regarded as the training school of freemen, the nursery of the virtues, the only sure foundation of the State. Its precincts ought to be esteemed as sacred from intrusion, and an assault upon them from whatever source ought to be regarded as a crime. The Senate bill preserves the integrity of the family and to that extent is the superior measure. The bill before the House not only attacks the family relation of those who might be desirable as well as qualified immigrants, but it destroys such relation of thousands of those who have been admitted as citizens by making it impossible for the wife or the children to join the husband and father unless they are qualified and admissible themselves. It is flippantly declared that if a husband does not want to leave his wife or a wife her husband they are not obliged to separate, but can remain where they are unless both are qualified to enter upon citizenship in the Republic. While this is true, it is equally true that the conferees have presented a measure which offers a strong inducement for the immigration of fragments of families and is to that extent the offer of a premium for separation. It seems to me that every right-minded person ought to concede the wrong involved in this proposition without argument.

It is proposed in the pending measure to admit the parents and grandparents of the admissible immigrant, if the former are over 50 years of age and the latter over 21 and capable of supporting them. That there may be reasons in favor of this discrimination is not denied; but whatever they may be (and none having been offered by the friends of the measure, they are left to conjecture) and whatever may be their force, they would have infinitely greater force if offered in behalf of a discrimination that will include the wife and children. In an effort to add to the classes of immigrants now excluded by law, the illiterate, if it is desirable to exempt any of the family relatives of the admissible immigrant from the operation of the test, in the name of humanity, in the name of justice, in the name of the highest and holiest ties contracted by men and women, let the wife or husband come first, the children second, the grandparents and grandchildren third. Let the preservation of the integrity of the family receive the first consideration. The interests of society, the interests of morality, the interests of the State, all demand this. I trust it will not be considered presumption on my part to insist that this analysis of the three bills demonstrates the immeasurable superiority of the Senate bill in these essential elements, because it preserves the integrity of the foundation upon which social order must forever rest. The pending proposition attacks that integrity, and to the extent it may be endangered it is vicious, and peril to the State may be expected to follow. It is interesting to note how often in the world's affairs a small departure from the right has been followed by tremendous consequences.

The remarks that have been made by gentlemen in favor of the measure reported by the conferees are, so far as I have been able to discover, inspired by two considerations which appear to have precedence over all others. The purpose appears to be to deprive the steamship companies of passengers they now carry and to prevent the immigration of the Russian Jews. The language of the gentleman from Ohio [Mr. DANFORD] is suggestive. He says:

> They are known as the Russian Jews; men who have been persecuted and driven out of Russia, who have been made to move on as they passed across continental Europe.

Mr. Speaker, the people here referred to in this light and breezy manner are human beings. They are men, women, and children. They can suffer as others can suffer. The ties of relationship are probably as strong among them as among others of the human race who are more favored, and yet the world is presented with the spectacle of a vast army of them driven from the land where they were born and raised, where they had made their homes, where they had reared their children, despoiled of their property and compelled by the pitiless power of the mailed hand and the iron heel of despotism to move on. Wherever they go the same pitiless command greets them, "Move on." Foot-sore and weary they must tramp, tramp, tramp, until the lamp of life has expired from sheer exhaustion, and they enter upon their last migration. They were born into the world, but the world has no place on all of its vast and varied surface they may call a home. They must move on. Perhaps no sadder spectacle has ever been presented to mankind than that of a race of people spewed out of every nation, driven in upon themselves, and compelled to subsist without subsistence, compelled to live, but denied the means of living. I have nothing to say as to their desirability, but I could not avoid calling attention to the sadness of the spectacle presented; and I submit to the gentlemen who have given us this report that it would have been better in every way to have excluded any objectionable race of people in terms. As it stands, it may exclude others who would be desirable, if it is desirable to permit any additional immigration.

It has been very strongly intimated that the opponents of this report are the special friends of the steamship companies. In this connection I desire to read a telegram which I know does not come from agents of the steamship companies, or from people who have any interest in them, directly or indirectly:

SEDALIA, MO., *January 25, 1897.*

JOHN P. TRACEY,
Congressman, Washington, D. C.:

Your German-American constituents expect you to vote against [illegible] measures of Lodge bill as reported by conference committee.

SCHNEIDER [illegible]
LOUIS [illegible]AN.
[illegible] H. [illegible]E.

These gentlemen live in the central city of Missouri and are among its most prominent and influential citizens.

I desire also to read a telegram from the editor of the most widely circulated German newspaper in the United States, the Westliche Post, published at St. Louis, Mo.:

ST. LOUIS, MO., *January 26, 1897.*

Congressman TRACEY:

The Germans of your district expect you to vote against the drastic measures for the restriction of immigration as reported by the conference committee.

EMIL PRETORIUS.

At the request of my friend the Delegate from New Mexico [Mr. CATRON], I will read a telegram from Albuquerque, N. Mex.:

ALBUQUERQUE, N. MEX., *January 25, 1897.*

Hon. T. B. CATRON:

I am requested by many of your constituents to urge you to protest against the passage of the immigration bill, and to use your influence against it, its passage being detrimental to the best interests of the Territory.

J. R. McCOWAN.

These telegrams from the people show conclusively to my mind that the proposed legislation has startled the sense of justice and right which is a fundamental principle of the American character. The men who have taken the trouble to make their wishes known in this way have no special interest to serve, are Americans in the highest sense, are devoted to the country and its institutions, and are moved by the unselfish desire to serve the best interests of all the people. They do not serve the steamship companies, nor are they prompted by a desire to serve a class. They speak from hearts as full of patriotism as any gentleman here upon the floor with whom they have the misfortune to differ, if it is a misfortune.

The theory of our institutions is that intelligence is and must remain the basis of good citizenship. To that end we spend more money each year for the education of the children of the people than is spent for a similar purpose by all the nations of Europe. It is not strange, therefore, that we should insist upon the adoption of measures that will prevent the increase of the illiterates we now have by additions from the outside. Upon this question there is no difference of opinion. The object is twofold: First, to cut down the volume of immigration; secondly, to improve the character of that which does come. I have not considered the possible political effect of this legislation, because I do not regard it as a political question. The interests involved have a higher significance than any question of mere partisan politics. The adoption of an educational test, with provisions for its enforcement, is demanded upon the highest and broadest principles of right. This will lessen the volume of the stream of immigration and improve its character. But all that would be accomplished by the adoption of a provision similar to that embraced in the Senate bill, which is frank, open, and so plainly declarative of its purpose that nothing is left for construction. There is a wide difference of opinion as to the real meaning of the proposition under discussion. Even its friends do not agree about it, and hence it will doubtless have to be construed by the courts, should it become a law, before it can be successfully administered.

The gentlemen who are supporting the conference report seem, as if by common consent, to talk about everything except the proposition under discussion. The result of this course is to mystify and mislead the people. In addition to that it is urged that unless the conference report is adopted nothing can be done. This can not have any other purpose than that of influencing members of the House who are so anxious to secure restrictive legislation that they will vote in favor of agreeing to the report in spite of their objections. That no one ought to be so influenced becomes apparent when it is remembered that there is yet time during the session to frame and pass an entirely new bill should that become necessary. The real question, then, is whether the restrictions which all desire shall be frank and manly, unambiguous and easily understood, or shall they be so cunningly devised as to be fairly subject to two or three different constructions; shall the conference report be adopted, or shall the report be disagreed to and the conferees instructed as to the wishes of the House? These questions have received no consideration from the gentlemen supporting the report.

The gentleman from Michigan [Mr. Corliss] discussed the "birds of passage," having presented an amendment to the House bill to prohibit their making temporary nests in this country, which was adopted by the House and which nobody attacks. The distinguished gentleman from Iowa [Mr. Hepburn] grows eloquent in behalf of the "working men and women of the country" and declares that "this is their country; this is their labor field; you have no right to give away either." Nobody disputes that, certainly no one on this side of the House. It has my unqualified indorsement.

If I could state it in stronger language than that used by the gentleman, I would gladly do so; but how can those declarations be made to bear, even remotely, upon the question of difference between the two Houses or between the two Houses and the conference committee? If the question before the House was a proposition to prohibit immigration, to shut out forever from the blessings of a free government all the people of other lands, the remarks of the gentleman would be apropos and would be a strong as well as an eloquent argument in favor of the adoption of the proposition. But that question is not before the House. Nor is any similar question before the House. It is merely one of difference as to the method to be adopted for the purpose of applying to future arrivals the educational test. In the language of the distinguished gentleman from Illinois [Mr. Cannon], "if it is desirable to shut out all citizens of any other country, then shut them out. But let us do it in a manly, square way, so that there will be no doubt of our intention."

Mr. Speaker, it seems to me that ambiguity and indirection in legislation are always wrong and always dangerous. They have been the source of unnumbered lawsuits, resulting in almost endless litigation, at a vast expense to the litigants of both money and patience. The distinguished gentleman from Iowa, after admitting practically that error exists in the conference report, demands its passage, with the assurance that the errors can be corrected afterwards. I have not had much experience in legislation, but I seriously doubt the wisdom of that proposition. I believe it would be a great deal better, wiser, and more patriotic to cure the errors while the bill is before the House.

Having said this much in criticism of the report, and as the reason why I shall vote against it, having voted for the House bill and announced my readiness to vote for the Senate bill, I will briefly follow the gentlemen, or some of them who have made excursions outside of the record, apart from the question under consideration, and discuss, as I may be able, the situation of the country as it has been or may be affected by immigration. It is probably true that there is more real distress among the people of this country now than at any former period of its existence. A larger body of honest, able-bodied, self-respecting working men and women are out of employment than ever before. Why are they out of employment? The answer to that question, if full and complete, would disclose facts which have been here very artfully concealed, or, if adverted to at all, have been lightly passed over, as though they were of trifling importance. The greatest nation in the world's history can hardly afford to treat lightly any fact which bears upon or tends toward the solution of its economic problems. Since the fall of slavery, the greatest labor problem in our history is upon us. Its demands for solution are imperious, and can not be thrust aside.

The problem will not down at the bidding of any or all of the men in public life. The safety of the nation depends, not upon its politicians and statesmen, not upon its men of wealth, but upon its vast and constantly augmenting army of hardy and honest yeomanry who toil cheerfully when they have work to do, that they may enjoy the comforts of life, if not its luxuries. These men, when employed and paid fair wages for their labor, are the most independent, fearless, self-respecting, and loyal laboring men upon the earth. They love their homes, they love their country and its institutions, and would be the first to offer their lives, if necessary, for the preservation of the integrity of the one and the safety of the other. But the virtues of patriotism, ordinarily among the most powerful of the incentives to human action, are shorn of their effectiveness, though never so temptingly displayed, when they are presented to men who are out of employment, and ragged and hungry because of enforced idleness.

It is estimated that there are now out of employment in this country 2,000,000 able-bodied men, or men who would be able-bodied if they could get enough to eat. They are tramping from place to place in the vain hope of finding work. The number out of employment is equal to the immigration of men for a period of five years. It must be apparent, therefore, that the statements of gentlemen who ascribe the glut in the labor market entirely to the increase that has resulted from immigration ought to be subjected to a very careful examination before they are accepted as true. The tide of immigration was larger in the years prior to 1892 than it has been since, and yet the oversupply of labor was not apparent then as it is now. There was probably a smaller number of men, able and willing to work, out of employment in the years 1891 and 1892 than in any other years of the country's history; at least that part of its history on this side of the great era of universal freedom.

It is urged, by way of explanation, that the conditions have changed. They have changed. But is there no other change apparent anywhere than that of the possession and occupancy of large tracts of fertile land which years ago were open to settlement? The constant and rapid growth of our towns and cities prior to 1892 points very clearly to the absorption on the part of the industrial enterprises of the country of much the larger portion of the able-bodied immigration during that period. At the same time, there is no evidence, of whose existence I am aware, that Americans were discharged from employment to give place to the immigrants. In those years there was a constant development and growth of our industrial system. Old plants were enlarged and new ones were built. In this constant expansion the ever-increasing supply of labor found an equally constant demand. The stupendous results inspired the pride of Americans and excited the wonder and admiration of the world. The industrial machine was so well balanced that all of its parts were in motion, and the motion was healthy and produced a constant accretion of strength. We were gradually approaching an equitable division of the field of labor among the regiments, brigades, divisions, and corps of the industrial army, to the end that each might give strength to the other, and all, inspired by a common purpose, would increase their own comforts and add new glories to the grandeur of their country with each passing year.

But when we were upon the eve of reaching a consummation so much to be desired, the great tide of industrial development was rolled back upon itself, and thousands of prosperous enterprises were seriously crippled, and other thousands of them hopelessly destroyed. An iron smelter was closed, but the discharge of men did not stop with the dismissal of the immediate employees of the smelter. Men were turned out of the mine because there was no longer a demand for the ore. Men were turned out of the coal mines because there was no longer a demand for the coal. Men were turned away from the coke ovens because there was no longer a demand for the coke. Men were discharged from the quarries because there was no longer a demand for the limestone. The demand for all kinds of products, whether of the farm or the garden, the factory or the mill, the store or the workshop, was correspondingly reduced, and the era of bankruptcy begun. Throughout the entire period of the country's greatest growth there was an increase of the wages of labor, amounting to nearly 70 per cent in thirty years. And yet that increase was accompanied by the largest influx of immigrants of any period of the history of the Republic.

Our country is more richly endowed by the Creator than any other country in the world. We have iron enough to supply the world for an indefinite period. We have coal and limestone enough to smelt it, and genius and skill enough to fashion it for all the uses demanded by the highest civilization. We have the precious metals in abundance, and along with them every species of the raw material demanded by the arts and sciences. As yet we have but scratched the threshold of this vast storehouse of inexhaustible wealth.

With this conceded fact staring us in the face, why is it seriously contended that the present sad condition of labor is due to an oversupply of workingmen instead of to the demoralized condition of the employments of labor? Why was there no discovery of a superabundance of labor prior to 1892? If there is a real superabundance of labor, why has it never become visible when the employments of labor were prosperous? Why select a period when the field of labor is in eclipse to determine the true condition of the market for labor? Ought it not at least to be remembered that we now have over 71,000,000 people, that the number is increasing at the rate of a million and a half per annum without immigration, that 2,000,000 of the men we now have, and who are able and willing to work, have nothing to do, and that that number will increase each year without additions from immigration? Remembering this, would it not be wise to find out the real cause of the plethora in the labor market since 1892? Would it not be wise to make an earnest effort to lift the clouds of adversity which have lowered darkly upon the land during the past four years, beneath which it is difficult, perhaps impossible, to discern clearly the facts which surround the question under discussion?

There are two very important elements of society in the high degree of civilization to which we have attained. They are good men and sound dollars. It will hardly be contended that we can have too many of the latter; may it not at least be possible that we can not have too many of the former. Let us begin again the march of industrial development. Let us fill the air with the soul-inspiring music of its progress along the lines of a policy that will enable us to continue the march. Let us eliminate from our politics, at once and forever, the last remnant of class prejudices and sectional animosities. Let us wither the demagogue with the scorn and contempt of honest patriotism. Let us remember that the sections of our great country, varied in soil, in climate, and in production, are each essential to the welfare of the other and, all together, make up but one harmonious whole. Let us remember that in the social order there have been, since the world begun, capital and labor, employers and employees, and that each appears to be necessary to the welfare of the other. Let us remember that the imperfections of humanity will always be a bar to the attainment of an ideal condition, and, remembering that potent fact, let there be an honest endeavor to advance the comfort and happiness of that vast army of the people whose capital is labor and whose contribution to the world's progress exceeds all others. Let us remember that the strongest support of free institutions is free men.

Free, not alone in form, for that is a mockery, but free in the broadest sense of the term consistent with the preservation of order. Free to engage in any lawful calling or occupation, conscious that the field is open and the competition fair, conscious that success waits upon intelligent, well-directed, and persistent effort. Is there a bar anywhere, a trust, or a combination which narrows the field of individual effort, that cramps the genius, the skill, the ambition of the individual, let us destroy that bar by removing from the pathway of the individual the combination or trust that impedes his progress. Let us restore the Republic to its pristine condition. Let us do more than that. Let us make it in deed and in fact what it is in theory, "the land of the free and the home of the brave." When the prizes of life are open to the competition of all, a much larger percentage of the people will make an effort to obtain them, and in making the effort will be lifted above the conditions that environ them to-day and which cramp their energies and stifle their aspirations.

When we have accomplished this, when the sun of freedom, of progress, and of prosperity is again mounting toward the zenith and his benignant rays have lifted the clouds of darkness and of gloom from the homes of the people; when every mill wheel is turning and every spindle humming; when every mining camp is a hive of industry and new camps are being constantly opened; when the forests resound with the song and the ax of the lumberman; when the farm is the abode of comfort and happiness; when commerce holds its prosperous court in every city, town, and hamlet in the land; when the "old flag" floats over our teeming millions, fairly contented, because they are the best fed, the best clothed, and best housed, and have the best Government in the world; when new avenues of employment continually opening add to the spirit of contentment among the working men and women of the country by increasing the demand for labor, then let us look about us and see if there is a plethora of good men or a glut of good material in the labor market. In the meantime let us adopt restrictions that will keep out the undesirable immigrants, but in doing so let us not institute a system of compulsory divorce or tempt the sundering of family ties by offering a home in the Republic to the husband of an illiterate wife or the father of illiterate children.

Pacific Roads Funding Bill.

SPEECH

OF

HON. JOHN F. SHAFROTH,

OF COLORADO,

IN THE SENATE OF THE UNITED STATES,

Friday, January 8, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. SHAFROTH said:

Mr. Chairman: Every gentleman who has spoken in favor of this funding bill has started with the statement that the measure is purely a business proposition and that every element of sentiment ought to be excluded from the debate. They want no reference made to the past conduct of the men who have had control of the Pacific roads. The last gentleman who spoke upon the other side of this question [Mr. Arnold of Pennsylvania] said that the allegations of peculation and fraud have no place in the discussion before this House.

Mr. Chairman, I also believe in treating this as a business proposition, but I maintain that the very first business inquiry that every creditor makes of his debtor who is seeking an extension of his obligations is, How has the debtor acted in the past? No man will extend credit if he thinks that his debtor has not honestly, faithfully, and equitably attempted to perform his part of the contract. It is purely a matter of business to require it, and is usually the most important business principle involved in such transactions.

If upon investigation it is found that the men who have had control of these roads have lost any money in this transaction, or if they have been using all their efforts to discharge their obligations, then the Government ought to grant them most liberal terms of extension. But if, on the other hand, such investigation discloses that these men have never had any capital invested in the enterprise, but have grown enormously rich out of the same, while they have let the Government pay on their indebtedness $57,000,000 in interest more than it has received, it would be in violation of elementary principles of business to have further business relations with them.

It is well said that any person is liable to be fooled once, but if he is fooled again by the same party, it is his own fault.

LEASE OF CENTRAL PACIFIC TO SOUTHERN PACIFIC.

Why did the Central Pacific Railroad Company lease its road to a competitor in business, composed of practically the same stockholders? That question has been asked time and again, and has received no answer. The Southern Pacific has a line from San Francisco to New Orleans and controls a line of steamers from New Orleans to New York. It consequently controls the haul for the entire distance from the Pacific to the Atlantic Ocean, and hence gets the freight charges for the same. Of freight shipped by the Central Pacific only a proportion of the entire charge is received; hence it is directly to the interest of the men controlling these roads to divert the through traffic from the Central Pacific to a line from which they get all the charges. If they were the only ones interested, no one would blame them. But when we find that the road which they lease is the one practically owned by the United States by reason of its second lien, then there can be but one explanation of such conduct. They must have intended to divert travel and traffic from the Central Pacific to the Southern Pacific for the purpose of decreasing the earnings of the Central Pacific and enriching themselves at the expense of the Government. Would it be business for any private creditor to ever again trust a debtor who had thus abused the confidence reposed in him? This one transaction is alone sufficient to arouse the indignation of every citizen who has a regard for honesty and fair dealing and who desires the protection of the public Treasury. Yet this very funding bill recognizes the validity of that lease, which was intended to discriminate against the road in which the Government is so deeply interested.

Nearly every Western State has a provision contained in its constitution prohibiting a competing line of railroad from leasing or purchasing another such line. Those provisions were not framed with relation to these roads, but in recognition of certain fundamental principles which the people of all States admit, and which this branch of the Government has recognized in the interstate-commerce laws.

Is it possible that in order to please the people urging this measure that the United States will sanction the violation of the fundamental laws of the States and the principles which its legislative bodies have approved time and again? We think not.

CONSTRUCTION OF ROADS.

It has been contended on this floor that as these men have expended enormous amounts in the construction of these roads that the Government should be liberal with them. Mr. Chairman, what are the facts?

The United States Congress passed an act granting to these companies the alternate sections of the public domain for a distance of 20 miles on each side of the railroads constructed, which made 12,800 acres for each mile of the lines. In addition, it was provided that the Government should lend its subsidy bonds, to the extent of $16,000 per mile on the prairie or valley part of the roads, $32,000 per mile on the interior part, and $48,000 per mile on the mountainous part of the lines, which aggregated $61,395,192. This indebtedness was to be a first lien upon the railroad so constructed. Within a short time after the passage of that act the Government was induced to permit these companies to borrow from private parties $61,385,000 at 6 per cent interest per annum, and to secure the same by a first mortgage upon these railroads, thus making the Government lien for the same amount a second mortgage.

How was the road constructed? In the case of the Union Pacific, by its officers contracting with themselves at enormous rates and prices, as has been clearly shown by the investigations of the Government into the affairs of the company called the Credit Mobilier through which they operated.

In the case of the Central Pacific, the officers of that corporation organized a construction company composed of its principal stockholders, called the Contract and Finance Company.

The Contract and Finance Company agreed to build the road for the first and second mortgage bonds, aggregating $55,708,680, and the entire stock of the Central Pacific of the par value of $54,000,000. It induced the Government to treat as mountainous a good portion of the road lying between the mountains and a point 7 miles east of Sacramento, thus getting subsidy bonds for construction of same at the rate of $48,000 per mile, instead of $32,000 and $16,000 per mile.

It is charged that the road did not cost as much as the first and second mortgage bonds, and that the profit of the stockholders was over $60,000,000.

When the United States desired to investigate this matter, the startling fact was discovered that the books of the Contract and Finance Company, which involved transactions aggregating over a hundred million dollars, had been destroyed. Not even were the ledgers, which gave only general amounts, preserved. Books of such importance could not have been destroyed through mistake. It must have been done for the sole purpose of preventing the Government from finding out the enormous amount of profit which was made in the transaction.

But we still have this fact, that the men who organized the Central Pacific road were at that time only worth property of the assessed value of $250,000 in California, their home, and now everyone concedes that they or their estates are fabulously rich. Mr. Stanford admitted that each of the four parties in interest had received $13,000,000 of the Central Pacific stock as his share of the profits.

In the report of the United States Pacific Railway Commission by Governor Robert E. Pattison we find that the total amount of stock actually paid in was as follows: The Union Pacific, $400,650, while its capital stock issued was $36,762,000; the Kansas Pacific, $250,000, while its capital stock issued was $5,072,000; the Central Pacific, $760,000, while its capital stock issued was $54,283,000; the Central Branch, $386,700, while its capital stock issued was $980,000; making a total of $1,797,350 paid in for stock, representing about $100,000,000 at its par value, a mere infinitesimal amount compared to the gigantic amount of capital stock that was issued by these companies.

Senator MORGAN, in his recent report on the Pacific railroads, shows from a table, which he says closely approximates accuracy, that the gross earnings of the Union Pacific system and the Central Pacific system from 1872 to 1894 were $886,992,020, while the operating expenses were $512,229,852, leaving a net income of $374,762,168. I ask leave to incorporate the table in my remarks:

Union Pacific system.

To June 30—	Gross earnings.	Operating expenses.	Net income.
1874	$10,560,880	$4,854,703	$5,706,176
1875	11,993,832	4,982,047	7,011,784
1876	12,886,858	5,268,211	7,618,647
1877	12,473,203	5,273,421	7,199,782
1878	12,873,658	5,376,586	7,497,072
1879	13,201,078	5,475,503	7,725,575
1880	25,066,891	12,121,937	12,944,954
1881	28,971,270	15,840,100	13,131,170
1882	29,439,318	15,241,931	14,198,387
1883	28,626,232	16,144,350	12,481,882
1884	25,657,260	14,868,115	10,789,145
1885	25,674,674	15,987,233	9,687,441
1886	26,003,797	17,098,618	8,905,179
1887	28,557,766	17,667,733	10,890,033
1888	30,195,523	19,734,888	10,460,635
1889	39,669,600	26,013,553	13,656,047
1890	43,040,248	30,811,164	12,229,084
1891	42,680,588	29,100,278	13,580,310
1892	43,135,098	28,764,979	14,370,119
1893	39,053,402	29,057,159	9,996,243
1894	22,319,144	16,008,870	6,310,273

Central Pacific Railroad.

To June 30—	Gross earnings.	Operating expenses.	Earnings over operating expenses.
1872	$11,963,640	$5,011,278	$6,952,361
1873	12,803,952	4,999,271	7,804,681
1874	13,641,030	5,298,131	8,342,899
1875	15,665,081	6,487,199	9,177,882
1876	16,995,216	7,857,211	9,138,004
1877	16,471,141	7,774,417	8,696,724
1878	17,530,858	8,789,118	8,741,740
1879	17,153,163	11,246,728	6,325,542
1880	20,508,112	12,873,060	8,492,115
1881	13,084,825	5,998,361	7,086,462
1882	13,736,182	6,146,275	7,589,907
1883	13,175,757	5,972,189	7,203,568
1884	11,856,822	5,950,396	5,906,426
1885	10,546,809	4,671,167	5,875,641
1886	11,309,485	5,644,874	5,664,611
1887	13,604,082	7,271,324	6,332,758
1888	15,888,832	9,632,067	6,256,764
1889	15,530,215	9,764,271	5,765,943
1890	15,937,004	9,875,018	6,061,986
1891	16,629,104	9,211,749	7,417,354
1892	14,612,989	8,905,411	5,707,578
1893	14,261,224	8,521,889	5,739,335
1894	13,022,970	8,168,857	4,854,112

What has become of this large amount of net earnings, this $374,000,000? It has gone largely in paying dividends, in constructing and buying railroads upon which the lien of the Government did not extend, in paying interest on the mortgages upon these railroads, and in constructing machine shops and terminal facilities upon lands not covered by the Government lien.

Is it not material from a business point of view that these men in control of the Central Pacific have made $60,000,000 out of these transactions from practically no investment, and have abused the trust and confidence in them reposed, when they now, in their corporate name, are begging for an extension of the total debt and unpaid interest far exceeding the principal, upon terms so liberal that the equal of it has never been known in the history of the world? If they have lost money, or even failed to make money in this enterprise, give them the extension upon the most liberal terms, but if they have individually grown rich at the expense of the corporation, make them pay the first-mortgage bonds as they agreed to do. I do not want to treat them in any other way than fair, but I want them to have no advantage over any other person.

HAVE THE COMPANIES COMPLIED WITH THE REQUIREMENTS OF CONGRESS?

It has been claimed in this debate that the railroad companies have complied with the terms of the acts of Congress in regard to payments, but how have they done it? They made no provision for a sinking fund to discharge this debt until they were compelled to do so under the Thurman Act of 1878. Congress at that time provided that they should pay into the Treasury of the United States, including the account for transportation by the Government, 25 per cent of their net earnings; but instead of complying with the law in its spirit, they so arranged matters as to thwart the Government again. The Central Pacific leased its road at such a low figure that it would prevent practically any net earnings over the transportation account of the Government. The Union Pacific diverted much of the amount which should have formed its net earnings into the construction and purchase of new railroads and terminals upon which the Government had no lien.

These companies have known for thirty years that the bonds and interest paid by the Government were maturing, and yet provision was not made to even take care of the interest.

FUNDING MEASURES.

A funding measure must of necessity be a proposition from the railroad companies to this Congress. It is a proposition from one side. They never submit their best proposition. They would be foolish if they did, because in that event any amendment favorable to the Government would kill the measure. The companies are not dealing with us upon equal terms. They have the advantage, for they know many things concerning the roads which it is impossible for us to find out. In accepting a funding proposition, it can never be known how much better other syndicates would have done. No funding proposition from parties who have treated the Government as have the Pacific companies should ever be accepted unless the debt is secured by a first mortgage.

PROVISIONS OF THE BILL.

The proposition contained in this bill is to increase the first-mortgage indebtedness from $61,385,000 to $118,385,000, and secure the same by a first mortgage upon all the subsidy roads and the terminals thereof, giving to the Government a second lien upon the same to secure its debt of $111,396,923, the debt due the Government to bear interest at 2 per cent per annum, with annual payments on principal by each of said companies for the first ten years of $365,000, for the second ten years of $500,000, and for the balance of the time $750,000. These annual payments would discharge the debt of the roads in about eighty-six years.

What would you think of a proposition to the effect that if the railroad companies should pay 3 per cent interest per annum on the indebtedness due the Government for eighty-six years, at the end of that time it should make them a present of the principal? Why, sir, if it were put in that form it would not receive a single vote in this House. And yet, if you take a pencil and calculate the result, you will find it a better proposition, one out of which the Government would get more money each year and in the aggregate, than the proposition contained in this bill. [Applause.] The annual payment on principal which wipes out the debt in eighty-six years is less than the difference between 2 and 3 per cent. Yesterday there was a pertinent question asked of the chairman of the Committee on Pacific Roads by the gentleman from Iowa [Mr. LACEY]. He asked: "Why is it that you allow the United States only 2 per cent interest per annum, when you allow the preferred stockholders to receive a dividend of 4 per cent each year?" The chairman answered the question apparently very well, but there was something which he failed to state. The stock of the Union Pacific Railroad Company is now selling on the market in New York at $10 per share, the face value being $100. Upon the theory of forming a pool of reorganization the stock is liable to an assessment of $15 per share, which makes an investment of $25 per share. Now, this bill allows the man who makes that $25 investment to receive a dividend of $4 on the same, or $16 upon every $100 of actual investment. The stockholder gets 4 per cent on the stock, which means $4 on every share. The stock costs him but $25 a share; consequently he gets the enormous amount of 16 per cent instead of 4 per cent.

Mr. POWERS. After all the Government requirements are met?

Mr. SHAFROTH. Yes; after the Government requirement of only 2 per cent is met. If these roads should earn large amounts, the deferred stockholders would receive 16 per cent on their investment, while the Government would receive only 2 per cent.

Every State in the Union has condemned the policy of permitting corporations to water their stock, and yet this bill authorizes the Union Pacific Railroad Company, over and above its first and second mortgages, aggregating $109,000,000, to issue preferred and common stock to the amount of $122,000,000. I believe the road is worth more than the bonded debt, but not near any such amount as $122,000,000. The people will be expected to pay passenger and freight charges sufficient to make a dividend upon that enormous amount of stock. This Government ca not expect to retain then confidence of its citizens if its legislative bodies should sanction such a wrong.

VALUE OF PACIFIC ROADS.

Mr. Chairman, I am not one of those who believe that these properties are worth less than the first mortgages and Government debt. People have testified, it is true, that the roads could be built for a much less sum. I do not doubt it. A new railroad constructed through a new and undeveloped country, with no towns or cities along its line, is usually worth only the cost of construction; but I maintain that the value of a road, after years of operation, is determined, irrespective of its cost of construction, by its advantage of position, by the development of the country, by the number of towns and cities that have been built along its line, and by the business it is doing. The true test is its earning capacity.

From what I have learned of people who have great knowledge of these roads, I believe the Union Pacific and Central Pacific roads are worth much more than the bonded indebtedness upon them. A high official in the Denver and Rio Grande Western Railroad Company, which terminates at Ogden, Utah, told me that his company for years had endeavored to find a practical route to the Pacific Coast; that after numerous surveys they had found no route which compared in easy grades with the Central Pacific, and he was satisfied that none existed. He further stated that it was impossible to estimate the enormous value of a road which had such a great advantage.

To assert that such a road is worth nothing over cost of construction, to say that such an advantage would not be sought by capital, is simply to deny fundamental business principles. So I take it that these roads are not worthless concerns, but are of great value. But I agree with the gentleman from Pennsylvania [Mr. GROW] that the best test of the value of a road is its earning capacity.

The gross earnings of the Union Pacific Railroad for the year ending June 30, 1896, were	$14,083,347	
The operating expenses were	9,347,672	
Making the net earnings		$4,735,675
The gross earnings of the Central Pacific for the year ending June 30, 1896, were	12,755,369	
The operating expenses were	8,583,959	
Making the net earnings		4,171,410
Making the net earnings of both roads		8,907,085
The first mortgage upon the Union Pacific and Kansas Pacific roads is	33,532,000	
The first mortgage upon the Central Pacific and Western Pacific railroads is	27,853,000	
Making total first-mortgage indebtedness		61,385,000
The Government bonds loaned to the Union and Kansas Pacific roads were	$33,539,512	
The Government bonds loaned to the Central and Western Pacific railroads were	27,855,680	
Making total Government bonds loaned	61,395,192	
The total debt due the Government on January 1, 1897, from the Union and Kansas Pacific roads, after deducting sinking fund, is	[illegible]715,40[illegible]	
The total debt due the Government on January 1, 1897, from the Central and Western Pacific roads, after deducting sinking fund, is	57,681,514	
Making total debt due the Government		$111,396,922
Making total indebtedness upon these roads of		172,781,922

Thus we find that the net earnings of these roads is more than 5 per cent on the total indebtedness of the same, or 3 per cent on the enormous sum of $296,605,961. Can it be that roads with such earning capacities are worthless?

There can be no doubt that during these depressed times transportation is at its lowest point. But even measured by earnings in such times we find that they are sufficient, if this debt were placed by the Government on a 3 per cent basis, of making a net profit of $3,717,085 per annum.

For such a profit railroad syndicates would certainly undertake to operate these roads and enter into sharp competition for the same.

Mr. Chairman, a good deal has been said in this discussion about these railroads "commencing nowhere and ending nowhere." You would think from the statements made by some of our opponents that these roads are practically worth nothing on that account. Should not those gentlemen take into consideration the fact that the roads are just as essential to the terminals as the terminals are to the roads? Gentlemen may ask, What are these roads worth without the terminals? But we may reverse the question and ask, What are the terminals worth without the roads? The fact is, the roads and terminals are mutually dependent, and there can not be any conflict of interest in a case of that kind.

In my own State of Colorado there was built from Denver, in the direction of Utah, a railroad called the Denver and Rio Grande, which terminated at the Utah line. A distinct and separate corporation, composed of different men, built the railroad from the Utah line to Ogden City. Where those roads met there was not even a station, not even a side track, and yet there has never been a conflict of interest between them. It was just as essential to one road as to the other that the business should pass over the whole line. I mention this as an illustration, to show that the theory which is presented here that the Government's interest would be greatly enhanced in value by acquiring the terminals at Omaha, Kansas City, Denver, and Ogden, and that it is not worth much unless the Government has a lien on the whole, will not bear close scrutiny.

Some gentlemen have spoken as if the owners of the terminals had the roads at their mercy, and could stop the approach of trains when they so desired. Mr. Chairman, the laws of our country are not quite so crude as to permit that. The courts still recognize the fact that railroads are public carriers and have a public duty to perform, and the law requires them to transmit over their lines all freight and passengers delivered to them. Their charges can not be exorbitant, as the connecting railroad company and other interested parties possess the right to have the rates fixed by the Interstate Railway Commission on all through freight and by the railroad commission of the State on all local business.

When these facts and rights are considered, what is the use of burdening the Government with the additional debt of $57,000,000 which it is proposed to incorporate in the first mortgages? It is true we get a second mortgage upon the terminals, but what do we know of the value of the terminals—the report does not attempt to give a detailed valuation of the same. We do know, however, that $57,000,000 is a very large sum to slip in ahead of the Government lien, and we further know this is their proposition, and consequently must be to their advantage.

FORECLOSURE THE ONLY REMEDY.

The only way the Government can get the best proposition concerning these roads is to invite competition. That can only be done by the Government taking care of the first mortgages and foreclosing the lien. No business man of means, holding a second mortgage, would permit an enterprise to pay out of its earnings a larger rate of interest on the first mortgage than the money was worth to him when the mortgaged property was clearly worth more than the first lien and his security doubtful. By taking care of the first mortgage the Government would not be contracting a new obligation, but would be getting value received. The Government should not let these companies appropriate their earnings to pay a large rate of interest on the first-mortgage bonds, when it can carry the same at 3 per cent, and so apply the earnings thus saved on interest to the liquidation of the principal and interest of the Government debt. It is business to take up the first mortgage.

As the Central Pacific is now managed under the lease for $2,750,000 per year, it is impossible to find out its earning capacity even if we know the actual receipts of that company. How much traffic is diverted from that line to its competitor, the Southern Pacific, no one can tell. While the road is in the hands of a receiver, during foreclosure, its earning capacity can be ascertained, and then competitors can have some basis upon which to make bids. If the right of redemption would deter bidders, the Government, after it acquires the title to the properties and after the earning capacity of the roads is fully ascertained, can offer the same for sale on liberal terms. The Government could save itself from the loss of a single dollar if it would then sell the road to the highest bidder, on time, at 3 per cent per annum, with a cash payment of 10 per cent, and at the end of ten years an additional payment of 10 per cent, the balance to be paid in ten or twenty years thereafter. Cheap money is always attractive to syndicates, and any number would be formed to bid on such a proposition. The rush for such a proposition would resemble the scramble of bidders for United States bonds.

It was the original intention of the Government to aid in the construction of one great continuous railroad from the Missouri River to the Pacific Ocean. The departure from that policy has operated to the disadvantage of the nation. By foreclosure the consolidation of the roads will be effected, and the value of each greatly enhanced. No more can travel and traffic be diverted to a rival road, but their full earning capacity will be developed. Thus the original intention of Congress will be accomplished to the advantage of the properties and of the Government.

Immigration Bill.

REMARKS
OF
HON. I. F. FISCHER,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. FISCHER said:

Mr. SPEAKER: The people of this country demand the passage of a law which will keep out all undesirable immigrants, and we are led to believe through the press and councils of organized labor that an educational qualification will supply the proper remedy. As a result of the agitation upon this question, this House did pass a bill which at the time I believed and still believe fully covered the question. It appears that the Senate discarded our bill entirely and passed another instead, and that that amended measure has never been presented to us for consideration, but that the conferees appointed on the part of the two Houses have prepared an entirely new bill and now present it to us for adoption. Remember, we are not asked to act upon the measures passed by either House, but upon a measure passed, if you please, by three Senators and two Representatives.

This measure is very faulty, and by reason of the parliamentary situation permits of no correction or amendment, the question being merely to concur or recommit for further conference. We could overlook many things and agree to its adoption if the objectionable features were not so very broad, but under the circumstances I am compelled to record my vote against concurrence and in favor of commitment.

If we desire to keep out every undesirable immigrant by requiring an educational test, then the bill that we passed supplies the remedy, or if we accept the Senatorial bill, that will answer; but the conference measure is entirely too drastic and would work great injustice. This country owes much, yea, all, to those who came from foreign climes, and as we are all descendants of foreign-born ancestors—it matters not how long since they immigrated here—we must deal as justly with those who are yet to come as were those before them. The question is one not easy of solution, and for myself I must say that I have no great faith in the educational test, except as it may tend to keep out a class of citizens whose environments make them undesirable. I am most mindful of the fact that the census of 1890 shows that of the persons convicted of crimes in this country 96½ per cent were able to read and write, and the balance, or only 3½ per cent, were illiterates. Now, sir, as we all seem agreed that it might be well to try the experiment of an educational qualification, might it not be well to frame the measure in proper language, and not hasten under present proceedings to pass a measure repleto with errors? This bill now before us is most ambiguous.

Take the first section of the bill. Here we find the greatest injustice and cruelty. By its provisions a man having the necessary qualifications for admission may enter, but his wife, not so qualified, can not; but he may, however, bring his grandparents.

Wherefore this distinction?

Suppose a man now here, having immigrated to our shores to enjoy the benefits of our Government and its advantages, but unable to provide means at the time to bring his wife and family, should desire to do so at some day later. If his wife can not read and write she can not enter, and is barred by its provisions. Is this just or right? Why, sir, it strikes me that the measure could be turned into an instrument for wrongdoing, for if a man now now residing in a foreign country desires to abandon his wife, he might, if educated, secure a haven here, commit bigamy, and if she were disqualified educationally, she could not land, and the offender against law and society would be secure from prosecution. In other words, we would be enacting a law placing a premium on crime. Can such legislation be justified?

I asked the gentleman from South Carolina a question founded on this proposition, and his only answer was that the law would go into effect next July. He also said in the course of his remarks that we desired only the best immigrants, and that the worst classes would be kept out if we debarred the wife, because the husband, altogether qualified, would not come if his wife could not. Is not this absolutely ridiculous? Why, he must certainly know that the worst classes would be pleased with this, and that only a desirable person, one with moral instincts, would decline to enter unless his wife could accompany him.

I can not vote for a measure which puts a premium on abandonment of a wife by her husband, or vice versa.

I also oppose this conference measure because I am satisfied that it is intended to operate as a religious crusade, and would only too well accomplish what its advocates desire in that direction.

The requirements of a knowledge of the English language or the language of the land of their nativity or adoption would prove an insuperable barrier to those who, living in a country of oppression, where the acquirement of an education is impossible, and where those who desire to learn are dependent upon their own resources, as is the case in Russia, means the total exclusion of the people of that country, while our most dangerous immigrants are generally men of excellent education. I refer to socialists and anarchists. While men of Johan Most's ilk may enter, such men as came here poor and afterwards became leading and respected citizens would be barred. One could refer to many instances of this kind, if it were necessary. I do not wish to be understood as favoring illiteracy, for I am convinced that good citizenship and education go together; but I know that many good and desirable people are not possessed of education because of a lack of opportunity. Here in this great and progressive land one can not understand this so well, but those of us who are descendants of foreign-born parents appreciate it most fully. I beg gentlemen to remember that the children of foreign parents born here have none of the characteristics of foreigners, and that they are Americans in every sense.

I believe in a proper immigration-restriction bill. I voted for one when it was presented to us, and it will be my pleasure to do so again, but I can not support the measure presented. Give us an opportunity to perfect, or I must oppose the measure.

Immigration Bill.

SPEECH
OF
HON. JAMES A. HEMENWAY,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. HEMENWAY said:

Mr. SPEAKER: I desire to submit a few remarks upon the pending conference report in the nature of an explanation of the vote which I shall give upon the pending measure rather than attempt to make a speech or discuss at length any of the important questions arising under the bill now before the House for consideration and action.

In the few minutes of time at my disposal it would be impossible to go at length into the details of this subject. I have the honor to represent upon this floor a constituency composed largely of naturalized German-American citizens and other foreign-born naturalized citizens. I have not the least fear but that my vote will meet with the commendation of these worthy people when they come to understand and realize the effect of the pending bill. These people in years that are past left their homes and sought our shores in order to better their condition, and I shall cast my vote to-day as much to protect their material interests as to protect the interests of the native-born American citizen.

While it is true that this measure is aimed at the restriction of foreign immigration, yet it only restricts where history has demonstrated the fact that restriction is necessary.

I have always flattered myself that I was a Republican in principle as well as in name. I believe, as I believe in my own existence, that the doctrine of protection is absolutely a correct principle, but I can not bring myself to the conclusion that it will subserve any lasting benefit to protect the manufacturer, or protect the manufactured article, and fail in protecting the laborer who makes this article from the unjust competition of the never-ending increase in the numbers competing for an opportunity to perform this labor.

Organized labor, skilled labor, through the many trades unions and other schemes devised by this large and respectable class of artisans, has in a measure been enabled to protect this class from this competition, but I flatter myself that to-day, as ever, I find myself the friend, not only of organized labor, but of unorganized labor.

There is a class of people, not common in my district alone, but scattered through all the borders of this Union, men who labor with their hands, women who labor with their hands, the breadwinners of this country, who stand to-day in the most urgent need of protection, and such protection as can and will be given by the provisions of this report when it shall become a law.

It is idle and useless to say that if I should have a job of work which would give labor to 10 men, if 30 men should apply for it, that this would not result in depriving two-thirds of those who apply for the job from obtaining it, and reduce the wages of the third who did secure the job. Every field of labor is crowded with persons seeking to do an honest day's work for an honest dollar, and yet how many people will go to their humble homes this night, after having braved the inclement weather of this day, unable to have found labor and unable to bring to that humble home the cheer and comfort, the result of one day's wages only.

It has been said, and will be said, that the provisions of this bill will separate husband and wife. Not so, Mr. Speaker, because in every hamlet of the Old World the shipowners, who have their agents in every town and community in Europe in their own self-protection, will make known the provisions of this law, for if they bring to our shores an excluded immigrant they are required by the provisions of this bill to return this immigrant without price, at their own expense, to the port from which he sailed.

I believe the naturalized American citizen—that man who has renounced all fealty to a foreign prince or potentate, and who in truth and in fact has been imbued with the blessings of American citizenship—sees the necessity equally with the native-born citizen of excluding from our shores the class of foreigners aimed at in this bill.

As in the days that are gone and past, we welcome to our shores every intelligent, honest, liberty-loving man or woman who seeks our shores as an asylum from oppression, and desires in good faith to make this the fatherland of his children and his children's children. Still, we have no room for the ever-increasing hordes of ignorance spewed upon us, bringing in their train the evils of the crowded tenement houses and the red flag of anarchy constantly displayed in the marches of this vermin and offscouring in the streets of our great cities.

I should be recreant to every trust imposed upon me by the voters of my district, be they foreign or native born, if I should fail in my vote, when the opportunity presents itself, to so cast that vote as, in my opinion, it would redound to the interest of the greatest number.

I believe, Mr. Speaker, that when this bill goes in effect, in next July, it will materially decrease the immigration from foreign countries of people whom their own governments are glad to be rid of for the best interests of those governments; people who are willing and content to live like cattle, like beasts, rather than men and women; people who flock to our cities and usurp the places of our own native-born citizens and of our naturalized citizens; who take the bread out of the mouths of the children of our people, and who only expect, in the main, to thus live, or at best to accumulate a little of the world's goods [illegible] return again to the shores from which they came.

For the above reasons, Mr. Speaker, and many more which I should take pleasure in giving at length if I had the time, I shall cast my vote in the affirmative, and sincerely hope that this conference report may be adopted.

Immigration.

SPEECH
OF
HON. JOHN B. CORLISS,
OF MICHIGAN,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CORLISS said:

Mr. SPEAKER: The conference report embraces a provision which I had the honor to introduce at the beginning of this Congress, and by its advocacy before the committee and on this floor secured its adoption as an amendment to the bill which passed the House at the last session. I much prefer the House bill to the measure now under consideration. Legislation, however, along the lines that are proposed in this measure should be secured, and I have found in my brief experience here that in order to accomplish results one must yield to the views of others.

My measure is directed against what are known as the "birds of passage." Members on this floor, during the past few days, have received copies of a clipping from an editorial published by the Free Press, of my city, a Democratic paper, and I may say the cuckoo of the present Administration in Michigan. My predecessor, Judge Chipman, one of the ablest men who ever represented my State on this floor, offered in this House, during three continuous terms, the same provision that is now before you for consideration. He was landed by the Free Press as the champion of the laborers of that district. He failed, however, to secure consideration thereof from a Democratic House. Now that it is about to become a law, this Democratic paper has attempted to injure the cause by calling your attention to the business interests that are located along the lines of the Detroit River, in the great city of Detroit and the little city of Windsor. It is true that some of the people who engage in business interests there pass back and forth from day to day, and this measure, by the amendment proposed by the committee, is directed at that particular grievance. My measure, in its original form, was directed at the greater number of "birds of passage" that come to this country every year from every nation in the world.

In this Free Press editorial of January 23, 1897, furnished the members of this House, you will find a criticism embracing the following language:

> If the tide moved only in one direction, and that toward the American shore, the measure would be less open to criticism than it is. It would still belong to the Chinese Wall order of legislation and appeal to prejudice rather than to statesmanship. * * * It would gratify the labor unions, in whose interests it has been framed. In addition, it would give the Congressman the notoriety he seeks, and possibly some votes, as an adjunct to that notoriety, when he needs them.

The editor also points out the great injury to such firms and corporations as Parke, Davis & Co., D. M. Ferry & Co., and numerous others, because, forsooth, they will be prohibited from employing men who reside in Canada. This is in keeping with the free-trade notions of the Free Press. I do not believe that these large firms, most of whom are anxious to see a reasonable tariff measure adopted by Congress for the protection of American industries, desire to forbid the same protection to their employees against the unjust competition of foreign labor.

Permit me to call the attention of the members of this House to an editorial in the Detroit Free Press on May 21, 1896, when the original measure introduced by myself was under consideration, and ask you to compare the views therein expressed with the narrow and selfish criticism of the editorial of January 23, 1897. It reads as follows:

> Congressman CORLISS's amendment to the immigration bill for the exclusion of aliens from temporary employment in the United States, which was adopted by the House yesterday, will impress the unprejudiced as a well conceived and sensible restriction. Certainly no alien who finds employment in this county should count it an unreasonable and oppressive exaction that he be required to establish his home and permanent citizenship here. Whatever hardship may be entailed in shifting his allegiance to the Government under which he is able to earn a living, it should be willingly borne both from a sense of duty and an appreciation of the compensations which a residence in this country secures. Congressman CORLISS very discreetly disclaimed any intention of prohibiting any worthy person from obtaining for himself and family a permanent residence on American soil. Our Canadian-born citizens have been and are a credit to the Commonwealth. It is because we appreciate them so thoroughly that we want them to declare when they come here, "Your country shall be our country and we will not turn back."

Now, Mr. Speaker, I wish to call the attention of the House to a resolution which was passed the other day by the legislature of my State, and which, as it is brief, I desire to read for the benefit not only of the members here from Michigan, but also of members from other States:

> *Resolved by the House (the Senate concurring)*, That we do heartily indorse the Hon. JOHN B. CORLISS in his efforts to have the immigration laws so amended as to restrict the tide of foreign labor which flows daily across our borders, robbing our citizens of employment, only to return to foreign lands to invest their earnings, thereby depriving our merchants of a large volume of business to which they are justly entitled.

That resolution passed both branches of the Michigan legislature. I have resolutions of every organized labor association in the United States heartily indorsing the particular measure which I advocate; and in the name of 6,000,000 honest, industrious laborers in our land I ask the members of this body to protect them against the "birds of passage" who come annually to rob our wage earners of the fruits of their labor.

Let me state to you that there are in my city to-day nearly ten thousand honest people anxiously waiting for labor—people who are being deprived of work yearly by this class of competition.

Mr. BARTHOLDT. Will the gentleman allow me a suggestion?

Mr. CORLISS. Certainly.

Mr. BARTHOLDT. I do not think if this bill be referred back to conference the section in which the gentleman is interested will be in any danger.

Mr. CORLISS. Then I want to say that when it is reported back, it should be amended by striking out the words "regularly and habitually," and inserting a clause so as to cover all "birds of passage" who seek our land with no intention of making it their permanent home. I favor the proposition as it stands, because I want legislation for our people and fear that if the measure is permitted to be returned to conference, nothing can be secured this session. The educational test does not meet my full approbation. Personally I would prefer the measure as it passed the House, limited to the male immigrants; but as I before stated, personal views can not prevail in a legislative body, and I yield my objections in order to secure the great object and benefits to be derived from this character of legislation.

When I took my oath of office and assumed my official obligations as a member of this House, it was not in the spirit in which the member from Louisiana seemed to have entered, but rather for the protection and welfare of the American people and American institutions. [Applause.] If the members of this floor will but read the papers that come from the great city of Chicago, they will find that 50,000 people are there to-day, attending the soup houses and being supported by the charities of that city, because they are out of employment. Is it not time, then, to protect the wage earners of the United States? Upon what theory can we Republicans pass a law for the protection of capital, the industries, and the producers of the nation if we fail to protect the laborers against these "birds of passage" who come from a foreign soil to rob them of the fruits of their toil, while at the same time we undertake to protect capital against the products of the cheap labor of the world?

Let me say to my Democratic friends that the bright spot in the present unfortunate Administration of national affairs is, in my judgment, the Immigration Bureau, and the first recommendation they make to Congress is this:

> Provision should be made to exclude aliens coming year by year to perform labor in the United States, with no intention to settle therein.

Mr. Speaker, there is no district represented by any member on this floor that embraces more foreign-born citizens than my own, of every nationality; and I say to you, sir, that in my judgment 80 per cent of them would vote to pass this measure to-day, not only for the protection of American citizens and laborers but for the protection of those who have come and adopted this country as their permanent abiding place. I believe that the foreign-born residents who have come and adopted this as their country are as loyal to the American flag as those who were born beneath its folds, and I desire to extend my little influence and vote in favor of those who have come and are now here, but so unfortunate as to have to suffer because of the failure of legislation in their interests.

Permit me to appeal to every member on this floor to put your ears down to the ground and listen to the tramp of the unemployed throughout our land, who, in idleness and want, though honest, industrious, and intelligent, day by day in vain seek employment. For the protection of the unfortunate laborers and the preservation of the fruits of labor to those already in our country justly entitled thereto, for the upbuilding of American interests, and for the preservation of American character and manhood, let us pass this measure. [Applause.]

Immigration.

REMARKS

OF

HON. ANDREW R. KIEFER,

OF MINNESOTA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. KIEFER said:

Mr. SPEAKER: I do not think this bill in its present form should pass, and I sincerely hope that it will not pass. I see no good reason for any change or additions to our already existing immigration laws, and if those laws now upon our statute books are rightly enforced all undesirable persons will be kept from landing on our shores.

The proposed legislation, Mr. Speaker, seems very harsh. It seems un-American. It requires that "all persons physically capable, and over 16 years of age, who can not read and write the English language or the language of their native tongue, shall not be permitted to enter here." I would amend this by stipulating that all male persons should be subject to this really unnecessary provision, but that is as far as I will go in supporting this bill. To compel the female immigrants to be able to read and write will in many cases work the greatest hardships and suffering. It will if insisted on part man and wife, mother from children and husband, thus separating families. Many very desirable people who intend coming to this country, and with considerable means at their disposal, will, if this bill is placed on the books, be debarred. Here is a man who is well educated, he can read and write in his mother tongue, but his wife, like many of the peasantry of the old country, may not have enjoyed those advantages. She is an excellent housewife, and is in every way capable of being with her husband to bring up the family. They come to Ellis Island; the husband passes the inspection; he reads and writes the slip upon which is printed the twenty-five words required to be read taken from the

Constitution of the United States of America, which is itself a guaranty to liberty all over the known world, and under the provisions of which we as a country are known and recognized as the greatest nation on earth.

His wife, with the flush of youth and health upon her cheeks, can not read the long and to her unmeaning words as she looks at them in cold print. What is the result? The husband and father is permitted to land, and the wife, almost heartbroken and discouraged, is compelled to return to the land whence she came.

Mr. Speaker, this indeed is inhuman treatment. It is on a plane almost equal to that of slavery, where families were often broken up.

Had this law been on our books during the past hundred years, where would we have been to-day? Undoubtedly a mere colonial dependency to some country ruled and governed by a king. Such legislation is indeed unworthy of our people, who have sprung themselves from immigrants; it is unworthy of a people who claim to have reached the highest plane of civilization, who are noble and generous, and who claim to be the people of a Christian nation.

But, Mr. Speaker, the next point in this bill, which is equally as unjust, is the provision requiring the immigrants to read and write their native language. Thousands of people who reside in Russia, it being their native and resident country, speak only the German language. They can not, they do not speak the Russian tongue. But under the provisions of this bill not one of these people could become a citizen of our great and glorious Republic.

There are many others who would be excluded likewise, the Finlander, the Pole, and the people from Alsace-Lorraine, for the reason that, while residents of a certain locality, they do not speak the mother language of the nation of which that locality forms a part.

Why not amend this bill, if you are bound to have this test, so as to read: "to read and write the English or any other language?"

If it must pass, then let us eliminate the cruel and inhuman provisions which will take father from child and mother from child and husband.

You want to ask an immigrant if he can read and write, and then compel him to do so. Rather ask, and make him prove, that he is an honest man; that he comes to work, to make a home, to become a loyal citizen, one who will make his adopted country his first love, ready to defend the Stars and Stripes against all the world when the occasion demands. When you find such a man, you will find the brother and next of kin to many men born on foreign soil whose blood was given to preserve the Union of States. No matter whether he could read or write, when the call to arms came in 1861 our adopted citizens vied with the native born in springing to the defense of the flag. Mr. Speaker, I implore the House not to pass this bill. Immigration and our open invitation to all the world has made this country what it is to-day.

And there are still greater possibilities. It has been said here that this bill is in the interest of the American workingmen and the day laborers who can not get work. Mr. Speaker, there are some people who will not work. They are possessed of the idea that they were not born to labor, and they will not work, no matter what our immigration laws may be. No man who is not ashamed to exercise his muscle in this country need go hungry.

Our cities are filled with thousands of people who hover around the great centers of population like moths around the candle, while there are millions of untilled acres awaiting development from the strong arm of labor, encouraged and cheered by the sweet voice of wife and daughter, no matter whether she can read some of the erudite provisions of the Constitution or not. In the great Mississippi Valley there is still room for 500,000,000 more people. Justice, liberality, freedom build up a nation.

Hateful and cruel statutes, like the one which for some strange reason is so strongly insisted on in this instance, has often marked a nation's downfall.

Where would the city of New York be to-day, Mr. Speaker, had it not been for the immigration laws heretofore existing?

We are young yet in the world's history. Where would Chicago, or, in fact, any great city, be if, say, twenty-five years ago the Congress of the United States had passed such a bill as this?

Sir, are we ready to step backward? Are our hands losing their cunning? My own State, through the governor, in his last annual message to the legislature, recommended a measure to induce and encourage immigration to the great State of Minnesota. We want new men and new women to build up and develop our great resources in the Northwest. And when I speak of the new women I do not mean the kind that rides a bicycle, nor one who can not make a baking of good brown bread.

We have 5,000,000 acres of land in Minnesota which is unknown to the plowshare. Every inch is productive, and it is awaiting the strong and willing hands of the immigrant to make a paradise of the land that God has given to the world.

Again, Mr. Speaker, I utter the word of warning, and beg of the House not to press this bill in its present form.

The Late Representative Charles F. Crisp.

REMARKS

OF

HON. HENRY ST. GEORGE TUCKER,

OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. TUCKER said:

Mr. SPEAKER: In the death of CHARLES F. CRISP the country has lost a valuable statesman, the Democratic party one of its most loyal and efficient leaders, the State of Georgia one of her most devoted sons, and his family an affectionate husband and father. The qualities of mind and traits of character which distinguished him in this Hall have been amply portrayed as well by his political friends as his adversaries. They were of no mean caliber, and history will accord to Judge CRISP a high and honorable place in the long catalogue of distinguished American statesmen.

The province of eulogy too often runs into the extravagant; but a just tribute to our friend need not exceed the bounds of truth in according him a high and honorable position among the great leaders of his party. I would not claim for him the powers of analysis of a Calhoun, or the ponderous eloquence of a Webster, or the masteful, imperious leadership of a Clay, or the brilliant dash of a Blaine, but combining, it may be in a lesser degree, many of the strongest qualities of each, with a coolness of judgment and equipoise of mind which has rarely been equaled, he made available his powers, and all of them, in the discharge of public duties, as effectively as any man I have ever seen in public life. If he was not so great a logician as Mr. Calhoun, his powers of logic were always thoroughly available, and wielded with telling force against his adversary.

If he lacked the highest type of eloquence, his intense earnestness in debate supplied what the rhetorical art might have suggested. His leadership was always won by the arts of persuasion rather than by arbitrary dogmatism. He was one of the most resourceful as well as forceful men in the maintenance of [illegible]tion in debate that has appeared in this Hall for years. [illegible]en possessed the power of drawing upon their [illegible] utilizing their every power in action as did Judge CRISP.

His manners were simple, unostentatious, and cordial. A natural playfulness of spirit, united with a dignity and a self-reliance of character, repelled none who sought his counsel, and drew the closer to him all who sought his society. He did not hesitate to lend his ready counsel in molding the policy of his party or shirk the responsibility which rested upon him as one of its trusted leaders. As a leader on the floor or as Speaker he was always bold, aggressive, and oftentimes defiant. The elements of character in him were harmonized in a certain simplicity of style which offended no man's self-love and commanded the respect and confidence of all.

It was not always my fortune to agree with him as to matters of party policy, and in the memorable fight for the Speakership in the Fifty-second Congress I felt it my public duty, against my personal inclination, to advocate the claims of another. Such action on my part, however, so far as I know, never created any breach in our personal friendship.

The State of Virginia has always felt the deepest interest in the life and career of Judge CRISP. In those days which tried men's souls he freely spilled his blood on her soil, and from May, 1861, until May, 1864, when Virginia was "a looming bastion fringed with fire," he mingled with her people, enlisted with her sons, and fought by their sides. As a soldier Judge CRISP exhibited the highest qualities of excellence. With a cheerful temper he bore the privations of war in the camp, on the field, or on the march, and he was ever obedient to command, and ready to respond to his country's call.

He enlisted at Luray, in the Valley of Virginia, in Company K of the Tenth Virginia Infantry, while his father and his brother Harry enlisted in an artillery company in the county of Shenandoah. He served first under Col. S. A. Gibbons in the brigade of the gallant Elzey, afterwards commanded by Gen. W. H. Taliaferro, now Judge Taliaferro, of Gloucester County, Va., and subsequently commanded by Gen. George H. Stewart.

In speaking of his services as a soldier, his old captain, Capt. R. S. Parks, of Luray, Va., says:

> In the spring of 1862 our regiment was transferred from Joe Johnston's command, on the Rappahannock, to Jackson's command, in the Valley, and remained in that command until the sun set at Appomattox. Most of the regiment was captured with Ed Johnson's division in the "bloody salient" on the 11th of May, 1864, where perhaps occurred the fiercest struggle and more blood was spilled than at any place during the war. CRISP was captured at that time and was not released until after the war. He enlisted at the age of 16 years as a private, and was second lieutenant when he was captured. He was quite small, not disposed to be corpulent, as he grew to be in after life. He was very quiet and unobtrusive; in fact, retiring in his manner; a great reader, he was never without a book. He carried one in his knapsack always, if he had one (but "Jackson's Foot Cavalry" did not like to carry superfluous baggage), or in his blanket. Often when the regiment was halted to rest on the march, he would immediately sit down and read from his book. He had a most remarkable memory, and could read a book and then relate everything in it, giving, in many instances, the exact language.
>
> Like all the members of Company K, he was a soldier from head to foot, for no man ever commanded a better set of men or harder fighters than those who composed that company. Taps for "lights out" have been heard by many since 1865, and one by one they are passing to the other shore. Each one, so far as I have seen or heard, drew the drapery of death around him as coolly as he wrapped himself in his old blanket and laid down to sleep and dream on the field of carnage to await the call to arms at early dawn.
>
> In the infantry there was little chance for promotion for gallant service. They were under orders and had only to fight and die on the heights of Gettysburg, in the tanglewood of the Wilderness, or the swamps of the Chickahominy. CHARLIE was a soldier without a stain, a statesman without a guile, and in war and peace a gentleman.

The people of Virginia in common with those of the whole country mourn at the grave of their friend, defender, and protector, and claim the privilege through her representatives here of placing a flower upon his open grave in commemoration of their lasting gratitude for his fidelity to her and to his country.

Contested-Election Case—Yost vs. Tucker.

SPEECH

OF

HON. HENRY ST. GEORGE TUCKER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 21, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That Jacob Yost was not elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is not entitled to a seat therein.

"*Resolved*, That H. St. George Tucker was duly elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is entitled to a seat therein"—

Mr. TUCKER said:

Mr. SPEAKER: I had not expected to take part in this discussion, and I am now limited to only fifteen minutes; but, slightly paraphrasing the language of Paul in his wonderful defense before Agrippa, I can say I think myself happy, gentlemen of the House, because I shall answer for myself this day before you touching all the things whereof I am accused of the Jews.

There is one point upon which gentlemen seem to think this case turns, that, if they will give me their attention, I will demonstrate beyond the possibility of question (unless the minds of gentlemen are made up) settles my right to the seat. The honorable gentleman from Illinois [Mr. CANNON] on yesterday asked this question: "If you count the imperfect ballots, is the contestant elected?" The answer was that he would be. I deny it. If you will look at the end of the sixteenth page of the majority report, you will find that the majority conceded to the contestee is 221. Count every imperfect vote for contestant and contestee, as shown in the table on page 4 of the majority report, and it still leaves the contestee a majority. Answer it, gentlemen who are to follow me. Gentlemen seem to think that is the critical point in the case, that if you exclude the imperfect ballots, the contestee is not elected. But if you exclude them, it leaves the contestee in his seat, as shown above. So that all that the gentleman from Ohio [Mr. GROSVENOR] and my friend from New York [Mr. DANIELS] have said in favor of counting these votes goes absolutely for nothing. You may admit everything they have said, and count the imperfect ballots and give them to the contestant, and yet the contestee has a clear majority.

So that, Mr. Speaker, in looking at this case, I hope the House, if they are anxious to get at the real truth of it, will remember that fact. I do not believe you have a right to count them. The committee do not believe it. But count them, and still the contestee is entitled to his seat.

But we are told by gentlemen that there was an enormous conspiracy in the Tenth district, as shown by the burning of certain ballots, and that at many precincts through the district there were no election officers given to the opposition. I want the members of the House to lend me their ears just for a moment on this point, and I challenge my colleague to meet me on this point from the record.

What are the facts? There are 174 election precincts in the Tenth district. The defective ballots were burned in 15. That is the evidence of a conspiracy! In the 15 precincts in which the ballots were burned, in all except 3 the Republican judge of elections assented to it, agreed to it, and in some cases burned them themselves. Why? Because in the old law which was in force before the enactment of this law there was a provision directing the burning of certain defective ballots. The election under consideration was the first held under the so-called Walton law in the State. The judges themselves did not know what to do with the defective ballots, for the law was silent on the subject; and the Republican judges themselves, in all of these precincts where they were burned except 3, consented to it; and what was the effect in these 3? In these 3, there was a contest in 2 of them as to whether the Republican judge consented or not, and in the third this committee, in their majority report, counts for contestant the rejected burned ballots. So that, absolutely, contestant has nothing to stand upon on his charge of conspiracy, or to support his remarkable statement made on yesterday, when asked why these ballots were burned, when he said, "Well, sir, I believe as honestly as I believe I am standing here that it was done for the purpose of defrauding me of those votes which they knew were mine."

Why, Mr. Speaker, is it possible that a conspiracy to hide the evidence of fraud in that great district would have been carried out by the burning of ballots in only fifteen precincts; and is it possible that the Republican judges who consented to the burning were parties to such conspiracy?

Mr. THOMAS. May I ask the gentleman a question?

Mr. TUCKER. Oh, certainly.

Mr. THOMAS. Does the same authority appoint a Republican judge that appoints the Democratic judge?

Mr. TUCKER. Yes.

Mr. THOMAS. And that authority is Democratic?

Mr. TUCKER. And that authority is Democratic, and I will show how absolutely fairly that power was used.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him, Were those Republican judges who consented to the destruction of these burned ballots good, intelligent, representative men?

Mr. TUCKER. They were just as intelligent as could be gotten, and the evidence discloses that the Republican county chairmen in these counties went to the electoral board and asked for the judges, and got those they wanted.

Now, I find on page 1019 of the RECORD this morning that the contestant [Mr. YOST] on yesterday stated that there were eighteen precincts in this district where no Republican sat as a judge of election. You remember the statement. You will find it on page 1019. I have here, Mr. Speaker, the most remarkable evidence from the record on this subject. In every one except three of the eighteen precincts referred to, Republicans or Populists were appointed. Deny it if you can. There is no law in Virginia compelling a man to sit as judge of election. All that could be done was to appoint them. This these Democratic electoral boards did. Could they do more? I challenge the record to show the contrary. Here, then, is a table of eighteen election precincts where it is charged there were no Republican judges of election; and it is true that in some of them there were none. Why? Because they were appointed and simply declined to serve; and because they declined to serve I am brought here on trial for the failure of the Republican judges to serve. In one of the three precincts where no judge of the opposition was appointed, a majority was returned for contestant. In the other two not a line of evidence is put in the record impeaching the returns.

Mr. STRODE of Nebraska. Will the gentleman yield to me for a question?

Mr. TUCKER. Yes, sir.

Mr. STRODE of Nebraska. Did any of the Democrats who were appointed as judges of election refuse to serve?

Mr. TUCKER. Many of them. Ask me another, my friend. [Laughter on the Democratic side.] And I verily believe the record will show as many precincts where the opposition had a majority of the judges against the Democrats as of precincts where no opposition judges were appointed at all.

Now, Mr. Speaker, I have but fifteen minutes, and I want to put the points in this case as concisely as I can. There is great talk, and the gentleman from Ohio [Mr. GROSVENOR] on yesterday waved over your heads this ballot, printed in Old English type, which was used in Amherst County, and he appealed to you to know if you were going to sanction such a thing by voting to retain me in my seat. I hope it is not necessary for me to state to this House that I do not approve that ballot, and that I had no knowledge of it until I saw it in this contest. But I go further and say that if the contestant can show by reason of it he has lost a vote he ought to have it. I appeal to the record to show the evidence of a voter in Amherst County who came forward and said he could not vote by reason of that ballot. It is true the county Republican chairman said that the contestant had lost maybe 10 per cent of their votes by reason of it. Ten per cent! That would be something under 200, and would still leave me a majority of over 300 in the county. But what are the facts? Hear me! During that election this ballot was used in Amherst County; that county gave me a majority of 499. Last fall the contestant, still being a candidate, running in that county, when the ballot was printed in plain roman type, lost the county by 606; so that the printing of the ballot in that ugly type seems to have been an advantage to the contestant rather than a disadvantage.

Mr. McCALL of Massachusetts. Will the gentleman state how the contestant ran in the remainder of the district this year compared with two years ago?

Mr. TUCKER. Yes, sir. The gentleman from Michigan made a mistake——

Mr. THOMAS. That is not a matter of record in this case.

Mr. TUCKER. The gentleman from Michigan made a mistake in reference to that a moment ago that I will correct in reply to the gentleman from Massachusetts. The gentleman said that in the white section of the State my opponent had carried every county. He lost every county but one. This last fall he carried every one but one.

Now, I want to call attention to this Amherst County vote; for, gentlemen, I say frankly that if the contestant has lost a vote by reason of the mode of printing that ballot, he ought to have it. What sort of a county is it? It is a Democratic county and has been such from time immemorial. The average Democratic majority in Amherst County for the past eight years has been 550. The average vote in the county for the past eight years has been 2,680. In the election in 1894, in the contest with my opponent, my majority was 499, and the total vote of the county was 2,705. So that the whole evidence shows that the contestant has lost not a vote, but that, on the other hand, this year with a plain-type ballot, he lost the county by 606 majority, whereas he lost it two years ago by only 499.

But, Mr. Speaker, I desire to call the attention of the House to another point in this record. These election officers have been assailed as men who were prepared to do anything to cheat their way through. Now, I call a witness to their character. Who is it? Yost's Weekly, edited by the contestant in this case. What did he say when the election officers were appointed in the counties of Augusta and Rockbridge and the city of Staunton, two counties that contained about one-third of the population of the district? In reference to the election officers for these counties and the city of Staunton he said:

> The county electoral board met in the court-house Thursday last and transacted the following business. The special constables selected are men of high character, so far as we know, and will be acceptable to the people generally. We do not believe that either of them with whom we are acquainted would wink at fraud or fail to administer the law fairly and justly.

Then follows a list of the constables for the whole county.

The same paper, on the same date, has the following to say of the appointment of constables in Rockbridge County:

> The electoral board of Rockbridge County, Col. J. C. Shields, M. W. Paxton, and W. S. Hopkins, appointed last week the following constables provided for under the Walton election law, all of whom, we learn, are among the best and most trustworthy citizens of Rockbridge County. This is very satisfactory as evidence that the people of this part of the State at least intend to maintain the integrity of the ballot boxes, as they have heretofore.

Under date of October 25, 1894, the same paper has the following to say concerning the appointment of constables for the city of Staunton:

> The new electoral board, composed of R. S. Turk, J. A. Glasgow, and George W. Blackley, have appointed J. Frank West as an election constable in Ward No. 1 and B. F. Hughes in Ward No. 2. These appointments will be satisfactory to everybody. Had the Republicans been consulted, they could not have secured two men who have the implicit confidence of the community more fully.

During the reading of the foregoing the hammer fell.

Mr. TUCKER. Mr. Speaker, I should like to have enough additional time to complete this extract.

Mr. McCALL of Massachusetts. Mr. Speaker, I will yield the gentleman whatever further time he desires.

Mr. TUCKER. I will take only enough to finish this extract. Here is what the contestant's own paper published, and what, perhaps, his own hand wrote.

Mr. BRUMM. If the gentleman will pardon me, I understand that all those counties gave Mr. Yost a majority.

Mr. TUCKER. No; not one of them. These fraudulent men, these election officers appointed for a fraudulent purpose, were thus indorsed by the chief Republican paper of the district, of which contestant was himself one of the editors, as honest men, whose appointment guaranteed a fair election, and who would discharge their duties, as they had always done, fairly and honestly. Yet now the gentleman is here stating that their conduct in the election was a part of a great conspiracy to keep him out of his seat.

[Here the hammer fell.]

Pacific Railroad Bill.

SPEECH

OF

HON. GROVE L. JOHNSON,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897,

On the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. JOHNSON of California said:

Mr. SPEAKER: I favor the passage of this bill. It is a business settlement of a business question. For years the solution of the issues presented by the relations of the United States and the Pacific railroads has been prevented by outside matters. The decision of the United States Supreme Court in the Stanford suit eliminated from the case the point raised that the stockholders of the Central Pacific Railroad Company were liable to the Government for the debt due the United States by said company. The very clear and convincing opinion of the Attorney-General of the United States, concurred in by all lawyers who have studied the question and amply fortified by decisions of State and United States courts, has taken from the case the other point raised, that the officers of the Central Pacific Railroad Company were liable to the Government for the debt due the United States or for money claimed to have been diverted from the company by them. Upon these two points the opponents of a funding bill have for years based their entire contention. They have claimed that there was fraud and peculation in the building of the Pacific railroads, and that the railroad companies were seeking by the enactment of a law to extend the payment of the debt due the Government to deprive the United States of its means of redress for assumed wrongs by preventing by such settlement the institution of lawsuits against the stockholders and directors of the company to recover the sums alleged to have been illegally taken by them. In view of the decision and opinion I [illegible]ferred to, I feel th[illegible] can congratulate the House that we ca[illegible]ow discu[illegible] without being called upon to enter into [illegible] of useless speculation as to what judgment this or that court might give against this or that officer or stockholder of the Central Pacific Railroad Company. That point is eliminated from the debate.

It is the part of wisdom to thoroughly understand the cause of any effect before deciding upon the proper method of dealing therewith.

Hence we should study the history of the Pacific Railroad legislation of Congress, the causes that prompted it, the actions of the Government and companies under that legislation, as well as the present condition of the debt and the companies. We are not acting for ourselves, but for the nation—not merely for and as of to-day, but must look backward to learn what caused to-day and forward to ascertain what to-day will bring to the future. We are mere servants of a great national partnership, eternal as the hills, we hope, and which must be treated as having transacted business for many years with a fixed design to improve the country, and a firm belief that the business is permanent—not ephemeral. Therefore the light of the past will enable us the better to see the present and the wiser to plan for the future.

For many years prior to 1862 the attention of the United States had been attracted to the vast domain lying beyond the Missouri River, and forming what was called, when the Rocky Mountains were scaled, "the great American Desert."

The plain but interesting language of the first explorers of the great Northwest, Lewis and Clark, recounting their journeys through these then unknown lands, had given us our first real knowledge of this "terra incognita;" the later explorations of the gallant pathfinder, Fremont, had renewed our interest in the subject; the prose song of Washington Irving regarding the labors of John Jacob Astor, in his attempt to rival the Hudson Bay Company, and to dispute its supremacy in the fur trade of the world; the glowing panegyrics of the martyr Whitman upon the land of Oregon and the possibilities of Puget Sound; the reports of the land where springs of pure water gave plenty and health brought from Salt Lake by Mormon elders and returning travelers—all had served to fill the minds of American statesmen and of the American people with the desire to unite the waters of the

Atlantic with those of the Pacific by a railroad, to the end that these countries might be made the abode of man.

To no one man can be given the credit of arousing the public mind to the necessity of a transcontinental railroad that should annihilate space and connect the populous East with the open West. As early as 1836 one John Plumbe called a public meeting at Dubuque, Iowa, for the purpose of agitating the question of building a Pacific railroad. This, I believe, is the first recorded public move in any State. Iowa can claim the credit of being a pioneer in this subject. I hope all her sons will aid in settling honorably this present vexatious question brought to us by the building of the road thus really originating in the Hawkeye State. In 1837 Dr. Hartley Carver published in the New York Courier and Enquirer an article advocating the construction of a Pacific railroad which attracted much attention and formed the basis of many an editorial and furnished material for many a speech.

It is claimed, however, that even before that date, viz, in 1833 or 1834, Dr. Samuel Bancroft Barlow, of Granville, Mass., advocated the construction of a railroad from New York to the Columbia River's mouth by direct appropriations from the United States Treasury. This was the correct method, and Dr. Barlow deserves credit for bravely suggesting it. Had his ideas prevailed and the railroad been constructed as was the national wagon road, we would not now be worrying over this debt.

I presume, however, that to the labors of Asa Whitney are we most indebted for the constant and successful agitation of the scheme and the awakening of the public to its importance and the great benefit its construction would be to the entire nation.

The "Little Giant," Stephen A. Douglas, of Illinois, was an early convert to the proposition, and in the Twenty-eighth Congress, in the winter of 1844–45, reported favorably upon one of Whitney's memorials asking the construction of a Pacific railroad, and he ever afterwards was a firm and constant advocate of the construction thereof.

"Old Bullion," from Missouri, Thomas H. Benton, in season and out, persistently advocated in his forcible manner the construction of a Pacific railroad. His prophetic vision, like that of Douglas, saw the grand results to follow.

When the news of the discovery of gold at Sutters Fort, in California, in 1847, was carried to the four quarters of the globe, the rush for California of men from every State and every nation in the world was unprecedented. They came from everywhere and in every way—on foot, with teams of horses, mules, and oxen, in boats and ships and steamers, and it is sometimes gravely asserted by the pioneers of California (those who boast of arriving in the State in 1849) that some came in balloons and on wings.

A new impetus was given to the cry for a Pacific railroad that men might easier reach the new El Dorado to search for fortune, and might safer return to civilization to enjoy the fruits of their labor with their families left behind or families to be formed in the old home. Every disaster at sea, and there were many, emphasized the demand.

The California Senators and Representatives knocked with no uncertain hand, but with constant blow, upon the doors of Congress for this boon to their constituents, and pleaded daily with eloquent appeal for the building of quick communication with their State. In 1852 California's legislature passed an act giving the right of way to the United States for railroad purposes, the preamble of which is as follows:

> Whereas the interests of this State, as well as those of the whole nation, require the immediate action of the Government of the United States for the construction of a national thoroughfare connecting the navigable waters of the Atlantic and Pacific Oceans, for the purposes of national safety in the event of war, and to promote the highest interests of the Republic: Therefore, etc.

Congress answered the call of California and the wish of the people by appropriating large sums of money to defray the expenses of surveying a practicable route from the Missouri River to the Sacramento River, the results of which surveys can be found in the report of the Secretary of War to Congress, February 27, 1855. Year by year the demand grew. It was not confined to California or the Pacific Coast. It came from the far eastern shores of Maine, from the marts of trade in New York, from the plantations of Louisiana, from the rich prairies of Illinois. From all over the nation the people shouted, "We want a railroad to the Pacific. Our friends, our relatives, are there. We want to see them. We want them to visit us. Our young men want to seek their fortunes under the setting sun. Give us speedy communication with the gold fields of California, with its fertile valleys and fruitful hills." The internecine war with Brigham Young, where the United States was compelled to march its troops thousands of miles over trackless wastes and snow-clad mountains, across bridgeless streams and yawning canyons, at an expense exceeding in amount the total issue of subsidy bonds to the Central Pacific Railroad Company, had shown the Government and the people that in a military point of view the Pacific railroad was a necessity to the nation.

The expense of policing the plains to protect from the savage Indians, that roamed at will over the country between the Rocky Mountains and the Sierra Nevadas, the numerous caravans of immigrants who each spring started on their journey to the Pacific Coast, and whose bones marked the trail so that all could follow, had reached the enormous sum of about $7,000,000 per annum; which fact emphasized upon the minds of the people and the officers of the Government the absolute and immediate need as a military necessity, an act of humanity, a duty due its citizens by the United States, and a financial gain to the country, of constructing a Pacific railroad as speedily as possible.

This demand was not confined to party or sect. It was a universal want, felt by all men of all political beliefs.

In 1856 the Democratic national convention passed the following resolution:

> *Resolved*, That the Democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication, by military and postal roads through our own territory, between the Atlantic and Pacific coasts of this Union, and that it is the duty of the Federal Government to exercise promptly all its constitutional power for the attainment of that object.

The same year the Republican national convention adopted the following resolution:

> *Resolved*, That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction; and as an auxiliary thereto, to the immediate construction of an emigrant route on the line of the railroad.

The Douglas Democratic national convention in 1860 adopted the following resolution:

> *Resolved*, That one of the necessities of the age, in a military, commercial, and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific Coast at the earliest practicable period.

The Breckenridge Democratic national convention the same year adopted the following resolution:

> Whereas one of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Pacific and Atlantic coasts: Therefore
>
> *Be it resolved*, That the national Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railroad from the Mississippi River to the Pacific Ocean at the earliest practicable moment.

The Republican national convention the same year adopted the following resolution:

> That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily overland mail should be promptly established.

The Republican national convention of 1864 adopted the following resolution:

> *Resolved*, That we are in favor of the speedy construction of the railroad to the Pacific Coast.

Prior to 1860 the legislatures of eighteen States had passed resolutions in favor of a railroad to the Pacific. Three Presidents of the United States—Franklin Pierce, James Buchanan, and Abraham Lincoln—had in their messages called the attention of Congress to the necessity of aiding a transcontinental road to connect the Atlantic States with the Pacific Coast. Every newspaper in the nation had fully indorsed the project, some urging direct appropriation and some a loan, but all enthusiastically urged Congressional action. I have thus alluded—perhaps too lengthily—to these matters of history that we might all understand that the legislation of Congress in 1862 and 1864, under which the Union Pacific and Central Pacific railroads were constructed, was not taken at the request of either of these railroad companies or their stockholders, but was enacted in response to the universal demand of the whole American people, speaking through newspapers, State legislatures, national political conventions, and Presidents of the United States. Nor was it, as will be seen from what I have stated, entirely a war measure, although that was a great moving cause.

It had been asked for by the people for years. The great and growing importance of our Pacific Coast possessions, the fact that nearly $50,000,000 in gold was taken from its mines and shipped from California in 1862, the knowledge gained by the numerous caravans that journeyed "the plains across" to reach the land of gold that the great American desert was a myth, and that there was good land beyond the Rockies suitable for agriculture and grazing; the successful result of the colonization of Salt Lake Valley by the Mormons, and the glowing description of its beauties; the natural desire of the restless American youth to explore new fields, the stories of the wealth of New Mexico and Utah, the reports of the inexhaustible forests of the Territory of Washington, the absolute necessity of finding new homes for the almost numberless immigrants that were seeking shelter in our loved Republic from troubles in the Old World, and the feeling that Americans must know and must rule America from ocean to ocean, had inspired the hearts and attuned the voices of the sons

and daughters of the Union to one common chord upon which was sung the common song to Congress, "Give us a Pacific railroad."

Even without war Congress would have heeded the demand and granted aid sufficient to construct the Pacific Railroad. But in 1862 there was war in the United States. There is now of our number an honored son of the Keystone State, the author of the beneficent homestead law—of itself an enduring monument to his memory and a glory to his career—the only remaining member of the Thirty-seventh Congress that is with us in the Fifty-fourth Congress, a man we all respect, the Speaker of that most memorable Congress, the Hon. GALUSHA A. GROW, who can better than I tell of the conditions that confronted that Congress of loyal men, over whose proceedings he so ably presided. They met in the midst of war and its alarms, with suffering and sorrow and privation seen on every side and felt in every home of the Union.

The flag had been stricken down at Sumter. Eleven States had seceded. The government of the Confederate States had been established at Richmond. Its independence had been recognized by unfriendly foreign nations.

Bull Run had been fought and the Stars and Stripes trailed in Virginia's mud beneath the heel of, for a time, successful rebellion. The thunder of hostile cannon could be heard in the streets of Washington. The rebel flag could be seen from the Dome of the nation's Capitol waving in defiance of Old Glory. We had been forced to surrender in the winter of 1861–62, at the muzzle of cannon and in response to the arrogant demand of British power, the persons of Mason and Slidell, whose seizure was indorsed by the loyal North. The English Asiatic fleet had its headquarters at Vancouvers Island but a cannon-shot distant from our country and only three days' sail from the defenseless port of San Francisco, thus grimly menacing our hold upon all our Pacific Coast possessions. Our commerce was being swept from the seas by the privateers of the Confederacy equipped from British shipyards. The gold of California was one-half shipped direct to England because of the dangers of the sea and the very great cost of insurance, thus causing direct and immense injury to the nation. The talk of a Pacific republic was openly indulged in by disloyal Californians, and the project was being strenuously and secretly pushed by traitorous hearts and hands, so much so that the general in charge of California had been superseded for disloyalty, and he afterwards fell at the head of a Confederate army.

The necessity of keeping the trade of the Pacific Coast was so thoroughly recognized and felt, the gold of California was so much needed to maintain the nation's credit, and the fear of losing it entirely was so great; the danger of losing the entire Pacific Coast had been so alarmingly present; the absolute inability of the United States to maintain communication by sea with California and Oregon in case of a foreign war had been so forcibly brought to the attention of the nation; the impossibility of sending soldiers on foot or in wagons across the plains in time to be of any avail in days of war involving the Pacific Coast, while the cost thereof would bankrupt the Treasury; the resolve in the hearts of all loyal men that the Union should be preserved intact with not one State missing or one foot of territory lost, whether in the East or in the South, in the North or in the West, was so deeply embedded, so firmly rooted, so dearly cherished; the need of doing something was so great as a political, military, and economic measure, that all the Congress saw that the time had arrived when the prayer of the people for a Pacific railroad could no longer go unheeded; that the demands of war accentuated the demands of peace and impelled the passage of the act of 1862 granting Government aid to the Union Pacific and Central Pacific railroad companies, to the end that a transcontinental railroad might be speedily constructed. It was the spontaneous act of the Congress of the United States. It was done because it ought to have been done. It was indorsed as a war and economic and proper measure by all.

As illustrating the views then felt by Congress, I will call attention to the following language used in 1862 by Mr. Campbell, chairman of the Committee on Pacific Railroads, House of Representatives, in the House while discussing the proposed aid. He said among other things:

> In a recent imminent peril of a collision with a naval and commercial rival, one that bears us no love, we ran the risk of losing, at least for a time, our golden possessions on the Pacific for want of proper land transportation.

Grand old Thaddeus Stevens, the acknowledged leader of the House, the Commoner who swayed his party with accepted rule, said:

> In case of a war with a foreign maritime power, the travel by the Gulf and Isthmus of Panama would be impracticable. Any such European power could throw troops and supplies into California much quicker than we could by the present overland route. The enormous cost of supplying our army in Utah may teach us that the whole wealth of the nation would not enable us to supply a large army on the Pacific Coast. Our Western States must fall a prey to the enemy without a speedy way of transporting our troops.

These remarks show that Congress felt that what it was doing was for the interest of the nation, not for any company. That it was for the good of all the people, the preservation of the Union as an entirety, the benefit of the industrial conditions of the land, the binding in closer union of the widely separated geographical sections of the country, and the consequent development of the unpeopled portions of the great West.

It was thought then that the act of 1862 would furnish sufficient Government aid and that the companies could under it construct the road and repay the Government. The bill was so framed. There were not wanting, however, public men at that day who looked beyond the mere question of dollars and cents, who viewed the measure as statesmen, and who avowed their belief that the Government ought to give the aid and build the road if it never received a penny of its bounty in return. A brief mention of some of these patriots and their thoughts will not be amiss now, when so much stress is laid upon the fact that the United States loaned these companies money and that it must collect every dollar of principal and interest, like a greedy creditor and not a liberal nation. Among these was Hon. Henry Wilson, Senator from Massachusetts, and afterwards Vice-President of the United States, who on June 17, 1862, when discussing the bill in the Senate, made the following remarks:

> I have little confidence in the estimates made by Senators or Members of the House of Representatives as to the great profits which are to be made and the immense business to be done by this road. I give no grudging vote in giving away either money or land. I would sink $100,000,000 to build the road, and do it most cheerfully, and think I had done a great thing for my country if I could bring it about. What are seventy-five or a hundred millions in opening a railroad across the central regions of this continent, which will connect the people of the Pacific and the Atlantic and bind them together.

And on the same day he used the following language:

> As to the security the United States takes on this road, I would not give the paper it is written on for the whole of it. I do not suppose it is ever to come back in any form except in doing on the road the business we need, carrying our mails and our munitions of war. In my judgment we ought not to vote for the bill with the expectation or with the understanding that the money which we advance for this road is ever to come back into the Treasury of the United States. I vote for the bill with the expectation that all we get out of the road (and I think that is a great deal) will be the mail carrying and the carrying of munitions of war and such things as the Government needs, and I vote for it cheerfully with that view. I do not expect any of our money back. I believe no man can examine the subject and believe that it will come back in any other way than is provided for in this bill, and that provision is for the carrying of the mails and doing certain other work for the Government.

Senator Clark, of New Hampshire, in the same debate spoke as follows:

> Whether I am right or not, I do not [illegible] road because I think it is to be a paying road. I build it as a political [illegible] bind the country together and hold it together, and I do not care whe[illegible] is to pay or not. Here is the money of the Government to build it with. [illegible] want to hold [illegible] the money until we get through, and then let them [illegible]

The language of Judge David Davis in delivering the opinion of the Supreme Court of the United States in the case of the United States *vs.* The Union Pacific Railroad Company, reported in 91 United States Reports, page 79 and following, shows how that august tribunal regarded this legislation:

> Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safety of our Pacific possessions. The loss of them was feared, in case those complications should result in open rupture; but even if this fear were groundless, it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every Government owes to its citizens. It is true the threatened danger was happily averted, but wisdom pointed out the necessity of making suitable provision for the future. This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country and furnish a cheap and expeditious mode for the transportation of troops and supplies. If it did nothing more than afford the required protection to the Pacific States, it was felt that the Government, in the performance of an imperative duty, could not justly withhold the aid necessary to build it, and so strong and pervading was this opinion that it is by no means certain that the people would not have justified Congress if it had departed from the then settled policy of the country regarding works of internal improvement and charged the Government itself with the direct execution of the enterprise. This enterprise was viewed as a national undertaking for national purposes, and the public mind was directed to the end in view rather than to the particular means of securing it. Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased, and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and for the Indians. It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable. * * * Of necessity there were risks to be taken in aiding with money or bonds an enterprise unparalleled in the history of any free people, the completion of which, if practicable at all, would require, as was supposed, twelve years; but these risks were common to both parties. Congress was obliged to assume its share and advance the bonds or abandon the enterprise, for, clearly, the grant of lands, however valuable after the road was finished, could not be available as a resource for building it.

This opinion and language was reaffirmed by the same court in the case of the United States *vs.* The Union Pacific Railroad Company et al., reported in 98 United States Reports, page 619.

Hon. William D. Kelley, of Pennsylvania, in the course of the debate in the House, said:

> Can there be any question that our country can bear such an augmentation of its annual expenditure, or will it harm if posterity, being blessed by this work, should perchance have to pay the principal of the credit invested?

Mr. White, of Indiana, used the following language:

> Now, sir, I contend that although this bill provides for the repayment of the money advanced by the Government, it is not expected that a cent of the money will ever be repaid. If the committee intended that it should be repaid, they would have required it to be paid out of the gross earnings of the road, as is done with the roads in Missouri, Iowa, and other States, and not the net earnings. There is not, perhaps, one company in a hundred, where the roads are most prosperous, that has any net at all. I undertake to say that not a cent of these advances will ever be repaid, nor do I think it desirable that they should be repaid. The road is to be the highway of the nation, and we ought to take care that the rates provided shall be moderate. I think, therefore, that this will turn out a mere bonus to the Pacific railroad, as it ought to be.

From these citations, and others that could be made if time permitted, it can be seen that some of those who participated in the Congress that voted this aid did so not merely with the expectation that such aid would be returned, but because they were willing to build the road even if the United States paid the entire expense. A careful inspection of the debates in both Houses of Congress during the consideration of the act of 1862 will show that not a single vote was cast in favor of that law with any expectation that the Government would receive from the railroad companies in reimbursement of its advances one dollar in addition to the requirement for the payment of 5 per cent of the net earnings of the roads after they were completed and the services to be rendered in the transportation for the Government provided for in the law.

Yet now we hear the cry that every dollar of principal and interest must be immediately paid in cash. These debates show that all this Pacific railroad legislation was had not at the request of the railroad companies, nor their promoters, but at the demand of the people. It was under such circumstances, and with such views and hopes, that Congress passed the act of July 1, 1862, authorizing the organization of Pacific railroad companies and the construction of Pacific railroads. We should—as I think—carefully bear them in mind while legislating in 1897 regarding the expected results of legislation in 1862. Our nation has received all the benefits predicted, has borne some of the burdens, and being a thousand times stronger now than thirty-five years ago, can afford to be generous as well as just, but never merciless.

The terms of the act of July 1, 1862, were in effect that the two companies, Union Pacific and Central Pacific, were to construct the Pacific Railroad and that in aid of such construction the United States agreed to donate every alternate section of public land designated by odd numbers, to the amount of five alternate sections per mile, on each side of said road on the line thereof, within 10 miles of each side of the road not sold, reserved, or otherwise disposed of; the title of said land to be vested in the company when it should have completed 40 consecutive miles of railroad and telegraph; and that on completion of said section, the Secretary of the Treasury should issue to the company bonds of the United States, payable thirty years after date, bearing 6 per cent per annum interest, payable semiannually, to the amount of sixteen of said bonds per mile; but from the western base of the Sierra Nevada Mountains (such point to be fixed by the President of the United States) the bonds to be issued should be at the rate of $48,000 per mile for 150 miles eastwardly; and between the mountainous sections at the rate of $32,000 per mile; the Central Pacific to complete 50 miles of said railroad and telegraph line within two years of filing their consent to the provisions of this act, and 50 miles each year thereafter; the entire line between the Missouri River and the Sacramento to be completed so as to form a continuous line of railroad and ready for use by the 1st day of July, 1876.

The act provides that the issue of said bonds and delivery to the company shall ipso facto constitute a first mortgage on the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description, and in consideration of which said bonds may be issued.

That the grants of the said lands and bonds are made upon condition that said company shall pay said bonds at maturity, and shall keep its said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line and transport mails, troops, and munitions of war, supplies, and public stores on said railroad for the Government whenever required to do so by any department thereof; and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid at fair and reasonable rates of compensation, not to exceed the amount paid by private parties for the same kind of service; and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid; and after said railroad is completed, until said bonds and interest are paid, at least 5 per cent of the net earnings of said road shall be annually applied in the payment thereof.

The Central Pacific had been incorporated in 1861 under the laws of California. It accepted the terms of the act of July 1, 1862. It tried in good faith to comply with them. January 8, 1863, it commenced the construction of its road at the city of Sacramento. All voices in California were then in its favor, although many prophesied the bankruptcy of its promoters and the ignominious failure of the undertaking.

By the most strenuous efforts of its promoters, it managed to construct 31 miles of its road, extending it to Newcastle, Placer County, Cal., in the Sierras, where, for lack of funds, it was obliged to stop.

The Union Pacific was unable to raise a dollar or to build a mile of its road under the act of 1862.

I call attention to this as showing the good faith of the men who constituted the Central Pacific and their honest desire to build the road according to their agreement. It should be counted strongly in their favor to-day, especially in view of the attacks made upon them. Under these circumstances, duly presented to Congress, and after due deliberation and discussion in that body, the act of July 2, 1864, was passed, which modified the contract of 1862 and permitted the railroad companies to issue their first-mortgage bonds on the respective railroad and telegraph lines to an amount not exceeding the amount of the bonds to be issued by the United States, and of even tenor, date, time of maturity, rate, and character of interest, and that the lien of the United States bonds should be subordinate to that of the bonds of said companies authorized to be issued on their respective roads, property, and equipments, except as to that provision of the act of 1862 relating to the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States; and that the aid provided to be granted by the act of 1862 should be given upon the completion of 20 consecutive miles instead of 40, and that the Government should retain only one-half of the compensation for services rendered to it by the company, to be applied in payment of the bonds issued, instead of the whole; and that the Central Pacific should be required to complete only 20 miles in one year in place of 50.

This act was passed after the Republican national convention of 1864 had adopted its resolution demanding the completion of the Pacific railroad.

Under this act the Union Pacific found capital and commenced work, and the Central Pacific was enabled to continue its work.

Incited by the act of 1864 to a generous rivalry, the two companies pressed every man and machine attainable into their service and speeded across the continent, one facing, the other following the setting sun, until they met at Promontory, in Utah, in May, 1869.

How well I remember the celebration in Sacramento of the driving of the last spike that marked the completion of this great work. It had been arranged that the whistle of the locomotive that bore the officials and guests that assembled at that out-of-the-way spot to witness the occasion should signal the event, and should be answered by others, until one continuous whistle should be heard from Promontory to California, waking the echoes of valley and the crags of mountains with its scream of triumph. We were ready with our procession, and as we heard the whistle that announced the end of nearly seven years of hard and unremitting toil, we all, men and women and children alike, cheered and cheered and cheered again.

It seemed to me that it spoke of man's triumph over nature; of the great achievement of American citizens.

In fancy it took me back to the days when wearily I traveled for twenty-two days and nights in the rough coach over the route of this railroad. I could see again the barren deserts where water was brought 40 miles for use, the shifting sands of many streams that seemed without foundation, the deep and impassable cañyons, the mountains rearing their snow-clad tops until they kissed the blue clouds of heaven, over which the coach was dragged at a snail's pace through narrow defile and dangerous pass, and I thought, Is it possible that a railroad has been built where the coach could scarcely move?

I could hear in the shrill whistle of the locomotive the voice of the genius of America commending the work done by her sons and calling the world to witness another triumph of American enterprise, ranking side by side with those of Franklin, of Fulton, and of Morse.

When Vasco Nunez de Balboa bade his followers remain while he alone climbed the mountains and gazed upon the broad expanse of Pacific Ocean, the first white man to whom that pleasure was vouchsafed, what thoughts must have passed through his mind? He could see that ocean covered with the ships of Castile and Aragon, its shores dotted with the cities owing allegiance to his country, while the grandeur of Spain's imperial power was covering the world with its glory as the wealth of the Indies, East and West, were poured into her treasury and the nations of the earth yielded homage to her supremacy.

So the whistle of the locomotives on that May day in 1869 called up images of the future greatness of our loved land. New States to swell the galaxy of stars in our banner were rising on every hand. The music of the factory, the hum of busy cities, the sound of school and church bell usurped the yell of savage and the howl of wolf and coyote, while the grand acclaim of millions of happy people proclaimed the prosperity and progress achieved by reason of the clasping of mother earth with a steel girdle from ocean to ocean across what was once as unpeopled as Pacific's waters when Balboa's eyes upon them first glanced.

The vision of Balboa's came true, but lasted not.

The vision pictured by the locomotive's cry came true, is true, and will forever last. Nine stalwart sovereign States of the Federal Union have joined the parent thirteen since the headlight of the locomotive first crossed the whole country, which but for that locomotive's flight would still be feeble Territories without wealth or strength. Now millions of people and hundreds of millions of wealth in places once given over to savage man and beast proclaim ceaselessly through day and night the full fruition of the labor of these Americans who built in America an American overland Pacific railroad.

In the language of Senator Bogy, of Missouri:

> I look upon the building of the railroad from the waters of the Missouri to the Pacific Ocean, at the time particularly in which it was built—during the war—as perhaps the greatest achievement of the human race on earth.

The benefits to the United States by its construction have been very great and are growing each year. The expenses of the Government have been greatly reduced in policing the plains, in cost of mail and transportation services, in the cost of Indian wars, and in other ways, until a conservative estimate shows that over $160,000,000 has been saved to the United States by the building of the Pacific railroads.

In addition, the lives of settlers and immigrants have been made more secure, and the Indian depredations have been restrained and almost entirely prevented.

The United States has made money out of the railroads; has made people and States; and if the Government forgave every dollar of debt due from the companies it would be greatly the gainer in wealth and power.

But it is claimed that the aid of the United States to these roads was enormous and unprecedented. Let us examine.

The subsidy consisted of bonds and land. We will discuss the land question first.

At the outset it must be remembered and understood that the lands granted were not worth one dollar without the railroad. In this, as quoted, the United States Supreme Court concurs. So the value of the land grant becomes nothing in reality, for it depended entirely upon the ability of the railroad companies to build the road, for until built the land was a "castle in Spain."

I have prepared a statement showing the amount and value of the land grants made by the United States to various railroad companies, including the Central Pacific, which shows as follows, namely:

CENTRAL PACIFIC RAILROAD COMPANY LAND GRANT.

From Land Commissioner Mills we learn that the Central Pacific Railroad Company received under the original grant 7,072,000 acres. There was sold to June 30, 1895, 1,722,512.34 acres for $3,344,157.88, being $1.94 per acre. The unsold lands are estimated to be worth, in round numbers, $2,000,000, which is certainly a liberal estimate, considering the barren character of the soil, the greater portion of the lands being located in the great Humboldt Desert region of Nevada.

Value of Central Pacific Railroad Company grant, as above, $5,344,157.88.

ATLANTIC AND PACIFIC RAILROAD COMPANY LAND GRANT.

The Atlantic and Pacific Railroad was completed and commenced active competition with the Central Pacific in August, 1883. Table on page 225 of report of United States Commissioner of Railways, 1894, shows that the original grant was 42,000,000 acres, of which 10,795,480 acres were forfeited. Page 43, annual report of Atchison, Topeka and Santa Fe Railroad Company for year ending June 30, 1893, shows number of acres claimed to have been "earned" by this company to be 20,295,296, and the total acres sold 5,308,683.48, for $4,511,931.85, being at the rate of 85 cents per acre, a very low figure; but applying this low rate to the acres earned, the value of the Atlantic and Pacific Railroad Company's grant would be $17,251,001.60.

ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY LAND GRANT.

Land-aided 613.38 miles, at 6,400 acres per mile. Connections completed at Los Angeles November 29, 1885; to Deming March 20, 1881, and to El Paso July 1, 1881. This company failed to report to the United States Commissioner of Railways; but its annual report shows that up to June 30, 1893, the receipts for land were $15,349,868.19, and on page 88 the total sales are given as 3,356,449 acres. There are no further data obtainable, but these figures show about $5 per acre; and if the $15,349,868.19 already realized is the total value of the grant, it is nearly three times the value of the Central Pacific Railroad Company's grant.

Value of land grant as shown, at least $15,349,868.19.

BURLINGTON AND MISSOURI RIVER RAILRDAD COMPANY GRANT.

Failed to report to the Commissioner of Railways, but table on page 225 of report for 1894 shows original grant as 3,390,243.66 acres, of which there were patented 2,762,304.85 acres. No data obtainable show any information about disposition of these lands, excepting page 38 of annual report of the Chicago, Burlington and Quincy Railroad Company for 1894, which shows sales of 18,000 acres for $102,000, or at an average price of $5.63, which is probably a low rate for these productive lands; but even at this figure the grant would be worth $18,087,074.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY GRANT.

Failed to report; but table on page 225 of the United States Commissioner's report for 1894 shows original grant as 1,261,181 acres. Poor's Manual for 1894 shows sales to March 31, 1894, 548,508.83 acres, but gives no other data. Page 12 of the annual report of this company for 1894 shows price per acre received for land sold that year was $13.23, probably a very reasonable price for the fertile lands included in this grant. On this basis the grant would be worth $16,685,425.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY GRANT.

Table on page 225 of report of United States Commissioner of Railways for 1894 shows original grant to be 7,642,821 acres. The company reports up to June 30, 1894, total number of acres sold 2,239,000, for $8,777,000, or $3.90 per acre. On this basis, which seems very low for lands along this grant, the total value of this grant would be $29,807,001.90.

CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY COMPANY GRANT.

Page 37 of report of United States Commissioner of Railways for 1894 shows total acres acquired by grant to be 2,959,230.70; sold to June 30, 1894, 1,980,676.53 acres for $8,778,396.26, or $4.43 per acre, an exceedingly low price for the lands in this fertile region, but on this basis the total value of the grant would be $13,109,393.33.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY GRANT.

This company gives no data in its annual report and does not report to the United States Commissioner of Railways or to Poor's Manual, but the original grant, as per table on page 225 of report of Commissioner of Railways for 1894, amounted to 3,500,000 acres, which at $5 per acre, which is an extremely low figure for the lands contiguous to the road, wou[illegible]ke a valuation for [illegible] grant of $17,500,000.

GREAT NORTHERN RAILWAY LAND GRANT.

Page 73, report of United States Commissioner of Railways for 1894, shows this company's report up to June 30, 1894, up to which date there had been patented 2,906,761 acres; page 74 shows total receipts as $8,729,793.99, equivalent, if all the lands in the grant were sold, to about $3 per acre; but this is not probable, since the other parallel roads, particularly the Northern Pacific, sold their lands for at least 50 per cent more, as appears from this analysis. No further data is obtainable, but even if nothing more were realized the grant was worth nearly double that of the Central Pacific, yet the acreage is less than one-half. Value of the grant, $8,729,793.99.

ILLINOIS CENTRAL RAILWAY LAND GRANT.

Failed to report to United States Commissioner of Railways. Poor's Manual for 1894, page 480, shows average price per acre realized for that year was $7.08, probably a fair average value for this rich grant. The total sales of donated lands is given as 2,487,478.36 acres. On this basis the value of this grant would be $17,610,323.

MISSOURI PACIFIC RAILWAY LAND GRANT.

Table on page 225 of United States Commissioner of Railways report for 1894 shows original grant to the Little Rock and Fort Smith and the St. Louis, Iron Mountain and Southern Railway to be 3,798,411.05 acres, and the annual report of the Missouri Pacific ending December 31, 1894, shows gross receipts from land sales to have been $5,138,216.47, which probably includes only a small portion of the grant, the unsold lands not being ascertainable; yet if the $5,138,216.47 does represent the total value of the grant, it will be seen that for these two small roads (absorbed by the Missouri Pacific) the grant was considerably in excess in value proportionately to the grant of the Central Pacific. Value of grant at least $5,138,216.47.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Report of the United States Commissioner of Railways for 1894, page 57, shows original grant for 2,215 miles as 47,000,000 acres, of which 8,978,800 were restored to public domain; but the total sales reported by this company to the Commissioner amount to $38,187,239 for 8,430,447 acres, or at the rate of $4.52 per acre. The grant for the Central Pacific was for 742 miles. For a corresponding parallel distance, the Northern Pacific received a grant of 25,600 acres per mile. At the rate for which their land was sold, the grant for 743 miles on a similar basis would be worth $85,308,304, or more than the Central Pacific subsidy bonds, including interest at maturity and the total value of the land grant combined.

The Central Pacific Railroad Company has no indemnity land grant to draw upon, and its grant is subject to all reservations made by the Government under the acts of Congress; but the Northern Pacific also acquired an indemnity grant for 10 miles outside the limits of the regular grant. Up to June 30, 1892, as shown by that company's report, nearly 4,000,000 acres of land had been selected within the indemnity limits, which, at the average price above given, would be worth to the company an additional $18,000,000. The Northern Pacific was completed and entered into active competition with the Central Pacific September 9, 1893. Value of the land grant at a very low estimate, $100,000,000.

UNION PACIFIC RAILWAY LAND GRANT.

Page 101 of the annual report of the Union Pacific Railway for 1894 shows estimated value of unsold lands of that company to December 31, 1894, was $13,358,500, added to land contracts for sales, $6,162,751.55, makes $19,521,251.55, or nearly four times the value of the Central Pacific grant; yet it is fair to presume that they have placed a small estimate on their unsold lands; however, if the $6,162,751.55 shows total sales instead of merely outstanding contracts, and if $19,521,251.55 represents the total value of their land grant, it is in striking contrast with the value of the Central Pacific Railroad Company grant. Value of grant (as far as ascertainable), $19,521,251.55.

Table No. 5, on page 225 of the report of the United States Commissioner of Railways for 1894, shows the total grants of land by the United States Government to railroads in this country, the greater portion of which was granted to lines that compete with the Central Pacific, incidentally depreciating its value, amounted to 196,569,372 acres, of which 29,453,347 acres were forfeited and 20,317,517 acres were restored to public domain; therefore the 7,072,000 acres granted to the Central Pacific up to June 30, 1895, represent only about 4 per cent of the entire grant; deducting forfeitures and restorations, it represents less than 5 per cent; and in value, on the basis of the above calculations, which manifestly can not be very far off, since they are based entirely upon Government reports and upon the statements of the roads directly involved, the grant to the Central Pacific Railroad Company is considerably less than 2 per cent.

From the foregoing it is apparent that the value of the land grant extended in aid of the construction of the Central Pacific Railroad fades into insignificance in comparison with the magnificent outright gifts of land accorded to active competitors of the Central Pacific Railroad Company, aggregating a total value (when all has been disposed of) of not less than $500,000,000 against a grant for the Central Pacific not worth a dollar more than $5,500,000. Bear in mind that these munificent bounties were extended to active competitors, with whom the Central Pacific has had to divide the business, under steadily declining rates, in the struggle to get its share of the traffic, and were given at a time when material for building was to be had at much less cost than the Central Pacific had to pay.

In view of this showing, what becomes of the eloquence that has resounded through this Chamber and elsewhere regarding the (as it was claimed) unparalleled and priceless grant of lands to the Central Pacific Railroad Company?

Now, as to the bonds.

According to the Treasury reports the total amount of subsidy bonds given the Central Pacific and the Western Pacific is $27,855,680; not as much (as before stated) as the Mormon war cost the United States prior to the construction of the Pacific railroads.

Compare this with the magnificent subsidy granted to the Canadian Pacific Railway Company.

According to the revised estimate made by the eminent statistician, Joseph Nimmo, jr., of Washington, which was submitted to the United States Senate Select Committee on Relations with Canada April 26, 1890, it appears that the Canadian Pacific received from the Dominion Government a subsidy or bonus of $25,000,000; had donated to it 25,000,000 acres of land, embracing only such as are suitable for settlement; had also given them right of way, station grounds, dock privileges, and water frontage in so far as was within the control of the Government; further, the Government constructed and transferred to the Canadian Pacific Railway, free of cost, 714 miles of railway, the estimated value of which, according to that company's report for the year 1887, was $35,000,000. This company was permitted to import steel rails free of duty, and under its charter it is freed from taxation for all time; its land grant in the northwest is freed from taxation for twenty years, and the Government has bound itself not to permit during the term of twenty years the building of parallel lines to the Canadian Pacific. This road, free from the restriction of the interstate-commerce act, is one of the roads with which the Central Pacific is expected to compete. The action of the English Government in munificently aiding and fostering the growth of this transcontinental line is in harmony with its policy for controlling the commerce of the world, and it is a striking object lesson that our people might study with profit to our Government.

Mr. Nimmo adds that the total amount of aid granted to this road by the Dominion Government, including bonds and lands and cash, aggregates the enormous total of $215,361,697.

In comparison with this munificence the amount granted the Central Pacific becomes a mere nothing.

Still it is a large sum.

The total amount due the United States from the Central Pacific amounts as follows on January 1, 1897:

Principal	$27,855,680.00
Interest	48,011,293.24
Total	75,866,973.24

The contract made by the acts of 1862 and 1864 did not call for the payment of interest until the maturity of bonds, hence the large amount of interest due.

This contract was made by the Government itself. It is unilateral, in that one party to the bargain—the United States—dictated its terms, and has claimed and exercised the right ever since to alter, amend, and change it, regardless of the wishes of the other party to the contract.

If it was bad for the United States, no one is to blame but the United States.

It is not claimed by anyone that the companies did any more than to accept the contract that the Government made.

The Central Pacific has fully complied with every requirement of its contract from the day that it accepted the same.

When every other Pacific railroad company and many other railroad companies defaulted in their interest payments, the Central Pacific met all its obligations at the day appointed. When every other Pacific railroad company and many other railroad companies went into the hands of receivers upon the application to court of their creditors, the Central Pacific attended to its own business, paid all its debts when due, and kept one railroad out of court and in the hands of its owners.

As a Californian, I am proud of this fact, and proud that it was owing to the keen business sagacity, honest purpose, and untiring efforts of Californians that the Central Pacific was enabled to make this glorious record. As a Sacramentan also I am particularly proud of it.

The men who originated the Central Pacific, who built its road, who carried it through all its years of labor and vicissitudes, retained their interests in it, unlike those who formed the Union Pacific and built its road.

Of the five Sacramentans who started the road, but one, C. P. Huntington, remains, and he is as proud of the company and as jealous of its financial credit as when he first assumed office in it thirty-five years ago. The Central Pacific did not realize the full amount of the bonds issued to it by the Government.

They were made payable in "lawful money," meaning greenbacks, were known in commercial circles as "currency sixes," and were sold by the company at an average rate of 70 cents on the dollar, thus netting the company but $19,498,976.

This amount was much reduced, as the company was forced to buy gold at immense premiums for use in California and Europe.

This does not change the generous purpose or statesmanlike idea that prompted these subsidies, but should be remembered when talk is had about the immense sums donated to these Pacific railroad companies. It should be considered in deciding what to do now with the debt due the United States.

This epitome of the history of the legislation had and taken by Congress concerning the building of the Union and Central Pacific railroads I commend to the careful consideration of every member of the House.

It appeals to the reason, not the prejudice, of all. From it we learn that these roads were built not primarily to make money for their owners but because the whole nation wanted them constructed for the benefit of the whole nation, and was perfectly willing to lose all its loan, provided the work was done according to contract.

We learn further that the contract with the Government was kept by these companies, and the roads were constructed seven years in advance of the time fixed in the contract. We learn further that the present status of the relations of the United States with these railroad companies is the natural result of the laws passed by Congress, and that all changes in the law governing the matter have been made by Congress.

We know that the building and operation of these railroads has resulted in great good, far exceeding the original hope, to our country.

Hence we, representing the nation, should, in settling accounts with our debtors—the companies who performed the work the nation wanted—bear in mind that we have secured more than we expected, that any defects in primary legislation was our fault, and that our decision of this important question should be made with reference to all the facts and language of the past as well as the condition of the present.

Immigration—The Conference Report.

REMARKS

OF

HON. CHARLES H. GROSVENOR,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897.

The House having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. [illegible]) to amend the immigration laws of the United States—

Mr. GROSVENOR said:

Mr. SPEAKER: The real question involved in the matter now pending before the House is not whether or not this House is in favor of or is against the restriction of immigration. That question is involved here to some extent, possibly, but the friends of restriction are not necessarily compelled to vote for this conference report. The real question is whether we shall have a law which will be the true exponent and illustration of the intelligent judgment of the House of Representatives as to what is wise and beneficent and just, or whether we shall take the measure that is proposed by this conference report. I do not gainsay or criticise the position of the gentlemen who in behalf of bad legislation bring to the front an argument demonstrating the necessity of some legislation. I have no time to depict the hardships, the privations, and the distress of the laboring class of this country. No man knows more about it than I do; no man more deeply sympathizes with it than I, and there shall be no pending measure in this Congress which I believe is just in principle and wise in form which by any possibility can alleviate labor difficulties that I will not support, and no man will go farther than I will to carry into law and execution the platform and principles of the Republican party in this behalf. In this respect I yield neither to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] nor to the eloquent gentleman from Indiana [Mr. JOHNSON]; but, Mr. Speaker, there are certain provisions in this conference report that I will not vote for and which I will oppose under all conditions and circumstances, and I will now briefly point them out and state my reasons; but, in the first place, I do not subscribe to the theory put forth here that this House and this Congress are powerless to secure proper legislation on this question.

It is said by the friends of this report that if it is recommitted to the committee of conference it will defeat the bill. Why should it? The action of the House in recommitting this bill with or without instructions will suggest to the committee of conference, to be immediately thereafter appointed, what the real position of the House is. We have twenty-seven more legislative days before the adjournment of this Congress, during which this conference can agree, and its report will be privileged and can be made at any moment of time. During these twenty-odd days we shall have scores of conference reports, and you, Mr. Speaker, are familiar with the fact that it is not unusual to have five, six, even eight or ten conference reports from the same conference committee upon the same bill in a single legislative day. Some of these coming conference reports will be stubbornly resisted, and discussion will occur, but in the end they will all be arranged and settled.

Now, Mr. Speaker, I will not vote for a certain provision in this or any other bill which will enable or authorize a man to abandon his wife and practically to cast her off and then enable him to bring his pauper relatives into the United States of America. There is just such a provision completely set forth in this conference report. It provides that an acceptable immigrant, one who can read the Constitution of the United States or of some country of his nativity or residence, found admissible, and who can pass the scrutiny of the office in New York, while he may not bring in his wife and must discard her and drive her away and ship her back, may bring with him his impoverished and illiterate father and grandfather. If the wife can not read the language of her native land or of the United States, she is to be discarded, but the aged and helpless paupers are to come here. Let us see how that will work. A competent young immigrant, who can read the constitution of his native country and is able to cross the ocean with his wife, is met at the Barge Office in New York by this requirement. His wife has been his mainstay; she is intelligent, capable, industrious, and the mother, perhaps, of a babe at her breast, but in the struggle for bread she has failed to learn to read the constitution, and she is turned back. I favor an educational requirement, but I denounce this one. This woman is driven back to Europe, or she is left in Europe, as the case may be, to seek, by virtuous or nonvirtuous methods, a livelihood. The family is broken up, but the son may write over to the old country and import, under the provisions of this bill, his grandfather, who is a pauper, and his father, who is a pauper, and upon the happening of disability to the son by reason of sickness or misfortune, the whole party become objects of public charity. I will not support this proposition. If any man can explain to me what the motive, purpose, idea, suggestion, or thought of the committee of conference was when they agreed to this provision, he will enlighten me on a very important point.

In the next place, Mr. Speaker, I find in this conference report an abandonment of the plain provisions of the bill of the House which we passed in the last session and which is the basis of this bill. That provision was that if the immigrant was able to read the English language or some other language he should have passed the educational test. That was the measure that I am willing to vote for and did vote for, but instead of that we find here very peculiar language, uncertain in its meaning, confused in its expression, badly stated, and, I fear, aimed with sinister purpose. The language here is that the immigrant must read the Constitution in the English language or the language of his native or resident country. This is strange language and means something. When we come to ask for the motive underlying this change—a change which brings incongruity and uncertainty where there was certainty and simplicity—we are answered at first by silence, and then, after a little consideration, we are given to understand that the operation and effect of this new provision is to be to strike at a certain class of immigrants or at a single series of classes, among whom are certain Jews; and I find on further investigation that the Jews of Russia, driven out and persecuted as they have been, are not the only class that is affected by this singular provision. I find that it will disfranchise the immigrant from the Baltic Provinces and the Germans. It will disfranchise the Mennonites and many other kindred people. It will hopelessly expatriate or drive out from this country the Armenian refugees who flee from the Turkish Sultan's murderous acts, while these people will be excluded from home and Christian protection in this "land of the free and this home of the brave." The immigrant affected by this provision may find himself able to read the Constitution of the United States in the French language or in the German language, but if his native land happened to be Russia and his native tongue to be Polish he is excluded under the provisions of this act. It is done with class intention and it is aimed at a class, and, unfortunately, it seems to be aimed at a religion.

Now, Mr. Speaker, once for all, I will not by vote or act discriminate against any man under any circumstances for any purpose on earth because of his religion. The underlying principle of our Government is that every man shall enjoy the right of his conscience in the worship of God. Not only shall he not be discriminated against by the provisions of this law, if he be a citizen, but, by just parity of reason, religious tests shall not be aimed at the immigrant while permitting the introduction of one and discarding the introduction of the other. I have long ago felt that any legal discrimination in this country for or against any man [illegible] the score of his conscientious religious belief was a practical sapping of the very foundation upon which rested the [illegible] and hope of free institutions.

There is another provision about [illegible] I [illegible] to speak for a moment. There is a provision here which authorizes the introduction into this country of all classes of people—paupers, criminals, anarchists, socialists, communists, ragtagged, bobtailed, everybody—provided they have lived for a definite time upon the Island of Cuba. It does not say that they shall live there one day or six months or six months or one day, but if they have resided there at any time during this revolution, they are to come absolutely into the United States. Under the provisions of this feature millions of men discarded by the population of Europe may touch upon the Island of Cuba, make a pretended residence, and then come into the United States unaffected by our immigration law. What a door there is here! A door that must be shut and barred by a change in this measure or all our efforts for restricted immigration will have been for naught. I am not willing that the Island of Cuba shall become the means for the introduction into this country of all classes of people based upon the simple provision that they shall have resided for a certain time within that island. I appreciate that this provision was put into the bill for a sort of patriotic and sentimental purpose, but it would open the door so wide and would be so utterly pernicious and unjustifiable in its effect that that provision alone is fatal to the conference report.

Mr. DANFORD. That is to continue only during the revolution.

Mr. GROSVENOR. Yes, but no one knows how long that revolution will last. If this revolution is to be continued as long as the last one, there are still eight more years of this revolution.

Mr. BOUTELLE. Is not the language of the conference report very vague and indefinite in that respect?

Mr. GROSVENOR. It is vague and indefinite.

Mr. BOUTELLE. And is it not also a fact that the Island of Cuba has been for two generations the depot for the introduction of coolies and other ignorant and cheap classes of labor, such as this proposed legislation is intended to exclude?

Mr. GROSVENOR. Most assuredly it is. It is the home of the brigands and of the vile. It is the rendezvous of criminals—men driven from other nations by reason of unfitness for citizenship.

Mr. Speaker, I might possibly vote for this conference report if I believed that its defeat would put an end to the possibility of any legislation at this session of Congress; but there is no ground for the supposition. This bill can be re-referred and re-reported within twenty-four hours, and we can have a wise proposition in consonance with the great necessities and the Christian civilization of our country. [Applause.]

Pacific Railroad Bill.

SPEECH

OF

HON. W. JASPER TALBERT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897,

On the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. TALBERT said:

Mr. SPEAKER: We are a great people; a great and wonderful nation. It is our common boast that we excel every nation in the world in everything we undertake, and I am firmly of the opinion that the pending bill may be cited as an illustration of that fact. I do not believe there is another nation, clan, or tribe of people, civilized, half civilized, or savage, that would for a moment tolerate a proposition so utterly inimical to its own interests and that of its constituents as the one presented to us with a favorable report of the committee to-day. Certainly there never has been a parallel to this proposed remarkable legislation in this country. I was astonished when the propositions contained in this bill were presented to the committees, and still more so when the committees reported this bill favorably in both Houses; and now gentlemen of ability, honor, and integrity actually standing on the floor of this House after making long arguments of pure, unadulterated sophistry, have the temerity to conclude that this iniquitous measure should pass.

I feel that such arguments are not complimentary to me as a member of this House; that they reflect upon my ability, and that they are an insult to the intelligence of the good people I represent. Feeling thus, I propose in plain, simple language to state my reasons. I shall not undertake to explain what I conceive to be a mystery, and that is, how a man worth many millions has succeeded in lobbying this iniquitous measure into its present position of advantage. I shall not, I say, take up that feature of the question, because I am not in possession of facts to sustain and prove the charges if I should make them in accordance with what I believe to be the true conditions existing. There may be bribery and corruption behind this measure already, and I believe there is, and the people of this nation believe there is, but I can not prove it, and hence will not charge it; but before I have finished I shall so clearly show the pernicious nature of the measure and the subtle means of sugar coating it by the accomplished thieves and robbers who are working under cover that none can doubt they would resort to bribery and corruption to achieve their ends.

The history of this question dates from the passage of the act of July 1, 1862, the provisions of which subsidized these roads by lending them United States bonds which they pledged their roads by first mortgage to pay at maturity. The bonds were to run thirty years and bear interest at the rate of 6 per cent per annum, payable semiannually. The amount of bonds issued to these roads under this law was $64,623,512. The law donated every alternate section of Government land for 20 miles on each side of the proposed roads, but the grant of this land was made contingent upon the payment of these bonds and the interest thereon. In order to secure the payment of the interest the Government was authorized by this act to credit the whole amount earned by the roads for carrying mails and troops and telegraphing. The average earnings of the roads from these sources has been about $2,000,000 per year, and the interest on the bonds is $3,877,410.72 per year.

These were provisions of the original bill as it passed July 1, 1862. That was a good safe bill to go before the country with and show the people that their Representatives knew how to drive a bargain and look out for their interests. It was not just what the railroad men wanted, but they accepted it as an entering wedge and immediately went to work to get it modified. This they succeeded in doing in the very next Congress, and the act of July 2, 1864, was the result, by the terms of which act they were required to only pay the Government on interest account one-half of their earnings from carrying mails, etc., and from that date until the passage of the Thurman Act, in 1878, the Government was compelled to pay half cash for the carrying of mails, etc., to these roads which had been subsidized with about $30,000 per mile in cash and about 12,000 acres of land per mile, and in addition to which subsidy the Government has been compelled to pay $3,877,410.72 interest in cash every year on the bonds. But the strangest and most inexplicable change made by the law of July 2, 1864, was a provision which authorized the roads to issue first-mortgage bonds to an amount equal to the bond issue of the Government in behalf of these roads and making such first-mortgage bonds a prior lien, which converted the whole debt of the Government into a second mortgage which could only be collected after the first-mortgage bonds had been satisfied. Under this law first-mortgage bonds were issued to the amount of $64,613,000.

In 1878 the Thurman Act was passed. This restored the law of 1862 in regard to the payment of all earned by carrying mails, etc., to the Government, and provided that one-half of such funds should be applied to the interest account and the other half invested in Government bonds and held as a sinking fund to guarantee the payment of the first-mortgage bonds. The following table, taken from the annual report of the Secretary of the Treasury for 1895, page 109, shows the roads for which bonds were issued, the amount of bonds, and the amount of interest due the Government after deducting all credits:

Statement of thirty-year 6 per cent bonds (interest payable January and July) issued to the several Pacific railway companies under the acts of July 1, 1862 (12 Statutes, 492), and July 2, 1864 (13 Statutes, 356).

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, etc.	Balance due the United States on interest account, deducting repayments.
January 1, 1894:						
Central Pacific	$25,885,120.00	$38,983,627.27	$776,553.60	$39,760,180.87	$6,941,840.29	$32,818,340.58
Kansas Pacific	6,303,000.00	9,911,133.09	189,090.00	10,100,223.09	4,216,185.13	5,884,037.96
Union Pacific	27,236,512.00	41,299,757.61	817,095.36	42,116,852.97	14,017,043.53	28,099,809.44
Central Branch, Union Pacific	1,600,000.00	2,509,808.28	48,000.00	2,557,808.28	583,767.53	1,974,040.75
Western Pacific	1,970,560.00	2,850,584.94	59,116.80	2,909,701.74	9,367.00	2,900,334.74
Sioux City and Pacific	1,628,320.00	2,441,289.49	48,849.60	2,490,139.09	211,530.86	2,278,608.23
	64,623,512.00	97,996,200.66	1,938,705.86	99,934,906.02	26,009,734.83	73,925,171.69
July 1, 1894:						
Central Pacific	25,885,120.00	39,760,180.87	776,553.60	40,536,734.47	7,065,409.08	33,471,325.39
Kansas Pacific	6,303,000.00	10,100,223.09	189,090.00	10,289,313.09	4,280,782.74	6,008,530.35
Union Pacific	27,236,512.00	42,116,852.97	817,095.36	42,933,948.33	14,315,082.84	28,618,865.49
Central Branch, Union Pacific	1,600,000.00	2,557,808.28	48,000.00	2,605,808.28	606,253.44	1,999,554.84
Western Pacific	1,970,560.00	2,909,701.74	59,116.80	2,968,818.54	9,367.00	2,959,451.54
Sioux City and Pacific	1,628,320.00	2,490,139.09	48,849.60	2,538,988.69	218,663.44	2,320,325.25
	64,623,512.00	99,934,906.02	1,938,705.86	101,873,611.38	26,495,538.54	75,378,072.84

Statement of thirty-year 6 per cent bonds (interest payable January and July) issued to the several Pacific railway companies, etc.—Continued.

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, etc.	Balance due the United States on interest account, deducting repayments.
January 1, 1895:						
Central Pacific	$25,885,120.00	$40,536,734.47	$782,377.94	$41,319,112.41	$7,199,578.63	$34,119,533.78
Kansas Pacific	6,303,000.00	10,289,313.09	189,090.00	10,478,403.09	4,322,194.31	6,156,208.78
Union Pacific	27,236,512.00	42,933,948.33	817,095.36	43,751,043.69	14,586,559.32	29,164,484.37
Central Branch, Union Pacific	1,600,000.00	2,605,808.28	48,000.00	2,653,808.28	617,621.58	2,036,186.70
Western Pacific	1,970,560.00	2,968,818.54	59,116.80	3,027,935.34	9,367.00	3,018,568.34
Sioux City and Pacific	1,628,320.00	2,538,988.69	48,849.60	2,587,838.29	225,217.67	2,362,620.62
	64,623,512.00	101,873,611.38	1,944,529.70	103,818,141.08	26,960,538.51	76,857,602.57
July 1, 1895:						
Central Pacific	25,885,120.00	41,319,112.41	705,693.60	42,024,806.01	7,353,330.38	34,671,475.63
Kansas Pacific	6,303,000.00	10,478,403.09	189,090.00	10,667,493.09	4,400,201.41	6,267,291.68
Union Pacific	27,236,512.00	43,751,043.69	817,095.36	44,568,139.05	14,857,320.42	29,710,818.63
Central Branch, Union Pacific	1,600,000.00	2,653,808.28	48,000.00	2,701,808.28	625,792.28	2,076,016.00
Western Pacific	1,970,560.00	3,027,935.34	59,116.80	3,087,052.14	9,367.00	3,077,685.14
Sioux City and Pacific	1,628,320.00	2,587,838.29	48,849.60	2,636,687.89	231,938.23	2,404,749.66
	64,623,512.00	103,818,141.06	1,867,845.86	105,685,986.44	27,477,949.70	78,208,036.74

This shows the total debt of these roads to the Government on the 1st of July, 1895, was $142,831,548.74. The sinking fund at that time contained $20,891,986.62, leaving a net debt of $121,939,562.12.

The provisions of the pending bill are as follows:

Sections 1 and 8 direct the Secretary of the Treasury to ascertain the amount of the indebtedness of these roads to the Government on the 1st day of January, 1897, after having allowed all credits made under the present law and a further credit equal to whatever sum can be realized from the sale of the bonds now held in the sinking fund, and applying the whole sinking fund to the credit of the companies.

Sections 2 and 9 authorize these companies to execute their mortgage dated January 1, 1897, to the Secretary of the Treasury, as representing the Government, said mortgage to embrace all property and franchise of the roads, subsidized and unsubsidized, and all property to be hereafter acquired, subject, however, to the important exception that certain new first-mortgage bonds to be authorized by this act may be issued by the Union Pacific system and shall constitute a lien which shall be prior to that of the Government, and the Government lien upon the Central Pacific system is made "subject to any bona fide, lawfully prior, and paramount lien, claim, or mortgage upon any railroads," etc. These sections also authorize the roads to sell any of their property at will and apply the proceeds to legitimate purposes by reporting same to the Secretary of the Treasury.

Sections 3 and 10 provide for the execution of bonds by the companies and their delivery to the Government. Such bond issue is to be equal to the indebtedness and the bonds are to be for $1,000 each, with interest at the rate of 2 per cent per annum, payable semiannually and continuing until said bonds are paid. They are to be dated January 1, 1897, and are to be accepted by the Government in settlement of the entire indebtedness at that time.

Sections 4 and 11 provide that the bonds issued by the companies shall be numbered and shall be payable in lawful money, and that for the first ten years the companies shall pay the interest and $365,000 on the principal every year, and for the second ten years the interest and $550,000 each year, and every year thereafter they are to pay the interest and $750,000 until they are all paid. But the lien is made subject to the first-mortgage bonds.

Section 5 authorizes the Union Pacific system to issue new first-mortgage bonds and take up the present first-mortgage bonds. The bonds given the Government are made second-mortgage bonds, and are subject and subordinate to these new first-mortgage bonds. The amount of first-mortgage bonds allowed and now outstanding by the Union Pacific system under the present law is $33,532,000, but the amount of new first-mortgage bonds these roads are authorized to issue under the law proposed in the pending bill is $54,388,000, being an increase of the preferred indebtedness of $20,856,000. These new first-mortgage bonds are to be dated January 1, 1897, and mature in fifty years, with interest payable semiannually at not over 4 per cent per annum. There is an unexplained, and to my mind an unexplainable, paragraph in section 5. It authorizes the Union Pacific railway companies to issue preferred stock equal to its present stock outstanding, thereby enabling it to double its stock, and provides that it may bear interest at not over 4 per cent per annum. I find nothing in any previous law authorizing the issue of preferred stock, and nothing in this law regulating or controlling this issue, and it seems to have been intended as a piece of pure hydraulic irrigation.

Section 6 provides for a reorganization of the Union Pacific Railway Company in case it should be sold either by forced or voluntary sale, and provides for a transfer to the new company of all the rights, powers, and privileges.

Sections 7 and 12 continue the statutory lien as provided in former laws.

Section 13 authorizes the President of the United States, whenever in his opinion it shall become necessary in order to protect the interests and preserve the security of the United States in respect to its lien, mortgage, etc., to direct the Secretary of the Treasury to pay off and take up the paramount indebtedness of the Central Pacific Railway, and after paying such indebtedness require the company to refund the money so paid under penalty of all its obligations to the Government maturing. But this section is rendered nugatory by the one that follows, section 14, which authorizes the Central Pacific Railway to refund its first-mortgage bonds, and without any limitation as to time or amount, and subject only to the condition that the interest shall not be over 5 per cent per annum.

Section 15 provides that in case default is made in the payment of interest, the entire debt matures and the Government may, at the option of the President, take possession or may take it into the courts to compel payment.

Section 16 provides that in case of default in the payment of interest or principal, no money shall be paid the companies on account of services rendered, but the compensation for such services shall be credited upon the amounts so in default.

Section 17 relates to dividends, and prohibits them until all dues under first and second mortgages are paid.

Section 18 provides when the act shall take effect, and also provides for the sale of the bonds now in the sinking fund and the application of the proceeds upon the present debt and [illegible]

Section 19 relates to the lease between the Central and Southern Pacific Railway, and seems to be foreign [illegible] injected to create confusion.

Section 20 authorizes the roads to pay off the indebtedness at any time and take up their obligations. Section 21 is full of import. It repeals all provisions of law relating to Government directors and abolishes that office. Ever since the passage of the act of July 2, 1864, the board of directors consisted of 20 members, 15 of which were elected by the stockholders and 5 appointed by the President of the United States, and one of these was required to be on every important standing and special committee. This is now all to be abolished. The law of July 1, 1862, required the roads to pay the Government 5 per cent of their net earnings annually as a sinking fund, and the Thurman Act of 1878 provided conditionally for 25 per cent of the net earnings to be paid into the sinking fund. All this is by this section repealed.

"And all provisions of law relating to the collection of any per cent of net earnings, and to the withholding or application of any moneys due or to become due from the United States for any service rendered," are unceremoniously repealed. Thus at one fell swoop they knock out the sinking fund, and they are rapidly knocking out every safeguard and security the Government ever had. They next provide that the Government must pay these roads cash for all services rendered in the carrying of mails, etc., as soon as same is rendered. After all this reckless abandonment of all restraint this section goes on to say:

> And all provisions of law forbidding either of said companies from mortgaging or pledging its property shall be repealed, and either of said companies shall, after the acceptance of the terms of this act as hereinbefore provided, have and possess all the usual powers of borrowing money on its credit or on security of any of its assets, and of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof, and of acquiring title to land by condemnation proceedings, and such other powers as are or may be granted to and exercised by railway corporations in the respective States and Territories in which the said railway is or may be situated.

At last they uncover the bug under the chip and come out boldly demanding the right to do everything they have the power to do by the corrupt use of aggregated wealth, and denying and abolishing every restraint and safeguard. The other sections of this law relate to its execution and amendment.

I have spent some little time in giving an outline of the history of the Pacific railway legislation of the past and in giving a synopsis of the provisions of the pending bill because I think it necessary in order to place clearly before you the scope and effect of the changes proposed. I am making an affirmative argument and endeavoring to show by good reasons why this law should not pass. I have nothing to negative from those who advocate its passage, because not one of them has dared to attempt to show any reason why the Government should abandon the security it now has at the same time it increases and renews the debt for three hundred and ninety-two years, as I shall show this bill proposes, or why the Government should remove all legal restraints and grant the liberty of license to a corrupt corporation and place all the traffic tributary to its lines under perpetual bondage to its soulless and avaricious greed.

But I shall proceed with the argument. We have looked at the past and present of this matter, and now let us look at the future as provided for in this robber's chart reported by the committees.

The following table shows the amounts and dates of maturity of the bonds issued by the United States:

Central Pacific Railroad.

Maturity of bond:	
January 16, 1895	$2,362,000
January 1, 1896	1,600,000
January 1, 1897	2,112,000
January 1, 1898	10,614,120
January 1, 1899	9,197,000

Union Pacific Railroad.

Maturity of bond:	
February 1, 1896	4,320,000
January 1, 1897	3,840,000
January 1, 1898	15,919,512
January 1, 1899	3,157,000

Kansas Pacific Railroad.

Maturity of bond:	
November 1, 1895	640,000
January 1, 1896	1,440,000
January 1, 1897	2,800,000
January 1, 1898	1,423,000

Central Branch, Union Pacific Railroad.

Maturity of bond:	
January 1, 1896	640,000
January 1, 1897	640,000
January 1, 1898	320,000

Sioux City and Pacific Railroad.

Maturity of bond January 1, 1898	1,628,320

Western Pacific Railroad.

Maturity of bond:	
January 1, 1897	320,000
January 1, 1899	1,650,560

making a total of $64,623.513, and showing that $20,714,000 of these bonds mature and will have been paid by the Government by January 1, 1897, and the whole amount will be paid by the Government by January 1, 1899. The interest paid by the Government up to the 1st day of April, 1896, after deducting all credits, was $78,274,672.53. The interest from April 1, 1896, to January 1, 1897, will be $2,908,058.04, making a total interest of $81.182,-730.57. The roads will earn as a credit upon this for services between April 1, 1896, and January 1, 1897, about $750,000, leaving a net indebtedness for interest of $80,432,730.57. This, with the principal, makes a gross indebtedness of $145,056.242, subject to an increase equal to the interest on the "currency sixes" bonds from January 1, 1897, until they mature, and subject to a reduction by the payment of the proceeds of the sinking fund as a credit. The increase from this difference in interest will be about $2,000,000, making the total debt about $147,000,000 in round numbers. The sinking fund contained on April 1, 1896, according to Secretary Carlisle's report, $22,319,112.57, and it will contain by January 1, 1897, at the present rate of increase, about $23,000,000 in round numbers. By applying this amount as a credit it will leave a total net indebtedness on the 1st day of January, 1897, of about $124,000,000 in round numbers.

The interests of the Government as a creditor for this vast sum of money may at any time require the purchase of the first-mortgage bonds and paramount indebtedness, and such purchase will be imperative as such paramount indebtedness matures. The present first-mortgage bonds which mature at even dates with the currency sixes, as reported by Secretary Carlisle, are shown in the following table:

Union Pacific Railroad.

UNION DIVISION BONDS.

Maturity of bond:	
January 1, 1896	$[illegible]
January 1, 1897	[illegible]
July 1, 1897	[illegible]
Maturity of bond—Continued.	
January 1, 1898	$5,999,000
July 1, 1898	8,897,000
January 1, 1899	2,400,000
Total Union Division bonds	27,229,000

KANSAS DIVISION BONDS.

Maturity of bond:	
August 1, 1895	2,240,000
January 1, 1896	4,063,000
Total Kansas Division bonds	6,303,000
Grand total Union and Kansas divisions	33,532,000

Central Pacific Railroad.

Maturity of bond:	
July 1, 1895	2,995,000
July 1, 1896	8,383,000
January 1, 1897	3,997,000
January 1, 1898	15,508,000
December 1, 1895	112,000
July 1, 1899	1,858,000
Total	27,853,000

Central Branch, Union Pacific Railroad.

Maturity of bond May --, 1895	1,600,000

Sioux City and Pacific Railroad.

Maturity of bond January 1, 1898	1,628,000
Total first-mortgage bonds	64,613,000

The pending bill authorizes the refunding of the Central Pacific part of this without restriction as to date of maturity, and it also authorizes the issue and sale of new first-mortgage bonds by the Union Pacific Railway Company in the place of those now outstanding with an increase of over $20,000,000. The authority given the Central Pacific to extend or refund its paramount indebtedness does not prohibit that road from increasing the amount; but in order to be conservative, I will presume that it will not increase the amount, but simply refund the present first-mortgage bonds at 4 per cent interest for fifty years, which is exactly what the Union Pacific is authorized to do. Then the entire paramount indebtedness would be refunded for fifty years at 4 per cent and would amount to—

Central Pacific roads	$27,853,000
Union Pacific roads	54,388,000
Total	82,241,000

No business man will for a moment doubt that the Government at the end of fifty years, if not before, will be compelled to take up and pay off this $82,240,000, in order to protect its claim of $124,000,000, and since, by the provisions of this bill, the Government gives up and surrenders all supervision and control of these roads the probability is that the interest on the paramount indebtedness will be allowed to accumulate also. The interest on $82,-240,000 at 4 per cent is $3,289,640 per annum. Now, to be conservative, let us suppose that the roads pay this interest for half of the fifty years, though there is nothing to compel them to do so. The bonds and accrued interest at maturity would then amount to $164,482,000.

Now, let us see how the Government debt would fare under the provisions of this bill.

First ten years.

	Interest.	Principal.	Balance.
1898	$2,480,000	$365,000	$123,635,000
1899	2,472,700	365,000	123,270,000
1900	2,465,400	365,000	122,905,000
1901	2,458,100	365,000	122,540,000
1902	2,450,800	365,000	122,175,000
1903	2,443,500	365,000	121,810,000
1904	2,436,200	365,000	121,445,000
1905	2,428,900	365,000	121,080,000
1906	2,421,600	365,000	120,715,000
1907	2,414,300	365,000	120,350,000

Second ten years.

	Interest.	Principal.	Balance.
1908	$2,407,000	$550,000	$119,800,000
1909	2,396,000	550,000	119,250,000
1910	2,385,000	550,000	118,700,000
1911	2,374,000	550,000	118,150,000
1912	2,363,000	550,000	117,600,000
1913	2,352,000	550,000	117,050,000
1914	2,341,000	550,000	116,500,000
1915	2,330,000	550,000	115,950,000
1916	2,319,000	550,000	115,400,000
1917	2,308,000	550,000	114,850,000

From twenty to fifty years.

1918	$2,297,000	$750,000	$114,100,000
1919	2,282,000	750,000	113,350,000
1920	2,267,000	750,000	112,600,000
1921	2,252,000	750,000	111,850,000
1922	2,237,000	750,000	111,100,000
1923	2,222,000	750,000	110,350,000
1924	2,207,000	750,000	109,600,000
1925	2,192,000	750,000	108,850,000
1926	2,177,000	750,000	108,100,000
1927	2,162,000	750,000	107,350,000
1928	2,147,000	750,000	106,600,000
1929	2,132,000	750,000	105,850,000
1930	2,117,000	750,000	105,100,000
1931	2,102,000	750,000	104,350,000
1932	2,087,000	750,000	103,600,000
1933	2,072,000	750,000	102,850,000
1934	2,057,000	750,000	102,100,000
1935	2,042,000	750,000	101,350,000
1936	2,027,000	750,000	100,600,000
1937	2,012,000	750,000	99,850,000
1938	1,997,000	750,000	99,100,000
1939	1,982,000	750,000	98,350,000
1940	1,967,000	750,000	97,600,000
1941	1,952,000	750,000	96,850,000
1942	1,937,000	750,000	96,100,000
1943	1,922,000	750,000	95,350,000
1944	1,907,000	750,000	94,600,000
1945	1,892,000	750,000	93,850,000
1946	1,877,000	750,000	93,100,000
1947	1,862,000	750,000	92,350,000

This shows that at the end of fifty years the companies would still owe $92,350,000, provided they had paid the interest, amounting to $110,411,500, and the annual installments of the principal, amounting to $31,650,000. At this time the first-mortgage bonds and paramount indebtedness would fall due, and if the companies paid it off and continued their payments to the Government according to the provisions of this bill, they would pay off the entire amount in one hundred and twenty-three years more, and would pay in interest the sum of $122,436,000, making a grand total of $124,000,000 principal and $232,847,500 interest, and aggregate payments to the amount of $356,847,500, principal and interest, in the one hundred and seventy-three years.

It must be borne in mind that these immense payments will in no way lessen the profits to be derived from the stock, both bona fide and watered, because the roads are granted that attribute of sovereignty, the power to levy tribute at will, and all these fixed charges are met by an increase of rates upon the traffic; they constitute, therefore, a tax upon the business of the roads. But this, bad as it is and appalling as its results are sure to be, is not all; in fact, it is the most favorable light in which it can be presented. Let us for a moment look at the alternative, which I am free to admit I believe to be the certain result of the working of this bill. If at the end of fifty years the roads should fail to pay the new first-mortgage bonds with accrued interest as I have estimated them, then the Government in order to protect its own interests would have to take them up and pay them off to the amount of $164,482,000. The total indebtedness to the Government, then, at the end of fifty years would be $256,830,000, for which there would be only two alternatives, either to foreclose or to continue on same terms of payment as the balance.

I will not consider the contingency of foreclosure, because I do not see how at any time after the passage of this bill foreclosure could be had without very much greater loss than now, and the only argument against foreclosure now is that it would be attended with loss, and if we yield to that we set a precedent which must control a future Congress when called upon to meet the same question, with the contingent loss greatly augmented. We are increasing the principal of the debt from about $61,000,000 to about $124,000,000 and decreasing the security by an increase of the paramount indebtedness from about $64,000,000 to about $84,000,000 and allowing the paramount indebtedness to mature one hundred and twenty-three years before the final payments on the Government debt are due. The absurdity of considering even for a moment the subject of foreclosure is shown by the following proposition: To foreclose now, even if the property did not sell for more than enough to pay the paramount indebtedness, would entail a loss upon the Government of $124,000,000, over half of which has already been paid, and the balance matures in the next three years. To foreclose fifty years from now, when, in all probability, the property would not bring over one-half what it will now, would entail a loss of about $230,000,000. Hence I conclude that foreclosure, if rejected now, is not to be for a moment considered as a contingency of the future.

On the other hand, should the paramount indebtedness be purchased by the Government fifty years hence, and the whole debt of, say, about $256,830,000 be continued on the same terms as the debt proposed in this bill, it would take three hundred and forty-two years to pay it off, and the date of the final extinguishment of the debt would be A. D. 2289, just three hundred and ninety-seven years from now, and the gross payments for interest would be $879,487,200. This, with the interest paid during the first fifty years, would swell the grand total of tax authorized to be assessed against the traffic of these roads to $1,218,557,200. This shows the utter absurdity and the pernicious tendency of the bill, and when we remember that this tax on the traffic operates to increase the price of commodities received and products shipped from the Pacific Coast, and to decrease the price of commodities shipped from and products received in the East, and that dealers and middlemen must make up these deficiencies in the prices made to their general run of customers north and south, we see that the effect will permeate all the ramifications of business and commerce, and be, in fact, ultimately a tax upon the productive industry of the nation. Now, I submit that it is better for the Government and better for the people for us to submit now to the greatest loss that could possibly accrue under the present law, if we cancel the whole debt and collect direct from the people the $50,000,000 necessary to meet the same, than to authorize these corporations to levy and collect $1,218,557,200 to be paid to the Government.

The money made by these roads which should have been used to pay the present indebtedness has been applied to the building of colossal fortunes for officers and managers, and now they are asking time in which to tax the people for the ostensible purpose of liquidating. But we have no guaranty that the process of personal aggrandizement would not be continued at the expense of the Government; but in case we had, and the money taxed from the people by these corporations should be applied as contemplated by this bill, it is folly and worse than folly, because the Government is simply a representative of the people, and the transaction in its last analysis is simply taxing the people to pay a debt due the people from a third party who, from some unexplained reason, enjoys immunity.

There is one evil of our railway system that promises, if not corrected, to undermine our institutions, and that is the power to levy tribute at will. It is used to discriminate for or against a locality or an industry, to build a private fortune or to destroy one. This power to levy tribute at will is an attribute of sovereignty and therefore a function of government that under our system of government we have no right to farm out to individuals or corporations. To do so constitutes a surrender by the Government of a part of its sovereignty, and that the Government has no right to do, because sovereignty is delegated to it by the people, and a delegated power can not be redelegated. But it has been, and is now, and it constitutes a sort of secret and illegal partnership between the Government and those specially favored with power to exercise its functions. Nothing can be more disastrous in a popular government supposed to guarantee liberty, equality, and justice, and dependent upon the loyalty and patriotism of its citizens, than for the masses to discover, as soon they must, and as this bill boldly proclaims in every line, that the Government has special pets and favorites who are exercising some [illegible] tions of sovereignty for the purpose of taxing the [illegible] to build up their own private fortunes.

This, I say, is bad enough, and threatens the very existence of our institutions; but this partnership is even worse than that when it proposes to delegate to these special favorites the power of taxing the people for nearly four hundred years to collect over a billion of dollars for the Government. Can not the Government collect what money it needs from the people? Is "the land of the free and the home of the brave," established by Washington, Jefferson, Madison, and our patriotic ancestors, so out of joint with the people that it must needs use a corrupt and soulless corporation to force money from the necessities of the masses to supply its coffers? This partnership becomes actual incest, an incestuous alliance. No! I say; a thousand times, No!! Honesty is the best policy. Let us be honest with ourselves, honest with the Government, and honest with the people. Even the Government has no right to tax the people except for money to be used in their behalf, because a tax is a forced contribution, which can only be justified on the ground of the public welfare, and when not so justified the act of taking it by force can be nothing but robbery. The burden of proof is therefore on the Government to show that every dollar taken from the people by taxation has been used for the public welfare, otherwise every dollar taken is a robbery, and no people will long support a robber government.

I say we are in no danger of losing these roads by foreclosing, and I firmly believe they would be better managed and conducted, and that their rates would be lower if we were to reject this proposed law and instruct the proper officers of the Government to foreclose under the law now in force. Then one of two things would take place, either the present owners of the stock would disgorge or a new company would buy it in, and in either case it would be free of debt and would be in much better shape to carry out the purposes for which it was built.

Now, Mr. Speaker, in accordance with these views I shall cast my vote, and hope the Government will take the proper steps to force this gigantic corporation to pay its debts just as it would do a private citizen.

Honesty is the Best Policy—Shall Corporations or the People Rule?

SPEECH

OF

HON. JOHN S. LITTLE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 9, 1897.

On the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

Mr. LITTLE said:

Mr. SPEAKER: The history of legislation in aid of subsidized railroads is one of marvelous liberality, phenomenal in the amount donated in the way of public domain, as well as in bonds the payment of which was guaranteed by the Government; equaled only by the liberality of the management of these roads toward themselves, and the systematic and unconcealed rascality of those in control of the roads receiving the aid of the Government.

The act of Congress extending its aid to Pacific railroads, and acts amendatory thereof, authorized the issuance of bonds of the Government to the amount of $16,000 for each mile of road constructed, bearing 6 per cent interest, the Government advancing the interest until the maturity of the bonds, these bonds to be a first mortgage upon the roads.

Under this legislative authority there were issued bonds to the following amounts:

Union Pacific Railway	$27,236,512
Kansas Pacific Railway	6,303,000
Total	33,539,512
Central Pacific Railroad of California	25,885,120
Western Pacific Railroad	1,970,560
Total	27,855,680
Making a grand total in bonds of	61,395,192
When to this principal is added the interest to maturity, there is made a grand aggregate of	178,884,759

BONUS IN LAND.

The same companies received, as an absolute gift, a right of way over the public domain 400 feet wide, and in addition thereto 25,763,658 acres of land. This land would have made 161,023 farms of 160 acres each as homes for the people; and the bonds would have realized at maturity enough money to have given to each of them $1,117 and left $22,168 surplus for educational purposes.

THE RELATIONS OF THESE CORPORATIONS TO THE GOVERNMENT.

The following language, taken from the report of the Wilson committee, made to the President on the 20th day of February, 1873, is so plain and aptly stated that I quote it:

> Your committee can not doubt that it was the purpose of Congress in all this to provide for something more than a mere gift of so much land, and a loan of so many bonds on the one side, and the construction and equipment of so many miles of railroad and telegraph on the other. The United States was not a mere creditor, loaning a sum of money on mortgages. The railroad corporation was not a mere contractor, bound to furnish a specified structure and nothing more. The law created a body politic and corporate bound as a trustee so to manage this great public franchise and the endowments that not only for the security for the great debt due the United States should not be impaired, but so that there should be ample resources to perform its great public duties in time of commercial disaster and in time of war.

Continuing, the report says:

> The corporators, in whom these powers were vested and under whose control these subsidies were placed, were, in the opinion of your committee, under the highest moral, to say nothing of legal or equitable, obligations to use the utmost degree of good faith toward the Government in the exercise of the powers and the disposition of the subsidies.

Not only did the projectors of these roads occupy the high and sacred relation of trustees toward the Government in relation to subsidies granted them, but they, by reason of their official relations to these quasi-public corporations, owed a duty to the people of the United States to furnish them as cheap transportation as was compatible with the successful management of the roads.

Seeking and receiving these great public benefactions, the public, as a consequence, was and is entitled to the highest considerations of justice and fair dealing at the hands of these corporations.

If these companies have faithfully performed their trusts toward the Government and the people, they might expect some indulgence at the hands of the Government; if they have not, then they should be met by foreclosure, and the quasi-official relations between them and the Government should be severed, and the legal rights and equities of the Government speedily and rigidly enforced not only against the corporations but with greater energy against the officers and directors of these companies, who have gathered mammoth fortunes as the fruit of their crimes against the Government which gave them life and put into their hands these immense sums of money and unmeasured quantities of the public domain.

I will not enter into a detail of the misconduct of these companies, but refer to only a few of the leading acts of bad faith as an evidence of what may be expected in the future if this bill becomes a law. The nation is familiar with the dark history of the "Contract and Finance Company," the "Western Development Company," the "Pacific Improvement Company," and the infamous "Credit Mobilier."

These companies were composed of Messrs. Stanford, Huntington, Hopkins, Crocker, and their allies, who were the directors and managers of the various Pacific railroads. Through the instrumentality of these companies they let contracts for the construction of these roads at enormous prices to themselves.

A statement of the actual cost of construction and the amounts paid to themselves is as follows:

The Kansas Pacific (393 miles):	
Cost of construction	$11,800,000
Amount paid	25,028,250
Amount of this steal	13,288,250
Central and Western Pacific (860 miles):	
Cost of construction	40,000,000
Amount paid	124,211,680
Realizing in this steal	84,211,680
Union Pacific (1,038 miles):	
Cost of construction	38,824,000
Amount paid	70,999,812
Amount pocketed	32,175,812
Making a grand total pocketed in these four transactions of	129,675,742

Mr. Robert E. Pattison, of the Pacific Railway Commission of 1887, in his report, after stating what these roads could have done if they had adopted honest methods, makes the following statement:

> But they chose dishonest methods. At the outset they divided $172,347,115 of fictitious capital, they dissipated over $107,000,000 which should have been applied to the payment of the principal and interest of the Government debt, and they taxed shippers to the extent of over $140,000,000, or nearly $8,000,000 a year, to pay for the inflation of capital of these companies and for the vicious practices that crept into their management.

They have squandered many millions of dollars that should have gone to the Government in corrupting the public service and debauching legislation.

The majority of the Pacific Railroad Commission in their report to the President make the following startling statement, based upon evidence in their possession:

> Leland Stanford and C. P. Huntington had taken from the assets of the company, over which they had absolute control, the magnificent sum of $4,818,355

Continuing, the report says:

> There is no room for doubt that a large portion of the money was used for the purposes of influencing legislation and of preventing the passage of measures deemed to be hostile to the interests of the company and for the purpose of influencing elections.

Again, the report says:

> It is impossible to read this evidence, and especially the extracts from the Colton letters, written by Mr. Huntington himself, without reaching the conclusion that large sums of money were expended by Mr. Huntington in his efforts to defeat the passage of various bills pending in Congress.

If these were all of their crimes, Congress should deal cautiously with these companies; but they did not stop here. They issued stock, or capitalized their roads three times more than the cost of construction, and made oath that it was paid up, when it was not, and forced the consuming and industrial classes in all sections of

the country to contribute to the payment of interest and dividends upon the fictitious capital which they had created by perjury and in violation of law.

They constituted themselves the masters of trade; they charged all that traffic would bear, and appropriated the "lion's share" of the profits of every industry, by charging the greater part of the difference between the actual cost of production and the price of the article in the market; they have discriminated between articles, between places, and between persons; they destroyed competition; they built up and pulled down at will, until no man dared embark in business without first consulting the company; they exerted a terrorism over merchants and over communities; they participated in election contests, and by secret cuts and violent and rapid fluctuations in rates they reduced business, paralyzed capital, and retarded investment and enterprise.

This is but a feeble picture of these "loathsome moral lepers, blotched from footsole up to crown," who ask the indulgence and benefactions of the Government.

WHY THE PENDING BILL SHOULD BE REJECTED.

The present indebtedness of the Union Pacific Railway to the Government is	$53,287,593
That of the Western Pacific is	57,908,559
Total	111,196,152

This debt is now bearing interest at the rate of 6 per cent. It is proposed to extend this debt for fifty years with interest at the rate of 2 per cent.

The difference of 4 per cent in the interest for fifty years amounts to the sum of $222,392,300. Why this splendid donation to these companies who have swindled the Government at every turn since their creation?

Two reasons are given. One is that the Government can not make its money out of these companies and pay the prior lien. The other is that it has no claim or lien upon certain branch lines and terminals, and that by doing this the Government will secure a second or junior mortgage upon these properties.

The amount of the mortgages which are prior to that of the Government are as follows:

The Union Pacific (consolidated)	$33,539,512
The Western Pacific (consolidated)	27,855,680
Total	61,395,192

It is proposed by the pending bill to increase the amount of these prior mortgages as follows:

Union Pacific	$54,731,000
Central Pacific	52,801,000
Total	107,532,000

Which makes the total increase of the lien which precedes that of the Government $46,136,808, which amount is almost equal to that which now constitutes the prior claim or lien.

By accepting the second mortgage the Government must see it paid before it can realize a cent from the second mortgage. Thus the Government becomes the guarantor of the first mortgage and enables the companies to float their bonds upon the markets at a low rate of interest. But it is claimed that the Government, by the extension of its second mortgage over these additional properties, will be compensated for this increase. That the value of the additional properties equals this increase is doubted by many who are more or less familiar with these properties; and what they will be worth at the maturity of these bonds is mere speculation.

But it is claimed that the main lines are valueless without these branches and terminals. I would ask what would be the value of the branches and terminals without the main lines? If it is thought, by this indirect threat, that the Government can be driven into a settlement unfair to itself, I would suggest that when the trunk dies the branches will also die.

There are no sufficient guaranties or safeguards in this bill for the payments provided for. If the companies should make default of the first payment, in my opinion the Government would be in a much worse condition than it is to-day. If it went into court to foreclose, it would be confronted with the enormous sum of these first mortgages, and would thereby be effectually deterred from ever attempting to enforce its debt, and would be in a condition to submit to whatever additional terms the companies might demand.

If they comply to a letter with all the requirements of the pending bill, its advantages to these companies will be greater in the end than all the donations and subsidies that have heretofore been made to them. The Government will continue for fifty years more to be the agency to enable these pirates to plunder the Government, debauch official life, corrupt elections, and rob the people.

The following computation, made by the San Francisco Examiner, tells the tale:

> The state of the account at the end of the process will be this: In the first ten years the Government will have paid its creditors in interest on the money lent to the railroads $11,523,141.41 more than it will have received from the roads for interest and principal combined. In the next ten years its excess of payments will reach $10,531,141.43. In the remaining sixty-nine years and three months it will pay $117,023,123.64 more than it will receive. By the time the railroads have "extinguished" their debt their aggregate payments to the Government for interest and principal combined will lack $139,064,406.39 of the Government's payment for interest alone, taking no account of interest on interest. And while the railroads will then be free of debt, the Government will still owe the whole original principal, amounting to $121,140,942.39. Its total loss from the funding operation, therefore, will be $260,225,350.89, or more than twice the estimated cost of the Nicaragua Canal.

By the passage of this bill the Government will condone the felonious practices of the directors and managers of these roads. It will, in legal effect, release these fraudulent officials from all personal liability. It will legalize and sanction every dollar of fraudulent and fictitious stock issued by these roads, which now furnishes a basis for their exorbitant and extortionate charges upon the people who are from necessity compelled to patronize them.

To my mind, Mr. Speaker, the duty of Congress and the Government is plain. No exigency, sir, exists which will justify us in increasing the liabilities of the Government $46,000,000. From purely a financial standpoint the bill should be defeated. From a desire to punish wrong and treachery; from a desire prompted by the highest sentiments of patriotism to free the commerce of the country from this grasping monopoly, it should be defeated.

Let the law officers of the Government proceed to foreclose the Government's lien, and at the same time institute proper suits to purge of fraud the lien which is prior to that of the Government, and enforce the claims of the Government against the directors personally on account of their fraudulent practices. There can be but little doubt that in this way the Government can recover every cent that is due it.

Can it be said by gentlemen who favor this legislation that the Government, both creditor and sovereign, is unable to enforce its rights against these corporations of its own creation? Can they maintain that the men who, as officers of these roads, betrayed the trust reposed in them by the Government, and who, as a result of their schemes and swindles, have amassed fortunes, can hold these against the just claims of the Government? Can a man purloin my property, and while in possession defy me in the courts of my country? If he can not, then can the officers and directors of these roads, in violation of the law and of [illegible] charters, by fraud and perjury, withdraw or steal the money and property [illegible] company and defy the Government and hold the [illegible] they can not, there is no room for doubting the ability of the Government to make every dollar of its money, and to rebuke these people who seek to debauch the courts and dictate legislation.

But when it is established that the Government can make its money by foreclosure, we are met by the proposition that it would lead to the ownership of these roads by the Government, and that such a result would be a public calamity. As for myself, if it should become necessary for the Government to have these roads sold, and to become the purchaser, in order to collect her debt, and to place in the public Treasury the amount that has been advanced to these roads by way of bonds, I am willing that it shall be done.

And I will say right here, Mr. Speaker, that unless these and other corporations are compelled to do justice toward the Government and the people, it will not be many years until this question will force itself upon the country: Shall the Government own the railroads or shall the railroads own the Government?

But we need not be alarmed over this question, for in the last few years the Government has run, first and last, more than one-half of the railroads in the country, through the intervention of receivers; and what the Government can do for ordinary creditors without injury she can do for the benefit of herself without danger.

But, aside from these mere business and legal propositions, in dealing with corporations we should seek to determine their rights and functions as well as those of all other roads. Corporations looking alone to the law for existence, and that existence being granted them for purely business purposes, should not be allowed to participate in governmental affairs, and particularly in elections. The proof shows that much of the money of these corporations has been spent in election contests and in an attempt to influence legislation. This conduct, in its dangerous tendencies and inherent wrong, would justify a revocation of the charters of these interstate railroads and the placing of stripes upon their directors.

The recent national election furnished a new field for their adventures; and emboldened by their former successes, not only these companies, but almost every railroad corporation in the Government openly and defiantly espoused the cause of gold monometallism. They contributed largely to the campaign fund of the Republican party; they ran excursion trains from all parts of the country carrying hundreds of misguided and coerced laboring men to Canton to pay homage to the representative of the Republican party; they compelled thousands of honest laboring men, by threats of discharge and other coercion, to vote against their own independent convictions.

That these charges are true no man except he be a blind partisan will deny. It is not a slander to the great army of laboring people in the employment of these companies that it is so. Many of them have spent much of their lives in this service and are poorly qualified for other employment. Discharge to them would mean idleness for themselves and want for their families. To add them to the great army of the unemployed on account of their political action would be cruel and violative of the most sacred rights of these independent and honest people. Sir, no more honorable, industrious, and patriotic class of citizens live in this or any other nation. To allow their independence to be thus swept away is to suffer the most heinous offense to go unpunished and a bold and good citizenship to be destroyed. To protect them appeals to the loftiest sentiments of humanity and patriotism.

I do not cite these wrongs for the purpose of abusing the Republican party, for God knows it will soon get abuse enough from its own misguided and disappointed followers. It was claimed upon all occasions that the election of McKinley would restore confidence and that a new era of prosperity, unprecedented in the history of the country, would begin; but already the campaign slogan of "McKinley, protection, and prosperity" is being transformed by a disappointed people into the refrain of "McKinley, taxation, and want."

The wail started two weeks ago in the three-million-dollar bank failure in Chicago, and since then many banks have failed throughout the country, sweeping away millions of deposits, representing the toil and labor of the people. If these institutions had been as earnest in attending to their own business and the purposes of their organization as they were in their efforts to control the election, and had used their money in paying their debts instead of enlarging the campaign fund, the large sums held by them in trust for their patrons, often representing the savings of a lifetime, might not have been swept away.

The national banks represent another class of corporations that have undertaken to run the politics of the country. These corporations, Mr. Speaker, do not represent the warm, patriotic heart of the American citizen. Cold, selfish, grasping, and heartless, knowing not the demands of humanity, and being prompted by no patriotism further than to feed their own insatiate greed, nothing but evil to the country can come from their participation in its political contests.

The party alone which is willing to forget the people and yield to the unjust exactions of these corporations can hope to tap the vaults of their treasuries or gather the fruits of their corrupting influence.

I believe, sir, that there is no influence in our system of government that so justly deserves to be rebuked; no peril that so threatens our institutions and our Government; no danger within or without our shores that so certainly tends to the uprooting of our Government founded upon the will of its sovereign and independent masses. By concert of action they can place an embargo upon trade, breed panics, intimidate creditors, coerce employees, and debauch legislation.

That by these methods they controlled the last election I think there is little doubt. The desire to secure the passage of the pending bill was one of the motives that actuated these companies in laying aside their corporate duties and engaging in the election contest through which we have just passed.

The Democratic party was committed in its platform against the bill. The Republican party, through its committees in Congress, were committed to its passage. The railroads have performed their part of the contract faithfully, and it is now to be seen whether the party "of great moral ideas" will perform its part of the contract at the expense of the people and to the shame of the nation.

These companies were neither unselfish nor patriotic in their support of the Republican party. They acted upon the principle of "You tickle me and I'll tickle you." They have acted their part of the play, and this is their first mild demand they make upon Congress; but of the next Congress the railroads will demand more subsidies and less interference upon the part of the Government. The banks will demand more liberal charters, with greater special privileges. The factories will demand higher protection. The trusts and syndicates will demand noninterference and an open field for their peculations and extortions.

The people of the nation will look on with amazement and horror at their boldness, and with keen-eyed vigilance and patriotic devotion to their liberties watch each concession, and if you grant them the people will overwhelm you; if you refuse them the corporations and syndicates will turn and rend you. "You have sown to the wind; you shall reap the whirlwind."

The Late Representative Charles F. Crisp.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. BARTLETT of Georgia said:

Mr. SPEAKER: To those distinguished gentlemen who have spoken and who will address the House on this sad occasion, and whose gifted tongues are so well aided by a long and familiar association with him in these Halls, might well be left the fit memorial of this our late colleague and honored friend. To me the effort to speak of the life and death of him whose memory we memorialize to-day is difficult indeed, for my tongue almost refuses to convey into speech what my heart feels, and it is with much distrust of myself that I have ventured to speak at all; indeed, it is with an emotion that almost stifles utterance I approach the altar of his hallowed memory to lay upon it my simple flower of feeble tribute. I shall not attempt to relate in detail the various epochs in his illustrious career, nor to delineate the many admirable and exalted virtues he possessed. That will be done by others more able and eloquent than myself.

Mr. Speaker, again has death invaded this House—again with relentless greed has borne a trophy from our ranks. Again we pause amid the busy scenes of public duties to pay tribute to the dead. This time the insatiate archer has hurled his shaft with unerring aim and fatal precision at one of its brightest and most shining marks, and not only this House, but this whole Union of ours, has lost one of its loveliest and purest ornaments. The mind in which genius and real worth had already erected a temple to fame and usefulness, and which but awaited the opportunity, already at hand, to make it grander, greater, and more useful, is no more; the heart in which the noblest virtues dwelt is stopped forever. The representative of his people on this floor, who was soon to bear the commission of his State as a member of the Senate of the United States, has ended his earthly career and taken up his abode in the "silent halls of death."

With bowed heads and sorrowing hearts, but with sweet and hallowed recollection of his life, his friendship and association, we stand to-day over the new-made grave of CHARLES FREDERICK CRISP.

On the 23d of October last the reluctant wires conveyed to the world the sad intelligence that CHARLES F. CRISP, for many years a member of this House, twice its presiding officer, was dead. A great bereavement fell upon my State and upon the whole people—a sudden and most untimely bereavement. The blow went straight to the heart of the great State he represented on this floor, and Georgia laments the loss more than words can express. "The flower of her hope withered" because the new and highest honor in her gift, prepared for him by the almost unanimous voice of her people, remained unbestowed by her hands.

He died when but little advanced beyond the prime of life. His success had been equal to that of the favored ones of the day. He left us at a time when the past yielded a great deal for gratifying retrospection, when the present afforded the richest elements of happiness, and the future invited him to higher honors and ampler resources of enjoyment, and assured him success in a field of greater usefulness for his State and the people of this great Government. But all that he possessed, all that he hoped for, could not stay the hand of the great destroyer.

Judge CRISP filled many important positions, and he met and performed the duties of each in a manly, straightforward, honest way. As a young volunteer soldier in the cause of the Confederate States, he was brave, determined, and obedient to authority. He was a member of the legal profession, a profession which is "as ancient as magistracy, as noble as virtue, as necessary as justice," and which, above all others, shapes and fashions the institutions under which we live; a profession "which is generous above all others, and in which living merit in its day is bestowed according to its deserts." As a member of the bar of the southwestern circuit of Georgia, a bar noted at all times for the learning and ability of its members, he soon forced his way to the front rank, and

at an early period after his entering the practice was appointed solicitor-general of that judicial circuit.

As a lawyer, while he always represented the interest of his client, he never undertook to mislead judge or jury by specious sophistry, but he adhered to the same scrupulous sincerity in his advocacy of his client's cause which he observed in the other transactions of life. As prosecuting officer for the State, while he fearlessly pursued the violators of the law, no innocent man, however poor or humble, was permitted to suffer.

He was judge of the superior court of his State, the court of the highest jurisdiction, other than the supreme court of the State, for the correction of errors of law. Though quite a young man when he was made judge, and with somewhat limited experience at the bar, he soon proved himself to be an ideal judge. He was patient and courteous, not given to that vice possessed by some judges, first to find that which he might in due time have heard from the bar. He never met the case halfway nor gave occasion to parties to say their counsel or proofs were not heard. His integrity was above even suspicion, and though the judgment may have been erroneous at times, the counsel and the parties knew that the law had been pronounced as he, the judge, believed it to be—for at last, above all things, integrity is the portion and proper virtue of a judge.

Judge CRISP's intellectual excellence and power was due to his very extraordinary common sense and an innate controlling impulse to know and do what was right. His mind was distinctly a judicial mind; his education was by no means thorough, because the years of his early youth were spent in the Confederate army; and the time usually devoted to education was given in defense of the South and her cause. When he was appointed judge he had had little experience at the bar, and that as only solicitor-general; yet when he was appointed judge he soon took rank amongst the ablest of our judges, and became and was regarded one of the best, if not the best, judge in Georgia. His charges to the juries were models of clearness and directness of speech. He always "dug deep for the justice of the case," and when found permitted no technicalities to defeat it. He belonged to that class of lawyers and judges who rely upon their clear perception of what is just and right and true rather than upon books and cases—more upon principle than precedents—

Juvat accedere fontes.

His mind was preeminently practical, and his oratory was in admirable keeping with his strong natural sense. He invariably spoke for use, and never for display. Judge CRISP was of a most gentle and kindly disposition; he was an amiable man; the law of love dwelt in his heart, and the "milk of human kindness" mingled in his blood. His manners were the most bland and agreeable, and this, added to the intuitive quickness of his mind, exuberant and good temper, his devotion to the truth, and attachment to his friends made him the favorite he was with his brethren at the bar, his associates in this House, and the public. Though ambitious to be distinguished and useful, he was not in the slightest degree selfish. Those who did not know him well or understand him might have supposed that he was always on the alert to make friends for his political purposes; but the truth was he was so broad, so catholic in his kindness and gratitude, that it was perfectly natural for him to be more than merely courteous and polite; it was perfectly natural for him to compliment all with whom he came in contact with his attentions and courtesy.

And thus he bore without abuse
The grand old name of gentleman.

True, indeed, it is that we can say of Judge CRISP that he was distinguished in the humbler walks of life by his devotion to family and friends, by his simplicity in manner and speech, and a warm welcome to all who approached him.

His was a soul of honor everywhere,
  That to ignoble actions scorned to bend;
True to his trust in friendship's faith, he ne'er
  Forgot a favor or forsook a friend.

He possessed in a degree that is worthy of emulation by us all "that humanity that meets in every man a brother;" that sympathy which enters with warmth into the feelings of others; that friendship which glows with generous emotions and binds us to those we love with most indissoluble ties; that charity that puts on every dubious action and appearance the most favorable interpretation; that philanthropy that feels with quickness the distresses of others, and that spirit of justice that accords to all their due.

Of his services in the Hall of Congress others have spoken, and I will not endeavor to say more, except that as a national character his fame stands out before the world preeminently great. A man of broad, conservative views, honest convictions, zealous in patriotic endeavor, courageous in the defense of right, gentle, modest, and merciful, he stood above his compeers a statesman of the nation and defender of the South and her people. He was never recreant to a single trust. His love for home, his love for Georgia and for the Union, and his bold stand for his people against oppression of every character have won for him a place in the hearts of his countrymen and among the imperishable names in the Halls of Congress, where he was the peer of his ablest opponent.

It may be and is true that he did not possess that brilliant genius that marks a meteoric fame; but his was that worth and ability that with steady glow grew brighter as it swept into the sphere of usefulness. Though he has gone from amongst us, though his warm, sympathetic heart will beat no more, and though his body is beyond mortal view, his name and fame are written among that constellation of the great men of the South, and of this Union, where it will live on and on through the life of the Republic.

The great beauty of Judge CRISP's character was his constant, tender, loving, and enthusiastic devotion to his wife and children. His family life was, after all, his chiefest grace. With a tender and gentle courtesy and with a loving nature, he lavished his heart's best gifts on her whom God gave to him, and with a fond father's love and devotion he cherished the children who grew up around him. No change that years and sickness wrought brought any change in the gentleness, care, and love that were bestowed upon the wife. Though sickness and affliction had made the wife almost an invalid, yet upon her and to her he always bestowed all gentleness, all care, all devotion. To him, indeed, the afflicted wife seemed "dearer than the bride."

But neither his fame as a lawmaker, nor the love of his people, nor the devotion and prayers of his loved one, could stay the hand of the great destroyer. Silent and sure and remorseless death heeds neither youth nor age; genius, learning, poverty, nor wealth; the tears of relatives and friends, nor the cold indifference of strangers. "All equally the universal reaper gathers to his ever-filling yet ever unfilled garner—the tomb."

On a calm, still Sabbath day, at deep twilight, with hands of reverent love, we laid him in the bosom of the universal mother, by the side of two of his children who had gone before, there to rest under Georgia's soil, beneath Southern skies and the city he loved so well and the section he served with so constant fidelity; there, where the shapely shafts of Parian white tell of the peace within, where the everlasting hills uplift their rugged crests to catch the first ray of the morning sun, symbols to the eye of faith of the glorious coming of the new dawn; there, in the company of son and daughter, he awaits the final destiny of greatness.

What a noble example has Judge CRISP set to the young men of his State, of this great Union, of diligence in business, of truth and devotion to principle and justice, honesty and uprightness in all his conduct toward his fellow-men and in public life, which is the basis of our social connections. This was the means by which he achieved success in life; and here is an example on which our young men should be proud to form themselves, an example that refutes "the dull maxims of idleness and profligacy" and points out the real road, and the only highway in a Republic, to honor, fortune, and fame.

I utter no idle words when I say for the people of Georgia that "living, we all loved him; dead, we will cherish his memory in our innermost hearts."

His virtues he bequeathed us, that we yet
  May meet him in a lovelier [illegible] than this,
Where darkness is unknown, [illegible]
  And sorrow never comes, but all [illegible]

Mr. Speaker, I append as part of my remarks the account of the funeral services had at the church in Americus on October 25, 1896, and the funeral oration delivered by his old army commander, that distinguished Georgia divine, Gen. C. A. Evans, the old commander of the "Stonewall Brigade."

APPENDIX.

The church was reached at 2.30 p. m., around which had assembled another vast crowd. It is a frame building of quaint architecture. The vestibule has two large octagonal columns, back of which is a deep recess. Round these two massive supports were entwining long folds of black crape, from chapiter to plinth. Broad steps, the entire width of the church front, led up from a gentle slope to the vestibule. It is embowered in a grove of oaks, which is inclosed by an old fence. The very place has an air of solemnity; but the occasion gave a deeper funereal aspect to the church and surroundings.

VIEWED THE REMAINS.

An hour was allotted to those who desired to have a last look at their friend and townsman. A single-file procession began, and the entire time was consumed in this sad privilege. The face, so familiar in life to all the people of Americus, still bore the same calm, peaceful expressions that had won the hearts and esteem of all who knew him. Pale though it was, still the pallor of death had not robbed it of serenity nor of its former life-like semblance. Though his last words were, "Oh, what pain!" the features bespoke that calm resignation to God's will and the trust he had placed in his Creator's promise of salvation. Thus the people saw him, and thus his memory will be cherished.

The bells of the city were still pealing their requiem when the hour for the last sad rites arrived. The casket rested on a bier in front of the chancel, buried in beds of rarest flowers. The pulpit and other places were covered with floral emblems, donated by admirers of the deceased.

While the people were gathering into the church, the organ in softest notes pealed forth a funeral dirge. After this solemn rendition, the choir sang "There is rest for the weary" so feelingly that many of the congregation shed tears.

Rev. T. M. Christian, of the First Methodist Church, then read the one hundred and third psalm, after which Rev. Leroy Henderson, pastor of the

Presbyterian church, read the thirteenth chapter of the First Corinthians. Then Rev. Mr. Turpin, of the First Baptist Church, offered the following prayer:

"O God, beneath whose throne Thy people in all ages have dwelt secure, regard us in great compassion, we beseech Thee, for Thy hand hath touched us.

"O Thou, who makest sore and bindest up, draw us with the cords of Thy love, for we are sorely smitten before Thee.

"Look in mercy upon a nation whose citizens are saying one to another: 'Know ye not that there is a prince and a great man fallen this day in Israel?'

"May the great loss we have sustained serve to rebuke the bitterness of party spirit and to calm the turbulent passions of the people.

"Visit with Thy salvation our public servants, gathered here from different sections of our State and country, and profitably remind us all that 'the paths of glory lead but to the grave.' Help us to remember 'what shadows we are and what shadows we pursue.'

"Bless, we implore Thee, our community, which so deeply mourns the loss of her distinguished citizen, for we were accustomed to lean upon his words, and are fain to cry out:

"'Oh! fall'n at length
That tower of strength,
Which stood square to
All the winds that blew!'

"Lord God of all comfort, bind up the broken hearts of this family circle, whose bitter grief would almost make them say, 'Behold and see if there is any sorrow like unto our sorrow.'

"Strengthen with Thy might in the inner man, Thy venerable servant, as he receives back under his fatherly protection to-day the daughter who in the days of her youth so confidingly gave her heart to him, who became so worthy of her unfaltering trust, but who has now, alas, been parted from her.

"We invoke, O God, Thy tenderest mercies upon our sister. O Thou who art the light of the world, abide with her, for Thou hast taken away from her the light of her eyes. May Thy everlasting arms be underneath her, and do Thou comfort, sustain, and keep her as she sighs—

"'For the touch of a vanish'd hand,
And the sound of a voice that is still.'

"Be merciful, O Lord, to all the members of the household. Sanctify to the bereaved sons and daughters their deep distress.

"Look down with Thine all-pitying eye upon Thy young servant, who so tenderly leaned upon her father's bosom, and who was such a joy to his heart. Hold not Thy peace at her tears. Lord, God, bless these manly boys, and may the mantle of their father fall upon them.

"We praise Thee, O, God, that we 'sorrow not as those who have no hope.' We thank Thee for the belief of Thy servant who has finished his course in these Holy Scriptures, which are able to make us wise unto eternal life, and for his simple trust in the Redeemer of the world. And we thank Thee that throughout his public career he ever 'wore the white feather of a blameless life.' For Thou hast taught us to ask: 'Who shall ascend into the hill of the Lord and shall stand in His holy presence?' and Thou hast said: 'He that hath clean hands and a pure heart, who hath not lifted up his soul unto vanity, and hath not sworn deceitfully.' Glory be to God, for in 'the hope, the blessed hope, when days and years are o'er, we all shall meet in Heaven,' where—

'The saints of all ages in harmony meet,
Their Saviour and brethren transported to greet,
While the anthems of eternity unceasingly roll,
And the smile of the Lord is the feast of the soul.'

Through Jesus Christ, who was delivered for our offenses, and was raised for our justification. Amen."

The choir then sang, "We shall sleep, but not forever." A stillness akin to death impressed the solemnity of the occasion upon every heart. The bereaved ones sat near the casket, having the sympathy of their friends from every section.

THE FUNERAL ORATION.

A moment of silence, and Georgia's noble old soldier and Mr. Crisp's warmest and truest friend, Gen. Clement A. Evans, stood in the presence of the dead to pay a tribute to his unblemished life and express sorrow at his early death. Following is the oration:

GENERAL EVANS'S ORATION.

A great bereavement has befallen a whole people—a sudden, sad, and most untimely bereavement. The strong, tender ties which bind men together in the closest relations of human life are sundered. I say most untimely in reverent, humble submission to the good will of Almighty God. Death aimed his shaft at the brightest mark which for the moment shone upon the public field. With startling emphasis the quick stroke, ringing throughout the State, announced the imperial authority of the insatiate archer to strike down the most exalted human figure as surely and easily as to bring a sparrow to the ground.

Our State takes this blow to heart, for it has cut off her beloved son in his prime, and she laments the loss as Jacob mourned for Joseph. Her pride is wounded to the quick, for in him she had gloried as a valiant supporter of her fame. The flower of her hope withereth because the new and lustrous honor prepared for him by her sovereign will remains unbestowed by her hands. To-day Georgia embodies the sorrows of a great, sympathetic people, and by every token tells that a whole State can feel a common grief. Using the language of another, "We expect the sun to go down in the evening, we expect the flower to wither in the fall, we expect the stream to be frozen in the winter, but that the sun should go down at noon, that the flower should wither in the summer, that the stream of life should be frozen before the chill of age had come upon it, is a reflection that saddens the soul in man."

It is my sad duty in the present ministrations of this sanctuary to give some expression to this common sentiment and to speak of a noble life so thoroughly known as not to require minute description.

It is commonly commented on that the career of Judge Crisp was a steadily ascending, uninterrupted rising from the first level on the shore line of a citizen's duty, upward from grade to grade, until he had reached that lofty table-land where all supreme distinctions become possible. Such a career illustrates the free course laid open by the peculiar principles of our American Union to honorable aspiration, as well as the wisdom of our political laws, which give to the people the privilege of a wide range in selecting their representatives and rulers. Without special prestige, without fortune, without the favoring gale of association formed by residence, and beginning business life obscurely in a little Georgia town as a returned soldier—a youth of 20—he enters on the work of life amidst the unfavorable conditions that prevailed in 1865 throughout this Southern land. The reflection has interested me personally that at this precise period we were not a day's ride on horse apart, both just returned from the same scenes, the same fields, possessing the same spirit, and looking alike landward from the shore line; behind us the sea where a nation had been wrecked; before us an unknown wilderness of political possibilities.

It is not on this warp, however, I would weave the suggestive event of his nobly successful life, but instead thereof I would point the young man of the State to the clean truth that Mr. Crisp attained his fame by industrious, honorable, and patriotic discharge of the duties devolved upon him from time to time. Few public men in Georgia have gained great distinction by their sole reliance upon the adventitious aid of fortune and ancestral name. That illustrious roll which we are proud to call is answered by a multitude of noble men who overcame disadvantage by the sweat of the brow, the throb of the brain, the tension of nerve, the pulse of heart—by men who "stopped the mouths of lions and quenched the violence of fire;" by men who patiently waited while they earnestly worked out their manifest destiny, and who, in a heroic scorn of obstacles, achieved greatness in all those various departments of human endeavor open to all men through the regulated liberties of our free land. Ambition requires no liaison with corruption in order to attain a glorious fame. The path to human glory should be as "the path of the just that groweth brighter unto the perfect day." In the battle of life the aspirant for fame should indeed be a hero in the strife, and if in the encounter he should go down, let it be said of him at the roll call of human names, "He died on the field of honor!"

"The life of Judge Crisp as a lawyer is above reproach. After a year of preparation he was admitted to the bar, and then came on six years of that experience which brings discouragement to many young barristers and during which some unhappily predestinate their total failure. But baffling, rather than being baffled, and seizing opportunities as they moved within the circle of his grasp, and rising by gradations which demanded and were met by the toil that gains ascensions, the young lawyer of Ellaville became the solicitor-general of his judicial circuit, and after four years' experience rose by appointment and elections to an honorable and responsible position upon the bench of the superior court of Georgia.

"Tested in these offices of delicate, difficult, and often embarrassing duties, Judge Crisp won the esteem of the bar, satisfied the demands of the law, proved himself an able, just, incorruptible judge, and increased his popularity as his intercourse with the people widened.

"The result was his transference from the bench to the Halls of Congress, where services were rendered as occasions came which gained him increasing attention until even in a Congress where he was at a disadvantage by being in the minority, and especially because he represented a Southern district, he commanded such respect for his courage, his parliamentary skill, his fidelity to his party, and his patriotic devotion to his country that he was conceded the position of leader of his side of the House. His field battles with the eminent Speaker—a foeman worthy of his steel—will always be memorable parliamentary history. Gallant as any chivalrous Southern knight, skilled in the tactics of Congressional proceeding, ready in running skirmish, and steady as a stone wall under assault, he stood foremost among national party men on the floor of Congress until the great change in the political situation gave his friends the opportunity to reverse positions between himself and his able antagonist by elevating him to the Speakership, one of the most commanding offices created by the Constitution. With many other Georgians I have proudly witnessed in Washington the contests and the triumphs of this conspicuous Representative from our own State. Recalling the old historic names of Georgia—recalling the days when Berrien charmed the Senate with his pelucid speech, when Toombs in torrents of eloquence stirred the House, when Stephens, like a river, made glad with limpid logic the hearts of his countrymen, when Cobb, illustrious from his youth, held the Speaker's gavel, and on to Hill the superb, Brown the wise, and Colquitt the tribune, and others who like these requited the State with fadeless luster for the honors she had conferred on them—I say, recalling these historic men, I am not loath to place among them the name and fame of the statesman whose loss from the national councils we so sadly deplore.

"I will venture to say that no more magnificent display of political self-denial ever occurred in the lives of aspiring men than that which shines out in splendor like the noonday sun in one well-known event of Mr. Crisp's political life. I refer, of course, to the occasion when he put aside the Senatorial toga proffered him by Governor Northen on the death of the lamented Senator Colquitt. I will not try your patience nor party fealty by asking what you would have done. Let us imagine that others would have acted as he did, and yet his act remains unparalleled by any similar instance. Consider that the office of Georgia Senator was the shining goal of his just aspirations; that in the judgment of the governor he was the proper recipient of the great trust; that the popular mind coincided with the governor's views; that the tide in politics was turning against his party and would sweep him from the Speakership, and that to lose the Senator's place then might cause its loss to him forever; consider this situation, and a view of his declination of the office of Senator will glow upon your admiration as a sunlit summit of fealty to official trust and party principles whose height will not be often climbed by mortal man.

"But he lived to see his course justified. The people of the State kept him in mind. By an unusual popular vote they have this year requested the legislature to make him the State's ambassador in the United States Senate, and their will would have been performed a few days from this sad date when he lies before us wrapped in the slumbers of death. Once by his own act, once by the act of God, the Senatorial crown has been put aside. We are glad he etched into his enduring fame the self-denial which so much exalted his character; we are glad he lived to know that the high trust had been given him by the people of his beloved State; and since he has been deprived by the just will of God of the high position, we will lay the unworn Senatorial robe at the base of his monument and write his great name among those of the patriotic statesmen of our country.

"I can not justly omit that eventful period of four years in which, as a young Virginia soldier, he espoused the cause and bravely fought the battles of the Confederate war. When 16 years old, a stripling youth, a boy of handsome form and gallant mien, but spirited as a cavalier, he put on the gray jacket and offered himself for slaughter. It is just such food as war craves, and too often gets. The 'flower of the South' decorated the grim battle-fields with their slain bodies and made them glorious. Crisp was among the number of that army of northern Virginia which Lee, Jackson, and Stuart depended on for victories which made them an immortal fame. The first year brought Manassas, with its unobscured triumph of the Southern army. The second year, the 'Seven days around Richmond,' when Lee rolled McClellan's outspread columns like a scroll back upon the River James. The third year, Gettysburg, with its first day of glory and its third day of bloody repulse. The fourth year, the Wilderness series of interlapping horrors, centering on the 12th of May, when a whole day's titanic wrestling in garments rolled in blood ended with the fraternal foes confronting each other in rifle range. Through these scenes, with their intermediate events all equally momentous, our young soldier served with his comrades, terminating his field service by his capture in the 'bloody angle' of the 12th of May. Imprisonment followed, but when released in 1865 he turned his steps to Georgia and became her loyal, faithful, and honored son. Not once has he claimed political reward for this heroic service in the cause of the South. He knew that patriotism has no price. The tender of life to the state in its peril is only a real tribute of righteous sovereignty, and the offering has no place on any pay roll; it thrusts no key into the public treasury, and makes no demand on the popular ballot. But the record of our comrade is with us his highest honor, and his consciousness of patriotic duty faithfully done is his highest reward.

"But the State can not take to itself the keenest pangs which this public bereavement has caused. Let it stand aside in its open sorrow, made expressive by many honoring testimonials, and let it be silent before the poignant grief which wrings the heart of the family whose prop and pride, whose crown and chief is gone; whose tender fatherhood is now but sweet potential memory. His family life was, after all, his chiefest grace. With a loving nature, he lavished his heart's best gifts on her whom God gave to him, and on the children who grew up under his care. If words of consolation could be effectively spoken we would all speak them in sheer pity for her whose heart is broken by this blow. But no wine press is for the tramping of many feet in concert. She must tread the wine press of her affliction alone. There is One only who can come to her whose comforting is barred by no ceremony and lacking in no quality. 'I will not leave you comfortless: I will come to you.' And so, if words of counsel were needed by these children they would be offered by thousands of friendly tongues. But the counsel is not needed. The heritage of a wise father's life is wealth for his offspring. By the memory of his words they will direct their ways. We therefore commit this stricken household to the God who guided their head, and to the memories of his noble life. I do not know how to speak further in the presence of an audience who knew him so well, of his personal traits and his private life. I am conscious of repeating your sayings when I would describe his genial, hopeful, generous disposition. The smile which lighted his face was an issue of his heart. The face itself inspired confidence; his social mien won affection; his tongue was free from the guilt of detraction; he was kind in speech even when he spoke of his adversaries. Genuine charity had its home in his heart and directed his hand to help the weak and the poor. The masterpiece of Paul's pen, as recorded in the thirteenth chapter of the first letter to the Corinthians, was his most favorite study. His nearest neighbors esteemed and loved him, his friends trusted him, his political opponents respected him.

"In early manhood he embraced the faith taught in the Scriptures, united with the church, loved the brethren in its communion, and died in the hope which his religion inspired. Separated now from all that delighted or tried him on earth, he is gone to that mysterious sphere where duty to God will be done in perfection and the joy of the service will be the heavenly rewards.

"We may suffer ourselves to be counseled even by death. Meet it we must; meet it daringly we may; meet it reverently we should, for it is designed to be, but the priest in the black gown sent to conduct us to the Prince of Life Eternal.

"The last object that man beholds on earth is not the state and its officials; not the church and its ministers; not the family of loved ones, and not friends in tears; but the last Being alone with man on earth is Almighty God. In the article of death, after every mortal citadel has been stormed, the eyes of the unassailable soul turns from the delightful scenes as well as from the ghastly horrors of Time to look with clairvoyant power and boundless interest upon the serene eternity of infinite things. In that moment of an indescribable crisis the alone soul looks before it springs, and as it looks it encounters the face of God. The Almighty God! The immortal soul! Face to face! Does the soul reflect the image and likeness of Him into whose face it looks? That is life's crucial question. Blessed in such a crisis are the pure in heart.

"In the crucible of every human career, after all fires have burned down and the vessel is cold, there should remain at last refined and prepared for eternal use an immortal soul which serenely reflects in character the face of God.

"It is well for us who are here, and who know each other's natures well, to understand that in our inmost unexpressed thought we believe there is something better than the poor prizes for which we are all contending."

The Late Representative Charles F. Crisp.

REMARKS

OF

HON. JOHN W. MADDOX,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 16, 1897.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Charles F. Crisp, late a Representative from the State of Georgia.

"*Resolved*, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased"—

Mr. MADDOX said:

Mr. Speaker: The distinguished gentlemen who have preceded me have in eloquent and beautiful language portrayed the life and character of my late distinguished colleague as a soldier, citizen, husband, father, lawyer, prosecuting officer, judge, member of Congress, and Speaker of this House, and but little is left for me to say. But there are some thoughts that I desire to suggest on this occasion. What has already been said of his merits, in my opinion, has not been exaggerated.

I first became acquainted with the Hon. Charles F. Crisp in Atlanta in 1883, when he was presiding over a State convention for the purpose of nominating a governor, and met him occasionally until I became a member of the Fifty-third Congress, when my relations with him became exceedingly close, and I am proud to say that I enjoyed his confidence to a larger extent perhaps than any of his colleagues. He told me of his political troubles and trials. I knew his ambition to be Senator from Georgia long before he made that fact known to the world, and when he was offered the appointment by Governor Northen, no one knew better than myself what it cost him to lay aside the goal of his ambition to discharge a patriotic duty that he owed the country, but he did it cheerfully.

When he determined to become a candidate for Senator, he departed from the usual custom that prevailed in our State in obtaining the voice of the people. Instead of going before the legislature, he demanded of the party machinery in the State that they order a primary election for United States Senator, and let every Democrat in Georgia speak for himself; and they did speak, and from the mountains to the seaboard, almost without a dissenting voice, he was chosen. Through his long term of service in this House he was always the champion of the people and their rights, and when he aspired to a seat in the Senate it was to the people he appealed and not to rings and combinations. As high as he stood in the estimation of the people of his State, they never fully appreciated his great ability on the stump. He never had any opposition that amounted to anything in his election in his own district, and, the State never being a doubtful one, therefore, when the great political contests were being fought throughout the Union, he was at the command of his party, and wherever the battle waged the warmest there he could be found at the front battling for Democracy. So, when he went to Georgia to discuss the political issues of the day in joint debate with his distinguished fellow-citizen, the Hon. Hoke Smith, and was compelled to discontinue them, some of the newspapers were unkind enough to attribute his withdrawal to an inability to cope with his distinguished and able adversary.

Mr. Speaker, we who had seen him cross swords with the ablest men in this House on every sort of question that it is possible to conceive of in a body like this, and found him to be the equal of any and inferior to none, and we who knew of his great power and tact upon the stump before the people, were not prepared to believe this, and when he returned to his post here I met him at his hotel and found him a sick man, and from what he said I knew that his disease was far more serious than mere throat trouble. I sat beside him in the first session of the Fifty-fourth Congress, and I know that after his return from Georgia that he never arose to address the House but that he complained of the great pain that it gave him to do so. After Congress adjourned he went to Asheville, N. C., and spent the summer. There his friends hoped he would regain his health at that famous resort.

The reports we had from him from time to time led his friends to believe that he had been greatly benefited, and when he returned to Georgia in the early fall I, at the instance of the citizens of Rome, invited him to address the people of that section on the political issues of the day. He accepted the invitation, and I met him at the depot the evening before he was to speak and was astonished to see the inroads that disease had made upon him in the few months we had been separated. But notwithstanding the fact that he was then at death's door, he bore up manfully and attended a reception that was held in his honor and had a hearty handshake and smile for all whom he met.

He was to speak the next morning at 11 o'clock. I called f[illegible] him at 10 o'clock and was admitted to his room by his dis[illegible]guished son, Charles R. Crisp, and found him upon the [illegible] writhing in pain. After the paroxysms had to some extent [illegible] off, I begged him not to attempt to make a speech. He [illegible] that he was advertised to speak; the people had come to h[illegible], and he was determined to make the effort. I accomp[illegible] him to the opera house and introduced him to [illegible]ce that had assembled there. He spoke for one hour and [illegible]een minutes, and whilst he was not as vigorous as I had seen him when addressing the people before, he made one of the clearest, most logical, and powerful arguments that I ever heard him make. This speech was published throughout the State and used as a campaign document. And yet, whilst he was speaking, I would not have been surprised to have seen him fall, and was expecting it; but with sheer force of will power, which he possessed in an inordinate degree, and, with death staring him in the face, he coolly, deliberately, and courageously depicted the wrongs of the present financial system and told the people how they were to be corrected. This was his last speech, and it was worthy to be his last one.

The people who heard him were delighted and were looking forward to the time when they could point to him as the Senator from Georgia. But alas, how little did they know of the condition of this man they were so eager to honor. Mr. Speaker, when he was leaving Rome I begged him not to attempt to speak any more in the campaign. He finally agreed that he would not, though exceedingly anxious to visit several places in the State for that purpose. My opportunities for judging this man were good. I had his confidence. I sat by him. I watched him closely. I compared him with all the distinguished men that I knew or had ever known, and in my judgment, viewed from every phase of life, politically, socially, and otherwise, he was the peer of any and inferior to none.

And when the death angel, with his solemn message, invaded our midst and summoned from earth this pure and spotless statesman, the nation mourned and every heart in Georgia was saddened, every eye was dimmed with tears; for they realized that a great and good man was gone and our country had sustained an irreparable loss, cut down in the strength and vigor of his manhood, when his ability and usefulness were recognized all over the country. Though he will mingle with us no more, and we will miss the genial smile and the cordial hand clasp—though his voice may be hushed and his chair may be vacant—yet the spirit of patriotism and chivalry which he has breathed into the hearts of his countrymen will live for ages. We can not dismiss him to the dark chambers of death. Recognizing his greatness and goodness, we delight to do him honor, and will weave bright garlands gathered from the sweetest flowers of admiration, friendship, and love, and tenderly twine them, a last sad tribute, round his memory.

IMMIGRATION BILL.

Land Monopoly, not Immigration, the Evil.

The protection that labor needs is not against labor, but against monopoly, which bars laborers away from their natural opportunities and strips them of the lion's share of what they are permitted to produce.

REMARKS

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. MAGUIRE said:

Mr. SPEAKER: The bill reported by the committee of conference provides for the exclusion from the United States of all illiterate aliens regardless of their virtues, their honesty, their love of liberty, or the purposes for which they seek admission to our country. It is confessedly aimed at the laboring poor of Europe and draws class distinctions degrading to labor, such as no monarchy of Europe has ever drawn or recognized. It denies the right of migration to a class of honest, liberty-loving laborers who seek to escape from the conditions that deprive them of the opportunity for education, to secure for themselves and their children the blessings of free institutions, and to avail themselves by honest toil of the measureless and inexhaustible natural resources of this great, new, and imperfectly developed country.

The purpose of the bill is to exclude laborers, not because they are illiterate, but because they are laborers. The contention that the illiteracy of the people sought to be excluded under the bill is a menace to the institutions of this country is a false pretense. Nobody believes it. Nobody is really supporting the bill on that ground. The percentage of foreign-born illiterates in our citizenship is very trifling, and their division among the political parties makes their influence on the legislation of the States and nation practically nothing. Their illiteracy is not a source of danger, and it will not be transmitted to their children. None are more eager to secure the advantages of education to their children than those who have been deprived of its advantages themselves.

I concede and uphold the right of the nation to exclude from its borders all aliens whose coming would be dangerous to our free institutions or to the morals or health of our people. The exclusion of persons sought to be imported to this country under bonds of servitude or other restraints upon their liberties is also a rightful exercise of governmental power.

But, sir, the present bill is not aimed at any of these evils or dangers. Its purpose is the exclusion of men and women of our own race and blood who are free from all of these objections, and the purpose of its principal supporters is sufficiently shown in their statement that it is only a step in the direction in which they desire to go.

A statement has been circulated here on behalf of the Immigration Restriction League, purporting to show how effectual this bill would be in restricting immigration from certain countries of Europe, among which Italy, the country of Columbus, whose genius and courage gave this continent to the world and to civilization, is conspicuous. Is it possible that already the beneficiaries of the life-work, and achievement of Columbus are prepared, in un-Christian—nay, anti-Christian—spirit, to bar his fellow-countrymen from the land which he discovered?

Is it possible that the representatives of New England, who, with one exception, as we are assured by the gentleman from Massachusetts [Mr. MORSE], are all in favor of this bill, represent the new spirit and views of the people of New England? Has the brotherhood of man, even within the limits of the Caucasian race, ceased to be a part of the creed of New England? Has the principle of brotherly love—that one grand, towering glory of Christianity which distinguished it from and lifted it above all the other religious creeds of the world—been banished from the hearts of the professed Christians of the United States? If that be so, then Christianity itself, of which brotherly love is the very soul and essence, has lost its vitality here, and it would seem that the time has come for the American missionaries now laboring in foreign lands to return and seek to Christianize their own country.

The previous legislation of Congress on the subject of immigration affords no warrant and no precedent for the present bill. This is an entire departure from all the principles upon which former legislation has proceeded. Such legislation is progressive in its character. There is no difference in principle between the present bill requiring an ability to read and write in some language and a bill requiring the intending immigrant to hold the degree of master of arts from some recognized university.

ANARCHISTS, SOCIALISTS, AND NIHILISTS.

Gentlemen urge the passage of this bill as a step in the direction of excluding anarchists, socialists, and nihilists from this country. Assuming that it would be right and desirable (though I do not admit that it would be either right or desirable) to exclude these classes, or any of them, from this country, yet the present bill does not, even remotely, tend to their exclusion. They are generally educated men, many of them holding university degrees, whose offending consists of resistance to tyranny, which, in the conditions under which they live, is "obedience to God."

Who are the nihilists? They are the democrats of Russia, who are struggling against almost hopeless odds to establish the natural and inalienable rights of man in that country as against the tyrannous and false pretense of divine right on the part of the Czar.

Who are the anarchists of Spain? They are the republicans of that country, seeking to establish the principle of popular sovereignty as against the unnatural privilege of governing now enjoyed by a single family.

Who are the socialists of Germany? They are the opponents of monarchical government and special privilege—the advocates of the equal rights of man. I believe their scheme of social regeneration to be impracticable and mistaken, but their purpose is right and their cause should be sacred to every lover of liberty and justice.

I trust the time will never come when men who struggle for liberty and justice against tyranny and oppression will be denied asylum in this "land of the free heart's hope and home."

If the time shall ever come when, as a nation, we shall cease to sympathize with the struggles of the people of other countries for liberty and justice, our own liberties and our free institutions will be in the gravest danger.

The anarchists and socialists who are dangerous to the free institutions of this country are not those who are contending against monarchical tyranny in Europe, but rather those of our own citizenship who, by powerful combinations of wealth and special privilege, are overriding and evading our laws and corrupting those who make and administer them.

These are the anarchists and socialists who are dangerous to American liberty. These are the classes against whose serious menace to free institutions our legislation should be directed.

PROTECTION TO AMERICAN LABOR

The most crafty, deceptive, and insidious argument made in favor of the bill is that it is a measure of protection to American labor; that it will protect American labor from a certain proportion of foreign competition, and that it will preserve the American labor field for American labor.

Some of the labor organizations of the country—some of the great labor organizations—unmindful of past experiences, have been led by this argument to turn aside from their great struggle for the rights of man and to pursue again into the morass of disappointment the phantasm, the "will-o'-the-wisp," of protection.

This phase of the struggle gives the bill an importance and entitles it to a consideration which it would not otherwise merit. It is scarcely necessary for me to say that I have always been friendly to labor and to labor organizations. I think I may safely leave that question to be settled by my public record, which is an open book, accessible to all. But I would consider myself unworthy of the confidence of labor or the respect of my fellow-men if, seeing, as I believe I do see, that the course being pursued in this matter is contrary to the principles of natural right and necessarily doomed to failure and disappointment, I should encourage its pursuit or fail to point out its fallacy. He is the best friend of labor who is most faithful to the principles by which it may be emancipated from its existing thralldom; not he who pretends to agree with all the methods by which it seeks that end.

"Come, let us reason together." It is well that we should know in advance whether or not the game is worth pursuing. If it shall appear that the course proposed will bring us, after a great waste of valuable energy and more valuable time, only Dead Sea fruits "that turn to ashes on the lips," it is best for us to know it now, that we may save our energy and time.

LAND MONOPOLY, NOT IMMIGRATION, THE EVIL.

Let me premise by saying that I fully understand and most heartily deplore the terrible and terribly unjust condition to which labor has been reduced in this country. I fully understand the awful meaning of the presence in every labor center of an army of willing and capable laborers, facing immediate want or fear of want, forced by their pressing necessities to bid for the places of all who are fortunate enough to have employment, thus forcing and keeping all wages down to the minimum for which suffering men are willing to work, regardless of the wealth-producing value of labor. That is the deplorable condition existing in every labor center of this country to-day, and, differing only in degree, it has been so for twenty-five years.

The theory of the advocates of the bill under consideration is that this evil condition is caused by the overpopulation of our country; that the natural resources of this country are insufficient to comfortably support its present population.

If that theory be true, then the authors and supporters of the bill are right, and God's scheme of human existence on this planet stands utterly condemned, beyond the possibility of defense.

But I know that the theory is not true. Every man who reads and thinks knows that the natural resources of this country are ample, in the present state of the arts of wealth production, to support in comfort one thousand millions of people. The labor required of each man and woman to produce from the natural earth all requisite food, clothing, and shelter for that number of people in this country would not amount to more than healthful exercise.

Why is it then that, with only 70,000,000 of population, millions of honest, industrious, willing, capable, virtuous people are unable to provide themselves with comfortable subsistence? Why is it that, with so small a population in proportion to natural resources, we are suffering all the horrors that are supposed to spring only from overpopulation? The answer is obvious. The congestion of our labor markets, condemning millions of laborers and those dependent on them to suffer privations in enforced idleness, is not caused by the overpopulation of our country, nor by the presence of illiterate aliens, nor by the inefficiency or inertia, or vices of the suffering laborers. It is caused by the monopoly of the land which constitutes our country.

Three-fourths of the land of our country is owned by less than one-tenth of our people, while the great body of the real wealth producers, excluded by this monopoly from their natural God-given opportunities, are forced into an unnatural competition with each other for such artificial opportunities as the pursuit of profit may induce those who control the sources of production to offer.

The land is not only "the natural common heritage of the whole people, from the immediate gift of the Creator," as Blackstone declares, but it is necessarily the inalienable common heritage of the whole people. The earth, with all its powers and qualities, was made and freely given by the Creator for the equal use, subsistence, and comfort of all mankind, in all generations, from the first human being placed upon it to the last who shall inhabit it. It "belongs, in usufruct, to the living" of each generation, as tenants in common, regardless of what any previous generation, in any country, may have done or decreed concerning it.

The right to the use of the earth is necessarily inalienable because the inalienable rights to "life, liberty, and the pursuit of happiness" are all dependent upon the right of the individual man to the use of the earth at all times upon equal terms with his fellow-men. Any surrender or abridgment of that right is necessarily an abridgment of the other rights.

The violation and perversion of God's heritage through the laws which permit and encourage the monopoly of land is the great crying, horrible, tragical evil which is sought to be palliated by the passage of this bill. There is no use in applying palliatives to such an evil. It can not be palliated. The passage of this bill would not in the least reduce the pressure of unnatural competition in the labor markets. If 20,000,000 people (laborers and their families) were deported from this country to-morrow, the terrible phenomenon of the army of unemployed labor would appear again in every labor center within thirty days. It is an ineradicable incident of every industrial system that has land monopoly as its basis. Two forces would immediately cooperate to bring about that result.

The departure of 20,000,000 of our people would proportionately diminish the demand for commodities, and consequently the demand for labor. But suppose that the departing population had been in the habit of producing more than it consumed, and that the deportation should increase the demand for the services of each of the remaining laborers, thus tending to increase their wages and their purchasing power. That would be the consummation devoutly to be wished. But an increase in the purchasing power of laborers is an increase in their rent-paying power, and in proportion to their increased prosperity ground rents would be advanced to absorb its advantages.

Increased prosperity in any locality belongs, under our land system, to the owners of the location and not to the men who happen to work there. The great danger and probability would be that rents would advance beyond the advantage resulting to the laborers from the deportation of their competitors, leaving them worse off than they were before. In this hypothetical case I have assumed that the wages of the remaining laborers would rise as a result of the deportation. In fact, I think the effect would be less favorable to them. But the ultimate result would be substantially the same. They would in the one case be crushed by the upper and in the other by the nether millstone—either by a diminution of demand for their labor or by an increase of ground rent to absorb their gains. Such are the beauties of our automatic industrial system.

The late William Saunders, member of Parliament, once gave an illustration of landlord domination of industry and of the labor market which is highly instructive as well as interesting. He said that during the Crimean war so many laborers were drawn away from a certain district in England to serve in the army and in employments incident to the war that laborers became scarce in the district.

The laborers, discovering this condition, began to suggest that they should have better treatment and higher wages. A meeting of employers, including the landlords of the district, was called for the purpose of devising means to curb the arrogance of the laborers.

After discussing several plans, it was decided that the situation could best be met by dispossessing some twelve hundred tenants at will, who were living in comparative comfort and independence upon small holdings, and forcing them into active competition for employment in the open labor market. This plan was ruthlessly carried out and immediately restored to the market the surplus of labor which is ever and everywhere relied upon to keep wages down.

Mr. Saunders said that after the adoption of this plan no further complaint was heard from any of the laborers, but each clung to his employment as if his life and happiness depended upon his ability to retain his place.

What liberty or happiness is possible under a system of land tenure, in which a class of nonproducing toll gatherers at the gate of industry exercise such an unlimited despotism over the lives and homes and industries of the real producers of all wealth?

Land being the exclusive source of wealth production and of human subsistence, the small class of landowners can exclude the landless classes from all opportunities for producing subsistence; or, being humane and having a businesslike view to profit, can exact such tribute from the landless classes for the privilege of producing subsistence from the earth as will make them—what, in fact, they have been made—industrial slaves.

You can not remedy or even mitigate the oppression of this system by restricting immigration, or even by reducing population. The system is an automatic labor crusher as well as an extractor of unearned increment, and promptly adapts itself to small as well as to large populations in every community in which the monopoly of land is complete.

Entertaining these views, I can not support the [illegible] bill, nor give any encouragement to the [illegible] that social conditions may be ameliorated by such legislation.

Nearly fifteen years ago, in advocating the organization and general confederation of labor unions, I had occasion to say:

> Monopoly is the one and only oppressor of labor. If you would make labor free, set your faces at once and forever against all forms of special privilege. Advocate and contend not only that such privileges shall not be granted in the future, but that all such privileges now existing shall be withdrawn or canceled or rendered harmless by appropriate legislation, of course respecting the equitable rights of those affected by the change.
>
> Nearly all of our constitutions in this country expressly reserve to the lawmaking power the right to amend or repeal all laws granting or providing for the acquirement of special privileges whenever the public good may seem to require such amendment or repeal. With respect to the monopoly of land—the greatest and most crushing of all monopolies—the right of unlimited taxation has been reserved against it, to be exercised by the people of each State and by the Federal Government in such manner as to them may seem most likely to promote the general good. Every foot of land in private ownership is held subject to that reserved right of the people.
>
> Those who hold land hold it subject to that right of unlimited taxation, and can not complain of its exercise, at any time or to any extent, in accordance with the expressed will of Congress or of the people of the State in which the land is situated. In case of the exercise of that right to the extent of taking the entire rental value of all land by taxation for public uses the owners of the land would have no equities, because they hold it subject to that right of the people. Indeed, the land speculator stands in the position of a mere gambler, betting the price which he invests in the land against the probability of such a change in the tax laws. If such a change be not made in the tax laws, the speculator (gambler) wins and pockets as his winning the market value of the increased but unearned increment. If, however, such change be made in the tax laws, the speculator loses his stake and the people win back the greatest of their natural rights, to bless not only the present generation, but all the generations of the future.
>
> The fight against monopoly will be hard and perhaps protracted, for the beneficiaries of special privileges will band together and spend largely of their ill-gotten gains, which are enormous and growing, to corruptly influence elections and public servants to favor them.
>
> But the people will win in the end, and their triumph will secure not only the emancipation of labor, but also the salvation of popular sovereignty and of free institutions.
>
> Give no heed to the loudly proclaimed assurance that those who oppress

labor are desirous of protecting it. Wolves have always desired to become shepherds, but the wisdom of trusting them in that capacity has never been proved.

The political catch phrase, "protection to labor," is and ever has been a delusion.

The protection that labor needs is not against labor, but against monopoly, which bars laborers away from their natural opportunities and strips them of the lion's share of what they are permitted to produce. Abolish special privileges, remove every barrier that now interferes with the free production or the free exchange of wealth, and labor will take care of itself without the patronage of any other class. Then labor of hand or brain will be the respectable—the only respectable—means of acquiring wealth. Then the much vaunted dignity and contentment of labor will be realized beyond the wildest dreams of those good people who now, from sanctums and sanctuaries, tell us what they should be. Freedom, and not restriction, is the way to the emancipation of labor.

I have not changed my mind in the least on any of the questions discussed in that speech, and I have the same opinion of this new form of so-called protection to American labor that I expressed concerning the form of protection which I was then discussing.

It is even more plausible, but it is equally fallacious and worthless.

For thirty years, sir, the laborers of this country were deceived by the pretense that a tariff levied on the importation of manufactured commodities would protect the employment and wages of American laborers engaged in the production of similar commodities. For thirty years our laborers wasted their energies and neglected their own true interests in supporting that theory and policy, only to find at the end of the period that the condition of labor had been growing steadily worse, notwithstanding tremendous increases in the tariff, and that "protection fattened no one but the boss."

For thirty years the farmers were similarly deceived by the assurance that protection secured to them a larger home market for their products at higher prices than they would otherwise have. The condition of the farming interests grew steadily worse during the whole period. The farmers paid the onerous burdens imposed on them by the tariff as consumers of manufactured goods, but secured no benefit in the sale of their commodities. When deception could go no further, it was admitted that protection could not keep up the price of cereals, because there is, and must ever be, a surplus of cereals produced for export: and that the home-market theory was a fallacy, because the prices of cereals could never be higher in the home market than the prices commanded by the surplus in the world's free markets less the cost of shipping cereals to those markets. These were the very fallacies in the protective theory that we had been pointing out for years. They now stand admitted.

What new form of jugglery will be practiced on the farmer to induce him to stand by the tariff barons we are not advised, but to the laborer the assurance is given that the great mistake of the protective system was in permitting the protected tariff barons to scour the labor markets of the world for pauper labor to be employed in the protected industries, and that now, after they have imported more than enough of laborers to carry on all the protected industries, they will really protect labor by preventing any further influx.

How long will the laborers of America be deceived and lulled to inactivity by this new protective farce?

It will fail; it will disappoint them finally. But how much time are they to waste through the deception?

When it fails, if the American laborer is still credulous, I suppose the monopolists of the country will try to lead him into a few years more of fruitless fighting against the introduction and use of labor-saving machinery, which, far more than immigration, invades what they are pleased to call "his labor field."

The "labor field" is another name for the exploded fallacy of the "wage fund," the theory being that there is in this country a certain amount of manual labor to be performed and a certain amount of money with which to pay for it, and that therefore the condition of labor is to be ascertained by the simple process of dividing the amount of the wage fund by the number of laborers seeking employment; whereas, in the last analysis, labor is the employer of labor the world over, and all that the laborers of the world require as their true condition of happiness and plenty is freedom to supply each others' demands—freedom of production and freedom of exchange.

"Back to the land" is the way to industrial freedom, and the single tax, which will take away the only incentive that men now have to monopolize land, is the means by which that freedom can and will be accomplished.

Justice is the real need of the American laborer, for that involves his right of access to the soil of his country and his right to enjoy all the wealth that his labor produces.

The new demand of the people will be for justice— for natural justice—not for favors. And they will do justice when they shall enjoy it. Let no man fear that they will fail in this.

Make us sharers in the plenty
 God has showered upon the soil;
And we'll nurse our better natures
 With bold hearts and judgment strong,
To do as much as men can do
 To keep the world from going wrong.

Pacific Railroad Bill.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

In the House of Representatives,

Friday, January 8, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—

Mr. WHEELER said:

Mr. Chairman: I am in favor of getting the very best settlement that is possible with regard to the Pacific railroads. During the last fifteen or twenty years this question has been vexing the people and vexing Congress. I am in favor of a commission, as suggested by my distinguished friend and colleague [Mr. Harrison], or I am in favor of a lump sum being paid, as was suggested last year by the distinguished gentleman from Georgia [Mr. Turner], and as is now suggested by the Secretary of the Interior. Failing in that, I advocate an extension of the debt upon the very best terms that we can get. I believe that without some such settlement this railroad will be cast upon the hands of the Government, which will incorporate into our Government a new and dangerous feature, one never contemplated by our forefathers, and one the effects of which are very far-reaching. I fear that if the control of this road is cast upon the Government the results will be an annual loss, until finally we shall be begging some corporation to take the road upon terms much less favorable than now presented.

My investigation leads me to the conclusion that the tendency of all well-ordered governments has been to abstain from, or at least to lessen, government ownership of railroads, and, so far as possible, to encourage their being only controlled by companies.

I also observe that those governments which seek to increase the power of the governing forces are those which tend to encourage government ownership of railroads, while the tendency of all other governments has been to oppose it. I find also that in all countries where railroads are owned by the government the charge for passengers and transportation of freight are much greater than on railroads owned by private companies, while at the same time we find that the expenditures of government railroads are always greater than that of private companies.

In Sweden the expenditures are about 95 per cent of the revenues for State railroads. The expense of the private railroads are only 78 per cent of the revenues.

In Belgium three-fourths of the railroads are State railroads. The expenditures of the State railroads are 59 per cent of the receipts, while the expenses of the private roads are only 48 per cent of the receipts.

In England and Wales all the railroads seem to belong to private companies, and the expenditures are about 60 per cent of the revenue.

In India the State owns about 72 per cent of the railroads, but many of them are leased to private companies.

In Russia most of the railroads belong to the State, and in 1893 the expenses of the roads and interest on money borrowed to purchase the lines exceeded the income by 3,263,387 rubles.

In Spain all of the railroads belong to private companies.

In Portugal two-thirds of the railroads belong to the State.

In Italy the roads were formerly owned by the Government, but when the spirit of liberty began to be incorporated in their system, an act was passed requiring roads to be leased to companies, and absolving the State from control and responsibility.

In Greece the greater number of the railroads belong to private companies.

In Denmark three-fourths of the railroads belong to the State.

Only one-fourth of the railroads in Sweden now belong to the State.

In Austria and Hungary there are 7,124 miles of State railroad, and 6,138 miles of private railroads worked by the State, and 4,776 miles of private railroads worked by private companies.

In 1862 Congress enacted a law loaning money to the Pacific railroads, at the rate of from $16,000 to $48,000 a mile, and two years later this body enacted a law by which it voluntarily gave up the Government's first mortgage on the road, and substituted for it a second mortgage. After thus impairing the Government's security, the legislation of subsequent Congresses has had the effect to reduce the value of all property.

In 1873 this Government commenced legislation which has gradually but surely reduced all the value of property, and it has kept up that system of legislation until to-day.

When Congress demonetized silver, and thus struck down one-half of the redemption money of the United States, it reduced the value of all property and impaired the security upon every mortgage in the land.

When Portugal demonetized silver, there was comparatively little silver in that country; but yet, in order to do justice to the creditor, it enacted that all debts could be liquidated by paying three-fourths of the amount due. If the legislation of the last few years which has fastened the gold standard upon us had also enacted that all debts of the United States could be liquidated by paying one-half the amount due, it would have only done justice to debtors, as it is no exaggeration to state that on an average the property of the United States has fallen to half its former value. Railroads have been unable to pay interest on their bonds, and the owners of the bonds have felt it to be to their benefit to scale the bonds or accept a lower rate of interest, rather than proceed against the roads and foreclose the mortgage. If private individuals felt that they would be benefited by accepting such a compromise, then most certainly the Government ought to be willing to accept a compromise of a debt due it by the Pacific Railroad Company when the Government itself is alone responsible for the enactment of legislation which has reduced the value and income of this property so that they can not pay the interest as first contracted.

Now, Mr. Chairman, I do not concur with those gentlemen who believe that this Government could successfully subject the private fortunes of the directors of these roads to make up the deficiency which will be developed by the foreclosure of this lien. I believe the Stanford decision of last year practically settles that question; and I believe that if that railroad is forced upon our hands it will inaugurate a system more detrimental to us than to lose the entire debt. I do not concur with all that has been said with regard to the construction of these railroads. Congress enacted loose and badly guarded and perhaps very improper legislation, and these gentlemen have availed themselves of it. I do not concur in the belief that the managers of these roads are guilty, as has been charged upon this floor. I do not believe that Charles Francis Adams, or Mr. Stanford, or Mr. Huntington managed this road in the manner indicated in the speeches made here. The extent of what they did was to avail themselves of privileges given by legislation, which has proven under their management to be quite profitable. But it must be remembered that all capitalists had the same privilege, but very few dared to invest their means in an enterprise which involved risk and the danger of great loss.

If these men had done more than to avail themselves of the privileges offered by legal enactments, the courts would certainly have been invoked to enjoin them, and if they had violated the law, they certainly would not have escaped the severity of the most extreme legal penalties. It is certainly abundantly evident that hosts of enterprising people and an army of the best legal talent has stood ready to hold them to the strictest accountability.

Congress enacted very unwise legislation; gave these corporations great privileges and licenses, and those who controlled those corporations availed themselves of these licenses and privileges and reaped large fortunes thereby.

We are hitting at the wrong men when we denounce and vilify the projectors and controllers of these great enterprises. Most men will avail themselves of advantages offered by legislation, and it is not surprising that those men have done so; but the men at fault are those who enacted the laws, not the men who avail themselves of the benefits thus tendered.

I recognize the desire on the part of our friends of the Pacific Slope to have these railroads declared Government roads, as they seem to think it will be a benefit to the people of that section of our country.

Mr. HERMANN. All the representatives of the Pacific Coast do not hold that view. Many abhor that idea.

Mr. WHEELER. I believe that; but I think it would be better for Congress to make the people of the Pacific Slope a present of the system, if they will give a guaranty to the Government of the United States that the Government should be subjected to no more liabilities, and then let them run the roads as a benefit to that country, which we all recognize is peopled by those who are worthy of the highest consideration of the Government. This would be better than for the Government to attempt to run these roads, especially in the present condition, without terminals and other facilities essential to successful operations.

It must be borne in mind that the capital stock in these roads is largely owned by parties who have had nothing to do with the road's management. Widows, children, orphans, and estates are among the holders of these stocks.

The morning papers publish what purports to be a better proposition than any heretofore tendered to the Government, but the committee which has the bill in charge inform me that no such proposition has been suggested to them or to any official of the Government. Whatever is done by this House is by no means final. Any bill we pass must go to the Senate, and if a bargain is offered which is better for the Government, the Senate will certainly amend the bill, and thus give the best possible protection to the people.

The CHAIRMAN. The gentleman's time has expired.

Pacific Railroad Bill.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

In the House of Representatives,

Saturday, January 9, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes"—

Mr. GROSVENOR said:

Mr. Chairman: I do not hope or expect, in the few remarks I can make in five minutes, to add anything to the argument that has been made on the affirmative side of this question. I desire only to place myself on record as giving to the committee the reasons why I shall support the pending bill. This question of the funding of the debt of the Pacific Railroads has been before Congress ever since I have been a member. The same arguments have been used on all these occasions, and there have been some arguments used in the past which are not insisted upon now. One of the strongest arguments advanced in opposition to the bill which was considered in the Fifty-third Congress, the Reilly bill, was that its passage would have the legal effect to discharge from liability certain stockholders of the Southern Pacific Railroad Company who could be made to respond in the courts in an action to be brought on behalf of the Government. It was claimed that individual liability upon the stock would produce, from the estates of three dead men and one living man, a complete indemnification of the Government, and many of the same gentlemen who are now so strenuously opposing this bill [illegible] their legal opinions, backed by the opinions of very able lawyers, that if we passed the Reilly bill we would discharge a great standing liability that the Government could look to for indemnification. That argument had much to do with the defeat of the proposition then before the House. Since that time the judgment of the highest court in the land has held that that hope was unfounded, and that there was no such claim which could be enforced by the Government in the courts.

Mr. BARHAM. What decision is that?

Mr. GROSVENOR. The decision in the case of the Stanford estate. Now, Mr. Chairman, I do not know that the pending bill gives us all that equity demands, but I know this: After all these years of consideration, while these properties have been going downward in value, going downward in their power to earn, going downward in the possibility of paying greater amounts than they were then willing to pay, this legislation has been held over their heads to their very great detriment. One of the best railroad men in the United States, in no wise interested in this proposition or in the event of this legislation, told me the day before yesterday that two of these railroad lines, one extending from Kansas City by way of Denver to Cheyenne, and the other from Omaha to Ogden, had been safely earning $10,000,000 per annum above their expenses prior to six years ago; but that by reason of the unfriendly attitude of the Government, and the consequent impossibility of their extending their facilities to meet the competition of other railroads, $3,500,000 per annum is the utmost figure upon which those railroads can be counted on to pay over and above their running expenses, and even that is a precarious figure. So I conclude that the committee that has made this report has gone over the whole subject carefully and has wisely brought in a proposition which, if adopted, will give us the best results that the Government can hope to get out of the transaction.

I pay no attention, Mr. Chairman—I may be wrong about that—to any of these matters of crimination and recrimination about the building of those railroads. I was keenly and intently interested in the construction of those railroads at the time they were builded. I thought I understood what the purpose was; and in the full light of my recollection of those days I would as soon cast up against the adjustment of a Southern railroad the money that we expended to build a military line even through Tennessee and

Georgia as to complain of the cost of the transcontinental lines. Their building was the glory of the people of this country, and amid the shouts of joy that went up all over this country in April, 1865, there was mingled great rejoicing that amid war and in the very din of war we had extended the iron bands that united the Pacific with the Atlantic coast, and, Mr. Chairman, I refuse to be misled or in any wise affected by the volume of slander and vituperation that has been poured out upon the men who were largely instrumental in the construction of these roads. They were forced to build these roads at a rate which forbade and made impossible economy. They worked by day and by night, on week days and on Sundays; they worked at an enormous disadvantage so far as economy was concerned, and these men who made California what it is, who by their indomitable industry and enterprise and farseeing commercial wisdom united the two sides of this mighty continent, will not suffer at the hands of anonymous scribblers and blatant slanderers who have filled the mails of this country with the poisonous stuff of professional libelers.

I am not afraid to stand here and say that the men, Huntington, Stanford, Crocker, and Hopkins, are men whose names will shine in the galaxy of mighty men of the United States when their libelers will have been utterly forgotten. But, Mr. Chairman, it was a most wonderful demonstration that was made on the floor of this House when my distinguished colleague from Ohio [Mr. NORTHWAY] was speaking. I hold that gentleman in high esteem, and honor him as a man who is usually right, and I was amazed at the position which he himself took, and I was more amazed at the applause that followed the suggestion which I construe to mean an approval of the idea of the purchase of the Pacific railroads and their operation by the Government of the United States, and I may say here that whether he favors the operation by the Government or not, his position in favor of the purchase of the roads by the Government leads absolutely to the operation by the Government, and therefore I shrink whenever the suggestion of Government ownership of railroad lines is even mentioned in my presence.

I know something about the operation of railroads by governments. I have traveled many times on government railroads, and I would as soon live in a country governed by a czar—I mean a real czar—as to live in a country where the government holds in its grip the instrumentalities of enterprise, commerce, and intercommunication. The right of the citizen to sue in the courts to redress his grievances against railroad corporations is, under this manner of government ownership, cut off. The right of the citizen to enforce compliance with the law by railroad corporations is in this way cut off. There is piled up on the taxpayers of the country an absolute army of employees, which in the United States of America would add 250,000 at least to the already numerous office-holding class. I can not believe for one moment that the Government of my country, a free country, which owes its greatness to the enterprise of its citizens, will ever become the owner of the instrumentalities of transportation, and thus become the operator of all the means of enterprise in the country.

So, then, we have upon this floor now pending two propositions. The gentleman from Missouri [Mr. HUBBARD] has not been quite ingenuous in stating that it is the purpose of somebody to dispose of this question now. The alternative is presented that this question shall be disposed of now or handed over, in all the deformity of a defeated bill, to the next Administration. I so understand the proposition, and the gentleman says, "Let us do that, because we have no information on this subject." We have been devoting the best talent of this House to the investigation of this question for nearly two years' time. We had the best talent of this House examining this question two long years before we began, and the concurrent testimony of the committee of the Fifty-third Congress and of the committee of the Fifty-fourth Congress is that this measure ought to pass this House.

The division of sentiment in opposition to this bill is enough to defeat the purposes of that opposition. No two of these gentlemen are able—though patriotic, doubtless—to get together on any proposition except the negative one not to agree to the passage of this bill. Each man had his own separate proposition, some of them wise, doubtless; some of them doubtless otherwise; but no two of them stand together. We are asked, in the interest of getting together, to hand this matter, along with the Cuban matter and a few other pending questions, to the incoming Administration. We are asked to relieve the present Administration from the responsibility of disposing of current questions which have arisen all along these lines. It has been a wonderful Administration to shirk everything, every duty, every question, except the duty which it has considered a paramount one, of seizing all the places in the Government and of filling them full of unexamined and unfitted Democrats and then placing the ban of civil-service reform over them.

First, then, my proposition is, we shall never get any better information than we have now. What is my evidence? We have been four years trying to get better information, and we have got just where we are, and we have got not one inch beyond it.

My next proposition is, it would be better for the Government of the United States and for the people of the United States to give a clear receipt for every dollar invested in this controversy than to have it perpetuated and ultimately settled in the form of a Populistic purchase of a great line of railroad. [Applause.]

My next proposition is that the best judgment of the best men of this country is that this is the best proposition we can ever get.

Gentlemen say there was a better proposition some years ago. There may have been. The property was worth more; and two years hence the property will be on the same downward scale that it has been during the past four years. I am not willing that gentlemen going out of this House, who have expended so much labor in the effort to clear up this matter, shall hand it over as a legacy, in the vain hope that their successors will do more than they can do. Let us decide this question in view of the weight of the evidence. It is time to settle it. The time has come. Let us take the side that has the preponderance of intelligent evidence upon this question, and settle it. I am not willing that the Government of the United States should own a railroad. I am not willing that this contest should be kept up any longer in the interest of the agitation of California politics. I am not willing that the Government of the United States shall put its money into the running of a railroad across the State of California at the same time that all profit and improvement of the railroad is destroyed by the operation of the local laws and railroad commissioners of California.

I am not afraid of the attacks upon men. I have no interest in local controversies over this road. I believe, with the best light I have, that the path of duty is the path that has been marked out by the distinguished majority of this great committee of the House of Representatives.

And I close my remarks, Mr. Chairman, with the prediction, which I make here and now, that this is the best conclusion of this matter we shall ever have offered us, and at the door of the men who throttle this measure and appeal to the prejudice and sand-lot hostility of men will lie the responsibility of keeping up this agitation to defeat the best interests of the Government and destroy a magnificent property in which I take pride, and which is a part—a great part—of the magnificent shining history of the Republican party and of this great country of ours.

Anti-Ticket Scalping Bill.

SPEECH
OF
HON. JAMES G. MAGUIRE,
OF CALIFORNIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, February 27, 1897.

The House having under consideration the bill (H. R. 10000) to amend the act entitled "An act to regulate commerce"—

Mr. MAGUIRE said:

Mr. SPEAKER: The scalping business aimed at in this bill is based wholly upon discriminations made by railroad companies between persons and places. The remedy for that evil is to prevent the discrimination. The scalping business will then go out of existence. The principal effect of ticket scalping is to distribute the advantage of special railroad rates to the public with a percentage to the scalpers. The effect of the bill will be to enable railroad companies to perpetuate pools between competitive points and discriminations against noncompetitive points. It is thoroughly vicious legislation, increasing the unjust privileges of the holders of railroad franchises.

It is urged that there is an immoral phase to the sale of special contract tickets to be used by persons other than original purchasers who have signed them and who have agreed that they shall not be transferable. No common carrier should ever be permitted to demand from a passenger purchasing a ticket his signature to any such contract, nor to any special contract. Special contracts on the part of common carriers are vicious from every point of view. The practice of forcing special contracts upon passengers by railroad companies should be stopped. That will remedy the evil.

Again, this bill proposes to legalize and encourage the vicious and demoralizing practice of giving passes over railroads to public officers and others, which is now forbidden by the interstate-commerce act. This is a vicious and retrogressive step.

I regret exceedingly that this House has determined to railroad this railroad bill through on Empire State express schedule time, and that there is no opportunity for fair discussion. I am admonished that my time is up.

[Here the hammer fell.]

Appropriations.

SPEECH
OF
HON. WILLIAM P. HEPBURN,
OF IOWA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, February 13, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes—

Mr. HEPBURN said:

Mr. CHAIRMAN: I do not know that I desire to controvert any of the specific appropriations carried in the pending bill, but I do want to use this occasion for the purpose of inveighing against a system that is growing up in this House. I have no doubt that the Committee on Appropriations have done the very best they could in this situation. They have made no appropriations, or authorized no appropriations this year, or at least but very few, that they did not feel there was an absolute necessity for making. And it is not against their action that I wish to speak to-day, but against the action of the House itself heretofore, and that I believe is to be repeated over and over, in the legislative proceedings of this body. These, I think, challenge our attention; and I want to call the attention of the House to-day to the manner in which the river and harbor bill at the last session of Congress was passed—a river and harbor bill that makes necessary the expenditure of nearly $16,000,000 of appropriations carried by this bill.

I want to call the attention again, as I did then, to the fact that not a paragraph of that bill was read in the presence of the House; that it was passed without knowledge upon the part, I believe, of the majority of the members of this House of the propositions it contained.

Mr. GROSVENOR. Will the gentleman allow an interruption?

Mr. HEPBURN. Certainly.

Mr. GROSVENOR. I want to sympathize fully with the gentleman in regard to the passage of that bill. But I hope he will do the justice to the House to say that while it was passed without debate, as in my judgment it never ought to have been passed, nevertheless there was a refusal on the part of the opponents of the bill at the time to accept a division of the time, which would have given something like three hours, as I recollect it now, for general discussion upon the bill.

Mr. HEPBURN. The proposition that I made has not been met by the statement of the gentleman. I said that the bill was not read, nor was a paragraph of it read, in the hearing of this House. The first reading was dispensed with, and then the bill was passed under suspension of the rules. There was no debate of any kind, either general or with reference to the specific items. It was passed, authorizing more than $70,000,000, nearly $13,000,000 directly appropriated, which, with the sums carried in this bill, make a total of more than $28,000,000 appropriated by this Congress for rivers and harbors.

I am not one of those who are disposed to quarrel with such improvements as the gentleman from Mississippi [Mr. CATCHINGS] discussed. Works of great national importance ought to receive the attention of Congress, and should receive liberal aid; but under the pretense of works of that kind, millions, numbered by the fifties, have been appropriated, thrown away in insignificant ventures that have no national importance and no bearing at all upon our commerce. The gentleman from Mississippi [Mr. CATCHINGS] has given us another illustration of where "the wicked flee when no man pursueth." No word had been said about his pet appropriations, and yet the gentleman, anticipating that they are susceptible at least of criticism, hastened, out of his time, to apologize for their appearance.

Mr. CATCHINGS. I will say to my friend——

Mr. HEPBURN. I will remind him of what was once said of a distinguished Englishman, that he only escaped censure when he escaped observation; and the gentleman ought not to have challenged it to his own pet measure.

Mr. CATCHINGS. I want to say to my friend that he had very courteously notified me that he was going to attack that project, and I alluded to it. He had notified me in advance, and more than that, he had refused to speak first. I asked him to speak first, so that I could reply to him.

Mr. HEPBURN. The gentleman [Mr. CATCHINGS] and I have had a number of controversies over the river and harbor bill, and he has always paid me the compliment of insisting that I should speak first. I have thought now—when he came to me with the request a little while ago that I should do so—that I would exercise my election.

Now, Mr. Chairman, since the gentleman has preceded me, I will take some of his measures as illustrative of what I have heretofore said, that this bill, under the pretense of conducting works of national importance, is made the vehicle for ruthless, reckless extravagance and wasteful appropriation. The gentleman has told us about a specific appropriation. Mr. Chairman, there is on this bill a large appropriation, making the concluding appropriation of a gross aggregate of $1,155,000, under the caption "Improving the mouth of the Yazoo River and Vicksburg Harbor," and yet the gentleman's excuse for that is that the mouth of the Yazoo River has been closed by a sand bar, and by reason of that the navigation of 800 miles of otherwise navigable water is taken from the people. Why, Mr. Chairman, there is an appropriation in this very bill, or at least there was one in the last bill, for the removal of this sand bar from the mouth of the Yazoo River, of $20,000, or so much thereof as may be necessary.

Mr. CATCHINGS. I will say to my friend that this $20,000 is not for the removal of this sand bar, but for the improvement of that river.

Mr. HEPBURN. Let us see.

Mr. CATCHINGS. Well, you will see.

Mr. HEPBURN (reading):

> Improving the Yazoo River, Mississippi: Continuing improvements, $20,000, of which so much as may be necessary shall be expended in removing the bar at Yazoo City.

Mr. CATCHINGS. Well, that is not the mouth of the river. That is 100 miles from the mouth of the river. [Laughter.]

Mr. HEPBURN. Very well, Mr. Chairman, the gentleman has said that it was for the purpose of improving the river and this harbor. Now, according to his own statement, this makes no continuous outlet or passage from the Mississippi River and around to the Mississippi River again. It is simply in effect an improvement of the Yazoo River and its tributaries.

Let me call attention to one of them, the Chickasahay River. At the time of the adoption of the present project the channel was only navigable for small rafts during high water, and was difficult and troublesome for that. The minimum width of the channel is 50 feet, and the minimum depth five-tenths of a foot at low water. That is one of the schemes carried by this river and harbor bill. Here is another, the Leaf River, Mississippi. Commercial statistics: One small stern-wheel steamer makes occasional trips up the river as far as Augusta, Miss., where a county bridge, lately erected, obstructs navigation. On that stream the total merchandise in 1895 was 50 tons. On the other one of which I spoke, the Chickasahay, in 1895 the merchandise consisted of cotton, 30 tons; produce, 3 tons; rosin and turpentine, 100 tons. That is the commerce on that river.

Mr. CATCHINGS. Will my friend state what is the appropriation for that river?

Mr. HEPBURN. I think it is $2,500.

Mr. CATCHINGS. Do you not think that is a fair appropriation for that?

Mr. HEPBURN. I do not. I think it a waste of the public money. Do you pretend to call that a national enterprise, or one for which we have a right to appropriate the nation's money? You might just as well insist on the Government building your county highways.

Mr. CATCHINGS. If my friend will let me answer——

Mr. HEPBURN. You had your time. You do not want to make both of these speeches. You agreed that I should make one if I make it first. [Laughter.]

Mr. CATCHINGS. I wanted to call your attention only to a speech made by Mr. Lincoln when a member of this House in which he was discussing just such a stream as that, and insisted that it was national.

Mr. HEPBURN. Mr. Chairman, I can conceive that a comparatively small stream at the time when Mr. Lincoln was a member of this House, when we relied upon the water courses for our means of transportation, would have an importance which it would not have at this time, when we have 185,000 miles of railway within the limits of the United States. At that time canals were factors in our transportation; and they are abandoned now. Some of them which at that time appeared to have a national importance are now dry and the roadbed of improved methods of transportation. But before I get away from Vicksburg improvements. The improvement of this harbor, as a harbor of great national importance! That suggests to the mind broad expanses of water, magnificent ships, great quays, warehouses, merchandise, and all the paraphernalia of commerce. Let me read from the report of the Senate on the river and harbor bill of last year, speaking of the mouth of the Yazoo River and the harbor of Vicksburg, Miss.:

> Operations during the fiscal year ending June 30, 1895, consisted chiefly of clearing and grubbing Vicksburg Harbor.

[Laughter.]

Grubbing the harbor! Getting stumps out of the way [renewed laughter] and the cottonwood roots, in order to prepare for that excavation that was finally to result in a broad expanse of water, in majestic steamers, in splendid quays, in superb warehouses, and in the commerce of a great city!

Mr. CATCHINGS. I want to suggest to my friend that that grubbing is on the side of the canal, and not the harbor.

Mr. HEPBURN. I do not know where it is; but I do know that this is a document, and that it is a document prepared in part by the engineers of the Army, the men who have this work in charge, and who are making a report of what they have done in order to carry on this great national work.

I submit, Mr. Chairman, that the gentleman was not felicitous in selecting the illustration that he used as to the necessity of expenditures of this kind. Buffalo is a great city; and yet the appropriations for Vicksburg keep well apace with those for Buffalo. Cleveland is another great city; yet the appropriations for Vicksburg, I think, exceed those for Cleveland; yet Cleveland has as many thousands of population as Vicksburg has of tens. Cleveland——

Mr. GROSVENOR. I want to say to the gentleman that while he is on a pretty good line of illustration——

Mr. HEPBURN. Then just let "the gentleman" continue, if you please. Mr. Chairman, I decline to be interrupted. I am saying one of my best things, and I do not want the gentleman to interrupt me. [Great laughter.] That is a way he has of disturbing the thread of my argument always.

Mr. Chairman, Duluth—there is a prospect of a city there, a city that will make contributions to the commerce of the United States; that enhances its wealth, its business, and makes labor. It has all the elements that enable us to assume it will be one of the great commercial points in this country. Is there any parallel between it and Vicksburg? Vicksburg has no inhabitant that has been able to see a steamboat or a craft carrying commerce for the last five years without a travel of 2 miles at least from the eastern limits of the town.

Mr. CATCHINGS. What we want is to cut off that 2 miles of travel and let the boats come up to the harbor.

Mr. HEPBURN. That is right. We have in Vicksburg about 4,000 or 5,000 people.

Mr. CATCHINGS. The gentleman is as far off in his knowledge of population as he is in his general feeling on river and harbor improvements.

Mr. HEPBURN. Mr. Chairman, it would be better for the people of the United States to pay for the transportation for the people of Vicksburg of everything they have going out or coming in, carrying it all the way to the seaboard, rather than to indulge in this vast expenditure in the attempt to prepare for them a harbor. When I have spoken of the $1,155,000, I have spoken only of the present enterprise. I have not referred to the hundreds of thousands heretofore expended in abortive effort to secure a harbor for that town. If the gentleman, when I get through, would have the kindness to tell this House of all the sums expended there through all the years in an abortive effort to make this a commercial city, he would astonish every member here present. The gentleman has not only been full of his local enterprise, but the older members of this House will recollect that the gentleman from Mississippi has been the champion of the Mississippi River Commission. At all times he has been its spokesman. In good report and evil report the Commission always had one champion here ready to meet all antagonists of that excrescence.

The gentleman from Mississippi used to be as earnest and as apparently sincere in the support of their schemes as he is now with regard to his own local rivers and his own town; yet that Commission, after expending more than $16,000,000 in the attempt to "rectify" the banks of the river, have yielded to the practical experience of everybody who has knowledge of that stream, abandoned all construction of that kind, and, after the expenditure of all these millions worse than thrown away, have resorted to the primitive method of dredging. Since that Commission has been in existence, and up to the last appropriation bill, it had expended nearly $27,000,000 in the alleged "improvement" of the navigation of the Mississippi, and yet in a message from the Chief Executive we find the astonishing statement that, after all that expenditure, they have succeeded in deepening the channel of the river at two points 18 inches! A million and a half dollars expended for each inch!

Now, Mr. Chairman, with that knowledge of how earnestly my friend—and I say this with all respect—with that knowledge of how earnestly he has championed the movements, the purposes, the abortive attempts of the Mississippi River Commission to improve navigation, and their lamentable failure, I must be permitted to receive with some allowance the other suggestions which the gentleman may make with regard to what may be called living propositions in the river and harbor bill.

Mr. Chairman, the appropriation of $16,000,000 covered by this bill for the purpose of improving rivers and harbors is said to be justified because it is in furtherance of the contract system. I submit that there is a provision in the last river and harbor bill which destroys entirely the efficacy of that system. I refer to the provision which allots or proportions the work by making only a portion of the authorized sum available each year. If there could be a lump sum of money appropriated for a given work, a sum sufficient for its completion, and if all possible expedition could be used in construction, I can see that a saving might be effected; but what is the difference between appropriating $250,000 this year and $250,000 next year, and so on, and authorizing a contract whereby payments are to be made only at the rate of $250,000 a year?

Mr. CATCHINGS. I will say to my friend that the limitation to which he refers is based upon our experience, which shows that it takes about four years to finish one of these works, and the chairman of the Committee on Appropriations, and others who are specially charged with looking after the interests of the Treasury, thought it would be proper to put in the bill the limitation to which he refers, because, if it were not there, it would still take about four years to complete one of those works.

Mr. HEPBURN. I can see how it would be an advantage to have a gross sum appropriated, a contract let, the machinery assembled, the hands secured, more or less experience gained, and then the work proceeded with continuously to completion. But under this system is it not probable that the same evils will be experienced that were experienced under the old system, where, as was the practice of the committee, I think, when my friend from Mississippi controlled it, before the contract system was adopted, they would appropriate 20 or 25 per cent of the estimated cost of the work, a contractor would begin with that appropriation, he would assemble his plant, he would get his hands together, he would enter upon the work and partially complete it, and then, when the appropriation was exhausted, would leave it in an unprotected condition in the winter months, so that the elements would practically destroy what had been accomplished, and the next year the work had to be begun over again? Now, while we have theoretically the contract system, and contracts are entered into, the means of carrying them on are not provided, and the same evils will arise under this system that arose under the old system.

Mr. CATCHINGS. With the gentleman's permission, I wish to call his attention to the fact that the river and harbor bill expressly authorizes the Secretary of War to make a contract in advance of an appropriation, if he chooses to do so, for the completion of the whole work, the contractor to be paid only as appropriations are made; and that has been the practice, and no difficulty has been found in gettting contractors to take contracts on those terms. My friend is also mistaken when he undertakes to describe the old system. Under that system they appropriated about 25 per cent for two years, but there was no authority in the Department to make any contract beyond the amount covered by the appropriation. Under the present system the contract is made for the whole work; the contractor assembles his plant and goes on with the work to its completion without waiting for an appropriation; so the gentleman will see there is a very great difference.

Mr. HEPBURN. Well, does that explanation change the status as I have presented it? The contractor must make allowance for the ravages that will be wrought by the elements upon his work. There is a time when work will be suspended, there is a time when nothing will be going on, and it seems to me that the very object which this system pretends to secure—great economy—is defeated, because the contractor, knowing that his contract is to extend over four or five years and that the work will be unprotected for large portions of that time, must, in the nature of things, make allowance for that in his estimate and in his contract price.

Mr. Chairman, I find in this bill something over $4,000,000 of appropriation for completing public buildings. I do want to say a word against the extravagant expenditure that we are indulging in with regard to public buildings. Take an illustration: What is there in the circumstances of the New Jersey city or town which is the beneficiary in this case that should make it necessary for the Government to expend $800,000 in a public building there? It is a wanton extravagance. Every man knows that a commodious business building could be erected at a cost of only one-eighth of that sum—a building which would meet every demand of the public, thereby saving $700,000, which might, in my judgment, be much better expended elsewhere.

Mr. RICHARDSON. To what city does the gentleman refer?

Mr. HEPBURN. Newark, N. J. I believe that we ought to erect public buildings; but instead of expending $800,000 for a single building at such a city, I think it would be a great deal better to erect there a building worth, say, $100,000, and then appropriate $10,000 for each of seventy towns throughout the United States, so that we might be enabled in these various places to do the business of the second and third class post-offices.

[Here the hammer fell.]

Potomac Flats Park.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 24, 1897.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park—

Mr. WHEELER said:

Mr. CHAIRMAN: Gentlemen tell us who have spoken upon this bill that the purpose is to beautify the flats which adjoin the city, and which have been created by dredging out the river, thus making 300 acres of land, all of which has been done at an expense of from $2,000,000 to $3,000,000. Now, in ordinary cases, I approve the beautifying of everything connected with this city; but we are now in Committee of the Whole House on the state of the Union, and we must consider the state of the Union. I want to call attention, Mr. Chairman, to the condition of our country. I want to call attention to the suffering and poverty in our land, all of which has been produced by legislation enacted in this House, and until laws are enacted for the purpose of and which will have the effect of restoring our country to prosperity, the question of dedicating land which has cost us $3,000,000, and when beautified will cost $3,000,000 more, should not be seriously considered.

The people that I represent have witnessed a terrible object lesson caused by the legislation of our country. In 1870 the people of Alabama started to build a city in the wilderness, and they built up a place called Birmingham. It had wonderful natural facilities, wonderful advantages, and in the course of three years a barren area had become a prosperous city of between four and five thousand people. While prosperity was crowning the efforts of our people, the subtle destroyer entered this Hall and, unknown to the people, an act was passed in this House which the world recognized as reducing the money of ultimate redemption one-half. Immediately that prosperous city became a scene of desolation, and for a period of five years there was no business done there except that of the sheriff, the marshal, and the chancery court in enforcing liens.

That condition continued until action was taken in this House which restored the coinage of silver. The energizing effect of this action was felt throughout our land. After the enactment of the first law to which I have referred, the act of February, 1873, Birmingham commenced to lose her population, so that there were only 3,000 people left in that city when the census of 1880 was enumerated, but during the period of ten years of silver coinage she rose to be a city which, including the immediate suburbs, exceeded 75,000 people, and property increased in value five thousand fold. When people found that the land values had risen so high, so that they could not afford to invest in Birmingham, they went up to Sheffield, bought a cornfield there, and in three years, under the beneficent influence of the coinage of silver, Sheffield had changed from a cornfield to a prosperous city of nearly 5,000 people, with five great furnaces blazing forth their light to heaven. When property got too high there, people went across the river, and in three years the city of Florence changed from a place of 1,200 to a place of 7,000 people. Then they went to Decatur, and in three or four years Decatur changed from a sleepy town of 1,500 people to a city of 6,500.

Mr. LACEY. Will the gentleman yield for a question?

Mr. WHEELER. In a moment.

Mr. LACEY. I want to know if all this great growth which the gentleman is describing occurred since the "crime of 1873?" [Laughter.]

Mr. WHEELER. The depression occurred immediately after the "crime of 1873," and the depression continued until we rebuked the crime of 1873 by enacting the law of 1879 for the coinage of silver.

Mr. HARDY. And under a protective tariff.

Mr. GROSVENOR. And the downhill movement began after the Democratic tariff legislation of 1894.

Mr. WHEELER. No; the downhill movement commenced immediately after the passage of the law of July 14, 1890, by which we repealed the coinage law of 1879; and the stringency and suffering was intensified in October, 1893, when we repealed the purchasing clause of the Sherman law of 1890.

Mr. GROSVENOR. You dare not present the figures to sustain your statement.

Mr. WHEELER. Oh, yes; I will present them.

Mr. GROSVENOR. No; you will not.

Mr. WHEELER. I assert that all the prosperity the country has enjoyed since 1890 was caused by the operation of the Democratic tariff law of 1894. Under that law the iron furnaces of Birmingham are shipping pig iron to England and other European ports. We have shipped 90,000 tons during the last six months, and could have shipped double or treble that amount could we have obtained transportation. Every ton of iron has been sold in Europe at a handsome profit.

Mr. BRUMM. The gentleman speaks of the repeal of the purchasing clause of the Sherman law; that was done at the instance of a Democratic President, who called an extra session for that purpose.

Mr. WHEELER. The extra session was called by a Democratic President, but the majority of those who voted to stop silver coinage were Republicans.

To continue, Mr. Chairman, our people next went to Chattanooga, and Chattanooga during that period of silver coinage, from 1879 to 1890, changed from a city of 7,000 to a city of 40,000 people.

Mr. GROSVENOR. What kind of coinage was that "coinage of silver" that you are speaking about?

Mr. WHEELER. It was silver coinage which the world understood to be free coinage.

Mr. GROSVENOR. It was the "free and unlimited coinage of silver," was it?

Mr. WHEELER. That is what the House passed first, but it went to the Senate and——

Mr. GROSVENOR. But what did Congress do?

Mr. WHEELER. If you will listen, you will find that I am telling you something interesting. [Laughter.] Now, when did all this change?

Mr. GROSVENOR. In 1894, when you passed your tariff law.

Mr. WHEELER. No; the gentleman is not justified in making that statement.

Mr. BABCOCK. Mr. Chairman, I would like to inquire how much more time the gentleman from Alabama has?

Mr. WHEELER. Oh, do not cut me off in this way. [Laughter.]

The CHAIRMAN. The gentleman from Alabama has two minutes remaining.

Mr. CANNON. I hope my friend from Alabama will not be interrupted.

Mr. BABCOCK. Will the gentleman yield me a minute and a half of his two minutes. [Laughter.]

Mr. WHEELER. I have not finished my speech.

Mr. CANNON. The gentleman favors erecting a mint on the Potomac Flats for the free coinage of silver, and I think he ought to be heard. [Laughter.]

The CHAIRMAN. Does the gentleman from [illegible] yield to the gentleman from Wisconsin?

Mr. WHEELER. I can not yield to the gentleman. [Laughter.]

Mr. BABCOCK. I want to ask the gentleman if he thinks it right for him to take the whole ten minutes allowed for general debate and not permit anyone else to get in?

Mr. WHEELER. Well, I can not resist that appeal, and at the gentleman's solicitation, and on account of the high regard I have for him, I will yield him the remainder of my time, with the understanding that I may extend my remarks in the RECORD. [Laughter.]

Immigration Bill.

REMARKS

OF

HON. JOHN F. FITZGERALD,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 27, 1897,

On the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. FITZGERALD said:

Mr. SPEAKER: I am utterly opposed to this bill in its present form, and I am amazed that a committee of the members of this House and the Senate should report a measure containing such unfair and inhuman provisions as this report does.

I do not see how any member of this House can vote for a bill which will allow a man to bring his parents or grandparents into this country without being able to read and write and yet excludes his wife, the mother of his children.

The measure now before this House is one of the most inconsistent that has ever been presented to a legislative body. Under the provisions of this act, if an immigrant who has been in this country for any length of time wishes to send for his parent or grandparent, either can be admitted without being subjected to any educational test. If he wishes to send for his wife, the mother of his children, she must be able to pass this Civil Service examination. I would like at this point to suggest wherein this part of the bill will entail a peculiar hardship. An immigrant and his wife and children land at Ellis Island. The husband is able to conform to the requirements of the law, but the wife and mother is not able to stand the test and she is ordered to return. Under the provisions of this act the steamship company is only required to pay the passage of the unqualified immigrant, and the wife returns to her native land without her husband and children, thus causing a separation of families, or else the husband and children return at their own expense.

Mr. Speaker, thousands of Irish and Jewish girls and women, owing to the injustice and barbarities that have been heaped upon them by the English and Russian Governments and the lack of opportunity offered by these Governments in the education of their subjects, are unable to read and write.

They are, however, educated in the duties of the home, make good mothers and helpmates, are loyal and devoted to their husbands and children, yet by the inhuman provision of this act they are denied admission to this land of the free.

I have strong convictions and feelings upon this matter, Mr. Speaker, because I am confident that if the provisions of this report had been enacted into law at the time of the arrival of my own mother from Ireland into this country she would have been denied admittance.

It is not such a long time ago that England had upon her statute book laws that inflicted penalties upon those who would impart knowledge and learning to Catholics, and it was therefore impossible for members of this faith under these conditions to receive much, if any, education.

The fact that my mother had not received even an elementary education did not make her less loyal to American institutions, and only increased her desire to see her sons educated and march in the advance guard of American citizenship.

She was one of the purest types of God's womanhood, a Christian Catholic soul, a loving wife and devoted mother, and I would be false to her memory and her teachings if I sought by my vote to deprive any woman of the blessings of American freedom and liberty which she had the opportunity to enjoy.

I am opposed also, Mr. Speaker, to another provision of this act which refuses admission to all immigrants who can not read and write twenty-five words of our Constitution in the English language or in the language of their native or resident country.

It is a well-known fact that there are thousands of people in Europe and South America who are not illiterate, yet are not able to speak the language of their resident or native country, and under the provisions of this report they would be denied admission to this country. In fact, scholars, artists, and men of the highest repute in many of the countries of Europe would be denied admission to our shores because the language spoken by them would not be the language of their native or resident country. Or to give a practical example: If the most profound Jewish scholar of the age was born in Russia and could not pass the test in the Russian language he would be denied admission into this country.

In Russia alone the Germans of the Baltic provinces speak the German language, the people of Finland speak the Finnish and Swedish languages, the Mennonites speak the German language, and the Jews speak the Jewish language, yet all these people are under the domination of the Russian Government, and if any of them migrated into this country and the provisions of this bill were enacted into law, no matter how proficient they might be in their own language, they would be required to read the Constitution in the English or Russian language. I was rather inclined to think that this provision in the report was not intended until I heard a leading Republican member of the committee say on this floor that one of the objects of this part of the report was the absolute exclusion of the Jews who have been persecuted and driven out of Russia. My surprise was intensified when, upon reflection, I found that the Chairman of the Conference Committee, which formulated this report, was the distinguished Senator from my own State, Senator Lodge. I may be mistaken, but I am in great doubt if the people of that great Commonwealth will stand behind the Republican party in its attempt to still further hound and persecute a patient and long-suffering people. I can very well remember, only a few years ago, the intense indignation that existed in all parts of this country against the Russian Government for the inhuman manner in which the Jews were treated, how in that part of Russia inhabited by the Jews fire and destruction, pillage and murder raged hand in hand over whole tracts of country, destroying nearly 200 villages and $80,000,000 of property, and as my mind recurs to that story of terrible butchery and brutality I little thought at that time that America would second the persecution begun by the Russians by refusing the rights of hospitality and freedom to this downtrodden and persecuted race.

I was born and reared in Boston, in that part of the city where the great majority of the Jewish people have settled and still live, and I give cheerful testimony to the fact that in all the requisites of good citizenship, honesty, sobriety, integrity, and capacity they meet every requirement demanded of them. I have associated with them in school and college, in social and in business life, and I am proud to claim large numbers of them as my personal friends and associates.

It was my privilege a few years ago to secure the appointment of one of their own number, who was proficient in both the Jewish and the English language, as a teacher in one of Boston's evening schools, and I can well remember the pleasure I received standing outside this school and watching the hundreds of Jews, from the boy of 10 to the old man of 60, eagerly enter the school building almost before the doors were opened.

The schoolbook, not the bayonet, was always the weapon of the Jew, and it is the universal testimony of the school-teachers in Boston to-day that the boys of Jewish parents easily hold their own. As I have stated before, Mr. Speaker, I am in a position when at home, by almost daily association and contact, to note the racial characteristics of these people, and I am free to say that they are in every respect worthy of American citizenship; and if we examine carefully the history of our country we will find that in all the struggles of this nation from the Revolution down and through the civil war, the Jewish people, in proportion to their numbers, contributed their share to the defense of and the building up of this great Republic.

In the war of the Revolution the struggling colonies were greatly indebted to the Jewish patriots Haym Salomon, Isaac Morris, and Mordecai Manuel Noah, who contributed the greater part of their fortunes to the colonial treasury, and it is a matter of record that a company, composed mainly of Jews, fought with great bravery under General Moulton at Beaufort. To show the feeling of regard the Jews were held in by General Washington, I will quote part of a letter addressed to them by him after the war:

> I rejoice that a spirit of liberality and philanthropy is much more prevalent than it formerly was among the enlightened nations of the earth, and that your brethren will benefit thereby in proportion as it shall become still more extensive.

I wonder what the feelings of that illustrious statesman would be to-day in regard to the measure now before this House.

Thomas Jefferson, John Adams, and James Madison also expressed their deep admiration for the Jewish people in letters addressed to them.

Col. Isaac Franks, who served on Washington's staff, Col. Solomon Bush, Jacob De Leon, Maj. Benjamin Nones, and Philip Moses Russell are a few of the Jewish race who distinguished themselves upon the field of battle during the Revolution.

In the war of 1812 Commodore Uriah Phillip Levy, who at the time of his death in 1862 was the highest ranking officer in the United States Navy, was master of the brig *Argus*, which destroyed a large number of British merchantmen. In recognition of his valuable services the city of New York tendered him the freedom of the city. Commodore Levy vigorously opposed the use of the lash on seamen, and upon his tombstone at Cypress Hill is recorded the fact that "he was the father of the law for the abolition of the barbarous practice of corporal punishment."

Among others who distinguished themselves in the war of 1812 was Judah Touro, who served under Jackson and was wounded at New Orleans, and who afterwards made it possible to construct Bunker Hill Monument by contributing $10,000, for which he received a vote of thanks. Brig. Gen. Joseph Bloomfield, and Col. Nathan Myers also served with distinction in this war.

In the war with Mexico some of the bravest acts of the war were performed by the Jewish soldier, Gen. David De Leon who on two successive occasions took the place of commanders who were killed, and acted with such bravery and gallantry as to receive the thanks of Congress twice.

Lieut. Henry Seeligson was also rewarded for bravery by General Taylor at Monterey.

In the great war of the rebellion the Jews fought nobly for the cause of the Union, and I instance a few members of the race who received medals of honor: Leopold Karpelles, color-sergeant of the Fifty-seventh Massachusetts Infantry; Benjamin B. Levy, of the First New York Volunteers; Adjt. Abraham Cohn, of the Sixth New Hampshire Infantry; David Orbanski, of the Fifty-eighth Ohio Infantry; Henry Heller, of the Sixty-sixth Ohio Infantry; Abraham Gumwalt, of the One hundred and fourth Ohio Infantry, and Corpl. Isaac Gans, of the Second Ohio Cavalry.

Among other brave Jewish soldiers of the war of the rebellion may be mentioned Brig. Gen. Edward S. Solomon, of Illinois; Capt. Joseph B. Greenhut, of Illinois; Brig. Inspector Mayer Frank; Brig. Gen. Frederick Knefler, who attained the highest rank of any Israelite during the war; Sergt. Maj. Alexander M. Appel, of Iowa; Abraham Cohn, of New Hampshire, and Simon Levy, of New York, and his three sons, Ferdinand, Alfred, and Benjamin C. This list could be lengthened indefinitely, but I will close by saying that of the 7,000 or more Jews who willingly risked their lives in defense of their country they all bore themselves with credit and with honor.

With such a record of devotion to our country's flag in time of peril, is it fair to close the gateway of American freedom and liberty to these brave people now?

The severity of treatment which will be imposed upon the Jew by this law only adds another to the many burdens of this persecuted race. For nearly a thousand years every civilized country in the world had denied to the Hebrews the right to purchase land, to engage in business, to study any profession, or to attend school or college.

People who gave them employment were fined, while those who taught them were threatened with death. In England, as late as 1846, they could not hold land, and in France their disabilities were not removed until the reign of the first Napoleon, and a little later in Germany. It is only within the past fifteen years, I think, that a Jew could be a member of the New Hampshire legislature.

With a vigor that has grown by persecution and fed upon martyrdom, they have planted the record of their achievements high upon the scroll of the world's history. A race that has produced such scholars as Emanuel Deutsch, and Franz Delitzsch, Ewald, Hersfeld, and Leander; such masters of language as Oppert, and Bernays, and Benfey; such students as Traube in medicine and Ricardo in political economy; such philosophers as Moses Mendelssohn and Spinoza; such actors as Rachel, and Bernhardt, and Braham, and Grisi; such authors as Auerbach and Heine; such musical geniuses as Joachim, and Rubenstein, Offenbach, and Mendelssohn; such statesmen as Jules Simon, and Fould, and Cremieux, and Gambetta, and Lasker, and Disraeli, is always stronger for blows that fall upon it. Glorious as has been its history in the past, still more glorious will be its record in the future.

Mr. Speaker, this bill is aimed directly at the Jews, and for that reason I have devoted a great deal of my time to the defense of that race, but I can not take my seat without a passing notice of the remark made by the gentleman from Massachusetts [Mr. MORSE] who said a few moments ago that—

> The Italian can make a meal out of half a loaf of bread, without meat and butter, without educating his children, and without the commonest necessities of an American workman.

Mr. Speaker, this statement is a base slander, and utterly without foundation.

The statement I made a few moments ago in regard to the Jews holds equally well in regard to the Italians.

They live well, they dress well, they educate their children, and they conform in every respect to the requirements of American life. They are notoriously hardworking, industrious, and frugal. It is my pleasure to enjoy a close personal intimacy with hundreds of Italians in my own city, and I challenge criticism of them as to their loyalty or devotion to American principles.

I have attended their meetings and have heard them give utterance to patriotic sentiments, and no class of people would more gladly lay down their lives for the American flag than the Italians. The published accounts of Italians and their affairs have been presented to the world in a detached, uncertain, and often confused and contradictory form. I intend that this statement should be made at this time to explain and vindicate their cause.

We should distinguish between great truths and great falsehoods, between great rights and great wrongs, and act with great promptitude and vigor whenever the time comes to vindicate or secure the one and to expose and counteract the other.

In countries like Argentina and Uruguay, where, partly owing to their numbers and concentration, they do not have so many difficulties of language to contend with, the Italians have proved a very deserving class of settlers, and in the Province of Pesario they are predominant.

It does not seem fair to shut out a people who gave us the Gracchi, Tasso, Cæsar, Dante, Petrarch, Virgil, Raphael, Michelangelo, and, last but not least, the man who made America a possibility, Christopher Columbus.

Mr. Speaker, before taking my seat I wish to submit as part of my remarks a portion of an utterance delivered by me in historic Faneuil Hall on the 4th of July, 1896, before the city government and citizens of Boston.

The facts that are here presented relate more particularly to the general subject of immigration, but I feel that they apply with very great relevancy to the issue that is now before us.

"What nobler thought than to defend the downtrodden and oppressed of every land? They have come here from every clime, the strong, the vigorous, and the healthful, willing toilers, to carve with their own hand and to mold in their own fashion the way to fortune and to favor in this the land of their adoption. They no sooner land upon our shores than they respond in every way to the grand vital principles and requirements of the nation and readily assimilate themselves to all that is good and patriotic among our citizens. It would not have been possible, without the assistance of the honest and hard-working laborer from the old country, to have constructed the thousands of miles of railroad that annihilate distance in this country to-day and bring the remotest parts of the nation in close communication with each other. The traffic and commerce developed by these roads could not have sprung up, and the magnificent cities and villages that now adorn our Western frontier would never have had an existence. An agitation of similar character to the present one sprung up about the year 1850, directed at that time against the Irish, as the present agitation is directed against the Italian, the Austrian, and the Jew.

"Since that period more than 13,000,000 of people have landed upon our shores, and the progress of the nation has been marvelous. The history of the country during the past half century furnishes statistics more eloquent than words of the great value immigration has been to this land. Wages were higher, the mechanic and laboring man had more steady employment, and happiness and prosperity were universal throughout the country. During these years, if the increase of population depended upon the surplus of persons born and growing to manhood's estate over those dying, our population, instead of being 70,000,000, would have been nearer 40,000,000. The increase of our population is a blessing rather than a menace, and every other nation on the face of the globe encourages rather than retards this movement to-day. It is a source of great joy and pleasure to Germany that her population has increased within the last five years from forty-nine to fifty-two millions, and France, in order to increase her numbers, has put a premium on fecundity by granting an exemption from taxation to fathers who have a certain number of children. We have all been witness of the great rivalry between the cities of New York and Chicago in regard to population, and we know of the great joy among the inhabitants of these cities when the increase was large and wholesome.

"In the West and South to-day there are more than 700,000,000 acres of unoccupied land. Dividing this territory into 150 acres apiece, we have 4,375,000 homesteads. If occupied, and allowing five to a family, we would have nearly 25,000,000 more mouths to feed and bodies to clothe. What a tremendous increase in the consumption of groceries, of farming implements, of manufactured goods of every description, and what tremendous prosperity would prevail in every part of our land! Every loom in every cotton and woolen mill in the East would be set in motion and every factory and every workshop would thrive with the hum of renewed industry. In the figures prepared by the Immigration League, showing the percentage of illiterates that land upon our shores, the Portuguese have the largest number, 67.35 per cent being unable to read and write. Nothing could have proven to my mind the utter fallaciousness of this test more than these figures. I have been in a position all my life to note the racial characteristics of the Portuguese, and I cheerfully testify to their worth and value as American citizens.

"There is no class of people in our country more sober, more hard working, more honest, and more industrious than the Portuguese, and the United States is better off to-day because of the thousands of that race who have made this country their home. The existing law prohibiting 'all idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from loathsome or dangerous diseases, persons who have been convicted of felony or other infamous crime, a misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come,' if properly enforced, seems to me sufficiently strong. Where would this country be to-day if immigration laws were in force at the time John Ericsson and the mother of Phil Sheridan came to this country?

"What will be the result if the test of illiteracy is put into force? The strong, willing laborer who is unlettered and untaught, whose strong and sturdy right arm and honest heart we are in need of, will be driven back, and in his place will come the immigrant with too much education—the communist, the socialist, the anarchist, who labor with their tongues and disseminate strife and discord and discontent among the laboring men. The Commissioner-General of Immigration in his report says:

> "We know of no immigrant landed within a year who is now a burden upon any public or private institution. The class of immigrants have been of a good, healthy, and hardy character, well qualified to earn a livelihood wherever their services were required. They comprised both skilled and unskilled laborers.

"The report also says: 'The money we know they actually brought with them amounted to $4,126,723,' but as the immigrant is only required to satisfy the inspector as to the amount when under $30, I think it is safe to say that the amount of money brought into this country last year amounted to many millions more. This amount, while small in comparison with the magnificent wealth of this country, yet, taken in connection with the zeal and enthusiastic labor of the immigrant, that has changed the face of this continent within the last half century, turning deserts into green fields and forests into thriving towns and villages, has contributed more to the sum of human happiness in this country than the millions of the bonanza kings, wrung from the hard earnings of the American people, and sent across the water to support a paupered nobility, to live lives of luxurious ease in London, in Paris, and on the Continent. Legislation is more necessary to my mind to prevent the outflow of American millions for pampered foreign aristocracy than for the stoppage of pure, honest, and wholesome immigration. Those who object to immigration can not do so on the ground that the country is not large enough, for the census of 1890 shows:

Country.	Square miles.	Inhabitants.	Inhabitants per square mile.
United States	3,602,990	62,622,256	17
Europe	3,555,000	380,200,000	107
Germany	211,108	49,421,064	235
Belgium	11,373	6,030,043	530

"If the United States was populated to-day as densely as Belgium, one of the most prosperous countries in Europe, we could support 1,500,000,000 people, or 100,000,000 more people than is contained in the whole earth to-day, and yet, with a ratio at the most of 20 inhabitants to the square mile, against over 500 for some of the most prosperous nations of Europe, we are seriously thinking of closing our gates to honest and remunerative labor. Mr. Gompers, one of the recognized heads of labor in this country, in speaking of the immigration question, said:

> "While in my opinion it may be necessary to restrict immigration in some form, American workingmen are reluctant to impose any restraint upon the natural right of a man to chose his own place of abode.

"And President Eliot, of Harvard, in speaking on the same subject, said:

> "I believe every healthy and honest man or child brought into this country to be an altogether desirable addition to the resources of the United States. Consequently I think that immigration should not be restricted except by rules intended to keep out paupers, criminals, and persons with incurable or dangerous diseases. More laborers, skilled and unskilled, are just what this half unoccupied continent wants.

"To show how the labor of this country has been benefited during the years of our greatest immigration, I wish to adduce some figures taken from the Senate report of 1893 on prices, transportation, and wages. The table of wages in leading occupations is given every tenth year for some time before the war in comparison with the wages paid a quarter of a century later.

Occupation.	Per diem rate of wages paid in—			
	1840.	1850.	1860.	1890.
Plasterers	$1.50	$1.75	$1.75	$3.50
Blacksmiths	1.50	1.50	1.50	3.00
Blacksmiths' helpers	.83¼	.83¼	.83¼	1.75
Painters	1.25	1.25	1.25	2.50
Wheelwrights	1.25	1.25	1.25	2.50
Carpenters	1.29	1.41	1.52	1.94
Engineers	2.00	2.25	3.00	4.25
Firemen	1.26	1.37	1.44	1.65
Laborers	.81	1.04	.99	1.25
Machinists	1.45	1.56	1.78	2.19
Watchmen	1.10	1.00	1.00	1.56
RAILROADS.				
Baggagemen	1.53	1.53	1.91	2.11
Brakemen, freight	1.00	1.00	1.16	1.85
Brakemen, passenger	1.15	1.15	1.25	2.00
Carpenters	1.22	1.33	1.30	2.00
Conductors, freight	1.66	1.68	1.61	2.57
Conductors, passenger	2.11	2.30	3.19	3.84
Engineers, locomotive	2.14	2.15	2.30	3.79
Firemen, locomotive	1.06	1.15	2.00	2.00
Foremen, masons	2.50	2.50	2.50	4.10
Painters	1.50	1.43	1.32	2.17
Average	.877	.927	1.00	1.686

"It is fashionable to-day to cry out against the immigration of the Hungarian, the Italian, and the Jew; but I think that the man who comes to this country for the first time—to a strange land without friends and without employment—is born of the stuff that is bound to make good citizens. I have stood on the docks in East Boston and watched the newly arrived immigrant gaze for the first time on this free land of ours. I have seen the little ones huddle around the father and the mother and look with amazement on their new surroundings. The family were in a new country; they had forsaken the pleasures and memories of the native land and had left behind them home and friends, to earn a livelihood in this great empire of the west. What hardships and what struggles awaited them God only knew, but I said in my heart, on many an occasion: 'May the Almighty guide them to their new homes and bless them with prosperity and happiness in this land of plenty.'

"Niagara Falls has been the wonder and amazement of the entire world during the past century. Its tremendous force and power have been a marvel for years, and how best to use its terrific possibilities was unanswered until a short time ago, when the genius of a Hungarian immigrant, Nicola Tesla, gave the secret to the world, thereby proclaiming to the universe that the Huns, in former days one of the most powerful nations on the globe, were in the front rank in intelligence, industry, and civilization.

"If we examine the genealogy of the patriots of the early days, we will find evidences which prove that the blood of all nations contributed to the building up of this great nation. Washington sprung from English stock; the Adamses from Welsh; Paul Jones and Patrick Henry from the Scotch; General Sullivan, Commodore Jack Barry, and Charles Carroll from the Irish; Paul Revere, Lafayette, and John Jay from the French; Steuben from the German; Kosciusko and Pulaski from the Polish; General Van Rensselaer from the Dutch. It has seemed to me, therefore, that this was a fitting occasion upon which to reiterate and defend the cherished principle, established in and through that struggle, that not birthplace, not origin, but civic virtue and obedience to the laws alone, shall determine the standing of citizens in this country. I do not stand for a ruinous and blind hospitality; but I do insist that, before distinctions be drawn the inevitable effect of which is to stigmatize one class and exalt another, the logical supports upon which these distinctions are founded shall be free from gross and demonstrable error. I do protest against this latter-day attempt to set people against people and to preserve those frontier lines of European nationality, which, if left to the action of natural forces, will slowly but surely obliterate themselves here.

"In the early struggles the Puritan in New England, the Catholic in Maryland, the Dutchman in New York, and the Huguenots in South Carolina all joined in contributing to the magnificent result. Driven as they were from foreign lands, they had endured every kind of persecution and on many a bloody battlefield had learned to peril their lives in the cause of human rights. The principles of free government and the liberty of conscience had been impressed upon each of these classes in the different lands they had fled from, and when these same ideas were attacked by the English Crown, they united in the defense of a common principle. Let it not be said, then, of our generation that it has proved recreant to this heritage of noble sentiment. Let it not be said of us that petty apprehensions of remote peril have persuaded us hastily to break with a tradition supported by one hundred and twenty years of trial. Let it not be said that we have, by a crusade of disguised proscription, narrowed and perverted the meaning of Independence Day. Rather let it be said that, beset by grave trials, as all must admit we are, we resisted the temptation, however plausibly advanced, to forego a received principle of our Government, preferring at whatever cost of temporary embarrassment that our flag should still wave over a nation which has been so long 'the land of the free, the home of the brave,' and the refuge of the oppressed. Apt do the beautiful lines of Lowell seem to me here:

> "'Thou taught by fate to know Jehovah's plan,
> That only manhood ever makes a man,
> And where free latchstring never was drawn in
> Against the poorest child of Adams' kin.'

"I have laid before you in general lines the magnificent services rendered in the development of this nation by that section of her citizens, now fully 25,000,000 strong, who are agitated against and stigmatized in certain quarters under the comprehensive description, foreigners. I have shown you that if a balance of mutual obligations were struck we, and not they, are the debtors. It remains for me to point out and repeat, in the summary manner which my limitations of time impose, the specific charges, supported by tables of specious statistics, which are brought against them. Briefly, then, it is alleged that the foreigner has proved himself undesirable because he is exceptionally criminal, because he furnishes a disproportionate number of paupers and lunatics, because he is responsible for political corruption in large cities, and because his personal habits and standard of living are comparatively low. The charge of pauperism, and that degradation of habits which is its necessary consequence and concomitant, is ungenerous, unrepublican, and un-American. How long since in this country has it been a legitimate reproach to any man that he is poor? And who, I would ask, bears the heavier responsibility for the squalor and the misery which darken the crowded sections of our large cities—the foreign occupant or the native landlord of those blots upon civilization, the tenement houses? The percentages of lunacy and crime among the foreign born are, it is true, apparently high. But this excess is only apparent, for both lunacy and crime are strictly manifestations of adult life, so that a population composed largely of adults, like our foreign-born population, is, so to speak, arithmetically selected to show a high artificial proportion of lunatics and criminals."

Mr. Speaker, I desire in closing to warn the Republican party and to warn the Republican members from my own State, who, with the exception of one member, are unanimous for this bill, that a day of reckoning will come.

Under the provisions of this bill lunatics, paupers, criminals, and anarchists can be admitted if they prove a residence in Cuba, while honest, able, and deserving immigrants from the Continent of Europe are denied admission.

In the name of the Democratic party, a party which is coeval with the foundation of the Government and has always stood for equal rights and equal opportunities for all men, I protest against the passage of this bill. As its lone representative from the six New England States, I emphatically raise my voice against its unjust and inhuman provisions.

Contested-Election Case—N. T. Hopkins vs. Joseph M. Kendall.

REMARKS

OF

HON. JOSEPH M. KENDALL,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 18, 1897,

On the following resolutions:

"*Resolved*, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

"*Resolved*, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat."

Mr. KENDALL said:

Mr. SPEAKER: In his inaugural address, the incoming President, Mr. McKinley, next month, will overlook a most potent reason for felicitation if, when he speaks of the restoration of confidence and says that the spindles are already making music throughout the land with their buzz and hum, he does not at the same time congratulate the country and Congress that in this good year of grace 1897 "the elections of 1894 are now over."

In the statement of facts bearing upon this contention I shall endeavor, so far as I can, to confine my remarks to the facts, not only in the record, but to those facts to be found in the little book I hold in my hand, containing 108 pages, and the little pamphlet of 6 pages, these two containing all the proof considered by the committee. It is the thumb paper—the smallest case on your docket. On some points I shall doubtless be compelled to trench upon your patience in order to make myself clear. It goes without saying that the result of this contest will not, nor can it in any way, affect legislation. The loss of the sitting member only reduces the Democratic representation to 94, and increases the Republican membership to 252. In the first place, I want to admit—because I want to be candid, concise, and perfectly honest—so as to facilitate an accurate understanding of the case, that I was the Democratic and contestant was the Republican candidate for Congress from the Tenth district of Kentucky in the autumn of 1894. This asseveration was the first one made by the contestant in his notice of contest, and it occurs again and again throughout said short notice. Not a witness was examined on either side during the taking of depositions that my opponent did not insist that the sworn witness tell whether he was a Democrat or Republican; the learned lawyer for contestant opens his brief with this threadbare assertion; and both these gentlemen have been pressing this fact to the front with intemperate zeal, ofttimes regardless of whether the opportunity presented itself or not. On this fact mainly the contestant undoubtedly relies, and has relied from the beginning, for success, and had I made this admission in time, I feel very sure that he would not have taken the little proof he did, because in his judgment this concession alone would settle any contest, regardless of facts, figures, or conscience. Prior to and during the canvass it was quite different, as the following clipping from a respectable newspaper, printed last summer, when he made a desperate effort to secure the Republican nomination for Congress, but was defeated, will show:

> Candidate Langley [one of his opponents for the nomination] has been showing up the voting record of his opponent, Parson N. T. Hopkins, in the Tenth district. The Louisa News says: "According to the certificate of the Floyd County clerk, Hopkins voted while he lived in Floyd County as follows: In 1884 he voted for Judge John Q. Ward, Democrat, against D. Y. Little, Republican, for superior court judge; in 1885 for Dick Tate, Democrat, against F. F. Fox, Republican, for State treasurer; in 1885 for John W. May, Democrat, against Dr. I. R. Turner, Republican, for representative; and to cap the climax he voted for Governor Buckner and the entire State ticket against Governor Bradley."

Since these elections a change has come over the spirit of his dreams. Then he rarely remembered that he was a Republican, and claimed to be trying to unite the Baptist Church; but since the election, in order to gain this, what seems to him a mess of pottage, I believe he would deny being a Baptist. The fact is, this contest is one of those wild geese blown into this House by a bastard telegram sown broadcast over the country soon after that memorable landslide of 1894, which was not so much a Republican victory as it was a Democratic chastisement, stating that all Democratic Congressmen would be unseated who came with less than 500 majority over all opposition. So far as that is concerned, my majority is larger than the combined majorities of the three Republicans who were unseated during all the sessions of the last Congress, which was Democratic, and larger than the average Republican elector in the State of Kentucky at the recent election. It would be as reasonable to sentence every man under 5½ feet high to be hanged. To the vanquished rural rooster, however, smarting under defeat when it seemed that the balance of the world had gone his way, this telegram was like a poultice of ice on his fevered and lacerated comb, and a resolution was made by hearts hungry for the loaves and fishes that would fall from what promised and proved to be the next Republican Administration to appeal to the majority of this House and make that landslide unanimous, or practically so, by sweeping this lonesome and miserable and constantly decreasing little remnant of Democracy completely from this floor. Hence it was that when I came to Washington in the summer of 1895, to be present at the opening of the proof, the Clerk's office, where the evidence in these cases had been filed, looked like a Chinese laundry in full blast. No wonder the McCall bill, now on the Calendar, or a similar measure, has well-nigh become a public necessity—that election reform is about to become an issue of national importance. This ardent place hunter and one or two henchmen were unwilling to concede that it was even possible to suppose that the dominant power in the previous Congress might possibly have elected anybody. I am glad to observe, gentlemen, that this unwarranted assumption is a mistake. I am sure that justice and conservatism will mark your action in this case, and that you are not in any sense in accord with that spirit of violent partisanship which seeks at any cost to override the expressed choice of the voters. When we grasp by force what does not belong to us, we deserve to lose what we lawfully have.

I need hardly tell you that in this place you are both legislator and judge; that your jurisdiction is supreme. From your sentence there is no appeal. I believe that it should be different; that from the voice of the voters, that great tribunal to which we must all answer politically, there should scarcely be no appeal. I do not believe you will allow partisan prejudice to warp your judgment to secure a seat for yourself, much less for a stranger to whom I propose to show before I finish that it does not belong. This was the first election that the Republican party made any great inroads in the South—you gained four Congressmen in Kentucky—and it followed close on the repeal of the Federal election law, and a belief that the judicial quality would predominate in your policy toward all sections and all classes was in their minds and hearts, or these gains nor any part of them would have been made. What I see proper to say in this statement will be as brief as possible consistent with clearness (as I realize that under the pressure of other business my time is limited) and grouped according to the counties and the subjects to which it relates. Outside of Magoffin County not a vote was changed either the one way or the other by the proof taken. Under the present law in Kentucky it is absolutely impossible to cast a fraudulent ballot. In Magoffin County I gained 9 votes as the result of a clerical error, and a number of others that should have been counted [illegible] because they were marked with a lead pencil instead of a stencil. The briefs presented by contestant's counsel fairly reflect their side of the case, which, in our judgment, taken alone and unanswered, would not justify a legal tribunal in disregarding the official acts of legally constituted and sworn officials in overturning the expressed will of the majority fairly declared.

Under the Australian ballot, or a system similar to it—which recently obtained in Kentucky—the only question is, "Who received a majority of the votes cast as shown by the returns?" The best lawyers in the State hold to this opinion. It is the fairest and most absolutely complete system of voting in existence. Governor Bradley, in his inaugural address, said:

> The present system is a great improvement.

Under it, fraud of any description is well-nigh impossible. For myself, I prefer that everybody who cares shall know how I vote, but for secrecy, the preservation of law and order, and the prevention of corruption, I am sure that the present law can not be too highly commended. Unlike the secret ballot system of most of the States, the election officers are required to be equally divided politically, or as near so as possible. In Kentucky there may be eight officers of the election. Two judges, who must belong to different and dominant political parties—a clerk, a sheriff, and two challengers and two inspectors, the challengers and inspectors to be appointed by the county chairman of the two leading parties, respectively. In most of the States this even division of the officers of election among the different political parties is not recognized, and the party machinery can use the election lights as engines of destruction, but it is not so in Kentucky. It could not be otherwise. There we are in favor of the fair thing. Party manipulation would stand for naught against public sentiment, and one man wrongfully treated would become an overwhelming majority. No one except these sworn officers of the law and the voter voting is permitted to be within 50 feet of the booth during voting hours, and the voter must go inside the booth alone and prepare his ballot "sight unseen." Another advantage is that the vote buyer can not tell whether the goods are delivered or not unless a sworn officer of the law violates his oath, as I proved on contestant's brother at Painter Harve precinct, in Floyd County, and for all these reasons corruption is necessarily nearly a thing of the past. The courts of Kentucky have held that a voter can not be compelled and ought not to be even permitted to tell on the witness stand for whom he voted, and the reason for this is obvious and its wisdom indisputable. The doctrine was first laid down, I believe, in an able and elaborate opinion by Judge Jackson, of Louisville, since deceased, one of the purest men who ever adorned the bench in Kentucky, and that opinion will stand out as one of the promontories of judicial precedent.

The object of the Australian ballot is to protect the sacred secrecy of the voter's choice, for if he were compelled or permitted to tell how he voted, it would destroy its prime object, and the liberty and free choice of the elector in Kentucky would again be unprotected. But a more potent reason still why it ought never to be done, is that you might possibly go into a Congressional district and for $5 each persuade 500 men who voted against you to testify that they voted for you, making a change of 1,000 votes, because there would be no way of convicting them of perjury, because it is impossible to ascertain how they really did vote, and you could not tell whether they swore falsely or not, and, in this way, an adverse majority might be easily overcome or involve the title to the seat in endless litigation after the election. It is impossible under this law to go behind the returns, because the voter is so hedged about and protected that it is impossible to find out how he did vote, or in fact to do any material wrong whatever. Secrecy is destroyed when a voter tells how he voted, and if you can not allow even one voter to tell for whom he voted, and if no one else is permitted to see or know how he did vote, pray tell me how you would overcome my majority? All, then, this contest can amount to is to prove a few insignificant irregularities, mostly of form, that do not change a single vote, and the record will bear out the truthfulness of the assertion that where he proved one I proved two, in most cases strikingly similar and equally flagrant. There were only those slight irregularities consequent upon the introduction of a new and strange ballot system among an impulsive people of honest and deep convictions who had always been accustomed to the open, old-fashioned way of voting. This is all there is in the case. Having but recently adopted this new system of conducting elections, so radically different from the former practice, which only required the voter to appear at the polls and publicly announce his choice, which was then and there recorded in his presence as he directed, it is but natural to suppose that so soon after such a great change in the laws among so large a number of inexperienced officials intrusted with its execution, doing the best they could and yet sometimes unintentionally doing wrong, that a large number of irregularities, mistakes, and apparent frauds would occur, but at the same time not affecting the result of the election in any way whatever, or when taken as a whole as much one way as the other. To the discomfit of the contestant, a careful review of the testimony in this case clearly demonstrates that a far greater number of these mistakes happened in his favor than against him, and in order to show this I will take up the different charges and contrast the proof offered to sustain each allegation.

The notice given by contestant to take depositions in Clark County was not legal, inasmuch as it did not give the post-office address of the witnesses whose depositions it was proposed to take, the building in which they were to be taken, and the person before whom. For these good reasons we at first declined to participate, but upon reflection that the point at issue was not a question of defective process, but whether or not I was elected, we concluded that it would be best to waive the illegality of the notice and be present in order to cross-examine the witnesses.

A brief history of what transpired in Clark County, dating back to the April before the election, shows how step by step the rupture was brought about in the Republican ranks which culminated in their having two Republican tickets in the field for county offices, and gave ground for the charge on the part of contestant of fraud against the county clerk. On the 12th day of April, 1894, the Winchester Sun, a Republican newspaper, edited by J. L. Bosley and K. J. Hampton, published an article which referred to the social and political rights of the negroes, which proved very offensive to them and caused many of the most prominent to complain bitterly of such treatment at the hands of their white brethren. But none of their complaints were heeded or any amends offered for the injury done. The editorial follows:

THE NEGRO VOTE.

> **We hope we have made ourselves clearly understood upon the subject in the articles that have heretofore appeared. But to recapitulate. The negro vote, as a dominant factor in the Republican party, arrays Southern majorities against that party, it makes no difference what are its principles. The same influence makes pure local government impossible. Then, what course should Republicans pursue toward this vote? Cease to make special appeals to it. Do not attempt to organize it. The colored men who are at heart Republicans will vote their sentiments, and those who are inclined to drift can do so. The great Republican party owes the colored vote of the South no debts. The debt is all the other way, and the nomination of a negro to public office is not good policy under present conditions. It is not good for the negro race and offends the just sense of propriety in the South.**

A short time after this this same J. L. Bosley became the Republican candidate for Congress to fill the unexpired term of Hon. M. C. Lisle, deceased. And as early as August we find the negro George Gray announced as a candidate for jailer of Clark County. And about the same time a call is made for the Republican convention to meet on the 5th day of September to nominate candidates for county offices. On the 1st day of September the negroes met in mass meeting in their hall in Winchester and passed resolutions recommending a list of names to the convention which was to meet on the 5th day of the same month as suitable persons to be nominated by the convention (three of the number being negroes), and appointed a Mr. Stallard to attend said convention and present their resolutions. When this convention met, on the day fixed, Stallard appeared to perform his mission, but was denied the right to be heard and was ordered to leave the house. The convention named a full ticket of white candidates, ignoring the claims of the negroes to any share in the business. This action on the part of the white Republicans awakened a new spirit of resentment in the minds of the negroes, who now saw what had been said about them in April before openly confirmed. So on Saturday night following they held a public meeting at the court-house, when three or four prominent negroes made speeches condemning the white Republicans in bitter language for thus ignoring their claims, and offered this resolution:

> *Resolved*, That it is the duty which the negro voters owe to themselves, their families, their posterity, and their future welfare, to now assert their independence and name and vote for a straight Republican ticket for county offices.

This meeting was adjourned to meet the following Saturday, which was on the 13th day of September, at which time they met again and nominated what they denominated a straight Republican ticket and selected the eagle as their device, and in order to get the names of their candidates on the ballot caused three petitions to be circulated, to which they procured the signatures of the requisite number of voters, and on the 14th day of September, 1894, filed the same in the office of the county clerk, and by this act gained an advantage over the white Republican party in securing for their device an eagle, if any advantage it was, for, judging from the result of the election, it did not prove to be any advantage to them nor injury to the white Republican ticket. The effort of contestant has been to make it appear that the creation of the straight Republican ticket was the work of the white Democrats, and that it was all kept so quiet that even K. J. Hampton, the Republican committeeman, who said in his testimony that he had been one of the prominent leaders of the party in the county, could afford to say that the first he knew of there being a straight Republican ticket in Clark County was on the morning of the election after the polls had opened, and that, so far as he knew, not a single Republican in the county knew it at that time; and yet that petition contained the signatures of more than 100 voters of Clark County. Why he could make such a statement seems incredible, especially when he said he read the printed call for the negro meeting on the 1st of September, and that he had read an account of the meeting. After the white Republican convention which met September 5 had ignored the request of the negro meeting held on the 1st of September and denied their spokesman, Stallard, the right to be heard or to present their wishes, Hampton said that he had heard that many of the substantial negroes of Winchester were very much dissatisfied with the attitude the white leaders had assumed toward them, and that some of the best negroes had expressed their dissatisfaction to him. He further said that he was present at the negro meeting held a few days after the Republican convention, in which several negroes made speeches in favor of a negro ticket for county offices, and in this meeting G. W. Hatton read the editorial from the newspaper which you have just heard.

He tells us that there were other Republicans present at that meeting, that the resolution quoted was offered, and that the meeting adjourned to meet again a few nights later, and that it was his information that at this adjourned meeting the ticket which appeared under the eagle was selected. He reluctantly tells us that about the time this negro ticket was being discussed J. T. Bohen took George Gray to his (Hampton's) room and that he discussed with Gray the political situation then existing in Clark County. In answer to another question, he said that he believed he had heard that the negroes intended to try to get the eagle for their device. In view of all these admissions, together with the fact that these three petitions were circulated publicly and signed by more than 100 legal voters of Clark County asking that the names of their candidates be printed on the ballot under the name of straight Republican ticket with an eagle for a device, is it not strange that Mr. Hampton can say that he did not know of it until the polls were opened? The negro movement was a spontaneous, almost unanimous, and perfectly natural uprising of a discordant element in answer to what they were pleased to style an offensive manifesto that left them no hope from the headquarters of their own party. They declined in their own language to longer be "hewers of wood and drawers of water." Their ticket, in the eye of the law, was not a rebellious, discordant branch of the Republican party, as they would have you believe, because they represented a majority of the hopes, ambitions, and race of the Republican party in Clark County and they made what they considered a patriotic effort to lift it to the dignity of an independent political organization representing their views, and as they were the first to ask for the eagle, the clerk, under his oath, regardless of party, color, or faction, was compelled to give it to them. Even had the Democratic managers of the local campaign for county offices in Clark County originated this movement against those whom the colored element styled their political bosses, it would have been legitimate party warfare, but we have seen that such is not the fact. It would have been precisely what was done by contestant in Floyd County, where I suffered the loss of twenty times as many votes as he did in Clark.

The editorial from the Republican organ was the entering wedge that split asunder the ranks of colored voters. The white Republicans abruptly and absolutely refused to give the negroes, who constitute more than three-fourth of their party's strength in Clark County, as testified by the Republican chairman of the county, a single office, and the eagle spirits among the colored leaders rose in turbulent rebellion. I have not contended nor attempted to show that the advocates of the local Democratic county ticket did anything to pacify this discontent. Neither did this contestant and his brothers in Floyd County. On the contrary, they met in the clandestine midnight caucus at his brother-in-law's home and raised $2,000 with which they bought the votes, made drunk, and degraded the manhood of the proudest people in all this country. Then this preacher contestant comes in here with his very soul blackened and scorched by this infamous crime against a pure ballot and a fair count and talks about emblems, sample ballots, mandatory and directory laws and pictures, and log cabins and coons, and eagles and roosters, and partisanship, when he could not possibly have been elected, as I will show. I never have contended that I did anything to conciliate the discontent in Clark County, because I was in the other end of the district, composed of sixteen counties, several of which are to be canvassed on horseback. But no fair man who looks at both sides will contend that it was the duty of either myself or my friends—it was not our matter. With empty hands, as the proof shows, all over that district I was trying to meet this pious boodler. Hatton, the negro preacher, deposed that he received $10, but it is not claimed by anybody that I knew anything about it, and the ticket he was bought to encourage was not a Congressional but a county ticket.

Hatton was for Hopkins, and if Hatton ever parted with any part of that $10, which I very much doubt, it was spent for Hopkins. The fact is that Hatton, Gray, and the colored ticket were unanimously for Brother Hopkins, and asked that his name be placed at the head of their ticket in their petitions. I never met a member of that eagle ticket in my life, and I would not know one of them were I to see him. On Hatton's unsupported guess about the effect of this ticket on contestant rests about all there is left in this Clark County matter and, from the contestant's point of view, the entire contest. If Hatton would betray his party for 10 pieces of silver—20 less than Judas Iscariot got—he, being a gold-standard man, to steal 1 golden eagle from his beloved party, how many pieces of silver would it take to persuade him to make a wild guess utterly at war with the statement of Chairman Hampton, whom he so utterly deceived? The testimony of Hampton, given truthfully, though reluctantly, shows that contestant received nearly the full party vote of the county and demonstrates conclusively that the action of the Sun newspaper declaring the negro an incubus on the Republican party in Clark County was the sole cause of the dual ticket and that the Democrats had nothing to do with its origin whatever. When we shouldered the responsibility for this ticket on Hampton, the Republican chairman, and Mr. Bosley, the Republican candidate for the short term, as shown by Hampton's own evidence, we disposed of this case effectually. It is a maxim of the law that no man shall take advantage of his own wrong. Is it a matter of surprise that an element constituting more than three-fourths of a political party should ask and expect to secure a modicum of public favor?

The chief cause of contestant's complaint is that the clerk of Clark County, in preparing the official ballot, failed to place his name as a candidate in the column under the device of an eagle about to fly, and instead placed it in the column under the name of Republican ticket, having a coon for a device: and he makes a strong effort to show that this was a fraud practiced upon his rights which caused him to lose a large number of votes in that county. Counsel for contestant show clearly that they rely almost entirely for success in this case in getting rid of the entire vote of this county, as is shown by the manner in which they have presented their side and the great weight they would have you give to the evidence of two or three irresponsible witnesses to establish their claim and break down the evidence and character of men who for their high standing, moral worth and fitness have been chosen by those who know them best to stand guardian over their interests. The clerk did what was required by law, and nothing more. He did what he thought was legal and his duty in the premises. He and his bondsmen, and they alone, are responsible for his official acts. If the law is wrong, the Republicans have the power in Kentucky and can change it; but while it confessedly has many admitted defects, taken all in all, it is wise and wholesome. The clerk could not ignore the petition of the colored party simply because they were colored. If, in the arrangement of the ballot, the clerk violated his duty or committed any wrong upon the rights of anyone, he is personally responsible, and had contestant suffered, his redress would have been found in a personal action, and that is his only remedy. But as my majority over him in Clark County was less than the party majority at the previous Congressional election, it is useless to claim that contestant sustained any serious loss through the ignorance of those who intended to vote for him. He admits in his brief that the proof would not justify a personal action against the clerk; but a partisan Congress is called upon to do what the courts and jury in a Republican State could not afford to do. It is a reflection upon the integrity of the Republican members of this House.

Is the oath of a legislator less sacred than that of a judge or jury? I assert that it is not generally so regarded in Kentucky. There is no spot in all this country where a free ballot, a fair count, and all good things are held more sacred than in Clark County, and no place where conservative men of all parties would stand shoulder to shoulder more resolutely to resent any unfair or unlawful interference with this priceless privilege. The history of its people is one of unnumbered traditions of glory and honor won by matchless statesmen, brave soldiers, and incorruptible jurists, who have rendered Clark County historic, second to but one in Kentucky. They are a proud people, and they have much to be proud of. They are the highest type of citizenship in a State in which no seat in either branch of Congress has ever been bought or stolen. All a man has to do to represent them in Congress is to deserve it. They are the children not of kings and merchant princes, but of martyrs and patriots, lords of the soil, whose flint-lock rifles won the victory for Jackson on the 8th of January, and for Morgan at the Cowpens; whose best heart's blood purpled the waters of the melancholy Raisin, and whose intrepid courage well-nigh eclipsed the glory of Revolutionary traditions in our war with Mexico. They are absolutely incapable of any such fugling as has been charged by this contestant. The fact that the negro pe[illegible] had less than 400 signers obliged the clerk to ignore their demands that contestant's name be placed at the head of their ticket. Section 1453 of the Kentucky election law requires: "For Representative in Congress, 400 petitioners; for county officers, etc., 100 petitioners."

That the white Republican ticket had my opponent's name at its head demonstrates conclusively that I was not in collusion with anyone to formulate a ticket against him, or that his name was placed there in my interest or at my suggestion. Otherwise I should have had his name placed on the weaker ticket, which only received 79 votes, instead of 1,488. But this argument is unnecessary in view of the fact that the proof utterly failed to establish, and the contention has therefore been abandoned, that I, or anyone for me, was in collusion with anybody to defeat him by any unlawful means. The impotency of his proof, on the other hand, and his logrolling and peanut methods since he came here, indicate unmistakably that he is a party to a conspiracy to defraud me of that which was as fairly won as the election of any member of this Congress. Not one line of proof appears that sustains the charge that I ever conspired either directly or indirectly, in person or by agent, expressly or by inference, with the clerk, or any other gentlemen, to place contestant's name under any particular device, or had any knowledge or information or intimation of what device he was under, until after the election, and had such a thing been alleged, it would have been false. I make this statement in this high presence with all the sacredness of an oath. It was immaterial to me what emblem he ran under. I felt sure I had him defeated.

We are told that a coon was first used as a campaign emblem in 1844, that "that same old coon," uttered in derision by his opponents, was adopted by the followers of Henry Clay as their slogan and emblem. Stockton, the quaint, fanciful, clever story-writer, in That Same Old Coon, puts these words in the mouth of Martin Heiskill, the old hunter and trapper:

> **I remember the time that there was a good many coons caught in traps. That was in the old Henry Clay 'lection times. The coon he was the Whig**

beast. He stood for Henry Clay and the holl Whig party There never was a pole raisin', or a barbecue, or a speech meetin', or a torchlight percession in the whole country that they did not want a live coon to be sot on a pole or somewhar whar the people could look at him and be encouraged.

That gallant soldier and patriot, Col. Silas Adams, of the Fifty-third Congress, to whose memory and worth this Congress paid substantial and well-merited tribute, ran under a small white coon, and polled about 5,000 votes, but was overcome by the personal popularity of my friend [Mr. COLSON] who honors the seat. What was good enough for Henry Clay and Silas Adams ought to be good enough for this contestant. Mr. COLSON ran under different emblems in different counties at the same election. In the county where he received the largest majority he ran under a buzzard, and with a buzzard in every county I believe his majority would have been doubled. In another county Mr. COLSON ran under a greyhound. But it is unnecessary to multiply instances. In Franklin County, at Frankfort, the citizens' ticket had a coon for their device. In my own county at the same election the present county judge ran under a hen, and on that ballot, as emblems, were a cross, a schoolhouse, a crown, and a broom, and in many other counties of the State the variety was even greater. I have an impression that the jailer in my county pulled through under the cross, the school superintendent under the schoolhouse, and the coroner won under the crown. Since this Congress met I clipped the following dispatch from a Kentucky newspaper:

NEITHER GETS A DEVICE—SCOTT COUNTY LOCAL-OPTIONIST ADVOCATES GO INTO COURT.

GEORGETOWN, KY., *December 12.*—(Special.)

On the 21st day of the present month Scott County will vote on the local-option question. The local-option people are making a vigorous canvass. They wanted the Bible for a device and the wording on the ballots to read "Are you in favor of prohibiting the sale of spirituous, vinous, or malt liquors?" The law governing elections says nothing about a device on ballots where no candidates are voted for. The county clerk was preparing a ballot without a device worded as follows: "Are you in favor, etc.," whereupon the local optionists sued out a writ requiring the clerk to use their device and wording. Argument was heard before Circuit Judge Cantrell, who refused the mandamus, holding that the form of the ballot adopted was in accordance with the law. The local optionists objected to the clerk's wording of the ballot for the reason that it compelled them to vote in the negative. It is said that the opposition had agreed upon a whisky barrel for a device.

I assert that no political organization has the right, either in law or equity, to appropriate a national emblem for partisan purposes, and no lawyer before a competent court would seriously contend for it. The learned counsel for contestant can not deny—no Kentucky lawyer will deny—that had my certificate of nomination, which was filed before contestant's, asked for the eagle as my device and that my name be placed under that emblem on the ballot, following the law the clerk would have been compelled to place my name under the eagle; and had he failed so to do, he and his bondsmen would have been responsible to me in a personal action for any injury that might have resulted, unless they had hidden themselves behind section 1453, Kentucky Statutes. The question of devices was at that time purely a formal one, and contestant suffered little damage by the differences among his followers, who were hopelessly divided among themselves on local issues and yet all for him, and all voted for him. But assuming, for the sake of argument, that the eagle ticket did not cast a single one of its 79 votes for him, which is an unnatural assumption; and then presuming that he would have received every vote cast for the coon and eagle tickets, or both Republican tickets—and he could not possibly have received more, because it is agreed as part of the evidence that every voter who wanted to vote voted, and that every vote was honestly counted and correctly certified—granting all this, and contestant would still have fallen nearly 200 short of a majority in the district, and in this calculation nine-tenths of the 79 votes would have been counted for him twice, because they undoubtedly crossed over and voted for him in the first instance, as is the privilege and custom after having voted their county ticket. That is the whole case in a nutshell.

Since that election the Republican party of the State of Kentucky, in the first State convention held since this new election law went in force under the Australian system, have for the first time, as required by law, adopted in a legal manner a party emblem, sustaining the doctrine just laid down, as will be seen by the following proceedings of the Republican State convention, June 6, 1895:

A LOG CABIN.

[This device will be used by the Republican party.]

In behalf of the committee on resolutions, Congressman COLSON reported the conclusion that the use of the eagle as a device on Republican tickets was illegal, and submitted the following resolution, which was adopted by a decisive majority:

Be it resolved, That the title of the party represented by this State convention be 'Republican,' and that a log cabin shall be the device by which its lists of candidates shall be designated on the ballots; and this convention requests that the device of a log cabin shall be used to designate all the party candidates of the Republican party in Kentucky for all elections throughout the State."

This was the convention that nominated the State ticket led by Col. William O. Bradley, the first Republican governor of Kentucky, and he was elected under the device of a log cabin, adopted after the convention had declared its opinion that the eagle was not a legal device. Gentlemen, what higher authority do you want than the State convention of the Republican party in Kentucky, speaking in an official capacity? It is a significant fact suggested in this connection that in that unprecedented landslide in Kentucky in which General Hardin only carried four out of eleven Congressional districts as the Democratic nominee for Governor, his majorities in the district I represent and in Clark County were in each instance only a few votes less than my own. The Republican party, or any other party, never had a legal emblem in Kentucky until the State convention in 1895 adopted the log cabin at their first opportunity, in pursuance of the new law. The Republican Presidential electors and candidates for Congress last November ran under a log cabin. The eagle never was and never can be the emblem of a political party in the State of Kentucky.

Section 1453, Kentucky Statutes, provides:

Such device may be an appropriate symbol, but the coat of arms or seal of the State or of the United States, the national flag, or any other emblem common to the people at large, shall not be used as such device.

In the "Interpretation of the Great Seal of the United States of America," as adopted by Congress, we find these words:

The escutcheon is borne on the breast of an American eagle, without any other supporters, to denote that the United States ought to rely on their own virtue.

So ought this contest. Because the star is the emblem of the Democratic party in the State of New York, I do not suppose that any Democrat will contend that the star is a God-given emblem, especially in the light of the result of the late Presidential election in that State.

Counsel for contestant contend that the entire vote of Clark County should be rejected because, as he tries to prove, the county clerk acted fraudulently in entering an untrue date on the filing of the petition of George Gray and others, by making it show it had been filed on the 14th of September when it was not filed until the 22d. Let us see how they are sustained in this, and by what weight and character of testimony. Rev. G. W. Hatton (as Mr. Hampton pleases to call him), George Gray, and J. H. Thomison are the only witnesses called by the contestant to establish this grave charge against a sworn officer of the law. The deposition of Hatton was taken without notice, and he was not cross-examined; but his own statements show what manner of man he is, and that he is unworthy of belief as a witness. He said that F. P. Pendleton called himself and others engaged in the negro movement to his office and told them to stick to the ticket and carry it through and that he would guarantee each of them $10 or more, and that he knew of money having been paid under this promise. He does not say to whom it was paid, but the inference is clear that he got it. He tried again to serve the cause of the men and party he had so recently betrayed and taken a bribe to defeat, by swearing that the placing of the "coon" at the head of the Republican ticket disorganized the Republican forces and caused many voters ignorantly to vote the straight Republican ticket; thereby contestant, in his opinion, lost from 300 to 400 votes in Clark County. Pray tell us, reverend sir, upon what is this judgment based, when the ticket you speak of only polled 79 votes and contestant only fell short 112 votes of the entire Republican vote of Clark County, which is a very large turnout indeed.

Now, who is the witness George Gray? K. J. Hampton, one of contestant's witnesses, when asked the question, "Has not George Gray, whose name appears on that ticket as a candidate for jailer, always borne a good name and been recognized as an honest, industrious negro?" answered, "He has not;" and to a question by contestant on reexamination, "What is the general political reputation of George Gray?" answered, "George is a well-known floater." It is perhaps unnecessary to explain that in Kentucky the word "floater" means vote seller. Now, I ask in all candor and seriousness if the testimony of these two witnesses should be considered for one moment in the settlement of the most trivial matter, and especially when controverted by men whose reputation for truth and the manly virtues are not excelled in the refined and peaceful community in which they live? The only remaining witness introduced by contestant as to time of filing the petitions is J. H. Thomison, who admits that some of the negroes had talked to him before he gave his deposition, and that the well-known witness George Gray had come to him and showed him some entries in a small book and tried to get him to remember them, but that he could not remember anything except from "Saturday to Saturday." He had learned that this would cover all that was necessary for him to prove, and he could stick to that and not get tangled. It was therefore wise in him not to allow George to try to teach him too much. Contestant more than once asks the question, "Why did not contestee put F. P. Pendleton on the stand to contradict the witness Hatton" about the ten-dollar transaction? It will be seen in the record that contestant served notice on me that he would take Pendleton's deposition. I was there. Pendleton was on the ground, and why did

not contestant introduce him? On the other hand, J. B. Ramsey, county clerk, says positively that the George Gray petition was filed September 14, 1894. Dan Baker, one of the negroes engaged in getting up the negro movement, testified that the Democrats had nothing to do with organizing or carrying on the movement, and that he was present when George Gray gave the petition to Clerk Ramsey, and that it was on the first or second day after the final nomination was made, which was September 13. He further proved that he asked Ramsey if we were entitled to the eagle for a device, and he said he did not know whether we were or not; that he would look into the matter and if we were entitled to it he would give it to us. W. T. Fox, deputy county clerk, says the petition was filed September 14, and that it was the first petition or certificate filed in that office showing the list of candidates of any party for the November election. And on cross-examination by counsel for contestant the witness stated that he remembered that the petition brought by Messrs. Rupard and Powell was about a week after the petition was brought in by George Gray.

J. M. Benton testified that about the middle of September he went to the clerk's office and asked Clerk Ramsey if such petition had been filed. Witness then asked Ramsey if the certificate of the proper county officials of the Democratic party or the certificate of the nomination of the Republican county ticket had been filed. He said not. I then feared that the Republican managers would go to the clerk's office and learn that they had lost the eagle, and might then claim the rooster, which had been used as the device or emblem of the Democratic party, and in order to prevent that from being done (continues Mr. Benton) "I went immediately and found the chairman of the Democratic county committee and took him to the office of the secretary of the committee, explained to them the situation, and set them to work writing out the certificates to be filed showing the Democratic nominees for county offices. This certificate was filed September 19, 1894." Here we have the testimony of four reputable citizens sustaining the fact that the indorsements made on the petitions by Clerk Ramsey bear the true date of filing of same, and that they were actually filed in his office on the 14th day of September, and the first petition or certificate of nomination of any kind filed in said office claiming the eagle for a device, and to overturn these facts of record, which are the highest proof, and which prove themselves, sustained by witnesses of the highest character, we have the unsupported evidence of a self-convicted renegade, guilty of party perfidy, on his own statement, for $10, "a well-known floater," and an ignoramus who could only remember from "Saturday to Saturday." We can not understand why contestant should be interested in establishing that said petition was filed on the 14th of September, or even the 22d of September, or why he should take up the quarrel between the white and colored Republicans of Clark County, for it can not in any way affect his rights. Both factions were for him and supported him unanimously. There is no contention that contestant's certificate of nomination was filed in Clark County before the George Gray petition. Upon the contrary, it is shown by the deposition of J. B. Ramsey that it was not sworn to until the 1st day of October, and then before J. K. Dixon, in Johnson County, and that it was filed in the office of the Clark County court between the 1st and 15th of October, 1894.

Section 1460, Kentucky Statutes, provides:

If the same device for designating candidates be selected by two parties or groups of petitioners, it shall be given to the one which first selected it, and the clerk shall select a suitable device for the other.

This is clearly as mandatory as any provision cited in this case. It is a well-settled principle of law which can not be successfully controverted that a statute in elections is mandatory when it affects the result and directory when it does not. There is no mandatory law in Kentucky that gives to a man an office to which he was not elected. The American Encyclopedia of Law, volume 6, page 334, says:

The general principle drawn from the authorities is that honest mistake or mere omissions on the part of election officers, or irregularities in directory matters, even though gross, if not fraudulent, will not avoid an election unless they affect the result, or at least render it uncertain.

In the case of Deloatch against Rogers (86 N. C. Rep.) this doctrine is even stronger stated, and I regret that time will not permit my reading the entire decision. I read from page 360:

It is a well-settled rule in contested elections, scarcely needing a reference to authority for its support, that the result will not be disturbed nor one in possession of the office removed, because of illegal votes received or legal votes refused, unless the number be such that the correction shows the contending party entitled thereto. If the obnoxious ballots ought to have been counted for the relator, and yet are insufficient to overcome the majority ascertained by the count actually made, the election will stand and the occupant of the place left in unmolested possession of it.

In this North Carolina case a ballot having any device upon it is declared void, because at that time the Australian ballot did not prevail in North Carolina; but that has nothing to do with this case. On the contrary, under the Australian law now in force in Kentucky a ballot is not valid unless it does have a device upon it. The phrase in the Kentucky law "no other ballot shall be used" means that no other but the Australian secret ballot shall be used. With this explanation I do not believe that anyone will seriously contend that there is any connection between the North Carolina decision and the Kentucky statute.

It is really amusing to observe the artful manner in which it is sought to apply the rules of construction of the Kentucky election laws to make them either mandatory or directory, as the necessity of this case requires. One more authority—the very highest—and I think we may consider this mandatory and directory argument as clinched. Judge McCrary, in his work on Elections, lays down this general rule (third edition, pages 124, 125, 126):

If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the legislature. But if, as in most cases, the statute simply provides that certain acts or things shall be done within a particular time or in a particular manner, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do and directory if they do not affect the actual merits of the election. Ignorance, inadvertence, mistake, or even intentional wrong on the part of local officials should not be permitted to disqualify a district. Those provisions of a statute which affect the time and place of the election and the legal qualifications of the electors are generally of the substance of the election. While those touching the recording and return of the legal votes received and the mode and manner of conducting the mere details of the election are directory, the principle is that irregularities which do not tend to affect results are not to defeat the will of the majority.

Apply these rules to the adjustment of the charges and countercharges in this case and it will be found that they will hurt one party as much as the other and leave the final result at what the people of the district declared it should be through their ballots.

It does seem plain to me that if the clerk, Ramsey, had wanted to have injured the chances of the contestant he would have placed his name under the eagle, which only received 79 votes in the county. But the fact is that the scheming, if any there was, between Hampton and Gray and Pendleton and Hatton was a struggle for local supremacy in Clark County, with which neither contestant nor myself had anything to do or knew anything about. I am sure I did not. In the language of contestant's reply brief, "the testimony shows that there were many candidates for county offices, besides two other Congressional candidates for an unexpired term," at the same election.

As to sample ballots not being sent out, the clerk, Ramsey, fully exonerates himself from any blame in the matter when he swears that he sent the required number to each voting precinct and does not know why they were not posted, and that he acted fairly and honestly in the discharge of his duties as an officer in this election, without any intention to injure the rights of the contestant. It is not shown anywhere that anybody was injured by reason of sample ballots not being posted at some of the voting places. It is true that one James T. Bohan, who was introduced for contestant, proved that he advised from 75 to 100 voters to vote under the eagle in the precinct where he acted as challenger, but [illegible] K. J. Hampton, another witness introduced by contestant, [illegible] us that the eagle ticket did not get a single vote in that [illegible], we fail to see how contestant was injured. This is a [illegible] of the little proof he did take, and [illegible] require [illegible] powerful magnifying glass to find that place in it [illegible] was injured.

Admitting for the sake of argument that the eagle ticket originated with the local Democratic leaders, which we have shown is not a fact, the next and supreme question is, Was the contestant defeated by reason of the presence of this local ticket for county offices? K. J. Hampton says that of a total of 1,600 Republican votes in Clark County three-fifths are negroes, and that contestant received 1,488, and that the eagle ticket only received 79. Contestant's vote is only 112 short of the entire Republican strength of the county. To give him the 79 votes which were cast for the eagle ticket, he would still be short 174 votes of an election, I having received a majority of 253 over him in the district. One hundred and four voters signed the petition for the Gray ticket and asked for the eagle as their emblem. Only 79 votes were marked under it in the entire county. It is a reasonable presumption that if 104 men sign a petition that 79 will vote for it. As these 104 qualified voters all asked for contestant in their petition when they asked for a place on the ballot and an emblem, and were to a man loyal to him throughout the fight, and had no candidate for Congress on their ticket, it is safe to assume that all, or nearly all, of them crossed over and voted for him. The clerk could not possibly have placed contestant's name under both devices, as a matter of course, and he placed him under the one that received 1,488 votes instead of the one which only received 79 votes. But if the contestant had been placed under both devices, as I have shown, and had not a majority of the minority ticket not crossed over and voted for him, as they undoubtedly did, and should you give him the aggregate vote cast for both tickets, and he could not possibly have received more, because it is not now claimed that anyone was prevented from voting or went away without voting, and in so counting both tickets for him nearly twice the 79 votes would be counted for him unjustly, and yet he would have still fallen 174 short of a majority. Only 1 voter of the 79 who voted the Gray ticket could be found with a search warrant in Clark County to testify that he failed to vote in the Congressional race by reason of there being three tickets in the field; and, as I have said, had the entire 79 instead of 1 so failed it would have been no fault of mine and I could not in justice be held responsible, and if I was so held it would in no wise change the result in the district. I live more than 100 miles from Clark County and knew nothing about it. There were three tickets in my own county, and I could not help it, although I suffered in consequence. The same thing existed all over the State. I have never been able to control such things at home; have never assumed to do so, much less in a county so far away. The charge of a conspiracy between the clerk and myself is not only not sustained by the proof, but it is not even shown that I conspired with anyone to defraud contestant anywhere, or authorized any friend of mine to do so, or that any friend of mine did do so. No one now claims that I ever had intercourse of the slightest nature with either of the disturbing elements in Clark County or that I gave a single word of encouragement or contributed a dollar or asked any friend of mine to do so, or that I knew anything about the arrangement of the ballot; and not knowing anything about it, as a matter of course I could not have been a party to any conspiracy, and no conspiracy could likely have existed in my behalf without my knowing it. The proof utterly fails to show, and, in fact, I knew little about the wrangles for the county offices between the different parties and factions until after the election. This charge, like all the serious ones in contestant's petition, has been abandoned for want of proof. As a matter of fact, the clerk of Clark County was compelled to give the 104 petitioners a place upon the official ballot.

Let us look at the vote of Clark County and the Tenth district in the last notable races; that is, the Congressional races of 1892 and 1894 and the gubernatorial race of 1895, when the State for the first time in its history, elected a Republican governor. I summarize from the evidence:

OFFICIAL VOTE OF CLARK COUNTY.

1892. For Congress: Lisle, Democrat, 1,974; Russell, Republican, 1,599; Democratic majority, 375.

1893. County judge: Haggard, Democrat, 1,565; Reed, Republican, 1,308; Democratic majority, 257.

1894. For Congress: Kendall, Democrat, 1,844; Hopkins, Republican, 1,488; Democratic majority, 356.

1894. For Congress (short term): Beckner, Democrat, 1,768; Bosley, Republican, 1,456; Democratic majority, 312.

1895. For governor: Hardin, Democrat, 1,925; Bradley, Republican, 1,662; Democratic majority, 263.

HIGHEST NUMBER OF VOTES RECEIVED IN THE TENTH DISTRICT.

1894. Kendall, Democrat, 14,845; his majority, 253.
1895. Hardin, Democrat, 14,719; his majority, 209.
1894. Hopkins, Republican, 14,592; defeated.
1892. Lisle, Democrat, 14,515; his majority, 2,772.
1895. Bradley, Republican, 14,510; defeated in the district.
1894. Beckner, Democrat, 14,231 (short term); his majority, 1,261.

The Tenth Congressional district has never given a Republican majority in either a Congressional or State election. Last November, notwithstanding Major McKinley carried Kentucky, the Tenth district gave more than 1,200 Democratic majority for President and Congressman, notwithstanding the presence of nearly 1,000 "Gold Democrats" in the district, about one-half of whom live in Clark County. It will be seen from these figures that either Lisle's, Beckner's, or Hardin's majority in Clark County would elect me, that Democracy was at high tide in 1892 in Clark County, and that since then the majority has grown gradually smaller year by year, until in 1895 the bottom fell out and she only gave Hardin 263 majority over Bradley. Contestant received more votes in Clark County and in the district than did Mr. Bosley, his running mate, for the unexpired term, although Mr. Bosley lived in Clark County; and yet Mr. Bosley did not contest the seat of his successful opponent. The returns in the county races at the same election, on the same ballot, when a full set of county officers, from county judge down to coroner, were elected and are now in undisputed possession of their respective offices, all of whom are Democrats, demonstrate conclusively that contestant and myself ran along with a little in advance of our respective tickets. The returns show that contestant's vote in Clark County was larger than any other Republican candidate, and yet he is the only one who has the audacity to challenge the honesty and fairness of the election in that county; but after he went there and finished taking his proof he was compelled to admit that it was perfectly fair. No proof could be adduced to the contrary, and contestant and his attorneys so admitted, as will be seen, and none can be shown, because everybody there knows that a fairer election was never held in Clark County. The case of contestant fell to the ground at the end of his proof, when he made this agreement, which renders absurd and ridiculous the proposition to disfranchise Clark County, within whose bosom sleeps enough buried greatness to inoculate half of this entire Congress:

> The agreed state of facts to be taken as part of the proof herein which it is agreed by both parties hereto: That all Republican voters in Clark County who attended the election and who desired to vote were given a fair and free opportunity to do so, and their votes were counted and certified as cast.

Couple this with the fact stated in the deposition of Lee S. Baldwin, that contestant received 1,488 votes in said county, which is a very large vote to poll out of 1,600, and we have the strongest possible argument in favor of a fairly conducted election in Clark County, and a refutation of all charges of fraud against the officers of that county who were in any way interested in conducting the election. This agreement, signed by the contestant and myself and our attorneys, contains what lawyers call the gist of the action, and this forced admission of his, because he could not prove to the contrary, demonstrates beyond question that the election in Clark County was an absolutely fair one. It seems to me to dispose of contestant's case completely. He surely does not want or expect you to count for him the vote of those who remained at home, and if you do he is then defeated. This agreement eliminates Clark County from the contest.

In Painter Harve precinct, in Floyd County, contestant was certified to have received 218 votes and myself 32 votes. In this precinct the law was held in utter contempt by those working in the interest of contestant. In this precinct three of the officers of the election were Republicans, and the only Democrat was an old man partially blind, so it was an easy thing for William R. Hopkins, the brother of contestant, who effected his way into the voting room under the claim of Republican challenger, by fraud and illegality and the use of money, to work the vote in the interest of his brother. In the oath he took as challenger he swore that he would use no means to influence any voter, and immediately thereafter he is found usurping the office of the clerk, and marking the ballots of voters and showing others how to vote for contestant, treating on whisky in the voting room, and then going outside and buying ginger cakes from his sister and calling out, "Come up, gentlemen, a treat for Thomas Hopkins"—his brother. He did not stop with all this, but after the vote was all taken he is found in the room with the board, taking the ballots from the box and calling off the vote, which is set down and the tally kept by one J. N. Harris, who was not an officer of election, and did not live in the precinct. This was done in the room where twenty or more persons were allowed to crowd in the light of one dim lamp, and in the presence of Levi Hopkins, the nephew of contestant, who was present during all that day mixing among the voters with a Winchester rifle, sometimes holding secret consultations with his uncle William through the cracks in the voting room, and the same man who said to witness Martin, just after he had been talking to his uncle William through the crack of the voting room, "If they fool with me I will break the damn thing up," meaning the election.

This is the same character who makes a business peddling "moonshine" liquor up and down the road, and in the fence corners, out of a jug. It seems that his intrepid spirit rose in rebellion against the manifest injustice which characterized the actions of his devout uncle. Counsel for contestant in his reply brief paints in glowing colors and throws a glamour of poesy, as it were, over the soothing influence of the ginger cake in a heated Kentucky election. It seems to me that Levi Hopkins's indignation on this occasion against the unfair and unscrupulous methods of his own clan can not be too highly commended. Whatever may be said in criticism of the Kentucky "moonshiner," it has never been contended that the natural chivalry of his nature will long permit him to be arrayed against the fair thing as this one was that day when he can say with the Highland chieftain, "My foot is on my native heath, and my name is McGregor." Levi Hopkins by this one utterance showed himself to be the typical "moonshiner" that he is—one of those rare birds seldom caught by the armies of deputy marshals who infest that section and who chase them like wild gazelles through deep fords and over rugged precipices. They have given a local habitation and a name to undiscovered country neighborhoods, and had he carried his threat into execution that day and broke up the election he would have deserved a monument of marble, and his name would have lived in local tradition, song, and legend; and he might have been transfigured into immortality by some future Charles Egbert Craddock or James Lane Allen. But he missed his opportunity, which, if unimproved, never returns. In this precinct the vote was taken in a log house with large cracks in the walls and a hole cut for a window, from which hole and crack everything which was done in the voting room could be both heard and seen by those who crowded around the house the whole day, although section 1470 of the Kentucky Statutes declares—

> That no person, except an officer, shall remain within 50 feet of the polls except when voting.

In the Allan precinct, where the contestant was certified to have received 10 majority over myself, the polls were kept open and votes received until half past 5 or 6 o'clock, and the voters and other persons not authorized by law were allowed to be present and assist in counting the ballots, all of which was in violation of law.

In the county of Magoffin, where contestant is certified to have received 1,048 votes and myself 765 votes, such a state of chaos and confusion exists as to render it impossible to determine what the correct result of the election was in that county.

The Johnson Fork precinct had officers of election so ignorant or designedly corrupt that after they had closed the election they set fire to the poll books to conceal the true result and sent in no return of the election to the county clerk, as was their duty under section 1483, Kentucky Statutes. It was claimed that in this precinct contestant received a majority of the votes cast, although no certificate or poll book is filed in the office of the county clerk from which this can be ascertained.

The returns from the Meadows voting precinct show, as stated by R. C. Salyers, county clerk of Magoffin, that contestant received 124 votes and that I received 117 votes in said precinct, while said returns show that there were only 148 ballots counted as voted in said precinct, which is 98 less than the vote certified to have been cast between contestant and myself. This shows an inexcusable and bunglesome fraud or mistake on the part of some one handling them, and renders it impossible to determine how the vote of this precinct should be counted, and accounts for the abnormal majority against me in Magoffin. Contestant, in his reply brief, is unable to explain what he charitably characterizes a "discrepancy." He says:

> It must be admitted that this same certificate, showing the difference of 98 votes between the number counted as valid and the number cast between the contestant and contestee, was signed by the two judges, the clerk, and sheriff of the election.

The mistake at Ivyton precinct was occasioned by a clerical error in the certificate sent to town, and at the outset was generally admitted on all hands at Salyersville, the county site, until it was determined by a few violent partisans to trample under foot the true result of the vote in that precinct and county. In this precinct the officers, in making out the certificate sent in with the poll-book to the county clerk's office, made a mistake in filling it out, so that it showed that contestant received 143 votes when in fact he only received 134, as shown by the certificate on page 68 of the record. The clerk in making out the certificate reversed the figures 3 and 4. The fact that several did not vote between contestant and myself, coupled with this explanation, proves the correctness of this assertion. The certificate filed with the clerk shows that is wrong on its face, for it shows that there were only 155 ballots cast and counted as voted; while to give contestant 143 and myself 13 votes would make 156, one vote more than was actually cast, and there were doubtless many who did not vote between us. Nor is this all, for every precinct return shows the same mistake on its face.

In the Peter voting precinct, where contestant received 211 votes and myself only 57, the proof shows the most glaring frauds and utter disregard for law and the legal rights of both voters and candidates. One of the gravest causes of complaint is that William Estep, who lived in West Virginia, for his peculiar fitness for the purpose, was brought into the State and put in the voting room under the title of Republican challenger, that he might get in his nefarious work. He is the same person spoken of in the deposition of Thomas Chapman, who left Kentucky because he was indicted in Pike County for concealing stolen goods, keeping a disorderly house, and malfeasance in office. Section 1470, Kentucky Statutes, provides:

> No person other than the election officers shall remain within 50 feet of the polls except when voting: *Provided*, That each political party may appoint one challenger for each precinct, who shall be entitled to stay in the room or at the door thereof. Such challenger shall be appointed in writing by the chairman of the county or other local committee of their political party, and shall produce written appointment on demand of any of the officers of election. Each challenger shall take the following oath: "You do solemnly swear or affirm that you will faithfully and impartially discharge the duties as official challenger assigned by law, and that you will not cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector, and that you will use no means to influence any voter."

This refugee from justice, living in another State, without any right forced himself into this secret voting room, as shown by the deposition of S. R. Daniels, under the claim that the court had appointed him, and while there, in open violation of the oath he had taken, went into the booth with voters and—as stated by the witness, R. F. Blankenship—whispered to the voters, at the same time pointing to the ballot; which means nothing more or less than that he was trying either to deceive or influence them to vote his way. This same Estep even went so far as to try to get the clerk to mark the ballots publicly, that he might see how each voter voted. He also went to the door of the voting room a number of times during the day, and would beckon for men to come in, and after they would come into the room and before they would get their ballots he would whisper to them, and after the polls closed he stayed in the room all the time the vote was being counted.

Section 1481, Kentucky Statutes, provides:

> The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present as witnesses and inspect the counting of the vote in each precinct, who shall be admitted to said voting place; but no other persons except the election officers shall be admitted to the said polling place before or after the count begins, except as provided by law.

Nor was Estep the only person there working in the interest of contestant guilty of gross election frauds, for while Estep was in the voting room getting in his work, he was supported on the outside by one Frank Phillips, who, in the language of Jayson Rains, is a very violent, dangerous man, and most of the people in that neighborhood were afraid of him. He was a heroic chieftain and one greatly renowned for his prowess in the border war between the Hatfields and McCoys. Thomas Chapman testified that he saw him take men by the arm and lead them to the door and tell them to go in and vote the Republican ticket, and also that while within the line he told the negro Henry, who had started in to vote, to get out; that he did not allow any negroes to vote there; and the negro took him at his word and did leave without voting. This negro was a Democrat, and had he been permitted on this occasion would have voted for me.

After the polls were closed Phillips went into the voting room to reenforce Estep in controlling the count of the ballots, and while there tried to influence one of the judges to make a false return. Through the influence of these men, Moses Mounts and Bumbo Hurley, both minors, and Lon Toler, who had only come into the State the August previous, were all allowed to vote. They were all Republicans. During the time the vote was being taken, one of the judges got drunk and left his post of duty, and remained out of the voting place nearly half the day, although the law says that "the officers of election shall not separate during the hours of election." Nothing half so bad as all this occurred in Clark County, which it is proposed to disfranchise. The polls were not opened in this precinct until 8 o'clock a. m. or closed until 5 o'clock p. m. Section 1469 provides that the polls shall be opened at 7 o'clock a. m. and closed at 4 o'clock p. m., and in order to conform to this law the Republican judge set his watch back one hour, and then held the polls open until 4 o'clock by the same watch.

Having noticed in detail the several charges relied upon by each party, we will now compare them.

UNLAWFUL INTERFERENCE IN COUNTING AND CERTIFYING THE VOTE.

In Blackberry precinct I received 31 majority, and it is shown that Tolbert Hatfield, who was not an officer, assisted in counting the vote. This is more than offset by the Painter Harve precinct, in Floyd County, where contestant received 196 majority, where contestant's brother and others who did not [illegible] precinct counted the vote, none of them being officers of the election.

POLLS KEPT OPEN AFTER 4 O'CLOCK.

In Middle Creek voting precinct, in Floyd County, the polls were kept open after 4 o'clock. In this precinct I received 56 majority. The same thing occurred in Allan precinct and in Peter precinct, where contestant received 166 majority over myself.

FRAUD.

Contestant charges fraud against County Court Clerk Ramsey, of Clark County, a county in which I received 356 majority, which we think he wholly fails to establish. But should any gentleman take a different view of it, then we contend that the frauds charged to have been committed and strongly proven against Peter voting precinct, in Pike County; Painter Harve precinct, in Floyd County, and in the county of Magoffin largely more than offset anything wrong which might have been done in the county of Clark. Summing up, I have given the House as best I could in my weak way a clean statement, hastily prepared and unadorned and as brief as possible, of the facts in this case, and as I have tried to do my duty I believe you will do yours. In this recital I have followed in part the briefs prepared by F. A. Hopkins, an excellent "Kentucky mountain lawyer"—and, as was said by a distinguished Missouri member of the last Congress on this floor, "When you have said that, you have passed the highest encomium that can be passed on a lawyer"—and J. M. Benton, one of the brightest ornaments of the Bluegrass bar. I do not believe that you will permit partisanship to override patriotism. I believe that the majority mean to do right, that the question uppermost in your minds is, "Who was elected?" Admitting for the sake of argument every fact claimed in all his briefs, and still I am elected. It is impossible for any unbiased mind to construe the proof otherwise. The Committee on Elections virtually conceded that no case had been made out when it granted him leave to take new depositions during the recess of Congress. And yet he did not avail himself of that privilege. He knew that the less proof he took the stronger would be his case. As was suggested by a member of the committee and by the report of the committee, you are asked to unseat me, not on the proof, but by inference. The contestant acknowledges in his reply brief and in his argument before the Committee on Elections, as they will bear me witness, that I was elected, that the injury sustained by him in Clark County was not of sufficient magnitude to warrant his defeat being ascribed to irregularities there, but contended in effect that I ought to be deprived of my seat to teach the ex-county clerk of Clark a lesson, when he says in his reply brief (page 24):

> The question is not whether anyone was injured or not injured, which would be difficult to prove or disprove; but the question is that the failure of Ramsey to distribute the sample ballots, taken in connection with his testimony that he did distribute them, is proof that his failure to distribute the sample ballots—or the regular ballots—according to law, was to conceal the fraudulent ballot as long as possible, and that his entire testimony is not worthy of belief.
>
> * * * * * * *
>
> It is virtually saying that a public official legally intrusted with preparing a statutory official ballot may with impunity violate the law by giving to the voters a fraudulent, illegal ballot, prepared to defraud a candidate or a political party, and that nobody should cry fraud unless somebody was injured thereby.

I venture to assert that I should not be punished unless I am proven guilty, and that contestant should not be given this seat unless he was defrauded out of it—that he should not be elected by this House when he was surely defeated. This is the first time I ever knew of anyone in a damage suit, not even a railroad wreck or a breach of promise, where excessive damages are always demanded—not even in one of these cases did I ever read of a person suing for something broken and at the same time acknowledging that nothing had been broken. It is absurd. There is a very able work on the Doctrine of Damnum Absque Injuria, by Edward P. Weeks, which I commend to this counsel.

In this same reply brief contestant says, in his effort to uphold the legality of the comparison of the county of Magoffin:

> The legality of the board is not to be ascertained. The question is, How many legal ballots were cast for contestant and contestee?

So say I. The question of the distribution of sample ballots in Clark County, from which no one was materially injured, "is not to be ascertained. The question is, "How many legal ballots were cast for contestant and contestee" in the district?

On this question there can not rest the shadow of a doubt. The fact that the contestant was elected is not susceptible of logical or mathematical demonstration. I have reviewed and answered every charge on which proof has been submitted. There were some omnibus charges, such as that "500 minors and persons convicted of felony," etc., voted for me, which were too vague, indefinite, and ridiculous to require attention, no proof having been offered to sustain them. In each of the sixteen counties composing that Congressional district a full set of county officers—that is, county judge, county attorney, clerk, sheriff, assessor, jailer, and coroner—were elected at the same election, and all are to-day holding their offices under the vote certified by the same precinct officers and compared by the same comparing boards, all under oath when they made up the returns between the contestant and myself. Each of these officers is to-day holding undisputed possession, and this contestant is the only man who has the hardihood to question the integrity and fairness of a single election officer, the oath of every one of whom backed my certificate of election—one-half of whom were Republican. These precinct officers were evenly divided politically, and to challenge their returns is to say that they perjured themselves—that Kentucky is incapable of choosing her own Representatives. If you do this you may as well abolish elections by the people and empower Congress to choose its own members. Nothing but irregularities were proven, which did not affect the ultimate result in any county outside of Magoffin, where a clerical error and a false construction of the law lost me many votes: and those taken from me in Pike and Floyd counties by bribery and intimidation. The only way in which the result could be overturned would be in a case like this already noticed at Ivyton, Bloomington, and Trace precincts. In the last two a number of ballots cast for me were thrown out because the voters used a pencil instead of a stencil. The election law provides that—

> No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.

The errors in these precincts are the only ones established in the entire proof, and would have increased my majority many votes. It is hardly fair for contestant to claim that the 800 majority in Johnson County is genuine, and that, on the other hand, the majorities in Clark and Knott counties, where there was a falling off of many votes, were false and fraudulent, and that the election officers in those two counties perjured themselves. It is hardly necessary for me to repeat to anyone conversant with the proof that in the entire range of facts it is not shown that I conspired with anybody or authorized any friend of mine, or had known of any illegitimate plan, or that any illegitimate plan existed, either expressed or implied, to defraud the contestant of a single vote to which he was entitled; that I used or authorized any friend of mine to use any money or whisky or browbeating and bulldozing to influence any voter to vote for me; but, on the contrary, the truth brands this pious contestant's accredited agents with all these crimes.

Senator **Stephen B. Elkins** has wisely said of the political situation:

> The Republican party can not only hold its present gains in the South, but can increase them, if it shapes its policy so as to encourage rather than inflame the people.

You have always advocated a free ballot and a fair count, but of what advantage, I pray you, are these priceless jewels if the ballot has been bought, as the proof shows in this election was done, by the opposition to me, and if the true verdict is to be set aside after it is fairly rendered, as you are asked to do. It goes without saying that you have the absolute power to declare who shall occupy these seats, but would it not be fairer to leave the settlement of these contentions between rival candidates, regardless of party, to the voters at the polls when they cast their ballots? I can not believe that you will strike down the sacred right of a sovereign people by unseating a Representative fairly chosen and backed by seven of the nine members of the Committee on Elections. There is not a line of the evidence which deprives me of a single vote that was counted for me or deprives the contestant of but one vote that was intended to be cast for him, and that was the fault of the voter; and I challenge the opposition to point out any other. No unbiased man can read the proof in this case carefully without reaching the inevitable conclusion that I have more ground upon which to stand and contest than contestant; that I am more sinned against than sinning. The proof all over that district shows that a fairer election was never held in Kentucky, a fact which all must admit, and which the contestant himself admitted in Clark County after he discovered that the contrary could not be established. I have been compelled to devote to this contest much time, thought, and research that should have been wholly dedicated to the business of my constituents and to reading and reflection. The district needs a Federal court to pass on the personal and property rights of its people and to remove the clouds that overhang its land titles and quiet them; it needs a public building; but I have been compelled to neglect these needs in looking after this unnecessary and uncalled-for contest, after having in a previous Congress for the first time secured reports from the Committees on the Judiciary and Public Buildings and Grounds favorable to both these measures.

Many fair Republicans in that district have expressed their condemnation of this contest to me and will learn with a pang that I am compelled to ask from my colleagues what a respectable majority of my constituents have already given me. I hardly believe I will be regarded as too sentimental, even in this prosy, practical age, when I assert that the outcome of this contest will touch every hand and home in the Tenth district and many elsewhere. But I feel sure that you are not going to render such a monstrous, tyrannical, and despotic verdict as you have been called upon to do. I have too much confidence in the sense of fairness of those with whom I have been associated recently. I believe that you will enlarge your generosities by doing simple and exact justice in this case; that you intend to do right in this matter; that when the vote is taken here the accredited verdict of the people will stand, rendered at the fairest election ever held in the district, and that the voice of the people—which is the voice of God always and everywhere, when they understand the question—will, by your verdict this day rendered, stand vindicated and triumphant, remembering that—

> Truth crushed to earth will rise again;
> The eternal years of God are hers.

Personally, from the beginning, the outcome of this contest has been immaterial to me. I care more for the principle than the place. I would rather stand erect and lose than

> Crook the pregnant hinges of the knee,
> Where thrift may follow fawning.

I have known men to be ruined by being elected to Congress, but not one who was ultimately injured by being turned out after he was elected. My constituents would probably vindicate their right to choose their own Representative, even though the salary were used to buy votes on the other side. If Joseph had not been robbed of his coat of many colors and sold into Egyptian bondage he never would, in all probability, have become the premier of Egypt. Better be elected and turned out than not elected and turned in. It would be a long time before that district would be close enough for another contest unless the party is revolutionary that attempts it. The party that aspires to govern others ought first learn to govern itself. However, "without this," it is immaterial to me individually whether I am in Congress or out so long as poverty—the result of unequal laws—is the birthright of my people, who find the gates of human happiness through prosperity closed against them. The skies of Kentucky are clearer than those that bend over Washington, and the breezes that come from the Blue Ridge are purer than the fog that hovers over the Potomac. While standing in this beautiful city, in the midst of its

splendid public edifices and magnificent private residences, with culture, refinement, and wealth upon every hand to attract and dazzle the mind, I see much to admire. But in the humble home of the cottager who inhabits the wild fastnesses of the Cumberland Mountains, I see much to love. Their child-like simplicity, broad, open-handed hospitality, and generous sympathy for their fellow-man, brings to mind the remark of a great genius of the past, that on the heights of the mysterious beyond he only desired a highland welcome. Such was his highest idea of heaven.

Gentlemen, I have spoken at such great length not for my own sake, but for the cause of truth, which is in danger of being trampled underfoot. I am much obliged for your patient attention to this weak statement of an impregnable case.

APPENDIX A.

THE COMMONWEALTH OF KENTUCKY,
Tenth Congressional District, sct.:

To the clerks of the county court of the counties of Breathitt, Clark, Elliott, Estill, Floyd, Johnson, Knott, Lee, Martin, Magoffin, Montgomery, Morgan, Menifee, Pike, Powell, and Wolfe:

This is to certify that a convention was held by the Democrats of the Tenth Congressional district of Kentucky in the town of Campton, Ky., on the 10th and 11th days of July, 1894, at which convention Joseph M. Kendall was by said convention nominated as candidate for Representative of the said Congressional district, to be voted for at the November election, 1894; that the title and principles represented by the said convention are known and designated as the Democratic party of the State of Kentucky, and that the device to be placed at the head of the list of candidates of the Democratic party to be the gamecock.

Witness our hands, as chairman and secretary of the said convention, this the 11th day of July, 1894.

T. C. JOHNSON, *Chairman.*
(Residence, Campton, Wolfe County, Ky.)
HENRY WATSON, *Secretary.*
(Residence, Mt. Sterling, Montgomery County, Ky.)

STATE OF KENTUCKY,
County of Wolfe, sct.:

I, J. B. Hollon, a county court clerk within and for said county and State, do certify that on this the 18th day of September, 1894, personally appeared before me, Thomas C. Johnson, who acknowledged the foregoing certificate to be his act and deed, who was also sworn by me that the statements contained in said certificate are true.

Given under my hand and official seal the year and day aforesaid.

J. B. HOLLON, *C. W. C. C.*

STATE OF KENTUCKY,
County of Clark, sct.:

I, Joe B. Ramsey, a county court clerk within and for said county and State, do certify that on this the 31 day of October, 1894, personally appeared before me, Henry Watson, who acknowledged the foregoing certificate to be his act and deed, who was also sworn by me that the statements contained in said certificate are true.

Given under my hand and official seal the year and day aforesaid.

JOE B. RAMSEY, *Clerk C. C., Ky.*
By W. T. FOX, *D. C.*

Contested-Election Case—N. T. Hopkins vs. Joseph M. Kendall.

REMARKS
OF
HON. N. T. HOPKINS,
OF KENTUCKY.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 18, 1897,

On the following resolutions:

"*Resolved,* That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

"*Resolved,* That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat."

Mr. HOPKINS said:

Mr. SPEAKER: On Thursday, February 18, 1897, and immediately after I had taken the oath as a member of this House, the gentleman from Arkansas [Mr. DINSMORE], who is a member of the Elections Committee which heard my contest, and who made a speech before this House in behalf of Mr. Kendall, arose in his seat and said:

> Mr. SPEAKER, I ask unanimous consent that the gentleman from Kentucky, Mr. Hopkins, the contestant in this case, and the contestee, Mr. Kendall, have leave to print remarks in the RECORD upon the election case just disposed of.

I wish to say that I neither requested, nor in any way authorized the Arkansas gentleman to make such a request, and I think I am correct in assuming that Mr. Kendall was responsible for the request, and was anxious to put in the RECORD a speech which he never uttered anywhere, but availed himself of such an opportunity to attack me and the people of the Tenth district of Kentucky.

He was undoubtedly anxious to unload an old speech which he had carried in his pockets for several months, instead of carrying it in his head.

He had opportunities to deliver that speech, but he never had the courage to do so. He ought to have delivered it before the committee before the case was decided. He ought to have delivered it on the floor of the House before he was unseated. But he preferred to have others to speak for him. He had his kinsman, Frank Hopkins, of Floyd County, Ky., and also Gen. W. W. Dudley, an able lawyer and influential Republican of Washington City, to speak for him before the committee, and on the floor of the House he let Republicans advocate his cause.

Why did he not speak his little speech? Had he done so he might have turned the tide in his favor. On the very day he was turned out of this House, he had printed in the RECORD a speech he never made. He did that for home consumption, and will likely be a candidate again and claim that he fell a martyr. But before he fell and made his escape, he drew from the Treasury two years' salary, to which I alone was entitled. He got two years' pay for clerk hire to which I was entitled and can not now get. He got all the books, records, maps, documents of every kind to which I was entitled, and which I will never get for my constituents. He got all the garden seeds for two years to which I was entitled and will never get. He got everything in the way of money, documents, seeds, privileges to which a Congressman is entitled, and to which he was not entitled.

This ought to have satisfied him. But he seems greedy, mad, and dissatisfied.

The law and facts were against him. He should be thankful that he was permitted to serve as long as he did. But in his printed speech, which he never spoke, read, nor whispered, he takes occasion to discuss a lot of stuff that was never discussed before the committee.

Had he confined himself to the Clark County frauds, which only were reported upon by the committee, he would have shown better taste than he has displayed. But he rambles over matters which have no bearing upon the contest between us. He evidently does this to show his polish, his literary attainments, and his professional acquirements.

He goes out of the way to suggest that I am not a very good Republican, and refers to me as a vanquished rural rooster smarting under defeat.

It is true that I live in the country on a little farm, and am a very poor man, with a large family to support, and never had the advantages of schools and polished society. I married when I was only 19 years old, and have had to always labor to support my family. I have lived by farming and logging, and, not being an educated man like my friend Kendall, I have never known how to take short cuts as against hard labor, and not being a polished man, I have never been able to pass for more than I actually merited.

I was nominated for Congress when I did not seek the nomination, and when notified was at home working in my cornfield.

I hesitated whether to accept, and felt inclined not to do [illegible] I knew it would be a great sacrifice to my family, if defeated, as I was too poor to lose the time from my daily labor, [illegible] was necessary to canvass such a large district, but finally I obeyed the wishes of my party and the advice of friends [illegible] accepted the nomination. I went over the district telling the people my views upon the issues involved in that campaign, but never succeeded in getting my opponent, Mr. Kendall, to meet me in debate.

He always had business elsewhere, and kept himself at a safe distance. I went among the farmers and the country people. They knew me by reputation if not by sight. They knew my character for truth and veracity. They knew that if elected I would vote and act in Congress from the best information I could obtain, and what would be for my interest would be for their interest, as we were all poor farmers and logmen standing together.

He refers to me as a Republican trying to unite the Baptist Church, and says that in order to gain my contest, which appeared to me as a mess of pottage, he believes I would deny being a Baptist.

I do not know why Mr. Kendall undertakes to cut, slash, and punch the Baptist Church or any of its members, as during our campaign he was, so I was informed, crying that he was a Baptist.

I shall never deny my religious principles in or out of Congress. It is well known by those who know me that I am a member of the Baptist Church, but I do not fall out with any man because his views do not accord with mine as to either politics or religion.

Every man has a right to his own opinion on these matters. I am proud that I am a farmer, and also a member of the Baptist Church, and it is far better to belong to some good religious denomination than to none at all.

It is bad taste in Mr. Kendall for him to try to poke fun at me by referring to me as being a "rural rooster" and a member of the Baptist Church, but his speech will do him no good among the honest voters of the Tenth district of Kentucky.

Mr. Kendall devotes the greater part of his speech in trying to show that the county court clerk of Clark County did not perpetrate a fraud in preparing the ballots used in that county, and he uses at least ten thousand words in explaining his view of the Clark County fraud. Mr. Kendall says that there was nothing wrong in Clark County. He failed, however, to even convince the Democrats on the committee that there was nothing wrong in Clark County. The committee is composed of Judge DANIELS of New York, Mr. ROYSE of Indiana, Mr. COOKE of Illinois, Mr. LEONARD of Pennsylvania, Mr. MOODY of Massachusetts, Mr. LINNEY of North Carolina, all Republicans; and Mr. BARTLETT of Georgia, Mr. TURNER of Virginia, Mr. DINSMORE of Arkansas, Democrats.

All of this committee made a report in favor of Mr. Kendall retaining his seat except Mr. ROYSE and Mr. LINNEY, who reported against Mr. Kendall. The very men on the committee, both Republicans and Democrats, who were for Kendall, say in their report that J. B. Ramsay, the clerk of Clark County, perpetrated fraud in preparing the ballots for that county.

Concerning what is known as the George Gray ticket, or, in other words, the straight Republican ticket, the members of the committee who were for Kendall use this language:

> The object of framing this last ticket was to deceive illiterate persons intending to vote the Republican ticket and to lead and induce them to vote it, supposing and believing that in so doing they were voting the regular Republican ticket.
>
> And it did so deceive Republican voters, as it was intended it should deceive them.

They further say, in speaking of the 79 votes cast under the fraudulent ticket:

> These 79 persons in this manner clearly disclose their intention to vote for the Republican candidates, and were only prevented from regularly doing so by this fraudulent and unlawful act of County Clerk Ramsay.

They further say, in speaking of the ballot as prepared, that it was—

> a fraudulent and unlawful act—

And in speaking of his conduct, they say:

> The fraudulent conduct of the clerk—

And that—

> He deserves the severest censure for his fraudulent and official misconduct, and he really deserved to be punished for his crime.

They further say that the George Gray petitions were not filed according to the proof until the 22d day of September; but J. B. Ramsay, the county court clerk of Clark County, swore that the petitions were filed on the 14th day of September.

Mr. Kendall's friends on the committee, therefore, hold that Ramsay swore a lie. Why, then, should Mr. Kendall have his long speech printed, in which he undertakes to show that there was nothing wrong in Clark County, that no fraud was perpetrated there, after his own friends on the committee had stated in their report to this House that the county clerk had perpetrated fraud in preparing the ballots and that he deserved to be punished for his crime? But it is likely that Mr. Kendall will circulate his speech through the Tenth district, in the hope of deceiving and misleading voters. I hope he will distribute 50,000 of his speeches, and without delay.

As his own friends on the committee contradict him as to the Clark County fraud and the testimony relative thereto, it is entirely useless for me to follow him in all he has said as to Clark County.

Mr. Kendall certainly fails to comprehend the meaning of the Kentucky law as to the selection of devices. He uses this language in his written speech:

> The learned counsel for contestant can not deny—no Kentucky lawyer will deny—that had my certificate of nomination, which was filed before contestant's, asked for the eagle as my device, and that my name be placed under that emblem on the ballot, following the laws, the clerk would have been compelled to place my name under the eagle, and had he failed to do so he and his bondsmen would have been responsible to me in a personal action for any injury that might have resulted, unless they had hidden themselves behind section 1453, Kentucky Statutes.

Mr. Kendall fails to understand that the Republican party of Kentucky in convention assembled had selected the "eagle about to fly" as its party device, to stand at the head of its party nominees. That device legally belonged to the Republican party and its nominees. I had been nominated by a Republican convention in July, but the certificate of my nomination was not filed with the county clerk of Clark County till in October, but it was filed within the time prescribed by law. Mr. Kendall fails to distinguish between the date of selecting a device and the date of informing the clerk as to the selection. He goes on the idea that the device can not be selected until the county clerk shall have been notified of the selection.

The eagle device was selected in 1892 by the Republican party in Kentucky for all its party nominees.

The convention that nominated me ratified the selection of the eagle as a device, because I was a Republican nominee. The filing of my certificate of nomination with the county clerk of Clark County was not a selection of the eagle as a device, but it was only a notice to him that the eagle, as the device of the Republican party, was not changed by the convention which nominated me.

But had the eagle not been selected by the Republican State convention, I would have been entitled to it, because it was selected in July by the convention which nominated me, when the petitioners in Clark County did not select it until in September.

Mr. Kendall, however, seems to hold that the clerk is bound to comply with the provisions of the law in placing devices. In this he is surely correct, and that is the ground I urged in my contest as to Clark County.

The testimony shows that the clerk of Clark County did not obey the law in preparing the ballots, but that he fraudulently violated the law, with the purpose of misleading and deceiving Republican voters. The majority of the committee held that the clerk perpetrated a fraud, but that the extent of the fraud, so far as I was concerned, was the 79 votes cast under the eagle.

The minority of the committee, ROYSE, of Indiana, and LINNEY, of North Carolina, held that the extent of the fraud as to my candidacy could not be estimated, and that the 79 votes was not a fair nor reasonable estimate of the fraud.

In addition to this, they held that the Kentucky law is mandatory as to the ballot, and that a ballot must be legally prepared before it can be an official ballot. They held—and the House sustained their position by a vote of 197 to 91—that the Clark County ballots were fraudulently and unlawfully prepared, and because of this the said ballots were not official ballots, and therefore could not be used by a voter to legally express his choice, and therefore the vote of Clark County must be rejected. The testimony in this case shows J. B. Ramsay, the then county clerk of Clark County, in his testimony as a witness for Mr. Kendall, held that the Kentucky law is mandatory as to the preparation of the ballot.

He swore that he consulted J. M. Benton and E. S. Jouett, both lawyers at Winchester, Ky., as to how he should proceed, and that they advised him that he was bound under the law to give the eagle as a device to the George Gray ticket. Then Benton and Jouett, as witnesses for Mr. Kendall, swore that they so advised Mr. Ramsay. This shows that those two good lawyers, both of them Democrats, construed the law as mandatory upon the county clerk. But the mistake made by Benton and Jouett in giving legal advice was that they misconstrued the law as to the time when the devices were selected. They disregarded the selection of the eagle by the Republican party in State convention. They disregarded the fact that the convention which nominated me in July selected the eagle device.

They went on the idea that because the Gray petitions were filed in September, when the certificate of my nomination was not filed till in October, therefore the request of the Gray petitions should be complied with. They were advising the clerk to stick to the law—that he was bound to comply with its provisions—but they, in this case, were either ignorant of facts upon which to form legal opinions or they did not understand the law as to the selection of devices.

Their advice to the county clerk of Clark County, however, was on the ground that the law is mandatory, and that he was bound to comply with and obey its provisions in preparing the official ballots.

Their great mistake was in not properly understanding the law as to the selection of devices by party organizations or petitioners. If the law is mandatory on the clerk as to how he shall prepare the ballot, and if he willfully, corruptly, and fraudulently violated the law in preparing the ballot, then the ballot is not prepared according to the provisions of section 1446, Kentucky election law, and consequently can not be an official ballot, and could not be used by voters in expressing their political preferences as between Mr. Kendall and myself, and therefore they could not be counted.

Mr. Kendall, in his printed speech, which was never spoken, says that—

> Under the Australian law now in force in Kentucky a ballot is not valid unless it does have a device upon it.

This assertion shows that Kendall himself holds that the provisions of the law should be complied with by the county clerk in preparing the ballots. According to his argument, a ballot is not valid unless it has a device upon it. In my case the county clerk of Clark County stole my lawful device and gave it to a bogus and unlawful ticket, which had no right to be on the ballot, and he unlawfully gave to my ticket the picture of a raccoon as a device.

Then, if a ballot is not valid unless it have a device upon it, as Mr. Kendall says, I ask him if ballots with unlawful devices upon them, put there through fraud and corruption and to mislead and deceive voters, can be valid ballots? Mr. ROYSE and Mr. LINNEY said in their report that such ballots were not valid, and this House has sustained them in their views.

According to Mr. Kendall's own argument, I should have been seated, because the Clark County ballots were not valid.

SPECIFIC LOSS.

But it was urged that I should be required to show how many votes I lost by reason of the fraudulent, unlawful ballots, and that was the position taken by the majority of the committee, and they held that the 79 votes under the eagle was the extent of my loss.

My attorney took the ground that it was impossible to produce legal and competent testimony by which my loss could be conclusively shown, and that the character of the fraud was such that it was impossible to prove its effect upon my candidacy, and that if the Kentucky law was mandatory upon the clerk as to how the ballots were to be prepared, then it was unnecessary to prove the number of votes I lost by reason of the character of the ballots.

Those were the positions taken by my attorney.

The testimony shows that there was a conspiracy between the then county clerk of Clark County and some of the Democratic organization to place a bogus ticket on the ballot and give it the eagle, which was the Republican device; that no sample ballots were posted at any of the precincts, and that the Republicans knew nothing as to the fraudulent ballot until the polls were opened. Then there was great indignation, consternation, and hesitation among the Republicans, and word was passed among them at many precincts "not to vote." But later on the Republicans rallied and cast 1,488 votes, whilst the Democrats cast 1,814. It was contended that this was the usual Republican and Democratic vote of the county. To meet this view of the case, the testimony shows that outside of Clark County my vote in the district was 3,155 greater than the Presidential Republican vote of 1892, while Mr. Kendall received only 488 votes more than the Democratic Presidential vote of 1892.

My increased vote over the Republican vote of 1892 was as follows: Breathitt, 153; Elliott, 190; Estill, 208; Floyd, 460; Johnson, 250; Knott, 162; Lee, 116; Magoffin, 204; Martin, 103; Menifee, 62; Montgomery, 257; Morgan, 233; Pike, 445; Powell, 97; Wolfe, 215. This was a uniform gain of over 31 per cent outside of Clark County.

But when we went to Clark, Mr. Kendall fell 114 votes behind the Democratic vote of 1892, while I fell behind the Republican vote 111. Why should we both in Clark fall behind the vote cast for our respective parties in an exciting Presidential campaign? The assessor's book shows there were 4,045 voters in Clark in 1894, and more than 700 of them failed to vote for Mr. Kendall or myself. Seven hundred remained from the polls.

It was urged that Governor Bradley lost the district in 1895 by 202 majority. But I wish to say that outside of Clark I received in the district 256 more votes than Governor Bradley received, while he received 174 more votes in Clark than I received, whilst the testimony shows that 51 Republican voters were in line in Winchester when the polls closed and did not get to vote for Governor Bradley. Had I received Bradley's vote in Clark I would have received 430 votes more than he received in the district.

Mr. Kendall received only 335 more votes in the district than Bradley received, and had I received Bradley's vote in Clark I would have been 105 votes ahead of Mr. Kendall. But the testimony in this case develops the fact that the vote certified to the secretary of state from Clark shows that I received 1,488 and Kendall 1,814 votes in that county, while the present county clerk of Clark certified to the committee that my true vote in that county was 1,501, while Kendall's was only 1,810, thus showing that the returns sent to the secretary of state cheated me out of 50 votes. Add those to the 50 persons who failed to vote for Bradley in Clark, but who were at the polls ready to vote when the polls closed, and had I received the usual Republican vote in Clark County I would have defeated Mr. Kendall more than 200 votes.

But why should this Clark County fraud have been committed, had not it been thought necessary by the Democratic leaders of Clark County? Why should Mr. Kendall receive the benefit of that fraud and throw upon me the burden of proving my specific loss? Will any fair-minded man contend that under the proof my loss was only 79 in Clark?

The testimony shows that 107 registered Republicans failed to vote in Winchester, whilst 79 registered Democrats and 25 registered Independents failed to vote.

This fraud was too gigantic to be estimated. Republicans were dismayed. They thought the same trick had been worked in every county in the district. They abandoned the polls, and in several instances Republican election officers refused to serve and abandoned their places, which were promptly filled by Democrats.

Mr. Kendall was willing to accept and avail himself of the Clark County fraud and then try to hold me to prove specific loss of votes on account of the fraud.

He then in his printed speech, in substance, contends that the law prevents me from making any proof at all as to my loss of votes. He uses this language:

> The object of the Australian ballot is to protect the sacred secrecy of the voter's choice; for if he were permitted or compelled to tell how he voted, it would destroy its prime object, and the liberty and free choice of the elector in Kentucky would again be unprotected. * * * It is impossible under this law to go behind the returns, because the voter is so hedged about and protected that it is impossible to find out how he did vote, or, in fact, any material wrong whatever.
>
> Secrecy is destroyed when a voter tells how he voted, and if you can not allow even one voter to tell for whom he voted, and if no one else is permitted to see or know how he did vote, pray tell me how you would overcome my majority.

Those are Mr. Kendall's words. He first contends that the clerk of Clark County was compelled by the law to do as he did in preparing the ballots; that he committed no fraud; that the law is mandatory.

He then contends that I was not injured; and if I was, it was only to the extent of 79 votes.

I am then called upon to prove my specific loss. Mr. Kendall then says the law prevents me from proving anything, and he exclaims, "Pray tell me how you would overcome my majority!" And he further says:

> The courts of Kentucky have held that a voter can not be compelled, and ought not to be even permitted to tell, on the witness stand for whom he voted, and the reason for this is obvious and its wisdom indisputable.

Thus does Mr. Kendall undertake to shield himself behind the law which prevents me from showing how many votes I actually lost, and then he boldly proclaims that I should not be seated because I have not proved that I lost any votes by reason of the fraudulent ballot.

He further says in his printed remarks:

> All, then, this contest can amount to is to prove a few insignificant irregularities, mostly of form, that do not change a single vote.

Does he call the Clark County fraud an insignificant irregularity? The committee does not call that fraud an insignificant irregularity.

Lawyers know that a voter can not be compelled to state how he voted, nor does the law permit a person who did not vote to testify as to how he would have voted. The only way I could have proved my actual loss by reason of the fraudulent coon ballot in Clark County would have been for me to take the testimony of every legal voter who was in that county on the day of election as to how he voted or how he would have voted, and the law prevented me from making such proof. It is true that I may have introduced witnesses to show that they did not vote. I could have asked them why they did not vote. They could have replied that it was none of my business, and I now ask under what law and under what compulsory legal process such witnesses could have been forced to testify even as to why they may not have voted?

The legal obstructions surrounding and preventing an investigation of such frauds as those committed in Clark County, so far as ascertaining the actual loss sustained by an injured candidate, render it necessary that the law should be mandatory, or the burden of proof shifted to the candidate who receives the benefit of the fraud, to show that the candidate complaining suffered no loss.

CLARK COUNTY AGREEMENT.

Much has been said about what is known as the Clark County agreement, which was entered into in order to prevent the taking of testimony.

My notice of contest charged that voters who intended to vote for me were terrorized and intimidated and thereby prevented from voting for me.

This agreement was for the purpose of waiving that charge, and also to show that the election officers committed no frauds in counting or certifying the votes cast.

It was well understood between my attorney and Mr. Kendall's attorneys what the agreement then meant and what it was intended to cover.

But Mr. Kendall, and the committee for him, undertake to find in that agreement an acknowledgment on my part that I suffered no loss. But such is not a fair nor correct interpretation of the agreement, which is as follows:

> That all Republican voters in Clark County who attended the election and who desired to vote were given a fair and free opportunity to do so, and their votes were counted and certified as cast.

That means that there was no intimidation on the day of election; that those who wanted to vote had the privilege of doing so unobstructed; that the election officers committed no frauds.

But that agreement does not say that the county clerk did not commit a fraud. It does not say that he prepared and distributed a legal ballot. It does not say that voters did vote, or could have voted a legal ballot.

The truth is, that no other than an illegal, fraudulent ballot was cast in Clark County, nor did the voters have an opportunity to cast any other kind of ballot. The member from Massachusetts [Mr. MOODY], an able lawyer, who spoke for Mr. Kendall, said in his speech:

> We all agree that that ticket which was placed on the official ballot was wrongfully placed there. The eagle ticket ought not to have been on the ballot. It was a wrongful ticket, and we all agree to that. The question is, What is the result which ought to follow from that wrong on the part of the county clerk?

Mr. CONNOLLY, of Illinois, asked Mr. MOODY if there was any other ballot used in Clark County but that one.

Mr. MOODY replied:

Oh, no; that was the only ballot that any voter could use.

General GROSVENOR, of Ohio, said:

That is exactly the point that I want to ask the gentleman a question about. Now, if that be true, if the legislature prescribes the form of ballot to be used and another form is used with the intent to defraud, what remedy is there for an act like that except to treat that vote and that election as a nullity?

But Mr. MOODY failed to convince the House that his idea was the correct one, which required that I should prove specific loss by reason of the ballot. The Kentucky law says that no ballot but an official ballot shall be used, and that it shall be printed as directed; which means that unless the official ballot is printed as the law directs, it can not be used. The Clark County ballots had to be rejected because they were illegal, and the Clark County agreement, about which so much has been said, does not allude to the ballots in any way. It only meant that a fair and free opportunity was given for the purpose of voting that fraudulent, illegal ballot.

HOPKINS vs. KENDALL,

10TH DISTRICT OF KENTUCKY.

The Constitutional, Statutory Ballot should have been prepared by the County Clerk of Clark county, Kentucky, as follows:

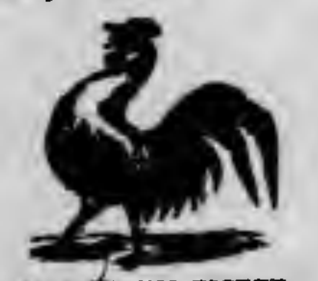 DEMOCRATIC TICKET.	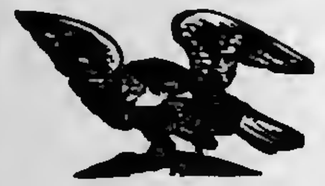 REPUBLICAN TICKET.
For Representative in Congress. JOSEPH M. KENDALL	For Representative in Congress. N. T. HOPKINS
[Unexpired Term.] W. M. BECKNER	[Unexpired Term.] JOHN L. BOSLEY
For Representative to the Legislature. [Unexpired Term.] JAMES FLANAGAN	For Representative to the Legislature.
For County Judge. RODNEY HAGGARD	For County Judge. S. E. REED
For County Attorney. JAMES D. MITCHELL	For County Attorney. E. K. S. CLINKENBEARD
For County Clerk. L. S. BALDWIN	For County Clerk.
For Sheriff. SAM K. HODGKIN	For Sheriff. R. E. PACE
For Jailer. BUTLER ROBINSON	For Jailer. J. G. PARRISH
For Assessor. JAMES JEWELL	For Assessor. THOMAS BUSH
For Surveyor. D. J. PENDLETON	For Surveyor. A. H. HART
For Coroner. CLIFF CRIM	For Coroner. J. H. W. SPOHN
For Justice of the Peace. B. E. WILLS	For Justice of the Peace.
For Constable. J. H. ODEN	For Constable.

But the said County Clerk fraudulently and unlawfully prepared and distributed an unconstitutional and illegal ballot, which he distributed and which alone was voted. It was as follows:

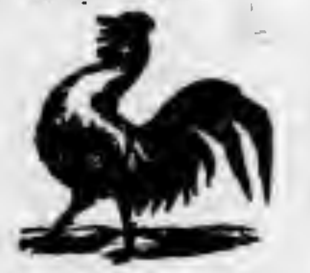 DEMOCRATIC TICKET.	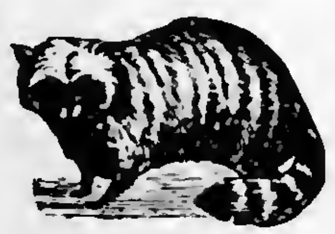 REPUBLICAN TICKET.	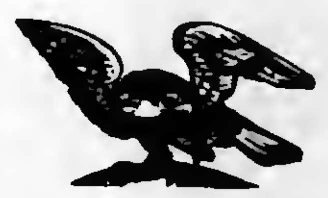 STRAIGHT REPUBLICAN.
For Representative in Congress. JOSEPH M. KENDALL	For Representative in Congress. N. T. HOPKINS	For Representative in Congress.
[Unexpired Term.] W. M. BECKNER	[Unexpired Term.] JOHN L. BOSLEY	
For Representative to the Legislature. [Unexpired Term.] JAMES FLANAGAN	For Representative to the Legislature.	For Representative to the Legislature.
For County Judge. RODNEY HAGGARD	For County Judge. S. E. REED	For County Judge. R. W. BARNETT
For County Attorney. JAMES D. MITCHELL	For County Attorney. E. K. S. CLINKENBEARD	For County Attorney.
For County Clerk. L. S. BALDWIN	For County Clerk.	For County Clerk.
For Sheriff. SAM K. HODGKIN	For Sheriff. R. E. PACE	For Sheriff. W. E. STALLARD
For Jailer. BUTLER ROBINSON	For Jailer. J. G. PARRISH	For Jailer. GEORGE GRAY
For Assessor. JAMES JEWELL	For Assessor. THOMAS BUSH	For Assessor. P. A. EMERY
For Surveyor. D. J. PENDLETON	For Surveyor. A. H. HART	For Surveyor.
For Coroner. CLIFF CRIM	For Coroner. J. H. W. SPOHN	For Coroner. JAMES BERRY
For Justice of the Peace. B. E. WILLS	For Justice of the Peace.	For Justice of the Peace.
For Constable. J. H. ODEN	For Constable.	For Constable.

To the Clerk of the House of Representatives:

This is the ballot referred to by K. J. Hampton in his deposition and filed as an exhibit and part thereof.

J. W. POYNTER, *Notary Public.*

ADDITIONAL TESTIMONY.

During the last session, in the closing days of this House, a resolution was adopted permitting Mr. Kendall and myself to take such additional testimony as we might desire concerning the election in Clark County. That resolution was introduced by Mr. MOODY, one of the committee which had charge of this case. My attorney protested against the resolution in conversation with Mr. MOODY. We did not ask for it; nor did the committee make an order, or give to me or my attorney information as to the character of the additional testimony desired. Additional testimony was taken in behalf of both Mr. Kendall and myself. That testimony clearly shows that the petitions filed by George Gray did not state facts sufficient to bring them within the provisions of the law. They were not legal petitions, and did not even authorize the county clerk to favorably consider them, and that is the reason the eagle ticket was illegally and fraudulently placed on the ballot; and this illegal ticket gave the county clerk an excuse to steal the eagle from the Republican ticket and put it over the illegal ticket, and to put a coon device over the Republican ticket.

The additional testimony further shows that I was cheated out of 50 votes in the certificate made to the secretary of state. It also shows the vote of each county in the Tenth Congressional district at every election for President and governor from 1884 to 1895, and between Mr. Kendall and myself. It shows the registered vote of Winchester in 1894 and 1895 and the number voting and failing to vote. From these figures it is shown to almost absolute certainty that I must have lost from 300 to 400 votes in Clark County, as I made great gains in every other county, amounting, as heretofore stated, to 3,155, while we both lost in Clark. While the law prevented me from taking the testimony of voters as to how they voted or would have voted, Mr. MOODY in his speech says:

> Everybody knows that if Republicans did not vote it could be proved, and proved easily. The House had extended the time for this contestant for the mere purpose of allowing him to prove it. He comes back without any proof whatever, and the excuse presented to the House is that the court of appeals of Kentucky has decided that a man can not be compelled to tell how he voted, and therefore for that reason it was impossible to compel a witness to testify that he did not vote and why he did not vote.

In this argument the member from Massachusetts shows himself more of a demagogue than an able lawyer, and he seems to be offering an excuse rather than an argument.

He well knows that a voter can not be compelled to state how he voted, nor can he even be permitted to say how he would have voted. That is the law.

I now say to Mr. MOODY that no voter can be compelled to say why he did not vote. The elective franchise is a privilege granted by the constitution of our State, the exercise of which is regulated by law. Neither the constitution nor the statutes compel anyone to vote. The privilege of voting can be exercised or not, at the option of the voter, and it is not in the power of any official or tribunal to compel a voter to say why he failed to exercise a constitutional privilege. I am surprised at the position taken by the member from Massachusetts. He causes me to doubt his ability as a lawyer.

The testimony shows that 700 voters failed to vote in Clark. The member from Massachusetts thinks that I should be forced to show how many of them were Republicans. If he thought I could be cajoled into trying to do so by the resolution he caused to be passed authorizing the taking of additional testimony, or by any suggestions he may have made, he is now informed that we do not walk into any such traps, however skillfully concealed.

The idea that a voter could be legally compelled, or even permitted, to say why he did not vote is absolutely ridiculous. Suppose I had shown that all of the 700 voters who failed to vote were Republicans. I guess the gentleman from Massachusetts would want me to show that they would have voted for me had it not been for that fraudulent and illegal ballot. No voter is required to vote an illegal ballot, and he does not have to say under oath anything about his failure to vote.

The ballot was illegal, and no man has the right to vote an illegal, fraudulent ballot. But the member from Massachusetts, whilst refusing to consider inferential testimony in my favor, draws on his imagination for reasons as to why the Republican vote of 1894 fell behind that of 1892 in Clark, whilst there was an increase in every other county of the district. He gives as his reason, and which is only an inference, that the colored voters were dissatisfied with an editorial which appeared in the Winchester Sun in April, 1894. He fails to remember that the colored voters were for me. Like a great many others ignorant of facts, he finds "a nigger in the wood pile" where there is neither wood pile nor nigger.

He contends that I must prove specific loss of votes in Clark County, and wants me to do so by testimony which the law prohibits. He then goes further, and wants me to show how many of those failing to vote were Republicans. Had I done so, would he have inferred that they would have voted for me? Unless he would, then it would be impossible for me to convince him, as the law will not force a voter to say why he did not vote or for whom he would have voted.

It is nobody's business why any man fails to exercise himself of a constitutional, personal privilege, and the gentleman from Massachusetts ought to so understand. If he is willing to draw reasonable inferences from competent testimony; I gave him a sufficient quantity of that testimony; but there are none so blind as those who refuse to see.

CONCLUSION.

In conclusion I wish to say that to answer in detail every charge, allegation, and inference made by Mr. Kendall in his printed remarks would make this longer than I desire. He makes some personal charges against me, my friends, and relatives which are not true. He charges that $2,000 was raised for me in a caucus at my brother-in-law's which was used in Floyd County to buy votes, etc. This I deny; and there is not a word of proof to sustain his charge. He calls me a preacher contestant, with my soul blackened and scorched. In reply to this I say to him that I remand him to the tender mercies of the voters of the Tenth district when he is again a candidate, which is likely not to be very long.

To the member from Indiana [Mr. ROYSE] and the member from North Carolina [Mr. LINNEY] I feel under great obligations for the able manner in which they presented and defended the issues, as understood by them, and sustained by this House. I wish also to express my sincere thanks to the Republican members of the Kentucky delegation [Messrs. HUNTER, LEWIS, EVANS, PUGH, and COLSON] for the active support they gave me in this House in the cause of my contest.

I naturally am gratified in having been accorded my seat, to which I believe I am entitled, and I trust that hereafter all county clerks in Kentucky will faithfully comply with our election laws in preparing the official ballots, and that the Clark County fraud will never be repeated. I was kept out of the seat to which I was legally entitled for two years. Mr. Kendall has drawn over $10,000 and public documents and seeds from the United States to which he was not entitled. He has kept me out of my seat and prevented me from having an opportunity to be of benefit to my constituents as their Representative in Congress. It is now too late for me to even prepare and introduce bills for the consideration of this Congress, as it is only two weeks to adjournment.

I believe the good people of the Tenth district of Kentucky will approve the action of this House in seating me, and it may be that in the future I may have an opportunity to show to them what I would have tried to do for them had I been given my seat earlier.

Appended is the ballot which was used and the ballot which should have been used in Clark County.

Anti-Ticket Scalping Bill.

SPEECH

OF

HON. JAMES S. SHERMAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 27, 1897.

The House having under consideration the bill (H. R. 10090) to amend [illegible] act entitled "An act to regulate commerce"—

Mr. SHERMAN said:

Mr. SPEAKER: I very much regret that the opp[illegible] this bill have thought it expedient to [illegible] to [illegible] a reasonable time for debate and have instead exhau[illegible] all parliamentary tactics time that might otherwise have been consumed in debate.

Mr. Speaker, I have offered two amendments to the bill, upon which the previous question has been ordered, and with these amendments the bill reads:

An act to amend the act entitled "An act to regulate commerce."

Be it enacted, etc., That it shall be the duty of every common carrier subject to the provisions of said act to regulate commerce to provide each agent who may be authorized to sell tickets or other evidences of transportation, subject to said act, of the holder's right to travel on the line of such carrier, or on any line of which such carrier's line shall form a part, with a certificate setting forth the authority of such agent to make such sales; which certificate shall be attested by the signature of such common carrier, or, whenever such common carrier is a corporation, by the signature of one of its principal officers and by its corporate seal, and shall be posted in a conspicuous place in the office or place of business of such agent in such manner as to be in full view of the purchaser of tickets.

SEC. 2. That it shall be unlawful for any person not possessed of such authority, so evidenced, to sell, barter, or transfer, for any consideration whatever, the whole or any part of any ticket, pass, or other evidence of transportation, subject to said act to regulate commerce, of the holder's right to travel on any line of any common carrier subject to the provisions of said act: *Provided*, That the purchaser of a transferable ticket in good faith for personal use in the prosecution of a journey shall have the right to resell same to a person who will, in good faith, personally use it in the prosecution of a journey: *And provided further*, That nothing in this act shall prevent the properly authorized agent of any transportation company from purchasing from the properly authorized agent of any other transportation company a ticket for a passenger to whom he may sell a ticket to travel over any part of the line for which he is the properly authorised agent, so as to enable such passenger to travel to the place or junction from which his ticket shall read.

SEC. 3. That any person or persons violating any of the provisions of, or neglecting to comply with any of the requirements of, the preceding sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which the offense was committed, be subject for each offense to a fine not exceeding $1,000, or imprisonment for a term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 4. That every common carrier subject to the provisions of said act to regulate commerce that shall have sold any ticket or other evidence of transportation, subject to said act, of the holder's right to travel on its line, or on any line of which it forms a part, shall, if the whole of such ticket be unused, redeem the same, paying therefor the actual amount at which said ticket was sold, or if any part of such ticket be unused by the purchaser thereof, redeem the same upon presentation thereof by the purchaser at the general office of such carrier, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket of the same class between the points for which said ticket was actually used. If the point at which the purchaser of said ticket shall have terminated his journey be not the place where the general offices of the carrier selling said ticket are located, and the agent at such point, either of the carrier selling the same or of any carrier over whose line said ticket reads, shall, upon the surrender of the unused portion of said ticket within thirty days after the purchaser of said ticket terminates his journey, give to such purchaser a receipt therefor, describing said ticket and stating the point or place where the journey terminated, and said carrier selling such ticket shall, upon presentation of said receipt, pay over to said passenger, or upon his order, the amount thereupon found due: *Provided*, That all of the common carriers subject to the provisions of this act shall, if presented within thirty days after this act takes effect, redeem all valid unused tickets of their issue then lawfully in the possession of any person.

SEC. 5. That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or transportation in imitation of, or purporting to be in imitation of, such transportation issued by a common carrier or common carriers, subject to said act, for travel over its line, or over any line of which its line shall form a part, or who shall knowingly alter any genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or issue, publish, or sell, or attempt to issue, publish, or sell any such altered genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or any such falsely made or counterfeited passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, as aforesaid, shall be deemed guilty of a felony, and shall, upon conviction, be fined not more than $1,000 for each offense, and shall be imprisoned, in the discretion of the court, for a term not exceeding two years.

Let us see what the bill is, from whence it came, who asked for its passage, and why it should be passed. Let me say at the outset, Mr. Speaker, that this bill has no application whatever to transportation from a point in a State to another point in the same State. It affects only interstate traffic. Its first section makes it the duty of every common carrier, subject to the act to regulate commerce, to provide each of its agents authorized to sell its tickets with a certificate of authority to make such sales.

The second section makes it unlawful for any person not possessed of such authority to sell railroad tickets, but provides that a traveler not using his transferable ticket may sell it to another bona fide traveler without any certificate of authority.

The third section makes it a misdemeanor to violate either of the provisions of sections 1 and 2.

The fourth section requires the railroads to redeem the whole or any part of an unused ticket which it issues, and provides the terms upon which such redemption may be made. The amendment to-day offered was to meet the objection that brokers might be left with a considerable sum invested in tickets, and that under the terms of the bill their property would be substantially confiscated. I think the terms of the bill were broad enough to meet this objection, but I include the amendment to make assurance doubly sure.

The fifth section makes it a felony to forge or counterfeit any ticket, pass, or other evidence of transportation, and provides for a fine and imprisonment in the penitentiary not exceeding two years as punishment for such offending. So much for what it is. It is here in pursuance of the oft-repeated suggestion of the Interstate Commerce Commission. By referring to the report of the Committee on Interstate and Foreign Commerce, which recommends the passage of this bill (and in passing, I might invite attention to the fact that the minority report which recommends adverse action is signed by but one of the seventeen members of that committee), you will perceive that as early as 1888 the Interstate Commerce Commission raised the question of the legality of the practices of ticket brokers and asked Congress to give the subject consideration. Subsequently, in 1890, after an exhaustive examination into the methods and practices of the ticket brokers, who are popularly known as "ticket scalpers," the Commission condemned them as wholly unnecessary, and asked Congress by appropriate legislation to relieve the railroads of their operations. From time to time since, particularly in the annual reports of the Commission for 1895 and 1896, the Commission has urged Congress to enact into legislation the principles of the measure now under consideration.

The Interstate Commerce Commission is a body composed of gentlemen of long experience in public affairs, who are well qualified to deal with the transportation question and who are expressly enjoined by law to inquire into methods and practices relating to transportation subjects, and to report to Congress their conclusions thereon. This body is amply qualified to deal with the questions committed to it. Their report ought to have the weight at least of prima facie evidence; and, assuming this, I shall not attempt to cover the matters of fact stated in the various reports of the Commission, but shall rest those features of the case upon the official statements of the Commission to Congress.

I have called attention to the fact that this recommendation is not the result of premature thought or sudden conviction. It has been considered constantly from the very existence of the Interstate Commerce Commission. Nor is it a subject new to the public. It has heretofore been discussed by the press of the land, and has been most widely commented upon since the induction of this bill in January last.

The following leading papers are among those which have either indorsed the bill editorially or given prominence in their columns to reasons why it should become a law:

Utica (N. Y.) Herald, Washington Post, New York Tribune, New York Sun, Philadelphia Ledger, New York Mail and Express, New York Times, Brooklyn Standard-Union, Chicago Chronicle, Chicago Interocean, Chicago Evening Post, Chicago Herald, Chicago Times-Herald, Chicago Tribune, Chicago Journal, Buffalo Commercial, Pittsburg Dispatch, Rochester (N. Y.) Union and Advertiser, Boston Herald, New Orleans Times-Democrat, Atlanta Journal, Atlanta Constitution, Augusta (Ga.) News, Macon (Ga.) Telegraph, Columbus (Ga.) Ledger, Savannah Press, Savannah News, Columbus (Ga.) Enquirer-Sun, St. Paul Pioneer-Press, Minneapolis Times, Minneapolis Journal, St. Paul Dispatch, Kansas City World, Dayton (Ohio) World, Little Falls (N. Y.) Journal, and a great many other journals not so widely known and which it is not necessary to catalogue.

Quite certain it is that the bill has not escaped the attention of the public. The RECORD discloses the fact that its passage is asked by the following organizations, who have petitioned Congress for its passage: National Educational Association, Young People's Society of Christian Endeavor, Young People's Baptist Union, boards of trade representing business people in the principal cities of the United States, Grand Army of the Republic, through the commander-in-chief and State commanders, New York Clearing House, New York Board of Trade, and also by the Brotherhood of Locomotive Engineers, numbering 38,000 members; Brotherhood of Locomotive Firemen, numbering 37,000 members; Brotherhood of Railway Trainmen, numbering 40,000 members; Order of Railway Conductors, numbering 42,000 members, and Order of Railway Telegraphers, numbering 25,000 members, aggregating in all upward of 180,000 members. The Order of Railway Conductors especially pray for the passage of this bill to relieve them, in many cases, of unjust suspicion.

More than 2,000 petitions, representing over 2,000,000 signers, are in the RECORD asking for the passage of this bill, and less than 100, representing less than 10,000 signers, appear in opposition. My own State (New York) alone presents over 600 petitions for the bill and less than a dozen against. The scalpers have asserted that they have been given no opportunity for a hearing, either by the House committee or the Commission. The statement is not true. The bill was reported before an application for a hearing was made to the committee. Thereafter they were officially invited by the chairman of the committee to appear before it, which invitation was declined in a written communication. The following letter from Mr. Knapp, of the Interstate Commerce Commission, is a sufficient answer to the statement so far as that Commission is concerned:

INTERSTATE COMMERCE COMMISSION,
Washington, February 15, 1897.

DEAR SIR: My attention has been called to a House document, dated February 13, 1897, containing the supplemental views on the subject of ticket brokerage of a member of the House Committee on Interstate and Foreign Commerce.

On page 6 of this document it is stated that the "Interstate Commerce Commission * * * have from their own reports clearly been guilty of the unjust and un-American course of securing all of their information from the railroad associations, and of having failed to accord a hearing to the representatives of the Ticket Brokers' Association, though they have severely criticised and stigmatized them as criminals annually in each of their reports since 1890. And this though the brokers have frequently requested to be heard."

This is a most surprising statement and I can not conceive upon what authority it was made. So far as I have knowledge or information, the Commission has never been requested in any manner, formally or informally, directly or indirectly, to grant a hearing to any ticket brokers' association or to the representatives of any such association, or to any persons engaged in the business of ticket brokerage; nor, so far as I am aware, has any intimation come to the Commission that such a hearing was desired. I am informed by our chairman and secretary, both of whom have been continually in office since the Commission was organized in 1887, that no such hearing has ever been asked, or any suggestion made that one was desired, so far as they have knowledge or recollection.

So far as I can now recall, the Commission has received no communication on this subject from ticket brokers or their patrons, except a few letters, some of which were highly abusive, complaining of the attitude and recommendations of the Commission in this regard.

Nor has any hearing been granted to or requested by the railroads, either through their associations or otherwise, except as a few railroad officials, mostly general passenger agents, have called upon the Commission from time to time to state their views and invoke our consideration of the subject.

I believe that the opinion and recommendations of the Commission, and that is certainly true in my own case, have been based not upon information or solicitation which has come from the representatives of the carriers, but from a settled conviction that the business of ticket brokerage, even in its most favorable aspects, is plainly opposed to the provisions and purposes of the act to regulate commerce and necessarily results in discriminations which that law was designed to prevent.

Yours, very truly,

MARTIN A. KNAPP,
Commissioner.

Hon. JAMES S. SHERMAN,
House of Representatives, Washington, D. C.

And now, having analyzed the bill and considered its source and its advocates, let us look to its merits.

It is well known that passenger fares are generally less per mile for long distances and over connecting roads than for shorter distances and on single roads. Thus, for example, the fare from Washington to Omaha is less than the fare from Washington to Chicago, plus the fare from Chicago to Omaha. Generally speaking, passenger rates all over the country are adjusted in accordance with this rule, and no one questions its justice or propriety. It is this difference per mile between long journeys and short journeys that furnishes opportunity for the traffic of ticket brokers. Taking advantage of a rule designed to encourage travel and benefit the public, the scalper succeeds in giving lower rates than his patrons are entitled to receive. The whole business in all its aspects is at variance with the act to regulate commerce. The paramount and pervading purpose of that law is to secure like charges for like service in all cases without deviation or exception.

If the scalper sells original tickets that have not been used for less than the published rates for the journey represented by such tickets, the violation of law is clear beyond question. In such case the carrier must have sold its tickets in some way, directly or indirectly, at a discount from schedule charges, which is a distinct misdemeanor under the terms of the act. It does not matter whether such an unlawful result is accomplished by the allowance of commissions, by the payment of rebates to the scalper, or by any other device, the plain requirements of the law are disregarded and its penalties incurred. So far as ticket brokerage includes transactions of this character, it is so evidently unlawful as to render any argument upon that point wholly superfluous. But the principal business of the scalper is carried on in quite a different way. It consists in the purchase from the railroad company at the lawful rate of a ticket to some distant point, which is sold in the first instance to a traveler who desires to visit some intermediate place. Upon arriving at destination he sells the unused portion of his ticket to some scalper, who, in turn, sells it to another person desiring to go from the place where the first traveler ended his journey to the place to which the ticket he originally bought entitled him to go. For example, a person in Chicago, who desires to come to Washington, buys a ticket to New York City by way of Washington. The lawful rate for a ticket from Chicago to Washington is $17.50, and the rate from Washington to New York is $6.50, the two together making $24.

Now, in other words, there is a difference of $6 between a through ticket from Chicago to New York and a ticket from Chicago to Washington, plus the price of a ticket from Washington to New York. By the scheme of the scalper this $6 is divided between two passengers and two brokers. The passenger buys a ticket in Chicago and comes to Washington, where he sells the remainder of his ticket. This remainder, being the unused coupon on the orginal ticket, is sold to another passenger, who goes from Washington to New York at less than the established and lawful rate between the last named places. The same principle applies and the same methods are employed in dealing with what are known as round-trip tickets, which are sold by the carriers in accordance with their published tariffs for less than double the price of one-way passage. Substantially the same thing occurs in the manipulation of mileage books, thousand-mile tickets, excursion tickets, and the like.

This is called by the scalpers legitimate business. But it is in every sense illegitimate and indefensible. All transactions of this character are unlawful, because the scalper sells to the second passenger a ticket which does not entitle him to be carried.

When two or more roads unite in forming a through line and establish schedules or tariffs as the law requires, making a through rate for travel over the whole line, which is less than the sum of their respective local rates, the tariffs so published and filed by such connecting lines become the lawful standard of compensation, and any person is entitled to make the entire journey at and for the through rate so fixed. But that does not entitle one person to ride part of the distance over that through line and another person to ride the balance of the distance for the one through charge and on the same ticket. In such case the second carrier is not bound to carry the second passenger, but could demand from him the full published rate for the journey he actually takes. But the practical difficulty is that the second road can not prove a want of indentity between the person making the latter part of the journey and the person who bought the ticket originally and made the first part of the journey. When the conductor on a train starting out from Washington for New York finds a passenger who presents a ticket reading from Chicago to New York by way of Washington, that conductor can not assume that such passenger is not the person who rode on that ticket from Chicago to Washington. Practically he must assume that he is the same person. This must ordinarily be the case where tickets do not purport to be issued to any particular person and contain no name or description of the passenger; and even when the scheme of the scalper is sought to be prevented by naming the passenger in the ticket or requiring his signature to it, the conductor usually has no means of showing that the passenger who presents the unused coupon is a different person from the one who bought the ticket originally. And a common custom among scalpers is to give to the purchaser a printed slip, with blanks written in, stating in effect:

> Your name, —— ——.
> You bought this ticket at —— on the — day of ——, 189-, and paid therefor $——.
> You came via —— route.
> Do not ask any questions of the conductor.

Now, plainly enough, this method by which two passengers travel on the same ticket, each going part of the distance covered by that ticket, effects a discrimination between passengers which the law explicitly forbids. When a ticket is used in this way by two passengers, the result is that each gets the service of the carrier for less than the lawful rates for the distance which each passenger actually travels. That is to say, each of these passengers is carried for less than other persons who make the same actual journey as either of them. If two persons desire to come from Chicago to Washington, and one buys a ticket to Washington, and the other to New York, the latter selling the unused portion of his ticket on his arrival in Washington for more than the difference between the rate from Chicago to Washington and the rate from Chicago to New York, it follows that these two persons have made the journey from Chicago to Washington at different rates or for a different sum, though they traveled together in the same train and in the same car. This is a discrimination which is at once unjust and unlawful.

Section 6 of the act to regulate commerce makes it the duty of every common carrier subject to that act to publish its tariffs and makes it "unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property or for any service in connection therewith than is specified in such published schedule of rates, fares, and charges as may at the time be in force."

Section 2 of the act also makes it unlawful for any common carrier by any device to charge or receive more or less than its published tariff rates.

Whether or not the payment of large commissions to the ticket broker is such a device as is inhibited by the law, possibly may be a debatable question; but that it is a device for evading the spirit, if not the letter, of the act is undoubted. When one line by this means sells its tickets at less than its published rates, or receives for its tickets less than its published rates, it accomplishes that by indirection which is directly prohibited by section 6 of the act. For the line whose policy it is to conform to the law, to continue to observe the law when its rival is evading the law, pays the penalty of observance of law by loss of traffic, and consequently loss of revenue. The argument, then, that the ticket scalper affords support to the so-called weak lines rests upon the statement that the weak lines should be exempted from the operation of the act to regulate commerce without Congressional sanction therefor; that the weak line in conjunction with the scalper is to determine the time and circumstances under which the act to regulate [illegible]merce shall be suspended in respect to any particular line. If this is to be done, if the act is to be suspended in its operation in respect to particular lines, then additional [illegible] needed to make that lawful. If section 6 of the act is to stand, a bill embodying the principle of the one under consideration ought to be enacted into law. If that shall be deemed inexpedient, then section 6 of the act to regulate commerce ought to be repealed.

It has been said that the ticket broker is an aid to the railroads and an aid to the public, and that if this bill is to be enacted into law it would deprive the roads desiring his services of the right to employ him. This statement is not well founded. Any road desiring to employ these gentlemen is at liberty under the provisions of this bill to do so by issuing certificates of authority to sell tickets. This bill simply prohibits the doing secretly in that respect what may be done in the open. Any railroad may have as many offices in any town or city in the Union as it sees fit to maintain. The bill proposes no limitation or restriction in this respect.

At a hearing afforded the opponents of this measure by the Senate Committee on Interstate Commerce, which opponents appeared to be the scalpers only, their representative stated that their customers were limited almost wholly to those traveling between competitive points; that of the competitive travel he estimated that the scalpers sold or furnished with transportation from 20 to 25 per cent of the entire competitive travel; that those who dealt with them secured lower rates than those who purchased their tickets at the regular ticket offices of the carriers. That is to say, that 20 to 25 per cent of the public enjoyed preferential rates, while the other 75 to 80 per cent who did not have the inclination, opportunities, or facilities of securing tickets from them, or because the scalpers did not have tickets sufficient in number to supply the other 75 or 80 per cent, that three-fourths of all the competitive travel were discriminated against. When it is remembered that the central idea of the act to regulate commerce was that of equality of treatment, when it is recalled that Mr. Ellett states in his minority report on this bill, "No one is more in sympathy with the purposes of the interstate-commerce law than myself; its primary object was to prevent discrimination in freight and passenger rates, and, as understood, the Interstate Commerce Commission was created to enforce this as far as it lay in the power of Congress to do so," it is an extraordinary argument to urge that the scalper should be permitted to continue his unnecessary existence in order that one-quarter of the traveling public should enjoy transportation at less cost than the other three-fourths.

The right to travel upon a railroad does not spring from any contract, express or implied, between the passenger and the carrier. The railroads are an agency of the Government for discharging a public duty of the highest utility. When they establish their scale of charges, publishing and filing them as the law requires, every person becomes thereby entitled to travel at those rates, not by virtue of any contract relation between himself and the carrier, but by virtue of his common right with all others to use this means of public conveyance upon payment of the lawfully established charge therefor. A railroad ticket is not the evidence of a bargain between the passenger and the company, but is in the nature of a receipt or certificate, showing that the lawful sum has been paid which entitles the holder of that ticket to travel between the places named therein. The traveler makes his journey, not because of an agreement with the railroad to carry him, but in the enjoyment of a public privilege of which he can not be denied. When we travel upon the railroads, we do so in the exercise of a political privilege, possessed in common by every citizen. But the public right of any person to travel a given distance for a given sum does not include the right of two persons to travel the same distance in the aggregate, one beginning the journey and the other ending it. The public right is coextensive with the obligation of the carrier, and in no case any less or any greater. So, whether the ticket be regarded as the evidence of a contract, or in the nature of a receipt showing that the lawful price has been paid, in either case two persons can not lawfully use the same ticket, each making part of the journey for which that ticket is issued.

The same is true with reference to round-trip tickets. When railroads establish round-trip rates which are less than double the one-way rates, the public right inures to any person to make the round-trip journey for the round-trip price. But under such circumstances there is no public right by which one person can go in one direction on a round-trip ticket, and another person make the return journey on the same ticket. In such case the carrier is under obligation to carry one and the same person in both directions for the round-trip price, but is under no obligation after carrying one person in one direction upon that ticket to carry another person in the other direction upon the same ticket.

The error of the whole argument in favor of ticket brokerage, even in its best aspect, is the assumption that public transportation is a species of property to be bought and sold like any merchandise. But there is no rule of law or reason which supports such a contention. A railroad ticket is not a chattel nor a chose in action. It is not a legitimate subject of transfer or bargain. Least of all is it in any sense property which can be bought in large quantities at wholesale prices and sold by retail with a profit to the broker. My honored colleague, Mr. Ellett, after devoting two or three pages of his minority report to establishing the principle that one can not be hindered in transferring property, and that, ergo, he may transfer a ticket which on its face declares it to be nontransferable, asks: "When a passenger buys a ticket, what does he buy? Surely not the paper or pasteboard. He receives nothing for his money until he has been given the service by the company which the ticket promises." No, transportation is not a commodity. It is purely and distinctly a service. The carrier furnishes the facilities for this service by virtue of its charter obligations, and the public becomes entitled to that service because of its public character. There is no natural right in the individual to engage in the business of railway conveyance, because that business can be carried on only by taking private property against the will of the owner, and that high prerogative belongs to the Government alone. To provide the necessary means of public carriage the railroad must exercise extraordinary powers, which are secured from and delegated by the State. Through these delegated powers and by virtue of this supreme authority the railroad participates in the duties of civil administration and discharges obligations which are founded in the constitution of society.

Therefore, whether we are guided by the requirements of existing laws, the essence of which is like pay for like service, passenger, freight, or by consideration of the nature and office of public transportation, we must regard every sort of discrimination between persons, and every device or agency by which such discriminations are produced, as essentially unjust and indefensible. The great purpose of all legislation upon this subject should be to secure equality of treatment in everything that pertains to public transportation; to confirm and enforce the common right of all to have the same public service for the same sum in every case and under all circumstances. To allow a traffic to go on by which a few people are carried for less than all others must pay for the same journey, even though the small number equals 25 per cent of the whole, is neither consistent with the laws already passed nor with the wholesome and beneficent principles upon which those laws are founded. Because other discriminations exist and other invasions of this common right occur is no reason why this particular and most obnoxious discrimination should remain unchecked. This bill is in perfect harmony with the theory and purpose of the act to regulate commerce, and its passage will uphold and strengthen the law in a most important particular.

Another feature of this subject is the final section of the bill relating to forging tickets, etc. It can not be possible that any honest citizen could criticize or oppose this section. The various forms of forgery, the unique and diversified methods of fraud, the volume and extent of it, are startling. Tickets are taken up unpunched by previous arrangement between a dishonest conductor and an unscrupulous scalper and sold and used again; spurious and counterfeited tickets are issued at times in very large quantities, and erasures and changes are made upon tickets properly issued in the first instance. An example in point, which is believed to be commonly practiced, was recently unearthed by a raid upon a scalper's office in New Orleans, where a number of altered tickets were recovered.

The Southern Pacific line extends from the city of New Orleans to the Pacific Ocean. Regular coupon tickets were purchased from minor points on the Illinois Central Railroad, a few miles east of New Orleans, to Morgan City and other points on the Southern Pacific, a short ride west of that city. It is impossible for railroad companies to furnish printed tickets from all of their unimportant stations to all of the unimportant stations on connecting lines. No ticket office could accommodate such a vast number of forms. To provide through transportation under such conditions a form of coupon ticket is provided which requires the selling agent to write in the name of the station to which the ticket is sold. In the cases referred to the scalper, by the use of chemicals, removed the name of Morgan City and then wrote in the name of El Paso, Tex., a station 1,000 miles west of Morgan City, La. He then had a ticket calling for transportation which would cost about $30 more than a ticket to Morgan City. As these tickets contain but one coupon for each line over which it reads, the conductor on each division of the Southern Pacific simply punches the coupon until the last station before reaching El Paso is reached, after leaving which he collects all tickets. The purchaser of this ticket, acting under instructions from the scalper, leaves the train at that point to avoid having the ticket taken up by the conductor. If taken up and turned in, the Southern Pacific auditor would call on the Illinois Central for a settlement, and then the fraud would be discovered. If the ticket is not taken up by the conductor, the Southern Pacific would possess no evidence that such a ticket had been used. Of course the Illinois Central would account for the two or three dollars for the ticket which it had sold to Morgan City, La.

It was also learned that the scalper, in order to insure a return of the ticket or to insure that the traveler would leave the train before the conductor called for final collection, would give the traveler an order on his confederate at El Paso for a sum of money sufficiently large to make it an object to the traveler to do as directed, to be paid upon turning over the unused coupon with the order. It was discovered that a very large business had been done by the scalpers in these raised tickets.

But a few months ago, through the aid of the United States postal authorities, a raid was made on one of the leading scalpers of New Orleans, and 15,000 forged transcontinental tickets were captured, which read "over the Southern Pacific Railway." Some of such tickets had been successfully used for transportation. Others had been discovered to be forgeries and the innocent passengers were ejected from the trains many hundred miles west of the point where sold, the passenger being too poor to get back to New Orleans to recover his money, if the scalper was solvent.

Another device for uttering forged and raised tickets has just been discovered. Counterfeit tickets had been emitted purporting to have been issued by the Chicago, Rock Island and Pacific Railway to various points in the country. The scalper tears off the Rock Island Company's coupon, thus preventing the issuing company from early discovering the fraud. In the ordinary course of business the coupons taken up by the roads over which such tickets are used are not presented to the issuing road for redemption for several months. So in this case hundreds if not thousands of coupon tickets were thus put out by the scalpers

before the fraud was discovered. In all instances the first coupon was torn off and never used; and the traveler would leave the train in others before the conductor called for collection of tickets, thereby absolutely preventing either the supposed issuing line or the connecting line from even knowing that the traveler had used such transportation. As the law now stands in respect to interstate travel, it is impossible to punish such offenders. Without the "fence" which the scalper's office furnishes, the stolen, raised, forged, and counterfeited tickets could not find a market. We may provide a penalty for the doing of an unlawful act, but innocence is presumed until guilt is established, and in nothing is it more difficult to produce conclusive proof of guilt than in this ticket business. The business is unlawful in whatever light, its best or its worst side, whether in permitting a discrimination, a difference in charge for like service, or in uttering spurious, altered, or once-used tickets. If the stream dries and the channel remains, it affords passage at least for the rainfall of an occasional storm. While the channel remains through which these frauds can be perpetrated, they will occur—occur, experience teaches us, at more frequent intervals and in greater volume. Block the channel, remove the means, and the fraud removes itself.

Let us look at the economic side of this question. It is the duty of every citizen, whether in public or private station, to do what he may to restore the business of the country to normal moral and financial conditions and to keep it there. It is my purpose to point out one of the numerous causes for the disturbed condition of the railroad transportation agencies of the United States, and to show that by enacting this bill a long step may be taken toward the solvency which would enable those roads to reemploy many of the 90,000 men which the abnormal conditions of the past two or three years have compelled the roads to dismiss from employment.

The transportation of passengers and freight, and the interests dependent upon their successful operation, are second in importance to no other question perhaps that can be the subject of legislation. All agricultural and manufacturing interests are so interlaced by that of transportation that each depends upon the others for its success. This is so generally accepted as true that it is unnecessary for me to dwell upon it. As an aid to a clearer understanding of the railroad problem, the Interstate Commerce Commission has for some years past published annually, as an auxiliary to their reports to Congress, a volume of statistics, of comparative tables, showing, among much other matter, the amount of railroad capital at the close of each year, the earnings and income, general expenditures, charges against income, etc., and a general balance sheet for the year.

The patient labor and learned arrangement of the volume just issued, and from which I propose to make liberal quotations, is, in my opinion, a most creditable performance. I commend to every legislator a careful perusal of its pages. The information which they impart is truly startling, and, I venture to say, will cause the revision of opinions formed in ignorance of the facts which they disclose.

On page 35 of the Statistical Report referred to you will find a comparative summary of employees by class, etc., for the years 1890 to 1895, both inclusive, which shows that the total number of railroad employees of every class in 1893 was 873,602, but in 1895 was only 785,034. Assuming that for each of the 88,000 railroad men thrown out of employment there were an average of five dependent upon each for support, you have an approximate of half a million souls without the means of livelihood, or else cast upon the other already overcrowded lines of labor.

That these men were not wantonly or capriciously thrown out of employment is demonstrated by the table published on page 45 of the Statistical Report, which shows that more than $3,475,000,000 of the railroad stocks of the United States, out of a total of $5,000,000,000, or more than 70 per cent of the aggregate amount of stock outstanding, earned not one cent of dividend during the last statistical year.

For the purpose of localizing railway statistics, the Commission has divided the United States into groups. Roughly speaking, group 1 comprises the New England States, in which more than 22 per cent of the railroad capital earned no dividends. Group 2 comprises the States of New York, Rhode Island, Pennsylvania, Delaware, and Maryland, in which more than 50 per cent of the railroad stock earned no dividends. Group 3, embracing the States of Ohio, Indiana, and Michigan, paid no dividend on more than 70 per cent of the railroad stock. Group 4, embracing the Virginias and the Carolinas, paid no dividends on 90 per cent of the railroad capital stock. In group 5, embracing the remaining Southern States lying east of the Mississippi, the roads paid no dividends on 86 per cent of their total stock. In group 6, Illinois, Iowa, Wisconsin, Minnesota, and the territory lying east and north of the Missouri River, the railroads therein paid no dividends on more than 55 per cent of their total stock. Group 7 embraces the territory west of the Missouri River, east of the Rocky Mountains, and north of a line drawn through St. Joseph, Mo., and Denver, Colo. In this group more than 66 per cent of the railroad stock paid no dividends. In group 8, embracing the territory south of group 7, west of the Mississippi River, and north of Louisiana and Texas, the railroad paid no dividends on 92 per cent of their total capital stock. In group 9, embracing the States of Louisiana and Texas and part of New Mexico, the railroads paid no dividends on 99.97 per cent of their total stock. In group 10, covering the Pacific Slope, the railroads earned no dividends on 97.54 per cent of their total stock.

It will be observed that the failure to earn dividends was not limited to any section of the country. The group which furnishes the most favorable—if any can be called favorable—showing in this respect is group 1, comprising the New England States, where more than 22 per cent of the railroad stocks earned nothing. Group 9 makes the worst showing, where the loss covers almost the entire capital stock of the railroads of Louisiana and Texas, three one-hundredths of 1 per cent alone being excepted—a condition worse than deplorable, absolutely startling.

It may be said that much of the railroad stocks represent water. Even admitting that to be true, it is hardly credible that of the railroads of Texas and Louisiana all but three one-hundredths of 1 per cent are water, or that on the Pacific Slope it is all fictitious but 2½ per cent.

In addition to this remarkable exhibit, you will find on page 48 of the report referred to a table which shows that of the funded debt of the railroads of the United States exclusive of equipment and trust obligations, for the same year, $890,561,000, or 16.71 per cent of the total funded debt outstanding, paid no interest. On page 45 of the report it is said:

> In no year since the organization of this division has so large a percentage of stock passed its dividends, and in no year except the one covered by the previous report has so large a proportion of the funded debt defaulted its interest.

On page 50 may be found a table showing that of the miscellaneous indebtedness of the railroads of the United States $54,498,288, or 12.24 per cent of such indebtedness, paid no interest for the year reported.

On page 51 of the report you will find a classification of income bonds by groups. This table shows that $221,734,879, or 91.40 per cent of the entire railroad indebtedness charged on income, defaulted its interest for the same year.

When it is recalled that many of our insurance and savings companies, banks, and other institutions have large investments in railroad obligations, these tables present to your consideration information of grave consequence. But this is not all. On page 53 of the report may be found a table showing a comparative summary of passenger and freight service for a series of years. From this table it will be seen that the number of passengers carried by all the roads was, in—

1893	583,560,[illegible]
1894	540,[illegible]99
1895	507,[illegible]

A decrease in the past two years of about 80,000,000 in the number of passengers carried—a numerical decrease gre[illegible]an the population of the United States. The passenger revenue for the last year was $33,103,778 less than during [illegible] previous year.

On page 58 of the report cited it is said:

> The dividends declared, it will be observed, are greater than the final net income, from which it appears that the railways of the United States closed the year covered by the report with a deficit from the operations of the year of $29,845,241, which was, of course, met either by a decrease in the accumulated surplus of previous years, or in the creation of current liabilities.
>
> The deficit for the year ending June 30, 1894, was $45,851,294, showing that the railways of the United States have run behind during the two years in question $75,696,535. Should this continue, either the investments or the credits of railways must entirely disappear.

With such enormous continuing deficits as is here shown, what hope is there for the 88,000 railroad men now idle?

The pending bill affords a partial answer to my question, and in behalf of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Brotherhood of Railway Trainmen, and the Orders of Railway Conductors and Telegraphers, whose petitions are now on file in behalf of this measure, I ask the consideration of the House to this point.

On the 27th of January George M. McKenzie, heading a committee of ticket scalpers, appeared before the Senate Committee on Interstate Commerce and, among other things, stated that he was a member of two of the three national organizations maintained by the scalpers; that the two organizations of which he was a member maintained more than 680 offices; that on an average each office maintained three employees, who received from $5 per week to $1,500 per annum for their services.

If in these two associations there are engaged, principals and agents, 2,500 persons, it is a fair estimate to say that, together with the third association and those not members of any association, there are at least 4,000 persons employed in the ticket-scalping business whose support and profits are drawn from railroad earnings. It is contended by the scalpers and their friends that they furnish their patrons transportation at less than the published rate, which is the only lawful rate; then the earnings of the roads are diminished just the difference between the lawful rate and the rate at which the scalper buys his tickets, provided he gets them legitimately. Assuming the average subsistence of these 4,000 scalpers to be $2 per day, that aggregates $8,000 per day, nearly a quarter of a million per month, and more than two and a half millions per year. In one of its annual reports the Interstate Commerce Commission has estimated the profits of the scalper to equal four times the cost of operating his office. This, then, accounts for an annual leak in railroad earnings of more than $12,000,000, which equals nearly one-half of the deficit in railroad earnings for the past year.

The average daily wages of the army of railroad men who have been thrown out of work during the last two years were less than $2 per day. The $12,000,000 of railroad earnings consumed by the 4,000 scalpers would employ nearly 20,000 idle railroad men. It is notorious that the roads have not the money with which to pay their men; that they are short-handed almost, if not quite, to the danger point. Wages of those employed have been reduced. Stop this leak and thereby enable the roads to employ 20,000 idle men. You are petitioned by labor organizations of the country to pass the bill. They want employment for their idle members and support for the thousands of women and children dependent upon their being employed. The scalper "toils not, neither does he spin." He produces nothing, he protects nothing, he adds nothing to the material prosperity of the country. Whom will you prefer, the scalper or legitimate labor? The petitions of almost every influential organization in the country, every branch of legitimate industry, appeals to you. Will you prefer the scalpers to these?

Consider this subject from a moral or economic point of view; consider it with a view to strengthening a law that has justified its passage by a decade of existence; comply with the request of labor, religious, educational, and commercial bodies, and over 2,000,000 individual petitioners all over the Union, and pass this bill.

Compromise, not Lawsuits.

SPEECH

OF

HON. THOMAS C. McRAE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1897.

The House having under consideration the bill (H. R. 10325) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund—

Mr. McRAE said:

Mr. SPEAKER: I am surprised that this measure should be approved or supported by anyone who has regard and respect for the dignity and sovereignty of the States that constitute our Union. It appears to be an effort to belittle, humiliate, and degrade some of the Southern States whose credit was in a large measure destroyed by the war of the rebellion and the reckless partisan legislation of the reconstruction period. It is an effort to extend a questionable jurisdiction and a dangerous power to the Federal judiciary, and should be resisted at every step. Never before in the history of our Government was it seriously proposed to authorize and direct an officer of the Government to institute any kind of an action he might consider advisable against a State or its representatives. And yet we are asked to take this unusual, unjust, and unprecedented action without the judgment and opinion of the Attorney-General or the Judiciary Committee as to the constitutional power. I am aware that those who are pressing this bill contend that the Supreme Court in the North Carolina and Texas cases has decided that the United States have the power to sue a State, but there are many who dispute the correctness of what appears to be the obiter dictum of these decisions.

But, Mr. Speaker, whether we have the constitutional power or not, I want to say in all seriousness that as this Government has passed the first century of its existence and reached the first place among the nations of the world without the exercise of such a power, it ought not at this late day to invoke it, even if it has the right to do so. Think, sir, of the governor, secretary, treasurer, auditor, and other representatives of a State government being sued in the Federal court, and a judgment against the State upon these old ante bellum bonds. Is it proposed that the officers of a State are to be dragged into court as if they were the agents of a mere corporation? Does the United States propose to coerce the payment of these bonds by interfering with the functions of the State governments? It has been very properly asked how a judgment could be enforced against a State, and why obtain it if it can not be collected? The power to render judgment presupposes the power to enforce it to the extent of the property of the judgment debtor, and if we admit that the States must submit to the jurisdiction and abide the decision of the Federal courts, then may not these courts in their reach for power hold that the lands and other property, including the revenues, of a State could be seized under execution or garnishment? And if so, may they not ask for all the power of the National Government to enforce their orders? If we yield the question of jurisdiction and grant express authority, the modern Federal judge will furnish the method. Once subject the States to the jurisdiction of the Federal courts, and you need not be surprised to find the government of some poor, feeble State invaded by Federal officers, and run by injunction or by Federal receivers "in contempt of the laws of the States." Little by little the jurisdiction of the Federal courts have been extended, until now 40,000 miles of the railways of the country and thousands of other corporations are operated and controlled by them. Who has not seen county and municipal officers imprisoned for failure to obey them? One great danger that threatens the liberty of the people and rights of the States is the increasing power and enlarged jurisdiction of the Federal judiciary, and, so far as I am concerned, I will never, by my vote or otherwise, consent that the State that I have the honor in part to represent may be sued. The very suggestion of such a proposition ought to arouse the opposition of everyone who desires to perpetuate our form of government. So far as I have heard only one man in Arkansas has approved the bill and asked that it be rushed through.

If this bill passes in its present form, it will not be possible to offset the debt due from the State of Arkansas upon the bonds and interest, with the large amount of unadjusted equitable claims against the Government for lands and indemnity, for, except by agreement, land claims are not receivable upon money demands. The result would be that judgment would be rendered against the State for the amount of bonds and interest, less so much of the 5 per cent fund as has been withheld and not yet applied as a payment on the bonds. The remainder of the State's counterclaims grows out of the unadjusted land grants to the State by the United States, and the most of which is disputed by the Interior Department and can never be settled except by compromise. At any rate these land claims would not be a legal setoff against the debt due on the bonds, and the State would have to pay the amount legally due upon the bonds and take such of the lands as she might be able to get patented under the old grants heretofore made.

I am also opposed to that provision of the bill that authorizes the sale of the bonds in question, for the reason that I think it will be much better and easier for the Government to settle with these States than for private individuals or syndicates who might purchase them for speculation to do so. It is certain that if the bonds are sold that the States will lose all chance to offset them with any equitable claims they may have against the United States. This scheme to sell these bonds, if successful, I fear will make trouble and defeat what appears to me ought to be desired by all parties, an early and full settlement of all differences between the States and the Government, and a restoration of a fraternal feeling and mutual helpfulness rather than the friction and irritation that always follows litigation. That part of the bill which authorizes a compromise is objectionable because it does not permit any legal and equitable counterclaims of the States to be considered, adjusted, and settled. A compromise under it would necessarily be one-sided and unsatisfactory. It appears to me to be unreasonable and unjust to insist upon a settlement and at the same time deny the States the right to present just and honest counterclaims. There is no question as to the bonds, but the question is, Will the Government recognize the equities on the part of the States?

The committees of this and prior Congresses have recommended settlement and compromises for several of these States that ought to be and could be passed if consideration of the bills could be had. So far as Arkansas is concerned, an act was passed August 4, 1894, authorizing a compromise and full settlement of all claims and demands of whatever kind or nature, subject to the approval of Congress, and that State should, in any event, be excepted from the provisions of this bill. Arkansas does not want any suit, and she does not want her pending compromise defeated by the sale of the bonds, all of which are now owned by the United States. What she insists upon, and what she has a right to expect, is that Congress shall vote upon the question of approving the agreement made February 23, 1895, either with or without the pending amendment. The Representatives from Arkansas felt assured until this evening that recognition would be accorded for that purpose, and I regret that the Speaker has not seen fit to accord it to us rather than to the gentleman from New York for this measure. I have here an amendment in the nature of a substitute which I desire to offer, and I will now inquire of the Speaker if it is in order.

The SPEAKER. It is not under the pending motion.

Mr. McRAE. Then, Mr. Speaker, I ask that the Clerk read it as a part of my remarks, and I trust the gentleman in charge of the bill will adopt it.

The Clerk read as follows:

> That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General be, and they are hereby, authorized and empowered to compromise, adjust, and finally settle with any State that now or may hereafter be in default in the payment of principal or interest on any bonds or stocks issued or guaranteed by such State, the ownership of which is vested in the United States, upon such terms and conditions as to them may seem just and equitable, and in making any such compromise they may consider all legal and equitable claims and demands that may be presented by such State as a counterclaim or set-off; and any compromise or settlement that may be made under this act shall be fully reported back to Congress, giving the basis thereof, for its future action, said compromise not to be effectual and final until approved by Congress: *Provided*, That nothing herein shall ever be construed to repeal the act of August 4, 1894, to authorize a compromise and settlement with the State of Arkansas.

Mr. McRAE. Mr. Speaker, since the

ARKANSAS COMPROMISE

has been assailed, misrepresented, and probably its consideration defeated so far as this Congress is concerned, I desire to state some facts in relation to the debt, the credits allowed the State in the agreement, and the efforts made to secure its confirmation both here and in Arkansas.

Arkansas came into the Union June 15, 1836, with a constitution that provided that the general assembly might incorporate a "banking institution, calculated to aid and promote the great agricultural interests of the country;" and the faith and credit of the State in her very infancy was pledged to raise the necessary funds to carry this dangerous banking scheme into operation. The first act of the First general assembly was one "to establish the Real Estate Bank."

The subscribers to the capital stock, which amounted to $2,000,000, were not required to pay in cash, but to secure their subscriptions by real-estate mortgages. The active cash capital of the institution was obtained by the issue of $2,000,000 State bonds. In September, 1838, $500,000 of them were sold by the bank to the Secretary of the United States Treasury for the investment of the Smithsonian fund, and $1,000,000 of them to the North American Trust and Banking Company of New York. The other $500,000 could not be sold as the law authorized, but without authority were hypothecated by the bank with the North American Trust and Banking Company for about $120,000, which was received and used by the bank. The bonds were payable to the Real Estate Bank on the 26th day of October, 1861, with interest at the rate of 6 per cent per annum, payable semiannually, until the payment of the principal.

The principal of the bonds owned by the United States amounts to $793,000, $252,000 of which will not be due until January, 1900. The principal and interest to the maturity of so many of the bonds as are past due and to date of compromise agreement on those not due is $1,611,803. If interest should be added after maturity to date of agreement, the amount due is $2,716,530.

I will ask the Clerk to read a copy of the bond.

The Clerk read as follows:

UNITED STATES OF AMERICA—STATE OF ARKANSAS.

Lstg. 225.] No. 1 A. [Fcs. 5,600.

REAL ESTATE BANK OF THE STATE OF ARKANSAS.

SIX PER CENT STOCK.

> Under an act of the general assembly of the State of Arkansas entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved Octr. 26th, 1836, and an act supplementary thereto, entitled "An act to increase the rate of interest on the bonds of the State, issued to the Real Estate Bank of the State of Arkansas," approved the 19th Decr., 1837.
>
> Know all men by these presents that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of one thousand dollars, which sum the said State of Arkansas promises to pay, in current money of the United States, to the order of the president, directors, and company of said bank, on the 26th day of October, one thousand eight hundred and sixty one, with interest at the rate of six per cent per annum, payable half yearly, at the place named in the endorsement hereto, on the first day of January and July, of each year, until the payment of said principal.
>
> In testimony whereof the governor of the State of Arkansas has signed and the treasurer of the State has countersigned these presents, and caused the seal of the State to be affixed thereto, at Little Rock, this first day of Jany., in the year of our Lord one thousand eight hundred and thirty-eight.
>
> SAM C. ROANE, *Governor.*
>
> [SEAL.]
>
> Countersigned:
>
> WM. E. WOODRUFF, *Treasurer.*
>
> (On the margin:) One thousand dollars. Arkansas State bond.

Mr. McRAE. In April, 1842, the directors made an assignment of all assets of the bank to certain trustees and ceased to pay interest. The legislature afterwards divested the trustees of authority and appointed a receiver to wind up the affairs of the bank. The assets were insufficient to redeem all the bonds, the burden of which was left to be removed by taxation upon the people.

It is asserted that the credits allowed Arkansas in the compromise are not legal offsets, and for this reason the settlement should be rejected.

The first three credits, amounting to $55,116, are for cash due on public-land sales, and would be recognized in any court. It is true that the State has been allowed credits for the sum of $1,396,115 for lands which the State insists were donated and granted her by the United States, but never patented to her. It is true that the Interior Department has for years refused to allow the title to this land to pass to the State, but notwithstanding this, the claim was made in good faith, and was not trumped up, as is alleged by gentlemen who seek to prejudice the Speaker and this House against the settlement. The delay in adjusting these grants is as much the fault of the Government as the State.

When the bonds matured, the State had seceded from the Union and was engaged in an effort to sustain the Confederacy. The whole country was in a state of cruel war which, after four years, left the State peopled principally with widows and orphans, aged men, and maimed soldiers, without any organized State government, and her relations to the General Government uncertain, and at the same time a new and ignorant citizenship to deal with, and aliens as rulers. With this condition of affairs, it is unnecessary for me to say that no effort was made to pay the debt to the United States. From then until now the people have labored with all their energies to rebuild their lost fortunes, but the high taxes, hard times, floods, and droughts have made it almost impossible to do more than support the State government and maintain the free-school system. And to-day there are thousands of them without the necessaries of life and unable to pay the taxes for the present year.

I have earnestly worked and anxiously hoped for the confirmation of the pending compromise, which I believe would make it possible for Arkansas to establish her credit and in an honorable way provide for her legal and just debts, and I regret that feeling of sectional bitterness and personal pride or spite, which appears to be never ready to yield. Truly, "obstinate men make lawyers rich," when they insist upon lawsuits when fair compromises can be made.

The settlement, while liberal toward the State in allowing her to pay largely in land, the only available assets she now has, is just to the United States, for it secures the payment of $160,572 of the bonds and quiets the title to about 1,000,000 acres of land, a large part of which has been disposed of to citizens of the United States, and the remainder is desired as homes for the homeless. The people of the State of Arkansas desire all questions growing out of these old bonds and land grants settled and forever wiped out, and if this can be done the State will move forward in material prosperity as it never has before. This debt and these clouded titles have stood as a menace to capital and a blight of State progress. The compromise agreement made February 23, 1895, was promptly ratified by the State by concurrent resolution approved February 27, 1895, which is as follows:

> *Be it resolved by the house of representatives (the senate concurring)*, That the settlement of the matters of difference between the United States and this State lately concluded by the Secretary of the Treasury, the [illegible] of the Interior, acting for the General Government, and the [illegible] State, whereby the General Government is to surrender to [illegible] all the bonds of this State now held, except one hundred and sixty thereof, with coupons attached, subsequent to January first, eighteen hundred and ninety-five, and the State on its part is to release and quitclaim to the United States all claims, adjusted and unadjusted, growing out of the swamp-land grant of eighteen hundred and fifty, and all other grants, with a reservation to the State of all rights as against railway companies and all other persons making claims to any lands granted to the State and in which the United States are not beneficially interested, be, and the same is hereby, in all things ratified and confirmed, and the faith of the State is hereby pledged to carry out in good faith the terms of said settlement as the same are imposed upon this State as a duty.
>
> *Resolved further*, That the thanks of the people of Arkansas are hereby tendered to our delegation in Congress for the efficient services rendered by them from time to time in connection with the matters embraced in this settlement, and to the honorable Secretaries and their capable and fair-minded representatives, Messrs. Ross and Doyle, for the prompt and liberal manner in which they have dealt with the State of Arkansas.

The following paragraph in the settlement was vigorously objected to, first by Senator PEFFER and afterwards by others, in the name of settlers who had bought from the railroads:

> Nothing in this settlement or agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said act approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grants made or claimed to have been made; the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

For this reason and for want of time the Fifty-third Congress failed to act. The same bill was introduced in the House and Senate in this Congress.

On March 30, 1896, the bill S. 502 passed the Senate without amendment, and was referred to the House Committee on Public Lands, and its consideration was substituted for a like bill, H. R. 37. On May 5 the bill was favorably reported to the House by Mr. MEIKLEJOHN with an amendment that will confirm, without the payment of anything, the title of all purchasers from the State of unconfirmed swamp lands; and also imposes upon the State a condition which she is required to accept by an act of the general assembly, or by an instrument in writing duly executed by the governor under the authority of the legislature, to the effect that she will release to the United States all claim to all swamp lands which have been disposed of under the public-land laws, or which have been granted, confirmed, certified, or patented by the United States under any other act of Congress. This requires the State to yield such claim as she may have to lands that have been patented under railroad or other grants. The delegation from the State did not want this Meiklejohn amendment. The legislature of the State did not want it, but both the delegation and a majority of the legislature have said that rather than have this settlement fail, rather than have this old claim hanging over the State, rather than have the State sued as this bill seeks to do, we will take the amendment in order to have the matter settled. This is all the State can do, and the criticisms of the gentleman from Iowa are unjust, unfair, and not warranted by the facts. And when convinced that the Speaker and the majority party in the House would not allow consideration unless the amendment was first accepted by the State, the entire Congressional delegation united in asking its acceptance by the State, and the Arkansas general assembly now in session has passed the following resolution, which is now in the hands of the governor, who has announced by telegraph his purpose to veto it. I trust and believe it will be repassed notwithstanding his objections:

> Whereas the settlement of the matters of difference between the United States and this State, as set out in the report from the Committee on Public Lands in the House of Representatives of the Congress of the United States and in the Public Lands Committee amendments on the part of the said committee upon Senate bill 502, and wherein the whole subject, with the compromise and settlement between the United States and the State of Arkansas, as agreed upon by the Secretary of the Treasury and the Secretary of the Interior and the governor of the State of Arkansas, are fully set out and discussed in said report, and it is evident that the bill providing for the settlement as it originally passed the Senate of the United States can not be passed without the adoption of said amendment; and
>
> Whereas it is to the interests, in every way, of the State of Arkansas to adjust and settle this important matter: Therefore,
>
> *Be it resolved by the house (the senate concurring)*, That the settlement of the matters of difference between the United States and this State, lately concluded by the Secretary of the Treasury, the Secretary of the Interior, acting for the General Government, and the governor of this State, whereby the General Goverment is to surrender to this State all of the bonds of this State now held, except one hundred and sixty thereof, with coupons attached, subsequent to January 1, 1895, and the State on its part is to release and quitclaim to the United States all claims adjusted and unadjusted growing out of the swamp-land grant of 1850, and all other grants, together with the conditions contained in said Meiklejohn amendment to said bill, be, and the same is hereby, in all things ratified and confirmed, and the faith of the State of Arkansas is hereby pledged to carry out in good faith the terms of the said settlement as are imposed upon it as a duty, and we advise and request our members in Congress and the Senate to use all honorable means at their command to bring about the passage of said bill with said amendment.

The State insisted, pending the negotiations for the compromise, that as a matter of justice she was entitled to have credit for 5 per cent of all public lands entered under the homestead laws and located with military bounty land warrants and scrip, estimated at the minimum price for Government lands, $1.25 per acre, but the settlement now pending does not allow it. My apology for referring to it is to show the equities in favor of Arkansas and to show that all of her claims have not been admitted.

In 1836, when the State was admitted into the Union, there was no way of disposing of public lands except by cash sale or for warrants and scrip. The homestead law was not passed until 1862, and the State, with such a compact as it made, might very properly think it not just to her that the General Government should adopt a policy that would have the effect to diminish the fund upon which she had relied for the payment of the bonds in question. She did not borrow the money until the United States had solemnly pledged her 5 per cent of all the proceeds of the public lands within her borders for making public roads and canals. No doubt she relied upon this fund to aid her in repaying the money. The greater part of all public lands disposed of in Arkansas within the last thirty-five years have been under the homestead law, and nothing has been allowed the State for it, nor is anything allowed for this in the pending compromise.

Representing a generation of people a large part of whom had nothing to do with inaugurating the unfortunate banking scheme that so involved the State, and nothing to do with the other matters that have brought about the long delay in adjustment and the serious complication of titles, we say that she is ready and willing to pay the balance ascertained to be due under the compromise without complaint or question. Through her governor she has agreed with the representatives of the Government upon an honorable basis of settlement of these matters, and the general assembly has pledged her faith and credit to carry it out. And in behalf of the State we appeal to Congress in the name of fairness for the confirmation of the settlement. We submit that it is not manly, it is not just to deny us a vote on the bill to confirm the compromise and at the same time to indulge in abuse of the honest, progressive people of our State. We beg you to lay aside all feeling against the State and meet us upon the honorable terms proposed in the bill. Give the State a chance to rid herself of this debt, and she will reestablish her credit and honor in the financial world and will convince you that what has been said of her is unjust to the purposes of her citizenship.

Our people have undergone many trials and afflictions, but they are honest and hopeful of the future. They have hardships yet to encounter, difficulties to overcome, and many debts to pay, but we promise, if given a fair chance, they will demonstrate to the world that they do not deserve the denunciations so long heaped upon them on account of this old transaction in which she became security for a bank.

But though they suffer, they shall triumph yet,
For once again our State is free,
  And energy shall soon destroy
Those gifts of dying tyranny—
  Our poverty and debts; and joy
And hope, unfelt through many years,
Now nerve our hearts and calm our fears.

House Rules.

SPEECH

OF

HON. J. H. WALKER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 3, 1897.

Resolved, That the rules of the House be amended so as to read as follows etc.

Mr. WALKER of Massachusetts said:

Mr. SPEAKER: If a proposition by any member for amending the rules is to be regarded as a criticism and especially a condemnation of the present Speaker, it is evident that it will so prejudice the House against them that no improvement in our rules can now be had. Again, if any member attempts to use the amendments I have proposed to cloak attacks on the present Speaker, personal or official, he will surely defeat them. For obvious reasons found in the great powers of the Speaker written in their text, I have not consulted him concerning the changes proposed. The powers of the various Speakers and their necessary exercise in recent Congresses is not, in fact, increased in the proposed rules, but lessened, rather, although the text of these amendments may seem to increase them. The proposed rules simply require that the great powers necessary to the Speaker shall be exercised deliberately and in obedience to positive rule and in a prescribed and public manner, and in full view of all the Representatives, and that his proposed action shall be advertised to them in advance.

Furthermore, the necessity for the exercise of these powers will gradually lessen under the practical workings of the proposed rules instead of steadily and necessarily increasing as business increases, as under the present rules, and as has been the case in recent years.

The fathers contemplated and provided in the Constitution for the independent action of three legislative bodies in the making of law, namely, a House, a Senate, and a President. But there has grown up, because of the immense increase in the business of the House and its neglect to provide proper rules, a fourth power never dreamed of by the framers of the Constitution, which, if originally embodied in it, would probably have prevented its adoption by a single one of the original thirteen States. I can not any more clearly state the injustice to past Speakers of holding them responsible for our rules than I did in this House on February 22, following those remarks with the Speaker's own words in condemnation of our rules. Surely none will be any more ready to assist us in correcting the rules than Mr. Speaker REED.

If there is any man who has made it any more clear than the present Speaker that this House was designed to truly represent the people in enacting the legislation approved of at the polls when we were elected to our seats in it, I have not learned of it.

The members of this House betray the great trust committed to them in their election by contenting themselves with simply passing the appropriation bills, pocketing the $5,000 to $10,000 paid them, and going home. Definite orders were given to each one of us in the fierce struggle at the polls and the resulting victory, in our being commissioned to do this work, and we have no right to encumber ourselves with rules to defeat the doing of the people's will.

The doing the things promised at our election is what the people demand.

A decent regard for our promises made to those who sent us to this House should induce us to fulfill them, instead of tying our own hands with rules that could hardly be worse if deliberately designed to provide how not to obey the people. Every rule found to be an obstruction to hinder the prompt and orderly expression of the will of the majority ought to be immediately supplanted by one of opposite import.

How many more years will the people accept or endure our excuses to them that we have not the wit to devise or the power to adopt rules that will enable us to take up promptly and diligently decide for or against the great causes they have sent us here especially to decide.

We know that these needless obstructions to business are such as the fathers never contemplated when the Constitution was framed, and are wholly unnecessary for any honorable purpose.

We ought to do, or attempt, at least, to do, the business of 70,000,000 people, or in very shame resign our seats and give place to those who will.

Restrict the roll calls to those uses contemplated by the fathers; change the rules so as to throw the full responsibility for the right decision of every proposition on the members of the House rather than on the Speaker, and we shall again have genuine debate and fairly intelligent, honest, and prompt decision.

Some of the rules could not be any better contrived to prevent investigation, fair debate and amendments, and to promote jobs than they now are, for much of our legislation is now secured by debasing favor, not as of honorable right. The changes made in our rules in recent years have scarcely accomplished such a reform of them as every right-minded man approves and as is demanded by the people, to say nothing of being due to our own self-respect. How long must we cringe and beg and plead with our fellow-members as a favor for what the fathers proudly thought they had secured to each one of us as a right, and a right that could not be invaded? How little they thought we should little by little allow such a humiliating legislative condition to exist as we now have in this House.

Again, this House is something more than a legislative body, as I took occasion to say here on March 16, 1892, when I discussed this question very fully. Our fathers thought they had made this House the great committee of safety for the whole country, to expose and ward off every threatened evil to the Republic; the great grand jury of the nation, to take cognizance of every hurtful thing present or prospective; the great and general court to hear all causes, to redress every wrong affecting rich corporations or the humblest farmer, the millionaire or the beggar, he who knows the movement of the spheres or he who is too ignorant to read his mother tongue. There is no longer any excuse for our delaying reform by failure to act and to act at once in correcting our rules. Now is our time.

In the Fifty-first Congress there was a condition little short of war. Year by year the asperities of those days have worn off, until to-day there is an exceptional condition of sweet reasonableness that bids us enter on the work of this great and necessary reform. How can we longer excuse ourselves for continuing under confessedly bad rules, the reforming of which all political parties are ready for, and which all the people demand, and which are entirely without our power? A decision on the questions submitted to us is the right of the people. They demand of us to say yea or nay to the questions before us. To deny a hearing and refuse an answer to the people's demands is more exasperating to them than a disagreeable negative.

Talk, talk, talk, on irrelevant questions, for home consumption no longer commends Congressmen to their constituents. Our rules ought to discourage talk and to encourage genuine debate and freedom of amendment.

Then much bad legislation would be avoided and much more good legislation now demanded in vain would be secured. The present abuses must not be longer endured. The people demand that rules prompt us to "do business," instead of encouraging the wasting of time.

In the present rules we tie our hands in legislation and violate the spirit of the Constitution in depriving the people of each district of the right the fathers thought they had secured to them through the person of their representative in this Hall.

Of course, in no case can we do all our constituents demand of us, but this does not excuse us for deliberately fettering our movements so we do comparatively nothing.

Our constituents do not tax themselves from $6,000 to $10,000 a year that each one of us in this House may waste time. They command us to use our time wisely in settling the great questions they have submitted to us.

The useless calling of the yeas and nays is inexcusable. There is no reason for our not at once restricting roll calls to those calls contemplated by the fathers.

But the greatest and most wicked perversion of justice in the practical operation of the present rules is in refusing redress to our own citizens who, we admit, have been despoiled of their rights and despoiled of their property by their own Government and yet vainly seek that justice and relief at our hands that it is in our power and plainly our duty to give. The fathers held that a wrong to the most humble citizen was an injury to the whole community; that the clear and admitted rights of each man, in his person and in his property, should be as sacredly guarded as those of the combined 70,000,000 of citizens. They thought that that was what governments were instituted among men to do. We have reversed the maxims that lie at the very base of good government—of human liberty even. We defy God in following the multitude to do evil, and we wrest judgment from the helpless. Because all claims are not honest, because there are many rascals trying to rob the Government, we call down the vengeance of heaven on our heads in trying to excuse ourselves from sorting out the honest from the dishonest claimants and lend ourselves to the base service of robbing the honest American citizens who gave us their substance—or it was forcibly taken from them—in our day of adversity of what we know is honestly due them to-day, and all upon the ground that we have not the time that we know we have weekly wasted instead of using it in securing to the citizens the justice due them.

Thus an individual citizen is made the victim of outrageous oppression and spoliation by the perverting of the very barriers originally erected for his defense, which are now turned into citadels for the destruction of his rights and of robbing him of his substance.

Every modification of the rules in the direction of an orderly and prompt transaction of business has commended itself to every member of the House and tended to honesty and economy in legislation. The reform should be now completed. To be obliged to secure legislation by unanimous consent—to placate every dullard, every crank, every selfish and revengeful man, every man of doubtful integrity—is to debase it to the lowest plane known to civilized society.

And yet it is impracticable to directly and in terms limit in the text of the rules (Rule XIV, clause 11) the number and the character of unanimous consents, desirable as it is to do so. All know that some of the most objectionable measures are passed by unanimous consent.

It is a matter of public knowledge that for revenge or for spite a member will sometimes object to a meritorious measure and then allow a dozen bad measures to pass unquestioned. Again, in nearly every Congress there is a professional objector who must be placated before any measure can pass, and members forbear to object to a known bad measure because by doing so this patriot will then defeat measures they propose to teach them that he is master in the case of legislation to be so obtained. Thus members who know a measure to be a plain steal are hindered from objecting.

The effect of requiring five to prevent unanimous consent will be to mete out even-handed justice to all by [illegible] legislation to proceed in regular order by the Calendars in forcing a "call" for the "regular order" instead of continuing vitiating discrimination and favoritism.

Of course, what "rights of members" that are not securely nailed down by press of business and waste of time and are still "lying around loose" we members that have served from eight to twenty years will rightfully get, and therefore we can not be expected to favor the proposed amendments.

As many old members truly say, the rules have been somewhat improved since they received the severe condemnation of the present Speaker in his quoted words; but that he then contemplated a much more radical improvement in a happy future is clearly evident in the extracts given.

In further exposition of House resolution No. 559, covering a draft of the proposed rules—

The change of Rule I to Rule II is to correct the anomaly of defining the duties of officers in a rule previous to the item providing for their election. The election of Speaker is recognized, that all the officers of the House may be included in the rule.

Rule III. Section 3 is added to this rule to secure the performance of duties prescribed in other rules.

Rule VIII. Section 2 is changed to accurately state what is now done.

Rule IX. The words are added to protect the only time set apart for the members to present the especial business of their constituents, viz, the morning hour.

Rule X, section 2. This matter is added in view of the increasing duties and responsibilities of the Committee on Rules. It is evident that more interests and more sections of the country should be represented in that committee.

Rule XI, section 83. Only a verbal change. Section 57 is changed, as the item struck out became unnecessary in view of the Speaker's Calendar and the great powers of the Committee on Rules and of the immediately preceding remaining words. The words struck out of the last three lines are unnecessary, as the matter is fully provided for in Rule XVI, section 13.

Rule XIII. The changes in the rule are so drawn as to secure such an orderly and fair procedure in legislation as is secured in the legislatures of the various States. In order to do this, it is absolutely necessary that members should know as far as possible before the assembling of the House what business is to be entered upon on each day by consulting the Calendar for that day, perhaps received by them in the morning with the CONGRESSIONAL RECORD. While the rule provides in terms for ten calendars, it is in fact only the equivalent of requiring a classified calendar.

Clause 6 of the rule provides some opportunity for a member, in that each member may be heard especially in behalf of the rights of his constituents or of a constituent, which is now almost unknown in the House. It gives no preferences, but provides a practical way for his exercise of a right.

Clause 10 secures publicity in exercising of a very great privilege by a member. Each member not only has a right to be notified when a fellow-member is to have such a great privilege accorded him, but it is also his right and duty to assist in protecting the Government from mistakes, such as all of us have discovered later, when, not knowing a man was to have such a privilege, we could not know or examine beforehand, and thus could not give the House the information in our possession.

Section 2, page 22, provides for such a preference in position on calendars as previous action of the House or the Senate or committees indicates should be given in the action by the House on matters before it.

Rule XIV, clause 1. Although the change of the words "on being recognized" to "shall be recognized" will not materially change the present practice in the House, it certainly preserves the form of equality among members, whatever the actual facts may be. We certainly do not wish to unnecessarily advertise inequality in rights and privileges among our members that do not in fact exist.

Clause 2. The words inserted complement the words changed and added in clause 1.

Clause 3. The adoption and enforcement of this clause will certainly do more to preserve good order in the House than can be realized by one not familiar with the present bad practices and, therefore, confusion in the House. One of the fundamental maxims of parliamentary law in securing the rights of a member is that every member of the House has a right to hear, to know, and to act upon every matter taking place in it. Now the members crowd into the area in front of the Speaker or into the main aisle and discuss questions and "do business" with each other personally instead of in and before the whole House. They do it in a way that makes it impossible for more than a very few members of the House to know what is being done. Only the Official Reporters, practically, know what is going on, and when the legislation is practically done the Speaker is notified what has been done and simply states the result to the House, without the House hearing any of the facts, reasons, or arguments that induced the doing of it, and it would be singularly ungracious to object at that late hour.

If there is any longer to be any pretense of securing to the members their rights to participate in legislation by hearing what is said and knowing what is being done in the House, the adoption of some such method to prevent a few members from huddling up together to "do business" by themselves, in disregard of the rights of all other members of the House, must be devised.

Clause 4. There is another great abuse in members getting the floor for an hour to farm it out to a few other members especially known to them. There certainly ought to be such a thing as "rights" of members, and especially as to having a fair chance to participate in debate, and if so, the words added to this clause are necessary.

Clause 5. More injury has been done and more bad blood stirred up by a member of the House who, having charge of a proposition and getting the floor, then deliberately says: "I think two hours (or perhaps three, four, or six hours) enough for debate on this bill, and I hope an agreement can be reached now on the time to be allowed," etc. And then because some one, from malice or ignorance, or in fairness even, tries to secure more time, he immediately "moves the previous question," cutting off all debate on and all chance of amendment of the proposition, thus sacrificing the rights of all the members, and in contempt of his deliberately expressed opinion that debate ought to be had, and the chance to offer amendments ought to be had, and had as a right. Members certainly should at least have such opportunity on subjects before them.

Such inexcusable doings, as I have before said, stir up more bad blood and tend more to throw the House into confusion and prevent good legislation than almost any other bad practice now prevailing. This is especially the case in heated partisan times, such as in the Fifty-first, Fifty-second, and also to some extent in the Fifty-third Congresses, and as has been the case when such things were done on several occasions in this Congress. If a member having charge of a measure thought in his deliberate judgment that three or four hours, more or less, were necessary for the consideration of the measure, and was justified in the first instance in asking it, there could have been no excuse, because some one did, or proposed to do, a foolish thing or a wise thing, or a mean or an honorable thing, to abuse the whole House by violating the rights of every member of it.

Rule XV. If we are ever to adopt a mechanical device to expedite roll calls, it must be done in some such way as that proposed in this clause; that is to say, by allowing the new or the old method to be used at the discretion of the Speaker.

Rule XVI, clause 3. The added words are like many other added words in the proposed rules, only to prevent unnecessary roll calls.

In clause 8 the words added are necessary to protect the individual members in their morning hour set aside for their use. It does not meet the case to exclaim with pious surprise, "What! is not the majority of the House to rule? If the majority do not want the morning hour, is then a minority to rule all?" No; the minority is not to rule; but the majority, on the other hand, not only has the right, but it is its duty to protect the minority and to protect the private citizens of the country in their rights through their representative upon the same principle that controls in the making of every constitution of a State or country that was ever written.

We know from experience that men of long service, at the heads of the great committees, in their zeal to get the floor for their great measures, and thus by their great influence "only for this once, you know," and only for this once again and again throughout the whole session, to practically abrogate this rule deliberately, wisely, and coolly adopted by the majority in justice to the American citizen. Friday is set apart in our rules now for the consideration of private bills, but is scarcely ever so used. Its constant abrogation in the past has been little short of the equivalent found in executing rough, so-called justice to meet a supposed necessity in a new community at the expense of Christian conduct in submitting to ample law previously enacted. If we wish to do justice and love mercy in the case of our own citizens, we must in some way protect Friday with strong safeguards, which is the private citizens' only day.

Clause 10 is for the same purpose. Clause 11 has already been fully discussed. Clause 12 is to prevent an unreasonable consumption of the time of the House.

Rule XVIII, clause 1. Words are inserted to prevent useless roll calls.

Rule XXI, clause 1, is rewritten to recognize the fact that the art of printing and the use of printed documents is known to us. No one listens to the reading of a bill they have before them in printed form until it is open for amendment. There is no excuse for consuming the time of the House in reading any bill or resolve until it is open for amendment.

Rule XXIII. The change in this rule is simply putting words in the first clause in their proper place, rather than wrongly putting them in the middle of a long paragraph. Clause 4 allows bills to be perfected by the shorter methods of the Committee of the Whole House, and also cuts off useless roll calls. Clause 9 is to save the time of the House, and trenches upon the rights of no one.

Rule XXIV. Section 1 protects Friday—members' day. In sections 3, 4, 5, and 6, the words added are to protect the morning hour.

If what has already been said on this matter has not commended this object to the House, nothing I can now add will do so.

Clause 7 is inserted to give the members a knowledge not only as to what will be taken up, but when; and in some cases of what is doing, which is not now known in many cases.

Rule XXV. The words added have always been assumed to be in the rule.

Rule XXVI is still to protect the morning hour and to save the time of the House in facilitating the doing of the District of Columbia business.

Rule XXVIII relaxes somewhat the restriction on "moving a suspension of the rules" in consideration of the greater restriction made in Rule XIII, clause 10, page 21. Clauses 2 and 3.—The added words are also to save the time of the House.

Rule XXXI is to save time now utterly wasted in reading what no one listens to. The added words not only recognize, as has been before said, that the art of printing has been discovered, but that the uses of the printed page are also known.

From Surplus to Deficiency—This Congress Surpasses the "Billion-Dollar Congress."

SPEECH

OF

HON. A. M. DOCKERY,

OF MISSOURI,

IN THE SENATE OF THE UNITED STATES,

Wednesday, March 3, 1897.

The House having under consideration the conference report on the District of Columbia appropriation bill—

Mr. DOCKERY said:

Mr. SPEAKER: This Congress easily surpasses all its predecessors in wanton and lavish appropriations made or attempted. It was thought that the Fifty-first Congress (commonly known as the "Billion-dollar Congress") had touched the limit of extravagant appropriations. That Congress appropriated $1,035,680,109.91. The total appropriations of this Congress, however, including permanent appropriations, aggregate $1,043,437,018.53, being $7,756,908.59 in excess of the improvident appropriations of the Fifty-first Congress, which was the last Republican Congress. The total appropriations made at this session, including the permanent appropriations, as sent to the President, also the general deficiency bill, so far as it was agreed upon by the two Houses, amount to $530,691,823.96.

It is proper to say that I include in this statement of appropriations the sundry civil, Indian, and agricultural appropriation bills, which failed to receive the approval of President Cleveland. I also include an estimated amount on account of the general deficiency bill, which did not reach the President. In estimating its total, I add to the amount of the bill as it passed the House the items added by the Senate which were agreed to by the House on a conference report, and exclude all disputed items, making a total for the general deficiency bill of $9,488,365.82.

The last Congress (Fifty-third) appropriated $989,239,205.69. An analysis of the appropriations made by this Congress discloses an increase of liabilities along almost the whole line of Federal appropriations over the appropriations made by that Congress, which was Democratic in both Houses.

The liabilities have been notably augmented on account of fortifications, the new Navy, the postal service, and river and harbor improvements.

COMPARISON OF APPROPRIATIONS.

The bills of this Congress, which show increases as compared with the Fifty-third Congress, are as follows:

For expenses of the foreign service, $199,490; District of Columbia expenses, $796,788.72; for construction of fortifications, and armaments thereof, $12,563,467.50; legislative, executive, and judicial expenses, $12,790.24; support of the Military Academy, $58,301.70; maintenance of the Navy, $8,947,523.21; post-office expenses, $11,454,305.56; regular river and harbor bills, $1,016,370; sundry civil expenses, including river and harbor works under contract, $5,301,825.82; deficiency appropriations, $4,078,783.79; miscellaneous expenditures, $40,386.14, and permanent annual appropriations, $24,983,743.68.

Deducting from the aggregate of these increases the reductions made under the other bills, the net increase by this Congress over appropriations made by the Fifty-third Congress amounts to $54,197,812.84, or $57,197,812.84, if the Fifty-fourth Congress be charged, as is should be, with $3,000,000 estimated to be required under the indefinite appropriation made in the last river and harbor act to purchase the property of the Monongahela Improvement Company.

In the presence of this exhibit, Mr. Speaker, it seems hardly necessary to indulge in comment or criticism. The Fifty-first Congress was rebuked by the country for its riotous waste of public money. The condition of the Treasury and of business then was very much more favorable than it is now. At that time the annual current surplus in the Treasury was nearly one hundred millions of dollars, while there was a fair degree of prosperity in all the avenues of trade and commerce.

At this time the current income of the National Treasury is confessedly inadequate to meet current maturing liabilities. The excess of expenditures over receipts for eight months of this fiscal year was $18,107,716.68; the current deficiency during the last three years and eight months having been $185,919,446.14.

REPUBLICAN RESPONSIBILITY.

The Republican party can not escape the condemnation of the country for unjust and unwarranted appropriations in a time of profound commercial depression. When this Congress convened at its first session, labor was discontented because of inadequate compensation; mining industries were at a standstill; manufactories were closed or running upon limited time; while agriculture, an avocation in which one-half our people are engaged, was utterly prostrate.

Upon the reassembling of this Congress at its second session, in December last, these adverse business conditions were aggravated and intensified. The condition of the public Treasury was also still more unsatisfactory, the Secretary of the Treasury estimating a deficiency of $45,718,970.60 for the ensuing fiscal year. Every consideration of patriotism, equity, and fair dealing to all the people demanded a policy of rigid economy. Some of the Republican leaders, as I have stated on former occasions, attempted to enforce such a policy. Congress, however, has recklessly disregarded the obvious requirements of the National Treasury, and instead of making an honest effort to close the ever-increasing chasm between receipts and expenditures, has still further widened it by appropriations which, in their aggregate, are without precedent in all our history. Individual or corporate enterprises, if confronted with like conditions, would have reduced expenditures wherever possible. The dictates of sound business judgment commanded the Republican party to pursue the same policy in respect to national expenditures. It has not done so. On the contrary, the Republican party has wasted the substance of the people and squandered their revenues in prodigal appropriations.

Mr. Speaker, so much for the fiscal record of the Republican party in this Congress. The delinquencies of that party in respect to public expenditures, the proposed increase of tariff taxation, and its certain failure wisely to reform our monetary system, will, I venture to predict, vacate many seats in Congress at the next Congressional elections and restore the Democratic party to power in both House and Senate.

REVENUES INADEQUATE.

Mr. Speaker, as I have stated, the appropriations as made by this Congress are enormously in excess of the revenues of the Government, and, in my judgment, far beyond the necessities of the public service, wisely and economically administered. To meet these appropriations, taxation will have to be largely increased, thus imposing onerous additions to the already great burdens upon the people. Twelve years ago the House of Representatives changed its rules and divided the responsibility of initiating appropriations, by clothing eight different committees of the House with power to formulate and report money bills, instead of one committee, as had been the custom theretofore from the foundation of the Government. Since that time the abnormal growth in appropriations has been too apparent. That the House erred in its action at that time in making that change, events have proven, I believe, beyond a doubt. In my opinion the time has come when Congress, in response to the demands of the people, must reduce expenditures.

In addition to certain repealing legislation, the best practical method by which this can be accomplished is to change the [illegible] again and clothe one committee with the requisite po[illegible]d responsibility—be it the Committee on Appropriations, [illegible], as was the case prior to 1865, the Committee on Ways and Means. By this method appropriations can be reduced within the revenues of the Government wisely, harmoniously, and without crippling any branch of the public service. There should be one committee organized to protect the taxpayers and the Treasury.

I conclude, Mr. Speaker, by submitting herewith an exhibit of the appropriations. They tell the story of wasteful improvidence:

Appropriations made by the Fifty-third and Fifty-fourth Congresses, fiscal years 1895 to 1898, inclusive.

	Fifty-third Congress.	Fifty-fourth Congress.
Agriculture	$6,527,373.06	$6,438,434.00
Army	46,845,492.77	46,407,747.08
Diplomatic and consular	3,138,377.52	3,337,867.52
District of Columbia	11,291,121.82	12,087,910.54
Fortification	4,331,561.50	16,895,029.00
Indian	19,422,316.40	15,010,717.68
Legislative, etc	43,197,301.37	43,210,091.61
Military Academy	870,796.74	929,098.44
Navy	54,743,372.03	63,690,895.24
Pension	292,963,140.00	282,582,460.00
Post-Office	176,782,597.41	188,236,902.97
River and harbor	11,643,190.00	12,659,550.00
Sundry civil	80,821,935.95	86,123,761.77
Deficiencies	21,636,378.88	25,715,162.67
Miscellaneous	875,623.92	[1] 916,010.06
Permanent	214,148,636.32	239,132,380.00
Total appropriations	989,239,205.69	1,043,437,018.53

[1] Estimated.

EXTRACTS FROM

REMARKS OF HON. A. M. DOCKERY,

In the House of Representatives,

February 15, 1897.

* * * * * * *

COMPARISON OF APPROPRIATIONS.

The Forty-third Congress appropriated $653,794,991.21; the Forty-fourth Congress appropriated $595,597,832.28; the Forty-fifth Congress appropriated $704,527,405.98; the Forty-sixth Congress appropriated $727,537,684.22; the Forty-seventh Congress appropriated $777,435,948.54; the Forty-eighth Congress appropriated $655,269,402.33; the Forty-ninth Congress appropriated $746,342,495.51; the Fiftieth Congress appropriated $817,963,859.80; the Fifty-first Congress appropriated $1,035,680,109.94; the Fifty-second Congress appropriated $1,027,104,547.92; and the Fifty-third Congress appropriated $989,239,205.69.

Mr. Chairman. I desire to state that the Fifty-third Congress was Democratic in both Houses, and, under the leadership of the late Speaker, Mr. Crisp, and of the gentleman from Texas, Governor SAYERS, the appropriations were brought $37,865,342.23 below the appropriations of the Fifty-second Congress, and $46,440,904.25 under those of the "billion-dollar Congress." The appropriations at the first session of this Congress were $515,845,194.57 and the contracts authorized $75,816,480.91, making a total of $591,661,675.48. The appropriations at this session will not be less than $535,000,000. In other words, the appropriations of this Congress will reach the mighty aggregate of not less than $1,050,000,000. The Republican party must be held responsible for these riotous appropriations; but I acquit the honorable Speaker of this House of any share of that responsibility, and I hope that in so doing I shall not in any way impair his political standing with his own party. [Laughter.] He has maintained a consistent and courageous attitude of hostility to those measures which would impoverish the Treasury, and has sought to limit public expenditures to the actual demands of an economical administration. The Republican party can not escape the just censure of the people, because it controls the organization of the House, but it would seem that the Speaker, as a matter of equity, is entitled to exemption from any share of the odium.

COMPARISON OF EXPENDITURES.

Leaving the domain of appropriations, I come now to deal with expenditures, which after all furnish the best test in respect to the Treasury situation. In submitting this statement of the actual expenditures of the Government, I exclude only the amounts paid upon the principal of the public debt. The exhibit includes all other items of Federal expenditures.

I find that the total expenditures for the fourteen fiscal years from 1875 to 1888 was $4,195,920,817.79, while the average expenditure for each of those years was $299,708,629.89. I further find that the total expenditures from 1889 to 1896 were $3,410,809,950.11, the average annual expenditure being $426,351,243.76, an average annual increase during the last eight fiscal years over each of the fourteen years preceding of $126,642,613.87.

It is also shown by official reports that the actual increase of expenditures during the last eight fiscal years over and above the fourteen prior fiscal years was $785,110,867.68.

Mr. Chairman, I now submit another comparative exhibit, illustrative and instructive. The total expenditures for the fiscal year of 1886 were only $293,487,882.30; the total expenditures for the fiscal year of 1896 were $443,112,115.58, the increase being $149,624,233.28; that is to say, it cost $149,624,233.28 more in actual expenditure to conduct the operations of the Government in 1896 than it did in 1886.

The items of this increase may be briefly summarized. The postal increase of 1896 over that of 1886 is $39,927,925.70. The civil and miscellaneous increase is $13,049,304.77. The War Department increase is $16,506,768.15. Of course, gentlemen will understand that Congress has made no increase in the standing Army, although an effort in that direction has been made, but the increase in the expenditures of the War Department results from putting the river and harbor bill upon a war footing in time of peace [laughter] and from the increased expenditures for fortifications. The Navy Department expenses have increased $13,239,844.64, and the cost of the Indian service has increased $6,066,370.11. For pensions the increase of expenditures is $76,029,136.95, making a total increase of expenditures for 1896 over those for 1886 of $164,819,350.32. Deducting from this total the only item of decrease, the interest on the public debt of $15,195,117.04, we have the result as heretofore stated of $149,624,233.28 increase in the expenditures of the Government in a single decade.

Again, Mr. Chairman, let us try this question of the ever-increasing ratio of expenditures by another test. The average expenditure per capita in 1886 was only $5.11. In 1896 the average was $6.21, or exactly $1.10 more for the cost of government for each one of our population. There has been no expansion in the volume of internal and foreign commerce, in the necessities of government, or the growth of our country to justify this startling and abnormal increase.

M'KINLEY BILL INADEQUATE.

This, then, Mr. Chairman, is the situation: Dwindling revenues, enormous and increasing expenditures. It challenges our attention not simply from a partisan standpoint, for, although we differ upon many questions, upon this issue of public expenditure, a matter affecting all the people, we ought to find common ground upon which to meet.

Mr. Chairman, what is proposed by the legislation pending or contemplated? The Republican party decline to reduce expenditures, but invoke the aid of a tariff bill in course of preparation which seeks to increase the national income so that it will be adequate to meet the existing and increasing schedule of liabilities. Upon this issue, gentlemen, we differ. Upon this side of the Chamber we would accomplish the result of balancing receipts and expenditures by reducing taxation where it can be safely done, and also by cutting down Federal expenditures.

Now, then, if the Dingley tariff bill is to be constructed on the theory announced by the distinguished gentleman from Maine [Mr. DINGLEY] at the outset of this session—that every item of each schedule must illustrate the doctrine of "protection for protection's sake;" that protection must be the chief corner stone of the bill—tell me, Mr. Chairman, how the Treasury can secure sufficient income to meet the actual expenditures of the Government during the coming year, amounting, as they probably will, to $500,000,000? The McKinley law did not provide sufficient revenue.

The current surplus revenue in the Treasury amounted to $85,040,271.97 at the end of the fiscal year ending June 30, 1890, the year immediately preceding the enactment of the McKinley law, which went into effect October 6, 1890. Upon examination of the official reports at the close of the fiscal year ending June 30, 1891, that law having been in operation but eight months of the fiscal year, it appears that the current surplus had dropped to $26,838,541.96. The current surplus for the next fiscal year, ending June 30, 1892, was still further reduced to $9,914,453.66, while the current surplus at the close of the fiscal year 1893 had dwindled to $2,341,674.29.

Indeed, Mr. Chairman, during the last four months of President Harrison's Administration the revenues under the McKinley law were inadequate by $4,094,021.38 to furnish income sufficient to meet the ordinary liabilities of the Government, and for the fiscal year ending June 30, 1894, the actual deficiency was $69,803,260.58.

Secretary Foster, in his testimony before the Ways and Means Committee, February 25, 1893, insisted that if he was to have the management of the Treasury he would ask an annual increase of $50,000,000 of revenue.

Mr. HOPKINS. Right there, when the gentleman speaks of the revenue-producing qualities of the McKinley Act, I desire to correct him.

Mr. DOCKERY. I have not time to yield to the gentleman for a speech. I have but two minutes remaining.

Mr. HOPKINS. One moment. The gentleman can have more time. I want to correct him on the statement he has made. I undertake to say that during the period that the Republican party was in power, and while the country supposed that its policy was to be the policy of the Government, the revenues every month exceeded by millions of dollars the expenditures.

Mr. DOCKERY. I desire to say, Mr. Chairman, that the figures I have given as to the current surplus revenues for each one of the years immediately succeeding the passage of the McKinley law are absolutely correct.

Mr. HOPKINS. But the revenues never fell——

Mr. DOCKERY. Mr. Chairman, I decline to yield; my time is so limited.

Mr. HOPKINS. But I want the gentleman's statement to be corrected.

Mr. DOCKERY. I hope this interruption will not come out of my time. Mr. Chairman, I have stated the facts correctly; and I challenge the gentleman from Illinois or anyone else to disprove them by the official statements.

Mr. Chairman, let me say that the surplus of $2,341,674.29 at the close of the fiscal year ending June 30, 1893, was apparent rather than real, notwithstanding the trust funds belonging to the holders of national-bank notes had been covered into the Treasury, the disbursing officers' balances reduced $24,000,000, and default made in the payment of bonds maturing September 1, 1891. At that time there were also $104,074,092.07 of outstanding obligations of the Government unsatisfied. So that the McKinley law was inadequate to furnish revenue to support and maintain the Government. I do not know whether the Dingley bill will supply ample revenue or not. I do not believe, however, that it can do so if framed along the rigid lines of the protective policy. If so fashioned, it must check importations and thus diminish revenue. I may say, however, that if any gentleman on the other side can frame a protective bill that will replenish the wasted and depleted streams of customs revenue it is the able chairman of the Committee on Ways and Means, Governor DINGLEY.

Mr. Chairman, in conclusion, I may be pardoned for the expression of the conviction that pronounced aggressive and continuous prosperity will not return to this country and abide with our people if the Republican party increases taxation and restricts the volume of our circulating medium. The Democratic party believes that prosperity will return only upon the terms of an ample volume of good, safe, sound money, of gold, silver, and paper, with taxation reduced to the lowest point consistent with a wise, frugal administration of the Government. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Appropriations.

SPEECH

OF

HON. JOSEPH G. CANNON,

OF ILLINOIS,

In the House of Representatives,

Thursday, March 4, 1897.

The House having under consideration the subject of appropriations—

Mr. CANNON of Illinois said:

Mr. SPEAKER: The total of appropriations made at this session of Congress and as sent to the Executive for approval, including the permanent annual appropriations, amounts to $518,103,458.14.

In addition to this sum a general deficiency bill was passed by the House appropriating $8,442,027.85, which the Senate increased to $11,393,940.16 by the addition of many old claims, some of them of questionable and doubtful character. The conference committee of the two Houses, after a protracted session, were able, however, to reach an agreement upon certain of the items added by the Senate in the nature of additional deficiencies in current appropriations for the support of the Government, to pay final judgments of the courts, and to pay audited claims allowed by the accounting officers of the Treasury and certified to Congress after the passage of the bill by the House. And if the Senate could have been prevailed upon to recede from its other amendments to the bill, embodying the claims before mentioned, the bill could have been sent to the Executive carrying appropriations in the aggregate of $9,488,365.82.

THE OFFICIAL ESTIMATES.

The estimates submitted to Congress by the Executive in December last, and from time to time during the session, including $17,529,053.16 to meet contracts on account of rivers and harbors, set forth in the Book of Estimates, but not extended in the totals of that volume, amounted to $552,975,100.44, or $25,383,276.48 in excess of the total of the appropriation bills as sent to the Executive, including the general deficiency bill in all of its items as agreed upon by the two Houses.

APPROPRIATIONS, FIRST SESSION.

The appropriations of the first session of this Congress amounted to $515,845,194.57, or $11,746,629.39 less than the apparent appropriations, including the deficiency bill, of the second session now closing. This excess of appropriations by this session over those of the first session is accounted for by the increases, required and given at this session, of $2,139,253 for fortifications, $2,565,573.34 for the new Navy, $2,211,507 for river and harbor works and contracts authorized therefor, $1,733,620 to continue construction of public buildings, and $3,093,774 on account of the postal service.

APPROPRIATIONS, BOTH SESSIONS.

The total appropriations of the two sessions of this Congress aggregate $1,043,437,018.53. The appropriations of the Fifty-third Congress, which was Democratic in both branches, with a Democratic Executive as now, amounted, according to the official tables, to $989,239,205.69. To this sum, however, should be added $4,400,000 on account of interest and sinking-fund charges for bonds issued by the Democratic Administration and not included in the estimates of permanent appropriations submitted to Congress and stated in the tables; which brings the sum total of appropriations for all objects by the Fifty-third Congress up to $993,639,205.69, or $49,797,812.84 less than the appropriations, including deficiencies, made by the present Congress.

ITEMS OF INCREASE.

In explanation of this apparent excess of appropriations by the Fifty-fourth Congress over those of the Fifty-third Congress, it should be stated that the Fifty-fourth Congress made increases over its immediate predecessor on account of fortifications in the sum of $12,563,467; on account of river and harbor works, including contracts therefor, in the sum of $2,476,506; on account of the construction of public buildings, none of which were authorized by the Fifty-fourth Congress, in the sum of $2,348,394; for the postal service in the sum of $11,454,305; for the naval establishment in the sum of $8,947,523, and on account of permanent appropriations, mainly to meet interest and sinking-fund charges for the bonds issued by the Administration just leaving power, $24,983,744; or a total of $62,768,939.

In the light of the severe criticism which has been passed upon this Congress on account of the appropriations it has made for the improvement of the great waterways and harbors of the country, it is remarkable to note, now that the balances can be ascertained, that after all, these appropriations made by this Congress at both its sessions exceed those made by the last Congress by less than $2,500,000, and this notwithstanding the fact that thirty-seven of the great works of national importance were placed under the continuing-contract system by this Congress as against only eighteen so treated by all of the previous Congresses.

THE SUNDRY CIVIL BILL.

The sundry civil appropriation bill, as agreed upon by the two Houses and submitted to the Executive, amounts to $53,030,051.58. The estimates submitted by the Executive, including $17,529,053.16 to meet contracts under law for the prosecution of river and harbor works, amounted to $58,805,812.81, or $5,775,761.23 more than the bill appropriates. Included in the bill are no items which have not, according to the estimates submitted to Congress, received the approval and recommendation of the Administration, with the possible exception of $150,000 for the Nicaragua Canal survey, inserted as an amendment, and insisted upon, by the Senate.

In the estimates submitted for the support of the National Home for Disabled Volunteer Soldiers there were for additional barracks and other buildings at the several Branches items amounting to about $150,000. After full hearing and expression of judgment from the Board of Managers of the Home, the Committee on Appropriations determined that it would be wiser to provide for the establishment of another Branch Home than to enlarge those Branches already in existence by the addition of new barracks; and, with the concurring judgment of the Committee on Military Affairs, the committee recommended, and Congress has provided, accordingly.

THE AGRICULTURAL BILL.

The Agricultural appropriation bill as sent to the Executive on the 25th day of February carried the usual appropriation for the purchase and distribution of seeds. At the last session of Congress the President withheld his approval from the Agricultural bill of that session and permitted the bill to become a law by limitation under the Constitution. It should be added here [illegible] during the Fifty-third Congress, at both its sessions, he [illegible] the Agricultural bills carrying exactly similar [illegible]

BILLS PROMPTLY PRESENTED.

Mr. Speaker, there has been some criticism at this session as to the lateness of the presentation of appropriation bills to the House for consideration. Apropos, I will append to my remarks a statement showing, for the short sessions of the Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and the present Congress—the Fifty-fourth—the dates when the bills were passed by the House and by the Senate, and when approved by the Executive. This table, made up from the journals of the two Houses, shows that at this session six of the regular appropriation bills reached the Executive in time to receive his consideration and approval from two months to two days before the 3d day of March. In contrast with this showing, at the last session of the Fifty-third Congress only three of the bills reached the Executive in time for approval before the final day of the session, and at the short session of the Fifty-second Congress only five of the bills were approved before the final day of adjournment; and likewise only four of the bills at the last session of the Fifty-first Congress, four of the bills at the last session of the Fiftieth Congress, and four of the bills at the last session of the Forty-ninth Congress, at which latter session two of the regular bills—the fortification and the general deficiency—failed of enactment and were not submitted to the Executive for consideration.

ILL-CONSIDERED ESTIMATES.

Mr. Speaker, the appropriations are, in my judgment, in excess of the legitimate demands of the public service. But this fact, while greatly to be deplored, is not, in my opinion, properly chargeable to the action of either of the great political parties of the country. It is the result of conditions accruing out of the rules of the House and out of the rules, practices, and so-called courtesies of the Senate, together with the irresponsible manner in which the Executive submits to Congress estimates to meet expenditures for the conduct of the Government. If the appropriations made by Congress have been extravagant and beyond the revenues of the Government, how much more so have been the estimates of the Executive! The record shows that in no instance during many years past have the appropriations made by Congress measured up to the full amounts recommended and asked for by the Administration.

It is said, Mr. Speaker, that ours is the only Government in the civilized world wherein the administrative branch apparently assumes no degree of responsibility to the taxpayers for its demands for the expenditure of public money, and that ours is the only Government wherein the legislative branch alone exercises the function or duty of check upon public expenditures without any considerable degree of cooperation on the part of the Executive. It is hoped, and I believe, that the incoming President, with his long experience as a distinguished member of the legislative branch of this Government, will exact of his Cabinet counselors some degree of wholesome effort in the direction of intelligent recommendation of public expenditures, to the end that Congress may not have to strive unaided and alone toward bringing our public expenditures within the sum of our public revenues.

DELINQUENCY OF THIS ADMINISTRATION.

The present Secretary of the Treasury, in his last annual report to Congress on the state of the finances, after stating the appalling fact that the estimated expenditures exclusive of the sinking fund requirements are likely to exceed our estimated revenues by $45,718,970, says:

> The foregoing estimates of receipts and expenditures for the fiscal year 1898 are made upon the assumption that there will be no substantial change in existing business conditions, and that the present scale of public expenditures will not be reduced.

It was not always thus, under other Administrations. When a similar condition confronted the country in 1878, Mr. Sherman, then Secretary of the Treasury, in his annual report for the fiscal year 1877, said:

> Assuming that Congress will not increase the aggregate national taxation at a time when all industries are oppressed by the weight of local taxation, the Secretary recommends that the aggregate appropriations for the fiscal year ending June 30, 1879, exclusive of interest and sinking fund, should not exceed $140,000,000. This will require the appropriations to be reduced at least $11,000,000 below the estimates submitted above—a reduction that, in the opinion of the Secretary, can be made without crippling any branch of the public service.

Mr. Cleveland, in submitting the annual budget of expenditures to this Congress in December last, through the Secretary of the Treasury, assumed, in the language first quoted—

> that the present scale of public expenditures will not be reduced.

Is it, I beg to ask, because the estimates whereon that scale of public expenditures was based have been reduced more than $25,000,000 by the action of this Congress that some of the great money bills for the support of the Government are not to receive the approval of the outgoing President?

METHODS OF THE SENATE.

The practice of the Senate in recent years of amending appropriation bills, notably the general deficiency bill, by incorporating provisions to pay claims of every kind and character outstanding against the Government—claims that have no status in many cases other than perfunctory reports from committees, mere findings of the Court of Claims based on ex parte testimony, or recommendations and requests from bureau officers and other officials of the Government—has grown with astonishing and intolerable rapidity, until the general deficiency bill, in recent sessions, as it leaves the House providing for legitimate deficiencies in current appropriations for the support of the Government, is transformed into a mere vehicle wherein the Senate loads up and carries through every sort of claims that should have no consideration by either branch of Congress except as independent bills reported from competent committees.

A REMEDY SUGGESTED.

The remedy for this evil is for the great committees of the House and Senate on the Judiciary, Claims, and War Claims to formulate an intelligent measure that will provide a tribunal of final jurisdiction whither these claims may be sent for full and intelligent consideration. By such a measure those who have honest and legitimate claims against the Government can be paid; and that some of the claims above referred to are just and should be paid there is no doubt. But claims that are based upon fraud can be stigmatized as fraudulent by such a tribunal, and Congress, once for all, can be relieved of the annual importunity for their consideration.

DISTRIBUTION OF BILLS.

In the year 1885 the House of Representatives changed its rules and took from the Committee on Appropriations the jurisdiction over one-half of the regular annual appropriation bills, giving to eight different committees of the House the right to report and control such bills. It was contended at the time that the change would bring about earlier and more intelligent consideration of the appropriation bills. I do not believe now that the most ardent advocate of that proposition then would contend for one moment that the beneficial results claimed and anticipated have been in any degree realized. Committees, each with jurisdiction over but one bill, have frequently been the last to bring their measures into the House for consideration. Great confusion has been experienced in the closing hours of Congress in determining the condition and status of the various appropriation bills, and the per capita of appropriations—the crucial test of economy in the premises—has increased, exclusive of appropriations for pensions, from $29.26 during the twelve years when all of the bills were controlled by one committee to $34.67 during the succeeding twelve years, ending in 1896, when eight different committees controlled the appropriation bills—an equivalent of nearly $320,000,000 increase in appropriations for the latter period over the former.

TOO MANY DIFFERENT BILLS.

There are too many appropriation bills. Instead of fourteen there ought not to be more than ten. The Agricultural bill ought to be made, as it was prior to 1881, a part of the legislative, executive, and judicial appropriation bill, which provides for the official staff and expenses of the several Executive Departments, except the Agricultural Department. The Army, fortification, Military Academy, and naval appropriation bills ought to be consolidated into one. By such consolidation, much time now wasted in irrelevant general debate and formal proceedings would be saved to the House, and greater latitude and opportunity could be afforded for the full consideration of the real merits of appropriations carried by the several bills.

For the information of the House I will submit herewith a table, showing the chronological history of the appropriation bills in the House and Senate during the session just closing:

Dates of passage of appropriation bills in House and Senate and approval by the President at the short sessions of the Forty-ninth to the Fifty-fourth Congresses, inclusive.

Title.	Forty-ninth Congress, second session. Fiscal year 1888.			Fiftieth Congress, second session. Fiscal year 1890.			Fifty-first Congress, second session. Fiscal year 1892.			Fifty-second Congress, second session. Fiscal year 1894.			Fifty-third Congress, third session. Fiscal year 1896.			Fifty-fourth Congress, second session. Fiscal year 1898.		
	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved	Passed House.	Passed Senate	Approved
Agricultural	Jan. 31	Feb. 26	Mar. 3	Feb. 8	Feb. 22	Mar. 2	Feb. 25	Mar. 2	Mar. 3	Feb. 20	Feb. 28	Mar. 3	Feb. 4	Feb. 18	Mar. 2	Jan. 30	Feb. 10	(*)
Army	Dec. 22	Jan. 17	Feb. 9	Feb. 8	Feb. 25	Mar. 2	Jan. 11	Jan. 31	Feb. 21	Dec. 14	Feb. 1	Feb. 27	Dec. 17	Jan. 18	Feb. 12	Dec. 17	Jan. 18	Mar. 2
Diplomatic and consular	Feb. 18	Feb. 26	Mar. 3	Jan. 12	Jan. 31	Feb. 26	Feb. 4	Feb. 17	Mar. 3	Feb. 4	Feb. 23	Mar. 1	Jan. 9	Feb. 9	Mar. 2	Feb. 2	Feb. 11	Feb. 20
District of Columbia	Jan. 29	Feb. 22	Mar. 3	Dec. 10	Jan. 25	Mar. 2	Jan. 22	Feb. 12	Mar. 3	Jan. 9	Feb. 2	Mar. 3	Jan. 10	Feb. 5	Mar. 2	Feb. 6	Mar. 1	....
Fortification	....	....	....	Jan. 19	Feb. 9	Mar. 2	Dec. 11	Feb. 4	Feb. 21	Jan. 5	Feb. 1	Feb. 18	Dec. 13	Jan. 21	Mar. 2	Feb. 11	Mar. 2	....
Indian	Jan. 5	Feb. 5	Mar. 2	Feb. 27	Mar. 2	Mar. 2	Feb. 18	Feb. 28	Mar. 3	Feb. 27	Mar. 2	Mar. 3	Jan. 22	Feb. 23	Mar. 2	Jan. 28	Feb. 26	....
Legislative, etc	Mar. 1	Mar. 3	Mar. 3	Dec. 18	Feb. 8	Feb. 26	Feb. 13	Feb. 27	Mar. 3	Feb. 9	Feb. 25	Mar. 3	Feb. 12	Feb. 28	Mar. 2	Dec. 22	Jan. 20	Feb. 19
Military Academy	Jan. 5	Feb. 23	Mar. 1	Jan. 12	Jan. 25	Feb. 12	Jan. 31	Feb. 4	Mar. 2	Feb. 4	Feb. 23	Mar. 1	Dec. 13	Jan. 4	Jan. 16	Jan. 11	Jan. 27	Feb. 10
Naval	Feb. 26	Mar. 2	Mar. 3	Feb. 2	Feb. 12	Mar. 2	Jan. 26	Feb. 11	Mar. 2	Feb. 20	Feb. 28	Mar. 3	Feb. 20	Mar. 2	Mar. 2	Feb. 23	Mar. 1	....
Pension	Jan. 6	Jan. 17	Mar. 1	Dec. 10	Feb. 8	Mar. 1	Dec. 6	Feb. 5	Mar. 3	Feb. 15	Feb. 27	Mar. 1	Dec. 11	Jan. 17	Mar. 2	Dec. 8	Dec. 16	Dec. 22
Post-Office	Jan. 29	Feb. 12	Mar. 3	Feb. 21	Feb. 28	Mar. 2	Feb. 21	Mar. 2	Mar. 3	Feb. 22	Mar. 2	Mar. 3	Jan. 9	Feb. 15	Feb. 28	Feb. 12	Feb. 27	....
River and harbor	Jan. 27	Feb. 21	....															....
Sundry civil	Dec. 17	Feb. 2	Mar. 3	Jan. 29	Feb. 22	Mar. 2	Feb. 9	Feb. 26	Mar. 3	Feb. 2	Feb. 22	Mar. 3	Jan. 25	Feb. 28	Mar. 2	Feb. 15	Feb. 27	....
Deficiency	Mar. 1	Mar. 3	....	Feb. 26	Mar. 1	Mar. 2	Feb. 26	Mar. 3	Mar. 3	Feb. 3	Mar. 2	Mar. 3	Feb. 25	Mar. 1	Mar. 2	Feb. 22	Mar. 2	....
	Session closed Mar. 3, 1887.			Session closed Mar. 2, 1889.			Session closed Mar. 3, 1891.			Session closed Mar. 3, 1893.			Session closed Mar. 2, 1895.			Session closed Mar 3, 1897.		

*Delivered to the President February 25.

Chronological history of appropriation bills, second session of the Fifty-fourth Congress; estimates and appropriations for the fiscal year 1897-98; and appropriations for the fiscal year 1896-97.

Title.	Estimates, 1898.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1897-98.		Law, 1896-97.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Amount.
Agriculture	a$2,385,742.00	1897. Jan. 13	$3,152,732.00	1897. Jan. 30	$3,155,702.00	1897. Feb. 9	$3,212,902.00	1897. Feb. 10	$3,217,902.00	1897.	$3,182,902.00	$3,255,532.00
Army	23,892,307.65	1896. Dec. 14	23,126,344.30	1896. Dec. 17	23,126,344.30	Jan. 14	23,129,344.30	Jan. 18	23,129,344.30	....	23,129,344.30	23,278,402.73
Diplomatic and consular	2,082,728.76	1897. Jan. 26	1,675,908.76	1897. Feb. 2	1,672,708.76	Feb. 6	1,695,308.76	Feb. 11	1,695,308.76	Feb. 20	1,695,308.76	1,642,558.76
District of Columbia b	8,686,616.38	Jan. 28	5,780,811.06	Feb. 6	5,788,811.06	Feb. 17	6,993,677.44	Mar. 1	7,447,727.44	....	6,187,591.06	5,900,219.48
Fortification	15,815,256.00	Feb. 10	9,178,325.00	Feb. 11	9,253,325.00	Feb. 26	9,717,141.00	Mar. 2	9,817,141.00	....	9,517,141.00	7,377,888.00
Indian	7,279,525.87	Jan. 14	7,525,601.67	Jan. 28	7,424,600.09	Feb. 12	7,672,436.89	Feb. 26	7,740,680.89	....	7,670,230.89	7,390,496.79
Legislative, etc	22,767,150.80	1896. Dec. 15	21,642,309.80	1896. Dec. 22	21,641,309.80	Jan. 18	21,702,254.80	Jan. 20	21,712,516.90	Feb. 19	21,690,766.90	21,519,324.71
Military Academy	521,812.83	Dec. 17	489,572.83	1897. Jan. 11	474,572.83	Jan. 18	479,572.83	Jan. 27	494,572.83	Feb. 10	479,572.83	449,525.61
Navy	34,215,936.19	1897. Feb. 20	32,165,234.19	Feb. 23	32,165,234.19	Feb. 27	35,728,234.29	Mar. 1	33,228,234.29	....	33,128,234.29	30,562,660.95
Pension	141,328,580.00	1896. Dec. 7	141,263,880.00	1896. Dec. 8	141,263,880.00	1896. Dec. 15	141,263,880.00	1896. Dec. 16	141,263,880.00	1896. Dec. 22	141,263,889.00	141,328,580.00
Post Office c	97,515,411.15	1897. Feb. 10	95,611,714.22	1897. Feb. 12	95,535,338.75	1897. Feb. 24	95,835,338.75	1897. Feb. 27	95,785,338.75	1897.	95,665,338.75	92,571,564.23
River and harbor	d 100,000.00	....	....	....	....	....	....	....	....	....	(e)	f12,659,350.00
Sundry civil	g58,816,812.81	Feb. 11	50,664,743.92	Feb. 15	50,664,743.92	Feb. 25	51,827,727.84	Feb. 27	52,703,827.84	....	h53,090,051.58	i33,096,710.19
Total	415,386,880.44	....	392,277,347.75	....	392,166,629.70	....	399,257,818.90	....	398,236,475.00	....	396,640,352.36	381,033,113.14
Urgent deficiency, Navy, etc	l15,500,000.00	1896. Dec 19	881,882.71	1896. Dec. 19	881,882.71	1896. Dec. 22	884,885.78	1896. Dec. 22	884,885.78	1896. Dec. 22	884,885.78	15,341,911.07
Deficiency, 1897 and prior years		1897. Feb. 18	8,441,029.43	1897. Feb. 22	8,442,027.85	1897. Mar. 1	10,334,939.20	1897. Mar. 2	11,396,940.16	....	(k)	
Total	430,886,880.44	....	401,600,259.89	....	401,490,530.26	....	410,477,643.88	....	410,515,300.94	....	397,525,238.14	396,375,024.51
Miscellaneous	j2,000,000.00	....	....	....	....	....	....	....	....	....	j500,000.00	416,010.06
Total, regular annual appropriations	432,886,880.44	....	....	....	....	....	....	....	....	....	398,025,238.14	396,791,034.57
Permanent annual appropriations	120,078,220.00	....	....	....	....	....	....	....	....	....	120,078,220.00	l119,054,160.00
Grand total, regular and permanent annual appropriations	552,965,100.44	....	....	....	....	....	....	....	....	....	518,103,458.14	m515,845,194.57

Amount of estimated revenues for fiscal year 1898	$325,000,000.00
Amount of estimated postal revenues for fiscal year 1898	96,227,076.68
Total estimated revenues for fiscal year 1898	421,227,076.68

a No amounts are included in the estimates for 1898 for the Agricultural Department for agricultural experiment stations in the several States authorized by the act of March 2, 1887, or for the purchase and distribution of valuable seeds. The amounts appropriated, respectively, for these purposes for 1897 are $720,000 and $150,000.

b One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1898 at $190,520), which are payable from the revenues of the water department.

c Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

d This amount is for "examinations, surveys, and contingencies of rivers and harbors" for 1898. In addition thereto, the sum of $5,249,000, required to meet contracts authorized by law for river and harbor improvements, is included in the sundry civil estimates, and the sum of $17,529,053.16 in detail is submitted in the Book of Estimates for 1898, page 204, under "Statement of amounts required for materials and work for improvement of rivers and harbors, for which Congress, by acts of September 19, 1890, July 13, 1892, and June 3, 1896, authorized contracts to be entered into under direction of the Secretary of War, to be paid for as appropriations may from time to time be made by law," making the total amount required for rivers and harbors for 1898, $22,878,053.16.

e No river and harbor bill passed for 1898, but the sum of $17,922,654.91 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1898 and $378,000 for other river and harbor items.

f In addition to this amount the sum of $3,284,597 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1897, and the sum of $300,000 is appropriated in the urgent deficiency act to carry out such contracts for 1896, making in all for rivers and harbors $16,244,147.

g Includes $17,529,053.16 submitted but not carried into the total in Book of Estimates for 1898, under "Statement of amounts required for mat[illegible] work for improvement of rivers and harbors, for which Congress, by acts of September 19, 1890, July 13, 1892, and June 3, 1896, authorized cont[illegible] to be entered into under direction of the Secretary of War to be paid for as appropriations may from time to time be made by law."

h This amount includes $17,922,654.91 to carry out contracts authorized by law for river and harbor improvements for [illegible],000 [illegible] other river and harbor items.

i This amount includes $3,284,597 to carry out contracts authorized by law for river and harbor improvements for 1897.

j This amount is approximated.

k The general deficiency bill failed of final agreement between the two Houses. So far as agreed upon by the conference report which was adopted, it appropriated $9,488,395.82—

l This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1897, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

m In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By District of Columbia act, $124,000; by fortification act, $1,195,076; by naval act, $10,000,000 in excess of estimated appropriation for increase of the Navy; by river and harbor act, $59,616,404.91, and by sundry civil act, $881,000; in all, $75,816,480.91.

Naval Appropriation Bill—Dry Docks.

SPEECH
OF
HON. ADOLPH MEYER,
OF LOUISIANA,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, February 23, 1897.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10350) making appropriations for the naval service for the fiscal year ending June 30, 1898—

Mr. MEYER said:

Mr. CHAIRMAN: I have listened with deep interest to this discussion, and especially to the remarks of the gentleman from Massachusetts [Mr. BARRETT], and of the honorable chairman of the Naval Committee. I suppose that every member who gives any thought to the question of the Navy must be aware that it is not more important to build and maintain ships of war than it is to provide adequate facilities for their repair. The cleaning of the bottoms of ships fouled after long exposure to the sea, and the repair of ships after injury done in battle, tempest, or by other casualty, can only be promptly and efficiently performed by means of dry docks. The number and location of these docks must be proportioned to the number of our war vessels and to the needs of this or that portion of our long coast line. As a general rule, the navy-yard should be supplemented, when the draft of water is sufficient, by one or more dry docks. But these questions are largely technical questions upon which we must bow to the judgment of the naval experts. I have not the remotest idea that their opinions and recommendations will be warped by political manipulation or influence.

The dry dock at Port Royal, S. C., was built after careful examination by a board of eminent naval officers appointed by the Secretary of the Navy pursuant to the act of Congress approved

September 7, 1888, with directions to examine the whole subject of the location of navy-yards and dry docks on the Gulf coast and the South Atlantic coast. The instructions given to this board by Secretary Whitney on January 28, 1889, were of the most wise, suggestive, and comprehensive character, and they reflect the highest credit upon the Department. Pursuant to this law and these instructions, this board made an exhaustive examination in person of both these portions of our coast. The board made an emphatic recommendation, with reasons that can not be answered, in favor of Port Royal as the true point on the South Atlantic coast for a navy-yard and dry dock. Fortunately, this recommendation was acted upon favorably, and the result is, as stated by the chairman of the Naval Committee, that the *Indiana*, one of our largest battle ships, has been docked there within a year past. Suppose that dry dock had not been built, where, I will ask, could that great war vessel have been taken for examination and repairs?

Sir, we have also a dry dock at New York, soon to be completed, which will accommodate the largest vessels in our Navy now in process of construction or that have been constructed. Does any man question or arraign the wisdom, I may say the necessity, of this location? You have there the greatest city of the Union, one of the greatest emporiums of commerce in the world, enormous wealth, a channel having a depth of water 30 feet to the sea, a magnificent system of railroad and water communication, everything that can point it out as the central point on the North Atlantic coast for one or more dry docks for our vessels of war.

We come next to Norfolk, Va., where, at the navy-yard, the Secretary proposes to build a dry dock of sufficient size to take in the largest, widest, and deepest-draft ships, the dock to be built of concrete. I regard this recommendation, which I assume to be based on the reports of competent officers of our Navy and experts, as one eminently proper. There is not an entrance on our whole coast more clearly indicated by nature itself for a grand naval depot than the waters of Hampton Roads. We have an easy entrance both in summer and winter for the largest ships, a great natural harbor and anchorage, a large depth of water up to Norfolk, a channel easily and cheaply maintained, and a position easily defended and already fairly protected.

There is no place on our whole coast more clearly marked out by nature for a naval depot, a great navy-yard, a dry dock, or a number of dry docks, when our Navy shall be much larger than now, than the waters of Hampton Roads and Norfolk. Besides the excellent water communications, two great trunk lines and also other railroads come to this point, and both connect with the great Mississippi Valley and the leading cities of the Union. A government that should fail to make adequate provision for our Navy at this point of our coast would disregard all the teachings of the past and would justly expose itself to contempt. Not even a second-rate government in Europe would neglect such an obvious duty. No naval officer fit to command a ship would advise us to neglect the waters of the Chesapeake Bay, Hampton Roads, Norfolk. It is known to most of us here that private enterprise has already selected these waters for a great dry dock, and you have at Newport News now a private establishment second to none in the country. But we can not, in peace or in war, for such purposes as the repair of war vessels, rely on private dock yards. We need a Government dock, with naval officers in control, and all the appliances and workmen that a well-equipped navy-yard can supply.

For kindred reasons I have favored as a wise policy of Government the construction of the Government dry dock on the waters of Puget Sound. As the gentleman from Maine [Mr. BOUTELLE] has stated, that dock was constructed upon the recommendation of two commissions appointed by the Navy Department. That authority ought to be sufficient to shape our judgment as to the question of location. The long line of American coast on the Pacific has, I believe, only three great natural harbors, one at San Diego, one in the waters of San Francisco Bay, and a third in the magnificent estuary of Puget Sound. The great country around and tributary to Puget Sound is being rapidly developed. It is undoubtedly menaced by the great military and naval preparations of Great Britain—a preparation and armament which can be meant only for the United States, and which contains a very suggestive comment upon the sincerity of the recent treaty of arbitration.

A State and country thus exposed and menaced by the nation with which we have had two bloody and devastating wars is entitled to our sympathy and the protecting arm of the Government. The sea is stormy between Puget Sound and San Francisco Bay, and the shore is generally inhospitable. A dry dock and navy-yard, therefore, at Puget Sound is a wise act of government. We must legislate not only for the present, but for the future. I agree, therefore, with the policy which seeks to create a dry dock on Puget Sound, and I also echo the opinion expressed by the chairman of the Naval Committee for such an enlargement of the dry dock at Mare Island, California, as will enable it to take in and repair the largest of our great war vessels which may be built on the Pacific Coast or ordered there from other stations. The fact that this portion of our country is new, that it is only sparsely populated as yet, in my opinion only strengthens the argument for military and naval defense. The splendid, expensive, and elaborate armament and naval preparation at Esquimalt ought to open our eyes to the possibilities of the future and our obvious duty. No mere shedding of ink, no specious words of peace, no ingenious formulas of arbitration will avail to protect the Pacific Coast against the power whose heavy hand we have already felt in the past.

I do not, by anything I have said, intend an implication that New England should be excluded from the scheme of public defense. I agree with the gentleman from Massachusetts [Mr. BARRETT] in the opinion that in case of a war with England or any great foreign power the New England coast would be much exposed. I do not believe that the great fortifications, the great military and naval equipment at Halifax, was for the empty purpose of show or merely to spend money. It is a weapon pointed at our breast by our cousins who love us so dearly. New England is the first in the line of attack. There are probably good reasons why a large dry dock should be built at some point on the New England coast. The proper point for this construction I regard as a question for competent naval experts to determine after a suitable examination of the whole coast from Cape Cod to the eastern extremity of Maine. It may be that the waters of Casco Bay, near Portland, afford the best site. In the absence of such investigation and finding I must hold my judgment in suspense; but whenever the Navy Department shall favor such a construction and designate a locality, I shall be glad to vote for the necessary appropriation. I have no feeling which would prompt me to withhold my vote from an adequate defense of any portion of the Union or an adequate preparation for the needs of the Navy.

In this connection, Mr. Chairman, I desire to submit some observations which were presented to the Committee on Naval Affairs by the Chief Constructor of the Navy, Commodore Hichborn, who is certainly fully versed in all the details pertaining to the construction and maintenance of the material of the Navy, which I would ask the Clerk to read in his usual clear style.

Mr. BARRETT. I suggest, in regard to this document, the gentleman content himself with having it printed in the RECORD instead of being read in full.

Mr. MEYER. That will be entirely satisfactory to me.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. MEYER] has expired.

Mr. DAYTON. I hope that the Committee of the Whole will grant the gentleman from Louisiana leave to finish his remarks. As a member of the Naval Committee, this consideration should be accorded him.

The CHAIRMAN. Unanimous consent is asked that the document from which the Clerk has just been reading be printed in full in the RECORD, and that the gentleman from Louisiana have time in which to conclude his remarks. Is there objection? The Chair hears none.

Mr. MEYER. I thank the committee for its courtesy, and shall endeavor to be brief. I shall have the statement of the Chief Constructor printed as a supplement to my remarks, and now only quote from his last report, dated October 1, 1896. He says:

> The constant and increasing necessity for dry docks forces itself upon the attention of the Department with every new ship put into commission. With the policy hitherto pursued of building steel ships without sheathing, this demand is much greater than it might otherwise have been. During the past year the new dry docks at Port Royal and Puget Sound have been completed and tested, and the new dock in the New York Navy-Yard is at last approaching completion. The Portsmouth Navy-Yard has practically no docking facilities at all. The stone dock at the Boston Navy-Yard is available for the smaller class of vessels only. The New York Navy-Yard will soon have in service three dry docks, which will be barely sufficient for its present needs. It frequently happens that one or more docks at a station are occupied for extended periods by vessels needing extensive repairs to the bottom, just as the dock at Norfolk has been recently by the *Texas*, and the ships that need only cleaning and painting must wait. The Bureau has heretofore recommended the construction of additional docks, and it takes occasion to renew this recommendation.

The gentleman from Massachusetts [Mr. BARRETT] has made some observations which impress me as worthy of careful consideration. He informs us that Great Britain has 43 dry docks, 18 of which are at the harbor of Portsmouth, and that France has 34 dry docks, while the United States has only one on each coast large enough to hold its largest ships. Again, he states that the best naval authorities in Great Britain, discussing the question of war with France, admit that, although the coast of France is only 150 miles away from that of Great Britain, it would be impossible to keep in actual service on the coast of France more than two out of three of the British war vessels supposed to be in actual service. In other words, even in a very narrow range of naval operations, one vessel out of every three must be constantly in the docks for repair.

Let us, Mr. Chairman, compare this with the fact that when the Norfolk and New York dry docks shall be in perfect condition, we shall have only three Government dry docks on the whole Atlantic coast, and they hundreds of miles apart.

A DOCK NEEDED ON THE GULF COAST.

On the Gulf coast we are so far absolutely without any means of docking and repairing a ship of war. True, we have taken some steps in this direction, but there we have halted, and I insist that it is now the duty of the Government to go forward and complete its work. I wish briefly to review what has been done in the premises. Enough, I admit, has been done to define clearly the policy of the Government not only for a dry dock on the Gulf coast, but a selection of the proper location has been made, and a purchase made of the land needed for the site, in addition to the land we had already available for this purpose.

The importance of defending our Gulf coast was most strongly suggested by the great naval and military expedition directed against Louisiana by Great Britain in the war of 1812–1815. That invasion was foiled by the valor of our troops from the South and West led by a matchless general, and the British were finally driven, as Jackson predicted they would be, from the soil of Louisiana. The British fleet, however, lay off our shores and were far too strong to be assailed. It was a lucky escape for us. Although a treaty of peace had previously been signed at Ghent, it may be doubted whether Great Britain would willingly have surrendered the mouth of the Mississippi if she had once obtained possession of southern Louisiana, with her ample fleet and means of reenforcement. The world's history shows how strong powers are apt to act in such situations. This struggle, to say nothing of other considerations, has made the defense of the Gulf coast a favorite subject for study by our most eminent naval officers. I doubt if it has ever been lost sight of by the best naval men from the time when it was discussed by that great man, Lieut. M. F. Maury, down to the present time. For many years the subject of a Government dry dock somewhere on the Gulf coast has engaged public attention. Very naturally there were several competing points and the claims of each one have been well presented and duly weighed by our naval authorities.

Under these circumstances, with all our naval authorities and experts backed by a strong public opinion in favor of a Government dry dock somewhere on the Gulf coast, it was wisely determined by Congress to enter upon this policy. In the naval appropriation bill approved September 7, 1888, the sum of $15,000 was appropriated—

> For the expenses of a commission of three officers, to be appointed by the Secretary of the Navy, to report as to the most desirable location on or near the coast of the Gulf of Mexico and the South Atlantic coast for navy-yards and dry docks, and for the expenses of sounding and surveying and estimating expenses.

This commission was appointed by Secretary Whitney on January 21, 1889, and after organizing received their instructions, bearing date January 28, 1889. These instructions for their information and guidance are of the most comprehensive character and evince a profound study of the considerations which ought to enter into a selection of a site for this navy-yard and dry dock. The object stated was to be—

> An establishment for the repair and construction of naval vessels, to be duly provided with adequate docking resources, and to be the important naval arsenal and depot of our naval forces cruising and operating in or near the Gulf of Mexico, the West Indies, and the Caribbean Sea.

The Department further remarks:

> The Department wishes you to consider the general and strategical requirements of such a naval station in this part of the United States, especially its bearing as a naval base for operations for guarding the mouths of the Mississippi and its water-borne trade, for the defense of the ports, coasts, and waters of the Gulf of Mexico, and for the protection of our trade and interests in the Caribbean Sea. The direct routes to the Central American Isthmus, and its probable ship canal from the eastern coasts of the United States, it must be borne in mind, pass through the channels that lead out of or near by the Gulf of Mexico.
>
> The consideration of this phase of the question should also include the relative positions of the various fortified naval ports of strong European powers now existing or to be established in the West Indies, toward the location to be selected, these ports being points from which hostile operations can be based against our trade and coasts.

The special requirements for a navy-yard were also set forth. Among these were—

A situation upon a good harbor, of sufficient size, depth, and accessibility for vessels of the largest size and heaviest draft;

A favorable position with respect to the principal lines of defense;

A local security from water attack, due to position and natural surroundings;

Ample water frontage of sufficient depth;

A favorable position with reference to the lines of interior communication by rail and otherwise with the principal sources of supplies;

The character of the ground to be suitable for excavated docks and for heavy structures; and

Proximity to centers of labor and supplies of material, healthfulness of climate, and an ample supply of good potable water.

The commission as finally constituted consisted of Commodore W. P. McCann, Capt. Robert Boyd, and Lieut. Willard H. Brownson.

On the Gulf coast this commission carefully examined Key West, Fla.; Tampa Bay, Florida; Pensacola Bay, Florida; Mobile Bay, Alabama; Mount Vernon, Ala.; Biloxi, Miss., and Algiers, a point in Louisiana, on the Mississippi, directly opposite the city of New Orleans, where the Government, as at other points, had already acquired a body of land for naval purposes.

The report of the commission to the Department, dated November 19, 1889, is elaborate and exhaustive. The relative advantages and disadvantages of each point suggested for a navy and dock yard are set forth in detail with great care, and with an entire freedom from bias and an ability which render it impossible to resist their conclusions.

ALGIERS, LA. (NEW ORLEANS), THE MOST SUITABLE SITE.

The commission report in favor of New Orleans, or rather Algiers, on the other side of the river, as the best location. They say:

> New Orleans is the terminus of six trunk lines of railroads. The communications by water with the vast extent of territory embraced in the valley of the Mississippi is unsurpassed. It is the principal commercial port of the Gulf States, and possesses great facilities for obtaining every class of building material, skilled and unskilled labor, and supplies; coal is abundant and cheap. The amount of commerce that passes in and out of the Gulf of Mexico is a very large portion of the total commerce of the United States. The amount of exports from New Orleans coming from the whole Mississippi basin and much of the great West will demand protection at any cost, and consequently, whether the navy-yard be located at New Orleans or elsewhere, the passes and all the approaches to the city will have to be defended as thoroughly as military and naval skill can effect it. Such being the case, and since there is no other point in the Gulf of equal importance, or the closing of which would do as much injury to so large a district or to so many people, no other place will have or begin to have the same protection and care, unless the Government establishes elsewhere a navy-yard, and it is absolutely necessary to protect it in order to retain the command of the Gulf.

Upon the vital question of an adequate depth of water this board reports, in 1889, a channel of 26 feet, a central depth of over 30 feet, and they quote the Mississippi River Commission for the opinion that—

> The channel at the South Pass jetties is permanent in the sense that it will be possible to maintain a channel there of at least 26 feet at low water in the river so long as the jetties are maintained to deep water and the damages from storms are repaired.

In conclusion, the board says:

> After carefully weighing all the advantages and disadvantages of Algiers as a site for a naval station, the Commission is of the opinion that, while the spot is not an ideal one, no other place on the Gulf compares with it in the advantages offered, and that the advantages are so many and so great, and outweigh the disadvantages to such an extent, that the Commission has no hesitation in recommending the location of a navy-yard and dry docks at the present Government reservation at Algiers, La.

The report of this Commission, which did its work so thoroughly, would be sufficient to convince any reasonable man of the propriety of locating a naval establishment at this point as a part of our system of defense of the Gulf Coast and of the outlet provided by nature for the great Mississippi Valley. But it does not stand alone and unsupported. We have the report of another scientific commission on the same subject, which substantially adopts the same conclusion as the Commission already cited. In the act making appropriations for the naval service approved June [illegible] 1890, it was enacted as follows:

> And the President be, and he is hereby, required to appoint a commission composed of two competent naval officers, one competent Army officer, and two competent persons from civil life, whose duty it shall be to select a suitable site, having due regard to commercial and naval interests, for a dry dock at some point on the shores of the Gulf of Mexico or the waters connected therewith; and having settled such site, shall, if upon private lands, estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action make full and detailed report to the President, and the President shall transmit such report with his recommendations to Congress.

The President performed his duty under this law by appointing on November 22, 1890, a commission composed as follows: Capt. F. M. Bunce, United States Navy, president; Col. C. B. Comstock, Corps of Engineers, United States Army; Sidney Perham, of Maine; David T. Littler, of Illinois; Lieut. R. M. G. Brown, United States Navy.

The commission met at the Navy Department December 5, 1890, and organized. Shortly afterwards, by the direction of the President, Colonel Comstock was relieved of this duty and Maj. H. C. Hasbrouck, United States Army, substituted in his stead.

This commission made a careful study of the question, and its report (Ex. Doc. H. R., Fifty-second Congress, first session) is of great value not only for the mass of facts and suggestions which it contains, but for its interesting references to the studies and reports of eminent Army and Navy officers who, through a series of years, have discussed the matter of a naval defense of our commercial interests in the Gulf of Mexico. The commission report that—

> The requisites for the proposed dry dock are a clear channel to the sea of a depth of at least 26 feet, stability of foundation to support a load of 15,000 tons, and protection by a distance of 12 miles or by an intervening elevation of the ground from gun fire from the sea.

The commission proceeded to make a personal inspection of all the places on the Gulf suggested as a site. They thus visited Key West, Tampa, Pensacola, Mobile, Port Eads, New Orleans, Galveston, and Aransas Pass. The merits and demerits of each point are given in the report. Their conclusion is that—

> The South Pass of the Mississippi affords the only entrance 26 feet deep to a port or harbor on the Gulf of Mexico, or the waters connected therewith, far enough from the sea to be safe from gun fire.

They further report as follows:

> The Mississippi River Commission, through its president, Gen. C. B. Comstock, colonel of engineers, United States Army, states that—
>
> "The channel at the South Pass Jetties is permanent in the sense that it will be possible to maintain a channel there of at least 26 feet depth at low water in the river as long as the jetties are maintained to deep water and the damages from storms repaired."
>
> An opinion in which this commission, after a careful examination, concurs.
>
> New Orleans, about 100 miles up the river, is the largest city of the Gulf States. From the entrance of the South Pass to this city a depth of more than 26 feet can be carried at all times. The soil of the river banks in its vicinity, at the surface light, is from 2 to 4 feet below the surface of clay, or clay and sand, increasing in density and solidity with the depth of the boring or excavation made, insuring a foundation amply sufficient to support a load of 15,000 tons in the dock by the employment of the usual methods in its construction.
>
> The three primary requisites of a site for a dry dock are here found, and New Orleans is the only port on the Gulf of Mexico or the waters connected therewith where this is the case.
>
> This port has other and great advantages as the site. The greatest center of population of the Gulf States, labor, skilled or otherwise, can be obtained at short notice. Its foreign commerce is greater than that of all the other Gulf ports together, last year reaching 2,094,072 tons, all others 1,997,892 tons. A fresh-water harbor, its water communication with the interior by the Mississippi and its tributaries is nowhere in the world equaled, and this is supplemented by six great railroad lines, which, with their connections, reach every part of the country. Defense of these by the whole power of the nation is assured; it is a military necessity. Fresh water for all uses is supplied by filtering the river water, the rainfall, and by artesian wells. Epidemic diseases of foreign origin are prevented by a strict system of quarantine regulations, and the general health of the city is as good as that of any Gulf port. A supply of iron, coal, or other material required can always be had at short notice and at cheap rates.

I need not quote further from this cogent and unanswerable report in favor of New Orleans as the true site for a dry dock on the Gulf coast. The Board was unanimous in its finding and conclusion.

This conclusion in favor of New Orleans was emphatically approved by the then Secretary of the Navy, the Hon. B. F. Tracy, and on the 19th of January, 1892, the report was transmitted to Congress by President Harrison.

In the annual report of Secretary Tracy, dated November 26, 1890, he says, referring to this commission:

> In the annual report of last year the Department dwelt upon the extreme necessity of a navy-yard or dry dock on the Northwest coast, and also upon the Gulf. This necessity remains as great as ever.

Shortly after the report of the first commission I have referred to, Secretary Tracy appeared before the Committee on Naval Affairs and recommended that a dry dock be established at Algiers. The opinion of this eminent Secretary of the Navy, as well as Secretary Herbert and all the experts [illegible] the Navy Department, has been in favor of selecting New Orleans as the site for a Government dry dock.

The report of the Hon. Mr. Herbert from the Committee on Naval Affairs of the House of Representatives, dated March 10, 1892 (Report No. 621, House of Representatives, Fifty-second Congress, first session), says:

> A navy-yard upon the Gulf of Mexico or waters connected therewith has always been deemed a necessity.
>
> The repairs of government ships in all countries able to build and maintain navies are done in government shops. It is impracticable, if not impossible, to have such work done by contract, first, because of the difficulty of finding shops having the necessary plant; and, secondly, and indeed principally, because of the impossibility of estimating beforehand the value of and contracting for such work at fair prices.
>
> It is expensive and tedious to bring ships belonging to the Gulf Squadron to the navy-yards on the Atlantic coast for repairs. The navy-yard at Pensacola is not in condition to do such work, and the question has been for a long time open as to the point upon or contiguous to the Gulf of Mexico at which a yard should be fitted up for doing such work. Naval authorities have for many years past opposed the refitting of the Pensacola yard, for the reason that it was so much exposed to the fire of a modern fleet.
>
> Two commissions have been appointed, one after another, to visit points upon the Gulf and report the most advantageous site for a dock and ship yard. Both these commissions, one after another, recommended the Government reservation at Algiers, opposite the city of New Orleans.
>
> Since the beginning of our new Navy the Government has fitted up the navy-yards at Norfolk and Brooklyn with extensive plants, not only for repairs but for the building of ships of war. A similar plant has been established on the Pacific Coast at Mare Island, and if at any time it is contemplated to fit out a yard upon the Gulf of Mexico, it has seemed to your committee that the work ought to be begun now. They have therefore reported a provision authorizing the erection of a dock at Algiers, and have recommended an appropriation of $250,000 toward the construction of such dock and the purchase of additional land contiguous to this reservation.

In addition to this report, I beg leave to cite the report of Mr. CUMMINGS, from the Committee on Naval Affairs, favoring the construction of this dry dock (Report No. 251, House of Representatives, Fifty-second Congress, first session), and also the report of Mr. CAMERON, from the Senate Committee on Naval Affairs, dated May 23, 1890 (Senate Report No. 1115, Fifty-first Congress, first session). The experience of these gentlemen and their long acquaintance with this branch of the public affairs entitle their opinions to high consideration.

CONGRESS ADOPTS REPORT AND ESTABLISHES THE SITE.

The general and emphatic approval of this scheme by the naval authorities and the committees of the two Houses have exercised a natural influence upon Congress, Secretary Tracy having indicated in his communication, forwarding to Congress the report of the second commission to Congress, that the existing naval reservation at Algiers, La., was too limited in extent for the proper location and use of the dry dock, and that it would be "necessary to purchase additional lands adjoining." Congress responded to this recommendation by inserting the following appropriation in the act making appropriations for the naval service approved March 3, 1893:

> DRY DOCK, ALGIERS, LA.
>
> Toward the establishment of a dry dock on the Government reservation near Algiers, La.: For plans and specifications and for the acquisition of such additional land as may be necessary, in the discretion of the Secretary of the Navy, in accordance with the recommendations of two commissions appointed by the President under the provisions of an act approved September 7, 1888, and the act approved June 30, 1890, respectively, $25,000.

Here you have in clear and unmistakable language an adoption by the law-making power of the recommendations of those two commissions and of all the naval experts, both as to the policy of construction upon the Gulf coast of a dry dock upon a scale commensurate with the size of our largest war vessels and of the site specifically named and recommended. Nothing is left to inference. The investigation was complete. The findings were unanimous and positive in favor of New Orleans, and Congress proceeded to take the initial step by an appropriation to buy the additional land needed.

In the act making appropriations for the naval service approved July 26, 1894, Congress proceeded to make an additional appropriation for this object, in the following words:

> DRY DOCK AT ALGIERS, LA.
>
> For the purpose of completing the purchase of additional lands necessary for the establishment of a dry dock at Algiers, La., cost of advertising, plans and specifications for said dry dock, and expenses of judicial proceedings instituted for the condemnation of such additional lands, $[illegible]

All that now remains is for Congress to make an adequate appropriation to commence the construction of this dry dock. All the initial or preparatory steps have been taken wisely and considerately. This House made an appropriation of $100,000 for this purpose of construction in the naval appropriation bill for the service of the year ending June 30, 1896, but it was disagreed to by the Senate mainly upon the plea of economy and the condition of our revenues. It was, however, expressly stated by the Senator in charge of the measure that this action was taken by the Naval Committee without prejudice to the merits of the measure. The opinion of the Senate upon it was clearly indicated at a prior session, namely, the 15th of February, 1892, when a bill providing for this construction passed that body unanimously. Thus it will be seen that each body, though not acting concurrently, has declared itself for commencing the construction of this dock at Algiers, opposite the city of New Orleans.

APPROPRIATION SHALL BE PRESSED BEFORE THE NEXT CONGRESS.

And now, Mr. Chairman, while I recognize the fact that nothing in this line can be accomplished at this session of Congress, I beg to say that in view of the public interests and necessities, as demonstrated by the highest naval authorities, from whom I have quoted, I shall deem it my duty at the next legislative session to press this question and to urge upon Congress the making of an adequate appropriation to begin this great work. It will not do to say that a nation with 70,000,000 people and such great wealth and resources can not undertake this work, and that some two or three dry docks upon the Atlantic coast are to limit our naval preparation for war and for peace. The officers of our Navy tell you that they are wholly insufficient. If war should come, and war almost always comes unexpectedly, it would find us imperfectly prepared to meet its exigencies even on the Atlantic coast, and wholly unprepared on the Gulf coast to repair our ships. Is this not criminal negligence? Would not the disasters that would follow as a natural consequence of such neglect be a shame and a reproach to the Congress that had turned a deaf ear to the appeals of your highest naval authorities? They have given you the actual situation and pointed out the danger time and time again. Can you afford to neglect their warning?

I can not believe, sir, that any man will be so blind as to imagine that, in case of war, naval operations and conflicts would not occur in the Gulf of Mexico. If you invite attack, then, by your neglect, it will surely come. Surely there is no man so ill informed as to dream that vessels crippled in action or which from any cause in war or peace are needing repairs can be safely and economically dispatched on a long and hazardous voyage by way of the Florida coast to some dock upon the Atlantic coast for the needed docking and repairs. The mere delay incident to such a voyage and in making repairs might determine a naval engagement upon

the Gulf of Mexico and determine it in favor of the foreign flag against our own.

ENTIRE MISSISSIPPI VALLEY AFFECTED.

And here let me say that this question covers the entire Mississippi Valley. It may be thought by some inconsiderate persons that in case of a war the upper part of this great valley would not be exposed to invasion, and therefore would regard the protection of the mouth of the Mississippi and the Gulf coast as of secondary consequence. But the people of the upper portion of the valley entertain no such narrow, shallow, and unpatriotic views. With them the security of the mouth of the Mississippi and the freedom of its commerce has been a darling object for over a century. It has engaged the attention of their ablest statesmen. The occupation of Louisiana by a foreign nation in 1815 would have been as odious to Ohio, Indiana, Illinois, and Missouri as it was to Louisiana and Mississippi. In the recent civil war one of the strongest considerations that impelled the States of the Northwest to put forth their energies to maintain the Union was the fear of seeing the southern outlet of the Mississippi Valley pass out of their hands and fall under the control of a different political power. They held that the control of this outlet was important for their security and essential to their trade and maritime interests.

The external trade of the Mississippi Valley has more than one outlet by rail, but it has two grand outlets in which rail and water communications combine to secure the cheapest and best transportation for a vast production. These are, first, the route by way of the Great Northern Lakes, and, second, the outlet by way of the Mississippi and tributaries. Both have certain marked advantages, but the latter has the grandest system of water communication in the world, all lying in our own territory, while by the former route trade must either seek a transit by the river St. Lawrence, in a foreign soil, or else be forced to complete its journey by the artificial and more expensive methods of canal and rail transportation. A jealous, wise care for both routes is the imperative duty of the Government.

The relations of the Mississippi River and its many tributaries to the vast and fertile region extending from the Alleghany to the Rocky Mountains were most forcibly pointed out by Mr. Calhoun in his celebrated address at the Memphis convention of November 13, 1845, an epoch over fifty years ago. His great powers rarely had a nobler theme than this.

Well did Mr. Calhoun speak of this region as a "magnificent valley." He said, after specifying its then great subdivisions:

> The vast region comprehending these three divisions may be justly called the great agricultural portion of our Union. Its climate is so various, its extent so vast, its soil so fertile, that it is capable of yielding all the products of that zone in the greatest perfection and abundance. Already much has been done to develop its great resources. Already all the leading articles of food and raiment are produced in sufficient abundance, not only for its own wants and for those of other portions of the United States, but to require the demands of the markets of the world to consume. In addition, it produces the articles of tobacco, lead, tar, turpentine, and lumber far beyond the home consumption, and in a short time the fertile valleys and extensive prairies of the northern portions of this great valley will add to the list of exports the important articles of hemp and wool, and the Southern plains, when Texas is annexed, will add that of sugar.

The great resources of this valley were not overstated by Mr. Calhoun. It is the greatest valley in the world suitable for the uses of civilized man. Its growth has surpassed all prophecy. It is already the controlling section of the Union, and is bound to be even more so in the immediate future, for the reason that its fertility is so great and its resources are so vast that its present population is a mere trifle compared with what its future will be, even if there should be nothing added by human invention to the uses and capacities of man—thus rendering possible a far greater population on the same territory. But with his great practical mind Mr. Calhoun passed on to the duty of that hour and of to-day. Said he:

> I approach now, gentlemen, the important question, How shall we, who inhabit this vast region, develop its great resources? For this purpose there is one thing needful, and only one; and that is that we shall get a fair remunerating price for all that we may produce. If we can obtain such a price, this vast region, under the active industry of its intelligent and enterprising inhabitants, will become the garden of the world. How is this to be effected? There is but one mode by which it can be, and that is to enlarge our markets in proportion to the increase of our production. This, again, can be obtained in only one way, and that is by free and ready transit for persons and merchandise between the various portions of this vast region and between it and other portions of the Union and the rest of the world.

Addressing himself to this question, Mr. Calhoun dwelt strongly upon the improvement of the Mississippi River and its various great tributaries. This river "with all its great tributaries" Mr. Calhoun forcibly and rightly denominated "an inland sea," and said that, regarding it as such, he was prepared to place it on the same footing as the Gulf and Atlantic coasts, the Chesapeake and Delaware bays, and the lakes, in reference to the superintendence of the General Government over its navigation. Mr. Calhoun even then predicted that this great valley of the Mississippi would ultimately become the center of the commerce of the world. Who is there now prepared to dispute this prophecy? Its fulfillment seems already near at hand.

A predecessor of mine upon this floor, the lamented Randall L. Gibson, said in one of his speeches that the Mississippi River from Cairo down was not a river in the ordinary sense of the word.

> It is—

He said—

> a series of lakes, winding for eleven hundred miles through the alluvial region formed by it from Cairo to Port Eads, while the straight line from point to point is only 500 miles, equal to the whole Atlantic seaboard from Quoddy Head, Maine, to Cape Sable, Florida.
>
> Into this vast basin—

Said Mr. Gibson—

> the valley stretching from the Alleghany to the Rocky Mountains empties its rainfall by forty-three mighty rivers, 50,000 miles of boatable streams, and on its bosom is borne a commerce twice as great as the whole foreign commerce of the country.

VALUE OF WATERWAYS AND THEIR IMPROVEMENT.

This is the great country, ours by the conquests of valor, heroism, industry, skill, and sacrifice, which asks Congress to develop, improve, and maintain its natural highways of transportation already provided by the beneficence of the Almighty. The communication provided so liberally in railroads by the energy and power of capital are worthy of all praise and admiration, but they have only supplemented what nature has provided. Both are necessary to give due effect to the industry of our people. The grand system of railroads, while conferring untold benefits, is liable, as we have seen, to absorb an undue share of the earnings of production in order to swell the profits of the capital employed in transportation. This never happens in water transportation. There the law of competition keeps down freight charges, and besides checking overcharges on the water routes, corrects and restrains in a great measure the overcharges of the other forms of transporting the products of human industry.

Looking at the subject in this light, I turn with contempt from the carping criticism to which our great system of river and harbor improvement has been subjected. It belongs to the lowest plane of demagogism, the narrowest school of a "penny wise and pound foolish" policy, and is in effect, if not in purpose, an assault upon the grand operations of commerce, to which we owe so much of happiness and progress in all ages of human history. This system of improvement of rivers and harbors did not originate with us. Based upon the plainest necessities of man and the dictates of common sense, it has come to us with the sanction of great nations and wise governments beyond the sea. Every great minister of Germany, France, Italy, England, and Holland has lent his approval and aid to such enterprises, and they are to-day the glory of Europe and the enduring monuments of progress and a broad statesmanship. We have followed in their pathway with only unequal footsteps. Where we have spent one dollar they have spent four or five dollars for like objects. We have an immensely greater area and longer coast line, a far larger system of rivers and harbors to promote and improve, and we can look forward to a commercial development far exceeding anything now existing or hereafter to exist in Europe. Our internal commerce exceeds by over 30 to 1 our entire foreign commerce.

In the light of these and other facts, how pitiful and short-si[illegible]ed is the opposition to an annual expenditure of some $16,[illegible] per annum for river and harbor improvement. Are the [illegible]ions that have been devoted to the imp[illegible]ent of [illegible] Mississippi River and the opening of its mouth, and [illegible] improvement of the Ohio, Missouri, Tennessee, Cumberland, and other great tributaries, or the system of the Great Lakes, to be weighed for one moment against the great and manifold advantages that have accrued therefrom to the body of our people? What sum of public money has wrought more good for the people or done more to put bread in the poor man's mouth? What political boss of all our many bosses, living or dead, has levied his toll for party or personal ends on these expenditures, and what body of the workmen thus employed has been marched by a master to the polls to support this or that candidate for office? I know of none; nobody can name such a case. Sir, these empty tirades against the river and harbor bill have not convinced the public judgment. The great body of our best people in every walk of life sustain the measure, and the river and harbor bill is more popular to-day than it ever was, and for the reason that it more adequately and economically provides for the wants of commerce. For a people who are to-day meeting an annual expenditure of $500,000,000, it is eminently proper to devote the sum of $16,000,000 to river and harbor improvement. Double that sum would not be an excessive expenditure.

EADS'S JETTIES AT THE MOUTH OF THE MISSISSIPPI RIVER.

The problem of improving the navigation of the Mississippi River, and especially of opening the mouth of the Mississippi, which was practically closed to deep-draft vessels for a series of years, has engaged the attention of the greatest scientific intellects of the Union. Different theories and methods of treatment of the river were honestly presented and most ably advocated. Avoiding any reference to these controversies in detail, I am within bounds in saying that one of the grandest engineering conceptions or plans by which mankind has been benefited is to be found in the adoption of the Eads system of jetties at the mouth of the Mississippi River. This scheme was formulated and propounded by James B. Eads in May, 1873.

By the act of March 3, 1875, Captain Eads' proposition to execute this work was accepted in its leading features. By the amendatory act of Congress approved March 3, 1879, it was required of Captain Eads that he should obtain a channel 30 feet deep without regard to width, and also a channel 26 feet deep and 200 feet wide, with the central depth of 30 feet, as already stated. Upon the procurement and maintenance of these depths and measurements the payments to Captain Eads were made to depend. The changes made by this law to the original scheme were sanctioned by a board of United States engineers which met in 1876. The depth of 26 feet in an inland channel was then regarded as sufficient for the demands of commerce. The construction of vessels of greater size and deeper draft was not then regarded as a necessity. Now they are used wherever practicable for the transportation of bulky products and are an agency of competition which all commercial men readily appreciate and eagerly employ.

The success speedily attained by Captain Eads in opening to commerce the mouth of the Mississippi at the South Pass which was named in the act of Congress is known to all intelligent men. In a few months after the passage of the law results began to be secured, and on the 12th of May, 1876, the success of his theory was demonstrated by the passage through the pass of an iron steamship 280 feet in length, with a tonnage of 1,872 tons and a draft at the time of 14 feet and 7 inches. The depths then secured were speedily increased until they met all the then existing wants of commerce. Had the South Pass been selected, as Captain Eads proposed and warmly urged, there can not be a reasonable doubt that a much greater result could have been secured for the commerce of the great Mississippi Valley.

We have the authority of the Mississippi River Commission for the assertion that the depths secured by the South Pass jetties are permanent, but I believe the day is not distant when the wisdom of the National Congress and the executive department will select for improvement the Southwest Pass, which nature seems to have intended as the chief outlet for the waters of this great river and as the artery or exit for its vast water-borne commerce. In either case, I can not believe that Congress will neglect its duty of maintaining a permanent system of channel improvement both for the lower river and the upper river, with the numerous tributaries of each.

JOHN C. CALHOUN'S ADVOCACY OF THE GULF'S COMMERCE AND FOR A NAVAL STATION.

In the address in 1845 of Mr. Calhoun to the Southwestern Convention at Memphis, to which I have already referred, he assumed, as a matter of course, that we would take all the needful steps for the protection of the commerce of the Gulf. He said of the great valley:

> Nothing more is necessary to secure cheap, speedy, certain, and safe transit between all its ports but the improvement of its navigation and that of its various great tributaries. That done, a free and safe communication may be had between every portion. To secure a like communication between it and the Southern Atlantic cities, the first and great point is to adopt such measures as shall keep open at all times, in peace and war, a communication through the coasting trade between the Gulf of Mexico and the Atlantic Ocean. This is the great thoroughfare which, if interrupted, would as certainly produce a revolution in the commercial system as the stoppage of one of the great arteries of the body would in the human. To guard against such effects in the event of war it is indispensable to establish at Pensacola or some other place on the Gulf a naval station of the first class, with all the means of building and repairing vessels of war, with a portion of our Navy permanently attached. But this of itself will not be sufficient. It is indispensable to fortify impregnably the Tortugas, which lie midway between Florida Point and Cuba, and command the passes between the Gulf of Mexico and the Atlantic coast. And to this must be added a naval force of steamers or other vessels, which will habitually command our own coast against any foe. It will also be necessary that the bar at the Balize shall be kept at all times open, so far as it can be effected, cost what it may.

There is, Mr. Chairman, a wonderful correspondence between the admonitions in this address, made over fifty years ago, and the lessons taught us to-day by our naval officers and experts and the developments of science and trade. Mr. Calhoun called for "a naval station of the first class" on the Gulf, with all the means of building and repairing vessels of war, and our naval officers and Secretaries of to-day insist upon the same thing as a necessity to protect the Gulf Coast and our commerce in contiguous States—a first-class naval station not only to build but to repair ships. This great man, who bore so eminent a part in the war of 1812 with Great Britain, and who organized the present admirable system by which the War Department to-day is governed, with his careful studies of national defenses, did not need to be told that in case of war the easy and prompt repairing of our war vessels would become a matter of necessity, and without a proper dock we know this can not be done. Sir, we can not do anything to diminish the hazards and delays even of steamers of the long and dangerous voyage around the Florida capes, but we can counteract the difficulties thus created by nature by building a "first-class naval station" on the Gulf coast, at a point safe from modern gun fire, easily defended, with adequate depth of water and every facility that nature and art can give in order to create or repair the great war vessels of our modern Navy. That point is New Orleans.

COMMERCE AND MANUFACTURES OF NEW ORLEANS.

I shall not weary the committee with commercial statistics. The export trade of New Orleans last year was $80,986,791, but it has gone as high as $131,000,000 in late years, and undoubtedly in the near future, when the Southwest Pass shall be improved to its full capacity and a great sea channel secured, the export trade of New Orleans, now second only to New York and Boston, will be swollen to very large proportions. It now largely exceeds Baltimore, Philadelphia, San Francisco, Galveston, Mobile, and all other points. There are indications that New Orleans is about to become a great shipping point for the grain of the Mississippi Valley, and in the future it may equal or exceed the largest grain-shipping points on the Atlantic coast.

The manufactures of New Orleans are already considerable and varied, but they are only in their infancy. With cheap food from the Northwest in abundance, cheap and abundant coal, convenient supplies of iron, and being, above all, the natural depot of the finest cotton region in the civilized world, it can not be doubted that New Orleans is destined to become a great manufacturing center. Its advantages for a great cotton manufacture are remarkable. Its climate is genial and it is favorable to work all the year round. Its grand system of rail and water transportation facilitate the reception of cheap food for labor and of the raw material employed in manufactures, and also secure the distribution of all products, whether domestic or imported, throughout the great Mississippi Valley at the lowest cost.

A recent paper by Mr. E. L. Corthell, the able assistant of Captain Eads in the construction of the jetties, and who, like his great chief, has been a prominent actor and by his genius an ornament in the material progress of the Southwest, supplies some valuable data, which I can only use in part to illustrate what is going on at New Orleans to-day. I quote from him these facts:

The average tonnage of vessels at New Orleans, which in 1876 was 732, has steadily increased, till it is now 1,511 tons. The draft of vessels has increased from 17½ feet to over 26 feet, and steamships have largely displaced sailing vessels. New Orleans trades with nearly every port in the world. [illegible] it traded with 29 countries, and last year there were vessels th[illegible] from 178 ports. The larger proportion of steamships now belongs to regular lines, not "tramps," as formerly. Twenty-five regular lines, many of them running a large number of steamships, do a regular business at this port, sailing at regular intervals and at stated times.

In 1870 there were only four regular foreign lines. Examining the list of steamers, there will be found many of 4,000 tons and upward, there being now 13 of over this tonnage; there are 2 of over 5,000 and under 6,000 tons, and 8 of over 8,000 tons, and there are 10 of over 4,000 tons not belonging to regular lines, but which do a regular business at New Orleans. Some of these steamers can not load to more than three-quarters of their capacity and require a larger channel to the sea than the 26-foot channel now in use.

There is no reason why New Orleans should not have an ample channel way of over 30 feet to the sea. It is a simple engineering problem and would involve a small expense compared with the great gain resulting in the access of the largest ships and the consequent reduction of freights. The last river and harbor act contemplates an increase of depth at Baltimore to 30 feet, 30 feet at Galveston, 35 feet at New York from the narrows to the sea, and 30 feet at Philadelphia and Boston. Thirty feet has been secured at the mouth of the Columbia River in Oregon.

There has been a great development of rail transportation to New Orleans. In 1880 there were only two main lines of railroad into New Orleans. There are now six. These lines run to or connect with the railroad lines running to the far East, to the head of the valley, and to the Pacific Ocean. In 1876 the total rail commerce was 731,514 tons; in 1894, 4,014,072 tons—an increase of 463 per cent over 1876. The total commerce of New Orleans, ocean, rail, and river, has increased from 5,427,827 tons in 1876 to 10,397,493 tons in 1895.

An important commercial development at New Orleans has been the connection of the Southern Pacific Railroad from San Francisco with the Morgan Line of steamships to New York. This is a half-water route between the two coasts of the Union. The tonnage of the vessels employed has increased until, with the Cuban and Texas lines, it is 50,000 tons. The usual time of transit of goods from San Francisco to New York by all rail used to be sixty-five days. It is reduced by this half-water route to sixteen days, and has thus compelled a great reduction in time for those who ship by the transcontinental railroads.

The Illinois Central Railroad is now bringing to New Orleans an immese tonnage of cotton and grain for shipment to Europe. Mr. Corthell justly observes that commerce demands the very largest steamships to take advantage of all the favorable conditions. With an adequate channel to the sea, Mr. Corthell rightly says there would be an early construction of 10,000-ton freight carriers to run between New Orleans and western Europe.

Mr. Chairman, this is a great question, both for the growers of grain in the Upper Mississippi Valley—in Iowa, Nebraska, Kansas, Minnesota, the Dakotas—and the consumers of such products in the Eastern States and in Europe. There are practically no limits that can be placed to this trade in New Orleans, provided we can rise to a conception of our opportunities and realize the duty we owe to ourselves and to humanity at large. I should count it indeed a great and crowning honor if any words of mine shall help to bring about such a result.

THE GULF COAST AND MISSISSIPPI VALLEY ALL INVOLVED.

In pleading for the proper treatment of the Mississippi River, I speak for the whole valley and not for New Orleans alone. Geography may make us keener to observe the opportunity of the hour, but the dwellers on the prairies, the toiling farmers all through the Northwest, have an interest in the matter hardly second to our own. It is their interest and their right to demand the improvement of this outlet that nature has given them and us. And so, too, in speaking for the proposed naval station at New Orleans for construction and repairs of our ships, I wish to suggest the obvious thought that this step is not merely the defense of New Orleans and the Lower Mississippi, but also of Galveston, Mobile, and the whole Gulf coast. The fleet which can be assembled, refitted, and armed at New Orleans is a security against the rapine and violence of a foreign foe, no matter at what point on the Gulf coast he may strike at our commerce, property, and soil, and just in proportion as this station and dock is made fit to serve the purposes of war and peace will its benefits be felt throughout the Gulf coast and in every city of its borders. In respect to both questions there is a unity of interest for the whole Gulf coast and every part of the Mississippi Valley. [Applause.]

SUPPLEMENT.

VIEWS OF CHIEF CONSTRUCTOR PHILLIP HICHBORN ON SUBJECT OF DRY DOCKS.

The Chief Constructor of the Navy has repeatedly called attention to the absolute necessity for increased docking facilities commensurate with the requirements of our new Navy.

In his annual report dated October 1, 1894, to the honorable Secretary of the Navy, he says:

> In considering the improvements in the navy-yard plants necessary for efficiency of work under the cognizance of this Bureau, it is necessary to bring to the attention of the Department the absolute necessity for greater docking facilities. In the event of sudden war this country would be in a deplorable condition on account of the limited number and lack of capacity of its Government docks, and, unlike Great Britain, it has comparatively few private docks which could be pressed into service in an emergency.
>
> Steel ships require frequent docking under the ordinary conditions of peace, and the casualties of war would undoubtedly largely augment the demand for these indispensable adjuncts of a dockyard. Even now it is only under the most favorable conditions of tide that some of our largest vessels can be docked at all, and in war this might involve the practical fighting and cruising efficiency of some of our most valuable ships.
>
> The Bureau is so impressed with our present weakness in this respect that it desires to call the especial attention of the Department to so vital a matter.

In his report dated October 1, 1895, he states:

> Modern steel ships, with their extreme subdivision and elaborate systems of ventilation, drainage, and mechanical auxiliaries of all kinds, require much greater care, both when in commission and in ordinary, than was formerly the case with the old wooden ships; neglect is followed by much more serious and far-reaching deterioration, and it is absolutely essential that the most careful supervision should be exercised at all times and remedies promptly applied in order that the efficiency of the vessels as men-of-war may be properly maintained.
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> * * * * * * *
>
> In 1885 there were in commission or fitting out at navy-yards 32 wooden vessels, of a displacement of 66,010 tons, and 7 iron ships, of 6,900 tons, making a total of 39 ships, with a displacement of 72,910 tons.
>
> On July 1, 1895, there were in commission or fitting out 11 wooden vessels, of 18,300 tons displacement, and 32 steel or iron vessels, of 104,500 tons displacement, or a grand total of 43 vessels, of 122,800 tons displacement. The above figures are exclusive of torpedo boats, tugs, and receiving ships. We thus see that the total displacement of vessels in commission or fitting out at the present time is nearly double what it was in 1885.

In the same report for the year 1895 he states:

> Any consideration of the additions necessary to improve navy-yard plants would be incomplete without some reference to the increasing necessity for dry docks. Although their design and construction do not come under this Bureau, their use is confined almost exclusively to the Bureau of Construction and Repair, and it is therefore considered not inappropriate that some reference should be made to the needs of the service in this direction.
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> * * * * * * *
>
> Of the docks already built, several have sufficient depth of water over the sills to dock our largest vessels, but the narrowness of their entrances is such as to preclude the entrance of vessels such as the *Indiana* and class.
>
> In the original designs of the *Indiana* bilge keels were proposed, but on account of the narrow entrances of the dock then in course of construction these bilge keels were subsequently omitted, thus sensibly reducing the steadiness of the vessel in a sea way and diminishing in consequence their efficiency as a platform. Bilge keels have been omitted in subsequent designs for the same reason; but it is more than probable that this defect will have to be remedied as soon as we have docks which can easily admit vessels of great beam fitted with such appendages.
>
> Aside from the impossibility of docking our largest vessels in the docks now ready for service, the Department is sometimes put to great inconvenience in providing docking facilities for our smaller vessels. From past experience it is fully realized that steel ships must be frequently docked, in order that their bottom plating may be preserved from deterioration and that the rapid fouling of the bottom may not entail a wasteful expenditure of coal to maintain a moderate rate of speed. But on account of docking being occupied for a long time by vessels under repair, it is sometimes impracticable to dock our cruising vessels as promptly as experience has shown to be advisable.
>
> If such a condition confronts the Department in time of peace, it is easily realized how serious a defect it would prove in time of war, when the casualties of battle and necessity for keeping the bottoms of vessels in such condition that they might develop their hightest speed would largely increase the demands on our docking facilities.
>
> The navy-yard at Portsmouth, N. H., is especially lacking in docking facilities, and at the present time is the only Government shipbuilding or repair establishment which is not provided with a properly equipped dry dock. In the opinion of this Bureau this is a serious deficiency, and should be rectified at an early date. The balanced floating dock at this station has been in service for nearly half a century, and is now not only obsolete, but in such a condition as to make it inadvisable to use it in docking a vessel of even moderate displacement.
>
> There are unusual natural advantages of location at this yard which would greatly reduce the cost of construction of a dock, and the machinery plant in the construction and repair department has been enlarged and modernized so that all ordinary repairs of steel vessels can now be satisfactorily executed.
>
> The climatic advantages of this station deserve serious consideration in fitting out or repairing vessels which have had a long tour of duty in southern or tropical waters, and constitute another argument for the proper equipment of this yard for making all the ordinary repairs due to the wear and tear and casualties of cruising.
>
> For the above reasons the attention of the Department is respectfully invited to the necessity of providing adequate docking facilities at the Portsmouth (N. H.) Navy-Yard.
>
> Although some of the Government shipbuilding and repair yards are provided with at least one dry dock, they are hardly equal to the present necessities of the service, and must surely prove inadequate to meet the rapidly increasing demands of the fleet, taking account of the vessels in reserve as well as those in active service.
>
> The Bureau is much impressed with the needs of the service in this most important element in the efficiency of our Navy, and begs to urge upon the Department the necessity for immediate action.
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> * * * * * * *

The naval constructor at the Mare Island Navy-Yard urgently recommends the building of an additional dry dock at that station, and comments as follows on the present insufficiency of the docking facilities:

> * * * There is now but one dock, and it frequently occurs that it must be occupied for extended periods in repairing or building ships. Should it become necessary to dock another ship while the dock is thus occupied, it could only be done at great additional expense by temporarily floating out the ship then in dock and afterwards redocking her. In time of war this state of affairs would undoubtedly cause great embarrassment. It is suggested that a wooden dock be built on the site of the old sectional dock basin of ample size for the largest ships we may build and divided into two parts by a central caisson to reduce the expense in docking small ships, the outer caisson to be of sufficient breadth and stability to enable the railway running along the water front to be carried across it.
>
> In the present stone dock the lower broad altar necessitates the bilge block ways being fitted at an angle such that there is much danger in docking new ships, and it is necessary to suspend pumping and send down a diver to insure the blocks passing clear of the bilge keels.

ADDITIONAL DOCKS.

Experience gained so far in time of peace with our new Navy demonstrates that more docks are needed. Iron and steel ships are required by the Navy Regulations to be docked and painted once in six months if practicable, and taking into [illegible]ration the fact that some vessels must at times remain [illegible] time in dock for other work than cleaning and painting, [illegible]ten difficult to provide for this routine work.

In time of war, however, additional docks would be absolutely necessary. In the late war it was early discovered that our docks were insufficient in number, although at that time we possessed nearly as many as at present, and although there was little damage resulting from actual fighting requiring docking; but the docking necessary to repair wear and tear and accidental damage could not all be done in the docks then possessed by the navy-yards, and private docks had to be resorted to at exorbitant prices and resulting in interference with other work. In the present day, after an action, the ships that survive would certainly have to be docked, as is shown by the experience in the recent war between Japan and China, where after a fleet action a large portion of the surviving ships made at once for the nearest dock.

Owing to the physical conditions of our coast it is difficult to build docks large enough to take the heaviest vessels, and none of the private docks of the country are capable of accommodating our large ships.

The cost of a dock is only about 10 per cent of that of a single battle ship, and it would appear only ordinary business policy to provide a sufficient number of docks to insure that our ships can be kept in order in time of peace, and made ready for service again with the least possible delay in time of war.

A modern fleet without adequate docks will be crippled for a long time after a fight. Foreign nations have not been slow to recognize that fact. We find France, with her comparatively short coast line, provided with thirty-four docks, located in six ports. Although her coast line is small indeed compared with that of the United States, England has now forty-three Government docks in seven home ports and thirty-three other Government docks located all over the world in her various colonies and dependencies. But England recognizes to-day, as she always has recognized, the necessity of an increase of docks to keep pace with increase of the fleet. Although at the great naval station, Portsmouth, there are now completed eighteen docks of various sizes, from 200 to 650 feet in length, and capable, some of them, of accommodating ships drawing as much as 40 feet of water—which is a possible contingency after damage in action—we find that she has now under construction two more docks of the largest size at Portsmouth, and three docks in other parts of the country.

To quote again from the Chief Constructor, who by virtue of his position and experience is the most competent judge as to the needs of the service as to docking facilities:

> Nothing has been more clearly brought out by our experience with the new naval vessels than the fact that ample docking facilities are absolutely necessary if the ships are to be kept in efficient condition. The docks we now possess at the navy-yards and stations are barely adequate to the peace needs of our present Navy. In time of war we should be very seriously embarrassed.

Appropriations.

REMARKS

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 22, 1897.

The House having under consideration the subject of appropriations—

Mr. WHEELER said:

Mr. SPEAKER: In order to show to the House and to the country the enormous increase in our appropriations, I have prepared a table showing the appropriations for each Department of the Government during the last thirty-four years from 1865 down to and including the appropriations for the year ending June 30, 1898, upon which we have just acted.

Appropriations, fiscal year ending June 30, 1866, to year ending June 30, 1898, inclusive.

For year ending June 30—	Congress.	Agriculture.	Army.	Diplomatic and consular.	District of Columbia.	Fortifications.	Indian.	Legislative, etc.	Military Academy.	Navy.
1866	38th, 2d sess. (R.)		$598,079,527.70	$1,384,250.00		$7,953,000.00	$2,590,415.41	$15,067,898.16	$257,404.00	$111,587,528.95
1867	39th, 1st sess. (R.)		38,004,241.83	1,405,494.00		1,540,000.00	3,810,772.82	25,178,371.89	146,617.00	18,904,667.50
1868	39th, 2d sess. (R.)		23,874,451.00	1,426,454.00			3,042,000.86	23,400,191.80	308,913.00	16,288,244.01
1869	40th, 2d sess. (R.)		33,082,003.00	1,212,434.00			3,847,528.45	17,966,317.00	276,512.00	17,356,350.00
1870	40th, 3d sess. (R.)		33,350,893.20	1,110,734.00				20,351,774.76	274,488.88	15,882,246.00
1870	41st, 1st sess. (R.)						6,121,004.81			
1871	41st, 2d sess. (R.)		20,321,367.22	1,041,847.00		1,311,500.00	6,324,164.16	18,949,258.40	314,860.20	19,290,290.29
1872	41st, 3d sess. (R.)		27,719,590.00	1,468,134.00		1,627,500.00	5,448,540.96	19,518,220.24	316,269.50	19,832,317.25
1873	42d, 2d sess. (R.)		28,093,615.32	1,219,650.00		2,037,000.00	6,349,462.04	18,671,785.74	326,101.32	18,290,733.95
1874	42d, 3d sess. (R.)		31,796,008.81	1,311,359.00		1,899,000.00	5,541,418.90	17,120,496.60	344,317.50	22,276,257.65
1875	43d, 1st sess. (R.)		27,788,500.00	3,404,804.00		904,000.00	5,680,651.98	20,783,000.81	339,836.00	20,813,946.20
1876	43d, 2d sess. (R.)		27,933,830.00	1,374,185.00		850,000.00	5,300,554.55	18,902,236.99	364,740.00	17,001,008.40
1877	44th, 1st sess. (D.)		27,621,867.90	1,187,197.50		315,000.00	4,572,702.01	15,417,993.33	290,065.00	12,742,155.40
1878	44th, 2d sess. (D.)		25,812,500.00	1,138,374.50		275,000.00	4,829,865.69	15,450,345.30	298,694.00	13,541,024.40
1879	45th, 1st sess. (D.)		25,593,486.01	1,077,635.00		275,000.00	4,746,275.70	15,271,251.30	292,805.00	14,152,601.70
1880	45th, 2d sess. (D.)		26,797,300.00	1,167,835.00		275,000.00	4,713,478.58	16,287,457.73	319,547.33	14,029,968.95
1881	46th, 1st sess. (D.)	$253,300.00	26,425,800.00	1,180,365.00	$3,425,997.35	550,000.00	4,657,292.72	16,274,051.59	316,234.28	14,405,797.90
1882	46th, 2d sess. (D.)	335,500.00	26,687,800.00	1,192,435.00	3,378,617.44	575,000.00	4,567,806.80	17,678,508.99	322,435.37	14,509,037.56
1883	47th, 1st sess. (R.)	427,280.00	27,258,000.00	1,256,655.00	3,496,000.47	875,000.00	5,229,374.01	20,098,000.65	335,557.04	14,819,976.80
1884	47th, 2d sess. (R.)	405,640.00	24,681,250.00	1,296,755.00	3,597,247.98	670,000.00	5,358,655.91	20,454,246.22	318,657.50	15,894,434.23
1885	48th, 1st sess. (D.)	480,190.00	24,454,450.00	1,219,300.00	3,559,185.54	700,000.00	5,859,402.91	21,323,141.85	314,563.50	14,080,472.50
1886	48th, 2d sess. (D.)	585,730.00	24,014,052.50	1,242,925.00	3,622,053.20	725,000.00	5,762,512.70	21,376,708.70	310,021.64	15,070,837.95
1887	49th, 1st sess. (D.)	654,715.00	23,753,067.21	1,364,085.00	3,721,050.99		5,546,262.84	20,654,346.37	297,805.00	16,489,007.21
1888	49th, 2d sess. (D.)	1,028,730.00	23,724,718.69	1,429,942.44	4,284,500.68		5,226,897.66	20,743,021.67	419,936.93	25,767,348.19
1889	50th, 1st sess. (D.)	1,718,010.00	24,471,300.00	1,428,465.00	5,046,410.82	3,972,000.00	8,263,700.79	20,758,178.07	315,043.81	19,942,885.35
1890	50th, 2d sess. (D.)	1,669,770.00	24,316,015.78	1,980,025.00	5,692,409.91	1,233,504.00	8,077,453.89	20,843,845.81	902,760.60	21,692,510.27
1891	51st, 1st sess. (R.)	1,799,100.00	24,206,471.79	1,710,815.00	5,769,544.15	4,232,935.00	7,262,018.02	21,030,732.73	435,296.11	24,136,035.53
1892	51st, 2d sess. (R.)	3,028,153.50	24,613,529.19	1,656,925.00	5,607,125.17	3,774,803.00	16,396,284.86	22,027,674.75	462,094.64	31,541,654.78
1893	52d, 1st sess. (D.)	3,232,995.50	24,308,499.82	1,604,045.00	5,317,971.27	2,734,276.00	7,664,047.84	21,900,132.97	428,917.33	23,543,385.00
1894	52d, 2d sess. (D.)	3,323,500.00	24,225,839.78	1,557,445.00	5,413,223.91	2,210,065.00	7,854,240.38	21,865,802.81	432,556.12	22,104,061.38
1895	53d, 2d sess. (D.)	3,223,623.06	23,592,884.68	1,563,918.76	5,515,678.57	2,427,004.00	10,659,565.16	21,806,583.29	405,535.06	25,327,126.27
1896	53d, 3d sess. (D.)	3,303,750.00	23,252,608.00	1,574,458.76	5,745,443.25	1,904,557.50	8,762,751.24	21,801,718.08	464,261.66	29,416,245.31
1897	54th, 1st sess. (R.)	3,255,532.00	23,278,402.73	1,642,558.76	5,900,319.48	7,377,888.00	7,390,496.79	21,519,324.71	449,525.61	30,562,660.95
1898	54th, 2d sess. (R.)	3,182,902.00	23,129,344.30	1,695,308.76	6,187,591.00	9,517,141.00	7,670,220.89	21,690,766.00	479,572.83	33,128,234.29

For year ending June 30—	Congress.	Pension.	Post-Office.	River and harbor.	Sundry civil.	Deficiencies.	Miscellaneous.	Total regular annual appropriations.	Permanent annual appropriations.	Total appropriations.
1866	38th, 2d sess. (R.)	$11,230,000.00	$14,098,500.00		$4,094,987.61	$3,934,277.70	$1,333,834.15	$381,631,091.68	$154,487,577.04	$536,119,068.72
1867	39th, 1st sess. (R.)	15,440,000.00	21,168,125.00	$3,668,047.91	7,119,985.16	11,579,214.62	8,578,877.15	155,832,314.88	180,010,198.84	338,342,513.72
1868	39th, 2d sess. (R.)	33,290,000.00	19,133,000.00		5,307,191.38	11,629,382.67	9,830,097.08	147,098,541.89	170,000,603.69	317,095,145.58
1869	40th, 2d sess. (R.)	30,250,000.00	21,160,000.00		8,174,979.66	17,012,222.85	10,274,448.50	160,551,885.85	170,224,120.46	330,776,006.31
1870	40th, 3d sess. (R.)	19,250,000.00	30,279,133.00		9,978,228.81	20,763,270.98	527,988.31	151,719,777.84	180,082,214.72	331,801,992.66
1870	41st, 1st sess. (R.)			2,000,000.00		2,913,738.82	31,200.00	11,065,943.43		11,065,943.43
1871	41st, 2d sess. (R.)	30,000,000.00	26,288,993.00	3,945,900.00	13,447,721.70	6,421,766.46	4,918,645.72	161,533,823.15	166,684,318.52	328,218,141.61
1872	41st, 3d sess. (R.)	29,050,000.00	26,052,893.00		24,161,773.86	14,021,131.04	1,261,208.80	174,865,062.05	148,870,481.56	323,235,564.21
1873	42d, 2d sess. (R.)	30,480,000.00	28,519,341.84	5,558,000.00	20,148,413.60	6,045,259.98	7,129,642.48	173,495,015.55	142,882,105.22	316,377,120.20
1874	42d, 3d sess. (R.)	30,480,000.00	32,526,167.00	6,102,900.00	32,188,129.00	12,978,418.60	2,565,740.31	197,930,207.38	129,230,297.82	327,160,505.20
1875	43d, 1st sess. (R.)	29,980,000.00	35,778,001.00	5,218,000.00	27,019,744.81	4,083,914.29	1,921,614.13	183,685,012.16	141,981,789.73	325,666,791.89
1876	43d, 2d sess. (R.)	30,000,000.00	37,524,381.00	6,643,517.50	28,644,350.00	4,703,099.18	1,862,929.19	179,166,249.90	148,961,089.42	328,128,199.32
1877	44th, 1st sess. (D.)	29,533,500.00	34,585,701.00	5,015,000.00	16,351,474.58	2,908,177.00	4,012,806.84	154,553,630.65	145,087,498.42	299,591,138.07
1878	44th, 2d sess. (D.)	28,533,000.00	33,584,143.00		17,131,750.06	2,745,490.97	1,262,061.31	144,502,149.21	151,414,544.98	296,016,694.21
1879	45th, 1st sess. (D.)	29,371,574.00	33,256,373.00	8,201,700.00	28,004,409.28	14,138,742.29	2,049,638.61	174,431,493.87	157,978,282.81	332,407,775.68
1880	45th, 2d sess. (D.)	56,233,200.00	36,121,400.00	7,848,600.00	21,656,340.06	3,163,297.15	1,936,020.28	190,457,445.05	181,662,184.24	372,019,629.30
1881	46th, 1st sess. (D.)	41,644,000.00	39,083,420.00	8,951,500.00	22,515,428.91	4,207,228.44	5,818,865.22	189,519,101.21	172,063,013.18	361,672,204.39
1882	46th, 2d sess. (D.)	68,282,306.68	40,957,432.00	11,441,300.00	21,964,194.12	5,062,138.92	1,072,933.64	218,154,506.51	147,810,973.32	365,965,479.83
1883	47th, 1st sess. (R.)	116,000,000.00	44,643,900.00	18,738,875.00	25,589,858.06	12,992,025.16	6,111,540.10	297,311,612.29	124,826,471.02	422,137,073.31
1884	47th, 2d sess. (R.)	86,575,000.00	44,489,530.00		23,679,575.44	2,749,941.49	1,912,723.89	231,093,647.63	123,304,227.60	354,297,875.23
1885	48th, 1st sess. (D.)	20,810,000.00	49,040,400.00	13,949,200.00	22,299,434.30	7,057,509.00	9,592,598.40	195,710,588.00	123,118,901.04	318,829,489.13
1886	48th, 2d sess. (D.)	60,000,000.00	51,700,990.00		26,079,257.49	4,928,855.80	2,177,648.20	219,585,283.18	116,844,630.02	336,430,918.20
1887	49th, 1st sess. (D.)	82,075,200.00	54,365,863.25	14,473,900.00	22,662,310.58	7,866,719.63	9,989,410.19	263,914,613.25	123,416,358.74	387,330,971.99
1888	49th, 2d sess. (D.)	83,152,500.00	55,694,650.15		22,386,540.96		4,811,991.49	248,672,870.81	110,338,652.68	359,011,523.53
1889	50th, 1st sess. (D.)	85,258,700.00	60,860,233.74	22,397,616.90	26,830,804.84	16,063,393.28	10,170,862.55	306,985,544.63	115,640,798.90	422,626,343.52
1890	50th, 2d sess. (D.)	89,758,700.00	66,606,344.28		25,297,341.65	8,330,518.30	10,256,735.29	286,646,490.32	108,691,055.96	395,337,516.23
1891	51st, 1st sess. (R.)	123,759,368.35	72,226,698.99	25,136,295.00	29,738,282.22	13,295,541.61	7,010,905.27	361,770,067.79	101,628,453.00	463,398,510.77
1892	51st, 2d sess. (R.)	164,550,383.34	77,907,222.61		37,410,368.99	9,364,148.62	4,271,531.10	402,531,894.55	122,486,808.00	525,018,672.59
1893	52d, 1st sess. (D.)	146,737,350.00	80,331,278.73	21,154,218.00	27,665,078.98	15,906,191.50	8,208,922.82	385,736,318.71	121,869,880.00	507,600,188.75
1894	52d, 2d sess. (D.)	166,731,350.00	84,004,314.22		41,716,811.15	22,277,086.36	520,499.18	404,036,085.29	115,468,273.92	519,504,359.21
1895	53d, 2d sess. (D.)	151,581,570.00	87,238,599.55	11,643,180.00	34,353,775.55	11,811,004.06	577,956.55	391,156,105.03	101,074,690.00	492,230,685.08
1896	53d, 3d sess. (D.)	141,381,570.00	89,545,997.86		46,568,160.40	9,825,374.28	297,667.37	383,934,564.34	113,073,956.32	497,008,520.86
1897	54th, 1st sess. (R.)	141,328,580.00	92,571,564.22	12,659,550.00	38,096,710.19	15,341,911.07	418,010.06	396,791,034.57	119,054,160.00	515,845,194.57
1898	54th, 2d sess. (R.)	141,263,880.00	95,665,338.75		58,108,627.84	12,278,825.94	290,000.00	404,691,671.57	120,078,230.00	529,287,408.30

NOTE.—The sundry civil bill, the agricultural bill, and the Indian bill have not yet been signed by the President. I have given the deficiency bill as it passed the Senate, as the amendments which were incorporated in it by the Senate have not yet been concurred in by the House. The $290,000 for miscellaneous is estimated.

We must not forget that under the Constitution all appropriation bills must originate in the House of Representatives, and therefore this body is primarily responsible for the character of appropriations which are authorized by Congress.

In the above table I have placed the letter "R" opposite each session of Congress where the House of Representatives was under the control of Republicans, and the letter "D" opposite each session of Congress where it was controlled by Democrats.

It will be seen that the Republican party had full control of the House of Representatives up to and including the Forty-third Congress. The Democratic party controlled the House of Representatives for six years, during the Forty-fourth, Forty-fifth, and Forty-sixth Congresses. The Republican party then controlled for two years, during the Forty-seventh Congress. The Democratic party then controlled for six years, during the Forty-eighth, Forty-ninth, and Fiftieth Congresses. The Republican party then controlled during the Fifty-first, called the "Reed Congress." The Democratic party then controlled for four years, during the Fifty-second and Fifty-third Congresses. The Republican party then controlled during the two years of the Fifty-fourth Congress.

The table contains the appropriations during the last thirty-four years, and I think proves very conclusively that the Democratic party have always exercised most commendable economy in appropriating money drawn by taxation from the people, and it also shows most lavish expenditures by the Republican party:

These figures show that during the five years immediately preceding the Forty-fourth Congress the average regular annual appropriations by Republicans were	$181,826,321.52
The Democrats then came into control of the House of Representatives and immediately reduced the regular annual appropriations to	149,572,894.44
Thus making an annual saving of	32,253,427.08
The Republicans again came into control of all branches of the Government in the Forty-seventh Congress, and they immediately increased the annual average appropriations to	264,652,624.96
This was an annual average increase by Republicans in excess of Democratic appropriations of $86,034,554.04.	
In the Forty-eighth Congress the Democrats again had control of the House, and they immediately reduced the annual average appropriations to	212,652,935.63
Thus making an annual saving to the people of	51,999,689.33
During the six years of Democratic rule in the House of Representatives following the Forty-seventh Congress the average annual appropriations were	253,587,560.05
The Republicans then obtained control in the Fifty-first, commonly called the "Reed Congress," and immediately increased the average annual appropriations to	382,150,961.17
Which was an increase above the average annual appropriations during the preceding six years, when the House was controlled by Democrats, of	128,563,401.12
In addition to these excessive appropriations, the Reed Congress enacted the dependent pension bill, which gave pensions to men who never heard a gun fired during the war. This law compelled the Fifty-second—which was a Democratic Congress—to appropriate, at one session, the enormous sum for pensions of	166,731,350.00
Notwithstanding this, the average appropriations during the four years of the Fifty-second and Fifty-third Congresses were only	388,453,603.39
The Republicans then got control of the Fifty-fourth Congress, the existence of which is about to expire, and notwithstanding the efforts of Speaker REED to hold his party in check, they appropriated, for the first session	515,845,194.57
For the second session	529,287,408.30
An average of	$522,566,301.43
I will also call attention that the annual average appropriations of the Republican Congress now about to expire exceed those of the last Democratic Congress	27,946,698.59
The total appropriations of this Congress exceeding those of the last Democratic Congress by	55,893,397.18
The expenditures of our State and local governments during the census year of 1890 were reported at	569,252,634.00
And it is estimated that they now exceed	700,000,000.00
Add to this the appropriations of the present session for governmental expenses, and we find we are expending for United States, State, and local governments	1,229,287,408.30
An average for every working day in the year of	4,000,000.00

No other government on earth approximates such expenditures. I will read some figures which I have prepared upon this subject:

The greatest amount of Government expenditures, next to those of the United States, are those of Russia, which amounted last year to $885,005,996. The expenses of France during the year 1893 were $690,184,119; of Great Britain in 1895, $469,592,105. Next comes Italy, whose governmental expenses in the year 1895-96 were $337,868,552. Then comes the German Empire, whose expenses in 1895-96 were $297,240,240; Spain, in 1894-95, $154,727,145.20; the Netherlands, 1894, 131,491,882 guilders; Belgium, 1893, $78,905,800; Portugal, 1892-93, $51,854,191; Sweden, 1896, $27,144,180; Denmark, 1895, $16,576,741; Switzerland, $15,918,000.

It is true that those governments have other expenditures which do not appear in the figures which I have given. I refer to the expense in the other various local organizations, such as counties, departments, and cantons, etc. The expenditures of the subordinate governments in the German Empire are probably larger than any other, but I am safe in saying that the most expensive European governments are much less extravagant than ours.

It is true that the greater part of the post-office appropriation is reimbursed, but the same is true with regard to other governments.

Let us awaken to the situation by which we are confronted. We are expending to-day in our Federal, State, city, and other local governments nearly ten times as much as was spent in the prosperous period preceding 1861. We are expending a sum about equal to the entire value of our cotton, wheat, corn, oat, and tobacco crops all put together. We are actually expending—most of which is paid out to Government officials—a sum which approximates the value of the products of the toil of all the farmers of the United States.

To present this startling fact as clearly as possible, I have prepared a table showing the total production of these staple articles for the year 1895, their total value, and also the total value of that portion which was exported.

The table is as follows:

Article.	Quantity.	Value.	Value of that part which was exported.
Cotton .... bales	7,157,346	$292,334,437	$193,987,848
Wheat .... bushels	467,120,947	237,938,998	43,805,663
Corn .... do	2,151,138,580	544,985,534	14,650,767
Tobacco .... pounds	491,544,000	35,574,220	25,798,968
Oats .... bushels	824,443,537	163,655,068	200,798
Total		1,274,488,257	278,443,037

These amounts show that the total value of all these products for the year 1895 was $1,274,488,257, about the same as the entire expense of running this Government, but as most of these productions, especially corn, wheat, and oats, were consumed in the immediate vicinity where they were produced they contributed very little if any of the fund used by the Government.

These totals also show that the value of that portion of these articles which was exported was only $278,443,037, which is about one-fifth of the expenditures.

Do not these facts admonish the lawmaking power that retrenchment in Government expenditures is absolutely essential to the prosperity and well being of the people.

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